CONGRESSIONAL RECORD:

CONTAINING

THE PROCEEDINGS AND DEBATES

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OF THE

FIFTY-SEVENTH CONGRESS, FIRST SESSION;

ALSO

SPECIAL SESSION OF THE SENATE.

VOLUME XXXV.

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VOLUME XXXV, PART VIII.

CONGRESSIONAL RECORD,

FIFTY-SEVENTH CONGRESS, FIRST SESSION.

I am for this proposition, both as a matter of necessity for the Navy and as a matter of economy for the country. We shall spend less than a million dollars for five of these boats. We would spend more than $7,000,000, I am informed, for one battle ship. But I am told that one objection to this appropriation is that it is said these boats have not possibly reached the limit of development yet. I ask the chairman of the committee what arm of the naval or the military service has reached the limit of development? We build great battle ships every year, and yet we all know that in ten or fifteen years from this time the hundreds of millions of dollars that we are spending in that way will be entirely lost, because the battle ships will be out of date. We appropriate money for costly armament and promptly some genius invents a projectile that makes the armament worthless. We can not afford to let improvements in the Navy rest until American ingenuity is exhausted.

Mr. WILLIAM W. KITCHIN. Mr. Speaker, I would ask some gentleman who is to oppose this motion to consume some of the time before I use the remaining four minutes allotted to me. I wish to reserve my four minutes for the present.

Mr. FOSS. I would say to my colleague that the gentleman from New Jersey [Mr. LOUDENSLAGER] has fifteen minutes remaining.

Mr. WILLIAM W. KITCHIN. Mr. Speaker, I understand that the gentleman from New Jersey yielded to me fifteen minutes, of which I have four minutes remaining. Before using that time I wish to hear some one who opposes the motion. That was the request that I made. I hope the gentleman from Illinois [Mr. FOSS] will consume some of his time before I am compelled to use my remaining four minutes.

Mr. FOSS. Mr. Speaker, I will yield five minutes to my colleague upon the committee, the gentleman from Kentucky [Mr. WHEELER].

Mr. WHEELER. I yield the five minutes to the gentleman from Alabama [Mr. CLAYTON].

Mr. CLAYTON. Mr. Speaker, like the gentleman from Missouri [Mr. COWHERD], I am not experienced in the construction of submarine boats. But notwithstanding my lack of technical knowledge, several reasons occur to me why this amendment or proposition to make this appropriation should not pass. I call the attention of the House to the fact that two years ago an appropriation was made authorizing the construction of 8 of these submarine boats.

Under that authorization these 8 submarine boats could have been, and should have been, delivered twelve months ago. It is a fact, Mr. Speaker, that there are in this House some gentlemen who, when that measure was up, voted in favor of it because they desired further experimentation on the subject of submarine navigation. Now, then, that appropriation was made——

Mr. LOUDENSLAGER. Mr. Speaker——

The SPEAKER pro tempore. Does the gentleman yield?

Mr. CLAYTON. I can not yield. I beg the gentleman's pardon.

Mr. LOUDENSLAGER. It was just a question.

Mr. CLAYTON. I can not yield even for a question now. I hope this will not come out of my time.

The SPEAKER pro tempore. It will not.

Mr. CLAYTON. I do not wish to be discourteous to the gentleman.

Now, Mr. Speaker, I have stated one reason which impels me to vote against this proposition—the fact that the 8 boats already authorized have not been delivered, and I am not satisfied that the construction of submarine boats has been so perfected as to make them of practical use in naval warfare.

Besides, Mr. Speaker, I have a suspicion that the object is not to deliver any one of these boats until the job is further increased by further appropriation for more boats of the same kind, and that when the 8 already authorized and the 5 now sought to be authorized are built, they can all be delivered at once. The whole 13 will then be delivered, and a very handsome profit will have been made out of the undertaking, although it may then be demonstrated that the boats are practically worthless.

Again, I put my opinion against that of the gentleman from Missouri, and beg to say that I became convinced when I saw the *Holland* perform at Annapolis that the submarine boat has not yet been perfected. A valuable principle doubtless has been discovered, but I do not believe that the submarine boat now built can meet the practical exigencies required in successful submarine navigation. I do not believe that the boat can be controlled at all times and made useful in actual warfare.

In my judgment, the boat can not always be made to go down and to come up as its navigators may please. Some of us have been told that it takes a trained and experienced crew to manage the one boat that has been operated to some extent. The builders of this submarine boat, so we are informed, have but one experienced crew that can properly manage one of these vessels, and that sometimes even that crew, on a holiday trial, is not successful in its management.

We should not make this appropriation for other boats until those that have already been authorized have been delivered and tried. If these boats had been delivered—if we are to try this case upon suppositious propositions, as suggested by the gentleman from North Carolina [Mr. WILLIAM W. KITCHIN] in his argument—let us suppose that a foreign man-of-war should threaten one of our port cities, of what use would be one of these torpedo boats?

I have never seen one of them perform except near the shore in placid or nearly placid waters. In the case given, if the man-of-war should stand 5 or 6 miles out from the threatened port, how could the submarine boat be successfully operated against it? Who knows whether these submarine boats can live any distance from land in a rough sea? Doubtless the man-of-war could remain out of reach of the submarine boat, and yet with a modern 13-inch gun do most effective and destructive work against one of our port cities.

Of course, if the man-of-war should come near to the shore, and in smooth waters, it is possible that one of these submarine boats could successfully fire a torpedo against it. But to use a homely illustration, the case supposed would be very much like the statement that we sometimes make to a very small boy; that is, that he can always catch a bird if he will put salt on its tail. Mr. Speaker, it has not been demonstrated that these submarine boats can be made practicable. They have not yet been perfected to the point that they can strike terror to a battle ship.

Mr. GAINES of Tennessee. How could they get one of them to the Philippine Islands?

Mr. CLAYTON. I do not know how one of them could be gotten there. Nobody has, so far as I know, ever seen one of these boats any considerable distance from the shore.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. FOSS. I yield five minutes to the gentleman from Kentucky.

Mr. WHEELER. Mr. Speaker, the objection that I have to agreeing to the amendment of the Senate is not based upon my deliberate judgment that the Holland torpedo boat possesses no merit. I am inclined to believe that submarine navigation is capable of successful solution; but I seriously question whether the Holland people have yet solved that problem. That is not, however, my chief objection to agreeing to this amendment. The gentleman from Alabama has forcefully stated the provision in the last naval appropriation bill, and in conjunction with that I desire to read to the House the provision incorporated by the Senate in the present bill in addition to it—an amendment which the champions of the Holland torpedo boat in this House desire to have passed.

Now, these people were to have delivered to the Government eight submarine boats on the 1st day of April, 1901, and they have not yet delivered any of them. We have been informed by the champions of the Holland torpedo-boat people that one of these boats has been completed for some time, the *Adder*, and that it is now at the Washington wharf. Why it has not been delivered I was unable to see until the amendment of the Senate was incorporated in this bill. I desire to read the amendment:

Provided, That no contract shall be made with said company until one of the Holland boats now being built for the Department shall have been accepted by the Secretary of the Navy.

In other words, that when the Holland torpedo people deliver one of their boats and give it a practical or impractical test, the other seven boats, whether they are successfully constructed or not, shall be disregarded by the Secretary, and he shall at once sign a contract for the other five. Now, Mr. Speaker, I believe that this Government ought to wait until at least one or more of the boats now authorized have been delivered to the Government, and it has been practically demonstrated by the officers of the Navy Department that there has at least been a partial solution of the submarine-navigation problem.

I am fortified in that judgment by the opinion of every bureau chief in the Navy Department, by both the present and past Secretaries of the Navy, and by Admiral Dewey, the commanding officer of the Navy, who is an avowed advocate of submarine boats. In a letter addressed to him by the gentleman from New Jersey [Mr. LOUDENSLAGER], asking his opinion on the question, he states that, in his judgment, the House should not authorize any more of these boats until the eight at present contracted for have been completed and delivered to the Government.

There is another equation in considering this matter not insignificant. I challenge the advocates of this measure to show on the floor of the House a statement by any Holland torpedo boat man as to what the cost of one of these little skiffs is. The committee have tried almost with a burglar's jimmy to elicit some

sort of information as to what they pay for these little skiffs. We have not been able to elicit anything from them like an intelligent and coherent statement.

But we do have from Admiral O'Neil, and perhaps from other naval experts, an estimate as to the cost of construction of these boats. Admiral O'Neil testified before a committee of the Fifty-sixth Congress that they could be constructed for $50,000 at a profit, leaving a net profit of $120,000 per boat. Since that time I think the margin of cost has perhaps been raised to $75,000. As an evidence of good faith upon the part of the House committee to successfully solve the question of cost to the Holland people, we asked if they would take a royalty of $20,000 a boat, and they absolutely laughed at that offer.

Now, Mr. Speaker, I can not go into the question as to what effect a torpedo boat would have upon a cruiser or a man-of-war, but they have never yet performed any successful feat of war; but if they are what is claimed for them by their advocates, let us construct the eight and put them to the test, and that will tell the story for all time to come.

[Here the hammer fell.]

Mr. CLAYTON. Will the gentleman from Illinois yield a little further time to the gentleman from Kentucky in order that I may ask a question?

Mr. FOSS. I will yield the gentleman one minute.

Mr. CLAYTON. I desire to know what the carrying power of a 13-inch gun on a modern man-of-war is, what distance it will do effective work. Suppose a war ship is out at sea and should approach one of our ports bombarded, how far off from the port could she be and do effective work with a 13-inch gun?

Mr. WHEELER. Why, Mr. Speaker, I have no doubt a 13-inch gun would be effective, in the sense indicated by the gentleman from Alabama, at a range of 8 or 10 miles. It would not, of course, pierce armor at that distance, but it would be effective for the purpose of exploding shells. In that connection I desire to say that there is no proof that these little boats could live in a heavy sea.

Mr. CLAYTON. That is what I wanted to come at, whether one of these boats could live 6 or 8 miles out at sea.

Mr. FITZGERALD. I would like to ask the gentleman from Kentucky if the committee could ever ascertain from the builders the cost of a battle ship?

Mr. WHEELER. Yes; we can tell the exact cost of that from the Navy Department.

Mr. WILLIAM W. KITCHIN. I now yield four minutes to the gentleman from Missouri [Mr. VANDIVER].

Mr. VANDIVER. Mr. Speaker, I regret very much in the short space of time allotted to me that I shall not be able to state all the reasons for my position on this question. I will ask unanimous consent to extend my remarks briefly in the RECORD, to quote from some of the authorities in the Navy on this subject.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. CLAYTON. Why not let it cover everybody who makes a speech on this subject? I do not want to extend my remarks, but some other gentlemen do.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent——

Mr. VANDIVER (interrupting). Mr. Speaker, I did not make such a request. I can not be interrupted for that purpose. I want to proceed with my remarks. Mr. Speaker, there are a few important reasons, in my judgment, why the amendment of the Senate should be concurred in. In the first place, I believe that in the long run it is a matter of economy to the Government.

ECONOMY.

The war with Spain practically demonstrated that our harbors, cities, and towns along the Atlantic coast and Gulf coast were practically at the mercy of the Spanish fleet. The Navy Department was importuned by members of Congress and Senators of the United States from Maine to Texas, inclusive, for anything in the way of vessels to protect their towns and cities from the Spanish attack, and nine times out of ten they were informed there was nothing available.

This is Admiral Hichborn's testimony before the House Naval Committee.

Admiral Dewey, in his testimony before the House, stated that with two Holland submarine boats in Galveston Harbor all the navies of the world could not blockade that place.

Assuming the Admiral's statement to be correct—and he is the best expert upon that question in the world—and assuming the cost of a battle ship, including her armament, is $6,000,000, the cost of one battle ship ($6,000,000), therefore, put in Holland submarine boats at the price now paid by the Department ($170,000) would give the Government 36 Holland submarine boats.

Now, let us see what places would be protected by placing these boats in the principal ports and harbors of the United States, so that all the navies of the world could not blockade them, according to Admiral Dewey.

Two at Portland, Me.; 2 at Portsmouth, N. H.; 2 at Boston, Mass.; 2 at Newport, R. I.; 2 at entrance to New York by way of the Sound, and 2 at Sandy Hook to protect New York; 2 at Atlantic City; 2 at the Delaware Capes; 2 at the Chesapeake Capes to protect Norfolk, Baltimore, and Washington; 2 at Wilmington, N. C.; 2 at Charleston, S. C.; 1 at Port Royal, S. C.; 2 at Savannah, Ga.; 1 at Fernandina; 1 at Jacksonville, Fla.; 1 at Key West; 2 at Pensacola; 2 at Mobile; 2 at the mouth of the Mississippi to protect New Orleans, and 2 at Galveston, Tex.

It will thus be seen that by the expenditure of the amount of money equal to the cost of one battle ship, that, according to the testimony of Admiral Dewey, every important seacoast city and town from Maine to the Gulf of Mexico can be protected fully from a blockade by all the nations of the world. Is not that economy?

Now, let us see about the endurance of these boats. They are built of steel, and Captain Wainwright, who has had charge of the *Holland* for the last two years, says in his testimony before the House committee May 20, 1902, page 7:

I think if a Holland boat is properly cared for it would last fifty or sixty years.

It will thus be seen that by the expenditure of $6,000,000—the cost of one battle ship—the harbors and coast of the United States on the Atlantic coast side can be fully protected from the invasion or blockading of foreign fleets and with vessels that, with ordinary care, will last for half a century.

Looking at it in another direction, the cost of a 12-inch gun, with its carriage and with its emplacement and with the care necessary for its preservation, will be very nearly if not quite as much as one submarine boat, so that the necessity for so many of these large guns could be dispensed with.

Looking at it from any point of view, it is economical and affords an early, economical, and full protection for our harbors and coasts from the attacks of enemies' fleets.

THE QUESTION OF PRICE.

The Senate amendment provides that the price shall not exceed that now being paid for submarine boats. This price is $5,000 less than the British Government is paying for similar boats where labor and everything is cheaper than in this country. The Senate amendment leaves the question of price to the discretion of the Secretary of the Navy. The Secretary is so well known to Congress that there should be no hesitation in permitting him to decide the reasonableness of the price. Admiral Melville presented his ideas about the cost of these boats to Secretary Long, when the contract for the seven boats was under consideration, and made the same statements about the cost that he has done to the committee.

Secretary Long overruled him and decided that $170,000 was a fair and reasonable compensation. Admiral Melville and Admiral Bowles will undoubtedly be consulted by Secretary Moody about the price of these boats, as they are both members of the Board of Construction, and proper weight will undoubtedly be given to their statements by the Secretary.

Since the Holland Company entered into the contract for these boats the cost of the construction of vessels of this character has increased over 50 per cent. The evidence of this is before the House Naval Committee. The Board of Construction has officially stated to the Secretary that the contractors for torpedo boats and torpedo-boat destroyers have lost over $2,000,000 on their contracts, made about the same time the Holland Company contracted with the Department, and the board has recommended to the Secretary, in view of these losses and the increased cost of the production of the torpedo boats and destroyers, that an appropriation be made of over $1,000,000 by the United States to compensate the builders of these torpedo boats and destroyers for half of their loss.

Lieut. Lawrence Spear, of the Navy, states in his testimony before the House (see p. 30):

If this committee would appropriate for surface boats to-morrow and the Department were to ask for bids they could not get a bid for less than $275,000.

The average contract price for these surface boats was $155,000.

Lieutenant Spear, who has been superintending the construction of the Holland boats for the Navy Department at Elizabeth, N. J., states as his practical knowledge of the cost of these Holland boats that they can not be built, under present conditions, under a cost of $125,000, and that does not include any compensation for the use of patents. The Senate amendment, however, leaves this entire matter to the discretion of the Secretary of the Navy, who was recently a member of the House of Representatives and who

has the entire confidence of the House. He will not contract for an excessive price.

Admiral Bowles and Admiral O'Neil recommend that half a million dollars be appropriated at this session for the purpose of experimenting in submarine boats. That recommendation is sufficient evidence that they consider submarine boats valuable. Instead of squandering half a million dollars in experiments and delays and allowing the harbors and coasts of the country to be unprotected for years and years while these experiments are going on, why not take that half a million dollars and buy with it three Holland submarine boats and put two of them in Galveston and protect that port from any blockade hereafter, as Admiral Dewey has said that two of the Holland boats would keep all the navies of the world out of that port. That is a practical way of expending the money these admirals recommend be spent and of getting some immediate benefits without throwing it away on experiments.

ADMIRAL MELVILLE'S INCOMPETENCY AS AN EXPERT.

Melville is the only admiral in the Navy Department who is absolutely opposed to submarine boats. He opposed the purchase of the *Holland* and opposed the contract for the five boats authorized by Congress two years ago. He has had no practical experience at all in submarine boats. He has never seen one run on the surface or submerged. The *Holland* has been in the possession of the United States Government for over two years and has been used for the instruction of 100 cadets and many naval officers, and yet Melville has never had interest enough to go and see her and examine her, although she is within 30 miles of Washington, at Annapolis, Md. Still he poses as an expert on submarine matters and gives advice to the Committee on Naval Affairs, when his testimony would not be admitted as an expert on that subject by any petty court in the United States. There are 200 members of Congress and Senators who have seen the Holland submarine boat at different times, and many of them have made submerged runs in her. They are more competent to express an opinion than this so-called naval expert Melville.

I admire the old gentleman very much in a social or personal respect. His hirsute adornments, hoary head, and waving beard are very suggestive of the old sea kings whose prowess made the navies of the Old World the object of awe and admiration. He is an exceedingly pleasant and entertaining old gentleman, but he belongs to a past age. He mounts the tripod of a revolving chair and stretches out the trident of Neptune over the billowy waves of a velvet carpet and commands his mahogany desk with great ability. Here he sits and figures out that it is mathematically impossible for a boat to rise to the surface and sink again in ten minutes, while others are actually performing the operation in less than ten seconds. He declares they are not more dangerous than mosquitoes; while Dewey declares that two of them would have kept him out of the harbor of Manila, and Caldwell declares that with one of these little submerged dynamic volcanoes he will agree to defend any American harbor against a blockading squadron and sink a new battle ship every night as long as they stay there.

Remember Dewey and Caldwell fought the battle of Manila, and Melville is the velvet-carpet admiral who is reported recently as visiting the region of the coal strike and declaring the strikers were all wrong in their fight against the coal syndicates, and then supplementing this by indorsing the scientific scheme to establish tubular connection with hell in order to get heat enough for our supply without depending on the coal mines. Verily he is a scientist.

Furthermore, Commander Wainwright, superintendent of the Naval Academy, who has been experimenting with this boat for the last two years, when recently before our committee, testified to its efficiency and declared that it had passed beyond the experimental stage and demonstrated its usefulness as a weapon of war. He very strongly urged us to order more of these boats.

Mr. Speaker, seven of these boats have been ordered by the British Government. One of them has been completed and accepted by that Government, and the secretary of the British admiralty recently stated in a speech before the English Parliament that the Holland torpedo boat was the only one of the submarine type that had demonstrated its practicability, and that the British navy was going to continue to add them to its naval equipment.

Although it is an American invention the English have apparently recognized its value more promptly than our own people have. Furthermore, it is being sold to the English Government at $5,000 higher price than we have to pay. It is not one of those things that costs more at home than abroad.

The London Times of May 26 had this to say:

Of the performances of the submarines at Barrow it must suffice to say, for the present, that they show pretty conclusively that vessels of this type are already, within certain limits, a practicable weapon of naval warfare; that their effective range of action, though still restricted, is by no means contemptible; that even when only partially submerged—in the position known as "awash"—they present a very diminutive and not too vulnerable target, and that from this position they can disappear beneath the surface, leaving only the periscope visible before a 12-pounder quick-firing gun could fire more than two shots at them or three at the outside. What in these conditions their offensive and defensive powers may be, further experience alone can determine.

But whatever they are, they are certain to be largely developed as time goes on just as the powers of the torpedo have been developed almost beyond recognition since it was first introduced. In these circumstances the time has surely come, as our correspondent insists, that the absurd and pedantic secrecy with which the submarine has been enveloped by the admiralty should be abandoned. It confines a knowledge of the vessel and its capacities to a very small number of specialist officers, and it deprives all other officers in the service of invaluable opportunities of estimating its powers, possibly of contributing materially to its further development, and certainly of making themselves acquainted with its use and of acquiring the art of handling it. There is, in our judgment, nothing to be gained by secrecy, and there is a great deal to be lost by it. In any case the time has clearly come when the proper place of the submarine in naval warfare should be studied seriously, dispassionately, and exhaustively.

It has been too commonly assumed, perhaps, that even at its best it is mainly a defensive weapon limited for the most part to the defense of harbors, roadsteads, and very narrow waterways. If that were so its place in the naval equipment of this country would be a very subordinate one. We seek to command the sea; we must either command the sea or perish, and so long as we command the sea our ships at sea are the best defense our harbors and coasts can have, the only defense on which, in the long run, this country can surely rely. On the other hand, so far as the submarine is an offensive weapon—and with a radius of action of 200 miles, certain to be largely increased before long, its offensive capacity is already not to be despised—it becomes, as our correspondent insists, a very formidable weapon in the hands of a belligerent whose fleets command the seas.

Established supremacy at sea means that the fleets of the enemy must seek the shelter of their own fortified ports. There they are inaccessible to any existing form of purely naval attack. But they are not inaccessible to the submarine, nor is a friendly submarine acting defensively any answer to or protection against hostile submarines acting offensively from the outside. There is no possible recognition of friend or foe beneath the surface, and the mere menace of a hostile submarine from the offing would thus go far to neutralize the security conferred on naval ports by submarines operating defensively within them. From this point of view, not to mention others on the present occasion, the advent of the submarine in a practicable working form can hardly fail to open an entirely new chapter in the methods of naval warfare.

The submarine boat is no doubt the most striking and sensational of the new naval developments.

Admiral Endicott, Commander Kimball, and Lieutenant Nixon strongly urge us to make this order. Here is exactly what they say:

Rear-Admiral Mordecai T. Endicott, Chief of the Bureau of Yards and Docks, in the New York Journal, November 26, 1899, said:

"The Holland submarine torpedo boat will revolutionize the world's naval warfare. If this wonderful and invaluable invention be all that is claimed for it, and I have no reason to doubt the claims, the first thought is that it will make the American Navy the most formidable antagonist of the greater navies of the world.

"The Holland boat was a bold conception. Its apparent success is a history-making epoch. It will make the harbors of the United States impregnable. It will be a terror to the greatest ships of the present and the tremendous fighting machines which will be turned out in the future.

"The perfected Holland boat will be able to blow battleships to the bottom; to enter harbors and blow up mines and fortifications. It will, by clearing a harbor of mines, let in its allied fleet to destroy a fleet which had felt itself secure behind a network of harbor defenses.

"It will, so far as one can see at this moment, make the American Navy a prime factor among the nations. The Holland boat, if it prove what it bids fair to be, will make the navies of the world playthings in the grasp of the greatest naval engine in history."

Lieut. Commander W. W. Kimball, the commander of our torpedo-boat flotilla during the late war with Spain, testified before the Senate Committee on Naval Affairs:

"Give me six Holland submarine boats, the officers and crews to be selected by me, and I will pledge my life to stand off the entire British flying squadron 10 miles from Sandy Hook without any aid from our fleet."

Lieutenant Nixon, the designer of the battle ships *Indiana* and *Massachusetts*, made the following statement:

"I strongly urge the adoption of the submarine boat amendment. The value to a nation of a type of boat carrying within it such destructive power, and being of itself invulnerable, if they can be delivered in so short a time, is so great that a fleet of such boats should be added to our Navy without delay, in order that the necessary experience may be had in their handling."

Now, in conclusion, Mr. Speaker, observe that the amendment only provides that these boats are to be ordered after the Secretary has accepted those now under construction—the acceptance of one being practically the acceptance of the others, as they are exact duplicates—and hence all this talk about delay is merely to throw dust in the eyes of the House. Every vessel built for the Government is delayed. Some of the battle ships are nearly two years behind the contract. Besides, if these boats do not come up to the requirements, not a one is to be ordered under this amendment, nor should it be.

Let us not set our feet down on a civilian invention simply because the glory of it does not go to an officer in uniform. Let us remember that the great *Monitor* which destroyed the *Merrimac* was built against the protest of these conservative officers, who could not see any merit in the novel designs of Timby and Ericsson. Lincoln had to order it built and put in commission over the protest of jealous officials who thought that no civilian could possibly know anything about naval construction. Let us remember that the Hotchkiss gun and Gatling gun and the Maxim gun are all civilian inventions, and have had to shoot their way into the Army and the Navy, and it is so with nearly every other great invention.

Mr. Speaker, I am for the amendment and I hope it passes.

The SPEAKER pro tempore (Mr. BOUTELL). Does the gentleman from Missouri [Mr. VANDIVER] renew his request to print additional remarks in the RECORD?

Mr. VANDIVER. I thought that was already granted.

Mr. CLAYTON. I object, unless we extend similar permission to everybody.

The SPEAKER pro tempore. The gentleman from Alabama [Mr. CLAYTON] objects.

Mr. CLAYTON. I proposed to the gentleman from Missouri to accept my proposition as an amendment.

Mr. VANDIVER. The Chair has already submitted my request and it was granted. I make no objection to the request of the gentleman from Alabama.

The SPEAKER pro tempore. The gentleman from Missouri is under a misapprehension as to his request having been granted.

Mr. CLAYTON. Let the proposition be amended in accordance with my suggestion.

Mr. VANDIVER. I do not agree to that.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD.

Mr. CLAYTON. I object.

Mr. VANDIVER. All right.

Mr. FOSS. Mr. Speaker, I yield five minutes to the gentleman from Indiana [Mr. WATSON].

Mr. WATSON. Mr. Speaker, the majority of the Committee on Naval Affairs of the House are unalterably opposed to a further authorization of these boats at this time. And it is not an idle fancy or whimsical notion that compels them to take this position, but we believe that conclusion has been reached through sound reason and sound judgment. In the first place, we are opposed to a further authorization of these boats at this time because of the fact that the entire Navy Department as a unit is against it. The outgoing Secretary of the Navy was against it. The present Secretary of the Navy is against it. There is not the head of a bureau in the Navy Department that favors it to-day. There is not a chief of division in the Department who favors it at this hour, and as the gentleman from Ohio wisely said the other day, this is no time to be voting upon a department things that it does not ask for.

There is not a man connected with the administration of the Naval Bureau, with any authority to speak, who is in favor of a further authorization of these boats at this time, and that consideration alone ought to be sufficient to guide this House in its action.

At this point I want to call attention somewhat to the insidious and cunning nature of the campaign that has been carried on by the lobby that has invested these halls and the hotels of this town, and not only that, but has circulated "literature" and bombarded every member of this House throughout the summer months and the winter months and the spring months without cessation in regard to this very subject under discussion. They circulated a report that Admiral Dewey was in favor of this torpedo boat, but they quoted only half of what that great man had said in regard to this proposition, and failed to give the remainder of his language. Not very long ago the chairman of our committee addressed a letter to Admiral Dewey, who in answer wrote the following:

WASHINGTON, *May 27, 1902.*

DEAR SIR: Acknowledging the receipt of your letter of the 25th instant, requesting my views as to the advisability of authorizing at this time the purchase of more Holland torpedo boats, I have the honor to inclose herewith a copy of a communication addressed by me, under date of May 19, to Hon. H. C. LOUDENSLAGER, in reply to his inquiries on this subject. If my views are not therein set forth in sufficient detail, I shall be most happy to answer any further inquiries which you may wish to make.

Very truly, yours,

GEORGE DEWEY.

Hon. GEORGE E. FOSS,
Chairman Committee on Naval Affairs, House of Representatives.

WASHINGTON, *May 19, 1902.*

Hon. H. C. LOUDENSLAGER,
Committee on Naval Affairs, House of Representatives.

DEAR SIR: I have the honor to acknowledge the receipt of your communication of the 13th instant in reference to the construction of submarine boats of the Holland type.

Replying to your question as to whether, in view of the performances of the *Holland* and the *Fulton*, I adhere to the opinion expressed by me before your committee on April 23, 1900, respecting the value of submarine boats for coast and harbor defense, I have to state that my opinion on this subject has not been changed.

The next two questions which you ask relate to the necessity and advisability of providing now for the construction of additional boats of the Holland type. With regard to this matter, I concur with the Secretary of the Navy in the opinion expressed in his letter of January 9, 1901, to your committee, to the effect that as a number of boats of this type are now under construction, it is wise to await their completion before providing for others.

Your fourth question is as follows:

"Is not the defense of our coasts and harbors, coaling stations, and outlying possessions by submarine boats the cheapest and most effective known at the present time?"

I regret to say that I do not now feel prepared to answer this question either affirmatively or negatively. The number of submarine boats which we have had thus far for experiment and test has been very small. Those now under construction should, when completed, be looked upon as the most improved type of submarine boat, and we shall then have a sufficient number with which to conduct such trials as will demonstrate the effectiveness of the type for further use. Should it then be decided that more are desired, their construction will not require a very long period.

Very truly, yours,

GEORGE DEWEY,
Admiral of the Navy.

And yet the Admiral of the Navy not daring to give an opinion on this, members arise here and claim that we need a dozen of these boats in order to defend the entire length of our coast.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. FOSS. I yield to the gentleman one minute more.

Mr. WATSON. In other words, here is a man who says he believes it is a pretty good thing, but that until those the Government has already authorized have been completed, until they have been turned over to the Government, until they have been thoroughly tested, that sound judgment and discretion and wisdom will not warrant a further authorization of these boats at this time. I want to read, as the opinion of the Navy Department on this proposition, the statement of Admiral O'Neil, whose competency no man will question, and who has charge of the submarine boats and is chief of ordnance.

I know of no reason for changing the opinions expressed by me before this committee on January 15, 1901, with reference to submarine torpedo boats of the Holland type.

I still regard them as experimental craft, whose utility and practicability for efficient service has yet to be demonstrated, and I am fully convinced that the Government would not be justified in contracting for any more boats of this type until those now under contract have been completed, accepted, and thoroughly tested, and until the Navy Department is thoroughly satisfied as to their utility and recommends the building of additional boats of this type.

In my opinion the Holland boat does not fulfill all the necessary requirements of an efficient instrument of warfare. I believe that the science of submarine or subsurface navigation is yet in its infancy, and that considerable further development must take place before it can with propriety be said to have passed beyond the experimental stage. Apparently the so-called Holland boats have about reached the limit of development to which boats of this type are susceptible, and if we are to progress in the art efforts should be made to produce, or to encourage others to produce, submarine or subsurface boats having fewer limitations than the Holland boats, and this can only be done by throwing the door open to other inventors.

I think we do not need to do more at present than to give such encouragement as will awaken an interest in the subject and induce designers and builders to compete with each other in producing the best type of submergible or semisubmerged boat.

The possible value of submarine boats in driving off a blockading fleet is frequently referred to, but it should be remembered that the surface torpedo boat has already altered the character of blockading operations, and the submarine boat, on account of its lack of speed and of its limited scope of action, is less to be feared than a well-handled torpedo boat of ordinary type.

Mr. FOSS. Mr. Speaker, I suggest that my colleague go ahead on his side.

Mr. LOUDENSLAGER. I would ask how much more time I have?

The SPEAKER pro tempore. The gentleman from New Jersey has fifteen minutes remaining.

Mr. LOUDENSLAGER. Mr. Speaker, I yield to the gentleman from New York [Mr. SULZER].

Mr. SULZER. Mr. Speaker, it is my opinion that our Navy is the pride of every American citizen. Its glory is all our own. From John Paul Jones to Winfield Scott Schley its every act has shed a sheen of greatness, a luster of grandeur on American arms, American manhood, and American chivalry. In all its history there is no blot on its bright escutcheon. It never did a dishonorable thing. It never did an un-American act. It is the American Navy; and when you say that, you speak of the grandest pages in American history. Every American citizen should and does take a just pride in the greatness and the heroic accomplishments in peace and in war of our gallant naval fleet. It is fitting that this is so.

Mr. Speaker, I am now, always have been, and always expect to be the consistent friend and advocate of the American Navy. I believe in our Navy, and I believe we should have one of the best navies in all the world. In a Republic like ours—where every man is a soldier if need be—we do not need a great, threatening, standing Army, but we do need at all times, in peace as well as in war, a great, a formidable, a magnificent Navy.

With such a Navy we need fear no foe; our seacoast towns will fear no danger; our merchant marine on the high seas will be safe, and our citizens in foreign lands will be amply protected. Such, then, briefly, is my past and present opinion, and I have stated it and reiterated it time and time again on the floor of this House. So much for that.

Now, sir, to the point at issue. The question before the House is the Senate amendment to the naval appropriation bill providing for the construction, in the discretion of the Secretary of the Navy, of five additional submarine torpedo boats. Let me say at once that I am in favor of this amendment. I shall vote for it, and I hope it will ultimately be adopted. If the Senate conferees will tenaciously adhere to their position and the position of the

Senate, I feel confident the amendment can be carried. These submarine torpedo boats are no longer an experiment; they have got beyond that stage.

They have been tried and tested, and not found wanting. They can do, and will do, all that has ever been claimed. To-day they are a demonstrated success in every way, and they are more dangerous to an enemy off the coast or near a harbor than a land battery, more formidable than a gunboat, and more destructive than a dynamite cruiser. We need these submarine torpedo boats in the Navy. We need more of them. And with a couple of these wonderful little engines of destruction—the very quintessence of destructive naval architecture—with a couple of these, I say, in each of our great harbors no fleet of an enemy could possibly enter without destruction.

They can do the work, and they do it, silently and unseen. The knowledge that they are in the harbor would deter the bravest admiral from attempting to enter. Admiral Dewey has said that if the Spaniards at Manila had two of these submarine torpedo boats in Manila Bay he never could have taken and held Manila. And again the Admiral has said that with two of these craft in Galveston Harbor all the navies in the world could not blockade that place. This testimony is conclusive to me.

These submarine torpedo boats are peculiarly constructed. They can dive under water and proceed under water with considerable speed and without being seen. In all their actions they are mysterious to the naval navigator. They strike with deadly effect and without warning. They can destroy in a few moments the greatest battle ship and the grandest cruiser. They are the bete noir of naval commanders, the nightmare of sea fighters.

They are the most dangerous, destructive engines thus far invented in naval warfare. Admiral Endicott said regarding them in the New York Journal, November 26, 1899: "The submarine torpedo boat will revolutionize the world's naval warfare. If this wonderful and invaluable invention be all that is claimed for it, and I have no reason to doubt the claims, the first thought is that it will make the American Navy the most formidable antagonist of the greater navies of the world.

"Its apparent success is a history-making epoch. It will make the harbors of the United States impregnable. It will be a terror to the greatest ships of the present and the tremendous fighting machines which will be turned out in the future. It will be able to blow battle ships to the bottom, to enter harbors and blow up mines and fortifications. It will, by clearing a harbor of mines, let in its allied fleet to destroy a fleet which had felt itself secure behind a network of harbor defenses. It will make the American Navy a prime factor among the nations. It bids fair to make the navies of the world playthings in the grasp of the greatest naval engine in history."

This is strong testimony, gentlemen, but it comes from the highest naval source, and I believe it. Who can doubt it? But there is more testimony along the same lines—abundant and conclusive. Let me for a moment read you what Rear-Admiral Jouett, who was with Farragut at Mobile Bay, said to the Senate Committee on Naval Affairs: "If I commanded a squadron that was blockading a port and the enemy had half a dozen of these submarine boats, I would be compelled to abandon the blockade and put to sea to avoid destruction of my ships from an invisible source and from which I could not defend myself."

And Lieut. Commander W. W. Kimball, the commander of our torpedo-boat flotilla during the late war with Spain, testified before the Senate Committee on Naval Affairs: "Give me six submarine boats, the officers and crews to be selected by me, and I will pledge my life to stand off the entire British flying squadron 10 miles from Sandy Hook without any aid from our fleet." And Lewis Nixon, the designer of the battle ships *Oregon*, *Indiana*, and *Massachusetts*, says: "I strongly urge the adoption of the submarine boat. The value to a nation of a type of boat carrying within it such destructive power and being of itself invulnerable, if they can be delivered in so short a time, is so great that a fleet of such boats should be added to our Navy without delay, in order that the necessary experience may be had in their handling."

I want no higher authority than that of Mr. Nixon. He is a true son of the Navy, and it has no greater friend in all the land. The Navy has every reason to be proud of Mr. Nixon, and Mr. Nixon has every reason to be proud of the Navy.

These boats are being built extensively in every foreign country, and we should not be lagging behind. We can build 50 of these submarine boats for what it costs to construct one battle ship. And this amendment calls for only five boats. Do not forget this. And these wonderful little submarine boats are to cost not more than $170,000 apiece, and must be approved by the Secretary of the Navy before the Government is obliged to accept them.

Listen to what Lord Brassey, the great English naval authority, said in a letter to the London Times, September 21, 1901: "The building of a flotilla of submarine boats by the British Government meets with general approval." And I could cite similar testimony from leading naval authorities in France, Germany, Russia, and Italy, all in accord, all to the same effect. England is now building more than twice as many of these submarine boats as we are. We must be up to the times.

On February 21, 1902, Mr. Arnold Forster, secretary of the British admiralty, used these words in the House of Commons, "In regard to submarine boats, we have made more progress than was anticipated in the construction of those boats. The admiralty has the intention of continuing to add this type of vessel to the fleet."

And we must continue to add the same type to the American fleet. This is a matter of so little cost that to be parsimonious is to be criminal. Let me briefly quote now from the language of former Secretary of the Navy Long, before the House Committee on April 19 last: "I consider the submarine-boat feature of the Navy a very important feature indeed, morally, physically, and in a military sense." And also from that very competent man, Rear-Admiral F. T. Bowles, Chief of the Bureau of Construction and Repair, who recommended at the Senate hearing, May 31, 1902, that Congress appropriate $500,000 for building submarine boats. Admiral Bowles has, since the House hearing, made personally a submerged run in the submarine boat *Adder*, built for the Government, and admits that the boat did all that was claimed for it.

Now, Mr. Speaker, I contend, and defy successful contradiction, that these submarine torpedo boats are no longer experiments, but assured improvements in naval warfare, and the most formidable and destructive engine that has thus far been invented by the ingenuity of man for offensive and defensive naval operations. The weight of experienced authority confirms this conclusion, and practical trial maneuvers demonstrate it beyond peradventure. One submarine torpedo boat at Santiago would have saved the Government more than a million dollars. My time is almost exhausted, and in conclusion I appeal to the House to stand by the Senate amendment for a few more submarine torpedo boats for our own Navy. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. FOSS. Mr. Speaker, I would ask how much time I have remaining on this side?

The SPEAKER pro tempore. The gentleman from Illinois has twelve minutes remaining.

Mr. FOSS. I yield three minutes to the gentleman from Ohio [Mr. TAYLER].

Mr. TAYLER of Ohio. Mr. Speaker, I am one of those entertaining views respecting the increase and development of the Navy which in some quarters have been characterized as extravagant. I believe in a real development of the Navy, and that that development should come promptly, but as earnest as I am in that belief, I am as determined in my opposition to this amendment providing for five more Holland submarine boats. I am opposed to it first, because the military value of the submarine boats is still conjectural and entirely unsettled. I am opposed to it because we already have seven of those boats under contract, not one of which has yet been delivered to the Government, although due twelve months ago. I am opposed to it because I think, after having bought eight submarine boats at a very high price, netting a very large profit to the manufacturers, we ought not now to pay $100,000 more for each boat than those boats cost to construct.

I am opposed to the proposition because the Navy Department, in every essential branch of it charged with the responsibility of answering this question, is opposed to the further construction of these boats until such time as we know what the seven boats still undelivered will do. And I am admonished, Mr. Speaker, that this Congress would do well to move more slowly when it passes judgment against the conviction of our great departments.

A few weeks ago I had occasion on this floor to elaborate upon that proposition, and to develop and demonstrate the fact that in no instance where Congress had made appropriations for military implements against the recommendation and over the protest of the two departments has Congress ever been right, but the fact has been demonstrated that the department in every instance was right and Congress was wrong.

Mr. VANDIVER. Will the gentleman yield for a question?

Mr. TAYLER of Ohio. Yes; with pleasure.

Mr. VANDIVER. Will you please tell us who are the naval officers who are opposed to the further construction of submarine boats? Are they any officers except those who tread the quarter deck of a velvet carpet in the office?

Mr. FOSS. Admiral Dewey.

Mr. TAYLER of Ohio. Mr. Speaker, all these questions must be answered by the men at the head of the great bureaus of the Navy Department. The Secretary of the Navy who has just retired; the present Secretary of the Navy; Admiral Dewey, at the head of the naval board; Admiral O'Neil, at the head of the Bureau of Ordnance; Admiral Bowles, at the head of the Bureau of Construction, and Admiral Melville, at the head of the Bureau of Engineering—those names cover all the heads of the great bureaus of the Navy charged with the duty of answering these questions, and they are opposed to this provision. [Applause.]

Mr. FOSS. I suggest that my colleague go ahead. I have consumed more time than that side has.

Mr. LOUDENSLAGER. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman from New Jersey has twelve minutes remaining.

Mr. LOUDENSLAGER. How much time has the gentleman from Illinois?

The SPEAKER pro tempore. The gentleman from Illinois has eight minutes remaining.

Mr. LOUDENSLAGER. I yield three minutes of my time to my colleague from New Jersey [Mr. GARDNER].

Mr. GARDNER of New Jersey. Mr. Speaker, I do not know whether the Holland boat has been so wholly completed and perfected that it can be relied upon—as some gentlemen seem to think it ought to be—to face tempestuous seas like a lifeboat, or whether it can be relied upon to go out and in a little while to sink the navies of the world. I do know, Mr. Speaker, that the last power on earth to be parsimonious at this time about any judicious experiment, if you please, with implements of naval warfare is the United States of America, and I do know that while gentlemen here talk about expenses and contracts, the last place for this Congress to exercise parsimony is toward the Navy and naval experiments, if you please to call them that.

Why, if there be force in the arguments that are advanced here about building Holland boats because they are, perhaps, not absolutely perfected as implements of naval warfare had prevailed in the past, the *Merrimac* would never have gone down the James, the *Monitor* would never have appeared in Hampton Roads, and the modern battle ship would never have been evolved. Among the things we know is that the torpedo is becoming the most dreaded instrument of modern warfare, and whether carried over the water or through the water, or planted under the water, it is now and will more and more become the source of nightmare to every commander of a fleet in a hostile sea. If you want verification of that, only look at the testimony of Admiral Dewey, quoted here, and mark the effect that the known presence of two Holland boats, or two other efficient torpedo boats, in Manila Bay would have had on him.

Why, think of it, Mr. Speaker. If the words of the Admiral import to others what they do to me, the known presence of two such boats in Manila Bay would have saved the fleet of Spain and changed the history of the world. Some gentlemen tell us that we have five Holland boats to protect our coast, on two oceans, scarcely one to a thousand miles. They must have boundless faith in their effectiveness. Now, if there is anything we want, in my judgment, in the way of implements of warfare, anything that we want to construct in time of peace, it is the most thorough and extended system of harbor defenses. No foreign foe can menace us save from the sea. We need to prepare to defend our harbors above all things else.

[Here the hammer fell.]

Mr. FOSS. I suggest to my colleague that he consume more time on his side, inasmuch as we have already consumed more than he.

Mr. LOUDENSLAGER. I suggest to the gentleman from Illinois that he consume more of his time. As we have the affirmative side I think we ought to have the closing argument.

The SPEAKER pro tempore. The Chair will suggest that the gentleman from Illinois has absolute control of the time.

Mr. LOUDENSLAGER. How much time does the gentleman from Illinois control?

The SPEAKER pro tempore. He has nine minutes remaining.

Mr. LOUDENSLAGER. Mr. Speaker, in regard to the increase of the Navy, I have during my membership of the committee given it some little study, and I do not always agree with those upon the floor of this House who are great in debate and oratory and who claim to hold a hand upon our United States Treasury. If I remember distinctly, in the Fifty-third or the beginning of the Fifty-fourth Congress opposition strong and bold was made to our creating an increase of our Navy because it was not needed. I saw those same members later on upon the floor of this House voting for $50,000,000 to be put into the hands of the President, the most of which was paid abroad to pay wages of workmen in foreign shipyards.

I believe we have not to-day one-third of the naval force that we ought to have; and I believe in order to have an efficient Navy we should have one constituted of every type of modern naval weapon that is known to the world. In this matter I am willing to take as the judgment of what is needed not those who sit in the offices at the yonder end of this Capitol, who know nothing about the strategic and tactical strength of a naval vessel, but I am willing to take the testimony of Admiral Dewey, Admiral Farquhar, Commander Wainwright, Captain Sigsbee, and of every naval officer who has visited and seen the operations of these boats.

Mr. LASSITER. Will the gentleman yield to me for a question?

Mr. LOUDENSLAGER. I have not time to yield. These men are the most capable, in my judgment, of deciding what is necessary for the increase of our Navy and the implements that are most destructive. I yield the balance of my time to my colleague on the committee [Mr. ROBERTS].

Mr. ROBERTS. How much time have I, Mr. Speaker?

The SPEAKER pro tempore. The gentleman is recognized for six minutes.

Mr. ROBERTS. Mr. Speaker, the gentleman from Alabama told us a little while ago that he went down to Annapolis to see the *Holland* maneuver, and immediately afterwards he told us what the action of Congress had been heretofore in regard to Holland torpedo boats. He told us that two years ago the construction of eight of these boats was authorized. Well, now, if his observations about the maneuvers of the *Holland* boat were no more accurate than his statement about what Congress did two years ago, I do not think this body will attach much importance to it. Another gentleman, from Kentucky, a member of the committee, got up immediately after and commended the gentleman from Alabama for his knowledge of what had gone on in naval matters, and reiterated that two years ago we authorized eight boats.

Mr. Speaker, I want to put the facts before this House. What was done? First the Holland people sold a boat to the Government. That is the *Holland* down at Annapolis to-day. Then, when the Government had in its possession, with its own commissioned officers, its own enlisted crew aboard, one of these torpedo vessels or submarine boats, it went on and authorized the construction of seven more, not eight, as those gentlemen have stated. But they say, "Stop right here. We have not got these seven delivered yet." Why, Mr. Speaker, these boats are from 92 to 99 per cent completed. One of them is right down here on the Potomac River, and any member of the House can go down and see it.

Mr. HILL. Why do they not deliver it to the Government then?

Mr. ROBERTS. I will tell the gentleman why they do not deliver it. Why does not the builder of every battle ship or other naval vessel that is constructed deliver it to the Government the moment that she strikes the water? The gentleman has too much sense to expect that. Every delicate piece of machinery has got to be tuned up and put in working order before it can be delivered. I sat on the piazza of my summer home last summer and frequently watched the maneuvers of two torpedo boats that the builders were trying to get into shape for their official trial. And they are not in shape now. They can not come up to the Government requirements; and I believe that unless the requirements be abated that they will not come up to them. It is the same as to the construction of other vessels of the Navy as it is with these torpedo boats.

Two years ago a battle ship was ordered to be built, and her keel has not been laid and will not be until the 4th of July. This talk about these boats not being delivered and let us wait until they are delivered and tried is useless talk. We have got one. We know what it will do. Our officers are practicing on it every day. Another is right here in the river, ready to be delivered within the next two or three weeks, as soon as the machinery shall be put in shape for her official trial.

Mr. SULZER. Is it not a fact that if the seven boats which are now under way and will be completed by the 1st of September, sure, are not satisfactory to the Government, the Government does not have to take the other five?

Mr. ROBERTS. Yes; I was coming to that. I want to say another word in regard to delivery. Two are being built in San Francisco at the Union Iron Works. They had a strike out there, and there was not a stroke of work done in that yard for nearly fourteen months on torpedo boats, battle ships, cruisers, or other vessels being built for the Government. That is one of the reasons why the boats have not been delivered. Now, all those who have been engaged in contracts of any sort where iron or steel enters into it, know that in the last year it has been almost impossible, on account of the great demand for iron and steel, to have contracts completed in time.

With regard to the provisions of this particular bill I want to say that if the members of the House will read it carefully they will see that it limits the Secretary of the Navy in the contract he can make with the Holland Company down to this, that not one of these five additional boats can be contracted for until at least one of the seven now under contract has been accepted by the Secretary of the Navy. And what does that word "accepted" mean? It means that she must come to all the requirements that the Navy Department impose upon her, and when she comes up to that it is supposed to be perfect. The boats under contract are superior to the *Holland*. The gentleman from Indiana asked a moment ago from some member on the other side, "Would you go down or want any of your friends to go down in the Holland boat?" I want to say that I have been down several times. I do not neglect an opportunity to study these boats, and I feel safer in a Holland torpedo boat under water than I do in a torpedo-boat destroyer on the surface. The liability to accident is less, in my judgment.

There is one other point I wish to refer to in the brief time at my disposal. The gentleman from Indiana, a member of the Committee on Naval Affairs, made the statement on the floor that the majority of the committee was opposed to this provision. I challenge that statement. There has been no action of any sort in that committee indicating that the committee is opposed to the proposition under consideration.

Mr. WATSON. Does the gentleman deny that we had a vote on the proposition?

Mr. ROBERTS. I deny that we had a vote on the proposition for these five boats.

Mr. WATSON. Did not we vote on the whole subject of submarine boats?

Mr. ROBERTS. We had a little snap game in there one day, and I would like to ventilate that. A certain member of the committee—a certain member who is very hostile to Holland boats—plumped a motion at us one day that we should have no submarine boats in the naval bill this year.

The SPEAKER pro tempore. The time of the gentleman from Massachusetts has expired.

Mr. FOSS. I now yield two minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, this bill carries $79,000,000, and authorizes $40,000,000 more. We are to have a great Navy, and on account of the change in our condition it will have to be greater. The real wants of the Navy are enough. The submarine boats in the end may be a success, but it is not yet demonstrated. Admiral Dewey, as read by the gentleman from Indiana, says that these contracts at this time are not expedient. I agree with him, without being an expert. We have seven boats under contract now not delivered.

Now, then, I asked the chairman of that committee how long would it take to turn out a submarine boat if you had time, working under stress, by one establishment, and he said three months. There are a dozen navy-yards and 40 or 50 shipbuilding firms or private yards in each of which we could turn out a submarine boat in three months. Now, then, while I am for the Navy, I am not for improvident expenditure. I am not for letting any contractor exploit his interests when it is not to our interest. [Applause.]

Mr. FOSS. Mr. Speaker, how much time have I left?

The SPEAKER. The gentleman has six minutes remaining.

Mr. FOSS. Mr. Speaker, I desire to say a word upon this subject of the further authorization of more Holland torpedo boats at this time. We have given the Holland Company contracts amounting to $1,400,000, and it has never yet turned over a single boat that was originally designed for the Government. It is months and months behind its contract, and yet these people come here with assurance, and I may say unlimited assurance, to ask Congress to give them contracts for more boats when they have not fullfilled the contracts which have already been given them by the Government.

I believe this Holland torpedo craft is still in the experimental stage, and I believe it why? Because they have come repeatedly to the Government and asked for modifications of their contract.

I have here a list of the alterations, changes, and modifications which have been made in the contract from time to time. I believe this boat is still in an experimental stage—why? Because they have failed to complete their boats and have not yet turned a boat over to the Government. If they have a boat down here at the Washington Navy-Yard, why do they not turn it over to the Government? The Government has been waiting for it for months and months. But what are they doing with it? Exploiting it down here for the purpose of inducing some of you gentlemen to authorize the Secretary of the Navy to contract for more boats before they turn over those which have been already contracted for.

Another reason: This is an experimental craft, as I believe—why? Because under the contract they are obliged to make certain trials and tests before naval officers; and the manufacturer of these boats, Lewis Nixon, wrote a letter on December 2, 1901, to the Navy Department asking for changes in the trials, which, when the Holland Company found out that the Board of Construction had declared that it would hold them to a strict interpretation of the contract, asked to have withdrawn from the files of the Department. In that letter they asked—what? Under the contract they are obliged to make three trials. First, a surface trial, and in that there is an endurance test, by which the Holland boat shall go at the rate of 8 knots an hour on the surface for a minimum of twelve hours. They ask to be relieved from that endurance test. They ask also to be relieved from the second test—i. e., an awash run; and as to the third test, the submerged test, to which, under the contract, they said they would subject every boat, and that it should make for three hours 7 knots an hour, they asked a reduction from 7 knots to 6 knots. But, as I said, after they found out that the Board of Construction would hold them to a strict interpretation of the contract they asked to withdraw their request. I propose to put those letters in the RECORD.

Now, what have we done for the Holland Torpedo Company toward the encouragement of submarine navigation? We have given them a contract to the extent of $1,400,000. What does this boat cost? Our naval constructor and the chief of the Bureau of Steam Engineering say that this boat can be built with a handsome profit for $90,000. In my judgment this company has made upon every boat a profit of $100,000 at least.

Now, what sort of a plant has this company? They have a little manufacturing plant, not for building boats, but simply trimming them up, over here on Long Island, which, on the testimony of the president of their company, is not valued at $50,000. They will make $800,000 clean profit on these boats upon a plant worth only $50,000.

True they have, they say, a capital stock of $10,000,000, but all they have in sight is this little plant of $50,000. Do you not think the Government has done pretty well by them?

I say to you, gentlemen, that it is best for us to go a little slow. What does the Secretary of the Navy say? He says, "Finish those boats which you have started and see how they work." What does Admiral Dewey say? He says, "I concur with the Secretary of the Navy." Let us finish these boats that have been started.

Let us call upon the Holland Torpedo Boat Company to come to time—to turn over the boats already contracted for. Let them turn over those boats to our naval officers, and let them experiment with the boats, and afterwards, if the boats are found to be good for anything, we can give an order for more.

Mr. ROBERTS rose.

Mr. FOSS. I can not yield; I have only a moment left. Admiral O'Neil said, "I would not advocate the building of any more of these boats at this time." Gentlemen, there will be plenty of time to order the construction of these boats after we have found out whether they are good for anything. There are a number of other submarine boats in the market, and if we were going to do anything in this direction, it would be infinitely better for us to appropriate a fund to encourage the whole science of submarine boat construction all along the line, and not appropriate $170,000 for each boat under circumstances like the present.

Why, think of it! Would you appropriate $6,000,000 for a battle ship, and put it in the naval appropriation bill that that money should go to the Cramps, or the Newport News Company, or the Union Iron Works? No; you appropriate money for battle ships, and then you leave the matter open for competition. It is proposed by the adoption of a Senate amendment on the naval appropriation bill to appropriate money into the pockets of the Holland Torpedo Boat Company, and not leave the matter open for competition.

NAVY DEPARTMENT, *Washington, June 21, 1902.*

SIR: Referring to your letter of the 16th instant, I have the honor to inclose herewith a copy of the last contract, bearing date August 25, 1900, with the Holland Torpedo Boat Company for submarine boats, together with statements showing the modifications suggested by the company in the terms of said contract from time to time, and the extensions of time granted and the reasons therefor.

It has been the Department's policy to consent to alterations requested by the contractors, it being provided by the second clause of the contract that the company should bear the cost of and the responsibility for all changes suggested by it, so long as the general requirements of the plans and specifications remain substantially the same, and the changes mentioned in the accompanying memorandum relating thereto have been approved.

Very respectfully,

CHAS. H. DARLING,
Acting Secretary.

Hon. GEORGE EDMUND FOSS,
Chairman Committee on Naval Affairs, House of Representatives.

MEMORANDUM OF CHANGES ON SUBMARINE TORPEDO BOAT ADDER.

Rudders to be fitted with hand-actuated machinery	11,985-E. 1
Conning tower to be made of bronze instead of armor steel (See specifications 10,871-E. 4, original.)	10,871-E. 8
Gasoline tank to have a capacity of 720 gallons instead of 850 gallons	10,995-E. 17
Steering and diving engine to be omitted; hand gear substituted	11,985-E. 1
Bulkhead at frame No. 38 to be omitted	11,062-E. 2
Main ballast tank at sides of ship cut away from frames 16 to 18. Bulkhead on frame 18 continued up to sides of ship, conforming to shape of ballast tank at sides up to diagonal staplings	10,995-E. 15
5-inch ventilating tube omitted; two ventilators to be fitted forward	11,335-E. 4
Change relative to use of water in air compressors for lubrication, change to be made after delivery, 10,974-E. 13	10,975-E. 8, 10,976-E. 8, 10,977-E. 8, 10,978-E. 8, 10,979-E. 8, 11,262
Change in arrangement of flooding auxiliary ballast tank instead of a 3½-inch Kingston valve located in central well discharging into the auxiliary ballast tank; propose to omit this valve and replace it with a 6-inch Kingston valve located in auxiliary ballast tank itself and operated by a lever in the upper part of the vessel. (App.)	10,995-E. 9
Omit the Kingston valve spouts and also the auxiliary motor and bilge pumps	10,995-E. 12
Change in method of operating Kingston valves from air cylinders to hand operating device. (App.)	10,995-E. 11
Omission of hydrometer authorized by Department	10,995-E. 20
Fieldpieces of armatures to be made in two pieces; marble used instead of slate for the instrument bases	11,548-E. 1
Change in cutting manhole in top of gasoline storage tank	12,514

Statement showing extensions of time for completion of submarine torpedo boats, with the reasons for delay in construction upon which such extensions were granted. The date of contract for these boats is August 25, 1900.

NO. 3, ADDER.

Contract date of completion, April 25, 1901; extended to May 2, 1901, on account of strike of workmen; further extended to August 2, 1901, on account of delay in procuring new air tanks as changed, etc.; further extended to September 6, 1901, on account of strike of workmen, and further extended to October 21, 1901, on account of experiments on the *Fulton*.

NO. 4, GRAMPUS.

[At Union Iron Works.]

Contract date of completion, April 25, 1901. Extended to July 25, 1901, on account of delay in procuring new air tanks as changed, etc. Further extended to November 30, 1901, on account of strike of workmen.

NO. 5, MOCCASIN.

Contract date of completion, May 25, 1901. Extended to June 1, 1901, on account of strike of workmen. Further extended to September 1, 1901, on account of delay in procuring new air tanks as changed, etc. Further extended to October 5, 1901, on account of strike of workmen, and further extended to October 21, 1901, on account of experiments on the *Fulton*.

NO. 6, PIKE.

[At Union Iron Works.]

Contract date of completion, May 25, 1901. Extended to August 25, 1901, on account of delay in procuring new air tanks as changed, etc. Further extended to December 14, 1901, on account of strike of workmen.

NO. 7, PORPOISE.

Contract date of completion, June 25, 1901. Extended to July 2, 1901, on account of strike of workmen. Further extended to October 2, 1901, on account of delay in procuring new air tanks as changed, etc. Further extended to November 6, 1901, on account of strike of workmen.

NO. 8, SHARK.

Contract date of completion, July 25, 1901. Extended to August 1, 1901, on account of strike of workmen. Further extended to November 1, 1901, on account of delay in procuring new air tanks as changed, etc. Further extended to December 6, 1901, on account of strike of workmen.

The question presented of a further extension of contract time of completion on the *Adder* and class on account of developments resulting from the experiments with the *Fulton* has been deferred until the result of such experiments can be fully determined.

Grampus and *Pike* building at Union Iron Works, San Francisco, Cal.; others at Nixon's Crescent Shipyard, Elizabeth, N. J.

NAVY DEPARTMENT, *Washington, June 23, 1902.*

SIR: Referring to the Department's letter of the 21st instant and to your request by telephone this morning relative to the submarine torpedo boats, the fulfillment of the contracts for their construction, and the request of the company that the terms of trial be modified, I have the honor to inclose herewith a copy of a communication, dated December 2, 1901, from Mr. Lewis Nixon, who is building for the Holland Company four submarine boats for the Navy, in which he explains the conditions under which the trials of such vessels should be made, and asks that the requirements of the contract for their construction be modified.

Said letter was forwarded to the Department by the Bureau of Steam Engineering by indorsement, as follows:

"In the opinion of this Bureau the trials should include a surface run, with vessel light, of 10 knots at average speed of 8 knots and a submerged run of 2 knots at average speed of 7 knots; the endurance in the first case to be twelve hours and in the second three hours.

"As this is, however, a matter of great importance the Bureau respectfully recommends that it be referred to the Board of Construction for consideration."

As suggested by the Bureau of Steam Engineering, the matter was referred to the Board of Construction and returned with the following recommendations, viz:

"The Board of Construction recommends that in the trial runs of the submarine torpedo boats *Adder*, *Moccasin*, *Shark*, *Porpoise*, *Grampus*, and *Pike* the contractors be held strictly to the terms of the contract for those vessels, and that the question of what can be and what can not be accomplished by them be left to the determination of the trial board provided for in the contract.

"As to the endurance tests, the Board recommends that these be made by an actual run of the vessels."

The company was, in accordance with its request, advised that it would be given a hearing before the Board of Construction, but no hearing was had, as the company subsequently, December 18, requested permission to withdraw Mr. Nixon's letter from the files of the Department, and they were notified that such letter was considered as withdrawn. Copies of the company's request for withdrawal of the matter and the Department's answer are forwarded herewith.

Very respectfully,

W. H. MOODY, *Secretary.*

Hon. GEORGE E. FOSS,
Chairman Committee on Naval Affairs,
House of Representatives.

THE CRESCENT SHIPYARD,
Elizabeth, N. J., December 2, 1901.

SIR: In view of the approaching trials of the U. S. submarine boat *Adder*, we deem it desirable that the conditions of trial be accurately set forth and understood, in order that we may prepare the vessel to meet exactly the Department's wishes in this respect.

We note that the contract, under the captions of "Trials" and "Speeds," reads as follows:

"*Trials.*—Eighth. When said submarine torpedo boats shall be completed in every respect and ready for delivery to the United States as aforesaid each of them shall be subjected to tests and trials to show the capability of making surface runs, awash, and submerged runs, the former of a distance of 10 nautical miles at a speed of 7 knots an hour, and the latter for a distance of 2 nautical miles at a speed of 7 knots an hour. At the end of the submerged run a service torpedo shall be discharged, and shall strike a target 150 feet long by 16 feet deep, the upper edge of said target being awash and placed at right angles to the course. During these submerged runs the vessel shall not come to the surface more than three times from the time of starting until the discharge of the torpedo, the duration of each appearance not to exceed one minute.

"*Speed.*—2. The party of the first part hereby guarantees that the speed developed by said vessels upon trial under conditions prescribed by the Secretary of the Navy shall be not less than an average of 8 knots an hour when in the light condition, 7 knots an hour when in the awash condition, with a minimum endurance of twelve hours at these speeds, using only the gasoline engine, and 7 knots an hour when completely submerged, with a minimum endurance of three hours at this speed."

We assume that the trial tests should simulate actual service conditions as nearly as possible, and the runs with the *Fulton* have demonstrated that the conditions to be laid down in the contract trials should now be determined upon. At the time the contract was drawn there had been so little discussion as to the tactical requirements of vessels of this class that the features necessary for military efficiency were not fully known.

In developing the *Fulton* we have taken every opportunity to consult with naval officers of this and other Governments interested in the subject as to the most desirable combination of qualities in the finished boat, and we find it the universal opinion that somewhat different tests would better demonstrate the value of the vessel to the Government.

Taking up now the contract requirements in detail, seriatim, we desire to discuss briefly the questions of surface, awash, and submerged runs.

First. *Surface runs.*—It is to be noted that the contract requirements under the two captions referred to above, as the runs in this condition appear to be in conflict, one apparently calling for a surface run at a speed of 7 knots an hour for a distance of 10 nautical miles, and the other calling for a speed of 8 knots an hour with a minimum endurance of twelve hours. We have no objection to make in connection with these requirements, but merely ask for an interpretation of the contract, our understanding being that we will make on actual trial a run of 10 nautical miles at the highest speed called for—8 knots—and that our consumption of fuel at this speed will be such as to give with the total fuel allowance a minimum endurance of twelve hours; that we believe that this will cover the 7 knots surface speed.

Second. *Awash runs.*—The contract here requires a speed of 7 knots an hour with a minimum endurance of twelve hours, using only the gasoline engine. In order that this may be quite clear and definite, we recommend that this run be at such trim as will permit the safe use of the gasoline engine. Under this trim all the ventilators must be rigged out, and there must be no danger of an unexpected dive, either from a mistake on the part of the crew or from unforeseen change in exterior circumstances, such as passing over a bar or into a sudden swell.

As soon as we can make preliminary runs with the *Adder* the exact limitations will be determined, and we shall then ask that this draft be fixed as the proper immersion for the awash run. If, however, a run of the *Fulton* can be accepted for this determination, we are prepared to make a run at any time.

Personally, I wish to say that I see no advantage in the awash run at all, and I think it should be eliminated from the trials.

In this condition she makes practically as much disturbance in the water as in the light condition, and she can not dive instantly to avoid attack; so in practice the vessel will run in the light condition to her general field of action, and just outside the danger zone would sink to diving trim and proceed under the motor only.

A decided objection, too, is the fact that this trim not being a diving trim, if the intermediate trim is insisted upon, the total time to pass from light condition to diving trim will be increased, and in order to reduce the time to the lowest limits it is probable that special arrangements for changing the trim would have to be introduced, thus increasing the complexity and weight of the boat, and to a certain extent diminishing its safety.

I strongly recommend that the awash run be done away with as being a test serving no useful purpose.

Third. *Submerged run.*—Under this head the contract requires that the vessel shall have a minimum endurance of three hours at a speed of 7 knots an hour and that she shall make a run of 2 nautical miles at this speed and at the end of the submerged run discharge a service torpedo which will strike a target 150 feet long by 16 feet deep, the upper edge of the target being awash and placed at right angles to the course. The contract further requires that during this submerged run the vessel shall not come to the surface more than three times from the time of starting until the discharge of the torpedo, the duration of each appearance not to exceed one minute. We believe that this requirement does not duplicate the probable service conditions, in that the speed called for is higher than would be used, while the duration of the period of exposure is longer than would be permissible.

The vessel as designed and built carries sufficient power to make this speed when submerged and to carry it for the distance prescribed by the contract. Such a speed, however, requires deep water to develop, and the trim desirable for this speed is undesirable for the lower speed at, say, 6 knots, suitable for water as shallow as found in the majority of harbors. At the higher speed the vessel rising to the surface creates a considerable disturbance in the water, thus attracting attention to herself and in addition shutting off the helmsman's view and so increasing the period of exposure. At the lower speed the vessel will run evenly and steadily even in shallow water; it will rise quietly to the surface and create so little disturbance that the helmsman can take his observations and dive again in a very short period of time.

As a result of our experience with the *Fulton*, we are convinced that the vessel when trimmed for this speed and operated under those conditions, is

much superior for all-around work than under the conditions necessary for the 7-knot speed. This opinion is concurred in by all the experts whom we have been able to consult.

We therefore request that the required speed in this condition be reduced to 6 knots, and if this be granted, we will offer a reduction in the permissible duration of appearance from one minute to thirty seconds. We may add with regard to this latter desirable feature, we have every reason to believe that we will not on trial exceed the period of exposure of fifteen seconds, as a recent trial of the *Fulton*, covering five appearances, showed an average of six and four-fifths seconds duration of exposure, with a maximum duration of eleven seconds.

The same request, for the same reasons, is also preferred in the cases of the *Moccasin*, *Porpoise*, and *Shark*, building at the Crescent Shipyard, and the *Grampus* and *Pike*, building at the Union Iron Works, in San Francisco.

In conclusion, we wish to add that we make these requests in the full confidence that thorough investigation will show that the Government's interests are not affected adversely thereby, but, on the contrary, are served.

Very respectfully,

LEWIS NIXON.

Naval Constructor LAWRENCE SPEAR, U. S. N.,
Superintending Constructor, Elizabeth, N. J.

HOLLAND TORPEDO BOAT COMPANY,
100 Broadway, New York City, December 18, 1901.

HON. JOHN D. LONG,
Secretary of the Navy, Washington, D. C.

SIR: We are in receipt of your letters of December 13 and 14, the letter of December 13 giving us permission to appear before your Board on Construction, and we are indebted for the same.

Since sending you our telegram and letter asking you to postpone approval of the opinion of the Board on Construction of Mr. Nixon's recommendations, we have had a conference with Mr. Nixon, and with his consent we have concluded to ask that Mr. Nixon's letter be withdrawn from the files of the Department.

We desire also to state that we not only expect to comply with all of the requirements of the contract, but, in addition, to exceed them in certain important particulars.

Very respectfully,

HOLLAND TORPEDO BOAT COMPANY,
ELIHU B. FROST, *Secretary.*

NAVY DEPARTMENT,
OFFICE OF THE JUDGE ADVOCATE-GENERAL,
Washington, December 20, 1901.

SIR: Referring to your letter of the 18th instant, with regard to appearing before the Board on Construction in relation to the method of trial of submarine torpedo boats, I have to inform you that your request that the matter be withdrawn from the files of the Department is regarded as complied with by the filing of the communication referred to.

By direction of the Secretary.

Very respectfully,

S. C. LEMLY,
Judge-Advocate-General.

Mr. ELIHU B. FROST,
Secretary Holland Torpedo Boat Company,
100 Broadway, New York, N. Y.

The SPEAKER pro tempore. The time of the gentleman from Illinois [Mr. FOSS] has expired.

Mr. FOSS. I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion of the gentleman from New Jersey [Mr. LOUDENSLAGER], that the House recede from its disagreement to the amendment of the Senate.

The question being taken, there were on a division (called for by Mr. LOUDENSLAGER) ayes 63, noes 95.

Mr. LOUDENSLAGER. I call for tellers.

Tellers were not ordered, only 26 voting in favor thereof.

So the motion of Mr. LOUDENSLAGER was rejected.

Mr. FOSS. I ask unanimous consent that all gentlemen who have spoken on this subject may have an opportunity to extend their remarks in the RECORD.

There was no objection.

Mr. FOSS. Mr. Speaker, I move that the House insist upon its disagreement to amendments 92 and 93.

The SPEAKER. The question is on the motion of the gentleman from Illinois, that the House further insist on its disagreement to amendments 92 and 93.

The question was taken, and the motion agreed to.

Mr. FOSS. I move that the House agree to the further conference asked for by the Senate.

The SPEAKER. The question is on the motion of the gentleman from Illinois that the House agree to a further conference asked for by the Senate.

The motion was agreed to.

The Chair announced the following conferees on the part of the House: Messrs. FOSS, DAYTON, and MEYER of Louisiana.

MEMORIAL TO ABRAHAM LINCOLN.

Mr. McCLEARY. Mr. Speaker, I call up the conference report on the bill (S. 5269) providing a commission to secure plans and designs for a monument or memorial to the memory of Abraham Lincoln, late President of the United States, and ask that the reading of the report be omitted and that the statement be read.

The SPEAKER. The gentleman from Minnesota calls up a conference report and asks unanimous consent that the reading of the report be omitted and that the statement be read. If there is no objection, this course will be pursued.

There was no objection.

The Clerk read the statement, to be found on page 7337.

Mr. McCLEARY. Mr. Speaker, I move that the report be adopted.

The SPEAKER. The question is on the motion of the gentleman from Minnesota, that the report be adopted.

The motion was agreed to.

The SPEAKER. In pursuance of the continuing order of the House, the same will resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill S. 2295, the Philippine government bill, and the gentleman from Massachusetts, Mr. GILLETT, will take the chair.

PHILIPPINE GOVERNMENT.

Accordingly the House resolved itself into Committee of the Whole for the further consideration of the bill S. 2295, Mr. GILLETT of Massachusetts in the chair.

The CHAIRMAN. Under the rule of the House the reading of the Senate bill has been waived and the reading of the House amendments will be in order.

The Clerk will report the amendments.

The Clerk read as follows:

THE JUDICIARY—APPEALS TO THE SUPREME COURT OF UNITED STATES.

SEC. 4. That the supreme court, courts of first instance, and municipal courts of said islands shall possess and exercise jurisdiction as heretofore provided by said Commission, subject in all matters to such alteration and amendment as may be hereafter enacted by said Commission or otherwise enacted by law: *Provided*, That admiralty jurisdiction shall be in the supreme court and courts of first instance until otherwise provided by Congress.

Mr. COOPER of Wisconsin. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

In line 25, page 61, beginning with the word "by," strike out all after and including said word "by," in line 25, down to and including the word "law," in line 3, page 62, and insert in lieu thereof the following:

"And such additional jurisdiction as may hereafter be prescribed by the government of said islands, subject to the power of said government to change the practice and mode of procedure."

Mr. SULZER. Mr. Chairman, I would like to have the paragraph read as it would be if the amendment were adopted.

The Clerk reported the paragraph as it would read if the amendment were adopted.

The CHAIRMAN. The question is on the adoption of the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 5. That the chief justice and associate justices of the supreme court shall hereafter be appointed by the President, by and with the advice and consent of the Senate. The judges of the court of first instance shall be appointed by the civil governor, by and with the advice and consent of said Commission.

Mr. COOPER of Wisconsin. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Insert in line 8, page 62, after the word "Senate," the following: "and shall receive the compensation heretofore prescribed by the Philippine Commission until otherwise prescribed by Congress."

The CHAIRMAN. The question is on the adoption of the amendment.

The amendment was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BURLEIGH having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 1456. An act granting a pension to William G. Miller;

H. R. 4170. An act granting an increase of pension to Henry P. Macloon;

H. R. 6009. An act granting a pension to Absolom Maynard;

H. R. 6031. An act authorizing the payment of part of the pension of Ira Steward to Adell Augusta Steward;

H. R. 14042. An act granting an increase of pension to George W. Edgington;

H. R. 14206. An act granting a pension to Mary J. Moore;

H. R. 14208. An act granting an increase of pension to Alexander Murdock;

H. R. 14656. An act granting an increase of pension to Charles A. Scott; and

H. R. 14802. An act for the purchase of real estate, for revenue and customs purposes, at Wilmington, N. C.

The message also announced that the Senate had passed with amendments a bill of the following title; in which the concurrence of the House was requested:

H. R. 14244. An act authorizing the President to reserve public lands and buildings in the island of Porto Rico for public uses and granting other public lands and buildings to the Government of Porto Rico.

The message also announced that the Senate had passed bills of

the following titles; in which the concurrence of the House was requested:

S. 917. An act for the relief of John H. McLaughlin;

S. 1206. An act for the relief of Frank J. Burrows;

S. 3560. An act to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes," approved March 2, 1893, and amended April 1, 1896;

S. 4426. An act to authorize the Secretary of War to loan arms to the institutions having companies of the Boys' Brigade connected therewith;

S. 4815. An act to grant certain lands to the South Platte Canal and Reservoir Company;

S. 5228. An act for the purchase of a national forest reserve in the Southern Appalachian Mountains, to be known as the "National Appalachian Forest Reserve;"

S. 5329. An act authorizing the President to appoint Lieut. Commander William P. Randall, retired, United States Navy, a commander on the retired list;

S. 6016. An act for the suppression of train robbery in the Territories of the United States and elsewhere, and for other purposes:

S. 6034. An act raising the rank of Chief Engineer David Smith on the retired list of the Navy;

S. 6117. An act for the relief of George Lea Febiger;

S. 6119. An act to authorize the Pensacola, Alabama and Tennessee Railway Company to erect, maintain, and operate a railway bridge across the Alabama River in Wilcox County, in the State of Alabama; and

S. 6270. An act to amend an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved June 13, 1902.

The message also announced that the Senate had passed with amendments a bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 13172. An act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 4284) to amend an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13123) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to furnish to the Senate a duplicate engrossed copy of the amendment to the bill (S. 493) to amend an act entitled "An act to establish a code of laws for the District of Columbia," the same having been lost or mislaid.

JOSEPH M. SIMMS.

Mr. ADAMSON. Mr. Speaker, I present a conference report on the bill (S. 3360) for the promotion of First Lieut. Joseph M. Simms, Revenue-Cutter Service, and ask that the same, together with the statement, be printed in the RECORD.

The SPEAKER pro tempore. The same will be printed under the rules.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3360) for the promotion of First Lieut. Joseph M. Simms, Revenue-Cutter Service, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same.

WM. P. HEPBURN,
J. S. SHERMAN,
W. C. ADAMSON,
Managers on the part of the House.
WM. P. FRYE,
THOMAS S. MARTIN,
Managers on the part of the Senate.

The statement is as follows:

The act passed by the Senate authorized the advancement of Lieut. Joseph M. Simms, Revenue-Cutter Service, from first lieutenant to that of captain on "permanent waiting orders" list, etc.

The House of Representatives amended the act so that it "shall not increase the pay of said Simms above $1,890, the pay now allowed by law for a first lieutenant on the retired list."

In conference it was agreed to recommend to the respective Houses that the Senate recede from its disagreement to the amendment of the House and agree to the same.

WM. P. HEPBURN,
J. S. SHERMAN,
W. C. ADAMSON,
Managers on the part of the House.

PHILIPPINE GOVERNMENT.

The committee resumed its session.

The Clerk read as follows:

SEC. 6. That appeals may be taken from final judgments and decrees of the supreme court of the Philippine Islands to the Supreme Court of the United States in the following cases:

First. In all cases involving the construction of a treaty or a statute of the United States.

Second. In all cases when the amount in controversy, exclusive of interest and costs, is $25,000 or more.

Third. In all cases between the government of said islands and any church, religious order, or association, or dependency of any church, in respect to the ownership or administration of trust or other property.

Such final judgments or decrees may be reviewed, revised, reversed, modified, or affirmed by the Supreme Court of the United States on appeal or writ of error, in the same manner, under the same regulations, and by the same procedure, as far as applicable, as the final judgments and decrees of the circuit courts of the United States.

This section shall also apply to cases of such character now pending.

Mr. TONGUE. Mr. Chairman, two or three weeks ago the State of Oregon went Republican at the election and gave some an increased Republican majority, in fact, most of the State ticket. Nevertheless, a Democratic governor was elected. Some question has arisen as to how far this might indicate that the people of that State were not in favor of the policy of this bill and the policy of retaining the Philippine Islands. The platforms of the two parties were quite opposite. The platform of the Republican party upon that subject was as follows:

The events of the late war with Spain carried us into the Philippine Islands. We hold it to be consistent with the principles of liberty and of our national life that the sovereignty of the United States should be maintained in the islands under such local self-government as the people may be or may become fitted to participate in. We therefore declare against all proposals looking to the retirement of the United States from the Philippine Islands.

The platform of the Democratic party was equally explicit. It is as follows:

We believe that the true policy is to prepare the people of those islands for self-government as speedily as possible and when so prepared to grant them their independence, retaining such coaling stations and ports as may be necessary to protect those islands from foreign interference and to maintain our trade relations in the Orient.

Now, the election of a Democratic governor on that platform might look like a declaration in favor of the independence of the Philippine Islands. The increased majority, however, in favor of the Congressional candidate who occupied a different attitude would seem to be contradictory to that. I have, however, a statement of the attitude of the Democratic governor on that question. It is taken from the Pendleton East Oregonian, a Democratic paper, one of the leading papers in the State, and it is copied with approval in the Daily Journal, published at Salem, a paper usually independent, but which was a very strong advocate of the election of the Democratic governor. It is published in large capitals, and I will read it as it is contained in that paper:

[Pendleton East Oregonian, Democrat.]

MR. CHAMBERLAIN'S PHILIPPINE VIEWS.

Much has been said regarding the views of George Chamberlain on the subject of the Philippines and expansion. He has explained his position upon fifty platforms of Oregon and has made them explicit. He is an expansionist. He believes in the retention of the Philippines. He recognizes the validity of the title of the United States to the archipelago. He holds that the American nation can not shirk the responsibility of assuring the Filipinos a happy and fortunate future. He believes that those people should be educated as rapidly as possible to the highest possible level of intelligence and civilization. And that if they shall at some time in the future demonstrate their ability so to do, they should be permitted to have such self-government as will be consistent with circumstances existing at the time.

Reading that, Mr. Chairman, I am not able to discover much difference between that and the Republican attitude toward the Philippine Islands. I think it is safe to say that Mr. Chamberlain could not have been elected in the State of Oregon, even by the very narrow plurality of 250 votes, except for some such declaration as that.

Mr. BARTLETT. Is it not a fact that the Republicans in Oregon nominated a renegade Democrat for their candidate for governor, and that that was one reason why he was defeated?

Mr. TONGUE. Mr. Chairman, the Republicans of Oregon nominated a Democrat who stood with the gentleman from Georgia [Mr. BARTLETT] and his associates some six years ago; but when the Democratic party renegaded from every principle it had ever professed during its whole history, he renegaded from that.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTLETT. Mr. Chairman, I do not know what were the principles professed by the gentleman who was defeated for governor of Oregon, but I know that, so far as I am concerned, I and the people whom I represent still adhere and cling to the principles of Democracy that we always have adhered to.

Mr. TONGUE. As exemplified by Grover Cleveland?

Mr. BARTLETT. No, sir; we cling to the principles that we have always clung to. Mr. Cleveland exemplified Republican principles, and that is the reason that we did not stick to him. He deserted us and went over to the Republican party.

Mr. TONGUE. Now, will the gentleman from Georgia yield to me for one question?

Mr. BARTLETT. Oh, yes.

Mr. TONGUE. Did Mr. Cleveland during his Administration as President the last time enforce a single doctrine that he had not publicly and repeatedly advocated prior to his second election as President, and particularly on the financial question?

Mr. BARTLETT. Mr. Cleveland may not have, when he took the Executive chair on the last occasion, changed the opinions on the financial question that he had adhered to and expressed prior to that; but he did desert the platform upon which he was elected and to which he should have adhered in all honesty, as every man elected on a platform should do.

Mr. COOPER of Wisconsin. I desire to give notice that hereafter I shall raise the point of order against any discussion of this character while amendments are pending.

Mr. BARTLETT. The gentleman from Oregon started it.

Mr. COOPER of Wisconsin. Of course I shall not enforce the rule until one gentleman on that side has had an opportunity to speak for five minutes on the same line.

Mr. BARTLETT. The gentleman from Wisconsin will recognize the fact that I did not violate the rule; that it was done by a gentleman on his side.

Mr. COOPER of Wisconsin. I am not charging the gentleman from Georgia with any violation of the rule.

Mr. CLARK. I should like to make a suggestion to my friend from Wisconsin; that is, that he will not gain any time by undertaking to cut everybody off. I want ten minutes here myself after a while, and I think I am entitled to it.

Mr. BARTLETT. I send an amendment to the Clerk's desk and ask to have it read.

The CHAIRMAN. The Clerk will report the amendment proposed by the gentleman from Georgia.

The Clerk read as follows:

Amend, on page 62, by inserting in line 16, after the word "of," the words "the Constitution of the United States."

Mr. BARTLETT. Mr. Chairman, that will make the section read as amended:

SEC. 6. That appeals may be taken from final judgments and decrees of the supreme court of the Philippine Islands to the Supreme Court of the United States in the following cases:

First. In all cases involving the construction of the Constitution of the United States, a treaty, or a statute of the United States.

I would like to ask the gentleman from Wisconsin if he has any objection to this provision, that appeals may be taken from the supreme court in the Philippine Archipelago to the Supreme Court of the United States on all questions involving the construction of the Constitution of the United States, as well as the construction of treaties and statutes of the United States? That is the purport of this amendment. Do I understand the gentleman from Wisconsin to say that that is objectionable?

Mr. COOPER of Wisconsin. I have no objection to that amendment.

The amendment was agreed to.

The Clerk read section 7.

Mr. HILL. I now offer an amendment, Mr. Chairman.

Mr. COOPER of Wisconsin. I have a committee amendment which I desire to offer.

The CHAIRMAN. The committee amendment has precedence.

Mr. COOPER of Wisconsin. The gentleman from Indiana will offer the committee amendment.

The CHAIRMAN. Will the gentleman send the amendment to the desk?

The amendment was read, as follows:

Strike out the words "the" and "other" and the letter "s" from the word "Moros," in line 19, and the word "non-Christian," in line 20 of page 63, and insert at the end of line 19 the word "pagan."

Mr. CRUMPACKER. The amendment is to strike out the word "the," in line 19, and the letter "s" in the word "Moros," and the word "other," in that line, and the word "non-Christian," in line 20, so as to make that provision read: "not inhabited by the Moro or pagan tribes," instead of the "Moros or other non-Christian tribes."

Mr. JONES of Virginia. What page is the gentleman reading?

Mr. CRUMPACKER. Page 63. This is simply a change in the phraseology. It is a more apt and proper designation of the limitations of the bill. It characterizes the territory that is to be excluded as the Moro territory or pagan tribes, instead of Moro and other non-Christian tribes. It simply eliminates the word "non-Christian," which seems to be objectionable to some gentlemen.

Mr. JONES of Virginia. To meet the objection made by the gentleman from New Jersey last evening?

The CHAIRMAN. The question is on the adoption of the amendment.

Mr. ROBINSON of Indiana. Mr. Chairman, I move to strike out the last word of the amendment.

The CHAIRMAN. That motion is not in order.

The question was taken; and the amendment was agreed to.

Mr. CRUMPACKER. I have another amendment that I send up.

The Clerk read as follows:

Strike out the words "the" and "other" and the letter "s" from the word "Moros," in line 19, and the word "non-Christian," in line 20 of page 63, and insert at the end of line 19 the word "pagan."

The CHAIRMAN. It seems that amendment which was reported and agreed to is such an amendment as the gentleman did not intend. The committee has adopted the amendment. The gentleman asks unanimous consent that the action of the committee in adopting the amendment be rescinded. Is there objection? [After a pause.] The Chair hears none.

The Clerk will now report the amendment numbered 2; we have adopted amendment numbered 1.

Mr. CRUMPACKER. We have adopted amendment numbered 2.

The CHAIRMAN. The committee has rescinded that adoption, and no amendment has been adopted.

The Clerk read as follows:

Strike out the words "the" and "other" and the letter "s" from the word "Moros," in line 19, and the word "non-Christian," in line 20 of page 63, and insert at the end of line 19 the word "pagan."

The CHAIRMAN. This is amendment numbered 2. The Chair understands the gentleman desires it to be numbered 1.

Mr. CRUMPACKER. This is the amendment that I propose at this time.

The question was taken; and the amendment was agreed to.

Mr. CLARK. Mr. Chairman, I would like to ask the gentleman from Indiana a question about this section 7 in line 10:

And a condition of general and complete peace shall have been established.

Now, I would like to ask the gentleman this: Suppose a condition of affairs should arise in one of the Philippine Islands like that which is now in the State of Rhode Island, where it is necessary to have troops to squelch a local disturbance, as the authorities think. Would that be considered as being "complete peace" or not?

Mr. CRUMPACKER. The question is left to the discretion of the Philippine Commission, and they are to be the judge of what the condition of affairs down there shall be.

Mr. CLARK. Another question based on that. Do you believe that with 1,500 or 2,000 islands over there and 6,000,000 people, a great many of them half civilized, there will ever come a time of general and complete peace unless they are all killed?

Mr. CRUMPACKER. I hope there will; I think there is substantial peace there now. Now, I ask for action on the other amendment, Mr. Chairman.

The Clerk read as follows:

Strike out the word "Moros," in line 4, page 64, and "or other non-Christian," in line 5, same page, and insert in place thereof the words "Moro or Pagan."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. CRUMPACKER. I offer another amendment.

The Clerk read as follows:

Strike out all after the word "shall," in line 24, page 63, and all of line 25 of said page and all of line 1 of page 64 and the word "Christian," in line 2, page 64, and insert "cause a census of the population of such other subjects as he may deem desirable to be taken, under the supervision of the Director of the Census, of the several political subdivisions."

So that it will read:

Shall cause a census of the population and such other subjects as he may deem advisable to be taken of the several political subdivisions of said islands under the supervision of the Director of the Census.

The committee amendment was agreed to.

Mr. HILL. Mr. Chairman, I now send up the following amendment, which I ask the Clerk to read.

The Clerk read as follows:

Amend by inserting on page 64, at the end of line 21, "*Provided*, That the election of the Philippine assembly shall not be ordered until the census as herein specified has first been taken and shall have shown a total number of qualified electors of the said provinces to be at least 5 per cent of the total population thereof."

Mr. HILL. Mr. Chairman, I am unqualifiedly opposed to a general assembly being chosen under the terms of this bill in the Philippine Islands, but if I am to vote for it upon the recommendation of the committee, it does seem to me that there should be some stipulation as to the conditions under which the general assembly shall be called. I have offered this amendment, that before that general assembly shall be called a census shall be taken, as provided in the bill, and shall show a qualified electorate in the islands of at least 5 per cent of the total population.

My reason for doing that is this. I know that in certain districts the civil government has already been instituted which must in the very nature of things, be a farce either from their standpoint, or from ours. I know of one community in a popu-

lation of 5,000 people in which one of the military governors was called upon to introduce civil government. Under any and all of the qualifications for voters in that community, only 28 people could be found who could qualify as voters, and yet civil government was instituted. It seems to me that the percentage I have fixed is right, but if the rate fixed is too large, it can be cut down to some point, but it should be fixed before the civil government is instituted and a crime against civilization perpetrated by putting a civil government on a people who are incapable of exercising it or administering it.

Mr. Chairman, the people in the Philippine Islands are just what three hundred years of tyranny and despotic government have made them. The duty rests upon us to educate, to train, and to fit these people for self-government; and it seems to me—and I speak in all good conscience to the committee—from personal observation, that the wisest thing we could do would be to maintain the insular commission as we have it to-day, and give self-government to municipalities only.

Mr. TAWNEY. I want to ask the gentleman a question. Does he not think that one of the best ways to educate these people in the matter of civil government is to give them an opportunity to participate in the governmental affairs of the island?

Mr. HILL. I will answer his question by asking him another, Yankee fashion. Do you not think it wise that there should be a foundation on which to work, and that there should be somebody who could apply the rule?

Mr. TAWNEY. I do, and this bill expressly provides for the foundation. It also throws around the legislative assembly and their authority such limitations as make it absolutely impossible for them to abuse the privilege given them in this bill.

Mr. HILL. I am in favor of making the limit for two or three reasons. In the first place, I want a Philippine bill. The Senate of the United States has passed a bill providing for no civil government. I believe if some stipulation is made here which they can accept, which we can compromise on, we can have a bill with some form of civil government. I do not believe they will absolutely recede from the position of their bill and come to a civil government at the discretion of Governor Taft. He urged it as strongly before the Senate committee as he did before the committee of the House, and it seems to me that here is a proposition upon which the two bodies can unite. If the percentage is too large, reduce it. You can cut it down to 3 per cent or 2 per cent or 1 per cent if you want to. What is the ratio in this country? Probably 20 or 25 per cent of the population. We do not want a civil government established there with only a few voters from Manila in it. It seems to me that anything less than 5 per cent would be too small. It seems to me that to force a civil government upon them with anything less than that would be worse than to govern them wholly without it.

Mr. COOPER of Wisconsin. In reply to what the gentleman from Connecticut [Mr. HILL] has said, I desire to call attention to the contradiction in his argument and also to the contradiction contained in the arguments of others who have objected to this proposition. They one and all assert that they are in favor of civil government in the islands; but they propose to continue absolute military power. We are talking about civil government for the archipelago; and they propose, not to have civil government, but to continue arbitrary military government. Asserting their love for a civil government, they fight against it and endeavor to defeat the attempt to establish it, notwithstanding the fact that the initial suggestion in this direction was that of President McKinley in his dispatch, which I read the other day, to the Philippine Commission, dated May 5, 1899:

You are authorized to propose that under the military power of the President, pending action of Congress, government of the Philippine Islands shall consist of a governor-general appointed by the President; cabinet appointed by the governor-general; a general advisory council elected by the people. The qualifications of electors to be carefully considered and determined, and the governor-general to have absolute veto, etc.

Notwithstanding the other fact also, that the Schurman Civil Commission recommended an elective lower house for the Philippines, and the still further fact, that after due examination and consideration of the circumstances and conditions in the Philippines, the Taft Commission earnestly made the same recommendation. The Schurman Commission, evidently anticipating such objections as the gentleman from Connecticut urges, say in their report:

The educated Filipinos—

The gentleman, by the way, has just intimated that there are only a few such and all of them in Manila—

The educated Filipinos, though constituting a minority, are far more numerous than is generally supposed and are scattered all over the archipelago; and the Commission desires to bear the strongest testimony to the high range of their intelligence, and not only to their intellectual training, but also to their social refinement, as well as to the grace and charm of their personal character. These educated Filipinos, in a word, are the equals of the men one meets in similar vocations—law, medicine, business, etc.—in Europe or America. It is scarcely an exaggeration to say that these picked Filipinos will be of infinite value to the United States in the work of establishing and maintaining civil government throughout the archipelago.

As leaders of the people they must be the chief agents in securing their people's loyal obedience to the new government, to which, therefore, the dictates of policy, as well as plain common sense and justice, require us to secure their own cordial attachment. And it has been a leading motive with the Commission in devising a form of government for the Philippines to frame one which, to the utmost extent possible, shall satisfy the views and aspirations of educated Filipinos. They believe that the territorial system herein set forth will accomplish that object, and this is a fifth and most important reason for their conviction that the administration of the government will, in the proper hands, not be attended with insuperable or even extraordinary difficulties.

We have the opinion of President McKinley; we have the opinion of the Schurman Commission, not a tentative opinion, but one earnestly set forth in their report and subsequently indorsed in vigorous language in the report of the Taft Commission, and indorsed also by the individual members of the Taft Commission, who have repeatedly written within the last six months urging that that recommendation be adopted by Congress. Moreover, Governor Taft, an eminent lawyer, an eminent judge, a man of tact and sound judgment, says that it would be a calamity to send him back without this provision enacted into law.

Yet, in the opinion of the gentleman from Connecticut [Mr. HILL], because in some places in that archipelago there are not as many educated people as he would like to see there, or as he thinks ought to be there, therefore the recommendation of President McKinley, the recommendation of the Schurman Commission, the recommendation of the Taft Commission, and the personal recommendation of the president of the Commission over and over again made are to be disregarded, and we are not only to refuse to give them (the Filipinos) any participation in the central government, but, more than that, to adopt the Senate bill, which does not hold out even so much as a promise, or hint, or suggestion that the Filipinos shall ever be allowed a voice in their central government.

[Here the hammer fell.]

Mr. COCHRAN. Mr. Chairman, I rise to debate the pending amendment.

The CHAIRMAN. Debate is exhausted under the rules.

Mr. COCHRAN. I move to strike out the last word.

The CHAIRMAN. The motion is not permissible under the rule.

Mr. COCHRAN. I call attention to the fact that up to this time no member on this side has spoken on this proposition.

The CHAIRMAN. A gentleman on the right of the Chair proposed an amendment in opposition to the committee. The Chair thought it was then fair to recognize the chairman of the committee to oppose that amendment under the rule. Debate is now exhausted except by unanimous consent.

Mr. WILLIAMS of Illinois. I ask unanimous consent that the gentleman from Missouri [Mr. COCHRAN] be allowed the ten minutes for debate.

There was no objection.

Mr. COCHRAN. Mr. Chairman, this section of the bill raises the whole question that has been under discussion here for the past four or five days—what shall be the ultimate fate of the Philippines? What is to be the future of the people for whom we are providing a form of government, and whose lands we are about to hand over to the speculators and corporations?

In the course of this discussion much that is relevant to this question and a great deal more that is wholly irrelevant has found a place in the CONGRESSIONAL RECORD.

It has been said that the Army has been abused. This is not true; but were it admitted, what has that to do with the question concerning which political parties in this country are not in accord? How could it affect the merits of a measure for the government of the 10,000,000 people with whose fate we are dealing? What light does this silly accusation against members of this body throw upon the great problem we are about to settle?

It has been said that political parties forty years ago adopted platforms distasteful to the chairman of the Committee on Insular Affairs. What has that to do with the question before the House? The platforms cited were adopted by political parties when he and I were minors—when I was 16 years of age and I presume he was no older.

When he concluded to make these 40-year-old party platforms a part of his speech in defense of this measure, did he think he would thereby enlighten this body or his countrymen as to its merits? By stirring the embers of a conflict of forty years ago and endeavoring to excite the rancor of a period of civil war between which and us a generation lies, did he expect to help the unfortunate Filipino? It discredits the advocates of a measure when they must thus resort to recrimination, appeal to the passions of the civil-war period, and seek to stir up contentions over issues long since dead and forgotten.

It is said that certain implied obligations were imposed upon us by the Paris treaty. For the purposes of this discussion, suppose this to be true. Suppose all the great commercial interests

at stake in the city of Manila were remanded to our custody and protection and that we could not at the end of the war leave the islands to their fate and were bound to stay there, as we have, this has nothing to do with the question which comes back to us again and again. Certainly no implied obligation to remain forever the sovereign power in the Philippines arose merely because Dewey's fleet vanquished the Spanish squadron in Manila Bay. What is to be the ultimate fate of the Philippine islanders?

Are the people of the Philippine Islands to be held forever in vassalage by the United States, or are they to be allowed to govern their own country? This is the question at issue.

One extraordinary performance characterized the discussion of this bill. A speech of an hour's duration was made by the distinguished gentleman from Indiana [Mr. LANDIS] which, from beginning to end, was vociferously applauded by the gentlemen on the other side of this Chamber. Read that speeech and find in it, if you can, a word that refers to this question:

What are you going to do with the Philippine Islanders? Are you going to assert American sovereignty perpetually over their country?

The argument of the gentleman from Connecticut [Mr. HILL] against giving them even the poor right to choose their own lawmakers is that they are just what you would expect to find a people at the end of three hundred years of oppression. This is declaring that the fact that Spain oppressed them with alien control for three hundred years is a fair pretext for depriving them perpetually of liberty and independence. Is this to be accepted as a statement of the Republican position?

Accusations, recriminations, ultra professions of loyalty—these will not be accepted as a defense of the policy of imperialism. Tribute to the flag, praise of the patriotism of the Army, recitations of the glory of the victories won by Dewey and Schley—not all the oratory in the repertoire of the Republican spellbinders will ever convince the American people that we are justifiable in drawing a dead line against the hopes and aspirations of 10,000,000 of people whose only crime is a desire for the independence of their country.

In order to defend the policy adopted by the McKinley Administration and persevered in down to this time, it has been found necessary for almost every Republican who has addressed either House of Congress to deliberately misstate and falsify the facts of history and slander and malign the country and people against whose rights our hands have been raised.

It has been repeatedly and repeatedly said on this floor that the Philippine Islanders are absolutely incapable of self-government. And yet the truth is that during the period of the Spanish occupation in the interior of the islands domestic and municipal control was in the hands of the natives, and was never undertaken by Spain.

Furthermore, domestic and municipal control in the Philippine Islands was essentially democratic, and all books of travel dealing with the Philippines, written prior to our occupation, bear testimony to the fact that the Filipino is a law-abiding, orderly, good citizen, and that peace and order and domestic felicity characterized their daily life, even during the turbulent periods of insurrection against Spain.

What higher testimonial could be borne to the character and capacity of a people, although illiterate, than that borne by Dean Worcester to the personal peculiarities of the people of the Philippine Islands?

Mr. TAWNEY. If the gentleman will allow me, is he talking for or against this amendment? Is he in favor of or against the legislative provision in this bill?

Mr. COCHRAN. Is that your question?

Mr. TAWNEY. Yes.

Mr. COCHRAN. I will treat it with that silence which its insignificance deserves.

Mr. TAWNEY. It is not as insignificant as the remarks of the gentleman.

Mr. COCHRAN. I do not expect to descend to the level of the gentleman's comprehension. Dean Worcester says of the Philippine Islander that he is the most self-contained, patient, law-abiding creature under oppression in the world; but that when he does react and revolt he is the bravest of the brave. And every line of literature printed prior to the beginning of the crusade of the United States in the Philippine Islands, I care not by whom written, whether by American, Englishman, Spaniard, or Frenchman, bears testimony to the same effect.

Under this bill the Filipinos are to have a legislature of their own choosing, but it provides that the Moros or pagans or non-Christians, as you term them, shall be excluded. What does that teach you?

Mr. TAWNEY. If the gentleman will permit me, they are not excluded from the provisions of this bill. The gentleman has not read the bill, that is all.

Mr. COCHRAN. From the electorate.

Mr. TAWNEY. From the electorate, yes; but not from the provisions of the bill.

Mr. COCHRAN. I am thankful to the gentleman. He has finally placed me under obligations by correcting a verbal inaccuracy. They are excluded from the electorate. Well, we may seek to evade it, but in the long run we will be compelled to follow the example of all successful colonizing powers. We must finally adopt the only policy by which colonizing powers have ever succeeded. We must recognize the domestic institutions, and must even recognize the domestic vices that are ingrained. We can not go on turning up our noses at the Moros.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COCHRAN. I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. LACEY. Mr. Chairman, I should like to ask the gentleman a question before he proceeds. On last night——

Mr. COCHRAN. I decline to yield. I have no time to devote to last night's debate.

Mr. LACEY. I do not wonder that the gentleman declines to yield.

Mr. COCHRAN. When I have concluded my five minutes I will ask an extension of time so that you can ask any question you please, and if that extension is granted I will yield.

Mr. LACEY. I do not wonder that the gentleman declines. I give notice that I will insert in the RECORD the things which the gentleman denied last night. I will prove them from the records. I was going to read them to him now.

Mr. COCHRAN. In Russia, a country that has felt at liberty within thirty years to take up the sword in what was called strictly Christian warfare—warfare for the sake of Christianity—the Czar recognizes Mohammedanism, a plurality of wives, and everything incidental to Mohammedan civilization. In India no domestic or traditional institution of the ancient Empire has been interfered with. Among the most obedient of all the Indian subjects of Great Britain in India are classes whose institutions would not be tolerated for a moment inside the boundaries of Great Britain or in her English-speaking colonies.

Get rid of the notion that you can Americanize the Philippine Islands. You speak of establishing there a good government. Would your government be a good government for France? No. Could you establish it in Italy? No. Would they receive it in Spain? No. According to the creed of the Republicans in this Chamber, therefore, every one of those countries must forever forego any attempt to establish a republican government.

Must institutions sounding in your beliefs, reflecting the peculiar features of your Government, or no republican institutions whatever, be adopted by all countries that essay the establishment of republics? Your Government is an evolution. Your republican federative system is the result of the law of necessity which, in the formative period of the colonies, remanded all local concerns to neighborhood control.

The town meeting was not thought out in a philosophical way, and yet it is the integer in a system which minimizes the interference of central power and remands to neighborhoods control of their own domestic affairs. A careful study of the demands of the Philippine Islands will satisfy any man, I care not who he may be, that the system of municipal government in the Philippine Islands was evolved from similar conditions, and, from the dawn of civilization there, has worked in much the same manner in that archipelago.

This is evidenced by the fact that after three years' war between the insurgent forces and the Spaniards, after the surrender of the Spaniards, who, meantime, had been driven from all parts of Luzon, when peace was declared in the Philippine Islands, what happened? Good order was immediately established all over Luzon.

If these people are such as you describe this could not have occurred. Instead of peace you would have found chaos. The demoralization of war was calculated to produce anarchy and chaos, and yet a few days after the surrender of Manila, a lieutenant of the Army or a cadet of the Navy traversed the island of Luzon from one end to the other, and in an official report to the Government, which has become a Government document, reported that all through Luzon peace and good order prevailed; that everywhere municipal law was being enforced; that the people were happy and at work, and persons and property were safe.

Why was it? Because the democratic municipal tribunals resumed their places, just as it would be done in this country today if an invading army of occupation took its departure from one of the American States. Then sheriffs, judges, town councils, and mayors would resume their official functions, and peace and good order would ensue.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COCHRAN. Now, I ask unanimous consent to proceed for five minutes to give my distinguished friend from Iowa an inning.

The CHAIRMAN. The gentleman asks unanimous consent that he may proceed for five minutes more. Is there objection?

A MEMBER. I object.

The CHAIRMAN. Objection is made.

Mr. COCHRAN. I hope the gentleman will get a chance and I hope that he will get it some time when I am in the Hall.

Mr. HILL. Mr. Chairman, I would like two or three minutes to call attention to some few words in this section.

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. HILL. I want the committee to overlook the fact that we are a partisan body making partisan legislation, and consider the proposition before it as patriotic citizens of the United States of America. On page 63 I want you to consider that language. There is pending now an amendment that prior to the calling of the general assembly a census shall be taken, and at least 5 per cent of the population shall be found to be qualified voters, qualified under all the restrictions which the committee themselves prescribe. Now, then, if that is not done, I want you to see just what you are doing. On page 63 the language is that the condition precedent to the calling of a general election or assembly is "peace," regardless of condition.

Mr. TAWNEY. I beg the gentleman's pardon. We have adopted an amendment expressly providing that the President shall first be satisfied of the fact, and a census must be had.

Mr. HILL. About what fact? Only the fact of peace. That is all.

Mr. TAWNEY (continuing). And then he must direct the taking of a census——

Mr. HILL. I object to my time being taken by the gentleman. He took half of it before.

Mr. TAWNEY. I object to the gentleman misrepresenting the provisions of the bill.

The CHAIRMAN. The gentleman declines to yield.

Mr. TAWNEY. The language of the bill is this——

The CHAIRMAN. The gentleman from Minnesota is out of order.

Mr. HILL. The minority have few enough rights as it is without having those that they have taken away from them by members of the committee. I want, however, to call attention to the language of this bill, which is as follows:

That whenever the existing insurrection in the Philippine Islands shall have ceased and a condition of general and complete peace shall have been established therein and the fact shall have been certified to the President by the Commission, the President, upon being satisfied thereof—

Not of anything else; not of the conditions which obtain; not whether there are enough there to form an excuse for self-government; not whether there is enough to have self-government at all, but simply that peace has been established, and then on that fact being certified to the President, he shall authorize the Commission to call, and the Commission shall call, a general election. Now, gentlemen——

Mr. HAMILTON. Does the gentleman take into consideration the fact that this territory covered by the taking of the census has already been organized into municipalities?

Mr. HILL. I understand that, and went through them.

Mr. HAMILTON. And the people at those places are now voting?

Mr. HILL. Certainly. Then why do you oppose 5 per cent—that an electorate of 5 per cent shall be qualified electors before you call the general assembly?

Mr. HAMILTON. We think the bill is in good form as it is.

Mr. COOPER of Wisconsin. It does not make any difference, under the theory in which this provision is proposed to be enacted, whether there are fifty or a thousand voters in the province. These 50 ought to be educated and the people ought to be educated up to the duty of electing a man to go to the government in Manila and learn civil administration.

Mr. HILL. I want the members to vote clearly understanding what they are voting for. Here is a provision providing for a general assembly and the election of two Delegates to this Congress, possibly from a population which can not furnish 1 per cent of qualified electors under the terms which the committee themselves have prescribed, and the amendment which I have offered simply asks that you shall have 5 per cent of your population qualified to vote before you do this thing. Now, if you wish to vote for that kind of a proposition, here is your opportunity.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Connecticut.

The question was taken; and the amendment was rejected.

Mr. PARKER. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Strike out the word "now" in line 14, page 64, and insert the words "or may be;" so it will read "the qualification of electors in such election shall be the same as is or may be provided by law."

Mr. TAWNEY. We have already provided, if the gentleman will read the section. The qualification of electors in such election shall be the same as is now provided by law in case of municipal elections.

Mr. PARKER. Yes; but I strike out the word "now" and insert the words "or may be," so as to provide for future towns or special cases.

Mr. TAWNEY. "As may be." That leaves it to the legislature of the Philippine Islands hereafter to determine the qualification of voters. We expressly provide what the qualification of voters shall be, and that is for Congress to determine.

Mr. PARKER. Mr. Chairman, the object of this amendment is perfectly plain. This bill has been very carefully drawn, and we may thank the gentlemen who have drawn it, for it has been drawn so as to be elastic. It does not tie things up in most particulars that we do not understand. But at present there is an electoral provision made by the Commission for municipalities. We may find, however, that there are some provinces, tribes, and places differing from others that may have different institutions, and may need different provisions for the electorate, as we do in the different States. The present provision may turn out unworkable, and may have to be changed before the census. My idea was that experience will be the best guide, and that the qualifications of the electors should be those which may be established at the time this census was taken, after care has been taken in finding out what is needed and what is right.

Mr. TAWNEY. Mr. Chairman, this bill now provides that the qualifications of electors at such elections shall be the same as now provided by law in case of electors in municipal elections. That provision in this bill received the most careful consideration on the part of the committee at the time of its preparation, and I wish to state to the Committee of the Whole what the provision of the law now is respecting the qualification of electors.

On the 31st of January, 1901, the Philippine Commission enacted a general law for the election of municipal officers in the several municipalities in the Philippine Islands. In that act (chapter 2, section 6) we find that the electors charged with the duty of choosing elective municipal officers shall be male persons 23 years of age or over, who have had legal residence in the municipality in which they exercise the right of suffrage for a period of six months preceding the election, and are not citizens subject to any foreign power, and who are comprised in one of three classes.

Now, Mr. Chairman, the purpose of this is to fix definitely and permanently the qualifications of those who are to choose elective officers of the islands. The proposed amendment offered by the gentleman from New Jersey is to leave the question of the future qualification of electors to the people of the legislative assembly in the Philippine Islands.

Mr. PARKER. No; to leave it to the Commission. There is no legislative assembly until one is established, and this will leave it to the Commission.

Mr. TAWNEY. The Commission might change it and the legislative assembly hereafter might change it; and this is something that, in my judgment and in the judgment of the committee, is absolutely essential that it should be permanent and fixed by a law of Congress not subject to change by a legislative assembly or by the officers of the Government itself.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey.

The question was taken; and the amendment was rejected.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 8. That at the same time with the first election of members of the Philippine assembly, and biennially thereafter, there shall be chosen by the qualified voters of that part of the Philippine Islands not inhabited by Moros or other non-Christian tribes two resident commissioners to the United States, who shall be entitled to an official recognition as such by all departments upon presentation to the President of a certificate of election by the civil governor of said islands, and the privilege of the floor of each House of Congress, and each of whom shall be entitled to a salary payable monthly by the United States at the rate of $5,000 per annum, and $2,000 additional to cover all expenses: *Provided*, That no person shall be eligible to such election who is not a qualified elector of said islands, owing allegiance to the United States, and who is not 30 years of age. At the time of dividing the territory of said islands not inhabited by Moros or other non-Christian tribes into assembly districts the Philippine Commission shall divide the said territory into two grand districts for the election of commissioners to the United States, making the population of the said two grand districts equal so far as a due regard for the convenience of the people and the divisions of the territory among the different islands, provinces, and tribes permits. One of the said two resident commissioners shall be elected by the voters of each of said grand districts. Within ninety days after the passage of this act the Philippine Commission shall appoint two temporary commissioners who shall have the same qualifications, duties, and powers as those commissioners for whose election provision is hereinbefore made and who and whose successors shall serve until the election, qualification, and presentation of the proper certificate to the President of commissioners duly elected

Mr. CRUMPACKER. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Strike out the words "Moros or other non-Christians," in lines 4 and 5, on page 64, and wherever it appears in the section, and insert "Moros or pagans."

Mr. TAWNEY. Mr. Chairman, I would suggest that this is a mere change in phraseology, and the Clerk be authorized to make the same change wherever it appears in the bill.

Mr. CRUMPACKER. I think this is the only section in which it appears that has not been amended, and this amendment covers it all.

The question was considered; and the amendment was agreed to.

Mr. HAMILTON. Mr. Chairman, I only wish (perhaps I ought to ask unanimous consent for the purpose) to supplement what the chairman of the committee has said with reference to the necessity for a Philippine assembly by reading from an article by Governor Taft in a late number of the Outlook. He says:

We of the Commission are very earnest and sincere in our hope that at least the provision for the election of the legislative assembly and of the two delegates contained in the House bill shall be embodied in legislation. We think that the Filipino people would accept this provision as the most indubitable evidence of the desire of the United States that self-government should be given to the people in as large a measure as they are capable of carrying it on.

He says, further:

A provision of this kind would detroy at once the suspicions of American good faith, and would largely satisfy the desire for self-government of all but the comparatively few irreconcilables. A popular assembly would be a great educational school for the better class of Filipinos in actual government. The weakness of the educated Filipinos to-day is in their lack of practical knowledge as to how a popular government ought to be run. They always resort to absolutism in practical problems of government.

Further, he says:

Should the legislative assembly feature, which the Federal party has petitioned for—

Referring to the Federal party of the Philippine Islands—

which the Commission has recommended, and which the committee of the House has recommended, be eliminated, it will cause very serious disappointment to the Filipino people.

Mr. GIBSON. Mr. Chairman, I offer the amendment which I send to the desk.

The Clerk read as follows:

Insert in line 3, page 67, after the word "powers," the words "and shall receive the same salary and allowance for expenses."

Mr. GIBSON. I offer this amendment because I do not discover in this bill any provision for the payment of the salary and allowances of these temporary commissioners.

Mr. CRUMPACKER. There is such provision. If the gentleman will turn to lines 10, 11, and 12 on page 66 he will find this language:

Each of whom shall be entitled to a salary payable monthly by the United States at the rate of $5,000 per annum, and $2,000 additional to cover all expenses.

Mr. GIBSON. That refers to the regular commissioners, not the temporary commissioners; nothing is said about those. My amendment puts the temporary commissioners on the same basis, so far as salary and allowances are concerned, as the regular commissioners.

Mr. CRUMPACKER. We supposed that language applied to both commissions.

Mr. COOPER of Wisconsin. I accept the amendment.

The question being taken, the amendment was agreed to.

Mr. POU. Mr. Chairman, I shall trespass upon the time of the House for a few moments only. The charge has been made that the party to which I belong and the section from which I come have in this debate attacked the Army of the United States. We who have heard this great debate know how utterly unfounded this charge is; and I believe that the people of the country know that the charge is without foundation. Mr. Chairman, I am a Southern man, proud of my section and proud of its people, but I declare to you and to the world that the people of the South are, first of all, Americans. We contemplate the part our ancestors took in achieving the independence of this Republic with great pride. We are proud of our record in every war this country has ever waged. We are hopeful of our country's future. We are as loyal to the Army, as loyal to the flag, as loyal to the Union as any people can be.

The United States Army, Mr. Chairman, is not a Republican army; it is not a Democratic army. It is the American Army. Our flag is not a Democratic flag, nor a Republican flag. It is the American flag, and the South stands ready at any moment to offer up the flower of its young manhood whenever the flag or the honor of the Republic is assailed. Now, let us see for a moment what has been our record in the past.

In the Revolutionary war there were enlisted, from first to last, 394,302 men. The South furnished 142,095 of the soldiers of that immortal army—more than 35 per cent.

In the war of 1812 there were enlisted 471,622 men, of whom 246,663 (more than 50 per cent) were furnished by the South.

But, Mr. Chairman, listen at these figures: In the Mexican war the volunteer army numbered 73,776, of whom 47,649 were furnished by the Southern States, together with the State of Missouri. What a record! The Southern States—Democratic States—furnished more than 64 per cent of the army which fought the battles of our country in that war.

In the Spanish-American war lately ended the total enlistment was 230,881. The South was ready to furnish every man it was allowed to furnish, and several States offered troops which the Government could not accept. Our men numbered 60,479, more than 25 per cent of the entire enlistment. I know in my own town a young captain who raised a company of brave men and tendered them to his country, but owing to the fact that my State had furnished its full allotment the company this young man raised could not find a place in the ranks of the Army.

The war for independence could not have been won but for the men of the South. You men of the North should not forget this. You owe your independence, you owe the liberty you enjoy to-day as much to the soldiers of the South as you do and as we do to the heroes of Concord and Lexington. When Republicans charge us with attacking the Army, you simply charge that we are attacking ourselves. We can not attack the Army, if we were so mean, without attacking our own flesh and blood. The charge is a vain, impotent defense. The Army does not stand for cruelty, treachery, and dishonor. We defend the brave, the true, the humane soldiers who refuse to do these things. You put yourselves in the position of defending the men who disgrace the Army. We are willing to appeal to the country on the issue thus raised.

Mr. Chairman, there are few names which spring unhidden as the history of the Spanish-American war passes through the mind.

Victor Blue, a North Carolina boy, was the soldier who, at the peril of his life, climbed the hills around Santiago and located the Spanish fleet. Richmond Hobson, an Alabama boy, faced Spanish bullets and sunk the *Merrimac*. Gen. Joseph Wheeler, a Confederate general, stubbornly refused to yield the ridge at San Juan Hill, and probably saved the day for American arms; and another Southern man, the hero of much suffering and persecution, struck the final blow which sunk the Spanish fleet and ended the war. We pour out our gratitude upon every man, whether from the North or the South, who fought for the honor of the flag. Palsied be the hand which would write one line, cloven be the tongue which would speak one word of injustice or abuse against the boys in blue who fight under the Stars and Stripes. [Applause.]

Mr. Chairman, just one word more. Go with me to the *Winslow's* shattered deck; go with me to San Juan's burning heights. What beautiful boy lies here? What fine proportioned officer in the uniform of a lieutenant of the American Army lies here? Speak, silent lips, and tell us which one of the sister States did yield thee up a sacrifice for thy country's honor. The silence of death has sealed thy lips, but the world shall know that the great State which in part I represent, in offering up Bagley and Shipp, was first at Santiago and first in the charge up San Juan Hill. [Prolonged applause.]

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Tennessee.

The question was taken, and the amendment agreed to.

The Clerk read as follows:

SEC. 9. That the legislative power of the government of the Philippine Islands shall extend to all rightful subjects of legislation not inconsistent with the provisions of this act.

Mr. ROBINSON of Indiana. Mr. Chairman, I move to strike out the last word. I take the floor for the purpose of making some inquiries with reference to a few clauses and sections immediately following the one just read and including it. I would like to ask the chairman of the Committee on Insular Affairs whether this legislation, either in its operation at once or in any future contingency, deals with the question of the Sultan of Jolo and his datos and people?

Mr. COOPER of Wisconsin. Mr. Chairman, it does not in specific terms, but it does by necessary implication.

Mr. ROBINSON of Indiana. Then I find in section 10 the following:

SEC. 10. That no law shall be enacted in said islands which shall deprive any person of life, liberty, or property without due process of law, or deny to any person therein the equal protection of the laws.

That no money shall be paid out of the treasury except in pursuance of an appropriation by law.

Does this bill that you are seeking to pass provide for the payment of the $10,000 of money that we pay to these people?

Mr. COOPER of Wisconsin. I will not be specific in my reply, but this does not provide for the payment of anything that we have already paid.

Mr. ROBINSON of Indiana. There are annual payments to be made under the agreement made by General Bates with the Sultan

of Jolo and his datos, and in connection with that I desire to read the third clause of that agreement, which is as follows:

The rights and dignities of His Highness the Sultan and his datos shall be fully respected; the Moros shall not be interfered with on account of their religion; all their religious customs shall be respected, and no one shall be persecuted on account of his religion.

Mr. COOPER of Wisconsin. I will say in reply to the gentleman from Indiana that I do not understand that General Bates, an officer of the American Army, has any power to draw a warrant on the treasury of the insular government.

Mr. ROBINSON of Indiana. But in the provisions of the bill you provide that certain laws shall be upheld by the powers that you clothe this legislature with, and one of the laws now existing in the Philippine Islands, and which is recognized and enforced by the agreement of General Bates, is that which I have just read. Now, section 10 of that agreement provides as follows:

Any slave in the archipelago of Jolo shall have the right to purchase freedom by paying to the master the usual market value.

Therefore, when we come to these sections of the bill that I have read, and then on page 69, lines 13 to 15, that neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist in said islands, and then further down at the foot of the page—

That no law shall be made respecting an establishment of religion or prohibiting the free exercise thereof, and that the free exercise and enjoyment of religious profession and worship, without discrimination of preference, shall forever be allowed—

I think it most pertinent to ask the chairman of the committee to answer as to whether the legislature under these powers granted shall have the right to abolish slavery in the Philippine Islands.

Mr. COOPER of Wisconsin. The agreement entered into by General Bates with the Sultan of Jolo is not a law of the insular government of the Philippines. President McKinley, moreover, as Commander in Chief of the Army and Navy, ratified that treaty substantially with the exception of the clause relating to slavery, and he expressly disapproved that. However, the Constitution of the United States in the thirteenth article is expressly prohibitory of slavery in any of the Territories of the United States or in any place subject to its jurisdiction. This provision in the bill was not at all necessary, but we have put it in to make assurance doubly sure, so to speak, or rather to make the bill of rights on its face a little more full; that is all. Article XIII of the Constitution of the United States abolishes slavery there, so far as the law can abolish it.

Mr. ROBINSON of Indiana. What is the operation of the gentleman's bill, then, clothing the Philippine legislature with these powers, and providing these general provisions for the rule of these people—what is the operation of the gentleman's bill with reference to polygamy, which confessedly exists there? Religious institutions are preserved; and is it provided that they shall remain intact under the Bates agreement?

Mr. COOPER of Wisconsin. Why, Mr. Chairman, we propose to exercise ordinary common sense in enacting legislation. We know that polygamy is an institution hundreds of years old there, and that it can not be abolished in a few days by statutory enactment any more than it could be among the Indians on our plains. That is to be a work of evolution. It must be a work of time and education and of influence to be brought to bear upon those people.

Mr. ROBINSON of Indiana. I thank the gentleman for his information that this bill does not deal with the question of polygamy or the question of slavery.

Mr. COOPER of Wisconsin. The gentleman's own quotation a moment ago contradicts his last assertion. He says the bill does not propose to deal with slavery. There is an express provision abolishing slavery, and the gentleman read it. That provision, however, is unnecessary, because the Constitution of the United States, Article XIII, abolishes it.

Mr. ROBINSON of Indiana. Then I understand the gentleman that after the passage of his bill it will be unlawful to have either polygamy or slavery in the Philippine Islands.

Mr. COOPER of Wisconsin. So far as slavery is concerned, it is unlawful now under the Constitution of the United States.

[Here the hammer fell.]

The Clerk read section 10.

Mr. PERKINS. I offer an amendment to section 10.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 69, lines 5 and 6, strike out "Congress of the United States," and insert "Philippine assembly."

Mr. PERKINS. Mr. Chairman, I have no desire to interfere with the committee, but I hope this amendment may be adopted. Under the provisions of the Constitution, it is necessary where any Government employee receives a present or decoration, however small, from a foreign government, that he must obtain the permission of Congress before he can accept it.

Now, this bill invests in the Philippine legislature the control over matters of the greatest importance, and properly so. The Philippine legislature touches upon the most important questions of legislation and finance. Yet if some clerk in some office in the Philippines receives the red ribbon of the Legion of Honor from the Government of France he must come 10,000 miles to the Congress of the United States to say whether in its wisdom that shall be allowed. It seems to me, Mr. Chairman, that this must have been left in the bill by the committee inadvertently, and certainly they can not regard these tuppenny bills with which we are disturbed, even in our own country, of such importance that this and this alone should be taken from the jurisdiction of the Philippine legislature and sent to the Congress of the United States at Washington to be passed upon. I hope this amendment will be adopted by the committee.

Mr. COOPER of Wisconsin. Mr. Chairman, the committee can not accept that. I know, and so do the other members of the Insular Committee, that the Philippine Commission do not want any such authority vested in them. They want it to come 10,000 miles, and they would be glad if it could come more miles than that.

Mr. PAYNE. Congress never delegated that power to a Territorial legislature.

Mr. COOPER of Wisconsin. No; Congress never delegated that power to a Territorial legislature.

Mr. PAYNE. And a State can not authorize it under the Constitution.

Mr. COOPER of Wisconsin. No; nor a Territory either.

Mr. PERKINS. But this is neither a State nor a Territory.

The amendment was rejected.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CAPRON having taken the chair as Speaker pro tempore, a message from the Senate announced that the Senate had passed without amendment a bill of the following title:

H. R. 12205. An act to provide for circuit and district courts of the United States at Valdosta, Ga.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8327) to amend an act entitled "An act for the protection of the lives of miners in the Territories."

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 3560) to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes," approved March 2, 1893, and amended April 1, 1896.

PHILIPPINE GOVERNMENT.

The committee resumed its session.

The Clerk read as follows:

CITIZENSHIP.

SEC. 11. That all inhabitants continuing to reside in the Philippine Islands who were Spanish subjects on the 11th day of April, in the year 1899, and then resided therein, and their children born subsequent thereto, shall be deemed and held to be citizens of said islands except such as shall have elected to preserve their allegiance to the Crown of Spain, in accordance with the provisions of the treaty of peace concluded between the United States and Spain on the 11th day of April, in the year 1899; and they, together with citizens of the United States who reside in said islands, shall constitute a body politic under the name of "The people of the Philippine Islands."

Mr. SMITH of Kentucky. Mr. Chairman, I think this is a somewhat remarkable provision relative to citizenship in the Philippine Islands. It will be observed that it makes all persons who were Spanish subjects in the islands at a certain time, and their children, citizens of those islands. It does not say whether they shall be citizens of the United States or not.

Mr. TAWNEY. A parliamentary inquiry. Is there an amendment pending?

The CHAIRMAN. The gentleman is speaking by unanimous consent.

Mr. SMITH of Kentucky. Mr. Chairman, I am going to ask unanimous consent to talk a little while. I have not had one word to say about this measure until now.

Mr. TAWNEY. I simply wanted to know whether there was an amendment pending.

Mr. SMITH of Kentucky. I desire to ask unanimous consent, and if anybody wants to object I shall not insist.

Mr. PAYNE. Will the gentleman say how much time?

Mr. SMITH of Kentucky. About ten minutes, I think.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that he may proceed for ten minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. SMITH of Kentucky. Now, Mr. Chairman, I take it that there were a great many people in the Philippine Islands on the

11th day of April, 1899, who were not Spanish subjects; and if so, neither they or their children will, under this provision, be held to be citizens of those islands. Another phase of this section is that it makes citizens of the United States residing in the Philippine Islands citizens of those islands. Now, this question, Mr. Chairman, of citizenship has been one of the troublesome phases about this entire Philippine question. Our Constitution provides that all "persons born or naturalized within the United States" shall be citizens of the United States.

Now, evidently, these people in the Philippine Islands were not born within the United States, and hence are not citizens under that clause of the Constitution. But that other clause, that says that all persons naturalized within the United States shall be citizens of the United States, makes this a very troublesome question with which the American people have to deal. The question of naturalization arises. Are the Filipinos citizens of the United States by naturalization? This is not only an intensely interesting but to us a vitally important inquiry, and one that must be answered in the near future.

This leads naturally to the inquiry as to what naturalization is and how it may be effected. The authorities touching these points are so thoroughly in accord that there is but little if anything to be gained by comment. Hence I shall be content with reading a few extracts. Vattel, on the Law of Nations, page 101, says:

> A nation or the sovereign who represents it may grant to a foreigner the quality of citizen by admitting him into the body of the political society. This is called naturalization.

Cooley, in his Principles of Constitutional Law, on page 79, states:

> Naturalization is the act by which the rights, privileges, and immunities of citizenship are conferred upon a person born alien.

It is also said by Mr. Rawle:

> Naturalization is but a mode of acquiring the right subject to the duties of a citizen; it is the factitious substitution of legal form for actual birth, etc. (Rawle, on the Constitution, 91.)

The next point in the orderly investigation of the matter is to ascertain how this change from alien to citizen may be accomplished. While it is true that there is a general uniform mode of naturalization provided in the statute of the United States, this system was manifestly enacted with reference to individual and not collective naturalization. It could not in the nature of things be held applicable to the incorporation into our citizenship of large bodies of aliens residing in territory acquired by conquest or treaty. It has without doubt been the general practice in negotiating treaties of cession with other nations for this Government to permit some definite provision in the articles for the adoption into the family of this nation the inhabitants of the country ceded by the treaty, but there can be no grave doubt but that such custom has been indulged as a courtesy with a view to quieting the apprehension of the masses of such population with respect to the legal effect of a transfer of sovereignty rather than for any substantial purpose to be accomplished by it.

It would seem to be a just and reasonable doctrine that holds that the transfer of the sovereignty of a country to the United States operates to make the citizens of such country citizens of the United States, unless they elect to avoid it by removal. There is, at least, very good authority for believing that such is the prevalent rule.

In the case of the American Insurance Company *v.* Canter (1 Pet., 511) Chief Justice Marshall used this language:

> The treaty is the law of the land, and admits the inhabitants of Florida to the enjoyments of the privileges, rights, and immunities of the citizens of the United States. It is unnecessary to inquire whether this is not their condition independent of the stipulations. They do not, however, participate in political power; they do not share in the Government until Florida becomes a State.

Judge Cooley states the proposition in this way, to wit:

> Naturalization may be effected, first, by special law which confers this privilege upon individuals named: second, by proceedings under general laws, whereby individuals severally renounce any foreign allegiance and take upon themselves the obligations of citizenship; third, by the acquisition by the United States of foreign territory with its people, who thereby become citizens of the United States. (Cooley's Prin. Const. Law, p. 254.)

Vattel, in the Law of Nations, page 388, speaking of the effect of conquest upon the right and status of the citizens of the conquered territory, says:

> But at present war is less dreadful in its consequences to the subject; matters are conducted with more humanity; one sovereign makes war against another sovereign and not against the unarmed citizens. * * * They suffer but indirectly by the war; and the conquest only subjects them to a new master.

The principle so distinctly stated in these excerpts has in explicit terms been sanctioned by the Supreme Court of the United States in the case of Boyd *v.* Thayer (143 U. S., p. 162), where it is said:

> Manifestly the nationality of the inhabitants of territory acquired by conquest or cession becomes that of the government under whose dominion they pass, subject to the right of election on their part to retain their own nationality by removal or otherwise, as may be provided.

These methods are also recognized in the case of the United States *v.* Wong Kim Ark (169 U. S., pp. 702 and 703), where it is said:

> A person born out of the jurisdiction of the United States can only become a citizen by being naturalized, either by treaties, as in case of the annexation of foreign territory, or by authority of Congress exercised either by declaring certain classes of persons to be citizens in the enactments conferring citizenship upon foreign-born children of citizens or by enabling foreigners individually to become citizens by proceedings in the judicial tribunals, as in the ordinary provision of the naturalization acts.

Not only this, but in the recent case known as the Fourteen Diamond Rings case the Supreme Court of the United States has at least very broadly intimated that such would be its holding when the question arises, if ever, before that court. In this case, referring to De Lima *v.* Bidwell, they say:

> The theory that a country remains foreign with respect to the tariff laws until Congress has acted by embracing it within the customs union presupposes that a country may be domestic for one purpose and foreign for another. It may undoubtedly become necessary for the adequate administration of a domestic territory to pass a special act providing the proper machinery and officers, as the President would have no authority, except under the war power, to administer it himself; but no act is necessary to make it domestic territory if once it has been ceded to the United States. * * * This theory also presupposes that territory may be held indefinitely by the United States; that it may be treated in every particular, except for tariff purposes, as domestic territory; that laws may be enacted and enforced by officers of the United States sent there for that purpose; that insurrections may be suppressed, wars carried on, revenues collected, taxes imposed; in short, that everything may be done which a government can do within its own boundaries, and yet that the territory may still remain a foreign country.
>
> That this state of things may continue for years, for a century even, but that until Congress enacts otherwise it still remains a foreign country. To hold that this can be done as a matter of law we deem to be pure judicial legislation. We find no warrant for it in the Constitution or in the powers conferred upon this court. It is true that the nonaction of Congress may occasion a temporary inconvenience; but it does not follow that courts of justice are authorized to remedy it by inverting the ordinary meaning of the word.
>
> No reason is perceived for any different ruling as to the Philippines. By the third article of the treaty, Spain ceded to the United States "the archipelago known as the Philippine Islands," and the United States agreed to pay Spain the sum of $20,000,000 within three months.
>
> The treaty was ratified; Congress appropriated the money; the ratification was proclaimed. The treaty-making power, the executive power, the legislative power concurred in the completion of the transaction.
>
> The Philippines thereby ceased, in the language of the treaty, "to be Spanish." Ceasing to be Spanish, they ceased to be foreign country. They came under the complete and absolute sovereignty and dominion of the United States, and so became territory of the United States over which civil government could be established. The result was the same, although there was no stipulation that the native inhabitants should be incorporated into the body politic and none securing to them the right to choose their nationality. Their allegiance became due to the United States, and they became entitled to its protection.
>
> It is further contended that a distinction exists in that while complete possession of Porto Rico was taken by the United States, this was not so as to the Philippines, because of the armed resistance of the native inhabitants to a greater or less extent.
>
> We must decline to assume that the Government wishes thus to disparage the title of the United States or to place itself in the position of waging a war of conquest.
>
> The sovereignty of Spain over the Philippines and possession under claim of title had existed for a long series of years prior to the war with the United States. The fact that there were insurrections against her or that uncivilized tribes may have defied her will not affect the validity of her title. She granted the islands to the United States, and the grantee in accepting them took nothing less than the whole grant.
>
> If those in insurrection against Spain continued in insurrection against the United States, the legal title and possession of the latter remained unaffected.
>
> We do not understand that it is claimed that in carrying on the pending hostilities the Government is seeking to subjugate the people of a foreign country, but, on the contrary, that it is preserving order and suppressing insurrection in territory of the United States. It follows that the possession of the United States is adequate possession under legal title, and this can not be asserted for one purpose and denied for another. We dismiss the suggested distinction as untenable.

That is the doctrine laid down by the Supreme Court of the United States—that the allegiance of the Filipinos became due to the United States and they were entitled to the protection of the United States Government. Mr. Chairman, it seems to me the merest absurdity to assert that any people anywhere can owe permanent and unqualified allegiance to the Government of the United States without being, in the full and complete sense of the term, citizens of the United States. If, then, the effect of the acquisition of the islands has been to bring their inhabitants into the body of American citizenship, those who were so enthusiastically for the scheme will no doubt live to see its disastrous results to the country. [Applause.]

The Clerk, proceeding with the reading of the bill, read as follows:

FRANCHISES.

SEC. 13. That the government of the Philippine Islands may grant franchises, privileges, and concessions, including the authority to exercise the right of eminent domain, for the construction and operation of works of public utility and service, including railroads, telephone and telegraph lines, and electric-light lines, and may authorize said works to be constructed and maintained over and across the public property of the United States, including streets, highways, squares, and reservations, and over similar property of the government of said islands, and may adopt rules and regulations under which the provincial and municipal governments of said islands may grant the right to use and occupy such public property belonging to said provinces or municipalities: *Provided, however*, That such authority to take and occupy land shall not authorize the taking, use, or occupation of any land except such as is required for the actual necessary purposes for which the franchise

is granted, and that no such franchise, privilege, or concession shall be granted to any corporation except under the conditions that it shall be subject to amendment, alteration, or repeal by the Congress of the United States, and that lands or rights of use and occupation of lands thus granted shall revert to the governments by which they were respectively granted upon the termination of the franchises and concessions under which they were granted, or upon their revocation or repeal. That all franchises, privileges, or concessions granted under this act shall forbid the issue of stock or bonds, except in exchange for actual cash or for property at a fair valuation equal to the par value of the stock or bonds so issued; shall forbid the declaring of stock or bond dividends, and, in the case of public-service corporations, shall provide for the effective regulation of the charges thereof and for the official inspection and regulation of the books and accounts of such corporations, and for the payment of a reasonable percentage of gross earnings or of net profits into the treasury of said islands or of the province or the municipality within which such franchises are granted and exercised.

Mr. COCHRAN. Mr. Chairman, I move to strike out the last word. This section of the bill brings attention to the only incentive that could possibly actuate an intelligent government in this country to annex and permanently exercise control over the Philippine Islands. There is no pretense that any considerable number of Americans will ever attempt to establish themselves in the Philippine Islands, as they have in other territory acquired by this Government. There is not a farmer probably in all this broad land who contemplates that he or his children will at any time go to the Philippine Islands to build a home or that other Americans will go there and establish a community.

Mr. CRUMPACKER. Mr. Chairman, I raise the point of order that the gentleman is not discussing the amendment, or any amendment. I think the committee owes it to the House to insist on the observance of the rules to a reasonable extent, at least.

Mr. COCHRAN. I am going to discuss the proposition contained in this bill of granting franchises for the exploitation of the agricultural lands of these Filipinos.

Mr. CRUMPACKER. I understood the gentleman to move to strike out the last word.

Mr. COCHRAN. Is it understood that the pro forma amendments usually made as the basis of debate under the five-minute rule are prohibited during the consideration of this bill?

Mr. CRUMPACKER. Notwithstanding that, Mr. Chairman, I insist on the point of order.

Mr. COCHRAN. Then I move to strike out the section.

The CHAIRMAN. The gentleman from Missouri withdraws his pro forma amendment and moves to strike out the section. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

Mr. COCHRAN. Nowhere in the world are the great powers devouring weak nations for any purpose except robbery. All the bloody wars of the past ten years have had their origin in avarice. If we seek the cause of the destruction of the Boer Republics, we find it in the gold mines and the diamond fields of South Africa. If we seek the cause of the destruction of Madagascar by France, we find it in the rubber forests which abound on that beautiful island. If we seek the cause of the recent bloody affrays in China, we find it in the desire of the foreign stockjobbers and speculators to invade that great Empire and exploit its resources.

Mr. COOPER of Wisconsin. Will the gentleman permit a question?

Mr. COCHRAN. If my time can be extended. I have only five minutes and I want to occupy that myself.

Mr. COOPER of Wisconsin. I will get the gentleman's time extended if he needs it. Does not the gentleman know that he assumes the whole case when he says that this provision provides for the exploitation, when as matter of fact it is as strictly drawn if not more strictly drawn than the franchise law of Missouri, and your legislation allows you to exploit your State? How in the world can the Philippine Islands be exploited under the strictest franchise law ever enacted in the United States?

Mr. COCHRAN. The more pity it is that under the loosely drawn corporation laws of the State of Missouri the natural deposits and resources of that State are to be made the means of building up the fortunes of men remote from the boundaries of the State. Our coal mines and the zinc and lead deposits of southwest Missouri are to be overcapitalized, as railroads once owned by the State have been. Innumerable corporations own and have overcapitalized our municipal utilities. Thus what ought to enrich our Commonwealth and people is to become a drain upon the resources of the State.

I admit that loosely drawn and poorly enforced corporation laws have made it possible for speculators, stock jobbers, and promoters to do violence to the best interests of the people of my State.

This bill authorizes corporations to acquire agricultural lands in the Philippine Islands. What will be the fate of the Philippine Islands if great sugar-planting corporations shall acquire there for a song, as they can, vast holdings which hitherto have been cultivated by the natives? As the result of the demoralization of prices and the collapse of values caused by three years of insurrection against Spain and a war of conquest carried on for four years by the United States, necessarily property values have suffered, and the islands will be easy prey for any hands that may choose to seize them. In this statute is the basis by which corporations already formed for the purpose of seizing the forests may also seize the agricultural lands.

Unhappy is the country whose development and progress depend upon the class of men who have stood at the elbow of the American Administration during the period of this controversy. In 1896, for the first time, the initiative in everything in this country was placed in the hands of men who regard the exploitation of property through the medium of corporations as everything, and the general prosperity and felicity of the masses as nothing. There is not a line in this statute limiting land grabbing by corporations.

Mr. TAWNEY. Has the gentleman read the section?

Mr. COCHRAN. Yes.

Mr. TAWNEY. And you make that statement after reading it?

Mr. COCHRAN. I make the statement after reading it that there is not a limitation here that can not be found in statutes of American States; and I defy you to point me to a line in the statutes of those States that has been executed or enforced in any degree to prevent it.

Mr. TAWNEY. Will the gentleman kindly print those two sections in connection with his speech? They will speak for themselves.

Mr. COCHRAN. I am getting right to them now.

Mr. COOPER of Wisconsin. The gentleman said that we could not point out the provision in this bill which could not be found in some of the statutes of some of the States.

Mr. COCHRAN. I say so, substantially.

Mr. COOPER of Wisconsin. Will the gentleman kindly indicate in what statute of what State the clause is found which I read from page 72 of this bill, beginning at line 14?

And this provision shall be held to prevent any member of a corporation engaged in agriculture from being in any wise interested in any other corporation engaged in agriculture.

That is not found in any other statute in the United States. The subcommittee, consisting of Mr. Moody, now Secretary of the Navy, the gentleman from Indiana [Mr. CRUMPACKER], and myself, were the authors of it.

Mr. COCHRAN. The preceding line provides that no corporation may acquire over 5,000 acres of land.

Mr. COOPER of Wisconsin. But will the gentleman acknowledge that he was mistaken?

Mr. COCHRAN. Do you call a tract of 5,000 acres a "farm?"

Mr. COOPER of Wisconsin. Will the gentleman acknowledge that he was mistaken a moment ago when he challenged us to point out a clause in this franchise law which could not be found in some statute of some State of this Union? Was the gentleman mistaken or not?

[Here the hammer fell.]

Mr. COCHRAN. I ask unanimous consent that my time be extended to ten minutes.

Mr. PAYNE. I object to ten minutes; I will not object to five.

The CHAIRMAN. Is there objection to extending the gentleman's time for five minutes?

There was no objection.

Mr. COCHRAN. Now, let us see what some of the restrictive features of State legislation are and how far they have been enforced. I tell you the only way to prevent the exploitation of these lands is to prohibit corporations from owning agricultural lands. I lay it down as a proposition confirmed by the observation of every American citizen who has thought the matter over that no corporation ought to be allowed to own land in excess of that needed for its corporate purposes, its offices, its factories, and the like; and no corporation on this earth ought to be allowed to own agricultural land and operate it for a profit. I say that this bill authorizes corporations to own agricultural lands and imposes substantially no limitations upon their acquisitions.

I said I would call attention to some State laws and show how they have been enforced. Rigid laws to prohibit injurious corporation ownership of natural resources exist in several of the States in the form of statutes prohibiting railroad companies from owning coal mines. They have one in Kansas. It was intended to prevent the Santa Fe Railroad Company from monopolizing the mines of that State. Did it do it?

Inside corporations and cliques were formed which bought up all the coal mines on the line, not only in Kansas, but in Colorado and New Mexico, and established an absolute, iron-clad monopoly of the fuel supply of a vast area of country. And in what respect is the coal-mining corporation separate from the railroad company? At the capital of that State, within the very shadow of the dome of the capitol, is a great building ostensibly occupied as the general offices of the Santa Fe Railroad Company, but the

floor space occupied by the coal-mining company is as great as that occupied by the railroad company. The ownership of the mines and of the railroad is in fact the same.

You can not find on the statute books of any State a more stringent law than this Kansas law. I have never looked at it, but I understand that Pennsylvania has a statute equally stringent, and yet a railroad company in that State monopolizes the only anthracite coal fields in the United States, and there is no pretense but that it absolutely controls and dictates the price of that commodity from one end of the country to the other.

This statute is objectionable in many respects, but the fact that it authorizes corporations to acquire the lands of the Philippine Islands renders it infamous. The natives can look forward to success in no calling except agriculture for years and years to come. The land is their only hope.

The elaborate provisions for the welfare of corporations contained in this measure are sufficient to expose to the country the shallowness of the pretense that we are laboring solely for the welfare of the Philippines. Why not drop all disguises and admit that we are doing what Russia is doing in Manchuria, what England has done in Egypt and South Africa, what France is doing in Madagascar, preferring to turn over to corporations the natural resources of a country to which we have only the bloody title of a conqueror?

Is there an American citizen who does not know that if there were nothing in South Africa worth stealing, the two republics that have just been strangled, instead of being vassal states would to-day be independent governments? Do you doubt that it was the belief that China has vast resources and mineral deposits which may be profitably exploited that led the German Emperor and later Russia and France to seize Chinese seaports and excite an insurrection which culminated in the horrors which recently shocked the world?

At every step in the programme of conquest to which the Republican party has committed the country the American people are called upon to say whether we, like the land-grabbing nations of the Old World, are henceforth to act upon the theory that commerce, plunder, and booty are everything and the rights of humanity as nothing.

The Clerk read as follows:

SEC. 14. That no corporation shall be authorized to conduct the business of buying and selling real estate or be permitted to hold or own real estate except such as may be reasonably necessary to enable it to carry out the purposes for which it is created, and every corporation authorized to engage in agriculture shall by its charter be restricted to the ownership and control of not to exceed 2,000 hectares (a) of land; and this provision shall be held to prevent any member of a corporation engaged in agriculture from being in any wise interested in any other corporation engaged in agriculture. Corporations, however, may loan funds upon real-estate security and purchase real estate when necessary for the collection of loans, but they shall dispose of real estate so obtained within five years after receiving the title. Corporations not organized in the Philippine Islands, and doing business therein, shall be bound by the provisions of this section so far as they are applicable.

Mr. LITTLEFIELD. Mr. Chairman, I submit the following amendment.

The Clerk read as follows:

Insert, in line 22, page 72, after the word "this," the following: "And the preceding."

Mr. LITTLEFIELD. Mr. Chairman, I understand this amendment is agreeable to the committee. It merely subjects the corporation to the provisions of both sections so far as applicable, and it was an inadvertence, undoubtedly, in leaving out the language.

The CHAIRMAN. The question is on the adoption of the amendment.

The amendment was agreed to.

Mr. HULL. Mr. Chairman, I would like to have the committee explain why it is that the corporations who loan money on real estate should be required to sell their real estate within five years, if it is taken on execution.

Mr. COOPER of Wisconsin. Mr. Chairman, this is the same provision found in the national-bank laws in the United States, which provides that in the event of foreclosure the real estate of such corporation shall be disposed of. It is to prevent the accumulation of real estate in the hands of corporations.

Mr. HULL. I think that national banks are not permitted to loan money on real estate, to begin with. They take it on execution for debt, but the chairman of the Commission, Governor Taft, and the members of the Commission have urged strongly that one of the needs of the Philippine Islands is what we call in this country loan companies or land companies, that loan money on real estate. Such companies are needed in the Philippine Islands to loan money at reasonable rates, and assist in the development of the country. To-day rates of interest are almost prohibitive, and the planters are robbed of their honest profits. Now such a provision as this, affecting one of these companies in the United States, would prohibit the loaning of money on real estate.

Mr. SIBLEY. Oh, no.

Mr. HULL. Because they might not be able to sell it without a large loss, if compelled to sell within a specified time. A period of depression would result disastrously.

Mr. MANN. Will the gentleman yield for a suggestion?

Mr. HULL. Yes.

Mr. MANN. No one can raise that question except the State.

Mr. HULL. Oh, yes.

Mr. MANN. If they do not sell the land within the time, they still own it.

Mr. HULL. They still own it, but such a provision will debar capital.

Mr. MANN. No one can raise the question except the State by quo warranto proceedings.

Mr. TAWNEY. The land does not escheat to the State.

Mr. MANN. There are many banks which own real estate, and have owned it for twenty years.

Mr. HULL. The Commission itself are honestly desirous that loan companies shall be established there to loan money on real estate. At present the rate of interest is almost prohibitive—18, 20, and 25 per cent—and they are desirous to have a lower rate of interest. It seems to me that this is a dangerous provision. I do not propose to strike it out, because the committee ought to know better than I do. There is not one of these loan companies in this country that has ever had to sell its real estate within five years.

Mr. JONES of Virginia. Mr. Chairman, I desire on page 72, line 13, to move to strike out the word "thousand" and substitute for it the word "hundred," so that it will read "control not exceeding two hundred hectares."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 72, line 13, strike out the word "thousand" and insert the word "hundred."

Mr. JONES of Virginia. Mr. Chairman, all I want to say in this connection is that the fundamental law of Porto Rico provides that corporations engaged in agriculture in that island shall not hold exceeding 500 acres of land. If my amendment is adopted, it will make this section correspond very nearly to the Porto Rican law, 200 hectares being very nearly 500 acres.

Mr. TAWNEY. I ask that the amendment be again reported, so that the committee may know what it is. I do not think anyone over here understood the reading of it.

The CHAIRMAN. Without objection, the amendment will be again reported.

The amendment was again read.

Mr. GAINES of Tennessee. Mr. Chairman, I should like to ask what standard this is that we are going by? This speaks of "hectares." What does that mean? How many acres in a hectare?

Mr. JONES of Virginia. The hectare is nearly 2½ acres. I think that 200 hectares would be about 495 acres.

Mr. GAINES of Tennessee. Why do you want it changed? Why even that much? I want to get at the merits of the question.

Mr. JONES of Virginia. I stated that I wanted it changed, because in the first place I think no corporation ought to be allowed to hold as much as 5,000 acres of land for agricultural purposes, and because the Porto Rican act limits the holding of a corporation to 500 acres. I think that is sufficient.

Mr. GAINES of Tennessee. I agree with the gentleman; that is plenty. Mr. Chairman, while I am on the floor I will call the attention of the committee to a typographical error in line 10. We are evidently trying to say "that to enable," but we do not say that.

The CHAIRMAN. The Clerk has made the correction.

Mr. GAINES of Tennessee. I rose to have that error corrected, and to ask the gentleman who reported this bill, or anyone else present, if there is anything in this bill to prohibit what are commonly known as trusts, combinations, and monopolies in the Philippine Islands? We are permitting a great many corporations to be created there, in addition to the thousands that I presume will be created in the United States to operate there, for this is a graft game all around.

Mr. SULZER. Some corporations are there now.

Mr. GAINES of Tennessee. Governor Taft called them "beach combers." They are squatting there like frogs, some legally and others illegally, awaiting their opportunity. Now, I believe, largely through the instrumentality of my friend from Georgia [Mr. BARTLETT], we passed an anti-trust law for that little ice box or refrigerator up here, commonly called Alaska. Why should we not have a similar law in the Philippine Islands? Why should we not have a provision prohibiting the combination of corporations over there—the trusts that will, as here, deny the people the chance to have cheap beef, bread, and meat? Those people are practically dependent upon us for legislation, and we are legislating for them. We fix the boundaries within which they must legislate.

Mr. TAWNEY. Will the gentleman allow me to interrupt him?

Mr. GAINES of Tennessee. Yes.

Mr. TAWNEY. I should like to ask the gentleman if he does not think that when we have provided, as we do in this bill, that no person owning stock in one company shall own stock in another company, and that no member of a corporation can be a member of any other corporation, that we have gone a great way against consolidation?

Mr. GAINES of Tennessee. That is almost all the way, but just leaves enough room I think for the corporations, like a bad dog, to slip through the crack. These corporations put up the price of all necessaries so that they are very dear. I came nearer being robbed every day in the ordinary transactions of life there than any place I ever was in in my life. [Laughter.] But the gentleman must know there is a difference between being a "member" of a corporation and making a contract with or between corporations to put up or down prices.

Mr. PADGETT. I would suggest to my colleague the limitation applies only to corporations engaged in agriculture and not to any other corporation.

Mr. GAINES of Tennessee. I am glad that my colleague, who is very watchful about such things, has noticed that. He says that this applies to agriculturists only. I want to appeal in this matter to the patriotism of gentlemen on the other side. We have plenty of the love of human rights on this side. I have not had a chance to read all of this bill as I have been very much diverted to-day, hence I make these inquiries for information and to cure the omission if an antitrust provision is not in the bill.

Mr. LITTLEFIELD. If the gentleman from Tennessee will permit me, I want to suggest this amendment, which will take care of the difficulties suggested by the gentleman. Insert after the word "agriculture," in line 15 of page 72, the words "or any corporation organized for any purpose."

Mr. GAINES of Tennessee. That is all right as far as it goes. I am glad to join hands with my friend from Maine in straightening this matter out.

Mr. Chairman, I want to say that I created somewhat of a ripple a short while ago when I said that I came very nearly being robbed in nearly every transaction, and particularly in Manila. I did not mean by downright stealing. I meant that the prices were so exorbitant that but very few of our party made any purchases in Manila.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES of Tennessee. I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman asks unanimous consent that his time may be extended for five minutes. Is there objection?

Mr. CRUMPACKER. I think, as we have had a few extensions of the rule, I am compelled to object.

The CHAIRMAN. Objection is made.

Mr. GAINES of Tennessee. I will vote for the amendment proposed by the gentleman from Maine.

The CHAIRMAN. An amendment is offered by the gentleman from Virginia, to strike out the word "thousands" and insert the word "hundreds."

Mr. TAWNEY. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. Debate is exhausted.

Mr. TAWNEY. I move to strike out the last word.

The CHAIRMAN. That is not in order.

Mr. HILL. I move to strike out the section.

The CHAIRMAN. That is not in order. The question is on the amendment of the gentleman from Virginia.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. JONES of Virginia. Division.

The committee divided, and there were—ayes 35, noes 70. So the amendment was rejected.

Mr. LITTLEFIELD. I insist on the amendment I offered.

The Clerk read as follows:

On page 72, line 15, after "agriculture," insert "or any corporation organized for any purpose;" so as to read: "And this provision shall be held to prevent any member of a corporation engaged in agriculture or any corporation organized for any purpose from being in any way interested in any other corporation engaged in agriculture."

The CHAIRMAN. The question is on the adoption of the amendment.

Mr. HILL. I am opposed to this amendment, and my opposition is based on this——

Mr. SULZER. Just a moment.

Mr. HILL. I am opposed to the amendment, and I believe the gentleman from Maine will be opposed to the amendment if he thinks of its effect. It will absolutely prevent any corporation which owns sugar or rice lands up to the prescribed limit in the valleys from acquiring mountain areas not tillable or valuable for any other purpose except for collecting and storing water for irrigation, and in that country this is very necessary, and if done to advantage must be by corporations, in other words, by combinations of those who are carrying on agricultural operations.

Mr. LITTLEFIELD. I will say to the gentleman from Connecticut, so far as I am concerned, I am opposed to any corporation undertaking to own stock in other companies, for that is the familiar method of forming trusts, and I am opposed to that as a general proposition.

Mr. HILL. Mr. Chairman, I think that this is carrying the matter a little too far. Gentlemen, here is one of the troubles when we are legislating for people 10,000 miles away. We do not understand the conditions which exist there. I visited a sugar plantation in the Hawaiian Islands and found that the planters have been embarrassed in precisely this same way in those islands. I saw one plantation with 5,000 acres of cane planted, and by reason of your law and their consequent inability to acquire additional mountain land which was not tillable, but could be used for reservoir purposes, they were obliged to spend great sums for artesian wells and pumping apparatus to irrigate their fields. These mountain lands are bare rock in many cases and of absolutely no use for any other purpose. Why should they not utilize them in this way?

Now, you have got precisely that condition in the Philippine Islands. You have got sugar and rice plantations in that country and they need the storage reservoirs and the water from the mountains where the land is absolutely worthless, and nothing but rock and not fit for agricultural purposes, but it is exactly what is required for reservoir purposes, and if you put in this amendment of the gentleman from Maine, you simply say to these men, You can hold so much land for rice and sugar and cultivate it, but you can not be interested in or own one single acre more, or you can not be interested in a company which does own land, which owns nothing but barren and rocky land, which is used for the purpose of gathering together and storing water for irrigation.

Now, the land has to be irrigated for your sugar and rice and everything of that kind, and you are going to compel those people to spend hundreds of thousands of dollars for pumping machinery in order to successfully cultivate the land which they already own. Gentlemen who have visited that country know that what I am saying is absolutely true, and the amendment of the gentleman from Maine will compel the useless expenditure of hundreds of thousands of dollars to secure irrigation, or the planters living near these barren mountains in the Philippine Islands, owning land in the valleys, will be greatly embarrassed, for the amendment makes no distinction as to the kind or character of land or the purposes for which it is used. The amendment of the gentleman from Maine ought not to pass.

Mr. GAINES of Tennessee. Does the gentleman from Connecticut mean to say that the Philippine Islands need irrigation?

Mr. HILL. I do mean to say that there is little rice or sugar land there that is cultivated except by irrigation. I am astonished that the gentleman from Tennessee, who went to those islands, should ask such a question. Did he go through them with his eyes shut?

Mr. GAINES of Tennessee. I did not go through with my eyes shut, but I did not see any great need of water.

Mr. LITTLEFIELD. What is the view of the gentleman from Connecticut as to the scope of the amendment?

Mr. HILL. It would prevent the owners of these sugar plantations from owning any barren rock or any part of these hills or mountains for a place to store water if they wished to do so.

Mr. LITTLEFIELD. It is for agricultural purposes. If the limit is not large enough, why, increase the limit. The gentleman is beginning at the wrong end.

Mr. HILL. You fix a limit and you stop right there. You refuse to allow them any more land for the purposes of storing water.

Mr. LITTLEFIELD. We are trying to prevent combinations. If you need a larger limit, make it larger.

Mr. HILL. The limit is dependent upon circumstances. Suppose here is a tillable valley, and the owner buys this land to use for sugar purposes. You can not decrease the quantity of land there is in that valley.

Mr. HAMILTON. Why may we not take into consideration the irrigation that it needs, etc., and let them buy enough land to use for irrigation in connection with the sugar plantations?

Mr. HILL. Because it requires a large space for drainage surface. Now, let us look at the thing from a business point of view. We are offering amendments helter-skelter according to our ideas here, and if we could see things as they are there, we would see that they are vastly different. Put the proposition right there. You say these people can own no lands for agricultural purposes exceeding 2,000 hectares. You mean tillable, cultivated land, land that is possible of cultivation, do you not, Mr. Chairman of

the committee? Now, then, when you do that, why do you shut them off from owning the rocky hills adjacent to it, impossible of cultivation, and yet absolutely essential to the storage and gathering of water for the irrigation of the land which they own? The amendment of the gentleman from Maine would do that.

Mr. SULZER. Mr. Chairman, I desire at this time to call the attention of the House, and especially of the gentleman from Maine, to the purport of his amendment in connection with the language of this section. If we should strike out the words, on line 15, "engaged in agriculture" and amend the section so that it would read like this, "this provision shall be held to prevent any corporation or stockholder in the same from being in any wise interested in any other corporation doing business in the Philippines," that will accomplish, I think, the purpose that the gentleman from Maine desires to accomplish, and will not in any way complicate or confuse this provision of the bill.

In fact, I believe it will then be so explicit that no layman can misunderstand it. As his amendment reads at the present time it would complicate this section of the bill so that a Philadelphia lawyer could not possibly understand it. I want to make it clear and simple. I want to make it impossible to organize a trust in the Philippines.

Mr. LITTLEFIELD. But that would radically change the purport of the whole section. I am only endeavoring to help the committee perfect the section, confining it to corporations engaged in agriculture.

Mr. SULZER. I beg the gentleman's pardon. I thought he was opposed as a matter of principle to one corporation owning stock in another corporation in order to form a combination in the nature of a monopoly. I thought he was opposed to trusts.

Mr. LITTLEFIELD. I did not say one stockholder being a stockholder in another corporation. I am opposed to one corporation owning stock in another corporation.

Mr. SULZER. That is just the point. That is what I want to do now. I think the gentleman is sincere, and if he is he will accept my proposed amendment. I want to keep the trusts out of the Philippines, and my amendment will, I believe, to some extent do it. This is the only way it can be done.

In my opinion the real object of this proposed legislation is to turn the resources of the Philippine Islands over to the tender mercies of the trusts and a few favorite looters. The honest men of this House should perfect this bill to prevent that. Let us say in the bill that no corporation shall own stock in another corporation doing business in the Philippine Islands.

Mr. LITTLEFIELD. I agree that the gentleman's proposition would be sound as to corporations in general. But my amendment has been framed simply with reference to agricultural corporations.

Mr. GAINES of Tennessee. Your idea is to prevent any combination among agricultural corporations?

Mr. LITTLEFIELD. Precisely; and that is as far as it goes.

Mr. GAINES of Tennessee. That is all right.

Mr. SULZER. But, Mr. Chairman, that is only all right so far as it goes. I want to go further than that. I want to prevent combinations between corporations doing business in the Philippines—not only agricultural corporations, but all corporations. If the restriction is fair in regard to agricultural corporations, why is it not fair in regard to lumbering corporations? Why is it not fair in regard to all other corporations? That is the question here.

That is my position regarding this matter. At the present time, as I understand it, there are no agricultural corporations in the Philippine Islands. This provision as it now stands is a mere subterfuge to throw dust in the eyes of the members of this House. As this section now reads you can establish any kind of a combination, any kind of a trust, any kind of a monopoly in the Philippine Islands—even an agricultural monopoly. If you adopt my amendment it can not be done.

The very purpose of this bill, the very object of this legislation, from its inception down to the present time, as I have frequently said and now repeat, is to give a few trusts and a few men in this country the right to go into the Philippine Islands and loot them, rob them, steal from those poor people the little they have left. Stripped of its hypocrisy, that is the whole object and the true purpose of this bill. You can not deny it. There is not a lawyer in this House that has examined this bill and read between the lines that does not know and believe its real object is to rob the poor Filipinos. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SULZER. I ask that my time be extended for five minutes.

Mr. CRUMPACKER. I object.

Mr. OLMSTED. I wish to make a suggestion to the gentleman from Maine.

The CHAIRMAN. Debate is exhausted except by unanimous consent.

Mr. OLMSTED. I ask unanimous consent to make a suggestion to the gentleman from Maine.

There was no objection.

Mr. OLMSTED. If the amendment of the gentleman from Maine prevails, a man owning one share of stock in a railway company could not own any stock in an agricultural corporation or in a bank. If that is not the object, the gentleman ought to strike out the words "or any member."

Mr. LITTLEFIELD. That would not have the effect intended. The word "member" applies to members of agricultural corporations—not to members of any other corporation.

Mr. OLMSTED. The gentleman's amendment would make the language read "any member of any corporation engaged in any other business."

Mr. LITTLEFIELD. No; there is a vast distinction between a member of a corporation and a corporation. By unanimous consent, I would like to meet the suggestion of the gentleman from Connecticut by making the language of the amendment read "or any corporation organized for any purpose except irrigation."

Mr. SULZER. I ask to have the provision read as it would be if amended.

The Clerk read as follows:

And this provision shall be held to prevent any member of a corporation engaged in agriculture or any corporation organized for any purpose except irrigation from being in any wise interested in any other corporation engaged in agriculture.

Mr. SULZER. I move to strike out "agriculture."

Mr. GAINES of Tennessee. I reserve a point of order.

The CHAIRMAN. The gentleman from Maine asks unanimous consent to modify his amendment in the manner read. Is there objection?

Mr. GAINES of Tennessee. I do not object, but I would like to have the gentleman explain why he wants the distinction made.

The CHAIRMAN. The gentleman has no time except by unanimous consent.

Mr. GAINES of Tennessee. Well, I ask unanimous consent for him to tell the committee why he wants to make irrigation an exception.

Mr. HILL. If I had my choice in the matter I would not have the clause in there at all. I do not think it a crime for a man to be engaged in agriculture and at the same time to be a stockholder in a bank or a modest stockholder in a street-railway company. But I do think it would be exceedingly unwise to prevent the new landholders whom we expect to have owning these friars' lands and cultivating the sugar and rice lands from utilizing the rocks and barren sides of the mountains by using them for irrigation purposes in order to till their lands successfully. The exception which the gentleman from Maine desires to put in will remove the restriction in this respect so that the small land proprietors, if they please, can combine together and construct great storage reservoirs so that the rains, falling in the mountain regions there, may be utilized for the irrigation of the lands in that dry and tropical climate. That is all there is of it.

The CHAIRMAN. In the absence of objection, the amendment of the gentleman from Maine will be modified as he proproposes.

There was no objection.

The CHAIRMAN. The question is now on the adoption of the amendment of the gentleman from Maine as modified.

Mr. MANN. I rise to ask whether an amendment to the amendment is in order?

The CHAIRMAN. It is not.

Mr. MANN. Then I ask unanimous consent to occupy three minutes in the way of general debate.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to address the Committee of the Whole for three minutes. Is there objection? The Chair hears none.

Mr. MANN. Mr. Chairman, I do not understand exactly what is meant by a "member" of a corporation. If any member of the committee can tell me in a word, I would be very much obliged.

Mr. CRUMPACKER. A stockholder in a corporation in the sense of the law is supposed to be a member of that corporation.

Mr. MANN. The term has never come under my observation. I have often heard of members of associations and stockholders of corporations. I think the word is used erroneously and inadvertently here. However, if that is the intention, if there is any reason for permitting a corporation to own agricultural lands, then there is a sufficient reason why a stockholder in that corporation should not be debarred from being a stockholder in another corporation.

It is perfect folly to suppose that people in the Philippine Islands will engage in corporations for agricultural purposes or otherwise if such persons can not be stockholders in another corporation. If the purpose of the gentleman from Maine had been

simply to provide that one corporation may not own stock in another corporation, there might be a sufficient excuse for that provision, but there can be no excuse for saying that a corporation may exist and may do business and may own agricultural lands and then that a person owning stock in another corporation can not be a stockholder in that corporation. I never have seen yet in a respectable body of men such fear of trusts. The fear of attack of the other side of the House on this side, to which we are not supposed to pay any attention on this side of the House, because it is never reasonable——

Mr. CRUMPACKER. Will the gentleman permit me?

Mr. MANN. Yes.

Mr. CRUMPACKER. The bill undertakes to limit the holdings of a corporation, but if it allowed a corporation to hold 5,000 acres of land and then permitted the members of the same corporation to reincorporate and hold another 5,000 acres, it would absolutely destroy the virtue of any limitation upon the corporation.

Mr. MANN. The gentleman from Indiana is talking about something that I was not talking about.

Mr. LITTLEFIELD. He is talking about the bill.

Mr. MANN. I am talking about the amendment offered by the gentleman from Maine [Mr. LITTLEFIELD]. The original purpose of the bill I understand, that one person shall not, through owning two corporations, own 10,000 acres of land; but the proposition of the gentleman from Maine is that no person can own stock in an agricultural corporation and then own stock in any other corporation.

Mr. LITTLEFIELD. Oh, no.

Mr. MANN. Either in the Philippine Islands or anywhere else. It is absurd.

Mr. LITTLEFIELD. That is not my proposition at all.

Mr. MANN. That is the proposition the gentleman made in his amendment.

Mr. LITTLEFIELD. No, no.

Mr. MANN. If he is a stockholder in an agricultural corporation he can not be a stockholder in any other corporation.

Mr. LITTLEFIELD. That is the position of the committee itself.

Mr. MANN. No; that is not the position of the committee, but the committee accept your amendment.

Mr. TAWNEY. It does not accept the amendment.

Mr. HILL. Mr. Chairman, I ask unanimous consent that the amendment be read again.

Without objection, the Clerk again reported the amendment.

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken, and on a division (called for by Mr. GAINES of Tennessee and other members) there were—ayes 71, noes 28.

So the amendment was adopted.

Mr. COCHRAN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 72 strike out all of section 14 down to the word "corporation" in line 17, and insert the following:

SEC. 14. No corporation shall own permanently and cultivate for profit any agricultural lands in the Philippine Islands.

Mr. COCHRAN. Mr. Chairman, I suppose that now that the gentlemen on the other side of the Chamber have taken upon themselves the task of establishing civil government in the Philippine Islands it may be possible to induce them to consider some of the causes which hitherto, for at least a century, have caused recurring revolutions and continual turmoil. When in the course of my remarks I refer to the Philippine Islands I want to be understood as referring to the Christian islands.

The island of Luzon is more densely populated than most of the American States, more densely populated than Ohio, almost as densely populated as Massachusetts or Rhode Island. It contains probably over 4,000,000 civilized people—certainly over 3,000,000—and is only two-thirds the size of the State of Missouri.

In early times the ecclesiastical bodies obtained possession of vast areas of the richest land in the island, and have held it from that time until this, adding continually to their possessions throughout three or four centuries. We have a representative now in Rome negotiating for the purchase of this land, and it has been suggested by the gentleman from Connecticut [Mr. HILL] that inasmuch as this land will soon be thrown on the market, they, as well as other lands, are available and ought to be available for sugar plantations and the like under this law.

The frequent revolts of the Filipinos against the Spanish Government resulted from excessive taxation and dissatisfaction with the Spanish friar priests. The ownership of such landed estates by these Spanish friars has long been the cause of friction. Now, are you going to transfer these friar lands, for the possession of which the Filipinos have so often contended with arms in their hands, to corporations, and thus permanently retire them from within reach of the people?

Are you going to say to a people, nearly all of whom live by cultivating the soil, "The very best of your lands is to be placed forever beyond your reach? You must look to great land-owning corporations for employment and not expect a proprietary interest in the soil." Will that pacify them?

The moment you authorize the establishment of large plantations for the cultivation of sugar in the islands, the problem of where to get the labor to cultivate them will arise. You will never, during this generation or the next, at least, get these natives to work as plantation hands for corporations engaged in agriculture over there.

Go down to British Guiana and see there what you may expect to follow the adoption of the policy foreshadowed in this measure. The possessions of Great Britain in South America are owned bodily by corporations such as this bill provides for. The British bosses, Chinese coolies, and enslaved natives who work on the plantation form the population. Do you ever hear of British Guiana in a commercial way? It is one vast plantation owned by British corporations and exploited for their profit.

In no civilized country on earth where agriculture is the chief pursuit can the ownership of an acre of agricultural land by a corporation be justified upon any principle of fairness to the great body of the people. The time is coming when Americans must face this problem. Everywhere you find a disposition to make all forms of productive property the basis of an industry carried on by corporations for profit.

Under the conditions I contend for agriculture neither seeks nor expects large profits. It is a way of earning a livelihood by appealing to mother earth for her blessings. It is a calling which exempts those who follow it from the supervision of a taskmaster. Whatever you may do in the Philippine Islands, you may not expect peace there if you are going to bar the people out of a proprietary interest in the lands or empower corporations to buy, hold, and cultivate the land for profit.

It should be borne in mind that while the Philippine Islanders live in towns or villages very largely, nearly the entire population outside of Manila and one or two other large places live by cultivating the soil. It is their only industry. The land is all they have left. It has nourished them and given them a livelihood when the hand of oppression has been hard to bear.

Now, do you propose to import the modern industrial system there, to take possession of the agricultural lands and exploit them as Great Britain is exploiting the lands of British Guiana?

I offer this amendment in all seriousness and good faith. You can not believe that to reject it will be in the interest of the Philippine Islanders.

Mr. CRUMPACKER. I move that all debate on the pending section and all amendments thereto be now closed.

The question being taken on the motion of Mr. CRUMPACKER, Mr. COCHRAN demanded a division.

Mr. GAINES of Tennessee. You are trying to shut off the anti-trust law, gentlemen, and you are not going to profit much by it. You know we are trying to kill the trusts.

The CHAIRMAN. The gentleman from Tennessee is out of order. A division is demanded.

The committee divided; and there were—ayes 63, noes 36.

Mr. SULZER demanded tellers.

Tellers were ordered; and the Chairman appointed Mr. CRUMPACKER and Mr. SULZER.

The committee again divided; and the tellers reported—ayes 74, noes 43.

Accordingly the motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The question being taken, on a division (demanded by Mr. COCHRAN) there were—ayes 35, noes 65.

Accordingly the amendment was rejected.

Mr. CANDLER. Mr. Chairman, I offer an amendment.

Mr. CRUMPACKER. All debate has been closed.

The CHAIRMAN. The amendment is admissible, but there can be no debate upon it. The Clerk will report the amendment offered by the gentleman from Mississippi.

The Clerk read as follows:

After the word "agriculture," in line 16, page 72, insert "or other business."

The question being taken on Mr. CANDLER'S amendment, on a division (demanded by Mr. CANDLER) there were—ayes 36, noes 71.

Mr. CANDLER demanded tellers.

Tellers were refused, 17 members, not a sufficient number, seconding the demand therefor.

Accordingly, the amendment was rejected.

Mr. PADGETT. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

In line 16, page 72, strike out the words "engaged in agriculture."

The question was taken, and the amendment was rejected.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. MOODY of Oregon having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 621. An act for the relief of Daniel Cherry;

H. R. 8108. An act for the relief of John Hornick;

H. R. 8769. An act for the relief of S. J. Schindel;

H. R. 10279. An act to pay the claim of Stephen Halsey;

H. R. 12097. An act to amend the internal-revenue laws in regard to storekeepers and gaugers;

H. R. 14247. To authorize the Charleston, Suburban and Summerville Railway Company to construct and maintain two bridges across Ashley River, in the State of South Carolina; and

H. J. Res. 103. Joint resolution relative to the disposition of patent specifications and drawings in the western district of Pennsylvania.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 5269) to provide a commission to secure plans and a design for a monument or a memorial to the memory of Abraham Lincoln, late President of the United States.

The message also announced that the Senate had agreed to the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6570) to amend the act of May 12, 1900, authorizing the Commissioner of Internal Revenue to redeem or make allowance for internal-revenue stamps.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to Senate amendment No. 14, and had receded from its disagreement to the amendment of the House to the amendment of the Senate No. 15, to the bill (H. R. 12804) making appropriations for the support of the Army for the fiscal year ending June 30, 1903, and had agreed to the same.

PHILIPPINE GOVERNMENT.

The committee resumed its session.

The Clerk read as follows:

AUTHORITY TO PURCHASE LANDS OF RELIGIOUS ORDERS AND OTHERS AND ISSUE BONDS FOR PURCHASE PRICE.

SEC. 15. That the government of the Philippine Islands is hereby authorized to acquire, receive, hold, maintain, and convey title to real and personal property, and may acquire real estate, together with appurtenances and hereditaments thereunto belonging, for public uses, by the exercise of the right of eminent domain. The powers hereinbefore in this section conferred may be exercised in respect of any lands which, on the 13th of August, 1898, were owned or held by associations, corporations, communities, religious orders, or private individuals in such large tracts or parcels and in such manner as, in the opinion of the Commission, injuriously to affect the peace and welfare of the people of said islands; and for the purpose of providing funds to acquire the lands mentioned in this section the government of said islands is hereby empowered to incur indebtedness, to borrow money, and to issue and to sell at not less than par value, upon such terms and conditions as it may deem best, registered or coupon bonds of the government of said islands for such amount as may be necessary, said bonds to be in denominations of $50 or any multiple thereof, bearing interest at a rate not exceeding 5 per cent per annum, payable quarterly, and to be payable at the pleasure of the government of said islands, after dates named in said bonds, not less than five nor more than thirty years from the date of their issue, together with interest thereon, in gold coin of the United States of the present standard value or the equivalent in value in money of said islands; and said bonds shall be exempt from the payment of all taxes or duties of the government of said islands or any local authority therein or of the Government of the United States. The moneys which may be realized or received from the issue and sale of said bonds shall be applied by the government of said islands to the acquisition of the property authorized by this section, and to no other purposes.

Mr. PERKINS. Mr. Chairman, I move to strike out the last word for the purpose of asking some questions in regard to this section, which is one of very great importance. If I understand it rightly, this section was intended to give power to acquire a large amount of land owned by the friars, as well as for other purposes. Is that so?

Mr. COOPER of Wisconsin. That is the purpose, Mr. Chairman.

Mr. PERKINS. Now, Mr. Chairman, I do not find in this bill any provision regulating the way in which the right of eminent domain shall be exercised, nor the value of the land so to be taken shall be ascertained.

Mr. COOPER of Wisconsin. Mr. Chairman, in view of the condition of public business, if the gentleman will permit me, I will move that the committee rise.

Mr. PERKINS. I do not yield the floor.

Mr. COOPER of Wisconsin. The gentleman from New York does not yield the floor; but I have just received a communication from the Speaker that it is necessary that important public business may be transacted. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. GILLETT of Massachusetts, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 2295 and had come to no resolution thereon.

SPEAKER PRO TEMPORE FOR EVENING SESSION.

The SPEAKER. The Chair designates as Speaker pro tempore for this evening's session the gentleman from Illinois, Mr. BOUTELL.

RETURN OF BILL TO SENATE.

The SPEAKER laid before the House the following Senate resolution; which was read, considered, and agreed to:

IN THE SENATE OF THE UNITED STATES, *June 25, 1902.*

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 3580) to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars into automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes," approved March 2, 1893, and amended April 1, 1896.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 917. An act for the relief of John H. McLaughlin—to the Committee on Claims.

S. 1206. An act for the relief of Frank J. Burrows—to the Committee on Military Affairs.

S. 4426. An act to authorize the Secretary of War to loan arms to the institutions having companies of the Boys' Brigade connected therewith—to the Committee on Military Affairs.

S. 4815. An act to grant certain lands to the South Platte Canal and Reservoir Company—to the Committee on the Public Lands.

S. 5228. An act for the purchase of a national forest reserve in the Southern Appalachian Mountains, to be known as the "National Appalachian Forest Reserve"—to the Committee on Agriculture.

S. 5329. An act authorizing the President to appoint Lieut. Commander William P. Randall, retired, United States Navy, a commander on the retired list—to the Committee on Naval Affairs.

S. 6016. An act for the suppression of train robbery in the Territories of the United States and elsewhere, and for other purposes—to the Committee on the Judiciary.

S. 6034. An act raising the rank of Chief Engineer David Smith on the retired list of the Navy—to the Committee on Naval Affairs.

S. 6117. An act for the relief of George Lea Febiger—to the Committee on War Claims.

S. 6119. An act to authorize the Pensacola, Alabama and Tennessee Railway Company to erect, maintain, and operate a railway bridge across the Alabama River in Wilcox County, in the State of Alabama—to the Committee on Interstate and Foreign Commerce.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States was communicated to the House by Mr. B. F. BARNES, one of his secretaries, who announced that the President did, on the following dates, approve and sign bills and joint resolution of the following titles:

On June 23, 1902:

H. R. 5550. An act for the relief of W. C. Taylor.

On June 24, 1902:

H. J. Res. 200. Joint resolution amending "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," approved June 6, 1902; and

H. R. 11725. An act to amend section 4139 and section 4314 of the Revised Statutes.

DISTRICT CODE.

The SPEAKER also laid before the House the following resolution of the Senate; which was read, considered, and agreed to:

IN THE SENATE OF THE UNITED STATES, *June 25, 1902.*

Resolved, That the Secretary be directed to request the House of Representatives to furnish to the Senate a duplicate engrossed copy of the amendment to the bill (S. 493) to amend an act entitled "An act to establish a code of law for the District of Columbia," the same having been lost or mislaid.

AGREEMENT WITH CHOCTAW AND CHICKASAW INDIANS.

The SPEAKER laid before the House the bill (H. R. 13172) to ratify and confirm an agreement with the Choctaw and Chickasaw

tribes of Indians, and for other purposes, with Senate amendments, which were read.

Mr. CURTIS. Mr. Speaker, I ask unanimous consent that the House disagree to the Senate amendments, and agree to the conference asked.

The SPEAKER. The gentleman does not need to ask unanimous consent, as this is a House bill with Senate amendments, which do not require consideration in Committee of the Whole House on the state of the Union.

Mr. CURTIS. Then I move that the House disagree to the Senate amendments, and agree to the conference asked.

The SPEAKER. The gentleman moves to disagree to the Senate amendments, and agree to the conference asked by that body.

The question was taken, and the motion was agreed to.

The SPEAKER. The Chair announces the following conferees: Mr. CURTIS, Mr. LACEY, and Mr. LITTLE.

ISTHMIAN CANAL.

Mr. HEPBURN. Mr. Speaker, I desire to present the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to House bill 3110, to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans, and also the statement.

The SPEAKER. The report and the statement both will be printed in the RECORD under the rule.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3110) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same.

W. P. HEPBURN,
L. FLETCHER,
R. C. DAVEY,
Managers on the part of the House.

JOHN T. MORGAN,
M. A. HANNA,
A. B. KITTREDGE,
Managers on the part of the Senate.

The statement is as follows:

The effect of the action of the conferees, if approved by the House, will be to eliminate all of the provisions of the bill as passed by the House and enact into legislation all of the provisions of the Senate amendment.

TO REDEEM AND MAKE ALLOWANCE FOR INTERNAL-REVENUE STAMPS.

Mr. PAYNE. Mr. Speaker, I desire to present the conference report on the act to amend the act of May 12, 1900, authorizing the Commissioner of Internal Revenue to redeem or make allowance for internal-revenue stamps. I present the conference report and statement.

The SPEAKER. The report and statement will be printed in the RECORD, under the rule.

The report of the committee of conference is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6570) an act to amend the act of May 12, 1900, authorizing the Commissioner of Internal Revenue to redeem or make allowance for internal-revenue stamps, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the Senate amendments Nos. 1, 2, 3, and 4, and agree to the same with an amendment as follows:

Strike out said Senate amendments and all of said bill (H. R. 6570) after line 6, page 1, and insert in lieu thereof the following:

"Excepting documentary and proprietary stamps issued under the act of June 13, 1898, which stamps may be redeemed as hereinbefore authorized, upon presentation prior to the 1st day of July, 1904;" so that said proviso shall read as follows: "*Provided further* That no claim for the redemption of or allowance for stamps shall be allowed unless presented within two years after the purchase of said stamps from the Government, excepting documentary and proprietary stamps issued under the act of June 13, 1898, which stamps may be redeemed as hereinbefore authorized, upon the presentation prior to the 1st day of July, 1904."

SERENO E. PAYNE,
JOHN DALZELL,
JAMES D. RICHARDSON,
Managers on the part of the House.

NELSON W. ALDRICH,
O. H. PLATT,
H. M. TELLER,
Managers on the part of the Senate.

The statement is as follows:

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6570) to amend the act of May 12, 1900, authorizing the Commissioner of Internal Revenue to redeem or make allowance for internal-revenue stamps, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report:

The House managers recede from the disagreement to the Senate amendments and agree to the same with an amendment striking out all after line 6, page 1, of the House bill, and inserting new language, which is simpler in form and carries out exactly the provision and intention of the House in the original act.

SERENO E. PAYNE,
JOHN DALZELL,
JAMES D. RICHARDSON,
Managers on the part of the House.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 13650. An act to correct the military record of James M. Olmstead;

H. R. 3323. An act granting a pension to Daniel L. Mallicoat;

H. R. 12299. An act granting a pension to William C. Roberts;

H. R. 10933. An act to provide for the erection, at Fredericksburg, Va., of the monument to the memory of Gen. Hugh Mercer, which was ordered by Congress on the 8th day of April, 1777, should be erected;

H. R. 3500. An act granting an increase of pension to Kate O. Phillips;

H. R. 14691. An act to authorize the construction of a pontoon bridge across the Missouri River in the county of Cass, in the State of Nebraska, and in the county of Mills, in the State of Iowa;

H. R. 12284. An act granting an increase of pension to George W. Shaw;

H. R. 10178. An act granting an increase of pension to Daniel Thomas;

H. R. 12648. An act to establish a regular term of United States district court in Roanoke City, Va., and for other purposes;

H. R. 6871. An act granting an increase of pension to Harman Scramlin;

H. R. 4556. An act to amend act entitled "An act to supplement existing laws relating to the disposition of lands, etc.," approved March 3, 1901;

H. R. 12800. An act granting an increase of pension to Horatio N. Whitbeck;

H. R. 14221. An act granting an increase of pension to Nancy J. McArthur;

H. R. 14111. An act to authorize the construction of a bridge across the Tennessee River, in the State of Tennessee, by the Harriman Southern Railroad Company;

H. R. 5315. An act granting an increase of pension to Orrin J. Wells; and

H. R. 12507. An act granting an increase of pension to Ebenezer W. Oakley.

RESERVING SPACE IN MEMBERS' GALLERY.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent that seats may be reserved in the Members' gallery on Sunday morning next during the eulogies on our late colleague, the Hon. Amos J. Cummings, for a committee representing Typographical Union No. 6, of New York.

The SPEAKER. The gentleman from New York asks unanimous consent that the Doorkeeper be instructed to reserve seats in the members' gallery for the accommodation of members representing Typographical Union No. 6, of New York, who desire to attend the services on our late colleague, Mr. Cummings. Is there objection?

Mr. JONES of Virginia. I would like to suggest that the gentleman amend that request, so that it does not exclude members of the families of Mr. Cummings or Mr. Otey.

Mr. PAYNE. That is always done.

The SPEAKER. The Chair has assigned his private row to Mrs. Cummings.

Mr. JONES of Virginia. I understand some members of Major Otey's family will be here. I do not know how many there will be.

The SPEAKER. The Chair will be glad to make the same provision as is customary for members of the families of those interested in the services. Is there objection to the request of the gentleman from New York? The Chair hears none, and it is so ordered.

PROTECTION OF LIVES OF MINERS.

Mr. MOODY of Oregon. Mr. Speaker, I present the conference report and statement on the bill (H. R. 8327) to amend an act entitled "An act for the protection of the lives of miners in the Territories," for the purpose of having it printed in the RECORD under the rule.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 8327) entitled "An act to amend an act entitled 'An act for the protection of the lives of miners in the Territories,'" having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to same with amendment as follows: On page 1, line 8, of the bill, strike out "at a depth of 100 feet or more;" and the Senate agree to the same; and on page 2, line 19, after the word "currents," insert: "*Provided*, That all owners, lessees, operators of, or any other person having the control or management of any coal shaft, drift, slope, or pit in the Indian Territory, employing twenty or more miners to work in the same, shall employ shot firers to fire the shots therein. Said shots shall not be fired to exceed one per day, at 12 o'clock noon in cases where the miners work but half a day, and at 5 o'clock in the evening when the mine is working three-quarters or full time, and they shall not be fired until after all miners and other

employees working in said shafts, drifts, slopes, or pits shall be out of same;" and the Senate agree to the same.

MALCOLM A. MOODY,
CHARLES F. SCOTT,
Managers on the part of the House.
W. A. CLARK,
C. D. CLARK,
Managers on the part of the Senate.

The statement is as follows:

The effect of the agreement of the conferees will be:

First. To strike out the limitation as to "depth of 100 feet or more," thus making the law applicable to mines of any depth.

Second. The Senate amendments providing for sprinkling the mines or removing the dust is accepted by the House conferees.

Third. As to shot firing, the conferees agree to make that feature of the bill applicable to the Indian Territory only, in mines employing 20 men or more. The necessity for this provision exists chiefly in that Territory, and your conferees have deemed it best to accept this limitation.

MALCOLM A. MOODY.
CHAS. F. SCOTT.

CHANGE OF REFERENCE.

By unanimous consent, reference of the bill (S. 255) for the improvement of Mount Rainier National Park, in the State of Washington, was changed from the Committee on the Public Lands to the Committee on Appropriations.

LEAVE TO WITHDRAW PAPERS.

By unanimous consent, Mr. MICKEY was given leave to withdraw from the files of the House, without leaving copies, papers in the case of Robert G. Scroggs, Fifty-seventh Congress, no adverse report having been made thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. LEVER for ten days, on account of important business.

And then, the hour of 5 o'clock having arrived, the House, in pursuance of its previous order, took a recess until 8 o'clock in the evening.

EVENING SESSION.

The recess having expired, the House (at 8 o'clock p. m.) was called to order by Mr. BOUTELL as Speaker pro tempore.

The SPEAKER pro tempore. In pursuance of the order previously made, the House will now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill S. 2295.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union, with Mr. MANN in the chair.

Mr. JONES of Virginia. Mr. Chairman, I move that the committee do now rise.

Mr. BOUTELL. Mr. Chairman, I would suggest that as there is no one here representing the chairman of the committee, it might be well for the Chair to ask if there is any member present who desires to speak.

Mr. JONES of Virginia. Mr. Chairman, I withdraw my motion for that purpose.

The CHAIRMAN. The Chair will ask if there is any gentleman present who desires to address the committee. If there is, the Chair will recognize him.

Mr. JONES of Virginia. Mr. Chairman, there seems to be no response. I renew my motion that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker pro tempore having resumed the chair, Mr. MANN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 2295, and had come to no resolution thereon.

And then, on motion of Mr. JONES of Virginia (at 8 o'clock and 5 minutes p. m.), the House adjourned until 11 o'clock a. m. tomorrow.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MARTIN, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 6138) to set apart certain lands in the State of South Dakota as a public park, to be known as the Wind Cave National Park, reported the same without amendment, accompanied by a report (No. 2676); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LACEY, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 4616) to grant title to the town of Juneau, Alaska, of lands occupied for school purposes, and for other purposes, reported the same with amendment, accompanied by a report (No. 2677); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MONDELL, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 4617) to authorize a resurvey of certain lands in the State of Wyoming, and for other purposes, reported the same without amendment, accompanied by a report (No. 2678); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BURKE of South Dakota, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 2513) to ratify an agreement with the Lower Brule band of the Sioux tribe of Indians in South Dakota, and making appropriation to carry the same into effect, reported the same with amendment, accompanied by a report (No. 2679); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BURTON, from the Committee on Rivers and Harbors, reported the bill of the House (H. R. 15258) authorizing Anton Brucken to construct locks and dams in Pond River, in the State of Kentucky, and to give the consent of Congress thereto, in lieu of the bill of the House H. R. 10521, accompanied by a report (No. 2680); which said bill and report were referred to the House Calendar.

Mr. MOODY of Oregon, from the Committee on Indian Affairs, reported the bill of the House (H. R. 15259) to authorize the Absentee Wyandotte Indians to select certain lands, and for other purposes, as a substitute in lieu of the bill of the House H. R. 10695, accompanied by a report (No. 2681); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. NEEDHAM, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 6148) providing for the resurvey of certain townships in San Diego County, Cal., reported the same without amendment, accompanied by a report (No. 2683); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. DICK, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 2670) granting an honorable discharge to Eugene H. Ely, reported the same with amendment, accompanied by a report (No. 2682); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 6756) granting a pension to James R. Keary, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. JENKINS: A bill (H. R. 15256) to appropriate $2,500 to mark battle sites—to the Committee on Appropriations.

By Mr. NEVIN: A bill (H. R. 15257) to cede jurisdiction over place on which the National Home for Disabled Volunteer Soldiers is located to the State of Ohio—to the Committee on Military Affairs.

By Mr. BURTON, from the Committee on Rivers and Harbors: A bill (H. R. 15258) authorizing Anton Brucken to construct locks and dams in Pond River, in the State of Kentucky, and to give the consent of Congress thereto, as a substitute in lieu of H. R. 10521—to the House Calendar.

By Mr. MOODY of Oregon, from the Committee on Indian Affairs: A bill (H. R. 15259) to authorize the Absentee Wyandotte Indians to select certain lands, and for other purposes, as a substitute in lieu of H. R. 10695—to the Union Calendar.

By Mr. STEVENS of Minnesota: A joint resolution (H. J. Res. 209) to authorize Charles Zueblin to remove from the Library of Congress plans prepared in connection with park system of District of Columbia—to the Committee on the Library.

By Mr. SULZER: A concurrent resolution (H. C. Res. 58) for a Congressional investigation of the transport system—to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. KEHOE: A bill (H. R. 15260) granting a pension to William Foster—to the Committee on Invalid Pensions.

By Mr. MERCER: A bill (H. R. 15261) granting an increase of pension to Louis Lowry—to the Committee on Invalid Pensions.

By Mr. NEVIN: A bill (H. R. 15262) to correct the military record of Christopher J. Sweetman—to the Committee on Military Affairs.

By Mr. RICHARDSON of Tennessee: A bill (H. R. 15263) granting an increase of pension to Sarah Waller—to the Committee on Pensions.

Also, a bill (H. R. 15264) to correct the military record of Dobson Johnson—to the Committee on Military Affairs.

By Mr. RIXEY (by request): A bill (H. R. 15265) for the relief of Priscilla J. Shipman, administratrix of the estate of John J. Shipman, deceased, for work done for and materials furnished to the District of Columbia—to the Committee on Claims.

By Mr. ROBB: A bill (H. R. 15266) for the relief of Anderson Coleman—to the Committee on War Claims.

By Mr. HENRY C. SMITH: A bill (H. R. 15267) granting a pension to Hattie Cutcher—to the Committee on Invalid Pensions.

By Mr. HAMILTON: A bill (H. R. 15268) for the relief of Elias Minnich—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. DALZELL: Petitions of Woman's Christian Temperance Union of Hoboken, and Sheet Metal Workers' Union No. 111, of Trenton, N. J., for increase of pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. FITZGERALD: Petition of American Association of Nurserymen, advocating the passage of House bill 10999, in favor of national quarantine of diseased and infected trees and plants—to the Committee on Agriculture.

By Mr. FOERDERER: Resolutions of the Commercial Exchange of Philadelphia, urging the passage of House bill 14022, to prevent interstate telegraph and telephone lines being used to promote gambling—to the Committee on the Judiciary.

Also, resolutions of the Trades' League of Philadelphia, Pa., favoring a bill to increase the efficiency of the foreign service of the United States, and to provide for the reorganization of the consular service—to the Committee on Foreign Affairs.

By Mr. GRAHAM: Petition of George W. Payne, of Philadelphia, Pa., urging the passage of Senate bill 1890, the per diem pension bill—to the Committee on Invalid Pensions.

Also, petition of Andrew Carnegie, Charles F. Adams, Carl Schurz, Edwin Burritt Smith, and Herbert Welsh, urging the appointment of a special committee to investigate the condition of affairs in the Philippine Archipelago—to the Committee on Insular Affairs.

By Mr. HILL: Petition of H. E. Northrop and others, of Danbury, Conn., in favor of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. HOWELL: Petition of Tin and Sheet Metal Workers' Union of Trenton, N. J., for increase of pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. KEHOE: Petitions of retail druggists of Ashland, Louisa, Maysville, and Catlettsburg, Ky., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. KETCHAM: Resolution of Steam Engineers Union No. 105, of Poughkeepsie, N. Y., favoring the passage of the Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. KNOX: Petition of the Second Corps of Cadets of the Massachusetts Volunteer Militia, of Salem, Mass., against the passage of House bill 11654—to the Committee on the Militia.

By Mr. LACEY: Petition of O. R. Corey and others, of Monroe County, Iowa, in favor of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, petition of T. M. Overlees and others, of Bartlesville, Ind. T., asking for the passage of the Cherokee treaty bill—to the Committee on Indian Affairs.

By Mr. MAYNARD: Petition of American Association of Nurserymen, advocating the passage of House bill 10999—to the Committee on Agriculture.

By Mr. NAPHEN: Resolutions of the city council of Fitchburg, Mass., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. RICHARDSON of Tennessee: Papers to accompany House bill granting an increase of pension to Sarah Waller—to the Committee on Invalid Pensions.

By Mr. ROBB: Papers to accompany bill for the relief of Anderson Coleman—to the Committee on War Claims.

By Mr. RYAN: Resolutions of Buffalo Business Men's Central Council, and petitions of W. H. Barnhart and 100 other citizens of Buffalo, N. Y., favoring a bill to authorize the Mather Power Company to construct experimental span in Niagara River at Buffalo, N. Y.—to the Committee on Interstate and Foreign Commerce.

Also, petition of Roderick Smith, of Buffalo, N. Y., presenting a substitute for the Philippine bill now pending—to the Committee on Insular Affairs.

Also, petition of The American Association of Nurserymen, of Rochester, N. Y., asking for the passage of House bill 10999—to the Committee on Agriculture.

By Mr. STEVENS of Minnesota: Petition of many citizens of St. Paul, Minn., in favor of free beef, veal, pork, and mutton—to the Committee on Ways and Means.

SENATE.

THURSDAY, *June 26, 1902.*

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. If there be no objecion, the Journal will stand approved.

LIST OF JUDGMENTS.

The PRESIDENT pro tempore laid before the Senate a communication from the Attorney-General, transmitting, in response to a resolution of the 23d instant, a list of judgments rendered against the Government by the circuit and district courts of the United States under the act of March 3, 1887, etc.; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

CLAIM OF THE STATE OF VERMONT.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, the claim of the State of Vermont, amounting to $280,453.56, allowed by the Auditor for the War Department under appropriations, the balances of which have been exhausted or carried to the surplus fund, the certification being in lieu of the amount transmitted to the Senate on the 25th instant; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 4776) to authorize the construction of a bridge across the Emory River, in the State of Tennessee, by the Tennessee Railway or its successors;

A bill (S. 5434) to authorize the city of Little Falls, Minn., to construct a wagon and foot bridge across the Mississippi River within the limits of said city; and

A bill (S. 6270) to amend an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved June 13, 1902.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3360) for the promotion of First Lieut. Joseph M. Simms, Revenue-Cutter Service.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 13172) to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CURTIS, Mr. LACEY, and Mr. LITTLE managers at the conference on the part of the House.

The message also returned to the Senate in compliance with its request the bill (S. 3560) to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes, and their locomotives with driving-wheel brakes, and for other purposes," approved March 2, 1893, and amended April 1, 1896.

The message further announced that the House had furnished to the Senate, in compliance with its request, a duplicate engrossed copy of the amendment of the Senate to the bill (S. 493) to amend an act entitled "An act to establish a code of law for the District of Columbia."

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (H. R. 3323) granting a pension to Daniel L. Mallicoat;

A bill (H. R. 3500) granting an increase of pension to Kate O. Phillips;

A bill (H. R. 4556) to amend act entitled "An act to supplement existing laws relating to the disposition of lands, etc., approved March 3, 1901;

A bill (H. R. 5315) granting an increase of pension to Orrin J. Wells;

A bill (H. R. 6871) granting an increase of pension to Harman Scramlin;

A bill (H. R. 10178) granting an increase of pension to Daniel Thomas;

A bill (H. R. 10933) to provide for the erection at Fredericksburg, Va., of the monument to the memory of Gen. Hugh Mercer, which was ordered by Congress, on the 8th day of April, 1777, should be erected;

A bill (H. R. 12284) granting an increase of pension to George W. Shaw;

A bill (H. R, 12299) granting a pension to William C. Roberts;

A bill (H. R. 12507) granting an increase of pension to Ebenezer W. Oakley;

A bill (H. R. 12648) to establish a regular term of United States district court in Roanoke city, Va., and for other purposes;

A bill (H. R. 12800) granting an increase of pension to Horatio N. Whitbeck;

A bill (H. R. 13650) to correct the military record of James M. Olmstead;

A bill (H. R. 14111) to authorize the construction of a bridge across the Tennessee River, in the State of Tennessee, by the Harriman Southern Railroad Company;

A bill (H. R. 14221) granting an increase of pension to Nancy J. McArthur; and

A bill (H. R. 14691) to authorize the construction of a pontoon bridge across the Missouri River, in the county of Cass, in the State of Nebraska, and in the county of Mills, in the State of Iowa.

PETITIONS AND MEMORIALS.

Mr. FOSTER of Washington presented a petition of the Chamber of Commerce of Seattle, Wash., praying for the enactment of certain legislation in behalf of the Territory of Alaska; which was referred to the Committee on Territories.

He also presented a petition of the Chamber of Commerce of Seattle, Wash., praying for the enactment of legislation providing for the election of a Delegate to Congress from the Territory of Alaska; which was referred to the Committee on Territories.

Mr. PLATT of New York presented a petition of sundry members of the Audubon Society of the State of New York of Poplar Ridge, Auburn, Orange, Belvedere, and Sherwood, all in the State of New York, praying for the enactment of legislation providing for the protection of game in Alaska, etc.; which was ordered to lie on the table.

Mr. HANSBROUGH presented a petition of sundry druggists of Fargo, N. Dak., praying for a reduction of the tax on alcohol; which was referred to the Committee on Finance.

Mr. FAIRBANKS presented a petition of the Grocers' Chemical Works, of Evansville, Ind., praying for the passage of the so-called pure-food bill; which was ordered to lie on the table.

He also presented a memorial of Cigar Makers' Local Union No. 54, of Evansville, Ind., remonstrating against the enactment of legislation providing for a reduction of 20 per cent on raw leaf tobacco; which was referred to the Committee on Finance.

He also presented a petition of the St. Joseph Valley Grange, No. 584, of South Bend, Ind., praying for the enactment of legislation providing for uniform mail boxes; which was referred to the Committee on Post-Offices and Post-Roads.

BOWERS HYDRAULIC DREDGE PATENTS.

Mr. McCUMBER. I present the statements of Clarence W. De Knight and Lysander Hill, made before the Committee on Patents, United States Senate, Friday, June 20, 1902, on the application for extension of the Bowers hydraulic dredge patents. I move that the statements be printed as a document.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (S. 6281) to provide for the leasing of water power created by public works, reported it with an amendment, and submitted a report thereon.

Mr. QUARLES, from the Committee on the Census, to whom was referred the joint resolution (H. J. Res. 182) authorizing the Director of the Census to compile statistics relating to irrigation, reported it without amendment, and submitted a report thereon.

Mr. MASON, from the Committee on Commerce, to whom was referred the bill (H. R. 11987) relating to transportation of dutiable merchandise at subports of Tacoma and Seattle, State of Washington, reported it without amendment.

He also, from the same committee, reported an amendment proposing to appropriate $25,000 for the improvement of the Ohio River between Cairo and Mound City, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations.

Mr. WARREN. I report from the Committee on Claims sixteen bills, one amendment, and three joint resolutions, and ask that they be postponed indefinitely, as they have been provided for otherwise.

The bills, amendment, and joint resolutions were postponed indefinitely, as follows:

A bill (S. 3198) for the relief of the firm of Zeno Secor or its legal representatives;

A bill (S. 4058) for the relief of Sarah K. T. Baker;

A bill (S. 1710) for the relief of J. V. Davis;

A bill (S. 1213) to grant jurisdiction and authority to the Court of Claims in the case of Southern Railway Lighter No. 10, her cargoes, etc.;

A bill (S. 3088) for the relief of Julia A. Thomas, administratrix of the estate of I. S. O. G. Greer, deceased;

A bill (S. 572) for the relief of R. M. Probstfield;

A bill (S. 871) for the relief of the New Orleans and Bayou Sara Mail Company, of New Orleans, La.;

A bill (S. 3197) for the relief of Secor & Co., Perine, Secor & Co., and the firm of Zeno Secor or its legal representatives;

A bill (S. 105) for the relief of the heirs of C. C. Moore, deceased;

A bill (S. 1746) for the relief of the Globe Works, of Boston, Mass.;

A bill (S. 2956) for the relief of Francis King;

A bill (S. 3070) to pay the findings of the Court of Claims in certain French spoliation claims;

A bill (S. 5190) for the relief of J. B. Roberson, administrator of the estate of J. P. Roberson, deceased;

A bill (S. 1884) for the relief of the legal representatives of Tomlinson & Hartupee & Co.;

A bill (S. 1240) for the relief of John K. Nutt, administrator of Haller Nutt, deceased;

A bill (S. 355) for the relief of Henry R. Walton, administrator of John Walton, deceased;

A joint resolution (S. R. 29) authorizing the Secretary of the Treasury to ascertain, allow, and pay the claims of the several States for all moneys by them actually paid to aid the General Government in maintaining the national defense when carrying on the war of the rebellion;

A joint resolution (S. R. 14) in relation to the claims of the States of Ohio, Michigan, Illinois, and Indiana against the Government of the United States;

A joint resolution (S. R. 10) authorizing and directing the Secretary of the Treasury to pay certain claims of the State of Indiana; and

An amendment submitted by Mr. TURNER, relative to the claim of the heirs or legal representatives of Charles P. Culver, intended to be proposed to the sundry civil appropriation bill.

Mr. BEVERIDGE. from the Committee on Territories, to whom was referred the bill (S. 5422) authorizing the county of Maricopa, Territory of Arizona, to issue bonds for the construction of reservoirs and dams for water storage, and for other purposes, reported it with amendments.

SHOAL IN NORTH RIVER, NEW YORK HARBOR.

Mr. PERKINS. I am directed by the Committee on Commerce, to whom was referred the joint resolution (S. R. 120) providing for the removal of shoal in North River of New York Harbor, to report it favorably without amendment and to ask unanimous consent for its immediate consideration.

The Secretary read the joint resolution, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DAVID H. JARVIS, ELLSWORTH P. BERTHOLF, AND SAMUEL J. CALL.

Mr. HANNA. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 11019) directing the Secretary of the Treasury to bestow medals upon First Lieut. David H. Jarvis, Second Lieut. Ellsworth P. Bertholf, and Samuel J. Call, surgeon, all of the Revenue-Cutter Service, to report it favorably without amendment and to ask for its immediate consideration.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of the Treasury to bestow a gold

medal of honor, of such design as he may approve, upon First Lieut. David H. Jarvis, Second Lieut. Ellsworth P. Bertholf, and Dr. Samuel J. Call, surgeon, all of the Revenue-Cutter Service and members of the overland expedition of 1897 and 1898 for the relief of the whaling fleet in the arctic regions, in recognition of the heroic service rendered by them in connection with that expedition, and appropriates $1,000 for the purchase or manufacture of the medals.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FORT STEVENS NATIONAL MILITARY PARK.

Mr. PLATT of New York, from the Committee on Printing, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That 500 copies of the letter, June 2, 1902, from the Fort Stevens Lincoln National Military Park Association, with the appendices A, B, C, and D, all in explanation of the object of the association as contemplated by Senate bill No. 4476, Fifty-seventh Congress, first session, to establish a national military park at the battlefield of Fort Stevens, in the District of Columbia, be printed for the use of the Senate.

JOHN MARBLE.

Mr. GALLINGER. The bill (H. R. 3519) granting an increase of pension to John Marble was mislaid in the committee room. It is a bill in behalf of a blind soldier, and is the last report that will be made from the Committee on Pensions at this session. I report the bill back favorably without amendment, and ask that it may be considered.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension roll the name of John Marble, late of the United States steamships *Ohio*, *Cohasset*, and *Ceres*, United States Navy, and to pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED.

Mr. PLATT of New York introduced a bill (S. 6287) for the relief of Theodore R. Timby; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Patents.

Mr. BLACKBURN introduced a bill (S. 6288) for the relief of Alex. Kennedy; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. MARTIN introduced a bill (S. 6289) for the relief of Harrison Capp; which was read twice by its title, and, with the accompany papers, referred to the Committee on Claims.

Mr. GAMBLE introduced a bill (S. 6290) to extend the provisions of section 2455 of the Revised Statutes of the United States as amended by act of February 26, 1895, relating to public lands; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. MCENERY introduced the following bills; which were each read twice by their titles, and referred to the Committee on Claims:

A bill (S. 6291) for the relief of the estate of George C. Pearce, deceased; and

A bill (S. 6292) for the relief of the estate of John Norwood, deceased.

Mr. FORAKER introduced a joint resolution (S. R. 123) for the relief of Naval Cadet William Victor Tomb, United States Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

AMENDMENT TO THE DEFICIENCY APPROPRIATION BILL.

Mr. CLAY submitted an amendment proposing to appropriate $6,014.60 for payment of final judgment, including cost of suit, of Georgia Venable Construction Company *v.* The United States, rendered in the United States circuit court, northern district of Georgia, etc., intended to be proposed by him to the general deficiency appropriation bill; which was ordered to lie on the table.

CLAIMS OF MAIL CARRIERS.

Mr. BERRY submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate, That the Postmaster-General be directed to send to the Senate the number of items and the total amount due to individuals for carrying the mails prior to May 1, 1861, in cases where the Confederate records on file in the Department fail to show payment by the Confederate Government.

DEFICIENCY APPROPRIATION BILL.

Mr. HALE. I move that the Senate proceed to the consideration of the deficiency appropriation bill.

Mr. PENROSE. I ask unanimous consent that a bridge bill may be taken up and passed. It will take but a moment. It is to provide for a bridge over the Monongahela River, and I want to have it pass the House to-morrow. I hope the Senator from Maine will let the bill be called up.

Mr. HALE. Let me get up the deficiency appropriation bill.

Mr. PENROSE. All right. I will then renew the request.

The PRESIDENT pro tempore. The Senator from Maine moves that the Senate proceed to the consideration of the bill (H. R. 15108) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

Mr. HALE. I ask that the formal reading be dispensed with, and that the amendments of the committee be acted upon as they are reached.

The PRESIDENT pro tempore. The Senator from Maine asks unanimous consent that the formal reading of the bill be dispensed with, that it be read for amendment, and that the committee amendments shall first receive consideration. Is there objection? The Chair hears none, and it is so ordered.

Mr. PENROSE. I ask the Senator from Maine to yield to me to have a bridge bill passed. It will take only a minute, and I want to get it through the House to-morrow.

Mr. HALE. If it takes no time I will yield.

Mr. PENROSE. It will not take any time.

Mr. HALE. Very well.

MONONGAHELA RIVER BRIDGE.

Mr. PENROSE. I ask the Senate to proceed to the consideration of the bill (S. 4611) to authorize the West Elizabeth and Dravosburg Bridge Company to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Commerce with an amendment, in section 5, page 4, line 18, after the word "purposes," to insert:

And equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DEFICIENCY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15108) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other purposes.

The Secretary proceeded to read the bill. The first amendment of the Committee on Appropriations was, under the head of "Department of State," on page 2, after line 9, to insert:

To pay certain claims of British and German subjects growing out of the seizure of the British schooners E. R. Nickerson and Wary during the late war with Spain, as set forth in Senate Document No. 396 of the present session, $6,605.

The amendment was agreed to.

The next amendment was, on page 2, after line 15, to insert:

To meet the pro rata part of the United States, under the agreement at the Second International American Conference, held in the city of Mexico during the year 1901, for the purpose of purchasing the complete edition of 1,200 copies of the Dictionary of Construction and Rules of the Spanish Language, fiscal year 1903, $4,246.

The amendment was agreed to.

The next amendment was, under the subhead "Foreign intercourse," on page 4, after line 7, to insert:

For additional amount for the salary of the United States consul at Odessa, Russia, for the fiscal year 1903, $500.

The amendment was agreed to.

The next amendment was, on page 4, after line 10, to insert:

That the appropriations made in the act making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1903, approved March 22, 1902, for the pay of the envoy extraordinary and minister plenipotentiary to Austria, and the secretaries of the legations to Austria, are hereby made applicable and payable to the ambassador extraordinary and minister plenipotentiary and secretaries for said embassy for Austria, and may be used for the pay of the ambassador of Austria and the secretaries of said embassy.

The amendment was agreed to.

The next amendment was, on page 4, after line 21, to insert:

To pay John C. White for services rendered as chargé d'affaires ad interim of the United States at Rio de Janeiro, Brazil, from December 23, 1878, to March 27, 1879, inclusive, and from April 11, 1880, to June 30, 1880, inclusive, $2,030.63.

The amendment was agreed to.

The next amendment was, under the head of "Treasury Department," on page 9, after line 2, to insert:

For construction of a steel ferryboat to run between Ellis Island and the Battery, New York, to be paid out of the immigrant fund, $80,000.

The amendment was agreed to.

The next amendment was, on page 9, after line 16, to insert:

Enforcement of the Chinese-exclusion act: To prevent unlawful entry of Chinese into the United States by the appointment of suitable officers to enforce the laws in relation thereto, and for expenses of returning to China all Chinese persons found to be unlawfully in the United States, including the cost of imprisonment and actual expense of conveyance of Chinese persons to the frontier or seaboard for deportation, $15,000.

The amendment was agreed to.

The next amendment was, on page 11, after line 2, to insert:

Pan-American Exposition: To John G. Milburn, of Buffalo, N. Y., as trustee, for the payment of certain creditors of the Pan-American Exposition Company, $500,000; the claims against said company to be paid pro rata by said Milburn as trustee aforesaid being for labor, material, services, and other expenses incident thereto and attending the work of said exposition. None of this money shall be paid to any stockholder of said corporation as a dividend upon such stock, nor to pay any claim against said company secured by mortgage, nor to any holder of bonds or securities of said company on account of said bonds or securities, nor shall any payment be made for rents of said grounds or for the restoration of the same. The said Milburn as trustee shall file with the Secretary of the Treasury a report giving the names of the creditors so paid and the respective amounts and on what account, accompanied with a voucher, under oath, showing the furnishing of such labor, material, services, and other expenses as aforesaid, and the payment therefor by said trustee. The unexpended balance, if any, shall be returned by said trustee to the Treasury with said report, which shall be filed within one year after said appropriation shall be paid to said trustee. In case of the death, resignation, or removal of said trustee, the circuit court of the United States for the western district of New York shall, upon application of any interested party, appoint a successor who shall discharge said trust.

The said trustee or his successor may be required by the Secretary of the Treasury to give a bond to be approved by him for the faithful discharge of said trust hereby created.

Mr. BAILEY. Mr. President, is it in order to move an amendment? Is the bill being read for amendment now?

The PRESIDENT pro tempore. It is not. Unanimous consent was given that the committee amendments should first receive consideration.

Mr. HALE. There will be an opportunity when we get through with the committee amendments.

Mr. BAILEY. I simply want to protest against that kind of a provision.

The PRESIDENT pro tempore. If an amendment was to be proposed to an amendment——

Mr. HALE. That of course is in order.

The PRESIDENT pro tempore. It would be in order.

Mr. HALE. If the Senator wants to move to amend the amendment, of course he can do so.

Mr. BAILEY. Probably, if there is any place in the United States which under all the circumstances would be entitled to this kind of a provision by Congress it would be Buffalo. Not only did her enterprising citizens provide a great exposition there at a loss, but the overwhelming calamity that came upon the entire Republic in the assassination of President McKinley fell with peculiar effect upon this exposition. But my judgment is when cities or individuals engage in an undertaking of this kind they ought to take the chances of loss and of profit. Nobody believes that if they had realized a handsome profit upon their investment they would have been tendering any portion of it to the Government of the United States. Neither does anybody believe that having incurred a loss the Congress of the United States ought to make it good.

For ten years in the other House of Congress I have been protesting against appropriations for purposes like this. I declared, I remember, in the first contest over it, that we would reach a time when there would scarcely be two years without an exposition in some part of the country. We reached it earlier than I expected. We have reached it, and I simply want to record my prediction now, that if Congress pays the deficiency provided for in this bill in the case of the Buffalo Exposition and the Charleston Exposition, it will be called upon to meet a very much greater deficiency in the great exposition which is to be held at the city of St. Louis.

If it is to be the policy of the Government that everybody who wants to hold an exposition can get Congressional appropriations for that purpose, and if, when they fail to meet their expenses, they can then return to Congress and procure appropriations to cover the deficiencies, let the country understand it.

I am exceedingly loath to make this point against the Buffalo Exposition. I know the men who were identified with it; I know they have borne their part as well as men could have done under the circumstances; but it is a principle with me. I believe this is a gross misapplication of public funds, and it can not pass without, at least, a protest on my part and a vote against it.

Mr. HALE. Mr. President, I am very glad the Senator has said what he has so well. This is undoubtedly a great departure from what in the olden days anybody thought would be done. My consolation in all that I have done in this matter is that I think the fate of this exposition and the fate of the Charleston Exposition has been such that it will dissuade the cities of the country from the mad pursuit they have been engaged in for expositions. They start with the theory that it would be of great advantage to the towns where they are to be held, and then they ask Congress to give them a kind of national and international character by inviting foreign powers to participate, and when in compliance with that importunity we do that, the next step is that they claim we are committed to it as a Government exposition.

Now, the Committee on Appropriations has gone through all this so many times that it is worn out with the whole subject-matter. In the first place, we ought not again in a generation to take any part whatever in any of these expositions. As I have said, I hope the fate of these two will deter subsequent enterprises of this kind.

The committee put in this provision for two reasons. It does not make any difference in the amount of money whether you appropriate originally as a gift or appropriate afterwards as a deficiency. The Senate last year provided for $500,000 additional to this exposition in the spirit of liberality that had led it to be very liberal to the St. Louis Exposition, but the House struck it out and we could not get it in conference. If we had done as the Senate had then decided unanimously to give it to them they would have had the money and would not have been here now. Therefore in reckoning up amounts the Committee on Appropriations saw that it was no more than the Senate had already committed itself to.

Then, of course, there was the other patent reason—the tragic event in Buffalo, which overshadowed not only the country, but the world, and prostrated this exposition. It was not the fault of the Government; it did not make a legal claim upon the Treasury; but, in connection with the fact that we had already provided for $500,000, as I have said, beforehand as a gift, it appealed to the Senate committee very strongly that we should put it on.

We have guarded it and have left the expenditure of the money in the hands of a very eminent man in Buffalo, Mr. Milburn, who was the president, and who, I will say, after we had drafted the amendment and put it into his hands, telegraphed down that he preferred that we should add to the provision one making him accountable to the Treasury and submit vouchers and returns, and also asking that we put him under bonds, as is usual in such cases. The committee did not propose to do that, having so much confidence in him, but we complied with his request, and have provided that he shall account to the Treasury, make his returns there for this money, show how it has been expended, and if there is any balance pay it back; and that he shall also give bonds, as disbursing officers do who are intrusted with Government money.

So we have in the details guarded it as well as we can, and we have been influenced by this consideration. My opinions are in entire accord with those of the Senator from Texas. There is no real claim here in law, perhaps not in equity, but rather in sympathy, and, as I have said, there is the hope that this will be the end of this kind of business. I think it will.

Mr. SPOONER. Is there any language in the amendment, I ask the Senator, which would distinguish it from the ordinary deficit, so as to take it out from being a precedent which is to be followed hereafter? The assassination of the President at Buffalo undoubtedly, as the Senator says, had a very detrimental effect upon the exposition. That was an event which it is to be hoped and expected is absolutely unique and will not occur again. I should like to suggest to the Senator whether, if it be possible to put it in a law upon this peculiar ground, it would not be wise to do it?

Mr. HALE. The committee considered that, and we thought we would not embody anything of that kind in the bill, but let it be seen, as it will be, and remembered of all men hereafter, that that is one great reason. The other reason is a pretty strong one.

Mr. SPOONER. What will be remembered hereafter will be the appropriation to make up the deficit. I think the Senator from Texas is quite right. But I shall vote for this proposition. One reason why I shall vote for it is because I suppose it will be taken as a sort of understanding that hereafter the Government will not assume the ultimate expense and deficit, and that may be a satisfactory argument against embarking in any more of these expositions.

Mr. HALE. That is what I hope.

Mr. TELLER. Mr. President, I agree with the Senator from Texas as to these appropriations, and it was with great reluctance that I assented as a member of the committee to this item. But this is an exceptional case. If it has ever been justifiable for the Government to assist in these expositions, it is certainly justifiable that the Government should assist now in paying some of the expenses that will fall heavily and cruelly upon a certain portion of the community where this fair was held.

I am not a special friend of expositions. I think the experience in Buffalo will be beneficial, because I think it will retard other communities from trying them. The fair at Buffalo would undoubtedly have been a success but for the unfortunate occurrence

of the assassination of the President. Up to that time the fair was a promising one, but immediately upon the assassination the people of the United States were so horror-stricken with that terrible catastrophe that nobody wanted to go there. It is a fact that not only did the attendance immediately fall off—that is, people did not go—but people who had gone there intending to remain for some considerable time immediately departed from the city.

I have some acquaintances at Buffalo. I was brought up in the neighborhood of that city and I know a great many people there. The universal testimony is that the boarding houses and hotels which had been full of people and trains that were loaded with people coming in were in three or four days entirely emptied. It entailed a tremendous loss on the community, and the men who had taken hold of this enterprise with a zeal and courage that are commendable when they attempt such a thing have suffered an immense loss. They have not paid all of the debts, and the committee felt that there were certain classes of debts that ought to be paid by the Government. As we made an appropriation of $500,000 which they did not get, we felt that under the circumstances we ought to put this provision in the bill. I believe it is one of those things which we ought to do, and then we ought to quit this kind of business.

Mr. BAILEY. Mr. President, if I could be sure that the hope of the Senator from Maine and of the Senator from Colorado is a well-founded one, that cities hereafter would be deterred by the failure of this and other expositions from attempting to hold more, I should be reconciled to the appropriation carried by this bill. I am afraid, however, if we advise these ambitious citizens that when they undertake an exposition and fail we will provide for their deficiencies we rather encourage than discourage them.

There is now only one more exposition recognized and provided for by the law of Congress. It is to celebrate a great event in the history of this country, and, as I believe, in the progress of the world. I sincerely hope that, inasmuch as that exposition has been undertaken, it will be a great success, and then I as sincerely hope that Congress will not again in fifty years authorize another enterprise of this kind.

Mr. HALE. I shall be glad to join with the Senator, and I know the Senator from Wisconsin [Mr. SPOONER] will join with us if he is here, as I hope he will be, in meeting these cases at the threshold, in limine, and in some way disconnect the Government from any exposition whatever. We have had enough of them. Our fault has been in encouraging them in the beginning, in taking the first step. That is the dangerous step.

Mr. SPOONER. Somebody prophesied here once that the holding of these expositions would get to be an industry.

Mr. HALE. Yes.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, on page 12, after line 6, to insert:

South Carolina Interstate and West Indian Exposition: For the payment of legal claims against the South Carolina Interstate and West Indian Exposition Company for labor, articles, and services rendered to said company for the work of said exposition, or for the reimbursement of any officer of said company who has advanced money or paid such claims, $160,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 13, after line 10, to insert:

Payment to Chamberlain, Delany & Scott: To enable the Secretary of the Treasury to pay Chamberlain, Delany & Scott, of the city of Richmond, State of Virginia, the sum of $1,704.46, the amount provided for by the act approved June 3, 1902, it now appearing that all appropriations for the Marblehead light-house have been exhausted.

The amendment was agreed to.

The next amendment was, on page 14, line 8, after the word "cents," to insert "Maj. Dan C. Kingman, $10.30; Capt. Charles L. Potter, $79.65," and in line 9, before the word "cents," to strike out "five hundred and fourteen dollars and eighty-two" and insert "six hundred and four dollars and seventy-seven;" so as to make the clause read:

Credit in accounts of certain officers, Corps of Engineers: Authority is hereby granted to the accounting officers of the Treasury to allow and credit in the accounts of certain officers of the Corps of Engineers, United States Army, amounts standing against them on the books of the Treasury, as follows: Lieut. Col. W. H. H. Benyaurd, $29.70; Maj. F. A. Mahan, $15; Capt. C. H. McKinstry, $9.22; Lieut. Col. O. H. Ernst, $435.04; Maj. Dan C. Kingman, $10.30; Capt. Charles L. Potter, $79.65, and Capt. Henry S. Taber, $1,025.86; in all, $1,604.77.

The amendment was agreed to.

The next amendment was, on page 14, after line 20, to insert:

Relief of estate of George Lea Febiger: The estate of George Lea Febiger, late first lieutenant, Thirty-third United States Infantry Volunteers, is hereby relieved from accountability for subsistence funds in the sum of $129.38, that being the amount of such funds with which he was charged and for which he was accountable on October 24, 1900, on which date he was killed in action.

The amendment was agreed to.

The next amendment was, on page 15, line 21, after the word "to," to insert "and loss of time of;" in line 24, before the word "dollars," to strike out "six hundred and twenty-four" and insert "one thousand three hundred and forty-four;" so as to make the clause read:

Reimbursement to the Independent Line Steamers, of Tampa, Fla.: To pay to the Independent Line Steamers, of Tampa, Fla., in full settlement of all claims said steamer line may have against the United States for damages to and loss of time of the steamer Manatee, due to a collision with the U. S. S. Hillsboro, in Tampa Bay, Florida, on the night of November 18, 1901, $1,344.18.

The amendment was agreed to.

The next amendment was, on page 16, after line 2, to insert:

Reimbursement to John and David West: To pay to John and David West, of Cathlamet, Wash., as reimbursement in full of all damages to their dock in the Columbia River at said Cathlamet by the U. S. dredge W. S. Ladd, as set forth in House Document No. 437 of the present session, $88.50.

The amendment was agreed to.

The next amendment was, on page 16, after line 9, to insert:

Reimbursement to owners of Belgian steamer Ragner: To reimburse the owners of the Belgian steamer Ragner for damages sustained in consequence of a collision of the Army transport Sumner in Manila Bay, as found by United States Consul-General John Goodnow at Shanghai, China, arbitrator, $8,524.10.

The amendment was agreed to.

The next amendment was, on page 16, line 21, to increase the appropriation "to defray the expenses of collecting the revenue from customs," on account of the fiscal year 1902, from $50,000 to $150,000.

The amendment was agreed to.

The next amendment was, on page 17, after line 10, to insert:

PUBLIC BUILDINGS.

For rental of temporary quarters for the accommodation of certain Government officials at Springfield, Ill., during the fiscal year 1903, $2,500.

The amendment was agreed to.

The next amendment was, on page 17, after line 15, to insert:

To pay Rand, McNally & Co., for repairs and improvements to the quarters in Chicago, Ill., occupied as subtreasury and internal-revenue offices, $1,145.

The amendment was agreed to.

The next amendment was, on page 17, after line 19, to insert:

ENGRAVING AND PRINTING.

The Secretary of of the Treasury is hereby authorized and directed to transfer the sum of $56,670 of the unexpended balance to the credit of each of the following appropriations, namely: Compensation of employees, Bureau of Engraving and Printing, 1902, and plate printing, Bureau of Engraving and Printing, 1902, to the appropriation for materials and miscellaneous expenses, Bureau of Engraving and Printing, 1902, and to use the sum so transferred as though it had been originally appropriated for the purposes of said appropriation for materials and miscellaneous expenses, Bureau of Engraving and Printing, 1902.

The amendment was agreed to.

The next amendment was, under the subhead "Revenue Cutter Service," on page 19, after line 9, to insert:

To pay Guy N. Stockslager for services performed for the months of August, September, and October, 1900, at the request of Lieut. D. H. Jarvis, Revenue-Cutter Service, acting special agent of the Treasury Department, in assisting him in investigating the condition and taking care of the Eskimos who were sick and dying along the coast near Cape Nome, Alaska, at a salary of $200 per month, $600.

The amendment was agreed to.

The next amendment was, under the subhead "Government in the Territories," on page 22, after line 5, to insert:

Territory of Hawaii: To pay in part the awards rendered under an act of the legislative assembly of the Territory of Hawaii by the fire claims commission of that Territory for property destroyed in the suppression of the bubonic plague in said Territory in the years 1899 and 1900, $1,000,000. And the governor and secretary of said Territory are hereby authorized to issue the bonds of that Territory in such sum, not exceeding $500,000, as, together with the money hereby appropriated, may be sufficient to pay all of said awards. Said bonds shall be payable in gold coin of the United States of America of the present standard weight and fineness, shall bear interest at the rate of 4 per cent per annum, payable semiannually, and be redeemable in not less than five years and payable in not more than fifteen years from the date of issuance. The principal and interest of all bonds shall be exempt from any and all taxes, and the payment thereof shall constitute a charge on the revenues of the Territory of Hawaii. Said bonds shall be sold at not less than their face value, and the proceeds thereof shall be applied to the payment of the awards aforesaid and to no other purpose, and they shall be of such form and denominations and be issued and sold under such rules and regulations as the Secretary of the Interior shall prescribe. Under no circumstances shall any claimant, or anyone claiming through him, be required to pay, nor shall any attorney or agent be entitled to charge, demand, or receive, directly or indirectly, more than 10 per cent upon the amount recovered as compensation for services or labor of any kind or character in the prosecution or establishment of the claim, and in cases of contracts or agreements providing for payment of less than 10 per cent the payment shall not be increased above the percentage so agreed upon. Before any such award shall be paid hereunder, the governor of said Territory must certify that the same is genuine and was duly rendered in pursuance of the act of the legislative assembly of the Territory; and the payment of said awards shall be in full satisfaction and discharge of any and all claims or demands against said Territory or the United States on account of any property destroyed in the said suppression of the bubonic plague.

The amendment was agreed to.

The next amendment was, under the head of "District of Columbia," on page 25, after line 3, to insert:

For contingent expenses, being an additional amount required for the office of the superintendent of insurance, including rent, furniture, stationery, printing, books, law books, books of reference, and periodicals, and other general necessary expenses of his office, $300.

The amendment was agreed to.

The next amendment was, on page 27, line 21, to increase the appropriation for the electrical department of the District of Columbia from $2,000 to $2,644.46.

The amendment was agreed to.

The next amendment was, on page 28, after line 22, to insert:

Indexing code of the District: To pay Edwin C. Brandenburg for indexing the code of laws for the District of Columbia, $500.

The amendment was agreed to.

The next amendment was, on page 29, line 15, after the word "payment," to strike out:

Also the sum of $7,246.81 interest allowed by the court, on the claim of the Camden Iron Works, from February 27, 1888, to the date when judgment was rendered.

So as to make the clause read:

Judgments: For payment of the judgments, including costs, against the District of Columbia, set forth in House Documents Nos. 586 and 613, of this session, $24,763.11, together with a further sum to pay the interest, at not exceeding 4 per cent, on said judgments, as provided by law, from the date the same became due until the date of payment.

The amendment was agreed to.

The next amendment was, under the head of "War Department," on page 32, after line 21, to insert:

Statement of receipts and expenditures in Cuba and the Philippine Islands: To enable the Secretary of War to employ temporary force and to pay all necessary expenses, including rent of rooms not to exceed $1,500, in compiling for the information of Congress a detailed statement of the receipts and expenditures by the military government of Cuba since May 1, 1900, in continuation and completion of the statement heretofore furnished of such receipts and expenditures covering the period from the beginning of American occupation to and including April 30, 1900; and to enable the Secretary of War to pay all necessary expenses in compiling for the information of Congress a similar statement relating to the Philippine Islands of all receipts and expenditures from the date of American occupation, $30,000, or so much thereof as may be necessary, to be available until expended.

The amendment was agreed to.

The next amendment was, on page 33, after line 13, to insert:

Deposit of certain military stores funds: All funds received as the value of military stores transferred by the several staff departments of the Army to the insular government of the Philippines shall be deposited in the Treasury of the United States and remain available during the fiscal year 1903.

The amendment was agreed to.

The next amendment was, on page 33, after line 22, to insert:

Reimbursement of the Illinois Central Railroad Company: For reimbursing the Illinois Central Railroad Company for damages to the roof of the Union Depot and train shed at Seventh and River streets, Louisville, Ky., by blasting operations conducted by the Government in connection with the improvement of the Ohio River, $60.82.

The amendment was agreed to.

The next amendment was, on page 37, after line 4, to insert:

Governors Island, N. Y.: For continuing the enlargement of Governors Island by construction of wharf, dredging, bulkhead, and filling, $200,000; and for the erection of storehouses and other necessary buildings, in accordance with the plan reported by a board composed of Maj. Gen. John R. Brooke, Col. George L. Gillespie, and Col. Amos S. Kimball, dated July 21, 1900, $60,000; in all, $260,000, to be available during the fiscal year 1903.

The amendment was agreed to.

The next amendment was, on page 37, after line 14, to insert:

Payment to the North American Transportation and Trading Company: For payment to the North American Transportation and Trading Company, Seattle, Wash., for Barge No. 3 and eight warehouse trucks wrecked October 17, 1900, while in service of the United States under impressment at St. Michael, Alaska, receiving supplies from Government transports, $4,564.80.

The amendment was agreed to.

The next amendment was, on page 37, after line 23, to insert:

For payment to the North American Transportation and Trading Company, Seattle, Wash., of actual cost of damage sustained by their sailing vessel Mary Ann in collision with the U. S. S. Jeff. C. Davis, formerly the Du Chesnay, at Fort St. Michael, Alaska, July 21, 1900, $405.

The amendment was agreed to.

The next amendment was, on page 38, after line 4, to insert:

For payment to the North American Transportation and Trading Company, Seattle, Wash., for supplies purchased from said company by Capt. W. P. Richardson, Eighth United States Infantry, for the relief of destitute Indians at Fort Yukon, Alaska, in March, April, and May, 1899, as detailed in House Document No. 341, Fifth-sixth Congress, second session, $189.

The amendment was agreed to.

The next amendment was, on page 38, after line 13, to insert:

Payment to the Alaska Commercial Company: For payment to the Alaska Commercial Company, San Francisco, Cal., for 1 model barge, wrecked October 22, 1900, while in the service of the United States by authority of the commanding general, Department of Alaska, by whom pressed into service for the purpose of bringing ashore the main winter supply of coal for Fort St. Michael, Alaska, $5,000.

The amendment was agreed to.

The next amendment was, on page 38, after line 21, to insert:

To pay E. A. McIlhenny in full compensation for rescuing, housing, feeding, clothing, and caring for shipwrecked sailors in the Arctic Ocean, in the years 1897 and 1898, $4,785.55.

The amendment was agreed to.

The next amendment was, on page 40, after line 12, to insert:

NAVAL ESTABLISHMENT.

GENERAL ACCOUNT OF ADVANCES.

To reimburse "General account of advances," created by the act of June 19, 1878, for amounts advanced therefrom and expended on account of the several appropriations named in excess of the sums appropriated therefor, for the fiscal year given, found to be due the "general account" on adjustment by the accounting officers, there is appropriated as follows:

For emergency fund, Navy Department, 1899, $135.19.
For emergency fund, Navy Department, January 1, 1899, $918.54.
For pay of the Navy, 1897, $84.65.
For pay of the Navy, 1896, $7.60.
For contingent, Navy, 1901, $1,022.12.
For contingent, Navy, 1898 and 1899, $240.08.
For fuel, Marine Corps, 1901, $2,063.20.
For transportation and recruiting, Marine Corps, 1900, $2,867.44.
For contingent, Marine Corps, 1901, $3,924.23;
For contingent, Marine Corps, 1898 and 1899, $4.16;
For transportation, recruiting, and contingent, Bureau of Navigation, 1901, $2,410.42;
For transportation, recruiting, and contingent, Bureau of Navigation, 1900, $2,001.03;
For transportation, recruiting, and contingent, Bureau of Navigation, 1898 and 1899, $58.53;
For repairs, Bureau of Ordnance, 1901, $8,199.48.
For equipment of vessels, Bureau of Equipment, 1900, $17,460.66.
For equipment of vessels, Bureau of Equipment, 1898 and 1899, $138.10.
For contingent, Bureau of Equipment, 1898 and 1899, $24.
For maintenance, Bureau of Yards and Docks, 1901, $15,248.68.
For Medical Department, Bureau of Medicine and Surgery, 1898 and 1899, $20.95.
For Medical Department, Bureau of Medicine and Surgery, January 1, 1899, $10;
For contingent, Bureau of Medicine and Surgery, 1901, $3,462.45;
For contingent, Bureau of Medicine and Surgery, 1900, $855.27;
For contingent, Bureau of Medicine and Surgery, 1898–99, $83.95;
For provisions, Navy, Bureau of Supplies and Accounts, 1898–99, $107.55;
For provisions, Navy, Bureau of Supplies and Accounts, 1898, $27;
For contingent, Bureau of Supplies and Accounts, 1898–99, $13.90;
For steam machinery, Bureau of Steam Engineering, 1898–99, $4,197.61;
For steam machinery, Bureau of Steam Engineering, 1898, $8;
For repairs and preservation, Bureau of Yards and Docks, 1901, $34,046.22; in all, $99,641.01.

The amendment was agreed to.

The next amendment was, on page 48, after line 21, to insert:

Bureau of Supplies and Accounts: That the sum of $1,000,000 of the unexpended balance of the appropriation of $3,000,000 under "Provisions, Navy," made by the act approved March 3, 1899, for the fiscal year 1900, is hereby reappropriated, and the accounting officers of the Treasury are hereby authorized and directed to transfer said amount to the naval supply fund.

The amendment was agreed to.

The next amendment was, on page 49, after line 4, to insert:

Bureau of Steam Engineering: Steam machinery, 1900: To pay balance due under contract for boilers for the United States steamer *Raleigh*, $6,000.

The amendment was agreed to.

The next amendment was, on page 49, after line 8, to insert:

Naval Academy: For building and furnishing additional temporary quarters and recitation rooms for cadets, to be available for the fiscal year 1903, $20,000.

The amendment was agreed to.

The next amendment was, on page 50, after line 5, to insert:

For payment of per diem to enlisted men detailed on extra duty as clerks, messengers, etc., in the offices at headquarters, United States Marine Corps, Washington, D. C., and the office of the assistant quartermaster, United States Marine Corps, Philadelphia, Pa., less the 20 per centum war increase already paid, from April 26, 1898, to May 25, 1900, inclusive, $2,702.96.

The amendment was agreed to.

The next amendment was, on page 51, after line 5, to insert:

The Auditor for the Navy Department is hereby authorized and directed to credit on voucher No. 780, second quarter, 1900, in favor of the New York and Cuba Mail Steamship Company, for the transportation of 1 officer and 37 enlisted men of the Marine Corps, from Habana, Cuba, to New York in August, 1899, amounting to $1,098, the sum of $278 for quarantine fees.

The amendment was agreed to.

The next amendment was, on page 51, after line 15, to insert:

To reimburse Passed Assistant Paymaster Webb V. H. Rose amount paid for injuries inflicted by the United States steamship Monterey and checked against his accounts by the accounting officers of the Treasury, $45.58.

The amendment was agreed to.

The next amendment was, on page 51, after line 20, to insert:

To reimburse Paymaster Livingston Hunt amount paid for an injury to a gondola car, No. 8144, belonging to the Philadelphia, Wilmington and Baltimore Railroad Company, damaged by sinking while on board a Government barge near the wharf at Indian Head, $98.73.

The amendment was agreed to.

The next amendment was, on page 52, after line 2, to insert:

To reimburse Pay Inspector James A. Ring amount paid for repairs of the mainsail of schooner Solano checked against his accounts by the accounting officers of the Treasury, $23.64.

The amendment was agreed to.

The next amendment was, on page 52, after line 6, to insert:

To reimburse W. G. Drees and W. J. Hansford for clothing lost, namely:
W. G. Drees, $22.45.
W. J. Hansford, $19.01.

The amendment was agreed to.

The next amendment was, on page 53, after line 23, to insert:

Maps prepared in the General Land Office: That the $14,840 appropriated by the act approved April 17, 1900, for the connected and separate United States and other maps prepared in the General Land Office of the United States, which appropriation was made available for expenditure during the fiscal year 1902 by the act approved March 3, 1901, be, and the same is hereby, made available for expenditure during the fiscal year 1903; and that the $14,840 appropriated by act of Congress approved March 3, 1901, for the connected and separate United States and other maps prepared in the General Land Office be, and the same is hereby, made available for expenditure during the fiscal year 1903.

The amendment was agreed to.

The next amendment was, on page 55, after line 13, to insert:

To reimburse Dallas Jones, Edward Minor, and Edward Poindexter for expenses and loss incurred in consequence of injuries received by the fall of a temporary roof over the Supreme Court chamber, Capitol, at $250 each, $750.

The amendment was agreed to.

The next amendment was, on page 57, line 3, after the word "on," to insert "or after;" so as to make the proviso read:

And provided further, That the disbursing clerk of the Census Office may pay out of the census fund on or after June 30, 1902, to employees of the office who are not to be reappointed on July 1, for whatever leave of absence the Director of the Census may, in his discretion, allow them, not to exceed, however, the annual leave authorized by existing law.

The amendment was agreed to.

The next amendment was, on page 57, after line 21, to insert:

Improvement of Mount Rainier National Park, Washington: For protection and improvement of the park and repairing and extension of roads, to be expended under the supervision of the Secretary of the Interior, to continue available during the fiscal year 1903, $2,000.

The amendment was agreed to.

The next amendment was, on page 58, line 6, after the word "park," to strike out "construction of fences and trails;" and in line 24, before the word "thousand," to strike out "three" and insert "two;" so as to make the clause read:

Improvement of the Crater Lake National Park, Oregon: For protection and improvement of the park and repairing and extension of roads, to be expended under the supervision of the Secretary of the Interior, to continue available during the fiscal year 1903, $2,000.

The amendment was agreed to.

The next amendment was, on page 58, after line 17, to insert:

Payment to Roland C. Nichols: For payment to Roland C. Nichols, late receiver of public moneys and special disbursing agent at the land office at Peavey, Alaska, the difference between the amount of salary at the rate of $1,500 per annum, certified by the Commissioner of the General Land Office as due to him from July 1, 1900, to May 31, 1901, and the amount allowed and paid him in the settlement of his account for said period by the Auditor for the Interior Department, $1,339.72.

Tha amendment was agreed to.

The next amendment was, on page 59, after line 3, to insert:

Payment to Albert E. Rose: For payment to Albert E. Rose, late register of the land office at Peavey, Alaska, the difference between the amount of salary at the rate of $1,500 per annum, certified by the Commissioner of the General Land Office as due him from July 1, 1900, to May 31, 1901, and the amount allowed and paid him in the settlement of his account for said period by the Auditor for the Interior Department, $1,339.72.

The amendment was agreed to.

The next amendment was, on page 64, after line 2, to insert:

To pay R. F. Pettigrew, administrator of the estate of Frederick W. Pettigrew, deceased, balance due on surveying contract No. 136, dated August 1, 1898, $320.45.

The amendment was agreed to.

The next amendment was, on page 67, after line 11, to insert:

Yellowstone National Park: For the purchase of buffalo for the Yellowstone National Park, construction of a wire fence, and other suitable inclosure therefor, and the purchase of necessary feed for the herd for one year, $20,000, to be expended under the supervision of the Secretary of the Interior, and to continue available during the fiscal year 1903.

The amendment was agreed to.

The next amendment was, on page 67, after line 19, to insert:

Surveys of Indian reservations: For survey of the Walker River Reservation, Nev., $17,500; for survey of the Uintah Reservation, Utah, $128,000; for survey of the Spokane Reservation, Wash., $11,500; for allotment of lands to Indians on the Walker River Reservation, Nev., $4,000; for allotment of land to Indians on the Uintah Reservation, Utah, $12,000; for allotment of land to Indians on the Spokane Reservation, Wash., $2,000; in all, $175,000, to continue available during the fiscal year 1903.

The amendment was agreed to.

The next amendment was, on page 70, after line 11, to insert:

To reimburse Horace M. Rebok, formerly Indian agent for the Sac and Fox tribe in Iowa, and W. G. Malin, Indian agent for said tribe, for costs and expenses of defending suits brought in the United States circuit court at Cedar Rapids, Iowa, on behalf of Y. Ta Tah Wah, a tribal Indian, against said Rebok and Malin, respectively, for damages for false imprisonment, $725.24.

The amendment was agreed to.

The next amendment was, under the head of "Post-Office Department," on page 71, after line 4, to insert:

To enable the Postmaster-General to pay Katie A. Nolan balance of salary due her as a stamp clerk in the post-office at San Antonio, Tex., from July 1, 1889, to July 1, 1893, $800.

The amendment was agreed to.

The next amendment was, under the head of "Department of Justice," on page 73, after line 10, to insert:

For miscellaneous expenditures, including telegraphing, fuel, lights, foreign postage, labor, repairs of building and care of grounds, books of reference, periodicals, and other necessaries, directly ordered by the Attorney-General, fiscal year 1901, $346.09.

The amendment was agreed to.

The next amendment was, on page 75, after line 13, to insert:

For the payment of W. N. Landers for clerical services rendered in the office of the United States district attorney for the district of Alaska, second division, from July 24, 1900, to April 15, 1901, inclusive, at the rate of $2,400 per annum, $1,748.87.

The amendment was agreed to.

The next amendment was, on page 75, after line 20, to insert:

For the payment of Herman D. Crow for legal services rendered the United States from October 5 to October 10, inclusive, 1901, during the illness of the United States district attorney for the district of Washington, $100.

The amendment was agreed to.

The next amendment was, under the head of "Legislative," on page 81, after line 13, to insert:

For the purchase from Prof. Francis N. Thorpe of manuscript for a new edition of charters, constitutions, and organic laws of all the States, Territories, and colonies now or heretofore forming the United States, and any acts of Congress relating thereto, prepared by him, $10,000: *Provided*, That he shall prepare a complete index of the work, and do all proof reading in connection with the preparation, printing, and publication thereof; and the Public Printer shall print and bind 6,000 copies of the work, of which 2,000 copies shall be for the use of the Senate and 4,000 copies for the use of the House of Representatives.

The amendment was agreed to.

The next amendment was, at the top of page 82, to insert:

For the purchase of the manuscript index of discussions of the United States Congress, 1789 to 1902, in three parts, by William A. Peffer, now in preparation, $5,000: *Provided*, That $1,000 of this amount shall be immediately available, and hereafter proportional payments may be made for the several parts of the index when completed to the satisfaction of the Librarian of Congress, and upon his certificate thereof.

The amendment was agreed to.

The next amendment was, on page 82, after line 9, to insert:

SENATE.

For compensation of the officers, clerks, messengers, and others in the service of the Senate, namely: Sixteen pages for the Senate Chamber, at the rate of $2.50 per day each during the session, $1,240, for the fiscal year 1903.

The amendment was agreed to.

The next amendment was, on page 82, after line 16, to insert.

To reimburse the official reporters of the proceedings and debates of the Senate for expenses incurred from March 4, 1901, to March 4, 1902, for clerk hire and other extra clerical services, $3,990.

The amendment was agreed to.

The next amendment was, on page 82, after line 22, to insert:

To pay Paul Cockerille for services as a laborer in the Senate folding room in November, 1899, $17.61.

The amendment was agreed to.

The next amendment was, at the top of page 83, to insert:

To pay R. G. Proctor for indexing and for extra services as clerk to the Committee on the Philippines, $500.

The amendment was agreed to.

The next amendment was, on page 83, after line 3, to insert:

To pay J. H. Jones for extra services in the care of the Senate chronometer and for the work in connection therewith, $100 for the first session of the Fifty-seventh Congress.

The amendment was agreed to.

The next amendment was, on page 83, after line 7, to insert:

To enable the Secretary of the Senate to pay the persons who performed the work of arranging and preparing the copy for and indexing the Executive Journals of the Senate from March 4, 1869, to March 3, 1891, $4,800, which sum may be expended as additional pay or compensation to any officer or employee of the United States.

The amendment was agreed to.

The next amendment was, on page 83, after line 15, to insert:

To pay to A. H. Howe, for expenses incurred and for services in compiling and indexing the records, briefs, and arguments of counsel in the insular cases in the October term of the Supreme Court of the United States, 1900, including appendixes, provided for in House concurrent resolution of February 15, 1901, Fifty-sixth Congress, second session, the sum of $1,000.

The amendment was agreed to.

The next amendment was, on page 83, after line 23, to insert:

To pay Dennis M. Kerr, for services as assistant clerk, by detail, to the Committee on Pensions, $750.

The amendment was agreed to.

The next amendment was, on page 84, after line 2, to insert:

To pay John H. Walker, for extra services as clerk to the Committee on Pensions, $500.

The amendment was agreed to.

The next amendment was, on page 84, after line 4, to insert:

To enable the Committee on Claims to prepare a record and index of private claims introduced in the Senate during the Fifty-sixth and Fifty-seventh Congresses, with a view of reporting the same to the Senate at the beginning of the next session of Congress, $1,200, to be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee; and said sum, or any part thereof, in the discretion of the chairman, may be paid as additional compensation to any officer or employee of the United States.

The amendment was agreed to.

The next amendment was, under the subhead "House of Representatives," on page 87, after line 4, to insert:

To C. E. Wilson, $2,000.

The amendment was agreed to.

The next amendment was, on page 87, after line 5, to insert:

To F. R. Lassiter, $2,000.

The amendment was agreed to.

The next amendment was, on page 87, line 7, to increase the total appropriation for allowance to contestants and contestees for expenses incurred by them in contested election cases, as

audited and recommended by the Committee on Elections of the House of Representatives, from $35,223.05 to $39,223.05.

The amendment was agreed to.

The next amendment was, on page 90, after line 7, to insert:

To enable the Clerk of the House of Representatives to pay to George W. Nichols, father of Charles C. Nichols, deceased, the expenses of the last illness and burial of the said Charles C. Nichols in a sum not exceeding $250, and the further sum of $360, being six months' pay at the rate of compensation received by him at the time of his death as a laborer under the Doorkeeper; in all, $610.

The amendment was agreed to.

The next amendment was, on page 90, after line 15, to strike out:

For compiling, under the direction of the House Committee on the Judiciary, of the constitutions with all amendments thereto, and of the organic acts and enabling acts of the several States and Territories of the United States, $1,000.

The amendment was agreed to.

The next amendment was, under the head of "Judgments, Court of Claims," on page 91, line 24, after the word "ninety-two," to insert "and Senate Document No. —;" and on page 92, line 3, before the word "*Provided*," to strike out "$71,474.53" and insert "$236,578.87;" and in line 5, after the word "expired," to insert:

And provided further, That settlement of the judgment in the case of the State of Pennsylvania shall be made by the Auditor for War Department.

So as to make the clause read:

For the payment of the judgments rendered by the Court of Claims, reported to Congress at its present session in House Document No. 592, and Senate Document No. —, $236,578.87: *Provided*, That none of the judgments herein provided for shall be paid until the right of appeal shall have expired: *And provided further*, That settlement of the judgment in the case of the State of Pennsylvania shall be made by the Auditor for War Department.

The amendment was agreed to.

The next amendment was, under the head of "Judgments, United States courts," on page 93, line 14, after the word "sixty," to insert "and Senate Document No.—;" so as to make the clause read:

For payment of the final judgments and decrees, including costs of suit, which have been rendered under the provisions of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the Government of the United States, certified to Congress at its present session by the Attorney-General, in House Documents Nos. 593 and 660 and Senate Document No. — of this session, and which have not been appealed, $922.60, together with such additional sum as may be necessary to pay interest on the respective judgments at the rate of 4 per cent per annum from the date thereof until the time this appropriation is made: *Provided*, That none of the judgments herein provided for shall be paid until the right of appeal shall have expired.

Mr. HALE. On page 93, lines 16 and 17, strike out the words "nine hundred and twenty-two dollars and sixty cents" and insert "seventeen thousand and sixty-two dollars."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 94, after line 2, to insert:

JUDGMENTS IN INDIAN DEPREDATION CLAIMS.

For payment of judgments rendered by the Court of Claims in Indian depredation cases, certified to Congress at its present session in Senate Document No. —, $449,416; said judgments to be paid after the deductions required to be made under the provisions of section 6 of the act approved March 3, 1891, entitled "An act to provide for the adjustment and payment of claims arising from Indian depredations," shall have been ascertained and duly certified by the Secretary of the Interior to the Secretary of the Treasury, which certification shall be made as soon as practicable after the passage of this act, and such deductions shall be made according to the discretion of the Secretary of the Interior, having due regard to the educational and other necessary requirements of the tribe or tribes affected, and the amounts paid shall be reimbursed to the United States at such times and in such proportions as the Secretary of the Interior may decide to be for the interests of the Indian Service: *Provided*, That no one of said judgments provided in this paragraph shall be paid until the Attorney-General shall have certified to the Secretary of the Treasury that there exists no grounds sufficient, in his opinion, to support a motion for a new trial or an appeal of said cause.

Mr. HALE. On page 94, line 6, fill in the number by inserting "423."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 95, line 15, after the word "fifty-nine," to insert "and Senate documents Nos. —;" so as to make the section read:

SEC. 2. That for the payment of the following claims, certified to be due by the several accounting officers of the Treasury Department under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1899 and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the act of July 7, 1884, as fully set forth in House documents Nos. 589, 654, and 659, and Senate documents Nos. —, reported to Congress at its present session, there is appropriated as follows:

Mr. HALE. In section 2, page 95, line 16, strike out "Documents" and insert "Document," and fill the blank by inserting "425."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading was continued to line 22 on page 98.

Mr. BERRY. There are a number of State claims provided for, some put in by the House and some added by the Senate Committee on Appropriations, for repayment to States for expenses incurred during the war. I wish to ask the Senator from Maine whether in making up those accounts these States were allowed the difference between the value of gold and greenbacks at that time, or whether there are any items either for interest or principal in which allowance is made for that difference.

I will state to the Senator from Maine that I asked the chairman of the Committee on Appropriations, the Senator from Iowa, the question, and he stated that he was not sure, but that he would ascertain from the Secretary of the Treasury whether any such sum was included in the amounts that are to be paid to these States. If the Senator from Maine can give me the information, I should like to have it.

Mr. HALE. I have examined all the papers as far as I can and I have no doubt whatever that there is nothing of that kind included. In fact if there had been the amount would be four times what it is. We never have provided for that difference in any case where a claim has been allowed, and we ought not to do it.

Mr. BERRY. I am glad to hear the Senator say so. The reason why I asked the question was that at the last Congress when the matter was discussed in the Committee on Appropriations it was alleged that these States gave bonds of the State payable in gold and the Government in reimbursing them ought to pay them the difference between the premium on gold and the value of greenbacks at that time. As I stated before, the Senator from Iowa said he was not sure, but upon the assurance of the Senator from Maine of course I have nothing more to say in regard to it.

Mr. FAIRBANKS. The Senator from Maine is quite right. I am familiar with these claims. None of these items, so far as I am advised, embrace the difference between paper currency and gold.

The reading was resumed. The next amendment was under the subhead "Claims allowed by the Auditor for the War Department," on page 99, after line 2, to insert:

To the State of Vermont, $291,408.56.

Mr. HALE. There is a correction to be made in the amendment. There is a mistake in the amount. I move to strike out "$291,408.56" and to insert "$280,453.56."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 99, after line 4, to insert:

The accounting officers of the Treasury are authorized to reopen and adjust the claims of Pennsylvania, Maine, New Hampshire, and Rhode Island on the basis of like claims of other States herein provided for.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. HALE. I move as additional matter, which has come in from the Department, to insert what I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 103, after line 22, insert as an additional section the following:

SEC. 3. That for the payment of the following claims, certified to be due by the several accounting officers of the Treasury Department, under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1899 and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the act of July 7, 1884, as fully set forth in Senate Document No. —, reported to Congress at its present session, there is appropriated as follows:

CLAIMS ALLOWED BY THE AUDITOR FOR THE TREASURY DEPARTMENT.

For contingent expenses, Treasury Department, freight, telegrams, etc., 97 cents.
For pay of assistant custodians and janitors, $4.89.
For furniture and repairs of same for public buildings, $97.25.
For materials and miscellaneous expenses, Bureau of Engraving and Printing, $2.50.
For party expenses, Coast and Geodetic Survey, 20 cents.
For collecting the revenue from customs, $12.
For Life-Saving Service, $120.82.
For payment of judgments against internal-revenue officers, $793.85.
For relief of Continental Fire Insurance Company and others, act February 28, 1901, $20,275.56.

CLAIMS ALLOWED BY THE AUDITOR FOR THE WAR DEPARTMENT.

For pay, etc., of the Army, $467.53.
For pay of volunteers, $42.66.
For subsistence of the Army, $263.54.
For regular supplies, Quartermaster's Department, $16.
For incidental expenses, Quartermaster's Department, $10.
For transportation of the Army and its supplies, $20,110.09.
For barracks and quarters, $212.
For medical and hospital department, $589.60.
For artificial limbs, $30.26.
For ordnance stores, repairs, $5.
For National Home for Disabled Volunteer Soldiers, Southern Branch, $15.
For gunboats on Western rivers, $12.
For collecting, drilling, and organizing volunteers, $85.20.
For pay of volunteers, Mexican war, $14.70.
For pay, transportation, services, and supplies of Oregon and Washington volunteers in 1855 and 1856, $20.42.
For claims for quartermaster stores and commissary supplies, act of July 4, 1864, $220.

CLAIMS ALLOWED BY THE AUDITOR FOR THE NAVY DEPARTMENT.

For emergency fund, Navy Department, $27.
For pay of the Navy, $670.80.

For pay, Marine Corps, $222.52.
For provisions, Navy, Bureau of Supplies and Accounts, $4.50.
For destruction of clothing and bedding for sanitary reasons, $5.80.
For indemnity for lost property, naval service, act March 2, 1895, $566.48.
For indemnity for lost clothing, $356.54.
For enlistment bounties to seamen, $646.66.

CLAIMS ALLOWED BY THE AUDITOR FOR THE INTERIOR DEPARTMENT.

For investigation of pension cases, Pension Office, $159.30.
For protecting public lands, timber, etc., $37.86.
For surveying public lands, $1,855.39.
For support of Sioux, Medawakanton band, $5.28.
For payment to Edward Leader, a Chickasaw Indian, for stock stolen from him by Comanche Indians in 1886, $2,153.34.
For Army pensions, $97.

CLAIMS ALLOWED BY THE AUDITOR FOR THE STATE AND OTHER DEPARTMENTS.

STATE DEPARTMENT.

For salaries, consular service, $3,783.52.
For contingent expenses, United States consulates, $1.83.
For relief and protection of American seamen, $22.60.

DEPARTMENT OF AGRICULTURE.

For general expenses, Weather Bureau, $9.63.

DEPARTMENT OF JUSTICE.

For fees of clerks, United States courts, $510.95.
For fees of witnesses, United States courts, $100.
For fees of commissioners, United States courts, $1,893.30.
For fees of jurors, United States courts, $32.
For support of prisoners, United States courts, $86.
For pay of bailiffs, etc., United States courts, $145.
For miscellaneous expenses, United States courts, $399.

CLAIMS ALLOWED BY THE AUDITOR FOR THE POST-OFFICE DEPARTMENT.

For rent, light, and fuel, $10.
For free-delivery service, $13.33.
For inland mail transportation (star), $25.44.
For advertising, $54.30.
For limited indemnity for lost registered mail, $16.25.

The amendment was agreed to.

Mr. HALE. From the committee I offer the following amendment. On page 16, after line 16, I move to insert:

Payment to the Mobile and Ohio River Railroad Company: To pay the Mobile and Ohio River Railroad Company balance for transportation, as ascertained by the findings of the Court of Claims rendered on the 19th day of February, 1901, $14,443.93.

The amendment was agreed to.

Mr. HALE. To correct a mistake, on page 17, after line 19, I move to insert:

For the continuation of post-office building at Muncie, Ind., under the present limit, $10,000, in addition to the amount heretofore appropriated.

The amendment was agreed to.

Mr. HALE. On page 34, after line 5, I move to insert:

Rivers and harbors: For the improvement of the Ohio River between Cairo and Mound City, $25,000, to continue available during the fiscal year 1903, and to be expended only if, in the opinion of the Secretary of War, an emergency exists making such an expenditure necessary.

The amendment was agreed to.

Mr. HALE. On page 55, after line 18, I move to insert:

To reimburse Joshua W. Barkley for expenses and loss incurred in consequence of injuries received during the work of remodeling the old Congressional Library and changing same to committee rooms, $250.

The amendment was agreed to.

Mr. HALE. On page 81, after line 12, I move to insert:

To enable the Secretary of the Treasury to pay the unpaid expenses incurred on account of the last illness and death of President McKinley, including compensation of physicians, $45,000, or so much thereof as may be necessary: *Provided*, That the Secretary shall pay only such expenses and services as he shall determine are just and reasonable and were necessary. All accounts shall be presented to him within two months from the date of the approval of this act, and no payment shall be made to any officer or employee of the Government for personal or professional services.

The amendment was agreed to.

Mr. HALE. On page 84, line 10, after the word "paid," I move to strike out in the amendment already agreed to the words "from the contingent fund of the Senate."

The amendment was agreed to.

Mr. HALE. In line 14, page 84, after the words "United States," I move to add the words "and to be available during the fiscal year 1903."

The amendment was agreed to.

The PRESIDENT pro tempore. The bill is still open to amendment as in Committee of the Whole.

Mr. JONES of Arkansas. I offer an amendment, to come in after line 7, on page 81.

The SECRETARY. On page 81, after line 7, insert:

That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay to Mary E. Parker the sum of $5,000, out of any money in the Treasury not otherwise appropriated, in full compensation for extra services rendered to the United States by her husband, I. C. Parker, deceased, late judge of the United States district court for the western district of Arkansas.

The amendment was agreed to.

Mr. GALLINGER. I offer an amendment to come in under the head of "District of Columbia." I will simply say that it passed the Senate at the present session in the shape of a bill, and I hope the Senator from Maine will allow it to go in.

Mr. HALE. Let the amendment be read.

The SECRETARY. On page 32, after line 15, insert:

To pay to Elizabeth L. W. Bailey, of Washington, D. C., administratrix of the estate of Davis W. Bailey, deceased, the sum of $10,519.20, and the lawful interest thereon from the 18th day of July, 1892, the day on which the award for that sum was made in favor of said administratrix and against said District and filed in the supreme court of the District of Columbia by J. J. Johnson, the arbitrator, to whom had been mutually submitted for arbitration by him, by the said Commissioners and the said administratrix, the case then pending and untried in said court between said administratrix as plaintiff and the District of Columbia as defendant, known and designated upon the calendar of said court as No. 24279, instituted therein for the recovery of damages by the plaintiff from the said defendant for alleged breach of contract by the said defendant for laying asphalt pavements in said District, and being the amount afterwards found and returned by the verdict of the jury upon a trial in said court involving the validity of said award, and upon which verdict judgment was duly entered in said court for said sum of $10,519.20, besides costs, and which said judgment was in all things afterwards by the court of appeals of the District of Columbia affirmed, upon an appeal taken thereto by the said District, and which said judgment was afterwards reversed by the Supreme Court of the United States, upon appeal taken thereto by said District, solely upon a question of law in no way involving or affecting the merits of said judgment or said case. That one-half of said sum so awarded and the interest as aforesaid shall be paid out of the revenues of the said District of Columbia and one-half from the Treasury of the United States; and a sum sufficient to pay the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated.

Mr. HALE. That is a claim. I must make the point of order on it.

The PRESIDENT pro tempore. The Chair sustains the point of order.

Mr. PRITCHARD. I offer an amendment, which I send to the desk.

The SECRETARY. On page 21, after line 16, insert:

To pay Calvin J. Cowles, late assayer in charge of the United States assay office at Charlotte, N. C., the sum of $1,500 per annum for services as such from July 1, 1875, to October 16, 1876.

Mr. HALE. That is subject to a point of order.

Mr. PRITCHARD. I think not, because it is to pay an unpaid balance due as a salary. It seems to me that it properly belongs to this bill and ought to go in.

Mr. HALE. No; it is a claim. The committee considered it and rejected it on account of being a claim for salary when the salary did not by law apply.

The PRESIDENT pro tempore. The Chair is obliged to sustain the point of order.

Mr. HALE. I am obliged to make these points, Mr. President.

Mr. CLAY. I offered an amendment to the bill to come in on page 29. I have just conferred with the Senator in charge of the bill, and he informs me that the item of $6,014 in favor of the Georgia Venable Construction Company has already been inserted in the bill this morning. If that be true, I desire to withdraw the amendment. I think that is correct. I ask the Senator from Maine if it is not.

Mr. GALLINGER. In this connection, if that has been done, I should like to ask the Senator in charge of the bill if it was not a private claim.

Mr. CLAY. It was not a private claim. It was a judgment rendered in the circuit court for the northern district of Georgia after trial. A judgment was rendered in favor of the Georgia Venable Construction Company for six thousand and fourteen dollars and some cents besides costs. The case was reported to the Department of Justice, and after thorough investigation the Department of Justice declined to recommend an appeal, and the Attorney-General has recommended that the claim be paid.

Mr. HALE. The case was not put in the bill by the committee, because we had not received the document at the time the bill was reported. It came in afterwards, and was included in the bill, being a judgment.

Mr. CLAY. I am informed that several other judgments of a similar nature were inserted in the bill.

Mr. MORGAN. I desire to offer an amendment. I am trying to find the right place. I will offer the amendment and locate the place afterwards.

Mr. HALE. Let us hear what the amendment is.

Mr. MORGAN. It is an amendment to pay Mrs. C. A. Darling $5,683. It was reported by the Committee on War Claims of the House. It has been very often reported to the Senate, and has passed both Houses at different times.

Mr. HALE. I am very sorry, but I shall have to make the same point of order with that that I have made on the others. It is undoubtedly a good claim; but it is a claim, and therefore can not go on this bill.

Mr. MORGAN. I hope the Senator will waive the point of order, because if we do not pay the poor old woman, who is now dying really of starvation, we shall have to pay the sum to her administrator after she is dead and gone. I want her to get the benefit of it.

Mr. HALE. Other Senators about me, against whom I have just made the point of order, appeal to me, and as I have made the point against their amendments I must make it in this case. There is no discretion on my part in the matter.

Mr. MORGAN. I do not know what latitude the Senator gives.

The PRESIDENT pro tempore. The Chair sustains the point of order.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ACCOUNTS OF ARMY OFFICERS.

Mr. ALDRICH. I desire to enter a motion to reconsider the vote by which the bill (S. 2341) to authorize the readjustment of the accounts of Army officers in certain cases, and for other purposes, was passed yesterday. I move that the House of Representatives be requested to return the bill to the Senate. It is a bill relating to longevity pay for officers of the Army, involving several million dollars. I did not know the character of the bill when it was passed.

The PRESIDENT pro tempore. The motion to reconsider will be entered. The Senator from Rhode Island moves that the House be requested to return the bill to the Senate.

The motion was agreed to.

ABANDONED PROPERTY IN INSURRECTIONARY DISTRICTS.

Mr. MONEY. I move to take up for consideration Senate bill 362.

Mr. ALDRICH. What is the nature of the bill?

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The title will be read.

The SECRETARY. A bill (S. 362) to revive and amend an act to provide for the collection of abandoned property and the prevention of frauds in the insurrectionary districts within the United States, and acts amendatory thereof.

The PRESIDING OFFICER. The question is on the motion of the Senator from Mississippi to proceed to the consideration of the bill the title of which has just been read.

Mr. ALDRICH. Let the bill be read for information.

The PRESIDING OFFICER. The bill will be read for the information of the Senate.

The Secretary read the bill.

Mr. ALDRICH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Rhode Island suggests the absence of a quorum, and the roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Deboe,	Lodge,	Pettus,
Bacon,	Dillingham,	McCumber,	Platt, Conn.
Bailey,	Dryden,	McEnery,	Platt, N. Y.
Bard,	Fairbanks,	McLaurin, Miss.	Quarles,
Bate,	Foraker,	McMillan,	Quay,
Berry,	Foster, Wash.	Mason,	Spooner,
Beveridge,	Gallinger,	Millard,	Taliaferro,
Blackburn,	Gamble,	Money,	Teller,
Burnham,	Heitfeld,	Morgan,	Tillman,
Burton,	Jones, Ark.	Nelson,	Warren,
Clapp,	Kean,	Patterson,	Wellington,
Clay,	Kittredge,	Perkins,	Wetmore.

The PRESIDING OFFICER. Forty-eight Senators have answered to their names. A quorum is present. The question is on the motion of the Senator from Mississippi [Mr. MONEY].

Mr. SPOONER. Mr. President, I am quite aware that debate is not in order upon this motion, but I want to ask the Senator from Mississippi whether he wishes this bill taken up in order to have it voted upon or only in order to submit remarks upon it.

Mr. MONEY. I wish to have the bill taken up for consideration, Mr. President. It has been on the Calendar for three years, with six or eight favorable reports, with no adverse report, and no minority report——

Mr. ALDRICH. Debate is out of order, Mr. President. I ask that the vote be taken by yeas and nays on the motion to take up the bill.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. PLATT of Connecticut (when Mr. HAWLEY'S name was called). I wish to state that my colleague [Mr. HAWLEY] is absent on account of indisposition, and will be absent for the remainder of the session. By an arrangement between the Senator from Utah [Mr. RAWLINS] and the Senator from Ohio [Mr. HANNA], my colleague will stand paired with the Senator from Utah, and the Senator from Ohio will be at liberty to vote.

Mr. MCCUMBER (when his name was called). I have a pair with the junior Senator from Louisiana [Mr. FOSTER], and therefore refrain from voting.

Mr. TALIAFERRO (when Mr. MALLORY'S name was called). My colleague [Mr. MALLORY] is absent from the city. He has a general pair with the senior Senator from Vermont [Mr. PROCTOR].

Mr. NELSON (when his name was called). I have a general pair with the junior Senator from Missouri [Mr. VEST], and withhold my vote on that account.

Mr. PETTUS (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. HOAR], but an exchange of pairs has been arranged by the Senator from North Dakota [Mr. HARSBROUGH].

Mr. HANSBROUGH. I suggested to the Senator from Alabama that we transfer pairs, I being paired with the senior Senator from Virginia [Mr. DANIEL], so that the Senator from Virginia will stand paired with the senior Senator from Massachusetts [Mr. HOAR], allowing the Senator from Alabama [Mr. PETTUS] and myself to vote. I vote "nay."

Mr. PETTUS. I vote "yea" on that understanding.

Mr. DILLINGHAM (when Mr. PROCTOR'S name was called). I desire to announce that my colleague [Mr. PROCTOR] is unavoidably absent. As has already been stated, my colleague is paired with the Senator from Florida [Mr. MALLORY].

Mr. QUARLES (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. He being absent, I withhold my vote.

Mr. SPOONER (when his name was called). I have a general pair with the Senator from Tennessee [Mr. CARMACK], who does not seem to be in the Chamber. I do not know how that Senator would vote if present, and therefore I am not at liberty to vote. If I were at liberty to vote, I should vote "nay."

Mr. BERRY. I suggest to the Senator from Wisconsin to transfer his pair to the Senator from Maryland [Mr. MCCOMAS], who will then stand paired with the Senator from Tennessee [Mr. CARMACK]. I have already voted in the affirmative.

Mr. SPOONER. That is entirely agreeable to me, and I vote "nay."

Mr. TALIAFERRO (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. SCOTT]. I suggest to the Senator from Wisconsin [Mr. QUARLES] that we transfer pairs, so that both of us will be at liberty to vote.

Mr. QUARLES. That is entirely agreeable to me, and that will relieve the Senator from Florida [Mr. TALIAFERRO] and myself of our pairs, so that we can both vote. I vote "nay."

Mr. TALIAFERRO. I vote "yea."

The roll call was concluded.

Mr. BAILEY. I desire to announce that my colleague [Mr. CULBERSON] is unavoidably detained from the Senate. If he were here, he would vote "yea."

Mr. MARTIN. I have a general pair with the senior Senator from Illinois [Mr. CULLOM] and withhold my vote for that reason. If he were present, I should vote "yea."

Mr. CLAPP (after having voted in the negative). I have a general pair with the junior Senator from North Carolina [Mr. SIMMONS]. Observing his absence, I ask to recall my vote.

The PRESIDING OFFICER. The Senator from Minnesota [Mr. CLAPP] withdraws his vote.

Mr. PRITCHARD. I am paired with the junior Senator from South Carolina [Mr. MCLAURIN]. If he were present, I should vote "yea."

Mr. NELSON. As I have already announced, I have a general pair with the junior Senator from Missouri [Mr. VEST]; but, in order to make a quorum, I will transfer that pair to the Senator from New York [Mr. DEPEW], who is absent, and vote "nay."

Mr. MONEY. Has the vote been concluded?

The PRESIDING OFFICER. It has not been.

Mr. CARMACK. I desire to have my vote recorded in the affirmative.

Mr. ALDRICH. A pair was announced with the Senator.

Mr. CARMACK. I was not aware of that, and withdraw my vote.

Mr. MONEY. I desire to ask a question for information. I notice from the statements of pairs being made that this seems to be regarded on the other side as a political question——

The PRESIDING OFFICER. Debate is not in order.

The result was announced—yeas 18, nays 30; as follows:

YEAS—18.

Bacon,	Clay,	McLaurin, Miss.	Taliaferro,
Bailey,	Cockrell,	Money,	Teller,
Bate,	Heitfeld,	Morgan,	Tillman.
Berry,	Jones, Ark.	Patterson,	
Blackburn,	McEnery,	Pettus,	

NAYS—30.

Aldrich,	Dillingham,	Hansbrough,	Platt, Conn.
Allison,	Dolliver,	Kean,	Platt, N. Y.
Bard,	Dryden,	Kittredge,	Quarles,
Beveridge,	Fairbanks,	Lodge,	Spooner,
Burnham,	Foraker,	McMillan,	Wellington,
Burrows,	Gallinger,	Millard,	Wetmore.
Burton,	Hale,	Nelson,	
Deboe,	Hanna,	Perkins,	

NOT VOTING—40.

Carmack,	Elkins,	Kearns,	Proctor,
Clapp,	Foster, La.	McComas,	Quay,
Clark, Mont.	Foster, Wash.	McCumber,	Rawlins,
Clark, Wyo.	Frye,	McLaurin, S. C.	Scott,
Culberson,	Gamble,	Mallory,	Simmons,
Cullom,	Gibson,	Martin,	Simon,
Daniel,	Harris,	Mason,	Stewart,
Depew,	Hawley,	Mitchell,	Turner,
Dietrich,	Hoar,	Penrose,	Vest,
Dubois,	Jones, Nev.	Pritchard,	Warren.

So Mr. MONEY's motion was rejected.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following joint resolutions:

A joint resolution (S. R. 103) providing for the binding and distribution of public documents held in the custody of the Superintendent of Documents unbound, upon order of Senators, Representatives, Delegates, and officers of Congress, when such documents are not called for within two years after printing; and

A joint resolution (S. R. 111) limiting the gratuitous distribution of the Woodsman's Handbook to the Senate, the House of Representatives, and the Department of Agriculture.

The message also announced that the House had agreed to the report of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bills:

A bill (H. R. 3110) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans;

A bill (H. R. 6570) to amend the act of May 12, 1900, authorizing the Commissioner of Internal Revenue to redeem or make allowance for internal-revenue stamps; and

A bill (H. R. 8327) to amend an act entitled "An act for the protection of the lives of miners in the Territories."

The message further announced that the House insists upon its amendment to the bill (S. 493) to amend an act entitled "An act to establish a code of law for the District of Columbia," disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. JENKINS, Mr. SAMUEL W. SMITH, and Mr. COWHERD managers at the conference on the part of the House.

The message also announced that the House had agreed to the concurrent resolution of the Senate to print and bind 15,000 copies of the memorial addresses delivered before the two Houses of Congress on the life and character of Abraham Lincoln, James G. Blaine, and James A. Garfield.

The message further announced that the House had passed a concurrent resolution to print and bind, in cloth, 3,000 copies of a Congressional Directory embracing the biographies of all members of Congress from the Continental Congress to the Fifty-seventh Congress, inclusive, etc.; in which it requested the concurrence of the Senate.

The message also returned to the Senate the enrolled bill (S. 5718) providing for the sale of sites for manufacturing and industrial plants in the Indian Territory, with the information that the House had considered the request of the Senate that the House vacate the action of the Speaker in signing the enrolled bill, and that the unanimous consent necessary to enable such action to be taken was refused.

ISTHMIAN CANAL.

Mr. MORGAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3110) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same.

JOHN T. MORGAN,
M. A. HANNA,
A. B. KITTREDGE,
Managers on the part of the Senate.

W. P. HEPBURN,
L. FLETCHER,
R. C. DAVEY,
Managers on the part of the House.

The report was agreed to.

APPEALS FROM DECISIONS OF SPANISH CLAIMS COMMISSION.

Mr. PETTUS. I move that the Senate proceed to the consideration of House bill 12764.

The PRESIDING OFFICER. The Senator from Alabama moves that the Senate proceed to the consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (H. R. 12764) amending the act of March 2, 1901, entitled "An act to carry into effect the stipulations of article 7 of the treaty between the United States and Spain," etc.

The PRESIDING OFFICER. The question is on the motion of the Senator from Alabama [Mr. PETTUS] to proceed to the consideration of the bill. [Putting the question.] The "ayes" have it.

Mr. NELSON. I object, and suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. The Senator from Minnesota suggests the absence of a quorum. The roll will be called.

Mr. NELSON. I do that only to get a vote on the motion to take up that bill.

The PRESIDING OFFICER. The roll call will proceed.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Cockrell,	Jones, Ark.	Pettus,
Allison,	Deboe,	Kean,	Platt, Conn.
Bailey.	Dillingham,	Kittredge,	Platt, N. Y.
Bard,	Dryden,	Lodge,	Quarles,
Bate,	Fairbanks,	McCumber,	Spooner,
Berry,	Foraker,	McEnery,	Taliaferro,
Beveridge,	Foster, Wash.	McLaurin, Miss.	Teller,
Blackburn,	Frye,	Money,	Tillman,
Burnham,	Gallinger,	Morgan,	Wellington,
Burrows,	Hanna,	Nelson,	Wetmore.
Carmack,	Hansbrough,	Patterson,	
Clapp,	Heitfeld,	Perkins,	

The PRESIDING OFFICER. Forty-six Senators have answered to their names. A quorum of the Senate is present. The bill is in the Senate, as in Committee of the Whole, and open to amendment.

Mr. NELSON. What bill is that, Mr. President?

The PRESIDING OFFICER. The bill will again be stated by title.

The SECRETARY. A bill (H. R. 12764) amending the act of March 2, 1901, entitled "An act to carry into effect the stipulations of article 7 of the treaty between the United States and Spain," etc.

Mr. NELSON. There was an absence of a quorum, and I wanted to call for the yeas and nays on the question of the consideration of that bill.

Mr. PETTUS. I thought that question was decided.

Mr. GALLINGER. I will state the parliamentary situation, Mr. President. The Senator from Alabama [Mr. PETTUS] moved to take up the bill. The question was put, and it was declared that the "ayes" had it. Then the suggestion of the absence of a quorum was made, and the roll was called. Before leaving the chair the temporary occupant declared that the bill was before the Senate as in Committee of the Whole.

Mr. NELSON. I suggested the absence of a quorum in the Senate, and intended to follow that with a request for the yeas and nays upon the motion to consider.

The PRESIDENT pro tempore. The Chair will recognize the right of the Senator to make the demand for the yeas and nays now on the motion.

Mr. NELSON. I ask for the yeas and nays on the motion to proceed to the consideration of the bill.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BERRY (when his name was called). I am paired with the Senator from Maryland [Mr. MCCOMAS], and therefore withhold my vote.

Mr. BEVERIDGE (when his name was called). I am paired with the Senator from Montana [Mr. CLARK], and therefore withhold my vote.

Mr. CLAPP (when his name was called). I am paired with the Senator from North Carolina [Mr. SIMMONS], and therefore withhold my vote.

Mr. MCCUMBER (when his name was called). I have a pair with the Senator from Louisiana [Mr. FOSTER], but I transfer that pair to the Senator from Maryland [Mr. MCCOMAS], and vote "nay."

Mr. NELSON (when his name was called). I have a general pair with the junior Senator from Missouri [Mr. VEST], but I transfer that pair to the senior Senator from Oregon [Mr. SIMON], and vote "nay."

Mr. PETTUS (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. HOAR]; but the senior Senator from Massachusetts being in favor of this bill, I feel at liberty to vote, and I vote "yea."

Mr. TALIAFERRO (when his name was called). I have a general pair with the Senator from West Virginia [Mr. SCOTT], who is absent, and I therefore withhold my vote.

The roll call having been concluded, the result was announced—yeas 20, nays 16; as follows:

YEAS—20.

Bate,	Fairbanks,	McLaurin, Miss.	Platt, Conn.
Blackburn,	Foraker,	Millard,	Platt, N. Y.
Burnham,	Heitfeld,	Money,	Spooner,
Carmack,	Jones, Ark.	Patterson,	Teller,
Dryden,	Kean,	Pettus,	Tillman.

NAYS—16.

Allison,	Frye,	Kittredge,	Perkins,
Bard,	Gallinger,	McCumber,	Quarles,
Deboe,	Hale,	McMillan,	Wellington,
Foster, Wash.	Hanna,	Nelson,	Wetmore.

NOT VOTING—52.

Aldrich,	Cullom,	Hawley,	Penrose,
Bacon,	Daniel,	Hoar,	Pritchard,
Bailey,	Depew,	Jones, Nev.	Proctor,
Berry,	Dietrich,	Kearns,	Quay,
Beveridge,	Dillingham,	Lodge,	Rawlins,
Burrows,	Dolliver,	McComas,	Scott,
Burton,	Dubois,	McEnery,	Simmons,
Clapp,	Elkins,	McLaurin, S. C.	Simon,
Clark, Mont.	Foster, La.	Mallory,	Stewart,
Clark, Wyo.	Gamble,	Martin,	Taliaferro,
Clay,	Gibson,	Mason,	Turner,
Cockrell,	Hansbrough,	Mitchell,	Vest,
Culberson,	Harris,	Morgan,	Warren.

The PRESIDENT pro tempore. No quorum has voted.

Mr. ALDRICH. I move that the Senate adjourn.

Mr. KEAN. I hope the Senator will withhold that motion.

Mr. ALDRICH. No business can be done.

Mr. GALLINGER. There is no quorum.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Rhode Island that the Senate adjourn.

The motion was agreed to; and (at 2 o'clock and 47 minutes p. m.) the Senate adjourned until to-morrow, Friday, June 27, 1902, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June 26, 1902.*

The House met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

FOOT BRIDGE ACROSS MISSISSIPPI RIVER AT LITTLE FALLS, MINN.

Mr. MORRIS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 5434) to authorize the city of Little Falls, Minn., to construct a wagon and foot bridge across the Mississippi River within the limits of said city.

The Clerk read the bill, as follows:

Be it enacted, etc., That the city of Little Falls, in the State of Minnesota, through its corporate authorities, is hereby authorized and empowered to construct and maintain a wagon and foot bridge, with necessary approaches, across the Mississippi River, for the purpose of connecting Broadway street east with Broadway street west, in said city. Said bridge shall be constructed to provide for the passage of wagons and vehicles of all kinds, animals, foot passengers, and for all road travel.

SEC. 2. That the said bridge authorized to be constructed under this act shall be built and constructed upon plans to be approved by the Secretary of War, and shall be subject to the free use of the public under such rules and regulations as may be prescribed by the city of Little Falls.

SEC. 3. That said bridge shall be a lawful structure, and shall be recognized and known as a post route, and shall enjoy the rights and privileges of other post roads in the United States; and no higher charge shall be made for the transmission over the same of the mails, troops, and munitions of war of the United States than the rate per mile paid for the transportation over the road or roads leading to said bridge. Equal privileges in the use of said bridge shall be granted to all telegraph companies, and the United States shall have the right of way across said bridge and its approaches for postal-telegraph purposes, and all changes in said bridge required by the Secretary of War at any time, or its entire removal, shall be at the expense of the comporation owning or operating said bridge.

SEC. 4. That the right to alter, amend, or repeal this act is hereby expressly reserved.

SEC. 5. That this act shall be null and void unless the bridge authorized is commenced within one year and completed within three years from the date of approval thereof.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SULZER. Mr. Speaker, I would like to ask the gentleman from Minnesota if this bill has been unanimously reported from the committee.

Mr. MORRIS. It has; it is a unanimous report from the Committee on Interstate and Foreign Commerce.

Mr. SULZER. If I understand it, it simply gives the Government consent to building this bridge across the river.

Mr. MORRIS. That is all.

Mr. SULZER. It takes no public money out of the Treasury?

Mr. MORRIS. No.

Mr. SULZER. Then I have no objection.

The bill was ordered to be read the third time, was read the third time, and passed.

On motion of Mr. MORRIS, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 2641. An act for the relief of Albion M. Christie;

H. R. 2978. An act for the relief of Joseph H. Penny, John W. Penny, Thomas Penny, and Harvey Penny, surviving partners of Penny & Sons;

H. R. 14182. An act granting an increase of pension to Susan B. Lynch;

H. R. 13598. An act granting a pension to John J. Southerland;

H. R. 12056. An act granting an increase of pension to Warren C. Plummer;

H. R. 10964. An act granting an increase of pension to Francis M. Beebe;

H. R. 10856. An act granting a pension to Jacob Findley;

H. R. 9308. An act granting an increase of pension to Edwin P. Johnson;

H. R. 9187. An act granting an increase of pension to Caroline A. Hammond; and

H. R. 6005. An act granting a pension to James A. Chalfant.

PORT OF WILMINGTON, N. C.

Mr. SWANSON. Mr. Speaker, at the request of Mr. BELLAMY, I ask unanimous consent for the present consideration of the bill (H. R. 14801) to make Wilmington, N. C., a port through which merchandise may be imported for transportation without appraisement, which I will send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the privileges of the first section of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement, be, and the same are hereby, extended to the port of Wilmington, N. C.

The SPEAKER. The gentleman from Virginia asks unanimous consent for the present consideration of the bill which the Clerk has read. Is there objection? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. SWANSON, a motion to reconsider the last vote was laid on the table.

INTERNAL-REVENUE TAX ON FERMENTED LIQUORS.

Mr. TAWNEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 13674) amendatory of sections 3339 and 3341 of the Revised Statutes of the United States, relative to internal-revenue tax on fermented liquors, which I will send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That section 3339 of the Revised Statutes of the United States be, and the same is hereby, amended by striking out of said section the following:

"In estimating and computing such tax, the fractional parts of a barrel shall be halves, thirds, quarters, sixths, and eighths; and any fractional part of a barrel containing less than one-eighth shall be accounted one-eighth; more than one-eighth and not more than one-sixth shall be accounted one-sixth; more than one-sixth and not more than one-fourth shall be accounted one-fourth; more than one-fourth and not more than one-third shall be accounted one-third; more than one-third and not more than one-half shall be accounted one-half; more than one-half and not more than 1 barrel shall be accounted 1 barrel; and more than 1 barrel and not more than 63 gallons shall be accounted 2 barrels, or a hogshead. The said tax shall be paid by the owner, agent, or superintendent of the brewery or premises in which such fermented liquors are made, and in the manner and at the time hereafter specified."

And by inserting in lieu thereof the following:

"In estimating and computing the tax imposed by law, the fractional part of a barrel shall be halves, thirds, quarters, and sixths; and any fractional part of a barrel containing less than one-sixth shall be accounted one-sixth; more than one-sixth and not more than one-fourth shall be accounted one-fourth; more than one-fourth and not more than one-third shall be accounted one-third; more than one-third and not more than one-half shall be accounted one-half; more than one-half and not more than 1 barrel shall be accounted 1 barrel; and more than 1 barrel and not more than 63 gallons shall be accounted 2 barrels, or a hogshead. The said tax shall be paid by the owner, agent, or superintendent of the brewery or premises in which such fermented liquors are made, and in the manner and at the time hereinafter specified."

SEC. 2. That section 9 of the act entitled "An act to provide revenue for the Government and to encourage the industries of the United States," approved July 24, 1897, be, and the same is hereby, amended so as to read as follows:

SEC. 9. That section 3341 of the Revised Statutes of the United States be, and hereby is, amended to read as follows:

SEC. 2. That section 3341 of the Revised Statutes of the United States as amended by section 9 of an act approved July 24, 1897, be, and the same is hereby, further amended so as to read as follows:

"SEC. 3341. The Commissioner of Internal Revenue shall cause to be prepared, for the payment of such tax, suitable stamps denoting the amount of tax required to be paid on the hogsheads, barrels, and halves, thirds, quarters, and sixths of a barrel of such fermented liquors (and shall also cause to be prepared suitable permits for the purpose hereinafter mentioned), and shall furnish the same to the collectors of internal revenue, who shall each be required to keep on hand at all times a sufficient supply of permits and a supply of stamps equal in amount to two months' sales thereof, if there be any brewery or brewery warehouse in his district; and such stamps shall be sold and permits granted and delivered by such collectors only to the brewers of their districts, respectively. Such collectors shall keep an account of the number of permits delivered and of the number and value of the stamps sold by them to each brewer:" *Provided*, That this act shall not take effect until July 1, 1904.

The following committee amendments were read by the Clerk:

On page 1, line 8, strike out the word "eights" and insert in lieu thereof the word "eighths."

On page 2, line 14, after the words "sixth and not more than one-fourth," insert the words "shall be accounted."

On page 2 strike out lines numbered 24 and 25, and on page 3 strike out lines 1 to 6, both inclusive, and insert in lieu thereof the following:

"SEC. 2. That section 3341 of the Revised Statutes of the United States as amended by section 9 of an act approved July 24, 1897, be, and the same is hereby, further amended so as to read as follows:"

The SPEAKER. The gentleman from Minnesota asks unanimous consent for the present consideration of the bill which the Clerk has read. Is there objection?

Mr. WANGER. Mr. Speaker, reserving the right to object, I would like to ask the gentleman what the main effect of this proposed legislation is.

Mr. TAWNEY. This bill is reported unanimously from the Ways and Means Committee. It is the same bill that passed the House in the Fifty-sixth Congress by unanimous consent. The only effect of the bill is to eliminate the eighth package from the classification of various parts of a barrel, which classification was adopted in 1866, and also to eliminate the stamp that has heretofore and is now being used for the purpose of paying the revenue that is put on an eighth package of beer. That is the only effect of it, but it was necessary to reenact the remainder of the section in order to get that elimination out of the section.

Mr. SULZER. Mr. Speaker, just a word. I understand this bill has the approval of the American Brewers' Association?

Mr. TAWNEY. National and State; and the small brewers in the United States have indicated also their desire for the passage of this bill.

Mr. WANGER. Do I understand that the bill which was passed in the last Congress was identical with this?

Mr. TAWNEY. Identical, so far as the elimination of eighths is concerned. This bill, however, I should have said, does not eliminate the one-sixth package. The bill passed in the last Congress also eliminated that.

Mr. WANGER. That bill was decidedly objectionable to the small brewers. I do not know that this would be.

Mr. TAWNEY. This is not.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. TAWNEY, a motion to reconsider the last vote was laid on the table.

LOCK AND DAM AT HARPETH SHOALS, TENNESSEE.

Mr. SNODGRASS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table for immediate consideration the bill (S. 6270) to amend an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved June 13, 1902, which I will ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved June 13, 1902, be, and the same is hereby, amended so that the two paragraphs thereof providing for the improvement of the Cumberland River, Tennessee, below Nashville, and of the Cumberland River, Tennessee, above Nashville, shall read as follows:

"Improving Cumberland River, Tennessee, below Nashville: For the completion of the lock and dam at Harpeth Shoals and for maintenance, $180,000.

"Improving Cumberland River, Tennessee, above Nashville: Continuing improvement, and for maintenance, $200,000, of which so much as may be necessary shall be used for the completion of Lock and Dam No. 1. And the Secretary of War is hereby authorized, in his discretion, to grant leases or licenses to the highest responsible bidder for the use of water power created by said dam, at such a rate and on such conditions and for such periods of time as may seem to him expedient; and he is also authorized, in his discretion, to issue permits for the construction, maintenance, and operation of inlet and outlet canals and other structures, on such plans as he may approve, for the diversion of the water aforesaid: *Provided*, That any lease or license so granted shall be limited to the use of the surplus water not required for navigation, and no structures shall be built and no operations be conducted which shall in any manner injure navigation, interfere with the operations of the Government, or impair the usefulness of any improvement made by the Government for the benefit of navigation; and the right of Congress to alter, amend, or repeal the provisions of this paragraph is hereby expressly reserved: *Provided further*, That before leasing or licensing such water privileges, or issuing permits for the construction and operation of such canals, or otherwise disposing of any water power or privilege, the Secretary of War shall first advertise the same in one or more daily papers at Nashville, for sixty days immediately preceding, stating specifically the right or privilege proposed to be leased or conveyed, with its exact limitations, inviting bids for the same, and he may, in his discretion, then lease the same for a specific term of years at so much per year, to be paid semi-annually in cash into the Treasury, and the Secretary of War shall reserve the right to reject any or all bids."

The SPEAKER. The gentleman from Tennessee asks unanimous consent to take from the Speaker's table for immediate consideration the bill which has just been read. Is there objection? [After a pause.] The Chair hears none. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, read the third time, and passed.

On motion of Mr. SNODGRASS, a motion to reconsider the last vote was laid on the table.

SISSETON MILITARY RESERVATION, S. DAK.

Mr. MARTIN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4450) confirming in the State of South Dakota the title to a section of land heretofore granted to said State, which I will ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the title of the State of South Dakota to the section of land described in section 3 of chapter 1257 of the act of Congress approved October 1, A. D. 1890, be, and is hereby, confirmed and made absolute in the said State freed from the conditions therein imposed; the proceeds thereof, if sold, to be used in aid of the militia of the State of South Dakota.

The SPEAKER. The gentleman from South Dakota asks unanimous consent for the present consideration of the bill which the Clerk has just read. Is there objection?

Mr. SULZER. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from South Dakota if there are any Indians on these lands at the present time.

Mr. MARTIN. None whatever, and there never have been. This is a part of an old military reservation which was granted by Congress to the State of South Dakota some ten or twelve years ago for the purpose of the militia of the State. It is now desired to make the parade grounds of the militia more central, this being in the northeast corner of the State. This confirms the title to the land.

Mr. SULZER. I just wanted to know if it was or had been an Indian reservation, and if there were any Indians on it now. If so, I did not want their rights jeopardized.

Mr. MARTIN. No.

Mr. RICHARDSON of Tennessee. Will the gentleman state how much is involved?

Mr. MARTIN. Six hundred and forty acres. It simply confirms the title heretofore granted.

The SPEAKER. Is there objection?

There was no objection.

The amendments were agreed to.

The bill as amended was ordered to a third reading; and was accordingly read the third time, and passed.

On motion of Mr. MARTIN, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 493) to amend an act entitled "An act to establish a code of law for the District of Columbia," had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PRITCHARD, Mr. DILLINGHAM, and Mr. MARTIN as the conferees on the part of the Senate.

BRIDGE ACROSS EMORY RIVER, HARRIMAN, TENN.

Mr. RICHARDSON of Alabama. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4776) to authorize the construction of a bridge across the Emory River, in the State of Tennessee, by the Tennessee Central Railway or its successors.

The bill was read. It provides that the Tennessee Central Railway, a corporation created and organized under the laws of the State of Tennessee, and its successors be, and it and they are hereby, authorized to construct and maintain a bridge and approaches thereto over the Emory River, in the State of Tennessee, at such point at or near the city of Harriman as said company or its successors may deem suitable for the passage of its or their railroad over said river.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to a third reading; and was accordingly read the third time, and passed.

On motion of Mr. RICHARDSON of Alabama, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS CALUMET RIVER, HAMMOND, IND.

Mr. MANN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The bill (H. R. 15003) to authorize the construction of a bridge by the New York, Chicago and St. Louis Railroad Company and the Chicago and Erie Railroad Company across the Calumet River at or near the city of Hammond, Ind., at a point about 1,200 feet east of the Indiana and Illinois State line and about 100 feet east of the location of the present bridge of the New York, Chicago and St. Louis Railroad Company across said river; also to authorize the construction of a bridge by the Chicago and State

Line Railroad Company across said river at the point where said company's railroad crosses said river in Hyde Park Township, Chicago, Ill., being at the location of the present bridge of said company across said river in said township, was read.

The SPEAKER. Is there objection?

Mr. SULZER. I should like to ask the gentleman from Illinois if this bill has been unanimously reported from the Committee.

Mr. MANN. Mr. Speaker, this bill has the unanimous report of the Committee on Interstate and Foreign Commerce, and also of the War Department.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

On motion of Mr. MANN, a motion to reconsider the last vote was laid on the table.

COURT OF APPEALS, FORT WORTH, TEX.

Mr. LANHAM. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 15140) providing that the circuit court of appeals of the fifth judicial circuit of the United States shall hold at least one term of said court annually in the city of Fort Worth, in the State of Texas, on the first Monday in November in each year.

The bill was read, as follows:

Be it enacted, etc., That the circuit court of appeals of the fifth judicial circuit of the United States is hereby authorized and required to hold one term of said court in the city of Fort Worth, in the State of Texas, on the first Monday in November in each year.

SEC. 2. That all appeals, writs of error, and other appellate proceedings which may, after the date of this act, be taken or prosecuted from the circuit or district courts of the United States in the State of Texas to the court of appeals of the fifth circuit shall be heard and disposed of by the said court of appeals at the terms of the court held in Fort Worth in pursuance of this act.

SEC. 3. That this act shall not operate to prevent the said court from holding other terms in the city of Fort Worth or in such other places in the said fifth judicial district as said court may from time to time designate.

SEC. 4. That chapter 517 of 26 United States Statutes at Large is hereby amended in accordance with the provisions of this act.

The following committee amendments were read:

Amend by adding to section 2 the following:

"*Provided*, That nothing herein contained shall prevent the court from hearing appeals or writs of error whenever the said courts shall sit, in cases of injunctions and in all other cases which under the statutes and the rules, or in the opinion of the court, are entitled to be brought to a speedy hearing."

Amend by adding the following:

"SEC. 5. That the clerk of said court is authorized and permitted to pay out of the fees and emoluments of his office (1) the expenses incurred by him in transporting from his office in New Orleans, La., to Atlanta, Ga., and in transporting from Atlanta, Ga., to New Orleans, La., the records, books, papers, files, dockets, and supplies necessary for the use of the court at its terms to be held in Atlanta, Ga.; (2) an allowance for actual expenses not exceeding $10 per day to cover travel and subsistence for each day he may be required to be present at Atlanta, Ga., on business connected with his said office, such expenses and allowance to be approved and allowed by the senior circuit judge of the fifth judicial circuit."

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. LANHAM. Mr. Speaker, I wish to move an amendment to the second committee amendment.

The amendment was read, as follows:

Strike out the words "Atlanta, Ga.," where they appear in lines 19, 20, and 23, on page 2, and in line 1, on page 3, and insert in lieu thereof the words "Fort Worth, Tex."

The amendment to the amendment was agreed to.

The committee amendments as amended were agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

On motion of Mr. LANHAM, a motion to reconsider the last vote was laid on the table.

EULOGIES ON PRESIDENTS LINCOLN, GARFIELD, AND M'KINLEY.

Mr. HEATWOLE. Mr. Speaker, I am directed by the Committee on Printing to ask consideration for the following privileged resolution.

The SPEAKER. The gentleman from Minnesota, chairman of the Committee on Printing, by direction of that committee, calls up the following resolution.

The resolution was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in one volume, in cloth, 15,000 copies of the three separate memorial addresses delivered before the two Houses of Congress, as follows: On February 12, 1866, by Hon. George Bancroft, on the life and character of Abraham Lincoln, late President of the United States; on February 27, 1882, by Hon. James G. Blaine, on the life and character of James A. Garfield, late President of the United States; on February 27, 1902, by Hon. John Hay, on the life and character of William McKinley, late President of the United States, 10,000 copies of which shall be for the use of the House of Representatives and 5,000 copies for the use of the Senate. The Joint Committee on Printing are hereby authorized to have the copy prepared for the Public Printer, who shall procure suitable portrait etchings to be bound in with these memorials, and shall use such paper and bindings as will make the volumes worthy of a place in the libraries of the land.

Mr. RICHARDSON of Tennessee. I desire to ask if this has been reported by the Committee on Printing?

Mr. HEATWOLE. It has.

Mr. RICHARDSON of Tennessee. I should like to have the report printed with the resolution, in order that we may see the cost of the printing.

Mr. HEATWOLE. There is no objection to that.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the report be printed in the RECORD. Is there objection?

There was no objection.

Mr. RICHARDSON of Tennessee. The report ought to show the cost. Does it show the cost of the printing?

Mr. HEATWOLE. I will say that I have repeatedly told the gentleman from Tennessee that the cost in every instance where it is obtainable is in the report.

Mr. RICHARDSON of Tennessee. The rule requires it.

The SPEAKER. It is in the report, which will be printed, if there be no objection. There was no objection.

The question was taken, and the resolution was agreed to.

The report is as follows:

Your Committee on Printing, having had under consideration Senate concurrent resolution No. 42, providing for the publication of one volume of the three separate memorial addresses delivered before the two Houses of Congress, as follows: By Hon. George Bancroft, on the life and character of Abraham Lincoln; by Hon. James G. Blaine, on the life and character of James A. Garfield; and by Hon. John Hay, on the life and character of William McKinley; it is recommended that the resolution be agreed to.

The Public Printer estimates the cost of the publication at $6,475.

CONGRESSIONAL BIOGRAPHIES FROM THE CONTINENTAL CONGRESS TO THE FIFTY-SEVENTH CONGRESS.

Mr. HEATWOLE. Mr. Speaker, I also present the following privileged report.

The Clerk read as follows:

House concurrent resolution No. 57.

Resolved, etc., That there be printed, and bound in cloth, 3,000 copies of a Congressional Directory which embraces the biographies of all members of Congress from the Continental Congress to the Fifty-seventh Congress, inclusive, compiled by O. M. Enyart, 2,000 copies for the use of the House of Representatives and 1,000 copies for the use of the Senate.

The resolution was agreed to.

BINDING AND DISTRIBUTION OF PUBLIC DOCUMENTS.

Mr. HEATWOLE. Mr. Speaker, I am also directed by the Committee on Printing to ask unanimous consent for the consideration of the following resolution.

The Clerk read as follows:

Senate joint resolution 103, providing for the binding and distribution of public documents held in the custody of the Superintendent of Documents, unbound, upon orders of Senators, Representatives, Delegates, and officers of Congress, when such documents are not called for within two years after printing.

Resolved, etc., That hereafter the documents reserved for binding upon orders of Senators, Representatives, Delegates, and officers of Congress, as provided in paragraph 6, section 54, of an act approved January 12, 1895, providing for the public printing and binding and the distribution of public documents, if not called for and delivered within two years after printing, shall be bound in first grades of cloth and delivered to the Superintendent of Documents for distribution to libraries; and the Public Printer is hereby authorized and directed to bind in cloth all such documents heretofore delivered to the Superintendent of Documents for like distribution.

The SPEAKER. Is there objection?

Mr. ADAMS. Reserving the right to object, I would like to ask the gentleman if this applies to the quota of members?

Mr. HEATWOLE. Members' quotas in the folding room will not be disturbed.

Mr. ADAMS. If they do not take them within the two years.

Mr. HEATWOLE. This relates to members' binding list, so called, in the printing law. There are a number of members who have failed to have their quota bound. There are at present 175,000 volumes of these documents in loose sheets and put up in bundles that should be bound and distributed. Another thing, the room should be available for other purposes. It has been very strongly urged by the Public Printer.

Mr. PAYNE. The joint resolution allows the two years for the members to get them?

Mr. HEATWOLE. Certainly.

Mr. WANGER. And this has nothing to do with the members' quota in the folding room?

Mr. HEATWOLE. Not in the least.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Senate joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

WOODSMAN'S HANDBOOK.

Mr. HEATWOLE. Mr. Speaker, I am further directed by the Committee on Printing to ask unanimous consent for the present consideration of the following resolution.

The Clerk read as follows:

Senate joint resolution No. 111, limiting the gratuitous distribution of the Woodsman's Handbook to the Senate, the House of Representatives, and the Department of Agriculture.

Whereas the proprietors of certain copyrighted log scales and other copyrighted matter have consented to the use of such copyrighted matter in the

Woodsman's Handbook, a publication prepared in the Bureau of Forestry of the United States Department of Agriculture, under the restriction that no copies whatsoever be sold by any Government office, and, furthermore, that no copies be furnished to any dealer for the purpose of sale; and

Whereas sufficient authority to publish and pay for the printing of said Woodsman's Handbook is given in the bill making appropriations for the Department of Agriculture:

Resolved, etc., That, in consideration of such consent given by said proprietors, no copies of said Woodsman's Handbook shall be printed or distributed otherwise than by the Senate, the House of Representatives, and the United States Department of Agriculture, and none shall be sold or distributed by the Superintendent of Documents, or furnished to others for sale, anything in the act of January 12, 1895, entitled "An act providing for the public printing and binding and the distribution of public documents," to the contrary notwithstanding.

SEC. 2. That said copyrighted matter, wherever it appears in said Woodsman's Handbook, shall be plainly marked as copyrighted matter, and shall be as fully protected under the copyright laws as though published by the proprietors themselves; and the permission for the use of said matter shall be deemed to be limited to the purposes of this resolution.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. UNDERWOOD. Mr. Speaker, I would like to ask the gentleman from Minnesota for an explanation of this resolution.

Mr. HEATWOLE. I send a letter of the Secretary of Agriculture to the Clerk's desk to be read.

The SPEAKER. In reply to the gentleman from Alabama, the gentleman from Minnesota submits the following to be read:

The Clerk read as follows:

PROTECTION OF COPYRIGHTED MATTER IN THE WOODSMAN'S HANDBOOK.

DEPARTMENT OF AGRICULTURE, OFFICE OF THE SECRETARY,
Washington, D. C., June 21, 1902.

Hon. J. P. HEATWOLE,
Chairman Committee on Printing,
House of Representatives, Washington, D. C.

SIR: I have the honor to recommend the adoption of the concurrent resolution which was passed by the United States Senate providing for the protection of certain copyrighted matter which it is very desirable to publish in the Woodsman's Handbook, a bulletin prepared in the Bureau of Forestry. In order to give this publication its greatest value, it is necessary to embody certain copyrighted tables of log scales. Permission has been obtained from the proprietors of such copyrighted material to use the data, with the provision that no copies whatsoever be sold by any Government office, and that no copies be furnished to any dealer for the purpose of sale. Existing law does not permit such restrictions. Should this resolution fail of passage, it would be necessary to issue the publication without these log scales, and thus greatly reduce the value of the bulletin.

Very respectfully,

JAMES WILSON, *Secretary.*

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Senate joint resolution was ordered to a third reading and; it was accordingly read the third time, and passed.

On motion of Mr. HEATWOLE, a motion to reconsider the several votes by which the foregoing resolutions were adopted was laid on the table.

REQUEST OF SENATE.

The SPEAKER. The Chair lays before the House the following request of the Senate, which was read:

IN THE SENATE OF THE UNITED STATES, *June 23, 1902.*

Resolved, That the Secretary be directed to return to the House of Representatives the enrolled copy of the bill (S. 5718) providing for the sale of sites for manufacturing or industrial plants in the Indian Territory, and request the House of Representatives to vacate the action of the Speaker in signing said enrolled bill and the message of the Senate agreeing to the amendment of the House of Representatives to said bill to the Senate.

The SPEAKER. This being a request for the erasing of name of the Speaker from a bill, and there being no allegation that the request is for the purpose of correcting an error, the Chair feels that this should be done by unanimous consent.

Mr. STEPHENS of Texas. I object, Mr. Speaker.

The SPEAKER. Objection is made by the gentleman from Texas.

Mr. DALZELL. Mr. Speaker, I offer the following resolution in regard to the matter just before the House.

The SPEAKER. The gentleman from Pennsylvania offers the following resolution in regard to the request just read.

The Clerk read as follows:

Ordered, That the Clerk be directed to return to the Senate the enrolled bill (S. 5718) providing for the sale of sites for manufacturing or industrial plants in the Indian Territory, with the information that the House has considered the request of the Senate that the House vacate the action of the Speaker in signing said enrolled bill, and that the unanimous consent necessary to enable such action to be taken was refused.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. STEPHENS of Texas. I object.

The SPEAKER. Objection is made.

Mr. DALZELL. One moment. I would like to have the attention of the gentleman from Texas who made the objection.

Mr. STEPHENS of Texas. Certainly.

Mr. DALZELL. The purpose of the resolution is to inform the Senate of the action of the House in answer to its request.

Mr. STEPHENS of Texas. I withdraw the objection.

Mr. DALZELL. It is absolutely necessary as a matter of comity.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the resolution was agreed to.

CODE OF LAW FOR THE DISTRICT OF COLUMBIA.

The SPEAKER laid before the House the bill (S. 493) to amend an act entitled "An act to establish a code of law for the District of Columbia," with House amendments disagreed to by the Senate.

The Senate amendments were read.

Mr. JENKINS. Mr. Speaker, I move that the House insist on its amendments, and agree to the conference asked for by the Senate.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. JENKINS, Mr. SAMUEL W. SMITH, and Mr. COWHERD.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HAUGEN, one week, on account of sickness.

To Mr. WHEELER, for the balance of the session, on account of important business.

PROTECTION OF LIVES OF MINERS.

Mr. MOODY of Oregon. Mr. Speaker, I call up the conference report on the bill (H. R. 8327) to amend an act entitled "An act for the protection of the lives of miners in the Territories," and I ask that the reading of the report be omitted and the statement only be read.

The SPEAKER. Have the report and statement been printed in the RECORD?

Mr. MOODY of Oregon. They have.

The SPEAKER. The gentleman from Oregon asks unanimous consent that the reading of the report be omitted, and that the statement only be read. Is there objection? [After a pause.] The Chair hears none.

The Clerk read the statement, as follows:

The effect of the agreement of the conferees will be:

First. To strike out the limitation as to "depth of 100 feet or more," thus making the law applicable to mines of any depth.

Second. The Senate amendments providing for sprinkling the mines or removing the dust is accepted by the House conferees.

Third. As to shot firing, the conferees agree to make that feature of the bill applicable to the Indian Territory only, in mines employing 20 men or more. The necessity for this provision exists chiefly in that Territory, and your conferees have deemed it best to accept this limitation.

MALCOLM A. MOODY,
CHAS. F. SCOTT.

[For conference report see page 7416.]

The conference report was agreed to.

On motion of Mr. MOODY of Oregon, a motion to reconsider the last vote was laid on the table.

REDEMPTION OF CERTAIN INTERNAL-REVENUE STAMPS.

Mr. PAYNE. Mr. Speaker, I call up the conference report on the bill (H. R. 6570) to amend the act of May 12, 1900, authorizing the Commissioner of Internal Revenue to redeem or make allowance for internal-revenue stamps. I ask that the reading of the report be omitted and that the statement only be read.

The SPEAKER. The gentleman from New York asks that the reading of the report be omitted, and that the statement only be read. Without objection, that course will be pursued.

There was no objection.

The Clerk read the statement, as follows:

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6570) to amend the act of May 12, 1900, authorizing the Commissioner of Internal Revenue to redeem or make allowance for internal-revenue stamps, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report:

The House managers recede from the disagreement to the Senate amendments and agree to the same with an amendment striking out all after line 6, page 1, of the House bill, and inserting new language, which is simpler in form and carries out exactly the provision and intention of the House in the original act.

SERENO E. PAYNE,
JOHN DALZELL,
JAMES D. RICHARDSON,
Managers on the part of the House.

[For conference report see page 7416.]

Mr. UNDERWOOD. Mr. Speaker, I would like to ask the gentleman from New York to explain this report.

Mr. PAYNE. The original bill extended the limit for the redemption of unused stamps, document stamps, and other stamps issued under the war-revenue act for the term of two years. The amendment, if adopted, extends the time to the 1st of July, 1904, and provides for the redemption under the original act passed in May, 1900.

The conference report was agreed to.

On motion of Mr. PAYNE, a motion to reconsider the last vote was laid on the table.

ISTHMIAN CANAL.

Mr. HEPBURN. Mr. Speaker, I desire to call up the conference report upon House bill 3110, to provide for the construction of a canal connecting the Atlantic and Pacific oceans.

The SPEAKER. The gentleman from Illinois calls up the conference report on the canal bill.

Mr. HEPBURN. I ask, Mr. Speaker, that the report and statement be read.

The Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3110) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same.

W. P. HEPBURN,
L. FLETCHER,
R. C. DAVEY,
Managers on the part of the House.
JOHN T. MORGAN,
M. A. HANNA,
A. B. KITTREDGE,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

The effect of the action of the conferees, if approved by the House, will be to eliminate all of the provisions of the bill as passed by the House and enact into legislation all of the provisions of the Senate amendment.

Mr. HEPBURN. Mr. Speaker, in making the motion that I shall make to adopt the report of the conference committee, I desire to say that I have not changed in the slightest degree the opinion that I have had of the wisdom of the House of Representatives when, on the 9th day of last January, it adopted a measure looking to the construction of this great enterprise.

The SPEAKER. The Chair desires to state to the gentleman that the papers are not in the possession of the House.

Mr. HEPBURN. The papers have never been in the hands of the conference committee. I presumed they were in the hands of the Clerk.

The SPEAKER. They were delivered to the committee, as the Chair is informed.

Mr. HEPBURN. They were not delivered to the committee.

Mr. PAYNE. I suppose they should be in the hands of the Senate. This was a House bill with Senate amendments.

The SPEAKER. It is impossible to consider this matter unless the papers are before the House, and they do not seem to be in the possession of the House.

Mr. HEPBURN. They must be in the possession of the House.

The SPEAKER. The records show that the papers were messaged over to the Senate and we have no evidence of their being returned.

Mr. SULZER. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SULZER. Mr. Speaker, as I understand it, the conference report and statement of the conferees have been printed in the RECORD and are officially now before the House. What other papers are now necessary to consider this matter?

The SPEAKER. The report and statement of the conferees are in our possession, but the House is not in possession of the papers; and it has been repeatedly held, and long ago thrashed out, that business can not be done by this body unless the papers are in its possession.

Mr. SULZER. Mr. Speaker, a parliamentary inquiry. I would like to know what papers are necessary.

The SPEAKER. The bill itself and the substitute bill and all of the original papers in the case. The Chair will state that nothing can be done until these original papers are found.

Mr. HEPBURN. Then, Mr. Speaker, at a later time I will call this up.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I desire to ask the gentleman from Iowa whether the papers are in the possession of the Senate.

Mr. HEPBURN. I do not know, sir, whether they are or not.

Mr. RICHARDSON of Tennessee. Who asked for the conference—which body?

Mr. HEPBURN. The Senate asked for the conference.

Mr. LOUD. The papers ought to be here.

Mr. RICHARDSON of Tennessee. Then the House, granting the conference, ought to have the papers.

Mr. HEPBURN. The papers were not delivered. It is one of those peculiar cases, as I learned on slight investigation of the case, where those who are familiar with those matters, or at least many gentlemen, thought that the rule would not apply—that it might be that this case could be taken up in either House, as they asked for a conference on a disagreement on the part of the House—and the situation is of that peculiar nature.

Mr. RICHARDSON of Tennessee. Has the Senate itself acted upon the conference report?

Mr. HEPBURN. That I can not tell. I do not know.

The SPEAKER. The Chair has stated to the House that there is no use of taking up unnecessarily the time of the House. The papers are not in our possession and we can not proceed.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I was not seeking delay, but to learn where the papers are.

The SPEAKER. The Chair was not referring to the gentleman's inquiries.

Mr. HEPBURN. Mr. Speaker, a parliamentary inquiry. Is it competent for the House, by unanimous consent, to proceed with this business at this time?

The SPEAKER. Not without the original papers. The matter will have to go over until they are found.

JOSEPH M. SIMMS.

Mr. ADAMSON. Mr. Speaker, I call up a conference report on the bill (S. 3360) for the promotion of First Lieut. Joseph M. Simms, Revenue-Cutter Service, submitted yesterday.

The SPEAKER. The gentleman from Georgia calls up a conference report. Does the gentleman desire to have both the report and the statement read?

Mr. ADAMSON. I ask unanimous consent that the reading of the report be omitted and that the statement only be read.

The SPEAKER. The gentleman from Georgia asks unanimous consent to dispense with the reading of the report and that the statement only be read. If there is no objection this course will be pursued.

There was no objection.

The Clerk read the statement, to be found in the proceedings of June 25, 1902.

Mr. ADAMSON. Mr. Speaker, I move that the House concur in the conference report.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken; and the report was agreed to.

On motion of Mr. ADAMSON, a motion to reconsider the last vote was laid on the table.

PHILIPPINE GOVERNMENT.

The SPEAKER. In pursuance of the continuing order of the House, it will resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill S. 2295, the Philippine government bill, and the gentleman from Massachusetts [Mr. GILLETT] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill S. 2295, with Mr. GILLETT of Massachusetts in the chair.

Mr. PERKINS. Mr. Chairman, my recollection is that when we adjourned last night I had the floor on a motion to amend section 15 of this act, the act authorizing the taking of land belonging to the friars.

The CHAIRMAN. Does the gentleman submit an amendment?

Mr. PERKINS. Yes; I submit an amendment.

The CHAIRMAN. The gentleman from New York submits an amendment to section 15, which the Clerk will report.

The Clerk read as follows:

Insert in line 13, page 74, after the word "purposes," the following: "An appeal may be taken to the Supreme Court of the United States, in the manner provided by the sixth section, from any final judgment or decree or order authorizing the taking of the lands of any association, corporation, community, or religious order, or fixing the compensation to be paid therefor."

Mr. COCHRAN. Mr. Chairman, I make the point of order that the debate was closed on that section.

The CHAIRMAN. The recollection of the Chair is that the gentleman was on the floor at the time of adjournment. The Chair will consult the RECORD. That is the Chair's recollection. The gentleman from New York is recognized.

Mr. PERKINS. Mr. Chairman, this section is one giving very extraordinary powers. It provides, in the first place, that the lands of any religious association may be taken by eminent domain under what circumstances? I ask the attention alike of the committee and of the Committee of the Whole. It says that where it is thought that the ownership of the land by communities or religious orders shall injuriously affect the peace and welfare of the people of the islands, then this power may be exercised.

Now, let me suggest the question whether we have the power to pass such a law. It is hoped by all that it may be possible, by agreement between Governor Taft and the religious authorities, to avoid the necessity, but it may be necessary to resort to those legal proceedings. Does anyone think that this Congress would have the power to say that because some individual or religious association owned land in these United States to such a large extent that it might be deemed injurious to the welfare of the community, that for that reason we should have the power by eminent domain to condemn the title to the land?

Certainly, Mr. Chairman, this is a very serious question. But I do not care to discuss here the constitutionality of the provision.

Let me make another suggestion, which I feel confident will appeal to all members of the committee. Certainly we all desire that if the lands of the friars in the Philippines, or if any other land in the Philippines or out of the Philippines, is to be taken by eminent domain, fair compensation shall be given therefor.

Now, I think, Mr. Chairman, that the committee, inadvertently no doubt, have failed to secure for these associations the full protection of the law to which they are entitled. We all know that there is in those islands a strong feeling against the friars. We all know that there is a strong desire that the land of the friars shall be taken for public purposes.

I am not here, Mr. Chairman, in any way to question the wisdom or the propriety of such a course; but I do say that we owe it to ourselves to see that if this land is taken it shall only be taken upon payment of full and fair compensation. Now, we have many illustrations of what may be done when the land of a religious association is taken, and there is strong feeling in the community in reference to it. The lands of the religious associations in France were taken a century ago, and while there was a pretense of compensation, every one knows that the result was confiscation. We do not want to have anyone say that the land of any religious association in the Philippines, taken under the guise of compensation, shall finally be taken by a process that amounts to confiscation.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. PERKINS. I ask unanimous consent that I may have five minutes additional only.

The CHAIRMAN. Unanimous consent is asked that the time of the gentleman from New York be extended five minutes. Is there objection?

Mr. SULZER. I do not want to object to the request of my colleague from New York; but yesterday when I asked unanimous consent for five minutes' additional time the gentleman from Indiana [Mr. CRUMPACKER] objected. Now, I will be more liberal than the gentleman from Indiana, and I do not object. [Applause.]

The CHAIRMAN. The Chair hears no objection.

Mr. PERKINS. Mr. Chairman, under the proceedings by eminent domain, authorized by this bill, the value of the land to be taken from these religious associations, which is stated to amount not only to hundreds of thousands but to millions of dollars, would be finally determined by the judges of the Philippine Islands, without any right of appeal. Now, the committee, in the act which they have prepared, have said in section 6 that in any case involving the amount of $25,000 the right of appeal shall be given to the Supreme Court of the United States. Yet here, in a case where popular feeling may be strongly excited and where the amount involved may be so large, no appeal is given to the Supreme Court.

Mr. GAINES of Tennessee. Will the gentleman yield for a question?

Mr. PERKINS. Certainly.

Mr. GAINES of Tennessee. Is the gentleman familiar with the fact that Governor Taft and the Taft Commission agreed with the friars in charge of these lands to submit a request to Congress that an appeal from the judgment of the Philippine Islands supreme court in the proposed litigation on this subject may be taken to the Supreme Court of the United States?

Mr. PERKINS. I was not aware of that.

Mr. GAINES of Tennessee. That was their opinion, and it is stated in one of the reports that they made. It is in the line of the suggestion that the gentleman is now making.

Mr. PERKINS. Then it seems to me all the more necessary, as we provide in this act a method by which these lands may be condemned, that such an appeal should lie.

Mr. Chairman, I have only to say, in conclusion, that it is our boast that we allow full and fair legal rights to every man in this land, no matter what may be his race, his creed, or his color. I do not want it to be said that in an act passing Congress at this session the rights which we secure to all other men, of full and final justice, was denied to the Philippine friar.

Mr. CRUMPACKER. Mr. Chairman, the bill contains adequate protection for the rights of all parties that may be affected under this particular section. The section authorizes the Government to secure the control of the friar lands, and its purposes are in a large measure political—for the purpose of pacification. Authority is given the insular government to buy and hold and dispose of lands owned and held by individuals, associations, or otherwise, where the holdings are in such large tracts or in such manner as to seriously affect the peace and welfare of the archipelago. The gentleman who offered the amendment suggests that there is a serious doubt about the power of the Government to take the lands under those circumstances, under the power of eminent domain. If he is right about that, then of course his amendment ought to fail. The amendment, as I understand it, provides for appeals in all this class of cases, without regard to the amount of property involved, from the courts of final resort in the archipelago to the Supreme Court of the United States, doubtless on the theory that the appeal is on the part of the landowner alone.

Mr. PERKINS. I am entirely willing that the gentleman should modify the amendment in any respect he thinks fit.

Mr. CRUMPACKER. I do not believe that any appeals ought to be provided in addition to those that section 6 contemplates. In the first place, appeal from the supreme court of the archipelago to the Supreme Court of the United States is a most vexatious, tedious, and expensive process; and that was the reason why the limitation was fixed in this bill at $25,000 in amount. Then the third clause of section 6 provides that in any and all controversies between the Government and religious associations involving the title to or ownership or the administration of trust land of a pious or religious character appeals will lie from the final judgments of the supreme court of the archipelago to the Supreme Court of the United States.

Mr. PERKINS. You do not claim that this allows an appeal in a proceeding to condemn the title of land and fix its value, because clearly it would not.

Mr. CRUMPACKER. Perhaps not. Some members of the committee believed that the provision is broad enough to cover it, and we all believe that questions arising out of ordinary condemnation proceedings may safely be vested in the supreme court of the archipelago. The members of that court are appointed by the President and confirmed by the United States Senate. It is composed of a majority of Americans, and probably will be long after these questions are settled.

Mr. PERKINS. Then, if that is the opinion of the gentleman from Indiana, why does he allow an appeal in case of a judgment exceeding $25,000?

Mr. COCHRAN. I make the point of order that the committee is not in order.

The CHAIRMAN. The gentleman will suspend until the committee is in order.

Mr. CRUMPACKER. It was the opinion of the committee that in cases involving such a large amount as $25,000 the ends of justice would be promoted by allowing appeals in that class of cases from the judgment of the court below. It was further thought that the right of appeal might be abused by corporations and those who had the means and facilities to protract litigation and wear out the poor man or the man of small means, and therefore a large limitation was fixed.

Mr. PERKINS. One more question, if the gentleman will yield to me.

Mr. CRUMPACKER. I will.

Mr. PERKINS. Does not the gentleman from Indiana know that the question of the title and condemnation of the lands of the friars involves vastly more than $25,000?

Mr. CRUMPACKER. Let me say to the gentleman, in answer to that, that if it involves more than $25,000, there is a right of appeal under section 6, because under that section in all cases involving $25,000 or more an appeal will lie from the final judgment of the supreme court of the islands to the Supreme Court of the United States, and that embraces the proceedings under this section the same as all other kinds of litigation.

Mr. GAINES of Tennessee. I move to strike out the last word.

The CHAIRMAN. That is not in order.

Mr. GAINES of Tennessee. Then I move to strike out the word "gold."

The CHAIRMAN. That is not in order. No amendment is in order.

Mr. GAINES of Tennessee. Then I move to strike out the paragraph.

The CHAIRMAN. That is not in order.

Mr. GAINES of Tennessee. I wish to oppose the amendment.

The CHAIRMAN. It has already been opposed.

Mr. GAINES of Tennessee. Not on this side.

The CHAIRMAN. The time for debate on this amendment is exhausted.

Mr. GAINES of Tennessee. Then I ask unanimous consent to address the committee for five minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to address the committee for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GAINES of Tennessee. Mr. Chairman, it was suggested by the Taft Commissioners that a lawsuit or an agreed statement of facts should be made up and was made up and published in one of their reports. The supreme court in the Philippine Islands was to decide the ownership or title to these friar lands, with a right of appeal to the Supreme Court of the United States. That was recommended by Governor Taft, who said to me that that question should be finally adjudged by the Supreme Court of the United

States. The supreme court in the Philippine Islands is composed of three Americans and three Filipinos, and yet the distinguished gentleman from Indiana wants three Americans and three Filipinos to settle a question between the friars and the Filipinos. These agricultural lands alone, this report shows, page 62 in S. Paya's evidence, were worth $4,000,000 to $5,000,000 before the revolution of 1896. They are more valuable now I have no doubt.

The issue is, who owns these lands, whether Spain owned them and ceded them to the United States, or whether friars as friars or as individuals own them, or whether the Catholic Church owns them, or whether some one else owns them. As a matter of fact, the friars have sold all their land, as gentlemen can read in Senate Document No. 190, pages 54 and 61. They sold the lands to a man named Andrews, who represented a corporation. He got up this corporation to make this purchase and paid off the friars in stock, of which they own a majority. So you see that the friars, by their own testimony, and here it is in print, sold these lands. I will read a word or two, with the indulgence of the House.

Q. You were paid in shares, so that you own a majority of the shares in the corporation now?
A. Yes.

This is on page 54, Senate Document No. 190.

Then, over on another page (61) you will find the matter discussed at length. Governor Taft, of the Commission, inquired into the whole thing. He states:

You have sold all to a corporation, but, of course, you control the corporation, because you hold a majority of the stock. Therefore you could, for that corporation, sell this property to the Government?
A. All we have now, of course, is shares of stock.
Q. Yes; but that majority is in your control. You control the corporation and you would be willing to sell that to the Government?
A. We have the obligation which we have complied with to sell to Andrews; the sale was made to Andrews, and he afterwards got up the company.
Q. But with the understanding that he was to get up the company?
A. That was one of the clauses in the contract—that he would form an association and that we would take a part of the stock.
Q. Of course you know that the Government could take the property if it chooses—that is, for school purposes—that is, as they say in the Spanish law, "expropriate;" as we say in America "condemn" it, paying its value. But it is a great deal better if we conclude that we need it to settle the matter out of the courts, for court proceedings involve expenses, and it leaves a better feeling to settle the matter by contract, and I would like to know if you are in a situation to arrive at an agreement if we want the property?
A. Besides the understanding we have with Andrews, we would have to consult the Holy See.
Q. The Holy See has the good sense to trust to the discretion of the able head of the order who is here. It has been suggested—a Senator of the United States suggested it to me—that one of the means of avoiding the trouble which seemed to exist here was to purchase the property of the religious orders, and that if that evidence of their ownership was removed and the lands made Government property by the payment of money, a large part of the feeling against the orders would be removed. I only ask it with a view to bringing before the Commission the exact state of the case, so that we may judge of that suggestion.
A. The real reason why we conveyed our property to another party was to have nothing further to do with the administration of these agricultural lands, and to remove that complaint which was made against us that the friars owned all the lands and were making all the money.

So that, Mr. Chairman, it is very important to deal fairly with whoever owns this property, to deal with it with clean hands, and demand that those who deal with us shall have clean hands. If the friars own it, or anyone, high or low, they have the right under the law, a right regardless of the Constitution; they have it under the practice of this country, they have it under the Constitution of the United States, to be paid a just compensation; but the question is, Who owns it? That is the question, as Governor Taft states here in his report, and of course is one of law.

There is not a more gifted lawyer in the United States than Governor Taft, and not a better anywhere than Gen. Luke Wright.

Now, they say it is a question of law; and shall we submit that question to three Filipino judges and three American judges, or shall we submit it to the whole six and stop it there? Again, there may be some one who has title to these friar lands that is not worth $25,000. Why say $25,000? A man's property that is worth a thousand dollars or less is enough to give him an unimpeachable title, and he ought to have the same rights in a court of justice as the man who has $25,000. Give everybody a chance to appeal in this matter.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

The question was taken on the amendment; and on a division (demanded by Mr. CRUMPACKER) there were 37 yeas and 67 noes.

Mr. GAINES of Tennessee. Tellers, Mr. Chairman.

The question was taken, and tellers were refused.

Mr. JONES of Virginia. Mr. Chairman, on page 73, line 24, I move to strike out the word "five," the last word in line 24, and insert "four."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 73, line 24, strike out the word "five," and insert the word "four;" so as to read "not exceeding 4 per cent per annum."

Mr. JONES of Virginia. Mr. Chairman, the bonds which are provided for here are gold bonds. The principal and interest is to be payable in gold. It is expressly provided that they are to be exempt from all taxes by the Philippine government, by any local authority in the Philippine Islands, and by the Government of the United States. They are practically, and will so be regarded, as obligations of the United States Government. There is no question in my mind—and I do not believe any gentleman in this House doubts it—that these bonds can be sold and disposed of if made to bear 3 per cent interest, certainly at 3½, and it seems to me the maximum limit ought not to be more than 4 per cent. The Senate bill contains a provision providing for the purchase of these very lands and the bonds there provided are to bear not exceeding 4½ per cent interest.

Mr. LOUD. Does not the Government guarantee in that instance?

Mr. JONES of Virginia. The Government does not expressly guarantee, but it practically guarantees the payment of these bonds. It will be claimed by the purchasers that the United States is morally bound to see them paid.

Mr. COOPER of Wisconsin. Does not the gentleman from Virginia recall the fact that while the bill proposes to exempt these bonds from the payment of taxes or duties to the government of the islands, or any local authority in the islands, or the Government of the United States, it nevertheless does leave them open to taxation by States or municipalities in this country? They are only five-year bonds, and the committee thought there were enough there to increase the risk, so that 5 per cent was not out of the way.

Mr. JONES of Virginia. There is nothing in this bill which limits the sale of these bonds to citizens of the United States.

Mr. COOPER of Wisconsin. And I will say to the gentleman that there is nothing that prevents them from being sold here.

Mr. JONES of Virginia. Nothing in the world. They probably will be sold here, every one of them. When the gentleman says that the bonds provided for in this bill need not run for more than five years, he must know that the maximum limit is thirty years, and that the probability is that those who will control the issue and sale of these bonds will provide that they shall run for thirty years.

Now, the amount as I understand which it will require to purchase these lands will be somewhere between seven and eight millions of dollars. It has been stated upon the floor of this House, and it is true, that the Philippine treasury to-day has over seven millions of money in it. Now, I do not think that there is any necessity for giving the Commission such a wide latitude as this. There is no question that these bonds can be disposed of if the interest is fixed at 3 per cent. Certainly, 4 per cent bonds can be sold, and I hope that the House will not give this latitude to the Commission, when there is no earthly reason or necessity for it. They are gold bonds, they are to be exempt from taxation in the Philippine Islands and the Government of the United States can not tax them, the interest is payable in gold, and they can be sold upon the markets of the United States if made to bear 3½ per cent interest, or even less. Will anybody deny this?

Mr. GAINES of Tennessee. Mr. Chairman, I rise to a parliamentary inquiry. I made a motion just now to strike out the word "gold." The Chair ruled that that was out of order.

The CHAIRMAN. It was.

Mr. GAINES of Tennessee. Is it now in order?

The CHAIRMAN. No. The question is on the adoption of the amendment offered by the gentleman from Virginia.

Mr. LOUD. Mr. Chairman, I hope the amendment of the gentleman from Virginia will not prevail. This is not a political question, permit me to say, but a question of expediency. There is no doubt in the world but what if the Government of the United States would guarantee these bonds, they might be sold for 3 per cent. Taking into consideration all of the contingencies, all of the liability to taxation by municipalities and counties in the United States, the committee thought that it was wise to place the limitation of 5 per cent upon these bonds. I have no doubt in the world but what the Commission would issue these bonds at the best terms which they can secure.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Virginia.

The question was taken; and the amendment was rejected.

Mr. COOPER of Wisconsin. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GILLETT of Massachusetts, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 2295, the Philippine government bill, and had come to no resolution thereon.

ISTHMIAN CANAL.

Mr. HEPBURN. Mr. Speaker, I now call up the conference report on the bill (H. R. 3110) for the construction of a canal connecting the waters of the Atlantic and the Pacific oceans.

The SPEAKER. The gentleman from Iowa calls up the conference report on the canal bill. The papers are now in the possession of the House, having been found in the Senate. The report and the statement have both been read. If there is no objection, they need not be again read.

There was no objection.

Mr. HEPBURN. Mr. Speaker, I move the adoption of the report by the House.

The SPEAKER. The gentleman from Iowa moves the adoption of the conference report.

Mr. HEPBURN. Mr. Speaker, in making this motion, I desire to say that I have not in any manner modified the opinions that I have heretofore had as to the wisdom of the action of the House on the 9th day of last January, when it adopted a bill authorizing the construction of this great waterway. I still believe that that measure was the wiser one that has received at any time the attention of the House. It was short, compact, and yet contained every provision, in my judgment, necessary to accomplish that work. It was drawn with this as the central idea, that in the construction of that great canal, many miles away from this capital and from this country, removed from that critical espionage that attends every work of that kind by reason of the press, it was essentially necessary, in order to avoid scandals and corruption, that there should be centralized in one person all power and all responsibility, that there should be one charged by the American people with this work, and that there should be no one with whom the responsibility should be divided or behind whom any man might hide.

The bill that the House passed accomplished that purpose. It contained all the provisions conferring authority—authority for negotiation, authority for purchase of the zone of the canal. It contained provisions with reference to appropriations. So that all power needed for the accomplishment of the work was fully contemplated in that bill and freely given. It also selected a route—a route approved by more than half a score of those commissions that had been charged with the duty of selection. It adopted a route that had been approved after fifty years of careful, patient investigation. It approved a route that the legislatures of the States in great majority, conventions of the people all over the country, and three great national conventions had specifically and by name approved. The press of the country was almost a unit upon this subject; and when any man spoke of this great enterprise and its accomplishment he had in his mind the Nicaragua route as determined upon by every medium that could voice public opinion.

The measure that is now reported is primarily for another route, although conditions are in the act adopted by the other branch of Congress which, in my belief, may still look to and possibly still accomplish the construction of the Nicaragua Canal. But the whole theory of construction is changed. Instead of having one directing mind, there are to be seven. Instead of having one whose interest would be for speedy completion, the present act suggests delay and makes it the interest of a commission of seven persons to prolong the labor, for they are to hold office until the completion of the canal unless the President should see fit at an earlier day to dispense with their services. It is a commission that is to cost thousands and tens of thousands of dollars a year, with a provision for a great staff, unlimited in number, and the expense of which at this day no man can compute; nor can he do so until he searches the minds of all those who will have influence and power to bring to bear upon the commission for places for their friends.

But, after all, Mr. Speaker, the conference committee concluded that with all these defects it was better to start; it was better to do something. Under the terms of this bill, before a pick can be struck upon the Isthmus in furtherance of the general design of the bill months and months, if not years, must elapse; so that if mistakes have been made there will be opportunity for correction before great evil other than delay can result. And so we have made this report, recommending the adoption of the Senate legislation and the beginning of some work in the direction of the accomplishment of the enterprise.

Mr. Speaker, I desire to reserve my time.

Mr. RICHARDSON of Tennessee rose.

Mr. HEPBURN. I yield to the gentleman from Tennessee.

The SPEAKER. How much time?

Mr. RICHARDSON of Tennessee. I do not want any time; I just want to ask the gentleman from Iowa a question or two. As to the exercise by the President of the option to acquire the Panama Canal and to continue the work upon that route, how much time is given him in the bill?

Mr. HEPBURN. A reasonable time.

Mr. RICHARDSON of Tennessee. Has the gentleman any idea what that means as to the length of time? Because I think that is a matter which would operate largely with many members in regard to the casting of their votes upon this proposition. If it can be understood that the meaning is not too long a time, it seems to me that would be an inducement to support the measure.

Mr. HEPBURN. Mr. Speaker, I am not able with any accuracy to enlighten the gentleman. But I may say this: A proposition was made in another branch of Congress for a limitation—in fact, there were three such propositions, one a limitation for six months, which was not agreed to; another for twelve months, which was not agreed to; and another for eighteen months, with a like result.

Mr. RICHARDSON of Tennessee. Does the gentleman understand that any action taken elsewhere is to be regarded as an indication that such delay is desired upon the part of Congress? For one I would not want to vote for the measure—I do intend for this report, but I would not wish to do so if I thought that it meant that such delay was intended by Congress. I think that quite a large number of gentlemen on this side of the House, and perhaps on the other side, too (for I have heard expressions to that effect), would not vote for this proposition if it was understood that the intention on the part of Congress was that there should be delay even for six months.

Mr. HEPBURN. Mr. Speaker, I think it proper for me to say that the House conferees sought an amendment which would limit that discretion to six months, stating that in their opinion the action of the other body might be regarded as a legislative construction of what a "reasonable time" would mean—as something in excess of eighteen months. It was stated on the other hand that there was nothing of that sort implied in the action taken; that the voting down of those motions meant nothing of that kind. As was stated, those matters were regarded as simply in opposition to the general bill which was under consideration, and could not possibly have any such legislative construction. I think it proper that I should say that.

Mr. RICHARDSON of Tennessee. Mr. Speaker, may I ask the gentleman further, on account of his great familiarity with this question and his experience as a legislator, is it, in the opinion of the gentleman, possible for us to get any other canal route secured at this session of Congress or during this Congress if this report is rejected?

Mr. HEPBURN. Mr. Speaker, if I had thought it was possible to secure other legislation than this I would not have consented to the action I now recommend. I consent to it because I believe that at this time it is this or nothing.

Mr. WILLIAMS of Mississippi. I will ask the gentleman if it would be too late now for the House itself to put a time limit upon the exercise of this discretion by the President?

Mr. HEPBURN. I think it is.

Mr. WILLIAMS of Mississippi. Does the gentleman think that an attempt of that kind on the part of the House would defeat the bill?

Mr. HEPBURN. I think so. I will say in justification of that opinion that all of the amendments that were suggested by your conferees were rejected; that there was no semblance of disposition manifested to yield anything in the way of change or amendment; that we ran up against an adamant wall.

Mr. WILLIAMS of Mississippi. Does not the gentleman think that perhaps if we reenforced the opinion of our conferees by action of the House fixing a period for the exercise of this discretion we might be able to get over that wall?

Mr. HEPBURN. Well, with all of my hopefulness for securing the passage of the House bill, with all of the firm belief I have that we were right, I say to the gentleman, in all sincerity, that I would never have consented to this adjustment if I had believed that there was any better possible——

Mr. WILLIAMS of Mississippi. I hope the gentleman understands me. I am in most hearty sympathy with the gentleman upon this question. We always have been perfectly at one about it. My idea now is to help him as far as I can; but the idea just struck me that perhaps if the House were to agree with an amendment fixing a period within which this discretion should be exercised that the Senate might possibly accept that amendment. If the gentleman from his knowledge of the actual condition—and his knowledge is so much greater than mine that mine is not worth being mentioned in the same breath—thinks that is impossible or impracticable, why, I think his opinion is worth more upon the subject than mine; but if there is a chance to do it at all, I should think it is worth trying.

Mr. HEPBURN. Mr. Speaker, it is my belief that it is this legislation or no legislation by this Congress.

Mr. RICHARDSON of Alabama. Will the gentleman allow me?

Mr. HEPBURN. Certainly.

Mr. RICHARDSON of Alabama. I should like to call the gentleman's attention to the first section of the bill, in which the amount of $40,000,000 is provided, and particularly to call the gentleman's attention to the use of the word "own" in referring to the New Panama Canal Company. What is the gentleman's opinion as to the limitation of that word "own" as used in that section? Does it not mean that the $40,000,000 will have to be paid to the New Panama Company whether it owns these things or not?

Mr. HEPBURN. Mr. Speaker, I have no doubt that the language of that law would authorize the payment of $40,000,000 to the New Panama Canal Company for whatever it may have, much or little, but I have no belief that the President of the United States would pay that amount of money until he was satisfied that he was securing a title to all the property that may be owned by the New Panama Canal Company or by its predecessor company, including franchises, visible property, and everything.

Mr. RICHARDSON of Tennessee. But as a lawyer, does not the gentleman admit that that paragraph and the use of that language is mandatory upon the President of the United States?

Mr. HEPBURN. No, sir; I do not think that it is mandatory, in the sense that the President would pay $40,000,000 for that property, as the gentleman from Alabama and myself believe it to be vested in the New Panama Canal Company; for I am free to say that, in my judgment, the New Panama Canal Company own nothing that we care to buy.

Mr. RICHARDSON of Alabama. Is it not a fact, further, if the gentleman will allow me, that the New Panama Canal Company stands simply in a fiduciary capacity, that it is a trustee for the old company, and really, as the gentleman has stated, owns nothing?

Mr. HEPBURN. Mr. Speaker, as I understand this subject the New Panama Canal Company became, as a trustee, in 1893 or 1894, in possession of all the property owned by the old company. They were invested with that property for certain and specific purposes. They were to undertake the enterprise of the completion of the canal. They were to finance that enterprise. They were to construct the canal, to maintain it, to operate it. Then there was a provision for the disposition of the revenues, and among the provisions was this: That 40 per cent of a certain residue was to be given to the new company and 60 per cent was to be the property of the old company. They were to construct it, they were to operate, they were to finance, they were to be the custodians of the revenues, and they were to apportion them in the well-defined proportion that I have suggested.

Mr. BURTON. Will the gentleman give me ten minutes?

Mr. HEPBURN. I will yield to you later on. I yield to the gentleman from Ohio.

Mr. GROSVENOR. I do not ask the gentleman to yield to me. I want to ask him a question.

Mr. HEPBURN. I have not finished this inquiry, I will say to the gentleman.

Mr. GROSVENOR. Very well.

Mr. HEPBURN. Now, that condition existed until the 23d day of last December, and here dates throw some light upon this subject. On the 21st day of last December the House, by unanimous consent, agreed to consider a bill then pending before it authorizing the construction of the Nicaragua Canal on the 7th of the next month. On the 23d day of December there was another arrangement made between the new company and the liquidator of the old company—an arrangement by which the New Panama Canal Company were to have control of the negotiations of sale to the United States, a clear and a distinct recognition of property rights still remaining in the old company.

An agreement further was made for the adjustment and the disposition of the property which, in my judgment, simply gave to the New Panama Canal Company a new power, the right as attorney in fact of the old company to negotiate the sale to the United States. Now, then, if there was in the provision of this bill authority in the President of the United States to pay $40,000,000 for the property of the New Panama Canal Company and for the property of its predecessor company, I think there would have been no trouble; but the conferees on the other side disagreed with us, thinking it unnecessary, and would not consent to the insertion of the words "and predecessor company."

Mr. GROSVENOR. What I desire to ask the chairman of the committee is this question. Suppose that a limit of time be put into the bill by the House, and an acceptance or an agreement by the Senate, would not that one provision operate to put into the hands of contesting or competing interests the power to delay the negotiations, so that in the end it would be an element fraught with danger of defeat, rather than an incentive to early and practical conclusion of the negotiations between the Presidents, under the powers given in this bill? In other words, might not a condition exist in Colombia or some other States down there to prevent, under various ways known to diplomacy and intrigue, an arrangement, so as to let the time limit expire, and then the President would be powerless to carry into execution the authority to build either one of these canals?

Mr. HEPBURN. Of course, Mr. Speaker, there are contingencies of that kind that might arise, but the one suggested by the gentleman is the least probable, to my mind, to arise. There are no interests, I take it, on either of these routes that are going to interfere with this project. The possibilities of the future for either one of these countries are dependent upon this question. It is to one of them at least what our entire internal system of transportation is to the United States; to the other one it is that if it loses the canal that loss means the loss of all possibility of progress to Colombia. So that I do not think there is difficulty there. But there may be a difficulty elsewhere, and the very suggestion that there are other interests, made by the gentleman, that interfere is one of the things that we ought to have been apprehensive about and ought to have looked to in this bill.

Mr. BALL of Texas. Will the gentleman allow me to ask a question?

Mr. HEPBURN. I will.

Mr. BALL of Texas. If this conference report is agreed to and the bill becomes law, will it be possible to begin work upon the construction of this canal until that treaty has been submitted to the Senate and ratified by that body?

Mr. HEPBURN. I think not; and that is one of the objections that your conferees, Mr. Speaker, have to this bill, because, after we have paid our money, after we have secured our treaty, it would then be possible for the other branch of Congress to hold up the entire enterprise if less than two-thirds were in favor of this canal. I was unwilling to put that power into the hands of that body.

Mr. COOPER of Wisconsin. Will the gentleman allow me to ask him a question?

Mr. HEPBURN. Certainly.

Mr. COOPER of Wisconsin. In view of the statement of facts just made by the gentleman from Iowa, is the statement which we have so frequently heard, that this would inevitably result in some canal, true?

Mr. HEPBURN. I think it is, because the President may fail in this negotiation. I think that he will fail, under the terms of this bill, in getting the property of the Panama Canal, and then the alternative proposition will operate, and he is authorized to construct a canal on the other route.

I now yield to the gentleman from Ohio, reserving the remainder of my time, Mr. Speaker.

Mr. BURTON. Mr. Speaker, I am sure the country will give full credit to the gentleman from Iowa [Mr. HEPBURN] and his associates on the conference committee because they have yielded their convictions relating to a route, and their convictions relating to a bill, because of their anxiety for a canal. But I favor the adoption of this conference report for entirely different reasons from those which they allege. I believe in the first place that the Panama route is altogether the better route, and I believe in the next place the Senate bill is the best obtainable bill.

The growth of opinion on behalf of the Panama route has been slow. For twenty-five years this proposed canal was controlled by foreign companies, one of which, in the prosecution of the work, unfortunately incurred serious scandal. The demand of the American people was and is for a canal owned and controlled by the United States. Hence for twenty-five years the Panama route was entirely excluded from consideration. A national canal became not merely a matter of sentiment, but of deliberate choice.

The Panama route was out of the question, and the word "Nicaragua" became the name for a canal under the control of this Government. In that name there is nothing more than a purpose for a canal which shall be ours. Political planks and platforms, national or State, go for naught when it appears that there is a better route along another way, where the same conditions can be fulfilled, namely, ownership by this country.

Now, if there is anything in expert opinion, the Panama route is the better. There is hardly an engineer of prominence in this country who does not prefer it. There is hardly a scientific journal of any authority which does not advocate it. I am violating no confidence when I say that our commission, a commission made up of leading engineers of this country, went there with a predilection—aye, I may say with a bias—for the Nicaragua route, and yet, when they had finished their work, they gave an unanimous opinion in favor of the Panama route.

Gentlemen, that means more than the resolutions of a political convention gathered together to consider a multitude of political and other questions and hastily adopting what they regard as the sentiment of the people. It furnishes more than party platforms; it gives the basis for a wise choice.

Now, in view of the offer of last January and the report upon it the Panama route can be a national route as well as the Nicaragua.

It has not been before us until this time. I find no fault with the House for its action of May, 1900, although with 35 others I voted against the bill pending at that time. I voted myself for the Nicaragua route in January of this year, but there was no other route before us. Now there is another, and by reports and investigations a flood of light has been thrown upon the situation. If the Nicaragua route should be selected, I firmly believe a national blunder would be committed. The Panama route is the shorter, with less curvature, along a pathway of traffic for four hundred years and with a railway already constructed, with conditions more intelligently understood and less danger of unforeseen obstacles.

They say there is pestilence there. Gentlemen, I have confidence, not alone in Yankee ingenuity, not alone in Yankee push, but also in Yankee doctors and sanitary regulations which we may enforce. We went to Cuba with some fears because a portion of the island had been a charnel house from yellow fever, but under American regulations, with American sanitary arrangements, for nine months there has not been a single case of yellow fever in that island. I believe that we can do the same thing at Panama. I believe in the Senate provisions. With a time limit it would be possible to defeat any canal at all. If we have a treaty it must pass the Senate by a two-thirds vote. Suppose there is a policy of obstruction, how easy it would be to postpone it beyond six, twelve, or eighteen months? The treaty must be made with Colombia, with the play of selfish interests on behalf of both canals. How easy it would be to postpone that treaty. Bogota, the capital of Colombia, is one of the most remote portions of the earth, as regards mail communication. It is more remote than Pekin. What we are doing to-day, I take it, has some character. It is not an academic opinion as to the better route, but is a deliberate choice of routes. Shall we say that the Panama route is the best route until 12 o'clock noon, at the expiration of six months, but that when the clock then strikes some other route is better?

The full responsibility of this enterprise is lodged just where it belongs—with the President of the United States. With the great responsibility of his office, and with his own anxiety that this great national work should be commenced, and commenced promptly, it can be safely left to him.

In regard to the argument against this proposed commission, I do not exactly see how the Secretary of War can control this work in any better way. It is not expected that the President or the Secretary of War shall go to Panama or Nicaragua and take charge. Either would have to leave the work to subordinates; and if this commission should dally and delay or try to do so, it will be in the power of this Congress to abolish the commission and put some officer or organization in its place that will go on promptly with the work, in pursuance of the demands of the American people. Gentlemen, I do not believe that lengthy discussion is necessary.

Just one word about this new company. As I interpret the law in regard to it—and I gave this question considerable examination three years ago—if ever all the property of one company was turned over to another, it was done in the transfer from the old Panama Company to the new, which now has exclusive right on the Isthmus and has for years been prosecuting this work. Do we want the few rights left over—perhaps the furniture of the old Panama Company in Paris——

Mr. HEPBURN. Will the gentleman allow me to ask him a question?

Mr. BURTON. Yes, sir.

Mr. HEPBURN. Do you believe that under the contract under which this property was turned over by the liquidator to the New Panama Canal Company, say three years ago, they had the power to convey a good title for the property to the United States?

Mr. BURTON. I do, most decidedly, and in pursuance not only of the action of the court, but of a law passed by the Chamber of Deputies; and all that is left of this old company is a right to issue lottery bonds and some few odds and ends. Do we need, for the prosecution of this enterprise, to put in a provision that the property of the old Panama Company shall be transferred over to us? Do we have any anxiety for the right to issue lottery bonds?

Mr. HEPBURN. Will the gentleman permit another question?

Mr. BURTON. Yes, sir.

Mr. HEPBURN. Of course, the gentleman knows that there is nothing in that answer but flippancy. I want to ask him this question: Has not the old company a right even at this day to 60 per cent of the earnings of the new company?

Mr. BURTON. Not under the present decrees of the court. The original condition was as I stated.

Mr. HEPBURN. That decree of the court was made on the 28th day of last December, was it not?

Mr. BURTON. I believe so.

Mr. HEPBURN. And up to that date this company had this interest in the earnings of the canal that the other company was bound to construct and operate?

Mr. BURTON. Nevertheless that would not have stood in the way of their right to dispose of it.

And I want to say that this is not "flippancy." I am unable to find in the record anything of importance except a few odds and ends and that very valuable right—the right to issue lottery bonds.

Now, Mr. Speaker, I hope no member of this House will vote against the adoption of this report. For seventy-five years—since 1826—this project has been talked of and agitated in this country. For four hundred years it has been the talk of men of many nations. There has been necessary delay, for time has been required for examination. But now we have come to a time when we can make a sensible choice and take a sensible vote. Preliminary steps have been taken and examinations made, and this day—this 26th day of June, 1902—it is in the power of Congress to declare that we will have a canal between the two oceans, and I say, Way for the canal! Make way! [Applause.]

Mr. HEPBURN. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, the people whom I represent, and I believe the people of the whole Mississippi Valley, are in favor of the Nicaragua route, because it is to their interest to be in favor of it. The great Mississippi River carries their commerce to the Gulf; and that route which would bring the vessels passing through an isthmian canal nearer to the mouth of the Mississippi River would, as a matter of commerce, be vastly to the interest of the people of the Mississippi Valley.

But whether a canal is built at Nicaragua or at Panama, the whole people of the United States will be benefited by the building of that canal. Freight rates and the cost of transportation are the key to all commerce. If the people of the United States, if the Congress of the United States are right in believing that water transportation across the Isthmus will reduce freight rates, then it will build commerce; it will open markets; it will clear the way to the ports of the world for our commerce in the future. I believe the hour has come to-day when we can build a canal. We may not be able to build the canal that some of us believe to be the best canal, but I believe that it is manifestly to the interest of the whole people of the United States that an isthmian canal should be built.

Believing that if we can not have the legislation which I believe to be the best, I am willing that legislation—although I do not believe this to be the best, yet which I know is to the interest of my country—should be passed, and for that reason I intend to yield the fight that I have made heretofore for a canal on the Nicaragua route and vote for this bill. More than that, it may be in doubt—it is a doubtful question—as to whether a title can be delivered to the Panama route.

If the advocates of that route fail to satisfy the President of the United States that they can give a good title, then we have the opportunity of getting the Nicaraguan Canal, the canal that we want, and it may be our only opportunity; so that I say now, the way being clear, I can see no reason why any man who is in favor of a canal, or any man who wanted the Nicaraguan route, should not be willing to accept this bill as the best compromise that we can get, for there can be no doubt about the fact that if we reject this conference report we will get no legislation at this session of Congress and we may never get legislation in the future. I believe the President of the United States is earnestly in favor of the canal. I believe the President of the United States wishes to carry out the will of the people on this question, and I believe that when this bill passes and the power is put in his hands to act, he will use that power toward building a canal, either at Panama or Nicaragua, and whichever we get will result in great benefit to the masses of the people of our country.

Mr. HEPBURN. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. RICHARDSON].

Mr. RICHARDSON of Alabama. Mr. Speaker, I have, as I indicated in the question I propounded to the distinguished gentleman from Iowa, the chairman of the Interstate and Foreign Commerce Committee, grave doubts about the use of the word "owned" in the first section of this bill. I believe the language used in that section is mandatory on the President and he would have to pay the $40,000,000 to the New Panama Company, whether that company "owned" valuable properties or not. It promises, at least, complications and probable litigation. I would not undertake unnecessarily to make a quibble upon the words of this section. The section, it seems, leaves loopholes for delay and trouble and this, I fear, would mean no canal. I do not concede to anyone on this floor a greater interest and solicitude for the construction of an isthmian canal than I entertain. The future prosperity, the wealth of the South, and especially that of Alabama, depends upon an isthmian canal.

I am aware, Mr. Speaker, of the great and heroic struggle that the distinguished chairman of the Interstate and Foreign Commerce Committee [Mr. HEPBURN] has had to yield his views and his convictions in favor of a Nicaraguan canal. I have watched and applauded his unremitting labors on the Interstate and Foreign Commerce Committee in behalf of the Nicaragua Canal. I know that this project has been near to his heart, for in season and out of season he has stood unfalteringly for the Nicaragua route. I have gladly followed his leadership. I can not, Mr. Speaker, forget here now the keen disappointment that the substitution of the Panama for the Nicaragua route carries to the brave, trusting heart of one of the most distinguished citizens of the South—the great statesman and Senator from Alabama, JOHN T. MORGAN—who has devoted more than twenty years of labor and toil of his useful life and his great intellect to the construction of a Nicaraguan canal. He, too, I am told, has yielded his convictions to the inevitable. I know, Mr. Speaker, that it was a great, great effort for these two distinguished gentlemen to yield their convictions and partiality for the Nicaragua route. It speaks louder than any words I can use for their patriotism and statesmanship. Their example has made it easy for me to abide the results of the conference committee of the two Houses. I am willing, and will to-day in the vote I make, surrender my own individual convictions and vote for the conference report. I do this, Mr. Speaker, without yielding one jot or tittle of my belief that the Nicaraguan route is preeminently the best.

I believe that the conference committee on the part of the House have made an honest, earnest, and noble effort to impress their convictions on the conferees of the Senate; but, as the gentleman from Ohio [Mr. BURTON] has said, the time has come with us now, and we have been considering it in this country for fifty years, to accept a plan that proposes to give us the construction of this great isthmian canal, and I believe that it is my duty to my people—while I know with what great unanimity the people of that section of the South are wedded to the Nicaraguan route—to vote for the conference report—the Panama route—and I believe in the exercise of their good judgment, their patriotism, and their common sense they will ratify the vote that I will cast here to-day.

Mr. HEPBURN. Mr. Speaker, I yield to the gentleman from Illinois [Mr. MANN].

Mr. MANN Mr. Speaker, I think that we are one step nearer to a canal, and I wish to remind the House that for that step we are indebted to the courage, statesmanship, and persistency of two men, a courage which at times has been subjected to severe criticism, but which has never quailed. One of these men is JOHN T. MORGAN, of the Senate of the United States [applause], and the other, the gentleman from Iowa, Mr. WILLIAM P. HEPBURN. [Prolonged applause.]

Mr. Speaker, in January last this House passed the bill for the Nicaragua Canal. That bill went to the Senate and the Senate struck out all of the provisions of the bill after the enacting clause, and substituted in place thereof a bill for the Panama Canal. This House as a matter of form disagreed to the Senate amendment or substitute and asked for a conference. The managers of the conference on the part of the House and the Senate have made and have finally reported in favor of the adoption of the Senate substitute, which provides for the construction of the canal at the Panama route.

Mr. Speaker, I am in favor of adopting the conference report. Many of our people prefer the Nicaragua Canal route; many prefer the Panama Canal route; some prefer the San Blas or tunnel route. But, after all, the principal object in view is the construction of an actual canal. We want to make our contribution to progress and civilization by constructing a waterway between the Atlantic and Pacific oceans. I doubt very much whether it will ever be profitable financially. I question the advisability of it so far as aiding in our naval defense. But the people of our country wish to construct a canal and they are willing to pay for it. When finished it will be the realization of the dream of centuries.

But, Mr. Speaker, my object at this time is not to discuss the desirability of the canal, but to point out very briefly some facts in connection with the history of this legislation. When I was elected as a member of the Fifty-fifth Congress in 1896, and was assigned as a member of the Committee on Interstate and Foreign Commerce, I found that proposed legislation in regard an isthmian canal was then an old story.

The proposition then before that committee was to aid the Maritime Canal Company in the construction of a canal on the Nicaragua route. That was a private corporation and it had been seeking for years to obtain financial aid from the Government to build the canal. I found that the chairman of our committee, the gentleman from Iowa [Mr. HEPBURN], was not looked upon as a friend of canal legislation. It was openly insinuated that he was opposed to the construction of a canal at all. We had extensive hearings before our committee in that Congress, both in regard to the Nicaragua Canal route and the Maritime Canal route, and in regard to claims both on the part of the Maritime Canal Company and other companies claiming concessions over various proposed canal routes. It was not long until it came to me that our chairman was not opposed to canal legislation, but that he was opposed to have the Government furnish the funds for the construction of a small and cheap canal for the benefit of a private corporation which would reap all the profits.

Up to that time there had been no serious proposition urged in Congress that the Government itself should build the isthmian canal. The Clayton-Bulwer treaty with England stood in the way of a Government canal. It seemed quite certain that Congress would not furnish its financial support to the Maritime Canal Company or any other private corporation for the construction of the canal. The great Senator from Alabama [Mr. MORGAN] was giving his attention in the Senate to proposed canal legislation, and was urging that aid be given to the Maritime Canal Company. Apparently all paths toward the construction of a canal seemed to have insurmountable obstacles in front.

I rise to my feet here to-day mainly for the purpose of performing a plain duty to the members of this House and to the country by calling attention to the stroke of genius shown in the leadership of the chairman of our committee [Mr. HEPBURN]. While others were bewildered and in doubt, the sagacity, the courage, and the leadership of Colonel HEPBURN looked down a straight road ahead. He prepared and submitted to our committee a bill proposing that the Government itself should construct, own, operate, and defend an isthmian canal.

The route proposed, it is true, was the Nicaragua route; no other route could then have been proposed. The Panama people at that time were standing to one side with lofty haughtiness in the vain expectation that it could hold up this country and compel us to pay a couple of hundred millions of dollars for the Panama route. The members of our committee studied the subject with great care and consideration, and we finally reported to the House the Hepburn bill in the Fifty-fifth Congress. At that time the Maritime Canal Company was claiming an exclusive right to the Nicaragua Canal route. The Cragin Syndicate was also claiming an exclusive right to the Nicaragua route. The Panama Company was announcing with bold directness that it proposed to finish the Panama Canal, and that the Panama Canal was not for sale under any circumstances. That company announced that it had the funds in sight with which to finish the canal. The Clayton-Bulwer treaty was in force forbidding the construction of a canal by this Government, or the ownership or defense of it by our country. The Gordian knot of an isthmian canal had bothered statesmen for years. Many had attempted to untie it. Colonel HEPBURN proposed to solve the difficulty by boldly cutting the knot in two. This was the proper solution. The result of the Hepburn bill in the Fifty-fifth Congress was that the new Isthmian Canal Commission was appointed by a provision in the river and harbor act of 1899. That Commission is the one which has just recently reported.

Another result came from the Hepburn bill. Plain notice was served upon our own State Department and upon England as well that the committee of this House having jurisdiction of the subject was in favor of passing a bill directing the President in behalf of this nation to construct the canal, notwithstanding the provisions of the Clayton-Bulwer treaty. It is divulging no secret now to say that it was the expectation of members of our committee that this bold and firm attitude on our part would lead our State Department to enter into negotiations which would result in the abrogation of the Clayton-Bulwer treaty. That result has also been finally accomplished. We are now freed from any treaty obligations which would prevent us as a nation from owning and operating the canal.

Another result came from the Hepburn bill. The Republic of Nicaragua had granted various concessions to private individuals and companies affecting the constructing of a canal over the Nicaragua route. The Hepburn bill, as reported by our committee, was a notice to that Republic that this country would not deal with these private interests, but would only deal with the Republic of Nicaragua itself in regard to the construction of the proposed canal. Under the sunlight of the Hepburn bill the miasma of difficulties affecting the construction of the canal were rapidly dissipated and disappeared.

In the Fifty-sixth Congress the Hepburn bill was again reported favorably by our committee and was passed by the House with an overwhelming vote. Consideration of it was defeated in the Senate in that Congress by those who were disposed to be the enemies of any canal legislation.

At the first meeting of our Commerce Committee of the Fifty-seventh Congress in December last the Hepburn bill was ordered reported favorably. Our committee had determined to force the fighting. We proposed to begin the campaign early. The Hepburn bill provided for the Nicaragua route, but the question

of a route was not the all-important question. We could not have reported in favor of any other route. The Panama route was not available. Many of the members of that committee, including myself, had been very favorably impressed with the advantages of the Panama route in the hearings which had been had before our committee. But the Panama people were holding back. They had refused to make a proposition to the Isthmian Canal Commission; they had refused to make any figures at which they would sell the Panama Canal assets; in other words, they thought that this Government would in the end be compelled to buy them out and would have to pay their price. The only way to force even a proposition out of the Panama people was to proceed with the bill in regard to the Nicaragua route. The enemies of any canal legislation were shouting for the Panama route.

Let me not be misunderstood. Many of those favoring the Panama route favored it from motives of pure sincerity. All who favored the Panama route were not against canal legislation, but I think all who were against any canal legislation were then favoring the Panama route. They believed the obstacles there could not be overcome. The Panama people could not be persuaded to make any proposition to sell until after the Hepburn bill had been reported out by our committee in December last, and had been made a special order for consideration in the House. Then the Panama people discovered that they were trying a "bluff" game which might not work. The results which followed are too well known to spend time upon. The House passed the Nicaragua route. The Panama people made its proposition to sell to the Government for $40,000,000. They sent here their attorneys and their agents, and commenced a propaganda to persuade Congress to favor the route and to buy their canal. They have succeeded. I confess I do not know whether their success is due to the fact that they have the better route or to the fact that they had a skilled lobby and made some powerful friends in this country with wide influence.

As I stated in my remarks in this House in January last, I do not think anyone can tell which is the better route. I would not give a fig for the opinion of the Isthmian Canal Commission upon this subject. A commission which reports one day in favor of the expenditure of nearly $200,000,000 on one route as the better place, and the next day reports in favor of another route as the better place, is evidently so nearly even balanced in mind upon the subject that its conclusion in favor of one or the other is of little importance.

I do not share with some of our friends the opinion that the New Panama Canal Company will be unable to make a perfect title in selling the Panama route to this Government. Under the bill which is now to become a law the Panana Canal route is worth $40,000,000 to sell to this country. It is possible that if it were not sold to this country it might be worth as much as $4,000,000 to entice some money out of gullible people in France, but it is quite certain that except for these two purposes it is not worth 40 cents. The rights and plant of the New Panama Canal Company to-day on the Isthmus of Panama are not an asset; they are a liability. They are not a source of income; they are a source of expense. The only value they have is to be sold to this country or to use in swindling people in France. There is no possibility of the Panama Canal Company ever being able to finish the canal. I take it, then, that there will be no loss of time on the part of the New Panama Canal Company obtaining, if it does not now have it, a perfect title, which it can sell and deliver to the United States. They will not miss this opportunity. If necessary, the courts of France and the Government of France itself will be brought into play.

If we adopt the Panama route, it is probable that the work which has already been done there may be worth as much as $20,000,000. It is not worth the $40,000,000 which we propose to pay, and if the Isthmian Canal Commission had not put the figure at $40,000,000 we would probably buy the rights of the Panama Company at a figure somewhat near their real value or about $20,000,000.

Mr. Speaker, under the leadership of Colonel HEPBURN this House has forced the fighting in regard to canal legislation. The enemy has consented to surrender upon terms. We might have said nothing but unconditional surrender and carried the fight into the next Congress and have won it. But it seemed better to offer terms to the enemy, and where there was no particular choice on our part between the Nicaragua route and the Panama route, to accept the Panama route if that would be more pleasing to the pride of those who were opposed to us. Under the bill which this conference report proposes the President will be authorized to commence the actual construction of a canal within a reasonable time.

It is true that a treaty must yet be negotiated with the country through which the canal runs, and that treaty must be ratified by the Senate, but this bill when enacted into law creates a distinct obligation on the part of our Government to proceed with the work of constructing the canal. We plight our faith; we will not betray our promise. I have devoted myself to the subject of canal legislation during three terms of Congress. I have stood with my best endeavors by the side of my leader, the chairman of our committee.

Mr. Speaker, I say again, in closing, that when a canal shall have been finally constructed that over the entrance to it from the Atlantic side should be inscribed on a monument of marble the following words: "This great work is due to the persistency and statesmanship of Senator JOHN T. MORGAN of Alabama and to the sagacity and genius of Representative WILLIAM P. HEPBURN of Iowa." [Loud and continued applause.]

Mr. HEPBURN. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. SULZER].

Mr. SULZER. Mr. Speaker, I am now, always have been, and always will be in favor of an isthmian canal connecting the Atlantic with the Pacific Ocean. It will be for the lasting benefit and to the great advantage of this Government in a larger degree than any other national improvement that can at present be undertaken. Heretofore, during all the time I have been in Congress, I have consistently voted for and advocated, time and time again, the building of the Nicaragua Canal, to be owned and constructed by the United States Government.

At the present time, Mr. Speaker, we are confronted with this situation: We must accept the Senate amendment for the Panama Canal, or have no canal at all perhaps for years to come. Under all the circumstances therefore, I am willing to vote for the Panama route. In other words, I am now in favor of the Panama route rather than have no canal. Under the terms of the Senate amendment to the House bill if the Government of the United States can not get a good, legal, and valid title to the Panama route, then the Nicaraguan route will and must be selected. I believe now, and have always believed, the Nicaragua route is much preferable to and has many advantages over the Panama route, and that ultimately the Nicaragua route will be selected, because I do not believe at the present time, from all I can learn, that a good and valid title can be acquired to the Panama route.

Now, Mr. Speaker, when such distinguished and able statesmen as Senator MORGAN, of Alabama, and the gentleman from Iowa [Mr. HEPBURN] are willing to subordinate their judgment on this matter and accept the Senate amendment I am willing to follow and vote with them. And I say great commendation is due the distinguished gentleman from Iowa for his efforts and his indefatigable work in favor of an isthmian canal, and I hope his motion to concur in the Senate amendment in accordance with the agreement of the conferees will be unanimously adopted. When the Senate passed the Panama amendment, in my opinion, it did not believe the House would ever accept it, and that the consequence would be no canal legislation during this Congress. I think the House should rise to the occasion now and disappoint the expectations of those who do not want a canal at all. Let us call the bluff of the enemies of an isthmian canal. [Applause.]

Mr. HEPBURN. I yield one minute to the gentleman from Minnesota [Mr. FLETCHER].

Mr. FLETCHER. Mr. Speaker, it is well known to the members of the Committee on Interstate and Foreign Commerce that I have at no time agreed with them on the project of the Nicaragua Canal; but to my mind the solution of this question must now be acted upon. I wish they had taken a little more pains in looking over what is known as the Darien route. What I contend is that a sea-level canal is more to be sought, if we are to have a canal, than any other. For that reason I have not seen fit to cooperate with the committee in recommending the Nicaragua route. But as it has come down to this point, and there is a universal sentiment throughout the land for a canal of some kind, and as this seems to be the only opportunity that we will have of getting a canal, I yield my judgment to that of greater and abler men who have given the matter more thought and consideration than I have, and I shall vote for and support the proposition for the Panama Canal.

Mr. HEPBURN. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has twelve minutes remaining.

Mr. HEPBURN. I yield three minutes to my colleague on the committee [Mr. ADAMSON].

Mr. ADAMSON. Mr. Speaker, under the leadership of our great and noble chairman, the distinguished gentleman from Iowa [Mr. HEPBURN] [applause], our Committee on Interstate and Foreign Commerce has labored long and faithfully in the interest of legislation to secure an interoceanic canal. After conscientious investigation, including the examination of the officials of the Panama Company on oath, we reached the conclusion that the Nicaragua route offered the best opportunities for our country and presented the most feasible and advantageous proposition.

We also recognized that as more desirable because it would be nearer our border and make a closer connection between the Atlantic and Gulf ports and our Pacific coast cities, giving us a domestic canal.

However, I am not dogmatic enough, even when sustained and supported by the cooperation of my colleagues on the committee, to set up my judgment in opposition to that of all the great and good men in the country who profess to desire canal legislation and prefer the Panama route. I hope we may have been mistaken. I hope that if the title be found good, the Panama route may prove desirable and feasible. If there are those who expect that the enactment of the Spooner amendment will result in defeating all canal legislation, and compassed its adoption in hope of creating confusion and preventing legislation, I believe they will be disappointed. In fact, they expected that we would reject the amendment and make ourselves chargeable with preventing legislation. It was a monumental bluff, and they are much more discomfited by our acceptance of the amendment than we are in its compulsory adoption. If they hope to succeed in this game by haggling and delaying the President by quibbles and complications tending to confuse, delay, and finally defeat action, they will be doomed to failure. I do not believe the President will allow them to trifle with him at all, but in such a case he would cut the Gordian knot and order the Nicaragua Canal commenced at once. I expect such tactics to be undertaken, and I rely upon the President to frustrate them.

In voting for this conference report I yield my judgment to that of my colleagues as honest as myself and more able than I can ever hope to be. But in so doing I do not surrender as one who has no hope. I not only expect a canal, but I prophesy that we will get the Nicaragua Canal. [Applause.]

Mr. HEPBURN. I yield three minutes to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS of Mississippi. Mr. Speaker, it is hope deferred that maketh the heart sick. I do not believe that the action of the House to-day is going to result in the construction of a canal at Panama. I do believe, however, that the action of the House to-day will result finally in getting rid of the Panama entanglement.

I had not thought to say a word upon this subject, but I would not like the country to understand that the gentleman from Ohio [Mr. BURTON] is right when he takes it for granted that the House will vote for this conference because they believe the Panama route to be the best. I believe two-thirds of it think the Nicaragua route preferable, even though we shall vote for the conference report.

Mr. Speaker, if I had my way I would give $500,000,000 to put an interoceanic canal at Nicaragua rather than to put one at Panama for $25,000. Every reason—geographical, military, and commercial—leads me to that belief. A ship leaving New Orleans and going to San Francisco will require three days more time by Panama than by Nicaragua. To what absolute insignificance then does the first cost sink, when we consider the commercial expenses, the increased freights required by increased distance, running not for awhile, but for all time, if we put this canal at the wrong place. I would rather have a canal at Nicaragua for half a billion dollars—speaking for the people of the Mississippi Valley and the Gulf coast—than to have one at Panama for $25,000; and yet I would rather have a canal at Panama than to have no canal at all. And as this entanglement has been brought about, and as I believe that if this action will not result in the construction of a canal before the election and assemblage of the Fifty-eighth Congress, the Fifty-eighth Congress will become disgusted with the delay and further postponement, and will take up the matter and rush through a Nicaragua Canal bill, and that the people will require the Senate to see that it is carried through, I am willing to vote for this action to-day.

I would, of course, rather have the Panama Canal than to have none. It is of a great deal more importance to get rid of the immense distance around Cape Horn than to get rid of the difference of distance between the routes by Panama and by Nicaragua. But when you consider that three days in a trip from New Orleans to San Francisco means six days' loss in the round trip, and that means not only a difference of distance and of cost for each voyage, but a difference in the number of trips that can be had each year, interfering not only with the cheapness of transportation, but with the rapidity of the transportation, and with the volume of trade in the number of trips, it seems that the original cost involved in the two schemes makes no difference.

I think that there is but one possibility under which the Panama Canal ought to be a rival of the Nicaragua Canal in the estimation of the American people, and that is upon the supposition that the canal at Panama were a dead sea-level canal, as De Lesseps originally intended. Now, a dead sea-level canal can be built at Panama, but it will require a vast amount of money, perhaps a billion of dollars, to do it. It will require a great deal of money. It is an engineering possibility, as De Lesseps said. That was the sort of canal for that place. If we are to have a dead sea-level canal, then the saving in time and expense in ready passage through such a canal there would do much to make up for the loss of distance and time and money on the shore voyage.

Mr. HEPBURN. I yield two minutes to the gentleman from Arkansas.

Mr. McRAE. Mr. Speaker, I have a very strong conviction that the Nicaragua route is the proper one for this country. I have always favored it and still favor it. It seems to me that all of the arguments are in favor of that route except perhaps it is a little more expensive, and that should not control in a great public work like this. I regret with all my heart that the question now presented to us concedes at least the temporary, if not permanent—and I fear the permanent—loss of the proper route for an American canal connecting the Atlantic and Pacific oceans.

I deeply regret that this proposition comes in a way that we can not insist and, if necessary, adhere to the original position taken by the House. I would gladly join in voting down this report if the friends of Nicaragua on the conference would make further fight or could offer any hope that the Senate would agree to that route.

I wish that my friend the gentleman from Iowa, who has so ably led in this contest for that route and who has charge of this report, had at least given the House, under his leadership, an opportunity to again declare its belief in the route we want and the route he says he wants. Yet I must accord to him honesty of purpose when he says that this report is the best that can be had at this time, and that he thinks it ought to be adopted by this House.

Yet I believe it is the monumental blunder for this Republican Congress to substitute the Panama for the Nicaragua route. So far as I am concerned, I want it distinctly understood that I do not vote for this report because I prefer the Panama route to the Nicaragua route. I vote for it under protest and because I am assured by our conferees that nothing else can be secured by this Congress, in their judgment, for I prefer a canal by the Panama route to no canal. I will therefore follow the distinguished gentlemen from Alabama and from Iowa and vote for the report, believing that it is the Panama route or nothing as the matter is now presented. The country understands why and how in this contest over routes the Panama has triumphed, and the people will fix the responsibility where it belongs. They will understand why we have lost this fight and why we have to negotiate for a questionable title to an inferior route when we can now get a perfect title to a route that our people have demanded for years.

The SPEAKER. The time of the gentleman has expired.

Mr. HEPBURN. I now ask for the previous question on agreeing to the conference report.

The SPEAKER. The gentleman from Iowa demands the previous question on his motion.

The question was taken; and the previous question was ordered.

The SPEAKER. The question is on agreeing to the report.

Mr. BURTON. On that I call for the yeas and nays. [Cries of "No."]

The SPEAKER. The gentleman from Ohio asks for the yeas and nays.

Mr. BURTON. I think we ought to have a record vote on this.

The yeas and nays were ordered.

The question was taken; and there were—yeas 260, nays 8, answered "present" 3, not voting 80; as follows:

YEAS—260.

Adams,	Burleson,	Davis, Fla.	Gillet, N. Y.
Adamson,	Burnett,	Dayton,	Gillett, Mass.
Alexander,	Burton,	De Armond,	Glenn,
Allen, Ky.	Butler, Pa.	Deemer,	Goldfogle,
Aplin,	Calderhead,	Dick,	Gordon,
Babcock,	Caldwell,	Dinsmore,	Graff,
Ball, Del.	Candler,	Dougherty,	Graham,
Bankhead,	Cannon,	Douglas,	Greene, Mass.
Barney,	Capron,	Dovener,	Griffith,
Bartlett,	Cassel,	Draper,	Griggs,
Bates,	Cassingham,	Eddy,	Grosvenor,
Beidler,	Clark,	Esch,	Grow,
Bingham,	Clayton,	Evans,	Hamilton,
Bishop,	Cochran,	Feely,	Hanbury,
Blackburn,	Conner,	Finley,	Haskins,
Boutell,	Conry,	Fitzgerald,	Heatwole,
Bowersock,	Coombs,	Fleming,	Hedge,
Bowie,	Cooper, Tex.	Fletcher,	Hemenway,
Brantley,	Cousins,	Flood,	Henry, Conn.
Breazeale,	Cowherd,	Foerderer,	Hepburn,
Brick,	Creamer,	Foss,	Hildebrant,
Bromwell,	Crumpacker,	Foster, Ill.	Hill,
Brown,	Currier,	Foster, Vt.	Hitt,
Brownlow,	Curtis,	Fowler,	Holliday,
Brundidge,	Cushman,	Fox,	Hooker,
Burgess,	Dalzell,	Gaines, Tenn.	Hopkins,
Burk, Pa.	Darragh,	Gaines, W. Va.	Howard,
Burke, S. Dak.	Davey, La.	Gardner, Mich.	Howell,
Burleigh,	Davidson,	Gibson,	Hughes,

Jack,	McRae,	Pearre,	Southwick,
Jackson, Md.	Maddox,	Pierce,	Sperry,
Jenkins,	Mahon,	Pou,	Stark,
Johnson,	Mann,	Powers, Me.	Steele,
Jones, Wash.	Marshall,	Powers, Mass.	Stephens, Tex.
Kahn,	Martin,	Prince,	Stevens, Minn.
Kehoe,	Mercer,	Pugsley,	Stewart, N. J.
Kern,	Metcalf,	Randell, Tex.	Stewart, N. Y.
Ketcham,	Meyer, La.	Ransdell, La.	Sulzer,
Kitchin, Wm. W.	Mickey,	Ray, N. Y.	Sutherland,
Kleberg,	Miers, Ind.	Reeder,	Swanson,
Kluttz,	Miller,	Rhea, Va.	Tate,
Knapp,	Minor,	Richardson, Ala.	Tawney,
Knox,	Mondell,	Richardson, Tenn	Tayler, Ohio
Kyle,	Moody, N. C.	Rixey,	Taylor, Ala.
Lacey,	Moody, Oreg.	Robb,	Thayer,
Lamb,	Moon,	Robinson, Ind.	Thomas, N. C.
Landis,	Morgan,	Rumple,	Thompson,
Lanham,	Morrell,	Ruppert,	Tirrell,
Lessler,	Moss,	Ryan,	Tongue,
Lester,	Mudd,	Schirm,	Underwood,
Lewis, Ga.	Mutchler,	Scott,	Vandiver,
Lewis, Pa.	Naphen,	Shafroth,	Van Voorhis,
Lindsay,	Needham,	Shattuc,	Vreeland,
Little,	Nevin,	Showalter,	Wadsworth,
Littlefield,	Newlands,	Sibley,	Wanger,
Livingston,	Norton,	Sims,	Warner,
Lloyd,	Olmsted,	Slayden,	Warnock,
Long,	Otjen,	Small,	Watson,
Loudenslager,	Overstreet,	Smith, Ill.	Wheeler,
Lovering,	Padgett,	Smith, Iowa	Wiley,
McCall,	Palmer,	Smith, Ky.	Williams, Ill.
McCleary,	Parker,	Smith, S. W.	Williams, Miss.
McClellan,	Patterson, Pa.	Snodgrass,	Wilson,
McDermott,	Patterson, Tenn.	Snook,	Wooten,
McLachlan,	Payne,	Southard,	Zenor.

NAYS—8.

Ball, Tex.	Hay,	Kitchin, Claude	Neville,
Bell,	Jones, Va.	Loud,	Woods.

ANSWERED "PRESENT"—3.

Morris,	Shackleford,	Wright.

NOT VOTING—80.

Acheson,	De Graffenreid,	Lassiter,	Shallenberger,
Allen, Me.	Driscoll,	Latimer,	Shelden.
Bartholdt,	Edwards,	Lawrence,	Sheppard,
Bellamy,	Elliott,	Lever,	Sherman,
Belmont,	Emerson,	Littauer,	Skiles,
Benton,	Fordney,	McAndrews,	Smith, H. C.
Blakeney,	Gardner, N. J.	McCulloch,	Smith, Wm. Alden
Boreing,	Gilbert,	McLain,	Sparkman,
Bristow,	Gill,	Mahoney,	Spight,
Broussard,	Gooch,	Maynard,	Storm,
Bull,	Green, Pa.	Perkins,	Sulloway,
Burkett,	Hall,	Reeves,	Talbert,
Butler, Mo.	Haugen,	Reid,	Thomas, Iowa
Connell,	Henry, Miss.	Roberts,	Tompkins, N. Y.
Cooney,	Henry, Tex.	Robertson, La.	Tompkins, Ohio
Cooper, Wis.	Hull,	Robinson, Nebr.	Trimble,
Corliss,	Irwin,	Rucker,	Wachter,
Cromer,	Jackson, Kans.	Russell,	Weeks,
Crowley,	Jett,	Scarborough,	White,
Dahle,	Joy,	Selby,	Young.

So the conference report was agreed to.

The following pairs were announced:

For the session:

Mr. DAYTON with Mr. MEYER of Louisiana.

Mr. YOUNG with Mr. BENTON.

Mr. BULL with Mr. CROWLEY.

Mr. WRIGHT with Mr. HALL.

Mr. BOREING with Mr. TRIMBLE.

Mr. IRWIN with Mr. GOOCH.

Until further notice:

Mr. SHELDEN with Mr. REID.

Mr. BARTHOLDT with Mr. SHACKLEFORD.

Mr. HAUGEN with Mr. LEVER.

Mr. CORLISS with Mr. DE GRAFFENREID.

Mr. FOSTER of Vermont with Mr. POU.

Mr. SKILES with Mr. TALBERT.

Mr. FORDNEY with Mr. BURGESS.

Mr. DRISCOLL with Mr. ROBINSON of Nebraska.

Mr. MORRIS with Mr. JACKSON of Kansas.

Mr. EMERSON with Mr. GILBERT.

For this day:

Mr. SULLOWAY with Mr. SELBY.

Mr. ROBERTS with Mr. MAHONEY.

Mr. THOMAS of Iowa with Mr. SPARKMAN.

Mr. WACHTER with Mr. WHITE.

Mr. PERKINS with Mr. MCLAIN.

Mr. MILLER with Mr. MCCULLOCH.

Mr. LITTAUER with Mr. LATIMER.

Mr. LAWRENCE with Mr. LASSITER.

Mr. HULL with Mr. HENRY of Texas.

Mr. GILL with Mr. MAYNARD.

Mr. GARDNER of New Jersey with Mr. ELLIOTT.

Mr. CROMER with Mr. EDWARDS.

Mr. BRISTOW with Mr. COONEY.

Mr. DAHLE with Mr. BUTLER of Missouri.

Mr. ALLEN of Maine with Mr. BROUSSARD.

Mr. ACHESON with Mr. BELLAMY.

Mr. HENRY C. SMITH with Mr. MCANDREWS.

Mr. CONNELL with Mr. HENRY of Mississippi.

On this vote:

Mr. COOPER of Wisconsin with Mr. SCARBOROUGH.

Mr. JOY with Mr. RUCKER.

Mr. RUSSELL with Mr. ROBERTSON of Louisiana.

Mr. WM. ALDEN SMITH with Mr. JETT.

Mr. SHERMAN with Mr. BELMONT.

Mr. BLAKENEY with Mr. GREEN of Pennsylvania.

Mr. BURKETT with Mr. SHALLENBERGER, for ten days.

Mr. WEEKS with Mr. SHEPPARD, for two weeks.

CONFERENCE REPORTS ON PENSION BILLS.

Mr. BROMWELL submitted reports of committees of conference in the following cases; which, in accordance with the rule, were ordered to be printed in the RECORD, with the accompanying statements of the House conferees:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill S. 5856, "An act granting an increase of pension to Elizabeth A. Turner," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same.

H. C. LOUDENSLAGER,
WILLIAM RICHARDSON,
J. H. BROMWELL,
Managers on the part of the House.

J. H. GALLINGER,
J. C. PRITCHARD,
Managers on the part of the Senate.

The statement is as follows:

Statement to accompany conference report on disagreeing votes of the House and Senate on Senate bill 5856, granting an increase of pension to Elizabeth A. Turner.

This bill originally passed the Senate at $16 per month, but was amended in the House to $12 per month. The result of the conference is that the Senate recedes from its disagreement to the amendment of the House and agrees to the same, and your conferees recommend that the bill pass at $12 per month, as it originally passed the House.

H. C. LOUDENSLAGER.
WILLIAM RICHARDSON.
J. H. BROMWELL.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3320), granting an increase of pension to Adelaide G. Hatch, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment.

H. C. LOUDENSLAGER,
WILLIAM RICHARDSON,
J. H. BROMWELL,
Managers on the part of the House.

WM. J. DEBOE,
J. R. BURTON,
Managers on the part of the Senate.

The statement is as follows:

Statement to accompany conference report on disagreeing votes of the House and Senate on Senate bill 3320, granting an increase of pension to Adelaide G. Hatch.

This bill originally passed the Senate at $30 per month, but was amended in the House to $20 per month. The result of the conference is that the House recedes from its amendment, and your conferees recommend that the bill pass at $30 per month, as it originally passed the Senate.

H. C. LOUDENSLAGER.
WILLIAM RICHARDSON.
J. H. BROMWELL.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1225) granting an increase of pension to Clara W. McNair, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment.

H. C. LOUDENSLAGER,
WILLIAM RICHARDSON,
J. H. BROMWELL,
Managers on the part of the House.

J. H. GALLINGER,
WM. J. DEBOE,
Managers on the part of the Senate.

The statement is as follows:

Statement to accompany conference report on disagreeing votes of the House and Senate on Senate bill 1225, granting an increase of pension to Clara W. McNair.

This bill originally passed the Senate at $50 per month, but was amended in the House to $40 per month. The result of the conference is that the House recedes from its amendment, and your conferees recommend that the bill pass at $50 per month, as it originally passed the Senate.

H. C. LOUDENSLAGER,
J. H. BROMWELL,
WILLIAM RICHARDSON.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 5506) granting an increase of pension to Clayton P. Van Houten, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment and agree to an amendment as follows: After the word "receiving," in line 9, add the following: "*Provided*, That at the expiration of two years after the passage of this act,

if the said Clayton P. Van Houten be then living, a medical examination shall be ordered, and the rate of pension allowed by this act shall be subject to change to accord with the degree of disability then existing;" and the Senate agree to the same.

H. C. LOUDENSLAGER,
J. H. BROMWELL,
WILLIAM RICHARDSON,
Managers on the part of the House.
P. J. McCUMBER,
N. B. SCOTT,
Managers on the part of the Senate.

The statement is as follows;

Statement to accompany conference report on disagreeing votes of the House and Senate on Senate bill 5506, granting an increase of pension to Clayton P. Van Houten.

This bill originally passed the Senate at $50 per month, but was amended in the House to $30 per month. The result of the conference is that the House recedes from its amendment, and the conferees agree to an amendment as follows:

After the word "receiving," in line 9, add the following: "*Provided*, That at the expiration of two years after the passage of this act, if the said Clayton P. Van Houten be then living, a medical examination shall be ordered, and the rate of pension allowed by this act shall be subject to change to accord with the degree of disability then existing."

And your conferees recommend that the bill pass as so amended.

H. C. LOUDENSLAGER.
J. H. BROMWELL.
WILLIAM RICHARDSON.

CIVIL GOVERNMENT OF PHILIPPINE ISLANDS.

The House, in accordance with its standing order, again resolved itself into Committee of the Whole on the state of the Union (Mr. GILLETT of Massachusetts in the chair), and resumed the consideration of Senate bill No. 2295.

The Clerk read as follows:

SEC. 16. That all lands acquired under authority of section 15 of this act shall constitute a part and portion of the public property of the government of the Philippine Islands, and may be held, granted, sold, and conveyed by the government of said islands on such terms and conditions as it may prescribe: *Provided*, That actual settlers and occupants at the time said lands are acquired by the government shall have the preference over all others to purchase or otherwise acquire their holdings within such reasonable time as may be determined by said government.

Mr. JONES of Virginia. Mr. Chairman, I move to amend by striking out all after the word "islands," line 17, down to and including the word "government," in line 23, and inserting in lieu thereof the following:

And shall only be granted, sold, and conveyed to actual settlers and occupants at the time said lands are acquired by the government, not exceeding 40 hectares to any one person, and on such terms and conditions as it may prescribe.

The amendment of Mr. JONES of Virginia was read by the Clerk.

Mr. JONES of Virginia. The section to which this amendment is offered provides that the friar lands shall constitute a part and portion of the public property of the government of the Philippine Islands, and may be held, granted, sold, and conveyed by the government of said islands on such terms and conditions as it may prescribe, provided that actual settlers and occupants at the time said lands are acquired by the government shall have the preference over all others to purchase or otherwise acquire their holdings within such reasonable time as may be determined by said government.

Now, this section as it stands will enable corporations, the organization of which is provided for in this bill, to acquire these friars' lands. Just what proportion of these friars' lands are now occupied and in the possession of individuals I do not know. I presume that a large portion of this land is so held. Some of it is timber and grazing land—just how much I do not know.

The preference given to actual occupants and settlers really amounts to little or nothing. Everybody knows that many of the occupants of this land are to-day in impoverished circumstances. It is a fact that many of the tenants have not been able for a long time to pay any rent for these lands. Now, what avail to them will it be to give them the opportunity to purchase this land in preference to anybody else within a certain time if they have not the means with which to purchase it? If the section is adopted as it stands, it will result in these occupants being dispossessed of their holdings; it will result in this land, which has already created so much trouble in the islands by reason of the fact that it is held by religious orders, going into the hands of large corporations; and instead of removing the friction and dissatisfaction and trouble that exist in the islands to-day on account of this land being held by religious orders, it will simply aggravate this bad feeling. The corporations which it is intended shall acquire these lands will not be in better favor with the inhabitants than are the friars.

Now, as I have said, the present occupants are not able to buy these lands. And why give them the option to buy if it be conceded—as it must be—that they are not able to buy? The result will be that the lands will become a part of the public lands of the islands, and will be disposed of as this bill proposes that those public lands shall be disposed of. By far the greater part of these lands are agricultural lands, and as such may, under the provisions of this most unjust bill, be purchased and held in 5,000-acre tracts by corporations.

My proposition is that this land shall be sold only to actual occupants and settlers, and that no person shall be permitted to obtain more than 40 hectares, or about 100 acres, the terms and conditions of such sale to be prescribed by the Commission. I hope the amendment may be adopted.

[Here the hammer fell.]

Mr. COCHRAN, Mr. SULZER, and Mr. CRUMPACKER rose.

The CHAIRMAN. The Chair feels obliged to recognize the gentleman from Indiana [Mr. CRUMPACKER], representing the committee.

Mr. COCHRAN. I give notice that I desire to offer a substitute.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CAPRON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3110) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 3519. An act granting an increase of pension to John Marble; and

H. R. 11019. An act directing the Secretary of the Treasury to bestow medals upon First Lieut. David H. Jarvis, Second Lieut. Ellsworth P. Bertholf, and Samuel J. Call, surgeon, all of the Revenue-Cutter Service.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

S. 1468. An act for the relief of Henry Bash;

S. 1156. An act for the relief of John C. Ray, assignee of John Gafford, of Arkansas;

S. 251. An act regulating the duties and fixing the compensation of customs inspectors at the port of New York;

S. 4083. An act for the relief of Surg. John F. Bransford, United States Navy;

S. 6250. An act to regulate the use by the public of reservoir sites located upon the public lands of the United States;

S. 6232. An act for the relief of I. I. Barber;

S. 6123. An act granting an increase of pension to Thomas L. Collins;

S. 6023. An act for the relief of John Scott;

S. 5531. An act for the relief of James F. McIndoe;

S. 4986. An act to amend an act entitled "An act to receive arrearages of taxes due the District of Columbia to July 1, 1900, at 6 per cent per annum, in lieu of penalties and costs," approved February 15, 1902;

S. 4722. An act for the erection of a building for the use and accommodation of the Department of Agriculture:

S. 3248. An act to establish a fish hatchery and fish station in the State of Maryland;

S. 2865. An act for the protection of fish and game in the Indian Territory;

S. 2644. An act to promote the circulation of reading matter among the blind;

S. 2342. An act for the relief of the legal representatives of George W. Curtis, deceased;

S. 1668. An act for the relief of Custis Parke Upshur;

S. R. 97. Joint resolution to authorize certain officers of the Treasury Department to audit and certify claims of certain counties in Arizona;

S. 4611. An act to authorize the West Elizabeth and Dravosburg Bridge Company to construct and maintain a bridge across the Monongahela River in the State of Pennsylvania; and

S. R. 120. Joint resolution providing for the removal of shoal in North River, New York Harbor.

PHILIPPINE GOVERNMENT.

The committee resumed its session.

Mr. CRUMPACKER. I ask unanimous consent that the pending amendment be again reported in order that we may understand it.

The amendment of Mr. JONES of Virginia was again read.

Mr. CRUMPACKER. Mr. Chairman, it seems to me a few words will easily overthrow the argument of the gentleman who proposes this amendment. There are now over 400,000 acres of what are known as the friar lands, and the arable portion of those lands, the agricultural lands, are occupied in a large degree by tenants who have paid rent for several years. Perhaps some of them may assert an equitable right in the property which they occupy.

Now, if the sale and disposition of these lands shall be limited to the actual occupants of the lands at the present time and the

quantity shall be confined to 40 hectares each, not one-tenth part of the friar lands can be disposed of, because there are not enough occupants on the land at 40 hectares each to occupy one-tenth part of the lands in the controversy.

Mr. JONES of Virginia. Mr. Chairman, I would like to ask the gentleman a question. I do not know how that is, as to what part is occupied and what part is not occupied, but is not my friend aware of the fact that the Senate bill, which the bill of the committee seeks to amend, does not provide for the disposition of this land at all?

Mr. CRUMPACKER. The Senate bill does not provide for the disposition of any public lands. They are held in abeyance and that is one material weakness about the Senate bill which we believe——

Mr. COCHRAN. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield?

Mr. CRUMPACKER. I prefer not to yield now. We believe that the public domain ought to be utilized at once for the benefit of settlers in order to permit a proper development of the islands. Now, the friar lands constitute something over 400,000 acres. A considerable portion of that, perhaps three-fourths of it, is farm lands, and we have vested the power in the Philippine Commission, giving the preference to actual occupants and settlers, to dispose of it upon such terms as they may provide, and if there shall be any occupant who is in a condition of poverty, who has any equitable claim to any portion of the land, the Commission may provide that he may buy it and pay for it in one, two, three, four, five, or ten years.

Mr. GOLDFOGLE. Mr. Chairman, I would like to ask the gentleman a question. Where does the gentleman find that exception or limitation to which he refers, the restriction on the Commission?

Mr. CRUMPACKER. There is no restriction upon the Commission, excepting the proviso in the section that gives the preference to actual occupants and settlers, and which authorizes the Commission to sell these lands upon such terms as they may deem just and equitable; so that the Commission has the power to protect the equitable and legal rights of every single occupant or settler. No man need suffer on account of the administration of this law, and it was deemed safer and wiser to vest this discretion in the Commission, who are on the ground, who may know the real conditions, than for Congress to undertake to make a law with hard and fast lines, absolutely providing for the method of disposing of these lands.

Mr. HAMILTON. I would suggest to the gentleman that, as I understand it, in the island of Mindoro, there are 60,000 acres of land unoccupied and undeveloped at this time, recently acquired, and in the Cagayan Valley 60,000 more.

Mr. CRUMPACKER. Yes; as the gentleman from Michigan suggests, there is considerable land in some of the islands practically undeveloped and occupied now for grazing lands, and under the amendment there will be absolutely no power to dispose of those lands.

Mr. SULZER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman is not in order.

Mr. COCHRAN. Mr. Chairman, I offer the following amendment as a substitute for the pending amendment.

Mr. CLARK. Mr. Chairman, a parliamentary inquiry. I would like to know how the Chairman comes to make that ruling time after time. Why can one not move to strike out the last word in this as in the sections of any other bill.

The CHAIRMAN. Because of the reading of the rule. There is, of course, always permitted an amendment to an amendment, but we are now considering this whole bill, which is an amendment, and only one amendment to that is in order. If a person moves to strike out the last word when no amendment is pending, it will be in order. When an amendment is pending it is not in order. Just now an amendment is pending.

Mr. CRUMPACKER. Mr. Chairman, I desire to make a point of order against the amendment submitted by the gentleman from Missouri. The substitute of the House is an amendment, and the gentleman from Virginia has properly offered an amendment to an amendment. Now, the gentleman from Missouri offers what is in effect an amendment to an amendment to an amendment.

The CHAIRMAN. The gentleman from Missouri offers this as a substitute to the amendment, not as an amendment to the amendment. There is some question whether that is permissible or not, but the Chair is inclined to rule that a substitute is admissible.

Mr. COCHRAN. Mr. Chairman, I call for the reading of the substitute.

The Clerk read as follows:

On page 74, line 17, after the word "convey," insert the following: "to actual settlers only;" and after the word "*Provided*," in line 19, insert the following: "that not more than 60 hectares of said land shall be acquired by any one person;" and after the word "holding," in line 22, insert the following: "not exceeding 60 hectares in area."

Mr. COCHRAN. Mr. Chairman, the section as amended by this proposed substitute would read as follows:

That all lands acquired under the authority of section 15 of this act shall constitute a part and portion of the public property of the government of the Philippine Islands, and may be held, granted, sold, and conveyed to actual settlers only, by the government of said islands, on such terms and conditions as it may prescribe: *Provided*, That not more than 60 hectares of said land shall be acquired by any one purchaser and that the actual settlers and occupants at the time said lands are acquired by the government shall have the preference over all others to purchase, or otherwise acquire their holdings, not exceeding 60 hectares in area, within such reasonable time as may be determined by said government.

The gentleman from Indiana [Mr. CRUMPACKER] says that it would be impossible to find purchasers for this land, subdivided in this manner. He says there are not enough people in Luzon to occupy the agricultural islands of the country. And yet, at the beginning, when this Government was founded, when we had a public domain which we then thought would last for centuries, we saw fit to throw about it the protection of land laws, which from that day to this have limited to 160 acres, the amount that could be acquired by any one person at one time, by purchase or homestead entry. And I believe that the greatest misfortune that ever befell this people was when an acre or a rod of that land was diverted from the purposes to which it was consecrated by this early enactment of the Republic. The gentleman says there are not enough people in Luzon to occupy the land. Luzon is as populous as Rhode Island. Every inch of arable land in the island of Luzon is under cultivation, or has been at some time.

Mr. CRUMPACKER. Will the gentleman allow me?

Mr. COCHRAN. I will not. I have not time. When we were providing for our own people we limited acquisitions under entry, homestead or otherwise, to 160 acres.

Mr. CRUMPACKER. Why does the gentleman——

Mr. COCHRAN. I decline to yield. You thought it necessary, when this continent afforded land sufficient to accommodate a population of 400,000,000 people, to limit the entry to 160 acres. Now, you say you are trying to protect the Filipino. The amendment I propose gives him a standing in his own country in reference to the land in his own islands precisely such as you have given to our own citizens with reference to our public lands.

Mr. HAMILTON. Will the gentleman permit a question?

Mr. COCHRAN. Are you going to throw open the gates to speculators there when you would not throw open the gates to speculators here? Are you going to allow men who desire to establish large plantations and great bonanza farms an opportunity in the Philippine Islands which you never have dared to give them here? Are you going to reject this amendment and then go home to your constituents and pretend that you sought to protect the Philippine lands which the Government is about to buy from the friars from the encroachment of speculators and bonanza farmers? When we buy an Indian reservation and throw it open to settlement, do we consider the fact that in this country there are vast unsettled areas and say to the speculators and bonanza farmers that they may buy the Indian lands without limit? When we took the measures lately to open up certain Indian lands in Oklahoma, did we not limit the amount that any one could acquire to 160 acres?

This amendment seeks to impose the same limitation in the Philippine Islands. This amendment seeks to prevent land monopoly there. It seeks to prevent the rich corporation and individual from taking possession of areas of land sufficient to support hundreds of families engaged in agriculture; and if you refuse it you do it with knowledge of the fact that the proportion of the urban population of the Philippine Islands to the whole population is many times greater than the urban population of the United States. You do it with notice that nearly every man, woman, and child in the Philippines, outside of some of the large cities like Manila, is actually engaged in agriculture, and in no other business, and has no other means of subsistence.

Mr. HAMILTON. Mr. Chairman——

Mr. COCHRAN. I say to the gentleman from Michigan that with five minutes at my disposal I will not yield. Furthermore, I want the gentleman to understand that the deliberate violation of the rules of parliamentary proceeding so complacently tolerated by the Chair when it proceeds from that side of the House and so summarily rebuked when it is attempted over here is an evidence of the unfairness and indecency of the proceedings of this body which has disgusted the country.

[Here the hammer fell.]

Mr. LACEY. Mr. Chairman, there are about 400,000 acres of these so-called friars' lands. As to the public lands, there is a provision further on in the bill limiting homesteads to 16 hectares, or about 40 acres, the idea being that in that tropical climate, with that rich soil, much of the land requiring irrigation, a 40-acre homestead is ample. But when the problem of handling the 400,000 acres of the friars' lands arose this bill I think has dealt

wisely with the question by leaving the whole matter of the purchase on the one hand and the disposition on the other with the Philippine government. There are no two of these localities that are situated alike. Some of the land is grazing land, some of it land that ought to be sold in very small tracts; and by giving to the government of the islands a free hand to deal with and dispose of the friars' lands on such terms as will meet the conditions there, I believe the committee have acted much more safely than if Congress had at this long range attempted to bind the local government hard and fast with fixed rules.

Mr. PADGETT. Will the gentleman please explain why this bill limiting the grant to 40 acres only to an individual allows a grant of 5,000 acres to a corporation?

Mr. LACEY. That will come further along, and, I presume, will be fully explained by the committee. In the limited time I will not have an opportunity to explain it now, but when the question as to the sugar lands or great coffee plantations is reached, then of necessity large plantations will be fully discussed. The question is whether we shall give the local government the power of disposition of the lands. First, they are authorized to buy and then to sell, and the purpose of sale is to get the money to pay the bonds. They will be bought and transferred from the hands of the friars and left in the hands of the actual settlers. The best plan is to leave such matters with the local government, who are familiar with all the peculiar circumstances surrounding each individual locality.

The CHAIRMAN. Debate has expired.

Mr. COOPER of Wisconsin. I ask unanimous consent that I have three minutes.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that he may address the committee for three minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. COOPER of Wisconsin. I call the attention of gentlemen of the House to section 20, which provides for the general disposition of the public lands in the islands:

That the government of the Philippine Islands, subject to the provisions of this act and except as herein provided, shall make rules and regulations for the sale or other disposition of the public lands of the United States in said islands, but such rules and regulations shall not go into effect or have the force of law until they have received the approval of the President, and they shall also be submitted to Congress, and, unless disapproved or amended by Congress at the next ensuing session after their submission, they shall at the close of such session have the force and effect of law in said islands, when they shall have received the approval of the President, as hereinbefore provided.

Now, this is a provision to dispose of the public lands generally distinct from the friar lands. The friar lands are to-day practically all occupied, and a great portion of it by settlers. We give those settlers the right of first choice to the lands. Their claims shall first be adjusted, and they shall have the first right to purchase. There is the distinction between the two bodies of land. Of course some of the friar lands are grazing lands, but there is that distinction between the general public-land provision and the friar lands, and that is already there is a great deal of the friar lands occupied by settlers, and we give them the first right to purchase.

Mr. WILLIAMS of Illinois. Just one minute in that connection.

The CHAIRMAN. The gentleman from Illinois asks that he may be allowed to address the committee for one minute. Is there objection? [After a pause.] The Chair hears none.

Mr. WILLIAMS of Illinois. I want to say, Mr. Chairman, that I would very much like to see that section referred to amended so as to require not only that the rules and regulations should be submitted to Congress for disapproval, but I think that it ought to require their approval by Congress. It is quite a different thing from submitting the rules and regulations to Congress and its failure to approve them during that session and requiring Congress to act affirmatively and approve these regulations.

Mr. JONES of Virginia. Will my friend allow me to make one suggestion?

Mr. WILLIAMS of Illinois. Yes, sir.

Mr. JONES of Virginia. While there is that section in the bill providing for these rules and regulations to be submitted to Congress, the bill does provide a means by which the Commission may dispose of every single acre—about 68,000,000—before the rules are made.

Mr. WILLIAMS of Illinois. Before the rules are ever made?

Mr. JONES of Virginia. Yes.

Mr. WILLIAMS of Illinois. I was not on the subcommittee that prepared the bill; but it is the same provision as in the Senate bill, and it simply allows these rules to take effect, unless Congress shall act affirmatively and disapprove them. If Congress takes no action at all, and by the Committee on Rules, or the Speaker, or a few members of the Senate action may be delayed for one session, then these rules and regulations become valid without the approval of Congress. I think they should be approved by Congress before they are valid.

Mr. COOPER of Wisconsin. But the gentleman will notice that the law requires that it shall also require the approval of the President.

Mr. WILLIAMS of Illinois. I understand that.

The CHAIRMAN. The question is on the substitute offered by the gentleman from Missouri.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. CLARK. Division.

The committee divided, and there were—ayes 28; noes 48.

Mr. CLARK. I make the point of no quorum present.

The CHAIRMAN. The gentleman from Missouri raises the point of no quorum. The Chair will count the members present. [After counting.] One hundred and eleven members present; a quorum is present, and the substitute is lost. The question is on the adoption of the amendment offered by the gentleman from Virginia.

Mr. SULZER. Mr. Chairman, is an amendment to that amendment in order?

The CHAIRMAN. An amendment to the amendment is not admissible.

The question was taken on the adoption of the amendment of Mr. JONES of Virginia, and the chairman announced that the noes appeared to have it,

Mr. JONES of Virginia. Division.

The committee divided; and there were—ayes 32, noes 63.

So the amendment was rejected.

Mr. SULZER. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amend by striking out all after the word "island," in line 17, and insert "public lands, or the so-called lands of the friars purchased by the United States, shall be held in trust by the Philippine government for homesteads and for native actual settlers.

Mr. SULZER. Mr. Chairman, in my opinion, and I doubt not in the opinion of a great many thinking people of this country, this provision will be looked on as one of the most important in this bill.

Mr. TAWNEY. Will the gentleman allow me an interruption?

Mr. SULZER. I have only a few minutes.

Mr. TAWNEY. I want to know if the gentleman understands that under the provisions of this bill it is not proposed that the Government of the United States shall purchase the friars' land?

Mr. SULZER. Oh, yes; I understand the matter perhaps better than the gentleman from Minnesota. The Government of the United States has sent a commission to Rome to get consent that this Government may buy or settle the title to these lands.

Mr. TAWNEY. The government of the Philippine Islands.

Mr. SULZER. No; this Government. There is no other government in the Philippines at present. I understand the provisions of section 16, and it is one of the most important sections in this bill. If you pass this section as it is now in this bill, and it becomes a law, a few men, a few favorites, a few corporations, can go into the Philippine Islands and get control of all of these friar lands after they become a part of the public domain of the Philippine Islands or the Philippine government. My information is that there are over 500,000 acres of these lands. Let us be honest about this matter. I want the Republicans to be fair. You say that you are friendly to the Filipinos; you want them to lay down their arms; you want them to make terms of peace; you want to put down the insurrection. I want you to be fair and say to the Filipinos: "This is your land; God gave it to you, and the Government of the United States will not take it from you." That is the way we should act; that is the way this House of Representatives ought to legislate. By this provision in the bill you can take the lands away from the natives and bestow them upon favorites and corporations, and these are the most valuable lands in the Philippines.

Mr. COOPER of Wisconsin. Will the gentleman yield to me for a moment?

Mr. SULZER. I have only a few moments more. I would be glad to yield to any member if my time is extended. I have only a few minutes in all and it seems at the present stage of this discussion it is difficult for a member on this side of the House even to get a few minutes.

Mr. Chairman, I want this House to distinctly go on record in favor of giving the Filipinos their own lands, or in favor of taking their lands from them. If you vote for this provision as it now is in the bill, you take the Filipinos' lands from them. If the House votes for the amendment I offer, the Filipino government can distribute these lands to the actual native settlers for homesteads. I believe we ought to give the Filipinos their own lands. These lands were taken from them by the strong arm of power and force over one hundred and fifty years ago. How

magnanimous it would be on the part of the American Congress if, in passing this law, it will say to the Filipinos: "We do not intend to rob you; we are going to give you back your lands which were taken from you years and years ago."

Gentlemen on the Republican side, if you are honest, if you are sincere, and mean what you say in your speeches here day in and day out, you will vote in favor of this amendment I have offered, giving the Filipinos their own land for them to live on, for them to till and make a living from; give them their own land which God put there and intended they should have, and which they occupied long before the Spaniards ever went there, and which they are entitled to own to-day. Mr. Chairman, I trust this House will permit them to do so by adopting this amendment. Most of the troubles that have arisen in the history of the world have arisen by reason of a few men getting control of the land and keeping those who ought to have and own the land out of their rightful possession. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. SULZER. Mr. Chairman, I ask for a few moments more to say just a few words.

The CHAIRMAN. Is there objection?

Objection was made.

Mr. GROSVENOR. Mr. Chairman, there was one remark made by the gentleman from New York [Mr. SULZER] which I should like to have more fully explained. I understood him to say that the Commission had been sent by the President of the United States to consult with the Pope of Rome and get his consent to some arrangement proposed to be made about these lands, and that there was some instruction being given that would result in depriving the Filipinos of their rights. If the gentleman has any information that is more definite than that of the public on this subject, I should be glad to have the opportunity to avail myself of that information. We know that the Commission, made up of the distinguished governor-general of the Philippines and the gentlemen associated with him, was authorized to call upon the Pope to inquire of him, as I understand, what the claim of the Catholic Church is, what the claim of the oligarchy of that church is to the title of these so-called friar lands, and the view of that body as to the future disposition of said lands.

Now, we all know that the Catholic Church, in pursuance of a policy of its own—and which I think is a most admirable policy and one which has certainly worked well in the United States—vests in the authorities of the church the lands and other property that belong to the church for ecclesiastical purposes, whether that property be in the form of churches proper, or parsonages, or parochial school buildings, or whatever else it may be. But I do not understand that the title of these lands which are called the friars' lands is in any way on all fours with the title held by the Church of Rome in the United States to real estate which it occupies.

Some testimony was given before the Committee on Ways and Means tending to show, not that there was any purpose on the part of this Government through the Philippine organization to seize, as the gentleman said, and take away from the Filipinos their lands. The term "their lands" is a very indefinite sort of a term. It might mean lands located in the Philippine Islands. It might mean lands belonging to some government in the Philippine Islands. But a large, and, as I understand, a very large, proportion of what was public land owned by Spain in the Philippine Islands passed by the treaty of Paris to the ownership of the United States, and, as I understand—and I am ready to be instructed on that point—the actual title—that is, the best title—to these so-called friar lands is a matter of some uncertainty. They are claimed by the body known as the friars, but their title is a problem which I think my friend from New York will hardly be able to solve. I have tried to look into this question and to understand it; and if there is any valid title to that land vested in the friars and that they can sell or dispose of, I am not able to ascertain that fact; yet for a long period of time they have insisted upon that title, and nobody has been found to dispute it.

Mr. COOPER of Wisconsin. Is the gentleman aware that Governor Taft in his testimony said that the title of the friars was good in law, and that they could, in his opinion, defend it successfully in court?

Mr. GROSVENOR. No; I did not know that. I depended upon the statement made by Mr. Root before the Committee on Ways and Means, in which he said there was at least enough in their title to justify us in expending money to get rid of it. It seemed to me, therefore, that according to the statement of the Secretary of War we must either deprive the friars of their title by force, in order to constitute the land the property of the Filipinos, and cut the land up for distribution under some homestead arrangement, or else we must by some negotiation get rid of the title of the friars and leave it to subsequent events to decide what shall be done with the lands, and I think gentlemen will not claim that there is any public title in the Filipinos to any of that land.

[Here the hammer fell.]

Mr. GAINES of Tennessee rose.

The CHAIRMAN. Debate is exhausted on the amendment.

Mr. GAINES of Tennessee. I move to strike out the last word.

The CHAIRMAN. That is not permissible.

Mr. GAINES of Tennessee. I think the Chair has made some very mysterious rulings to-day on questions of parliamentary law.

The CHAIRMAN. The gentleman——

Mr. GAINES of Tennessee. I rise to a question of personal privilege.

The CHAIRMAN. The gentleman will state it.

Mr. GAINES of Tennessee. The Chair, it seems to me, has decided all sorts of ways as to when was the right time to discuss this bill, and particularly when gentlemen on this side were concerned.

The CHAIRMAN. The gentleman is out of order.

Mr. GOLDFOGLE. I move to strike out the last word.

The CHAIRMAN. The motion is not in order.

Mr. GOLDFOGLE. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GOLDFOGLE. Does the Chair mean that the amendment before the House must first be disposed of and then that my amendment will be in order?

The CHAIRMAN. That is what the Chair means. The Chair stated early in the day, when probably the gentleman from New York and the gentleman from Tennessee were absent, and therefore it may be well to state it again, that under the rules of the House this whole House bill is an amendment, and as parliamentary law allows only one amendment to an amendment, therefore there can be but one amendment pending to the House bill. Hence the proposition which the gentleman from Tennessee just made, and has made before, to amend an amendment to the House bill is clearly out of order.

Mr. GAINES of Tennessee. The question is not so much as to my making an amendment, as I wanted to do several times to-day, but as to the right to discuss such an amendment when it is up. The discussion has all been on the other side of the House.

The CHAIRMAN. The gentleman will suspend——

Mr. GAINES of Tennessee. And we have some rights on this side—particularly the right of free speech and debate.

The CHAIRMAN. The gentleman is out of order. The Chair will state that on an amendment there is of course allowed five minutes' debate on each side, and no more, except by unanimous consent. The Chair has followed this rule—that when an amendment is offered, no matter on which side, it is of course an attack upon the bill which is being defended by the committee; and the Chair, therefore, has held that it is always but fair—and the Chair thinks the committee will agree with him—that when the bill is attacked, no matter upon which side, a member of the committee should be next recognized to defend the bill.

Mr. GAINES of Tennessee. And they have taken about all the time to-day over there on that side.

The CHAIRMAN. That makes no difference upon which side the time is occupied.

Mr. GAINES of Tennessee. Well, it does on this side, Mr. Chairman, with all due respect to the Chair's honorable rulings. We think we are half the House.

The CHAIRMAN. The gentleman is out of order, and has been repeatedly.

Mr. OLMSTED. Mr. Chairman, I desire to inquire whether one argument having been made in favor of the amendment a member of the committee may not be heard against it?

The CHAIRMAN. There has been an argument in favor of it and one against it.

Mr. OLMSTED. I did not hear the argument against it.

The CHAIRMAN. It was by the gentleman from Ohio [Mr. GROSVENOR].

Mr. OLMSTED. I did not understand him to be speaking to the amendment at all.

The CHAIRMAN. He occupied the time. Nobody raised the point of order that he was not speaking to the amendment.

Mr. COOPER of Wisconsin. Mr. Chairman, I ask unanimous consent for one-half minute to reply to a suggestion made by the gentleman from Ohio.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to have one-half minute in which to reply to the suggestion made by the gentleman from Ohio. Is there objection?

There was no objection.

Mr. COOPER of Wisconsin. I called the gentleman's attention to the testimony of Governor Taft at page 65:

The CHAIRMAN. Is it your opinion as a lawyer that their property rights are fully protected by the terms of the Paris treaty?

Governor TAFT. Yes, sir.

The CHAIRMAN. And that they can defend them in the courts?

Governor TAFT. Yes, sir.

Mr. GROSVENOR. I did not say anything to the contrary.

Mr. GOLDFOGLE. Mr. Chairman, I ask unanimous consent that I may address the committee for five minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that he may address the committee for five minutes. Is there objection?

There was no objection.

Mr. GOLDFOGLE. Mr. Chairman, I do not rise now for the purpose of discussing the Philippine question. The views on this side of the Chamber have been fully and elaborately stated, and I shall not detain this committee at the present time with any extended remarks upon the policy of the Republican Administration in respect to the Philippines, but, while the pending amendment is under discussion, I desire to say that I agree fully with the gentleman from New York in respect to what he said concerning the land scheme incorporated in the bill. Under section 16 it is provided:

That all lands acquired under authority of section 15 of this act shall constitute a part and portion of the public property of the government of the Philippine Islands, and may be held, granted, sold, and conveyed by the government of said islands on such terms and conditions as it may prescribe: *Provided*, That actual settlers and occupants at the time said lands are acquired by the Government shall have the preference over all others to purchase, or otherwise acquire their holdings within such reasonable time as may be determined by said Government.

If ever there was devised a scheme, under which it is possible for a few individuals or wealthy corporations to buy up and dominate over an entire territory, and drive out the occupants of the land, who by nature and nature's laws are entitled to it, this is the scheme.

The bill does not provide how the land shall be parceled out. It does not provide in what quantities of land the disposition shall be made. It gives general and unlimited power to sell the lands on any terms and conditions that may be prescribed by the government of the Philippine Islands, and the proviso that "actual settlers and occupants at the time said lands are acquired by the Government shall have the preference over all others to purchase" is meaningless; at any rate it is vague and uncertain.

In what manner or mode the preference shall be ascertained or exercised is not stated. It is within the power of the government of the Philippines to put up the property either at private or public sale in such large tracts as to make it impossible for actual settlers and the poor inhabitants of the islands to compete for the lands with the wealthy speculators, who stand ready to buy up the valuable lands of the Filipino. When these speculators, these land grabbers, these corporations, who are exploiting the islands and their rich possessions, shall under the scheme devised by this bill acquire title, they will drive the settlers or occupants from their homes, from the land which is their heritage, the land which God gave them, the land upon which they have the right to live, the land that has become sacred to them, and which ought to be their privilege and their right to retain under fair terms to be made by the government.

Mr. GAINES of Tennessee. The corporations have already bought all this land.

Mr. GOLDFOGLE. The gentleman from Tennessee is no doubt right in that statement. Corporations of great magnitude have already purchased the land, or rather the greater portion of it, and backed up by enormous capital they are ready to go over to the Philippine Islands and turn the unfortunate Filipino out of house and home in order to satisfy their greed and rapacity.

But it was suggested on the floor to-day that under section 20, rules and regulations are to be made for the sale or disposition of the public land of the United States in the islands and that such rules and regulations shall not go into effect or have the force of law until they have received the approval of the President of the United States, and they shall also be submitted to Congress, and unless disapproved or amended by Congress at the next ensuing session after their submission they shall at the close of such session have the force and effect of law in said islands when they shall have received the approval of the President.

This section is cunningly devised. It means nothing of a practical character that will protect the Filipino against the power of the land grabber and the land schemer, whose purpose it is to acquire valuable territory and dominate over it as only the lord can dominate over the vassal. If section 20 had provided that before any sale of land could be made the rules and regulations for such sale or disposition should be prescribed or approved by the President and also by the Congress of the United States then there would be no reason to complain, but such is not the purpose of those who in this House are willing to permit the Filipino to be deprived of his land for the benefit of the exploiter and the land schemer.

Section 20 provides that unless the rules and regulations are disapproved or amended by the Congress at the next session, then they are at the end of the session to have the force and effect of law in the islands. Why, of course, when Congress assembles at the next session, nothing will be done by those in control of this House to disapprove or amend the rules and regulations for the sale or disposition of the public land in the Philippines. Rules and regulations will be made, they will be approved by the President, and under section 20 of the bill they will go into force and effect without any action on the part of Congress, because it is not now, and will not be then, the purpose of the Republican party in control of the Congress to disapprove or amend the rules and regulations that may have been made.

Why not be honest about this matter? Why not provide that the rules and regulations shall not go into effect until they are approved by both the President of the United States and the Congress of this nation? Then we will have the opportunity, when Congress again assembles, to discuss the reasonableness of the rules and the propriety of the regulations that may have been made to dispose of the land of the Filipinos. It should not be within the power of the Philippine Commission or the Philippine government to put up these lands in large tracts, to put them up upon such terms and conditions that the man who desires to compete can not do it because he has not got the means to enter into competition. Let the Filipino have a fair opportunity, let him have an honest chance to remain upon these lands, and buy them at fair prices and in tracts and plots small enough to enable him to make the purchase. Do not drive him from his land. Do not open these lands up to the greedy speculator, who is without heart and without sympathy, and whose only purpose it is to increase his wealth at the expense of the unfortunate Filipino, who, under the provisions of the pending bill, is unable to protect himself. Give Congress the absolute right now to approve or disapprove the regulations to be made. That is fair legislation.

Does any gentleman in this Chamber doubt the purpose of the framers of the bill to have the rules and regulations approved by the President go into effect without Congress having anything to say about them at the next session? Under section 20 Congress will simply do nothing. It is within the power of the majority, who are now passing this bill, to prevent the rules and regulations coming before us for approval or disapproval, and then, action being stifled upon the rules and regulations made by the Philippine government for the distribution of the land, these rules and regulations will take effect without Congress having approved them. In other words, the President is to approve the rules and regulations, and they take effect unless disapproved by the Congress. Congress will not have a chance to express its disapproval, because the rules and regulations will never be before us at the next session for such disapproval. It is within the power of this House, now passing this bill, to prevent, under the rules of the House, the regulations of the Philippine government from ever reaching us for our vote expressive of disapproval. So it is, however oppressive, however unreasonable, however unwise the rules and regulations may be, we shall be powerless to prevent injustice to the Filipino in the disposition of his lands, in the taking of his home.

Mr. COOPER of Wisconsin. Will the gentleman permit a question?

The CHAIRMAN. Does the gentleman from New York yield?

Mr. GOLDFOGLE. As I have only five minutes to debate the amendment, I do not wish to give up any portion of my time.

The CHAIRMAN. The gentleman declines to yield.

Mr. GOLDFOGLE. Now is the time to perfect the bill. Now is the time to provide for the manner in which the Filipino may enter into competition with others when the lands come to be sold and disposed of. Unless you make provisions in such a way that the land sharks and speculators will not have it in their power to acquire immense tracts of land against the wishes and desires of the Filipinos, who, if given a fair and honest opportunity, would enter into reasonable competition, you will produce a condition in the Philippines worse than that which, under the grievous landlord system, prevails in Ireland. If you pass this measure in the form in which the bill is presented, if you reject the amendments offered in good faith on this side of the Chamber for no other purpose than that of acting fairly and reasonably and honestly and justly with the Filipinos, if you persist in leaving the Filipino at the mercy of the land sharks and the schemer and the exploiter, the time will come when the Filipino will say, "There is eternal warfare between you and me." [Applause.]

Mr. OLMSTED. Mr. Chairman, I ask unanimous consent for five minutes to speak in opposition to the amendment.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. OLMSTED. Mr. Chairman, it seems to me a little extraordinary, to say the least, to hear gentlemen upon that side of the Chamber declaim against the provisions of this bill on the ground that its provisions against trusts are not repeated over and over again with all the details that they think we ought to include, when the Democratic substitute which they themselves are supporting—the bill reported by the minority of the Insular Committee—contains no limit whatever to the amount of land that

may be held by corporations, trusts, or combinations of any kind, and no restrictions upon trusts of any kind.

Just one word as to the amendment offered by the gentleman from New York. This bill does not propose to drive people from their homes or from their homesteads. The amendment is not only unnecessary, but, to put it mildly, it is absurd when you consider its character. It is to the effect that lands in the Philippines purchased by the United States shall be held as homesteads for actual settlers. First, it is unnecessary, because not contemplated by this bill that the United States shall buy any lands there at all. They are to be bought by the Philippine government. Secondly, it is unnecessary, because the act itself expressly provides that occupants and actual settlers shall have preference not only over corporations, but over all other individuals as well. Therefore I trust the amendment will not prevail. There is no great danger from trusts, as the section to which the amendment is offered in express terms limits the amount of a single entry to 16 hectares, or about 40 acres.

Mr. TAWNEY. It is not only for 40-acre tracts for corporations, but for all tracts.

Mr. OLMSTED. Yes.

The CHAIRMAN. The question is upon the adoption of the amendment offered by the gentleman from New York.

The question being taken, on a division, demanded by Mr. SULZER, there were—ayes 39, noes 59.

Mr. SULZER. Tellers, Mr. Chairman.

Tellers were refused, 18 members, not a sufficient number, seconding the demand therefor.

Accordingly, the amendment was rejected.

The CHAIRMAN. The Clerk will read.

Mr. GAINES of Tennnessee. I wanted to offer an amendment to the section we are about to leave.

The CHAIRMAN. The Chair will recognize the gentleman for an amendment.

Mr. GAINES of Tennessee. I move to strike out the word "gold" in line 5, page 74.

Mr. CRUMPACKER. Mr. Chairman, a parliamentary inquiry. To what section is the gentleman's amendment directed?

Mr. GAINES of Tennessee. Page 74, section 15.

The CHAIRMAN. That section has already been passed. The Clerk has completed the reading of section 16, which has been under consideration, and the Clerk is now about to begin the reading of section 17.

Mr. GAINES of Tennessee. All right. You passed it when I was at lunch. I wanted to have that word stricken out, but I am satisfied I would fail anyway. I have already registered my protest against this. These people—Filipinos—have no "gold" nor silver, nothing with which to pay five or ten millions in even "money," "coin and money," much greater to pay in "gold." England gave up Philippine Islands when she owned them, which is much proof that there is no "gold" or gold mines in the Philippine Islands. Hence the wrong to make them pay in "gold" for these or any such burden.

The Clerk read as follows:

SEC. 18. That the government of the Philippine Islands is hereby authorized to provide for the needs of commerce by improving the harbors and navigable waters of said islands, and to construct and maintain in said navigable water and upon the shore adjacent thereto wharves, piers, lighthouses, signal stations, buoys, and like instruments of commerce, and to adopt and enforce regulations in regard thereto, and regulations in regard to articles not intended to be imported into said islands nor mingled with the property therein, but brought into a port of the said islands for reshipment to another country, which articles may be deposited in bond and reshipped to another country without the payment of customs duties or charges.

Mr. STEWART of New Jersey. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amend, page 75, in line 10, after the word "signal," by inserting the word "life-saving."

Mr. STEWART of New Jersey. Mr. Chairman, that simply makes life-saving stations an adjunct of the work in the Philippine Islands. These life-saving stations have proved of immense benefit on our own seacoasts, and I see no reason why they should not be made an adjunct of the work relating to navigation in the Philippine Islands.

The amendment was agreed to.

The Clerk read as follows:

SEC. 20. That the government of the Philippine Islands, subject to the provisions of this act and except as herein provided, shall make rules and regulations for the sale or other disposition of the public lands of the United States in said islands, but such rules and regulations shall not go into effect or have the force of law until they have received the approval of the President, and they shall also be submitted to Congress, and, unless disapproved or amended by Congress at the next ensuing session after their submission, they shall at the close of such session have the force and effect of law in said islands, when they shall have received the approval of the President, as hereinbefore provided: *Provided*, That the government of said islands shall cause to be made, in cooperation with the Director of the United States Geological Survey, topographic, subdivisional, and geological surveys and maps of the islands, including a classification of the lands: *Provided further*, That a single homestead entry shall not exceed 16 hectares in extent.

Mr. GAINES of Tennessee. I should like to know from the gentleman who reports this bill why it is that we are in such a great hurry here to dispose of the public lands that the United States acquired by virtue of the treaty? Why it is that we rush in here before the war in the Philippine Islands is ended, before the natives have come home to claim their lands as against the claims of Spain? Why this rush pell-mell to skin these people, a great many of them, before they have a chance to assert their own rights?

Mr. OLMSTED. Mr. Chairman, a parliamentary inquiry—whether there is any amendment pending, or what is before the committee?

The CHAIRMAN. The gentleman has offered no amendment.

Mr. GAINES of Tennessee. I move to strike out the whole section, if that is necessary, for the purpose of making this inquiry.

The CHAIRMAN. The gentleman moves to strike out the section. The gentleman will proceed.

Mr. GAINES of Tennessee. Now, I hope the gentleman who has just interrupted the gentleman from Tennessee will answer and tell me why it is that he, so noble and generous and just, wants the Government of the United States to rush into the market and sell the public lands that we ought to hold in trust for the benefit of the government of the Philippine Islands and for the benefit of the natives of the Philippine Islands—those who may come in after they have laid down their swords as well as those who are already in?

Now, you ask whether there is anything before the House or not. Now, my amendment is before it, and my question is to you. Why are you rushing on the market to put these lands up for sale when war is on, when peace has not come, and you know it; when the natives are scattered in the jungles and in the mountains, and when a man who owns a piece of this land that Spain might have claimed at the time she made the treaty may be absent and unable to get up and insist on his rights? Why, Mr. Chairman, I say, should we do that?

Mr. GOLDFOGLE. Because it is a money-making scheme.

Mr. GAINES of Tennessee. The whole thing is a money-making scheme. There is a great deal of talk about the sale of the friar lands, when you know they are sold out to a combination under Mr. Andrews, who got up a corporation for the purpose of getting those lands, and here it is in an official document; and now you are putting on the market the public lands held in trust under the law of those islands and under the spirit of our institutions for the people who live in that territory. Before the cloud of war has passed by, before our soldiers have come home, indeed, before we have acquired the land, in all probability, under a peaceful title, you are fixing to put these lands on the market; and for whom? Have the Filipinos any money? Will anybody say they are rich as a nation or as individuals? They are penniless and almost homeless. Who is this for? Who is the nigger in the wood pile? I believe it is a white man that is in the wood pile in this case.

If you want to deal fairly, if you want to be just, if you want to do like our fathers have done, you will hold this land until peace and enterprise have come and then dispose of it like we did in this irrigation matter a few days ago. We held to all the public lands of this country and kept them until they were worth something to the country. We are selling these lands and taking the proceeds and turning them over to the States. We are not giving them to the skinners, the legislative robbers, but to the States who want to improve the Saharas in their borders. Yet here, before we get a law made for this place, before we get a law to control the Philippine Islands, before peace, you are arranging to sell the public lands that ought to be held in trust for the government of the Philippine Islands, and for the natives of the Philippine Islands, and wait to sell the lands until peace has come. In the meantime the people can accumulate some money and be able to buy these lands cheap and not from the white speculator you are now legislating for.

Mr. OLMSTED. Mr. Chairman, I have but a word to say in reply to my genial friend from Tennessee. I do not think there is great danger of trusts acquiring these lands very rapidly, as the last two lines of the section which he moves to strike out distinctly provide that a single entry shall not exceed 40 acres, or 16 hectares. A trust that is confined in its operations to a 40-acre tract of land will not endanger our liberties nor the rights of the Filipinos.

Mr. SULZER. Mr. Chairman, I move to amend section 20, line 16, after the word "approval," by inserting the words "of Congress and the President."

The Clerk read as follows:

In line 16 insert the words "of Congress and the President."

Mr. SULZER. And then strike out all down to the word "*Provided*," in line 21.

The Clerk read as follows:

Strike out all down to the word "*Provided*," in line 21.

Mr. SULZER. Mr. Chairman, all that this amendment does is just this: This section 20 of the Philippine bill, at line 16, provides that the government of the Philippine Islands—whatever that may be or whatever that may mean—shall make rules and regulations for the sale and disposition of the public lands, and further provides that they shall have no force or effect unless approved by the President and not specifically disapproved by Congress at the next regular session. My amendment simply provides that the rules and regulations for the sale and disposition of these public lands shall be approved by Congress and the President. I think it will be safer and better this way. It is the usual form heretofore adopted by the Government regarding any other territory of the United States.

Why should we depart from it now unless there is some ulterior or sinister motive in doing it or behind it? We may have the greatest confidence in the so-called government of the Philippine Islands, or in the Commission which is running the government out there; but it seems to me that in a matter so important as the sale and disposition of all these public lands the rules and regulations adopted for that purpose ought to be approved by Congress, as well as the President. Under the present proposition, if Congress did not disapprove them at the next regular session, they would become laws by virtue of the fact that Congress had not disapproved. In my opinion, it is much better, it is much stronger, I think it is more in accordance with the history of the legislation of this country, to have these rules and regulations approved by Congress and the President.

If the purpose of the Republicans is honest in this matter, the majority in this House will accept this amendment. No harm can come if we do, and great harm may come if my amendment is not adopted. I am opposed to looting the Filipinos and robbing them of their lands, and for this reason I think it would be much better, more consistent, more in line with the past policy of the Government, if these rules and regulations are required to be approved by Congress and the President. You can never make the people of the Philippine Islands friendly to the United States by mercilessly murdering them or by willfully stealing their lands. These lands belong to the people, and they must not be taken away from the people. We are responsible to this generation and to future generations. Congress ought to have something to say—in fact, the final say—in regard to the adoption of these rules and regulations, and instead of allowing the provision to remain as it is, it seems to me it would be much better if the rules and regulations were approved by Congress, as suggested by my amendment. I hope the amendment will be adopted.

Mr. Chairman, in this connection I wish to print as part of my remarks two articles recently published in the Ithaca Democrat.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The articles are as follows:

[The Ithaca Democrat, Ithaca, N. Y., Thursday, May 29, 1902.]

"What, I ask, do you want in the Philippines? More particularly, why in any part of Luzon and the Visayan Islands are you making a howling wilderness and killing children over 10 years of age? It will be said that these are the unhappy incidents of war, which is always a stern affair, very different from the holiday making into which civilians would turn it. Be it so. Why, then, are we making war? Here are 6,500,000 fellow-Christians of ours—the only Christian nation in Asia—as highly civilized as most of the people of Central and South America. What do we want of them? We have never told them.

"Thank God, there is a more excellent way. Drop coercion and try conciliation. Give the Filipinos what they want, not what you think is good for them. Regard them not as Sioux or Apache Indians, but as Christianized and civilized brown men, ranking with the Japanese." (Jacob Gould Schurman.)

Mr. SULZER. That, sir, is an extract from an address of Professor Schurman, the president of the first Commission sent to the Philippines. It speaks for itself.

The second article is from a prominent citizen of Ithaca, N. Y., Mr. De Witt C. Bouton, and is as follows:

[The Ithaca Democrat, Thursday, February 27, 1902.]

WASHINGTON'S FAME IS UNSULLIED.

To the Editor of the Democrat.

SIR: On the anniversary date of the birth of George Washington the minds of all lovers of their kind are naturally drawn to the contemplation of the character and life of that most illustrious specimen of their species that ever appeared upon the earth. Until quite recently the study of the life and work of "the father of our liberties," as Henry Clay was wont to style him, afforded only the most pleasurable emotions. If pride, reverence, and gratitude were the predominant feelings called forth, as the mind pictured this perfect character and his immortal work, and in some degree comprehended the vast extent of the beneficent influence which they had already exerted, bright anticipations, which a reasonable hope seemed to justify, were hardly less potent as provocatives of all those sentiments which please and uplift a generous mind.

As illustrative of this present pride and joy, and of confident hope for the future, which in the past have animated all intelligent and thoughtful students of this majestic character, take the following extracts from an able and appreciative article, written on the anniversary of Washington's birthday in the year that witnessed the beginning of our glorious war for the liberation of Cuba. "One hundred and sixty-six years ago to-day," says the writer in his opening paragraph, "one of the marvelous flowering periods of the human intellect culminated in the production of the greatest man in recorded history." The writer then proceeds in an attempt to vindicate this high estimate of Washington, and succeeds most admirably.

One of the standards by which he tries the subject of his article is success—complete, enduring success in the ultimate object for which he wrought. Tried by this criterion, this writer finds that Pericles, Alexander, Hannibal, Cæsar, Cromwell, and many other famous characters whom he mentions, failed. Then, returning to his subject, he thus proceeds: "Washington succeeded. His work was not only successful at the time, but its success was permanent. His policy made no enemies, involved no bloated armaments, hampered his country with no unnecessary burdens, exposed it to no future attacks. His example inspired all the nations of the world, and looking at him all mankind thought better of the people that produced him. There is more strength for America in the name of Washington than in a million armed men. Find another man whose name meant so much a hundred years after his death, and you may challenge the assertion that George Washington was history's greatest figure."

While I most heartily agree with the conclusion which this writer reaches, to wit, that Washington is the preeminent character in history, I do not admit the justness of the standard by which he tries the founders of states. The important factor, how, when, and why the failure, is wholly overlooked. But for full indorsement of its reasoning was not my purpose in introducing this article. It was quite other than that, as will appear from what follows.

Did the recurrence of the 22d day of February this year tend, as in the past, to quicken in the hearts of lovers of liberty the world through all those sentiments to which I have referred, unmixed with doubts or forebodings? Would my author himself to-day write of Washington's great work that it "was not only successful at the time, but its success was permanent?" Could he, could any true lover of his country, as he views in imagination the "ship of state" which Washington had the chief part in launching, now, as in the past, say with Longfellow, in accents broken by excess of unalloyed pride and joy—

> "Sail forth into the sea, O ship!
> Through wind and wave right onward steer!
> The moistened eye, the trembling lip,
> Are not the signs of doubt or fear."

Is there no doubt or fear? Are there no grounds for either, or both? Each thoughtful citizen will answer for himself or herself. To my apprehension there are abundant grounds for both.

This Republic of Washington's, this "asylum for the oppressed of all nations," is to-day, and for more than three years now has been, engaged in carrying on a bloody and merciless conflict with a people 8,000 miles distant; a people who never did us an injury or a wrong; a people whose leader, just after Dewey's victory, and after having made with that gallant officer some arrangement for cooperation against the Spanish ("it was not in writing" exultingly sneers the imperialist as he chuckles over the "cuteness" by which this confiding people were overreached), issued the following manifesto:

"Filipinos: The great nation, North America, cradle of true liberty, and friendly on that account to the liberty of our people oppressed and subjugated by the tyranny and despotism of those who have governed us, has come to manifest even here a protection which is decisive as well as disinterested toward us, considering us endowed with sufficient civilization to govern by ourselves this our unhappy land. To maintain this so lofty idea, which we deserve from the now very powerful nation, North America, it is our duty to detest all those acts which belie such an idea, such as pillage, robbery, and every class of injury to persons as well as to things."

And just prior to this, and before setting out from Hongkong to join Dewey, at the latter's request, this leader again voiced the true sentiments of his heart by sending a proclamation to his fellow citizens, from which I can not forbear quoting the following:

"Compatriots: Divine Providence is about to place independence within our reach. The Americans, not from mercenary motives, but for the sake of humanity and the lamentations of so many persecuted people, have considered it opportune to extend their protecting mantle to our beloved country. * * * At the present moment an American squadron is preparing to sail for the Philippines. We, your brothers, are very much afraid that you may be induced to fire on the Americans. No, brothers, never make this mistake. Rather blow your own brains out than fire a shot or treat as enemies those who are your liberators. * * * Where you see the American flag flying assemble in numbers. They are our redeemers."

The sentiments and purposes evinced by this touching tribute to the starry flag of this Republic and its holy mission in the world bear internal, irrefragible evidence of the sincerity, of the high spirit, of the keen sense of gratitude—a sentiment found only in lofty minds—which animated these little brown people; and, considering the time and circumstances of their expression, the Administration and its creatures bite against a file in now trying to poison the minds of the American people against these helpless and perishing ones. "Nor florid prose, nor honeyed lies of rhyme" can longer conceal this most flagitious crime, by which, in a day, implicit confidence was changed to ineradicable distrust; sincerest friendship, into immitigable hate. What was this crime? It was the distribution throughout the archipelago of a proclamation dictated and transmitted by the President of the United States, without the knowledge of the American people or of their representatives in Congress. What was this proclamation, so full of fate for both peoples? Why, it was a declaration that this Republic claimed and would immediately assert exclusive jurisdiction and dominion over the whole Philippine Archipelago and all the inhabitants thereof. As must have been intended, assuming that the President was sane, this insulting act soon produced a pretext for the horrid work of "benevolent assimilation," and when a shudder went through the nation as glimpses of the bloody work were caught by the people we were soothed by the assurance that this "duty" was put upon this Republic by the Almighty. But as I am not treating of blasphemy in this letter, this phase of the question does not come within its scope.

If anything be wanting to the blackness of this act of seizing the Philippines, it is supplied by this fact, which will astound many an honest man who hitherto has acquiesced in the "duty" which Providence laid upon the Administration. When that proclamation was promulgated this nation had no more right in the Philippines, outside the city of Manila and its environs, than had England or Russia. Indeed, there were objections to our assertion of such right that could not apply to any other nation. The honor of this nation, and therefore the honor of every citizen of this nation, was pledged not to occupy or to assert any authority over that territory beyond the limits named. This special obligation was laid on us by our voluntarily entering into an agreement with Spain to that effect. This agreement is known in diplomatic terminology as a "protocol." This document, which is always the preliminary of negotiations for peace between belligerents,

and specifically defines what each may and may not do while the attempt to agree on terms of permanent peace is being made, by the same diplomatic language is termed establishing the status quo. The limitations of our rights, so far as the point I am raising is concerned, are thus defined by the protocol: "The United States will occupy and hold the city, bay, and harbor of Manila, pending the conclusion of a treaty of peace which shall determine the control, disposition, and government of the Philippines." This was our utmost right until a treaty was made and duly ratified by both parties, which was not done until many weeks after the perfidious act of issuing the proclamation.

In view of all this, I think that the imperialists are unduly disturbed by the fact that our liberty-loving people are so "backward in coming forward" with their subscriptions for a monument to the author of "benevolent assimilation." There is absolutely no ground for their apparent discouragement. The monument will be erected. This is as certain as that this day will be succeeded by night; or, to use a more appropriate simile, as surely as in the moral world the expiation follows the crime. The monument will be the fearless and conscientious work of the impartial historian of our era. And it will be more durable than—and fully as significant as—were the monuments formed of the skulls of his enemies which Tamerlane was wont to rear—another famous Asian benevolent assimilator, the blood of whose victims drenched to a mire the soil of their fatherland. But I must return from this lengthy digression.

Up to date, to say nothing of the American homes desolated by the death, insanity, or permanently disabling of their loved ones, we have slaughtered outright more than 20,000 of this devoted people. Of the victims of starvation and disease we have no account. Of the details of this butchery very little escapes the Government censors. A few ghastly incidents have, however, transpired, such as the surrounding of 60 Filipinos at a bend of the Pasig River and the shooting of them to death in spite of their piteous prayers to their brother Christians (?) for mercy. Such as the surrounding of a native house where a wedding ceremony was being celebrated and the setting of the house on fire, and then the slaughtering of the guests of both sexes as they attempted to escape from the equally pitiless flames.

Not to speak of the poor, betrayed, helpless Cubans, we have negotiated a treaty with Denmark, by which three thickly-populated islands are purchased, the inhabitants of which may elect to go with the land or remain citizens of the parent country! The very grotesqueness of this, I fear, will prevent due seriousness on the part of the people as they contemplate it.

The residents of those islands, a thrifty, refined, and highly civilized people, petitioned and prayed that they might be spared this unspeakable humiliation. But the chuckle-headed man over in Denmark who makes, if that were possible, the idea of "the divine right of kings" more ridiculous if not more odious to all genuine Americans, was deaf to their entreaties; and the sordid promoters of the Philippine infamy were, of course, unmoved by the prayers of the helpless.

On this day when the glorious spirit of Washington seems peculiarly to lift the mind of the thoughtful citizen above the consideration of what Hawthorne truly terms "the big, heavy, solid unrealities, such as gold, landed estate, offices of trust and emolument," it were little less than profanation to call his attention to the incomputable millions of the people's money which the crime of imperialism has already worse than squandered. But as a stimulous to the faculty of forecasting the future, which all men worthy to be citizens of this Republic should possess in some degree, I will venture to remind your readers that the same dispatch that announces the signing of this treaty informs us that immediately the Government will proceed to expend millions of dollars in erecting a vast system of fortifications. How the mouths of the favored contractors must water as they eagerly wait for this rich chance at the people's money.

But I must close. After this, to speak of Washington's work as "a permanent success," to quote Longfellow's noble lines, or to repeat the grand peans to this Republic's glory, whether in prose or verse, whether expressed literally or allegorically—and these constitute the richest gems of our literature—would be as incongruous, and almost as pathetic, as were the grandiose declamations of Rienzi, the would-be restorer of the Roman Republic.

But does this hideous distortion of Washington's system of government, by which, to use his own words, he raised "a standard to which the wise and the honest can repair," detract in the least from his just frame? No; a thousand times no. The shame and the stigma of it go no higher than this degenerate generation—the first generation of the descendents of "the immortal men of '76" that was at once "infamous and contented."

Yours, for the Republic of the fathers,

DE WITT C. BOUTON.

ITHACA, N. Y., *February 22, 1902.*

The question was taken; and on a division, demanded by Mr. SULZER, there were 41 ayes and 58 noes.

So the amendment was rejected.

The CHAIRMAN. The question is on the motion of the gentleman from Tennessee to strike out the section.

The question was taken, and the motion was rejected.

Mr. COOPER of Texas. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I invite the attention of the gentleman from Wisconsin and the committee to what I am going to read. From the discussion of this bill I take it that the bill concedes title in fee to the lands of the Philippine Islands in the church or friars. I have not carefully read the bill, but from the discussion it appears that fee-simple title to the lands in the church or friars is conceded by the bill. I call attention of the gentlemen of the House to the decree of the King and Cortes of Spain in 1820. In the fourteenth article of the decree will be found the following provision:

By a decree of the King and Cortes of Spain in 1820, churches are prohibited from holding any real or immovable property. In the fifteenth article of the decree will be found the following provision, i. e.: "The churches, monasteries, convents, and all other ecclesiastical communities, as well secular as regular, charity houses, hospitals, poorhouses, schools, confraternities, brotherhoods, commandancies, and every other establishment, whether ecclesiastical or lay, known by the name of mortmains, can not, from this time in future, acquire any real or immovable property in any province of the monarchy, by testament, donation, purchase, rent charges, infeudation, adjudication of rents, in payment of rents due, nor by any title whatsoever, either lucrative or onerous."

That was a decree of the King and Cortes in 1820, when the Philippine Islands, of course, belonged to Spain. In a well-considered case from Texas (and I read from the 3d Texas Supreme Court Report), in a contention where the church had acquired property in Texas similar to the acquisition of real estate in the Philippine Islands, the church undertook to hold this real property against a grant from the State to a citizen, and as the gist and substance of the decision after carefully reviewing all the facts and acts of the King and Cortes, the court says this:

The result of our examination, so far as our very limited means afforded us the opportunity, is that the church, at the period of our revolution, held no real estate by perfect title; that it only enjoyed and held the usufruct interest in such land as it possessed. There can be no doubt, it is believed, that by the successful revolution the Republic of Texas became possessed of the right and title to all the land or public domain that belonged to the Government of Mexico at the date of the revolution, by as full and perfect title as was vested in that Government, or in the government of Coahuila and Texas.

The title in dispute was one granted by Spain like titles now held by the churches in the Philippines. Therefore I take it, if this decision be law, all that property now claimed by the churches and friars in the Philippines belongs to the Government. If this decision is the law, would it be right and proper in this bill to concede that the title was in the friars or churches?

Mr. WILLIAMS of Mississippi. I want to suggest that there is a case in the 17th Howard, United States Reports, which assumes the point decided in the case cited by the gentleman from Texas to be the law or to be the fact. Spain secularized the title of all ecclesiastical property, and this case is decided upon Spanish mortmain law, that secularization law that applies to Mexico and the Philippines both. The 17th Howard case considered, while it does not directly decide this point, takes it for granted that that is decided.

Mr. COOPER of Texas. I have not examined the case referred to by the gentleman from Mississippi, but I call the attention of the gentleman in charge of this bill to that fact, so that we may make no cession that will be injurious to the Government or the citizen desiring a homestead.

Mr. COOPER of Wisconsin. Mr. Chairman, the bill does not concede the title to anybody. The bill provides, in line 9, page 73:

The powers hereinbefore in this section conferred may be exercised in respect of any lands which, on the 13th of August, 1898, were owned or held by associations, corporations, communities, religious orders, or private individuals in such large tracts or parcels and in such manner as, in the opinion of the Commission, injuriously to affect the peace and welfare of the people of said islands.

It does not single out any corporation as owning any land; but if they did own or hold it under the laws of Spain, we are bound, under the treaty of Paris, to recognize that right.

Mr. COOPER of Texas. You only recognize such rights as they had at the time of the treaty of Paris.

Mr. COOPER of Wisconsin. The decree the gentleman alluded to is 1820.

Mr. COOPER of Texas. Yes; and the court held that they could not take title to church property, because the church was merged into the Crown.

Mr. COOPER of Wisconsin. They had exercised enough of title and jurisdiction and absolute proprietorship, so that under the treaty of Paris we did not feel justified in going any further in contesting their case in court. Judge Taft, an eminent lawyer and judge, says that under the treaty of Paris—and the Commission has made a very full investigation of this subject—they have titles that are good; and in response to a question he said specifically that they could defend those titles in the courts. That being so, we thought it would be best to pay, say, $5,000,000 and remove this whole trouble from the Philippine Islands, for it has been a source of very considerable trouble in the archipelago during the last century and a half.

Mr. COOPER of Texas. Then the gentleman from Wisconsin admits, or there is an implied admission in the bill of the committee, that the title vests in the church or in the friars——

Mr. COOPER of Wisconsin. There is no such admission in the bill. If there is any church organization that has title, the exercise of the right of eminent domain is given by this bill. But the bill does not say, "whereas certain religious organizations in the islands are owners in fee of certain lands;" not at all.

Mr. COOPER of Texas. But you do use the word "owned." Suppose you strike that out and retain only the word "held?"

Mr. COOPER of Wisconsin. We say "owned or held." It is in the disjunctive. It covers everything held, not only by religious organizations, but by corporations or communities.

Mr. WILLIAMS of Mississippi. The gentleman says that "it covers everything." That is just the difficulty. It covers everything and covers too much. If only the word "owned" were there, that would be all right; but it says "owned or held." It seems to me that if you would strike out the words "or held," leaving the claimants to prove their ownership, then you would not concede anything in the way of ownership.

Mr. COOPER of Wisconsin. Some witnesses before our committee testified that there had been what purported to be a transfer of certain of these lands from certain orders to certain private individuals. Really and essentially, as a matter of law, those

grantees do not own that land; they hold it under color of title, and this language would permit an attack to be made on this quasi-ownership or holding. It is to meet that situation that the language is employed.

The CHAIRMAN. As the Chair understands, the amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

SEC. 22. That the government of the Philippine Islands is hereby authorized and empowered, on such terms as it may prescribe, by general legislation, to provide for the granting or sale and conveyance to actual occupants and settlers and other citizens of said islands such parts and portions of the public domain, other than timber and mineral lands, of the United States in said islands as it may deem wise, not exceeding 16 hectares to any one person nor more than 2,000 hectares to any corporation or association of persons: *Provided*, That the grant or sale of such lands, whether the purchase price be paid at once or in partial payments, shall be conditioned upon actual and continued occupancy, improvement, and cultivation of the premises sold for a period of not less than five years, during which time the purchaser or grantee can not alienate or encumber said land or the title thereto; but such restriction shall not apply to transfers of rights and title of inheritance under the laws for the distribution of the estates of decedents.

Mr. JONES of Virginia. I move to amend by striking out all after the word "person," in line 2, page 78, down to and including the word "persons," in line 4, and to insert after the word "person" the words "or corporation;" so as to read, "not exceeding 16 hectares to any one person or corporation."

Mr. Chairman, the purpose of this amendment, I will state frankly, is to restrict the Commission in the sale and disposition of the public lands in the Philippine Islands so that not exceeding 16 hectares may be sold to any one person or corporation.

The twentieth section of the bill provides that the commissioners shall prepare certain rules and regulations regulating the disposition of these public lands; but notwithstanding that provision, this section provides that the Commission may proceed at once to dispose of lands even before these rules and regulations are adopted and receive the approval of the President and are submitted to Congress. The Commission under this section is given authority to dispose of every single acre of the 68,000,000 acres of public land in the Philippine Islands. The effect of my amendment, if adopted, will be to prevent the Commission from disposing of anything except homesteads until the rules and regulations provided for herein have been made by the Commission and approved by the President.

The question being taken on the adoption of the amendment of Mr. JONES of Virginia, there were on a division (called for by Mr. JONES of Virginia)—ayes 59, noes 67.

So the amendment was rejected.

The Clerk read as follows:

SEC. 25. That the forest laws and regulations now in force in the Philippine Islands, with such modifications and amendments as may be made by the government of said islands, are hereby continued in force, and no timber lands forming part of the public domain shall be sold, leased, or entered until the government of said islands, upon the certification of the forestry bureau that said lands are more valuable for agriculture than for forest uses, shall declare such lands so certified to be agricultural in character, and the timber on such agricultural lands so declared shall be disposed of in such manner as the government of said islands shall prescribe: *Provided*, That the said government shall have the right and is hereby empowered to issue licenses to cut, harvest, or collect timber or other forest products on reserved or unreserved public lands in said islands in accordance with the forest laws and regulations hereinbefore mentioned and the provisions of this act, and the said government may lease land to any person or persons holding such licenses, sufficient for a mill site, and may grant rights of way to enable such person or persons to get access to the lands to which such licenses apply.

Mr. JONES of Virginia. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 79, line 13, after the word "force," strike out all of lines 13, 14, 15, 16, 17, 18, 19, and 20, down to and including the word "prescribed," in line 21.

Mr. JONES of Virginia. Mr. Chairman, this section goes a step further than those we have been considering. The sections just prior to this provide for the sale of agricultural lands. This section provides for the sale of timber lands—forest lands. It gives to the Commission the power to say whether or not the timber lands are more valuable for agricultural purposes than they are for timber purposes; and if in the opinion of the Commission these lands are more valuable for agricultural purposes than they are for timber purposes, then the Commission can even sell these timber lands, and thus dispose of land that the purchaser really would never cultivate, but would simply buy for the purpose of cutting every stick of timber off the land. I am opposed to reposing in the Commission any such power as this, and therefore I hope that my amendment striking out this language will be adopted.

Mr. LACEY. Mr. Chairman, I hope the amendment will not prevail, because if it did it would retard the settlement of a considerable portion of the islands. There is some timber in these islands, such as mahogany and woods of that character, that is of very great value. The logs are so heavy that they can not be floated and have to be taken to market in boats. It is the most valuable of timbers. On the other hand, there are some localities where the timber is comparatively worthless, but the land is valuable for agricultural purposes. Now, if we absolutely reserve from sale all of the forest land, leaving no power to settle this part that is more valuable for agricultural purposes, we would retard the settlement of the country, and the object of this provision, as I understand it, is to allow the Government there to permit the settlement of some portions of this land that is now covered by timber, but which is much more valuable for cultivation than for forestry.

I would suggest to my friend in this connection that his own experience and observation in this country makes it perfectly evident that there are localities where the land is in fact covered by timber, but the timber is a burden to the land rather than an advantage. It has to be sold as brush land, land that has the burden of timber, which has to be removed, and the timber is of no actual value in itself.

Mr. JONES of Virginia. Be that as it may, Mr. Chairman, the fact remains that this section confers an immense power upon the Philippine government, a power which may be greatly abused.

Mr. LACEY. A very necessary power, however.

Mr. JONES of Virginia. A very large proportion of these public lands is forest land. This section of this bill places in the hands of the Commission the power to dispose of every acre of this forest land if it will only say that in its judgment the land is more valuable for agricultural purposes than for the purposes of timber.

Mr. TAWNEY. Does the gentleman mean the Commission, or the government, or the legislature?

Mr. LACEY. That is not an unusual provision. We have in this country the provision that you can sell land for agricultural purposes if it is more valuable for agricultural than for mining purposes. If it is more valuable for mineral, the agricultural holder can not take the land for homestead purposes. That is a power that must be vested somewhere, and it is unfair to assume that these gentlemen will abuse that power.

Mr. JONES of Virginia. I do not know how that is. The gentleman is more familiar with public-land laws in this country than I am; but we are dealing now with lands that are 10,000 miles away from here, and if possible I do not want to place in the hands of a Commission a power to dispose of all of those lands.

Mr. TAWNEY. Will the gentleman permit a question?

Mr. JONES of Virginia. Now, while there is a great deal of public land in this country—probably one-third of the entire area of the United States to-day is public land—nearly the whole of the land in the Philippine Islands is public land, and the larger part of it is covered by timber.

Mr. TAWNEY. Will the gentleman permit a question? The power that the gentleman criticises is proposed to be vested in the Philippine government, is it not?

Mr. JONES of Virginia. Yes.

Mr. TAWNEY. Does the gentleman think that power would be greater than the power he proposes to vest in that government by his substitute bill?

Mr. JONES of Virginia. We propose in our substitute bill to give to a government to be organized by the inhabitants of the Philippine Islands the power to dispose of all their property in any way they choose. The gentleman's proposition, on the contrary, is to give to a government made for the people of the Philippine Islands by the United States, and in the making of which they are not permitted to have any part, the power to dispose of their lands. We propose to give those people such full and complete independence as will enable them to enjoy an independent national existence.

Mr. TAWNEY. I beg the gentleman's pardon. That is not the provision of this bill.

[Here the hammer fell.]

Mr. CLARK. I ask for fifteen minutes in which to address the committee.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that he may address the committee for fifteen minutes. Is there objection?

There was no objection.

Mr. CLARK. Mr. Chairman, I had no idea of projecting myself into this Philippine debate at all until the very remarkable performance of the gentleman from Indiana [Mr. LANDIS] the other day. I was entirely content to leave this question in the hands of the very able Democratic minority of the committee. Barring his exordium about a young soldier who died in his town and his eulogy on General Funston, I had heard most of the gentleman's speech twenty-odd times before. It was an old acquaintance, a familiar creature, and I expect to hear it several times more this summer. The rest of you can enjoy that great luxury by paying the price of admittance; for, whatever the gentleman from Indiana thinks about the blessings of a tariff for revenue only, he has no sort of doubt about the personal benefits of lecturing for revenue only. And it is due to the truth of history to say that the applause he receives from miscellaneous audiences over the country is not half as tumultuous or unanimous

as the applause he received from the Republican members of this House.

Upon his eulogy on General Funston I desire to make two comments: First. If General Funston is as great a hero as he made him out—and I am not denying it; I do not profess to be a judge of heroes—then the next Republican Presidential ticket ought to be "Freddy and Teddy," instead of "Teddy and Freddy." [Laughter and applause on the Democratic side.]

The second suggestion is that a great many people have been deviling their heads to know why the President of the United States so unceremoniously and emphatically squelched General Funston not long ago. I take it, after listening to the eulogy of the gentleman from Indiana, that the reason is that the President of the United States is suffering from the green-eyed monster of jealousy preying upon his "innards," for, according to the gentleman from Indiana, Hero Funston stands brandishing the North Pole in one hand and the Equator in the other, while the President, as everybody knows, has never invaded the Arctic regions, at least in a military capacity. [Laughter and applause on the Democratic side.]

I hope I may make another suggestion without giving offense to anybody, and that is that while the gentleman from Indiana is erecting monuments to Republican heroes in the city of Habana he will not forget to build one to that eminent Republican financier, Mr. Neely, late of Indiana. [Laughter on the Democratic side.] Nor ought he to neglect to raise a monument to Major Rathbone, the eminent financier and protégé of MARCUS A. HANNA. [Applause on the Democratic side.]

The gentleman from Indiana [Mr. LANDIS] said that "when the war came with its responsibilities and problems and consequences, we turned our backs and ran away," and every Republican member applauded that statememt; and you would have applauded if he had declared that every man in the United States who is not a Republican ought to be drawn and quartered. With the gentleman shouting that he would not yield, with the Republicans applauding to drown me out, with the Chairman of the committee hammering his desk to the same end, I answered then that there was not a syllable of truth in that statement, and I repeat it now; and I answered it then, although the Chairman said I was out of order, because—

> I'd right the wrong where it is given,
> Though 'twere in the very court of Heaven.

The statement that the Democrats turned their backs and ran away is a foul and malicious slander, I do not care who utters it. There were as many Democrats fought in the Spanish war as there were Republicans.

Mr. VANDIVER. More, too.

Mr. CLARK. More, too, and they fought as bravely and as well. Admiral Dewey [applause], Winfield Scott Schley [applause], old "Joe" Wheeler [applause], Richmond Pearson Hobson, all wrote their names high on the scroll of fame, to say nothing of the obscurer Democratic heroes in the ranks by land and sea.

Mr. WILLIAMS of Mississippi. Bagley was the first man killed.

Mr. CLARK. Bagley was the first to die in battle, and he was a North Carolina Democrat. Gen. Fitzhugh Lee rendered invaluable services to the country, and he is a Virginia Democrat, worthy of the love, admiration, and gratitude of the whole American people.

The Spanish war was an American war. It was not a Democratic or Republican war either. There was no politics in its inception. There were no politics during its progress. It was only at the close of the war, when Republicans entered upon an ignoble, unjust, and unpatriotic attempt to try to make politics out of it. And though Schley distinguished himself in battle and won a famous victory, the Republicans have tried to rob him of his glory by the meanest conspiracy in all the hoary registers of time. [Applause on the Democratic side.] But the American people are just, and they have written Schley's name along with those of John Paul Jones, Horatio Nelson, David Farragut, Admiral Perry, Admiral Dewey, and the other great sea kings. The Democrats turned their backs and ran away! The gentleman from Indiana does not deserve the poor credit of the paternity of that infamous statement. He stole it bodily from the gentleman from Ohio [General GROSVENOR], who is the father of all political fables. [Laughter.] It was not true when the gentleman from Ohio said it. It is not true when the gentleman from Indiana reiterates it.

My judgment is and always has been that had either Mr. Cleveland or Mr. McKinley granted belligerent rights to the Cubans at any time prior to 1898 the Cubans, assisted by Americans fighting on their own hook, would have achieved their own independence and we would never have had any war with Spain and would never have had this portentous Philippine problem on our hands. But they did not do it. I am not criticising them for it. It is only just to suppose that they acted honestly according to their lights. It is no discredit to them to say that, like other folks, "their hindsight was better than their foresight." When, however, De Lome wrote his idiotic and malicious letter about President McKinley, and when the *Maine* was blown up, killing six hundred and odd of our sailors, Democrats and all other patriotic Americans demanded war. The war came and was fought to a successful conclusion, Democrats and Republicans alike bearing themselves as heroes, whether as soldiers or as sailors. Since it closed the Republicans, with gall that is astounding, have tried to hog all the honor and turn the achievments of American valor to partisan advantage.

The gentleman from Indiana endeavored to make it appear that the Philippine and Cuban wars are the same. They had no connection with each other, except one came after the other. The Cuban war was an American war to make Cuba free, to give liberty to a down-trodden people, to extend the area of republican institutions on the face of the earth. The Philippine war is a Republican war to "benevolently assimilate" a people 7,000 miles away.

The gentleman from Indiana undertakes to shove this whole Philippine business off on destiny. That has been the plea of every robber and freebooter since the world began. He says, with a great deal of unction, that he believes in God. It would be very interesting to know whether God believes in him. [Laughter and applause on the Democratic side.] He says he believes in God. I am glad to hear it, because nobody would have thought that Republicans believe in God from the way they perform. [Renewed applause.] When he asserted that he believed in God, he intended to imply that all those who differ with him are without God in the world. It is very cruel of the gentleman to act that way. Shakespeare says:

> Oh, it is excellent
> To have a giant's strength; but it is tyrannous
> To use it like a giant.

And I submit to him that it is unfair to shut the gates of mercy on mankind. I have believed in God myself, in an humble way, ever since I can recollect; but I decline to accept the gentleman from Indiana either as His prophet or His interpreter to us feebler mortals. I challenge his credentials when he undertakes to pose as the mouth piece of God on this floor. [Laughter and applause.] I would rather take Jesus Christ as the exponent of God; and he enunciated the Golden Rule, "Do unto others as you would have others do unto you," which we most assuredly are not doing to the Filipinos. It is written, "Thou shalt not bear false witness against thy neighbor."

Any man who asserts that the Democrats have attacked the American Army is either uncandid or misinformed. That is as strong as I can draw it here and keep within parliamentary lines. [Laughter and applause.] Elsewhere I would make it decidedly more emphatic and take the consequences. It is astonishing what men will do when they are in a hole and trying to fight out. For instance, the other day when the gentleman from Alabama [Mr. CLAYTON] and some others were opposing the proposition to give the President some more cadets to appoint, the distinguished gentleman from Pittsburg [Mr. DALZELL] shouted "Down with the Army!" and the gentleman from Indiana [Mr. STEELE], like a great poll parrot, repeated, "Down with the Army!" [Laughter.] I have no doubt if the other member of the Siamese triplets on the Ways and Means Committee [Mr. PAYNE of New York] had been in his place that he would have yelled "Down with the Army!" [Laughter and applause.]

It would not be surprising for a tough, a hoodlum, or a sansculotte to do a thing like that; but the gentleman from Pennsylvania [Mr. DALZELL] degrades his great intellect and imperils his high standing by so doing.

I have not said anything about the Army, good, bad, or indifferent. As it happens, I have not talked about it, and therefore I can say freely, and without trying to shield myself, that no man, I do not care how ingenious he is, can bring evidence to show that the Democrats have attacked the Army; and to say they attack the Army because certain Democrats criticise certain sporadic cases of the conduct of certain soldiers which seem improper—and some of them have been court-martialed—and to say that thereby they are criticising the Army, would be just as truthful as to say that the grand jury which indicts, that the petit jury which tries, the prosecuting attorney who prosecutes, and the judge who presides at the trial are making war on organized society because they at some time prosecuted persons who infracted the law. [Applause.]

But this false cry about abusing the Army reached the reductio ad absurdum here the other day, the extreme of the preposterous, when the chairman of the Committee on Military Affairs of this House [Mr. HULL], the president of the Philippine Hard Wood Company, with the venom of a toad and the cheek of a Hindoo god [laughter and applause], said that because some members were opposing an amendment which the Senate had tacked on an

appropriation bill they were fighting the Army, when the truth is that we simply followed the lead of the chairman of the Committee on Appropriations, the Hon. JOSEPH G. CANNON, of Illinois, one of the ablest Republicans in the land.

Mr. FLEMING. Who was once a Democrat.

Mr. CLARK. A long time ago. [Laughter.]

Mr. OLMSTED. But has reformed.

Mr. CLARK. Because we can not get the economy that we desire so much on this side of the House the Democrats being in the minority frequently follow the lead of Mr. CANNON. Sometimes "Uncle Joe's" white plume leads to victory, as did the white plume of Henry of Navarre; sometimes to defeat, and sometimes to a dog fall, as it did in the contest with the chairman of the Committee on Military Affairs.

Now, Mr. Chairman, I would like to have made this speech, or one like it, the other day, dum opus fervet, when the thing was hot [laughter], but the gentleman from Indiana dragged my name in, made statements that were not true, and then, when I wanted to reply, said. "Get time on your own side," when he knew full well that all the time on the Democratic side of the House had been already parceled out and allotted to other Democrats. He has perhaps learned by this time that he made nothing by his discourtesy. I couldn't get at him then, but I have got at him now. He laughs best who laughs last. Evidently the Republicans think, or they would not keep at it, that this talk about the Democrats being opposed to the AmericanArmy will win some votes. It may do it, for all the fools are not dead yet. It may be "a good enough Morgan" until after the election; but the cry is villainously false, and it is founded on Voltaire's dictum "Keep on lying and some of it will stick." [Prolonged applause on the Democratic side.]

By the courtesy of the House I hereby reproduce an article which I wrote for the New York American and Journal on invitation of the editor, and which in condensed form expresses my opinion on this whole Philippine problem, and which is as follows:

The Philippines, like the Rajah's diamond, have proved an unmitigated curse to all who have possessed them. The English had sense enough to abandon them. They were a heavy load about the neck of Spain for three hundred years. With unparalleled good fortune for themselves the Spaniards sold them to us for twenty millions in cold cash, and we are left with the bag to hold.

The vital issue before the American people is this: "What shall be our permanent policy in the Philippines?"

It goes to the root of our institutions.

A greater question was never debated among men, for upon its proper determination depends the perpetuity of the Republic.

The tariff, trusts, finance, building of the isthmian canal, and economy in the public expenses are all important questions pressing for solution, but farreaching and urgent as they are, they in no wise involve the existence of free government.

Jingo jugglers vociferously and vehemently insist that the overshadowing question as to our policy in the Orient was settled definitely and irrevocably by the last election. Not so, however.

A multiplicity of issues contributed to the result of the campaign of 1900. William McKinley's wonderous personal popularity was a large—perhaps the decisive—factor therein.

Mr. McKinley was many thousands of votes stronger than his party.

Many men who doubt the wisdom of our becoming an Asiatic power supported Mr. McKinley by reason of his unfailing amiability and his blameless private life. While believing him wrong, they had implicit faith that at last he would come around all right. They knew that he had changed his mind on that question radically once, swinging from the American doctrine that "forcible annexation is criminal aggression" to the un-American theory of "benevolent assimilation."

They hoped that he would experience another change of heart and return to his original position.

So far as his influence upon our destiny is concerned, it would have been far preferable for Mr. McKinley to have been a bad man with good policies rather than a good man with bad policies, for it is as true to-day as when Shakespeare wrote it that "The evil that men do lives after them."

No love for him, however intense; no admiration for his virtues, however sincere; no regret for his tragic death, however profound; no eulogium upon his character, however fervid, can alter or palliate the fact that by recanting his first opinion and by throwing the weight of his great name in favor of the Philippine propaganda he involved the country in dire difficulties and placed our institutions in imminent deadly peril.

For one hundred and twenty-six years we have vaunted ourselves as the propagandists of the idea of government of the people, by the people, and for the people. Now we are engaged in crushing a people 7,000 miles away whose only offense is that they desire to practice the theory which we have preached from the housetops.

Nor have we preached in vain, for, following our example and hearkening to our voice, a score of nations have shaken off the yolk of their royal masters, broken their shackles, and established for themselves governments modeled upon ours.

For three years the Boers of South Africa, inspired by the words of Jefferson and the deeds of Washington, made the most heroic fight for freedom recorded in the entire annuals of the human race. To our ineffable shame be it said that while England was murdering those brave little republics we stood by consenting like Saul at the stoning of Stephen.

Wherefore? Because we are engaged in the same sort of bloody business in the Philippines. We appear to have entered into a sort of tacit agreement with John Bull that if he will not interefere with our foreign conquests we will not raise our voice against his foreign coquests.

On the one issue of permanently retaining the Philippines and ruling them by the sword, Democrats would have swept the land from sea to sea, for let it not be forgotten that in 1900 it was in the East that we made substantial gains, and it was in the East that imperialism was most exploited as the dominant issue.

The same per cent of gains spread all over the Union would have given us the victory. If we hope to win, we must ex necessitate rei secure recruits from the Republican ranks. That's plain as the nose on one's face.

Are Republicans a unit on this question?

By no manner of means. True that not long since "Uncle JOE" CANNON, chairman of the Committee on Appropriations, in the heat of debate, with frantic gesture, yelled at the top of his voice, "We intend to keep the Philippines forever and a day!" but it must be remembered that on that occasion "Uncle JOE" was in a hole and fighting to get out.

Republics are constitutionally unfit to successfully or economically administer colonial affairs.

Proconsular government has been notoriously corrupt, unjust, and tyrannical since the world began, and will continue so till the end of time. All history, sacred and profane, demonstrates the truth of that proposition. It matters nothing whether the proconsuls are Romans, Britains, Spaniards, or Americans. The corruption, injustice, and tyranny grow inevitably out of the proconsular system.

It is written that "evil inventions return to plague the inventors," and the corruption, injustice, and tyranny which we inflict upon the Filipinos by our proconsular government will at last be practiced upon ourselves. We are progressing after the manner of the crab—backward.

Already one of our military satraps in the Philippines has said: "The Constitution is played out; there is no use to discuss it." Another has declared that men have been sent to prison in the Philippines for such utterances as those of Professor Schurman in his Boston speech.

Yet another has pronounced the Declaration of Independence to be a "damned incendiary document," which is precisely the opinion of it entertained by George III and Lord North.

Considered for military purposes, the Philippines would be a source of weakness, just as they were to Spain. Were we engaged in a war with a great power—as we at any time may be—the Philippines would be the place of attack, and we would be compelled to do our fighting 7,000 miles from our base of supplies, which would place us at a great disadvantage, doubling the cost and quadrupling the chances of defeat.

Why should we run such desperate risks when we have all to lose and absolutely nothing to gain?

The basic principle of republics—"governments derive their just powers from the consent of the governed"—is true or we as a nation have no raison d'être.

If that proposition is not true, Washington and the other Revolutionary heroes were rank traitors. If it is not true, John Hancock, old John Adams, Patrick Henry, Thomas Jefferson, and their compeers were pestilent disturbers of the peace of George III.

If it is not true, Theodore Roosevelt is exercising powers usurped from King Edward VII, and the Congress of the United States consists of 451 rebellious brawlers.

This miserable Philippine business familiarizes the American people with the idea of a large standing army.

General Chaffee says that we will need 50,000 soldiers in the Philippines alone for five years. Judging the future by the past, we will need that many there till the judgment day.

We are told that, waiving the quantum of the sin of subjugating a distant people, we must hold on to the Philippines because we want their trade. It is not denied that trade with the Filipinos and every other people is desirable.

Democrats are as anxious for trade as are the jingoes, but they place liberty and good conscience above money.

Democrats do not believe that we must own a man in order to trade with him.

The dollar argument is the most sordid of all, but let us take it on that low basis and see how the matter stands.

The Philippines, to say nothing of the loss of life and the huge pension load we are fastening on our children and children's children, have up to date cost us nearly $600,000,000, according to the arithmetic of Senator HOAR.

During the fiscal year ending June 30, 1901, we expended in the Philippines $60,000,000.

During the same period our profits from trade with the Philippines, allowing for ourselves 20 per cent profit on all we exported to and imported from those islands, were only the beggarly sum of $1,085,541.

Expending $90 a year to get $1 profit may be solarwalk statesmanship, but to a plain man who understands mathematics it appears to be stark idiocy.

The only reason such an insane policy does not bankrupt the United States is because the United States is so rich. No other nation on earth could stand it, and we can't stand it long without disastrous results.

Our institutions were indeed bought with a great price. Shall we now recklessly jeopardize them through greed or by reason of a vainglorious ambition for foreign conquest? I do not believe that the American people will so decide.

It surely can not be that the spirit of 1876 is entirely dead in the American heart. To that spirit and that heart Democrats confidently appeal in this crisis of our country's fate.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Virginia.

The question was taken; and on a division (demanded by Mr. JONES of Virginia) there were—81 ayes and 108 noes.

So the amendment was rejected.

Mr. LITTLEFIELD. Mr. Chairman, I ask unanimous consent for about ten minutes to contribute a few views.

The CHAIRMAN. The gentleman from Maine asks unanimous consent for ten minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. LITTLEFIELD. Mr. Chairman, although I am feeling somewhat indisposed, I thought I would improve this opportunity to congratulate the distinguished gentleman from Missouri [Mr. CLARK] for having recovered from his intellectual paralysis into which he was jolted by the gentleman from Indiana the other day. [Laughter.]

Now, I have no part in the controversy, if controversy there be, between the gentleman from Indiana and the gentleman from Missouri, although it does appear, if the gentleman from Missouri is correct, that it has simply been transferred from the rostrum where people contribute the coin of the realm at the rate of fifty cents, seventy-five cents, or a dollar to hear the debates between these two distinguished gentlemen to this arena [laughter]; but I wish to contribute to the truth of history. I do not think that the gentleman from Missouri succeeded in sustaining his suggestion which he made emphatically on the floor two or three days ago, and that is that the gentleman from Indiana had not stated the facts in connection with our friends the Democracy, because I

understood the gentleman from Indiana to suggest that since the ratification of the treaty of Paris, which desirable work was contributed to in a large and successful degree by distinguished Democrats, our Democratic friends had succeeded in running from every problem connected with the Philippine question.

I submit to my distinguished friend from Missouri that it is no answer to say that there are Democrats in the Army who have achieved glory in connection with the Spanish war, because the gentleman from Indiana, although enthusiastic and eloquent, had no reference whatever to men in the Army. He was simply referring to our Democratic friends from the standpoint of so-called statesmanship, and the suggestion that men. in the Army fought is no answer to a suggestion that our Democratic statesmen have continued to run. [Laughter.] But it does appear, while my friend says they have not run, while he may be sincere in what he says, it only demonstrates that he does not know when he is running from a proposition of that kind. [Laughter.]

But, Mr. Chairman, historical facts should not be distorted by debate, although interesting and exciting upon either side. I feel bound to say that the gentleman from Indiana was not entirely correct in his statement of facts, because our Democratic friends did not start to run immediately after the ratification of the treaty of Paris. I wish to call attention to the public fact which demonstrates that, and they are entitled to the benefit of it. There was a fact connected with the Philippine question, an instance in which some of them stayed with the proposition. The treaty of Paris provided for the payment of $20,000,000. Now, in the exuberant imagination of our Democratic and anti-imperialistic friends this $20,000,000 has been referred to in times past as payment for 10,000,000 men at $2 a head. Now, however that may be, the facts deserve to be called to the attention of the committee and the American people.

Mr. SHACKLEFORD. May I ask the gentleman a question?

Mr. LITTLEFIELD. Oh, yes; the more the merrier.

Mr. SHACKLEFORD. I believe it was Mr. Reed, of Maine, who started that expression.

Mr. LITTLEFIELD. It does not make any difference who "started" it. If you were not sharp enough to invent it, you adopted the proposition and howled it all around. [Laughter.] I know that Mr. Reed is ingenious in epigrams, and you are to be congratulated that you have been amused now and then by the distinguished gentleman from Maine in connection with your propaganda. The gentleman from Texas, by the way, spoke of following the "gentleman from Maine," but did not in fact, though in the excitement of the occasion he thought he did, which is practically the same thing, for "as a man thinketh so is he," assuming that he does think.

Now, as to this appropriation of $20,000,000—assuming, now, that it was a purchase of men per head, at $2 a head—that is a thing that some of our Democratic friends are entitled to credit for. A bill appropriating $20,000,000 in discharge of one of the obligations of the treaty of Paris was pending in this House on the 20th day of February, 1899, only about eleven days, if I remember correctly, after the treaty was ratified in the Senate through the assistance of our distinguished Democratic friends. The ratifications of the treaty were not exchanged until April 11, 1899.

Now, every man here knows—I will not say that every man knows; but every man ought to know, and I have no doubt will know, when he comes to think of it—that a treaty can not appropriate money out of the Treasury, and in order for that provision of the treaty to become effective, and to insure the payment of the money to carry out this great international contract, it was necessary for the House and the Senate to appropriate $20,000,000 to buy, as our friends say, 10,000,000 people. Now, I want to say that our Democratic friends assisted in that interesting performance. It was pending, I say, on the 20th day of February, under a motion to suspend the rules and pass that appropriation; and when that vote was taken there were 219 yeas and 33 nays, an aggregate of 252, the required two-thirds being 168, and the Republicans had on that roll call only 155.

Now, the same thing happened in connection with this transaction that happened in the Senate of the United States when the treaty was pending for ratification. It was not possible to pass the bill through this House without the aid of Democratic votes, and 64 patriotic, distinguished Democratic and Populistic statesmen voted for the proposition to do—what? Pay $20,000,000 to buy 10,000,000 people, upon the theory which has been stated. Well, now, there are two points I would like to suggest.

Mr. COOPER of Texas and Mr. DE ARMOND rose.

Mr. LITTLEFIELD. I will cheerfully yield to either gentleman. I am gradually getting over my indisposition.

Mr. DE ARMOND. I should like to ask the gentleman from Maine whether it took a two-thirds vote of this House to pass a measure appropriating $20,000,000—whether the gentleman contends that it did?

Mr. LITTLEFIELD. It did as this appropriation was pending, and the RECORD shows it.

Mr. DE ARMOND. I am asking whether it required a two-thirds vote to make that appropriation?

Mr. LITTLEFIELD. As that question was pending before the House, it did, because the RECORD so shows.

Mr. DE ARMOND. The gentleman from Maine evidently does not understand the question I am asking him, because if he did, I know he would not avoid answering it.

Mr. LITTLEFIELD. What is the question?

Mr. DE ARMOND. I am asking whether the gentleman's conception is that it requires a two-thirds vote of this House or the other House to pass a bill to appropriate $20,000,000 or any other number of dollars for that purpose or for any other?

Mr. LITTLEFIELD. The contention of "the gentleman from Maine" is that he stated the facts exactly as they occurred, and the RECORD bears out "the gentleman from Maine." I stated that when that appropriation was pending, as it was pending, it required a two-thirds vote to suspend the rules to pass it. That is what I said. Here is the RECORD:

So (two-thirds having voted in the affirmative) the rules were suspended and the bill was passed.

That is the bill I was talking about.

Mr. COOPER of Texas rose.

Mr. LITTLEFIELD. Let me answer first the gentleman from Missouri. Do not be too much in a hurry. What I am saying is in the interest of correcting some historical data, so that we may know where we are. Now, this was a bill that was pending on a motion to suspend the rules, which requires a two-thirds vote, and does the gentleman from Missouri undertake to tell the gentleman from Maine that it does not require a two-thirds vote to suspend the rules?

Mr. DE ARMOND. Oh, no.

Mr. LITTLEFIELD. Very well, then.

Mr. DE ARMOND. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. LITTLEFIELD. Yes.

Mr. DE ARMOND. I am very glad that the gentleman from Maine has made the statement he did, because it is a credit to his information and does not leave him under the confusing impression one would gather from his former statement he may have entertained in regard to appropriations.

Mr. LITTLEFIELD. I am very greatly obliged to the gentleman from Missouri for thus rehabilitating the gentleman from Maine. [Laughter.]

Mr. COOPER of Texas. Mr. Chairman, will the gentleman yield to a question?

Mr. LITTLEFIELD. Let us get this in consecutive order, so that even the rest of you can understand it. [Laughter on the Republican side.] As I say, a bill was pending upon which a motion was made to suspend the rules, and, by the way, I may say here that the gentleman from Illinois [Mr. CANNON] undertook to move this same bill as an amendment to an appropriation bill, but one of our distinguished Democratic friends raised the point of order, on which it went out, and afterwards the gentleman from Illinois brought in a bill under circumstances where it required a two-thirds vote to suspend the rules.

This is the bill (H. R. 12125) appropriating $20,000,000 "for the purpose of carrying out the obligations of the treaty between the United States and Spain concluded at Paris on the 10th day of December, 1898, to become immediately available upon the exchange of the ratifications of said treaty."

Now, that was the proposition, to carry out the provisions of the treaty of Paris.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LITTLEFIELD. Is that so? I shall have to ask for a few moments longer.

Mr. COOPER of Texas. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended one minute in order that I may ask him a question.

Mr. LITTLEFIELD. Oh, I can not get half through this in a minute. I would ask that my time be extended ten minutes.

The CHAIRMAN. The gentleman from Maine asks that his time be extended ten minutes. Is there objection?

There was no objection.

Mr. COOPER of Texas. Mr. Chairman, will the gentleman yield for a question?

Mr. LITTLEFIELD. Certainly.

Mr. COOPER of Texas. I understand the gentleman from Maine complains that the Democratic side of the House voted for the appropriation of $20,000,000 to pay the debt incurred by the ratification of the treaty of Paris.

Mr. LITTLEFIELD. Then the gentleman does not understand the gentleman from Maine at all. The gentleman from Maine is going to commend the other side for performing that patriotic duty when he gets around to it. The gentleman from Maine does not complain, not at all.

Mr. COOPER of Texas. When the ratification of the treaty of Paris was made by the Senate of the United States, was there

not an obligation on the part of this Government to pay the $20,000,000, and would you ever have blamed the Democratic party for voting to pay that sum?

Mr. LITTLEFIELD. I will answer that by giving you a quotation from the speech of a distinguished Democrat, Mr. WHEELER, of Kentucky. It is true that an obligation rested upon us, just as to-day obligations rest upon us under the treaty of Paris. [Applause on the Republican side.] And just exactly as our Democratic friends—although I agree with them in some respects from a legal standpoint—as the gentleman from Indiana well said, have evaded and run from every one of those propositions under the treaty of Paris; and it does not answer it to say that Winfield Scott Schley, although he made a loop and escaped danger, fought in the war and acquired glory——

Mr. CLARK. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. LITTLEFIELD. Yes.

Mr. CLARK. Suppose that the Senate should ratify a treaty that every member of the House was opposed to—make an extreme case—necessitating an appropriation, do you think the House of Representatives in that kind of a case would be under any obligations to make the appropriation or not?

Mr. LITTLEFIELD. Well, now, I can quote the gentleman Democratic authority on that in just a moment; but before I reach it let me say this——

Mr. CLARK. I want the gentleman's opinion of the case. That is a fair question, a legal question, and I want to hear what he has to say.

Mr. LITTLEFIELD. As early as 1794 or 1814 the House of Representatives by solemn resolution declared that it had the right to exercise its constitutional judgment upon the question as to whether or not it would carry out similar conditions in a treaty away back there.

Mr. CLARK. That is all right.

Mr. LITTLEFIELD. I do not express any opinion on it, but that is what the House held away back there. Now, just for a moment, here were some of our distinguished friends who voted to carry out this obligation of the treaty of Paris:

Mr. BAILEY of Texas, Mr. BANKHEAD, Mr. BRANTLEY—I can not stop to read them all; Mr. COWHERD of Missouri, Mr. Cummings of New York, Mr. DINSMORE, Mr. FLEMING, Mr. LANHAM, and even Mr. Lentz of Ohio voted to do it. Mr. LIVINGSTON, Mr. MCCLELLAN of New York, Mr. RICHARDSON of Tennessee, the leader of the Democratic side of the House; Mr. ROBINSON of Indiana, Mr. SLAYDEN, Mr. SULZER, Mr. UNDERWOOD, Mr. WILLIAMS of Mississippi.

Now, I will read you what the distinguished gentleman from Kentucky [Mr. WHEELER] said upon this very occasion, before this vote was taken, so as to show that our Democratic friends who voted with us are entitled to the credit of it. Now, I do not complain about that. I congratulate them on performing a public duty under those circumstances. Here is what Mr. WHEELER said:

> Mr. Speaker, it seems to be fashionable for gentlemen to say how they intend to vote on this bill. I avail myself of this opportunity to say with great pleasure that I intend to vote against the bill, because I believe it to be wrong in principle and infamous in execution. And, sir, I can not understand how gentlemen can say they are opposed to the appropriation, they are opposed to the policy of the Government, they are opposed to the destruction of the lives of innocent islanders who are fighting for their homes and firesides, and yet, for a sentiment, for fear it will give offense to some effete and decayed monarchy, they propose to vote for this measure.

Now, if Mr. WHEELER was correct, the war was then on; voting for the $20,000,000 appropriation was voting war upon defenseless people, but our Democratic friends patriotically stood up to the number of 64 and voted that way, and Mr. WHEELER suggested that they were not entirely sincere upon that proposition. But we have 64 men who in the first great obligation devolving upon this country by the treaty of Paris stood shoulder to shoulder with the Republican party in discharging that duty.

Well, now, since then they have failed to stand with the Republican party in discharging the obligations, great, severe, and tremendous though they may be, vested in us and saddled upon us by the negotiation of that treaty. Now, what should we say about our distinguished friends who started out with us, but since have not continued to go with us in discharging these obligations? I do not propose to characterize them, but I will read what my friend from Kentucky [Mr. WHEELER], acting as a prophet and a seer, said on that very occasion. I do not adopt his language, but here is what he said:

> I am not a prophet nor the son of a prophet, but I venture to predict the time will come when those who are now so swift to give in their adherence to the policy of the Administration will be equally quick to swear that they were out of sympathy with it.

Now, if I am correctly informed and fully advised, I think our friends are out of sympathy with it; but this was not all of my friend's prophecy. He went on further. Now, I do not say this. I do not go so far as to say that I indorse it. I simply say that a distinguished Democrat from Kentucky, a man of character and ability and integrity, said this about his Democratic friends:

> And, sir, with all due deference and respect to some gentlemen on this side and some gentlemen on the other side, I can not refrain from expressing a superlative contempt for a man who believes a thing to be wrong, but for the sake of form will give in his adherence to it.

Well, I suppose he intended that blistering, scorching language to apply to our 64 friends who were voting the $20,000,000 to buy, upon their theory, 10,000,000 of people at $2 per. Now, I do not characterize them in that way. I simply call attention to this in order that the historical facts may be well understood, and that my friend from Indiana may be properly corrected in this respect.

Now, that is the record, and I will put into the RECORD, by the way, the list of the Democrats who, I believe, acted patriotically; and I will say, for the benefit of my friend from Missouri, Mr. CLARK, that he voted "no" upon that proposition. My friend from Missouri, Mr. DE ARMOND, also voted "no." There were 33 Democratic friends who voted "no" consistently, I have no doubt, and I have no doubt they have maintained a consistent attitude ever since. But it simply demonstrates that subsequent to this act, this attempt to discharge one of the great obligations resting upon the Republic by virtue of this treaty of Paris, our friends have been turning and running the other way. This is the list.

Democrats voting for appropriation:

Allen;	Davey,	Lewis, Ga.	Ridgley,
Bailey,	De Vries,	Livingston,	Robinson, Ind.
Bankhead,	Dinsmore,	Lloyd,	Settle,
Bell,	Dockery,	McClellan,	Sims,
Berry,	Driggs,	McLain,	Slayden,
Brantley,	Elliott,	Maddox,	Smith, Ky.
Baker, Md.	Fitzgerald,	Maguire,	Spight,
Barlow,	Fleming,	Meekison,	Stallings,
Bodine,	Fox,	Meyer, La.	Stark,
Brenner, Ohio	Greene (Pop.)	Miers, Ind.	Stokes,
Brucker,	Henry, Miss.	Moon,	Strode (Pop.)
Burke,	Henry, Texas	Newlands,	Sulzer,
Catchings,	Kleberg,	Ogden,	Underwood,
Clardy,	Lanham,	Pierce, Tenn.	Vincent,
Cowherd,	Latimer,	Rhea,	Williams, Miss.
Cummings,	Lentz,	Richardson,	

(See Cong. Record, 55th Cong., vol. 32, part 2, p. 2119.)

By way of further answer to the gentleman from Missouri, Mr. WHEELER said:

> I know we have the constitutional right to refuse to vote this appropriation, and behind the ægis of the Constitution I propose to exercise that right and vote against it, and to demand the yeas and nays, that the country may know how many there are of us in this body willing to go on record in defiance of the infamous penny-a-liners who are trying to drive every man out of public life who does not bow with superserviceable servility to their imperious dictates.

Now, I have just a word that I want to say here in connection with this question, which is, perhaps, more or less germane to this bill. I do not altogether like some of the terms of this bill, but I do not believe that the antecedent and cotemporaneous facts and suggestions that have been referred to in this debate have any legitimate force or consideration here, because I look upon the treaty of Paris as a great historical fact.

It is entirely immaterial from my point of view whether William Jennings Bryan made that treaty possible or not. The fact is that it is a treaty, the law of this land, of the archipelago. The fact which is of importance is that it is not only the law of this land, but it is the law of all lands. Under the Constitution it is the supreme law of the land, and by virtue of international law it is the supreme international law.

It governs this country, it governs the archipelago, it governs all countries of the world in dealing with this country and with this archipelago. In this treaty one of our obligations to Spain is to see that the Spanish citizens can engage in business and employment in this archipelago and be protected therein. The Republic, in my judgment, was made responsible to evolve order out of chaos in the archipelago.

It was bound to establish government, a government of law and order, and to see that life, person, and property should be protected in the archipelago, and not only to maintain this treaty, but to see that the obligations under the treaty are discharged, in order that the peace of Christendom be maintained. So far as I am concerned, while I do not like this provision, which only proposes that a part of the bill of rights shall go there, when I think they are all there, which makes them citizens of the archipelago when they owe allegiance to the Republic, I think they are full citizens of the Republic to which they owe allegiance. That is a matter which, in my view, the bill itself can not control.

But I believe in the bill, and especially that feature of it that confers legislative rights in the lower branch of the house upon Filipinos who are capable of taking part in it on the basis of the existing conditions, which enables them to control the real legislation for the people, and for that reason I am glad to have this opportunity to say that I firmly believe in the bill, which ought

to be passed in the discharge of one of the great obligations resting upon the Republic. It involves a change from military to civil rule. I would like to see our friends upon the other side stand with us upon the proposition that they are willing to improve the condition of the Filipinos in the archipelago, exchange the civil for the military rule, as they were willing to appropriate the $20,000,000 to carry out the first and most obvious obligation involved in the treaty of Paris. [Loud and continued applause on the Republican side.]

Mr. DE ARMOND. Mr. Chairman, I desire to have permission to address the committee for ten minutes.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that he may be allowed to proceed for ten minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. DE ARMOND. Mr. Chairman, I have no intention whatever of trying to supplement, explain, or modify anything said so well by my colleague [Mr. CLARK]. What he said covers fully and abundantly all the questions to which he addressed himself. He spoke, as he always speaks, earnestly, ably, courageously; and exhausted the subject discussed.

The gentleman from Maine [Mr. LITTLEFIELD] evidently appreciates that fact, because while he seemed at the outset as if he were going to answer my colleague, it became very evident as he proceeded that he had no such purpose, and it is absolutely assured, now that he has concluded, that he did not touch a single thing said by my colleague.

The discussion has some interest, however. The gentleman from Maine started out to maintain the proposition that the Democrats have run from everything involved in this Philippine controversy. Now, I really was interested when the gentleman delivered that pronunciamento, and was curious to know what his specifications would be, and what he would offer in justification of his contention. He specified nothing at all; and of course it was unnecessary to offer anything in support of the specification. [Laughter and applause on the Democratic side.] The Democrats run from this proposition?

Mr. OLMSTED. Will the gentleman allow me?

Mr. DE ARMOND. I must decline that illumination that would be thrown upon this whole question by injecting at this point the wisdom of my friend from Pennsylvania. It would be so overwhelming that it would be confusing to all of us. [Laughter on the Democratic side.] I therefore prefer to proceed a moment in this semi-twilight that exists in the absence of that gleam which would come. [Renewed laughter.]

Mr. Chairman, the gentleman suggests that we ran from the propositions involved in this Philippine controversy. Now, I wonder what particular proposition and from what particular part.

Mr. OLMSTED. I was about to suggest——

Mr. DE ARMOND. I would rather the gentleman would not, because it can not be possible that he could know what the gentleman from Maine evidently does not know or he would have suggested it. [Laughter.] It is a kindness to decline to permit the gentleman from Pennsylvania to make a suggestion as to what the gentleman from Maine knew or intended to say. It is an evident kindness. [Laughter.]

The gentleman from Maine finds that some persons here voted to appropriate $20,000,000. That is running from something. What are the propositions to which the Democrats rush, and what are the propositions from which they run?

They stood from first to last on this proposition, and they stand upon it to-day, and they will stand upon it as long as a Democrat remains in the land: That this Republic has no right under the Constitution, no right in the light of our history, no right in decency or of any human principle that deserves consideration upon this continent, to force an alien rule upon the Filipino people, and to establish on their side of the world a colonial empire. [Applause on the Democratic side.]

At one time I thought, when an important matter with reference to Porto Rico was up, that a certain most distinguished gentleman from the State of Maine was about to nail his colors to the mast, and was about to sail the seas of political life, devoted also to the proposition that the Constitution controls, and that the rights of the people, not only of our own land, but of other lands with which we have to deal, are so sacred that we could not take up the rôle of tyrants in destroying them. [Laughter and applause on the Democratic side.] I will not say that he has run away from any such a proposition. I may have misunderstood what his proposition was, and he may have misunderstood the sentiment, not in the country at large, perhaps, but in a certain corner of the country, respecting that proposition. [Laughter on the Democratic side.] I do not know how that is.

The gentleman finds, too, that certain distinguished Democrats favored the ratification of the treaty with Spain and that certain Democrats voted for the appropriation of $20,000,000 to be paid to Spain. Let me submit this proposition: Does the gentleman accuse the Democrats who voted for the ratification of the treaty? Does he accuse the Democrats who voted to appropriate the $20,000,000 as guilty of some wrong, or does he defend and try to excuse the conduct of his party by the fact that they were found in good company when these things took place?

Now, which is the proposition? These Democrats voted wrong or they voted right. If they voted wrong, you voted wrong with them; if they voted right, you voted right with them. Now, are you excusing or defending yourself? [Laughter on the Democratic side.] Who is running away?

When the treaty was ratified no man proclaimed that the purpose of the Republican party or of any section or element of our citizenship was to hold the Philippine Islands at the point of the bayonet. No man proclaimed then any such policy as that of making a howling wilderness and leaving strewn over the wilderness the bloody corpses of men, women, and children, whose greatest offense was that they fought for liberty in their own land. Nobody proclaimed that.

It was intimated, not stated openly and boldly—it was intimated and the credulous were given to understand, that our Republican friends would deal with these questions when they came as Americans should deal with them, and even to this day you do not dare to proclaim what your policy is. Are you going to hold the islands permanently? "You will find it out by and by." When are you going to let them go? You do not know; you do not suggest. You are feeling along, feeling your way, feeling into the pockets of the Filipinos, feeling around for their lands and their money and their timber, feeling around for anything you may fasten your hands upon and find devices and means for carrying away. Yes; you are feeling your way. [Laughter and applause on the Democratic side.]

But, gentlemen, there is a retreat involved in this business. Your party has made a signal departure in principle. Your party has departed from everything in connection with this whole controversy which from time to time you professed. If you had been candid and honest, the people would have relied upon you to do what you should have been accustomed to do, having regard for the Constitution and respect for the Declaration of Independence.

Here is a bill now in which you provide that a man in his own land, out of the very territory in which he was born, where his forefathers for three hundred years have lived, may get 40 acres of land for a home, while a Godless corporation, organized for the purpose of exploiting and robbing, can get 5,000 acres of land. [Applause on the Democratic side.]

This bill is a scheme artfully contrived to take away from the Filipinos everything that can be carried away with profit and to use and enjoy, to the exclusion of every right of the people who dwell in that land, everything that can be used profitably. It is the robber's game. Talk about "Old Glory" floating over such a performance! You ought to raise the pirate flag. That would properly characterize what you are doing and properly indicate to those who see your flag flying what your purposes are. And when your fell designs are accomplished, if ever unhappily they be, that flag—the black flag, the flag of spoliation, the flag of robbery, the flag of wrong—will properly represent your achievements.

The gentleman from Maine seems to be in the business of making suggestions in regard to "running away;" and he seems to suggest that Schley made "the loop" in order to escape danger. The gentleman must have said that without thought. He did not mean, I think, to make an attack upon Admiral Schley. He did not mean that the man who commanded the American fleet, the man who won for America's arms the great victory down at Santiago, was a coward.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DE ARMOND. I ask five minutes more.

Mr. OLMSTED. I shall object, unless he will let me ask him a question.

Mr. DE ARMOND. Make it ten minutes, and I will give you all the opportunity you may ask.

The CHAIRMAN. Is there objection to extending the time of the gentleman from Missouri for ten minutes?

Mr. COOPER of Wisconsin. I object to an extension of more than five minutes, and when that time has expired I shall demand the regular order.

Mr. DE ARMOND. Well, I will yield to the gentleman from Pennsylvania in a moment. We have discovered in this exploitation——

Mr. OLMSTED rose.

Mr. DE ARMOND. Oh, let us get through with Schley. Schley is in a very embarrassing position just now. [Laughter.] Schley and "the loop!" Let us dwell a moment on that. Let us dwell for a moment on the man who stands in the naval history of this country with reference to these recent events second only to the hero of the battle of Manila Bay. Making a loop to get out of danger! Taking the coward's part! Surely the gentleman from

Maine could not have meant that. What he said must have been said in the wild exuberance of his enthusiasm, in the exultation with which he was exploiting something, through the feeling upon him of the necessity of magnifying and expanding, because he has too good an intellect to mislead him into the belief that he was really intending to talk so. His intellect is altogether too good for him to have intended to say anything about it. The gentleman really, I think, made his remark about Schley without thought and without meaning. He did not think, but he talked, and unfortunately he slandered an American hero when he did it. [Applause on the Democratic side.]

Mr. Chairman, if all of us could be as safe in history and as prominent in history as Admiral Schley; if there could be attributed to us no shortcomings and no evidence of cowardice which may not be attributed to him; if we might be credited with the same candor and the same manliness that he displayed, and if by any possibility our services to our country could be as valuable and as glorious to all our fellow-citizens as his, and if a page of the world's history could be illumined by anything which we might do to a thousandth part of the extent to which it has been gloriously illumined by what he did, fortunate indeed would we be! I am satisfied that the gentleman from Maine would do well—not justice to Schley and Schley's record, because Schley and Schley's record and Schley's achievements are far above the reach of flippant words or evil designs—by doing justice to himself, so that he will not pose as the slanderer of Schley.

But I notice that my time is slipping on, and I am really desirous to yield to the gentleman from Pennsylvania [Mr. OLMSTED] for the question which he wishes to ask.

Mr. OLMSTED. I simply wish to ask the gentleman from Missouri if, when, on the 29th of April, 1898, himself, his colleague, and 129 others upon that side of the Chamber voted against the bill to provide the revenues for the expenditure necessary to carry on the war, they were not running away from the war into which they had dragged us "by the scruff of the neck?"

Mr. DE ARMOND. Mr. Chairman, I did not know that so soon and by such direct evidence the real charity that was in my mind and my heart when I tried to keep the gentleman in his seat would be exemplified and established so completely. [Laughter on the Democratic side.]

Now, the gentleman's conception of the importance of these questions, of the bearing of this incident upon that proposition, of the relation of this fact to that theory, has been demonstrated by himself to be so peculiar, and his understanding of running away so remarkable, that I think even he, upon cooler reflection, and perhaps with the aid of friends making suggestions, will reach the conclusion that I did him far more kindness than he has done for himself. No, I do not think we ran away from anybody. I do not think the man who votes by his judgment and conscience, I do not think the man who stands as well as he can by his principles, I do not think the man who tries to be American as our forefathers were American, who tries to have regard for the Constitution as they had regard for it, who tries to respect the Declaration of Independence as they respected it, who tries to respect the rights of man as the noblest and greatest and loftiest and purest in our own land and all lands have done, is running away from anything. I do not think he has need to run away from anything, but I do not think that the truckling policy which began with wanting a coaling station, which later on reached out and got the cession of the islands, is particularly commendable.

Oh, yes, we could dispose of the matter nicely. We did not want the islands; we did not want them; we did not wish to acquire territory; we were magnanimous and generous; and then step by step, little by little, we are filching away the rights of people as a thief in the night filches away property. It may not be running away from things, but it certainly is reaching into things which had better be left alone.

Mr. WILLIAMS of Mississippi. It is running away with things.

Mr. DE ARMOND. It is running away with principle after pelf. [Applause on the Democratic side.]

[Here the hammer fell.]

The Clerk read as follows:

SEC. 36. That where an adverse claim is filed during the period of publication it shall be upon oath of the person or persons making the same, and shall show the nature, boundaries, and extent of such adverse claim, and all proceedings, except the publication of notice and making and filing of the affidavit thereof, shall be stayed until the controversy shall have been settled or decided by a court of competent jurisdiction or the adverse claim waived. It shall be the duty of the adverse claimant, within thirty days after filing his claim, to commence proceedings in a court of competent jurisdiction to determine the question of the right of possession, and prosecute the same with reasonable diligence to final judgment, and a failure so to do shall be a waiver of his adverse claim. After such judgment shall have been rendered the party entitled to the possession of the claim, or any portion thereof, may, without giving further notice, file a certified copy of the judgment roll with the Philippine bureau of public lands, together with the certificate of the commissioner of mines that the requisite conditions prescribed by this act have been complied with, whereupon the whole proceedings and the judgment roll shall be certified by the chief of the Philippine bureau of public lands, to the secretary of the interior for the Philippine Islands, and a patent shall issue thereon for the claim, or such portion thereof as the applicant shall appear, from the decision of the court, rightly to possess.

The adverse claim may be verified by the oath of any duly authorized agent or attorney in fact of the adverse claimant cognizant of the facts stated; and the adverse claimant, if residing or at the time being beyond the limits of the province or military department wherein the claim is situated, may make oath to the adverse claim before the clerk of any court of record or any notary public of any province or military department of said islands, or any other officer authorized to administer oaths where the adverse claimant may then be. If it appears from the decision of the court that several parties are entitled to separate and different portions of the claim, each party may pay for his portion of the claim, with the proper fees, and file the certificate and description by the chief of the Philippine bureau of public lands, whereupon he shall certify the proceedings and judgment roll to the secretary of the interior for said islands, as in the preceding case, and patents shall issue to the several parties according to their respective rights. If in any action brought pursuant to this section, title to the ground in controversy shall not be established by either party, the court shall so find, and judgment shall be entered accordingly. In such case costs shall not be allowed to either party, and the claimant shall not proceed in the office of the secretary of the interior for said islands, or be entitled to a patent for the ground in controversy until he shall have perfected his title. Nothing herein contained shall be construed to prevent the alienation of a title conveyed by a patent for a mining claim to any person whomsoever.

Mr. COOPER of Wisconsin. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GILLETT of Massachusetts, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 2295, and had come to no resolution thereon.

ORDER OF BUSINESS.

Mr. COOPER of Wisconsin. Mr. Speaker, I ask unanimous consent that so much of the order as requires a recess at this time under which the House and the committee are acting may be vacated.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that so much of the order governing the consideration of this bill as requires the recess to be taken from 5 o'clock until 8 p. m. be vacated. Is there objection?

Mr. RICHARDSON of Tennessee. Mr. Speaker, reserving the right to object, I would like to ask the gentleman what his object is?

Mr. COOPER of Wisconsin. The object is to pass the bill to-night. We have a very full attendance. We have nearly completed the bill, and I think we can get to a vote easily in an hour.

Mr. WILLIAMS of Mississippi. That will not do away with the night session.

Mr. COOPER of Wisconsin. Yes; it will.

Mr. PAYNE. I will state to the gentleman from Tennessee that the final adjournment of this session of Congress will probably depend upon the final disposition of this bill. It is quite essential that we should get it into conference as soon as possible.

Mr. RICHARDSON of Tennessee. I understand that; but if it takes an hour longer to complete the reading of the bill, and then we have two yea-and-nay votes, it will keep us here until 7 o'clock and after, and I shall object.

Mr. WILLIAMS of Mississippi. Oh, no; let us stay here. It will save us time in the future.

Mr. RICHARDSON of Tennessee. For myself I do not think that we could get through before 7 o'clock.

The SPEAKER. The Chair will state that the Clerk reports that he can finish the reading of the bill in fifteen minutes.

Mr. RICHARDSON of Tennessee. I understood it would take an hour longer. I am not going to interfere with the minority members of the Insular Committee. If they desire to go on to-night, I have no objection. I was objecting for my own gratification, and I will not press my own wishes in the matter, if they desire to conclude the bill to-night, though I am quite sure if we have two yea-and-nay votes it will be past 7 o'clock before we are through.

Mr. JONES of Virginia. I think the minority members of the committee have no objection to the request made by the chairman.

Mr. RICHARDSON of Tennessee. That being true, I do not object.

Mr. SHAFROTH. I will ask the gentleman from Wisconsin whether this will preclude the offering of amendments and the brief discussion of amendments that may be offered.

Mr. COOPER of Wisconsin. Oh, no.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

GEORGE LEA FEBIGER.

By unanimous consent, the Committee on War Claims was discharged from the further consideration of the bill (S. 6117) for the relief of George Lea Febiger, and the same was referred to the Committee on Claims.

PHILIPPINE GOVERNMENT.

And then, in pursuance of the special order, the House again resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (S. 2295) temporarily to provide for the affairs of civil government in the Philippine Islands, and for other purposes, with Mr. GILLETT of Massachusetts in the chair.

The Clerk read as follows:

MUNICIPAL BONDS FOR PUBLIC IMPROVEMENTS.

SEC. 50. That for the purpose of providing funds to construct sewers, to furnish adequate sewer and drainage facilities, to secure a sufficient supply of water, and to provide all kinds of municipal betterments and improvements in municipalities, the government of the Philippine Islands, under such limitations, terms, and conditions as it may prescribe, with the consent and approval of the President of the United States, may permit any municipality of said islands to incur indebtedness, borrow money, and to issue and sell (at not less than par value) registered or coupon bonds in such amount and payable at such time as may be determined by the government of said islands, with interest thereon not to exceed 5 per cent per annum.

Mr. TAWNEY. I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

In line 6, page 97, after the word "annum," add:

"*Provided*, That the entire indebtedness of any municipality under this section shall not exceed 5 per cent of the assessed valuation of the property in said municipality, and any obligation in excess of such limit shall be null and void."

The amendment was agreed to.

Mr. VANDIVER. Mr. Chairman, in line 6, page 97, I move to strike out the word "five" and insert the word "four."

The CHAIRMAN. The gentleman from Missouri moves to strike out the word "five," in line 6, page 97, and to insert the word "four."

Mr. VANDIVER. Mr. Chairman, I just want to say a word. It seems that this provision is calculated to offer a market for the investment of money in bonds. The previous section, which has just been adopted, fixes the gold standard, which assures the payment of those bonds in gold. In every market of the world gold bonds can be sold or money can be borrowed at less than 5 per cent, and at less, even, than 4 per cent. If we are going to take charge of the government of that country, while I am opposed to the whole proposition, at the same time I believe that in common justice and fairness, even according to the policy of the bill itself, there ought not to be provided an exorbitant rate of interest to be paid mainly by the natives of the islands. There are various other provisions in the bill to which I seriously object. I should like to oppose the whole proposition; but I, at least, think the condition now under consideration ought to be remedied. It is bad enough to undertake to govern those people without their consent; it is still worse to tax them 5 per cent for their internal improvements when every other nation on earth borrows money at 3 or 4 per cent.

The amendment of Mr. VANDIVER was rejected.

The Clerk read as follows:

SEC. 51. That all municipal bonds shall be in denominations of $50 or any multiple thereof, bearing interest at a rate not exceeding 5 per cent per annum, payable quarterly, such bonds to be payable at the pleasure of the government of the Philippine Islands, after dates named in said bonds, not less than five nor more than thirty years from the date of their issue, together with the interest thereon, in gold coin of the United States of the present standard value, or its equivalent in value in money of said islands, and said bonds shall be exempt from the payment of all taxes or duties of the government of said islands or of any local authority therein or of the Government of the United States.

Mr. VANDIVER. In line 12 of the section that has just been read I move to strike out the word "thirty" and insert the word "twenty."

The CHAIRMAN. The gentleman from Missouri moves to strike out the word "thirty," in line 12, page 97, and to insert the word "twenty."

Mr. VANDIVER. One word. If we are to establish this system, and give the Philippine Commission authority to issue these bonds at an unusually high rate of interest, it seems to me we ought to limit them at least that much, and not allow them to run for thirty years.

The amendment of Mr. VANDIVER was rejected.

The Clerk read as follows:

COINAGE SYSTEM.

SEC. 58. That the gold dollar of the United States, consisting of 25.8 grains of gold, nine-tenths fine, as defined by section 3511 of the Revised Statutes of the United States, shall be the standard unit of value in the Philippine Islands.

Mr. JONES of Virginia. Mr. Chairman, I move to strike out the whole of section 58.

The CHAIRMAN. The gentleman from Virginia moves to strike out section 58.

Mr. JONES of Virginia. Mr. Chairman, it must be known to every member of this House that for hundreds of years the only currency to which the people of the Philippine Islands have been accustomed has been a silver currency. This section provides that the Philippine Islands shall hereafter be upon the gold standard. All of the business transactions of the people of these islands has been based upon a silver currency. Certainly to change all of that now and to place them upon the gold-standard basis must disturb business throughout the islands and bring about a most disastrous condition of affairs there. For this reason I trust that my amendment to strike out this section will be adopted.

I may say to those members of the House who are inclined to be frightened at the skeleton of silver that the Senate bill which we are seeking to amend does not provide for a gold standard in the Philippine Islands. On the contrary, the bill which recently passed the Senate recognizes the fact that if we suddenly place these people upon a gold basis it will result in great disaster and perhaps in ruin to the people of those islands. I trust that the gold advocates and supporters of the gold standard in this body will not be so forgetful of the interests of the people in those islands, who, as I have said, have never had any other currency than the silver currency, and whose transactions are all based upon a silver currency, as to fix upon them a gold standard. Surely Republican members of the Senate are no less loyal to the gold standard than are those of this House.

Mr. SHAFROTH. Mr. Chairman, I desire to offer, if it is in order now, and if not, in a minute, after the motion shall have been disposed of, a motion to strike out this provision and insert the corresponding provision of the Senate bill with relation to coinage, and upon that——

The CHAIRMAN. The Chair is inclined to the opinion that that should wait until the motion to strike out has been disposed of.

Mr. SHAFROTH. I would like to be heard on the motion to strike out.

The CHAIRMAN. Is the gentleman in favor of the motion or opposed to it?

Mr. SHAFROTH. I am in favor of the motion.

The CHAIRMAN. The Chair feels that he ought to recognize a member of the Committee.

Mr. SHAFROTH. I offer this amendment to the gentleman's motion—a motion to strike out and insert.

The CHAIRMAN. The Chair will recognize the gentleman later; but thinks the motion of the gentleman from Virginia should first be disposed of, and then the Chair will recognize the gentleman from Colorado.

Mr. CRUMPACKER. Mr. Chairman, I move that all debate upon this section and amendments thereto shall be closed in five minutes.

Mr. SHAFROTH. I hope the gentleman will not do that. I inquired of the gentleman, when he asked unanimous consent, as to whether a fair allowance would be given to the discussion on this question, and inasmuch as the Senate has sent over a provision of the bill which is not partisan in its nature——

Mr. CRUMPACKER. I amend my motion by making it ten minutes.

Mr. SHAFROTH. I would like to be recognized.

The CHAIRMAN. The gentleman from Indiana moves that all debate on this section and amendments thereto be closed in ten minutes.

The question was taken; and the motion was agreed to.

Mr. SHAFROTH. Mr. Chairman, the amendment which I offer is to strike out section 58 and insert in lieu thereof the first section of the Senate provision, relating to coinage in the Philippine Islands.

The House bill provides for the coinage of what is termed a light-weight silver coin, redeemable in gold. The Senate bill provides for the coinage of a silver dollar of identically the same weight and fineness as the British dollar, and upon identically the same terms and conditions as that coin is minted for Hongkong, Straits Settlements, and the oriental trade. It continues in existence the silver standard, which is now the standard of the Philippine Islands and the Orient.

I want to call your attention to the fact that the Senate provision relating to coinage was not considered as a partisan matter in that body. The Philippine government bill as introduced in the Senate by Senator LODGE contained the identical provisions with relation to coinage that the House bill before us for consideration contains.

The Senate Committee on the Philippines called before them expert witnesses as to the trade and currency of the Orient. They were not silver men, but men from New York, who believe in the gold standard for the United States, but who have had experience in oriental affairs. Mr. George H. Macy is a large tea merchant of New York City, having factories and wholesale houses in most of the large cities of China and Japan; Mr. A. M. Townsend, whose place of business is 50 Wall street, New York, is agent of the Hongkong and Shanghai Bank, which has branches in all the principal cities of China, Japan, India, the Straits Settlements, and in the Philippine Islands; Mr. Francis B. Forbes was a member of the firm of Russell & Co., large importers from the Orient;

he lived in China for nearly twenty years, and at one time was chairman of the Shanghai General Chamber of Commerce.

All of these gentlemen testified that, in their judgment, the establishment of the gold standard in the Philippine Islands would be a great mistake, both for the United States and for the people of those islands. Mr. Conant, the author of the provisions contained in the House bill relating to the currency, also testified before the Senate committee. After the hearing of the evidence and consideration by the committee it was unanimously determined by the Republican members of the Senate committee that the money system best suited to the Philippine people and which would produce best results, both to the Philippine Islands and the United States, was the same system which Great Britain has for the Straits Settlements and Hongkong, namely, the coinage of a silver dollar of 416 grains nine-tenths fine (which is identical with the Mexican dollar circulating in China) from silver bullion presented upon payment of 1 per cent.

I wish to call attention to the significant fact that after the hearing of the evidence relating to this subject not only one Republican Senator changed his views, but every Republican member of that committee came to the conclusion that it was best to strike out of the Senate bill the very provisions now urged by the House committee, and insert in lieu thereof the very amendments which I am now offering, and which I propose, as sections are reached, to offer as substitutes for the House provisions.

I want to call the attention of the Republican members of this House to the fact that there are as good gold-standard men upon the Senate Committee on the Philippines as can be found anywhere in the United States. Senator ALDRICH is a gold-standard man; Senator LODGE is a gold-standard man; Senator BEVERIDGE is a gold-standard man; Senator PROCTOR is a gold-standard man.

In fact, all of the Republican members of the committee are gold-standard men. Senator BEVERIDGE and Senator DIETRICH, of that committee, had visited the Philippine Islands and the Orient and examined personally into the needs of the people of those islands for a currency. When these Senators unanimously agreed to change the provisions of their own bill and insert the provisions for a silver standard, the reasons must have been overpowering. That fact alone ought to make the members of this House consider the question from a nonpartisan standpoint and not be stampeded by a political cry against silver.

It is conceded by all writers upon finance that the changing of a monetary standard of a nation is a very grave undertaking, and should be done only when it is clear that a better system, and one that can be successful, could be adopted.

The House bill provides for the coinage by the Philippine government of pesos of weight of 322.1 grains of pure silver. The United States silver dollar contains 371.25 grains. The British silver dollar for the Orient and the Mexican silver dollar contain each 374.2 grains of pure silver. The House bill therefore authorizes the minting of a light-weight silver coin, and makes it redeemable by the Philippine treasury in gold at the ratio of 2 pesos for one gold dollar. The pretended benefit from such a silver peso is that it will remain in the Philippine Islands, because it contains less quantity of silver than the Mexican dollar and the British dollar, which constitute the principal currency of the Orient.

The balance of trade is against the Philippine Islands. In the last report of the Secretary of War he places the exports from the islands as $23,000,000 and the imports to the islands as $30,000,000, leaving a balance of trade of $7,000,000 against the islands. A balance of trade must be met either by silver or by gold. If we make a silver coin for the Philippine Islands, which is so overvalued as not to be available for the payment of balances, it will necessitate the payment of all balances in gold, and the gold will have to be furnished by the government in the Philippines, and their only means of getting gold would be from the United States.

The question is, therefore, whether it is better for the United States to let the Philippine people settle their balances in silver, which, as the greatest silver-producing country in the world, we desire to sell, or whether we wish to furnish the Philippine government with the gold necessary to meet their balance, and perhaps to meet all the demand of the Orient for that metal.

In other words, do we wish to facilitate the shipment of gold or silver from our shores? Do we wish to deplete either our stock of gold or the quantity of gold held in our Treasury?

Mr. Chairman, gentlemen upon the other side of this Chamber have claimed that we were in the Philippine Islands, not alone for what trade we could get from those people, but for the advantages which it would give us in oriental trade. Here at the threshold they propose a monetary system for those islands which they admit can not be used in commerce with the Orient. Great Britain is in the Far East for trade, and in order to facilitate the same she adopted a monetary system for her provinces in the Orient of an open mint for the coinage of a silver dollar identical in weight and fineness with the Mexican dollar. Anyone having silver bullion, upon the payment of 1 per cent to the British mint, can have coined British dollars, which are a legal tender in the Straits Settlements and Hongkong, and which pass current at the same value in all the Orient.

The Mexican dollar is not a well-minted coin, the workmanship upon it being bad and it varying in weight as much as 1½ per cent. They are so defective that in large amounts they will be received only by weight, whereas the British dollar is received by piece. In China, 11 provinces each coin a different dollar, containing different devices and different number of grains of silver. That makes it impossible for a Chinese coin to circulate beyond the border of the province coining the same. Therefore there is now a most favorable opportunity of putting into the Orient, through the Philippine mint, a dollar which will become the dominant circulating medium of China.

The high-class workmanship upon our dollar, together with its accuracy in weight, would make it in a short time the preferred dollar of the Orient. If it is to the interest of Great Britain, a gold-standard nation, which produces no silver to speak of, and whose people must buy silver for coinage, to maintain an open mint for the coinage of that metal, how much greater interest have we, the greatest silver-producing nation in the world, in creating an open mint for the coinage of a dollar which will not only settle balances between the Philippine Islands and the world, but which promises to become the coin of the Orient, with its incidental advantages to our trade. Shall we surrender such a field to Great Britain without a contest?

Gentleman say that we tried the experiment of a trade dollar in 1873, and it failed. Why did it fail? Because we provided that it should contain 4 grains of silver more than the Mexican dollar, which was the one in general circulation in the Orient. It made our trade dollar worth nearly 2 cents more than the Mexican dollar. Who would want to pay debts with a dollar that cost 2 cents more than the dollar in general circulation?

Anyone possessed of the slightest knowledge of political economy would know that the dearer dollar could not supersede the cheaper in circulation. This is the reason the trade dollar issued by our Government was a failure.

But that is no argument against the issuing of a superior trade dollar as against the fact that the one issued by Mexico, which country has no possessions whatever in the Orient, and which even has not a good port of export, has been a success as a trade dollar.

The experience which we have had in the Philippine Islands in tinkering with the currency of that country, by attempting to fix a gold equivalent for their peso, has been a failure. We should never have attempted to fix the value of 2 pesos as equal to $1 in gold, but should have left the value of the two metals to be fixed by the general world market, which all banks throughout the world follow. As long as the bullion value of 2 pesos was less than 1 gold dollar, the requirement of the Philippine Commission upon the banks in Manila to pay 2 pesos for $1 in gold was exceedingly profitable to the banks, and when the bullion value of 2 silver pesos became more valuable than $1 in gold, as it did in 1900, the banks refused to exchange pesos for gold.

When silver rose in 1900, it made 2 pesos more valuable than 1 gold dollar, which made silver more valuable in China than in the Philippine Islands at the two-for-one ratio. That caused the exportation of silver from the Philippine Islands. In order to overcome that, the Philippine Commission enacted a law imposing an export tax on pesos and Mexican dollars of 10 per cent. That stopped the exportation of the pesos and Mexican dollars; but then the balance of trade had to be met in gold, which, even if satisfactory to the Philippine people because they could get 1 gold dollar for 2 pesos from our Government in the Philippine Islands, made a continual drain on the United States Treasury for gold to meet balances of trade between the Philippine Islands and the Orient.

Since that time silver has declined in value, so that now the ratio of one gold dollar for two pesos is no longer attempted to be imposed. Chinese brokers in Manila are giving two pesos and a quarter for a dollar in gold, and shipping that gold to China.

In the same way, if you attempt to fix by law, as in this bill, a currency which is redeemable in gold by the Government, you are bound to get into the difficulty of either giving the people an inadequate silver currency, or of making the Philippine treasury the gold-supply depot for the Orient.

Any system that makes one metallic money redeemable in another is an absurdity and is bound to be temporary. When a silver coin is made redeemable in gold it becomes simply a promise to pay gold. How absurd to stamp promises to pay upon as dear material as silver when just as good and binding promises can be printed upon paper at no appreciable cost. To say that such a currency is anything but temporary is ridiculous. No currency can be permanent unless it automatically responds to the

demands of commerce, such as is given by an open mint for gold in a gold-standard country, and for silver in a silver-standard nation. Any other monetary system requires continual legislative tinkering in order to meet the legitimate demands of commerce and the people, and in order to extricate the Government from the complications arising from an artificial system.

Gentlemen have referred to the fact that we are adopting the same system of currency for the Philippine Islands as is now in force in India. If so, they had better hesitate before enacting these provisions into law. It is by no means conceded, even in England, that the Indian currency experience has been satisfactory. Many of her most prominent statesmen and financiers, including Sir Robert Giffin, have condemned it as bad and temporary.

The Right Honorable Lord Aldenham, director of the Bank of England, a gold-standard man, in his testimony before the India currency committee in 1899, said:

It is to my mind a necessity of a good standard that it should be automatic; that the needs of commerce should be supplied by commerce itself. Now, in the place of that, the closing of the Indian mints substituted a managed currency. Instead of being automatic, you may say it was autocratic; the Government has under the present system, and would have under the proposed system, to settle what amount of currency is needed for the people. It should regulate itself by the needs of commerce. The currency existing in rupees is divorced from the metallic value of the rupee and is dependent only upon the face values. It is, in fact, a forced currency, a debased currency.

Mr. George Handasyde Dick, president of the Chamber of Commerce and Manufactures in the city of Glasgow, Scotland, in December, 1901, published a statement with relation to the Indian currency, which contains the following:

The foregoing are horns of the dilemma upon which the currency policy of India is impaled.

The first is, all history and experience show that there is nothing so detrimental to the progress and well being of a nation as an artificial currency "managed" and unduly limited. This is illustrated to-day by the prosperity enjoyed by the silver-currency countries where the currency is allowed to expand automatically in comparison with the present agricultural and commercial adversities of India with her limited currency. It is also illustrated by the recent phenomenal prosperity in America, following upon an increase in her legal-tender money, since March of last year, of about $200,000,000.

Mexico is said to be suffering from scarcity of her coin, due to an unusual demand for it from the Far East. The other dilemma is that the government of India dare not allow its silver currency to increase without check, because any such considerable increase might at once upset the exchange between India and London.

It is therefore submitted that the present policy of the Indian government to maintain India's foreign exchanges by limiting the supply of the only metal money which India will circulate is subversive of India's interests.

The two objects aimed at are incompatible with one another, and mutually destructive.

* * * * * * *

Even with the gold currency which Japan had its export has completely disorganized her trade. Consider the prosperity of China's trade now, with her unrestricted silver money, in comparison with the position in Japan. China has recently paid an enormous indemnity to Japan, and stands bound to pay an enormous indemnity to the allied countries who recently attacked her; but her trade continues good.

* * * * * * *

From what appears in the earlier part of this paper, it is failure and not success that has attended the attempt to set up a gold standard and currency in India.

The difficulty with the House provisions is that it starts the Government into the banking business by making one currency redeemable in another, and thereby starts the endless chain upon the gold reserve of the Philippine treasury. It even permits the Philippine government to sell drafts on our Government. It necessitates the Philippine government to provide a gold reserve and to maintain it at all times against the endless chain, not only for use in the islands, but also to meet balances of trade. It sets up a gold depot where gold can be obtained more favorably than at any other point in the Orient, and consequently is likely to become the supply for all the demands of the Orient upon that metal without any compensating advantages.

If gentlemen say the Philippine government can refuse to redeem silver in gold, we answer, so could our Government have refused to pay greenbacks in gold, but it never did it, even when we had to borrow gold to maintain the reserve.

Mr. Townsend in his testimony before the Senate committee clearly illustrates the working of that system:

Mr. TOWNSEND. At certain times and in certain conditions of trade the Philippines would have to export a certain amount of bullion in the absence of merchandise, and the 40-cent silver dollar could not be sent away, because it is worth 50 cents in Manila and worth only 40 cents outside. So it could not be sent away. If you have the silver dollar you would have to take it and get the more valuable gold and send the gold away, and the difficulty would be for the treasury to keep up the redemption fund.

Senator BEVERIDGE. So you figure that there would be a constant loss to the Government of 10 cents on each redemption?

Mr. TOWNSEND. There would not be a loss, as the Government would not issue the silver coin for less than 50 cents and they would give 50 cents for it. The loss to the Government would be in maintaining the gold reserve. The tendency would be all the time to redeem the silver dollars and to send away the gold which was received for them, and the expense to the Government would be in continually keeping up that reserve. The laying down of the American gold dollar in the Philippines to keep up that reserve means a cost of freight, insurance, and interest which I calculate amounts to about 1½ per cent, and the course would be for the Government continually at its own expense to send gold there, and it would be exported for the benefit of the exporter.

The statement that the currency of the House bill would facilitate exchange between the United States and the Philippine Islands is about the only sound argument of the opposition, and that amounts to very little, for China has no difficulty in either receiving pay for goods exported or in paying for goods imported. The rate of exchange may be slightly higher than it would with the Philippines under such a system, but the difference would not amount to one-half of 1 per cent. Under the provisions of an open mint, for a dollar of the same weight and fineness as the British dollar and the Mexican dollar there will be no complications whatever with the government of the Philippine Islands, as it will not be necessary to maintain a gold reserve or enter into the banking business.

The Government, when it pays its soldiers and officers, can pay them at their option either in gold or in the American-Philippine, the British, or the Mexican dollar, at the bullion value of that dollar, as the banks in Manila now pay the same, and can suffer no material loss in so doing.

The coinage of the silver dollar provided in the Senate bill will provide an automatic currency for the Philippine Islands, responsive to the demands of commerce—good at the same value not only among the people, but in payment of foreign exchange; not only at home, but in the Orient.

It will create a currency which, in my judgment, will become the principal circulating medium not only of the Philippine Islands, but of the entire Orient, thereby giving incidental advantages in trade and supplying a demand for the silver of America for nearly all the circulating medium of China. For these reasons I maintain that the Senate provisions relating to currency should be substituted for the corresponding provisions of the House bill.

Mr. HILL. Mr. Chairman, the statement that has been made that the Philippines have been on a silver basis for three hundred years is without foundation of fact. The same statement was made in the Senate report on this bill, whereas as matter of fact up to 1884 they were on a gold standard, and the mint at Manila coined $20,000,000 gold prior to that time. It was driven out by the bringing in of the Mexican silver dollar, the cheaper money, which under the fall of silver has gradually driven out the gold. These facts can be substantiated absolutely by the report of the Schurman Commission, on pages 144 to 147, inclusive.

Mr. Chairman, I would be glad if we had time to discuss the merits of this bill rather than politics, and to take up the consideration of this question. If we could do so, I would offer as a substitute for the proposition in the bill, the use of American money. But I want to reply to the remarks made by the gentleman from Colorado [Mr. SHAFROTH] in his statement in regard to the way in which the provisions for the free coinage of silver in the Senate bill got there. There was a hearing before the Senate committee of three persons, one was the manager of the British and Hongkong Bank, a gentleman who is to-day residing in England, who lived in the East ten years. Another gentleman was a tea merchant from Shanghai, and a third presented the views embodied in the bill now before the House.

I wish to call attention to this one fact, and leave this proposition to the House of Representatives and with the country, as to the effect of the provisions of the Senate bill. It provides for the coinage of a dollar to circulate at its bullion value, and the gentleman from Colorado says it is a success; that Mr. Townsend, the president of the British Hongkong Bank, said there had been 110,000,000 of those dollars coined and circulated in the Orient. The gentleman from Colorado, when he returned from his trip to Manila, told me in conversation that the British Hongkong Bank manager at Manila told him that bank alone on its own account had coined 64,000,000 of that 110,000,000 dollars.

Mr. SHAFROTH. The bank in all its branches.

Mr. HILL. The average profit must have been at least 6 per cent, or over three and a half million dollars. You adopt the Senate proposition and what will be the result? December last silver had gone from 2 to 1 in Manila down to 2.47½ to 1 now, and there has been a loss on the Chinese indemnity alone of 70,000,000 taels by shrinkage of the war indemnity in less than one year. What would be the effect on Philippine business interests? There is not a paper that comes from Manila to-day but is begging for relief. I have papers from there saying that the first thing they want, over and above civil government, over and above mining laws, is American money. That is what they want and that is what we want to put there, gentlemen.

Mr. SHAFROTH. Do not these letters and cry come from the American Chamber of Commerce in the Philippines?

Mr. HILL. The American Chamber of Commerce! Why, I have papers from all over there; here they are on my desk. I

will also put in the RECORD extracts from the Washington Post and the Times, beginning with last December and coming down to a dispatch from Manila dated May 25, showing conditions there and emphasizing their demand for American money:

The United States Philippine Commission has passed an act authorizing the insular purchasing agent to draw money in gold for the payment of supplies purchased, as the merchants refuse to sell goods for Mexican silver.

A general feeling of uneasiness prevails among the business men of Manila from the unofficial announcement that beginning January 1 the United States Philippine Commission intends to reduce, by the difference of the fall in the price of silver, the present ratio of two Mexican dollars for one gold dollar. It is hoped, however, that some solution of the difficulty may be found which may obviate this necessity, as, for instance, the taxing of each silver dollar imported into the islands by the difference between its actual bullion price and 50 cents in gold, until such time as the United States Congress gives authority for the issuance of a Philippine currency.

TROUBLE OVER FINANCES—VALUE OF MEXICAN DOLLARS STILL AGITATES MANILA MERCHANTS.

A dispatch from Manila yesterday says: Numerous meetings of merchants and others have been held recently, at which resolutions were passed urgently requesting Congressional action to meet the financial situation here. Since the ratio was officially changed, January 1, for the first quarter of 1902, to be $2.10 Mexican silver to one American gold dollar, business transactions of any sort have become difficult.

The majority of the business houses have raised their prices 5 to 10 per cent, and some houses refuse to accept any but American coins, which are difficult to obtain owing to the vast speculative shipments of coin during the past few months. Some banks refuse to recognize the government ratio and are fixing their own ratio at one American gold dollar to two Mexican silver dollars. Even the government's American employees, whose salaries are payable in Mexican dollars, object to the change, owing to the large increase in prices.

The leading banks refuse to handle government checks, not because they have any doubt of obtaining the money, but because of the frequent long delays over trifling irregularities. The postal authorities refuse to accept Mexican dollars for American dollars at any ratio.

AMERICAN MONEY WANTED—THE PHILIPPINE TREASURY FACE TO FACE WITH A SERIOUS CONDITION.

The Secretary of War has forwarded to the Senate Committee on the Philippines the following cablegram from Acting Governor Wright, of the Philippines, concerning the condition of the treasury of the Philippine government:

"After making available in United States money appropriations immediately necessary, there is left in the insular treasury about $600,000 money of the United States. Practically none is being received from customs or internal revenues; must very soon face the question obtaining enough next month to pay obligations payable in only money of the United States; request suggestions as to method of obtaining money of the United States; can pay for it only Mexican dollars; can advertise for bids to furnish gold, payment to be made in Mexican currency, or can raise ratio so high that customs and internal-revenue receipts will be gold; either method highly objectionable, and would greatly deplete treasury balance. Price of gold at local banks to-day is $1 for $2.41 Mexican, but no large orders can be filled."

MANILA FEELS NEED OF CURRENCY REFORM—BUSINESS MEN DECLARE THE WHOLE SYSTEM A CURSE—A SERIOUS CHECK ON LEGITIMATE TRANSACTIONS.

MANILA, *May 26, 1902.*

The currency difficulties have reached a stage where the whole system is generally considered a curse by the business men. In interviews the largest firms of merchants here absolutely condemned the continuance of the present silver standard or anything similar, declaring it a heavy drawback to the prosperity and development of the country.

It is impossible to conduct legitimate business by means of the present medium. To make time contracts under present conditions is to enter upon problematical ventures, while large transactions of any kind are absolutely prohibited. The shifting standard kills business, and nobody except the banks and exchange speculators derives any benefit.

Action by Congress fixing a standard is urgently imperative. In addition to the merchants, thousands of civil employees are monthly losing on their remittances to the United States, which is causing much dissatisfaction.

Mr. SHAFROTH. Is there a bank in the city of Manila that asks for it?

Mr. HILL. There never was on the face of the earth such a monumental specimen of adolescent statesmanship as that coming over from the Senate which the gentleman wants to introduce into this bill. [Laughter and applause on the Republican side.] It is in violation of every sense of political honor, in violation of the vote of the Republican party in this country over and over again. I have got here a letter from Governor Hunt, from Porto Rico, stating his position on the Porto Rican matter, that I will not read now, but I will put in the RECORD with my remarks. I asked him: "What would you do in the Philippines in view of your experience in Porto Rico?" And he said, referring to Porto Rico and their experiences: "I think the use of American money was entirely advisable." The letter is as follows:

EXECUTIVE MANSION,
San Juan, P. R., April 1, 1902.

Hon. E. J. HILL,
Banking and Currency Committee,
House of Representatives, Washington, D. C.

MY DEAR SIR: Your letter of March 18, in respect to the question of currency circulating medium for the Philippine Islands, was duly received, and I take pleasure in replying to some of the questions you suggest.

It must always be remembered that the change of money in Porto Rico pursuant to the so-called Foraker law, which was the act of Congress creating a civil government in Porto Rico, was effected a year after the terrible hurricane of 1899 and less than two years after the change of sovereignty. The hurricane had left a great deal of ruin and misery behind it, and the people were generally disheartened and poor. In addition to this, the issuance of rations, which had been undertaken as a relief measure immediately after the hurricane in August, 1899, was only discontinued July 15, 1900, or fifteen days before the change of currency occurred.

There was considerable apprehension on the part of the people and some little misunderstanding. In some places storekeepers closed their shops, because there was little or no American money to be had on August 1 in the particular towns where such action was had and because they feared that Porto Rican money would only be taken at its bullion value after that date.

Market people, omnibus drivers, street venders, storekeepers, and house owners could not understand that the new American dollar ought to have a greater purchasing power than the Porto Rican peso, and it was because of this misunderstanding and apprehension that on August 1 persons who had charged a peso for an article asked and received an American dollar.

Omnibus fares, which were 10 centavos on July 31, were 10 cents on August 1. Wages were raised considerably, and some mild strikes occurred, but through compromise these were adjusted in a few days, and there was less labor trouble than I had thought there would be. Rentals rose, and a dollar was exacted after August 1 for every peso that had been collected the month before.

Naturally, business was much disturbed for a short time, but the disturbed conditions were soon adjusted with some relation to American money. I think it can be safely said, however, that there never has been, in all respects, an entire readjustment; rents, for instance, never having gone back to what they were prior to August 1, 1900. Wages are somewhat higher than they were prior to that time, but, generally speaking, all prices have risen in Porto Rico within the past eighteen months, as all conditions have much improved.

The general result has been good, though the period of disturbed conditions was bad while it lasted. But it is a satisfaction to the people to know that they use the same money circulated in the main country and can transact business with a facility because of this fact.

I think, therefore, that the change was desirable, but that a preferable method of effecting it might have been had by a more gradual retirement of Porto Rican money through agencies such as United States depositaries. The people being unaccustomed to sudden changes did not prepare for that which came.

I think the use of American money was entirely advisable.

I remain, sir, very respectfully,

WILLIAM H. HUNT, *Governor.*

I also insert letter from E. L. Arnold, cashier of the American Bank in San Juan, Porto Rico:

AMERICAN COLONIAL BANK OF PORTO RICO,
San Juan, August 15, 1901.

CHARLES A. CONANT, Esq.,
Special Commissioner to Philippine Islands, Manila.

DEAR SIR: Yours of the 25th July came duly to hand. The change in currency in this island was made easily and comparatively quickly and did not result in hardship to the people to any great extent. At first the smaller merchants were disposed to ask dollars in place of pesos for their wares, but competition in business soon stopped that. Wages have risen slightly, but not as a result of the change of moneys, the cause being purely the result of better conditions and greater profits among the agricultural classes, save with the coffee growers.

With them the destruction of crops, and in many cases of whole plantations, by the hurricane of 1899 has cheapened the price of labor. We do not think that harm resulted to anyone, save temporarily in a few cases, through change of money, and it has removed the fluctuation of value in the money of the country. American currency was at a premium most of the time and values changed as much as 2 per cent in a single day. There is no more of that, much to our relief, and the people here appreciate the change from their cheap money to one that passes current the world over. We trust the same plans may be carried out in all of "Uncle Sam's" new dominions, as it does a good deal toward Americanizing the people of the country.

Truly, yours,

E. L. ARNOLD, *Cashier.*

Now, what we should do, gentlemen, is to do what we did at Porto Rico, what we are doing in Hawaii. Take up every coin; put our own money there. Can we do it? I say it is easier to do that than anything else, easier even than the proposition of this committee, for American money is there already and must be driven out to make room for a cheaper currency. I will insert in the RECORD editorial comments of the New York Times, New York Journal of Commerce, and New York Evening Post upon this proposition:

[From the New York Times.]

THE PHILIPPINE CURRENCY.

The plan for coinage and currency in the Philippines which is included in the bill for the government of the islands reported to the Senate requires very thorough discussion. On the face of the report, it is a defective and mistaken plan.

In substance, it proposes unlimited coinage of silver dollars of 416 grains, nine-tenths fine, to be legal tender in the islands. It adds a provision of no great importance for silver certificates of not less than $10 in denomination. Then there is to be a subsidiary coinage, which is to be furnished from any of the mints in the United States. The standard dollars, it will be noted, are of a weight a little greater than that of a United States dollar and a little less than that of the trade dollar which was tried some years ago.

It is difficult to see in what this scheme of coinage differs in the least, except in the weight of the dollar, from the scheme of free coinage which was defeated in this country with so much trouble and at the expense of such confusion, discredit, and loss. Nor is there any reason to suppose that the scheme will work any less badly in the Philippines than here. We shall await the text of the bill for further comment, and shall be impatient to see the explanation of the committee as to its provisions. As reported the plan is mischievous.

[From the Journal of Commerce.]

It seems incredible that after all of our experience with silver, after the success which has attended the struggle for the gold standard, and after the adoption of the gold standard by India and Japan, any considerable number of gentlemen in Congress should still be determined to maintain the silver standard in the Philippines. It is in the last degree discreditable if any of them think they can provide a market for silver for the benefit of our mine owners and regardless of the well-being of our dependency. Aside from the immorality of this, a recollection of recent events ought to satisfy any person that it is ridiculous. The Philippines do not use over 30,000,000 silver dollars, and that is not an annual consumption; it is a total circulation of coins, the greater part of which endure for years.

In view of the failure of our trade dollar of 1873 no one can count confidently upon a Philippine dollar displacing the Mexican and British dollars in the Orient. From 1878 to 1893 this country took from $20,000,000 to $55,000,000 of silver off the market every year, and yet we failed to sustain the price of silver; only for a few months after the passage of the "Sherman" Act did it advance. Anything the Philippines could do would be insignificant compared with our futile effort to "bull" the market. The Philippines may well have a silver currency. We have a paper currency, but the silver standard ought not to be thought of. It would hurt our trade as much, proportionately, as that of the islands.

[From the Journal of Commerce, June 5.]

It is incomprehensible that the Senate should have passed a bill establishing the silver standard in the islands. It is the more astonishing that it should have done so in a bill which provides that the bonds to be issued for the acquisition of the friars' lands and the local improvement bonds to be issued by municipalities shall be gold bonds. In the face of all the experience we have had in twenty-five years, and all the experience of Mexico and India and other countries, the Senate has voted to establish in our islands a silver standard currency and gold obligations. Nothing could be more injurious; nothing could more insolently defy the teachings of reason and experience and contradict the conclusions reached by the American people after a generation of agitation.

[From the New York Evening Post.]

The question what kind of money we shall sanction in the Philippines ought to be determined in harmony with the world's progress, and not in conflict with it—that is, in favor of the gold standard. A few years ago Japan was confronted with the same question. She had nominally the double standard, but actually the single silver standard. In order to keep pace with civilized nations, she found it necessary to adopt the gold standard. The market ratio between silver and gold at the time when she decided to take this step was 32 to 1. She accordingly decreed that the gold yen should bear that relation to the silver yen as to past contracts, and that for the future gold should be coined in unlimited quantities for private individuals, but that silver should be coined only on Government account.

The plan was carried out successfully, and no harm was done to anybody. The experience of India is no less useful as a guide. That country has passed successfully from the single silver standard to the single gold standard by taking as a basis and point of departure the actual market value of the two metals at the time when the change was decided upon—16 pence per rupee. The coinage of rupees was prohibited except on Government account, the English sovereign was made legal tender in India at that ratio, and gold coinage for private persons was authorized at the Indian mints in unlimited amounts. There is no occasion for a special coinage for the Philippine Islands. A special silver coinage would be a step backward. It would be an injury in the long run to the Filipinos, and would tend to a recrudescence of silverism in the United States

I also insert a letter, published in the New York Tribune on June 2, from Dr. James C. Hallock, an expert on the subject of coinage, calling attention to the effect which this new Philippine coinage will have on our own monetary circulation. It is as follows:

[New York Daily Tribune, Monday, June 2, 1902.]

PROPOSED FILIPINO COINS—PESSIMISTIC VIEW OF A CORRESPONDENT ON THE EFFECT OF PENDING BILL.

To the Editor of the Tribune.

SIR: Counterfeiting is a serious charge to make against any nation, particularly against one's own. On Tuesday next, June 3, the Senate will doubtless vote for the issue of seven more coins of the United States, to wit: Another silver dollar, another 50-cent piece, a 20-cent piece, another 10-cent piece, another nickel 5-cent piece, another bronze cent, and a half cent.

But the United States Government will nowhere receive the new dollar for a dollar, nor the 50-cent piece for half a dollar, nor the 20-cent piece for one-fifth of a dollar, nor the 10-cent piece for a dime, nor the 5-cent piece for half a dime, nor the cent for a cent, nor the half cent for half a cent. The metal in these queer coins will be the same as in the present pieces of similar denominations. In none will the weight be less; in the dollar and cent it will be more. The new coins will be practically identical with the old. However, as the United States Government will not receive them in payment outside of the Philippines, they will really be frauds in America, counterfeits of United States coin, and none the less so because the Government will be the counterfeiter.

As soon as the United States Government shall go into the business of counterfeiting, private counterfeiters will change their methods. They will no longer expose themselves to severe penalties of fine and imprisonment by secretly counterfeiting United States coin, but with perfect safety procure these counterfeits which the Government will make and put them into our circulation. The new pieces being coined for use in the Philippines, where the government will receive the new dollar for the value of the silver in it (now 40 cents), and the other coins in proportion, these reformed counterfeiters and others will be able to procure there through brokers at the rate of 40 cents on the dollar.

In my letter published in the Tribune on April 14, 1902, attention was called to the new trade dollar proposed by the Senate Committee on the Philippines. The currency of the other trade dollar coined under the act of 1873 and its final redemption under the act of 1887 show that such a piece will enter into our circulation to a large extent, and that after people have suffered from its intrusion for a number of years Congress will grant relief by authorizing and directing its redemption. This will surely be the outcome of the coinage of the new pieces and their introduction into our domestic circulation.

At first some difficulty may be met with in introducing the new dollar, for people, remembering the annoyance and loss which the other trade dollar occasioned, may be somewhat on their guard. There are, on the other hand, three of the new pieces which will enter into our circulation as if greased. They are the 50-cent piece and 10-cent piece, which will contain silver of the same weight and fineness as our half dollar and dime, and the 5-cent piece, containing the same weight of nickel as our current nickel. Who is going to stop and examine every half dollar, dime, and nickel tendered to see if it be marked "Filipino?" These are the pieces that will be incessantly pushed upon us with the greatest industry.

Brokers will get the 50-cent piece in the Philippines for 20 cents, the 10-cent piece for 4 cents, the nickel for 2 cents, to put them into circulation here at a profit of 150 per cent. Every $1,000,000 introduced will mean a profit of $600,000 to private parties and no profit to the Government, but only shame, disgrace, and curses for its stupidity in issuing such counterfeits of its own coin. There will also be vexatious annoyance from palming off the 20-cent piece for a quarter and the half cent for a cent. The new cent, two-thirds larger than our current cent, thus indicating a substantial difference in weight, will not suffer in public estimation on that score and will readily circulate.

If this most unwise duplication of our current coins is carried into effect to provide the Philippine Islands with United States coin, millions of them will be brought to this country and circulated here. Two years hence no one will be able to tell what United States coins he has in his pocket or his till unless he shall have carefully scrutinized every one upon its receipt. Few people will take that trouble.

JAMES C. HALLOCK.

WESTMINSTER, CONN., *May 31, 1902.*

Mr. SHAFROTH. Then you are not in favor of the provision of the committee's bill?

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. HILL. I ask for five minutes more.

The CHAIRMAN. Is there objection?

Mr. SHAFROTH. I am willing, if five minutes be allowed on this side.

Mr. SMITH of Kentucky. I object.

The CHAIRMAN. The question is on the adoption of the motion of the gentleman from Virginia to strike out the section.

The motion was not agreed to, there being—ayes 45, noes 84.

Mr. SHAFROTH. I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Strike out section 58 and insert in lieu thereof the following:

"That the Philippine government is hereby authorized to establish a mint at the city of Manila, in the Philippine Islands, for coinage purposes, and the coins hereinafter authorized may be coined at said mint. And the said government is hereby authorized to enact laws necessary for such establishment: *Provided*, That the laws of the United States relating to mints and coinage, so far as applicable, are hereby extended to the coinage of said islands."

Mr. HILL. I desire to offer an amendment as a substitute.

Mr. SHAFROTH. I ask that ten minutes be allowed for debate—five minutes on each side. It seems to me that where a proposition of this kind has come to this House from the Senate it is entitled to serious consideration. [Cries of "Regular order!"]

The amendment of Mr. SHAFROTH was rejected, there being—ayes 55, noes 89.

The Clerk read as follows:

SEC. 59. That there shall be coined for use in the Philippine Islands a coin of the denomination of 1 peso, which shall contain 25 grams (a) of silver of the fineness of .835. The peso shall be divisible into 100 equal parts, called centavos, and there shall be coined silver pieces of 50 centavos, 20 centavos, and 10 centavos, containing silver of the same fineness and in equal proportions with the peso.

Mr. HILL. In order that I may get five minutes time for debate, I move to strike out this section. I shall withdraw the motion when I am through.

Mr. Chairman, my intention has been for several weeks to offer an amendment substituting American money for the class of money provided by this bill. The bill as it stands provides for the gold standard and the coinage of silver at the ratio of 32 to 1. I want to say to the Republican members of this House that after a more careful study of this question than I have given to any other during this session, I am convinced that this proposition is a mistake.

Right alongside of that I want to put the statement that Lyman J. Gage, late Secretary of the Treasury, says I am wrong, and he thinks that the provisions of the pending bill are better, for the present at least, than would be a provision for American money, which I would substitute. I want to be perfectly fair about this proposition. Personally I think it is a mistake, but at the same time I shall vote for this bill because I will not set up my judgment against the judgment of such a man as Lyman J. Gage. I have been to the War Department and found this fact, which substantiates what I saw personally in the Philippine Islands—that the money of account, the money of commerce, to-day in the Philippine Islands is American coin.

I believe it is a mistake to start off a new government and a weak government like that of the Philippine Islands by putting them into the banking business, as we propose to do, and compelling them to maintain the parity between gold and silver at any ratio. I would have them treated just as we are treating Porto Rico and Hawaii.

Mr. MCDERMOTT rose.

The CHAIRMAN. Does the gentleman yield to the gentleman from New Jersey?

Mr. HILL. Oh, I can not; I have but five minutes. There is to-day in the Philippine Islands more American money than all other kinds of money put together. We have sent there from the Pay Department $24,455,429.91 in cash, to say nothing of $12,040,818.04 in drafts. We have sent from the Quartermaster's Department $3,070,000; from the Commissary Department, $370,000, making about $28,000,000 in cash, on the gold basis, that we have sent to the Philippine Islands, and as far as it can be traced through the British and Hongkong bank only $1,000,000 has been

taken away. The committee do not claim that prior to our occupation there was more than forty millions of silver there, now worth about $17,000,000 gold. I have the newspapers of Manila here. You can take those advertisements. There are 12 advertisements in that paper which specify prices, and 11 out of 12 are in American money and one in Mexican—everything, theaters, restaurants, employments of various kinds, all naming American money.

Mr. SHAFROTH. That is an American paper, is it not?

Mr. HILL. Oh, certainly; there are no others published, which I saw, in the Philippine Islands except American.

Mr. SHAFROTH. Oh, yes; there are.

Mr. HILL. And the salaries of employees, the Army, are all paid in American money, and in my judgment it would be far better for us to-day, if we had time to discuss this thing and discuss it on the merits, to put the American money, not only gold, but silver, into the Philippine Islands and let the securing of gold for commercial purposes be a banking proposition, just as it is in Porto Rico and Hawaii.

You take the reports of banks there to-day. The bank deposits on December 31 showed $2,566,600.69 of American money, and they have got to have it. They have got to have their duties paid in American money. The report on June 15 showed that the insular funds in American money were reduced to about $615,000 unappropriated. But I am not going, here within an hour of the closing of debate on this bill, to introduce a proposition as important as this and antagonize this committee for this reason, I want to say to the chairman of the committee: It is in your power in the conference committee, under the terms of the bill as it now stands, to report back to these two Houses either the proposition of the bill or American money, or the Senate proposition.

That is for you to consider. I am not introducing this amendment to-night. I think you are wrong; I believe honestly you are wrong. I believe the purpose and the effect of your 32 to 1 silver coinage under your gold-standard law will be that the money of commerce will be gold and that the poor peasant on the farm in the Philippine Islands will take his peso, supposing that it is an American dollar or its equivalent, and for that reason I am against it, but it is too late. I do ask, however, of the committee that when they go into conference they will very carefully consider that proposition.

[Here the hammer fell.]

[Mr. MERCER addressed the committee. See Appendix.]

Mr. COOPER of Wisconsin. Mr. Chairman, I have only a word or two to say in reply to the gentleman from Connecticut [Mr. HILL], and then I shall move to close debate on this section. The gentleman from Connecticut admits that Mr. Gage, the late Secretary of the Treasury, to whom he wrote for an opinion upon the subject of this coinage plan, replied that he, Secretary Gage, believed not in the introduction of the American coinage, but in the plan incorporated in the pending bill.

In addition to that we have Professor Hollander, who was in Porto Rico at the time of the substitution of the coinage there, and he said that he is strongly opposed to any proposition to abruptly substitute American coinage in the Philippines, and that if they were to do it over again in Porto Rico they would adopt a different plan to introduce it there.

Mr. HILL. The governor says no.

Mr. COOPER of Wisconsin. Then we have another gold expert, Mr. Conant, and here I have a letter recently received at the War Department, written by Professor Jenks, who was secretary of the Industrial Commission. He was requested by the Secretary of War to go to the archipelago and study the industrial and financial conditions there. After investigation there, he writes a letter to Colonel Edwards of the War Department, from which I will read an extract:

> The result of this is that I am very positively of the opinion that Conant's plan (that is, the plan embodied in this bill, originally suggested by the Taft Commission two years ago) is better than free silver under conditions as they are here. I should myself favor free silver instead of the American gold standard, although I think probably the Commission would not. Conant's plan is, however, I am certain, very much better than either.

Then we have the testimony of George E. Roberts, the Director of the Mint, who says that the abrupt introduction of American coinage in the Philippines would be inadvisable at this time. I can put the argument all in a nutshell. Millions of those people are not well educated. They are but little traveled. They are a people of tribes, of different languages, full of prejudices.

The proposition to introduce pure American money amounts to this: To introduce an American silver piece of a certain size which is worth twice as much as a silver piece of exactly the same size of their money. They would look at the size of the coin, so Mr. Conant and Mr. Roberts say, and so the Commission say, and so all the experts say who have testified before us, and the ignorant people among them would wonder how this piece of silver of the same size as their money could be worth twice as much. There woud be confusion and distrust.

The object of the Commission now is to make a token coin; to stableize it, so to speak, with reference to our gold dollar; to put it at the ratio of 2 to 1; to make it a sufficiently low token coin, so that it will not leave the islands. In other words, to adopt the exact plan which England adopted in British India when she took a rupee, which is worth 19, and made it worth 32 in exchange value, and kept it at that ratio with the sovereign. It has gone at that ratio ever since, and they have more gold in their treasury than they know what to do with, according to their official reports.

Mr. HILL. Will the gentleman yield for a single question?

Mr. COOPER of Wisconsin. I do.

Mr. HILL. I do not wish to misunderstand the gentleman, but I want to know if I understood him correctly. [Cries of "Vote!" "Vote!"]

Mr. TAWNEY. Mr. Chairman, a question of order.

The CHAIRMAN. The gentleman will state his question.

Mr. HILL. I desire to ask the chairman of the committee [Mr. COOPER of Wisconsin] if I understood him correctly that he would prefer the free coinage of silver under the Senate proposition to the straight adoption of American money?

Mr. BARTLETT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BARTLETT. How is this debate proceeding?

The CHAIRMAN. By unanimous consent.

Mr. BARTLETT. I object.

The CHAIRMAN. The time for debate has expired.

Mr. COOPER of Wisconsin. I ask unanimous consent that the gentleman from Connecticut may ask his question.

Mr. SMITH of Kentucky. I object.

The CHAIRMAN. The question is on the motion of the gentleman from Connecticut to strike out the paragraph.

Mr. HILL. I withdraw the motion.

Mr. SHAFROTH. Mr. Chairman, I desire to offer an amendment.

The amendment was read, as follows:

Strike out the section and insert:

"That the said Philippine government is authorized to coin a silver dollar, which shall contain 416 grains of standard silver, and the standard of said silver coins shall be such that of 1,000 parts by weight 900 shall be of pure metal and 100 of alloy, and the alloy shall be of copper. And upon the said silver dollar there shall be devices and inscriptions to be prescribed by the government of the Philippine Islands, with the approval of the Secretary of War of the United States, which devices and inscriptions shall express or symbolize the sovereignty of the United States and that it is a coin of the Philippine Islands, together with the denomination of the coin expressed in English, Filipino, and Chinese characters, and the date of its coinage."

[Mr. SHAFROTH addressed the committee. See Appendix.]

Mr. SOUTHWICK. Mr. Chairman, the pending bill provides for a temporary administration of the affairs of the civil government in the Philippine Islands. Its provisions have been lost to sight on account of the wide range of debate and, at times, the violence of partisan discussion. Yet, so far as the bill proper is concerned, I question whether there is any member of the House of Representatives who can conscientiously and patriotically oppose its passage. The title of the measure indicates the spirit and purpose of every line of legislation involved in the bill. Provision is made for an organic law for nearly 10,000,000 human beings, or more than three times as many Americans as inhabited the 13 colonies when our great experiment in free government was actually undertaken on the Atlantic slope in 1789. These millions of Filipinos are divided into many classes and tribes. They speak many languages and dialects. They occupy an archipelago comprising many islands, provinces, and municipalities. While the Senate bill and the House bill have in view practically the same object, they differ in detail.

Personally, I prefer the House bill, because it provides, as the Senate bill does not, for a Philippine congress in which the Philippine Commission is to be the senate and the lower house is to be composed of Filipinos elected by those who shall be entitled to vote under certain conditions provided by the bill. To my mind this is by far the leading provision of the measure which is under consideration. It provides a popular participation in the Government of the Philippine Islands, and is earnestly desired by leading Filipinos, by Governor Taft, and by the Philippine Commission as highly desirable, in order to give to the people of the islands not only experience in governmental affairs, but greater satisfaction with the existing authority of the United States. In other words, the House bill seeks to reduce the military power in the Philippines. It enlarges the civil power and gives a much greater measure of local self-government to the Filipinos than they now enjoy.

This is a move in the right direction, and fittingly supplements the steady progress toward higher and better things which has marked affairs in the Philippines since Americans first set foot on the island of Luzon. I believe that every citizen of the United

States should be proud of what has been accomplished in the far-off islands of the Pacific during the brief period of American occupation.

In all the islands where peace prevails and law and order reign, schools have now been established. In the period of Spanish domination educational institutions were confined to Manila, Iloilo, and a few other of the larger cities. To these centers of population few were able to send their children from the outlying districts, and at best they could secure a mere smattering of education there. American rule, however, has given schools to the masses, until to-day there is scarcely a town of importance on any island which has been pacified that does not enjoy the blessings of a free public school. The legislative reports show that nearly 200,000 pupils have been enrolled, against a maximum enrollment during Spanish domination of 30,000. Moreover, not included in the figures given are more than 20,000 adults attending night school in the city of Manila, all of whom are eager to learn our language.

In the Philippines, as in every other country whose natural resources have not been developed, the land question is of the highest importance. The policy which we have pursued in permitting homesteaders to settle on the public domain, and causing the wild spots to blossom and produce, is to be pursued in the Philippines. The great drawback under which the people of the archipelago have labored for centuries, that of the control of large tracts of land by the religious orders, is to be removed. Provision is made for buying the lands owned by the friars; and these domains are to be opened for settlement by the Filipinos. In order that the lands may be used for the purposes desired, provision is to be made for limiting the land holdings of corporations to small amounts. We are to introduce into the Philippines the land policy which has made the Western section of our own country great and prosperous.

The marvelous and perhaps unprecedented feature of the American occupation of the Philippines is that civil government has followed in the very wake of the army. Military pacification has immediately been followed by the establishment of civil institutions, and in many instances the governors of provinces who have been selected are native Filipinos. It is a matter for congratulation that in the pacified provinces the people are resuming their wonted occupations—principally agricultural pursuits—which had been neglected in a large measure since 1896. In the cities manufacturing and commercial pursuits likewise have been resumed; and the marvelous feature not only in Manila, but in the other cities throughout the islands, has been the marked increase in the wages of laborers since the American occupation.

Furthermore, in the Philippines, as in Cuba, American methods have promptly taught the necessity for proper sanitation; and, as the dreaded yellow fever has practically been stamped out under American military rule in Habana and Santiago, so in the city of Manila the death rate has been reduced one-half during the short period which has elapsed since American soldiers and marines first disembarked on the water front of the Philippine metropolis.

To native governors has been added a native constabulary which has been organized and developed into a thoroughly equipped branch of the public service; and the native officers and men, in a fearless discharge of their duties, have well supplemented the efforts of the army in clearing both the highlands and the lowlands of roving bands of banditti. Law and order have been restored throughout most of the 127,000 square miles of Philippine territory.

Courts of justice of the American order have been instituted, where for the first time in the history of the islands justice has been administered impartially between both the rich and the poor; and the Filipinos are beginning to realize that their personal liberties are safe-guarded as would never have been possible under Spanish rule, nor under the despotism of Aguinaldo.

Roads and highways have been built, bridges have been constructed, cables and telegraph and telephone lines have been laid, and provision is now being made for making of the bay of Manila the best harbor in the Orient.

These developments but partially indicate the real progress which has been made under the wise administration of the Philippine Commission, and some day not only the Filipinos, but Americans generally, will realize the high character, persistent industry, and extraordinary genius of that great man who heads the Philippine Commission, and who has devoted the best years of his life to bringing order out of chaos and providing good government for the people of our new-found possessions in the Pacific. To what extent the transformation from military rule to civil rule has proceeded in the Philippines can be appreciated only by those who have followed the daily records of the progress which the Taft Commission has made. Nothing could more eloquently tell the rule of military pacification and civil rule than the statement sent to the Senate as late as June 19, by Secretary Root, wherein it appears that the number of troops in the Philippines is now only 23,000, whereas on the 1st of June, 1901, there were more than 70,000 American soldiers in the islands. Moreover, orders already issued will presently reduce the number of troops in the Division of the Philippines to 18,000.

Mr. Chairman, the consideration of the pending measure has been marked by acrimonious and partisan discussion. A Democratic minority, searching for an issue, has arraigned the national Administration as being guilty of imperialism and has attacked the Army of the United States with a venom not witnessed since the war of the rebellion. Personally, I am not in the slightest degree deterred from my support of the pending measure by reason of the charges of imperialism. I heartily favor the Philippine policy into which the American people were originally drawn by reason of the destruction of the battle ship *Maine* and the war with Spain. I fully approve the policy of the United States in dealing with the people of the Philippines from the day Dewey's fleet entered the harbor of Manila. More than that, I approve our entire policy in the Pacific Ocean, which has added not only the Philippines, but also the Hawaiian Islands and the Ladrones; which has dotted the Pacific Ocean with American coal heaps and given to our Navy a line of easy communication from San Francisco, 8,000 miles across the ocean, to Manila, which lies within twenty-four hours of the coast of Asia.

I believe that we are in Manila to-day and occupying the Philippines as rightfully and as lawfully as we are in possession of New Orleans and St. Louis. I have no patience with the Democratic policy which prevails on the other side of this Chamber, and which manifests itself in the cry of imperialism and the demand that our Army and Navy shall be withdrawn from the Philippines. There never has been a time since Dewey's men first raised the Stars and Stripes over the arsenal at Cavite when we could honorably have withdrawn. The exigencies of war compelled us to capture Guam and Manila and annex Hawaii. When our battle ships demolished the Spanish fleet and our soldiers and marines took possession of Manila, we overthrew the power of Spain, which, prior to our advent, had stood for the maintenance of law and order and the protection of life and property.

When our war with Spain began insurrection in the Philippines against Spanish authority was a thing of the past. Aguinaldo and his principal lieutenants, numbering 34 in all, had been bought by Spanish gold and sent out of the archipelago. Aguinaldo himself did not return to the neighborhood of Manila until May 19, 1898, or eighteen days after the Spanish fleet had been destroyed by Dewey and Manila was at the mercy of his guns. There were hundreds of Spanish families—men, women, and children—families of German and English business men, and also thousands of Spanish prisoners in the hands of our troops when Manila surrendered to Admiral Dewey and General Merritt.

The United States Army was absolutely responsible for the protection of the people of the city and its interests. It was subsequent to the capitulation of the city, and during the period which elapsed between that event and the signing of the protocol, after the capture of Santiago, that Aguinaldo, fortified by Spanish gold, was busy heading a conspiracy which ultimately developed into open warfare against the sovereignty of the United States. In this connection the recent testimony of Admiral Dewey should not be forgotten when he declared: "I will say that I believe he [Aguinaldo] was there for gain—for loot, for money—and I further believe that independence never entered his head."

That Aguinaldo organized a conspiracy against the American troops during the period between our naval victory of May 1, in Manila Bay, and our final conquest at Santiago early in July is not open to question, and is now a matter of history. And that this conspiracy continued during the existence of the protocol into which Spain and the United States had entered, prior to the ratification of the treaty of Paris, is also patent. Our troops occupied Manila and its suburbs, quietly and inoffensively, and outside of certain established lines they did not venture.

Any other course on the part of the United States than the maintenance of sovereignty and law and order in Manila would have been a crime of crimes, and would have let loose upon the civilized population of the city and its extensive business interests a horde of Filipinos whose entrance would have been marked by such atrocities as have always attended a savage invasion since the beginning of time. It would not have ended with the accomplishment of the object which Admiral Dewey attributes to Aguinaldo—the mere accumulation of money—but would have resulted in general slaughter, pillage, rapine, and ruin. And the United States would have been branded by the civilized world as a despicable coward and as a traitor to the very cause of civilization. [Applause.]

In view of the horrible possibilities which would have attended the departure from Manila of the army of Merritt and the fleet of Dewey, it is childish to claim that, then and there, the United

States could have avoided the responsibilities in the Philippines which now it is obliged to face. Had we, in weakness and cowardice, withdrawn after having fought to destruction the dominion of Spain which, despite all the errors of misrule, at least stood for the cause of law and order, it would have been necessary for Great Britain or Germany, or both, to enter Manila Bay, and, landing their marines and sweeping the streets of Manila with shot and shell, restore order and protect the foreign population and the business and commercial interests of Manila against the horde of Aguinaldo. [Applause.] How despicable a figure the United States would have cut, in running away from the responsibility which concerned it, does not require extensive consideration.

It was while the United States troops were occupying Manila, and simply protecting it from the army of Aguinaldo, which was mobilizing on the outside, that the trouble began. The instructions to our troops from General Otis were to avoid a conflict with these Filipinos under all circumstances. But with ribald jest, with curses and indecent oaths and insults—to employ the language of General Funston—

> They taunted us as cowards and dared our men to open fire. * * * Nearly all of us, I think, realized that it was not a question of months, but a question of a few days until the clash must come. Aguinaldo and his paper government, his cabinet, and his self-appointed congress retired to Malolos and there issued proclamations. Finally, two weeks before the beginning of the war, an insurgent captain, who refused to respond to the challenge of the sentry of the city of Manila, was shot dead. That was the first actual clash.
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> About three days after that, a private soldier of the First Montana Regiment who was on sentry duty outside of the city was approached by a man with a rifle about 10 o'clock at night. He gave the usual challenge, but the man did not respond, and instead of that fired at him at a distance of a very few yards, but, Filipino-like, missed him. Only two days later a private of the South Dakota regiment, on outpost 2 miles north of the city, was approached by apparently an unarmed native who asked him for a match. The sentry started to hand him one, when he drew a bolo—a native knife about 2 feet long—and gave him a terrific blow across the face, cutting him from the top of the skull down to the chin; and, I am glad to say, within a half a second the native fell dead, shot through the heart.
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> A few days later a drunken mob of Filipinos, partly officers and partly soldiers of Aguinaldo's army, attempted to rush through the lines of the First Nebraska near Santa Casa, when the presence of Colonel Sterns, that magnificent soldier who fell at Cang Co, prevented a fight from opening at that time. He had great influence over the natives and over his own men and he induced them to retire. Three days later an insurgent lieutenant and two soldiers approached a sentry on the Santa Lucia bridge, 3 miles east of Manila. The sentry, in accordance with orders that sentries usually have, challenged the three at once, and, instead of turning, the men gave him an insulting reply, came forward, started to cross his post, and he fired, and by one shot killed the lieutenant and one soldier. The remaining soldier ran back to the insurgent line after this shot rang out and the First Nebraska was ordered out.
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> Of course there was a great deal of excitement, and everybody thought it was like the incident of the attempt to assassinate the sentry of the Montana regiment, which resulted in the shooting of the Filipino captain in Manila; they also thought that the thing was ended for the time being, but within a minute or two rifle firing broke out from the insurgent trenches in front of the First Nebraska Regiment and the war had begun.

Instantly sky rockets were fired into the air as a signal of attack, and rifle firing began all along the line of the insurgents.

This outbreak occurred just before the time of the ratification of the treaty of Paris; and when the question is raised, whether or not the American soldiers had the right to return the Filipino fire and defend themselves, I can only quote the words of Senator SPOONER:

> We had a perfect title to whip any body of troops that attacked our men anywhere under God's heaven.

The insurrection in the Philippines against the authority of the United States had begun, and the President of the United States had the same right to employ the Army to put it down as he would have had in case of an Indian outbreak in New Mexico or Arizona. There was never any shadow of turning from the policy in the Philippines which was inaugurated by President McKinley and has been continued by his successor. If our Army and Navy could not withdraw while the interests of civilization and humanity demanded that it should protect the people and the interests of Manila after Dewey's victory, there was a double, even a triple reason why it could not in honor be withdrawn after it had been assailed in open warfare by the Filipinos and after the ratification of the treaty of Paris had given to our Government sovereignty over the islands by as perfect a title as that by which we possess any considerable area of territory within the continental boundaries of the United States.

I can not understand how any political party searching after a winning issue could propose a policy of scuttle so far as the Philippines are concerned. Had this policy been pursued by President McKinley in 1898; had the flag which Dewey's men raised over the arsenal at Cavite been hauled down; had our troops been mobilized within the confines of Manila and placed aboard the transports, and had battle ships, monitors, cruisers, and transports sailed away, eastward-bound for San Francisco; had all the horrible results which shortly would have attended the irruption of Aguinaldo and his army into Manila been realized, the election days of 1898 and of 1900 would not have rolled round soon enough to satisfy the American people in its overwhelming demand that a political party and an Administration composed of cowards should be deprived of all power in the legislative and executive branches of our Government. [Applause.] Even the irresponsibility of a political minority does not justify the Democrats in Congress in disputing the sovereignty of the United States in the Philippines. [Applause.]

Loose talk regarding "imperialism" should deceive no one regarding the policy of the United States in the Philippines. It is the duty of our country to establish a stable form of government at Manila just as much as it was to drive the Spaniards out of Habana and establish a new government there after the iniquity of the *Maine's* destruction had been laid at the door of Spain. Our policy in the Philippines is in line with the policy which has prevailed from the foundation of the Government, with this qualification, there never has been an extensive addition to the territory of Uncle Sam where military rule has given way so quickly to civil authority, as in the case of these islands of the Orient.

How strange that the shades of Thomas Jefferson should be invoked by those who rebuke us for imperialistic innovations. This cry of imperialism, like many other partisan cries, is not without precedent. It broke forth in a perfect storm of popular disapproval, so far as the Federalists were concerned, around the devoted head of the author of the Declaration of Independence. He had purchased Louisiana as we have purchased the Philippines. For months after the great territory had been bought from Napoleon—greater in area than the entire thirteen colonies with all their territories—our new-found possessions had no government except the will of the President, and it was even treated as foreign territory for tariff purposes.

We purchased New Orleans and St. Louis, as we have purchased Manila and Iloilo. We purchased the French and the Spanish, and all the aborigines of that vast territory of Louisiana, just as we have purchased the Tagals of Luzon and all the outlying tribes and peoples of the islands which go to make up the Philippine Archipelago. President Jefferson governed the people of Louisiana without their consent. He divided his purchase into two Territories—that of Louisiana and that of Orleans—and in the act providing for this division, passed on his recommendation, the governor and secretary, and every member of the council, which was the only legislative body of the Territory of Orleans, was appointed by Jefferson; that is, the people of our new-found possessions were not allowed to elect a single member of their legislature, while under the House bill which is pending here, when order shall be restored in the Philippines the people of those islands can elect every member of the popular branch of a legislature which is provided for in this bill.

Jefferson went further in the direction of what our friends call imperialism in his treatment of the possessions purchased from France than has ever been dreamed of in connection with the government of the Philippines. [Applause.] The Federalists termed him a tyrant worse than Charles the First. When the anti-imperialists of those days talked about the constitutional rights of the people of Louisiana, Jefferson's stanch Democratic friends in Congress insisted: "Louisiana is a territory purchased by the United States and not a State;" and further: "Whatever limitation the Constitution fixed to the power of Congress over the State it fixed no limitation to the power of Congress over territory."

Jefferson and the Democracy insisted that they would govern Louisiana, not under any constitutional grant of power, but by the right of acquisition, as they saw fit. They did so govern, and they were prepared to use the Army of the United States if necessary to enforce our sovereignty within the borders of Louisiana. If there be any doubt on this point, read the President's message to Congress in June, 1804, wherein he stated that he had called out the militia in Ohio, Kentucky, and Tennessee and held the troops in readiness to crush out the opposition that might develop in Louisiana.

We had our anti-imperialists in those days—timid souls who viewed with alarm the expansion of our territory, the development of our resources, and the increase of our power. Some insisted that the territory east of the Mississippi River and its outlet to the Gulf should alone be retained; that the territory westward of the Mississippi was worthless and should be sold. Their names are not recalled at the present day. [Applause.] The memory of Jefferson, an "imperialist," will live as long as our institutions last, and even until the records of civilization shall have passed away, not only as the author of the greatest declaration handed down to man since the time of the Sermon on the Mount, but also as an expansionist and an imperialist who added to our possessions and our sovereignty the great Valley of the Mississippi and the great Northwest. [Applause.]

It was a sign of political decadence and of approaching dissolution that the Federalists of 1804 opposed the extension of the boundaries and the sovereignty of the United States; and the Hartford convention was scarcely needed to eliminate a moribund party from the political situation in this country.

The acquisition of Florida from Spain raised similar opposition from the anti-imperialists of 1818, and our records show the same shallow talk about "the enslavement of unfortunate people," "the purchase of human beings," "the use of the United States Army in extending our sovereignty by brute strength." But this is all of the past. To-day no sentiment exists in favor of ceding Louisiana back to France and Florida back to Spain. [Applause.]

The eloquence of Tom Corwin could not prevent the American eagle's being carried into the halls of the Montezumas; could not prevent the annexation of Texas and the acquisition of California and the Southwest. And perhaps the most lamentable episode in the career of our greatest orator and constitutional exponent is that wherein Daniel Webster, anti-imperialistic-like, withdrew to Boston and viewed the plains, valleys, and mountains of the Far West as his descendants to-day cry against the acquisition of the Philippines.

Almost within the memory of the present generation it was repeated over and over again that Alaska was worthless; that Russia had been for years endeavoring to give that territory away; that the United States had been victimized when it bought Alaska with gold—bought the land, bought the people, bought the forests above and the minerals beneath, just as Jefferson bought the territory of Louisiana. But Uncle Sam has never engaged in a great real estate operation which the American people have regretted. [Applause.] Even barren and frozen Alaska has developed a Klondike. [Applause.]

How quickly and how thoroughly President McKinley proceeded to supplement military conquest with civil rule, in which the native Filipinos should be given the highest degree of home rule compatible with existing conditions, is clearly shown in his instructions to the Secretary of War as early as April 7, 1900, when he recalled this extract from his message to Congress of December 5, 1899:

> As long as the insurrection continues, the military arm must necessarily be supreme, but there is no reason why steps should not be taken from time to time to inaugurate governments, essentially popular in their form, as fast as territory is held and controlled by our troops.

In announcing to the Secretary of War the selection of a Commission headed by William H. Taft, President McKinley gave these instructions:

> You will instruct the Commission to proceed to the city of Manila, where they will make their principal office, and to communicate with the military governor of the Philippine Islands, whom you will at the same time direct to render to them every assistance within his power in the performance of their duties. Without hampering them by too specific instructions, they should in general be enjoined to make themselves familiar with the conditions and needs of the country; to devote their attention, in the first instance, to the establishment of municipal governments in which the natives of the islands, both in the cities and in the rural communities, shall be afforded the opportunities of managing their own local affairs to the fullest extent of which they are found capable, and subject to the least degree of supervision and control which a careful study of their capacities and observation of the workings of native control show to be consistent with the maintenance of law and order and loyalty.

Thus we clearly perceive that, even while the insurrection engineered by Aguinaldo was in full blast, the President of the United States was taking proper and practical measures toward supplementing military with civil control at the very earliest practicable moment, and giving to the natives the fullest measure of home rule possible. Truly such utterances on the part of the lamented McKinley did not savor in the slightest degree of imperialism. On the contrary, they indicate clearly his determined policy of restoring civil rule at the earliest practicable moment to a greater degree than obtained at any prior period, in the history of our own country, when new-found territory has been added. Thus, California, for instance, for four years after it became United States territory, from 1846 to 1850, was under the direct and supreme control of the Army authorities.

Alaska remained without civil government for more than thirty years after the territory had been purchased from Russia, and only now is being favored with the civil institutions which President McKinley insisted should follow in the very wake of our army in the Philippines. While it has been the aim and policy of the American people, whenever new territory has been added, to extend to its new-found citizens the blessings of civil institutions, nevertheless, during our entire history no case can be found where this policy of superseding military with civil control was so quickly, so systematically, and so thoroughly pursued as in the case of the Philippines.

It is not surprising, therefore, that, during this entire protracted and acrimonious discussion of the pending bill our Democratic friends have persistently refused to direct their attention to the provisions of the bill itself. The record which the Taft Commission has made, in establishing civil institutions in the archipelago, is not open to adverse criticism. The Commission has performed its duties faithfully and well. All accounts agree as to the excellent progress which it has made, and at no time has there been friction between the military power and the newly established civil institutions in the islands.

The order of President McKinley of April 7, 1900, appears to have been obeyed in spirit as well as letter. And this pending bill is designed to supplement the work of the Taft Commission and give to the people of the Philippines a greater participation in civil affairs than they enjoy to-day. It is significant, I say, that with all the varied and vicious opposition to this bill which has been manifested by the Democratic minority, it has really never directed its attention to the bill's provisions. We have heard resonant denunciations of imperialism and imperialists, wild demands that independence should be granted to the Filipinos, vigorous insistence that the United States should adopt a policy of scuttle; and, last and principally, I regret to state, the most slanderous, disgraceful, and unpatriotic denunciation of the Army of the United States, its officers and its privates, which has ever been heard within the walls of this Chamber and the legislative Chamber at the other end of this building.

The only possible explanation of the Democratic policy toward the Army of the United States, which has recently been exhibited here, is that the minority is floundering around in search for an issue.

From what I have read in the newspapers and magazines, and from numerous conversations with private citizens, I believe that the Democratic party is again manifesting its capacity for blundering. From the day when our troops first arrived in Manila and begun the pacification of the island of Luzon; in the case both of volunteer troops from the States, as well as the regular troops of the United States Army, we have seen manifested not only here in Congress, but throughout the columns of the entire Democratic press, with here and there an honorable exception, a tendency to magnify all reports from the Philippines which might be construed as indicating brutality on the part of American officers or privates in dealing with the Filipinos.

That occasionally American soldiers in the Philippines, as elsewhere, have forgotten the duties which they owe to their enemies and to themselves is not to be doubted. But the treatment of such cases has not been left by our Democratic friends to the constituted military authorities. They have not waited to discover whether these cases have been brought to the attention of courts-martial, or where cases have been tried by the military courts they have not waited for the judgment of such tribunals. They have prejudged; they have invented; they have overlooked the improbability of reports of American cruelties to the Filipinos.

They seem to have forgotten the hard common sense of the American people, which distinctly tells our people that the very natures of American soldiers are not transformed by the fact that they are fighting their country's battles 8,000 miles out on the Pacific; that Americans are Americans in any other part of the world; that they are by far the fairest fighters in the world. Time and time again, since this Democratic policy of attacking the Army was inaugurated, both in and out of Congress, facts have demonstrated that the alleged outrages inflicted by American troops were either fabrications or gross exaggerations.

And the fact has not escaped the attention of the American people that the Democratic minority in its criticism of the Army has directed its attention entirely to our own officers and soldiers and has overlooked the fearful atrocities which the Malays of the Philippines have perpetrated against our troops. The Malay is far from an attractive creature. When we go back in the history to discover our first knowledge of him we find him playing the rôle of a cannibal—a man-eater. And to the natural savagery of the Malay there has been added, among the Filipinos, the cunning and cruelty acquired from the Spanish.

The news accounts from the Philippines have given scores and hundreds of instances of fiendish barbarity, cruelty, and treachery on the part of the natives, which, in our history, can only be duplicated by the performances of the Apache Indians of Arizona. When to treachery and murder has been added shocking mutilation of the bodies of our boys in blue in the Philippines, is it strange that our soldiers there, as was occasionally seen in this country during our wars with the savage aborigines, should have been roused to a height of indignation with a desire to revenge the awful fate of their comrades and been led to overstep the rules of civilized warfare? Many of the proven instances of Filipino treachery and savagery are almost too dreadful in their details to be repeated. They exist in the records of the Army to the extent of hundreds of cases.

Our soldiers are charged with having administered the water cure. Why was the water cure administered at Igbaras, for instance? Because Private O'Hearn was captured by people who were apparently friendly to us, was tied to a tree, was burned for four hours with a slow fire, and finally slashed with bolos. His murderers confessed under the water cure. And our Democratic friends have been denouncing the comrades of O'Hearn for administering the water cure to his murderers, while the dreadful fate which overtook O'Hearn and maddened his comrades has not occupied Democratic attention in the slightest degree.

At Dunangas the body of Corporal Donehy was dug up, mutilated, and burned.

At Calinog Privates Dugan, Hayes, and Tracey were murdered by the town authorities.

At Dingle, Private Nolan was tied up by women, while in a stupor, and his throat cut by Filipinos called to the scene.

Near Pototan Lieutenant Wagner was murdered on the road by Filipinos dressed in American uniform.

A little midshipman just out from Annapolis, in a yawl from the flagship *New York*, in need of water, landed at Nipa Nipa, a little village flying the white flag of peace and friendship. He lifted up his empty water jar as he approached the shore; the natives pointed to the white flag and held up their jars. He cast his boat into the surf and advanced 50 yards from the beach where the good Samaritans were awaiting him with their water jars. As he drank his first deep draft, two of the women approached behind him and buried their knives in his back.

Lieut. Col. J. T. Dickman, of the Twenty-sixth Infantry, referring to the loss of his men through Filipino treachery, made this official statement:

The conduct of the American troops in the Philippines has been so humane as to be a continued source of surprise to all foreigners and to the natives.

Brig. Gen. J. F. Bell gives this typical specimen of native treachery:

On January 10, five bodies of native scouts, who were only soldiers of the Fifth Infantry and were taken prisoners in a barrio of Batac, January 1, were found east of Batac. The soldiers' legs and arms had been cut off and the bodies otherwise mutilated. One white soldier named Lyons, Company K, Fifth Infantry, after having been taken prisoner, was cut with bolos and was left for dead on the field. He revived, and was able to crawl to a shack when night came on. Information was given to a local leader, and he was again taken prisoner and murdered.

And General Bell, after participating long and actively in our military operations in the Philippines, gives this official opinion:

I have been in Indian campaigns where it took one hundred soldiers to capture each Indian, but the problem here is more difficult on account of the inbred treachery of these people, their great number, and the impossibility of recognizing the actively bad from the only passively so. If it was deemed advisable to pursue the methods of European nations and armies in suppressing rebellions among Asiatics, the insurrection would have been put down months ago. Even now, although the seeds of rebellion have permeated all sections, such methods would soon end all active insurrections.

The operations of Gen. Jacob H. Smith and Maj. L. W. T. Waller of the Marine Corps in the island of Samar have been denounced by our Democratic friends in unmeasured terms and with especial reference to the "kill and burn" order which General Smith issued in order to render Samar "a howling wilderness." Yet, despite all that has been said, General Smith never intended to order the killing of women and children, as has been alleged. As a matter of fact, his troops never killed women and children. Without his drastic measures the war on the island of Samar would not have been ended yet. Nor do our Democratic friends admit the provocation for General Smith's policy, which was that the natives of Samar were more treacherous and implacable than the tribesmen of the Soudan or the Apaches of Arizona. It was for reasons which—when the findings of the court-martial ordered by the President shall be available—will undoubtedly be found entirely sufficient that General Smith in Samar pursued the awful, but necessary policy followed by Sheridan in the Shenandoah Valley and by Sherman on his march to the sea.

Rather than indulge in indiscriminate abuses of General Smith, as our Democratic friends are doing, I should prefer to await the verdict of the court-martial which has reviewed his operations on the island of Samar. I should prefer to give him the benefit of the doubt, in the meantime, and to say as said his counsel at his trial:

He was wounded in the assault on San Juan Hill and now carries a Mauser bullet in his body. He has served in these islands for three years, and his activity, pluck, and energy are known to all men living in the Philippine Islands. For forty-one years he has worn the uniform of the United States Army, with honor to himself and a benefit to the flag under which he has fought and bled; and now he is at the close of a most remarkable and successful campaign, during which he has accomplished that which Spain, in her three hundred years of occupancy, never attained—the pacification of Samar; while returning to his family and his native land, after thirty-eight years of service, as he, and all those who knew him, thought, with honor and glory, he is halted and taken off the transport to face charges for the language he used in giving the instructions for the conduct of a most successful campaign.

I should prefer to quote this from the Manila American rather than articles defamatory to the American soldier:

The administration of the army in the Philippines has been admirable and there can not be too much said in praise of the services of the officers and men. Confronted with an elusive and treacherous enemy, driven to impassable and untrampled brush, through miry fields and desolate jungle, the American army has well sustained the glory of the flag and perpetuated the sacred principles of liberty and justice.

These Democratic attacks are being made upon soldiers more than 10,000 miles from Washington, who have no opportunity of replying in their defense. It is a cowardly procedure. [Applause.]

I have sat here quietly and patiently during all this debate and I have yet to hear from the Democratic side a single admission of the horrible treachery and cruelty practiced by the Filipinos toward our troops. No Democrat has cited the few specific instances which I have presented, nor the hundreds of others of similar import, which may be found and are easily accessible in the records of the War Department. Take, for instance, the horrible official figures presented by the commanding officers of the different departments in the Philippines from time to time regarding the treatment by the Filipinos not only of American soldiers, but also of natives who sympathized with the American cause. For instance, Colonel Sumner, commanding the Department of Southern Luzon, reported on January 4, 1901, this dreadful compilation:

Natives assassinated for sympathizing with Americans, 14; natives assaulted for sympathizing with Americans, 104; assassination of municipal officers, 1; assaults upon municipal officers, 1.

General Hall, commanding the Second District in the Department of Southern Luzon, under date of January 12, 1901, gives these figures for crimes indicated above: 17; 106; 3; 12. Colonel Wilder, superintendent of police of the city of Manila, under date of December 21, 1900, reported 10 natives assassinated for sympathizing with Americans, and the commanding officer of the First District of Northern Luzon, under the same date, reported 100 assassinations of Filipinos, whose offense was sympathizing with Americans. From every department and from every island in the archipelago which has been in a state of insurrection come similar reports. Hundreds of Filipinos who have been friendly to our cause have forfeited their lives to their loyalty.

In view of this horrible record of assault and assassination of Filipinos whose offense has been loyalty to the American cause, what do the Democratic advocates of scuttle propose for the great masses of Filipinos who have demonstrated their friendship for us and who favor the adoption of American ideas, American methods, and American institutions in the Philippines? Are our friends and allies to be turned over to the tender mercies of those who already have rolled up these horrible figures of assault and assassination? No more despicable abandonment could be found in history if we should desert our new-found friends at the present juncture. The blood of these would be on the hands of the Democratic party, if it were sustained in its present position by the American people and the American flag in the Philippines were hauled down to be supplemented by the skull and crossbones of Aguinaldo and his band of looters and assassins. May a Divine Providence in mercy prevent such a bloody blot on the fair record of the United States of America. [Applause.]

Yet Democratic attention seems to be confined rather to the alleged brutalities of General Smith and Major Waller, surrounded by those both savage and treacherous, and compelled to resort to harsh measures in order to suppress insurrection—confined to American soldiers who administered the water cure in order to extract information from Filipinos regarding the whereabouts of men guilty of murdering American soldiers. The fierce nature of the Malay, behind all these outrages which has found manifestation in barbarities too shocking to contemplate, is not held up by our Democratic friends in extenuation, if not excuse, for the shortcomings of American soldiers.

Our Democratic friends apparently have sought to create the impression that the Army of the United States that is following the flag of its country and suffering all kinds of hardships and privations in the swamps and forests and mountains of the Philippine Islands, is a brutal aggregation given over to willful excesses and abuses of power. One might imagine, from listening to these Democratic tirades, that the Army of the United States had been recruited from the most brutal classes in the slums of our great cities. And this Democratic criticism is showered indiscriminately, and has been from the beginning, on the volunteer regiments from Nebraska, Iowa, Montana, Pennsylvania, Washington, and other States, as well as upon the regular troops.

The Army of the United States is not made up of hirelings. It is composed of brave, active, resolute young Americans. Neither in Europe nor elsewhere is the army so close to the people as in the United States. Our officers and men represent every State and Territory in the Union, and there is not a locality which can not point with pride to some of its noble sons who are in the military service of Uncle Sam. From my native city of Albany a score of young Americans are in the Army of the nation. No testimonial of their character is needed from me; they are known to family, friends, and neighbors. And I can assure you that, so far as my own locality is concerned, the Democratic policy of attacking the United States Army, far from receiving Democratic support is openly and roundly condemned by the people of both of the great parties alike.

Unlike their Senators and Representatives in Congress, the Democratic masses of the United States are not prepared to indorse a policy of indiscriminate abuse heaped upon the officers and men of the Regular Army. Altogether apart from the consideration that a very large proportion of the Army is composed of Democrats is the fact that the great mass of the Democratic

party is composed of loyal Americans who look with surprise and disgust at the spectacle which has recently been presented here in this building, where the representatives of their party, at both ends of the building, have vied with each other in seeking to discredit the military arm of the Government. [Applause.]

At the other end of the building a Democratic Senator [Mr. RAWLINS of Utah] has gone so far as to term that gallant soldier, General Chaffee, who commands our troops and is military governor of the Philippines, as one "who received his education in savagery." That of General Chaffee! The man who served gallantly and with honor in the Army of the Potomac until wounded in the Gettysburg campaign; who was brevetted in July, 1863, "for gallant and meritorious services in the battle of Gettysburg, Pa.;" who was promoted "for gallant and meritorious services in the battle of Dinwiddie Court-House, Va.;" who was again promoted "for gallant and efficient services in an engagement with Comanche Indians at Paint Creek, Texas.;" who was highly commended by General Lawton "for successfully planning an attack on Stone Fort at El Caney, Cuba, in July, 1898;" who left the theater of operations in the Philippines to command the American forces at Taku; who joined with the other forces of civilization in the march on Pekin. This of General Chaffee! An Ohio boy who, by meritorious services, has steadily worked his way upward on the roll of honor from the position of private to that of major-general in the Army of the United States. This of General Chaffee! An American volunteer who has fought the country's battles on the fields of the rebellion, in the swamps of Cuba, on the plains of the West, in the jungles of Luzon, and in the awful march on the capital of the Chinese Empire. "Who received his education in savagery!" And that utterance of the Democratic Senator from Utah is but a specimen of the abuse which has been heaped upon the American Army by our Democratic friends for weeks and months past. None escapes these general denunciations, from Commander in Chief Chaffee down to the humblest private. Our Democratic friends would have us believe that not only has the very nature of the men who fought their country's battles in Cuba and in China been transformed by their experience in the Philippines, but that from men of heart and mind and conscience they have descended to the level of the brute and the savage.

Personally I have viewed this performance with surprise, but with complacency. I do not believe that the Democratic members of Congress, in their assault on the Army, are representative of Democratic sentiment throughout the United States. It is not a Republican army which they are assailing, nor is it a Democratic army. It is an American army, composed of both Republicans and Democrats; men from the East and men from the West; men from the North and men from the South. I know personally of Democrats who are disgusted with the course of their Senators and Representatives on this matter, and who feel that even if their party was mistaken in its selection of tariff reform or free silver coinage as an issue, it at least did not disgrace itself as in the present attack which it is making on the men who wear the blue and the khaki uniform and are fighting their country's battles in the far-off Orient.

Let no time be wasted on the proposition that the United States shall guarantee to the Filipinos complete independence. Many, many years will elapse before the people of the islands, even under American tutelage, will be in position to govern themselves. There is no need of crossing the bridge of independence until we come to it. There is no necessity for making promises now which may return to plague us in the future. Long before the time when these people are fitted for independence shall arrive, they are quite likely to be united so thoroughly in all their feelings and sentiments with the American people that they may prefer annexation and a Territorial form of government, and even admission to statehood in the American Union.

Let not our Democratic friends indulge in unnecessary hysteria because the Filipinos are being governed without their consent. They can find numerous instances in the history of our country, from the first acquisition of additional territory by Thomas Jefferson in 1804 down to the acquisition of the Philippines under William McKinley in 1898, where this country has proceeded to govern without asking consent. But the concern of some of our Democratic friends over the dusky-hued Filipinos is painfully ludicrous. Here are gentlemen from the Carolinas, Georgia, Alabama, Mississippi, Louisiana, and Texas—from the very heart of the cotton belt—grieving that the United States should attempt to govern the Filipinos without their consent when there are 7,000,000 colored people in the South who, although in a majority in several of those States, no longer have a representative in this House and are no longer permitted to exercise an elective franchise.

The rights guaranteed to these colored people by the Constitution are violated, both in letter and in spirit. The fifteenth amendment to the Constitution might just as well be repealed. These gentlemen on the other side of the House, and the people whom they represent at home, I declare, are governing the colored masses in the population of the South without their consent. There, in the cotton belt, is real imperialism; there is the imperialism which not only governs American citizens without their consent, but also deprives them of participation, even to a limited degree, in legislation for the communities in which they reside. Instead of abusing American soldiers and wasting sympathy on the Malays of the Philippine Archipelago, I would suggest to my Southern friends that right at home they should proceed to confer upon the colored population of the South at least that limited participation in public affairs which we have already bestowed upon the Filipinos of the far-off Pacific. [Applause.]

I am satisfied that when the people of the United States are heard from at the ballot box next fall, then, and during the campaign, abuse of American soldiers who are facing the enemies of their country, fighting those that are firing on our flag, wading through swamps, fording rivers, climbing mountains, and enduring untold hardships for the restoration of law and order in our island possessions, will be found to be a losing issue. Oregon has already been heard from on this Democratic proposition of a policy of scuttle for the Philippines and unlimited abuses for American soldiers; and two members of this House have been returned from that far Northwestern State by majorities approximating the highest figures ever recorded. [Applause.]

If our occupation and control of the Philippine Islands represent imperialism, how proud we were not only that we were in possession of Manila, but with lying off her docks were our men-of-war ready for action and that throughout the island of Luzon were our fighting regiments quickly to be mobilized and placed on transports, when a cry of horror arose from the entire civilized world, two years ago, over the dreadful situation in Pekin. Religious fanaticism and hatred of the foreigners in China had found expression in an outburst of Boxer fury, which sought to take the lives not only of our missionaries scattered throughout the Empire, but even of the ministers of the United States and the other civilized nations represented at the Chinese capital, along with the lives of the attachés of the legations and the women and children connected therewith.

Then I say we were proud of the fact that we had been guilty of imperialism in the Philippines; proud that the ships of battle and the transports loaded with troops were quickly transferred from Manila to Taku; proud that Gen. Adna R. Chaffee, "who received his education in savagery," was in command of the United States troops disembarked on the soil of China; proud not only that we had been guilty of imperialism, but also that we had become a world power and were prepared to join with the forces of civilization in marching on the capital of the Chinese Empire for the relief of men, women, and children besieged there by religious fanatics. And the most heroic figure among the allied commanders of the forces of civilization which began that march was General Chaffee. He was resolute when others were faint of heart; he declared that the American troops would march to Pekin, if necessary, alone. [Applause.] What his words were I know not, but they must have been worthy of a place in history along with the immortal declarations of Lawrence and Dix. [Applause.] What true American regretted, as our troops struggled on through heat and dust toward Pekin, for the relief of men, women, and children in the legations there, that we had been guilty of imperialism; that we had become a ruling power, and that we had the men and the guns necessary to do our part in that great international drama of rescue? [Applause.]

The question has often been asked, What are we going to do with the Philippines, if we retain them? The very question suggests the shirking of responsibilities. We did not seek the Philippines; we did not seek an expansion of our territory; we did everything possible in an equitable way to avoid going to war with Spain. It was the villain's hand who fired the mine placed under the battle ship *Maine* which forced us into war and changed the map of the world; which forced Dewey out of Hongkong within twenty-four hours and compelled him to seek the batteries, the mines, and the fleet of Spain in the harbor of Manila. There never has been a moment since Gridley opened fire from the *Olympia* when we could beat an honorable retreat from the harbor of Manila. [Applause.]

The Philippines are as much a heritage of the war as is Porto Rico or Guam or Hawaii. They imposed national responsibilities upon us which we must meet. A nation is like an individual. It must face responsibilities and it must face them like a man. The Filipinos, as contrasted with Americans, are as mere children to grown men and women. We must treat them as children; we must supply them with a course in the kindergarten; they are not fit as yet for a course in the higher institutions of learning. [Applause.] We have back of us eight hundred years of steadily

advancing civilization, which have given us the best form of government on the face of the earth. The Filipinos, in a large part, have back of them only a record of barbarism, supplemented by centuries of Spanish oppression and misrule. It is our duty, which must be met, to educate them along the lines of American development and progress. We must afford to them every facility for improvement. These islands have come to us for purposes of betterment and not for loot. [Applause.]

But beyond the mere consideration of the institutions of the Philippines and the policy already under way of Americanizing their people, we need not lose sight of the fact that the islands afford a new field for the industrial and commercial enterprise of the American people. They represent vast natural resources in their mountains, laden with precious metals; in the primeval forests, waiting for the ax of the lumbermen; and in the fertile fields which have scarcely been touched by modern agricultural methods. They will yet teem with a vast population, largely American, and in time will become one of the leading markets of the world for the products of American agriculture and industrial genius. [Applause.]

Furthermore, they represent the extreme American outpost in the Orient, within striking distance of the coast of Asia. Let the unprogressive or the unpatriotic deride the idea as they may; nevertheless, the fact remains that the United States has become a world power, and like other powers of the earth is hunting for markets. Our triumph in China was not confined to the success of Chaffee and the other allied generals of civilization in forcing the gates of Pekin. Our diplomacy enjoyed a triumph less sensational and picturesque, perhaps, but nevertheless quite as substantial, when we used our influence to prevent the partition of China, to hold back the Russian invader, and to secure for our manufacturers and producers the "open door" into China. John Hay, Secretary of State, shares with Maj. Gen. Adna R. Chaffee the glory of that invasion of China. [Applause.]

From our distant outposts at Manila, with ships and soldiers, if necessary, and in cooperation with Great Britain and Japan, if necessary, we will maintain the door into China for our traders, open. That Chinese Empire, with its 400,000,000 people, affords the greatest market in the world, so far as future possibilities are concerned. For with the modern civilizing influences which will now have full play in China, with the construction of railroads, and with the development of the great natural resources of the Empire, will come an increased capacity on the part of the Chinese to consume.

It is scarcely conceivable to what vast proportions this Chinese market will develop. And we would be false to the interests of American manufacturers and producers and American wage-earners if we should withdraw, unless honor compelled it, from the Philippines, and thereby surrender not only the possibilities of that great market in the archipelago, but also the vantage ground at Manila, from which we may perform our part in maintaining the door into China's market open. This may be termed imperialism, but it may also be termed progress. Whatever it may be termed, it represents the way which, out of our present complications in the Philippines, will ultimately give to us vast markets both in the islands of the Pacific and on the mainland of Asia.

As well withdraw from Honolulu, from Pearl Harbor, from Guam! For, certainly, if we do not intend to retain Manila, and from Manila the advantages in China which our soldiers and diplomats have given to us, why not abandon the other islands of the Pacific where American coaling stations have been established and by which we maintain a practicable route through that vast expanse of water, 8,000 miles, from San Francisco to Manila? [Applause.] The policy of scuttle which our Democratic friends favor for the Philippines involves the abandonment of all our other possessions in the Pacific, and all of our advantages at the door of China.

Indeed, why retain Porto Rico; why purchase the Danish West Indies, with the splendid harbor of St. Thomas; why expend hundreds of millions of dollars on the construction of a canal between the Caribbean Sea and the Pacific Ocean in the interest of increased trade if we are to surrender our control of the trade of the Pacific which in the fullness of time Divine Providence appears to have given us? And yet the Democratic vision on the other side of this Chamber appears to be so contracted that during the entire progress of this debate no single Democratic Representative has referred to all these advantages resulting to us from the so-called policy of imperialism. Their thoughts and utterances seem to have been concentrated on reckless abuse of the American Army. [Applause.]

Our possession of the Philippines, already a practical fact, was confirmed in international law, by the ratification of the treaty of Paris. There are times when patriots can be partisans, and there are times when partisans must be Americans only. On matters of principle and policy Republicans have differed materially and radically with the man who, during the last two Presidential campaigns, has been the candidate of the Democratic party for President of the United States. And yet, above and beyond all partisan considerations, I express my own belief that when the history of the past four years shall be written, and when the character and methods and achievements of William J. Bryan shall be given the cold and calm consideration of the historian, the most brilliant chapter will be where Mr. Bryan, the Democrat and the partisan, laid aside both Democracy and partisanship, came to Washington and lobbied in the corridors and on the floor of the Senate Chamber for the ratification of the treaty of Paris.

His course was not popular with his party, which, almost to a man, at the other end of this building, was arrayed against ratification. Only one individual could influence from that Democratic minority sufficient support, combined with a Republican majority, to give the two-thirds vote necessary to ratify the treaty of Paris. That man was Mr. Bryan; and it was only his remarkable hold on the affections and the aspirations of his party which permitted him to secure the votes necessary for ratification. Time is constantly changing the perspective; yet when all the excitements, the sensations, and the mistaken issues, which have marked the last two national campaigns of the Democratic party, shall be forgotten, the service, personal, persistent, and productive, which Mr. Bryan rendered in dragging Democratic Senators unwillingly to the support of the treaty of Paris will, in my opinion, be the enduring monument which history will raise to the memory of the brilliant and versatile Nebraskan. It was truly a patriotic performance on Mr. Bryan's part. [Applause.]

Permit a man without partisanship nor oratorical proclivities, but who possesses practical knowledge and experience—a naval officer, Admiral Remey—to give his views on the present situation in the Philippines. On his arrival in the United States from Manila, recently, this was his summary of the situation:

> Concerning general conditions in the islands, General Chaffee told me before leaving that things were progressing satisfactorily—slowly but surely—and that pacification was only a matter of time. Talk of withdrawal of the United States from the Philippines is based on inaccurate and incomplete knowledge of conditions out there. This country could not withdraw. Chaos would be the result. My observations have convinced me that the natives are not capable of civil government yet. They need a guiding hand, and now that we have undertaken the task we can not for the sake of humanity withdraw until the work is completed.

The end of the Philippine matter is clearly in sight. All indications point to the collapse of the insurrection, which to-day largely partakes of the nature of brigandage. Ere long the country will be agreeably surprised to learn officially from the President of the United States that all the islands of the Philippines, where resistance of our authority has occurred, are pacified; and in line with the humane policy pursued by our military as well as civil authorities in the islands will probably come a proclamation of amnesty for the Filipinos recently in revolt. With that will ensue a glorious conclusion of the policy instituted by the lamented McKinley and steadfastly maintained by President Roosevelt, grandly enforced by the valor, endurance, and humanity of the American forces in arms, and worthily supplemented by the achievements of the Taft Commission, which has supplanted chaos with civil institutions of an enduring character.

The hands of the clock are rapidly approaching the hour when this long discussion will close and by Republican votes this measure will be passed.

When you ask me what of the future and what of the Republican policy toward the Filipinos, I point to this measure which is under discussion. It means better things for the people of the islands; it means improved conditions of government; it means increased participation of the people in the management of their own affairs; it means progress for the islands; it means the upbuilding of government; it means the education of children; it means the safeguarding of liberty; it means the elimination of the elements which made insurrection against Spain possible and gave Aguinaldo his opportunity.

And let us hope and trust that ultimately the hope of our dead President will be realized, that—

> all the inhabitants of the Philippine Islands will come to look back with gratitude to the day when God gave victory to American arms at Manila and set their land under the sovereignty of the people of the United States.

As an appendix to my remarks I desire to submit a publication by an eminent physician and surgeon of the city of New York, which, I believe, is altogether germane and pertinent to our occupancy and control of the Philippine Islands; and I sincerely hope that after careful perusal our Army officers may have suggested to their minds ideas which will lead to improvement in the matter of rations for American soldiers. Without indorsing all the views herein contained, I present this appendix as a production which is suggested by the experience of a talented and observing man, and is well worthy of attention.

APPENDIX.

NATIVE TROOPS FOR OUR COLONIAL POSSESSIONS.*

[By Maj. Louis Livingston Seaman, M. D., LL. B., New York City, Surgeon First United States Volunteer Engineers.]

The time is at hand for the authorities of the United States to decide a military question of the gravest importance, namely, whether our island possessions in the Tropics shall be garrisoned by troops sent from this country or whether native troops shall be recruited for this purpose. Involved in this question are considerations of climate and subsistence; of vast expenses for transportation of men and food; of expenditures for wages and future pensions; of intricate hospital arrangements involving elaborate establishments, mutually dependent but thousands of miles apart.

For the solution of a similar problem in China the recent experiences of Great Britain at Wei Hai Wei are luminous in purpose and results, and most timely for immediate application to this country's needs, especially in the Philippines. It is worth while to study with the utmost care what England has done with her native battalion at Wei Hai Wei.

Forty miles to the eastward of Chefoo, where in the year 1895, with the guns of the Russian fleet clearing for action, the treaty of Shimonoseki was ratified by China and Japan, lies the harbor of Wei Hai Wei. It is a bay formed by a sharp break in the rugged coast line, and is protected at its entrance by the island of Liu Kung Toa. Nature has been liberal to China in the matter of shelters to commerce, robbing the eastern shores of the Pacific that she might furnish the western with magnificent harbors and bays. Of these Wei Hai Wei takes easily primary rank, with its capacious, deep mud-bottomed harbor and its natural defenses.

Wei Hai Wei (pronounced as though it were written Way High Way) was founded in the reign of the Emperor Hung Wu, of the last (Ming) dynasty, about A. D. 1399. The third syllable—for there are three syllables rather than three words—means a walled military post; the first, though homophonous, means to awe, or, as we would say, to overawe; the middle member of the name is the word for sea. Thus Wei Hai Wei is the "Terror of the Sea," so called because it was used as a base from which to subdue the pirates that infested the neighboring seas.

In the year 1883 the first steps were taken to fortify Wei Hai Wei as a base for military operations, but the war with the French in 1894 led to the abandonment of the work before much had been accomplished. When peace came the interrupted activity was renewed and the rapidly growing northern ocean squadron of the Chinese navy found here its summer rendezvous, the harbor at Port Arthur, or Lu Shon Kon, as the Chinese call it, being far too small to shelter more than a few ships at one time.

Later two light-houses were erected. Forts were built under German superintendence, and supplied with guns by Krupp, whose agent, the late General Schnell, was instructor in gunnery in the Chinese garrison. Money was spent liberally, and excellent work was done in the way of fortifying the place, for the mandarins got their "squeeze" not by "jerry building," but by purchasing less than was provided for, and by drawing money for the expense of battalions which never existed. And when they did go in for "jerry building" their methods were radical. The presiding genius of the day, Li Hung Chang, found on his last inspection, made just before the Japanese sank the *Kow Shing*, and so opened the war, that a fort on the far east end of the bay had been built of wood. Mighty was the wrath of the great Li, and frightful the consternation of the two generals responsible for the fraud, fellow-provincials and protégés of Li himself. They were instructed to rebuild at once, and with stone.

But whence the funds? These were found in a way that was simplicity itself. A battalion was estimated for, and although it never existed, save on paper, money was drawn for its maintenance. Stone was obtained speedily from the wonderful and inexhaustible granite quarries of Shih Tao, in the Shan Tung promontory, and there it lies to-day, for the Japanese war put a stop to further fortifications. And when the Chinese Government recently turned the place over to the British the local authorities had no knowledge of the existence of this material, which was boldly claimed by a disgraced general.

On November 21, 1894, Port Arthur fell into the hands of the Japanese, who shortly began to turn their attention to Wei Hai Wei. On the 20th of January following 25,000 men were landed on the sheltered shore of Yung Cheng Bay under cover of the guns of the Japanese fleet. From that place to Wei Hai Wei a march of more than 40 miles was necessary over a country innocent of a road wider than a pack-mule track, and on February 12, 1895, Wei Hai Wei was evacuated by the Chinese.

Of their fleet, some were sunk and some captured. Admiral Ting, a brave officer, willing to fight, but under orders not to leave the harbor, chagrined and heartbroken, swallowed opium after signing articles of capitulation. The country around was occupied speedily and effectually by the Japanese. The treaty of Shimonoseki provided that Wei Hai Wei should remain in the hands of the Japanese until certain stipulations should be carried out, and for nearly four years Japan maintained a large garrison there, but on July 24, 1898, the Japanese flag disappeared from the harbor. For a brief time the Chinese emblem displayed its dragon swallowing the sun, shortly to find a companion in the Union Jack, and finally to disappear a few months later, leaving the British nominally, as they had been actually, in control of Wei Hai Wei, their new "sphere of influence."

It is on these historic shores that the experiment of transforming the Chinaman into a modern fighting machine has been successfully made by the newcomers, while the military experts of the world are watching the results with increasing interest.

And since the policy of our own country to retain permanent possession of our new insular colonies now seems established, we, too, should be especially interested in the experiment from a military as well as an economic point of view. Wherever the flag of England floats, there you will find her defenses maintained by native guardians. The flower of her army is not consumed in colonial garrisons. In India, the Gurkhas and Sikhs, officered by Englishmen, form her military reliance. In West Africa the Houssas are her defenders. In Egypt the Baggaras, transformed by the skill of Kitchener, rout the forces of the Mahdi. In the Windward and Leeward islands and Jamaica, native regiments (blacks) are employed exclusively; so, too, in Australia and Canada, her soldiers are mostly native born, and in South Africa, until the outbreak of the present war, Zulus, supplemented by a small contingent of English troops, maintained her defense and security. Where, indeed, would England be to-day were it not for these native forces guarding her colonial empire, while her own soldiers are engaged in the Transvaal hostilities.

Quick in her perception of this great advantage, she no sooner got possession of her new sphere in China than she at once set about organizing a means of defense by utilizing the material at hand, knowing that if successful she could at once eliminate two of the greatest problems besetting an army on a foreign shore—that of acclimatization, and of subsistence, with the attendant dangers of climatic and epidemic diseases.

It was my good fortune, on a recent visit to Wei Hai Wei, to meet Col. C. H. Bower, R. A., to whose genius has been intrusted the serious experiment of transforming native Chinese from mild-mannered coolies to modern soldiers, to witness many of their drills, and to get from Colonel Bower's own lips his account of the work. He approached the task with many misgivings, but after six months of patient work his views changed radically. The first battalion, Chinese regiment, recruited during the past year, numbered at the time of my visit 360 men, all from the Shan Tung Province, where the finest specimens of physical development of China are to be found.

These men are enlisted for three years, under the regular provisions of the British army act, for service in any part of the world. They have been selected with the greatest care. The average height is 5 feet 8 inches, with a chest development of 38 inches, a standard higher than that of the regular British army to-day. Three companies of 120 men each were well advanced in training. The organization of the company in detail is similar to that in the United States Army. All the commissioned officers are British, but the noncommissioned staff, with the exception of 1 sergeant-major, 1 color-sergeant, 1 orderly room clerk, and 1 armor sergeant are Chinese.

It is certainly wonderful what a few months' hard work accomplished in "licking these 'rookies' into shape." Colonel Bower assured me that while originally he was far from being impressed with the idea of making soldiers of the Chinese—indeed, he was decidedly prejudiced against even such an attempt—experience had convinced him of his error, and that he was now becoming an optimist. The initial processes of drilling were tedious, and required much patience on the part of the drillmaster; but the men soon learned to respect their superiors and became attached personally to them; and the officers, having once gained the confidence of the men, could do almost anything with them. Discipline was maintained with but little use of the guardroom, and drunkenness was unknown.

These Chinese recruits are remarkably respectful, orderly, docile, and learn their tactics well, but the greatest patience has to be exercised with them until they fully understand their positions and are brought to a realization of their responsibilities, of which, in their early days, they seem to have no understanding. For more than six thousand years the Chinaman has followed his own method and it is difficult to make him realize the importance of precision in military affairs. For instance, when a leave of absence for seventy-two hours is given to him, he will return perhaps in ninety-six, thinking it is all right. What's the difference?

He can not be made to see it: "came back all right; three days all the same four, so long as he did come back." But when put in the guard room for a week and made to do extra labor, his sleeping sense of duty is awakened and he does not repeat the offense. Notwithstanding that the drills at Wei Hai Wei have been very severe, desertions were unknown, although opportunity could be found easily, as the British concession or sphere of influence extends only 10 miles inland. The uniform of the troops is rather picturesque; straw hats in the extreme heat of summer, to be replaced by turbans in winter; khaki blouses and breeches for the summer, to be exchanged for rough Irish frieze in winter; red cummerbunds, and putties instead of leggings, with the regular artillery boot of the British army.

Colonel Bower was expecially enthusiastic over the results of his men's musketry practice at the rifle butts. At the time of my visit they had been trained for short-range work only—one, two, and three hundred yards; but their scores had been exceedingly gratifying, better even than those of the average British soldier after an equal amount of practice, to the great astonishment of all the officers of the regiment.

The cost of these troops to the British Government is another surprise. Their ration consists of one catty of rice (1.33 pounds), one-third catty of flour daily, and one pound of meat once a week. The cost of this to the British Government is $2.15, Mexican, a month; the soldier's pay is $8.09, Mexican, a month, making the entire cost to the Government for the soldier and his subsistence $10.15, Mexican, or $5, gold, a month.

All vegetables and luxuries are purchased by the soldier at his own expense. The health of the men was excellent. Since the organization of the regiment there had not been one death or a serious case of intestinal disease, although the period has included the most inclement season of the year. Colonel Bower was convinced that with a year or two more of training his men would be equal to any soldiers in the world.

At the time of my visit the battalion had its first experience in fighting fire. A conflagration occurred in the old city.

On such occasions it is the custom of the natives to sit by supinely, watching the progress of the flames, even though a whole city may be in a blaze, or to indulge in looting. But the English officers were on the scene quickly with the Chinese battalion, a fire brigade was organized promptly, water was passed up in buckets and the fire put under control, while the populace stood by and marveled.

Within a year of their enlistment, these troops successfully stood the crucial test of leading a charge. In a sharp action with a vastly superior force of boxers, the same who are now menacing the safety of the Chinese Empire in the provinces of Shan Tung and Pi Chi Li, and about Tien-Tsin and the Imperial City, Peking, the Chinese batallion, with their British officers, quickly routed the enemy, killing 60 and capturing a large quantity of arms. Their own casualties amounted to only two, both British officers, who were wounded. Thus they demostrated beyond cavil their fidelity and loyalty to the new flag they had sworn to uphold, even when their opponents were their own countrymen.

Hitherto we have been accustomed to laugh at the soldiery of China; but the fact that her soldiery is a laughing stock on account of lack of training and bad generalship proves nothing against the Chinaman's courage. Fortunately there can be no question of his innate bravery. For a consideration, or when convinced that he is right, he puts the fear of death entirely out of his mind. Like the negro, the Egyptian, or the Malay, all the Chinaman wants is the inspiration and leadership of resolute white officers. Conspicuous examples of their personal bravery are not lacking in the official reports of our own officers serving in the Philippines, notably those of Lieutenant Batson, of Major Bell, of Captain Sawtelle, of General MacArthur's staff, of Colonel Powell and Captain Durfee, of the Seventeenth Infantry, and of Major Shields, surgeon of the California Volunteers. My own observations on the firing line confirm these opinions. The Chinese drivers or litter bearers were as absolutely unconcerned under fire as though out in a snow storm, and they obeyed their orders implicitly.

An incident illustrating the bravery of the cooly is narrated by Major Fitzgerald. It occurred at the battle of Malolos, in Luzon. An American soldier had fallen at the front; two coolies had rushed forward with their litter, consisting of a little hammock swung from a pole, and were bringing the man back to the dressing station, when a bullet pierced the thigh of one of the litter bearers. He continued on, however, as though nothing had happened, until he deposited his charge beside the improvised operating table. Not until some time later was it found that the cooly was wounded severely and suffering intense pain. He endured it all with the patience and stoicism of his race, and expressed suprise that attention should be bestowed upon him at all; he had expected to be left by the wayside.

That the yellow and black races make excellent fighting material when properly officered by whites, has been proved conclusively in innumerable instances. In our own army at San Juan Hill, the Twenty-fourth and

* Read at the ninth annual meeting of the Association of Military Surgeons of the United States, at the Academy of Medicine, New York, June, 1900, and also published in the North American Review.

Twenty-fifth United States Infantry and Tenth Cavalry, negro troops, led by their gallant white American officers, did as effective work as any men, regulars or volunteers, on the field.

Nor did their heroism cease there. Later, when that more dreaded enemy, yellow fever, appeared in every camp, and when volunteers were called for to nurse the sick and dying and to bury the dead, it was these men of the negro regiments who responded to the call, notwithstanding that their numbers had been terribly reduced in the battle only a few days before, and the fatal pestilence was raging in their own ranks. One hundred and twelve of these martyrs succumbed to the disease, but they quavered not in the hour of danger.

Nor is this record for fearlessness in the so-called inferior races confined to our own Army. What did Kitchener do with the Egyptian peasants who for centuries had been regarded as menials and cowards? By tactics similar to those now being followed by Colonel Bower with the Chinese at Wei Hai Wei, he transformed them into cavalrymen, who not only successfully resisted but charged and broke the bloodthirsty followers of the Mahdi and defeated them with terrible slaughter.

Fifteen years ago the idea of making a soldier of an Egyptian would have been ridiculed as a practical joke by military men. Training and the inspiration of leadership won the victories, and the Egyptian soldier of to-day has his place in history.

The experience of "Chinese" Gordon at the taking of the Taku forts in 1860 is eloquent in its showing of the individual bravery of the Chinaman. Large numbers of coolies were pressed into his service as cooks, litter bearers, and for transportation purposes. Arriving at the moats surrounding the forts, these slaves of duty seized the scaling ladders, rushed into the water nearly neck deep, and in the face of a galling rifle and artillery fire placed the ladders on their shoulders from man to man, thus forming a continuous bridge supported by human pillars, and let the British army walk over their heads to the other side of the moat. Then, rushing from the water with their ladders, they ran to the walls of the fortress, and were the first to scale their ramparts. Thus was courage inspired, and thus did it become contagious, even as panic and disaster would have resulted had the leadership failed.

Nor has Spain been without experience in the use of native troops in her colonies. In the very place where this urgent military question must be met and solved by the United States, namely, in the Philippines, upon which Spain placed strong reliance, was her native Filipino troops, of whom, when Manila fell, she had about 5,000. They were among her best disciplined and bravest troops, familiar with the country, its warfare, its dangers, and its ambuscades, in excellent health and thoroughly acclimated, speaking the language of the country, free from danger of tropical diseases, and subsisting on native foods. Our failure to secure them for service under the American flag was promptly taken advantage of by the wily Aguinaldo, who, upon condition of their swearing fealty to him and entering his army, promised them immunity from their countrymen and reward for their services.

It was only a short time before the entire force was under his control, almost every soldier being made an officer in the Filipino ranks. It was in this way that Aguinaldo was enabled to create the disciplined array that was destined to cope with our army of over 50,000 men.

In view of our failure to secure the trained Spanish-Filipino soldiers, and considering the suspicion that exists and will probably continue to exist toward us among the natives of these islands, the experiment of Great Britain with the Chinese battalion at Wei Hai Wei is of signal concern to the United States. In our Philippine possessions there are already more than 100,000 Chinese, who form by far the most industrious class of the inhabitants. The Chinese mestizo (half Chinese and half Filipino) is acknowledged to be superior to the Eurasian, or to the mestizos of Oriental cross, Japanese, Hindoo, or Bornese. Many of them are wealthy bankers or merchants. Others are engaged as compradors and clerks, banking houses employing them almost to the exclusion of other nationalties, on account of their quick wit, sterling honesty, industry and individual merit. As in the Hawaiian Islands, they form the most valuable element of the population.

The Chinese-Hawaiian half-caste is the keenest business man and the most industrious citizen to be found in those islands. The exclusion of the Chinese laborer in that land will do inestimable damage in retarding industrial and commercial development. Despite his fanaticism when directed by ignorant rulers, he has shown his superiority over other Orientals in his untiring industry, his domesticity, and his honesty.

In the large foreign hongs of China and Japan he is the trusted employee in places requiring responsibility. When put in competition with the Bornese, the Filipino, the Singalese, the Hawaiian, the Japanese, or the Indian, he invariably wins, as may be seen by his rise from poverty to wealth and influence in the cities of Singapore, Calcutta, Sandakan, Manila, Honolulu, or Yokohama. It is time the world recognized that in the great race of civilization, and the greater race for the survival of the fittest, the nation that has preserved the integrity of its Government for over six thousand years; that has witnessed the rise and fall of the civilization of Chaldea, Egypt, Greece, and Rome; that can claim the discovery of the compass, of gunpowder, the game of chess, and the printing press, is more to be feared for its virtues than its vices. The presence of the Chinaman in the Philippines, as in the Hawaiian Islands, will do more to promote the industrial development of these colonies than any other single factor. His exclusion was a diplomatic blunder to be rated with our failure to secure the army of Filipinos trained by Spain and the discharge of the civil guard of Manila, 500 strong, all of whom immediately entered the service of Aguinaldo, and the irrational rationing of our troops, which did and is still doing so much to invalid and decimate our army. To attribute to climate the diseases of the Tropics is an error due to ignorance and custom. The vast majority of ailments credited to climate have their origin in the use of improper foods, overfeeding, or the abuse of stimulants.

During the past two years it has been my misfortune to see two great armies—one in our own southern country, Cuba and Porto Rico, and one in the Philippine Islands—largely invalided through culpable ignorance or neglect, by improperly subsisting the troops. To the the eternal disgrace of our medical and commissary departments it will be remembered that when entire regiments were suffering from stomach and intestinal catarrhs, from diarrhea ailments (and I have seen more than 75 per cent of an entire command in this condition at one time), they were subsisted on a ration of rich meats, pork and beans, tomatoes, and other foods that aggravated the diseases, crowded the hospital tents, and left the men weak and emaciated, so that their return to health was a prolonged struggle. Taps and the last volley were often the only reward many a poor soldier received for his patriotism.

As represented in caloric units, the ration supplied to the American soldier in tropical lands amounted to thirty-eight hundred units, while that given to an English prize fighter in a temperate zone, when training for the ring, amounts to only 2,800 caloric units.

It is an old saying that "it is the ration that wins the battle." As furnished to the soldier the ration was an excellent winter food, rich in elements requisite for respiration under a low temperature, but for a tropical land the enormous excess of carbon furnished by it to the lungs, over and above that which they could dispose of, imposed upon the liver and kidneys additional duties of elimination, producing congestions, fermentation and catarrhs, dyspepsia and lithæmia, glycosuria and phosphaturia, interfering with metabolism, and creating conditions favorable to bacteriological development, together with almost the entire train of diseases which have crowded our army hospitals. In phosphaturia, especially, the nervous system is deprived of the salts necessary for its proper function, which privation not infrequently results in mental disturbances that may end in suicide or insanity. How little the heat is directly responsible for these cases may be inferred from the extreme rarity of sunstroke in the Tropics.

Dr. John Ordonaux, emeritus professor of medical jurisprudence in the College of Physicians and Surgeons, served with distinction thirty-five years ago in our war of the rebellion as a volunteer surgeon. It was at that time that the famous saying, "Beans killed more than bullets," arose. In round numbers, the mortality from bullets, directly and indirectly, was 100,000, while that from disease was 500,000, or five to one. Commenting on this fact thirty-seven years ago, "that the ration served our troops in the South was the same in winter as in summer," Dr. Ordonaux said:

"By proper disposition of his diet man lives as healthfully under the equator as under the pole. The East Indian with his rice and yams, and the Eskimo with his seal blubber and putrid fish are both healthy enough in their respective climates, but let them once change residences without changing their diet, and what would be the consequence? The Eskimo would be attacked with putrid fever, and the East Indian would die of inanition.

"We perceive from this the absolute necessity of modifying all forms of diet in such a way as to accommodate them to the physiological requirements of varying seasons. For habit is not acquired as against laws of chemical combination, and no man can become habituated to doing that with impunity, which, being a violation of the physiological laws of his system, is, by its frequent admonitions of pain, notifying him of the evils about to overtake him.

"As the ration bill now stands, it presents us with too concentrated a form of diet for continued use. It abounds in fibrine, gluten, and fat, without, however, a sufficiency in starch, mucilage, gelatin, and acids. Aromatic herbs and spices, without which health can not for any length of time be preserved, particularly in hot climate or seasons, are entirely omitted, while fat pork, an article contra indicated in summer both by the state of the appetite and the physiological necessities of the system, stands as a sheet anchor of its animal food."

And of what avail was this prophetic warning? The ration table of the United States Army in the Spanish-American war was substantially the same as that during the rebellion.

From the dawn of history experience has shown that in time of war disease was a far more deadly foe to an army than the bullets of an enemy. In the war of the Crimea the French lost in killed 21,000, and from disease 100,000, or about 1 from bullets and wounds to 5 from disease. The English losses in that dreadful campaign ran a little higher, the proportion between fatalities from bullets and wounds and that from disease being 1 to 6.

In our civil war about the same proportions were maintained, 1 to 5. In round numbers, 100,000 men fell on the field or died from wounds, and 500,000 perished in hospital wards from the more fatal enemy, disease.

But it has been reserved for the Spanish-American war to cause a blush of shame and indignation at the apathy and stupidity which has permitted preventable diseases to play such havoc with the army. In the campaign, the actual hostilities of which lasted from July 1 to August 12, about six weeks, the mortality from bullets and wounds amounted to 268, while that from disease reached the appalling number of 3,862, or about 14 to 1. With proper subsistence and sanitation these proportions for such a short service should have been reversed.

With our military hospitals in the Philippines still crowded, despite the constant relief of their wards by shiploads returning on transports, and the decimating policy of irrationally subsisting the troops still in force, it behooves the United States to follow the example of England at the earliest possible moment and to resort to the only reasonable course left open for the maintenance of her army in the Orient, namely, the utilization of native troops. Most authorities agree that it will require a garrison of at least 40,000 men to maintain order in the Philippines, even after peace is declared, but I coincide with General Lawton, who told me that he thought it would require many more than that number to bring order out of chaos, to establish law in the various provinces, and to maintain its complete supremacy.

The United States now has 25 regiments of volunteers in the Philippines, whose term of service will expire on June 30, 1901. Most of the enlisted men will wish to return at the expiration of that time, some sooner, while some will be willing to serve longer. A majority of the commissioned officers would welcome the opportunity to retain their places permanently. I would suggest that at the earliest possible date such of the enlisted men, not exceeding one-third, as desire their discharge on account of sickness or for other causes be allowed to leave the service. Then from the third battalions of each regiment let all the enlisted men, excepting a few noncommissioned officers in each company, be transferred to the other two battalions, thus filling them to their full strength. Enlist one battalion of Chinese or of native friendly Filipinos (Macabebes or Ilocanos) to each regiment, making the composition of each regiment two battalions of white and one battalion of native troops, with white officers throughout, and a certain proportion of white noncommissioned officers in each native company. At such time as the authorities deem advisable, transform a second battalion of white to native troops in a similar manner. Then, when the proper time arrives, and the success of the move is demonstrated, transform the third battalion of each regiment, and, as circumstances may justify, replace such of the white noncommissioned officers as may seem best for the interests of the service by native noncommissioned officers, but keep white commissioned officers first, last, and all the time.

Published statistics recently furnished by Congress state that the cost of the army in the Philippines in the last year was about $150,000,000. It is easily within reason to declare that each fighting man costs the Government more than $1,000, gold, a year for pay, subsistence, cost of transportion service, and medical attendance, without any calculation for his future pension claim. The pay of the American soldier in the Philippines is $16, gold, a month. His ration costs far more, when the enormous wastage and cost of transportation is calculated. It is no uncommon incident for entire cargoes of beef to be lost in transportation across the Pacific. I know of three such instances last summer. And in calculating the cost of the American soldier, no mention has been made of the expenses of hospitals, with their medical staffs, nurses, orderlies, helpers, etc., all of which add enormously to the expenditure.

The native Chinaman or Filipino can be enlisted in unlimited numbers for $10 a month and can be subsisted for $4 more. Additional expenditures for transportation, etc., might cost $2 more, making a total of $16 a month, or not more than $200, gold, a year, or about one-fifth of our present expenditure, and with no danger from an everlasting pension claim in the future.

In an interview with Li Hung Chang, at his palace in Pekin, some months prior to the outbreak of hostilities in China, he assured me that China would interpose no objection to the enlistment of her subjects in the American Army. But if, in the present crisis, such recruits are not considered desirable, there are many friendly Filipinos to be substituted. Great Britain recruits her ranks from various tribes or castes in India, and tribal hatreds are often utilized in the pacification of outbreaks among the natives. The same

policy can be advantageously followed by us in the Philippines, where the friendly tribes of Ilocanos and Macabebes are the implacable foes of the rebellious Tagals.

England has a great advantage over the United States in colonial government and in colonial military affairs, in that there is not always a home party in opposition, wanting to apply the constitution to the natives, telling the discontents that as soon as their party gets control all complaints and wrongs will be rectified. The home Government acts as a unit and with a consistency that challenges the admiration of the world.

It remains to be seen whether by the liberal utilization of native troops we shall save the flower of our army for service at home, and preserve it from degrading conditions that, alas, too often are brought to this country by returning troops. And it also remains to be seen whether the country shall be spared the depletion of its Treasury through extravagant expenditures caused by improvident military administration leading to enormous pension claims. The Spanish war has resulted in the filing of over 25,000 of these claims already. Who can say what the number will be when those resulting from the Philippines campaign are recorded?

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The foregoing article was written in China several months before the outbreak of the Boxer rebellion. That unexpected event afforded a rare opportunity for attesting the allegiance of the Chinese battalion and fully vindicated the claims I have advanced for the employment of native troops when officered by Englishmen or Americans. Let it not be forgotten that Liu Kung Tao, Lau Chau, and the old city of Wei Hai Wei, where the Chinese battalion was recruited, are located in the Shan Tung province, which was the very hotbed of the Boxer uprising. The following is an extract from my journal of a conversation with Colonel Bower in Tientsin on the 7th of March, 1901. Colonel Bower was at that time the imperial commissioner representing Great Britain in the government in Tientsin. Replying to my question regarding the battalion he said:

"No, there were practically no desertions from the battalion, although the men were subjected to terrible temptations. You know in China, parental love, Fung Shui, and ancestral worship are held as sacred tenets. When the Boxer movement was in its incipiency the families, priests, and friends of my men resorted to every persuasion and threat to induce them to desert, but without success. Finally they organized an attack and placed the fathers of my men in their front ranks, so that should the men shoot they would become parricides—guilty of the most heinous crime known in the Orient. But in the fight that followed, they cut their way through the 2,000 attacking Boxer rabble, killed many, and routed the remainder to the hills. Encouraged by this evidence of loyalty I took two of my three companies to Taku and joined General Seymour's column in its advance on Tientsin. In the fighting that followed from June 20 to July 14 the men did excellent work, losing in action 26 killed and 56 wounded. One officer was killed and 2 severely wounded. Fearing trouble, I ordered roll call every hour after reaching Tientsin. Two men were supposed to have deserted, but later investigations showed that 1 had been taken prisoner and the other was killed. The most remarkable thing that happened was with the company left at Wei Hai Wei.

"These men were so chagrined and disappointed at being left behind, and so determined to participate in the fighting, that almost the entire command deserted and fought their way through nearly 50 miles of hostile country to join their companions at Tientsin, where I kept them until active hostilities ceased. On returning to Wei Hai Wei, I shall renew recruiting and expect to largely increase the number of our Chinese force."

All the troops employed by Great Britain in the China relief expedition were Indian, most of them Gurkas, Sikhs, Beluchis, and Royal Bengal Lancers. Colonel Shone, who has long been an officer of the Royal Engineers in the imperial army of India, said to me:

"It would be quite impossible to maintain order in India without the employment of natives who can endure conditions in the Tropics which would soon annihilate white troops. England has found it advisable to keep an army of 75,000 British troops with 150,000 natives for her protection there. Too many of one tribe should not be employed in one locality; at least one-third should be white troops. Had this precaution been observed there never would have been a Sepoy rebellion or an Indian mutiny."

In the report of Adjutant-General Corbin, published to-day, it is asserted that if it is decided that General Chaffee's forces shall not be reduced, 20,000 new recruits will be necessary to replace those leaving the Philippines through expiration of time of service between now and July, 1902. As reenlistments in the American Army are now comparatively rare, owing to the abolition of the canteen and the hardships of tropical service, this force must practically be drawn from new blood, recruits, none of whom have been acclimated to tropical conditions. As the figures given in the Adjutant-General's report show that in the Philippines about five men die from disease for one who falls in battle, and that the casualties there have already amounted to 3,493, to say nothing of the enormous number invalided home to swell the pension rolls, it remains to be seen how much longer the American people will submit to this unnecessary waste of our home material when native force can be equally well substituted.

NEW YORK, *October 18, 1901.*

Mr. SAMUEL W. SMITH. Mr. Chairman, in the brief time allowed me I desire to call attention, in connection with this the fifty-eighth section of the bill, to the urgent necessity and advisability of the passage of some legislation that will give to the people of the Philippine Islands a stable and sound currency, and I will do so by reading a portion of a letter from a teacher in the Philippine Islands, which letter was recently forwarded to me by one of my constituents, and I have no doubt that it reflects the true condition of affairs there respecting this subject. He says, under date of April 23, 1902:

Our checks are made to us in Mexican currency. The Department fixes a ratio every quarter for the following three months—for instance, at $2.10. During that quarter the legal ratio goes to $2.30 or $2.40, as it is now, and we have to lose, you see, 20 or 30 cents on every $2.10 Mexican. It is a steal. We were hired at a fixed salary in gold and are then paid in Mexican (meaning, of course, in Mexican money).

This month I am paid $174.30 Mexican, at the ratio of $2.10, but the legal ratio in the bank is $2.40, at which rate I should get $199.20 Mexican (which equals $83.33 gold), thereby losing $24.90 Mexican, which equals $10.30 gold. That reduces my salary from $83.33 to $73 for this month. Is that justice? The Department says that the ratio may change and run back and then we should gain, but if we did we would have to keep our money until that time, and what would we live on or what would we send home?

In January the ratio was $2.10 (Mexican to $1 gold), and we were paid at $2.10, losing nothing. In February the ratio was $2.17, causing us to lose 7 cents on $2.10 Mexican, equal to $5.12 on our month's salary. By the time we got our March check (also at ratio of $2.10) the legal ratio had gone to $2.40, causing a loss, as I said, of $24.90 Mexican, or $10.30 gold. But this is the end of the quarter. I hope my April check will be at a different ratio. Indeed, I have just learned that the ratio for April, May, and June will be $2.27 Mexican for $1 gold. That's it, draw our salary at the bank at $2.27 and stand right in our tracks and pay it back at ratio of $2.40 to get gold, losing 13 cents on each $2.27 Mexican; and yet we were hired by the Government for a fixed salary gold.

What's the matter with Congress? Are they all asleep in America? It is hard enough to come over here and help make this country without having the Government take from us what justly belongs to us after we get here. God knows we don't get any too much salary when we get what was promised us; it takes it all to live here, and we don't have the kind of living you get in America, either.

How much this reminds us of the stories told us by our fathers, and doubtless well known by some members of the House, of the days of wild-cat money in this country. I see no reason why we should not give to the people of the Philippine Islands a sound currency, such a currency as we have, the best in all the world, or one equally as good.

I also avail myself of the opportunity to insert in the RECORD at this time a letter from James A. Le Roy, private secretary to Commissioner Dean C. Worcester, who has been in the islands for two years or more and is perfectly competent and qualified to speak. Mr. Le Roy has already contributed to various magazines, some of which may be found in the Independent, July 4, 1901, entitled "Civil government in the Philippines;" July 11, 1901, "The real Aguinaldo;" August 22, 1901, "Home rule in the Philippines;" October 10, 1901, "Higher administration in the Philippines;" November 14, 1901, "The Manila bishops' pastoral;" November 28, 1901, "The greatest of Filipinos;" also in The Islander for April, 1902, "The Chinese in the Philippines."

It may serve to correct some misstatements of Sixto Lopez which recently appeared in a distinguished Senator's speech.

PONTIAC, MICH., *June 14, 1902.*

Hon. SAMUEL W. SMITH,
House of Representatives, Washington, D. C.

DEAR SIR: On pages 6643-6647 of the CONGRESSIONAL RECORD for this session there was published a series of answers made by Señor Sixto Lopez to questions stated to have been propounded by Senator CARMACK. These answers, though made in a somewhat more careful manner than various other communications bearing Señor Lopez's signature (hence supposedly prepared by him), are nevertheless glaringly incorrect in many respects.

These inaccuracies usually consist of glittering general statements, with no attempt to bolster up the statements by concrete facts or examples. All such must stand, then, as merely the opinion of Señor Lopez; and it should be noted that he has not been in the Philippine Islands for at least seven years. He was certainly not there during the revolt against Spain; nor has he been there since American occupation began. By some Filipinos I have been told that he has been absent for ten years. Again, Señor Regidor, the Filipino in London whom Señor Lopez sometimes quotes, has not been in the Philippine Islands for thirty years. Señor Lopez himself went to Hongkong last fall, and through third parties tried to get assurances that he would be welcome in Manila. He was assured that he was free to enter if he would, on entering, take an oath not to incite to rebellion against the constituted government there, and he chose to stay out.

With this qualification, Señor Lopez's opinions about the state of affairs in his own country may be taken for what they are worth. Those exceptional cases where he assumes to state facts, or give concrete examples to support his opinions, may well be called to notice.

First, Señor Lopez says: "I have been working for twelve years in order to secure the independence of the Philippines." It would be interesting to have him quote to us, from any publication of Manila, Madrid, or elsewhere, between the years 1890 and 1897, any argument, declaration, or what not of his, over his own name, in which he advocated such independence.

Señor Lopez has, I understand, claimed some of the glory justly accorded to José Rizal, a martyr in very truth, and a genius justly admired by his people; at least, Señor Lopez has, at various times, declared that he was a coworker with Rizal, and has intimated that he as good as inherited the mantle of Rizal. Is he not aware that Rizal never advocated the independence of his people from Spain; that his great novels were written primarily to point out to his own people their defects and to teach them the salutary and necessary lesson that in order to obtain the full measure of modern political, social, and economic freedom they must first earn and deserve that freedom?

Scathing as were Rizal's exposures of the defects of Spain's civilian and friar-ridden institutions, the larger lesson to his people stands out clearly in his books. He did not believe his people yet ready to stand alone, and what he preached to them was the need for an educational and moral awakening. To his dying hour he protested, and truthfully, that he had never been connected with the propaganda of revolution against Spain. Six months before he was executed he was accorded permission, at his own request, to go to Cuba and act as volunteer surgeon in the Spanish army then operating (1896) against the insurgents in that island. He did this to prove his loyalty to Spanish sovereignty, and in sending him on to Spain from Manila Governor-General Ramon Blanco wrote a letter commending him to the Spanish minister of foreign affairs, Marcelo de Azcárraga, in which he said (Manila, August 30, 1896):

"His conduct during the four years that he has lived in deportation in Dapitan (Mindanao) has been exemplary; and he is, in my judgment, so much the more worthy of pardon and benevolence that he is shown to be in no way complicated in the plotting we are these days lamenting here. Neither is he in any conspiracy or any of the secret societies they have been getting up."

Writing to his German friend, Dr. Blumentritt, while on his way to Spain, and thence to Cuba, September, 1896, Rizal speaks of having, during his wait at Manila for a steamer to Spain, remained on board a Spanish cruiser in Manila Bay, at his own request, that he might not be charged with a share in the uprising then being planned. He adds:

"During this period of time there happened the serious disturbances in Manila—disturbances *which I lament* [not his italics], but which serve to show that I am not the one responsible for upsetting things."

And again, writing to Dr. Blumentritt, on December 26, 1896, the night before he was shot, Rizal says: "To-morrow at 7 I shall be shot, but I am innocent of the crime of rebellion."

It would seem, therefore, that Señor Lopez had already in 1890, according to his statement of to-day, gone far beyond the position of Rizal.

Señor Lopez furnishes us with a list of 65 Filipinos, classified as "statesmen," "soldiers," "merchants," and "professional men," who, he says, should be summoned to testify as to the desires of his people.

The list is such as perhaps might have been expected from one out of intimate touch with affairs at home for more or less than a decade. It contains a number of obscure men, several who are absent from the islands (and not at Guam, either), with a fair number of representative men, while it omits some of the most intelligent and representative Filipinos now in the islands. Señor Lopez says all those whom he names are "opposed to the present policy," but I personally know that at least 26 of the 65 are not so in opposition. He enrolls among our "opponents," for instance, Chief Justice Cayetano S. Arellaño, who has actively cooperated with the American authorities since early in 1899, who has made speeches in favor of our governmental programme all over the archipelago, and who, for one thing, induced Aguinaldo to take the oath of allegiance.

Señor Lopez's ethnological figures are open to serious questioning. Of an assumed Philippine population of 10,000,000, he thinks 9,000,000 to 9,500,000 are "homogeneous," i. e., supposedly, are Christianized and live in the settled towns of the civilized provinces. These people are usually called the "Filipinos proper." The usual estimate of their number is 6,000,000 to 7,000,000. At any rate, Señor Lopez is very far wrong in saying that a total of half a million or less would include all the Moros, Igorrotes, Negritos, and wild people generally of the Philippine Islands. There may be 500,000 Moros in the single Lake Lanao region of Mindanao, and there are in all from 750,000 to 1,500,000 Moros in the southern part of the archipelago.

There are from 200,000 to 500,000 non-Moro wild people in Mindanao, the hill tribes, Indonesians, so called. It is by no means safe to assign figures of less than half a million for the Igorrotes and kindred tribes in northern Luzon and the various wild peoples in Mindoro, Palawan, Samar, and other islands.

Where did Señor Lopez get his authority for saying "the Moros have signified their willingness to join with the Filipinos in forming a government?" In the Moro country the dato is supreme ruler, for life or death, of those called his followers; and a compact with Moros is therefore of necessity, a compact with datos?

What dato or datos ever expressed a "willingness to join" with the Filipino revolutionary government? And if one, two, or three ever should, as might be possible (if promises of "something in it" were held out to them), that would imply nothing beyond the acquiescence of their few hundreds or few thousands apiece of followers. There is almost nothing in common between Moros and Filipinos—not language, nor customs, nor religion, nor laws, nor ways of life—and only to a degree have both a common racial origin, as anyone knows who knows anything about the matter.

Authority shall be given for the statement: "Even the Moros of Mindanao and the Igorrotes, who had never been subdued by Spain, acclaimed Aguinaldo and were prepared to recognize his government." At Cottabatto, Mindanao, the Moros slaughtered the men who claimed to represent Aguinaldo in the formation of a branch of the insurgent government. At Dávao, Mindanao, there had been considerable trouble between Moros and Filipinos, and the safety of the town was threatened by the Moros when our troops arrived and restored order. At Zamboanga, the other point in Mindanao where Moros and representatives of the Malolos government came into contact after the withdrawal of Spanish troops, Dato Mañdi repeatedly tried, before the arrival of American soldiers, to get the authority of the American naval officer in the harbor to sack the town in our behalf and take the heads of the Filipino leaders.

So much for Moro "cooperation" in Mindanao. As to the Igorrotes, the sturdy mountaineers of north central Luzon, Spain had not done much for them, it is true, but she had sent Ilocano officeholders from the lowlands among them, and they, cowed by show of firearms, were wont to yield tribute of forced labor, with no pay, when called on, except in the remoter mountain fastnesses, where Spaniards never penetrated and where head hunting was the rule between tribes. Somebody at Malolos conceived the idea of sending Ilocano emissaries among the Igorrotes of Bontoc and Lepanto and ordering them down to Aguinaldo's headquarters, where it was represented high honors would be paid them and they could take all the cowardly American heads they wished with their spears and head axes.

They came, willy nilly, at the bidding of their Ilocano domineerers—children of the hills and forests, a little band of a few score nearly naked savages, never having heard of the Americans, only knowing that they were white skins, like the hated Spaniards. In order that the news might go out to the world that poor, liberty-loving people had fought us with spears and shields, they were placed in the van of Filipino defense when the American forces first marched north from Manila. In the same way, when the insurgents tried to surprise the American garrison in Iba, Zambales Province, one night in 1899, with their rifles they drove in ahead of them a wretched band of the unclad dwarfs, the Negritos, punily brandishing their bows and arrows and terrified by the American bullets.

It is not meant to insinuate that there were not men of capability and sense connected with the Malolos undertaking, but these instances reveal the presence there of some harebrains, who thought thus to secure sympathy and help from the outside world, while at the same time other Filipinos of the same stamp were assuring their people at home that a half dozen European nations, more or less, were about to intervene for Philippine independence; and Señor Lopez's former chief, Agoncillo, was trying to make it appear to Mabini that he was worth his cost by writing from Germany that he had seen the minister of foreign affairs in Berlin and was soon to be accorded an interview with the German Emperor.

This handful of undeceived Igorrotes had speedily discovered that there were rifles in the American camp, and men who knew how to use them, and, when permitted, they made for their mountain homes as fast as their legs would carry them. To-day they know the Americans, and are good friends of ours, and a year and a half ago one of their leaders (who will sometimes admit, with hanging head, that he went down to Aguinaldo's camp) came down to Manila to ask for an American flag and an American school in his Bontoc community. His people now have both.

There was somewhat similar "cooperation" on the part of the peaceful agricultural Igorrotes of Benguet Province. It had been hoped to make the Benguet Mountains another Biacna Bato when our troops should drive the insurgents north, and a gun foundry was to be located halfway up the difficult trail leading into Benguet. Here, at Sablan, Benguet, one may see today half a dozen big church bells, taken from the towns on the coast, a boiler, and part of an old lathe. The Benguet Igorrotes were forced to drag these heavy things 10 miles up this trail, which tires the unencumbered traveler with horse.

Their labor was forced and without pay, for they were under the thumb of their Ilocano taskmasters. There was no talk about "consent of the governed" for these peaceful Igorrotes. Their towns were all given a paper organization under the Malolos government, and the offices were held by Ilocanos. To-day the Igorrote settlements of Benguet are under American Government, officered entirely by Igorrotes, except for the town secretaries, who are Ilocanos, as no Igorrotes can read and write. We have American teachers at work with youngsters, and I saw one school of these breechclouted semisavages where, in two weeks' time, several of the brightest youngsters had learned to read words, and even simple sentences out of a primer. So much for the difference between 1898 and 1901.

In his efforts to sustain his assertion that the Christianized population, the Filipinos proper, though called Tagalogs, Visayans, Bicols, Ilocanos, Cagayanes, Pangasinanes, and Pampangas, are really more homogeneous than the people of the various 45 States of our country, Señor Lopez has been led into strange statements.

First, he remarks that there was not, under Spanish domination, a case of intertribal warfare. Strictly speaking, that is so, since the time when Spain had made good her authority in all but the mountains and the Moro regions, and the friars had converted all these lowlanders to Christianity. Prior to this time the people were, almost everywhere, but somewhat scattered bands, under petty chiefs, varying in importance and power.

I am not one of those who carelessly asserts that the Filipinos were savages when the Spaniards came, for what little valid historical evidence we have does not bear out this view, but certainly the "pueblo" life of to-day, in almost all its features, is an outgrowth of conditions created by Spanish occupation. Prior to the time when the new force of military authority and of the missionaries was felt there was intertribal and intercommunity warfare in plenty, so far as the evidence goes to show anything as to these antehistorical times in the Philippines. And the Spanish rulers did not seem to have trouble in enlisting Filipinos of one dialect or tribe to fight those of another, or keep order among them.

Señor Lopez is horrified that the American authorities should have enlisted as scouts Macabebes "and some others." There are Ilocanos, there are Tagalogs, there are Visayans enlisted under our flag, and there is no trouble whatever in getting all the recruits wanted, in spite of the "unanimous desire for independence." Furthermore, these men are not looked upon by their people as Benedict Arnolds, as Señor Lopez would have us believe. My observation has been that they were usually envied by their fellows among the young men and that the unmarried among them could almost have their pick among the girls of their set. So differently do things go from what one who reasons about them from a distance of 10,000 miles sometimes thinks they should go! Similarly, those comparatively few Filipinos yet under compulsion as prisoners of war, awaiting the final proclamation of peace, have grown in Señor Lopez's overworked mind into many thousands.

To make a case for homogeneity Señor Lopez must minimize the difference in the languages of the Filipinos. He makes the other six dialects of the civilized peoples (treating the Visayan incorrectly as one) all derivable historically from the Tagalog. Of course, the truth is that the Tagalog and all the others are variations from a common Malay stock language, which had Sanscrit and Arabic, perhaps also other, influences worked into it. They are decidedly similar, of course, and yet different enough so that the Tagalog who knows no Spanish can not hold conversation with the Visayan, the Bicol, the Pampangan, the Pangasinan, or the Ilocano.

It should be borne in mind that the average Filipino's vocabulary (excluding now the educated classes who speak Spanish to each other) contains only from 300 to 600 words. Being born, living, and dying right where their fathers did, as in the past they almost always did, with very little or no going about, these masses have developed many colloquialisms, so that even a Tagalog, when too far removed from his particular communities, might not be able to understand all another Tagalog's ideas. This last is a rather extreme case, but I have known it to happen among the least educated.

Señor Lopez has carefully selected 31 words which are very similar in Tagalog and Visayan. To be worth while for comparison, we should have the 400 or so words which make up the language of the average man of the masses in the Tagalog province of Cavite and his compeer in the Visayan province of Iloilo, and it would readily appear how far apart the two men would be from understanding each other, except for a few of the commonest wants of life. And Señor Lopez has neglected to tell us that the Visayan commonly spoken in Panay has many differences from that spoken in Cebu and again from that spoken in Leyte.

Perhaps I am overbold in thus stating facts, for Señor Lopez has "challenged disproof" of his statements calculated to establish a common language for all the Filipinos. The facts I state here are, however, of the sort necessary to the most fundamental knowledge of these Malay dialects, and can be very readily verified.

Señor Lopez, speaking of there being representatives of the various tribes in the colleges of Manila, says, "Although there is considerable rivalry among the students, the rivalry is not between Visayans, Tagals, Bicols, etc." Again, he is out of touch with the facts existent to-day in Manila. And but twenty-five years ago—I have it on the authority of no less a man than Chief Justice Arellano himself—Tagalogs and Visayans, Ilocanos and Bicols, used to clash in fights in the halls of the oversleepy friar "university" of Manila.

It is very true that these tribal lines can be and have been magnified in importance. In physical appearance, in religion, in most of the ordinary customs of life, Tagalogs, Visayans, Ilocanos, etc., are quite the same. The greatest charge, perhaps, to be brought against the uneconomic civil measures of the Spanish Government, side by side with the mediæval influence of the friars, was that this whole system operated to keep the Filipinos from being and from feeling themselves to be a people; it kept them provincial, and the mass of them villagers in knowledge and in sympathies, while only the few rose above these unnatural barriers and gained the vision of nationality.

It may seem ridiculous that, with the really slight fundamental differences between tribes, they should not to-day be a people, but the fact is that they are not. And the language barrier is the greatest of all, now that uneconomic restrictions to trade and communication between provinces have been swept away by the application of the American principle of freedom of intercourse. That is why every effort is being made to give them a common language—the English. That is just one great difference between Spanish and American government. We want the spirit of nationality and unity to grow, with growing trade and better means of communication. Spain wanted to, and did, squelch almost all tendencies toward unity and nationality.

Señor Lopez is, at least, not entirely ingenuous in dealing with the question as to the state of education of his people. He once gave to the American people statistics to prove that the people of Batangas province are more literate than those of Massachusetts; he has not yet given us the authority for the figures which seemed to prove his case. Now he says 30 per cent of the Filipinos speak Spanish; almost all of them speak a few Spanish words—yes, and more than 30 per cent could understand the simple commands given to servants in Spanish—but not 10 per cent of Filipinos are educated in Spanish so as to speak and read it fluently, this according to all estimates yet made by competent authorities.

But, says Señor Lopez, 75 per cent of the people can read and write in their own dialect. True; but of what avail is it to be able to read if one has nothing which he can read, and of what use to be able to write if one but rarely has a chance to communicate? This respect for the ability to read and write, however, and the craving for something to read in their dialect are among the most encouraging signs for the Filipino masses. With what can the Tagalog, for instance, now satisfy this craving if he does not read Spanish?

Search Manila over, and you will find printed in Tagalog only the catechism, a few church books entitled "Models of Conduct," etc., almanacs, and now and then "Cinderella" and other fairy tales put over into the dialect years ago; no histories available, no Bible, no stories of a modern sort, no literature at all, in fact, according to our way of thinking.

There is a little Tagalog daily newspaper in Manila, but out in the provinces the great mass of the people have access to nothing of that sort. Suppose the average man does read, then, except by hearsay, he knows nothing of the world outside his own town. Mere ability to read and write does not constitute education. Señor Lopez tells of the Filipinos being able to read and write in their modified Arabic script before the Spaniards came. True, but they had no literature, and to-day we can not go back of the Spanish conquest except by traditions and a few curious old documents.

He says, "The Filipinos have opened elementary schools in every village. They have also founded high schools and university colleges throughout the archipelago, and a university, two large normals for male and female teachers, and five large schools for women in Manila." Surely Señor Lopez does not mean to state the Filipinos individually or by cooperation, and not the Spanish authorities, founded these institutions, while the grievance of the Filipinos, as they came to see their own needs, lay in the facts that these institutions were very far from sufficient for their needs and that they were deficient and monastic in methods.

He knows, of course, that the Dominican friar who was at the head of the so-called "university" in Manila was, ex officio, a sort of superintendent of public instruction for the archipelago, and that the Spanish decree of 1872 secularizing public instruction in the islands was never really carried into effect. One of the avowed grievances of the Filipinos was the absolute friar control of their means of education; hence it seems somewhat disingenuous for Señor Lopez to give us the inference that the Filipinos of themselves created, maintained, and managed their schools and colleges.

He speaks of "an educational institution (purely Filipino) granting scholarships which enabled the winners to study in Europe." He should also, in fairness, have told us how many Filipinos have ever had the benefit of this commendable undertaking, now being laudably carried on by the International Club of Manila (mostly Filipinos), which sends one or two young men every year to be educated in the United States.

Señor Lopez can also find little good in the sending of 1,000 American teachers to the Philippines, for he says: "There are thousands of capable teachers in the islands. We have had for the last thirty or forty years two large normal schools in Manila, and we are capable of conducting our own educational affairs." In this respect he differs from the majority of these same teachers, who realize their incompetence and crowd eagerly into the American normal courses during the vacation and take advantage of the cooperation and instruction of the American teachers day by day during the school year. Señor Lopez ought to give us the curriculum of these normal schools of which he talks grandiloquently.

The education of the teachers who graduated from them was, in most respects, not equal to that of an American youth who quits at the fifth or sixth grade. The text-book they employed in teaching the young Filipinos, in the latest form before American occupation, contained religion and morals, grammar, arithmetic, six pages of geometry, geography, history, deportment, one page each of botany, chemistry, and zoology; agriculture and orthography—all in 240 badly-printed 16mo. pages. Much of this, truly a "compendium of knowledge," was never touched upon, through the lack of familiarity with it on the part of the teacher or because the friar, who was school overseer in each parish, forbade it. This prohibition lay particularly against that part of the text-book which conveyed, and poorly enough, too, a little instruction in the grammar of the Spanish language.

Señor Lopez complains of the present government of the Philippines being a costly one; that the Schurman Commission's promise of lower taxes has not been carried out, and that the land tax is calculated to be oppressive and to force Filipinos to sell their land to foreigners.

Under the Spanish fiscal system the chief burdens in supporting government fell upon the poor man, through the cedula tax, which was applied directly, and the various forms of industrial or internal-revenue taxation, which bore principally on the great commodities of the people and not on luxuries. The wealthy landowner had no special contribution to make as such.

Under American government American principles of taxation have been introduced. With a full year's notice given, the direct tax on land is this year to be applied, the proceeds to go—the seven-eighths part—to the municipal and provincial governments themselves, and one-fourth of them to go to the municipal schools. The ordinary workingman is paying a cedula tax of $1 Mexican, as compared with $2.50 Mexican formerly. The more oppressive forms of industrial taxation have been done away with. The customs tariff provides a uniform levy of 15 per cent, for purposes of revenue, on the ordinary commodities that must be imported. Articles like diamonds, which formerly were assessed lightly, must now pay 25 per cent, and thence upward.

There is, of course, grumbling against the land tax on the part of some wealthy owners of estates who have in the past escaped their fair share of taxation. The Lopez family, including Señor Sixto Lopez and his brothers, are, if not the family owning the largest estates in Batangas, at least among the very largest landowners of that province.

Very respectfully, JAMES A. LE ROY.

I will also submit a further statement from Mr. Le Roy, which includes some instructions that have never before been published, and I desire to call especial attention to the first paragraph of "antecedent data:"

Early in January, 1899, when the situation was becoming critical in Manila, General Otis, in pursuance of his instructions to take every means for the avoidance of armed conflict with the Filipinos, under the nominal leadership of Aguinaldo, indicated to the latter through a third party the desirability of establishing a modus vivendi for their troops. President McKinley was then about to name a commission of civilians to proceed to the islands and associate themselves with Admiral Dewey and General Otis in ascertaining conditions, making recommendations as to the course to be pursued when the treaty of Paris should be ratified, and, by conference with representative Filipinos of all classes and factions, making a start toward permanent good relations with the natives of the islands.

The treaty not having been ratified, American authority extended only to Manila Bay and the city and its immediate environs. The actual conditions were: Our soldiers penned up in the city, responsible to foreign nations, to the citizens, natives and otherwise, and to our own honor for public order; while outside there surrounded them a cordon of Filipino soldiery, whose hostile attitude was daily becoming more evident, who were threatening and planning uprisings and burnings in the city itself, and who, by long and uninterrupted boasting, had come to believe that the American Army would be easy for them to annihilate. Regardless of all past relationships, of theoretical questions as to the rights or wrongs of the case—laying these considerations aside for the moment—these were the actual facts of the situation in January, 1899.

Naturally, the American commander, receiving almost daily cautions against provoking—nay, if possible, permitting at all—an outbreak and an appeal to arms, was desirous of arriving at some sort of modus vivendi which would permit the treaty to be acted on at Washington, the Commissioners of the President to arrive with their instructions, and something approaching a definite policy to be arrived at. Under the circumstances, he could not have been otherwise than anxious to meet Aguinaldo in a concilia tory spirit and to patch up some terms under which, for the time at least, hostilities would be averted.

In what temper did Aguinaldo meet these advances—or, rather, Aguinaldo's coterie of advisers? For Aguinaldo himself was never trusted to handle such a situation single handed; his name might be signed to papers and negotiations, but that was all he ever did in connection with them.

In this case it was "Chief Adviser" Mabini who handled the matter. The invitation was to send commissioners to treat with an equal number of representatives of General Otis in a purely informal way and make some purely temporary terms, to be backed by the authority simply of the two generals, as commanders of their forces. Mabini at once twists this informal invitation, sent through a civilian of Manila, into a chance for the exercise of subtility rather than frankness. He sends down to Manila Señors Florentino Torres and Manuel Arguelles, loaded with carefully prepared formal instructions and commissioned as representatives of the "revolutionary government of the islands," to treat with the "American government of occupation," signing their credentials himself as "President of the council." Their instructions, which will be given in full later on, and which are of importance for another reason, hint at the provisional recognition of Filipino independence (which he had privately made for them a sine qua non) and require the securing from General Otis of a promise for a final "treaty" between the "two governments."

This was the disingenuous way in which Mabini met this invitation to a conference to temporarily avert bloodshed. Knowing full well that the American general had no such authority, and that the American Government was not in position to make such terms if it wished until the treaty of Paris had been ratified, he only wished to trap General Otis into seeming to recognize representatives of Aguinaldo as official commissioners of the "revolutionary government," in order afterwards to say: "Here was another promise of our independence."

That this view of the case does no injustice to the shrewd Mabini is shown by the subsequent private correspondence between the president of council and the Filipino commissioners at Washington. To resume briefly:

These first instructions were given to them, and they were dispatched to Manila from Malolos on January 5, 1899. The next day they informed Mabini that they could not treat as "commissioners of the revolutionary government," and inclosed a note, furnished through the third party, signed by General Otis, saying that, "as general in command of the Army of the United States in the Philippines, he would nominate representatives to confer with an equal number named by General Aguinaldo, and also that he would be pleased to receive, at any time, representative Filipinos of character and influence." This was plainly all that General Otis had authority to do.

Mabini demurs at first, in his reply of January 7, that "if Aguinaldo sends representatives as a simple general he does not represent the people. Aguinaldo can only solve questions of present moment as chief of the government, not as chief of the army"—whatever he may have meant by this.

Aguinaldo's representatives repeat the refusal of General Otis to recognize the "revolutionary government," and add their own arguments as to why he could not go beyond this, urging that Mabini yield, in their telegraphic reply of January 7. Whereupon Mabini yielded, as he had expected all along to do, and on January 9 signed authority for three representatives of Aguinaldo as general—Señors Florentino Torres, Ambrosio Flores, and Manuel Arguelles—to meet three representatives of General Otis." As he put it in his handwriting, though signed this time by Aguinaldo, they were appointed "in order that, in accordance with the instructions already given them, they should negotiate with the commissioners named by Maj. Gen. E. S. Otis, commander in chief of the American forces, the bases of a provisional agreement to assure peace and amity between the said forces and the Filipino people until the establishment of a final agreement between the governments of both nations."

The American officers who represented General Otis in the conferences that ensued were Brig. Gen. R. P. Hughes, Brig. Gen. James F. Smith, and Col. E. H. Crowder. Only in part have the details of their conferences, lasting up to January 31, 1899, been made public, and it is not to the purpose to enter into them at this point. Suffice it to say that, at every turn, no matter how evident was the desire of the three Filipino commissioners to meet the American propositions fairly and to answer the questions which the latter propounded to them as to how they could possibly maintain an independent national existence, they were handicapped in their efforts at frankness by the hidebound instructions of Mabini that they must worm from these Americans some sort of recognition, if only halfway, of the revolutionary government.

When their meetings were for the second time on the point of breaking up, because the American commissioners had to state frankly that this matter of permanent status was not one on which they had any power whatever to treat—a fact expressly understood in the beginning—then Mabini, to whom the three Filipinos had, in despair, resorted for further instructions, while he still iterates and reiterates that they must stipulate for an agreement with the "revolutionary government," nevertheless adds a note (January 11, 1899) to his roundabout phrases, saying: "I expect that you gentlemen will be successful in this difficult undertaking, understanding well that in case no further session is announced we should be much prejudiced by that fact." In other words, "It is not yet time to break squarely with them. We must strengthen our public case, and can not afford to seem to have rejected a fair chance at negotiation and peaceful settlement."

Interesting sidelights on the twistings and turnings of the subtile Mabini may be obtained from the perplexing and shifting instructions he sent down to the Filipino commissioners at Manila during the latter part of January, 1899. The above statements only contain the gist of the matter, obtained from private documents still, for the most part, in the hands of private citizens of the Philippines. It is, however, well worth while to present in full the first set of instructions, those made out by Mabini at Malolos on January 5, 1899. The translation here presented is obtained from private sources, but a copy in Spanish of the original document, which is in Mabini's handwriting, is, I believe, on file in the War Department. The translation reads as follows:

[Presidency of the revolutionary government of the Philippines. Instructions to be observed by the commissioners, Señors Florentino Torres and Manuel Arguelles, under which they are to treat, in the name of the revolutionary government of the islands, with the American Government of occupation in Manila as to the bases for arriving at a provisional treaty to maintain the good relations which ought to exist between the two governments until the definite treaty be formulated and approved.]

ANTECEDENT DATA.

First. The chief of the Philippine people has not made any agreement with the Government of the United States, but, inspired by the same ideal of destroying the sovereignty of Spain in these islands, they have mutually assisted each other.

Second. In spite of the sacrifices made by the revolutionary army, the American general committed, when taking Manila, the injustice of not allowing a share in the triumph to those who were, though only "de facto,"

his allies, while it is public and notorious that the prompt surrender of the city was particularly due to the valor, bravery, and constancy of the beleaguering revolutionary army. That, after this, conflicts occurred between the allied forces, which, though settled in a friendly manner, gave rise to the subsequent manifestations of distrust.

Third. The cities of Iloilo and Cebu having been surrendered by the Spanish generals to the revolutionary chiefs, and, while the greatest order reigns in them, the Americans desire to occupy them in a friendly manner, if possible; and if not, by main force, as is set forth in an official telegram published in one of the newspapers of Manila, going to the extreme of intimating to the revolutionary chiefs by means of an ultimatum the surrender of the cities, especially that of Iloilo, for as regards that of Cebu there is so far no trustworthy news. This the revolutionary chiefs refused.

In consequence of this and in view of the mobilization of American troops to reenforce the independent brigade destined to occupy the Visayan Islands, the President, in accord with the council of secretaries, has considered it convenient to appoint a commission composed of said Señors Torres and Arguelles, with such confidential interpreters as they may select for the object above indicated, subjecting themselves, for that end, to the following instructions:

First. That they manifest to the government of occupation that the Philippine people desire to live in complete peace and harmony with the great American people, as they understand the necessity of its protection and will never forget that it was the first champion of the peoples oppressed by the bad Spanish Government, to which end the revolutionary government will take the necessary steps.

Second. In its consequence, that they will supplicate from said government of occupation the maintenance of the "statu quo" until the conclusion of a formal agreement between both Governments, as the Filipinos of the island of Luzon could not look with indifference upon the dismemberment of their territory in the Visayan Islands, and, wounded in their patriotism, will perhaps not be able to suffer the foreign invasion of their territory. So much more so as the invaders of to-day have been the allies of late, who, by manifestoes and proclamations, have assured the people that they had not come to make war against the Filipinos but to liberate them from the Spanish dominion.

Third. That with a view to the indicated aim of maintaining the "statu quo" as regards the armed action of the government of occupation, as well as in order to initiate the provisional treaty that is to improve the relations of both Governments, the basis be agreed upon, founded on the strictest justice, equity, and reciprocity, which basis, once ratified by both parties, will be developed by means of commissioners within a short term.

Malolos, January 4, 1899.

The president of the council.

MABINI.

The first clause of the above is of course the particularly pertinent one, containing thus a categorical denial, on the part of Mabini for Aguinaldo as late as January, 1899, of there ever having been any alliance of formal agreement with the American authorities. This becomes more important when the private, purely private, character of these instructions is considered. In the second paragraph, as if to emphasize it, he speaks of the Americans as allies, but only "de facto" allies. This at once shows that Aguinaldo, Mabini, et al. were not in the least deceived by a belief that an American consul at Singapore or at Hongkong, or even an American admiral, could bind the people of the United States and their Government to any course by their own action alone.

[If the translation be called into question, here is the Spanish of this paragraph relative to "The chief of the Philippine people," etc.:

"ANTECEDENTES.

"El Jefe del pueblo Filipino no tiene celebrado contrato alguno con el Gobierno de los Estados Unidos; sino que movidos por un mismo ideal de abatir la Soberanía de España en estas Islas, se ayudaron mútuamente."]

As to the three commissioners who came in for Aguinaldo. Señor Torres severed his connection with the Malolos government and came into Manila when they declared for war on us. He was attorney-general after the reorganization of the courts under the American military government, and is now a judge of the Philippine supreme court under the American civil government. Señor Ambrosio Flores retained his commission as general in the insurgent army and fought fairly and well until the war had degenerated into mere guerrillaism and assassination, when he gave it up, afterwards taking the oath of allegiance to the United States. Unlike some other such leaders who had the great chances to prey on his people which his command gave him, he did not emerge from the war a rich man, but was, in Manila in 1900, quite dependent upon the mercy of his friends. He was active in the organization of the Federal party; was appointed governor of Rizal Province, which adjoins the city of Manila, by the Commission, and in February last was reelected to that office.

Señor Manuel Arguelles, who was converted to the American side by the arguments which he heard at Manila on this occasion, was foolish enough to frankly state his views as to the interests of the Filipinos lying in the line of cooperation with the Americans after he got back to the insurgent headquarters. For this General Luna promptly clapped him into jail, where he was kept, without charge or trial, for some months, being furnished with a revolver at one time and cautioned that he would best commit suicide. He did not; was finally released at the approach of the Americans, and has since been an active "Americanista" in Manila. He was prominent in the formation of the Federal party.

When Isabelo de los Reyes, the same half-caste who has returned to Manila, taken the oath not to incite to rebellion against present government, and is at the present time engaged in promoting strikes of all the laborers in Manila for the purpose of embarrassing the government and sowing discontent—when this Ilocano half-caste, de los Reyes, was in Madrid, running a junta paper, called Philippines Before Europe, with revolutionary funds, he was loud in his denunciation of everything done by the Americans in Manila and the islands. There was one notable exception, however. In 1900 the decision of a Filipino judge in the Tondo district of Manila deprived him of the right of disposal of a house which he claimed as his property in that district.

Touched in his pocket, de los Reyes promptly discovered that the great need of the Philippines was for American judges and a reform of the old laws and old system of procedure. He gave up a large part of the issue of his revolutionary paper of September 25, 1900, to an "exposé" of this abuse committed against his pocketbook and proceeded to lecture the American authorities as to their duties in the matter of reforming the judiciary, sending marked copies to each member of the Taft Commission. He remarked, quite truthfully, "The Yankees are responsible for the acts of the judges put in office by them." And this man, who had been preaching in Europe the preparedness of the Filipinos for full self-government, had this to say also: "We should not find any objection to accepting the Americans' legal and educational systems, if they consider them indispensable for our moral uplifting."

Much has been said as to the adoption by the Filipinos at Malolos of a constitution, based in great part on ours; and as to their proposing to follow our examples and our principles of government, "Why," say some orators, "among their first provisions was one for freedom of conscience and freedom of religion." Far from it. The matter of separation of church and state was a much debated one in the congress of Malolos and with the leading Filipinos of the time. There was finally a committee report to the congress on the matter thus referred, and that committee report declared for the proclamation of a state church in the Philippines—that church to be, of course, the Roman Catholic. There was at that time an excommunicated native priest in Aguinaldo's headquarters, calling himself "War Bishop," and giving out orders to native priests all over the island, in the name of Aguinaldo, while Filipino representatives had been commissioned to secure if possible a recognition from the Papacy of this new government and the power for it to make appointments to curacies in the Philippines.

There was an element at Malolos opposed to this programme and desirous of a declaration for separation of church and state. They made opposition to the above committee report and a debate of several days ensued, in the course of which much feeling was aroused. It finally came to a vote in the session at Malolos November 29, 1898, and the result was at first a tie—25 to 25. The president refused to resolve the tie, fearing to arouse the factional feeling of the losing side and eventually be ousted from his post. One man who had abstained from voting finally cast his vote for separation of church and state. The American principle of freedom of worship and no support of church by state therefore prevailed at Malolos by one vote.

In the closing hours of Congress Admiral Dewey has been called to testify before the Senate Committee on the Philippines, and his testimony is of so much importance that it is to be regretted that it can not be procured and printed in full in the RECORD. One can, however, get a fairly good idea of the same by the extracts which follow.

[The Evening Star, June 26, 1902.]

Admiral Dewey made a statement before the Senate Committee on the Philippines to-day concerning the early operations at Manila, when he was in command of the American naval forces in Philippine waters. The Admiral's statement contributed an important addition to the history of the surrender of the city of Manila. This consisted of a positive statement by the Admiral to the effect that the city had been surrendered to him at the time that the Spanish fleet was sunk, and that when the city did surrender it was in pursuance of a definite understanding between himself and the Spanish governor-general.

The Admiral was questioned by Senator LODGE. He said he had first heard from Aguinaldo and his friends about April 1, 1898, a month before the battle in Manila Bay, when it became certain that there was to be war. "I then heard that there were a number of Filipinos who desired to accompany the fleet to Manila," he continued. "All of them were young and earnest. I did not attach much importance to them or to what they said. The day before we left Hongkong I received a telegram from Consul-General Pratt, located at Singapore, saying that Aguinaldo was at Singapore and would join me at Hongkong. I replied, 'All right; tell him to come aboard,' but I attached so little importance to the message that I sailed without Aguinaldo and before he arrived. There were then many promises as to what the Filipinos would do, but I did not depend upon them. Consul Williams assured me that upon our arrival and the firing of the first gun 30,000 Filipinos would rise. None did arise, and I frequently joked him on this point."

MANILA REALLY SURRENDERED.

It was at this point that the Admiral stated that the city of Manila had surrendered on the day of the destruction of the Spanish fleet.

He said that during the naval engagement several guns had been fired at him from the shore batteries and that as soon as the Spanish squadron was destroyed he steamed toward the city, sending word to the governor that if another shot was fired from the shore he would fire upon the city. "The governor replied," the Admiral went on, "that if I did not fire upon the city the shore batteries would remain silent. The Spanish flag was not taken down, but white flags were raised. It was a surrender, and if I had had with me 5,000 troops with which to occupy the city I could have taken it and held it. I anchored my ships under his guns 2,000 yards, and lay there twenty-four hours. During that time the governor-general sent word to me several times that he wanted to surrender to me—to the Navy. I could not entertain his proposition of a formal surrender because of the lack of troops to take possession of the city."

APPEARANCE OF AGUINALDO.

Admiral Dewey then told of the arrival at Manila of Aguinaldo, saying he had come from Hongkong on the revenue cutter *McCulloch*, and that upon his reporting to him on his flagship he had told him to go ashore and organize his army. Accordingly Aguinaldo had landed, but he came back a few hours afterward, apparently discouraged, and asked leave of absence in order to go to Japan. The Admiral said that he dissuaded him from pursuing this course and urged him not to give up. He advised him further to continue his efforts outside the American lines and gave him 75 Mauser rifles and some ammunition. "We had a common enemy," said the Admiral, "and I wanted his help."

Continuing, the Admiral said that after Aguinaldo got his forces organized he occupied Cavite, but when he (Dewey) learned that American troops were expected to arrive soon he asked the Filipinos to retire. They at first demurred, but ultimately consented.

It was after this time, on July 15, that Aguinaldo sent to him from Baccoor his first proclamation of the independence of the Philippines.

AGUINALDO'S PROCLAMATION.

"That proclamation," said the Admiral, "was the first intimation I had ever received of the aspiration of the Philippine people for an independent government. Aguinaldo had never told me that the independence of his people was his aim. But when the proclamation came I thought nothing of it. Indeed, I attached so little importance to it that I did not cable it to Washington, but left its transmittal to the mails."

He then told of Aguinaldo's military operations toward Manila, saying that he did wonderfully, whipping the Spanish many times. Aguinaldo had wanted to attack the city itself, but he (Dewey) had advised against this course. The Admiral said that at that time his intercourse with the Filipino chieftain was most friendly.

"Indeed," he said, "Aguinaldo and I were always on the most friendly terms. He considered me, I think, the liberator of himself and his people. I really think he entertained the highest admiration for us because we had whipped the Spaniards, who had so completely dominated the Filipinos for three hundred years."

DID NOT RECOGNIZE FILIPINOS.

"Did you ever recognize his government?" Senator LODGE asked.

"Never. Nor did I ever salute his flag, as was reported. He hoisted a flag on a small vessel that he had come into possession of. The admiral of the German fleet notified me of this fact and asked me if I meant to recognize the flag. I replied in the negative, adding that the flag was only a little piece

of bunting, and that anyone could run up a piece of bunting on a private yacht. No. I never saluted the flag, and, indeed, I did not attach any official significance to it or to Aguinaldo. I never called him General, but addressed him as 'Don Emilio.'"

"Did you recognize the Philippine republic?"

"I did not. I never gave it the slightest recognition. I had no authority to do so, and besides did not consider it an organized government. There was a reign of terror, and the Philippine forces were riding roughshod over the community, committing many acts of cruelty. I sent word to Aguinaldo that he must treat his prisoners kindly, and he replied that he would."

"What would have been the effect of permitting the Philippine forces to enter Manila when our troops entered?"

SURRENDER PREARRANGED.

The Spaniards were very fearful of the result of such a course, and, therefore, they surrendered to me in advance. That was all arranged, and there was no need for the loss of a man in the capture of the city. It was to be done at a signal and no gun need have been fired by us but for the desire of the governor-general, who said his honor demanded that a few shots should be fired. So that I had to fire and kill a few people, but the Spaniards did not fire, because of my warning that it would be disastrous to the city for them to do so. They had in the city 13,000 troops and 47 rifled guns.

Admiral Dewey added that he was pleased to supply the committee with this history. It had, he said, never been printed, and he had been reserving it with the view of writing the story himself.

He said, in reply to other questions, that he did not believe the Filipinos could have taken the city unaided, but he admitted that the Spanish forces were greatly demoralized.

The cross-examination was conducted by Senators PATTERSON and CARMACK.

FOOLISH LETTERS FROM PRATT.

In response to an inquiry from the former, Admiral Dewey said he had never received from Consul-General Pratt a letter notifying him that he was to cooperate with Aguinaldo. "I don't remember," he added, "when I did first hear from Pratt. He wrote me a number of foolish letters about that time." The Admiral also referred to a published statement to the effect that he was to have acted with Aguinaldo in his operations, saying that this was written by an unreliable person.

He added that before turning over his papers to the Navy Department, previous to surrendering the command of the squadron, he had made copies of some of the communications received.

"But," he added, "I did not copy any of the communications from Pratt. He didn't impress me. He seemed to be a sort of busybody, devoting much time to interfering with the business of other people."

CONSIDERED FILIPINOS UNGRATEFUL.

The admiral said that when Aguinaldo was at the height of his power the British admiral (Seymour) had advised the Filipino chief to tie to the Americans, as they were his best friends. He said that when he let the Filipinos have guns and ammunition he thought it was a military necessity. Looking backward he could see that they were not needed. He considered them very ungrateful in turning against the United States. The admiral said he and not the Filipinos had captured Subig Bay, and he had taken possession because a German man-of-war was preventing Aguinaldo from passing.

Admiral Dewey had not concluded when the committee adjourned.

[The Evening Star, June 27, 1902.]

Admiral Dewey continued his testimony before the Senate Committee on the Philippines to-day. Replying to questions put by Senator PATTERSON, he said that he had begun negotiations with the governor-general of the Philippines, General Jaudenes, for the surrender of the city, and the negotiations were conducted through the Belgian consul, who, after the death of the British consul, had been very courteous in acting as a go-between. It was a diplomatic negotiation, no letters being written. The Admiral said he had informed General Merritt of the proffer of General Jaudenes, but that he did not believe that Merritt had taken "much stock" in it.

MERRITT INCLINED TO BE INCREDULOUS.

"I assured him that such was the case," said the Admiral, "but told him of the arrangement that before the surrender should take place I was to engage an outlying fort and make the signal according to the international code, 'Do you surrender?' after which the Spaniards were to hoist the white flag on the southern bastion. I may say that I was the first to discover the flag, notwithstanding I had stationed 50 men to look out for it. It was a thick day, and I chanced to be the first to discover it." He also said he had read the testimony of General MacArthur, saying that he knew of no agreement of the kind mentioned, but that it had not been his (Dewey's) business to communicate with anyone except the commanding officer.

Asked by Mr. PATTERSON to explain his statement that General Merritt had not accepted the report that the Spaniards had agreed to capitulate, Admiral Dewey said that was only his belief. "I do not believe," he said, "that the General entirely trusted the Spanish authorities. Still he did not say so in so many words. I may add that I have since learned that some of the Spanish officers were tempted to fire at us, though they did not do so. Even my own flag lieutenant did not accept their proffer as in the best of faith. I knew, however, that they would surrender, for I understood the straits they were in."

Replying to a question as to whether the agreement to surrender had been made public at the time of the attack upon Manila, Admiral Dewey said he thought not.

"There are," he said "lots of things which are not communicated to the public."

AGUINALDO'S ATTITUDE.

Mr. PATTERSON sought to secure from Admiral Dewey an admission that Aguinaldo had issued a proclamation of independence to the Filipinos about the time of the sinking of the Spanish squadron, but the Admiral said he did not remember it, although it was possible that he might have done so.

Mr. PATTERSON then read the paper forwarded by Consul-General Pratt May 20, 1898, in which the Filipino leader said that Providence had opened the way for independence to the Filipinos and spoke of the Americans as their liberators. The Admiral said, however, that he did not remember to have seen the paper. He had, he said, given Aguinaldo a printing press, and probably he used this press for getting out his proclamations.

In reply to a question, the Admiral said that Consul Williams, who had been stationed at Manila, was an honest man, although perhaps quite enthusiastic. The Admiral did not, however, remember to have promised to Aguinaldo his "cordial cooperation," as the consul had reported.

For the purpose of making inquiry concerning some of the representations of Consul-General Wildman, located at Hongkong, Mr. PATTERSON asked concerning that gentleman's character. The Admiral apparently hesitated to reply, but then said: "He's dead—I had rather not say. He was the United States consul-general." He added that he would prefer not to reply to further questions, but when Mr. PATTERSON persisted, he added: "He was a very able man—an able consul."

Mr. PATTERSON then read Mr. Wildman's letter of July 18, 1898, saying that Aguinaldo had conducted himself in a dignified manner, etc., and the Admiral assented to the truth of this statement.

Speaking of Aguinaldo's loyalty, the witness said that he had become suspicious of that leader before the receipt of his proclamation of July 15. He said, "I began to suspect that he was not loyal to us when he demurred to moving out of Cavite when our troops arrived."

"You mean that they were thinking more of their own independence than of us?"

"Yes."

MONEY PAID BY SPAIN.

Admiral Dewey also testified concerning the arms sent to Manila by Aguinaldo, and Senator DIETRICH asked the Admiral if "he did not believe that the arms were purchased with money previously paid by Spain to secure peace, and that it was his intention to use the money to foment another insurrection for the purpose of gain."

The Admiral's reply was: "Exactly so."

Mr. PATTERSON next called attention to a number of proclamations forwarded by him to Washington in May, but Admiral Dewey said he did not remember having read them, and in explanation of his failure in this respect he said: "The days and nights were not long enough for me to get through with my work at that time. Evidently I didn't consider the proclamations as of importance if I did read them, for I made no comment on them."

The reading of these dispatches was followed by a number of questions.

VIEW OF AGUINALDO'S PURPOSE.

"Knowing of Aguinaldo's expectation and purpose to secure independence," said Mr. PATTERSON, in beginning a question, but before he had concluded he was interrupted by the witness, who said: "No; I did not know that."

"Then you believed such to be his purpose?"

"I didn't believe it, and since you have asked my opinion I will say that I believe he was there for gain—for loot—for money, and I further believe that independence never entered his head."

Replying to another question by Senator PATTERSON, the Admiral said that while Aguinaldo was located at Cavite and was under his observation he was always humane, but that he did not see him much after the Army came.

Senator CARMACK then put a number of questions to the witness. Replying to these, the Admiral said it was true he had assisted Aguinaldo in organizing his army by supplying him with arms, etc.; that at that time there were no American soldiers in the Philippines, and that Aguinaldo had complete control of his own forces, and that he was under no restraint. Mr. CARMACK then asked the witness why he had done so much to aid a man whom he regarded as "a common robber and plunderer."

The Admiral did not reply immediately. His face reddened and he laughed. He then said the Senator had not quoted him accurately, but he admitted that he had said Aguinaldo had gone to Manila for pillage and plunder. He added, "You know the old saying that 'All is fair in war.'"

"Do you consider it fair in war to assist a known plunderer and robber in an enemy's territory to pillage without restraint?"

"I believe it is, as I read history."

"Then you admit that you assisted this robber and plunderer to organize, etc.?"

"I didn't then call him a robber and plunderer; I called him the 'insurgent leader.' I have said here that he was there for money and loot. I think those were my words, and I think that is what he was there for. Do you," he said, turning interlocutor himself, "think he was there for anything else?"

"I do," responded the Senator.

"Well, I don't," said the Admiral, and as if to express his opinion still more emphatically, he repeated, "I don't," and added, "I swear I don't."

"Do you think you knew Aguinaldo better than General Otis?"

"In some things I think I do," the Admiral replied. "I think my judgment is better in some matters than the General's. I don't believe he ever saw Aguinaldo, and I saw him fifty times. Moreover, I know his history."

"Do you think you know him better than General Bell?"

"I think I know him better than any of our officers."

"Did Aguinaldo tell you that he was there for money and loot?"

"I saw in his actions that he was. He hadn't been there forty-eight hours before he was taking everything in sight—provisions, munitions, etc."

"From the Spaniards?"

"From everybody."

"For himself?"

"I expect he got the lion's share."

"If General Otis and General Bell should say they regard Aguinaldo as personally honest in money matters, would their statement influence your opinion in regard to him?"

"Not in the slightest degree."

DECLINED TO ANSWER.

"You don't know of a single dishonest act on the part of the man and yet you regard him as a thief?"

Just before this question was asked Senator LODGE, as chairman of the committee, had announced that 1 o'clock, the hour for adjournment, had arrived. The Admiral took advantage of this announcement to cut short a line of inquiry that was plainly annoying to him. He rose as the last question was being propounded, and when it was concluded said: "I think I shan't answer that question."

He then took his hat and left the room with a polite word of adieu, but without being formally dismissed.

The examination of the Admiral will be continued to-morrow.

GAVE AGUINALDO THE SLIP.

In the course of his testimony yesterday Admiral Dewey said, regarding his departure from Hongkong before the battle of Manila Bay, that he had left for Manila as early as he did largely because he wanted to get rid of Aguinaldo and the other "little brown" men, many of whom were constantly coming aboard his flagship. "I was very busy," he said, "getting ready for battle, and they were after me constantly, taking up much of my time. None of them went with me to Mirz Bay, for various reasons. One of them failed to do so because he didn't have his toothbrush with him."

The Hongkong Filipinos had not, he added, told him of any insurrection in the Philippines, and he said he had consented to see them on the same principle that one gives money to a man often to get rid of him. Indeed, he had himself given Aguinaldo the first information the latter had received that the Filipinos were assembling near Manila.

FILIPINOS AND CUBANS.

Asked if he had written to the Navy Department saying that the Filipinos were more capable of independent government than the Cubans, Admiral Dewey replied in the affirmative.

"I sent that communication," he said, "because I saw that Congress contemplated giving independence to Cuba, and because I knew the American people knew very little about the Filipinos.

"We then had employed at the navy-yard at Cavite several hundred Filipino workmen. They were docile, amiable, and kindly disposed toward us. I therefore wrote the statement that the Filipinos were better capable of governing themselves than the Spaniards were."

"You repeated the same statement later, did you not?"

"I did. And I still think so."

Senator CARMACK called Admiral Dewey's attention to the fact that he had given arms to Aguinaldo, notwithstanding the governor-general had told him he would surrender the city at any time, and asked why he had done so in the face of that understanding.

The reply was to the effect that he considered it a proper military act.

"The Filipinos were our friends," he said, "and they were doing our work. I believed that they were so delighted to get rid of the Spaniards that they would accept us with open arms."

"Even," he added, "when Aguinaldo was at the height of his power at Malolos Admiral Seymour, of the British navy, had told Aguinaldo that he should tie to the Americans, as they were their best friends. The Filipinos then were our friends and were helping us. We had no troops to land, and I knew that the more closely the city was invested the easier it would be to take it when our own troops should arrive. Still, I think we could have gotten on as well without them. It was their own idea. We all know that hind sight is better than foresight. Looking back, I wouldn't have had the Filipinos join me.

REGARDS FILIPINOS AS UNGRATEFUL.

"But I thought they would be friendly, and I think it very ungrateful in them to have turned against us. When I permitted Aguinaldo to go ashore, I did not know that any United States troops would be sent to the Philippines. I was a long way from home; there were no cables, and I was meeting emergencies as they arose. Whatever I did I did according to my best judgment at the time. Later I said to Aguinaldo, 'There is the enemy; you pursue your course and we will pursue ours.'

I think that is the wisest thing I ever said. They were assisting us and at the same time fighting their own battle. I had in mind in dealing with the Filipinos the assistance that the negroes had given the Federal forces during the civil war. We availed ourselves of that assistance and I thought we could accept the aid of the Filipinos in the same way. Their one idea was to get rid of the Spaniards, and I believe that if on May 1, before the insurrection was organized, we had had there a few American troops the Filipinos would have accepted us and that they would have remained loyal.

In reply to other questions Admiral Dewey said that he and not the Filipinos had captured Subig Bay, and he said he had done so because a German man-of-war was preventing Aguinaldo from passing. He had turned the prisoners taken over to Aguinaldo.

Asked why he had taken possession on Aguinaldo's complaint Admiral Dewey said: "I did not want any other power to interfere."

[The Evening Times, June 27, 1902.]

Admiral Dewey, before the Senate Committee on the Philippines, this morning gave it as his opinion that Aguinaldo went to Manila "for the sole purpose of gain—for loot and money."

He declared later that within forty-eight hours after his arrival there Aguinaldo began robbing right and left, taking rice, stores, and provisions from anybody that had them, the Americans included.

These statements stirred up the Democrats considerably, and led to a lively passage between the Admiral and Senator CARMACK.

TERMS OF SURRENDER.

In resuming his testimony Admiral Dewey, in response to questions by Senator PATTERSON, gave further details regarding the arrangement he had with the governor-general of Manila to surrender the city just as soon as American troops arrived to take possession.

"The agreement was that I was to fire upon one of the outlying forts, that of Malate. I was to engage this fort and fire for awhile, when I was to cease and signal by the international code, 'Do you surrender?'

"On the receipt of this message the Spaniards were to hoist a white flag on the south bastion. Everything went according to programme. And I may say that I was the one that discovered the white flag, although I had 50 men on the lookout for it."

The Admiral said that he had read General MacArthur's testimony before the committee in which he had said that he knew nothing about any arrangement for the surrender of the city.

"It was not my business to communicate it to any but the commanding general," Admiral Dewey remarked. "I had communicated it to General Merritt. The arrangement was simply for the purpose of taking the city without needless loss of life. General Jaudenes was the intermediary between us and the Spanish governor-general. It was fully understood among my squadron that there was to be no resistance by the city, and I supposed until later that it was known in the army.

DID NOT TRUST SPANIARDS.

"I continued all my preparations for battle, however, up to the last moment, for we did not altogether trust the Spaniards. General Merritt did not trust the arrangement, and my flag lieutenant, Brumby, had the same feeling. I learned afterwards that they came very near firing upon my ships from the city. One Spanish officer in charge of one of the 10-inch guns wanted to fire. They had some conversation about it. One of the Spaniards said: 'They won't dare to bombard this city with so small a fleet.' But one of the monitors—the *Monterey*—was lying with her guns trained on the city. Another of the Spaniards spoke up and said: 'Anyone who is such a fool as to cross the ocean in a thing like that would do anything.' So I think it is probable that the presence of the *Monterey* saved us from the necessity of bombarding the city."

KNEW OF NO PROCLAMATION.

Mr. PATTERSON attempted to secure an admission from Admiral Dewey that Aguinaldo had issued a proclamation declaring for independence before the American fleet left Hongkong and that he had been aiming for independence from the first. The Admiral said he knew of no such proclamation. It would have been impossible for him to have circulated it in the Philippines until after the destruction of the Spanish fleet.

"We captured a hand printing press at Cavite, and I gave it to Aguinaldo. He may have used that press for the printing of circulars, but the only proclamation of which I have any knowledge was that of July 15, of which he sent me a copy."

Mr. PATTERSON read from certain communications from United States Consul Wildman at Hongkong, which purported to give Aguinaldo's plans and declared that the Filipinos were fighting for independence.

PARRIES WITH PATTERSON.

"What kind of a man is Wildman?" asked Mr. PATTERSON.

"He is dead," replied the Admiral.

"Well, we are not prohibited from saying good of the dead," suggested Mr. PATTERSON, and pressed for a reply. The Admiral said he did not want to answer, and asked what bearing the question had on the case. He finally said: "He was a very able man, and a good consul."

Admiral Dewey said that he began to suspect that Aguinaldo was not loyal to the Americans when our troops began to arrive, and he demurred against moving from Cavite. He was then, he believed, thinking more of independence than of aiding the Americans.

SHIPMENT OF ARMS.

Mr. PATTERSON referred to the shipment of arms to the Filipinos from Hongkong, arguing that the purchase of these guns must have been made before the departure of Aguinaldo for Manila, and that this was evidence of his intention to fight for independence.

The Admiral declined to express an opinion.

[The Evening Times, June 28, 1902.]

Admiral Dewey, in resuming his testimony this morning before the Senate Committee on the Philippines, explained that the repeated offers of the governor-general of Manila to surrender the city, which came to him through the Belgian consul, were made in July and not within twenty-four hours after the destruction of the Spanish fleet, as he had been reported as saying.

CARMACK CROSS-QUESTIONS.

Mr. CARMACK began the cross-examination by saying that as he understood the Admiral's testimony yesterday the trouble in the Philippines was the result of Aguinaldo's evil influence.

"I will not say that. I do not think I have said that," replied the Admiral, "but I will repeat what I did say, that if we had had 5,000 troops at the time of the destruction of the Spanish fleet to take possession of the city, I do not believe we would have had any trouble, because the Filipinos were then friendly to us."

AGUINALDO A FIGUREHEAD.

"You said yesterday that Aguinaldo's sole purpose in going to Manila was for gain—for loot and money. Do you believe that he fomented the trouble we have had?"

"I think we are making too much of Aguinaldo," replied the Admiral. "He was a very small part in this affair, in my opinion. He was a figurehead. He had bright men around him. He killed one of the best of his men, Luna, or at least it was generally understood that he had him assassinated."

BETRAYED HIS PEOPLE.

"Reference has been made heretofore to the acceptance of money from the Spaniards by Aguinaldo at the close of a former revolution. Do you mean to indorse the accusation that Aguinaldo betrayed his people for money?" asked Mr. CARMACK.

"That was the general report out there," was the reply.

"You said yesterday that Aguinaldo began looting and robbing within forty-eight hours after his arrival, and that he took the lion's share. I would like to know why you say that?"

TOOK THE LION'S SHARE.

"He came there without anything, and very soon after he was living at Malolos like a prince, like a king, in a state that could only have come from his taking the lion's share. As I said, he began taking things and looting almost immediately after his arrival, within forty-eight hours. I am speaking of things of which I have absolute knowledge. I know that he secured money which was taken at the threat of death. I may seem a little ungrateful, but I am testifying on honor, and I think since you have asked me these questions that I should tell you about them. He sent me a herd of cattle for my ships which he had obtained from his own people shortly after his arrival. He had just simply taken them. We did not do things that way. I took coal and things belonging to English and others, but we paid for everything."

Mr. CARMACK read statements made by Generals Otis, Greene, and Bell, Consul Wildman, and others, to the effect that Aguinaldo was honest, and he asked the Admiral whether he had better opportunities of judging him than these officers.

"I believe I had," replied the Admiral. "I don't think Otis ever saw Aguinaldo, while I had frequent close intercourse with him. These officers are entitled to their opinions, but their statements do not change mine. I am testifying as to my own opinion, based on what I know."

CARMACK INTERRUPTS.

"Is it a fact that the man you took to the Philippines as the leader in an insurgent movement was a man who had betrayed his people?"

"It was a reign of terror in his time," the Admiral started to reply.

"Well, you wanted a man to raise the Filipinos against the Spaniards and to assist you?" interrupted Mr. CARMACK.

Chairman BEVERIDGE suggested that that was Mr. CARMACK'S own statement and not the Admiral's.

"I did not want Aguinaldo at all," said Admiral Dewey. "He and his people were forced on me by Consuls Pratt and Wildman."

"Could they bring force to bear on you?"

YIELDED TO PRESSURE.

"Yes," was the reply; "I yielded, as a man will, to constant pressure and solicitation. I did not want Aguinaldo or his people. I did not expect anything of them. I was led to believe that 30,000 Filipinos would arise at my first gun, as Consul Wildman put it, and I thought these half-dozen refugees at Hongkong would play a very small part. We would have got on better without them, as it has since turned out."

DID NOT KNOW AGUINALDO.

"Well, you have admitted that you encouraged Aguinaldo to organize an army. By so doing you placed the whole country at the mercy of a man who had no higher object than to plunder the people, while knowing the character of the man," said Mr. CARMACK.

"No; I did not know his character at that time. I knew practically nothing about him then. The talk about Aguinaldo in the East did not arise until after he had become prominent," was the admiral's reply.

"When did you first find out that his only object in coming to Manila was loot?"

"Well, as I have said, he began looting at once, by looting the city of Cavite and other places, and I began to form my opinion then."

Mr. PATTERSON, taking up the examination, asked: "Did Aguinaldo ever talk with you about selling out? Did he ever ask you for money?"

"Well, he came to me and wanted to exchange Mexican dollars for gold. I was pretty sure in my own mind where he got those dollars, as he had nothing when he came there. So I concluded that he was getting ready to leave, especially as he could not have used gold to pay his troops. It was only a suspicion, but this was one thing which led me to believe that he was feathering his own nest."

HAD NO TREASURY.

"Did he ever ask any compensation for raising troops and besieging the Spaniards?"

"Not to my knowledge."

"As his men came in it was necessary for him to get commissary stores."

"Yes."

"He had no treasury back of him?"

"Not when he arrived."

"Where were his headquarters?"

"First at Cavite and then at Malolos."

"It was at the latter place," interjected Mr. BEVERIDGE, "that the Admiral says Aguinaldo was living in a state of magnificence."

"Yes," said the Admiral, laughing; "he had a chariot and four, a band of 100 pieces, and put on great style."

"Was not that well calculated," resumed Mr. PATTERSON, "to inspire the Filipinos with a belief in the stability of government?"

"It also doubtless inspired those from whom he had taken the money," retorted the Admiral.

TILT BETWEEN SENATORS.

Mr. PATTERSON asked whether the Admiral thought "such innuendoes" were proper, and there was a wordy quarrel between Acting Chairman BEVERIDGE and Mr. PATTERSON as to the latter's language.

"Do you know that Aguinaldo has a dollar to-day?" resumed Mr. PATTERSON.

"No; how should I? I have been absent from there for three years."

"Do you not know, from your experience, that there was never a day when Aguinaldo might not, from the Government of the United States, have made himself rich if he had chosen to stop fighting for the independence of his people?"

Before he could be stopped Admiral Dewey answered: "No; I have no such knowledge."

Mr. BEVERIDGE then said that Mr. PATTERSON'S question having gone into the record, he could only express his objection.

"It is my opinion," he said, "that the reflection contained in that question, that the Government of the United States would have at any time bribed Aguinaldo or purchased him, is not a proper one to put before this committee."

Turning to the Admiral again Mr. PATTERSON said: "Well, you know that Aguinaldo's officers have been given good, fat offices?"

"I do not know anything about it," replied the Admiral.

[The Washington Post, June 29, 1902.]

Admiral Dewey yesterday concluded his testimony before the Senate Committee on the Philippines. He made many interesting statements. He insisted, for instance, when asked some questions about Aguinaldo by Senator CARMACK, that entirely too much was made of Aguinaldo. "He was a mere figurehead," said Admiral Dewey, "and was surrounded by stronger men than himself. Mabini was one of these, and General Luna, whom he had killed, was another."

Replying to another question, the Admiral said it was the general report throughout the East that in 1897 Aguinaldo had betrayed his people to the Spaniards for money. Nor did he remember that this report had been denied by American officers in the Philippines. Among other officers quoted in this connection was General Greene, and the Admiral called attention to the fact that General Greene had not given his authority. "If," he said, "Agoncillo told him, I don't think the authority was good."

AGUINALDO LIVED LIKE A PRINCE.

"Why do you say that Aguinaldo took the lion's share of the property gathered by the insurgents?"

"Because he was living at Malolos like a prince. He had nothing when he landed at Manila, and he could have procured the means for this ostentation in no other way. He began immediately after arrival to take every dollar in sight. It may be ungrateful in me to state the fact, but it is true, that he sent cattle to me—herds of them—for the ships. The stock was taken from the Philippine people."

"Was any statement made of this circumstance at the time?"

"No; that is war, as you know."

Continuing his reply to this question, the Admiral said the Philippine army was then only a mob and without organization and had to be fed and clothed. "He did as many others have done; he made the country support him."

"Do you regard that proceeding as pillage and loot?"

"Well, we didn't do that way. For instance, I took all the coal in sight, but I paid for it."

Senator PATTERSON. Do you refer to Aguinaldo taking property for the support of the army as loot and pillage?

Admiral DEWEY. That is one part of it.

Senator CARMACK. You didn't object at that time?

Admiral DEWEY. No; but he soon got beyond me.

CARMACK'S CLOSE QUESTIONING.

A number of questions were asked in regard to statements made by Generals Greene, Bell, and others, but the witness asked to be excused from criticising officers of the Army, and the Chair (Senator BEVERIDGE) said that he was not required to answer any questions, the replies to which would involve such criticism. Thereupon the Admiral said he was "very glad," and Senator CARMACK said he knew of no such rule, but he supposed he would have to submit. The Admiral added that no opinions by others would change his own opinions of Aguinaldo.

"Then it is a fact," remarked Senator CARMACK, "that you took a man to Manila to be a leader of the native people who had but recently betrayed those people for a bribe?"

"I think that would have made no difference," was the Admiral's reply. "The country was under a reign of terror."

"Then you wanted a man who could organize the natives?"

"No; I didn't want anyone. Aguinaldo and his people were forced upon me by Consul Pratt and others."

"Did the consul and others have any power to force these people upon you?"

"Yes; by constant pressure. I did not want the Filipino refugees, because I did not believe that a half dozen of them would do any good, in view of the report that thousands would rise up in insurrection upon our arrival at Manila. I thought they would play a very small part."

DEWEY DECLINED TO ANSWER.

"Then you placed the country at the mercy of a man who would plunder and rob, notwithstanding you had no need of his services?"

This question the Admiral declined to answer, and Senator PATTERSON took the witness, asking if Aguinaldo had ever talked to him on the basis of selling out to the Americans. The Admiral replied in the negative, and Mr. PATTERSON then asked if the Philippine leader had ever asked him for money. The reply was that Aguinaldo had asked him to exchange gold for Mexican dollars.

"I was pretty sure as to where he had gotten the dollars, as he had not brought them with him," said the Admiral, "and I thought that the fact that he wanted gold was a pretty good indication that he was getting ready to leave. That was one thing which made me think that the man was feathering his own nest, but it was only a suspicion."

Here the Admiral again referred to Aguinaldo's style at Malolos, and Senator PATTERSON asked if that style had not served the purpose of inspiring the admiration of his followers and holding their allegiance. To this inquiry the witness replied that the style was "probably more inspiring to them than to those from whom the property had been taken."

BEVERIDGE DEFENDS DEWEY.

"Do you think that is proper testimony?" asked Mr. PATTERSON, and Chairman BEVERIDGE interfered with a strong protest against innuendoes against Admiral Dewey. He considered the question as discourteous.

Mr. PATTERSON, however, disclaimed any intention to be otherwise than respectful, and he continued his questions.

"Do you know," he asked, "whether Aguinaldo has a dollar to-day?"

"I don't know," was the reply. "I haven't been in the Philippines for three years. How should I know?"

"Do you not know from your experience that there was never a day while he was in arms that he could not have made himself rich at the expense of the American Government if he had given up?"

DEWEY AGAIN DECLINES ANSWERING.

The witness hesitated and said he could not answer the question. He then was told by the chair that he need not do so.

"You do know," Mr. PATTERSON went on, "that there were several with him who got good fat offices?" The reply was in the negative. The witness also said he knew nothing of the payment of money to the Cuban general, Gomez, and he added the suggestion to Senator PATTERSON that he should not put such questions to him.

Senator PATTERSON also asked a number of questions concerning Admiral Dewey's association with General Anderson after his arrival and his visit to Aguinaldo in company with the general. He said he had suggested to General Anderson on the occasion of that visit that he need not wear his uniform or put on his sword, but that his blouse would be sufficient, and that the suggestion had been adopted. Referring to a report of that interview made by General Anderson and to copies of letters written by the general, in which Aguinaldo was assured of a desire for amicable relations, Admiral Dewey said that he did not remember that any such assurance had been given. Speaking of General Anderson's letters to the Philippine chieftain, the witness said, "When I heard that he was writing letters to Aguinaldo I advised him against doing so."

DID NOT LIKE THE QUESTIONS.

When Senator PATTERSON pressed other questions calling for reference to statements made by Army officers and others, the Admiral declined to answer, saying: "I am here to testify to what I know, and I will give all the information I can in that way, but I am not responsible for what others have said. I do not like your questions, and I do not think I ought to be required to reply to them."

The Chair assured the witness that he need not answer. The Admiral said, however, in reply to further pressing, that his views did not coincide with those expressed by General Anderson in a magazine article. "They do not coincide," he said. "We differed very much from the beginning."

DUE TO "A HIGHER POWER."

Senators BEVERIDGE and DIETRICH then asked a few questions. The former reminded the Admiral of a visit that he [Senator BEVERIDGE] had paid the Admiral on the flagship *Olympia* when she lay in the harbor at Manila, and asked him if he remembered a conversation that had occurred between them when, while they were looking out from the deck, the Admiral had said, referring to the success of the American arms, that "he couldn't help thinking that it was all due to a higher power than ours."

"I do," responded the Admiral. "I remember that I said that, and it is my opinion now."

Senator BEVERIDGE read extracts from the report of the first Philippine Commission, of which Admiral Dewey was a member, in which the statement was made that the Filipinos were incapable of standing alone, and that if the American support was withdrawn they would lapse into anarchy, and asked him if that had been his opinion. He replied in the affirmative, adding that he still entertained that view.

"Senator CARMACK. Was that always your opinion?

"Admiral DEWEY. Yes. True, I made a comparison once with the Cubans, saying the Filipinos were more capable of self-government than the Cubans. I think that neither the Filipinos nor the Cubans are capable of self-government."

ACCEPTS A BELATED SUGGESTION.

Senator DIETRICH'S questions were intended to show the state of Admiral Dewey's mind concerning the Filipinos at the time of the engagement with the Spanish squadron. He asked the Admiral if it was not true that if he had recognized the Filipinos as allies, trusted them as such, and considered them capable of taking charge of Manila, he would have accepted the proffer for the surrender of Manila before the arrival of the American troops.

"Yes," replied the witness; "that is true and it is a good idea. I had not thought of it, and I am glad you suggested it. It makes my testimony stronger. It is true, and the fact that I did not accept the surrender and put them in charge shows that I did not trust them; it never entered my head to do that."

With this Admiral Dewey was discharged as a witness, and he expressed himself as much gratified to secure his release.

And as bearing upon the testimony of Admiral Dewey, I desire to add an editorial from the Inter-Ocean of June 28 and one from the Philadelphia Inquirer of same date.

[The Inter-Ocean, June 28, 1902.]

DEWEY'S ANSWER.

Admiral Dewey was called before the Senate Committee on the Philippines at the instigation of the Democrats. He was called to embarrass the Administration and to discredit Republican policies. He was called in the belief that he would bolster up the theory that in May and June, 1898, the aspirations of Aguinaldo received encouragement from the United States Government; that his pretensions had been recognized by Dewey, and that the Americans could not have captured Manila without the aid of Aguinaldo and his followers.

There were three points on which the Democratic leaders have declared that Admiral Dewey could give damaging testimony if permitted to speak freely. In making up their case for the consideration of the American people they have assumed that Aguinaldo was treacherously dealt with by the Americans, and that Dewey could a tale unfold that would show just what promises had been made to Aguinaldo, and afterwards broken and repudiated, to the lasting shame of the United States.

Admiral Dewey has spoken several times in emphatic denial of this assumption, but for three years the antiexpansionists have persisted in their assertions that there was an understanding between Dewey and Aguinaldo and an agreement by which the nation's honor was engaged, and that all this would be made plain when Dewey could speak free from the restraints of official etiquette. In fact, what Dewey might say has been given the character of a mystery and has been used as a treasured party asset by the Democratic managers.

Called before the committee, Admiral Dewey spoke explicitly on every one of the points and demolished the Democratic case. He declared that

Aguinaldo had never spoken to him of independence, and that he knew nothing of Aguinaldo's aspirations in that direction until he read Aguinaldo's proclamation to the Filipinos, and then did not regard the matter as of any importance. Admiral Dewey declared further that he never had saluted Aguinaldo's flag nor recognized his so-called government, and that Manila really surrendered the day the Spanish fleet was destroyed, or some weeks before Aguinaldo had organized the insurgents.

This is conclusive on the points at issue. Admiral Dewey may have his own views as to a Philippine policy, but he was called to testify as to facts in regard to which he only could speak with authority. He has spoken, and in adding much of interest to the story of the American occupation of the Philippines has closed the case forever against Aguinaldo and his Democratic allies in this country.

[Philadelphia Inquirer, June 28, 1902].

DEWEY'S VIEWS ON MANILA.

There have been many rumors in the last few years that the surrender of Manila was a sort of military farce gotten up to save the honor of the Spanish commander, but no one supposed that it was quite true in all its details as reported. And now comes Admiral Dewey, who tells the story with more detail and gives it an official character. That the cause of the Spanish in Manila was hopeless after the destruction of the fleet in Manila Bay was as well known on May 1, 1898, as it is now, but there never was quite such a way of getting out of a bad situation since history has been faithfully recorded.

Admiral Dewey seems to think that he had a sort of copyright on the story, and wanted to write it independently, but as a witness he was obliged to tell it. What shocks the American sense most is the fact that the Spaniard demanded that a few of his men be killed in order to "save his face," as they say in China. It seems that the Admiral could not refuse this bloodthirsty request, but he did provide that no Americans' blood should be shed, a stipulation which was almost if not quite carried out when the American troops rushed over the wall in August, after the protocol had been signed, though not known in Manila.

The interesting fact in connection with this story is that it disposes of the claim of Spain, urged with great earnestness at Paris, that Manila should be restored because of the protocol. If the Spanish envoys knew of the arrangement for the surrender, they must have felt that their labors were farcical; if they did not know it, their situation was the more pitiable, in that they fought for the Philippines on a technicality that seemed to be valid, though in the light of the truth it was more than absurd.

It is interesting to note that Admiral Dewey made public the facts in this case on the very day the House passed the bill for the government of the Philippines. Those islands are ours irrevocably. The Admiral leaves Aguinaldo without a leg to stand on, while Spain is put in a most humiliating position. Dewey could have taken the city any day for the asking; but evidently he feared the lawless Filipinos, and waited for troops, a position more than justified by the march of events.

There is nothing left for recalcitrant American statesmen but to yell loudly for Filipino independence. If the Filipinos had been as earnest in behalf of real liberty as their unwise friends have been for impossibilities they might now be enjoying much better things than are compatible with existing conditions. The plain truth is that they must be governed for a while with a modicum of their own aid. Some day they will be fitted for better things and then a revolution could not drive them from the protection of this Government. They will know and appreciate the blessings showered upon them at our expense and for their sole benefit.

This debate in the House and Senate has now lasted for several weeks. It would seem as though every phase of it had been ably and eloquently discussed. For one I have been greatly entertained by the speeches which have been delivered upon both sides of this Chamber. Time alone can tell with what wisdom we have each played our part in this new and great drama.

In addition to all that has been so well said, I desire to commend to all the able article of Hon. William H. Taft, civil governor of the Philippines, found in the Outlook May 31, 1902. He spoke as one having authority, and knows whereof he speaks. Perhaps upon no question are the two great parties more sharply divided than upon the question, Shall we promise independence to the Filipinos? Through the kindness and permission of the editors of the Outlook I am permitted to quote from this article. Governor Taft says:

SHALL WE PROMISE INDEPENDENCE?

The question is frequently asked why it would not be well to promise the Filipino people that when they are fitted for complete self-government they shall be granted independence. In the first place, the Federal party, which furnishes the only organized expression of public opinion in the islands, does not ask independence, but seeks, rather, annexation to the United States and prospective statehood. In the second place, there is not the slightest probability that the Christian Filipinos will be ready for self-government in any period short of two generations.

Not 10 per cent of the people speak Spanish, and the remaining 90 per cent or more are densely ignorant, superstitious, and subject to imposition of all sorts. It is absolutely necessary, in order that the people be taught self-government, that a firm, stable government under American guidance and control, in which the Filipino people shall have a voice, should be established. Nothing but such a government can educate the people into a knowledge of what self-government is. Not only by precept but by practice must the self-restraints essential to self-government and the discretion and public spirit of a free people be taught them.

A promise to give the people independence when they are fitted for it would inevitably be accepted by the agitators and generally by the people as a promise to give them independence within the present generation, and would therefore be misleading, and the source of bitter criticism of the American Government within a few years after the promise was given and not performed as it was understood by the people. A promise of independence thus interpreted would destroy the possibility of the formation of a stable government in which the people should be learning what self-government is, because the conservative element, with the assumed early prospect of complete independence, would fear that when the islands were abandoned the violent agitators would come to the front, and those assisting the present government would be subjected to the hostility of the demagogues on the ground of their previous American sympathies.

The only policy, it seems to me, which will insure the establishment of a firm, stable government and the support of that government by the educated, wealthy, and conservative Filipinos, is the declaration of a policy in favor of the indefinite retention of the islands under a government in which the share taken by the Filipino people shall be made gradually to increase and the electorate of the Filipino people shall be gradually enlarged. After this government shall be successfully established the question whether the islands shall be annexed or shall be granted independence or shall have such a relation to this country as Australia or Canada has to England may be very well postponed until the practical education of the people in self-government shall have been sufficient to justify the adoption of either of these three courses.

The policy of establishing a firm and stable government in which the Filipino people shall take part will doubtless reveal much as to the wisdom of the one or the other of the courses suggested; but it seems to me to be very unwise to bind ourselves and the next generation by an authoritative declaration now as to what we shall do fifty or a hundred years hence. We can not now know what subsequent generations of our own people will then deem wise, or what succeeding generations of Filipinos, benefited by experience in self-government and advised of the advantage of association with the United States, will desire.

We are soon to have an election which will determine the political complexion of this House for the coming two years. It seems to me from every standpoint, looking to the best interests and prosperity of all our people, that the next House should be Republican, and as bearing upon this branch of the question Governor Taft has also spoken in no uncertain manner.

THE POLITICAL ASPECT OF THE PHILIPPINE QUESTION.

A difficulty which may possibly confront the Philippine government is the success of the Democratic party in the next Congressional elections. This will be taken in the Philippines as an indication that at the end of the present Administration the policy of the United States will be changed and the islands will be abandoned by the United States and turned over to a government to be established by the people of the islands through the calling of a constitutional convention.

The prospect of such a change will have a tendency to paralyze the energy of the conservative element of the Filipino people who are now assisting us in the maintenance of a civil government in the islands, and all will be suspense and agitation. This difficulty, however, is inherent in the government of dependent possessions by a Republic like our own whenever the chief political issue between the parties is the policy to be pursued with respect to such dependencies. I venture to think, however, that should the Republican party be successful in the Congressional elections next following and in the next national election, sufficient progress will be made in the solution of the problem of the Philippine government to insure the removal of the main issue from practical politics thereafter.

I can not conclude without calling attention to the tribute paid to Governor Taft by President Roosevelt at the commencement exercises at Harvard University June 25. It is given to but few men to make such sacrifices as Governor Taft has made for the cause of human right and for the betterment and higher civilization of millions of people who have been downtrodden and oppressed for three hundred years.

[The Evening Star, June 26, 1902.]

TRIBUTE TO JUDGE TAFT.

And Taft—Judge Taft, Governor Taft—who has been the head of the Philippine Commission, and who has gone back there—Taft, the most brilliant graduate of his year at Yale, the youngest Yale man upon whom that institution ever conferred a degree of LL. D.; a man who, having won high positions at the bar and then served as Solicitor-General, with all his tastes impelling him to a judicial career, and was appointed to the United States bench, was asked to give up the position in order to go to the other side of the world to take up an infinitely difficult and infinitely dangerous problem and to do his best to solve it.

He has done his best. He came back here the other day. The man has always had the honorable ambition to get upon the Supreme Court, and he knew that I had always hoped he would be put upon the Supreme Court, and when there was a question of a vacancy arising I said to him: "Governor, I think I ought to tell you that if a vacancy comes in the Supreme Court, while it would give you an opportunity to be put in the position you would like to have, I think I ought to tell you that if such a vacancy should occur I do not see how I could possibly give it to you, for I need you where you are."

He said to me: "Mr. President, it has always been my dream to be in the Supreme Court, but if you should offer me a judgeship now, and at the same time Congress should take entirely off my salary as governor, I should go straight back to the Philippines, nevertheless, for those people need me and expect me back, and I won't desert them." [Applause.]

He has gone back, gone as a strong friend among weaker friends, to help them upward along the stony and difficult path of self-government [applause], to do his part, and a great part, in making the American name a symbol of honor and of good faith in the Philippine Islands; to govern with justice and with that firmness, that absence of weakness which is only another side of justice. [Applause.] He has gone back to do all of that because it is his duty as he sees it. We are to be congratulated, we Americans, that we have a fellow-American like Taft. [Applause.]

[Mr. FOWLER addressed the committee. See Appendix.]

[Mr. LESSLER addressed the committee. See Appendix.]

Mr. COOPER of Wisconsin. Mr. Chairman, I move that all debate upon the section and pending amendment be now closed.

Mr. JONES of Virginia. I hope the gentleman will not make that motion as to the section. I have another amendment which I want to offer to the section.

The CHAIRMAN. It does not cut off amendments.

Mr. JONES of Virginia. I would like to have two minutes.

Mr. TAWNEY. This motion of the gentleman from Wisconsin does not preclude amendments.

Mr. JONES of Virginia. It says the section and pending amendment.

The CHAIRMAN. The gentleman from Wisconsin moves that all debate on this section and pending amendment be now closed.

The question was taken, and the motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SHAFROTH. Division!

The committee divided; and there were—ayes 47, noes 94.

So the amendment was rejected.

The Clerk read as follows:

SEC. 60. That the silver peso and its subdivisions shall contain devices to be prescribed by the government of the Philippine Islands, which shall express or symbolize the sovereignty of the United States; the fact that the coins are issued for use in said islands, the denominations of the coins, and the date of their coinage.

Mr. JONES of Virginia. Now, Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Virginia, a member of the committee, is recognized.

Mr. JONES of Virginia. I move to strike out of page 100, lines 20 and 21, the words "or symbolize the sovereignty of the United States."

The Clerk read as follows:

Page 100, lines 20 and 21, strike out the words "or symbolize the sovereignty of the United States."

Mr. JONES of Virginia. Mr. Chairman, these words add absolutely nothing to the sense of this section, and to strike them out will not affect its sense in any way. The chairman of the Committee on Insular Affairs a few days ago declared that it was the purpose of the Republican party to establish in the Philippine Islands "an invincible young republic," and I think that he will admit that the part of this section in which it is provided that there shall be inscribed upon the coin of the islands a device symbolizing the sovereignty of the United States does not very well comport or agree with that declaration.

It seems to me, Mr. Chairman, that if my friend from Wisconsin has correctly defined the purpose of the Republican party, no such device as this bill provides for should be placed upon these coins. To place any such device upon them is to offer to the people of the Philippines an unnecessary and most gratuitous insult. I ask that the words I have indicated may be stricken out. [Cries of "Vote!"]

The CHAIRMAN. The question is on the amendment of the gentleman from Virginia.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. JONES of Virginia. Division!

The committee divided; and there were—ayes 68, noes 96.

So the amendment was rejected.

Mr. HILL. Mr. Chairman, I desire to offer the following amendment.

The Clerk read as follows:

Strike out section 60 and insert:

"SEC. —. That the Mexican silver pesos now in use in the Philippines shall be receivable for public dues at a rate to be fixed by the quarterly proclamation of the civil governor of the Philippines until such date, not later than the 31st day of December, in the year 1903, as may be fixed by public proclamation of the civil governor, when such coin shall cease to be receivable: *Provided, however*, That such proclamation shall be issued and printed in the city of Manila at least sixty days before the date on which such coins cease to be receivable: *And provided further*, That the public offices of the government of the Philippines may at any time refuse to receive such coins as appear to be counterfeit or defective.

"SEC. —. That the silver pesos and the subsidiary silver coins issued under the authority of the Spanish Government for use in the Philippines shall be receivable for public dues at a rate to be fixed by public proclamation of the civil governor until such coins shall cease to be receivable, subject to the same provisions as those prescribed in this act for Mexican pesos.

"SEC. —. That for the purpose of retiring this silver and minor coins issued under authority of the Spanish Government for use in the Philippines and now in circulation there the Secretary of the Treasury is hereby authorized to redeem on presentation in the Philippines all of such coins, at a rate to be fixed by him and made known by the quarterly proclamation of the civil governor of the Philippines.

"The coins so purchased or redeemed and so many of the Mexican silver pesos which may have been received by the government of the Philippines for public dues as the Secretary of the Treasury shall in his discretion purchase may be sold by him or be treated as bullion and be recoined into such coins of the United States now authorized by law as the Secretary of the Treasury may prescribe, and in addition thereto, in his discretion, a half-cent coin of such form and with such devices as he may designate; and such half-cent coin shall be legal tender up to the same amount as the 1-cent coin now authorized by law.

"From andafter three months after the date when this act shall take effect, no coin shall be legal tender in payment of debts thereafter contracted for any amount in the Philippines except those of the United States, unless otherwise expressly provided in the contract, and thereafter all the money of the United States shall be a legal tender in the Philippines to the same extent and with the same limitations that are now provided by law in the United States, and whatever sum may be required to carry out the provisions hereof and to pay all expenses that may be incurred in connection therewith is hereby appropriated, and the Secretary of the Treasury is hereby authorized to prescribe such regulations and employ such agencies as he may deem necessary to accomplish the purpose hereof: *Provided*, That all debts owing in the Philippines on the date when this act shall take effect shall be payable in the legal-tender coin now in circulation in the Philippines unless otherwise expressly provided in the contract, or in the coins of the United States at the rate of exchange as herein provided."

Mr. HILL (during the reading). Mr. Chairman, I ask unanimous consent that the further reading of the amendment may be dispensed with, and that it may be inserted in the RECORD. This amendment provides for American money as a legal tender there precisely the same as we have it here.

Mr. COOPER of Wisconsin. Mr. Chairman, I move that all debate on this section and pending amendment be closed in five minutes.

The motion was agreed to.

Mr. HILL. Mr. Chairman, a few moments ago I said I had changed my purpose and did not intend to offer the amendment for the introduction of American money. I should not have done so if the chairman of the committee had not made the remark which I understood him to make. I understood him to say that he would advocate the free coinage of silver in the Philippine Islands as the Senate proposed before he would consent to the introduction of American money. I will ask the gentleman if I am right?

Mr. COOPER of Wisconsin. The gentleman from Connecticut, in his intensity, did not understand correctly. I do not see how he can keep a sober face and ask such a question of me. I never said anything of the kind, I never thought anything of the kind, I never dreamed of anything of the kind.

Mr. HILL. Did not the gentleman make a statement similar to that on the floor?

Mr. COOPER of Wisconsin. No; I did not. I read from Mr. Jenks, the secretary of the Commission, that he would favor it before he would consent to the introduction of American money.

Mr. HILL. Mr. Chairman, I desire to state—and I will read from the Taft report—that under the proposed provision of the committee bill "foreign trade would be conducted on a gold basis and domestic transactions upon the same basis, but with the token silver currency as an available method of conducting smaller transactions within the islands."

I have before me a statement of Mr. Conant himself, that his purpose in introducing this proposition is to stableize the currency at a present silver basis, and that I am opposed to. He says:

[Extract from testimony of C. A. Conant, page 21. Hearings before Committee on Insular Affairs, January 28, 1902.]

Now, coming down to the vital point of the system which I propose, and the suggestion that the peso would be put off on the natives for an American dollar, I see no reason to believe that any such thing would occur, or that it could possibly occur. The peso, according to the plan outlined in my report, and the bill of Mr. COOPER, is a substitute for the Mexican silver dollar.

Now, so far as the native is concerned, it benefits him materially instead of injuring him. The native suffered from the abandonment of the gold standard in the Philippines about 1884, because he did not realize that the extent of the fall in silver was decreasing the purchasing power of his wages; he continued to receive the same silver wages, but was not aware of the fact that they were declining at an appallingly rapid ratio in gold-purchasing power. What I have proposed in this bill is to arrest this downward course in the purchasing power of wages, to fix the value of the peso absolutely at 50 cents, in gold, instead of 44 cents, to which the Mexican often falls, or even less, although in the summer of 1900 the Mexicans were worth 52 cents, gold.

I also insert as a comment upon the foregoing extracts from the testimony of Mr. McLeod, of Maine, taken by Mr. Conant in that city on September 23, 1901:

Q. You do not believe it would be wise to introduce American currency?

A. Certainly not; because there would come up the question of labor. The native here looks upon a dollar as a dollar, and while in Manila, Iloilo, and Cebu the natives who are more experienced in handling money may consider the American dollar as worth two Mexicans, the native of the country, who forms the great mass of the population, thinks they are the same, and merely considers a dollar a dollar. The wages of the Filipinos here in agricultural districts must certainly be one of the greatest things there is to consider in the country. The country or provincial native earns his money by receiving so much a week and so much rice. If you pay the native a dollar a week, or 87½ cents, as they used to pay them, and offer him 47 cents, he will think that is not enough and that he is getting the worst of it. You would raise the cost of the country's products as a result.

And again:

Since the export of gold the natives have never noticed the difference between the silver dollar at its lower value and its former value when on a parity with gold. They paid out gold dollars in exchange for silver at the former value. The natives have lost through the depreciation of silver one-half of their money. But the native who was getting 87½ cents a week in the provinces for agricultural work was quite as happy to have it at 2 shillings instead of the 4 shillings it was worth twenty years before. He had not noticed the difference.

Now, I ask a vote upon the amendment. I want to state that I conversed with the leading business men in Manila, and they advised me that the danger was not in introducing American coin, but in the delay in introducing it; and when I make that statement I make it as a deliberately, carefully considered opinion of the best judges and the most extensive business houses in the city of Manila. I ask for a vote.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was considered and rejected.

Mr. WANGER. Mr. Chairman, I move to amend in line 23, page 100, by striking out the word "date" and inserting the word "year."

Mr. COOPER of Wisconsin. I will accept that amendment, Mr. Chairman.

The CHAIRMAN. The question is on the motion of the gentleman from Pennsylvania to strike out, in line 23, page 100, the word "date" and insert the word "year."

The amendment was agreed to.

The Clerk proceeding with the reading of the bill read as follows:

SEC. 70. That the government of the Philippine Islands is authorized and directed to maintain at all times the parity of the silver coins issued under this act with the gold money of the United States, and for this purpose may, in its discretion—

First. Pay gold coin for silver coin.

Second. Pay silver coin for gold coin.

Third. Sell drafts on its deposits in the United States at a reasonable rate, not exceeding the usual cost of exchange.

Fourth. Transfer any form of money from the current funds of said government to the currency reserve fund.

Fifth. Issue temporary certificates of indebtedness, bearing interest at a reasonable rate, payable at periods of three months or more, but not later than one year, from the date of issue, which shall be in the denominations of $50 or 100 pesos, or some multiple of such sum, and shall be redeemable in gold coin of the United States or in lawful money of said islands, according to the terms of issue prescribed by the government of said islands; but the amount of such certificates outstanding at any one time shall not exceed $5,000,000.

Sixth. Buy gold coin or bullion at a cost not exceeding reasonable charges for its importation into said islands.

Mr. JONES of Virginia. Mr. Chairman, I move to strike out the whole of section 70.

The CHAIRMAN. The gentleman from Virginia moves to strike out section 70.

Mr. JONES of Virginia. Mr. Chairman, I presume our Republican friends are aware of the fact that the silver which these pesos are to contain is only worth, measured in gold, 80 cents.

Mr. HILL. Thirty-seven cents to-day.

Mr. JONES of Virginia. That would be 74 cents. I am not talking about the half dollars; I am talking about pesos. The gentleman from Connecticut says that instead of the pesos being worth 80 cents in gold they are only worth 74 cents. Now, if that be true, then these pesos to the extent of 26 cents are token money, since the silver in them is worth only 74 cents.

They are not 50-cent dollars; they are 74-cent dollars. I do not know how my friend from Connecticut [Mr. HILL] is going to support a measure which provides for palming off upon the Filipino people a dollar which he admits is only worth 74 cents.

Mr. HILL. The gentleman is mistaken; the peso is only 50 cents, and is to be redeemed at 50 cents; but it is worth only 37 cents to-day.

Mr. JONES of Virginia. Mr. Chairman, the gentleman from Connecticut is correct in that. The pesos are to be equivalent to 50 cents. What I should have said is that 2 pesos are made to equal $1, and these pesos are only worth, measured in gold, 37 cents apiece, so that two of them, which it is provided in the bill shall be received for all dues at a dollar, are only in reality worth 74 cents in gold. It therefore being admitted that two of these pesos, which are made equal to and must be received for $1, contain silver worth only 74 cents in gold, the bill, in this section, provides various means by which their parity with a gold dollar may be maintained.

Now, it seems to me that no consistent advocate of the gold standard can possibly support such a measure as this. If a 50-cent dollar is dishonest in the United States, then we think two 50-cent pesos, worth only 74 cents, and required to be accepted for a dollar, must be dishonest in the Philippine Islands. A 74-cent dollar must be a dishonest dollar in the Philippine Islands if a 50-cent dollar is a dishonest dollar in the United States.

It is merely a question of the degree of the dishonesty. Gentlemen who prate about dishonest 50-cent dollars in the United States should be ashamed to vote for a bill which expressly provides for palming off dishonest 74-cent dollars on the poor Filipinos, in whom they profess such great interest. Moreover, this currency is a device by which it is hoped to fool the poor Filipino laborer. The ignorant Filipino regards a peso as the equivalent of a dollar, and it is expected that he will receive these 50-cent pieces, to be called pesos, in exchange for the same amount of work or labor for which he now receives a Mexican dollar, or peso. I hope my amendment will be adopted.

Mr. COOPER of Wisconsin. I move to close debate on the pending section and all amendments in two minutes.

The motion was agreed to.

Mr. KAHN. Mr. Chairman, my attention has been called to the remarks, printed in the RECORD of June 23, of the gentleman from Ohio [Mr. NORTON], wherein he states that in a theater in this city some four months ago I made a speech inconsistent with the speech I delivered on the floor of this House on the 20th of this month. The gentleman is absolutely and entirely mistaken. I have never, at any time or at any place, made a speech respecting the government of the Philippines wherein I uttered views contrary to those expressed by me in this House last Friday.

Mr. WILLIAMS of Illinois. Will the gentleman allow me a question? [Cries of "Question!" "Question!" and "Vote!" "Vote!"] Will the gentleman from California tell this committee whether he is in favor of taking the Filipinos into the United States as citizens at any time in the future? [Cries of "Regular order!"]

Mr. KAHN. I have not time to answer that question. [Laughter.]

The question being taken on the amendment of Mr. JONES of Virginia, there were—ayes 46, noes 86.

So the amendment was rejected.

The Clerk read as follows:

SEC. 76. That the government of the Philippine Islands is authorized, subject to the limitations of this act, to provide by general legislation the terms upon which individuals, copartnerships, and corporations shall engage in the business of banking; and no corporation unless organized under such general law shall issue notes for circulation, and then only to an amount not exceeding its full paid capital and upon deposit with the government of said islands, as security for such notes, of bonds authorized by this act at their par value equal in amount to the notes authorized; and the shareholders of every such corporation authorized to issue notes for circulation shall be held individually responsible, equally and ratably, and not one for another, for all contracts, debts, and engagements of such associations to the amount of their stock therein at the par value thereof in addition to the amount invested in such shares; and no individual or copartnership shall issue notes for circulation.

Mr. HILL. I offer as a substitute what I send to the desk.

The Clerk proceeded to read the following amendment:

Amend substitute for S. 2295 by striking out all of said substitute bill from and including line 5, page 107, to and including line 22, page 107, and inserting the following:

"THE REGULATION OF BANKING.

"SEC. —. That no person, firm, association, or corporation other than national banking associations shall be permitted to conduct a banking business or to establish or maintain a branch bank in the Philippines after the 30th day of September, in the year 1902, without a license in writing granted by the government of the Philippines. Such license shall be granted, in the discretion of the government of the Philippines, upon application in writing, setting forth the names and domicile of the applicants proposing to do a banking business, the nature of the business, the amount of capital proposed to be employed, and such other particulars as may be required by said government, and said license may be revoked at any time, but such license shall not give authority to issue circulating notes.

"SEC. —. That the provisions of section 5243 of the Revised Statutes of the United States, prohibiting the use of the word 'National' in the title of any bank not incorporated under the national bank act of the United States, are hereby made applicable to the Philippines.

"SEC. —. That all persons, firms, associations, or corporations other than national banking associations engaged in the business of banking in the Philippines shall comply with all regulations which may be prescribed by the government of the Philippines, and full power is hereby conferred upon said government of the Philippines to frame regulations regarding the business of any bank, and to appoint a receiver for winding up its affairs when in the judgment of said government such course is justified, and to impose and enforce proper penalties for failure to comply with such regulations and with the authorized acts of said government.

"SEC. —. That the government of the Philippines may appoint a suitable person or persons, who may be the same as the person designated by the Comptroller of the Currency, for the examination of national banks in the Philippines, which person shall have power to make thorough examination, from time to time, into all the affairs of persons, firms, associations, or corporations other than national banking associations engaged in the business of banking in the Philippines, and in so doing to examine any of the officers and agents of such banks under oath, and who shall make a full and detailed report of their condition to the government of the Philippines.

"SEC. —. By and with the approval of the Comptroller of the Currency any national banking association now or hereafter established in the United States, with a fully paid-up capital of not less than $1,000,000, is hereby authorized to establish and maintain branches in any part of the Philippines. The Comptroller of the Currency is hereby authorized to grant charters to national banking associations in the Philippines only.

"SEC. —. All laws relative to national banking associations shall, so far as they are applicable, have the same force and effect in the Philippines as in the United States, subject to the provisions and limitations of this act; and the provisions of section 5146 of the Revised Statutes are hereby amended so that any resident of the Philippines, otherwise qualified, may act as director of a national bank established or having branches in the Philippines, and no other qualifications shall be required as to residence, except that a majority of the board of directors of any such national bank shall be citizens of the United States or natives of the Philippines, or persons who have under and by virtue of the treaty of Paris acquired the political rights of natives of the Philippines."

Mr. HILL (interrupting the reading of the amendment). Mr. Chairman, as this amendment is somewhat long I ask unanimous consent that the further reading be dispensed with and that the entire amendment be printed in the RECORD. I will explain its purport.

Mr. COOPER of Wisconsin. I move that all debate on this section and pending amendments be closed in three minutes.

Mr. HILL. I have the floor.

The CHAIRMAN. The gentleman from Connecticut has been recognized.

Mr. HILL. Mr. Chairman, I have not the slightest objection to the usual five-minute debate being had on this amendment. But this is an important matter, and I think that the House will see this when I say that the coinage provisions which have been inserted in this bill were, as we have heard over and over again, placed there on the recommendation of the Commission and of Mr. Conant and of the War Department, and when I explain that statement by saying that the banking provisions of the bill are in violation of the recommendations of the Commission, in violation of the recommendations of the War Department, and diametrically opposed to the recommendations of Mr. Conant. If the recommendations of these parties were good in the case of the coinage, they certainly ought to have some weight in regard to the banking proposition.

Now, what is the banking proposition I have introduced here?

It is simply the transfer of the laws of the United States with reference to the national banks to the Philippine Islands, just as we have transferred those national banking laws to Hawaii and Porto Rico. I would ask the chairman of this committee why it is that they have turned down the unanimous recommendation of the Insular Commission, or Judge Taft himself, of the War Department, and of Mr. Conant, and inserted a proposition here under which it will be impossible to issue a bank note in the Philippine Islands. I mean that while it will be physically possible it will be financially impossible.

In addition to that this banking provision of the bill absolutely ignores and by specific legislation violates the vested rights which the Banco de Espanol now has in the Philippine Islands to issue bank notes. It may be a trifling thing in the face of this unanimous recommendation of every party who has had anything whatever to do with this question, both in the Philippine Islands and here, to absolutely wipe out of existence vested interests there because some man has an idea that the proposed recommendations were not what he desires, and I ask the House of Representatives now to adopt this amendment and extend the national-bank laws to the Philippine Islands with this further addition—and aside from that there is not a variation, and I want the House distinctly to understand it—that it provides for taking American capital there by allowing American banks with a capital of $1,000,000 to establish branches in the Philippine Islands, which I think our people on the Pacific coast very much desire.

Now, aside from that, there is not a thing in the whole amendment but what simply provides for extending our laws to the Philippine Islands, so that the Comptroller of the Currency can issue charters for national banks.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut.

The question was taken; and on a division (demanded by Mr. HILL) there were—ayes 30, noes 69.

So the amendment was rejected.

The Clerk read as follows:

SEC. 77. That any bank now doing business in the Philippine Islands which has its notes in circulation shall retire the same on or before the 1st day of January, in the year 1904, or make provision therefor when same are not presented for redemption, under regulations to be made by the government of said islands.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out that section. I should like to ask the gentleman who reports this bill, if I can get his attention, why it is that he wants banks that have been strong enough, if not good enough, to accommodate the United States Government during our troubles in the Philippine Islands, who are conducting and have conducted for years a good banking business over there—why he demands of them to call in the notes of circulation and put nothing in their place, it seems? Now, I ask the gentleman for the information of the House. I think that is a sort of dangerous process of contracting the currency when there is little enough money over there at best.

Mr. COOPER of Wisconsin. The Banco d'Espanola, referred to by the gentleman from Connecticut, and to which the gentleman from Tennessee refers, claims to have an exclusive monopoly, by virtue of its charter derived from the Spanish Crown, to issue bank notes. The United States Government doubts whether under the treaty of Paris that monopoly can be sustained, or whether the United States is bound to recognize that monopoly.

Mr. GAINES of Tennessee. Wherein is it a monopoly?

Mr. COOPER of Wisconsin. The right to exclusively issue notes in the islands is a monopoly.

Mr. GAINES of Tennessee. Have we not continued "existing laws," and does not that necessarily continue this monopoly, if it is one?

Mr. COOPER of Wisconsin. Not under this bill. We are not doing that.

Mr. GAINES of Tennessee. What bank is it that issues this paper money?

Mr. COOPER of Wisconsin. The Banco d'Espanola, the bank in which the friars are largely interested as stockholders. It has a capital of something like one or two million dollars.

Mr. GAINES of Tennessee. You assume that it may be a monopoly——

Mr. COOPER of Wisconsin. It is not assumption. It is an absolute monopoly under the terms of its charter.

Mr. GAINES of Tennessee. Now, then, until you create something else there to take the place of this or permit that bank to go on, or we put something in circulation to take the place of these notes, you are actually drawing in money from circulation, when there is hardly any money over there except the American money, and this money which you say is worth about 34 or 37 cents on the dollar.

Mr. COOPER of Wisconsin. The bill provides that no corporation unless organized under such general laws shall issue notes for circulation, and then only to an amount not exceeding its full face capital and upon deposit of bonds as security. It provides for a bond-secured currency, rather than the straight-asset currency, as we ordinarily understand it.

Mr. GAINES of Tennessee. Then simply because this may be a monopoly they are going to strike the circulation down without putting anything in its place. That is what this section means. We should strike down the exclusive privilege, make it general, and let the notes alone, at least until we put something in their place. Calling in those notes does not kill the monopoly without killing probably the little prosperity the people have there.

The CHAIRMAN. The question is on the motion of the gentleman from Tennessee, to strike out section 77.

The question was taken; and the motion was lost.

The Clerk read as follows:

SEC. 82. That all laws passed by the government of the Philippine Islands shall be reported to Congress, which hereby reserves the power and authority to annul the same.

Mr. PATTERSON of Tennessee. Mr. Chairman, I offer as a new section the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Add the following as a new section:

"That from and after the passage of this act there shall be neither slavery nor involuntary servitude in the Philippine Archipelago, or in any province or dependency now held by the United States Government, or which may hereafter be acquired.

"That the so-called treaty or agreement made and entered into between John C. Bates, brigadier-general of United States Volunteers, acting for the Government, and the Sultan of the Sulu Archipelago and the datos whose names appear as parties to said agreement or treaty dated August 20, 1899, be, and the same is hereby, disapproved and disaffirmed, and declared void and of no effect.

"That the purchase, sale, or gifts of slaves in the whole of said archipelago is hereby forbidden and declared illegal, likewise the importation of any person bought or in any manner acquired in a foreign country and transported for the purpose of involuntary servitude to the Philippine Archipelago."

Mr. PATTERSON of Tennessee. Mr. Chairman, I will not occupy the time of the committee more than a moment.

The United States of America is the only civilized power today that is protecting the institution of human slavery. The contract, agreement, or treaty, whatever it may be called, that was entered into between Brig. Gen. John C. Bates and the Sultan of Jolo and the datos, by which they were paid $10,000 in Mexican money, and under the terms of which our Government agreed to protect them in their religious customs and manners, including the institutions of human slavery and polygamy, is still in force. According to the testimony before the Insular Affairs Committee of the House by Governor Taft these sums of money have been paid to the Sultan and the datos from the time this agreement was made up to the present time.

Now, I am aware of the fact that the thirteenth amendment to the Constitution of the United States provides that slavery shall not exist anywhere in any territory subject to the jurisdiction of the United States. And I am aware of the provision which has been inserted in this bill to prohibit slavery there; but the prohibition of slavery is one thing. The existence of slavery under the protection of the United States Government is quite a different thing. So that under this new section which I have offered I want to give the Republican party one opportunity to declare its abhorrence of slavery in the Philippine Islands, and to say that it shall not exist there under the protection of the American flag, under this treaty or agreement.

So far as we upon this side of the Chamber are concerned, if we are permanently to retain the possession of the Philippine Islands, we are opposed to the institution of human slavery.

I am aware that when President McKinley forwarded this treaty, negotiated by General Bates with the Sultan of Jolo, to the Senate of the United States he left the whole matter to Congress. It has been left in that situation ever since, the Congress of the United States having neither affirmed nor disaffirmed this treaty, so that so far as I know this is the first time the question has ever been presented to Congress for the affirmation or disaffirmation of this treaty.

Now, as I have said, I do not care to take up the time of the committee in any general discussion of this subject. The facts are that there are 300,000 or more human slaves in the Philippine Islands, held by these Mohammedan Moros, and the condition of their servitude is a condition of infinite horror. Young children are sold from their mothers, families are separated, and the female slaves are subject always to the desires of their masters. Anyone who has studied this question will understand that this Government is to-day protecting this institution of human slavery in the Philippine Islands.

Now, I want to say that England in 1834 set free every slave within the British Empire, and the United States Government is to-day the only first-class civilized power on earth within whose territory slavery exists.

I simply want to say that the Republicans have an opportunity,

which I present to them, to say or not to say whether slavery shall longer exist in those islands. [Applause on the Democratic side, and cries of "Vote!" "Vote!"]

Mr. COOPER of Wisconsin. Mr. Chairman, I have but a word to say in answer to the gentleman from Tennessee. He said that President McKinley indicated or intimated that he did not approve of the treaty made by General Bates. My impression——

Mr. GROSVENOR. But he says he remitted it to Congress.

Mr. COOPER of Wisconsin. I did not hear.

Mr. GROSVENOR. The gentleman went further than that. He said he remitted the whole thing to Congress.

Mr. COOPER of Wisconsin. Yes. Now, I understand that that is not a statement of the fact. President McKinley did not merely intimate his disapproval, but he expressed his absolute, unqualified disapproval of the treaty so far as it related to the subject of slavery.

Mr. PATTERSON of Tennessee. May I interrupt the distinguished gentleman? Is it not a fact that this Government has been paying the Sultan of Jolo and the datos sums of money that we were to give to them by virtue of the terms of that treaty?

Mr. COOPER of Wisconsin. But that is not the question.

Mr. PATTERSON of Tennessee. One moment. Is not that the fact, I ask?

Mr. COOPER of Wisconsin. That does not meet the proposition. The question that the gentleman is asking does not meet the proposition that he advanced. We can well pay these datos and yet not recognize the existence of slavery. We can pay them these funds to keep the peace. We pay them money to prevent piracy. We pay them money to preserve order within their domains. We can do all that and still not recognize human slavery or put it under our protection.

Mr. PATTERSON of Tennessee. Will my colleague on the committee——

Mr. SULZER. Will the gentleman——

Mr. COOPER of Wisconsin. One moment. One at a time. Now, the gentleman from Tennessee would give the House to understand, and I presume that the purpose of making the motion is to have the impression go to the country through the RECORD, that slavery is practiced generally throughout the archipelago.

Mr. PATTERSON of Tennessee. I have not said so.

Mr. COOPER of Wisconsin. But you do not say it was not true.

Mr. WILLIAMS of Mississippi. He said the Mohammedan portion.

Mr. COOPER of Wisconsin. The Mohammedan islands, in the extreme southern portion of the archipelago, and the island of Mindanao and the Jolo group, which is within the southern portion of the archipelago, have slaves. As I understand, 250,000.

Mr. HAMILTON. Which is the outside.

Mr. COOPER of Wisconsin. Which is the outside limit, as shown by the testimony of Governor Taft. It is more like feudalism than our old-fashioned system of slavery. It has not the barbarities which we usually associate with the system of human slavery. It is a sort of peonage or family affair—they live with the family, and the slaves are often indistinguishable from the members of the master's family.

Mr. GROSVENOR. Not sold.

Mr. COOPER of Wisconsin. They are not sold.

Mr. PATTERSON of Tennessee. Will the gentleman yield to me?

Mr. COOPER of Wisconsin. Not only that, but one of the datos has voluntarily relinquished all slaves and emancipated them. Judge Taft, in his testimony, said that he thought that with the influences which would be exercised upon Mindanao and the whole of the country by the presence of American institutions, methods, ideas, and principles, slavery would gradually be abolished.

Mr. PATTERSON. Will the gentleman allow me to ask him a question?

Mr. COOPER of Wisconsin. It is absolutely impossible, of course, to abolish it at once by a mere statute. It is a practical question, and it takes time. The United States Government is doing all that it can. President McKinley expressly said that he would not recognize slavery, and never has. Congress has not. Therefore the United States has never officially recognized it in those islands, and we prohibit it absolutely by this bill. In addition to that, the Constitution of the United States, in the thirteenth amendment, expressly prohibits it.

Mr. WILLIAMS of Mississippi. Does the thirteenth amendment apply there? [Cries of "Vote!"]

Mr. COOPER of Wisconsin. I move to close debate on this amendment.

The CHAIRMAN. Debate is exhausted.

Mr. SULZER. Mr. Chairman, I take it that the Republican party admits that it stands for slavery. [Cries of "Regular order!"]

Mr. PATTERSON of Tennessee. I simply want to read what President McKinley said.

Mr. TAWNEY. I make the point of order that debate is exhausted.

Mr. PATTERSON of Tennessee. I have not bothered the committee very much, and I shall ask unanimous consent.

Mr. TAWNEY. I object.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to address the committee for two minutes.

Several members objected.

Mr. PATTERSON of Tennessee. Who objects? I simply want to read what President McKinley said.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I make the point of order that no gentleman arose in his seat and objected, and hence the gentleman from Tennessee has his two minutes.

The CHAIRMAN. The House has not disposed of the request. The gentleman asks that his time be extended for two minutes. Is there objection?

Mr. PEARRE. I object.

The CHAIRMAN. Objection is made.

Mr. SULZER. I move to strike out the last word.

The CHAIRMAN. That is not admissible; an amendment is pending.

Mr. GAINES of Tennessee. I move to strike out the section.

The CHAIRMAN. The rule only allows one amendment and debate and five minutes on each side, which has been had, and no other motion is admissible until this amendment is disposed of. The question is on the motion of the gentleman from Tennessee.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. PATTERSON of Tennessee. Division.

The committee divided; and there were—ayes 69, noes 104.

So the amendment was rejected.

Mr. McCALL. Mr. Chairman, I move to amend by adding a new section.

The Clerk read as follows:

Insert the following as section 83:

"In this first organic act, creating a civil government for the Philippine Islands, it is hereby solemnly declared to be the settled purpose of the Congress to extend to the inhabitants of those islands every aid in enabling them to develop the capacity for self-government, and when such capacity shall have been developed we pledge the faith of the Republic to confer upon them the right of self-government after the fashion of the really free nations."

Mr. McCALL. Mr. Chairman, I will occupy the time of the committee only a moment upon this amendment. Different Presidents have spoken upon what should be the ultimate policy of the people of the United States with reference to the future government of the Philippine Islands. I will read now what President Roosevelt said in his first message to Congress last December:

Our aim is high. We do not desire to do for the islanders merely what has elsewhere been done for tropic peoples by even the best foreign governments. We hope to do for them what has never before been done for any people of the Tropics—to make them fit for self-government after the fashion of the really free nations.

The treaty of Paris does not confer on the President the power to fix the status of the people of the Philippine Islands, but imposes that duty upon Congress. I agree most heartily with the utterance I have referred to by President Roosevelt. It seems to me the time has at last arrived when we who are charged by treaty with responsibility in the matter, that now, to-day, four years nearly after we have entered those islands, when we are passing a bill, a comprehensive act, an organic act for the government of the people of the islands, an act which looks far into the future, it is time for Congress to perform its duty under the treaty of Paris and declare in at least general terms what the policy of this people is to be. [Applause.]

This bill contains provisions which should never be enacted unless we couple with them a declaration of the line our policy is to follow. If we are silent as to our ultimate policy, those provisions will operate to determine what it is to be. One part of this bill will foreclose this question unless we write in this law notice of our purpose to the people who may act under it. This bill opens up every stick of timber, every acre of land, every nugget of ore to the people of these islands, to the citizens of the United States, I might say to the world.

Now, our people will go there, capitalists will swarm there like locusts—and I do not mean this in any opprobrious sense, because the movement will grow out of our commercial spirit and enterprise—they will make investments there, and after they have invested, if the proposition is ever made to take the islands from under the jurisdiction and sovereignty of the United States they will come to this Congress and they will say that they have invested their money on the faith of this act; they will appeal to us to protect them.

Gentlemen know as a practical proposition that no matter what

may be the desires of the American people Congress will be practically powerless, and that we shall probably never get out of the islands under those circumstances. The relations between capital and imperialism are very intimate. The Boer war grew out of the investment of capital by the subjects of Great Britain in the two South African Republics. If we invite the capitalists of this country and the world to invest there under the shield of the United States, it is morally certain that everything that has been said by our President, by our ex-commissioners, and our other public men will amount to nothing, and that we shall remain there, if not forever, at least into the far future.

Now, I desire to have it written in this act, so that anybody who goes there will go under notice imbedded in the act, that we are not liable to stay there forever.

Ultimate self-government is the policy, as I construe it, so well enunciated by the President of the United States. It is that about which the people of the United States are thinking more than about anything else connected with the Philippine Islands, and it seems to me here and now are the time and place for us to make some declaration with regard to it. We have followed the policy of drift long enough. We have voted tariffs for those people. We have created an army to subdue them, and we are now constructing a frame of government for them. Somewhere between the covers of this minute bill, in all its 83 sections, we should find room enough to convey a hint of our purpose.

If we can not here find a place to avow our purpose, when, I ask, may we properly state it? Whatever our and their interests may seem hereafter to demand, whatever an awakened sense of fealty to the very principle of our national life may point out, if we are silent now, we shall, I fear, bind these islands to us with cords of steel. This bill contains some liberal features. I think the gentleman from Wisconsin and those upon his committee have considered this question in a broad spirit; but it seems to me it would be vastly improved if the amendment I propose were inserted in it. [Applause.]

Mr. GROSVENOR. Mr. Chairman, I move to substitute for the proposition of the gentleman from Massachusetts the proposition which I send to the Clerk's desk.

The Clerk read as follows:

In this first organic act creating a civil government for the Philippine Islands it is hereby solemnly declared to be the settled purpose of the Congress to extend to the inhabitants of those islands every aid in enabling them to develop the capacity for self-government.

Mr. WILLIAMS of Mississippi. Mr. Chairman, is debate in order?

The CHAIRMAN. It is.

Mr. WILLIAMS of Mississippi. Mr. Chairman, much has been said here in the last two or three days about "running away," much about "cowardice" and "weaklings," and much about our "facing the responsibilities" and "obligations" thrust upon us by the Spanish treaty. Now, I invite every member of this House not to "run away" from the pending proposition——

Mr. LANDIS. I shall not run away.

Mr. WILLIAMS of Mississippi. Not to show any cowardice, but faithfully perform the very first duty laid upon you by the treaty with Spain and to meet bravely the great obligation that is thrust upon you by that treaty.

As a Congress, the first obligation thrust upon you is to "fix the political status of the people of those islands." Now, why will you constantly "run away" even from your own breath? Why are you constantly afraid even to declare your own policy so much as to let your words go out upon the circumambient air so that somebody somewhere may possibly know what you intend to do?

Why not now give notice of your policy to the world, as the gentleman from Massachusetts has said, even in the negative way in which he proposes? Have you any policy that you dare utter? Do you want simply to drift, without the courage to meet the real responsibilities and the real questions; continue to drift without a declaration of policy or intent until you have drifted so far that you can not retrace your steps—until there has drifted into the islands capital and invested interests of many different sorts that will hold you there whether the people behind you want you held there or not? An unsought policy may drift onto you.

Gentlemen, let us not talk always about "courage;" let us show some; let us not always talk about "facing responsibilities;" let us face one now. Suppose before we leave here this evening the American Congress shall declare "the political status of the people of the Philippine Islands," as the treaty of Paris requires, one way or the other—either declare it our way by giving them their independence or declare that they are subjects, colonial subjects, by saying that you are going to hold them perpetually or indefinitely as you are now holding them; or declare that they are to be citizens. We will vote with you if you do the first; meet you in confidence before the people if you do either of the other two things. But declare something.

Do not you think that the American people have a right to expect something of this kind from a great party that has absorbed the initials "G. O. P."—"Grand Old Party?" But I think those letters might better be "S. O. P."—"Smart Old Party," "Dexterous Old Party," "Cunning Old Party." Why not once in your lifetime let it be a "Brave Old Party," Don't you think the people have a right to expect from you simply that you shall utter your thoughts out loud in the public ear—not "run away" every time anybody proposes anything definite?

What do you declare in this bill? You are afraid to declare for the people of the islands their political status. You declare them to be "inhabitants" and "citizens of the Philippines." What is that, in God's name? Everybody knew that they were "inhabitants of the Philippines." And "citizens of the Philippines." What does that mean? What are the Philippines? An independent government? Not yet. How can anybody be a "citizen" of something that is not an independent country?

You decline to say that they are citizens of the United States. You decline to say that they are subjects of the United States. The nearest you have ever got anywhere to a declaration on this subject was in a judicial construction made by one of the judges of the Supreme Court—the others did not unite with him—that they were "citizens appurtenant." Now, just let us have it out here now. We have told the American people what we propose—announced our policy. Say what you mean. If you mean anything at all, have the courage to tell the American people what it is, and do not "run away;" face something. [Loud applause on the Democratic side.]

Mr. GROSVENOR. Mr. Chairman, I think it well that the House should understand what it is proposing to vote for. The proposition of the gentleman from Massachusetts [Mr. MCCALL] is a direct proposition, first, pledging ourselves to teach the Filipinos the arts of civilization, and, second, to create States according to the fashion of free nations.

Mr. MCCALL. Mr. Chairman, if my friend will permit me——

Mr. GROSVENOR. That is the plain English of it. Let me have it, please.

Mr. MCCALL. Does the gentleman understand that President Roosevelt is proposing they may be admitted as States into the Union and that he used the identical language that I do?

Mr. GROSVENOR. I do not care anything about that. I am unwilling to, even under the seductive invitation of the gentleman from Mississippi [Mr. WILLIAMS], force the Republicans of this country into a declaration that goes beyond and mortgages the future as to what shall be done in the matter of the final and ultimate disposition of the Philippine Islands. It is entirely enough to say this:

In this first organic act creating a civil government for the Philippine Islands, it is hereby solemnly declared to be the settled purpose of the Congress to extend to the inhabitants of those islands every aid in enabling them to develop the capacity for self-government.

That is fixing the status, if the gentleman from Mississippi will hear me. Now, what we will do after that is a question to be left to the future. I say not to mortgage the future by any act of the present—not pledge ourselves—for if we do, for all time we will have this language put into our faces when we fail to make Territories and States out of them.

Mr. CRUMPACKER. Mr. Chairman, I would ask the gentleman if his proposed substitute does not carry with it an implied promise?

Mr. GROSVENOR. Not in the slightest.

Mr. CRUMPACKER. Of independence?

Mr. GROSVENOR. Not in the slightest.

Mr. CRUMPACKER. It strikes me that we better keep off that field altogether.

Mr. GROSVENOR. I am perfectly willing to keep off that field, but if I am going on the field I do not propose that all the future of our country shall be thus pledged under the sneers of a Democratic minority, cooperating in this sort of way with members on this side of the House.

Mr. MCDERMOTT. Mr. Chairman, will the gentleman permit a question?

The CHAIRMAN. Does the gentleman yield to the gentleman from New Jersey?

Mr. GROSVENOR. Certainly, if I have any time.

Mr. MCDERMOTT. Will the gentleman accept an amendment to the last few words of his proposed substitute, so that it will read a pledge not to develop the "capacity for self-government," but to develop self-government?

Mr. GROSVENOR. No; "capacity" is quite as far as I want to go right now. [Laughter and applause.]

Mr. DE ARMOND. Mr. Chairman, I believe that we are now at a very important stage of this legislation. The venerable gentleman from Ohio [Mr. GROSVENOR] is apprehensive of a deep-laid design on the part of my friend from Mississippi [Mr. WILLIAMS]—to do what? To force the Republican party to say what it desires to do and what it will do! Now, that is a spectacle for gods and men! The gentleman from Mississippi, in this late hour

in the last days of the session, is seriously trying to force that valiant, that warlike, that brave party to say what it desires to do and to do openly what it desires to do!

I do not wonder at the apprehension of my friend from Ohio—to be thus suddenly attacked in this way, an effort to be made suddenly to force that great party to be honest with the country and honest with itself, to speak out and throw away subterfuges, to declare what its purposes are, and to give the American people the great surprise once, in connection with this Philippine transaction, of finding the party honest and candid! Will my friend from Mississippi refrain from this course of conduct? [Laughter on the Democratic side.]

Why pursue the gentleman from Ohio in this heartless way? Has my friend from Mississippi no bowels of compassion? Does mercy have no influence with him? [Applause and laughter on the Democratic side.] Where will he stop? Does he appreciate the character of his performance? About to force the Republican party to an act, single and alone, of course, in recent years, of honesty and candor! Forbear, forbear, my friend from Mississippi! This is asking too much! It is attempting too much.

I know you can bring enough of force to move those who desire to be honest and those who have any inclination to be candid. I know that. I know that everything involved in the question, I know that every incident and every surrounding fact, unite in protest and join in urging and persuading to one single, lone act of candor and honesty in connection with this Philippine play; but it is too much to hope for, it is too much, when you are in the minority, to strive for. It can not be done.

The gentleman from Ohio is right about it. The party will not be honest. You can not make it honest. It will not be candid. [Laughter and applause on the Democratic side.] Why, it would cease to be the Republican party of to-day if it were to be candid. [Laughter.] It would be a disorganization; it would be abandoning the organization that lives for spoil and plunder, that lives by pretense and hypocrisy. Do not ask it, do not expect it. The astute gentleman from Ohio is right about it. The party can not afford to be honest. The party is damned if it is honest. [Applause and laughter on the Democratic side.]

Honesty is the bane of the party. The party shrinks from it as it shrinks from death. Do not ask so much; do not go into a cruel performance here and endeavor to force it. We can not do it; we have not the numbers. Moral forces, high sentiments, lofty appeals, stern duty, persuasive eloquence, all these will fail. The gentleman from Ohio is going to stand by his guns, and he is going to turn his guns the wrong way. Already they are spiked. The conduct of the party, the pretense, the shambling and shuffling of the leaders, have been effective in spiking their guns. Let the gentlemen alone, alone in the political cowardice and hypocrisy in which they revel. Let them proceed, and by and by, my friends, we will learn what the American people say about it. [Prolonged applause on the Democratic side.]

The CHAIRMAN. The question is on the adoption of the substitute offered by the gentleman from Ohio.

The substitute was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. McCALL].

The question being taken, on a division (demanded by Mr. McCALL) there were—ayes 89, noes 128.

Accordingly the amendment was rejected.

Mr. GAINES of Tennessee. Mr. Chairman, I have an amendment to offer as a new section.

The Clerk read as follows:

SEC. 83. That it shall be and is unlawful for any person or persons, company or companies, firm or firms, corporation or corporations, associations or other concerns created or operating in the Philippine Islands, to create or be a party to any contract, combination, or other arrangement, the effect of which is or may be to curtail, restrain, or prevent full and free competition in all business, or control the price, production, or exchange, sale, or delivery of any goods, merchandise, or other business within the Philippine Islands.

That the supreme court, and courts of first instance in the Philippine Islands, shall possess and exercise jurisdiction as herein, or as may hereafter be provided; in all cases arising under this provision.

Mr. TAWNEY. I make the point of order that the amendment is not germane to the section.

The CHAIRMAN. It is offered as a new section.

Mr. GAINES of Tennessee. I desire to state what the proposed amendment is, and then if it is subject to the point of order the point of order can be sustained.

The CHAIRMAN. The Chair understands that it is offered as a new section, and it is, of course, in order.

Mr. GAINES of Tennessee. This, gentlemen, is an antitrust provision. You have provided everything in the world in the Philippine Islands except the independence of the inhabitants and some law to prevent the people who have not been shot to death from being consumed by the trusts. We have an antitrust law in Alaska which we passed during the last Congress. Everybody voted for that. You have an antitrust law on your statute books, put there by Democrats and Republicans alike. There was not a single dissenting vote when it passed this House.

Mr. TAWNEY. How many votes were there against consideration?

Mr. GAINES of Tennessee. Every Democrat in this House, sir, voted for it, and so did every Republican, on its passage.

Mr. TAWNEY. But every Democrat voted against the consideration of the Sherman antitrust law.

Mr. GAINES of Tennessee. Why, the Democrats helped to frame it.

Mr. TAWNEY. They voted against consideration of it.

Mr. GAINES of Tennessee. This amendment is offered for the benefit of these people in the Philippine Islands. It is in keeping with our antitrust law. It is a remarkable fact that these distinguished lawyers, and distinguished patriots, I may add by way of nick-name, should have proposed a bill here which in some parts of it is a good bill, and should have left the people defenseless in the Philippine Islands, with their rights to be strangled and suppressed, which this amendment would protect. There is no antitrust law there. It is every man for himself and the devil for them all. I want to put upon the statute book some provision, at least, for the protection of these people against the trusts.

Mr. LITTLEFIELD. Will the gentleman excuse me just a moment?

Mr. GAINES of Tennessee. Yes.

Mr. LITTLEFIELD. How many of our Democratic friends in the last Congress voted for the constitutional amendment which was proposed, giving Congress jurisdiction over this matter of trusts?

Mr. GAINES of Tennessee. I voted against it; and you came and took a lot of my anti-trust bill and put it into yours. That was the only good thing in your bill.

Mr. LITTLEFIELD. Your bill was not in the constitutional amendment at all.

Mr. GAINES of Tennessee. No; but you came and got my bill and asked my advice about it and took it. [Laughter.]

Mr. LITTLEFIELD. I want to say to my friend from Tennessee, in the first place I did not ask his advice, although his advice is good. [Laughter.]

Mr. GAINES of Tennessee. Does the gentleman mean to say that he did not come to me and ask me for my bill? [Great and long-continued laughter, and cries of "Vote!"]

Mr. HEPBURN. Mr. Chairman, I think the gentleman from Maine ought to have an opportunity to apologize. [Great laughter.]

Mr. GAINES of Tennessee. I think that he ought to apologize for not getting his bill through the Senate.

Mr. LITTLEFIELD. Now, Mr. Chairman, I can say for the gentleman from Maine that he did not ask the gentleman's advice, neither was there any occasion therefor. Now, I want to ask my friend the question which I rose to ask in the first place. How many of our Democratic friends during the last Congress voted for the constitutional amendment conferring upon the Congress power to control trusts?

Mr. SULZER. What has that got to do with it?

Mr. GAINES of Tennessee. I do not know how many, but the Supreme Court said that we had the power to prohibit trusts and crush them out of existence, and you have not enforced the antitrust law, and the bill that you asked us to pass is lying dead in the Senate of the United States to-day. [Applause on the Democratic side.] And in addition to that you put the provision I had in my bill in your bill. [Great laughter.]

Mr. LITTLEFIELD. Well, now, I will answer the question myself for my friend. Just two Democrats, Mr. NAPHEN of Massachusetts and Mr. NEWLANDS of Nevada, voted for that amendment. That is all.

Mr. COOPER of Wisconsin. Mr. Chairman, I desire the attention of the House a moment in order to reply to the statements of the gentleman from Mississippi and the gentleman from Missouri. The most complete answer to their queries and sarcasm with which I am acquainted is to be found in the testimony of Governor Taft, one of the great—really great—men of the nation. [Applause.] I looked for this testimony while the gentlemen were speaking, but could not find it. I have a copy of it on my desk at my hotel.

If I had had it here I should have met their statements at once; but I have succeeded in finding it in a copy of the CONGRESSIONAL RECORD, and I wish to call the attention of this committee and the country to it. The two gentlemen wished to know what reasons are actuating the Republican party in not now making an express promise of independence to the people of the Philippines.

Mr. Chairman, there are Republicans who are opposed to a permanent colonial system by Republican sanction. There are Republicans who believe that the United States will not continue a colonial system permanently. But, be that as it may, there are

Republicans who exercise judgment enough to know that it is not well to make promises under circumstances like those which surround us in the archipelago.

In this connection, I call attention to the testimony of Governor Taft. It is a complete answer to the suggestions of the gentleman from Missouri and the gentleman from Mississippi. When Governor Taft was asked if we should not make the promise of independence, he said:

No, sir; and I will say why. Nothing that can to-day be said to the Filipino people in the nature of a promise as to the form of government which may take place after an established stable government shall be formed could be otherwise than misleading to them and confusing in establishing that government.

It would at once begin the agitation among those who desire that separation to have that separation, because, in their opinion, they are fitted for it at once. It would drive away from the support of the stable government that conservative element who are strongly in favor of American guidance and control, because they would anticipate an early change.

They would think they would early be left without the support which the presence of the American Government necessarily gives, and the promise of something in the future, instead of helping to establish, would render unstable any government which was attempted to be established.

Again he said:

The personal hostility between leading Filipinos at times has been so great as to lead to bloody measures. How far they would be carried here I have no idea. That is conjectural.

In addition to that, he said:

In addition to that, by reason of the constant agitation as to the granting of this independence in a year or two years or three years or a decade, it would at once discourage the sincere efforts of the educated Filipinos who are with us to-day in building up a stable government. For these reasons I think such a promise as that would be a great mistake.

[Loud applause on the Republican side.]

Governor Taft came from the bench, where he had a life position, to see President McKinley. He has more than once said that when he entered the White House he had no more of thought of going to the Philippines on his present mission than he had to go to some far-off part of the world to be a hermit; but, said he, "President McKinley talked with me for hours, and when I came away I had another conception of what a man's duty is to his generation, and I decided to go."

Governor Taft said to me what he has been quoted as saying to others—members of the House have seen it in print: "I would go back to the Philippine Islands if there were no salary attached to the office rather than forsake that people. I know what the possibilities of that situation are; I know what my duty is. I have a deep interest in those people, and the Republic of the United States will be glad finally that we stayed to help them along." [Loud applause on the Republican side.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

The question was taken, and the amendment was rejected.

The Clerk proceeded with and completed the reading of the bill.

Mr. JONES of Virginia. Mr. Chairman, if the reading of the bill is completed and there are no further amendments to be offered, I desire, on the part of the minority members of the Committee on Insular Affairs, to offer as a substitute for the House bill as amended the bill which I send to the Clerk's desk, and I ask that it be considered as pending in the House under the rule. I ask that the reading be dispensed with.

Mr. PAYNE. I supposed under the order it was to be reported to the House anyway.

Mr. JONES of Virginia. I do not want to lose the opportunity given me under the rule, and therefore I offer it now and ask that it be considered as pending in the House.

The CHAIRMAN. The gentleman from Virginia offers an amendment in the nature of a substitute for the House bill, and the gentleman asks unanimous consent that the reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. COOPER of Wisconsin. Mr. Chairman, I move the adoption of the amendment proposed by the Committee on Insular Affairs in the nature of a substitute for the Senate bill.

The CHAIRMAN. The gentleman offers the amendment proposed as a substitute as amended by the committee.

The question was taken; and the amendment in the nature of a substitute for the Senate bill was agreed to.

Mr. COOPER of Wisconsin. Mr. Chairman, I move that the committee do now rise and report the bill as amended to the House with the recommendation that it do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GILLETT of Massachusetts, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration Senate bill 2295 and had directed him to report the same back with an amendment with the recommendation that as amended the bill do pass, also with another amendment in the nature of a substitute.

The SPEAKER. The gentleman from Massachusetts, Chairman of the Committee of the Whole House on the state of the Union, reports that that committee has had under consideration Senate bill 2295 and reports the same back with an amendment, recommending the adoption of the amendment and that the bill do pass; that the committee has also instructed him to report a pending amendment in the nature of a substitute for the consideration of the House. The first question will be on the adoption of the substitute amendment recommended by the minority.

Mr. JONES of Virginia. Mr. Speaker, on that question I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 97, nays 137, answered "present" 7, not voting 110; as follows:

YEAS—97.

Adamson,	Fleming,	Little,	Sims,
Allen, Ky.	Flood,	Lloyd,	Slayden,
Ball, Tex.	Fox,	McClellan,	Small,
Bankhead,	Gaines, Tenn.	McDermott,	Smith, Ky.
Bartlett,	Goldfogle,	McRae,	Snodgrass,
Bowie,	Gordon,	Maddox,	Snook,
Brantley,	Green, Pa.	Mickey,	Sparkman,
Breazeale,	Griffith,	Miers, Ind.	Stark,
Brundidge,	Griggs,	Moon,	Stephens, Tex.
Burgess,	Hay,	Naphen,	Sulzer,
Burleson,	Hooker,	Padgett,	Swanson,
Burnett,	Howard,	Patterson, Tenn.	Tate,
Caldwell,	Johnson,	Pierce,	Thayer,
Candler,	Jones, Va.	Pou,	Thomas, N. C.
Cassingham,	Kehoe,	Randell, Tex.	Thompson,
Clark,	Kern,	Ransdell, La.	Underwood,
Clayton,	Kitchin, Claude	Rhea, Va.	Vandiver,
Cooper, Tex.	Kitchin, Wm. W.	Richardson, Ala.	Wiley,
Cowherd,	Kleberg,	Richardson, Tenn.	Williams, Ill.
Davis, Fla.	Kluttz,	Rixey,	Williams, Miss.
De Armond,	Lamb,	Robb,	Wooten,
Dougherty,	Lanham,	Robinson, Ind.	Zenor.
Feely,	Lester,	Rucker,	
Finley,	Lewis, Ga.	Ryan,	
Fitzgerald,	Lindsay,	Shafroth,	

NAYS—137.

Adams,	Douglas,	Knox,	Powers, Mass.
Alexander,	Draper,	Kyle,	Prince,
Allen, Me.	Eddy,	Lacey,	Ray, N. Y.
Aplin,	Esch,	Landis,	Reeder,
Barney,	Foerderer,	Latimer,	Roberts,
Bates,	Foss,	Lessler,	Rumple,
Beidler,	Foster, Vt.	Littlefield,	Schirm,
Bingham,	Fowler,	Long,	Scott,
Bishop,	Gardner, Mich.	Loud,	Showalter,
Boutell,	Gardner, N. J.	Lovering,	Sibley,
Bowersock,	Gibson,	McCall,	Smith, Ill.
Brick,	Gillett, Mass.	McCleary,	Smith, Iowa
Bristow,	Graff,	McLachlan,	Smith, S. W.
Bromwell,	Graham,	Mann,	Southard,
Brown,	Greene, Mass.	Marshall,	Southwick,
Brownlow,	Grosvenor,	Martin,	Steele,
Burk, Pa.	Hamilton,	Mercer,	Stevens, Minn.
Burleigh,	Hanbury,	Metcalf,	Stewart, N. J.
Burton,	Haskins,	Mondell,	Stewart, N. Y.
Butler, Pa.	Hedge,	Moody, N. C.	Storm,
Calderhead,	Hemenway,	Moody, Oreg.	Sulloway,
Capron,	Henry, Conn.	Morgan,	Tawney,
Cassel,	Hepburn,	Morrell,	Tayler, Ohio
Conner,	Hildebrant,	Moss,	Thomas, Iowa
Coombs,	Hill,	Needham,	Tirrell,
Cooper, Wis.	Holliday,	Nevin,	Tongue,
Cousins,	Hopkins,	Olmsted,	Van Voorhis,
Cromer,	Howell,	Otjen,	Vreeland,
Crumpacker,	Irwin,	Overstreet,	Wanger,
Currier,	Jack,	Palmer,	Warner,
Cushman,	Jenkins,	Patterson, Pa.	Warnock,
Dalzell,	Jones, Wash.	Payne,	Watson.
Darragh,	Kahn,	Pearre,	
Davidson,	Ketcham,	Perkins,	
Dick,	Knapp,	Powers, Me.	

ANSWERED "PRESENT"—7.

Bell,	Evans,	Shackleford,	Wright.
Burkett,	Meyer, La.	Skiles,	

NOT VOTING—110.

Acheson,	Dinsmore,	Lassiter,	Russell,
Babcock,	Dovener,	Lawrence,	Scarborough,
Ball, Del.	Driscoll,	Lever,	Selby,
Bartholdt,	Edwards,	Lewis, Pa.	Shallenberger,
Bellamy,	Elliott,	Littauer,	Shattuc,
Belmont,	Emerson,	Livingston,	Shelden,
Benton,	Fletcher,	Loudenslager,	Sheppard,
Blackburn,	Fordney,	McAndrews,	Sherman,
Blakeney,	Foster, Ill.	McCulloch,	Smith, H. C.
Boreing,	Gaines, W. Va.	McLain,	Smith, Wm. Alden
Broussard,	Gilbert,	Mahon,	Sperry,
Bull,	Gill,	Mahoney,	Spight,
Burke, S. Dak.	Gillet, N. Y.	Maynard,	Sutherland,
Butler, Mo.	Glenn,	Miller,	Talbert,
Cannon,	Gooch,	Minor,	Taylor, Ala.
Cochran,	Grow,	Morris,	Tompkins, N. Y.
Connell,	Hall,	Mudd,	Tompkins, Ohio
Conry,	Haugen,	Mutchler,	Trimble,
Cooney,	Heatwole,	Neville,	Wachter,
Corliss,	Henry, Miss.	Newlands,	Wadsworth,
Creamer,	Henry, Tex.	Norton,	Weeks,
Crowley,	Hitt,	Parker,	Wheeler,
Curtis,	Hughes,	Pugsley,	White,
Dahle,	Hull,	Reeves,	Wilson,
Davey, La.	Jackson, Kans.	Reid,	Woods,
Dayton,	Jackson, Md.	Robertson, La.	Young.
Deemer,	Jett,	Robinson, Nebr.	
De Graffenreid,	Joy,	Ruppert,	

So the proposed substitute was rejected.

The following additional pairs were announced:
For the session:
Mr. SHERMAN with Mr. RUPPERT.
Mr. DAYTON with Mr. MEYER of Louisiana.
Until further notice:
Mr. LOUDENSLAGER with Mr. DE GRAFFENREID.
Mr. HENRY C. SMITH with Mr. TAYLOR of Alabama.
Until June 28:
Mr. JOY with Mr. COCHRAN.
Mr. EVANS with Mr. HENRY of Mississippi.
For this day:
Mr. MAHON with Mr. DAVEY of Louisiana.
Mr. SPERRY with Mr. MCLAIN.
Mr. HEATWOLE with Mr. PUGSLEY.
Mr. WM. ALDEN SMITH with Mr. JETT.
Mr. WOODS with Mr. MUTCHLER.
Mr. FLETCHER with Mr. BELL.
Mr. BALL of Delaware with Mr. NEWLANDS.
Mr. WADSWORTH with Mr. BELMONT.
Mr. FORDNEY with Mr. WHEELER.
Mr. SUTHERLAND with Mr. GLENN.
Mr. CANNON with Mr. LIVINGSTON.
Mr. REEVES with Mr. CONRY.
Mr. MUDD with Mr. NEVILLE.
Mr. DOVENER with Mr. WILSON.
Mr. MINOR with Mr. GOOCH.
Mr. LEWIS of Pennsylvania with Mr. FOSTER of Illinois.
Mr. HITT with Mr. DINSMORE.
Mr. DEEMER with Mr. COONEY.
Mr. CURTIS with Mr. CREAMER.
Mr. BABCOCK with Mr. NORTON.

The result of the vote was announced, as above stated.

The SPEAKER. The question is now on agreeing to the amendment recommended by the Committee of the Whole House.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and it was accordingly read the third time.

The SPEAKER. The question is now on the passage of the bill.

Mr. COOPER of Wisconsin. On that question I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 140, nays 97, answered "present" 4, not voting 110; as follows:

YEAS—140.

Adams,	Davidson,	Ketcham,	Pearre,
Alexander,	Dick,	Knapp,	Perkins,
Allen, Me.	Douglas,	Knox,	Powers, Me.
Aplin,	Draper,	Kyle,	Powers, Mass.
Barney,	Eddy,	Lacey,	Prince,
Bates,	Esch,	Landis,	Ray, N. Y.
Beidler,	Foerderer,	Lawrence,	Reeder,
Bingham,	Foss,	Lessler,	Roberts,
Bishop,	Foster, Vt.	Littlefield,	Rumple,
Boutell,	Fowler,	Long,	Schirm,
Bowersock,	Gardner, Mich.	Loud,	Scott,
Brick,	Gardner, N. J.	Lovering,	Showalter,
Bristow,	Gibson,	McCleary,	Sibley,
Cromwell,	Gillett, Mass.	McLachlan,	Smith, Ill.
Brown,	Graff,	Mahon,	Smith, Iowa
Brownlow,	Graham,	Mann,	Smith, S. W.
Burk, Pa.	Greene, Mass.	Marshall,	Southard,
Burke, S. Dak.	Grosvenor,	Martin,	Southwick,
Burleigh,	Hamilton,	Mercer,	Steele,
Burton,	Hanbury,	Metcalf,	Stevens, Minn.
Butler, Pa.	Haskins,	Miller,	Stewart, N. J.
Calderhead,	Hedge,	Mondell,	Stewart, N. Y.
Cannon,	Hemenway,	Moody, N. C.	Storm,
Capron,	Henry, Conn.	Moody, Oreg.	Sulloway,
Cassel,	Hepburn,	Morgan,	Tawney,
Conner,	Hildebrant,	Morrell,	Tayler, Ohio
Coombs.,	Hill.	Moss,	Thomas, Iowa
Cooper, Wis.	Holliday,	Needham,	Tirrell,
Cousins,	Hopkins,	Nevin,	Tongue,
Cromer,	Howell,	Olmsted,	Van Voorhis,
Crumpacker,	Irwin,	Otjen,	Vreeland,
Currier,	Jack,	Overstreet,	Wanger,
Cushman,	Jenkins,	Palmer,	Warner,
Dalzell,	Jones, Wash.	Patterson, Pa.	Warnock,
Darragh,	Kahn,	Payne,	Watson.

NAYS—97.

Adamson,	Cowherd,	Hooker,	McCall,
Allen, Ky.	Davis, Fla.	Howard,	McClellan,
Ball, Tex.	De Armond,	Johnson,	McDermott,
Bankhead,	Dougherty,	Jones, Va.	McRae,
Bartlett,	Feely,	Kehoe,	Maddox,
Bowie,	Finley,	Kern,	Mickey,
Brantley,	Fitzgerald,	Kitchin, Claude	Miers, Ind.
Breazeale,	Fleming,	Kitchin, Wm. W.	Moon,
Brundidge,	Flood,	Kleberg,	Naphen,
Burleson,	Foster, Ill.	Kluttz,	Padgett,
Burnett,	Fox,	Lamb,	Patterson, Tenn.
Caldwell,	Gaines, Tenn.	Lanham,	Pierce,
Candler,	Goldfogle,	Lester,	Pou,
Cassingham,	Gordon,	Lewis, Ga.	Randell, Tex.
Clark,	Green, Pa.	Lindsay,	Ransdell, La.
Clayton,	Griffith,	Little,	Rhea, Va.
Cooper, Tex.	Hay,	Lloyd,	Richardson, Ala.
Richardson, Tenn.	Slayden,	Sulzer,	Wiley,
Rixey,	Small,	Swanson,	Williams, Ill.
Robb,	Smith, Ky.	Tate,	Williams, Miss.
Robinson, Ind.	Snodgrass,	Thayer,	Wooten,
Rucker,	Snook,	Thomas, N. C.	Zenor.
Ryan,	Sparkman,	Thompson,	
Shafroth,	Stark,	Underwood,	
Sims,	Stephens, Tex.	Vandiver,	

ANSWERED "PRESENT"—4.

Burkett,	Evans,	Shackleford,	Skiles.

NOT VOTING—110.

Acheson,	Dinsmore,	Lassiter,	Scarborough,
Babcock,	Dovener,	Latimer,	Selby,
Ball, Del.	Driscoll,	Lever,	Shallenberger,
Bartholdt,	Edwards,	Lewis, Pa.	Shattuc,
Bell,	Elliott,	Littauer,	Shelden,
Bellamy,	Emerson,	Livingston,	Sheppard,
Belmont,	Fletcher,	Loudenslager,	Sherman,
Benton,	Fordney,	McAndrews,	Smith, H. C.
Blackburn,	Gaines, W. Va.	McCulloch,	Smith, Wm. Alden
Blakeney,	Gilbert,	McLain,	Sperry,
Boreing,	Gill,	Mahoney,	Spight,
Broussard,	Gillet, N. Y.	Maynard,	Sutherland,
Bull,	Glenn,	Meyer, La.	Talbert,
Burgess,	Gooch,	Minor,	Taylor, Ala.
Butler, Mo.	Griggs,	Morris,	Tompkins, N. Y.
Cochran,	Grow,	Mudd,	Tompkins, Ohio
Connell,	Hall,	Mutchler,	Trimble,
Conry,	Haugen,	Neville,	Wachter,
Cooney,	Heatwole,	Newlands,	Wadsworth,
Corliss,	Henry, Miss.	Norton,	Weeks,
Creamer,	Henry, Tex.	Parker,	Wheeler,
Crowley,	Hitt,	Pugsley,	White,
Curtis,	Hughes,	Reeves,	Wilson,
Dahle,	Hull,	Reid,	Woods,
Davey, La.	Jackson, Kans.	Robertson, La.	Wright,
Dayton,	Jackson, Md.	Robinson, Nebr.	Young.
De Graffenreid,	Jett,	Ruppert,	
Deemer,	Joy,	Russell,	

So the bill was passed.

The following pair was announced:
For this vote:
Mr. WACHTER with Mr. GRIGGS.

The result of the vote was announced as above recorded.

On motion of Mr. COOPER of Wisconsin, a motion to reconsider the last vote was laid on the table.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 1456. An act granting a pension to William G. Miller;
H. R. 14206. An act granting a pension to Mary J. Moore;
H. R. 14042. An act granting an increase of pension to George W. Edgington;
H. R. 621. An act for the relief of Daniel Cherry;
H. R. 8108. An act for the relief of John Hornick;
H. R. 10279. An act to pay the claim of Stephen B. Halsey;
H. R. 8769. An act for the relief of S. J. Bayard Schindel;
H. R. 6031. An act authorizing the payment of part of the pension of Ira Steward to Adell Augusta Steward;
H. R. 12205. An act to provide for circuit and district courts of the United States at Valdosta, Ga.;
H. R. 14208. An act granting an increase of pension to Alexander Murdock;
H. R. 14802. An act for the purchase of real estate, for revenue and customs purposes, at Wilmington, N. C.;
H. R. 6009. An act granting a pension to Absolum Maynard;
H. R. 14656. An act granting an increase of pension to Charles A. Scott; and
H. R. 4170. An act granting an increase of pension to Henry P. Macloon.

The SPEAKER announced his signature to enrolled bills of the the following titles:

S. 6270. An act to amend an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved June 13, 1902;
S. 4284. An act to amend an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889;
S. 2848. An act for the establishment of a subport of entry at Naco, Ariz.;
S. 3651. An act appropriating the sum of $3,000 a year for the support and maintenance of the permanent international commission of the congresses of navigation, and for other purposes; and
S. 5269. An act to provide a commission to secure plans and designs for a monument or memorial to the memory of Abraham Lincoln, late President of the United States.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and joint resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 2865. An act for the protection of fish and game in the Indian Territory—to the Committee on Indian Affairs.

S. 2644. An act to promote the circulation of reading matter among the blind—to the Committee on the Post-Office and Post-Roads.

S. 1668. An act for the relief of Custis Parke Upsher—to the Committee on Claims.

S. 2342. An act for the relief of the legal representatives of George W. Curtis, deceased—to the Committee on Claims.

S. 4722. An act for the erection of a building for the use and accommodation of the Department of Agriculture—to the Committee on Public Buildings and Grounds.

S. 4083. An act for the relief of Surg. John F. Bransford, United States Navy—to the Committee on Naval Affairs.

S. 215. An act regulating the duties and fixing the compensation of the customs inspectors at the port of New York—to the Committee an Ways and Means.

S. 1156. An act for the relief of John C. Ray, assignee of John Gafford, of Arkansas—to the Committee on Claims.

S. 1468. An act for the relief of Henry Bash—to the Committee on Claims.

S. 3248. An act to establish a fish hatchery and fish station in the State of Maryland—to the Committee on the Merchant Marine and Fisheries.

S. 4986. An act to amend an act entitled "An act to receive arrearages of taxes due the District of Columbia to July 1, 1900, at 6 per cent per annum in lieu of penalties and costs," approved February 15, 1902—to the Committee on the District of Columbia.

S. 5531. An act for the relief of James F. McIndoe—to the Committee on Claims.

S. 6023. An act for the relief of John Scott—to the Committee on Claims.

S. 6123. An act granting an increase of pension to Thomas L. Collins—to the Committee on Invalid Pensions.

S. 6232. An act for the relief of I. I. Barber—to the Committee on Private Land Claims.

S. 6250. An act to regulate the use by the public of reservoir sites located upon the public lands of the United States—to the Committee on the Public Lands.

S. R. 97. Joint resolution to authorize certain officers of the Treasury Department to audit and certify claims of certain counties of Arizona—to the Committee on Claims.

S. R. 120. Joint resolution providing for the removal of shoal in North River of New York Harbor—to the Committee on Rivers and Harbors.

And then, on motion of Mr. PAYNE (at 7 o'clock and 56 minutes p. m.), the House adjourned until to-morrow at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. LITTLEFIELD, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 14275) to provide for the appointment of a district judge for the western judicial district of South Carolina, and for other purposes, reported the same with amendments, accompanied by a report (No. 2685); which said bill and report were referred to the House Calendar.

Mr. DICK, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 15257) to cede jurisdiction over place on which the National Home for Disabled Volunteer Soldiers is located to the State of Ohio, reported the same with amendment, accompanied by a report (No. 2693); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. POWERS of Massachusetts, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 15066) to incorporate the Association of Military Surgeons of the United States, reported the same without amendment, accompanied by a report (No. 2695); which said bill and report were referred to the House Calendar.

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the joint resolution of the House (H. J. Res. 198) giving authority to the Commissioners of the District of Columbia to make special regulations for the occasion of the Thirty-sixth National Encampment of the Grand Army of the Republic, to be held in the District of Columbia in the month of October, 1902, and for other purposes incident to said encampment, reported the same with amendments, accompanied by a report (No. 2696); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ALEXANDER, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 14764) to establish United States courts at Wilkesboro, N. C., reported the same without amendment, accompanied by a report (No. 2699); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SOUTHARD, from the Committee on Coinage, Weights, and Measures, to which was referred the bill of the House (H. R. 6261) to establish a branch mint of the United States at Omaha, in the State of Nebraska, reported the same without amendment, accompanied by a report (No. 2703); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CLARK, from the Committee on Patents, to which was referred the bill of the House (H. R. 12451) amending the statutes relating to patents, relieving medical and dental practitioners from unjust burdens imposed by patentees holding patents covering methods and devices for treating human diseases, ailments, and disabilities, reported the same with amendments, accompanied by a report (No. 2702); which said bill and report were referred to the House Calendar.

Mr. JENKINS, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 10300) conferring jurisdiction upon the circuit and district courts for the district of South Dakota in certain cases, and for other purposes, reported the same without amendment, accompanied by a report (No. 2704); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. TRIMBLE, from the Committee on Claims, to which was referred the bill of the House (H. R. 15217) for the relief of George Lea Febiger, reported the same without amendment, accompanied by a report (No. 2684); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5239) granting an increase of pension to Joseph A. Kerbey, reported the same without amendment, accompanied by a report (No. 2686); which said bill and report were referred to the Private Calendar.

Mr. DICK, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 5381) to correct errors in dates of original appointments of Capt. James J. Hornbrook and others, reported the same without amendment, accompanied by a report (No. 2692); which said bill and report were referred to the Private Calendar.

Mr. PARKER, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 13605) for the relief of George A. Detchemendy, reported the same with amendment, accompanied by a report (No. 2694); which said bill and report were referred to the Private Calendar.

Mr. SLAYDEN, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 6326) for the relief of Hiram C. Walker, reported the same without amendment, accompanied by a report (No. 2697); which said bill and report were referred to the Private Calendar.

Mr. SNODGRASS, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 4641) for the relief of Benjamin Franklin Handforth, reported the same with amendment, accompanied by a report (No. 2698); which said bill and report were referred to the Private Calendar.

Mr. DICK, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 560) to correct the military record of John Shelton, reported the same without amendment, accompanied by a report (No. 2700); which said bill and report were referred to the Private Calendar.

Mr. BUTLER of Pennsylvania, from the Committee on Claims, to which was referred the bill of the Senate (S. 1206) for the relief of Frank J. Burrows, reported the same without amendment, accompanied by a report (No. 2701); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2, Rule XIII, Mr. SNODGRASS, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 1737) for the relief of Herbert Cushman, reported the same adversely, accompanied by a report (No. 2691); which said bill and report were ordered to lie on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 10260) granting an increase of pension to Will Apitz, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. KLEBERG: A bill (H. R. 15270) to amend an act entitled "An act authorizing the Aransas Harbor Terminal Railway Company to construct a bridge across the Corpus Christi Channel, known as the Morris and Cummings ship channel, in Aransas County, Tex."—to the Committee on Interstate and Foreign Commerce.

By Mr. FLETCHER (by request): A bill (H. R. 15271) relating to the payment of money from the United States Treasury to aid in the support of State Soldiers' Homes—to the Committee on Military Affairs.

By Mr. RICHARDSON of Alabama: A bill (H. R. 15272) to amend section 532 of the Revised Statutes of the United States, and for other purposes—to the Committee on the Judiciary.

By Mr. MOON: A resolution (H. Res. 318) for the consideration of H. R. 12268—to the Committee on Rules.

By Mr. APLIN: A resolution (H. Res. 319) providing for the printing of the last issue of the House Calendar of the first session of the Fifty-seventh Congress as a House document—to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. MONDELL: A bill (H. R. 15269) to pay John Iredale for services as folder in April, 1901—to the Committee on Appropriations.

By Mr. CLARK: A bill (H. R. 15273) granting an increase of pension to Garland Spencer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15274) granting a pension to Josephine B. Harris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15275) granting a pension to Peter Berg—to the Committee on Invalid Pensions.

By Mr. GAINES of Tennessee: A bill (H. R. 15276) for the relief of William N. Bilbo, jr., administrator—to the Committee on War Claims.

By Mr. KETCHAM: A bill (H. R. 15277) granting a pension to Mary Schoonmaker—to the Committee on Invalid Pensions.

By Mr. MOSS: A bill (H. R. 15278) granting a pension to Francis Tate—to the Committee on Invalid Pensions.

By Mr. NAPHEN: A bill (H. R. 15279) to amend the military record of Timothy W. Riley, alias John Henneny—to the Committee on Military Affairs.

By Mr. PATTERSON of Tennessee: A bill (H. R. 15280) for the relief of the estate of R. B. Owen, deceased—to the Committee on War Claims.

By Mr. PUGSLEY: A bill (H. R. 15281) granting a pension to Kate H. Morris—to the Committee on Pensions.

By Mr. SIMS: A bill (H. R. 15282) granting a pension to Martha A. Sanders—to the Committee on Invalid Pensions.

By Mr. SOUTHARD: A bill (H. R. 15283) for the relief of George L. Adams—to the Committee on Military Affairs.

By Mr. BURNETT: A bill (H. R. 15284) to remove the charge of desertion from the record of Robert A. Godsey—to the Committee on Military Affairs.

By Mr. HOPKINS: A bill (H. R. 15285) to remove the charge of desertion from the military record of William Morrison—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER: Resolutions of Buffalo Business Men's Credit Council, of Buffalo, N. Y., favoring a bill to authorize the Mather Power Company to construct experimental span in Niagara River at Buffalo, N. Y.—to the Committee on Interstate and Foreign Commerce.

By Mr. BARTLETT: Resolution of the fourth annual convention of the Georgia Federation of Labor, favoring the passage of the Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. BEIDLER: Petition of the American Committee on Human Rights and Justice, in relation to the administration of affairs in the Philippines, especially against the disregard of the Catholic faith and institutions of the people—to the Committee on Insular Affairs.

Also, petition of The American Association of Nurserymen, of Rochester, N. Y., asking for the passage of House bill 10999—to the Committee on Agriculture.

By Mr. BOUTELL: Petition of citizens of Chicago, for the erection of a monument to Baron Steuben—to the Committee on the Library.

By Mr. BUTLER of Pennsylvania (by request): Petition of W. C. Kelly and others, of Chester, Pa., in favor of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. CASSINGHAM: Paper to accompany House bill relating to the claim of Isaac Dewitt—to the Committee on Claims.

By Mr. DRAPER: Petition of American Association of Nurserymen, advocating the passage of House bill 10999, in favor of national quarantine of diseased and infected trees and plants—to the Committee on Agriculture.

Also, protest of American Committee on Human Rights and Justice, of Philadelphia, Pa., against alleged injustice to Catholics in the Philippines—to the Committee on Insular Affairs.

Also, protest of the Wine, Liquor, and Beer Dealers' Association of the State of New York, against the passage of House bill 14019, increasing the liquor license in the District of Columbia—to the Committee on the District of Columbia.

By Mr. GOLDFOGLE: Petition of citizens of the Ninth Congressional district of New York, in favor of the passage of House bill 12203—to the Committee on Invalid Pensions.

By Mr. GORDON: Petition of Valley City Federal Union, No. 8649, Sidney, Ohio, for more rigid restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. HOWELL: Petition of Carpenters and Joiners' Union of Bridgeton, N. J., for increase of pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. JONES of Washington: Petition of the Chamber of Commerce of Tacoma, Wash., favoring the passage of House bill 242, concerning the regulation of gasoline and other launches—to the Committee on the Merchant Marine and Fisheries.

By Mr. LACEY: Petition of Green and Bentley Drug Company, of Oskaloosa, Iowa, in favor of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. MANN: Petitions of South Park Drug Company, J. E. Grubb, and other retail druggists of Chicago, Ill., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, petition of the American Association of Nurserymen, of Rochester, N. Y., asking for the passage of House bill 10999—to the Committee on Agriculture.

Also, resolutions of the Illinois National Guard and Naval Militia Association, in favor of the passage of House bill 11654, to promote the efficiency of the militia—to the Committee on the Militia.

By Mr. PUGSLEY: Protest of the Pure Oil Company of Pittsburg, Pa., against the passage of the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, resolutions of West Side Lodge, No. 320, International Association of Machinists, of New York, favoring the construction of war vessels at the Government navy-yards—to the Committee on Naval Affairs.

Also, petition of American Association of Nurserymen, advocating the passage of House bill 10999—to the Committee on Agriculture.

Also, resolutions of Electrical Workers' Union No. 3, of New York, in favor of the proposed increase of pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. RAY of New York: Petition of Belden Post, No. 342, of Richford, Grand Army of the Republic, Department of New York, favoring a bill to modify the pension laws—to the Committee on Invalid Pensions.

By Mr. SULZER: Petition of Wine, Liquor, and Beer Dealers' Association of the State of New York, in opposition to the passage of House bill 14019, increasing the liquor license in the District of Columbia—to the Committee on the District of Columbia.

By Mr. YOUNG: Petition of Smith, Kline & French Company, of Philadelphia, Pa., suggesting an investigation of the facts connected with the occupation of the Philippines—to the Committee on Insular Affairs.

Also, protest of American Committee on Human Rights and Justice, of Philadelphia, Pa., against alleged injustice to Catholics in the Philippines—to the Committee on Insular Affairs.

SENATE.

FRIDAY, *June 27, 1902.*

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. PRITCHARD, and by unanimous consent, the further reading was dispensed with.

AMENDMENT OF DISTRICT CODE.

Mr. PRITCHARD submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 493) to amend an act entitled "An act to establish a code of law for the District of

Columbia" having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with amendments as follows:

In said amendment, page 1, line 8, strike out "four" and insert "six."

On page 2, strike out lines 7 to 15, inclusive, and in lieu thereof insert the following: "And said Supreme Court shall from time to time divide the said district into subdistricts and prescribe the place in each subdistrict where the justice thereof shall have his office for the transaction of business, and may change the boundaries of such subdistricts and the localities of the offices of the justices therein from time to time as the volume and convenience of the business may require. No justice of the peace during his term of office shall engage in the practice of the law, subject to the penalty of removal from his office. When the number of such justices of the peace shall be reduced by death, resignation, or expiration of term of service, or otherwise, to six, the number of such justices of the peace shall be six only, and if the number shall not be reduced to six until the expiration of the term of the present justices of the peace, only six vacancies shall then be filled."

On page 3, strike out line 1.

On page 5, line 13, after "President," insert "by and with the advice and consent of the Senate."

On page 14, line 19, strike out "drunkards" and insert "any person."

On page 16, line 9, after "compensation" insert "at the rate of $4,000 per annum;" and in line 10, after the word "wills" add the following proviso: "*And provided further*, That the employees of said office shall not be in excess of the number actually necessary for the proper conduct of the office of said register of wills."

On page 32, line 25, strike out "five" and insert "fifth."

On page 35, line 25, strike out "live" and insert "life."

On page 53 strike out lines 23, 24, and 25; and on page 57 strike out lines 1 and 2, and in lieu thereof insert the following:

"SEC. 1073a. Whenever the court shall be satisfied that the party producing a witness has been taken by surprise by the testimony of such witness, such party may, in the discretion of the court, be allowed to prove, for the purpose only of affecting the credibility of the witness, that the witness has made to such party or to his attorney statements substantially variant from his sworn testimony about material facts in the cause, but before such."

On page 61, line 1, strike out "such person or corporation" and insert "the creditor."

On page 64, line 1, strike out "four" and insert "five."

On page 64, line 15, after "court," insert "holding an equity term;" and in line 18, after the word "infant," add "The court shall have power, in its discretion, to grant the prayer of such petition."

On page 68, line 10, strike out "line 3" and insert "lines 2 and 3."

And the House agree to the same.

J. C. PRITCHARD,
W. P. DILLINGHAM,
THOMAS S. MARTIN,
Managers on the part of the Senate.
JOHN J. JENKINS,
SAMUEL W. SMITH,
W. S. COWHERD,
Managers on the part of the House.

The report was agreed to.

CONGRESSIONAL DIRECTORY.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution of the House of Representatives; which was read, and referred to the Committee on Printing:

Resolved, etc., That there be printed, and bound in cloth, 3,000 copies of a Congressional Directory which embraces the biographies of all members of Congress from the Continental Congress to the Fifty-seventh Congress, inclusive, compiled by O. M. Enyart, 2,000 copies for the use of the House of Representatives and 1,000 copies for the use of the Senate.

DAUGHTERS OF THE AMERICAN REVOLUTION.

The PRESIDENT pro tempore laid before the Senate a communication from the acting secretary of the Smithsonian Institution, transmitting the fourth annual report of the National Society of the Daughters of the American Revolution; which, with the accompanying papers, was referred to the Committee on Education and Labor, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the House had passed, each with an amendment, the following bills; in which it requested the concurrence of the Senate:

A bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes; and

A bill (S. 4450) confirming in the State of South Dakota title to a section of land heretofore granted to said State.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 13674) amendatory of sections 3339 and 3341 of the Revised Statutes of the United States relative to the internal-revenue tax on fermented liquors;

A bill (H. R. 14801) to make Wilmington, N. C., a port through which merchandise may be imported for transportation without appraisement;

A bill (H. R. 15003) to authorize the construction of a bridge by the New York, Chicago and St. Louis Railroad Company and the Chicago and Erie Railroad Company across the Calumet River at or near the city of Hammond, Ind., at a point about 1,200 feet east of the Indiana and Illinois State line, and about 100 feet east of the location of the present bridge of the New York, Chicago and St. Louis Railroad Company across said river; also to authorize the construction of a bridge by the Chicago and State Line Railroad Company across said river at the point where said company's railroad crosses said river in Hyde Park Township, Chicago, Ill., being at the location of the present bridge of said company across said river in said township; and

A bill (H. R. 15140) providing that the circuit court of appeals of the fifth judicial circuit of the United States shall hold at least one term of said court in the city of Fort Worth, in the State of Texas, on the first Monday in November in each year.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 2848) for the establishment of a subport of entry at Naco, Ariz.;

A bill (S. 3651) appropriating the sum of $3.000 a year for the support and maintenance of the Permanent International Commission of the Congress of Navigation, and for other purposes;

A bill (S. 4284) to amend an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889;

A bill (S. 5269) to provide a commission to secure plans and designs for a monument or memorial to the memory of Abraham Lincoln, late President of the United States;

A bill (S. 6270) to amend an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved June 13, 1902;

A bill (H. R. 621) for the relief of Daniel Cherry;

A bill (H. R. 1456) granting a pension to William G. Miller;

A bill (H. R. 4170) granting an increase of pension to Henry P. Macloon;

A bill (H. R. 6009) granting a pension to Absolum Maynard;

A bill (H. R. 6031) authorizing the payment of part of the pension of Ira Steward to Adell Augusta Steward;

A bill (H. R. 8108) for the relief of John Hornick;

A bill (H. R. 8769) for the relief of S. J. Bayard Schindel;

A bill (H. R. 10279) to pay the claim of Stephen B. Halsey;

A bill (H. R. 12205) to provide for circuit and district courts of the United States at Valdosta, Ga.;

A bill (H. R. 14042) granting an increase of pension to George W. Edgington;

A bill (H. R. 14206) granting a pension to Mary J. Moore;

A bill (H. R. 14208) granting an increase of pension to Alexander Murdock;

A bill (H. R. 14656) granting an increase of pension to Charles A. Scott; and

A bill (H. R. 14802) for the purchase of real estate for revenue and customs purposes at Wilmington, N. C.

CIVIL GOVERNMENT FOR THE PHILIPPINE ISLANDS.

Mr. LODGE. I ask that Senate bill 2295, just returned from the House, may be laid before the Senate.

The PRESIDENT pro tempore. The Chair lays before the Senate the amendment of the House of Representatives to the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

Mr. LODGE. I move that the Senate nonconcur in the amendment of the House and ask for a conference on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. LODGE, Mr. ALLISON, and Mr. CULBERSON were appointed.

PETITIONS AND MEMORIALS.

Mr. QUAY. I present a petition of 152 citizens and residents of the Cherokee Nation, praying for the passage of the bill (H. R. 5956) providing for the allotment of lands of the Cherokee Nation, and for other purposes; which is the order of business for to-day. I move that the petition lie on the table.

The motion was agreed to.

Mr. CLAY presented resolutions of the Board of Trade of Savannah, Ga., favoring the ratification of reciprocal trade agreements with the Dominion of Canada; which were referred to the Committee on Relations with Canada.

Mr. FORAKER presented petitions of 402 citizens of Ohio, praying for the adoption of certain amendments to the internal-revenue law relative to the tax on distilled spirits; which were referred to the Committee on Finance.

He also presented a petition of the Woman's Christian Temperance Union of Oberlin, Ohio, praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a memorial of Cigar Makers' Local Union No. 173, of Zanesville, Ohio, remonstrating against any reduction of the duty on tobacco imported from Cuba; which was referred to the Committee on Finance.

He also presented petitions of the Pattern Makers' Association of Dayton; of Iron Molders' Local Union No. 250, of Massillon; of Lodge No. 203, International Association of Machinists, of Akron; of Iron Molders' Local Union No. 143, of Mount Vernon; of the Central Labor Union of Ashtabula; of Lodge No. 453, International Association of Machinists, of Mansfield, and of Lodge No. 200, International Association of Machinists, of Youngstown, all in the State of Ohio, praying for the passage of the so-called eight-hour bill; which were referred to the Committee on Education and Labor.

He also presented a petition of Encampment No. 41, Union Veteran Legion, of Cincinnati, Ohio, praying for the passage of a per diem service pension bill; which was referred to the Committee on Pensions.

He also presented a petition of the Young People's Society of Christian Endeavor, of Greenwich, Ohio, praying for the adoption of certain amendments to the so-called anticanteen law; which was referred to the Committee on Military Affairs.

He also presented resolutions of 100 members of the Baptist Church of Burlington, Ohio, favoring the enactment of legislation to make effective the provisions of the Constitution having reference to the disfranchisement of citizens; which were referred to the Committee on the Judiciary.

Mr. MASON presented resolutions adopted by the Illinois National Guard and Naval Militia Association, praying for the enactment of legislation to promote the efficiency of the militia; which were referred to the Committee on Military Affairs.

He also presented petitions of Retail Clerks' Local Union No. 45, of Streator, and of Retail Clerks' Local Union No. 493, of Decatur, in the State of Illinois, praying for the enactment of a Sunday-rest law for the District of Columbia; which were referred to the Committee on the District of Columbia.

He also presented petitions of Stone City Lodge, No. 124; of Unity Lodge, No. 134, of Chicago, and of Batavia Lodge, No. 213, of Batavia, all of the International Association of Machinists, in the State of Illinois; and of Hopedale Lodge, No. 48, International Association of Machinists, of Milford, Mass., praying for the passage of the so-called eight-hour bill; which were referred to the Committee on Education and Labor.

He also presented petitions of the Woman's Christian Temperance Unions of Kewanee and Lake County; of the Ministerial Union of Dixon, Ill., and of the Rev. Wilbur F. Crafts, of Washington, D. C., praying for the enactment of legislation to prohibit the sale of intoxicating liquors at immigrant stations; which were ordered to lie on the table.

LEWIS AND CLARKE DISCOVERY CENTENNIAL EXPOSITION.

Mr. MITCHELL. I hold in my hand a memorial of the legislature of my State. I ask that it may be read at length, and then I shall ask consent of the Senate that I may occupy not to exceed ten minutes in submitting some remarks in support thereof.

The PRESIDENT pro tempore. The memorial of the legislature of Oregon, presented by the Senator from Oregon, will be read.

The Secretary read as follows:

House concurrent resolution No. 22.

Whereas the State of Oregon and the people of the city of Portland and of the Pacific Northwest States have provided the means for holding a centennial exposition in honor of the Lewis and Clarke expedition to the Pacific coast in the city of Portland during the year 1905; and

Whereas it is believed that the holding of such an exposition will be of great material benefit to the people of the Pacific Northwest and to the General Government of the United States and of all oriental countries: Therefore, be it

Resolved, That Congress be, and they are hereby, requested to make a suitable appropriation for a national exhibit at said fair, and also that proper acts be passed and proper resolutions be presented to the oriental countries and to other foreign governments and the Dominion of Canada, requesting them to make industrial exhibits at said fair. Be it

Further resolved, That our Senators and Members of Congress be, and they are hereby, requested to use every effort in their power to secure the proper legislation by Congress to carry out the spirit and intent of this resolution.

Adopted by the house February 21, 1901.

L. B. REEDER,
Speaker of the House.

Concurred in by the senate February 21, 1901.

C. W. FULTON,
President of the Senate.

Approved February 25, 1901.

T. T. GEER, *Governor.*

[Indorsed.]

House concurrent resolution No. 22, A. C. Jennings, chief clerk. Executive department, State of Oregon, received February 23, 1901. Filed February 26, 1901, F. I. Dunbar, secretary of State.

UNITED STATES OF AMERICA,
STATE OF OREGON, OFFICE OF THE SECRETARY OF STATE,
Salem, Oreg., March 11, 1901.

I, F. I. Dunbar, do hereby certify that I am the secretary of state of the State of Oregon, and custodian of the seal of said State; that the foregoing transcript of house concurrent resolution No. 22 of the twenty-first legislative assembly of the State of Oregon, filed in the office of the secretary of state February 26, 1901, has been by me compared with the original copy of the said house concurrent resolution No. 22, now on file in this office, and that it is a true and correct transcript thereof, and the whole of said original house concurrent resolution No. 22.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol, at Salem, Oreg., this 11th day of March, A. D. 1901.

[SEAL.] F. I. DUNBAR,
Secretary of State.

Mr. MITCHELL. Mr. President, I beg the indulgence of the Senate for a few moments while I submit a remark in support of the legislative memorial just read.

Mr. President, the page of historic military adventure and discovery, either ancient or modern, fails to record a parallel in all that is implied in daring, persevering, successful effort, brilliant accomplishment, and pregnant with such tremendous possibilities, in the face of unparalleled obstacles and discouraging surroundings, comparable with the military expedition of Lewis and Clark across the wilderness of the North American continent in 1804 and 1805.

They were the heroic and persistent vanguard in geographic discovery, exploration, and physical development who blazed the pathway of advancing physical, industrial, and moral civilization, the grandest of this or that of any other age, and which now, in all its splendor and expanding glory, attracts the attention and commands the bewildering admiration of the whole civilized world.

The names of Meriwether Lewis and William Clark are inseparably connected with the military and political history, and the growth and development of American civilization, while their names lead in the great column of names that have become immortal in all ages through grand military and individual geographic achievement.

The historic page which records the unfolding, development, and upbuilding of all nations since the beginning of time is marked at intervals with events which stand as milestones in their national life and which are worthy of commemoration—events which open wide the door of possibilities, immeasurable in character and value, incomparable in importance in their relation to the advancement of spiritual inspiration, or the promotion of the principles of human liberty, or of representative government, or of scientific attainment, or geographic discovery and exploration, or, as is sometimes the case, which mark the beginning of an epoch involving most and at times all of these, and which lead on to a new, a better, and more exalted civilization than that of any which has preceded it—such as the birth of the Saviour, the advent of the Christian religion, the invention of the telescope by Galileo, the discovery of America by Columbus, the landing of the Pilgrims, the Declaration of American Independence, the Louisiana purchase, and last, but not least, the military expedition of Lewis and Clark. All these and many more that might be cited have from the dates of their respective occurrence in the past nineteen hundred years been deemed worthy by all civilized people of being kept alive by appropriate commemorating ceremonies.

The wisdom, the remarkable prescience, of Jefferson which led him to negotiate with the great Napoleon for the Louisiana purchase, and which about the same time inspired him to commission Lewis and Clarke to enter upon the great military expedition of geographic exploration and scientific discovery across the then trackless American continent, have of themselves rendered his name immortal. But why should the names of the men whose military genius, whose remarkable hardihood and untiring perseverance, whose scientific attainment, whose unyielding courage in the face of tremendous obstacles, seemingly insurmountable, enabled them to so successfully execute the commission imposed upon them by President Jefferson, be permitted to fade on the great scroll of American immortals? Why should the passing generations be permitted to forget the grandest achievement in the lines of military and scientific exploration upon the part of two heroic members of the American Army ever recorded by historic pen?

Why should not the millions of our people now living in peace, in prosperity, and many of them in affluence, between the Missouri and the Pacific coast, and reaping the fruits of agriculture, of mining, of grazing, of forestry, of trade, of commerce, and of all the varied industries of a civilization unparalleled by any people in any nation, enjoying the protection of a beneficent government of law and order, and a system of jurisprudence unparalleled by that of any people—why should not they, in an appropriate manner, by an exhibition of their products, testify their appreciation of the men who laid the corner stones of all this magnificent beneficence? Why should we, as a nation, hesitate to join in some proper manner in appropriately commemorating an event in our nation's history that marks the beginning of an era of that history, so pregnant not only with realized benefits, but so full of future possibilities; one that stands as the initiatory in an epoch in the development and exaltation of American civilization? And why should we as a nation, and why should we as a people, irrespective of party, regardless of sectional lines, fail to aid in a proper manner an appropriate industrial and commercial exposition, in commemorating the names and memories of the men who

blazed the pathway that has enabled us to mount these towering heights as a nation and as a people?

And in what manner can the one hundredth anniversary of the passing of the continent by Lewis and Clarke in 1804–5 be so appropriately and conspicuously commemorated, and their names be thus kept forever bright in the world's biographical lexicon of immortal names, and on history's enduring page as by a grand industrial exposition of the varied products of that section of our common country to which their memorable expedition opened an entrance for the builders of physical and moral empire and for the founders of States?

The purpose of my remarks at this time is to attract the attention not only of the Senate and House of Representatives of the United States, but the whole country, to the the fact that it is the settled determination of the people of the great West and of the grand Pacific Northwest, as individuals and as States, to join hands in commemorating the centennial anniversary of the achievements of Lewis and Clarke by holding a grand industrial exposition at Portland, Oreg., in the year 1905. And in this connection I am pleased to be able to state that indeed great and satisfactory progress has already been made in this direction.

Many months ago a corporation for this purpose was organized by many of the leading, influential business men of Oregon, materially aided by prominent business men of the States of Washington and Idaho, having for its purpose the promotion of this enterprise. At the head of this corporation and as its president is Hon. H. W. Corbett, former Senator from that State in this body, one of the wealthiest and most enterprising business men of the Pacific coast, and he has already contributed largely of his means and is untiring in his efforts in promoting the cause. Already more than $350,000 in cash have been raised in support of the enterprise. The legislature of the State of Oregon, nearly eighteen months ago, spoke out boldly and emphatically in favor of the great purpose, as is indicated by the legislative memorial just read. The people not only of Oregon but of all the Pacific coast States are enthusiastic in its favor. The press of the Pacific coast, irrespective of party, without a single exception, is earnest, cordial, and enthusiastic; our public men are a unit, but not less enthusiastic are the people generally of all classes.

It is not our purpose to have in magnitude a Chicago, a Paris, or a St. Louis exposition, but it is our purpose and our firm determination to have an industrial exposition on a scale while somewhat less in pretentions than those, yet one which will, by the magnitude and character of our varied products, command the admiration of all who visit it. We propose to present for the inspection of the people, not only of our own country, but those of foreign countries as well, the varied products of our great Pacific Northwest, which we are sure will elicit not only their astonishment, but their admiration and respect.

Not now, Mr. President, but at the next session of this Congress I shall ask, with the confident expectation that it will be surely granted, some proper Congressional recognition of this proposed exposition, and thus recognized and aided, at least by the smiles and approbation of Congress, we shall hope to have an exposition which will appropriately commemorate the great military and scientific exploration of Lewis and Clarke in 1804 and 1805. I shall do this notwithstanding the statement yesterday of the distinguished Senator from Maine that "we ought not again in a generation take any part whatever in any of these expositions," and in which, after referring to the expositions at Buffalo and Charleston, he further said: "As I have said, I hope the fate of these two will deter subsequent enterprises of this kind." I am sure the great, patriotic heart of the Senator from Maine will not hesitate when the time comes, and the matter is presented in its true light, and when the demand upon the Congress will be in all respects reasonable and modest, to make this one exception, and that we will find him, a distinguished leader of the Senate and of the Committee on Appropriations, cooperating with the people and the States of the great Pacific Northwest in bringing to a successful conclusion a modest industrial exposition, commemorative of the great geographical and scientific achievements of Lewis and Clarke, and which has done so much to open the doors to a great future for so many of the citizens of this country, many of whom come from the New England States.

The PRESIDENT pro tempore. The memorial presented by the Senator from Oregon will be referred to the Select Committee on Industrial Expositions.

REPORTS OF COMMITTEES.

Mr. BARD. I am directed by the Committee on Fisheries, to whom was referred the bill (S. 6286) prohibiting the killing or taking of seals, porpoises, whales, or marine animals, or fish of any kind in the waters of the United States by means of explosive materials, to report it favorably without amendment, and to submit a report thereon.

Mr. HALE. That is a very important bill, to which there is no objection. I should like very much to have it passed now, in order that it may go to the House.

Mr. MORGAN. I think the bill ought to go on the Calendar, Mr. President.

The PRESIDENT pro tempore. The Senator from Alabama objects. The bill will be placed on the Calendar.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (S. 2429) to provide for the payment of overtime claims of letter carriers excluded from judgment as barred by limitation, reported it with amendments, and submitted a report thereon.

He also, from the same committee, reported a joint resolution (S. R. 126) to provide for the printing of a digest of the decisions of the Court of Claims, together with the rules of practice of and the statutes relating to that court; which was read twice by its title, and referred to the Committee on Printing.

Mr. MASON, from the Committee on Claims, to whom was referred the bill (S. 339) for the relief of Noah Dillard, reported it with amendments. and submitted a report thereon.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (S. 2488) for the relief of P. S. Corbett, reported it with an amendment, and submitted a report thereon.

Mr. CLAPP, from the Committee on Claims, to whom were referred the following bills, reported them each without amendment, and submitted reports thereon:

A bill (H. R. 367) for the relief of Angus A. McPhee; and

A bill (S. 5272) for the relief of Darwin S. Hall.

Mr. PENROSE, from the Committee on Immigration, submitted a report to accompany the bill (H. R. 12199) to regulate the immigration of aliens into the United States, heretofore reported by him.

Mr. BEVERIDGE, from the Committee on Territories, to whom was referred the bill (H. R. 14383) to validate certain acts of the legislative assembly of the Territory of New Mexico with reference to the issuance of certain bonds, reported it without amendment.

He also, from the same committee, submitted a report to accompany the bill (S. 5422) authorizing the county of Maricopa, of the Territory of Arizona, to issue bonds for the construction of reservoirs and dams for water storage and other purposes, heretofore reported by him.

Mr. McCUMBER, from the Committee on Indian Affairs, to whom was referred the bill (S. 340) to ratify and confirm an agreement with the Turtle Mountain band of Chippewa Indians in the State of North Dakota, and to make appropriations for carrying the same into effect, reported it without amendment, and submitted a report thereon.

Mr. FAIRBANKS, from the Committee on the Judiciary, to whom was referred the bill (H. R. 11656) to incorporate The Society of the Army of Santiago de Cuba, reported it without amendment.

MONUMENT TO PRISON-SHIP MARTYRS.

Mr. WETMORE. I am directed by the Committee on the Library, to whom was referred the joint resolution (H. J. Res. 6) in relation to monument to prison-ship martyrs at Fort Greene, Brooklyn, N. Y., to report it favorably with amendments, and I ask unanimous consent for its present consideration.

Mr. QUAY. I will not object to the consideration of the joint resolution if it is not likely to provoke debate. If it is, I shall be compelled to object. I desire to proceed with the regular order.

The Secretary read the joint resolution; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendments of the Committee on the Library were, on page 1, line 6, before the word "monument," to strike out "said" and insert "a;" in line 7, after the words "New York," to insert "to the memory of the soldiers and sailors of the Colonial forces in the war of the Revolution who perished upon the English prison ships in New York Harbor;" and in line 10, at the beginning of the line, to strike out the words "as aforesaid," and insert "by the State of New York and municipality of New York;" so as to make the joint resolution read:

Resolved, etc., That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $100,000 as a part contribution to the erection of a monument in Fort Greene Park, in the borough of Brooklyn, city and State of New York, to the memory of the soldiers and sailors of the colonial forces in the war of the Revolution who perished upon the English prison ships in New York Harbor: *Provided, however*, That said sum shall not be payable until there has been raised, by private subscription and by public appropriations by the State of New York and the municipality of New York, sums aggregating an additional $100,000: *And provided further*, That said moneys shall not be paid for the erection of a monument, plans for which shall not have been approved by the Secretary of War of the United States and the governor of the State of New York and mayor of the city of New York; and the said moneys shall be expended under the joint supervision of the said Secretary and said governor and said mayor.

The amendments were agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

MEMORIAL ADDRESS ON PRESIDENT M'KINLEY.

Mr. KEAN. From the joint special committee on memorial exercises in memory of the late President McKinley I report a joint resolution, and ask for its present consideration.

The joint resolution (S. R. 124) to provide for the printing of the memorial address on the life and character of William McKinley, late President of the United States, by the Hon. John Hay, before the two Houses of Congress, was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there be printed 100,000 copies of the memorial address on the life and character of William McKinley, late President of the United States, delivered by the Hon. John Hay before the two Houses of Congress, with the proceedings on that occasion, of which 33,000 copies shall be for the use of the Senate, 64,000 copies shall be for the use of the House of Representatives, 1,500 copies shall be for the use of the Department of State, 750 copies shall be for the use of Mrs. Ida S. McKinley, and 750 copies shall be for the use of the Hon. John Hay; and the Secretary of the Treasury be, and he is hereby, directed to have printed to accompany the same the memorial card prepared by the Bureau of Printing and Engraving.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MONTGOMERY PATTON AND OTHERS.

Mr. WARREN, from the Committee on Claims, reported the following resolution; which was considered by unanimous consent, and agreed to.

Resolved, That the claims represented by the following bills, to wit: (S. 54) for the relief of Montgomery Patton; (S. 86) for the relief of J. Viosca; (S. 863) for the relief of John F. Kranz; (S. 1130) for the relief of the heirs of William H. DeGroot; (S. 1587) for the relief of the estate of William Crutchfield, deceased; (S. 1588) conferring jurisdiction on the Court of Claims to try, adjudicate, and determine the claim of Bvt. Capt. (Second Lieut.) James Davison, United States Army, retired; (S. 1813) for the relief of William H. Brown; (S. 2528) to confer jurisdiction upon the Court of Claims to adjudicate the claim of Augustine Meaher and Daniel J. McDonald as asministrators of the estates of James M. and Timothy Meaher, and to remove the bar of the statute of limitations therefrom; (S. 2680) for the relief of the estate of Louis Friedman; (S. 2847) for the relief of John Schierling, administrator de bonis non of the estate of Gallus Kerchner, deceased; (S. 2949) for the relief of Jackson Foster; (S. 1853) for the relief of Elizabeth Thomas; (S. 3419) for the relief of customs inspectors; (S. 3511) for the relief of Wynona A. Dixon; (S. 3749) for the relief of Henry M. Smith; (S. 3925) for the relief of the Atlantic Works, of Boston, Mass.; (S. 3948) for the relief of the estate of E. R. Gordon, deceased; (S. 3807) for the relief of Mary F. B. Grice; (S. 4902) for the relief of John H. Baker; (S. 5222) for the relief of M. T. Swick; (S. 5322) for the relief of Mary A. Shaw; (S. 5947) for the relief of Elias J. Riley, administrator of John Riley, deceased; (S. 6140) for the relief of the heirs of William A. White, deceased; (S. 4317) for the relief of John M. Lea; (S. 4753) for the relief of Ellen O. Thomas, administratrix, and (S. 5126) for the relief of William O. Saville, now pending in the Senate, together with all the accompanying papers, be, and the same are hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

Also that the claims represented by the following bills, to wit: (S. 767) for the relief of the estate of Valerie Breaux, deceased; (S. 800) for the relief of Stephen E. Beauchamp; (S. 846) for the relief of the estate of William P. Williamson, deceased; (S. 3441) for the relief of Remy Bagary; (S. 4116) for the relief of estate of Nicholas White, deceased; (S. 4155) for the relief of the estate of Louisa Breaux, deceased; (S. 6181) for the relief of Matilda M. Fairex, administratrix of the estate of Daniel Fairex, deceased; (S. 1121) for the relief of the estate of Henry Von Balsan, deceased; (S. 1124) for the relief of Mrs. M. W. G. Smethurst, sole heir of Laura M. Gibbs, deceased; (S. 4691) for the relief of John I. Rowland; (S. 4695) for the relief of John Wilson; and (S. 5192) for the relief of the estates of John Nelson, deceased; A. J. Donelson, deceased; Sarah Donelson, deceased; and for the relief of the distributees and personal representatives of said decedents now pending in the Senate, together with all the accompanying papers, be, and the same are hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

LIEUT. JOSEPH M. SIMMS.

Mr. MARTIN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3360) for the promotion of First Lieut. Joseph M. Simms, Revenue-Cutter Service, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same.

WILLIAM P. FRYE,
THOMAS S. MARTIN,
Managers on the part of the Senate.
WILLIAM P. HEPBURN,
J. S. SHERMAN,
W. C. ADAMSON,
Managers on the part of the House.

The report was agreed to.

NEW MEXICO, OKLAHOMA, AND ARIZONA.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. BEVERIDGE on the 25th instant, reported it without amendment; and the resolution was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Territories be, and it hereby is, authorized to sit during the recess of the Senate, at such times and places as it may desire, for the purpose of considering bills for the admission of the Territories of New Mexico, Oklahoma, and Arizona to statehood, and to send for persons and papers, take testimony, and employ a stenographer, and that the expenses incurred shall be paid from the contingent fund of the Senate upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Mr. MILLARD introduced a bill (S. 6293) granting an increase of pension to David Whitney; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FORAKER introduced a bill (S. 6294) granting an increase of pension to Peter O. Benham; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PERKINS introduced a bill (S. 6295) directing the Secretary of the Treasury to impose additional countervailing duties on foreign sugars to meet the so-called "cartel" bounties; which was read twice by its title, and referred to the Committee on Finance.

Mr. MASON introduced a bill (S. 6296) for the relief of William M. Loughlin; which was read twice by its title, and referred to the Committee on Claims.

Mr. PETTUS introduced a bill (S. 6297) providing that the circuit court of appeals of the fifth judicial circuit of the United States shall hold at least one term of said court annually in the city of Montgomery, in the State of Alabama, on the first Monday in September in each year; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. PENROSE introduced a bill (S. 6298) to amend section 2743 of the Revised Statutes of the United States concerning the examination of drugs; which was read twice by its title, and referred to the Committee on Finance.

He also introduced a bill (S. 6299) granting an increase of pension to John M. Thomas; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 6300) granting an increase of pension to Brice S. Ramsey; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6301) authorizing the transmission of postal money orders by wire; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. SCOTT introduced a joint resolution (S. R. 125) providing for the appointment of a commission to report a plan for a memorial in honor of the heroes of the Revolutionary war; which was read twice by its title, and referred to the Committee on the Library.

PNEUMATIC TUBES IN THE DISTRICT OF COLUMBIA.

Mr. MASON. I introduce a joint resolution, and ask unanimous consent for its immediate consideration.

The joint resolution (S. R. 128) providing for the laying of pneumatic tubes in the District of Columbia was read, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That authority is hereby given to any person, persons, or corporation who may hereafter obtain a contract with the Government for supplying pneumatic-tube mail service to enter the Capitol and the grounds thereof with lines of pneumatic tubes, connecting the Capitol and the several departments of the Government, the Government Printing Office, and the city post-office and the postal stations.

The Commissioners of the District of Columbia are hereby authorized and directed to permit any person, persons, or corporation having a contract with the Government, as aforesaid, to open the streets or alleys necessary to lay such pneumatic tubes.

The right to lay said pneumatic tubes in the public reservations is hereby authorized under such regulations as may be prescribed by the Secretary of War.

Mr. ALDRICH. The joint resolution ought to go either to the Committee on the District of Columbia or the Committee on Public Buildings and Grounds.

Mr. MASON. It is in the exact language of a joint resolution sent by the Postmaster-General. I offered a resolution, which was referred to the Commitee on Post-Offices and Post-Roads, and sent it to the Post-Office Department for the opinion of the Postmaster-General, and I have just introduced the joint resolution which was prepared by the Post-Office Department.

Mr. ALDRICH. I am not talking about the authorship of the joint resolution. It ought to be considered by some standing committee, and I ask that it be referred to the Committee on the District of Columbia.

Mr. MASON. I think if it is to be referred at all, it should go to the Committee on Post-Offices and Post-Roads, where the pneumatic-tube question has been considered.

Mr. ALDRICH. This is not a question of post-offices. The joint resolution ought to go either to the Committee on the District of Columbia or to the Committee on Public Buildings and Grounds, certainly to one or the other.

The PRESIDENT pro tempore. The Senator from Rhode Island objects to the present consideration of the joint resolution. What is the motion of the Senator?

Mr. ALDRICH. I ask that it be referred to the Committee on the District of Columbia. I think that is the proper committee.

The PRESIDENT pro tempore. The Senator from Rhode Island moves that the joint resolution be referred to the Committee on the District of Columbia.

Mr. MASON. I move to amend the motion by moving that it be referred to the Committee on Post-Offices and Post-Roads.

The PRESIDENT pro tempore. The motion is not amendable except to add instructions. The question is on the motion to refer the joint resolution to the Committee on the District of Columbia.

Mr. MASON. I want to have the yeas and nays taken on that question. The Committee on Post-Offices and Post-Roads had under consideration a resolution, and this is offered as a substitute for it. I see no specially good reason for taking it away from the Post-Office Committee. We have already passed a bill committing the Government to the use of the pneumatic-tube system and authorizing the Post-Office Department to make contracts for the District of Columbia. This matter has been to the Commissioners' office, as I understand it, and it has been to the Postmaster-General, and the Postmaster-General recommends this resolution. It is all to be under the direction of the Commissioners. It only authorizes them, provided the Postmaster-General requests it, to enter into contract, under such directions as the Secretary of War may prescribe. I can see no reason for referring it to either one of the committees named.

Mr. ALDRICH. The joint resolution proposes to authorize the introduction into the Capitol building and various other buildings in the District of Columbia of the pneumatic-tube service. It has nothing whatever to do with the Post-Office Department or the Post-Office Committee. We refer all questions relating to telegraphs, telephones, and all other public service within the District to the Committee on the District of Columbia, and it seems to me, without endeavoring to infringe upon the rights of the Post-Office Committee, that the joint resolution clearly ought to go to the Committee on the District of Columbia.

The PRESIDENT pro tempore. On the motion made by the Senator from Rhode Island the Senator from Illinois demands the yeas and nays.

Mr. MASON. Mr. President, one word. The only object in asking for the immediate consideration of the joint resolution is because the Postmaster-General is authorized now to make contracts for this service, and to send the matter to any other committee simply means that it will be delayed at least for another year, so far as Washington and the District of Columbia are concerned.

The PRESIDENT pro tempore. Is there a second to the demand for the yeas and nays?

The yeas and nays were not ordered.

Mr. MASON. I will withdraw the joint resolution.

Mr. ALDRICH. That can only be done by unanimous consent, but I will not object to the withdrawal.

The PRESIDENT pro tempore. No; the yeas and nays have not been ordered. The joint resolution can be withdrawn.

Mr. ALDRICH. I do not object to it.

The PRESIDENT pro tempore. The Senator from Illinois withdraws the joint resolution.

Mr. MASON subsequently introduced a joint resolution (S. R. 128) providing for the laying of pneumatic tubes in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

PARK IMPROVEMENTS IN THE DISTRICT OF COLUMBIA.

Mr. CLAPP. I introduce a joint resolution and ask unanimous consent for its immediate consideration.

The joint resolution (S. R. 127) authorizing the loan of plans and drawings of park improvements of the District of Columbia was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Charles Zueblin, of Chicago, Ill., president of the American League for Civic Improvement, be, and he is hereby, authorized to remove from the Library of Congress such of the plans, drawings, and photographs prepared in connection with the improvement of the park system of the District of Columbia as may be specified by the Superintendent of the said Library, and to exhibit the same, under the auspices of the American League for Civic Improvement, at St. Paul, Minn., and other cities in the United States: *Provided*, That the said Charles Zueblin shall, before the removal of such plans, drawings, and photographs, enter into a sufficient bond to insure the return of such plans, drawings, and photographs in good order: *And provided further*, That no expense shall be incurred by the Government under the operation of this resolution.

Mr. GALLINGER. Mr. President, manifestly the joint resolution ought to go to the Committee on the District of Columbia, and I move its reference to that committee.

Mr. CLAPP. I desire to call the attention of the Senator from New Hampshire to the fact that this has been submitted to the chairman of the Committee on the District of Columbia, and his letter is attached to the joint resolution, approving its passage. It has also been submitted to the chairman of the Committee on Public Buildings and Grounds. It is desirable, if possible, to have the joint resolution passed at this time.

Mr. GALLINGER. I will say in response to the Senator that if the chairman of the Committee on the District of Columbia has approved it that is satisfactory to me.

Mr. CLAPP. His letter is at the desk and can be read to the Senate.

Mr. GALLINGER. I withdraw my motion.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. PLATT of Connecticut. Let the letter be read.

The PRESIDENT pro tempore. The letter will be read.

The Secretary read as follows:

SENATE OF THE UNITED STATES,
COMMITTEE ON THE DISTRICT OF COLUMBIA,
Washington, D. C., June 7, 1902.

MY DEAR SIR: Inclosed I return the papers which you handed to me in regard to the desire of the American League of Civic Improvement to exhibit the plans of the Park Commission at its annual convention in St. Paul during September next. In reply I would say that the plans belong to Congress, and it will require a special act in order to permit them to leave Washington. I inclose a draft of a joint resolution providing for such permission, and if you will secure its passage in the House I shall be pleased to look after it in the Senate.

Some time ago the Senate passed a concurrent resolution to provide for the publication of the report of the Commission for distribution by members of Congress, but thus far the House has not acted upon it.

Very truly, yours,

JAMES MCMILLAN.

Hon. F. C. STEVENS,
House of Representatives.

Mr. PLATT of Connecticut. I wish that the joint resolution might be read again. I think perhaps it was not understood.

The joint resolution was again read.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. GALLINGER. I wish to ask the Senator from Minnesota a single question. I notice that this gentleman, whoever he is, wants to exhibit this plan in St. Paul and other cities of the United States. What is his purpose? Is it for gain?

Mr. CLAPP. No; it is so that the people of this country who can not come to Washington may have some idea of the proposed plan of improvement of this city.

Mr. GALLINGER. It is purely educational?

Mr. CLAPP. It is purely educational. I have no objection to inserting the words "the city of New York and other cities." I simply named one city.

Mr. GALLINGER. That is all right. I have no objection to it.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. MONEY. I ask that it may be again read.

The joint resolution was again read.

Mr. MONEY. I wish to ask if it was reported from the Committee on the Library?

The PRESIDENT pro tempore. The Senator from Mississippi inquires of the Senator from Minnesota whether the joint resolution is reported from any committee.

Mr. CLAPP. No, sir; the joint resolution was drawn by the chairman of the Committee on the District of Columbia. I did not think that it was necessary to have it referred to his committee.

Mr. MONEY. It seems to me that a joint resolution like this ought to go to the Committee on the Library.

Mr. CLAPP. Mr. President, I just want to say this about the joint resolution. There is a plan to improve the city of Washington. It is going to be a large and comprehensive plan; it is going to entail a large expense, and I think the people of this country ought to have an opportunity to see it so that they will appreciate what is being done under the plan. By presenting it under the auspices of the American League for Civic Improvement in the different cities it will give thousands an opportunity to understand and to appreciate what we are doing who never by any other means will know anything about it. I have no particular interest in the matter.

Mr. MONEY. I might agree probably with the Senator in his statement of the good to come from this action; but I think it probably ought to be considered by the committee which peculiarly has charge of these very matters.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. TELLER. Mr. President, I should like to inquire whether this plan for the improvement of the city has ever been accepted by Congress?

Mr. HALE. I will answer the Senator, if he will allow me?

Mr. TELLER. Very well. I yield to the Senator from Maine.

Mr. HALE. I desire to protest against an inference that may be drawn from what the Senator from Minnesota has said, that here is a plan already embarked upon for an immense improvement, a park system and other expensive features in the District of Columbia. Nothing of that kind has been adopted or entered upon. The Senator says the people of the United States ought to be educated as to what we are doing. We are doing nothing whatever about this great scheme with reference to Washington. The whole matter fell absolutely dead the moment Senators and Representatives began to examine it. No committee has sought to urge it upon Congress. It is purely in the brain of the architect who has designed an immense scheme of improvement that suits him.

Mr. GALLINGER. Will the Senator permit me?

Mr. HALE. Certainly.

Mr. GALLINGER. The Senator, of course, does not want to do injustice to the Committee on the District of Columbia. I wish to say to the Senator that the committee never had any idea that Congress would adopt this plan. It never suggested that Congress should adopt this plan.

Mr. HALE. I so understand.

Mr. GALLINGER. The plan was formulated by a very distinguished commission with the idea that it might serve as a suggestion in the matter of future appropriations for the District of Columbia, and that was the sole purpose.

Mr. HALE. I so understand it, and in what I said I embraced not only the Committee on the District of Columbia as not having sought to force the plan matters upon Congress, but no other committee. That committee has been extremely wise about it. It called a halt when it saw the magnificence of the scheme. It is a scheme which, as I have said, would never have been evoked from any source but the brain of the architect.

Mr. GALLINGER. If the Senator will permit me a single word, the Senator says the committee called a halt, The committee did not call a halt. The committee perfectly understood that Congress could not adopt a plan of this kind.

Mr. HALE. But I understand the committee was asked and declined. That is what I mean by the use of my metaphor that the committee called a halt. The committee did.

Mr. GALLINGER. I think the committee never was asked to do it, Mr. President. Of course, these distinguished architects would like to have their plan followed in the matter of future appropriations, but they did not suggest to the committee, certainly at no meeting when I was present, that we should recommend it to Congress. It was merely a suggestive plan.

Mr. HALE. I want that understood. When this exploiting scheme, when this large assortment of drafts and plans of a scheme is started on its tour around the country as a matter of exhibition, and people are asked to come and pay so much to see it, I do not want it to be understood by them, nor to have the press anywhere assume that it is, to use the language of the Senator from Minnesota, what we are doing, because we have done nothing of the kind.

Mr. GALLINGER. I think that is wise.

Mr. HALE. I am very much in favor of almost everything that comes up for the improvement of this most important and most delightful national city, but I am not in favor of this scheme, which would cost in the end no man can tell what amount—some hundreds of millions of dollars. I believe that Congress can be left to do its own work in that regard from year to year. There will no year pass, Mr. President, that some scheme for the improvement and beautifying of this city will not be taken up and passed. It will not be done all at once. It will not be done at the command or even at the suggestion of any architect who wants to embrace the whole thing in one plan.

I am in favor, from year to year, of the erection of great buildings, the improvement of the roadways, the opening of parks, and all of the things that go to make this city what it will be in thirty years from now—the finest winter residence in all the world; but I protest against anything that we do here to-day being considered here or elsewhere as committing the Congress to this vague, vast, and extraordinary scheme.

The Senator from Connecticut [Mr. PLATT] suggests to me that the object is to stir up sentiment throughout the country in favor of the scheme. If that is the purpose then, Mr. President, I object.

The PRESIDENT pro tempore. Objection is made. What does the Senator from Minnesota desire to have done with the joint resolution, objection having been made to its present consideration?

Mr. PLATT of Connecticut. It lies over.

Mr. ALDRICH. It will lie over until to-morrow.

Mr. CLAPP. I do not understand that objection has been made. It was a mere suggestion that if a certain thing is to result from this matter, objection is made.

Mr. HALE. It had better go over until to-morrow.

The PRESIDENT pro tempore. The joint resolution will lie on the table.

Mr. HALE subsequently said: I ask that Senate joint resolution 127, to which I objected a few moments ago, may be laid before the Senate. I have an amendment to suggest that will be entirely satisfactory to the Senator from Minnesota [Mr. CLAPP], who introduced the joint resolution.

The PRESIDENT pro tempore. The Chair lays before the Senate the joint resolution referred to by the Senator from Maine, the title of which will be stated.

The SECRETARY. A joint resolution (S. R. 127) authorizing the loan of plans and drawings of park improvements of the District of Columbia.

Mr. HALE. I do not ask for the entire reading of the joint resolution, as it has been read so many times, but I should like to have that part read referring to the places where these plans and drawings are to be exhibited.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

At St. Paul, Minn., and other cities in the United States.

Mr. HALE. I move to strike out the words "and other cities in the United States." If that amendment be adopted, I shall not object to the joint resolution.

The PRESIDENT pro tempore. Is their objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The PRESIDENT pro tempore. The amendment submitted by the Senator from Maine [Mr. HALE] will be stated.

The SECRETARY. After the words "St. Paul, Minn.," it is proposed to strike out "and other cities in the United States."

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

COMPILATION ON INDIAN AFFAIRS.

On motion of Mr. STEWART, it was

Ordered, That the compilation prepared under the direction of the Committee on Indian Affairs by authority of the resolution of the Senate of May 20, 1902, being the compilation of all treaties, laws, and Executive orders in force relating to Indian affairs, be printed.

POST-CHECK SYSTEM.

Mr. MASON submitted the following resolution; which, with the accompanying papers, was referred to the Committee on Printing:

Resolved by the Senate, That there be printed, as a document, 1,000 copies of the proceedings and conclusions of the committee appointed by the Secretary of the Treasury and the Postmaster-General to consider the advisability of adopting the "post check;" also the supplemental report of the committee appointed by the Postmaster-General to examine into the merits of the "post-check" system, said document to also include a letter addressed to the chairman of the Committee on Post-Offices and Post-Roads in the Senate, under date of June 19, 1902, by the Postmaster-General, and a letter addressed to the chairman of the Committee on Post-Offices and Post-Roads in the Senate, under date of June 7, 1902, by the Secretary of the Treasury, having reference to Senate bills Nos. 5201 and 4557, providing for a safe and convenient method of sending money in small amounts by mail and to increase the postal revenues, the bills being similar to House bill No. 12799, for the use of the Committee on Post-Offices and Post-Roads in the Senate.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 14801) to make Wilmington, N. C., a port through which merchandise may be imported for transportation without appraisement; and

A bill (H. R. 15003) to authorize the construction of a bridge by the New York, Chicago and St. Louis Railroad Company and the Chicago and Erie Railroad Company across the Calumet River at or near the city of Hammond, Ind., at a point about 1,200 feet east of the Indiana and Illinois State line and about 100 feet east of the location of the present bridge of the New York, Chicago and St. Louis Railroad Company across said river; also to authorize the construction of a bridge by the Chicago and State Line Railroad Company across said river at the point where said company's railroad crosses said river in Hyde Park Township, Chicago, Ill., being at the location of the present bridge of said company across said river in said township.

The bill (H. R. 13674) amendatory of sections 3339 and 3341 of the Revised Statutes of the United States relative to internal-revenue tax on fermented liquors was read twice by its title and referred to the Committee on Finance.

The bill (H. R. 15140) providing that the circuit court of appeals of the fifth judicial circuit of the United States shall hold at least one term of said court in the city of Fort Worth, in the State of Texas, on the first Monday in November in each year, was read twice by its title and referred to the Committee on the Judiciary.

WILLIAM VICTOR TOMB.

Mr. BLACKBURN. I am directed by the Committee on Naval Affairs, to whom was referred the joint resolution (S. R. 123) for the relief of Naval Cadet William Victor Tomb, United States Navy, to report it without amendment and to submit a report thereon. I ask that it may be read, and then I request its present consideration.

The Secretary read the joint resolution, as follows:

Whereas William Victor Tomb, naval cadet, United States Navy, has been found upon examination to be physically disqualified for promotion to the grade of ensign in the Navy on account of disability incurred in the line of duty: Therefore,

Resolved, etc., That the President be, and he is hereby, authorized to promote the said Tomb to the grade of ensign in the Navy.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. PLATT of Connecticut. I do not make any objection, but I want some explanation other than appears in the joint resolution itself.

Mr. BLACKBURN. I shall be glad to make it. This cadet served his academic term of four years in the Academy at Annapolis creditably. Then the two years of sea service remaining under the law was given by him in the Philippines, where his present physical disability was incurred. There is no way of retiring a cadet. Hence the Navy Department indorse this joint resolution, and the indorsement of the Secretary of the Navy is attached to the report.

This is to give to this cadet his commission as an ensign now. That is the whole scope of the joint resolution. The cadet failed in nothing except his physical examination when called up here for promotion, and that failure is directly resulting from disability incurred in the line of duty in the Philippines.

Mr. PLATT of Connecticut. Is that physical disability one which is to be permanent, so that we are to put into the Navy a person as an officer who is permanently disqualified?

Mr. BLACKBURN. We can not tell, Mr. President; but we are not willing to drop him now and assume that his disability is permanent. The Secretary of the Navy says that he favors the passage of this joint resolution, giving the young man an opportunity of rebuilding his health; and if that shall result, then he stands without prejudice resulting from this disability incurred in the line of duty. If his health should not be restored, then he is in a position to be retired; but this is the only way in which he can ever get onto the retired list, because there is no way provided by law for the retirement of a cadet. He is a cadet; and the purpose of this joint resolution is to make him an ensign. If his health shall prove to be permanently impaired, then he may be put upon the retired list.

The joint resolution which I have reported has the unanimous indorsement of the Committee on Naval Affairs and the unqualified indorsement of the Secretary of the Navy.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

CONFIRMATION OF TITLE TO LAND IN SOUTH DAKOTA.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 4450) confirming in the State of South Dakota title to a section of land heretofore granted to said State; which was in line 8, after the word "imposed," to insert "the proceeds thereof, if sold, to be used in aid of the militia of the State of South Dakota."

Mr. KITTREDGE. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the House had passed the bill (S. 4611) to authorize the West Elizabeth and Dravosburg Bridge Company to construct and maintain a bridge across the Monongahela River in the State of Pennsylvania.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 15108) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CANNON, Mr. BARNEY, and Mr. LIVINGSTON managers at the conference on the part of the House.

The message further announced that the House insists upon its amendment to the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. COOPER of Wisconsin, Mr. PAYNE, Mr. CRUMPACKER, Mr. JONES of Virginia, and Mr. MADDOX managers at the conference on the part of the House.

The message also announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the House to the following bills:

A bill (S. 1225) granting an increase of pension to Clara W. McNair;

A bill (S. 3320) granting an increase of pension to Adelaide G. Hatch;

A bill (S. 5506) granting an increase of pension to Clayton P. Van Houten; and

A bill (S. 5856) granting an increase of pension to Elizabeth A. Turner.

DEFICIENCY APPROPRIATION BILL.

Mr. HALE. I ask the Chair to lay before the Senate the action of the House of Representatives on the amendments of the Senate to the general deficiency appropriation bill.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 15108) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other purposes, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HALE. I move that the Senate insist upon its amendments disagreed to by the House of Representatives and agree to the conference asked for by the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. HALE, Mr. ALLISON, and Mr. TELLER were appointed.

CLARA W. M'NAIR.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1225) granting an increase of pension to Clara W. McNair, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment.

J. H. GALLINGER,
WM. J. DEBOE,
Managers on the part of the Senate.

H. C. LOUDENSLAGER,
WILLIAM RICHARDSON,
J. H. BROMWELL,
Managers on the part of the House.

The report was agreed to.

ELIZABETH A. TURNER.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill S. 5856, "An act granting an increase of pension to Elizabeth A. Turner," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same.

J. H. GALLINGER,
J. C. PRITCHARD,
Managers on the part of the Senate.

H. C. LOUDENSLAGER,
WILLIAM RICHARDSON,
J. H. BROMWELL,
Managers on the part of the House.

The report was agreed to.

ADELAIDE G. HATCH.

Mr. DEBOE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3320) granting an increase of pension to Adelaide G. Hatch, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment.

WM. J. DEBOE,
J. R. BURTON,
Managers on the part of the Senate.

H. C. LOUDENSLAGER,
WILLIAM RICHARDSON,
J. H. BROMWELL,
Managers on the part of the House.

The report was agreed to.

CLAYTON P. VAN HOUTEN.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 5506) granting an increase of pension to Clayton P. Van Houten, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment, and agree to an amendment as follows: After the word "receiving," in line 9, add the following: "*Provided*, That at the expiration of two years after the passage of this act, if the said Clayton P. Van Houten be then living, a medical examination shall be ordered, and the rate of pension allowed by this act shall be subject to change to accord with the degree of disability then existing;" and the Senate agree to the same.

P. J. McCUMBER,
N. B. SCOTT,
Managers on the part of the Senate.
H. C. LOUDENSLAGER,
J. H. BROMWELL,
WILLIAM RICHARDSON,
Managers on the part of the House.

The report was agreed to.

EXECUTIVE SESSION.

Mr. PLATT of Connecticut. I move that the Senate proceed to the consideration of executive business. I wish to say that it is merely for the purpose of taking an order which it is important should be taken at this time. I do not think that we need to have an executive session of more than two or three minutes.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Connecticut.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After six minutes spent in executive session the doors were reopened.

RUSSIA'S ATTITUDE TOWARD AMERICAN CITIZENS.

Mr. PETTUS. I offer a resolution which I ask may be now considered.

The PRESIDENT pro tempore. The Senator from Alabama submits a resolution for which he asks present consideration. The resolution will be read.

The Secretary read as follows:

Whereas it is asserted that American citizens, holding American passports, have been, and are, excluded by the Russian Empire from its territory, solely because of their religious belief, contrary to treaty stipulations: Therefore,

Resolved, That the President of the United States is requested, if not incompatible with the public interest, to inform the Senate as to the attitude of the Russian Government toward American citizens attempting to enter its territory with American passports.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. BEVERIDGE. I do not see any member of the Committee on Foreign Relations present, and I think in their absence——

Mr. BACON rose.

Mr. BEVERIDGE, I beg pardon. I was going to say that I thought the resolution ought to go over in the absence of any member of the Committee on Foreign Relations.

Mr. BACON. There are several present.

Mr. QUAY. I will not object to the resolution with the understanding that it will not provoke debate.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution? The Chair hears none.

Mr. SPOONER. I ask that it be again read.

The Secretary again read the resolution.

Mr. SPOONER. The word "interest" should be inserted in place of the word "service;" so as to read, "not incompatible with the public interest." With that change I have no objection to the resolution.

The PRESIDENT pro tempore. The resolution will be modified as suggested, if there is no objection. The Chair hears none.

Mr. BACON. There is the assertion of a fact in the resolution about which I should like to have some information before we vote.

Mr. ALDRICH. I was about to make that suggestion.

Mr. BACON. It is asserted that a certain thing has been done. I should like to know whether Senators have information that there has been such an assertion upon reliable authority. I do not mean to ask whether or not it is a fact.

Mr. PETTUS. I have information directly from persons who assert that they know that it has been done and is now being done; but I do not know anything about the facts, and I do not assert any fact.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

PANAMA CANAL COMPANY.

Mr. MORGAN. I submit a resolution, and ask for its present consideration.

The PRESIDENT pro tempore. The Senator from Alabama submits a resolution, and asks for its present consideration. The resolution will be read.

The Secretary read as follows:

Resolved by the Senate, That under the authority and powers conferred upon the Committee on Interoceanic Canals it is referred to said committee to investigate and report whether any claims exist in favor of citizens of the United States who are bondholders, shareholders, or creditors of the New Panama Canal Company, or the former Panama Canal Company, and to this end the chairman of said committee is authorized, in addition to the other powers conferred upon the committee, to publish a request that the holders of such bonds, stocks, or demands will present statements of their claims to the committee.

And it is also referred to said committee to ascertain and report to the Senate whether any unlawful or corrupt efforts, practices, or combinations exist on the part of any persons or corporations to obtain any part of the sum that may be applied to the purchase of the property belonging to the New Panama Canal Company by the United States under the authority of any act of Congress.

Mr. HANNA. Mr. President, is the resolution offered for consideration at this time?

The PRESIDENT pro tempore. It is.

Mr. MORGAN. Yes.

Mr. HANNA. I hope the resolution will not be passed.

The PRESIDENT pro tempore. Objection is made, and the resolution will go over.

Mr. HANNA. I am willing to settle it now. I do not see the object of the scope of the resolution as affecting——

Mr. QUAY. Will the Senator from Ohio permit an interruption?

Mr. HANNA. Certainly.

Mr. QUAY. I observe that the resolution is liable to provoke discussion, and I object to its consideration, as I am very anxious to reach the Indian bill.

The PRESIDENT pro tempore. The resolution will go over under the rule.

SAFETY APPLIANCES ON RAILROADS.

Mr. FORAKER. If the Senator from Pennsylvania will yield, I should like to call up the motion to reconsider the vote by which Senate bill 3560 was passed a few days ago. It will take only a moment to dispose of the matter.

The PRESIDENT pro tempore. The Chair lays before the Senate the action of the House of Representatives, returning to the Senate, in compliance with its request, the bill (S. 3560) to amend an act entitled "To promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes," approved March 2, 1893, and amended April 1, 1896.

The question is on agreeing to the motion to reconsider the vote by which the bill was passed.

Mr. FORAKER. I do not resist the motion to reconsider, because it is only that the bill may be amended by the insertion of a line which has been agreed upon.

The PRESIDENT pro tempore. Is there objection to the reconsideration of the vote by which the bill was passed? The Chair hears none. The bill is before the Senate, and the vote by which it was ordered to be engrossed and read a third time will also be reconsidered if there is no objection. The Chair hears none.

Mr. FORAKER. I move to amend the bill by adding at the end of section 3 the following:

And the provisions of section 7 of the said act of March 2, 1893, shall apply to all the requirements of this act.

Mr. SPOONER. As I understand it, that leaves the date fixed the 1st of next January.

Mr. FORAKER. Yes.

Mr. SPOONER. Subject to extension by the Interstate Commerce Commission upon a proper showing?

Mr. FORAKER. The date remains as fixed in the bill as passed by the Senate, but under this amendment the railroads will have a right to appeal to the Interstate Commerce Commission for an extension of the time.

Mr. ALDRICH. That is satisfactory to me.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Ohio.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ORDERS OF GOVERNOR-GENERAL OF CUBA.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. MONEY on the 25th instant, as follows:

Resolved by the Senate, That the honorable Secretary of War be, and is hereby, directed to furnish to the Senate at his earliest convenience copies of all orders, general and special, issued by the Governor-General of Cuba from date of the beginning of his administration up to May 20, 1902.

Mr. SPOONER. The chairman of the committee is not in the

Senate Chamber, nor is the mover of the resolution. I think perhaps it might go over to a later period in the afternoon without losing its place.

Mr. QUAY. I hope that will be done.

The PRESIDENT pro tempore. Is there objection to the resolution going over, retaining its place on the table?

Mr. BATE. I ask that it retain its place, in the absence of the Senator from Mississippi.

Mr. SPOONER. I asked that when I made the suggestion.

The PRESIDENT pro tempore. The Chair hears no objection, and it will retain its place on the table.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. ALLISON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14019) "making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numberd 4, 21, 22, 23, 24, 25, 26, 35, 37, 39, 41, 42, 49, 55, 57, 58, 59, 61, 64, 65, 67, 68, 69, 70, 74, 75, 86, 89, 90, 96, 101, 102, 104, 106, 109, 111, 112, 115, 116, 117, 118, 119, 120, 121, 126, 127, 129, 130, 131, 132, 133, 136, 137, 138, 139, 143, 145, 146, 147, 151, 152, 153, 163, 164, 165, 166, 167, 168, 169, 175, 176, 177, 184, 190, 195, 196, 201, 206, 207, 208, 210, 211, 212, 213, 214, 215, 216, 217, 218, 228, and 229.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 27, 31, 33, 34, 38, 40, 43, 44, 45, 47, 48, 50, 52, 53, 54, 58, 60, 62, 63, 66, 71, 72, 73, 76, 77, 79, 80, 82, 83, 84, 85, 88, 91, 92, 94, 95, 97, 98, 99, 100, 103, 105, 113, 114, 122, 123, 124, 125, 140, 141, 142, 144, 148, 149, 150, 154, 155, 156, 160, 171, 178, 179, 181, 182, 185, 186, 187, 188, 189, 197, 198, 199, 200, 202, 203, 204, 205, 219, 220, 221, 222, 223, 224, 225, and 227, and agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$69,224;" and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In line 1 of said amendment after the word "that" insert "hereafter;" and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: Strike out all of the matter inserted by said amendment down to and including the word "aforesaid," in line 16 thereof, and insert in lieu thereof the following: "*Provided*, That hereafter when differences arise in the examination of the accounts of the disbursing officer of the District of Columbia, calling for the suspension of any item in said accounts, it shall be the duty of the auditor for the State and other Departments, who settles said accounts, to notify the auditor of the District of Columbia, in connection with the disbursing officer of the District of Columbia, of the grounds of such objections resulting in said suspensions, in order that said auditor, in connection with said disbursing officer, may by explanation, if possible, remove said grounds of suspension;" and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,600;" and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$13,000;" and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$17,800;" and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: On page 12 of the bill, in line 18, before the word "fuel," insert the word "rent;" and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: Omit the matter inserted by said amendment and insert in lieu thereof the following: "Except as provided for in the appropriation for contingent and miscellaneous expenses;" and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$145,000;" and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lines 12, 13, and 14 of the matter inserted by said amendment strike out the following: ", and an additional sum of $25,000 is appropriated from the revenues of the District of Columbia for the same purpose;" and the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$151,300;" and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: After the word "dollars," at the end of the last line of the matter inserted by said amendment, insert the following:

"And the Secretary of War is authorized to enter into a contract or contracts for the construction of said bridge within the said limit of cost. The cost of maintaining in good condition the asphalt paving between the street railway tracks and 2 feet outside thereof on said bridge shall be paid by the street railway company or companies using the same under such regulations as the Commissioners of the District of Columbia shall prescribe: *Provided*, That all street railroads chartered or that may hereafter be chartered by Congress shall have the right to cross said bridge upon terms mutually agreed upon with the Washington, Alexandria and Mount Vernon Railway Company, or in case of disagreement, upon terms determined by the supreme court of the District of Columbia, which is authorized and directed to give hearing to the interested parties and to fix the terms of joint trackage."

And the Senate agree to the same.

Amendment numbered 87: That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with amendments as follows: In lieu of the sum named in said amendment insert "$50,000," and after the word "dollars," at the end of line 2 of the matter inserted by said amendment, insert the following: "and the Commissioners of the District of Columbia are authorized to enter into a contract or contracts for the construction of said sewer in part at a cost not to exceed $250,000;" and the Senate agree to the same.

Amendment numbered 93: That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$14,000;" and the Senate agree to the same.

Amendment numbered 107: That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "*And provided further*, That during the fiscal year 1903 the illuminating power of the gas furnished by any gaslighting company, person, or persons in the District of Columbia shall be equal to 22 candles, notwithstanding the requirements as to candle power prescribed by section 3 of the act regulating the sale of gas in the District of Columbia, approved June 6, 1896;" and the Senate agree to the same.

Amendment numbered 108: That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$76,000;" and the Senate agree to the same.

Amendment numbered 110: That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: In line 3 of the matter inserted by said amendment, after the word "authorized," insert the following: ", under conditions and regulations to be prescribed by them;" and the Senate agree to the same.

Amendment numbered 128: That the House recede from its disagreement to the amendment of the Senate numbered 128, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "and one head of department of English in Manual Training School No. 1, six in all;" and the Senate agree to the same.

Amendment numbered 134: That the House recede from its disagreement to the amendment of the Senate numbered 134, and agree to the same with an amendment as follows: In lieu of the number proposed insert: "ninety-eight;" and the Senate agree to the same.

Amendment numbered 135: That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$918,175;" and the Senate agree to the same.

Amendment numbered 157: That the House recede from its disagreement to the amendment of the Senate numbered 157, and agree to the same with an amendment as follows: In lieu of the number proposed insert "three hundred and fifty;" and the Senate agree to the same.

Amendment numbered 158: That the House recede from its disagreement to the amendment of the Senate numbered 158, and agree to the same with an amendment as follows: In lieu of the number proposed insert "two hundred and forty;" and the Senate agree to the same.

Amendment numbered 159: That the House recede from its disagreement to the amendment of the Senate numbered 159, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$713,230;" and the Senate agree to the same.

Amendment numbered 161: That the House recede from its disagreement to the amendment of the Senate numbered 161, and agree to the same with an amendment as follows: Insert as a separate paragraph after the matter inserted by said amendment the following:

"For rent of building to be occupied temporarily during construction of the new fifth precinct station, $600."

And the Senate agree to the same.

Amendment numbered 162: That the House recede from its disagreement to the amendment of the Senate numbered 162, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$79,785;" and the Senate agree to the same.

Amendment numbered 170: That the House recede from its disagreement to the amendment of the Senate numbered 170, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$7,500;" and the Senate agree to the same.

Amendment numbered 172: That the House recede from its disagreement to the amendment of the Senate numbered 172, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$7,500;" and the Senate agree to the same.

Amendment numbered 173: That the House recede from its disagreement to the amendment of the Senate numbered 173, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$360;" and the Senate agree to the same.

Amendment numbered 174: That the House recede from its disagreement to the amendment of the Senate numbered 174, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$65,860;" and the Senate agree to the same.

Amendment numbered 180: That the House recede from its disagreement to the amendment of the Senate numbered 180, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$43,750;" and the Senate agree to the same.

Amendment numbered 183: That the House recede from its disagreement to the amendment of the Senate numbered 183, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,800;" and the Senate agree to the same.

Amendment numbered 191: That the House recede from its disagreement to the amendment of the Senate numbered 191, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$46,500;" and the Senate agree to the same.

Amendment numbered 192: That the House recede from its disagreement to the amendment of the Senate numbered 192, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$1,000;" and the Senate agree to the same.

Amendment numbered 193: That the House recede from its disagreement to the amendment of the Senate numbered 193, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$900;" and the Senate agree to the same.

Amendment numbered 194: That the House recede from its disagreement to the amendment of the Senate numbered 194, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$21,740;" and the Senate agree to the same.

Amendment numbered 209: That the House recede from its disagreement to the amendment of the Senate numbered 209, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$25,475;" and the Senate agree to the same.

Amendment numbered 226: That the House recede from its disagreement to the amendment of the Senate numbered 226, and agree to the same with an amendment as follows: In line 4 of the matter inserted by said amendment strike out the word "third" and insert in lieu thereof the word "first;" and the Senate agree to the same.

Amendment numbered 230: That the House recede from its disagreement to the amendment of the Senate numbered 230, and agree to the same with

amendments as follows: Restore the matter proposed to be stricken out by said amendment, amended as follows:

After the word "district," in the last line, insert the words "except as otherwise provided herein;" and after the word "reimbursed," in the last line of the matter inserted by said amendment, insert the words "which reimbursement shall be made within three years from said last-named date."

In line 1 of the matter inserted by said amendment strike out the words "SEC. 2" and insert in lieu thereof the words "SEC. 3."

And on page 60, in line 11 of the bill, strike out the words "SEC. 3" and insert in lieu thereof the words "SEC. 4."

And the Senate agree to the same.

Amendment numbered 231: That the House recede from its disagreement to the amendment of the Senate numbered 231, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"TAXATION OF REAL ESTATE.

"SEC. 5. That hereafter all real estate in the District of Columbia subject to taxation, including improvements thereon, shall be assessed at not less than two-thirds of the true value thereof, and shall be taxed 1½ per cent upon the assessed valuation thereof, and whenever a subdivision of any portion of said real estate is made and recorded with the surveyor of the said District, the board of assistant assessors of said District are hereby authorized and directed to reassess said property so subdivided, and the tax on said reassessment shall be due and payable at the semiannual payment of taxes next following said reassessment.

"That hereafter property used for educational purposes that is not used for private gain shall be exempt from taxation, and all other property used for educational purposes shall be assessed and taxed as other property is assessed and taxed.

"In all cases where the assessments for benefits for street extensions have been or may hereafter be levied, payment of the same shall be made in five equal annual installments with interest at the rate of 4 per cent per annum from and after sixty days after the confirmation of the verdict and award: *Provided*, That the amount of any payment of any installment or installments heretofore made on account of any such assessment shall be credited thereon, and the balance shall be due and payable as if such assessment had been originally payable in the installments and with the interest as herein provided.

"In all cases of payments the accounting officers shall take into account the assessment for benefits and the award for damages, and shall pay only such part of said award in respect of any lot as may be in excess of the assessment for benefits against the part of such lot not taken, and there shall be credited on said assessment the amount of said award not in excess of said assessment."

And the Senate agree to the same.

Amendment numbered 232: That the House recede from its disagreement to the amendment of the Senate numbered 232, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"TAXATION OF PERSONAL PROPERTY.

"SEC. 6. That in order to provide revenues to meet the appropriations made by this act and appropriations to be hereafter made to provide for the expenses of the government of the District of Columbia, it is further enacted: That the act of Congress entitled 'An act to provide an immediate revision and equalization of real estate values in the District of Columbia; also to provide an assessment of real estate in said District in the year 1896 and every third year thereafter, and for other purposes,' approved August 14, 1894, is hereby amended to take effect from and after July 1, 1902, as follows: Section 2, line 2, strike out the word 'three' and insert in lieu thereof the word 'five;' section 2, line 5, after the words 'assistant assessors, who,' strike out the words shall hold office for a term of four years, unless sooner removed by said Commissioners for cause satisfactory to them and;' section 2, line 9, after the words 'per annum,' insert the following: 'The assessor of the District of Columbia and the members of said permanent board of assistant assessors shall not be removed except for inefficiency, neglect of duty, or malfeasance in office.'

"That the assessor of the District of Columbia shall designate 3 of the members of said permanent board of assistant assessors for the assessment of real estate, who shall constitute and compose the excise board, under the provisions of the act of Congress approved August 14, 1894, aforesaid; and the 2 other members of said permanent board of assistant assessors shall be designated by said assessor to compose a board of personal-tax appraisers, to assess personal property in accordance with the provisions of this section; and all 5 members of said permanent board of assistant assessors, together with the assessor as chairman, shall constitute the board of equalization and review of real-estate assessments and also the board of personal-tax appeals: *Provided*, That the assessor of the District of Columbia shall act as chairman, ex officio, of the several boards aforesaid.

"That the 2 members of the permanent board of assistant assessors designated, as aforesaid, by the assessor to assess personal property shall, under the direction and supervision of the said assessor, assess personal property in the District of Columbia as follows:

"That hereafter the assessor of the District of Columbia, or his successor in office, shall annually cause to be prepared a printed blank schedule of all tangible personal property and all general merchandise or stock in trade, owned or held in trust or otherwise, subject to taxation under the provisions of this section, and of the classes of corporations and companies to be assessed, together with the rate of tax prescribed, to which shall be appended an affidavit in blank, setting forth that the foregoing presents a full and true statement of all such personal property, taxable capital, or other basis of assessment, or either, as the case may be. When said schedule is ready for delivery, notice thereof shall be given by the assessor by advertisement for three successive secular days in one or more of the daily newspapers published in said District, and a copy of said schedule shall be delivered to any citizen applying therefor at the office of the assessor. Every person, association, corporation, firm, or company in said District liable to taxation hereunder, and every association, company, executor, administrator, guardian, or trustee holding personal property in trust liable to taxation hereunder, shall, within thirty days after the last publication of said advertisement, as aforesaid, fill out the proper blanks in said schedule with a full and true statement, as in this section hereinbefore required, and make and sign an affidavit to the truth thereof, as aforesaid, before the assessor or one of the other members of the said board of personal-tax appraisers, and the members of the said board are hereby authorized to administer such and all oaths in connection with their duties as assessor and appraisers without charge, or before any person authorized by law to administer oaths; and the address in the District of Columbia of the person, corporation, or company making affidavit shall in each case be given below his, its, or their signature, and thereupon said board of personal-tax appraisers, or any one of the members thereof, shall assess said property at its fair cash value, and enter the same in the columns upon said blanks provided for that purpose, and the amount thus ascertained shall be entered upon the books for taxation for the fiscal year beginning July 1, 1902, and each fiscal year thereafter: *Provided*, That if any person, firm, association, corporation, company, administrator, executor, guardian, or trustee shall fail to make and deliver to the assessor or one of the said appraisers, within thirty days after the date of the last advertisement of the notice hereinbefore required, the schedule of his or its said personal property, owned, held in trust, or otherwise, as provided for in this section, then the said board of personal-tax appraisers hereinbefore provided for shall without delay, from the best information they can procure, make an assessment against such person, firm, association, corporation, company, administrator, executor, guardian, or trustee, to which they shall add 20 per cent thereof: *Provided further*, That if the said board of personal-tax appraisers be not satisfied as to the correctness of the return of personal property made by any person, firm, association, corporation, company, administrator, executor, guardian, or trustee, said board may reject said return, and said board, or any one of the members thereof, may, from the best information he or they can procure, or by making such an examination of the personal property as may be practicable, assess the same in such amount as may to him or them seem just; and notice of the rejection of the sworn return shall be given to the party interested by leaving the same at the address given in said return, and in all such cases there shall be a right of appeal from the action taken by said appraisers to the board of personal-tax appeals, hereinafter provided for, or to their successors in office, within fifteen days after delivery of said notice of rejection as aforesaid: *And provided further*, That if any person, firm, association, corporation, company, administrator, executor, guardian, or trustee shall make a false affidavit touching the matters herein provided for, he or they shall be deemed guilty of perjury, and upon conviction thereof shall be subject to the penalties for that offense now provided by section 858 of the Code of the District of Columbia.

"PAR. 2. On all tangible personal property, assessed at a fair cash value (over and above the exemptions provided in this section), including vessels, ships, boats, tools, implements, horses, and other animals, carriages, wagons, and other vehicles, there shall be paid to the collector of taxes of the District of Columbia 1½ per centum on the assessed value thereof.

"PAR. 3. Dealers in general merchandise of every description shall pay to the collector of taxes of the District of Columbia 1½ per centum on the average stock in trade for the preceding year.

"After the passage of this act it shall be unlawful for any person or persons entering the District of Columbia subsequent to June 30 in each year, and establishing a place of business for the sale of goods, wares, or merchandise, either at private sale or at auction, to conduct such business until a sworn statement of the value of said stock has been filed with the assessor of the District of Columbia, who shall thereupon render a bill for the unexpired portion of the fiscal year at the same rate as other personal taxes are levied. The assessor is hereby authorized to reassess said stock whenever in his judgment it has been undervalued. The goods, wares, and merchandise of any person or persons who shall fail to pay the tax required by this paragraph within three days after beginning business shall be subject to distraint, and it shall be the duty of the assessor to place bills therefor in the hands of the collector of taxes, who shall seize sufficient of the goods of the delinquent to satisfy said tax: *Provided*, That said owner shall have the right of redemption within thirty days on payment of said tax, to which shall be added a penalty of 1 per centum, together with the costs of seizure. The collector shall sell such goods as are not redeemed, at public auction, after advertisement for the three days preceding said sale.

"PAR. 4. Hotel companies and the proprietors of hotels shall pay to the collector of taxes of the District of Columbia 1½ per cent on the assessed value of their furniture.

"PAR. 5. Each national bank, as the trustee for its stockholders, through its president or cashier, and all other incorporated banks and trust companies in the District of Columbia, through their presidents or cashiers, and all gas, electric-lighting, and telephone companies, through their proper officers, shall make affidavit to the board of personal-tax appraisers on or before the first day of August of each year as to the amount of its or their gross earnings for the preceding year ending the 30th day of June, and shall pay to the collector of taxes of the District of Columbia per annum on such gross earnings as follows: Each national bank and all other incorporated banks and trust companies, respectively, 6 per cent; each gas company, 5 per cent; each electric-lighting and telephone company, 4 per cent. And in addition thereto the real estate owned by each national or other incorporated bank, and each trust, gas, electric-lighting, and telephone company in the District of Columbia shall be taxed as other real estate in said District: *Provided*, That street railroad companies shall continue to pay the 4 per cent per annum on their gross receipts and other taxes as provided by existing law, and insurance companies shall continue to pay the 1½ per cent on premium receipts, as provided by section 650 of the Code of the District of Columbia.

"That so much of the act approved October 1, 1890, entitled 'An act to provide for the incorporation of trust, loan, mortgage, and certain other corporations within the District of Columbia,' as is inconsistent with the provisions of this section is hereby repealed.

"PAR. 6. All companies who guarantee the fidelity of any individual or individuals, such as bonding companies, shall pay to the collector of taxes of the District of Columbia 1½ per cent of their gross receipts in the District of Columbia.

"PAR. 7. Savings banks having no capital stock and paying interest to their depositors shall, through their president or cashier, make affidavit to the board of personal-tax appraisers on or before the 1st day of August in each year as to the amount of their surplus and undivided profits, and shall pay to the collector of taxes of the District of Columbia a sum equal to 1½ per cent on the amount of their surplus and undivided profits on the 30th day of June preceding.

"PAR. 8. The capital stock of all corporations, other than those herein provided for, organized in the District of Columbia or under the laws of any of the States or Territories of the United States chiefly for the purpose of and transacting business within the District of Columbia, except those exempted by the laws relating to the District of Columbia, shall be appraised in bulk at its fair cash value by the board of personal-tax appraisers, and the corporation issuing the same shall be liable for the tax thereon according to such value, and shall pay to the collector of taxes of the District of Columbia a sum equal to 1½ per cent on the assessed valuation thereof; but from the assessed valuation of such capital stock shall first be deducted the value of any and all real estate owned by such corporation in said District, which real estate shall be separately taxed against said corporation: *Provided*, That nothing in this act contained shall be construed to include newspaper, real estate, and mercantile companies, which by reason of incorporation receive no special franchise or privilege; but all such corporations shall be rated, assessed, and taxed as individuals conducting business in similar lines are rated, assessed, and taxed.

"PAR. 9. Building associations shall pay to the collector of taxes of the District of Columbia 4 per cent per annum on their gross earnings for the preceding year ending June 30.

"PAR. 10. The following personal property shall be exempt from taxation:

"First. The personal property of all library, benevolent, charitable, and scientific institutions incorporated under the laws of the United States or of the District of Columbia and not conducted for private gain.

"Second. Libraries, schoolbooks, wearing apparel, articles of personal adornment, all family portraits, and heirlooms

"Third. Household and other belongings, not held for sale, to the value of $1,000, owned by the occupant of any dwelling house or other place of abode, in which such household and other belongings may be located.

"PAR. 11. That said board of assistant assessors hereinbefore provided for, with the assessor of the District of Columbia as chairman, shall compose a board of personal-tax appeals, and as such board of personal-tax appeals shall convene in a room, to be provided therefor by the said assessor, on the 15th day of November in each year, and public notice of the time and place of such meeting shall be given by advertisement for two consecutive secular days in two daily newspapers published in the District of Columbia. It shall be the duty of the board of personal-tax appeals, between the date of convening and December 15th of each year, to hear all appeals made by any person or persons against the assessments made by the board of personal-tax appraisers and to impartially equalize the value of said personal property as a basis for assessment. Any four members of the said board shall constitute a quorum for business, and in the absence of the assessor a temporary chairman shall be selected. They shall be empowered to diminish or increase such assessments as they may believe to have been returned at other than their true value to such amount as, in their opinion, may be the value thereof, and the action of said board in such cases shall be final. Said board of assistant assessors shall also perform such other official duties as may be required of them by the assessor of the District of Columbia: *Provided*, That in case the personal-tax appraisers shall fail to complete any of the duties in this section to be by them performed within the time provided therefor the taxation provided by this section shall not by reason thereof be invalid; but such appraisers shall proceed with all reasonable diligence to complete such duties, and their acts shall be valid as if performed within the time fixed therefor. If, at any time within any current year, property subject to taxation under the provisions of this section shall have been omitted from assessment, said board of personal-tax appraisers shall immediately proceed to assess the same for the then current year, giving notice in writing to the persons or corporations so assessed, who shall have a right of appeal within ten days from date of said notice.

"PAR. 12. That when the taxes on personal property due and payable in each year shall not be paid on or before the 1st day of June, then and in that event the collector of taxes of the District of Columbia, or his deputy, may distrain sufficient goods and chattels found within the District of Columbia and belonging to the person, firm, association, corporation, company, administrator, executor, guardian, or trustee charged with such tax to pay the taxes remaining due, under the provisions of this law, from such person, firm, association, corporation, company, administrator, executor, guardian, or trustee, together with the penalty thereon and the costs that may accrue; and for want of such goods and chattels said collector of taxes may levy upon and sell at auction the estate and interest of such person, firm, association, corporation, company, administrator, executor, guardian, or trustee in any parcel of land in said District: and in the case of the levy on any estate or interest in land the proceedings subsequent to sale thereof shall be the same as now provided by law in the case of sales for arrears of taxes against real estate; and in the case of distraint of personal property or the levy upon real estate as aforesaid the collector of taxes shall immediately proceed to advertise the same by public notice to be posted in the office of said collector and by advertisement, three times within one week, in one or more of the daily newspapers published in said District, stating the time when and the place where such property shall be sold, the last publication to be at least six days before the date of sale, and if the said taxes and penalty thereon, and the costs and expenses which shall have accrued thereon, shall not be paid before the day fixed for such sale, which shall not be less than ten days after said levy or taking of said property, the collector shall proceed to sell at public auction in his office, to the highest bidder, such property, or so much thereof as may be needed to pay such taxes, penalty, and accrued costs and expenses of such distraint and sale. Said collector shall report in detail, in writing, every distraint and sale of personal property to the Commissioners of the District of Columbia or their successors in office, and his accounts in respect to every such distraint or sale shall forthwith be submitted to the auditor of the District of Columbia and be audited by him. Any surplus resulting from such sale over and above such taxes, costs, and expenses shall be paid into the Treasury, and upon being claimed by the owner or owners of the goods and chattels aforesaid shall be paid to him or them upon the certificate of the collector of taxes stating in full the amount of such excess.

"PAR. 13. That all taxes levied under the foregoing provisions of this section shall be due, payable, and collectible at the same time and times as the general tax on real estate in said District, and shall be subject to the same penalties for nonpayment thereof until distraint or sale as hereinbefore provided.

"PAR. 14. That private banks or bankers not incorporated shall pay a tax of $500 per annum. Every person, firm, company, or association not incorporated having a place of business where credits are opened by the deposit or collection of moneys or currency subject to be paid or remitted upon draft, check, or order, or where money is advanced or loaned on stocks, bonds, bullion, bills of exchange, or promissory notes, or where stocks, bonds, bills of exchange, or promissory notes are received for discount or for sale, shall be regarded as a private bank or banker.

"PAR. 15. General brokers shall pay a tax of $250 per annum. Every person, firm, company, or association not incorporated (except insurance and real-estate brokers acting as such) that solicits business from the general public by advertisement or otherwise, and that purchases, sells, or negotiates for others securities, shares, stocks, bonds, exchange, bullion, coin, money, bank notes, or promissory notes, or that deals in futures on market quotations of prices or values on merchandise, shares, stocks, bonds, or other securities, or accepts margins on prices or values of said shares, stocks, bonds, merchandise, or securities, shall be deemed a general broker: *Provided*, That the Washington Stock Exchange, through its president or treasurer, shall pay to the collector of taxes of the District of Columbia a sum equal to $500 per annum in lieu of tax on the members thereof for business done on said exchange: *Provided further*, That any broker who is a member of a regularly organized stock exchange located outside of the District of Columbia and transacting a brokerage business therein, shall pay a sum equal to $100 per annum to the collector of taxes of the District of Columbia: *And be it further provided*, That if any person or firm shall have paid the tax in this section provided for banks and bankers, such person or firm shall not again be taxed as a broker or brokers.

"PAR. 16. Note brokers shall pay a tax of $100 per annum. Every person, firm, company, or association not incorporated (except private banks and bankers) that loans money on promissory notes without real estate or collateral security or advances money on personal property as security without possession of said personal property shall be deemed a note broker: *Provided*, That exception shall be made of cooperative associations whose business is restricted to the members of such association.

"PAR. 17. The taxes for said private banks and bankers, general brokers, and note brokers shall be paid to the collector of taxes of the District of Columbia, and shall date from the 1st day of July in each year and expire on the 30th day of June following. Said taxes shall date from the first day of the month in which the liability begins, and payment shall be made for a proportionate amount.

"PAR. 18. Any person or persons violating any of the provisions of this section shall be liable to a penalty of not exceeding $500 for each offense, said penalty to be imposed, upon conviction in the police court of the District of Columbia, as other fines and penalties are imposed, and said court is hereby invested with jurisdiction thereof; and in default of the payment of said penalty the person or persons so convicted shall be imprisoned, in the discretion of the court, not exceeding six months.

"PAR. 19. That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to appoint a clerk and assistant clerk to said board of personal-tax appraisers at annual salaries of one thousand four hundred and one thousand dollars each, and three inspectors at annual salaries of $1,200 each, all of whom shall perform such duties as may be assigned to them by the chairman of said board; and to pay the salaries of the two assistant assessors, the clerk and assistant clerk to said board of personal-tax appraisers, and the three inspectors aforesaid for the fiscal year beginning July 1, 1902, and $6,000 for books, stationery, printing, means of transportation, and other incidental expenses, including the hire of temporary clerks, not to exceed $1,000, the sum of $18,000 is hereby appropriated."

And the Senate agree to the same.

Amendment numbered 233: That the House recede from its disagreement to the amendment of the Senate numbered 233, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following:

"LICENSE TAXES.

"SEC. 7. That no person shall engage in or carry on any business, trade, profession, or calling in the District of Columbia for which a license tax is imposed by the terms of this section without having first obtained a license so to do. Applications for licenses shall be made to the assessor of the District of Columbia, and no license shall be granted until payment for the same shall have been made. Every license shall specify by name the person, firm, or corporation to which it shall be issued, the business, trade, profession, or calling for which it is granted, and the location at which such business, trade, profession, or calling is to be carried on. Licenses granted under the terms of this section may be assigned or transferred on application upon the conditions applicable to granting the original licenses, and the assessor shall issue a certificate of such assignment or transfer upon the payment to the District of Columbia of a fee of 50 cents therefor. All licenses and transfers issued or granted shall be signed by the assessor of the District of Columbia and impressed with the seal of his office.

"PAR. 2. That when more than one business, trade, profession, or calling for which a license is herein prescribed shall be carried on by the same person, the license tax shall be paid for each such business, trade, profession, or calling: *Provided*, That licenses issued under any of the provisions of this act shall be good only for the location designated thereon, and no license shall be issued for more than one place of business, profession, or calling, without the payment of a separate tax for each: *Provided further*, That no license shall be granted under the provisions of this section, relating to hotels and theaters, until the inspector of buildings and the chief officer of the fire department have certified in writing to the Assessor that the applicant for license has complied with the laws enacted and the regulations made and promulgated for the protection of life and property.

"PAR. 3. That all licenses issued shall date from the 1st day of November in each year and expire on the 31st day of October following, except as hereinafter provided. Licenses issued at any time after the beginning of the license year shall date from the first day of the month in which the license was issued and end on the last day of the license year above prescribed, and payment shall be made of the proportionate amount of the annual license tax: *Provided*, That in cases where the tax is less than $5 per annum the license shall terminate one year from the first day of the month in which the license was issued.

"PAR. 4. That no person holding a license under the terms of this section shall willfully suffer or allow any other person chargeable with a separate license to operate under his license.

"PAR. 5. That all licenses granted under the terms of this section must be conspicuously posted on the premises of the licensee. Said licenses shall be accessible at all times for inspection by the police or other officers duly authorized to make such inspections. Licensees having no located place of business shall exhibit their licenses when requested to do so by any of the officers above named.

"PAR. 6. That no person shall set up, operate, or conduct any business or device by or in which any person, animal, or living object shall act or be exposed as a target for any ball, projectile, missile, or thing thrown or projected, for or in consideration of profit or gain, directly or indirectly.

"PAR. 7. That apothecaries or druggists shall pay a license tax of $6 per annum. Every person who sells patent medicines, or manufactures, compounds, sells, or dispenses medicines by prescription or otherwise from a located place of business shall be regarded as an apothecary or druggist.

"PAR. 8. That auctioneers shall pay a license tax of $100 per annum. Hereafter the provisions of the act of Congress entitled "An act to prevent fraudulent transactions on the part of commission merchants," approved March 21, 1892, shall be applicable to all licensed auctioneers, their agents, and employees.

"PAR. 9. That commission merchants shall pay a license tax of $40 per annum. Every person, firm, or corporation that acts as agent for others in negotiating sales or purchases of goods, wares, or merchandise, live stock, produce, etc., or negotiates freights for railroads, ships, or vessels, or for the shippers or consignees of freights carried by railroads, ships, or vessels, shall be regarded as a commission merchant.

"PAR. 10. That cattle dealers shall pay a license tax of $15 per annum: *Provided*, That one person only shall be entitled to do business under each license. Every person who makes a business of trading, buying, or selling horses, cattle, sheep, or hogs shall be regarded as a cattle dealer.

"PAR. 11. That proprietors or owners of hacks coaches, omnibuses, carriages, wagons, and other passenger vehicles for hire shall pay license taxes as follows: Vehicles drawn by one animal, $6 per annum; autovehicles, automobiles, electromobiles, or other horseless vehicles by whatever name called, and vehicles drawn by more than one animal, $9 per annum. Licenses issued under this section shall date from July 1 in each year. The driver of every licensed passenger vehicle, while transacting business as such driver, shall wear conspicuously upon his breast a badge numbered to correspond with the license of his vehicle. The badge shall be furnished by the District of Columbia and a tax of 50 cents shall be charged therefor in addition to the amount of the vehicle license.

"PAR. 12. That proprietors or owners of livery stables shall pay license taxes as follows: For stables containing 10 stalls or less, $25 dollars per annum, and $2 per annum additional for each stall in addition to 10: *Provided*, That nothing in this paragraph shall be so construed as to exempt livery-stable keepers from paying additional license taxes for operating any description of vehicles occupying the public stands.

"PAR. 13. That proprietors or owners of establishments where autovehicles of any pattern, description, or motor power whatsoever are kept for hire or are kept or stored for others, for profit or gain, shall pay a license tax of $25 per annum for 10 vehicles or less and $2 additional for each vehicle in addition to 10: *Provided*, That nothing in this paragraph shall be so construed as

to exempt the owner of any vehicle using the public stands from paying the additional license tax provided in paragraph 11 of this section.

"PAR. 14. That persons, firms, or corporations operating vehicles for hire or for the transportation of passengers in the District of Columbia with sufficient regularity to enable the public to take passage therein at any point intermediate to the stable or stand of such vehicle, or operate such vehicle over a route sufficiently definite to enable the public to ascertain the streets and avenues on which such vehicle can be found en route, shall pay license taxes as follows: For each vehicle with a seating capacity not to exceed 10 passengers, $6 per annum; for each vehicle with a seating capacity exceeding 10 passengers, $12 per annum. No license shall be issued under the terms of this paragraph without the approval of the Commissioners of the District of Columbia.

"PAR. 15. That real estate brokers or agents shall pay a license tax of $50 per annum. Every person who sells, or offers for sale, as the agent for others, real estate, wherever located, including mining and quarry property, or who makes or negotiates loans thereon, or who rents houses, buildings, stores, or real estate, or who collects rents for others, shall be regarded as a real estate broker or agent: *Provided*, That the practice of a profession in connection with the real estate business shall not exempt any person from the requirements of this paragraph who would otherwise be liable hereunder.

"PAR. 16. That persons, firms, corporations, or associations transacting the business of the purchase or sale of securities, stocks, shares, or certificates, based upon an estimated value after a lapse of a certain period of time, or who undertake to guarantee the holder of said securities, stocks, shares, or certificates certain sums of money based upon investments after the lapse of a certain time, or who promise to divide with the holders or investors of said securities, stocks, shares, or certificates, or with the heirs or assigns of such holders or investors, any profit which may accrue from their investments at maturity, shall pay a license tax of $100 per annum: *Provided*, That this paragraph shall not apply to any fire or life insurance company or building association allowed to transact business as such in the District of Columbia.

"PAR. 17. That railroad-ticket brokers shall pay a license tax of $25 per annum.

"PAR. 18. Proprietors of hotels shall pay annually $1 for each room provided for the accommodation of guests: *Provided*, That no license shall be issued for less than $30 per annum, dating from November 1. Every place where food and lodging are provided for transient guests shall be regarded as a hotel.

"PAR. 19. That victualers, owners of restaurants, oyster houses, cookshops, ice-cream parlors, dairy lunches, or eating houses, by whatsoever name designated, where food, meals, or refreshments are served to transient customers, to be eaten on the premises where sold, shall pay a license tax of $18 per annum: *Provided*, That this paragraph shall not apply to the proprietors of hotels nor to private boarding houses where board and lodging are provided by the week or month.

"PAR. 20. That owners, lessees, or managers of theaters having a stage and movable scenery used for the purpose of acting, performing, or playing any play, farce, interlude, opera, or other theatrical or dramatic performance, or any scene, section, or portion of any play, farce, burlesque, or drama of any description, for gain, shall pay a license tax of $100 per annum: *Provided*, That licenses may be granted for theatrical performances for one week on the payment of $20, and for less than one week on the payment of $10: *And provided further*, That the proprietors of buildings other than theaters where exhibitions, lectures, or entertainments of any description are conducted for gain shall pay a license tax of $100 per annum; or for lesser periods as follows: Three dollars per day, or $10 for the first week, and $5 for each subsequent consecutive week: *And provided further*, That for entertainments, concerts, or performances of any kind given in church premises or private residences where the proceeds are intended for church or charitable purposes, and where no rental is charged, no license tax shall be required.

"PAR. 21. That every person who exhibits paintings, pictures, or works of art, or makes industrial, mechanical, agricultural, food, or floral exhibitions, including cattle and poultry shows, freaks and museum attractions, side shows, and all other lawful exhibitions not otherwise provided for, shall pay a license tax of $3 per day, or $10 for the first week and $5 additional for each consecutive week, and for an annual license the tax shall be $100.

"PAR. 22. That persons conducting concerts, entertainments, or balls to which an admission fee is charged, directly or indirectly, shall pay a license tax of $3 for each day or night.

"PAR. 23. That proprietors or owners of any circus shall pay a license tax of $200 per day.

"PAR. 24. That owners or lessees of grounds used for horse racing, tournaments, athletic sports, baseball, football, polo, golf, and kindred games, or where feats of horsemanship are performed, to which admission fees are charged or which are used for profit or gain, directly or indirectly, shall pay a license tax of $20 per week or $5 per day.

"PAR. 25. That owners or lessees of grounds or premises used for picnics or lawn fêtes, or resorts where theatrical or musical attractions or other amusements are presented, to which admission fees are charged or which are used for profit or gain, directly or indirectly, and which are not taxed under any other paragraph of this section, shall pay a license tax of $3 per day or $10 per week and $5 additional for each subsequent consecutive week, or for an annual license a tax of $100.

"PAR. 26. That owners or lessees of buildings used for skating rinks, fairs, carnivals, or amusements not otherwise provided for in this section shall pay a license tax of $3 per day, or $10 for the first week and $5 additional for each subsequent consecutive week, or for an annual license a tax of $100.

"PAR. 27. That owners or lessees of shooting galleries, fencing schools, public gymnasiums, places where firearms of any description are used, or schools where the art of self-defense is taught shall pay a license tax of $12 per annum: *Provided*, That no place of business or shooting gallery where firearms are to be used shall be licensed until the inspector of buildings for the District of Columbia shall furnish a certificate that suitable precautions have been taken for the public safety by the erection of iron shields and such appliances as in his judgement may be necessary: *And provided further*, That before such license shall be issued the proprietor shall furnish to the assessor of the District of Columbia the written consent of a majority of the occupants and residents on the same side of the square or block in which the proposed gallery is to be located and also on the confronting side of the square fronting opposite the same. The major and superintendent of police is hereby authorized to prescribe the caliber of firearms and kind of cartridges to be used in such licensed places.

"PAR. 28. That proprietors or owners of apparatus or machines known as merry-go-rounds, flying horses, or similar devices for amusement shall pay a license tax of $12 for the first week and $10 for each subsequent consecutive week, or $3 per diem: *Provided*, That license therefor may be refused in the discretion of the Commissioners of the District of Columbia.

"PAR. 29. That proprietors or owners of slot or automatic machines, so called (telephones excepted), by which objects, pictures, or figures are presented to public view or musical or vocal exhibitions are automatically given on the deposit of money or metal, or where a pecuniary consideration is received for the use of said apparatus or machines, shall pay a license tax of $2 per annum for each machine or apparatus: *Provided*, That on the payment of a license tax of $50 per annum the number of machines at any one location shall not be limited: *And provided further*, That no license shall be issued for less than $2.

"PAR. 30. That owners or managers of Turkish, Russian, or medicated baths shall pay a license tax of $25 per annum.

"PAR. 31. That owners or managers of massage establishments shall pay a license tax of $25 per annum: *Provided*, That no license shall be issued under this paragraph without the approval of the major and superintendent of police.

"PAR. 32. That mediums, clairvoyants, soothsayers, fortune tellers, or palmists, by whatsoever name called, conducting business for profit or gain, directly or indirectly, when permitted to practice their calling in the District of Columbia, shall pay a license tax of $25 per annum: *Provided*, That no license shall be issued without the approval of the major and superintendent of police.

"PAR. 33. That hucksters or produce dealers at large shall pay a license tax of $12 per annum for each vehicle used in the conduct of their business. Licenses issued under this paragraph shall date from April 1 in each year. Every person who vends or sells fresh, smoked, or salt fish, meats, oysters, clams, shellfish, poultry, game, butter, eggs, vegetables, fruits, berries, candies, nuts, groceries, or produce of any kind from a vehicle of any description shall be regarded as a huckster. Every driver shall be furnished with a badge corresponding to the number of his license, which shall be worn conspicuously while transacting business, and a similar number on metal shall also be furnished him which shall be attached to his vehicle: *Provided*, That no license shall be required of any person bringing to and selling at the several markets produce of his own raising: *And provided further*, That raisers of produce shall not be exempt from the license tax imposed unless they sell such produce at the several markets, or by the wholesale in cart, wagon, or carload lots.

"PAR. 34. That fuel hucksters shall pay a license tax of $5 per annum for each vehicle used in the conduct of their business. Every person who vends or sells fuel, oils, gasoline, wood, coal, etc., from house to house from vehicles of any description shall be regarded as a fuel huckster.

"PAR. 35. That peddlers shall pay a license tax of $25 per annum. Licenses issued under this paragraph shall date from April 1 of each year, and one person only shall be entitled to operate thereunder. Every person who vends or sells from house to house miscellaneous articles of merchandise or personal property of any description, either as a foot peddler or selling from a vehicle, shall be regarded as a peddler.

"PAR. 36. That brewers or manufacturers of fermented liquors of any description for sale, and brewers' agents, shall pay a license tax of $250 per annum: *Provided*, That agent's license under this paragraph shall only authorize the licensee to conduct his business with the goods of the brewer represented by such agent: *And provided further*, That a licensed brewer's solicitor, whose business is confined to soliciting orders for his principal, shall not be liable for the license tax provided for in this paragraph.

"PAR. 37. That distillers or rectifiers shall pay a license tax of $250 per annum.

"PAR. 38. Section 8 of 'An act regulating the sale of intoxicating liquors in the District of Columbia,' approved March 3, 1893, is hereby amended by striking out therefrom the words 'The fee for a wholesale license shall be $250 per annum, and for a barroom license $400 per annum," and inserting in lieu thereof the words: 'The fee for a wholesale license shall be $300 per annum, and for a barroom license $800 per annum.'

"PAR. 39. That billposters and persons engaged in the business of painting or placing signs or advertisements on land, buildings, billboards, fences, or other structures in the District of Columbia visible from a street or other public space shall pay an annual tax of $20 before engaging in said business. No person shall place, exhibit, maintain, or continue any advertisement or poster except upon such land, houses, buildings, billboards, fences, or other structures as the Commissioners of the District of Columbia may, in their discretion, authorize in writing for that purpose. The said written authority shall only be granted in resident streets upon application made in writing and signed by a majority of the residents on the side of the square in which said display is to be made and also the side of the confronting square: *Provided*, That nothing in this paragraph shall apply to persons who advertise a business, exhibition, or entertainment on the premises where the same is conducted, nor to signs relating to the sale, rent, or lease of lands when the sign or advertisement is on the land referred to in the said sign or advertisement. Any person violating any of the provisions of this paragraph shall, upon conviction thereof in the police court of the District of Columbia, be punished by a fine of not more than $200, and after conviction of any such violation the offender shall be liable to a further fine of not more than $10 for each and every day thereafter that said violation of law shall continue.

"PAR. 40. That owners or lessees of any buildings, structures, or tanks used for the storage of any description of inflammable oils in quantities exceeding five barrels shall pay a license tax of $10 per annum and shall have the approval of the fire marshal before license is granted.

"PAR. 41. That owners or lessees of laundries operated otherwise than by hand power shall pay a license tax of $20 per annum. Owners or lessees of laundries operated by hand labor shall pay a license tax of $10 per annum.

"PAR. 42. That proprietors or owners of intelligence offices, information bureaus, registries, or employment offices, by whatsoever name called, shall pay a license tax of $10 per annum.

"PAR. 43. That dealers in second-hand personal property shall pay a license tax of $40 per annum. Every person who buys, sells, trades, exchanges, or deals in old gold, silver, jewelry, precious stones, iron, metals of all kinds, cordage, tentage, hides, pelts, glass, rags, paper, ordnance, ship chandler's stores, junk, furniture, clothing, or second-hand personal property of any description shall be regarded as a second-hand dealer.

"PAR. 44. Pawnbrokers shall continue to pay to the collector of taxes of the District of Columbia $100 for license, and be subject to the regulations prescribed by existing law.

"PAR. 45. Keepers of billiard, bagatelle, jenny lind, and pool tables, shuffleboards, or any table upon which legitimate games are played within the District of Columbia for public use, or for profit or gain, shall continue to pay to the collector of taxes of the District of Columbia $12 per annum license for each table and be subject to the provisions of the act of Congress approved February 25, 1897, entitled 'An act to license billiard and pool tables in the District of Columbia, and for other purposes.'

"PAR. 46. An annual license tax is hereby imposed upon the following classes of business, trades, and professions, namely: Boarding houses (public), $1 per room; claim agents, $25; building and other contractors, $25; carriage or wagon making establishments, $25; cigar dealers, $12; confectionery establishments, $12; dealers of every description in the several markets, except farmers and producers, $5; florists, $15; land and improvement companies, $50; undertaking establishments, $25.

"PAR. 47. That any person violating any of the provisions of this section shall, on conviction thereof in the police court of the District of Columbia, be punished by a fine of not more than $500 for each offense, and in default of payment by imprisonment not exceeding thirty days, in the discretion of the court, except as otherwise provided in this section.

"PAR. 48. That for the purposes of this section the word 'person' shall signify and include firms, corporations, companies, associations, executors, administrators, guardians, or trustees; the word 'agent' shall signify and include every person acting for another; the word 'merchandise' shall signify and include every article of commerce, whether sold in bulk or otherwise; the word 'dealers' shall signify and include every person engaged in selling or offering for sale any description of merchandise or property. Words of one number shall signify and include words of both numbers, respectively, and words of one gender shall signify and include words of every gender, respectively: *Provided*, That nothing in this section shall be interpreted as repealing any of the police or building regulations of the District of Columbia regarding the establishment or conduct of the businesses, trades, professions, or callings herein named."

And the Senate agree to the same.

Amendment numbered 234: That the House recede from its disagreement to the amendment of the Senate numbered 234, and agree to the same with an amendment as follows: In lieu of the number proposed insert the number "8;" and the Senate agree to the same.

W. B. ALLISON,
JAMES McMILLAN,
F. M. COCKRELL,
Managers on the part of the Senate.

J. T. McCLEARY,
J. G. CANNON,
M. E. BENTON,
Managers on the part of the House.

The report was agreed to.

AGREEMENT WITH CHOCTAW AND CHICKASAW INDIANS.

Mr. STEWART submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13172) to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 16.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 8, 9, 10, 11, 13, 19, 20, and 21, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: Restore the matter proposed to be stricken out by said amendment and add at the end thereof the following: "Such citizenship court shall also have like appellate jurisdiction and authority over judgments rendered by such courts under the said act denying claims to citizenship or to enrollment as citizens in either of said nations. Such appeals shall be taken within the time hereinbefore specified and shall be taken, conducted, and disposed of in the same manner as appeals by the said nations, save that notice of appeals by citizenship claimants shall be served upon the chief executive officer of both nations: *Provided*, That paragraphs 31, 32, and 33 hereof shall go into effect immediately after the passage of this act by Congress;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment insert the following: "and such intermarried white persons as may have married recognized citizens of the Choctaw and Chickasaw nations in accordance with the tribal laws, customs, and usages on or before the date of the passage of this act by Congress;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: At the end of said amendment add the following: ", all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the matter intended to be inserted by said amendment insert the following: "in good faith continuously resided;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the matter intended to be inserted by said amendment insert the following: "continuous, bona fide;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "*Provided*, That occupants or purchasers of lots in town sites in said Choctaw and Chickasaw nations upon which no improvements have been made prior to the passage of this act by Congress shall pay the full appraised value of said lots instead of the percentage named in the Atoka agreement;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: Restore the matter intended to be stricken out by said amendment and add at the end thereof the following: "*Provided, however*, That nothing contained in this section shall be construed or held to commit the Government of the United States to any expenditure of money upon said lands or the improvement thereof, except as provided herein, it being the intention of this provision that in the future the lands and improvements herein mentioned shall be conveyed by the United States to such Territorial or State organization as may exist at the time when such conveyance is made;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: Omit the word "SEC." before each paragraph number wherever it occurs and number the paragraphs consecutively; and the Senate agree to the same.

WM. M. STEWART,
O. H. PLATT,
JAMES K. JONES,
Managers on the part of the Senate.

CHARLES CURTIS,
JOHN F. LACEY,
JOHN S. LITTLE,
Managers on the part of the House.

The report was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. McKENNEY, its enrolling clerk, announced that the House had agreed to the concurrent resolution of the Senate to print 7,500 additional copies of the report of the Daughters of the American Revolution for 1890 to 1897, together with a historical preface thereto.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 179) to amend the internal-revenue laws; and

A bill (H. R. 14082) to provide for the construction of a bridge by the Duluth, Pierre and Black Hills Railroad Company across the Missouri River at Pierre, S. Dak.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the President pro tempore:

A bill (H. R. 2978) for the relief of Joseph H. Penny, John W. Penny, Thomas Penny, and Harvey Penny, surviving partners of Penny & Sons;

A bill (H. R. 3519) granting an increase of pension to John Marble;

A bill (H. R. 6005) granting a pension to James A. Chalfant;

A bill (H. R. 8327) to amend an act entitled "An act for the protection of the lives of miners in the Territories;"

A bill (H. R. 9187) granting an increase of pension to Caroline A. Hammond;

A bill (H. R. 9308) granting an increase of pension to Edwin P. Johnson;

A bill (H. R. 10856) granting a pension to Jacob Findley;

A bill (H. R. 10964) granting an increase of pension to Francis M. Beebe;

A bill (H. R. 11019) directing the Secretary of the Treasury to bestow medals upon First Lieut. David H. Jarvis, Second Lieut. Ellsworth P. Bertholf, and Samuel J, Call, surgeon, all of the Revenue-Cutter Service;

A bill (H. R. 12056) granting an increase of pension to Warren C. Plummer;

A bill (H. R. 12097) to amend the internal-revenue laws in regard to storekeepers and gaugers;

A bill (H. R. 13123) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes;

A bill (H. R. 13598) granting a pension to John J. Southerland;

A bill (H. R. 14182) granting an increase of pension to Susan B. Lynch;

A bill (H. R. 14247) to authorize the Charleston, Suburban and Summerville Railway Company to construct and maintain two bridges across Ashley River, in the State of South Carolina; and

A joint resolution (H. J. Res. 103) relative to the disposition of patent specification and drawing in the western district of Pennsylvania.

HOUSE BILLS REFERRED.

The bill (H. R. 179) to amend the internal-revenue laws was read twice by its title, and referred to the Committee on Finance.

The bill (H. R. 14082) to provide for the construction of a bridge by the Duluth, Pierre and Black Hills Railroad Company across the Missouri River at Pierre, S. Dak., was read twice by its title, and referred to the Committee on Commerce.

CHEROKEE INDIAN LANDS.

Mr. QUAY. I desire to call up for present consideration the bill (S. 5956) to provide for the allotment of lands of the Cherokee Nation, for the disposition of town sites therein, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with an amendment in the nature of a substitute.

Mr. QUAY. I desire to say, in preface, that there is but one committee amendment to the original bill, and that is a substitute. The entire bill originally introduced is stricken out—that is, all of the words after the enacting clause—and a new bill is inserted. I ask unanimous consent that the reading of the original bill may be dispensed with, that the substitute be treated as the original bill, that the first reading be dispensed with, and that amendments may be disposed of as they are presented during the reading of the substitute.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks unanimous consent that the reading of the original bill proposed to be stricken out may be dispensed with, and that the amendment taking its place be read.

Mr. QUAY. And that it be treated as the original bill.

The PRESIDENT pro tempore. And that it be treated as the original bill for amendment.

Mr. QUAY. For amendment.

The PRESIDENT pro tempore. The substitute will be read.

Mr. JONES of Arkansas. Is it the intention that the amendments intended to be proposed shall be offered during the reading or after its conclusion?

Mr. QUAY. I prefer that they should be proposed during the reading. The committee has no amendments. I have three or four unimportant ones to offer on behalf of the Indians, and I understand there are one or two others.

The PRESIDENT pro tempore. The Committee on Indian Affairs report an amendment, which is to strike out all after the enacting clause and insert a substitute. The substitute will be read.

The Secretary proceeded to read the substitute, and read to the end of line 12, on page 31, as follows:

DEFINITION OF WORDS EMPLOYED HEREIN.

1. The words "nation" and "tribe" shall each be held to refer to the Cherokee Nation or tribe of Indians in Indian Territory.
2. The words "principal chief" or "chief executive" shall be held to mean the principal chief of said tribe.
3. The words "Dawes Commission" or "Commission" shall be held to mean the United States Commission to the Five Civilized Tribes.
4. The word "minor" shall be held to mean males under the age of 21 years and females under the age of 18 years.
5. The terms "allottable lands" or "lands allottable" shall be held to mean all the lands of the Cherokee tribe not herein reserved from allotment.
6. The word "select" and its various modifications, as applied to allotments and homesteads, shall be held to mean the formal application at the land office, to be established by the Dawes Commission for the Cherokee Nation, for particular tracts of land.
7. The words "member" or "members" and "citizen" or "citizens" shall be held to mean members or citizens of the Cherokee Nation, in the Indian Territory.
8. Every word in this act importing the masculine gender may extend and be applied to females as well as males, and the use of the plural may include also the singular, and vice versa.

APPRAISEMENT OF LANDS.

9. The lands belonging to the Cherokee tribe of Indians in Indian Territory, except such as are herein reserved from allotment, shall be appraised at their true value: *Provided*, That in the determination of the value of such land consideration shall not be given to the location thereof, to any timber thereon, or to any mineral deposits contained therein, and shall be made without reference to improvements which may be located thereon.
10. The appraisement, as herein provided, shall be made by the Commission to the Five Civilized Tribes, under the direction of the Secretary of the Interior.

ALLOTMENT OF LANDS.

11. There shall be allotted by the Commission to the Five Civilized Tribes and to each citizen of the Cherokee tribe, as soon as practicable after the approval by the Secretary of the Interior of his enrollment as herein provided, land equal in value to 110 acres of the average allottable land of the Cherokee Nation, to conform as nearly as may be to the areas and boundaries established by the Government survey, which land may be selected by each allottee so as to include his improvements.
12. For the purpose of making allotments and designating homesteads hereunder, the 40-acre, or quarter of a quarter section, subdivision established by the Government survey may be dealt with as if further subdivided into four equal parts in the usual manner, thus making the smallest legal subdivision 10 acres, or a quarter of a quarter of a quarter of a section.
13. Each member of said tribe shall, at the time of the selection of his allotment, designate as a homestead out of said allotment land equal in value to 40 acres of the average allotable lands of the Cherokee Nation, as nearly as may be, which shall be inalienable during the lifetime of the allottee, not exceeding twenty-one years from the date of the certificate of allotment. Separate certificate shall issue for said homestead. During the time said homestead is held by the allottee the same shall be nontaxable and shall not be liable for any debt contracted by the owner thereof while so held by him.
14. Lands allotted to citizens shall not in any manner whatever or at any time be encumbered, taken, or sold to secure or satisfy any debt or obligation, or be alienated by the allottee or his heirs, before the expiration of five years from the date of the ratification of this act.
15. All lands allotted to the members of said tribe, except such land as is set aside to each for a homestead as herein provided, shall be alienable in five years after issuance of patent.

Mr. QUAY. I move, in lines 11 and 12, on page 31, to amend the substitute by striking out the words "issuance of patent" and inserting the words "the ratification of this act."

Mr. TELLER. I should like to ask the Senator from Pennsylvania why he moves the amendment.

Mr. QUAY. I move the amendment at the suggestion of the Cherokees. They prefer that the title to their homesteads shall show upon its face the time from which the right of alienation commences. It is to make it uniform, as I understand the amendment.

Mr. TELLER. It undoubtedly shortens the time in which the lands are nonalienable. I think that is a mistake. Five years is a very short time after the patent issues.

Mr. QUAY. It was at the suggestion of the Indians themselves that I offered the amendment.

Mr. TELLER. The truth is, we ought not to allow the Indians to sell their homesteads for the next twenty-five or thirty years. Let them sell their other lands, but the lands which they take as homesteads ought to be exempt from forced sale or even voluntary sale.

The experience has been, wherever we have put a limitation upon the sale, that when that time has been reached almost immediately the Indians sell the land. Up in Michigan I know a good many years ago there were a very large number of patents issued with a five years' limit, and within a few months, you may say, after the limit had been reached pretty nearly every Indian who had received his patent had sold it. The fact was, they commenced selling it beforehand, although they could not make a very good deed. The time is so very short that I wish the Senator from Pennsylvania would let the words "five years after issuance of patent" stand. It would be better, because the patents will not issue for a year or so.

Mr. QUAY. Very well; I will not insist upon the amendment.

Mr. TELLER. If I had been drafting the bill I should have made it ten years instead of five.

The PRESIDING OFFICER (Mr. PETTUS in the chair). The Senator from Pennsylvania withdraws the amendment. The reading of the substitute will be resumed.

The Secretary resumed the reading of the substitute and read to the end of line 9, on page 35, as follows:

16. If for any reason an allotment should not be selected or a homestead designated by or on behalf of any member of the tribe, it shall be the duty of said Commission to make said selection and designation.
17. In the making of allotments and in the designation of homesteads for members of said tribe said Commission shall not be required to divide lands into tracts of less than the smallest legal subdivision provided for in section 12 hereof.
18. It shall be unlawful after ninety days after the ratification of this act by the Cherokees for any member of the Cherokee tribe to inclose or hold possession of, in any manner, by himself or through another, directly or indirectly, more lands in value than that of 110 acres of average allotable lands of the Cherokee Nation, either for himself or for his wife, or for each of his minor children, if members of said tribe; and any member of said tribe found in such possession of lands, or having the same in any manner inclosed, after the expiration of ninety days after the date of the ratification of this act, shall be deemed guilty of a misdemeanor.
19. Any person convicted of violating any of the provisions of section 18 of this act shall be punished by a fine of not less than $100, shall stand committed until such fine and costs are paid (such commitment not to exceed one day for every $2 of said fine and costs), and shall forfeit possession of any property in question, and each day on which such offense is committed or continues to exist shall be deemed a separate offense. The United States district attorney for the northern district is required to see that the provisions of said section 18 are strictly enforced, and he shall immediately, after the expiration of the ninety days after the ratification of this act, proceed to dispossess all persons of such excessive holdings of lands and to prosecute them for so unlawfully holding the same, and the Commission to the Five Civilized Tribes shall have authority to make investigations of all violations of section 18 and make report thereon to the United States district attorney.
20. If any person whose name appears upon the roll prepared as herein provided shall have died subsequent to the 1st day of September, 1902, and before receiving his allotment, the lands to which such person would have been entitled if living shall be allotted in his name, and shall, with his proportionate share of other tribal property, descend to his heirs according to the laws of descent and distribution as provided in chapter 49 of Mansfield's Digest of the Statutes of Arkansas: *Provided*, That the allotment thus to be made shall be selected by a duly appointed administrator or executor. If, however, such administrator or executor be not duly and expeditiously appointed, or fails to act promptly when appointed, or for any other cause such selection be not so made within a reasonable and proper time, the Dawes Commission shall designate the lands thus to be allotted.
21. Allotment certificates issued by the Dawes Commission shall be conclusive evidence of the right of an allottee to the tract of land described therein, and the United States Indian agent for the Union Agency shall, under the direction of the Secretary of the Interior, upon the application of the allottee, place him in possession of his allotment, and shall remove therefrom all persons objectionable to him, and the acts of the Indian agent hereunder shall not be controlled by the writ or process of any court.
22. Exclusive jurisdiction is hereby conferred upon the Commission to the Five Civilized Tribes, under the direction of the Secretary of the Interior, to determine all matters relative to the appraisement and the allotment of lands.
23. All Delaware Indians who are members of the Cherokee Nation shall take lands and share in the funds of the tribe, as their rights may be determined by the judgment of the Court of Claims, or by the Supreme Court if appealed, in the suit instituted therein by the Delawares against the Cherokee Nation, and now pending; but if said suit be not determined before said Commission is ready to begin the allotment of lands of the tribe as herein provided, the Commission shall cause to be segregated 157,600 acres of land, including lands which have been selected and occupied by Delawares in conformity to the provisions of their agreement with the Cherokees dated April 8, 1867, such lands so to remain, subject to disposition according to such judgment as may be rendered in said cause; and said Commission shall thereupon proceed to the allotment of the remaining lands of the tribe as aforesaid. Said Commission shall, when final judgment is rendered, allot lands to such Delawares in conformity to the terms of the judgment and their individual rights thereunder. Nothing in this act shall in any manner impair the rights of either party to said contract as the same may be finally determined by the court, or shall interfere with the holdings of the Delawares under their contract with the Cherokees of April 8, 1867, until their rights under said contract are determined by the courts in their suit now pending against the Cherokees.

Mr. QUAY. At the end of paragraph 23, page 35, line 9, I move to add:

Said suit shall be advanced on the dockets of said courts and determined at the earliest time practicable.

I will say in explanation that this litigation has been pending since 1898, and it is important in the settlement of the affairs of the Cherokees that the contention between them and the Delawares shall be disposed of early. I suppose there will be no objection to the amendment.

The amendment was agreed to.

The Secretary read as follows:

RESERVATIONS.

24. The following lands shall be reserved from the allotment of lands herein provided for:

(a) All lands set apart for town sites by the provisions of the act of Congress of June 28, 1898 (30 Stats., p. 495), the provisions of the act of Congress of May 31, 1900 (31 Stats., p. 221), and by the provisions of this act.

(b) All lands to which, upon the date of the ratification of this act, any railroad company may, under any treaty or act of Congress, have a vested right for right of way, depots, station grounds, water stations, stock yards, or similar uses only, connected with the maintenance and operation of the railroad.

(c) All lands selected for town cemeteries not to exceed 20 acres each.
(d) One acre of land for each Cherokee schoolhouse not included in town sites or herein otherwise provided for.
(e) Four acres for Willie Halsell College at Vinita.
(f) Four acres for Baptist Mission school at Tahlequah.
(g) Four acres for Presbyterian school at Tahlequah.
(h) Four acres for Park Hill Mission school south of Tahlequah.
(i) Four acres for Elm Springs Mission school at Barren Fork.
(j) Four acres for Dwight Mission school at Sallisaw.
(k) Four acres for Skiatook Mission near Skiatook.
(l) Four acres for Lutheran Mission school on Illinois River north of Tahlequah.
(m) Sufficient ground for burial purposes where neighborhood cemeteries are now located, not to exceed 3 acres each.
(n) One acre for each church house outside of towns.
(o) The square now occupied by the capitol building at Tahlequah.
(p) The grounds now occupied by the national jail at Tahlequah.
(q) The grounds now occupied by the Cherokee Advocate printing office at Tahlequah.
(r) Forty acres for the Cherokee Male Seminary near Tahlequah.
(s) Forty acres for the Cherokee Female Seminary at Tahlequah.
(t) One hundred and twenty acres for the Cherokee Orphan Asylum on Grand River.
(u) Forty acres for colored high school in Tahlequah district.
(v) Forty acres for the Cherokee Insane Asylum.
(w) Forty acres for the school for blind, deaf, and dumb children near Fort Gibson.

Mr. QUAY. I have been requested to move to strike out the word "forty" before "acres" in line 10, and to insert the word "four." That will reduce the acreage for the school near Fort Gibson from 40 acres to 4 acres.

The amendment was agreed to.

The Secretary read as follows:

The acre so reserved for any church or schoolhouse in any quarter section of land shall be located where practicable in a corner of such quarter section adjacent to the section lines thereof.

Mr. JONES of Arkansas. I offer the following to be inserted immediately after the words just read by the Secretary as a proviso.

The SECRETARY. After line 15, page 37, it is proposed to insert the following proviso:

Provided, That the Methodist Episcopal Church South may, within twelve months after the ratification of this act, pay $10 per acre for the 160 acres of land adjacent to the town of Vinita, and heretofore set apart by act of the Cherokee national council for the use of said church for missionary and educational purposes, and now occupied by Willie Halsell College (formerly Galloway College), and shall thereupon receive title thereto; but if said church fail so to do it may continue to occupy said 160 acres of land as long as it uses same for the purposes aforesaid.

Any other school or college in the Cherokee Nation which claims to be entitled under the law to a greater number of acres than is set apart for said school or college by section 24 of this act may have the number of acres to which it is entitled by law. The trustees of such school or college shall, within sixty days after the ratification of this act, make application to the Secretary of the Interior for the number of acres to which such school or college claims to be entitled, and if the Secretary of the Interior shall find that such school or college is, under the laws and treaties of the Cherokee Nation in force prior to the ratification of this act, entitled to a greater number of acres of land than is provided for in this act, he shall so determine and his decision shall be final. The amount so found by the Secretary of the Interior shall be set apart for the use of such college or school as long as the same may be used for missionary and educational purposes: *Provided*, That the trustees of such school or college shall pay $10 per acre for the number of acres so found by the Secretary of the Interior and which have been heretofore set apart by act of the Cherokee national council for use of such school or college for missionary or educational purposes, and upon the payment of such sum within sixty days after the decision of the Secretary of the Interior said college or school may receive a title to such land.

Mr. JONES of Arkansas. By Article XIV of the treaty of 1866 this provision was made:

ART. XIV. The right to the use and occupancy of a quantity of land not exceeding 160 acres, to be selected according to legal subdivisions in one body, and to include their improvements, and not including the improvements of any member of the Cherokee Nation, is hereby granted to every society or denomination which has erected or which, with the consent of the national council, may hereafter erect buildings within the Cherokee country for missionary or educational purposes. But no land thus granted, nor buildings which have been or may be erected thereon, shall ever be sold or otherwise disposed of, except with the consent and approval of the Cherokee national council and of the Secretary of the Interior. And whenever any such lands or buildings shall be sold or disposed of, the proceedsthereof shall be applied by said society or societies for like purposes within said nation, subject to the approval of the Secretary of the Interior.

There were a number of churches which, availing themselves of the rights under this paragraph, have improved quarter sections of land in different parts of the nation. They have erected expensive school buildings thereon, buildings that will not be included in the limited area which it is proposed now to fix in the bill.

The purpose of this amendment is simply to reserve the rights these people have already acquired. If the bill should be passed as it stands it would be useless so far as depriving these people of the rights they have under the treaty of 1866 goes. There is no question that they can hold this land, and it is better in the bill to reserve the rights which they have under the treaty of 1866 and thereby avoid the number of lawsuits that will otherwise be entailed upon them.

This question was taken up in the House Committee on Indian Affairs, and they recommended the amendment of the bill in the House which I have just had read. I took the amendment which I have just sent to the desk from the House bill as reported from the Committee on Indian Affairs. I hope the Senator from Pennsylvania will agree that it shall go into the bill.

Mr. QUAY. Is it an exact copy of the amendment reported in the other House?

Mr. JONES of Arkansas. Yes; it is offered here just as the House committee reported it.

Mr. QUAY. I will accept the amendment.

The amendment was agreed to.

Mr. GALLINGER. I ask the Senator from Pennsylvania to yield to me to make a request.

Mr. QUAY. Certainly.

DISTRICT OF COLUMBIA BILLS.

Mr. GALLINGER. There are two bills relating to the District of Columbia, one in relation to taxes and tax sales and the other for the extension of a street line of railroad, which are very important. They are House bills and will take but the time to read to pass them. I ask unanimous consent that when this bill is disposed of those two bills may be taken up for consideration.

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield?

Mr. GALLINGER. The Senator did yield, Mr. President.

Mr. QUAY. I yielded.

The PRESIDING OFFICER. The Secretary will report the bills.

Mr. GALLINGER. I ask consent that after the Cherokee lands bill is completed they may be considered.

The PRESIDING OFFICER. The Senator wants unanimous consent to take them up after the Cherokee agreement bill is disposed of?

Mr. GALLINGER. After this bill is completed.

Mr. QUAY. After this bill has been completed.

The PRESIDING OFFICER. The Senate has heard the request of the Senator from New Hampshire.

Mr. JONES of Arkansas. What is the request?

Mr. GALLINGER. That two District of Columbia bills, House bills, that will not take longer than the time to read them, may be considered at the conclusion of this bill. They are House bills, and it is very important that they should be passed. One relates to taxes and tax sales in the District, and is an important bill. The other proposes to extend the Eleventh street line of railroad.

Mr. JONES of Arkansas. I think the right ought to be reserved to object, because there are very few Senators in the Chamber, and there may be some who may object to the bills. I do not know as to that. I have no objection to their consideration.

Mr. GALLINGER. There will be no objection to them, I will assure the Senator from Arkansas.

The PRESIDING OFFICER. Is there any objection to the request of the Senator from New Hampshire? The Chair hears none, and it is so ordered.

CHEROKEE INDIAN LANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 5956) to provide for the allotment of the lands of the Cherokee Nation, for the disposition of town sites therein, and for other purposes.

The Secretary resumed, at page 37, line 16, the reading of the substitute reported by the Committee on Indian Affairs, as follows:

ROLL OF CITIZENSHIP.

25. The roll of citizens of the Cherokee Nation shall be made as of September 1, 1902, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes.

26. The names of all persons living on the 1st day of September, 1902, entitled to be enrolled as provided in section 25 hereof, shall be placed upon the roll made by said Commission, and no child born thereafter to a citizen, and no white person who has intermarried with a Cherokee citizen since the 16th day of December, 1895, shall be entitled to enrollment or to participate in the distribution of the tribal property of the Cherokee Nation.

27. Such roll shall in all other respects be made in strict compliance with the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stats., p. 495), and the act of Congress approved May 31, 1900 (31 Stats., p. 221).

28. No person whose name appears upon the roll made by the Dawes Commission as a citizen or freedman of any other tribe shall be enrolled as a citizen of the Cherokee Nation.

29. For the purpose of expediting the enrollment of the Cherokee citizens and the allotment of lands as herein provided, the said Commission shall, from time to time, and as soon as practicable, forward to the Secretary of the Interior lists upon which shall be placed the names of those persons found by the Commission to be entitled to enrollment. The lists thus prepared, when approved by the Secretary of the Interior, shall constitute a part and parcel of the final roll of citizens of the Cherokee tribe, upon which allotment of land and distribution of other tribal property shall be made. When there shall have been submitted to and approved by the Secretary of the Interior lists embracing the names of all those lawfully entitled to enrollment, the roll shall be deemed complete. The roll so prepared shall be made in quadruplicate, one to be deposited with the Secretary of the Interior, one with the Commissioner of Indian Affairs, one with the principal chief of the Cherokee Nation, and one to remain with the Commission to the Five Civilized Tribes.

30. During the months of September and October, in the year 1902, the Commission to the Five Civilized Tribes may receive applications for enrollment of such infant children as may have been born to recognized and enrolled citizens of the Cherokee Nation on or before the 1st day of September,

1902, but the application of no person whomsoever for enrollment shall be received after the 31st day of October, 1902.

31. No person whose name does not appear upon the roll prepared as herein provided shall be entitled to in any manner participate in the distribution of the common property of the Cherokee tribe, and those whose names appear thereon shall participate in the manner set forth in this act: *Provided*, That no allotment of land or other tribal property shall be made to any person, or to the heirs of any person, whose name is on said roll and who died prior to the 1st day of September, 1902. The right of such person to any interest in the lands or other tribal property shall be deemed to have become extinguished and to have passed to the tribe in general upon his death before said date, and any person or persons who may conceal the death of anyone on said roll as aforesaid for the purpose of profiting by said concealment, and who shall knowingly receive any portion of any land or other tribal property or of the proceeds so arising from any allotment prohibited by this section, shall be deemed guilty of a felony, and shall be proceeded against as may be provided in other cases of felony, and the penalty for this offense shall be confinement at hard labor for a period of not less than one year nor more than five years, and in addition thereto a forfeiture to the Cherokee Nation of the lands, other tribal property, and proceeds so obtained.

SCHOOLS.

32. The Cherokee school fund shall be used, under the direction of the Secretary of the Interior, for the education of children of Cherokee citizens, and the Cherokee schools shall be conducted under rules prescribed by him according to Cherokee laws, subject to such modifications as he may deem necessary to make the schools most effective and to produce the best possible results; said schools to be under the supervision of a supervisor appointed by the Secretary and a school board elected by the national council.

33. All teachers shall be examined by said supervisor, and said school board and competent teachers and other persons to be engaged in and about the schools with good moral character only shall be employed; but where all qualifications are equal, preference shall be given to citizens of the Cherokee Nation in such employment.

34. All moneys for carrying on the schools shall be appropriated by the Cherokee national council, not to exceed the amount of the Cherokee school fund; but if the council fail or refuse to make the necessary appropriations, the Secretary of the Interior may direct the use of a sufficient amount of the school fund to pay all necessary expenses for the efficient conduct of the schools, strict account therefor to be rendered to him and the principal chief.

35. All accounts for expenditures in carrying on the schools shall be examined and approved by said supervisor, and also by the general superintendent of Indian schools in the Indian Territory, before payment thereof is made.

36. The interest arising from the Cherokee orphan fund shall be used, under the direction of the Secretary of the Interior, for maintaining the Cherokee Orphan Asylum for the benefit of the Cherokee orphan children.

ROADS.

37. Public highways or roads 2 rods in width, being 1 rod on each side of the section line, may be established along all section lines without any compensation being paid therefor, and all allottees, purchasers, and others shall take the title to such lands subject to this provision; and public highways or roads may be established elsewhere whenever necessary for the public good, the actual value of the land taken elsewhere than along section lines to be determined under the direction of the Secretary of the Interior while the tribal government continues and to be paid by the Cherokee Nation during that time; and if buildings or other improvements are damaged in consequence of the establishment of such public highways or roads, whether along section lines or elsewhere, such damages, during the continuance of the tribal government, shall be determined and paid for in the same manner.

TOWN SITES.

38. The lands which may hereafter be set aside and reserved for town sites upon the recommendation of the Dawes Commission under the provisions of the act of Congress approved May 31, 1900 (31 Stats., p. 221), shall embrace such acreage as may be necessary for the present needs and reasonable prospective growth of such town sites, not to exceed 640 acres for each town site.

39. Whenever any tract of land shall be set aside by the Secretary of the Interior for town-site purposes, as provided in said act of May 31, 1900, or by the terms of this act, which is occupied at the time of such segregation by any member of the Cherokee Nation, such occupant shall be allowed to purchase any lot upon which he then has improvements other than fences, tillage, and temporary improvements, in accordance with the provisions of the act of June 28, 1898 (30 Stats., p. 495), or, if he so elects, the lot will be sold under rules and regulations to be prescribed by the Secretary of the Interior, and he shall be fully compensated for his improvements thereon out of the funds of the tribe arising from the sale of the town sites, the value of such improvements to be determined by a board of appraisers, one member of which shall be appointed by the Secretary of the Interior, one by the chief executive of the tribe, and one by the occupant of the land, said board of appraisers to be paid such compensation for their services as may be determined by the Secretary of the Interior out of any appropriations for surveying, laying out, platting, and selling town sites.

40. All town sites which may hereafter be set aside by the Secretary of the Interior on the recommendation of the Commission to the Five Civilized Tribes, under the provisions of the act of Congress approved May 31, 1900 (31 Stats., p. 221), with the additional acreage added thereto, as well as all town sites set aside under the provisions of this act having a population of less than 200, shall be surveyed, laid out, platted, appraised, and disposed of in like manner and with like preference rights accorded to owners of improvements as other town sites in the Cherokee Nation are surveyed, laid out, platted, appraised, and disposed of under the act of Congress of June 28, 1898 (30 Stats., p. 495), as modified or supplemented by the act of May 31, 1900: *Provided*, That as to the town sites set aside as aforesaid the owner of the improvements shall be required to pay the full appraised value of the lot instead of the percentage named in said act of June 28, 1898 (30 Stats., p. 495).

41. Any person being in possession or having the right to the possession of any town lot or lots, as surveyed and platted under the direction of the Secretary of the Interior, in accordance with the act of Congress approved May 31, 1900 (31 Stats., p. 221), the occupancy of which lot or lots was originally acquired under any town-site act of the Cherokee Nation, and owning improvements thereon, other than temporary buildings, fencing, or tillage, shall have the right to purchase the same at one-fourth of the appraised value thereof.

42. Any person being in possession of, or having the right to the possession of, any town lot or lots, as surveyed and platted under the direction of the Secretary of the Interior, in accordance with the act of Congress approved May 31, 1900 (31 Stats., p. 221), the occupancy of which lot or lots was originally acquired under any town-site act of the Cherokee Nation, and not having any improvements thereon, shall have the right to purchase the same at one-half of the appraised value thereof.

43. Any citizen in rightful possession of any town lot having improvements thereon other than temporary buildings, fencing, and tillage, the occupancy of which has not been acquired under tribal laws, shall have the right to purchase same by paying one-half the appraised value thereof: *Provided*, That any other person in undisputed possession of any town lot having improvements thereon other than temporary buildings, fencing, and tillage, the occupancy of which has not been acquired under tribal laws, shall have the right to purchase such lot by paying the appraised value thereof.

44. All lots not having thereon improvements other than temporary buildings, fencing, and tillage, the sale or disposition of which is not herein otherwise specifically provided for, shall be sold within twelve months after appraisement, under the direction of the Secretary of the Interior, after due advertisement, at public auction, to the highest bidder, at not less than their appraised value.

45. When the appraisement of any town lot is made and approved, the town-site commission shall notify the claimant thereof of the amount of appraisement, and he shall, within sixty days thereafter, make payment of 10 per cent of the amount due for the lot, and four months thereafter he shall pay 15 per cent additional, and the remainder of the purchase money he shall pay in three equal annual installments without interest; but if the claimant of any such lot fail to purchase same or make the first and second payments aforesaid or make any other payment within the time specified, the lot and improvements shall be sold at public auction to the highest bidder under the direction of the Secretary of the Interior, at a price not less than its appraised value.

46. When any improved lot shall be sold at public auction because of the failure of the person owning improvements thereon to purchase same within the time allowed in said act of Congress approved June 28, 1898 (30 Stat., p. 495), said improvements shall be appraised by a committee, one member of which shall be selected by the owner of the improvements and one member by the purchaser of said lot; and in case the said committee is not able to agree upon the value of said improvements, the committee may select a third member, and in that event the determination of the majority of the committee shall control. Said committee of appraisement shall be paid such compensation for their services by the two parties in interest, share and share alike, as may be agreed upon, and the amount of said appraisement shall be paid by the purchaser of the lot to the owner of the improvements in cash within thirty days after the decision of the committee of appraisement.

47. The purchaser of any unimproved town lot sold at public auction shall pay 25 per cent of the purchase money at the time of the sale, and within four months thereafter he shall pay 25 per cent additional, and the remainder of the purchase money he shall pay in two equal annual installments without interest.

48. Such towns in the Cherokee Nation as may have a population of less than 200 people not otherwise provided for, and which, in the judgment of the Secretary of the Interior, should be set aside as town sites shall have their limits defined as soon as practicable after the approval of this act in the same manner as provided for other town sites.

49. The town authorities of any town site in said Cherokee Nation may select and locate, subject to the approval of the Secretary of the Interior, a cemetery within suitable distance from said town, to embrace such number of acres as may be deemed necessary for such purpose. The town-site commission shall appraise the same at its true value, and the town may purchase the same within one year from the approval of the survey by paying the appraised value. If any citizen have improvements thereon, said improvements shall be appraised by said town-site commission and paid for by the town: *Provided*, That lands already laid out by tribal authorities for cemeteries shall be included in the cemeteries herein provided for without cost to the towns, and the holdings of the burial lots therein now occupied for such purpose shall in no wise be disturbed: *And provided further*, That any park laid out and surveyed in any town shall be duly appraised at a fair valuation, and the inhabitants of said town shall, within one year after the approval of the survey and the appraisement of said park by the Secretary of the Interior, pay the appraised value to the proper officer for the benefit of the tribe.

50. The United States shall pay all expenses incident to surveying, platting, and disposition of town lots, and all allotments of lands made under the provisions of this plan of allotment, except where the town authorities may have been or may be duly authorized to survey and plat their respective towns at the expense of such towns.

51. No taxes shall be assessed by any town government against any town lot remaining unsold, but taxes may be assessed against any town lot sold as herein provided.

52. If the purchaser of any town lot fail to make payment of any sum when due, the same shall thereafter bear 6 per cent interest per annum until paid.

53. All lots or parts of lots, not exceeding 50 by 150 feet in size, upon which church houses and parsonages have been erected, and which are occupied as such at the time of appraisment, shall be conveyed gratuitously to the churches to which such improvements belong, and if such churches have inclosed other adjoining lots actually necessary for their use, they may purchase the same by paying the appraised value thereof.

54. Whenever the chief executive of the Cherokee Nation fails or refuses to appoint a town-site commissioner for any town, or to fill any vacancy caused by the neglect or refusal of the town-site commissioners appointed by the chief executive to qualify or act, or otherwise, the Secretary of the Interior, in his discretion, may appoint a commissioner to fill the vacancy thus created.

55. The purchaser of any town lot may at any time pay the full amount of the purchase money, and he shall thereupon receive title therefor.

56. Any person may bid for and purchase any lot sold at public auction as herein provided.

57. The United States may purchase in any town in the Cherokee Nation suitable lands for court-houses, jails, or other necessary public purposes for its use by paying the appraised value thereof, the same to be selected under the direction of the department for whose use such lands are needed, and if any person have improvements thereon the same shall be appraised in like manner as other town property, and shall be paid for by the United States.

TITLES.

58. The Secretary of the Interior shall furnish the principal chief with blank patents necessary for all conveyances herein provided for, and when any citizen receives his allotment of land, or when any allotment has been so ascertained and fixed that title should under the provisions of this act be conveyed, the principal chief shall thereupon proceed to execute and deliver to him a patent conveying all the right, title, and interest of the Cherokee Nation, and of all other citizens, in and to the lands embraced in his allotment certificate.

59. All conveyances shall be approved by the Secretary of the Interior, which shall serve as a relinquishment to the grantee of all the right, title, and interest of the United States in and to the lands embraced in his patent.

60. Any allottee accepting such patent shall be deemed to assent to the allotment and conveyance of all the lands of the tribe as provided in this act, and to relinquish all his right, title, and interest to the same, except in the proceeds of lands reserved from allotment.

61. The acceptance of patents for minors and incompetents by persons authorized to select their allotments for them shall be deemed sufficient to

bind such minors and incompetents as to the conveyance of all other lands of the tribe.

62. All patents, when so executed and approved, shall be filed in the office of the Dawes Commission, and recorded in a book provided for the purpose, until such time as Congress shall make other suitable provision for record of land titles, without expense to the grantee, and such records shall have like effect as other public records.

MISCELLANEOUS.

63. The tribal government of the Cherokee Nation shall not continue longer than March 4, 1906.

64. The collection of all revenues of whatsoever character belonging to the tribe shall be made by an officer appointed by the Secretary of the Interior, under rules and regulations to be prescribed by the said Secretary.

65. All things necessary to carry into effect the provisions of this act, not otherwise herein specifically provided for, shall be done under the authority and direction of the Secretary of the Interior.

66. All funds of the tribe, and all moneys accruing under the provisions of this act, shall be paid out under the direction of the Secretary of the Interior, and when required for per capita payments shall be paid directly to each individual by an appointed officer of the United States, under the direction of the Secretary of the Interior.

67. The Secretary of the Interior shall cause to be paid all just indebtedness of said tribe existing at the date of the ratification of this act which may have lawfully been contracted, and warrants therefor regularly issued upon the several funds of the tribe, as also warrants drawn by authority of law hereafter and prior to the dissolution of the tribal government, such payments to be made from any funds in the United States Treasury belonging to said tribe, and all such indebtedness of the tribe shall be paid in full before any pro rata distribution of the funds of the tribe shall be made. The Secretary of the Interior shall make such payments at the earliest time practicable and he shall make all needed rules and regulations to carry this provision into effect.

68. Jurisdiction is hereby conferred upon the Court of Claims to examine, consider, and adjudicate, with a right of appeal to the Supreme Court of the United States by any party in interest feeling aggrieved at the decision of the Court of Claims, any claim which the Cherokee tribe, or any band thereof, arising under treaty stipulations, may have against the United States, upon which suit shall be instituted within two years after the approval of this act; and also to examine, consider, and adjudicate any claim which the United States may have against said tribe, or any band thereof. The institution, prosecution, or defense, as the case may be, on the part of the tribe or any band, of any such suit, shall be through attorneys employed and to be compensated in the manner prescribed in sections 2103 to 2106, both inclusive, of the Revised Statutes of the United States, the tribe acting through its principal chief in the employment of such attorneys, and the band acting through a committee recognized by the Secretary of the Interior. The Court of Claims shall have full authority, by proper orders and process, to make parties to any such suit all persons whose presence in the litigation it may deem necessary or proper to the final determination of the matter in controversy, and any such suit shall, on motion of either party, be advanced on the docket of either of said courts and be determined at the earliest practicable time.

69. After the expiration of nine months after the date of the original selection of an allotment by or for any citizen of the Cherokee tribe as provided in this act, no contest shall be instituted against such selection, and as early thereafter as practicable patent shall issue therefor.

70. Allotments may be selected and homesteads designated for minors by the father or mother, if citizens, or by a guardian or curator, or the administrator having charge of their estate, in the order named; and for prisoners, convicts, aged and infirm persons, and soldiers and sailors of the United States on duty outside of the Indian Territory, by duly appointed agents under power of attorney; and for incompetents by guardians, curators, or other suitable persons akin to them; but it shall be the duty of said Commission to see that said selections are made for the best interests of such parties.

71. Any allottee taking as his allotment lands located around the Cherokee National Male Seminary, the Cherokee National Female Seminary, or Cherokee Orphan Asylum which have not been reserved from allotment as herein provided, and upon which buildings, fences, or other property of the Cherokee Nation are located, such buildings, fences, or other property shall be appraised at the true value thereof and be paid for by the allottee taking such lands as his allotment, and the money to be paid into the Treasury of the United States to the credit of the Cherokee Nation.

72. Cherokee citizens may rent their allotments when selected for a term not to exceed one year for grazing purposes only, and for a period not to exceed five years for agricultural purposes, but without any stipulation or obligation to renew the same; but leases for a period longer than one year for grazing purposes and for a period longer than five years for agricultural purposes and for mineral purposes may also be made with the approval of the Secretary of the Interior and not otherwise. Any agreement or lease of any kind or character violative of this section shall be absolutely void and not susceptible of ratification in any manner, and no rule of estoppel shall ever prevent the assertion of its invalidity. Cattle grazed upon leased allotments shall not be liable to any tribal tax, but when cattle are introduced into the Cherokee Nation and grazed on lands not selected as allotments by citizens the Secretary of the Interior shall collect from the owners thereof a reasonable grazing tax for the benefit of the tribe, and section 2117 of the Revised Statutes of the United States shall not hereafter apply to Cherokee lands.

73. All acts and portions of acts or treaty provisions in conflict with any of the provisions of this act shall not be in force in the Cherokee Nation after the ratification of this act by the Cherokees.

Mr. QUAY. I move to amend by striking out paragraph 73, which has just been read, and inserting in lieu thereof what I send to the desk, which is the language of the act of 1901.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to strike out paragraph 73, and in lieu thereof to insert:

73. The provisions of section 13 of the act of Congress approved June 28, 1898, entitled "An act for the protection of the people of the Indian Territory, and for other purposes," shall not apply to, or in any manner affect, the lands or other property of said tribe, and no act of Congress or treaty provision inconsistent with this agreement shall be in force in said nation, except sections 14 and 27 of said last-mentioned act, which shall continue in force as if this agreement had not been made.

The amendment was agreed to.

The reading was resumed and concluded, as follows:

74. This act shall not take effect or be of any validity until ratified by a majority of the whole number of votes cast by the legal voters of the Cherokee Nation in the manner following:

75. The principal chief shall, within ten days after the passage of this act by Congress, make public proclamation that the same shall be voted upon at a special election to be held for that purpose within thirty days thereafter, on a certain date therein named, and he shall appoint such officers and make such other provisions as may be necessary for holding such election. The votes cast at such election shall be forthwith duly certified as required by Cherokee law, and the votes shall be counted by the Cherokee national council if then in session, and if not in session, the principal chief shall convene an extraordinary session for the purpose, in the presence of a member of the Commission to the Five Civilized Tribes, and said member and the principal chief shall jointly make certificate thereof and proclamation of the result.

Mr. TELLER. Mr. President——

Mr. PLATT of Connecticut. Will the Senator from Colorado permit me a moment?

Mr. TELLER. I yield to the Senator.

Mr. PLATT of Connecticut. Ought there not to be some provision here as to how the result of the ratification shall be communicated to this Government? It ought to be communicated to the President of the United States, I should think.

Mr. TELLER. I should think so.

Mr. PLATT of Connecticut. The language now is "shall jointly make certificate thereof and proclamation of the result." I move to add "and transmit the same to the President of the United States."

The PRESIDENT pro tempore. The amendment proposed by the Senator from Connecticut will be stated.

The SECRETARY. In paragraph 75, on page 56, at the end of line 20, after the word "result," it is proposed to insert "and transmit the same to the President of the United States."

Mr. QUAY. I have no objection to that amendment.

The amendment was agreed to.

Mr. TELLER. Mr. President, I do not desire to discuss the pending bill, but I wish to submit a few remarks, and, to keep within the rules of the Senate, I presume it will be in order to submit them on this bill.

Mr. PLATT of Connecticut. Will the Senator permit one other suggestion in regard to the pending bill?

The PRESIDENT pro tempore. Does the Senator from Colorado yield?

Mr. TELLER. Certainly.

Mr. PLATT of Connecticut. I think these paragraphs might each one of them be stated as sections of the bill. These are paragraphs as they appear in another agreement, and there do not appear to be any sections in the bill. I suggest that every one of the paragraphs in the bill be stated as a section—section 1, section 2, section 3, etc. I presume that change can be made by the clerks.

Mr. QUAY. That can be corrected at the Secretary's desk.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and that order is made.

Mr. TELLER. Mr. President, for nearly two months I have been giving attention to a question that has excited considerable attention in the country. I refer to the suggested reduction of the duty upon Cuban sugar that may be imported into the United States. As a member of the Committee on Relations with Cuba and as a member of the subcommittee appointed for the purpose of investigating that subject, I have been somewhat concerned with this matter. Representing in part a State which perhaps is as well adapted to the making of beet sugar as any other State of the Union, or perhaps any other section of the world, I have a special interest in the question. On these accounts I do not believe it quite proper for me to let this session of Congress adjourn without submitting at least a few facts concerning the developments resulting from this inquiry and inserting in the RECORD, if I may obtain permission to do so, certain statements which may have been made.

I do not desire at this late day of the session to take advantage of the Senate by reading any considerable number of documents, but I have several on my table which I feel ought to go into the RECORD. I do not feel exactly justified in putting some of them into the RECORD to swell that publication unnecessarily beyond its usual size. I therefore ask to be permitted to have two or three pamphlets published as documents. Consent to this end being given, I will not of course be under the necessity of making them a part of my remarks by reading them.

Mr. PLATT of Connecticut. What are they?

Mr. TELLER. They are pamphlets which I presume the Senator from Connecticut has seen. I hold in my hand four of them prepared by Mr. Truman G. Palmer, who appeared before the committee. I have looked through them, and I believe there is nothing in them which can be objected to.

The PRESIDENT pro tempore. The Senator from Colorado asks that certain documents be printed.

Mr. TELLER. I will designate them. One of them is a pamphlet entitled "The Deadly Parallel," on Cuban tariff reduction, being quotations from the RECORD and from the public press. I do not know whether the Senator from Connecticut has seen that pamphlet or not, but I can send him a copy if he desires to

examine it. Another one of the pamphlets is entitled "The Story of Cuban Distress," another "The American Beet-Sugar Industry and the Proposed Cuban Tariff Reduction," and still another is entitled "Press Comment on the War of the Sugar Trust Against American Beet-Sugar Producers," containing quotations from the press of the country. All of these have been prepared by Mr. Truman G. Palmer.

Mr. PLATT of Connecticut. Mr. President, of course I can not interpose an objection to the request of the Senator from Colorado to print as documents articles certain persons may have prepared relating to subjects under discussion in the Senate, but I know that practice has prevailed; I do not believe in it very much, but it has become the custom of the Senate. If I should object to the printing of these papers as documents, of course the Senator could read all of them in his own time, thus taking up the time of the Senate, and therefore I do not make any objection.

The PRESIDENT pro tempore. Does the Chair understand the Senator from Colorado to make the request for printing now?

Mr. TELLER. I make the request. I also make the request that there may be published separately as a document a letter addressed to me by Mr. Truman G. Palmer, which consists practically of extracts from the testimony—a compendium of the testimony—taken before the committee. I ask that that letter may be printed also as a document, but separately from the others.

The PRESIDENT pro tempore. The Senator from Colorado asks that the four papers first referred to by him may be printed as a document, and that the last-named one may be printed separately as a document. Is there objection? The Chair hears none.

Mr. TELLER. There is also another paper which should go in with the others I asked to have printed. It is a statistical chart, showing the growth of beet-sugar production in the United States from the first year, when the total annual product reached 1,000 tons, to the season of 1902. I ask that that also may be printed as a document.

The PRESIDENT pro tempore. The Senator from Colorado asks that the paper now sent to the desk by him may be printed with the first four documents he presented. Is there objection? The Chair hears none, and that order is made.

Mr. TELLER. Mr. President, I want to submit some remarks, but not at any great length, for I know I should be regarded as unduly trespassing on the time of the Senate if I should occupy any considerable length of time at this period of the session.

Since the committee suspended the taking of testimony one of the witnesses, Mr. Thurber, has sent a letter to the committee, which I shall read before I conclude.

ALLEGED DISTRESS IN CUBA.

Early last fall a good deal of interest was exhibited in this country by reason of the statement published in a very public way through the press concerning the condition which was said to exist in the island of Cuba. We were told that the people of that island were in great distress. We were assured by many articles in the public press that unless some relief was furnished to the people of Cuba it would be utterly impossible for them to maintain an orderly, decent, and respectable government. Such was asserted to be the case by some members of the so-called committee that came here from Cuba who appeared before the Ways and Means Committee of the House of Representatives. One member of that committee since has been traveling around the country and asserting that unless we shall give immediate relief to Cuba by a reduction of the tariff there will be revolution in the island.

Mr. President, there never has been any reason for that statement; there never has been any condition in Cuba which would justify that assertion; there has been no distress in Cuba at any time which has called for the intervention of the Government of the United States. I assert that that has been positively proven before the Committee on Ways and Means of the House of Representatives.

Certain witnesses who appeared before that committee were exceedingly active and urgent in the effort to secure relief, as they said, upon the theory that there was a financial condition in the island of Cuba betokening much distress. I refer now to the evidence of Mr. Louis Place, from the district of Matanzas, taken before the House committee. He made a statement before the committee on the 14th day of January, I think, and there are large numbers of similar statements which could be presented, but which I do not now propose to present in order that I may save the time of the Senate. That statement, I think, will give a general idea of the conditions and methods which have been pursued.

I want to assert, measuring my words as I go, that it is not an exaggeration to say that there has not been, since I have been in public life, so patent and open an attempt to deceive the American people on any subject as there has been on this question of the pecuniary condition of Cuba, relying upon a well-known characteristic of the American people of promptitude in responding to every call of distress.

We were first told that there was distress—that there was starvation—in Cuba. We were assured that the condition was such that revolution would follow in a very short time unless Congress gave relief; and certain gentlemen having large interests in Cuba, while citizens of the United States, interested themselves to the extent of coming here and demanding of us, first, the admission of sugar duty free from Cuba. That demand, failing apparently to meet the approbation of Congress and the public, was modified and we were then asked for a 50 per cent reduction.

Later, when they found that would not work, they insisted upon a reduction of 20 or 25 per cent. A number of the persons interested, including the present Chief Executive of Cuba, declared that nothing less than 50 per cent would be of any avail whatever to them, adding that they did not desire any help unless the reduction should be equal to that amount. If the newspapers may be relied upon, the President of the new Republic, after reaching the island, announced that 20 per cent might be given, but said that it would be of no particular value to the people of Cuba, adding that they would not consider this question settled with that reduction, but would try to secure a reduction of 50 per cent.

WHAT MIGHT BE CONCEDED.

Mr. President, I want to be frank about this matter, and to say that I believe there might have been a reduction of 20 per cent of the duty on sugar from Cuba to the United States without materially injuring the beet-sugar industry or the cane-sugar industry of the United States, but it could not have been allowed with the statement which has always accompanied the demand—namely, that 20 per cent is only the entering wedge, and the insistance that there must be a further reduction. That statement has been made not only by those who are contending for a reduction of 50 per cent, but by a large number of people who are contending at this time for only 20 per cent.

The people of the State of Colorado this year will make 20,000 tons of sugar, affording the farmer there a better outlook for a paying crop than he has ever had from anything that he has ever attempted to raise. And that remark as to the prospect applies to Kansas, Nebraska, indeed to all of the arid or semiarid region. It is a notorious fact that beets raised anywhere in the arid section, including Montana, Washington, Oregon, Nevada, and California, are better, richer in saccharine, and of higher purity than those grown in any other portion of the world. We would think, if we had to raise beets with no higher percentage of purity and saccharine matter than those raised in some of the European countries, and with no better success, that our country was not adapted to the raising of beets.

INTEREST OF THE SUGAR TRUST.

Hence I say that this question is one of considerable importance to the people of the Western country. Yet, of as much importance as it is, there was a very general disposition on the part of the people in our Western country in the commencement of this discussion to say: "If this thing is absolutely necessary, we are in favor of granting some relief to Cuba; if Cuba is in starving condition, we want the Government of the United States to respond to that demand." But it did not take very long before the intelligent people of that section discovered that the American Sugar Refining Company, or what is commonly called the American sugar trust, was active in supporting and urging the reduction of the duty on Cuban sugar. There was some demand made by the Cubans for a reduction of the duty on tobacco, but if any Senator will call to mind the newspaper discussion of the question of Cuban tariff in the last three or four months he will bear me out that the tobacco question has been practically lost sight of. Why? Because this propaganda in favor of the reduction of the sugar duty was carried on by the American sugar trust, and that their interest was in sugar. Hence, while I do not know how much interest they may have had in tobacco, I do know that the newspapers dealt largely and almost entirely with the subject of sugar.

Mr. President, I presented to the Senate a resolution and asked for an investigation by the Committee on Relations with Cuba, and I desired particularly to have the committee consider the following points:

First. Whether the American Sugar Company had bought a considerable portion of the sugar and had it on hand.

Second. Whether a considerable portion of the sugar raised there was or was not raised by American citizens who were to be benefited, and not Cubans.

Third. What was the cost of producing sugar in Cuba, and whether, if we made the reduction, the Cuban sugar producer really would get the benefit of it, or whether the benefit would go to the American sugar trust, in which I include all of the sugar refining concerns of the United States, without any particular exception.

With reference to the last point, I would say that if the American sugar trust, refining 65 per cent of the sugar refined in the United States, and actually controlling a concern which refines about 12 per cent more, as I understand, thus having the very large part of the refining business, was interested, every other refining concern must also have been interested. So we had every refining concern in the United States, headed by the sugar trust, advocating this reduction, advocating it, first, upon the ground of the necessity to assist the Cubans, and, secondly, upon the ground of an obligation to those people which we had incurred. It should, of course, be added that the scope of the committee's inquiry was materially lessened by the action of the majority, but notwithstanding these limitations enough was developed to show that American holdings in Cuban lands are now enormous and rapidly increasing, and that the American sugar trust joined with the American government in Cuba in this raid upon our tariff system in the interest of Cuban products.

OBLIGATIONS TO CUBA.

Nobody has ever stood up and told the truth as to what that obligation was or is. There have been more misrepresentations and false statements made about that question than are usually made about any subject. We have been told repeatedly in the public press that, in the first place, we had deprived Cuba of her market, the idea being to convey to the American people the impression that when we dissevered Cuba from Spain politically we destroyed her market, which was in Spain. There is not an intelligent man in the country who does not know that at all times when Spain was in control no considerable portion of Cuban products ever went to Spain, and that we did not destroy the market. Nor did we lessen the market in the slightest possible degree. The American market has been the market of the Cubans for all time, and that market we retain to them just as they had it when they were laboring under the burden of a miserable government put upon them by Spain.

I do not think I need to spend very much time on this subject, and I will not do more than say in a general way that this Government has performed every obligation it was under to Cuba. And I desire some Senator to-day, who thinks we ought to make concessions to Cuba, to tell me what is the obligation. No man yet has been able to tell what is the obligation which we have not discharged. We said we would give those people a government of their own. We gave them a government of their own. We allowed them to create it as they wanted it, and we put it in operation, and for the first time in four hundred years there is a government of the people, by the people, and for the people in Cuba.

We were told by some of the Cuban witnesses before the committee that it was vain for us to relieve them of political burdens if we left them to stagger and fall under commercial and economic burdens, as if we had put something on them. They have the American market for their sugar, the market they have always had for it, and they have had it freed of the burdens of taxation which they had long borne.

WHERE THE DEMAND COMES FROM.

The people of Cuba are not so ungrateful as these statements would make them appear. In my correspondence from Cuba—and I have had some letters within a few days—the writers declare to me that there is no distress in Cuba, and that the Cubans are not mendicants at our hands and do not need our assistance. If the Cubans do not need our assistance, whence comes the clamor for it? I assert that it is the American sugar grower in Cuba and the American Sugar Refining Company in this country who have been at the bottom of this effort to change our financial system with reference to Cuba.

Mr. MONEY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Mississippi?

Mr. TELLER. Certainly.

Mr. MONEY. I should like to ask the Senator from Colorado if he can state to the Senate how much American capital is invested in Cuba, and how much German capital is invested there?

Mr. TELLER. I can not.

Mr. MONEY. You have not the figures?

Mr. TELLER. I will tell the Senator why. I was not authorized in the committee to go into that question, but I can tell the Senator that I will undertake to demonstrate before an American jury, if that can be made so that I can do it, that American citizens to-day own more than three-quarters of the present sugar-producing capacity of that island. More than 75 per cent of it is in the hands of Americans, and American capital has been going in there within the last six months or a year at a rate in which capital has gone into no other section of the Western world.

I wish to say now that Cuba is the richest country on the globe. I was told by a reputable gentleman of high standing in Cuba that two years ago, in 1900, in eleven months the people of Cuba transmitted from Cuba to Spain a hundred and fifty-three millions of exchange. When I asked why, he said, "The money was mainly owned by Spaniards, and we (he being a Spanish lawyer) did not know exactly what would be the condition here, and we do not propose to take any chances; hence we have sent our money over to Spain."

Mr. MONEY. If the Senator will permit me, I should like to ask him a question for information. When he mentions the amount of American ownership in proportion to the holdings in Cuba, does he mean that the property is owned by Americans resident in Cuba or alien Americans?

Mr. TELLER. There are some residents there calling themselves Cubans who are American citizens, but the greater portion of this holding of which I speak is owned by people who live within the United States, and do not live in Cuba and never did live in Cuba.

Mr. PATTERSON. Speculators.

Mr. TELLER. Speculators in Cuban land. I shall not attempt to tell you about the holdings of these people. If you choose to go to the Commission created by Congress to settle the question as to what is our obligation for the destruction of property during the war down there, you will find that these poverty-stricken Cubans have filed claims against this Government for more than $60,000,000, and I can point out eight persons who have filed such claims for $2,500,000 for loss of profit on the crop alone.

I did not get up for the purpose of going into the details of this matter, except to say, and I want to repeat the statement, that I challenge anybody here to show that there is any distress in Cuba. I have the evidence taken before the committee of the House of Representatives, where men who came here and talked about the distress there were compelled before they got through to admit that there was no distress in Cuba.

In addition to the large amount of American capital that is going into Cuba, there has been an immense amount of German capital going in, and also some English capital. Mr. Atkins, a gentleman whom a great many members of this body know personally, who owns or is interested in two plantations there, testified before the House committee that the greater portion of the property of Cuba was held by Spaniards and not by Cubans. That statement will be found in his testimony.

REPRESENTATIONS TO CONGRESS.

In order to make a fair and full presentation of this subject, I ought to have an entire day. I know it would not be proper for me to ask so much time at this period, and so I am not going to do so. However, I do want to call attention to the character of telegrams that were sent here. I started to do that a while ago and was diverted. Mr. Place presented to the committee a telegram, when he came before it, telling about the distress in Cuba. It read:

Crisis more serious every day, calling for immediate remedy. Most energetic endeavors necessary to save country imminent disaster—anything preferable to such a calamity.

BEA,
President Matanzas Board of Merchants.

Here is another from the same place sent to another person:

JANUARY 13, 1902.

Immediate relief to Cuba situation absolutely necessary. Your most energetic cooperation solicited. Situation so serious prompt solution has become a question of humanity.

BEA,
President Matanzas Board of Merchants.

I wish to stop long enough to say that Mr. Atkins, who came here, as he said, for free sugar, and who said that Cuba had to have 50 per cent reduction, at least, if it could not get free sugar, admitted that the laborers of Cuba were getting more pay than the laborers in the Southern States of the United States. He stated that laborers in Cuba were getting from $23 to $30 in gold a month, and everybody knows that a laborer who gets $23 a month in Cuba can live better than a man who gets $30 a month can live in any part of the United States.

Mr. Corwine, a gentleman from New York, and who, I believe, is interested in sugar in Cuba, came before the committee, and when he got here he had a telegram from some one, saying:

Absolutely necessary something should be done for Cuba immediately. Do not leave any stone unturned in promoting quick action.

He also had another telegram:

You have my hearty support and cooperation in your mission to Washington. Absolutely necessary that something be done immediately in way of reciprocity with Cuba, not only for her sake, but for the manufacturing interests of this country.

JOHN C. EAMES.

Then Mr. Corwine presented another from a Mr. Fuller:

The entire business community of this city are, irrespective of party, deeply interested in securing reciprocal relations with Cuba.

Mr. Atkins said in the course of his testimony:

I do not wish to be an alarmist. I do not wish to say to what extent these disturbances will go; but a people without employment, where the masses are uneducated, as they are in Cuba, always lay their first loss to the government, no matter how good the government may be, etc.

Any Senator who wishes to verify this excerpt can do so by looking at Mr. Atkins's testimony. And before Mr. Atkins left the stand he declared that there were not laborers enough in Cuba to perform the labor that the conditions there demanded. I may digress to say that it is a historical and well-known fact that since we pulled down the Spanish flag and ran up our flag in Cuba 60,000 Spanish laborers have come from Spain on account of the urgent demand for laborers and the good wages being paid in the island of Cuba.

CUBA'S RELATIONS WITH OTHER COUNTRIES.

I wish to make a few remarks about the inability of Cuba to contract with other countries. This condition has been dwelt upon ad nauseam in the public press, and I have had letters from very well meaning people who have said to me that they thought I was cruel when I objected to a reduction of the duty on sugar, as they said, "inasmuch as we have prevented Cuba from making treaties with other nations." That is not true. There is no such prohibition, either direct or implied. I did not believe at the time that the Platt amendment should be adopted.

I think now it was a violation of good faith on our part—an unnecessary violation of good faith, in my judgment. But I said on the floor of the Senate when objecting to it that it was not objectionable because it took away or destroyed the sovereignty of Cuba, and nobody then pretended that it did accomplish that result. That was not my objection, nor was it the objection of anybody else who voted against it. Let us see what we did say Cuba should not do. We said:

That the government of Cuba shall never enter into any treaty or other compact with any foreign power or powers which will impair or tend to impair the independence of Cuba, nor in any manner authorize or permit any foreign power or powers to obtain, by colonization or for military or naval purposes or otherwise, lodgment in or control over any portion of said island.

That simply was a prohibition in the Cuban constitution, which the Cubans put in, that they would not part with the sovereignty of the island, and it applies to us as much as it applies to any other power. We did not propose to take the sovereignty of the island. The Supreme Court of the United States has already held that the Cubans are a sovereign people, and that so far as we are concerned Cuba is a foreign land.

Mr. SPOONER. Will the Senator from Colorado allow me?

Mr. TELLER. Certainly.

Mr. SPOONER. The Senator has referred to what the Supreme Court has said. I wish to call his attention to the fact that that amendment provided for a permanent treaty between the United States and Cuba, which of course involved independence.

Mr. TELLER. I am coming to that. That is the last thing here—that Cuba agreed that she would ultimately incorporate these things in a treaty with us, which, unless she was an independent power, she could not do.

I wish to say, in order to hasten over this point, that every considerable nation in the world has already recognized the Republic of Cuba. Great Britain has her minister there. France has her minister there. If Spain has not a minister there, she will have. We have ours there. We are not in the habit of sending our ministers to powers that do not have a sovereignty of their own; and if Cuba does not have absolute sovereignty, who has it? We have not, surely.

The next provision was:

That said government shall not assume or contract any public debt, to pay the interest upon which, and to make reasonable sinking-fund provision for the ultimate discharge of which, the ordinary revenues of the island, after defraying the current expenses of government, shall be inadequate.

I understand very well what was in the mind of Senators who insisted upon that provision. There was a large debt that Spain owed and for which she had pledged the revenues of Cuba, and there was some fear in the island and here that some time there might be pressure brought to compel Cuba to adopt that obligation and accept it as her debt. Nobody familiar with Cuban affairs believed Cuba would do it, at least not while the control of the island was in its present hands or in the hands of the people who are there now. Then we declared—

That all acts of the United States in Cuba during its military occupancy thereof are ratified and validated, and all lawful rights acquired thereunder shall be maintained and protected.

We also claimed the right to intervene if we thought intervention was necessary for the maintenance of peace. We intervened when the sovereignty was in Spain, and we can intervene to-morrow if there is disturbance there, without interfering with the sovereignty of the island.

Then we also provided, as the Senator from Wisconsin has called to my attention, that those provisions should be put into a treaty with the United States. There is where we expected to exercise our strong influence over the Cuban people.

The Senator from Wisconsin calls my attention to the fact that our right of intervention was to maintain their independence. That is the reason why we were to intervene. There is no sense in anybody's saying that Cuba can not contract commercially with any power in the world as she sees fit. She may have a tariff on imports that will give to Great Britain an advantage that she denies to us. I hope she will not enter into such an arrangement, but she may do so, and we can not complain if she does. That is, we can not legally complain. I think perhaps we might feel that we had some good ground of complaint.

NO DISTRESS.

I repeat that there is no distress in Cuba. I had a letter from a gentleman giving a very careful detailed statement to me of the conditions there, written after three years' residence. It is a private letter and I do not care to introduce it, but it is in accord with other letters I have received. In that letter the gentleman said that it was the finest place in the world for American capital and American enterprise, and I have no doubt it is.

I have here in a pamphlet a few things to which I should like to call attention. I am not going to read the entire paper, but I wish to read certain extracts, and have them appear in the RECORD for the benefit of those who do not have the advantage perhaps of looking at all these documents. There came before the committee of the House of Representatives Colonel Bliss, who had been the United States collector at Habana. Colonel Bliss, who is an officer of high character, was asked this question: "Is there any distress at the present time in the island of Cuba?" His reply was: "No, sir." Being asked if the people were all employed, he said they were, and added: "I should say there was no distress whatever, from all I have seen."

Then again he said, when asked about distress:

I have not spoken of distress except to deny that any existed so far as I knew. It is a long time since I have seen anyone begging on the streets, or anyone who wanted work who was not at work at good wages.

That was on the 25th of January last, before the House committee.

On the 27th of January what I am about to read appeared in one of the great dailies of this country, the New York Tribune. I do not mean to charge that the New York Tribune had any especial purpose in publishing it, but I do mean to charge that there was a propaganda here securing the publication of just such statements, and that the American sugar trust was furnishing in part, at least, the money to procure such fraudulent and false statements. Speaking of Cuba, on the 27th of January the New York Tribune said:

The public misery is terrible. Municipal council requests your support for speedy solution of economic problem, to avoid awful condition of hunger and calamities which will occur if efficient remedy is not furnished. Laborers without work; there are no industries; commerce is ruined. Cuban people expect that the United States, the arbiter of this situation, will make of Cuba a happy country, and not a land of mendicants.

That was published in one of the great newspapers of the national metropolis as late as Janury last. Senators can imagine how thousands of good American citizens would feel when they saw that, and then heard that I and others were objecting to the relief of Cuba, which we were charged with doing because we were not willing to change our economic laws to meet the demands of the so-called appalling condition of the people of Cuba.

Mr. Hawley, formerly a member of Congress, who had gone to Cuba and bought for himself and associates there a large principality of 60,000 or 70,000 acres of land or more, said:

And anybody who comes there will be a competitor in the field of labor, and as all these people are now employed, how can they be distressed and starved?

He was before the House committee asking for a reduction of the tariff. The question was that of distress, and to that he replied: "Who has said they are? Who has said they are starving? Nobody before the committee."

Mr. L. V. de Abad, who was a self-constituted commissioner from Cuba and who has repeatedly, if the newspapers do not do him an injustice, said that no government could be maintained in Cuba unless we made a concession to Cuba on the tariff, admitted before the House committee that he was a sugar grower with sixty or seventy thousand acres of sugar land. The question was this:

Then there is no suffering among the laboring classes, is there?

He replied:

No; that is not the case, because living in Cuba is very high; it is very expensive.

Then he was compelled to add after stating this:

The situation in Cuba to-day is that they have not enough laborers to do the work.

Mr. President, who ever heard of a starving population where there is a demand for work beyond the supply?

The New York Tribune again on the 2d of February had the following:

HABANA, *January 21.*

Cuban workmen's situation more pressing than ever, owing to economic crisis. Tariff concessions much wanted. Cuban Workmen League, composed of 10,000, appointed Commissioners Gamba, Place, Mendoza, their representatives, and respectfully urge you bring influence bear on Congress in order to remedy immediately evils before it is too late.

WORK AND WAGES IN CUBA.

Mr. Mendoza, one of these commissioners, said before the House committee:

There is plenty of work for the workmen in Cuba to-day.

And when the question arose in that committee whether Cuba could double her output of sugar, which somebody had said they could do, Mr. Mendoza and Mr. Atkins and Mr. Place and several other Cubans declared that that was impossible, because the labor could not be had. Mr. Atkins said:

In my section I pay $23 for a month of twenty-six working days. Mr. Kelly has to pay $1 a day.

The price of labor in Cuba is in excess of the price of labor in the Southern States.

He is the owner of a plantation of 14,000 acres and is interested in it.

Mr. Kelly, who is the owner of a plantation of 9,000 acres, said:

In our end of the island we are paying an average of $30 a month.

Mr. JONES of Arkansas. What is the date of that statement?

Mr. TELLER. That statement was made on the 15th day of January.

Mr. MONEY. If the Senator will permit me at that point in his speech, if it does not interfere with him at all, the statement made by those two gentlemen as to the wages in Cuba compared with the wages of Southern agricultural laborers is made in ignorance of the character of wages of the Southern farm laborer. It is true that in some parts of Cuba that may be true, but the average wages for farm labor, not engineers, or machinists, or mechanics, is about $20 a month; but in the South there are no money wages paid at all for farm laborers, but it is a part of the crop that they get, and the crop is one that takes the whole year to make and market. The workmen live on the place and stay there the whole year, and receive part of the crop for their labor.

Mr. TELLER. Mr. Place said that they paid in his part of the island $22 and $24 a month, and the evidence is that they paid as high as $30 a month. They make two crops down in Cuba where they make one in the South, and in Cuba there is a longer season to work.

Mr. MONEY. Excuse me, they do not make two crops of sugar per annum in Cuba.

Mr. TELLER. They make a crop of something else besides sugar. They have a season practically twice as long as we have in the Northern States.

Mr. MONEY. The Senator will permit me to say that they make but one crop of sugar.

Mr. TELLER. Of course.

Mr. MONEY. And on that land they raise nothing but sugar. They do not plant, on an averege, more than once in fifteen years.

Mr. TELLER. This demand for reciprocal relations with Cuba is not to be confined to sugar. That has been particularly pronounced because of the hand the sugar trust took in it. What the Cuban is demanding includes tobacco and vegetables, the citric fruits, everything that we grow in the semitropical region of the United States.

I wish to read what Mr. Hawley said. I am now reading from one of the documents I have asked to have published, and I wish to say that in every case where we called witnesses who made reference to the statements of others as to the statements of Mr. Hawley and Mr. Atkins, the page is given in the report of the evidence so that it can be readily found. Mr. Hawley said, on page 372 of the House report, on the 24th of January:

All that seek employment are employed.

Mr. Atkins said, on page 15, on the 15th of January:

The men are not to be had, and in order to increase the cane crop of Cuba, I think you would have to import the labor to make it.

Under normal conditions, sir, the labor in Cuba is not sufficient to go around.

Mr. Rabidan, who was one of the Commission, said:

Since the American occupation there has been a Spanish immigration of 60,000 laborers.

I have asked for the printing of the document from which these extracts are taken, and therefore I do not care about reading any more from it.

THE HOUSE BILL.

I wish now to call attention to the bill which passed the House of Representatives to provide for reciprocal trade relations with Cuba. Without reading it, I ask that I may put it at the end of my remarks as it passed the House. [See Appendix.] This bill provides for a reduction of 20 per cent in the duty on raw sugar coming from Cuba to the United States. It also provides for a tariff reduction which is equivalent to about 12½ cents per hundred on refined sugar, which is called the differential. It further provides that this reciprocal relation shall not take effect until such time as Cuba shall enact immigration, exclusion, and contract-labor laws and shall enter into a commercial agreement with the United States. I hardly know what is meant by the bill's reference to "exclusion" laws, but I suppose it means that Cuba must adopt the Chinese-exclusion law. They have now about 20,000 Chinamen in the island, according to the testimony of Mr. Atkins. I supposed there were more, but I am taking his statement. Last year there was an immigration of seven hundred and some Chinamen into Cuba. There is no law to prevent their going in.

Up to the time that this bill passed the House it had been very acceptable to the sugar trust, but I think that when the 12½ cents a hundred was taken off the duty on refined sugar there was a great and immediate falling off of interest on its part.

Mr. SPOONER. And the beet-sugar people, too?

Mr. TELLER. No; not on the part of the beet-sugar people. We offered to accept that bill if the advocates of reciprocity, as presented, would take it.

The evidence we took before the Senate committee will show that the American Sugar Company or the Havemeyer Company, through their regular officers, were preparing articles that appeared in the public press, and also preparing pamphlets and publishing in what are called the "patent-inside" papers professed editorials describing the necessity of immediate aid to Cuba because of her distress. It will also appear from Mr. Thurber's evidence before the committee that when he went to Mr. Havemeyer Mr. Havemeyer handed him his check for $2,500.

Mr. Thurber was employed by the military government of Cuba, and admitted before the committee that he had published three editions of 80,000 each, addressed "To the Best Thought of the United States," and paid for, he said, by the Cuban committee. Since he went home he has remembered that instead of three there were four of those editions. I hold in my hand a copy of his letter saying that he had overlooked the fact that there was a fourth edition and admitting that there were four.

Mr. MONEY. Paid by the committee?

Mr. TELLER. Oh, no; these bills were paid by the military government of Cuba. When he was before the committee he said he thought the advertising had been paid for by the Cuban committee. That committee had paid part of his expenses, but the military government had also paid part of it. He then said there had been three payments by the government of $2,880 each, but on returning home he found that there was still another payment to be accounted for, and that eleven thousand and some odd dollars had been paid by the Cuban military government for the purpose of reaching "the best thought" in the United States and showing the necessity of immediate relief. I think it well to print here the text of Mr. Thurber's letter to make the record complete. It is as follows:

UNITED STATES EXPORT ASSOCIATION,
New York, June 20, 1902.

Hon. O. H. PLATT,
Chairman Committee on Cuban Affairs, Washington, D. C.

DEAR SIR: In examining the publication work which I did in connection with securing a reduction in the tariff on Cuban products, I find that there was one edition of 80,000 documents paid for by the United States military government of Cuba, which I supposed was paid for by the Cuban committee, making four instead of three editions paid for by the military government, as I testified when before your committee.

I therefore wish to have my testimony amended in this respect, or, if it is too late to do this, kindly have the above correction printed in connection with my testimony; also, will you kindly inform Senator Teller.

Yours, very truly,

F. B. THURBER.

IN CASE OF A TREATY.

Mr. President, I want to say a word or two about the impropriety, as it seems to me, of our giving a concession of this kind to Cuba. We allow Cuba to have labor laws to suit herself while giving a reduction to our Asiatic subjects of only 25 per cent and enforcing our labor laws there. I need not dilate upon that. I think any Senator can see the impropriety of it. I am admonished that I ought not to take too much time on this matter.

Mr. MONEY. You have plenty of time.

Mr. TELLER. I do want to say a word or two, though, Mr. President, about the labor of Cuba. We are told by the public press that while no effort will be made at this session to secure any concession in the way of a reduction of duty, at the next session of Congress we will be met with a treaty. I want to say that I think it will be exceedingly unfair to the American sugar growers, whether cane or beet, to make any concession to Cuba and allow Cuba to maintain her present labor laws, to do her work with Chinese labor and menial labor of that class, and expect the American sugar growers of Colorado, Kansas, or Louisiana or Texas to compete with their cheap Chinese labor. I hope that the friends of concession, if they are going to present such a scheme to us at the next session, will be wise enough to see that it contains a provision that Cuba's labor laws must be like unto our labor laws.

IS THE TARIFF TOO HIGH?

I wish also to say a word about the reduction of duty on sugar. I have been told by a number of gentlemen, and I have seen the statement in the public press, that the sugar duty is very much too high. Possibly that is true. It was not thought too high when the Dingley tariff bill passed. Nobody then suggested—at least, the friends of the bill did not—that the duty was too high, and

this proposition to reduce the tariff on Cuban products has not come from the men who complained of the high tariff in the Dingley law.

I think all will agree that perhaps the present tariff is unnecessarily high upon some articles. So far as I am concerned (and of course I speak for myself only on this matter), I am quite prepared to join our friends on the other side of the Chamber in a proper reduction of tariff to meet the changed conditions since 1897, when the Dingley bill was passed. But, Mr. President, I do not intend, while I stay here, to give my approval to a reduction upon the only artiticle on which the American farmer has any real protection.

You have gone through the form of putting a tariff upon wheat. Everybody knows that it cuts no figure in the affairs of this country whatever. Here is an article that the farmers in 24 States can raise with profit—beets that make sugar—and now the purpose is to take the tariff off sugar and maintain the tariff upon steel and a hundred other things that the farmer has to buy that have risen in price since the tariff law was passed, I think, from 25 to 40 per cent. The farmer pays for every pound of steel, of nails, of iron, that he buys from 25 to 40 per cent more than he paid when the Dingley law was enacted. When you are ready to take 25 per cent of the duty off of your steel and iron and come to us, I say, as a representative of the sugar growers of the West, that I will agree for my people that we will take a like proportion off the duty on sugar. But I mean to see that you do not get it off of sugar unless you get it off of other things. A prominent member of your party in the House of Representatives said this ought to be entitled "A bill to protect the trust at the expense of the American farmer," and that is what it is; that is its purpose.

Mr. President, we can make all the sugar that we need in the United States, provided we can have a fair degree of protection, a protection on lines of equity with every other article that is protected. We do not ask any more protection for sugar than we will give to cotton cloth and every other thing that is manufactured in the United States, but we do insist that there is a reciprocity in protection which must be maintained. There must be a relative relation to one article with others in the way of a tariff, and that we are going to insist upon. We can not make sugar in the United States if you take off 50 per cent of the tariff. There is not a manufacturer of sugar in the United States who will not shut up with 50 per cent reduction on the present sugar duty unless you should choose, as we did some years ago, to offer a bounty.

A BOUNTY TO CUBA AT OUR EXPENSE.

I am not a free trader, Mr. President, myself. I belong to the old early school that believed in protection to a degree that equalized conditions. As we paid more for our labor than they paid in other countries, as capital was higher with us, we wanted to put our people upon an equality by giving them the benefit of a fair tariff.

The worst free trader I ever knew in my life never proposed a thing so infamous and so partial as that bill proposes. It is not simply to take the tariff off of sugar; the proposition there is to take out of the pocket of the American sugar grower 20 per cent of his protection and hand it over to his competitor. It is, in other words, Mr. President, an attempt to give a bounty to the sugar grower of Cuba. If any man can defend it on the lines of protection or within the lines of decent free trade, I have yet to hear him do so.

We can not raise sugar if we give a bounty to sugar grown in Cuba or anywhere else outside the United States, and that is what is proposed. Then you wonder why the people who raise sugar in Louisiana and Texas and in Colorado and Kansas and Michigan do not submit to so trifling a reduction as 20 per cent, when that 20 per cent taken from us is to be paid to other people, according to your theory, and according to mine to be paid to the great American monopoly, the sugar trust.

EFFORTS TO DESTROY AMERICAN SUGAR MAKING.

Last year the American sugar trust went into the Missouri Valley country and put their sugar on the market at a cent and a half a pound below the price for which it was selling in the city of New York, where the refineries are located. They expected by that means to destroy the sugar industry in the West, and they made their boast that they would do that. They put great quantities of sugar on the market and compelled the beet-sugar refiners in the Western country to store their sugar, and they are storing it yet. They made no secret that they intended to destroy the beet-sugar industry of the United States. Mr. Atkins said before the committee of the House of Representatives that he did not believe in encouraging the domestic production of sugar; that we ought to buy our sugar of Cuba. That statement, of course, was made because he raised sugar there.

There are a dozen men connected with the great sugar trust who have great plantations down in Cuba. We have a letter which was presented to the committee from one gentleman who said that he had bought 150,000 acres of Cuban sugar lands within the last year. A gentleman connected with one of the great railroads in this country has admitted that he has bought 64,000 acres in Cuba within a year. There has been not one such purchase only, but a dozen or twenty such purchases. Those men have not gone into this business in a very small way. This is the day of large accounts and great transactions, and the new plantation in Cuba which does not contain 75,000 or 100,000 acres—and they do not always know how many acres their plantations contain—does not amount to anything. To one gentleman who came before the committee, I said: "You have been buying some sugar lands down in Cuba." He said: "Yes; not my company, but I have joined with some other gentlemen in buying sugar lands there." I said: "How much have you bought?" "Well," he said, "I do not know; it is between 70,000 and 90,000 acres; but I do not know the exact amount." "What did you pay for it?" I asked. He replied: "In the neighborhood of $400,000."

Why, Mr. President, sugar lands have been bought in Cuba for a dollar an acre, and yet the very men who have gone down there and bought those sugar lands and invested thousands and tens of thousands of dollars in land and in buildings for making sugar come up here and tell us that, unless we change our economic system in this country to meet conditions in Cuba, they will lose money.

Mr. President, sugar can be made in Cuba for a cent a pound. If the Committee on Relations with Cuba had allowed me to go into that question, I should have proved beyond question that for between 1 cent and 1.35 cents the great body of sugar produced in Cuba has been made.

SUGAR TRUST HOLDINGS.

I beg the indulgence of the Senate for a few moments that I may call attention to one other phase of this question. The evidence taken before the committee shows that Mr. Havemeyer, the head of the American sugar trust, and his friends and people who are more or less connected with them in the production and refining of sugar, own 13 enormous sugar estates in Cuba, covering over half a million acres of sugar lands, each estate equipped with an extensive sugar factory. While but a small per cent of their lands is now in sugar cane, their production is nearly 190,000 tons. A tariff reduction of 20 per cent would mean for them a profit of $1,425,000 a year.

The testimony also shows that Americans, principally residents in the United States and Europe, own 1,500,000 acres of cane land in Cuba, of which 330,000 acres are or have been in cane, capable of producing 825,000 tons of sugar, and the proposed reduction of the tariff on that production would give something over $6,000,000, an absolute gift, Mr. President, to these Americans who are raising sugar in Cuba, provided that it is not taken and absorbed entirely by the refineries of the United States.

I think it is certainly safe to say that none of the proceeds from this reduction of five or six million dollars will reach the poor people of Cuba. There is a gentleman by the name of Newman Terry residing in Paris who is a citizen of the United States, who is a large property owner in Cuba, and who has filed immense bills against the Government before the Spanish Claims Commission. He has factories in Cuba on his several estates, which it is said are capable of producing 47,000 tons of sugar a year. He alone would receive, if the reduction inured to the benefit of those who make sugar, $357,000 of this 20 per cent reduction.

Mr. Terry has filed a claim against the United States Government for $2,754,302 for losses sustained on his several estates by reason of the Cuban war. He is said to live in Paris, and to expend at the rate of half a million dollars a year. He is one of the people who will receive the benefit if this reduction goes to those who raise sugar. Indeed, if the benefit of the reduction goes to the people who raise sugar, 75 per cent of it will go to American citizens, and more than $3,000,000 will go to persons who live in the United States and make sugar in Cuba.

AMERICAN CONSUMPTION OF SUGAR.

Now, sir, in my judgment, every interest of the American people demands that we should encourage the making of sugar in the United States. I have here a statement of the amount of money we have paid for sugar in twelve years. This is the amount we paid for foreign sugar, and at the wholesale prices of sugar, which has come into the United States in twelve years. The total for twelve years is $1,160,283,667. The table is as follows:

Value of sugar imported into the United States from 1890 to 1901, inclusive.

1890	$96,094,532	1897	$99,066,181
1891	105,728,216	1898	60,472,749
1892	104,408,813	1899	94,964,120
1893	116,255,784	1900	100,250,974
1894	126,871,889	1901	90,487,800
1895	76,462,836		
1896	89,219,773	Total for 12 years	1,160,283,667

Every year our consumption of sugar grows larger and larger. Dr. Wiley, the chemist of the Agricultural Department, esti-

mates that in 1911, nine years from now, the consumption of sugar in the United States will be 3,333,500 tons. Reckoning the retail price at 4 cents a pound, which is less than is now being paid, the American people will pay for this item of food alone $298,000,000. The estimate of Dr. Wiley is made upon the continued increase of consumption by American citizens during the last twenty years. He expresses the opinion that in 1921 our consumption of sugar will be 4,723,500 tons. I want to say that this calculation is not based upon the average increase for twenty years, which is nearly 7 per cent, but Dr. Wiley has cut it down to 4½ per cent, thinking, perhaps, that in the future the increase might not be so great; and yet at 4 cents a pound the cost to the American people will be $453,000,000.

Mr. President, I want to know whether anybody believes it is good policy for us to discourage the production of American sugar on the American Continent; whether it is well for us to depend upon foreign markets for one of the great food products of the country? We are consuming now about 66 pounds of sugar per capita per annum. We ought properly to consume at least 90 pounds per capita, which is the amount of English consumption. I admit that a good deal of the English consumption arises from the fact that they use large quantities of sugar in the making of preserves, marmalades, etc. We ought to do that also; and with the enormous amount of fruit raised in the United States we ought to consume at least as much sugar in proportion to population, and produce as much of that character of goods as any other people in the world.

Sugar has become a necessity; it is no longer a luxury. France has adopted the use of sugar in her army. After a very careful trial of its effect upon the soldiers, the French Government has determined that it is a valuable food product for the army, and has adopted it as one of the rations that it issues. We shall ultimately do the same, because it has been discovered that sugar is a heat-giving product, and that soldiers who use it can endure more than soldiers who do not use it, although the latter may live upon a heavy meat diet.

EXTENT OF OUR CUBAN TRADE.

Mr. President, the question is, are we as a people to make our own sugar, or are we to have it made by a foreign country upon the statement that we will secure trade with Cuba when Cuba sells us sugar? Why, Mr. President, the trade with Cuba is of practically no value to us as a nation. Last year we bought of Cuba about $31,000,000 worth of sugar, and that is the largest amount we have bought in a good many years. We sold Cuba about $27,000,000 worth of products. We bought a little more from Cuba than we sold her because we bought tobacco of her. Our total imports from Cuba were $46,000,000, and our exports were $27,000,000 in round numbers. Why, sir, the trade of Colorado with New England and New York is worth twice as much as the trade with Cuba is worth to the entire nation.

When the time comes that the American people will be producing $400,000,000 worth of sugar, the vast sum that is now paid out for foreign sugar will then be paid to American labor for the maintenance of American homes. And yet the Cuban reciprocity bill, which came to us from the House of Representatives and which found its tomb in the Senate Committee on Relations with Cuba, is based upon the theory that we are not to make our own sugar, but that it is to our interest to let the Cubans make it, and that we shall sell to Cuba whatever we can.

I want to add to what I have said a definition of reciprocity from a Republican authority, The Economist, a paper which has been published for many years in the interest of protection. It is as follows:

A DEFINITION OF RECIPROCITY.

With a candor altogether commendable, the Nashville News asks and answers the question, "What is true reciprocity?"

"To tell the truth, reciprocity is a sorry substitute for free trade. In theory complete reciprocity means free trade, or, in other words, it means the mutual removal of restrictions upon trade between a country and other countries with which it has to deal in a commercial way. In practice reciprocity is not complete. It consists only in the partial removal of restrictions on trade between two or more countries."

A better definition of reciprocity from the free-trade point of view could not be asked. Reciprocity is good as far as it goes, but it does not go far enough. It "is a sorry substitute for free trade," a mere makeshift. In the opinion of the News, it is also a trouble breeder.

Let the United States enter into a reciprocal agreement with a favored nation in regard to one or more products, and what is the result? Trade between the two countries may proceed smoothly enough, it may increase in accordance with expectations, but other nations become dissatisfied. They demand concessions, and if their demands are not granted retaliation tariff wars are set up, for the tariff game is open to all. Then, with high tariffs with some, low tariffs with others, and no tariffs with still others, and with high tariffs on certain articles and lower tariffs on others, the whole tariff schedule and the whole tariff question becomes more complicated and confused than ever. The attempt to carry out the idea of reciprocity usually causes trouble. It will engender commercial wars and sometimes worse. It is said that one of the principles inculcated by the reciprocity advocates in the Republican party is that the duties should be increased to a very high rate in order that they may then be lowered in return for concessions from the nation to which we offer the benefits of reciprocity. This large margin is called the bargaining power. Such a policy is unworthy of statesmen.

There is much force in the contention that any scheme of bargain-counter tariffs is certain to be attended with more friction than advantage; that, so far from conducing to universal peace in trade and commerce, it is certain to provoke and promote commercial warfare. Whether we make ducks or drakes of our tariff system through special trade treaties, or through the adoption of the maximum and minimum juggle, the result must always be the same—namely, trouble. The wiser plan is to leave our tariff system as it is until we get ready to sweep away all tariffs.

I wish Senators would take the pains to look at the testimony taken before the House Committee on Ways and Means, and also the testimony taken before the Committee on Relations with Cuba of the Senate at the latter part of this session, so that if at the next session of Congress there shall be an effort made to reduce the duty on sugar the Senate will be prepared to consider it.

I should like to say again that I shall be quite ready myself to join my Republican friends in any proper reduction of the tariff that shall include sugar as well as anything else, but I am not going to agree, if I can help it, to reducing the duty on the only article in which the American farmer is directly interested and keeping up the duty on everything else.

Mr. PLATT of Connecticut. Mr. President, I regret that at this period of the session, when we are all looking to an early adjournment and when business is pressing so that every Senator feels the pressure of it, upon a bill for the consideration of which the Senator from Pennsylvania [Mr. QUAY] had obtained unanimous consent, the Senator from Colorado [Mr. TELLER] should have thought it necessary to occupy so much of the time of the Senate as he has occupied in an attack by the beet-sugar trust upon the sugar-refining trust. It is outside of the question whether this country ought to enter into close and closer reciprocal arrangements for trade with the new Republic to which she has given birth and which for good or for evil is to be our immediate neighbor; and no discussion like that we have listened to this afternoon, no effort to excite prejudice against a sugar trust, no effort to make the community believe that any such reciprocal trade arrangement would injure the beet-sugar industry of this country is going to affect very much one way or the other this issue. It is made up; and from such statements as have been made here this afternoon, largely based upon the speculative imaginings of a witness employed by the beet-sugar lobby here, I appeal to the American people.

They understand this question. They understand perfectly well that no arrangement which has been proposed for extending American trade into Cuba and aiding Cuban trade within the island is going to hurt the beet-sugar industry of this country one particle, and the Senator himself acknowledges it. The Senator said that if the friends of beet sugar could have been sure that there would have been a reduction of only 20 per cent on Cuban sugar they would not have opposed it, because they did not suppose it would interfere with their industry. Why, then, all this talk to which we have listened this afternoon? No; this question——

Mr. TELLER. I want to interrupt the Senator to say that when he gets through I will make that statement correctly. He does not make it correctly.

Mr. PLATT of Connecticut. I do not wish to misquote or to misapprehend the Senator, and I will wait for him now to make his statement.

Mr. TELLER. Go on. I will tell you when you get through.

Mr. PLATT of Connecticut. That is certainly what I understood the Senator to say.

But this question is above any such considerations as have been presented to the Senate this afternoon. It is a question of political policy for the United States, and the most important question of foreign policy or domestic policy, outside of the immediate continental area of the United States, which has been presented to Congress in many a year.

For three-quarters of a century the question, What was to be the future of Cuba—what was to be its future attitude to and relations with the United States—has engaged the attention of the wisest and ablest and most farseeing of our statesmen and public men. Everybody has seen and everybody knows to-day that there is just one question, as there has been but one question, before the American people with regard to our neighbor, now a neighboring Republic. It is this: Whether Cuba is to be occupied and governed by a friendly power, so that it shall be in time of trouble an outpost of our defense, or whether it is to be in the hands of an unfriendly and hostile people, until for self-defense the United States must needs take possession of it and incorporate it into our system.

In my mind it is not so much a question of relief for Cuba, though I think, notwithstanding all that has been said by the Senator from Colorado, that events in the near future will show that the condition of Cuba is such that it would have been not only an act of generosity but an act of wisdom to have extended some relief to Cuba. It is more than that. It is protecting the United States in one of its most vital points. It is an act of self-defense for the United States that, in the language of President McKinley,

we should see that with our close neighbor, Cuba, we must be close friends. I have not the time to extend these remarks so as to follow the Senator from Colorado in all the statements he has made, and I do not stop now to dwell on the commercial importance of close and closer trade relations with Cuba.

I do not stop to dwell upon the fact that there is in this whole world to-day no place where we can so quickly, so surely, and so largely extend our foreign trade as in the island of Cuba. I could demonstrate it if I had the time. But I simply want to protest here to-day that this question will not down before the American people because some have seen fit to try to make it revolve around a prejudice against the sugar trust in the United States, or because some people have unjustly and, as I believe, without foundation, tried to convey the idea that by this means there would be some destruction of or injury to the American beet-sugar industry.

Seventy-five per cent of the people of the United States, unless I am mistaken, are going to be disappointed and chagrined and humiliated because Congress is going to adjourn without having acted upon this very important question. That humiliation, that disappointment, and that chagrin will not down, Mr. President. The people of the United States see through all these things and are not going to be diverted in their sense of what we, in justice and self-interest, owe to Cuba and ourselves in this matter, by anything which may be alluded to for the purpose of obscuring the real issue in this matter. That sentiment will grow, as it ought to grow.

I do not know, Mr. President, that I care to say more in this matter. I desire to say here that from the day Cuba came into our military occupation I have seen or thought I saw that there could be but one ending to this matter—either that we must come into such economic relations with Cuba as would give that Republic, created by us—in a measure shut off from profitable communication with the rest of the world—such fair prosperity as would produce contentment and happiness and affection for the United States, or on the other hand such a condition in Cuba as would eventually compel us to accept at the hands of the disappointed people of Cuba an offer for annexation to the United States.

I regard that, Mr. President, as the greatest peril which to-day besets our Government. I can think of no future danger to be so much apprehended as that. When we begin to annex to our country foreign territories with foreign inhabitants, inhabitants alien to our race, to our habits, to our customs, to our traditions, and to our institutions, with the near certainty that statehood is to follow, we shall have taken the first step, in my judgment, toward the demoralization, if not the disintegration, of our republican institutions. I want it to end by the maintenance in Cuba of a friendly, affectionate, independent republican form of government, whose people will know that they can always rely upon the United States in an emergency to continue that independent, republican, and affectionate government.

Mr. President, I think we have come to a crisis in our affairs. I think we have one plain duty, and that is so to treat Cuba, with reference to her commercial relations to the United States, as that we may make and keep her our friend. I stand for a permanent republic in Cuba. If the amendment, which I had the honor to present to the Army bill at the last session, meant anything it meant that Cuba was not only to have its independence, but that the United States stood and would stand ready at hand to see that that independent and republican government was permanent in the island of Cuba.

I am not going to talk about whether there is distress in Cuba. Time, and time not very remote, will show; but I do believe that the best interests of that people and the best interests of the United States, the best interests of that Government and of our Government should lead us to such close reciprocal, commercial, and political relations as that we shall always be friends and shall not be called upon to absorb Cuba.

Mr. TELLER. Mr. President, I do not know whether the time has quite come when the Senator from Connecticut [Mr. PLATT] can lay out for me what shall be my course; but I think that while I remain in the Senate I shall exercise my judgment as to when it is proper for me to take the floor to speak upon a subject. I will hardly ask permission from the Senator from Connecticut.

Mr. President, if we owe anything to Cuba, we owe it to all the Southern Republics. We owe it to Mexico; we owe it to Guatemala, Costa Rica, Colombia, and the whole line of Spanish-speaking people in the Western Hemisphere. The Senator did not have time to tell us why we owe anything to Cuba. Of course, he calls attention to the fact that there is a place for us to extend our commerce. That is a second thought in connection with this question. There was no suggestion six months ago that it was necessary to extend our commerce in order to help Cuba. We were to help Cuba because she was in such dire distress; and when it was proved that there was no distress there, that there was no foundation for that statement, then the Senator and his confreres shifted their position and concluded it was a great question of domestic policy for us and for Cuba that we should enter into this reciprocal arrangement and expand our commerce in Cuba.

The population of Cuba is not very much different in size from the population of Michigan. Michigan has a very large industry threatened by this sort of legislation, and her commerce with the other States that deal with her is worth more in one single year than Cuba's commerce would be worth in ten. The population of Colorado is a little more than a third of the population of Cuba. We consume more every year of the things that New England and the other sections of the country produce that we do not produce than Cuba consumes in a single year.

ANNEXATION A BABY CRY.

Mr. President, the Senator now thinks to frighten us by suggesting, and we have had that ad nauseum, that if we do not yield to this demand we are going to annex these people.

That is a baby cry, if I may say it without being offensive. It is childish. I would infinitely prefer to have close political relations with those people if we are to have commercial relations of the character that the Senator proposes. We would then have some control. He does not propose any control over anything of importance.

I wish to say here that I have been connected with the investigation of this question now for two months. I know very well that this movement was never started by anybody who wanted to help Cuba. On the contrary, it was started in the interest of American holders of land in Cuba. It started in the interest of the great American sugar trust, and if there is a public sentiment, as the Senator from Connecticut says there is, if it is true that 75 per cent of the people of the United States are in moral distress because we have not come up to the great duty we owe to Cuba, it is because they have been deceived by purchased newspapers and by published falsehoods that have been sent out and paid for either by the money of Cuba or by the money of the sugar refiners of the United States.

Now, the Senator talks about the beet trust. He knows just as well as I do that there is not a beet trust in this country, and there never has been. He knows that is not a fact. There never has been any beet trust.

I do not want to debate this question with much warmth, although I must say that I do not think that under the pretense of helping Cuba we ought to undertake to help somebody else. I want to know why the people who live in the United States and produce more than one-half the sugar of Cuba should be paid a bounty, and a bounty, too, that you propose to take from the American sugar producer. If you took the money out of the Treasury of the United States, the process would be objectionable, but it would not be so objectionable as it is to take it from the beet-sugar makers alone.

Mr. President, the Senator from Connecticut seems to think the moral sense of the country is shocked by the failure of this legislation. I want the Senator to tell us why in the name of common sense there is not a bill here for this purpose. Why is there not a bill before the Senate? Why has the bill not been reported from committee? There would have been a bill here, the bill which came from the House would have been here if that body had not taken off the differential duty on refined sugar. If the sugar trust had not got a lick of 12½ cents a hundred on its refined sugar the bill would have got out of the committee and would be now in the Senate. That is the reason why it is not here now. We on this side were prepared to take that bill as it came from the House, and we will take it now, if the professed advocates of reciprocity will let us have it.

I did not say, and the RECORD will not show that I said, that a reduction of 20 per cent would not injure us. I said we would have conceded that reduction if we had known that the reduction would stop there, even if it did hurt us, and if we had believed that the people of Cuba were in such distress as that it was necessary to make the concession. When we were appealed to to help suffering Cuba a good many on this side of the Chamber replied, "You can take out of the Treasury money and vote it to Cuba if you will see to it that it reaches the Cuban sugar growers and not the sugar trust," and such a measure could have been passed if the Senator from Connecticut had been as anxious to pass that bill as he now seems to be to pass his own bill. You could have passed a bill here that would put into the hands of the present Executive a sum equivalent to the total that would be represented by the reduction you proposed—20 per cent or 25 per cent—to be paid out to the actual producers of sugar in Cuba—Cubans—and not to great syndicates and trusts in the United States.

The truth is the anxiety and the power back of it have not come from a desire to help Cuba. It has been a desire to take care of the people who have gone from the United States down there and bought land; to take care of American citizens living in the United

States and holding interests in Cuba. It has been their influence which has been felt here, and it is not the sentiment of the American people, in my judgment, that we owe anything to Cuba any more than we owe something to Guatemala or Mexico or any other of the Republics of the earth.

Mr. President, I want to say another thing while I am on my feet, and I think I say it with some knowledge of the conditions in Cuba. The great mass of the people of that island do not want to be annexed to the United States. The men who would not take Cuban citizenship and who have maintained their citizenship with Spain want the islands to be annexed. Also the men who have gone down there from this country and bought hundreds of thousands of acres of cheap land favor annexation, that they may exploit their purchases. Those are the classes of men who want annexation. The men who carried the banner of Cuba and fought Spain do not want it, and they would not have it unless you forced it on them, and you could not do that without a war. There is no danger because we do not give them a reduction of 20 per cent in the duty on sugar that they will come to us and say "you must admit us into the Union." If they do come it will be for us to determine whether we are to admit them or not.

Mr. President, I am not one of those who are very much frightened about the admission of Cuba, as the Senator appears to be. I do not want to admit Cuba. I do not believe it would be profitable for Cuba or for our own people to make Cuba a State in the Union to-day. I do not believe it would be profitable for us to make the Philippine Islands a State or several States in the Union. I want to see Cuba have a government of her own, and she will maintain a government of her own if she is not interfered with by people from this side. If you will keep hands off of Cuba, and if the men or combinations of men who have gone down there and bought 100,000 and 150,000 acre tracts of land will be kept from dominating the conditions in Cuba you will have no application whatever for annexation from Cuba.

I think when that application comes, if it does come, we will probably have virtue enough in the United States not to admit Cuba if it is not for our interest to do so. I do not think it is necessary that we should change our tariff laws and that we should encourage competition with our sugar growers by the people of Cuba by giving them a bounty of 20 per cent over anybody else in the world so that they might compete with us in order to prevent Cuba from going into disorder. I think that view is a slander upon Cuba, Mr. President. That is not the way for us to maintain the friendly relations the Senator talks about.

I wish to repeat that so far as I am concerned I would do anything it was proper to do for Cuba. If it were necessary to vote money out of our Treasury, I would aid in such a movement. We voted $3,000,000 one time after the war was over to pay the soldiery of Cuba, and I would vote another $3,000,000 to maintain order and quietude in that Republic, if necessary. But there is no sign to-day, nor has there been since the Cuban Government went into operation, of any necessity for assistance from us, financially, morally, or in any other way.

An act (H. R. 12765) to provide for reciprocal trade relations with Cuba.

Be it enacted, etc., That for the purpose of securing reciprocal trade relations with Cuba, the President is hereby authorized, as soon as may be after the establishment of an independent government in Cuba and the enactment by said Government of immigration, exclusion, and contract-labor laws as fully restrictive of immigration as the laws of the United States, to enter into negotiations with said Government with a view to the arrangement of a commercial agreement in which reciprocal and equivalent concessions may be secured in favor of the products and manufactures of the United States by rates of duty which shall be less by an amount equivalent to at least 20 per cent ad valorem upon such products and manufactures than the rates imposed upon the like articles when imported into Cuba from the most favored of other countries, and which shall not be greater than the rates imposed by the United States upon the like articles imported from Cuba; and whenever the Government of Cuba shall enact such immigration, exclusion, and contract-labor laws, and shall enter into such commercial agreement with the United States, and shall make such concessions in favor of the products and manufactures thereof as aforesaid, and which agreement, in the judgment of the President, shall be reciprocal and equivalent, he shall be authorized to proclaim such facts both as to the enactment of such immigration, exclusion, and contract-labor laws and the making of such agreement; and thereafter until the 1st day of December, 1903, the imposition of the duties now imposed by law on all articles imported from Cuba, the products thereof, into the United States shall be suspended, and in lieu thereof there shall be levied, collected, and paid upon all such articles imported from Cuba 80 per cent of the rate of duty now levied upon like articles imported from foreign countries.

And upon the making of said agreement and the issuance of said proclamation, and while said agreement shall remain in force, there shall be levied, collected, and paid, in lieu of the duties thereon now provided by law, on all sugars above No. 16 Dutch standard in color and on all sugar which has gone through a process of refining, imported into the United States, 1 cent and eight hundred and twenty-five one-thousandths of 1 cent per pound. The President shall have power, and it shall be his duty, whenever he shall be satisfied that either such immigration, exclusion, or contract-labor laws or such agreement mentioned in this act are not being fully executed by the government of Cuba, to notify such government thereof, and thereafter there shall be levied, collected, and paid upon all articles imported from Cuba the full rate of duty provided by law upon articles imported from foreign countries.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the House had passed with amendments the bill (S. 5383) providing that the circuit court of appeals of the fifth judicial circuit of the United States shall hold at least one term of said court annually in the city of Atlanta, in the State of Georgia, on the first Monday in October in each year; in which it requested the concurrence of the Senate.

CIRCUIT COURT OF APPEALS.

Mr. BACON. I ask the Chair to lay before the Senate the bill which has just been returned from the House of Representatives with amendments, in order that I may move that the Senate concur in the amendments of the House of Representatives.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 5383) providing that the circuit court of appeals of the fifth judicial circuit of the United States shall hold at least one term of said court annually in the city of Atlanta, in the State of Georgia, on the first Monday in October in each year; which were, on page 2, line 2, after the word "act," to insert:

Provided, That nothing herein contained shall prevent the court from hearing appeals or writs of error wherever the said court shall sit in cases of injunctions and in all other cases which under the statutes and the rules, or in the opinion of the court, are entitled to be brought to a speedy hearing.

And after line 9, on page 2, to insert the following as a new section:

SEC. 5. That the clerk of said court is authorized and permitted to pay out of the fees and emoluments of his office, (1) the necessary expenses incurred by him in transporting from his office in New Orleans, La., to Atlanta, Ga., and in transporting from Atlanta, Ga., to New Orleans, La., the records, books, papers, files, dockets, and supplies necessary for the use of the court at its terms to be held in Atlanta, Ga.; (2) and allowance for actual expenses not exceeding $10 per day, to cover travel and subsistence, for each day he may be required to be present at Atlanta, Ga., on business connected with his said office, such expenses and allowance to be approved and allowed by the senior circuit judge of the fifth judicial circuit.

Mr. BACON. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

SOUTH CAROLINA DISPENSARY LAW.

Mr. TILLMAN. I ask leave to make a request for publication in the RECORD and as a document of an article which I send to the desk, relating to the South Carolina dispensary law. I am pestered almost beyond endurance by inquiries from all over the United States, and I have letters every week asking me about the details of our whisky legislation in South Carolina. This will enable me to answer a great many of them by simply mailing a copy of this document, which will be of interest to everybody.

The PRESIDENT pro tempore. The Senator from South Carolina asks unanimous consent of the Senate that there be printed as a document an article in relation to the dispensary law of South Carolina.

Mr. TILLMAN. And also that it go into the RECORD.

Several SENATORS. Oh, no.

Mr. BACON. Why does the Senator want it in the RECORD?

Mr. TILLMAN. It is only a short article about two columns long.

The PRESIDENT pro tempore. The Senator from South Carolina asks that the matter referred to be printed in the RECORD. Is there objection? The Chair hears none, and it will be printed in the RECORD and as a document.

The article referred to is as follows:

[The Press and Banner, Abbeville, S. C., Wednesday, June 25, 1902.]

FLORIDA SEEKING LIGHT ON THE DISPENSARY LAW.

Senator P. W. Butler, of Leesburg, Fla., has written to the Greenville News, seeking information as to the practical workings of the dispensary law in South Carolina. As the reports of no two men who disagree are likely to agree, so the reports of men who oppose the dispensary and those who favor the dispensary can not be along the same lines. Mr. Butler can, by writing to the editors of the city newspapers and men who favor the license system, get one opinion, and from those who favor prohibition and support the dispensary because of its prohibitive features, he can get another opinion.

In reaching the answer to his letters Mr. Butler should find out the personal feelings, prejudices, or convictions of his correspondent. The standpoint from which the writer views the matter may give color to his convictions.

For instance: This editor has been a prohibitionist all his life, and has worked against the sale and use of liquor during a lifetime of more than sixty years. He was as strongly opposed to the dispensary as anybody could have been, but since it was forced upon the town this editor has become an unalterable convert to the system of controlling the sale of liquor. Our reasons for supporting the law may be colored by some of these reasons:

1. It gives absolute prohibition from sunset to sunrise, as well as from sunset Saturday to sunrise Monday.

2. Drunkenness has almost disappeared from our streets. In former times it was by common consent thought proper for ladies to stay off of our streets on Saturday and sale day.

3. The habit of treating has been broken up, root and branch. This school for training drunkards has entirely disappeared, and it is hoped that, when these drunkards end their days, drunkenness will be unknown.

4. The bars were formerly kept open until a late hour at night, and their back doors were not always kept closed on Sunday. The places for temptation have been closed and no man can buy liquor at night.

5. The dispensary commends itself to temperance people because no liquor is sold on credit. No man may pledge his week's wages or his wife's jewelry for drink. The cash must be paid at the time of purchase, and this fact of itself is a great restraint.

6. If men must have liquor they may rely implicitly on getting what they call for and pay for.

7. No drinking is allowed on the premises, and few men will buy a pint to drink it out of the neck of a bottle behind a fence corner.

8. When the licensed bars were closed 999 houses were left for other and better business. The estimate is that 5,000 persons were actively engaged in the liquor traffic at that time.

9. Since the dispensary law, only about 100 houses are occupied with the liquor traffic. The number of employees has been reduced from 5,000 to perhaps 200 in the dispensaries throughout the State, while at the central office not over 500 persons are employed, largely women who wish to earn an honest sum.

10. The result of the dispensary, therefore, is to reduce the number of men and houses devoted to the business, the men from 5,000 to 700, the houses from 999 to 100.

11. The advantages of the change in Abbeville have been improvement of the streets and neighborhoods. Not long ago the nicest jewelry store that Abbeville ever had was in a storeroom from which liquor was retailed.

12. The post-office is located there now, and next door to it is our dispensary, where it was lately moved. In all of the United States, we presume, a post-office could not be found with only a brick wall separating it from a barroom.

13. The dispensary has been the death knell of pool and billiard playing, and places for the resort of mixed crowds of boys and men at night are no more.

14. The arrests for drunkenness in this town have been reduced to a minimum. They do not at all compare with former arrests.

15. If there is a sober man in Abbeville who would return to the barroom system or to prohibition—when we had free liquor—we do not know of the fact.

16. This editor has lived on the public square for forty years. In that time we have had high license, prohibition, license, dispensary.

17. Our testimony would be that prohibition gave us more drunkenness and more of a feeling of unrest than anything else. High license was the most veritable humbug. It deprived poor and honest men of the privilege of selling. It gave a few the monopoly, and then we had no confidence in the quality of the liquor sold, which was generally put in bottles which were short of their repute. For instance, so-called quart bottles were, with rarest exception, what are called "sixes," that is to say, six, and not four, contained a gallon. The dispensary gives full measure.

This, in brief, would be the testimony of an ardent temperance advocate. We are not willing to let go the substance of the prohibition which we now have for the shadow of total prohibition.

The larger cities and the daily newspapers of Florida, would, in all probability, fight the dispensary for various reasons, one of which is it removes the liquor dealers from politics. The barkeeper and the church deacon who rents him a house would fight the measure, and any intelligent or sensible man knows whether whisky does not control the local elections. If for no other reason, this of itself would commend the dispensary to temperance people.

This newspaper has never looked particularly to the profits arising from the dispensary. The question as to the disposition of the half million dollars' profit has been a matter of concern. If we sell dispensary liquor at cost, we encourage liquor drinking. If we sell at a higher price, we restrain the sale. For this reason we favor the higher price of dispensary liquor. The profits to this county last year was $10,182.81, one-half going to the town, the other half to county expenses. The State's profit was added and charged in Columbia, before it was received in Abbeville, and our profits are therefore over and above the State's share.

REQUEST FOR PRINTING.

Mr. CARMACK. Mr. President, I wish to ask leave to print some matters in the RECORD, being extracts from testimony before the Senate committee and from official documents in reference to the charges of cruelty alleged to have been perpetrated in the Philippine Islands.

Mr. ALDRICH. In the absence of the chairman of the committee [Mr. LODGE], I feel obliged to object.

Mr. CARMACK. Does the Senator from Rhode Island object?

Mr. ALDRICH. I do.

Mr. CARMACK. I have the floor, Mr. President?

Mr. ALDRICH. The Senator from Pennsylvania [Mr. QUAY] has the floor.

Mr. CARMACK. If I can have the opportunity to make the request in the presence of the Senator from Massachusetts [Mr. LODGE], I will wait. I do not know when I shall have the opportunity, or whether I shall have an opportunity to get the floor or not.

I will say in this connection, Mr. President, that in the course of my speech on this question I expressed my intention of including this testimony with my speech and I thought I had asked permission to do so. I remember that the Senator from Indiana [Mr. BEVERIDGE] and I were then engaged in a colloquy and he remarked that he would have no objection to its being done. But I find in looking over the report of my remarks that I did not ask and obtain permission to print it and I make that request now. The Senator from Indiana made a like request and it was granted.

Mr. ALDRICH. I did not object to the publication of the matter the Senator referred to for any purpose of making that objection final, but I thought that as long as the committee was not represented by the chairman upon the floor, or as far as I could see by any Republican member, the request should be deferred.

Mr. CARMACK. The Senator from Indiana [Mr. BEVERIDGE] was here a moment ago.

Mr. ALDRICH. I suggest to the Senator that it is far more in accordance with my notion of comity between Senators that he should make the request when the Senator from Massachusetts [Mr. LODGE] is here.

Mr. CARMACK. The Senator from Maryland [Mr. MCCOMAS] is a member of the committee, and he is present. I am sure there will be no objection from any member of the committee.

Mr. MCCOMAS. I concur in the suggestion of the Senator from Rhode Island that the Senator from Tennessee defer his request until to-morrow, when I suppose the chairman of the committee will be here.

Mr. ALDRICH. The Senator from Massachusetts will certainly be here to-morrow.

The PRESIDENT pro tempore. The Chair will recognize the Senator from Tennessee at any time.

PRINTING OF DOCUMENTS.

Mr. CARMACK. Very well. I wish to ask consent to print some other matters in the RECORD. I will say before doing so that I am not going to try to coerce the Senate into it. They are matters in regard to the steel trust, the wire-rope trust, and the sugar trust.

Mr. ALDRICH. It had better be printed as a document. That kind of material ought not to be printed in the RECORD at an immense cost to the Government. The Government ought not in any form to be made responsible for statements of that kind.

Mr. CARMACK. That will suit me just as well.

Mr. PATTERSON. As a document?

Mr. CARMACK. As a document.

Mr. COCKRELL. As a document?

Mr. CARMACK. I will request that the matter be printed as a document.

Mr. BACON. As one document?

Mr. CARMACK. No; as three separate documents.

The PRESIDENT pro tempore. The Senator from Tennessee asks that the papers he sends to the desk may be printed as three separate documents. Is there objection?

Mr. ALDRICH. I will not object, but I think it is hardly fair toward all the people of the United States that the Government should be used to print and circulate documents for political purposes by any political party.

The PRESIDENT pro tempore. The Chair hears no objection, and the order is made.

CHEROKEE INDIAN LANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 5956) to provide for the allotment of the lands of the Cherokee Nation, for the disposition of town sites therein, and for other purposes.

The PRESIDENT pro tempore. Will the Senate agree to the amendment of the Committee on Indian Affairs as amended?

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TAXATION IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. Mr. President, that there may be no misunderstanding, I will state that some two hours ago the Senate kindly gave unanimous consent that at the conclusion of the bill which was then under consideration and which has just passed, I might ask for the consideration of two House bills relating to the District of Columbia, that it is very important should be passed.

I ask the Senate to proceed to the consideration of the bill (H. R. 11400) to amend an act entitled "An act in relation to taxes and tax sales in the District of Columbia," approved February 28, 1898.

The PRESIDENT pro tempore. Did the Senator obtain unanimous consent that the bill might be taken up for consideration?

Mr. GALLINGER. I did, I will say to the Chair.

The PRESIDENT pro tempore. Then the bill is before the Senate for consideration.

The Senate, as in Committee of the Whole, proceeded to the consideration of the bill, which had been reported from the Committee on the District of Columbia with amendment.

Mr. GALLINGER. I ask unanimous consent that the formal reading of the bill may be dispensed with, and that the bill be read for action on the amendments.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent that the formal reading of the bill be dispensed with, that it be read for amendment, and that the committee amendments shall first receive consideration. Is there objection? The Chair hears none.

The Secretary proceeded to read the bill.

The first amendment of the Committee on the District of Columbia was, on page 2, line 4, after the words "Monday in" to strike out "March" and insert "February;" so as to read:

That the said Commissioners shall give notice, by advertising twice a week for three successive weeks, beginning on the third Monday in February of each year hereafter, in the regular issue of three daily newspapers published in said District, that the said pamphlet has been printed and that a copy thereof will be delivered to any taxpayer applying therefor at the office of the collector of taxes of said District, etc.

The amendment was agreed to.

The next amendment was, on page 3, line 3, after the words "SEC. 3." to strike out:

That every purchaser other than the District at any sale of property sold as aforesaid shall pay the amount of his bid to the collector of taxes within five days after the last day of sale. If any such purchaser shall not have paid his bid or the same shall not have been collected from him within the time above mentioned, the Commissioners may set aside the sale for which the bid was made, and all the rights of the purchaser under such bid shall thereby be extinguished.

And to insert:

That the collector of taxes shall require from every purchaser of property sold as aforesaid a deposit sufficient, in his judgment, to guarantee a full and final settlement for such purchase. Every purchaser other than the District of Columbia at any sale of property as aforesaid shall pay the full amount of his bid, including surplus, if any, to the collector of taxes within five days after the last day of sale, and in case such payment is not made within the time specified the deposit of the person so failing to make payment shall be forfeited to the District of Columbia, and said collector of taxes shall then issue the certificate of sale for such property to the next highest bidder, and if payment of the amount of the bid of said next highest bidder be not made within two days thereafter the Commissioners of the District of Columbia shall set aside both sales for which the bids were made.

The amendment was agreed to.

The next amendment was, on page 4, line 9, after the word "sale," to insert "exclusive of surplus;" so as to read:

Immediately after the close of the sale, upon payment of the purchase money, the said collector of taxes shall issue to the purchaser a certificate of sale, and if the property shall not be redeemed by the owner or owners thereof within two years from the last day of sale, by payment to the collector of taxes of said District, for the use of the legal holder of the certificate, the amount for which it was sold at such sale, exclusive of surplus, and 12 per cent per annum thereon, a deed shall be given by the Commissioners of the District, or their successors in office, to the purchaser at such tax sale, his heirs or devisees, or to the assignee of such certificates, etc.

The amendment was agreed to.

The next amendment was, on page 6, line 22, after the word "thereof," to strike out "the Commissioners of the District of Columbia, through;" on page 7, in line 3, after the word "sale," to strike out "reciting the time when same was bid off as aforesaid and the amount paid by the person or persons to whom such certificate may be issued;" in line 7, after the word "date," to strike out "when bid off by the collector" and insert "of said certificate;" and in line 10, after the word "amount," to insert "(exclusive of surplus);" so as to read:

Provided, however, That failure on the part of the District, from any cause whatsoever, to enforce the liens acquired aforesaid shall not release the property from any tax whatsoever that may be due the D strict: *Provided further*, That at any time after any property shall have been bid off as aforesaid by the collector of taxes, and before the expiration of the time allowed for the redemption thereof, the collector of taxes of said District may issue to any person or persons, upon the payment of a sum not less than the aggregate amount of the taxes, penalties, and costs due at the time the property was bid off by the collector and that may have accrued after that date, a certificate of sale; and if the property shall not be redeemed by the owner or owners thereof within two years from the date of said certificate, by payment to the collector of taxes of said District, for the use of the legal holder of the certificate, the amount (exclusive of surplus) paid by the person or persons to whom such certificate was issued and 12 per cent per annum thereon, a deed shall be given by the Commissioners of the District of Columbia, or their successors in office, to the legal holder of such certificate.

Mr. GALLINGER. Let the parentheses before and after the words "exclusive of surplus" be stricken out. There is no need for them.

The PRESIDENT pro tempore. The parentheses will be stricken out. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, on page 8, line 11, after the word "for," to insert "exclusive of surplus;" and in line 13, after the word "sale," to strike out:

Together with any tax or assessment which the holder of said certificate shall have paid between the days of sale and redemption, with interest on the same at the rate of 8 per centum per annum,

So as to read:

That the owner of any property sold as aforesaid, or any other person having an interest therein at the time of redemption, may redeem the same from such sale at any time within two years after the last day of sale by paying to the collector of taxes, for the use of the purchaser, his heirs and assigns, the sum mentioned in the certificate of sale therefor, exclusive of surplus, with interest thereon at the rate of 12 per centum per annum after the date of such certificate of sale.

The amendment was agreed to.

The next amendment was, on page 9, line 1, after the word "collected," to strike out "as provided in sections 161 and 162, chapter 6, of the Revised Statutes of the United States, relating to the District of Columbia," and insert "as hereinbefore provided for;" and in line 8, after the word "District," to insert:

Provided, That if any property sold for taxes, as herein provided, is redeemed from such sale within two years from last day of sale, any surplus paid at time of sale shall be paid by the District of Columbia to the legal holder of certificate of sale.

So as to read:

That the collector of taxes shall, within twenty days, exclusive of Sundays and legal holidays, after the last day of the sale hereinbefore provided for as aforesaid, file with the recorder of deeds a written report, in which he shall give a statement of the property sold, other than that sold to the District of Columbia, to whom it was assessed, the taxes due, to whom sold, the amount paid, the date of sale, the cost thereof, and the surplus, if any. Any surplus remaining after the collection of taxes, penalties, and costs on any real estate shall be collected as hereinbefore provided for, and shall be deposited by the collector of taxes to the credit of the surplus fund, to be paid to the owner or owners, or their legal representatives, in the same manner as other payments made by the District: *Provided*, That if any property sold for taxes, as herein provided, is redeemed from such sale within two years from last day of sale, any surplus paid at time of sale shall be paid by the District of Columbia to the legal holder of certificate of sale.

The amendment was agreed to.

The next amendment was, on page 9, line 18, after the words "per annum," to insert "and the surplus, if any," and in line 20, after the word "assigns," to insert:

Provided, That if any conveyance made by the said Commissioners, of property sold for taxes, shall at any time be set aside by decree of any court as invalid, the party in whose favor the decree is rendered shall pay to the party holding such conveyance, his heirs or assigns, the amount paid for such taxes and conveyances, together with interest at the rate of 6 per cent per annum.

So as to read:

That the said Commissioners shall not convey any property sold for taxes if they shall discover, before the conveyance, that the sale was for any cause invalid and ineffectual to give title to the property sold; but they shall cancel the same and cause the purchase money, together with interest at the rate of 6 per cent per annum, and the surplus, if any, to be refunded to the purchaser, his representatives or assigns: *Provided*, That if any conveyance made by the said Commissioners, of property sold for taxes, etc.

The amendment was agreed to.

The next amendment was, on page 10, after line 5, to insert:

SEC. 8. That in the District of Columbia all property, except that owned by the United States or the District of Columbia, shall be subject to assessments for water-mains and local improvements; and only such property used for educational purposes as is not used for private gain shall be exempt from general taxation.

Mr. GALLINGER. Let section 8 be disagreed to. That has been taken care of in an appropriation bill.

The amendment was rejected.

The next amendment was, on page 10, after line 11, to insert:

SEC. 9. That hereafter the assessor of the District of Columbia shall have the records of his office open to inspection of the public, free of charge, at such time or times as the public interest will permit.

The amendment was agreed to.

The next amendment was on page 10, after line 15, to insert:

SEC. 10. That hereafter the rate of taxation on all real estate in the District of Columbia, including improvements thereon, shall be uniform, not exceeding $1.50 on each $100 of assessed valuation; and that whenever a subdivision of any portion of said real estate is made and recorded with the surveyor of the said District, the board of assistant assessors of said District are hereby authorized and directed to reassess said property so subdivided, and the tax on said reassessment shall be due and payable at the semiannual payment of taxes next following said reassessment.

SEC. 11 That in all cases where assessments of benefits for street extensions in the District of Columbia have been, or may hereafter be, levied, payment of the same shall be made in five equal annual installments, with interest at the rate of 4 per cent per annum until paid: *Provided*, That in all cases of payment the accounting officers of the District shall take into account the assessments for benefits and the awards for damages.

Mr. GALLINGER. The amendment included in sections 10 and 11 has likewise been taken care of in the appropriation bill. I ask that it be rejected.

The amendment was rejected.

Mr. COCKRELL. I was going to call attention to section 11. That has been covered in the appropriation bill.

Mr. GALLINGER. Section 10 likewise.

Mr. COCKRELL. Yes.

The next amendment was, on page 11, line 13, after the word "repealed," to insert the following proviso:

Provided, That nothing herein contained shall be construed as reducing the present rate of interest to be paid in redemption of any tax certificate issued to any purchaser other than the District of Columbia upon any sale held prior to the 1st day of July hereafter.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

DISTRICT STREET RAILROADS.

Mr. GALLINGER. I ask the Senate to proceed to the consideration of House bill 12805.

The bill (H. R. 12805) requiring the Anacostia and Potomac River Railroad Company to extend its Eleventh street line, and for other purposes, was considered as in Committee of the Whole.

Mr. GALLINGER. I move an amendment by striking out all after the word "avenue," in line 11, page 1, down to and including the word "authorized," in line 3, page 2, and inserting:

Provided, That until streets of suitable width to accommodate a double-track railway shall be opened substantially on a line northerly from the termini of the extension of the railway herein provided for and of the Metropolitan Railway on old Sixteenth street, cars may be switched on Lydecker avenue and on old Sixteenth street, respectively.

The amendment was agreed to.

Mr. GALLINGER. I move likewise to insert a new section as section 5.

The SECRETARY. Add as a new section:

SEC. 5. That the time within which the Washington and Gettysburg Railway Company shall construct its line within the District of Columbia is extended two years from March 1, 1903.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

FIRST REGIMENT OHIO VOLUNTEER LIGHT ARTILLERY.

Mr. FORAKER. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 619) providing for the recognition of the military service of the officers and enlisted men of the First Regiment Ohio Volunteer Light Artillery, to report it without amendment, and ask that the bill may be read—it is a very short one—and that it may be now considered.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. ALDRICH. That is a pretty important bill, and I suggest it ought not to be considered by unanimous consent.

Mr. FORAKER. The Senator from Rhode Island may have that impression, but I am sure if he would look at the bill a moment he would see that it ought to pass. There is nothing provided for in the bill except only that that command, a battery of light artillery which served three months under the first three-months' call during the civil war and was in a number of engagements in West Virginia, may be mustered. It was not mustered for the reason that it was a National Guard organization. It was ordered to report for duty in West Virginia under the officers of the Army of the United States. There was an urgent necessity for it. The mustering officer visited it when it was crossing the river at Marietta and Parkersburg, but the command was so hurried that it was impossible to stop to be mustered. They served clear through the three months' service without being mustered, and came home and were mustered out simply as a State organization.

They are to get no pay, no bounty, no allowances, no emoluments of any kind. It is simply a matter of satisfaction that they may be granted certificates of discharge as if they had been formally mustered into the service of the United States, as they were entitled to be at the time they rendered the service; but they did not have a chance to be so mustered when they should have been.

Mr. ALDRICH. How does it happen, if the Senator from Ohio will permit me to ask him a question, that this action has not been taken before?

Mr. FORAKER. It has been taken repeatedly in the House, and bills have been passed through that body, but always, for some reason or other, in the Senate such bills have failed to pass. This is the Cleveland Battery, and General Barnett, who was one of the most distinguished soldiers in the Union Army, was the colonel of it. My colleague is familiar with the matter, and will sustain all I say regarding it.

Mr. ALDRICH. Will the bill permit the granting of a pension for less than ninety days' service?

Mr. FORAKER. I understand not.

Mr. GALLINGER. I was about to inquire if the bill did make these soldiers pensionable. There are thousands and thousands of men who served in the militia organizations under the control of the several States who are not pensionable under existing laws, and the Committee on Pensions have been careful not even to report special bills in their behalf, as we do not want to open that door.

Mr. FORAKER. This battery did not serve under officers of the State. It reported for duty to officers of the Union Army in West Virginia and was under the command of General McClellan. The battery was ordered to duty with the Fourteenth Regiment of Ohio Volunteer Infantry, commanded by General Stedman.

Mr. McCOMAS. How long did they serve?

Mr. FORAKER. They served three months, and then they were veteranized and mustered out as a State organization after their three months' service. They never were mustered in as part of the United States forces, but that was no fault of theirs. They were repeatedly in engagements during their three months' service in West Virginia.

I hope there will not be any objection to the bill. This measure has passed the House unanimously, and there is an extended report setting forth the merits of the case. As I understand it, the members of the regiment by the bill are cut off from the possibility of getting a pension by the proviso, which I will ask the Secretary to again read. The Senator from New Hampshire [Mr. GALLINGER] can tell better than I as to that.

The Secretary read as follows:

Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

Mr. McCOMAS. Is it the purpose that they shall have no pay or pension?

Mr. FORAKER. The bill provides that they shall receive no pay, bounty, or other emoluments.

Mr. McCOMAS. I suggest that the word "pension" should be inserted after the word "pay."

Mr. FORAKER. I will leave it to the Senator from New Hampshire [Mr. GALLINGER] to decide whether it is necessary to put anything more in the bill.

Mr. GALLINGER. My only apprehension is—of course, I do not want to obstruct the bill in any way—that it will open the door to all the State troops coming here and asking for pensions. I am very sure it will. I will suggest to the Senator, if this is a mere matter of justice to these men, a matter of patriotism, that the word "pension" be inserted after the word "bounty."

Mr. FORAKER. Very well; I have no objection to that being inserted.

The PRESIDENT pro tempore. The amendment proposed by the Senator from New Hampshire will be stated.

The SECRETARY. On page 2, line 6, after the word "bounty," it is proposed to insert the word "pension;" so as to read:

Provided, That no pay, bounty, pension, or other emoluments shall become due or payable by the virtue of the passage of this act.

Mr. FORAKER. I want to say, in answer to the suggestion of the Senator from New Hampshire, that I think this case is differentiated from all the others to which he referred, by the fact that this command did not serve under State officers at all, but it served with the regular Union Army in West Virginia under the command of General McClellan and General Rosecrans for three months and rendered very efficient and distinguished service.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from New Hampshire [Mr. GALLINGER].

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

DEPUTY COLLECTORS OF CUSTOMS AT TACOMA AND SEATTLE.

Mr. SPOONER. I am instructed by the Committee on Finance, to whom was referred the bill (S. 268) authorizing the Secretary of the Treasury to fix the salaries of the deputy collectors of customs at the subports of Tacoma and Seattle, in the State of Washington, and repealing all laws inconsistent therewith, to report it favorably with an amendment. I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment reported by the Committee on Finance was, at the end of section 1, to insert "such salaries, however, not to exceed the sum of $2,500 each per annum;" so as to make the section read:

That the annual salaries to be paid to the deputy collectors of customs of each of the United States subports, Tacoma and Seattle, in the State of Washington, shall be determined and fixed by the Secretary of the Treasury, who may raise or lower the same at his discretion as the business of the said ports shall warrant, such salaries, however, not to exceed the sum of $2,500 each per annum.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CORPORATIONS IN ALASKA.

Mr. WARREN. I ask unanimous consent for the present consideration of the bill (S. 6139) to provide for the organization of private corporations in the district of Alaska.

Mr. BEVERIDGE. I was about to ask for the consideration of the bill just named by the Senator from Wyoming [Mr. WARREN]. I am glad the Senator has asked to have it taken up.

Mr. WARREN. I will state that the bill is one which had the unanimous approval of the Committee on Territories, where it has been under consideration. I think there will be no objection to it.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS WILKINSON.

Mr. BERRY. I ask unanimous consent for the present consideration of the bill (H. R. 5453) granting an increase of pension

to Thomas Wilkinson. It will take not two minutes to pass it, and the beneficiary is a man who is 84 years old.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Thomas Wilkinson, late of Company G, First Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $12 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BALEY W. SMALL.

Mr. FAIRBANKS. I ask unanimous consent for the consideration at this time of the bill (H. R. 12026) granting an increase of pension to Baley W. Small.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Baley W. Small, late first lieutenant Company K, Seventy-seventh Regiment Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DISTRICT COURT IN LEWISBURG, W. VA.

Mr. SCOTT. I ask unanimous consent for the present consideration of the bill (S. 5732) establishing a regular term of United States district court in Lewisburg, W. Va. It is a very short bill to which there will be no objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment, to add to the bill the following proviso:

Provided, That accommodations for said term of court shall be furnished without cost to the United States.

So as to make the bill read:

Be it enacted, etc., That the regular term of the district court of the United States for the southern district of West Virginia shall be held in each year in the city of Lewisburg, W. Va., on the second Tuesday in February: *Provided*, That accommodations for said term of court shall be furnished without cost to the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN W. THOMAS.

Mr. PETTUS. I ask unanimous consent for the present consideration of the bill (H. R. 8644) granting a pension to John W. Thomas.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of John W. Thomas, late of Company D, Seventh Regiment United States Infantry, and to pay him a pension of $16 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

UMATILLA INDIAN RESERVATION.

Mr. MITCHELL. I ask unanimous consent for the present consideration of the bill (H. R. 9501) to provide for the sale of the unsold portion of the Umatilla Indian Reservation.

The PRESIDENT pro tempore. The bill will be read in full for the information of the Senate, subject to objection.

The Secretary read the bill, as follows:

Be it enacted, etc., That all the lands of the Umatilla Indian Reservation not included within the new boundaries of the reservation and not allotted or required for allotment to the Indians, and which were not sold at the public sale of said lands heretofore held at the price for which they had been appraised, and upon the conditions provided in an act entitled "An act providing for allotment of lands in severalty to the Indians residing upon the Umatilla Reservation, in the State of Oregon, and granting patents therefor, and for other purposes," shall be sold at private sale by the register of the land office in the district within which they are situated, at not less than the appraised value thereof, and in conformity with the provisions of said act: *Provided*, That any bona fide settler upon any of said lands who is the owner of substantial improvements thereon, and who has so settled and improved any subdivision of said lands, with the intent of permanently residing on the same as a homestead, shall have a preference right to buy the lands so settled upon by him at any time within ninety days after the passage of this act, upon making satisfactory proof in the local land office as to settlement, intent, and improvements.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. ALDRICH. That bill is a little too important to pass with unanimous consent.

Mr. MITCHELL. I hope the Senator will not object to this bill. It is a House bill which simply provides for the sale of a few lots which remain unsold in the Umatilla Indian Reservation.

Mr. ALDRICH. How much land is involved?

Mr. MITCHELL. Not very much; I can not say precisely how much; but the bill was carefully considered in the House and also by the committee in the Senate who reported it favorably.

Mr. ALDRICH. I suppose in Oregon 100,000 acres would not be considered much?

Mr. MITCHELL. This land is to be sold in lots of 40 acres.

Mr. ALDRICH. Do the homstead laws apply to this land?

Mr. MITCHELL. Where there are bona fide settlers on any of the lands who have made substantial improvements thereon, and only to that extent——

Mr. ALDRICH. Does this bill take those lands out from under the operations of the homestead act?

Mr. MITCHELL. What does the Senator mean?

Mr. ALDRICH. I mean, after this bill passes, can an actual settler go in and take a home on those lands under the homestead act?

Mr. MITCHELL. No, sir; it simply provides that those who are on the lands and who have made substantial improvements shall have the preference.

Mr. ALDRICH. But that land is open to homestead settlement, is it not?

Mr. MITCHELL. No, sir; it is not.

Mr. ALDRICH. Why not?

Mr. MITCHELL. Because it is included in this Indian reservation, and is subject to the provisions of the act cited in the bill.

Mr. ALDRICH. And that reservation has by law ceased to be an Indian reservation?

Mr. MITCHELL. These are lands belonging to the Indians.

Mr. ALDRICH. Formerly belonging to the Indians?

Mr. MITCHELL. They belong to the Indians yet. This bill provides for the sale of lands and the Indians will get the benefit.

Mr. ALDRICH. I still think the bill ought not to pass by unanimous consent, but I withdraw my objection to its consideration.

Mr. MITCHELL. The bill is all right. I am obliged to the Senator for withdrawing his objection.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JASON E. FREEMAN.

Mr. PATTERSON. I ask unanimous consent for the present consideration of the bill (H. R. 7013) granting an increase of pension to Jason E. Freeman.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "forty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jason E. Freeman, late of Company C, Sixth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MONUMENTAL COLUMN AT PRINCETON, N. J.

Mr. WETMORE. I am instructed by the Committee on the Library, to whom was referred the bill (S. 3850) in regard to a monumental column to commemorate the battle of Princeton, and appropriating $30,000 therefor, to report it favorably with amendment.

Mr. KEAN. I ask unanimous consent for the present consideration of the bill just reported by the Senator from Rhode Island.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment reported by the Committee on the Library was to strike out all after the enacting clause and insert:

That the sum of $30,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be expended by said association, under the direction of the Secretary of War, to aid in erecting and completing on the battlefield of Princeton, in the State of New Jersey, a suitable monument: *Provided*, That no part of the sum herein appropriated shall be available until the Princeton Battle Monument Association shall have raised an additional sum of $30,000, to be expended in the erection of said monument and in the purchase and improvement of the site. *And provided further*, That the design for said monument shall be approved by the Secretary of War.

Mr. SCOTT. I should like to ask if the bill has been referred to a committee, and if it has been reported favorably by the committee?

The PRESIDENT pro tempore. It was reported to-day.

Mr. KEAN. It was reported to-day.

Mr. SCOTT. I should like to have the report read.

Several SENATORS. Withdraw the request.

Mr. KEAN. Does the Senator wish to have his memory in regard to the battle of Princeton refreshed?

Mr. SCOTT. As Senators are in such a hurry, many of them having bills which they desire to call up, I withdraw the request to have the report read, but I do think it is bad legislation to rush through here a bill appropriating $30,000 without knowing something about it.

Mr. TELLER and Mr. BATE. That is right.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

CERTAIN NEW MEXICAN BONDS.

Mr. BEVERIDGE. I ask unanimous consent for the present consideration of the bill (H. R. 14383) to validate certain acts of the legislative assembly of the Territory of New Mexico with reference to the issuance of certain bonds. It is a very brief bill.

The PRESIDENT pro tempore. The Senator from Indiana asks unanimous consent for the present consideration of a bill which will be read for information.

The Secretary read the bill, as follows:

Be it enacted, etc., That the act of the thirty-fourth legislative assembly of the Territory of New Mexico entitled "An act providing for additional buildings for the New Mexico Military Institute at Roswell," approved February 20, 1901, and the act of the same assembly and session entitled "An act providing for additional buildings for the New Mexico Insane Asylum at Las Vegas," approved March 21, 1901, and the act of the same assembly and session entitled "An act to provide for the issue of bonds for the New Mexico College of Agriculture and Mechanic Arts," approved March 21, 1901, be, and each of said acts hereby are, approved, ratified, validated, and confirmed.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. BATE. Mr. President, I think the bill is rather objectionable. I do not think it ought to be passed now.

The PRESIDENT pro tempore. The Senator from Tennessee objects.

Mr. BATE. No, sir; I desire to say something in regard to it. I have the floor, I believe.

I wish to say in connection with this bill that while I would offer no objection to appropriations to eleemosynary institutions, while I do not object to allowing them to have buildings and making appropriations for that purpose, as I look at this——

Mr. BEVERIDGE. This is in no sense an appropriation, if the Senator will permit me.

Mr. BATE. I mean it gives the authority. The Senator has interrupted me and should explain. I understand there is a law, known as the Harrison law, by which the indebtedness of a county can not exceed 4 per cent for any purpose. This bill is brought here, asking permission of the United States to exceed that.

Mr. BEVERIDGE. No.

Mr. BATE. That is the way I understand it.

Mr. BEVERIDGE. Not at all.

Mr. BATE. Then you had better explain your bill.

Mr. BEVERIDGE. I am perfectly willing to do so, but the Senator was at the committee meeting. That is not the point which this bill means to reach at all.

Mr. BATE. It gives the privilege, as I understand it——

Mr. BEVERIDGE. Of exceeding the Harrison 4 per cent limit?

Mr. BATE. Yes.

Mr. BEVERIDGE. No.

Mr. BATE. As I understand it, this permits them to issue bonds not to provide buildings for these institutions, but to enlarge them. Is not that it?

Mr. BEVERIDGE. Not at all. The case briefly stated is this: Of course, if the Senator is going to object, I do not want to go into a discussion of the bill this evening; but the Senator from Tennessee has something else in mind. There is what is known as the Harrison Act with reference to Territories, which provides that they can not exceed in indebtedness the 4 per cent limit. Most of the bills that come before the committee which affect bonds are designed to cure that, where they expect to exceed that amount of indebtedness.

This is entirely different, however. The Congress granted to the Territory of New Mexico certain land for its school and educational purposes. Certain of these lands were assigned to these three institutions, one of which is an insane asylum, one of which is a college, and one of which is a military institute. They are sadly in need of buildings. This law provided that the rentals should be used for their maintenance and operation, and one thing and another. Now, it is found, in order to build the necessary buildings, that it is necessary to borrow money on those lands and to turn over the rentals so as to create a sinking fund for the payment of the bonds. It has nothing whatever to do with the Harrison Act.

The committee heard this matter. It is one which has already been passed upon by the Territory of New Mexico. The bill has been passed by the House; and, Mr. President, in all deference to the Senator from Tennessee, it is an entirely just and proper measure. The reason I call it up now is because it is exigent.

The bill, as I say, has been passed by the House, and we are within a few days of adjournment, and this measure should become a law for the purpose of affording the necessary relief to the insane asylum there and these other two institutions to which this land is already allotted. It simply provides that they may turn their rentals into a sinking fund to pay this mortgage indebtedness. It is not intended at all to cure the limitation of the Harrison Act.

Mr. BATE. They are to issue the bonds for the purpose of raising money?

Mr. BEVERIDGE. Yes.

Mr. BATE. It gives them authority to do that?

Mr. BEVERIDGE. Yes.

Mr. BATE. I do not object so much to aiding the insane asylum, but I do not approve of allowing the military institute there to be built up in this manner. The reason for my objection is this: The House has passed a bill giving statehood to the Territory. The measure has come to the Senate. It has been recently throttled here, you know, up to the present at least, but it is understood, with time set by agreement, that at the next session of Congress the Territory will be made a State.

I think it is better that there should be a legislature there independent of the Congress, representing those people, and that we should let that legislature enact such laws as are necessary in regard to these institutions and to furnish the money, if necessary, in the manner they think best for the purpose of enlarging these institutions. I beg pardon of the Senator from Indiana. This is not for the purpose of carrying on those institutions, as I understand.

Mr. BEVERIDGE. No; it is for buildings.

Mr. BATE. But it is for the purpose of enlarging the buildings of the institutions. They are good institutions now and are being carried on well and successfully. This is to enable them to enlarge the buildings. I do not think the necessity is so great that it can not be postponed until New Mexico becomes a State. That is the whole issue here.

Mr. BEVERIDGE. Does the Senator from Tennessee object?

Mr. BATE. I do not object to the consideration of the bill, but to the passage of the bill at this time.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. MORGAN. Mr. President, I have to object. I know a little about this matter, and I am satisfied there is at least one solid day's debate in it. I object.

The PRESIDENT pro tempore. Objection being made, the bill goes over.

RANSOM SIMMONS.

Mr. BURROWS. I ask unanimous consent for the present consideration of the bill (H. R. 12549) granting an increase of pension to Ransom Simmons.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment in line 8, before the word "dollars," to strike out "thirty-six" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ransom Simmons, late of Company K, First Regiment Michigan Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

AGREEMENT WITH KANSAS OR KAW INDIANS OF OKLAHOMA.

Mr. QUARLES. I ask unanimous consent that to-morrow morning after the routine morning business the bill (H. R. 12597) to accept, ratify, and confirm a proposed agreement submitted by the Kansas or Kaw Indians of Oklahoma, and for other purposes, may be taken up as the unfinished business.

Mr. ALDRICH. The rule to apply for to-morrow only.

The PRESIDENT pro tempore. The Senator from Wisconsin asks unanimous consent that on the completion of the routine business to-morrow morning the bill indicated by him may be

taken up for consideration, not to interfere with appropriation bills or conference reports, and only for the day. Is there objection? The Chair hears none, and the order is made.

THE SOCIETY OF THE ARMY OF SANTIAGO DE CUBA.

Mr. HANNA. I ask unanimous consent for the present consideration of the bill (H. R. 11656) to incorporate The Society of the Army of Santiago de Cuba.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CERTAIN PUBLIC LANDS IN NEW MEXICO.

Mr. GAMBLE. I ask unanimous consent for the present consideration of the bill (H. R. 11062) to amend an act entitled "An act to make certain grants of lands to the Territory of New Mexico, and for other purposes." I may state that the senior Senator from Wisconsin [Mr. SPOONER] on Tuesday asked that the bill go over. I do no understand that he has any further objection to it. The bill has been read.

Mr. ALDRICH. Let it be read again.

Mr. SPOONER. I asked that it might go over until I could examine it.

Mr. ALDRICH. It had better go over again.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill indicated by the Senator from South Dakota? It has been read in full, and in Committee of the Whole the amendments of the committee were agreed to.

Mr. ALDRICH. Let it be read again.

The PRESIDENT pro tempore. It will be read again.

The Secretary again read the bill.

Mr. PLATT of Connecticut. How much land is to be sold in any one tract?

The SECRETARY. Not to exceed 25,000 acres.

Mr. ALDRICH. In any one tract?

Mr. COCKRELL. Let the bill go over.

The PRESIDENT pro tempore. Objection is made, and the bill goes over.

DESERT-LAND ENTRIES IN YAKIMA COUNTY, WASH.

Mr. FOSTER of Washington. I ask unanimous consent to call up the bill (S. 6091) extending the time for making final proof in desert-land entries in Yakima County, State of Washington.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that the time for making final proof on unperfected, uncontested, and uncanceled desert-land entries in Yakima County, Wash., shall be extended for one year from the date of its passage, but no other or additional expenditure shall be made than is now required by law.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DISTRIBUTION OF SUPREME COURT REPORTS.

Mr. MCCOMAS. I ask unanimous consent for the present consideration of the bill (H. R. 5809) for the further distribution of the reports of the Supreme Court.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments.

The first amendment was, on page 1, line 8, after the word "Currency," to strike out "the Commissioner of Internal Revenue;" so as to read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to distribute to each of the following-named officers of the United States, additional to those named in section 683 of the Revised Statutes, namely: Each Assistant Attorney-General; the Solicitor of the Department of State; the Comptroller of the Currency; the Judge-Advocate-General, Navy Department, etc.

The amendment was agreed to.

The next amendment was, on page 2, line 13, after the word "judge," to insert "and to each judge of the court of appeals of the District of Columbia," and in line 17, after the word "office," to insert "and to the Secretary of the Senate, for the use of the committees of the Senate, 10 complete sets of said reports;" so as to read:

To each United States circuit and district judge and to each judge of the court of appeals of the District of Columbia who has not already been supplied, one set; and he shall also distribute to each additional United States judge hereafter appointed one complete set of said reports, which shall in all cases be transmitted to their successors in office, and to the Secretary of the Senate, for the use of the committees of the Senate, 10 complete sets of said reports, and to the Clerk of the House of Representatives, to be distributed to and for the use of the committees of said House, 10 complete sets of said reports.

The amendment was agreed to.

The next amendment was, on page 3, line 1, after the word "Territory" to insert "islands of Hawaii and Porto Rico;" in line 4, after the word "eighty-nine," to insert "and to the Naval Academy at Annapolis and to the Military Academy at West Point," and in line 11, after the word "distribute," to insert "to the Secretary of war twelve complete sets for the use of the proper courts and offices of the Philippine Islands, and of the headquarters of military departments in the United States, in his discretion, and;" so as to read:

SEC. 2. That the Secretary of the Interior shall likewise distribute to each of the places where circuit and district courts of the United States are now holden, including the Indian Territory, islands of Hawaii and Porto Rico, to which they have not already been supplied under the provisions of the act of Congress approved February 12, 1889, and to the Naval Academy at Annapolis and to the Military Academy at West Point, one complete set of the Reports of the Supreme Court, including those already published and those hereafter to be published, or a reprint of the same, or such volumes as with those already furnished will make one complete set, the judges holding such courts to select the edition of such reports to be supplied for such courts; and he shall also distribute to the Secretary of War 12 complete sets for the use of the proper courts and offices of the Philippine Islands and of the headquarters of military departments in the United States, in his discretion, and to each and every place where a new circuit and district court may be hereafter established one complete set of said reports.

The amendment was agreed to.

The next amendment was, on page 4, line 2, after the word "law," to strike out "74" and insert "104;" so as to read:

SEC. 3. That, beginning with volume 183, the publishers of the Decisions of the Supreme Court shall deliver to the Secretary of the Interior, in addition to the number heretofore supplied by law, 104 copies of each and every volume of such decisions.

The amendment was agreed to.

The next amendment was, on page 4, after line 18, to insert as a new section the following:

SEC. 5. That the Secretary of the Interior shall, at the beginning of the first session of each Congress, distribute to each Senator and Representative in such Congress who may in writing apply for the same one copy of the Revised Statutes of the United States and the supplements thereto: *Provided*, That such applicant shall certify in his written application for the same that the volumes for which he applies are intended for his personal use exclusively: *And provided further*, That no Senator or Representative during his term of service shall receive more than one copy of such Revised Statutes and supplements thereto.

The amendment was agreed to.

The next amendment was, on page 5, line 6, after the word "digest," to insert "and for the Revised Statutes and supplements thereto;" so as to read:

SEC. 6. That such sum of money as is required to pay for the reports of the Supreme Court and for the digest, and for the Revised Statutes and supplements thereto, the delivery and distribution of which are provided for in this act, is hereby appropriated, out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill for the further distribution of the reports of the Supreme Court, and for other purposes."

EAST WASHINGTON HEIGHTS TRACTION RAILROAD COMPANY.

Mr. GALLINGER. I am directed by the Committee on the District of Columbia, to whom was referred the bill (H. R. 12086) to extend the time for the construction of the East Washington Heights Traction Railroad Company, to report it with an amendment, and as it will take but a moment to pass the bill I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. The amendment of the Committee on the District of Columbia was, after the word "two," in line 7, to insert the following proviso:

Provided, That the said railroad company is authorized and empowered to extend its lines by a single track across the Pennsylvania avenue bridge to connect with the eastern terminus of the Capital Traction Company under such conditions as the Commissioners of the District of Columbia may prescribe, the plans and specifications to be approved by, and the construction to be under the supervision of, the Commissioners of the District of Columbia; and the said railway company shall bear one-half of the cost of maintenance and repair of said bridge in like manner and under the same conditions as are now provided by law as to bridges across Rock Creek occupied by the tracks of street railways.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

DISTRICT COURT IN ADDISON, W. VA.

Mr. SCOTT. As a personal favor I ask consent to call up the bill (S. 5914) establishing a regular term of United States district court in Addison, W. Va. It is a bill for a court, just as the other one was, and it will embarrass me if I do not get both of these court bills through.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported

from the Committee on the Judiciary with an amendment, in line 6, after the word "September," to insert:

Provided, That accommodations for said term of court shall be furnished without cost to the United States.

So as to made the bill read:

Be it enacted, etc., That the regular term of the district court of the United States for the southern district of West Virginia shall be held in each year in the city of Addison, W. Va., on the first Monday in September: *Provided*, That accommodations for said term of court shall be furnished without cost to the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE E. BUMP.

Mr. PLATT of Connecticut. I ask unanimous consent to call up the bill (H. R. 10824) granting an increase of pension to George E. Bump.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension roll the name of George E. Bump, late of Company A, First Regiment Connecticut Volunteer Heavy Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seventeen minutes spent in executive session, the doors were reopened, and (at 6 o'clock and 12 minutes p. m.) the Senate adjourned until to-morrow, Saturday, June 28, 1902, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate June 27, 1902.

REGISTERS OF LAND OFFICES.

George E. French, of Nebraska, to be register of the land office at North Platte, Nebr., to take effect August 8, 1902, at expiration of his present term. (Reappointment.)

Henry V. Hinman, of Roslyn, Wash., to be register of the land office at North Yakima, Wash., vice Walter J. Reed, term expired.

RECEIVERS OF PUBLIC MONEYS.

Frank Bacon, of Nebraska, to be receiver of public moneys at North Platte, Nebr., to take effect August 8, 1902, at expiration of his present term. (Reappointment.)

Eugene B. Hyde, of Spokane, Wash., to be receiver of public moneys at Spokane, Wash., vice Samuel A. Wells, term expired.

COLLECTORS OF CUSTOMS.

Isaac L. Patterson, of Oregon, to be collector of customs for the district of Willamette, in the State of Oregon. (Reappointment.)

Robert Smalls, of South Carolina, to be collector of customs for the district of Beaufort, in the State of South Carolina. (Reappointment.)

William Mahone, of Virginia, to be collector of customs for the district of Petersburg, in the State of Virginia. Reappointment.

MARSHALS.

Walter F. Matthews, of Oregon, to be United States marshal for the district of Oregon, vice Zoeth Houser, who term expired January 9, 1902.

Frank S. Elgin, of Tennessee, to be United States marshal for the western district of Tennessee, vice Thomas H. Baker, whose term expired March 8, 1902.

APPOINTMENTS IN THE ARMY.

Cavalry arm.

Corpl. John A. Barry, Troop D, Third Cavalry, to be second lieutenant, June 13, 1902.

NOTE.—Corporal Barry was nominated to the Senate June 25, 1902, for appointment as second lieutenant in the Cavalry Arm, to rank from June 24, 1902. This nomination is submitted for correction of his date of rank to June 13, 1902, instead of June 24, 1902.

APPOINTMENTS, BY TRANSFER, IN THE ARMY.

Capt. Joseph C. Byron, quartermaster, to be captain of infantry, with rank from March 2, 1899, vice Baker.

Capt. Chauncey B. Baker, Infantry Arm (detailed as quartermaster), to be quartermaster with the rank of captain, March 2, 1899, vice Byron.

APPOINTMENT AS MEDICAL OFFICER OF VOLUNTEERS.

John P. Kelly, of Florida, contract surgeon, United States Army, to be assistant surgeon, United States Volunteers, with the rank of captain, June 26, 1902, vice Reifsnyder, appointed surgeon of volunteers.

WITHDRAWAL.

Executive nomination withdrawn June 27, 1902.

Eli E. Starkey, to be postmaster at Seabreeze, in the State of Florida.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 27, 1902.

CONSUL.

John B. Richardson, of Kansas, to be consul of the United States at Port Limon, Costa Rica.

APPOINTMENT IN REVENUE-CUTTER SERVICE.

Edward S. Addison, of Maryland, to be a third lieutenant in the Revenue-Cutter Service of the United States.

MARSHALS.

George M. Christian, of Iowa, to be United States marshal for the southern district of Iowa.

Edward Knott, of Iowa, to be United States marshal for the northern district of Iowa.

Fred A. Field, of Vermont, to be United States marshal for the district of Vermont.

William H. Darrough, of the Indian Territory, to be United States marshal for the northern district of the Indian Territory, commencing July 1, 1902.

UNITED STATES ATTORNEYS.

William M. Mellette, of the Indian Territory, to be United States attorney for the western district of the Indian Territory, commencing July 1, 1902.

Lewis Miles, of Iowa, to be United States attorney for the southern district of Iowa.

RECEIVER OF PUBLIC MONEYS.

J. M. W. Moore, of Prescott, Ariz., to be receiver of public moneys at Prescott, Ariz.

REGISTER OF THE LAND OFFICE.

Fen S. Hildreth, of Prescott, Ariz., to be register of the land office at Prescott, Ariz.

APPOINTMENTS IN THE NAVY.

To be civil engineers in the Navy, with the rank of lieutenant (junior grade), to fill vacancies existing in that corps, namely:

Charles A. Wentworth, a citizen of Massachusetts.

George A. McKay, a citizen of New York.

PROMOTIONS IN THE NAVY.

Lieut. Thomas W. Ryan, to be a lieutenant-commander in the Navy from the 9th day of October, 1901.

Lieut. Commander John E. Roller, to be a commander in the Navy from the 28th day of December, 1901.

Lieut. Frederick C. Bowers, to be a lieutenant-commander in the Navy from the 5th day of April, 1902.

Lieut. (Junior Grade) William S. Whitted, to be a lieutenant in the Navy from the 5th day of April, 1902.

Commander Richardson Clover, to be a captain in the Navy from the 11th day of April, 1902.

Lieut. Commander John C. Fremont, to be a commander in the Navy from the 11th day of April, 1902.

Lieut. Commander Albert Mertz, to be a commander in the Navy from the 11th day of April, 1902.

Lieut. George R. Salisbury, to be a lieutenant-commander in the Navy from the 11th day of April, 1902.

Lieut. John L. Purcell, to be a lieutenant-commander in the Navy from the 11th day of April, 1902.

Lieut. (Junior Grade) Robert H. Osborn, to be a lieutenant in the Navy from the 11th day of April, 1902.

Lieut. Commander Rogers H. Galt, to be a commander in the Navy from the 29th day of April, 1902.

Lieut. Frank W. Kellogg, to be a lieutenant-commander in the Navy from the 29th day of April, 1902.

Lieut. (Junior Grade) Clarence England, to be a lieutenant in the Navy from the 29th day of April, 1902.

Commander John V. B. Bleecker, to be a captain in the Navy from the 3d day of June, 1902.

Lieut. Commander Vincendon L. Cottman to be a commander in the Navy from the 3d day of June, 1902.

Lieut. Reuben O. Bitler, to be a lieutenant-commander in the Navy from the 3d day of June, 1902.

Lieut. (Junior Grade) Edwin H. De Lany, to be a lieutenant in the Navy from the 3d day of June, 1902.

Capt. Yates Stirling, to be a rear-admiral in the Navy from the 8th day of June, 1902.

Commander Andrew Dunlap, to be a captain in the Navy from the 8th day of June, 1902.

Lieut. Commander Frank E. Sawyer, to be a commander in the Navy from the 8th day of June, 1902.

Lieut. Samuel H. Leonard, to be a lieutenant-commander in the Navy from the 8th day of June, 1902.

Lieut. (Junior Grade) Frank H. Brumby, to be a lieutenant in the Navy from the 8th day of June, 1902.

Commander John A. B. Smith, to be a captain in the Navy from the 8th day of June, 1902.

Lieut. Commander Thomas B. Howard, to be a commander in the Navy from the 8th day of June, 1902.

Lieut. Harry Phelps, to be a lieutenant-commander in the Navy from the 8th day of June, 1902.

Lieut. (Junior Grade) Charles K. Mallory, to be a lieutenant in the Navy from the 8th day of June, 1902.

Capt. William C. Wise, to be a rear-admiral in the Navy from the 14th day of June, 1902.

Commander Edward H. Gheen, to be a captain in the Navy from the 14th day of June, 1902.

Lieut. Commander Walter C. Cowles, to be a commander in the Navy from the 14th day of June, 1902.

Lieut. Homer C. Poundstone, to be a lieutenant-commander in the Navy from the 14th day of June, 1902.

Lieut. (Junior Grade) James P. Morton, to be a lieutenant in the Navy from the 14th day of June, 1902.

Lieut. (Junior Grade) Frank P. Baldwin, to be a lieutenant in the Navy from the 14th day of June, 1902.

Commander Wells L. Field, to be a captain in the Navy from the 16th day of June, 1902.

Lieut. Commander Austin M. Knight, to be a commander in the Navy from the 16th day of June, 1902.

Lieut. Albert A. Ackerman, to be a lieutenant-commander in the Navy from the 16th day of June, 1902.

Lieut. (Junior Grade) William C. Davidson, to be a lieutenant in the Navy from the 16th day of June, 1902.

Commander Harrison G. O. Colby, to be a captain in the Navy from the 18th day of June, 1902.

Lieut. Commander Charles J. Badger, to be a commander in the Navy from the 18th day of June, 1902.

Lieut. Leo D. Miner, to be a lieutenant-commander in the Navy from the 18th day of June, 1902.

Lieut. (Junior Grade) Newton Mansfield, to be a lieutenant in the Navy from the 18th day of June, 1902.

Lieut. Albert P. Niblack, to be a lieutenant-commander in the Navy from the 18th day of June, 1902.

Lieut. (Junior Grade) Harris Laning, to be a lieutenant in the Navy from the 18th day of June, 1902.

APPOINTMENTS IN THE ARMY.

TO BE SECOND LIEUTENANTS.

Corps of Engineers.

1. William A. Mitchell.
2. Warren T. Hannum.
3. Francis F. Longley.
4. Robert R. Ralston.
5. Mark Brooke.
6. Laurence V. Frazier.
7. James F. Bell.

Cavalry Arm.

12. Adam F. Casad.
17. John C. Pegram.
18. Charles H. Jennings.
19. Harry L. Hodges.
23. Rigby D. Valliant.
25. Victor S. Foster.
29. Samuel W. Robertson.
30. Herbert Z. Krumm.
31. Oscar Foley.
32. Frederick D. Griffith, jr.
33. William L. Stevenson.
34. Albert B Dockery.
36. Henry E. Mitchell.
37. Edmund L. Zane.
38. Nelson A. Goodspeed.
39. Charles McH. Eby.
40. William H. Cowles.
44. William A. McCain.
45. John K. Herr.
46. Philip H. Sheridan.
47. Joseph F. Taulbee.
50. Andrew W. Smith.
52. Troup Miller.
54. William W. Edwards.

Artillery Corps.

9. Wade H. Carpenter.
10. Frederic W. Hinrichs, jr.
11. Samuel Frankenberger.
13. Charles M. Allen.
14. John E. Munroe.
16. Stephen Abbot.
21. William F. Morrison.
22. William H. Williams.
24. Myron S. Crissy.
26. Ned B. Rehkopf.
27. Walter K. Wilson.
28. John P. Terrell.
35. William M. Davis.

Infantry Arm.

8. Gilbert H. Stewart.
15. John M. Gibert.
20. Edward J. Moran.
41. John R. McGinness.
42. Henry M. Nelly.
43. Frederick F. Black.
48. James M. Hobson, jr.
49. David H. Bower.
51. Hiram M. Cooper.
53. Benjamin F. Miller.

INFANTRY ARM.

Louis Soléliac, jr., of New York, to be second lieutenant, June 23, 1902.

James W. Long, late captain in the United States Army, to be captain of infantry, June 24, 1902.

Sergt. Walter O. Boswell, general service, United States Army, to be second lieutenant, June 24, 1902.

CAVALRY ARM.

William D. Pritchard, of North Carolina, late first lieutenant, Forty-ninth Infantry, United States Volunteers, now first lieutenant, Porto Rico Provisional Regiment of Infantry, to be second lieutenant, June 20, 1902.

William Whitelaw Gordon, at large, to be second lieutenant, June 20, 1902.

Corpl. John A. Barry, Troop D, Third Cavalry, to be second lieutenant, June 13, 1902.

MEDICAL DEPARTMENT.

To be assistant surgeons with the rank of first lieutenant.

Reynold Marvin Kirby-Smith, of Tennessee, late captain and assistant surgeon, First Tennessee Volunteers, June 24, 1902.

William Henry Moncrief, of Georgia, late first lieutenant and assistant surgeon, Second Georgia Volunteers, June 24, 1902.

George Lehman Collins, of Massachusetts, June 24, 1902.

Nelson Gapen, of the District of Columbia, June 24, 1902.

William Thornwall Davis, of Kentucky, June 24, 1902.

Charles Frederick Morse, of Vermont, June 24, 1902.

Samuel Ernest Lambert, of Alabama, June 24, 1902.

Theodore Lamson, of Massachusetts, June 24, 1902.

Haywood Shepherd Hansell, of Georgia, June 24, 1902.

Junius Claiborne Gregory, of Virginia, June 24, 1902.

Clarence Herbert Connor, of Iowa, June 24, 1902.

Jay Weir Grissinger, of Pennsylvania, June 24, 1902.

Will Leroy Pyles, of the District of Columbia, June 24, 1902.

Thomas Devereux, of Minnesota, June 24, 1902.

William Mitchell Smart, of the District of Columbia, June 24, 1902.

Robert Hamilton Pierson, of New York, June 24, 1902.

Cary Alexander Snoddy, of Tennessee, June 24, 1902.

Harry Selby Purnell, of Maryland, June 24, 1902.

Second Lieut. Albert S. Fuger, Eleventh Cavalry, from the Cavalry Arm to the Artillery Corps, with rank from February 2, 1901.

Second Lieut. Rawson Warren, Artillery Corps, from the Artillery Corps to the Cavalry Arm, with rank from February 2, 1901.

PROMOTIONS IN THE ARMY.

ARTILLERY CORPS.

Maj. Henry W. Hubbell, Artillery Corps, to be lieutenant-colonel, June 18, 1902.

Capt. John R. Williams, Artillery Corps, to be major, June 18, 1902.

INFANTRY ARM.

First Lieut. Warren S. Barlow, Fifteenth Infantry, to be captain, June 13, 1902.

POSTMASTERS.

Jacob H. Boger, to be postmaster at Findlay, in the county of Hancock and State of Ohio.

Eugene S. Low, to be postmaster at Hamilton, in the county of Caldwell and State of Missouri.

Frank M. Hoeye, to be postmaster at Perry, in the county of Dallas and State of Iowa.

Lew I. Sturgis, to be postmaster at Oelwein, in the county of Fayette and State of Iowa.

Thomas D. Ward, to be postmaster at Corpus Christi, in the county of Nueces and State of Texas.

George B. Zimpelman, to be postmaster at Austin, in the county of Travis and State of Texas.

Charles K. Miller, to be postmaster at Athens, in the county of Henderson and State of Texas.

Thomas Breen, to be postmaster at Mineola, in the county of Wood and State of Texas.

Hal Singleton, to be postmaster at Jefferson, in the county of Marion and State of Texas.

Richard O. Misener, to be postmaster at Hamilton, in the county of Hamilton and State of Texas.

William L. Lemon, to be postmaster at North Yakima, in the county of Yakima and State of Washington.

N. O. Baldwin, to be postmaster at Pomeroy, in the county of Garfield and State of Washington.

J. D. Burns, to be postmaster at Tyler, in the county of Smith and State of Texas.

Francis M. Barton, to be postmaster at Terrell, in the county of Kaufman and State of Texas.

Lynn G. Thomas, to be postmaster at Canton, in the county of Bradford and State of Pennsylvania.

Ira Brown, to be postmaster at Sedro-Woolley, in the county of Skagit and State of Washington.

Eugene E. Robertson, to be postmaster at Collins, in the county of Covington and State of Mississippi.

Maud Olmsted, to be postmaster at Littleton, in the county of Arapahoe and State of Colorado.

R. P. Campbell, to be postmaster at Aberdeen, in the county of Chehalis and State of Washington.

Charles W. Anderson, to be postmaster at Platte, in the county of Charles Mix and State of South Dakota.

Joshua P. Jessup, to be postmaster at Hertford, in the county of Perquimans and State of North Carolina.

George W. Young, to be postmaster at Brevard, in the county Transylvania and State of North Carolina.

Joel S. Ray, to be postmaster at Arcola, in the county of Douglas and State of Illinois.

Paul A. F. Walter, to be postmaster at Santa Fe, in the county of Santa Fe and Territory of New Mexico.

Charles H. Kuester, to be postmaster at North Judson, in the county of Starke and State of Indiana.

Joseph T. Van Gundy, to be postmaster at Monticello, in the county of Piatt and State of Illinois.

Cassius M. C. Weedman, to be postmaster at Farmer City, in the county of De Witt and State of Illinois.

William H. Steen, to be postmaster at Braidwood, in the county of Will and State of Illinois.

James Frey, to be postmaster at Enterprise, in the county of Dickinson and State of Kansas.

William H. Ellett, to be postmaster at Eldorado, in the county of Butler and State of Kansas.

George S. Harris, to be postmaster at Gas City, in the county of Grant and State of Indiana.

Thomas E. Hurley, to be postmaster at Minneapolis, in the county of Ottawa and State of Kansas.

Isaac B. Davis, to be postmaster at Marysville, in the county of Marshall and State of Kansas.

Henry L. Henderson, to be postmaster at Iola, in the county of Allen and State of Kansas.

Bernard Roddy, to be postmaster at South Amboy, in the county of Middlesex and State of New Jersey.

Louis T. Derousse, to be postmaster at Camden, in the county of Camden and State of New Jersey.

Floyd E. Young, to be postmaster at Stockton, in the county of Rooks and State of Kansas.

Charles E. Sheldon, to be postmaster at Sherman, in the county of Chautauqua and State of New York.

Frank Jones, to be postmaster at Ballston Spa, in the county of Saratoga and State of New York.

Milo B. Greene, to be postmaster at Alfred, in the county of Allegany and State of New York.

Mark Sternberger, to be postmaster at Jackson, in the county of Jackson and State of Ohio.

John O. Burton, to be postmaster at Weldon, in the county of Halifax and State of North Carolina.

George L. Patterson, to be postmaster at Concord, in the county of Cabarrus and State of North Carolina.

William J. Hamilton, to be postmaster at Linton, in the county of Greene and State of Indiana.

Ida A. Hewes, to be postmaster at Casper, in the county of Natrona and State of Wyoming.

William F. Hains, to be postmaster at Wilmington, in the county of Clinton and State of Ohio.

L. C. Schultz, to be postmaster at Green River, in the county of Sweetwater and State of Wyoming.

Stephen Farmer, to be postmaster at Greenfield, in the county of Weakley and State of Tennessee.

J. Watts Kearny, to be postmaster at New Orleans, in the parish of Orleans and State of Louisiana.

John M. Benedict, to be postmaster at Centralia, in the county of Lewis and State of Washington.

Drewy W. Rhyne, to be postmaster at Lexington, in the county of Holmes and State of Mississippi.

Louis J. Piernas, to be postmaster at Bay St. Louis, in the county of Hancock and State of Mississippi.

Charles Lattimore, to be postmaster at Milford, in the county of Pike and State of Pennsylvania.

T. A. Cochran, to be postmaster at Apollo, in the county of Armstrong and State of Pennsylvania.

Ralph N. Warner, jr., to be postmaster at Haverford, in the county of Montgomery and State of Pennsylvania.

Abram M. Morrison, to be postmaster at Ennis, in the county of Ellis and State of Texas.

Carrie E. Hoke, to be postmaster at Taylor, in the county of Williamson and State of Texas.

Walter S. Yates, to be postmaster at Forney, in the county of Kaufman and State of Texas.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June 27, 1902.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed with amendments a bill of the House (H. R. 15108) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other purposes.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. CANNON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 15108, the general deficiency bill, and ask that the House disagree to all of the Senate amendments and ask for a conference thereon.

The SPEAKER. The gentleman from Illinois asks unanimous consent to take from the Speaker's table the bill H. R. 15108, the general deficiency bill, and that the House disagree to the amendments of the Senate and ask for a conference thereon. Is there objection?

Mr. ALEXANDER. Mr. Speaker, reserving the right to object, I would ask the gentleman from Illinois [Mr. CANNON] if it goes to a conference at once if he will allow a separate vote to be taken upon the Buffalo Exposition amendment when it comes back from conference?

Mr. CANNON. Mr. Speaker, I would say to the gentleman from New York that I have not the power to deny a separate vote if I would. Now, then, if the Senate is in earnest in placing on this amendment for the Pan-American Exposition, I have no doubt that the disagreement will be submitted to the House. I want to be fair with the gentleman, and I would state that so far as I am concerned as an individual member of the House I am against the proposition; but when the disagreement is reported the gentleman can make his motion, and if the Senate is in earnest about it there will be a disagreement if I am one of the conferees and my brethren agree with me.

Mr. ALEXANDER. Then, with the understanding that if it comes back from conference there will be an opportunity to take a separate vote on this amendment——

Mr. CANNON. Why, I could not cut the gentleman off from a separate vote if I would.

Mr. ALEXANDER. Would the gentleman from Illinois be willing to consider it now, to have a vote taken to agree to the Buffalo amendment?

Mr. CANNON. The gentleman has that power. I suppose he could call up any one of these amendments. My judgment is, I would say to him, that there is more expedition in the course that I have asked unanimous consent for.

Mr. ALEXANDER. Very well.

Mr. CANNON. But that is only my judgment, and the gentleman could pursue his own course.

Mr. ALEXANDER. Very well.

The SPEAKER. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none.

The Chair announced the following conferees on the part of the House: Messrs. CANNON, BARNEY, and LIVINGSTON.

ELIZABETH A. TURNER.

Mr. BROMWELL. Mr. Speaker, I call up a conference report on the bill (S. 5856) granting an increase of pension to Elizabeth A. Turner, and ask unanimous consent that the reading of the report may be dispensed with and the statement be read in its place.

The SPEAKER. The gentleman from Ohio calls up a conference report, and asks unanimous consent to dispense with the reading of the report and that the statement be read.

Mr. GAINES of Tennessee. What is the report about?

Mr. BROMWELL. A conference report on a pension bill.

The SPEAKER. Without objection, this course will be pursued.

There was no objection.

The Clerk read the statement, to be found on page 7442.

Mr. BROMWELL. Mr. Speaker, I move the adoption of the report.

The SPEAKER. The question is on the motion of the gentleman from Ohio.

The question was taken, and the report adopted.

ADELAIDE G. HATCH.

Mr. BROMWELL. Mr. Speaker, I call up a conference report on the bill (S. 3320) granting an increase of pension to Adelaide G. Hatch, and ask unanimous consent that the reading of the report be dispensed with and that the statement be read.

The SPEAKER. The gentleman from Ohio calls up the conference report and asks unanimous consent that the reading of the report be dispensed with and the statement be read. Without objection this course will be pursued.

There was no objection.

The Clerk read the statement, to be found on page 7442.

Mr. BROMWELL. Mr. Speaker, I move the adoption of the report.

The SPEAKER. The question is on agreeing to the conference report.

The report was agreed to.

CLARA W. M'NAIR.

Mr. BROMWELL. Mr. Speaker, I call up a conference report on the bill (S. 1225) granting an increase of pension to Clara W. McNair, and ask unanimous consent that the reading of the report be dispensed with and that the statement be read.

The SPEAKER. The gentleman from Ohio calls up a conference report and asks unanimous consent that the reading of the report be dispensed with and that the statement be read. Without objection, this course will be pursued.

There was no objection.

The Clerk read the statement, to be found on page 7442.

Mr. BROMWELL. Mr. Speaker, I move the adoption of the conference report.

The SPEAKER. The question is on the motion of the gentleman from Ohio to agree to the conference report.

The question was taken, and the report agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. LODGE, Mr. ALLISON, and Mr. CULBERSON as conferees on the part of the Senate.

CLAYTON P. VAN HOUTEN.

Mr. BROMWELL. Mr. Speaker, I call up the conference report on the bill (S. 5506) granting an increase of pension to Clayton P. Van Houten.

The conference report and statement were read.

(For conference report and statement see page 7442.)

The conference report was agreed to.

On motion of Mr. BROMWELL, a motion to reconsider the votes by which the several conference reports were adopted was laid on the table.

BRIDGE ACROSS MONONGAHELA RIVER, PENNSYLVANIA.

The SPEAKER. The Chair lays before the House the bill (S. 4611) to authorize the West Elizabeth aud Dravosburg Bridge Company to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania, being similar to a House bill favorably reported and not requiring consideration in Committee of the Whole.

The bill was read. It provides that the West Elizabeth and Dravosburg Bridge Company, a corporation organized under the laws of the State of Pennsylvania, is hereby authorized to construct, maintain, and operate a bridge across the Monongahela River between a point on the eastern side of said river, at or near property of the Glassport Brick Company, in the borough of Port Vue, in the county of Allegheny, and a point on the western side of said river, in the township of Jefferson, in said county, on property of the Monongahela River Consolidated Coal and Coke Company, fronting on the public road, known as the river road, between Dravos and West Elizabeth.

The bill was ordered to a third reading, and was accordingly read the third time, and passed.

On motion of Mr. GRAHAM, a motion to reconsider the last vote was laid on the table.

By unanimous consent, the bill H. R. 12706, being the corresponding House bill, was ordered to lie on the table.

PROMOTIONS AND RETIREMENTS IN THE ARMY.

Mr. MONDELL. Mr. Speaker, I am authorized by the Committee on Military Affairs to call up a privileged resolution, No. 284.

The SPEAKER. The gentleman from Wyoming, from the Committee on Military Affairs, calls up a privileged resolution, which the Clerk will report.

The resolution was read, as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to inform the House of Representatives of the number of promotions made in the Army since the 1st day of April, 1898, of officers, together with their names and rank, who have been retired within one year of their last promotion with a higher grade than that held at the time of their promotion, and the said Secretary of War is also directed to report to the House of Representatives the additional cost to the Government by reason of these promotions and retirements.

Mr. RICHARDSON of Tennessee. I should like to understand this resolution. I do not know why it is privileged.

The SPEAKER. It is a seven-day resolution of inquiry.

Mr. RICHARDSON of Tennessee. A resolution of inquiry addressed to the head of a department?

Mr. MONDELL. A resolution of inquiry addressed to the Secretary of War, and I am instructed by the Committee on Military Affairs to move that the resolution be adopted.

The resolution was agreed to.

BRIDGE ACROSS MISSOURI RIVER, PIERRE, S. DAK.

Mr. BURKE of South Dakota. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 14082) to provide for the construction of a bridge by the Duluth, Pierre and Black Hills Railroad Company across the Missouri River, at Pierre, S. Dak.

The bill was read. It provides that the Duluth, Pierre and Black Hills Railroad Company, a corporation duly organized under the general incorporation laws of the State of South Dakota, its successors and assigns, is hereby authorized to construct and maintain a bridge across the Missouri River at or near the city of Pierre, Hughes County, S. Dak., and also to lay on and over said bridge a railway track or tracks for the passage of railway trains; and said corporation may construct and maintain ways for wagons, carriages, and foot passengers, charging and receiving such reasonable tolls therefor as may be approved from time to time by the Secretary of War.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time; and was accordingly read the third time, and passed.

On motion of Mr. BURKE of South Dakota, a motion to reconsider the last vote was laid on the table.

COURT OF APPEALS, ATLANTA, GA.

Mr. FLEMING. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 5383) providing that the circuit court of appeals of the fifth judicial circuit of the United States shall hold at least one term of said court annually in the city of Atlanta, in the State of Georgia, on the first Monday in October in each year.

The bill was read.

The amendments recommended by the Committee on the Judiciary were read.

The SPEAKER. Is there objection?

There was no objection.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to a third reading, and was accordingly read the third time, and passed.

On motion of Mr. FLEMING, a motion to reconsider the last vote was laid on the table.

GEORGE H. PAUL.

Mr. OTJEN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill I send to the desk.

The Clerk read as follows:

A bill (S. 1949) to authorize the Secretary of the Navy to appoint George H. Paul a warrant machinist in the Navy.

Be it enacted, etc., That the Secretary of the Navy is hereby authorized to appoint George H. Paul to fill an original vacancy in the 100 warrant machinists in the Navy, authorized by section 14 of the act approved March 3, 1899, entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States," notwithstanding he was about seven months beyond the age limit at the time of examination he having passed the examination, near the top of the list, under a misapprehension as to the age limit, and having served twelve months at the Naval Academy and four years at sea in the Government service as an engineer

The SPEAKER. Is there objection?

Mr. RICHARDSON of Tennessee. Reserving the right to object, Mr. Speaker, I would like to have some explanation as to what this bill does and the necessity for it. I ask for order, that we may hear the gentleman.

Mr. OTJEN. Mr. Speaker, this young man took the examination for a warrant machinist, and after he had taken the examination it was found that he was seven months over the age limit. The Secretary of the Navy recommends that he be appointed. The bill has passed the Senate, and it has been recommended by the Committee on Naval Affairs.

The SPEAKER. Is there objection?

Mr. RICHARDSON of Tennessee. There are no peculiar reasons for the action?

Mr. OTJEN. He passed a very high examination and stands very nearly at the top of the list. He has served one year in the Naval Academy. He has had four years of sea experience, and the Secretary of the Navy is holding one of these places open for him, and on account of his high examination and experience recommends his appointment.

Mr. RICHARDSON of Tennessee. I do not like this matter of special legislation, Mr. Speaker, and without further understanding the matter I shall object to its consideration.

The SPEAKER. Objection is made.

Subsequently,

The SPEAKER. The Chair is advised that the gentleman from Tennessee has withdrawn objection to the bill called up by the gentleman from Wisconsin [Mr. OTJEN].

Mr. RICHARDSON of Tennessee. Mr. Speaker, I made the objection. After an examination of the bill, so far as I am concerned, I have no further objection to its consideration.

The SPEAKER. Is there further objection?

Mr. MOON. Mr. Speaker, I object.

The SPEAKER. Does the gentleman object?

Mr. MOON. I do.

The SPEAKER. Objection is again made.

MARINE-HOSPITAL SERVICE.

Mr. ADAMSON. Mr. Speaker, by instruction of the Committee on Interstate and Foreign Commerce I desire to ask unanimous consent for the consideration of the bill (S. 2162).

The Clerk read as follows:

A bill (S. 2162) to increase the efficiency and change the name of the United States Marine-Hospital Service.

Be it enacted, etc., That the United States Marine-Hospital Service shall hereafter be known and designated as the Public Health and Marine-Hospital Service of the United States, and the Supervising Surgeon-General and the officers now or hereafter commissioned under the act of January 4, 1889, entitled "An act to regulate appointments in the Marine-Hospital Service of the United States," and acts amendatory thereof, shall hereafter be known as the Surgeon-General, surgeons, passed assistant surgeons, and assistant surgeons of the Public Health and Marine-Hospital Service of the United States. Nothing in this act contained shall be held or construed to discharge any of the officers above named, or any of the acting assistant surgeons, pharmacists, and other employees of the Marine-Hospital Service, or to deprive any officer of his commission or the benefits derived by longevity of service. The care of sick and disabled seamen and all other duties now required by law to be performed by the Marine-Hospital Service shall hereafter be performed by the Public Health and Marine-Hospital Service, and all funds and appropriations now provided by law for use by the Marine-Hospital Service and all properties and rights pertaining to said service shall be available for use for like purposes and in like manner, under the Treasury Department, by the Public Health and Marine-Hospital Service.

SEC. 2. That the salary of the Surgeon-General of the Public Health and Marine-Hospital Service shall be $5,000 per annum, and the salaries and allowances of the commissioned medical officers of said service shall be the same as now provided by regulations of the Marine-Hospital Service.

SEC. 3. That commissioned medical officers, when detailed by the Surgeon-General for duty in the Public Health and Marine-Hospital Bureau at Washington, D. C., in charge of the administrative divisions thereof, namely, marine hospitals and relief, domestic quarantine, foreign and insular quarantine, personnel and accounts, sanitary reports and statistics, and scientific research, shall, while thus serving, be assistant surgeons-general of the Public Health and Marine-Hospital Service, but their pay and allowances shall be the same as now provided by regulations of the Marine-Hospital Service for officers in charge of said divisions; and the senior officer thus serving shall be the assistant within the meaning of section 178, Revised Statutes of the United States: *Provided, however*, That no such officer shall be detailed in charge of said divisions who is below the rank of passed assistant surgeon.

SEC. 4. That the President is authorized, in his discretion, to utilize the Public Health and Marine-Hospital Service in times of threatened or actual war to such extent and in such manner as shall in his judgment promote the public interest without, however, in any wise impairing the efficiency of the service for the purposes for which the same was created and is maintained.

SEC. 5. That there shall be an advisory board for the hygienic laboratory provided by the act of Congress approved March 3, 1901, for consultation with the Surgeon-General of the Public Health and Marine-Hospital Service relative to the investigations to be inaugurated, and the methods of conducting the same, in said laboratory. Said board shall consist of three competent experts, to be detailed from the Army, the Navy, and the Bureau of Animal Industry by the Surgeon-General of the Army, the Surgeon-General of the Navy, and the Secretary of Agriculture, respectively, which experts, with the director of the said laboratory, shall be ex officio members of the board, and serve without additional compensation. Five other members of said board shall be appointed by the Surgeon-General of the Public Health and Marine-Hospital Service, with the approval of the Secretary of the Treasury, who shall be skilled in laboratory work in its relation to the public health, and not in the regular employment of the Government. The said five members shall each receive compensation of $10 per diem while serving in conference, as aforesaid, together with allowance for actual and necessary traveling expenses and hotel expenses while in conference. Said conference is not to exceed ten days in any one fiscal year. The term of service of the five members of said board, not in the regular employment of the Government, first appointed shall be so arranged that one of said members shall retire each year, the subsequent appointments to be for a period of five years. Appointments to fill vacancies occurring in a manner other than as above provided shall be made for the unexpired term of the member whose place has become vacant.

SEC. 6. That there shall be appointed by the Surgeon-General, with the approval of the Secretary of the Treasury, whenever, in the opinion of the Surgeon-General, commissioned medical officers of the Public Health and Marine-Hospital Service are not available for this duty by detail, competent persons to take charge of the divisions, respectively, of chemistry, zoology, and pharmacology of the hygienic laboratory, who shall each receive such pay as shall be fixed by the Surgeon-General, with the approval of the Secretary of the Treasury. The director of the said laboratory shall be an officer detailed from the corps of commissioned medical officers of the Public Health and Marine-Hospital Service, as now provided by regulations for said detail from the Marine-Hospital Service, and while thus serving shall have the pay and emoluments of a surgeon: *Provided*, That all commissioned officers of the Public Health and Marine-Hospital Service not below the grade of passed assistant surgeon shall be eligible to assignment to duty in charge of the said divisions of the hygienic laboratory, and while serving in such capacity shall be entitled to the pay and emoluments of their rank.

SEC. 7. That when, in the opinion of the Surgeon-General of the Public Health and Marine-Hospital Service of the United States, the interests of the public health would be promoted by a conference of said service with State or Territorial boards of health, quarantine authorities, or State health officers, the District of Columbia included, he may invite as many of said health and quarantine authorities as he deems necessary or proper to send delegates, not more than one from each State or Territory and District of Columbia, to said conference: *Provided*, That an annual conference of the health authorities of all the States and Territories and the District of Columbia shall be called, each of said States, Territories, and the District of Columbia to be entitled to one delegate: *And provided further*, That it shall be the duty of the said Surgeon-General to call a conference upon the application of not less than five State or Territorial boards of health, quarantine authorities, or State health officers, each of said States and Territories joining in such request to be represented by one delegate.

SEC. 8. That to secure uniformity in the registration of mortality, morbidity, and vital statistics it shall be the duty of the Surgeon-General of the Public Health and Marine-Hospital Service, after the annual conference required by section 7 to be called, to prepare and distribute suitable and necessary forms for the collection and compilation of such statistics, and said statistics, when transmitted to the Public Health and Marine-Hospital Bureau on said forms, shall be compiled and published by the Public Health and Marine-Hospital Service as a part of the health reports published by said service.

SEC. 9. That the President shall from time to time prescribe rules for the conduct of the Public Health and Marine-Hospital Service. He shall also prescribe regulations respecting its internal administration and discipline, and the uniforms of its officers and employees. It shall be the duty of the Surgeon-General to transmit annually to the Secretary of the Treasury, for transmission by said Secretary to Congress, a full and complete report of the transactions of said service, including a detailed statement of receipts and disbursements.

Mr. MANN. Mr. Speaker, is this a request for unanimous consent?

The SPEAKER. It is.

Mr. MANN. Well, Mr. Speaker, I think that bill is too important a measure to be considered by unanimous consent without going into Committee of the Whole, and I object.

The SPEAKER. Objection is made.

PHILIPPINE GOVERNMENT.

Mr. COOPER of Wisconsin. Mr. Speaker, I call up the Philippine government bill, and move that the House insist upon its amendments disagreed to by the Senate and agree to the conference asked.

The SPEAKER. The gentleman from Wisconsin moves that the House insist on its amendments to the Philippine government bill and agree to the conference asked by the Senate.

The question was taken, and the motion was agreed to.

The SPEAKER announced the following conferees: Mr. COOPER of Wisconsin, Mr. PAYNE, Mr. CRUMPACKER, Mr. JONES of Virginia, and Mr. MADDOX.

AMENDMENT OF DISTRICT CODE.

Mr. JENKINS. Mr. Speaker, I desire to submit a conference report.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (S. 493) to amend an act entitled "An act to establish a code of law for the District of Columbia."

The SPEAKER. The report and statement will be printed, under the rule.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 493) to amend an act entitled "An act to establish a code of law for the District of Columbia,"

having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with amendments as follows:

In said amendment, page 1, line 8, strike out "four" and insert "six."

On page 2 strike out lines 7 to 15, inclusive, and in lieu thereof insert the following:

"And said supreme court shall from time to time divide the said district into subdistricts and prescribe the place in each subdistrict where the justice thereof shall have his office for the transaction of business, and may change the boundaries of such subdistricts and the localities of the offices of the justices therein from time to time as the volume and convenience of the business may require. No justice of the peace during his term of office shall engage in the practice of the law, subject to the penalty of removal from his office. When the number of such justices of the peace shall be reduced by death, resignation, or expiration of term of service, or otherwise, to six, the number of such justices of the peace shall be six only, and if the number shall not be reduced to six until the expiration of the term of the present justices of the peace, only six vacancies shall then be filled."

On page 3 strike out line 1.

On page 5, line 18, after "President," insert "by and with the advice and consent of the Senate."

On page 14, line 19, strike out "drunkards" and insert "any person."

On page 16, line 9, after "compensation," insert "at the rate of $4,000 per annum;" and in line 10, after the word "wills," add the following proviso: "*And provided further*, That the employees of said office shall not be in excess of the number actually necessary for the proper conduct of the office of said register of wills."

On page 32, line 25, strike out "five" and insert "fifth."

On page 35, line 25, strike out "live" and insert "life."

On page 56 strike out lines 23, 24, and 25; and on page 57 strike out lines 1 and 2, and in lieu thereof insert the following:

"SEC. 1073a. Whenever the court shall be satisfied that the party producing a witness has been taken by surprise by the testimony of such witness such party may, in the discretion of the court, be allowed to prove, for the purpose only of affecting the credibility of the witness, that the witness has made to such party or to his attorney statements substantially variant from his sworn testimony about material facts in the cause; but before such."

On page 61, line 1, strike out "such person or corporation" and insert "the creditor."

On page 64, line 1, strike out "four" and insert "five."

On page 64, line 15, after "court," insert "holding an equity term;" and in line 18, after the word "infant," add "The court shall have power, in its discretion, to grant the prayer of such petition."

On page 68, line 10, strike out "line 3" and insert "lines 2 and 3."

And the House agree to the same.

JOHN J. JENKINS,
SAML. W. SMITH,
W. S. COWHERD,
Managers on the part of the House.

J. C. PRITCHARD,
W. P. DILLINGHAM,
THOMAS S. MARTIN,
Managers on the part of the Senate.

The statement is as follows:

Statement of the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill S. 493, "An act to amend an act entitled 'An act to establish a code of law for the District of Columbia.'"

The first amendment provides for a reduction in the number of the justices of the peace from ten to six, instead of to four, as provided by the House, the reduction to take place as the present justices retire from office, either by death, resignation, or expiration of terms.

The second amendment provides for changes in the subdistricts to correspond with the reduction of the number of justices of the peace.

The third amendment leaves section 7 of the code as it is at the present time.

The fourth amendment provides that the nominations of justices of the peace shall continue to be confirmed by the Senate.

The fifth amendment is simply a change in legal phraseology.

The sixth amendment provides that the employees of the office of the register of wills shall be restricted to the number actually necessary to the proper conduct of that office, and makes the compensation of this officer to correspond with that received by the register of deeds and the clerk of the supreme court of the District of Columbia.

The further amendments are simply verbal, or changes in the legal phraseology.

JOHN J. JENKINS,
SAML. W. SMITH,
W. S. COWHERD,
Managers on the part of the House.

AUTOMATIC CAR COUPLERS.

Mr. WANGER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 15144) to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes," approved March 2, 1893, and amended April 1, 1896.

Be it enacted, etc., That the provisions and requirements of the act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes," approved March 2, 1893, and amended April 1, 1896, shall be held to apply to common carriers by railroads operated by steam power in the Territories and the District of Columbia; and the provisions and requirements hereof, and of said acts relating to automatic couplers, grab irons, and the height of drawbars, shall be held to apply to all locomotives, tenders, cars, and similar vehicles used on any railroad operated by steam power engaged in interstate commerce, and in the Territories and the District of Columbia, and to all other locomotives, tenders, cars, and similar vehicles used in connection therewith, excepting those trains, cars, and locomotives exempted by the provisions of section 6 of said act of March 2, 1893, as amended by the act of April 1, 1896; and the grab irons or hand holds in the ends of locomotives and tenders shall extend the full length of the end sills thereof, and shall extend upward at least 4 inches clear of any obstruction.

SEC. 2. That whenever, as provided for in said act, any car is equipped with train or power brakes in condition to be operated the same shall be used and operated in every train in which such car is hauled, unless independently of such car 65 per cent of the cars in such train are equipped with power or train brakes and are associated together and so used and operated in such train: *Provided*, That nothing in this act shall be held to release any common carrier from any of the provisions or requirements of said act approved March 2, 1893, and amended April 1, 1896.

SEC. 3. That the provisions of section 1 of this act shall not take effect until January 1, 1903, and the provisions of section 2 of this act shall not take effect until ninety days after the passage of this act.

Mr. BINGHAM. Mr. Speaker, I object.

The SPEAKER. Objection is made.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 15108) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. ALLISON, and Mr. TELLER as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 493) to amend an act entitled "An act to establish a code of laws for the District of Columbia."

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 3360) for the promotion of First Lieut. Joseph M. Simms, Revenue-Cutter Service.

ARTURO R. CALVO.

Mr. SLAYDEN. Mr. Speaker, I desire to call up and ask unanimous consent for the consideration of Senate joint resolution 118.

The Clerk read as follows:

A joint resolution (S. R. 118) authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Arturo R. Calvo, of Costa Rica.

Resolved, etc., That the Secretary of War be, and he hereby is, authorized to permit Arturo R. Calvo, of Costa Rica, to receive instruction at the Military Academy at West Point: *Provided*, That no expense shall be caused to the United States thereby: *And provided further*, That in the case of the said Arturo R. Calvo the provisions of sections 1320 and 1321 of the Revised Statutes shall be suspended.

The SPEAKER. Is there objection?

Mr. MOON. I object, Mr. Speaker.

The SPEAKER. Objection is made.

HOUSE CALENDAR.

Mr. HEATWOLE. Mr. Speaker, I am directed by the Committee on Printing to ask for the present consideration of the following privileged resolution, No. 319.

The Clerk read as follows:

Resolved, That of the last issue of the House Calendar for the first session of the Fifty-seventh Congress there shall be printed as a House document 1,000 copies, of which number 400 copies shall be bound in cloth, for the use of the House.

The resolution was agreed to.

REPORT OF THE DAUGHTERS OF THE AMERICAN REVOLUTION.

Mr. HEATWOLE. Mr. Speaker, I am also directed by the Committee on Printing to call up Senate concurrent resolution No. 27.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 7,500 additional copies of Senate Document No. 164, third session Fifty-fifth Congress, being the report of the Daughters of the American Revolution for 1890 to 1897, together with the historical preface herewith, indorsed by the board of management of that society, of which 2,500 shall be for the use of the Senate and 5,000 for the use of the House of Representatives.

The resolution was agreed to.

On motion of Mr. HEATWOLE, a motion to reconsider the last two votes was laid on the table.

CAPT. SIDNEY S. SHAW.

Mr. RUCKER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7539) for the relief of Capt. Sidney S. Shaw.

The Clerk read the bill at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MOON. I object.

The SPEAKER. Objection is made by the gentleman from Tennessee.

NATIONAL ENCAMPMENT OF THE GRAND ARMY OF THE REPUBLIC.

Mr. BABCOCK. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution 198, giving authority to the Commissioners of the District of Columbia to make special regulations for the occasion of the Thirty-sixth National Encampment of the Grand Army of the Republic, to be

held in the District of Columbia in the month of October, 1902, and for other purposes incident to said encampment.

The Clerk read the joint resolution at length.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. MOON. I object.

The SPEAKER. Objection is made by the gentleman from Tennessee.

AMENDING SECTIONS 3362 AND 3394 OF REVISED STATUTES.

Mr. GROSVENOR. Mr. Speaker, I call up the privileged bill (S. 3896) to amend section 3362 of the Revised Statutes, relating to tobacco.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 3362 of the Revised Statutes, as amended by the act of March 1, 1879, and by the act of January 9, 1883, be, and the same is hereby, amended by striking all out after the fifth paragraph thereof and inserting in lieu of the words so stricken out the following:

"And every such wooden package shall have printed or marked thereon the manufacturer's name and place of manufacture, the registered number of the manufactory, and the gross weight, the tare, and the net weight of the tobacco in each package: *Provided*, That these limitations and descriptions of packages shall not apply to tobacco and snuff transported in bond for exportation and actually exported: *And provided further*, That perique tobacco, fine-cut shorts, the refuse of fine-cut chewing tobacco, refuse scraps, clippings, cuttings, and sweepings of tobacco may be sold in bulk as material, and without the payment of tax, by one manufacturer directly to another manufacturer, or for export, under such restrictions, rules, and regulations as the Commissioner of Internal Revenue may prescribe: *And provided further*, That wood, metal, paper, or other materials may be used separately or in combination for packing tobacco, snuff, and cigars under such regulations as the Commissioner of Internal Revenue may establish."

The following amendment was recommended by the committee:

Add the following as section 2:

"SEC. 2. That the last paragraph of section 3394 of the Revised Statutes, as amended by the tenth section of the act of July 24, 1897, is hereby further amended so as to read as follows:

"'No packages of manufactured tobacco, snuff, cigars, or cigarettes prescribed by law shall be permitted to have packed in or attached to or connected with them, nor affixed to, branded, stamped, marked, written, or printed upon them, any paper, certificate, or instrument purporting to be or represent a ticket, chance, share, or interest in or dependent upon the event of a lottery, nor any indecent or immoral picture, representation, print, or words; and any violation of the provisions of this paragraph shall subject the offender to the penalties and punishments provided by section 3456 of the Revised Statutes.'"

Mr. RICHARDSON of Tennessee. Mr. Speaker, I desire to ask the gentleman from Ohio if this has been reported from the committee.

Mr. GROSVENOR. It is the unanimous report of the Committee on Ways and Means. There is an amendment to the bill, Mr. Speaker.

The amendment was agreed to.

The bill was ordered to be read the third time, was read the third time, and passed.

On motion of Mr. GROSVENOR, a motion to reconsider the last vote was laid on the table.

Mr. GROSVENOR. I desire to ask unanimous consent to amend the title by adding "section 3394." The amendment amends another section, so that the title does not cover both sections.

The SPEAKER. Without objection, the amendment of the title will be agreed to.

There was no objection.

Mr. SULZER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SULZER. The bill having been passed, will not the gentleman have to move to reconsider?

The SPEAKER. Not where unanimous consent is given to amend the title, as is customary.

AMENDMENT TO INTERNAL-REVENUE LAWS.

Mr. DALZELL. Mr. Speaker, I call up the privileged bill (H. R. 179) to amend the internal-revenue laws.

The Clerk read the bill, as follows:

Be it enacted, etc., That all distilled spirits now in internal-revenue bonded warehouses or which may hereafter be produced and deposited in such warehouses shall be entitled to the same allowance for loss from leakage or evaporation which now exists in favor of distilled spirits produced, gauged, and so deposited prior to January 1, 1899, and subject to the same conditions and limitations.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time; and it was read the third time, and passed.

On motion of Mr. DALZELL, a motion to reconsider the last vote was laid on the table.

CONTESTED-ELECTION CASE—HORTON AGAINST BUTLER.

Mr. TAYLER of Ohio. I call up the contested-election case of Horton *v.* Butler, from the Twelfth Congressional district of Missouri. I ask that the resolution reported by the committee be read.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I desire to make a parliamentary inquiry. Is not this day set apart under the rules as the day for invalid pensions?

The SPEAKER. It is; but the election case is of higher privilege.

Mr. RICHARDSON of Tennessee. Surely we are not going to set aside the pension business assigned by the rules for to-day in order to take up an election contest where no one is to be seated. Surely gentlemen do not desire to do that. I wish to raise the question of consideration.

The SPEAKER. The resolution will first be read.

The Clerk read as follows:

Resolved, That no valid election for Representative in Congress was held in the Twelfth Congressional district of Missouri on the 6th day of November, 1900, and that the seat now held by the contestee is hereby declared vacant.

Mr. BOWIE. Mr. Speaker, I would like to have about five minutes by unanimous consent.

Mr. TAYLER of Ohio. I demand the regular order.

The SPEAKER. The regular order is demanded. The gentleman from Tennessee raises the question of consideration.

Mr. RICHARDSON of Tennessee. I understand that Mr. Butler, the contestee in this case, is sick in bed, and that his physician certifies he is not able to be here.

The SPEAKER. The question of consideration is not debatable.

Mr. TAYLER of Ohio. I call for the regular order.

Mr. RICHARDSON of Tennessee. I remind gentlemen that this is the last day of the present session on which pension business will have any showing. I raise the question of consideration.

The SPEAKER. The gentleman from Tennessee is out of order. The question of consideration has been raised, and is not debatable.

Mr. RICHARDSON of Tennessee. This is the last day you will get for pensions.

The SPEAKER. The gentleman from Tennessee is out of order, and he will please take his seat.

The question being taken, Will the House now consider the resolution reported from the Committee on Elections? there were—ayes 114, noes 88.

Mr. RICHARDSON of Tennessee. I call for tellers.

Tellers were ordered.

Mr. TAYLER of Ohio. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 146, nays 112, answered "present" 12, not voting 80; as follows:

YEAS—146.

Adams,	Darragh,	Howell,	Powers, Mass.
Alexander,	Davidson,	Hughes,	Prince,
Allen, Me.	Dayton,	Jack,	Ray, N. Y.
Aplin,	Deemer,	Jones, Wash.	Reeves,
Babcock,	Dick,	Ketcham,	Roberts,
Ball, Del.	Douglas,	Knapp,	Rumple,
Bartholdt,	Dovener,	Knox,	Schirm,
Bates,	Draper,	Kyle,	Scott,
Beidler,	Eddy,	Lacey,	Shattuc,
Bingham,	Foerderer,	Lawrence,	Showalter,
Bishop,	Foss,	Lessler,	Sibley,
Blackburn,	Foster, Vt.	Lewis, Pa.	Smith, Ill.
Boutell,	Fowler,	Littlefield,	Smith, Iowa
Bowersock,	Gaines, W. Va.	Loud,	Smith, S. W.
Brick,	Gardner, Mich.	Lovering,	Southard,
Bristow,	Gardner, N. J.	McCall,	Southwick,
Bromwell,	Gibson,	McLachlan,	Sperry,
Brown,	Gill,	Mahon,	Steele,
Brownlow,	Gillet, N. Y.	Mann,	Stevens, Minn.
Burk, Pa.	Graff,	Marshall,	Stewart, N. J.
Burke, S. Dak.	Graham,	Martin,	Stewart, N. Y.
Burleigh,	Greene, Mass.	Mercer,	Sulloway,
Burton,	Grosvenor,	Miller,	Sutherland,
Butler, Pa.	Grow,	Moody, N. C.	Tawney,
Calderhead,	Hamilton,	Moody, Oreg.	Tayler, Ohio
Capron,	Hanbury,	Morgan,	Thomas, Iowa
Cassel,	Haskins,	Morrell,	Tirrell,
Conner,	Heatwole,	Moss,	Tongue,
Coombs,	Hedge,	Mudd,	Van Voorhis,
Cousins,	Hemenway,	Nevin,	Wachter,
Cromer,	Henry, Conn.	Olmsted,	Wadsworth,
Crumpacker,	Hepburn,	Otjen,	Wanger,
Currier,	Hildebrant,	Overstreet,	Warner,
Curtis,	Hill,	Palmer,	Warnock,
Cushman,	Hitt,	Payne,	Watson.
Dahle,	Holliday,	Pearre,	
Dalzell,	Hopkins,	Perkins,	

NAYS—112.

Adamson,	Clayton,	Griffith,	Lewis, Ga.
Allen, Ky.	Cooper, Tex.	Griggs,	Lindsay,
Ball, Tex.	Cowherd,	Hay,	Little,
Bankhead,	Davey, La.	Hooker,	Livingston,
Bartlett,	De Armond,	Howard,	Lloyd,
Bell,	Dinsmore,	Jackson, Kans.	McClellan,
Benton,	Dougherty,	Johnson,	McCulloch,
Bowie,	Feely,	Jones, Va.	McDermott,
Brantley,	Finley,	Kehoe,	McRae,
Breazeale,	Fitzgerald,	Kitchin, Claude	Maddox,
Burgess,	Fleming,	Kitchin, Wm. W.	Mahoney,
Burleson,	Flood,	Kleberg,	Maynard,
Burnett,	Foster, Ill.	Kluttz,	Meyer, La.
Caldwell,	Gaines, Tenn.	Lamb,	Mickey,
Candler,	Goldfogle,	Lanham,	Miers, Ind.
Cassingham,	Gordon,	Lassiter,	Moon,
Clark,	Green, Pa.	Lester,	Mutchler,

Naphen,	Rhea, Va.	Sims,	Tate,
Neville,	Richardson, Ala.	Slayden,	Thayer,
Newlands,	Richardson, Tenn.	Small,	Thomas, N. C.
Norton,	Rixey,	Snodgrass,	Thompson,
Padgett,	Robb,	Snook,	Underwood.
Patterson, Tenn.	Robinson, Ind.	Sparkman,	Wiley,
Pierce,	Robinson, Nebr.	Spight,	Williams, Ill.
Pou,	Rucker,	Stark,	Williams, Miss.
Pugsley,	Ryan,	Stephens, Tex.	Wilson,
Randell, Tex.	Shackleford,	Sulzer,	Wooten,
Ransdell, La.	Shafroth,	Swanson,	Zenor.

ANSWERED "PRESENT"—12.

Burkett,	Evans,	Kahn,	Powers, Me.
Cochran,	Irwin,	Metcalf,	Skiles,
Emerson,	Jenkins,	Needham,	Wright.

NOT VOTING—80.

Acheson,	Edwards,	Latimer,	Shallenberger,
Barney,	Elliott,	Lever,	Shelden,
Bellamy,	Esch,	Littauer,	Sheppard,
Belmont,	Fletcher,	Long,	Sherman,
Blakeney,	Fordney,	Loudenslager,	Smith, Ky.
Boreing,	Fox,	McAndrews,	Smith, H. C.
Broussard,	Gilbert,	McCleary,	Smith, Wm. Alden
Brundidge,	Gillett, Mass.	McLain,	Storm,
Bull,	Glenn,	Minor,	Talbert,
Cannon,	Gooch,	Mondell,	Taylor, Ala.
Connell,	Hall,	Morris,	Tompkins, N. Y.
Conry,	Haugen,	Parker,	Tompkins, Ohio
Cooney,	Henry, Miss.	Patterson, Pa.	Trimble,
Cooper, Wis.	Henry, Tex.	Reeder,	Vandiver,
Corliss,	Hull,	Reid,	Vreeland,
Creamer,	Jackson, Md.	Robertson, La.	Weeks,
Crowley,	Jett,	Ruppert,	Wheeler,
Davis, Fla.	Joy,	Russell,	White,
De Graffenreid,	Kern,	Scarborough,	Woods,
Driscoll,	Landis,	Selby,	Young.

So the House decided to consider.

The following pairs were announced:

For the session:

Mr. WRIGHT with Mr. HALL.

Mr. BOREING with Mr. TRIMBLE.

Mr. KAHN with Mr. BELMONT.

Mr. METCALF with Mr. WHEELER.

Mr. BULL with Mr. CROWLEY.

Mr. IRWIN with Mr. GOOCH.

Until further notice:

Mr. JOY with Mr. COCHRAN.

Mr. LOUDENSLAGER with Mr. DE GRAFFENREID.

Mr. HENRY C. SMITH with Mr. TAYLOR of Alabama.

Mr. JENKINS with Mr. SMITH of Kentucky.

Mr. HAUGEN with Mr. LEVER.

Mr. SKILES with Mr. TALBERT.

Mr. DRISCOLL with Mr. ROBINSON of Nebraska.

Mr. EMERSON with Mr. GILBERT.

Mr. SHERMAN with Mr. RUPPERT.

For two weeks:

Mr. WEEKS with Mr. SHEPPARD.

For ten days:

Mr. BURKETT with Mr. SHALLENBERGER.

Until the 28th:

Mr. EVANS with Mr. HENRY of Mississippi.

For the day:

Mr. NEEDHAM with Mr. BRUNDIDGE.

Mr. POWERS of Maine with Mr. FOX.

Mr. RUSSELL with Mr. ROBERTSON of Louisiana.

Mr. WM. ALDEN SMITH with Mr. JETT.

Mr. REEDER with Mr. SELBY.

Mr. PATTERSON of Pennsylvania with Mr. SCARBOROUGH.

Mr. MINOR with Mr. MCLAIN.

Mr. MCCLEARY with Mr. MCANDREWS.

Mr. LONG with Mr. LATIMER.

Mr. LANDIS with Mr. HENRY of Texas.

Mr. HULL with Mr. GLENN.

Mr. ESCH with Mr. ELLIOTT.

Mr. CORLISS with Mr. KERN.

Mr. SHELDEN with Mr. EDWARDS.

Mr. CONNELL with Mr. DAVIS of Florida.

Mr. FORDNEY with Mr. REID.

Mr. CANNON with Mr. CREAMER.

Mr. BARNEY with Mr. CONRY.

Mr. ACHESON with Mr. BROUSSARD.

Mr. STORM with Mr. BELLAMY.

Mr. WOODS with Mr. WHITE.

Mr. VREELAND with Mr. VANDIVER.

Mr. YOUNG with Mr. COONEY.

The result of the vote was announced as above recorded.

The SPEAKER. The Chair will recognize the gentleman from Ohio [Mr. TAYLER].

Mr. TAYLER of Ohio. Mr. Speaker, I am just in the midst of a conference with the gentleman from Alabama [Mr. BOWIE] and his colleague respecting the time that the debate shall endure.

Mr. BOWIE. Mr. Speaker, I would make this suggestion, that the gentleman proceed and grant time to whoever is to open on his side, and, pending that, we can confer as to the time. I wish to confer with some gentlemen on this side of the House.

Mr. TAYLER of Ohio. I was anxious to know at this time if there was to be no debate.

Mr. BOWIE. I would not agree to have no debate.

Mr. TAYLER of Ohio. Of course I do not desire to compel anybody to withhold debate. I yield, then, to my colleague [Mr. SMITH of Iowa], to speak in his own time.

Mr. SMITH of Iowa. Mr. Speaker, this contest was instituted by William N. Horton, who was a Republican candidate for Congress from the Twelfth district of Missouri in the election of 1900, as against James J. Butler, who was the Democratic nominee and who received his certificate of election. The Committee on Elections No. 1, having had this matter under consideration, have reported in favor of declaring the seat vacant. Before proceeding to a discussion of the facts in this particular case, I desire to call attention to those laws of the State of Missouri which are applicable to it. It is provided by the constitution of the State of Missouri that every ballot shall be so marked as that it can be determined after the election who cast that ballot. As a matter of fact, in Missouri the name of every voter is given a number at the time he casts his ballot and his ballot is given the same number, and so it becomes possible in the case of an election contest to determine, in the absence of mistakes upon the part of the election officers, the name of every person who cast a ballot in that election.

In the State of Missouri the city of St. Louis is usually Republican and the State usually Democratic; and to remove the patronage from the city government, or for other causes which are not material here, the legislature of Missouri passed a law creating a police commission in the city of St. Louis, appointed by the governor and having entire control of the police force of that city. This police force, by reason of the political character of the State of Missouri, is and has been ever since the passage of the law referred to a Democratic police force. The law of the State of Missouri provides now that the election commissioners of the city of St. Louis shall also be appointed by the governor.

The Filley law, passed in 1895, provided that two of the election commissioners should be appointed by the governor and one by the mayor, and explicitly provided that the one appointed by the mayor should be of the opposite political faith to that entertained by those appointed by the governor. As the mayor of St. Louis is usually a Republican, practically this law entrusted the appointment of the Democratic members of this commission to the Democratic governor and the appointment of the Republican member to a Republican mayor. But as at times the mayor of St. Louis is a Democrat, it was explicitly provided that he must appoint a commissioner of the leading political party other than that of the governor. This law also provided that the governor should designate the chairman of the election commission, and that the mayor's appointee should be the secretary of the commission.

But in 1899 the law was changed, so that all appointments are made by the governor, and the commission select the secretary from without the board, who is of the political party represented by the majority upon the board. So that while under the former law the Democrats got the chairman of the board and the Republicans the secretary of the board, under the new law the Democracy receives a majority of the board and the chairman and the secretary. Under the old law it was provided that this Republican representative should have the choice of all the judges and clerks representing the Republicans upon the various election boards in the city and county of St. Louis. Under the new law no such power is given to the Republican representative, but the power is intrusted first to the election commission itself, and in their absence to the secretary of the commission, who is clothed with all the powers of the full board when the board are absent or otherwise not in session.

While the new law requires that the Republicans shall be given equal representation upon these election boards, it does not give to the Republicans the choice of their representation upon these boards. A pretense in this case was made of carrying out the law; but in 5 wards of the 15, in this district where the committee have taken the pains to see how these alleged Republican judges and clerks voted, the record shows that 53 voted for the Republican candidate for Congress and 60 voted against the Republican candidate for Congress. An absolute majority of the so-called Republican judges and clerks, so far as they were canvassed by this committee, have voted against the Republican candidate for Congress, and that is the kind of representation that was given to the Republicans upon the election boards in the city of St. Louis. And if we bear this in mind we will be able the better to understand the methods by which the iniquity was carried out in the election of 1900.

Before the election of 1900 it was believed by the Republicans that large numbers of fictitious names had been registered. They

succeeded in getting a list of about fifteen hundred of these names. They sent out registered letters to those persons at the addresses given upon the register books. The post-office officials made special efforts to make delivery of those letters, but were unable to find any substantial number of the persons at the places indicated upon the registration books. Warrants were then sworn out for the arrest of these people, and deputy sheriffs were on election day sent to the polls to arrest such persons as might cast ballots under these names.

But this effort was futile, because on the Sunday night before election there met at the Southern Hotel, in the city of St. Louis, the attorney-general of the State, the chairman of the Democratic State central committee, the chairman of the Democratic city central committee, the Democratic members of the election commission, the Democratic assistant or deputy election commissioner, the Democratic police commissioners, and the chief of the police force of the city of St. Louis, Col. Ed. Butler, and this contestee, James J. Butler, and it was then and there resolved that instructions should be issued to the police force of the city not to allow any deputy sheriff within a hundred feet of the polls.

There is no law in Missouri prohibiting anyone from being within a hundred feet of the polls. There is a law prohibiting electioneering within a hundred feet of the polls. But this collection of gentlemen at the Southern Hotel first procured an order to be issued that these deputy sheriffs should not under any circumstances be allowed within a hundred feet of the polls. It needs but little reflection to see that an order like that would absolutely defeat every effort for the arrest of the guilty, for the names upon the register books were not the names of any human beings. They were mere fictions, put there that repeaters might vote in those names.

No warrants issued for the arrest of these people could be served save only by waiting until some individual gave that name at the ballot box and then laying hands upon him. But the order wisely and discreetly provided that no deputy sheriff should be allowed within 100 feet of the polls, so that he could not hear any name given and make any arrests. Subsequently, discovering that this order was a little too radical, an order was issued that a deputy sheriff might be permitted within a hundred feet of the polls for the purpose of making an arrest of some person who was there situated; but inasmuch as it was utterly impossible for the sheriff to know who was to cast this fraudulent vote unless he could stay close enough to the polls to hear his name given in, of course this accomplished the purpose just as well as the original order. The result was that fraud ran rampant in that district on election day.

Shortly after the election the Republicans, satisfied that the extraordinary change since the last election could but be the result of fraud, took a canvass of all that part of the Twelfth Congressional district where colonization would be apt to take place. At the previous Congressional election the district went Republican by 2,300 majority; at this election there was a majority of 3,500 for Mr. Butler, as shown by official returns, a change of 6,000 votes in favor of the Democracy, when all over that western country they were losing as compared with the vote in 1898 in Congressional matters.

The result was that the Republicans decided to make a house to house canvass in that part of the district where colonization was apt to take place. They did so, and they got a census for all that territory, and when you give to the Democracy of that district credit for every man who had been either upon the Federal census, taken in June of that year, or upon this private census, taken in December of that year, there are 9,180 fraudulent names registered in the Twelfth Congressional district in this election of November, 1900.

In the minority report it is strenuously insisted that this private census can not be considered, that it is hearsay testimony, and they make that and other objections to it. I want to say that I do not care whether this House considers the so-called McBurney canvass or not; the United States census was taken in June, 1900. The registration in the city of St. Louis commenced the same month; and if you take the census, and if you take the register, there were over 12,000 fraudulent votes cast in this district. The McBurney canvass, that our friends have made such a strenuous effort to get out of this case, has credited them with every man who moved into this district between June and December.

So much for the McBurney canvass. Yet it is entitled to weight. It had been taken by an officer of the census. It was taken just like the Federal census, and the parties did not know what they were taking it for. They thought they were taking it for world's fair industrial statistics, so that they had no object or incentive to take it other than fairly and properly. I think it was taken fairly. I think it throws some light upon this question. But if it does not throw any light upon this case, then the only result of that is to deprive our Democratic friends of the credit of the names found in the McBurney canvass and not found upon the Federal census. Throw it out, therefore, if you want to, but the amount of fraud in this district is all the more apparent.

Our object was to credit them with every honest vote there was in this district, and for any man who had come in since the registry commenced, if they want to count him, and so we consider the McBurney canvass; but throw it out, if you please, and the record shows only more fraud in the Twelfth district of Missouri. Never has such infamy come under my observation in connection with an election as appears upon the record in the case. These people were not satisfied to prostitute a partisan election commission, to prostitute a partisan police force, but proceeded to prostitute the courts of the State of Missouri.

The court of appeals sitting in St. Louis is a Democratic court with three Democratic judges. It is a court of appeals and for the correction of errors. It has absolutely no jurisdiction or authority to grant naturalization papers. But it so happened that the judges of the circuit court and its clerk were Republican; the clerk required the Democrats to pay the statutory fees to be naturalized as he required Republicans to pay these fees.

This court of appeals of the city of St. Louis proceeded in defiance of all law, and without one vestige of authority, State or Federal, to sit for naturalization of aliens, because, forsooth, the Democratic clerk offered to the State committee to issue papers gratuitously. There is not an authority, so far as I know, in this country, and none has been called to my attention, which holds that a court of appeals can sit for the naturalization of aliens. On the contrary, it has been specifically held by the courts of South Carolina and of California that no such power exists.

The authority is conferred by law upon the courts of common-law jurisdiction. Courts of appeal do not have common-law jurisdiction within the meaning of that term as used in this statute. It has never been the practice in this country, so far as I know, to go to appellate tribunals for naturalization papers. This court was composed of three judges. They sat night after night in October, 1900, granting naturalization papers as high as five to six hundred a night. One of the judges of that court had too much decency and too much self-respect to sit during these proceedings. But two of these judges sat there and granted these papers. Every paper thus issued was void for want of jurisdiction in the court.

But I propose to call attention to the proceedings of that tribunal and show that fraud was everywhere. The laws of the United States provide that minors whose parents are naturalized during their minority are naturalized by the naturalization of the parents. The laws of the United States provide that persons who come here under 18 years of age may take out both sets of papers at the same time. Minors as a body, coming here under 16 years, are naturalized by the naturalization of their parents, the great body of them. Minors coming here over 18 years of age have no right to take out both papers at once. And so it is that those who take out both papers at once are substantially confined to those who come here between 16 and 18 years of age.

Now, what does the record show in this court in St. Louis? It shows that prior to October, 1900, only 218 persons in all have been naturalized in this court in its history; but in the month of October, 1900, 1,530 persons were naturalized. Of that number 842 were naturalized adults and 688 were naturalized as having come here minors under 18 years of age. In other words, nearly one-half of those naturalized in that court of appeals succeeded in getting second papers without producing first papers, upon the pretense that they came here under 18 years of age.

It has been my privilege through a course of ten years to have some observation of what percentage of naturalizations are of persons who are entitled to take out both papers at once as having come here under 18 and what percentage have to wait two years between their papers, and I assert that it is the common experience of everyone that not more than 5 to 10 per cent are entitled to take out both sets of papers at once. But down at St. Louis, of this body of Democrats naturalized in a court that had no jurisdiction, substantially one-half of all pretended that they came here under 18 years of age, when if they came here under 16 most of them would have been naturalized by the naturalization of their fathers. It so happens that the years between 16 and 18, of all the years of man between 1 and 70, seem to be the years during which migration takes place, and nearly one-half of all who came here came between 16 and 18 years of age. [Laughter.]

Has there ever been a record of a high judicial tribunal which bore upon its face more manifest evidence of fraud than this record to which I have referred? But these gentlemen collected $20,000 from the police force of the city of St. Louis alone with which to carry this election. Having by the police-commission law taken the police force out of the jurisdiction of the city of St. Louis and placed it in the control of the men appointed by a

Democratic governor, they put the screws on them and made them contribute more than $20,000 for the purpose of debauching this particular election.

But all these things would have been unavailing to overcome a Republican majority in this district. The police force went with the gangs of repeaters and kept off from them the deputy sheriffs and other people. The repeaters went about from polling precinct to polling precinct, about 60 of them in a body, and cast their ballots, voting in these fictitious names; and not satisfied with that, the same repeaters would simply go and change their hats and coats and come back and vote again in the same precinct, and this is abundantly established by direct evidence.

Now, I want to call attention to a certain precinct and some facts concerning it—the second precinct in the Twenty-third Ward. A clerk of the elections came out from the polling place and he was asked how many votes had been polled. He replied, 140 votes. I know it is claimed that this is hearsay. It is an official declaration, and I say it is part of the res gestæ and is not hearsay in the ordinary sense of that term. I say he came out and made that announcement.

Mr. BOWIE. Is the gentleman referring to the Breitschuh testimony?

Mr. SMITH of Iowa. It is shown by the Breitschuh testimony and an abundance of other testimony. At that time a cry went up, "Here come the Indians;" and it appears in the testimony that down in this virtuous city of St. Louis that term means repeaters. "Here come the Indians!" And this Williams gang went in and voted, and when they had concluded their voting there were 260 votes cast.

Mind you, I do not mean when they had voted once this was the result. These men went out and changed their coats and hats in the presence of respectable people in St. Louis and voted over again in the same precinct, giving new names.

Every time that this gang came to a polling place there was passed out to each of them, as shown by the evidence, a slip telling his name and where he lived. When this crowd had got through voting in this second precinct of the Twenty-third Ward, there were, I say, 260 votes where there had been 140 when they commenced. An examination of the ballots showed that not a single vote from 140 to 260 was cast for the Republican candidate. By some strange mystery 120 Democrats in succession voted in this precinct. But that is not the only remarkable incident here. Not a single one of these 120 names had any middle initial. A strange circumstance that, with probably nine-tenths or more of the American people in possession of two Christian names, not one of these 120 men who voted in succession had any middle initial. Of the voters in this precinct not shown by the McBurney canvass, 130 voted for Butler.

But there were other difficulties to be overcome in carrying out this enterprise than those I have indicated. There was the danger that deputy sheriffs would lay their hands upon these miscreants, and they were driven from the polls by the police force of St. Louis. But there was danger that Republican challengers would interfere with this pleasant procedure, and so, in precinct after precinct, they threw out the Republican challenger and left nobody there to represent the Republicans except these Republican judges and clerks, who, as the returns show, voted the Democratic ticket.

But still there was fear that this corrupt police force had not done enough in contributing $20,000 to the fund to pay these repeaters and in driving from the polling places in that district the deputy sheriffs, men having equal authority with themselves, and driving away the challengers. Squads of them went down to the polling place just as "the Indians" were coming, and cleared the way to see that no one interfered with them.

Now, by these methods, by fraudulent naturalization, by void naturalization, by corrupt use of money, by fraudulent registration, by using repeaters, by every means known to man by which the ballot box may be debauched, they succeeded in carrying this election, as they claim, for James J. Butler.

But all these things were not, they feared, sufficient. They knew they had taken 60 men from place to place, voting them everywhere—voting them twice in a single precinct. But still they were afraid that they had not stolen enough, and so a recanvass of the vote shows that these judges and clerks of integrity stole more than 400 votes in the count. On the report as made out by the minority, not by the majority, we think they stole more than that. It further appears that some of these judges and clerks deliberately turned out Republican ballots with the name of the Republican candidate for Congress erased before the ballots were delivered to the voter. It appears that one Republican judge wanted to challenge a voter, and while he was trying to prepare the challenge blank the Democratic judge took the man's ballot and put it in the box.

Thus by corruption, thus by fraud, thus by force, thus by violence they succeeded in subverting the will of the people in the Twelfth district of Missouri. You ask me, Why did not the majority vote in favor of seating the Republican member, if this is all true? I will tell you why. We are not desirous of seating any Republican who is not entitled to his seat. We have shown by an abundance of testimony, sufficient to convince the most doubting, that at least 5,000 fraudulent votes were cast for James J. Butler; votes of men who had no existence, votes of men who registered from disreputable houses, 30 of them to a house, and 100 of them to a block in which there was not a respectable house. One hundred of them at a time registered from stables. Men registered from vacant lots, and men registered who, if they had located the number where it would have to be in order to correspond, it would have been in the middle of a public highway. More than 5,000 fraudulent votes were thus cast for James J. Butler.

More than 400 were stolen from Horton in the count, but it does appear that there were 2,000 votes cast for Horton that could not be found in the census or in the McBurney canvass. There is no evidence of repeating. There is no evidence of fraudulent voting. There is no evidence of anything affecting Horton's title, save only the fact that these voters can not be found—not as in Butler's case, proof of padded registration list; not as in Butler's case, proof of interference by the police; not as in Butler's case, partisan judges and partisan clerks allowing the same men to vote two or three times at a precinct. But there is enough doubt in the minds of the members of this committee as to whether Horton got those 2,000 votes fairly, so that we are unwilling to give him this seat.

There is no doubt that the election of Butler is a scandalous fraud. There is some doubt whether Horton was really elected or not: whether he did not get some fraudulent votes, too. I have thought something upon this subject, and I am convinced that the chances are that some of these repeaters that our friends were using down there, some of them Abyssinians, took the advice of "our peerless leader" and took Jim Butler's money and voted for Horton. I do not know whether that accounts for it or not. It may. There is not a particle of evidence tending to reflect upon Horton save only that he got these votes from people who are not found in the district.

Mr. BARTHOLDT. If the gentleman will permit, I would state that the general explanation in St. Louis is that these people simply made a mistake in scratching their ballots. Instead of scratching the Democratic ballot, they scratched Republican ballots, being illiterate men, unable to read.

Mr. SMITH of Iowa. I do not know what the explanation is. That may be it. It may be that accounts for it, but there is no evidence, I say, reflecting upon Horton, aside from this mere canvass.

Mr. BARTLETT. Mr. Speaker, if the gentleman will permit, I have listened with a great deal of interest to what the gentleman has stated. The committee, as I understand it, reports the seat to be vacant.

Mr. SMITH of Iowa. Yes.

Mr. BARTLETT. And the majority of the committee do that, as I understand, because of the fact and from the evidence they arrive at the conclusion that the election was fraudulent, and that on account of the election being fraudulent, the evidence not being sufficient to show for whom these fraudulent votes were cast, sufficient to declare either one or the other entitled to the seat. That is the theory upon which the majority proceed, is it not? That is, you first determine from the evidence which you have stated——

Mr. SMITH of Iowa. No; that is not the theory, if the gentleman asks me that question. Perhaps I had better state that there is no difficulty in telling just exactly who cast every one of those fraudulent votes.

Mr. BARTLETT. May I ask the gentleman this question? He has stated now something about the evidence with reference to certain fraudulent naturalization, some 1,500.

Mr. SMITH of Iowa. Not all of them fraudulent. Some of them fraudulent, but all of them illegal.

Mr. BARTLETT. Perhaps I should have said illegal—on account of want of jurisdiction.

Mr. SMITH of Iowa. And fraudulent as to the character of many of the applicants.

Mr. BARTLETT. Now, was there evidence before the committee, or did the committee run it down far enough to see how many of those fraudulent or illegal naturalized voters voted for Butler and how many for Horton?

Mr. SMITH of Iowa. No.

Mr. BARTLETT. That was not ascertained before the committee.

Mr. SMITH of Iowa. It is before the committee, but you may well imagine that with the enormous number of votes in this case to find just how every individual voted is a matter of some difficulty.

Mr. BARTLETT. I have undertaken to do it, and that

prompted the question, because I wanted to know this fact, if the committee has been able to find out who voted then the committee could sift the fraudulent votes from the legal votes.

Mr. SMITH of Iowa. They can do that. I simply say they did not do it with reference to naturalization in the court of appeals. The law of Missouri requires every voter's name shall be numbered, and that his ballot shall have the same number upon it. Now, there are over 9,100 names registered that are not either upon the Federal census, taken the same time the registration commenced, or in the McBurney canvas. Now, we can turn to the poll books and find the number of every one of those names and turn and find the ballot that was cast by the person who claimed to be the man and find out just who he voted for.

Mr. BARTLETT. The gentleman says that the committee did not do that.

Mr. SMITH of Iowa. I say they did do that, but did not do it with reference to the naturalization list. They did do it with reference to this list of 9,100 fraudulent names upon this registration list, and they found that some of them were scared away by these warrants that had been issued, and by the notices that had been sent out, and the list that had been published, showing who they were; but more than 7,000 of them voted at that election, and more than 5,000 voted for Butler and 2,000 voted for Horton.

Mr. BARTLETT. Then the committee has been able to find out who that number of fraudulent voters voted for.

Mr. SMITH of Iowa. Yes.

Mr. BUTLER. Deducting each from the man for whom they were cast, how does it leave the election?

Mr. SMITH of Iowa. If it was so deducted, and more than 400 votes erroneously counted were deducted, it would elect Horton.

Mr. BARTLETT. But the majority of the committee were so satisfied of the improprieties and frauds that were committed in the election that they determined that no man was legally elected, I understand.

Mr. SMITH of Iowa. We determined that we were uncertain as to whether these were fraudulent votes cast for Horton by procurement of himself or friends, or whether they were some of Butler's repeaters who either did not know how to vote or decided to vote for Horton anyhow, because they were Africans, after taking Butler's money. We were uncertain, I say, whether Horton was in any sense responsible for these 2,000 votes thus cast for him, and we were unwilling to ask this House, therefore, to seat him with apparently 2,000 fraudulent votes to his credit.

Mr. BARTLETT. Then, the committee were not able definitely to sift the fraudulent votes from the legal and valid votes, so as to authorize them to say that anybody was elected?

Mr. SMITH of Iowa. Yes; we were able to sift the fraudulent from the legal votes all right; but when Mr. Butler ran a repeater up to the polls to vote in the name of a man who did not exist, and that repeater, either through ignorance or because he was an African and wanted to vote the Republican ticket, took Butler's money and voted for Horton, we can not say whether Horton was fairly elected or not.

Mr. BARTLETT. Do you think he ought to stay bought?

Mr. SMITH of Iowa. Why, I presume that is what you think.

Mr. BARTLETT. No; I do not say that.

Mr. SMITH of Iowa. That is what your side seems to think.

Mr. RUCKER. Will the gentleman from Iowa yield?

Mr. SMITH of Iowa. Certainly.

Mr. RUCKER. I understood my colleague from Missouri [Mr. BARTHOLDT] a moment ago to aid the gentleman who now has the floor in explaining the 2,000 votes that were cast for Mr. Horton.

Mr. SMITH of Iowa. Yes.

Mr. RUCKER. As I understand, the gentleman who is now addressing the committee consented to that as a possible explanation of it.

Mr. SMITH of Iowa. That may be possible; yes.

Mr. RUCKER. Now, if I understood my colleague, he said that about St. Louis the general impression was that ignorant persons erroneously scratched the Democratic ticket when they intended to scratch the Republican ticket. Now, I should like to ask the gentleman in this connection how could that have been done in view of the fact that each political party had a ticket printed on a separate sheet of paper?

Mr. SMITH of Iowa. As I understand the Missouri law, each voter receives all of the tickets from the judges of election. Is not that true?

Mr. RUCKER. He may do so.

Mr. SMITH of Iowa. He does receive them ordinarily, does he not?

Mr. RUCKER. Yes, ordinarily.

Mr. SMITH of Iowa. And goes and picks out the one he wants to vote and hands it to the judge of election. I do not see any difficulty about it.

Mr. RUCKER. Now, the idea is that he mistakes the Republican ballot for a Democratic ballot.

Mr. SMITH of Iowa. That is the suggestion that Mr. BARTHOLDT made, and that, I said, might possibly be the explanation.

Mr. RUCKER. In other words, your idea is that these 2,000 men wanted to vote the Democratic ticket, but accidentally got the wrong ticket.

Mr. SMITH of Iowa. I told you I did not know how they came to vote that way.

Mr. RUCKER. That is the gentleman's explanation.

Mr. BARTHOLDT. If the gentleman will permit, those 2,000 votes are admitted to have been fraudulent votes, cast by people whom we do not know and whom we can not identify, and most of them—a good many of them—had been imported into the city of St. Louis from outside for the purposes of that election.

Mr. RUCKER. Can the gentleman tell us in that connection when they were imported?

Mr. BARTHOLDT. Oh, I can tell you that from my own experience and observation.

Mr. RUCKER. I thought possibly you might, if you desired.

Mr. BARTHOLDT. Weeks before the election the boarding houses along Market street and Chestnut street were filled with strangers who had never been seen before in the city of St. Louis. They were all used for the purposes of that election, and in explanation of what my colleague asks these tickets are handed out to each voter in bunches, as he is aware.

Mr. RUCKER. That is usually the case.

Mr. BARTHOLDT. And of course it is not very difficult to explain that a repeater, a man who can not read the caption of the Republican or Democratic ticket, might mistake the ticket and intend to vote the Democratic ticket, but actually vote the Republican ticket.

Mr. RUCKER. I would make this suggestion: I never heard of a Republican candidate making such a grievous error as to buy men who did not know enough to vote the right ticket after being bought.

Mr. SMITH of Iowa. Did not know how to vote the right ticket! Did not your candidate on the Democratic ticket advise men to take the money and then go and vote their own ticket?

Mr. RUCKER. I say that any man who says the last Democratic candidate for the Presidency advised men to sell their votes utters a foul slander, which I do not believe the gentleman from Iowa intends or is capable of doing.

Mr. SMITH of Iowa. He said, "Take their money and vote as you choose." I do not mean he ever advised men to sell their votes, because at the time he was advising them to vote for himself. Of course, he never advised them to sell their votes. He was trying to get them to vote for him.

Mr. RUCKER. I do not believe that he ever told them that.

Mr. SMITH of Iowa. You do not?

Mr. RUCKER. Did you ever hear him say it?

Mr. SMITH of Iowa. I never heard him say so.

Mr. RUCKER. I do not think any other man ever heard him.

Mr. SMITH of Iowa. It has been stated in the press time and again and never questioned.

Mr. RUCKER. I question it now.

Mr. SMITH of Iowa. It was never questioned.

Mr. RUCKER. He is too great a man to question every political falsehood that may be circulated through Republican papers.

Mr. SMITH of Iowa. I trust that he is too great a man to tolerate such a charge against him without denying it if false.

Mr. RUCKER. It would take a man a lifetime to answer all Republican slanders.

Mr. MANN. He is still their leader.

Mr. SMITH of Iowa. In some polling precincts, in order that this iniquity might be carried on with greater safety, they pasted newspapers all over the windows clear up to the ceiling, to prevent anyone from by any possibility discovering the fraud, from seeing it, and then carried it out according to their sweet will and pleasure.

Colonel Butler was the boss of the Democratic party of the city of St. Louis. He conducted this marvelous campaign by which there was a reversal of 6,000 in the vote in that district. I need not refer to the reputation of this distinguished Democratic leader. I say that no man can read his record without coming to the conclusion that this whole election was a travesty. So when gentlemen ask McBurney, "If Mr. Hennings roomed at the Jefferson Club, then your canvasser was not correct?" He said, "Of course it was not, if he lived there; but I did not find him." They never produced any evidence that he lived at the Jefferson Club. They proved their case by the question put to the witness and never by the answer. Witness after witness was brought up and testified that he lived in the house designated as the home of some of these fraudulent voters and swore that no such person ever lived in that place.

Witness after witness comes upon the stand and swears that

he lives next door to a certain place where voters registered from, and no such person lives there at all. That is one of the things repeated by this contestee. No witnesses are called by him to disprove any of these grave charges; not a syllable of evidence is furnished to this House tending to strengthen his case. Suspicious at least. We should have supposed that he would have regarded some of these circumstances. If these men existed, why did he not bring in just a few of them so that we could look at them. But witnesses living in the very house from which the registry was made swore no such person ever lived there, persons living in houses adjoining those from which persons were registered swore that these people never lived there. Not one syllable of evidence is brought by this contestee to refute that charge.

Mr. BARTLETT. I understand the gentleman to say that the evidence in this case is that when it was alleged that certain voters who were alleged to have voted for the contestee did not live at the place at which they were registered that no other person answering to the description either by name or otherwise was produced to say that he did vote for Mr. Butler?

Mr. SMITH of Iowa. No. A woman would come on the stand from a house where a man was registered and voted for Butler, and swear that no such man lived there at that time, and never lived there, and there was no evidence brought in to show that he had ever lived there.

Mr. BARTLETT. You never asked for the voter. Why did not they produce him if he really voted?

Mr. SMITH of Iowa. That was what we were trying to find out. We never could get them to produce them.

Mr. BARTLETT. Not one?

Mr. SMITH of Iowa. Not one.

Mr. BARTLETT. Not one?

Mr. SMITH of Iowa. Not one. [Laughter.] There were 9,000, and not one produced; 9,180, and not one produced.

Mr. MANN. I think there was one produced.

Mr. SMITH of Iowa. One produced. There was one produced. I beg the gentleman's pardon. There were 9,179 who were not produced. [Laughter.]

Mr. NEVILLE. Will the gentlemen permit an interruption?

Mr. SMITH of Iowa. Certainly.

Mr. NEVILLE. How much majority does the evidence show in favor of Butler?

Mr. SMITH of Iowa. Three thousand five hundred.

Mr. NEVILLE. And you say that there were 9,000 fraudulent votes cast?

Mr. SMITH of Iowa. No; I did not say so. I said there were 9,180 fraudulent registrations.

Mr. NEVILLE. And how many fraudulent votes?

Mr. SMITH of Iowa. A little over 7,000.

Mr. SHACKLEFORD. How does the gentleman account for the fact that the contestee only got 3,000 majority, if there were cast 9,000 fraudulent votes?

Mr. SMITH of Iowa. I have told the gentleman that there were only between 7,000 and 8,000 fraudulent votes, and the Republicans had 2,300 majority in the previous election, and these fraudulent votes were enough to overcome that majority and give Butler 3,500.

Mr. SHACKLEFORD. What became of the other 2,000?

Mr. SMITH of Iowa. I told the committee that 5,000 and odd of those votes were found by examination of the ballots to have been cast for Butler, and about 2,000 for Horton, making the 7,000.

Mr. SHACKLEFORD. They were split up, then?

Mr. SMITH of Iowa. I have explained the best I know how. Now, Mr. Speaker, I want to say in conclusion that we have been hearing a great deal lately about imperialism. I want to say that the enemies of republican liberty and of republican institutions are not those who seek to carry them across the waters to the people beyond our western sun. The people who are the enemies of republican institutions and republican liberty are those who procure fraudulent naturalization; those who procure fraudulent registration; those who procure fraudulent votes to be cast; those who by force and violence subvert the will of the people at the ballot box; those who debauch the whole election machinery until republican government at home becomes naught but a mockery. [Applause on the Republican side.]

Mr. WILLIAM W. KITCHIN. Before the gentleman takes his seat I want to ask him a question.

Mr. SMITH of Iowa. Very well.

Mr. WILLIAM W. KITCHIN. I want to ask the gentleman from Iowa if he will not modify his statement he made against the last Democratic candidate for President. I understood that it was said that he advised those men that were supposed to be intimidated into wearing the McKinley button to wear the button and vote the Democratic ticket, and I do not believe it was ever charged that he advised them to take money for voting one way and then vote the other. I ask the gentleman if he will not modify the statement by omitting the charge as he has alleged it?

Mr. SMITH of Iowa. My recollection is the other way.

Mr. WILLIAM W. KITCHIN. My recollection is that he only told them that if they insisted on wearing the buttons to wear them.

Mr. SMITH of Iowa. It was the farthest from my intention to slander Colonel Bryan.

Mr. WILLIAM W. KITCHIN. I think it only applied to those men who were employed by large corporations, which corporations required them to wear the McKinley button, and that there never was a charge made against him that he told them to take the money and then vote the other way.

Mr. SMITH of Iowa. I want to say that I have no desire to say anything unjustly reflecting upon Colonel Bryan. My recollection is as I stated. If I am mistaken, then I am ready to withdraw the remark.

Mr. WILLIAM W. KITCHIN. I ask the gentleman to withdraw it now, or put in his speech some publication from some newspaper making the charge.

Mr. SMITH of Iowa. I am not able, Mr. Speaker, at this time, after the lapse of years to produce any newspaper article making that charge.

Mr. CLAYTON. Well, then, upon that sort of a vague recollection is the gentleman willing to slander a good man?

Mr. SMITH of Iowa. If the gentleman chooses to call it a slander, I have nothing to reply. I have not said that I made the statement on any vague recollection. I believe it to be true, as I have stated. I have said that I could not produce the proof at this moment, and if I am mistaken I wish to withdraw it.

Mr. CLAYTON. You do not know it yourself? You can not get any witness to it?

Mr. VANDIVER. Can the gentleman give the name of any reputable newspaper that published such a charge?

Mr. SMITH of Iowa. I think they all made the charge.

Mr. VANDIVER. But you can not give the name of one?

Mr. SMITH of Iowa. I think they all made the charge.

Mr. CLAYTON. The charge, if ever made, is false and slanderous, and the gentleman from Iowa ought to know it to be so.

Mr. VANDIVER. The gentleman can not give the name of a single paper.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14019) making appropriations to provide for the expenses of the Government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes.

ELECTION CONTEST—HORTON AGAINST BUTLER.

Mr. TAYLER of Ohio. Mr. Speaker, I would like to interrogate my colleague on the committee, the gentleman from Alabama, as to how much time he now desires.

Mr. BOWIE. I will state to the gentleman from Ohio that Mr. Butler told me this morning that he was very sick. I saw him in bed, and he looked like he was sick. I have a certificate from his physician to that effect. Mr. Butler told me he did not want to come here if it was possible to avoid it, but he said if the case was called and entered into consideration of it, notwithstanding the advice of his physician to the contrary, he was going to come here.

I have been looking for him to come here. That is the last word I had from him. I sent his secretary to him a half or three-quarters of an hour ago to find out whether he was coming. I have not yet heard. If Mr. Butler should come, he has a speech that he wants to read. He says that he is not strong enough to deliver it. That will take an hour. I can not possibly discuss this case in less than an hour or an hour and a half.

Mr. TAYLER of Ohio. Why not take two hours and a half on each side?

Mr. BOWIE. That would carry the question over until to-morrow?

Mr. TAYLER of Ohio. Yes, sir.

Mr. BOWIE. Well, I am perfectly willing to agree to that with the understanding that if Mr. Butler should come and should want more time than this arrangement contemplates, he may have it.

Mr. TAYLER of Ohio. Mr. Speaker, I ask unanimous consent that debate on this case continue for five hours altogether, the gentleman from Alabama [Mr. BOWIE] controlling one half of the time and I the other half, one hour having been consumed on our side—five hours in all.

Mr. BOWIE. But the arrangement should be subject to this provision, that if Mr. Butler should come here we may ask that the time be extended for another hour.

Mr. TAYLER of Ohio. Of course Mr. Butler's speech will be on the side of the contestee——

Mr. BOWIE. I understand that; but I want it understood that there shall be more time allowed on our side if he should come and want more.

Mr. TAYLER of Ohio. Of course if there is a situation that makes it necessary, we can act accordingly. But I think the gentlemen on the other side can cut their cloth to fit his needs.

The SPEAKER pro tempore (Mr. NEVIN). The gentleman from Ohio asks unanimous consent that debate on this case be closed in five hours, two hours and a half being allowed on each side, and the one hour already consumed being counted as part of the five hours.

Mr. SHACKLEFORD. I think we ought to have another hour. Missouri wants to be heard on this question.

Mr. TAYLER of Ohio. Well, make it six hours.

The SPEAKER pro tempore. The request is for six hours' debate, three hours on each side.

Mr. TAYLER of Ohio. And at the end of that time that the previous question shall be considered as ordered upon the resolution and substitute.

The SPEAKER pro tempore. The gentleman asks that at the expiration of six hours the previous question be ordered on the resolution. In the absence of objection this order will be made. The Chair hears no objection.

Mr. BOWIE. Mr. Speaker, it has been stated by the gentleman [Mr. SMITH of Iowa] who has just closed his remarks that the evidence in this case shows that more than 9,000 persons were illegally registered in the Twelfth Congressional district in the city of St. Louis at the last election. Now, before categorically denying the statement that the legal evidence in this case shows any such fact as that, I wish to correct the gentleman and say that the McBurney canvass, to which he alludes, and which, as I insist, constitutes the whole basis and fabric of this case, shows not 9,000 fraudulent registrations, but, if that canvass be true, it shows a fraudulent registration in six of the wards of 14,088, in precincts covering barely more than one-half of the district. And it was stated during the oral argument before the committee that the only reason that that canvass did not extend through the whole district was that they did not have sufficient time in which to make the canvass, and that the information which they had was that the false registration in the remaining precincts of the district was just as great proportionately as it was in the portion they did examine. So that if the statement be true there is, according to the theory on which the majority base their case, upon which the contestant bases his case, more than 24,000 fraudulent registrations in one Congressional district in the city of St. Louis; not 9,000, not 14,700, but over 24,000.

Now, Mr. Speaker, I assert without the fear of successful contradiction that if this were a case to be tried before the Supreme Court or in a circuit court, as against which an appeal to the Supreme Court would lie, that instead of 24,000 fraudulent registrations being shown by this evidence to exist in this one district the legal and competent evidence in this record would not show 200. I expect to demonstrate that to any fair-minded man who will do me the honor to listen to the analysis of the case that has been presented in behalf of the contestant.

In the first place I assert the proposition that when they say that in less than two-thirds of the election precincts in one Congressional district there were 14,088 fraudulent registrations they assert a proposition which challenges the credulity of any human being. It is a thing which on its face we know is not true, and it never happened in the Twelfth Congressional district of Missouri at the last election. It never happened anywhere on earth—that is, in the United States, at least; never in any Congressional district—that more than 50 per cent of the total registration is fraudulent.

Mr. Speaker, I want to call the attention of this House for a few moments to what the accusation of 14,088 fraudulent names means. These figures are obtained from page 67 of the brief of contestant's counsel in this case. I quote the table, as follows:

Ward.	Registered.	Not found.		
		McBurney.	Census.	In either.
4	3,673	2,092	2,313	1,598
5	4,771	3,111	3,139	2,443
6	5,114	1,618	1,885	956
14	4,944	2,469	2,906	2,042
15	4,052	1,603	1,881	1,060
23	4,913	1,518	1,964	1,110
Total	27,467	12,411	14,088	9,209

Now let us analyze the meaning of these figures. If out of 27,467 names registered 14,088 are fraudulent, we find the legitimate registration only 48.7 per cent of the total. Now, the complete registration in the district was 47,752. Take 48.7 per cent of this total registration and we find the legitimate registration to be only 23,255 in the whole district. Now, the population of the district in June, 1900, was 179,767, and the ratio of legitimate registration to population according to this contention is only 12 per cent. The mere statement of this proposition ought to be enough to show its absurdity, but I offer other testimony which, in my judgment, clinches it beyond all peradventure.

We have the census of the United States, which shows, first, the population of that district in the month of June, 1900, all told; second, the male population over 21 years of age in that Congressional district. We have the same with reference to every Congressional district in the United States. Now, if there were either 14,000 or 24,000 fraudulent names upon the registration list, it would swell the total proportion of registration in this Congressional district higher than in any other in the Union, for no Representative on this floor will admit that in his district any such condition of affairs exists. It will be the highest percentage of any in the United States.

If there were 14,000 fraudulent names, the result of it would be that there would be more names registered than the census of the United States showed were there, because we know, as a matter of fact, that in a closely contested election in a great city like St. Louis they always register from 80 to 90 per cent of the possible vote, and oftentimes more, and if you add to the legitimate registration, which, running between 80 and 90 per cent and in some cases a little over in less than two-thirds of the election precincts of the district, 14,088 names, we will have the case that in this Congressional district there were registered largely more names than the census showed lived there. Well, now, what does the census show with reference to that proposition? In the first place, as already shown, the population of the Twelfth Congressional district is 179,767. The total registration in that district is 47,752; the percentage which that registration bears to the total population is barely 0.26.

I am speaking of the registration, mind you, and not the vote. Unfortunately there are some wards that are fractional wards in this Congressional district, as there are in the other two Congressional districts in the city of St. Louis, but we have eight wards that are complete—eight full wards in this district. The population of males over 21 years of age, as shown by the official returns of the census, is limited to the full wards, and hence the percentage can not be carried into the fractional wards, but the fractional wards offset each other throughout the city. Now, in the eight full wards of the Twelfth Congressional district there were male inhabitants over 21 years of age, according to the census of the United States, a total of 48,704. There were only 38,439 of these who registered, making more than 10,000 less registered voters in eight wards of this district than the census showed lived there three months before the election; 10,000 less. There were only 33,397 who actually voted.

Now, what else do we find? We find that the proportion of registered males over 21 years of age to the total in these wards of this district is 78.9 per cent. The proportion of vote to population in this district—they claim over 7,000 fraudulent votes—is only 68.5 per cent, showing that 31.5 per cent of the total male population over 21 years of age in that district never voted. Twenty-one per cent never registered. What does further comparison show? It is not claimed that in the Tenth Congressional district of St. Louis there is any evidence to show there was any fraud in the registration. Upon the contrary the assertion was made in the oral argument before the committee by the counsel for the contestant that they had tested some wards and precincts in the Tenth and the Eleventh districts, now represented by Republicans on this floor, with their celebrated McBurney canvass, and it run about even, about natural, what it ought to be.

Now, let us apply that test. In the district represented by the gentleman who is now looking at me [Mr. BARTHOLDT] the total registration of males over 21 years of age was 78 per cent—within a fraction of 1 per cent of the same as the registration in Mr. Butler's district. In Mr. JOY'S district, the Eleventh, it was 78.5 per cent, or within four-tenths of 1 per cent of the same, going by full wards, you understand, because I have not got the registration by fractional wards as bearing on males over 21 years of age. Now, when we come to the vote, when you take the case of the Tenth district, we find that the vote was 72.5 per cent of the total male population over 21 years of age. In Mr. JOY'S district it was 73.5 per cent, and in Mr. Butler's district it was 68.5 per cent; right there, three districts, side by side, in the same city, two of them represented by Republicans and elected under this same law as Mr. Butler was elected under, and their registration is within a fraction of 1 per cent of the same, and their vote is in one case 4 per cent more and in the other 5, and yet they tell us that there were 14,000 fraudulent registrations and 7,500 fraudulent votes in the Democratic district.

Mr. BARTHOLDT. Will the gentleman pardon me? I have figures here to show——

Mr. BOWIE. So have I.

Mr. BARTHOLDT. That the total increase in the Republican and Democratic vote in the Butler district was something over 12,000 votes, while in the adjoining district, the district which I have the honor to represent——

Mr. BOWIE. Does the gentleman say that the total increase in the votes was 12,000?

Mr. BARTHOLDT. The increase in the total vote was 12,000.

Mr. BOWIE. At what election?

Mr. BARTHOLDT. The increase of the Democratic and Republican vote.

Mr. BOWIE. At what election?

Mr. BARTHOLDT. Nineteen hundred.

Mr. BOWIE. Over what election?

Mr. BARTHOLDT. Over the preceding election.

Mr. BOWIE. Oh!

Mr. BARTHOLDT. While in the adjoining district, which I have the honor to represent, a district which has a much larger population, the increase is but 9,000, and in Mr. JOY'S district the increase is but 7,500. And the increase in the party vote makes it still more apparent. The party vote has increased evenly in my district, and so it has in Mr. JOY'S district, while in Mr. Butler's district a Republican majority of 2,500 was wiped out and a Democratic majority of 3,500 substituted.

Mr. BOWIE. "I thank thee, Rhoderick, for that word." In the Twelfth Congressional district of the city of St. Louis, in 1896, when the election was held under the celebrated and much-lauded Filley law, the vote was only 2,000 less than it was in 1900 under the much-denounced Nesbit law. Those were Presidential years, and it is fair to compare them. And when you run the comparison down further, you will find that, making allowance for the increase of population between 1896 and 1900 at the same ratio as the population increased between 1890 and 1896—in other words, proportioning the increase of population fairly between the two periods—the vote and the registration under the Filley law in 1896 in this district was higher than it was in 1900 under the Nesbit law.

Mr. BARTHOLDT. Has the gentleman taken into consideration the fact that this district is a business district, situated in the heart of the city, and that a migration has taken place from these business wards out into the outskirts on account of the rapid-transit facilities which have been inaugurated in the city, so that the increase in the district represented by Mr. Butler is naturally not as large as it would be in other districts?

Mr. BOWIE. Well, I do not know anything about that, but I say that the record shows that the vote in 1896, under the Filley law, was a greater per cent to the total population than it was in 1900, under the Nesbit law.

Now, I want to call the attention of the members of this House to some further figures which I have on that subject. The gentleman who has just taken his seat [Mr. SMITH of Iowa] claims that there are over 9,000 names not found either by the census or the McBurney canvas, 14,000 not found by McBurney, and over 12,000 not found by the census, 9,000 not found by either. Now, bear in mind the fact that Mr. Butler's total vote in proportion to the male population was 68.5 per cent, and that his total registration to male population was 78.9. Now, let me apply those same figures to the Congressional district of the gentleman who has just argued this case on behalf of the majority. I have the official figures of the Ninth Iowa district. That district had a population in June, 1900, of 202,253, and of males over 21, 56,135, with a total vote of 47,858. I have not the registration, but the total vote. The percentage of votes to population is 23.6, or more than it was in Butler's district. The percentage of votes to males over 21 years of age was 85.2, against 68.5 in Butler's district. And yet there is nobody charges that there were either 7,000 or 9,000 or 14,000 or 12,000 fraudulent votes in his district. And it shows a larger per cent of votes to population and a much larger per cent of votes to male population over 21 years of age.

And I want to carry the comparison a little further. I want to take the case of the Eighteenth Ohio district, represented by the distinguished chairman of this committee [Mr. TAYLER of Ohio]. The percentage of that vote to population was 24.6, or 1.6 per cent more than it was in this district, and the percentage of votes of males over 21 was 82.4, or about 4 per cent more than the registration in Butler's district.

Take another one, the Tenth Indiana district, represented by the gentleman from Indiana [Mr. CRUMPACKER]. The percentage of votes to population is 26.2, or more than 3 per cent greater. The per cent of votes to males over 21 is 88.3, against 68.5 of vote, or 78.9 of registration in Butler's.

In every case that I have cited the per cent of votes to males over 21 years of age is greater than the per cent of registration to males over 21 years of age in Butler's district.

I could carry it further. I could take the district represented by General GROSVENOR, of Ohio, where the percentage of votes was 89.2 of males over 21 years of age and the percentage of votes to population was 24.1. I could take a number of others which I have here, which I will not take the time to refer to, but I dare assert this proposition. That in a hotly contested election, in what we call the close States of this country, that in more than two-thirds of them, in over half of the districts represented by Republicans in this House, the percentage of votes was greater than it was in Butler's, and the percentage of votes in many of them was greater than the percentage of the registration in Butler's.

Now, I have shown that, with these facts staring us in the face, I assert that it was a physical impossibility for this thing to be true. Here was a Republican district, they say. It has gone Republican three times in twenty years. Here is a district which has gone Republican three times in twenty years, the last two prior to this being Republican. Here was a closely contested election, in a city where everybody lives within a few hundred yards of the polling place, and only 68 per cent of the total possible vote was cast, and only 78 per cent of the total possible registration was made. I say that it staggers anybody's credulity to say that there were 14,000 fraudulent registrations under those circumstances, or even 9,000.

Now, what else do we find? The idea of 14,000 fraudulent registrations is based upon a political canvass made by paid employees of the attorneys of the contestant. They took about six or seven days to make it. The canvassers were paid the munificent sum of 2 cents a name. It was made six months after the census was taken. It was made in the month of December, when the town was full of people as compared with what it would be in June. There were more people, as everybody knows, in the city of St. Louis in December, 1900, than there were in June, 1900; and yet what does this canvass show in the eight wards of the city of St. Louis? It shows in the eight wards of the city of St. Louis that Mr. McBurney found 9,000 less people than were found by the census in June. I will read it by wards.

McBurney found in the Third Ward 5,612 males over 21 years of age. The census, six months before, found 6,522.

In the Fourth Ward McBurney found 3,553; the census found 5,517.

In the Fifth Ward McBurney found 4,032; the census found 5,833.

In the Sixth Ward McBurney found 5,285; the census found 6,260.

In the Fourteenth Ward McBurney found 4,291; the census found 5,351.

In the Fifteenth Ward McBurney found 4,465; the census found 5,979.

In the Twenty-second Ward McBurney found 5,491; the census found 5,963.

In the Twenty-third Ward McBurney found 5,209; the census found 5,454.

Total in eight wards found by McBurney, 37,938; by the census, 46,940; or 9,002 more male inhabitants over 21 years of age found by the census in June than by McBurney's canvassers in the same territory in December of the same year.

Now, Mr. Speaker——

Mr. WILLIAM W. KITCHIN. Will the gentleman allow me to ask him a question right there?

Mr. BOWIE. Certainly.

Mr. WILLIAM W. KITCHIN. Is the correctness of McBurney's canvass essential to the success of the contestant?

Mr. BOWIE. Assuredly.

Mr. MANN. Oh, well—will the gentleman yield?

Mr. BOWIE. Certainly.

Mr. MANN. The contestant or the report would be sustained either upon the McBurney canvass or the census canvass. Is that not so?

Mr. BOWIE. No, sir.

Mr. MANN. Would it not be sustained upon the census canvass?

Mr. BOWIE. No, sir.

Mr. MANN. Does the gentleman claim that the census canvass does not show that there are at least 9,000 registered voters not found by the census officials?

Mr. BOWIE. Why, certainly, on the compilation as they state it to us it shows that there were 12,000.

Mr. MANN. Is it not a fact that there were at least 9,000 voters who were registered who were not found on the census canvass in this district?

Mr. BOWIE. Speaking truthfully, no; speaking literally, according to the compilation as made, yes; and I will explain myself. The census shows that in eight full wards, which I read a while ago and which I have in my hand, there were 10,000 more people over 21 years of age there in June, 1900, than were registered in November, 1900. In other words, the register was 10,000 short in eight wards; and the fact is, as I expect to demonstrate,

that there were a great many people—and the evidence shows it in this record—who moved between the time when the census was taken and the time registration was closed; there were people who not only moved, but people who died; not only people who died, but mistakes were made in the census and in the registration; so that, truthfully speaking, the statement the gentleman makes is not a fact.

Mr. MANN. Well, that is an argument. I did not want the gentleman to be misled. Is it not a fact that there were 9,000 names of persons on the registration list whose addresses were not found by the census officials under those names?

Mr. BOWIE. At those addresses. That is what is said by the compilers. I do not dispute it, nor do I know anything about it.

Mr. MANN. I understood the gentleman did not dispute it; we all know it to be a fact, but I thought his answer to the gentleman from North Carolina was misleading in that respect.

Mr. WILLIAM W. KITCHIN. Let me ask the gentleman from Illinois does he depend on the correctness of the McBurney report?

Mr. MANN. So far as I am concerned, I do not depend on the correctness of the McBurney report.

Mr. TAYLER of Ohio. If I may answer that—and I think the gentleman from North Carolina wants information—I am sure the gentleman from Alabama does not intend to give anything but his view of the case. We do not depend, in any serious sense, upon the McBurney canvass. It is a mere incident in this inquiry. Our conclusion—and I speak for five of my colleagues—would be as certainly what it is now if the McBurney canvass had never been taken.

Mr. WILLIAM W. KITCHIN. Does the gentleman contend that the McBurney canvass is correct?

Mr. TAYLER of Ohio. I think it is practically correct—as correct as any well-taken directory would be; but I think there are objections that are applicable to the McBurney canvass technically considered.

Mr. WILLIAM W. KITCHIN. I understand the gentleman from Alabama has shown conclusively that the McBurney canvass can not be correct if any reliance can be placed on the census.

Mr. TAYLER of Ohio. Oh, I think the McBurney canvass is practically correct; I think it is the most accurate thing of its kind.

Mr. WILLIAM W. KITCHIN. But it shows a discrepancy of several thousand between that and the census.

Mr. TAYLER of Ohio. But that is as easily demonstrated on the other side as my friend demonstrates it on his side. It is one of those interesting logical processes.

Mr. BOWIE. Now, Mr. Speaker, I assert that there is no basis for this case unless the McBurney canvass is relied upon, the gentleman's disclaimer to the contrary notwithstanding. Unless that canvass is actually accepted as speaking the truth in this case there is not a single peg for this case to stand upon.

The gentleman from Illinois suggested that the same thing would be shown by the census. It is asserted by the compilers of the figures—and none of us have verified them; we have all accepted the compilers's statement; no member of the committee undertook to verify them—it is asserted by the compilers that there were 12,000 names found in the registration that were not found by the census under those names at the same addresses. I submit that it is not competent evidence; that it does not prove anything; that it does not justify any judgment, because the same proof shows that a census enumerator found 10,000 more men in June than were registered in November in the eight wards.

Mr. MANN. Do I understand the gentleman's position to be that if a man registers and he did not live at the place that he registered from, that that is offset by a man's registering at some other place?

Mr. BOWIE. No; but in connection with the argument I have made, that there was a smaller registration here than there was in over one-half of the Congressional districts of the United States; that there was a smaller vote here than in over half of the Congressional districts in the United States; in the face of the fact that we know that between the months of June and November men move away and men die, and in the face of the fact that we know that mistakes are bound to be made both in the census and in the registration and in the compilation; in the face of all these facts it can not be seriously contended that a partisan compilation from United States census is competent evidence for any purpose, any more than the McBurney canvass. We can refer to it for the purpose of showing how many males were found there; but to show that A lived in a certain house in June, 1900, does not show that he is an incompetent voter merely because A registered from another house in October or November. The vice of the proposition is that the period of taking the census is not contemporaneous with that of the registration, and the evidence we have of the census is not the original copy, but is secondary evidence of the most vicious type.

Now, who is to say how many men moved in the city of St. Louis in these three months? Who is to say how many men died? Who is to say how many mistakes were made by the compilers? Who is to say how many mistakes were made by the enumerators? Who is to say how many mistakes were made by the registrars? There is not a single thing in the alleged discrepancy between the census and the registration inconsistent with perfect honesty and fairness. Now, the gentleman says that they do not rely upon the McBurney canvass, and yet they make the McBurney canvass the basis of their report, declaring that Horton is not entitled to a seat on this floor. It runs through all the argument of counsel from beginning to end, and runs through the majority report in this case in more than a dozen instances.

Now, what is the McBurney canvass? I want to read you what Mr. McBurney said his canvass was. I read from the testimony as printed on page 269 of the record:

Q. What, if any, information had you concerning the population in various districts and parts of the city by which you could judge whether the returns of these men were accurate or not?
A. I did not have any. I had them, but I did not compare them.

Again, I read from page 270. Mr. McBurney was asked this question:

Q. Now, you say the canvassers returned to you certain houses as vacant What did you do in such a case in order to test the original report of the canvassers?
A. Well, the original report of the canvassers was taken and jotted on the registration list opposite the registration.
Q. In such cases did you send out a second time in order to get information about those houses that were reported vacant, if, in fact, it appeared from the registration list that any persons were registered from those houses?
A. No, sir.

Now I want to read from the testimony of Mr. Moone, as printed on page 331 of the record:

I obtained—went to the door and obtained all the information necessary under the instructions, calling for the names of every male living in the house at that date of the age of 21 or over. I always got the information through the parties, the head of the family, or whoever came to the door.

On page 335 he was asked:

Q. Did you receive any information or instruction when you went out these first six days, or at any other time, to make inquiries as to whether the men whose names you would find at certain numbers were registered from there or lived there on election day and prior thereto?
A. No, sir; nothing was said about election day.
Q. As I understand it, your sole instruction and the sole inquiries you made was, did they live there at that time?
A. At that time.
Q. Namely, the day you visited the house?
A. Yes, sir.
Q. And you commenced about the 20th of December?
A. I think that was the day; yes, sir.
Q. And ended it some time this last week?
A. Well, in the first six days it really ended.
Q. After it really ended you went back?
A. Well, I was hired to do some work over again.
Q. After you had done the work in Judge Fisse's office—McBurney's office?
A. Yes, sir; McBurney's office.
Q. And this was not connected with the World's Fair statistics, but was an election contest? You understood that, did you not—that your work was to ascertain whether men were correctly registered at those numbers?
A. I did after that; yes, sir.
Q. Now, after you understood that, you would go to these houses—such as Mr. Shapleigh's house—and would you make an inquiry as to whether or not he lived there on election day and prior thereto?
A. No, sir.
Q. Knowing it was about an election contest and for the purpose of ascertaining votes fraudulently registered, this canvass of yours being made long after the election, why didn't you make those inquiries?
A. I was not told to.
Q. Yes; but why didn't you anyway?
A. Well, I wasn't instructed to.

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Q. Well, where you find a man died about the 1st of January, as is your recollection in the case of Mr. Shapleigh, and you were making that canvass for the purpose of ascertaining whether or not he was correctly registered there on election day, why didn't you make further inquiry?
A. I wasn't instructed to do it, and I didn't do it.
Q. You didn't do it?
A. No, sir.
Q. Now, that is true all over the district canvassed, isn't it?
A. Yes, sir.

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Q. And where you found Mr. Shapleigh dead, and was satisfied from the vicinity that he had lived there a long while, you reported his name as not found?
A. I didn't put it down at all. I just put down the coachman's name.

That testimony shows how this alleged canvass was taken. These canvassers went there the last week in December. They went to the doors of houses and asked anybody who came to the door who there was over 21 years of age living there at that time. They got some of the names down and some they did not. They put down whatever name was given them by anybody who came to the door. This canvass was the last week in December, a few of the canvassers extending their work into the first few days of January.

That is the McBurney canvass. Did those canvassing officers themselves come here and go upon the witness stand and swear that they made this canvass fairly? There were 57 of them. One man did go on the witness stand and testified just what I have

read to you from his testimony as to what he did. The other 56 did not testify at all. There was no opportunity to put the testimony of a single one of the McBurney canvassers to the test of cross-examination except in the case of Mr. Moone; and his testimony shows that it is utterly unworthy of credit, because he said he asked just anybody who came to the door to answer his questions. No other one of the canvassers was put upon the stand. These others make ex parte affidavits; they talked the matter over with an employee of the contestant; and he makes a compilation. Now, let us see what is the value of that compilation.

Mr. VANDIVER. Allow me to ask the gentleman whether those men who took that count were sworn as to the results, and were they cross-examined?

Mr. BOWIE. No; they were not examined judicially. They made an ex parte affidavit on a printed blank after they came back with such information as they had.

Mr. MANN. Does not the gentleman think that if they had been put on the stand and cross-examined the cross-examination would be continuing now?

Mr. BOWIE. No, sir; I do not.

Mr. MANN. Does not the gentleman think they would have had to examine about every man whose name was on the list?

Mr. BOWIE. No, sir. The gentleman from Illinois might have tried his case that way; but the gentlemen who represent the contestee did not. Take this record of over 2,000 printed pages, and I will show to any man who will take the trouble to investigate it that there was four times as much time spent on the direct examination as on the cross-examination.

There is not a single thing to indicate anywhere that any attempt was made to unduly prolong the examination, not one. They took up four times the time in the direct examination as was taken up in the cross-examination, and, what is more than that, if they had undertaken to do a thing of that sort this committee and this House would have the right, and it would have exercised it, of granting time to complete it. Such a thing never would have happened.

Mr. MANN. Is it not true that the gentleman himself, in one of these cases we had, insisted upon not considering evidence because it was not put in at the time?

Mr. BOWIE. Who; I?

Mr. MANN. The gentleman from Alabama.

Mr. BOWIE. What case?

Mr. MANN. In the Burnett case.

Mr. BOWIE. The committee unanimously found BURNETT was elected.

Mr. MANN. Yes, and disregarded evidence that was taken after time, in which opinion the gentleman from Alabama very cheerfully joined.

Mr. BOWIE. Yes, because that man was right there in reach of the attorneys for the contestant for the forty days during the first examination and for the last ten days in the rebuttal, and was not examined until three months after the time had run and they got him in the office of the lawyers in the city of Birmingham and got him to sign an affidavit as to what his testimony would be, after he was fixed, and that man's testimony shows that he is utterly unworthy of belief by any human being. [Applause on the Democratic side.] It ought to have been excluded, but so far as I am concerned I have to say that the question of the exclusion of that testimony was never discussed before the committee except by the lawyers in the case. The majority of the committee came in and announced that they thought that Burnett was entitled to his seat, and we thought so, too. That is all that happened at the meeting of the committee.

Now, what has this House itself said with reference to such testimony as this McBurney canvass? Here is a case that was decided more than forty years ago. I desire to call the attention of the House to the contested-election case of Whyte *v.* Harris, from the State of Maryland, in 1858, forty-four years ago, in which a similar canvass was attempted to be introduced in evidence, and the response which the committee made to that attempt and the judgment of the House upon the report of the committee:

> Hearsay evidence is uniformly incompetent to establish any specific fact which in its nature is susceptible of being proved by witnesses who speak from their own knowledge. That it supposes something better that might be adduced in the particular cases is not the only ground of its exclusion. Its intrinsic weakness, its incompetency to satisfy the mind as to the existence of the fact, and the frauds which may be practiced under its cover, all combine to support the rule that hearsay evidence is wholly inadmissible.
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> [The exceptions to the rule are well known, such as cases of pedigree, inscriptions on tombstones, etc.] Chief Justice Marshall, in the case of Minor Queen *v.* Hepburn (7 Cranch, 290) emphasizes this doctrine in saying that "all questions upon the rule of evidence are of vast importance to all orders and degrees of men; our lives, our liberty, our property are all concerned in the support of these rules, which have been matured by the wisdom of ages. One of them is that hearsay evidence is totally inadmissible." This rule was also strictly applied in an election case in the English Parliament, cited in Rogers' Law and Practice of Elections, page 172, where "it was proposed that a witness should be sent for to prove a conversation with one Delande, upon the ground that he (Delande) could not be found to be served with the speaker's writ, but, on argument, it was refused."

Continuing further, it is said:

> We regard the contestant's proof on both these points as wholly vicious and inadmissible. Lists are filed by him of names of persons in the different wards who, it is claimed, did not vote because they were "intimidated." These lists are obtained, as the evidence shows, by sending men into the various wards, who, dividing them into different districts, make out separate lists of such persons as they are assumed to have seen or heard from, stating that the persons whose names they thus returned were "intimidated." They do not state, except in comparatively isolated cases, that they knew the persons to be qualified voters, or what was the ground or reason of what they called their intimidation. In a vast number of cases they do not know, personally, those they see; many they do not even see, personally, but get the information they report from their wives, their children, their neighbors, or their landlords, and then, to add to the absurd insufficiency of such proof, in the case of a number of these lists, they are put in evidence by the person who makes up the general list filed from these separate lists thus handed in to him, and the separate lists, in many cases, are not proved by those who collected the information in them, and many of these persons are not even put upon the stand.
>
> A greatly stronger case than the one now being considered, because the alleged census was at least directed to the facts as they were supposed to exist at the time of the election, whereas in the present one the test of a man's legitimacy as a voter is not whether he resided in the precinct at the time of his registration, but whether he continued to reside there for several months later

Now, Mr. Speaker, the House decided that the minority of the committee which made that report was correct and refused to unseat the contestee upon such evidence as that. Moreover, I have here in my hand Mr. Rowell's Digest of Contested Election Cases, from which I will not read, but which shows that since the organization of this Congress there has not been a single case in which evidence of this sort was not spurned by the House of Representatives. In every case where hearsay evidence was sought to be introduced the majority and the minority of the committees have declared that it was illegal and refused to accept it. I have plenty of authority here from the highest courts of the land to the same effect in contested election cases. This is the only case in the history of this Congress in which evidence of this character has been admitted and upon which it has been sought to deprive a man of a seat upon the floor of the House.

In this McBurney canvass, take the case of Mr. Shapleigh, president of the Shapleigh Hardware Company, a concern doing business all over the United States, who died two months after the election was over. Yet in the McBurney canvass he goes down as a fraudulent voter.

Take the case of Mr. Thomas C. Henning, one of the most prominent lawyers in the city of St. Louis, who lives at the Jefferson Club. The canvasser went there and asked of "whoever came to the door" the names of those over 21 years of age who lived there, and the man gave him the name of T. Henning, or possibly T. C. Henning, or possibly Thomas; but at any rate the canvasser put him down as T. Henning, and on that they put this man down as a fraudulent voter, because it did not happen to be T. C. Henning.

Take the case of Eugene Johnson. He is registered as Eugene Johnson. The canvasser puts him down as E. Johnson, and yet he goes into this record as a fraudulent voter.

Take the case of the man who testified as a witness for the contestant and who was not found by the McBurney canvasser, Mr. Sam W. Dicks. Here is his evidence in the record, and yet he was not found and was put down as a fraudulent voter.

Now, it was asserted by the gentleman from Iowa a few minutes ago that this McBurney canvass is entitled to the same credit and is as carefully prepared as the city directory, and the majority of the committee in their report undertake to give us the result of an examination into what the city directory of St. Louis shows with reference to certain persons to whom registered letters were sent.

I wish to call the attention of this House to the fact that the canvass for the city directory of St. Louis for 1901 was made concurrently with the McBurney canvass and about the same time these witnesses were testifying; yet that city directory shows that 309 of the witnesses who testified for the contestant in this case do not live at the places where they said they lived. They offer the St. Louis city directory in evidence. They examined 929 witnesses, and the St. Louis city directory shows that 309 of those witnesses did not live at the places given by them in their sworn testimony in this record.

The McBurney canvass is entitled to the same credit as the St. Louis City Directory, they say, and they ought to add that it is entitled to no more credit! Three hundred and nine witnesses swore in this record that they lived at certain places, and the St. Louis directory, taken at the same time, says that they did not.

It is upon such testimony that the case of the majority rests.

That is the character of testimony on which this House is asked to declare this election null and void. There were 57 of McBurney's canvassers engaged in this work about a week, and 19, or more than one-fourth, of them are not found in the city directory of St. Louis. The majority of this House ask us to turn out a man on a census taken in January, when there was a chance for thousands of men, not hundreds, to move; a second chance of

many hundreds at least to die; a third chance for thousands of mistakes in the first enumeration; another chance for thousands of mistakes in the compilation; a still further chance for the registrar to get the name or the initial or the residence address wrong. All of these chances, and yet not one of them taken into account by the majority of the committee.

Judge Smith says that if we reject this McBurney canvass it makes it worse for the contestee. Turn a man out because this compilation, made by the contestant in January, 1901, found that it did not exactly correspond in name, in initials, in residence, or something of that sort with the census taken six or seven months previously. It is the most preposterous proposition that ever was presented to the House of Representatives; a greater outrage, in my humble judgment, was never attempted. They talk about frauds that were committed there. I say that to rely on the census or on the McBurney census under those circumstances, and to hold that either of them, singly or collectively, by themselves or added together, are a proper basis to deprive a member holding the certificate of a sovereign State to his right to a seat in this House, is a greater outrage upon justice than anything which they charge upon the Democratic party in the city of St. Louis.

Now, Mr. Speaker, it was said that the law of 1895, known as the Filley law, was changed in 1899. I have already shown that under the law of 1895 there was a larger percentage of registration and vote than under the law of 1899; and if the law of 1899 permitted these pretended fraudulent practices, what must have been the law it superseded? It is said that 53 of the gentlemen who were appointed to represent the Republican party in five of the wards of this district voted for Mr. Butler. I do not know whether they did or not. I have not verified the statement; and hence I will let it pass without a contradiction; but over and against it I shall set the proposition that in every one of the wards referred to by the gentleman from Iowa excepting one only, the officers, judges, and clerks appointed to represent the Republican party were appointed upon the recommendation of the local Republican committeemen, the chairman of the committee for the precinct in question.

And in the only one to which there is an exception we have the evidence that there were factional differences between the Republicans and the Republican representative on the board of election commissioners. Mr. Kobusch made the motion that representation be divided between the opposing factions. That fact is undisputed. It is in the record. It is proven by the testimony of the contestant's witnesses that where they had two Republican factions contending for supremacy in a particular ward, on the motion of the Republican member of the board of election commissioners the representation was divided. In all the others, the Republican committee—the chairman of the committee—selected his own representatives, both judges and clerks; and if they selected men who for any reason were unable to vote for Mr. Horton I submit that it is no reason why this House should declare that election null and void and turn this man out of his seat.

The Republican quota in this district was 348. The Republican committeemen—the regular committee which had charge of Horton's campaign—recommended all but 21 of the 348 names, and these 21 were appointed upon the recommendation of the opposing political factions in the Republican party in the city of St. Louis upon the motion and at the instance of the Republican election commissioner, and every one of them took an oath that he was a Republican at the time he was appointed. This is the record. It is impossible to conceive a just law more justly administered.

But gentlemen say that there was a remarkable change which came over that district. I have already alluded to the fact that in the last twenty years the Democratic party carried that district seven times and the Republican party carried it three times, and two of the times that the Republican party carried it were in 1896 and in 1898, when the Democratic party in the city of St. Louis was torn to pieces over the money question.

For sixteen years prior to that time the district had gone Democratic in every election but one. The Democratic party was in the midst of great dissensions in 1896, and the Republican party nominated a strong man and he was elected. The same thing happened in 1898, but by a largely reduced majority. In 1900 in the precincts that I am going to read you from the record, in the precincts where the Republican precinct committeemen got every judge and every clerk of their own selection, in those wards where there is no single judge or clerk but what was appointed by supporters of Mr. Horton, what does it show? The Democratic party in 7 of those wards gained 4,599 votes; the Republican party in 5 of them gained 563 votes; a net Democratic gain in 12 wards of St. Louis, where the Republicans had their own judges and clerks of their own selection, of 4,036.

Mr. Pierce's majority, the Republican nominee in 1898, was 2,321. Subtracting that from the Democratic gain in districts where the Republicans had their own representation and wipe out all the balance and Butler has a majority of 1,715. Add to it the Democratic gains in those precincts in the other wards where the regular Republicans got their own men and the majority is about 3,000. That is the history of this district. That is the condition of affairs.

Now, what else do we find in that district going to show that Butler was fairly and honestly elected? We find, as I say, that it is a Democratic district, and it only went Republican because of the split on the money question. In 1900 the Gold Democrats came back into the party in that district in the city of St. Louis, and there were no factional differences. That fact is abundantly attested in the brief of the counsel for the contestant. The Democratic party got together in that district, and it was easy enough to restore the Democratic majority. But that was not all by any means.

The Republican party nominated the most unpopular candidate that they could put out if they had scraped the district with a fine-tooth comb. The history of this case, as this record shows, shows that after Horton was nominated, it being understood that he was the candidate of Baumhoff, the traction magnate of that city, the celebrated strike of the street car employees occurred. I can not go into all the details of it, but it is sufficient to say that it shook that city from center to circumference as nothing like it had ever done before.

Mr. Baumhoff was hung in effigy in dozens of places in the city of St. Louis. His name became a by-word and a hissing. Mr. Horton was his candidate, and organized labor took up the fight and almost to a man supported Mr. Butler. Added to that, the fact is that heretofore the negro vote in that district, which amounts to five or six thousand, had been going almost solidly Republican. At this time the colored Butler Republican club was so numerous in St. Louis that you could hardly count the number of the clubs. Mr. Butler polled a large percentage of the negro vote in that district. You add the normal Democratic majority in the district, when both factions of the party are united, and then add that part of the labor vote which had been going Republican, and add to it the large negro vote which had been going Republican, and you find out where the majority for Butler came from. He got all of it, in my judgment, fairly and honestly, unless there was some slight mistakes made in the count.

The gentleman from Iowa says that it is admitted that there were 400 fraudulent errors in the count. There is nothing of the sort. There were over 41,000 votes cast in that district, and a recount made under auspices of the contestant, two months after the election, and that only shows a discrepancy of 403 out of over 41,000 votes. There is just as much likelihood of fraud in the recount as there was in the original count.

But in any case it is by no means improbable that a mistake of a few hundred would be found in a recount of over 40,000 ballots. There is nothing at all remarkable in it; there is no evidence of fraud of any kind.

But they say they have independent evidence of men who canvassed these election precincts. They have a few cases, they have got perhaps 200 or 300 instances in all shown by men who went around and made a pretense of canvassing on the day before the election that was infinitely better than the infamous canvass made by McBurney. In one precinct, the worst place they have, the very worst, three men went around and said there were 67 men registered that they could not find.

Mr. McBurney's canvass shows there were 147 that he couldn't find. As a matter of fact, it is not shown that these 67, because they were not found, were illegal. One of the men who made the canvass testified that he was a city employee and under this Republican administration, he was instructed to go around and make a political canvass of his precinct on the day before election, and his time would run on at the office. The city of St. Louis paid this canvasser for his time while he served the Republican party, and of course he had to bring in something of a showing, and he brought in 67 names. But the Republican precinct committeemen in other precincts who come and testify, some of them put one man down that they couldn't find, and some of them put a half a dozen. One of them puts down 15; and that was at the headquarters of the Republican party in his precinct. There is not a single one, barring this case of this employee of the city, whose time was running while he was serving the Republican party—there is not a single one that puts down over a dozen, except in this case where the registration was made at the Republican headquarters. In every similar case McBurney reports from 150 to 200 not found.

Now, against that testimony what do we have? The law of the city of St. Louis—this much-denounced law—provides that the two clerks—the Republican clerk and the Democratic clerk of each precinct in the city of St. Louis—shall go to every house in the various precincts with a certified copy of the registration list, to find out if the men whose names are on the list are there;

and if they are not there it is the duty of these two clerks, or either of them, to report such fact to the four judges sitting as a board, and notice is served upon any man who is not found or who they think is fraudulently registered, that notice being by personal service, if possible, or if not, they must try to reach him through the mails, and if he does not come up and make proper explanation his name is stricken from the list. These clerks in every precinct in this Congressional district—Republican and Democratic—took a certified copy of the registration list and went through every precinct in the district. These men made that canvass under oath. They were representatives of both political parties; and then there was the board of judges, who were representatives of both political parties; and provision was made for giving notice through the mail when a man could not be found, and every man in regard to whom there was any suspicion, every man who was found to be fraudulently registered, had his name turned in, and those names were stricken from the list before election day.

Here was a canvass made under the law, under the oaths of the officers of the law—made to officers of the law in every precinct of the city—made a few days before the election—after the registration book had closed; and yet they tell us that because the compilers of this political canvass and the employees of this contestant report to us that there is a discrepancy in the initials or in the addresses of some of the names—that this must be set off against the sworn report of the officers of the law acting in the discharge of their duties under their oaths! I say, gentlemen, that it would be a shame upon the House of Representatives if a man were denied his seat in this Congress on such a case.

Ah, but they say they discovered that a fraudulent registration was going on, and that they sent out registered letters for the purpose of testing the fraudulent registration. Did they send out 14,000 of such letters—did they send out 20,000, did they send out 12,000, or did they send out 9,000? Not a bit of it.

Mr. SMITH of Iowa. Will the gentleman allow me a question?

Mr. BOWIE. Surely.

Mr. SMITH of Iowa. It is a fact, is it not, that at the time these letters were sent out the parties who sent them out were not in possession of copies of the Federal census and had no method of locating or determining those 9,000-odd names that should have been on the list?

Mr. BOWIE. I do not know whether they had the Federal census or not. I presume they had not.

Mr. SMITH of Iowa. Does not the gentleman know that the Federal census had to be put in in rebuttal; that it was not even copied in time to be put in in chief?

Mr. BOWIE. I know that they did not have this document that we had.

Mr. SMITH of Iowa. They did not have the McBurney canvass and they did not have the Federal census?

Mr. BOWIE. No, sir.

Mr. SMITH of Iowa. So that they had no means of knowing these names until after those letters had been sent out?

Mr. BOWIE. Certainly they did not know anything about the McBurney canvass, and they did not have the copy of the Federal canvass which they have since put in evidence. But I know that under the law in Missouri it was required that each of the election precincts should as nearly as practicable have 400 voters. Of course in some cases the number went, of necessity, above that and in some the number below, so as to avoid splitting up blocks. But that was about the average under the law of the State. And I do know that the Republican precinct committeemen elected by the party authorities made canvasses. I do know that the Republican clerks and the Democratic clerks made canvasses under oath, and under the penalties of the law.

Mr. SMITH of Iowa. Will the gentleman permit me to ask him one further question?

Mr. BOWIE. Certainly.

Mr. SMITH of Iowa. Is it not a fact that, when these Republican committeemen went about, there is evidence here that the keepers of these lodging houses in which we now claim these frauds largely took place would go out and bring in lists that had been furnished them and check them off and say, "Yes, that man lives here; yes, that man lives here," and the like? Is there not evidence to that effect?

Mr. BOWIE. In one instance one man so testifies, and there is a dozen in which the committeemen themselves say that there is not a single man on the list that did not belong there.

Mr. SMITH of Iowa. And is it not a fact that these Republican clerks that the gentleman is talking about largely voted the Democratic ticket?

Mr. BOWIE. No, sir.

Mr. SMITH of Iowa. You say there is not a large percentage of those clerks that you present us with and labor Republicans that voted the Democratic ticket?

Mr. BOWIE. I admit that you state it, and I do not dispute it. Your committee stated that you had found fifty three or four clerks and judges——

Mr. SMITH of Iowa. Sixty who voted against our ticket.

Mr. BOWIE. All right, put it sixty. But did not all vote for Butler?

Mr. SMITH of Iowa. Not quite. Fifty-four voted for Butler.

Mr. BOWIE. All right. I admit that you stated you made an examination of the ballots and you found those sixty or fifty-four, whichever it is, who voted for Butler.

Mr. SMITH of Iowa. In five wards out of fifteen.

Mr. BOWIE. Did you examine the others?

Mr. SMITH of Iowa. No, sir; we did not.

Mr. BOWIE. Then you ought to have done it, if you thought it was worth anything to you. The Republican quota was 348 in that district, and one-sixth of them, you say, voted the Democratic ticket.

Mr. SMITH of Iowa. And you do not dispute it.

Mr. BOWIE. And I say that four-fifths of those who voted the Democratic ticket were appointed upon the recommendation of the Republican committeemen.

Mr. SMITH of Iowa. The Good Government League?

Mr. BOWIE. No, sir; the supporters of William M. Horton, and the balance of them under the resolution offered by Mr. Kobusch, from the contesting factions, and everyone took an oath that he was a Republican. That is what I say.

Mr. POWERS of Maine. And then voted the Democratic ticket?

Mr. BOWIE. No, sir. There were others running in that election besides Congressmen. There was a municipal election and a national election for President, and because some of these men who had hung Mr. Baumhoff in effigy, some of them who thought they were ground down by Mr. Baumhoff in that strike, some of these laboring men, said that they would not vote for two men on that ticket, did not prevent them from being Republicans, and it did not interfere with the fact that they were honorable men, not a bit of it, and would make an honest canvass. Now, I want to call attention to the testimony of the Republican committeeman, the chairman of his ward, Mr. Patrick H. Clark, and read what he says about the condition of affairs in the city of St. Louis.

Q. You remember, as a matter of course, the street-car strike in this city during the summer last past?
A. Yes, sir.
Q. Between the management of what is commonly known as the Transit Company and their employees?
A. Yes, sir.
Q. You remember, of course, that Sheriff Pohlman swore in about 1,000 men that constituted what he was pleased to call a posse comitatus, arming them with shotguns, do you not?
A. Yes, sir.
Q. Do you remember that public feeling ran very high in the city of St. Louis on account of that strike?
A. Yes, sir.
Q. And that the citizens, regardless of party, were greatly divided on account of the strike?
A. Yes; no doubt about that.
Q. That it even went so far as to create more or less personal feeling between the citizens?
A. Yes, sir.
Q. Do you remember that these men were uniformed and that they were in charge of men with a quasi military title, such as "colonel," "lieutenant," "captain," etc., in which Mr. Fisse, the chief counsel for Mr. Horton in this matter, was known as a captain, or general, or brigadier, or something or other, and in which Mr. Chester H. Krum, also counsel for Mr. Horton in this matter, was known by some quasi military title, and also in which Mr. Charles Broadhead, counsel for Mr. Horton in this matter, was a prominent officer, and also in which Mr. Charles W. Holtcamp, counsel for Mr. Horton in this matter, was known as a captain, or chaplain, or something, and also Mr. A. C. Orrick was known as a first lieutenant or leftenant; also in which Mr. Arthur Shepley, counsel for Mr. Horton, took a prominent part; do you know of that organization known as the posse comitatus, such as I have described?
A. Yes, sir.
Q. You know, also, that these men, under the able leadership of these able generals paraded the streets of St. Louis and made themselves very obnoxious to citizens of certain quarters, particulary so in South St. Louis?
A. Yes, sir.
Q. Do you know, too, by public rumor, press reports, and matters of public knowledge, that a great many men were shot down by the rank and file of this posse comitatus?
A. Yes; I read of it.
Q. You know, also, that several men were killed by members of this posse, supposedly?
A. Yes, sir.
Q. At all events, they were killed in a disturbance between the striking men and the posse?
A. Yes, sir.
Q. And that an inquest was held over the bodies of those dead citizens before the coroner, and that the coroner's jury returned a verdict of "unjustifiable homicide?"
A. Yes; I have read of that, too.
Q. You know that men congregated daily upon the street corners and in the hotels and around the grocery stores, and that that was almost the sole topic of discussion?
A. Yes, sir.
Q. You know, too, at this time, that Mr. Baumhoff was the acting spirit on behalf of the railroad company, and he occupied the position of general manager of the railroad company?
A. Yes; he occupied that position, and occupies it now, I guess.
Q. And do you know, of your own personal knowledge, or through the public press, that Mr. Baumhoff was hanged in effigy from the trolley poles and from lamp-posts, and other places all over town?

A. Yes, sir.
Q. So high did public sentiment run. Following this strike, Mr. Horton was nominated by the Republican party for Congress?
A. You have got that wrong; he was nominated before that strike.
Q. Before the strike? Very well. Do you know as a matter of fact that Mr. Horton was generally considered in the city of St. Louis, whether rightfully or wrongfully, as being the direct representative and the nominee of Mr. Baumhoff?
A. The laboring people thought so.
Q. That was the prevalent opinion, was it not?
A. Yes, sir.
Q. Don't you know that on account of that prevalent opinion a large body of the Republican party refused to support Mr. Horton?
A. I know a good many of them that said they wouldn't support him; printers and mechanics of all kinds.
Q. All the trades unions were allied with the street-car men in this strike, were they not?
A. Yes, sir.
Q. And they combined against the candidacy of Mr. Horton and other candidates?
A. That was the principal cause of the defeat of the Republican ticket.
Q. Even at the time of Mr. Horton's nomination, as you say, prior to the strike, is it not a fact that there was much dissatisfaction among the rank and file of the Republican party over his nomination?
A. There was a great deal of dissatisfaction over the rolling of Major Pearce—beating of Major Pearce.
Q. Major Pearce had represented this district previously?
A. Yes, sir.
Q. And had made an acceptable candidate to his party and an acceptable Congressman to the party at large?
A. A good Congressman; the best we ever had here.
Q. Now, can you tell me who was responsible, mainly, for the rolling of Major Pearce?
A. Principally, I think it was Mr. Baumhoff.
Q. Didn't that rolling of Major Pearce, who was a prominent, popular, and able man, create within itself much dissatisfaction?
A. Yes, sir.
Q. Among the rank and file of the Republican party?
A. Yes; a good many said it was a mistake.
Q. There are a great many Germans in the Twelfth Congressional district, are there not?
A. Yes; there is a good many.
Q. Before I go into that, is it not a fact that you know that the national Republican committee called representatives of Mr. Horton to the city of Chicago and endeavored, in the interest of peace and harmony in the Republican party, to induce him to withdraw from the race?
A. I have heard that; I don't know that to be a fact.
Q. You don't know that to be a fact?
A. I have heard that rumor.
Q. You have heard that rumor, and it was generally talked of in Republican circles?
A. Yes, sir.
Q. And talked of as an accepted fact?
A. Yes; I have heard of it.
Q. So great was the dissatisfaction with the candidacy of Mr. Horton, and so sure were the rank and file of the Republican party that he would be beaten, as you understand, he was called to Chicago by the national committee, in an effort to get him to withdraw from the race?
A. I have heard that.

Now, I might quote a great deal more along the same line. I want to quote one piece of testimony further in corroboration of that proposition. Here is the testimony of Philip Rodan, the second vice-president of the Fourteenth Ward Republican League Club, a chairman of the precinct committee of the eleventh precinct of that ward, testifying on this question:

Q. Your position in your precinct gives you an exceptional opportunity to learn the sentiment of the voters of your own party, does it not?
A. It ought to.
Q. What was the sentiment and the apparent intention, from your knowledge, of the Republican voters in your precinct?
(Objected to.)
A. Well, a great many of them believed that Mr. Horton was put up as a "straw man;" that it was simply an understanding between Mr. Butler—that is, I mean Col. Ed Butler—and certain Republican officials that Horton would be defeated and Butler elected, and I believe a good many of them came to the conclusion that as long as the prominent Republicans were of that belief, that the little ones might just as well fall in line.

There you have your explanation as to why it was that this Republican majority in this district was overcome and Mr. Butler was elected—out of the mouths of their own witnesses and their own officials, whose character they vouch for when they put them upon the stand.

Mr. PALMER. You were speaking about 1,500 letters that were sent out, when somebody diverted your attention. I will ask you what became of those.

Mr. BOWIE. Yes; I want to get to that. I have some testimony on the desk.

Mr. PALMER. Those letters were sent out to persons alleged to have been illegally registered?

Mr. BOWIE. That is the pretense.

Mr. PALMER. That is what they claim?

Mr. BOWIE. That is what they now claim, and I want to show upon what a thin and unsubstantial foundation that pretense rests.

Mr. PALMER. The question I want you to answer is, What became of the letters? Did they find the people to whom they were addressed?

Mr. BOWIE. Some of them did and some of them did not. Now, have you heard what was in those letters?

Mr. PALMER. Never mind what was in them.

Mr. BOWIE. I prefer to answer in my own way. There was nothing in the letters except the card of William M. Horton, candidate for Congress. The letters were marked "Personal," and strict orders were given not to deliver them to any man except the person to whom they were addressed; to accept no agents, to accept no orders, but to deliver them only to the men to whom they were addressed. Two or three hundred of those letters were actually delivered. The men who got them felt that they were the victims of a fraud and an imposition, and they denounced it as a fraud, and they were outraged because a thing of that sort had been attempted upon them. They noised it abroad. They talked it far and wide, and every man to whom those letters were addressed became aware of the fact that all there was in these letters were Mr. Horton's cards. They were sent in bunches of 50 or 60 to one place. They were sent between the hours of 8 or 9 in the morning and 4 and 5 in the afternoon to laboring men who rose at sun-up and did not return to their places of residence until after dark.

The purpose, the infamous purpose, behind the sending of those letters was to build up a fraudulent case in order to offset to some extent the great dissatisfaction which existed in St. Louis against the Republican nominee. And so they refused to send those letters there at the time when these men could receive them. The only way they could get them after they got the notices was to go—it may be several miles to the post-office—and get witnesses who happened to be acquainted with the clerk at the post-office to identify them after they got there, and then to receive what they knew in advance was nothing but the card of Mr. Horton. Now, what does the evidence show? I want to call your attention to what the evidence shows with reference to whether those men actually lived at those places or not. I want to take as a sample 509 South Second street. I hope the gentleman will listen.

Mr. PALMER. I am listening.

Mr. BOWIE. The facts which I am now about to state are set forth in the minority report.

Mr. J. H. Schultze, letter carrier, testifies, on page 665, that he had 30 registered letters addressed to 509 South Second street, many of which were undelivered, and the inference is sought to be drawn that these were all fraudulent. And yet on this very matter Mr. George Schumacher, the Republican judge for the fifth precinct of the Fifth Ward (Rec., 936), says that 509 South Second street was a four-story hotel, having 68 beds; that it was a perfectly reputable place; that ordinarily 35 to 40 men lived there at the time he kept it, which was up to July, 1900; that he was succeeded by Peter Gill, who ran it in the same manner; that as a rule a poor class of laboring men lived there, but no women whatever were received; that on a pinch they could accommodate 68 men.

Mr. Ehlert, the Republican clerk for the second precinct of the Fifth Ward, in which this house is located, testifies (Rec., 942) that he went there with the Democratic clerk and was informed by the proprietor that every man registered from there lived there, and there were 38 in all. He marked no one off the list.

Mr. John Allen, the Republican judge for that precinct (Rec., 1176), said that he was personally acquainted with nearly every man who was registered there, and that he also knew pretty nearly all who lived in the precinct.

Mr. Remmler, the Republican challenger (pp. 861-862), testified that he did not know whether there were 20 men or 40 men living at this place, but that many of them did not vote; and that he was satisfied that every man who did vote from that place was entitled to do so.

The Republican challenger testified to that. That is the testimony as to that place, and there is identically the same character of testimony virtually as to every one of those places. Take 520 South Third street, concerning which Mr. Schultz, the letter carrier, testified:

Q. Can you say why these were not delivered, those addressed to 520 South Third?
A. Because they were not there at the time.
Q. What is 520 South Third?
A. A lodging house.
Q. How large a house?
A. It is a two-story building about 25 feet wide by about 75 feet deep.
Q. Glance over the letters addressed to 520 South Third and tell me how many of the men you know.
A. Do you mean that I know personally?
Q. Yes; that you know were in the house.
A. I do not know any of those personally.
A. How many of them do you know to have been in the house at the time?
A. I recognize some of them as being people I have left letters for. I do not know them. They would probably be working.

Now, I have not the time to read all this testimony, because there are over 2,000 pages of it. There were 50 or 60 witnesses examined on this very matter. They went to these places when these laboring men could not have been there except by accident.

Mr. PALMER. I am a juror here. I want to get at the truth of this.

Mr. BOWIE. I am trying to give you the truth.

Mr. PALMER. Do you undertake to say that any of these persons who were alleged to have been fraudulently registered were in fact in existence, and did you bring any of those men to testify?

Mr. BOWIE. Why, my dear sir, the testimony of Republican challengers here in this ward, in the first case that I read, is that the challenger knew all these people that voted, and he did not believe a single one had voted illegally.

Mr. PALMER. That is all right enough, but then the allegation is that there were eight or nine thousand men who were fraudulently registered, and that these men did not live in St. Louis

and never had lived there; that they could not have been at the places where they were registered from. Did you bring any of these men before the Election Committee to prove that they actually existed and were entitled to register from the places from which they were registered?

Mr. BOWIE. The contestee did not take any testimony.

Mr. PALMER. Oh!

Mr. BOWIE. He submitted the case upon the testimony of the contestant——

Mr. PALMER. That answers the question.

Mr. BOWIE. Because that testimony shows conclusively to any fair-minded man, in my humble judgment—and I do not mean any reflection upon the majority of this committee—that these charges of fraud are false. It was an utter impossibility, with the safeguards that were thrown around that election, and with the managers and clerks who were appointed, an utter impossibility for there to have been that number of fraudulent registrations.

Mr. PALMER. Now, as I understand your position, it is this: The fact that a person alleged as being fraudulently registered could not be found when the census was taken, and could not be found in December, that is no evidence that they were not there and not legal voters.

Mr. BOWIE. That they were not found. It is simply a question of mistake of the officials. It is secondary testimony five or six times removed from the original. There are some who moved from one precinct to another; there are some who died; some mistakes in the census; some mistakes in the registration; some mistakes in the compilation. It is perfectly preposterous to talk about unseating a man on such evidence. Why is it that this condition applies to this election district, the only one in the United States, where there were so many names, more than half, according to the theory of the contestant, about two-thirds in many cases, of all the votes not registered? Do you believe that, gentlemen, when these Republican judges and clerks and committeemen themselves testified to the fairness of it? Do you believe that in this district the legitimate registration was only 12 per cent of the population? Yet such is the case presented by the majority of the committee.

Again, the gentleman from Iowa quotes from the testimony of a man named Breitschuh, alias Bradshaw, in which he says how many votes were cast by the so-called Williams gang.

Mr. SMITH of Iowa. About 120.

Mr. BOWIE. One hundred and twenty; and yet the testimony of the negro driver of the wagon which hauled the Williams gang said that its utmost capacity was 18 or 20.

Mr. SMITH of Iowa. Will the gentleman allow me to ask him this? Did not the gentleman well know that the 20, not 120, of the Williams gang voted time after time in the same precinct?

Mr. BOWIE. Well, I will read—I will prove what I started to assert by your witness Breitschuh, alias Bradshaw, who is also the man that you were speaking of.

Mr. SMITH of Iowa. When you say that I named the witness, I never named the witness, but said that he was one of many.

Mr. BOWIE. He was your crackerjack witness, the one that you singled out in your argument.

Mr. SMITH of Iowa. I never named him in my argument. You asked me about him, and I said he was one of many.

Mr. BOWIE. I asked you about the man you were talking about. I do not care whether you named the man or not. I understood whom you referred to. Mr. Herman Breitschuh was the witness. It is fortunate that this occurrence is testified to by other witnesses than Mr. Breitschuh, alias Bradshaw. And I will read the testimony of the other witnesses.

Mr. SMITH of Iowa. I trust the gentleman will remember that he is the first man who named this witness.

Mr. BOWIE. I do not care anything about who it was that first mentioned him. You referred to the witness's testimony, and I wanted to identify him.

Mr. SMITH of Iowa. I spoke of him as one of many.

Mr. BOWIE. He was the one that you were talking about, and the fact is there were other witnesses who testified to the same occurrence you referred to and who prove that Mr. Breitschuh lied about it. Here is what Mr. Breitschuh said about it. I have it, and I will read from the minority report. It is on page 182 of the record. He testifies as to an alleged outrage on the clerk of that precinct. Breitschuh says there were 75 to 100 men in this gang, and this driver said that the wagon which hauled them would not hold over 15 to 20, and the wagon was not always full.

Mr. TAYLER of Ohio. Where is the statement of 75 or 100?

Mr. BOWIE. That is the number of the Williams gang mentioned by Breitschuh and who were alleged to be present at the time of the occurrence related by that versatile witness about which so much is said in the majority report and to which the gentleman from Iowa referred in his opening argument.

Mr. TAYLER of Ohio. I referred to Breitschuh. I stand by Breitschuh. He is a very intelligent witness.

Mr. BOWIE. I believe that he says that there were 75 to 100 of the "gang" present, but I am not sure.

Mr. TAYLER of Ohio. It was 50 or 75 he told us, and that they voted two or three times apiece.

Mr. BOWIE. My recollection is he said 75 to 100. I will ask some other gentleman if he will examine the record. I will ask the gentleman from Texas [Mr. BURGESS] to please examine page 182 of the record and see if he can find this. I do not want to make any mistake about it. I am reading from page 29 of the minority report:

> They voted so often that it took them from 10 o'clock in the morning until 2 in the afternoon at one precinct.

Four hours this Williams gang remained at one precinct! The majority of the committee say that this same gang went to 25 or 30 precincts; and according to that, if the majority is right and Breitschuh is right, they had a day in St. Louis that was from one hundred to one hundred and twenty hours long. This lays in the shade even the famous record of Joshua, when he commanded the sun to stand still.

Now, Breitschuh testifies to a great outrage—and is quoted at length by the majority—perpetrated on the clerk by these men, who put a pistol at his head and run him out. I will read:

> Mr. ORRICK. Did you see the clerk come out?
> A. I did.
> Q. Was he put out or did he come out voluntarily?
> A. I guess he ran out—scared of getting killed. He said a fellow had a gun up to his head, and he thought it was about time to move.

Again he was asked:

> Q. Were these men you refer to as Indians white or colored?
> A. White men.

Now, it so happens that Mr. Wefferling, the Republican clerk, was also examined as to what happened that day, and he completely contradicts Mr. Breitschuh on this question. I quote from Mr. Wefferling (Record, p. 1642), as follows:

> Q. Was there any trouble of any kind there at the polls in your precinct?
> A. I don't know. There may have been on the outside.
> Q. But there was none on the inside?
> A. No, sir.
> Q. Did you look outside of the polling place at any time?
> A. Once in a while, when we had nothing to do.

Now, Mr. Clark, the Republican central committeeman of that ward, testifies that Wefferling was appointed upon his recommendation. Mr. Wefferling said further that he had made a careful canvass of the precinct; that he had lived there all his life; that he knew practically every white man in it, and found only one case of false registration, which he reported. On page 1639 he was asked:

> Q. Did anyone appear there and ask to vote and was not entitled to vote, to your knowledge?
> A. I don't know; not to my knowledge.
> Q. How long have you been living in that precinct?
> A. Twenty-seven years.

Again, on pages 1641 and 1642, he said:

> Q. How long have you lived in that place?
> A. For twenty-seven years; not exactly in the same house, but in that neighborhood.
> Q. So you know nearly everybody there, do you?
> A. Yes, sir.
> Q. Did you see anybody come there to register or vote that you did not know?
> A. No, sir.
> Q. You knew them all?
> A. All, except the darkies.

None of the Republican judges at this precinct were examined, but they were all appointed upon the recommendation of Mr. Clark.

Such is the character of testimony upon which the committee in this case seek to impeach the result of this election.

Mr. Speaker, I regret that this record is so large and the issues so great I have been forced to consume very much more time than I had expected to do in the presentation of this case. I have done so in the hope that this case would get fairly presented to the House. I believe that every suggestion made by the other side can be answered, as I have answered these. I do not believe that there was any such fraud in the election there as they charge. I do not believe there was any more there that day than was usual in large cities. There were a few fights, a few little irregularities; perhaps some things happened that ought not to have happened, but nothing whatever upon which to found the judgment that 3,500 majority should be wiped out, as proposed in this case.

I believe this man was honestly and fairly elected, and he is entitled to keep his seat. I do not know whether the gentlemen on the other side who have not done me the honor to listen to me, or even those who have, will vote as I shall in this case; but I have no hesitation in saying that, in my humble judgment, I honestly and sincerely believe that James J. Butler was fairly elected to Congress from that district, and I believe he ought to,

and if he gets his dues will, retain his seat. [Applause on the Democratic side.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1225) granting an increase of pension to Clara W. McNair.

Also, that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 5506) granting an increase of pension to Clayton T. Van Houten.

Also, that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 5856) granting an increase of pension to Elizabeth A. Turner.

Also, that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3320) granting an increase of pension to Adelaide G. Hatch.

Also, that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 4450) confirming in the State of South Dakota title to a section of land heretofore granted to said State.

The message also announced that the Senate had passed with amendments the joint resolution (H. J. Res. 6) in relation to monument to prison-ship martyrs at Fort Greene, Brooklyn, N. Y., in which the concurrence of the House was requested.

The message also announced that the Senate had passed joint resolutions of the following titles; in which the concurrence of the House was requested:

S. R. 123. Joint resolution for the relief of Naval Cadet William Victor Tomb, United States Navy;

S. R. 124. Joint resolution to provide for the printing of the memorial address on the life and character of William McKinley, late President of the United States, by the Hon. John Hay, before the two Houses of Congress; and

S. R. 127. Joint resolution authorizing the loan of plans and drawings of park improvements of the District of Columbia.

A further message from the Senate announced that the Senate had agreed to the amendments of the House to the bill (S. 5383) providing that the circuit court of appeals of the fifth judicial circuit of the United States shall hold at least one term of said court annually in the city of Atlanta, in the State of Georgia, on the first Monday in October in each year.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13172) to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes.

The message also announced that the Senate had passed a bill of the following title (S. 3560): An act to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes," approved March 2, 1893, and amended April 1, 1896, in which the concurrence of the House was requested.

ELECTION CONTEST—HORTON AGAINST BUTLER.

Mr. TAYLER of Ohio. Mr. Speaker, I yield one hour to the gentleman from Missouri [Mr. BARTHOLDT].

The SPEAKER. If the gentleman will suspend for a moment, the gentleman from Minnesota has a conference report.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. McCLEARY. Mr. Speaker, I desire to present a conference report on the District of Columbia appropriation bill.

The SPEAKER. It will be printed under the rule.

[For conference report see Senate proceedings, page 7498.]

The statement is as follows:

The managers on the part of the House at the conference on the disagreeing votes of the two House on the amendments of the Senate to the bill (H. R. 14019) making appropriations for the support of the government of the District of Columbia for the fiscal year ending June 30, 1903, submit the following written statement in explanation of the action agreed upon and recommended in the accompanying conference report on each of the Senate amendments, namely:

On Nos. 1, 2, 3, 4, and 5, relating to the executive office: Increases the salary of the janitor from $1,000 to $1,200 and of the property clerk from $1,200 to $1,400, as proposed by the Senate, and strikes out the provision for an additional clerk at $720.

On No. 6: Inserts the provision proposed by the Senate to punish bribery in the District of Columbia.

On Nos. 7, 8, and 9, relating to the assessor's office: Increases the salary of the assistant assessor from $1,600 to $2,000 and of the clerk to the board of assistant assessors from $1,200 to $1,500, as proposed by the Senate.

On No. 10: Appropriates $5,500, as proposed by the Senate, for salaries and expenses of the excise board, and requires that all receipts from liquor licenses shall be paid into the Treasury.

On No. 11: Strikes out the provision inserted by the House reviving the personal-tax law of 1877.

On Nos. 12, 13, and 14, relating to the collector's office: Provides for an assistant cashier at $1,400 and for two coupon clerks at $900 each, as proposed by the Senate.

On No. 15: Authorizes the employment of clerks on extra labor in the preparation of tax-sale certificates.

On Nos. 16, 17, 18, 19, and 20, relating to the Auditor's Office: Increases the compensation of the chief clerk from $2,100 to $2,250 and of one clerk from $1,400 to $1,600, as proposed by the Senate, and inserts a provision defining the duties of the Auditor with reference to settling differences with the Treasury and requiring him to countersign all checks.

On Nos. 21 and 22: Appropriates for a clerk at $900, as proposed by the House, instead of at $1,000, as proposed by the Senate, in the office of the sealer of weights and measures.

On Nos. 23, 24, and 25: Strikes out the increase in the salaries of the computing engineer and superintendent of sewers proposed by the Senate.

On Nos. 26, 27, and 28, relating to the department of insurance: Appropriates $600 for temporary clerk hire and strikes out the provision proposed by the Senate for one clerk at $1,400 and one clerk at $1,200.

On Nos. 29 and 30: Appropriates $13,000, instead of $12,000, as proposed by the House, and $15,000, as proposed by the Senate, for employees in the surveyor's office.

On Nos. 31, 32, and 33: Appropriates $12,000, as proposed by the Senate, instead of $9,500, as proposed by the House, for binding and miscellaneous expenses of the Free Public Library, and authorizes expenditures for rent.

On No. 34: Appropriates $30,000, as proposed by the Senate, instead of $25,000, as proposed by the House, for contingent and miscellaneous expenses.

On Nos. 35, 36, and 37: Restores to the bill the provision proposed by the House regulating the expenditures for horses and wagons.

On No. 38: Appropriates $540, as proposed by the Senate, instead of $240, as proposed by the House, for rent of office for the department of insurance.

On No. 39: Strikes out the appropriation of $480 proposed by the Senate for rent of office for superintendent of property.

On No. 40: Appropriates $2,500, as proposed by the Senate, for clerical service, books, and equipments in the office of register of wills.

On No. 41: Strikes out the appropriation of $5,000 proposed by the Senate for fireproof bookshelves in the office of the recorder of deeds.

On No. 42: Strikes out the appropriation of $150 for glass for certain portraits in the District offices.

On Nos. 43, 44, and 45: Appropriates, as proposed by the Senate, $600 for enlargement of fireproof file case in the surveyor's office, $300 for photolithographing certain old maps, and $2,000 for resurvey of Beatty and Hawkins's addition to Georgetown.

On No. 46: Appropriates $145,000 instead of $140,000, as proposed by the House, and $150,000, as proposed by the Senate, for assessment and permit work.

On Nos. 47, 48, 49, and 50: Appropriates, as proposed by the Senate, $15,500 for paving South Capitol street and Delaware avenue, $15,400 for paving North Capitol street, and $6,400 for paving P street NW., and strikes out the appropriation of $14,600 proposed by the Senate for paving S street NW.

On No. 51: Reappropriates the unexpended balance of the appropriation of $40,000 for opening alleys, and strikes out the appropriation proposed by the Senate of an additional sum of $25,000 for said work.

On Nos. 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, and 78, all relating to the construction of county roads and suburban streets, appropriates as proposed by the Senate for the following:

Leroy place to Wyoming avenue, $8,000;
Joliet street, $7,000;
Providence street, Brookland, $5,500;
Nebraska avenue, $2,500;
Kenesaw avenue, $10,000;
Eleventh street extended, $15,000;
New Hampshire avenue, $13,500;
Connecticut avenue extended, $10,000;
Thirty-seventh street, and other streets in Burleith subdivision, $3,000;
Wyoming avenue, $4,300;
Mintwood place, $5,000;
Decatur street, $12,000; and
Quincy street, $5,000; and strikes out the provisions proposed by the Senate for the following:
R street, $6,500;
Blagden avenue, $3,000;
Reno road and Emerson street, $3,000;
Kramer street, $5,000;
Pennsylvania avenue extended, $10,000;
Erie street, $2,500;
Rhode Island avenue, $25,000;
Wisconsin avenue, $15,000;
Concord street, Brookland, $2,000;
Seventh street, Bunker Hill road, $5,000;
Messmore street, $1,500;
Fourteenth street, $40,600; and
Kansas avenue, $2,000.

On No. 79: Appropriates $10,000, as proposed by the Senate, for the Massachusetts avenue bridge.

On No. 80: Appropriates $65,000, as proposed by the Senate, for repairs to the Aqueduct Bridge.

On No. 81: Increases the limit of cost of the highway bridge across the Potomac River from $568,000 to $996,000, and extends the time for construction of the bridge from two to four years; authorizes contracts for constructing the bridge within the limit of cost; requires the asphalt paving between railway tracks on said bridge to be maintained by street railway companies using the same, and grants to all street railway companies chartered or that may hereafter be chartered by Congress the right to cross said bridge.

On No. 82, Appropriates $5,000, as proposed by the Senate, for survey of Anacostia River flats.

On Nos. 83, 84, 85, 86, and 87, relating to sewers: Appropriates $52,000, as proposed by the Senate, instead of $50,000, as proposed by the House, for completing the East Side intercepting sewer; $20,000, with right to contract up to $42,000, as proposed by the Senate, for constructing trunk sewer to serve the western part of Georgetown; appropriates $50,000, instead of $250,000, as proposed by the Senate, for constructing in part the B street and New Jersey avenue trunk sewer, authorizes a contract for $200,000 additional work on said sewer, and strikes out the appropriation of $75,000 proposed by the Senate for the Arizona avenue sewer.

On No. 88: Appropriates $2,000, as proposed by the Senate, for fencing James Creek Canal.

On No. 89: Appropriates $90,000, as proposed by the House, instead of $200,000, as proposed by the Senate, for sprinkling, sweeping, and cleaning streets.

On No. 90: Appropriates $1,000 as proposed by the House, instead of $5,000 as proposed by the Senate, for cleaning snow and ice from cross-walks and gutters.

On Nos. 91 and 92: Makes the appropriation for the bathing beach available from May 15, 1902.

On No. 93: Appropriates $14,000, instead of $12,000 as proposed by the House, and $15,000 as proposed by the Senate, for general supplies of the electrical department.

On No. 94: Appropriates $9,000 as proposed by the Senate, instead of $8,000 as proposed by the House, for placing under ground the wires of the electrical department.

On Nos. 95 and 96: Strikes out the appropriation of $5,250 proposed by the Senate for a 4-dial 4-number manual transmitter for fire-alarm office, and makes a verbal correction in the text of the bill.

On Nos. 97 and 98: Appropriates $4,000 as proposed by the Senate, instead of $3,800 as proposed by the House, for raising roof of building occupied by fire alarm headquarters.

On Nos. 99, 100, 101, 102, 103, 104, 105, 106, and 107: Appropriates $200,000 as proposed by the Senate, instead of $185,000 as proposed by the House, for street gaslighting; limits the price per lamp to $20 as proposed by the Senate, instead of $18 as proposed by the House; requires the gas company to pay the expense of purchasing, erecting, and maintaining new lamp-posts, street designations, lanterns, and fixtures; authorizes the use of $15,000 as proposed by the House, instead of $20,000 as proposed by the Senate, for Welsbach street lights of not less than 60 candlepower, at a cost of not exceeding $25 per lamp as proposed by the House, instead of $30 as proposed by the Senate; and inserts a provision authorizing the gas company during the fiscal year 1903 to reduce from 25 candlepower to 23 candlepower illuminating gas.

On Nos. 108, 109, and 110: Appropriates $76,000, instead of $66,656 as proposed by the House and $85,000 as proposed by the Senate, for electric arc lighting; fixes the price at $72 per annum as proposed by the House, instead of $85 as proposed by the Senate, for each electric arc light, and inserts the provision proposed by the Senate authorizing the erection of poles and the stringing of overhead wires outside of the fire limits and east of Rock Creek for electric-lighting purposes.

On No. 111: Strikes out the appropriation of $18,000 proposed by the Senate for preliminary surveys for additional conduit from Great Falls.

On Nos. 112 and 113: Appropriates $600,000 as proposed by the House, instead of $1,200,000 as proposed by the Senate, for the filtration plant.

On No. 114: Appropriates $67,240 as proposed by the Senate, instead of $12,000 as proposed by the House, for fencing and other improvements around the Washington City Reservoir and shafts of the Washington Aqueduct tunnel.

On No. 115: Appropriates $2,500 as proposed by the House, instead of $20,000 as proposed by the Senate, for Rock Creek Park.

On Nos. 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, and 156, all relating to the public schools: Strikes out all of the increases in salaries proposed by the Senate on account of employees of the school board and of school teachers, except that one head of department of English in Manual Training School No. 1, at $1,300, is provided for instead of one teacher, at $1,000; appropriates for expenses of night schools and for kindergarten instruction, as proposed by the House, instead of as proposed by the Senate; strikes out the appropriation of $5,500 proposed by the Senate for medical inspectors of schools; provides for a superintendent of janitors, at $1,200, as proposed by the Senate; appropriates $55,000, as proposed by the House, instead of $60,000, as proposed by the Senate, for repairs of school buildings; appropriates $12,000, as proposed by the Senate, for repair of heating apparatus in school buildings; strikes out the appropriation of $5,000 proposed by the Senate for grading, filling, paving, draining, and inclosing school yards; appropriates $15,000, as proposed by the House, instead of $20,000, as proposed by the Senate, for tools, etc., in connection with instruction in manual training; appropriates $2,500, as proposed by the Senate, for pianos for school buildings; appropriates $52,500, as proposed by the Senate, instead of $45,000, as proposed by the House, for text-books and school supplies; provides for a business high school building, as proposed by the Senate, to cost not exceeding $175,000, and appropriates $77,500 for site and plans therefor; appropriates, as proposed by the Senate, $25,000 for a new school building in Brookland, $7,000 for purchase of lot for Western High School, and $1,944 for additional playground for Giddings School; and strikes out the following appropriations proposed by the Senate: $15,000 for manual training school on School street, $26,000 for reconstructing Henry School, and $65,000 for a new school building in the second division.

On Nos. 157, 158, 159, 160, 161, and 162, all relating to the Metropolitan police: Provides for 15 additional policemen instead of 35 as proposed by the Senate; appropriates $30,000 as proposed by the Senate, instead of $25,000 as proposed by the House, for contingent expenses; appropriates $30,000 as proposed by the Senate for a station house and stable in southeast Washington, and $600 for rent of a building in said precinct.

On Nos. 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, and 180, all relating to the fire department: Strikes out all of the increases in compensation proposed by the Senate; appropriates $65,860, instead of $60,000, as proposed by the House, and $71,480, as proposed by the Senate, for miscellaneous objects, including repairs to engine houses, apparatus, contingent expenses, and other objects; appropriates $15,750, as proposed by the House, instead of $15,000, as proposed by the Senate, for purchase of new engines; strikes out the appropriation of $25,000 proposed by the Senate for a new engine house in the southwestern section; appropriates $22,000, as proposed by the Senate, for a new truck house in the southeastern section, and authorizes the diversion of an unexpended balance of an appropriation for completing a stable on North Carolina avenue.

On Nos. 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, and 192, all relating to the health department: Provides for an inspector and deputy health officer at $1,800, instead of an inspector at $1,200; increases the compensation of the chemist from $1,600 to $1,800; increases the compensation of the chief clerk and deputy health officer from $1,800 to $2,200; provides for 2 additional sanitary and food inspectors at $900 each; strikes out the proposed increase in the salaries of 1 veterinary surgeon from $1,200 to $1,500 and of 6 sanitary and food inspectors from $900 to $1,200, and appropriates $1,000, instead of $1,500, as proposed by the Senate, for traveling expenses of sanitary and food inspectors.

On Nos. 193, 194, 199, and 200, transfers the salary of the deputy marshal from the force in the care of the court-house to the police-court paragraph.

On Nos. 195 and 196: Appropriates for 10 justices of the peace at $2,000, as proposed by the House, instead of at $2,400 each, as proposed by the Senate.

On Nos. 197 and 198: Strikes out the provision proposed by the House that fees should not be paid to the clerk of the supreme court by the District of Columbia and fixes the compensation of the clerk of the supreme court of the District at $4,000, as proposed by the Senate, instead of at $3,500, as proposed by the House.

On No. 201: Appropriates for salary of the warden of the jail $2,000, as proposed by the House, instead of $2,250, as proposed by the Senate.

On Nos. 202, 203, and 204: Provides, as proposed by the Senate, for an additional inspector at $720 and increases the amount for traveling expenses from $200 to $400 for the board of charities.

On Nos. 205, 206, 207, 208, and 209: Appropriates $1,200, as proposed by the Senate, instead of $1,000, as proposed by the House, for principal overseer at the Washington Asylum and strikes out the other increases in salaries of employees of that institution proposed by the Senate.

On Nos. 210, 211, 212, 213, 214, and 215: Strikes out the increases in compensation of employees at the Reform School for Girls proposed by the Senate and the appropriation of $5,000 for an additional building for that institution.

On Nos. 216 and 217: Strikes out the appropriation of $5,000 proposed by the Senate for plans for a new building for the Freedmen's Hospital.

On No. 218: Strikes out the appropriation of $25,000 proposed by the Senate for reconstructing building for the National Homeopathic Hospital.

On No. 219: Appropriates $1,450 proposed by the Senate for protecting the Central Dispensary and Emergency Hospital from fire.

On Nos. 220, 221, and 222: Appropriates $12,000 for the Hart Reform School, as proposed by the Senate.

On No. 223: Appropriates $3,000, as proposed by the Senate, for completing a building for the Industrial Home School.

On No. 224: Appropriates for the National Association for the Relief of Destitute Colored Women and Children without requiring a contract to be made with the Board of Children's Guardians.

On Nos. 225 and 226: Inserts the provision proposed by the Senate with reference to the service of Government employees in the National Guard of the District of Columbia.

On No. 227: Strikes out the appropriation proposed by the Senate requiring a reduction of 10 per cent of appropriations made by the bill under certain conditions.

On Nos. 228 and 229: Strikes out the increase in the salary of the clerk in the water department from $1,400 to $1,600, proposed by the Senate.

On No. 230: Restores section 2 of the House bill, and inserts as section 3 a provision authorizing advances out of the General Treasury to meet any deficiency in the revenues of the District of Columbia during the fiscal year 1903.

On Nos. 231, 232, and 233: Inserts sections 4, 5, and 6 of the bill, as proposed by the Senate, with reference to the taxation of real estate and providing for taxation of personal property; both of which sections are quoted literally in the accompanying conference report, which is printed in the RECORD.

On No. 234: Makes necessary change in the numbering of a section.

The bill as finally agreed upon appropriates $3,547,526.97, being $650,316 more than as it passed the House, $1,346,847 less than as it passed the Senate, $45,257.03 more than the law for the current fiscal year, and $2,219,971 less than the estimates of the Commissioners.

J. T. McCLEARY,
J. G. CANNON,
M. E. BENTON,
Managers on the part of the House.

CHOCTAW AND CHICKASAW INDIANS.

Mr. CURTIS submitted the following conference report, with the accompanying statement of the House conferees, to be printed in the RECORD and lie over, under the rule:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13172) to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 16.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 8, 9, 10, 11, 13, 19, 20, and 21; and agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: Restore the matter proposed to be stricken out by said amendment and add at the end thereof the following:

"Such citizenship court shall also have like appellate jurisdiction and authority over judgments rendered by such courts under the said act denying claims to citizenship or to enrollment as citizens in either of said nations. Such appeals shall be taken within the time hereinbefore specified and shall be taken, conducted, and disposed of in the same manner as appeals by the said nations, save that notice of appeals by citizenship claimants shall be served upon the chief executive officer of both nations: *Provided*, That paragraphs 31, 32, and 33 hereof shall go into effect immediately after the passage of this act by Congress."

And the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment insert the following: "and such intermarried white persons as may have married recognized citizens of the Choctaw and Chickasaw nations in accordance with the tribal laws, customs, and usages on or before the date of the passage of this act by Congress;" and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: At the end of said amendment add the following: ", all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll;" and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the matter intended to be inserted by said amendment insert the following: "in good faith continuously resided;" and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the matter intended to be inserted by said amendment insert the following: "continuous, bona fide;" and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "*Provided*, That occupants or purchasers of lots in town sites in said Choctaw and Chickasaw nations upon which no improvements have been made prior to the passage of this act by Congress shall pay the full appraised value of said lots instead of the percentage named in the Atoka agreement;" and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: Restore the matter intended to be stricken out by said amendment and add at the end thereof the following: "*Provided, however*, That nothing contained in this section shall be construed or held to commit the Government of the United States to any expenditure of money upon said lands or the improvements thereof, except as provided herein, it being the intention of this provision that in the future the lands and improvements herein mentioned shall be conveyed by the United States to such Territorial

or State organization as may exist at the time when such conveyance is made;" and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: Omit the word "SEC." before each paragraph number wherever it occurs and number the paragraphs consecutively; and the Senate agree to the same.

CHARLES CURTIS,
JOHN F. LACEY,
JOHN S. LITTLE,
Managers on the part of the House.

WM. M. STEWART,
O. H. PLATT,
JAMES K. JONES,
Managers on the part of the Senate.

The statement is as follows:

The managers on the part of the House at the conference of the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13172) to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes, submit the following statement in explanation of the fact of the action agreed upon and recommended in the accompanying conference report:

The House managers recede from the disagreement to the Senate amendments numbered 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 19, 20, and 21, and agree to the same.

Amendments 1, 2, 3, 4, 5, 8, 10, 11, 12, 20, and 21 are simply changes of phraseology.

Amendment No. 9 changes the word "person," so as to make the provision apply to the Mississippi Choctaw Indians, whether of full or of mixed blood, and thus makes the provision more definite and certain.

Amendment No. 19 extends the time for the calling of a special election to ratify the agreement on the part of the Choctaws and Chickasaws from ninety days to one hundred and twenty days. The Senate recedes from amendment No. 16.

From amendments Nos. 14 and 15 the House recedes, with an amendment, thus restoring the House provisions and changing the wording of the sections, so as to require that the Mississippi Choctaws shall in good faith have resided upon the lands in the Choctaw Nation for a period of three years in order to establish their rights in said nation.

The House recedes from amendment No. 13, which is an amendment striking out the House provision making an appropriation of $15,000 to remove the Mississippi Choctaws from Mississippi to the Indian Territory.

The House recedes from amendment No. 6, with an amendment which gives those persons whose applications have been rejected by the court the same right to appeal that is given the nation in cases decided against them.

The House recedes from its amendment No. 17, with an amendment which simply requires those persons who may hereafter make improvements upon town lands in the Indian Territory to pay the full appraised value, and the section thus amended permits persons who have heretofore made improvements upon town lots under the Atoka agreement pay simply the price provided for in said agreement. This amendment fully protects the interests of those people who have gone to the Indian Territory and expended their money in good faith in building up towns.

The House recedes from its disagreement to amendment No. 18, with an amendment which declares the purpose of Congress in regard to the Sulphur Springs referred to in said section, which is not to permanently hold the said land.

The House recedes from its disagreement to amendment No. 7, with an amendment which limits the time for the admission of intermarried whites to the rolls of the Choctaw and Chickasaw tribes to date with the passage of this act by Congress.

CHARLES CURTIS,
JOHN F. LACEY,
JOHN S. LITTLE.

NAVAL APPROPRIATION BILL.

Mr. FOSS submitted the following conference report, with the accompanying statement of the House conferees, to be printed in the RECORD and lie over, under the rule:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 7, 13, 46, 47, 52, 56, 57, 58, 64, 77, 92, and 93.

That the House recede from its disagreement to the amendments of the Senate numbered 9, 25, 26, 88, and 89, and agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"That the appointment of six additional civil engineers is hereby authorized, three to be appointed during the present calendar year, and the other three in the calendar year of 1903."

And the Senate agree to the same.

Amendments numbered 37, 38, 39, and 40: That the House recede from its disagreement to the amendments of the Senate numbered 37, 38, 39, and 40, and agree to the same with an amendment as follows: In lieu of the amended paragraph (being lines 18, 19, 20, and 21, on page 33 of the bill) and of the amendments insert the following:

"Navy-yard, Charleston, S. C.: Stone and concrete dry dock (toward completion), $250,000: *Provided*, That the amount authorized in the act of June 7, 1900, to be expended for the purchase of a site for a naval station at or in the vicinity of Charleston, S. C., from the appropriation for a new naval station and a dock be increased from $100,000 to $106,000, and $6,000 are hereby appropriated; office building for the commandant, $35,000; quarters for the commandant, $12,000; quarters for civil engineer, $7,500; landing and wharves, $50,000; grading and drainage, $10,000; workshop (to cost $80,000), $50,000; storehouse and storekeeper's office, $50,000; equipment building (to cost $125,000), $62,500; machine shop for steam engineering (to cost $174,000), $80,000; foundry and copper shop for steam engineering (to cost $118,000), $60,000; power house (to cost $50,000), $25,000; workshop for ordnance, $40,300; ship fitters' shop, with mold loft and furnace shed, for construction and repair (to cost $200,000), $50,000; power house and fuel storage for construction and repair (to cost $80,000), $35,000; machine shop for construction and repair (to cost $120,000), $40,000; joiner shop for construction and repair (to cost $120,000), $90,000; foundry for construction and repair (to cost $75,000), $20,000; in all, navy-yard, Charleston, $913,300.

"In all cases where buildings and structures are provided for in this act and where appropriations in full are not made for the same, authority is hereby given to the Secretary of the Navy, in his discretion, to enter into contracts for the entire construction of such buildings and structures, within the limit of cost as fixed in this act."

And the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In lieu of the sum proposed insert the following: "$7,649,325;" and the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"That in addition to the number of naval constructors and assistant naval constructors now authorized, the appointment of six assistant naval constructors is hereby authorized, two to be appointed during the present calendar year, and the remaining four in the calendar year of 1903."

And the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"That, until the year 1914, in addition to the naval cadets now authorized by law (the title having been changed by this act to midshipmen), the President shall appoint five midshipmen, and there shall be appointed from the States at large, upon the recommendation of Senators, two midshipmen for each State."

And the Senate agree to the same.

On amendment numbered 91 the committee of conference have been unable to agree.

GEORGE EDMUND FOSS,
ALSTON G. DAYTON,
ADOLPH MEYER,
Managers on the part of the House.

EUGENE HALE,
GEO. C. PERKINS,
B. R. TILLMAN,
Managers on the part of the Senate.

The statement of the House conferees is as follows:

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report on each of the amendments of the Senate, viz:

On No. 1: Strikes out the increase in the amount of appropriation for pay of the Navy, as proposed by the Senate.

On Nos. 7 and 13: Places the provision "maintenance of colliers" under the Bureau of Navigation.

On No. 9: Reappropriates the unexpended balances remaining in the Treasury June 30, 1902, from the appropriation for "Ordnance and ordnance stores," 1900, or so much thereof as may be necessary, for expenditure in the fulfillment of contracts heretofore made and properly chargeable to such appropriation.

On No 24: Provides that the corps of civil engineers shall be increased by six civil engineers, three to be appointed the present calendar year and three the following year.

On Nos. 25 and 26: Appropriates $500 for making an examination concerning the furnishing water supply of Portsmouth Navy-Yard, and an appropriation of $200,000 toward the removal of Hendersons Point, near said navy-yard.

On Nos. 37, 38, 39, and 40: Appropriates $663,300 additional for the development of the navy-yard at Charleston, S. C., as more fully appears in conference report above.

On No. 43: Increases the totals in appropriations for public works by the amounts agreed to in conference, as proposed by the Senate.

On No. 46: Strikes out the appropriation of $100,000 for the construction of a building for Bureau of Equipment at Pensacola Navy-Yard, proposed by the Senate.

On No. 47: Strikes out the increase in the appropriation for public works, Bureau of Ordnance, as proposed by the Senate.

On No. 52: Strikes out the provision for an increase in the corps of surgeons.

On No. 56: Strikes out appropriation of $2,000 for one bookkeeper and one clerk at Pensacola Navy-Yard, as proposed by the Senate.

On No. 57: Strikes out the increase in total appropriations for civil establishment, Bureau of Supplies and Accounts, as proposed by the Senate.

On No. 58: Strikes out provision for increase in the Pay Corps, as proposed by the Senate.

On No. 61: Provides that the corps of naval constructors shall be increased by 6 naval constructors; two to be appointed the present calendar year and 4 the following year.

On No. 64: Strikes out the appropriation of $200,000 for an experimental station and testing laboratory at Annapolis, proposed by the Senate.

On No. 76. Increases the corps of midshipmen by providing that until the year 1914, in addition to the naval cadets now authorized by law (the title having been changed by this act to midshipmen), the President shall appoint five midshipmen, and there shall be appointed from the States at large, upon the recommendation of Senators, two midshipmen for each State.

On No. 77: Strikes out the provision authorizing all examinations for admission to the Naval Academy to be held at Annapolis, as provided by the Senate.

On No. 88: Appropriates $1,500 for improvements at the Marine Barracks, navy-yard, Boston, as proposed by the Senate.

On No. 89: Changes the amount of total appropriations for public works in accordance with the above.

On No. 92: Strikes out the provision for five more Holland submarine boats, as provided by the Senate.

On No. 93: Strikes out the provision for the testing and purchasing of submarine boats other than that of the Holland type.

The committee of conference have been unable to agree on the following amendment:

On No. 91, as to "increase of the Navy" and the method of construction of new ships authorized, whether they shall be built by contract or some in the Government navy-yards, or the whole subject be left within the discretion of the Secretary of the Navy.

GEORGE EDMUND FOSS,
ALSTON G. DAYTON,
ADOLPH MEYER,
Managers on the part of the House.

ELECTION CONTEST—HORTON AGAINST BUTLER.

Mr. BARTHOLDT. Mr. Speaker, in the spring of 1901 I wired the governor of Misssouri from Republican headquarters at St. Louis: "This city is in the hands of a ballot-box stuffing mob," and then went on to say that he would be held responsible, etc. This relates to the spring election, an exact duplicate of the fall election of 1900. Let me say right here that the citizens of St. Louis, not to speak of the Republicans at all, have no more control over their own elections than they have over the affairs of Afghanistan, for the reason that the governor of the State, under Democratic law, appoints the election board, and is thus placed in almost absolute control, by a cunningly devised machinery, of all our elections.

Hence the governor's responsibility, to which I have just referred. I was prompted to send that message to the governor on the morning of the day of election by reports coming to headquarters from half a dozen wards in the central portion of the city that bands of Democratic repeaters were being driven in wagon loads from one polling place to the other, and were voting again and again by means of slips furnished them by some one on the inside. These reports proved to be true, although at that time we had no idea of the extent of the crimes which were being committed against the ballot. There were a number of hot-headed young fellows at Republican headquarters who in wrathful indignation demanded that fraud be met by force. We succeeded in pacifying them by sending the dispatch I just referred to and by pointing to the courts as our remedy. How bitterly we were disappointed in this is now a matter of history.

The reply from Jefferson City was that the governor was not at home, and when we appealed to the courts we were told by the tribunal of last resort, the State supreme court, that the ballot boxes could not be opened, because the secrecy of the ballot must not be interfered with. This decision, effectually nailing up the ballot boxes, was handed down just in time to prevent the frauds and criminal secrets of the ballot boxes from being revealed. It gladdened the hearts, if they have any, of the perpetrators of these election outrages, but it filled with righteous indignation every honest man who loves his country and believes in the political rights guaranteed by its institutions.

As an American citizen I believe there is a redress under our political skies for every wrong. Therefore I appear before the bar of public opinion, and, on behalf of an outraged constituency, which in this instance is a vast majority of the people of Missouri, confidently lay our case before this House and the country. It is our last recourse. All other means of redress being denied us, we propose to arouse the public conscience by laying the facts before the highest authority, and then this fall we shall appeal to that authority, the people themselves, for a verdict upon that issue alone. [Applause.]

Mr. CLAYTON. From what publication or document has the gentleman been reading?

Mr. BARTHOLDT. I decline to answer such a question.

Mr. GROSVENOR. Will the gentleman allow me to ask him one question?

Mr. BARTHOLDT. I will, with pleasure.

Mr. GROSVENOR. It is stated as an historical fact—I should like to have your statement in regard to it—that the Republican party in the State of Missouri gave Mr. McKinley 48 per cent of the popular vote of that State at the election of 1900.

Mr. BARTHOLDT. Yes, between 47 and 48 per cent.

Mr. GROSVENOR. It is further reported that the present apportionment law adopted by a Democratic legislature is so arranged that the Republicans will have 1 representative out of 16. Is that correct?

Mr. BARTHOLDT. The districts are so gerrymandered that it is the intention of the Democrats to take 15 and graciously yield us 1.

Mr. GROSVENOR. That is all I wanted to know.

Mr. BOWIE. I would like the gentleman from Ohio to answer me a question.

Mr. GROSVENOR. Very well.

Mr. BOWIE. Does the gentleman think that that has anything to do with this case?

Mr. GROSVENOR. Yes.

Mr. BOWIE. How?

Mr. GROSVENOR. As raising a presumption, at least, that a similar policy has been followed in other matters.

Mr. BOWIE. Then you think that because the Democrats may have done something they ought not to have done, you ought to go to work and do the same?

Mr. GROSVENOR. Oh, no; the only object is to show how your party is influenced in other things.

Mr. BARTHOLDT. Mr. Speaker, I wish to say that I prefer not to be interrupted. I intend to present my argument logically, and I believe that any question which gentlemen may feel inclined to ask will be answered in the course of my remarks.

The SPEAKER. The Chair will protect the gentleman from interruption.

Mr. BARTHOLDT. Mr. Speaker, St. Louis is a Republican city by a large majority. In 1896 McKinley carried it by 15,000. Then came the Nesbit law, and the Republican majorities went glimmering. They had disappeared as if by magic. The same as the contestee in the case now under discussion, there are many Democrats now holding offices in St. Louis to which they have no title. At two succeeding elections every Republican candidate was slaughtered by the infamous methods which I have just described. But when we instituted contests and proceeded to prove that the incumbents were not legally elected, a partisan supreme court stopped us on the way to the ballot boxes and told us in as many words that, no matter how much evidence of fraud they may contain, these boxes must not be opened because the secrecy of the ballot would thus be violated.

This ended the contests, of course. We had exhausted our efforts to vindicate justice and the sanctity of the franchise. There was general indignation among the people who still cherish these things—treasures without which our republican form of government would be but an empty word—but they were scoffed at and derided on account of their very impotence. There remained one consolation, the fact that Congress could pass upon the election in the Twelfth district. Hundreds of public-spirited citizens came immediately to the front, offering their mites for the institution of a contest, and even if I attempted to describe it I could give you but a faint idea of the sacrifices made and the sum total of time, energy, and money expended to unearth the frauds and gather the evidence in this case.

In this connection let me ask the question: Is there another State in this great Union of ours where the only method by which election frauds may be detected is prohibited? There is none. Missouri alone enjoys that unenviable distinction. And do you not agree with me, Mr. Speaker, that there ought to be a change; that this alone should be the strongest possible inducement to the voters to oust the party which is responsible for such a humiliating condition? And if you will bear with me, I will show you that it is not partisanship which dictates these sentiments.

The demand for honest elections is certainly not a partisan demand. If it were, the party opposing it would never see daylight again. It would be an insult to the honest Democrats of Missouri to assume that they would less vigorously denounce and repudiate election frauds than the honest Republicans do. There may be a difference in the intensity of feeling, and there may be those who are disinclined to accept proof of fraud and corruption against their own party, but if a party once stands convicted of fraud, by positive and incontrovertible evidence, and the knowledge of it becomes public property, then that party's doom is sealed.

The reason is that the American people are instinctively for fair play, and this instinct is much stronger than partisanship. Moreover, no true American will stand idly by while the fountainheads of popular government are being poisoned. He will protest and will make common cause with anybody or any party to protect his priceless heritage. Upon this, Mr. Speaker, are founded our hopes in Missouri. [Applause on the Republican side]

I said "positive and incontrovertible evidence of fraud and corruption." This has been adduced in bulk in the Horton-Butler contest now under discussion. It fills three thick volumes.

Nothing that I can say could add to the force of the indictment contained in the majority report of the committee. That report is a masterly array, in a nutshell, of all the intricacies of the case, and for it the honorable chairman of the committee, the distinguished gentleman from Ohio [Mr. TAYLER] is entitled to the highest commendation. His conscientious labors and those of his able coworkers on the committee are nowhere more appreciated I assure them, than in St. Louis and Missouri.

If partisanship instead of a sense of exact justice had actuated them they would have reported in favor of seating the Republican contestant. We should have been glad if they had reached such a conclusion, but we accept their decision that no valid election was held in the Twelfth district, as the just verdict of an unbiased, fair-minded jury. I have not the time to go into details, nor shall I rehash the facts and arguments which have already been so ably and well presented by the gentlemen who preceded me. But for a better understanding of the case it is necessary that I call attention to some of the more glaring features of that election, or of what is dignified by that name.

In 1898 the total Republican and Democratic vote in the district was 28,299. In 1900 it was 40,655, an increase of 12,346 in two years, while in the adjoining district, which I have the honor to represent and which has a much larger population, the increase was but 9,000 votes. This plainly shows the padding of the vote, but the fraud will become still more apparent when you compare the relative increase in the party vote. While in the Butler district the Democratic increase was over 9,000,

namely, 9,115, as against a Republican increase of but 3,241; in my district the increase in the vote of the two parties was almost exactly the same—about 4,500. And the same is true in the other adjoining district, the one so ably represented by my colleague, Mr. JOY. There, too, the corresponding increase in the Republican and Democratic vote is about even, namely, 7,700 in one case and 7,300 in the other. Why this discrepancy? Mr. JOY was elected by 2,600 plurality in 1898 and by 2,700 in 1900. I was elected by 6,500 plurality in 1898 and by 6,400 in 1900. These are the two adjoining districts. But in the Butler district the Republican plurality of 2,300 was completely wiped out and a Democratic plurality of 3,553 returned, a difference of nearly 6,000 votes! It is claimed that there were certain causes militating against the Republican ticket; but if this were true, surely the same causes would have operated in all districts alike, because all three are in the city of St. Louis.

This, however, is not the case, as I have already shown. To explain the abnormal Democratic increase in the Twelfth district the claim is set up in the minority report that many Republicans voted for the Democratic candidate because they did not like their own. The figures do not bear out this assertion. In 1898 Major Pearce, an exceptionally popular candidate, received 15,310 votes in this district, while in 1900 Mr. Horton received 18,551, a healthy and natural increase due to the Presidential election. The fact is that whatever losses contestant may have suffered on personal grounds were more than made up by gains caused by Democratic objections to contestee. Thus the abnormal increase in the Democratic vote remains unexplained except on the theory that gigantic frauds were perpetrated.

Circumstantial evidence, you say? Yes; but hundreds of citizens have seen these frauds perpetrated with their own eyes. They have seen the repeaters as they were driven in wagonloads from polling place to polling place; they have seen them enter; they have seen the doors closed behind them, and they have seen them emerge after their nefarious work was done. In many places they saw how the Republican challengers and judges and clerks were ejected, and they saw how all this was done under the very eyes, with the connivance of and in some cases under the protection of the police.

This is not circumstantial evidence, but what I have just recited are stubborn facts which the minority of the committee by no amount of sophistry can explain away. There were about seventy-five to a hundred of those repeaters or "Indians," as they are called in slander of our aborigines. On election day they were divided in smaller bands, and, each under the leadership of a chief, sent out to do the work for which they had been hired. The preparations for these election crimes had been so openly and boldly carried on that weeks in advance the Republican leaders were fully advised of the plans of the Democratic bosses.

We knew that the registration lists had been padded with thousands of fraudulent names, and that each one of those names was to be voted. They were registered in large numbers from stables, saloons, coal yards, bawdy houses, and vacant lots. From the stables of the Excelsior Hauling Company—an enterprise controlled by Edward Butler, contestee's father—97 men were registered, though it is a notorious fact that not more than two or three men usually live there. To what extent fraudulent registration has been carried on was shown later when 19,000 names were dropped from the voters' lists.

We were advised, I repeat it, of every detail of the scheme to steal the election, but under the circumstances the Republicans were well-nigh helpless. The election machinery and the police organization were completely under the domination of the Democratic party. Should the Republicans resort to force to prevent the perpetration of the frauds? Fortunately, calmer councils prevailed, and as the only alternative left this plan was finally agreed upon: That registered letters be addressed to those suspected of false registration, and warrants be issued against all the persons who could not thus be found.

These warrants were to be placed in the hands of deputy sheriffs to be specially appointed for that purpose. It was an honest and perfectly legal plan to prevent crime. Of course but a small percentage of the 1,500 registered letters which were sent out could be delivered, but when the deputy sheriffs on the morning of the election presented themselves at the polls with their warrants, they were told by the police to move on. A State law, which provides that no electioneering shall be permitted within 100 feet of the polls, was enforced by the police even against the officers of the law, in which capacity the deputy sheriffs undoubtedly acted.

Under these circumstances no arrests could be made, because a fraudulent voter could be identified only when inside of the poll he would announce his alleged name. Had the presence of a deputy sheriff been permitted, he would have immediately arrested his man, and probably the whole conspiracy would have been nipped in the bud. It was for this reason that, as a result of a dark-lantern conference at the Southern Hotel, orders were issued to the police to keep the deputy sheriffs away from the polls. These orders were carried out to the letter at each polling place. Thus the last obstacle to the boldly arranged orgies of fraud was swept away and a new chapter was added to the election history of fair St. Louis which brings the blush of shame and indignation to the cheek of every good citizen, irrespective of party affiliation.

Do not imagine, as evidently the conspirators did, that the public conscience of St. Louis was dead or paralyzed. On the contrary, never in my life did I see it more thoroughly aroused. Every avenue of lawful redress being closed, there was wild talk of violence in every precinct of the district and city.

> "Yes, there's a limit to the despot's power!
> When the oppressed looks round in vain for justice,
> When his sore burden may no more be borne,
> With fearless heart he makes appeal to Heaven,
> And thence brings down his everlasting rights,
> Which there abide, inalienably his,
> And indestructible as are the stars," etc.

In these words of the poet can best be described what was uppermost in the minds of the people. Riots and bloodshed were fortunately averted, as I said before, but for this the Democratic bosses can claim no part of the credit. In view of the wrongs and outrages committed against the Republicans at that election, how absurd and ridiculous is the assertion made in the minority report that the Democratic leaders had met at the Southern Hotel "to discuss and consider"—I follow the language of the report—"what rights the Democratic party had left in St. Louis, if any."

It reminds me of the wolf in the fable who accuses the lamb of muddying the water, though the wolf was standing upstream and the lamb way down. It is adding insult to injury. It is like accusing a man of assault and battery who lies flat on his back, tied hand and foot. The rights and privileges which the Republicans of St. Louis enjoyed in the management of campaigns, insignificant as they always had been, were taken away from them by the Nesbit law, an instrument specially designed for that purpose.

Let me tell you something about that law. It is as neat a piece of partisan legislation as has ever been brought to the notice of this House or the country. It applies to St. Louis alone. The reason for this is that the great metropolis of the Mississippi Valley, abreast with the best sentiment of the country, had dared to give McKinley 15,000 majority, while most of the rural districts of Missouri had rolled up their old-time Democratic majorities. This was bitter, so the bosses went to the legislature and asked that St. Louis be made Democratic by law.

Troubled by their consciences and afraid of public opinion, some of the Democratic members balked, but they were finally whipped into line. The Nesbit law was passed, and it was a great moment, because from the birth of Nesbitism dates the decadence of the Missouri Democracy. It was giving notice to all the people of the State that Democratic majorities are no longer the natural expressions of public opinion, but must henceforth be manufactured by artificial devices. You see? But what are the provisions of the law?

Well, the governor appoints three election commissioners, not four, as in some Republican States, so that two might be appointed for each party; oh, no; only three—two Democrats and one Republican, and the Republican, too, is one of his own choosing. No matter how good a man the representative of the minority party may be, you know that a pair always beats ace high. That is the secret of the law. The rest is easy. The commissioners have complete charge of the registration, locate the polling places, and appoint the judges and clerks of election.

It is true that the Republican judges and clerks shall be recommended by the city central committee of that party, the same as the Democratic election officials, but there is no provision to prevent the commissioners from arbitrarily substituting other names for those recommended by the party committees. Wholesale substitutions of this kind were made in the Twelfth district. According to the law these substitutes should have been Republicans, but what party they really belonged to was shown when the ballots were examined. Fifty-four of these alleged Republicans voted the Democratic ticket outright, three scratched Horton, and three voted for the third party candidate.

Here we have the reason, too, why the election law of 1895, the passage of which had been forced through the legislature by public opinion and a Republican lower house, was supplanted by the partisan measure I am just discussing. It is because under the old law Republican judges and clerks were sure to be appointed. Why, this gave the Republicans an equal chance at the polls, therefore would never do! Under these circumstances do you blame the Republicans of St. Louis for looking to Congress for relief, for urging you first, that the fraudulent results of such election methods be not recognized, and second, that the United States Government throw such safeguards around Congressional elections as to render a repetition of such outrages impossible?

Permit me to quote the expressions of the recent State convention of the Republicans of Missouri on this question. I insert them here:

The fundamental doctrines of an honest ballot and a fair count compel the earnest attention and demand the unselfish support of every elector of the State, irrespective of former political affiliations, because at present, by virtue of unfair and partisan laws passed by the Democratic legislature and signed by a Democratic governor, in the three great commercial centers, namely, in St. Louis, Kansas City, and St. Joseph, the whole matter of registration of all voters and the conduct of all elections for local as well as State officers is in the exclusive power of boards selected by the governor, without the consent of the local authorities or their people, and without such safeguards as will insure a fair expression of the voters' will.

The partisan and infamous administration of the Nesbit law for St. Louis in two elections has operated so successfully as to return the election of candidates who received a minority of the votes cast, and their title to office was validated by a decision of a supreme court to the effect that the constitutional provisions authorizing election contests was no longer applicable to protect the honesty of the ballot in that community.

We declare that in violation of these principles of self-government and in contravention of the letter and spirit of the constitution, in order to keep in power politicians without sanction of a majority of the voters, numerous laws from time to time have been enacted by the Democratic legislature and sustained by decisions of the supreme court which vests in the governor the sole authority to appoint various boards and officers with unlimited power over the local affairs and municipal revenues of the cities of St. Louis, Kansas City, and St. Joseph, without the voice or consent of the local authorities or their people.

We declare that all cities and towns in the State should be self-governed, with full authority to select and control their local boards and officers, levy and collect all taxes and charges for local purposes and distribute them as they please and be alone responsible for the local administration, unhampered and unrestrained by the legislation of the State, and to this end we pledge our support to such necessary amendments to the constitution as can not be nullified and construed away by our supreme court.

The platform adopted by the Congressional convention which recently honored me with a renomination contains the following plank, to wit:

We denounce the Democratic party of this State for the passage of iniquitous election and police laws, enacted to prevent a fair expression of the will of the people, and we invite all good citizens, irrespective of party, to join with us for the purpose of correcting this crying evil and of reestablishing a republican form of government in Missouri, such as will guarantee an honest election and a fair count. The efforts of our Representatives in Congress in behalf of a Federal election law have our hearty approval.

"And we invite all good citizens, irrespective of party, to join with us for the purpose of reestablishing a republican form of government in Missouri." This means that what the Constitution of the United States guarantees to every State does not now exist in Missouri. A rather broad assertion, is it not? And yet it is literally true! Does the man, I ask you, who comes to the polling place and finds that his name has already been voted enjoy a republican form of government?

Or does the community enjoy it in which one party, by means of a partisan State law, turns a minority into a majority? Or where repeaters are employed to stifle the popular will? I ask the constitutional lawyers on the other side of the House. They will also be interested to learn of a decision of our State supreme court to the effect that a repeater shall go scot free if he votes a fictitious name fraudulently placed on the registration lists. How will you reconcile such a decision with public morals and constitutional guaranties? Is there a spot in the wide world where the judiciary has stooped so low in order to gain a partisan advantage or to save a follower of its party from the penitentiary?

The minority say in their report that the House of Representatives has no right to annul or set aside the laws of a sovereign State, and this, by the way, is the only defense they wisely attempt of the Nesbit law and its fraudulent results, if it is a defense at all. That assertion is true, of course. They might have gone further and denied the right of Congress to question a decision of the Missouri State supreme court. Certainly there is no such power vested in this body, and no one claims there is. The majority of the committee do not base their findings upon the State law, but upon the facts.

They do not propose to annul the election because of a partisan law which makes fraud possible, but because of the frauds which were actually committed under it. Incidentally, though properly, they call attention to that iniquitous law and to the Democratic methods of its enforcement. We may have no right here to change State laws and decisions, destructive though they are of the people's rights and liberties, but we have the right to cry out against the wrongs inflicted upon us, and in asking redress, incidentally tell the country how Democratic victories in Missouri are to be accounted for. They may not permit our votes to be counted at home, but they can not gag us here. [Applause.]

Mr. TAYLER of Ohio (before the remarks of Mr. BARTHOLDT were concluded). Will the gentleman yield for a motion to adjourn?

Mr. BARTHOLDT. Yes, sir; as the hour is late, I prefer to conclude in the morning.

The SPEAKER. The gentleman from Missouri reserves the balance of his time.

MONUMENT TO PRISON-SHIP MARTYRS.

The SPEAKER. If the gentleman from Ohio [Mr. TAYLER] will withhold the motion to adjourn for a moment——

Mr. TAYLER of Ohio. I will do so.

The SPEAKER. The Chair will lay before the House Senate amendments to House joint resolution No. 6.

The amendments to the joint resolution (H. J. Res. 6) in relation to a monument to prison-ship martyrs at Fort Greene, Brooklyn, N. Y., were read, and, on motion of Mr. MCCLELLAN, concurred in.

On motion of Mr. MCCLELLAN, a motion to reconsider the vote by which the amendments were concurred in was laid on the table.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

H. R. 3519. An act granting an increase of pension to John Marble;

H. J. Res. 103. Joint resolution relative to the disposition of patent specification and drawing in the western district of Pennsylvania;

H. R. 11019. An act directing the Secretary of the Treasury to bestow medals upon First Lieut. David H. Jarvis, Second Lieut. Ellsworth P. Bertholf, and Samuel J. Call, surgeon, all of the Revenue-Cutter Service;

H. R. 12097. An act to amend the internal-revenue laws in regard to storekeepers and gaugers;

H. R. 9308. An act granting an increase of pension to Edwin P. Johnson;

H. R. 10964. An act granting an increase of pension to Francis M. Beebe;

H. R. 2978. An act for the relief of Joseph H. Penny, John W. Penny, Thomas Penny, and Harvey Penny, surviving partners of Penny & Sons;

H. R. 8327. An act to amend an act entitled "An act for the protection of the lives of miners in the Territories;"

H. R. 6005. An act granting a pension to James A. Chalfant;

H. R. 14247. An act to authorize the Charleston, Suburban and Summerville Railway Company to construct and maintain two bridges across Ashley River, in the State of South Carolina;

H. R. 12056. An act granting an increase of pension to Warren C. Plummer;

H. R. 10856. An act granting a pension to Jacob Findley;

H. R. 9187. An act granting an increase of pension to Caroline A. Hammond;

H. R. 13598. An act granting a pension to John J. Southerland;

H. R. 13123. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes;

H. R. 14182. An act granting an increase of pension to Susan B. Lynch;

H. R. 12804. An act making appropriations for the support of the Army for the fiscal year ending June 30, 1903;

H. R. 2641. An act for the relief of Albion M. Christie;

H. R. 6570. An act to amend the act of May 12, 1900, authorizing the Commissioner of Internal Revenue to redeem or make allowance for internal-revenue stamps; and

H. R. 3110. An act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans.

The SPEAKER announced his signature to enrolled bills and joint resolutions of the following titles:

S. R. 111. Joint resolution limiting the gratuitous distribution of the Woodsman's Handbook to the Senate, the House of Representatives, and the Department of Agriculture;

S. R. 103. Joint resolution providing for the binding and distribution of public documents held in the custody of the Superintendent of Documents, unbound, upon orders of Senators, Representatives, Delegates, and officers of Congress, when such documents are not called for within two years after printing;

S. 4450. An act confirming in the State of South Dakota title to section of land heretofore granted to said State;

S. 5434. An act to authorize the city of Little Falls, Minn., to construct a wagon and foot bridge across the Mississippi River within the limits of said city; and

S. 4776. An act to authorize the construction of a bridge across the Emory River, in the State of Tennessee, by the Tennessee Central Railway or its successors.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bills of the following titles:

H. R. 1456. An act granting a pension to William G. Miller;

H. R. 14208. An act granting an increase of pension to Alexander Murdock;

H. R. 14206. An act granting a pension to Mary J. Moore;

H. R. 14042. An act granting an increase of pension to George W. Edgington;
H. R. 14656. An act granting an increase of pension to Charles A. Scott;
H. R. 4170. An act granting an increase of pension to Henry P. Macloon;
H. R. 8769. An act for the relief of S. J. Bayard Schindel;
H. R. 8108. An act for the relief of John Hornick;
H. R. 6031. An act authorizing the payment of part of the pension of Ira Steward to Adell Augusta Steward;
H. R. 6009. An act granting a pension to Absolum Maynard;
H. R. 621. An act for the relief of Daniel Cherry;
H. R. 14802. An act for the purchase of real estate for revenue and customs purposes at Wilmington, N. C.;
H. R. 2066. An act to change the terms of the district court for the eastern district of Pennsylvania;
H. R. 8840. An act granting an increase of pension to John H. Lauchly;
H. R. 2063. An act amending an act creating the middle district of Pennsylvania;
H. R. 10178. An act granting an increase of pension to Daniel Thomas;
H. R. 6871. An act granting an increase of pension to Harman Scramlin;
H. R. 3323. An act granting a pension to Daniel L. Mallicoat;
H. R. 5315. An act granting an increase of pension to Orrin J. Wells;
H. R. 3500. An act granting an increase of pension to Kate O. Phillips;
H. R. 10933. An act to provide for the erection at Fredericksburg, Va., of the monument to the memory of Gen. Hugh Mercer, which was ordered by Congress on the 8th day of April, 1777, should be erected;
H. R. 12507. An act granting an increase of pension to Ebenezer W. Oakley;
H. R. 12299. An act granting a pension to William C. Roberts;
H. R. 12648. An act to establish a regular term of United States district court in Roanoke City, Va., and for other purposes;
H. R. 12284. An act granting an increase of pension to George W. Shaw;
H. R. 14691. An act to authorize the construction of a pontoon bridge across the Missouri River, in the county of Cass, in the State of Nebraska, and in the county of Mills, in the State of Iowa;
H. R. 14111. An act to authorize the construction of a bridge across the Tennessee River, in the State of Tennessee, by the Harriman Southern Railroad Company;
H. R. 14221. An act granting an increase of pension to Nancy J. McArthur;
H. R. 12800. An act granting an increase of pension to Horatio N. Whitbeck;
H. R. 4556. An act to amend an act entitled "An act to supplement existing laws relating to the disposition of lands," etc., approved March 3, 1901;
H. R. 13650. An act to correct the military record of James M. Olmstead;
H. R. 10279. An act to pay the claim of Stephen B. Halsey;
H. R. 12205. An act to provide for circuit and district courts of the United States at Valdosta, Ga.; and
H. R. 13676. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1903, and for other purposes.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, bills and joint resolutions of the Senate of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:
S. R. 124. Joint resolution to provide for the printing of the memorial address on the life and character of William McKinley, late President of the United States, by the Hon. John Hay, before the two Houses of Congress—to the Committee on Printing.
S. R. 127. Joint resolution authorizing the loan of plans and drawings of park improvements of the District of Columbia—to the Committee on the Library.
S. R. 123. Joint resolution for the relief of Naval Cadet William Victor Tomb, United States Navy—to the Committee on Naval Affairs.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:
To Mr. STEVENS of Minnesota, for five days, on account of important business.
To Mr. THOMAS of North Carolina, for five days, on account of important business.

MILITIA.

Mr. DICK. I ask unanimous consent that immediately after the pending election case is disposed of, the bill (H. R. 11654) to promote the efficiency of the Army, be taken up in the House and be a continuing order until disposed of, not to interfere with conference reports or motions to suspend the rules.
Mr. RICHARDSON of Tennessee. I do not understand that this request is made with the concurrence of the minority of the committee, and for the present I shall have to object.
Mr. DICK. I will say to the gentleman that the proposition has the unanimous concurrence of the minority members of the committee. The report is unanimously signed.
Mr. RICHARDSON of Tennessee. I suggest to the gentleman to withhold this matter until to-morrow morning. We can not get through the election case until 2 or 3 o'clock to-morrow, and there will be ample time meanwhile to confer with the minority of the committee. If they assent, I shall make no objection.
Mr. DICK. Very well.
Mr. TAYLER of Ohio. I renew the motion to adjourn.
The motion was agreed to; and accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communication was taken from the Speaker's table and referred, as follows:
A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Philip M. Buckey, administrator of estate of Philip J. Buckey against The United States—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:
Mr. DAVIS of Florida, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 6119) to authorize the Pensacola, Alabama and Tennessee Railway Company to erect, maintain, and operate a railway bridge across the Alabama River, in Wilcox County, in the State of Alabama, reported the same without amendment, accompanied by a report (No. 2705); which said bill and report were referred to the House Calendar.
Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 15270) to amend an act entitled "An act authorizing the Aransas Harbor Terminal Railway Company to construct a bridge across the Corpus Christi Channel, known as the Morris and Cummings ship channel, in Aransas County, Tex.," reported the same without amendment, accompanied by a report (No. 2706); which said bill and report were referred to the House Calendar.
Mr. SHACKLEFORD, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 6070) to authorize the construction of a bridge across the Missouri River, at a point to be selected, within 5 miles north of the Kaw River, in Wyandotte County, State of Kansas, and Clay County, State of Missouri, and to make the same a post route, reported the same without amendment, accompanied by a report (No. 2707); which said bill and report were referred to the House Calendar.
Mr. DALZELL, from the Committee on Ways and Means, to which was referred the bill of the Senate (S. 215) regulating the duties and fixing the compensation of the customs inspectors at the port of New York, reported the same without amendment, accompanied by a report (No. 2708); which said bill and report were referred to the Committee of the Whole House on the state of the Union.
Mr. BABCOCK, from the Committee on the District of Columbia, reported the bill of the House (H. R. 15289) to regulate the sale of viruses, serums, toxins, and analogous products in the District of Columbia, to regulate interstate traffic in said articles, and for other purposes, as a substitute in lieu of H. R. 13392, accompanied by a report (No. 2713); which said bill and report were referred to the House Calendar.
Mr. TAWNEY, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 15006) to amend an act entitled "An act to amend the statute in relation to the immediate transportation of dutiable goods, and for other purposes," approved June 10, 1888, reported the same with amendment, accompanied by a report (No. 2714); which said bill and report were referred to the Committee of the Whole House on the state of the Union.
Mr. DICK, from the Committee on Military Affairs, to which

was referred the bill of the Senate (S. 4426) to authorize the Secretary of War to loan arms to the institutions having companies of the Boys' Brigade connected therewith, reported the same without amendment, accompanied by a report (No. 2715); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 14379) for the erection of a memorial building or monument at Fort Recovery, Ohio, reported the same with amendments, accompanied by a report (No. 2718); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WATSON, from the Committee on Naval Affairs, to which was referred the bill of the Senate (S. 3791) to provide suitable medals for the officers and crew of the United States vessel of war *Kearsarge*, reported the same without amendment, accompanied by a report (No. 2721); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GARDNER of New Jersey, from the Committee on Labor, to which was referred the bill of the House (H. R. 15157) to authorize the appointment of boards of investigation and arbitration, and to define their powers and duties, reported the same with amendments, accompanied by a report (No. 2722); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. DICK, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 8132) to remove the record of dishonorable dismissal from the military record of John Finn, alias Flynn, reported the same without amendment, accompanied by a report (No. 2709); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 661) authorizing the restoration of the name of Thomas H. Carpenter, late captain, Seventeenth United States Infantry, to the rolls of the Army, and providing that he be placed on the list of retired officers, reported the same without amendment, accompanied by a report (No. 2716); which said bill and report were referred to the Private Calendar.

Mr. ESCH, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 917) for the relief of Henry Cook, reported the same with amendment, accompanied by a report (No. 2717); which said bill and report were referred to the Private Calendar.

Mr. DAYTON, from the Committee on Naval Affairs, to which was referred the bill of the Senate (S. 4083) for the relief of Surg. John F. Bransford, United States Navy, reported the same without amendment, accompanied by a report (No. 2719); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3317) authorizing the President to appoint Lieut. Robert Platt, United States Navy, to the rank of commander, reported the same without amendment, accompanied by a report (No. 2720); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. PEARRE (by request): A bill (H. R. 15286) to revise, equalize, fix, and adjust special assessments levied for street extension benefits in the District of Columbia—to the Committee on the District of Columbia.

By Mr. STEPHENS of Texas: A bill (H. R. 15287) to amend an act relating to the removal of timber and stone from the Indian Territory—to the Committee on Indian Affairs.

By Mr. LACEY: A bill (H. R. 15288) relating to proofs in homestead and other claims to public lands and punishing false swearing therein, and for other purposes—to the Committee on the Public Lands.

By Mr. BABCOCK, from the Committee on the District of Columbia: A bill (H. R. 15289) to regulate the sale of viruses, serums, toxins, and analogous products in the District of Columbia, to regulate interstate traffic in said articles, and for other purposes, as a substitute for H. R. 13392—to the House Calendar.

By Mr. GOLDFOGLE: A bill (H. R. 15294) authorizing attorneys and counselors duly admitted to the Supreme Court of the United States to appear and practice in all the district and circuit courts of the United States—to the Committee on the Judiciary.

Also, a resolution (H. Res. 320) relating to the consideration of H. J. Res. 198—to the Committee on Rules.

By Mr. GIBSON: A resolution (H. Res. 321) referring House bills Nos. 2744, 2747, 3801, 3918, 3920, 4780, 4781, 6973, 7260, 7262, 7550, and 8222 to the Court of Claims—to the Committee on War Claims.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BOWERSOCK: A bill (H. R. 15290) granting an increase of pension to John T. Collins—to the Committee on Invalid Pensions.

By Mr. BURK of Pennsylvania: A bill (H. R. 15291) granting a pension to Patrick W. O'Donnell—to the Committee on Pensions.

By Mr. GOLDFOGLE: A bill (H. R. 15292) granting a pension to Harry Hirschensohn—to the Committee on Pensions.

By Mr. JACKSON of Maryland: A bill (H. R. 15293) for the relief of Joseph Flewhart—to the Committee on War Claims.

By Mr. JOY: A bill (H. R. 15295) granting an increase of pension to John Ford Smith—to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 15296) to remove the charge of desertion and correct the military record of Isaac B. Goforth—to the Committee on Military Affairs.

By Mr. SMITH of Iowa: A bill (H. R. 15297) to correct the military record of William Vickory—to the Committee on Military Affairs.

Also, a bill (H. R. 15298) for the relief of C. A. Berry—to the Committee on Claims.

By Mr. JONES of Virginia: A bill (H. R. 15299) granting an increase of pension to Henrietta V. West—to the Committee on Invalid Pensions.

By Mr. THOMPSON: A bill (H. R. 15300) granting a pension to Delania Preston, widow of William G. Preston—to the Committee on Pensions.

By Mr. THOMAS of North Carolina: A bill (H. R. 15301) for the relief of W. P. Lane, administrator of W. K. Lane—to the Committee on War Claims.

By Mr. MEYER of Louisiana: A bill (H. R. 15302) to remove the charge of desertion against Charles H. Vogt—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Resolutions of the Israelite Alliance of America in relation to the attitude of the Russian Government toward American citizens attempting to enter its territory—to the Committee on Foreign Affairs.

By Mr. BALL of Delaware: Papers to accompany House bill No. 11531, for the relief of Georgiana McNott—to the Committee on Military Affairs.

Also, paper to accompany House bill 7967, granting a pension to Robert Kelly—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 10982, granting an increase of pension to John T. Lungren—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 9978, granting a pension to Columbus Robey—to the Committee on Invalid Pensions.

By Mr. BATES: Papers to accompany House bill granting an increase of pension to Henry Tryon—to the Committee on Invalid Pensions.

By Mr. CALDERHEAD: Resolution of the Israelite Alliance of America relating to the discrimination against the Jews by the Russian Government—to the Committee on Foreign Affairs.

Also, protest of American Committee on Human Rights and Justice, of Philadelphia, Pa., against alleged injustice to Catholics in the Philippines—to the Committee on Insular Affairs.

By Mr. DICK: Petition of Mrs. E. S. Sherer and 728 other citizens of Cuyahoga Falls, Ohio, and vicinity, for an amendment to the Constitution preventing polygamous marriages—to the Committee on the Judiciary.

Also, resolutions of Order of Railway Telegraphers, Ashtabula Division, No. 36; Brotherhood of Railroad Trainmen, Lake Shore Lodge, No. 84, and Team Drivers' Union, all of Ashtabula, Ohio; Journeymen Stonecutters' Union and Retail Clerks' Union, both of Akron, Ohio, favoring the restriction of immigration of cheap labor from the south and east of Europe—to the Committee on Immigration and Naturalization.

Also, petition of East Plymouth Grange, No. 1548, Patrons of Husbandry, East Plymouth, Ohio, opposing the branch banking bill—to the Committee on Banking and Currency.

Also, petition of Journeymen Stonecutters' Union, No. 4, of Akron, Ohio, urging the use of the Cleveland sandstone in the Federal building to be erected in Cleveland, Ohio—to the Committee on Public Buildings and Grounds.

Also, petition of Taplin, Rice & Co., Akron, Ohio, urging the policy of protection to American industries in reciprocity concessions—to the Committee on Ways and Means.

Also, petition of J. W. Watrous and 5 others of Ashtabula, Ohio, favoring House bill 5286, providing for the classification of the salaries of post-office clerks—to the Committee on the Post-Office and Post-Roads.

Also, petition of the First National Bank of Warren, Ohio, for the repeal of the internal-revenue tax on bank capital and surplus—to the Committee on Ways and Means.

Also, petition of saloon and hotel keepers of Conneaut, Ohio, in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

Also, petition of James E. Shallenberger, of Piqua, Ohio, in relation to House bill to retire officers in the Regular Army—to the Committee on Military Affairs.

Also, resolutions of Eadie Post, No. 37, of Cuyahoga Falls, Ohio, Grand Army of the Republic, favoring the construction of war ships in the United States navy-yards—to the Committee on Naval Affairs.

Also, resolutions of Hod Carriers' Union No. 8773, of Akron, Ohio, in regard to employees in navy-yards—to the Committee on Naval Affairs.

Also, resolution of the same union for the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

By Mr. DRAPER: Resolutions of a meeting of citizens of New York, in relation to the attitude of the Russian Government toward American citizens entering its territory—to the Committee on Foreign Affairs.

By Mr. ESCH: Resolution of the Israelite Alliance of America, relating to the discrimination against the Jews by the Russian Government—to the Committee on Foreign Affairs.

By Mr. FOERDERER: Resolution of Israelite Alliance of America, of New York City, approving the action taken by the House of Representatives as to the attitude of the Russian Government toward American citizens of Jewish birth attempting to enter its territory—to the Committee on Foreign Affairs.

Also, protest of American Committee on Human Rights and Justice, of Philadelphia, Pa., against alleged injustice to Catholics in the Philippines—to the Committee on Insular Affairs.

By Mr. GOLDFOGLE: Protest of the Wine, Liquor, and Beer Dealers' Association of the State of New York, against the passage of House bill 14019, increasing the liquor license in the District of Columbia—to the Committee on the District of Columbia.

Also, resolutions of West End Woman's Republican Association; United Garment Workers of America, and Electrical Workers' Union No. 3, of New York, in favor of the proposed increase of pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. GRAHAM: Resolution of the Israelite Alliance of America in relation to the attitude of the Russian Government toward American citizens attempting to enter its territory—to the Committee on Foreign Affairs.

By Mr. GRAFF: Petition of retail druggists of Peoria, Ill., in favor of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. HOWELL: Petition of Engineers and Firemen's Union of Jersey City, N. J., for increase of pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. JONES of Virginia: Papers to accompany House bill granting an increase of pension to Henrietta V. West—to the Committee on Invalid Pensions.

By Mr. LACEY: Resolution of Israelite Alliance of America asking relief from Russian hostile action against the Jews—to the Committee on Foreign Affairs.

By Mr. LINDSAY: Resolution of the Israelite Alliance of America in relation to the attitude of the Russian Government toward American citizens attempting to enter its territory—to the Committee on Foreign Affairs.

By Mr. MERCER: Papers to accompany House bill No. 15261 granting an increase of pension to Louis Lowry—to the Committee on Invalid Pensions.

By Mr. MEYER of Louisiana: Paper to accompany House bill to correct the military record of Charles H. Vogt—to the Committee on Military Affairs.

Also, resolution of the Louisiana Bar Association in opposition to the adoption of Senate bill 5383, requiring the United States circuit court of appeals for the fifth circuit to hold a session in Atlanta—to the Committee on the Judiciary.

By Mr. MOON: Petition of retail druggists of Chattanooga, Tenn., in favor of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. PEARRE: Petition of citizens of Montgomery County, Md., in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. RUPPERT: Resolution of the Israelite Alliance of America approving the action of the House in relation to the religious discrimination against American citizens by Russia—to the Committee on Foreign Affairs.

By Mr. RYAN: Resolutions of the Israelite Alliance of America, urging the United States Government to take steps to secure from Russia a removal of the discrimination against citizens on account of religion—to the Committee on Foreign Affairs.

By Mr. SHACKLEFORD: Papers to accompany House bill granting an increase of pension to Robert D. Davis—to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: Resolutions of the Brotherhood of Locomotive Engineers No. 333, St. Paul, Minn., against the substitute for the Hoar anti-injunction bill—to the Committee on the Judiciary.

By Mr. THOMAS of North Carolina: Papers to accompany war claim of W. P. Lane—to the Committee on War Claims.

By Mr. WILSON: Resolution of Israelite Alliance of America, relating to the discrimination against the Jews by the Russian Government—to the Committee on Foreign Affairs.

By Mr. ZENOR: Papers to accompany House bill 13843, granting an increase of pension to O. D. Heald—to the Committee on Invalid Pensions.

SENATE.

SATURDAY, *June 28, 1902.*

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. BERRY, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

THOMAS WILKINSON.

Mr. BERRY. Yesterday evening, at the request of one of my colleagues in the House, I called up a pension bill. I gave by mistake the wrong number to the clerks, and a bill was passed not intended by me to be considered. I know nothing about the merits of the bill, and I do not know whether the beneficiary desires that the bill shall be passed at this session or not.

Therefore I move to reconsider the votes by which the bill was ordered to a third reading and passed, and ask that it be placed upon the Calendar. It is the bill (H. R. 5453) granting an increase of pension to Thomas Wilkinson.

Mr. PETTUS. I will inquire what the bill is about.

Mr. BERRY. It is a pension bill, and there was a mistake in the number. I know nothing about the bill. I do not know whether it is a meritorious bill or not. I do not know whether the beneficiary of the bill desires to have it passed at this session, for the reason that it is thought by many that bills passed now can not be signed. I do not wish to be responsible for the passage of a bill that I know nothing about, and I therefore move to reconsider the votes by which the bill was ordered to a third reading and passed.

The PRESIDENT pro tempore. The Senator from Arkansas asks unanimous consent that the votes by which the bill (H. R. 5453) granting an increase of pension to Thomas Wilkinson was read the third time and finally passed may be reconsidered. Is there objection? The Chair hears none. The Chair understands that the bill has not been sent to the House.

CONSIDERATION OF PENSION BILLS.

Mr. GALLINGER. In connection with the subject the Senator from Arkansas has alluded to, I will state that I have been importuned by some Senators and a great many members of the House to have the Pension Calendar cleared. I have said to them all that I felt very sure that if we passed the bills now on the Calendar they would fail of approval. For that reason I have not taken action in that direction. I make the public statement so that members of both Houses may understand the reason why the bills are allowed to remain on the Calendar.

Mr. BERRY. It was because the chairman of the Committee on Pensions had made that statement to me that I preferred to have the bill reconsidered, because I did not wish to have a bill passed where the beneficiary might not desire it.

DEFICIENCY APPROPRIATION BILL.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15108) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 6, 14, 15, 16, 17, 27, 28, 33, 36, 37, 71, 74, 75, 76, 77, 78, 79, 84, 95, and 96.

That the House recede from its disagreement to the amendments of the

Senate numbered 1, 3, 4, 5, 7, 10, 11, 12, 13, 18, 19, 20, 21, 22, 23, 25, 29, 30, 31, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 72, 73, 80, 83, 85, 86, 89, 92, 94, 97, 98, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 118, 119, 121, 124, 125, 127, 128, 129, 130, 131, 132, 133, 134, and 135, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$53,777.13;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: After the word "three," in the last line of said amendment, insert the following: "for the procurement of like military stores to replace those so transferred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Governors Island, N. Y.: For continuing the enlargement of Governors Island by construction of wharf, dredging, bulkhead, and filling, to continue available during the fiscal year 1903, $200,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "and Senate Document No. 424;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following: "and Senate Document No. 432;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert: "$447,480;" and in line 5 of the matter inserted by said amendment, after the word "twenty-three," insert the following: ", except the judgment in favor of Samuel S. Cholson and Jonathan Miles, which has been vacated;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 123, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "and Senate Document No. 425, Part II;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 126, and agree to the same with an amendment as follows: In line 12 of the matter inserted by said amendment, after the word "Numbered," insert "430;" and the Senate agree to the same.

On the amendments of the Senate numbered 8, 9, 26, 34, 81, 82, 87, 88, 90, 91, 93, 99, and 116 the committee of conference have been unable to agree.

EUGENE HALE,
W. B. ALLISON,
H. M. TELLER,
Managers on the part of the Senate.

J. G. CANNON,
S. S. BARNEY,
L. F. LIVINGSTON,
Managers on the part of the House.

The report was agreed to.

Mr. HALE. I move that the Senate still further insist upon its amendments not disposed of, and ask for a further conference with the House upon the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate at the further conference; and Mr. HALE, Mr. ALLISON, and Mr. TELLER were appointed.

ST. CHARLES COLLEGE, MISSOURI.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of War, which will be read.

The Secretary read as follows:

WAR DEPARTMENT, *Washington, June 26, 1902.*

SIR: The act of Congress approved May 27, 1902 (Public, No. 124), provides "That the Secretary of War be authorized and directed to cause to be investigated by the Quartermaster's Department the circumstances, character, and extent of the alleged use and occupation by the United States military authorities for Government purposes, during the late war, of the college buildings and grounds of St. Charles College, in St. Charles County, Mo."

As an examination of the records of the War Department fails to show the receipt of any claim in favor of the said St. Charles College, I have the honor to request that all the papers in the case now before Congress be transmitted to this Department, in order that the investigation directed by law may be made.

A similar letter has been addressed to the Speaker of the House of Representatives.

Very respectfully, ELIHU ROOT, *Secretary of War.*

The PRESIDENT OF THE SENATE PRO TEMPORE.

The PRESIDENT pro tempore. The Chair suggests that some Senator offer an order directing the Secretary of the Senate to send to the Secretary of War the papers referred to, if they are within the jurisdiction of the Senate.

Mr. KEAN. I make that motion.

The PRESIDENT pro tempore. The Senator from New Jersey moves that the Secretary of the Senate be instructed to send to the Secretary of War the papers referred to in the communication, if they are within the jurisdiction of the Senate. The Chair hears no objection, and the order is made.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the House had agreed to the amendments of the Senate to the joint resolution (H. J. Res. 6) in relation to monument to prison-ship martyrs at Fort Greene, Brooklyn, N. Y.

The message also announced that the House had passed, with amendments, the bill (S. 3896) to amend section 3362 of the Revised Statutes relating to tobacco; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President pro tempore:

A bill (S. 4450) confirming in the State of South Dakota title to section of land heretofore granted to said State;

A bill (S. 4776) to authorize the construction of a bridge across the Emory River, in the State of Tennessee, by the Tennessee Central Railway or its successors;

A bill (S. 5434) to authorize the city of Little Falls, Minn., to construct a wagon and foot bridge across the Mississippi River within the limits of said city;

A bill (H. R. 2641) for the relief of Albion M. Christie;

A bill (H. R. 3110) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans;

A bill (H. R. 6570) to amend the act of May 12, 1900, authorizing the Commissioner of Internal Revenue to redeem or make allowance for internal-revenue stamps;

A bill (H. R. 12804) making appropriations for the support of the Army for the fiscal year ending June 30, 1903;

A joint resolution (S. R. 103) providing for the binding and distribution of public documents held in the custody of the superintendent of documents, unbound, upon orders of Senators, Representatives, Delegates, and officers of Congress, when such documents are not called for within two years after printing; and

A joint resolution (S. R. 111) limiting the gratuitous distribution of the Woodsman's Handbook to the Senate, the House of Representatives, and the Department of Agriculture.

PETITIONS AND MEMORIALS.

Mr. FOSTER of Washington presented a petition of sundry citizens of Alaska, praying for the construction of a military road between Valdez and Eagle City, in that Territory; which was referred to the Committee on Territories.

He also presented a petition of the International Association of Machinists, of Spokane, Wash., praying for the passage of the so-called eight-hour bill; which was referred to the Committee on Education and Labor.

Mr. FAIRBANKS presented a memorial of the Chandler & Taylor Company, of Indianapolis, and of the Terre Haute Shovel and Tool Company, of Terre Haute, in the State of Indiana, remonstrating against the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of restraining orders and injunctions in certain cases; which were ordered to lie on the table.

He also presented a petition of Retail Clerks' Local Union No. 10, of Fort Wayne, Ind., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the city council of Michigan City, Ind., praying for the enactment of legislation granting pensions to certain officers and enlisted men in the Life-Saving Service; which was referred to the Committee on Pensions.

Mr. FRYE presented a petition of the Grand Army of the Republic, Department of New York, praying for the enactment of legislation giving preference to veterans in the Government service; which was referred to the Committee on Civil Service and Retrenchment.

SALE OF MILK IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. I present a paper on the subject of the adulteration of milk and cream in relation to the public health. It is a compilation of documents heretofore printed. Most of it, I think, is stereotyped, and as the cost will be but little, I move that it be printed as a document.

The motion was agreed to.

E. G. RATHBONE.

Mr. TELLER. Mr. President, I hold in my hand a petition from a citizen of the United States who has held an official position in Cuba, who feels aggrieved at the action of the courts of that country, and who appears under the present condition to be without any redress if he has been wronged, as he asserts he has, unless he can have an investigation by Congress. As this is an unusual request and the conditions are unusual, I ask unanimous consent that the petition may be read.

The PRESIDENT pro tempore. The Senator from Colorado presents a petition and asks that it may be read. Is there objection? The Chair hears none, and the Secretary will read the petition.

The Secretary read as follows:

WASHINGTON, D. C., *June 26, 1902.*

To the Congress of the United States:

Your petitioner respectfully represents that he is 53 years of age and a citizen of the United States; that late in the year 1898, as an appointee of the

Post-Office Department of the United States, he went to Cuba in the capacity of director-general of posts of Cuba; that while acting in such capacity in Cuba, and while that country was governed by the United States, he was accused of high crimes and misdemeanors in connection with such office in the year 1900, resulting in his being arrested and put upon trial for such alleged crimes and misdemeanors, which resulted in his conviction and sentence for a term of imprisonment and fine, in April, 1902. Later he was released under a general amnesty act to all American citizens by the Cuban Congress.

Your petitioner respectfully requests the United States Congress to direct that a thorough investigation be made, by a committee of its members or otherwise, into all of his acts and doings in Cuba in connection with the said postal service, to the end that all the facts may be known and the truth established.

Your petitioner bases his petition upon the ground that whenever the Government of the United States assigns one of its citizens to public service in a foreign land, and in the course of the performance of his official duties in that foreign service he is accused of high crimes and misdemeanors, it is the duty of the Government of the United States to see that he has a fair and impartial trial under usual and regular rules of judicial procedure.

He should not be subjected to trial by arbitrary and unusual methods of procedure, contrary alike to the laws of that country and the fundamental principals of justice.

He should not be sentenced to severe and unusual penalties without the right of appeal to the Government of his own country for relief and protection.

Your petitioner further represents that he was improperly tried, unjustly convicted, sentenced to unusual and severe penalties, and as a new trial can not now be had, because of the amnesty by the Cuban Government, which new trial, under uninfluenced conditions, would bring out all the facts, your petitioner submits that as a citizen of the United States he is justly entitled to a full, fair, and impartial investigation by the Congress of his own country.

Your petitioner makes the following statement of the reasons for this application:

The proceedings which led to his conviction were not judicial proceedings, but were special proceedings directed and controlled by a person or persons (or an authority) by whose orders such courts were established and controlled and who in violation of law and established rules of judicial procedure issued orders, instructions, and communications to the courts by whom your petitioner was tried from time to time during the progress of the trial and so influenced and dominated these tribunals as to thwart the purposes of justice and inflict a great wrong upon your petitioner.

Ex parte evidence was admitted to the trial, consisting of ex parte depositions taken in the United States on behalf of the prosecution, at the taking of which neither the petitioner nor his attorneys had opportunity to be present or cross-examine the witnesses, and the trial court refused to summons witnesses in his behalf in violation of Article VI of the "Bill of Rights," amendment to the Constitution of the United States; that his attorneys were not given proper time to prepare the defense, and that evidence vital and material to his defense was withheld, and that the principal witness of the State and practically the sole witness against him was not sworn upon the trial. His testimony was not given under oath. This witness testified as a defendant.

Your petitioner further represents that, under the laws of Cuba, a defendant in a criminal trial is not required to be sworn or put under the sanction of an oath. He can not be punished for perjury if he gives false testimony. This witness was convicted under the same proceedings as your petitioner, and afterwards was pardoned as a "witness for the State in the post-office cases," when in fact he was not declared a witness for the State, as required by law, but was a defendant in the case. This witness took advantage of his position as a defendant to escape liability for perjury if he gave false testimony. He took advantage of his position as a witness for the State to secure a pardon.

In view of these and other reasons your petitioner requests Congress to make a thorough and exhaustive investigation of all his acts in Cuba in connection with the office to which he was assigned under the authority of the United States Government, the methods employed to secure his conviction, to the end that the truth may be discovered, the ends of justice secured, and that your petitioner may be relieved from the unjust aspersions cast upon his character.

And your petitioner will ever pray.

E. G. RATHBONE.

The PRESIDENT pro tempore. What does the Senator from Colorado desire to have done with the petition?

Mr. TELLER. I desire to say just a word.

This petitioner is not now in jeopardy. He was in jeopardy and he would be in jeopardy but for the action of the Cuban Government, for which he is not responsible, in granting a general amnesty. That prevents the petitioner from having a trial, and so he stands before the world as a convicted felon, without any opportunity to have his case reviewed as it would have been provided there had been no amnesty granted. I will say for him that he is not responsible for the amnesty.

Mr. President, this is perhaps a unique question. It is one involving the liberty of a citizen of the United States. With our present relations in other parts of the world, in the Philippine Islands, for instance, this question may arise again, and it seems to me that it is a case which demands the attention of the Senate.

I have presented the petition, first, because I felt that it was the right of every citizen to present a petition of this kind who had been so treated, as he claims to have been, and also because I have known the petitioner for twenty years as a public officer, and because, while not wishing to pass upon the question of his guilt or innocence, I think under the conditions he states there must be a fair presumption, at least, that he has not had the fair trial every citizen is entitled to have everywhere.

I therefore move that the petition may be referred to the Committee on Relations with Cuba, with the instructions to that committee to report what shall be done in this case.

Mr. PLATT of Connecticut. Does the Senator suppose that it would be possible for the committee to report at this session?

Mr. TELLER. No; I had not any idea that there could be anything done now, of course.

Mr. PLATT of Connecticut. Does the Senator desire to have the committee instructed? Will he not be satisfied to have the matter referred to the committee?

Mr. TELLER. I will withdraw that part of my motion. I am quite content to have the committee take it up and do as the committee think best.

The PRESIDENT pro tempore. The petition is referred to the Committee on Relations with Cuba.

REPORTS OF COMMITTEES.

Mr. HANSBROUGH, from the Committee on the District of Columbia, to whom was referred the joint resolution (S. R. 121) giving authority to the Commissioners of the District of Columbia to make special regulations for the occasion of the thirty-sixth national encampment of the Grand Army of the Republic, to be held in the District of Columbia in the month of October, 1902, and for other purposes incident to said encampment, reported it with amendments, and submitted a report thereon.

Mr. GAMBLE, from the Committee on Indian Affairs, to whom was referred the bill (S. 3622) to provide for the payment to the heirs of Darius B. Randall, deceased, for certain improvements relinquished to the United States for the use of the Nez Percé Indians, reported it without amendment, and submitted a report thereon.

MISSOURI RIVER BRIDGE AT PIERRE, S. DAK.

Mr. BERRY. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 14082) to provide for the construction of a bridge by the Duluth, Pierre and Black Hills Railroad Company across the Missouri River at Pierre, S. Dak., to report it favorably without amendment.

Mr. KITTREDGE. I ask unanimous consent for the present consideration of the bill just reported by the Senator from Arkansas.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CALUMET RIVER BRIDGES.

Mr. BERRY. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 15003) to authorize the construction of a bridge by the New York, Chicago and St. Louis Railroad Company and the Chicago and Erie Railroad Company across the Calumet River at or near the city of Hammond, Ind., at a point about 1,200 feet east of the Indiana and Illinois State line, and about 100 feet east of the location of the present bridge of the New York, Chicago and St. Louis Railroad Company across said river; also to authorize the construction of a bridge by the Chicago and State Line Railroad Company across said river at the point where said company's railroad crosses said river in Hyde Park Township, Chicago, Ill., being at the location of the present bridge of said company across said river in said township, to report it favorably without amendment. I call the attention of the Senator from Illinois [Mr. MASON] to the report.

Mr. MASON. I ask unanimous consent for the immediate consideration of the bill.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES E. SAPP.

Mr. BURROWS. I am directed by the Committee on Finance, to whom was referred the bill (H. R. 10775) for the relief of Charles E. Sapp, to report it without amendment, and I ask for its present consideration.

The PRESIDENT pro tempore. It will be read to the Senate.

Mr. COCKRELL. For information.

The PRESIDENT pro tempore. For information.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay Charles E. Sapp, late collector of internal revenue for the fifth district of Kentucky, $200 to reimburse him for special-tax stamps for "worms manufactured," charged to him, which were never received by him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WASHINGTON MONUMENT ASSOCIATION OF ALEXANDRIA, VA.

Mr. DANIEL. I am instructed by the Committee on Finance, to whom was referred the bill (S. 4546) to provide certain souvenir medals for the benefit of the Washington Monument Association of Alexandria, Va., to report it favorably, without amendment, and I ask unanimous consent of the Senate to put the bill upon its passage.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DISPOSITION OF USELESS PAPERS.

Mr. COCKRELL, from the Joint Select Committee of the Senate and House on Useless Papers in Executive Departments, submitted the following report, which was agreed to and ordered to be printed, and to be printed in the RECORD:

The joint select committee of the Senate and House of Representatives appointed on the part of the Senate and on the part of the House of Representatives, to which were referred the reports of the heads of departments, bureaus, etc., in respect to the accumulations therein of old and useless files of papers which are not needed or useful in the transaction of the current business therein, respectively, and have no permanent value or historical interest, with accompanying statements of the condition and character of such papers, respectfully report to the Senate and House of Representatives, pursuant to an act entitled "An act to authorize and provide for the disposition of useless papers in the Executive Departments," approved February 16, 1898, as follows:

Your joint committee have met and carefully and fully examined the said reports so referred to your committee and the statements of the condition and character of such files and papers therein described, and we find and report that the files and papers described in the report of the Secretary of the Treasury in Senate Document No. 348, Fifty-seventh Congress, first session, dated May 7, 1902, and in the House Documents Nos. 582 and 629, Fifty-seventh Congress, first session, being reports of the Secretary of War dated April 26 and May 26, respectively, are not needed in the transaction of the current business of the departments and bureaus and have no permanent value or historical interest, and should be sold as waste paper or otherwise disposed of, upon the best terms obtainable, as provided by law.

Respectfully submitted to the Senate and House of Representatives.

F. M. COCKRELL,
BOIES PENROSE,
Members on the part of the Senate.

E. S. MINOR,
C. F. COCHRAN,
Members on the part of the House.

THEODORE R. TIMBY.

Mr. PRITCHARD, from the Committee on Patents, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 6287) for the relief of Theodore R. Timby, now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

BILLS INTRODUCED.

Mr. HEITFELD introduced a bill (S. 6302) granting a pension to Mattie R. Sutton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McCUMBER introduced a bill (S. 6303) to prevent misbranding and adulteration of foods and drugs, to regulate interstate commerce therein, and for other purposes; which was read twice by its title, and referred to the Committee on Manufactures.

Mr. DOLLIVER introduced a bill (S. 6304) granting a pension to Rebecca Morton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PRITCHARD introduced a bill (S. 6305) granting an increase of pension to James B. Taylor; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DILLINGHAM introduced a bill (S. 6306) for the relief of Frances A. Bliss; which was read twice by its title, and referred to the Committee on Claims.

Mr. FRYE introduced a bill (S. 6307) to incorporate the American National Institute at Paris, France; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. HANSBROUGH introduced a bill (S. 6308) granting a pension to John Stokes; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6309) relating to proofs in homestead and other claims to public lands, and punishing false swearing therein, and for other purposes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Lands.

UNIVERSITY OF THE UNITED STATES.

On motion of Mr. DEBOE, it was

Ordered, That there be printed 6,600 copies of Senate Report No. 945, first session Fifty-seventh Congress, being the report of the Senate committee on the bill to establish the University of the United States, of which 4,000 copies shall be for the use of the Senate and 2,000 copies for the use of the Senate Committee to Establish the University of the United States.

REGULATION OF IMMIGRATION OF ALIENS.

Mr. PENROSE submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That there be printed for the use of the Committee on Immigration 10,000 copies of Senate Report No. 2119 and testimony on the bill to regulate the immigration of aliens; and of House of Representatives bill which said report accompanies.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on the 27th instant approved and signed the following acts:

An act (S. 640) to extend the provisions, limitations, and benefits of an act entitled "An act granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and the Seminole war," approved July 27, 1892; and

An act (S. 4284) to amend an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889.

The message also announced that the President of the United States had on this day approved and signed the act (S. 6270) to amend an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved June 13, 1902.

PANAMA CANAL COMPANY.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted yesterday by Mr. MORGAN, as follows:

Resolved by the Senate, That under the authority and powers conferred upon the Committee on Interoceanic Canals it is referred to said committee to investigate and report whether any claims exist in favor of citizens of the United States who are bondholders, shareholders, or creditors of the New Panama Canal Company, or the former Panama Canal Company, and to this end the chairman of said committee is authorized, in addition to the other powers conferred upon the committee, to publish a request that the holders of such bonds, stocks, or demands will present statements of their claims to the committee.

And it is also referred to said committee to ascertain and report to the Senate whether any unlawful or corrupt efforts, practices, or combinations exist on the part of any persons or corporations to obtain any part of the sum that may be applied to the purchase of the property belonging to the New Panama Canal Company by the United States under the authority of any act of Congress.

Mr. MORGAN. I ask leave to amend the resolution by adding, on the second page, in line 2, after the words "Panama Canal Company," the words "or to Costa Rica or Nicaragua."

Mr. TELLER. Let it be read as modified,

The SECRETARY. On page 2, line 2, after the word "Company," insert the words "or to Costa Rica or Nicaragua;" so as to make the paragraph read:

And it is also referred to said committee to ascertain and report to the Senate whether any unlawful or corrupt efforts, practices, or combinations exist on the part of any persons or corporations to obtain any part of the sum that may be applied to the purchase of the property belonging to the New Panama Canal Company or to Costa Rica or Nicaragua by the United States under the authority of any act of Congress.

Mr. TELLER. Mr. President, the resolution seems to consist of two things, and it appears to me that it should be properly divided. I am very content to vote for the last part of it, for an investigation; but I do not myself quite see the propriety of calling upon anybody to present a claim against the United States, or to present a claim of that character. I think I should prefer to let the people who have these obligations, if there are any, present them in their own way. I should be glad to vote for the latter part of the resolution, as to the investigation of corrupt methods, etc., and I ask that it may be divided.

Mr. MORGAN. It is divided, not by numbers, but there are two branches of the resolution.

Mr. TELLER. What I mean is that I want to have it divided, so that I can vote for one branch and against the other, if I choose.

Mr. MORGAN. The first branch of the resolution seems to be necessary for the reason that claims exist in the United States of which I have been notified as chairman of the Committee on Interoceanic Canals through a correspondent of the senior Senator from California [Mr. PERKINS]. Some gentleman wrote to him from Sacramento informing him that he was in possession of 100,000 francs, or thereabouts, of the bonds and obligations of the Panama Canal Company. The Senator sent the letter to me as chairman of the committee, and I laid it before the committee and mentioned it in the report.

Now, there are, I have no doubt, many other persons who have bonds in the United States who have no knowledge at all of what is going on here, and who will have no knowledge unless some step is taken to inform them. The bonds are against the old Panama Canal Company, and proceedings have been had in France, which I will undertake to say have been very summary, if they are at all legal, for the purpose of placing the control of the bonds in the hands of a liquidator, or of two liquidators, one for the bondholders and the other for the stockholders.

American citizens holding these bonds may have peculiar rights in regard to them when we purchase the property on which these bonds were an equitable lien. They may be able to say, and I think very likely they will say, that they have had no notice whatever of the French proceedings, and that the French Government, or the French courts, could not assume jurisdiction over them, being citizens of the United States and holding these bonds here, by merely appointing a guardian ad hoc to take charge of their interests without any notice to them at all.

Moreover, Mr. President, the President of the United States

will want to know of the existence of these debts, where they are and who owns them, and all about it, because it will devolve upon him to ascertain whether the $40,000,000, when paid, is to go into the pockets of a few men or whether it is to go into the hands of the proper persons, or whether he has any responsibility of that sort.

Suppose he comes to the conclusion that it is his duty to have something to say as to the direction this money shall take and to whom it shall be applied? Of course he must have the information. The President is not empowered by the act which we have passed here to make an investigation of that kind. There are no agencies I know of that he could resort to for that purpose. My object in bringing this forward was merely to get the information that was necessary to enable him to act intelligently and advisedly in respect of this business. I do not wish, after we have concluded this matter, if we shall conclude it, that any of our people can say that they have been overlooked or neglected.

Mr. MITCHELL. Mr. President, there is so much disorder in the Chamber that we can not hear a word the Senator is saying.

Mr. MORGAN. I am trying to talk as loud as I can.

Mr. TELLER. It is not your fault.

Mr. MORGAN. I hope not. I say I hope when we have gone through with whatever the President is to do under act No. 3110 of the present session, nobody will feel that he has been overlooked or neglected or slighted in the consideration of his interests.

The first branch of the resolution, therefore, gives to the committee the privilege to make an advertisement, calling upon bondholders to present a list of their claims, not with a view of barring them out, but with a view to getting such information in regard to them as the President evidently will desire and has not the means of gaining under any law that exists now. That is the first branch of the resolution.

I have amended the second branch of the resolution so as to make it relate to the moneys that may be applied under this act to the Panama Canal Company and to Nicaragua and Costa Rica.

Under the statement made in the report of the Isthmian Canal Commission we are dealing with a set of men who claim to own the property of the Panama Canal Company and who are very severely discredited in that report. They are represented in that report as men who have in a dishonorable way obtained advantages over the old Panama Canal Company, under contracts and otherwise, who have been prosecuted in the French courts, and some of them convicted, and whose offenses were condoned upon their agreement that they would become stockholders in the New Panama Canal Company. The bill which has been passed authorizes and requires the President to obtain the property of the New Panama Canal Company. In doing that, of course, we have got to deal with these men.

I can not assume, Mr. President, under these circumstances, that there is no occasion for watchfulness, and the country does not so assume. On the contrary, there are suggestions made in the newspapers and elsewhere that combinations exist for the purpose of getting this money into the hands of a few men, so as to deprive the bondholders and stockholders of their just proportion.

It is also suggested that recently large purchases of these bonds and stocks have been made in some of the large cities of the Union with a view to speculation. Well, is it right or not that the Senate of the United States should understand the whole merits of this case when it comes back to us?

As stated by the Senator from Wisconsin the other day in debate here, not a dollar of this $40,000,000 can be paid until the Senate of the United States passes upon the treaty, acquiring whatever title we may obtain from Colombia; that the money can not be paid to the Panama Canal Company until the transaction is wound up and closed by the ratification of the treaty with Colombia by the Senate of the United States. Such I assume to be the clear situation. But, then, all of these transactions for which we have provided to acquire a title from the New Panama Canal Company, and also from the Republic of Colombia, must come back to this body in the shape of a treaty, which must be ratified, because the title is required to be obtained by treaty, which, under the Constitution, must come here.

When this treaty comes back, Mr. President, I very much hope that the President of the United States will be able to say that he is entirely satisfied with every feature of this transaction. I very much hope that it will turn out to be a clean transaction from beginning to end. But suppose it does not. Suppose that this country is excited and agitated by intervenors and mischief-makers, if you please, disreputable scandalizers and slanderers in respect of these dealings, what is the duty of this committee toward the Senate? It is, if the Senate will permit them, to hold their tribunal open and ready for any man who may come here for the purpose of bringing an accusation and bringing witnesses to prove it, so that it can never be said that there has been any concealment or any chance of concealment in regard to these dealings.

If this committee is not authorized, or if some other tribunal is not authorized, to make investigations like this as the transaction progresses, when we get here next winter, if the President is fortunate enough to close this matter by that time, an investigation will then be instituted and precious time will be wasted to go back and look up what this committee can at least obtain in advance, if there is any man in the United States or elsewhere who has objections to make or cause to urge against this transaction.

I do not want to embark in this labor; I do not want to undertake it; but I want to facilitate the building of this canal. I want to provide every means that can be provided for commending whatever the action of the President of the United States may be to the confidence and judgment of the American people, and that can not be if there are men who will be found citing every scandal, suspicion, and it may be false report, which there is no tribunal to investigate.

That is my object in introducing the resolution. I want it to apply as well to Panama as to Nicaragua and Costa Rica, so that when we get through with what the Executive has to do with this matter in the execution of this statute we can say to the world, "Here is a clean sheet; there is nothing wrong about the transaction." I have no more interest in the matter, except to just make that explanation. If the Senate does not want to put that authority into the hands of the committee, well and good.

Mr. SPOONER. Mr. President, the Senator from Alabama [Mr. MORGAN] is altogether correct when he says that under the bill which has been passed it is impossible that the President of the United States shall pay over any money for the property of the New Panama Canal Company until an arrangement with Colombia shall have been made satisfactory to the United States. Of course it would be utterly childish and foolish to buy the property of the New Panama Canal Company for $40,000,000, which could not be utilized without a concession from Colombia until we had also made certain of the concessions from Colombia.

Mr. MORGAN. By treaty.

Mr. SPOONER. Of course, by treaty. In the first place I say a word about that. I do not know how an agreement of this sort, or whatever you may call it, can be made between two independent governments, which is not a treaty unless it is a legislative compact.

I do not care to discuss that, because there is no foundation for it in this situation, but I am utterly at a loss—while I never could challenge the motives of the Senator from Alabama in anything he does here, and never have—I am utterly at a loss to understand the theory upon which this resolution proceeds or to quite comprehend the theory which pervades the Senator's explanation. I do not understand that under the bill which has been passed it is the business of the United States to help the court in France to wind up the affairs of the old Panama Canal Company or intervene in any way in the proceedings of that court. I do not understand that it is the business of the United States at all, as the Senator seems to understand it, if the President finds that the United States can acquire a good title to the property from the New Panama Canal Company and from the court, to further see to it as a condition precedent under the bill, if it shall become a law, that the money paid into the court shall be distributed properly.

It is left to the President to be satisfied that this Government can and will acquire a satisfactory title to the property. That must be by agreement with the New Panama Canal Company and the liquidator, who acts under the authority of the court. Every dollar of money, Mr. President, which under this arrangement goes to the liquidator, whether it be the twenty-four and a half million dollars now arranged by arbitration or otherwise, goes into the registry of the court, to be distributed by the court, which has jurisdiction of the estate, where the claims are to be proved and where the bonds are to be presented, just as in all other cases of the same kind. If the President can not obtain, free and clear of all lien through the court and through the New Panama Canal Company, this title, that is the end of it, as I understand it. If he can obtain it, and the money is paid, then the bondholders and other creditors present their claims to that court. They contest in that court, not here, their priorities, and the question of citizenship of creditors has nothing whatever to do with it.

If an American buys a bond secured by a mortgage in France, he buys it subject to the law governing foreclosures in France and not in the United States; and, to my mind, this resolution would simply lead to a bedevilment of this canal matter. It would put obstacles in the way of the accomplishment of what Congress intends shall be accomplished, to provide that the United States shall step forward, in violation of all rules, as I understand it, to look after the interests of individual bondholders and individual creditors in the fund paid to the French liquidator. They are in the court which has jurisdiction of the debtor and jurisdiction of the property, which will establish

the priority, marshal the assets, and distribute the fund. If they are not satisfied with the decree, interlocutory or final of the court, they have appeal; they can be heard by their counsel there; and it is ordinarily safe to assume that the court of a great nation like France, proceeding under a special law passed by the legislative body of France to govern the settlement of this estate, will deal fairly with it. I can myself see no reason for the assumption by the Senate of a jurisdiction here to become the agent—that is not the function of the United States—of creditors, if there be any, of the old Panama Canal Company in this country, to see to it that in legal proceedings over there they are treated as similar bondholders or similar creditors resident in France are treated.

So I think, Mr. President, it would be without precedent, entirely mischievous and obstructive, in carrying forward this plan upon which the two Houses of Congress have united, to undertake the function proposed by the first part of this resolution, calling upon the creditors and bondholders of the old Panama Canal Company in the United States to send in their claims to the chairman of the Senate committee. For what? Is it a committee to be represented in the court of France? Is the committee to assume the function of seeing to it that in the distribution of the assets by the court of France, American creditors are not treated differently than French creditors? It must not be forgotten that not a dollar of this money which will go to the old Panama Canal Company or its liquidator is the subject of speculation, is the subject of spoliation. It goes directly from the hands of this Government to the court under the arrangement now made.

Mr. President, as to the second branch of the resolution, I do not understand it. I do not understand how any unlawful combination can exist in the United States for diverting from Costa Rica or Nicaragua or Colombia any money which the United States has to pay under the provisions of the bill to either of those governments. I put a provision in the amended bill that the President shall arrange to secure satisfactory title. That is tentative. It may be represented by conveyances deposited in escrow to await acceptance by the United States in the usual way of the concession of Colombia, but certainly the United States, in obtaining a concession from Colombia, deals only with Colombia. Every dollar of the money which, by the ratified treaty, the United States agrees to pay to Colombia, will be paid by the United States to Colombia, and certainly Colombia can be trusted to look after the interests and the funds in the treasury of Colombia.

The same thing is true as to Costa Rica and Nicaragua under the terms of the treaty which the Senator read here the other day. If it turns out to be—and with a single exception it is a good treaty—the treaty which is ratified as the condition precedent to the adoption of the Nicaragua route, that $6,000,000—I believe that is the amount that is to be paid to Nicaragua, is it not?——

Mr. MORGAN. Yes.

Mr. SPOONER. Will be paid directly by the United States to Nicaragua. How can any agreement, corrupt or unlawful combination exist that could intercept that money in its payment by the United States to Costa Rica or Nicaragua? That I can not understand.

If any charge were made affecting the integrity of the legislation, anything involving the honor of either House of Congress, I would be the last man in the world to raise my voice against an investigation of the most searching kind; but this is an advertisement, as the Senator explains it, really for objections to the Panama proceedings in France by American creditors. I know nothing about the ownership of any bonds or stocks of the Old Panama Canal Company in the United States, except what the Senator has spoken of. I apprehend that everybody in the United States knows now, through the newspapers of the country, that Congress contemplates that, if a satisfactory title can be obtained, $24,000,000 or more of money will be paid to the liquidator for distribution by the court to the creditors. It is hardly conceivable that any bondholder will fail to send in his bond, or that any stockholder will fail to be represented. People generally are looking after their interests. But, in any event, I can not bring myself to the notion that the Senate of the United States ought to commit itself to the idea that, even if we can get free and clear of all liens an absolute title to the property, we are still, as a condition precedent, to see to it as a Government that the proceeds going to the liquidator are properly distributed and to otherwise constitute ourselves a sort of foreign guardian of the court in France. I may be wrong about it, but that is the way it impresses me.

Mr. MORGAN. Mr. President, I have read over with a great deal of care very frequently the alleged judicial proceedings in the court of first instance, department of the Seine, in France, in which the foundation was laid for the title which is said to exist and which is about to be transferred from the New Panama Canal Company to the Government of the United States if the title is found to be good. To my judgment, they resemble nothing so much as a drumhead court-martial. The proceedings were entirely summary; they were without notice to the actual parties concerned.

To illustrate, when the court took jurisdiction of this subject-matter under an act of the French Parliament it required notice to be served upon a bondholder or two bondholders residing in Paris, whose names are given in the record. That was taken as service to all the bondholders in the world; and within a short time after that notice was given a decree was rendered putting the bonds in the hands of a receiver and putting all of the property of the company in the hands of a receiver, with a short right of appeal, which has long since expired, and the property, nominally or technically, has passed, through what was called a "judicial sale," into the hands of the New Panama Canal Company, as is alleged, free of the incumbrance of these bonds, the incumbrance of the equitable mortgages upon them by and under the statute being transferred from the property to the proceeds.

Mr. FAIRBANKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Indiana?

Mr. MORGAN. I do.

Mr. FAIRBANKS. How many years ago was the notice given to which the Senator has referred?

Mr. MORGAN. I do not remember precisely, but I think about three years ago.

Mr. FAIRBANKS. Several years ago, at least?

Mr. MORGAN. Yes; and the proceeding was closed on that notice within three or four days after the notice was given, as I remember. It was a very short time.

The bill we have passed here contains a provision that always occurred to my mind as being a little singular, and I shall be very glad to have an explanation of it from the Senator from Wisconsin, if he chooses to give it, as he is the author of it.

SEC. 3. That when the President shall have arranged to secure a satisfactory title to the property of the New Panama Canal Company, as provided in section 1 hereof, and shall have obtained by treaty control of the necessary territory from the Republic of Colombia, etc.—

He shall proceed to pay out the $40,000,000.

Mr. SPOONER. I shall be very glad to explain that section.

Mr. MORGAN. I will first state the point.

Evidently, Mr. President, the record which was presented here as evidence of the title conclusively established in favor of the New Panama Canal Company by adjudication of the court in France, is not to be accepted by the President of the United States as being a final and conclusive disposal of the question of title to that property; but the President of the United States is required to arrange to secure a satisfactory title. That implies that the whole field of negotiation relating to this title is open to the President—the legal field, the equitable field, and the moral field are all open to him—and I shall be very much disappointed in his character if he should fail to look at the legal, equitable, and moral field of inquiry committed to him, and should hold himself bound, as the Senator from Wisconsin avows he is to be, to the rigid letter of the French decree, which cuts off American women and children who hold these bonds and who have had no notice and no opportunity to be heard.

The President of the United States, in acquiring or arranging to acquire this title, will scarcely neglect this duty. He has a right to say to the people with whom he deals, "There are certain persons holding bonds in the United States who, I have been informed, have had no actual notice of these French proceedings at all. They were summary, and were rapidly conducted to a conclusion for the convenience of the parties residing in France. These people have had no notice or intimation of these proceedings at all, and the Congress of the United States has authorized and required me to arrange with you, not merely to accept, but to arrange for the acquirement of this title."

In arranging for that has not the President of the United States at least the equitable and moral right to say that some provision must be made to take care of these American people who had no representative there, who were in widowhood or in infancy, and had no one to stand by them? Are the New Panama Canal Company and its friends so exorbitant and fierce in their demands that they intend to cut off all the people of the United States who hold bonds, it makes no difference what their equities may be, in order to get this money into the possssion of the liquidator and these corrupt men who comprise the body of that New Panama Canal Company, according to the report of the Isthmian Canal Commission? That is the question that has got to be answered here, and this country is not going to be at rest until that is answered.

I propose to advertise, through the instruction of this Senate, so that those people who have got these bonds and who never had notice or intimation of the French proceeding shall have an

opportunity of presenting their cases to the President of the United States and to say to him in arranging to secure a satisfactory title to the property of the New Panama Canal Company, "We ask you to consider our case, and not to permit us to be cut off by the decree of the French court, of which we had no notice whatever." That is the situation. Perhaps I am mistaken, Mr. President; perhaps I am bound, and the people of the United States are bound, to submit to the strict letter of the French law in arranging to get a title to this property.

The Senator from Wisconsin asked the question whether citizens of the United States were not bound by the French law when they held bonds carrying a mortgage or an equity against French property. I admit, as a general proposition that that is so. The Senator in framing his bill might probably have stood on that ground, but he did not choose to do it. Instead of accepting that as a final and conclusive decree, and putting that before the Senate for its action, that we should be bound by it, that all the people of the United States should be bound by it, and that we should have nothing to do or say about the application of the money—instead of doing that, he puts in a provision here that the President of the United States shall make an arrangement much more satisfactory. In making that arrangement the President of the United States ought to have some influence and some power to make an agreement. These people are not likely to receive information, unless provision is made by some authentic body of the United States Government for having these claims presented and notified to the President.

If this resolution is not adopted, I shall address a note to the President, asking if he will not be kind enough to have notice sent to the American people by his Attorney-General that this proceeding is going on; that he is authorized to make an arrangement, and that he is disposed to consult with the holders of these bonds to see that they are not robbed out of their money by a set of men whom the Isthmian Canal Commission have shown here are not only corrupt, but have been convicted of corruption, and escaped their conviction by subscribing money to this New Panama Canal Company.

Mr. President, I am trying to give aid to the President of the United States in the proper execution of the bill which has been passed—that is all I am trying to do—and to obtain whatever shelter he is disposed to give or the Congress of the United States is disposed to give to our own people, who have been cut off from their rights, according to the theory of the Senator from Wisconsin, by this summary proceeding in Paris, of which nobody in the world had any notice but one or two selected bondholders in that city. They got into the courts and fixed up an agreement by which $600,000,000 of interest-bearing bonds were at once put into the hands of the liquidator, and the property of the old company was put into the hands of the same man. Everything was turned over to him, and he became the factotum; he was the corporation; he was the bondholder; he was the stockholder; and in that character of liquidator he has been making contracts backward and forward, passing these vast estates from one hand to another, and, finally, he has got it where the New Panama Canal Company have not any more legal right to it than I have got.

There is the situation, and I thought it was my duty, Mr. President, to try to devise some means by which this thing could be done.

As to the ownership of the bonds and also as to the possible interferences that may have taken place, I want to know before I get through with this—and I will know, if I can find out either privately or publicly—whether or not the lobby that has been hanging around this Congress so thick that you could stir them with a stick, almost, have been receiving or are to receive a part of this $40,000,000.

I want some responsible man who is going to receive this money to get on the stand as a witness and swear, under such circumstances as that his oath would subject him to an indictment for perjury if he swears falsely, in order that the American people may know how much of this money he is going to get when we pay the $40,000,000 to this company. I want to know, and I will try to know before we get through with this matter, in some way or other.

I want to ascertain the facts in a legitimate and proper way. If there is any transaction of that kind in regard to Nicaragua and Costa Rica, let it come out. Let us know whether we are dealing with men who accept bribes; for instance, whether we are dealing with the Panama Canal Company or with presidents of Nicaragua or Costa Rica or Colombia, under some arrangement to put a hundred thousand dollars or two or three hundred thousand dollars of this money into his own pocket. Things of that sort have occured in diplomacy since the first treaty was ever made. They were much more frequent in old times than they are now. They have not entirely passed out. Largesses and stipends and bribes are paid to-day to men who conduct great negotiations; and I want, when we come to the bottom of this thing, to know that the United States has not been scandalized in any respect or by anybody.

I want to open the door and to let a man who says he has an accusation against anybody connected with this affair come forward and bring his witnesses and put his testimony on record, under oath, so as to be liable to indictment for perjury if he makes a false statement.

Let us get at it in that way and not have the air filled with scandals about this thing and clamors of a disturbing sort. It is right that we should do it. Having offered the resolution, I should like very much indeed to escape the responsibility of its execution; but is for the Senate to say whether it wants it or whether it does not.

Mr. SPOONER. Mr. President, just a word. When I drew the amendment I drew it so as to provide that the President should obtain title.

Mr. MORGAN. I know that. I was surprised at the change. I did not know why you made it.

Mr. SPOONER. I was not surprised at the change. I was surprised that I drew it that way in the first place, because that involved obtaining title, which naturally would involve conveyance and payment, and that would be an impossible condition precedent, because that could not, with any possible sense, occur until we had also obtained the requisite concession from Colombia.

So, contemplating an escrow, contemplating an arrangement which would bind the title to be conveyed to the United States when the second precedent condition, to wit, the concession from Colombia, had been obtained, I used the language which I inserted in the bill. I used it in that general way, in order to leave some elasticity in it, not caring anything about the detail of it, provided only that the President had arranged in some way to take for the United States a title to the property of the new Panama Canal Company when through treaty we had acquired a satisfactory concession from Colombia.

It never occurred to me that that threw open the whole subject in France to retrial; that that turned the President into a court of equity to see to it, as a precedent condition to the acquisition of this property, that every American creditor, whoever he or she might be, was, in the distribution of the fund, treated as we have a right to assume and are bound to assume the courts of another country will treat them—as equals.

Mr. MORGAN. If the Senator will allow me, I am bound to deny that the French court has treated American people with any consideration at all in this decision.

Mr. SPOONER. The Senator from Alabama seems to proceed upon the theory that when a corporation, having a mortgage indebtedness outstanding, is placed in the hands of a receiver, its property sequestrated, its assets taken in *custodia legis*, in order to insure the validity of that proceeding every creditor must be notified and have an opportunity *in limine* to be heard. That is not the law in the United States. It is not the law in England. It is not the law, I undertake to say, in any civilized country.

Wherever a receiver is appointed over a corporation which has bonds outstanding, the trustee of the bondholders, the party to whom the property is conveyed in trust for the benefit of the bondholders, is the party who represents the bondholders in the courts, and notice to the trustee, opportunity to the trustee to be heard, is notice to the *cestui que trust*—the bondholders. Otherwise no such administration would occur at all if, with a hundred or two hundred millions of bonds, it was necessary that every bondholder should be hunted up to the uttermost parts of the earth and given personal notice and opportunity to come in and, as an individual, litigate.

Our Supreme Court has decided that the trustee represents the bondholders. He is the party to the suit, and when he is brought into court or when he comes into court the bondholders are in court. He is there under a solemn trust which he entered into when he accepted the conveyance and agreed to become trustee, and is only trustee for the bondholders. So every American bondholder is represented in any court in France through the trustee of the various mortgages.

Mr. MORGAN. If the Senator will allow me, the objection is that the trustee was appointed without any notice to them. He is not their trustee at all.

Mr. SPOONER. When a railway company or a canal company executes a mortgage and conveys the property, before a single bond is issued, of course, to a trustee upon the terms indicated in the instrument, every man and every woman who buys a bond afterwards buys it with notice on the face of the bond itself, as well as being bound to know it, that the trustee represents them; and that is the practice.

Mr. BACON. Will the Senator from Wisconsin permit me to ask him a question rather in the nature of a suggestion?

Mr. SPOONER. Certainly.

Mr. BACON. Is it not true that all of these questions at last

must be determined by the court having jurisdiction and charge of the distribution of the fund?

Mr. SPOONER. That is the point; I am coming to that.

The Senator says that this liquidator was made the receiver of the property, and that the bonds were turned over to him and the stock was turned over to him. I never heard before—although I have had some experience—that where a receiver is appointed for a corporation which has become bankrupt and which had bonds outstanding, there became vested in him the bonds. He is an officer of the court.

Mr. MORGAN. That is exactly what was done in this case.

Mr. SPOONER. That is exactly, as I understand it, what was not done in this case.

Mr. MORGAN. There was a liquidator appointed for the bondholders. What for?

Mr. SPOONER. Certainly.

Mr. MORGAN. A receiver for the bondholders.

Mr. SPOONER. Yes. Did that vest him with the bonds?

Mr. MORGAN. It vested the title in him as a matter of course.

Mr. SPOONER. Not at all.

Mr. MORGAN. I do not mean to the equities of the bonds, but it vested him with the power to control them.

Mr. SPOONER. No; that simply put in the hands of the receiver the property upon which the liens existed.

Mr. MORGAN. There were two receivers.

Mr. SPOONER. It does not make any difference if there were forty receivers.

Mr. MORGAN. One liquidator was appointed to take charge of the property of the corporation and another liquidator to take charge of the bonds and represent the bondholders.

Mr. SPOONER. Two receivers were appointed—or was there one?

Mr. MORGAN. Two. There were three at first, and then it was cut down to two.

Mr. SPOONER. Yes; but their function is precisely the same.

Mr. MORGAN. No; their functions are entirely different.

Mr. SPOONER. Their functions are entirely the same, as I understand it. They were receivers of the property. The court chose one representing the bondholders and one representing the stockholders. But they are receivers of the property, and to insure management of the property which would deal fairly with all classes of creditors and with the stockholders they chose receivers satisfactory to each class. But in the last analysis the receivers were the same. They were officers of the court, as they are in this country, and receivers of the property.

Now, Mr. President, notices, I have no doubt, have been given; they are not given when the suit is commenced; they are not given in such cases as a condition precedent to jurisdiction or administration, but as one of the details of administration. Bondholders at the proper time are given notice to send in their bonds, to file them with the clerk of the court, in our country, perhaps to file them with the liquidator over there, and as the Senator from Georgia says the whole matter is in the hands of the court, and it will be decreed that so much money is due to each bondholder, and no one bondholder can receive more than his proportion nor can he receive more than is paid to every other bondholder with the same equality of lien and with the same preference.

A long time is given to send in the bonds, and the fund which is not claimed applicable to each bond is left in the registry of the court. I know one case where eight years elapsed before the fund was, by order of the court, distributed finally without regard to bonds not presented.

There is no trouble about this matter. Does the Senator suppose for one moment that I was willing to draw a bill which bound the Government down to this particular transfer, to the particular proceedings which have thus far been had?

Mr. MORGAN. I judge not from the language of the bill.

Mr. SPOONER. It would have been an extremely childish performance. I stated on the floor that there were several methods, I thought, by which this title could be secured, and I intended to leave it open to the courts in France, perhaps to the legislative body in France, to devise means, if they have not already been devised, and to carry them into execution, under which this title could be given free and clear of lien to the United States if additional proceedings are found necessary.

I am not at all certain that as the matter stands to-day the title would be satisfactory to me. I am satisfied from what I have seen of the proceedings that with additional proceedings, easily to be had, both on the part of the canal company and the court, a good title can be secured; and if that property comes to the United States free and clear of lien the proceeds of it are to be paid into the court, which is taking care of the interests of the bondholders and the creditors, and notice will undoubtedly be given. Every person who holds a bond will either send in his bond or her bond and receive the dividend on it or that sum will be left in the registry of the court, as is done in all civilized countries, for a considerable period, pledged to the redemption of that bond *pro tanto* when it is sent in.

Mr. MORGAN. How long is that considerable period?

Mr. SPOONER. I know a case in my own experience where it was left twelve years.

I myself have faith in the judicial proceedings in France, so far as I have looked them over. I am not standing in the United States Senate to cast general impeachment upon the integrity of the judicial proceedings of another and a friendly country. It does not follow, because the procedure in France is not entirely in accord with the procedure in the United States, that it is therefore unjust. Every country establishes and regulates its own judicial administration, and every man and every woman who buys property in France, whether it be real property or personal property, such as a bond, buys it knowing that in the end if resort to judicial proceeding shall be necessary that proceeding must be had in France and according to the laws of France.

I do not want this question, which is important to the people of the United States, bedeviled—if I may use that word—by collateral and utterly irrelevant issues. If the President of the United States deems it to be his duty—that may be—to cause some notice to be taken of interests in the United States, that is for him to say. If he wants the Attorney-General to notify creditors in the United States, that is for him to say. But for the Senate of the United States, through a committee, to assume that creditors in the United States, if they be found, can attack this decree, because, although the trustee had notice they have not had personal notice, and that in this way can be found ground for indefinite obstruction in carrying out the will of Congress, I am not prepared to assent.

Mr. FAIRBANKS. Will the Senator from Wisconsin allow me?

Mr. SPOONER. I yield to the Senator from Indiana.

Mr. FAIRBANKS. I wish to recall to the Senator's mind what he discovered upon an examination of these decrees, and that is that the French court found that all of these parties were represented before the court at the time the decrees were passed.

Mr. SPOONER. Yes. This is true. There are interlocutory proceedings always, but in the end a master is appointed always to take account of the indebtedness. Before him the bonds are to be proven.

Mr. MORGAN. There never was any master in this case.

Mr. SPOONER. Perhaps it has not got to that. That does not affect the title; that does not affect the power of the court to sell the property clear of lien. That is a matter of detail in the distribution of the proceeds of the sale by the court, and I assume that what is considered in other civilized countries a fair and just method for attaining justice will be adopted in France. I am quite certain of one thing, that the act of the French Parliament is as fair an act as any equity rules in this country.

Mr. MORGAN, I desire to call the attention of the Senator from Wisconsin, if he will allow me for a moment, to one fact. This law provides——

Mr. SPOONER. It is still a bill.

Mr. MORGAN. That all this matter shall come before the Senate on a treaty.

Mr. SPOONER. What matter?

Mr. MORGAN. Of title to the property.

Mr. SPOONER, No; it does not.

Mr. MORGAN. I so understood it.

Mr. SPOONER. I do not so understand it.

Mr. MORGAN. There is something to come before the Senate. What is it?

Mr, SPOONER. A treaty.

Mr. MORGAN. What treaty?

Mr. SPOONER. As to whether the concession from Colombia or the concession from Costa Rica and Nicaragua, which is to last for all time, is satisfactory to the Senate.

Mr. MORGAN. The treaty from Colombia could not come in any legitimate form, I submit to the Senator, unless the concessions to the Panama Canal Company are gotten rid of in some way.

Mr. SPOONER. What concessions?

Mr. MORGAN. The concessions that Colombia made to the Panamá Canal Company, which expire in 1912. They have to be got rid of. Now, when we come to consider that treaty—and this is the point I wish to suggest to the mind of the Senator—the Senate will necessarily have to review the whole situation. I wanted to provide, if I could, so that the Senate of the United States would have a fair opportunity to know exactly what had taken place and to know whether any bondholders and stockholders in the United States, who are women and children, infants at the time, had an opportunity to be heard upon it.

I want to clear that all off, with a view to getting the Senate to a position where we can make a final decision. I am not trying to delay anything. God knows I have not been delaying this matter for twenty years. I am trying to bring it about so that the

Senate of the United States will have a clear view of the whole situation and be entirely satisfied—and I hope the Senate will be entirely satisfied—that all these rights have been properly taken care of.

Mr. SPOONER. We have first to consider this. First, the President has to notify Congress that under our authority he has become satisfied that the New Panama Canal Company can give the United States a good title and has arranged to secure it. Next, we want two things: First, a treaty with Colombia which consents to the transfer of the property to the United States, and in addition gives us forever the necessary concession to enable us to construct and operate and control the canal. If we do not get either of those things, then that is the end of that part of it.

Mr. MORGAN. If we do not get them all.

Mr. SPOONER. If we do not get them all, or if we get all but one. If either is lacking—that is what I meant—that is the end of the Panama part of the bill——

Mr. MORGAN. So I understand.

Mr. SPOONER. And we are remitted to the Nicaragua route.

Mr. MITCHELL. Mr. President, I was, as the Senate knows, an earnest advocate, but as the sequel shows an inefficient one, of the adoption by the Senate of the Nicaragua route for the proposed canal. The Senate thought otherwise, and agreed to a bill which authorizes and commands the President of the United States to construct a canal on the Panama route, provided he can obtain a satisfactory title to the property which the New Panama Canal Company proposes to sell to the United States for $40,000,000. That amendment to the House bill has been agreed to by the House, and the bill, if it has not already been signed by the President—and I am not advised as to that—is now before the President for his signature.

While I still think, Mr. President, that the Congress has made a mistake, the thing is done. It is an accomplished fact, so far as Congress is concerned, and the whole matter is now in the hands of the Executive. I still hope, Mr. President, and believe that the result in the end will be the construction of the canal on the Nicaragua route. I can not bring myself to believe that the Panama Canal Company can ever make it appear to the satisfaction of the President of the United States that they can give such a title as the President under the language of the law will be disposed to accept. But whether that may be so or not, I am so earnestly anxious for the construction of a canal at some place across the Isthmus that I would hesitate long before I would do anything which might be construed into an obstruction, which might result in delay in the determination of the question whether or not a satisfactory title can be made to the property which the New Panama Canal Company proposes to sell.

I fear this resolution, whether it would have that effect or not, if adopted would be construed by many, by many of my constituents, by many people, as tending to delay in reaching a conclusion upon this matter. Therefore I can not see my way clear to support the resolution.

Mr. MORGAN. Will the Senator from Oregon indulge me for a moment?

Mr. MITCHELL. Certainly.

Mr. MORGAN. I distinctly announced that my purpose is to facilitate action, not to delay.

Mr. MITCHELL. I understand that. I heard what the distinguished chairman of the committee said, and I understand his motive to be right, that it is for the purpose of aiding the President in arriving at a conclusion as to whether or not a satisfactory title can be obtained.

But I think what has been said here by the distinguished chairman of the committee, by which this matter is brought to the attention of the President, will have the same effect that an investigation and a report would have. The attention of the Executive is called to the different prongs of this subject necessary and proper to be considered before a finality is reached, and I have so much faith in the President of the United States that I believe he will not stop with the question simply whether a bare legal title can be made to the property, but that he will look into all sides of the question, that he will look into the question of the probability or possibility of innumerable claims being brought against the United States by bondholders and shareholders of both the old and the new Panama Canal companies.

I believe the President of the United States would hesitate to say that a title to this property was satisfactory within the meaning of the bill provided he at the same time was of the opinion that the United States would be pestered by these claims in the future. The whole question is with him. He is the umpire. I have faith in him. I believe he will proceed without any unnecessary delay in determining the question as to whether or not a satisfactory title to this property can be obtained. For this reason only I am disinclined to do anything that would look like an obstruction, or that any considerable number of people might think would be an obstruction, in regard to the early settlement of this great question.

Therefore, Mr. President, while I exceedingly dislike to part company at this point with the distinguished chairman of the committee, who has rendered such invaluable services in the investigation of all questions relating to the construction of an isthmian canal, I feel by my sense of duty at this moment compelled to vote against the resolution.

Mr. HANNA. Mr. President, I had supposed that the discussion upon the canal question had been finished when, by the action of both Houses, a concurrent agreement had been arrived at, and I wish to say in regard to that, arrived at in the best of spirit. The people of the United States have accepted that verdict, and are satisfied. The discussion of this question, long drawn out, gave opportunity for anybody who had absorbed any of this poison that was in the air or that had come to the public through the channels of the newspapers to mention the fact and call the attention of the country and of the Senate that undue influences were being used, that a lobby was here, for what? In the interests of the New Panama Canal Company to affect the votes of members of this body against their conviction and judgment? If such a lobby, as stated by the Senator from Alabama, for such purposes, was here, and if the result of the vote upon the bill, by insinuation, could be charged to such influences, somebody must have been corrupted in this body.

Mr. President, I must confess that I am more than surprised that such an insinuation should come from the chairman of my committee. As a member of that committee, if there has been such a lobby or such influences here, I have not known it. Nobody has approached me. If the Senator has any charges to make implicating the integrity of any member of this body who voted upon the measure, let them be made and let us have an investigation. But I want something more than newspaper stories and an intimation that it is in the air to convince me of any such influences being present or potent.

Mr. President, as a member of the committee I must protest against the spirit and letter of this resolution. I do not feel myself called upon to act on a jury, or that a drag net be thrown out to see who can be brought into it to give evidence that influences have been used in bringing about the result which will throw, if possible, even more of a cloud than has already been insinuated upon the title of this property and upon the integrity of the men who have supported the measure.

As a member of the committee I should deem it to be unworthy of my position as a United States Senator to be called upon, in the absence of any definite charge or reasonable insinuation, to sit in judgment upon what may be called a corrupt lobby. I have nothing to do with the members of the Panama Canal Company, new or old. I have other means of obtaining information which has guided my judgment toward the position I have arrived at.

I think it would be well to accept the joint verdict of the two Houses and leave this matter where it belongs—in the hands of the President and his advisers. He need not find a suggestion from this body, and above all, I do not think he needs the insinuation that in addition to all else which has been brought forward to cloud the title of this property, calumny and corruption have crept into the mind and guided the act of any member of this body who has voted upon the measure. I do not want to be a party upon a committee to send any such message to the President of the United States nor by my act to admit that there is any ground for it, or any necessity that he should be so advised.

I hope the resolution will be defeated.

Mr. MORGAN. Mr. President, the Senator from Ohio need not have put himself to the trouble of implicating this body. These are men of honor here. They have not been impeached or the slightest impeachment made by me on this subject. Nobody has said, so far as I have ever heard, that any member of the Senate or any member of the House has ever been corrupted. But many men have said, and we know it is true, that the Panama Canal Company, and perhaps other concerns interested in this matter, have had men around the Chamber for the purpose of inquiring and trying to influence votes by argument and otherwise. Of course, they have been paid for their work.

My proposition was to have a tribunal here open to the people of the United States, so that if a man had an accusation of this kind to make against anybody, against any company or government, he could come before this tribunal and bring his witnesses and they could be sworn, and if they commit perjury they could be put in the penitentiary for it, and that by this means we would suppress the slander and calumny which have too often filled the air and which do now. We could furnish a fair opportunity to the world to come here and prove anything they had to say. It would be a conservative and a good arrangement.

We have had all the time this committee, with these very powers, except the specific power that will result from the late legislation, and many a scheme that otherwise would have developed has been prevented by the mere fact that a committee

was here that had the right to call witnesses before them to examine into and explode falsehoods that might be told.

There is no danger, Mr. President, of the Senate or the House either suffering by clearing the atmosphere of calumnies that are brought by other people and circulated through newspapers. The Senator need not put himself at all to the trouble of defending the Senate or the House or any member of either body, for I have made no such accusation, as the Senator knows. Why he has taken the trouble to bring up this matter and put it in the form of an accusation made by me I can not understand, unless he has got something that he wants to cover up. I have made no such allegation at all. My purpose is and has been, as I announced to the Senator from Oregon and the Senator from Wisconsin and to the Senate, to facilitate the final disposition of this matter.

Now, we have a bill here in the process of being made into a law, which requires the Senate to sit in judgment upon this whole transaction when the President gets through with his part of the work. If, during the time this matter is proceeding, valuable information can come to the possession of the Senate through its committee that will facilitate the action of the Senate upon the treaty, if during that time scandals and accusations are made that can be exploded by testimony before the committee, it can be done and the whole field can be cleared of these difficulties and incumbrances, so that when the Senate comes to act upon the treaty finally it will have nothing to do but to consider ascertained and well-known facts. That is all of it, and in any other view of the subject we may be thrown into a cloud of doubt, and suspicion may be raised and brought forward at the last moment for the purpose of getting still further delay upon this movement.

Mr. President, delay is the only thing that I have ever feared about this matter. There are persons in the United States, numbers of them, I think, very large unified interests, that are in favor of delay and have always sought for it. No later than yesterday I received an account taken from a Costa Rican paper of a transaction which has just occurrred, which shows that there is still a large interest concerned in delay. I read a translation from La Prensa Libre, a daily newspaper published at San José, Costa Rica, dated June 16, 1902, under the head of "United States."

SLAVERY OF MARITIME TRAFFIC.

NEW YORK, 13.—The Pacific Mail Steamship Company has just concluded an agreement with the railroad company of the Isthmus of Panama by which the latter agrees to deliver to the Pacific Mail, exclusively, all the cargo coming from North America that is destined for ports north of the Isthmus on the western littoral of Central America.

Now, here is as late as that date an arrangement made which shows a combination of the great railroads of this country for delay and for postponement. They are opposed to the legislation which has been had.

Mr. FAIRBANKS. May I interrupt the Senator just a moment?

Mr. MORGAN. Certainly.

Mr. FAIRBANKS. When he was recently upon the floor I asked him how many years ago the decree was passed conveying the title of the property of the old canal company to the new canal company. I understood the honorable Senator to say some three years ago.

Mr. MORGAN. So I thought.

Mr. FAIRBANKS. I wish to call his attention to the record, showing that it was in 1894, or some eight years ago.

Mr. MORGAN. Well, I am willing to admit it.

Mr. MITCHELL. It was in 1894.

Mr. MORGAN. I had forgotten the date.

Mr. FAIRBANKS. Will the Senator allow me to read a few extracts from the record, in order that we may see exactly what was done? As the Senator knows, there was a special act passed by the French Parliament July 1, 1893, to aid in the reorganization of the canal company.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The Senator from Indiana will please suspend. The hour of 2 o'clock having arrived, the Calendar under Rule VIII is in order.

Mr. LODGE. Will the Senator from Alabama allow me to make a request?

Mr. MORGAN. I am through. I am out of the way.

AGREEMENT WITH KANSAS OR KAW INDIANS OF OKLAHOMA.

Mr. QUARLES. Pursuant to the unanimous consent of yesterday, I ask that House bill 12597 be laid before the Senate.

The PRESIDING OFFICER. The Chair lays the bill before the Senate.

The SECRETARY. A bill (H. R. 12597) to accept, ratify, and confirm a proposed agreement submitted by the Kansas or Kaw Indians of Oklahoma, and for other purposes.

Mr. LODGE. Will the Senator from Wisconsin allow me to make a request, as I am obliged to go into conference?

Mr. BURTON. What is the order?

The PRESIDING OFFICER. The order of business is the consideration of the Kaw treaty, unanimous consent having been given yesterday.

Mr. MONEY. Mr. President, I rise for information. I introduced two days ago a resolution, which was laid over at the request of the Senator from Wisconsin [Mr. SPOONER]. It is a resolution calling for information. I ask if it would be in order to call it up now?

Mr. ALDRICH. Not now.

The PRESIDING OFFICER. The Chair thinks not, for the reason that unanimous consent was given yesterday for the consideration of the bill the Senator from Wisconsin [Mr. QUARLES] has in charge.

Mr. MONEY. I ask the Senator from Wisconsin if he will not yield a moment, that that resolution for information may be considered?

Mr. QUARLES. Allow me to say to the Senator that this is a very short measure. As far as I know, there is not any objection to it, there are no amendments, and, if the Senator will bear with us, it will be out of the way in a very few moments.

Mr. MONEY. I was not aware of the length of time the Senator proposed to consume in discussing or considering this bill. Of course he has the floor.

Mr. QUARLES. I do not presume there will be the least discussion upon it.

TAX ON TOBACCO.

The PRESIDING OFFICER. The Chair lays before the Senate the amendment of the House of Representatives to a bill, the title of which will be read, and calls the attention of the Senator from Rhode Island [Mr. ALDRICH] to it.

The SECRETARY. A bill (S. 3896) to amend section 3362 of the Revised Statutes, relating to tobacco.

Mr. ALDRICH. I ask that the amendments of the House may be read.

The PRESIDING OFFICER. The amendments will be read.

The Secretary read as follows:

On page 2, after line 15, insert as a separate section:

"SEC. 2. That the last paragraph of section 3394 of the Revised Statutes, as amended by the 10th section of the act of July 24, 1897, is hereby further amended so as to read as follows:

"'No packages of manufactured tobacco, snuff, cigars, or cigarettes, prescribed by law, shall be permitted to have packed in, or attached to, or connected with, them, nor affixed to, branded, stamped, marked, written, or printed upon them, any paper, certificate, or instrument purporting to be or represent a ticket, chance, share or interest in, or dependent upon, the event of a lottery, nor any indecent or immoral picture, representation, print, or words; and any violation of the provisions of this paragraph shall subject the offender to the penalties and punishments provided by section 3456 of the Revised Statutes.'"

Amend the title so as to read:

"An act to amend sections 3362 and 3394 of the Revised Statutes of the United States, relating to tobacco."

Mr. ALDRICH. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

SPANISH TREATY CLAIMS COMMISSION.

Mr. LODGE. I should be very glad indeed if I can make a request. I desire to ask that the vote by which the Senate on March 11 disagreed to the conference report on the bill (H. R. 8586) to vest in the Spanish Treaty Claims Commission certain powers possessed by circuit and district courts of the United States be reconsidered.

The bill passed both Houses, and there was an agreement in conference. The House accepted the report, and the Senate, on the suggestion of the chairman, disagreed to it, but the Commission feel that it is very desirable the bill should pass as originally agreed to in conference. My purpose is to get the papers back and ask for an agreement.

The PRESIDING OFFICER. The Senator from Massachusetts moves that the vote by which the Senate disagreed to the conference report on the bill (H. R. 8586) to vest in the Spanish Treaty Claims Commission certain powers possessed by circuit and district courts of the United States be reconsidered, and that the House be requested to return the papers to the Senate.

The motion was agreed to.

APPEALS FROM SPANISH CLAIMS COMMISSION.

Mr. PETTUS. Mr. President, I ask the Senator from Wisconsin to yield in order that I may make a motion which will not be subject to debate at all.

Mr. QUARLES. Hereafter, Mr. President, I shall have to decline to yield, but I yield to the Senator from Alabama.

Mr. PETTUS. I move that the bill (H. R. 12764) amending the act of March 2, 1901, entitled "An act to carry into effect the stipulations of article 7 of the treaty between the United States and Spain," etc., which is a bill granting an appeal from the Spanish Claims Commission to the Supreme Court of the United States on questions of law, be made the unfinished business for

this day after the present bill has been considered and after the Senator from Kentucky [Mr. DEBOE] has addressed the Senate, subject to any conference reports or——

Mr. ALDRICH. I feel constrained to object to that.

Mr. ELKINS. Will the Senator from Wisconsin yield to me?

Mr. QUARLES. For what purpose?

Mr. ELKINS. I wish to give notice.

Mr. PETTUS. I did not understand the Senator from Rhode Island.

Mr. ALDRICH. I object to the request.

Mr. PETTUS. There was no request made; it was a motion.

Mr. ALDRICH. The motion is not in order.

The PRESIDING OFFICER. The Chair would state to the Senator from Alabama that under the rules a motion would not be in order. It would have to be in the form of unanimous-consent agreement. The Chair will suggest further to the Senator from Alabama that when the Kaw treaty bill is through the motion would be in order.

Mr. PETTUS. The Senator from West Virginia has given a notice, and I will not interfere with him.

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from West Virginia for the purpose of giving a notice?

Mr. QUARLES. Very well.

ADMISSION OF CUBA.

Mr. ELKINS. I wish to give notice that on Monday, after the routine morning business, I should like to submit some remarks on the joint resolution (S. R. 115) providing for the admission of the Republic of Cuba into the Union as a new State.

AGREEMENT WITH KANSAS OR KAW INDIANS OF OKLAHOMA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12597) to accept, ratify, and confirm a proposed agreement submitted by the Kansas or Kaw Indians of Oklahoma, and for other purposes.

Mr. QUARLES. I ask that the formal reading of the bill be dispensed with and that it be simply read for amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

The Secretary read the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

ORDERS OF GOVERNOR-GENERAL OF CUBA.

Mr. MONEY. I wish to call from the table the resolution introduced by me a few days ago calling for certain information from the Secretary of War. The resolution went over at the suggestion of the Senator from Wisconsin [Mr. SPOONER], but I have had a consultation with that Senator, and he has withdrawn his objection to the resolution. I should like to have it considered and passed at this time.

Mr. PLATT of Connecticut. I did not hear the statement of the Senator from Mississippi. Was it that the Senator from Wisconsin had withdrawn his objection?

Mr. MONEY. Yes, sir.

Mr. PLATT of Connecticut. All right.

The PRESIDENT pro tempore. The Chair lays before the Senate, at the request of the Senator from Mississippi, the resolution submitted by him; which will be read.

The Secretary read the resolution submitted by Mr. MONEY on the 25th instant, as follows:

Resolved by the Senate, That the honorable Secretary of War be, and is hereby, directed to furnish to the Senate at his earliest convenience copies of all orders, general and special, issued by the governor-general of Cuba from date of the beginning of his administration up to May 20, 1902.

The resolution was agreed to.

REPRINT OF A DOCUMENT.

Mr. MONEY. I ask for the reprinting of a document by Dr. Arthur McDonald. I hold in my hand the proof sheets of the first print. The number already printed is not sufficient to meet the very great demand which has arisen for it by scientific people all over the world. I ask to have reprinted whatever additional number of copies may be printed under the law limiting the cost of printing.

The PRESIDENT pro tempore. The limit is $500.

Mr. MONEY. I ask that whatever number of copies can be printed for that sum shall be ordered to be printed.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

AFFAIRS IN THE PHILIPPINES.

Mr. CARMACK. I wish to renew the request I made on yesterday to print certain matter in the RECORD in connection with the speech heretofore delivered by me. It is a publication in the New York Post giving the record of courts-martial in the Philippines.

The PRESIDENT pro tempore. The Senator from Tennessee asks unanimous consent to print in the RECORD the matter referred to by him. Is there objection?

Mr. MCCOMAS. As a document?

Mr. CARMACK. No; I wish to have it printed in the RECORD in connection with my speech.

Mr. MCCOMAS. Are these excerpts from the testimony taken before the Committee on the Philippines which the Senator desires to have printed in the RECORD?

Mr. CARMACK. Yes. I desire to have the matter printed in the RECORD.

Mr. MCCOMAS. I have no objection.

The PRESIDENT pro tempore. The Chair hears no objection; and the order is made.

F. Y. RAMSAY.

Mr. SIMMONS. I ask unanimous consent for the present consideration of the bill (H. R. 11273) to pay F. Y. Ramsay, heir at law and distributee of the late Joseph Ramsay, $430.42 for balance due the said Joseph Ramsay as collector of customs and superintendent of lights in the district of Plymouth, N. C.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Treasurer of the United States to pay $430.42 to F. Y. Ramsay, heir at law and distributee of the late Joseph Ramsay, being balance due to Joseph Ramsay, deceased, as collector of customs and superintendent of lights in the district of Plymouth, N. C., from March 1, 1859, to April 30, 1861.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

P. A. M'CLAIN.

Mr. BURROWS. I am directed by the Committee on Finance, to whom was referred the bill (H. R. 8209) for the relief of P. A. McClain, to report it favorably without amendment. I ask unanimous consent for its immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to P. A. McClain, collector of internal revenue at Philadelphia, Pa., $366, the amount deposited in the Treasury of the United States by P. A. McClain in payment for adhesive revenue stamps issued to him in the months of June and July, 1898, by the Commissioner of Internal Revenue, and not received, sold, or accounted for by him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DUPLICATE CERTIFICATES OF DISCHARGE.

Mr. COCKRELL. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 97) to authorize the Secretary of War to furnish duplicate certificates of discharge, to report it favorably with amendments. It is a very short bill and will occupy but a few moments. I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments reported by the Committee on Military Affairs were, in line 10, before the words "of such," to strike out "duplicate" and insert "certificate;" in the same line, after the word "such," to strike out "certificate of;" and in line 11, after the words "as a," to strike out "duplicate" and insert "a certificate in lieu of a lost or destroyed discharge;" so as to make the bill read:

Be it enacted, etc., That whenever satisfactory proof shall be furnished to the War Department that any officer or enlisted man who has been or shall hereafter be honorably discharged from the military service of the United States has lost his certificate of discharge, or the same has been destroyed without his privity or procurement, the Secretary of War shall be authorized to furnish to such officer or enlisted man, or to the widow of such officer or enlisted man, a certificate of such discharge, to be indelibly marked, so that it may be known as a certificate in lieu of a lost or destroyed discharge: *Provided*, That such certificate shall not be accepted as a voucher for the payment of any claim against the United States for pay, bounty, or other allowance, or as evidence in any other case.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to authorize the Secretary of War to furnish certificates in lieu of lost or destroyed discharges."

Mr. COCKRELL. I am instructed by the Committee on Military Affairs, to whom were referred the following bills on the same subject, to ask to be discharged from their further consideration, and that they be postponed indefinitely:

A bill (S. 3931) to amend an act of Congress entitled "An act authorizing the Secretary of War to furnish a duplicate certificate of discharge when same has been lost;" and

A bill (S. 2427) to amend section 1 of an act authorizing the Secretary of War to furnish a duplicate certificate of discharge where the same has been lost, approved March 3, 1873.

The PRESIDENT pro tempore. The bills will be postponed indefinitely, in the absence of objection.

HAWAIIAN INVESTIGATION.

Mr. MITCHELL. I ask unanimous consent that the resolution submitted by me on the 13th instant may be now taken up and considered. I will state that when this resolution was before the Senate the other day the Senator from Rhode Island [Mr. ALDRICH] made some criticism regarding it. I have framed a substitute which meets the approval of the Senator from Rhode Island, and which, I think, will meet the approval of the Senate. I send the substitute to the desk and ask that it be read.

The PRESIDENT pro tempore. The resolution submitted by the Senator from Oregon on the 13th instant will be read.

The Secretary read the resolution, as follows:

Resolved, That the Committee on Pacific Islands and Porto Rico be, and is hereby, authorized and directed to investigate, inquire into, and ascertain the general condition of the islands of Hawaii, the administration of the affairs thereof, the area, condition, quality, and value of the public lands, the leasing, selling, or disposing thereof, and to make such recommendations as may be deemed necessary; to investigate and ascertain the area, condition, quality, and value of the crown lands, the rents, issues, or other revenues or proceeds received therefrom since January 17, 1893, whether or not the former Queen of said islands now possesses any legal or equitable right, title, or interest in or to the same, or whether said Queen has any claim against the United States, legal or equitable, by reason of having parted heretofore with her title therein; the granting of franchises or other privileges; the question of immigration; the condition of labor therein, and to inquire into and report upon all other necessary matters pertaining to the executive, legislative, judicial, educational, tax, school, financial, and other systems thereof.

For the purposes aforesaid said committee, or a subcommittee thereof, appointed by the chairman, shall have power to send for persons and papers, to visit the islands, to administer oaths, to sit during the recess of Congress, and said committee shall report at the beginning of the next session of Congress the result of its investigations; the expenses of said investigation to be paid out of the contingent fund of the Senate.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MITCHELL. I now ask that the substitute for the resolution, which I have sent to the desk, may be read.

The Secretary read as follows:

Resolved, That the Committee on Pacific Islands and Porto Rico be, and is hereby, authorized and directed to investigate the general condition of the islands of Hawaii and the administration of the affairs thereof, and for the purposes aforesaid said committee, or a subcommittee thereof, appointed by the chairman, shall have power to send for persons and papers, to visit the islands, to administer oaths, to sit during the recess of Congress, and said committee shall report at the beginning of the next session of Congress the result of its investigations; the expenses of said investigation to be paid out of the contingent fund of the Senate.

The PRESIDENT pro tempore. Was the original resolution reported from the Committee to Audit and Control the Contingent Expenses of the Senate?

Mr. COCKRELL. Yes; it was reported by the Senator from Nevada [Mr. JONES].

The PRESIDENT pro tempore. The question is on the amendment in the nature of a substitute for the resolution presented by the Senator from Oregon.

The amendment was agreed to.

The resolution as amended was agreed to.

EXAMINATION OF DRUGS.

Mr. HANSBROUGH. I am directed by the Committee on Finance, to whom was referred the bill (S. 6298) to amend section 2743 of the Revised Statutes of the United States concerning the examination of drugs, to report it favorably without amendment. It is a very short bill, and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to so amend section 2743 of the Revised Statutes that the special examiner of drugs, medicines, chemicals, chemical preparations, dyes, dyestuffs, paints, oils, varnishes, and other similar articles, at Philadelphia, Pa., shall receive a salary of $1,800 per annum, and shall be paid each year quarterly.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM S. HOSACK.

Mr. PENROSE. I ask the Senator from Kentucky to yield to me to secure the passage of a bill of only a few lines.

Mr. DEBOE. I do not wish to detain the Senate by yielding to Senators.

Mr. PENROSE. I think I shall be the last Senator to ask the favor.

Mr. DEBOE. I will yield to the Senator from Pennsylvania, but I must refuse after that.

Mr. PENROSE. I thank the Senator. I desire to call up the bill (H. R. 2487) granting an increase of pension to William S. Hosack.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of William S. Hosack, late of Company G, Seventy-eighth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELECTION OF UNITED STATES SENATORS.

Mr. DEBOE. Mr. President, I ask that the amendment which I offered a few days ago to House joint resolution No. 41, proposing an amendment to the Constitution of the United States to elect Senators by popular vote, be laid before the Senate.

The PRESIDENT pro tempore. The Chair lays before the Senate the amendment indicated by the Senator from Kentucky, which will be read:

The Secretary read as follows:

Amendment intended to be proposed by Mr. DEBOE to the joint resolution (H. J. Res. 41) proposing an amendment to the Constitution providing for the election of Senators of the United States, viz: Insert the following:

"The qualifications of citizens entitled to vote for United States Senators and Representatives in Congress shall be uniform in all the States, and Congress shall have power to enforce this article by appropriate legislation, and to provide for the registration of citizens entitled to vote, the conduct of such elections, and the certification of the result."

Mr. PETTUS. I desire to know if it is proposed to take any action on the amendment which has just been read?

Mr. DEBOE. It is not my purpose to ask the Senate to take any action on the matter at present.

The PRESIDENT pro tempore. The Senator from Kentucky simply desires to address the Senate.

Mr. DEBOE. Mr. President, some days ago, when this proposition was before the Senate for discussion, my distinguished friend the Senator from Kentucky [Mr. BLACKBURN] took occasion to refer to the recent gubernatorial contest in and the election laws of the State of Kentucky. No one regrets, Mr. President, the past political affairs of my State more than I do. There is not a better people in any State in this Union than live in the Bluegrass State. They are a chivalrous, patriotic, and liberty-loving people. It is not my purpose this evening to indulge in any unpleasant things, although I realize that few States in this Union have gone through such political upheavals as we have in the State of Kentucky. I would much prefer to say something kind about each and every citizen of that State than to say anything against anyone that would reflect upon him in any sense whatever. And it is not my purpose this evening in discussing the proposition to reflect upon anyone. But when a duty is thrust upon me I can not well afford to run away from it.

I have not invited this proposition to the Senate of the United States. I was here when the political excitement was at its highest in the State, and I refused, after consulting with some of the ablest and the wisest Senators on both sides of the Chamber, after many unkind insinuations had been made, both by individuals and through the press, to say anything upon the subject. But I have passed through all of that and care but little about it.

My friend claims that the election law which was in force in 1899 in that State, known as the Goebel law, was a fair and just measure. I do not claim that for the law. I think it was a vicious and corrupt measure. In brief, the law provided that the legislature should elect three State commissioners, known as the State board of election commissioners, with the power to act as a canvassing board and to certify the result as to who was elected on the face of the returns. The board also had the power of a contest board. It was a self-perpetuating machine. It had the power to fill vacancies, when they occurred, by the remaining member or members of the board.

The State board appointed a county board of election commissioners, consisting of three persons, and they could all be of the same political party, as those of the State board could be. This county board had the power to act as a canvassing board, and also in certain cases to act as a contest board.

The county boards appointed the county election officers in each and every one of the counties in the State, and while the law provided that they should be equally divided between the two leading parties, yet if this board saw fit to appoint unworthy, treacherous, or incompetent persons there was no way to prevent it. Under the law the actions of the board, notwithstanding the statement of my distinguished friend, were made final and conclusive; that is, of the State board and of the county boards.

Mr. President, instead of being a law to prevent fraud, as its friends claim for it, it was a law to create frauds in elections, and there were more frauds practiced under the operation of that law when it was in existence in the State of Kentucky than were ever committed in that State since it came into the Union.

It simply took from the people the right of self-government. It struck down the very fundamental principles of democratic and republican forms of government. It was a menace to our free institutions. It put within the hands and the power of one party the control of the affairs of that State, regardless of the will of the majority.

Now, Mr. President, when the effort was made to enact that law there was a bitter protest against it throughout the State, not only in the Republican party, but in the Democratic party. Hundreds and thousands of the best men in that party protested bitterly against the enactment of that measure, and it was only passed by the severe use of the party lash.

If it was fair, as my friends claim it was, I want to ask this question: Would they have been willing to have intrusted that law into the hands of the Republicans of that State or into the hands of the Republicans of New York, Indiana, Ohio, Mississippi, Tennessee, or any other State of this Union, and to have given the Democrats no more chance to protect their rights than that law gave the Republicans of Kentucky to protect theirs? I think the answer would be unanimously "No."

Now, Mr. President, I have a statement here as to the nature of the frauds in the First Congressional district, which is largely Democratic, and also a comparison between the votes of the First and the Eleventh Congressional districts in the years 1895 and 1896, which I desire to submit for printing without being read.

The PRESIDENT pro tempore. The Chair hears no objection; the matter will be printed in the RECORD.

The matter referred to is as follows:

To show the utter absurdity of the charge that frauds in the Eleventh district in 1896 justified the passage of the Goebel bill we append a table showing the Democratic and Republican vote in the First and Eleventh districts in 1896 and compare that vote with the one of 1895. The same county judges who appointed the election officers in 1895 appointed them in 1896. The largest per cent of Republican gains in the Eleventh was 60 per cent in Bell, and the next largest was 40 per cent in Russell, while the Democrats were given gains of 70 per cent in Clinton, 66 per cent in Pulaski, 60 per cent in Letcher, 53 per cent in Whitley, 52 per cent in Laurel, etc. The average Republican gain was 27 per cent, and that of the Democrats 38 per cent. In the First district the Democratic gains were 166 per cent in Carlisle, 151 per cent in Hickman, 137 per cent in Marshall, 131 per cent in Ballard, 107 per cent in Graves, 102 per cent in McCracken, etc., while the Republican gains were 143 per cent in Fulton, 115 per cent in Hickman, 62 per cent in Ballard, etc. The average Democratic gains for the district was 96 per cent, and the average Republican gains was 35 per cent. In the Eleventh district Republican election officers gave the Democrats 11 per cent greater gains than were given to the Republicans; but in the First district Democratic election officers gave the Democrats 61 per cent greater gains than were given to the Republicans. No comments are necessary.

Mr. DEBOE. Mr. President, some of the ablest Democrats in that State denounced the measure in the strongest terms. Some of the Senator's own friends denounced it as unfair and unjust, and I call them to testify as to whether what I have said is true or is not. While it was pending in the Senate of Kentucky one of the leaders in the Democratic party in that body, Senator Bronston, said of the bill:

"Upon the repeated demand of the Democrats of my district twice publicly refused, I resigned the office of Commonwealth's attorney, allowed my successor to earn and draw $11,000 salary, which otherwise would have been mine; gave up my lucrative law practice and came to this Senate to serve my party and friends in an effort to elect Jo Blackburn to the United States Senate.

"The present law passed by a Democratic general assembly—

That is the old law—

"and its essential recognition of the rights and power of the people to rule and govern themselves locally, sanctified by an experience of a century, authorizes the people in each of the 119 counties of the Commonwealth to elect by popular vote a county judge, who with restrictions and under heavy penalties, and subject to revision by the courts, appoints the officers of election. Under the proposed law this is repealed, and three State commissioners to be elected by this general assembly shall appoint three commissioners from each county, with right of removal and change at any time and without cause. This county board of commissioners shall in lieu of the county judge appoint all officers of election, whom they may remove and change at any time, and without cause, subject to no revision and liable to no penalties. The present law provides that the county judge, county clerk, and sheriff, if not candidates, shall canvass the returns, with limited powers as now defined by the courts, and subject to heavy penalties, even to dismissal from office, for violating the law or failing to discharge their duty, and whose certified result is subject to revision by the courts of the county and appellate court. Under the proposed law the county boards of commissioners examine returns by election officers, certify results without any penalty named in the law or any power of revision by the courts. The present law provides for boards of contest before sworn officers of the law, guarded by prescribed forms and subject to right of appeal to the courts of the land. The proposed law gives the sole power of determining contests to these irresponsible and partisan boards, without any expressed form, restrictions, or penalties."

No majority would ever submit without bloodshed to such despotism, and by the provisions of this bill you invite resort to force and greater frauds.

Law-abiding and peace-loving citizens may have submitted to many frauds practiced by each party in elections, committed under pretense of fairness and equality by men occupying official positions; yet if you confront them with a machine, the avowed purpose of which is to carry the election for its favored candidate, how can you expect tame submission? Popular indignation would desert the party, and resist the power of such a triumvirate, by acting and voting with political opponents.

Mr. President, everything that Senator Bronston said in regard to that law is true. The prophecies that he made have come true.

But I desire to call the attention of the Senate to what another distinguished Democrat said of that measure while it was pending before the legislature. I say he is a distinguished Democrat because he has been the leader for many years of the Democrats of the South. He is now being suggested as the Democratic nominee for President of the United States in 1904. Whether my friends Grover Cleveland and Mr. Bryan will honor him with that great position I can not say. I refer to the Hon. Henry Watterson, editor of the Louisville Courier-Journal. The following editorial appeared in the Courier-Journal of February 25, 1898, and needs no comment:

"The people may well stand aghast before the revolutionary election bill which has, like some dread monster, suddenly emerged from the fastnesses of passion and error through which the legislature has been threading its tortuous way. It is safe to say that the annals of free government will be sought in vain for anything approaching it in shameless effrontery and unconcealed deformity. The records of reconstruction furnish nothing to compare with it. The Brownlow despotism in Tennessee was considered tolerably reckless and tolerably thorough in its day, but the Brownlow despotism at its worst ventured upon nothing so boldly, wholly bad as this.

"In all the force bills meditated by the radicals in Congress during the dark days of reconstruction there were discernible some pretense and pretext, some lingering memory of Republican instincts and traditions. Even in the plebiscites of Louis Napoleon there was the outer display of a just electoral process and purpose. This force bill gives the voters of Kentucky not a ray of hope. It makes no claim or show of fairness. It places exclusively in the hands of three irresponsible persons to be named by the authors of the measure itself the entire electoral machinery of the State. That is the whole of it. In one word and at one fell swoop Kentucky is to become the subject of a triumvirate which is to decide who shall hold office and who shall not. Nominally, the people are to be permitted still to go through the form of elections. They are to be permitted still to vote. The ballot box is not actually abolished, but the triumvirate is, in each and every case, to cast up the returns and determine the result.

"Naturally, the question recurs, Why three commissioners when one would serve the purpose quite as well? Thrift being the order of the day, why not an act naming a single commissioner to cast a single vote for the entire State, as is sometimes done in local board meetings? Why waste the hard-earned money of the tax payer on a triumvirate, when a dictator would come so much cheaper?

"But the Goebel bill will never be enacted into law. The Democrats of Kentucky have not sunk so low as that. There is a limit even to the fury of factional passion. There are bounds set upon the prosperous rapacity of sectional leadership. The people can not have gone completely and incurably mad. There is yet some grace left in the manhood of Kentucky to rise in its might, and to say to this wicked attempt to steal its birthright of freedom in open day and before its very eyes, "I forbid!"

"The time is short, but everywhere throughout Kentucky there should be public meetings held to protest, and to send delegations to Frankfort to protest against this monstrous usurpation of power by a few unscrupulous and designing men. If this be not done, and done quickly and decisively, then are free elections and free government at an end in Kentucky, and the State given over into the keeping of a clique of self-appointed party managers, not to be recovered by the people short of a political revolution. With the machinery of this Goebel bill in his hands, Mr. Goebel becomes as completely master of the situation in Kentucky as Diaz in Mexico, or Menelek in Abyssinia."

In another editorial in the Courier-Journal of March 1, 1898, he said:

"We republish this morning from the issue of the Courier-Journal for Friday, February 11, the Goebel election bill in full. The statement that the Courier-Journal has not published it is as false as the statements relating to us usually are. The pretense that

we are afraid to publish it is answered by the act itself. It is a simple machine for turning over all the elections in Kentucky to a centralized despotism at Frankfort, consisting of three commissioners, to be elected by this legislature, and having absolute power to determine who shall hold office and who shall not during their four years' term of incumbency. This is not only usurpation of power, it is revolution in its broadest sense. It is not merely a force bill, it is a radical despotism. It disfranchises every voter in the State whom the triumvirate at Frankfort, or their satraps in the counties, see fit or find it needful to disfranchise. At one fell swoop it abolishes free elections in Kentucky. If any man doubt this, there is the bill before his eyes. If he dispute it, he proclaims himself equally a conspirator and falsifier. Nothing worse than this—more shameless, barefaced, and absolute has ever been suggested in all the annals of reconstruction, radicalism, or misrule in any age or any country. If the people of Kentucky submit to it, then they are a race of slaves, and will merit all the woes and ruin it brings them, including the heralding of their name as slaves and the proud name of the old Commonwealth as a byword to the ends of the earth."

Mr. President, every word that was said of that measure in the editorial is true, and the prophecies and the suggestions made by Mr. Watterson have also come true.

Notwithstanding my Democratic friends claim that the law was just and fair, after the election in 1899, Mr. Beckham was forced by his own party friends to call an extra session of the legislature, either to repeal or modify the law, and the legislature did modify the law to some extent. It was under this law (Goebel law) that the election of 1899 in Kentucky was held. The Republicans nominated Gen. W. S. Taylor and the Democrats Senator William Goebel for governor.

The campaign wa sone of unpleasantness, one of great strife. There was bitter feeling in the Democratic party against their nominee. It is not my purpose to go into a detailed account of the causes of this feeling against him, but it is true, known of all men in that State, that he had his bitter enemies and they were within the Democratic party. Some of them were made by an unfortunate occurrence between Mr. Goebel and a citizen of that State. The methods pursued by him and his friends to secure the nomination created the greatest excitement that was ever witnessed in the State over the nomination of any candidate. It was claimed that he received his nomination by foul means, by the aid and assistance of the mayor of Louisville and the sheriff and the police. He had large bodies of policemen in the convention to aid him. That accusation was made all over the State. It split the Democratic party in twain, and the independent element nominated ex-Governor John Young Brown, who received over 12,000 votes at the polls. Among his supporters were some of the best and ablest men of that State. They were the friends of Mr. Bryan, and they were Democrats tried and true.

The feeling between these two elements of the Democratic party, as I have said, was most intense, and the methods pursued in the conduction of the election by the friends of Mr. Goebel were of a corrupt nature. They resorted to all of the means to commit frauds that are known to elections in this country. When they saw fit to take advantage by removing election officers, they did it. In many places they refused to give the Republicans representation in the election officers, and they were absolutely at the mercy of their enemies in that contest. I have not time to go into all of those details, and I am not going into them. But in Covington, Mr. Goebel's home, his friends put Republican election officers out of the polls by armed force, as they did all over the State.

But my distinguished colleague, in discussing the Goebel bill the other day, criticised the distinguished Senator from New York [Mr. DEPEW] because he had not read the CONGRESSIONAL RECORD in the Moss-Rhea contest in the other House. I read from the CONGRESSIONAL RECORD of April 11, page 4239. My colleague, after he had discussed the question to some extent, used this language:

"Before I pass from it I would inform the Senator what he has probably neither read nor heard. If he will take up the CONGRESSIONAL RECORD he will find that within the last fortnight a contested-election case was brought in the other House of Congress. It was elaborately argued by three Republican members of the House Committee on Elections, three men who ought to be among the best equipped and ablest in that body because of their assignment to service on that committee, three men who I think are among the ablest and best equipped of the House membership to discuss such a question.

"It was argued at length, and not one of the Republicans taking part in the discussion of that election contest, as shown by the CONGRESSIONAL RECORD, though the Goebel law was the very foundation of the contention, ever charged, ever said, or ever intimated that that was not a fair election law, but upon the contrary they admitted that it was.

"I am not traveling out of the record. I am not referring to matters that have taken place in the other House. I am speaking of the CONGRESSIONAL RECORD as it is printed and laid upon the desk of every Senator for his own information and instruction. Not a man who took part on the Republican side in the debate of the Rhea-Moss contest in the House ever dared to charge or to intimate that the Goebel election law was lacking in justice or wanting in fairness. How could they when the supreme court of the State had upheld it and the Supreme Court of the United States had upheld the opinion of Kentucky's court?"

I do not doubt for one moment but what my distinguished friend believed that he was quoting correctly from the members who discussed that election. Mr. POWERS, of Maine, was one of the members of the committee who discussed the Rhea-Moss contest. This is from the CONGRESSIONAL RECORD of March 24, 1902. He said:

"The law permitted them to select the Republicans that they saw fit to choose. The law under which this election was held, and which had been repealed, but which remained in force until this election was held, did not permit the Republicans or any minority party to present the name of a man who was to represent them on that board, and if you will let the opposing party in almost any State select as the Democratic members of a board those whom I choose to call Democrats and to have them act as they did in all the precincts—men in many cases unfit, and who knew nothing about the laws of election—I think it will have no great trouble to get votes not counted or thrown out as they were in this case."

Nowhere in that speech does he intimate that the Goebel law was fair or just, but he characterizes it as I have read from him. In one sentence he referred to the Kentucky election law; but that was the law that regulated and controlled the qualification of voters, and not the methods by which elections were conducted. The Goebel law was an amendment to the old law. Not a solitary word can be found there where he admitted that that law was fair or just. But there was another Republican who discussed it. Mr. BOREING, from Kentucky, said:

"Under the operation of the Goebel election law the election machinery of the State is an adjunct to the political organization. The central board, composed of three State commissioners, are a partisan political body elected by the legislature, which itself is elected under the most unjust apportionment law that ever disgraced the statute books of any one of the forty-five great Commonwealths of the Federal Union, an apportionment that disfranchises one-half the Republican voters of Kentucky. According to the showing of the Democratic board in Kentucky Mr. Beckham carried the election for governor by 3,500 majority; but out of 100 members of the State legislature the Republicans have 26 and the Democrats 74. How do you figure this? It is by making the Republican districts twice, and in some instances three times, as large as Democratic districts.

"Now, Mr. Speaker, from this partisan State board emanates all power in Kentucky to hold elections, make returns thereof, to canvass and tabulate the votes, and try and dispose of contested-election cases, except the legislature itself is the board of trial of contested cases for governor and lieutenant-governor. The power goes out from the State commissioners through the county commissioners, to the officers in the precincts, who are clothed with the authority and charged with the duty of holding elections. These creatures of the parent board hold the elections and report back, through the county commissioners, to their masters.

"The State commissioners have the right at any time to remove the county commissioners and appoint others in their stead."

Mr. President, there is not a line nor a word in that speech of Mr. Boreing's, who discussed the Rhea-Moss contest, intimating that the Goebel law was fair and just, but he characterizes it in that language as being unfair and unjust.

There was one other member who discussed that measure and who was on the committee, Mr. GAINES of West Virginia. He said:

"It is not to be forgotten in this case that the contestant proceeded in the election in Kentucky under great and grave disadvantages. The committee in this case had hoped, in view of the fact that there were enough ballots here to settle this controversy by a mere count, to be relieved of the necessity of going into the question of the Goebel election law—that fraud at the very source of elections in the State of Kentucky—as well as to be relieved of the necessity of going into the question of fraud at the election under that law. But since so much has been made of it, let me for a moment call the attention of the House to the Goebel election law.

"That law provides, in the first place, that a partisan body shall be elected by the legislature, consisting of two Democrats and one Republican—not a Republican of Republican selection—

He was mistaken. They were all Democrats—

"but of Democratic selection. It provides that these three shall,

in every county in the State, appoint an election board, of which the Democratic party has contol—giving that party control in every county in the State. And that election board does what? It appoints election officers, and the law requires that the Republicans shall have representation among the election officers, but it does not require that they shall have representation of their own choice."

Mr. President, these are the three Republican members who discussed that measure. I will be very glad if the Senator can show me one line or one word where either one of them claimed or charged that that law was fair or just. Each and every one of them denounced the law as being unfair and unjust.

I said a while ago that the political contest over the gubernatorial race was very bitter, and it was. My distinguished friend complained very much about the militia being called out in the city of Louisville. It is true that they were called out on the day of election. He was speaking of the grounds of contest and of the question of tissue or thin ballots, and he then said:

"The vote of the city of Louisville was protested, but on another ground altogether, and that was because a Republican governor of the State of Kentucky, Mr. William O. Bradley, left his office in Frankfort, trampled the provisions of the constitution beneath his feet, shipped a lot of Gatling guns and collected soldiers in the city of Louisville, and issued a proclamation declaring that on the day of election he himself, in violation of the plainest mandate of the constitution, would take command of his military and take charge of the polls of the city of Louisville."

Governor Bradley was invited to the city of Louisville on Saturday before the election to make some speeches. He came and made those speeches. He remained over until Monday and was requested by some of his friends to speak at the Auditorium on Monday night before the election. The excitement in the city was intense. The people of that city had witnessed in the past several very serious riots.

I wish to state now that for more than twenty years it had been the custom in the city of Louisville to put some of the militia in the armory on the day of election, as the testimony of Democrats and Republicans in the record shows, and it is not denied by a single individual.

At the suggestion and the earnest request of hundreds of citizens of that city the governor placed some of the militia in the armory for the purpose of protecting the people in their rights, as the laws of the State gave him the right to do, and he did not put them there until he was thoroughly convinced that it was his duty to do so, as the evidence in the record in that contested case shows.

Now, what does the law provide? The Senator said the law provided that the governor shall direct the officer in charge of militia to report to certain civil officers—to the county judge, or the sheriff, or the coroner if the sheriff is not in the county. He was mistaken in quoting the law. The right to call out the militia in the State of Kentucky is found in section 2672 of the Kentucky statutes of 1899, which were in force when this election was held:

"SEC. 2672. GOVERNOR MAY ORDER MILITIA INTO SERVICE.—It *shall* be the duty of the governor, whenever he may deem it necessary for the safety or welfare of the Commonwealth, or when any actual or threatened invasion, insurrection, domestic violence, or other danger to the public interest make it necessary to employ force in aid of the civil power of the government for the enforcement of the law, or to preserve the peace and security of the rights and lives or property of the citizens, to order into active service so much of the State guard or military force of the Commonwealth as he may deem necessary. The State guard can only be ordered into service by the governor."

There the governor had the right to call out the militia. In section 2674 we find the officer to whom it is the duty of the commanding officer of the militia to report:

When in active service the governor may—

Not "shall"—

direct the commanding officer of the military force to report to any one of the following-named officers of the district in which the said force is employed: Mayor of a city, sheriff, jailer, or marshal.

It was in the discretion of the governor as to whether he would direct the commanding officer of the militia to report to any civil officer. He had a right to take into consideration the situation. He had filed before him many affidavits showing that it would be unwise and unsafe to have the commanding officer of the militia report to the mayor, the sheriff, or the jailer. The people of the city of Louisville witnessed and realized the part which they took in the primaries of that city prior to the election as well as the part they took in the convention which nominated the Democratic candidates.

The feeling between the two wings of the Democratic party was one of the greatest excitement.

The Senator says that the governor issued a proclamation that he would take charge of the polls on the day of election. I will read the only proclamation that I ever saw or heard of coming from the governor, and it was in a letter addressed to Mr. Willson.

On page 27, of the transcript of the record, Volume II of that contested case, we find the letter of the governor to Hon. A. E. Willson, of Louisville, on Monday evening:

"Hon. A. E. WILLSON.

"MY DEAR SIR: In view of the intense public excitement now prevailing in this city, and the fact that numerous affidavits of good citizens have been filed with me showing that there is great danger of riot and bloodshed and that citizens will be prevented by force and fraud from exercising their right in this city to-morrow, and in view of the further fact that I have been and will be called upon to act as chief police-officer of the Commonwealth, I have concluded that it would be improper for me to deliver an address this evening.

"I will thank you to assure those who may kindly honor me by their presence that I will remain in the city and see that every voter, irrespective of political opinion, is protected in his right to vote and have his vote counted, and the public peace maintained at all hazards.

"I do not intend to surround the polls with bayonets or intimidate voters. I do intend that they shall not be intimidated and will act promptly wherever necessity arises.

"Yours,

"W. O. BRADLEY."

That is the only communication that I ever saw published in regard to that matter. Right on the eve of the election, just before the governor called out the militia, the Democratic election commissioners of the city of Louisville, county of Jefferson, agreed with the Republican member not to make any changes except those that were absolutely necessary to fill vacancies where they occurred. They agreed with the Republican member, ex-United States Judge John W. Barr, a man of the highest character, a lawyer of eminence, loved and respected by all people of that State irrespective of party, who had served for twenty years upon the Federal bench, not to make any change in the election officers. After having made that agreement, the two Democratic members corruptly and arbitrarily removed 87 Republican officers and put in their places enemies of the Republicans, in many instances Democrats, men without character and without standing, and they were known to be such when they were put there. They were put upon the board for the purpose of doing the bidding of the corrupt machine that was threatening to overthrow the rights of the people. This created a new excitement in the city and there came very near being a riot. The citizens rose up in their might in that city.

Why did they do it? Because they realized that their rights were being stricken down, because they realized that the highest privileges that a citizen enjoys were being taken from them. They were not Republicans altogether, but the majority of them in the city of Louisville who protested against this were Democrats, not Gold Democrats altogether, but most of them were Bryan Democrats. They demanded that the governor should protect them in their rights and prevent a riot in the city on the day of election. Hence the governor put part of the militia in the armory on the morning of the election, and gave orders that when they went to meals or to vote that they must change their uniforms.

But the Democrats had charge of the election and had stated time and again that the Republicans and Brown Democrats should not have representation by inspectors at the polls to see the count. When they presented themselves with the proper credentials to go into the polls and witness the count, the Goeblite election officers refused them admission. Then it was that injunctions were gotten out and mandamuses issued, compelling and directing the election officers to admit these inspectors. Judge Toney, who is an able and intelligent judge, and is a Democrat, and swore that he voted for Mr. Goebel, issued that order. I will read his letter to the governor, calling upon him to enforce the order which the civil authorities contemptuously ignored. I read from volume 4, page 248 of transcript record:

"LOUISVILLE, KY., *November 7, 1899.*

"Governor W. O. BRADLEY, *City.*

"SIR: Two mandatory injunctions were to-day issued by me as one of the judges of the Jefferson circuit court, requiring election officers at the election precincts to allow the inspectors for the Brown and Republican tickets entrance to the voting precincts to witness and inspect the counts. It has been represented to me that these injunctions are being contemptuously ignored and violated. I have to-day issued the decree or judgment of law. I am not a ministerial officer and can not enforce it. I call your attention to this fact as the chief executive of the State that you may take such action to see that the laws are executed as you may deem proper under the circumstances.

"STERLING B. TONEY,

"*Judge, Jefferson Circuit Court, Law and Equity Division.*"

Under that direction the governor ordered a part of the militia under the command of the colonel, three hours after the polls had closed, about 7 o'clock in the evening, to go and see that these officers were admitted. They went to several precincts and the vote was all counted except in two, and they had admitted the inspectors when the soldiers arrived there and the vote was being counted. The militia then returned to the armory and were not on the streets at any other time during the day. The Gatling guns were not out of the armory at all.

This is a true statement why the militia was in the city of Louisville. I say that it has been the custom for twenty years to put some of the militia in the armory on the day of election, even when Republicans were elected, and also when Democrats were elected. I read from the same volume, on page 240, what Gen. John B. Castleman said in a communication to the governor in regard to the use of the militia in the city of Louisville.

"HEADQUARTERS LOUISVILLE LEGION,
"FIRST REGIMENT, K. S. G.,
"*Louisville, Ky., December 1, 1897.*

"Hon. W. O. BRADLEY, *Governor, Frankfort, Ky.*

"DEAR SIR: Complying with the authority given in your favor of the 22d of October last, I beg to hand you herewith statement for account of active service and rations for detail of the Louisville Legion serving prior to, on the day of, and subsequent to the last day of election. I send this by hand of quartermaster, Lieut. Roy McDonald, in order that he may secure immediate settlement. I beg to say to your excellency that on this as on other occasions your prudence has no doubt prevented violence in this city. Lieutenant McDonald can explain to you in particular detail, if you desire.

"I have the honor to be, dear sir,
"Very respectfully, your obedient servant,
JOHN B. CASTLEMAN,
"*Colonel, Commanding.*"

He is a Democrat, and was a Goebel Democrat. After the election was over the Democrats realized that they were defeated on the face of the returns; that Governor Taylor had received a majority, after having been robbed of thousands of votes—2,383 votes. On that the State board issued him a certificate. My distinguished friend said that that board decided, when they made their report, that if they had had judicial power they would have seated the Democrats. I will read exactly what the Senator said:

"That returning board, as you call it, consisted of three State commissioners, and two of the three said that Taylor had a majority on the face of the returns, but that the proofs submitted to the returning board was irresistible that tissue ballots were used. Probably the Senator from New York, if he is a lifelong Republican, has heard before about tissue ballots. The whole three of the returning board declared that there were more than 3,000 false tissue ballots used, and the proof was irresistible to two of the three returning board officers.

"Two of the three State commissioners, for that is their description, decided that their duties were simply ministerial. They printed and published their report to the world, in which they said that Taylor did not have a majority of the votes cast according to law; that Taylor had a majority of votes if you would include all the tissue ballots which came from certain mountain counties in the State, and that those ballots should not be counted because they were not lawful, but that, as they understood it, their duties were simply ministerial, and they had no judicial function and no right to pass upon the validity of a ballot.

"So with one dissenting the two controlling votes in that board of State commissioners issued certificates of election to Taylor and every other Republican candidate on the Republican State ticket. All three of these State commissioners were lifelong Democrats and men of the highest character and position, socially and politically, in my State. They all three agreed that Taylor was not fairly elected, but by a vote of two out of three they gave the certificates of election to every candidate on the Republican ticket, and coupled with it a statement over their signatures to the world that if they had been clothed with power to pass upon the validity of a ballot, Taylor and the whole Republican ticket had been defeated."

I hold in my hand a true copy of the report of that board. There is not a line and not a word in it about any number of tissue ballots in any county in that State. I will read what the board said in regard to that matter. After discussing their powers and authority, they say:

"May this board inquire in the matter suggested by learned counsel as to whether or not the election in the city of Louisville was free and equal on account, as it is argued, of an unlawful interfence of the military? May we institute an investigation and determine whether or not the election in any or all of the counties was or was not held by secret ballot as required by law, and whether or not it was on that account or for any reason illegally conducted, and therefore void."

That is all they say about tissue ballots or the number of ballots. It is true that one of the board refused to sign the certificate of the Republican candidates. He was a layman, a business man. I believe he was engaged in the distilling business. He was a warm friend of the Democratic candidate and was completely under his control. The other two, Judge Pryor and Judge Ellis, were eminent lawyers, men of standing, one of whom had served quite a while as chief justice of the court of appeals.

Mr. BLACKBURN. Will the Senator allow me a question just there?

The PRESIDING OFFICER (Mr. PETTUS in the chair). Does the Senator from Kentucky yield to his colleague?

Mr. DEBOE. I yield.

Mr. BLACKBURN. I want to ask the Senator if he has any objection to putting the whole statement of that board into his remarks?

Mr. DEBOE. Not a bit.

Mr. BLACKBURN. I will be obliged to the Senator if he will do so.

Mr. DEBOE. I have no objection whatever to putting in the whole paper, and will do so.

In this report the board criticised the governor for calling out the militia; they also criticised the judges for issuing injunctions; but they did not render any opinion as to what they would absolutely do if the matter was before them in such a shape that they could pass upon it properly and legally.

Mr. BLACKBURN. I am entirely content to rest the case on the report of the board.

Mr. DEBOE. I will let it all go in.

Mr. BLACKBURN. All right.

[The paper referred to will be found in the appendix to Mr. DEBOE'S speech.]

Mr. DEBOE. The evidence submitted to this board, which the counsel for the Democrats desired the board to take into consideration, to act upon, and to throw out certain counties on account of what they claimed to be irregularities, was ex parte evidence, which consisted of affidavits and newspaper clippings from some of the most inflammatory articles published during that campaign in the Democratic papers, and they were sent up as a part of the returns, contrary to every principle of the law of Kentucky in that particular. This board scorned the idea and refused to take into consideration affidavits and newspaper clippings as evidence upon which they could not justly and properly act. Here is what they said about it:

"But the question as to whether or not the powers and jurisdiction of this board, as at present organized, are purely ministerial, or both ministerial and judicial, is not of supreme importance in this proceeding when we come to consider the papers and documents offered as testimony and upon which we are requested to act. These papers are clearly incompetent testimony for any purpose, and it would be so held, we apprehend, not only in all courts, but it would be so held by us if we were now sitting as a board of contest. If this board was clothed with unlimited judicial powers it would not consider the ex parte statements and extra-official certificates here submitted. It could not do so without violating the most familiar rules of evidence. Every citizen is entitled to his day in court."

That is the decision of that board in regard to that evidence. They never claimed anywhere in that report that the Democrats had been elected. Now, my friend says that the courts, from the circuit court and the court of appeals to the Supreme Court of the United States, upheld the decision of the legislature in unseating the Republicans.

But, before I come to that, I desire to call the attention of the Senator to the proceedings had in the legislature. The law of Kentucky directs and the constitution provides that in a contest for governor and lieutenant-governor the senate and the house shall select a certain number of their members to act as a board of contest. Mr. Goebel was chairman of the committee on rules to frame the procedure of the trial of his own contest.

The legislature was nearly equally divided in sentiment between the two candidates. There were quite a number of Democrats who affiliated with the Republicans in that legislature; which made the two parties nearly equally divided. There was about ten majority, I think, in the legislature composed of 138 members. The senate selected three of its members and the house selected eight of its members. Notwithstanding they were so equally divided, by some trick, maneuver, or scheme the Goebelites, who had absolute control of the whole machinery of the legislature, selected three Democrats from the senate and seven Goebel Democrats from the house to take evidence and report to the legislature as to the election of governor, and on that board of contest there was one Republican and ten Democrats. If that was all, the suspicion of fraud might not be so great; but in the case of the lieutenant-governor the same process of selecting members for a board of contest was gone through with, and on that board were two Republicans and nine Democrats.

Mr. SPOONER. How many Republicans were there in the legislature?

Mr. DEBOE. About 53, and there were quite a number of independent Democrats, which made about 63 to 75 Democrats. That is about the way the legislature stood. The two boards consisted of 19 Democrats and 3 Republicans.

Mr. President, I say that such things as that do not happen by mere chance. It takes some slight turn of the hand to reach such grand results. This board, thus composed almost entirely of Democrats, arbitrarily refused to permit Republicans to investigate certain counties where it was known that great frauds had been committed.

The Democrats charged as a ground of contest that in about 40 Republican counties there had been used tissue or thin ballots; that the leaders of the Republican party had conspired with the Louisville and Nashville Railroad Company and other corporations to bribe and corrupt voters; that they conspired with the United States marshal to intimidate voters and keep them from voting for the contestant, and also that the circuit judge of the United States court had intimidated voters and kept them from voting for the Democratic nominee, because he gave the grand jury instructions that if any person violated certain provisions of the United States statutes they should be held amenable to the law.

There was not any evidence to prove that any of these charges were true. The evidence was conflicting as to whether thin or tissue ballots were used. But the evidence shows that Points, Fulton, and Yonts, commissioners, threw out the Republican counties of Martin, Magoffin, and Johnson on the grounds of thin ballots, with a majority of 1,687, and that the ballots in Graves, Breathitt, Powell, and Wolfe were as thin, or thinner, than in the Republican counties, and the Democratic majority was 3,111. They threw Louisville out, as they claimed, on account of militia, and more than 40,000 were thrown out.

They set up that as one ground, but I presume that that would not have kept anyone from the election or from voting for the contestant, unless it was someone who wanted to violate the law.

They also complained of the issuance of injunctions compelling the election officers to discharge the duties which they had taken an oath to discharge and which the law imposed upon them. To illustrate some of those cases, I will state one or two of them. In the county of Nelson, the home of the Democratic candidate for lieutenant-governor, Mr. Beckham, who is now the acting governor of the State, the Democrats had absolute control of the election and the preparation of the ballots.

The ballots were prepared, so far as I know, correctly; the names of the candidates were correctly spelled, and the voters voted for them correctly; but when the election officers prepared the tally sheets upon which they tabulated the votes they changed the name of the Republican candidate for governor from W. S. Taylor to W. P. Taylor; and in every precinct in that county, with the exception of one, they made an effort to throw out the Republican votes for Taylor on account of that technicality, which the court of appeals has decided time and again it is the duty of the officers of election to correct. They forced the Republicans to bring suit, to go into the courts, and force a count of 1,198 Republican votes. I say the Democrats complained of that. If that is a fraud, Mr. President, then I hold that the courts of this land are frauds.

In the city of Louisville there was an injunction issued along the same line. In that case the election officers refused to count the votes in one precinct. The Republicans appealed to the court and got a mandamus issued compelling the counting of the vote, which gave Taylor 15 majority. If the whole vote had been thrown out, it would not have changed the result of the election in the least. The Republican majority in the city of Louisville was 3,432. I say that it was cases like these of which they complained. They also complained of the people gathering in many of the counties to see the count. It is true that in some of the counties there were great gatherings, and hundreds of people assembled because they realized and believed that they were going to be robbed of one of the highest privileges that an American citizen can enjoy—the right of suffrage.

The Senator says that the courts have upheld the action of the legislature. I will refer to that later. The Republican attorneys were informed by counsels for contestant that two of them would be killed if they argued the case, and this information came from Goebel's attorneys.

I realize the great tragedy which took place there, and there is not a Kentuckian who deplores that outrage against Mr. Goebel more than I do, and every true Republican in that State denounces that outrage. But admit that Governor Taylor was wrong in adjourning the legislature; admit that he had no authority to adjourn it; still that does not relieve the Democratic party of the great wrong and great frauds which it had committed upon the people of that State—not only upon the officers who were elected, but upon the citizens who had the right to select whom they pleased to rule and control their affairs.

The courts never went into the merits of this case. They simply refused to take jurisdiction of the question. The circuit court refused; the court of appeals of the State of Kentucky refused; the Supreme Court of the United States refused to take jurisdiction of the gubernatorial contest. The question was brought from the court of appeals to the Supreme Court of the United States on a writ of error, and was heard upon that, and not upon the facts and the evidence in the case.

Mr. President, if that case had been heard, and all the facts and the evidence and the law had been presented before any just court on this globe, it would have decided that the Republican candidates were overwhelmingly elected, not by 2,000 but by more than 30,000 majority, as the record will show—as is charged in the record and sustained by the evidence, and not denied by the Democrats.

They came into court upon demurrer, and the whole proceeding was heard upon demurrer. Out of about seventeen judges who sat upon that case, there were six who did attempt to give an opinion as to the conduct of the Democrats in that election, and I shall read the opinions of some of them; and they realized that the Republicans were elected.

Justice Harlan dissented from the opinion of the majority of the Supreme Court in toto, and Justice Brown and Justice Brewer dissented in part from the opinion of the court. In commenting on that case Mr. Justice Harlan said:

"Under the evidence in the case no result favorable to Goebel could have been reached on any ground upon which the board of contest or the legislature had jurisdiction to act. The constitution of Kentucky, as we have seen, declares that 'the person having the highest number of votes shall be governor.' And the statute provides that the person returned having received the highest number of legal votes given 'shall be adjudged to be the person elected and entitled to the office.' With the constitution and the statutes of the State before him when preparing his notice to Taylor of contest, Goebel, it is true, did claim in very general terms that he was legally and rightfully elected; but he took care not to say—there is reason to believe that he purposely avoided saying—that he had received the highest number of legal votes cast for governor. The evidence renders it clear that the declaration that he had received the highest number of legal votes cast was in total disregard of the facts—a declaration as extravagant as one adjudging that white was black or that black was white."

Mr. SPOONER. Who says that?

Mr. DEBOE. Mr. Justice Harlan, in his dissenting opinion.

"But such a declaration made by the body to which the board of contest reported should not surprise anyone when it is remembered that it came from those who did not have before them any of the proofs taken in the case and were willing to act without proof. Those who composed that body seemed to have shut their eyes against the proof for fear that it would compel them to respect the popular will as expressed at the polls. Indignant, as naturally they were and should have been, at the assassination of their leader, they proceeded, in defiance of all the forms of law and in contempt of the principles upon which free governments rest, to avenge that terrible crime by committing another crime, namely, the destruction, by arbitrary methods, of the right of the people to choose their chief magistrate. The former crime, if the offender be discovered, can be punished as directed by law. The latter should not be rewarded by a declaration of the inability of the judiciary to protect public and private rights, and thereby the rights of voters, against the willful, arbitrary action of a legislative tribunal which, we must assume from the record, deliberately acted upon a contested election case involving the rights of the people and of their chosen representative in the office of governor without looking into the evidence upon which alone any lawful determination of the case could be made. The assassination of an individual demands the severest punishment which it is competent for human laws in a free land to prescribe; but the overturning of the public will, as expressed at the ballot box, without evidence or against evidence, in order to accomplish partisan ends, is a crime against free government, and deserves the execration of all lovers of liberty."

He now refers to what Judge Burnam says, who was a Republican on the court of appeals, and who decided that the court had no jurisdiction over the case, and decided in favor of the Democrats. In rendering his decision Mr. Justice Harlan says:

"Judge Burnam, speaking for himself and Judge Guffy in the court of appeals of Kentucky, although compelled, in his view of the law, to hold the action of the legislature to be conclusive, said: 'It is hard to imagine a more flagrant and partisan disregard of the modes of procedure which should govern a judicial tribunal in the determination of a great and important issue than is made manifest by the facts alleged and relied on by the contestees, and admitted by the demurrer filed in the action to be

true, and I am firmly convinced, both from these admitted facts and from knowledge of the current history of these transactions, that the general assembly, in the heat of anger, engendered by the intense partisan excitement which was at the time prevailing, have done two faithful, conscientious, and able public servants an irreparable injury in depriving them of the offices to which they were elected by the people of this Commonwealth, and a still greater wrong has been done a large majority of the electors of this Commonwealth, who voted under difficult circumstances to elect these gentlemen to act as their servants in the discharge of the duties of these great offices.'"

Mr. BLACKBURN. Will it interrupt the Senator if I should ask just there if that is the opinion of Judge Guffy, of the State supreme court?

Mr. DEBOE. No, of Judge Burnam; but Judge Guffy concurred in the opinion.

Mr. BLACKBURN. And there expresses the conviction that the action of the legislature was conclusive?

Mr. DEBOE. Yes, sir.

Mr. BLACKBURN. And Judge Guffy is a Republican?

Mr. DEBOE. Yes; and so is Judge Burnam. They both decided that the action of the legislature was final and conclusive.

Mr. BLACKBURN. And they are both still Republican members of that court?

Mr. DEBOE. That is correct. Many Republicans in that contest doubted whether the court had jurisdiction over the matter; eminent lawyers disagreed on that point, as we see that they disagree on the supreme bench of the United States. Judge DuRell, who was also a Republican member of that court, held that the court under the circumstances had jurisdiction over the question, and he rendered a separate and distinct opinion from the one rendered by Judge Burnam and Judge Guffy. As I have said, six judges who have sat upon that case who attempted to express an opinion upon the facts and the evidence in the case, stated that the Republican candidates were elected and not the Democratic candidates.

As to the Goebel law, the supreme court never passed upon that law at all; but the latest decision of the appellate court of Kentucky is that the Goebel law is invalid and is unconstitutional. That is the latest decision; and the latest decision of the court of appeals of Kentucky is that the Republicans were elected; and by reason of that decision Judge Pratt is now the attorney-general of the State and is holding that office. Pryor and Ellis resigned after certificate was issued to Taylor, and left the unpleasant and corrupt work to be performed by Points, Goebel's tool, who appointed John A. Fulton and Yonts to aid in the work.

Mr. BLACKBURN. Will it interrupt the Senator if I ask one more question?

Mr. DEBOE. Not at all.

Mr. BLACKBURN. What is the political complexion of the court of appeals of Kentucky?

Mr. DEBOE. It is Republican by one majority. The same judges, with the exception of one, who were sitting on that bench when they rendered that decision, agreed with the Democratic judges that they had no jurisdiction of the matter. If they acted corruptly in the last decision, they had just as good an opportunity to act corruptly in the first. The opportunity was ten times as great to have acted corruptly in the first case as in the last.

Mr. FAIRBANKS. I wish, with the Senator's permission, to ask him a question.

Mr. DEBOE. I yield to the Senator with pleasure.

Mr. FAIRBANKS. I wish to ask if the Republican judges of the court of appeals in the first case concurred with the Democrats in holding that it had no jurisdiction in the case?

Mr. DEBOE. That is true.

Mr. FAIRBANKS. The court did not in that case undertake to pass upon the merits of the controversy?

Mr. DEBOE. It did not. None of the courts have ever attempted to pass upon the merits of the case; that is, the governor case.

Mr. FAIRBANKS. Has any court, either State or Federal, judicially determined that the Republican contention was not well founded?

Mr. DEBOE. I did not catch the question.

Mr. FAIRBANKS. Has any court, either State or Federal, undertaken to pass upon the merits of the controversy?

Mr. DEBOE. It has not.

Mr. McCOMAS. If it does not interrupt the Senator——

Mr. DEBOE. It will not interrupt me.

Mr. McCOMAS. I should like to ask him a question. If I understand your statement, Pratt, as attorney-general, was declared elected, on the same ticket with the Republican candidate for governor.

Mr. DEBOE. Yes, sir; he ran on the ticket with Taylor and the rest of the Republicans.

Mr. McCOMAS. Was his majority far in excess of their majority, or about the same?

Mr. DEBOE. He did not have so great a majority as Taylor.

Mr. McCOMAS. Do I understand you to mean that this finding of the election of Pratt involved in the mind of those who so found that the governor was elected?

Mr. DEBOE. I was speaking of the other cases and not of the Pratt case when I gave the answer to the Senator from Indiana.

Mr. FAIRBANKS. The Senator understood me as inquiring with respect to the title of Taylor to his seat as governor.

Mr. DEBOE. The court of appeals of the State of Kentucky has decided within the last few months that the Goebel law is unconstitutional. Judge Pratt tried his case before the circuit court. He had never brought his case before the court of appeals. He tried it before the circuit court, and it was decided against him; but he did not appeal it. The others appealed and asked that it be dismissed, and the court of appeals refused to dismiss it on the motion of the contestees; but, as I say, Judge Pratt brought his case since then from the circuit court to the court of appeals, and that court decided that the Republicans were elected and that the Goebel law was unconstitutional. That is the latest decision of the courts of Kentucky.

Our Democratic friends claim that there was a conspiracy on the part of the Republicans with the L. and N. Railroad to corrupt the voters. The fact is there was no conspiracy, but that the L. and N. Railroad officials were opposed to the election of Mr. Goebel. I am not here to defend corporations in any wrongdoing any more than I am an individual, but my distinguished colleague knows why that road opposed Mr. Goebel. He had fought that road and wrongfully. I served in the State senate with him and know this is true; and he had incurred the displeasure of that road. I say that road did not act corruptly with the Republicans, and there is not one scintilla of evidence to show that there was any conspiracy.

There is not a particle of evidence to show that a single solitary voter in the city of Louisville was intimidated by reason of the militia being in that city; but Democrats testified that they believed that there was a much larger vote polled by reason of the militia being in the city of Louisville than there would otherwise have been. They were Bryan Democrats, by scores, and men of the highest character.

It had been the policy of our Democratic friends to depend largely upon the L. and N. in certain political campaigns to assist them, and if they did not assist, then they were threatened with the legislature. Mr. Watterson realized that the Democrats expected to take that election, right or wrong, whether they got the majority or not, and after the nominations had been made he sat down and wrote to his friend in New York, Augustus Belmont, a letter. I shall not read it all. He was urging him not to let the officials who had control of the road in Kentucky oppose the election of Mr. Goebel. He addressed him as his friend. He says:

"The Democratic State ticket just nominated will certainly be elected. Under the operation of the Goebel law the result is not left to chance."

He goes on and comments upon the road and upon the situation generally, and finally winds up as follows:

"But Mr. Smith"—

That is the president of the road—

"But Mr. Smith is no more proof against mistakes than other people, and being a man of unyielding temper he is likely to be carried to extremes. In this business he has certainly allowed his temper to carry him far beyond the lines of worldly wisdom and a prudent forecast, and if a halt be not called upon the proceedings its evil consequences are as sure as the coming of the next session of the Kentucky legislature.

"Sincerely, your friend,

"HENRY WATTERSON."

I say it was such threats as that that they were continually making if the road did not comply with the request of the Democratic organization in Kentucky.

Mr. President, this is all I have to say for the present, unless the occasion demands more from me. There is just one other question I wish to consider. My colleague said there were 20,000 registered voters who did not vote in that election.

Mr. BLACKBURN. Ten thousand.

Mr. DEBOE. The statement in the RECORD is 20,000.

Mr. BLACKBURN. I will say that at the time I corrected the RECORD.

Mr. DEBOE. You corrected it?

Mr. BLACKBURN. I corrected it at the time. It was a clerical mistake.

Mr. DEBOE. I noticed the speech you made, but I did not notice the correction.

Mr. BLACKBURN. I corrected it the next day.

Mr. DEBOE. There were about 8,000. That was too many. But the reason why they did not vote was on account of the

methods pursued in the conduct of the election under the control of the Democrats, and a majority of those who did not vote were Republicans, as the evidence shows in the record as produced by the Republicans when that question was being investigated. Democrats testified to that fact and Republicans testified to it; and they were Brown Democrats.

I do not care what anybody may say, whenever we take the facts in this case and the law and the evidence, we are bound and compelled to reach the conclusion that the Republican candidates were overwhelmingly elected in the election of 1899 in the State of Kentucky.

APPENDIX.

Report of election commissioners Pryor and Ellis, awarding certificates for governor and all the other State officers on the Republican ticket November 6, 1899.

THE MAJORITY REPORT.

(A true copy.)

Occupying a place we did not seek, we would gladly escape the discharge of the delicate and responsible duties which at the present moment confront us, but having voluntarily assumed the responsibilities of so important a trust, our duty is plain. We are not at liberty to depart from elementary principles or to allow partisan zeal to force us to any conclusion which is not approved by our judgment and sanctioned by the law.

In reaching a conclusion in this case we are compelled to construe for the first time the statute under which we act. It has not received judicial construction or interpretation at the hands of any court. Our powers and duties under this law have not been defined by any circuit court or by the court of appeals. This, of itself, adds to our embarrassment, and, if possible, to the magnitude of the disagreeable task before us. To ascertain correctly the scope of our power and authority in the premises we must of necessity appeal to primary principles of law and to such decisions of courts of last resort as may shed any light on the subject in hand. But, finally, the board is left to thread its way along in construing the statute under which it proceeds and in determining the scope of the powers therein conferred.

THE MAIN QUESTION.

The capital question on the threshold is, What are the powers and jurisdiction of the State board of election commissioners, sitting as a canvassing board, which is the capacity in which it now acts? Are our powers purely ministerial, or are they both ministerial and judicial? May this board, under the law, acting as a mere board of canvassers, go to the bottom of any and all irregularities, misconduct, and frauds, if any, which may have been committed in the recent election, and on the whole case determine whether or not what now appears on the face of the returns is true or false? May this board inquire in this matter suggested by learned counsel as to whether or not the election in the city of Louisville was free and equal on account, as it is argued, of an unlawful interference of the military? May we institute an investigation and determine whether or not the election in any or all of the counties was or was not held by secret ballot as required by law, and whether or not it was on that account or for any reason illegally conducted and therefore void? Does the power reside in this State board to consider whether or not United States marshals were present at various polling places throughout the State with a view of intimidating the voters? These are, as we understand it, the questions underlying the whole subject.

There is, however, one other material question involved in this proceeding. It is this: If we find under the law that this board, sitting as a canvassing board, is clothed with judicial powers, as one of the counsel in argument stated it, "extra ministerial powers," the question at once is, Are the papers and documents tendered for our consideration competent evidence for any purpose, or are they merely ex parte statements, which, under the rules of evidence, are inadmissible to establish any facts?

Stated in another form, do these papers which counsel urge upon our consideration make a prima facie case, conclude any question, or authorize this board to overthrow what appears on the face of the election returns? Are the papers purporting to be amended certificates from Knox, Johnson, Magoffin, and Pike counties, and the voluminous record from the city of Louisville and other papers of like character, such official documents as impart absolute verity, and, therefore, competent evidence, or are they extra official, ex parte, and incompetent as evidence in any court, or before any tribunal where the rules of evidence obtain? Counsel for the Democratic candidates, holding to the views that this board is a judicial body, insist we should consider these papers, and we have the subject pressed upon us with great zeal and ability.

THE LAW IS PLAIN.

It is due to them and the public to state our views briefly on the subject In considering the question submitted we must be guided by the rules of law We can not depart from the beaten path, for it is the safe path. We consider first, the question as to whether or not the powers conferred on us as a canvassing board authorize us to exercise judicial power. An appeal to the provisions of the statute ought to furnish a ready answer to this question. Whatever, powers and jurisdiction it has not conferred we may not lawfully assume to exercise. We did not make the law, fix our authority, or mark the limit of our jurisdiction. If the law omits to clothe this board sitting as a canvassing board with jurisdiction and power to look into and revise election returns as certified by the proper authorities from the various counties of the State, we can not write into the law such authority. We have no right to add to or subtract from the plain terms of the statute. Looking to the provisions of this law, we find section 1 creates the State board of election commissioners, prescribes the qualification of its members, the mode of their election, the term of their office, and fixes their compensation.

Section 10 provides:

"Said State board of election commissioners, and in the absence of either, the other two shall be the board for the examining and canvassing the returns of election for any of the offices named in the last section of this act. It shall be the duty of said board when the returns are all in, or on the fourth Monday after the election, whether they are all in or not, to make out in the office of the secretary of state, from the returns made, duplicate certificates, in writing, over their signature, of the election of THOSE HAVING RECEIVED THE HIGHEST NUMBER OF VOTES, one certificate to be retained in the office and the other sent to the person elected. If all the returns are not made the right to CONTEST AN ELECTION SHALL NOT BE IMPAIRED, etc."

The section supra clearly defines the duty and fixes the power of this board sitting as a board of canvassers. But the section quoted is not the limit and does not define all the power and authority conferred on the State board of election commissioners. Section 12 of the act provides: Said board of election commissioners, or any two of them, shall be a board for determining the contested election of any officer other than governor or lieutenant-governor, elected by the vote of the whole State, or a judge or clerk of the court of appeals, circuit judge, or commonwealth's attorney. Each member of the board before entering upon his duties as such shall be sworn by some judge or judges to try the contested election and give true judgment thereon according to the evidence, etc. Further provisions of the section are that this board when sitting as a board of contest has power to send for persons, papers, and records, issue attachments, to swear witnesses by its chairman and secretary and issue commissions for taking proof.

CONTEST BOARD'S POWERS DIFFERENT.

It is evident from this section of the law that the State board of election commissioners, when sitting as a board of contest, is clothed with powers and jurisdiction which it does not possess and can not assume to exercise when sitting as at present, in a mere ministerial capacity. As a board of contest it possesses the powers and functions of a court. It can swear witnesses and hear proof, examine records, and do anything and everything necessarily proper in order to arrive at a true and correct judgment. It may set aside the original returns, overthrow a prima facie case, and when authorized by the law and the evidence cast out precincts or whole counties and award the certificates to a candidate other than the one having a majority upon the face of the returns. But these are powers which the board can only exercise when sitting as a board of contest. We must assume that the legislature, by enactment of section 12, which provides for a board of contest, intended, not only to limit the powers of this body when sitting as a board of commissioners, but to confer all the judicial power and authority which the board could lawfully exercise alone upon the board of contest. To hold otherwise would be to destroy the entire force of the section creating a board of contest and conferring on it responsible duties and large jurisdiction. This law has carefully guarded the right of all candidates. While they might not contest their rights to an office before the canvassing board they unquestionably have such right before the board of contest.

THE CANDIDATES' REMEDY.

The remedy is plain and speedy; every candidate who is defeated on the face of the returns may, before the tribunal provided by law, test the question of his right to the office with his adversary, and nothing the canvassing board may do or can do will in any degree or in any manner whatever affect his right. Such is our construction of the present law, and we are fortified in the correctness of this construction not only by the interpretation which the court of appeals of this State has placed upon kindred statutes, but by all the laws of the land, so far as we have been able to examine it.

Counsel for the candidate seeking to overthrow the prima facie evidence as it appears on the face of the returns before us have endeavored to show that the present statute confers additional powers upon this body, sitting as a board of canvassers, to the powers conferred on canvassing boards under previous statutes. A careful examination and comparison of the present with previous statutes, in so far as they relate to the jurisdiction of canvassing boards, will leave no room to doubt that the distinction sought to be made does not in fact exist. This board, under the present law, as a canvassing board, possesses no other or greater powers than those conferred on the governor, attorney-general, and secretary of state under the provisions of the previous statutes.

AUTHORITY FOR THE DECISION.

To emphasize the correctness of this conclusion we have compiled as best we could previous statutes on this subject, and we incorporate them into this opinion that the vexed question as to the power of this board, sitting as a canvassing board, may be put at rest at once and for all. The sections of the revised statutes creating canvassing boards and prescribing their power appearing in Stanton's revised statutes, article v, page 436, are as follows:

"COMPARING POLLS.—SECTION 1. The presiding judge of the county court, the clerk therefor, and the sheriff, or other officer acting for him at the election, shall constitute a board for examining the poll books of each county and giving certificates of election. Any two of them may constitute a board, but if either is a candidate he shall have no voice in the decision of his own case. If from any cause two of the before-named persons can not, in whole or in part, act in comparing the polls, their places shall be supplied by the two justices of the peace who may reside nearest to the court-house.

"SEC. 2. Within two days next after an election the sheriff shall deposit with the clerk of the county court the poll-books of the different precincts. On the next day the board shall meet in the clerk's office, between 10 and 12 o'clock in the morning, compare the polls, ascertain the correctness of the summing up of the votes, and give triplicate or more written certificates of election, over their signatures, of those who have received the highest number of votes for any office exclusively within the gift of the voters of the county—one copy of the certificates to be retained in the clerk's office, another delivered to each of the persons elected, and the other forwarded by the county clerk to the secretary of state for Frankfort. For offices not within such gift, they shall give duplicate or more written certificates, over their signatures, of the number of votes given in the county, to each person voted for, particularizing therein the precincts at which the votes were given—one copy to be retained in the clerk's office and the other delivered to the sheriff.

"SEC. 4. The certificate of election of a county officer shall be in substance in the following form:

"'Commonwealth of Kentucky, sct. We, A, B, and C, duly authorized to compare the poll books of the county of —— —— do certify, at an election held in said county on the —— day of ——, E F was duly elected to fill the office of —— ——.'

"SEC. 5. After an election for governor, lieutenant-governor, or other officer elective by the vote of the whole State, or for a judge of the court of appeals, clerk of that court, circuit judge, commonwealth's attorney, Representative in Congress, or electors of President and Vice-President, it shall be the duty of the board of examiners of poll books for each county immediately after the examination of the poll books to make out three or more certificates in writing, over their signatures, of the number of votes given in the county for each of the candidates for any of said offices. One of the certificates shall be retained in the clerk's office, another the clerk shall send by the next mail, under cover, to the secretary of state at Frankfort, and the other he shall transmit to the secretary by any private conveyance the clerk may select, free of cost.

"SEC. 6. The governor, attorney-general, and secretary of state, and, in the absence of either, the auditor, or any two of them, shall be a board for examining the returns of election for any of the officers named in the last section."

STATUTES OF 1873.

The general statutes which were adopted in 1873 contain the following provisions with respect to the duties and powers of canvassing boards. Those sections in so far as they are relevant and pertinent, are as follows:

"COMPARING POLLS.—SECTION 1. The judge of the county court, the clerk thereof, and the sheriff, or other person acting for him at an election, shall constitute a board for examining the poll books of each county and giving certificates of election. Any two of them may constitute a board; but if either is a candidate, he shall have no voice in the decision of his own case. If from any cause two of the before-named persons can not act, in whole or

in part, in comparing the polls, their places shall be supplied by the two justices of he peace who may reside nearest the court-house.

"SEC. 2. Within two days after an election, the sheriff shall deposit with the clerk of the county court the poll books of the different precincts. On the next day the board shall meet in the clerk's office between 10 and 12 o'clock in the morning, compare the polls, ascertain the correctness of the summing up of the votes, and give triplicate or more written certificates of election, over their signatures, of those who have received the highest number of votes for any office exclusively within the gift of the voters of the county—one of the certificates to be retained in the clerk's office, another delivered to each of the persons elected, and the other forwarded by the county clerk to the secretary of state at the seat of government. For offices not within such gift they shall give duplicate or more written certificates over their signatures of the number of votes given in the county to each person voted for, particularizing therein the precinct at which the votes were given—one copy to be retained in the clerk's office, and the other delivered to the sheriff. The poll books shall, thereafter, remain in the clerk's office as part of its records. So, also, shall the certificates of any precinct judges which may have been used in the absence of the poll book of that precinct.

"SEC. 4. The certificate of election of a county officer shall be, in substance, in the following form:

"'Commonwealth of Kentucky, sct: We, A, B, and C, duly authorized to compare the poll books for the county of ——, do certify that, at an election held in said county on the —— day of ——, E F was duly elected to fill the office of ——.'

"SEC. 5. After an election for governor, lieutenant-governor, or other officers elective by the votes of the whole State, or for a judge of the court of appeals, clerk of that court, circuit judge, Commonwealth's attorney, Representative in Congress, or electors of President and Vice-President, it shall be the duty of the board of examiners of poll books for each county, immediately after the examination of the poll books, to make out three or more certificates in writing, over their signatures, of the number of votes given in the county for each of the candidates for any of said offices. One of the certificates shall be retained in the clerk's office, another the clerk shall send by the next mail, under cover to the secretary of state at the seat of government, and the other he shall transmit to the secretary by any private conveyance the clerk may select, free of cost.

"SEC. 6. The governor, attorney-general, and secretary of state, in the absence of either, the auditor, or any two of them, shall be a board for examining the returns of election for any of the offices named in the last section."

Upon the adoption of the present Constitution, in 1891, it became necessary to recast the statutes of the State, and in so far as the provisions of the present statute are applicable and in so far as they are pertinent to this investigation they are as follows:

"CANVASSING RETURNS.—Section 1507. Board for examining returns for county. (Identical with section 1, Article V, Gen. Stats., except that "canvassing the returns" is used instead of "in comparing the polls.")

"SEC. 10. The certificate of election of a county officer shall be in substance in the following form:

"'Commonwealth of Kentucky. Section ——. We, A, B, and C, duly authorized to canvass the returns for the county of ——, do certify that at an election held in said county on the —— day of ——, E F was duly elected to fill the office of ——.'

"SEC. 12. The governor, the auditor, or any two of them, shall be a board for examining the returns of election for any of the officers named in the last section.

"It shall be the duty of said board, when the returns are all in, or on the fourth Monday after the election, whether they are in or not, to make out in the secretary's office from the returns made duplicate certificates, in writing, over their signatures, of the election of those having the highest number of votes, one certificate to be retained in the office and the other sent by mail to the person elected. If all returns are not made, the right to contest an election shall not be impaired.

"STATE BOARD OF ELECTION COMMISSIONERS, section 1, 596 A.—Sec. 5.—County board to canvass returns and give certificates of election, poll-books.—Said county board of election commissioners shall constitute a board for examining and canvassing the election returns of each county and awarding and issuing certificates of election. Any two of the members of said board may constitute the board; if either be a candidate, he shall have no voice in the decision of his own case. If from any cause two of the members of the board can not act, in whole or in part, in examining and canvassing the returns, their places shall be supplied as in case of vacancies in such board. Within two days next after an election the sheriff shall deposit with the clerk of the county court the returns from the different precincts. On the next day the said county board of election commissioners shall meet in the clerk's office, between 10 and 12 o'clock in the morning, open and canvass the returns of such election, and certify over their signatures those who have received the highest number of votes for any office exclusively within the gift of the voters of the county, one copy of the certificate to be retained in the clerk's office, another delivered to each of the persons elected, and the other forwarded by the county clerk to the secretary of state at the seat of government."

Section 7, giving form of oath, is identical with section 10 on page preceding this.

"SEC. 9. After an election for governor, lieutenant-governor, or other office elective by the vote of the whole State or more than one county, or for a judge of the court of appeals, clerk of that court, circuit judge, Commonwealth's attorney, Representatives in the Congress, or electors of President or Vice-President, or for or upon questions or constitutional amendments submitted to a vote of the people, it shall be the duty of the board of canvassers of returns for each county, immediately after the examination of such returns, to make out two or more certificates in writing over their signatures of the number of votes given in the county for each of the candidates for any of said offices and the number of votes for or against such questions of constitutional amendments. One of the certificates shall be retained in the clerk's office, another the clerk shall send by mail next, under cover to the secretary of state at the seat of government.

"SEC. 10. Said State board of election commissioners, and in the absence of either, the other two, shall be a board for examining and canvassing the returns of election for any of the offices named in the last section of this act.

"First. It shall be the duty of said board, when the returns are all in, or on the fourth Monday after the election, whether they are in or not, to make out in the office of the secretary of state from the returns made, duplicate certificates in writing over their signatures of the election of those having the highest number of votes, one certificate to be retained in the office and the other sent by mail to the person elected. If all the returns are not made, the right to contest an election shall not be impaired.

"Twelfth. Said state board of election commissioners, or any two of them, shall be a board for determining the contested elections of any officer other than governor or lieutenant-governor elected by the votes of the whole State, or of a judge, or clerk of the court of appeals, circuit judge, or Commonwealth's attorney.

"First. Each member of the board, before entering on his duties as such, shall be sworn by some judge or justice to try the contested election, and give true judgment thereon according to the evidence in the case.

"Second. A majority of the board shall be necessary to a decision, which shall be in writing and signed in duplicate by the members concurring therein, one copy to be retained in the office of the secretary of state and the other delivered to the successful party or sent to him by mail.

"Third. The board shall have power to send for persons, papers, and records to issue attachments therefor, signed by its chairman, swear witnesses by its chairman or secretary, and issue commissions for taking proof."

PURELY INCOMPETENT TESTIMONY.

But the question as to whether or not the powers and jurisdiction of this board, as at present organized, are purely ministerial or both ministerial and judicial, is not of supreme importance in this proceeding when we come to consider the papers and documents offered as testimony and upon which we are requested to act. These papers are clearly incompetent testimony for any purpose, and it would be so held, we apprehend, not only in all courts, but it would be so held by us if we were now sitting as a board of contest. If this board was clothed with unlimited judicial powers it would not consider the ex parte statements and extra-official certificates here submitted. It could not do so without violating the most familiar rules of evidence. Every citizen is entitled to his day in court. He can not be deprived of life, liberty, or property except by due process of law. It is not due process of law if he is not given an opportunity to meet his adversary and to cross-examine the witnesses offered against him and to produce testimony in his own behalf. It would be monstrous to say that a person appearing on the face of the returns to have been elected to an office of high or low degree could be deprived of that office on mere ex parte affidavits, which he had never an opportunity to inspect, and before he had been given any opportunity to offer evidence in his own behalf.

Such is not, never was, and never will be the law in any civilized state in the world. What we have said with respect to the ex parte affidavits submitted to us as evidence applies with equal force to the alleged amended returns from certain counties, which in every instance only purport to have been signed by a majority of the county boards and which do not certify any fact authorized by the law to be certified to this board.

It is and always has been the law in this State that an officer who is charged with the duty of making a certificate or formulating an official return can not inject into that certificate or return any fact which it is not by law made his duty to certify or recite. In every case where the like of this has happened all courts have uniformly disregarded such irrelevant and extra-official statements. An officer can not make evidence by certifying that which the law does not charge him with the duty of certifying. If such a practice was tolerated the whole system of administering justice would be destroyed and every man would at once become a law unto himself. Certainly no lawyer or intelligent citizen, whether lawyer or not, can have any serious doubt as to the accuracy of the view we now express. The question was decided by the court of appeals of Kentucky in the following cases: Walker *vs.* McKnight (15 Ben Monroe, 477), —— *vs.* Miller (4 Bibb, 311), Bowlen *vs.* Powell (7 Monroe, Monroe, 43), and Mullin *vs.* —— (12 Bush).

MILITARY INTERFERENCE.

What we have already said certainly indicates the conclusion at which we have arrived as to the law governing our actions, possibly we should add nothing more, and if we were a mere court passing upon a question before us the whole subject would close with what has already been said. But we are not a court; we have expressly decided that in this opinion. Having arrived at that conclusion, certainly those who agree with us in what we are about to say, and those who disagree with us, will not, in view of the fact that the questions we now discuss were earnestly pressed upon us for our decision, even suggest that we have stepped outside of the record to decide a question not before us.

It is contended by counsel for the Democratic candidates that the military force of the State was wrongfully and illegally called out on the day of the recent election with a view of intimidating the citizens and voters of the city of Louisville. Counsel cite not only decisions of American, but of English courts and text writers of unquestionable ability to sustain their contention that because of military interference in the city of Louisville the election held on the 7th day of November should be declared null and void.

For the reasons already stated, our answer to counsel is that we can not, as a mere canvassing board, consider the grave and constitutional question which they seek to enforce upon our consideration; but, in justice to counsel and to ourselves, we deem it relevant and pertinent to at least indicate our view on the subject.

It is a fact, about which we express no opinion, that the militia of this Commonwealth were called out by the chief executive of the State on election day, and, if the governor of the Commonwealth was in fact present in the city of Louisville personally in command of the State troops as argued, that presents a condition which does not meet the approval of this board, and which, in our opinion, the law unqualifiedly condemns.

In times of peace the military arm of the Government has no status in any State except to exist, receive its pay, and submit to the orders and commands of the civil authorities. It will not do in this country—certainly not in Kentucky—for any body occupying official station, or seeking political preferment, to call to his aid or assistance the militia of the States. Such conduct is not merely reprehensible in the first place, but it can not be tolerated for a moment by the Anglo-Saxon blood, which is represented in the citizenship of this Commonwealth.

COOLEY ON MILITARY FORCE.

No law writer of any respectability, and no court has ever agreed that a thing like this could be done in time of peace with impunity. With a just sense of the danger of military interference, where a trust is to be exercised, the highest aim is the most delicate in the whole machinery of government, it has not been thought unwise to prohibit the militia being called on election day, even though for no other purpose than for enrolling and organizing them. The ordinary peace force of the State and its presence suggests order, individual safety and public security, but when the military appear upon the stage, even though composed of citizen militia, the circumstances must be assumed to be extraordinary and there is always an appearance of threatened and dangerous compulsion which might easily interfere seriously with that calm and unimpassioned discharge of the elector's duty which the law so justly favors.

The soldier in organized rank can know no law but such as is given him by his commanding officer, and when he appears at the polls there is necessarily a suggestion of the presence of an enemy against whom he may be compelled to exercise the most extreme and destructive forces. That enemy must generally be the party out of power, while the authorities that command the force directed against them will be the executive authority of the State for the time being, wielded by their opponent.

It is consequently, of the highest importance that the presence of the military force at the polls be not suffered except in serious emergencies, when disorders exist or are threatened for the suppression or prevention of which the ordinary peace force is insufficient. And any statute which would provide for or permit such presence as a usual occurrence or, except in the last resort, though it might not be void, would nevertheless be a serious

invasion of constitutional right, and should not be submitted to in a free government without vigorous remonstrance. (Cooley's Constitutional Limitations, 6th edition, pages 773 and 774.)

This is "American law," recognized without qualification in every State of the Union and to which the board accords its willing and unqualified approval. So firmly are the principles announced by Judge Cooley anchored in our system that the Federal Congress by statute has provided that armed troops can not lawfully be present at the place of an election, except to repel the enemies of the United States or keep the peace. The doctrine announced by Judge Cooley is recognized and practiced in England. It has been the usage from the time of Edward I to remove all bodies of troops stationed near any polling places while the election was in progress, and by the statute of George II, c. 30, it was made the duty of the secretary of war to remove any body of troops not on regular garrison at least two miles from the town where an election was to be held, and keep them away at least one day after the polls were closed. Interpreting this statute, an English court said: "There having been disturbances and rioting during the election, the officers called in a body of troops to assist in preserving order." The election was set aside, but it does not appear from the proceedings whether it was on account of the employment of the soldiers or because of the riot.

The magistrates who called in the militia were called before the House of Commons and reprimanded on their knees by the Speaker, and the House passed the following resolution:

"That it appears to this House that a body of armed soldiers, headed by officers, did, on Friday, the eighth day of March last, come in a military manner, and take possession of the churchyard of St. Paul, Covent Garden, near the place where the polls for the election of citizens to serve in this present Parliament for the city of Westminster was taken before the said election was ended; that the presence of a regular body of armed soldiers at an election for members to serve in Parliament is a high infringement of the liberties of the subject, a manifest violation of the freedom of electons, and an open defiance of the laws and constitution of this Kingdom." (Roe on "Elections," 311.)

THE LAWS OF EVERY STATE.

The doctrine announced above is the law of every State in this Republic, and in a proper case with the facts properly shown before a tribunal having jurisdiction to deal with the subject the conclusion to which such tribunal would come is not, in our opinion, clothed by the slightest shadow of doubt.

But, for reasons already discussed, this board may not sit in judgment on that question, nor does it intend by what it has said to commit itself to any hard-and-fast line of action in the future. We have taken the liberty in this connection to express on this, along with the other questions argued, an opinion in this proceeding which has taken the widest range in the argument on both sides.

THE ACTS OF JUDGE TONEY.

Once more counsel for the Democratic candidates urges upon this board that it ought to reject the vote of the city of Louisville on account of the official acts of a circuit judge who, as counsel contend, with writs of mandamus and mandatory injunctions, not only forced, as it is claimed, the officers of election to admit persons to the polling places who legally had no right to be there, but who, by mandatory process, required election officers to certify returns which it is suggested to us were not in fact true.

All of this, for the reasons stated, is apart from the jurisdiction of this board as at present constituted. It is enough, however, in this connection, to say that this is not a government by injunction, and when the question is properly presented before a tribunal having jurisdiction to deal with the subject, we predict with confidence that the judgment of such tribunal will be swift and certain, and that it will be distinctly held that such performances on the part of any judge in this State, whether of high or low degree, are usurpations which can not and will not be sanctioned by law.

If the people of Kentucky are noted for anything, it is for fair dealing. Any attempt at intimidation, coercion, or overawing is resented by every citizen of the State, and no officer can with impunity exercise the functions of his place for the purpose of controlling the lawful actions of the citizens, or to put him in fear, except as he has committed some public offense.

THE CERTIFICATE IS TAYLOR'S.

We regret we have regarded it necessary in view of questions before us to extend this opinion to such length. It results from what has already been said that the certificates on the face of the returns before us should be issued to William S. Taylor, the Republican candidate for governor, and to the other candidates on the Republican State ticket with him, and it is so ordered.

Mr. KEAN. I should like to ask unanimous consent to call up a little pension bill.

Mr. BLACKBURN. I should like to have the floor——

Mr. KEAN. I yield to the Senator from Kentucky.

Mr. BLACKBURN. Unless the traditions of the Senate are to be disregarded.

Mr. KEAN. I yield to the Senator from Kentucky.

Mr. BLACKBURN. Mr. President, if the Senator from Kentucky [Mr. DEBOE] is satisfied with his speech, so am I, and surely he has no right to claim that it was made on the spur of the moment, because it is evidently, from beginning to end, an answer to something that I said in the Senate when engaged in a colloquy with the junior Senator from New York [Mr. DEPEW], and if my memory serves me as to dates, that must have been two months or more ago.

So the Senator's utterance to-day is not an impromptu one. It has been deliberated upon and carefully prepared, I assume, and I have no objection to it. On the contrary, I congratulate him upon the good temper in which it was couched and delivered.

I am sorry that the Senator in the course of his address did not illustrate a little more his nonpartisan fairness and tell us something about what his party did through these troublous and ever to be regretted times in that period of Kentucky's history. He has told you everything bad that the Democratic party ever did out there. He has told you everything bad that anybody ever intimated that the Democratic party ever did, and he has told you a good deal that I never before heard anybody charge against the Democratic party.

But his time was limited, I reckon. He has spoken only an hour and a half, and he did not have time or take occasion to tell you about somebody suspending the writ of habeas corpus in Kentucky just at that junction, denying to the officials of the courts permission to serve the processes of the courts, not in the remote mountain counties of my State, but on the capitol square in the city of Frankfort, which was barricaded with armed men and converted into a military camp.

He did not tell you that when the sheriff undertook to execute process of the circuit court of Franklin County, the capital county of my State, and to execute it on the capitol square itself, under the dome of the State capitol, he was notified that the civil writs of courts did not run any longer; that martial law was supreme, and that he was a prisoner.

I am sorry that the Senator did not find time to tell you who it was that with bayonets and guns in their hands, under the command of the military State officials, chased the legislature of that sovereign Commonwealth out of that State capitol building, ran a foot race with it in its effort to get to the court-house where it might hold a session, barred it from entrance to the court-house with bayonets, under the command of the adjutant-general of the State—Mr. Taylor's adjutant-general—Dan Collier, and then when that legislature, a law-making body on wheels, undertook to meet in the opera house Dan Collier and the uniformed military of the State, whom Taylor had there, beat them to the opera house and with crossed bayonets in front of its doors refused to allow the legislature to gather there.

I wish he might have gone on and told you further that that same Republican adjutant-general, who had suspended the writ of habeas corpus, who had proclaimed martial law, who had chased the legislature at the point of the bayonet out of the State capitol and away from the court-house and away from the opera house, and all in God's broad sunshine of the day, then hied himself across the street to the principal hotel, where he heard, as he said, that the legislature was thinking of holding a session, and harangued the crowd and notified the proprietor, Mr. Whitesell, that if the legislature of Kentucky, the reservoir of the sovereignty of 1,800,000 free people, was allowed to hold a session in that public hotel he would batter it to the ground with the Gatling guns that Bradley sent to Louisville to intimidate the voters of that city with.

Nobody denies all these things. My colleague will not deny them. But I do not care to dwell upon the incidents of that, the darkest page in all my State's history. It may not be that cause preceded effect; it may be that it was simply and purely a political incident; but without expressing an opinion upon that subject the fact will not be gainsaid that this darkest, bloodiest, most disreputable of all the periods of that old Commonwealth's history, which covers more than a hundred years, took place under the only Republican administration with which that State has ever been cursed since it came into this Union in June, 1792.

Now, as to the vote, I am not going to repeat myself or say over what I said on the former occasion to which I have alluded. The board of State election commissioners consisted of three men. The Senator has stated this fact correctly. They were all Democrats. They were men of the highest character, two of them lawyers of high and recognized ability and standing. They were all Democrats. There was not a Republican on it. There ought to have been, but there was not.

That was the board—three Democrats. One of them was a member of the House here from Kentucky for years—Ellis, from the Second district. That board by a majority vote, on a contest between the contending parties for the State offices, issued the certificates from top to bottom to the Republican ticket. Now, the Senator complains that the Republicans had no representative on that election board.

Mr. DEBOE. Will the Senator yield to me for a moment?

Mr. BLACKBURN. Certainly.

Mr. DEBOE. Did all three of them sign the certificates?

Mr. BLACKBURN. No; I will state it.

Mr. DEBOE. Which one refused?

Mr. BLACKBURN. Mr. Points refused. Judge Pryor and Mr. Ellis did sign.

Mr. DEBOE. Will the Senator permit me to ask him another question?

Mr. BLACKBURN. Certainly.

Mr. DEBOE. After Judge Ellis and Judge Pryor signed this report, did they not resign, and did not Mr. Points, the remaining member, appoint Mr. Fulton and Mr. Yonts?

Mr. BLACKBURN. Certainly.

Mr. DEBOE. Then the whole election was absolutely in the hands of Mr. Points, who refused to sign the certificates of the Republicans.

Mr. BLACKBURN. No; the whole election was not in his hands at all. He did not have any more influence than the Senator had here, because the other two outvoted him and issued certificates to the Republican claimants for every State office on the ticket. I admit that the Republicans had no representation upon that board of election commissioners, but it does not seem

to me that they suffered much, because that board, composed of three avowed Democrats, issued to the Republican candidates the certificate of election for every State office from governor down.

Mr. DEBOE. Will the Senator permit me?

Mr. BLACKBURN. Certainly.

Mr. DEBOE. After the board was composed of Mr. Points, and Mr. Fulton, and Mr. Yonts, they heard the contests for the minor offices?

Mr. BLACKBURN. That was after the issuance of the certificates.

Mr. DEBOE. Yes.

Mr. BLACKBURN. Yes.

Mr. DEBOE. They heard the contests?

Mr. BLACKBURN. Yes.

Mr. DEBOE. This board threw out the city of Louisville and the various counties that were thrown out on account of tissue ballots?

Mr. BLACKBURN. Yes, sir.

Mr. FAIRBANKS. Will the Senator state whether the board was Democratic or Republican?

Mr. DEBOE. Democratic entirely, there being not a Republican on it.

Mr. BLACKBURN. It was Democratic. That was, as to two of the three members, a new board, because after issuing certificates to the Republican candidates, two of the three Democrats on the original State board of election commissioners resigned, and the two appointed in their places were Democrats, which left it still a Democratic board. That is the exact statement.

Now, I do no care to go any further. As to the law——

Mr. FAIRBANKS. Will the Senator please state why the two resigned, if he can inform us?

Mr. BLACKBURN. I had contented myself with the request of the Senator to have published as a part of his speech the statement published by the State election commissioners who did resign.

He read part of it and cheerfully acceded to my request to have the whole of it published in his remarks, because they tell you there that on the face of the returns the Republican candidates on the State ticket were elected, but they tell you further that they were simply discharging a ministerial duty, which was to foot up the tally sheets and issue certificates; that their duties were purely ministerial; that they had no right, as they conceived, to inquire into the validity of any ballot that might be impeached; that theirs was purely a clerical service, and in the discharge of such duty they had no difficulty in ascertaining that Taylor and the other Republican candidates had a majority of the votes returned. Upon that they issued the certificates of election to the Republican candidates.

But read in to-morrow morning's RECORD, if the Senator's speech shall appear in to-morrow morning's RECORD, the statement given out to the public by these gentlemen, who afterwards resigned, and you can not reach any conclusion on earth except that they issued those certificates to the Republican claimants not because they believed they had gotten a majority of the legal votes cast at that election (because they did not believe it), but because they had no power to go behind the returns. That is set out as plainly as two good lawyers like the ex-chief justice of my State, Judge Pryor, and Judge Ellis were able to put it.

That is the reason why they resigned. It was because their oaths, as they construed the law, required them to issue certificates on the State ticket to a lot of men who had never been elected, and they knew that the people were restless under it and would be dissatisfied with it. That was their explanation, and none other. I do not care to go into all these things.

Mr. FAIRBANKS. Will my brilliant and good friend allow me to ask him a question at this point, in order to get at the truth?

Mr. BLACKBURN. With great pleasure.

Mr. FAIRBANKS. This is a very important question. It seems to me, from listening to the Senator's very able speech a few weeks ago and his colleague's speech to-day, that there is a divergence of views between them with respect to a very important feature of the case.

I understood the junior Senator from Kentucky to say, in the course of his remarks, that the Democratic contention had been approved and justified by the court of appeals of Kentucky, and also by the Supreme Court of the United States. I interrupted the senior Senator from Kentucky this afternoon and asked him whether the merits of this controversy, lamentable as it is, had been passed upon by either State or Federal court.

I am referring now to what is generally known as the Taylor case. He said they had not been. I then turned to the RECORD and find this utterance of my distinguished friend, now on the floor——

Mr. BLACKBURN. What is the date, if the Senator pleases?

Mr. FAIRBANKS. April 11 last.

Mr. BLACKBURN. That is right. It was over two months ago.

Mr. FAIRBANKS. I will read it.

> In the meantime the legislature met, and as it had the unquestioned right—a right which no man ever has dared to dispute, even in the realm of newspaperdom—that legislature by joint ballot, supported by a majority of all the membership of it, declared, as did the whole number of three State commissioners, that Taylor and his Republican associates upon the ticket had never been elected. That legislature declared that Goebel was the legally elected governor of the Commonwealth.
>
> That contest was prosecuted through the State of Kentucky to and including its supreme court, which we denominate the court of appeals. The contention of the Democrats was sustained. Nor did it stop there. That contest was brought beneath the Dome of this Capitol and passed upon by the Supreme Court of the United States, and the action taken by the local courts of Kentucky was sustained and vindicated.

Mr. BLACKBURN. Precisely.

Mr. FAIRBANKS (reading):

> These are the facts, and no man who knows aught of them will dispute a single, solitary statement.
>
> What is it that the Senator from New York is complaining about? The Goebel law, he said. Why, the Goebel law has been sustained by the supreme court of Kentucky, and that has been sustained and vindicated in the opinion of the Supreme Court of the United States. Is it possible that the supreme courts of the Commonwealths of this Union and the Supreme Court of the United States itself must reverse their findings, change their opinions, review their own decisions, and come to learn law at the hands of a worthily distinguished and conspicuous corporation railroad attorney?
>
> I stand upon the opinion of the supreme court of my State and upon the opinion of the Supreme Court of the United States, and I think I may safely stand there with a hope of not having the underpinning knocked from beneath me by the opinions of the junior Senator from New York.

Mr. BLACKBURN. That is it.

Mr. FAIRBANKS. I had that in mind, but not accurately, when I interrogated the senior Senator from Kentucky. I understood him to say that the decision of the court of appeals of Kentucky and of the Supreme Court of the United States did not turn upon the merits of the controversy, but upon a question of jurisdiction.

Mr. BLACKBURN. No; it was not at all upon a question of jurisdiction, if the Senator please. I repeat every word that the Senator from Indiana has just read from the CONGRESSIONAL RECORD from my remarks made some two or three months ago. The courts of Kentucky held—and when I say the "courts of Kentucky" I mean from the nisi prius court up through the supreme court—that the legislature was clothed with the power to determine all contested election cases, not for State offices, but for the two offices of governor and lieutenant-governor.

The legislature is made the arbiter and the court before whom that case must be tried, and its judgment is final, The legislature did so through the report of its joint committee. It had separate committees upon the contest for governor and upon the contest for lieutenant-governor. My colleague complained of the lack of proper Republican representation numerically upon those committees, and intimated, if he did not charge, that there must have been some species of chicanery in the formation of those committees.

To that I have nothing to say, except that those committees were selected by lot in the two houses of the legislature in open session, just as men draw for seats over here in the House of Representatives.

Those two committees were raised and those joint committees did report, and the legislature, not only in joint assembly, but severally did declare by a majority vote, a quorum of each house being present, that not Taylor but Goebel had been elected governor of Kentucky, and that Beckham had been elected lieutenant-governor.

Mr. FAIRBANKS. What was the political complexion of the legislature at that time?

Mr. BLACKBURN. Oh, it was very largely Democratic. I notice the Senator from Kentucky said it was nearly evenly divided—that is, he had an indefinite way of making the calculation so that it counts neither for proof or disproof, because he claimed all the Republicans in both branches as of right by heredity. Then he claimed, I do not know whether by inheritance or purchase, all of the bolting Democrats there, known as Gold Democrats. He said there were a large number of them, which left the Democrats in a majority of about ten or a dozen. That is a difficult calculation to make.

Mr. DEBOE. Will the Senator allow me?

Mr. BLACKBURN. With pleasure.

Mr. DEBOE. Does the Senator ask me a question?

Mr. BLACKBURN. No; I thought the Senator wanted to ask one.

Mr. DEBOE. I understood the Senator to say that this board reported to the legislative committees.

Mr. BLACKBURN. No; I said the legislative committees reported.

Mr. DEBOE. They reported to the legislature?

Mr. BLACKBURN. Yes.

Mr. DEBOE. That the Democrats were elected?

Mr. BLACKBURN. Yes.

Mr. DEBOE. Did they state any reason for the decision which they reached?

Mr. BLACKBURN. I have not their report before me. If the Senator has it, I will very gladly incorporate it in my remarks.

Mr. DEBOE. I have it here.

Mr. BLACKBURN. Or the Senator may put it in his. I know those two joint committees reported in favor of the election of Goebel and Beckham, and I know the legislature ratified their finding by declaring Goebel elected governor and Beckham elected lieutenant-governor. Now, that was the question that was carried into the court, and clear through to the supreme court of the State of Kentucky it was held that the legislature was the exclusive tribunal clothed with power to determine this contest.

Mr. FAIRBANKS. It went to the Supreme Court.

Mr. SPOONER. That is what the Senator said.

Mr. BLACKBURN. Precisely; that is what it did.

Mr. SPOONER. And the court held it had no jurisdiction.

Mr. BLACKBURN. Precisely; but the action taken by the legislature was upheld as the law of the land by the supreme court of my State, and when brought before the Supreme Court of the United States by writ of error, it was affirmed there.

Mr. FAIRBANKS. But they did not pass upon the question as to whether the action of the legislature was in contravention of the rights of the Republican candidate or otherwise.

Mr. BLACKBURN. Why was not that question raised?

Mr. SPOONER. It could not be raised, could it?

Mr. BLACKBURN. Then all I have to say is this, and I venture that it will go without contradiction: There was not a step taken by the Democratic party in Kentucky during all of this contention that was not supported, upheld, and validated by the courts, both State and Federal. I might say further that——

Mr. DEBOE. Will the Senator yield to me?

Mr. BLACKBURN. In one moment. I might say further that no matter how much trouble was brought there, no matter how many laws were infracted and broken, no matter how many shots were fired and mobs were raised, no matter how much blood was spilled, there never was a word uttered, so far as the record goes, an act performed, a shot fired, or a murder committed by a member of the Democratic party.

From the beginning to the end of that lamentable affair no man has ever claimed, and no man who stands upon the record and regards the truth will dare to say, that there ever was a shot fired by anybody upon the Democratic side. No blood is chargeable to their account. No suspension of the writ of habeas corpus or the civil processes of the courts was ever charged to them. It was not by Democrats that the State house was turned into a military camp, and the supreme court of my State driven out of its chambers, and the records of that court left in the charge of a shoulder-strapped sergeant of a military company using the capitol for a military camp.

Mr. DEBOE. Will the Senator yield?

Mr. BLACKBURN. Yes; with pleasure.

Mr. DEBOE. That was the court, then, composed of all Democrats?

Mr. BLACKBURN. A majority.

Mr. DEBOE. At that time?

Mr. BLACKBURN. Yes.

Mr. DEBOE. Where do you get any evidence to show that the supreme court or the court of appeals was ever driven out or prevented from exercising the rights it had under the law?

Mr. BLACKBURN. I make a witness of my colleague. I prove it by him.

Mr. DEBOE. I say it was not so.

Mr. BLACKBURN. I say it was, and I say my colleague will not deny it.

Mr. DEBOE. The record will show.

Mr. BLACKBURN. It is true the military under the adjutant-general—General Collier—did not drive out the supreme court at the point of the bayonet and lift them out of their room, but he put that statehouse and statehouse yard under guard. I was there and saw it, and so did the Senator, because he did not leave there until the very afternoon before Goebel was murdered and shot down in cold blood. That happened on Tuesday morning, and the Senator left there on Monday night after dark.

Mr. DEBOE. The militia were not called out then.

Mr. BLACKBURN. No.

Mr. DEBOE. That is what I said.

Mr. BLACKBURN. The mob had control, though, as the Senator knows, and pitched their tents in the statehouse yard.

Mr. DEBOE. Do you mean the Democratic mob?

Mr. BLACKBURN. I mean the mob that your people brought from the mountains, 1,400 strong, Thursday morning before Goebel was murdered, on special trains furnished by the Louisville and Nashville Railroad people, without charge besides. Of the supreme court of that State, known as the court of appeals, at that time not one of its judges went into the statehouse yard because they could not get in except through a file of bayonets provided they had permission from General Collier, the Republican adjutant-general.

Mr. SPOONER. The Senator did not mean that the sergeant wore shoulder straps?

Mr. BLACKBURN. No; chevrons. I did not mean shoulder straps. He was a subordinate military officer, not ranking probably above a corporal.

Now, if all of these things of which the Senator complains were true, if Taylor was elected Governor of Kentucky, if he had a majority of the votes of that 2,000,000 people, he surely must have some friends left out there now. Why does not the Senator advise him and another one of his associates to quit hiding out as fugitives from justice and finding shelter under the ægis of the governor of the State of my friend from Indiana, under indictment as accessories before the fact to the foulest, most dastardly, cowardly, and cruel murder that ever disgraced the records of any party or any country?

Is he afraid that he can not get a fair trial? Is it possible that a man who in the last gubernatorial election had a majority of the votes in the whole State at his back for the high office of governor can not get a fair trial at the hands of 12 men in the State of Kentucky?

Suppose he did not get a fair trial. Does he not know—if he does not the Senator can inform him—the supreme court, the court of last resort in the State to-day, is Republican in its texture and its make-up; and if you have any doubt about its being a Republican court you can find some convincing arguments to that effect if you will notice that in every case where an appeal has been taken, where a man has been charged by indictment on the oaths of a grand jury with being implicated in Goebel's assassination and has been convicted, and an appeal is taken to that supreme court of Kentucky since that Republican majority has been on that bench, in every solitary instance the case has been reversed.

It looks like a majority of that court are pretty solid Republican. So if Taylor and Finley and the balance of the fugitives from justice who are becoming citizens of Indiana, our neighbor State, will go back and answer to those indictments under which they are resting to-day they have the assurance in advance that they have a partisan Republican supreme court to appeal to in the final resort, that never has been yet appealed to by a suspected assassin in vain.

Now, I do not know that I care to say anything more, Mr. President, except one thing. When the Senator started out I put this almost blank sheet, as you will see, in front of me to take notes of what I thought would be necessary to reply to. But I found none to make except one—I did make one note—and I want to use it now, not for my protection or benefit, but for the benefit of my colleague.

He stated that a majority of the citizens of Louisville who asked for troops there on the day of election were not Republicans, were not Gold Democrats, but were Bryan Democrats. I am sure that that was a hasty utterance and that my colleague did not intend to say that. I simply call his intention to it in order that he may not allow it to appear that way in the RECORD, because I would not have him appear to such disadvantage before his people.

Mr. DEBOE. Will the Senator yield?

Mr. BLACKBURN. With pleasure.

Mr. DEBOE. I did not mean to say all.

Mr. BLACKBURN. No, you said a majority.

Mr. DEBOE. I think that is about correct.

Mr. BLACKBURN. That a majority of those asking for troops were Bryan Democrats?

Mr. DEBOE. I think so.

Mr. BLACKBURN. I have done my part toward saving my colleague from the disadvantage at which he will appear before Kentucky's people. If he will not accept my friendly service it is not my fault.

Mr. DEBOE. There were a thousand men, Bryan's friends, in the city of Louisville who were very strongly against Mr. Goebel, as the Senator knows.

Mr. BLACKBURN. No, I do not know that. I know this: He said there was no evidence of the presence of troops parading in the streets of Louisville on the day of the election with Gatling guns to prevent anybody from voting. I stated six weeks or about two months ago that the only evidence we had of that was that the registration taken a few days before the election, as the law required, showed that in round numbers there were 10,000 more men who took the trouble to register at that time to vote in Louisville than did vote when the day of election came and the military paraphernalia was employed.

I have nothing more to say, Mr. President.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the Speaker of

the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President pro tempore:

A bill (S. 1225) granting an increase of pension to Clara W. McNair;

A bill (S. 3320) granting an increase of pension to Adelaide G. Hatch;

A bill (S. 3360) for the promotion of First Lieut. Joseph M. Simms, Revenue-Cutter Service;

A bill (S. 4611) to authorize the West Elizabeth and Dravosburg Bridge Company to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania;

A bill (S. 5383) providing that the circuit court of appeals of the fifth judicial circuit of the United States shall hold at least one term of said court annually in the city of Atlanta, in the State of Georgia, on the first Monday in October in each year;

A bill (S. 5506) granting an increase of pension to Clayton P. Van Houten;

A bill (S. 5856) granting an increase of pension to Elizabeth A. Turner; and

A joint resolution (H. J. Res. 6) in relation to monument to prison-ship martyrs at Fort Greene, Brooklyn, N. Y.

ORDER OF BUSINESS.

Mr. HALE. It is almost 5 o'clock.

Mr. DEBOE. Will the Senator from Maine allow me just a moment?

Mr. HALE. Let me make a statement; then I will yield to the Senator.

It is evident that neither the report of the conferees upon the naval bill or the deficiency bill, the only two remaining appropriation bills, will reach this Chamber for several hours. I do not think under the circumstances it is worth the while to wait longer. I have been asking Senators not to move to adjourn until I could discover the situation in the House. I rose for the purpose of moving an executive session, and before that session I will move that when the Senate adjourns it adjourn to meet at 11 o'clock Monday morning. That will give us a long day's session and an opportunity for dealing with these reports and with the other report if it comes in from the conferees on the Philippine government bill. If the reports come in there is a very good prospect that we may adjourn either during the day Monday or early the next day. I think the appropriation bills will not delay final adjournment, but I think we gain nothing by waiting any longer to-night.

I yield for the present to the Senator from Kentucky.

ELECTION OF UNITED STATES SENATORS.

The Senate resumed the consideration of the amendment intended to be proposed by Mr. DEBOE to the joint resolution (H. J. Res. 41) proposing an amendment to the Constitution providing for the election of Senators of the United States.

Mr. DEBOE. Mr. President, just a word or two in reply to what my friend said.

Before I notice that, there is one question which I desire to speak of, that is the question of tissue ballots. The evidence was conflicting as to whether there were tissue ballots used or not, but the record shows that there were more Democratic tissue ballots than there were Republican ballots.

The Democratic board threw out the counties of Magoffin, Martin, and Jackson on charge of thin ballots, and Jefferson on interference of militia. The evidence showed that in Graves, Wolfe, Powell, and Breathitt counties there were thinner ballots used, with a Democratic majority of 3,111, than there were in the Republican counties of Magoffin, Martin, and Johnson, with a Republican majority of 1,187.

Now, Mr. President, it is true that Governor Taylor declared martial law and adjourned the legislature after the assassination of Mr. Goebel, and I say that the assassination of Mr. Goebel was a great crime on that State. The reason he did that was on account of the lawless condition surrounding the legislature and the city of Frankfort. It was absolutely in a state of insurrection. That whole affair had been brought about by the wrongful acts of the Democratic party during the two or three years prior thereto and at that time. That was the reason why. They had threatened to kill, as I said a while ago, two Republican attorneys if they attempted to argue that case. I will read from the record what that statement was, and then I shall close.

Mr. PETTUS. Mr. President, will the Senator allow me to ask him a question?

Mr. DEBOE. Yes, sir.

Mr. PETTUS. I desire to know whether the constitution of Kentucky authorizes the governor to declare martial law?

Mr. DEBOE. I think it does. A great many of the ablest lawyers in Kentucky think it does. Democratic lawyers of great ability have so expressed themselves.

I am reading from the transcript of the record, volume 1, page 31:

"Defendants further say that the said committees finally concluded the hearing of evidence on January 29, and ordered that the argument should begin on the next day, to wit, January 30, allowing each side ten hours to argue the contest, and ordering that the argument on the first day should not in all exceed six hours. On the next day, to wit, on January 30, being the day on which the argument was to begin, and just before the time arrived for the beginning of said argument, the said contestant, William Goebel, was assassinated, that is to say, he on that day received the wound from which he afterwards died.

"The said wounding of the said Goebel instantly caused great and extraordinary excitement in the city of Frankfort, and feeling and passion in the people and members of the general assembly ran very high, so that for a time there was serious danger of mob violence, and threats were made against and communicated to the attorneys for the contestees to the effect that two of them would be killed if they attempted to argue said contests.

"The communications of these threats were not made by irresponsible persons or anonymous communications, but some of the counsel for the contestants stated to the counsel for the contestees that they felt it due to themselves, as men and as lawyers, to notify the counsel for the contestees that in their judgment two of the said counsel for contestees (naming them) would be killed if they appeared before the said committee to argue the said contests."

Now, Mr. President, the civil authorities were unable to protect the lives of men in the discharge of important duties. As I have said, a state of insurrection existed in the city of Frankfort as great as it did during the civil war. The reason why Taylor and Finley do not return to Kentucky is on account of the corrupt methods used by the courts. Justice has flown away and corrupt politics absolutely dominate the courts. That is the reason why they do not come back there. They would stand no more chance to get justice in those courts than a white man would among a lot of wild Indians.

I ask the Senator why $100,000 reward was offered to find the assassin. Every citizen of that State wanted the assassin found. But, Mr. President, the reason they appropriated $100,000 was not to secure and to punish the assassin, but it was for the purpose of using that matter to advance the interests of the Democratic party, as it has been used ever since as a political scheme to reflect upon honest men. Witness after witness has confessed that they swore falsehoods; that they had been bribed by a certain gentleman who was sent there for a special purpose to aid in the prosecution of these cases.

Mr. BLACKBURN. Will the Senator allow me a moment?

Mr. DEBOE. Yes, sir.

Mr. BLACKBURN. I want to ask the Senator whether he thinks it was necessary to use that appropriation of $100,000 or any other appropriation or argument to advance the interests of the Democratic party in Kentucky. Does he not know that when the shot rang out which cost Goebel his life, it sealed the doom of the Republican party in Kentucky for at least one generation to come, as witnessed by the early retirement of our genial friend from his place in this Senate, which we all regret and deplore?

Mr. DEBOE. That is the statement, of course, of my distinguished colleague. The Republican party was not responsible for the death of Mr. Goebel.

Mr. President, the people of Kentucky and, I think, of almost all the United States are pretty familiar with the conduct of the courts in the various trials which have been held there. I will say to the Senator that if he will not select Goebelite jurors, but will select honest, impartial men, those men are willing any day to return and have a fair trial, if they will have a judge that is not dominated absolutely by his political prejudices to preside over the trial.

The judge who presided over those cases arbitrarily ruled in the interest of the prosecution and against the rights of the defendants, and the court of appeals of the Commonwealth has reversed his ruling time and again. I say that the reason why those men are not back there is because they can not get justice. They would come any day if they could have a fair trial.

Mr. BLACKBURN. Mr. President, I only want to say in this connection the Senator does not know Judge Cantrill, the nisi prius judge in that capital jurisdiction in Kentucky, as well nor as intimately as I have known him. I venture the assertion, and it can be established by the testimony of every good citizen of Kentucky who knows him, without regard to politics, that there is no more learned judge, no truer, higher gentleman, no better man either in my State or any other, than that nisi prius judge before whom these trials were had.

But suppose it were true, as the Senator from Kentucky charges, that Taylor and his accomplices could not get a fair trial in the

circuit court or trial courts in my State, I repeat that as the court of last resort they could go to the court of appeals or the supreme court of Kentucky, which has a majority of Republican judges on it to-day, and which, since it was so constituted, has never failed to set aside every verdict that ever convicted any man charged with the killing of Goebel. No appeal has ever been taken from the trial court where conviction was had of one of these alleged assassins that has not been reversed by the supreme court of the State since that court has been Republican, as it is to-day.

I wish very much that I had the power. I would gladly agree here and now that Taylor and Finley and the balance of these fugitives from justice should be tried under a change of venue, if it were permissible or legal, not before a Kentucky court nor a Kentucky jury, but before an Indiana judge and an Indiana jury or a Massachusetts judge and a Massachusetts jury.

Mr. DEBOE. We will agree to that.

Mr. BLACKBURN. Wherever they were tried I would be content with the verdict, and so would the people of Kentucky.

Mr. DEBOE. Will the Senator yield a minute?

Mr. BLACKBURN. Certainly.

Mr. DEBOE. I will agree for those gentlemen that that be done and that the cases shall be transferred before some honorable judge.

Mr. BLACKBURN. I thought my colleague among his various learned professions embraced that of a lawyer. I knew he was a doctor, and I thought he was a lawyer also. I thought he knew that it was not in the power of mortal man to change the venue and carry a criminal case out of one Commonwealth into another.

Mr. DEBOE. I understand that. I meant, of course, in the same State.

Mr. BLACKBURN. I would be perfectly willing to have it tried in any State in New England, and I would not care whether the jurors were Republicans or Democrats, just so they were honest men, and I would be assured of the result.

HOUR OF MEETING.

Mr. HALE. I move that when the Senate adjourn to-day it be to meet at 11 o'clock on Monday next.

The motion was agreed to.

CONTROL OF DOGS IN THE DISTRICT.

Mr. GALLINGER. I am directed by the Committee on the District of Columbia, to whom was referred the amendment of the House of Representatives to the bill (S. 4792) relative to the control of dogs in the District of Columbia, to report it with a recommendation that the Senate concur in the amendment of the House of Representatives.

The PRESIDENT pro tempore. The Senator from New Hampshire reports from the Committee on the District of Columbia the amendment of the House of Representatives to the bill named by him, and asks for its present consideration. Is there objection?

There being no objection, the Senate proceeded to consider the amendment of the House of Representatives, which was to strike out all after the enacting clause and insert:

That sections 3, 4, and 9 of the act of Congress approved June 19, 1878, entitled "An act to create a revenue in the District of Columbia by levying a tax upon all dogs therein, to make such dogs personal property, and for other purposes," be, and the same are hereby, amended so as to read as follows:

"SEC. 3. That the pound master of the District of Columbia shall, during the entire year, seize all dogs found running at large without the tax tag issued by the collector aforesaid attached, and all female dogs in heat found running at large, and shall impound the same; and if within forty-eight hours the same are not redeemed by the owners thereof by the payment of $2 they shall be sold or destroyed, as the pound master may deem advisable; and any sale made by virtue hereof shall be deemed valid to all intents and purposes in all courts of the District of Columbia.

"SEC. 4. That any dog wearing the tax tag hereinbefore provided for, except female dogs in heat, shall be permitted to run at large within the District of Columbia, and any dog wearing the tax tag hereinbefore provided for shall be regarded as personal property in all the courts of said District, and any person injuring or destroying the same shall be liable to a civil action for damages, which, upon proof of said injuring or killing, may be awarded in a sum equal to the value usually put upon such property by persons buying and selling the same, subject to such modifications as the particular circumstances of the case may make proper.

"SEC. 9. That if any owner or possessor of a fierce or dangerous dog shall permit the same to go at large in the District of Columbia, knowing said dog to be fierce or dangerous, to the danger or annoyance of the inhabitants, he shall, upon conviction thereof, be punished by a fine not exceeding $20; and if such animal shall attack or bite any person, the owner or possessor thereof shall, on conviction, be punished by a fine not exceeding $50, and in addition to such punishment the court shall adjudge and order that such animal be forthwith delivered to the pound master, and said pound master is hereby authorized and directed to kill such animal so delivered to him.

"If any owner or possessor of a female dog shall permit her to go at large in the District of Columbia while in heat he shall, upon conviction thereof, be punished by a fine not exceeding $20."

Mr. GALLINGER. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. HALE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until Monday, June 30, 1902, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate June 28, 1902.

COLLECTOR OF CUSTOMS.

Walter L. Robb, of Oregon, to be collector of customs for the district of Oregon, in the State of Oregon, to succeed John Fox, whose term of office has expired by limitation.

SURVEYOR-GENERAL.

Ernest G. Eagleson, of Boise, Idaho, to be surveyor-general of Idaho, vice Joseph Perrault, term expired.

POSTMASTERS.

Horace H. Dubendorff, to be postmaster at Alamosa, in the county of Conejos and State of Colorado, in place of Horace H. Dubendorff. Incumbent's commission expired March 22, 1902.

Samuel M. Johnson, to be postmaster at Carson, in the county of Pottawattamie and State of Iowa. Office becomes Presidential July 1, 1902.

Oliver H. P. Green, to be postmaster at Orion, in the county of Oakland and State of Michigan. Office becomes Presidential July 1, 1902.

Charles H. Whitaker, to be postmaster at North Conway, in the county of Carroll and State of New Hampshire. Office becomes Presidential July 1, 1902.

Kenneth E. Struble, to be postmaster at Shepherd, in the county of Isabella and State of Michigan. Office becomes Presidential July 1, 1902.

Carrie Newton, to be postmaster at Benwood, in the county of Marshall and State of West Virginia. Office became Presidential April 1, 1902.

Anna L. Poole, to be postmaster at Carthage, in the county of Panola and State of Texas. Office became Presidential January 1, 1902.

Loren Z. Burdick, to be postmaster at Seabreeze, in the county of Volusia and State of Florida, in place of Mary N. Herrick, removed.

Frank E. Posey, to be postmaster at Baton Rouge, in the parish of East Baton Rouge and State of Louisiana, in place of James B. Burnett, deceased.

Homer N. Boyle, to be postmaster at McGregor, in the county of Clayton and State of Iowa, in place of Alonzo C. Boyle, resigned.

Eliza B. Lockwood, to be postmaster at Bedford, in the county of Cuyahoga and State of Ohio, in place of Malcolm J. Lockwood, deceased.

Jonathan McGrath, to be postmaster at Woodward, in the county of Woodward and Territory of Oklahoma, in place of Edward B. Roll, removed.

Charles K. Bailey, to be postmaster at Bethel, in the county of Fairfield and State of Connecticut, in place of Charles K. Bailey. Incumbent's commission expires July 1, 1902.

George A. Lemmon, to be postmaster at Thomaston, in the county of Litchfield and State of Connecticut, in place of George A. Lemmon. Incumbent's commission expired June 22, 1902.

William W. Ward, to be postmaster at Dayton, in the county of Columbia and State of Washington, in place of William W. Ward. Incumbent's commission expired June 22, 1902.

Edward G. Armstrong, to be postmaster at Bartlett, in the county of Williamson and State of Texas, in place of Edward G. Armstrong. Incumbent's commission expired March 31, 1902.

Burtis W. Johnson, to be postmaster at Corvallis, in the county of Benton and State of Oregon, in place of Burtis W. Johnson. Incumbent's commission expired January 10, 1902.

John G. Gorth, to be postmaster at Oconomowoc, in the county of Waukesha and State of Wisconsin, in place of William A. Jones. Incumbent's commission expired May 4, 1902.

Leonard A. Millspaugh, to be postmaster at Winfield, in the county of Cowley and State of Kansas, in place of Edwin P. Greer. Incumbent's commission expires July 1, 1902.

Joshua Stevens, to be postmaster at Macon, in the county of Noxubee and State of Mississippi, in place of Joshua Stevens. Incumbent's commission expired June 3, 1902.

Lot Livermore, to be postmaster at Pendleton, in the county of Umatilla and State of Oregon, in place of Charles E. Fell. Incumbent's commission expired January 10, 1902.

Edgar J. Graff, to be postmaster at Blairsville, in the county of Indiana and State of Pennsylvania, in place of Edgar J. Graff. Incumbent's commission expires July 7, 1902.

Charles A. Parker, to be postmaster at West Rutland, in the county of Rutland and State of Vermont, in place of Charles A. Parker. Incumbent's commission expires June 28, 1902.

Peter Danielson, to be postmaster at Medford, in the county of Taylor and State of Wisconsin, in place of Frank M. Perkins. Incumbent's commission expired May 10, 1902.

Frank E. Fritcher, to be postmaster at Nashua, in the county of Chickasaw and State of Iowa, in place of Frank E. Fritcher. Incumbent's commission expires July 7, 1902.

Joseph H. Turner, to be postmaster at South Bend, in the county of Pacific and State of Washington, in place of D. Jay Olds. Incumbent's commission expires July 7, 1902.

Alfred A. True, to be postmaster at Highland, in the county of San Bernardino and State of California. Office becomes Presidential July 1, 1902.

Reuel W. Norton, to be postmaster at Kennebunk Port, in the county of York and State of Maine. Office becomes Presidential July 1, 1902.

James M. King, to be postmaster at White Bear Lake, in the county of Ramsey and State of Minnesota. Office becomes Presidential July 1, 1902.

George B. Craft, to be postmaster at Bellefourche, in the county of Butte and State of South Dakota. Office becomes Presidential July 1, 1902.

Jesse W. Lawton, to be postmaster at Arapaho, in the county of Custer and Territory of Oklahoma. Office becomes Presidential July 1, 1902.

Chalmer R. Higdon, to be postmaster at Billings, in the county of Noble and Territory of Oklahoma. Office becomes Presidential July 1, 1902.

James H. Fluhart, to be postmaster at Continental, in the county of Putnam and State of Ohio. Office became Presidential April 1, 1902.

Harry W. Hawkins, to be postmaster at Sycamore, in the county of Wyandot and State of Ohio. Office became Presidential January 1, 1902.

Charles T. La Cost, to be postmaster at Bryan, in the county of Williams and State of Ohio, in place of Charles T. La Cost. Incumbent's commission expired March 22, 1902.

Edmund L. Vale, to be postmaster at Columbus Grove, in the county of Putnam and State of Ohio, in place of Edmund L. Vale. Incumbent's commission expired May 2, 1902.

Charles J. Thompson, to be postmaster at Defiance, in the county of Defiance and State of Ohio, in place of Charles J. Thompson. Incumbent's commission expired May 10, 1902.

John Vogt, to be postmaster at Deshler, in the county of Henry and State of Ohio, in place of John Vogt. Incumbent's commission expired March 16, 1902.

Alonzo L. Jones, to be postmaster at Greenville, in the county of Darke and State of Ohio, in place of Alonzo L. Jones. Incumbent's commission expired May 24, 1902.

Henry S. Enck, to be postmaster at Leipsic, in the county of Putnam and State of Ohio, in place of Henry S. Enck. Incumbent's commission expired May 2, 1902.

James B. Fisher, to be postmaster at Marion, in the county of Marion and State of Ohio, in place of James B. Fisher. Incumbent's commission expired May 24, 1902.

Robert F. Dent, to be postmaster at New Comerstown, in the county of Tuscarawas and State of Ohio, in place of Robert F. Dent. Incumbent's commission expired May 24, 1902.

Robert V. Jones, to be postmaster at Sidney, in the county of Shelby and State of Ohio, in place of Robert V. Jones. Incumbent's commission expired May 24, 1902.

William H. Frater, to be postmaster at Upper Sandusky, in the county of Wyandot and State of Ohio, in place of William H. Frater. Incumbent's commission expired May 10, 1902.

Wilbert C. Davis, to be postmaster at Wapakoneta, in the county of Auglaize and State of Ohio, in place of Wilbert C. Davis. Incumbent's commission expired March 9, 1902.

William W. Scott, to be postmaster at Canal Dover, in the county of Tuscarawas and State of Ohio, in place of William W. Scott. Incumbent's commission expired May 10, 1902.

J. Knox Corbett, to be postmaster at Tucson, in the county of Pima and Territory of Arizona, in place of George W. Cheney. Incumbent's commission expired June 13, 1902.

Mark L. Harper, to be postmaster at Eureka, in the county of Woodford and State of Illinois, in place of Homer E. Darst. Incumbent's commission expired May 24, 1902.

Sylvanus S. Thompson, to be postmaster at Marseilles, in the county of Lasalle and State of Illinois, in place of Sylvanus S. Thompson. Incumbent's commission expires July 1, 1902.

Moses C. McMurry, to be postmaster at Saybrook, in the county of McLain and State of Illinois, in place of Moses C. McMurry. Incumbent's commission expired May 31, 1902.

Leroy H. Camp, to be postmaster at Laporte City, in the county of Black Hawk and State of Iowa, in place of Leroy H. Camp. Incumbent's commission expired June 24, 1902.

John Q. Saint, to be postmaster at Marshalltown, in the county of Marshall and State of Iowa, in place of John Q. Saint. Incumbent's commission expired June 10, 1902.

Gordon R. Badgerow, to be postmaster at Sioux City, in the county of Woodbury and State of Iowa, in place of Edward P. Heizer. Incumbent's commission expired January 10, 1902.

Fred W. Willard, to be postmaster at Leavenworth, in the county of Leavenworth and State of Kansas, in place of Daniel R. Anthony, jr. Incumbent's commission expired June 22, 1902.

Marion A. Humphreys, to be postmaster at Salisbury, in the county of Wicomico and State of Maryland, in place of Elijah S. Adkins. Incumbent's commission expired June 13, 1902.

John A. Thayer, to be postmaster at Attleboro, in the county of Bristol and State of Massachusetts, in place of John A. Thayer. Incumbent's commission expires July 7, 1902.

Byron Truell, to be postmaster at Lawrence, in the county of Essex and State of Massachusetts, in place of Sidney H. Brigham. Incumbent's commission expires July 7, 1902.

Elbridge Nash, to be postmaster at South Weymouth, in the county of Norfolk and State of Massachusetts, in place of Elbridge Nash. Incumbent's commission expired June 2, 1902.

Louis C. Hyde, to be postmaster at Springfield, in the county of Hampden and State of Massachusetts, in place of Louis C. Hyde. Incumbent's commission expired June 22, 1902.

Winthrop A. Hayes, to be postmaster at Rochester, in the county of Oakland and State of Michigan, in place of Winthrop A. Hayes. Incumbent's commission expires July 7, 1902.

T. W. Cole, to be postmaster at Nelson, in the county of Nuckolls and State of Nebraska, in place of Marcellus S. Storer. Incumbent's commission expires July 7, 1902.

William Budge, to be postmaster at Grand Forks, in the county of Grand Forks and State of North Dakota, in place of William Budge. Incumbent's commission expired June 15, 1902.

David Larin, to be postmaster at Mayville, in the county of Traill and State of North Dakota, in place of David Larin. Incumbent's commission expires July 7, 1902.

Edward Hirsch, to be postmaster at Salem, in the county of Marion and State of Oregon, in place of Edward Hirsch. Incumbent's commission expired June 16, 1902.

Wilburn M. McCoy, to be postmaster at Guthrie, in the county of Logan and Territory of Oklahoma, in place of Wilburn M. McCoy. Incumbent's commission expires July 1, 1902.

John L. Clark, to be postmaster at Kenton, in the county of Hardin and State of Ohio, in place of John L. Clark. Incumbent's commission expired June 15, 1902.

William M. Powell, to be postmaster at Hazleton, in the county of Luzerne and State of Pennsylvania, in place of William M. Powell. Incumbent's commission expires July 8, 1902.

Catharine A. Endsley, to be postmaster at Somerset, in the county of Somerset and State of Pennsylvania, in place of Catharine A. Endsley. Incumbent's commission expired April 21, 1902.

Frank S. Myers, to be postmaster at Redfield, in the county of Spink and State of South Dakota, in place of Frank S. Myers. Incumbent's commission expired May 4, 1902.

James H. Neil, jr., to be postmaster at Shelbyville, in the county of Bedford and State of Tennessee, in place of James H. Neil, jr. Incumbent's commission expired May 10, 1902.

Edward H. Blanton, to be postmaster at Paris, in the county of Henry and State of Tennessee, in place of Daniel M. Nobles. Incumbent's commission expires July 7, 1902.

William H. Harvey, to be postmaster at Belton, in the county of Bell and State of Texas, in place of William H. Harvey. Incumbent's commission expired January 10, 1902.

Robert T. Bartley, to be postmaster at Ladonia, in the county of Fannin and State of Texas, in place of Robert T. Bartley. Incumbent's commission expires July 4, 1902.

Carlos C. Bancroft, to be postmaster at Montpelier, in the county of Washington and State of Vermont, in place of Lorenzo W. Shedd. Incumbent's commission expires June 28, 1902.

Franklin B. Blue, to be postmaster at Grafton, in the county of Taylor and State of West Virginia, in place of James W. Holt. Incumbent's commission expired January 19, 1902.

John W. Matlick, to be postmaster at Keyser, in the county of Mineral and State of West Virginia, in place of John W. Matlick. Incumbent's commission expired June 13, 1902.

Henry Dryhurst, to be postmaster at Meriden, in the county of New Haven and State of Connecticut, in place of Henry Dryhurst. Incumbent's commission expires July 6, 1902.

R. M. Hamer, to be postmaster at Emporia, in the county of Lyon and State of Kansas, in place of William F. Ewing. Incumbent's commission expired January 10, 1902.

L. H. Boyd, to be postmaster at Russell, in the county of Russell and State of Kansas, in place of Charles E. Hall. Incumbent's commission expired March 4, 1902.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 28, 1902.

APPOINTMENTS IN THE ARMY.

Capt. Joseph C. Byron, quartermaster, to be captain of infantry, with rank from March 2, 1899.

Capt. Chauncey B. Baker, Infantry Arm (detailed as quartermaster), to be quartermaster with the rank of captain, March 2, 1899.

John P. Kelly, of Florida, contract surgeon, United States Army, to be assistant surgeon, United States Volunteers, with the rank of captain, June 26, 1902.

MARSHALS.

Walter F. Matthews, of Oregon, to be United States marshal for the district of Oregon.

Frank S. Elgin, of Tennessee, to be United States marshal for the western district of Tennessee.

COLLECTORS OF CUSTOMS.

William Mahone, of Virginia, to be collector of customs for the district of Petersburg, in the State of Virginia.

Walter L. Robb, of Oregon, to be collector of customs for the district of Oregon.

Isaac L. Patterson, of Oregon, to be collector of customs for the district of Willamette, in the State of Oregon.

Robert Smalls, of South Carolina, to be collector of customs for the district of Beaufort, in the State of South Carolina.

INDIAN AGENT.

William H. Smead, of Montana, to be agent for the Indians of the Flathead Agency, in Montana.

INDIAN INSPECTOR.

William H. Code, of Mesa, Ariz., to be an Indian inspector (irrigation engineer).

RECEIVERS OF PUBLIC MONEYS.

Frank Bacon, of Nebraska, to be receiver of public moneys at North Platte, Nebr., to take effect August 8, 1902.

Eugene B. Hyde, of Spokane, Wash., to be receiver of public moneys at Spokane, Wash.

REGISTERS OF THE LAND OFFICE.

Henry V. Hinman, of Roslyn, Wash., to be register of the land office at North Yakima, Wash.

George E. French, of Nebraska, to be register of the land office at North Platte, Nebr., to take effect August 8, 1902.

POSTMASTERS.

James E. Karns, to be postmaster at Springdale, in the county of Allegheny and State of Pennsylvania.

A. M. Smith, to be postmaster at Brunswick, in the county of Glynn and State of Georgia.

Allen P. Dickey, to be postmaster at Waynesburg, in the county of Greene and State of Pennsylvania.

Lucian T. Claybaugh, to be postmaster at Donora, in the county of Washington and State of Pennsylvania.

Andrew S. Warner, to be postmaster at Tarentum, in the county of Allegheny and State of Pennsylvania.

George B. Crooker, to be postmaster at Anthony, in the county of Harper and State of Kansas.

Charles M. Junkin, to be postmaster at Fairfield, in the county of Jefferson and State of Iowa.

Bennett M. Grove, to be postmaster at Liberty, in the county of Union and State of Indiana.

Frank J. Davis, to be postmaster at Larned, in the county of Pawnee and State of Kansas.

George W. Watson, to be postmaster at Kinsley, in the county of Edwards and State of Kansas.

James A. Arment, to be postmaster at Dodge City, in the county of Ford and State of Kansas.

Rufus F. Bond, to be postmaster at Sterling, in the county of Rice and State of Kansas.

Benjamin A. Allison, to be postmaster at McPherson, in the county of McPherson and State of Kansas.

Martin L. Grimes, to be postmaster at Lyons, in the county of Rice and State of Kansas.

George H. Pond, to be postmaster at Ann Arbor, in the county of Washtenaw and State of Michigan.

Isaac N. Strawn, to be postmaster at Hopkins, in the county of Nodaway and State of Missouri.

Mark L. Doughty, to be postmaster at Farmington, in the county of St. Francois and State of Missouri.

William E. Osmun, to be postmaster at Montague, in the county of Muskegon and State of Michigan.

Frank B. Lamson, to be postmaster at Buffalo, in the county of Wright and State of Minnesota.

Frederick G. Ellison, to be postmaster at Springfield, in the county of Windsor and State of Vermont.

HOUSE OF REPRESENTATIVES.

SATURDAY, *June 28, 1902.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House was requested:

S. 268. An act authorizing the Secretary of the Treasury to fix the salaries of the deputy collectors of customs at the subports of Tacoma and Seattle, in the State of Washington, and repealing all laws inconsistent therewith;

S. 3850. An act in regard to a monumental column to commemorate the battle of Princeton, and appropriating $30,000 therefor;

S. 5732. An act establishing a regular term of United States district court in Lewisburg, W. Va.;

S. 5914. An act establishing a regular term of United States district court in Addison, W. Va.;

S. 5956. An act to provide for the allotment of the lands of the Cherokee Nation, for the disposition of town sites therein, and for other purposes; and

S. 6091. An act extending the time for making final proof in desert-land entries in Yakima County, State of Washington.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 8644. An act granting a pension to John W. Thomas;

H. R. 9501. An act to provide for the sale of the unsold portion of the Umatilla Indian Reservation;

H. R. 10824. An act granting an increase of pension to George E. Bump;

H. R. 11656. An act to incorporate the Society of the Army of Santiago de Cuba; and

H. R. 12026. An act granting an increase of pension to Baley W. Small.

The message also announced that the Senate had passed with amendment bills of the following titles; in which the concurrence of the House was requested:

H. R. 12805. An act requiring the Anacostia and Potomac River Railroad Company to extend its Eleventh street line, and for other purposes;

H. R. 12549. An act granting an increase of pension to Ransom Simmons;

H. R. 12086. An act to extend the time for the construction of the East Washington Heights Traction Railroad Company;

H. R. 11400. An act to amend an act entitled "An act in relation to taxes and tax sales in the District of Columbia," approved February 28, 1898;

H. R. 7013. An act granting an increase of pension to Jason E. Freeman;

H. R. 5809. An act for the further distribution of the reports of the Supreme Court; and

H. R. 619. An act providing for the recognition of the military service of the officers and enlisted men of the First Regiment Ohio Volunteer Light Artillery.

A further message from the Senate had announced that the Senate had passed without amendment bills of the following titles:

H. R. 10775. An act for the relief of Charles E. Sapp;

H. R. 14082. An act to provide for the construction of a bridge by the Duluth, Pierre and Black Hills Railroad Company across the Missouri River at Pierre, S. Dak.;

H. R. 15003. An act to authorize the construction of a bridge by the New York, Chicago and St. Louis Railroad Company and the Chicago and Erie Railroad Company across the Calumet River at or near the city of Hammond, Ind., at a point about 1,200 feet east of the Indiana and Illinois State line and about 100 feet east of the location of the present bridge of the New York, Chicago and St. Louis Railroad Company across said river; also to authorize the construction of a bridge by the Chicago and State Line Railroad Company across said river at the point where said company's railroad crosses said river in Hyde Park Township, Chicago, Ill., being at the location of the present bridge of said company across said river in said township.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15108) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1903, and for prior years, and for other purposes.

NATIONAL ENCAMPMENT, GRAND ARMY OF THE REPUBLIC.

Mr. BABCOCK. Mr. Speaker, I call up House joint resolution 198, giving authority to the Commissioners of the District of

Columbia to make special regulations for the occasion of the thirty-sixth national encampment of the Grand Army of the Republic, to be held in the District of Columbia in the month of October, 1902, and for other purposes, incident to said encampment, and ask unanimous consent for its present consideration.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent for the present consideration of House joint resolution 198. This resolution was read yesterday, so that if there is no objection the reading of it in full will be waived.

There was no objection.

The resolution is as follows:

Resolved, etc., That the Commissioners of the District of Columbia are hereby authorized and directed to make such special regulations for the occasion of the encampment of the Grand Army of the Republic, which will take place in the District of Columbia during the month of October, 1902, as they shall deem advisable for the preservation of public order and the protection of life and property, to be in force one week prior to said encampment, during said encampment, and one week subsequent thereto. Such special regulations shall be published in one or more of the daily newspapers of the District of Columbia, and no penalty prescribed for the violation of such regulations shall be enforced until five days after such publication; and said Commissioners are authorized and directed to establish a special schedule of fares applicable to public conveyances in said District during the period aforesaid.

Any person violating any of the aforesaid regulations or the aforesaid schedule of fares shall, upon conviction thereof in the police court of the said District, be liable for such offense to a fine not to exceed $100, and in default of payment of such fine to imprisonment in the workhouse (or jail) of said District for not longer than sixty days. This resolution shall take effect immediately upon its approval, and the sum of $11,000, or as much thereof as may be necessary, payable from any money in the Treasury not otherwise appropriated and from the revenues of the District of Columbia, in equal parts, is hereby appropriated to enable the Commissioners of the District of Columbia to carry out the provisions of this section 1 of this joint resolution, $1,000 of which shall be available for the construction, maintenance, and operation of public-comfort stations and information booths, under the direction of said Commissioners.

SEC. 2. That the Commissioners of the District of Columbia are hereby authorized to permit the committee on illumination of the citizens' executive committee for the entertainment of the Thirty-sixth National Encampment of the Grand Army of the Republic to stretch suitable conductors, with sufficient supports wherever necessary, for the purpose of effecting the said illumination within the District of Columbia: *Provided*, That the said conductors shall not be used for the conveying of electrical currents after October 15, 1902, and shall, with their supports, be fully and entirely removed from the streets and avenues of the said city of Washington on or before October 20, 1902: *Provided further*, That the stretching and removing of the said wires shall be under the supervision of the Commissioners of the District of Columbia, who shall see that the provisions of this resolution are enforced, that all needful precautions are taken for the protection of the public, and that the pavement of any street, avenue, or alley disturbed is replaced in as good condition as before entering upon the work herein authorized: *Provided further*, That no expense or damage on account of or due to the stretching, operation, or removing of the said temporary overhead conductors shall be incurred by the United States or the District of Columbia: *Provided further*, That if it shall be necessary to erect wires for illumination purposes over any park or reservation in the District of Columbia that the work of erection and removal of said wires shall be under the supervision of the official in charge of said park or reservation.

SEC. 3. That the Secretary of War and the Secretary of the Navy be, and they are hereby, authorized to loan to Cuno H. Rudolph, chairman of the subcommittee in charge of street decorations, or his successor in said office, for the purpose of decorating the streets of the city of Washington, D. C., on the occasion of the encampment of the Grand Army of the Republic in the month of October, 1902, such of the United States ensigns, flags (except battle flags), signal numbers, etc., belonging to the Government of the United States, as in their judgment may be spared and are not in use by the Government at the time of the encampment. The loan of the said ensigns, flags, signal numbers, etc., to said chairman shall not take place prior to the 29th day of September and shall be returned by him by the 15th day of October, 1902.

SEC. 4. That for the protection and return of said ensigns, flags, signal numbers, etc., the said Cuno H. Rudolph, or his successor in office, shall execute and deliver to the President of the United States, or to such officer as he may designate, a satisfactory bond in the penalty of $50,000, to secure just payment for any loss or damage to said ensigns, flags, and signal numbers not necessarily incident to the use specified.

SEC. 5. That the Secretary of War is hereby authorized to grant permits to the citizens' executive committee for the entertainment of the Grand Army of the Republic for the use of any reservation or other public spaces in the city of Washington on the occasion of the thirty-sixth national encampment in the month of October, 1902, which, in his opinion, will inflict no serious or permanent injuries upon such reservations or public spaces, or statuary therein; and the Commissioners of the District of Columbia may designate for such and other purposes on the occasion aforesaid such streets, avenues, and sidewalks in said city of Washington as they may deem proper and necessary: *Provided, however*, That all stands or platforms that may be erected on the public spaces aforesaid shall be under the supervision of the said citizens' executive committee and in accordance with plans and designs to be approved by the Architect of the Capitol, the commissioner of public buildings and grounds, and the building inspector of the District of Columbia.

SEC. 6. That the Secretary of War is hereby authorized to loan to Dr. D. Percy Hickling, chairman of the medical department of the thirty-sixth national encampment of the Grand Army of the Republic, or his successor in said office, for the purpose of caring for the sick, injured, and infirm on the occasion of the encampment of the Grand Army of the Republic in the month of October, 1902, such hospital tents and camp appliances and other necessaries, hospital furniture, and utensils of all descriptions, ambulances, horses, drivers, stretchers, and Red Cross flags and poles belonging to the Government of the United States as in his judgment may be spared and are not in use by the Government at the time of the encampment: *Provided*, That the said Dr. D. Percy Hickling, or his successor in said office, shall indemnify the War Department for any loss to such hospital tents and appliances as aforesaid not necessarily incident to such use.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. MOON. Mr. Speaker, reserving the right to object, I ask permission to be heard for five minutes.

The SPEAKER. The gentleman from Tennessee, reserving the right to object, asks permission to be heard for five minutes. Is there objection?

There was no objection.

Mr. MOON. Mr. Speaker, on the 14th of March last, the Committee on Territories reported to this House a bill to create the Territory of Jefferson and establish a temporary government therefor, and for other purposes. It was a unanimous report of the Committee on Territories. The conditions in the Territory demand immediate action. By authority of that committee I was directed to obtain a hearing on this bill in this House. The bill went to the Union Calendar, as a matter of course, under the rules. It became necessary, therefore, that the Speaker be approached on the question. During all of that time the Speaker has insisted that probably some time would be given a little later for the consideration of this bill.

It was not deemed advisable to press this question upon him while more important legislation was pending; but after every bill upon the Calendar had been disposed of, of greater importance than this one, which involves the rights of 400,000 people in the Territory—where there is enthroned neither law nor order, where there are no schools for the children, no asylums for the insane, no local courts for the protection of citizenship, no organized government—the Committee on Territories thought that this bill ought to be heard. Yet the Committee on Rules and the Speaker have refused to fix a day, either at this session or at the next session, for the consideration of this bill; and he has really refused to hear a motion in this House to have a day fixed. The question arises, then, Why is it that the Speaker of this House and the Committee on Rules are unwilling to give a hearing to 400,000 American citizens deprived of law and order within the very heart of this Republic?

Mr. RICHARDSON of Tennessee. Mr. Speaker, if my colleague will allow me, without divulging any secrets of that committee I can assure him that two members of it have not refused.

Mr. MOON. The minority members, I presume.

Mr. RICHARDSON of Tennessee. Here is one of them.

Mr. MOON. The only reason assigned by the Speaker to the chairman of this committee and others for refusing to hear this bill is, as I understand it, that the Speaker had protests from the Territory against its consideration. I submit that the Speaker of this House ought not to listen to the protests of a few of the people of the Territory in view of the facts now upon record here and the unanimous report of this committee. In the speech of the gentleman from Indiana, in an appendix thereto, appears the indorsement of every paper in the Territory in favor of this bill. I have in my possession the records of the town meetings of nearly all the towns of the Territory asking for it.

The Republican and Democratic clubs have asked for it. I feel justified in saying upon this floor that 90 per cent of the people of that Territory favor this bill. If that were not true, is not this committee entitled to some respect at the hands of the Speaker in considering this question? Will the Speaker assume to say that he should suppress a hearing upon this question against the unanimous report of this committee, in view of the facts in this record? I submit that it is not just to the committee, not just to the people of the Territory. It is not just to this House for the Speaker to exercise arbitrarily the power that is thus placed in his hands to suppress legislation which affects the rights, the liberty, and property of 400,000 American citizens. Then I feel that I am justified, sir, representing that committee or representing myself alone as a member upon this floor, having no personal interest in this, to object in this House to unanimous consent for the consideration of any measure of less importance until a hearing is had or time is fixed for a hearing on a matter of this character.

I have not undertaken to press this matter before the House while other matters of greater importance were pending; but now as it stands it is the most important bill upon this Calendar. Under the rules it can not be taken up except by the consent of the Speaker. In view of the fact that there is no opposition in the Territory except from the Federal officeholders, who would reap more profit under the present conditions than under changed ones, and in view of the fact that there is no other opposition, as I said, than this——

The SPEAKER. The time of the gentleman has expired.

Mr. MOON. May I ask for just a moment more?

The SPEAKER. The question is on consideration of the resolution just reported.

Mr. MOON. I will ask the House for one moment more, to state——

The SPEAKER. The time of the gentleman has expired.

Mr. RICHARDSON of Alabama. I ask that the gentleman have one minute more.

Mr. RICHARDSON of Tennessee. Mr. Speaker, unanimous consent is asked that the gentleman have a minute more.

The SPEAKER. The gentleman asks unanimous consent that his colleague be allowed one minute more. Is there objection?

There was no objection.

Mr. MOON. The additional objection, then, comes from the railroads, who pay no taxes under present conditions and would have to pay taxes under the bill, and the Federal officeholders. I would not assume to say that the Speaker was influenced by anything but improper motives; but these facts are now before the House——

Mr. GROSVENOR. I call the gentleman to order. I presume he wants to correct his language. I am sure he did not intend to use the language he did use.

Mr. MOON. What is the language the gentleman refers to?

Mr. GROSVENOR. You said you would not assume that the Speaker was actuated by anything but improper motives.

Mr. MOON. But proper motives, I meant to say.

Mr. GROSVENOR. That is what I supposed.

Mr. MOON. Mr. Speaker, as I said, I ought to object to the consideration of any other measures under these circumstances; but it is at the close of the session, when many gentlemen on both sides have important measures, and I feel that perhaps it would be an injustice to them, in view of the legislation they desire, to press this question of objection now. But I desire to give notice to this House that at the meeting of the next session no legislation shall be enacted by unanimous consent until a hearing is had upon this measure.

The SPEAKER. Is there further objection?

There was no objection.

The amendments were agreed to.

The resolution as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. BABCOCK, a motion to reconsider the last vote was laid on the the table.

CONSIDERATION OF CONFERENCE REPORTS.

Mr. CANNON. Mr. Speaker, before we proceed with the special order, I desire to make a statement, by way of a notice. Immediately on the conclusion of this case the House will be asked to consider the conference report on the District of Columbia appropriation bill.

Mr. FOSS. I desire to give a similar notice. Following that, I will ask the House to consider the conference report on the naval appropriation bill.

CONTESTED-ELECTION CASE—HORTON AGAINST BUTLER, TWELFTH DISTRICT OF MISSOURI.

And then, under the special order, the House resumed consideration of the contested-election case of William M. Horton *v.* James J. Butler, from the Twelfth Congressional district of the State of Missouri.

The SPEAKER. The gentleman from Missouri [Mr. BARTHOLDT] is recognized to conclude the remarks which he began yesterday.

Mr. BARTHOLDT. Slightly changing the language of the minority report, this, Mr. Speaker, is the time "to discuss and consider what rights" the Republican party "has left in St. Louis, if any." Yes; and not only the Republican party, but the people, the taxpayers, and our decent citizens generally. Our fight is their fight. Our defeat is their defeat, and our success will be the triumph of the people's rights over a political oligarchy the like of which can not be duplicated anywhere on American soil.

There was a time when the people of the great metropolis of the Mississippi Valley enjoyed the blessings of home rule the same as the people of other large cities do. But that was long ago; it was in the days of Republican supremacy. One by one these privileges of self-government were taken from us by the dominant party until to-day we are stripped of the last vestige of them. The rights of a tax-paying municipal sovereignty are now exercised by so-called State boards appointed by the governor and responsible to no one but the governor.

Our elections have become a farce because the official head of the Democratic party, who is incidentally governor of the State, controls them by the wink of an eye. The police department, too, is a State machine, and the only privilege the taxpayers enjoy in connection with it is to foot the bills, which the municipal assembly dare not even scrutinize. It may seem incredible, but it is a fact that the police board drafts its own appropriation bill and the municipal assembly is, by State law, compelled to swallow it horse, foot, and dragoon. If the city legislators undertook to change it by crossing a "t" or dotting an "i," they would at once become liable to fine and imprisonment.

It is a necessary part of the scheme to bind and gag St. Louis. The local legislative bodies might be Republican, you see, and it was essential to make the police entirely independent of them. Every member of the force must be a Democrat, and to-day the police department of St. Louis, as a Democratic machine, puts Tammany Hall far into the shade. The taxpayers are left entirely out of the account except when called upon to pay.

And yet my colleagues from Missouri on the other side talk about the consent of the governed in the distant Philippines. Ever since they made up their minds to run away from the responsibilities of a war which they helped to bring about they insist that the black men and the brown men in those distant islands should not be governed by us except with their consent. But at home, in Missouri, they look upon the system of governing white men without their consent as a wise and just Democratic prerogative! In the Philippines they want equal justice for all; in Missouri they put 140,000 people in one Congressional district and 300,000 in the other. Hypocrisy, thy name is Missouri Bourbonism! [Applause.]

They charge us with traducing the State, Mr. Speaker, when we call attention to these partisan infamies. I indignantly repel the insinuation. I yield to no one in devoted love for my adopted State—grand old Missouri. In my eyes her flowers are more fragrant, her apples sweeter, her hillsides and valleys more beautiful, than those of any other State or country. She is richer in natural resources than most States of the Union; her scenery is more varied, her soil is more productive, and her products excel all others. Even the sun kisses her with more affectionate fervor, because in her beats the heart of the continent. Fortunately, Mr. Speaker, these things can not be changed by law. If they could, the Democratic legislature long ago would have proceeded to paint the landscapes gray and the dewdrops black. They would have muddied her springs and turned her milk sour. [Laughter.] As it is, their blighting influence stops short of nature's glorious gifts and extends only to things political.

Traducing the State! Great Scott! Who is injuring the fair name of a city, the scoundrel who breaks the law or the judge who sends him to prison? Who does you more harm, the man who assaults you or the doctor who applies the remedy? No, gentlemen; you can not break the force of our charges by shielding behind the sovereign State of Missouri. You know full well that our only purpose is to benefit her, to raise her to the level of adjoining Republican States, and to make her people contented and happy by substituting a government by the people for a government by the lobby. We want to make Missouri's political institutions correspond with those of the Union, and the enlightened Commonwealths of the West and North, and add to the grandeur of her nature the handiwork of just and liberal laws, and the blessings of an honest and progressive State administration. We want to lift from the shoulders of the legislature the incubus of the lobby, and wipe from the statute books those iniquitous laws which are injuring our reputation abroad and our liberties as American citizens at home, and which are responsible for this contest and this discussion.

And we are coming, Father Abraham, 400,000 strong! The hour of redemption has struck. There are now only four States in the Union which cast more Republican votes than Missouri. A hundred varieties of fraud and crime, with their Nesbits, pretorian guards, crooks, Indians, and repeaters, may temporarily impede and stop our onward march, but the destiny will be fulfilled, "Ceterum censeo, Carthaginem esse delendam." The citadel will fall, the nightmare of Nesbitism will vanish, and soon the sun's beneficent rays will gild the letters of new enactments restoring to the people and to both parties equal rights and privileges. [Applause.]

There is, in my judgment, no more important question before the American people to-day than these Democratic attempts to tamper with the franchise. It is not a local, but a national question, and Missouri is not the only State where laws were made to wrongfully correct and overthrow the will of the people. Ever since the conquering ideas of Republicanism triumphantly crossed Mason and Dixon's line and penetrated to the very heart of the Southern Democracy, that party has been at work in States controlled by it, propping its waning power by statutes restricting the franchise or preventing an honest expression of the popular will.

Yet elections are the foundation of the nation's political life. To corruptly interfere with them is necessarily destructive of popular institutions. Let us meet the danger like men, and with a firm determination to vindicate Abraham Lincoln's golden words "that government of the people, by the people, and for the people shall not perish from the earth."

I thank the House for their attention. [Loud applause on the Republican side.]

Mr. TAYLER of Ohio. Mr. Speaker, I hope gentlemen on the other side will consume their remaining time before I conclude my argument.

Mr. BOWIE. I yield twelve minutes to the gentleman from Missouri [Mr. BENTON].

Mr. BENTON. Mr. Speaker, the gentleman from Iowa [Mr. SMITH] sought to make the impression in opening this debate that

the late standard-bearer of the national Democracy winked at, if he did not encourage, fraud in elections. In the interest of common fairness I am glad the gentleman did not press the suggestion. William J. Bryan was twice our chosen leader, and, whether fairly or unfairly, honestly or dishonestly, was defeated, but never lost his dignity nor his integrity. For twelve years he stood in the open, battling with marvelous ability for the settlement of great public questions on the high plane of right. He has been exposed to the pitiless storm of political abuse, and has come through it all without the smell of fire on his garments. He is loved by party adherents and respected by opponents. He is first in the hearts of more people than any living American. In a word, he is a stainless, Christian gentleman.

The gentleman from Ohio [Mr. GROSVENOR] wanted to know if Missouri Republicans did not poll 48 per cent of the vote in 1900 and if a Democratic legislature did not apportion the State so as to give them only one Congressman. No and yes. The Republicans polled 46 per cent of the vote, Democrats 52 per cent, and other parties 2 per cent. We followed the pace set by Republican legislatures of Ohio, Illinois, Pennsylvania, and all Republican States, and made Democratic districts where we could. The gentleman can not make a show of virtue there. In Republican States Democratic counties and wards are grouped so as to make immense majorities and give you more Congressmen.

But let me tell these gentlemen who feign indignation a little story of redistricting. Under the law, in St. Louis the apportionment of the city into senatorial and representative districts is placed in charge of the circuit judges. The Pecksniffian plea for political fairness of my colleague [Mr. BARTHOLDT] is here fully exposed. These honorable Republican circuit judges treated us to a sample of Republican fairness. The Republican plurality in St. Louis in 1900 was 666 in a total vote of 124,554; yet these immaculate (?) Republican judges gave the Democrats one senator of six and three representatives of sixteen.

I append the tables:

Senatorial districts.

TWENTY-NINTH DISTRICT.

Ward and precinct.	Democratic.	Republican.
Ward 9	1,380	2,475
Ward 10	1,987	3,057
Ward 11	1,925	2,482
Ward 12, precincts 10, 11, 13	511	752
Ward 24, precincts 4 to 13, inclusive	1,599	1,984
Total	7,402	10,750

THIRTIETH DISTRICT.

Ward 6, precincts 1, 2, 4, 5, 6, 7, 9, 10, 11, 13	1,781	1,543
Ward 7	1,890	2,351
Ward 8	1,689	2,242
Ward 12, precincts 1 to 9, inclusive	1,303	2,074
Ward 13	1,933	2,521
Total	8,596	10,731

THIRTY-FIRST DISTRICT.

Ward 3	2,359	1,385
Ward 4	1,646	1,383
Ward 5	2,389	1,469
Ward 6, precincts 3, 8, 12	845	326
Ward 14, precincts 1 to 8, inclusive	2,220	800
Ward 15	1,599	1,862
Ward 16, precincts 3 to 13, inclusive	2,686	885
Total	13,744	8,110

THIRTY-SECOND DISTRICT.

Ward 12, precinct 12	114	318
Ward 14, precincts 9, 10, 11	537	393
Ward 22	1,989	2,204
Ward 23	2,551	1,613
Ward 24, precincts 1, 2, 3	718	845
Ward 25	2,093	2,502
Ward 28, precincts 1 to 11, inclusive	2,343	3,293
Total	10,345	11,168

THIRTY-THIRD DISTRICT.

Ward 2, precincts 1 to 11, inclusive	1,602	2,154
Ward 16, precincts 1, 2	281	504
Ward 17	1,644	2,373
Ward 18	1,289	2,713
Ward 20	2,224	1,941
Ward 21	2,313	1,755
Total	9,353	11,440

Senatorial districts—Continued.

THIRTY-FOURTH DISTRICT.

Ward and precinct.	Democratic.	Republican.
Ward 1	2,129	2,940
Ward 2, precincts 12, 13	259	482
Ward 19	1,458	2,579
Ward 26	2,590	2,489
Ward 27	2,203	2,092
Ward 28, precinct 12	333	156
Total	8,972	10,738

Representative districts.

FIRST DISTRICT—3 MEMBERS.

Ward and precinct.	Democratic.	Republican.
Ward 9	1,380	2,475
Ward 10	1,987	3,057
Ward 11	1,925	2,482
Ward 12, precincts 10 and 13	392	575
Ward 23, precinct 12	186	129
Ward 24	2,317	2,829
Ward 25, precincts 1 and 2	386	395
Ward 28, precinct 1	212	224
Total	8,785	12,166

SECOND DISTRICT—3 MEMBERS.

Ward 6, precincts 1, 4, 5, 6, 7, 9, 10, 11	1,411	1,267
Ward 7	1,890	2,351
Ward 8	1,689	2,242
Ward 12, precincts 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12	1,536	2,569
Ward 13	1,933	2,521
Ward 23, precincts 1 to 11, inclusive	2,129	1,356
Total	10,588	12,306

THIRD DISTRICT—3 MEMBERS.

Ward 3	2,359	1,385
Ward 4	1,646	1,383
Ward 5	2,389	1,469
Ward 6, precincts 2, 3, 8, 12, 13	1,215	602
Ward 14	2,757	1,193
Ward 15	1,599	1,862
Ward 16	2,967	1,389
Ward 22, precincts 1, 2, 3	347	463
Total	15,279	9,746

FOURTH DISTRICT—3 MEMBERS.

Ward 2	1,861	2,636
Ward 17	1,644	2,373
Ward 18	1,289	2,713
Ward 19, precincts 1, 2, 3, 5, 7, 8, 9, 10	856	1,624
Ward 20	2,224	1,941
Ward 21, precincts 7, 8, 9, 10, 11	1,229	654
Ward 26, precincts 1, 2, 3, 4, 5, 6	1,364	1,041
Total	10,467	12,982

FIFTH DISTRICT—2 MEMBERS.

Ward 1	2,129	2,940
Ward 19, precincts 4, 6, 11, 12	602	955
Ward 26, precincts 7, 8, 9, 10, 11, 12, 13	1,226	1,448
Ward 27	2,203	2,092
Total	6,160	7,435

SIXTH DISTRICT—2 MEMBERS.

Ward 21, precincts 1 to 6, inclusive	1,084	1,101
Ward 22, precincts 4 to 13, inclusive	1,642	1,741
Ward 23, precincts 13	236	128
Ward 25, precincts 3 to 13, inclusive	1,707	2,107
Ward 28, precincts 2 to 12, inclusive	2,464	3,225
Total	7,133	8,302

The gentleman from Iowa [Mr. SMITH] states that "St. Louis is usually Republican," and the gentleman from Missouri [Mr. BARTHOLDT] states that "St. Louis is a Republican city by a large majority," and that it has been made Democratic by wholesale fraud of the voters by Democratic officials. I deny the statements. Let us go back twenty years and note the vote of St. Louis as between the leading parties:

In 1882 the Democratic vote was 16,900; Republican vote, 11,300. In 1884 the Democratic vote was 22,000; Republican vote, 21,000. And that year the Republican and Greenback parties made a joint electoral ticket in the State.

In 1886, when Republicans and Greenbackers had separated,

the vote was: Democratic, 19,000; Republican, 15,000; Greenback, 3,000. In 1888: Democratic, 27,000; Republican, 32,000; Populist, 3,500. This was brought about by the unpopularity of the Democratic Presidential candidate, caused largely by vetoes of pension bills.

In 1890 the Democratic vote was 25,000; Republican vote, 21,000.

In 1892 the Democratic vote was 34,700; Republican vote, 35,500; Populist vote, 940.

In 1896 the Democratic vote was 50,000; Republican vote, 66,000.

In 1900 the Democratic vote was 59,931; Republican vote, 60,597; vote of other parties, 4,046.

For more than twenty years since 1870 St. Louis has been controlled by Democratic administrations. The Democrats elected Britton, Brown, Overstolz, Francis, Noonan, and Wells as mayors. The Republicans had Ewing, Walbridge, and Zeigenhein. St. Louis has never been a Republican city. Let us go back to the vote of 1896. The Democratic vote increased nearly one-third in four years, while the Republican vote increased almost 100 per cent. Republicans claim that this large increase came from Gold Democrats voting their ticket. It is true that a large number of Gold Democrats voted the Republican ticket. It is also true that a very considerable number of votes was cast for the Democratic ticket by Silver Republicans. The Democratic vote of the city was fully as large as we expected, but the Republican vote was 12,000 to 15,000 larger than we believed it should be for the population.

Indeed, with all the wonderful growth in population in St. Louis during the four years next after the election of 1896, the increase of the total vote of the city was but a fraction over 6,000. The city was in control of Republicans in 1896. Democrats, Silver Republicans, Populists, and Prohibitionists complained that the election was unfair and dishonest. The combined anti-Republican vote of the State of Missouri in 1892 was 311,000. The Republican vote in 1892 was 227,000. In 1896 the anti-Republican vote of the State was combined and was increased by 52,000, while the Republican vote during the same period was increased 77,000, of which increase 31,000 came from the city of St Louis. Mark you, the combined vote of St. Louis in 1892 was an anti-Republican majority; yet in 1896, in the face of the fact that our vote had increased nearly 15,000 in St. Louis, the Republicans counted a majority of 16,000 in the city. The conviction in the minds of the people of the State that this increase in the Republican vote was fraudulent determined the legislature to enact a law to protect the suffrage in St. Louis. Hence the Nesbit law.

What are the provisions of this law? Three election commissioners, two Democrats and one Republican, are named by the governor. The late Republican commissioner was W. A. Hobbs. Does my colleague [Mr. BARTHOLDT] dare attack his record? He was a staunch Republican, but a gentleman withal. (During the six years in which you controlled the State, Democrats were allowed no members on any election or registering boards.) The commissioners are compelled to name two judges and one clerk from each of the great parties in each precinct.

The Republican commissioner is permitted to name the Republican judges and clerks. The judges and clerks are appointed sixty days before the general election. The judges and clerks are the board of registry. After registration the two clerks—Democrat and Republican—go together over the precinct to canvass and verify the list of registered voters. They ascertain if the voter really lives where he is registered as living. They report to the judges and they in turn to the commissioners, who sit as a board of review. Each party may challenge he who offers to register. Men whose registration is questioned are notified and permitted to prove their right to vote, and if finally stricken off have their extraordinary remedy by appealing to the courts. At elections no bulldozers are allowed at the polls to overawe voters.

Each party is allowed a challenger at the polls and a watcher of the count. The poll books and ballots are returned after election to the commissioners. The voter is permitted to go into a booth and make his ticket unmolested. If for any reason he can not prepare his ballot, he is permitted to choose a judge of election to assist him in preparing his ballot, and the judges are required to keep secret his ballot. Each ballot must have the name or initial of the distributing judges on it and each ballot must be numbered to correspond with the name and number of the poll books. (Oh, you want again the old régime under which you disfranchised Democrats and robbed the people by means of spurious bond issues and frightful taxation.) The Republican election commissioner of St. Louis under the law is permitted to name Republican judges and clerks of election; presumably he does this after consultation with his party committee.

The law is not at fault if these Republican judges and clerks are dishonest. Fraud has been charged after every city election in St. Louis for years by both parties. The Democratic legislature has put every safeguard possible around the ballot box. Our majority in Missouri has never depended in any sense on the vote of St. Louis. The largest State majority we ever had was in the face of an adverse majority of 16,000 votes in St. Louis. The Democracy of Missouri is for honest government. It will not be intimidated by threats, misled by glaring falsehoods, nor cajoled by the whining cry of the minority, who seek power that they may loot the State, as they once did, and as they have recently done in the city of St. Louis. Our law lets you name your judges and clerks, but if they are venal and sell themselves the law can not help it.

The gentleman from Iowa [Mr. SMITH] is misinformed. If he had been as anxious to learn the truth of history as he was to find a reason for turning out of this House a Democratic Representative, he would have learned that his statement that "the mayor of St. Louis is usually Republican" was not true. He would have learned that his statement that "the law does not give to the Republicans the choice of their representation on the election boards" was also untrue. If he had been desirous of making a plain, unvarnished statement of facts, he would not have said there was "a change of 6,000 votes in favor of Democracy (referring to the Twelfth district) when all over that Western country they were losing as compared with the vote of 1898 in Congressional matters."

Every single Congressional district in Missouri gained largely in its vote from 1898 to 1900. There is no excuse for the misstatement of the facts by my colleague [Mr. BARTHOLDT]. He states that there was in the Twelfth district an "increase of 12,346 in two years, while in the adjoining district (his) the increase was but 9,000." The election record of Missouri is open. If he had only read, he would have found that the increase of the vote in the Tenth district from 1898 to 1900 was 10,432, but little behind the increase in the vote of the Twelfth district.

The Representative from the Tenth district comes into this forum and pleads for a fair ballot and clean government. This he does while we are not two years away from the slough of crime indulged in by the Zeigenhein Republican city administration. Ballot stuffing, bribery by and of city officials, franchises bought and sold on the official market, with some of your late officials convicted, others fugitives from justice, and many under indictment. Thanks to the law as administered by a Democratic judge, the courage and ability of a Democratic prosecutor, and the honor and integrity of the citizens of St. Louis, these rascals are being called to account, and we have high hopes that the start that has been given to honest government by the present administration of St. Louis will bear the fruit so much desired by honest men of all parties.

The gentleman [Mr. BARTHOLDT] says the spring election of 1901 was a duplicate of the election in the fall of 1900. If that is true, he can not complain. The man elected mayor is credited with voting your ticket and contributing money to the Republican campaign fund in 1896. The men who controlled the Democratic convention and named the city ticket were not the men who stood for Democratic men and measures in the two previous elections. They were confederated with you. Many thousands of Democrats refused to support that ticket, yet there were enough Republicans who did to give it 8,000 majority. The Democratic battle cry of that campaign in St. Louis was clean, honest city government. That fight was to clean out and drive from office the worst gang of pilferers that ever infested that city. The false and fraudulent demand for a change to Republican methods will not be heeded by the people of Missouri, whether it is fulminated by a venomous press or dignified by being pressed in this forum.

I have given you the general provisions of the so-called Nesbit law. My colleague [Mr. BARTHOLDT] rails at the Nesbit law. That law was sustained by the highest court in Missouri. Oh, but you say that is a partisan court. Yet, on appeal to the Supreme Court of the United States, that last tribunal in our Government sustained the law. The law is just and fair. Now comes the gentleman, backed up with the resolutions adopted by the late Republican State convention, to demand that the good people of Missouri shall turn over the State government to the same old band of freebooters who for six years after the "war between the States" plundered the citizens of that great Commonwealth. You sold our securities for a song and left us burdened with debt. You saddled nearly $40,000,000 of county, township, and city debts on the people, which were nearly all fraudulent.

But, Mr. Speaker, Missouri long ago shook off the awful incubus of Republican State government. She did not lay down in the ashes and mourn away her life, but vigorously met the grave responsibilities confronting her. Under Democratic government Missouri has unburdened herself of more than $20,000,000 of State debt, besides interest. She has paid more than $25,000,000 of county, township, and city debts. She has given to the support of her great State University more than $3,000,000. She has built up great normal schools and splendid asylums and

maintained them at a cost of $4,500,000. She has built 8,500 schoolhouses and augmented the State and county school funds tenfold. She has doubled her population, quadrupled her wealth, and cut down her people's taxes by half. This wonderful progress has been made despite the fact that a mendacious press has abused and vilified her people and officials for thirty years. For feats of mendacity the Missouri Republican press and Republican orators are easily entitled to the blue ribbon. Our Missouri doors are open to good men from everywhere. We welcome the home builder, the wealth producer, but we will not intrust our government to the Missouri Republicans. Democratic Missouri greets the country.

Mr. BOWIE. Mr. Speaker, I yield the balance of the time on this side to the gentleman from Missouri [Mr. BUTLER], the contestee in the case.

The SPEAKER. The gentleman is recognized for fifty-six minutes.

Mr. BUTLER of Missouri. Mr. Speaker, up to this moment I have refrained from voicing my opinions or sentiments upon any measure which has been before this House, believing, as I do, that sentiment has restricted boundaries, and that opinions, especially of a new and verdant member, are very often more forceful unexpressed.

I take the floor to-day, however, in defense of my title to a seat in this House; in defense of the voiced opinions of 22,000 freemen, whites and blacks, Democrats and Republicans, who cast their votes for me and sent me here as their Representative upon the floor of this House.

I trust, therefore, gentlemen, you will accord to me the attention to which I feel I am entitled.

It is not my purpose in these remarks to mince words. It is not my intention to clothe with language of conciliation the actions of some of the parties to this foul and sinful conspiracy to rob me of my personal rights and to deprive 200,000 of our people of their rightful title to a voice in the government of this the only true government of the people. [Applause.]

It is not my desire or intention to accuse or blame the majority of your committee for their report in this case, feeling as I do that partisan spirit and party fealty sometimes sway the judgment of the strongest men, which your committee has been manly enough to honestly admit; but I feel that the mass of testimony, of false charges, of skillfully woven fabrications, and hypothetical conclusions, all drawn from an absolutely illegal, unreliable, and unsubstantiated census in this case bewildered even your committee, and drew from them a report which, from party standpoint, at least, they permitted themselves to believe was warranted.

I am fain to believe, however, that from the standpoint of men learned in the law, as they are, applying the well-known principles of law to the case, that they in their hearts and consciences fully realize and believe that they have erred.

On the very first page of your committee's report appears a tabulated statement of the vote of the Twelfth Congressional district for the years 1898 and 1900, which, while I believe not intended for the purpose, is nevertheless calculated to deceive and mislead. The same argument has been used upon this floor by one of my colleagues from St. Louis, but with a full knowledge, I am sure, of its absolute dishonesty and deception.

The statement, in brief, I quote as follows:

The official returns gave the contestee a plurality of 3,553, as shown by the following vote, parallel with which, for the purpose of comparison, is placed the vote of the Congressional election of 1898.

Then follow the parallel columns of figures, giving the total vote of 1900 as 40,655, and that of 1898 as 28,299. As the theory of the contestant and the majority of your committee in this case is that I was elected through an enormous false registration, this ittle statement of the returns of two elections is given you upon the very first folio of this report, by way of comparison, it is said, to fix your minds in the very beginning on the enormous discrepancy between the vote of the two years.

They do not tell you that the year 1898 was an "off year," as it is called in political parlance; a year, in other words, when a President is not voted for. They do not tell you that in such years the vote of almost every district in the land is reduced, and in many cases by almost one-half.

The committee has not told you, and neither has my colleague, Dr. BARTHOLDT, who has tried to impress so forcibly upon your minds the figures of 1898 as compared with 1900, that in 1894 the total vote for all candidates for Congress in the Twelfth district, Democrat, Republican, Prohibition, Socialist, and Independent, was only 18,912, while in 1896 the Republican candidate alone received 21,483 votes, or 2,571 votes more than all candidates in 1894 and 14,014 more votes than the Republican candidate of 1898, and still there was but two years intervening.

The wise Doctor has not informed you that in 1898 the total vote cast in this district was 10,000 less than in 1896, two years earlier, and that the Republican candidate alone received 6,183 votes less. Why has not the wise Doctor made comparisons of the total vote of all the St. Louis districts as between 1898 and 1900? If he had it would show that the Twelfth district had increased in vote 12,400; the Eleventh district, Mr. JOY'S district, 14,134, and the Tenth district, which is the Doctor's district, 10,432. Why have you withheld all the facts, my dear colleague?

Why has not your committee published the vote of 1896, a Presidential year, and four years earlier than the last election, by way of comparison, as they say? Why is it that in no part of their report have they published the returns of the year 1896? The returns of 1896, as compared with those of 1900, show the absolute inconsistency of the contestant's contentions. They show that in 1896 there were cast at the Congressional election, in November, 39,124 votes, while in 1900, which was four years later, there were cast 41,528 votes, showing an increase in four years of only 2,404 votes in a district carved from the very center of the city of St. Louis.

The increase in the Tenth Congressional district of St. Louis, which is Mr. BARTHOLDT'S district, for the same four years was 3,029; and in the Eleventh Congressional district, which is Mr. JOY'S district, it was 1,757.

I am sure, gentlemen, you will all agree that the increase was not abnormal, and as the Twelfth Congressional district was represented in 1896 by a good, stanch, and honest Republican, I am satisfied that you will not put a stigma upon his memory by branding his reported vote as fraudulent, and his election as a steal. [Applause on the Democratic side.]

But, my friends, there was no fraud at that election, and none was hinted at; there was no fraud at the elections in either the Tenth or the Eleventh districts of Missouri in either 1896 or 1900, and none was hinted at; and neither was there fraud at the election in the Twelfth Congressional district [applause], as an honest comparison of the returns will show to the mind of any unprejudiced man who will lay aside, for the time at least, his party fealty and judge with justice between man and man.

The principal ground of contest in this case, in fact the only ground of contest, is that there was an enormous false registration in my interest. The fallacy of that contention has been shown most clearly, I think, by the report of the minority members of your committee, which is before you, and by their able arguments upon the floor in this case.

Let me show you, further, the sophistry of this contention by the registration figures of the district.

You are well aware that no charge of fraud has been made here against either of my Republican colleagues from St. Louis upon this floor; yet I will assure you that if any fraud at all existed in the late Congressional elections at St. Louis, that that fraud was as great or greater in the districts represented by my Republican colleagues.

I wish to read to you here section 7227 of the Missouri election law, under which the last election for Congress was held:

SEC. 7227. *City to be divided into election districts.*—It is hereby made the duty of such board of election commissioners for such cities, within six months after taking effect of this article, to divide such cities into election precincts regarding ward lines, and composed of compact and contiguous territory, which shall contain, as nearly as practicable, 400 actual voters; and in making such division and establishing such precincts such commissioners shall take as a basis the poll books of the number of votes cast at the last preceding Presidential election. At least six months before each subsequent Presidential election the election commissioners may revise and rearrange the precincts and increase or decrease their number on the basis of the votes cast at the previous Presidential election for President, making such precincts to contain, as near as practicable, 400 voters, measured by the vote of such election. The precincts in each ward shall be numbered consecutively. (New section.)

You will see from this section that the board of election commissioners were instructed to divide the city as nearly as possible into election precincts having 400 voters, without, however, altering the ward lines. The basis of vote upon which the division was made was the Presidential vote of 1896, as required by this section of the statute. You will not claim, I am sure, that the registration of 1896 was stuffed or fraudulent, for the Republican clear majority in the Twelfth Congressional district at that time was 3,842. In the Eleventh Congressional district the Republican majority was 3,552, while in that portion of the Tenth Congressional district lying within the city of St. Louis the clear Republican majority was 6,870. These are the actual figures, my friends, and it was upon the basis of the vote at that election that the new precincts of the city of St. Louis were made up to average as near as possible 400 votes to a precinct.

Now, let us see what the actual registration after the formation of the precincts shows. I have here the complete vote of all the wards of the three Congressional districts within the city of St. Louis, together with the highest precinct registration, the lowest precinct registration, and the average precinct registration in each ward of such districts, all of which have been taken from certified figures from the election commissioners' office of the city of St. Louis. I will not take up the time of the House by reading the data to which I have just referred, but I will read to you the district showing as deduced from those figures in each of the three districts of our city.

In the Tenth Congressional district, which is the district represented by my Republican colleague, Dr. BARTHOLDT, the total vote of that part of the district lying within the city of St. Louis was 27,052. The total registration for the same district was 28,904, showing those not voting to number only 1,853. The highest registration of any precinct in the district was 588, and the lowest registration was 202, while the average registration for the 68 precincts within the district was 425.

In the Eleventh Congressional district, which lies wholly within the city of St. Louis, and which is represented on this floor by my esteemed friend and colleague, Mr. JOY, the figures show the total vote of the district to be 54,919, the total registration 58,517, and the number of those not voting 3,598; the highest precinct registration in the district 961 and the lowest 189; the average registration for the 149 precincts of the district was 418.

In the Twelfth Congressional district, which also lies wholly within the city of St. Louis, and which up to the present moment at least I have the honor of representing, the total vote was 41,532; the total registration was 47,752, while those not voting amounted to 6,220. The highest precinct registration of the district was 754, the lowest was 169, and the average precinct registration was 408, a much smaller average than either of the other two districts.

Now, Mr. Speaker and gentlemen of this House, I want it distinctly understood that I have not cited these figures to cast any cloud upon the title of my Republican colleagues to their seats in this House, for I believe and know they were fairly and honestly elected, as I feel and know that I was. [Loud applause on the Democratic side.] I have cited them, however, to show the ridiculous nature of the contentions in this case.

There is no contest in the Eleventh district; there is no charge of fraud; there is no charge of padded registration, yet the average registration in each precinct is 418, or 18 greater than is called for by the provisions of the statute.

There is no contest in the Tenth district, there is no charge of fraud or padded registration, yet the average precinct registration is 425, or 25 greater than is called for by the provisions of the statute.

But there is a contest in the Twelfth district, and there are charges of padded registration, while the average precinct registration of the district was only 408, or but 8 greater than is called for by the provisions of the statute.

While on the question of figures permit me to submit to you a few more upon the basis of the actual vote for Congress in the three districts of St. Louis at the last two presidential elections. In 1896 the total vote in the Tenth district within the city of St. Louis was 24,023. The total vote of 1900 was 27,052, showing an increase in four years of 3,029 and an average increase per precinct of 45.

In the Eleventh Congressional district the total vote of 1896 was 53,162; in 1900 it was 54,919, showing an increase of 1,757, or an increase per precinct of 12.

In the Twelfth Congressional district in 1896 the total vote was 39,124; in 1900 it was 41,528, showing an increase of 2,404, or of 21 per precinct.

I ask you, gentlemen, to draw the conclusion from these figures which they honestly deserve.

It is true that the contestant, through his attorney in this case, concedes the fact that the registration and the actual vote in the Twelfth Congressional district appear to be normal, but charges that I, through agents or others, induced a sufficient number of honest voters not to register to compensate for the fraudulent ones which I caused to register. Permit me to quote the remarks of the learned attorney for the contestant upon this subject:

> The population of the Congressional district, according to the census of 1900, was 155,366. The total registration was 48,160. This aggregate registration in the district bears a high ratio to the aggregate population, and is greater than the registration in this same district at the preceding election two years earlier, but the increase is not so great as to attract attention or appear abnormal. The McBurney canvass, however, demonstrates that this apparently normal and proper growth of registration is a deceptive indication, for whereas in the portion of the district recanvassed there were discovered to be 14,638 men improperly registered, there were found 15,746 men who appeared to be entitled to registration and whose names could not be found upon the registration lists.
>
> It is thus demonstrated, therefcre, that the force of this conspiracy was negative as well as positive. Its activity was equally exerted to keep names off the lists and to get other names on. The care with which the whole matter was managed is evident from the fact that the number of names added so nearly agrees with the number of those kept off, whereby any disturbance of the normal aggregate of registration was avoided, and there was not presented for public notice any evidence of the work that was being done, such as would have been presented if this enormous number of new names had been merely used to increase the previously known and already large aggregate of registration.

Shades of the immortal Portia, thou hast returned to earth! for reasoning such as this is not of earth to-day. [Laughter and applause.]

With what have I been charged herein? With inducing 15,000 freemen to withhold their names from the registration books and refusing to vote at a Presidential election of their country. Was anyone ever before gifted with such powers of persuasion, and though he was, was he such a consummate ass as not to use those same powers of persuasion to induce those 15,000 living freemen to register and vote for himself, instead of resorting to the registration of 14,000 dead ones? I ask you, gentlemen, has ever before such an argument been presented to this House? [Applause.]

On the convening day of this House (a day, by the way, which I shall never forget, unless perhaps the good sense and justice of the majority may make this day a more memorable one) I was struck by what appeared to me then as the noble utterances of a just and unselfish Spartan. I refer to the utterances of the honorable Speaker of this House anent the laws and rules which govern this House. The honorable gentleman said at that time:

> The maker of laws should not be a breaker of laws.
>
> We proceed under laws and rules, and the duties devolving upon each and all of the membership of this House will be far better conserved if this principle is acted upon.

Mr. Speaker, I believe you meant every word you uttered. I believe you will reiterate the same old thing if you should possibly ever again have the good fortune to wield the gavel in this House. I know it came from the heart; it had all the tremor, all the feeling of a deep heart echo; but, oh, I wish, Mr. Speaker, you could have conveyed some of those cardiac impulses to the frigid blood pumps of your Judicial Committee in this case. [Applause.]

This contest was never intended to be a bona fide one. Every statute and every rule of this House was openly and flagrantly violated and ignored in its conduct, notwithstanding the sacred injunctions of your Speaker. This contest was instituted for the sole purpose of manufacturing campaign thunder for use at a far more important election, from a local standpoint, which was to follow in a few months, namely, the city election for mayor and other city officers. But somehow the stage pyrotechnics failed to inspire the good people of St. Louis with aught but a sense of ridicule, for the voters of that great metropolis accentuated their verdict of November by a more pronounced and positive one in April, electing the whole Democratic ticket by a much larger majority than in November. [Applause on the Democratic side.]

The Twelfth Congressional district, which gave me a plurality of 3,553, gave to the Democratic candidate for mayor a plurality of almost 7,000, and to the whole Democratic ticket almost the same plurality. I was not a candidate at that election, gentlemen, and it could not consequently be said that "all power and money, etc., was centered on the election of Butler at all hazards," as has been charged in this case and is reiterated in your committee's report. Nevertheless, a Democratic ticket carried the same district by almost double my plurality.

Much has been said in the report of your majority in regard to the contestee having taken no testimony in his defense. I want to say to you, gentlemen, that it was after mature consideration and on the advice of over a dozen of the most eminent members of the St. Louis bar, both Democrats and Republicans, that it was decided that as absolutely no case of any kind had been made out that consequently no testimony was needed in my defense, believing, as we did, and had a right to believe, that we would be judged in this case according to well-known laws of evidence and according to well-defined legal principles.

Furthermore, had I embarked in the taking of testimony to combat the mass of rubbish here presented, I was financially unable to individually bear the brunt of the obligation incident thereto. The expense of this contest to me has been more than double the statutory allowance for such cases, while the expense of the contestant's case has run into the thousands. No part, however, of that expense, according to his own confession, has been borne by the contestant. The funds for this contest were derived from the mysterious source referred to by the contestant in the first page of his brief as "representative men who had become alarmed and indignant, none of whom are included in the list of responsible Republican managers, and not all of whom are members of that party."

What an inglorious confession from a Republican contestant! The responsible managers of his party, satisfied of his defeat, refused to become parties to the prosecution of a dishonorable contest, refused to pander to the greed of a so-called lawyer, known throughout the State of Missouri as the election-contest shark, a post-mortem attorney whose prey for years has been the defeated candidate, regardless of the political faith of the corpse. [Applause.]

Deprived of honest party support, he flies for assistance to the halo-crowned angels of reform, "the representative citizens regardless of party," who refuse to divulge their sacred names. They should be called representative cowards. They are naught else. They are in fact modern Danites, unlike, however, the old sect, in that they have not the courage of their own convictions. Too cowardly to do their own work, they intrust it to paid retainers of their own ilk with similar consciences but superior courage.

Their identity is no secret to me. Their self-discovered halo

is but the phosphorescent mantle which hovers above putrid decay. Their sacred names are known to me, one and all. They are living and acting a lie when claiming communion with either of our great parties, and it grieves me to admit that the meanest of them all are those masquerading in the habiliments of Democracy.

While on this point, Mr. Speaker, I wish here to refer for a few moments to a journal known as the St. Louis Republic, an alleged Democratic newspaper of the city of St. Louis, but which is not Democratic; neither is it Republican, but a mongrel sheet, a terrestrial wanderer, a journalistic harlot since its incipiency in 1808. Founded by degenerates, fostered, sustained, and perpetuated by commercial and financial pirates, it has no virtues but the virtues of mammon; its religion is barter, and its god is gold. [Applause on the Democratic side.]

It is the organ of sordid commercialism, and the tone of its scribblings changes daily with the whim of its auction purchasers. From this so-called Democratic sheet comes the wail of the "representative citizen;" from this Democratic sheet comes the plea to this House that I be unseated, although in the very same paragraph it concedes my honest election. I trust, my Democratic colleagues, that I have not been treasonable in thus assailing this paper. Many of you, to my own knowledge, are familiar with its character and can bear me out in what I have said. I have but spoken my mind and the truth. I have never sought the paper's support, do not want it, and never will. I have not failed, however, to make its responsible managers thoroughly understand in positive language my opinion of them and their journal, and if the stability of my seat on this floor depends upon the support of that paper, then, indeed, am I sorry, and must bow to the inevitable.

Digressing at this point for a few moments, I feel it my duty to refer to what I shall characterize as at least unkind references by the majority of your committee to my aged parent. I at least had reason to feel that your committee would spare him in their report and not reiterate the false and unsubstantiated statements of an irresponsible shyster in a ridiculous brief. It is unnecessary for me to particularly refer to the comments in question, but I would be false to every sense of parental respect, devoid of every vestige of paternal love, and faithless to the teachings of the Almighty as writ on the tablets at Sinai, did I not brand all such charges against my aged father as false as hell itself and inspired by fiendish hate. [Loud applause on the Democratic side.] My manhood has compelled me to resent these charges now, and I care not to allude to them further.

Let us revert, then, once more to the question at issue, namely, my right to a seat on this floor. I was nominated by a Democratic convention, with absolutely no opposition, excepting, perhaps, the vindictive enmity of some cowards within my own party, which enmity still pursues me, and which, if I do not survive its generators, I hope to have with me at my dissolution. I was supported by an almost undivided party, which was the first time a Democratic candidate for Congress had been so supported since 1894, when a Democrat was elected.

The almost unanimous so-called gold wing of the party supported my candidacy and gave me their votes upon the day of the election; Republicans by the hundreds, dissatisfied with their candidate and the manner in which he was foisted upon them, gave me their support, as the sworn testimony in this case will show. A positive defection among the negro voters, which amounted to probably two-thirds of their entire number, brought them to my side, and it was a most common occurrence during the campaign, though an unusual and an odd one, I will admit, to see negroes by the hundreds parading the streets with banners proclaiming their opposition to my opponent. This was the condition of affairs in this district on the Republican side.

So black did it seem at that time that the Republican member of Congress then seated in this House, Maj. Charles E. Pearce—and I regret, gentlemen, to be compelled to bring into this case a letter from a gentleman who is now dead—was impelled to write to a dear political friend in this city, and I will quote from his letter, as follows:

> Campaign is moving on. Am making all the speeches I can with proper regard for my health. How does it look to you in the East for McKinley? I do not like the appearance of things in the Twelfth, but McKinley may pull Horton through.

These were the words of Major Pearce at that time, gentlemen.

I have now mentioned some of the circumstances which helped to procure for me the handsome majority by which I was elected. It was not the capture, as your committee would have you believe, of a Republican district by the Democrats, but simply a redemption of a district which had strayed from the Democratic fold. A district which had always under normal conditions been reasonably Democratic, and which prior to Major Pearce's two terms on this floor had been represented for three terms by Mr. Cobb, a Democrat. It would probably be still represented by him had it not been for the defection in the Democratic ranks in 1896, brought about by the financial plank in the party's platform.

My colleagues on this side have dwelt very fully in their report and arguments upon the unreliability and ridiculous character of the so-called McBurney canvass; they have defended with ability and eloquence the State's right to make her own election laws. I feel, therefore, that it is scarcely necessary for me to invade that territory, except to say that there is no law which has not its defects, and I believe the Missouri election law to be as good and with as few defects as the same law in any other State of this Union. Bear in mind, however, my dear friends, that the law was not made for my benefit. I had no hand in its making. I had to run for Congress under that law or not at all, as it was the only one we had. Remember also that my two Republican colleagues from St. Louis were elected by very handsome majorities under the very same law.

So, gentlemen, if you mean to make me suffer for the law, if you mean to deprive me of my seat in this House on account of that law, I pray you, in Heaven's name, be consistent. Do not make fish of one and flesh of the other, but be just and demand the resignations of my two Republican colleagues and let us all go back and fight it out again together. We can borrow a new law, if necessary, from Ohio or Iowa or any other honest State. I am sure my colleagues will be satisfied with this, and I feel and know that I owe nothing to that law, and that under similar circumstances I would again be elected—even under the laws of Timbuktu.

I feel satisfied, however, that you have no desire to do such equal justice. Therefore I will in defense summon once more the figures in this case and prove to you that even conceding, for the sake of argument merely, all the half-hearted contentions of your committee, that I am still elected by a clear majority. The election in the Twelfth district gave to me 22,104; to Mr. Horton, 18,551. According to your committee report, page 39, the vote of names not found by the United States census or the McBurney canvass amounted to 3,727 for Butler and 1,345 for Horton. Deducting such votes from the totals will leave for Butler 18,377, and for Horton, 17,206.

Again conceding, for the sake of argument, that the so-called recount (page 41, report) of the contestant is correct, which even your committee does not concede, we will deduct from the last total the discrepancies as alleged by the contestant, showing a loss of 1,395 for Butler and 422 for Horton. Deducting these, as I said before, from the last total, you will find that Butler still has 17,042 votes, while Horton has but 16,884, which is conceding, for the sake of argument, everything which is wildly claimed by the contestant, and a clear majority is still shown for me of 158 votes.

It is not my desire to prolong argument in this case, but before drawing to a close I want to say that the nomination was forced upon the contestant in this case in order to pique and humiliate and chastise an honest, conscientious, able, and faithful Representative in this House, a loyal and true man and a consistent Republican—namely, Maj. Charles E. Pearce, now departed, but whose memory I am satisfied is still bright in the minds of the members of the last two Houses. The nomination, as I said before, was forced upon the contestant for this purpose and because he was the avowed friend of the controlling spirit of a railroad monopoly, who also controlled the nominating machinery of this district. The contestant made little or no campaign for either himself or his ticket, and was scarcely heard of until about two weeks before the election. Then he was seen but a few times and only in his own strongholds.

On the other hand, my dear friends, I am happy at this moment to be able to say that I, then looking forward to one of the happiest moments of my life, never tired, but plunged deeper and deeper into a campaign which for me meant success or failure, an ambition gained, or a fond hope shattered. I scarcely slept. Night and day I labored. I found my way into every nook and corner of my district. Into the streets and alleys, among the slums and palaces, into the very heart of settlements of every nationality under the sun I carried my campaign and pleaded my cause with that of my party.

And now, because a boyhood dream is almost a reality; because I have brought a few sunny hours to dear old hearts; because of the hatred of a few powerful but unprincipled enemies within my own party, who were the instigators of this conspiracy, I am to be deprived of my hard-earned victory, the people shorn of their rights, and my very honesty questioned in despoiling me of my seat in this House. Some, no doubt, my vehemence in this matter will amuse. A contest for a seat in this House may seem to them a comedy, and of little concern; but I want to tell you, gentlemen, that to me this contest is a terrible wound; a wound which strikes deep into my heart, but which strikes deeper still into the hearts of others who are dearer to me than life itself.

I may not again be permitted the floor of this House, so in concluding I desire to offer my heartfelt gratitude to every member on this floor for the many courtesies which have been so graciously extended me and for the little favors without number

which enable a new member to feel that through them he has been of service to his constituents.

To the officers of the House I am deeply grateful for generous treatment at their hands, and to the warm friends that I have made upon the Republican side of this House, I wish to say, that I was not educated in that school of political partisanship which makes friendships possible only in the ranks of partisanship. Friendship is a godly virtue, while partisanship is naught at best but worldly expediency. I say to you, therefore, dear friends, if the sting of the lash is more than you can bear; if your party's necessities demand your vote against me in this case, cast it so. My friendship and yours, I know, look beyond party lines, and after this battle is over its fires will kindle anew, brighter and warmer than ever. [Loud applause on the Democratic side.]

Mr. TAYLER of Ohio. Mr. Speaker, I yield for a moment to the gentleman from North Carolina, who desires to ask unanimous consent for an extension of some remarks in the RECORD.

Mr. SMALL. Mr. Speaker, I ask unanimous consent to extend in the RECORD some remarks. Those remarks are not pertinent to this debate, but are simply some statistical information about the State of North Carolina.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent to extend remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. SMALL. Mr. Speaker, I do not desire to submit any remarks pertinent to any measure now pending before the House, but to say something concerning the good State of North Carolina, of which I have the honor in part to represent. Though one of the oldest of the colonies and one of the original thirteen States, yet her history, the achievements of her people, and her resources are not so generally known to the country as some of the younger States of the Union. Whether this be due to the modesty of her people and to the fact that they have permitted others to write her history or to other causes, it would not be profitable now to discuss. Upon her soil was made the first settlement in the United States and there the first white child of English parentage was born. In every period of her history, either as a colony or a State, her people have exemplified the finest sentiments, a disinterested patriotism, and the best achievements of a true democracy. They have been conservative in sentiment, yet vigorous when aroused to action.

Her people have preserved the liberty of the citizen against all encroachments. The white people of the State probably present to-day the purest type of American citizens to be found in the Union. But it is not of the history of the State that I would speak. I am more particularly interested in presenting the resources of the State as they exist in the present and the possibilities for the future development of these natural resources and the progress of her people. I shall discuss the subject under a number of divisions and in a manner which I believe will prove instructive not only to the people of the State, but to nonresidents who may be interested in this fascinating story, and who may perhaps seek good fortune and make a home amid these surroundings and among these good people.

CLIMATE AND RAINFALL.

Perhaps no other one thing contributes so much to human progress and happiness as does a favorable climate. The highest development in human achievement has come to those peoples who had the most desirable climatic surroundings. The highest aspirations and finest sentiments of man have emanated from those peoples who lived in temperate climates. If this be so, and it is, then it is not surprising that from North Carolina has come much that is best in the thought and sentiment that have contributed so largely to the wisdom and strength of the Republic. The State is blessed with all that is best in climate conditions. There are none of the extremes in heat and cold nor in rainfall and drought. The following summary table presents the mean temperature and the average rainfall for the State as a whole for the eleven years 1891 to 1901, inclusive:

NORTH CAROLINA.

Summary for the State, 1891–1901.

Year.	Mean temperature.	Precipitation.
	°F.	Inches.
1891	58.7	53.3
1892	57.6	46.8
1893	57.8	53.3
1894	59.6	46.1
1895	57.4	50.2
1896	59.6	47.5
1897	59.3	46.1
1898	59.4	50
1899	58.6	52.1
1900	59.9	48.4
1901	57.5	62.7

It will be observed from the above table that the highest mean temperature in eleven years has been 59.9°, and the lowest has been 57.4°. The greatest average rainfall in any one year was 62.7 inches, and the lowest 46.1 inches. At Hatteras, in the extreme eastern portion of the State, at an elevation of 11 feet, the annual average temperature for twelve years has not been below 60.5° nor above 63.8°. The average temperature for January at this point has not been below 41.8° nor above 55.7°, or an average of 46.4° for twelve years. For July the lowest average annual temperature in twelve years was 76.2° and the highest 78.9°, or an average for the period of 78.4°.

At Asheville, which is in the western portion of the State, at an elevation of 2,250 feet, the average annual temperature for the twelve years ending 1901 was 55.6°. The lowest average annual temperature for this point during that period was 54.1°, and the highest was 56.5°. The average annual temperature at Asheville for the month of January during this period was 36.8°, the lowest being 27.2°, the next lowest being 32.9°, and the highest 47.2°. For the month of August the average annual temperature at this point for this period was 72°, the lowest average being 67.9° and the highest 76.1°.

The average annual temperature at Oak Ridge, situated near the center of the State and at an elevation of 885 feet, was 57.5° for the twelve-year period above noted. The average annual temperature for January at this point was 37.7°, the lowest being 29.2° and the highest 44.8°. For the month of August the average annual temperature for this point for the period was 75.7°, while the lowest average annual temperature for this month was 70.6° and the highest 81°.

The three points above noted represent fairly the three distinctive topographic sections of the State, and show in a general way the temperature for each section during the entire year and also for the coldest and hottest months in each year. While it is true that there are occasional days in summer when the temperature rises to 100° and occasional days in winter in the mountain and middle sections of the State when it falls to zero and below, yet these extreme conditions of heat and cold are very unusual, and when they do occur are seldom of longer duration than two or three days.

The rainfall is very evenly distributed throughout the year, and is almost as evenly distributed over the different sections of the State. There is a slightly less rainfall in the Piedmont or middle section of the State than in either the coastal or mountain sections. This generous precipitation and its practically uniform distribution throughout the year means much to the advantage of the State, outside of the fact that it contributes to the almost absolute certainty of fair agricultural crops every year. It also insures such uniformity in the flow of streams as to make more valuable their water powers than is the case in those localities in which the rainfall is excessive in one season of the year and very meager in other seasons.

POPULATION.

The population of the State of North Carolina in 1900 was 1,893,810 as against 1,617,947 in 1890, representing an increase during the decade of 17.1 per cent. In 1790 the population of the State was 393,751, so that it is seen that the population during 110 years has increased nearly fivefold. In 1900 the colored population represented 33 per cent of the total. It will be interesting to note in this connection that the white population increased during the decade from 1890 to 1900 19.7 per cent, while the colored population increased 11.3 per cent. A considerable proportion of this difference in the rate of increase for the two races is due to the emigration of negroes to near-by States.

The Census Office in its report on urban population has included all places of 4,000 inhabitants or more. In 1890 there were 12 such places in North Carolina, with a population of 97,959, and in 1900 there were 17 such places, with a population of 152,019; or, to put it differently, in 1890 6 per cent of the total population lived in towns of 4,000 or more, while in 1900 8 per cent of the total population lived in such towns. The increase in urban population during the decade was a little more than 56 per cent.

There are 347 incorporated places in the State, but only 35 of them have a population of more than 2,000; 12 have 5,000 or more, 6 have more than 10,000. There is no large city, the largest having slightly less than 21,000 inhabitants. There are only 5 States in the Union which show a smaller percentage of urban population than North Carolina.

The population of the State is the most purely American to be found in the United States. In 1900 there were only 4,492 foreign-born persons in the State. This was only two-tenths of 1 per cent of the total population, or 238 foreign persons to each 100,000 of population. This is a less percentage of foreign-born persons than is found in any other State, South Carolina coming next with four-tenths of 1 per cent. This large element of American-born citizenship is no doubt in large measure responsible for the commendable conservatism and sturdy, patriotic Americanism which have always been characteristic of her people.

AGRICULTURE.

The geographical position and the topographical features of North Carolina afford a variety of soil and climate hardly to be found elsewhere within the same range of territory. Starting at the mountain elevation of some 6,000 feet and going east to the sea, a distance of 500 miles, one is astonished at the variety of vegetable life that he sees. On the northwestern plateaus are found the fir, hemlock, and white pine which flourish in the North, while on the low coastal plain are seen the live oak and the palmetto of the semitropics. In the plateau region are seen fields of corn and other crops usually found in the latitude of Pennsylvania, while in the low plains of the south and east flourish the sugar cane and rice of Louisana. This variety of soil and climate makes the State perhaps the richest in variety of products of any within the American Union.

It has been said, and is perhaps true, that North Carolina is the only State in the Union that has an answer to all the inquiries contained in the agricultural schedule of the Census Office. The total land surface of the State is 48,580 square miles, or 31,091,200 acres, and of this area a little more than 73 per cent is included in farms. According to the ceusus of 1890, there were then in the State 178,359 farms. In 1900 this number had increased to 224,637. The value of farm property in 1890 was $216,707,500, and in 1900 it was $233,834,693. Perhaps it would be well here to review the development of agriculture in the State during the past fifty years.

In 1850 the total value of farm property was, in round numbers, $89,500,000. During the decade from 1850 to 1860 there was unprecedented agricultural development, which showed an increase in the value of farm property of $90,000,000. Just at this period of development the manhood of the State was called to arms and the agricultural, as well as all other interests, were left practically to take care of themselves. The shattered remnant of the brawn and brain of the Commonwealth which returned from the battlefields in 1865 saw their farms laid waste and their homes in ashes.

Suffering the bitter pangs which come from having fought and lost and face to face with conditions of poverty and political anarchy beyond description, this broken remnant of the legions who followed Lee and Stonewall Jackson literally beat their swords into plowshares and set about the task of rebuilding a State from the chaotic wreck and ruin brought about by the misfortunes of war. So that while the value of farm property in 1860 was $180,305,812, yet in 1870, after five years of toil and patience amid the ruin wrought by fire and sword, the farm property was valued at only $83,000,000, considerably less than half as much as it was ten years before. Beginning with the new conditions, firmly established about the year 1880, was commenced a progress in agriculture akin to that witnessed during the decade immediately prior to the beginning of the civil war. From that time began the diversification of crops and a scientific interest in the cultivation of the soil.

It is unnecessary to go into details of growth from 1880 to 1890, but some figures relative to the progress made for the past decade, as shown by the censuses of 1890 and 1900, will be of great interest. Beginning with those things which are usually considered of minor importance, it is remarkable to note that in the single item of poultry there was produced in 1900 a value of more than $4,000,000, an increase over the production of 1890 of about 40 per cent. The value of animals sold and slaughtered in 1899 was $9,594,907. The dairy products of the State for the same year are valued at $6,175,397, the item of milk showing an increase over 1889 of 62 per cent and butter made showing an increase of about 29 per cent.

The principal farm crops as measured by value are corn, cotton, and tobacco. In 1889 the State produced 25,783,623 bushels of corn, and in 1899 the crop was 34,818,860 bushels. This crop represents about 25 per cent of the total value of all farm products of the State. The quantities of other grains are not of such importance as to deserve particular notice further than to say that the annual wheat crop is approximately 4,500,000 bushels, and, too, it might be well to note that the unprecedented increase in the production of buckwheat suggests a wonderful adaptability of our soil and climate to the profitable cultivation of this cereal. In 1889 the production of buckwheat in the State was 12,621 bushels, and ten years later this production had increased more than fourfold, or to 52,572 bushels.

The percentages of increase in the acreages devoted to cereal crops in the last decade were as follows: Corn, 15.2 per cent; wheat, 12.1 per cent; buckwheat, 187.1 per cent; and barley, 57.3 per cent. In addition to the cereals above mentioned, there were in 1899 22,279 acres of land planted in rice, and the yield was 7,838,580 pounds, valued at nearly a quarter of a million of dollars. The increase in acreage for this grain during the past ten years has been 82 per cent and the increase in production has been about 35 per cent.

COTTON.

In 1899 there were more than 1,000,000 acres devoted to the cultivation of cotton. This was 12 per cent of the total improved farm land and represented the interests of 105,766 farmers. This was a smaller acreage than was devoted to cotton in 1889 by something more than 12 per cent. The cotton crop of 1889 was 336,261 commercial bales, while that of 1899 was 459,707 bales, an increase in production of 35 per cent. This wonderful increase in production, taken in connection with the fact that the area devoted to cotton was 12 per cent less than it was ten years previous, and making due allowance for poor seasons and short crops for the earlier period, affords a splendid idea of the improved methods adopted by the cotton farmers of the State. The value of the cotton crop in 1899 was more than $15,500,000, being about $2,000,000 less than the value of the corn crop for the same year.

TOBACCO.

As far back as 1849 North Carolina produced 12,000,000 pounds of tobacco. This production was trebled during the next decade, and, with the exception of the period immediately following the civil war, there have been large increases in the production of this plant from year to year. The percentage of increase from 1880 to 1890 was 34.8 per cent. In 1899 there were 203,023 acres devoted to tobacco, which yielded a crop of 127,503,400 pounds, valued at $8,038,691. The increase in acreage for tobacco during the last decade was 109.1 per cent and the increase in production was 250.3 per cent. In 1889 the average yield per acre was 375 pounds, while in 1899 the average yield per acre was 628 pounds. Twenty-five years ago the production of tobacco was confined to a comparatively small portion of the State. Now it is profitably cultivated in 86 counties, and in the county of Pitt, which twenty-five years ago had never grown a pound of tobacco for the market, there was found the largest yield in 1899, viz, 10,733,000 pounds.

The enormous production of tobacco in the State is not the most interesting fact connected with the cultivation of that plant, but the fact that probably half of the bright tobacco of the world is grown in North Carolina and the fact that nowhere else on earth is the weed found to possess so rich a flavor as within certain districts of this State are of greatest significance and importance. It is not generally known that a very large proportion of the tobacco known as "Virginia Brights" is grown in North Carolina. The farmers living in the counties along the northern border of the State found desirable markets in Virginia for their tobacco, and thus the distinction of growing the finest bright tobacco in the world was taken from the State which produced it and given to another. In every State, national, and international exposition in which the North Carolina farmer has entered into competition with the world he has in every instance carried away first prize and gold medals for bright tobacco.

FRUITS AND VEGETABLES.

There is no section of the State in which some variety of fruit can not be profitably grown. The mountain and table-land region, constituting the western third of the State, is especially adapted to the growth of apples. For quality and flavor the apples grown in this region are not surpassed by those grown anywhere else in the world. Large areas of this section of the State are within that isothermal belt in which frost is never known, and consequently a failure in a fruit crop is never known.

In 1890 there were in the State in round numbers four and one quarter million apple trees. In 1900 this number had increased 51.5 per cent, or to nearly six and one-half million trees. The peach thrives in every section of the State, and in some sections almost as well as does the apple in the west. The number of peach trees in the orchards of the State in 1900 was 2,775,000, an increase of 30 per cent over the number reported in 1890. Cherries and plums and prunes thrive in the Piedmont and western sections of the State, and pears are found everywhere from the mountains to the sea. The number of plum, prune, and pear trees has increased more than threefold during the past ten years. Among the smaller fruits, the principal one is the strawberry.

In 1899 there were 6,837 acres in the State devoted to the cultivation of small fruits, and of this acreage 5,616 acres were devoted to strawberries alone. The total crop of this fruit for the census year 1899 was 10,674,610 quarts. About the year 1873 or 1874 an enterprising farmer planted a small patch of strawberries as an experiment. He was so encouraged by the superior quality of his fruit and the high prices which it demanded upon the markets that year by year he increased his acreage with profit. His progressive example was soon followed by his neighbors, and from this small beginning has grown what is now perhaps the most important industry in a few counties in the eastern section of the State.

So rapid has been the growth in the production of this fruit that in the year 1899 the county of Duplin in this State was one of four in the United States which produced the greatest quantity of strawberries. There are six counties in the State that produced in that year more than 1,000,000 quarts each. Blackberries, dewberries, logan berries, currants, gooseberries, and other smaller fruits are being profitably cultivated, and their production offers enticing remuneration to enterprising farmers.

All along the Atlantic coast the soil and climate are particularly adapted to the growth of the small fruits just mentioned,

as well as of all kinds of early vegetables. This section of the State, that a generation ago was considered of little value agriculturally, is rapidly developing into one of the richest and most valuable agricultural sections, not only in North Carolina, but in the whole country. Its peculiar geographical position gives it advantages over points farther to the south. The projection of the eastern section of the State into close proximity to the Gulf Stream gives it a climate milder and better adapted for early gardening than is found in regions 100 miles or more to the south which are not so favorably situated. This advantage, in connection with the fact that it is also many miles nearer the great Northern markets, gives this section a double advantage in point of time for placing its products upon the market.

OTHER PRODUCTIONS.

Most important of the other agricultural products of the State, and perhaps not less important than some of those already mentioned, is the palatable peanut, which is ever growing in popularity wherever it is introduced. In 1899 there were 95,856 acres devoted to the cultivation of this delicious product. The total production for that year was 3,460,439 bushels, an average of a little more than 36 bushels per acre. In the past ten years the gain in acreage for this product has been fourfold and the increase in production has been sevenfold. During the past twenty years the area devoted to peanut growing has increased at least tenfold in the six counties which produce two-thirds of the crop.

Another fine field for profitable farming is found in the production of flowers and plants. While this industry has as yet received little attention, yet wherever experiments have been made they have shown exceedingly satisfactory results. The lands all along the eastern coast are particularly adapted to the growth of flowers and bulbs.

INDUCEMENTS TO AGRICULTURAL HOME SEEKERS.

Aside from a climate that is as nearly perfect as can be found anywhere in the world, no greater inducements can possibly be held out to prospective agricultural home seekers than are found in North Carolina. Our people are hospitable and well disposed to strangers. They welcome anyone from anywhere whose object is to contribute to the upbuilding of the State. Lands are fertile and cheap. As an evidence of the singular unselfishness of the large landholders of the State or of those holding large tracts of land, it is only necessary to state the fact that the average size of farms has greatly decreased from decade to decade, thus indicating the willingness upon the part of the landowners to accommodate those with small capital who desire to engage in farming.

The average size of the farms in North Carolina fifty years ago was 368 acres. The average size in 1870 was 212 acres, while the average size to-day is 101 acres. The average value of farming lands in the State is $6.25 per acre, not including the value of buildings, and the gross income from farms was nearly 34 per cent of the total investment in farm property for the year 1899. This suggests that a very small amount of capital invested in a farm in North Carolina guarantees to its possessor not only a comfortable living, but, if he is frugal and industrious, a reasonable profit as well,

MANUFACTURES.

Although North Carolina is an agricultural State, and no doubt will continue to be so, yet the growth in her manufacturing and mechanical industries during the past fifty years has been most remarkable. The population of the State in fifty years has increased about 118 per cent, while the average number of wage-earners employed in manufacturing establishments has increased more than 183 per cent. In 1850 1.7 per cent of the entire population were employed in manufacturing establishments. In 1900, 3.7 per cent were so employed. In 1850 the capital invested in manufacturing establishments was $7,500,000. During the next decade capital thus invested increased 30 per cent, but from 1860 to 1870, on account of conditions growing out of the civil war, there was a decrease. About 1880 the industrial development of the State began a growth akin to that shown in the agricultural development, but the greatest industrial growth, both absolutely and relatively, is shown in the decade from 1890 to 1900. The following comparative summary from 1890 to 1900, with the per cent of increase for the decade, affords at a glance some idea of this growth:

Comparative summary, 1890 to 1900, with per cent of increase for the decade.

	Date of census.		Per cent of increase, 1890 to 1900.
	1900.	1890.	
Number of establishments	7,226	3,667	97.1
Capital	$76,503,894	$32,745,995	133.6
Salaried officials, clerks, etc., number	3,001	2,589	15.9
Salaries	$2,434,621	$1,278,415	90.4
Wage-earners, average number	70,570	33,625	109.9
Total wages	$13,868,430	$6,552,121	111.7
Men, 16 years and over	44,549	22,665	96.6
Wages	$10,477,765	$5,260,422	99.2
Women, 16 years and over	15,644	6,227	151.2
Wages	$2,394,417	$908,857	163.5
Children, under 16 years	10,377	4,733	119.2
Wages	$996,248	$382,842	160.2
Miscellaneous expenses	$9,118,637	$3,329,101	173.9
Cost of materials used	$53,072,388	$22,789,187	132.9
Value of products, including custom work and repairing	$94,919,663	$40,375,450	135.1
Total population	1,893,810	1,617,947	17.1
Wage-earners engaged in manufactures	70,570	33,625	109.9
Per cent of total population	3.7	2.1	
Assessed value of real estate	$165,968,278	$142,068,932	16.8
Value of land and buildings invested in manufactures	$19,291,964	$8,663,264	122.7
Per cent of assessed value	11.6	6.1	

This table shows that during the decade capital increased 133.6 per cent. Wage-earners increased 109.9 per cent; wages paid increased 111.7 per cent; cost of material used in manufacturing increased 132.9 per cent, and the value of products increased 135.1 per cent. During this period, as has already been shown, the population of the State increased 17.1 per cent. The assessed value of real estate increased 16.8 per cent, and the value of land and buildings employed in manufacturing increased 122.7 per cent. In 1890 6.1 per cent of the assessed value of land and buildings in the State was in manufactures. In 1900 this percentage had increased to 11.6 per cent. Following is given a comparative summary of ten leading industries in the State for the decade 1890 to 1900:

Comparative summary of the ten leading industries.

Industries.	Year.	Number of establishments.	Capital.	Wage-earners. Average number.	Wage-earners. Total wages.	Miscellaneous expenses.	Cost of materials used.	Value of products, including custom work and repairing.
Total for selected industries for State	1900	4,071	$65,067,116	55,642	$10,406,314	$8,020,076	$44,333,174	$77,351,282
	1890	2,068	25,055,097	24,045	4,318,600	2,288,972	17,474,311	28,707,151
Increase, 1890 to 1900		2,003	40,012,019	31,597	6,087,714	5,731,104	26,858,863	48,644,131
Per cent of increase		96.9	159.7	131.4	141.0	250.4	153.7	169.4
Per cent of total of all industries in State	1900	56.3	85.1	78.8	75	88	83.5	81.5
	1890	56.4	76.5	71.5	65.9	68.8	76.7	71.1
Cars and general shop construction and repairs by steam railroad companies	1900	12	539,513	1,141	550,504	29,259	893,150	1,511,376
	1890	9	210,458	434	186,262	(1)	200,335	393,576
Cotton goods	1900	177	33,011,516	30,273	5,127,087	1,030,918	17,386,624	28,372,798
	1890	91	10,775,134	8,515	1,475,932	423,324	6,239,902	9,563,443
Fertilizers	1900	18	2,818,921	427	109,192	108,209	1,044,267	1,497,625
	1890	12	1,513,142	343	89,860	89,316	656,769	994,135
Flouring and grist mill products	1900	1,773	2,905,310	1,019	213,627	65,395	7,218,904	8,867,462
	1890	1,039	2,334,130	1,124	205,946	67,793	4,379,218	5,279,068
Furniture, factory product	1900	44	1,023,374	1,759	333,729	51,921	725,069	1,547,305
	[2]1890	6	126,350	152	38,647	2,754	58,808	159,000
Leather, tanned, curried, and finished	1900	75	1,299,798	366	105,132	32,685	1,129,402	1,502,378
	1890	55	116,364	107	24,188	3,913	115,507	190,887
Lumber and timber products	1900	1,770	13,385,098	11,751	2,491,089	321,048	7,743,235	14,862,593
	1890	713	5,376,807	6,466	1,202,994	232,088	3,038,960	5,898,742
Lumber, planing-mill products, including sash, doors, and blinds	1900	101	1,366,823	1,939	473,589	78,377	1,801,478	2,892,058
	1890	42	488,770	584	195,070	26,284	515,213	915,070
Oil, cotton seed, and cake	1900	21	1,841,856	564	133,195	110,161	2,160,996	2,676,871
	1890	11	743,675	318	56,596	31,877	402,199	529,746
Tobacco, chewing, smoking, and snuff	1900	80	6,874,908	6,403	869,170	6,192,103	4,230,049	13,620,816
	1890	90	3,370,267	6,002	843,105	1,411,623	1,867,400	4,783,481

[1] Not reported.

[2] Exclusive of one establishment for the manufacture of "Furniture, chairs," for which no figures are available, as the statistics were included in "All other industries."

Certainly no better evidence of the industrial possibilities of the State can be found than is shown in the progress made during the past decade. From the tables above it will be seen that in 1900 there was more capital employed in the single industry of cotton manufacturing than in all the industries in the State in 1890. Reference to the census reports shows that 10 counties of the State now have more money invested in manufacturing enterprises than the entire State had ten years ago. The value of products in two industries alone, namely, cotton manufacturing and lumber, is now greater than that of all the manufactured products of the State in 1890.

COTTON MANUFACTURING.

First in importance, on account of its magnitude and also on account of the opportunities it offers for profitable investment, is the cotton-manufacturing industry. In 1890 there were 91 cotton mills in the State, with a capital of $10,775,134, while in 1900 there were 177 mills, with a capital of $33,011,516. The value of the cotton-mill products in 1890 was $9,563,443, and in 1900 it was $28,372,798. More than 30,000 people were employed in these mills, and to them was paid more than $5,000,000 in wages in the year 1900. In that year these cotton mills consumed about 400,000 bales of cotton, which was practically all the cotton grown in the State during the year. Since the census year numerous cotton mills, involving the investment of millions of dollars of capital, have been built, and only within the last few days there has been commenced the erection, at Greensboro, of the largest denim mill in the world. This single mill will cost not less than $1,250,000.

TOBACCO MANUFACTURING.

The State has long been famous for its chewing and smoking tobacco. Some of the largest tobacco factories in the world are located here, and the names of Blackwell, Duke, Haines, and Reynolds, and the brands of tobacco which they have put upon the market, are known all around the globe.

In 1890 the capital invested in this industry was $3,370,267. This does not include the capital invested in cigarette factories. In 1900 the capital invested in this industry was $6,874,908. The value of manufactured tobacco produced in the State in 1890 was $4,783,481, and in 1900 this item had increased to $13,620,816. In other words, capital invested had about doubled, and the value of products is nearly three times as great as it was ten years ago.

FURNITURE MANUFACTURING.

The most remarkable showing made in any industry in the State during the ten years under consideration was in that of furniture manufacturing. While the magnitude of the industry is not such, perhaps, as would attract general attention, yet the growth shown in the table above gives it peculiar interest. In 1890 there were 6 little furniture factories in the State, with a capital of slightly more than $125,000, and the total value of products from these 6 factories was only $159,000. In 1900 there were 44 furniture factories, with a capital of more than $1,000,000 and a product of more than $1,500,000, an increase of nearly one thousand fold in ten years.

THE LEATHER INDUSTRY.

Another wonderful showing, and one almost equal, if not quite so, to that shown for furniture manufacturing, is that in the production of leather. While the number of tanneries has not increased in proportion to the increase in establishments of many other industries, yet the increase in capacity of old plants has made up for the lack of building new ones. Ten years ago there were invested in tanneries in the State $116,364. Now this industry employs a capital of about $1,300,000. Ten years ago this industry consumed materials valued at $115,500, while now the materials used annually are valued at $1,129,402.

In 1890 the value of all the tanned leather produced in the State was only $190,887, while in 1900 these products were worth $1,502,378. This wonderful growth in this industry is accounted for by the fact that up to 1890 its work was conducted only under the primitive methods in vogue a half century ago, while in recent years modern methods have been adopted. An almost unlimited supply of materials for economically conducting this industry warrants the statement that it is capable of profitable enlargement to exceedingly great proportions.

POINTS OF ADVANTAGE.

The growth shown in the tables above and in the facts just stated indicates that unusual advantages for industrial growth are found in the State. Among the first and most important of all the natural advantages for industrial growth and expansion is found in the immense water power of the State, but to this I will refer at some length further along.

The growth of railroad mileage in recent years and the cheapness attending railroad construction settle the question of accessibility to the fields of raw material and to the markets of the world. While, as before stated, the cotton mills of the State now spin more cotton than is grown in the State, the proximity of States farther south practically places their cotton at the very doors of our mills.

The great variety and the abundance of hard woods offer unusual inducements to those who wish to engage in the manufacture of furniture, carriages and wagons, hard-wood materials for builders, agricultural wooden supplies, and all kinds of wooden wares.

The cheapness of constructing buildings is of itself a tremendous item of saving in capital outlay. With an abundance of the very best building woods at the door of every community and an unlimited supply of brick clay everywhere, together with the fact that the mild climate permits far less expensive buildings both for factories and dwellings than are required farther north, reduces the necessary building cost to the minimum. The fact that there are no large cities and consequent high land values, and the further fact that a majority of the most desirable manufacturing sites are situated in small railroad villages, reduces the cost of land for manufacturing purposes to almost nothing.

The productive power of capital is one of the first things to determine in the selection of a locality for manufacturing purposes. To show what capital can accomplish in North Carolina in two of the most promising industries the following facts are submitted:

Each $100 invested in the manufacture of cotton goods in the United States in 1900 yielded a product valued at a little more than $72. In Rhode Island it yielded $64, in Massachusetts it yielded slightly less than $71, while in North Carolina it yielded $86. That is to say, that in North Carolina capital invested in this industry afforded a basis for profit from 15 to 22 per cent greater than it did in the other States mentioned. Or, to express it in a more practical way, $100 invested in this industry in North Carolina is equivalent to an investment of $121 in Massachusetts and to $131 in Rhode Island. These figures bear only upon the relation of capital to product, and when cheapness of building, the earning power of a dollar when invested in labor, and the items of taxes and general expenses are considered, they become even more significant.

Similar comparisons with Michigan for the furniture industry afford even a greater contrast in favor of North Carolina. Each $100 invested in the manufacture of furniture in the State of Michigan in 1900 yielded a product valued at $105, while in North Carolina it yielded $151—a difference of 46 per cent in favor of North Carolina. Or, to use the other method of comparison, $100 invested in this industry in North Carolina was equivalent to an investment of nearly $144 in Michigan. In Michigan nearly 24 per cent of the invested capital for this industry was required to provide the necessary land and buildings, while in North Carolina only 17½ per cent was thus required.

The above comparisons for cotton goods have been made with Massachusetts because that State is the great center of this industry in this country and because there has been made its greatest progress. Rhode Island was also selected because the conditions there are very similar to those in Massachusetts, and also because the volume of business in the latter State is so nearly the same as that of North Carolina. For furniture Michigan was selected, because it is recognized as perhaps the most progressive State in the Union in that industry. These comparisons with States in which the greatest progress has been made and where the highest perfection has been reached give particular emphasis to the wonderful opportunities offered here.

WATER POWER.

In any presentation of any community as a field of profitable investment, or in the enumeration of its natural resources, or in the consideration of the wealth and prosperity into which these resources are capable of being transformed through mill and workshop, the water powers of that community are entitled to prime mention. The water powers of a State are not only a source of present wealth, but they are the guaranty of future prosperity, and may therefore be said to be first in importance among its resources.

Mineral and timber wealth, a generous and fertile soil bestowed by nature's lavish hand, do not necessarily make a State great and rich, but if in addition to these things nature has provided that power which enables man to transform these raw materials into finished products, then that community or that State offers exceptional advantages to enterprise and industry. With perhaps one exception, there is no State in the Union bordering on the Atlantic Ocean that is so rich in the number and extent of water powers as is North Carolina. It has been estimated by an authority that the water power of the State is 3,500,000 horsepower. If the streams of the State can supply an energy equal to 20 per cent of this estimated horsepower there is no measuring her industrial possibilities. The electrical transmission of energy is becoming so general that it is only a question of time when more than 300,000 horsepower, which is now going to waste in the streams of the State, can be made available for industrial growth.

With the exception of Niagara, the greatest water power in the United States east of the Mississippi River is found at the famous Narrows of the Yadkin River.

It requires to-day in round numbers a little less than 60,000 horsepower to run all of the cotton mills of the State. About one-third of this energy now in use is water power. At the famous power just mentioned on the Yadkin River there is available and capable of development nearly as much power as is now necessary to operate all the cotton mills of the State. This great power is now being developed and will make all that region perhaps the most economical manufacturing center in the United States. But this is but one, and while it is the greatest not only in North Carolina, but as already stated, except Niagara, the greatest in this country east of the Mississippi River, there are scores of other points in the State at which tremendous powers are awaitlng development.

There is scarcely a community outside of the low coastal plains

in which there is not some water power capable of development sufficient to carry on some profitable enterprise. On the Roanoke River there is a fall of 85 feet in a distance of about 9 miles. On Deep River there is a fall of 27 feet in a very short distance, besides numerous other water powers on the same stream which are now driving the machinery of more than a dozen prosperous cotton mills. On Haw River there are a number of cotton mills and the two best powers on that stream are still undeveloped. On the Catawba there are numerous splendid water powers, one having a fall of 38 feet. Farther west are numerous water powers equal to some of those already mentioned.

I might enumerate a hundred points in the State at which water power is available to such an extent as to astonish even those who are familiar with the State's resources in this particular. The State can supply many powers which are sufficient for the needs of single enterprises, and, as above indicated, there are some of such magnitude as to supply the needs of a great manufacturing city. Minneapolis, Holyoke, Manchester, Lewiston, Lowell, Lawrence, Bellows Falls, and Rochester, great manufacturing cities of the United States, owe their growth to the water power available in the streams on whose banks they stand. Fall River, Mass., owes its growth perhaps entirely to the water power found there.

I have seen it stated somewhere that the water power at Fall River amounts to only about 1,300 horsepower. It was early utilized, however, by a number of cotton mills, which were found to be so profitable that a large number of steam mills grew up around them, and so has grown the great cotton-manufacturing city of the New World, where the prices of print cloths throughout this country are fixed. North Carolina can supply powers as large as the largest in any of the cities above noted and many as large as the smallest. There is no reason why there might not be within the borders of the State a Minneapolis, a Fall River, a Lowell, and a Manchester, with room to spare for the building of a Holyoke, a Lawrence, and a Rochester.

It is unnecessary to call attention to the cheapness of water power when compared with steam power. While in the future it may not be desirable to use water power directly, it will be employed in creating that best of all powers, electricity. The cost per horsepower for steam is said to be about $50 per year. Electrical energy produced from a great water power can be sold profitably for half that amount. To illustrate how profitable this is to the manufacturer when compared to the cost of steam power, we will say that a mill with $500,000 capital consumes 1,000 horsepower per year, and this power costs, if produced by steam, $50,000.

Electrical power generated by water power and sold at half this rate means a saving of $25,000 a year, or the equivalent of a 5 per cent dividend on the $500,000 capital. It can be produced for even less than half as much as steam power, and is now being sold in my State for much less than $25 per horsepower per year.

It is not necessary here to go into the cost of developing water power, but it may be interesting to note the rates at which power is now or has been sold at a number of places in the United States, and this emphasizes the importance of its cheapness as compared with steam power. I have seen it stated that at Lewiston, Me., the price for water power per horsepower per year ranges from a little less than $2 to $9.37.

At Turners Falls, Mass., the usual rate is $7.50 per horsepower, and the same rate is said to prevail at Bellows Falls, Vt. At Cohoes, N. Y., the annual charge per horsepower is $14.67, while at Paterson, N. J., the price runs as high as $50 per annum, and at Augusta, Ga., the price has been as low as $5.50 per annum. At Weldon, N. C., water power is now sold at the rate of $15 per horsepower per year, and this includes a building site and a full twenty-four hour service, and electrical power generated by the water power is furnished at the same rate for a twenty-hour service. These figures emphasize the advantages offered to manufacturers in the water powers of the State.

FORESTS RESOURCES.

The forests of North Carolina have long comprised one of the chief resources of the State. Considering the extent of these forests and the great number of timber species included, it is not strange that they have been largely drawn upon. Notwithstanding the vast amount of timber that has been cut, an abundance still remains, and the lumber industry of the State is rapidly increasing. The wooded area of the State is estimated by the Division of Forestry, Department of Agriculture, to be 35,300 square miles, or 73 per cent of the total land area of the State.

There are two distinct timber regions in North Carolina. One is the coast plain and includes the northern extension of the long-leaf pine belt and the other is the mountainous portion of the State farther west, which produces hard woods in great varieties. The amount of hard-wood timber now remaining in the mountainous part of the State is 10,760,000,000 feet. Of this total stand of hard-wood timbers 41.41 per cent is oak, 17.21 per cent is chesnut, 5.30 per cent is hemlock, 2 per cent is buckeye, 2.69 per cent linwood, 3.3 per cent is birch, 2.67 per cent maple, 3.16 per cent hickory, 1.85 per cent poplar, and the remainder comprises a great variety of species in comparatively small quantities.

The amount of merchantable pine timber remaining in the eastern portion of the State is probably 8,200,000,000 feet. There are also found in the eastern section large quantities of loblolly pine, short-leaf pine, cypress, gum, and white cedar. Taking the two regions together, there remains at present in North Carolina a stand of at least 19,000,000,000 board feet of merchantable timber. This takes no account of second-growth timber or of species which at present have no particular commercial value. The reports of the Twelfth Census show that the value of forest products for the census year was $14,862,593 in lumber and $1,055,695 in naval stores.

In 1890 there were 713 lumber and saw mills reported, with a capital of $5,376,807. These mills employed 6,466 persons and paid wages to the amount of $1,202,994 and yielded products valued at $5,898,742. In 1900 the number of mills had increased to 1,770, with a capital of $13,385,097. The number of employees had increased to 11,751, the wages paid were $2,491,089, and the products were valued at $14,862,593. In other words, there were two and one-half times as much capital invested in 1900 as there was in 1890, and an even greater increase is shown for the value of the products.

Of the total value of products for the year 1900, $10,951,145 was for rough lumber. Of this amount $9,182,590 was for yellow pine, $833,366 for oak, $586,123 for poplar, and the balance embraced cypress, ash, chestnut, maple, hickory, walnut, and several other varieties of hard wood. The census of 1900 shows that the lumber companies of the State now own 6,488,400,000 feet of standing timber and that these companies in the year 1900 cut 1,415,978,000 feet. The lumbering of pine and hard woods has increased steadily in value since 1850, and has more than doubled itself twice in the last two decades.

The State is unusually rich in the number of tree species and also in favorable climate and soil which increase the production of the forests. North Carolina is almost unequaled and unapproached by any other State or Territory in the variety of its hardwoods and conifers. The coastal plain bears the northern extension of the great southern maritime pine belt, which for the last twenty-five years has furnished a large part of the hardwood consumed both in the United States and abroad. The lowlands of the coast carry gum, cypress, and white cedar.

The Piedmont Plateau between the coast plain and the Blue Ridge has forests of oaks and hickories mixed with pines. The mountain forests consist of the greatest variety of hard woods, the most notable of which are the yellow poplar or tulip tree, white and black oaks, hickory, chestnut, black walnut, basswood, birch, maple, beech, ash, and wild cherry, together with the Northern white pine, hemlock, spruce, and fir. Altogether there are 153 species in the forests of North Carolina, and of these over 70 are trees of the first size, and 57 are of great economic value.

Twenty-four oaks occur in this State, which are 3 more than occur in any other State in the Union. Of the 9 hickories in the United States, 8 are found in North Carolina. All 6 of the Eastern maples, and all the 3 lindens occur here, as do all 6 of the magnolias. The 3 most important timber species of the birches are found in North Carolina; 8 of the 11 pines; both species of hemlock and balsam fir, and 3 of the 5 elms.

The cypress is a tree of great commercial value. It occurs in the coastal plains along streams and swamps, and the timber is especially good for shingles and is used extensively for construction and for interior finishing. In the year 1900, 31,345,000 board feet of this timber were cut and 63,476,000 shingles were made.

White cedar is also found in great abundance in the coastal plains. The shingles manufactured from this timber in 1900 were 28,880,000.

The yellow poplar is perhaps the most important of the hardwoods. It occurs all over the State, but is most abundant, attains its greatest size, and produces the finest timber on the lower mountain slopes west of the Blue Ridge. In this region the poplar sometimes grows to 8 to 10 feet in diameter and trees are more than 150 feet high. In the year 1901 about 197,000,000 feet of merchantable yellow poplar was standing in the mountains of western North Carolina. The lumber product of poplar in 1900 was 51,686,000 feet.

Next to poplar in importance among the hard woods is the oak. The cut of white-oak timber in 1900 was 86,245,000 feet. Large quantities of oak still remain in the State. Ash, chestnut, hickory, black walnut, and basswood are found throughout the mountains and Upper Piedmont Plateau.

MINERAL RESOURCES.

North Carolina is noted for the great variety of its minerals, and this fact, together with the continual discoveries of new localities of various minerals in commercial quantity, has made it

one of the foremost fields for exploiting and research by the prospector and mineralogist. From one cause and another the State has gained the reputation of containing a little of nearly all the minerals. It seems that it would be easy to maintain this reputation, for it is a fact that more than 200 species and subspecies of minerals have been identified in North Carolina. It is a fact, too, that 16 species of minerals were first identified in this State. Of this number of more than 200 there are 68 that are of economic importance, and 32 that are found in sufficient quantity to make them of considerable commercial value. Of this number, 23 varieties are species which have been mined during the past few years.

Fifty years ago North Carolina was prominent among the mining States of the Union, and prior to the discovery of gold in California she furnished a very large proportion of that metal produced in the United States. Since the development of the enormous mining interests in the Western States, however, the mineral resources of North Carolina have become relatively less important. There has been a steady development, however, during the past decade. The value of her mineral products in the year 1901 was nearly double the production of 1890.

Gold deposits are known to occur over an area of from 8,000 to 10,000 square miles in the middle and western sections of the State. The first gold mining in the State was confined to placer deposits, and nuggets weighing from 10 to 15 pounds were found in several localities. The sulphide ores, however, are most abundant, and while such deposits have not furnished the bonanzas in gold mining, yet with the improved processes that have been discovered for their treatment, very low grades can now be profitably worked, and the State offers an inviting field in this direction.

Copper ores have been found in considerable quantities at a number of localities. In recent years large expenditures have been made in developing these mines. Iron ores are widely distributed over the State and include magnetite, hematite, and limonite. Nearly all of the iron ores of the State are low in sulphur. Iron mining in North Carolina dates back as early as 1729, when some shipments of iron were made to England. This industry almost kept pace with the settlement of the western portion of the State, and the remains of old workings are still visible everywhere. One of the most noted deposits of magnetic iron ore in the country is found at Cranberry, Mitchell County.

Mica is very widely distributed over the western portion of the State, and a number of mines are being profitably worked.

Monazite is found in great quantities. This mineral has come into prominence commercially during the past few years because of its extended use in the manufacture of hoods for Welsbach incandescent gas lights.

In the variety of gem minerals North Carolina perhaps exceeds any other territory of similar extent on the face of the globe. There is certainly no State or country that excels her in variety of corundum gems. It is found red, ruby red, sapphire, blue, dark blue, various shades of green, rose, pink, gray, purple, green, yellow, violet, and colorless. There are found in the State nine varieties of this gem that are commonly recognized by the lapidaries. Other varieties of gems are the diamond, garnet, beryl, hiddenite, and a number of quartz gems, including the amethysts and topaz.

The State is exceptionally well provided with building stones, which are found in great abundance in the middle and western sections. There are a number of important quarries of sandstone, brownstone, and granite. The most common varieties of granite are the pink and common gray granite. Gneiss of a superior quality is found in great abundance. Besides these are found in considerable quantities a very pretty mottled porphyritic granite and rich feldspathic, which, when polished, closely resembles the red Scotch granite. Marble occurs extensively in a number of counties, and with the development of transportation facilities these marble deposits will constitute an immense source of wealth to the State.

Kaolin is found in a number of localities throughout the State. Many of these deposits of kaolin are fine in quality and abundant in quantity. There are many deposits of other clays found in every section of the State. These clays are suitable for the manufacture of brick, stoneware, terra cotta, and fire brick. Immense deposits of talc and pyrophyllite are found in the central and western sections of the State. These deposits are of the very finest quality and afford handsome remuneration to those who have engaged in their development.

FISHERIES.

The fisheries of North Carolina have long been of great importance, and in nearly all respects this importance has increased from year to year. In the number of persons employed and the value of products the fishing interests of the State are more than twice as important as those of all the other South Atlantic States combined and nearly equal to them in amount of capital invested. The prominent position of this industry in the State is no doubt chiefly due to the vast extent of its sounds and other coastal bodies of water. There are 26 counties in the eastern portion of the State which are represented in commercial fisheries. Of this number, 17 have a frontage on the ocean or on the sounds tributary thereto.

In 1880 the capital invested in the fishing industries of the State amounted to $506,561. In 1897, the latest year for which we have been able to find available figures, the capital invested had increased to $1,218,459. In 1890 the product of the fisheries of the State were 51,799,142 pounds, and in 1897 the products were 64,234,257 pounds, or an increase of 24 per cent. The value of the fishery products in 1890 was $1,027,669, and in 1897 this value had increased to $1,316,017, or a gain of 28 per cent.

The waters of the State abound in as great a variety of fishes as can be found in any other similar extent of territory in the world. Those varieties which abound in greatest abundance and which are recognized as among the most desirable market varieties of fish are the alewife (commonly known as herring), black and striped bass, bluefish, mullet, shad, Spanish mackerel, squeteague, and oysters. Shad and oysters are by far the most important product of the fisheries of North Carolina, and these are followed in importance by the alewife. The most important of these three is the shad. North Carolina produces 18 per cent of all the shad caught in the United States, and as an evidence of the superior quality of the North Carolina shad and of its popularity in the markets of the country it is only necessary to state that, for this 18 per cent of the entire shad catch of the country, the consumer pays 23.9 per cent of the value of the entire shad catch of the country. In the quantity and value of the alewife North Carolina stands at the head of the list among all the States of the Union.

In 1890 the fisheries of the State employed 10,274 persons. In 1897 the number employed was 12,045 persons, or an increase of more than 17 per cent.

The shore enterprises of the State dependent on the fisheries are of considerable importance. The menhaden business was represented by six factories in 1897. The wholesale trade in the canning industry in the year 1897 sold products to the value of nearly a half million dollars. The great extent of the inland waters along the coast offers superior advantages for the prosecution and extension of this great industry.

EDUCATION.

The educational interests of the State are now uppermost in the minds of all the people of the State from the governor down to the humblest citizen. While we stand close at the bottom of the list in literacy, yet the progress made in education in the last ten years is a bright page in North Carolina history. When we consider the conditions which existed from 1865 to 1875, the advancement made along the lines of public education is fully commensurate with the progress made in other directions. Those not familiar with these conditions can not realize what obstacles have been surmounted and what victories for intelligence have been won.

If you can picture a once prosperous State laid waste; a proud people under the dominion of former slaves; a government in the hands of alien freebooters and their allied dupes newly armed with citizenship; a government collecting taxes for education and taking these taxes to reward acts of State treason; a government which closed the doors of the State University in the faces of the best young manhood of the State who were clamoring to enter there; a government which, as just stated, not only collected taxes for education and misappropriated them, but they went even so far as to steal and squander special funds provided by the General Government—if, I say, you can draw a picture of these things and of such conditions, you can then have some faint conception of the circumstances under which North Carolina undertook the work of educating her children.

Under such conditions is it any wonder that there was little educational enthusiasm? But undaunted by the acts of rapacity and plunder just noted, and keenly alive to the absolute necessity of training a citizenship of educated men and women, the State about 1876 took up the tremendous task of first creating a sentiment for public education among all classes of her people, and then to provide the necessary facilities for their education, but we will let figures tell the story of the past ten or twelve years.

So slow was public sentiment in demanding public education that in 1890 the State expended only $721,756 on public schools. In 1900 this had increased to $1,031,328, and in the year following, 1901, there was still a further increase of nearly $100,000. Besides these amounts expended in 1900 and 1901, there was an additional sum of about $200,000 expended in the graded schools of the larger towns of the State.

In 1890 the school population of the State was 586,668, and of this number 216,524, or 37 per cent, were colored children. In 1900 the total school population was 659,629, of which 220,198, or

33 per cent. were colored. The total enrollment in the public schools in 1890 was 322,533 and in 1900 the total enrollment was 460,452. The proportion of enrollment for the two races was about the same as that shown for the total school population. In 1890 the average length of school term for the white race was 11.85 weeks and for the colored race 11.81 weeks, while in 1900 the school term for the white race was 14.66 weeks and for the colored race 13.7 weeks, and in the year following, 1901, the average school term had increased to 15.56 weeks for the whites and 14.49 for the colored.

The number of public schoolhouses in the State in 1890 was 3,973 for the white race and 1,820 for the colored, or a total of 5,793, while in 1900 the schoolhouses for the whites had increased to 4,798 and for the colored to 2,120 and the total to 6,918. The figures above indicate that the negro has had his proportionate share in public education in the State. It is an interesting fact, however, that while he has received his due proportion according to population, yet in 1900 he contributed only 12 per cent of the school tax actually paid. He contributed 12 per cent of the money expended in public education; he contributed 33 per cent to the total school population of the State, and he received 27 per cent of the total apportionment of school funds, 30 per cent of the total amount paid to teachers, 28 per cent of the total amount paid for teachers' institutes, 24 per cent of the total amount invested in school property.

While it is charged that the white people of North Carolina have disfranchised the negro and attempted to take from him those political rights guaranteed by the Constitution, yet those making the charge have never been fair enough to say to those who heard them that these same white people were expending hundreds of thousands of dollars each year for the education of this race.

Since 1874 the taxpayers of North Carolina have contributed more than $5,600,000 to negro education, and what is worthy of special note is the fact that of all these millions the negro himself paid less than 10 per cent, and the balance was paid by white taxpayers. When it is understood that the negro pays a greater proportion of educational taxes than he does for any other object, because of the fact that the bulk of the poll tax goes into the education fund, it will be easy to understand what a very small proportion of the general tax fund is contributed by the negro.

The negroes of the State own less than 4 per cent of the assessed valuation of property and their contribution in taxes to general objects is in proportion to their share of the assessed valuation of property. So that the white people of the State have not only paid more than 90 per cent of the money that has been expended on negro education, but they have also paid more than 95 per cent of the general taxes. If any State or community in any part of the world can show an example of greater generosity toward an inferior and a politically hostile race than the white people of North Carolina have shown to the negro, then the statements made by those who have charged my people with unfairness to the negro may go unchallenged.

In addition to the public schools above mentioned, as has already been intimated, there are graded schools in all of the more important towns of the State supported by local taxation. These are not included with the public schools above mentioned. Add to the public schools and the graded schools 500 private preparatory academies and high schools, with an annual attendance of 40,000 pupils, and you have some idea of the educational forces at work along the lines of public education. Our State University stands par excellent among other similar institutions. The State College of Agriculture and Mechanic Arts has grown in magnitude and usefulness, until it now ranks among the best industrial colleges of the country. A school of similar character as the College of Agriculture and Mechanic Arts is also provided for the colored race, so that they have the same opportunities along industrial lines as the whites.

The most useful and perhaps the finest and best-equipped normal training school for female teachers in the United States is in North Carolina—the State Normal and Industrial College, at Greensboro. Her denominational colleges, owned and fostered by the leading denominations of Christians in the State, rank as high as any of their kind in the country. In this connection it will be interesting to note, too, that while these colleges have been in a comparatively flourishing condition for a great number of years, yet during the past ten or fifteen years they have shown their most wonderful growth. Their endowment funds have been increased enormously, the scope of their work has been extended, and in every particular they have fully kept pace with the highest educational advancement of the times.

Thus I have described in part the people, the resources, and possibilities of North Carolina. The greatest of these assets are her people and the greatest possibilities of growth and progress and wealth lie in her children. These must be educated, and their training must be along the lines which will best fit them for doing things and for bettering themselves and their State. There must be not only mental discipline, but manual training, and at the same time moral nurture and patriotic sentiment must be furnished and cultivated. When the citizenship of the State shall be so educated the one thing lacking will have been supplied and North Carolina will become in fact the ideal State of the Union.

The State is to-day in more healthy condition than an any period in the past, There is a spirit of unrest with present conditions. There is an aspiration well nigh universal for education and progress, and it is believed that the movement will continue to grow.

I am indebted to many sources for the material upon which these remarks are based. The North Carolina department of agriculture and the various departments of the National Government, including Prof. J. A. Holmes, State geologist of North Carolina, have all been most courteous in responding to the requests for information and data. However, I am under the greatest obligations to Mr. Thomas M. Robertson, expert of the United States Department of Labor, who has contributed most largely to its preparation and without whose labors the work could not have been accomplished. Mr. Robertson is a native of the State, but has for years rendered most valuable services in the Department of Labor and in the work of the Eleventh and Twelfth censuses.

Correctness has been sought in all data and statements which have been submitted, the purpose being to outline a practical exposition of the State's resources. The story needs not fine phrases or rounded periods to make it attractive. The figures portraying its growth are in themselves eloquent and its possibilities and future are an inspiration.

Mr. TAYLER of Ohio. Mr. Speaker, I have listened with much interest to the remarks made by the contestee in his own behalf. I was curious to learn what view he would take of the situation which has been so graphically presented to the House by the vast amount of testimony that was taken and brought before the committee. If I could have the attention of the gentleman from Missouri [Mr. Butler], I would take advantage of this opportunity to extend my congratulations to him and to the gentleman from Tennessee [Mr. RICHARDSON], who so admirably leads the minority on the floor of this House, upon the perfect recovery which the gentleman from Missouri has made from that illness of which the gentleman from Tennessee so pathetically spoke yesterday.

I tremble, Mr. Speaker, to think what strength the gentleman from Missouri, the contestee, might have displayed and what influence he might have exercised upon this House if he had addressed it for an hour with the full vigor of health within him. [Applause on the Republican side.] I must congratulate the contestee upon the very able speech which he has just made, upon the fair presentation of his side of the case which he has made; I heartily congratulate him in that respect.

Mr. BUTLER of Missouri. May I interrupt the gentleman for a moment?

Mr. TAYLER of Ohio. Certainly.

Mr. BUTLER of Missouri. Mr. Speaker, with reference to my illness, I desire to say that I rose from a sick bed and came here yesterday, and that I am at this moment under the influence of large quantities of morphine in order to keep me up in this case. I certainly do not want this House to believe for one moment that I feigned illness for the purpose of influencing this House. I did not know that the protest was being made on account of my illness or I certainly should have been here myself. I trust gentlemen of this House will do me the credit to believe me in this case.

Mr. TAYLER of Ohio. Well, Mr. Speaker, I must only accentuate and emphasize my congratulations.

Mr. RICHARDSON of Tennessee. The gentleman having referred to me by name, I desire to say that the only evidence I had was the certificate of the surgeon or the physician at the Raleigh Hotel, Dr. McLaughlin, I think, if I have the name. I saw it written, in the possession of Mr. BOWIE. I stated it upon a certificate of a reliable and responsible physician, and I believe it to be true, notwithstanding the insinuation of the gentleman from Ohio to the contrary.

Mr. TAYLER of Ohio. I am sorry that the gentlemen will not take me candidly when I congratulate them. Is not the gentleman from Missouri to be congratulated?

Mr. RICHARDSON of Tennessee. I do not know.

Mr. TAYLER of Ohio. I do not know either, then. He is well enough for our purpose. I do not know what we would have done if he had been better. But I think he displays entire familiarity with the facts in this case and an astonishing, a most astonishing, intellectual force in view of his statement of his condition.

But I desire to make an observation, Mr. Speaker, which will furnish in a measure the text of the remarks I make. He has asserted here with numerous adjectives and with every superlative that his voice could express the utter honesty and fairness and the entire propriety of the Democratic managers in the city of

St. Louis. When we remember all the experience that the contestee has had with the election methods in that city, and when I hear him characterize these methods as being made up altogether from virtuous impulses, I can not help but think of these few lines so familiar to us all:

> Vice is a monster of so frightful mien,
> As to be hated, needs but to be seen;
> Yet seen too oft, familiar with her face,
> We first endure, then pity, then embrace.

I was interested, as we all were, in the contestee's beautiful characterization of a newspaper out in St. Louis that has been supposed to be the bedrock of Democratic doctrine in all that country, and when he reached the very summit, the climax of his declamation of abuse of that sheet, I was interested to notice all his Democratic colleagues from the State of Missouri, who I supposed in times past had been supported, and in the immediate future expected to be supported, by that paper, vociferously applaud that sentiment. I do not think, my friends, that that argues much for Democratic harmony in the good old State of Missouri.

Now, I shall not take up much time, Mr. Speaker, in discussing this case. I shall only sketch it roughly, in outline, with broad lines, without going into the details, which would take many hours to properly put in the picture. As most of those who honor me with their attention now know, I am serving my fourth term upon a committee on elections, and my third term as chairman.

I have endeavored during all these years of service to give the best thought and the best attention that I could to the duty that was laid upon me, and as conscientiously as I knew how to arrive at a conclusion. I have seen many election contests; I have argued many of them on the floor of this House. I have sometimes been shocked and horrified by the testimony of election frauds in the Southern States; and yet while there were no apologies to offer for these frauds, we have all felt that there were some things at least to be said for the state of mind which for obvious considerations our brethren in the South might get into.

But I desire to say here and now, measuring my words deliberately and carefully, that of all the other elections that have come to my attention, officially or unofficially, they are in the main fair and honest as compared with the frightful scandals and shameless conduct that characterized the election in St. Louis in 1900. I have not much compliment to pay to the civic pride, to the sense and desire for public justice in a community that could permit the things to be done that have for years been permitted in that city. This was the boldest, the most impudent, the most outrageous election I ever heard of.

Let me tell you what it was in a few words. The election law of Missouri as passed in 1895 provided for three commissioners of election, two of whom in the course of things should be Democrats and one a Republican. The law went on to provide that the judges of election in the various precincts of St. Louis should be selected in this way: The Democratic commissioners should select the Democratic judges and the Republican commissioners should select the Republican judges; that the judges should belong to and be recognized members of the party which they were supposed to represent.

The law, not satisfied with that careful precaution against having lukewarm or dishonest or unfaithful partisans in control of the election, went on to provide that when these officials had selected the judges, their names should be sent up to the court, and notice given to the public a certain length of time to show cause why any proposed judge or clerk of election should not be appointed.

The result was that every election judge in the city of St. Louis, in the natural order of things, was true to the party which he was supposed to represent. Now, that ought to be good enough law for any community. I could not criticise a community that did not take up that kind of a measure when it had something else, but having that measure crystallized in the form of a law, we must suspect the motives which induced them to change and relax these righteous provisions.

So in 1899 they passed what is known as the Nesbit law. The Nesbit law is not such a bad law. It would not be significantly bad if it did not repeal the righteous provisions of what was known as the Filley law. Every man knows that the purity of elections rests first and most important of all upon the purity and honesty and fidelity of the judges and clerks of election.

Now, having a law that made it certain that these would be honest and faithful judges and clerks of election, they repealed it and provided one like this: That the judges and clerks should belong to different political parties, but it was in the hands of the commissioners of election, in which body the minority Republican commissioner was a mere cipher with no power whatever, with no right to select, and in deed and in fact with no voice, because the law provided that the majority should control that body, that that body should elect a deputy commissioner of elections, and that that deputy commissioner, when the body itself was not in session, should have all the powers and authority of the commissioners themselves. The result was the commissioners of election rarely met at all.

Mr. BOWIE. Will the gentleman allow me an interruption?

Mr. TAYLER of Ohio. Yes.

Mr. BOWIE. Will the gentleman deny that the record shows that every Republican judge and clerk in this Congressional district, as well as in the Tenth and Eleventh, were selected in the manner recommended by the Republican commissioners?

Mr. TAYLER of Ohio. Oh, I certainly deny that such was the fact.

Mr. BOWIE. The record shows that it was.

Mr. TAYLER of Ohio. It will suffice for me to say now, since the gentleman interrupted me, to answer that observation by this——

Mr. BOWIE. The gentleman will excuse me; I was interrupted a few times myself yesterday.

Mr. TAYLER of Ohio. I have not objected to the gentleman's interruption.

Mr. BOWIE. I thought the gentleman did.

Mr. TAYLER of Ohio. No; I am replying to it now instead of later on. First, it is not true that the judges and clerks, in the way in which the gentleman states it, were nominated by Republican officers, those selected by the commissioner. I say that the testimony shows that that is not true.

But that is not all. There is the record, the ballots of 113, and 113 only, of the Republican judges and clerks who were appointed. And the ballots of these 113 men show that 54 of them voted for Mr. Butler; that 6 of them did not vote for Mr. Horton, and only 53 out of the 113 so-called Republican judges and clerks voted for the Republican candidate for Congress.

Now, I do not care how they got there; I do not care how these judges were debauched, whether in their original choice or after they were selected. The fact is they were the creatures of Mr. Butler's managers, and that is enough to answer that proposition.

Well, now, we have discovered by the language of this law—we have discovered by the concrete illustration I have just given you as to the operation of this law—how they laid the foundation for the result they sought to obtain.

But there were other troubles that they had to get over. I do not know that this law troubled what is known as the "Butler crowd" in the city of St. Louis. I think they have, or ought to have, written over the portals of the Jefferson Club, which is said to be the headquarters of the police and the "Butler crowd:"

> For forms of election laws let fools contest;
> What's worst administered is best.

I think they could get along with any kind of a law.

But the law provided that challengers representing each party should be present, and it was necessary in the Democratic scheme to see that those challengers were prevented from performing their duties, and in that view they saw to it that in every precinc where their nefarious work was to be carried on there should appear a force of policemen, from 2 to 10, for the purpose of preventing, as in many cases they did prevent, honest men from performing their duty.

Let me tell you what they did. They had a central place of registration, a general registration law existing in that city. They had a central place of registration, as well as local places in the several precincts. But the word went out that they must register at this central office. Now, this is what happened: The Democratic managers selected their supple and complaisant tools, and each man was instructed to register at the central office of registration 5, 10, 20, 30, 50 times, as often as he could under such name or names as the Democratic managers gave him on a slip of paper. Thus John Smith in his own proper name and character of John Smith was presented with five or ten or a dozen or twenty slips of paper.

On the first of them he discovered that his name was William Brown; that his age was 28; that he lived, for instance, at 1545 Olive street, which was in the second precinct, we will assume, of the Fourteenth Ward. So John Smith walked boldly up to the registration office, where a blind man, who could see enough and no more to handle a pen, was ready to see and register him. And so he enters his name "William Brown, age 28. I live at No. 1545 Olive street."

And he is registered. He goes out into the hall, and in five minutes he comes back again, and his name then is William Johnson, 29 years old; and he lives on another street and in another precinct. He goes out again and some of his comrades say: "We are afraid somebody will get onto us;" they change hats and coats, and John Smith registers again as Tom Brown from another street, in another precinct. And so he and his companions go on the register just as many times on just as many days as they think they safely can.

Now, whether this mass of fraudulent registration was done

by 50 men or 500 men is unimportant. I am telling you now what the witnesses saw. They saw the men go into the registration office; they saw them come out; they saw them change their hats and coats; they saw them go in and read off from a slip of paper their new names and description, and come out again and go back again, and so on indefinitely. Five different witnesses saw crowds of that kind at work.

Well, now, from one source or another, just prior to the elections the public was advised of this enormous over-registration in the city of St. Louis. Why, sir, any man who could get hold of a registration list and would look at it for a moment could discern, for instance, this fact: That in two blocks of that city wherein the chief of police, the Democratic manager, says there is nothing but bawdyhouses to be found 111 men were registered; and upon inquiry it was found that there were not to exceed 11 men who could possibly live there.

So here, there, everywhere, the evidence of this enormous fraudulent registration appeared. There were no less than 50 vacant lots, which harbored, probably, hundreds of people. There were livery stables, lumber yards, coal yards, blacksmith shops, car barns—everything that could have a number had its registered people. Some people lived in the middle of the street, if we can believe the testimony of their registration slips, because the numbers appropriate to their registration would land them over in the middle of the street.

So I say the evidence multiplied of thousands of these people who could not be found, who did not live there. They were purely fictitious persons. They were born on a slip of paper and lived their life on a registration list. Fifteen hundred registered letters were sent out to names of persons believed to be fictitious and the mail carriers undertook to deliver them. Probably not 5 per cent of them found the people whom they sought. My friend from Alabama [Mr. BOWIE] says that the other 95 per cent heard somebody say that the registered letter had in it only a little notice, of no account, and so they all got mad and refused to take them or would not go after them or kept away at such times as the mail carriers sought to find them. [Laughter.]

One of the witnesses testified—I believe it was a letter carrier—that he went into one saloon where there were about 30 or 40 men registered, the saloon not having rooms enough for 3 or 4. He asked the man running the place, running down this whole list of names, if they lived there. "Oh, yes," was the reply, "they all live here." That man was onto his job. He went to the next place, to a man who was similarly informed as to what his duty was with respect to answering questions about registration, and asked him if so and so lived there.

Yes, was the answer. After going down through two or three names of the people registered there, he gave his own name, the name of the chief of the mail carriers, and several other people who did not live within several miles of there. The reply was that they all lived there, just the same. [Laughter.] Now, I want you to understand that I am merely giving you mild illustrations of what actually occurred.

The precinct committeemen canvassed and found hundreds of men registered who did not live there. A man who had lived for years, for instance, at 609 of a certain street swore that men that were registered from 611 and 613 of the same street did not live there and never had in their time lived there. The contestant called people who lived in the houses wherein and wherefrom scores and scores of people were said to live and to be registered, and they said no such people lived there, no such people ever lived there, and of all the cloud of people thus discredited as having been fraudulently registered, not one of them was called to the stand to testify that the testimony which was introduced by the contestant was false. Nor is there, except in one accidental case, I believe, a particle of testimony in the whole case that implies even that a solitary one of the thousands of people shown to be illegally registered actually did live at the places from which they were registered.

Well, now, we can understand that when John Smith masqueraded under twenty different names at twenty different precincts it would be impossible for the hand of the law to be laid upon him, unless it caught him at the instant of fate when he, John Smith, under the name of William Jones, for instance, was offering his illegal vote at a certain voting place; and it is evident that unless there conspired at the election place a man charged to see who was voting and a man who had a warrant with which to arrest a man who was illegally voting, you would never have the means within your power to arrest a single one of these suspicious persons, because, having once voted, and having disappeared and destroyed his memorandum, no one could thereafter prove that John Smith, who was a total stranger at that precinct and was never before seen there, had voted under the name of William Jones. He himself, in the multiplicity of his votes during that time, no doubt would himself forget the various names under which he had voted.

Deputy sheriffs were armed with warrants for the arrest of several persons illegally and fictitiously registered; but the police unlawfully refused to permit them to go nearer than 100 feet from the polling booth, and the challengers in the booths were, when loyal and determined, driven out. Thus the desired information that some one was illegally voting under the fictitious name could never be given. If not given at the instant, it could not, of course, be given at all.

Now, let me sketch another little picture in this relation. In a practical and concrete way, how did they do it? I will tell you one of the ways. The chief mogul of the Democratic party in the city of St. Louis is Edward Butler, the father of the contestee. I have never had such cogent testimony presented, to my mind, of the political value and importance of an individual as when I discovered that the Missouri Democratic delegation in this House, almost to a man, when they came to make a choice between the St. Louis Republic, a great Democratic newspaper, and Edward Butler, selected Edward Butler and turned down the Republic.

Edward Butler, I say, was the leader and the master of the Democratic forces in St. Louis. So, early on the morning of election day in 1900, at the order of Edward Butler, an immense band wagon, capable of holding fifteen or twenty or more people, started from a livery stable in that city and met at an agreed spot and was soon loaded up with a man named Jack Williams and what became known that day in St. Louis as his "gang of Indians."

Now, that Williams crowd in the wagon traveled all over this district, or in certain wards of this district, stopping at eight different places, each of those eight places being in close proximity to from three to five election precincts; and, bold as it may appear, impossible of conception as it would seem to us, that party of men, reinforced from time to time by volunteers who did not travel through the route in that wagon, stopped at no less than 23 different polling places and voted. I know not, no man knows, how many times each one of them voted at each voting precinct where they stopped.

Each man was supplied with a number of slips upon which was inscribed the name of a certain individual who had been formally registered—that is, whose name was on the list, giving his address and his age. He had never heard of that name before and he only knew when his leader gave him that slip that a name corresponding to that name was duly inscribed upon the registration roll in the precinct there where he was to do the voting, and that unless there was somebody there who knew that he was a fraud and could instantly apprehend him he could then and there vote with entire impunity. And so this went on hour after hour, from place to place, voting more than once if it was convenient to do so, and only once if it was dangerous to do more.

Now, there was one witness who testified—and I give you this as an illustration only, for I am only illustrating this case—there was one witness who testified that this crowd came to his precinct along about 10 o'clock in the morning, and that they voted a number of times, he does not know how many. He was a challenger, and at the moment when the repeaters approached he was ejected from the polling place.

His recollection as to the number in the crowd is indefinite and uncertain. That is unimportant. Other witnesses followed this wagon to this place. We know it was there; we know that just before noon it reached that precinct, which is the second precinct of the Twenty-third Ward. When they came there approximately 140 people had voted. They remained there for an hour or two, or part of them did, voting and revoting. When that testimony appeared, I had a curiosity to pursue the inquiry and see where it would lead to.

The House has been informed in this debate heretofore that under the constitution of Missouri every ballot is preserved, and it has the number that is opposite the name of the voter on the poll list itself. So that if I want to know how John Smith, whose vote was No. 250 on the poll book, voted, I have simply to go to the ballots and find ballot No. 250, and there we learn how he voted. In this case these ballots were examined, recounted, and certain deductions made from them; and I have here one of the volumes containing copies of the poll lists of the various precincts in some of the wards in this Congressional district.

I discover in that second precinct of the Twenty-third Ward, where the evidence respecting Jack Williams's gang of Indians is so specific and in the main so satisfactory, that, beginning with ballot No. 140 and running down to ballot 260, every single ballot between those numbers was cast against the Republican candidate for Congress in a precinct in which the parties were fairly evenly divided. There was a majority of Democrats in that precinct, but 121 men there voted, one after the other, every one of them voting against the contestant in this case.

But more than that, and far more significant, and really more conclusive in an inferential way upon this proposition, is this: Of those 121 men who thus voted between Nos. 140 and 260, not a

solitary one of them had a middle initial in his name. They were all Johns and Bills and Harrys, Smiths and Joneses and Fogartys and Ryans and Robinsons, and so on. Not one of them had a middle initial in his name. Now, I do not think it is a necessary sign of manhood that one should have a middle initial, but there is a law of averages that governs that. And when we look at the first 140 names preceding this gang, we discover that half or more of them have middle initials.

When we look at the last 200, succeeding No. 260, we find that half or more of them have middle initials, and you can not find any block exceeding 10 or 15 or 20 without a middle initial; but more than all that, of those men who thus appeared to vote between 140 and 260, or 121 in all, we find by the other evidence in the case that at least 113 of them were fraudulently registered in that precinct. I should think, reasoning it out, that there must have been one or two or three honest voters in that crowd.

Mr. BOWIE. Will the gentleman allow an interruption?

Mr. TAYLER of Ohio. Certainly.

Mr. BOWIE. Does the gentleman deny that the Republican ward committeemen for that ward testified that every judge and clerk in that ward was appointed upon his recommendation, and that Mr. Whiffling, the Republican clerk appointed upon the recommendation of the Republican ward committeemen, testified that he knew every white man who voted in that precinct, and that every one of them who voted lived there?

Mr. TAYLER of Ohio. Well, that is the Twenty-third Ward and the second precinct. My answer is that both of the Republican judges of election there voted for Butler. [Laughter.] I do not care what Whiffling said or anybody else said, the damning evidence is here that the two so-called Republican judges of election voted the Democratic ticket.

Mr. BOWIE. Did they vote against McKinley?

Mr. TAYLER of Ohio. Probably they did. The return that we have here is on the candidate for Congress only.

Mr. BOWIE. The gentleman does not contend that they voted for anybody on the Democratic ticket except Butler?

Mr. MANN. There is no way of telling that here.

Mr. TAYLER of Ohio. The only contest in the Twelfth Congressional district of Missouri was over the election of a Congressman, and he who secured the corrupt support of a Republican judge for a Democratic candidate for Congress had done all that the politics of that vicinage needed that day.

But then what could the poor challenger do? Here are four judges, all of them opposed to the Republican candidate for Congress. At least that much we know. There is no deputy sheriff with a warrant nearer than a hundred feet. John Smith, living at 4101 Patton street, if that be his number according to the registration list, comes in and offers his vote. Who can stop him if the judges are bound to let him vote? Who can say, "You are not John Smith; you do not live at 4101 Patton street?" He puts his vote in because there is absolutely no way whereby his identity can be disclosed or the fraud in his offering his vote be discovered.

Now, as I say, this Jack Williams gang went through this district, voting at I know not how many places, but at least 20 different places, and voting I know not how many different times to each man who composed that gang. The driver of the wagon testifies that practically the same crowd was in his wagon all the time. He said now and then he would discover two or three new faces, but the body of the gang was there just as he started out with it.

In view of the fact that the committee find that no valid election occurred in this district and therefore refuse also to seat the contestant, it is due to the House that I state our reasons for that refusal.

One of the important incidents in the testimony in the case is what is known as the McBurney canvass. This canvass is not at all important—except as it suggested other evidence which was produced—in leading us to the conclusion that the contestee ought to be unseated. Its moral effect, however, is very great. It is well that it was made; but a candid examination of it compels us to treat the contestant exactly as we treat the contestee.

The several registration lists for the various precincts of the Twelfth Congressional district were separately printed by precincts, the name and address of each person registered being given, the names following the order of street numbers, so that, having the residence of a person, his name could easily be found on the registration list.

As the United States census, which was taken in June, five months prior to the election, was taken by blocks, and the ages of all those who were enumerated appeared in the detailed census returns, it was a very simple, though, of course, laborious, matter to compare the registration lists with the Federal census returns, and this was done. The Director of the Census furnished a list of the names and addresses of all the male inhabitants over the age of 21 years living in certain wards and precincts of the Twelfth Congressional district as shown by the census of 1900.

From this comparison it appeared that out of 27,467 persons registered 14,088 were not enumerated in the Federal census of the preceding June.

It is not to be denied that no census can be exactly accurate, and it must be true that conditions in June do not necessarily determine conditions in October. Nevertheless, whatever may be the conditions of population as to permanence, it is not for a moment admissible that in a city like St. Louis half of the population registered in October did not reside in the district in June; nor can it be true that, if residing there, they were not found by the census enumerators.

The McBurney canvass is the name given to a canvass of many of the precincts and wards of this district in the latter part of December, under the general direction of the attorneys for the contestant and under the immediate supervision of Mr. McBurney, who had occupied the place of chief clerk to the supervisor of the census at St. Louis.

This work was carried on in precisely the same manner as the United States census was taken, except that only male inhabitants above the age of 21 years were enumerated. The avowed purpose of the canvass was to make a trade directory, under the auspices of a well-known Chicago publisher, who permitted his name to be used for that purpose.

The canvassers employed had most of them been census enumerators in the various parts of the city of St. Louis, and had shown capacity for performing such work. They had no intimation that the purpose of the canvass was otherwise than that disclosed by the official papers which they received, and the real purpose of the canvass was studiously kept from them. They did their work in the full belief that a trades directory was to be published on the basis of the information obtained by them.

While some question is raised as to the competency of this canvass as evidence in the case by reason of the fact that the canvassers themselves were not put upon the witness stand, we are yet inclined to receive it for what it is worth in precisely the same way and for exactly the same purpose as that for which we would consider a city directory competent.

It must not be forgotten that this is not a case in which an effort is being made to prove that Richard Roe did or did not commit a crime, or whether John Doe did or did not vote at a certain place at a certain time. Considering the character of the issue made in this case and the nature of the frauds alleged and otherwise proven, it is difficult to understand what kind of testimony could be more persuasive or even more competent than the results of the canvass made under the circumstances in which a city directory of a great city is ordinarily made.

It is proven in this case to our entire satisfaction that the canvassers under McBurney were competent to perform their duty; were suitably instructed; that each made an affidavit to the correctness of his returns; that that affidavit was the basis upon which his compensation was fixed, and that the canvass made by them and by them returned, and tabulated by Mr. McBurney, is, in all respects, as worthy of credibility as any canvass for a city directory could possibly be.

As to its persuasiveness respecting any particular individual, I would, of course, have very grave doubts, but as to the charges made and the facts en masse nothing could be more convincing. Whatever objections there are to the McBurney canvass go to its weight, and its weight is to be determined by its comparison with other testimony.

In the same territory to which I have already referred, in which a comparison was made between the United States census and the registration list, we find that while under the census 14,088 persons on the registration lists were not found, 12,411 were similarly not found by the McBurney canvass.

But the remarkable and suggestive circumstance about these canvasses and the inference to be drawn from them is this: That of the 27,467 names on the registration rolls 9,180 were not found either by the census takers in June or by the McBurney canvassers in December.

Another very remarkable fact which appeared by the census returns and the McBurney canvass was that many thousand persons were found who appeared to be entitled to registration, but whose names could not be found upon the registration lists. Doubtless an effort was made to prevent honest residents from registering as well as to increase dishonesty in the registration roll.

The further importance of this comparison of the registration list with the Federal census and the McBurney canvass will appear when I develop that by an examination of the ballots cast the vast majority of those who seemed to be illegally registered cast their votes for the contestee in this case.

In the precincts in which the vote was disclosed of those who

were not found by the McBurney canvass the tabulated result is as follows:

Vote of names not found by McBurney canvass.

Ward.	Butler.	Horton.	Not voted.	Total.
Fourth	893	542	646	2,081
Fifth	1,421	534	1,108	3,063
Sixth	351	147	314	812
Fourteenth	1,175	264	1,024	2,463
Fifteenth	443	365	371	1,179
Twentieth	59	40	41	140
Twenty-third	627	237	588	1,452
Twenty-fifth	153	53	222	428
Total	5,122	2,182	4,314	11,618

In so far as the force of this particular item of testimony is alone considered, unaffected by the other evidence in the case, it would appear that the iniquity of the Republican managers differed from that of the Democratic managers only in degree.

Practically, indeed, that is the effect which we must give it, for it would be intolerable that we should apply one rule of construction to a set of facts as related to one side and refuse to apply it to another, or that we should draw one inference from the 3,727 votes thus cast for Butler and refuse to draw the same inference from the 1,345 votes thus cast for Horton. And such a proceeding would be especially obnoxious in a proceeding like this.

Yet I deem it my duty to say that not one word of testimony in the case, other than the examination of the ballots and the comparison based thereon, throws the slightest suspicion on the conduct of the contestant or of his political friends. It is also fair to say that plausible reasons can be given to sustain the theory that the casting of those 1,345 votes for Horton is consistent with honest conduct on the part of his friends. There is probably a margin of error of from 10 to 15 per cent in the McBurney canvass. That is to say, there must necessarily be omissions of the names of honest voters. There are not so many of the "not found" voters who appear to have voted the Republican ticket as might not be included in the margin of probable error. Such a theory is absolutely inapplicable to the enormous Democratic vote of the "not found."

It may be that the contestant also had zealous and corrupt friends who, discerning that the opposition was engaged in a huge conspiracy to corrupt the polls, concluded to fight the devil with fire and did a little sporadic registration on their own account.

By asserting this position we may be doing the contestant an injustice; but, facing the facts as they have been fully and properly set before us, we can not respond to them otherwise than to say that they deprive him, alike with the contestee, of the right to a seat in the House of Representatives.

I do not care to detain the House longer. Here was a case in which a thousand witnesses were examined, in which more than 2,000 pages of carefully taken testimony are printed. I could multiply example upon example to such an extent as would horrify even my Democratic friends, presenting to the attention of the House election frauds such as we have never yet witnessed, so bold, so palpable, so impudent, so outrageous as to arrest and arouse the attention of all good people in the city of St. Louis.

I desire to say here and now, as an antidote to what I said earlier in my remarks, that it was the arousing of the public spirit of the good people of the city of St. Louis that resulted in the prosecution of this contest, in the unraveling of this tangled skein disclosing these horrid facts, and presenting them at much cost of time and money to the attention of the American people. I might sketch this picture more fully. I have touched no more than fragments of the facts and the salient points in this case, and I do not intend to weary the House with this discussion.

If my judgment is of any account here, if the House has any confidence in my sense of fairness and in my desire to do right equally with my brethren on the Democratic side and those on this side of the House, I want to repeat right here that of all the cases that have come to my attention since the beginning of my career down to this, the last election case that I will ever have the honor of presenting to this body, this out-Herods Herod, and is the most outrageous of all.

I leave it to you, gentlemen of the House, to you gentlemen on the other side, who I doubt not will vote to a man to sustain the contestee in this case, to say where your duty lies; but I say our duty as Representatives in this great body, charged by the Constitution with being judges of the election of its own members, is to emphasize by the strength and character of this vote that we are wholly out of sympathy with such methods. [Loud applause on the Republican side.]

I move the previous question on the resolutions.

The SPEAKER. The Chair will say to the gentleman from Ohio that the previous question has already been ordered. The question is on agreeing to the substitute offered by the minority.

Mr. BOWIE. I ask for the reading of the substitute resolutions.

The Clerk read as follows:

Resolved, That William M. Horton was not elected a member of the Fifty-seventh Congress from the Twelfth Congressional district of Missouri, and is not entitled to a seat therein.

Resolved, That James J. Butler was elected a member of the Fifty-seventh Congress from the Twelfth Congressional district of Missouri, and is entitled to a seat therein.

The SPEAKER. The question is on agreeing to the substitute resolutions.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. BOWIE. Division!

The House divided; and there were—ayes 60; noes 90.

Mr. BOWIE. Tellers, Mr. Speaker.

Mr. TAYLER of Ohio. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 100, nays 136, answering "present" 18; not voting 96, as follows:

YEAS—100.

Adamson,	Finley,	Little,	Robinson, Ind.
Allen, Ky.	Fitzgerald,	Livingston,	Robinson, Nebr.
Ball, Tex.	Fleming,	Lloyd,	Rucker,
Bankhead,	Flood,	McClellan,	Ryan,
Bell,	Foster, Ill.	McCulloch,	Shackleford,
Benton,	Glenn,	Mahoney,	Shafroth,
Bowie,	Gordon,	Maynard,	Sims,
Brantley,	Griffith,	Meyer, La.	Slayden,
Breazeale,	Griggs,	Mickey,	Small,
Brundidge,	Hay,	Miers, Ind.	Snodgrass,
Burgess,	Hooker,	Moon,	Snook,
Burleson,	Howard,	Mutchler,	Spight,
Burnett,	Jackson, Kans.	Naphen,	Stark,
Candler,	Johnson,	Neville,	Stephens, Tex.
Cassingham,	Kehoe,	Newlands,	Sulzer,
Clark,	Kern,	Norton,	Swanson,
Clayton,	Kitchin, Claude	Padgett,	Tate,
Cochran,	Kitchin, Wm. W.	Patterson, Tenn.	Thomas, N. C.
Conry,	Kleberg,	Pou,	Thompson,
Cowherd,	Kluttz,	Pugsley,	Underwood,
Davey, La.	Lamb,	Randell, Tex.	Vandiver,
De Armond,	Lanham,	Ransdell, La.	Wiley,
Dinsmore,	Lassiter,	Rhea, Va.	Williams, Ill.
Dougherty,	Lester,	Richardson, Tenn.	Williams, Miss.
Feely,	Lewis, Ga.	Rixey,	Zenor.

NAYS—136.

Adams,	Davidson,	Hughes,	Pearre,
Alexander,	Dayton,	Irwin,	Ray, N. Y.
Allen, Me.	Deemer,	Jack,	Reeder,
Aplin,	Dick,	Jones, Wash.	Reeves,
Babcock,	Dovener,	Joy,	Roberts,
Ball, Del.	Draper,	Knapp,	Scott,
Barney,	Driscoll,	Kyle,	Shattuc,
Bartholdt,	Eddy,	Lacey,	Showalter,
Beidler,	Esch,	Lawrence,	Sibley,
Bingham,	Foerderer,	Lessler,	Smith, Iowa
Bishop,	Foss,	Lewis, Pa.	Smith, H. C.
Blackburn,	Foster, Vt.	Littlefield,	Smith, S. W.
Bowersock,	Gardner, Mich.	Long,	Southard,
Brick,	Gardner, N. J.	Lovering,	Southwick,
Bristow,	Gibson,	McCall,	Sperry,
Bromwell,	Gillet, N. Y.	McCleary,	Stewart, N. J.
Brown,	Gillett, Mass.	McLachlan,	Stewart, N. Y.
Burk, Pa.	Graff,	Mann,	Sulloway,
Burke, S. Dak.	Graham,	Martin,	Sutherland,
Burleigh,	Greene, Mass.	Mercer,	Tawney,
Burton,	Grosvenor,	Miller,	Tayler, Ohio
Butler,	Grow,	Mondell,	Thomas, Iowa
Calderhead,	Hamilton,	Moody, N. C.	Tirrell,
Cannon,	Haskins,	Morgan,	Tompkins, Ohio
Capron,	Heatwole,	Morris,	Tongue,
Cassel,	Hedge,	Moss,	Van Voorhis,
Conner,	Hemenway,	Mudd,	Vreeland,
Coombs,	Henry, Conn.	Needham,	Wachter,
Cousins,	Hepburn,	Nevin,	Wadsworth,
Cromer,	Hildebrant,	Olmsted,	Wanger,
Currier,	Hill,	Otjen,	Warner,
Curtis,	Hitt,	Overstreet,	Warnock,
Dalzell,	Holliday,	Palmer,	Watson,
Darragh,	Howell,	Patterson, Pa.	Woods.

ANSWERED "PRESENT"—18.

Bartlett,	Fletcher,	Moody, Oreg.	Richardson, Ala.
Boutell,	Green, Pa.	Pierce,	Trimble,
Burkett,	Jenkins,	Powers, Me.	Wright.
Emerson,	Kahn,	Powers, Mass.	
Evans,	Metcalf,	Prince,	

NOT VOTING—96.

Acheson,	Corliss,	Gaines, Tenn.	Jett,
Bates,	Creamer,	Gaines, W. Va.	Jones, Va.
Bellamy,	Crowley,	Gilbert,	Ketcham,
Belmont,	Crumpacker,	Gill,	Knox,
Blakeney,	Cushman,	Goldfogle,	Landis,
Boreing,	Dahle,	Gooch,	Latimer,
Broussard,	Davis, Fla.	Hall,	Lever,
Brownlow,	De Graffenreid,	Hanbury,	Lindsay,
Bull,	Douglas,	Haugen,	Littauer,
Caldwell,	Edwards,	Henry, Miss.	Loud,
Connell,	Elliott,	Henry, Tex.	Loudenslager,
Cooney,	Fordney,	Hopkins,	McAndrews,
Cooper, Tex.	Fowler,	Hull,	McDermott,
Cooper, Wis.	Fox,	Jackson, Md.	McLain,

McRae,	Robb,	Sheppard,	Talbert,
Maddox,	Robertson, La.	Sherman,	Taylor, Ala.
Mahon,	Rumple,	Skiles,	Thayer,
Marshall,	Ruppert,	Smith, Ill.	Tompkins, N. Y.
Minor,	Russell,	Smith, Ky.	Weeks,
Morrell,	Scarborough,	Smith, Wm. Alden	Wheeler,
Parker,	Schirm,	Sparkman,	White,
Payne,	Selby,	Steele,	Wilson,
Perkins,	Shallenberger,	Stevens, Minn.	Wooten,
Reid,	Shelden,	Storm,	Young.

So the substitute resolution was rejected.

The following pairs were announced:

For the session:

Mr. METCALF with Mr. WHEELER.

Mr. WRIGHT with Mr. HALL.

Mr. BOREING with Mr. TRIMBLE.

Mr. KAHN with Mr. BELMONT.

Mr. MORRELL with Mr. GREEN of Pennsylvania.

Until further notice:

Mr. BROWNLOW with Mr. PIERCE.

Mr. LOUDENSLAGER with Mr. DE GRAFFENREID.

Mr. FOWLER with Mr. MCDERMOTT.

Mr. STEELE with Mr. COOPER of Texas.

Mr. SHERMAN with Mr. RUPPERT.

Mr. EMERSON with Mr. GILBERT.

Mr. SKILES with Mr. TALBERT.

Mr. HAUGEN with Mr. LEVER.

Mr. JENKINS with Mr. SMITH of Kentucky.

For this day:

Mr. STEVENS of Minnesota with Mr. MADDOX.

Mr. BOUTELL with Mr. SELBY.

Mr. CORLISS with Mr. GOOCH.

Mr. LANDIS with Mr. HENRY of Texas.

Mr. CONNELL with Mr. DAVIS of Florida.

Mr. FORDNEY with Mr. REID.

Mr. ACHESON with Mr. BROUSSARD.

Mr. MAHON with Mr. ROBB.

Mr. PAYNE with Mr. BARTLETT.

Mr. WM. ALDEN SMITH with Mr. JETT.

Mr. POWERS of Maine with Mr. FOX.

Mr. BABCOCK with Mr. LESTER.

Mr. HITT with Mr. DOUGHERTY.

Mr. RUSSELL with Mr. ROBERTSON of Louisiana.

Mr. KETCHAM with Mr. BELLAMY.

Mr. SCHIRM with Mr. LINDSAY.

Mr. RUMPLE with Mr. LATIMER.

Mr. MINOR with Mr. GOLDFOGLE

Mr. HANBURY with Mr. ELLIOTT

Mr. GILL with Mr. EDWARDS.

Mr. DOUGLAS with Mr. CREAMER.

Mr. CRUMPACKER with Mr. JONES of Virginia.

Mr. MARSHALL with Mr. MCLAIN.

Mr. COOPER of Wisconsin with Mr. SPARKMAN.

Mr. HULL with Mr. SCARBOROUGH.

Mr. SHELDON with Mr. TAYLOR of Alabama.

Mr. STORM with Mr. WHITE.

Mr. TOMPKINS of New York with Mr. WILSON.

On this vote:

Mr. MOODY of Oregon with Mr. MCANDREWS.

Mr. PRINCE with Mr. CALDWELL.

Mr. HOPKINS with Mr. RICHARDSON of Alabama.

Mr. YOUNG with Mr. COONEY.

Mr. POWERS of Massachusetts with Mr. THAYER.

Mr. EVANS with Mr. HENRY of Mississippi until June 28.

Mr. BATES with Mr. MCRAE until June 28–30.

Mr. GAINES of West Virginia with Mr. GAINES of Tennessee until June 29.

Mr. CUSHMAN with Mr. WOOTEN until Monday.

Mr. BURKETT with Mr. SHALLENBERGER until June 28.

Mr. WEEKS with Mr. SHEPPARD until June 30.

The result of the vote was then announced as above recorded.

The SPEAKER pro tempore. The question now is on agreeing to the majority resolution.

The question was taken, and the resolution was agreed to.

On motion of Mr. TAYLER of Ohio, a motion to reconsider the last vote was laid on the table.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title; when the Speaker signed the same:

H. J. Res. 6. Joint resolution in relation to monument to prison-ship martyrs at Fort Greene, Brooklyn, N. Y.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 3360. An act for the promotion of First. Lieut. Joseph M. Simms, Revenue-Cutter Service;

S. 4611. An act to authorize the West Elizabeth and Dravosburg Bridge Company to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania;

S. 5506. An act granting an increase of pension to Clayton P. van Houten;

S. 5383. An act providing that the circuit court of appeals of the fifth judicial circuit of the United States shall hold at least one term of said court annually in the city of Atlanta, in the State of Georgia, on the 1st Monday in October in each year.

S. 3320. An act granting an increase of pension to Adelaide G. Hatch;

S. 5856. An act granting an increase of pension to Elizabeth A. Turner; and

S. 1225. An act granting an increase of pension to Clara W. McNair.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States was communicated to the House of Representatives by Mr. B. F. BARNES, one of his secretaries, who informed the House of Representatives that the President had approved and signed bills of the following titles:

On June 27, 1902:

H. R. 4636. An act to authorize the Secretary of the Treasury to adjust the accounts of Morgan's Louisiana and Texas Railroad and Steamship Company for transporting the United States mails;

H. R. 10299. An act authorizing the Santa Fe Pacific Railroad Company to sell or lease its railroad property and franchises, and for other purposes:

H. R. 13204. An act to provide for refunding taxes paid upon legacies and bequests for uses of a religious, charitable, or educational character, for the encouragement of art, and so forth, under the act of June 13, 1898, and for other purposes; and

H. R. 15004. An act to authorize the Minneapolis, Superior, St. Paul and Winnepeg Railway Company, of Minneapolis, to build and maintain a railway bridge across the Mississippi River.

On June 28, 1902:

H. R. 3442. An act to correct the record of John O'Brien;

H. R. 9870. An act to correct the military record of Reinhard Schneider; and

H. R. 13676. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1903, and for other purposes.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, bills of the Senate of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3560. An act to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes," approved March 2, 1893, and amended April 1, 1896—to the Committee on Interstate and Foreign Commerce.

S. 5732. An act establishing a regular term of the United States district court in Lewisburg, W. Va.;

S. 5914. An act establishing a regular term of the United States district court in Addison, W. Va; and

S. 268. An act authorizing the Secretary of the Treasury to fix the salaries of deputy collectors of customs at the subports of Tacoma and Seattle, in the State of Washington, and repealing all laws inconsistent therewith—to the Committee on Ways and Means.

MILITIA.

Mr. DICK. Mr. Speaker, I desire to renew my request for unanimous consent to have the bill (H. R. 11654) to promote the efficiency of the militia of the Army, taken up by the House, to be the continuing order until disposed of, not to interfere with conference reports or suspension of rules.

The SPEAKER. The gentleman from Ohio asks unanimous consent to make the bill (H. R. 11654), the militia bill, a continuing order after the disposition of the case just closed, not to interfere with conference reports or suspension of rules. Is there objection?

Mr. BARTLETT. Mr. Speaker, reserving the right to object to this request, I would like to state that this is a very important bill. If it is to be considered, it ought to be considered carefully and ought not to be considered hurriedly for the want of time. I have undertaken since yesterday to examine it and I desire to ask the gentleman from Ohio what length of time he proposes to devote to its consideration?

Mr. DICK. That has not yet been determined.

Mr. BARTLETT. In order to get unanimous consent, it ought to be understood how it is to be considered, whether amendments are to be permitted to be offered. It will not do to leave that to the determination of the majority of the House after an agree-

ment has been entered into for its consideration. I remember very well that the consideration of the bill to amend the bankruptcy law, which was passed here some days ago, was obtained by unanimous consent, and that it was rushed through with very small time allotted for a bill of that importance to debate and without opportunity given to offer amendments. For myself, I shall not consent to any more of what I consider important legislation and in which I feel an interest being set down for discussion or passage until I can know exactly what is going to be permitted by those who desire to investigate and amend it, if necessary. Therefore I ask the gentleman from Ohio what proposition he makes or intends to make, with a view of having the bill considered, what length of time is going to be given for its consideration, and what opportunity is going to be given for the purpose of amendment. It is a most important measure, as it proposes to reorganize altogether the militia in the different States.

Mr. DICK. Mr. Speaker, I will say in reply to the gentleman that the bill was reported unanimously by the Committee on the Militia as long ago as March 20. The report has been very generally read and discussed by members of the House, and I assume when it comes before the House for consideration the ordinary rules governing debate and the rule with reference to amendments will obtain. There will be no disposition to shut out either debate or fair amendment.

Mr. BARTLETT. Mr. Speaker, that is a very general statement. Of course, we know under the rules of the House we have a right to debate it and amend it, provided the previous question is not called and the gentleman in charge of the bill has not the majority with him in demanding the previous question. I recall a like experience in regard to the bankruptcy bill, and I object.

The SPEAKER. Objection is made.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its Reading Clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 12597. An act to accept, ratify, and confirm a proposed agreement submitted by the Kansas or Kaw Indians, of Oklahoma, and for other purposes;

H. R. 11273. An act to pay F. Y. Ramsay, heir at law and distributee of the late Joseph Ramsay, $430.42, for balance due the said Joseph Ramsay as collector of customs and superintendent of lights in the district of Plymouth, N. C.;

H. R. 2487. An act granting an increase of pension to William S. Hosack; and

H. R. 8209. An act for the relief of P. A. McClain.

The message also announced that the Senate had agreed to the amendments of the House to the bill (S. 3896) to amend section 3362 of the Revised Statutes relating to tobacco.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 8586) amending the act of March 2, 1901, entitled "An act to carry into effect the stipulations of Article VII of the treaty between the United States and Spain, concluded on the 10th day of December, 1898," the amendments of the Senate thereto, and the message of the Senate of March 11, 1902, disagreeing to the report of the committee of conference thereon.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. McCLEARY. Mr. Speaker, I call up the conference report on the bill (H. R. 14019) making appropriations for the District of Columbia for the ensuing year.

The SPEAKER. The gentleman from Minnesota, by direction of the Committee on Appropriations, calls up the District of Columbia appropriation bill. Does the gentleman desire the report and statement to be both read.

Mr. McCLEARY. I ask unanimous consent that the reading of the report, which has been printed in the RECORD, be omitted.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that the reading of the report be omitted and that the statement only be read. If there is no objection this course will be pursued.

Mr. SULZER. Mr. Speaker, just a word. I would like to ask the gentleman from Minnesota if there is anything in this bill regarding the license fees in the District of Columbia?

Mr. McCLEARY. I would say to the gentleman that there is.

Mr. SULZER. Is there a provision in this bill increasing the license fee in the District of Columbia from $400 a year to $800 a year?

Mr. McCLEARY. There is.

Mr. SULZER. Then, Mr. Speaker, I object.

The SPEAKER. Objection is made. The report and the statement will both be read.

Mr. CANNON. If the gentleman will allow me, I think he does not understand the request. The request is to dispense with the reading of the conference report and to let the statement be read. That is the usual request.

Mr. SULZER. I understand exactly what the gentleman asks, and so far as that provision in the bill is concerned, I am opposed to it.

Mr. CANNON. You want it read? Well, you have that power.

The SPEAKER. The Clerk will read.

The Clerk began the reading of the conference report.

Mr. SULZER (interrupting the reading). Mr. Speaker, I withdraw the objection.

The SPEAKER. Objection is withdrawn, and the statement only will be read, if there is no further objection.

There was no objection.

The Clerk began the reading of the statement.

Mr. McCLEARY. Mr. Speaker, in view of the fact that the statement was printed in this morning's RECORD, I suggest that it will save valuable time if we omit the reading of the statement.

The SPEAKER. The gentleman from Minnesota asks unanimous consent also to dispense with the reading of the statement. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the conference report.

Mr. BABCOCK. Mr. Speaker, I ask for separate votes on amendments numbered 81, 110, and 232.

Mr. McCLEARY. I raise the point of order that this is a conference report, and that such a request is not permissible.

The SPEAKER. The point of order is sustained. The report must be adopted as an entirety or voted down as an entirety.

Mr. McCLEARY. I move that the report be adopted.

Mr. LACEY. Mr. Speaker——

The SPEAKER. Does the gentleman from Minnesota yield to the gentleman from Iowa?

Mr. McCLEARY. I yield.

Mr. LACEY. I should like to have an explanation from the gentleman in regard to the tax of 6 per cent on the gross earnings of banks. It seems to me as though that was a very heavy tax, and I should like to hear it explained.

Mr. McCLEARY. For the purpose of this explanation I yield to the gentleman from Illinois [Mr. CANNON], who has given the matter special attention, so much time as the gentleman desires.

Mr. CANNON. I should like five or ten minutes.

Mr. McCLEARY. I yield to the gentleman from Illinois ten minutes.

Mr. CANNON. Mr. Speaker, I can perhaps best answer the question of the gentleman from Iowa by making a statement of the conditions that surrounded the service in the District of Columbia when this bill was originally passed, and also a statement of the amendments of the Senate, and the agreement of the conferees.

Gentlemen, understand that for the current fiscal year, for the service in the District of Columbia, one-half the money comes from the Treasury of the United States, and in theory the other half from the District revenues; but in fact very large advances, amounting to many hundreds of thousands of dollars, have had to be made to supply a deficiency in the District revenues. It was found that under legislation of the last session of Congress the District fell short this year, and will fall short the coming fiscal year, by advances already provided for, to the amount of $1,100,000, in paying its share, and that this $1,100,000 this year and the coming year were to be advanced from the Treasury of the United States to the District. There came a great demand for increased service in the District.

The Committee on Appropriations under the organic law was confronted with this condition and with these estimates. It commenced the preparation of its bill in December, expecting to report it before the holidays; but with this condition it deferred consideration. It waited through December, January, February, and March for legislation. Through the public prints and by announcement inspired from another body, and from the committee that had legislative jurisdiction in another body, we were led to infer that the proper committees would give legislation for an increase of taxation. We waited and waited and waited in vain, until finally, when it was patent that the Congress was to close without any effort for legislation, the Committee on Appropriations reported this bill. It contained a provision cutting down 10 per cent all the salaries of employees in the District, and by special rule we put on a provision providing the machinery to enforce the law of 1877, so that we could get tax revenues from personal property.

You will recollect that that passed the House and went to the Senate. The Senate struck out that provision and put in its own personal-tax amendment, claiming that the law of 1877—which had never been enforced, and I will not say how or why—was adequate and drastic, and declined to accede to the action of the House. The Senate struck that out and substituted what they call a personal-tax amendment. The House disagreed. I have been on a good many conferences, but that was the most annoying

one I ever sat upon, because it provided not only the appropriation for the service, but it provided for this new taxation, and the butcher and the baker and the candlestick maker, and the saloon men and the capitalists and the banker and the broker, all of them, objected. The only trouble we had was the necessity of raising more money from the District and to find somebody in the District or out of the District that would pay any of it. Get the money and nobody to pay it, that was our trouble.

In the judgment of your committee, the conferees on the part of the House, the Senate bill did not raise enough money. We needed more, and after a long conference we got something of a concession, the best we could do. We calculate that safely the increase from personal taxation alone will amount to $500,000. The Senate conferees claim from $600,000 to $700,000, but I never like to guess a thing too high. If I am deceived I would rather be agreeably deceived when the pudding is cut open and we eat it. [Laughter.] But we think it will safely provide $500,000 in addition to what has been heretofore gathered under existing law.

In addition to that a new assessment has been made on the real estate in the District. The real estate has been valued at 65 per cent of its actual value under the new assessment, and it seems patent that it will yield at least a million dollars more revenue. The Senate conferees claim that it will yield twelve hundred thousand dollars more, but I think I can safely say a million; so that the two together, $500,000 increase from licenses and the personal tax, and the million dollars increase from real estate gives us a million and a half that we can safely count upon.

Now, one other thing. Much protest was made. The license tax to the saloons in the District of Columbia was $400. That is the law as it is now, and the law up to the time this report is adopted, if it is adopted The Senate provision increased it to $800, and the House agrees after considerable investigation. We had but one thing in view and one thing only, and that was what would yield the most revenue, In many cities in Illinois. little cities that I know of, we do not lose any saloons at $800. I know of a town with less than 20,000 inhabitants where there are 40 saloons and have been for a decade, increasing one or two every year. We came to the conclusion that $800 license for a saloon would yield more revenue than any other sum we could fix it at. Of course there was much protest.

After we disposed of that we substantially took the present law and continued it as to callings, although there are a few occupations not on the statute book, some from a police standpoint and others from a change in population, in the last thirty years that seemed to indicate that they ought to be put on. Then we increased the tax for wholesalers—that is, grocerymen who sell by the quart, gallon, demijohn, etc., up to $50.

In addition to that we have a law now that levies 4 per cent on the gross earnings of traction companies. We continued that. There was much protest as to that. One traction company is making good dividends and another traction company with between two and three hundred miles of road allege that they barely make operating expenses. We found it at 4 per cent and we leave it at 4 per cent.

Then we put 5 per cent on the gas companies, upon the gross earnings. My judgment is we might as well put 6, but all legislation is a compromise, and so we put it at 5. That will yield considerable increase in revenue. Now, when we came to banks and trust companies we found this condition, that they never have paid any taxes in this District, practically none, except where they own real estate. Perhaps if the machinery had not dropped out they would have paid taxes, but in fact they have not paid any. The Senate proposed to continue the tax on real estate, and that is left undisturbed. The Senate then proposed to tax the gross receipts of the banks and trust companies 4 per cent, which would yield not less than $60,000.

There are four trust companies with between four and five million dollars capital, and then the banks with a large capital, many of them with a very large surplus, all of them, I presume, making profits. The stock of some is worth seven or eight hundred per cent. The trust companies are worth between two and three hundred per cent, and I suppose on an average the stock of the trust companies would be in the vicinity of 200. Now, this 4 per cent is on the gross receipts of these institutions, and all the taxes that they would have to pay in the aggregate would yield $60,000. I do not recollect the aggregate of the capitalization.

Now, then, it was proposed in lieu of that to tax the capital stock of these institutions at par plus surplus, plus undivided profits, and then to take two-thirds of the sum and put it upon the capital stock and then assess them 1½ per cent. That would have yielded something over $100,000. Six per cent that the House insisted upon, one or the other proposition, yields $90,000, instead of the $60,000 of the Senate proposition. Under this, gentlemen, there will be something under $100,000 taxes upon the capital and surplus of the banks and trust companies.

Mr. LACEY. Mr. Speaker——

Mr. SULZER. Will the gentleman allow me just a moment?

Mr. CANNON. I yield first to the gentleman from Iowa.

Mr. LACEY. I would ask the gentleman if there is not some danger under this bill proposed as to the whole tax being declared unconstitutional?

Mr. CANNON. Oh, I think not.

Mr. LACEY. In other words, let me explain the point. It is proposed to tax national banks 6 per cent on the gross earnings, and tax savings banks 1½ per cent of their net earnings. Thus making it four times as much as the other. Is there not that danger?

Mr. CANNON. In my judgment, no; because they are different institutions, and Congress has plenary power in matters of taxation in the District.

Mr. HILL. It is done in every State.

Mr. CANNON. It is done in every State now.

Mr. SULZER. I would like to ask the gentleman if there is any provision in this bill giving double taxes, except upon the license of the saloons of the District?

Mr. LITTLEFIELD. Any other taxes?

Mr. CANNON. Well, I will tell the gentleman, where the saloons paid $400 under existing law, this taxes them $800. The banks did not pay a cent under existing law, and this taxes them 6 per cent on the gross earnings. We double the saloons.

Mr. SULZER. You did not double the banks.

Mr. CANNON. We took a unit that did not exist and multiplied by 6 as to the banks. Now, then, I want to say in conclusion that that was the best results we could get. If there is any gentleman in this House who thinks it is an easy job to make, or help make, a revenue bill for the District of Columbia let him try it. I do not envy the legislative committees on the District of Columbia of the House and Senate their job, now or in the future. If it is not good legislation, when we meet again it will be quite in the power of those committees, charged with that duty, to give as something better. But we waited from December until March, and there were no signs of anything coming, and this was the last chance.

Mr. GROSVENOR. I was not here when the gentleman began his statement, and I want to know what the general proposition is in regard to taxation of moneys and credits?

Mr. CANNON. No tax at all. Moneys are not taxed; choses in action are not taxed, and for this reason——

Mr. GROSVENOR. I do not care to hear the reasons.

Mr. CANNON. I will say to my friend why it is. The House conferees were in favor of taxing them, but it was urged with great force that it would only be the man that would bring his strong box, his notes, and his money and have it listed that would pay, and that the great bulk of it would escape taxation, and so forth and so forth; and the House conferees were compelled to admit that there was much of truth in that contention; and, finally, when we came to the last resort, there was nothing placed on choses in action as such.

Now, then, one other matter. It is proper for me to state to the House what, in my judgment, this bill accomplishes in the shape of revenues. The estimated revenues under existing law are $3,700,000. That is safe. The estimated increase on real estate by revision, $1,000,000, was assured by everybody, including the assessor and the Senate Committee and everybody that has appeared before the committee on this subject, and some of them say $200,000 more. But we put it a million. The probable revenue from personal tax and from this increase, $500,000. That would make a total of $5,250,000.

Now the liabilities under the bill that we report would amount, chargeable in the District appropriation act, to $4,212,000 in round numbers, half from the District fund. Amount appropriated in the sundry civil and legislative bills, $164,000; the amount required to reimburse the United States for advances during the year 1902, $980,000. One-half of the appropriation made in the sundry civil bill and for municipal building, $300,000; one-half of the cost of highway bridge, $244,000, making a total of $5,201,000, that has come from the Treasury in the coming year.

Now, then, if you will take that from $5,250,000, the usual revenue, it leaves $218,000.

Now, then, I want to say one thing further. The demands on the District for 1904 will, in my judgment, exceed those that will have to be met in the coming fiscal year. The same or a greater amount will be required to reimburse the United States for advances, and a larger sum will probably be required on account of the municipal building, if that work is to be properly prosecuted, for this bill provides only for buying the lot. The sums carried by the sundry civil bill and the legislative appropriation bill can not be reduced. If the railroad terminal bill is enacted, it will entail an ultimate expense of several million dollars and a large fixed annual charge on the revenues of the District for years to come.

This revenue bill does not reckon with that proposition or with that problem, nor does it reckon with a very large expenditure for the municipal building, nor does it reckon with the reclamation of the eastern flats, and a great many other things. But it is sufficient in the judgment of this committee to carry on the public service with some reasonable addition thereto for the next year, and so on.

I have no pride in this provision. It is the best we could do. It was not a labor of love, but of necessity; and I venture here the hope that the proper legislative committees of the Senate and the House on the District of Columbia will promptly at the next session of Congress shoulder this burden and see whether some better provisions can not be adopted than are embraced in this conference report.

Mr. McCLEARY rose.

Mr. BABCOCK. I would like to occupy a little time.

Mr. McCLEARY. I yield the gentleman five minutes.

Mr. BABCOCK. Mr. Speaker, I am directed by the unanimous vote of the House District Committee to oppose certain provisions of this conference report, or rather Senate amendments, which relate, not particularly to the subject on which the gentleman from Illinois has addressed the House, but to certain specific items of legislation to which I desire at this time to call the attention of the gentleman who has charge of the bill—items which I think when he thoroughly understands them he will not approve.

Under the rules of the House it is impossible to secure a separate vote on any particular amendment; and while I do not want to oppose the adoption of the conference report, I do think that this matter ought to be put in shape so that the House may express itself on certain matters of legislation, which I think, when understood, will not be approved by the House.

Now, the first item is amendment No. 81. I do not believe that the conferees understood this, or they certainly would never have agreed to it. When we passed last year the bill, approved February 12, 1901, public 49, we provided that on the new highway bridge to be constructed in lieu of the Long Bridge, the present street railway company should have the right to change its tracks and cross over the new bridge instead of the Long Bridge, and Congress provided that the company should pay one-half a cent per head for all passengers going over the bridge, and it adopted this provision:

The said bridge shall be for public traffic, and all street railroads chartered or that may hereafter be chartered by Congress shall have the right to cross said bridge on such terms as may be prescribed by Congress.

Now, Mr. Speaker, it is proposed in this report to reenact this old law, now on the statute books, with the change that there is given to this railroad company the right to the use of this bridge, and no other railroad company can cross it without their consent.

Mr. CANNON. The gentleman is entirely mistaken.

Mr. BABCOCK. I would like to hear the gentleman's explanation. I have the law right here.

In other words, Congress by this amendment has given entire control of the use of this bridge by any other railways which may hereafter desire to enter the city to the company which crosses on the bridge at the present time. I appeal to the House, is this good legislation?

Mr. LITTLEFIELD. It gives that company a monopoly?

Mr. BABCOCK. Yes; an entire monopoly. Now, I will read the amendment to show wherein it differs from the existing law as I have read it.

Mr. CANNON. The gentleman totally misconceives; this amendment does not do what he states.

Mr. BABCOCK. It certainly does, if I can understand the English language. The language is—

Provided, That all street railroads chartered——,

Mr. CANNON. From what is the gentleman reading?

Mr. BABCOCK. Amendment No. 81.

Mr. CANNON. Well, let us read the original law which is amended.

Mr. BABCOCK. I have read it.

Mr. CANNON. Very well; let the gentleman go on.

Mr. BABCOCK (reading):

That all street railroads chartered, or that may hereafter be chartered by Congress, shall have the right to cross such bridge upon terms mutually agreed upon with the Washington, Alexandria and Mount Vernon Railway Company.

Now, the present law says that they shall have the right to cross the bridge under rules and regulations provided by Congress. The amendment says that this may be done upon terms to be agreed upon with the Washington, Alexandria and Mount Vernon Railway.

Mr. LITTLEFIELD. That is the existing company?

Mr. BABCOCK. That is the existing company which now uses the Long Bridge to enter the city. That provision excludes every other company and takes away from Congress the right to repeal this act so as to permit any other company to cross the bridge.

Mr. CANNON. The best way is to thrash this out right here and now. Why does not the gentleman read the existing law and then read the amendment passed in view of that law? If he will do so, he will find that the provision embraced in this report retains all the good that has already been enacted in the terminal legislation and adds thereto.

Mr. BABCOCK. Will the gentleman state why it is necessary to reenact the present statute, striking out that clause reserving the control to Congress of prescribing the terms on which other railroad companies may use this bridge and giving the control of that question to the railroad at present occupying the bridge?

Now, Mr. Speaker, I want to refer to amendment 101.

Mr. McCLEARY. Does not your bill give this railroad company the exclusive right?

Mr. BABCOCK. No, sir.

[Here the hammer fell.]

Mr. BABCOCK. I ask the gentleman to yield me a little more time.

Mr. McCLEARY. I yield the gentleman five minutes more.

Mr. BABCOCK. Mr. Speaker, I have read the provision of the existing law. The chairman now has that act in his hand. It provides that other street railway companies may cross this bridge upon terms and regulations to be prescribed by Congress.

Now, I want to call attention to amendment No. 101. Very recently the House has passed on what is known as the telephone bill, for the purpose of putting the overhead wires underground and for the general development of the telephone system, looking to the interest of the company and to that of the public as well. That provision was carefully guarded, providing that these wires should be put underground, under the direction of the Commissioners. And I want to say, as I understand, that the company is about to expend $1,000,000 in that work. We are here presented now with a Senate amendment which provides that these electric-light wires may be strung overhead as the company may see fit outside of the fire limits of the District of Columbia. Now, under a law of Congress the electric-lighting companies in the District of Columbia are obliged to put their wires underground. It is right that a distinction should be drawn between the electric wires and the telephone wires, from the fact that during the past few years eight persons in the District of Columbia have lost their lives by coming into contact with live electric wires. Now, this report proposes to grant, without such legislative restrictions as should be provided, the right to string these electric wires overhead.

The Commissioners tell me to-day that for more than eighteen months—for more than a year and a half—these companies have persistently refused, or at least they have failed, to put a single wire underground in the District of Columbia, and the only excuse they offer for not doing so is that they have not the money with which to do it.

Mr. McCLEARY. Let me ask the gentleman whether the Commissioners did not recommend this provision we have inserted?

Mr. BABCOCK. I do not know what they have recommended to your committee. I know the situation of the legislation in the District Committee, and I want to state that I, as its chairman, was specifically instructed by the unanimous vote of that committee to advise the House of the objections of the committee to this provision.

Mr. CANNON. Now, if my friend will allow me, I hold in my hand——

Mr. BABCOCK. I hope my friend will not use my time.

Mr. CANNON. I think my friend will yield to me. I simply want to get at the facts. I hold in my hand a joint resolution relative to electric-lighting wires west of Rock Creek:

Resolved by the Senate and House of Representatives, etc., That the Commissioners of the District of Columbia are hereby authorized to issue permits to existing electric-lighting companies in the District of Columbia for an extension of existing overhead electric-light wires outside of the fire limits and west of Rock Creek to be used for lighting purposes only.

Now, then, that was in 1898, and the gentleman's committee was the committee that dealt with it. That is west of Rock Creek. Now, then, east of Rock Creek outside of the limits this provision here gives them exactly the same right and no more, because when you get outside of the fire limits east of Rock Creek it is practically impossible to have at least for a decade or many decades conduits built, and the people want that service, and we followed the example of the gentleman and his committee in giving outside of the fire limits east of Rock Creek what they had the right to do outside of the fire limits west of Rock Creek—a Senate amendment—and the House agreed to it.

Mr. BABCOCK. Mr. Speaker, I think the gentleman is mistaken in reference to any error being made by the District Committee.

Mr. CANNON. There is the law.

Mr. BABCOCK. Yes; there is the law. I understand that is the law, but there is a great deal of law on the statute books that is not there by the consent of the District Committee.

Mr. CANNON. It is an act passed standing by itself. It could not have come from any other committee.

Mr. BABCOCK. Now, Mr. Speaker, in reference to that, I will say the District Committee has not had one demand for this legislation or a request from citizens of the District of Columbia showing the necessity of these overhead wires; but, on the other hand, we have had many protests, unless this legislation could be surrounded by safeguards that would in the end lead to their going under ground.

Now, in reference to the present law west of Rock Creek. That was to supply a country practically outside of the city, what is known as Cleveland Park, and through additions to the city there where it was impossible to construct any underground conduit, for the streets had not even been graded at that time. I am sorry that I have not more time. I do not want to take the time of the House, but there are numerous things in these amendments and this bill that ought to be considered on their own merits, and it seems under the rules that this conference report must either be defeated or that we must accept it as a whole; and where such a piece of legislation as the one I have just called attention to granting the right to a railroad company to a bridge, to the exclusion of all other companies, simply a repetition of legislation that is on the statute books to-day, except inserting the words "the street railroad company" instead of Congress—they have the power, not us—is proposed, it would seem to me that it would be wise that this report should be defeated and sent back to the conferees; and if I could secure the time necessary I could call the attention of the House to legislative amendment after legislative amendment that would certainly appear to be far from good, sound, public policy to pass.

Now, in this I do not refer to tax matters. Perhaps those can be criticised or approved from all sides; but I refer especially to legislative matters that have nothing whatever to do with the subject that has given the gentleman so much trouble.

The SPEAKER. The time of the gentleman has expired.

Mr. McCLEARY. Mr. Speaker, in order that there may be no appearance even of a desire to crowd the gentleman unnecessarily, I yield to him five minutes more, if he desires the time, to make such further statement as he desires.

Mr. BABCOCK. Mr. Speaker, I will yield that five minutes to my colleague from Maryland [Mr. PEARRE].

Mr. PEARRE. Mr. Speaker, I can not add anything to that which has been so well said by the chairman of the Committee on the District of Columbia, except to say in a general way that it is the unanimous contention of the Committee on the District of Columbia that an unnecessary and unjustifiable infringement on its function has been made by the Committee on Appropriations, and especially by the subcommittee which is in charge of appropriations for the District of Columbia. This bill is filled with legislation which must be immature, by the very nature of things, and which must have been very immaturely considered.

Mr. TAWNEY. Is the legislation approved or disapproved by the Committee on the District of Columbia?

Mr. BABCOCK. It is unanimously disapproved.

Mr. PEARRE. It is disapproved, and a large part of it specifically disapproved, after having been presented one section after the other to the Committee on the District of Columbia.

Mr. SULZER. Mr. Speaker, may I ask the gentleman a question?

Mr. PEARRE. Yes.

Mr. SULZER. I just wanted to know how it comes that the functions of the District of Columbia Committee have been usurped by the Committee on Appropriations?

Mr. PEARRE. That is a question to which we desire an answer ourselves, and it is impossible for me to answer the question of the gentleman from New York. I simply desire to say this, that there has been a general understanding between the two committees that the Committee on the District of Columbia shall not appropriate, and the Committee on the District of Columbia does not appropriate, and time and time again has it occurred in the history of this House within my short connection with it that bills which have been brought in here by the District of Columbia Committee bearing appropriations have been defeated on that very account, and the matter then referred to the Committee on Appropriations by the request distinctly of the gentlemen connected with the Committee on Appropriations.

A like agreement has been made by the Committee on Appropriations, so I am informed and have always understood, that that committee will not attempt to legislate, but that the legislative function shall be exercised by the Committee on the District of Columbia. This seems to be an eminently fair and proper division of the respective functions of the two committees.

Now, with these general remarks bearing upon that general subject, I desire, in the very short time which has been yielded to me, to call the attention of the House to paragraph 39 of amendment 233, which strikes me, I respectfully submit, as one of the most remarkable propositions that has ever been attempted to be embodied in legislation. This section provides for the licensing of billposters, and it says:

PAR. 39. That billposters and persons engaged in the business of painting or placing signs or advertisements on land, buildings, billboards, fences, or other structures in the District or Columbia visible from a street or other public space shall pay an annual tax of $20 before engaging in said business.

I believe that thus far it is the legislation of to-day, the law as it now exists. But further it says:

No person shall place, exhibit, maintain, or continue any advertisement or poster except upon such land, houses, buildings, billboards, fences, or other structures as the Commissioners of the District of Columbia may, in their discretion, authorize in writing for that purpose.

That strikes me as a remarkable power to place in the hands of the Commissioners of the District of Columbia. This does not involve any question of immoral or obscene publications or posters, because that subject is well and fully and entirely and comprehensively regulated by the statute which already exists. That the Commissioners of the District of Columbia should be able to prevent me or any gentleman in this House who may own property in the District, or any citizen of the District of Columbia from using his property as he sees fit by renting it for the purpose of having billboards erected upon it, upon which perfectly moral and proper and decent advertisements may be placed, strikes me as placing in the hands of the District Commissioners a power which is absolutely unnecessary for any public purpose, which is an infringement upon the sacred rights of property to which every citizen is entitled under the Constitution and laws of the United States.

But it is not satisfied with that, sir. It goes further, and says that they must not only have the consent of the Commissioners of the District, but that—

The said written authority shall only be granted in resident streets upon application made in writing and signed by a majority of the residents on the side of the square in which said display is to be made and also the side of the confronting square.

Contemplate the proposition. John Jones owns a lot on a residence street. A part of it is built up and a part of it is not built up, on that particular square. He not only has to secure the consent of the Commissioners before he can use that vacant lot——

The SPEAKER. The time of the gentleman has expired.

Mr. PEARRE. I ask for five minutes more.

Mr. McCLEARY. How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman has twenty-one minutes remaining.

Mr. McCLEARY. I yield to the gentleman three minutes.

Mr. PEARRE. The proposition, therefore, is this: That a man who has a vacant lot on a residence street, on a residence square, which is partially built up on one side and perhaps not built up at all on the side confronting the vacant lot where he has his piece of land, not only can not rent that property to a billposter for the erection of billboards upon which posters are to be pasted without the consent of the Commissioners, but he must have the consent in writing of a majority of the residents of that block, and not only on the side on which his vacant lot is situated, but on the side confronting him.

I do not believe, Mr. Speaker, that that provision can be sustained in the courts, for the simple reason that it is a deprivation of property which may, in the judgment either of the Commissioners or of the residents on the block, permit them practically to confiscate the property of the citizen.

As I said before, this does not involve any question of obscenity or immorality. Of course if it did, then it would be a proper police regulation, and not only should it be prohibited by the Commissioners themselves, but there should be a statute imposing a penalty for it, which there is; so that without such provision, this piece of legislation which the Committee on Appropriations go out of their way to put into this bill, the public would be protected from any infringement or imposition upon the morals of the people in any way.

Now, sir, if the residents on those blocks, the majority of them, choose to object to John Smith renting his property, which he desires for the time being to keep vacant, waiting, perhaps, for an increase in the value of it, or perhaps not yet ready to build, this will not permit him to have a billboard erected to advertise things that are perfectly proper and decent unless he gets the consent both of the Commissioners and of the majority of the neighbors. I grant you that the public ought to be protected against obscenity and protected against anything like an improper or indecent advertisement or poster, but this does not involve that question; and it is an improper infringement upon the inalienable rights of citizens, I respectfully submit.

Now, Mr. Speaker, it seems necessary in order to meet this, which is a very important matter, we have got to vote down the whole conference report, and I now desire to make a parliamentary inquiry.

Mr. TAWNEY. Will the gentleman permit one question? Under this provision, do I understand you to say that a property owner can not lease his property for a legitimate purpose unless he gets the consent of the property owners of the property next him?

Mr. PEARRE. Exactly so.

Mr. NEVIN. It is not the owners, but the residents.

Mr. PEARRE. They may not rent the property. Now a parliamentary inquiry.

The SPEAKER. The time of the gentleman has expired.

Mr. PEARRE. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PEARRE. Will it be in order before a vote is taken upon this motion to move to refer this bill again to the conferees with instructions?

The SPEAKER. That would be in this case impossible, since the Senate has agreed to the report and their conferees are thereby discharged. The remedy is to vote the conference report up or down. If the report is voted down, consideration of the amendments will be in order.

Mr. PEARRE. Is it contrary to the rule?

The SPEAKER. The Chair thinks under the practice that it is. The question is on agreeing to the conference report.

Mr. SULZER. Mr. Speaker, I ask——

Mr. McCLEARY. Mr. Speaker, I promised to yield the gentleman from New York five minutes.

Mr. SULZER. Mr. Speaker, this is a matter of much moment, and I agree substantially with the remarks and criticisms of the gentleman from Wisconsin [Mr. BABCOCK] and the gentleman from Maryland [Mr. PEARRE] in regard to this conference report. It should be voted down, so that the House can vote on each amendment. I protest against its adoption in toto now, and I send to the Clerk's desk and ask to have read in my time a letter from Col. Louis Schade, the veteran editor of the Washington Sentinel.

The Clerk read as follows:

WASHINGTON, D. C., *June 23, 1902.*

Hon. WILLIAM SULZER,
House of Representatives.

DEAR SIR: Recognizing the fact that you have always been a stanch advocate of personal liberty and of liberal government, I appeal to you in behalf of the licensed liquor dealers of the District of Columbia to oppose the adoption of that section in the District appropriation bill which increases the excise license from $400 to $800 a year.

The adoption of this section would destroy and bankrupt a large number of worthy people whose licensed places are patronized entirely by the laboring people, who for the most part drink only beer and ale, and the result would be that instead of increasing the revenues of the District, as claimed, it would decrease the revenues and virtually place the industry in the hands of a few, giving them a monopoly.

It is a well-known fact that business is dead here six months in the year, that the city of Washington is not a manufacturing city, and that a $400 license fee here is harder for the retail dealer to pay than $1,200 in Philadelphia or any of the larger cities, where the business is better and the hours under the law to keep open longer.

The majority of the saloons in the District at the present time are mortgaged, and if this high-license bill is passed to-day it means that more than half of the saloons in two years will be compelled to go into the hands of receivers.

The conditions of the liquor traffic in this city are different from those in other places. The dealers here pride themselves in being able to say that "nowhere in the United States are taverns conducted in such a quiet and respectable manner." You stand for equal rights. Now is the time to again prove your steadfast Democracy.

I sincerely trust you will impress on your colleagues the injustice and the hardship which will surely follow if this clause is enacted into law.

Very respectfully,

LOUIS F. SCHADE,
Editor of the Washington Sentinel.

Mr. SULZER. Mr. Speaker, that letter speaks for itself. It is from a distinguished man who has been a true friend of liberty all his life. It needs no comment. In my opinion, the increased license fee for saloons in the District of Columbia from $400 a year to $800 a year is uncalled for, excessive, and exorbitant. It will surely defeat the object you desire, and will decrease instead of increase revenue. The license fee in the city of New York is only $800, and the restrictions there are much more liberal than here. I am not a crank on this matter. I simply want to be just, and honest, and fair. I am now, always have been, and always expect to be in favor of a fair and reasonable excise law. I am opposed to oppression in all matters and at all times.

Here in the District of Columbia, as this editor of the Washington Sentinel most truly says, for six months of the year business is practically at a standstill. During that period very little business is done, and if this amendment is adopted it will have the effect of closing up the poor man's club, while it will leave open the rich man's saloon. It will give a monopoly to the rich saloonkeeper and destroy the business of the poor man.

I am opposed to this discrimination; I am against this legislation for monopoly; it is unjust. I want to see this conference report voted down, so that the members of this House can get an opportunity to have a separate vote on this question. I am no fanatic and no hypocrite. I am willing to stand up and be counted for fair play. I am willing to go on record for justice and equal rights to all.

Gentlemen, the thing to do at this time is to vote down this conference report; vote it down and give every member of this House an opportunity to vote on each of these disputed amendments according to his light and the dictates of his conscience. That will be right and honest and fair. [Applause.]

Now, Mr. Speaker, the gentleman from Illinois [Mr. CANNON] began his oration by appealing for sympathy; appealing for sympathy and telling us about the hard work he has been doing, all his troubles and woes, to get an agreement on this bill. Sympathy, indeed!

Mr. CANNON. I do not seem to have gotten it.

Mr. SULZER. He takes upon himself all the burdens of the Government and assumes to know everything about everything in this country from the habits of salmon in Alaska [laughter] to the woes and the wants of every individual in the District of Columbia. From ocean to ocean and from Baffin Bay to the Isthmus of Darien he knows it all. Sympathy, indeed! A legislator with all these cares and woes and responsibilities sorely needs our sympathy, and we should commiserate with him. Wonderful man, this distinguished statesman from Illinois! He can tell you more in a minute about the past, the present, and the future than an Egyptian astrologer in the palmy days of Pharaoh. [Laughter and applause.]

When I think of it all and look upon him I am reminded of what Goldsmith said of his celebrated parson in the Deserted Village, and, to slightly paraphrase that stanza, I will say:

> In arguing, too, dear Uncle Joe ne'er forgot his skill,
> For e'en though vanquished he could argue still;
> While words of learned length and thundering sound
> Amazed the gaping statesmen ranged around;
> And still they gazed, and still the wonder grew
> That one small head could carry all he knew.

[Laughter and applause.]

But, gentlemen, we all love him and we all sympathize with him. He has too much to do, too many cares of state, and he is getting along in the sere and yellow leaf. So, under all the circumstances, I sympathize with him, and, for one, I am not disposed to burden this great statesman from Illinois with this immense responsibility unnecessarily. [Laughter.] He has taken from the District of Columbia Committee their bill.

Why did he do it? He did it against the protest of every member of that committee; and if he has been able to take away their work and their bill this year, perhaps next year he will march into the Military Affairs Committee room and take away the military appropriation bill, and the year after, God sparing him, the naval appropriation bill, and so on ad infinitum, until finally this great statesman will be doing all the work of the House of Representatives, and on every bill on every day pleading for sympathy.

Now, my friends, let us vote down this report, and relieve the gentleman from Illinois from further burdens and further responsibility, in the interest of his health. [Laughter and applause.]

Mr. McCLEARY. Mr. Speaker, of the various objections that have been raised to the passage of this bill, I think the House regards but one of them as possibly serious.

The House is not very much concerned about these billposters. They are practicing an honorable calling; but they are not always careful of the feelings of the public in the location of their billboards. In any community a nuisance is held to be within the control of the people immediately in interest.

Mr. WACHTER. Is that a nuisance?

Mr. McCLEARY. It is a nuisance in certain places in this city, places of beauty being made unsightly, and every one in this room indorses what I say.

Now, as to the Committee on Appropriations taking jurisdiction of legislative matters, I want to read a little chronology. The committee was appointed on December 10, and on December 11——

Mr. BABCOCK. Will the gentleman allow me an interruption right there? There has been no criticism in the line of appropriation because that was done under the order of the House. It is merely a matter of legislation. The gentleman will concede that the Senate was not warranted in putting this on the bill.

Mr. McCLEARY. I am glad that the gentleman exonerates the committee from doing anything wrong in assuming those legislative functions. It assumed the duty of legislation under the order of the House, and it has tried to perform that duty.

The only objection of importance raised by these various gentlemen is the one raised by the gentleman from Wisconsin [Mr. BABCOCK] as to the use of the proposed trans-Potomac bridge by the electric railway company.

Now, my friend is usually so fair that I am surprised that in the reading of the law a short time ago he stopped just where he

did. Let me read the law to which my friend refers—the existing law—relating to the bridge in question. It reads thus:

Said bridge shall be for highway traffic and all street railroads chartered, or that may be hereafter chartered by Congress, shall have the right to cross said bridge on such terms as may be prescribed by Congress.

Now, my friend read to that point and then stopped. Why did he not read on? Let me read the rest of it:

Provided, That the Washington, Alexandria and Mount Vernon Railroad Company now using Long Bridge shall be permitted with the approval of the Commissioners of the District of Columbia to change its location so as to cross the highway bridge herein provided for.

Now, that act gave to the Washington, Alexandria and Mount Vernon Railway, by name, the right to the occupation of that bridge.

Mr. BABCOCK. The act specifically provides——

Mr. MCCLEARY. I understand, but the existing law gives that company, by name, the right to use that bridge. The gentleman noted the fact that in the pending bill we have designated this company by name. We did so perforce, because the company is named in the existing law.

Now, let me read the provision of the pending bill:

Provided, That all street railways chartered, or that may be hereafter chartered by Congress, shall have the right to cross said bridge upon terms mutually agreed upon with the Washington, Alexandria and Mount Vernon Railway Company—

So far my friend read, and then stopped. Let me read on:

or, in case of a disagreement, upon terms determined by the supreme court of the District of Columbia, which is authorized and directed to give hearings to the interested parties, and fix the terms of joint traffic.

In other words, the law as it stands gives to that company, by name, the use of the bridge, and the law as we amend it gives all other companies the same right of occupancy on terms to be mutually agreed on. If they can not agree on the terms, the terms are to be determined by the supreme court of the District of Columbia. That is all there is of it.

Mr. BABCOCK. Will the gentleman state to the House what is the object of reenacting and inserting in place of that the name of a railroad company that now has the right of way? What is the object of it? Will he tell us the object of the amendment?

Mr. MCCLEARY. Why, Mr. Speaker, the amendment does not undertake to change existing law as to the right of other companies to use this bridge. It is not the right of other companies to use the bridge that is considered; it is the terms upon which they shall enjoy such joint use. It continues the right to joint use and provides that if there is any dispute about what the proper and reasonable terms are, then the dispute is to be settled in the court.

I now yield three minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, I want to say that this bill is not perfect. We never claimed that it was. It is a great deal better than the status, because it gives us money where we now have poverty, and I trust it will be a spur to the District Committee to perform its function hereafter in enacting legislation.

Mr. BABCOCK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BABCOCK. If this conference report is turned down, will the House have an opportunity to vote upon the separate amendments of the Senate?

The SPEAKER. Undoubtedly. The question is on agreeing to the conference report.

The question was taken; and on a division (demanded by Mr. BABCOCK) there were—ayes 94, and noes 50.

So the conference report was agreed to.

On motion of Mr. MCCLEARY, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

S. 4546. An act to provide certain souvenir medals for the benefit of the Washington Monument Association, of Alexandria, Va.;

S. 6139. An act to provide for the organization of private corporations in the district of Alaska; and

S. 6298. An act to amend section 2743 of the Revised Statutes of the United States, concerning the examination of drugs.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 4792) relative to the control of dogs in the District of Columbia.

The message also announced that the Senate had passed with amendment a bill of the following title; in which the concurrence of the House is requested:

H. R. 97. An act to authorize the Secretary of War to furnish duplicate certificates of discharge.

RETURN OF A BILL TO THE SENATE.

The SPEAKER. The Chair lays before the House the request of the Senate for the return of House bill 8586, amending the act of March 2, 1901, to carry into effect the stipulations of Article VII of the treaty between the United States and Spain, concluded December 10, 1898. Is there objection to this request?

Mr. BARTLETT. Has the House acted on that bill? There was one bill which passed the House on the subject referred to.

The SPEAKER. The Chair understands this is not the bill to which the gentleman refers. No objection is heard, and the bill will be returned as requested.

NAVAL APPROPRIATION BILL.

Mr. FOSS. I call up the conference report on the naval appropriation bill, and ask unanimous consent that the reading of the report be dispensed with and that the statement of the House conferees be read.

The SPEAKER. Is there any objection?

Mr. SULZER. Mr. Speaker, reserving the right to object, I wish to ask the gentleman from Illinois whether there is a provision in the bill, or in the conference report, in regard to building or contracting for building additional submarine torpedo boats.

Mr. FOSS. That was stricken out in the report.

Mr. SULZER. And has that been agreed to unanimously by the conferees on the part of the Senate and the House.

Mr. FOSS. It has been agreed to unanimously.

Mr. SULZER. It should not have been. I shall oppose this conference report.

The SPEAKER. Is there objection to dispensing with the reading of the report and reading simply the statement of the House conferees? The Chair hears no objection.

The statement of the House conferees, as published in the House proceedings of June 27, was read.

Mr. FOSS. Mr. Speaker, I desire to say, for the information of the House, that this report leaves in disagreement the question as to the construction of ships by private contract or in Government navy-yards or in both ways. I ask the Clerk to read a statement which I have here, summarizing the bill.

The Clerk read as follows:

Amount of bill as passed by House	$77,619,933.13
Amount of bill as passed by Senate	79,351,238.13
Total of bill as it now stands	78,681,333.13
Total bill for 1902	78,101,791.00
Net amount taken out of bill as it passed the Senate by the conference committee	669,875.00
Net amount agreed to of the bill as it passed the Senate by the conference committee	1,235,230.00

Mr. FOSS. I move the adoption of the conference report.

Mr. FITZGERALD. I ask the gentleman to yield me some time. I wish to oppose the adoption of the report.

Mr. FOSS. How much time does the gentleman wish?

Mr. FITZGERALD. About fifteen minutes.

Mr. FOSS. I yield the gentleman five minutes.

Mr. FITZGERALD. I wish the gentleman would yield me more time. He has an hour, and there are several items——

Mr. FOSS. I have consumed only a few moments myself. I yield the gentleman five minutes.

Mr. FITZGERALD. Mr. Speaker, there are several items in this report which justify its rejection. In my opinion the House conferees should never have agreed to them, especially since there is not a complete agreement upon the bill. I will present the facts to the House briefly and ask it to reject the report. The agreement contains an item of $200,000 for the removal of Hendersons Point, at Portsmouth Navy-Yard, Portsmouth, N. H.

This is shown by the statement of the conferees. Their statement does not show, however—and I desire the attention particularly of the chairman of the Committee on Appropriations [Mr. CANNON] to the matter—that the Secretary of the Navy is further authorized to make contracts for $549,000 additional; in all, $749,000.

Mr. Speaker, this item should never have been agreed to by the House conferees. This is the second appropriation bill in which this item has appeared this session. An amendment in the exact language of that agreed to in this report was placed by the Senate on the river and harbor bill, but the House conferees on the bill compelled the Senate to recede from the amendment. It bobs up here, however, just as serenely as ever, and this time the Representatives have yielded to the Senate. This item should never be accepted by the House.

This navy-yard at Portsmouth is one of those aptly styled by Admiral Bowles as an "out-of-the-way place." In addition, the House conferees have agreed to a series of amendments which appropriate over $600,000 for buildings and a plant at a navy-yard at Charleston, S. C., and authorizes the Secretary of the Navy to enter into contracts aggregating in all $913,000 for buildings, etc. There is some excuse for this item. There is absolutely none for that providing for the removal of Hendersons Point.

As a matter of fact, the yard was in disuse for many years. It should never have been utilized for the purpose of making it a repair station for modern vessels. That yard should not be open now; it should never have been reopened. It is open simply because an influential coterie of legislators, combining with other officials, practically held up this House and compelled it to appropriate great sums to build up and equip that navy-yard, although there was no necessity for a navy-yard at that place.

The report of the Secretary of the Navy for the current year shows that about $56,000 worth of work was done there by the Bureau of Equipment during the fiscal year ending June 30, 1901. A number of barges and steam launches, one or two torpedo boats, and one or two scout boats that were used during the Spanish war have been sent there in order to be repaired. No vessel of any size has ever to my knowledge been repaired at the Portsmouth Yard. It is not equipped to do the work required in a first-class yard. During the past year some four or five hundred thousand dollars have been expended at Portsmouth in order, if possible, to erect a plant there. I have been reliably informed that when vessels have been sent to some of the navy-yards "down East" it has been necessary to send to the navy-yard at New York in order to have parts of machinery needed made and then ship them to the place where the vessel had been sent and install them in the vessel.

This policy of building up a number of insignificant yards, while the great navy-yards at New York, Boston, and Norfolk, Va., are running on from one-half to one-third time is certainly not in the interest of economy. At the New York Navy-Yard there is a machine shop that cost $750,000, in which the machines practically stand idle to-day. They have never been utilized to the utmost capacity. Other departments are in the same situation. Lack of work prevents the economical utilization of the plants already equipped for work, and yet it is proposed to spend a million and a half dollars to prepare Portsmouth and Charleston for larger and larger and unnecessary appropriations.

The navy-yard at Charleston, S. C., gets, according to this report, some $600,000 with which to begin the installation of a plant and buildings, and the Secretary of the Navy is authorized to contract for buildings and other equipment up to $913,000.

Mr. FINLEY. Mr. Speaker, will the gentleman permit a question?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. FINLEY. Would not the gentleman be entirely satisfied with the policy of the Government in reference to navy-yards if there was only one and that one was located in New York?

Mr. FITZGERALD. No; I would be better satisfied if there was no navy-yard at New York. I believe the city would be greatly benefited if it had the use of the land and water front now occupied by the navy-yard. It will not be moved, however. I wish to call the attention of the House to this fact in connection with this report. The conferees have agreed to every item in dispute excepting that providing for the increase of the Navy and the place where the vessels authorized are to be built. It is a well-known fact that two of the conferees of the Senate personally favor the plan adopted by the House to build these vessels in navy-yards. The action of the House when it incorporated that provision in this bill was very significant.

In order to accomplish its purpose it overruled the chairman on a question of order. The temper of the House was shown at that time. It is not possible to be misled about its position. I do not care to criticise the conferees on the part of the House in reference to their action on the building of ships in the navy-yards. I believe in bringing here a disagreement they have shown a desire to carry out the will of the House.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. FITZGERALD. I ask the gentleman to yield five minutes more.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that the gentleman may have five minutes longer.

The SPEAKER pro tempore. The Chair will say to the gentleman from Alabama that the time is controlled by the gentleman from Illinois.

Mr. FOSS. Mr. Speaker, I will yield five minutes more to the gentleman.

Mr. FITZGERALD. Yet I do believe, Mr. Speaker, that if the conferees appointed on the part of the House were heartily in favor of the plan adopted by the House for the building of ships in the navy-yards, they would never have surrendered upon these two items of such importance to two of the Senate conferees unless in return the Senate conferees yielded to the House on its proposition to build at navy-yards. It is very easy in the closing hours of the Congress to secure the adoption of reports like this. Yet at no time in the session should items in conference reports be scanned with closer scrutiny.

Here is an item already rejected by the Committee on Rivers and Harbors agreed to in this report, $749,000 for the Portsmouth Navy-Yard. Listen to a list of the vessels that were repaired at the Portsmouth Navy-Yard during the past year, and by the way I wish to call attention to the fact that it is within 40 miles of the Boston Navy-Yard, which has also been renovated and revitalized within the past few years. Here are some of the vessels repaired at Portsmouth. No doubt everyone will recognize them as famous vessels of the Navy: The *Alvarado*, *Sandoval*, *Piscataqua*, *Dahlgren*, *T. A. M. Craven*, *Reina Mercedes*, *Raleigh*, *Detroit*, *Sioux*.

Why, Mr. Speaker, with the exception of the *Raleigh* and *Detroit*, neither a large vessel, these are insignificant craft that could be built or repaired at any excuse for a shipyard in the United States. And now, what is undertaken to be done in this conference report? To set aside some $749,000 in order to remove a rock in order to deepen a channel. Why do they need any water? The report of the Secretary of the Navy shows that they have inadequate docking room there at present for the insignificant vessels that go there now. It is the same old story. First dig a channel; then put in docks and wharves, then shops, and all the while keep up the appropriations.

I say, Mr. Speaker, this appropriation should not be agreed to by the House. I call attention to the fact again that the great navy-yards of the country are practically lying idle, and have been for many years, because it is impossible to supply sufficient work for them. This policy of expending great sums to improve every little out-of-the-way place that some gentleman, by reason of his position on a committee or the length of service in either House, desires to have developed for the interests of the locality, should be stopped and stopped now.

What is there at Portsmouth, N. H., to make it desirable for a navy-yard? Nobody knows. This provision contains an item to authorize the Secretary of War to investigate the sources of the fresh-water supply and to ascertain the practicability of building dams and an aqueduct to bring it to the yard. They are unable even to supply drinking water there for the limited number of employees, and it is a prohibition State, too, if I be not mistaken.

I have endeavored to ascertain the exact amount expended there for repairs to vessels in a year by all bureaus. It is impossible to do so from the report of the Secretary of the Navy, but it seems as if for every $250,000 worth of work done on vessels a million and a half is expended for improvements at the yard. If it be the intention to build up a number of great naval stations, irrespective of the location and natural advantages of the place, this item is appropriate; but doubting that policy, I trust the House will defeat this proposition and vote down this report, and I appeal to the chairman of the Committee on Appropriations [Mr. CANNON] to come to the aid of those who desire to defeat such improper, unwise, and extravagant appropriations.

Mr. FOSS. Mr. Speaker, I desire to say that I commend the zeal of the gentleman from New York [Mr. FITZGERALD] in the interest of the New York Navy-Yard. He seems to be against every navy-yard in the country except the New York Navy-Yard.

Mr. RIXEY. I will say to the gentleman from Illinois that I should like to have a few minutes on this motion of the gentleman from New York.

Mr. FITZGERALD. I should like to ask the gentleman from Illinois to point out any meritorious proposition for any navy-yard that I ever objected to. I should like also to hear the gentleman defend these items.

Mr. FOSS. Mr. Speaker, so far as this appropriation is concerned, it comes here with the urgent recommendation of the Secretary of the Navy. The situation at Portsmouth is this: We are building a large dry dock there, costing over a million dollars, for the docking of the largest ships in the Navy. At the present time it is impossible to get the large battle ships into the channel before the entrance to the dock. And if we are going to have the full use and benefit of this large construction which we are building there, we must make this appropriation. The Senate conferees insist very strongly upon it; and in view of the necessity of it and the strong recommendation of the Secretary of the Navy, which I will ask the Clerk to read, the House conferees, after numerous sessions devoted to discussing this matter, finally agreed to it.

Now I will ask the Clerk to read the letter from the Secretary of the Navy.

The Clerk read as follows:

NAVY DEPARTMENT,
Washington, January 11, 1902.

SIR: Pursuant to the provision contained in the naval appropriation act, approved March 3, 1901, under the subheading "Public works," navy-yard, Portsmouth, N. H., directing the Secretary of the Navy to prepare specifications and obtain proposals from responsible contractors for removing Hendersons Point, so as to improve the approach to that navy-yard, to a depth

of not exceeding 35 feet below mean low water for a distance of not exceeding 350 feet, and to submit such proposals to Congress, I have the honor to forward herewith, for the information and action of Congress, a copy of a letter from the Chief of the Bureau of Yards and Docks, dated the 8th instant, transmitting a copy of a scale of bids received for the removal of Hendersons Point and the duplicate copy of each of the bids received, also a copy of the specifications and advertisement and of the plans as issued to bidders.

The Department approves of the recommendation of the Chief of the Bureau of Yards and Docks, contained in the above-mentioned letter, that authority be granted for the work entire, and it is requested that the necessary appropriation therefor be made, to include the sum of $5,000 for surveys, inspection, and incidental expenses.

I have the honor to be, sir, very respectfully,

JNO. D. LONG, *Secretary.*

The SPEAKER OF HOUSE OF REPRESENTATIVES.

Mr. TATE. Before the gentleman takes his seat, will he allow me to ask him a question for information? Is this the same provision that was in the river and harbor bill in reference to Hendersons Point which the House and Senate in conference struck out?

Mr. FOSS. I understand it is practically the same.

Mr. RIXEY. I should like to have a little time.

Mr. FOSS. How many minutes?

Mr. RIXEY. I think five minutes are all I wish.

Mr. FOSS. I yield five minutes to my colleague.

Mr. RIXEY. It seems to me that the motion of the gentleman from New York [Mr. FITZGERALD] ought to prevail in this matter. I do not altogether like these partial conference reports. A few days ago we had a conference report by the same conferees on the naval bill. It was to some extent objectionable. Among other things, that conference report provided for an increase in the Marine Corps. That provision had not been considered by the House Committee on Naval Affairs. The present conference report provides for an increase in the construction corps. It is true it is a small increase. It also provides for a small increase in the engineering corps—neither one of which propositions had been considered by the House Committee on Naval Affairs.

When these questions were before the committee, it was agreed that all the propositions to increase the different corps of the Navy should go over and be considered by the House Naval Committee, and if the decision was favorable, one bill should be brought in to increase these different corps.

It seems to me that by these partial reports propositions are ratified here which we would not consent to if they were brought in at one time. Now, this conference report provides for an expenditure of nearly $800,000 to remove what is known as Hendersons Point, near Portsmouth, N. H.; not in the navy-yard at Portsmouth, N. H., but described as near that navy-yard. It is a proper matter for consideration, if at all, by the Committee on Rivers and Harbors, and not by the Naval Committee.

Mr. BARTLETT. The River and Harbor Committee refused to report it.

Mr. RIXEY. I understand that the River and Harbor Committee refused to report it; and the proposition now is to provide upon the naval bill for this river and harbor item at an expenditure of $800,000. It has no place upon the naval appropriation bill. It is not a part of the naval establishment. It is outside of the naval establishment, and it ought not to be in the bill.

If there were no other objection to this conference report than this, it ought to be recommitted to the conferees.

Another reason why it should be recommitted is that the conferees have seen proper to leave out of their conference report as the only item of disagreement the item as to where these new ships shall be built. When the conference report is brought in, it ought to include that item with the other great items. Let the Charleston item remain as it is until there is an agreement upon the question where the ships shall be built. Let the appropriation for Hendersons Point go back to the conferees. I believe it ought to be rejected. It has no place in the naval appropriation bill, and when the conference report comes in again let it provide where the different ships shall be built. I insist that the House provision to build one battle ship, one armored cruiser, and one gunboat in the navy-yards should be insisted upon.

It seems to me, Mr. Speaker, that no time will be lost by going back. There are other objections to the conference report. One is that the bill as it passed the House provided that the colliers should be rebuilt or repaired under the jurisdiction of the Bureau of Construction. The Senate put in a provision that they should be repaired under the Bureau of Equipment. Now, the conferees come in with an entirely new provision, that they shall be repaired under the jurisdiction of the Bureau of Navigation.

Mr. DAYTON. Will the gentleman allow me to interrupt him?

Mr. RIXEY. Certainly.

Mr. DAYTON. The gentleman is entirely mistaken about that. The maintenance of colliers was put on the Bureau of Navigation. The Senate has receded upon that proposition.

Mr. RIXEY. Possibly the gentleman may be right. I have not examined it very carefully. But, Mr. Chairman, this conference report is objectionable, seriously objectionable, in one item, if in no other, in committing the Government to an expenditure of $800,000 for an improvement which has no place on this bill. Let this report be recommitted and the House provision for building in the navy-yards insisted upon. The private contractors now have contracts for 8 battle ships, 6 armored cruisers, 9 protected cruisers, 4 monitors, and 31 other Government ships. The House provision gives them 3 more. Surely it is a small concession to build 3 ships in the navy-yards which have cost the Government so much to establish and maintain. We have the best talent and can build the best ships. Let us insist upon the House provision.

Mr. FOSS. Mr. Speaker, so far as the argument of the gentleman from Virginia is concerned, I think I can answer that in a few minutes. It was agreed in the House committee that we should not increase the general staff corps. That was the general proposition, so far as the House committee was concerned, and if the House committee was the only body which recommends legislation, and the House of Representatives acted always upon the recommendation and advice of the House committee, then probably that contention could be carried out. But the gentleman must remember that there is another branch of Congress which has something to say about legislation, and while we did not secure that kind of legislation which meets with our entire approval, yet we tried to get as near to it as it is possible.

Now, there were four propositions for an increase in the staff corps. One proposition was for an increase in the corps of surgeons. The Senate receded from that. Another proposition was for an increase in the pay corps. The Senate receded from that. The other proposition was for an increase in the corps of civil engineers, and we agreed to an increase of only six numbers. Then there was another proposition, for an increase in the corps of naval constructors, and we agreed upon an increase of only six there. In other words, the House got a recession by the Senate as to the increase in the corps of surgeons, in the pay corps, and partially in the constructors' corps and partially in the number of civil engineers as proposed by the Senate.

Now, as to the the question of Hendersons Point. The gentleman from Virginia said here upon the floor that the River and Harbor Committee struck it out. It did. But the River and Harbor Committee has jurisdiction of rivers and harbors for commercial purposes, and not for naval purposes. It may be true that for commercial purposes it would not be necessary to take off Hendersons Point. When it comes to a question of the Navy and the use of the Portsmouth yard for naval purposes, will any any man dare stand upon the floor on that side of the House and say that it is not necessary, if we are to enjoy the full value and use of the great dock which we are building there at the Portsmouth Navy-Yard and all the equipment of that station? Does any gentleman say that?

Mr. FITZGERALD. Will the gentleman yield to me?

Mr. FOSS. Yes; I will yield to the gentleman.

Mr. FITZGERALD. Does the gentleman believe that we ought to expend a million dollars to build a dry dock where there is no water?

Mr. CLAYTON. It would be a very dry dock.

Mr. FITZGERALD. As it is proposed for naval vessels to go to. Does the gentleman think that we ought to have a navy-yard where there is no water? If so, why not have it inland?

Mr. FOSS. Congress established that navy-yard long before the gentleman from New York was born.

Mr. FITZGERALD. And the Secretary of the Navy reopened it after Congress had let it go to sleep for years, and the gentlemen of the committee encouraged it.

Mr. FOSS. We need that navy-yard for certain purposes. We need it for the repair and construction of our ships. We are building this dock there; and while in the past we have not been able to repair our larger ships by reason of the depth of water and current, yet in order to get the full benefit of that navy-yard we must remove this point. Now, upon that question I will yield three or five minutes to the gentleman from New Hampshire, in whose district this navy-yard is situated.

Mr. SULLOWAY. Mr. Speaker, I am amazed and astonished at the statement made here by the gentleman from New York in reference to the Portsmouth Navy-Yard. It is the oldest yard for ship building under the American flag. The English were building ships for the royal navy in that yard in 1690. It is the only yard under our flag from Eastport to the Rio Grande where you have a navy-yard with deep water. There is 60 feet of water at low tide there. And yet the gentleman from New York [Mr. FITZGERALD], living in a city where they have to dredge, and where the Government has paid millions and millions of dollars to plow out a channel so they can get in and out of the navy-yard, stands up here and says they have not got water enough down there to drink.

Now, gentlemen, I am not drawing on my imagination; I am stating what I know and what is the fact. The gentleman never

was at Portsmouth; he never knew anything about it. Talk about no water. Point me to a yard anywhere where you have got water except at Portsmouth. That channel is worn out of the solid granite rock like the channel below Niagara. It is swept by the waters of the ocean as they go in, and it is swept by the tide as it goes out. There never has to be any dredging there. As I said, there is a depth of 60 feet at low tide. That is the condition of things, and not only that, you are building there the best dry dock under our flag. Why? Because it is the only place where you can prudently get in one of the big battle ships. It is the largest one, has the deepest water, and it is not a Port Royal, where, if you get one battle ship in, you are continually waiting for an accident or an act of Providence to get it out. [Laughter.] It is a yard that you can get in and out of at all times. The largest ships that float can go in and out.

But here is Hendersons Point, that sticks out there like a wart on your nose or finger, and now the fact that the repairs on the great battle ships are going to be made there, although you can get them in and get them out, there is some danger from this wart, and the purpose is to knock it off.

Now, the gentleman from New York said they do not do any business at Portsmouth. With a single exception, it is the best-equipped yard we have, and only a few months ago the commandant said to me while I was looking it over that it was now in a condition, barring a few small tools, to build a battle ship from start to finish. Yet the gentleman from New York thinks there is not water enough there for a muskrat to swim in. [Laughter.]

Now, gentlemen, I do not want to take up time, but that is the condition of things; and if there ever was an appropriation that was prudent, if there ever was an appropriation that the public weal demanded, it is this appropriation for the Portsmouth Navy-Yard. [Applause.]

Mr. CLAYTON. May I ask the gentleman a question?

Mr. SULLOWAY. Certainly.

Mr. CLAYTON. I desire information. I have no personal interest either in Buttermilk Channel nor in the Portsmouth Harbor, but I desire to know what the necessity for this appropriation at Hendersons Point is if you have 60 feet of water at low tide?

Mr. SULLOWAY. I have once stated that here is a little point extending out into the channel.

Mr. CLAYTON. I have never been there and never seen it, and I do not understand the situation.

Mr. SULLOWAY. I understand the gentleman is acting in good faith. There is a little point extending out into the channel, and at times of course the current sweeps swiftly around there, and there is a possibility that a great battle ship might in some way be twisted onto this point. Prudence demands, and the Secretary of the Navy has recommended, as has everybody else that knows anything about it, that that point be removed.

Mr. RIXEY. I would like to ask the gentleman for information how far Hendersons Point is from the navy-yard.

Mr. SULLOWAY. I can not tell you; it is a little bit below, in the channel toward the ocean.

Mr. RIXEY. About how far from the yard?

Mr. SULLOWAY. About a half or three-quarters of a mile, some gentleman says. I have not the exact distance.

Mr. FOSS. I now yield three minutes to the gentleman from Alabama.

Mr. UNDERWOOD. Mr. Speaker, I merely want to get information on this question. I am and always have been opposed to one committee taking jurisdiction of a matter that belongs to another committee where they are not accustomed to investigate these matters. I see the chairman of the River and Harbor Committee is in his seat, and I would like to ask him whether his committee has investigated this question and reported favorably upon it.

Mr. BURTON. Mr. Speaker, I dislike to interfere in matters pertaining to any other committee, but I will state that the River and Harbor Committee has considered this proposed appropriation. It was especially considered very recently at the time of the conference between the House and the Senate upon the river and harbor bill. Provision was made in the Senate for the removal of this Hendersons Point, $200,000 in cash and $560,000 additional authorization. That led us to give careful consideration to this proposition. I must say we thought the expenditure would be injudicious and wasteful. In the first place, the necessity for the removal of this point does not exist except at certain stages of the tide. There is a considerable protected space for anchorage before you reach Hendersons Point, and except in very severe southeast winds a large battle ship or a ship of any size could go into this place for anchorage and tarry there until the tide was in such condition that it could safely go by the point.

Another thing: I consulted one leading officer of the Navy and several members of the Engineer Corps. The officer of the Navy stated it to be his opinion that even the proposed removal of the end of the point would not make passage by it easy at all times. It is a promontory of rock 70 feet in height. The removal is very difficult, and it is very probable that when this $760,000 has been expended a still further expenditure will have to be made.

Mr. SULLOWAY rose.

Mr. BURTON. I want to state one further point, and then I will yield to the gentleman. The Army engineer with whom I talked most on the subject was himself a native of New Hampshire, and he stated that from a commercial standpoint this proposed work would be a positive injury, because it would concentrate the tidal current in front of the wharves at Portsmouth, so that it would be much more difficult to dock vessels there. There is a very large tidal basin behind Portsmouth, farther up, and for that reason the tidal currents are very strong.

Mr. SULLOWAY. Was not $760,000 the estimate of the cost as made by the Army engineers?

[Here the hammer fell.]

Mr. FOSS. I yield to the gentleman from Ohio [Mr. BURTON] two minutes more.

Mr. BURTON. The estimate of the Army engineer was considerably more than $760,000.

Mr. SULLOWAY. Was that the estimate of anybody who had made a survey? Was not this work recommended by the Army engineers?

Mr. BURTON. One Army engineer recommended it because it was asked by the Navy Department, but he stated that it was of no commercial importance.

Mr. SULLOWAY. And you consulted somebody who did not make a survey.

Mr. BURTON. I consulted the engineer who had been in charge there and who seemed to know most about it.

Mr. SULLOWAY. Was that the man who made the recommendation?

Mr. BURTON. No.

Mr. SULLOWAY. And it was not the man who made the survey?

Mr. BURTON. No, sir. This opinion was adverse to it. I tried to consult those who I thought knew most about the matter.

I will state to the gentleman that the manner in which this figure is arrived at is by actually advertising for bids. Advertisement was made by the Navy Department, and this sum of $760,000 was the approximate amount of the lowest bid.

[Here the hammer fell.]

Mr. FOSS. I want to ask the gentleman from Ohio a question. Did he not look at this matter entirely from the standpoint of the commercial interest of the country?

Mr. BURTON. Not entirely. That statement was made as a preliminary one—that if this work should be done at all, it should be done by the Navy Department. It was a similar question to that which arose with reference to Karquines Straits, out in California, where a reason for an appropriation in the river and harbor bill was that the improvement would afford better access to Mare Island Navy-Yard. But there was a commercial use besides.

Mr. FOSS. Do I understand the gentleman to say that he considered this with reference to the good of the Navy and the future development of the yard, realizing the fact that we are building larger and larger battle ships—ships of larger tonnage, requiring greater draft? Did the gentleman view the question from that standpoint?

Mr. BURTON. I tried—and I think my colleagues also tried—to consider the whole subject. I understand that the *Texas* is there now. She has gotten by, and other boats could get by at a proper stage of the tide.

Mr. FOSS. The *Texas* is a third-class ship, one of the very first that we built. We are to consider the depth of water; and that these battle ships which we propose here will be among the largest battle ships in the world.

Mr. BURTON. If the gentleman will allow me, I will say that the question is not simply as to the depth of water required. Nor is it denied that at certain stages of the tide any ship can go by there. The object of this removal is to make the channel available for the passage of boats at all stages of water. I have already stated that in the anchorage grounds outside a boat can enter and remain until the proper stage of the tide.

Mr. DAYTON. Is it not a fact in view of the conformation of our seacoast that starting in the north the water is deeper, and the farther south you go the shallower it gets; and is not that true of both the Atlantic and the Pacific coasts? Is it not further true that these large battle ships provided for by this bill—ships of 16,000 tons can not be docked in more than two of the yards of this country—the yard at Portsmouth and the yard at Port Orchard on the Pacific coast?

Mr. BURTON. Well, there is no absolute rule in that respect, though generally speaking there is a greater depth of water in the northerly ports of the country, both on the Atlantic and the Pacific coast.

Mr. DAYTON. That being true, there is no question that

Portsmouth has the greater depth of water and is the most satisfactory place to dock and repair the largest vessels on the Atlantic coast. Has the gentleman any doubt about that?

Mr. BURTON. I should question that, partly because the water in Portsmouth harbor is at times very unquiet.

Mr. DAYTON. But is it not true that this point is dangerous to the navigation of these battle ships, if the yard there is to be used for naval purposes?

Mr. BURTON. I admit that there is danger at certain stages of the tide and when vessels are in the hands of unskillful pilots.

Mr. DAYTON. So that it is a danger even to skillful navigators, and it is a danger to any other class, at certain periods of time to attempt entrance into that yard. Now, under these circumstances, with millions of dollars appropriated for this navy-yard, does the gentleman think that we should abandon it, or should we make it a perfect yard?

Mr. BURTON. It would not be necessary, by any means, to abandon it. If the passage of boats is properly timed in going by there they can go by, and go by readily.

Mr. FITZGERALD. Mr. Speaker, I hope the report will be voted down.

Mr. FOSS. Mr. Speaker, I yield three minutes to the gentleman from New Hampshire.

Mr. SULLOWAY. Mr. Speaker, one word further. As I attempted to say in the little I said a moment ago, the difficulty there is in this strong current. That channel is worn out of the solid rock, as I said, by the coming in and going out of the tide. It is a wall on the side almost perpendicular. A ship could not get out of it without wings. There is no chance to get ashore, if it is in there, but a vast volume of water comes up through that channel and it has a strong current. Of course when the tide comes in it comes through violently and then it rushes out. Now, this proposition is a mere matter of protection. A great battle ship going in there or going out might, by the force of the water, be hurled against this point.

Mr. LIVINGSTON. Mr. Speaker, may I ask the gentleman a question?

Mr. SULLOWAY. Yes.

Mr. LIVINGSTON. I believe the gentleman said that the yard has been used since 1856?

Mr. SULLOWAY. The English were building ships for the royal navy there in 1690.

Mr. LIVINGSTON. Has there ever been a wreck on that point during that entire time; has a ship ever been dismantled during all that time?

Mr. SULLOWAY. I can not recite one now; but understand, they were different craft which were built in those days, smaller craft. The largest colliers go through there, but we have no battle ships of this kind.

Mr. FOSS. You have never had any large battle ships up there?

Mr. SULLOWAY. Never.

Mr. FOSS. Have they ever dared to go up there?

Mr. SULLOWAY. No.

Mr. FOSS. They have never dared to go by this point?

Mr. SULLOWAY. No.

Mr. FOSS. Now, Mr. Speaker, this proposition comes here with the strong recommendation of the Navy——

Mr. HAY. Will the gentleman tell me which Secretary of the Navy recommends it.

Mr. LIVINGSTON. Secretary Long or Secretary Moody?

Mr. FOSS. Secretary Long, in a letter which he sent to the committee on the 11th of January. It is a fact here that in consequence of this dangerous point, on account of the current, as has been stated by the gentleman from New Hampshire [Mr. SULLOWAY], it is impossible for our ships to get into that navy-yard, and it is not only impossible but it is a fact that the largest ships have not gone there.

I realize that the gentleman from Ohio [Mr. BURTON] may have examined this condition, but I think he did it more from the standpoint of chairman of the Committee on Rivers and Harbors, looking after the commercial necessities and needs of our various cities; but when it comes to a naval proposition; when it comes to a question of the utilization of our navy-yards and of that great dock which we are building; when it comes to the question that we are building up the American Navy and building up not only the best ships, but the largest ships, in order to maintain the honor of our flag in the face of the nations of the world, then I say to you that every member of this House ought to stand by the authority and the opinion of the Navy Department. [Applause.] Mr. Speaker, I move the previous question upon the adoption of the report.

The SPEAKER pro tempore. The gentleman from Illinois moves the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Illinois to adopt the conference report.

Mr. TATE. Mr. Speaker, on this question I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 117, nays 74, answered "present" 15, not voting 145; as follows:

YEAS—117.

Alexander,	Dick,	Howell,	Ransdell, La.
Allen, Me	Dovener,	Irwin,	Ray, N. Y.
Ball, Del.	Draper,	Jack,	Reeves,
Barney,	Driscoll,	Johnson,	Roberts,
Bartholdt,	Eddy,	Jones, Wash.	Scott.
Beidler,	Esch,	Joy,	Shattuc,
Bingham,	Feely,	Knapp,	Showalter,
Blackburn,	Finley,	Kyle,	Smith, Iowa
Boutell,	Fletcher,	Lacey,	Smith, S. W.
Bowersock,	Foss,	Lawrence,	Southard,
Brick,	Foster, Vt.	Lessler,	Southwick,
Brown,	Gardner, Mich.	Littlefield,	Sperry,
Burk, Pa.	Gardner, N. J.	Long,	Stewart, N. J.
Burke, S. Dak.	Gibson,	McLachlan,	Stewart, N. Y.
Burleigh,	Gillet, N. Y.	Mahoney,	Sulloway,
Butler, Pa.	Gillett, Mass.	Marshall,	Sutherland,
Cannon,	Graff,	Martin,	Tawney,
Capron,	Graham,	Mercer,	Thomas, Iowa
Conner,	Greene, Mass.	Meyer, La.	Tirrell,
Conry,	Grosvenor,	Mondell,	Vreeland,
Coombs,	Grow,	Moody, N. C.	Wachter,
Cousins,	Hamilton,	Moody, Oreg.	Wadsworth,
Currier,	Haskins,	Morgan,	Warner,
Curtis,	Hedge,	Morrell,	Warnock,
Dahle,	Hemenway,	Nevin,	Watson,
Dalzell,	Henry, Conn.	Otjen,	Woods,
Davey, La.	Hepburn,	Overstreet,	Wright.
Davidson,	Hildebrant,	Palmer,	
Dayton,	Hill,	Patterson, Pa.	
Deemer,	Holliday,	Pearre,	

NAYS—74.

Allen, Ky.	Gill,	McCulloch,	Shafroth,
Ball, Tex.	Gordon,	McDermott,	Sims,
Bankhead,	Griggs,	Maynard,	Slayden,
Benton,	Hay,	Mickey,	Small,
Brantley,	Hooker,	Miers, Ind.	Snodgrass,
Breazeale,	Howard,	Moon,	Snook,
Brundidge,	Jackson, Kans.	Naphen,	Spight,
Burleson,	Kitchin, Claude	Neville,	Stark,
Burton,	Kitchin, Wm. W.	Norton,	Stephens, Tex.
Candler,	Kleberg,	Padgett,	Sulzer,
Clark,	Kluttz,	Pou,	Tate,
Clayton,	Lamb,	Randell, Tex.	Thompson,
Cochran,	Lanham,	Richardson, Ala.	Underwood,
Cowherd,	Lewis, Ga.	Richardson, Tenn.	Wiley,
Dinsmore,	Little,	Rixey,	Williams, Ill.
Fitzgerald,	Livingston,	Robinson, Ind.	Williams, Miss.
Fleming,	Loud,	Robinson, Nebr.	Zenor.
Flood,	McCall,	Ryan,	
Foster, Ill.	McClellan,	Shackleford,	

ANSWERED "PRESENT"—15.

Bartlett,	Evans,	Miller,	Sibley,
Burkett,	Jenkins,	Pierce,	Smith, H. C.
Cassingham,	Mann,	Powers, Me.	Vandiver.
Emerson,	Metcalf,	Rucker,	

NOT VOTING—145.

Acheson,	De Graffenreid,	Latimer,	Russell,
Adams,	Dougherty,	Lester,	Scarborough,
Adamson,	Douglas,	Lever,	Schirm,
Aplin,	Edwards,	Lewis, Pa.	Selby,
Babcock,	Elliott,	Lindsay,	Shallenberger,
Bates,	Foerderer,	Littauer,	Shelden,
Bell,	Fordney,	Lloyd,	Sheppard,
Bellamy,	Fowler,	Loudenslager,	Sherman,
Belmont,	Fox,	Lovering,	Skiles,
Bishop,	Gaines, Tenn.	McAndrews,	Smith, Ill.
Blakeney,	Gaines, W. Va.	McCleary,	Smith, Ky.
Boreing,	Gilbert,	McLain,	Smith, Wm. Alden
Bowie,	Glenn,	McRae,	Sparkman,
Bristow,	Goldfogle,	Maddox,	Steele,
Bromwell,	Gooch,	Mahon,	Stevens, Minn.
Broussard,	Green, Pa.	Minor,	Storm,
Brownlow,	Griffith,	Morris,	Swanson,
Bull,	Hall,	Moss,	Talbert,
Burgess,	Hanbury,	Mudd,	Tayler, Ohio
Burnett,	Haugen,	Mutchler,	Taylor, Ala.
Butler, Mo.	Heatwole,	Needham,	Thayer,
Calderhead,	Henry, Miss.	Newlands,	Thomas, N. C.
Caldwell,	Henry, Tex.	Olmsted,	Tompkins, N. Y.
Cassel,	Hitt,	Parker,	Tompkins, Ohio
Connell,	Hopkins,	Patterson, Tenn.	Tongue,
Cooney,	Hughes,	Payne,	Trimble,
Cooper, Tex.	Hull,	Perkins,	Van Voorhis,
Cooper, Wis.	Jackson, Md.	Powers, Mass.	Wanger,
Corliss,	Jett,	Prince,	Weeks,
Creamer,	Jones, Va.	Pugsley,	Wheeler,
Cromer,	Kahn,	Reeder,	White,
Crowley,	Kehoe,	Reid,	Wilson,
Crumpacker,	Kern,	Rhea, Va.	Wooten,
Cushman.	Ketcham,	Robb,	Young.
Darragh,	Knox,	Robertson, La.	
Davis, Fla.	Landis,	Rumple,	
De Armond,	Lassiter,	Ruppert,	

So the conference report was agreed to.

The Clerk announced the following additional pairs:

For the session:

Mr. BROMWELL with Mr. CASSINGHAM.

Mr. WANGER with Mr. ADAMSON (excepting election cases).

Mr. DEEMER with Mr. MUTCHLER.

Until further notice:
Mr. MILLER with Mr. THOMAS of North Carolina (excepting election cases).
Mr. FORDNEY with Mr. BURGESS.
For balance of session:
Mr. ADAMS with Mr. RUCKER.
Mr. STEVENS of Minnesota with Mr. VANDIVER.
For this day:
Mr. PAYNE with Mr. BARTLETT.
Mr. HOPKINS with Mr. MCCULLOCH.
Mr. REEDER with Mr. SWANSON.
Mr. FOERDERER with Mr. RHEA of Virginia.
Mr. LITTAUER with Mr. DE ARMOND.
Mr. HENRY C. SMITH with Mr. TAYLOR of Alabama.
For balance of day:
Mr. BLAKENEY with Mr. HALL.
Mr. BISHOP with Mr. BURKETT.
Mr. TAYLER of Ohio with Mr. BOWIE.
Mr. CALDERHEAD with Mr. GLENN.
Mr. HUGHES with Mr. LASSITER.
Mr. MORRIS with Mr. NEWLANDS.
Mr. DARRAGH with Mr. KERN.
Mr. MANN with Mr. GRIFFITH.
Mr. BRISTOW with Mr. PATTERSON of Tennessee.
On Navy bill:
Mr. MUDD with Mr. KEHOE.
On this vote:
Mr. MCCLEARY with Mr. LLOYD.
Mr. HEATWOLE with Mr. PUGSLEY.
For the balance of this day:
Mr. BABCOCK with Mr. LESTER.
Mr. HITT with Mr. DOUGHERTY.
Mr. SIBLEY with Mr. MADDOX.

Mr. BARTLETT. I desire to know if the gentleman from New York, Mr. PAYNE, is recorded as voting.

The SPEAKER pro tempore. He is not.

Mr. BARTLETT. That being so, I desire to recall my negative vote and to vote "present."

The result of the vote was announced as above recorded.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. CANNON. I ask the gentleman from Illinois to yield to me for a moment.

Mr. FOSS. I yield to my colleague.

Mr. CANNON. I present a conference report on the general deficiency bill, so that the report and statement may be printed.

The SPEAKER pro tempore. The report and statement will be printed in accordance with the rule.

The report and statement are as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15108) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 6, 14, 15, 16, 17, 27, 28, 33, 36, 37, 71, 74, 75, 76, 77, 78, 79, 84, 95, and 96.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 7, 10, 11, 12, 13, 18, 19, 20, 21, 22, 23, 25, 29, 30, 31, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 72, 73, 80, 83, 85, 86, 89, 92, 94, 97, 98, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 118, 119, 121, 124, 125, 127, 128, 129, 130, 131, 132, 133, 134, and 135, and agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$53,770.13;" and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: After the word "three," in the last line of said amendment, insert the following: "for the procurement of like military stores to replace those so transferred:" and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Governors Island, New York: For continuing the enlargement of Governors Island by construction of wharf, dredging, bulkhead, and filling, to continue available during the fiscal year 1903, $200,000."

And the Senate agree to the same.

Amendment numbered 117: That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "and Senate Document No. 424;" and the Senate agree to the same.

Amendment numbered 120: That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "and Senate Document No. 432;" and the Senate agree to the same.

Amendment numbered 122: That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with amendments as follows: In lieu of the sum named in said amendment insert "$447,480;" and in line 5 of the matter inserted by said amendment, after the word "twenty-three," insert the following: ", except the judgment in favor of Samuel S. Gholson and Jonathan Miles, which has been vacated;" and the Senate agree to the same.

Amendment numbered 123: That the House recede from its disagreement to the amendment of the Senate numbered 123, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "and Senate Document No. 425, part 2;" and the Senate agree to the same.

Amendment numbered 126: That the House recede from its disagreement to the amendment of the Senate numbered 126, and agree to the same with an amendment as follows: In line 12 of the matter inserted by said amendment, after the word "numbered," insert "430;" and the Senate agree to the same.

On the amendments of the Senate numbered 8, 9, 26, 34, 81, 82, 87, 88, 90, 91, 93, 99, and 116 the committee of conference have been unable to agree.

J. G. CANNON,
S. S. BARNEY,
L. F. LIVINGSTON,
Managers on the part of the House.

EUGENE HALE,
W. B. ALLISON,
H. M. TELLER,
Managers on the part of the Senate.

The statement of the House conferees is as follows:

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15108) making appropriations to supply deficiencies for the fiscal year 1902 and prior years, submit the following written statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report on said amendments, namely:

The Senate by its amendments added $3,623,738.38, of which sum it is recommended that the House agree to amendments appropriating in the aggregate $1,544,913.52, covering certain ascertained deficiencies, judgments of courts, and audited accounts certified to Congress since the passage of the bill by the House.

It is recommended in the accompanying conference report that the Senate recede from amendments appropriating $173,345.42; which amount includes—

$4,246 for a dictionary of construction and rules of the Spanish language;
$80,000 for the construction of a steel ferryboat to run between Ellis Island and the Battery, New York;
$8,524 for reimbursement to owners of the Belgian steamer *Ragner;*
$60,000 for construction of buildings at Governors Island, New York;
$5,000 for payment to the Alaska Commercial Company; and
$2,000 for Mount Ranier National Park.

The amendments (involving $1,905,479.44) on which the committee of conference have been unable to agree are as follows:

On No. 8, making an appropriation of $500,000 on account of the Pan-American Exposition (Buffalo);

On No. 9, making an appropriation of $160,000 on account of the South Carolina Interstate and West Indian Exposition;

On No. 23, appropriating $1,000,000 on account of the Territory of Hawaii, to pay in part the awards of the fire claims commission of that Territory;

On No. 34, appropriating $25,000 for the improvement of the Ohio River between Cairo and Mound City;

On Nos. 81 and 82, to pay certain parties for injuries incurred in the Capitol building, $1,000;

On Nos. 87 and 88, to pay Roland C. Nichols and Albert E. Rose $2,679.44 for services in Alaska as receiver and register, respectively;

On No. 90, appropriating $30,000 for fencing and for buffalo in the Yellowstone National Park;

On No. 91, appropriating $175,000 for survey of Indian reservations;

On No. 93, to pay Katie A. Nolan for services as clerk in the post-office at San Antonio, Tex., $800; and

On Nos. 99 and 116, appropriating $10,000 to pay Francis N. Thorpe for manuscript for a new edition of Charters and Constitutions, and striking out the appropriation of $1,000 proposed by the House for manuscript prepared by another person of said work.

J. G. CANNON,
S. S. BARNEY,
L. F. LIVINGSTON,
Managers on the part of the House.

NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I want to say to the members of the House that by the adoption of this report there is left in disagreement one question, that of building ships—where they shall be built, whether in the navy-yards or by private contract, or in both ways. Now, briefly, I desire to call the attention of the House to the situation as it stands to-day.

Mr. WILLIAM W. KITCHIN. Has the gentleman made a motion?

Mr. FOSS. I propose to make a motion.

Mr. WILLIAM W. KITCHIN. I desire to call the attention——

The SPEAKER pro tempore. The gentleman will submit a motion. There is nothing before the House unless he submits a motion.

Mr. WILLIAM W. KITCHIN. I want to be heard.

Mr. FOSS. The motion that I will make, Mr. Speaker, will be this: I move that the House recede from its disagreement to the Senate amendment numbered 91, and agree to the same with the amendment which I send to the Clerk's desk to be read.

The SPEAKER pro tempore. The gentleman from Illinois moves that the House recede from its disagreement to Senate amendment numbered 91, and agree to the same with an amendment, which the Clerk will now report.

The Clerk read as follows:

That the House recede from its disagreement to amendment No. 91, and agree to the same with an amendment striking out said amendment and inserting in lieu thereof the following:

"That for the purpose of further increasing the naval establishment of the United States, the President is hereby authorized to have constructed by contract two first-class battle ships, carrying the heaviest armor and most powerful ordnance for vessels of their class, upon a trial displacement of not more than 16,000 tons, and to have the highest practicable speed and great radius of action, and to cost, exclusive of armor and armament, not exceeding $4,212,000 each; two first-class armored cruisers of not more than 14,500 tons trial displacement, carrying the heaviest armor and most powerful armament for vessels of their class, and to have the highest practicable speed

and great radius of action, and to cost, exclusive of armor and armament, not exceeding $4,659,000 each; two gunboats of about 1,000 tons trial displacement, to cost when built, exclusive of armament, not exceeding $382,000 each; and the contract for the construction of each of said vessels shall be awarded by the Secretary of the Navy to the lowest best responsible bidder, having in view the best results and most expeditious delivery; and in the construction of all of said vessels the provisions of the act of August 3, 1886, entitled "An act to increase the naval establishment," as to materials for said vessels, their engines, boilers, and machinery, the contracts under which they are built, the notice of any proposals for the same, the plans, drawings, specifications therefor, and the method of executing said contracts shall be observed and followed, and, subject to the provisions of this act, all said vessels shall be built in compliance with the terms of said act, and in all their parts shall be of domestic machinery, and the steel material shall be of domestic manufacture, and of the quality and characteristics best adapted to the various purposes for which it may be used, in accordance with specifications approved by the Secretary of the Navy; and not more than two of the six battle ships, armored cruisers, and gunboats provided for in this act shall be built by one contracting party.

"One battle ship or one armored cruiser herein provided for shall be built on or near the coast of the Pacific Ocean or the waters connecting therewith; but if it shall appear to the satisfaction of the President from the bidding for such contracts that said vessel can not be constructed on or near the coast of the Pacific Ocean at a cost not exceeding 4 per cent above the lowest accepted bid for the corresponding vessel provided for in this act, he shall authorize the construction of said vessel elsewhere in the United States, subject to the limitations as to cost hereinbefore provided. If the Secretary of the Navy shall be unable to contract at reasonable prices for the construction of any of the vessels herein authorized, then he may build such vessel or vessels in such navy-yards as he may designate: *Provided*, That the Secretary of the Navy shall build one of the vessels authorized by this act in such navy-yard as he may designate: *Provided further*, That the Secretary of the Navy shall build all the vessels herein authorized in such navy-yards as he may designate, should it reasonably appear that the persons, firms, or corporations, or the agents thereof, bidding for the construction of any of said vessels, have entered into any combination, agreement, or understanding, the effect, object, or purpose of which is to deprive the Government of fair, open, and unrestricted competition in letting contracts for the construction of any of said vessels.

"The Secretary of the Navy is hereby instructed to keep an accurate account of the cost of inspection and construction of vessels provided for in this act, whether built in Government yards or by contract, and report thereon to Congress, at each session, the progress of work and cost thereof, including the inspection of all the material going into the construction of said vessels, and, upon the completion thereof, to report a full and detailed statement showing the relative cost of inspection and construction in Government yards and by contract."

Mr. FOSS. Now, Mr. Speaker, just a word for the information of members of the House.

Mr. WILLIAM W. KITCHIN. We will desire some time, I will say to the chairman of the Committee on Naval Affairs.

Mr. FOSS. I want to say to my friend that I do not think there is any necessity for general discussion of this proposition. We had it. We had it voluminously here when the bill was under consideration, and all I shall attempt to do will simply be to state the situation.

Mr. WILLIAM W. KITCHIN. I will say to my friend the very reason that this House has once decided upon this proposition is the very reason it appears to me we ought to have some discussion now, because your proposition changes what the House has already done. So I hope that you will yield to this side some time.

Mr. FOSS. Just a moment. The situation is this: The Committee on Naval Affairs brought into the House on the naval appropriation bill a provision to build six ships; and they recommended a provision to leave it in the discretion of the Secretary of the Navy to construct any or all of those ships in Government navy-yards, but made it mandatory on him to build one ship—that was a battle ship.

That was the recommendation of the committee to the House in the regular naval appropriation bill. When the bill came before the House in the Committee of the Whole the action of the Naval Committee was overruled, and the House inserted a provision requiring that one ship of each class—one battle ship, one armored cruiser, and one gunboat—should be built in the Government navy-yards, leaving it to the discretion of the Secretary to build the rest there if he saw fit so to do.

Now, that provision, put in by the Committee of the Whole, afterwards passed the House and went to the Senate, and the Senate struck out entirely the whole provision for building ships in the Government navy-yards.

Now, your conferees, in view of the action of the House, did not feel, in justice and fairness toward you, that they could incorporate any provision which they might agree upon in the report, and they have brought back this question in disagreement and ask for your action upon it.

If we had come here without any recommendation you, perhaps, would not know and you would ask us what would be our judgment. We have been struggling along with the Senate conferees and trying to get the provision of the House adopted, but we find that it is absolutely impossible. We agreed tacitly to present here this provision which the Clerk has just read and which is substantially the provision that was reported here by the Committee on Naval Affairs to the House in the naval appropriation bill.

Mr. RIXEY. Will the gentleman yield for a question?

Mr. FOSS. I can not now. This provision says that the Secretary of the Navy, in case he does not get reasonable prices for ships, shall have authority to build all Government ships in the Government navy-yards, and it says further to him that he must build one ship in the Government yard. That is put in there in order to test the question as to the cost of Government construction compared with the construction under private contracts.

But it is left to the Secretary of the Navy to say what that ship shall be—whether a battle ship, an armored cruiser, or a gunboat—and it is left with him to say in which yard that ship shall be built. Then, it is further provided—and I may say that that provision was offered here on the floor by the gentleman from Texas [Mr. BALL]—that in case there should seem to be any combination on the part of Government shipbuilders to prevent a free and fair competition for these contracts, then the Secretary of the Navy shall have these ships built in the Government navy-yards.

Now, that is the situation. We come here recommending you to adopt this provision. If that is adopted, we have every assurance that the Senate will concur in it, and that will pass the naval appropriation bill. [Applause.] Does the gentleman from North Carolina desire time?

Mr. WILLIAM W. KITCHIN. I do.

Mr. FOSS. Mr. Speaker, I will yield to the gentleman from North Carolina the same amount of time that I have consumed myself.

The SPEAKER pro tempore (Mr. DALZELL). That is six minutes.

Mr. WILLIAM W. KITCHIN. Mr. Speaker, that is a very meager time to discuss this motion the gentleman from Illinois has made. A little over a month ago this House fought over all this matter, and the deliberate judgment of the House by a large majority was that the United States ought to build one-half of the ships authorized in the present naval bill in the shipyards of the Government. The bill went to the Senate, and the Senate has adopted an amendment striking that provision out.

The gentleman from Illinois practically occupies to-day the same position that he occupied more than a month ago. Personally he has not been in favor of the provision in the bill as it passed the House requiring one-half of the ships in the bill to be built in our navy-yards, and the gentleman has candor enough to tell us to-day that the conferees on the part of the House, who never were in favor of the House proposition, have already tacitly agreed with the conferees on the part of the Senate to adopt the motion that he now makes, which is not even so good a proposition for us who favor navy-yard construction as the proposition reported from the gentleman's committee, which itself was only about one-third as good as the one this House adopted.

Mr. MEYER of Louisiana. Will the gentleman allow me a question?

Mr. WILLIAM W. KITCHIN. Oh, I know what the gentleman is going to say. I meant the majority of the conferees.

Mr. MEYER of Louisiana. Then the gentleman did not allude to me as a member of the conferees?

Mr. WILLIAM W. KITCHIN. The gentleman from Louisiana was with us on the proposition for Government construction of one-half. I understood this tacit agreement was by all the conferees, but in this I am glad I was mistaken. But, Mr. Speaker, the material concessions in conference have been made to the Senate. They have given to the Senate, as I now recollect, every important item that the Senate contended for. They have given Charleston, S. C., $663,000 and Portsmouth, N. H., $749,000 that the Senate demanded. What has this House received in return for these magnificent concessions to the Senate? I hope, Mr. Speaker, this House will stand by its former action and will let a disagreement again be made, insist upon its proposition, and send the conferees back to impress upon the Senate conferees that the House is in earnest in this matter.

Mr. FINLEY. Will the gentleman allow me?

Mr. WILLIAM W. KITCHIN. I do not want to be interrupted.

Mr. FINLEY. I just want to say in regard to Charleston that the Government will there have a navy-yard where it ought to have one.

Mr. WILLIAM W. KITCHIN. Yes; at Charleston. I have no quarrel with my friend from South Carolina whose diligence and ability I cheerfully recognize and respect, but I emphasize the fact that on the Charleston item this House has surrendered to the Senate, as it did on the Portsmouth, N. H., item.

We have already encouraged the private shipbuilding concerns to the extent of $127,000,000 by Government contracts. There is to-day twice as much unfinished work for the Government in the private shipyards of this country as they have finished and delivered. They are now months and even years behind in the

construction of Government work. We have disputed the declaration that the Government can not build its ships as cheaply in Government yards as they can contract for them in private yards. Since this bill was passed by the House the corporation with which Mr. Lewis Nixon is connected has consolidated six shipbuilding plants of this country, according to my recollection, and has also brought into its control one of the great armor-plate factories. Does such a giant need Government encouragement for its existence? Now, at this day, will the House surrender to the private companies?

And then again, under this proposition of the gentleman from Illinois, the Secretary of the Navy can build one of these little gunboats, a 1,200-ton ship, instead of a battle ship or an armored cruiser. When this bill came from the House committee, before the House took charge of it, it contained a provision which required the building of either a battle ship or an armored cruiser in the Government yards. Then the House deliberately and after a full debate amended the bill and declared that the navy-yards should build at least one battle ship, one armored cruiser, and one gunboat. But now, under this motion if it should prevail, the Secretary of the Navy can build only one little gunboat in the Government navy-yards and satisfy its terms.

Another thing. The motion of the gentleman from Illinois leaves out the $175,000 appropriation which was deemed necessary to equip some of our navy-yards for building a battle ship or an armored cruiser if the Secretary of the Navy should so decide. I ask the gentleman whether I am right in that statement. Whether the $175,000 item to equip such yard as the Secretary might select for the building of a large ship has been left out?

Mr. FOSS. Yes; that item is left out, in view of the fact that we shall be here at the beginning of next December——

Mr. WILLIAM W. KITCHIN. I ask the gentleman whether it is not a fact that this item was omitted because the Secretary of the Navy will be authorized to build in the Government yards only one little gunboat, if he sees fit, if this motion prevails, and in that event this $175,000 item will not be needed.

Mr. FOSS. Oh, no; not at all——

Mr. WILLIAM W. KITCHIN. The gentleman did not so intend it, but the bill as reported from the Naval Committee to this House requiring one large ship to be constructed in the navy-yards contained this item. The bill as amended by the House requiring the construction in Government yards of two large ships and one gunboat contained this item. But the gentleman's motion, instead of requiring, as was provided by the House, that a battle ship, an armored cruiser, and a gunboat should be built in the navy-yards of the Government, or of requiring, as did the original reported bill, Government construction of one of the large ships, only requires Government construction of either a battle ship, a cruiser, or a little gunboat; and the item to which I have referred, providing an appropriation of $175,000 to fully equip Government yards for a big ship, is omitted from the gentleman's motion. This would indicate that if this motion prevails the Government yards will build only a little gunboat.

The SPEAKER. The gentleman's time has expired.

Mr. FOSS. I move the previous question.

Mr. ROBERTS. I hope the previous question will be voted down.

The previous question was ordered.

The question being taken on the motion of Mr. FOSS that the House recede from its disagreement to Senate amendment No. 91 and agree to the same with an amendment, there were—ayes 91, noes 64.

Mr. METCALF and Mr. WILLIAM W. KITCHIN demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 80, nays 99, answered "present" 11, not voting 160; as follows:

YEAS—80.

Alexander,	Dick,	Hill,	Nevin,
Allen, Me.	Dovener,	Holliday,	Overstreet,
Bingham,	Draper,	Howell,	Palmer,
Boutell,	Eddy,	Irwin,	Patterson, Pa.
Bowersock,	Esch,	Jack,	Ray, N. Y.
Brick,	Foss,	Joy,	Scott,
Burk, Pa.	Foster, Vt.	Knapp,	Showalter,
Burleigh,	Gardner, Mich.	Kyle,	Smith, Ill.
Butler,	Gardner, N. J.	Lacey,	Smith, S. W.
Calderhead,	Gibson,	Lawrence,	Southard,
Cannon,	Gillett, Mass.	Littlefield,	Sperry,
Capron,	Graff,	Long,	Stewart, N. Y.
Conner,	Graham,	Loud,	Sulloway,
Cousins,	Grow,	McCall,	Tawney,
Currier,	Haskins,	Marshall,	Tirrell,
Curtis,	Haugen,	Mondell,	Warner,
Dahle,	Hedge,	Moody, N. C.	Warnock,
Dalzell,	Hemenway,	Moody, Oreg.	Watson,
Dayton,	Hepburn,	Morrell,	Woods,
Deemer,	Hildebrant,	Morris,	Wright.

NAYS—99.

Allen, Ky.	Foster, Ill.	Mercer,	Shafroth,
Ball, Tex.	Gill,	Metcalf,	Sims,
Bankhead,	Gordon,	Meyer, La.	Slayden,
Barney,	Griffith,	Miers, Ind.	Small,
Bartholdt,	Griggs,	Minor,	Smith, Iowa
Benton,	Grosvenor,	Moon,	Snodgrass,
Blackburn,	Hamilton,	Morgan,	Snook,
Bowie,	Hooker,	Naphen,	Southwick,
Brantley,	Howard,	Needham,	Spight,
Breazeale,	Johnson,	Otjen,	Stark,
Brown,	Jones, Wash.	Padgett,	Stephens, Tex.
Burleson,	Kitchin, Wm. W.	Pearre,	Stewart, N. J.
Burton,	Kleberg,	Pou,	Sulzer,
Candler,	Kluttz,	Pugsley,	Sutherland,
Cassingham,	Lamb,	Randell, Tex.	Tate,
Clark,	Lanham,	Ransdell, La.	Tayler, Ohio
Clayton,	Lessler,	Reeves,	Thomas, Iowa
Conry,	Lewis, Ga.	Richardson, Ala.	Thompson,
Coombs,	Little,	Richardson, Tenn.	Underwood,
Cowherd,	McClellan,	Rixey,	Wachter,
Cromer,	McDermott,	Roberts,	Wiley,
Davey, La.	McLachlan,	Robinson, Ind.	Williams, Ill.
Feely,	Mahoney,	Robinson, Nebr.	Williams, Miss.
Finley,	Martin,	Ryan,	Zenor.
Fitzgerald,	Maynard,	Shackleford,	

ANSWERED "PRESENT"—11.

Bartlett,	Evans,	Miller,	Smith, H. C.
Burkett,	Jenkins,	Pierce,	Wanger.
Emerson,	Mann,	Powers, Me.	

NOT VOTING—160.

Acheson,	Dinsmore,	Ketcham,	Robertson, La.
Adams,	Dougherty,	Kitchin, Claude	Rucker,
Adamson,	Douglas,	Knox,	Rumple,
Aplin,	Driscoll,	Landis,	Ruppert.
Babcock,	Edwards,	Lassiter,	Russell,
Ball, Del.	Elliott,	Latimer,	Scarborough,
Bates,	Fleming,	Lester,	Schirm,
Beidler,	Fletcher,	Lever,	Selby,
Bell,	Flood,	Lewis, Pa.	Shallenberger,
Bellamy,	Foerderer,	Lindsay,	Shattuc,
Belmont,	Fordney,	Littauer,	Shelden,
Bishop,	Fowler,	Livingston,	Sheppard,
Blakeney,	Fox,	Lloyd,	Sherman,
Boreing,	Gaines, Tenn.	Loudenslager,	Sibley,
Bristow,	Gaines, W. Va.	Lovering,	Skiles,
Bromwell,	Gilbert,	McAndrews,	Smith, Ky.
Broussard,	Gillet, N. Y.	McCleary,	Smith, Wm. Alden
Brownlow,	Glenn,	McCulloch,	Sparkman,
Brundidge,	Goldfogle,	McLain,	Steele,
Bull,	Gooch,	McRae,	Stevens, Minn.
Burgess,	Green, Pa.	Maddox,	Storm,
Burke, S. Dak.	Greene, Mass.	Mahon,	Swanson,
Burnett,	Hall,	Mickey,	Talbert,
Caldwell,	Hanbury,	Moss,	Taylor, Ala.
Cassel,	Hay,	Mudd,	Thayer,
Cochran,	Heatwole,	Mutchler,	Thomas, N. C
Connell,	Henry, Conn.	Neville,	Tompkins, N. Y.
Cooney,	Henry, Miss.	Newlands,	Tompkins, Ohio
Cooper, Tex.	Henry, Tex.	Norton.	Tongue,
Cooper, Wis.	Hitt,	Olmsted,	Trimble,
Corliss,	Hopkins,	Parker,	Vandiver,
Creamer,	Hughes,	Patterson, Tenn.	Van Voorhis,
Crowley,	Hull,	Payne,	Vreeland,
Crumpacker,	Jackson, Kans.	Perkins,	Wadsworth,
Cushman,	Jackson, Md.	Powers, Mass.	Weeks,
Darragh,	Jett,	Prince,	Wheeler,
Davidson,	Jones, Va.	Reeder,	White,
Davis, Fla.	Kahn,	Reid,	Wilson,
De Armond,	Kehoe,	Rhea, Va.	Wooten,
De Graffenreid,	Kern,	Robb,	Young.

So the motion was lost.

The following additional pairs were announced:

For the balance of the session:

Mr. GILLET of New York with Mr. CLAUDE KITCHIN.

For the balance of the day:

Mr. WADSWORTH with Mr. HAY.

For the vote:

Mr. BALL of Delaware with Mr. GLENN.

Mr. VREELAND with Mr. LLOYD.

Mr. BEIDLER with Mr. MUTCHLER.

Mr. HEATWOLE with Mr. NORTON.

Mr. FOWLER with Mr. GREEN of Pennsylvania.

Mr. DAVIDSON with Mr. DINSMORE.

Mr. MCCLEARY with Mr. BELL.

Mr. LEWIS of Pennsylvania with Mr. MICKEY.

The result of the vote was announced as above recorded.

Mr. Foss and Mr. FITZGERALD rose.

The SPEAKER pro tempore. The gentleman from Illinois.

Mr. FITZGERALD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. FITZGERALD. The gentleman's motion having been defeated, does not the recognition go to the opposition?

The SPEAKER pro tempore. It does.

Mr. FITZGERALD. Then I ask to be recognized, and move that the House insist upon its disagreement and ask for a conference.

The SPEAKER pro tempore. Is the gentleman a member of the committee?

Mr. FITZGERALD. No.

Mr. WILLIAM W. KITCHIN. Mr. Speaker, I was rising to make that motion. I move that the House further insist upon its disagreement and ask for a conference.

The SPEAKER pro tempore. The question is on the motion of the gentleman from North Carolina that the House further insist upon its disagreement to the Senate amendment and ask for a conference.

The motion was agreed to.

The following conferees were announced on the part of the House: Messrs. FOSS, TAYLER of Ohio, and MEYER of Louisiana.

BRANDING FOOD AND DAIRY PRODUCTS.

Mr. HEPBURN. Mr. Speaker, I call up the conference report upon the bill (H. R. 9960) to prevent a false branding or marking of food and dairy products as to the State or Territory in which they are made or produced.

The SPEAKER. The gentleman from Iowa calls up a conference report. Does the gentleman desire both the report and the statement to be read?

Mr. HEPBURN. Both are very brief.

The SPEAKER. Both the statement and the report will be read.

The Clerk read the statement and the report, to be found in the proceedings of June 24, 1902.

Mr. HEPBURN. Mr. Speaker, I move the adoption of the conference report.

The SPEAKER. The question is on the motion of the gentleman from Iowa.

The question was taken, and the report adopted.

On motion of Mr. HEPBURN, a motion to reconsider the last vote was laid on the table.

MILITIA.

Mr. GROSVENOR. I call up the following privileged report:

The Clerk read as follows:

The Committee on Rules, to whom was referred the accompanying resolution, have had the same under consideration, and recommend that the same be agreed to by the House.

Resolved, That for the remainder of this session the bill (H. R. 11654) to promote the efficiency of the militia, and for other purposes, shall have the same privilege for consideration that is enjoyed by bills reported from committees under the power to report at any time; and said bill shall be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The question was taken, and the resolution agreed to.

On motion of Mr. GROSVENOR, a motion to reconsider the last vote was laid on the table.

HOUSE RULE XXXIV.

Mr. DALZELL. Mr. Speaker, I submit the following privileged report.

The Clerk read as follows:

The Committee on Rules, to whom was referred the resolution of the House numbered 169, have had the same under consideration, and recommend the following in lieu thereof:

Resolved, That Rule XXXIV of the House be amended in section 1 by inserting after the words "law library," where they appear, the words "the resident commissioner to the United States from Porto Rico;" and also by striking out the words "Architect of the Capitol" and inserting in lieu thereof the words "Superintendent of the Capitol Building and Grounds."

Mr. DALZELL. Mr. Speaker, under the rules as they are now, the Architect of the Capitol has the right to the floor. There is no such officer since the last appropriation bill was passed in the last Congress changing the title to Superintendent of Capitol Building and Grounds, and the only purpose of that part of this rule is to make the rule correspond to the fact. So far as the other part is concerned, there is a Commissioner from Porto Rico who is sent here to look after the interests of Porto Rico and to communicate with members who are desirous of having information upon the interests of Porto Rico. It would seem only proper for him and certainly convenient for us to have him have the right to the floor.

Mr. SULZER. Mr. Speaker, as I understand it, this rule provides that the Superintendent of the Capitol and the Commissioner from Porto Rico shall have the privilege of the floor.

Mr. DALZELL. Yes.

Mr. SULZER. That is all?

Mr. DALZELL. Yes.

Mr. SLAYDEN. I want to ask if this gives to the Delegate from Porto Rico the same power of speech on the floor as is possessed by Territorial Delegates?

Mr. DALZELL. No; it does not.

The resolution was agreed to.

PAYMENT OF SESSION EMPLOYEES.

Mr. LOUD. I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from California asks unanimous consent for the present consideration of a resolution from the Committee on Accounts, as the Chair understands, which resolution will be read by the Clerk.

The resolution was read, as follows:

Resolved, That a sufficient sum is hereby authorized to be paid by the Clerk of the House, out of the contingent fund of the House, as compensation to the session employees of the House of Representatives, from and including the 1st day of July, 1902, until the close of the present session of Congress, whose employment during the first session of the Fifty-seventh Congress was authorized by law, at the rates of compensation specified in the act authorizing their employment.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. RICHARDSON of Tennessee. Reserving the right to object, I should like to ask if this resolution has been unanimously reported by the committee.

Mr. LOUD. I will state that the resolution has not been reported.

Mr. RICHARDSON of Tennessee. Has it been considered by the committee at all?

Mr. LOUD. The resolution was handed to me. It was regarded impossible to get a meeting of the Committee on Accounts. I will state that this resolution simply provides for the payment of the session emyloyees beyond July 1. Where Congress has continued in session heretofore beyond the 1st of July, a joint resolution has been passed providing for this payment. As it is supposed that we may adjourn in a few days, it was suggested, after consultation with the chairman of the Committee on Appropriations, that we make this provision for these employees out of the contingent fund for the two or three days remaining. Otherwise they could not be paid.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

CHOCTAW AND CHICKASAW INDIANS.

Mr. CURTIS. Mr. Speaker, I call up the conference report on the bill (H. R. 13172) to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes, and I ask unanimous consent that the statement of the House conferees be read in lieu of the report.

The SPEAKER. The gentleman from Kansas calls up the conference report on the bill H. R. 13172, and asks unanimous consent that the statement alone be read. Is there objection?

There was no objection.

The Clerk read the statement, which, together with the conference report, is printed in the RECORD of June 27.

Mr. CURTIS. I move the adoption of the conference report.

The conference report was agreed to.

On motion of Mr. CURTIS, a motion to reconsider the last vote was laid on the table.

DUPLICATE CERTIFICATES OF DISCHARGE.

The SPEAKER laid before the House the bill (S. 97) to authorize the Secretary of War to furnish duplicate certificates of discharge, with a Senate amendment thereto.

The Senate amendment was read.

Mr. CAPRON. I move that the House concur in the Senate amendment.

The motion was agreed to.

ANACOSTIA AND POTOMAC RIVER RAILROAD COMPANY.

The SPEAKER also laid before the House the bill (H. R. 12805) requiring the Anacostia and Potomac River Railroad Company to extend its Eleventh street line, and for other purposes, with Senate amendments thereto.

The Senate amendments were read.

Mr. JENKINS. I move that the House disagree to the amendments of the Senate and ask for a conference.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. BABCOCK, Mr. MUDD, and Mr. MEYER of Louisiana.

TAXES AND TAX SALES IN THE DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House the bill (H. R. 11400) to amend an act entitled "An act in relation to taxes and tax sales in the District of Columbia," approved February 28, 1898, with Senate amendments thereto.

The Senate amendments were read.

Mr. JENKINS. I move that the House concur in the Senate amendments.

The motion was agreed to.

WASHINGTON HEIGHTS TRACTION RAILROAD COMPANY.

The SPEAKER laid before the House the bill (H. R. 12086) to extend the time for the construction of the East Washington Heights Traction Railroad Company, with Senate amendment, which was read.

Mr. JENKINS. Mr. Speaker, I move that the House concur in the amendment of the Senate.

The motion was agreed to.

REPORTS OF THE SUPREME COURT.

The SPEAKER also laid before the House the bill (H. R. 5809) for the further distribution of reports of the Supreme Court, with Senate amendments, which were read.

Mr. RAY of New York. Mr. Speaker, I ask unanimous consent that the House agree to the Senate amendments to this bill.

The SPEAKER. The gentleman from New York asks unanimous consent that the House agree to the amendments of the Senate. Is there objection? [After a pause.] The Chair hears none.

FIRST REGIMENT OHIO VOLUNTEER LIGHT ARTILLERY.

The SPEAKER also laid before the House the bill (H. R. 619) providing for the recognition of the military service of the officers and enlisted men of the First Regiment Ohio Volunteer Light Artillery, with an amendment of the Senate, which was read.

Mr. DICK. Mr. Speaker, I move that the House nonconcur in the Senate amendment and ask for a conference.

The SPEAKER. The gentleman from Ohio moves to nonconcur in the Senate amendment and ask for a conference.

The question was taken, and the motion was agreed to.

The SPEAKER. The Chair announces the following conferees on the part of the House: Mr. CAPRON, Mr. DICK, and Mr. HAY.

JASON E. FREEMAN.

The SPEAKER laid before the House the bill (H. R. 7013) granting an increase of pension to Jason E. Freeman, with a Senate amendment, which was read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

RANSOM SIMMONS.

The SPEAKER laid before the House the bill (H. R. 12549) granting an increase of pension to Ransom Simmons, with a Senate amendment, which was read.

Mr. SULLOWAY. Mr. Speaker, I move concurrence in the Senate amendment.

The motion was agreed to.

DESERT-LAND ENTRIES, YAKIMA COUNTY, WASH.

The SPEAKER. The Chair lays before the House the following Senate bill, substantially the same as a House bill, favorably reported by a committee of the House.

The Clerk read as follows:

A bill (S. 6091) extending the time for making final proof in desert-land entries in Yakima County, State of Washington.

Be it enacted, etc., That the time for making final proof on unperfected, uncontested, and uncanceled desert-land entries in Yakima County, Wash., be, and the same is hereby, extended for one year from the date of the passage of this act, but no other or additional expenditure shall be made than is now required by law.

Mr. JONES of Washington. I ask for the passage of the Senate bill.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. JONES of Washington, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. JONES of Washington. Mr. Speaker, I ask that the House bill on the same subject be laid on the table.

The SPEAKER. Without objection, that will be done.

ORGANIZATION OF PRIVATE CORPORATIONS IN THE DISTRICT OF ALASKA.

The SPEAKER. The Chair lays before the House a Senate bill identical with a bill favorably reported to the House.

The Clerk read as follows:

A bill (S. 6139) providing for the organization of private corporations in the district of Alaska.

The Clerk proceeded to read the bill.

Mr. WARNER (during the reading). Mr. Speaker, in view of the fact that I propose an amendment to the bill, I ask unanimous consent that the further reading of the bill be dispensed with, in order to have the amendment read.

The SPEAKER. Is the amendment in the nature of a substitute?

Mr. WARNER. I move to amend the Senate bill by striking out all after the enacting clause and inserting in lieu thereof the following.

Mr. RICHARDSON of Tennessee. A point of order. I do not understand how this bill is claimed to be in order.

The SPEAKER. The Chair stated when he laid the bill before the House it is a Senate bill identical with one favorably reported by a committee of the House to the House, and not requiring to be considered in Committee of the Whole House on the state of the Union. The question is on the request of the gentleman from Illinois to dispense with the reading of this bill and to have read in lieu thereof a substitute which he proposes to offer.

Mr. RICHARDSON of Tennessee. If this is identical, why a substitute?

Mr. WARNER. The substitute has some additions to the original.

Mr. RICHARDSON of Tennessee. Then it is a different bill, Mr. Speaker.

The SPEAKER. The Chair will explain. The gentleman has the right to call up the bill. It is privileged clearly.

Mr. RICHARDSON of Tennessee. I understand.

The SPEAKER. The Chair further understands that the amendment to it differs from both bills, and the suggestion is to dispense with the reading of this bill, which is not the one to be considered ultimately, and have read the bill which is to be considered.

Mr. RICHARDSON of Tennessee. May I inquire what committee has reported this House bill?

Mr. WARNER. The Committee on Revision of the Laws reported the House bill.

Mr. RICHARDSON of Tennessee. Does the amendment proposed by the gentleman from Illinois in the way of a substitute bill make any appropriation of public money or public land?

Mr. WARNER. None whatever. It provides that the license money in municipalities in Alaska shall go to the municipalities for the support of municipal schools, lights, hospitals, and the like.

Mr. RICHARDSON of Tennessee. I submit that that would require consideration in the Committee of the Whole. And if so, is it not in order?

The SPEAKER. That may be in the amendment. The Chair can not decide that until it is before the House. Is there objection to the request to dispense with the reading of the bill?

Mr. SULZER. Reserving the right to object, I would like to ask if that is all that this bill does—give the license fees to the towns and villages in Alaska?

Mr. WARNER. That is all, with this exception. It will change the forms of pleading and practice in admiralty as now provided by the code, and restore the common-law pleading and practice in admiralty cases. Then, in addition to that, the only thing in which this amendment differs from the original bill is that it gives the license fees to the municipalities for municipal purposes.

Mr. SULZER. What else does the bill do?

Mr. WARNER. The other part of the bill gives authority to organize corporations in Alaska the same as anywhere. There is some difference in the phraseology, and it uses the word "director" instead of "trustee."

Mr. SULZER. I would like to inquire of the gentleman what he means by giving the people in Alaska the right to organize corporations the same as everywhere else.

Mr. WARNER. What do I mean? I mean that it authorizes the organization of private corporations in Alaska. Under the present law they can not be organized there—they can not take out certificates under the authority of the district. There is no law authorizing that, and you have to organize corporations elsewhere.

Mr. SULZER. It gives authority to organize under the law.

Mr. WARNER. It makes a law under which they can organize them in Alaska.

Mr. SULZER. What per cent of capital stock does it provide for?

Mr. WARNER. It provides that it shall all be paid up.

Mr. SULZER. Mr. Speaker, I reserve the right to object until after the amendment is read.

Mr. RICHARDSON of Tennessee. I made the point of order, Mr. Speaker, that the bill appropriates public money, and it is too important to hurry through here without any consideration.

The SPEAKER. The bill is in order now; what the amendment may require is another matter. But this amounts to an objection, and the Clerk will continue to read the bill.

The Clerk proceeded with the reading of the bill.

Mr. WARNER (interrupting the reading). Mr. Speaker, as it is getting quite late, I ask that the whole matter be postponed until Monday morning and then have the right of way immediately after the reading of the Journal; that the amendment may be printed in the RECORD, so that all can read it.

The SPEAKER. The gentleman from Illinois asks unanimous consent that this matter may go over until Monday morning, to be considered as unfinished business, and that the amendment be printed in the RECORD. Is there objection?

Mr. RICHARDSON of Tennessee. Will we have the right to object to its consideration, Mr. Speaker?

The SPEAKER. Not to the consideration—that is privileged—but if any amendment is offered it will be open to objection.

Mr. RICHARDSON of Tennessee. Then I have no objection, Mr. Speaker.

The SPEAKER. The Chair hears no objection, and it is so ordered.

Mr. WARNER. My motion also included the request that the amendment be printed in the RECORD.

The SPEAKER. That will be done.

The following is the amendment submitted by Mr. WARNER:

Strike out all after the enacting clause and insert:

"That section 54 of chapter 5 of title 2 of an act entitled 'An act making further provision for a civil government for Alaska, and for other purposes,' approved June 6, 1900, be, and is hereby, amended so as to read as follows:

"'SEC. 54. All the forms of pleading heretofore existing in actions at law and suits in equity are abolished, and hereafter the forms of pleading in causes in law and equity in courts of record and the rules by which the sufficiency of such pleadings is to be determined shall be those prescribed by this code.'

"SEC. 2. That section 469 of chapter 45 of title 2 be amended so as to read as follows:

"'SEC. 469. In an action for the dissolution of the marriage contract the plaintiff therein must be an inhabitant of the district at the commencement of the action and for one year prior thereto, which residence shall be sufficient to give the court jurisdiction without regard to the place where the marriage was solemnized or the cause of action arose.'

"SEC. 3. That section 201 of chapter 21 of title 3 be amended so as to read as follows:

"'SEC. 201. The council shall have the following powers:

"'First. To provide suitable rules governing their own body and to elect one of their members president, who shall be ex officio mayor.

"'Second. To appoint, and at their pleasure remove, a clerk, treasurer, assessor, municipal attorney, police, and such other officers as they deem necessary.

"'Third. To make rules for all municipal elections, for the appointment of election officials, and to provide for their duties and powers, and to provide suitable penalties for violation of such election rules: *Provided*, That no officer shall be elected for a longer term than one year.

"'Fourth. By ordinance to provide for necessary street improvements, sidewalks, cross walks, and sewerage. The cost of all or any such improvements may be collected by assessment and levy against abutting property, which assessment shall be a lien upon all such property assessed: *Provided*, That a majority of such property holders consent, by petition or otherwise, to such improvements.

"'Fifth. By ordinance to provide for fire protection, water supply, lights, wharfage, maintenance of public schools, protection of public health, police protection, and the expenses of assessment and collection of taxes.

"'Sixth. By ordinance to provide for the assessment and collection of a poll tax on all male residents between the ages of 21 and 60 years, and to impose a fine and penalty for refusal, neglect, or failure to pay such tax: *Provided*, That all members in good standing of any regular organized volunteer fire company may be exempt.

"'Seventh. By ordinance to provide for taxing of dogs, and to provdie for impounding and destroying all dogs upon which such tax is not paid.

"'Eighth. By ordinance to provide for the assessment and levy of a general tax on real property, possessory rights, and improvements, and to impose a penalty for its nonpayment; and all such taxes shall be a preferred lien upon the property so taxed, which lien may be foreclosed and the property sold as provided by chapter 42, Civil Code of Procedure: *Provided*, That the council may exempt from taxation all public property belonging to the municipality and all church property used exclusively for public religious worship, to an amount not to exceed $2,500 in value for each denomination.

"'Ninth. By ordinance to provide for the assessment and levy of a tax on personal property and a penalty for its nonpayment, and to provide for the distraint and sale of sufficient goods and chattels belonging to the person charged with such tax to satisfy the same: *Provided*, That there shall be exempt from such assessment to each householder or head of a family household goods, of which such person is the bona fide owner, not exceeding $200 in value.

"'Tenth. By ordinance to impose such license tax on business conducted within the corporate limits as the council shall deem reasonable, and to provide for its collection by fine and penalty, as for violation of other ordinances: *Provided*, That the general exemptions provided for in chapter 31, Civil Code of Procedure for the district of Alaska, shall not apply to any tax lawfully levied against any property, as provided for in this chapter: *Provided further*, That no such property tax as herein provided for shall exceed 2 per cent on the assessed valuation of the property; and all assessments made by the corporation assessor shall be subject to review by the council, and appeals may be taken from their decision to the district court. No bonded indebtedness whatever shall be authorized for any purpose.

"'Eleventh. By ordinance to provide reasonable punishment for the violation of municipal ordinances by a fine not exceeding $200 or imprisonment in the municipal jail for a term not exceeding ninety days, or both, for each violation.

"'Twelfth. To provide for the election of a municipal magistrate who shall have power to hear and determine causes arising under the ordinances of such corporation, and to punish violations of such ordinances: *Provided*, That all sentences of imprisonment imposed by said municipal magistrate shall be served in the municipal jail without expense to the Government of the United States. All appeals to the district court from the judgments of such municipal magistrate shall be governed by the laws relating to appeals from the judgments of commissioners acting as justices of the peace. Such municipal magistrate shall receive a salary to be fixed by the council, and no fees or other compensation whatever; and all judgments imposed by said magistrate and collected shall be turned over to the treasurer of the corporation and applied to the use and benefit of the municipality as the council may direct.'

"SEC. 4. That section 203 of chapter 21 of title 3, as amended by the act approved March 3, 1901, be amended so as to read as follows:

"'SEC. 203. The treasurer of the corporation shall be ex officio treasurer of the school board, and shall, before entering upon the duties of his office, take the oath prescribed by law and execute bond to the corporation in an amount to be determined by the judge of the district court, which bond shall be approved by the council and the judge of the district court and filed in the office of the clerk of the corporation, and he shall give such additional bond as the council or judge of the district court may from time to time direct, but in no event shall such bond be less than twice the amount of money in the hands of the treasurer at any one time, to be determined by the tax rolls and license books of the corporation, and of the clerk of the district court: *Provided*, That all license moneys provided for by act of Congress approved March 3, 1899, entitled, "An act to define and punish crimes in the district of Alaska and to provide a code of criminal procedure for said district," and any amendments made thereto, required to be paid by any resident, person, or corporation for business carried on within the limits of any incorporated town, and collected by the clerk of the court, shall be paid over by the clerk of the United States district court receiving the same to the treasurer of such corporation, to be used for municipal and school purposes in such proportions as the court may order, but not more than 50 per cent nor less than 25 per cent thereof shall be used for school purposes, the remainder thereof to be paid to the treasurer of the corporation for the support of the municipality, and the clerk of said court shall take said treasurer's receipt therefor, in triplicate, one of which receipts shall be forwarded to the Secretary of the Treasury, another to the Attorney-General, and the other shall be retained by the clerk: *Provided*, That 50 per cent of all license moneys provided for by said act of Congress approved March 3, 1899, and any amendments made thereto, that may hereafter be paid for business carried on outside incorporated towns in the district of Alaska, and covered into the Treasury of the United States, shall be set aside to be expended, so far as may be deemed necessary by the Secretary of the Interior, within his discretion and under his direction, for school purposes outside incorporated towns in said district of Alaska.'

"SEC. 5. That title 3 of said act be amended as follows:

"'CHAPTER 37.

"'OF THE FORMATION OF PRIVATE CORPORATIONS.

"'SECTION 1. That three or more adult persons, bona fide residents of the district of Alaska, may form a corporation in the manner and subject to the limitations provided in this act, for the following purposes, to wit:

"'First. To construct, own, and operate railroads, tramways, street and passenger railways, wagon roads, and telegraph and telephone lines in Alaska.

"'Second. To acquire, hold, and operate mines in Alaska.

"'Third. To carry on the fishery industry in all its branches in Alaska and in the waters contiguous and adjacent thereto.

"'Fourth. To construct and operate smelters, electric and other power and lighting plants, docks, wharves, elevators, warehouses, and hotels in Alaska.

"'Fifth. To carry on trade, transportation, agriculture, lumbering, and manufacturing in Alaska.

"'All such corporations shall have the right to acquire and hold only such lands and other real estate as may be necessary to carry on the corporate business.

"'And the board of trustees of such corporation shall have the right to make and amend the necessary by-laws not inconsistent with law.

"'SEC. 2. That any three or more persons who may desire to form a corporation for one or more of the purposes specified in the preceding section shall make and subscribe written articles of incorporation in triplicate and acknowledge the same before any officer authorized to take the acknowledgment of deeds, and file one of such articles in the office of the secretary of the district of Alaska, and another in the office of the clerk of the district court of the recording division in which the principal place of business of the company is intended to be located, and retain the third in the possession of the corporation.

"'Said articles shall contain and state:

"'First. The name of the corporation, the nature and character of the business, and the principal place of transacting the same.

"'Second. The time of commencement and the period of continuance of said corporation, which shall not exceed twenty years.

"'Third. The amount of capital stock of said corporation, and how the same shall be paid in, and the par value of the shares.

"'Fourth. The highest amount of indebtedness or liability to which said corporation shall at any time be subject.

"'Fifth. The names and places of residence of the persons forming such corporation.

"'Sixth. The names of the first board of trustees, and in what officers or persons the government of the corporation and the management of the affairs shall be vested, and when the same are elected and their term of office.

"'Seventh. Said articles of incorporation may be amended when authorized by the vote of a majority of the stock given at a regular meeting of the stockholders. Such amended articles shall be executed and acknowledged by the board of directors, or a majority of them, and shall be filed and recorded in the same places and manner as the original articles.

"'SEC. 3. That a copy of any article of incorporation filed pursuant to this act, and certified by the clerk of the district court in which the same is filed, or one of his deputies, or by the secretary of the district of Alaska, shall be received as prima facie evidence of the facts therein stated.

"'SEC. 4. That when the articles of incorporation have been filed, the persons who have executed and acknowledged the same, and their successors, shall be a body corporate and politic in fact and in law under the name stated in the articles of incorporation, and by such corporate name shall have succession for the period limited in this act and shall have power—

"'(a) To sue and to be sued in any court having jurisdiction;

"'(b) To make and use a common seal, and alter the same at pleasure;

"'(c) To purchase, hold, mortgage, sell, and convey real and personal property, except stock in other corporations, subject to the limitation hereinbefore prescribed;

"'(d) To appoint such officers, agents, and servants as the business of the corporation shall require, to define their powers, prescribe their duties, and fix their compensation;

"'(e) To require of them such security as may be thought proper for the fulfillment of their duties, and to remove them at will, except that no trustee shall be removed from office unless by a vote of two-thirds of the stockholders;

"'(f) To make by-laws not inconsistent with the laws of the district of Alaska and the laws and Constitution of the United States;

"'(g) To manage its property, regulate its affairs, transfer its stock, and to carry on all kinds of business within the objects and purposes of the corporation as expressed in the articles of incorporation.

"'SEC. 5. That all private corporations incorporated under the laws of the State of Oregon as applicable to the district of Alaska prior to the 6th day of June, A. D. 1900, be, and are hereby, authorized to hold, acquire, own, and possess real and personal property, and to exercise corporate right subject to the limitations of this act.

"'SEC. 6. That the corporate powers of the corporation shall be exercised by a board of not less than three trustees, who shall be stockholders in the corporation, a majority of whom shall be residents of the district of Alaska, who shall, before entering upon the duties of their office, severally take and subscribe an oath to faithfully perform their duties as such trustees, and who shall, after the expiration of the term of the trustees first elected, be annually elected by the stockholders at such time and place within the district of Alaska and upon such notice and in such manner as shall be directed by the by-laws or articles of incorporation of the corporation; but all elections shall be by ballot, and each stockholder, either in person or by proxy, shall be entitled to as many votes as he may own or represent shares of stock, and the person or persons receiving a majority of the votes of all the shares of stock voting, a majority of the stock being represented, shall be trustee or trustees. Whenever any vacancy shall happen among the trustees, by death, resignation, or otherwise, except by removal and the election of a

successor, it shall be filled by appointment of the board of trustees for the unexpired term of such vacancy.

"'SEC. 7. That if it shall happen at any time that an election of trustees shall not be made on the day designated by the by-laws or articles of incorporation of the corporation, the corporation shall not for that reason be dissolved, but it shall be lawful on any other day after due notice, prescribed by the by-laws, to hold an election for trustees in such manner as shall be provided for in the by-laws or articles of the corporation, and all trustees duly elected shall hold their office until their successors are elected and qualified.

"'SEC. 8. That a majority of the whole number of the trustees shall form a quorum of the board of trustees for the transaction of business, and every decision of a majority of the persons duly assembled as a board shall be valid as a corporate act.

"'SEC. 9. That, except as otherwise provided in the articles of incorporation or by-laws of the corporation, the first and all subsequent meetings of the trustees shall be called by a notice signed by one or more persons named as trustees in the certificate, or their successors, setting forth the time and place of the meeting, which notice shall be delivered personally to each trustee if he resides in Alaska, and published at least twenty days in some newspaper at or nearest the principal place of business of the corporation and in the district of Alaska.

"'SEC. 10. That the stock of the corporation shall be deemed personal estate, and shall be transferable in such manner as shall be prescribed by the articles of incorporation or the by-laws of the corporation; but no transfer shall be valid except between the parties thereto until the same shall have been entered upon the books of the corporation so as to show the names of the parties, by and to whom transferred, the numbers and designation of the shares, and the date of transfer.

"'The stockholders of any corporation formed under this act may, in the by-laws or articles of the corporation, prescribe the times, manner, and amounts in which payments of the stock subscribed by them, respectively, shall be made; but in case the same shall not be so subscribed, the trustees shall have the power to demand and call in from the stockholders the sum or sums unpaid of the stock subscribed for or taken at such time, and in such manner, payments or installments, as they may deem proper. In all cases notice of each assessment shall be given to the stockholders personally or by registered letter and by publication in some newspaper at or nearest to the principal place of business of the corporation in the district of Alaska. If, after such notice has been given, any stockholder shall make default in the payment of assessments upon the shares held by him, so many of said shares may be sold as will be necessary for the payment of the assessments upon all shares held by him, her, or them at that time.

"'The sale of such shares shall be made as prescribed in the articles or by-laws of the corporation, but shall in no case be made at the office of the corporation. No sale shall be made except at public auction, to the highest bidder, after notice of four weeks, published as in the case of notice of assessment; and at such sale the person who shall pay the assessment so due, together with the expenses of advertising and sale, for the smallest number of shares or portion of a share, as the case may be, shall be deemed the highest bidder: *Provided*, That after the delivery of the certificates of stock to the stockholders no call shall be made at any one time for more than 10 per cent of the par value of the stock, and that calls shall not be made oftener than once in thirty days, unless otherwise provided in the articles of incorporation.

"'SEC. 11. That whenever any stock is held by a person as executor, administrator, guardian, trustee, or in any other such representative capacity, he shall represent such stock at all meetings of the corporation, and may vote accordingly as a stockholder in person or by proxy.

"'SEC. 12. That any stockholder may pledge his stock by delivery of the certificate or other evidence of his interest, but may nevertheless represent the same at all meetings and vote as a stockholder.

"'SEC. 13. That it shall not be lawful for the trustees to make any dividend in new or additional stock, or to make any dividend, except from the net profits arising from the business of the corporation, or to divide, withdraw, or in any way pay to the stockholders, or any of them, any part of the capital stock of the company, or to reduce the capital stock of the company unless in the manner prescribed in this act or in the articles or amended articles of incorporation or by-laws; and in case of any violation of the provisions of this section the trustees under whose administration the same may have happened, except those who may have caused their dissent therefrom to be entered at large on the minutes of the board of directors at the time, or were not present when the same did happen, shall, in their individual or private capacities, be jointly or severally liable to the corporation and the creditors thereof, in event of its dissolution, to the full amount so divided or reduced or paid out: *Provided*, That this section shall not be construed to prevent a division and distribution of the capital stock of the corporation which shall remain after the payment of all its debts upon the dissolution of the corporation or the expiration of its charter.

"'SEC. 14. That no corporation shall issue any of its stock, except in consideration of money, labor, or property estimated at its true money value. Each and every stockholder shall be personally liable to the creditors of the company for the amount that remains unpaid upon the par value of such stock.

"'SEC. 15. That no person holding stock as an executor, administrator, guardian, or trustee, or holding it as collateral security, or in pledge, shall be personally subject to any liability as a stockholder of the company; but the person pledging the stock shall be considered as holding the same and shall be liable as a stockholder, and the estate and funds of the owner of stock in the hands of an executor, administrator, guardian, or trustee holding the stock shall be liable in like manner and to the same extent as the testator or intestate, or the ward or person interested in the trust fund would have been if he or she had been living and competent to act and hold the stock in his or her name.

"'SEC. 16. That every corporation organized under this chapter shall, within one month after filing articles of incorporation, adopt a code of by-laws for its government, and shall have its principal office in the district of Alaska and keep in such office its general and principal books of account, including its stock books and record books, and its principal managing officer or superintendent shall reside within the district of Alaska. Every such corporation shall keep correct and complete books of account of its business, and a correct and complete record of all its proceedings, including such as relate to the election of its officers. Every such corporation shall also keep a book containing the names of its stockholders ever since its organization, showing the place of residence, amount of stock held, the amount paid on such stock, and time of transfer of stock. The books of every such corporation shall, at all reasonable times, be open to the inspection of stockholders.

"'SEC. 17. That any corporation created under this chapter may, subject to the provisions of the same, increase or diminish its capital stock to any amount within the limits fixed by the articles or amended articles of incorporation; but before any corporation shall be entitled to diminish the amount of its capital stock, if the amount of its debts or liabilities shall exceed the sum to which the capital stock is proposed to be diminished, such amount shall be satisfied and reduced so as not to exceed the diminished amount of capital stock.

"'SEC. 18. That whenever it is desired to increase or diminish the amount of capital stock, a meeting of the stockholders shall be called by a notice signed by at least a majority of the trustees and published at least eight weeks in some newspaper of general circulation published at or nearest the principal place of business of the company in the district of Alaska, which notice shall specify the object of the meeting, the time and place where it is to be held, and the amount to which it is proposed to raise or diminish the capital, and a vote of two-thirds of all the shares shall be necessary to increase or diminish the amount of capital stock.

"'If at any meeting so called a sufficient number of votes have been given in favor of increasing the amount of capital a certificate of the proceedings, showing a compliance with these provisions, the amount of the capital actually paid in, the whole amount of debts and liabilities of the company, and the amount to which the capital stock is to be increased or diminished shall be made out, signed, and verified by the affidavit of the presiding officer and secretary of the meeting, certified to by a majority of the trustees, and filed as articles of incorporation are required to be filed by section 2 of this act.

"'SEC. 19. That in like manner as provided in the preceding sections, and upon such additional notice as may be provided in the articles of incorporation or by-laws, any of the general provisions of the articles of incorporation may be amended and upon like vote, unless a different vote be required in the articles of incorporation; but such amended articles must be filed as prescribed in section 2 of this act.

"'SEC. 20. That every corporation of the district of Alaska shall, on or before the 1st day of September of each year, file in the office of the clerk of the district court of the recording division where its principal office is located a list containing the names of its principal officers, including the officers mentioned in subdivision 1 of section 46 of the Code of Civil Procedure for the district of Alaska, and whenever any such officers are changed or substituted shall, within thirty days after such change or substitution, file a notice thereof in like manner with such clerk.

"'SEC. 21. That any corporation organized under this act, when no other mode is specially provided, may, when its debts and liabilities are duly paid or secured, dissolve by a written resolution to that effect, at a meeting of the stockholders specially called for that purpose, by a vote of the owners of at least two-thirds of the stock of the corporation. One copy of such resolution, together with a certificate thereto attached signed by the president and secretary, or, if none, the corresponding officers, and sealed with the corporate seal, stating the facts that all the debts and liabilities of the corporation have been duly paid or secured, and the fact and date of the adoption of such resolution, and that such is a true copy of the original, the whole number of shares of stock, the shares of stock whose owners voted for its adoption, shall be filed as articles of incorporation are required to be filed under section 2 of this act. Thereupon the corporation shall cease to exist except for the winding up of its affairs.

"'SEC. 22. That all corporations whose terms of existence shall expire by their own limitations, or which shall be voluntarily dissolved in the manner provided in the preceding section, or which shall be dissolved by the judgment of court, shall nevertheless continue to be bodies corporate for three years thereafter for the purpose of prosecuting and defending actions, and for enabling them to settle up and close their business, pay their debts, dispose of and convey their property, and divide their capital stock, but for no other purpose; and when any corporation shall be so dissolved, the trustees or managers of the affairs of such corporation at the time of its dissolution, by whatever name they shall be known, shall, subject to the power of any court of competent jurisdiction to make in any case a different provision, continue to act as such during said term, and shall be deemed the legal administrators of such corporation, with full power to settle its affairs, pay its debts, sell or dispose of or convey all of its property, both real and personal, collect the outstanding debts, and, after paying the debts due and owing by such corporation at the time of its dissolution and the costs of such administration, divide the residue of the money and other property among the stockholders thereof.

"'SEC. 23. That the president, secretary, and treasurer of any corporation organized under the provisions of this act shall quarterly, under their signature and oaths, make out and publish for three successive weeks, in a newspaper of general circulation in the district of Alaska, a joint statement showing: First, the number of shares of capital stock outstanding; second, the amount paid in on each share of stock; third, the actual paid-up capital of the corporation; fourth, the just cash value of the property of the corporation and the character and nature of the same; fifth, the debts and liabilities of the corporation, for what the same were incurred; sixth, the salaries paid each and every officer, manager, and superintendent of the corporation during the last year, and seventh, the increase or decrease of the stock, the capital, and the liabilities of the corporation during the last quarter, and the grounds for such increase or decrease, if any.'"

CONFERENCE REPORT ON AMENDMENT TO CODE OF LAWS FOR THE DISTRICT OF COLUMBIA.

Mr. JENKINS. Mr. Speaker, I call up conference report on the bill S. 493, an act to amend an act entitled "An act to amend the laws for the District of Columbia," and I ask unanimous consent that the reading of the report be omitted and that the statement only be read.

The SPEAKER. The gentleman from Wisconsin calls up the conference report and asks that the reading of the report be omitted and that the statement only be read. Is there objection? [After a pause.] The Chair hears none.

[For conference report see House proceedings of June 27.]

The Clerk read the statement, as follows:

Statement of the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 493) to amend an act entitled "An act to establish a code of law for the District of Columbia."

The first amendment provides for a reduction in the number of the justices of the peace from ten to six, instead of to four, as provided by the House, the reduction to take place as the present justices retire from office, either by death, resignation, or expiration of terms.

The second amendment provides for changes in the subdistricts to correspond with the reduction of the number of justices of the peace.

The third amendment leaves section 7 of the code as it is at the present time.

The fourth amendment provides that the nominations of justices of the peace shall continue to be confirmed by the Senate.

The fifth amendment is simply a change in legal phraseology.

The sixth amendment provides that the employees of the office of the

register of wills shall be restricted to the number actually necessary to the proper conduct of that office, and makes the compensation of this officer to correspond with that received by the register of deeds and the clerk of the supreme court of the District of Columbia.

The further amendments are simply verbal, or changes in the legal phraseology.

JOHN J. JENKINS,
SAML. W. SMITH,
W. S. COWHERD,
Managers on the part of the House.

The conference report was agreed to.

On motion of Mr. JENKINS, a motion to reconsider the last vote was laid on the table.

GEORGE H. PAUL.

Mr. OTJEN. I ask unanimous consent for the present consideration of the bill which I send to the desk—Senate bill 1949.

The SPEAKER. This is one of those bills objected to yesterday and as to which the gentleman who objected has since stated that he withdrew his objection.

The bill (S. 1949) to authorize the Secretary of the Navy to appoint George H. Paul a warrant machinist in the Navy was read, as follows:

Be it enacted, etc., That the Secretary of the Navy is hereby authorized to appoint George H. Paul to fill an original vacancy in the 100 warrant machinists in the Navy, authorized by section 14 of the act approved March 3, 1899, entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States," notwithstanding he was about seven months beyond the age limit at the time of examination, he having passed the examination, near the top of the list, under a misapprehension as to the age limit, and having served twelve months at the Naval Academy and four years at sea in the Government service as an engineer.

There being no objection, the House proceeded to the consideration of the bill, which was ordered to a third reading, read the third time, and passed.

On motion of Mr. OTJEN, a motion to reconsider the last vote was laid on the table.

ARTURO R. CALVO.

Mr. SLAYDEN. I ask unanimous consent for the present consideration of the joint resolution which I send to the desk.

The Clerk read as follows:

Joint resolution (S. R. 118) authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Arturo R. Calvo, of Costa Rica.

Resolved by the Senate and House of Representatives, etc., That the Secretary of War be, and he hereby is, authorized to permit Arturo R. Calvo, of Costa Rica, to receive instruction at the Military Academy at West Point: *Provided*, That no expense shall be caused to the United States thereby: *And provided further*, That in the case of the said Arturo R. Calvo the provisions of sections 1320 and 1321 of the Revised Statutes shall be suspended.

There being no objection, the House proceeded to the consideration of the joint resolution; which was ordered to a third reading, read the third time, and passed.

On motion of Mr. SLAYDEN, a motion to reconsider last vote was laid on the table.

CONSULAR OFFICERS AS ADMINISTRATORS, ETC.

Mr. COUSINS. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (S. 4762) to prevent any consular officer of the United States from accepting any appointment from any foreign state as administrator, guardian, or to any other office of trust, without first executing a bond, with security, to be approved by the Secretary of State.

Be it enacted, etc., That no consular officer of the United States shall accept an appointment from any foreign state as administrator, guardian, or to any other office of trust for the settlement or conservation of estates of deceased persons or of their heirs or of persons under legal disabilities, without executing a bond, with security, to be approved by the Secretary of State, and in a penal sum to be fixed by him and in such form as he may prescribe, conditioned for the true and faithful performance of all his duties according to law and for the true and faithful accounting for, delivering, and paying over to the persons thereto entitled of all moneys, goods, effects, and other property which shall come to his hands or to the hands of any other person to his use as such administrator, guardian, or in other fiduciary capacity.

Said bond shall be deposited with the Secretary of the Treasury. In case of a breach of any such bond, any person injured by the failure of such officer faithfully to discharge the duties of his said trust according to law, may institute, in his own name and for his sole use, a suit upon said bond and thereupon recover such damages as shall be legally assessed, with costs of suit, for which execution may issue in due form; but if such party fails to recover in the suit, judgment shall be rendered and execution may issue against him for costs in favor of the defendant; and the United States shall in no case be liable for the same. The said bond shall remain, after any judgment rendered thereon, as a security for the benefit of any person injured by a breach of the condition of the same until the whole penalty has been recovered.

SEC. 2. That every consular officer who accepts any appointment to any office of trust mentioned in the preceding section without first having complied with the provisions thereof by due execution of a bond as therein required, or who shall willfully fail or neglect to account for, pay over, and deliver any money, property, or effects so received to any person lawfully entitled thereto, after having been requested by the latter, his representative or agent so to do, shall be deemed guilty of embezzlement and shall be punishable by imprisonment for not more than five years and by a fine of not more than $5,000.

There being no objection, the House proceeded to the consideration of the joint resolution; which was ordered to a third reading, read the third time, and passed.

On motion of Mr. COUSINS, a motion to reconsider the last vote was laid on the table.

ARANSAS HARBOR TERMINAL RAILWAY.

Mr. KLEBERG. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 15270) to amend an act entitled "An act authorizing the Aransas Harbor Terminal Railway Company to construct a bridge across the Corpus Christi Channel, known as the Morris and Cummings ship channel, in Aransas County, Tex."

Be it enacted, etc., That the act entitled "An act authorizing the Aransas Harbor Terminal Railway Company to construct a bridge across the Corpus Christi Channel, known as the Morris and Cummings ship channel, in Aransas County, Tex.," approved May 4, 1896, is hereby reenacted, and section 5 of the said act is hereby amended to read as follows:

"SEC. 5. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from May 4, 1902."

There being no objection, the House proceeded to the consideration of the bill; which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. KLEBERG, a motion to reconsider the last vote was laid on the table.

RELIEF OF SETTLERS ON WAGON-ROAD GRANTS.

Mr. MOODY of Oregon. I ask unanimous consent for the present consideration of the bill (H. R. 11573) for the relief of settlers on lands granted in aid of the construction of wagon roads.

The bill was read, as follows:

Be it enacted, etc., That the provision of the act of June 22, 1874, entitled "An act for the relief of settlers on railroad lands," and all acts amendatory thereof or supplementary thereto, including the act approved March 3, 1887, entitled "An act to provide for the adjustment of land grants made by Congress to aid in the construction of railroads and for the forfeiture of unearned lands, and for other purposes," as modified or supplemented by the act approved March 2, 1896, entitled "An act to provide for the extension of the time within which suits may be brought to vacate and annul land patents, and for other purposes," shall apply to grants of land in aid of the construction of wagon roads.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. CANNON. I should like to know something about this. It seems to be very sweeping legislation, covering a great deal of ground.

Mr. MOODY of Oregon. There is now on the statute books a law permitting railroad companies to exchange lands that have been erroneously patented to settlers for other lands within the limits of the grant, and it was thought that that act was broad enough to cover settlers on wagon-road grants, but the Secretary of the Interior holds that it is limited to settlers on railroad grants. He recommends that settlers upon wagon-road grants be accorded the benefits of settlers upon railroad grants, which we seek to do by this bill.

Mr. CANNON. There has been no grant for a wagon road within forty years. Are these old grants?

Mr. MOODY of Oregon. They are; they antedate the overlapping railroad grant. This bill simply permits an exchange where patents have been granted and the lands erroneously located by the settlers without fault upon their part.

Mr. MONDELL. I understand that the Secretary of the Interior has recommended the passage of this bill, and that it has been unanimously reported by the Committee on the Public Lands of this House.

Mr. MOODY of Oregon. Yes; that is true.

Mr. CANNON. How much land will probably be covered by the bill?

Mr. MOODY of Oregon. Only a few sections, because it is limited to the erroneously patented lands, which is but a small proportion of the grant.

If it is in order and permissible, I would like to have this report printed in the RECORD following my remarks:

[House Report No. 2243, Fifty-seventh Congress, first session.]

SETTLERS ON LANDS GRANTED IN AID OF THE CONSTRUCTION OF WAGON ROADS.

May 26, 1902, referred to the House Calendar and ordered to be printed.

Mr. MOODY of Oregon, from the Committee on the Public Lands, submitted the following report (to accompany H. R. 11573):

The Committee on the Public Lands, to whom was referred the bill (H. R. 11573) for the relief of settlers on lands granted in aid of the construction of wagon roads, having had the same under consideration, beg to submit the following report with the recommendation that the bill do pass.

There has never been any question in the minds of those posted upon the subject of the rights of settlers upon the public domain under the provisions and limitations of the laws relating to preemption and homesteading that the provisions for the relief of settlers upon lands granted to railroads, who without fault upon their part, and who in all respects were actual settlers, lost their right, should as well extend to settlers upon wagon roads aided by grants and in all respects like the grant-aided railroads. The justice in this bill is apparent upon the most cursory investigation of the subject.

There is appended hereto and made a part of this report a communication from the honorable Secretary of the Interior, who earnestly favors this bill. The suggestions made by him in his communication have been adopted, and the bill is fully in accord with his ideas of the matter.

The communication referred to follows:

DEPARTMENT OF THE INTERIOR,
Washington, February 10, 1902.

SIR: Under your reference of the 31st ultimo, I have considered the bill (H. R. 10516) for the relief of settlers on lands granted in aid of the construction of wagon roads. I suggest that the bill be amended in line 5, after the word "lands" and before the word "shall," by the insertion of the words "and all acts amendatory thereof or supplementary thereto, including the act approved March 3, 1887, entitled 'An act to provide for the adjustment of land grants made by Congress to aid in the construction of railroads and for the forfeiture of unearned lands, and for other purposes,' as modified or supplemented by the act approved March 2, 1896, entitled 'An act to provide for the extension of the time within which suits may be brought to vacate and annul land patents, and for other purposes.'"

The act of June 22, 1874, has been somewhat amended and supplemented by later legislation, notably the act of August 29, 1890 (26 Stat. L., 369), and settlers upon wagon-road grants, if accorded the benefits of settlers upon railroad grants, as I think they should be, should also be accorded the benefits of all the legislation upon the subject.

The act of March 3, 1887 (24 Stat. L., 553), is in terms applicable only to railroad land grants, but there is every reason why it should be equally extended to wagon-road grants. It was later modified or supplemented by the act of March 2, 1893. (29 Stat. L., 42.)

The amendment here suggested would have the effect of extending to wagon-road grants upon equal terms all of the general legislation relating to railroad land grants which has been enacted for the relief of settlers and bona fide purchasers, respectively.

I sincerely hope that this bill, with the amendments suggested, will receive the early and favorable consideration of Congress.

Very respectfully,

E. A. HITCHCOCK, *Secretary.*

THE CHAIRMAN OF THE COMMITTEE ON THE PUBLIC LANDS,
House of Representatives.

Mr. LACEY. This bill refers to an old wagon-road grant in the State of Oregon. The law for the relief of settlers along the Northern Pacific Railroad and other railroads will by this bill be extended to settlers who have by mistake taken lands covered by wagon-road grants.

Mr. CANNON. It allows them lands elsewhere, as I understand. The land covered will not amount to more than five or six thousand acres.

Mr. LACEY. Only five or six sections.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to be engrossed and read the third time, and it was accordingly read the third time, and passed.

On motion of Mr. MOODY of Oregon, a motion to reconsider the last vote was laid on the table.

UNITED STATES COURT OF APPEALS AT MONTGOMERY, ALA.

Mr. WILEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 14839) providing that the circuit court of appeals of the fifth judicial circuit of the United States shall hold at least one term of said court annually in the city of Montgomery, in the State of Alabama, on the first Monday in September in each year.

The Clerk read the bill at length, together with the amendments thereto.

The SPEAKER. The gentleman from Alabama asks unanimous consent for the present consideration of the bill which the Clerk has read. Is there objection?

Mr. DAVEY of Louisiana. Mr. Speaker, I object.

Mr. WILEY. I would ask the gentleman to withhold his objection for a moment in order that I may make a statement.

Mr. DAVEY of Louisiana. I will withhold it for that purpose.

Mr. WILEY. Mr. Speaker, although the gentleman from Louisiana [Mr. DAVEY] informed me in advance that he would feel constrained to object to the present consideration of this meritorious bill, I indulged the hope, after the very full explanation I made to him and which I now make to the House, that he would withhold his objection.

This bill is in the interest of public justice and purposes to bring the court of appeals to the people instead of having litigants and their attorneys go a long distance and at great expense and inconvenience, to New Orleans, in attendance upon the court of appeals whenever held there, and there only. The present fifth circuit of the United States is composed of the States of Alabama, Florida, Georgia, Louisiana, Mississippi, and Texas. The court of appeals is held at New Orleans. This measure does not deprive the city of New Orleans of any right, privilege, or advantage which that hospitable city possesses.

It does not purpose to take away from the people of Louisiana any means or facility for the speedy dispatch of any law business in which the people of that city or State are interested in anywise or manner. It simply proposes to have the court of appeals hold one term a year in the city of Montgomery, the capital of Alabama, in order to hear and determine cases originating within the limits of that State.

Moreover, Mr. Speaker, there was an agreement entered into between the gentleman from Georgia [Mr. FLEMING], the gentleman from Texas [Mr. LANHAM], and myself, as the immediate Representative of the Montgomery district, that a bill providing for the holding of one term of the court of appeals at Atlanta in the month of October in each year, another bill providing for the holding of the term of said court at Fort Worth in the month of November in each year, and a third bill providing for the holding of one term of said court in the city of Montgomery in the month of September in each year, should be reported favorably from the Judiciary Committee (which has been done), and we were to use our best endeavors to have each and all of said bills pass this House at the present session, and as speedily as possible.

The bills establishing courts at Atlanta and Fort Worth have been permitted, without objection, to pass this House. The Speaker was cognizant of this agreement and kindly consented to recognize each of us in turn, in order for us, respectively, at the proper time to ask unanimous consent for the present consideration of each of these measures. Relying upon that agreement in perfect good faith I interposed no objection.

On yesterday, the 27th instant, the Speaker would have recognized me, and in the absence from the Chamber of the gentleman from Louisiana [Mr. DAVEY] this bill unquestionably would have passed the House and gone to the Senate for immediate action; but owing to objections interposed by the gentleman from Tennessee [Mr. MOON] to the present consideration of several measures the regular order was called, I failed to obtain recognition, and the matter went over until to-day.

I have acted in perfect good faith; and the objection now raised by the gentleman from Louisiana puts me to an unjust disadvantage. I submit I merit better treatment at his hands, and in the light of this candid statement I sincerely hope he will withdraw his objection, particularly as we are now in the closing hours of the present session, rendering it more than probable that the Senate would not have time to consider this bill if it passes the House; and therefore his customary courtesy and kindness to me, under the circumstances, would not likely be of any disadvantage to him, while it would relieve me from much embarrassment and take me out of the shadow of false position.

The fifth circuit as at present constituted is an immense territory—a vast domain—and it is not just or fair to litigants and their attorneys to compel them all to go to New Orleans to attend the court of appeals there, and not elsewhere. Montgomery is in the center of Alabama and the capital of the State. Nine different lines of railway concenter there. We have in our supreme court perhaps the finest law library in the South, in easy access to the Federal court room and judges.

This Congress voted an appropriation of $75,000 to enlarge the Government building to meet the exigencies of the public business. Not a single good or sufficient reason can be assigned by mortal man why this bill should not become a law. It is in accord with the genius of our institutions, with the spirit of our Constitution, which declares in substance that justice shall be administered without barter, sale, delay, or denial.

There is no conflict in the dates when these courts shall sit. These several courts thus sought to be authorized to be held were intended to accommodate the legal business of these three States, respectively; that is to say, the court to be held at Montgomery should only have jurisdiction to try causes arising in Alabama, the court to be held at Atlanta should only have jurisdiction to try causes arising in Georgia, while the court to be held at Fort Worth should only have jurisdiction to try causes arising in Texas.

The gentleman from New York [Mr. ALEXANDER], from the Committee on the Judiciary, submitted the following unanimous report, which accompanied this bill, and as it fully and clearly explains its purpose and beneficial operation, I will read the same:

The Committee on the Judiciary, to whom was referred the bill (H. R. 14839) providing that the circuit court of appeals of the fifth judicial circuit of the United States shall hold at least one term of said court annually in the city of Montgomery, in the State of Alabama, on the first Monday in September in each year, have considered the same and report it back with the recommendation that it do pass as amended.

The bill provides that business arising in the State of Alabama shall be disposed of at a session of the court to be held at least once a year in Montgomery, Ala., instead of at the distant city of New Orleans. The theoretical advantage of the change thus made seems clearly apparent, and its practical advantage will no doubt be shown by experience.

The amendments recommended are as follows:

Amend by adding to section 2 the following:

"*Provided*, That nothing herein contained shall prevent the court from hearing appeals or writs of error wherever the said court shall sit, in cases of injunctions and in all other cases which under the statutes and the rules, or in the opinion of the court, are entitled to be brought to a speedy hearing."

This amendment was deemed necessary so as to prevent any delays and similar embarrassments that might arise from a strict construction of the language of the original bill as to the time of hearing issues in said court.

Also amend by adding the following:

SEC. 5. That the clerk of said court is authorized and permitted to pay, out of the fees and emoluments of his office, first, the expenses incurred by him in transporting from his office in New Orleans, La., to Montgomery, Ala., and in transporting from Montgomery, Ala., to New Orleans, La., the records, books, papers, files, dockets, and supplies necessary for the use of the court at its terms to be held in Montgomery, Ala.; second, an allowance for actual expenses, not exceeding $10 per day, to cover travel and subsistence for each day he may be required to be present at Montgomery, Ala., on business connected with said office, such expenses and allowance to be approved and allowed by the senior judge of the fifth judicial circuit.

This amendment fixes no orignal liability on the United States, but simply charges the expenses mentioned against the fees and emoluments of the office of clerk.

Now, I have laid my heart bare before the gentleman, and under the circumstances I beg him to withdraw his objection and let the bill be now considered. I only ask him to do unto me as he would like me to do unto him if our positions were reversed.

Mr. DAVEY of Louisiana. Mr. Speaker, had I been present yesterday, or had my colleague, General MEYER, of Louisiana, been present on the floor of the House, we would have objected to the consideration of the bill giving a similar privilege to Atlanta. Neither of us was present, and the bill went through. I went to the gentleman this morning and told him that I would be compelled, at the request of the Bar Association of New Orleans, to object to the consideration of this bill. I do so with regret, and at their request.

The SPEAKER. Objection is made.

CHANGE OF REFERENCE.

At the request of Mr. WILLIAMS of Mississippi, by unanimous consent, reference of the bill (S. 6232) for the relief of I. I. Barber was changed from the Committee on Private Land Claims to the Committee on Public Lands.

LEAVE TO PRINT.

By unanimous consent, Mr. THOMPSON was granted leave to print in the RECORD remarks on the bill (H. R. 14920) to establish a Soldiers' Home in Alabama.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, bills of the Senate of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 6298. An act to amend section 2743 of the Revised Statutes of the United States, concerning the examination of drugs—to the Committee on Ways and Means.

S. 4546. An act to provide certain souvenir medals for the benefit of the Washington Monument Association, of Alexandria, Va.—to the Committee on the Library.

ENROLLED BILLS PRESENTED TO THE PRESIDENT.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States, for his approval, the following bills:

H. R. 3519. An act granting an increase of pension to John Marble;

H. R. 14182. An act granting an increase of pension to Susan B. Lynch;

H. R. 13598. An act granting a pension to John J. Southerland;

H. R. 9187. An act granting an increase of pension to Caroline A. Hammond;

H. R. 10856. An act granting a pension to Jacob Findley;

H. R. 12056. An act granting an increase of pension to Warren C. Plummer;

H. R. 14247. An act to authorize the Charleston, Suburban and Summerville Railway Company to construct and maintain two bridges across Ashley River, in the State of South Carolina;

H. R. 6005. An act granting a pension to James A. Chalfant;

H. R. 2978. An act for the relief of Joseph H. Penny, John W. Penny, Thomas Penny, and Harvey Penny, surviving partners of Penny & Sons;

H. R. 10964. An act granting an increase of pension to Francis M. Beebe;

H. R. 9308. An act granting an increase of pension to Edwin P. Johnson;

H. R. 8327. An act to amend an act entitled "An act for the protection of the lives of miners in the Territories;

H. R. 12097. An act to amend the internal-revenue laws in regard to storekeepers and gaugers;

H. R. 11019. An act directing the Secretary of the Treasury to bestow medals upon First Lieut. David H. Jarvis, Second Lieut. Ellsworth P. Bertholf, and Samuel J. Call, surgeon, all of the Revenue-Cutter Service;

H. R. 13123. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes;

H. J. Res. 103. A joint resolution relative to the disposition of patent specifications and drawings in the western district of Pennsylvania;

H. R. 3110. An act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans;

H. R. 6570. An act to amend the act of May 12, 1900, authorizing the Commissioner of Internal Revenue to redeem or make allowance for internal-revenue stamps:

H. R. 2641. An act for the relief of Albion M. Christie;

H. R. 12804. An act making appropriations for the support of the Army for the fiscal year ending June 30, 1903; and

H. J. Res. 6. A joint resolution in relation to monument to prison-ship martyrs at Fort Greene, Brooklyn, N. Y.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. RUMPLE for ten days, on account of important business.

ORDER OF BUSINESS.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent that when the House meet on Monday next it meet at 11 o'clock instead of 12.

The SPEAKER. The gentleman from New York asks unanimous consent that when the House meet on Monday next it meet at 11 o'clock. Is there objection?

There was no objection.

Then, on motion of Mr. PAYNE (at 6 o'clock and 44 minutes), the House adjourned till Sunday, June 29, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting an answer to a resolution of the House relating to claim of St. Charles College, in Missouri—to the Committee on War Claims, and ordered to be printed.

A letter from the Doorkeeper of the House, transmitting an inventory of all furniture, etc., under his charge on this date—to the Committee on Accounts, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MINOR, from the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments, submitted a report (No. 2724); which said report was referred to the House Calendar.

Mr. SMITH of Arizona, from the Committee on the Territories, to which was referred the bill of the House (H. R. 13846) authorizing the county of Maricopa, Territory of Arizona, to issue bonds for the construction of reservoirs and dams for water storage, and for other purposes, reported the same with amendments, accompanied by a report (No. 2727); which said bill and report were referred to the House Calendar.

Mr. PEARRE, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 14899) to amend an act entitled "An act to incorporate The National Florence Crittenton Mission," reported the same with amendment, accompanied by a report (No. 2729); which said bill and report were referred to the House Calendar.

Mr. WARNER, from the Committee on Revision of the Laws, to which was referred the bill of the House (H. R. 15330) to provide for the organization of private corporations in the district of Alaska, reported the same without amendment, accompanied by a report (No. 2731); which said bill and report were referred to the House Calendar.

Mr. FOSTER of Vermont, from the Committee on Foreign Affairs, to which was referred the joint resolution of the House (H. J. Res. 8) tendering the thanks of Congress to Rear-Admiral Louis Kempff, United States Navy, for meritorious conduct at Taku, China, reported the same without amendment, accompanied by a report (No. 2732); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MEYER of Louisiana, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 10738) for the relief of Commander Augustus G. Kellogg, retired, United States Navy, reported the same with amendment, accompanied by a report (No. 2725); which said bill and report were referred to the Private Calendar.

Mr. TAYLER of Ohio, from the Committee on Naval Affairs, to which was referred the joint resolution of the Senate (S. R. 123) for the relief of Naval Cadet William Victor Tomb, United States Navy, reported the same without amendment, accompanied by a report (No. 2726); which said bill and report were referred to the Private Calendar.

Mr. CAPRON, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 1471) for the relief of Henry G. Rogers, reported the same without amendment, accompanied by a report (No. 2728); which said bill and report were referred to the Private Calendar.

Mr. SNODGRASS, from the Committee on Military Affairs,

to which was referred the bill of the House (H. R. 13660) for the relief of Jackson Pryor, reported the same without amendment, accompanied by a report (No. 2730); which said bill and report were referred to the Private Calendar.

Mr. LACEY, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 6232) for the relief of J. J. Barber, reported the same without amendment, accompanied by a report (No. 2733); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Private Land Claims was discharged from the consideration of the bill (S. 6232) for the relief of I. I. Barber, and the same was referred to the Committee on the Public Lands.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. FOSS: A bill (H. R. 15303) to establish the Melville Engineering Laboratory—to the Committee Naval Affairs.

By Mr. ROBINSON of Indiana: A bill (H. R. 15304) to prohibit the coming into and to regulate the residence within the United States, its Territories, and all territory under its jurisdiction, and the District of Columbia, of Japanese and persons of Japanese descent—to the Committee on Foreign Affairs.

By Mr. WARNER, from the Committee on Revision of the Laws: A bill (H. R. 15330) to provide for the organization of private corporations in the district of Alaska—to the House Calendar.

By Mr. CURTIS: A resolution (H. Res. 322) for the consideration of S. 5956—to the Committee on Rules.

By Mr. BELL: A resolution (H. Res. 325) calling on the Secretary of War for information relative to the management of Government gardens and disposition of products—to the Committee on Military Affairs.

By Mr. DICK: A resolution (H. Res. 326) for the consideration of H. R. 11654—to the Committee on Rules.

By Mr. MEYER of Louisiana: A resolution of the general assembly of the State of Louisiana, favoring the early completion of the locks at Plaquemine, Iberville Parish, and Ouachita River, Louisiana—to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BATES: A bill (H. R. 15305) granting a pension to Henry H. Tryon—to the Committee on Invalid Pensions.

By Mr. BRICK: A bill (H. R. 15306) granting a pension to William B. Jenkins—to the Committee on Invalid Pensions.

By Mr. DAVEY of Louisiana: A bill (H. R. 15307) for the relief of the heirs of Henri de St. Roman—to the Committee on War Claims.

Also, a bill (H. R. 15308) for the relief of Emil L. Soulié—to the Committee on War Claims.

Also, a bill (H. R. 15309) for the relief of Marie Gondolfo—to the Committee on War Claims.

By Mr. EVANS: A bill (H. R. 15310) for the relief of Harriet Kyler—to the Committee on War Claims.

Also, a bill (H. R. 15311) for the relief of Andrew Shoenfelt for supplies furnished United States troops during the war of the rebellion—to the Committee on War Claims.

By Mr. FEELY: A bill (H. R. 15312) granting an increase of pension to John Oester—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15313) granting an increase of pension to John T. Vance—to the Committee on Invalid Pensions.

By Mr. FOSS: A bill (H. R. 15314) for the relief of Russell B. Merriam—to the Committee on Claims.

By Mr. GIBSON: A bill (H. R. 15315) granting a pension to Mary Robbins—to the Committee on Invalid Pensions.

By Mr. MOODY of Oregon: A bill (H. R. 15316) to authorize the Secretary of the Interior to indemnify the holders of preemption and homestead certificates and certificates of entry and patents upon lands in Oregon within the so-called The Dalles military road grant on account of failure of title, and to procure a relinquishment of the paramount title to the United States—to the Committee on the Public Lands.

By Mr. MORGAN: A bill (H. R. 15317) granting an increase of pension to Minerva A. Bing—to the Committee on Invalid Pensions.

By Mr. SHACKLEFORD: A bill (H. R. 15318) granting an increase of pension to Robert D. Davis—to the Committee on Invalid Pensions.

By Mr. SOUTHARD: A bill (H. R. 15319) granting a pension to Martha Moore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15320) granting a pension to Eliza Phillips—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15321) granting an increase of pension to Edward Blanchard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15322) granting an increase of pension to William L. Coats—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15323) granting an increase of pension to Cynthia R. Baker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15324) granting an increase of pension to William J. Burditt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15325) granting an increase of pension to John Pangratz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15326) granting an increase of pension to William H. Thurston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15327) granting an increase of pension to Charles Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15328) granting an increase of pension to Charlotte E. Lee—to the Committee on Invalid Pensions.

By Mr. ZENOR: A bill (H. R. 15329) granting an increase of pension to Elizabeth Rosenbarger—to the Committee on Invalid Pensions.

By Mr. BARTLETT: A resolution (H. Res. 323) to pay Ralf Dent for services as page—to the Committee on Accounts.

By Mr. LASSITER: A resolution (H. Res. 324) referring House bills Nos. 996, 1006, 9119, 9121, and 9122 to the Court of Claims—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER: Resolution of the Israelite Alliance of America, of New York City, relating to the discrimination against the Jews by the Russian Government—to the Committee on Foreign Affairs.

By Mr. ALLEN of Kentucky: Petition of R. M. Field and others in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. BEIDLER: Resolution of the Israelite Alliance of America, New York City, in relation to the attitude of the Russian Government toward American citizens attempting to enter its territory—to the Committee on Foreign Affairs.

By Mr. BOWERSOCK: Resolution of the Israelite Alliance of America in relation to the attitude of the Russian Government toward American citizens attempting to enter its territory—to the Committee on Foreign Affairs.

By Mr. BRICK: Petition of P. M. Shore and 3 others, of Rochester, Ind., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. EVANS: Papers to accompany House bill 13851, granting an increase of pension to Samuel Smith—to the Committee on Invalid Pensions.

Also, papers to accompany bill for the relief of Harriet Kyler—to the Committee on War Claims.

By Mr. FOSS: Papers to accompany bill for the relief of Russell B. Merriam—to the Committee on Claims.

By Mr. GOLDFOGLE: Resolutions of the Israelite Alliance of America in relation to the attitude of the Russian Government toward American citizens attempting to enter its territory—to the Committee on Foreign Affairs.

By Mr. GIBSON: Papers of John C. Julian, of Knox County, Tenn., in relation to war claim—to the Committee on War Claims.

Also, paper to accompany House bill granting a pension to Mary Robbins—to the Committee on Invalid Pensions.

By Mr. GREENE of Massachusetts: Protest of the Second Corps of Cadets of the Massachusetts Volunteer Militia, of Salem, Mass., against the passage of House bill 11654—to the Committee on the Militia.

By Mr. GRIFFITH: Petition of druggists of Columbus, Ind., in favor of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. HEMENWAY: Petition of Louis Tepe and other druggists, of Evansville, Ind., favoring House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. IRWIN: Paper to accompany House bill 15169, granting an increase of pension to John Gordon—to the Committee on Invalid Pensions.

Also, paper to accompany House bill 15168, granting a pension to William M. Heaton—to the Committee on Invalid Pensions.

Also, paper to accompany House bill 15171, granting a pension to Joseph B. Slaughter—to the Committee on Invalid Pensions.

Also, paper to accompany House bill 15170, granting a pension to Timothy Owsley—to the Committee on Invalid Pensions.

By Mr. JACK: Petition of W. I. Moore and E. E. Wineman, of

Homer City, Pa., in favor of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. KEHOE: Petition of Howard Jett and 3 other retail druggists of Cynthiana, Ky., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. KERN: Petition of merchants of New Athens, Ill., protesting against the proposed post-check law—to the Committee on the Post-Office and Post-Roads.

By Mr. KITCHIN: Petitions of W. S. Allen and others, of Reidsville, and J. C. Simmons and others, of Graham, and Ewbanks Drug Company, of Chapel Hill, N. C., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. LONG: Papers to accompany House bill 15230, granting a pension to Elizabeth A. Blanchard—to the Committee on Invalid Pensions.

By Mr. McCALL: Petition of citizens assembled in Faneuil Hall, Boston, Mass., June 26, 1902, praying that Apolinario Mabini, Emilio Aguinaldo, and other like representative Filipinos be permitted to come to the United States to submit their views and give information to the American Government within hearing of the American people—to the Committee on Insular Affairs.

Also, petition of retail druggists of Medford and Somerville, Mass., in favor of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. MIERS of Indiana: Petitions of B. B. Grubb, of Oaktown; John D. Bell and other druggists, of Harrodsburg; R. E. Eveleigh and others, of Bloomfield, Ind., for reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. PALMER: Petition of Polish Political Club of Nanticoke, Pa., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

By Mr. ROBINSON of Indiana: Petitions of T. J. Forrey, of Wawaka; H. M. Phillips and Mintzer, Weaver & Co., of Ashley; R. C. Cameron and J. D. Black, of Fremont, and A. R. Otis and three other druggists of Kendallville, Ind., in favor of the Joy bill the reduction of tax on alcohol—to the Committee on Ways and Means.

By Mr. RYAN: Resolutions of Broadway Business Men's Association, North Jefferson Business Men's Association, and Cold Springs Business Men's Association, all of Buffalo, N. Y., favoring a bill to authorize the Mather Power Company to construct experimental span in Niagara River at Buffalo, N. Y.—to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: Resolution of Israelite Alliance of America, asking relief from Russian hostile action against the Jews—to the Committee on Foreign Affairs.

By Mr. THOMAS of North Carolina: Papers to accompany House bill No. 13843, granting an increase of pension to O. D. Heald—to the Committee on Invalid Pensions.

By Mr. ZENOR: Petition of J. A. Graham, M. H. Dougherty, B. Doolittle, and 7 other druggists of Jeffersonville, Ind., favoring the enactment of House bill 178, reducing the tax on alcohol—to the Committee on Ways and Means.

Also, papers to accompany House bill No. 3007, for the relief of Richard F. Fuller—to the Committee on Military Affairs.

HOUSE OF REPRESENTATIVES.

SUNDAY, *June 29, 1902.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. HENRY N. COUDEN, D. D., offered the following prayer:

Almighty God, our Heavenly Father, we lift up our hearts in gratitude to Thee for a deep, tender, sympathetic nature, which enables us not only to enter into the joys and sorrows of our fellows, but enables us to appreciate all that is truly noble and great in them, and we bless Thee for the beautiful custom which prevails in the American Congress which, at the death of a member, brings them together in a memorial service that they may tenderly and feelingly express their sense of loss and pronounce fitting eulogies and encomiums on his life and character.

We are here to-day, O Lord, feeling keenly the loss of two members of this House, who for their ability, strength of character, manly bearing, and distinguished services have left vacant chairs which can not be easily filled, and we truly mourn their loss. We bless Thee for the excellency of their lives, for their distinguished and efficient services to their country, for the worthy example they have left behind them as statesmen and patriots. And we thank Thee that their colleagues and associates will hold up to the world their characters in the light of truth as examples worthy of study and emulation. And we bless Thee that this day has been selected, since it is really the Lord's day—the day of the week on which the immortality of the soul was demonstrated and confirmed, which assures us that death is not an extinction of being, but an epoch—an event—in the grand eternal march of existence. Let Thy blessing be upon this service, and fit us all by the discipline of the now that we may enter upon the then fully prepared for whatever awaits us.

Comfort, we beseech Thee, the bereaved families with the blessed assurance of a never-ending reunion, where the angel of death never enters, where joy and peace eternal shall reign supreme, and glory and honor and praise be Thine through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

EULOGIES ON THE LATE REPRESENTATIVE CUMMINGS.

Mr. McCLELLAN. Mr. Speaker, I offer the resolutions which I send to the Clerk's desk.

The SPEAKER. The gentleman from New York offers the following resolutions, which will be read by the Clerk.

The Clerk read as follows:

Resolved, That the business of the House be now suspended in order that an opportunity may be given for tributes to the memory of Hon. AMOS J. CUMMINGS, late a member of the House of Representatives from the State of New York.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a distinguished public servant, the House, at the conclusion of the memorial proceedings of this day, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk be, and he is hereby, instructed to send a copy of these resolutions to the family of the deceased.

The resolutions were agreed to.

Mr. McCLELLAN. Mr. Speaker, I submit the following request for unanimous consent.

The SPEAKER. The gentleman from New York asks unanimous consent for the present consideration of a resolution which the Clerk will now read to the House.

The Clerk read as follows:

Mr. McCLELLAN asks unanimous consent—

That all members be permitted to print remarks upon the life, character, and services of the late AMOS J. CUMMINGS;

That the report of the funeral services held in memory of the late AMOS J. CUMMINGS on the floor of the House May 4, 1902, be printed in the same volume with the report of these proceedings; and

That he be permitted to print as a part of his remarks the report of the memorial exercises held at Carnegie Music Hall, New York, on June 22, 1902, under the auspices of Typographical Union No. 6.

The SPEAKER. Is there objection?

There was no objection.

The resolutions were agreed to.

Mr. McCLELLAN. Mr. Speaker, the life of AMOS J. CUMMINGS was one of such intense interest, of such ceaseless activity and varied experience, his character was so many-sided, that in speaking of his life work one is almost overwhelmed by the wealth of material from which to choose. Printer and newspaper man, editor and man of letters, soldier of fortune and soldier for the Union, politician in the best sense of the word, and Representative in Congress for many years, there was scarcely a phase of human life and human sympathy with which he was unfamiliar. Always ready to sound the praises of others, always ready to recognize merit and worth in political enemies, CUMMINGS was one of the most modest men where he himself was concerned. A delightful companion, an inimitable story-teller, he used to describe the experiences of his life from the point of view of an onlooker, as though he himself had had no share in the stirring deeds in which he had taken part.

A filibuster under Walker in his last expedition to Nicaragua, CUMMINGS began a life of adventure at an age when most boys are still at school. On the outbreak of the civil war he enlisted in the Twenty-sixth New Jersey Volunteer Infantry, and came out as sergeant-major of the regiment. He fought at Antietam, Chancellorsville, and Fredericksburg. For his gallantry at Salem Heights, May 4, 1863, he received the Congressional medal of honor. He was justly proud of the knot of ribbon he wore in his buttonhole—the bit of ribbon of such small money value and of such immeasurable worth. The regiment was ordered to support a battery in resisting a Confederate charge. Such was the desperate gallantry of the Confederates that CUMMINGS's regiment broke and began to retire, leaving the battery in the hands of the enemy. Seizing the colors from the hands of the color-sergeant, who had been mortally wounded, CUMMINGS turned and, under a galling fire, ran back to the captured guns. The regiment halted, rallied around him, and the guns were recovered.

CUMMINGS became a compositor on the New York Tribune, and helped to save the Tribune office from the mob during the draft riots in 1863. Later on he became editor of the Weekly Tribune, and afterwards joined the staff of the New York Sun, subsequently becoming its managing editor.

In 1886 he was elected to the House of Representatives in the Fiftieth Congress. He declined a renomination on becoming

managing editor of the New York Evening Sun, but was reelected to the Fifty-first Congress to fill the vacancy caused by the death of the Hon. S. S. Cox. He was reelected to the Fifty-second and Fifty-third Congresses, and defeated for the Fifty-fourth, but elected in another district to fill the vacancy caused by the death of the Hon. A. J. Campbell. He was reelected to the Fifty-fifth, Fifty-sixth, and Fifty-seventh Congresses. He thus had a continuous service of nearly fifteen years. His record was a convincing proof of the wisdom of keeping good men in Congress. The longer he stayed, the greater became his influence and the greater his usefulness to the people of New York and to the country.

His best work was performed as chairman of the Committee on Naval Affairs and when in opposition as head of the minority of that committee. He was recognized not only here, but everywhere, as one of the greatest authorities on naval matters. As a member of the Committee on Library his ability as a literary man showed itself in some of his reports on public monuments, which are classics. But his membership on the Committee on Labor was always nearest to his heart. It is probable that he was prouder of what he was able to accomplish in his fifteen years of service in the cause of organized labor than he was of any of the many useful acts in his useful life. Always a member of Typographical Union No. 6, the interests of organized labor were his especial care and pleasure. In his death labor lost one of its best and wisest friends.

He was an unassuming man, of simple, gentle nature, with a marvelous capacity for making friends and for retaining them. A profound lover of nature and her beauties, he had a profound trust in and love of mankind. The world is richer because he lived, and poorer because he died.

Mr. FOSS. Mr. Speaker, much has been said in tribute to the memory of the man we mourn to-day, but not too much, for AMOS J. CUMMINGS was not made in the ordinary mold. He was a marked man of his generation and his time. He thought much, he wrote much, he labored much, and therefore unto him much honor is due.

I first met AMOS J. CUMMINGS when I came to this House as a member of the Fifty-fourth Congress. My associations extended from that time until the day of his death, but I came to know him well in connection with his work on the Naval Committee. He was at one time chairman of that committee, and ever had the interests of the naval service thoroughly at heart. He was always regularly at the meetings, even to the last few weeks before his death when it caused him a great deal of effort and pain to be present. No one was better posted on naval affairs than he. He had made it his peculiar study during his Congressional career and was familiar with every branch of the great subject.

His sympathy was particularly with the enlisted men of the Navy—the under dogs, so to speak, of the Navy—the men who make possible the victories of our great commanders. These are the men whose condition he sought to better, because he believed that the strength of the personnel of the Navy lay in the contentment and training of the enlisted men, and to his splendid work is due in no small degree the preparedness of the Navy in our last war, and while it is proper that we should give credit to the officers and men who actually engaged in that conflict that added Manila and Santiago to the pages in our naval history, yet it must be said that much is due also to AMOS J. CUMMINGS, who, long before the war came, saw the necessity of building up our strong arm upon the sea, of appropriating money for the building of ships, so that when the war should come we would be ready to meet the foe.

In my associations with AMOS J. CUMMINGS I found him always to be a broad and generous man. He differed from his colleagues on many important questions, upon which any man might have reasonable differences, and strove for what he believed to be right, yet he never took advantage of his opponent. He fought out in the open, and he fought with a determination which even those who differed from him were wont to respect and admire. It is said that all the world loves a fighter, and no manlier fighter ever lived than AMOS J. CUMMINGS.

Mr. CUMMINGS was a good partisan, but a better American. He realized that there should be no partisanship in the Navy any more than there should be in the Army. He appreciated that magnificent sentiment of Webster that "At the water's edge all politics should cease." It was the same spirit which he manifested on the floor of the House when he said, "May I be paralyzed when I vote against a proposition for the comfort and shelter of American soldiers." That same sentiment actuated him in all the great and small questions which he was called upon to consider in connection with the maintenance and building up of the American Navy. He ever stood the strong supporter of the Army and the Navy, the defenders of our country upon land and sea.

There were many beautiful traits in this man's character. Not only was he patriotic and broad minded and courageous, as exemplified in a long and distinguished public career, but there were so often displayed in his daily life those little touches of human character which indicate the strong and mighty purpose of the man. He was a great lover of nature, and it is doubtful whether any man ever becomes great who does not love nature. He often used to hie himself to a small camp on the banks of the Susquehanna River, where during a portion of the summer months he spent his time fishing. He loved the running waters, the shapely trees, and delighted in calling and coaxing the birds and squirrels to him. His letters from Florida upon the trees and beauties of nature are well worth reading. His knowledge of botany and of floriculture was remarkable. He was truly nature's child.

He seemed to understand nature in all its various manifestations, and no one has ever read his letters, where he spoke each week to more people than any member of Congress, but what they were struck with the breadth of his knowledge. He seemed to commune with the fish of the sea and the fowls of the air and the animals that walk upon the earth.

If I had time I could give many instances of this, how at one time he set at liberty a whole box of unfortunate tadpoles which had been left high and dry by the tide, and how every day for months he fed the squirrels in Capitol Park, and would often go to market to buy nuts for the little fellows, who became so tame that they ate from his hands. He had a canary in his room which he would always take to his meals with him and while eating would converse with the bird.

I could relate a very touching incident of his life which exemplified the real self of the man in rescuing from a burning building a poor burned dog, which he carefully nursed and tenderly cared for, and which ever afterwards became his constant companion in his home. He was a friend of everything that crept and chirped and barked and sang and grew and toiled and spun in nature's garden. He exemplified in his life the teachings of Holy Writ—he that giveth most receiveth most. He was, indeed, nature's child and in love with her, and loving much he was most beloved.

Another splendid trait about this man was that his sympathies went out constantly to his fellows around him, those who were struggling up life's highway, to the unfortunate and the downtrodden and the depressed. He knew what life's struggle was. He had climbed from the lowliest round and he never spurned the way by which he climbed. He was the outspoken champion of labor. His great aim in life was to better labor's condition.

Another thing about this man was that he was never too big to be known as "AMOS." In fact, it pleased him to be called by his Christian name. Every child in the block in which he lived called him "AMOS," not in disrespect, but in the fullness of affection for the man. And so to-day we mourn this man of broad sympathies, of large capacities, and great abilities, who had been successful in many avenues of life, one of the best journalists—a disciple of Greeley and of Dana—a true and loyal soldier, a broad statesman, a captivating public speaker; but we who knew him so well mourn him most of all as our friend and colleague, with all the wealth of meaning which those terms imply.

He was a great lover of books. He roamed over the fields of literature gathering unto him sentiments and ideas as he roamed over the hills and valleys and dales. The last thing which this lover of books read preparatory to taking his journey to the neighboring city for the operation which resulted in his death was this extract from a book by Sir Jonah Barrington, entitled "The Recollections of his Own Times," and I read it now, as it seems appropriate to the hour and occasion:

> But another quality of inestimable value I possess, thank heaven, in a degree which, at my time of life, if not supernatural, is not very far from it, a memory of the greatest and most wide-ranging powers. Its retrospect is astonishing to myself, and has wonderfully increased since my necessary application to a single science has been dispensed with. The recollection of one early incident of our lives never fails to introduce another, and the marked occurrences of my life from childhood to the wrong side of a grand climacteric are at this moment fresh in my memory in all their natural tints as at the instant of their occurrence.

CUMMINGS.

Happy, cheerful, loyal man,
Built upon the God-like plan,
Always doing something good
For his human brotherhood;
Memory, with her magic spell,
O'er the years shall fondly tell
How his glorious, active mind
Loved and wrought for all mankind.

JOHN A. JOYCE.

WASHINGTON, D. C., *May, 1902.*

Mr. CANNON. Mr. Speaker, in the hurry and pressure of legislative life I have not had time to prepare remarks touching our late colleague. And yet this morning, in this Hall, with the House in session where I have so often met the late Representative, who was my friend, I feel that I want to say a word about

his services and his character. I think, perhaps, he would have had a word of sympathy for my friends if the circumstances had been reversed. More than that, my heart prompts me to give a word of sympathy to his family and friends.

The life in this House is a strenuous life. The contests are sharp and decisive. The House has to assist, and in the main originate, legislation that makes for the good or otherwise of 80,000,000 people. Sometimes we laugh about it.

Sometimes we say that Representatives have easy times—that anybody can be a Representative; as he can if he is chosen by a constituency. Easy berth! But gentlemen know, I think the country knows, and I know, that AMOS J. CUMMINGS realized the fact that it takes all of the industry, all of the culture, all of the devotion of an honest man and a patriot to perform the duties of a Representative properly in this House. He came in 1887, if I recollect aright, in the Fiftieth Congress, and served continuously to the end. God gave him manly courage. He was intellectually honest. A great many people can be honest—that they will not steal, accept bribes or give bribes—that is grand and splendid when temptation comes. But in his whole make-up he was honest and manly as well as courageous. In my service with him I never heard a word uttered by him or witnessed an action that made me say that he was striking or desired to strike below the belt. He would give good hard knocks, but there was no treachery in his make-up. His communications were yea, yea, and nay, nay. And I am glad to say, after some length of service in this House, that that is the rule and not the exception.

He was here; he is absent. The Master said on one occasion, "Let the dead bury the dead." If I understand what that means, it is that when the life is gone—born, living, dying, less than forty years upon the average—it is that there is no time for the past except as we may benefit by it in walking in the present and prophesying as to the future. Nothing short of infinite power can call him back. That infinite power never has been exercised from the beginning, and never will be. The human animal moves under fixed law, as all matter is under fixed law.

This man, a moving and ambitious man, achieved his place—printer, journalist, soldier, statesman, and all comprehended in the word "man." A hundred years from now, yes, fifty years from now as men pass back in the lobby and see the portraits of ex-Speakers and point out one after another and say, "Where did he come from?" as we do of some of the portraits now; in fifty years, and no man can mention the names of members of this Congress. Then some one may say, "Why do we strive to perform our duty?" Because we are part and parcel of the sovereign force of a free people. We believe in our race. The product of those races of people that have evoluted, worked out their own salvation, each generation achieving an advance and the next generation holding that advance and going a day's march farther on.

I think Mr. CUMMINGS, from conversations with him, but more particularly from his actions, realized what I have spoken of. He had pride that he belonged to that race, and made his contribution to the general good, and was content, as I think we all are, after having thus contributed, to depart in peace, feeling while we will be swallowed up by the great majority and our individuality be forgotten, yet we have contributed our respective mites to the advancement and achievements of that race to which we belong.

But what of the other side of the river? Revelation and faith tell us that we will not cease to exist. We enjoy the universal desire that is to be found in each human unit from the beginning of the race to the present time for the life beyond this life. The universal protest against extinction is the strongest kind of evidence that our respective individualities are not to be wiped out. And without repeating the words or recollecting the poet, but somewhere in my reading, here or there, I recollect some poem, I think entitled "Night," and the central thought, beautifully expressed, was that as the sun disappears behind the horizon the stars and the glories of the heavens appear; and we all have the faith that with death the individuality remains and the glories of space appear; and all hope and believe that somewhere in the great beyond, under universal law, as it has been from the beginning, we will each one continue to achieve the place in the infinite existence that we are entitled to occupy.

I trust when I shall cross the dark river that I may arrive at that place in space or condition where I will meet such men as AMOS J. CUMMINGS and men with whom I served who crossed the river—Samuel J. Randall, William D. Kelley, Benjamin Butterworth, S. S. Cox, and many others that I could name—and in such condition I shall be glad and content.

Mr. SULZER. Mr. Speaker, the recent sad and untimely death, in the city of Baltimore, of our lamented colleague, AMOS J. CUMMINGS, was a grievous blow to his sorrowing and bereaved family, a terrible affliction to his innumerable friends in every walk of life throughout the entire land, and an irreparable loss to the country which he loved so well and for so many years served so faithfully.

For a long time, sir, I knew Mr. CUMMINGS intimately and personally, and I loved him with an affectionate regard like unto that of a brother. We had for years been warm friends socially and politically, and his unfortunate death affected me with an inexpressible and poignant grief. Sometimes I can hardly realize that dear old AMOS, as we loved to call him, is with us no more; that he is gone—forever. But the sadness of his taking off teaches us that life, after all, is fleeting and transitory, and that one by one we pass away and beyond—over to the great majority—to that undiscovered country from whose bourne no traveler returns. Life here at most is but a day—from dawn to darkness. Let us, then, on this solemn occasion resolve so to live that when the inevitable summons shall come we will be prepared and answer, "Ready."

So live that when thy summons comes to join
The innumerable caravan which moves
To that mysterious realm where each shall take
His chamber in the silent halls of death
Thou go not, like the quarry-slave at night,
Scourged to his dungeon, but, sustained and soothed
By an unfaltering trust, approach thy grave
Like one that wraps the drapery of his couch
About him and lies down to pleasant dreams.

Mr. Speaker, AMOS J. CUMMINGS was a man of brain and brawn—a true type of ideal American manhood. He was no ordinary man, he had no counterpart, he was sui generis. He had a genial nature, a companionable disposition, a sunshiny manner, a happy faculty of making others happy, and withal a lovable character. he was a child of our free institutions, eminently a self-made man, and the true architect of his own career. He was the friend of the rank and file, a sincere believer in the principles of Thomas Jefferson, and a Democrat in its broadest and most liberal sense. He loved the Union, gloried in the greatness of the flag, and was the eloquent friend of the soldier. He was a typesetter, a writer of ability, a man of parts, a true poet, and a lover of nature. He was a soldier, a pioneer, and a statesman, generous to a fault—a kindly, loyal, noble-hearted man upon whose like we shall not look again. His name was a household word in our land and, beyond doubt, he was one of the best-known men in our country.

He knew men and he was familiar with books. He was an industrious student, an untiring worker. He had, in the highest sense, journalistic talent, a quick sense of humor, a searching insight into truth, and a zest for news. He had a graphic style, an imaginative mind, and indefatigable energy. He saw things in their true light and his comprehensive mind grasped them and pictured them in a way that was as felicitous as it was original. In his death the press of the country lost a shining light and literature an ornament. If he had remained exclusively in the newspaper field, he would have stood at the head of the profession and long ago have been the editor of a great metropolitan daily, with all its honors and emoluments. But he liked public life and wanted to help his fellow-man. His record in Congress is familiar to us all, and it is an honest, noble, patriotic record that all his friends can now and ever hereafter point to with pride. It will be his most lasting monument, more enduring than marble or brass. But he will live, too, in the memory of his friends, of those who really knew him, of those who loved him, of the thousands whom he helped and benefited while living, of those he cared for, of the people whose servant he was, of humanity which he loved and for which he struggled all his life to raise to a higher plane and push forward a step in the onward march of civilization. These will not forget him; they will keep his memory green in thankful hearts and fond recollections forever and a day.

When gratitude o'erflows the swelling heart
And breathes in free and uncorrupted praise
For benefits received, propitious heaven
Takes such acknowledgment as fragrant incense
And doubles all its blessings.

Mr. CUMMINGS was one of the most delightful companions I ever knew, a raconteur, a genial friend, and an accomplished conversationalist. He was a man of infinite jest, and his spontaneous wit bubbled over. He could talk as entertainingly as he could write interestingly; but his heart was always with the poor and afflicted. He never failed to aid them and to comfort them. He knew the good old rule that one can only be happy by making others happy. He followed this rule. He believed in it. He did good for the sake of doing good. He helped thousands, sympathized with the oppressed, urged the toiler onward, stood for the higher civilization, and worked incessantly to make the world better and greater and grander. Col. John A. Joyce, of this city, wrote these beautiful and poetical lines about Mr. CUMMINGS when he died:

Happy, cheerful, loyal man,
Built upon the God-like plan;
Always doing something good
For his human brotherhood.
Memory, with her magic spell,
O'er the years shall fondly tell
How his glorious, active mind
Loved and wrought for all mankind.

It is indeed a beautiful stanza, a genuine tribute, sums up the life and work of Mr. CUMMINGS, and the words—grand words—should be inscribed on his tombstone and committed to memory by every friend he had. They are true of AMOS. He liked Colonel Joyce and Colonel Joyce liked him. They were boon companions for many years. They frequently met here in Washington, talked over the poets, and sang the old songs that will never die. No one in this city will miss him more than dear old Colonel Joyce, unless it be William R. Smith, of the Botanical Gardens, who would say of AMOS what Bobby Burns said of Highland Mary:

But oh! fell death's untimely frost,
That nipt my flower sae early.

Mr. Speaker, AMOS J. CUMMINGS was born May 15, 1841, in Conkling, N. Y. Both his father and his grandfather were clergymen. His father was editor of the Christian Palladium and the Christian Messenger, and at 12 AMOS became an apprentice in the composing room. After gaining some experience, he left home and earned his own living as a compositor in Western and Southern cities. He often said he had set type in every State in the Union, and he never surrendered his membership ticket in Typographical Union No. 6. He remained a member of that famous type-setting union until his death.

While in Mobile in 1857 he joined the Walker expedition to take Nicaragua, which wound up in capture by the United States sloop of war *St. Mary*, now the school-ship of that name.

Upon his release he came to New York and entered the composing room of the Tribune. At the beginning of the war he enlisted in the Twenty-sixth New Jersey Volunteer Regiment. He became its sergeant-major, and for gallantry at Fredericksburg and Chancellorsville he received a medal of honor and the thanks of Congress. He returned from the war in time to help defend the Tribune office when it was mobbed during the draft riots in 1863.

Horace Greeley's attention was attracted to him by his returning to the composing room early one morning and putting in type a story of a fire without a line of "copy." Mr. Greeley placed him in charge of the Weekly Tribune in 1864, and subsequently he held nearly every editorial position on the daily edition. In 1869 he became managing editor of the Sun.

His health failing in 1872, he left New York to travel, and his correspondence over the signature of "Ziska," attracted world-wide attention. In 1876 he took charge of the New York Evening Express. He was twice president of the New York Press Club. He was elected to Congress by the Democrats in 1886. The following year he helped start the Evening Sun and became its editor. He declined a renomination to Congress in 1888, but in 1889 he was elected to fill the vacancy caused by the death of "Sunset" Cox, and, with a brief intermission following his defeat by Col. Richard G. Shannon, in 1894, he served continuously in Congress since 1889, representing New York districts. He was a delegate to the Democratic national conventions in 1892 and 1896.

Perhaps the most romantic period of the life of Mr. CUMMINGS relates to the time when he joined Walker in the last invasion of Nicaragua. It has not been settled in the minds of historians whether Walker was a freebooter or a patriot, but he lived a wild life, and it ended in a swift death. He had a motley, nondescript army, made up of adventurers from many countries and of all ages. CUMMINGS was then 17 years old, but had stood up against printers' cases for half a dozen years, and seen life in all parts of the United States. He often said he went with Walker because he imagined Walker was a new Napoleon, and that he (CUMMINGS) might rise to be one of his marshals. CUMMINGS, however, used to laughingly say that he never rose higher than the rank of high private.

Gen. William Walker is almost forgotten by the people of this generation, but forty-five years ago he was a conspicuous figure in the affairs of Central America and a live factor in the politics of the United States. As a filibuster Walker occupies a place in history as distinctly as any of the famous buccaneers of the last century. Walker was a young man, only 29, when he formed his scheme of conquest, and only 36 when he last saw the sun gleam along the gun barrels of his executioners.

In 1853, with a handful of men, he took possession of lower California, but was dislodged. He landed in Nicaragua with 56 men, half of whom were shot in the first battle for conquest. But he joined forces with a victorious native general, and was made commander in chief of the Nicaraguan army. Walker shot right and left, and proclaimed himself president of Nicaragua. Several times he was captured, but always released. At last—September 12, 1860—he was tried by court-martial and shot.

Mr. CUMMINGS had for comrades on the Walker expedition Englishmen fresh from Sebastopol, Hungarians who had bled under Kossuth, red-shirted Italians who had ridden behind Garibaldi, and Indians who were descended from Toltecs and Aztecs. Mr. CUMMINGS frequently chanted, to the delight of his friends, the song of the filibusters, as follows:

How would you like a soldier's life
On the plains of Nicara-goo?
Marching away and fighting all day,
Nothing to eat and as much to pay;
We do it all for glory, they say,
On the plains of Nicara-goo.
Not a bit of breakfast did I see,
And a dinner was all the same to me;
Two fried oats and three fried rats
Was a supper at Nicara-goo.
Marching away and fighting all day,
Nothing to eat and as much to pay;
We do it all for glory, they say,
On the plains of Nicara-goo.

To tell the story of Mr. CUMMINGS's life, so romantic and exciting in his youth, so full of interest during all his years, so active at all times, so crowded with telling work, stirring events, and crowned with so many successes and so many enduring achievements—to tell this story, I say, would fill a large book and then be incomplete.

Some day his biography will be written—written by a clever pen and with a loving heart. He was always aggressive and progressive, untiring, and enterprising. He met Napoleon's test—he did things. He had convictions and he adhered to them tenaciously. He had a mind of his own—no one owned him. He was as loyal to his principles as he was steadfast in his friendships. He had moral courage—he knew the right and he dared to do it. He never faltered in a just fight. He had the rectitude of the rocks, the consistency of the tide. His gallant nature and chivalric spirit was enlisted at all times—

For the cause that lacks assistance,
For the wrongs that need resistance,
For the future in the distance,
And the good that we can do."

Mr. Speaker, AMOS J. CUMMINGS died at the zenith of his greatness, in the sere and yellow leaf, in the floodtide of his fame, in the late autumn of his active and exciting life, crowned by the glory of his many accomplishments, loved by all who knew him and by thousands and thousands who only knew of him. He had fought the good fight, he had kept the faith, he had run his course, he has gone to his eternal home and will be with us here again no more; but his memory lives and will ever abide with us and live so long as gratitude is the fairest flower that sheds its perfume in the human heart.

On Fame's eternal camping-ground
His silent tent is spread,
And Glory guards with solemn round
The grandeur of its dead.

Tenderly and lovingly we carried him to his final resting place amid the green, the beautiful, and everlasting hills of New Jersey. There he sleeps under a magnificent mausoleum in the dreamy garden of the dead, perfumed with roses red and white, fragrant with wild flowers, and odoriferous with the breath of apple blossoms, this true American, this friend of mankind, this man who carved his own way in life from 12 to 61—this history maker and historian, this writer, orator, soldier, and statesman—he sleeps, and all his friends here and everywhere with one acclaim proclaim—AMOS, hail and farewell!

Mr. MCCALL. The House honors itself in pausing to-day to pay tribute to the memory of one who had for so long a time been among its most conspicuous and successful members. AMOS J. CUMMINGS was trained in a hard and exacting school—a school which, while it may mercilessly crush out the weak, will kindle and animate the strength of the strong. The early and constant coping with difficulties imparted a keen edge and temper to his fine faculties and made them vigilant, dexterous, and yet more powerful. He owed much also to the special culture he received in his chosen work of journalism. With his noble endowments nobly employed, he became the master of a striking style of speaking, a style full of epigram, of wit, of argumentative force, and of manly strength. There was little literary deadwood or rubbish in his speeches.

They were not loaded with fine words nor with artificial periods; but with an unerring instinct for the vital point, he struck, and struck hard, at the substance of the controversy. The form of his speech was simple, direct, and almost faultless in its taste. During my term of service here I saw few of our members who I thought were so inspiring and forceful in running debate as he was when at his best. He was a strong party man, yet he put country above party, and more than once have we seen him swing his formidable battle-ax against his own party when he believed it to be in the wrong.

His allegiance was first and always to the splendid institutions of his country and to those just and equal principles which hold out hope and opportunity to the millions of poor American boys of the future, as they had held out hope and opportunity to him. He was the constant friend of those who earn their bread in the

sweat of the brow, and his profound sympathy was with the producer rather than with the manipulator of the nation's wealth. When he departed from our midst his profession lost a brilliant member, his constituents a courageous, faithful, and a devoted Representative, and his country a strong, a loyal, and a patriotic son.

Mr. MEYER of Louisiana. Mr. Speaker, the death of the Hon. AMOS J. CUMMINGS was to me a shock and a surprise. He seemed so full of active life and natural vigor that I could not conceive the idea of his passing away from us, as it were, in the twinkling of an eye. His sudden death is an admonition to us all how frail is our tenure of life and how uncertain is the number of our days upon earth.

I had known him for many years—since the memorable meeting of the Fifty-second Congress and amidst the exciting incidents of that period. He entered upon the Naval Committee at the same time that I did, but was senior to me by reason of previous Congressional service, and soon rose to rank as senior Democrat upon the committee. In the Fifty-third Congress he became its chairman. He took the liveliest interest in all the work of the committee, both in the committee room and on the floor of the House. Together with our other colleagues, I derived great advantage from his labors and his intelligence and zeal. We might differ at times upon some minor detail, but our general views were in accord. Both of us labored as strongly as we could for the increase of the Navy, in a degree proportioned to the wants and strength and glory of a great country. His services upon this floor in that regard are within the memory of us all and will not be soon forgotten.

Mr. CUMMINGS's career was a varied one. He was a soldier, a journalist, and a politician, and in all these different functions, so widely variant, he bore well his part. I do not propose to speak of his life in detail, because that has been done by abler tongues than mine. But passing over any notice of his military career, we find him entering upon the work of journalism under Horace Greeley and Charles A. Dana. To win the approbation of two such men, who were unquestionably among the ablest and most accomplished journalists of this country, was no common test of merit, and yet Mr. CUMMINGS had the confidence and respect of both. I am not familiar with all the details of his journalistic career, but it is a matter of notoriety that his articles, his communications to the press, possessed the highest literary value.

Probably no better journalistic work was ever done than that which he rendered in his department in the New York Sun. His descriptive letters were something that could not be surpassed. At a later period, and when he became a member of this House, he did not entirely relinquish his journalistic work, but performed a very large amount of it in addition to his legislative duties. Now, it is a very rare thing for a successful journalist to make a successful politician and man of affairs. Many men succeed in the one rôle who are not able to succeed in the other. Mr. CUMMINGS had already greatly distinguished himself as a newspaper man. He not only showed great capacity as a member of the Committee on Naval Affairs and his general treatment of public questions, but he showed remarkable power as a debater on this floor. If not a graceful, he was a very strong and impressive speaker. He could seize the strong points of a question and present them with great force from his own point of view. He was one of the most forceful and effective speakers on the floor in regard to the work of his committee.

The most striking feature, however, of Mr. CUMMINGS's late career was his wonderful grasp of the business of the House and of the influences which go to shape legislation. Probably no man ever came to the Congress who seized more intuitively upon the mode in which its business was conducted and was better able to exhibit it in his articles for the press. A foreigner or student anxious to understand the House of Representatives, its conduct, administration, and methods of business as it is now conducted, could not do better than to read Mr. CUMMINGS's letters and articles upon that subject. Many of those articles were largely devoted to personal notices of the gentlemen who served in the House as his contemporaries. His treatment of these gentlemen in his articles was always kind; while critical and discriminate, they were unusually generous. It would be hard to find anyone who has dealt more generously with his associates of both parties on the floor than Mr. CUMMINGS. I do not suppose that he left on this floor a personal enemy behind him. Certainly there is not one of us who in this hour does not mourn his untimely end.

Mr. CLARK. Mr. Speaker, Gen. James A. Garfield uttered a great truth when he said "There is no place on earth where a man will more certainly or more speedily reach his true level than in the House of Representatives."

It may be confidently asserted that a mean man can not climb high here. He must possess genuine merit, unquailing courage, lofty patriotism, spotless honor, and generous heart to win the esteem of his fellows.

Most of us are partisans, but it is my honest opinion that all of us are patriots according to our lights. Sometimes the light is dim and flickering, but we do the best we can.

We fight each other vigorously—sometimes bitterly and in an unseemly manner—not because any member is against the country, but because of the truth enunciated in the old saying, "Many men of many minds," and because we take different views as to what is best for the country, for it is absolutely true that he serves his party best who serves his country best.

To the honor of human nature be it said that members of this House are jealous of their reputation and earnestly strive to preserve their honor bright as the spear of Achilles or the plowshare of Cincinnatus.

Rarely indeed does it happen that our contests here engender permanent personal animosities. Men who fight each other the most fiercely frequently come to be the best of friends. None escape without scars, but few, few suffer from festering wounds.

The big aisle of the House which separates us politically does not, thank God, constitute the line of demarcation in personal friendships.

We are ranked as mere politicians now, but, reading the future by the past, we have the abiding consolation of knowing that some of the politicians of this generation will be accounted statesmen by succeeding generations. Most of us are headed for oblivion, some for earthly immortality; but whithersoever we are tending, one thing all of us, great and small, can do, and that is to bravely, industriously, and resolutely discharge our duty as God gives it to us to see our duty.

To AMOS J. CUMMINGS this House paid the unusual tribute of a public funeral in the Hall of the House of Representatives, and the rare honor was well bestowed. He was one of the most useful and most popular men that ever sat within these historic walls.

None knew him but to love him;
None named him but to praise.

Wherefore? Because he loved everybody. He spoke evil of no one. With his friendly pen he made the fortunes of many public men. He was a most felicitous writer, and he delighted to write of their excellencies, which he magnified even as a lover magnifies the charms of his sweetheart.

"Remember me at my best" is the pathetic request which Charles Dickens, of blessed memory, puts into the mouth of James Steerforth when bidding farewell to David Copperfield. AMOS CUMMINGS always painted his friends at their best, and he did it with a master hand. He was thoroughly imbued with the spirit of St. Paul's rhapsody on charity, in the thirteenth chapter of First Corinthians, "Though I speak with the tongues of men and of angels and have not charity, I am become as sounding brass or a tinkling cymbal." If there was any virtue or grace or ability in a man, he sought it out and exploited it to the utmost. A dullard he pitied; a rascal he loathed; a pretender he despised. He was an explorer after human talents, and sometimes made discoveries of intellectual riches of which their possessors even had never dreamed. To new members he was a helpful friend, philosopher, and guide.

He was brave as a lion, gentle as a woman, plain as an old shoe, honest as the day is long, tireless as the force of gravitation, energetic as a steam engine, faithful to his conceptions of duty as the needle to the pole. He stood unabashed in the presence of Presidents and of princes. He was easily accessible to the humble, the needy, and the distressed.

His funeral services in New York were attended by statesmen, lawyers, soldiers, editors, and men of high degree; but the lowly were there in thousands with tears in their eyes and sorrow in their hearts for their dead champion, who never failed them in any emergency. In the very best sense he was "the friend of the people;" and the people—the plain people, as Lincoln loved to call them—repaid that friendship in Scripture measure, heaped up, pressed down, and running over.

The most convincing proof of his popularity is that he was spoken of, thought of, and addressed as "AMOS" from the Atlantic to the Pacific and from the Great Lakes to the Gulf of Mexico. Only on exceptional and state occasions was he talked of or written about or addressed as "Mr. CUMMINGS" or "Hon. AMOS J. CUMMINGS." He was always "AMOS" to his friends—and his friends constituted newspaper-reading America—and "AMOS" he will remain to us who loved him and mourn him until we are summoned to the presence of our Maker.

A worker all his days, he enjoyed this glorious world with the hearty zest of a boy, and the world enjoyed him. It is a more delectable place for human habitation because he lived in it. He was broad gauged in both politics and religion. A Republican House voted him a public funeral, although he was a Democrat,

and a distinguished Catholic prelate participated in his funeral services, although he was a Protestant.

Some men are created to be honored; some are created to be loved; a few are created to be both loved and honored. To that small but goodly company AMOS J. CUMMINGS unquestionably belonged.

He did not confine his love to the human family, but it embraced all "animated nature," to borrow Oliver Goldsmith's phrase. He loved the lower animals; he loved the birds; he loved the flowers. One of his keenest delights was to throw off the cares of statesmanship, lay down his facile pen, and while away a few hours with his bosom crony, Hon. William R. Smith, Superintendent of the National Botanic Gardens, in luxuriating amid the flowers and shrubbery which Shenstone would have admired, and in discussing "sweet Robbie Burns," the tenderest poet that ever sang. There was no sincerer mourner at the bier of AMOS CUMMINGS than his faithful and intimate friend, Superintendent Smith.

What a wonderful and varied career this lovable man had! Son of a Presbyterian preacher, he was the child of the manse. While a mere boy he served under Walker in Nicaragua. Congress voted him a gold medal for heroic conduct on the awful field of Fredericksburg. He boasted that he had set type in every State in the Union. He became the editor of a great paper. He was the intimate friend of Horace Greeley and Charles A. Dana. He died one of the most popular men in public life, mourned by a mighty nation. "He went about doing good," and little children cried in the streets when they heard that he was dead.

The consuming passion of this man's soul was a noble love of country. He fought for her in his young manhood and periled his life that the Republic might live. In his mature years he gave her the full measure of his devotion as a legislator. He died, as no doubt he wished to die, in the service, with the harness on his back. Typesetter, filibuster, soldier, editor, statesman—in all his vocations and avocations he followed the Scriptural injunction, "Whatsoever thy hand findeth to do, do it with thy might."

No truer friend, no nobler man, no intenser patriot ever lived or died.

One can not think of AMOS CUMMINGS without recalling Leigh Hunt's famous poem:

Abou Ben Adhem (may his tribe increase!)
Awoke one night from a deep dream of peace
And saw, within the moonlight in his room,
Making it rich and like a lily in bloom,
An angel writing in a book of gold.
Exceeding peace had made Ben Adhem bold,
And to the presence in the room he said,
"What writest thou?" The vision rais'd its head,
And with a look made all of sweet accord
Answer'd, "The names of those who love the Lord."
"And is mine one?" said Abou. "Nay, not so,"
Replied the angel. Abou spoke more low,
But cheerily still, and said: "I pray thee, then,
Write me as one who loves his fellow-men."
The angel wrote and vanish'd. The next night
It came again with a great awakening light
And show'd the names whom love of God had bless'd.
And lo! Ben Adhem's name led all the rest.

Mr. DAYTON. Mr. Speaker, the simplest words convey the truest tribute. We knew AMOS J. CUMMINGS, and, having known him, we loved him in life and cherish his memory now that he has gone hence.

If any shall ask why this is so, we have many reasons to give. Above all, because "he was true to himself, and it therefore follows, as night the day, that he was not untrue to any man."

He sought never to sail under false colors, never to "assume an unwonted dignity," never to be greater than he was, never, on the other hand, "in mean humility" to be less. He had executed, to a degree, at least, the old Greek philosopher's command, "Know thyself," and thereby had acquired the touchstone of human wisdom.

He did naught to extenuate his faults, nor did he magnify his virtues. Wherever he was—at his printer's case, in the tented field, in this House, or in the presence of royalty—he was always AMOS J. CUMMINGS.

He envied no man his rank, his honors, his station in life; he trusted himself to hew out his own. He denied to no man the exercise of his judgment and the right to express his own opinion; he suffered no man to prevent him from exercising his own judgment and expressing his own opinion. Then, too, Mr. Speaker, he thought broadly, deeply, kindly of the problems of human life.

In the mad rush for wealth he did not join, because I am persuaded he early in life realized that there was more in human heart than human gold. He never sought the rôle of reformer, because he perceived that the world's standard of morality was not made nor could it be changed in a day. Yet he was tender and true, and in perfect accord with great humanity's longing for a broader, freer, nobler, and more generous life. They tell us touching stories now that he has gone of his goodly deeds of charity, but, verily, "he did not his alms before men to be seen of them, and, behold, all things are clean unto him."

He was not alone generous in material things, he was generous in mind and soul. He loathed injustice, and stood the ready champion of the lowliest victim of oppression and wrong.

Coming from the great middle class, the bone and sinew of our race, he never lost touch with its environment, and thus it is that so many of the army of toilers stood by him, trusted him, loved him.

In labor's lodge, in soldier's post, in this House, he was brother and comrade.

Again, he was fair. Strong in his convictions, earnest in his zeal, plain and outspoken, partisan at times, he was always just, and no man would more quickly admit his error. Surely no one can charge him with ever indulging impotent opposition, with "darkening counsel by words without knowledge," so much indulged in this weary world. He never talked here for the mere sake of hearing himself talk, but when occasion demanded plain words he never shrank from uttering them.

Of his long record of service to his country as journalist, soldier, citizen, statesman, others here can and will speak with eloquence I can not command.

Mine is a simple tribute to the memory, to the personal character, to the worth of one with whom I walked side by side for seven years in the discharge of like public duty, involving hard, exacting toil, the extent of which is little understood, but in which he neither flinched nor failed. One with whom I often disagreed yet never doubted; with whom I spent long hours in both work and recreation and never found either dull or disagreeable; one, in short, who, as the years went by, made stronger and stronger claim to full entrance into the very limited circle of friends that one will find true in life and who he can "grapple with links of steel."

It is the destiny of life, Mr. Speaker, that in its mad rush from time to eternity we meet, we greet, we dismiss each other like—

Ships that pass in the night
And hail each other in passing.

We come, we go. We indulge the hopes, the desires, the loves, the ambitions of life, and we suffer its passions, its mortifications, and its defeats.

At last we die, and those remaining neither pause, nor, in most cases, either know or care to know of our departure.

Think in this batter'd caravanserai
Whose portals are alternate night and day,
How Sultán after Sultán with his pomp
Abode his destin'd hour, and went his way.

The worldly hope men set their hearts upon
Turns ashes—or it prospers; and anon,
Like snow upon the desert's dusty face,
Lighting a little hour or two—was gone.

And those who husbanded the golden grain,
And those who flung it to the winds like rain,
Alike to no such aureate earth are turn'd
As buried once, men want dug up again.

It is the irony of fate, the destiny of life, yet some few there are so near to us that we would not have them go; gone, would call them back; whose departure we do not forget. We still "miss the touch of the vanished hand, and the sound of the voice that is still."

To some of us AMOS J. CUMMINGS was of this number. There is an impenetrable mist that now shuts his face from us. We see him no longer in these Halls. We miss him from the old familiar seat on the middle aisle; he comes no longer to the committee room.

He faced death's cloud veil unflinching, calm, and brave, and stepped through it to the beyond. May we not hope that after we, too, have penetrated that veil, that somewhere in the halls of eternity, somewhere in God's committee rooms, we shall meet him face to face, hear the old familiar greeting, and strike glad hands with him again?

Mr. GOLDFOGLE. Mr. Speaker. on this sad occasion, when the chosen representatives of a great people and a mighty nation are assembled in this historic Chamber to fitly honor the memory and appropriately pronounce their eulogies on the life and character of the distinguished dead, I deem it a privilege to pay my humble tribute of profound respect to the memory of our late colleague AMOS J. CUMMINGS. It was my pleasure to have known him for many years, and the mournful news of his "untimely taking off" came to me with feelings of deepest sorrow, for in his departure I lost a true and valued friend.

The grief that followed the announcement of his death was not the sad possession of his colleagues, his many friends, and devoted constituency alone, it was felt by the people in general of the metropolis he so worthily represented in Congress for many

years—the city of New York. Nay, more, when the news of his death was flashed over the wires and heralded through the columns of the press, the entire country felt and recognized the great loss it had sustained, and in many of the cities and towns throughout the land there was universal mourning. Few public men were more widely or better known throughout the Republic than AMOS J. CUMMINGS. None were more highly esteemed. He had traveled extensively and spoken on public questions in every section of this country.

Few men had a larger circle of personal friends than he. He was universally beloved, because he was essentially a man of the people, not in the sense alone in which that phrase is used to indicate the elected representative of a community, but in the broad sense of indicating that his acts were directed toward the welfare of the state, the happiness of his fellow-creature, the betterment of the conditions of his fellow-man. His voice was potentially uplifted and his masterly pen he wielded with so much power was employed in the cause of human liberty and equality. At all times and in all places he stood for the rights of the masses of the people against the classes who sought special privileges for the few at the expense of the many. He never hesitated to espouse the cause of the weak and oppressed when they needed protection against the strong and the unjust. Ever remembering his early struggles in life, he generously assisted those who needed and deserved the helping hand, and kept in close touch with the men whose labor and industry contribute to the upbuilding of the Republic.

He was a sincere champion of organized labor, and, looking at the labor problem from an economic standpoint, believed, as did one of our great statesmen of former days: "Taxation reaches down to the base; but the base is labor, and labor pays all." There was but one nobility he respected and recognized—the nobility of labor and of character. His heart was touched at the story of every woe, and beat with the best impulses of a pure and noble nature. No wonder, then, that our dear friend AMOS, as we familiarly called him, became enshrined in the affections of the people.

His career furnishes the most beautiful and touching lesson to the youth of America. The history of his life exemplifies in the strongest degree that in this God-blessed "land of opportunity" however lowly or humble one's origin may be he may rise to the highest rank and attain the most exalted station. But it can only be by honest industry, earnest study, and patient toil.

> The heights by great men reached and kept
> Were not attained by sudden flight;
> But they, while their companions slept,
> Were toiling upward in the night.

Mr. CUMMINGS's life was both eventful and interesting. His education was mainly self-acquired. He had the mind of a genius. He had marvelous capacity for learning and power of absorption of all he read. Few men excelled him in the extent and variety of his reading, and he acquired through his industrious study a knowledge of the classics. His was another case which furnishes justification for the remark of Wendel Philips, "The best education in the world is that got by struggling to get a living."

At the early age of 12 years, after leaving school, young CUMMINGS entered a printing office as an apprentice. Hardly had he learned his trade when, filled with love of martial adventure, he joined the Walker filibustering expedition to Nicaragua, and returning from that entered the service of the Army in defense of the Union. In this, as in all other fields of activity, he became distinguished. He was a brave and gallant soldier. A heart burning with intense patriotism led him to the field, and devotion to the cause of the Republic founded on the eternal and immutable principles of right and justice led him on to deeds of bravery and heroism. He became sergeant-major in the Twenty-sixth New Jersey Regiment of Infantry, in the Second Division, Sixth Corps of the Army of the Potomac, and his bravery gained for him the Congressional medal of honor for gallantry on the battlefield.

He followed up the occupation of compositor in the composing room until he secured editorial positions on the New York Tribune, the New York Sun, and New York Express. No man but one whose merits deserved it and whose learning was broad and deep could fill such a position on these great and splendidly edited newspapers.

AMOS J. CUMMINGS had acquired this learning—nature had gifted him with great mentality. His literary tastes and accomplishments fitted him for the editor's chair, and he became the editor of that great and enterprising newspaper, the Evening Sun. He was a journalist of high order, and his fame in the line of literary work became widespread through the United States. I remember the series of most interesting letters Mr. CUMMINGS wrote for the Sun descriptive of his travels through the South, attracting the attention of readers everywhere.

Without knowing the life history of this man one could hardly believe, as he read the articles and literary productions of this noted and brilliant journalist, filled with wisdom and scintillating with wit, that the writer had not received his education in some of the colleges or universities of the land. Indeed, our friend AMOS J. CUMMINGS was one of the intellectual giants of modern journalism.

Fully equipped by nature, by training, and by education to enter upon the higher duties of public life, he was chosen a member of the Fiftieth Congress and elected seven times a member of this House. Here over fourteen years he served the country with honor, credit, and marked distinction. He was fully versed in the science of politics—the politics which in the higher sense means the shaping of governmental policies and by wise and sagacious legislation planning for the future destiny and the perpetuation and maintenance of our free and glorious American institutions. He was a statesman, with an eye solely and singly for the public weal.

A thorough believer in the doctrines taught by Thomas Jefferson, a consistent believer in the necessity to preserve simplicity in our institutions, an earnest advocate for the broadest and greatest amount of personal liberty for the citizen consistent with public safety, an opponent of burdensome and unnecessary taxation of the people, a foe of combinations of men and corporate interests who seek through evasion of law and improper control of public franchises and by special privileges to monopolize commerce, "the calm health of nations," and crush out the average trader and middleman, a believer that our liberties can be best preserved, our citizens' rights best conserved, and our sovereign prerogatives best maintained by a firm adherence to the letter and spirit of our Constitution and an observance of the restrictions and limitations it imposes—AMOS J. CUMMINGS was a consistent and loyal adherent of his party.

Of his public services in this House during the many years he graced this Chamber by his presence I shall not speak in detail. Those of my seniors in service in this House have eloquently spoken of them and covered that chapter of Mr. CUMMINGS's Congressional career. He was painstaking in his work, brilliant and logical in debate, broad and liberal in his views, strong of opinion and conviction, but always genial and courteous to his colleagues. His death leaves a void which can not well be filled. His long public career was one of great usefulness to the people and the nation, for he was a strong arm in the power of the State.

He so lived his life that he had few, if any, enemies. Perhaps it is too much to say that he never had any, for that is not the happy lot of any public man.

> With fame, in just proportion, envy grows,
> The man that makes a character, makes foes.

But they were not personal ones. They could not be. The very nature, the very make-up of AMOS J. CUMMINGS precluded that. His amiable disposition, his affability, his gentleness, his modesty, and generous impulses were gifts of nature which neither art could create nor training bestow.

He had a rare fund of humor, and as a delightful story-teller he was unrivaled and unexcelled. His great desire was to make his friends and companions happy, and the good nature he carried into every walk of life made his company sought in every circle. Ever engaged in "sowing seeds of kindness" he discovered in life how true it is, as Basil says:

> A good deed is never lost; he who sows courtesy, reaps friendship, and he who plants kindness gathers love; pleasure bestowed upon a grateful mind was never sterile, but generally begets reward.

When at last the severe labors of his life had taxed his energies to the utmost and the icy hand of Death touched "its shining mark," there was indeed gloom within this Chamber, and the city from which he hailed mourned as it seldom mourns the loss of any public man. A great man had fallen—his death was the nation's loss.

It was an inspiring and affecting sight, which moved the stoutest heart to tears, to observe at the funeral of our friend CUMMINGS the hundreds and hundreds of letter carriers clad in their suits of gray, their faces betokening unfeigned sorrow, their eyes bedimmed with tears, passing in solemn procession around the bier of one who had faithfully espoused their cause in the National Legislature. With a pathos of feeling that beggars description they were paying their debt of gratitude to their departed friend. And oh, how those associates of CUMMINGS, the members of Typographical Union No. 6—that great organization of typesetters he loved so well, whose card of membership he carried to the last hour of his life—mingled their tears and breathed their sighs with those of other mourners.

It was this union to which AMOS J. CUMMINGS was so attached who honored the memory of their comrade—the man who to them was an inspiration and a light—as they never before honored one of their departed. It was the tribute of grateful, loving hearts, and as we saw the thousands of old and young, men, women,

and children sadly passing around the coffin taking their last yet lingering look at their departed friend, there can be no doubt that—

> The drying up of a single tear has more of honest fame
> Than shedding seas of gore.

His death again conveys the too oft forgotten lesson of the uncertainty of life. How inscrutible is the problem of death! It comes sudden and unawares, respecting no time nor person. It holds no time so sacred or precious, no mortal so great or powerful, that it does not make its grim approach.

> Leaves have their time to fall,
> And flowers to wither at the north wind's breath,
> And stars to set—but all,
> Thou hast all seasons for thine own, O Death.

Who can divine how suddenly he may be called away by "that stern reaper, who gathereth all in whenever in his wisdom he may appoint." Exhaustive mental labor may long overstrain and at last unexpectedly break the cords of life. But if we live, as did AMOS J. CUMMINGS, an upright and an honest life, filled with good and kindly deeds; if when the remorseless messenger summons us to the great white throne on high, we are prepared to say—"His will be done, not ours." We may add those beautiful words of the poet:

> Life! we've been long together,
> Through pleasant and through cloudy weather;
> 'Tis hard to part when friends are dear;
> Perhaps 'twill cost a sigh, a tear;
> Then steal away, give little warning:
> Choose thine own time;
> Say not "Good night;" but in some brighter clime
> Bid me "Good morning."

Mr. LESSLER. Mr. Speaker, it was my privilege—and after what we have listened to to-day it can well be imagined I am proud of it—to have Mr. CUMMINGS as one of my constituents; and it not having been my good fortune to know him in all these phases in which he has been depicted here to-day, I wish to strike a little note in regard to my first meeting with him.

During the campaign in my district last December, while this House was not in session, Mr. CUMMINGS came to lecture in that district. He gave one of his witty lectures, this one, strangely, on the House of Representatives, to one of the clubs of young men there. I was presented to him. It almost touched me to observe how carefully he avoided any reference to the political contest which we were then engaged in; how kindly he was in his encouragement, without the slightest allusion of the political aspect. It was to me a rare treat to feel that a man could be so tactful, so amiable about such a thing to one who was on the opposite side in the political fight.

And then some of you may remember his gracious act in this Hall on the 15th of January of this year, when I stood before the Speaker to take the oath of office and when Mr. CUMMINGS, with a Republican colleague, stepped to my side. Both these incidents impressed me as especially tactful and graceful. They were but illustrations, as I am told, of that grace and tact, of that loving nature, which made him so much beloved in this House.

In thinking over what should be said here to-day I have searched through the RECORD to see what particular thing might be found to which in this day of specialism Mr. CUMMINGS had particularly devoted himself; and I have found a most remarkable variety in the subjects he had touched on the floor of this House and always illumined—labor, pensions, the Army, the Navy, special interests of all kinds. He was always, it seemed to me from this testimony of the cold print, alive to everything that was going on here.

For instance, it seems that on the 3d of February, 1893, some member in debate had made a remark about the RECORD which did not suit Mr. CUMMINGS, because it appeared to him to do injustice. Keenly alive to the fact that men of his craft were night after night working on that RECORD, and knowing all about the work, he made a little speech in eulogy of the printer's craft and in vindication of the men who were toiling in that vocation. Even in this unpremeditated way Mr. CUMMINGS came at once to the rescue.

Viewing his character from an outside standpoint, I should say that courage was its predominant note. A reference has been made here to his medal of honor; but he had a civic courage, manifested as well in the city where we both lived as on the floor of this House.

In his great speech on Cuba, he said:

> Whenever the safety of the nation is at stake or any great purpose is to be accomplished by war, party lines should vanish and politics be suspended.

Those words are from his speech of April 28, 1898. And, by the way, it seems to me a pity that that speech on Cuba should not be rescued from the pages of the CONGRESSIONAL RECORD and published broadcast. It was prepared after a trip in Cuba; and it is an intense, vibrant life picture of the conditions as he saw them. It is animated by earnest feeling for humanity suffering under Spanish misrule. The whole speech shows his splendid insight, his knowledge of men and measures; it is perhaps the finest survey, within its limits and compass, of the recent history of the Spanish rule (or, better, misrule) antedating the war.

On the 22d of January, 1902, Mr. CUMMINGS said in the debate:

> If I fail to vote to protect the lives of American soldiers in the service of the American Republic, I hope I shall be paralyzed.

When Mr. CUMMINGS uttered those words I was thrilled through with the terrible import that he threw into them, and the great significance they had as they came at the close of that memorable day.

The next day, when explaining to the House under what circumstances that little speech had been made upon the spur of the moment, he remarked:

> I made the reply on the spur of the moment, and when I reflect on it I glory in it. I have seen the sad faces of the American mothers whose sons were the victims of these miasmatic fevers; I have seen their tears and heard their moans. I would be untrue to every drop of blood in my body if I refused to respond to such an appeal for the protection of soldiers in the service of the Republic. It was an appeal on behalf of American women, whose sons are still fighting the battles of the Republic in these islands. I would blacken the Revolutionary blood coursing in my veins if I stabbed these American mothers to the heart by refusing to vote for this appropriation for the shelter and protection of their sons.

Again, in the same speech, he said:

> Rather than change it, I would have it inscribed in letters of gold where it could be seen by every man in the country. There can be no politics in questions where the lives of American soldiers are at stake. I always have and always shall vote to protect the lives of the men who are fighting the battles of the Republic, whether they are baring their breasts to the bullets of the enemy or whether they are encamped in swamps, exposed to the more insidious and more deadly danger of fever and pestilence.

That language was an ebullition of patriotism—keen, high-minded, deep-souled patriotism. I am proud of the fact that the great city of New York, the Empire City, honored itself by sending here such a man, with such a record, with such sentiments and ready to speak them out, with such a work behind him—a man leaving such memories as have been spoken of here to-day.

If I were to write an epitaph on AMOS J. CUMMINGS, I would put it in the words of the old Greek philosopher and would place it in letters of gold upon the monument of our deceased colleague. Aristotle, in his Politics, says:

> There are three qualifications which ought to be possessed by a man who aspires to fill the high office of state. First, he must be well disposed and prepared to support the established constitution of the country; next, he ought to have a special aptitude for the office which he filled; and last, he should have the kind of virtue and love of justice which suits the particular state in which he lives.

May I not say it fitted the man—that it epitomized his career, and may we not feel proud indeed of such a life, and may we not hope it to be an inspiration to the young men of this country that on such a day like this, devoted to the speeches in memory of him, may be the proudest reward he has had, because that is all the reward we can give and fittingly all that a republic gives.

Mr. HOOKER. Mr. Speaker, laboring as I am under a very severe cold, it was not my purpose when I entered the Chamber to speak on this occasion. But as a member of this House when my friend AMOS J. CUMMINGS was first elected to the Congress of the United States, and as one of those who welcomed him when there were giants on this floor on that side of the House and on this, so that when he landed in this arena of debate fresh from the bosom of the people that he represented, succeeding one of the ablest men that ever spoke in this Hall for the great Empire State of New York, a brilliant orator, a splendid wit who often won admiration on both sides of this Chamber, Samuel S. Cox, I did not feel that I could be properly entirely silent. I felt that it was my duty as one of the oldest members of the House to pay my very humble tribute of praise to one who has been my friend from the time he first entered Congress until he finally passed away.

It was my pleasure to know him well and witness personally his long service in Congress, to hear him on all occasions, and to stand side by side with the members of this House on either side and listen to the words of wisdom which fell in earnest and patriotic utterances from his lips in behalf of those whom he served so long and well.

AMOS J. CUMMINGS was a very remarkable man. He was a man of strong convictions, of earnest and patriotic feeling. He was a man who never failed to speak his sentiments, whatever they might be, and occasionally he had the manly courage, when he thought duty demanded it and patriotism required it, to sever his connection with his colleagues on this side of the Chamber and to vote according to his convictions of what was right.

Mr. Speaker, in the last speech he made in this House, only a short time before his death, he stood just on the margin of the Democratic side of the Chamber, and gave utterance to the sentiment of protecting the soldiers on the other side of the globe; not that he would have placed them there, not that he would have sent them there, but as they were American soldiers, enlisted in the American Army, fighting under the American flag,

he would cast no vote against a proposition to send them all the aid and all the comforts that they needed.

He was emphatically a Democrat, devoted to the party and its principles and its interests, but he was a humane American citizen, and he could not bear the idea of casting his vote against the proposition to send aid to the American soldier, wherever he might be, struggling under the American flag and in the cause of American patriotism.

It has been said, Mr. Speaker, by that great poet of nature whose magic wand swept across the chords of the human hearts and awoke sentiments with reference to every emotion that that heart undergoes from the cradle to the grave—it was said by that great poet—

That the weariest worldly life that age, ache, penury, and imprisonment can lay on nature is a paradise to what we fear of death.

But to a brave man like AMOS J. CUMMINGS that sentiment did not apply. A brave man dies but once, a coward dies daily.

He was a brave man, and when I came to Washington last summer, about this time of year, I learned that my old friend was here; that he was lying in his chambers in this city, then a very ill man.

I went to him to express my sympathy, to express words of comfort to him as a sick man. It was then about the 1st of July, one year ago. I saw then the probability was that he would never again be a well man. I was on my way to the city that he represented with such ability and such power in this House as the delegate of one of its Congressional districts. I said to him "I fear you will not be able to go to New York on the Fourth of July." Said he, "Yes; I am going. When do you go?" I told him that I was going on the 3d of July, and so I did. He asked me what route I would travel. I told him. He then told me that going by that route I would land at the foot of Liberty street.

I did land at the foot of Liberty street late in the evening, about dusk, and to my profound astonishment I saw AMOS J. CUMMINGS, my old friend, on his crutches, with his doctor standing by his side. I said to him, with the familiarity of that friendship which had existed between us for so many years, "AMOS, why in the world did you come here to meet me?" He replied: "I came because I knew you were coming, and I wanted you to be met and escorted to your hotel. I came myself and I know it is done."

He put me in the carriage, and we drove to the hotel, where he had provided accommodations for me. The next morning when I awoke in the apartments provided for me at his instance—I did not know to what hotel I had been taken—I looked out, to my astonishment, upon a beautiful grove. I said to myself, "This is a singular sight in the heart of the great city of New York. Is it possible that I am dreaming, and am again back looking at the native forests of my own State of Mississippi?" When the servant came I ascertained that I had been taken to the Savoy Hotel, belonging in large part to my old friend Judge Dugrow, now one of the most distinguished members of the highest appellate court in the city of New York, and I was looking out on the great Central Park, of New York. On the next day I met Mr. CUMMINGS at Tamany Hall. I there heard his magnificent address, as I have heard many of his speeches here, and he spoke there with the same patriotic ardor I had been accustomed to hear him here.

Mr. Speaker, it was my pleasure to be his companion and friend here for many long years, and I mourn his loss in common with the people whose immediate representative he was. He was distinguished on this floor as the friend of all the members of the various Houses in which he participated as a member, without distinction of party, from the first Congress in which he appeared, the Fiftieth, down to the time of his death. He was emphatically a man of the people, living with the people, speaking for the people, representing the people. He was a just and true man in every sense. He was a patriot in the broadest and largest sense. He was a Democrat in the most enlarged and comprehensive meaning of that word. That he was a just and true man will be acknowledged by everybody who served here with him. Indeed he rose to the standard described by the great Latin poet when he was endeavoring to depict, in the closing days of the Roman Empire, the life and character of one of the greatest orators of the Roman Empire, and said of him that he was—

Justum et tenacem propositi virum,
Non civium ardor prava jubentium,
Non voltus instantis tyranni
Mente quatit solida.

There was no condition of life in which he was not equal to the emergency, because he was of the bravery of that Roman, so beautifully described by the ancient poet, and though I did not, Mr. Speaker, expect to say a word on this occasion, I have felt that, even though suffering as I do under a severe cold, it is my duty, as it is my pleasure, to pay my tribute to the honorable friend with whom I sat in this Chamber for so many years, and whom I learned to love as a brother.

How we shall all miss those weekly letters in the Washington Post, giving pen pictures of all the members of the House, from our Speaker to the last name on the roll, including members on both sides, and written in such a lofty spirit of justice and truth and kind-heartedness.

EULOGIES ON THE LATE REPRESENTATIVE OTEY.

Mr. JONES of Virginia. Mr. Speaker, I offer the following resolutions.

The Clerk read as follows:

Resolved, That as a mark of respect to the Hon. PETER J. OTEY, late a member of this House from the State of Virginia, and in pursuance of the order of the House heretofore made, the business of the House be now suspended to enable his associates to pay fitting tribute to his high character and distinguished services.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That as an additional mark of respect at the conclusion of these exercises the House do adjourn.

Resolved, That the Clerk be, and he is hereby, instructed to send a copy of these resolutions to the family of the deceased.

The SPEAKER pro tempore (Mr. MCCLELLAN). The question is on agreeing to the resolutions.

The resolutions were unanimously agreed to.

Mr. JONES of Virginia. Mr. Speaker, death is an unwelcome messenger, but none comes more surely, none comes with a summons more imperative. The messenger, though expected, generally arrives unexpectedly. To each of us he is destined to come, and none of us who have arrived at the years of understanding have any hope of escaping service of the final summons, which all must obey; but we are prone to delude ourselves into a semblance of belief that the stern messenger will not arrive for many days or years, even when every known signal of physical distress heralds his coming and beckons him to make haste.

Familiar as we are with death, and often as the summons which he bears comes to friend and foe all about us, we are startled and shocked as one after another of the children of our Heavenly Father goes hence, to return no more forever. Particularly is this true when the stricken one is bound to us by the strong ties of kinship or by the almost equally strong tie of friendship.

Thus it was that when the announcement of the death of Major OTEY came so unexpectedly I, with hundreds of other friends, felt the shock of a personal loss, and shared the grief which the sudden taking off of a dear friend ever brings. And now, on this day set apart for the paying of our tributes to the memory of the deceased, with mingled feelings of sorrow that he has gone from among us and pride that while here the ties of a warm friendship brought us close together, I would utter a few words concerning the good man who lately was our colleague upon this floor, and who now we fain would believe has his place in a higher sphere of service.

PETER JOHNSTON OTEY was born in Lynchburg, Va., December 22, 1840, and died there on Sunday, May 4, 1902. He came of a distinguished Virginia family on both the paternal and maternal sides. The father was John M. Otey; the maiden name of the mother was Lucy W. Norvell. His grandfather, John Otey, won distinction in the Revolutionary war, fighting for the rights and the liberty of the colonies.

Major OTEY was educated at the Virginia Military Institute, from which he was graduated July 1, 1860. To the profession of civil engineer he determined to devote himself, and at once upon graduation he obtained employment with the engineering corps upon the Virginia and Kentucky Railroad, under the direction of Claudius Crozet, a most distinguished and accomplished civil engineer. But the great war between the States soon began, and young OTEY entered the army, to battle in defense of the South, and particularly of his beloved Virginia. His education at a military institution second only to West Point had prepared him well for this titanic war, where American was to meet American in deadly conflict, and where the highest military qualities of the greatest people on earth were to be illustrated in scenes of awful grandeur.

Major OTEY enlisted in the Fifty-first Virginia Infantry, with which he served until promoted to major of the Thirtieth Virginia Battalion. In the summer and autumn of 1861 he saw active service in southeast Virginia, in the Kanawha Valley, where his commander was Gen. John B. Floyd, an uncle of his wife. He was at Fort Donelson, whence, with most of Floyd's command, he escaped just before the surrender and when the choice was between surrender and a desperate effort to escape that fate by breaking through the lines of the besiegers. He also distinguished himself upon the bloody field of Shiloh, where the great Southern chieftain, Albert Sidney Johnston, fell, dying with victory in his grasp, his untimely death, however, robbing the Confederacy of its chief fruits.

Later Major OTEY saw much hard service with the Army of

Northern Virginia. He fought under Breckinridge, Loring, Longstreet, Early, and Lee; helped to defend his native city against the invading Federal army under Hunter; commanded Wharton's brigade at the celebrated battle of Cedar Creek, in October, 1864; was severely wounded at Newmarket, where the cadets from the Virginia Military Institute fought with a steadiness and valor that would do honor to the finest veterans, many of them dying upon the bloody field, and many more leaving it maimed for life, youthful sacrifices offered upon the altar of home and Virginia.

After performing well his part until near the close of the war, on the 2d of March, 1865, Major OTEY was captured at Waynesboro and taken, a prisoner of war, to Fort Delaware, where he was held until after the end was reached at Appomattox. While at Fort Delaware he was a companion in misfortune with Charles F. Crisp, afterwards a distinguished Speaker of this House.

It is stated upon what I believe to be good authority that Major OTEY fired the first cannon discharged with hostile intent after Virginia passed the ordinance of secession, and it is also said that the shot he then discharged is the only one of all those fired from Sewells Point to take effect, this one striking a Federal vessel as it slowly moved up the river.

While the war lasted there was no soldier of the South more devoted to the cause in which he was enlisted or more resolute in the determination to fight to the end, no matter how great the odds in favor of the other side. But when the war was ended, no one was readier than he to accept the decision and make the most of the situation as he found it. At once he sought employment, that in the calm of peace he might do his full share in the mighty work of repairing as soon and as well as might be the ravages of war. His first employment was as a clerk in an express office in his native city. He had been educated as an engineer, and naturally he preferred a return to professional pursuits. Soon he went with General Mahone to the old Atlantic, Mississippi and Ohio Railroad, and was one of the corps which surveyed the route from Lynchburg to Danville. Later he built the railroad from Lynchburg to Durham, N. C. Later still he organized an insurance firm, which bore and yet bears the name of Peter J. Otey & Co. He was also for a time engaged in the banking business.

For many years Major OTEY was active and influential in politics for the sake of the cause and to help his friends. Not until 1894 did he aspire to office. In that year he was elected to the House of Representatives as a member from the Sixth district of Virginia, taking his seat upon the assembling of the Fifty-fourth Congress. He was reelected to the Fifty-fifth, Fifty-sixth, and Fifty-seventh Congresses, and, had he lived, would have been nominated without opposition and as certainly elected to the Fifty-eighth Congress. Through two exciting Presidential campaigns he ably represented Virginia on the national Democratic committee.

In Congress Major OTEY was known as a most industrious, obliging, efficient, and conscientious member. He grew upon the House, and his friends here, as in Virginia, were as numerous as his acquaintances.

Too much can not be said of the high character and many excellent qualities of this truly great man. I do not believe he had an enemy. I do not understand what manner of man it is who could be his enemy. He was generosity and kindliness and charity personified. He was a model of industry and a paragon in promptness and exactness. He had a place for everything, and everything that he touched bore evidence of his orderly methods and his thorough system.

He was a man of fine ability, and no atom of his ability or energy ever found unworthy channels or was directed to ignoble ends.

Major OTEY ranked high in the House, not only for his industry and probity and amiability, but also for his humor. He was one of the few real humorists in the Congress. Every one who was present when they occurred will recall his happy sallies. His humor was unadulterated. It pleased and soothed and cheered. It never wounded or exasperated. He was all sunshine and tenderness and charity, and his humor was as natural and as innocent and as charming as the laughter of children. It smoothed away the wrinkles that care brings, banished the clouds, let in the sunshine, and awakened in the soul the echoes of mumuring rills and the songs of the birds. How we miss the master artist of humor, now gone from among us!

Major OTEY had a great, never-failing, ever-present love for the old Confederate soldier. His soul swelled and his pride mounted as he recalled the heroism of the man in gray. His tender heart was melted as he thought of the privations, the sorrows, the sufferings of his companions in arms. He never was happier than in the company of the grizzled veterans of the lost cause. With generous hand he ministered to the needy, and with kindly touch and prayerful spirit he strove, oh, so gently, to bind up the wounds of the afflicted. Devotion to a common cause, community of effort, of endurance, and of suffering made all Confederates of kin to him—every one was his brother. They will miss him about the old camp fires; the weight of years and of infirmities will rest heavier upon many; to many there will be longer days of sadness and fewer hours of joy, now that the friend of them all is to help them and gladden them no more. He was the pupil of Stonewall Jackson; a son, loving and devoted, of old Virginia; deep in sympathy with all who make sacrifices, all who suffer—how could it be otherwise than that he would cherish the memories and love the survivors of the Confederacy?

But it must not be thought by those who did not know our dead friend, it could not be by any of those who did know him, that in his love and veneration for the South, and for the traditions and heroes of the South, he was lacking in devotion to the whole of our great Republic. No truer American ever lived. He was entirely void of sectional bitterness. For him there was no land but the United States. His love for the South was not unlike family affection, his love for the whole country was like unto the love of a friend, hardly short, indeed, of love for a venerated mother, whose chastisement is long since forgotten.

The tender relations between Major OTEY and his devoted wife, who remains to cherish his memory and mourn the loss of his delightful companionship, were rich in all of good and nobility that the marital union can yield. Not only were this husband and wife most devoted and most happy in their strong and enduring attachment, the one for the other, but Mrs. Otey was the trusted counselor and ever efficient helper of her husband in every work and every ambition.

Nor was this most excellent man anything short of the idol of his children, while for them his love ever flowed warm and free. Death indeed sought a shining mark when he aimed his unerring shaft at PETER J. OTEY, and out of a happy family, whose existence was sweetened by every gift of love and gentleness, has passed the head—the beloved of all and who devotedly loved all.

I can not deny myself the satisfaction to be derived from relating an incident in the life of Major OTEY, trifling maybe, according to the views of some, but in my judgment fairly illustrative of an admirable trait of character. Once, many years ago, as some of Major OTEY'S children were at play with some other children one of the youngsters, a negro boy, was bitten by a moccasin. The child screamed with pain and fright, and Major OTEY, who was at the house some distance away, ran to the little group to learn what the trouble was. They were in the country, and no physician or remedies near. Something must be done at once, or the little black boy would die. Major OTEY sent some one posthaste for a doctor, and then, with the heroism of a martyr and the charity of a saint, he took the black bunch of humanity into his arms, put the wounded little black finger into his mouth, and patiently, without thought of the danger to which he exposed himself—no; with full knowledge of the danger—with his own lips he drew from the snake bite the deadly venom. When the doctor came he declared that but for Major OTEY'S heroic deed the imperiled life could not have been saved. Of course the physician marveled at what had been done, but OTEY thought nothing of it. He had merely done what humanity dictated: done it without fear, for he knew not fear in the discharge of duty.

I knew Major OTEY before I met him as a member of Congress; knew him as a leading man of the old Commonwealth of our love and pride; but it was as a colleague here that I learned to know him well and to love him. To all of us he was the truest and the best of friends. He never thought of gain for himself at the expense of another. He was ever ready to serve his friends. His chief pleasure as a member of Congress was found in trying to do something for his fellow-members. In this service of love he freely crossed the great aisle which separates us in the House upon the lines of party. A most ardent Democrat himself, he numbered among his warm, personal friends many distinguished Republicans, and he was as generous in kindly deeds to the one as to the other.

I had for Major OTEY the affection of a brother, and it is one of the consolations of my life to believe that his affection for me was not less. He was a man in whom implicit confidence could be reposed. He never abandoned a friend nor betrayed a trust.

I entered the House as a member of the Fifty-second Congress. Among those elected to that Congress from Virginia was Gen. William H. F. Lee, favorite son of the immortal Robert E. Lee. Death claimed him before the time for the assembling of Congress arrived. Since I have been here Virginia has lost from her delegation Senator John S. Barbour, a noble representative of her best statesmanship; Sidney P. Epes, a lovable young man, taken in the spring and promise of manhood; Richard A. Wise, scion

of an illustrious family, a man of years and of experience, and PETER J. OTEY, to whose blessed memory we would this day pay just tribute. To this list may be added from the number of those whom Virginia sent to the Congress since I entered it, Smith S. Turner, Paul C. Edmonds, E. E. Meredith, and Gen. James A. Walker, each of whom died soon after leaving the House. I do not believe the mortality among Congressmen has been so great in the period mentioned in any other State of the Union as it has been in Virginia.

Major OTEY loved the Virginia Military Institute, from whose halls he departed with his graduation certificate just before the storm of the civil war broke upon the country. He looked forward with bright anticipations to a visit to the old institution at the June commencement, just passed. But it was not to be. He had seen historic Lexington for the last time. He had followed his famous preceptor, Stonewall Jackson, over the river, for the final rest in the shade of the trees.

I was one of the Congressional committee appointed to attend the funeral of Major OTEY, and never can I forget that sad day in Lynchburg. Business was suspended, universal grief had hushed the everyday stir of the busy marts where men strive in the contests known to commerce. The community followed to the tomb the remains of the citizen whom all loved, and of whom all were proud. Most touching was the picture made by the group of Confederate veterans assembled around the open grave. They had braved death often, had grown familiar enough with the dread presence to make sport of it. But there they were thoughtful and sad. The well-loved comrade and friend had gone from among them. Another tie, linking them to the past and binding them to the present, had been broken.

As we turned from the last resting place of our friend we paused to gaze once more upon the wealth of glorious flowers—nature's own offering, sweetened by the touch of lovely woman—piled high over the abandoned tenement of clay.

And so we left him asleep under the flowers.

Good bye, dear friend. Your life was sweet and noble, and sweet and ennobling memories of you will abide with us who knew you and who were blessed with your friendship until the day comes, be it near or far, for us to go the way you have gone.

Mr. JENKINS. Mr. Speaker, I can not permit this mournful occasion to pass without pronouncing some eulogy on the life of the late lamented PETER JOHNSTON OTEY.

We came to Congress together. This was our first acquaintance, but it ripened into a close friendship that continued unbroken until his untimely death. The attachment that grew between us was sincere, and I learned to respect his judgment and to confide in his wise and conservative counsel. I found Mr. OTEY a most companionable friend, and his association with me is a sweet memory as we pause here to pay the final tribute to his worth.

I have every reason to believe that he was a most courageous soldier. I certainly know that he was a wise and useful legislator. Possessed of more than ordinary intelligence, a good business man, broad minded, honest, and untiring, he made his mark in this House, as this mournful occasion so eloquently testifies.

There was nothing narrow nor selfish in his nature. His geniality, his conservatism, and his faithfulness in the performance of public duty shone conspicuously in his independence of thought and action and in the success that crowned his Congressional period.

We all painfully realize that his loss is national, and his coworkers on the floor of this House deeply mourn his sudden and untimely death.

I remember full well the last time I saw him. He came to our committee room to examine into matters of public interest, declaring that he was going home for a few days, and that on his return he would take up the many important matters demanding his personal attention. We little thought, Mr. Speaker, that death would interrupt the plans that he had matured by so suddenly summoning him to that bourne from which no traveler returns. Scarcely had he departed from this House when the news of his death reached and saddened us.

His time and attention were given to the discharge of his public duties with a faithfulness and assiduity that challenged our admiration. I shall always respect his memory, and in this solemn presence declare my faith in his honesty and capability.

His great aim was to do his full duty in the living present and to so gauge his action that it would have a beneficial effect upon the things of the future. He was modest in the discharge of his duties, unobtrusive, effectual, and engaging.

It can be said of the lamented dead that he was proud of his State and loyal to his country. While greater men have lived and died, few indeed surpass him in the even tenor of his way and in the modesty and cordiality that characterized him and adorned his public career. We have the right to measure a man by the estimation in which he is held by his fellow-citizens with whom he lived and for whom he had dedicated his life.

The entire populace of the city that he represented in this House gathered at his grave to do him honor and revere his memory. He is sincerely mourned by soldiers, public men, and his vast constituency. Brave men of both armies bowed in reverence over his fresh-made grave and testified by flowers and by tears the sense of loss so all pervading.

Mr. FLOOD. Mr. Speaker, the duty, or rather the privilege, of adding my humble tribute to the exalted character, the useful life, and the public services of my deceased brother is sadly congenial to my feelings, for in so doing I place a leaf upon the grave of a cherished friend.

PETER JOHNSTON OTEY was of an honorable lineage, and his family connection was large and influential. He was educated at the Virginia Military Institute, the West Point of the South, and while he was a cadet at that institution the John Brown raid upon Harpers Ferry, that portent of the approaching storm of sectional strife, startled the South like the sound of a fire bell in the night. He marched with his fellow-cadets to the scene of the first hostile invasion of Virginia.

After his graduation in 1860 he engaged as a civil engineer in the business of railroad construction, but promptly upon the secession of Virginia he laid this aside to enlist in the defense of his native State. His first service was in the Western campaign that culminated in the sanguinary battle of Shiloh, after which he was in the infantry line of the army of northern Virginia to the close of the war, being severely wounded at the battle of Newmarket.

With the termination of hostilities he entered upon a business career which absorbed and engaged every faculty of mind and body until his election to Congress in 1894. In the insurance business, as a bank officer, and as railroad president he was signally successful. This could not but be so, since to a fine discriminating judgment, quick perception, systematic and methodical habits and scrupulous integrity he united an indomitable energy that was almost impetuous in its eager activity. He was essentially a business man. The conspicuously active and energetic community in which he lived did not possess a busier, brainier man. His name was the synonym of honor and uprightness, and no man ever enjoyed the confidence of a community in a higher degree than Major OTEY enjoyed that of the community in which he was born, had been reared, and had spent his life.

From earliest manhood he took a lively interest in public affairs, and actively participated in politics in the sense of being an ardent organizer and worker in all campaigns, local and general; but he never held an office until he was elected to Congress eight years ago.

He addressed himself to his duties as Congressman with the same zeal and assiduity which characterized his business career. His fidelity to his constituents in the prompt response to their letters and immediate attention to their wants and wishes was proverbial. In such estimation was he held by those whom he represented that there existed throughout his district a practical unanimity of sentiment in his renominations and returns to Congress.

In the maintenance and advocacy of his political convictions he was frank and fearless, but his candor was ever united with courtesy and due consideration for those who entertained conflicting views. The debates in this Hall have often witnessed his ready wit and happy humor. So genial were his manners and so cordial his intercourse with his associates, so earnest the advocacy of the measures he espoused, that few members were more successful in securing legislation they desired.

It is not, Mr. Speaker, upon this side of the Chamber only that the vacant chair will be regarded with sincere regret, for he had a place in the kindly esteem and affection of not only his personal and political friends here, but of many who held variant views from his upon the public questions of the day.

But neither his usefulness and fidelity as a Representative, nor his elevated character, nor his gracious and engaging manners could avail to ward off that summons which sooner or later is inevitable to all.

It came to him at the consummate hour of his existence. His ever rising and ascending life had attained the zenith where his vigorous intellectual powers had reached a ripe maturity, without as yet the least touch of decline.

So reluctant, sir, was he to obtrude his personal troubles and solicitudes upon others that few of even his closest friends were aware that he had for more than a year suffered from the malady to which he finally succumbed—succumbed so quietly and in such retirement from the gaze of the world that the announcement of his death was the first intimation that most of his friends and neighbors had that he was in a precarious condition.

While, therefore, Mr. Speaker, his friends were taken unawares, he was not. We may believe that often while he wore a cheerful exterior to his friends, he was wont

To listen, listen, day by day,
To hear their tread
Who bear the finished web away,
And cut the thread.

His end was comparatively painless, and found him in the unclouded possession of his mental faculties. There was no long and anxious watching by a bed of suffering; no slow decline; no gradual eclipse of the receding world, when

Unto dying eyes
The casement slowly grows a glimmering square.

It came as doubtless he would have desired, for it found him with his house set in order as for the reception of a friendly guest.

May we, his associates in this Hall, so heed the lessons of his life that we shall be in like readiness when the insatiate archer shall aim his unerring shaft at us, and that each of us may in that supreme hour catch the song of rapt anticipation that fell upon the ear of dying Sintram:

Death comes to set thee free;
O meet him cheerily
As thy best friend;
And all thy fears shall cease,
And in eternal peace
Thy sorrows end.

Mr. LANHAM. Mr. Speaker, there are always some peculiar and leading traits of character that mark the lives of mankind, some special and distinguishing features of disposition and conduct that predominate all others and serve to impress upon their associates the personalities of men, and on account of which they will always be particularly remembered by those who knew them. Frequently, if not always, after the death of our fellow-men we attach greater importance and more appropriate significance to these peculiar attributes than we do while they live.

It is somewhat strange, but nevertheless true, that we are prone to bestow greater credit upon and readier recognition of worthy deeds and virtuous characteristics after those who exemplified them have passed away. It seems that the due and impartial audit is only made up when the subject thereof has gone beyond the boundary where human commendation can reach. It would be better if we should cheer and strengthen one another with our approbation along the journey rather than to wait and stay our expression of appreciation until the end is reached.

In the life and conduct of Major OTEY there were discovered, in conspicuous degree, kindliness of heart, promptness to serve his friends and associates, and untiring industry. I believe he was the most accommodating member of Congress to his colleagues in the House, in all matters pending before the committees upon which he served, of any man I have known in this body. He always was ready to give his close personal attention, upon request, to the bills and measures in which others were interested, making their business and wishes his especial concern. He was never too busy nor self-absorbed to be indifferent to or neglectful of the affairs of his fellows.

He was uniformly polite and obliging, nor did he postpone his altruistic care and assistance to suit his own convenience. He was a man of usually grave demeanor, but at times the genial current of his soul rose high, and often his wit and merriment refreshed his companions. Who of us does not remember the recreation and diversion he afforded us? We all knew him well, and he was universally regarded with the kindest feeling. It was impossible when thrown into contact with him not to like him and be drawn to him. He had a kind word and a pleasant manner to everyone within the circle of his association.

We were shocked at the suddenness of his death. He had been designated by the Speaker as one of the funeral committee to attend the last sad rites of a deceased fellow-Congressman; but before he could render this solemn service he, too, was called away. We remember the unusual and striking circumstance, never before witnessed in the House, when three desks were covered with crape and flowers, and one of these was that of Major OTEY. How mysterious and inscrutable are the ways of Providence! How brittle the cord that binds us to life! How quick and sharp the ultimate summons cometh!

We all miss our departed colleague. We all deplore his death. His taking off is specially sad to his old comrades. Time and death are rapidly decimating the survivors of the awful conflict of the sixties in the last century, in which he bore an honorable part. The mortuary columns of the daily press are filled with the tidings of the passing away of veterans on either side, and the period hastens when there will none be left to relate from personal experience the story of that terrible struggle. When another decade shall have passed, it will be rare, indeed, if at all, to find an ex-Confederate soldier in public life. The rush of years and the pressure of later generations are pushing them into the shades of retiracy from official stations and life's activities, but their transition will not be unnoticed. "They shall not go without their fame."

The Southland can never afford to ignore or subtract from its records and history its chivalry and devotion, its sacrifice and suffering, its contribution to the upbuilding of its places made waste and desolate by war, when the arbitrament of the bayonet had determined the issues of the conflict, as exhibited in the worth and work of these men of undaunted courage and consecration to their convictions of duty. In war and peace they have ever been "where only men were wanted, and only men were found."

The winning side never lacks for champions. Triumph insures its own immortality; but the duty remains with those of us who yet survive, as it will with our posterity when we are all gone, to perpetuate and keep green the memory and manhood of the Southern heroes who dedicated their loftiest efforts and offered their lives to the cause of liberty and truth, as it was given to them to see it. The victories they have accomplished in subsequent peace are no less renowned than their valor on the field of battle; for they have demonstrated the highest qualities of American citizenship, and displayed the utmost devotion and energy in the reparation of the woes and wounds that ensued the civil war.

Major OTEY was a gallant soldier. His record in war is without blot or blemish. The testimonials of his immediate people concerning his merits as a citizen are spontaneous and abundant. Those who knew him best, his friends and neighbors, before whom he went in and out, and who were familiar with his daily walk, are quick to affirm his many virtues. All speak well of him, and their mourning over his death was universal. The large and sorrowful congregation that attended his obsequies attested the great esteem in which he was held at his home, while the tribute on that occasion from the pulpit to his splendid manhood was highly affirmative of his probity and purity of character.

It may be truthfully said of him that he was a good man, faithful in all his public and private relations, upright in his deportment, and promptly obedient to every call of duty. Whatever may be the limitation of the heritage in this world's goods that he has left to his family and descendants, he has bestowed upon them the imperishable treasure of his "good name, which is better than riches." His career is closed, his useful life is ended, he has discharged the last debt which all humanity must pay; let us hope that he is enjoying in a brighter, better clime the recompense of "the just made perfect."

Mr. HAY. Mr. Speaker, "the paths of glory lead but to the grave;" and yet one who treads those paths with honor to himself leaves behind him a name and an example which uplift the aims of men and make the world better because he has lived. PETER JOHNSTON OTEY was such a man. In defense of his country he won honors and distinction. His service in the army was typical of the man; seeking no high command, having no great rank, he yet impressed his personality upon superiors and inferiors alike, and did his duty effectively and with consummate gallantry. Beloved and honored by his comrades to the last day of his life, he has joined those in the great beyond who by his side wrought in that great strife "where the grapes were bullets and the wine was blood."

He was one of those who accepted results, and when the war was over put his shoulder to the wheels of enterprise and progress. He aided in the upbuilding of the waste places of his beloved State; and from 1866 to the hour of his death he devoted the energies of his mind and the strength of his being to Virginia and Virginia's welfare. In public affairs he took a prominent part, and his advice and counsel were sought after by the wisest men, not only in Virginia, but in the country. His heart was pure, his motives high, and because of these attributes his influence was widespread and effective. Possessed of a loyal heart, other hearts sought and found in him a friend, "A very present help in trouble."

His service in this House was conspicuous for energy, for effectiveness in accomplishing results, for untiring efforts in behalf of his people, for an undivided attention to the wants of his constituents, for unfailing courtesy, and for that uprightness of character which gained for him the sincere confidence of his fellow-members on this floor.

Buoyant in disposition, genial in intercourse, ever ready to comply with requests, considerate of all, he was beloved by all.

His loss to his colleagues from Virginia can never be supplied. With them he was in peculiar accord. It is no exaggeration to say that he was beloved by us all, trusted by us all, confided in by us all, looked up to by us all. Virginia has lost a devoted son who lived up to her best traditions. He rests in her consecrated soil; by the banks of his beloved river, whose murmur soothed him in infancy, he sleeps. Virginia will ever honor his memory. His name and his fame will be one of her precious keepsakes.

Mr. MORRIS. Mr. Speaker, I do not rise for the purpose of pronouncing any extended eulogy upon our deceased friend. That has already been eloquently done by the members of his State delegation who have preceded me. But I think I have known Major OTEY longer and better perhaps than any member of the Virginia delegation, and I do not feel that I can let this occasion pass without saying something to show my appreciation of his many noble traits and his manly and sterling character. We were born in the same town, reared in the same community, educated at the same school, and for years before I went to the State of Minnesota were neighbors and friends.

My farther was his father's friend, and it is a great satisfaction to me to feel that he was my friend. He was one of seven brothers who went from our city into the Confederate army, and all of whom served with consummate gallantry that cause which, whatever may be thought of it now, they believed in, and for which they were all ready to, and some of them did, give their lives. His brother, Col. Kirk Otey, was brought to my father's house in Richmond when he was desperately wounded in the bloody battles around that city in 1862, and for two generations the most cordial friendship has existed between our families. And so I think I can say that I knew Major OTEY perhaps better than he was known by any member of this House.

I knew him as brother, husband, father; as a private citizen and a public man, and in whatever relation or capacity I knew him he was always the same able, honorable, upright, pure, and genial gentleman. Whether as bank cashier, insurance agent, railroad president, or member of this honorable body, he was always faithful to his obligations and ever punctual and attentive to his duties. If there was one characteristic more marked in him than any other, it was his capacity for organization, his close attention to and mastery of details, and his untiring energy in directing and guiding the organization he had created. Thus it was that he gained the prominence he attained in the community in which he lived, and established himself in the confidence of his neighbors.

Major OTEY served with conspicuous gallantry and ability throughout the entire civil war, commanding in one of the battles the brigade to which he belonged. He was, of course, imbued with the prejudices (if they may be so styled), and perhaps the hatreds, of his people. Certainly he had their principles. But when the gallant fight had been made, and the war was over, and all was lost save honor, he gracefully and honestly and sincerely accepted the result and addressed himself to that business career which brought honor to him at home, and ended with his distinguished services in this House.

Virginia has produced many sons whose names will stand higher on the roll of fame than will that of Major OTEY, but she never had a son more loyal, more devoted, and more determined to serve her with heart and soul. Well might she be proud of him.

Major OTEY came of a family able, sincere, brave, chivalrous, but no scion of that family was abler, more sincere, braver, more chivalrous than he.

It so happened that we were on opposite sides in politics at a time in Virginia when the contests were bitter and severe. The first time I ever ran for Congress he was the chairman of the committee of the opposite political party, but I never knew or heard of his doing anything that might not be expected of an honorable opponent, and there was never a time when our personal friendship was severed or even strained.

When I came to this body, I found him here, and I have felt during all the time in which we were colleagues that, although still on opposite sides politically, there was no man here to whom I could go with greater assurance as a friend.

And so I say, Mr. Speaker, that I did not feel that I could let this occasion pass without bearing my feeble testimony to his noble and generous character. My sincere sympathy goes out to his wife, his children, and his many friends in the community where we were born and which he so faithfully represented, and I join with them in the belief that he has passed to a brighter and happier realm beyond the shadows of this fitful life. Peace to his ashes.

Mr. SWANSON. Mr. Speaker, this House has assembled upon this sacred Sabbath to pay tribute to our distinguished colleagues who recently departed this life. With much eloquence deserved tribute has been paid to that eminent son of New York, AMOS CUMMINGS, whose loss we all deeply deplore. Virginia mingles her sorrow with all the rest of the country, and mourns with New York in the loss of her great son.

We, of Virginia, in the death of Maj. PETER J. OTEY, have sustained a great and irreparable loss, and take this as a fitting occasion to pay tribute to his illustrious services and preeminent virtues. There was no man in public life in Virginia who was more universally admired, more highly esteemed, than our deceased colleague. His popularity and his friends were not confined to his own district or to his own section, but they embraced the entire State.

Major OTEY illustrated in his personal traits of character, in his public life and public services, the best developments of Virginia character, which in purity, in force, and the best elements of humanity, have been unsurpassed. He was a fair type of those Virginians who, commencing with the majestic Washington and ending with the matchless Lee, have made resplendent the history of Virginia the world over. His lineage was of the purest and best in the State. He was a worthy descendant of worthy and noted ancestry. He possessed all the lofty attributes and high ideals which characterize his ancestry. He was brave, truthful, honest, frank, candid, and loyal. I never knew a man possessing to a higher degree that great virtue which embodies what is known as personal integrity and honor. Affable, pleasant, genial, and chivalric, he always possessed a host of friends and admirers.

A distinguished writer has well said that the brightest jewel that can decorate a man is courage, and the brightest jewel that can decorate a woman is purity. Courage in man and purity in woman have been the two great civilizing forces which have enabled mankind to attain its present development and progress. No braver heart ever fluttered in man than that which pulsated in the breast of Major OTEY.

As a mere youth he rendered distinguished service in the late civil war, and many battlefields and rapid promotions gave testimony to his courage and superb qualities as a soldier. In a business career his honesty, industry, quick aptitude, knowledge, and attention to business accomplished good results. Coming from a war with a fortune which he inherited wasted and destroyed, he rapidly built up a successful insurance business, and became noted as the most successful banking and financial officer of his section. Under great difficulties he built and constructed the Lynchburg and Durham Railroad, which has been of great benefit and brought great blessings to his city and section. He was president of this road and operated it with much ability until it was purchased and merged into a larger system.

In the politics of Virginia he has been potential, exerting beneficial and a widespread influence in the State. In the campaign in Virginia which culminated in the overthrow of repudiation and Mahoneism in that State none deserve more credit for efficient service than Major OTEY. His powers of organization, his silent and persistent work, his wise counsel and leadership constituted a large factor in the victory which the Democracy achieved in 1883. He always manifested a great interest in public affairs. His party loved and trusted him fully and completely.

For six years he has represented the State of Virginia upon the national Democratic committee, a high honor which his party was glad to bestow upon him unanimously and which he held at the time of his death and would have continued to hold as long as he lived. He never asked for a public office until 1894, when he was elected to Congress from the Sixth Congressional district of Virginia, and which position he held at the time of his death and would have continued to hold as long as he lived. No Representative from Virginia had the confidence, the love, and affection of his constituency to a greater degree than Major OTEY. There was no Representative in this body more attentive to his duties or discharged his public duties and served his constituency more faithfully and patriotically than our deceased colleague, and I believe his unfortunate illness and death largely resulted from his excessive work and his strict attention to the duties of his position.

The humblest request from the humblest constituent of his he treated as a command to be obeyed, and only those who have been intimately associated with him realize the amount of work he accomplished and the strict and continuous attention he paid to the duties of his office. I can say justly that I have known no Representative since I have been in Congress more faithful, more efficient, and more capable than Major OTEY.

He had a strong, clear, masculine mind which would grasp public questions with force and clearness. He knew what was right, and his vote and influence were always in that direction. No man has ever served in this body whose public life was purer and freer from blemish. He was an attractive speaker and was always listened to with attention by the House. I do not believe there was a member of this House who was more highly esteemed, more generally loved and liked, than Major OTEY.

During the last years of his service in this House I had the pleasure of being his desk mate. During this time he was possessed of a fatal illness which he knew ultimately must terminate seriously, yet none would never have judged this from his conduct or manner. He was always cheerful, buoyant, bright, and sunshiny, manly, courageous, active, and energetic to the end. Nothing has more impressed me than to see this, knowing, as I did, his serious illness. It exhibited far more than any

language I possess can express his brave, courageous heart, his firm will, and energetic determination.

Thackeray, in his great novel Vanity Fair, has well said that the world is a looking-glass and gives back to every man the reflection of his own face. If he smiles upon it, it smiles upon him; if he loves it, it loves him, invariably mirroring back a true picture of the man presented. This is a profound truth which is illustrated fully in the life and death of our distinguished friend. He loved the world and its people, and it showered him with its esteem and affection. He smiled upon the world with bright smiles, and it met him with smiles and friends. He treated the world well, honestly, and fairly, and it gave him its esteem, its regard, confidence, and affection.

When I went to Lynchburg to his burial services I was deeply impressed with this great truth; from all portions of his district and State people came to pay tribute to his worth and virtue. In his home city all business was suspended, and it seemed if every person of that city felt that they had experienced a personal loss.

Mr. Speaker, such are the rewards which await manly, honorable, and pure lives such as was led by our late colleague. He discharged the duties and performed all the obligations of his life courageously and completely.

A more devoted husband never lived. His wife was his constant companion, and participated in all of his work, shared all of his joys and disappointments, and divided with him the work and toil incident to his office. Nothing has ever touched me more or furnished me more eloquent proof of Major OTEY'S high qualities of mind and heart than the sweet, lasting intimacy and affection between himself and wife. He loved to a passionate degree his children and grandchildren, which they returned with deep intensity and esteem. He was loved and esteemed by his neighbors, his colleagues in Congress, his State, and by all who were brought in contact with him.

His life, Mr. Speaker, constitutes a life of success; one of many achievements; one deserving of great commendation; one which should be imitated, and one whose influence must be lasting and beneficial. Such a life constitutes a rich heritage and solace to his family and friends, adds additional luster to his State, and furnishes an example worthy to be followed by those possessed of the responsibilities of a public life.

Mr. DE ARMOND. Mr. Speaker, the great question in life respecting any of us is not so much who our ancestors were as what we are and what we do. It is true, nevertheless, that what we are and what we do and what we may do depends very largely upon the inheritance of birth. Those who come of good ancestry, who trace their line through heroic stock, who track back through good lives, have a better assurance, enter life with a better promise of success, than those who come in less kindly endowed by nature. And yet nature has a way of her own of gathering up through the years and through all conditions, good and bad, sifting and assorting, and from time to time, from sources unpretentious and unpromising, combining happily the elements which make the very best and the very highest of human kind.

The friend to whose memory we pay tribute this day was happy in that his ancestry was historic and of excellent quality. He inherited from both his mother and his father qualities which are best expressed and best summarized in the one phrase which has become historic. He came from a line of Virginia gentlemen, and he was himself worthy of that line and a typical "Virginia gentleman."

He was hardly more than a boy when the war broke out. Fresh from the Virginia Military Institute, just a little while away from the schoolbooks and discipline of that institution, just a little while abroad in the work of men, when the tocsin of war sounded and the great crisis in the history of our country and in the history of so many of our people individually was upon him and upon all. In retrospect we certainly can not wonder that Major OTEY took precisely the course which he did take. Youthful as he was, of course he had never thought or read or speculated deeply upon the general questions of secession and of States' rights or of national power and of national rights.

He had the education of a soldier. There had been instilled into him for four years the elements necessary to make an officer, and to them he had added, by way of inheritance, patriotism and an intense love of home and of old Virginia. To him the war meant invasion, as it did to so many others; to his ardent soul risk and danger, destruction and death, threatened, impended, unless resistance could be effective, to all that was worth preserving, to all that he loved. When the note of preparation for invasion came from over the border, and when later the tread of armed men was heard echoing over the hills and along the valleys and by the streams of old Virginia, he and others like him stopped not to reason or to speculate.

They had no time for abstractions. The concrete and only question of the day was upon them. OTEY, with his brothers, seven in all—what a heroic family it must have been—cast his lot with his own people, in his own land, with his neighbors, with his friends, with the citizenship and the chivalry of Virginia, and stood for the home that he loved against the force that menaced it.

Well he bore his part in the dreadful conflicts of four years. He did it, as did his illustrious chieftain, the great leader of the armies of the South, without bitterness, without malevolence, without envy, without feeling of enmity toward any individual or force engaged in warfare upon the other side. He simply followed the course of duty as he saw it; fought without a desire to inflict wanton injury, but with the intent and desire to protect, to shield, to save.

Coming through the war, this sunny-hearted and brave-spirited, kindly, just, and broad-minded man, after the field had been swept with the storm of shot and shell, and after hundreds and thousands of the bravest and best of the North and South and of the world had perished, when the blessings of peace came, no reconstruction was needed either in the genial heart or mind or life of our friend.

Genial and kindly, noble and magnanimous, brave and chivalrous, through the storm of battle he carried to the dawn of peace and the struggles of life beyond it those sterling qualities which did not need development, having been inherited and developed in stern practice in the life which he led fighting for Virginia and for home when Virginia and home were menaced. He filled life with charity and a great desire to do good.

Loving home and Virginia, his love grew and expanded until it embraced all the people of the Union—North and South, East and West—whether great or lowly, soldier or civilian, rich or poor. Aye, it extended even beyond the confines of country and the line of fellow-citizenship; it embraced the whole world. He was a man who went through life without desire to do harm to any, without a feeling of malevolence toward any, and with an ever present, pulsating desire to do good to all with whom he came in contact.

No wonder that this man was well beloved. No wonder that he had friends by the score, by the hundreds, by the thousands, and perhaps not a solitary enemy, for he did unto no man anything on account of which he could be his enemy. He was so broad minded and kindly that nobody could find in his life anything upon which enmity could fasten. So we find him throughout life a model character, manly and humane, sweet and charitable, industrious, painstaking, cheerfully helpful to all.

We did not know it then—we know it now—that our friend was for weeks before his death really and sorely afflicted. He knew, as has been remarked in these eulogies, that the mark of death was set upon him. He knew that it would not be many weeks, months, or years until he would be gathered to his fathers; but he made it known to none. He made no complaint. To the end he was cheery and helpful, industrious and patient. While awaiting the end, he forgot not the duties which lay between him and dissolution; he forgot not the duties of the hour; but, taxing his waning strength, he discharged those duties with the same degree of cheerfulness, with the same disposition to be helpful and kindly, as in the very prime and flush and strength of life.

He appeared to be a man exceedingly free from worry and care. Having no designs that had to be pursued by furtive means, no ends to be accomplished except in direct and honorable ways, he lived in the light, loving and greatly enjoying the fellowship and communion of kindred spirits.

In the three terms he served in Congress, during which time I also was a member, so far as I recollect, I never noticed upon his brow the evidence of care; I never saw by his bearing that the hand of trouble was upon him, except, I think, as I now recall it, during the time shortly preceding his death.

Being of an exceedingly affectionate nature, he was loyalty itself, ever true and faithful to friends. He came to regard, and did regard, everybody in his Congressional district, so far as he could help him or advance him, as being peculiarly under his protection, and having the right to call upon him in every hour of need. He was ever ready to do for the humblest as well as the mightiest whatever he might do, whatever the necessities might require or suggest.

He looked upon his constituents much as the father looks upon his children. He had an affection for them. He could not think with patience or satisfaction of the possibility of losing them from that care and that protection and that helpfulness which he might extend to them as their representative in Congress.

Thus it was that during the time when there was pending in his own State legislation with reference to redistricting I thought, and I believe others who observed him and who enjoyed friendship and communion with him also thought, because the signs were quite evident, that he was disturbed more than we ever before knew him to be; not so much because there was danger

of his losing his seat in Congress by the redistricting, which might leave him among strangers, but primarily because he might, by reason of the change in Congressional districts, be forced to part from friends who had elected him to office and whom he had served; forced to part even from those who had tried to defeat him for office, all of whom he had served as the Representative in Congress of all the people.

I am satisfied that this weighed upon him, and, added to the infirmities which were already accumulating too thick on his devoted head, really tended to hasten the end. He felt somehow that to lose out of his district any of the counties which constituted the territory which sent him to Congress, and which he had represented so well and striven so faithfully to serve, would be something in the nature of a personal loss, a severing of the ties of friendship. A redistricting which tore up his district and scattered the fragments seemed to him like taking away from him those to whom he was attached, and in the evening of life, with his infirmities heavy upon him, leaving him to form new ties and new relationships, personal and political.

But even these things, these cares that pressed upon his life here, that disturbed him—for he felt that without fault of his a safe district was likely to be changed into a doubtful one—did not harass him so much because of what he might lose as because the redistricting tended to break up the associations so happy to him and so much cherished by him. This worry, making common cause with the bodily ills which he suffered, broke him down and, I fear, carried him off both suddenly and prematurely.

We were all very much shocked when the news came that Major OTEY was dead. We had not observed that he was failing. We had not observed that there was less strength day by day for some time. He was so cheery, the soul of good humor, the very essence of good fellowship, the very personification of helpfulness, that we could not realize, and we did not realize, that our friend was soon to pass away; and so when the news came, it came with all the force of a shock. As we learned the details, we knew that he had been different from what we saw him only for a few days. Decay had progressed just a little farther, and he was unable to move about in his accustomed ways. The struggle was short, and the old soldier was found prepared for the death which he had faced upon many a field without flinching.

I have often thought what a spectacle that is—the peaceful death, the body dying first, consciousness remaining clear to the end. How helpful it might be if one, without himself dying, could realize and experience what there is in the mind of a well-constituted man, such as Major OTEY was, when the shadows lengthen, when the final stroke is near, when the inevitable hour has almost struck, when the sands of life are running, running, almost run out, when there is in the ears the sound of the wash of the waters of the mystic river which all must cross—in the full possession of his faculties, with all the joys of earth about him, but fading fast, finally fading, with friends and relatives gathered at his bedside—what a feeling it must be, what an experience! But we all must take the journey alone, and no one can relate the experience to another, and no one can taste its fruit except he himself pluck them as the final act of life here and the initial act of life beyond.

But speculations about these things, however seductive they are and however we are drawn to them, drawn to them time after time as the grave opens for one after another of our friends, are ever speculations which lead simply to more speculations and which only can be answered finally and demonstrated as to their truthfulness or the fact that they are baseless by our own experience.

It is worth while, however, as we pass along through life, with all its trials and its triumphs, with all its good deeds and its bad deeds, sometimes satisfied with what we do and at other times greatly dissatisfied, sometimes pleased with what our friends or our neighbors or our fellow-citizens or fellow-beings in the great human band do, sometimes dissatisfied, sometimes displeased, sometimes with the aid of others trying to accomplish what we regard as great and good, sometimes exerting our best energies, drawing all the force and all the will and all the power that we can command into the work of overcoming or even destroying those of our kind who do not think or see as we do, it is well in all these varying and trying experiences of life, in all its peace and happiness, with all its failures and all its successes, when we can recur to and dwell upon a life like that of our friend. Here was a man who discharged his duty void of offense. Here was a man forceful, but who never found it necessary to draw on his powers to the injury of anyone—who wounded none.

Eulogy often is meaningless exaggeration; eulogy often is worthless, because there is no symmetry about it and no regard for facts or fitness in it; but we are speaking to-day of a man who was among the noblest of his kind, a man who possessed in high degree, unadulterated and undefiled, many of the grandest elements found in human nature. All who knew him, all who enjoyed the pleasure and profit of his friendship, all who were placed by association with him, can recollect him with pleasure and can, if it be possible for us to do so, model our own lives and direct our own conduct, in some particulars at least, by the example that he has left us.

We speak to-day of a departed friend of whom high praise is but justice, whose life may be commended without fulsome eulogy, and whose death may be mourned without feigned sorrow.

Mr. RHEA of Virginia. Mr. Speaker, the life, character, and virtues of Major OTEY have been so fully, justly, and vividly portrayed by others that it only remains for me to say a few words in paying a humble tribute to the late representative of the Sixth Virginia district.

I had known Major OTEY for several years, and he was one of the most lovable men I ever met. He was as tender and gentle as a woman. He had endeared himself to the people of his district by his ability and integrity, his strict devotion to duty, his indomitable energy, and his genial disposition.

I have never known a man more unselfish, or who took greater pride or seemed happier in serving others. He was not a man to promise everything and do nothing. He was essentially a man who did things. He never procrastinated. He would not say, "Wait until to-morrow or next week," but now was always the accepted time with him.

Just a few days before his fatal illness I went to him and told him I was anxious to get a bill reported by a committee of which he was a member, and he said "I will attend to it at once," and the bill was reported that day.

It seemed to be a pleasure for him to aid others, and he was, in my judgment, not only for the country at large, but especially for the people of his district, one of the most valuable, efficient, and patriotic Representatives who ever occupied a seat upon this floor.

Mr. Speaker, I do not believe I could pay a more fitting or truer tribute to the memory of our beloved friend than to use his own words spoken by him in this House on March 24, 1900, in paying a tribute to Hon. Sydney P. Epes. His words were not only true of the life and character of our lamented friend, Sydney Epes, but how especially applicable they are to his own life and character will be readily seen by all who knew him. Major OTEY on that occasion said:

Mr. SPEAKER: It has been truly said that the crown and glory of life is character. It is the noblest possession of man, constituting a rank in itself and an estate in the general good will, dignifying every station and exalting every position in society, wielding greater power than wealth and achieving honor without the petty bickering and jealousies attending fame.

Sydney P. Epes possessed character which carried with it irresistible power—strong to do good, no less strong to resist evil. Integrity of word and deed was his backbone, and truth and sincerity formed the essence of his manly nature that gave a loyalty to "virtue which served her without livery."

He cultivated the habit of happy thought, and his genial spirit and charming temper were as "timid violets with their richest fragrance unaware," yet filling the surroundings with wonderful sweetness. His graceful demeanor toward all was a constant source of pleasure, and his gentleness was like the silent influence of light, giving color to the environments. His bearing toward superiors or inferiors, high or low, the humble or the lofty, was marked in his respect alike for all.

Good manners gilded his every action, and in speaking a kind word and in doing a kind thing he always enhanced their value.

He was a gentleman in its largest sense, a dignity in itself, commanding the homage and respect of every generous mind.

He adorned every station in life to which he was called, depending not on fashion, but on moral worth; not on personal possessions, but on personal qualities.

His law was rectitude of purpose; his standard, probity of word and deed; his motto, virtue.

He was a poor man in this world's goods, but rich in all the elements that go to fashion the most elevated models of human kind. The words "nature's nobleman" were stamped on the model which formed him.

Frank and open, he despised deceit, and he held honor and virtue as beloved twin sisters, not to be hurt if assailed, not to be enthralled if surprised.

He was a friend, yes, a true friend, whose counsel was not based on flattery, neither was it crooked by selfish ends.

His friendship, perfectly sincere, unselfish, and pure, was a treasure to those possessing it. It was in no sense an obligation to be met; it had no day of maturity, no days of grace; it bore no interest. No demand for payment, no value received, was written across its face. It was payable never. It was the possessor's to use when and where deemed proper. It was too lofty to serve an ignoble purpose, and, like the forest oak, it grew more and more deeply rooted as time wore on.

His benevolence and charity were the children of his generosity, and his candle threw its penetrating beams into the dark recesses of the countless homes of the poor, whose tears mingle with ours at his untimely end. The "prayer of want and the plaint of woe" always touched his generous heart. We are all better for having known Sydney P. Epes, and the world is better for his having lived in it.

Truth was to him as a pearl, that showed best in the light of open day and needed no artifice to disclose its purity. He had no patience with the semblance of delusion that tampered with it. He had lofty ambition and achieved distinguished honor, but was ever free from the canker, envy, in his efforts to excel.

In his death he exemplified the life described by the Psalmist as one—

"That walketh uprightly, and worketh righteously, and speaketh the truth in his heart."

It is my sad privilege to plant a flower on his grave, watered with the tears of memory, and thus to pay my last tribute to him whose death was the crown of a useful life.

Mr. Speaker, PETER J. OTEY was a noble son of the Old Dominion.

He served her well and faithfully in war and in peace.

In his death the country has lost a patriotic servant; his State a loyal and devoted son, and his district an ideal representative.

Mr. MCCALL. Mr. Speaker, PETER J. OTEY was a rare spirit. Compared with some careers, his term of service in this House was not a long one. He took much less of its time in debate than his abilities fairly entitled him to claim, and yet he spoke enough to reveal himself to those of the members who did not know him personally well. The prime quality of his speaking was the rich, wholesome, and thoroughly American humor with which he delighted the House. That is a quality which no bad man can possess. It is the shining of the kindly and benignant light of a good spirit.

I knew him also in his relation to the Virginia Military Institute, of which he was a proud and devoted graduate, and for which he cherished a loyal affection. He was a genial, chivalric gentleman, such a man as would be sure to command the love of his friends. The esteem in which his neighbors held him was shown by the tenderness of the last tributes paid his memory in the beautiful city in which he had lived. Upon the faces of the thronging crowds was the sadness of a personal grief, and the presence of so many of the splendid heroes of the Southern armies attested their sorrow over the loss of an old comrade, who bore upon his body the scars of the tremendous struggle in which they had so bravely taken part. His capacity for rendering loyal and efficient public service was gratefully recognized by his constituency, and the representatives of the State of Virginia have to-day borne fitting witness to the hold he had upon the people he represented. Those whose fortune it was to know him long and intimately have spoken more fully of his character and life. I only rise to mingle my voice with theirs, to express my keen sense of personal loss, and to add my personal tribute to the memory of our friend whose noble qualities will long be held in affectionate remembrance.

Mr. RIXEY. Mr. Speaker, Major OTEY was more than a colleague—he was a friend. Preceding me to the House of Representatives, where I met him for the first time, our acquaintance ripened into esteem, confidence, and friendship. He was of a lovable nature, and made friends with all with whom he came in contact. A Confederate soldier, he had the pleasure of counting among his warmest friends the honored Speaker of the House of Representatives and many others who, like him, had fought upon the Union side in the great conflict between the States.

Educated at the Virginia Military Institute, he early responded to the call to arms and served with distinguished gallantry throughout the great civil strife, and during the remainder of his life carried on and in his body not only the scars, but the bullets received upon the field of honor. Upon the return of peace he engaged in business enterprises; and in railroad, banking, and insurance proved himself a capable, thorough, and successful business man. Unlike many of the successful business men of the present day, he amassed no fortune, but left to his friends and relatives a prouder heritage—that of a life well spent; brave, honest, capable—that of a patriot and a statesman. He believed in fair dealing and loved the right; and, undimmed by any shadow, the example of his life still lives in undiminished luster in the memory of a life well spent in public and private stations. He possessed in an eminent degree not only the affections of the people of his district, but the esteem and confidence of his State and party, and for some years prior to his death was the Virginia member of the National Democratic committee.

Not a professional man, and yet not a man of wealth, he was selected by his fellow-countrymen to represent them in the Fifty-fourth Congress. To those who knew Major OTEY this was not surprising. Genial and approachable, he had, in every walk of life, under the most trying and perilous circumstances, been proven loyal to his State, true in his friendships, and absolutely incorruptible and unimpeachable in all of the transactions of life—the best type of the American patriot.

After his first election to the House of Representatives there was never any question as to his successor. Though elected four times, he never had an opponent for the nomination after the first contest. His service was so acceptable that he was truly a representative for life.

He was justly proud of his hold upon the affections of his people, and we well remember the pain and anguish the probability of a division of his district caused him. He plunged into the contest with all and more than his accustomed energy—bent on preventing, if possible, the dismemberment of his beloved district. No people ever had a more faithful Representative. No Representative ever had a more appreciative and, I might say, affectionate constituency.

On the eve of a renomination without opposition, in the city and house where he was born, he laid down his life peacefully, quietly, bravely. The end was not wholly unexpected. We who knew him intimately knew that he did not look forward to a long life. He expressed no vain regrets as to his condition, but conscientiously discharged his duty to the last.

I believe his end was as he would have chosen. In the full possession of his faculties, with but few hours of pain; in the presence of his beloved wife, who had shared his joys and sorrows, who had been in very truth his life partner, his helpmate, his beloved on whom he leaned for comfort, encouragement, courage, and support, and she was all; surrounded by his children, of whom he was ever proud, and of whom he took delight in talking to his intimate friends; in the house of his fathers, he gave back to his Maker, as peacefully and calmly as the sunlight fades from the sky, the life he had received. It was the "gathering of ripened fruit."

The telegram announcing his death was a great shock. The House was already in mourning for Hon. A. J. Cummings, a distinguished member from New York, to whose eulogies we have just listened, and scarcely were the badges of mourning placed upon our colleague's desk before we were startled by the announcement that another, and this time the Hon. Joshua S. Salmon, an honored representative from the State of New Jersey, had, even while he appeared in the most robust health, been "touched by the finger of God and slept."

On a beautiful May day, surrounded by his old comrades in arms, by a multitude of his fellow-citizens from all the ranks and walks of life, by a delegation of his colleagues of the House of Representatives and from the Senate of the United States, and by the governor of his Commonwealth, to the sweet strains of the beautiful hymn—

Beyond the sunset's glow
There is a brighter world I know.

We laid him to rest in the beautiful cemetery of his best-loved city and State, at the base of the great Blue Ridge Mountains, which lift their peaks into the very clouds, as if to fathom the unexplored beyond.

There is a resurrection and a life beyond the sunset's glow, and we who knew our friend believe that he will live with his beloved, where mansions are prepared for those who have lived lives of kindness, honesty, and truth, and who love the Lord.

Mr. GRAFF. Mr. Speaker, I feel it my duty to pay a brief, modest, and informal tribute to the memory of Hon. PETER J. OTEY. During the past three sessions of Congress it has been my pleasure to be quite intimately associated with him. He was a member of the Committee on Claims of the House, of which I happened to be chairman. During the last session of Congress he was associated with me on the subcommittee, where we were engaged almost daily in mutual work. It was this committee where was done most of his laborious committee work.

I owe it to PETER J. OTEY that I pay tribute to his memory, because I feel indebted to him. I feel that I have obtained benefit because of the personal contact with him which was my privilege during the past two years.

After all, a human life preaches the most forceful sermon. Deeds are more forceful than words, but character is more forceful than either. After all, it is not what we accomplish, but it is what we are, that is important. Accomplishment may depend upon the accident of opportunity, but character depends upon ourselves. PETER J. OTEY lived a life of integrity, benevolence, charity, industry, and patriotism, and thus taught these virtues and made them attractive to others.

Two members of the House of Representatives who have passed away during this session were members of the Committee on Claims. One of those was Representative OTEY, and the other Representative Salmon. It is a matter of self-congratulation that in both these men were found most gentle qualities of heart and most thorough and most manly qualities of mind.

On May 5, the day after Major OTEY'S death, the Committee on Claims assembled, as they had been called together with the expectation of performing the ordinary work of the day, and passed these resolutions:

The Committee on Claims have heard with profound sorrow of the death of the Hon. PETER JOHNSTON OTEY, of Virginia, who for several terms was a faithful and efficient member of this committee: Therefore,

Be it resolved by the Committee on Claims of the House of Representatives, That in the death of the Hon. PETER J. OTEY, a Representative from the State of Virginia, the Committee on Claims have suffered a great loss in being deprived of the valuable services of Mr. OTEY as a member of the committee, and sincerely testify to his generous spirit, integrity, unflagging industry, and ability, and that the members of this committee individually all feel that they have lost in him a friend and a liberal, broad-minded coworker.

Be it resolved, as a further mark of respect, That the committee do now adjourn, and that these resolutions be spread upon the records of this committee, and a copy thereof be transmitted to the family of the deceased.

I was reared in a Union soldier's home, from which a father

and two brothers went forth on the Federal side to battle for the preservation of the Union.

Prior to my experience in this House, beginning with the Fifty-fourth Congress, I had no knowledge of Southern life or Southern character save that obtained by reading. My own experience had brought with me only those things which would conduce to a prejudice against Southern life, Southern character, and Southern aspirations. I little dreamed eight years ago that I would find myself delivering a sincere eulogy to an ex-Confederate soldier during my service here. Without yielding any of my own convictions of the measures of the period of the war of the rebellion, I feel that I have somewhat altered my views of the men of that period who were then against us. I believe Mr. OTEY to have been a fair example of the high type of that portion of American life which descended from the Cavaliers. I feel proud of this departed friend who was born and continued to live until his death in the great State of Virginia—who performed his duty as he saw it.

His life stretched from 1840 to 1902, covering a most important epoch in our history. He was rich in reminiscences, and oftentimes before the committee had commenced its labors he was in the habit of giving us various experiences of army life. Through it all there was not even a suggestion of resentfulness against the victorious, nor was there ever a suggestion of regret of any attitude that he had taken in the great war. There was never a suggestion of the thought that he was wrong in his battle for the Southern cause, but there was a recognition of the fact that the victory came to the Federal side, and with that victory he proposed to contribute all of his influence and all the force of his character to make that victory for the good of his country. Under the new conditions he took his place to do the best he could for his country.

He was an optimist. He was not addicted to looking on the blue side and the gloomy side of life. He hoped for the best. He believed that men were honest. He was slow to believe that they were otherwise, and hence in making up his opinion concerning the many claims which pressed upon us for solution and adjudication if he had any disposition to err it was upon the side of believing that there was no wrong in particular claims which were presented to us.

Another weakness he had was that of a noble man, and that weakness was on the side of generosity. If he believed that the claim presented was from one who needed the money, one who had a hard battle in life with which to contend, his disposition was to vote in the affirmative, on the theory that if he erred in his decisions upon the committee it was better to err on the side of the weaker rather than on the side of the great, strong, wealthy Government.

Therefore, Mr. Speaker, I feel gratified that on this occasion, through these memorial addresses, delineating correctly and truthfully the life of PETER J. OTEY, the country may get a better notion of the level of character and morality which pervades this House. My own experience for the past eight years has led me to believe that the vast majority of the members who come here give to their duties the very best of their service, the very best of their ability and of conscientious effort; and that upon both sides of the House, contrary to opinions which erroneously prevail, perhaps, all over the country, or in different sections, the great majority of the business done by this House is not transacted in a partisan way, and it is only upon strictly partisan questions that we range upon the one side and the other at the bidding of party. For the most part the great bulk of the business transacted by this body is transacted from the standpoint of the patriot, of the representative of all the people; and hence the needs of every section will be faithfully responded to, no matter what party shall prevail, in the majority of our deliberations.

Major OTEY believed in his fellow-man. He loved his kind. As has been stated, there is probably not another member of this House who has done so many things for his associates in the way of service on his committee as has been done in the past year and a half by PETER J. OTEY.

He always looked, as I said, for a better day out of the gloom; and may we trust, may we feel justified by his life, that he to-day has entered into a better day—into an eternal morning.

Mr. WILLIAM W. KITCHIN. Just a word, Mr. Speaker, for I am sure I can add nothing to the splendid eulogies which have already been spoken upon the life and character of our deceased friend. I feel, however, that I could not let this occasion pass without paying some slight tribute to his worth.

In 1865 my father and Major OTEY were friends and fellow-prisoners of war at Fort Delaware. That of itself would have attracted me to Major OTEY. He was one of the few men in Congress whom I knew before I came here, having known him for eight years before I was elected to the Fifty-fifth Congress.

He was a civil engineer, a brave and gallant Confederate soldier, a banker, and a practical railroad man before he entered public life, and became distinguished in each business he had pursued. The greatest material monument to his energy and wisdom is the Lynchburg and Durham Railroad, now a part of the Norfolk and Western system, running through my county. To him more than to anyone else was the construction of that road due. The entire people of the good country opened up by that road will cherish his memory with profound appreciation of the great service he rendered them in the building of that line of railway.

My district in North Carolina adjoins his district in Virginia. In my own county and district Major OTEY had many personal friends, attached to him by strong ties of great regard and happy association. I have had many opportunities of knowing the high esteem, the warm affection, and the loyal confidence freely given to him by his large constituency. I believe that no man in this body was in closer touch with the people of his district than was our deceased friend.

Before his election to Congress he had been chairman of his Congressional executive committee, and in that capacity had come to kow personally the great majority of the influential men in the various neighborhoods of his district. After his election, in my judgment he gave as much of his personal attention to the needs, the correspondence, and the little matters of business intrusted to his care by his constituents as any man in this House. I can add my testimony to that of his colleagues who have already spoken, that in all this body no man was more diligent or attentive to businsss than he. He was in truth a good, a splendid Representative, and deserved the plaudit from his people, "Well done, thou good and faithful servant."

As a man he was candid, courageous, honest, full of sympathy and humanity; just such a man as one delights to honor and rejoices to call his friend. He carried sunshine and happiness, comfort and encouragement to those who sought his counsel. As a friend he was loyal and true; as a husband and father, kind, considerate, and devoted. We have missed him. We shall miss him. No one is more conscious than myself of the inadequacy of words to fitly portray this man's life and character. I shall not attempt it. Words can not compensate for his loss, but in his life, honest, manly, candid, energetic, and faithful, we find much consolation and regard it as an inspiration to struggling men, teaching them the lessons of fidelity, industry, ability, integrity, and kindness. The inevitable mystery has borne him from us, as it will hereafter bear us from others, and we must submit. We shall cherish his virtues. His memory will always be pleasant to us. Peace to his ashes—joy to his soul.

Mr. LAMB. Mr. Speaker, in the quiet of this Sabbath day we turn from the arduous duties of life to the contemplation of death.

How inexorable is death! "All that live must die, passing through nature to eternity." How intrusive is death! There is no age nor condition into which it will not intrude its presence. Since these ceremonies begun it has entered the homes of thousands. The humble and the great, the rich and poor, alike fall before this enemy of mankind. There is no escape from the grim monster. Vain man in pride declares, "I will build me larger barns wherein to store my goods." A voice in deep and solemn tones replies: "Thou fool, this night shall thy soul be required of thee." A dreamer sees in the dark an ill-omened bird perched upon his chamber door, and to his imprecations he hears but one response—"Nevermore!" "Nevermore!"

So there is a spirit which haunts us night and day, in toil or sport, in sunshine or sorrow, in sin or in righteousness, evermore repeating this warning:

Vain man, thy fond pursuits forebear;
Repent, thy end is nigh.
Death, at the furthest, can't be far,
O! think before thou die.

How dreadful is death! "All we know or dream or fear of agony" is embodied in death. The youngest of us may, the oldest of us must, soon be ushered into the unknown world from whence come no tidings of those who have gone before.

Nature, experience, conscience, all sound in our ears the melancholy truth,

To die—to sleep:
To sleep! perchance to dream: ay! there's the rub,
For in that sleep of death what dreams may come,
When we have shuffled off this mortal coil,
Must give us pause.

The numerous deaths in this and the two previous Congresses—three from my own State, Virginia—emphasize these sorrowful but suggestive utterances: "In the midst of life we are in death;" "Man that is born of woman is of few days and full of trouble;" "He cometh forth like a flower, and is cut down; he fleeth also as a shadow, and continueth not."

The last summons came unexpectedly to our friend and colleague, though possibly not without warning to himself. Only

the day before he left this city, seeking rest and quiet at his home in Lynchburg, I sat by him in this House talking over some matters that had recently given him much concern. When I asked after his health and expressed the hope that he would soon be with us again, he laid his hand over his heart and remarked, "There is something wrong here; I can not tell what will be the result." In a few days the wires flashed to us the sad intelligence that our colleague had passed from earth to the great beyond.

In the death of Hon. PETER J. OTEY the Sixth Congressional district of Virginia lost a faithful and efficient Representative and the State a true and loyal son, who served her well in war and peace. A faithful and devoted husband, an affectionate father and grandfather, and a warm-hearted and sympathetic friend has been removed from the companionship of those whom he delighted to supply with every needed comfort and cheer with the words of affection and good will that came from a heart unusually free from selfishness as well as envy and uncharitableness.

Were I asked to point out in a word the leading trait of character in our departed colleague, I would say that charity was his crowning virtue. During the five years of somewhat intimate association with him I never heard him speak unkindly of anyone. His political opponents will, I am sure, bear willing testimony to this. Although possessing a fund of humor that he employed at times with telling effect, he never used this power to detract from another or in such a manner as to leave any sting of bitterness behind. He was ever ready to serve a friend, and would put himself to any trouble in order to aid a colleague. In this respect, as well as in other qualifications, he was well equipped for his arduous duties as a member of the Committee on Claims.

Many others here besides myself will testify to the truth of this observation. His industry was equally conspicuous. This gave him a hold upon his district. No member of the Virginia delegation worked more constantly and effectively for his people. His constituents often spoke to me of his untiring zeal in their behalf. Had he lived it is my belief that he would have remained in Congress as long as he desired. I take this occasion to bear willing testimony to his helpfulness. He had served in the Fifty-fourth Congress. I came in the Fifty-fifth. I had known him slightly as a business man and a useful citizen, but knew him in spirit as a gallant Confederate soldier. This tie soon drew us together, and he was prompt to offer such suggestions and assistance as a new member always appreciates and can never forget.

His acquaintance with the details of the work here soon attracted my attention, and I was not slow to follow his example and profit by his advice. He had a taste for his work as well as ability to perform it. Men of extraordinary ability are sometimes failures as Representatives for lack of the taste, tact, and industry that are absolutely necessary in order to meet the demands of an exacting or possibly censorious constituency. With an adaptability to the work and ability to perform it, Major OTEY had acquired the experience necessary for the duties of his position, and was giving his district and State a splendid service when death laid his cold hand upon him and transferred his immortal spirit to the better land, whose Maker had endowed our friend with a generous heart and loving disposition.

In the death of our colleague another of that incomparable body of men, "the glorious infantry of the army of northern Virginia" has passed from earth's scenes to the celestial city, not made with hands, whose builder is God.

I have not spoken of our friend's faith; we may well judge his faith by his works, for we know that "Faith without works is dead." The generous disposition and gentle qualities our colleague possessed come through the inspirations of a spirit that is not of earth; hence we may infer that our friend had learned more of the things of the spirit than he revealed to those not bound to him by the ties of home and consanguinity. Of one thing I am sure, our friend had the unshaken faith of the Confederate soldier in the justice and right of his cause; and there are soldiers all over Virginia to-day—I often hear them express themselves—who believe that a good and merciful Father above will look with special favor upon and prepare places for the men who sacrificed so much for liberty and home. Many of these, now three score years of age, are struggling with poverty and burdened with cares, while a large majority, with rare spiritual faith, are looking for a heavenly land. A few believe in the law of compensation, and are satisfied that the Confederate soldier will have the full reward for all his toils and sacrifices and losses when the Great King above pensions those who deserve as well as those who win success.

In this House in the Fifty-fifth Congress we had 32 ex-Confederate soldiers. Major OTEY prepared a careful list of these. We remember the interest he took in a banquet at which was gathered these 32 Representatives, with 16 of the Senate. He was in his element that night as he listened to and himself recounted the war scenes of forty years ago.

The Fifty-eighth Congress will not number 20 ex-Confederates. On both sides of this Chamber the soldiers who met in conflict forty years ago are diminishing in numbers. They are falling more rapidly than they fell in battle. In a few years the places that know them now will know them no more forever. The members of the Grand Army of the Republic, by whose deeds of valor we ex-Confederates may well measure our manhood and chivalry, are falling at the rate of 1,000 a month. The sons of these soldiers may well be proud of the deeds of their fathers. Many of them stood shoulder to shoulder in recent conflicts. After forty years of warfare the houses of York and Lancaster were united in one. More than a generation has passed since our civil war. May every trace of its bitterness soon pass away and this Republic live to bless the world and gladden the hearts of men everywhere, preparing them for the universal reign of peace and righteousness on earth.

The SPEAKER pro tempore (Mr. JONES of Virginia). Now, in accordance with the resolutions previously adopted, the House stands adjourned until 11 o'clock to-morrow.

And accordingly (at 3 o'clock and 25 minutes p. m.) the House adjourned.

SENATE.

MONDAY, *June 30, 1902.*

The Senate met at 11 o'clock a. m.

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. SPOONER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the House had passed the following bills and joint resolution:

A bill (S. 1949) to authorize the Secretary of the Navy to appoint George H. Paul a warrant machinist in the Navy;

A bill (S. 4762) to prevent any consular officer of the United States from accepting any appointment from any foreign State as administrator, guardian, or to any other office of trust without first executing a bond, with security, to be approved by the Secretary of State;

A bill (S. 6091) extending the time for making final proof in desert-land entries in Yakima County, in the State of Washington; and

A joint resolution (S. R. 118) authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Arturo R. Calvo, of Costa Rica.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 97) to authorize the Secretary of War to furnish duplicate certificates of discharge;

A bill (H. R. 11400) in relation to taxes and tax sales in the District of Columbia, approved February 28, 1898; and

A bill (H. R. 12086) to extend the time for the construction of the East Washington Heights Traction Railroad Company.

The message further announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

A bill (H. R. 11573) for the relief of settlers on lands granted in aid of the construction of wagon roads;

A bill (H. R. 15270) to amend an act entitled "An act authorizing the Aransas Harbor Terminal Railway Company to construct a bridge across the Corpus Christi channel, known as the Morris and Cummings ship channel, in Aransas, Tex.;" and

A joint resolution (H. J. Res. 198) giving authority to the Commissioners of the District of Columbia to make special regulations for the occasion of the thirty-sixth national encampment of the Grand Army of the Republic, to be held in the District of Columbia in the month of October, 1902, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 493) to amend an act to establish a code of law for the District of Columbia.

The message further announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bills:

A bill (H. R. 9960) to prevent a false branding or marking of food and dairy products as to the State or Territory in which they are made or branded;

A bill (H. R. 13172) to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes; and

A bill (H. R. 14019) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 12805) requiring the Anacostia and Potomac River Railroad Company to extend its Eleventh street line, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BABCOCK, Mr. MUDD, and Mr. MEYER of Louisiana managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 619) providing for the recognition of the military service of the officers and enlisted men of the First Regiment Ohio Volunteer Light Artillery, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CAPRON, Mr. DICK, and Mr. HAY managers at the conference on the part of the House.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate numbered 1, 7, 9, 13, 24, 25, 26, 37, 38, 39, 40, 43, 46, 47, 52, 56, 57, 58, 61, 64, 76, 77, 88, 89, 91, 92, and 93 to the bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes, further disagrees to the amendment of the Senate numbered 91, upon which the committee of conference were unable to agree, asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FOSS, Mr. DAYTON, and Mr. MEYER of Louisiana managers at the conference on the part of the House.

The message further returned to the Senate, in compliance with its request, the message of the Senate of March 11, 1902, disagreeing to the report of the committee of conference on the bill (H. R. 8586) amending the act of March 2, 1901, entitled "An act to carry into effect the stipulations of article 7 of the treaty between the United States and Spain, concluded on the 10th day of December, 1898."

NAVAL APPROPRIATION BILL.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 7, 13, 46, 47, 52, 56, 57, 58, 64, 77, 92, and 93.

That the House recede from its disagreement to the amendments of the Senate numbered 9, 25, 26, 88, and 89; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following: "That the appointment of six additional civil engineers is hereby authorized, three to be appointed during the present calendar year, and the other three in the calendar year 1903." and the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 37, 38, 39, and 40, and agree to the same with an amendment, as follows: In lieu of the amended paragraph, (being lines 18, 19, 20, and 21, on page 33 of the bill), and of the amendments, insert the following:

"Navy-Yard, Charleston, South Carolina: Stone and concrete drydock (towards completion), two hundred and fifty thousand dollars: Provided, That the amount authorized in the Act of June seventh, nineteen hundred, to be expended for the purchase of a site for a naval station at or in the vicinity of Charleston, South Carolina, from the appropriation of a new naval station and a dock be increased from one hundred thousand dollars to one hundred and six thousand dollars, and six thousand dollars are hereby appropriated, office building for the commandant, thirty-five thousand dollars; quarters for the commandant, twelve thousand dollars; quarters for civil engineer, seven thousand five hundred dollars; landing and wharves, fifty thousand dollars; grading and drainage, ten thousand dollars; work shop (to cost eighty thousand dollars), fifty thousand dollars; storehouse and storekeepers' office, fifty thousand dollars; equipment building (to cost one hundred and twenty-five thousand dollars), sixty-two thousand five hundred dollars; machine shop for steam engineering (to cost one hundred and seventy-four thousand dollars), eighty thousand dollars; foundry and copper shop for steam engineering (to cost one hundred and eighteen thousand dollars), sixty thousand dollars; power house (to cost fifty thousand dollars), twenty-five thousand dollars; work shop for ordnance, forty thousand three hundred dollars; shipfitters' shop with mould loft and furnace shed for construction and repair (to cost two hundred thousand dollars), fifty thousand dollars; power house and fuel storage for construction and repair (to cost eighty thousand dollars), thirty-five thousand dollars; machine shop for construction and repair (to cost one hundred and twenty thousand dollars), forty thousand dollars; joiner shop for construction and repair (to cost one hundred and twenty thousand dollars), thirty thousand dollars; foundry for construction and repair (to cost seventy-five thousand dollars), twenty thousand dollars; in all, navy-yard, Charleston, nine hundred and thirteen thousand three hundred dollars.

"In all cases where buildings and structures are provided for in this Act and where appropriations in full are not made for the same, authority is hereby given to the Secretary of the Navy, in his discretion, to enter into contracts for the entire construction of such buildings and structures, with the limit of cost as fixed in this Act."

That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment, as follows:

In lieu of the sum proposed insert the following: $7,649,325.

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert the following:

That, in addition to the number of naval constructors and assistant naval constructors now authorized, the appointment of six assistant naval constructors is hereby authorized, two to be appointed during the present calendar year, and the remaining four in the calendar year of 1903.

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert the following:

That, until the year 1914, in addition to the naval cadets now authorized by law, (the title having been changed by this act to midshipmen) the President shall appoint five midshipmen, and there shall be appointed from the States at large, upon the recommendation of Senators, two midshipmen for each State.

And the Senate agree to the same.

The amendment numbered 91 the committee of conference have been unable to agree; and the Senate agree to the same.

EUGENE HALE,
GEORGE C. PERKINS,
B. R. TILLMAN,
Managers on the part of the Senate.
GEORGE EDMUND FOSS,
ALSTON G. DAYTON,
ADOLPH MEYER,
Managers on the part of the House.

The report was agreed to.

Mr. HALE. I move that the Senate insist upon its amendment still in disagreement and agree to the further conference asked by the House of Representatives.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate at the further conference, and Mr. HALE, Mr. PERKINS, and Mr. TILLMAN were appointed.

DISTRICT STREET RAILWAYS.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (H. R. 12805) requiring the Anacostia and Potomac River Railroad Company to extend its Eleventh street line, and for other purposes.

The amendments were, on page 1, line 11, to strike out all after the word "avenue," down to and including line 2, page 2, and insert:

Provided, That until streets of suitable width to accommodate a double-track railway shall be opened substantially on a line northerly from the termini of the extension of the railway herein provided for and of the Metropolitan Railway on Old Sixteenth street, cars may be switched on Lydecker avenue and on Old Sixteenth street, respectively.

On page 2, after line 15, insert:

SEC. 5. That the time within which the Washington and Gettysburg Railway Company shall construct its line within the District of Columbia is extended two years from March 1, 1903.

On page 2, line 16, to change "Sec. 5" to "Sec. 6."

Mr. GALLINGER. I move that the Senate insist upon its amendments to the bill and ask for a conference on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. GALLINGER, Mr. HANSBROUGH, and Mr. MARTIN were appointed.

PETITIONS AND MEMORIALS.

Mr. QUAY presented the petition of Kate Emilie Duval, praying that certain relief be granted her; which was referred to the Committee on Claims.

Mr. KEAN presented a petition of Silk City Lodge No. 188, International Association of Machinists, of Paterson, N. J., praying for the passage of the so-called eight-hour bill; which was referred to the Committee on Education and Labor.

He also presented petitions of sundry letter carriers of Camden; of Coopers' Local Union No. 151, of Trenton; of Tin and Sheet Metal Workers' Local Union No. 11, of Trenton; of Carpenters and Joiners' Local Union No. 121, of Bridgeton; of Engineers and Firemen's Local Union No. 256, of Jersey City; of Electrical Workers' Local Union No. 3, of Jersey City; of the Women's Christian Temperance Union, of Hoboken, and of Sanitary Pressmen's Local Union No. 45, of Trenton, all in the State of New Jersey, praying for the enactment of legislation to increase the compensation of letter carriers; which were referred to the Committee on Post-Offices and Post-Roads.

He also (for Mr. FORAKER) presented petitions of Western Reserve Lodge, No. 731, International Association of Machinists, of Warren, and of Iron Molders' Local Union of Alliance, in the State of Ohio, praying for the passage of the so-called eight-hour bill; which were referred to the Committee on Education and Labor.

He also (for Mr. FORAKER) presented petitions of the congregation of the Methodist Episcopal Church of Oxford, of the Young People's Society of Christian Endeavor of Ruggles, and of the

congregation of the United Presbyterian Church of Oxford, all in the State of Ohio, praying for the adoption of certain amendments to the anti-canteen law; which were referred to the Committee on Military Affairs.

He also (for Mr. FORAKER) presented a memorial of Cigar Makers' Local Union No. 48, of Toledo, Ohio, remonstrating against any reduction being made in the duty on cigars and tobacco; which was referred to the Committee on Finance.

He also (for Mr. FORAKER) presented a petition of 132 citizens of Washington Court-House, Ohio, praying for the adoption of certain amendments to the internal-revenue law relative to the tax on distilled spirits; which was referred to the Committee on Finance.

Mr. FAIRBANKS presented a petition of Iron Molders' Local Union No. 284, of Connersville, Ind., praying for the passage of the so-called eight-hour bill; which was referred to the Committee on Education and Labor.

Mr. CULLOM presented resolutions of the city council of Chicago, Ill., favoring the enactment of legislation providing for the holding of an exposition in that city; which were referred to the Select Committee on Industrial Expositions.

He also presented a petition of Iron Molders' Local Union No. 223, of Springfield, Ill., praying for the passage of the so-called eight-hour bill; which was referred to the Committee on Education and Labor.

He also presented a memorial of sundry citizens of New Athens, Ill., remonstrating against the enactment of legislation authorizing the issuance of post checks; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Retail Clerks' Association of Streator, Ill., praying for the enactment of a Sunday rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented petitions of the National Guard and Naval Militia Association of Illinois, praying for the enactment of legislation to promote the efficiency of the militia; which were referred to the Committee on Military Affairs.

He also presented a petition of 40 citizens of Bethalto, Ill., praying for the adoption of certain amendments to the internal-revenue law relative to the tax on distilled spirits; which was referred to the Committee on Finance.

He also presented petitions of the Chicago Leaf Tobacco Merchants' Association, of Chicago, and of 28 cigar manufacturers of Chicago, in the State of Illinois, praying for a reduction of the duty on raw materials imported from Cuba, and remonstrating against any reduction of the duty on cigars and cigarettes; which were referred to the Committee on Finance.

PENSION WORK OF THE SESSION.

Mr. GALLINGER. Mr. President, in answer to a great many inquiries, I wish to make a statement of the work done by the Committee on Pensions during the present session.

Statement of general bills referred to the Senate Committee on Pensions, and action taken thereon, during the first session of the Fifty-seventh Congress.

[June 28, 1902, inclusive.]

Senate bills referred to committee	33
Approved by President	1
Passed Senate	2
On Senate Calendar	1
On House Calendar	1
Indefinitely postponed	2
Recommitted	1
No action by Senate	25
Total	33
House bills referred to Senate committee	2
Approved	1
Not examined	1
Total	2
Total number of Senate and House general bills referred to committee	35

Statement of private bills referred to the Senate Committee on Pensions, and action taken thereon, during the first session of the Fifty-seventh Congress.

[June 28, 1902, inclusive.]

Senate bills referred to committee	2,552
Approved by President	389
Awaiting approval	98
On House Calendar	52
Not acted on by House	77
No action by Senate	1,986
Total	2,552
House bills referred to Senate committee	1,071
Approved by President	595
Awaiting approval	119
On Senate Calendar	97
Examined and ordered laid aside	60
Recommitted	2
Vetoed	1
Senate bills reported in lieu	2
Adversely reported (dead)	3
Passed Senate and recalled from President	2
Not examined	190
Total	1,071
Total number approved and awaiting approval—House and Senate	1,151
Total number of bills introduced in House and referred to both committees thereof	7,518
Total number of bills introduced in Senate	2,552
Total number of bills introduced in both Houses	10,070

Mr. COCKRELL. Let the statement be printed as a separate document.

Mr. GALLINGER. I intended it for the RECORD.

Mr. COCKRELL. I ask that it be printed as a separate document also. That will be a more convenient form in which to use it.

Mr. GALLINGER. Very well.

The PRESIDENT pro tempore. The Senator from Missouri asks that the paper submitted by the Senator from New Hampshire be printed as a document as well as in the RECORD. Is there objection? The Chair hears none, and it is so ordered.

REPORTS OF A COMMITTEE.

Mr. WARREN, from the Committee on Claims, to whom were referred the following bills and joint resolution, reported adversely thereon, and they were postponed indefinitely:

A bill (S. 1770) for the relief of A. G. Boone;

A bill (S. 1706) to carry out the findings of the Court of Claims in favor of R. L. Pritchard & Co., of Page County, Va.;

A bill (S. 164) to pay the State of Nevada for moneys advanced in aid of the suppression of the rebellion in the civil war; and

A joint resolution (S. R. 41) authorizing the Secretary of the Treasury to ascertain, allow, and pay the claims of the several States for all moneys by them actually paid to aid the General Government in maintaining the national defense when carrying on the war of the rebellion.

ISADORE VON BALSAN AND OTHERS.

Mr. WARREN, from the Committee on Claims, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bills (S. 1126) for the relief of Isadore von Balsan, (S. 1749) for the relief of Thomas G. Johnson, (S. 2789) for the relief of Ella M. Guy, (S. 2973) for the relief of Stephen Bird, executor of John Bird, deceased, (S. 3142) for the relief of the estate of James L. Holland, deceased, (S. 3335) for the relief of the estate of Jesse L. Norman, deceased, and (S. 5448) for the relief of the estate of C. H. Kinnard, deceased, now pending in the Senate, together with all the accompanying papers, be, and the same are hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

BILLS INTRODUCED.

Mr. McCOMAS introduced a bill (S. 6310) for the erection of a statue of General Otho Holland Williams, at Williamsport, Md.; which was read twice by its title, and referred to the Committee on the Library.

Mr. KEAN (for Mr. FORAKER) introduced a bill (S. 6311) granting an increase of pension to Isaiah Marler; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. KITTREDGE introduced a bill (S. 6312) for making a grant of alternate sections of the public lands in the district of Alaska to aid in the construction of a certain railroad and telegraph line in said district, and for other purposes; which was read twice by its title, and referred to the Committee on Public Lands.

EXPENDITURES OF ISTHMIAN CANAL COMMISSION.

Mr. MORGAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate, That the Secretary of State is directed to send to the Senate a statement of the expenditures of the Isthmian Canal Commission, under an act approved March 3, 1899, making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, as the same are accounted for by said Isthmian Canal Commission; and also whether there is any deficit in the appropriation which is to be or has been provided for by further appropriations.

KILLING OF SEALS, ETC., BY EXPLOSIVE MATERIALS.

Mr. HALE. I am obliged to be absent nearly all the time in conference. I should like very much to call up the bill (S. 6286) prohibiting the killing or taking of seals, porpoises, whales, or marine animals or fish of any kind in the waters of the United

States by means of explosive materials, and for other purposes. It was reported by the Senator from California [Mr. BARD] the other day from the Committee on Fisheries. There is no objection to it, and I ask that it be considered. The Senator from Alabama [Mr. MORGAN] asked that it might go over for examination. He has read the bill. It is a very important measure and ought to be passed.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HOUSE BILL REFERRED.

The bill (H. R. 11573) for the relief of settlers on lands granted in aid of the construction of wagon roads was read twice by its title, and referred to the Committee on Public Lands.

BRIDGE ACROSS CORPUS CHRISTI CHANNEL.

The bill (H. R. 15270) to amend an act entitled "An act to authorize the Aransas Harbor Terminal Railway Company to construct a bridge across the Corpus Christi Channel, known as the Morris and Cummings ship channel, in Aransas County, Texas," approved May 4, 1896, was read twice by its title.

Mr. CULBERSON. I ask unanimous consent for the present consideration of the bill. It is very short, and it is absolutely essential that it should be passed promptly.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NATIONAL ENCAMPMENT OF GRAND ARMY OF THE REPUBLIC.

The PRESIDENT pro tempore. The Chair lays before the Senate a joint resolution from the House of Representatives and calls the attention of the Senator from North Dakota [Mr. HANSBROUGH] to it.

The joint resolution (H. J. Res. 198) giving authority to the Commissioners of the District of Columbia to make special regulations for the occasion of the Thirty-sixth National Encampment of the Grand Army of the Republic, to be held in the District of Columbia in the month of October, 1902, and for other purposes incident to said encampment, was read twice by its title.

Mr. HANSBROUGH. There is a similar joint resolution on the Calendar, reported from the Senate Committee on the District of Columbia. I suppose it will be in order to move to substitute the House joint resolution for the Senate joint resolution.

Mr. GALLINGER. And to ask for the immediate consideration of the House joint resolution.

Mr. HANSBROUGH. And I ask for its immediate consideration.

The PRESIDENT pro tempore. Is the Senate joint resolution similar in terms to the House joint resolution?

Mr. HANSBROUGH. Precisely.

The PRESIDENT pro tempore. The Senator from North Dakota asks unanimous consent for the present consideration of the House joint resolution, it simply being like a joint resolution already on the Calendar, and reported favorably to the Senate. Is there objection?

Mr. COCKRELL. Let it be read for information.

The Secretary read the joint resolution; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT pro tempore. Senate joint resolution No. 121, being a joint resolution with the same title, will be postponed indefinitely.

IRRIGATION STATISTICS.

Mr. BURTON. I ask unanimous consent to call up the joint resolution (H. J. Res. 182) authorizing the Director of the Census to compile statistics relating to irrigation.

The Secretary read the joint resolution; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. PLATT of Connecticut. Will the Senator from Kansas explain how the direction to the Director of the Census to complete this work depends on the publication of the agricultural report?

Mr. BURTON. I did not understand the Senator's question.

Mr. PLATT of Connecticut. As I caught the reading of the joint resolution it directs the Director of the Census, when a certain agricultural report shall have been published, to take up this work. Perhaps I did not catch it correctly.

Mr. BURTON. The statistics have been brought up to 1899, and the joint resolution proposes to direct the Director of the Census to bring them up to 1902. I am advised by the Department that it will not require any additional clerical help whatever.

Mr. SPOONER. It is a House joint resolution?

Mr. BURTON. Yes, a House joint resolution.

Mr. PLATT of Connecticut. Is it the intention to have it all published in one document—that is what has been done by the Agricultural Department and what is to be done by the Census Department—or is it to be in two separate documents?

Mr. SPOONER. I suppose the agricultural statistics of the Census Bureau are referred to.

Mr. BURTON. Yes, sir.

Mr. SPOONER. And not the agricultural statistics of the Agricultural Department?

Mr. BURTON. No, sir.

Mr. PLATT of Connecticut. Perhaps I did not catch the reading correctly.

Mr. QUARLES. If the Senator will permit me, I am advised that a large portion of the material has already been collected and that it requires to be collated and published. The people interested in this matter are exceedingly desirous to have it done seasonably, and I am advised that it can be done practically without any additional expense.

Mr. PLATT of Connecticut. I was mistaken. I thought that it referred to work that had been partially done by the Agricultural Department.

Mr. BURTON. No.

Mr. QUARLES. Oh, no.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH A. NALLEY.

Mr. GALLINGER. While I have been of the opinion that it was unwise to clear the Calendar of pension bills, my attention has been called to one, the beneficiary of which is the invalid and dependent daughter of a soldier. She is suffering from cancer, and probably will not live until the beginning of the next session. For that reason I ask consent to call up the bill (H. R. 11171) granting a pension to Elizabeth A. Nalley.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension roll the name of Elizabeth A. Nalley, helpless and dependent daughter of William H. Nalley, late captain Company A, Fifth Battalion District of Columbia Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TIMBER LANDS IN NEW MEXICO.

Mr. GAMBLE. I ask unanimous consent for the present consideration of the bill (H. R. 11062) to amend an act entitled "An act to make certain grants of land to the Territory of New Mexico, and for other purposes."

This bill has been read twice, and the amendments of the Senate Committee on Public Lands agreed to. It was asked to go over on Friday by the Senator from Missouri [Mr. COCKRELL] when it was reached on the Calendar. I do not understand that he objects to it now.

Mr. COCKRELL. I objected to the bill, not having clearly understood the object and the effect of it. I ask the Senator from Arkansas [Mr. BERRY] to make a statement, and I will then withdraw my objection.

Mr. BERRY. Mr. President, as the bill came from the House it provided for the disposition of certain lands in New Mexico which were given by the Government to that Territory. Under the law then passed those lands might be disposed of by the Territory at $1.25 an acre, provided not more than 160 acres should be sold to any one individual.

The House passed this bill, providing that the timber on not more than 25,000 acres might be sold, and put no limitation or no minimum price on the land. It came to the Committee on Public Lands. The Senator from Minnesota [Mr. NELSON] and myself and others insisted that the House bill ought not to pass without a limitation, that the officers of that Territory should not be permitted to sell 25,000 acres of the white pine on the land without a limitation as to the price. So the committee amended the bill and provided that the timber on the land should not be sold for less than $4 an acre and that the sale should be at public auction.

Now, it increases the number of acres which may be sold from 160 to 25,000 acres. Under the present law all the timber land may be sold for $1.25 an acre. The legislature of the Territory think that they could get much more for the land under this bill than under the present law.

The object in desiring that such a large tract shall be sold is that they contemplate building a railroad through that section of

country, and the people there think this bill will tend to facilitate that. Therefore if the bill shall pass both Houses with the Senate amendment, I think it would enable the Territory to get $4 or more per acre, instead of $1.25, under the present law; but I would never agree to the passage of the bill as it came from the House unless the Senate amendment was to remain in it, because then there would be no limitation whatever on the officers. That is the situation. After the amendment was made the Senator from Minnesota and the entire committee agreed to report the bill.

Mr. COCKRELL. I withdraw my objection to the bill with the distinct understanding that when it goes into conference, if it goes into conference, the amendments of the Senate are not to be receded from.

Mr. SCOTT. Mr. President, I object to the further consideration of the bill.

Mr. GAMBLE. It is just on its passage. I ask the Senator to withdraw his objection.

Mr. SCOTT. As I understand the bill, it virtually provides for taking from the Territory 25,000 acres of timber land. I am opposed to doing that.

Mr. GAMBLE. I did not hear the remark of the Senator from West Virginia. Will he please repeat it?

Mr. SCOTT. As I understand the bill, it provides for the sale of 25,000 acres of timber in the Territory.

Mr. COCKRELL. Not of timber land, but only of the timber on the land.

Mr. BERRY. Yes.

Mr. SCOTT. The timber of this country is being denuded so fast now that I am opposed by my vote or by my sanction in any way to giving away any further timber, to have it destroyed or cut——

Mr. SPOONER. Will the Senator from West Virginia allow me a moment? Congress is not parting with this timber. I objected to this bill when it came up the other day because I had had no opportunity to examine it. This timber was granted long ago on this land to the Territory of New Mexico, the proceeds of the sale of the land or timber to be devoted to the construction, I believe, of certain public buildings, so that the title to this land has passed from the United States and vested in the Territory. There was a limitation upon the right to sell in this way that no more than 160 acres should be sold to one purchaser. Of course the Senator knows that in an isolated tract of land not accessible by railway no person could be found to buy 160 acres of timber, because he could not get it away.

The Delegate came to me after my objection and told me—and it is purely a local matter—that it was very desirable that they should be permitted to sell this timber, removing the restriction as to 160 acres in order that they might thereby facilitate the construction of a projected railway and develop the Territory. The committee has wisely amended the bill so as to provide that it shall be sold at public sale and that the upset price shall not be less than $4 an acre. It being a local matter, and the Delegate from New Mexico having stated the case as he did, and just as the Senator from Arkansas has stated it, I withdrew my objection. As the matter stands now, it might as well be a prohibition upon the Territory from selling it at all. It was the intention of Congress that it should at some time be sold and the money used, because otherwise the timber can not be used.

Mr. SCOTT. If the Senator will allow me, the money was to be used and expended for irrigation.

Mr. BERRY. No.

Mr. SPOONER. No; it was ordered to be used for the erection of certain public buildings, the capitol building, I think, for one.

Mr. GAMBLE. An agricultural school.

Mr. SPOONER. They can not use it without selling it.

Mr. GAMBLE. It was also to be used for a normal school.

Mr. BERRY. If the Senator from Wisconsin and the Senator from South Dakota will permit me to make one remark, I will state that if the railway company or other parties see fit to do so they can go and get enough individuals to buy up this land and pay a dollar and a quarter an acre for it under the present law. Therefore, I think the bill as amended by the Senate committee is better for the Territory, because it provides that there shall be a sale at public auction and that the timber shall be sold for not less than $4 an acre, and the Territory will still have the land remaining, whereas under the present law it may be sold—land, timber, and all—at a dollar and a quarter an acre. The legislature of New Mexico, as I remember it, passed an act asking that this be done.

Mr. SCOTT. If the Senator from Arkansas will amend his bill so that timber or stumpage under a certain size shall not be cut, I will withdraw my objection; but otherwise I shall insist upon it.

Mr. BERRY. It is not the bill of the Senator from Arkansas; it is a House bill, and was reported from the Committee on Public Lands of the Senate, of which I happen to be a member. The committee reported these amendments, and I will not make any change in them, so far as I am concerned, whether the Senator from West Virginia objects or not. It is a matter for him to determine whether he shall do so or not. I did not call up the bill and have not asked for its passage. I simply, on the request of the Senator from Missouri [Mr. COCKRELL], explained the bill.

Mr. SCOTT. I have a number of objections to the bill, but I do not want at this late day of the session to take up the time by stating them. They have little enough rain in New Mexico now, and if the balance of the timber they have there shall be cut down the people of that Territory will be without rain at all. If the bill can be amended so as to prevent the destruction of the underbrush or trees of a certain size, say 6 or 8 inches across the stump, leaving something with which to start a new forest there, I shall be willing to withdraw my objection, otherwise I shall insist on the objection. I want to protect the timber there if I can.

Mr. SPOONER. The Senator's position practically dishonors the gift of this land made long ago by the Government of the United States to the Territory of New Mexico.

Mr. SCOTT. If the Senator will allow me, if the land has been given to them and they have control of it already, why do they come back and ask Congress to pass such legislation?

Mr. SPOONER. If the Senator will permit me, he does not understand this case. Congress granted this land to the Territory of New Mexico.

Mr. SCOTT. I understand that.

Mr. SPOONER. The proceeds—which, of course, involves the sale—to be used in the construction of a normal-school building and other buildings of a certain nature. The title passed to New Mexico and is in New Mexico, subject to the restriction that no more than 160 acres can be sold to any one person. There is now no limitation as to the amount of timber or the size of the timber which may be cut upon any 160-acre tract; but, as the matter now stands, the land is isolated from railways, and in the absence of permission to sell it in larger lots, it is impossible to utilize the land at all. On the theory of my friend the Senator from West Virginia, who is a broad-minded man, this land never can be used or utilized in any way for the purpose for which it was given to the Territory of New Mexico. It can not be used in kind, it can not be utilized at all, except through sales, the proceeds of which must be applied to the construction of these buildings.

Mr. SCOTT. Allow me to ask the Senator from Wisconsin if the Territory of New Mexico has a right to provide that the timber may be cut?

Mr. SPOONER. Undoubtedly. New Mexico is under only two restrictions. One is that the land shall not be sold in larger tracts than 160 acres to any one person, and the second is that the money shall be used for a specific purpose. The reason why the Territory asks this legislation is because it can not sell the land in such small subdivisions, and it desires to be permitted to sell the timber on tracts not exceeding 25,000 acres at public sale at a price not less than $4 an acre, in order to realize the money with which to erect these buildings.

Mr. GAMBLE. I should like to suggest to the Senator from West Virginia that the public lands in the Territory of New Mexico are under a board which is under the legislative authority of the Territory. This bill simply provides that the land shall be sold under such rules and regulations as may be prescribed by the board of public lands in the Territory of New Mexico.

Mr. ELKINS. I will say to my colleague that the Senator from South Dakota [Mr. GAMBLE] is right about that.

Mr. SCOTT. I will withdraw my objection if that be the case. All I desired was a provision to properly control the matter.

Mr. PATTERSON. I had hoped that the Senator from West Virginia [Mr. SCOTT] would insist on his objection. I desire to renew it.

The PRESIDENT pro tempore. Objection is made.

Mr. PATTERSON. I want to say in this connection, Mr. President, that the disposition of the timber that belongs to the Territory of New Mexico should be kept in status quo as nearly as possible until New Mexico becomes a State.

I know from experience in my own State that State legislatures situated as will be the legislature of the State of New Mexico are very loath to part with the timber in their States in such immense quantities—40 square miles of timber to be sold to one individual or corporation. Speculators would buy it up if for no other purpose than to hold it until such time as it might be used or sold by them to better advantage as private individuals or as corporations and yield them an immense fortune in the future.

Mr. BERRY. Will the Senator permit me a moment?

The PRESIDENT pro tempore. This debate is proceeding by unanimous consent. Objection has been made to the consideration of the bill.

Mr. BERRY. I ask unanimous consent of the Senate to say a word in reply to the statement of the Senator from Colorado [Mr. PATTERSON], who is mistaken about the facts in this case. I merely want to correct him.

In the first place, the Territory of New Mexico already has the

right to sell this land, timber and all, at $1.25 an acre. The Senate amendment was to enable the Territory to get more than that, and then to provide for a public sale at not less than $4 an acre for the timber. I merely wanted to correct the Senator in that respect.

Mr. KEAN. I call for the regular order, Mr. President.

Mr. PATTERSON. That the Territorial legislature has not sold the timber I think is pretty good evidence that the Territorial legislature desires to preserve it.

Mr. BERRY. The Territorial legislature passed an act——

Mr. KEAN. Regular order, Mr. President.

The PRESIDENT pro tempore. Objection being made, the bill is not before the Senate.

SOL BEAR & CO.

Mr. JONES of Arkansas. I am directed by the Committee on Finance, to whom was referred the bill (H. R. 303) for the relief of Sol Bear & Co., to report it favorably without amendment. I ask unanimous consent for its consideration at this time. It will take but a moment.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay $156.64 to Sol Bear & Co., of Wilmington, N. C., upon their first surrendering to the Commissioner of Internal Revenue the original stamps issued for that sum of money.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JACOB L. HANGER.

Mr. COCKRELL. Mr. President, some time ago the bill (H. R. 3690) for the relief of Jacob L. Hanger was passed by the House and sent to the Senate. The Senate passed a substitute for the bill, and it was sent back to the House. The House disagreed to the Senate amendment, and asked for a conference. It came back to the Senate, the Senate agreed to the conference, and the conferees were appointed. Now, two of the conferees on the part of the Senate are absent, the Senator from Connecticut [Mr. HAWLEY] and the Senator from Vermont [Mr. PROCTOR], and I am the only one of the conferees now present. But the conferees have agreed. The House conferees have agreed to recede from the disagreement of the House to the Senate amendment, which would leave the Senate amendment to become a law. The only question now is parliamentarily whether we must have two other conferees appointed, or whether the Senate will accept this report, let it go to the House, and if the House should agree to the Senate amendment, that will be the end of it.

Mr. PLATT of Connecticut. Has the House agreed to the conference report?

Mr. COCKRELL. The House has not agreed to the conference report. Two of the conferees on the part of the House have signed it, but there is only one conferee on the part of the Senate.

Mr. PLATT of Connecticut. Has the House acted?

Mr. COCKRELL. The House has not acted, because the report has to be first made to the Senate.

The PRESIDENT pro tempore. What is the objection to having new conferees appointed on the part of the Senate to fill the vacancies on the conference committee?

Mr. COCKRELL. I know of no objection.

The PRESIDENT pro tempore. The difficulty is in making a conference report signed by but one conferee on the part of the Senate.

Mr. COCKRELL. I suppose that is so. I will suggest that the Senator from West Virginia [Mr. SCOTT] and the Senator from Wyoming [Mr. WARREN] be appointed conferees in place of the Senator from Connecticut and the Senator from Vermont.

The PRESIDENT pro tempore. The Senator from Missouri asks unanimous consent that the Senator from Connecticut [Mr. HAWLEY] and the Senator from Vermont [Mr. PROCTOR] be excused from further service on the conference committee on the bill, and that the Senator from West Virginia [Mr. SCOTT] and the Senator from Wyoming [Mr. WARREN] be appointed in their place. Is there objection? The Chair hears none, and that order is made.

Mr. COCKRELL subsequently said: I submit a conference report on House bill 3690, which I ask to have read.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3690) for the relief of Jacob L. Hanger having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same.

F. E. WARREN,
N. B. SCOTT,
F. M. COCKRELL,
Managers on the part of the Senate.
RICHARD WAYNE PARKER,
F. W. MONDELL.
Managers on the part of the House.

The report was agreed to.

REGULATION OF IMMIGRATION OF ALIENS.

Mr. ELKINS. I am directed by the Committee on Printing, to whom was referred the resolution submitted by the Senator from Pennsylvania [Mr. PENROSE] on the 28th instant, to report it favorably with an amendment. I ask unanimous consent for the present consideration of the resolution.

There being no objection, the Senate proceeded to consider the resolution submitted by Mr. PENROSE on the 28th instant, as follows:

Resolved. That there be printed for the use of the Committee on Immigration 10,000 copies of Senate Report No. 2119 and testimony on the bill to regulate the immigration of aliens, and of House of Representatives bill which said report accompanies.

The amendment reported by the Committee on Printing was, in line 2, before the word "copies," to strike out "ten thousand" and insert "seven thousand five hundred."

The amendment was agreed to.

The resolution as amended was agreed to.

SUBPORTS AT TACOMA AND SEATTLE, WASH.

Mr. FOSTER of Washington. I ask unanimous consent for the present consideration of the bill (H. R. 11987) relating to transportation of dutiable merchandise at subports of Tacoma and Seattle, State of Washington.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to extend the privileges of the first section of the act approved June 10, 1880, relating to the transportation of dutiable merchandise without appraisement to Tacoma and Seattle, subports of entry in the customs collection district of Puget Sound, State of Washington.

Mr. COCKRELL. The report is short in that case, and I ask that it be read. It will only take a moment.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the following report, submitted by Mr. MASON on the 26th instant:

The Committee on Commerce adopts the House report, as follows:

"The Committee on Ways and Means, to whom was referred the bill (H. R. 11987) relating to transportation of dutiable goods at subports of Tacoma and Seattle, submit the following report:

"The object of this bill is to give to the subports above named the commercial privileges of importation of goods in bond as is provided for in section 1, act of June 10, 1880.

"The letter of the Secretary of the Treasury is hereto appended, and, as appears, approves of this bill.

"We recommend that the bill be passed."

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, May 28, 1902.

SIR: I have the honor to acknowledge the receipt of your communication of the 26th instant, with which was transmitted House bill 11987, providing for the extension to Tacoma and Seattle, subports of entry in the customs collection district of Puget Sound, State of Washington, of the privileges of the first section of the act approved June 10, 1880, relating to the transportation of dutiable merchandise without appraisement.

In reply to your request for an expression of my views as to whether or not the bill should be enacted into a law I have to state that in view of the large quantities of oriental merchandise imported at the ports named and destined for other ports in the United States I am of opinion that commercial necessities require the passage of the bill, and I therefore commend it to the favorable consideration of the Committee on Ways and Means.

Respectfully,

L. M. SHAW, *Secretary.*

Hon. SERENO E. PAYNE,
Chairman Committee on Ways and Means, House of Representatives.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADMISSION OF CUBA.

Mr. ELKINS. Mr. President, I ask that the joint resolution introduced by me on the 14th instant may be read.

The PRESIDENT pro tempore. The joint resolution will be read.

The Secretary read the joint resolution, as follows:

Resolved, etc., That Congress doth consent that the territory properly included within and rightfully belonging to the Republic of Cuba may be erected into a new State, to be called the State of Cuba, with a republican form of government, to be adopted by the people of said Republic, by deputies in convention assembled, with the consent of the existing Government, in order that the same may be admitted as one of the States of this Union.

2. *And be it further resolved*, That the foregoing consent of Congress is given upon the following conditions and with the following guarantees, to wit: First. The constitution of said State, with the proper evidence of its adoption by the people of said Republic of Cuba, shall be transmitted to the President of the United States, to be laid before Congress for its final action on or before the 1st day of January, 1904. Second. Said State, when admitted into the Union, after ceding to the United States all public edifices, fortifications, barracks, ports and harbors, navy and navy-yards, docks, magazines, arms, armaments, and all other property and means pertaining to the public defense belonging to said Republic of Cuba, shall retain all the public funds, debts, taxes, and dues of every kind which may belong to or be due and owing said Republic, and shall also retain all the vacant and unappropriated lands lying within its limits, to be applied to the payment of the debts and liabilities of said Republic of Cuba, and the residue of said lands, after discharging said debts and liabilities, to be disposed of as said State may direct; but in no event are said debts and liabilities to become a charge upon the Government of the United States.

3. *And be it further resolved*, That if the President of the United States shall in his judgment and discretion deem it most advisable, instead of proceeding to submit the foregoing resolution to the Republic of Cuba as an overture on the part of the United States for admission, to negotiate with that Republic; then,

Be it resolved, That a State, to be formed out of the present Republic of Cuba, with a republican form of government and with representatives in Congress, shall be admitted into the Union, by virtue of this act, on an equal footing with the existing States, as soon as the terms and conditions of such admission shall be agreed upon by the Governments of the Republic of Cuba and the United States; and that the sum of $100,000 be, and the same is hereby, appropriated to defray the expenses of missions and negotiations to agree upon the terms of said admission and cession, either by treaty to be submitted to the Senate or by articles to be submitted to the two Houses of Congress, as the President may direct.

Mr. ELKINS. Mr. President——

Mr. SPOONER. If the Senator will pardon me one moment, I should like to have the first subdivision of that joint resolution again read.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read the first subdivision of the joint resolution.

Mr. ELKINS. The joint resolution I had the honor of introducing in the Senate, which has just been read, has been misunderstood. The introduction of this resolution had no relation to nor bearing whatever upon the question of the Cuban reciprocity bill pending before the Committee on Cuban Relations of the Senate. It has been my judgment for a long time, independent of all questions of reciprocity and trade relations, that Cuba would inevitably become part of the United States. This being the case, I have believed the sooner the annexation was consummated the better it would be for both nations.

It has been claimed that the resolution is untimely and an offense to Cuba by even suggesting annexation at this time. The letter and spirit of the resolution furnishes no ground of offense. The resolution provides that Cuba must take the initiative, and only when she asks for annexation can the United States take action. Under the resolution, if Cuba fails to ask to be admitted as a State there can be no annexation. There has been no time within the last fifty years when the people of Cuba, if they could have had their choice, independent of Spain, would not have gladly consented to become a State in the American Union. Then, why should it be any cause of offense now that she is free, largely by the grace of the United States, to simply indicate our willingness that in the event it should be her wish to become a State we would consent? Texas, after gaining her independence by the valor and heroism of her people alone and unaided, did not regard it an offense to be asked to come into the American Union as a State. The same invitation set forth in this resolution was extended to the people of Texas. They were not offended, and they did not regard it beneath their dignity to promptly accept it; and why should Cuba be offended? We have spent two hundred millions of our money and watered the soil of Cuba with the blood of our soldiers to gain her independence.

For nearly a century the annexation of Cuba to the United States has been the dream and ambition of American statesmanship. Jefferson and the earlier statesmen favored it and looked forward to its certain consummation.

Jefferson said:

I candidly confess that I have ever looked on Cuba as the most interesting addition which could ever be made to our system of States.

President Polk in 1848 offered $100,000,000 for Cuba.

It is known that President Pierce favored the acquisition of Cuba and instructed Mr. Buchanan, minister to England, Mr. Mason, minister to France, and Mr. Soulé, minister to Spain, in 1854 to take up the subject with European governments. Their conclusions were incorporated in what is known as the Ostend Manifesto; they urged the purchase of the island of Cuba from Spain for $120,000,000, and stated that they regarded the island as necessary to the United States and the sale advantageous to Spain. They added, if this offer was not accepted, that self-preservation is the first law of nature.

The Democratic platform of 1860 favored the acquisition of Cuba.

Discussion and agitation were delayed on account of the fear that annexation would extend the area of slavery and increase the slave power in the Government. President Garfield and Mr. Blaine had annexation in mind in the beginning of the Garfield Administration, and it was their purpose to make the acquisition of Cuba one of the aims of that Administration. At that time $200,000,000 was not regarded as too much to pay Spain for Cuba.

President Garfield, a few days before the dastardly shot of the assassin which took away his life, pointing to a map in the Cabinet room, said to a friend:

Do you know that Cuba is right at our doors, and farther west than Pittsburg, and don't you think her acquisition would be a great thing for our country?

President McKinley, speaking to the Cuban commissioners who came to Washington to look after the question of defining the relations between the two countries, said:

If you only were a member of the family, how easy it would all be.

Discussing the speech President McKinley made at Austin, Tex., while en route to the Pacific coast, Henry Litchfield West, who is not only an able and accomplished writer, but a close observer and a man of accurate judgment, says, in the Forum, December (1901):

The conditions in Cuba are much more satisfactory, and much discussion is not likely to be provoked unless an attempt is made to arrange a reciprocity treaty with the new government of that island. * * * It is hardly possible that a sincere effort will be made at this early stage of Cuba's development to agitate for the annexation of the island. Had President McKinley been spared, some action in this direction would have been inaugurated. There is no doubt he looked forward to annexation as the ultimate solution of the Cuban problem.

After nearly a century of waiting, the time seems opportune now to carry into effect the well-defined wishes of a majority of the people of Cuba and the United States in regard to annexation. No sufficient reason can be urged against annexation. Under all the circumstances annexation now is in the interest of both countries. I never favored it before, and opposed the Spanish war partly for the reason that in the event of war the United States would be compelled to acquire all the territory of Spain in the Western Hemisphere. This I did not desire.

The environment of Cuba, being a small country, right under the shadow of the Great Republic, beset with trials and difficulties on the threshold of her national life—these and other things stand in the way of her being long an independent nation, while as a State in the American Union her people would be prosperous and progressive; the products of her soil, the richest on the earth, would find a ready market at home and abroad; her people would become citizens of the Great Republic, an honor greater than being Roman citizens in the best days of the Roman Empire, and enjoy the liberties and all the blessings that would flow from being part of the best, greatest, and freest Government in the world.

After annexation the products of Cuba would not come into hurtful competition with those of the United States. Free trade amongst the States has never lowered the price of labor or worked injury to American interests. Wherever our flag floats the price of labor advances. Under our immigration laws this would soon be the case in Cuba, and the price of labor in both countries would be the same for the same work. With annexation Cuba would have the best market in the world for all her products at her very doors in her sister States unhindered by duties, and the farmers and manufacturers of the States would supply everything needed by Cuba as against all other countries.

It is claimed that annexation would destroy the promising and growing beet-sugar industry of the United States. Not so, however. The price of products among the States of the Union always seeks an equilibrium. With proper protection in favor of the cane sugar of Cuba, which she will enjoy as a State, and the beet sugar of the United States, within fifteen years the United States would not only produce enough sugar for its own consumption, but largely compete with other countries in the markets of the world.

But for the war with Spain, although so successful and glorious, Cuba would now be a part of the United States. Before the declaration of war, at the instance of the United States, Spain granted the armistice on the island demanded by the Cuban insurgents. President McKinley, in his great desire to avert the war, worked hard to secure this result, and I think if the armistice had come a week earlier or President McKinley could have had thirty days longer he would, through peaceful negotiations, have induced Spain to surrender sovereignty over Cuba and Porto Rico.

It was clear that only through the intervention of the United States by peaceful means or war could the people of Cuba ever have hoped to end Spanish rule on the island. Nothing short of the annexation of Cuba would have justified the United States in intervening and paying Spain $200,000,000 for the island. The people of Cuba would have welcomed annexation, as it offered the only escape from Spanish domination on the island.

Even with the war, had it not been for our declaration that the war was not waged for conquest or aggrandizement, known as the Teller amendment, Cuba would to-day be a part of the United States, just as Porto Rico and the Philippines are. This amendment has proved both mischievous and unwise. There was no need of the United States, on the eve of war, declaring what it would or would not do during or following the war. Wise men, and a nation governed by wise men, in entering upon great transactions should never make unnecessary declarations and pledges.

The difficulties, trials, and troubles we had in Cuba, Porto Rico, and Hawaii, and are now having in the Philippines, are but the pulse beats of national expansion, the growing pains of the Republic, natural and logical in the progress and development of a great nation. They will soon pass away and be forgotten, and we will look upon our island possessions with pride and satisfaction and as useful acquisitions necessary to holding and increasing our trade and commerce in the Pacific Ocean and the Orient, and for our national defense.

When Cuba shall become a part of the American Union and

the isthmian canal shall be completed, which is now assured, Porto Rico, Cuba, Hawaii, and the Philippines will be the outposts of the great Republic, standing guard over American interests in the track of the world's commerce in its triumphant march around the globe. Our people will soon see and feel that these island possessions belonging to the United States are natural and logical, and in the great part we are to play in the affairs of the world we would not only not give them up, but wonder how in the working out of our national destiny we could get on without them. This splendid chain of island possessions, reaching half around the world, would not be complete without Cuba, the gem of the Antilles.

The provisions of the act of Congress demanding that Cuba insert the conditions in her constitution, commonly known as the Platt amendment, prevent Cuba from being an entirely free and independent nation. We have put upon her conditions which, in a sense, may be to the mutual interest of both countries, but, while insuring a certain security to Cuba, makes her, in effect, a dependent nation, and as long as these conditions stand as part of our laws and embedded in her constitution she can never be a free and independent nation. The people of Cuba will soon learn that it is far better to be a State in the American Union, with Senators and Representatives in Congress, than to be a dependent nation. This furnishes one of the reasons why I think her people will prefer giving up national existence and becoming a part of the Great Republic.

There is a tendency in all human affairs, in government, trade, and commerce, to concentration and combination. Meteors go to the sun; small nations are becoming parts of great nations, and Cuba in her present environment, situated as she is, can not be expected to resist this tendency. Thoughtful and intelligent people, both in Cuba and the United States, believe that it is manifest destiny that Cuba should become a part of the United States. Why not anticipate the sure workings of time and do now what the people of both nations will welcome later on with joy, unanimity, and enthusiasm. Now is the most opportune time for annexation before Cuba contracts debts and strains her credit to start in the race of national life, and before the United States in order to further help Cuba makes more sacrifices either by abandoning her economic traditions and breaking down the policy of protection, which has brought such great prosperity and success to our people, or otherwise. In the long future, yet not so long in the lives of nations, Cuba would become one of the richest and most progressive States of the Union.

Only the beginning of the history of the relations between the two Republics has been written, one brief chapter, a chapter, however, unparalleled in the world's history, for what the United States has done for Cuba no nation ever did for another. Both countries can now agree upon and write down what they wish and what is to their mutual interest before difficulties, embarrassments or hindrances to annexation come about. Cuba can now act freely before individuals and combinations, for selfish purposes make action in the future troublesome. Prompt and untrammeled action now will safeguard the interests of both Cuba and the United States.

Americans have always had an affectionate interest in Cuba's welfare; they gave their blood and treasure freely to expel the Spaniard from this beautiful island and to secure her people the liberties they now enjoy. Our honored President testified his interest in and affection for Cuba by his splendid heroism on San Juan Hill. The worthy President of Cuba, Señor Don Tomas Estrada Palma, able, honest, loyal, and unselfish, knows the heart of the American people; he and the statesmen of Cuba know the Great Republic can be trusted and that the rights of a State in the American Union are indestructible.

The effect of the Platt amendment, though not intended, will operate to bring about annexation. A nation can not long remain half free and half dependent; such a condition embarrasses healthy progress in national life, and leaves but little room for the exercise of the genius and intelligence of a people in the affairs of government, especially when under such restrictions as these amendments impose.

I will put in contrast the language of the Teller amendment and the words of the Platt amendment. They are absolutely inconsistent. I was opposed to both, but was hushed into silence because our great leaders, great lawyers, and best thinkers in the Senate thought it was wise to adopt them. But they rise up now to plague us.

We promised the people of Cuba, upon their establishing a government, we would surrender the sovereignty and control of the island to them. Long before our Army was withdrawn from the island we passed the Platt amendment, which restricted that very control. This is the position in which we are to-day. We did the best we knew how; we acted from the very best motives; I do not challenge them.

The first and fourth clauses of the joint resolution, approved April 20, 1898, for the recognition of the independence of Cuba, and in effect declaring war against Spain, are as follows:

First. That the people of the island of Cuba are, and of right ought to be, free and independent.

Fourth. That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the island to its people.

As to the first clause all know that the people of Cuba were not at that time free and independent, yet we solemnly declared them to be, though it took our Navy and an army of 100,000 men to make this declaration a fact.

The fourth clause, commonly known as the Teller amendment, prevented Cuba from coming to us just as Porto Rico and the Philippines did. In it we made certain definite pledges to the people of Cuba. Have we kept them? The Platt amendment to the Army bill approved March 2, 1901, is as follows:

I.

That the government of Cuba shall never enter into any treaty or other compact with any foreign power or powers which will impair or tend to impair the independence of Cuba, nor in any manner authorize or permit any foreign power or powers to obtain by colonization or for military or naval purposes or otherwise, lodgment in or control over any portion of said island.

II.

That said government shall not assume or contract any public debt, to pay the interest upon which, and to make reasonable sinking-fund provision for the ultimate discharge of which, the ordinary revenues of the island, after defraying the current expenses of government, shall be inadequate.

III.

That the government of Cuba consents that the United States may exercise the right to intervene for the preservation of Cuban independence, the maintenance of a government adequate for the protection of life, property, and individual liberty, and for discharging the obligations with respect to Cuba imposed by the treaty of Paris on the United States, now to be assumed and undertaken by the government of Cuba.

IV.

That all acts of the United States in Cuba during its military occupancy thereof are ratified and validated, and all lawful rights acquired thereunder shall be maintained and protected.

V.

That the government of Cuba will execute, and as far as necessary extend, the plans already devised or other plans to be mutually agreed upon, for the sanitation of the cities of the island, to the end that a recurrence of epidemic and infectious diseases may be prevented, thereby assuring protection to the people and commerce of Cuba, as well as to the commerce of the southern ports of the United States and the people residing therein.

VI.

That the Isle of Pines shall be omitted from the proposed constitutional boundaries of Cuba, the title thereto being left to future adjustment by treaty.

VII.

That to enable the United States to maintain the independence of Cuba, and to protect the people thereof, as well as for its own defense, the government of Cuba will sell or lease to the United States lands necessary for coaling or naval stations at certain specified points, to be agreed upon with the President of the United States.

VIII.

That by way of further assurance the government of Cuba will embody the foregoing provisions in a permanent treaty with the United States.

This amendment, instead of leaving the government and control of the island to the people of Cuba, places a limitation upon their power to make treaties, upon their power to contract debts, provides that the United States may intervene to protect life and property on the island, and even enforces the right of the United States to jointly look after the sanitation of the island. We owe it to the people of Cuba to relieve them from the condition of a dependent nation in which they are placed by the Platt amendment, and the best way to do this is to invite them to become a State in the Union, which will bring to their people more benefits and advantages than being a small dependent Republic.

The question of annexation forces itself to the front and will claim from now on the attention of the people of both countries. This is in the very nature of things and grows out of our past and present relations with Cuba. Reciprocity with Cuba affords no adequate remedy for what threatens her interests. A 20 per cent reduction in her tariff and ours will do Cuba as a people or a Government little or no good, while it will work great harm to the interests of the United States. It is said that both General Wood and President Palma have stated that 20 per cent reduction will not help Cuba. They have never claimed that annexation would not be helpful to the people of Cuba.

Cuba has an area of 41,655 square miles: was discovered by the Spaniards in 1511, nearly four hundred years ago. Considering her situation, rich soil, fine climate, and natural resources, but little progress has been made in her material development. More progress has been made in the four years of American occupation of Cuba than in any fifty years of her previous history. Cuba, with her great advantages and resources, needs capital and confidence on the part of investors that capital and property will be protected. In nearly four centuries it is said only about two-fifths of the lands of Cuba has come under use and cultivation. Her vast forests of timber are substantially untouched, and her iron-ore deposits scarcely opened. Her fruit industry is neglected.

If Cuba were a State in the American Union all this would be changed; the investor would have confidence that capital would be protected; the unappropriated lands would come into use, and their value multiply; her forests would be taken, her iron mines would be opened, her commerce on sea and land would increase, her towns and cities would grow in population, and her people soon be as prosperous as any in the world. Americans would seek homes there and engage in business with the certainty of the largest measure of success.

There was long discussion and fierce opposition to the annexation of Texas—much more, I think, than there will be to the annexation of Cuba—but it came at last as surely as the annexation of Cuba will come. There is not a loyal and true American to be found within the confines of the Republic who would give up Texas, and within a few years after Cuba becomes a State in our Union not an American will be found willing to part with the island.

Under the circumstances, having been generous beyond measure to Cuba, having lifted her up and made her a nation among the nations of the earth, it seems right and proper that the United States, as provided in the resolution before the Senate, should open the way and make it easy for Cuba to ask for annexation.

Mr. President, I wish to detain the Senate a few minutes by drawing attention to some remarks made by the distinguished Senator from Connecticut [Mr. PLATT] on Friday last, in relation to our duty to Cuba, and the necessity of keeping her friendship and extending our trade with her people. It was in the debate between the Senator from Connecticut [Mr. PLATT] and the Senator from Colorado [Mr. TELLER].

I nearly always agree with the Senator from Connecticut and follow him; he commands the respect, confidence, and high regard of his associates; he forces conviction by his superb ability and sound judgment. It is an ungracious task to differ with him on any question. I find, however, on the Cuban question I can not agree with him. In his remarks he says there is no place in the world where we can so surely extend and increase our trade as Cuba, but the question is on what terms. Our trade must not be increased there at the expense of American interests; we must not pay too dear for trade with Cuba.

Cuba should prefer us to all other nations in the matter of friendship and trade relations. The Senator from Connecticut looks upon the acquisition of Cuba with alarm; he says we must either make her our warm friend, make her independent, or acquire her, which would be a peril to the country.

Mr. President, what more can we do for Cuba to make her our friend? Why this seeking after friendship with a country for which we have done everything? If her Government lasts a thousand years it can not discharge its obligations to us, and I can not understand this desire to make great and continued sacrifices in order to secure the friendship of Cuba. I do not know where it originates or its cause. We owe Cuba good will. But we are not called upon to prefer Cuba to our own country. We are charged with the guardianship of the interests of our own people and not those of the people of a foreign country. When many of our own people have been in dire distress we have not helped them by legislation. The only wrong we have done Cuba was passing the Teller amendment, which prevented her acquisition following the Spanish war, and the Platt amendment, which made a her a dependent nation, which I have just read. We can make reparation for both by promptly admitting Cuba into the Union as a State if her people so desire.

The Senator from Connecticut in speaking of annexation further said:

> I regard that, Mr. President, as the greatest peril which to-day besets our Government. I can think of no future danger to be so much apprehended as that. When we begin to annex to our country foreign territories with foreign inhabitants, inhabitants alien to our race, to our habits, to our customs, to our traditions, and to our institutions, with the near certainty that statehood is to follow, we shall have taken the first step, in my judgment, toward the demoralization, in this a disintegration, of our republican institutions.

Why this alarm when the annexation of Cuba is proposed? Why stop at Cuba, situated at our doors, and absorb the Philippines, 7,000 miles away, with Malays, Chinese, and mixed and uncivilized races, when the people of Cuba are a highly civilized people and, we have declared, capable of self-government?

Have we not already acquired the Philippines, Hawaii, Porto Rico, Guam, Danish West Indies—territory with foreign inhabitants and alien to our race, to our habits, and to our customs, much more so than Cuba and the people of Cuba? Did we not absorb California, New Mexico, and Arizona with foreign people, with Indians and Mexicans? Yet we have survived and made progress in our national life.

In all of our acquisition of islands reaching fifteen hundred miles east and nearly ten thousand miles west, we failed to acquire Cuba, the most desirable and most important one—the one nearest to our doors and the one which would be of most benefit to us, and about the acquisition of which there has been a century of controversy. The trouble is the Senator's amendment makes annexation not only possible, but certain.

The Senator then adds: We have come to a crisis in our affairs; that our plain duty is to treat Cuba with reference to her commercial relations to the United States, so as to keep her our friend.

Have we not done enough to make Cuba our friend for all time? If she will not be our friend now, will she ever be? Cuba needs us more than we need Cuba. I can not understand this fear of not doing enough to keep Cuba's friendship. It reminds me of the wave of hysteria which swept over the country before and following the Spanish war. Somehow we can not speak of or deal with Cuba with composure and without becoming extravagant.

Just before the Spanish war the well-balanced, conservative, judicious, and judicial-minded senior Senator from Ohio, in a speech made in the Senate April 13, 1898, gave away in his hot zeal to praising the Cuban Government and said that the island had a government organized in all departments and an efficient postal system, and exclaimed that her President and Vice-President would compare favorably with ours. I quote his words:

> I say, without attempting to disparage anybody, the President and Vice-President of the Cuban Republic, for intellectual strength and power and vigor, for high character, for unquestioned ability, for statesmanship, will compare favorably with the President and Vice-President of the United States of America.
>
> It is shown by that testimony that they have in the island of Cuba, instituted by this paper government, a postal system which is carrying the mails to-day throughout the island into every fortified city, as well as throughout the territorial parts of the island. They not only have a postal system, but they have a fiscal system—a fiscal system which has provided tax collectors for the Government throughout all that island. The Cubans do have a fixed capital.

I did not agree with the honorable Senator when he made this statement. I set it down then, as I do now, to his ardent desire to help the cause of Cuba.

Following the war our able Secretary of War, who never acts from impulse and always keeps his ardor and enthusiasm under the severest control, deliberately uses this extravagant language in his annual report to the President on the subject of Cuba:

> For the peace of Cuba is necessary to the peace of the United States; the health of Cuba is necessary to the health of the United States; the independence of Cuba is necessary to the safety of the United States.

This is on a par with the statements made by the Senator from Ohio, and others who urged the United States to declare war, and are now being made about Cuba. We can not keep the peace of the United States if Cuba does not have peace. We can not have health in the United States unless Cuba has health. The independence of Cuba is necessary to the safety of the United States. Who believes this now? I hardly think the honorable Secretary does. The United States maintained peace twenty-five years while there was war in Cuba, and the United States has enjoyed safety for a century, though Cuba was not during all that time independent.

Speaking generally on the subject of trade relations with Cuba and increasing our trade in the island, and incidentally aiding Cuba, I do not believe for these purposes or any other we should reduce duties on all the products of one country, thereby discriminating against other countries who are better customers; we should not injure an American industry which Republicans stand pledged in their national platform to aid; we should not revise the tariff by piecemeal and out of time; we should not diminish our revnues six millions a year for five years to aid Cuba, leaving it doubtful whether Cuba and her people would ever get the benefit of this reduction, when we know and feel that in a short time Cuba must become a part of the United States and all these questions settle themselves without injury to the interests of our people.

The United States can better afford to give up all trade with Cuba and pay all the expenses of the Cuban Government than impair the protective principle and injure any American industry. The duties on 20 agricultural products from Cuba can not be reduced without impairing protection no more than reducing the duties on 20 agricultural products from Canada and then declare it will not work injury to the American farmer.

If, on the ground of aiding Cuba and at the same time finding a wider market there for American products, the Cuban Relations Committee should bring in a bill reducing the tariff on lumber, coal, wool, glass, and other products of West Virginia, the West Virginia delegation in Congress could not support it; and if it did I doubt whether any member of the delegation that did so would ever be returned to Congress.

There is no precedent for increasing or lowering duties by legislation on the products of any particular country. Tariff schedules are always framed as a whole and left to stand until another revision by Congress. The tariff should never for any reason be changed by legislation except as a whole. You can not take links

out of a chain and still maintain the strength of a chain, or claim you have a chain at all.

Reciprocity has always been effected through treaties, never by legislation. Weeks ago I suggested to the friends of Cuban reciprocity in the Senate the way to bring about reciprocity with Cuba was by treaty and not by act of Congress. I had in mind the Buffalo speech of our late martyred President, in which he used these significant words, "Reciprocity is in harmony with the spirit of the times." There are now pending in the Senate twelve or fourteen treaties providing reciprocity. .Why should Cuba be made an exception to this rule?

The reciprocity with Cuba now asked by the Committee on Cuban Relations is not the reciprocity advocated by Blaine, Harrison, McKinley, or Roosevelt. Not one of these great statesmen ever advocated reducing the tariff by legislation on some articles to the injury of any American industry and calling it reciprocity. McKinley would never have done so, and nothing he ever said warrants any such belief. President Roosevelt has never advocated any such doctrine. In his annual message he used this language:

> Reciprocity must be treated as the handmaiden of protection. Our first duty is to see that the protection granted by the tariff in every case where it is needed is maintained, and that reciprocity be sought for, so far as it can be safely done, without injury to any of our home industries.

Further on in his message he defines what reciprocity is, and his definition accords with that of McKinley, Blaine, and Harrison. I stand by the words of President Roosevelt. They are sound.

Mr. PLATT of Connecticut. Mr. President, I do not rise for the purpose of discussing the joint resolution introduced by the Senator from West Virginia [Mr. ELKINS], or of replying in detail to his remarks. I would keep silent except that I fear the introduction of the joint resolution in the Senate of the United States, and the remarks which have been made by the Senator from West Virginia in its support will be misunderstood and possibly resented in Cuba. I fear the people of Cuba will not understand that the joint resolution and the remarks of the Senator from West Virginia represent only his personal opinion upon this subject, and therefore I want to say that I am satisfied that in the introduction of the joint resolution and in its advocacy the Senator from West Virginia does not represent any considerable portion of the people of the United States. I think the Cuban people would have a right, if they supposed that this were a real movement on the part of the United States looking toward the annexation of Cuba, to charge us with bad faith.

In the joint resolution which was passed on the 20th of April, 1898, demanding that Spain should at once relinquish its authority and government in the island of Cuba and withdraw its land and naval forces from Cuba and Cuban waters, the Congress of the United States solemnly passed this fourth paragraph of the resolution:

> Fourth. That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island, except for the pacification thereof, and asserts its determination when that is accomplished to leave the government and control of the island to its people.

Mr. President, that pacification was accomplished and a constitutional government established in Cuba on the 20th of May last, and on the 14th of June, in less than one month after we had left the government and control of the island to its people, the joint resolution of the Senator from West Virginia is introduced into the Senate of the United States.

The Senator may say that it is only an invitation to the people of Cuba to ask to be annexed to the United States. I fear very much that they would regard it rather as the expression of an intention on the part of the United States to compel or coerce them into annexation with us. If that feeling should prevail in the island of Cuba it would be most unfortunate, and therefore I wish to state my own opinion that the joint resolution and the remarks which have been submitted in advocacy of it do not represent sentiment in the United States.

Mr. HANNA. Mr. President, I do not purpose or care to prolong this discussion or to give breadth to the argument either for or against the joint resolution. I merely want to say, in respect to the precedents which the Senator from West Virginia cited in support of his joint resolution, that several times during the history of our country Presidents have recommended or thought it wise by purchase to acquire the island of Cuba. Whatever may have been the inducement or the argument at that time, it was not accomplished, which to my mind is evidence that the deliberate judgment of the people was to the effect that we did not want to purchase or care to purchase or adopt the policy of acquiring the island of Cuba.

Coming down to more recent events, the Senator cited President McKinley. We all are familiar with the visit of a commission from Cuba to the United States in the interest of the newborn Republic whose government was about to be established, and we know how President McKinley met that commission with kindness and with an express desire for the establishment and growth of a liberal republican government there. He might have expresssed the thought quoted by the Senator that if Cuba was a member of our sisterhood of States the question would be different, but it so happened that Cuba was not a member of that sisterhood. But what he did say—and it came from an earnest desire to help to benefit that country—was that he would do everything within the limit of his power and influence to place Cuba in a position as regards her relationship with the United States which would give an impetus to her prosperity, and to that end that that influence should be exerted to establish a trade relationship which would be to her advantage.

I do not consider that this subject has been decided. I do not think our obligations toward that people have been ended. Whether or not we owe Cuba anything from the standpoint of mercenary motives, there is one thing we owe to ourselves, and that is that we place the consideration of this subject upon a high plane to justify the action which led us to take the initiative, resulting in war with Spain for the liberation of those people.

I want to see the country and the Congress stand firmly upon that higher plane, which has placed a moral obligation upon the United States in our relations with that Republic. I want to see everything whatever is done in this country done along the line of our professions when we found an excuse to bring on a war with Spain. We had the opportunity to negotiate for the purchase of the island. Different schemes were presented to avoid a war. That is true. But the public sentiment of this country would have none of it. A money consideration would not satisfy them. They took that higher plane and made the demand for the freedom of Cuba and the establishment of a republic there. That was the chief aim of the people of the United States. Whether the Teller amendment was good or bad, it became the law, and at that time manifested what was the mind of the people on that subject.

With respect to our obligations to Cuba, I may say that we will have an opportunity in the very near future to know whether the policy which was the policy of President McKinley and is the policy of President Roosevelt to-day, based upon that high plane of moral obligation, is the policy which will receive the support of the American people. My judgment is that we will hear from the people upon this question, and we will be notified by an overwhelming expression of sentiment from the country that when we abandon that plane of consideration in regard to her we will have abandoned the professions which led us into that war.

It is the policy of the Administration to-day, as it would have been the policy of President McKinley, had he lived, to treat that country as our ward, whether we owe Cuba anything or not; to assume, manfully and bravely, the responsibilities which we hold toward her future, and not seek to find an excuse to evade them.

If we have not regard of our obligation to her, we certainly ought to be sensible of our obligations to the civilized world. Pride in the success of our arms and the accomplishment of our purpose in overcoming Spain in the Western Hemisphere should cause us to respect our obligations to the balance of the world by a consistent continuation of the policy which started us on this enterprise.

Mr. President, to talk about the annexation of Cuba at this time I think is not fair toward Cuba, just starting out in her new life, with scarcely a full appreciation of what the undertaking is to her, with a desire on her part to contradict the idea that her people are not competent to govern themselves. What kind of a proposition is it for the United States, even before she has had the time to prove what she can do, to announce a programme for annexation?

I say, whether it will have a good or bad effect upon her commercial and industrial interests or not, it certainly will have the effect to discourage those whose patriotism and energy brought her to the position which claimed from us that effort and protection which led to her final emancipation.

No, Mr. President, it is a duty too sacred to be measured by obligation from a monetary standpoint or a commercial standpoint. It is a moral obligation which we have assumed, and without regard to party or section it is the pride of our people to stand by the obligations of our country with the spirit and the sentiment which impelled us to place ourselves in the present relationship with Cuba.

I know nothing personally about the feeling in Cuba with reference to annexation. I have no doubt there is an element there that would favor it, as there is an element in this country that would favor it. But I do protest against the consideration of the question at a time like this.

The PRESIDENT pro tempore. What does the Senator from West Virginia desire to have done with the joint resolution?

Mr. ELKINS. I wish to have it referred to some appropriate committee—the Committee on Relations with Cuba or the Committee on Foreign Relations.

Mr. SPOONER. What is the harm of letting it lie on the table during the vacation? We may not have any subjects next winter for debate or speeches, and I should like to make a speech on it at some time.

Mr. ELKINS. I will tell the Senator that I will keep this subject warm, if that is disturbing him. I hope to have it up next session. I ask that the joint resolution be referred to the Committee on Relations with Cuba. I know that is sending it where I fear it will not have a warm welcome.

Mr. BAILEY. I suggest to the Senator from West Virginia that the morning papers contain an account of a meeting held down there yesterday that it might be right well to insert as a part of his remarks if Cuba is to become another State in the Union.

Mr. SPOONER. What is the account?

Mr. BAILEY. It is an account of a meeting held there, and it discloses some racial difference, such as exist in every country where the two races reach anything like equal numbers. It indicates to my mind a sore place in Cuba. I hope the Senator from West Virginia, however, with his customary impartiality, will preserve everything that bears upon the subject.

Mr. ELKINS. I think it is proper for me to have the joint resolution referred if for no other reason than to please the Senator from Wisconsin, so that we may keep it before the Senate. I intend to make some further remarks on the subject. Am I taking the time of the Senator from Texas?

Mr. BAILEY. Not at all. I rose to make a motion in regard to another matter.

Mr. ELKINS. I noticed what the Senator referred to in the paper, and with the deepest sort of regret. I think the Senator who is willing to admit Cuba as an American State represents the true interests of Cuba more than the Senator who wants to render her aid as a republic at the expense of American industries. Replying to the junior Senator from Ohio, I can not find, nor can he find, any obligations in the world that we ever owed to Cuba which we have not discharged a thousandfold. We expelled Spain, established her independence, withdrew our army, and paid every dollar of our and her indebtedness, and her independence did not cost her $5. Now, there seems some sort of hysteria about obligations to Cuba has permeated the country and swept over it like a cyclone, for which there was no just reason. Cuba is under lasting obligations to the United States. We have discharged ours to her.

Mr. BAILEY. Did the Senator say that nothing remained of debt?

Mr. ELKINS. I am not replying to the Senator. I thought he was through. I wanted to say a word in reply to the Senator from Ohio.

Mr. BAILEY. I took the floor merely to make a motion to reconsider another subject.

Mr. ELKINS. I beg pardon.

Mr. BAILEY. But while I am on the floor I will say to the Senator from West Virginia that we are indebted to Cuba at least to the extent of the money General Wood spent to conduct a sugar propaganda in this country which has resulted in absolutely no good. I think in all good conscience we ought to return that money to the Cuban treasury. If they had secured the passage of the reciprocity bill, then they might have received some value for that expenditure, but in view of the fact that Congress is about to adjourn and leave that question suspended in the middle air, I am not willing to hear it stated that we owe Cuba nothing. We at least owe her the money which was spent out of her treasury by an officer of this Government to conduct a propaganda to affect this Congress. But that is by the way, Mr. President. All that, of course, will be considered in due time.

The PRESIDENT pro tempore. The joint resolution will be referred to the Committee on Relations with Cuba.

Mr. ELKINS. May I say a word?

The PRESIDENT pro tempore. The Senator from Texas has the floor.

Mr. BAILEY. Of course I yield to hear the suggestion of the Senator from West Virginia.

Mr. ELKINS. I wish to say that I do not sympathize with the Senator's position about the expenditure of that money or regard it as any reflection upon General Wood whatever. I think he did it in the discharge of what he thought to be his duty and in the interest of the Cuban people, and I am glad to make this statement here at this time. I know General Wood to be a gallant and brave officer of the Army, incapable of doing a wrong.

Mr. BACON. The Senator says he thinks General Wood did it in what he thought to be the discharge of his duty. What does the Senator think as to whether General Wood was acting in the discharge of his duty?

Mr. ELKINS. I think he did the best he knew how under the trying circumstances that surrounded him.

Mr. BACON. That is not the question I asked the Senator. I wanted to know if the Senator would give us what is his opinion of General Wood's good faith.

Mr. ELKINS. I said I did not share——

Mr. BACON. That is all right. I wanted to know the Senator's opinion as to the duty of General Wood in the premises; as to what it was his duty to do, in the opinion of the Senator from West Virginia.

Mr. ELKINS. Situated as he was, I believe he did the best he could, and if I had been situated as he I might have felt that I was authorized to spend that money. I insist that doing so does not reflect upon him.

Mr. BAILEY. I am not going to take issue with the Senator from West Virginia as to his expression as to what he would have done himself. I do not believe the Senator from West Virginia would use the money of a people——

Mr. ELKINS. I do not say I would.

Mr. BAILEY. He would not use the money of the people over whom he was acting with authority to conduct a propaganda to influence the lawmaking power of the government whose officer he was. It is impossible to find words strong enough to condemn the conduct of a man who takes the money of his own government even to use it in influencing the leaders of thought with the object of influencing through them the action of Congress. There is no Senator in this Chamber who believes that that is a proper expenditure of any public money of our own or the public money of Cuba. But, Mr. President, I rose——

Mr. SPOONER. I wish to suggest to the Senator that if he wishes to transact some business he had better let this subject go as quickly as possible, because there is danger that it will lead to debate.

Mr. BAILEY. I think so. I know there is dynamite in it, of course.

Mr. SPOONER. There will be debate about it.

Mr. BAILEY. I have no desire now to debate it, but I shall be very glad to participate in the debate at the proper time. I rose, Mr. President, to move to reconsider the vote by which a conference report was adopted.

Mr. BACON. This question is disposed of?

Mr. BAILEY. It has been referred, I understand.

Mr. PLATT of Connecticut. Has it been referred?

The PRESIDENT pro tempore. The joint resolution has been referred to the Committee on Relations with Cuba.

AGREEMENT WITH CHOCTAW AND CHICKASAW INDIANS.

Mr. BAILEY. On Friday there was a conference report on House bill 13172 adopted, and adopted in my absence. It is fair to say, and it is a little embarrassing, too, that this is the second motion to reconsider this report that I have felt compelled to enter. I was away on Friday and Saturday under treatment for my throat, and I had gone with the understanding that an agreement had been reached about the matter that would be satisfactory.

Mr. STEWART. With regard to the matter which was discussed here, the committee attempted to make it correspond with the then understanding, but the Senator from Texas was not where we could consult him. Besides, there are two other little matters to which the Attorney-General called my attention in that bill. They are small matters, and, if I can get unanimous consent, I will introduce a joint resolution, and I think that will answer the purposes of the Senator, so that he will withdraw his motion to reconsider.

Mr. BAILEY. That on this particular point is satisfactory, and I withdraw the motion to reconsider, if we can have unanimous consent for the consideration of the joint resolution.

Mr. PLATT of Connecticut. I have been unable to hear this colloquy. I do not know exactly what the motion is.

Mr. STEWART. I ask unanimous consent to have a joint resolution passed to correct some small matters in the Choctaw and Chickasaw treaty. Let it be read, and then we can judge of it.

The joint resolution (S. R. 129) amending the act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes, passed at the present session of Congress, was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes, passed at the present session of Congress, is hereby amended as follows:

The clause "after this agreement becomes effective," in section 31 of said act, shall read "after the passage of this act by Congress."

That the clause "this agreement is finally ratified," in section 32 of said act, shall read "after the passage of this act by Congress"

That the proviso to section 54 of this act shall read as follows:

"*Provided*, That occupants or purchasers of lots in town sites in said Choctaw and Chickasaw nations upon which no improvements shall have been made within six months after the passage of this act by Congress shall pay the full appraised value of said lots instead of the percentage named in the Atoka agreement."

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

Mr. BAILEY. It is the latter part that I am interested in. I suggest to the Senator from Nevada that the word "owners" be substituted for the word "purchasers" there, because "purchasers" would result in some confusion.

Mr. STEWART. I have no objection. Let it be so amended.

The PRESIDING OFFICER (Mr. KEAN in the chair). Without objection the joint resolution will be modified by striking out the word "purchasers" and inserting "owners."

Mr. BAILEY. That is the part I am interested in, and with that I am entirely satisfied.

Mr. STEWART. The other is to meet a criticism made by the Assistant Attorney-General, and I think it is very proper.

Mr. BAILEY. It was offered at his suggestion?

Mr. STEWART. Yes, sir.

Mr. BAILEY. Very well.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN WILLIAMSON.

Mr. JONES of Arkansas. I ask unanimous consent of the Senate to take up the bill (H. R. 14234) granting a pension to John Williamson.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

It proposes to place on the pension roll the name of John Williamson, late of Company G, Seventh Regiment United States Infantry, war with Mexico, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REAR-ADMIRAL WINFIELD SCOTT SCHLEY.

Mr. MCCOMAS. I ask for the present consideration of the bill (S. 2035) to pay to Rear-Admiral Winfield Scott Schley, on the retired list, the pay and allowance of rear-admiral on the active list.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The Committee on Naval Affairs reported an amendment to strike out the preamble, which was agreed to.

SUSAN A. PHELPS.

Mr. BEVERIDGE. I ask unanimous consent for the present consideration of the bill (H. R. 10321) granting an increase of pension to Susan A. Phelps.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension roll the name of Susan A. Phelps, widow of Ithamar D. Phelps, late captain Company K, Seventy-third Regiment Indiana Volunteer Infantry, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELECTRIC CONDUITS IN THE DISTRICT OF COLUMBIA.

Mr. PRITCHARD. I ask for the present consideration of the joint resolution (S. R. 81) to enlarge the use of electric conduits in the District of Columbia.

The Secretary read the joint resolution; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. SPOONER. Is that a report from the Committee on the District of Columbia?

Mr. PRITCHARD. It is.

The PRESIDING OFFICER. The Chair understands that the joint resolution is reported from the Committee on the District of Columbia.

Mr. COCKRELL. Let the report be read; it is very short.

The PRESIDING OFFICER. The report will be read.

Mr. COCKRELL. The report, I think, explains the whole thing.

The Secretary read the report submitted by Mr. MCMILLAN on the 13th instant, as follows:

The Committee on the District of Columbia, to whom was referred the joint resolution (S. R. 81) to enlarge the use of electric conduits in the District of Columbia, report it back to the Senate without amendment and recommend its passage.

The resolution proposes that the conduits now being used for street railway purposes may also be used to carry the wires of the electric lighting companies on such terms as may be agreed among the companies interested. The result of the legislation will be to save many of the streets in the District of Columbia from being torn up, and the tendency will be to reduce the cost of electric lighting. There is no reason why the conduits should not be used, but, on the contrary, there is every reason why existing facilities should be utilized to the utmost capacity.

The resolution was referred to the Commissioners of the District of Columbia, who suggest certain amendments, some of which seem to the committee mere verbiage, while the limitations proposed by the Commissioners seem to be unnecessary.

The Commissioners' report is as follows:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, May 8, 1902.

DEAR SIR: The Commissioners have the honor to recommend that Senate resolution No. 81, "To enlarge the use of electric conduits in the District of Columbia," which was referred to them at your instance for their examination and report, be enacted if amended as follows:

Line 4, after the word "authorized," insert the words "in their discretion."

Line 8, after the word "current," insert the words "for lighting purposes only."

Line 11, add the following at the end of the line:

"*Provided*, That it shall be unlawful for any person, company, or corporation to furnish electric current from any dynamo or generator supplying the power of any railway system, or from any electric railway system, to any building or premises in the District of Columbia for power, lighting, or other purposes, except in the power houses, car barns, or premises owned and operated by electric railway companies. For any violation of this provision the offending person, company, or corporation shall be fined $25 a day for each day said violation shall continue, said fine to be recovered in the police court of the District of Columbia in the name of said District."

A copy of the bill modified as herein suggested is herewith returned.

Very respectfully,

HENRY B. F. MACFARLAND,
President Board of Commissioners District of Columbia.

Hon. JAMES MCMILLAN,
Chairman Committee on District of Columbia, United States Senate.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SALE OF VIRUSES, ETC., IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. I ask for the present consideration of the bill (S. 6196) to regulate the sale of viruses, serums, toxins, and analogous products in the District of Columbia, to regulate interstate traffic in said articles, and for other purposes.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. GALLINGER. In section 4, on page 3, line 12, I move to insert, after the word "Navy," the word "and," and in line 13, after the word "service," to strike out the words "the Chief of the Bureau of Animal Industry of the Department of Agriculture, and the health officer of the District of Columbia be;" so as to read:

That the Surgeon-General of the Army, the Surgeon-General of the Navy, and the Supervising Surgeon-General of the Marine-Hospital Service be, and they are hereby, constituted a board with authority, subject to the approval of the Secretary of the Treasury, to promulgate from time to time such rules as may be necessary in the judgment of said board to govern the issue, suspension, and revocation of licenses for the maintenance of establishments for the propagation and preparation of viruses, serums, toxins, antitoxins, and analogous products, applicable to the prevention and cure of diseases of man, intended for sale in the District of Columbia, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its chief clerk, announced that the House had passed resolutions commemorative of the life and services of Hon. Amos J. Cummings, late a Representative from the State of New York.

The message also announced that the House had passed resolutions commemorative of the life and services of Hon. Peter J. Otey, late a Representative from the State of Virginia.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

A bill (H. R. 2487) granting an increase of pension to William S. Hosack;

A bill (H. R. 8644) granting a pension to John W. Thomas;

A bill (H. R. 9501) to provide for the sale of the unsold portion of the Umatilla Indian Reservation;

A bill (H. R. 10775) for the relief of Charles E. Sapp;

A bill (H. R. 10824) granting an increase of pension to George E. Bump;

A bill (H. R. 11273) to pay F. Y. Ramsay, heir at law and distributee of the late Joseph Ramsay, $430.42, for balance due the said Joseph Ramsay as collector of customs and superintendent of lights in the district of Plymouth, N. C.;

A bill (H. R. 12026) granting an increase of pension to Baley W. Small;

A bill (H. R. 14019) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes; and

A bill (H. R. 15003) to authorize the construction of a bridge by the New York, Chicago and St. Louis Railroad Company and

the Chicago and Erie Railroad Company across the Calumet River at or near the city of Hammond, Ind., at a point about 1,200 feet east of the Indiana and Illinois State line and about 100 feet east of the location of the present bridge of the New York, Chicago and St. Louis Railroad Company across said river; also to authorize the construction of a bridge by the Chicago and State Line Railroad Company across said river at a point where said company's railroad crosses said river in Hyde Park Township, Chicago, Ill., being at the location of the present bridge of said company across said river in said township.

HENRY O. BASSETT.

Mr. TALIAFERRO. I ask unanimous consent for the consideration of the bill (S. 5950) for the relief of Henry O. Bassett, heir of Henry Opeman Bassett, deceased.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. COCKRELL. Let the report be read. It is very short.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the report submitted by Mr. TALIAFERRO on the 16th instant, as follows:

The Committee on Claims, to whom was referred the bill (S. 5950) for the relief of Henry O. Bassett, heir of Henry Opeman Bassett, beg leave to report as follows:

This is a claim for a balance of $142.59 for services from Henry Opeman Bassett, as mail contractor during the early part of 1861. The facts and circumstances are set up in a letter to Senator S. R. MALLORY from the Auditor of the Treasury for the Post-Office Department under date of June 5, 1901, the body of the letter being as follows:

"In reply to your letter of May 16, 1901, addressed to the Postmaster-General and by him referred to this office relative to the claim of the heirs of Henry Opeman Bassett, ante bellum mail contractor in Florida, I have the honor to inform you that the records of this office show that Mr. Bassett was contractor on route 6564, Mariana to Bainbridge, from July 1, 1859, at $1,300 per annum; that he was paid in full to December 31, 1860, and that a balance of $142.59 stands to his credit for service for the quarter ending March 31, 1861, the date to which service has been certified. Many of his class of claims were paid by the Confederate States government, but the Confederate records (mutilated) now in the custody of this office do not show, so far as they go, that any payment was made to Mr. Bassett for service under his contract with the United States.

"The only way in which this class of claims can be paid is by special appropriation by Congress for that purpose in each case."

Your committee recommend the passage of the bill.

Mr. SPOONER. I inquire of the Senator from Florida if this is simply a provision for the payment of a sum which has been found to be due?

Mr. TALIAFERRO. That is all.

Mr. SPOONER. This is not a new departure, I will ask the Senator from Missouri?

Mr. COCKRELL. Not at all.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

F. C. BOUCHER.

Mr. GAMBLE. I ask unanimous consent for the present consideration of the bill (S. 2991) for the relief of F. C. Boucher.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with an amendment, in line 5, after the words "sum of," to strike out "$1,000" and insert "$550.49;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to F. C. Boucher, of Rosebud Agency, S. Dak., the sum of $550.49 for services rendered and supplies furnished during the year 1877 at the request and under the direction of Gen. George Crook, in conducting an expedition from Fort Sheridan for the purpose of returning to their reservations certain hostile Indians under the lead of the Indian chief Crazy Horse and others.

Mr. COCKRELL. Is there a report in that case?

Mr. SPOONER. I want to ask the Senator from South Dakota whether this is the first appearance of this bill in Congress?

Mr. GAMBLE. This is the first appearance of this bill in Congress, although the claim has been pending before the Departments all of these years.

Mr. SPOONER. And rejected?

Mr. GAMBLE. No, sir; it was first submitted to the Commissioner of Indian Affairs, and part of it was allowed.

Mr. SPOONER. And paid?

Mr. GAMBLE. No. Then there was a question raised as to whether it was a claim that pertained to the Indian Office or to the War Department, and it was withdrawn from the Indian Office and referred to the War Department. It was not paid there because it was claimed that there was no fund from which to pay it. There is no question but what the claimant rendered the services and expended the amount herein named in going out and bringing in hostile Indians under the direction of General Crook.

Mr. SPOONER. Is there any evidence or proof sustaining the claim?

Mr. GAMBLE. There is a full report made by the Committee on Indian Affairs.

Mr. SPOONER. And also giving the items of expenditure?

Mr. GAMBLE. Yes, sir; and the claim is certified to by a large number of people who have knowledge of it. As I have said, one-half of the amount and over was allowed by the Commissioner of Indian Affairs.

Mr. SPOONER. And the other half would have been allowed but for the question of jurisdiction?

Mr. GAMBLE. Yes; but for the question of jurisdiction.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. COCKRELL. I inquired if there was a report in this case. I call for the reading of the report. It is not a very long one, is it?

Mr. GAMBLE. Yes; it is quite a long report.

Mr. COCKRELL. Is there a report from the Commissioner of Indian Affairs? I have not the report with my files here.

The PRESIDING OFFICER. The Chair is informed there is a report.

Mr. GAMBLE. Yes; there is a full report.

Mr. COCKRELL. Let the letter of the Commissioner of Indian Affairs contained in the report be read.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, February 25, 1902.

SIR: I have the honor to acknowledge the receipt, by Department reference for report, of a communication dated January 23, 1902, from Hon. W. M. Stewart, chairman of the Senate Committee on Indian Affairs, inclosing a copy of a bill (S. 2991) directing the Secretary of the Treasury to pay to F. C. Boucher, of Rosebud Agency, S. Dak., the sum of $1,000 "for services rendered and supplies furnished during the year 1877, at the request and under the direction of Gen. George Crook, in conducting an expedition from Fort Sheridan for the purpose of returning to their reservations certain hostile Indians under the lead of the Indian Chief Crazy Horse and others."

Accompanying Senator Stewart's communication are the affidavits of the claimant and Dr. V. T. McGillicuddy, Stephen F. Estes, C. P. Jordan, and W. C. Courtes, in support of the claim; certain communications from J. S. Lothrop, esq., attorney at law, Sioux City, Iowa, and the original of a letter dated January 18, 1899, addressed by this office to Hon. D. B. Henderson, House of Representatives.

It appears from said office letter to Mr. HENDERSON that on April 12, 1879, "a claim of F. C. Boucher for services ($250) and supplies ($279.66) furnished for the expedition (as stated by Mr. Lothrop)" was forwarded by this office to the accounting officers of the Treasury, with the recommendation that the sum of $279.66 be allowed and that this claim of $250 for services as interpreter from February 10 to April 15, 1877, be suspended.

Subsequently, under the belief that this was not a legitimate claim against the Indian Department, but should have been presented to the War Department for adjudication, this office, on June 26, 1879, requested the Second Comptroller of the Treasury to cancel the settlement and return the claim to this office.

On July 19, 1879, replying to the Comptroller's letter of June 28, 1879, this office stated that it had no reason to regard the claim as either improper or fraudulent, such as to invalidate it as a charge against the United States, but that as the expedition was purely a military one, with which the office had nothing to do, it should not be charged with the duty of passing upon the claim.

Some of the papers transmitted with Senator STEWART'S communication bear the stamp and file mark of the Adjutant-General's Office, War Department. From that it is supposed that the War Department may have acted on the claim.

The communication from Senator STEWART and its inclosures are herewith returned with a copy of this report.

Very respectfully, your obedient servant,
W. A. JONES, *Commissioner.*

The SECRETARY OF THE INTERIOR.

The bill was reported to the Senate as amended.

Mr. SPOONER. Mr. President, I see this statement in the letter of the Acting Secretary of War addressed to the Senator from Iowa [Mr. ALLISON]:

This man Boucher is not entitled to pay as interpreter, nor is he entitled to pay for the use of the animals and the articles he claims to have furnished.

The animals and the articles referred to were not furnished by my orders, as claimed.

Boucher volunteered his services as interpreter, and was allowed to accompany Spotted Tail——

Mr. COCKRELL. I must insist, in view of what the Senator from Wisconsin has read, that the entire report be read.

Mr. SPOONER. I do not want to be left in mid-air, Mr. President, in the RECORD. I want to finish the sentence.

Mr. COCKRELL. Certainly.

Mr. SPOONER. The letter of the Acting Secretary of War continues:

with the express understanding that he was not to receive pay for his services.

* * * * * * *

I recommend that neither of these claims be paid.

This is the report of Capt. George M. Randall, of the Twenty-third Infantry, to the War Department.

Mr. GAMBLE. If the report of the committee is to be read, I will call the attention of the Senator to the early part of it. I think it is abundantly sustained by the evidence that this man did actually render these services and at great peril of his life.

He went out with a body of men, at the instance of the agent himself, with his teams, his property, and his subsistence, and the bill simply provides payment for his time and the amount of money he had expended. If the early part of the report can be read, I think it will fully explain the matter. I believe the claim is a meritorious one. The distinguished Senator from Iowa [Mr. ALLISON] had it before the Department and I think also the Speaker of the House of Representatives.

Mr. SPOONER. The thing that surprises me a little about this claim is that it is stated here that these supplies were furnished and the services rendered at the request of Gen. George Crook, and there is no evidence from General Crook to sustain the claim and to verify the truth of these statements. Ordinarily when an officer like General Crook, who is a very careful man, requests services of this kind and a man parts with his property for the benefit of the Government, he is furnished with some evidence upon which he may show that he is entitled to remuneration. I do not want to do any injustice to this claimant.

Mr. GAMBLE. I believe the claim is entirely just and reasonable. I call the attention of the Senator to page 2 of the report, where it is stated:

J. W. Lee, who was major of infantry and acting Indian agent for the Spotted Tail Brulé Sioux for 1877 and 1878, speaking of this claim, states as follows:

"Mr. Boucher rendered the services as stated. I was agent of the Spotted Tail Indians at the time, and I have repeatedly recommended that he be paid for his services and supplies furnished. He went out on the perilous journey at the request and by the order of General Crook and did much to induce the Indians to come in and surrender. I regret that he has never been compensated, and hope justice, so long delayed, may yet be done."

As I understand, Major Lee was succeeded by Dr. McGillycuddy, one of the most efficient and honorable Indian agents who ever occupied the position. He examined the claim, and there is an affidavit from him justifying the claim.

Mr. SPOONER. His affidavit must have been based on hearsay.

Mr. GAMBLE. Whether Dr. McGillycuddy was there at the time or not I do not know; but I know from the record as produced—the record is very voluminous—that the services were actually rendered. There was practically a condition of war prevailing there; the hostile Indians were out, and this man, who was most competent and efficient, went out at the peril of his life on an expedition, succeeded in restoring the Indians who were hostile and committing depredations to the agency, where they were put under military control, and quiet was restored and the loss of life prevented.

Mr. SPOONER. This report shows that the claim was presented by Attorneys Britton & Gray, of this city. It was thoroughly investigated, for and against, and the Department, through the Acting Secretary of War, reported against the claim.

Mr. GAMBLE. As I said in my opening remarks, I dislike very much to occupy the attention of the Senate so much on a matter of this kind, but I will state, however, that the claim was forwarded to the Commissioner of Indian Affairs, and that it was approved by him.

Mr. SPOONER. Part of it.

Mr. GAMBLE. Part of it. Then it was thought that the War Department should have control of it; when it was withdrawn from the Indian Office and referred to the War Department.

Mr. SPOONER. Certainly; and reported against.

Mr. GAMBLE. The evidence of Captain Randall is the only evidence that appears in the record to the effect that Mr. Boucher went out and rendered the service voluntarily. The affidavits in the report, it seems to me, sustain clearly the fact that Mr. Boucher went out, or supposed he went out, under the direction of General Crook, and rendered these services. There is no denial but what the services were rendered, that they were necessary, that they were efficient, that the claim is entirely just, and that there is nothing whatever fictitious in regard to it.

The bill was referred in the Committee on Indian Affairs to a subcommittee, who carefully examined it and then reported it to the full committee.

Mr. SPOONER. But all the committee could do was to examine these affidavits.

Mr. GAMBLE. And the full record of all the papers connected with the claim. I believe the claim is entirely just, otherwise I certainly would not ask to have it allowed.

Mr. COCKRELL. Let the report be read, Mr. President.

The PRESIDING OFFICER. The report will be read.

The Secretary read the report submitted by Mr. GAMBLE on the 7th instant, as follows;

The Committee on Indian Affairs, to whom was referred the bill (S. 2991) for the relief of F. C. Boucher, have had the same under consideration and report as follows and recommend that the same do pass with the following amendment.

In line 5, on page 1, strike out the words "one thousand dollars" and insert in lieu thereof "$550.49."

The purpose of this bill is to reimburse the claimant for services rendered in the year 1877, and for disbursements, food, and forage furnished in an expedition conducted by him, as claimant claims, at the request of Gen. George Crook, in charge of an expedition sent out from Fort Sheridan for the purpose of inducing the return to their reservation of a number of hostile Indians then engaged in marauding, stealing, and committing depredations on stock in the vicinity of the Black Hills in the then Territory of Dakota, and to bring to the reservation the Indians who were thus engaged in hostilities with the United States under the lead of an Indian chief, Crazy Horse, who was at that time near the Canadian border.

There is no dispute that the services were rendered and the disbursements made by the claimant, and the expedition conducted by him resulted in very great service to the Government in quieting the disturbances and leading to peace and friendly relations between the Government and the Indians.

The claim was submitted to the Interior Department for allowance and payment, and the item for supplies, food, and forage furnished to the expedition referred to, amounting to $279.66, was approved by the Department and payment ordered. His claim for services of two months and five days rendered the Government of $270.83 was suspended for the reason that no sufficient evidence had been submitted justifying its allowance, although the same was not rejected by the Department.

The Interior Department finally held that the subject of the claim did not come within their jurisdiction, and, as it appeared to have been conducted under military orders, it should be referred to the War Department for consideration. The War Department rejected it, and further held that there was no fund, even in case of allowance, from which it could be paid.

From the evidence submitted in support of the claim it appears to the committee that the services which the claimant rendered were most valuable to the Government; that he acted in good faith; that he gave his time, at great peril to himself, his property, and his companions, and that a reasonable compensation should be allowed him for this. It also appears to the committee that the absolute disbursements which he incurred and paid ought, in fairness and equity, to be allowed him.

The amount recommended for payment by your committee is the amount of these two items, $550.49. The committee hardly believes under the facts submitted that the additional compensation asked by the claimant should be allowed.

J. W. Lee, who was major of infantry and acting Indian agent for the Spotted Tail Brule Sioux for 1877 and 1878, speaking of this claim, states as follows:

"Mr. Boucher rendered the services as stated. I was agent of the Spotted Tail Indians at the time, and I have repeatedly recommended that he be paid for his services and supplies furnished. He went out on the perilous journey at the request and by the order of General Crook and did much to induce the Indians to come in and surrender. I regret that he has never been compensated, and hope justice, so long delayed, may yet be done."

The foregoing was written from Manila, P. I., October 13, 1899.

The War Department, through Capt. George M. Randall, of the Twenty-third Infantry, in his report made upon this claim, denies that the expedition conducted by Boucher was under his orders, and that his services were voluntary, and upon his recommendation it appears the claim was rejected. Notwithstanding the position taken by the War Department, it seems clear from the evidence submitted that the services were rendered, that they were valuable to the Government, that the expenses were borne by the claimant, that the compensation asked for services is not unreasonable, and ought to be allowed and paid. The claimant is sustained in his claim by many persons who knew him at the time and had knowledge concerning the transaction and of his character and standing.

The committee submits as a part of its report the communications from the Interior Department, as well as from the War Department; also affidavits in support of the claim.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, February 25, 1902.

SIR: I have the honor to acknowledge the receipt, by Department reference for report, of a communication dated January 23, 1902, from Hon. W. M. STEWART, chairman of the Senate Committee on Indian Affairs, inclosing a copy of a bill (S. 2991) directing the Secretary of the Treasury to pay to F. C. Boucher, of Rosebud Agency, S. Dak., the sum of $1,000, "for services rendered and supplies furnished during the year 1877, at the request and under the direction of Gen. George Crook, in conducting an expedition from Fort Sheridan for the purpose of returning to their reservations certain hostile Indians under the lead of the Indian chief Crazy Horse and others."

Accompanying Senator STEWART'S communication are the affidavits of the claimant and Dr. V. T. McGillicuddy, Stephen F. Estes, C. P. Jordan, and W. C. Courtes, in support of the claim; certain communications from J. S. Lothrop, esq., attorney at law, Sioux City, Iowa, and the original of a letter dated January 18, 1899, addressed by this office to Hon. D. B. HENDERSON, House of Representatives.

It appears from said office letter to Mr. HENDERSON that on April 12, 1879, "a claim of F. C. Boucher for services ($250) and supplies ($279.66) furnished for the expedition (as stated by Mr. Lothrop)" was forwarded by this office to the accounting officers of the Treasury, with the recommendation that the sum of $279.66 be allowed and that this claim of $250 for services as interpreter from February 10 to April 15, 1877, be suspended.

Subsequently, under the belief that this was not a legitimate claim against the Indian Department, but should have been presented to the War Department for adjudication, this office, on June 26, 1879, requested the Second Comptroller of the Treasury to cancel the settlement and return the claim to this office.

On July 19, 1879, replying to the Comptroller's letter of June 28, 1879, this office stated that it had no reason to regard the claim as either improper or fraudulent, such as to invalidate it as a charge against the United States, but that as the expedition was purely a military one, with which the office had nothing to do, it should not be charged with the duty of passing upon the claim.

Some of the papers transmitted with Senator STEWART'S communication bear the stamp and file mark of the Adjutant-General's Office, War Department. From that it is supposed that the War Department may have acted on the claim.

The communication from Senator STEWART and its inclosures are herewith returned with a copy of this report.

Very respectfully, your obedient servant,

W. A. JONES, *Commissioner.*

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
Washington, February 27, 1902.

SIR: I have the honor to acknowledge the receipt, by your reference of the 23d ultimo, of Senate bill 2991, "A bill for the relief of F. C. Boucher," and accompanying papers.

This bill directs the Secretary of the Treasury to pay to F. C. Boucher, of the Rosebud Agency, S. Dak., $1,000 for services rendered and supplies furnished during 1877, at the request and under the direction of Gen. George Crook, in conducting an expedition from Fort Sheridan for the purpose of returning to their reservations certain hostile Indians under the lead of the Indian chief Crazy Horse and others.

In response I herewith transmit a copy of a report of the 25th instant from the Commissioner of Indian Affairs, in which it is held that the claim is purely a military one, and that his office should not be charged with the duty of passing upon it.

The papers accompanying the bill are herewith returned.

Very respectfully,

E. A. HITCHCOCK, *Secretary.*

The CHAIRMAN OF THE COMMITTEE ON INDIAN AFFAIRS,
United States Senate.

[Senate bill No. 2991.]

UNITED STATES SENATE,
Washington, March 2, 1902.

Respectfully referred to the honorable Secretary of War, with a request for a report thereon for the information of the Committee on Indian Affairs.

Respectfully,

WM. M. STEWART,
Chairman, United States Senate.

[Second indorsement.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, March 8, 1902.

Respectfully returned to the Secretary of War, with the previous papers in this case, inviting attention to the first indorsement thereon, and to press copy of War Department letter to Hon. WILLIAM B. ALLISON, United States Senate, of May 2, 1900 (with additional B), from which it appears that this claim has been heretofore rejected by the Department; that no new facts have developed warranting a reversal of this decision of the Department, and that even were the claim regarded as valid, no appropriation exists under direction of the Department from which payment could be made, and further, that Mr. Lathrop, the attorney, has been informed to the above effect in response to direct presentation of the case.

THOMAS WARD,
Acting Adjutant-General.

[Third indorsement.]

WAR DEPARTMENT, *March 19, 1902.*

Respectfully returned to the chairman Committee on Indian Affairs, United States Senate, inviting attention to the foregoing report of the Acting Adjutant-General of the Army, and accompanying copy of War Department letter therein referred to.

The papers which accompanied this letter are returned herewith.

WM. CARY SANGER,
Assistant Secretary of War.

WAR DEPARTMENT, *Washington, May 2, 1900.*

SIR: I have the honor to acknowledge receipt of your letter of 14th ultimo, inclosing communication from J. S. Lathrop, esq., of Sioux City, Iowa, relative to the claim of F. C. Boucher, amounting to $2,050.49, for services rendered and supplies furnished the Government in 1877 in connection with Indian troubles in the Black Hills, in Dakota Territory.

In reply, I beg to advise you that on December 12, 1879, Mr. Boucher presented to the Department a claim, similar in character, in the sum of $529.66, through his attorneys, Messrs. Britton & Gray, of this city, who filed with said claim a duly executed power of attorney. The matter was carefully investigated by the military authorities, and on April 8, 1880, the attorneys of record were advised that Capt. George M. Randall, Twenty-third Infantry, reported to the Department as follows:

"This man Boucher is not entitled to pay as interpreter, nor is he entitled to pay for the use of the animals and the articles he claims to have furnished.

"The animals and the articles referred to were not furnished by my orders as claimed.

"Boucher volunteered his services as interpreter, and was allowed to accompany Spotted Tail with the express understanding that he was not to receive pay for his services.

* * * * * * *

"I recommend that neither of these claims be paid."

In conclusion the attorneys were advised that the Secretary of War concurred in the recommendation of Captain Randall, and the claim was accordingly rejected.

Referring to the papers recently filed by Mr. Lathrop in connection with this case it is proper to add that no new facts have been developed warranting a reversal of the Department's decision as above indicated. It may further be stated, in this connection, that even were the claim regarded by the Department as valid no appropriation exists under its direction from which payment could be made.

For your further information I have to state that Mr. Lathrop has to-day been informed by the Department to the above effect in response to his direct presentation of the claim.

Very respectfully,

G. D. MEIKLEJOHN,
Acting Secretary of War.

Hon. WM. B. ALLISON,
United States Senate.

SIOUX CITY, IOWA, *July 6, 1899.*

DEAR SIR: My old friend, F. C. Boucher, now a resident upon Rosebud Indian Reservation, has appealed to me to assist him in the matter of a claim which he believes he has against the Government, and he also believes that you have some knowledge of the facts constituting the basis of his claim; that you not only can but will be willing to help him. His statement is that in February, 1877, he was employed by General Crook, then in command of the department embracing the reservations in the north and northwest, to go with Chief Spotted Tail and a squad of Indians up into the territory north and northwest of the Black Hills and induce the Indians there out on marauding expeditions and those engaged in hostilities to the United States to return to their reservations.

Mr. Boucher says that he was the one in charge of the expedition and charged with the responsibility of it. That Spotted Tail, who was his relative by marriage, went along as an associate and as a guaranty of good faith, and the other Indians as an escort, about 40 or 50 in the company. That they found the old man Crazy Horse, Lame Deer, and other chiefs with a mixed lot of Sioux Indians on the Little Missouri and at the confluence of the Little Powder with the Big Powder River, and induced over 80 lodges of them to return to their reservations, a few under Lame Deer and one other chief refusing. That he sent messengers from there to the young man, Chief Crazy Horse, then with a band of hostiles some 200 miles to the north and west, with the effect that the latter chief also returned to the Red Cloud Agency in May, 1877. He says that he left the Spotted Tail Agency to go upon this expedition about the 11th of February, 1877, and returned about the 15th of April. That he furnished all the supplies and provisions for his company, for which he was to be paid, but left the matter of his compensation to be determined by the result of his mission: if not successful he was to have nothing, but if successful he was to be suitably compensated.

He says that he has had nothing whatever. Nothing for his supplies furnished, nor as compensation for himself. It would seem that an injustice is done this man, who is now old and poor, and so lame that he is compelled to get about only by the aid of crutches. I have no personal interest in his claim, and am assisting him as a matter purely of friendship, and if you know anything of the matter of his service that would be of advantage to him, or can otherwise assist him, it would not only be a favor, but be in the direction of doing justice to a deserving man.

Hoping to hear from you soon, I am, Major,

Very respectfully, yours,

J. S. LOTHROP.

J. M. LEE,
Major and Adjutant-General, U. S. Army,
Washington, D. C.

MANILA, P. I., *October 13, 1899.*

Respectfully returned to Hon. J. S. Lothrop, Sioux City, Iowa. Mr. Boucher rendered the service as stated. I was agent of the Spotted Tail Indians at the time, and I have repeatedly recommended that he be paid for his services and supplies furnished. He went out on the perilous journey at the request and by the order of General Crook and did much to induce the Indians to come in and surrender. I regret that he has not been compensated, and hope justice, so long deferred, may yet be done.

J. M. LEE,
Major, Ninth Infantry.

(Late lieutenant, Ninth Infantry, and acting Indian agent for Spotted Tail Brulé Sioux in 1877-78.)

Claim for F. C. Boucher against the United States for services rendered and supplies furnished in 1877, at the request of Gen. George Crook, upon and in charge of an expedition sent out from Fort Sheridan by said General Crook for the purpose of inducing the return to their reservations of a number of Indians then engaged in marauding, stealing cattle and other stock, at and in the vicinity of the Black Hills, Dak., and also to bring in to the reservations the Indians who were reputed to have been engaged in hostilities with the United States, under the lead of the Indian chief or leader, Crazy Horse, then up near the Canada border.

The United States to F. C. Boucher, Dr.

April 15, 1877.	To services from February 10, 1877, to April 15, 1877, two months and five days, rendered the Government as above stated, and shown by claimant's affidavit, hereto attached	$270.83
	To supplies, food, and forage furnished to the expedition above mentioned, as shown by attached affidavit	279.66
	To additional compensation to which claimant believes himself justly entitled, in consideration of the services rendered on said expedition	1,500.00
	Total	2,050.49

F. C. BOUCHER, *Claimant.*

STATE OF SOUTH DAKOTA, *County of Gregory, ss:*

F. C. Boucher, being first duly sworn, on oath deposes and says that he is the party claimant named above; that he is 62 years of age and resides upon the Rosebud Indian Reservation in the State of South Dakota, and that his post-office address is Mills, State of Nebraska; that in 1868 he went to reside upon the Rosebud or what was then known as the Spotted Tail Reservation, about 12 miles from Camp or Fort Sheridan, he having married an Indian woman, a relative of Chief Spotted Tail, and has since resided with the Indians; that during the year 1876 troubles arose between certain of the Indians and the United States, growing out of the invasion and occupation by the whites of that portion of the then Indian Territory known as the Black Hills in the then Territory of Dakota, resulting in war which was commenced by the soldiers of the United States under General Reynolds attacking the camp of a hunting party of Indians in the Tongue River country, said Indians being under the control of a young chief or leader named Crazy Horse, the son of the old Chief Crazy Horse of the Ogalalla tribe of the Sioux Nation.

Thereafter said Crazy Horse moved north with his band, joined Sitting Bull, and was one of the leaders in command of the Indians at the Custer massacre in June, 1876. That after said Custer affair said Crazy Horse, accompanying Sitting Bull, went off to the north, but Crazy Horse finally separated from Sitting Bull, and while the latter passed into Canadian territory, the former remained with his followers within the limits of the United States near the Canada border during the winter of 1876-77. Affiant states that the Indians composing the hostile band of Crazy Horse were young men, the discontents from the various bands or tribes composing the great Sioux Nation, who had individually and surreptitiously left their respective reservations without the consent of their respective bands or tribes, as such, and had thus joined themselves to the young leader, Crazy Horse, and others engaged in hostilities with the United States.

That none of the prominent and controlling chiefs of the Sioux Nation, nor of any of the bands or tribes composing the same, had left their reservations, or had taken part in the war, or had consented to others engaging therein, and the several tribes of the Sioux Nation, as tribes, remained upon the reservations at peace with the United States.

That during the winter of 1876-77 other Indians, not connected with the hostile bands, also singly and in small squads, went away from the agencies of the several Sioux bands and established a camp or camps on the Little Missouri and Powder rivers, to the northwest of the Black Hills, at which places quite a number of Indians of all classes, old and young, men, women, and children, were encamped, and among them were some of the subreservation chiefs, viz, the old chief, Crazy Horse, father of the hostile leader, Crazy Horse, hereinbefore named, and who by marriage was related to the Oglalas and resided with them; Touch the Cloud, of the Miniconjous; Roman Nose, also a Miniconjou, and others.

During the latter part of the winter and the early spring of 1877 Indians from the reservations going back and forth between the reservations and these camps, and hanging about the Black Hills in squads, were committing depredations upon the whites in and about the Black Hills, stealing and running off cattle and other stock.

Affiant states that about the 1st of February, 1877, he was called to Fort Sheridan by Gen. George Crook, who commanded in the department which included the Indian reservations of Dakota, and who was then at Fort Sheridan, and was asked by General Crook if he, affiant, could induce the marauding Indians, then away from their agencies, the hostiles and the marauders, to return to their respective agencies; that affiant replied that he believed he could do so if the soldiers were not permitted to accompany him, or to interfere in any way, and affiant proposed to General Crook to undertake the mission, with the understanding that he was to have such company of friendly Indians as he required, and to be paid for such expense as he might incur in furnishing supplies of food and forage for the expedition, and to be liberally paid for his services if he should succeed, but to have no pay for services in case he failed of substantial result.

Affiant states that as a result of the conference General Crook agreed to the conditions named and directed affiant to proceed upon the mission at once; that thereupon affiant selected about forty Indians of the Brule and Miniconjou Sioux to go with him, and accompanied by his relative in law, Chief Spotted Tail, the expedition left Fort Sheridan for the Northwest February 11, 1877, to carry out the wishes of General Crook.

Affiant states that the expedition was in his charge and under his control and direction, and the responsibility of it rested solely upon him; that Chief Spotted Tail was present as a guaranty of good faith, and to assist in the work affiant had undertaken.

The expedition traveled at the rate of about 10 or 12 miles per day, and reached Bear Butte, to the northeast of the Black Hills, about 150 miles distant from Fort Sheridan, about the 25th of February; that there were at that time quite a number of Indians scattered about in the vicinity of the Hills, engaged in stealing and running off cattle and other stock, the property of the whites, and the expedition stopped at Bear Butte several days to gather up these marauders. These Indians were from all over—from Red Cloud, Cheyenne River, Brules, Miniconjous, and others—and they were told that they must stop that business; that the expedition stayed at Bear Butte until we had gathered up all that we could of these parties, and then, going on, took them with us to keep them out of mischief.

Affiant states that, leaving Bear Butte, we went on to the Little Missouri River, where we found Chiefs Touch the Cloud and Roman Nose encamped with from about fifteen to twenty lodges, families of men, women, and children; that at that place they remained about two days, and after explaining our mission all the Indians there agreed to return to the Spotted Tail Agency with affiant.

That affiant then took his company on to the confluence of the Little Powder and the Powder rivers, where was encamped from about sixty-five to seventy lodges of Indians, men, old and young, women and children, and with them were Chief Lame Deer, and the Indian speaker or agitator named White Bull, and the old chief, Crazy Horse.

The Indians at this place, as also those with Touch the Cloud and Roman Nose on the Little Missouri, were a mixed lot from several of the reservations of the Sioux tribe, and most of them, including the old chief, Crazy Horse, readily agreed to return with affiant to the Spotted Tail Agency, but trouble was had with Lame Deer and White Bull, who, after three or four days' parley, finally refused to return to the agency, and with about five or six lodges went off to the Northwest, the remainder of which, including those at the Little Missouri River—there were 80 lodges—agreed to accompany affiant back to the agency.

Affiant states that on his arrival at the camp on the Powder River, he sent a message by two Indians to the young chief, Crazy Horse, who was reputed to have been in hostilities with the United States and who was then staying at a place called Chalk Bluff in Northern Mountain, near the Canadian border, about 250 miles distant from the Powder River camp, explaining the matter, stating the desire of the Government to close the disturbances, and requesting him to bring his followers to the agency at Red Cloud, and he states that the old chief, Crazy Horse, whom he found at the Powder River camp, was then about 60 years of age, had no band or followers under his charge or control, but was simply staying with the others at the camp, and from the first rendered valuable assistance in arranging for the return of those with him.

That after or about the time of the departure of Lame Deer and White Bull, with their few followers, for the Northwest, as before stated, affiant, with those remaining, about sixty to sixty-five lodges, started on their way back to the Spotted Tail Agency, picking up, on the way, the lodges with Touch the Cloud on the Little Missouri River, and going, as we came, by way of Bear Butte and passing down to the east of the Black Hills. That about 20 miles from and before reaching Bear Butte a severe snowstorm came on which compelled a halt of the company for several days until the weather should so settle that they could travel, but affiant, with Chief Spotted Tail, went on to the agency in advance, traveling day and night, and after reaching the agency sent back to the company provisions and feed, of which they were in need, the whole company finally arriving at the Spotted Tail Agency about the 15th of April, 1877. That about that time affiant received word by courier from the young man, Crazy Horse, at Chalk Bluff, that he would start at once on his return, which he did, and arrived at the Red Cloud Agency, with about 1,500 of his followers, about the 6th day of May, 1877.

Affiant states that the work to which he had been appointed upon this expedition was not only a very delicate one, requiring the exercise of the utmost care, tact, and watchfulness, coupled with a thorough knowledge of the Indian character and of the conditions then present as influences to be encountered, but was full of peril as well.

The Indians were then greatly disturbed over what they considered an unwarrantable and wrongful seizure of a large, important, and attractive portion of their territory by the whites, and although the Government had recently concluded a treaty with the various bands of the Sioux Nation, ceding the Black Hills country to the United States, that fact was not known to those away from the agencies, and by them the whites were regarded as forceful trespassers upon their rightful domain, and their cattle and other stock there the proper subject of plunder.

It was not known how the information that the tribal chiefs had ceded their land to the Government would be received by those to whom affiant was to carry such intelligence, and these matters, together with the bad feeling existing among the whites in and about the Black Hills, exasperated by the loss of large herds of their cattle and horses taken by the Indians, a feeling which threatened an attempt at reprisal whenever the opportunity might offer, rendered the undertaking of affiant one of peculiar difficulty and hazard.

Claimant states further that the success of the enterprise was of unquestioned value to the Government. By it all raiding and stealing of stock in the Black Hills country ceased, the return to their respective agencies of all the before then hostile Indians within the jurisdiction of the United States was secured, and the war that commenced March 17, 1876, terminated and peace and quiet were established.

Affiant states that the men of his expedition were mounted, and along with the train were pack horses to transport the necessary food for the outfit, grazing being mainly relied upon for feed for the horses; that all the provisions for the company, men and horses, were supplied by affiant, for which he was to be reimbursed at cost, with any other expense necessary to be incurred and incurred by him on the trip. He states that after his return he was unable to secure a settlement with General Crook or to obtain from the Government pay for the money he paid out in expenses, nor as a remuneration for his services.

He states that in April, 1879, he filed in the Department of the Interior at Washington a claim against the Government for the sum of his expenses, $279.66, and for services, $250, the latter being in error, as the time employed was two months and five days, and the intent was to charge as a reasonable compensation the sum of $125 per month, which would make the sum intended as a charge $270.83 for his services.

He states that his claim before presented to the Department of the Interior was rejected because the Commissioner of Indian Affairs held that, the matter having been conducted under the direction of the Army, it was purely a military one and was not a proper claim against either the Treasury Department or the Indian Department. That affiant only learned of the rejection of his claim, but not of the grounds of it, until within a year past, and now submits his claim to the War Department in accordance with said decision.

Affiant further states that he is not now able to present an itemized statement of his expenses, cost of supplies, etc., as on the rejection of his claim, as above stated, he had abandoned the hope of receiving anything, and all data therefor has been lost, but he states that the sum named as a total, $279.66, is correct and true and the same sum for which he made claim before, as above stated.

He also states that in view of the fact that twenty-three years have elapsed since he rendered the services and paid out the sum claimed for, during which time he has been deprived of its use, and in consideration of the character and of the great value of his said services to the Government, he believes that he is in justice entitled to a sum as compensation in addition to the mere monthly wages at first claimed for, and therefore asks to be allowed the further sum of $1,500 as such compensation.

F. C. BOUCHER, *Claimant.*

Subscribed in my presence and sworn to before me by the said F. C. Boucher this 9th day of February, 1900; and I certify that I have no interest, direct or indirect, in the claim this affidavit is designed to support.

[SEAL.] S. F. LUCAS,
Notary Public, Gregory County, S. Dak.

STATE OF NEBRASKA, *Douglas County, ss:*

V. T. McGillycuddy, being first duly sworn, on oath states that he is the identical person who, in 1876 and 1877, was in the service of the United States as surgeon attached to the Third United States Cavalry serving at Fort Robinson, near the Red Cloud Indian Agency, and in the field; that he was intimately acquainted with one F. C. Boucher, who at that time resided near the Spotted Tail Indian Agency, about 43 miles from Fort Robinson; that he also knew the Indian chiefs Spotted Tail, Touch the Cloud, and the two chiefs, father and son, Crazy Horse; that in February, 1877, affiant accompanied a detachment of soldiers up into the Black Hills country, sent there for the purpose of protecting the whites from marauding bands of Indians then engaged in running off cattle.

Prior to the time of affiant with said soldiers leaving Fort Robinson upon said expedition affiant was informed that an expedition had been sent out by General Crook from Camp Sheridan, near the Spotted Tail Agency, composed of a number of Indians under the charge of said F. C. Boucher, and with him Chief Spotted Tail, charged with the mission of bringing into the reservation the predatory band of Indians engaged in robbing the whites about the Hills and also to negotiate the return and bringing in the hostile Indians under the young chief Crazy Horse, then off to the north, near the Canada border.

Affiant states that he knows that later, some time early in May, 1877, the young chief Crazy Horse, with his band of hostiles, came into the camp at Fort Robinson and surrendered, and he was informed and believes it to be true that another company of Indians, among whom was the old chief Crazy Horse and Touch the Cloud, came into Camp Sheridan, at Spotted Tail Agency, and while affiant has no personal knowledge of the work of said Boucher in the matter, all the information that he has had concerning the matter, derived from the general talk among the soldiers and those composing the Boucher expedition, leads affiant to believe it to be true, and so states it to be true, that the return of said Indians was the result of the work of said Boucher in the discharge of his duties of the mission upon which he had been sent by General Crook.

Affiant states that he is informed that said Boucher has a claim against the United States for his services in said matter rendered at that time, and also for his expenses incurred in supplying the said expedition, and he avers that he has no interest, direct or indirect, in the prosecution of said claim.

V. P. McGILLYCUDDY.

Subscribed and sworn to before me this 13th day of October, A. D. 1890.

[SEAL.] KATHRINE WORKMAN,
Notary Public.

STATE OF ——, *County of* ——, *ss:*

Stephen F. Estes, being first duly sworn, on oath deposes and says that he is 59 years of age; that he resides near Rosebud, in the State of South Dakota, and that Rosebud is his post-office address. That in 1876 and 1877 he resided at the then named Red Cloud Agency; was intimately acquainted with one F. C. Boucher, who then lived upon the Spotted Tail Reservation about 10 or 12 miles from Fort Sheridan. That in the early part of 1877 there was considerable disturbance in and in the vicinity of the Black Hills, caused by bands of predatory Indians stealing and running off the cattle and horses of the settlers and ranchers in that neighborhood, and that farther to the north there was a band of Indians under the leadership of an Indian chief or leader by the name of Crazy Horse, the son of an old Ogalalla chief of the same name, reputed to be engaged in hostilities with the United States.

That some time in February or March, 1877, affiant had knowledge, by report, that General Crook, then at Fort Sheridan, had sent said F. C. Boucher with a squad of friendly Indians from the Spotted Tail Agency, accompanied by Chief Spotted Tail, up into the disturbed country for the purpose of bringing back to the reservations the marauding Indians, and also to induce those reported to be at war with the United States to come into the agency and surrender. That he further had information that the mission was successful, and that as a result of it the Indians committing depredations at the Black Hills were brought back to the Spotted Tail Agency by said Boucher some time in April, 1877, and that among those were the old Chief Crazy Horse and Chief Touch the Cloud of the Minneconjou tribe of Sioux Indians. That he has personal knowledge that later, the latter part of April or 1st of May, 1877, the young man Crazy Horse returned to the Red Cloud Agency and surrendered with his band of about 1,500 Indians.

That his knowledge of the services of said Boucher, as above stated, is derived from conversations affiant had with Indians who claimed to have personal knowledge of the matters, and with one Joe Merrivale, a Mexican, and an Indian interpreter who was with said Boucher on said expedition, and who made his home most of the time at the Red Cloud Agency. That from said conversations his information and understanding at the time was that the return of the Indians mentioned was due to the skillful and tactful conduct of the enterprise by said Boucher, and that said Boucher was in charge

of the expedition and responsible for its management and the work he was intrusted with by General Crook.

Affiant also states that during the absence of said expedition in the discharge of its mission the weather in that country was extremely inclement and stormy, and that the members of it must have suffered greatly from cold and exposure. Affiant states he has no interest, direct or indirect, in the claim of said Boucher for his services and for pay for supplies furnished by him on that trip.

STEPHEN F. ESTES.

Subscribed and sworn to before me by the said Stephen F. Estes this 26th day of February, 1900; and I certify that I have no interest, direct or indirect, in the claim the above affidavit is designed to support.

[SEAL.] FRANK MULLEN, *Notary Public.*

The subscriber, C. P. Jordan, being duly sworn according to law, deposes and says that he has personally known Mr. F. C. Boucher for nearly twenty-five years; that while he (C. P. Jordan) was chief clerk at the Red Cloud Agency, in 1877, the hostile Sioux Indians under Crazy Horse surrendered, and that he counted and took the names of the Indians at said surrender; that he learned that Mr. F. C. Boucher had gone north with Spotted Tail and other Indians, including the father of Crazy Horse, to induce the hostiles to come into the agencies.

That said F. C. Boucher did accompany the first body of hostiles from the Black Hills on their way in to surrender, and that said move on the part of the Indians was due in a great measure to the efforts of Mr. Boucher; that had it not been for the efforts of Mr. Boucher these Indians and others who followed them would have remained longer hostile and depredated upon the miners and settlers in the Northwest.

C. P. JORDAN, *Indian Trader.*

STATE OF NEBRASKA, *County of Cherry:*

Subscribed in my presence and sworn to before me this 29th day of November, 1899.

[SEAL.] CHARLES SPARKS,
Notary Public.

(Commission expires June 24, 1904.)

STATE OF SOUTH DAKOTA, *County of Meyer, ss:*

W. C. Courtis, being first duly sworn, on oath deposes and says that he is 54 years of age; that he resides near Rosebud, in the State of South Dakota, and that Rosebud is his post-office address; that in 1876 and 1877 he resided at the then named Red Cloud Agency; was intimately acquainted with one F. C. Boucher, who then lived upon the Spotted Tail Reservation, about 10 or 12 miles from Fort Sheridan.

That in the early part of 1877 there was considerable disturbance in, and in the vicinity of, the Black Hills, caused by bands of predatory Indians stealing and running off the cattle and horses of the settlers and ranchers in that neighborhood, and that farther to the north there was a band of Indians under the leadership of an Indian chief or leader by the name of Crazy Horse, the son of an Ogalalla chief of the same name, reputed to be engaged in hostilities with the United States. That some time in February or March, 1877, affiant had knowledge by report that General Crook, then at Fort Sheridan, had sent said F. C. Boucher with a squad of friendly Indians from the Spotted Tail Agency, accompanied by Chief Spotted Tail, up into the disturbed country, for the purpose of bringing back to the reservations the marauding Indians, and also to induce those reported to be at war with the United States to come into the agency and surrender.

That he further had information that the mission was successful, and that as a result of it the Indians committing depredations at the Black Hills were brought back to the Spotted Tail Agency by said Boucher some time in April, 1877, and that among these were the old chief, Crazy Horse, and Chief Touch the Cloud of the Miniconjou tribe of Sioux Indians; that he has personal knowledge that later, the latter part of April or the 1st of May, 1877, the young man, Crazy Horse, returned to the Red Cloud Agency and surrendered with his band of about 1,500 Indians.

That his knowledge of the services of said Boucher, as above stated, is derived from conversations affiant had with Indians who claimed to have personal knowledge of the matters, and with one Joe Merrivale, a Mexican and an Indian interpreter who was with said Boucher on said expedition and who made his home most of the time at the Red Cloud Agency; that from said conversations his information and understanding at the time was that the return of the Indians mentioned was due to the skillful and tactful conduct of the enterprise by said Boucher, and that said Boucher was in charge of the expedition and responsible for its management and the work he was intrusted with by General Crook.

Affiant also states that during the absence of said expedition in the discharge of its mission the weather in that country was extremely inclement and stormy, and that the members of it must have suffered greatly from cold and exposure. Affiant states that he has no interest, direct or indirect, in the claim of said Boucher for his services and for pay for supplies furnished by him on that trip.

W. C. COURTIS.

Subscribed and sworn to before me by the said W. C. Courtis this 13th day of February, 1900; and I certify that I have no interest, direct or indirect, in the claim the above affidavit is designed to support.

[SEAL.] FRANK MULLEN, *Notary Public.*

Mr. GAMBLE. Mr. President, there are so many Senators here who are anxious for recognition that I do not feel like asking for more of the time of the Senate for the consideration of the bill and I ask that it go over.

Mr. COCKRELL. Retaining its place?

Mr. GAMBLE. Yes; let it go over without prejudice.

The PRESIDING OFFICER. The bill will go over, retaining its place on the Calendar.

SPANISH TREATY CLAIMS COMMISSION.

Mr. CULLOM. On March 11 the Senate disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8586) amending the act of March 2, 1901, entitled "An act to carry into effect the stipulations of article 7 of the treaty between the United States and Spain, concluded on the 10th day of December, 1898. On June 28, on motion of the Senator from Massachusetts [Mr. LODGE], the Senate requested the House to return the conference report; which report we received this morning. I move that the motion to disagree to the report of the committee of conference on the disagreeing votes of the two Houses be reconsidered, and that the conference report be agreed to.

The motion was agreed to.

STATUE OF COMMODORE JOHN D. SLOAT.

Mr. PERKINS. I ask unanimous consent for the consideration at this time of the bill (S. 4657) for the erection of a statue of Commodore John D. Sloat in the city of Monterey, Cal.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill; which had been reported from the Committee on the Library with an amendment, to strike out all after the enacting clause and insert:

That the sum of $10,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to aid in the erection and completion of a statue of the late Commodore John D. Sloat, United States Navy, together with a pedestal and foundation for the same, and for the preparation of the site for said statue, selected under authority of the War Department on the military reservation at Monterey, Cal., which sum shall be expended under direction of the Secretary of War: *Provided*, That the money hereby appropriated shall be drawn from time to time only as may be required during the progress of the work and upon the requisition of the Secretary of War: *And provided further*, That no part of the money hereby appropriated shall be expended until the design for said statue and pedestal shall be approved by the Secretary of War.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to aid in the erection of a statue of Commodore John D. Sloat, United States Navy, at Monterey, Cal."

ALLOWANCE OF CLAIMS.

Mr. WARREN. I ask unanimous consent for the present consideration of the bill (H. R. 2494) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES SPRAGUE.

Mr. KEAN. I ask unanimous consent for the present consideration of the bill (S. 6045) granting an increase of pension to Charles Sprague.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill which had been reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "sixty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Sprague, late of Company D, Eighty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NAVAJO INDIAN RESERVATION.

Mr. BARD. I ask unanimous consent for the present consideration of the bill (H. R. 13875) authorizing the adjustment of rights of settlers on the Navajo Indian Reservation, Territory of Arizona.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. COCKRELL. Let the report of the committee be read.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the report submitted by Mr. BARD on the 23d instant, as follows:

The Committee on Indian Affairs, to which was referred the bill (H. R. 13875) authorizing the adjustment of rights of settlers on the Navajo Indian Reservation, Territory of Arizona, having considered the same, reports as follows:

A bill containing similar provisions to the one under consideration passed the House of Representatives during the Fifty-sixth Congress and was amended in the Senate by the insertion of a provision that certain portions of the Navajo Reservation, Ariz., should be subject to mineral entry; but it failed to become a law by reason of the veto of the President, influenced, doubtless, by the unfavorable report of the Secretary of the Interior. The present bill does not contain the objectionable feature, and it is approved by the Secretary of the Interior.

The committee concurs in the House report, hereto attached and made a part hereof, and recommends that the bill pass.

The House report and the letters of the Commissioner of Indian Affairs and the Secretary of the Interior relative to the measure are as follows:

[House Report No. 1846, Fifty-seventh Congress, first session.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 13875) authorizing the adjustment of rights of settlers on the Navajo Indian Reservation, Territory of Arizona, beg leave to submit the following report and recommend that said bill do pass without amendment:

A bill identical with the one under consideration passed the House during the first session of the Fifty-sixth Congress, and was favorably reported to the Senate, but failed to pass that body for lack of consideration.

The reasons for its enactment into law are given in House Report No. 411, first session Fifty-sixth Congress, and your committee adopt said report as a part of this report and append it hereto.

[House Report No. 411, Fifty-sixth Congress, first session.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 4001) authorizing the adjustment of rights of settlers on the Navajo Indian Reservation, Territory of Arizona, beg leave to submit the following report, and recommend that said bill do pass without amendment:

This is a bill enacting that patents for lands may be issued to certain settlers on the Navajo Indian Reservation.

The full history of the bill is contained in the following communication from the Commissioner of Indian Affairs and Secretary of the Interior:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, January 17, 1900.

SIR: I have the honor to acknowledge the receipt, by Department reference of January 11, 1890, for report, of a communication dated January 9, 1900, from Hon. J. S. Sherman, chairman of the House Committee on Indian Affairs, inclosing a copy of a bill (H. R. 4001) authorizing the adjustment of rights of settlers on the Navajo Indian Reservation, Territory of Arizona. Said bill was introduced in the House of Representatives by Mr. Wilson, Delegate from Arizona, on December 13, 1899, and provides—

"That all lands claimed by actual settlers or persons to whom valid rights attach, who settled upon or occupied any part of the public lands of the United States prior to the date of the Executive order of January 6, 1880, extending the boundaries of Navajo Indian Reservation, in the Territory of Arizona, and which were included in said Executive order, are hereby accepted from the operations thereof, and said settlers are hereby granted authority to establish their rights and secure patents for any of said lands to which they have a valid title under the public-land laws of the United States."

The primary object of said bill, as will be observed from the following recital, is to enable one C. N. Cotton, alleged owner of a trading post at Ganado, Ariz., to acquire title to a tract of land within the present limits of the Navajo Reservation.

By Department reference, this office received a communication dated August 11, 1890, from Mr. Cotton, which was referred to the Department by Hon. J. J. Belden, in which Mr. Cotton stated that he was the owner of a trading post at Ganado, Ariz., which he had occupied continuously since early in 1878; that in January, 1880, the strip of land occupied by him was added by Executive order to the south side of the Navajo Reservation, and claimed that as his occupation commenced prior to the date of the Executive order, his place should be excluded from the reservation. He therefore asked that an order to that effect be issued, either by the Secretary of the Interior or the President.

On December 10, 1890, this office submitted the following report to the Department on Mr. Cotton's communication:

"The matter having been referred to Agent Vandever for investigation, he reported, under date of September 25, 1890, that Mr. Cotton has lived at the place in question since the spring of 1878, having a trading post there; that he has a great many buildings and the best store on the reservation, and that from what he can learn Mr. Cotton settled there with the intention of taking up a home two years before the reservation was extended over the land.

"The Executive order of January 6, 1880, withdraws from sale and settlement a tract of country within certain described limits to be set apart as an addition to the Navajo Reservation, making no exception of tracts settled upon or occupied, as is the case in the subsequent order of May 17, 1884.

"The lands included in the addition made by the order of January 6, 1880, were unsurveyed; therefore Mr. Cotton had acquired no vested right in the lands occupied by him (Frisbie *v.* Whitney, 9 Wall., 187), and the President had the power to reserve them for Indian purposes (5 Wall., 681, and 6 Wall., 363).

"It has not been the policy of the Department, however, to recommend the appropriation of lands in the occupation of bona fide settlers, unless such appropriation was considered necessary for the wants of the Indians. In such cases it has been customary to recommend compensation for the improvements made by such bona fide settlers.

"It is probable that when the order of January 6, 1880, was issued it was not known that any improvements were located on the addition.

"Since the passage of the act of February 8, 1887 (24 Stats., 388), this office has held that the rights of the Indians in an Executive order reservation are such that the lands therein can only be restored in pursuance of an agreement with the Indians interested, duly ratified by Congress.

"I am inclined to think, however, that where lands to which private parties have acquired valid, or even inchoate rights, have been included in an Indian reservation by Executive order, such order may now be so modified as to except such lands from the operation thereof, and I have accordingly prepared the draft of an Executive order amending and modifying that of January 6, 1880, so as to exclude from the operation thereof any tract or tracts of land which were settled upon and occupied, or to which valid rights had attached under then existing laws of the United States prior to said date, and have the honor to recommend, if you concur in the views herein expressed, that the same be laid before the President for his signature.

"I am not aware that any other person was located upon the land included in the addition prior to January 6, 1880, but have deemed it proper to make the order general in its terms rather than to exempt Mr. Cotton by name."

In Department letter dated December 27, 1890, this office was informed that its report of December 8, 1890, had been referred to the Assistant Attorney-General for the Interior Department, who held:

"The general allotment act of February 8, 1887 (24 Stat., 388), referred to by the Commissioner, unquestionably gives to the Indians the same rights in a reservation created by Executive order as if made by treaty or act of Congress. This being so, the land embraced therein is subject to allotment, and the surplus can be restored only in accordance with the terms of said act, which requires that the negotiations with the Indians for the sale of such portions of the reservation not allotted 'shall not be complete until ratified by Congress' (sec. 5 of said act), but Congress can by additional legislation except the same from the provisions of said act of 1887. If this be the true construction of said act of 1887—and I think it is—it would be inconsistent to ask the President to issue an order excepting said lands from the effect of the order of 1880, and, in effect, attempt to do that which can only be done by an act of Congress."

It was further stated in said Department letter that—

"In accordance with said opinion your recommendation that the said draft of an Executive order be laid before the President for his signature is not concurred in, and to enable Mr. Cotton to secure relief by Congressional action you are hereby directed to reserve the land covered by his improvements and occupied by him from allotment under the act of February 8, 1887, until further advised by the Department."

The text of the opinion of the Assistant Attorney-General referred to will be found in volume 12, Land Decisions, page 206.

In a communication dated February 9, 1899, addressed to the President and referred by the Department to this office, Hon. N. O. Murphy, governor of Arizona, wrote in the interest of Mr. J. J. Hubbell, a resident of Ganado, Ariz. February 15, 1899, Indian Inspector Duncan referred to this office a letter dated January 3, 1899, from Mr. Cotton, with reference to his claim. On March 9, 1899, Mr. S. M. Brosius submitted a communication, with certain affidavits, relating to Mr. Hubbell's claim.

It appearing that the claims of Mr. Cotton and Mr. Hubbell were in conflict, this office, on March 10, 1899, addressed a letter to Lieut. Col. Constant Williams, United States Army, late acting Indian agent at the Navajo Agency, and then in this city, requesting him to report if there were any other persons besides Mr. Cotton who claim to have acquired valid rights prior to January 6, 1880, to land included in the Navajo Reservation by the Executive order of that date, and whose interests would be affected by the enactment of proposed legislation. Lieutenant-Colonel Williams was requested also to give his views with reference to Mr. Hubbell's claim and to state whether or not the claims of Cotton and Hubbell relate to the same land.

On April 4, 1899, Mr. G. W. Hayzlett, the United States Indian agent in charge of the Navajo Agency, was instructed to ascertain and submit information concerning the matters referred to, in line with the request made of Lieutenant-Colonel Williams.

April 11, 1899, Lieutenant-Colonel Williams advised this office that one A. C. Damon "makes such claim for a tract of land, with improvements, close to the agency at Fort Defiance, which he was occupying in November last, and had been continuously occupying for about thirty years;" that the land at Ganado, Ariz., was occupied at the time the reservation was extended by the Executive order of January 6, 1880, by Mr. J. L. Hubbell, who had purchased the improvements thereon a year or two before from a man named Williams, and that Hubbell afterwards sold all, or a part, to C. N. Cotton. Lieutenant-Colonel Williams adds that there is no doubt of the equitable right of Mr. Cotton to the property at Ganado; that he investigated the matter while agent for the Navahoes, and that he believes Mr. Damon's claim is equally good. He states that there are no other claims that he ever heard of.

Reporting under date of June 29, 1899, Agent Hayzlett states that the interests of Messrs. Cotton and Hubbell are identical. In support of this statement the agent inclosed a letter, dated April 24, 1899, from Mr. Cotton, as follows:

"Mr. Hubbell's interest in the land and mine are the same, and if his claim is allowed it will be perfectly satisfactory to me and I will have no further claim. I do not know of any other white people that are affected by this Executive order."

Further reporting, Agent Hayzlett states that one Anson C. Damon is affected by the Executive order of January 6, 1880; that he resides near 1 mile south of the original south base line of the reservation as it was prior to the extension under said order; that Damon is said to have been a soldier and receives a small pension, and came there with the Navahoes when they were returned from Fort Sherman about thirty years ago; that he has a squaw wife, two grown sons, and two or three smaller children, and that he is very desirous of receiving the benefits of the proposed legislation. Agent Hayzlett thinks that there are no other persons aside from Cotton, Hubbell, and Damon likely to be affected thereby.

In view of what has been stated, this office reports that it is aware of no objection to the enactment of the bill under consideration. A somewhat similar bill (H. R. 5565) was introduced in the first session of the Fifty-second Congress, but was not reported upon by this office and failed to become a law.

The communication from Mr. Sherman, with its inclosure, and copies of the following correspondence, are herewith transmitted, together with a copy of this report:

(1) Letter dated February 15, 1899, from Inspector J. A. Duncan, inclosing letter dated January 3, 1899, from C. N. Cotton, and a copy of H. R. 5565, Fifty-second Congress, first session.

(2) Letter dated February 9, 1899, from Hon. N. O. Murphy, governor of Arizona.

(3) Letter dated March 9, 1899, from Mr. S. M. Brosius, with inclosures.

(4) Report dated April 11, 1899, from Lieut. Col. Constant Williams, United States Army, late acting United States Indian agent at the Navaho Agency.

(5) Report dated June 29, 1899, from Mr. G. W. Hayzlett, United States Indian agent at the Navaho Agency, with inclosure.

Very respectfully, your obedient servant,

W. A. JONES, *Commissioner.*

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
Washington, February 3, 1900.

SIR: I have the honor to acknowledge the receipt of your communication of the 9th ultimo, and accompanying H. R. 4001, "A bill authorizing the adjustment of rights of settlers on the Navaho Indian Reservation, Territory of Arizona."

In response thereto I transmit herewith a copy of a report, dated the 17th ultimo, from the Commissioner of Indian Affairs, and accompanying papers, to whom the matter was referred.

The Commissioner gives a history of the case, and states that he is aware of no objection to the enactment of this bill.

I concur in his views.

Very respectfully, E. A. HITCHCOCK, *Secretary.*

The CHAIRMAN OF THE COMMITTEE ON INDIAN AFFAIRS,
House of Representatives.

For the reasons evident from the facts above reported, the committee are of the opinion that the bill is meritorious and should become a law.

DEPARTMENT OF THE INTERIOR,
Washington, May 12, 1902.

SIR: I have the honor to acknowledge the receipt, by your reference of the 30th ultimo, of S. 5529, "A bill authorizing the adjustment of the rights of settlers on the Navajo Indian Reservation, Territory of Arizona."

In response to your request for report on the bill, I have the honor to transmit herewith a copy of a communication of the 7th instant from the Commissioner of Indian Affairs on the subject, from which it will be seen that S. 5529 is identically the same in language as H. R. 4001, Fifty-sixth Congress, first session, upon which favorable report was made by this Department on February 3, 1900. The bill H. R. 4001 passed the House of

Representatives on March 5, 1900, and afterwards passed the Senate with the following amendment:

"*Provided*, That all that portion of the Navajo Indian Reservation in Arizona lying north of 36° 36′ north latitude, and west of the one hundred and eleventh meridian be, and is hereby, opened and subjected to the mining laws of the United States."

The bill as amended was passed by the Senate and afterwards by the House, and finally by the Congress upon the report of a conference committee.

In response to a request of the President for a report upon the enrolled bill H. R. 4001, I called his attention on April 30, 1900, to the objectionable features thereof, and upon my recommendation he returned the same to the House of Representatives without his approval.

There was no objection to H. R. 4001 as originally passed by the House, and as the bill now under consideration, viz, S. 5529, is substantially the same in every respect, I see no reason why it should not become a law.

I inclose a copy of Senate Report 699, Fifty-sixth Congress, first session, which shows the action of the Department on H. R. 4001, as originally proposed.

Very respectfully, E. A. HITCHCOCK,
Secretary.

The CHAIRMAN OF THE COMMITTEE ON INDIAN AFFAIRS,
United States Senate.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, May 7, 1902.

SIR: I have the honor to acknowledge the receipt, by Department reference for report, of a communication dated April 30, 1902, from Hon. WILLIAM M. STEWART, chairman of the Committee on Indian Affairs, United States Senate, inclosing a copy of S. 5529, "A bill authorizing the adjustment of the rights of settlers on the Navajo Indian Reservation, Territory of Arizona," with request for information thereon for the use of the committee. The bill provides—

"That all lands claimed by actual settlers or persons to whom valid rights attach, who settled upon or occupied any part of the public lands of the United States prior to the date of the Executive order of January 6, 1880, extending the boundaries of the Navajo Indian Reservation, in the Territory of Arizona, and which were included in said Executive order, are hereby excepted from the operations thereof, and said settlers are hereby granted authority to establish their rights and secure patents for any of said lands to which they have a valid title under the public land laws of the United States."

Said bill is identically the same in language as the bill H. R. 4001, Fifty-sixth Congress, first session, upon which, in its original form, this office reported favorably to the Department on January 17, 1900. (See Senate Report No. 699, Fifty-sixth Congress, first session.)

The bill H. R. 4001 passed the House of Representatives March 5, 1900, and afterwards passed the Senate with an amendment subjecting a certain portion of the Navajo Reservation in Arizona to mineral entry. As so amended the bill passed Congress, but by reason of the President's veto failed to become a law.

In view of what has been stated, the enactment of the bill S. 5529 is recommended.

The communication from Senator STEWART is herewith returned, with a copy of this report.

Very respectfully, your obedient servant,

A. C. TONNER,
Acting Commissioner.

The SECRETARY OF THE INTERIOR.

An act authorizing the adjustment of rights of settlers on the Navajo Indian Reservation, Territory of Arizona.

Be it enacted, etc., That all lands claimed by actual settlers or persons to whom valid rights attach, who settled upon or occupied any part of the public lands of the United States prior to the date of the Executive order of January 6, 1880, extending the boundaries of the Navajo Indian Reservation, in the Territory of Arizona, and which were included in said Executive order, are hereby excepted from the operations thereof, and said settlers are hereby granted authority to establish their rights and secure patents for any of said lands to which they have a valid title under the public-land laws of the United States.

Mr. COCKRELL. I observed that one bill had been vetoed, and I desired to have the report read in order to show that the pending bill is not the one which was vetoed and that the Secretary of the Interior and the Commissioner of Indian Affairs recommend that this bill be passed.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SURVEY OF THE ISTHMUS OF DARIEN.

Mr. SCOTT. I should like to ask unanimous consent to call up the joint resolution (S. R. 116) providing for a survey of the Isthmus of Darien for canal purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. BERRY. I should like to ask the Senator from West Virginia what committee has reported the joint resolution.

Mr. SCOTT. The joint resolution has never been referred to a committee, and consequently there is no report on it. The fact was developed during the discussion on the canal bill that title could not be acquired to the Darien route; that the title was vested in the Panama Canal Company. We passed a bill authorizing the President, under certain conditions, to build on the Panama route, and of course if we can acquire and have a valid title to that route we would have title to the territory through which the Darien canal would be built. If we can build a canal 29½ miles long through which vessels can go in five or six hours, and if in buying the rights of the Panama Canal Company we acquire the right to this territory, why not have it surveyed? If this is the better route, we can afford to throw away the amount of money spent on the Panama Canal route and build a canal for one-fourth the money, with less than one-half the distance, on the route I am asking to have surveyed. We are not asking the Government of the United States to spend one dollar in making the survey.

Mr. BERRY. I should like to ask the Senator whether, if the proposition is to have the Government survey this route, it will not have the effect to delay operations on the other canal project now contemplated—the Panama or the Nicaragua, as the case may be—will it not delay it?

Mr. SCOTT. I will answer the Senator that this survey will not in any way delay it. I am not asking by the joint resolution that there shall be delay, but simply that the facts may be laid before the Senate.

In last January I introduced a resolution and asked for an appropriation of $15,000, part of which should be expended to examine this route; and the resolution was reported back unfavorably. Then, as I suggested at the time in the few remarks which I made to the Senate, a report could have been made, before this body determined what route we should select for the canal, whether or not this route was feasible. But the Senate in its wisdom sustained the action of the committee which reported back unfavorably.

Now, I come again to the Senate with a joint resolution asking the poor privilege of having this route surveyed and investigated, that the facts may be laid before the Senate without costing the United States anything for the survey.

Mr. BERRY. Who is to pay for the survey, will the Senator tell me?

Mr. SCOTT. That is not germane to the question at all.

Mr. BERRY. What has the Government got to do with it?

Mr. SCOTT. It is simply to give it an official character, that the Government officials, United States engineers, may examine the route and report upon it. I do not for the life of me see why Senators should for a moment oppose a proposition of this kind. If there is a better route than the Panama or the Nicaragua route, why is it not the part of wisdom that we should know it before we expend hundreds of thousands and millions of dollars in building something we shall not want. I hope the joint resolution may be passed.

Mr. MITCHELL. Mr. President, I understand the joint resolution has never been before a committee, and I move that it be referred to the Committee on Interoceanic Canals.

Mr. SCOTT. I hope the motion will not prevail, because the result will be the same as with the resolution I offered in January—it will be smothered, and there will never be a report from it, except, perhaps, adversely.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Oregon, to refer the joint resolution to the Committee on Interoceanic Canals.

The motion was agreed to.

HEIGHT OF BUILDINGS IN THE DISTRICT.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (H. R. 14050) to amend an act to regulate the height of buildings in the District of Columbia.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with amendments.

The first amendment of the Committee on the District of Columbia was, on page 1, line 8, after the words "District of Columbia," to insert "and in case of additions to existing structures the restrictions contained herein shall apply only to such additions;" so as to read:

That section 3 of the act entitled "An act to regulate the height of buildings in the District of Columbia," approved March 1, 1899, be amended by adding thereto the following: "*Provided*, That this requirement shall not apply to churches erected outside of the fire limits as now or hereafter established within the District of Columbia, and in case of additions to existing structures the restrictions contained herein shall apply only to such additions."

The amendment was agreed to.

The next amendment was at the top of page 2, to insert as a new section the following:

SEC. 2. That section 4 of said act be amended to read as follows:

"SEC. 4. That no building shall be erected or altered on any street or avenue or highway in the District of Columbia to exceed in height above the sidewalk the width of the street in its front. Where a building is to be erected removed from all points within the bounding lines of its own lots as recorded by a distance at least equal to its proposed height above grade, the extreme limits of height permitted for fireproof or nonfireproof buildings in residence sections may be allowed, the measurements to be taken from the natural grades at the building as determined by the Commissioners. On business streets and avenues, as the same are now or may hereafter be designated by the Commissioners of said District, no building shall be erected or altered to exceed the height of 110 feet, except on business streets or avenues 160 feet wide, where a height not exceeding 130 feet may be allowed.

"On residence streets and avenues no building shall be erected or altered so as to be over 80 feet in height, nor shall it exceed 10 feet less than the width of the street or avenue upon which it abuts, except on streets 60 to 65 feet wide, where a height of 60 feet will be allowed, and on streets 60 feet wide and less, where a height equal to the full width of the street will be allowed. The height of buildings on corner lots will be regulated by the width of the wider street: *Provided*, That if said buildings have projections, such as bay

windows, oriels, covered porches, etc., extending over two stories, the height of the building shall be diminished by the amount of the greatest projection: *Provided further*, That spires, towers, and domes may be erected to a greater height than the limits herein prescribed when approved by the Commissioners of the District of Columbia: *And provided also*, That on streets less than 90 feet wide, where building lines have been established so as to be a matter of public record in the office of the surveyor of the District and so as to prevent the lawful erection of any building in advance of said lines, the width of the street, in so far as it controls the height of buildings under this law, may be held to be the distance between said building lines. On blocks immediately adjacent to public buildings or to the site of any public building for which plans have been prepared and money appropriated at the time of application for the permit the height shall be regulated by a schedule adopted by the Commissioners of the District of Columbia."

The amendment was agreed to.

The next amendment was, on page 3, after line 21, to insert as a new section the following:

SEC. 3. That section 5 of said act be amended to read as follows:

"SEC. 5. That no wooden or frame building, as authorized by existing law, hereafter erected or altered, and intended to be used for human habitation, shall exceed in height three stories, or 40 feet to the roof."

The amendment was agreed to.

The next amendment was, on page 4, after line 2, to insert as a new section the following:

SEC. 4. That section 6 of said act be amended to read as follows:

"SEC. 6. That the height of all buildings shall be measured from the level of the sidewalk opposite the middle of the front of the building to the highest point of the roof. If the building has more than one front, the height shall be measured from the mean elevation of the sidewalk at the street corners. No parapet walls shall extend above the limit of height."

The amendment was agreed to.

Mr. COCKRELL. Let the report be read.

The Secretary read the report submitted by Mr. MCMILLAN on the 5th instant, as follows:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 14050) to amend an act to regulate the height of buildings in the District of Columbia, report the same back to the Senate with certain amendments and recommend its passage as amended,

The provisions of the bill as reported were all prepared by the Commissioners of the District of Columbia, in order more effectually to regulate the height of buildings in the city of Washington, particularly on narrow streets and on squares opposite to the great buildings of the Government. The Commissioners' bill spoken of in their reports was prepared as a separate measure, and the essential features of it have been incorporated in the bill as reported.

The letters of the Commissioners are appended, as follows:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, May 3, 1902.

SIR: The Commissioners have the honor to report with respect to Senate bill 5495, "To amend an act entitled 'An act to regulate the height of buildings in the District of Columbia,' approved March 1, 1899," which was referred to them at your instance for their views thereon, that while they have no objection to the passage of the bill, they prefer the enactment of the inclosed draft of a bill "To regulate the height of buildings in the District of Columbia," which was handed to you by Commissioner Biddle. This draft provides an exception with regard to churches without the fire limits, which is the subject of Senate bill 5495.

Very respectfully,

HENRY B. F. MACFARLAND,
President Board of Commissioners District of Columbia.

Senator JAMES MCMILLAN,
Chairman Committee on District of Columbia,
United States Senate.

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, April 4, 1902.

SENATOR: The Commissioners have the honor to submit the following on Senate joint resolution No. 72, to restrict the height of buildings on residence streets to the width of the street between curb lines, which was referred to them by your committee for report.

The width between curb lines is a somewhat variable quantity, even along streets of the same width between building lines, the width of the roadway being determined by the character of the traffic using the street. It is the policy to narrow the roadway between curbs on residence streets where traffic is light, in order to lessen the expense of paving, and also to give as great an amount of parking as possible. As a rule, the width between curb lines on residence streets is 30 or 35 feet, while the distance from building line to building line is 80 or 90 feet.

The streets of the District, except some minor streets, are of ample width, and the consideration involved in a further restriction of the height of buildings is more a matter of damage to a locality where a high building is erected than to any lack of light and air. In some parts of the city buildings 80 and 90 feet high would be a benefit; while in other parts, even on wider streets, a high building might cause great damage to the adjacent property.

For the foregoing reason the Commissioners can not recommend that favorable action be taken upon the resolution. Their views upon the matter are embodied in the draft of a bill, a copy of which is inclosed, which has been prepared in accordance with instructions received from your committee.

This draft has been carefully considered by them, and has also been submitted to a number of the prominent architects of the city for remark. It contains very few changes from existing law, the changes being to restrict the height of buildings in the residence sections to 80 feet instead of 90 and to 10 feet less than the width of the street between building lines, except that on streets less than 60 feet in width buildings of the full width of the street will be allowed. It also provides for the adoption of a schedule by the Commissioners to regulate the height of buildings on blocks adjacent to public buildings.

Very respectfully, yours,

HENRY B. F. MACFARLAND,
President of the Board of Commissioners of the District of Columbia.

Hon. JAMES MCMILLAN,
Chairman Committee on the District of Columbia, Senate.

The Commissioners' bill is as follows:

A bill to regulate the height of buildings in the District of Columbia.

Be it enacted, etc., That from and after the date of the approval of this act no combustible or nonfireproof building intended to be used or occupied as a residence or as an apartment house or hotel in the District of Columbia shall be erected to a height of more than five stories or raised to a height exceeding 60 feet above the sidewalk, the measurements to be made as hereinafter prescribed.

SEC. 2. That buildings intended for business purposes solely may be erected to a height of 75 feet without being of fireproof construction.

SEC. 3. That all buildings, except churches, hereafter erected or altered to exceed 75 feet in height shall be fireproof or noncombustible, and of such materials throughout as may be prescribed by the Commissioners of the District of Columbia. Within the fire limits churches hereafter constructed, including Sunday schools and meeting rooms, must be of fireproof construction up to and including the main or auditorium floor.

SEC. 4. That no building shall be erected or altered on any street or avenue or highway in the District of Columbia to exceed in height above the sidewalk the width of the street in its front. Where a building is to be erected removed from all points within the bounding lines of its own lots as recorded by a distance at least equal to its proposed height above grade, the extreme limits of height permitted for fireproof or nonfireproof buildings in residence sections may be allowed, the measurements to be taken from the natural grades at the building as determined by the Commissioners. On business streets and avenues, as the same are now or may hereafter be designated by the Commissioners of said District, no building shall be erected or altered to exceed the height of 110 feet, except on business streets or avenues 160 feet wide, where a height not exceeding 130 feet may be allowed.

On residence streets and avenues no building shall be erected or altered so as to be over 80 feet in height, nor shall it exceed 10 feet less than the width of the street or avenue upon which it abuts, except on streets 60 to 65 feet wide, where a height of 60 feet will be allowed, and on streets 60 feet wide and less, where a height equal to the full width of the street may be allowed. The height of buildings on corner lots shall be regulated by the width of the wider street: *Provided*, That if said buildings have projections, such as bay windows, oriels, covered porches, etc., extending over two stories, the height of the building shall be diminished by the amount of the greatest projection: *Provided further*, That spires, towers, and domes may be erected to a greater height than the limits herein prescribed when approved by the Commissioners of the District of Columbia: *And provided also*, That on streets less than 90 feet wide, where building lines have been established so as to be a matter of public record in the office of the surveyor of the District and so as to prevent the lawful erection of any building in advance of said lines, the width of the street, in so far as it controls the height of buildings under this law, may be held to be the distance between said building lines. On blocks immediately adjacent to public buildings or to the site of any public building for which plans have been prepared and money appropriated at the time of application for the permit the height shall be regulated by a schedule adopted by the Commissioners of the District of Columbia.

SEC. 5. That no wooden or frame building, as authorized by existing law, hereafter erected or altered, and intended to be used for human habitation, shall exceed in height three stories, or 40 feet to the roof.

SEC. 6. That the height of all buildings shall be measured from the level of the sidewalk opposite the middle of the front of the building to the highest point of the roof. If the building has more than one front, the height shall be measured from the mean elevation of the sidewalk at the street corners. No parapet walls shall extend above the limit of height.

SEC. 7. That the limitations of height herein prescribed shall not apply to Federal or District buildings.

SEC. 8. That all acts or parts of acts inconsistent herewith are hereby repealed.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JOHN F. WESTON.

Mr. WARREN. I desire to call up for present consideration the bill (S. 6004) authorizing and directing the Secretary of the Treasury to pay John F. Weston the sum of $241.60, etc.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. SPOONER. I wish the Senator from Wyoming would explain the bill.

Mr. COCKRELL. Let the report be read.

Mr. WARREN. The report is very short. General Weston, then Captain Weston, was ordered across the country to perform certain services in the mountains. The Government placed its freight and the tools and the personal effects, etc., of General Weston in charge of a freighter. The train was overtaken and destroyed by Indians. The Government paid the contractor for his losses, and paid everybody else, but for some reason the account of Captain Weston was not paid. Later it went to the Court of Claims, and was ruled against on account of jurisdiction. The report is short. I ask that it may be read.

Mr. SPOONER. Then this is an Indian depredation claim?

Mr. WARREN. It could be called an Indian depredation claim, I think, though differing widely from those claims regularly designated as Indian depredation claims, and known to Congress and the country as such.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the report submitted by Mr. WARREN on the 13th instant, as follows:

The Committee on Claims, to which was referred the bill (S. 6004) authorizing and directing the Secretary of the Treasury to pay John F. Weston the sum of $241.60, having had the same under careful consideration, begs to report the same back to the Senate, with recommendation that it do pass.

The claimant, Gen. John F. Weston, was captain and commissary of subsistence, United States Army, in 1877, and in September of that year he was ordered to proceed from the cantonment on Tongue River, Montana, via Cow Island to Helena, Mont. He turned over two chests containing personal effects to the quartermaster to be transported to his destination. These chests were captured by Nez Perce Indians. The value of the tools, clothing, professional books, etc., thus taken from him amounted to $241.60.

When starting out to make this trip, the chests were turned over in the usual way to the quartermaster for transportation. The contractor employed

to carry the quartermaster supplies, who was given charge of Captain Weston's effects, was reimbursed by the Government for all the losses he sustained, but Captain Weston was not thus relieved and has never been reimbursed for his loss.

It appears that this case was submitted to the Court of Claims, but that court denied relief, as per the following decision:

[Court of Claims. Indian Depredations, No. 207. John F. Weston *v.* The United States and the Nez Perce Indians.]

This case having been heard by the court on the defendant's plea to the jurisdiction of the court for the want of amity of the defendant Indians at the time of the alleged depredation, to-wit, September, 1877, the court sustains said plea and the petition is therefore dismissed. (See the case of Woolverton *v.* The United States et al., 29 C. Cls. R., p. 107, in which the question of amity of the defendant Indians was passed upon.)

BY THE COURT.

Filed May 29, 1899.
A true copy.
Test this 26th day of May, 1902.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Your committee believe that this is not an ordinary "Indian depredation" case, and that the Government should be as liberal with a faithful army officer as it has been with the contractor who was employed to transport supplies.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM L. CHURCH.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

Mr. BURROWS. Will the Senator from New Jersey yield to me for a moment in order to secure the passage of a brief pension bill?

Mr. KEAN. I withdraw the motion.

Mr. BURROWS. I ask unanimous consent for the present consideration of the bill (H. R. 12977) granting an increase of pension to William L. Church.

There being no objection, the Senate as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of William L. Church, late of Company B, Forty-seventh Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DARWIN S. HALL.

Mr. CLAPP. Will the Senator from New Jersey yield to me for a moment?

Mr. KEAN. Certainly.

Mr. CLAPP. I ask unanimous consent for the immediate consideration of the bill (S. 5272) for the relief of Darwin S. Hall. It is a small claim recommended by the Department.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to relieve Darwin S. Hall from the obligation to refund the sum of $111, being the difference claimed to be due from him in his account as commissioner, Chippewa Commission in Minnesota, and special disbursing agent from October 10, 1897, to July 31, 1900.

Mr. COCKRELL. Let the report be read. It is only ten lines long.

The Secretary read the report submitted by Mr. CLAPP on the 27th instant, as follows:

The Committee on Claims, to whom was referred the bill (S. 5272) for the relief of Darwin S. Hall, report favorably and recommend the passage of said bill without amendment.

The committee beg leave to refer to the annexed letter of the honorable Secretary of the Interior, as follows:

DEPARTMENT OF THE INTERIOR,
Washington, June 24, 1902.

SIR: Responding to your letter of the 21st instant in the matter of the claim of Darwin S. Hall, as represented by S. 5272, a bill for his relief, which was the subject of my letter to you of the 17th instant, I now beg to state that for the reasons set out in your letter the objections to the passage of said bill, as heretofore communicated to you, are withdrawn and the enactment of the proposed legislation suggested.

The copy of the bill and statement of differences which accompanied your letter are returned as requested.

Very respectfully,

E. A. HITCHCOCK,
Secretary.

Hon. MOSES E. CLAPP,
Committee on Claims, United States Senate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BUST OF THE LATE PRESIDENT M'KINLEY.

Mr. HANNA. I introduce a joint resolution, and ask for its immediate consideration.

The joint resolution (S. R. 131) to purchase a bronze portrait bust of the late President McKinley from Mrs. Emma Cadwallader-Guild was read the first time by its title and the second time at length, as follows:

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That a sufficient sum as may be necessary, at their discretion, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Joint Committee on the Library to purchase from Mrs. Emma Cadwallader-Guild her bronze portrait bust of the late President McKinley.

Mr. COCKRELL. Is the joint resolution one that is on the Calendar?

The PRESIDENT pro tempore. No; it is a joint resolution introduced by the Senator from Ohio, for which he asks present consideration.

Mr. COCKRELL. Has it gone to the Committee on the Library?

The PRESIDENT pro tempore. It has not.

Mr. HANNA. I will say in explanation that the matter has been delayed because the chairman of the Committee on the Library has not been able to have a meeting. I introduced the joint resolution by consent of the chairman, the Senator from Rhode Island [Mr. WETMORE], and he said he would take it right up. If anything is to be done about its purchase, it has to be done now. It is left discretionary with the committee to purchase it or not to purchase it, and the price is to be fixed by the committee.

Mr. COCKRELL. Let the joint resolution be read.

The joint resolution was again read.

Mr. PETTUS. Mr. President, I think the joint resolution ought to go to a committee.

The PRESIDENT pro tempore. The Senator from Alabama objects to the present consideration of the joint resolution. Does the Senator from Ohio desire its reference to the committee?

Mr. HANNA. Yes, sir.

The PRESIDENT pro tempore. It will be referred to the Committee on the Library.

INVESTIGATION OF AFFAIRS IN THE PHILIPPINES.

Mr. CARMACK. On behalf of the minority of the Committee on the Philippines, I ask leave to submit a resolution. Let it be read and lie over.

The resolution was read, as follows:

Resolved, That the Committee on the Philippines be authorized and instructed to sit during the recess of Congress for the purpose of prosecuting the investigation heretofore authorized by resolution of the Senate.

2. That said committee be further authorized and instructed to visit the Philippine Islands during the recess of Congress for the purpose of examining witnesses and otherwise prosecuting the said investigation.

The PRESIDENT pro tempore. What does the Senator from Tennessee desire to have done with the resolution?

Mr. CARMACK. Let it go over under the rule.

The PRESIDENT pro tempore. The resolution will lie over.

ANGUS A. M'PHEE.

Mr. QUARLES. May I ask the Senator from New Jersey to kindly yield to me for a moment?

Mr. KEAN. I will yield to the Senator, but this is the last time I can yield.

Mr. QUARLES. I ask unanimous consent for the present consideration of the bill (H. R. 367) for the relief of Angus A. McPhee.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to Angus A. McPhee $676.85, being the amount of a certain judgment recovered by the United States against McPhee on the 30th day of April, 1894, in the circuit court of the western district of Wisconsin, for $616.85, and $60 expended for costs by said McPhee in defending the action, and which judgment was paid in full by McPhee, it being for the value of timber cut from certain lands.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. KEAN. I renew my motion.

The PRESIDENT pro tempore. The Senator from New Jersey moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty minutes spent in executive session the doors were reopened.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on the 27th instant approved and signed the following acts:

An act (S. 1184) granting a pension to Mary Florence Von Steinwehr;

An act (S. 1205) granting a pension to Isabella H. Irish;

An act (S. 3032) granting a pension to Samuel J. Christopher and Jane Vickers;

An act (S. 3552) granting a pension to John A. Reilley;

An act (S. 4190) granting a pension to Fredereka Seymore;

An act (S. 4709) granting a pension to Nelson W. Wade;

An act (S. 4710) granting a pension to Anna May Hogan;

An act (S. 5065) granting a pension to Jemima McClure.

An act (S. 5080) granting a pension to Hester A. Farnsworth;

An act (S. 5263) granting a pension to Fannie Frost;

An act (S. 5741) granting a pension to Martha E. Kendrick;

An act (S. 7) granting an increase of pension to William H. Thomas;
An act (S. 332) granting an increase of pension to Louisa A. Crosby;
An act (S. 896) granting an increase of pension to James E. McNair;
An act (S. 1132) granting an increase of pension to R. Sherman Langworthy;
An act (S. 1458) granting an increase of pension to Linda W. Slaughter;
An act (S. 1980) granting an increase of pension to William D. Stites;
An act (S. 1981) granting an increase of pension to Thomas Hannah;
An act (S. 2048) granting an increase of pension to Lewis G. Latour;
An act (S. 2050) granting an increase of pension to Edward N. Goff;
An act (S. 2051) granting an increase of pension to Henry W. Tryon;
An act (S. 2265) granting an increase of pension to William Kelley;
An act (S. 2289) granting an increase of pension to Benjamin S. Harrower;
An act (S. 2375) granting an increase of pension to Daniel Ridinger;
An act (S. 2653) granting an increase of pension to Joshua Weaver;
An act (S. 2703) granting an increase of pension to James S. Myers;
An act (S. 3041) granting an increase of pension to Emma F. Shilling;
An act (S. 3292) granting an increase of pension to Henry Loor Reger;
An act (S. 3567) granting an increase of pension to Peter J. Osterhaus;
An act (S. 3997) granting an increase of pension to Otis A. Barlow;
An act (S. 4064) granting an increase of pension to Betsy Gumm;
An act (S. 4183) granting an increase of pension to Oceana B. Irwin;
An act (S. 4300) granting an increase of pension to Ann Comins;
An act (S. 4509) granting an increase of pension to Robert Lemon;
An act (S. 4764) granting an increase of pension to Queen Esther Grimes;
An act (S. 4783) granting an increase of pension to Mary Breckons;
An act (S. 4912) granting an increase of pension to Maggie L. Reaver;
An act (S. 4934) granting an increase of pension to Francis M. McAdams;
An act (S. 5007) granting an increase of pension to James Irvine;
An act (S. 5140) granting an increase of pension to Dudley Cary;
An act (S. 5141) granting an increase of pension to Charles Barrett;
An act (S. 5206) granting an increase of pension to John M. Wheeler;
An act (S. 5227) granting an increase of pension to Elizabeth Whitty;
An act (S. 5302) granting an increase of pension to John H. Everitt;
An act (S. 5402) granting an increase of pension to Hiram H. Thomas;
An act (S. 5424) granting an increase of pension to Cynthia J. Shattuck;
An act (S. 5466) granting an increase of pension to Edgar T. Chamberlin;
An act (S. 5650) granting an increase of pension to William R. Raymond;
An act (S. 5748) granting an increase of pension to Thomas D. Utter;
An act (S. 5924) granting an increase of pension to Edwin Young;
An act (S. 6021) granting an increase of pension to Esther D. Haslam; and
An act (S. 6040) granting an increase of pension to John W. Craine.

The message also announced that the President of the United States had on the 28th instant approved and signed the following acts:

An act (S. 1026) to fix the compensation of district superintendents in the Life-Saving Service;
An act (S. 2848) for the establishment of a subport of entry at Naco, Ariz.;
An act (S. 3746) to amend section 2593 of the Revised Statutes, relating to ports of entry;
An act (S. 3375) relating to the construction of a dam across Rainy River;
An act (S. 3651) appropriating the sum of $3,000 a year for the support and maintenance of the permanent international commission of the congresses of navigation, and for other purposes; and
An act (S. 5269) to provide a commission to secure plans and designs for a monument or memorial to the memory of Abraham Lincoln, late President of the United States.

The message further announced that the President of the United States had on this day approved and signed the following act and joint resolutions:

An act (S. 6178) to amend section 4 of an act entitled "An act to provide for a permanent Census Office," approved March 6, 1902.
A joint resolution (S. R. 103) providing for the binding and distribution of public documents held in the custody of the superintendent of documents, unbound, upon orders of Senators, Representatives, Delegates, and officers of Congress, when such documents are not called for within two years after printed; and
A joint resolution (S. R. 111) limiting the gratuitous distribution of the Woodsman's Handbook to the Senate, the House of Representatives, and the Department of Agriculture.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the President pro tempore:

A bill (S. 1949) to authorize the Secretary of the Navy to appoint George H. Paul a warrant machinist in the Navy;
A bill (S. 4762) to prevent any consular officer of the United States from accepting any appointment from any foreign state as administrator, guardian, or to any other office of trust, without first executing a bond, with security, to be approved by the Secretary of State;
A bill (S. 4792) relative to control of dogs in the District of Columbia;
A bill (S. 6091) extending the time for making final proof in desert-land entries in Yakima County, State of Washington;
A bill (H. R. 97) to authorize the Secretary of War to furnish certificates in lieu of lost or destroyed discharges;
A bill (H. R. 5809) for the further distribution of the Reports of the Supreme Court, and for other purposes;
A bill (H. R. 7013) granting an increase of pension to James E. Freeman;
A bill (H. R. 8209) for the relief of P. A. McClain;
A bill (H. R. 9960) to prevent a false branding or marking of food and dairy products as to the State or Territory in which they are made or produced;
A bill (H. R. 11171) granting a pension to Elizabeth A. Nalley;
A bill (H. R. 11400) to amend an act entitled "An act in relation to taxes and tax sales in the District of Columbia," approved February 28, 1898;
A bill (H. R. 11656) to incorporate the Society of the Army of Santiago de Cuba;
A bill (H. R. 12086) to extend the time for the construction of the East Washington Heights Traction Railroad Company;
A bill (H. R. 12549) granting an increase of pension to Ransom Simmons;
A bill (H. R. 12597) to accept, ratify, and confirm a proposed agreement submitted by the Kansas or Kaw Indians of Oklahoma, and for other purposes;
A bill (H. R. 13172) to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes;
A bill (H. R. 14082) to provide for the construction of a bridge by the Duluth, Pierre and Black Hills Railroad Company across the Missouri River at Pierre, S. Dak.; and
A joint resolution (S. R. 118) authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Arturo R. Calvo, of Costa Rica.

TRIAL OF CASES IN THE COURT OF CLAIMS.

Mr. SPOONER. Mr. President, as there is no business before the Senate, as I understand, I desire to present to be read, and therefore incorporated in the RECORD, a letter from Louis A. Pradt, Assistant Attorney-General.

Before sending the letter to the Secretary's desk, I ask unanimous consent to say just a word about it. On the 3d of June the Senator from Connecticut [Mr. PLATT], who is a great Senator, who in a distinguished career has rendered incalculable service

to the people of the United States, and who is an absolutely just man, was led to make some observations which I thought reflected upon the manner in which the interests of the Government were attended to in the Court of Claims by the Department of Justice. I know there is no one who would be less willing to do an injustice to another than my friend from Connecticut. At the time I took occasion in a mild way to protest against the imputation, which I thought followed upon the Senator's remarks, upon Mr. Pradt, who represents the Government in the Court of Claims. I have known him for many years, and I know him to be not only an able lawyer, but an honest man and a very painstaking official.

Mr. Pradt on the 5th of June sent this letter to me, which I send to the Secretary's desk, and ask that it may be read.

The PRESIDENT pro tempore. Is there objection to reading the paper which the Senator sends to the desk? The Chair hears none, and the Secretary will read it.

The Secretary read as follows:

DEPARTMENT OF JUSTICE,
Washington, D. C., June 5, 1902.

Hon. JOHN C. SPOONER,
United States Senate, Washington, D. C.

MY DEAR SENATOR: My attention has been called to certain remarks made in the Senate yesterday by Senator PLATT of Connecticut, found in the CONGRESSIONAL RECORD for the 4th instant, on pages 6698 and 6699, relating to the trial of cases in the Court of Claims. There is one statement which was thus made by Senator PLATT which I think demands a reply from me, as I am charged with the defense of all suits in the Court of Claims except those based upon Indian depredation claims, of which Assistant Attorney-General Thompson has charge. It is this (speaking with reference to claims referred to the Court of Claims, and especially what are known as "Indian" claims):

"So the matter goes upon request. Then an ex parte statement, which has been carefully and skillfully prepared by the attorneys, is submitted to the Court of Claims. It is true that the Attorney-General is directed to appear and make defense, but that defense is usually perfunctory, and the Court of Claims renders judgment practically upon an ex parte hearing of the case."

I feel warranted in considering this a very serious allegation, despite the fact that the honorable Senator thereafter disclaimed any intention upon his part to "reflect upon the ability or diligence of anyone connected with the Attorney-General's Department who is charged with the duty of defending these cases in the Court of Claims."

I can not understand upon what grounds the honorable Senator acquits me and my associates of any fault in this matter, if the charge is true. In my opinion, the allegation, if true, reflects unavoidably and most seriously, not only upon the capacity and integrity of the officials of the Department of Justice charged with the defense of suits in the Court of Claims, but also upon the Court of Claims itself. Happily for all concerned, however, the honorable Senator is wholly mistaken. There is not even a shadow of foundation for the statement made. I have never known or heard of an instance in which the court ever accepted, in any case before it, any ex parte testimony of any kind, either in favor of the claimant or of the United States. This rule of procedure governs even what are called the "Bowman Act" cases, as the court has explicitly decided in Allen *v.* The United States (28 C. Cls. R., 141).

It is true that claimants present their cases to the court with as much skill and plausibility as possible, but this is done through a petition, and the Court of Claims requires the allegations therein contained to be proved as conclusively and as much in accordance with the rules of evidence as would be required in the premises by any other court. In other words, the Court of Claims is a judicial court, and not a commission, and it is rigorously governed in its procedure by the rules of the common law, except in those instances where Congress itself has provided otherwise by explicit statute.

As bearing upon the allegation that the defense of cases in the Court of Claims is usually perfunctory, I would refer, by way of illustration, to the facts set forth in my last report to the Attorney-General. During the year 1901 this office tried 158 general jurisdiction cases. In 33 of these judgment was for the United States, the amount claimed being $1,745,265. In 125 cases, claiming $825,358, judgments were rendered for the claimants, the amount recovered being $263,899.

In what are known as "Congressional" cases coming to the Court of Claims under the "Bowman" and "Tucker" acts, the whole number of cases disposed of was 2,220. Of these there were dismissed 2,114; the amount claimed in 1,604 of them (no amounts being stated in 510 cases), was $5,866,220. In 6 cases judgment was rendered for the defendants, the amount claimed being $17,838. The claimants recovered in 100 cases, the amount claimed in them being $2,311,978 and the amount awarded $499,058.

During the same year three departmental cases were determined by the court, being the claims of the States of Maine, New Hampshire, and Pennsylvania. To these cases I gave my personal attention. The amount claimed in them was $2,860,000, and the amount recovered was $950,000.

But as the remarks of Senator PLATT seem to be especially directed to "Indian cases," I call attention to the fact that as shown by my report above referred to there were three of these cases tried and determined by the Court of Claims during the past year, and in each of them judgment was rendered in favor of the United States. One of these was a case of extraordinary importance, involving millions of dollars, and requiring the attention of one of my assistants for several months.

Finally, I note that the honorable Senator makes the following specification:

"I know of one case sent to the Court of Claims last year which involved millions of dollars, where a subcommittee of the Committee on Indian Affairs had investigated it with great care and had discovered documents and records which seem to sustain the Government side of the case. The case was tried. The direction of the committee was that all the papers and documents which had been collected should be placed in the hands of the Attorney-General, but it turned out that in some way they never reached him, and those defenses which the Committee on Indian Affairs had so carefully and laboriously discovered never were applied to the case at all."

The case thus referred to has not yet been tried, but is now pending in the Court of Claims. The assistant attorney to whom the case was assigned spent ten weeks last summer in the taking of testimony in the case. He has had several consultations with members of the Committee on Indian Affairs of the Senate, and has received from them all information regarding the case that could possibly be thus obtained. In preparing the defense he has made use of all the documents relating to the case which were sent to this Department by that committee. It is true we have been informed by one distinguished member of the committee, who has been of invaluable help to us in the case, that certain documents had disappeared from the files of the case before the same was transmitted to the Court of Claims, and that they could not be found; but that is an incident which, I take it, Senator PLATT would scarcely charge to the Department of Justice. The assistant in charge of this case has been engaged for two or three weeks past in preparing his brief, which in point of length is certainly not perfunctory, as it will contain over 200 printed pages. I shall take the liberty of sending a copy of this brief when it is completed to Senator PLATT, in order that he may make certain that the case has not been tried upon ex parte evidence, and that the defense has not been lacking in vigor.

Yours, very respectfully,

LOUIS A. PRADT,
Assistant Attorney-General.

PAYMASTER JAMES E. TOLFREE.

Mr. BURTON. I ask unanimous consent for the present consideration of the bill (S. 5724) for the relief of Paymaster James E. Tolfree, United States Navy. I do this at the instance, first, of the senior Senator from California [Mr. PERKINS], a member of the Committee on Naval Affairs, and also of the senior Senator from Maine [Mr. HALE], both of whom, I understand, are serving on a conference committee, and so can not be present. A similar bill has, I think, heretofore passed the Senate.

The PRESIDENT pro tempore. The bill will be read in full for the information of the Senate.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, to James E. Tolfree, paymaster, United States Navy, the sum of $4,000, said sum to be a payment in full for all losses of both Government and personal property incurred by him by reason of the destruction by fire of the Windsor House, at Yokohama, Japan, on the morning of February 8, 1886.

Mr. PLATT of Connecticut. I should like to inquire of the Naval Committee or of some other committee whether the liability of the Government is accepted whenever there is a fire or accident by which an officer in the naval or military service loses some property? I have noticed at this session a good many bills which seem to proceed upon the idea that if a person in the Government service, either in the Army or the Navy, loses property by means of fire, shipwreck, or other accident, the Government is liable and must make good such loss. I do not understand that in the ordinary case of loss of property by officers the Government is under any obligation whatever to make good their losses, unless it be certainly shown that there was some negligence on the part of the Government or perhaps of some of its employees, which makes the Government liable.

I do not like to admit by the passage of such bills that every person connected with the Army or the Navy, or even in the civil employment of the Government, is to be reimbursed for any damages he may sustain by accident whereby he loses property while in the Government service.

Mr. MITCHELL. I will state to the Senator from Connecticut that the rule adopted years ago in the Committee on Claims of this body, when I served on that committee, went even further than the Senator has stated. Even where there was negligence on the part of employees of the Government it was held that would not make the Government liable.

Mr. PLATT of Connecticut. This bill makes no discrimination whatever, if I caught the reading of it aright. It seems to proceed upon the idea that because there was an accident, a fire, in which an officer lost some property, the Government is to reimburse him. I wish the bill might be again read.

The PRESIDENT pro tempore. The bill will be again read.

The Secretary again read the bill.

Mr. COCKRELL. I want to call the attention of the Senator from Connecticut to the fact that this seems to be a double-barreled bill. It proposes to pay this officer for his own property and also to pay him for Government property.

Mr. LODGE. He is already reimbursed for that.

Mr. PLATT of Connecticut. I can easily see that if a paymaster was intrusted with funds, with money of the Government, and that money was destroyed by fire, the officer ought not to be held accountable for it.

Mr. MITCHELL. Unless the loss was occasioned by his own negligence.

Mr. PLATT of Connecticut. But this bill proposes to reimburse him for both Government property and his own personal property destroyed in a fire—there may be a report stating all the circumstances of the fire—where we do not have in the bill anything stated showing the liability of the Government. Is there a report accompanying this bill?

The PRESIDENT pro tempore. There is a report.

Mr. PLATT of Connecticut. I should like to have the report read.

The PRESIDENT pro tempore. The report will be read.

Mr. PLATT of Connecticut. The report may give some explanation which will establish the liability of the Government.

The Secretary read the report submitted by Mr. HALE on the 4th instant, as follows:

The Committee on Naval Affairs, to whom was referred the bill (S. 5724) for the relief of Paymaster James E. Tolfree, United States Navy, having considered the same, beg leave to report that a like bill was favorably re-

ported by your committee in the Fifty-fifth Congress, second session, passed the Senate, and was favorably reported to the House, but failed of action therein.

Your committee again recommend the passage of the bill and adopt as their report that previously submitted in the Fifty-fifth Congress, second session, as follows:

[Senate Report No. 412, Fifty-fifth Congress, second session.]

The Committee on Naval Affairs, to whom was referred the bill (S. 1212) for the relief of Paymaster James E. Tolfree, United States Navy, having considered the same, recommend its passage, and adopt as their report that previously submitted on a like bill and appended herewith.

[Senate Report No. 404, Fifty-first Congress, first session.]

The Committee on Naval Affairs, to whom was referred the bill (S. 2775) for the relief of Paymaster James E. Tolfree, United States Navy, having had the same under consideration, beg leave to submit the following report:

A bill of this same character and identical in its provisions was considered by this committee during the first session of the Forty-ninth Congress, and favorably reported to the Senate on June 3, 1886. The committee are still of the same opinion, and report the bill without amendment with the recommendation that it do pass, and append hereto and make a part of this report the former report made on June 30, 1886.

The bill also passed the Senate in the Fiftieth Congress.

[Senate report No. 1421, Forty-ninth Congress, first session.]

The Committee on Naval Affairs submit the following letter as the committee's report on Senate bill 2399:

U. S. FLAGSHIP TRENTON,
Yokohama, Japan, March 8, 1886.

SIR: In obedience to your order of the 5th instant we have the honor to report as follows: Paymaster James E. Tolfree having been ordered to join the *Trenton* at this place, and arriving several days before the *Trenton*, had taken up his quarters at the Windsor.

Upon the arrival of the *Trenton*, on the afternoon of the 7th ultimo, Paymaster Tolfree reported for duty on board, but being unable to occupy his quarters, Paymaster Lyon not having been detached, he returned to the Windsor House. At a little past 4 on the morning of the 8th ultimo the Windsor House was discovered to be on fire. Paymaster Tolfree, upon awakening, found his room full of smoke and lighted by flames from the fire, which was in an adjoining room. Hastily throwing on a few clothes he rushed into the hotel corridor to arouse the inmates of the other rooms.

In ignorance of the extent of the fire, stopping to take nothing but two small handbags from his room, he tried to render what assistance he could to clear the hotel of guests, who were dazed by the smoke. After going downstairs he went to the trunk-room, where most of his luggage was stored, and endeavored to drag therefrom a box containing books and blanks, the property of the United States, as well as the pay rolls, final returns, and other papers appertaining to his last quarterly accounts as paymaster of the U. S. R. S. *Vermont*. This box was too heavy for him to handle alone; he could obtain no assistance, and was finally driven by the flames to relinquish his attempt to save the property.

The flames were so rapid in their advance that there appears to have been little time to look to the saving of anything but human life. We learn that several of the inmates of the house barely escaped with their lives. That the contents of the box above mentioned were entirely destroyed there can be no doubt, and we are of the opinion that Paymaster Tolfree should be held free from blame for their loss, both as to their being at the hotel and as to his failure to save them from the flames.

The following is a list of the public property destroyed, so far as can be ascertained from Paymaster Tolfree:

One book containing 50 sets blank bills of exchange, with accompanying letters of advice, blanks, etc.

Pay officers' pay rolls, books, blanks, etc. Book containing complete set of Navy Department circulars, book of instructions, pay tables, naval registers, etc. Rough pay rolls, final returns, etc., appertaining to accounts of R. S. *Vermont* and U. S. S. *Dispatch*.

Paymaster Tolfree was accompanied by his clerk, Mr. Charles Blake, who had also reported for duty on board the *Trenton*, and who had under his charge a few books and pamphlets belonging to the United States, which were destroyed. The entire outfits of Paymaster Tolfree and Pay Clerk Blake for three years were stored at the hotel and were destroyed.

Very respectfully,

ASA WALKER,
Lieutenant, U. S. N.
WM. T. SWINBURNE,
Lieutenant, U. S. N.
THEO. B. M. MASON,
Lieutenant, U. S. N.

Rear-Admiral JOHN LEE DAVIS, U. S. N.,
Commanding U. S. Naval Force on Asiatic Station.

Approved.

JOHN LEE DAVIS, U. S. N.,
Commanding U. S. Naval Force on Asiatic Station.

U. S. FLAGSHIP TRENTON (2d rate),
Yokohama, Japan, March 3, 1886.

SIR: I have the honor to inform you that after having, in obedience to orders from the Navy Department, reported to you for duty on the arrival of the *Trenton* from Nagasaki, Sunday afternoon, February 7, 1886, I returned for the night to the Windsor House, where my luggage was stored, there being no quarters for me on board until Paymaster Lyon could transfer accounts.

That night, a few minutes after 4 o'clock, the hotel was found to be on fire. The wind was blowing in such a way at the time as to cause the flames to speedily envelop the building, leaving the occupants only opportunity to escape, and giving them little chance to save property.

The hotel building was completely obliterated, and, in addition to losing my entire outfit provided for a three years' cruise, I had the misfortune to lose a quantity of Government books and blanks, including one book containing fifty sets blank bills of exchange intended for use on this station, besides the pay rolls, final returns, etc., appertaining to my last quarterly accounts of the U. S. R. S. *Vermont*.

The above-mentioned books, blanks, returns, etc., were packed together in one large chest, which I endeavored to drag out of the burning building, but from its weight was unable to do so.

Accompanying me in the hotel was Charles Blake, pay clerk, United States Navy, who had reported with me for duty the day before, and who also lost his entire outfit, saving only the one suit in which he escaped from the building.

In view of these facts I deem it my duty to ask that proper steps may be taken to relieve me from the responsibility for these serious losses, and also to account for my being out of the ship after having reported for duty under your command.

I am, sir, respectfully, your obedient servant,

JAMES E. TOLFREE,
Paymaster, United States Navy.

Rear-Admiral JOHN LEE DAVIS, U. S. N.,
Commanding United States Naval Force on Asiatic Station.

Mr. PLATT of Connecticut. Nothing appears in the report to determine the value of the property lost by this officer. There is no suggestion as to the amount or value of the property. There is no inventory whatever. There is nothing to show that the Government is in any way liable for this loss, except that he was ordered to report to the *Trenton*, which was lying in the harbor, and that he did not find the proper quarters on the *Trenton* and so went to a hotel. I think I shall object to the bill.

The PRESIDENT pro tempore. The bill is objected to.

Mr. BURTON. I simply wish to state that I know nothing at all about the bill, and only called it up, as I said, at the request of the chairman of the Naval Affairs Committee and another member of that committee.

Mr. SPOONER. A few days ago the Senate passed a bill for the relief of Capt. James F. McIndoe, an officer of the Engineer Corps, who had lost his property by fire while endeavoring to save the property of the Government. I called attention to the case, and challenged it. In that report it was stated:

> The law authorizing a recovery in cases of this character provides that the proper officers of the Treasury shall "determine the value of the private property belonging to officers and enlisted men in the military service of the United States which has been, or may hereafter be, lost or destroyed in the military service, under the following circumstances:
>
> "First. When such loss or destruction was without fault or negligence on the part of the claimant."
>
> (The second item has no application to this case.)
>
> "Third. Where it appears that the loss or destruction of the private property of the claimant was in consequence of his having given his attention to the saving of the property belonging to the United States which was in danger at the time and under similar circumstances."

There seems to be some statute upon the subject. I remember several cases of this kind which have been acted upon favorably. I have not looked up the statute. I endeavored to find it in the index, but I could not. Perhaps the Senator from Connecticut will be able to find it.

Mr. BEVERIDGE. The bill has been objected to.

Mr. SPOONER. I know it goes over, but it ought not to go over if it is a just measure.

Mr. PLATT of Connecticut. There is nothing here to show how much property or what the value of the property was that was lost.

Mr. SPOONER. That is another thing.

Mr. PLATT of Connecticut. We ought to be informed on that subject.

Mr. SPOONER. I was not objecting to the bill going over, but I simply wanted to call the attention of the Senator to the facts which I have stated.

The PRESIDENT pro tempore. The bill will go over.

CERTAIN NEW MEXICAN BONDS.

Mr. BEVERIDGE. I ask unanimous consent for the present consideration of the bill (H. R. 14383) to validate certain acts of the legislative assembly of the Territory of New Mexico with reference to the issuance of certain bonds. I thought the Senator from Tennessee [Mr. BATE] was in the Chamber. He objected to the bill the other day.

Mr. BERRY. I will ask the Senator from Indiana whether this is the bill to which the Senator from Tennessee objected?

Mr. BEVERIDGE. It is, and I sent for the Senator from Tennessee some little time ago. The Senator from Colorado [Mr. PATTERSON] is now present. I will say to the Senator from Colorado that I have just asked consent for the consideration of the House bill 14383, to validate certain acts of the Territory of New Mexico with reference to the issuance of certain bonds for the building of buildings for the insane asylum and two educational institutions, and devoting to the payment thereof the revenues from land. Perhaps the Senator from Colorado remembers it.

Mr. PATTERSON. No; I was at the meeting of the committee when the measure was considered, and in the absence of the Senator from Tennessee, who objected to the bill when it was called up once before, I object to its present consideration, because I know he desires to have the objection entered.

The PRESIDENT pro tempore. Objection being made, the bill will go over.

Mr. BAILEY. Mr. President——

Mr. BEVERIDGE. I have the floor, and I wish to retain it for a moment. Does the Senator from Texas desire to be heard on this matter?

Mr. BAILEY. Not on the bill which has just gone over.

MARICOPA COUNTY, ARIZ.

Mr. BEVERIDGE. I ask unanimous consent for the present consideration of the bill (S. 5422) authorizing the county of Mari-

copa, Territory of Arizona, to issue bonds for the construction of reservoirs and dams for water storage, and for other purposes.

Mr. BAILEY. I rise to a point of order. The Senator from Indiana said he had the floor. Of course he could not get it on one bill and, that being objected to, hold it for others. I make no point, however.

Mr. BEVERIDGE. I am very much obliged to the Senator for the information. I had a brilliant example the other day when the Senator held the floor and yielded to other Senators.

Mr. BAILEY. I did not——

Mr. BEVERIDGE. I will not have any controversy with the Senator. I am satisfied he is correct. I ask unanimous consent for the consideration of the bill named.

Mr. PATTERSON. This is a very long bill, and will occupy quite a time in its reading. It is a bill which provides for the issuance of two and one-quarter million dollars of bonds for local improvements in one of the counties of Arizona. It is a measure which ought to receive very full consideration by the Senate, and for that reason I object, if I may, before the reading of the bill in full.

Mr. BEVERIDGE. If the Senator desires to make objection upon that ground, of course I will not take the time of the Senate in having the bill read.

Mr. PATTERSON. I would object to it in any event.

Mr. BEVERIDGE. Is that the only ground upon which the Senator objects? The truth about it is that it is a bill upon which the immediate progress and prosperity of the people of Arizona, in the increase of population, and even in retaining the population they have down there, seriously depend, and I had hoped that the Senator would join with me in an effort to extend this much-needed and earnestly-prayed-for relief.

DISTRICT STREET RAILWAYS.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12805) requiring the Anacostia and Potomac River Railroad Company to extend its 11th street line, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered one, and agree to the same with an amendment as follows: "In lieu of the proviso proposed to be inserted by the Senate amendment, insert: "*Provided*, That until the line of railroad on 11th street is further extended, cars may be switched on 11th street between Whitney and Lydecker avenues; and *Provided further*, That until provision is made for a further extension of the line of the Metropolitan Railroad Company on Old 16th street cars may be switched on Old 16th street between Grant and Park streets," and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered two and agree to the same.

Number the sections consecutively.

J. H. GALLINGER,
H. C. HANSBROUGH,
Managers on the part of the Senate.

J. W. BABCOCK,
SYDNEY E. MUDD,
Managers on the part of the House.

The report was agreed to.

BEILINBERG AGAINST SCOTT.

Mr. BAILEY. As there seems to be no important and pressing matter before the Senate, I ask the Chair to lay before the Senate the resolution calling upon the Secretary of State for certain papers, a resolution which I introduced a few days ago.

The PRESIDENT pro tempore laid before the Senate the resolution submitted by Mr. BAILEY on the 23d instant, as follows:

Resolved by the Senate of the United States, That the Secretary of State be, and he is hereby, requested to transmit to the Senate all of the papers in the case of Beilinberg against Scott, including all communications sent to and received from the ambassador of the United States to Mexico in respect to the same.

Mr. BAILEY. Mr. President, for several months I have been striving to protect, through the State Department, the right of an American in Mexico, but instead of the prompt and cordial cooperation which I had a right to expect from the officers of this Government I have encountered such delays and such hindrances as have forced me to conclude that those in charge of this matter are either grossly incompetent properly to perform their duties or else they are shamefully indifferent to the rights of an American citizen in a foreign land. In order to be as brief as possible, I will barely recite the facts which make it desirable to have these papers.

Several years ago a Mr. Scott, who was formerly a resident of Texas, obtained an option on a large tract of land in Mexico. The option was purely a speculative one, Scott having no means to conclude for himself a purchase involving such a large amount, and he contracted with Beilinberg and others, or at least contracted with men through whom Beilinberg derives his claim, that if they would find a purchaser for this land on which he held an option he would give them a certain commission.

In pursuance of this contract, these people sought and found what was at one time supposed to be a purchaser. The price and terms were agreed upon; but this purchaser was either unwilling or unable to conclude the transaction, and it fell to the ground.

Afterwards Dr. Scott, for himself, and without any assistance or suggestion from these parties with whom he had formerly contracted, found a purchaser for this land, and consummated the sale of it to that purchaser whom he had found. A part of the consideration was a deferred payment due to Scott himself; and when this debt matured the party, having, it is charged, colluded with Beilinberg, instead of searching for Dr. Scott and paying the money to him, according to his contract, attempted to deposit it in a bank to Dr. Scott's credit, so that Beilinberg could attach it, and when it was deposited the officer who accompanied Beilinberg levied upon it. The money was turned over to Beilinberg, who is represented as totally irresponsible in a financial way, and no bond was exacted from him for its return in case the lawsuit should be decided adversely to him and in favor of this American citizen.

The matter proceeded to a trial, and in that trial one of the main questions, indeed the most important question and the very basis of the action, was the written contract entered into in the first instance, as I have just recited. These parties, Beilinberg and his associates, or Beilinberg without associates, in this lawsuit, filed in the Mexican court this contract, which had originally been made and signed by Dr. Scott, as a basis of their action. In order to make the old contract meet the requirements of the lawsuit there were certain interlineations and erasures. That contract was entered into at San Antonio, Tex., and being a Texas contract, of course, should be construed according to the law of the place where it was made. Under the law of Texas these interlineations and erasures devolved upon the man who presented the contract so interlined and erased the obligation to explain them.

But contrary to that, when Dr. Scott was brought into court, it is represented to me that this procedure was had. I desire to say here that I know nothing about Dr. Scott himself, except that he was formerly a resident of Texas, and is an American citizen; but the representation is made to me by his attorney, who is as reputable a man as can be found at the Texas bar, and upon whose assurance I do not hesitate one moment to rely, that in the progress of the trial, when the plaintiff, Beilinberg, attempted to establish his right of action against Dr. Scott on this interlined and erased contract, Dr. Scott's attorney was excluded from the court room, and Scott himself was subjected to a rigid and persistent examination, in which they sought to confine him merely to a categorical answer to the question, "Did you sign this paper?" Of course he had signed that paper, but not in the form in which it then appeared.

Finding no protection for his rights in that country, he appealed to the American ambassador to Mexico, and Dr. Scott assures me that the American ambassador's advice to him was to leave the country. That was the protection which he said he received from the American ambassador. It would be difficult for me to believe that such advice was given by a representative of this Government to a citizen of his own country, except for the subsequent proceedings in this case.

Dr. Scott, through his attorney, then appealed to the State Department at Washington, and the American ambassador was called upon to send the papers here, or he may have sent them before that call. Among those papers was a copy of this interlined and erased contract, and the Senate will share my amazement when I say that the copy of the contract as originally sent to the State Department by the American ambassador to Mexico did not bear a trace of either erasure or interlineation, and yet the interlineations and erasures were the very issue in the case.

When Dr. Scott told me that that document was transmitted in that form by the American minister, I doubted his word, and I told him to go to the State Department and procure a copy of it for me. He went to the State Department and the State Department declined to furnish him a copy of that paper, stating that he wanted to use it against the American ambassador to Mexico.

If anything could have increased my amazement, that action of the State Department did, and I thereupon addressed a letter to the Secretary of State, or, to be exactly accurate, I first required Dr. Scott to write me a letter stating this refusal on the part of the State Department to furnish him with a copy of that document.

I then wrote to the State Department, calling for an explanation as to how it could happen that an American citizen was refused a copy of a paper in a case in which he had been compelled to appeal to the State Department for its protection. The State Department replied, not denying that they had refused this copy to Dr. Scott, nor denying that they had refused it upon the ground that he wanted it for use against the American ambassador, against whom charges were then pending, those charges not having been preferred by Dr. Scott, but by another American citizen,

who felt that his rights had not been properly protected by the American ambassador to Mexico.

In the letter replying to my first letter to the Secretary of State I was reminded by the Solicitor of the State Department that I had refused to introduce Dr. Scott at the White House or at the State Department; and that was true. But it was distinctly stated to the State Department that my refusal was not based upon anything I knew that might reflect upon the character or conduct of Dr. Scott, but was purely because I did not know enough about him to vouch for what he might say. But I stated both to the President of the United States and to the State Department that I did know the attorney of Dr. Scott and that I did not hesitate to assume responsibility for any of his statements.

After this attorney for Dr. Scott had remained here for more than six weeks trying to secure from the State Department an instruction to the American ambassador to indicate to the Government of Mexico that upon the facts then in possession of the State Department this Government thought Dr. Scott had a right to complain of his treatment in the Mexican courts, we finally prevailed upon the Secretary of State, or rather upon the Solicitor of the State Department, for the whole transaction was with him, to issue an instruction to the American ambassador to Mexico embodying that statement.

That instruction was sent over two months ago. About twenty days ago I received a communication from the attorney for Dr. Scott, stating that the American ambassador to Mexico had sent a communication to the Government of Mexico, but had pretermitted all reference to this vital point of his instructions, to obtain which Dr. Scott's attorney had remained in this city over two months.

Mr. CARMACK. Did the Senator see the copy of the contract?

Mr. BAILEY. I did not. When this attorney drafted an instruction and the Solicitor of the State Department had about agreed to accept it and transmit it, he then refused to do it. I then went with the attorney for Dr. Scott to the State Department, and we finally agreed upon an instruction, which was sent; and though that instruction was deemed so important by the Solicitor for the State Department that he doubted for two months about giving it and finally gave it in a modified form, yet I have in my desk a copy of the communication of the American ambassador to the Mexican authorities, and there is no single reference to that part of the instruction.

Receiving this, my amazement still increased; and I filed with the State Department a copy of their own instructions to the American ambassador, accompanied by a copy of the American ambassador's communication to the Mexican minister, and asked the State Department to take some action. After waiting for ten days I received a telegram from Dr. Scott's attorney asking me what action the State Department had taken. The next morning after receiving that telegram I went to the State Department and was told that they had taken no action at all.

When I began to complain about their delay and hindrances and their lack of sympathy with the effort to protect the rights of this American citizen, the Solicitor for the State Department then began to instruct a young man in the office to bring in certain papers in the case. I rose and said, "Mr. Solicitor, I will not examine those papers here. I want to see all the papers in this case. I will not see some of them by your grace. I will go where I think there is power to have these papers brought." That is the reason why I have introduced this resolution, so that the Senate may be in full possession of the facts.

Now, Mr. President, all of the matters that I have stated are not within my knowledge, of course. Some of them I have stated upon representation to me, and I have not stated half that has been represented to me. If all that has been told to me were to be retold by me to the Senate, then the American ambassador, if these charges could be sustained, would be instantly recalled. I am not yet willing to become responsible for asking the Senate to take any steps which might lead to that extreme, but I do say that when the Senate is in possession of all these papers, and when all these facts are developed and vouched for in a proper way, if one-half of what has been represented to me is true, I shall present resolutions here which will demand the recall of the American minister to Mexico and compel the Solicitor of the State Department to resign his place.

I will go so far as to say that the people interested with Dr. Scott charge that one of the reasons why the American ambassador to Mexico has not been more prompt and vigorous in protecting the rights of Dr. Scott is that some of the people identified with Beilinberg in the prosecution of this lawsuit are connected with the American ambassador in a mining enterprise in Mexico. That he is connected with a mining enterprise, and is a director in that Mexican corporation, can be abundantly proved by the records both in that country and in this.

Mr. SPOONER. I was not in the Chamber, and may I ask the Senator to state in a word the instruction which he alleges the ambassador omitted.

Mr. BAILEY. The instruction was this, that he should inform the Government of Mexico that with all the facts then before it the State Department believed that Dr. Scott had a just ground for his complaint against his treatment in Mexico. Now, that may not appear so very important except when you consider that in a diplomatic correspondence it is a fairly strong statement, though not so strong as I believed they were entitled to have.

I was not able to decide for myself during these two months of tedious intercession at the State Department whether the State Department did not care or did not know what was right in the matter. It is certain that we could never get the solicitor of the State Department to go to the bottom of the law question. He would hesitate and he would doubt. When we would say the law was this, he would not say it was not, nor would he accept our statement that it was. But throughout those two months, when that citizen of the United States, representing another citizen of the United States, was compelled to wait in this city, he never got a direct and satisfactory answer to any proposition from the State Department.

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Texas yield to the Senator from Indiana?

Mr. BAILEY. Certainly.

Mr. BEVERIDGE. Let me ask the Senator this question: Did the State Department or the Solicitor give the Senator any reason for not furnishing him the papers or any reason why the Department took no action?

Mr. BAILEY. No, sir. The reason they did not furnish Dr. Scott with a copy of the paper which he applied for at my request—because I doubted if his statement to me was correct—was that he wanted to use that paper against the American ambassador. As I stated a while ago, it will be borne in mind that charges had been made against the American ambassador to Mexico. Whatever became of those charges I am not advised. I went to the State Department and volunteered that when they were ready to take them up I knew some facts that I would be glad to put in their possession.

I made the same statement to the President of the United States in the presence of the Senator from Kansas [Mr. BURTON], and yet in the face of that voluntary offer on the part of a Senator in the Congress of the United States to furnish them with such information as he might possess, the American ambassador to Mexico came to this city and seemed to have satisfied the authorities of the State Department, and from that day to this I have never been invited to tell them anything I knew, but on the contrary the effort has been to keep me from knowing anything more than I had already found out.

Mr. BEVERIDGE. I understood the Senator to say that he had not been permitted to examine all the papers in this case, and if that were true I wanted to know whether the State Department just simply denied him that request autocratically without giving any reason for their denial.

Mr. BAILEY. The Senator states that more strongly than I did. I did not say that I had been denied the opportunity to examine them myself. I stated that I went to the Solicitor's office the other morning to inquire what they had done in reference to the ambassador's refusal to communicate this most important part of his instruction to the Mexican authorities, and while there, instead of sending for all the papers in the case they began to instruct a messenger to get particular papers in the case, and I declined then and there to examine the particular papers for which the Solicitor was sending, and declared that I intended to see that whole file of papers, including the instrument, an incorrect copy of which was sent to the State Department.

Mr. BEVERIDGE. The question which I addressed to the Senator is whether or not the State Department or any official thereof, the Solicitor or others, refused to give him reasons for the acts or omissions of which he now complains. Did they give no reasons for their action?

Mr. BAILEY. The reason they gave for not protesting against the American ambassador's delinquency was that they were satisfied he was right and was acting for the best interest of all concerned. I was not able to determine, when they used the expression "for the best interest of all concerned," whether they referred to this American, Dr. Scott, or referred to the Mexicans who were interested with the ambassador in the mining enterprise.

Mr. FAIRBANKS. I was engaged in conversation when the Senator began his remarks, and I only caught a moment ago some reference to the action of the Solicitor of the State Department.

Mr. BAILEY. Yes, sir; and I desire here and now to say that I include him distinctly in the description I first gave of one who was either grossly incompetent to perform his duties or shamefully indifferent to the rights of an American citizen.

Mr. FAIRBANKS. Those are general statements.

Mr. BAILEY. No; I make it particular and apply it to the Solicitor of the State Department.

Mr. FAIRBANKS. Of course, it is well to get at the truth, and the Senator does not desire to do anything else. I happen to know the Solicitor of the State Department. He is a very able lawyer, a man of the very highest character, as conscientiously devoted to his duty as the Senator or any other Senator upon the floor is to his. I wish to find out, in order that no injustice may be done, just what the specific charges are which the Senator has to make. He may have stated them already.

Mr. BAILEY. I stated most distinctly than an American citizen went to the Solicitor of the State Department asking for a copy of the paper which had been filed there in this citizen's own case.

Mr. FAIRBANKS. When?

Mr. BAILEY. And that the Solicitor of the State Department declined to furnish him with a copy and assigned as a reason that this citizen wanted to use that paper against the American ambassador.

Mr. FAIRBANKS. On what date was that, if the Senator will please state?

Mr. BAILEY. I have the letters in my possession. I would not undertake to state the date, but I have the letter from the State Department in which they state practically that what Dr. Scoft alleged was true.

Mr. FAIRBANKS. I think it would be well for the Senator to state what official in the State Department furnished him this letter and not to make any wholesale charge against the State Department.

Mr. BAILEY. I have stated as distinctly as I could that this whole transaction was with the Solicitor of the State Department. He is the man who refused to furnish the copy; he is the man who finally gave the instruction that the American ambassador refused to execute, and he is the man who, when his attention was called to the refusal, or the failure of the American ambassador to countenance the instruction of the State Department, made excuses for the failure.

Mr. HALE. Will the two Senators yield to me for a moment that I may submit a conference report?

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Maine?

Mr. BAILEY. Yes, sir.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 15108) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other purposes, recedes from its disagreement to the amendment of the Senate numbered 34, insists upon its disagreement to amendments numbered 9, 26, 81, 82, 87, 88, 90, 91, 93, 99, and 116, upon which the committee of conference were unable to agree, agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CANNON, Mr. BARNEY, and Mr. LIVINGSTON managers at the conference on the part of the House.

NAVAL APPROPRIATION BILL.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two houses on the amendment of the Senate numbered 91 to the bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes, having met, after full and free conference have been unable to agree.

EUGENE HALE,
GEORGE C. PERKINS,
Managers on the part of the Senate.
GEORGE EDMUND FOSS,
R. W. TAYLER,
ADOLPH MEYER,
Managers on the part of the House.

The report was agreed to.

Mr. HALE. I move that the Senate insist upon its amendment still in disagreement and ask for a further conference.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. HALE, Mr. PERKINS, and Mr. TILLMAN were appointed.

DEFICIENCY APPROPRIATION BILL.

Mr. HALE. I ask unanimous consent that upon the conference on the deficiency appropriation bill, owing to the absence of the Senator from Colorado [Mr. TELLER], the Senator from Missouri [Mr. COCKRELL] supply his place, and the House be notified.

The PRESIDENT pro tempore. The Senator from Maine asks unanimous consent that the Senator from Colorado [Mr. TELLER], being absent from the city and a conferee on the deficiency appropriation bill, may be excused from further service on the committee, and that the Senator from Missouri [Mr. COCKRELL] be appointed in his place. Is there objection? The Chair hears none. The Senator from Missouri is appointed a conferee in the place of the Senator from Colorado, and the Secretary will please notify the House of Representatives of the change.

BEILINBERG AGAINST SCOTT.

The Senate resumed the consideration of the resolution submitted by Mr. BAILEY on the 23d instant, requesting the Secretary of State to transmit to the Senate all of the papers in the case of Beilinberg against Scott, including all communications sent to and received from the ambassador of the United States to Mexico in respect to the same.

Mr. FAIRBANKS. If I may tax the kindness of my friend a moment more, I should like the Senator to give, if he will, about the date when he first made this application to the Solicitor of the State Department. I ask for the reason that he has made a grave charge, and knowing the Solicitor of the State Department as I do, I have no doubt whatever that he can justify in the fullest degree his position. In order that he may do so, I wish that the Senator would be as specific as to the time when he made the application as he can.

Mr. BAILEY. Mr. President, it is not important as to the time when. The important question is, was the application made? But I will say, for the information of the Senator from Indiana, that it must have been two months, or possibly three months ago. Does the Senator mean the application for the instruction or does he refer to the application for the paper?

Mr. FAIRBANKS. I did not know of two applications. As I said, I did not hear the Senator's statement.

Mr. BAILEY. One application was made by Dr. Scott himself for a copy of a paper which had been transmitted to the State Department by the American ambassador to Mexico. The paper was the basis of a lawsuit in Mexico. It bore certain interlineations and erasures, which, according to the contention of Dr. Scott and his attorneys, destroyed the prima facie value of it. The American ambassador sent a copy of that paper here without any of the interlineations or erasures. Of course, if the paper had come in that form, then the charge Dr. Scott had made against the Mexican courts for their manner of dealing with him was not supported.

When Dr. Scott told me that the American ambassador, under those circumstances, had sent a paper here bearing no traces of erasures or interlineations, I frankly say to the Senator from Indiana, as I have already said to the Senate, that I did not accept his statement, and I told him that I wanted him to procure an exact copy of that paper as it had been filed in the State Department. Upon my demand, he applied to the State Department for a copy, and the Solicitor of the State Department declined to give it to him upon the ground that Dr. Scott wanted to use the paper against the American ambassador.

Now, the imputation against the American ambassador in that refusal was quite as sharp as any I have mentioned here to-day, because if it should be true——

Mr. BEVERIDGE. Is that true?

Mr. BAILEY. Yes; it is true that he wanted to use it against the American ambassador. I wanted it myself, because my judgment is deliberate that an American ambassador who sends to the State Department at Washington a paper purporting to be an exact copy of a paper filed in a foreign court that is not a copy of that paper deserves instantly to be recalled. Is not that the opinion of the Senator from Indiana?

Mr. BEVERIDGE. Well, Mr. President, I will ask the Senator whether he knows that this paper is not an exact copy?

Mr. BAILEY. That is what I was trying to find out. I repeat, if it was sent and was not a true copy the American ambassador ought to be recalled. If it was a true copy, then Dr. Scott's representation to me was false, and I would have dismissed the whole transaction.

Mr. BEVERIDGE. What does the Solicitor of the State Department, of whom the Senator complains, say about that?

Mr. BAILEY. He said that he refused to give it to Dr. Scott because Dr. Scott wanted to use it against the American ambassador.

Mr. BEVERIDGE. Does not the Senator think if that was true, without any other facts being stated, that would be a good and sufficient reason?

Mr. BAILEY. Not at all.

Mr. BEVERIDGE. Otherwise would not the State Department and the whole diplomatic service be liable to be disorganized at any time? The Senator does not make his case complete, Mr. President, since he addressed a question to me.

Mr. BAILEY. Mr. President, I stand upon the proposition

which the Senator from Indiana has not yet answered, that if an American ambassador to a foreign country were to file in the State Department of his own country a paper purporting to be a copy of a paper filed in the court of a foreign country and the paper filed by the American ambassador was not a correct copy of the paper filed in the court of the foreign country, then he ought to be recalled instantly, unless he could prove that he had made an honest mistake.

The suggestion that the State Department might be disorganized by exposing the fact that the American ambassador filed papers purporting to be correct copies that were not correct copies does not appeal very strongly to my sense of justice or orderly procedure.

Mr. BEVERIDGE. Nor was that the point.

Mr. PATTERSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Texas yield to the Senator from Colorado?

Mr. BAILEY. I do.

Mr. PATTERSON. Were my colleague [Mr. TELLER] here, I know that he would throw some light upon at least a part of this controversy. If the Senator from Texas will yield to me long enough for me to tell what his statement would be, which I know through conversations with him, I should like to do so.

Mr. BAILEY. I will be very glad to do that, Mr. President.

Mr. PATTERSON. It relates to so much of a charge against the American ambassador to Mexico that connects him with some Mexican mining corporations.

A kinsman of the American ambassador died in Denver some two or three years ago, leaving a large estate which, by his will, was to be used for the purpose of establishing an educational institution in Denver for boys. According to Senator TELLER, a portion of that estate consisted of interests in mines in Mexico. Judge Moses Hallet was appointed the executor of the estate of Washington Clayton. He told me that Judge Moses Hallet was telegraphed to from Washington at the time the American ambassador was here to come, that he might state to the President what he knew about the connection of the American ambassador with a Mexican mine, and Senator TELLER accompanied Judge Hallet to the President that he might make that statement. Judge Hallet told me that this was, in substance, the statement that he made:

Being unable to conserve so much of the Clayton estate as was in Mexico he solicited the American ambassador, who was a kinsman of the dead man, to connect himself either, I think, as a director or as some officer with the Mexican corporation in order that occupying that position he might the better guard the Clayton interests in that property, and that the American ambassador had associated himself with that corporation at his solicitation and under those circumstances and for the purposes named. Judge Hallet having made this statement to the President he and Senator TELLER withdrew.

Now, of the matter I know nothing at all myself, but if Senator TELLER were here I know he would make this statement, or this statement in substance, for, of course, having knowledge of anything that might be under discussion in the Senate that might be of importance to it he would not remain silent. Senator TELLER having been called to his home, I simply state what I know he would state, because he so stated to me not very long ago.

Mr. BAILEY. I will simply say in reply to this statement that I have heard the same statement, that the ambassador was holding that stock as an executor. The truth is he never was an executor for that Clayton estate. The further truth is that the Clayton estate has about been distributed, and the Claytons themselves are not interested. But if it is true that the American ambassador claims to hold that as an executor he is practicing a fraud upon the corporation of which he is a director, because the by-law of that corporation expressly requires that every man, before he can be a director, shall own in his own right 50 shares of the stock.

Permit me to say that there is a good deal of meat in the suggestion that owing to his position he might the better protect the Clayton interest in Mexico. That position was not only as a director of the company, but that position was as the American ambassador, too. That is precisely the thing against which I complain—that an American ambassador shall become involved in the trade of the country to which he is accredited; so that an American citizen who comes into conflict with his associates in a business enterprise he has a right to suspect the loyal protection of the American ambassador.

Mr. PATTERSON. I simply wish to remove any misapprehension the Senator from Texas may labor under. I did not say that my colleague [Mr. TELLER] said that Judge Hallet represented that he was the executor of the estate.

Mr. BAILEY. I did not say that you said that. I said that the representation had been made, and the Senator from Iowa [Mr. DOLLIVER], whom I see in his seat, knows that that is true, because the other day when I happened to mention something about it he said to me he held it as executor.

Mr. PATTERSON. I simply want to say, in addition, that I neither condemned nor approved of the action or the relation of the American ambassador for the simple reason that I know nothing about it. I only felt it my duty to say as much as I did because I believe that my colleague [Mr. TELLER] himself would have said it if he were here.

Mr. HANNA. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Texas yield to the Senator from Ohio?

Mr. BAILEY. I yield to the Senator from Ohio.

Mr. HANNA. If the Senator from Colorado [Mr. PATTERSON] had not made that statement, I should have done so myself. When the American ambassador was here last spring, he being a personal friend of mine, I heard from him the story and the accusation, and I was interested somewhat in following the matter of his defense against the charges which brought him here.

He told me the whole story of his connection with this Mexican mine, which is, as the Senator from Colorado stated, that his cousin, who owned a large interest in that mine, died, and, at the request of the court or of some judge, he had accepted the position as director on that board, and that a sufficient number of shares of stock were transferred to him so that he might act in that capacity until the estate of his cousin had been closed out. It was not because he was the American ambassador, but because he was a relative, and because he was there on the spot and might have, by virtue of his position, an opportunity to do what might be necessary to be done for the benefit of the estate in closing out that interest.

That is not the only charge of that nature which has been brought against Ambassador Clayton. There was another one, that he had failed in his duty with respect to another citizen of the United States who had interests in Mexico. This same charge, that he was one of the owners of the mine, was brought forward at that time, and, necessarily, with the intention of convicting him of not doing his duty. The ambassador stated to me most emphatically—and I have no doubt of his veracity on the subject—that he never has had any interest in any Mexican mine, and that he had no other interest except what I have stated.

Mr. BAILEY. What would the Senator from Ohio say of the conduct of a man who was a director without interest in a corporation in the face of the express provision in its by-laws that he must be the owner in good faith of at least 50 shares of its stock before he could be eligible as a member of its directory?

Mr. HANNA. I do not know whether he was executor or not.

Mr. BAILEY. He could not become a director as an executor of the estate. I have examined the by-laws of the corporation itself—the El Carmen Mining Company—as they were furnished to me by a stockholder, and they expressly provide that before anyone can be a director of that corporation he must be the owner, in good faith, of 50 shares of its stock; and it is either a fraud on the corporation, or else it is a misstatement of the relation which the ambassador occupies toward the company, to claim that he owns no interest in the mining property.

Mr. HANNA. I will ask if the Senator knows whether Ambassador Clayton is a stockholder or not?

Mr. BAILEY. I do, because he could not be a director unless he was a stockholder, and I have in my possession a copy of an instrument recorded in a county of Texas, which recites the names of the directors of the company, and the Hon. Powell Clayton is one of them named in that legal document.

Mr. HANNA. Did he have on record a share of stock in his name?

Mr. BAILEY. He had to have it, or else, I say, he was practicing a fraud upon the corporation, whose by-laws expressly provide that a man must be the owner in good faith of 50 shares of stock in order to be a director.

Mr. HANNA. If he was the owner of 50 shares of stock, evidently the stock was transferred to him in order that he might act as a director.

Mr. BAILEY. Then he was not the owner in good faith and did not bring himself within the express provision of the by-laws of the corporation as to directors.

Mr. HANNA. I do not know what the Senator means by "good faith." When a man holds a certificate of stock in a company and the records of the company show he is the owner of that stock, it is nobody's business what he paid for it.

Mr. BAILEY. That is true. It is nobody's business whether he paid for it at all. But the corporation has a right to provide by its by-laws that nobody shall manage its affairs except somebody interested, and this corporation has taken that precaution. In the absence of that by-law no question could be raised about it. It is a habit, too frequent, I am afraid, that some stockholders in a corporation transfer to a man whom they wish to serve as a director a share of stock so that he can vote as they desire.

But if a corporation chooses to protect itself against that bad practice and provides that nobody shall have a voice in its affairs as a director except a man who is honestly interested in its success, it has a right to do so, and having done so, it is a fraud upon it and upon its rights for anybody to become a director who does not fulfill the requirement of owning 50 shares of stock in good faith. I am not willing to put the American ambassador in the attitude of practicing a fraud upon this mining corporation.

Mr. HANNA. I do not think anybody who knows him would make any such charge as that against General Clayton.

The Senate is now in possession of all the facts relative to the ambassador's connection with this mining company and the purpose for which he connected himself with it. That question does not enter at all into the case presented by the Senator, as I understand, except as an attempt to throw upon the character and integrity of the ambassador a cloud of suspicion that he has done something that he had no right to do in that case, and hence he might do something wrong in this case.

I have but one more word to say about this matter. As I have said, I heard this whole story at the time when the ambassador was here. I knew that he had reported to the State Department and that he had laid open to investigation before that Department the whole transaction—the transaction in which the Senator is interested—but, after thorough investigation, the ambassador was entirely exonerated by that Department of having committed any act for which he could be criticised, and he was given a clean sheet.

Mr. BAILEY. Mr. President, in reply to that I want to say that the man who filed the charges against the ambassador was not invited to appear before either the President or the State Department. Talk about the question having been fairly investigated, when the very lawyer who filed the charges was never invited to produce any kind of proof, and when a Senator, who had volunteered to furnish information in his possession was never invited to come with written or verbal word to support his belief in the unfitness of this ambassador, the charge that the matter has been investigated scarcely deserves to be answered.

The attorney who preferred these charges was not the attorney in the Beilinberg-Scott case, but he was the attorney in the case of Mealey, an American citizen in Mexico who claims that he was denied proper assistance by the American ambassador.

Mr. BURTON. I desire to interrupt the Senator, if he will allow me for just a moment.

Mr. BAILEY. Certainly.

Mr. BURTON. I think it proper to say that at the time the Senator spoke with the President I happened to be in the room, but at that time, although I had some friends who were interested in Dr. Scott, I was not paying particular attention. My understanding was, however, that the Senator handed the President some papers.

Mr. BAILEY. No; I did not. I made the statement that I say I made in your presence, and afterwards discussed it with you.

Mr. BURTON. If the Senator will allow me——

Mr. BAILEY. The Senator from Kansas did not go there for the purpose of having anything to say against the ambassador to Mexico—I grant that—but the Senator from Kansas stood within 2 feet of me when I made that statement to the President, and the Senator from Kansas knows it. I want to say that I have no desire to involve the Senator from Kansas in this matter, but having made this statement that I volunteered to furnish the information in my possession, and in view of the fact that it is said the whole thing has been tried, I repeat my statement that I made this remark in the presence of the Senator from Kansas.

I have no desire, of course, to draw him into a controversy with the American ambassador to Mexico or with the Administration, and I know he has no desire to be drawn into that, but the Senator from Kansas must understand that my statement is very much more to me than any question of etiquette between him and the Administration or even between him and me.

Mr. BURTON. The Senator did not wait until I got through. At the time the Senator made a statement in regard to this matter to the President I was seeking to see the President about another matter, and, if the Senator will remember, he immediately, as I thought, handed the President some papers—I may be mistaken about that—or at least he had some papers in his hand.

Mr. BAILEY. I will say that I had those papers, and carried them to the State Department and left them there.

Mr. BURTON. I may be mistaken as to whether the Senator handed those papers to the President or not, but the President spoke to me and invited me into the Cabinet room. After the statement the Senator from Texas made to him, my understanding was (and I would hate to trust my memory, because at that time I did not have it charged with the matter) that the Senator spoke something about a particular case—I think this one—and he also said he wanted to call the attention of the President to another case.

Mr. BAILEY. That is true.

Mr. BURTON. What may have been said as to any particular statement I did not have my mind charged with. But while I am on my feet I will say that subsequently, at the instance of some of Dr. Scott's friends, I did call at the State Department and examined those papers. I had no trouble at all in seeing the papers; they were turned over to me, and I did examine them.

I think it is perfectly fair for me to say also that I think those papers show that Dr. Scott has simply been outrageously treated and is about to be robbed of all his money. I do not want it to be understood, however, that I am saying our ambassador was in any way responsible for that condition of things; but the papers themselves do show a condition of things respecting this case that is bad so far as Dr. Scott is concerned.

Before I sit down I want to say to the Senator that he is confusing, I think, a subsequent conversation that we had with a conversation that he thought he had in my presence with the President, which was a general statement only. Subsequently he particularized it. I know one thing, that at the time the statement was made it did not impress me sufficiently for me to remember distinctly what was said.

Mr. BAILEY. I want to say in reply that I am not responsible for the fact that the Senator from Kansas was not impressed by what I said, but I am now undertaking to repeat, and I will say that I repeat almost word for word exactly what I did say. I said: "Mr. President, I have come here this morning to say to you that when you are ready to take up the charges against the American ambassador to Mexico, I shall be glad to furnish you some information which has come to me concerning his conduct in that country."

That is, I think, precisely what I said, and I undertake to say that it is practically, word for word, my statement. What I said is not important except in reply to the suggestion from the Senator from Ohio [Mr. HANNA] that the question has been fully tried and determined by the State Department. That it has been fully determined is perhaps true, but that it has been tried I most emphatically deny.

Mr. BEVERIDGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Texas yield to the Senator from Indiana?

Mr. BAILEY. I yield to the Senator.

Mr. BEVERIDGE. Mr. President, when I first rose, the Senator had just said that he had not been invited by the State Department to tell the State Department what he knew concerning this case. I asked the Senator whether or not a hearing was denied him. Did the Senator go there and insist on laying all his facts and all his papers before the State Department, and was he denied that privilege? The Senator says he was not invited.

Mr. BAILEY. Let me answer right there.

Mr. BEVERIDGE. Was the Senator denied that privilege?

Mr. BAILEY. The Senator from Texas is not in the habit, after having volunteered to supply information which gentlemen ought to want, to press his information on those gentlemen by importunity. I volunteered to furnish them all I knew. When I said I was not invited, it was not, as the Senator doubtless supposes by that mere expression, that I expected them to send for me without any previous notice, but having proposed that I would put into their hands the information which had come to me—more than I have stated here this afternoon; some of it information that I will not state, because I am not willing to become responsible for it—under those circumstances there was never a word said that they desired to know anything more about the conduct of the American ambassador to Mexico; but the whole matter was dismissed without a word even from the attorney who filed the papers in the case.

I go further and say that in those papers there was a petition, signed by American citizens engaged in the railroad service in Mexico, praying for the recall of the American ambassador. I happen to know that some of those American citizens have laid in Mexican jails for months, denied a trial, and some of them, when finally granted a trial or finally given an examination, were released without being held for the formality of a trial. These men who have suffered under the tardy action of our ambassador to Mexico have appealed to the President of the United States for his recall.

Mr. BEVERIDGE. Mr. President, the point of my question is that the Senator's complaint against the State Department in general is that he was not invited to lay the information in his possession before the State Department. I asked him if he was denied a hearing, and he responded that he was not in the habit as a Senator of pressing his claims by importunity.

I do not know what the Senator's habits are, but I am familiar with the habits of other Senators upon this floor. When they are in charge of the case of a constituent before a Department, they do not wait to be invited; they press their cause until they are heard; and therefore I asked the question whether the

Senator had been denied a hearing, because, if he was not denied the opportunity of laying facts in his possession before the Department, the weight of his charge against the Department falls. The Department has a vast business upon its hands, and no doubt it can not send for Senators who are interested in pressing claims before it.

Mr. BAILEY. It was not a claim I was pressing.

Mr. BEVERIDGE. I do not mean a claim; I mean a case.

Mr. BAILEY. Well——

Mr. BEVERIDGE. Or a controversy, or anything else. It is the habit of Senators to press their claims, their causes, their controversies, or their business, or whatever it may be, before the Departments, just as it is the habit of attorneys in court to press their causes and their claims.

Therefore the Senator's charge against the State Department that he was not invited to present to the Department all the facts in his possession falls if he was not denied a hearing. The question I put to the Senator, therefore, was, Did the State Department deny the Senator an opportunity to lay the papers and the facts before it? Did the Secretary of State or the Solicitor of the State Department, when the Senator went there and said "I have facts and papers here, and I insist on being heard," deny him the opportunity of doing so?

Mr. BAILEY. Mr. President, after this defense of the brilliant leader of the Administration forces and the able defender of the Administration's policies perhaps I ought to discontinue.

Mr. BEVERIDGE. Well, Mr. President——

Mr. BAILEY. But I decline to be suppressed by a question of that kind. The Senator——

Mr. BEVERIDGE. The Senator will permit me, I hope.

Mr. BAILEY. Let me finish the statement. The Senator misstates the complaint I make. I did not complain because the Administration did not invite me to proffer charges against the ambassador to Mexico, but I stated, in reply to the suggestion that the case had been fairly heard and faily determined, that it was not fairly heard, however it may have been determined. Then I stated that they not only did not hear the attorney who preferred the charges, but they did not hear me, although as a Senator in the Congress of the United States I had voluntarily stated both to the President and to the Secretary of State that some facts had come into my possession which they ought to know, and when they were ready to take the case up I should be glad to supply them with those facts.

It is my misfortune that my habits of transacting business at the Departments are not the same as the habits of the Senator from Indiana and of other Senators, but I know the difference in my welcome at those Departments and his welcome.

Mr. BEVERIDGE. Who could resist the Senator?

Mr. BAILEY. I know that the trouble is I am compelled to complain, and even by complaining do not get as fair treatment as the Senator, who, earning the right by his great service to his party—I do not speak that flippantly or in any disagreeable sense—earning the right by his services to be admitted at any hour and to be heard on any subject, as a matter of course, feels at liberty not only to press but, if need be, to importune those now in power——

Mr. BEVERIDGE. Will the Senator permit an interruption at this point, just to disclaim the compliment he paid me a little bit ago?

Mr. BAILEY. I accept the disclaimer.

Mr. BEVERIDGE. I should only be too happy to accept if I felt that I deserved it.

I want to ask the Senator whether he thinks that if there was in power an opposition Administration and a Senator on this floor, myself or any other Senator on our side of the Chamber, should appeal to a Cabinet minister in behalf of a constituent, our appeal would be denied because we belonged to the opposite party, where the rights of an American citizen are involved and where the Senator is representing them? Does the Senator mean to say that one Senator, if this were a Democratic Administration instead of a Republican, would have a larger and a kindlier hearing than any other?

I decline, Mr. President, to believe so poorly of any Democratic Administration, no matter what one it might be. I should believe that if I were representing before a Department the just cause of a constituent who had been denied his rights, I would receive the same welcome that I would receive if I were a Democratic Senator; and I ask the Senator from Texas if he does not think so, too.

Mr. BAILEY. I know not. I know that I have no such hearing in any of these Departments as a Republican Senator has; and we may just as well be candid about it.

Mr. BEVERIDGE. Let us be candid. Will the Senator answer whether or not he was denied a hearing?

Mr. BAILEY. I decline to be annoyed by that kind of a question.

Mr. BEVERIDGE. That is the question.

Mr. BAILEY. Mr. President, I was really and sincerely anxious to avoid giving this matter the least appearance of partisanship. I believe that the protection of an American citizen in a foreign country can not possibly become a matter of partisan dispute. Of course I perfectly understand the propriety of Republican Senators defending a Republican official. I make no complaint about that. I have no doubt in the world that if the Democrats were in power and there were Democrat officials accused, my acquaintances and political friends, I would be loath to believe they had neglected their duty, and I should probably be prompt to defend them when accused unless I thought them accused upon sufficient evidence.

But never during my public life have I seen the hour, and never, I sincerely trust, will the hour come, when I will deny any member of the opposition the right to examine the papers in any case relating to the rights of an American citizen in a foreign country. Nor will I send that Senator to a department, and have the head of the department send his messenger to bring specified papers for his examination. That goes above a mere matter of partisanship.

Now, if it be true that these papers and these facts justify the conduct of these officials, let the Senate know it and let the country know it, and let the men who accuse them of this official delinquency rest under the odium of having made an unsupported charge. I realize the responsibility a Senator or a citizen assumes when he attacks an officer of the United States, because my judgment is that the only man who ought to be more odious than an unfaithful servant is the man who accuses wrongfully a faithful one. If the facts vindicate these men, according to the suggestion which we have heard, let us establish them in the proper way; and as the first step in that matter let us have the papers in this case.

Let us first see if it be true that the American ambassador sent a paper purporting to be a correct copy of another paper which was not, in fact, correct. If that is made to appear otherwise than true, then the whole matter falls to the ground. If it shall appear to the satisfaction of the Senate and the committee that the ambassador did send as a copy that which was not, in fact, a copy, then the next step is to ascertain why he did so.

Mr. FAIRBANKS. I do not want to interrupt the honorable Senator unduly. I asked him a while ago when this application was made by him and denied. He thought the question of dates was immaterial.

Mr. BAILEY. I have told the Senator for the tenth time that I did not make the application——

Mr. FAIRBANKS. No; but the Senator must be advised——

Mr. BAILEY. And stated when the application was made by Dr. Scott.

Mr. FAIRBANKS. Well, by the interests represented by the Senator.

Mr. BAILEY. I represent no interest. I represent merely an attempt to protect an American citizen in a foreign country. I never saw this man until he came to Washington. I did not know enough about him even to introduce him at the White House and the State Department. I have no interest in it any more than the Senator from Indiana ought to have, except that this gentleman had the good fortune once to have lived in Texas.

Mr. FAIRBANKS. It goes without saying, of course, that it was his good fortune if he ever lived there. But as the Senator is very well advised, we are on the eve of an adjournment. In a few hours the Senate will undoubtedly stand adjourned. I sympathize with him in his effort to protect American citizenship. It is an effort which we all must appreciate. Some charges have been made against the conduct of certain officials of the Government. It seemed to me that if the Senator had been advised before to-day of these refusals, it would have been well had the resolution come to the Senate before now in order that the subject might have received that care and deliberation which its importance merits.

Mr. BAILEY. The Senator from Indiana must know that this resolution merely asks for the papers. It is not now proposed to predicate any action upon these papers. When these papers are carefully examined the representations which have been made to me may not be supported by them.

But in reply to the other branch of the Senator's suggestion, I desire to say that it was not until about twenty days ago that I learned that the American ambassador had failed to include in his last communication to the Mexican Government touching this case what we considered the vital point in his instructions.

When I received a telegram asking what had been done—that was about ten days after I filed these papers with the Department and asked them to take proper steps against the American ambassador for his failure to proceed properly—I went to the Department with the telegram to inquire what steps had been taken. I was then informed that no steps had been taken, and it was then that a messenger was told to bring copies of certain papers.

The very next morning I presented the resolution which I have

now called up, and only deferred taking it from the President's table because I did not desire to interfere with legislative matters that must be disposed of at the present session. That explains the delay.

I will go so far as to say that while I have felt outraged by the proceedings in this case from the beginning to the end, had the State Department appeared to take proper proceedings against the American ambassador for his failure or refusal to embody in his communication to the Mexican authorities the vital point in its instructions, I should probably never have vexed the Senate with this question. But when an American ambassador refuses to execute his instructions as delivered to him by his Government, and when the people interested declare that he is controlled by an improper motive, it seems to me the Senate is entitled to know the truth of the case.

Mr. BURTON. May I interrupt the Senator from Texas for a moment?

Mr. BAILEY. Certainly.

Mr. BURTON. I am inclined to think that the paper of which the Senator speaks as not showing the interlineations was filed in the Department, but I think the——

Mr. BAILEY. The Senator examined the paper himself, he says. He is sure that that is true, is he not?

Mr. BURTON. I can say that is true; but I can also give the explanation if the Senator will allow me.

Mr. BAILEY. Certainly.

Mr. BURTON. I think it ought to be given now.

When the paper was handed to a clerk to copy, the interlineations were supposed by the clerk to be a part of the document itself, and when it was transmitted it was transmitted without noticing the fact that the copy sent was not a true copy of the paper and that the interlineations were not shown. There is no doubt about the copy of the paper not showing the interlineations that were made.

Mr. BAILEY. Then that explanation supports the second branch of my proposition—that these officers were indifferent to the rights of American citizens—because that paper and those interlineations were the very issue in the case, and therefore if the American ambassador transmitted them to the Government of the United States for its action without the interlineations he left out the very essence of the controversy.

Mr. BURTON. Will the Senator permit me?

Mr. BAILEY. Certainly.

Mr. BURTON. The interlineation was a matter of substance; in fact, it changed completely in its meaning the contract—there is no doubt about that—but it was only a few words, and if it was handed to a clerk to copy the interlineation would be copied without being shown.

Mr. BAILEY. And the American ambassador would transmit papers in a matter of that kind without ever examining them?

Mr. BEVERIDGE. Will the Senator from Kansas permit me to ask him a question?

Mr. BURTON. Certainly.

Mr. BEVERIDGE. Did the Senator from Kansas examine these documents?

Mr. BURTON. Not all; but this one particularly.

Mr. BEVERIDGE. Did you examine all you wanted to examine?

Mr. BURTON. Yes, sir; I had no trouble to examine them.

Mr. BEVERIDGE. You got them upon request?

Mr. BURTON. Yes, sir.

Mr. BEVERIDGE. It was not denied. Did the Senator from Texas examine the papers, or was he denied the opportunity? That is the question.

Mr. BURTON. I want to say, so far as the resolution is concerned, that I have no objection to it at all. I think Dr. Scott has been grievously wronged, but so far as the papers themselves go, I do not think they reflect in any way upon our ambassador, unless it is that the copy that was transmitted was not a true copy of the paper that was filed with him, by reason of the fact that it did not show the interlineations. That was an inadvertence, and I can explain, or I think I can see how it might be transmitted honestly.

Mr. BAILEY. Then I suggest to the Senator from Kansas that we get both an honest and a competent ambassador, because if the present ambassador was honest in sending a copy with its very essential features eliminated, he is not competent. That is obvious, because no man could ever have given the slightest attention to that controversy—the Senator from Kansas, who is a very excellent lawyer, will not disagree with me in this, however earnest he may be in protecting his political friends—without knowing that the very essence of it was in these interlineations and erasures. If that was the essence of the controversy, how could an American minister expect fairly to present it to the State Department with all appearance and trace of those interlineations and erasures gone?

Mr. CARMACK. It shows he was paying no attention to the case.

Mr. BAILEY. It shows at least that he is willing to send, and I am willing to accept that as the explanation, the record in a case with which he was not familiar, although it was his duty to have known every fact that could be learned about it.

I understand, Mr. President, that the American ambassador is not a lawyer. I offer no criticism upon sending to a post which requires sometimes a profound knowledge of the law men who are not lawyers.

Mr. SPOONER. We are not the only ones who have done it.

Mr. BAILEY. I do not think the Republicans are the only ones who make mistakes.

I think Democratic Administrations have made mistakes. I have had occasion to complain at them sometimes. I am not so narrow as to suppose that all the political virtue is on one side and all the political vice on the other. Indeed, I see some men who are so brilliant and attractive that I would like to bring them into the Democratic party. I think they would improve any organization. And we have some who, bad as it is, could still make the Republican party a little worse.

But there is no post on earth where it is of such importance to the American Government to have the right kind of an ambassador as Mexico. In all the great European countries our people travel mostly for pleasure, and there are no very serious questions arising in their cases. But in Mexico our enterprising and splendid people have invested millions.

Their brain and their energy have done more to quicken the pulses of that Republic than any other agency there employed; and with their vast interests and their great numbers it is of the highest importance that the United States shall be represented at the Republic of Mexico by a man whose brain and conscience are equal to the highest service; that he shall be a man so able that they can not deceive him as to the law under which the rights of American citizens are made secure; that he shall be so just and so diligent that he will not transmit the papers as copied by a clerk, and thus fail to inform his Government as to the true merits of the controversy, and that he shall be so clean from all taint of commercialism that not even to serve the selfish interest of a great mining corporation would he be willing to confuse his character as an American ambassador with the petty position of a director in an industrial enterprise.

The PRESIDENT pro tempore. The question is, Will the Senate agree to the resolution submitted by the Senator from Texas?

Mr. SPOONER. Let it be read.

Mr. BEVERIDGE. Mr. President——

The PRESIDENT pro tempore. The resolution will again be read.

Mr. BEVERIDGE. Mr. President——

Mr. SPOONER. Will the Senator from Indiana allow the resolution to be read?

Mr. BEVERIDGE. Certainly.

The PRESIDENT pro tempore. The Chair will recognize the Senator from Indiana as soon as the resolution is read.

The Secretary read the resolution, as follows:

Resolved by the Senate of the United States, That the Secretary of State be, and he is hereby, requested to transmit to the Senate all of the papers in the case of Beilinberg against Scott, including all communications sent to and received from the ambassador of the United States to Mexico in respect to the same.

Mr. BEVERIDGE. Mr. President, I was not fortunate in being in the Chamber until some time after the Senator from Texas [Mr. BAILEY] had begun his address upon this resolution, and when I did come in my attention was at once chained by the fact that the Senator was attacking a most honorable and able gentleman, the Solicitor of the State Department, and it is merely on this point that for one moment I desire to reply to the Senator from Texas.

After that the same method used with reference to the Solicitor of the State Department was pursued with reference to the ambassador to Mexico, and even to the head of the State Department itself. It was insinuated, suspicioned, based—I think the Senator, himself will admit when he comes to read his remarks in the RECORD—not upon very substantial basis. The Senator said with reference to the Solicitor of the State Department—a man whom I know and respect, who comes from our State, and was appointed on the recommendation of my colleague—that he was either incompetent or dishonest.

Mr. BAILEY. No; I did not.

Mr. BEVERIDGE. What did you say?

Mr. BAILEY. I said either grossly incompetent to perform his duties or else shamefully indifferent to the interests of American citizens.

Mr. BEVERIDGE. Ah, Mr. President, "shamefully indifferent." I am very glad to get the language. I wish to say that here is a man who has lived the greater part of the time allotted

to the life of man, who has reached a position of eminence in his profession, and who is not, as the Senator says, either incompetent or shamefully derelict. His character is stainless, and his ability is unquestioned; and when a vague suspicion is thrown upon a man like Judge Penfield, it prejudices in my mind the entire case. If the Senator finds it necessary to make aspersions against both the intelligence and the sense of duty of a man of his eminence and character, the case must indeed be frail that calls for such an artifice.

This much only I desire to say with reference to Judge Penfield: Not the Senator himself, not any Senator in this body, or any man in this country is more honorable or more delicate in his sense of his public duties; and few lawyers at the bar in Texas or elsewhere are more thoroughly competent. That, Mr. President, was the reason why I asked the Senator whether these requests of his had been denied without reason, for, knowing the man as I do, I knew that Judge Penfield would not deny to the Senator from Texas, no matter if he were ten times more in the opposition than he is, any reasonable request without giving him sufficient reasons for it.

Mr. President, the question elicited the fact that the Solicitor of the State Department had given him reasons, that if this paper was furnished to Mr. Scott it was to be used by him against the ambassador of the United States at Mexico. That to my mind is a sufficient reason. Shall it come to be that the State Department shall be accessory to any man who wants to vent his private spleen unless he first makes a perfect case? Shall papers be delivered to any person who wants to pursue a personal enemy merely upon a case which is filled from corner stone to pinnacle with suspicion? Yet that is this case as it has developed this afternoon.

My personal interest in this case goes no further than the attack, most unwarranted, against Judge Penfield. The Senator said a moment ago, and very truly, that nothing could be worse than a wrong attack upon a faithful servant. Let me paraphrase that epigram and say nothing can be worse than an unguarded and unjust and ill-considered attack upon a perfect public servant whose whole life has demonstrated that he deserves no such words in this high tribunal.

Mr. BAILEY. Mr. President, the Senator from Indiana, I think upon reflection, will hardly be willing to stand here and charge me with making an unwarranted attack. I ask the Senator from Indiana now and here to withdraw that insinuation.

Mr. BEVERIDGE. Mr. President, if the Senator thinks it is an insinuation I will withdraw the word "insinuation." I make no insinuation. What my words mean they mean. If the Senator will withdraw his words——

Mr. BAILEY. Mr. President——

Mr. BEVERIDGE. Pardon me. If the Senator will withdraw his words about a high official of the State Department of this Government, to the effect that he is either incompetent or that he is grossly neglectful of his duty, then I will be very glad indeed to withdraw mine, but not until then, because I think the Senator will admit when the ardor of debate and of advocacy is not upon him that those words, used with reference to the Solicitor of the State Department, were most unwarranted; and I think the Senator will be the first to regret them when he comes to review the case.

Mr. BAILEY. If the Senator from Indiana will permit me, I want to say to him now that it was far from my purpose to provoke in this Chamber an insult from any Senator. If the Senator from Indiana chooses to resent what I have believed it was my duty to say about the Solicitor of the State Department then that is his concern. But I want to say to him now that the statement on this floor that a Senator has made an unwarranted attack upon a man whom he describes as being as honorable as the Senator himself or anybody else is offensive, and I think it deserves a reply that the rules of the Senate will not permit me to make here.

But I want to say, and I say it without any kind of passion, that neither the Senator from Indiana nor any other Senator can insult me and then require me to withdraw what I have said in the performance of my duty before he withdraws his insulting words.

Mr. BEVERIDGE. Mr. President, I think if the Senator were as sensitive of the feelings of other men as delicate in their sensibilities as himself and who are not here to speak for themselves as he is sensitive of his own feelings there would have been no occasion for any defense of Judge Penfield. The Senator is entirely too sensitive. The Senator understands very well that no insult of the Senator is intended. He knows very well that the words "unwarranted attack" do not convey an insult, and in the current of debate upon this floor I do not suppose a Senator ever before, on occasions I know many times stronger than that, ever so felt.

I am surprised that the Senator from Texas, whom I respect highly as he well knows, should so construe such words. The Senator from Texas used extraordinary and even violent language with reference to an honorable man, who stands high in one of the departments of the Government, a man not here to speak for himself, a man whom I have known for years, and respected and loved. He said that that man was either incompetent or that that man was grossly neglectful of his duties, which is worse.

Language such as that, Mr. President, is very strong, and it requires a statement that such a charge as that is unwarranted. When the Senator thinks there is in those words any insult to him or anything more than a direct and manly resentment of the attack made upon the Solicitor of the State Department, I think he will come to recognize, as Senators will recognize, that the Senator is not insulted, but is simply too sensitive.

Now, Mr. President, I say this was my only interest in this matter. So far as I personally was concerned, I could not have been true to my friendship for this man, whom I am sure the Senator from Texas does not well know or he would not have used this language, I could not have been true to the State from which he and my colleague and myself come if I had not upon the spot resented such language as that used with reference to this most able and honorable public official.

With reference to the rest of the question, my attention, chained by this suspicion which the Senator from Texas threw upon this man, followed it throughout his discourse, because he occupied a great deal of time, and I found that it was suspicion with reference to the ambassador to Mexico, that it was suspicion with reference to the head of the State Department, and it was sensitiveness.

This is stated in no criticism of the Senator, but in defense of the State Department itself, for I charge that the Senator had no occasion at all to bring this matter before the Senate. The Senator from Kansas said that he had an opportunity to examine all these papers. The Senator from Texas said and reiterated that he went there to get the papers and that a messenger—think of it—a messenger was actually sent for some of them. Then the Senator appears not to have asked for any more. I will ask the Senator who should have gone after the papers? The Solicitor himself or the Secretary of State? Was it not proper that a messenger should go? And if only a few of the papers were brought was it not proper for the Senator and would it have been unusual for the Senator to ask for them all? We know that they would have been given to him because they were all given to the Senator from Kansas that the Senator from Kansas asked for.

As for the excuse of the Senator from Texas that he would not have been accorded the same privileges that he would have been accorded had he been of the same political faith as the Senator from Kansas, I think he himself in a cooler moment will be willing to admit that that was a most unwarranted charge. I asked the Senator whether he requested that all the papers might be brought at that time? The papers were open to him; he had the opportunity to examine them; but it appears that because the Solicitor, or the Secretary of State, or whoever it was, sent a messenger for some of them, the Senator got up and said: "I will bring this before a place where I can bring, not of grace, but of right, all the papers before me."

Mr. President, if that procedure were followed, the time of the Senate would be consumed from morning till night, from the first day of the session to the close, in the private grievances of Senators who had an opportunity to do themselves what they asked the Senate to do for them.

Therefore, Mr. President, starting out with an interest in this case only because I happened to hear a man whom I personally know, as I felt, most unwarrantably attacked, I followed it through to the conclusion, and it appears that there would not be a sufficient reason for the adoption of the resolution.

Mr. BAILEY. Mr. President, I simply desire to say, in the first place, I did not ask for any of these papers when this messenger was dispatched for some particular one. I had not gone there for that purpose. I want to say that if the Senator from Indiana does not know that Republican Senators and Representatives are permitted to examine some files in certain departments and Democratic Representatives are denied that privilege——

Mr. BEVERIDGE. I do not know so.

Mr. BAILEY. It is so in the Post-Office Department. I have never myself tried to examine them as a Senator, but I have been denied the right to examine them when a member of the House of Representatives. And that is not the only thing the Senator from Indiana does not know of which he sometimes assumes to speak.

Mr. BEVERIDGE. Oh, well, Mr. President, so far as any personal explanation of the Senator from Texas about personal capacities or incapacities, I do not suppose, of course, that will illumine this debate, but the question I put to the Senator upon his last remark concerning the examining of papers in the

Post-Office Department is this, without which the whole case that he makes upon that point falls: Was the Senator denied papers in the Post-Office Department which a Republican Representative, as it was before he came to the Senate, was permitted to see?

Mr. BAILEY. Why, of course.

Mr. BEVERIDGE. Does the Senator state here that he was denied the examination of papers in the Department which examination was accorded to a Republican Senator because of their opposite political faith? Does the Senator make that charge?

Mr. BAILEY. Of course; I distinctly made it. I distinctly declare that at the Post-Office Department a Republican member of the House can go and examine the papers relating to any office in his district, and a Democratic member of the House can not do so.

Mr. SPOONER. Mr. President, the Senator does not apply that to the present Administration?

Mr. BAILEY. I have not tried it under this, but under the other Administration I was refused.

Mr. SPOONER. Oh.

Mr. BAILEY. I was refused under the first Administration of William McKinley.

Mr. BEVERIDGE. Did a Republican Congressman examine the same papers? That is the question.

Mr. BAILEY. I do not know that he went into the papers of the district which I represented, but I do know that they could go into any papers in the districts which they represented and I could not examine the papers in the district which I represented.

Mr. BEVERIDGE. But the case falls unless the Senator can show that he was denied the examination of papers which was accorded to a Republican Senator because of a difference of political faith.

Mr. BAILEY. That is a kind of pettifogging which would disgrace the court of a justice of the peace.

Mr. BEVERIDGE. That does not reply to the argument.

Mr. BAILEY. Talk like that does not need a reply.

Mr. BEVERIDGE. If the Senator from Texas——

The PRESIDENT pro tempore. The Senators are out of order.

Mr. FAIRBANKS. Mr. President——

Mr. BAILEY. Let me finish this statement, in response to the Senator from Wisconsin, who is always entitled to a respectful answer. The statement is this, that, as a member of the House of Representatives, I was not permitted, under a Republican Administration, to examine the papers in the Post-Office Department in the district which I represented. When the Democrats controlled the Government, or during the four years that they partially controlled it, and I happened to be in the House, I was permitted to examine the files in every one of those cases.

Mr. SPOONER. Were the Republicans permitted to examine them?

Mr. BAILEY. I presume they were denied the right.

Mr. SPOONER. I want to say to the Senator that I think public records ought to be open to members of Congress without any regard to their political opinions.

Mr. BAILEY. I think so.

Mr. SPOONER. And I should be very sorry and very much surprised if, in the present administration of the Post-office Department, any man who was in a public position having a right to examine the public records should be denied access to the papers.

Mr. BURTON. May I interrupt just to ask a question in this connection, because then I might have some information? Is it always the right of a Senator to examine papers on file in the Post-Office Department?

Mr. SPOONER. There might be papers——

Mr. BAILEY. We could bring here papers relating to a man who was appointed.

Mr. SPOONER. If the Senator will allow me, I will not say that anybody is entitled to examine all the papers on file. I think if some dereliction on the part of an officer is being investigated it might become a confidential file, and in the interest of the public it ought not to be given to the public.

Mr. BURTON. The reason I asked the question was because I was afraid the Senator from Wisconsin would be misconstrued in what was said.

Mr. SPOONER. I do not think I was misconstrued. I said public records.

Mr. BAILEY. I want to say that I have never complained of that rule myself, because the confidences of the party at the particular locality where the appointment is to be made are freely tendered to the appointing power. They write that the applicant has been a loyal party man; that he has been chairman of the committee. I take it that nearly all the recommendations which come to the Department are of that character. I am not quite able to see what satisfaction a Democrat could derive from examining that kind of papers. But whether satisfactory or not, it is nevertheless true that the last time I tried it under a Republican Administration as a member of the House I was not permitted to examine the papers relating to post-office appointments in my district. I never complained about it.

Mr. SPOONER. Were they papers——

Mr. BAILEY. They were political papers.

Mr. SPOONER. Papers on which to base a removal?

Mr. BAILEY. I did not inquire about that. In one instance I wanted to find out who the applicants were, and I was not permitted to see the papers.

Mr. SPOONER. I think the Senator should have been permitted to see them.

Mr. BAILEY. I did not complain about it. My own judgment is that this is a Republican Administration, and they are entitled to the offices. I am a spoilsman myself.

Mr. BEVERIDGE. Why did not the Senator complain then? It is rather late to complain now.

Mr. BAILEY. Because that is political; this other is not. The difference is obvious to every Senator except the Senator from Indiana. [Laughter.]

Mr. BEVERIDGE. The Senator from Texas attempts to reason for himself and then to interpret the intelligence of all Senators on the floor. Nobody, of course, questions the Senator's right and ability to do that. So far as that is concerned, I will observe that I have never here indulged in reflections and insinuations and quips and quiddities to bring the laughter to prove or disapprove any proposition, neither do I think it very weighty.

Mr. BAILEY. Well, the Senator's opinion is not very weighty with me. I can fathom the intelligence of every other man in the Senate Chamber except that of the Senator from Indiana, and, therefore, I do not hesitate to speak of the rest.

Mr. BEVERIDGE. I am very glad to find the Senator beyond his depth. [Laughter.]

Mr. BAILEY. The fact is that the Post-Office appointments are political. I have heard of no Democrats being appointed to an important office under this Administration unless he was one of the kind that they expected to become a Republican. I do not expect to hear of one. The truth of it is that a Democrat who seeks an appointment under this Administration, whether he intends to do so or not, is going to be a Republican. There is a law of political gravitation like there is a law of physical gravitation. When you start in a certain direction, and there is nothing between you and a given point, you are going there.

I have never complained, and I do not complain now, and if this were a political matter I would not have complained here, but I protest that the files of the State Department in relation to an important matter like this are not political. I freely admit that if a stranger to the procedure had gone there and demanded the papers for use against the American ambassador, the Department might have been justified in saying that it would not surrender a copy of those files for such a purpose; but this was a demand made by the very citizen upon whose behalf the papers were filed. He wanted a copy of it, in truth not to use against the American ambassador, but to satisfy my doubt as to the correctness of his statement. This mistake in that case illustrates the danger of the Department of State assuming to look into the heart and judge of motives of men who ask for copies of papers in their own case.

Now, Mr. President, there is only one other suggestion to which I desire to reply. The Senator from Indiana says that I make this attack upon a man who is not here to reply. He is in the city, and before I uttered a word of censure against him on this floor I told him I intended to do so. He knew that I was going to do so, and he said with some jocularity, "When it is printed, send me a copy." I said, "You will not want to read it."

There is always a question of propriety about abusing a man who is a long ways off, but I repel, and if it is parliamentary to say it, I would say I repel, as beneath my contempt, the suggestion that I would say anything about a man who was not present that I would not say, even with greater pleasure and with more distinctness, when he was present.

Senators here will bear me witness that during the brief time I have had the honor to serve in this body I have never offended any Senator. If anything, I have gone a little too far in striving to be polite. I did not invite, if that word has not already become objectionable to the ears of Senators—I did not invite an offensive retort from the Senator from Indiana by what I had said about the Solicitor of the State Department. That what I had said could have been properly and courteously answered is made apparent by the answer of the senior Senator from Indiana. He as promptly and as vigorously defended the Solicitor of the State Department as his junior colleague did, and yet he did it in a way that becomes the dignity and the courteous relations which ought to obtain in the Senate.

It might just as well be understood here and now that the accusation against a Senator that he practically libels anybody is out of place in the Senate Chamber. A Senator can defend a

constituent without offending a Senator, and it will be understood, sooner or later, that that is neither parliamentary nor best to do the latter. If one of my constituents had been, as I thought, improperly assailed, I would not have done less than defend his character, but I would have done so without giving others a just cause of offense.

Now, Mr. President, I say this in the presence of Senators, with no view of excusing anything I have done, but in explanation of what I may hereafter do.

Mr. FAIRBANKS. Mr. President, I desire at this late hour to say but a word.

I ventured to interrupt the honorable Senator who has just taken his seat immediately after I learned that the character and ability of a distinguished citizen of my State had been brought in question, to inform the honorable Senator of my confidence in that citizen, in his ability and in his character. In what I shall now say in reply to what the Senator has said, and by way of supplement to what I have said heretofore, I say in the utmost kindness, with the fullest appreciation of a long-time friendship which I have had with the distinguished Senator from Texas.

I admire his ability and his sterling character. What he has said by way of disparagement of the Solicitor of the State Department has not been said, in my judgment, except upon a misapprehension of the facts in the case. He has spoken strong words against the Solicitor, which merit a reply from me. I have known that gentleman for many years, and an abler man never filled that exalted position, nor has anyone occupied it who had a higher ideal of public duty.

The Senator is under the impression that certain papers have been withheld by that officer in a case which has enlisted his interest as a Senator. Of course if that were true it would be perfectly natural that the Senator should express himself here with some feeling of righteous indignation.

I am unfamiliar with the facts surrounding this controversy, but since the honorable Senator has been upon the floor, and since I made my observations a few minutes ago, I have been in communication by telephone with the Solicitor of the State Department, and he advises me that if the honorable Senator labors under the impression that any paper in this matter has been withheld from him he is laboring under a misapprehension; that, on the contrary, every solitary paper from the beginning to end has been at the Senator's disposal, and, furthermore, that the Senator has seen each individual paper connected with this entire matter, or at least that it has been at his disposal.

Mr. BAILEY. If it will not interrupt the Senator from Indiana——

Mr. FAIRBANKS. Not at all.

Mr. BAILEY. That statement is incorrect. I examined some of the papers in connection with the attorney for Dr. Scott, but I have never seen that particular paper about which the controversy arose.

Mr. FAIRBANKS. Then there is a misunderstanding. I thought it well that we should analyze this matter and see where the difference was.

Mr. BAILEY. I will say to the Senator, further, when I told Dr. Scott to go and get a copy of that paper he said to me that he was refused it for the reason I have stated. I then told him to write me a letter, which he did. I took that letter, inclosed it in a letter of my own to the State Department, and asked the Department to send me a copy of that paper. Then, instead of sending me a copy, they said that they had delivered it to Dr. Scott, and I have never seen either the original paper or a copy of it.

Mr. FAIRBANKS. As I said, the Solicitor is under the impression that the Senator has seen all the papers, but the Senator is under the impression that he has not seen one paper.

Mr. BAILEY. I know I have not seen one.

Mr. FAIRBANKS. The Senator knows he has not seen one.

Mr. President, the Senator's resolution was submitted to the Senate seven day ago. If I had any complaint to make of the honorable Senator, it would be simply that he delayed seven days in bringing his resolution sharply to the attention of the Senate. It is perfectly obvious at this late hour of the session, an adjournment but a few hours off, that it would be impossible to answer all the statements the Senator has made here in respect to the conduct of the officers of the State Department, and that vacation will come with the Senator's charges unanswered.

The Senator speaks words of weight; his charges are not to be lightly passed by; they go upon the RECORD; they go to the country in the impeachment of an honorable and an able officer of the Government. I know too well, Mr. President, the heart of the honorable Senator to believe that he would wish to do wrong to mortal man, and it is for the purpose of advising the Senator that there is an honest difference of opinion as to a mere matter of fact between him and the honorable Solicitor of the State Department that I make this statement.

Mr. President, I believe that every Senator, no matter what his political complexion, should have an equal right of access to the departments of the Government and to information contained in the departments. The Senator, under a Republican Administration, has as much right as myself, and I claim no more than I would yield to him.

The Senator said that the course of the Solicitor of the State Department indicated to his mind one of two things—either that the Solicitor was incompetent or shamefully indifferent. I have written down, and I now use his precise words. Allow me to address myself briefly to that observation.

As I said a moment ago, the Solicitor of the State Department is an able lawyer. He served with conspicuous ability upon the bench of his State before coming to the State Department; and during the last five and a half years he has had in his charge more great questions perhaps than any other Solicitor the State Department has ever had within the same period; and all who are familiar with his work bear high testimony to his character. "Shamefully indifferent" is the alternative.

Mr. President, if there is one official in the city of Washington who is more faithful, more conscientious in the discharge of his official trust than William L. Penfield, I do not know who he is. If the Senator knew Judge Penfield as I know him, I know he would indulge in no criticism of him. I believe that Judge Penfield would give to the Senator access to whatever is in his Department as freely as he would give it to me or to any other Senator.

Mr. BEVERIDGE. Mr. President, I shall not occupy the attention of the Senate for a longer time than is necessary to say, perhaps, two sentences, which are called out by what occurred between the Senator and me. I do not intend to lecture the Senator as he lectures other Senators and the Senate, but I want to show to Senators who heard the last statement of the Senator from Texas precisely what it is of which he complains. The Senator said that the Solicitor of the State Department was either grossly incompetent or shamefully neglectful of his duty.

Mr. SPOONER. Shamefully indifferent.

Mr. BEVERIDGE. Shamefully indifferent as to his duties. I stated in the course of my remarks that that was a charge which was unwarranted; and in that perfectly proper response the Senator felt that he found an insult. I could not find one there. I do not think that any Senator on the floor could find one there, nor do I think the Senator himself could find one there if he looked the RECORD over. That is all I desire to say, Mr. President.

Mr. BAILEY. Mr. President, I was so certain the Senator from Indiana did intend what I believed that I interrupted him then and told him those words were offensive and I thought he ought to withdraw them. Instead of saying they were not intended to be offensive, he said: "I will withdraw them if you withdraw your characterization of Judge Penfield."

My answer was that for what I said about Judge Penfield I would answer to him. For what the Senator from Indiana says about me doubtless he is willing to take the same course. He could then and there have made the disclaimer. I offered him the opportunity to do it, and I had not supposed that one Senator speaking of a matter in which he was not personally interested would want to offend another. I took occasion then and there to offer him an opportunity to say he did not, and he only agreed to disclaim it upon the ground that I would disclaim.

Mr. BEVERIDGE. The Senator did not disclaim his rather heated language with reference to this official of the State Department who, as I told him, was my personal acquaintance and my friend, and who came from my State. To have withdrawn the words that that language was, as I thought it was, unwarranted would have been to have indorsed the language of the Senator from Texas that this official was grossly incompetent or shamefully neglectful or indifferent. I do not think he is grossly incompetent or shamefully indifferent, but that he is highly competent, and he is a man sensitive as to the discharge of all his duties. I do not think the Senator himself in the morning will find anything in that except a perfectly proper defense of an official whom I regard as able and as pure as any one in the Senate Chamber or in the service of the Government.

The PRESIDING OFFICER (Mr. KEAN in the chair). The question is on agreeing to the resolution. [Putting the question.] The "noes" seem to have it.

Mr. BAILEY. I ask for the yeas and nays on the adoption of the resolution.

Mr. MASON. Mr. President, I desire to address myself to the resolution for just a moment. I have no interest in the debate which has taken place between the two distinguished Senators, although I am sorry that it should have assumed the tone it has in view of the importance of the resolution. We are apt in our personal debates to forget sometimes the subject which we are to vote upon.

I have had occasion to examine the facts in the Scott case, and I believe that no more outrageous injustice has ever been done an

American citizen than is now being perpetrated upon Dr. Scott and his wife in Mexico. I have made no charge, and do not make any, against anyone in the Department or against our ambassador to Mexico, but I regret exceedingly that this debate should assume in any way a partisan aspect. These people are American citizens, and the record that I have read shows conclusively that their property has been tied up under the practice of Mexico by an attachment in aid, which every lawyer understands, without giving to Dr. Scott and his family that bond of indemnity which should go to every man whose money or whose property is tied up.

I certainly can not believe that our ambassador can be in any way a party to any misconduct there in connection with this court; but this much is disclosed in the record, as I have read it: The contract was virtually destroyed by an erasure, and when that contract was copied the erasure was omitted, as I understand; so that in the transfer of the papers in the State Department the document as it was originally printed should have been copied and the erasure and interlineation should have been shown. Who is to blame for making that copy I have no means of knowing, but I do know this——

Mr. SPOONER. Does the paper on file in the State Department show the erasure?

Mr. MASON. No; the copy on file in the State Department does not show that the original paper was ever changed after its execution; but the original paper itself was changed, and the gist of the action was in the change. Now we will assume, for the purposes of the argument, that that was the true contract, and that the minds of the contracting parties met when the erasure was made, and yet this fact remains——

Mr. SPOONER. For what was the money claimed?

Mr. MASON. It was a commission for the sale of some mines, as I remember.

The fact remains that, without giving to Dr. Scott any bond of indemnity, they have tied up this man's property, amounting to hundreds of thousands of dollars, as I remember it.

Mr. BAILEY. They have not tied up this money, but they have absolutely turned it over to Beilinberg, and he is in possession of it without any bond to return it in case the judgment goes against him.

Mr. MASON. Yes; and there is not in any civilized country in the world a place where you can sue an attachment in aid and take possession of a debtor's property without giving him some bond of indemnity; and yet the fact remains that upon the case stated, which shows fraud upon its very face, they attached the property of Dr. Scott, and without giving him any bond they actually turned the money over to the man who is now bringing the suit and without a final judgment——

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. MASON. Certainly.

Mr. SPOONER. Was Dr. Scott in possession of the property?

Mr. MASON. Dr. Scott was in possession of the property.

Mr. SPOONER. And he was ousted?

Mr. MASON. He was ousted by an attachment.

Mr. BAILEY. If the Senator from Illinois will permit me, that is not it exactly; the money was deposited in bank.

Mr. MASON. So I understand.

Mr. SPOONER. What money was it?

Mr. BAILEY. The money that was due to Dr. Scott as payment on this land. Will the Senator from Illinois permit me just a moment further?

Mr. MASON. Yes.

Mr. BAILEY. The land was sold for a certain sum above the option price, and the option price was turned over——

Mr. SPOONER. Scott having the option?

Mr. BAILEY. Yes; the option price was turned over to the real owners of the land, and the balance was his profit on the transaction. That balance in the shape of profits was represented by certain notes. This particular note was for $20,000. At the maturity of that note the obligor of the note, instead of going to Dr. Scott, by collusion with these other parties arranged to deposit it in bank so that Beilinberg could reach and attach it.

Mr. MASON. That is the reason, Mr. President, I have taken the floor for a moment to say that I do not want the resolution to be passed or defeated upon any question reflecting upon our ambassador or upon the State Department. I have faith in the ambassador and in the Depertment; but I do want all the papers brought before the Senate. It can do no one any harm if they are brought here, if there is anything that will bring to light or call the attention of the American ambassador, our representative there, to see to it that American citizens in dealing in Mexico shall have at least an even show with the natives of that country when they go before the courts of justice.

I say frankly that I never knew of any case before where a creditor could bring a suit, and by attachment or any similar arrangement take actual possession of property, goods, or money, and by reason of influence at court—and I have read the record, and I think there was undue influence at court in the original proceedings had there—practically turned over this property of Mr. Scott, who is absolutely helpless. I can see no possible harm in the adoption of the resolution, and I can vote for it without in any way reflecting upon the ambassador or the State Department. I hope the resolution will pass. The papers are not voluminous. I can see no special reason why——

Mr. LODGE. Will the Senator allow me?

Mr. MASON. In a moment. I can see no reason why we should make any question about this, except that there is an American citizen, who is a respectable man—I had the pleasure of meeting him and his wife here in Washington—who is being unjustly dealt with; and we certainly can protect American citizens in Mexico without directly or indirectly reflecting upon our ambassador there.

Mr. LODGE. Mr. President, I want to suggest, in regard to the resolution, that we never address such resolutions to the Secretary of State. Resolutions relating to a foreign nation are invariably addressed to the President of the United States, and I think this ought to be addressed in the same way—"That the President of the United States be requested, if not incompatible with the public interest"—simply following the usual form.

Mr. BAILEY. Mr. President, that is formal. I do not know what has been the custom of the Senate. I know these papers are in the possession of the Secretary of State, and I thought the resolution ought to be addressed to the one having possession of the papers. I make no point about that, however.

Mr. SPOONER. Mr. President, if this resolution passes, in view of the fact that we are about to adjourn finally, nothing will come of it until the next session of Congress.

Mr. BAILEY. That is true.

Mr. SPOONER. So I suggest to my friend from Texas that it would perhaps be better to refer this resolution to the Committee on Foreign Relations, with authority or instructions to investigate the matter and report the facts at the next session of Congress.

Mr. BAILEY. Mr. President, I will say that I would rather have that kind of a resolution than this, particularly since there is some danger of this debate assuming a party aspect.

Mr. SPOONER. How does the Senator know there is any danger of that?

Mr. BAILEY. I judged from the viva voce vote a while ago that there was some danger of that, and I am sincerely anxious to avoid that. So I will, without hesitation, accept the suggestion of the Senator from Wisconsin, because in that way the Committee on Foreign Relations can get the papers, and they can, by a proper procedure, determine whether there is any necessity of bringing the matter further to the attention of the Senate.

With the permission of the Senator from Wisconsin, I will move, or I shall be glad to have him move, to refer the resolution to the Committee on Foreign Relations, with authority to inquire into the matter, and report to the Senate.

Mr. SPOONER. I think that is the better way, and the committee will, of course, investigate it.

Mr. BEVERIDGE. So do I.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Texas, that the resolution be referred to the Committee on Foreign Relations.

The motion was agreed to.

REPAIRS TO AQUEDUCT BRIDGE.

Mr. GALLINGER. Mr. President, I introduce an emergency joint resolution, and I am going to ask that it be considered without reference to a committee. The reading of the resolution will disclose its object.

The PRESIDENT pro tempore. The Senator from New Hampshire introduces a joint resolution for which he asks present consideration. The joint resolution will be read to the Senate for its information.

The joint resolution (S. R. 130) authorizing certain temporary repairs to the Aqueduct Bridge, District of Columbia, was read the first time by its title and the second time at length, as follows:

Be it resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized to spend an amount not exceeding $3,000 from the balance of appropriations made for the reconstruction of pier No. 4 of the Aqueduct Bridge, District of Columbia, for the purpose of the examination of, and immediate temporary repairs to, the remaining piers of said bridge in cases of need arising from flood or ice.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 5956) to provide for the allotment of the lands of the

Cherokee Nation, for the disposition of town sites therein, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President pro tempore:

A bill (S. 493) to amend an act entitled "An act to establish a code of law for the District of Columbia;"

A bill (H. R. 303) for the relief of Sol Bear & Co.;

A bill (H. R. 367) for the relief of Angus A. McPhee;

A bill (H. R. 2494) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department;

A bill (H. R. 8586) amending the act of march 2, 1901, entitled "An act to carry into effect the stipulations of Article VII of the treaty between the United States and Spain, concluded on the 10th day of December, 1898;

A bill (H. R. 10321) granting an increase of pension to Susan A. Phelps;

A bill (H. R. 11987) relating to transportation of dutiable merchandise at subports of Tacoma and Seattle, State of Washington;

A bill (H. R. 13875) authorizing the adjustment of rights of settlers on the Navajo Indian Reservation, Territory of Arizona;

A bill (H. R. 14234) granting a pension to John Williamson;

A bill (H. R. 15270) to amend an act entitled "An act authorizing the Arkansas Harbor Terminal Railway Company to construct a bridge across the Corpus Christi channel, known as the Morris and Cummings ship channel, in Arkansas County, Tex.;"

A joint resolution (H. J. Res. 182) authorizing the Director of the Census to compile statistics relating to irrigation; and

A joint resolution (H. J. Res. 198) giving authority to the Commissioners of the District of Columbia to make special regulations for the occasion of the thirty-sixth national encampment of the Grand Army of the Republic, to be held in the District of Columbia in the month of October, 1902, and for other purposes incident to said encampment.

CIVIL GOVERNMENT IN THE PHILIPPINES.

Mr. LODGE. I ask that the conference report upon what is known as the Philippine bill, agreed to by the House, which has just been sent to the Senate, be printed in the RECORD and as a document, and that it may lie over. I give notice that I shall call it up for final disposition immediately after the routine morning business to-morrow morning.

The PRESIDENT pro tempore. The Senator from Massachusetts asks unanimous consent that the conference report on the measure known as the Philippine bill may be printed in the RECORD, and also as a document.

Mr. LODGE. And also the bill as agreed upon by the conferees.

The PRESIDENT pro tempore. And also the bill as agreed upon by the conferees.

Mr. LODGE. It, too, should be printed in the RECORD.

Mr. SPOONER. It is to be printed with the report?

Mr. MCCOMAS. The bill should also be printed in the RECORD.

Mr. LODGE. That is the request.

The PRESIDENT pro tempore. The Chair hears no objection; and the conference report and the bill will be printed in the RECORD.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2295) "temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

An Act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the action of the President of the United States in creating the Philippine Commission and authorizing said Commission to exercise the powers of government to the extent and in the manner and form and subject to the regulation and control set forth in the instructions of the President to the Philippine Commission, dated April seventh, nineteen hundred, and in creating the offices of civil governor and vice-governor of the Philippine Islands, and authorizing said civil governor and vice-governor to exercise the powers of government to the extent and in the manner and form set forth in the Executive order dated June twenty-first, nineteen hundred and one, and in establishing four executive departments of government in said islands as set forth in the Act of the Philippine Commission, entitled "An Act providing an organization for the departments of the interior, of commerce and police, of finance and justice, and of public instruction," enacted September sixth, nineteen hundred and one, is hereby approved, ratified, and confirmed, and until otherwise provided by law the said islands shall continue to be governed as thereby and herein provided, and all laws passed hereafter by the Philippine Commission shall have an enacting clause as follows: "By authority of the United States be it enacted by the Philippine Commission."

The provisions of section eighteen hundred and ninety-one of the Revised Statutes of eighteen hundred and seventy-eight shall not apply to the Philippine Islands.

Future appointments of civil governor, vice-governor, members of said Commission and heads of executive departments shall be made by the President, by and with the advice and consent of the Senate.

SEC. 2. That the action of the President of the United States heretofore taken by virtue of the authority vested in him as Commander in Chief of the Army and Navy, as set forth in his order of July twelfth, eighteen hundred and ninety-eight, whereby a tariff of duties and taxes as set forth by said order was to be levied and collected at all ports and places in the Philippine Islands upon passing into the occupation and possession of the forces of the United States, together with the subsequent amendments of said order, are hereby approved, ratified, and confirmed, and the actions of the authorities of the government of the Philippine Islands, taken in accordance with the provisions of said order and subsequent amendments, are hereby approved: *Provided*, That nothing contained in this section shall be held to amend or repeal an Act entitled "An Act temporarily to provide revenue for the Philippine Islands, and for other purposes," approved March eighth, nineteen hundred and two.

SEC. 3. That the President of the United States, during such time as and whenever the sovereignty and authority of the United States encounter armed resistance in the Philippine Islands, until otherwise provided by Congress, shall continue to regulate and control commercial intercourse with and within said islands by such general rules and regulations as he, in his discretion, may deem most conducive to the public interests and the general welfare.

SEC. 4. That all inhabitants of the Philippine Islands continuing to reside therein who were Spanish subjects on the eleventh day of April, eighteen hundred and ninety-nine, and then resided in said Islands, and their children born subsequent thereto, shall be deemed and held to be citizens of the Philippine Islands and as such entitled to the protection of the United States, except such as shall have elected to preserve their allegiance to the Crown of Spain in accordance with the provisions of the treaty of peace between the United States and Spain signed at Paris December tenth, eighteen hundred and ninety-eight.

SEC. 5. That no law shall be enacted in said islands which shall deprive any person of life, liberty, or property without due process of law, or deny to any person therein the equal protection of the laws.

That in all criminal prosecutions the accused shall enjoy the right to be heard by himself and counsel, to demand the nature and cause of the accusation against him, to have a speedy and public trial, to meet the witnesses face to face, and to have compulsory process to compel the attendance of witnesses in his behalf.

That no person shall be held to answer for a criminal offense without due process of law; and no person for the same offense shall be twice put in jeopardy of punishment, nor shall be compelled in any criminal case to be a witness against himself.

That all persons shall before conviction be bailable by sufficient sureties except for capital offenses.

That no law impairing the obligation of contracts shall be enacted.

That no person shall be imprisoned for debt.

That the privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion, insurrection, or invasion the public safety may require it, in either of which events the same may be suspended by the President, or by the governor with the approval of the Philippine Commission, whenever during such period the necessity for such suspension shall exist.

That no ex post facto law or bill of attainder shall be enacted.

That no law granting a title of nobility shall be enacted, and no person holding any office of profit or trust in said islands, shall, without the consent of the Congress of the United States, accept any present, emolument, office, or title of any kind whatever from any king, queen, prince, or foreign State.

That excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

That the right to be secure against unreasonable searches and seizures shall not be violated.

That neither slavery, nor involuntary servitude except as a punishment for crime, whereof the party shall have been duly convicted, shall exist in said islands.

That no law shall be passed abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and petition the Government for redress of grievances.

That no law shall be made respecting an establishment of religion or prohibiting the free exercise thereof, and that the free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed.

That no money shall be paid out of the treasury except in pursuance of an appropriation by law.

That the rule of taxation in said islands shall be uniform.

That no private or local bill which may be enacted into law shall embrace more than one subject, and that subject shall be expressed in the title of the bill.

That no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or things to be seized.

That all money collected on any tax levied or assessed for a special purpose shall be treated as a special fund in the treasury and paid out for such purpose only.

SEC. 6. That whenever the existing insurrection in the Philippine Islands shall have ceased and a condition of general and complete peace shall have been established therein and the fact shall be certified to the President by the Philippine Commission, the President, upon being satisfied thereof, shall order a census of the Philippine Islands to be taken by said Philippine Commission; such census in its inquiries relating to the population shall take and make so far as practicable full report for all the inhabitants, of name, age, sex, race, or tribe, whether native or foreign born, literacy in Spanish, native dialect or language, or in English, school attendance, ownership of homes, industrial and social statistics, and such other information separately for each island, each province, and municipality, or other civil division, as the President and said Commission may deem necessary: *Provided*, That the President may, upon the request of said Commission, in his discretion, employ the service of the Census Bureau in compiling and promulgating the statistical information above provided for, and may commit to such Bureau any part or portion of such labor as to him may seem wise.

SEC. 7. That two years after the completion and publication of the census,

in case such condition of general and complete peace, with recognition of the authority of the United States, shall have continued in the territory of said islands not inhabited by Moros or other non-Christian tribes, and such facts shall have been certified to the President by the Philippine Commission, the President upon being satisfied thereof shall direct said Commission to call, and the Commission shall call, a general election for the choice of delegates to a popular assembly of the people of said territory in the Philippine Islands, which shall be known as the Philippine assembly. After said assembly shall have convened and organized, all the legislative power heretofore conferred on the Philippine Commission in all that part of said islands not inhabited by Moros or other non-Christian tribes shall be vested in a legislature consisting of two houses—the Philippine Commission and the Philippine assembly. Said assembly shall consist of not less than fifty nor more than one hundred members, to be apportioned by said Commission among the provinces as nearly as practicable according to population: *Provided*, That no province shall have less than one member: *And provided further*, That provinces entitled by population to more than one member may be divided into such convenient districts as the said Commission may deem best. Public notice of such division shall be given at least ninety days prior to such election, and the election shall be held under rules and regulations to be prescribed by law. The qualification of electors in such election shall be the same as is now provided by law in case of electors in municipal elections. The members of assembly shall hold office for two years from the first day of January next following their election, and their successors shall be chosen by the people every second year thereafter. No person shall be eligible to such election who is not a qualified elector of the election district in which he may be chosen, owing allegiance to the United States, and twenty-five years of age.

The legislature shall hold annual sessions, commencing on the first Monday of February in each year and continuing not exceeding ninety days thereafter (Sundays and holidays not included): *Provided*, That the first meeting of the legislature shall be held upon the call of the governor within ninety days after the first election: *And provided further*, That if at the termination of any session the appropriations necessary for the support of government shall not have been made, an amount equal to the sums appropriated in the last appropriation bills for such purposes shall be deemed to be appropriated; and until the legislature shall act in such behalf the treasurer may, with the advice of the governor, make the payments necessary for the purposes aforesaid.

The legislature may be called in special session at any time by the civil governor for general legislation, or for action on such specific subjects as he may designate. No special session shall continue longer than thirty days, exclusive of Sundays.

The assembly shall be the judge of the elections, returns, and qualifications of its members. A majority shall constitute a quorum to do business, but a smaller number may adjourn from day to day and may be authorized to compel the attendance of absent members. It shall choose its speaker and other officers, and the salaries of its members and officers shall be fixed by law. It may determine the rule of its proceedings, punish its members for disorderly behavior, and with the concurrence of two-thirds expel a member. It shall keep a journal of its proceedings, which shall be published, and the yeas and nays of the members on any question shall, on the demand of one-fifth of those present, be entered on the journal.

SEC. 8. That at the same time with the first meeting of the Philippine legislature, and biennially thereafter, there shall be chosen by said legislature, each house voting separately, two resident commissioners to the United States, who shall be entitled to an official recognition as such by all departments upon presentation to the President of a certificate of election by the civil governor of said islands, and each of whom shall be entitled to a salary payable monthly by the United States at the rate of five thousand dollars per annum, and two thousand dollars additional to cover all expenses: *Provided*, That no person shall be eligible to such election who is not a qualified elector of said islands, owing allegiance to the United States, and who is not thirty years of age.

SEC. 9. That the supreme court and the courts of first instance of the Philippine Islands shall possess and exercise jurisdiction as heretofore provided and such additional jurisdiction as shall hereafter be prescribed by the government of said islands, subject to the power of said government to change the practice and method of procedure. The municipal courts of said islands shall possess and exercise jurisdiction as heretofore provided by the Philippine Commission, subject in all matters to such alteration and amendment as may be hereafter enacted by law; and the chief justice and associate justices of the supreme court shall hereafter be appointed by the President, by and with the advice and consent of the Senate, and shall receive the compensation heretofore prescribed by the Commission until otherwise provided by Congress. The judges of the court of first instance shall be appointed by the civil governor, by and with the advice and consent of the Philippine Commission: *Provided*, That the admiralty jurisdiction of the supreme court and courts of first instance shall not be changed except by act of Congress.

SEC. 10. That the Supreme Court of the United States shall have jurisdiction to review, revise, reverse, modify, or affirm the final judgments and decrees of the supreme court of the Philippine Islands in all actions, cases, causes, and proceedings now pending therein or hereafter determined thereby in which the Constitution or any statute, treaty, title, right, or privilege, of the United States is involved, or in causes in which the value in controversy exceeds twenty-five thousand dollars, or in which the title or possession of real estate exceeding in value the sum of twenty-five thousand dollars, to be ascertained by the oath of either party or of other competent witnesses, is involved or brought in question; and such final judgments or decrees may and can be reviewed, revised, reversed, modified, or affirmed by said Supreme Court of the United States on appeal or writ of error by the party aggrieved, in the same manner, under the same regulations, and by the same procedure, as far as applicable, as the final judgments and decrees of the circuit courts of the United States.

SEC. 11. That the government of the Philippine Islands is hereby authorized to provide for the needs of commerce by improving the harbors and navigable waters of said islands and to construct and maintain in said navigable waters and upon the shore adjacent thereto bonded warehouses, wharves, piers, light-houses, signal and life-saving stations, buoys, and like instruments of commerce, and to adopt and enforce regulations in regard thereto, including bonded warehouses wherein articles not intended to be imported into said islands nor mingled with the property therein, but brought into a port of said islands for reshipment to another country, may be deposited in bond and reshipped to another country without the payment of customs duties or charges.

SEC. 12. That all the property and rights which may have been acquired in the Philippine Islands by the United States under the treaty of peace with Spain, signed December tenth, eighteen hundred and ninety-eight, except such land or other property as shall be designated by the President of the United States for military and other reservations of the Government of the United States, are hereby placed under the control of the government of said islands to be administered for the benefit of the inhabitants thereof, except as provided in this Act.

SEC. 13. That the government of the Philippine Islands, subject to the provisions of this Act and except as herein provided, shall classify according to its agricultural character and productiveness, and shall immediately make rules and regulations for the lease, sale, or other disposition of the public lands other than timber or mineral lands, but such rules and regulations shall not go into effect or have the force of law until they have received the approval of the President and when approved by the President they shall be submitted by him to Congress at the beginning of the next ensuing session thereof and unless disapproved or amended by Congress at said session, they shall at the close of such period have the force and effect of law in the Philippine Islands: *Provided*, That a single homestead entry shall not exceed sixteen hectares in extent.

SEC. 14. That the government of the Philippine Islands is hereby authorized and empowered to enact rules and regulations and to prescribe terms and conditions to enable persons to perfect their title to public lands in said Islands who, prior to the transfer of sovereignty from Spain to the United States, had fulfilled all or some of the conditions required by the Spanish laws and royal decrees of the Kingdom of Spain for the acquisition of legal title thereto yet failed to secure conveyance of title; and the Philippine Commission is authorized to issue patents, without compensation, to any native of said Islands, conveying title to any tract of land not more than sixteen hectares in extent, which were public lands and had been actually occupied by such native or his ancestors prior to and on the thirteenth of August, eighteen hundred and ninety-eight.

SEC. 15. That the government of the Philippine Islands is hereby authorized and empowered, on such terms as it may prescribe, by general legislation, to provide for the granting or sale and conveyance to actual occupants and settlers and other citizens of said islands such parts and portions of the public domain, other than timber and mineral lands, of the United States in said islands as it may deem wise, not exceeding sixteen hectares to any one person, and for the sale and conveyance of not more than one thousand and twenty-four hectares to any corporation or association of persons: *Provided*, That the grant or sale of such lands, whether the purchase price be paid at once or in partial payments, shall be conditioned upon actual and continued occupancy, improvement, and cultivation of the premises sold for a period of not less than five years, during which time the purchaser or grantee can not alienate or encumber said land or the title thereto; but such restriction shall not apply to transfers of rights and title of inheritance under the laws for the distribution of the estates of decedents.

SEC. 16. That in granting or selling any part of the public domain under the provisions of the last preceding section, preference in all cases shall be given to actual occupants and settlers; and such public lands of the United States in the actual possession or occupancy of any native of the Philippine Islands shall not be sold by said government to any other person without the consent thereto of said prior occupant or settler first had and obtained: *Provided*, That the prior right hereby secured to an occupant of land, who can show no other proof of title than possession, shall not apply to more than sixteen hectares in any one tract.

SEC. 17. That timber, trees, forests, and forest products on lands leased or demised by the government of the Philippine Islands under the provisions of this Act shall not be cut, destroyed, removed, or appropriated except by special permission of said government and under such regulations as it may prescribe.

All moneys obtained from lease or sale of any portion of the public domain or from licenses to cut timber by the government of the Philippine Islands shall be covered into the insular treasury and be subject only to appropriation for insular purposes according to law.

SEC. 18. That the forest laws and regulations now in force in the Philippine Islands, with such modifications and amendments as may be made by the government of said islands, are hereby continued in force, and no timber lands forming part of the public domain shall be sold, leased, or entered until the government of said islands, upon the certification of the forestry bureau that said lands are more valuable for agriculture than for forest uses, shall declare such lands so certified to be agricultural in character: *Provided*, That the said government shall have the right and is hereby empowered to issue licenses to cut, harvest, or collect timber or other forest products on reserved or unreserved public lands in said islands in accordance with the forest laws and regulations hereinbefore mentioned and with the provisions of this Act, and the said government may lease land to any person or persons holding such licenses, sufficient for a mill site, not to exceed four hectares in extent, and may grant rights of way to enable such person or persons to get access to the lands to which such licenses apply.

SEC. 19. That the beneficial use shall be the basis, the measure, and the limit of all rights to water in said islands, and the government of said islands is hereby authorized to make such rules and regulations for the use of water, and to make such reservations of public lands for the protection of the water supply, and for other public purposes not in conflict with the provisions of this Act, as it may deem best for the public good.

MINERAL LANDS.

SEC. 20. That in all cases public lands in the Philippine Islands valuable for minerals shall be reserved from sale, except as otherwise expressly directed by law.

SEC. 21. That all valuable mineral deposits in public lands in the Philippine Islands, both surveyed and unsurveyed, are hereby declared to be free and open to exploration, occupation, and purchase, and the land in which they are found to occupation, and purchase, by citizens of the United States, or of said islands: *Provided*, That when on any lands in said islands entered and occupied as agricultural lands under the provisions of this Act, but not patented, mineral deposits have been found, the working of such mineral deposits is hereby forbidden until the person, association, or corporation who or which has entered and is occupying such lands shall have paid to the government of said islands such additional sum or sums as will make the total amount paid for the mineral claim or claims in which said deposits are located equal to the amount charged by the government for the same as mineral claims.

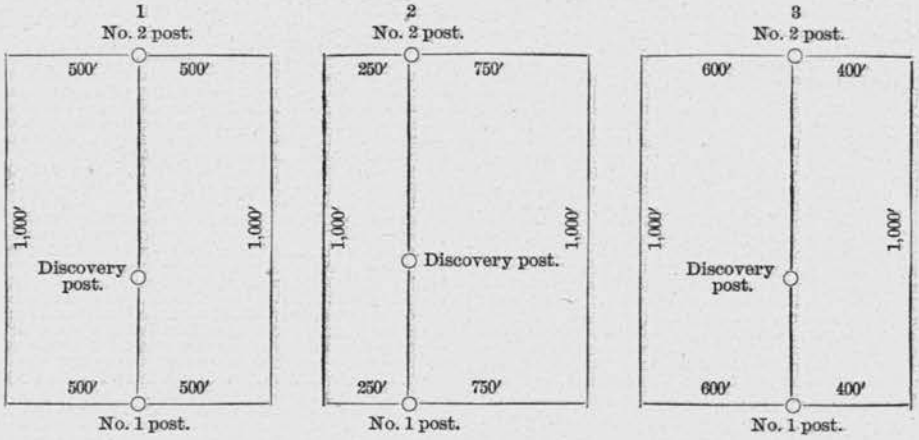
SEC. 22. That mining claims upon land containing veins or lodes of quartz or other rock in place bearing gold, silver, cinnabar, lead, tin, copper, or other valuable deposits, located after the passage of this Act, whether located by one or more persons qualified to locate the same under the preceding section, shall be located in the following manner and under the following conditions: Any person so qualified desiring to locate a mineral claim shall, subject to the provisions of this Act with respect to land which may be used for mining, enter upon the same and locate a plot of ground measuring, where possible, but not exceeding, one thousand feet in length by one thousand feet in breadth, in as nearly as possible a rectangular form; that is to say: All angles shall be right angles, except in cases where a boundary line of a previously surveyed claim is adopted as common to both claims, but the lines need not necessarily be meridional. In defining the size of a mineral claim, it shall be measured horizontally, irrespective of inequalities of the surface of the ground.

SEC. 23. That a mineral claim shall be marked by two posts placed as nearly as possible on the line of the ledge or vein, and the posts shall be numbered one and two, and the distance between posts numbered one and two shall not exceed one thousand feet, the line between posts numbered one and two to be known as the location line; and upon posts numbered one and two

shall be written the name given to the mineral claim, the name of the locator and the date of the location. Upon post numbered one there shall be writ, ten, in additon to the foregoing, "Initial post," the approximate compass bearing of post numbered two, and a statement of the number of feet lying to the right and to the left of the line from post numbered one to post numbered two, thus: "Initial post. Direction of post numbered two. —— feet of this claim lie on the right and —— feet on the left of the line from number one to number two post." All the particulars required to be put on number one and number two posts shall be furnished by the locator to the provincial secretary, or such other officer as by the Philippine government may be described as mining recorder, in writing, at the time the claim is recorded, and shall form a part of the record of such claim.

SEC. 24. That when a claim has been located the holder shall immediately mark the line between posts numbered one and two so that it can be distinctly seen. The locator shall also place a post at the point where he has found minerals in place, on which shall be written "Discovery post:" *Provided*, That when the claim is surveyed the surveyor shall be guided by the records of the claim, the sketch plan on the back of the declaration made by the owner when the claim was recorded, posts numbered one and two, and the notice on number one, the initial post.

EXAMPLES OF VARIOUS MODES OF LAYING OUT CLAIMS.



SEC. 25. That it shall not be lawful to move number one post, but number two post may be moved by the deputy mineral surveyor when the distance between posts numbered one and two exceeds one thousand feet, in order to place number two post one thousand feet from number one post on the line of location. When the distance between posts numbered one and two is less than one thousand feet the deputy mineral surveyor shall have no authority to extend the claim beyond number two.

SEC. 26. That the "location line" shall govern the direction of one side of the claim, upon which the survey shall be extended according to this Act.

SEC. 27. That the holder of a mineral claim shall be entitled to all minerals which may lie within his claim, but he shall not be entitled to mine outside the boundary lines of his claim continued vertically downward: *Provided*, That this Act shall not prejudice the rights of claim owners nor claim holders whose claims have been located under existing laws prior to this Act.

SEC. 28. That no mineral claim of the full size shall be recorded without the application being accompanied by an affidavit made by the applicant or some person on his behalf cognizant of the facts—that the legal notices and posts have been put up; that mineral has been found in place on the claim proposed to be recorded; that the ground applied for is unoccupied by any other person. In the said declaration shall be set out the name of the applicant and the date of the location of the claim. The words written on the number one and number two posts shall be set out in full, and as accurate a description as possible of the position of the claim given with reference to some natural object or permanent monuments.

SEC. 29. That no mineral claim which at the date of its record is known by the locator to be less than a full-sized mineral claim shall be recorded without the word "fraction" being added to the name of the claim, and the application being accompanied by an affidavit or solemn declaration made by the applicant or some person on his behalf cognizant of the facts: That the legal posts and notices have been put up; that mineral has been found in place on the fractional claim proposed to be recorded; that the ground applied for is unoccupied by any other person. In the said declaration shall be set out the name of the applicant and the date of the location of the claim. The words written on the posts numbered one and two shall be set out in full, and as accurate a description as possible of the position of the claim given. A sketch plan shall be drawn by the applicant on the back of the declaration, showing as near as may be the position of the adjoining mineral claims and the shape and size, expressed in feet, of the claim or fraction desired to be recorded: *Provided*, That the failure on the part of the locator of a mineral claim to comply with any of the foregoing provisions of this section shall not be deemed to invalidate such location, if upon the facts it shall appear that such locator has actually discovered mineral in place on said location, and that there has been on his part a bona fide attempt to comply with the provisions of this Act, and that the nonobservance of the formalities hereinbefore referred to is not of a character calculated to mislead other persons desiring to locate claims in the vicinity.

SEC. 30. That in cases where, from the nature or shape of the ground, it is impossible to mark the location line of the claim as provided by this Act then the claim may be marked by placing posts as nearly as possible to the location line, and noting the distance and direction such posts may be from such location line, which distance and direction shall be set out in the record of the claim.

SEC. 31. That every person locating a mineral claim shall record the same with the provincial secretary or such other officer as by the government of the Philippine Islands may be described as mining recorder of the district within which the same is situate, within thirty days after the location thereof. Such record shall be made in a book to be kept for the purpose in the office of the said provincial secretary or such other officer as by the said government described as mining recorder, in which shall be inserted the name of the claim, the name of each locator, the locality of the mine, the direction of the location line, the length in feet, the date of location, and the date of the record. A claim which shall not have been recorded within the prescribed period shall be deemed to have been abandoned.

SEC. 32. That in case of any dispute as to the location of a mineral claim the title to the claim shall be recognized according to the priority of such location, subject to any question as to the validity of the record itself and subject to the holder having complied with all the terms and conditions of this Act.

SEC. 33. That no holder shall be entitled to hold in his its or their own name or in the name of any other person corporation or association more than one mineral claim on the same vein or lode.

SEC. 34. That a holder may at any time abandon any mineral claim by giving notice, in writing, of such intention to abandon, to the provincial secretary or such other officer as by the government of the Philippine Islands may be described as mining recorder; and from the date of the record of such notice all his interest in such claim shall cease.

SEC. 35. That proof of citizenship under the clauses of this Act relating to mineral lands may consist, in the case of an individual, of his own affidavit thereof; in the case of an association of persons unincorporated, of the affidavit of their authorized agent, made on his own knowledge or upon information and belief; and in the case of a corporation organized under the laws of the United States, or of any State or Territory thereof, or of the Philippine Islands, by the filing of a certified copy of their charter or certificate of incorporation.

SEC. 36. That the United States Philippine Commission or its successors may make regulations, not in conflict with the provisions of this Act, governing the location, manner of recording, and amount of work necessary to hold possession of a mining claim, subject to the following requirements:

On each claim located after the passage of this Act, and until a patent has been issued therefor, not less than one hundred dollars' worth of labor shall be performed or improvements made during each year: *Provided*, That upon a failure to comply with these conditions the claim or mine upon which such failure occurred shall be open to relocation in the same manner as if no location of the same had ever been made, provided that the original locators, their heirs, assigns, or legal representatives have not resumed work upon the claim after failure and before such location. Upon the failure of any one of several coowners to contribute his proportion of the expenditures required thereby, the coowners who have performed the labor or made the improvements may, at the expiration of the year, give such delinquent coowner personal notice in writing, or notice by publication in the newspaper published nearest the claim, and in two newspapers published at Manila, one in the English language and the other in the Spanish language, to be designated by the chief of the Philippine insular bureau of public lands, for at least once a week for ninety days, and if, at the expiration of ninety days after such notice in writing or by publication such delinquent shall fail or refuse to contribute his proportion of the expenditure required by this section his interest in the claim shall become the property of his coowners who have made the required expenditures. The period within which the work required to be done annually on all unpatented mineral claims shall commence on the first day of January succeeding the date of location of such claim.

SEC. 37. That a patent for any land claimed and located for valuable mineral deposits may be obtained in the following manner: Any person, association, or corporation authorized to locate a claim under this Act, having claimed and located a piece of land for such purposes, who has or have complied with the terms of this Act, may file in the office of the provincial secretary, or such other officer as by the government of said islands may be described as mining recorder of the province wherein the land claimed is located, an application for a patent, under oath, showing such compliance, together with a plat and field notes of the claim or claims in common, made by or under the direction of the chief of the Philippine insular bureau of public lands, showing accurately the boundaries of the claim, which shall be distinctly marked by monuments on the ground, and shall post a copy of such plat, together with a notice of such application for a patent, in a conspicuous place on the land embraced in such plat previous to the filing of the application for a patent, and file an affidavit of at least two persons that such notice has been duly posted, and shall file a copy of the notice in such office, and shall thereupon be entitled to a patent for the land, in the manner following: The provincial secretary, or such other officer as by the Philippine government may be described as mining recorder, upon the filing of such application, plat, field notes, notices, and affidavits, shall publish a notice that such an application has been made, once a week for the period of sixty days, in a newspaper to be by him designated as nearest to such claim and in two newspapers published at Manila, one in the English language and one in the Spanish language, to be designated by the chief of the Philippine insular bureau of public lands; and he shall also post such notice in his office for the same period. The claimant at the time of filing this application, or at any time thereafter within the sixty days of publication, shall file with the provincial secretary or such other officer as by the Philippine government may be described as mining recorder a certificate of the chief of the Philippine insular bureau of public lands that five hundred dollars' worth of labor has been expended or improvements made upon the claim by himself or grantors; that the plat is correct, with such further description by such reference to natural objects or permanent monuments as shall identify the claim, and furnish an accurate description to be incorporated in the patent. At the expiration of the sixty days of publication the claimant shall file his affidavit, showing that the plat and notice have been posted in a conspicuous place on the claim during such period of publication. If no adverse claim shall have been filed with the provincial secretary or such other officer

as by the government of said islands may be described as mining recorder at the expiration of the sixty days of publication, it shall be assumed that the applicant is entitled to a patent upon the payment to the provincial treasurer or the collector of internal revenue of five dollars per acre and that no adverse claim exists, and thereafter no objection from third parties to the issuance of a patent shall be heard, except it be shown that the applicant has failed to comply with the terms of this Act: *Provided*, That where the claimant for a patent is not a resident of or within the province wherein the land containing the vein, ledge, or deposit sought to be patented is located, the application for patent and the affidavits required to be made in this section by the claimant for such patent may be made by his, her, or its authorized agent where said agent is conversant with the facts sought to be established by said affidavits.

SEC. 38. That applicants for mineral patents, if residing beyond the limits of the province or military department wherein the claim is situated, may make the oath or affidavit required for proof of citizenship before the clerk of any court of record, or before any notary public of any province of the Philippine Islands, or any other official in said islands authorized by law to administer oaths.

SEC. 39. That where an adverse claim is filed during the period of publication it shall be upon oath of the person or persons making the same, and shall show the nature, boundaries, and extent of such adverse claim, and all proceedings, except the publication of notice and making and filing of the affidavits thereof, shall be stayed until the controversy shall have been settled or decided by a court of competent jurisdiction or the adverse claim waived. It shall be the duty of the adverse claimant, within thirty days after filing his claim, to commence proceedings in a court of competent jurisdiction to determine the question of the right of possession, and prosecute the same with reasonable diligence to final judgment, and a failure so to do shall be a waiver of his adverse claim. After such judgment shall have been rendered the party entitled to the possession of the claim, or any portion thereof, may, without giving further notice, file a certified copy of the judgment roll with the provincial secretary or such other officer as by the government of the Philippine Islands may be described as mining recorder, together with the certificate of the chief of the Philippine insular bureau of public lands that the requisite amount of labor has been expended or improvements made thereon, and the description required in other cases, and shall pay to the provincial treasurer or the collector of internal revenue of the province in which the claim is situated, as the case may be, five dollars per acre for his claim, together with the proper fees, whereupon the whole proceedings and the judgment roll shall be certified by the provincial secretary or such other officer as by said government may be described as mining recorder to the secretary of the interior of the Philippine Islands, and a patent shall issue thereon for the claim, or such portion thereof as the applicant shall appear, from the decision of the court, rightly to possess. The adverse claim may be verified by the oath of any duly authorized agent or attorney in fact of the adverse claimant cognizant of the facts stated; and the adverse claimant, if residing or at the time being beyond the limits of the province wherein the claim is situated, may make oath to the adverse claim before the clerk of any court of record, or any notary public of any province or military department of the Philippine Islands, or any other officer authorized to administer oaths where the adverse claimant may then be. If it appears from the decision of the court that several parties are entitled to separate and different portions of the claim, each party may pay for his portion of the claim, with the proper fees, and file the certificate and description by the chief of the Philippine insular bureau of public lands, whereupon the provincial secretary or such other officer as by the government of said islands may be described as mining recorder shall certify the proceedings and judgment roll to the secretary of the interior for the Philippine Islands, as in the preceding case, and patents shall issue to the several parties according to their respective rights. If in any action brought pursuant to this section title to the ground in controversy shall not be established by either party, the court shall so find, and judgment shall be entered accordingly. In such case costs shall not be allowed to either party, and the claimant shall not proceed in the office of the provincial secretary or such other officer as by the government of said islands may be described as mining recorder or be entitled to a patent for the ground in controversy until he shall have perfected his title. Nothing herein contained shall be construed to prevent the alienation of a title conveyed by a patent for a mining claim to any person whatever.

SEC. 40. That the description of mineral claims upon surveyed lands shall designate the location of the claim with reference to the lines of the public surveys, but need not conform therewith; but where a patent shall be issued for claims upon unsurveyed lands the chief of the Philippine insular bureau of public lands in extending the surveys shall adjust the same to the boundaries of such patented claim according to the plat or description thereof, but so as in no case to interfere with or change the location of any such patented claim.

SEC. 41. That any person authorized to enter lands under this Act may enter and obtain patent to lands that are chiefly valuable for building stone under the provisions of this Act relative to placer mineral claims.

SEC. 42. That any person authorized to enter lands under this Act may enter and obtain patent to lands containing petroleum or other mineral oils and chiefly valuable therefor under the provisions of this Act relative to placer mineral claims.

SEC. 43. That no location of a placer claim shall exceed sixty-four hectares for any association of persons, irrespective of the number of persons composing such association, and no such location shall include more than eight hectares for an individual claimant. Such locations shall conform to the laws of the United States Philippine Commission, or its successors, with reference to public surveys, and nothing in this section contained shall defeat or impair any bona fide ownership of land for agricultural purposes or authorize the sale of the improvements of any bona fide settler to any purchaser.

SEC. 44. That where placer claims are located upon surveyed lands and conform to legal subdivisions, no further survey or plat shall be required, and all placer mining claims located after the date of passage of this Act shall conform as nearly as practicable to the Philippine system of public-land surveys and the regular subdivisions of such surveys; but where placer claims can not be conformed to legal subdivisions, survey and plat shall be made as on unsurveyed lands; and where by the segregation of mineral lands in any legal subdivision a quantity of agricultural land less than sixteen hectares shall remain, such fractional portion of agricultural land may be entered by any party qualified by law for homestead purposes.

SEC. 45. That where such person or association, they and their grantors have held and worked their claims for a period equal to the time prescribed by the statute of limitations of the Philippine Islands, evidence of such possession and working of the claims for such period shall be sufficient to establish a right to a patent thereto under this Act, in the absence of any adverse claim; but nothing in this Act shall be deemed to impair any lien which may have attached in any way whatever prior to the issuance of a patent.

SEC. 46. That the chief of the Philippine insular bureau of public lands may appoint competent deputy mineral surveyors to survey mining claims. The expenses of the survey of vein or lode claims and of the survey of placer claims, together with the cost of publication of notices, shall be paid by the applicants, and they shall be at liberty to obtain the same at the most reasonable rates, and they shall also be at liberty to employ any such deputy mineral surveyor to make the survey. The chief of the Philippine insular bureau of public lands shall also have power to establish the maximum charges for surveys and publication of notices under this Act; and in case of excessive charges for publication he may designate any newspaper published in a province where mines are situated, or in Manila, for the publication of mining notices and fix the rates to be charged by such paper; and to the end that the chief of the bureau of public lands may be fully informed on the subject such applicant shall file with the provincial secretary, or such other officer as by the government of the Philippine islands may be described as mining recorder, a sworn statement of all charges and fees paid by such applicant for publication and surveys, and of all fees and money paid the provincial treasurer or the collector of internal revenue, as the case may be, which statement shall be transmitted, with the other papers in the case, to the secretary of the interior for the Philippine Islands.

SEC. 47. That all affidavits required to be made under this Act may be verified before any officer authorized to administer oaths within the province or military department where the claims may be situated, and all testimony and proofs may be taken before any such officer, and, when duly certified by the officer taking the same, shall have the same force and effect as if taken before the proper provincial secretary or such other officer as by the government of the Philippine islands may be described as mining recorder. In cases of contest as to the mineral or agricultural character of land the testimony and proofs may be taken as herein provided on personal notice of at least ten days to the opposing party; or if such party can not be found, then by publication at least once a week for thirty days in a newspaper to be designated by the provincial secretary or such other officer as by said government may be described as mining recorder published nearest to the location of such land and in two newspapers published in Manila, one in the English language and one in the Spanish language, to be designated by the chief of the Philippine insular bureau of public lands; and the provincial secretary or such other officer as by said government may be described as mining recorder shall require proofs that such notice has been given.

SEC. 48. That where nonmineral land not contiguous to the vein or lode is used or occupied by the proprietor of such vein or lode for mining or milling purposes, such nonadjacent surface ground may be embraced and included in an application for a patent for such vein or lode, and the same may be patented therewith, subject to the same preliminary requirements as to survey and notice as are applicable to veins or lodes; but no location of such nonadjacent land shall exceed two hectares, and payment for the same must be made at the same rate as fixed by this Act for the superfices of the lode. The owner of a quartz mill or reduction works not owning a mine in connection therewith may also receive a patent for his mill site as provided in this section.

SEC. 49. That as a condition of sale the government of the Philippine Islands may provide rules for working, policing, and sanitation of mines, and rules concerning easements, drainage, water rights, right of way, right of Government survey and inspection, and other necessary means to their complete development not inconsistent with the provisions of this Act, and those conditions shall be fully expressed in the patent. The Philippine Commission or its successors are hereby further empowered to fix the bonds of deputy mineral surveyors.

SEC. 50. That whenever by priority of possession rights to the use of water for mining, agricultural, manufacturing, or other purposes have vested and accrued and the same are recognized and acknowledged by the local customs, laws, and the decisions of courts, the possessors and owners of such vested rights shall be maintained and protected in the same, and the right of way for the construction of ditches and canals for the purposes herein specified is acknowledged and confirmed, but whenever any person, in the construction of any ditch or canal, injures or damages the possession of any settler on the public domain, the party committing such injury or damage shall be liable to the party injured for such injury or damage.

SEC. 51. That all patents granted shall be subject to any vested and accrued water rights, or rights to ditches and reservoirs used in connection with such water rights as may have been acquired under or recognized by the preceding section.

SEC. 52. That the Government of the Philippine Islands is authorized to establish land districts and provide for the appointment of the necessary officers wherever they may deem the same necessary for the public convenience, and to further provide that in districts where land offices are established proceedings required by this Act to be had before provincial officers shall be had before the proper officers of such land offices.

SEC. 53. That every person above the age of twenty-one years, who is a citizen of the United States, or of the Philippine Islands, or who has acquired the rights of a native of said Islands under and by virtue of the treaty of Paris, or any association of persons severally qualified as above, shall, upon application to the proper provincial treasurer, have the right to enter any quantity of vacant coal lands of said Islands not otherwise appropriated or reserved by competent authority, not exceeding sixty-four hectares to such individual person, or one hundred and twenty-eight hectares to such association, upon payment to the provincial treasurer or the collector of internal revenue, as the case may be, of not less than twenty-five dollars per hectare for such lands, where the same shall be situated more than fifteen miles from any completed railroad or available harbor or navigable stream, and not less than fifty dollars per hectare for such lands as shall be within fifteen miles of such road, harbor, or stream: *Provided*, That such entries shall be taken in squares of sixteen or sixty-four hectares, in conformity with the rules and regulations governing the public-land surveys of the said islands in plotting legal subdivisions.

SEC. 54. That any person or association of persons, severally qualified as above provided, who have opened and improved, or shall hereafter open and improve, any coal mine or mines upon the public lands, and shall be in actual possession of the same, shall be entitled to a preference right of entry under the preceding section of the mines so opened and improved.

SEC. 55. That all claims under the preceding section must be presented to the proper provincial secretary within sixty days after the date of actual possession and the commencement of improvements on the land by the filing of a declaratory statement therefor; and where the improvements shall have been made prior to the expiration of three months from the date of the passage of this act, sixty days from the expiration of such three months shall be allowed for the filing of a declaratory statement; and no sale under the provisions of this act shall be allowed until the expiration of six months from the date of the passage of this act.

SEC. 56. That the three preceding sections shall be held to authorize only one entry by the same person or association of persons; and no association of persons, any member of which shall have taken the benefit of such sections, either as an individual or as a member of any other association, shall enter or hold any other lands under the provisions thereof; and no member of any association which shall have taken the benefit of such section shall enter or hold any other lands under their provisions; and all persons claiming under section fifty-eight shall be required to prove their respective rights and pay for the lands filed upon within one year from the time prescribed for filing

their respective claims; and upon failure to file the proper notice or to pay for the land within the required period, the same shall be subject to entry by any other qualified applicant.

SEC. 57. That in case of conflicting claims upon coal lands where the improvements shall be commenced after the date of the passage of this Act, priority of possession and improvement, followed by proper filing and continued good faith, shall determine the preference right to purchase. And also where improvements have already been made prior to the passage of this Act, division of the land claimed may be made by legal subdivisions, which shall conform as nearly as practicable with the subdivisions of land provided for in this Act, to include as near as may be the valuable improvements of the respective parties. The government of the Philippine Islands is authorized to issue all needful rules and regulations for carrying into effect the provisions of this and preceding sections relating to mineral lands.

SEC. 58. That whenever it shall be made to appear to the secretary of any province or the commander of any military department in the Philippine Islands that any lands within the province are saline in character, it shall be the duty of said provincial secretary or commander under the regulations of the government of the Philippine Islands to take testimony in reference to such lands, to ascertain their true character, and to report the same to the secretary of the interior for the Philippine Islands; and if, upon such testimony, the secretary of the interior shall find that such lands are saline and incapable of being purchased under any of the laws relative to the public domain, then and in such case said lands shall be offered for sale at the office of the provincial secretary or such other officer as by the said government may be described as mining recorder of the province or department in which the same shall be situated, as the case may be, under such regulations as may be prescribed by said government and sold to the highest bidder, for cash, at a price of not less than three dollars per hectare; and in case such lands fail to sell when so offered, then the same shall be subject to private sale at such office, for cash, at a price not less than three dollars per hectare, in the same manner as other lands in said islands are sold. All executive proclamations relating to the sales of public saline lands shall be published in only two newspapers, one printed in the English language and one in the Spanish language, at Manila, which shall be designated by said secretary of the interior.

SEC. 59. That no Act granting lands to provinces, districts, or municipalities to aid in the construction of roads, or for other public purposes, shall be so construed as to embrace mineral lands, which, in all cases, are reserved exclusively, unless otherwise specially provided in the Act or Acts making the grant.

SEC. 60. That nothing in this Act shall be construed to affect the rights of any person, partnership, or corporation having a valid, perfected mining concession granted prior to April eleventh, eighteen hundred and ninety-nine, but all such concessions shall be conducted under the provisions of the law in force at the time they were granted, subject at all times to cancellation by reason of illegality in the procedure by which they were obtained, or for failure to comply with the conditions prescribed as requisite to their retention in the laws under which they were granted: *Provided*, That the owner or owners of every such concession shall cause the corners made by its boundaries to be distinctly marked with permanent monuments within six months after this Act has been promulgated in the Philippine Islands, and that any concessions the boundaries of which are not so marked within this period shall be free and open to explorations and purchase under the provisions of this Act.

SEC. 61. That mining rights on public lands in the Philippine Islands shall, after the passage of this Act, be acquired only in accordance with its provisions.

SEC. 62. That all proceedings for the cancellation of perfected Spanish concessions shall be conducted in the courts of the Philippine Islands having jurisdiction of the subject-matter and of the parties, unless the United States Philippine Commission, or its successors, shall create special tribunals for the determination of such controversies.

AUTHORITY FOR THE PHILIPPINE ISLANDS GOVERNMENT TO PURCHASE LANDS OF RELIGIOUS ORDERS AND OTHERS AND ISSUE BONDS FOR PURCHASE PRICE.

SEC. 63. That the government of the Philippine Islands is hereby authorized, subject to the limitations and conditions prescribed in this Act, to acquire, receive, hold, maintain, and convey title to real and personal property, and may acquire real estate for public uses by the exercise of the right of eminent domain.

SEC. 64. That the powers hereinbefore conferred in section sixty-six may also be exercised in respect of any lands, easements, appurtenances, and hereditaments which, on the thirteenth of August, eighteen hundred and ninety-eight, were owned or held by associations, corporations, communities, religious orders, or private individuals in such large tracts or parcels and in such manner as in the opinion of the Commission injuriously to affect the peace and welfare of the people of the Philippine Islands. And for the purpose of providing funds to acquire the lands mentioned in this section said government of the Philippine Islands is hereby empowered to incur indebtedness, to borrow money, and to issue, and to sell at not less than par value, in gold coin of the United States of the present standard value or the equivalent in value in money of said Islands, upon such terms and conditions as it may deem best, registered or coupon bonds of said government for such amount as may be necessary, said bonds to be in denominations of fifty dollars or any multiple thereof, bearing interest at a rate not exceeding four and a half per centum per annum, payable quarterly, and to be payable at the pleasure of said government after dates named in said bonds not less than five nor more than thirty years from the date of their issue, together with interest thereon, in gold coin of the United States of the present standard value or the equivalent in value in money of said Islands; and said bonds shall be exempt from the payment of all taxes or duties of said government or any local authority therein, or of the Government of the United States, as well as from taxation in any form by or under State, municipal, or local authority in the United States or the Philippine Islands. The moneys which may be realized or received from the issue and sale of said bonds shall be applied by the government of the Philippine Islands to the acquistion of the property authorized by this section, and to no other purposes.

SEC. 65. That all lands acquired by virtue of the preceding section shall constitute a part and portion of the public property of the government of the Philippine Islands, and may be held, sold, and conveyed or leased temporarily for a period not exceeding three years after their acquisition by said government on such terms and conditions as it may prescribe, subject to the limitations and conditions provided for in this Act: *Provided*, That all deferred payments and the interest thereon shall be payable in the money prescribed for the payment of principal and interest of the bonds authorized to be issued in payment of said lands by the preceding section and said deferred payments shall bear interest at the rate borne by the bonds. All moneys realized or received from sales or other disposition of said lands or by reason thereof shall constitute a trust fund for the payment of principal and interest of said bonds, and also constitute a sinking fund for the payment of said bonds at their maturity. Actual settlers and occupants at the time said lands are acquired by the government shall have the preference over all others to lease, purchase, or acquire their holdings within such reasonable time as may be determined by said government.

MUNICIPAL BONDS FOR PUBLIC IMPROVEMENTS.

SEC. 66. That for the purpose of providing funds to construct sewers, to furnish adequate sewer and drainage facilities, to secure a sufficient supply of water, and to provide all kinds of municipal betterments and improvements in municipalities, the government of the Philippine Islands, under such limitations, terms, and conditions as it may prescribe, with the consent and approval of the President and the Congress of the United States, may permit any municipality of said islands to incur indebtedness, borrow money, and to issue and sell (at not less than par value in gold coin of the United States) registered or coupon bonds in such amount and payable at such time as may be determined by the government of said Islands, with interest thereon not to exceed five per centum per annum: *Provided*, That the entire indebtedness of any municipality under this section shall not exceed five per centum of the assessed valuation of the property in said municipality, and any obligation in excess of such limit shall be null and void.

SEC. 67. That all municipal bonds shall be in denominations of fifty dollars, or any multiple thereof, bearing interest at a rate not exceeding five per centum per annum, payable quarterly, such bonds to be payable at the pleasure of the government of the Philippine Islands, after dates named in said bonds not less than five nor more than thirty years from the date of their issue, together with the interest thereon, in gold coin of the United States of the present standard value, or its equivalent in value in money of the said Islands; and said bonds shall be exempt from the payment of all taxes or duties of the government of the Philippine Islands or any local authority therein or of the Government of the United States.

SEC. 68. That all moneys which may be realized or received from the issue and sale of said bonds shall be utilized under authorization of the government of the Philippine Islands in providing the municipal improvements and betterment which induced the issue and sale of said bonds, and for no other purpose.

SEC. 69. That the government of the Philippine Islands shall, by the levy and collection of taxes on the municipality, its inhabitants and their property, or by other means, make adequate provision to meet the obligation of the bonds of such municipality, and shall create a sinking fund sufficient to retire them and pay the interest thereon in accordance with the terms of issue: *Provided*, That if said bonds or any portion thereof shall be paid out of the funds of the government of said islands, such municipality shall reimburse said government for the sum thus paid, and said government is hereby empowered to collect said sum by the levy and collection of taxes on such municipality.

SEC. 70. That for the purpose of providing funds to construct sewers in the city of Manila and to furnish it with an adequate sewer and drainage system and supply of water the government of the Philippine Islands, with the approval of the President of the United States first had, is hereby authorized to permit the city of Manila to incur indebtedness, to borrow money, and to issue and sell (at not less than par value in gold coin of the United States), upon such terms and conditions as it may deem best, registered or coupon bonds of the city of Manila to an amount not exceeding four million dollars lawful money of the United States, payable at such time or times as may be determined by said government, with interest thereon not to exceed five per centum per annum.

SEC. 71. That said coupon or registered bonds shall be in denominations of fifty dollars or any multiple thereof, bearing interest at a rate not exceeding five per centum per annum, payable quarterly, such bonds to be payable at the pleasure of the government of the Philippine Islands, after dates named in said bonds not less than five nor more than thirty years from the date of their issue, together with the interest thereon in gold coin of the United States of the present standard value, or the equivalent in value in money of the said Islands; and said bonds shall be exempt from the payment of all taxes or duties of the government of the said Islands, or of any local authority therein or of the Government of the United States.

SEC. 72. That all moneys which may be realized or received from the issue and sale of said bonds shall be utilized under authorization of said government of the Philippine Islands in providing a suitable sewer and drainage system and adequate supply of water for the city of Manila and for no other purpose.

SEC. 73. That the government of the Philippine Islands shall, by the levy and collection of taxes on the city of Manila, its inhabitants and their property, or by other means, make adequate provision to meet the obligation of said bonds and shall create a sinking fund sufficient to retire them and pay the interest thereon in accordance with the terms of issue: *Provided*, That if said bonds or any portion thereof shall be paid out of the funds of the government of said islands, said city shall reimburse said government for the sum thus paid, and said government is hereby empowered to collect said sum by the levy and collection of taxes on said city.

FRANCHISES.

SEC. 74. That the government of the Philippine Islands may grant franchises, privileges, and concessions, including the authority to exercise the right of eminent domain for the construction and operation of works of public utility and service, and may authorize said works to be constructed and maintained over and across the public property of the United States, including streets, highways, squares, and reservations, and over similar property of the government of said Islands, and may adopt rules and regulations under which the provincial and municipal governments of the islands may grant the right to use and occupy such public property belonging to said provinces or municipalities: *Provided*, That no private property shall be taken for any purpose under this section without just compensation paid or tendered therefor, and that such authority to take and occupy land shall not authorize the taking, use, or occupation of any land except such as is required for the actual necessary purposes for which the franchise is granted, and that no franchise, privilege, or concession shall be granted to any corporation except under the conditions that it shall be subject to amendment, alteration, or repeal by the Congress of the United States, and that lands or rights of use and occupation of lands thus granted shall revert to the governments by which they were respectively granted upon the termination of the franchises and concessions under which they were granted or upon their revocation or repeal. That all franchises, privileges, or concessions granted under this Act shall forbid the issue of stock or bonds except in exchange for actual cash, or for property at a fair valuation, equal to the par value of the stock or bonds so issued; shall forbid the declaring of stock or bond dividends, and, in the case of public-service corporations, shall provide for the effective regulation of the charges thereof, for the official inspection and regulation of the books and accounts of such corporations, and for the payment of a reasonable percentage of gross earnings into the treasury of the Philippine Islands or of the province or municipality within which such franchises are granted and exercised: *Provided further*, That it shall be unlawful for any corporation organized under this Act, or for any person, company, or corporation receiving any grant, franchise, or concession from the government of said islands, to use, employ, or contract for the labor of persons claimed or alleged to be held in involuntary servitude; and any person, company, or corporation so violating

the provisions of this Act shall forfeit all charters, grants, franchises, and concessions for doing business in said islands, and in addition shall be deemed guilty of an offense, and shall be punished by a fine of not less than ten thousand dollars.

SEC. 75. That no corporation shall be authorized to conduct the business of buying and selling real estate or be permitted to hold or own real estate except such as may be reasonably necessary to enable it to carry out the purposes for which it is created, and every corporation authorized to engage in agriculture shall by its charter be restricted to the ownership and control of not to exceed one thousand and twenty-four hectares of land; and it shall be unlawful for any member of a corporation engaged in agriculture or mining, and for any corporation organized for any purpose except irrigation, to be in any wise interested in any other corporation engaged in agriculture or in mining.

Corporations, however, may loan funds upon real-estate security and purchase real estate when necessary for the collection of loans, but they shall dispose of real estate so obtained within five years after receiving the title. Corporations not organized in the Philippine Islands, and doing business therein, shall be bound by the provisions of this section so far as they are applicable.

COINAGE.

SEC. 76. That the government of the Philippine Islands is hereby authorized to establish a mint at the city of Manila, in said islands, for coinage purposes, and the coins hereinafter authorized may be coined at said mint. And the said government is hereby authorized to enact laws necessary for such establishment: *Provided*, That the laws of the United States relating to mints and coinage, so far as applicable, are hereby extended to the coinage of said islands.

SEC. 77. That the government of the Philippine Islands is authorized to coin, for use in said islands, a coin of the denomination of fifty centavos and of the weight of one hundred and ninety-two and nine-tenths grains, a coin of the denomination of twenty centavos and of the weight of seventy-seven and sixteen one-hundredths grains, and a coin of the denomination of ten centavos and of the weight of thirty-eight and fifty-eight one-hundredths grains, and the standard of said silver coins shall be such that of one thousand parts by weight nine hundred shall be of pure metal and one hundred of alloy, and the alloy shall be of copper.

SEC. 78. That the subsidiary silver coins authorized by the preceding section shall be coined under the authority of the government of the Philippine Islands in such amounts as it may determine, with the approval of the Secretary of War of the United States, from silver bullion purchased by said government, with the approval of the Secretary of War of the United States: *Provided*, That said government may in addition and in its discretion recoin the Spanish Filipino dollars and subsidiary silver coins issued under the authority of the Spanish Government for use in said islands into the subsidiary coins provided for in the preceding section at such rate and under such regulations as it may prescribe, and the subsidiary silver coins authorized by this section shall be legal tender in said islands to the amount of ten dollars.

SEC. 79. That the government of the Philippine Islands is also authorized to issue minor coins of the denominations of one-half centavo, one centavo, and five centavos, and such minor coins shall be legal tender in said islands for amounts not exceeding one dollar. The alloy of the five-centavo piece shall be of copper and nickel, to be composed of three-fourths copper and one-fourth nickel. The alloy of the one-centavo and one-half-centavo pieces shall be ninety-five per centum of copper and five per centum of tin and zinc, in such proportions as shall be determined by said government. The weight of the five-centavo piece shall be seventy-seven and sixteen-hundredths grains troy, and of the one-centavo piece eighty grains troy, and of the one-half centavo piece forty grains troy.

SEC. 80. That for the purchase of metal for the subsidiary and minor coinage, authorized by the preceding sections, an appropriation may be made by the government of the Philippine Islands from its current funds, which shall be reimbursed from the coinage under said sections; and the gain or seigniorage arising therefrom shall be paid into the treasury of said Islands.

SEC. 81. That the subsidiary and minor coinage hereinbefore authorized may be coined at the mint of the government of the Philippine Islands at Manila, or arrangements may be made by the said government with the Secretary of the Treasury of the United States for their coinage at any of the mints of the United States, at a charge covering the reasonable cost of the work.

SEC. 82. That the subsidiary and minor coinage hereinbefore authorized shall bear devices and inscriptions to be prescribed by the government of the Philippine Islands, and such devices and inscriptions shall express the sovereignty of the United States, that it is a coin of the Philippine Islands, the denomination of the coin, and the year of the coinage.

SEC. 83. That the government of the Philippine Islands shall have the power to make all necessary appropriations and all proper regulations for the redemption and reissue of worn or defective coins and for carrying out all other provisions of this Act relating to coinage.

SEC. 84. That the laws relating to entry, clearance, and manifests of steamships and other vessels arriving from or going to foreign ports shall apply to voyages each way between the Philippine Islands and the United States and the possessions thereof, and all laws relating to the collection and protection of customs duties not inconsistent with the Act of Congress of March eighth, nineteen hundred and two, "temporarily to provide revenue for the Philippine Islands," shall apply in the case of vessels and goods arriving from said Islands in the United States and its aforesaid possessions.

The laws relating to seamen on foreign voyages shall apply to seamen on vessels going from the United States and its possessions aforesaid to said Islands the customs officers there being for this purpose substituted for consular officers in foreign ports.

The provisions of chapters six and seven, title forty-eight, Revised Statutes, so far as now in force, and any amendments thereof, shall apply to vessels making voyages either way between ports of the United States or its aforesaid possessions and ports in said Islands; and the provisions of law relating to the public health and quarantine shall apply in the case of all vessels entering a port of the United States or its aforesaid possessions from said Islands, where the customs officers at the port of departure shall perform the duties required by such law of consular officers in foreign ports.

Section three thousand and five, Revised Statutes, as amended, and other existing laws concerning the transit of merchandise through the United States, shall apply to merchandise arriving at any port of the United States destined for any of its insular and continental possessions, or destined from any of them to foreign countries.

Nothing in this Act shall be held to repeal or alter any part of the Act of March eighth, nineteen hundred and two, aforesaid, or to apply to Guam, Tutuila, or Manua; except that section eight of an Act entitled "An Act to revise and amend the tariff laws of the Philippine Archipelago," enacted by the Philippine Commission on the seventeenth of September, nineteen hundred and one, and approved by an Act entitled "An Act temporarily to provide revenues for the Philippine Islands, and for other purposes," approved March eighth, nineteen hundred and two, is hereby amended so as to authorize the Civil Governor thereof in his discretion to establish the equivalent rates of the money in circulation in said Islands with the money of the United States as often as once in ten days.

SEC. 85. That the treasury of the Philippine Islands and such banking associations in said islands with a paid-up capital of not less than two million dollars and chartered by the United States or any State thereof, as may be designated by the Secretary of War and the Secretary of the Treasury of the United States, shall be depositories of public money of the United States, subject to the provisions of existing law governing such depositories in the United States: *Provided*, That the treasury of the government of said islands shall not be required to deposit bonds in the Treasury of the United States, or to give other specific securities for the safe-keeping of public money except as prescribed, in his discretion, by the Secretary of War.

SEC. 86. That all laws passed by the government of the Philippine Islands shall be reported to Congress, which hereby reserves the power and authority to annul the same, and the Philippine Commission is hereby directed to make annual report of all its receipts and expenditures to the Secretary of War.

BUREAU OF INSULAR AFFAIRS.

SEC. 87. That the Division of Insular Affairs of the War Department, organized by the Secretary of War, is hereby continued until otherwise provided, and shall hereafter be known as the Bureau of Insular Affairs of the War Department. The business assigned to said Bureau shall embrace all matters pertaining to civil government in the island possessions of the United States subject to the jurisdiction of the War Department; and the Secretary of War is hereby authorized to detail an officer of the Army whom he may consider especially well qualified, to act under the authority of the Secretary of War as the chief of said Bureau; and said officer while acting under said detail shall have the rank, pay, and allowances of a colonel.

SEC. 88. That all Acts and parts of Acts inconsistent with this Act are hereby repealed.

HENRY CABOT LODGE,
W. B. ALLISON,
Managers on the part of the Senate.
HENRY ALLEN COOPER,
SERENO E. PAYNE,
E. D. CRUMPACKER,
Managers on the part of the House.

HOUR OF MEETING.

Mr. LODGE. I move that when the Senate adjourns to-day it be to meet at 11 o'clock to-morrow morning.

The motion was agreed to.

SILAS STOTTS.

Mr. GALLINGER. On behalf of a member of the other House who is willing to take his chances in regard to a pension bill, I ask unanimous consent for the present consideration of the bill (H. R. 7105) granting an increase of pension to Silas Stotts.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Silas Stotts, late of Company H, Sixty-second Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving, such pension to be paid to his duly constituted guardian.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SETTLERS ON WAGON-ROAD LAND GRANTS.

Mr. BURTON. I am instructed by the Committee on Public Lands, to whom was referred the bill (H. R. 11573) for the relief of settlers on lands granted in aid of the construction of wagon roads, to report it without amendment, and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. KEAN. Is there a report?

Mr. MITCHELL. There is a report. I can explain the bill in a moment without reading the report, if the Senator will allow me.

Under existing law settlers on public lands who have settled within the limits of railroad grants are authorized to make an exchange, the railroad releasing to them and taking lands in other places. The bill is simply to extend that legislation to settlers within wagon-road grants, and there is no State in the Union which has any wagon-road grants but Oregon. It is therefore a local bill and a very just measure.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNE M. LUMAN.

Mr. McCOMAS. I ask unanimous consent for the present consideration of the bill (H. R. 13617) granting an increase of pension to Anne M. Luman.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Anne M. Luman, widow of Theodore Luman, late first lieutenant and adjutant, Second Regiment Potomac Home Brigade Maryland Volunteer Infantry, and to pay her a pension of $15 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LIZZIE DUNLAP.

Mr. SCOTT. I ask unanimous consent to call up the bill (H. R. 14087) granting a pension to Lizzie Dunlap.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on

the pension roll the name of Lizzie Dunlap, helpless and dependent daughter of James W. Dunlap, late of Company B, Two hundred and fourteenth Regiment Pennsylvania Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 6 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, July 1, 1902, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate June 30, 1902.

ASSISTANT PAYMASTERS OF THE NAVY.

Donald W. Nesbit, a citizen of Missouri.
Arthur M. Pippin, a citizen of New York.
John S. Higgins, a citizen of Massachusetts.

RECEIVER OF PUBLIC MONEYS.

Edward A. Slack, of Wyoming, to be receiver of public moneys at Cheyenne, Wyo., his term having expired. (Reappointment.)

REGISTER OF LAND OFFICE.

A. H. Blair, of Wakeeney, Kans., to be register of the land office at Wakeeney, Kans., vice Isaac T. Purcell, term expired.

COLLECTOR OF CUSTOMS.

Charles F. Leach, of Ohio, to be collector of customs for the district of Cuyahoga, in the State of Ohio. (Reappointment.)

POSTMASTERS.

William T. Bedford, to be postmaster at Lasalle, in the county of Lasalle and State of Illinois, in place of Charles A. Coulter. Incumbent's commission expired May 4, 1902.

Susan C. Carpenter, to be postmaster at Fort Dodge, in the county of Webster and State of Iowa, in place of Susan C. Carpenter. Incumbent's commission expired June 23, 1902.

S. C. Lobaugh, to be postmaster at Harper, in the county of Harper and State of Kansas, in place of William E. Beeson. Incumbent's commission expires July 1, 1902.

Wilbur F. Pierce, to be postmaster at Forest, in the county of Hardin and State of Ohio, in place of Wilbur F. Pierce. Incumbent's commission expired June 22, 1902.

Lemuel G. Dafoe, to be postmaster at Alpena, in the county of Alpena and State of Michigan, in place of Lemuel G. Dafoe. Incumbent's commission expired January 21, 1902.

John J. Benz, to be postmaster at Parsons, in the county of Labette and State of Kansas, in place of Harry H. Lusk. Incumbent's commission expired June 7, 1901.

Henry D. Northway, to be postmaster at Midland, in the county of Midland and State of Michigan, in place of Henry D. Northway. Incumbent's commission expired May 6, 1902.

J. J. Bryan, to be postmaster at Black Rock, in the county of Lawrence and State of Arkansas, in place of Charles M. Lehman, resigned.

Levin J. Moore, to be postmaster at Bridgeville, in the county of Sussex and State of Delaware. Office becomes Presidential July 1, 1902.

Edward T. Cole, to be postmaster at Garrison, in the county of Putnam and State of New York. Office becomes Presidential July 1, 1902.

Branson R. Beeson, to be postmaster at Kernersville, in the county of Forsyth and State of North Carolina. Office becomes Presidential July 1, 1902.

Charles P. Kimball, to be postmaster at Bremerton, in the county of Kitsap and State of Washington. Office becomes Presidental July 1, 1902.

Lewis E. Hardy, to be postmaster at Kent, in the county of King and State of Washington. Office becomes Presidential July 1, 1902.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 30, 1902.

SURVEYOR-GENERAL OF IDAHO.

Ernest G. Eagleson, of Boise, Idaho, to be surveyor-general of Idaho.

COLLECTOR OF CUSTOMS.

Charles F. Leach, of Ohio, to be collector of customs for the district of Cuyahoga, Ohio.

RECEIVERS OF PUBLIC MONEYS.

George O. Freeman, of Helena, Mont., to be receiver of public moneys at Melena, Mont.

Edward A. Slack, of Wyoming, to be receiver of public moneys at Cheyenne, Wyo.

REGISTERS OF THE LAND OFFICE.

Matthew R. Wilson, of Livingston, Mont., to be register of the land office at Bozeman, Mont.

William E. Chaplin, of Wyoming, to be register of the land office at Cheyenne, Wyo.

A. H. Blair, of Kansas, to be register of the land office at Wakeeney, Kans.

APPOINTMENTS IN THE NAVY.

To be assistant paymasters with the rank of ensign.

Donald W. Nesbit, of Missouri.
Arthur M. Pippin, of New York.
John S. Higgins, of Massachusetts.

POSTMASTERS.

L. H. Boyd, to be postmaster at Russell, in the county of Russell and State of Kansas.

Frank S. Myers, to be postmaster at Redfield, in the county of Spink and State of South Dakota.

John W. Matlick, to be postmaster at Keyser, in the county of Mineral and State of West Virginia.

Franklin B. Blue, to be postmaster at Grafton, in the county of Taylor and State of West Virginia.

James H. Neil, jr., to be postmaster at Shelbyville, in the county of Bedford and State of Tennessee.

Fred W. Willard, to be postmaster at Leavenworth, in the county of Leavenworth and State of Kansas.

R. M. Hamer, to be postmaster at Emporia, in the county of Lyon and State of Kansas.

William Budge, to be postmaster at Grand Forks, in the county of Grand Forks and State of North Dakota.

T. W. Cole, to be postmaster at Nelson, in the county of Nuckolls and State of Nebraska.

Edward H. Blanton, to be postmaster at Paris, in the county of Henry and State of Tennessee.

Carrie Newton, to be postmaster at Benwood, in the county of Marshall and State of West Virginia.

Carlos C. Bancroft, to be postmaster at Montpelier, in the county of Washington and State of Vermont.

David Larin, to be postmaster at Mayville, in the county of Traill and State of North Dakota.

James M. King, to be postmaster at White Bear Lake, in the county of Ramsey and State of Minnesota.

George B. Craft, to be postmaster at Bellefourche, in the county of Butte and State of South Dakota.

Anna L. Poole, to be postmaster at Carthage, in the county of Panola and State of Texas.

Jesse W. Lawton, to be postmaster at Arapaho, in the county of Custer and Territory of Oklahoma.

Chalmer R. Higdon, to be postmaster at Billings, in the county of Noble and Territory of Oklahoma.

Alfred A. True, to be postmaster at Highland, in the county of San Bernardino and State of California.

George A. Lemmon, to be postmaster at Thomaston, in the county of Litchfield and State of Connecticut.

Charles K. Bailey, to be postmaster at Bethel, in the county of Fairfield and State of Connecticut.

Leonard A. Millspaugh, to be postmaster at Winfield, in the county of Cowley and State of Kansas.

Edward G. Armstrong, to be postmaster at Bartlett, in the county of Williamson and State of Texas.

William W. Ward, to be postmaster at Dayton, in the county of Columbia and State of Washington.

Burtis W. Johnson, to be postmaster at Corvallis, in the county of Benton and State of Oregon.

Lot Livermore, to be postmaster at Pendleton, in the county of Umatilla and State of Oregon.

Joshua Stevens, to be postmaster at Macon, in the county of Noxubee and State of Mississippi.

John G. Gorth, to be postmaster at Oconomowoc, in the county of Waukesha and State of Wisconsin.

Joseph H. Turner, to be postmaster at South Bend, in the county of Pacific and State of Washington.

Frank E. Fritcher, to be postmaster at Nashua, in the county of Chickasaw and State of Iowa.

Charles A. Parker, to be postmaster at West Rutland, in the county of Rutland and State of Vermont.

Henry Dryhurst, to be postmaster at Meriden, in the county of New Haven and State of Connecticut.

Wilburn M. McCoy, to be postmaster at Guthrie, in the county of Logan and Territory of Oklahoma.

Ira L. Kirk, to be postmaster at Bozeman, in the county of Gallatin and State of Montana.

Leroy H. Camp, to be postmaster at Laporte City, in the county of Black Hawk and State of Iowa.

J. Knox Corbett, to be postmaster at Tucson, in the county of Pima and Territory of Arizona.

Edward Hirsch, to be postmaster at Salem, in the county of Marion and State of Oregon.

Robert T. Bartley, to be postmaster at Ladonia, in the county of Fannin and State of Texas.

Gordon R. Badgerow, to be postmaster at Sioux City, in the county of Woodbury and State of Iowa.

John Q. Saint, to be postmaster at Marshalltown, in the county of Marshall and State of Iowa.

Thomas J. Coalter, to be postmaster at Flagstaff, in the county of Coconino and Territory of Arizona.

Jonathan McGrath, to be postmaster at Woodward, in the county of Woodward and Territory of Oklahoma.

Homer N. Boyle, to be postmaster at McGregor, in the county of Clayton and State of Iowa.

Winthrop A. Hayes, to be postmaster at Rochester, in the county of Oakland and State of Michigan.

Marion A. Humphreys, to be postmaster at Salisbury, in the county of Wicomico and State of Maryland.

John L. Clark, to be postmaster at Kenton, in the county of Hardin and State of Ohio.

Moses C. McMurry, to be postmaster at Saybrook, in the county of McLean and State of Illinois.

Sylvanus S. Thompson, to be postmaster at Marseilles, in the county of Lasalle and State of Illinois.

Mark L. Harper, to be postmaster at Eureka, in the county of Woodford and State of Illinois.

Elbridge Nash, to be postmaster at South Weymouth, in the county of Norfolk and State of Massachusetts.

Byron Truell, to be postmaster at Lawrence, in the county of Essex and State of Massachusetts.

John A. Thayer, to be postmaster at Attleboro, in the county of Bristol and State of Massachusetts.

Catharine A. Endsley, to be postmaster at Somerset, in the county of Somerset and State of Pennsylvania.

William M. Powell, to be postmaster at Hazleton, in the county of Luzerne and State of Pennsylvania.

Louis C. Hyde, to be postmaster at Springfield, in the county of Hampden and State of Massachusetts.

William W. Scott, to be postmaster at Canal Dover, in the county of Tuscarawas and State of Ohio.

Wilbert C. Davis, to be postmaster at Wapakoneta, in the county of Auglaize and State of Ohio.

Robert V. Jones, to be postmaster at Sidney, in the county of Shelby and State of Ohio.

Charles T. La Cost, to be postmaster at Bryan, in the county of Williams and State of Ohio.

William H. Frater, to be postmaster at Upper Sandusky, in the county of Wyandot and State of Ohio.

Robert F. Dent, to be postmaster at New Comerstown, in the county of Tuscarawas and State of Ohio.

John Vogt, to be postmaster at Deshler, in the county of Henry and State of Ohio.

Charles J. Thompson, to be postmaster at Defiance, in the county of Defiance and State of Ohio.

Edmund L. Vale, to be postmaster at Columbus Grove, in the county of Putnam and State of Ohio.

James B. Fisher, to be postmaster at Marion, in the county of Marion and State of Ohio.

Henry S. Enck, to be postmaster at Leipsic, in the county of Putnam and State of Ohio.

Alonzo L. Jones, to be postmaster at Greenville, in the county of Darke and State of Ohio.

James H. Fluhart, to be postmaster at Continental, in the county of Putnam and State of of Ohio.

Reuel W. Norton, to be postmaster at Kennebunk Port, in the county of York and State of Maine.

Eliza B. Lockwood, to be postmaster at Bedford, in the county of Cuyahoga and State of Ohio.

Charles H. Whitaker, to be postmaster at North Conway, in the county of Carroll and State of New Hampshire.

Oliver H. P. Green, to be postmaster at Orion, in the county of Oakland and State of Michigan.

Harry W. Hawkins, to be postmaster at Sycamore, in the county of Wyandot and State of Ohio.

Nellie M. Thiriot, to be postmaster at Park City, in the county of Summit and State of Utah.

Horace H. Dubendorff, to be postmaster at Alamosa, in the county of Conejos and State of Colorado.

Kenneth E. Struble, to be postmaster at Shepherd, in the county of Isabella and State of Michigan.

Jesse H. Roberts, to be postmaster at Downingtown, in the county of Chester and State of Pennsylvania.

James M. Worrall, to be postmaster at Kennett Square, in the county of Chester and State of Pennsylvania.

Thomas H. Davis, to be postmaster at Ogden, in the county of Weber and State of Utah.

Harry G. Smith, to be postmaster at West Chester, in the county of Chester and State of Pennsylvania.

Samuel Keat, to be postmaster at Pen Argyl, in the county of Northampton and State of Pennsylvania.

Richard M. Hunt, to be postmaster at Houtzdale, in the county of Clearfield and State of Pennsylvania.

Harry D. Patch, to be postmaster at Wilmerding, in the county of Allegheny and State of Pennsylvania.

John Scher, jr., to be postmaster at Dushore, in the county of Sullivan and State of Pennsylvania.

Edgar J. Graff, to be postmaster at Blairsville, in the county of Indiana and State of Pennsylvania.

Simon Frankle, to be postmaster at Chicora, in the county of Butler and State of Pennsylvania.

William W. Henderson, to be postmaster at Brookville, in the county of Jefferson and State of Pennsylvania.

James D. Ames, to be postmaster at Hawley, in the county of Wayne and State of Pennsylvania.

George W. Wright, to be postmaster at Elizabeth, in the county of Allegheny and State of Pennsylvania.

Samuel J. Matthews, to be postmaster at Olyphant, in the county of Lackawanna and State of Pennsylvania.

Alfred Turtle, to be postmaster at Crafton, in the county of Allegheny and State of Pennsylvania.

John J. Benz, to be postmaster at Parsons in the State of Kansas.

Samuel M. Johnson, to be postmaster at Carson, in the county of Pottawattamie and State of Iowa.

Henry J. Jones, to be postmaster at Elko, in the county of Elko and State of Nevada.

James M. Vernon, to be postmaster at Everett, in the county of Snohomish and State of Washington.

IMPORT DUTIES IN ZANZIBAR.

The injunction of secrecy was removed by the Senate from the following treaty June 30, 1902:

A treaty with Great Britain concerning the establishment of import duties in Zanzibar, signed at Washington May 31, 1902.

HOUSE OF REPRESENTATIVES.

MONDAY, *June 30, 1902.*

The House met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 10824. An act granting an increase of pension to George E. Bump;

H. R. 8644. An act granting a pension to John W. Thomas;

H. R. 6501. An act to provide for the sale of the unsold portion of the Umatilla Indian Reservation;

H. R. 10775. An act for the relief of Charles E. Sapp;

H. R. 12026. An act granting an increase of pension to Baley W. Small;

H. R. 11273. An act to pay F. Y. Ramsay, heir at law and distributee of the late Joseph Ramsay, $430.42 for balance due the said Joseph Ramsay as collector of customs and superintendent of lights in the district of Plymouth, N. C.;

H. R. 2487. An act granting an increase of pension to William S. Hosack; and

H. R. 15003. An act to authorize the construction of a bridge by the New York, Chicago and St. Louis Railroad Company and the Chicago and Erie Railroad Company across the Calumet River at or near the city of Hammond, Ind., at a point about 1,200 feet east of the Indiana and Illinois State line and about 100 feet east of the location of the present bridge of the New York, Chicago and St. Louis Railroad Company across said river; also to authorize the construction of a bridge by the Chicago and State Line Railroad Company across said river at a point where said company's railroad crosses said river in Hyde Park Township, Chicago, Ill., being at the location of the present bridge of said company across said river in said township.

EMPLOYMENT, DUTIES, AND COMPENSATION OF EMPLOYEES OF THE HOUSE.

Mr. JOY. Mr. Speaker, I desire to present a privileged report from the Committee on Accounts.

The SPEAKER. The report will be read by its title.

The Clerk read as follows:

Statements of the Clerk, Doorkeeper, Sergeant-at-Arms, and Postmaster of the House, and the Superintendent of the Capitol Buildings and Grounds, submitted to the Committee on Accounts, pursuant to the provisions of the act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes, approved March 3, 1901, and letters of the Committee on Accounts to said officers relative to the employment, duties, and compensation of employees of the House.

The SPEAKER. The Chair understands this report is required by the law.

Mr. JOY. I ask that it be printed as a House document.

Mr. BARTLETT. Mr. Speaker, I have simply to say that this report is made in compliance with the resolution of the House passed last session of Congress, and in view of the fact of the committee being unable to get a quorum lately, and in view of the further fact of the continued illness of our chairman, we have not been able to make any fuller report. We hope, however, to make it complete and full at the next session of Congress.

The SPEAKER. This will be printed as a House document.

CONFERENCE REPORTS AND STATEMENTS.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent that the rule lately adopted requiring that a conference report and statement be printed in the RECORD the day before it is acted upon be suspended during the remainder of the session.

The SPEAKER. The gentleman from New York asks unanimous consent that what is known as the Hepburn rule, requiring the printing of conference reports and statements in the RECORD before being acted upon, be suspended during the remainder of the session.

Mr. RICHARDSON of Tennessee. Reserving the right to object, I make a parliamentary inquiry. As I understand, that rule would not be operative in the last six days of the session.

Mr. PAYNE. The rule so provides.

The SPEAKER. That is the understanding of the Chair. The rule, as the Chair recollects, is suspended during the last six days of the session.

Mr. RICHARDSON of Tennessee. Then if the day was fixed for adjournment, it would not apply.

The SPEAKER. Neither the Chair nor the House can tell until the resolution of adjournment is passed.

Mr. RICHARDSON of Tennessee. I shall object to this request.

The SPEAKER. The gentleman from Tennessee objects.

PRIVATE CORPORATIONS IN ALASKA.

The SPEAKER. The Clerk will read the unfinished business.

The Clerk read as follows:

The bill (S. 6139) to provide for the organization of private corporations in the district of Alaska.

Mr. WARNER. Mr. Speaker, I send to the desk an amendment which I offer to the bill.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I desire to say that I reserved a point of order if the bill requires consideration in the Committee of the Whole. With that statement, I have no objection to the amendment being read.

The Clerk read the amendment, as follows:

Amend S. 6139 as follows: Strike out all after the enacting clause and insert:

"That section 54 of chapter 5 of title 2 of an act entitled "An act making further provision for a civil government for Alaska, and for other purposes," approved June 6, 1900, be, and is hereby, amended so as to read as follows:

"'SEC. 54. All the forms of pleading heretofore existing in actions at law and suits in equity are abolished, and hereafter the forms of pleading in causes in law and equity in courts of record and the rules by which the sufficiency of such pleadings is to be determined shall be those prescribed by this code.'

"SEC. 2. That section 469 of chapter 45 of title 2 be amended so as to read as follows:

"'SEC. 469. In an action for the dissolution of the marriage contract the plaintiff therein must be an inhabitant of the district at the commencement of the action and for one year prior thereto, which residence shall be sufficient to give the court jurisdiction without regard to the place where the marriage was solemnized or the cause of action arose.'

"SEC. 3. That section 201 of chapter 21 of title 2 be amended so as to read as follows:

"'SEC. 201. The council shall have the following powers:

"'First. To provide suitable rules governing their own body and to elect one of their members president, who shall be ex officio mayor.

"'Second. To appoint, and at their pleasure remove, a clerk, treasurer, assessor, municipal attorney, police, and such other officers as they deem necessary.

"'Third. To make rules for all municipal elections, for the appointment of election officials, and to provide for their duties and powers, and to provide suitable penalties for violation of such election rules: *Provided*, That no officer shall be elected for a longer term than one year.

"'Fourth. By ordinance to provide for necessary street improvements, sidewalks, cross walks, and sewerage. The cost of all or any part of such improvements may be collected by assessment and levy against abutting property, which assessment shall be a lien upon all such property assessed: *Provided*, That a majority of such property holders consent, by petition or otherwise, to such improvements.

"'Fifth. By ordinance to provide for fire protection, water supply, lights, wharfage, maintenance of public schools, protection of public health, police protection, and the expenses of assessment and collection of taxes.

"'Sixth. By ordinance to provide for the assessment and collection of a poll tax on all male residents between the ages of 21 and 60 years, and to impose a fine and penalty for refusal, neglect, or failure to pay such tax: *Provided*, That all members in good standing of any regular organized volunteer fire company may be exempt.

"'Seventh. By ordinance to provide for taxing of dogs, and to provide for impounding and destroying all dogs upon which such tax is not paid.

"'Eighth. By ordinance to provide for the assessment and levy of a general tax on real property, possessory rights, and improvements, and to impose a penalty for its nonpayment; and all such taxes shall be a preferred lien upon the property so taxed, which lien may be foreclosed and the property sold as provided by chapter 42, Civil Code of Procedure: *Provided*, That the council may exempt from taxation all public property belonging to the municipality and all church property used exclusively for public religious worship.

"'Ninth. By ordinance to provide for the assessment and levy of a tax on personal property and a penalty for its nonpayment, and to provide for the distraint and sale of sufficient goods and chattels belonging to the person charged with such tax to satisfy the same: *Provided*, That there shall be exempt from such assessment to each householder or head of a family household goods, of which such person is the bona fide owner, not exceeding $200 in value.

"'Tenth. By ordinance to impose such license tax on business conducted within the corporate limits as the council shall deem reasonable, and to provide for its collection by fine and penalty, as for violation of other ordinances: *Provided*, That the general exemptions provided for in chapter 31, Civil Code of Procedure for the district of Alaska, shall not apply to any tax lawfully levied against any property, as provided for in this chapter: *Provided further*, That no such property tax as herein provided for shall exceed 2 per cent on the assessed valuation of the property; and all assessments made by the corporation assessor shall be subject to review by the council, and appeals may be taken from their decision to the district court. No bonded indebtedness whatever shall be authorized for any purpose.

"'Eleventh. By ordinance to provide reasonable punishment for the violation of municipal ordinances by a fine not exceeding $200 or imprisonment in the municipal jail for a term not exceeding ninety days, or both, for each violation.

"'Twelfth. To provide for the election of a municipal magistrate who shall have power to hear and determine causes arising under the ordinances of such corporation, and to punish violations of such ordinances: *Provided*, That all sentences of imprisonment imposed by said municipal magistrate shall be served in the municipal jail without expense to the Government of the United States. All appeals to the district court from the judgments of such municipal magistrate shall be governed by the laws relating to appeals from the judgments of commissioners acting as justices of the peace. Such municipal magistrate shall receive a salary to be fixed by the council, and no fees or other compensation whatever; and all judgments imposed by said magistrate and collected shall be turned over to the treasurer of the corporation and applied to the use and benefit of the municipality as the council may direct.'

"SEC. 4. That section 203 of chapter 21 of Title III, as amended by the act approved March 3, 1901, be amended so as to read as follows:

"'SEC. 203. The treasurer of the corporation shall be ex officio treasurer of the school board, and shall, before entering upon the duties of his office, take the oath prescribed by law and execute bond to the corporation in an amount to be determined by the judge of the district court, which bond shall be approved by the council and the judge of the district court and filed in the office of the clerk of the corporation, and he shall give such additional bond as the council or judge of the district court may from time to time direct, but in no event shall such bond be less than twice the amount of money in the hands of the treasurer at any one time, to be determined by the tax rolls and license books of the corporation, and of the clerk of the district court: *Provided*, That all license moneys provided for by act of Congress approved March 3, 1899, entitled "An act to define and punish crimes in the district of Alaska and to provide a code of criminal procedure for said district," and any amendments made thereto, required to be paid by any resident, person, or corporation for business carried on within the limits of any incorporated town, and collected by the clerk of the court, shall be paid over by the clerk of the United States district court receiving the same to the treasurer of such corporation, to be used for municipal and school purposes in such proportions as the court may order, but not more than 50 per cent nor less than 25 per cent thereof shall be used for school purposes, the remainder thereof to be paid to the treasurer of the corporation for the support of the municipality, and the clerk of said court shall take said treasurer's receipt therefor, in triplicate, one of which receipts shall be forwarded to the Secretary of the Treasury, another to the Attorney-General, and the other shall be retained by the clerk: *Provided*, That 50 per cent of all license moneys provided for by said act of Congress approved March 3, 1899, and any amendments made thereto, that may hereafter be paid for business carried on outside incorporated towns in the district of Alaska, and covered into the Treasury of the United States, shall be set aside to be expended, so far as may be deemed necessary by the Secretary of the Interior, within his discretion and under his direction, for school purposes outside incorporated towns in said district of Alaska.'

"SEC. 5. That title 3 of said act be amended by adding thereto the following:

"'CHAPTER 37.

"'OF THE FORMATION OF PRIVATE CORPORATIONS.

"'SECTION 1. That three or more adult persons, bona fide residents of the district of Alaska, may form a corporation in the manner and subject to the limitations provided in this chapter for the following purposes, to wit:

"'First. To construct, own, and operate railroads, tramways, street railways, wagon roads, canals, flumes, and telegraph and telephone lines in Alaska.

"'Second. To acquire, hold, and operate mines in Alaska.

"'Third. To carry on the fishery industry in all its branches in Alaska and in the waters contiguous and adjacent thereto.

"'Fourth. To construct and operate smelters, electric and other power and lighting plants, docks, wharves, elevators, warehouses, and hotels in Alaska.

"'Fifth. To carry on trade, transportation, agriculture, lumbering, and manufacturing in Alaska.

"'SEC. 2. That any three or more persons who may desire to form a corporation for one or more of the purposes specified in the preceding section shall make and subscribe written articles of incorporation in triplicate and acknowledge the same before any officer authorized to take the acknowledgment of deeds, and file one of such articles in the office of the secretary of the district of Alaska, and another in the office of the clerk of the district court of the recording division in which the principal place of business of the company is intended to be located, and retain the third in the possession of the corporation, and each copy so filed shall be recorded by the officer with whom filed in a book to be kept by him for that purpose.

"'Said articles shall contain and state:

"'First. The name of the corporation, the nature and character of the business, and the principal place of transacting the same.

"'Second. The time of commencement and the period of continuance of said corporation, which shall not exceed fifty years.

"'Third. The amount of capital stock of said corporation, and how the same shall be paid in, and the number and par value of the shares.

"'Fourth. The highest amount of indebtedness or liability to which said corporation shall at any time be subject.

"'Fifth. The names and places of residence of the persons forming such corporation.

"'Sixth. The names of the first board of trustees, and in what officers or persons the government of the corporation and the management of the affairs shall be vested, and when the same are elected and their terms of office.

"'Seventh. Said articles of incorporation may be amended when authorized by a vote of the majority of the stock given at a regular meeting of the stockholders. Such amended articles shall be executed and acknowledged by the board of directors, or a majority of them, and shall be filed in the same places and manner as the original articles.

"'SEC. 3. That a copy of any articles of incorporation filed pursuant to this chapter, and certified by the clerk of the district court in which the same is filed, or one of his deputies, or by the secretary of the district of Alaska, shall be received as prima facie evidence of the facts therein stated.

"'SEC. 4. That when the articles of incorporation have been filed and recorded, the persons who have executed and acknowledged the same, and their successors, shall be a body corporate and politic in fact and in law under the name stated in the articles of incorporation, and by such corporate name shall have succession for the period limited in this chapter and shall have power—

"'(a) To sue and to be sued in any court having jurisdiction;

"'(b) To make and use a common seal, and alter the same at pleasure;

"'(c) To purchase, hold, mortgage, sell, and convey real and personal property, except stock in other corporations, subject to the limitation hereinbefore prescribed;

"'(d) To appoint such officers, agents, and servants as the business of the corporation shall require, to define their powers, prescribe their duties, and fix their compensation;

"'(e) To require of them such security as may be thought proper for the fulfillment of their duties, and to remove them at will, except that no director shall be removed from office unless by a vote of two-thirds of the stockholders;

"'(f) To make by-laws not inconsistent with the laws of the district of Alaska and the laws and Constitution of the United States;

"'(g) To manage its property, regulate its affairs, transfer its stock, and to carry on all kinds of business within the objects and purposes of the corporation as expressed in the articles of incorporation.

"'SEC. 5. That all private corporations incorporated under this chapter, and all corporations or joint stock companies organized under the laws of the United States, or the laws of any State or Territory of the United States, and authorized to do business in the district of Alaska, shall have the right to acquire and hold only such real estate as may be necessary to carry on their corporate business.

"'SEC. 6. That the corporate powers of the corporation shall be exercised by a board of not less than three directors who shall be stockholders in the corporation, a majority of whom shall be residents of the district of Alaska, who shall, before entering upon the duties of their office, severally take and subscribe an oath to faithfully perform their duties as such directors, and who shall, after the expiration of the terms of the directors first elected, be annually elected by the stockholders at such time and place within the district of Alaska and upon such notice and in such manner as shall be directed by the by-laws or articles of incorporation of the corporation; but all elections shall be by ballot, and each stockholder, either in person or by proxy, shall be entitled to as many votes as he may own or represent shares of stock, and the person or persons receiving a majority of the votes of all the shares of stock voted, a majority of the stock being represented, shall be a director or directors. Whenever any vacancy shall happen among the directors by death, resignation, or otherwise, except by removal and the election of a successor, it shall be filled by appointment of the board of directors for the unexpired term of such vacancy.

"'SEC. 7. That if it shall happen at any time that an election of directors shall not be made on the day designated by the by-laws or articles of incorporation of the corporation, the corporation shall not for that reason be dissolved, but it shall be lawful on any other day after due notice, prescribed by the by-laws, to hold an election for directors in such manner as shall be provided for in the by-laws or articles of the corporation, and all directors duly elected shall hold their offices until their successors are elected and qualified.

"'SEC. 8. That a majority of the whole number of the directors shall form a quorum of the board of directors for the transaction of business, and every decision of a majority of the directors duly assembled as a board shall be valid as a corporate act.

"'SEC. 9. That, except as otherwise provided in the articles of incorporation or by-laws of the corporation, the first and all subsequent meetings of the directors shall be called by a notice signed by one or more persons named as directors in the certificate, or their successors, setting forth the time and place of the meeting, which notice shall be delivered personally to each director if he resides in Alaska, and published at least twenty days in some newspaper of general circulation at or nearest the principal place of business of the corporation and in the district of Alaska.

"'SEC. 10. That the stock of the corporation shall be deemed personal estate, and shall be transferable in such manner as shall be prescribed by the articles of incorporation or the by-laws of the corporation; but no transfer shall be valid except between the parties thereto until the same shall have been entered upon the books of the corporation so as to show the names of the parties, by and to whom transferred, the numbers and designation of the shares, and the date of transfer.

"'The stockholders of any corporation formed under this chapter may, in the by-laws or articles of the corporation, prescribe the times, manner, and amounts in which payments of the stock subscribed by them, respectively, shall be made; but in case the same shall not be so prescribed, the directors shall have the power to demand and call in from the stockholders the sum or sums unpaid of the stock subscribed for or taken at such time, and in such manner, payments or installments, as they may deem proper. In all cases sixty days' notice of each assessment shall be given to the stockholders personally or by registered letter, if his post-office address is known to any officer of the corporation, and by publication, weekly, for eight consecutive weeks, in some newspaper of general circulation published at or nearest to the principal place of business of the corporation in the district of Alaska. If, after such notice has been given, any stockholder shall make default in the payment of assessments upon the shares held by him, so many of said shares may be sold as will be necessary for the payment of the assessments upon all shares held by him, her, or them at that time. The sale of such shares shall be made as prescribed in the articles or by-laws of the corporation, but shall in no case be made at the office of the corporation. No sale shall be made except at public auction, to the highest bidder, after notice given as in the case of notices of assessment; and at such sale the person who shall pay the assessment so due, together with the expenses of advertising and sale, for the smallest number of shares or portion of a share, as the case may be, shall be deemed the highest bidder: *Provided*, That after the delivery of the certificates of stock to the stockholders no call shall be made at any one time for more than 10 per cent of the par value of the stock, and that calls shall not be made oftener than once in thirty days, unless otherwise provided in the articles of incorporation.

"'SEC. 11. That whenever any stock is held by a person as executor, administrator, guardian, trustee, or in any other such representative capacity, he shall represent such stock at all meetings of the corporation, and may vote accordingly as a stockholder in person or by proxy.

"'SEC. 12. That any stockholder may pledge his stock by delivery of the certificate or other evidence of his interest, but may nevertheless represent the same at all meetings and vote as a stockholder.

"'SEC. 13. That it shall not be lawful for the directors to make any dividend in new or additional stock, or to make any dividend, except from the net profits arising from the business of the corporation, or to divide, withdraw, or in any way pay to the stockholders, or any of them, any part of the capital stock of the corporation, or to reduce the capital stock of the corporation unless in the manner prescribed in this chapter or in the articles or amended articles of incorporation or by-laws; and in case of any violation of the provisions of this section the directors under whose administration the same may have happened, except those who may have caused their dissent therefrom to be entered at large on the minutes of the board of directors at the time, or were not present when the same did happen, shall, in their individual or private capacities, be jointly and severally liable to the corporation and the creditors thereof, in event of its dissolution, to the full amount so divided or reduced or paid out: *Provided*, That this section shall not be construed to prevent a division and distribution of the capital stock of the corporation which shall remain after the payment of all its debts upon the dissolution of the corporation or the expiration of its charter.

"'SEC. 14. That no corporation shall issue any of its stock, except in consideration of money, labor, or property estimated at its true money value. Each and every stockholder shall be personally liable to the creditors of the company for the amount that remains unpaid upon the par value of his stock.

"'SEC. 15. That no person holding stock as an executor, administrator, guardian, or trustee, or holding it as collateral security, or in pledge, shall be personally subject to any liability as a stockholder of the corporation; but the person pledging the stock shall be considered as holding the same and shall be liable as a stockholder, and the estate and funds of the owner of stock in the hands of an executor, administrator, guardian, or trustee holding the stock shall be liable in like manner and to the same extent as the testator or intestate, or the ward or person interested in the trust fund would have been if he or she had been living and competent to act and hold the stock in his or her name.

"'SEC. 16. That every corporation organized under this chapter shall, within one month after filing articles of incorporation, adopt a code of by-laws for its government, and shall have its principal office in the district of Alaska and keep in such office its general and principal books of account, including its stock books and record books, and its principal managing officer or superintendent shall reside within the district of Alaska. Every such corporation shall keep correct and complete books of account of its business, and a correct and complete record of all its proceedings, including such as relate to the election of its officers. Every such corporation shall also keep a book containing the names of its stockholders ever since its organization, showing the place of residence, amount of stock held, the amount paid on such stock, and time of transfer of stock. The books of every such corporation shall, at all reasonable times, be open to the inspection of stockholders.

"'SEC. 17. That any corporation created under this chapter may, subject to the provisions of the same, increase or diminish its capital stock to any amount within the limits fixed by the articles or amended articles of incorporation; but before any corporation shall be entitled to diminish the amount of its capital stock, if the amount of its debts or liabilities shall exceed the sum to which the capital stock is proposed to be diminished, such amount shall be satisfied and reduced so as not to exceed the diminished amount of capital stock.

"'SEC. 18. That whenever it is desired to increase or diminish the amount of capital stock, a meeting of the stockholders shall be called by a notice signed by at least a majority of the directors and published weekly at least eight consecutive weeks in some newspaper of general circulation published at or nearest the principal place of business of the corporation in the district of Alaska, which notice shall specify the object of the meeting, the time and place where it is to be held, and the amount to which it is proposed to raise or diminish the capital stock; and a vote of two-thirds of all the shares of stock shall be necessary to increase or diminish the amount of capital stock.

"'If at any meeting so called a sufficient number of votes have been given in favor of increasing the amount of capital stock a certificate of the proceedings, showing a compliance with these provisions, the amount of the capital stock actually paid in, the whole amount of debts and liabilities of the company, and the amount to which the capital stock is to be increased or diminished shall be made out, signed, and verified by the affidavit of the presiding officer and secretary of the meeting, certified to by a majority of the directors, and filed and recorded as articles of incorporation are required to be filed and recorded by section 2 of this chapter.

"'SEC. 19. That in like manner as provided in the preceding sections, and upon such additional notice as may be provided in the articles of incorporation or by-laws, any of the general provisions of the articles of incorporation may be amended and upon like vote, unless a different vote be required in the articles of incorporation; but such amended articles must be filed and recorded as prescribed in section 2 of this chapter.

"'SEC. 20. That every corporation of the district of Alaska shall, on or before the 1st day of September of each year, file in the office of the clerk of the district court of the recording division where its principal office is located a list containing the names of its principal officers, including the officers mentioned in subdivision 1 of section 46 of the code of civil procedure for the district of Alaska, and whenever any such officers are changed or substituted shall, within thirty days after such change or substitution, file a notice thereof in like manner with such clerk.

"'SEC. 21. That any corporation organized under this chapter, when no other mode is specially provided, may, when its debts and liabilities are duly paid or secured, dissolve by a written resolution to that effect, at a meeting of the stockholders specially called for that purpose, by a vote of the owners of at least two-thirds of the stock of the corporation. One copy of such resolution, together with a certificate thereto attached signed by the president and secretary, or, if none, the corresponding officers, and sealed with the corporate seal, stating the facts that all the debts and liabilities of the corporation have been duly paid or secured, and the fact and date of the adoption of such resolution, and that the same is a true copy of the original, the whole number of shares of stock, the shares of stock whose owners voted for its adoption, shall be filed and recorded as articles of incorporation are required to be filed and recorded under section 2 of this chapter. Thereupon the corporation shall cease to exist except for the winding up of its affairs.

"'SEC. 22. That all corporations whose terms of existence shall expire by their own limitations, or which shall be voluntarily dissolved in the manner provided in the preceding section, or which shall be dissolved by the judgment of court, shall nevertheless continue to be bodies corporate for three years thereafter for the purpose of prosecuting and defending actions, and

for enabling them to settle up and close their business, pay their debts, dispose of and convey their property, and divide their assets, but for no other purpose; and when any corporation shall be so dissolved, the directors or managers of the affairs of such corporation at the time of its dissolution, by whatever name they shall be known, shall, subject to the power of any court of competent jurisdiction to make in any case a different provision, continue to act as such during said term, and shall be deemed the legal administrators of such corporation, with full power to settle its affairs, pay its debts, sell or dispose of or convey all of its property, both real and personal, collect the outstanding debts, and, after paying the debts due and owing by such corporation at the time of its dissolution and the costs of such administration, divide the residue of the money and other property among the stockholders thereof.

"'SEC. 23. That the president, secretary, and treasurer of any corporation organized under the provisions of this chapter shall annually, under their signatures and oaths, make out and publish weekly, for three successive weeks, in a newspaper of general circulation in the district of Alaska, a joint statement showing: First, the number of shares of capital stock outstanding; second, the amount paid in on each share of stock; third, the actual paid-up capital of the corporation; fourth, the just cash value of the property of the corporation and the character and nature of the same; fifth, the debts and liabilities of the corporation and for what the same were incurred; sixth, the salaries paid each and every officer, manager, and superintendent of the corporation during the preceding year; and, seventh, the increase or decrease, if any, of the stock, the capital, and the liabilities of the corporation during the preceding year.'"

Mr. RICHARDSON of Tennessee. Mr. Speaker, I desire to make points of order against the consideration of this bill. The bill, Mr. Speaker, is claimed to be in order, as I understand it, because it is a Senate bill laid before the House by the Speaker, and that there is a House bill substantially the same as this bill which has been reported from a committee of the House. That I understand to be the situation. After we have got to that point, I understand the gentleman from Illinois [Mr. WARNER] presents a substitute for the House bill reported by the Committee on Revision of the Laws, with the claim that the substitute is also substantially the same as the Senate bill. Now, the first point of order I make is that this bill, relating alone to the Territory of Alaska, should have gone to the Committee on Territories, and not to another committee of the House. It is a very long bill, as the Speaker doubtless has observed. It puts us in the attitude now of being called upon to state objections to the substitute when we have not been able to see it, except as it was printed in the RECORD. I have not seen the House bill, but it is claimed it is identical with the Senate bill, nor have I been able to get the Senate bill.

If the bill should have gone to the Committee on Territories, I make that point of order. Secondly, the substitute which the gentleman has offered for the House bill, and which he claims is substantially the same as the bill that passed the Senate, certainly should be considered in Committee of the Whole, for it provides for the levying of taxes in the District of Alaska, and provides for licenses, and makes the disposition of the money received from those sources. It gives a part of it to the public schools of the Territory of Alaska, and it seems to me that a bill of this magnitude ought to be considered in Committee of the Whole.

It is not so much a revision of the law, but it makes the law for the government not only for corporations in the Territory of Alaska but, as I state, for the levy and appropriation of the taxes of the Territory in the district of Alaska. It provides for licenses, municipal taxes, etc., and the support of public schools.

In the fourth clause of section 3, as printed in the RECORD, it provides for necessary street improvements, sidewalks, cross walks, and sewerage. In the fifth clause it provides for fire protection, water supply, light, wharfage, maintenance of public schools, protection of the public health, police protection, and the expenses of assessment and collection of taxes. In the sixth clause it provides for the assessment and collection of a poll tax on all male residents between the ages of 21 and 60 years, and a fine and penalty for refusal, neglect, or failure to pay such tax. Seventh, it provides for the taxing of dogs, and for the impounding and destroying all dogs upon which such tax is not paid. In the eighth clause for the levy of a general tax on real property, and imposes a penalty for its nonpayment. The ninth clause provides for the assessment and levying of a tax on personal property and a penalty for its nonpayment, and to provide for the distraint and sale of sufficient goods and chattels belonging to the person charged with such tax to satisfy the same.

Now, all of these sections providing for the levying and collection of taxes from the people, it seems to me, would bring the bill within the rule which requires that it first should be considered in Committee of the Whole. The bill may be meritorious, but we ought not to consider it in this manner, involving as much as it does. Therefore I make the two points of order—first, that it should have gone to the Committee on Territories and not the Committee on the Revision of the Laws, which has not jurisdiction of this question, and the next is that it should have consideration in the Committee of the Whole. That being true, it is not in order to be considered when laid before the House by the Speaker in the transaction of the morning business,

The SPEAKER. The Chair would be glad to hear from the gentleman from Illinois [Mr. WARNER], unless the gentleman from Illinois [Mr. CANNON] wishes to call up a conference report.

CONFERENCE REPORT ON GENERAL DEFICIENCY BILL.

Mr. CANNON. I should be glad to call up the conference report, Mr. Speaker, on the general deficiency bill.

The SPEAKER. The pending bill will be laid aside for that purpose.

Mr. CANNON. I ask unanimous consent that the reading of the report be dispensed with, and that only the statement of the House conferees be read.

There being no objection, it was ordered accordingly, and the statement of the House conferees as published in the House proceedings of June 28 was read.

The SPEAKER. The first question is on agreeing to the report.

The report was agreed to.

On motion of Mr. CANNON, a motion to reconsider the vote just taken was laid on the table.

Mr. CANNON. Mr. Speaker, I now move that the House further insist on its disagreement to the Senate amendments still undisposed of and ask for a conference.

Mr. ALEXANDER. I ask that the House recede from its disagreement to amendment No. 8 and concur in the same.

The SPEAKER. The gentleman from New York [Mr. ALEXANDER] asks for a separate vote on amendment No. 8. Is a separate vote demanded on any other amendment?

Mr. FINLEY. I ask a separate vote on amendment No. 9.

Mr. BURTON. Mr. Speaker, I may desire to ask for a separate vote on amendment No. 34. I wish to inquire of the gentleman from Illinois [Mr. CANNON] whether upon the amendment appropriating $25,000 for the Ohio River between Mound City and Cairo the Senate conferees concurred in the suggestion that there be added the words "and such expenditure is required in the interest of navigation?"

Mr. CANNON. I will say to the gentleman that that action of the Senate has not been concurred in, nor has the proposition which the gentleman refers to been considered in conference. As this is a matter that concerns the jurisdiction of the Committee on Rivers and Harbors, I should be very glad (although it is a question that might possibly be worked out in conference) if the gentleman would make a motion, when the question is reached, that the House concur in that amendment.

Mr. BURTON. Mr. Speaker, then I ask a separate vote on amendment No. 34.

Mr. CANNON. Now, Mr. Speaker, I believe there ought to be a separate vote on amendment No. 26. I want to deal fairly with the House. That is the amendment appropriating $1,000,000 as a gift to Hawaii. It is an amendment of some importance, and it seems to me the question ought to be considered and determined by the House, so that if nobody else asks for a separate vote on that question, I will ask for one.

Mr. POWERS of Maine. I rose a moment ago to ask about the amendment that the gentleman from Illinois [Mr. CANNON] has been speaking about—the million-dollar appropriation for Hawaii.

Mr. CANNON. Does not the gentleman think it wise that there should be a separate vote on that?

Mr. POWERS of Maine. I do, especially as the matter now stands.

Mr. SULZER. What is that million-dollar appropriation for?

Mr. CANNON. I will explain the matter when we reach it. But I will say briefly now that it is alleged that Hawaii has been at very great expense in stamping out the bubonic plague. This amendment in consideration of that makes Hawaii a gift of $1,000,000 out of the Treasury, and authorizes that Territory to issue bonds for the balance.

The SPEAKER. Separate votes are demanded on amendments 8, 9, 26, and 34. The question is, first, on the motion of the gentleman from Illinois, that the House insist upon its disagreement to the other amendments.

The motion was agreed to.

The SPEAKER. The question is now upon concurring in amendment No. 8 on which the gentleman from New York [Mr. ALEXANDER] demands a separate vote. The Clerk will report that amendment.

The Clerk read as follows:

Pan-American Exposition: To John G. Milburn, of Buffalo, N. Y., as trustee, for the payment of certain creditors of the Pan-American Exposition Company, $500,000; the claims against said company to be paid pro rata by said Milburn as trustee aforesaid being for labor, material, services, and other expenses incident thereto and attending the work of said exposition. None of this money shall be paid to any stockholder of said corporation as a dividend upon such stock, nor to pay any claim against said company secured by mortgage, nor to any holder of bonds or securities of said company on account of said bonds or securities, nor shall any payment be made for rents of said grounds or for the restoration of the same.

The said Milburn as trustee shall file with the Secretary of the Treasury a report giving the names of the creditors so paid, and the respective amounts, and on what account, accompanied with a voucher, under oath, showing the

furnishing of such labor, material, services, and other expenses as aforesaid, and the payment therefor by said trustee. The unexpended balance, if any, shall be returned by said trustee to the Treasury with said report, which shall be filed within one year after said appropriation shall be paid to said trustee. In case of the death, resignation, or removal of said trustee, the circuit court of the United States for the western district of New York shall, upon application of any interested party, appoint a successor who shall discharge said trust.

The said trustee or his successor may be required by the Secretary of the Treasury to give a bond to be approved by him for the faithful discharge of said trust hereby created.

The SPEAKER. Does the gentleman want more than an hour on each amendment? He would be entitled to that.

Mr. CANNON. That is quite enough.

Mr. ALEXANDER. Mr. Speaker, I would like the gentleman from Illinois to give us thirty-five minutes.

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from New York?

Mr. CANNON. I suppose my time would begin now.

The SPEAKER. On this amendment it would.

Mr. CANNON. I have but sixty minutes.

Mr. ALEXANDER. Give us half of it.

Mr. CANNON. I apprehend that if I yield twenty-eight minutes to the gentleman and I reserve twenty-eight minutes, then I would have four minutes in which to move the previous question, if necessary.

Mr. ALEXANDER. Very well.

Mr. CANNON. So that I will yield to the gentleman now twenty-eight minutes of my time.

Mr. ALEXANDER. But I do not care to take that twenty-eight minutes at the outset. As I understand it, I have the control of that time.

Mr. CANNON. Oh, well, I suppose the gentleman can yield out of his own time.

Mr. GROSVENOR. Certainly; and he can reserve.

Mr. CANNON. I think we may just as well know at this time why the gentleman wants to have his motion sustained. Of course, I have the right to close.

The SPEAKER. The Chair will state to the gentleman from New York that he has a right to yield such of his time as he desires.

Mr. ALEXANDER. Mr. Speaker, my only insistence is that I do not have to use all of my time at the outset, until we know what the other side have to say.

The SPEAKER. The Chair will state to the gentleman from New York that he is speaking in the time yielded to him by the gentleman from Illinois, and he can not compel the gentleman yielding to him to divide it. The gentleman from New York has now twenty-eight minutes within his control and his time has commenced to run.

Mr. ALEXANDER. Mr. Speaker, I do not care to make a speech. I will leave that to my distinguished friend from Illinois, but I do desire to make a simple statement, and I am sure every member of the House desires to hear it. In the second session of the Fifty-fifth Congress, the President, by a joint resolution, was directed to invite all Pan-American countries to join in an exposition of American exhibits at Buffalo, to be held on May 1, 1901. That joint resolution gave existence to the Pan-American Exposition.

After that authority by Congress the people of the city of Buffalo, in contributions varying from 50 cents to $50,000, raised, in round numbers, $1,700,000, which was paid in cash. Thereupon, under a special act of the legislature, a company was organized with a directorate and a president. After that we came to Congress, asking that they make a Government exhibit, and the Fifty-sixth Congress voted $500,000 to be expended by the Government solely for a Government exhibit. The Pan-American Exposition Company did not handle one cent of this money, nor have one cent's worth of good out of it except as a Government exhibit. Of that $500,000 I am informed by those who well know that about $250,000 was expended for increasing the exhibits at the Smithsonian Institution, the National Museum, and other departments in this city.

Those exhibits, paid for out of that appropriation, have this winter done service at Charleston, S. C., and will do service at St. Louis, Mo.; so that the Government, in fact, expended for its own exhibit only about $250,000. It gave us no money; it loaned us no money. It gave Philadelphia and Chicago millions and it has given St. Louis millions; but Buffalo received nothing except a Government exhibit which did not cost, under any circumstances, to exceed $250,000. After the Government had agreed to make its exhibit the citizens of Buffalo raised $2,500,000 on a first-mortgage bond, being a lien upon the gate receipts, less the little amount that was needed to carry along expenses each day.

In the month of March, 1901, it was discovered that we needed $500,000, if the exposition was to open out of debt, and the citizens of Buffalo put their hands in their pockets to the tune of $500,000 more, making in all $4,700,000 that the people of Buffalo paid in cash. The exposition opened on the 1st of May and was going along handsomely; but during July and later we found that extensive repairs were necessary, such as reasphalting, repainting, and repairing generally, so that they approximated in the neighborhood of $700,000; but in the wisdom of the Senate it has seen fit to give only $500,000, in accordance with this amendment.

The attendance at Buffalo was proportionately as generous as it had been at Chicago or Omaha or Philadelphia. The attendance in August was even better in proportion than at either of those fairs. In the month of August, although the country was suffering under a hot wave, the fair took in $667,000 at the gates. For the week ending September 3——

Mr. CANNON. I will say to my friend that it is proper for me to notify him now that I question the accuracy of his statements, having the statement from Mr. Milburn in my hand, to which I will refer.

Mr. ALEXANDER. I have the same statement right here, and I am speaking directly from the figures, only, of course, in round numbers, leaving off fractions.

Mr. CANNON. Away off.

Mr. ALEXANDER. Not very far off

Mr. CANNON. Away off, by the hundred thousand.

Mr. ALEXANDER. Oh, no; not very far off. As I have it here in print, the receipts for admissions for the single week ending September 3 were $168,000. Then came the national tragedy. Before that everything had the rainbow tints of success; but when the assassin did his deadly work few people, comparatively speaking, wanted more of the exposition, because it was the place where the beloved President of the nation had been foully murdered. The wonderful electrical display, the electric tower, the most beautiful thing ever seen on earth, all the power of Niagara could not dissipate the great black cloud which settled over it like a funeral pall.

I have no doubt scores of gentlemen within my hearing had the feeling that they cared not to go and would not go where this dreadful national disaster had occurred. Now, the figures support me in the statement that after the tragedy the attendance at the Pan-American Exposition no longer responded to the exquisitely beautiful attractions. At Chicago, at Philadelphia, and at Omaha the increased rate of attendance in September over August was 55 per cent. At Buffalo it was 7.55 per cent less. I hope the gentleman will catch these percentages.

Mr. CANNON. I caught it and I challenge it. The increased attendance at Philadelphia in October over September was 9.55, and at Buffalo nearly 16 per cent.

Mr. ALEXANDER. I was not talking about October. If my distinguished friend will allow me, the proposition I made was that at Chicago, Omaha, and Philadelphia the attendance in September over August averaged an increase of 55 per cent; and that at Buffalo it was 7.55 per cent less than in August. The gentleman from Illinois will find it so in the printed page before him.

My friend knows, and every gentleman knows, that the months of September and October at Philadelphia, Omaha, and Chicago were the months of greatest attendance, and we had a right to suppose that they would be so with us. But instead of getting an average increase of 55 per cent in September over August, we got 7.55 per cent less in September that we got in August.

Now, I will come to the proposition of the gentleman from Illinois. The attendance at Chicago, at Omaha, and at Philadelphia, for October, was 108 per cent more than it was in August, while in Buffalo it was only 8.42 per cent more than in August. In other words we should have had in September an attendance equaling in money over $1,200,000, whereas we got only about $490,000, and in October we should have received over $1,600,000, whereas we received but about $620,000. Figures do not lie. We had a right to expect that the great months of September and October would be to us what they were elsewhere at other fairs; but in September, instead of getting 55 per cent more than in August, we got 7 per cent less, and where they got 108 per cent increase in October over August, we received only 8 per cent increase.

Mr. HANBURY. Does the gentleman from Illinois still challenge the statement made by the gentleman from New York?

Mr. CANNON. Oh, the comparison is made with August, and not between September and October. They say figures do not lie, but you can juggle with them.

Mr. ALEXANDER. Oh, well, my friend does not mean to infer that I am juggling with figures. If my friend will take the figures for August, September, and October, he will find that I have given them exactly. The gentleman does not mean to accuse me of juggling with figures, when everything is printed and before us.

Mr. CANNON. I make no reflection upon the gentleman's good faith. He is advocating the measure, as he has a perfect right to do, in his own way. I only interrupted him in fairness to him, with notice that at the proper time I should challenge the correctness of some of his conclusions. That is all.

I have nothing against the gentleman from New York.

Mr. ALEXANDER. The difference between the gentleman and myself is simply this: I am making comparisons of September with August and October with August. His comparison is as to September with August and October with September. It makes no difference. It was 7 per cent less for September, and it was only 8 per cent more for October.

Mr. TAWNEY. And the catastrophe occurred in September.

Mr. ALEXANDER. The catastrophe occurred the first week in September. Now, I have occupied more time than I should have taken, and I will close this statement with quoting from Senators HALE and SPOONER and TELLER when they placed this amendment upon the general deficiency bill in the Senate.

Mr. SNODGRASS. I would like to ask the gentleman a question.

Mr. ALEXANDER. Certainly.

Mr. SNODGRASS. I should like to ask the gentleman what the falling off in attendance of this exposition has to do with this question? Does the gentleman insist that the assassination of the President creates an obligation on the part of this Government to pay the debts of this institution?

Mr. ALEXANDER. Oh, no. I am accounting for the failure of the exposition and will let the gentleman answer his own question as to obligation.

Mr. SNODGRASS. Then what is the effect of your argument?

Mr. SULZER. I will say to the gentleman from Tennessee that the falling off in the attendance has all to do with this matter. That is the reason why it is necessary to have this legislation.

Mr. SNODGRASS. Does the Government undertake to guarantee the attendance at an exposition?

Mr. ALEXANDER. Senator HALE said:

The committee put in this provision for two reasons. The Senate last year provided for $500,000 additional to this exposition in the spirit of liberality that had led it to be very liberal to the St. Louis exposition, but the House struck it out and we could not get it in conference. If we had done as the Senate then decided unanimously, to give it to them, they would have had the money and would not have been here now.

Then, of course, there was the other patent reason, the tragic event in Buffalo, which overshadowed not only the country but the world and prostrated this exposition. We have guarded it and have left the expenditure of the money in the hands of a very eminent man in Buffalo, Mr. Milburn, who was the president, and who, I will say, after we had drafted the amendment and put it into his hands, telegraphed that he preferred that we should add to the provision one making him accountable to the Treasury and submit vouchers and returns; also asking that we put him under bonds, as is usual in such cases.

Mr. SPOONER. Is there any language in the amendment which would distinguish it from the ordinary deficit, so as to take it out from being a precedent which is to be followed hereafter? The assassination of the President at Buffalo undoubtedly, as the Senator says, had a very detrimental effect upon the exposition.

Mr. HALE. The committee considered that and we thought we would not embody anything of that kind in the bill, but let it be seen, as it will be, and remembered of all men hereafter, that that is the one great reason. The other is a pretty strong one also.

Mr. TELLER. The fair at Buffalo would undoubtedly have been a success but for the unfortunate occurrence of the assassination of the President. Up to that time the fair was a promising one, but immediately upon the assassination the people of the United States were so horror-stricken with that terrible catastrophe that nobody wanted to go there. It is a fact that not only did the attendance immediately fall off—that is, people did not go—but people who had gone there intending to remain some considerable time immediately departed from the city.

I reserve the balance of my time.

The SPEAKER. The question is on the motion of the gentleman from New York.

Mr. CANNON. Does the gentleman desire to use any more of the time yielded him?

Mr. ALEXANDER. Yes; after the gentleman has used some of his time.

Mr. CANNON. If the gentleman has anything further to say, I would be glad that he would say it. I have the right to close this discussion.

Mr. ALEXANDER. I have nothing further to say myself, but there are a number of friends present in the House who will be glad to speak, and I desire to give them a minute or two, after the gentleman is through. The gentleman can reserve enough of his time and close.

Mr. CANNON. Now, I will move the previous question after I make my few broken remarks, and if the gentleman does not desire the time, well and good.

Mr. ALEXANDER. Then the gentleman means to say that he will not let me have the rest of my time after he has spoken?

Mr. CANNON. I do; most unqualifiedly.

The SPEAKER. The gentleman from New York must use his time now if the gentleman from Illinois insists.

Mr. ALEXANDER. How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman has eight minutes remaining.

Mr. ALEXANDER. Then I yield a minute to my colleague [Mr. MCCLELLAN].

Mr. MCCLELLAN. Mr. Speaker, I can only add in addition to what my colleague has said that the New York delegation is a unit in favor of this provision. The Pan-American Exposition was a national undertaking. The United States made no appropriation for it. The death of the late President made the attendance fall off. Under the constitution of the State of New York no relief can be obtained from the State government. The stock and second mortgage bonds have been wiped out. The cost of labor and material can never be paid unless the funds be provided by the United States. I realize that we may have no legal standing before Congress, but I believe that we have a moral standing before the United States for relief in this matter.

Mr. ALEXANDER. I yield one or two minutes to the gentleman from Minnesota, as he may desire.

Mr. TAWNEY. Mr. Speaker, as chairman of the Committee on Industrial Arts and Expositions it has been my duty to give this matter some consideration and investigation. I believe that in equity and good conscience we should make this appropriation. The people of Buffalo lose $2,500,000 on the Pan-American Exposition. The cause of that loss, I think, is evident to every man who contemplates for a moment the terrible effect upon the public mind of that awful tragedy that occurred at Buffalo early in the month of September last.

Not one dollar of this money goes to the people who have sustained that loss—the $2,500,000. Not one dollar of it will go to any man interested in promoting that exposition, interested as a stockholder, interested as a bondholder, or interested in any way except as a contractor. The appropriation goes exclusively to the men who erected and maintained the buildings, who paid for the labor and material used in their construction, and who can not in any way or under any other circumstances obtain payment, because there is no legal liability on the part of the exposition company or of anybody connected with the exposition for the amount thus expended by these men and which is justly due them.

What does it mean if these men are not paid? As a result of the assassination of President McKinley this exposition was closed for four days. Not a solitary admission was permitted during any one of these four days. Two days after the assassination, the day after the death, and the day of the funeral of the President the exposition was closed as a mark of respect to President McKinley and the office which he held. The Government had authorized the exposition. The head of the Government had been assassinated at the exposition. Every consideration, therefore, demanded that this token of respect and esteem should be shown. That being so, these innocent contractors are called upon to pay for that respect to the memory of one of the Government's greatest Presidents.

I do not think that because it was necessary to close the exposition for this purpose men not in any way connected with the exposition or its benefits should be called upon to pay the expense and loss incident to that closing, which otherwise would not have happened. The loss sustained on account of such closing alone would amount almost to one-half of the appropriation, based upon the attendance the days immediately preceding the assassination.

Now, Mr. Speaker, this matter has received the attention and has the sanction and approval of the President, and I think that gentlemen of this House who regard the recommendations of the President of the United States as being absolutely conclusive upon Congress should follow his recommendation, as they have insisted others should follow his recommendations in respect to other matters, and not oppose this appropriation in this instance. In his last message the President said:

The Pan-American Exposition at Buffalo has just closed. Both from the industrial and the artistic standpoint this exposition has been in a high degree creditable and useful, not merely to Buffalo, but to the United States. The terrible tragedy of the President's assassination interfered materially with its being a financial success. The exposition was peculiarly in harmony with the trend of our public policy, because it represented an effort to bring into closer touch all the peoples of the Western Hemisphere, and give them an increasing sense of unity. Such an effort was a genuine service to the entire American public.

I think, Mr. Speaker, we should recognize that fact. We do recognize the fact that the exposition was a success in every way except financially, and that its financial failure was due largely, if not entirely, to the great calamity that occurred there on the 6th day of September last, and inasmuch as the entire appropriation goes, not to those interested in the exposition, but to innocent contractors who otherwise must sustain the entire loss, I think the appropriation should be made, and I shall vote for it. [Applause.]

Mr. ALEXANDER. I yield one minute to the gentleman from New York [Mr. RYAN].

Mr. RYAN. Mr. Speaker, I hope the House will concur in this amendment. The Pan-American Exposition certainly benefited the trade and commerce of the nation, and it received no governmental aid. True, the Government made an exhibit there, but the $4,800,000 necessary to build and open the fair was subscribed by the people of Buffalo and vicinity. The fair opened; it was a success up to that day in September when the country

was shocked by the news of the terrible tragedy of the assassination of the President of the United States. From that time, as has been shown, the attendance fell off and the exposition suffered a great loss.

There is no doubt as to this proposition. The liabilities of this fair in bonds and stock that fell as a direct loss on the citizens of Buffalo amount to $2,300,000. For that no relief is asked; but we do ask that $500,000 be appropriated to pay amounts due to contractors for losses sustained by furnishing labor, material, and supplies to run this exposition. There is no hope for those people except through Congress, and as the failure was due to the terrible tragedy, we hope the House will concur in this amendment. I wish to appeal to members on this side of the Chamber to support this measure. [Applause.]

Mr. CANNON. Mr. Speaker, I will ask unanimous consent that the time of the gentleman from New York [Mr. ALEXANDER] be extended for five minutes and that my own time be extended five minutes.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the time of the gentleman from New York be extended five minutes and that his own time also be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. ALEXANDER. I now yield one minute to the gentleman from New Jersey [Mr. FOWLER].

Mr. FOWLER. Mr. Speaker, it seems to me as though this was a moral obligation of the Government. I know the gentleman from Illinois [Mr. CANNON] will represent the Government as its special attorney to protect the Treasury, but, gentlemen, there are obligations in this world that rise higher than the obligations that may bear your signature; obligations that rest upon the citizens of a community in which they live more binding upon them even than written obligations which they can enter into. When we recall the facts surrounding the exposition, the fact that these people did everything in their power, that it was a remarkable exhibition, and that everybody who went to it was surprised at every detail, it is reasonable to suppose that, as a business enterprise, it would have met their expectations but for the assassination in the early part of September of President McKinley, which was one of the most shocking and one of the saddest tragedies in all the world's history. I believe that here is an occasion where we are under a moral obligation outstripping, in its potential force upon us, any written obligation we might have, and therefore I am going to vote for this measure. [Applause.]

Mr. ALEXANDER. I yield one minute to the gentleman from Illinois [Mr. FOSTER].

Mr. FOSTER of Illinois. Mr. Speaker, I believe that this Senate amendment should be adopted. The President of the United States in his message to Congress at the beginning of this session, speaking of this exposition, said:

> Such an effort was a genuine service to the entire American public.

Now, Mr. Speaker, if the Pan-American Exposition was an "effort" which "was a genuine service to the entire American public," then this appropriation of $500,000 is a meritorious one; and it seems to me that considerations of simple, absolute, and independent justice to the people who have in good faith furnished material and rendered services in the construction of the buildings of this exposition would prompt the passage of this amendment.

Mr. Speaker, I hope the appropriation will pass. [Applause.]

Mr. ALEXANDER. I yield one minute to the gentleman from Minnesota [Mr. MORRIS].

Mr. MORRIS. Mr. Speaker, this proposed appropriation stands upon a different footing from any similar one that has ever been before us. When this appropriation was first suggested, it was my idea that it should not be adopted. But after going over the facts with the gentleman from New York [Mr. ALEXANDER] and with my colleague [Mr. TAWNEY], the chairman of the Committee on Arts and Expositions, it seemed to me that it ought to be adopted. As I have just said, it stands on an entirely different footing from any similar appropriation, and for that reason I shall vote for it. The figures show that after the assassination of President McKinley the receipts at that fair, instead of increasing, as they had done at every similar exposition, decreased for the months of September and October.

[Here the hammer fell.]

Mr. ALEXANDER. Mr. Speaker, how much time have I left?

The SPEAKER. One minute and a half.

Mr. ALEXANDER. Mr. Speaker, I yield one minute to my colleague [Mr. SULZER].

Mr. SULZER. Mr. Speaker, all I desire to say in that minute is this: In my opinion, if it had not been for one of the saddest tragedies in American history the Pan-American Exposition would have been a financial success. In an educational way it was a success. In the last Congress the Senate passed an appropriation of $500,000 for the Pan-American Exposition. That appropriation failed in this House. I voted for it then and will vote for it now, and I think that we ought to adopt this amendment. This money will go to pay poor people all over this country—people that can ill afford to lose their wages, and to pay for necessary materials furnished. For many reasons not necessary now for me to state it is my judgment that this appropriation should pass. It is an equitable and ethical question and we should meet it in a broad and liberal spirit.

Mr. ALEXANDER. I yield the residue of my time to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Speaker, the appeal that comes to us to give relief to the pan-American enterprise comes with special force to the people of Ohio. I only speak as one representative of her people. Waiving every technical question and every technical argument, I am willing to cast my vote in favor of this appropriation.

I do not stop to consider its legal aspects nor the details which grow out of it. Coming from Ohio, as a single representative of that State on this floor, I can not refuse to bow my head to the force of the arguments presented by the gentleman from New York [Mr. ALEXANDER].

Mr. CANNON. I yield five minutes to the gentleman from Indiana [Mr. HEMENWAY].

Mr. HEMENWAY. Mr. Speaker, if I believed that the assassination of President McKinley at Buffalo was the cause of this deficiency, I would support the amendment. But I do not believe it. The receipts before and after that date do not demonstrate it. On the contrary, they show that very little decrease occurred in the receipts.

And I do not concede what the gentleman from Minnesota says—that the exposition was satisfactory to the people of the United States. The people that came back from Buffalo in August denied it. They did not encourage their neighbors to visit the Buffalo Exposition. I am reasonably certain that had not the President been assassinated at Buffalo the Buffalo people would have been here asking for this appropriation to make good their deficiency.

Did the Government ask them to hold this exposition? No; but Buffalo, as an advertisement to the city, asked that this exposition be held. They came and asked Congress for $500,000 to be expended in the way of an exhibit. They said they would not ask for any more money, but came asking for more money, and come now again asking for more money. How about Charleston? Why, if this amendment is agreed to you have got to pay Charleston's debt of $160,000. What did they say on this floor about Charleston when, in answer to my question when they were asking for $90,000, upon what that request was based? They said upon a promise of the President of the United States. The President could not deny it. They said it was based upon a promise made by William McKinley, and every man who knew William McKinley and knew of his service on this floor knows that he was careful to make no promises that he was not authorized by law to make; yet they came with that plea and got from Congress $90,000 for Charleston, and when that $90,000 passed I asked Mr. Elliot this question:

> I would ask the gentleman if this $90,000 is appropriated whether that will be all that the Charleston Exposition will ask in the way of appropriation from the General Government?
> Mr. ELLIOTT. Every dollar.
> Mr. HEMENWAY. Every dollar?
> Mr. ELLIOTT. Yes, every dollar; not a cent more.

Yet in this bill there is an amendment placed there on the Senate side granting $160,000 more for Charleston, and if you pay Buffalo's debt you have got to pay Charleston's debt. Is this Government under obligations greater to Buffalo or Charleston than their own State? Why, they say that under the constitution of New York Buffalo's debt can not be paid. The constitution of New York is all right. Can you, under the Constitution of the United States, make good to these contractors their loss at Buffalo? If so, why could we not, in the construction of every public building in the United States, make good the losses of some poor contractor who has taken a contract to build for less than the amount the building cost him?

I believe if the Congress of the United States to-day fixes this precedent, that we will regret it many times in the future. If we are going to guarantee to every city that seeks to advertise itself by an exposition, that the Government will make good her losses, then I say that we are making a bad break in this House to-day. The gentleman from Illinois [Mr. CANNON] will show what the receipts were at Buffalo before and after the assassination of the President; he will show the comparison made by President Milburn himself, and to the mind of any reasonable man it will be demonstrated that the Buffalo exposition did not lose to exceed $50,000 because of the assassination of President McKinley. I yield back such time as I have not used.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills and joint resolutions of the following titles:

H. R. 303. An act for the relief of Sol Bear & Co.;

H. R. 11171. An act granting a pension to Elizabeth A. Nalley;

H. R. 11987. An act relating to transportation of dutiable merchandise at subports of Tacoma and Seattle, State of Washington;

H. R. 15270. An act to amend an act entitled "An act authorizing the Aransas Harbor Terminal Railway Company to construct a bridge across the Corpus Christi channel, known as the Morris and Cummings ship channel, in Aransas County, Tex.;"

H. J. Res. 182. Joint resolution authorizing the Director of the Census to compile statistics relating to irrigation; and

H. J. Res. 198. Joint resolution giving authority to the Commissioners of the District of Columbia to make special regulations for the occasion of the Thirty-sixth National Encampment of the Grand Army of the Republic, to be held in the District of Columbia in the month of October, 1902, and for other purposes incident to said encampment.

The message also announced that the Senate had still further insisted upon its amendment to the bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes, No. 91, disagreed to by the House of Representatives, and agrees to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. PERKINS, and Mr. TILLMAN as conferees on the part of the Senate.

Also, that the Senate had insisted upon its amendments to the bill (H. R. 12805) requiring the Anacostia and Potomac River Railroad Company to extend its Eleventh street line, and for other purposes, disagreed to by the House of Representatives, and had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. HANSBROUGH, and Mr. MARTIN as conferees on the part of the Senate.

Also, that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3690) for the relief of Jacob Hanger.

Also, that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. CANNON. Mr. Speaker, I yield three minutes to the gentleman from Pennsylvania.

Mr. DALZELL. Mr. Speaker, I want only time enough to record my protest against this proposed legislation. I want to say that in all the time I have had the honor to serve in this House I have never known a more preposterous proposition. What is the proposition? The proposition is to take $500,000 out of the Federal Treasury and place it in the hands of a private individual to pay the debts of a New York corporation. Now, what are the circumstances? The city of Buffalo, some two or three years ago, desirous of exploiting its fame and bringing money to the pockets of its citizens, undertook an exposition.

Certain of the citizens became incorporated under the laws of New York as a private corporation, known as the Buffalo Exposition Society. Thereupon they came down to Congress and asked Congress to pass a law calling upon the President of the United States to extend an invitation to all Pan-American countries to come to Buffalo. Therefore, now they would say that because of that legislation this was a national project. On the other hand, I assert that it was simply a private enterprise. They came to Congress again and got an appropriation of $500,000, and after having had that appropriation they came back to Congress again and asked for $500,000 more.

Mr. TAWNEY. Mr. Speaker, they never got a dollar through appropriations from the Federal Government.

Mr. DALZELL. I stand on the assertion that I make, and the record will bear me out. They came back and asked for $500,000 more. The Senate put an amendment on the bill giving the $500,000. This House by a large vote recorded its protest against the giving of that money, and it was not given. Now they come back here and ask us for that money. I do not care whether the attendance at the exposition was greater in August or in September. I do not care to argue the question as to what was the cause of the failure of this enterprise. The simple fact is that a private enterprise undertook a venture, and now they ask when that venture has failed that the United States shall make good their loss. That is the simple proposition. I can not see that the death of President McKinley had anything whatever to do with it. The fact is that that awful tragedy at Buffalo has been made use of for many, many unbecoming purposes. I think that we are approaching the sacreligious when, under the shadow of that awful tragedy, an attempt is made to loot the Federal Treasury. [Applause.]

Mr. CANNON. I yield three minutes to the gentleman from Alabama [Mr. RICHARDSON].

Mr. RICHARDSON of Alabama. Mr. Speaker, I think that upon a bill of this character every Representative on this floor ought to express his opinion freely, uninfluenced by his personal friendships. The gentleman from New York [Mr. MCCLELLAN] said that the New York delegation were solid for this appropriation, and I have no doubt that our friends from South Carolina are equally solid, because they have something for Charleston in the "same tub." Now, that is no reason why anyone else outside of these local surroundings should be influenced to vote for this unjust, inequitable, and unprecedented proposition.

What is this proposition, Mr. Speaker, in reality and in fact? I read from what the Senate committee said on this subject.

> Excepting through an appropriation from Congress, these liabilities to contractors and for the restoration of the property, amounting to $613,625.10 (now reduced to $500,000), must remain unpaid, and fall as a heavy loss upon men who are unable to bear it.

That simply means that Congress is asked to reimburse a large number of contractors who made an unwise and improvident contract and thereby incurred losses. Why I ask should the Government pay these unwise contractors? The Government is from no standpoint responsible, nor is the Government a guarantor in such matters.

Why, Mr. Speaker, you have heard that old exclamation, "O Liberty! Liberty! how many crimes are committed in thy name!" I have heard on this floor the name of Mr. McKinley invoked over and over again for purposes that it seemed to me were unbecoming. It meant simply that the great name and memory of Mr. McKinley was invoked to aid the passage of certain doubtful measures. But I say that this is the most unique proposition under which his name is invoked, for the purpose of making the calamity that was national in its character redound to the pecuniary benefit of the contractors of that enterprise.

The sole basis of this claim is that Mr. McKinley was assassinated on the 6th of September, 1901, during the Pan-American Exposition at Buffalo. No equity, no justice, in the claim—merely that Mr. McKinley lost his life there, and this kept people from attending the exposition. This is all there is in it.

Now, Mr. Speaker, what reason is there that anyone on this floor has given for this appropriation? No legal and no equitable reason; and I ask gentlemen on this side of the House to consider this suggestion. We, as loyal Democrats, have lustily proclaimed for years that we were in favor of an economical administration of public affairs and that we were earnestly opposed to useless and unnecessary expenditures of public money. Under our cardinal Democratic doctrine, what excuse can any Democrat give his constituents for putting his hand into the Treasury of the United States and taking out this $500,000, without equity, without law, and without reason, and paying it to those men who have been so unfortunate as to lose on their contracts?

Mr. Speaker, all over this country when the sad announcement was made that President McKinley had been stricken down, men who were engaged on public contracts, men who were keeping stores, men who are engaged in every pursuit suspended their business, and people stood almost paralyzed for forty-eight hours, neglecting their daily business and pursuits. These men who abandoned temporarily their contracts on public buildings, who closed their stores and gathered around bulletin boards awaiting the news, if you go into the moral question, have the same right to demand payment for the damages and losses that they incurred that these contractors at Buffalo have. I am utterly opposed to such legislation. The fact is that the public business of the whole country suffered losses to the amount of millions untold by the commercial paralysis that Mr. McKinley's assassination created.

[Here the hammer fell.]

Mr. CANNON. Mr. Speaker, I yield three minutes to the gentleman from Georgia [Mr. BARTLETT].

Mr. BARTLETT. Mr. Speaker, I desire to occupy the brief time that has been yielded to me simply to say that I do not conceive that there is any justice or equity in the claim made to pay the Buffalo Exposition Company the amount asked here, or any amount, upon the grounds that they allege as reasons why they are entitled to it. I desire to call the attention of the Democrats on this side the aisle who propose to make assaults upon the administration of affairs in this Congress, that has appropriated nearly $785,000,000 out of the public Treasury for the next year, this session reaching almost to a billion-dollar session, to the fact that it will not lie in their mouths when they are called upon now

to stand by the chairman of the Committee on Appropriations in his effort to keep down appropriations and to cut off reckless expenditures—it will not lie in their mouths to make assaults upon the administration of affairs here if they record their votes in behalf of this measure or the measure for the relief of the Charleston Exposition Company either.

I well remember with what care the resolution for the holding of this exposition was presented to this House. I well remember that time and time again effort was made to secure unanimous consent for the consideration of the proposition to hold this exposition, without success. At first it was said they did not even want a Government exhibit, and that amendment was at first added to the bill. Finally, the statement was made by the advocates of the bill that at no time did they expect either to ask for a Government exhibit or a dollar of appropriation. Yet little by little they have increased their demands until, having already got $500,000, they now propose to ask that we appropriate $500,000 more.

It is said that because the greatest tragedy of the century occurred at Buffalo we are therefore called upon to pay to those people out of the Treasury the money that they ask for. Why, I well remember that in the great metropolis of this country, New York City, on the day on which the President was shot, on the day on which he died, and on the day upon which he was buried, in that great city every store and every place of business was closed. They did this not for the purpose of gain, not that they expected to ask Congress or anyone else to recompense them, but they did it all over this country to show their respect, their love, and the honor that they paid the great Chief Magistrate of this country who had been so ruthlessly stricken down. They did it, not for the purpose of being paid any money, but they did it for that which is far above money and without price.

[Here the hammer fell.]

Mr. CANNON. I yield two minutes to the gentleman from Wisconsin [Mr. BARNEY].

Mr. BARNEY. Mr. Speaker, I have always much doubted the wisdom of appropriating the money of the Government for expositions of this kind, whether at Chicago, Omaha, or anywhere else, and have uniformly voted against them. I do not believe we have any right to vote away the people's money for any such purpose.

But this proposition does not have even the merit of an original appropriation to an exhibition of this character. It is simply a proposition to make the Government the guarantor for the debts of such an enterprise when it proves insolvent, and has no merit whatever in law or equity.

It will establish a dangerous precedent for Congress which is liable to cost us millions of dollars hereafter.

It has been claimed here in support of this amendment that this enterprise at Buffalo was of a national character. I deny that proposition. It was a private enterprise, pure and simple. It was gone into by the people of Buffalo for the purpose of making money. They did not go into it for their health, nor for the benefit of the whole country. It was as much a private enterprise as any other great business undertaking in this country. It has been said in support of this amendment that this exposition was closed four days, and thereby they lost money. Is it not true that every place of business all up and down this country was closed for one day during the funeral of our beloved President?

If we should grant this relief that is sought to these people, is there good reason why every one who lost money thereby should not come in and ask Congress to give them money to make up for their loss as for this exposition company? They have quite as good reason to come and ask the Government to make up for the loss all over the country caused by this sad occurrence and which produced a general stagnation of business. Millions of men were turned out of employment and millions of money lost in various ways. I presume that if we could make a fair estimate, this country lost $100,000,000 by reason of this great catastrophe. If you pay this claim, then similar claims might just as reasonably come up from other parts of the country, and which, in my judgment, would be entitled to as much consideration as this.

Mr. CANNON. I yield two minutes to the gentleman from Tennessee.

Mr. SNODGRASS. Mr. Speaker, this is an appeal to Congress on sentiment. It is a proposition, pure and simple, to pay the losses of a private corporation in the State of New York. There is an effort here to dignify this side show into a national enterprise. But it is a purely private corporation, and these debts are owed alone by that corporation. It is true that they applied here for aid from the General Government to carry on this exposition, and the refusal to give them that aid was a notification to them that the Government took no part in it.

Mr. Speaker, I was sorry to hear the gentleman from New York arise in his place and say that the New York delegation was a unit in supporting this proposition. It occurs to me that that is as much as to say that the united delegation believe that there is no limit upon the power of Congress in the expenditure of public money, or else the sentiment is still prevalent in New York that so small a thing as the Constitution ought not to be allowed to stand between friends.

Mr. Speaker, there is a false argument presented here, that because the President of the United States was assassinated in that city there arose an obligation upon the part of this Government to pay the debts of that institution. The gentleman from Minnesota [Mr. TAWNEY] even goes so far as to say that because this institution was closed for four days after the death of Mr. McKinley, and because in closing this institution for the purpose of showing their respect to the President of the United States they lost money, that we ought to pass this appropriation. This is a strange kind of argument to present to this House. It is an effort to measure the highest and holiest sentiment of the human heart by the standard of a money value.

Mr. CANNON. I yield one minute to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Speaker, the gentleman from New Jersey [Mr. FOWLER] says that there is a moral obligation on the country to reimburse the Pan-American Exposition for this loss. He did not say that that moral obligation extended to South Carolina and its exposition. He did not tell us whether it went beyond that, and would lodge upon the country the obligation to pay the losses of all county fairs throughout the country. I presume that for the purpose of passing this bill the obligation does extend to South Carolina and will be recognized to-day, at least upon the first vote. Gentlemen of this House have signified their intention of voting for this bill upon a rising vote, but declare their intention to renege when it comes to a record vote. I would like to ask them how in conscience they can support on a rising vote what they are not willing to support on a record vote?

Mr. CANNON. I yield three minutes to the gentleman from Iowa.

Mr. HEPBURN. Mr. Speaker, I think that the gentleman from Buffalo evinced large sympathy for his own people and this great enterprise of theirs which was not a success. Still sympathizing with him, and with my people in our similar enterprise that was not a success, I therefore want to ask him if he would be willing to modify his motion so as to concur with an amendment making an appropriation to the Clarinda Chautauqua Association of $100, the result of losses for which we were not responsible and for which this Government in part was?

Mr. LESSLER. Mr. Speaker, will the gentleman allow me?

Mr. HEPBURN. "The gentleman from Iowa" can not yield to a New York man. [Laughter.]

Mr. Speaker, we are trying to carry out a national purpose, the education of the masses. We recognize the fact that as education is disseminated the stability of our institutions are made more certain through the growing wisdom of the electors [laughter], and therefore we had instituted this association, and we had secured the services of that eminent stateman and philosopher from Missouri, and another from Indiana; and they were to have a joint debate. Everybody likes a contest of that kind.

The whole people of our country had gathered there to hear that debate. We would have made money out of it; but the Weather Bureau had failed to foretell the weather that there was to be on that day. The Government was derelict, it had not done its duty, and the storm came and the people were driven from the somewhat insecure place where we desired to hold that joint debate into the only building—into the largest one we had—and instead of having the contributions of 4,000 people who would have been there to gather wisdom from those statesmen, not more than 600 of them could crowd into the house. Ought not the Government to make that loss good? [Laughter and applause.]

Mr. ALEXANDER. Mr. Speaker, I would like to ask the gentleman a question.

Mr. HEPBURN. Can it be that this Goverment, that establishes a Weather Bureau for which we pay millions of dollars to disseminate information as to what the weather is and will be, can permit these losses to be incurred and then not reimburse the citizens who were thus defrauded of their money? [Laughter and applause.]

Mr. ALEXANDER (while Mr. HEPBURN was closing). We would not be here if it was on account of a whirlwind or an earthquake or an eruption.

Mr. HEPBURN. Mr. Speaker, can not I be protected from this earthquake or storm of interruptions? [Laughter.]

The SPEAKER. The gentleman from New York must not undertake to speak without first obtaining permission of the gentleman who occupies the floor.

Mr. ALEXANDER. I rose, Mr. Speaker, to ask a question.

The SPEAKER. But the gentleman from Iowa had not yielded.

Mr. HEPBURN. I had already said, Mr. Speaker, that I would not yield to a gentleman from New York.

Mr. ALEXANDER. Does the gentleman from Iowa yield to me now?

The SPEAKER. The time of the gentleman from Iowa has expired.

Mr. CANNON. Mr. Speaker, if the House will bear with me for a very few moments, I will conclude this discussion and ask for a vote. In 1898 the gentleman from New York [Mr. ALEXANDER] succeeded in passing through Congress a bill removing the duties upon articles intended for the Buffalo Exposition, in which it was expressly stipulated, and he was held up at that time for that purpose, that the United States does not assume any liability of any kind whatever, and does not become responsible, etc., to anybody. That is the substance of it. There it was born, and it was born under those conditions and under that pledge.

Now, then, in the Fifty-fifth Congress, in 1899, this child that was born had grown, under the tutelage of my genial friend representing the district, into a strong, lusty lad, and it was here all that session. The gentleman from Buffalo, who I honor for representing his constituency, as in all other propositions, was insistent, in season and out of season, by day and by night. In the last days of that session of Congress, the very last day, he succeeded in getting the House to concur with the Senate for $500,000 for a Government exhibit, away over the ordinary amount for the side shows.

I did not have the honor to vote upon that proposition. I supposed it was "scotched." I would have been glad to have voted against it, but, as a servant of the House, I was performing duties as one of its conferees. I think it would have passed, because my friend from New York is so industrious and so plausible. It did pass, and then came the pledge, and just let me read you a part of it in the gentleman's own words:

> We come not asking Congress one dollar for an appropriation to carry on or to pay the expenses of this exposition. We propose to pay that ourselves. We simply want Congress to make it possible for the Government of the United States to put an exhibit of its own there.

Now, on that pledge we sinned again. Now, do you not think you are estopped from coming here again?

Mr. ALEXANDER. Will the gentleman allow me to answer?

Mr. CANNON. No; I have not the time. I will say that the gentleman is estopped.

But, Mr. Speaker, that is not all. A year ago last March the little joker—the exposition and not my friend—comes again. President McKinley was then in full life, and nobody dreamed that he was to be assassinated, and how did he come? It could not get a standing in this House, but in the Senate it was harnessed to the appropriation for St. Louis, for which a law had been passed under the lead of the gentleman from Minnesota. It was harnessed onto that, and as part and parcel of it were two propositions—Buffalo $500,000 more, and South Carolina a considerable sum, amount not recollected. It was put in as one amendment. There were tears in the voice of my genial friend on that occasion.

The House voted and voted again, and the Senate was compelled to recede, and the amendment was modified, cutting off Buffalo and cutting off South Carolina. The gentleman could not have foreseen when he wanted that $500,000 that the receipts would fall off, as he claimed, on account of the death of President McKinley. He was turned down and served with notice then that thus far shalt thou go, and no further.

Mr. ALEXANDER. Will the gentleman permit an interruption now?

Mr. CANNON. I can not. I have not the time. The exposition began, and it took something like $9,000,000 of receipts, or a little less than that. The expenditures were more than the receipts. They owe people $500,000, but they have taken good care to pay $2,500,000 of the first-mortgage bonds to their own people. What a court of equity might do, if it were properly brought before it, to pay these expenses before the first-mortgage bonds were paid I do not know; it has never been brought before it.

What next? The gentleman says the President's decease brought disaster. I challenge his statement. I have got it all here. The receipts in September were $1,167,000; in August, $1,262,000; in October, $1,353,000, an increase of receipts in October over September, the month after the President's death, of 16 per cent, in round numbers. The increase of receipts for a similar period at Philadelphia was 9 per cent.

It is a pretense. I am justified in saying that in view of the fact that the gentleman was as strenuously knocking at our doors last March for this $500,000 as he is now.

Now, let us see how much equity there is in this proposition. The gentleman from Indiana said that it was well that the constitution of New York prohibits the State of New York from coming to the rescue of Buffalo. Yet, gentlemen, while we have the mere power to vote this amount out of the Treasury to pay these creditors, in good morals and in the performance of our duty can any man rise in his place and say that he believes he performs it when he so votes?

There is no express provision, perhaps, in the Constitution of the United States forbidding an appropriation of this kind. But I am here to say that the fathers who made that Constitution and all the great parties from that time to this would not have been willing to come within a thousand miles of putting into any of their platforms a proposition to pay the debts of failing creditors of a private corporation.

Now, one word in conclusion. Who are these men? I have their names here covering seven pages. Here is an item for a telegraph company, another for a telephone company, another for rent, another for money due to contractors, scattered in various portions of the country, principally in New York, but some in Ohio, some in Illinois. I tell you, gentlemen, if you are going into the business of making contractors whole there are some poor men in my district who took improvident contracts and have never got their money.

Let me go one step further. We know that there is an estimate before this House and a memorial from the laboring men engaged on the Government Printing Office building, proposing that they be paid three or four days' wages because their work was suspended on account of the death of William McKinley. Do you know that there were three or four or five days in a week, on the average, when 80,000,000 people in the aggregate suspended their ordinary occupations because of that tragedy? Who makes good to them the hundreds of millions of loss? Are we going to do it out of the Treasury? In equity they are more entitled to it than these contractors, and telegraph companies, and telephone companies, and lessors—more entitled to relief from the Treasury. Are you going to relieve them? Nay, nay; you are going to turn around and tax them to relieve—whom? Men of full age, men who traded with their eyes open, men who worked for a profit, men who failed to collect their debts in full. I do not believe this is good policy; I do not believe we have any right to do it.

Now, one further word.

Mr. ALEXANDER. Will the gentleman allow me one word?

Mr. CANNON. Oh, I have not the time.

Mr. ALEXANDER. But you interrupted me four or five times. I merely wanted——

Mr. CANNON. Well, be qu ck.

Mr. ALEXANDER. I merely wanted to remark that the items for rent, restoration of grounds, and other things that you have read here are left out in this amendment of the Senate. It is not the amendment that you think it is.

Mr. CANNON. Then you have too much money appropriated here.

Mr. ALEXANDER. Those items are all left out in the Senate amendment. It contains nothing for rent.

Mr. CANNON. Here are items of rent for private parties. But suppose the gentleman's suggestion is correct; what difference does it make to whom the money goes? You made the venture. You are paid substantially in full on your first-mortgage bonds. You took good care of that.

Now, allow me to say to my good friend—he is a good representative of the great, rich city of Buffalo—there is no district in the United States that gets so much public appropriation or is entitled to so much, but let me say to him that if he will be one-half as industrious in the city of Buffalo for one week in calling together 5,000 of its splendid citizens and presenting this matter to them, they will pay these contractors and others the $500,000.

Now, gentlemen, one word in conclusion. St. Louis is preparing to hold an exposition. I trust it will be a success. Are we to say to her that if it is not a success we will underwrite the venture? South Carolina, estopped this session of Congress from asking anything more, is here applying for $160,000 more; another case of underwriting. And on this question of expositions, if we do not call a halt it will run to State fairs and county fairs; the United States will go regularly into the show business; and a little later on we shall be buying some Buffalo Bill Wild West Show! [Laughter and applause.]

Mr. Speaker, there is no time so good to refrain from sinning as the time before you have sinned.

Mr. SIMS. Is it not a fact that the World's Fair at Chicago lost money on account of the death of Carter Harrison, the mayor of that city?

Mr. CANNON. Yes; they lost largely for that and other reasons. Philadelphia lost also on the Centennial Exposition.

Mr. TAWNEY. But Philadelphia paid back every dollar that the Government voted.

Mr. CANNON. Nevertheless, that exposition was a loss as a venture; and for many years they talked about having the Government pay the loss; but the Government never did.

Now, Mr. Speaker, I am ready for a vote on this question, and I will ask this House here and now not to enter upon the wrong road. It will save much trouble and expense if it refuses to so travel. [Applause.]

The SPEAKER. The question is on the motion of the gentleman from New York to recede from amendment No. 8 and to agree to the same.

Mr. CANNON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 120, nays 101, answered "present" 20, not voting 109; as follows:

YEAS—120.

Acheson,	Draper,	Knapp,	Payne,
Alexander,	Driscoll,	Kyle,	Perkins,
Allen, Me.	Eddy,	Lamb,	Powers, Me.
Aplin,	Emerson,	Lessler,	Pugsley,
Ball, Del.	Feely,	Lewis, Ga.	Ransdell, La.
Bartholdt,	Finley,	Loudenslager,	Ray, N. Y.
Bingham,	Fitzgerald,	Lovering,	Roberts,
Bishop,	Fletcher,	McAndrews,	Robinson, Nebr.
Blackburn,	Flood,	McCleary,	Ryan,
Bowie,	Foster, Ill.	McClellan,	Showalter,
Breazeale,	Fowler,	McDermott,	Sibley,
Bristow,	Gibson,	McLachlan,	Smith, H. C.
Burk,	Gill,	Mahoney,	Southwick,
Burke, S. Dak.	Goldfogle,	Martin,	Sparkman,
Burleigh,	Greene, Mass.	Maynard,	Sperry,
Burnett,	Griffith,	Meyer, La.	Stark,
Butler,	Grosvenor,	Mickey,	Stewart, N. Y.
Calderhead,	Hall,	Minor,	Storm,
Cannon,	Hamilton,	Mondell,	Sulloway,
Cassel,	Hanbury,	Moody, N. C.	Sulzer,
Conry,	Haskins,	Moody, Oreg.	Tawney,
Coombs,	Hedge,	Morgan,	Tirrell,
Currier,	Henry, Conn.	Morris,	Tompkins, N. Y.
Darragh,	Hildebrant,	Moss,	Tompkins, Ohio
Davey, La.	Howard,	Mudd,	Van Voorhis,
Davidson,	Howell,	Naphen,	Vreeland,
Davis, Fla.	Jack,	Nevin,	Wachter,
Deemer,	Johnson,	Newlands,	Wadsworth,
Dick,	Joy,	Olmsted,	Wilson,
Dovener,	Kern,	Patterson, Pa.	Wright.

NAYS—101.

Allen, Ky.	Esch,	Lacey,	Shafroth,
Babcock,	Evans,	Lanham,	Shattuc,
Barney,	Fleming,	Lewis, Pa.	Sims,
Bartlett,	Foss,	Little,	Slayden,
Beidler,	Fox,	Livingston,	Smith, Ill.
Bell,	Gaines, Tenn.	Lloyd,	Smith, Iowa
Benton,	Gaines, W. Va.	Long,	Snodgrass,
Bowersock,	Gardner, Mich.	McCall,	Snook,
Brown,	Gillett, Mass.	Marshall,	Southard,
Brownlow,	Graff,	Miers, Ind.	Spight,
Burkett,	Graham,	Miller,	Steele,
Burleson,	Green, Pa.	Moon,	Stephens, Tex.
Burton,	Grow,	Needham,	Stewart, N. J.
Candler,	Hemenway,	Neville,	Swanson,
Capron,	Hepburn,	Otjen,	Tate,
Conner,	Hill,	Padgett,	Taylor, Ala.
Cowherd,	Holliday,	Palmer,	Thomas, Iowa
Cromer,	Hooker,	Pearre,	Warner,
Curtis,	Hughes,	Pierce,	Warnock,
Cushman,	Jones, Va.	Prince,	Williams, Ill.
Dahle,	Jones, Wash.	Randell, Tex.	Williams, Miss.
Dalzell,	Kehoe,	Reeder,	Wooten,
Dayton,	Kitchin, Wm. W.	Reeves,	Zenor.
De Armond,	Kleberg,	Richardson, Ala.	
Dinsmore,	Kluttz,	Rixey,	
Dougherty,	Knox,	Robinson, Ind.	

ANSWERED "PRESENT"—20.

Adamson,	Clark,	Jenkins,	Skiles,
Ball, Tex.	Cousins,	Loud,	Thompson,
Bankhead,	Foster, Vt.	Mann,	Trimble,
Brick,	Hay,	Metcalf,	Wanger,
Burgess,	Irwin,	Shackleford,	Wiley.

NOT VOTING—109.

Adams,	De Graffenreid,	Ketcham,	Powers, Mass.
Bates,	Douglas,	Kitchin, Claude	Reid,
Bellamy,	Edwards,	Landis,	Rhea, Va.
Belmont,	Elliott,	Lassiter,	Richardson, Tenn.
Blakeney,	Foerderer,	Latimer,	Robb,
Boreing,	Fordney,	Lawrence,	Robertson, La.
Boutell,	Gardner, N. J.	Lester,	Rucker,
Brantley,	Gilbert,	Lever,	Rumple,
Bromwell,	Gillet, N. Y.	Lindsay,	Ruppert,
Broussard,	Glenn,	Littauer,	Russell,
Brundidge,	Gooch,	Littlefield,	Scarborough,
Bull,	Gordon,	McCulloch,	Schirm,
Caldwell,	Griggs,	McLain,	Scott,
Cassingham,	Haugen,	McRae,	Selby,
Clayton,	Heatwole,	Maddox,	Shallenberger,
Cochran,	Henry, Miss.	Mahon,	Shelden,
Connell,	Henry, Tex.	Mercer,	Sheppard,
Cooney,	Hitt,	Morrell,	Sherman,
Cooper, Tex.	Hopkins,	Mutchler,	Small,
Cooper, Wis.	Hull,	Norton,	Smith, Ky.
Corliss,	Jackson, Kans.	Overstreet,	Smith, S. W.
Creamer,	Jackson, Md.	Parker,	Smith, Wm. Alden
Crowley,	Jett,	Patterson, Tenn.	Stevens, Minn.
Crumpacker,	Kahn,	Pou,	Sutherland,
Talbert,	Tongue,	Weeks,	Young
Tayler, Ohio	Underwood,	Wheeler,	
Thayer,	Vandiver,	White,	
Thomas, N. C.	Watson,	Woods,	

So the motion was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. METCALF with Mr. WHEELER.

Mr. BOREING with Mr. TRIMBLE.

Mr. YOUNG with Mr. BENTON.

Mr. BULL with Mr. CROWLEY.

For the balance of the session:

Mr. WANGER with Mr. ADAMSON.

Mr. ADAMS with Mr. RUCKER.

Mr. STEVENS of Minnesota with Mr. VANDIVER.

From the 28th to the 30th:

Mr. BATES with Mr. MCRAE.

Until further notice:

Mr. RUMPLE with Mr. THOMPSON.

Mr. MILLER with Mr. THOMAS of North Carolina.

Mr. FORDNEY with Mr. BURGESS.

Mr. MANN with Mr. JETT.

Mr. IRWIN with Mr. GOOCH.

Mr. JENKINS with Mr. SMITH of Kentucky.

Mr. HAUGEN with Mr. LEVER.

Mr. SKILES with Mr. TALBERT.

Mr. STEELE with Mr. COOPER of Texas.

Mr. RUSSELL with Mr. ROBERTSON of Louisiana.

Mr. SHELDEN with Mr. REID.

Mr. YOUNG with Mr. COONEY.

For the day:

Mr. FOERDERER with Mr. RHEA of Virginia.

Mr. MCCLEARY with Mr. MUTCHLER.

Mr. LAWRENCE with Mr. BALL of Texas.

Mr. MORRELL with Mr. HENRY of Texas.

Mr. HULL with Mr. HENRY of Mississippi.

Mr. HEATWOLE with Mr. DE GRAFFENREID.

Mr. TONGUE with Mr. SCARBOROUGH.

Mr. DOUGLAS with Mr. SMALL.

Mr. FOSTER of Vermont with Mr. POU.

Mr. TAYLER of Ohio with Mr. GORDON.

Mr. COUSINS with Mr. COCHRAN.

Mr. CONNELL with Mr. ELLIOTT.

Mr. WOODS with Mr. RUPPERT.

Mr. SHERMAN with Mr. HAY.

Mr. CORLISS with Mr. GILBERT.

Mr. LANDIS with Mr. CLARK.

Mr. BLAKENEY with Mr. SHACKLEFORD.

Mr. KAHN with Mr. BELMONT.

Mr. OVERSTREET with Mr. UNDERWOOD.

Mr. LITTLEFIELD with Mr. RICHARDSON of Tennessee.

Mr. BROMWELL with Mr. CASSINGHAM.

Mr. BRICK with Mr. BELLAMY.

Mr. COOPER of Wisconsin with Mr. BROUSSARD.

Mr. CRUMPACKER with Mr. BRUNDIDGE.

Mr. WEEKS with Mr. MCLAIN.

Mr. SUTHERLAND with Mr. WILEY.

Mr. WM. ALDEN SMITH with Mr. ROBB.

Mr. SCOTT with Mr. PATTERSON of Tennessee.

Mr. SCHIRM with Mr. NORTON.

Mr. MAHON with Mr. LINDSAY.

Mr. JACKSON of Maryland with Mr. LATIMER.

Mr. HITT with Mr. MADDOX.

Mr. GARDNER of New Jersey with Mr. EDWARDS.

Mr. POWERS of Massachusetts with Mr. CALDWELL.

For the vote:

Mr. MERCER with Mr. BRANTLEY.

Mr. HOPKINS with Mr. CREAMER.

Mr. BOUTELL with Mr. JACKSON of Kansas.

Mr. LITTAUER with Mr. LESTER.

Mr. LOUD with Mr. GRIGGS.

Mr. GILLET of New York with Mr. CLAUDE KITCHIN.

Mr. WATSON with Mr. SHALLENBERGER.

Mr. SAMUEL W. SMITH with Mr. CLAYTON.

Mr. KETCHAM with Mr. BANKHEAD.

Mr. CLARK. I should like to inquire if the gentleman from Indiana [Mr. LANDIS] voted?

The SPEAKER. He did not.

Mr. CLARK. Then I want to vote "present."

Mr. ADAMS. I should like to ask if the gentleman from Missouri [Mr. RUCKER] voted?

The SPEAKER. He did not.

Mr. ADAMS. I should like to vote "present."

The SPEAKER. The gentleman from Pennsylvania is not recorded at all, and therefore he can not vote.

Mr. CANNON. Mr. Speaker, for parliamentary reasons, I change my vote from "no" to "aye."

The result of the vote was announced as above recorded.

Mr. ALEXANDER and Mr. CANNON rose.

Mr. CANNON. Mr. Speaker——

The SPEAKER. The gentleman from Illinois.

Mr. CANNON. I will say to my friend from South Carolina——

Mr. ALEXANDER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from New York rise?

Mr. CANNON. The gentleman can not take me off the floor.

Mr. ALEXANDER. I desire to make the ordinary motion to reconsider, and to lay that motion on the table.

Mr. CANNON. The gentleman has not the floor for that purpose.

The SPEAKER. The Chair is of the opinion that the gentleman from New York has the right to enter that motion now.

Mr. CANNON. He has the right to enter it now——

The SPEAKER. It is a highly privileged motion, and it is customary——

Mr. CANNON. Precisely. It can be entered, but he can not take me off the floor.

The SPEAKER. The gentleman from New York is in control of his amendment. The gentleman from New York moves to reconsider the last vote, and that that motion lie on the table.

Mr. CANNON. Well, but, Mr. Speaker, I submit that while it is a privileged motion, and according to my recollection can be entered at any time within two days as a matter of privilege, yet to have it considered now, before the bill is otherwise disposed of, is to take me off the floor when I am on the floor. Undoubtedly before this matter is concluded we will have the right to have a vote upon that motion; but I have been recognized, and not even a motion to adjourn could take me off the floor.

Mr. ALEXANDER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from New York [Mr. ALEXANDER] addressed the Chair; for what purpose the Chair did not know. The Chair recognized the gentleman from Illinois to go on with his bill, but the Chair asked the gentleman from New York for what purpose he rose, and then it was discovered that he was in time. He was the first one to address the Chair. The Chair regards the motion as a highly privileged one and believes it to be his duty to submit it to the House.

Mr. CANNON. And that, too, without regard to the fact that I have been recognized?

The SPEAKER. The Chair recognized the gentleman from Illinois, but the gentleman from New York was first on his feet addressing the Chair, and under the custom of the House to allow this motion to be made, the Chair thinks he should have recognized the gentleman from New York at the time, and did so as soon as he knew that the gentleman from New York was making this highly privileged motion.

Mr. CANNON. Mr. Speaker, I changed my vote for a parliamentary reason. I wanted to see whether or not New York would keep faith with Charleston, and I will ask the House to give me a yea-and-nay vote after this is disposed of.

The SPEAKER. The gentleman from New York moves to reconsider the last vote, and that that motion lie upon the table. Is there objection?

Mr. CANNON rose.

The SPEAKER. Does the gentleman from Illinois object?

Mr. CANNON. I will object, and let it be taken by a vote. I apprehend the same people will vote the same way.

The question being taken on the motion to lay on the table the motion to reconsider the last vote, it was agreed to.

The SPEAKER. The question now is on amendment No. 9, which the Clerk will report to the House.

The Clerk read as follows:

South Carolina Interstate and West Indian Exposition: For the payment of legal claims against the South Carolina Interstate and West Indian Exposition Company for labor, articles, and services rendered to said company for the work of said exposition, or for the reimbursement of any officer of said company who has advanced money or paid such claims, $160,000, or so much thereof as may be necessary.

Mr. FINLEY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from South Carolina rise?

Mr. FINLEY. I rise to move that the House recede from its disagreement to Senate amendment No. 9, and agree to the same.

The SPEAKER. That is the preferential motion. The gentleman from South Carolina moves that the House recede from its disagreement to amendment numbered 9, and agree to the same.

Mr. CANNON. Now, Mr. Speaker, I will say to the gentleman from South Carolina, if I can have a yea-and-nay vote, and I will ask one-fifth of the members to stand by me for that purpose, I am ready for a vote without any discussion, if that is satisfactory to the gentleman.

Mr. FINLEY. I would like ten minutes on this.

The SPEAKER. Does the gentleman yield ten minutes to the gentleman from South Carolina?

Mr. FINLEY. Well, I will say to the gentleman from Illinois this is a matter of importance to my people in South Carolina, and when it comes up, if I were to say nothing——

Mr. CANNON. Well, if the gentleman had his trade as well made as I thought probably he had——

The SPEAKER. The Chair thinks the remark of the gentleman from Illinois is not in order.

Mr. CANNON. Well, out of courtesy to the gentleman I will yield him five minutes, and I would suggest to the gentleman that he come over nearer so that we can hear him.

The SPEAKER. The gentleman is recognized for five minutes.

Mr. FINLEY. Mr. Speaker, I have listened very attentively to the discussion in reference to the appropriation for the Buffalo Exposition. I have endeavored in that time to collate in my mind the arguments made in so far as they would apply to South Carolina. I take it, judging from the remark of the gentleman from Indiana, it is alleged that there is no contract on the part of the Government, that the exposition is over, and the undertaking a financial failure.

The only grounds upon which an appropriation for an exposition can be based is under the general-welfare clause of the Constitution; and I go further than that, Mr. Speaker, and say that when you plant a proposition upon this provision of the Constitution it makes no difference whether the benefit arising is before the appropriation is made or afterwards. The appropriation can just as well be made after the work has been done, after the exposition has been held, as before. It is not our fault that the appropriation was not made during the Fifty-sixth Congress, when an effort was made to secure appropriations for Charleston and Buffalo. I supported both. Now, I wish to say that if this was the first time that matters like this had been brought here I would be against it.

Mr. TAWNEY. Will the gentleman yield to me for one question?

Mr. FINLEY. Certainly.

Mr. TAWNEY. Is it not a fact that a large part of this appropriation, if made, goes to an officer of the exposition of this company who has assumed debts of that company?

Mr. FINLEY. I will say this to the gentleman, that every dollar that is provided here will go to pay for labor and material and for services rendered for the purposes of the Charleston Exposition.

Mr. TAWNEY. What is the object of this language here—"or for the reimbursement of any officer of said company who has advanced money or paid such claims, $160,000?"

Mr. FINLEY. Wherever such an advance has been made, the party making those advances stands for the contractors or laborers. Now, Mr. Speaker, more than forty times Congress has made appropriations like this. It will be urged, and it has been urged, that Charleston received $90,000. But that was only for the Government exhibit. Not a dollar was appropriated to pay for the building in which that Government exhibit was placed, except that of the Fish Commission, possibly. The building in which the Government exhibit was placed at Charleston was provided by the exposition company and paid for by that company, and part of the money that is sought to be appropriated here goes for the purpose of helping pay for that building. So, Mr. Speaker, the facts are stated in this amendment:

For labor, articles, and services rendered to said company for the work of said exposition, or for the reimbursement of any officer of said company who has advanced money or paid such claims.

Now, when this exposition first started the people of South Carolina understood and believed that they would be treated with the same measure of consideration that all other expositions had been treated by the Congress of the United States. They believed that Congress would not hesitate to appropriate the $250,000 asked for. Congress did not give the appropriation, but the progress of the work had advanced to such an extent that arrangements had been made, plans had been laid, and the people having control of the exposition were compelled to go on; and now, to-day, they stand the losers to the extent that they did not get the $250,000; and I most emphatically say that if this appropriation is not carried that it will be a discrimination against Charleston and the State of South Carolina. The exposition which was held there and participated in by many of the States, and by the Hawaiians and Cubans as well, will compare favorably with any previous exposition held in this country.

I may say, Mr. Speaker, that any provision that would safeguard this appropriation would be welcomed by myself and my colleague [Mr. JOHNSON]. I will insert in my remarks a state-

ment taken in part from Senate Report No. 2382, Fifty-sixth Congress, second session:

Aid or loans to expositions and expenses of Government exhibits.

Centennial Exposition, Philadelphia, 1876 (repaid to United States in 1877)	$1,500,000.00
Government exhibit	578,500.00
New Orleans Exposition, 1884	1,350,000.00
Government exhibit	300,000.00
Cincinnati Industrial Exposition, 1884: Government exhibit	10,000.00
Louisville Southern Exposition, 1884: Government exhibit	10,000.00
Atlanta Exposition, 1895: Government exhibit and building	200,000.00
Nashville, Tenn., Exposition, 1897: Government exhibit and building	130,000.00
Omaha Trans-Mississippi Exposition, 1898: Government exhibit and building	200,000.00
Philadelphia Exposition of American Products, etc	350,000.00
Toledo Centennial Exposition	500,000.00
Pan-American Exposition (Buffalo, N. Y.)	500,000.00
Total	5,628,500.00
Appropriations for World's Columbian Exposition	5,381,835.57
Total	11,010,335.57
Louisiana Purchase Exposition	5,000,000.00
For buildings, etc., Louisiana Purchase Exposition	250,000.00
Total	16,260,335.57

Mr. CANNON. Mr. Speaker, I will take two minutes and then ask for a vote. When I was a boy, more years ago than I like to acknowledge, and when the old Democratic party was in the saddle under the leadership of its great men, its Calhouns and others, I heard much talk about State rights. I believe in State rights, but not State rights gone mad. [Laughter.] Years have passed by. I recollect the criticisms that were made upon Congressional action away back there. I heard people talk about the cohesive power of public plunder. I expect some others of you have heard that.

Times have somewhat changed, but I have lived to see the State that John C. Calhoun represented, advocate for the strict construction of the Constitution, come in and strike hands with the Empire State, and give sufficient aid and comfort for a solid vote to the Representatives of the Empire State to pass this proposition that was passed a few moments ago.

Well, I want to say here and now, that I am against both propositions. I was against the New York case with what little voice and vote I had. I am equally against this. But what is the Constitution—as another eminent son of New York, who is now out of Congress, said—"what is the Constitution betwixt friends?" [Laughter.]

If you take Buffalo—great, powerful, rich, strong—this proposition in God's chancery from Buffalo has not as much courage as the proposition that comes from Charleston, S. C., which is a small city, weak as compared with Buffalo and New York, and poor as compared to it in riches. I am against both propositions, but I want to state the facts about it.

I made a motion to reconsider and changed my vote for that purpose, with the idea that if this Charleston matter was voted down, I would make a motion to reconsider the vote with reference to the Buffalo proposition; but my golden-haired friend from New York was not to be caught by any such chaff. [Laughter.] He is an early bird, and the Speaker ruled it to be privileged. I am not quarreling with him or the Speaker.

Now, you can vote Charleston up or down, as far as I am concerned; I am going to vote against it. Two wrongs do not make a right, but I want the yeas and nays, and if there is one-fifth of those who will give them to me, we will let New York show up for Charleston as Charleston has shown up for New York. [Laughter.]

The SPEAKER. The question is on the motion of the gentleman from South Carolina [Mr. FINLEY], to recede and concur, and on that question the gentleman from Illinois asks for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 71, nays 119, answering "present" 14, not voting 146; as follows:

YEAS—71.

Alexander,	Feely,	Loudenslager,	Ryan,
Aplin,	Finley,	McAndrews,	Shattuc,
Ball, Del.	Fitzgerald,	McClellan,	Showalter,
Bingham,	Flood,	McDermott,	Sibley,
Blackburn,	Gibson,	McLachlan,	Smith, H. C.
Bowie,	Glenn,	Mahoney,	Southwick,
Brownlow,	Goldfogle,	Metcalf,	Sparkman,
Burleigh,	Griffith,	Meyer, La.	Stewart, N. Y.
Burnett,	Grosvenor,	Mondell,	Sulloway,
Cassel,	Hanbury,	Moody, N. C.	Sulzer,
Cassingham,	Haskins,	Moody, Oreg.	Taylor, Ala.
Conry,	Henry, Conn.	Mutchler,	Tompkins, N. Y.
Currier,	Howard,	Nevin,	Tompkins, Ohio
Davey, La.	Johnson,	Newlands,	Vreeland,
Davidson,	Knapp,	Olmsted,	Wachter,
Dick,	Lamb,	Powers, Me.	Wiley,
Dougherty,	Landis,	Ransdell, La.	Wilson.
Driscoll,	Lessler,	Ray, N. Y.	

NAYS—119.

Allen, Ky.	Draper,	Knox,	Richardson, Ala.
Barney,	Esch,	Kyle,	Rixey,
Bartholdt,	Fleming,	Lacey,	Robinson, Ind.
Bartlett,	Foss,	Lanham,	Sims,
Beidler,	Fowler,	Lewis, Pa.	Slayden,
Bell,	Fox,	Little,	Smith, Ill.
Benton,	Gaines, Tenn.	Livingston,	Smith, Iowa
Blakeney,	Gaines, W. Va.	Lloyd,	Smith, S. W.
Bromwell,	Gardner, Mich.	Long,	Snodgrass,
Brown,	Gillett, Mass.	McCall,	Snook,
Brundidge,	Graff,	Mahon,	Southard,
Burke, S. Dak.	Graham,	Marshall,	Spight,
Burkett,	Green, Pa.	Martin,	Steele,
Burleson,	Grow,	Maynard,	Stephens, Tex.
Burton,	Hamilton,	Miers, Ind.	Stewart, N. J.
Butler,	Hedge,	Moon,	Storm,
Candler,	Hemenway,	Needham,	Sutherland,
Cannon,	Hepburn,	Neville,	Swanson,
Capron,	Hill,	Otjen,	Tate,
Clayton,	Holliday,	Overstreet,	Tawney,
Conner,	Hooker,	Padgett,	Thomas, Iowa
Coombs,	Hopkins,	Parker,	Tirrell,
Crumpacker,	Hughes,	Payne,	Van Voorhis,
Cushman,	Jackson, Md.	Pearre,	Warner,
Dahle,	Jones, Wash.	Perkins,	Warnock,
Dalzell,	Joy,	Pierce,	Watson,
Darragh,	Kehoe,	Prince,	Williams, Ill.
Dayton,	Kitchin, Wm. W.	Randell, Tex.	Wooten,
De Armond,	Kleberg,	Reeder,	Zenor.
Dinsmore,	Kluttz,	Reeves,	

ANSWERED "PRESENT"—14.

Adams,	Emerson,	Mercer,	Trimble,
Adamson,	Hay,	Pou,	Wanger.
Ball, Tex.	Jenkins,	Skiles,	
Brick,	Mann,	Thompson,	

NOT VOTING—146.

Acheson,	Dovener,	Latimer,	Rucker,
Allen, Me.	Eddy,	Lawrence,	Rumple,
Babcock,	Edwards,	Lester,	Ruppert,
Bankhead,	Elliott,	Lever,	Russell,
Bates,	Evans,	Lewis, Ga.	Scarborough,
Bellamy,	Fletcher,	Lindsay,	Schirm,
Belmont,	Foerderer,	Littauer,	Scott,
Bishop,	Fordney,	Littlefield,	Selby,
Boreing,	Foster, Ill.	Loud,	Shackleford,
Boutell,	Foster, Vt.	Lovering,	Shafroth,
Bowersock,	Gardner, N. J.	McCleary,	Shallenberger,
Brantley,	Gilbert,	McCulloch,	Shelden,
Breazeale,	Gill,	McLain,	Sheppard,
Bristow,	Gillet, N. Y.	McRae,	Sherman,
Broussard,	Gooch,	Maddox,	Small,
Bull,	Gordon,	Mickey,	Smith, Ky.
Burgess,	Greene, Mass.	Miller,	Smith, Wm. Alden
Burk, Pa.	Griggs,	Minor,	Sperry,
Calderhead,	Hall,	Morgan,	Stark,
Caldwell,	Haugen,	Morrell,	Stevens, Minn.
Clark,	Heatwole,	Morris,	Talbert,
Cochran,	Henry, Miss.	Moss,	Tayler, Ohio
Connell,	Henry, Tex.	Mudd,	Thayer,
Cooney,	Hildebrant,	Naphen,	Thomas, N. C.
Cooper, Tex.	Hitt,	Norton,	Tongue,
Cooper, Wis.	Howell,	Palmer,	Underwood,
Corliss,	Hull,	Patterson, Pa.	Vandiver,
Cousins,	Irwin,	Patterson, Tenn.	Wadsworth,
Cowherd,	Jack,	Powers, Mass.	Weeks,
Creamer,	Jackson, Kans.	Pugsley,	Wheeler,
Cromer,	Jett,	Reid,	White,
Crowley,	Jones, Va.	Rhea, Va.	Williams, Miss.
Curtis,	Kahn,	Richardson, Tenn.	Woods,
Davis, Fla.	Kern,	Robb,	Wright,
De Graffenreid,	Ketcham,	Roberts,	Young.
Deemer,	Kitchin, Claude	Robertson, La.	
Douglas,	Lassiter,	Robinson, Nebr.	

So the motion of Mr. FINLEY was rejected.

The following additional pairs were announced:

For the session:

Mr. WRIGHT with Mr. HALL.

For this day:

Mr. CROMER with Mr. COOPER of Texas.

On this vote:

Mr. ROBERTS with Mr. THAYER.

Mr. PATTERSON of Pennsylvania with Mr. SHAFROTH.

Mr. MORRIS with Mr. SELBY.

Mr. HOWELL with Mr. PADGETT.

Mr. BABCOCK with Mr. NAPHEN.

Mr. MINOR with Mr. MCCULLOCH.

Mr. WADSWORTH with Mr. LASSITER.

Mr. JACK with Mr. KERN.

Mr. BISHOP with Mr. ROBINSON of Nebraska.

Mr. BURK of Pennsylvania with Mr. WILLIAMS of Mississippi.

Mr. CALDERHEAD with Mr. COWHERD.

Mr. GILL with Mr. PUGSLEY.

Mr. CURTIS with Mr. DAVIS of Florida.

Mr. EVANS with Mr. JONES of Virginia.

Mr. HILDEBRANT with Mr. LEWIS of Georgia.

Mr. ALLEN of Maine with Mr. BOWERSOCK.

Mr. DOVENER with Mr. ACHESON.

Mr. MUDD with Mr. STARK.

Mr. BOUTELL with Mr. JACKSON of Kansas.

Mr. LOUD with Mr. GRIGGS.

Mr. LITTAUER with Mr. LESTER.
Mr. MERCER with Mr. BRANTLEY.
Mr. KETCHAM with Mr. BANKHEAD.
Until further notice:
Mr. GILLET of New York with Mr. CLAUDE KITCHIN.
The result of the vote was announced as above stated.

The SPEAKER. The next question in order is on amendment No. 26. But if there is no objection the Chair, before proceeding further with these amendments, will recognize the gentleman from Missouri [Mr. JOY], the acting chairman of the Committee on Accounts, who wishes to submit an urgent matter. The Chair hears no objection.

TEMPORARY BICYCLE MESSENGERS.

Mr. JOY. I desire to present, by unanimous consent, a resolution which has been referred to the Committee on Accounts, but which has not been considered by that committee. As acting chairman, I submit it.

The resolution was read, as follows:

Resolved, That the Clerk of the House of Representatives be authorized and empowered to employ during the remainder of this session of Congress three bicycle messengers, for day and night service between the enrolling room of the Clerk's office and the Government Printing Office, to be paid out of the contingent fund of the House of Representatives, at $5 per day.

Mr. RICHARDSON of Tennessee. As I understand, these temporary messengers are provided for only the balance of this session.

Mr. JOY. That is all.

The resolution was adopted.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed a bill of the following title, in which the concurrence of the House was requested:

S. 6196. An act to regulate the sale of viruses, serums, toxins, and analogous products in the District of Columbia, to regulate interstate traffic in said articles, and for other purposes.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8586) amending the act of March 2, 1901, entitled "An act to carry into effect the stipulations of article 7 of the treaty between the United States and Spain, concluded on the 10th day of December, 1898."

The message also announced that the Senate had passed without amendment bills of the following titles;

H. R. 14234. An act granting a pension to John Williamson;

H. R. 13875. An act authorizing the adjustment of rights of settlers on the Navajo Indian Reservation, Territory of Arizona;

H. R. 10321. An act granting an increase of pension to Susan A. Phelps; and

H. R. 2494. An act for allowance of certain claims reported by the accounting officers of the United States Treasury Department.

DEFICIENCY APPROPRIATION BILL.

Mr. MONDELL. I move that the House recede from its disagreement to the amendment of the Senate No. 26, and agree to the same.

Mr. CANNON. I think the amendment ought to be read.

The Clerk read as follows:

Territory of Hawaii: To pay in part the awards rendered under an act of the legislative assembly of the Territory of Hawaii by the fire claims commission of that Territory for property destroyed in the suppression of the bubonic plague in said Territory in the years 1899 and 1900, $1,000,000. And the governor and secretary of said Territory are hereby authorized to issue the bonds of that Territory in such sum, not exceeding $500,000, as, together with the money hereby appropriated, may be sufficient to pay all of said awards. Said bonds shall be payable in gold coin of the United States of America of the present standard weight and fineness, shall bear interest at the rate of 4 per cent per annum, payable semiannually, and be redeemable in not less than five years and payable in not more than fifteen years from the date of issuance.

The principal and interest of all bonds shall be exempt from any and all taxes, and the payment thereof shall constitute a charge on the revenues of the Territory of Hawaii. Said bonds shall be sold at not less than their face value, and the proceeds thereof shall be applied to the payment of the awards aforesaid and to no other purpose, and they shall be of such form and denominations and be issued and sold under such rules and regulations as the Secretary of the Interior shall prescribe. Under no circumstances shall any claimant, or anyone claiming through him, be required to pay, nor shall any attorney or agent be entitled to charge, demand, or receive, directly, or indirectly, more than 10 per cent upon the amount recovered as compensation for services or labor of any kind or character in the prosecution or establishment of the claim, and in cases of contracts or agreements providing for payment of less than 10 per cent the payment shall not be increased above the percentage so agreed upon.

Before any such award shall be paid hereunder, the governor of said Territory must certify that the same is genuine and was duly rendered in pursuance of the act of the legislative assembly of the Territory; and the payment of said awards shall be in full satisfaction and discharge of any and all claims or demands against said Territory or the United States on account of any property destroyed in the said suppression of the bubonic plague.

The SPEAKER. The Chair recognizes the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. I yield fifteen minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, I want to say that this is an exceedingly important matter, affecting the welfare of the youngest and fairest daughter of our Republic—a group of islands that came to us at the beginning of the Spanish war of their own free will. They relinquished sovereignty and became a Territory of the United States. They have at present no representative on this floor, the delegate from that Territory being absent, and, I understand, ill. In the utterance of the few words which I wish to say in behalf of Hawaii in this matter I hope to have the attention of the House.

On the 7th of July, 1898, by the passage of a joint resolution of Congress, in conformity with the action of the Hawaiian Government, Hawaii became a part of the territory of the United States. One of the provisions of that resolution was as follows:

Until Congress shall provide for the government of such islands all the civil, judicial, and military powers exercised by the officers of the existing Government in said islands shall be vested in such person or persons and shall be exercised in such manner as the President of the United States shall direct; and the President shall have power to remove said officers and fill the vacancies so occasioned.

After the passage of this resolution all of the civil, military, and judicial authority exercised in Hawaii was exercised under and by virtue of that resolution, by and through the President of the United States; and every officer of Hawaii was a Federal officer: and every act of every Federal officer of the Territory of Hawaii was an act of the Executive of the United States.

On the 12th of December, 1899, following the resolution of annexation, the bubonic plague broke out with great violence in Honolulu, the capital of the islands. It was exceedingly important, not only for Hawaii but for the United States as well, that this epidemic be stamped out at once; that it be eradicated so that it should gain no foothold on Hawaiian soil and thus be a source of constant menace to the mainland.

In view of that fact, the authorities of Hawaii proceeded to carry out the most drastic measures for the purpose of stamping out the plague. As rapidly as a case was discovered the premises were fumigated, if possible. But owing to the fact that the premises occupied by those who were stricken with the plague were largely of such a character as to make it impossible to fumigate them and purify them it became necessary to destroy them by fire.

The regularly constituted authorities of the Territory, acting in accordance with a suggestion of the officer of the Marine-Hospital Service there, proceeded, after due appraisement by several of the leading builders and business men of the city, to destroy the infected property. This continued for a very considerable length of time, the most careful appraisement being had of all the property so destroyed. The work continued for nearly four months. During this time it became necessary to destroy a vast amount of property, both buildings and merchandise and personal effects.

It became necessary to place in quarantine camps over 8,000 people and to maintain them for months. The result was that the Hawaiian government expended over $807,000 for the suppression of the plague. This practically exhausted every dollar of cash in the Territorial treasury. After the suppression of the plague, at the suggestion of the President, by act of the Hawaiian legislature, a commission was appointed for the purpose of adjudicating the fire losses. This commission was composed of well known, competent, and trustworthy citizens of the Territory.

In the due course of time it concluded its labors and made awards amounting to $1,473,173, the claims amounting to $3,174,289.90. There were 6,748 claimants, mostly people in humble circumstances, the average claim amounting to less than $217. Over 12,000 people are interested in the payment of these claims, and so the matter now stands. The board having adjudicated the claims according to law, as suggested by the President, Hawaii finds herself unable to pay them.

At the time the resolution of annexation was passed Hawaii was receiving about $1,300,000 annually from customs duties, post-office receipts, internal-revenue taxes, and a merchandise or occupation tax, since declared unconstitutional by the Supreme Court of the United States. When the Territory first assumed responsibility for these losses, when the President first directed these methods for the eradication of the plague, Hawaii was receiving this large income. Soon thereafter, by the passage of the enabling act, Hawaii was deprived of these sources of revenue, and since that time there has been paid into the Treasury of the United States, net, above all the cost of collection, nearly $2,500,000, which but for the passage of the enabling act Hawaii would have had with which to meet these losses.

She now finds herself confronted with the payment of one million and a half of fire claims, practically, without any source of

revenue from which to make the payment. The Government has received from her, as I have said, in the period since these losses were sustained, practically two and a half millions of dollars above all cost of collection. The expenditures were made at a time when Hawaii was not a Territory of the United States, but was territory belonging to the United States, when her officers were acting under the direction of the President of the United States, when every act of those officers was the act of the President of the United States, the act of the Government of the United States.

Now, in an effort to meet her current expenses since deprived of her customs revenue, internal revenue, and other revenue, Hawaii has increased her rate of taxation, has passed an income tax of 2 per cent on all incomes above $1,000, has made every effort to meet her current expenses, and yet her current revenues fail to meet her present outlay, and there is at present, I understand, a deficit of nearly $400,000 in the finances of the Territory.

Mr. GAINES of Tennessee. Mr, Speaker, can the gentleman inform me how long this plague will continue to visit these islands, and how much per year will be the expenditure he has just described; in other words, how long will this possible expense hang over the Treasury of the United States?

Mr. MONDELL. I will say to the gentleman that the plague lasted four months. It never before visited Hawaii. It is not likely to ever visit Hawaii again. Hawaii is now a full-fledged Territory, and should the plague visit Hawaii in the future, it will depend entirely upon the Hawaiian authorities to suppress it and suppress it at their own expense. The peculiar political conditions existing at the time this debt was contracted were such as to make it, in my opinion, an obligation of the Government of the United States.

Let us remember, gentlemen, that our transports were passing back and forth between San Francisco and the Philippines at that time every few days, and shiploads of our soldiers arrived at the port of Honolulu frequently, and it became necessary to use even more drastic measures than would have been necessary for the protection of the islands themselves in order to protect the soldiers going to the Philippines and the soldiers returning, in order that by no possibility should the plague ever get a foothold on the mainland of the United States.

Mr. GAINES of Tennessee. Did the soldiers bring the plague there?

Mr. MONDELL. It is not known how the plague reached there. The supposition is that the plague came there in goods from the Orient, but just how it is impossible, of course, for any finite mind to know.

Mr. GAINES of Tennessee. The plague is a regular visitor in the Philippine Islands, and if we set an example of this kind now I do not see how we can get out of it in the future.

Mr. MONDELL. I want to call the gentleman's attention to the peculiar political condition of Hawaii at this time. I call attention to the fact that if Hawaii had remained in the political condition in which she was at the time the plague occurred and these expenses were incurred, she would have paid off all this indebtedness and still have had a million dollars in her treasury, instead of a deficit. After having obligated Hawaii to the extent of a million and a half of dollars for fire losses, and an expense of $800,000 for quarantine at a time when her revenues were sufficient to meet these expenses, since that time we have passed an enabling act and taken $2,500,000 net from those islands and placed the money in the Treasury of the United States.

Mr. GAINES of Tennessee. How much have we paid out?

Mr. MONDELL. That is the net revenue after all expenses of collection.

Mr. GAINES of Tennessee. It goes into what treasury?

Mr. MONDELL. Into the Treasury of the United States—internal-revenue taxes, postal receipts——

Mr. GAINES of Tennessee. How much is this claim that you are talking about? I regret that I did not hear you state it.

Mr. MONDELL. Mr. Speaker, the fire losses amounted to $1,473,000, in round numbers.

Mr. GAINES of Tennessee. What did they burn up?

Mr. MONDELL. They burned up buildings and personal property, which it became necessary to destroy in order to suppress the plague. It is proposed by the Senate amendment that the Federal Government shall pay of these losses $1,000,000; that Hawaii shall be authorized to issue 4 per cent gold bonds for the payment of the balance. If this amendment is adopted by the House, the total expense to Hawaii for the suppression of the plague will have been, in round numbers, $1,300,000, and the expense to the National Treasury will be $1,000,000.

In view of the peculiar condition existing at that time; in view of the status of Hawaii at that time; in view of the fact that the Federal officers encouraged this destruction, that they recommended the appointment of a commission; in view of the fact that the loss is so great that Hawaii can by no possibility pay it, that she is not able at this time, even with a high rate of taxation and an income tax to meet her current expenses; in view of the fact that if the plague had not been stamped out it would no doubt have spread to the mainland and cost many lives and great expense for its suppression, it seems to me that it is not only just and equitable that this provision be adopted, but further, that in a certain sense there is a legal claim upon the Government of the United States for the payment not only of part but of all of this claim.

Mr. GAINES of Tennessee. Is the gentleman certain that this revenue from the Hawaiian Islands was paid into the Treasury of the United States?

Mr. MONDELL. I am certain that the customs revenues of Hawaii and the internal-revenue and postal receipts of Hawaii all go into the Treasury of the United States.

Mr. GAINES of Tennessee. Then how are the officers over there paid?

Mr. MONDELL. What officers does the gentleman refer to?

Mr. GAINES of Tennessee. Judges and other officers.

Mr. MONDELL. They are paid out of the Territorial revenues.

The SPEAKER. The time of the gentleman has expired.

Mr. CANNON. I yield to the gentleman five minutes more.

Mr. MONDELL. I yield to the gentleman from Maine [Mr. POWERS] five minutes.

Mr. POWERS of Maine. Mr. Speaker, I will trespass but a few moments upon the time of the House. The Hawaiian Islands are a great way off. The 6,000 or more poor persons who are interested in this matter because their little property has been destroyed are virtually without a representative here on the floor. Sickness or something else prevents him from being here. Besides, he is not familiar with our methods and language. I believe that this claim is much more meritorious, and I think that the gentleman from Illinois [Mr. CANNON] will concede that it is much more meritorious, than either of those that have been already insisted upon, and especially is this true as to the one that has been agreed to.

Now, what are the facts? At the time this plague broke out we were governing those islands under a special act of Congress conferring the power to do so upon the President. The board of health and our consul-general—for I have talked with them—took charge of the matter. They ordered these buildings burned. In destroying these buildings to stamp out this plague the fire got away from them and burned some other portions of the city, including one church, at least. This matter has been fully investigated by the Committee on Pacific Islands and Porto Rico of the Senate, and there has been a unanimous report by that committee that these claims should be paid. It appears that the United States officials by using drastic measures succeeded in stamping out the plague in four months' time.

It also appears that Hawaii expended between eight and nine hundred thousand dollars for that purpose. It is also true that there was a commission appointed to ascertain the value of the property that had been burned and that claims to the amount of nearly $4,000,000 were presented before it for adjudication. At that time there appeared before the commissioners contesting these claims the attorney for the Hawaiian Islands, and after a careful hearing and patient investigation, this commission, having been recommended by the President, found due something more than $1,400,000.

Mr. GAINES of Tennessee. Who were the commissioners?

Mr. POWERS of Maine. They were leading citizens whose names I can not now give, but they are in this report. This matter was submitted to the Senate Committee on Pacific Islands and Porto Rico, and here is this voluminous record of the evidence taken by them. The Committee on Pacific Islands of the Senate, through Senator FORAKER, unanimously recommended the payment of this claim as a just one. I have no personal interest in this matter, but I have, at the request of two or three persons from those islands, who, I think, have no special interest in this claim, examined it somewhat, and I have come to the conclusion that it is just and right that something should be done by Congress to pay those people for property destroyed after we acquired the islands and before we established a Territorial government there.

The right to burn and destroy the houses under the circumstances and the necessity or propriety of so doing is not questioned.

Our duty to pay at least in part for that property we can not in justice deny, and a great country like ours should not seek to avoid.

I grant that certain steps have not been taken before some committee of this House that perhaps under the rules should have been. But, as we all know, claims are allowed and paid every Congress that have not half the merit or had near the investigation these have, as these have behind them the unanimous report of a committee of the Senate.

We have taken the revenues from those islands, and have put them in the Treasury of the United States. Those islands are netting us some $2,000,000. Means which formerly they would have had to pay they have not now. They have increased their taxation in order to do something toward paying these claims. Let me for a moment read the findings, the unanimous findings of the committee of the Senate upon this subject. I will read a very few words from it. It says:

The board of health practically took charge of the city of Honolulu, divided it into districts, put them all under inspection, and the inhabitants under quarantine.

The board was appointed from Washington. It was put in control of the situation.

The report further states:

It also found it necessary to destroy large districts of dwellings and business houses.

Then it says:

In view of this condition of the Territorial treasury, and in view of the fact that since the act of Congress of April 30, 1900, providing for a Territorial government for Hawaii went into effect, all tariff duties and internal-revenue taxes collected in Hawaii which were previously a part of the revenue for the support of the government of the Hawaiian Islands have been paid into the Treasury of the United States, amounting to the net sum, after deducting all costs of collection, of $2,269,632.47.

Then, it further says:

The committee were unanimously of the opinion that the measures resorted to for the suppression of the plague were necessary; that the authorities of Honolulu and the Hawaiian government did all that prudent men could be expected to do, under such circumstances, to avoid incurring unnecessary expense and injury to property and yet properly protect the health of the community.

The SPEAKER. The time of the gentleman has expired.

Mr. POWERS of Maine. Can not you yield me another minute?

Mr. CANNON. I will yield the gentleman another minute.

Mr. POWERS of Maine. This destruction of property was done under the direction of the Commission having the matter in charge and representing the sovereign power of this country. We have taken away from them the revenues from which they could have paid. There are 6,000 poor people interested in this matter. They have in fact no delegate here to represent them and to urge the justice of these claims.

Mr. GAINES of Tennessee. How long do you think it would be before there would be a claim for another million?

Mr. POWERS of Maine. If the bubonic plague should break out there or elsewhere in our country every single citizen would see that it was stamped out, no matter what the expense. We would not weigh dollars in the scales against the eradicating of it. I have already said that I have no interest in this matter except my desire to see justice done at the request of certain gentlemen from those islands. I have tried during the few moments allowed to me to present the facts and the merits of this claim to the House, as the facts and merits have been unanimously found by the Committee of the Senate, as their report accompanying the printed evidence shows. [Applause.]

Mr. CANNON. I yield two minutes to the gentleman from New York.

Mr. SULZER. Mr. Speaker, just a few words. I simply want to say in relation to this appropriation that when the bubonic plague broke out in the Hawaiian Islands if it had not been promptly met and stamped out then and there, if it ever got into this country, it would not only have cost us a million dollars, but it would have cost the United States thousands and thousands of lives—men, women, and children—and several millions of dollars in the destruction of property.

This Government was equal to the emergency and met that plague at the border line. It was stamped out there and then by the burning of property, by destroying property, property that belonged to and was owned by people in the Hawaiian Islands, and it is incumbent, it seems to me, as a legal proposition that this Government, which ordered this destruction, should pay for this property. If we fail now, gentlemen, to meet this question in a broad way and a liberal spirit consistent with the dignity and the honor of the United States, then in the future when property has to be destroyed to stop the march of plague or pestilence, there may be trouble. We owe this money and we should pay it. It is honest, and I trust the motion will prevail and the amendment be adopted.

The SPEAKER. The time of the gentleman has expired.

Mr. ROBINSON of Indiana. I would like the gentleman to yield to me, that I may ask unanimous consent to extend in the RECORD remarks on immigration and labor.

The SPEAKER. The gentleman asks unanimous consent to extend in the RECORD his remarks on immigration and labor. Is there objection? [After a pause.] The Chair hears none.

Mr. CANNON. I yield now to the gentleman from Connecticut.

Mr. HILL. Mr. Speaker, we have paid out three millions for the purchase of arms and to secure peace in Cuba. We have paid $750,000 to Porto Rico for relief from a calamitous hurricane; we have paid $100,000, or, I believe, $200,000 were given as a mere matter of charity to the sufferers of Martinique to relieve them from distress. Here in Hawaii, when our troops were going backward and forward, when in all human probability from the communication of these ships with the Orient and Hawaii the bubonic plague was introduced, the Americans of that island, with the energy and determination which always characterizes Americans, stepped in and asked no relief or assistance in securing us from having the plague brought to our shores.

It seems to me the least we can do, gentlemen, is to divide this expense with the Territory of Hawaii. And when they come to us and say they will pay half of the $2,000,000 of money expended to protect us as well as themselves, we ought to pay it, and pay it without grumbling and pay it cheerfully; for, as the gentleman from New York very truly says, if the plague had come to the United States it would have cost us far more, in addition to the many lives that would have been sacrificed; and therefore I hope and believe that the committee of conference will at least meet the Senate halfway and agree that seven hundred and fifty thousand of this shall come from the revenues of the Territory and seven hundred and fifty from the revenues of the United States, if nothing else.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading Clerk, announced that the Senate had passed a bill of the following title, in which the concurrence of the Senate was requested:

S. 6286. An act prohibiting the killing or taking of seals, porpoises, whales, or marine animals, or fish of any kind in the waters of the United States by means of explosive materials, and for other purposes.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 367. An act for the relief of Agnes A. McPhee; and

H. R. 12977. An act granting an increase of pension to William L. Church.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12805) requiring the Anacostia and Potomac River Railroad Company to extend its Eleventh street line, and for other purposes.

DEFICIENCY APPROPRIATION BILL.

Mr. CANNON. Mr. Speaker, if I can have the attention of the committee, I will be very brief and ask for a vote. I first want to say what this amendment is. It is to pay from the Treasury of the United States $1,000,000 as a relief to Hawaii, part of the amount that was expended in stamping out the bubonic plague. It authorizes the issue of half a million dollars of bonds by Hawaii—of her own bonds—to pay the balance. It cost a million and a half dollars to stamp out this plague.

Mr. MONDELL. Will the gentleman allow an interruption?

Mr. CANNON. Yes.

Mr. MONDELL. The gentleman knows that the Hawaiian government paid $807,000 in stamping it out.

Mr. CANNON. So be it; she had it in the treasury to pay. Now, then, the next clause is a very wise clause—that not more than 10 per cent of the million dollars shall be paid to attorneys. Well, I think it is worth it. Not more than 10 per cent, that is, of the million that we are to pay to Hawaii is to go to attorneys. That would be $100,000 for the attorneys, so it would be $900,000 for Hawaii.

Mr. MONDELL. The gentleman must know, as a matter of fact, that in all probability no such amount will go to the attorneys—that this provision was inserted in order that if there were any claimants that promised to pay more than that they could only be called upon to pay 10 per cent of the amount. The evidence before the committee was that the claimants largely do not understand the English language and had to have attorneys, and the attorneys here generally get from 4 to 5 per cent.

Mr. CANNON. I only know that they could not pay more than 10 per cent. They can pay 10 per cent. If it was only 5, why not make it "not more than 5?" Why not no fees at all? I am calling attention to what it is, and I again congratulate the House, if perchance we shall pass this provision, that it can not be more than $100,000 out of the million dollars gift that goes to the attorneys.

Now, that brings me to this proposition, and then I will talk briefly about the merits. This is legislation, a gift; it is fastened on to this bill with a grip of steel, and it wants this bill to pull it through. Now, then, what committee in the House had jurisdiction of this matter? The Committee on Territories.

Mr. MONDELL. Will the gentleman allow another interruption?

Mr. CANNON. Yes.

Mr. MONDELL. Does not the gentleman know that the

Hawaiian people have been asking their Delegate before this Congress to take up this matter ever since Congress met last fall, and that he did introduce a bill, and that it is not the fault of the Hawaiians themselves that it was not taken up by the committee?

Mr. CANNON. I am not saying whose fault it is; I am only calling attention to the fact. The Committee on Territories of the House, with the bill introduced, is silent. What ought to have been done? They ought to have reported it back to the House and have it go to the Committee of the Whole House on the state of the Union and have days for its consideration, full consideration on its merits. Has it been born that way? Is it a legal and ordinary birth? No; not at all. Now, gentlemen scold the Committee on Appropriations because it usurps jurisdiction. "We do not want this. Oh, no; we want to vindicate the rights of the legislation of the committees of this House!"

Mr. MONDELL. I would like to ask the gentleman if this measure had the sort of a birth that he indicates that it did not have; if it did not have the sort of a birth that the amendment for a million and a quarter dollars for a wart on the nose of a promontory near a shipyard which this House adopted the other day? [Laughter.]

Mr. CANNON. And the House has the power to adopt, and that is what the gentleman is asking this House to do, to adopt this illegitimate child. [Laughter.]

Mr. COOMBS. Will the gentleman allow me an interruption?

Mr. CANNON. Well, I would like to go on, because I have not commenced yet on the merits.

Mr. COOMBS. I would like to give the gentleman something to talk on about the merits. I would like to ask what part the attorneys have taken in this proposition that would entitle them to 10 per cent?

Mr. CANNON. The people interested in the claim and God know; I do not. [Laughter.]

Mr. COOMBS. I would like to ask what they have done?

Mr. CANNON. I do not know; that is what I want to find out.

Mr. MONDELL. If the gentleman is looking for information, I can tell him.

Mr. CANNON. Now, I trust I can have my own time. If I can have three minutes we will save time and have an intelligent disposition of this matter. If I may be permitted to have a few minutes without interruption, I will then be glad to yield.

Now, then, the committee of the House, presided over by the gentleman from Massachusetts, has not brought in this bill here. How does it come here? Why, the Committee on Pacific Islands in the Senate has considered this question and extracts from its report have been read here. Did that Committee on the Pacific Islands take it to the Senate and go into Committee of the Whole and consider it hour after hour until it was fully considered? Nay, nay. Nay, nay; but on the contrary, somebody in the Senate moves this amendment on this bill, a bill which must pass or the Government must stop. And so the amendment comes here. Now, what does anybody in this House know about it—intelligently, fully, so that he can say, "Of my own knowledge, looking at it from my own standpoint, the amendment ought to pass." There are not 50 persons in this House who have that kind of knowledge of it.

But even if it were a meritorious measure, the House ought to reject this amendment and say to the Senate "It is that kind of legislation which is prohibited by the rules of the House and which does not run along the lines of good legislation."

Now, I fancy I hear somebody say, "How about the merits?" Give me your attention while I guess at the merits; for the question has two sides. Thirty years ago the United States made a treaty with Hawaii under which we gave them free trade in sugar and their other products; and they gave us free trade. They did not buy much of us; but as we had for nearly all that time a duty of 1½ to 2 cents a pound on sugar coming from other parts of the world to us, the moment their sugar landed it had the 2 cents a pound added to it; so that during those thirty years we practically paid Hawaii a bounty of 2 cents a pound on her sugar, amounting in round numbers to $100,000,000. She prospered. Great plantations grew up there, such as I have never seen anywhere else. I am not thoroughly familiar with sugar plantations; but I was down there once. Great fortunes have been piled up there; great plantations exist there now.

Hawaii was annexed with her own consent. In July, 1898, Congress passed an act which I have before me. What did we agree to do? We agreed to pay every dollar of her debt—$4,000,000. So the moment she was annexed she was free from all kinds of debt. The United States has paid her indebtedness. I think I am correct in saying that we have also provided for taking up her depreciated money at our expense.

Mr. HILL. No; we have not.

Mr. CANNON. The gentleman from Connecticut says we have not.

Mr. HILL. And it is not depreciated, either.

Mr. CANNON. Well, I followed my friend on his proposition the other day——

Mr. HILL. But the proposition failed.

Mr. GAINES of Tennessee. We were right on this side of the House and voted it down.

Mr. CANNON. Well, be that as it may, she comes here debt free. We passed an act—known, I think, as the Newlands Act—in 1898, containing this provision:

> Until Congress shall provide for the government of such islands, all the powers exercised by the officers of the existing government in said islands shall be vested in such person or persons, and shall be exercised in such manner, as the President of the United States shall direct; and the President shall have the power to remove said officers and fill the vacancies, etc.

Now, we not only assumed the debt of that country, but also the Hawaiian postal savings bank indebtedness, and so on.

In the meantime, under this act, and until later on—a year later on, almost—Hawaii was collecting the revenues from customs by virtue of this act; and they went into her own treasury. Between the time of annexation and the time of the passage of the enabling act under the lead of the gentleman from Massachusetts [Mr. KNOX], chairman of the Committee on Territories, these revenues from customs went into the treasury of Hawaii. In the fullness of time she was annexed; but before annexation—in 1899, a few months before annexation—the bubonic plague developed there. It developed also in San Francisco. I do not know whether any property was destroyed in San Francisco or not—whether any houses were burned.

Mr. KAHN. It has always been a grave question whether there was any bubonic plague at any time in San Francisco. I do not believe there was.

Mr. CANNON. Nevertheless, it was alleged to be there. And there has been smallpox in Arizona and all over the country; and there have been measles, whooping cough, diphtheria, etc., everywhere.

Now, what is the rule? The rule is that the respective States or Territorial governments pay the expenses of the kind referred to. And if Los Angeles, or Phoenix, Ariz., or Alburquerque, N. Mex., had an attack of bubonic plague, and had to burn up a block of buildings, it would be a burden upon the respective State or Territory.

Mr. GAINES of Tennessee. Who pays for the burning up in the Philippine Islands?

Mr. CANNON. Well, I will not take up that subject. Such expenses are paid out of the insular revenues, not out of the United States Treasury.

Now, one word further. This very amendment recognizes the law to which I have referred. Now, is there anything from a charitable standpoint that should make Uncle Sam give a million dollars to his dusky daughter? "The fairest daughter," said my friend from Wyoming; the duskiest daughter say I. But be she dusky or fair, we want to be just to her. Is there anything in her position to make us pay this money? No. She has great industries, rich sugar plantations. She has free trade with the United States. She is owned by the United States and is absolutely without one dollar of debt, because Uncle Sam has paid it all. And now Uncle Sam is getting ready to construct there a naval station and a navy-yard. We are paying all the usual expenses—improvement of her harbors, erection of fortifications—everything of that kind.

Now, I make another proposition. She does not begin to be as poor as New Mexico is or as Arizona is. She has no debt at all, and New Mexico and Arizona and the municipalities have much debt. If we are going into the giving business to our Territories, let us have a fair divide. But now I put another proposition. This gives a million. The loss is a million and a half. Now, if it is right to give it at all, it is right to give it all.

Mr. NEWLANDS. Mr. Speaker——

The SPEAKER. Does the gentleman yield?

Mr. CANNON. For a question only.

Mr. NEWLANDS. Mr. Speaker, I would like the gentleman to state the entire expense which Hawaii incurred in suppressing the bubonic plague—how much of that was paid out of the Hawaiian treasury and how much of it the United States Government is expected by this amendment to contribute. My understanding is that over two millions and a half were expended.

Mr. CANNON. Oh, the gentleman from Wyoming [Mr. MONDELL] has stated that.

Mr. NEWLANDS. But the gentleman speaks of the entire expenditure as a million and a half. I understand that it is pretty nearly two millions and a half, and, further, that $850,000 was taken out of the Hawaiian treasury.

Mr. CANNON. The United States paid four millions of her debt, and gave her the customs receipts until the organizing act was passed.

Mr. POWERS of Maine. Mr. Speaker, will the gentleman yield?

Mr. CANNON. I can not yield until I answer the question.

Mr. NEWLANDS. The gentleman does not answer my query.

Mr. CANNON. I will answer the question in my own way, Mr. Speaker. Just after the United States paid all the debt of Hawaii, four millions under the act I just read, Hawaii was entitled to all the customs revenues, and she got them for over a year, and that is where she got the $800,000 plus, which it is alleged she paid out to eradicate this bubonic plague.

Mr. NEWLANDS. Mr. Speaker, I will ask the gentleman——

Mr. CANNON. I can not yield further until I finish the answer.

The SPEAKER. The gentleman declines to yield.

Mr. CANNON. Now, then, that leaves a million and a half yet unpaid. My proposition is, that you acknowledge the United States is not legally bound to pay, because you only give her a million and provide that she may issue her bonds for the other $500,000. The bonds would be good, because she does not owe anything, and if she paid the whole $1,500,000 it would not burden her any more and not as much as other Territories of the United States are burdened.

Mr. POWERS of Maine. Mr. Speaker, will the gentleman allow me to ask him a question?

Mr. CANNON. I will not, for a moment.

The SPEAKER. The gentleman declines to yield.

Mr. CANNON. Now, then, that covers the ground. Legally, we are not bound, equitably and morally we are not bound. We are not bound from any standpoint of public policy. It is the first time such a proposition has ever appeared in the House, and so far as I know the first time that it has ever been proposed to write it into the law.

If proper, let it have a natural birth and full discussion as other legislative matters have, and from the standpoint of propriety in legislation—aye, more, from the standpoint of merits, as we get it on the hop, skip, and jump, this last day of the session of Congress—let it go off, and if it has merit in equity or law, it can be considered in the ordinary way. Now, Mr. Speaker, I believe the House understands all on each side that can be said affecting the facts and the merits of this proposition, and I ask for a vote.

Mr. NEWLANDS. Mr. Speaker——

The SPEAKER. The gentleman has declined to yield. The question is on the motion of the gentleman from Wyoming that the House recede from its disagreement to this amendment and agree to the same.

The question was taken; and on a division (demanded by Mr. MONDELL) there were—ayes 22, noes 108.

So the motion was lost.

The SPEAKER. The Chair will call the attention of the gentleman from Illinois to the fact that a motion to further insist would be in order as to the two amendments that were lost, Nos. 9 and 26.

Mr. CANNON. Yes; I ask unanimous consent that that be considered as ordered.

The SPEAKER. The gentleman from Illinois asks unanimous consent that that be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. This brings us to amendment No. 34, on which the gentleman from Ohio gave notice that he would ask for a separate vote. The Clerk will read the amendment.

The Clerk read as follows:

Rivers and Harbors: For the improvement of the Ohio River between Cairo and Mound City, $25,000, to continue available during the fiscal year 1903, and to be expended only if in the opinion of the Secretary of War an emergency exists making such an expenditure necessary.

Mr. BURTON. Mr. Speaker, I have a motion which I desire to submit, and which I will ask the Clerk to read.

The Clerk read as follows:

That the House recede from its disagreement and concur with an amendment as follows: Strike out at the end of the amendment the words "making such expenditures necessary" and insert in lieu thereof the words "and such expenditure is required in the interests of navigation."

The SPEAKER. The motion of the gentleman which has just been read is that the House recede and concur with an amendment. The Chair recognizes the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, so far as I am concerned this is a matter that dwells peculiarly with the Committee on Rivers and Harbors, and I am very glad indeed that the gentleman from Ohio and his committee have considered it.

The SPEAKER. How much time does the gentleman from Illinois yield?

Mr. CANNON. I have no objection to the proposition, if it meets with the approval of the Committee on Rivers and Harbors.

Mr. BURTON. The amount is not large, but there is a question of policy involved which is very important.

Mr. CANNON. I yield to the gentleman from Ohio such time as he desires.

Mr. BURTON. I shall not require more than five minutes, certainly. The House Committee on Rivers and Harbors very carefully excluded from the bill passed at this session any provision for bank protection merely, or for the protection of private property, except as was stated at the time, the levees on the Mississippi River, if they are to be considered as merely for the protection of property, a question about which there is a difference of opinion. This rule was enforced on the Ohio, on the Mississippi River above Cairo, on the Missouri, and in other places.

The amendment in the form in which it passed the Senate would leave the question open whether this $25,000 could not be expended merely for protecting the banks between Mound City and Cairo. The amendment as offered here allows the Secretary of War to expend this money only in case an emergency exists and such improvement is required in the interest of navigation. I am informed that a serious emergency does exist there; that the water is undermining the banks. It is possible that this proposed expenditure will be required for legitimate uses of navigation, but if it is not so required this House ought not to authorize it. This amendment will restrict the Secretary of War in his action to that line of policy which was insisted upon by the House and will authorize him to use this money only in case navigation requires it. I think, Mr. Speaker, this is all I desire to say upon the subject.

Mr. CANNON. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. SMITH].

Mr. SMITH of Illinois. Mr. Speaker, as was stated by the chairman of the Committee on Rivers and Harbors, information has reached us that a great emergency exists on the Ohio River between Cairo and Mound City, calling for at least this amount of appropriation. I note that an amendment is offered by the gentleman from Ohio [Mr. BURTON] by which he would endeavor to restrict the expenditure of this money only to the improvement of navigation of the river.

If my information is correct with reference to conditions there, and that information comes from the very best of sources—from letters, telegrams, statements, and petitions sent to me, which I filed in the Senate before the pending Senate amendment was offered—the emergency is a great one; and if it is as bad as the people there believe, and they think it is—and they have the opportunity to know the facts, and I believe they have been correctly stated—there will be no question but what the expenditure of this money will be necessary in the interest of navigation. But considering the great liberality which we have shown here to-day in giving away to the Buffalo Exposition $500,000, where we did not owe a cent, and making other provisions where, as stated by the chairman of the Committee on Appropriations, we are neither legally nor equitably nor morally bound; considering those conditions, I regret very much that the language used in this amendment is insisted upon by the chairman of the Committee on Rivers and Harbors.

I am fully aware, however, of the position that committee has taken with reference to these appropriations, and that the amendment which the gentleman offers is in compliance with and consistent with the requirements they have made in all other cases. Believing there will be no question but what, if this appropriation is made, it will be necessary in the interest of navigation, and will be so construed by the Secretary of War, and that there will be no question but that it will be so expended, I will not further antagonize the amendment of the gentleman from Ohio.

At my request he and other members of his committee conferred with me fully on this matter and finally agreed that with this slight amendment inserted, and which I do not consider will materially change the effect of the Senate amendment, and a majority of the Committee on Rivers and Harbors have joined in a written statement to the House conferees that with the modification of the Senate amendment as contained in the motion of the gentleman from Ohio, they would not object to or oppose the retention of the Senate amendment; and the chairman of the Committee on Appropriations having indicated that with the concurrence of the Rivers and Harbors Committee he would not further resist the Senate amendment appropriating the $25,000, I will ask that the amendment of the gentleman from Ohio be concurred in; that the House recede from its disagreement, and that the Senate amendment as modified be adopted, and the appropriation of $25,000 asked for be made.

Mr. CANNON. Let us have a vote.

The SPEAKER. The question is on the motion of the gentleman from Ohio [Mr. BURTON], to recede and concur with an amendment.

The motion was agreed to.

Mr. CANNON. I believe that completes the bill.

The SPEAKER. Without objection, the usual motion asking for a further conference will prevail.

There was no objection.

The SPEAKER announced as conferees on the part of the House Mr. CANNON, Mr. BARNEY, and Mr. LIVINGSTON.

SUSPENSION OF THE RULES.

Mr. GROSVENOR. Mr. Speaker, I present a privileged report from the Committee on Rules.

The SPEAKER. The gentleman from Ohio calls up a privileged report from the Committee on Rules, which will be reported by the Clerk.

The Clerk read as follows:

The Committee on Rules, to whom was referred the resolution No. 335, have had the same under consideration, and recommend that it be agreed to:

"*Resolved*, That for the remainder of the session the motion to suspend the rules shall be in order at any time, under all the conditions governing the motion on the first and third Mondays of a month."

The SPEAKER. The question is on agreeing to the resolution.

Mr. UNDERWOOD. I will say, Mr. Speaker, that it is evident that the House is about ready to adjourn, and it is always customary to have this resolution, or the rules themselves if we had passed an adjournment resolution would have served the same purpose without having a special rule brought in. The fact being that we are about ready to adjourn, and this resolution having been brought in without any adjournment resolution, I would like to ask the gentleman from Ohio if his side of the House is prepared to state when we will adjourn?

Mr. GROSVENOR. Mr. Speaker, it has been thought best not to tie the hands of the House by the passage of a resolution of adjournment until certain of the most important matters are either disposed of or are in such a shape that we can calculate accurately the proper time to adjourn, and so, pending that time, this rule has been brought in here, in order that certain matters about which there is no special controversy may he called up by a stronger position in their favor than mere requests for unanimous consent.

Mr. UNDERWOOD. I would like to ask the gentleman from Ohio whether his side of the House proposes to adjourn without any legislation in reference to the Cuban matter or with reference to trust legislation?

Mr. GROSVENOR. I presume that our side of the House proposes to adjourn whenever a majority of the entire House votes in favor of a resolution to that effect.

Mr. UNDERWOOD. I wanted to know of the gentleman if we are to adjourn without legislation of that character?

Mr. GROSVENOR. The gentleman is as good a judge of that question as I am. I demand the previous question.

The question was taken, and the previous question was ordered, and under the operation thereof the resolution was agreed to.

On motion of Mr. GROSVENOR, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

CONFERENCE REPORTS AND STATEMENTS.

Mr. DALZELL. Mr. Speaker, I present the following report from the Committee on Rules.

The Clerk read as follows:

The Committee on Rules, having had the following rule under consideration, reports the same to the House with the recommendation that it be adopted:

Resolved, That the rule requiring the presentation and printing of conference reports and statements one day before consideration by the House be, and the same is hereby, suspended during the remainder of this session.

The question was taken, and the resolution was agreed to.

ALASKA.

The SPEAKER. The unfinished business is the matter called up by the gentleman from Illinois [Mr. WARNER], being Senate bill 6139. There is a point of order pending, made by the gentleman from Tennessee [Mr. RICHARDSON], who does not appear to be in his seat. The Chair will state that the gentleman from Tennessee told the Chair that he intended to withdraw his point of order, but would like his colleague, Mr. BALL of Texas, to have two minutes. If the gentleman will yield for that purpose, the Chair will, on the statement of the gentleman from Tennessee, recognize the gentleman from Texas [Mr. BALL] for two minutes.

Mr. BALL of Texas. Mr. Speaker, I will state that the bill under consideration was very carefully considered by the Committee on Revision of the Laws. The part objected to by the gentleman from Tennessee, relating to taxation, is only authority conferred upon the people of Alaska to provide taxes by municipal authority for the use of towns and cities for fire protection, etc., and to maintain their public schools. So much of the bill as relates to the formation of corporations has been very carefully considered. The restrictions upon the corporate powers conferred upon these corporations are as severe and as onerous, perhaps more so, than is imposed by any one of the States of the Union.

The bill is urgent and ought to be passed at this session of Congress. It has already passed the Senate in practically the form reported as to formation of corporations, and the bill as reported is an amendment of the bill which passed through the Senate. The fact that it comes upon the heels of the session of Congress is only caused by the fact that the Committee on Revision of the Laws desired to give the bill careful and proper attention before reporting it, and not with any intention of rushing it through in the closing hours of the session. I think it very important that the bill should be passed, as it has been carefully prepared and is urgently needed by the people of Alaska to maintain their municipal governments, to sustain their public schools, and to prevent wild-cat corporations from the exploitation of that Territory.

The bill, I think, was properly considered by the Committee on the Revision of the Laws. A part of it, it is true, might properly go to the Committee on Territories. The other part of it should go to the Committee on Revision of the Laws, which considered and reported the bill providing for a civil code for Alaska in the last session of the Congress. I hope the gentleman from Tennessee will withdraw his objection.

Mr. RICHARDSON of Tennessee. In view of the statement the gentleman from Texas has made, and which he told me he intended to make, I desire to withdraw the points of order which I submitted.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. WARNER, a motion to reconsider the vote by which the bill was passed was laid on the table.

ALLOTMENT OF LANDS OF CHEROKEE NATION.

Mr. CURTIS. Mr. Speaker, I call from the Speaker's table Senate bill 5956, and move to suspend the rules and pass the bill.

The SPEAKER. The gentleman from Kansas moves to suspend the rules and take from the Speaker's table, to be passed, the following bill:

The Clerk read as follows:

A bill (S. 5956) to provide for the allotment of the lands of the Cherokee Nation, for the disposition of town sites therein, and for other purposes.

Be it enacted, etc.,

DEFINITION OF WORDS EMPLOYED HEREIN.

SECTION 1. The words "nation" and "tribe" shall each be held to refer to the Cherokee Nation or tribe of Indians in Indian Territory.

SEC. 2. The words "principal chief" or "chief executive" shall be held to mean the principal chief of said tribe.

SEC. 3. The words "Dawes Commission" or "Commission" shall be held to mean the United States Commission to the Five Civilized Tribes.

SEC. 4. The word "minor" shall be held to mean males under the age of 21 years and females under the age of 18 years.

SEC. 5. The terms "allottable lands" or "lands allottable" shall be held to mean all the lands of the Cherokee tribe not herein reserved from allotment.

SEC. 6. The word "select" and its various modifications, as applied to allotments and homesteads, shall be held to mean the formal application at the land office, to be established by the Dawes Commission for the Cherokee Nation, for particular tracts of land.

SEC. 7. The words "member" or "members" and "citizen" or "citizens" shall be held to mean members or citizens of the Cherokee Nation, in the Indian Territory.

SEC. 8. Every word in this act importing the masculine gender may extend and be applied to females as well as males, and the use of the plural may include also the singular, and vice versa.

APPRAISEMENT OF LANDS.

SEC. 9. The lands belonging to the Cherokee tribe of Indians in Indian Territory, except such as are herein reserved from allotment, shall be appraised at their true value: *Provided*, That in the determination of the value of such land consideration shall not be given to the location thereof, to any timber thereon, or to any mineral deposits contained therein, and shall be made without reference to improvements which may be located thereon.

SEC. 10. The appraisement, as herein provided, shall be made by the Commission to the Five Civilized Tribes, under the direction of the Secretary of the Interior.

ALLOTMENT OF LANDS.

SEC. 11. There shall be allotted by the Commission to the Five Civilized Tribes and to each citizen of the Cherokee tribe, as soon as practicable after the approval by the Secretary of the Interior of his enrollment as herein provided, land equal in value to 110 acres of the average allottable lands of the Cherokee Nation, to conform as nearly as may be to the areas and boundaries established by the Government survey, which land may be selected by each allottee so as to include his improvements.

SEC. 12. For the purpose of making allotments and designating homesteads hereunder, the 40-acre or quarter of a quarter section, subdivision established by the Government survey may be dealt with as if further subdivided into four equal parts in the usual manner, thus making the smallest legal subdivision 10 acres, or a quarter of a quarter of a quarter of a section.

SEC. 13. Each member of said tribe shall, at the time of the selection of his allotment, designate as a homestead out of said allotment land equal in value to 40 acres of the average allotable lands of the Cherokee Nation, as nearly as may be, which shall be inalienable during the lifetime of the allottee, not exceeding twenty-one years from the date of the certificate of allotment. Separate certificate shall issue for said homestead. During the time said homestead is held by the allottee the same shall be nontaxable and shall not be liable for any debt contracted by the owner thereof while so held by him.

SEC. 14. Lands allotted to citizens shall not in any manner whatever or at any time be encumbered, taken, or sold to secure or satisfy any debt or obligation, or be alienated by the allottee or his heirs, before the expiration of five years from the date of the ratification of this act.

SEC. 15. All lands allotted to the members of said tribe, except such land as is set aside to each for a homestead as herein provided, shall be alienable in five years after issuance of patent.

SEC. 16. If for any reason an allotment should not be selected or a homestead designated by or on behalf of any member of the tribe, it shall be the duty of said Commission to make said selection and designation.

SEC. 17. In the making of allotments and in the designation of homesteads for members of said tribe, said Commission shall not be required to divide

lands into tracts of less than the smallest legal subdivision provided for in section 12 hereof.

SEC. 18. It shall be unlawful after ninety days after the ratification of this act by the Cherokees for any member of the Cherokee tribe to inclose or hold possession of, in any manner, by himself or through another, directly or *indirectly*, more lands in value than that of 110 acres of average allottable lands of the Cherokee Nation, either for himself or for his wife, or for each of his minor children, if members of said tribe; and any member of said tribe found in such possession of lands, or having the same in any manner inclosed, after the expiration of ninety days after the date of the ratification of this act shall be deemed guilty of a misdemeanor.

SEC. 19. Any person convicted of violating any of the provisions of section 18 of this act shall be punished by a fine of not less than $100, shall stand committed until such fine and costs are paid (such commitment not to exceed one day for every $2 of said fine and costs), and shall forfeit possession of any property in question, and each day on which such offense is committed or continues to exist shall be deemed a separate offense. The United States district attorney for the northern district is required to see that the provisions of said section 18 are strictly enforced, and he shall immediately, after the expiration of the ninety days after the ratification of this act proceed to dispossess all persons of such excessive holdings of lands and to prosecute them for so unlawfully holding the same, and the Commission to the Five Civilized Tribes shall have authority to make investigations of all violations of section 18 and make report thereon to the United States district attorney.

SEC. 20. If any person whose name appears upon the roll prepared as herein provided shall have died subsequent to the 1st day of September, 1902, and before receiving his allotment, the lands to which such person would have been entitled if living shall be allotted in his name, and shall, with his proportionate share of other tribal property, descend to his heirs according to the laws of descent and distribution as provided in chapter 49 of Mansfield's Digest of the Statutes of Arkansas: *Provided*, That the allotment thus to be made shall be selected by a duly appointed administrator or executor. If, however, such administrator or executor be not duly and expeditiously appointed, or fails to act promptly when appointed, or for any other cause such selection be not so made within a reasonable and proper time, the Dawes Commission shall designate the lands thus to be allotted.

SEC. 21. Allotment certificates issued by the Dawes Commission shall be conclusive evidence of the right of an allottee to the tract of land described therein, and the United States Indian agent for the Union Agency shall, under the direction of the Secretary of the Interior, upon the application of the allottee, place him in possession of his allotment, and shall remove therefrom all persons objectionable to him, and the acts of the Indian agent hereunder shall not be controlled by the writ or process of any court.

SEC. 22. Exclusive jurisdiction is hereby conferred upon the Commission to the Five Civilized Tribes, under the direction of the Secretary of the Interior, to determine all matters relative to the appraisement and the allotment of lands.

SEC. 23. All Delaware Indians who are members of the Cherokee Nation shall take lands and share in the funds of the tribe, as their rights may be determined by the judgment of the Court of Claims, or by the Supreme Court if appealed, in the suit instituted therein by the Delawares against the Cherokee Nation, and now pending; but if said suit be not determined before said Commission is ready to begin the allotment of lands of the tribe as herein provided, the Commission shall cause to be segregated 157,600 acres of land, including lands which have been selected and occupied by Delawares in conformity to the provisions of their agreement with the Cherokees dated April 8, 1867, such lands so to remain, subject to disposition according to such judgment as may be rendered in said cause; and said Commission shall thereupon proceed to the allotment of the remaining lands of the tribe as aforesaid.

Said Commission shall, when final judgment is rendered, allot lands to such Delawares in conformity to the terms of the judgment and their individual rights thereunder. Nothing in this act shall in any manner impair the rights of either party to said contract as the same may be finally determined by the court, or shall interfere with the holdings of the Delawares under their contract with the Cherokees of April 8, 1867, until their rights under said contract are determined by the courts in their suit now pending against the Cherokees, and said suit shall be advanced on the dockets of said courts and determined at the earliest time practicable.

RESERVATIONS.

SEC. 24. The following lands shall be reserved from the allotment of lands herein provided for:

(a) All lands set apart for town sites by the provisions of the act of Congress of June 28, 1898 (30 Stats., p. 495), the provisions of the act of Congress of May 31, 1900 (31 Stats., p. 221), and by the provisions of this act.

(b) All lands to which, upon the date of the ratification of this act, any railroad company may, under any treaty or act of Congress, have a vested right for right of way, depots, station grounds, water stations, stock yards, or similar uses only, connected with the maintenance and operation of the railroad.

(c) All lands selected for town cemeteries not to exceed 20 acres each.

(d) One acre of land for each Cherokee schoolhouse not included in town sites or herein otherwise provided for.

(e) Four acres for Willie Halsell College at Vinita.

(f) Four acres for Baptist Mission school at Tahlequah.

(g) Four acres for Presbyterian school at Tahlequah.

(h) Four acres for Park Hill Mission school south of Tahlequah.

(i) Four acres for Elm Springs Mission school at Barren Fork.

(j) Four acres for Dwight Mission school at Sallisaw.

(k) Four acres for Skiatook Mission near Skiatook.

(l) Four acres for Lutheran Mission school on Illinois River north of Tahlequah.

(m) Sufficient ground for burial purposes where neighborhood cemeteries are now located, not to exceed 3 acres each.

(n) One acre for each church house outside of towns.

(o) One square now occupied by the capitol building at Tahlequah.

(p) The grounds now occupied by the national jail at Tahlequah.

(q) The grounds now occupied by the Cherokee Advocate printing office at Tahlequah.

(r) Forty acres for the Cherokee Male Seminary near Tahlequah.

(s) Forty acres for the Cherokee Female Seminary at Tahlequah.

(t) One hundred and twenty acres for the Cherokee Orphan Asylum on Grand River.

(u) Forty acres for colored high school in Tahlequah district.

(v) Forty acres for the Cherokee Insane Asylum.

(w) Four acres for the school for blind, deaf, and dumb children near Fort Gibson.

The acre so reserved for any church or schoolhouse in any quarter section of land shall be located where practicable in a corner of such quarter section adjacent to the section lines thereof.

Provided, That the Methodist Episcopal Church South may, within twelve months after the ratification of this act, pay $10 per acre for the 160 acres of land adjacent to the town of Vinita, and heretofore set apart by act of the Cherokee national council for the use of said church for missionary and educational purposes, and now occupied by Willie Halsell College (formerly Galloway College), and shall thereupon receive title thereto; but if said church fail so to do it may continue to occupy said 160 acres of land as long as it uses same for the purposes aforesaid.

Any other school or college in the Cherokee Nation which claims to be entitled under the law to a greater number of acres than is set apart for said school or college by section 24 of this act may have the number of acres to which it is entitled by law. The trustees of such school or college shall, within sixty days after the ratification of this act, make application to the Secretary of the Interior for the number of acres to which such school or college claims to be entitled, and if the Secretary of the Interior shall find that such school or college is, under the laws and treaties of the Cherokee Nation in force prior to the ratification of this act, entitled to a greater number of acres of land than is provided for in this act, he shall so determine and his decision shall be final.

The amount so found by the Secretary of the Interior shall be set apart for the use of such college or school as long as the same may be used for missionary and educational purposes: *Provided*, That the trustees of such school or college shall pay $10 per acre for the number of acres so found by the Secretary of the Interior and which have been heretofore set apart by act of the Cherokee national council for use of such school or college for missionary or educational purposes, and upon the payment of such sum within sixty days after the decision of the Secretary of the Interior said college or school may receive a title to such land.

ROLL OF CITIZENSHIP.

SEC. 25. The roll of citizens of the Cherokee Nation shall be made as of September 1, 1902, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes.

SEC. 26. The names of all persons living on the 1st day of September, 1902, entitled to be enrolled as provided in section 25 hereof, shall be placed upon the roll made by said Commission, and no child born thereafter to a citizen, and no white person who has intermarried with a Cherokee citizen since the 16th day of December, 1895, shall be entitled to enrollment or to participate in the distribution of the tribal property of the Cherokee Nation.

SEC. 27. Such rolls shall in all other respects be made in strict compliance with the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stats., p. 495), and the act of Congress approved May 31, 1900 (31 Stats., p. 221).

SEC. 28. No person whose name appears upon the roll made by the Dawes Commission as a citizen or freedman of any other tribe shall be enrolled as a citizen of the Cherokee Nation.

SEC. 29. For the purpose of expediting the enrollment of the Cherokee citizens and the allotment of lands as herein provided, the said Commission shall, from time to time, and as soon as practicable, forward to the Secretary of the Interior lists upon which shall be placed the names of those persons found by the Commission to be entitled to enrollment. The lists thus prepared, when approved by the Secretary of the Interior, shall constitute a part and parcel of the final roll of citizens of the Cherokee tribe, upon which allotment of land and distribution of other tribal property shall be made. When there shall have been submitted to and approved by the Secretary of the Interior lists embracing the names of all those lawfully entitled to enrollment, the roll shall be deemed complete. The roll so prepared shall be made in quadruplicate, one to be deposited with the Secretary of the Interior, one with the Commissioner of Indian Affairs, one with the principal chief of the Cherokee Nation, and one to remain with the Commission to the Five Civilized Tribes.

SEC. 30. During the months of September and October, in the year 1902, the Commission to the Five Civilized Tribes may receive applications for enrollment of such infant children as may have been born to recognized and enrolled citizens of the Cherokee Nation on or before the 1st day of September, 1902, but the application of no person whomsoever for enrollment shall be received after the 31st day of October, 1902.

SEC. 31. No person whose name does not appear upon the roll prepared as herein provided shall be entitled to in any manner participate in the distribution of the common property of the Cherokee tribe, and those whose names appear thereon shall participate in the manner set forth in this act: *Provided*, That no allotment of land or other tribal property shall be made to any person, or to the heirs of any person, whose name is on said roll and who died prior to the 1st day of September, 1902. The right of such person to any interest in the lands or other tribal property shall be deemed to have become extinguished and to have passed to the tribe in general upon his death before said date, and any person or persons who may conceal the death of anyone on said roll as aforesaid for the purpose of profiting by said concealment, and who shall knowingly receive any portion of any land or other tribal property or of the proceeds so arising from any allotment prohibited by this section, shall be deemed guilty of a felony, and shall be proceeded against as may be provided in other cases of felony, and the penalty for this offense shall be confinement at hard labor for a period of not less than one year nor more than five years, and in addition thereto a forfeiture to the Cherokee Nation of the lands, other tribal property, and proceeds so obtained.

SCHOOLS.

SEC. 32. The Cherokee school fund shall be used, under the direction of the Secretary of the Interior, for the education of children of Cherokee citizens, and the Cherokee schools shall be conducted under rules prescribed by him according to Cherokee laws, subject to such modifications as he may deem necessary to make the schools most effective and to produce the best possible results; said schools to be under the supervision of a supervisor appointed by the Secretary and a school board elected by the national council.

SEC. 33. All teachers shall be examined by said supervisor, and said school board and competent teachers and other persons to be engaged in and about the schools with good moral character only shall be employed; but where all qualifications are equal, preference shall be given to citizens of the Cherokee Nation in such employment.

SEC. 34. All moneys for carrying on the schools shall be appropriated by the Cherokee national council, not to exceed the amount of the Cherokee school fund; but if the council fail or refuse to make the necessary appropriations, the Secretary of the Interior may direct the use of a sufficient amount of the school fund to pay all necessary expenses for the efficient conduct of the schools, strict account therefor to be rendered to him and the principal chief.

SEC. 35. All accounts for expenditures in carrying on the schools shall be examined and approved by said supervisor, and also by the general superintendent of Indian schools in the Indian Territory, before payment thereof is made.

SEC. 36. The interest arising from the Cherokee orphan fund shall be used, under the direction of the Secretary of the Interior, for maintaining the Cherokee Orphan Asylum for the benefit of the Cherokee orphan children.

ROADS.

SEC. 37. Public highways or roads 2 rods in width, being 1 rod on each side of the section line, may be established along all section lines without any compensation being paid therefor, and all allottees, purchasers, and

others shall take the title to such lands subject to this provision; and public highways or roads may be established elsewhere whenever necessary for the public good, the actual value of the land taken elsewhere than along section lines to be determined under the direction of the Secretary of the Interior while the tribal government continues and to be paid by the Cherokee Nation during that time; and if buildings or other improvements are damaged in consequence of the establishment of such public highways or roads, whether along section lines or elsewhere, such damages, during the continuance of the tribal government, shall be determined and paid for in the same manner.

TOWN SITES.

SEC. 38. The lands which may hereafter be set aside and reserved for town sites upon the recommendation of the Dawes Commission under the provisions of the act of Congress approved May 31, 1900 (31 Stats., p. 221), shall embrace such acreage as may be necessary for the present needs and reasonable prospective growth of such town sites, not to exceed 640 acres for each town site.

SEC. 39. Whenever any tract of land shall be set aside by the Secretary of the Interior for town-site purposes, as provided in said act of May 31, 1900, or by the terms of this act, which is occupied at the time of such segregation by any member of the Cherokee Nation, such occupant shall be allowed to purchase any lot upon which he then has improvements other than fences, tillage, and temporary improvements, in accordance with the provisions of the act of June 28, 1898 (30 Stats., p. 495), or, if he so elects, the lot will be sold under rules and regulations to be prescribed by the Secretary of the Interior, and he shall be fully compensated for his improvements thereon out of the funds of the tribe arising from the sale of the town sites, the value of such improvements to be determined by a board of appraisers, one member of which shall be appointed by the Secretary of the Interior, one by the chief executive of the tribe, and one by the occupant of the land, said board of appraisers to be paid such compensation for their services as may be determined by the Secretary of the Interior out of any appropriations for surveying, laying out, platting, and selling town sites.

SEC. 40. All town sites which may hereafter be set aside by the Secretary of the Interior on the recommendation of the Commission to the Five Civilized Tribes, under the provisions of the act of Congress approved May 31, 1900 (31 Stats., p. 221), with the additional acreage added thereto, as well as all town sites set aside under the provisions of this act having a population of less than 200, shall be surveyed, laid out, platted, appraised, and disposed of in like manner, and with like preference rights accorded to owners of improvements as other town sites in the Cherokee Nation are surveyed, laid out, platted, appraised, and disposed of under the act of Congress of June 28, 1898 (30 Stats., p. 495), as modified or supplemented by the act of May 31, 1900: *Provided*, That as to the town sites set aside as aforesaid the owner of the improvements shall be required to pay the full appraised value of the lot instead of the percentage named in said act of June 28, 1898 (30 Stats., p. 495).

SEC. 41. Any person being in possession or having the right to the possession of any town lot or lots, as surveyed and platted under the direction of the Secretary of the Interior, in accordance with the act of Congress approved May 31, 1900 (31 Stat., p. 221), the occupancy of which lot or lots was originally acquired under any town-site act of the Cherokee Nation, and owning improvements thereon, other than temporary buildings, fencing, or tillage, shall have the right to purchase the same at one-fourth of the appraised value thereof.

SEC. 42. Any person being in possession of, or having the right to the possession of, any town lot or lots, as surveyed and platted under the direction of the Secretary of the Interior, in accordance with the act of Congress approved May 31, 1900 (31 Stat., p. 221), the occupancy of which lot or lots was originally acquired under any town-site act of the Cherokee Nation, and not having any improvements thereon, shall have the right to purchase the same at one-half of the appraised value thereof.

SEC. 43. Any citizen in rightful possession of any town lot having improvements thereon other than temporary buildings, fencing, and tillage, the occupancy of which has not been acquired under tribal laws, shall have the right to purchase same by paying one-half the appraised value thereof: *Provided*, That any other person in undisputed possession of any town lot having improvements thereon other than temporary buildings, fencing, and tillage, the occupancy of which has not been acquired under tribal laws, shall have the right to purchase such lot by paying the appraised value thereof.

SEC. 44. All lots not having thereon improvements other than temporary buildings, fencing, and tillage, the sale or disposition of which is not herein otherwise specifically provided for, shall be sold within twelve months after appraisement, under the direction of the Secretary of the Interior, after due advertisement, at public auction, to the highest bidder, at not less than their appraised value.

SEC. 45. When the appraisement of any town lot is made and approved, the town-site commission shall notify the claimant thereof of the amount of appraisement, and he shall, within sixty days thereafter, make payment of 10 per cent of the amount due for the lot, and four months thereafter he shall pay 15 per cent additional, and the remainder of the purchase money he shall pay in three equal annual installments without interest; but if the claimant of any such lot fail to purchase same or make the first and second payments aforesaid or make any other payment within the time specified, the lot and improvements shall be sold at public auction to the highest bidder, under the direction of the Secretary of the Interior, at a price not less than its appraised value.

SEC. 46. When any improved lot shall be sold at public auction because of the failure of the person owning improvements thereon to purchase same within the time allowed in said act of Congress approved June 28, 1898 (30 Stats., p. 495), said improvements shall be appraised by a committee, one member of which shall be selected by the owner of the improvements and one member by the purchaser of said lot; and in case the said committee is not able to agree upon the value of said improvements, the committee may select a third member, and in that event the determination of the majority of the committee shall control. Said committee of appraisement shall be paid such compensation for their services by the two parties in interest, share and share alike, as may be agreed upon, and the amount of said appraisement shall be paid by the purchaser of the lot to the owner of the improvements in cash within thirty days after the decision of the committee of appraisement.

SEC. 47. The purchaser of any unimproved town lot sold at public auction shall pay 25 per cent of the purchase money at the time of the sale, and within four months thereafter he shall pay 25 per cent additional, and the remainder of the purchase money he shall pay in two equal annual installments without interest.

SEC. 48. Such towns in the Cherokee Nation as may have a population of less than 200 people not otherwise provided for, and which, in the judgment of the Secretary of the Interior, should be set aside as town sites, shall have their limits defined as soon as practicable after the approval of this act in the same manner as provided for other town sites.

SEC. 49. The town authorities of any town site in said Cherokee Nation may select and locate, subject to the approval of the Secretary of the Interior, a cemetery within suitable distance from said town, to embrace such number of acres as may be deemed necessary for such purpose. The town-site commission shall appraise the same at its true value, and the town may purchase the same within one year from the approval of the survey by paying the appraised value. If any citizen have improvements thereon, said improvements shall be appraised by said town-site commission and paid for by the town: *Provided*, That lands already laid out by tribal authorities for cemeteries shall be included in the cemeteries herein provided for without cost to the towns, and the holdings of the burial lots therein now occupied for such purpose shall in no wise be disturbed: *And provided further*, That any park laid out and surveyed in any town shall be duly appraised at a fair valuation, and the inhabitants of said town shall, within one year after the approval of the survey and the appraisement of said park by the Secretary of the Interior, pay the appraised value to the proper officer for the benefit of the tribe.

SEC. 50. The United States shall pay all expenses incident to surveying, platting, and disposition of town lots, and all allotments of lands made under the provisions of this plan of allotment, except where the town authorities may have been or may be duly authorized to survey and plat their respective towns at the expense of such towns.

SEC. 51. No taxes shall be assessed by any town government against any town lot remaining unsold, but taxes may be assessed against any town lot sold as herein provided.

SEC. 52. If the purchaser of any town lot fail to make payment of any sum when due, the same shall thereafter bear 6 per cent interest per annum until paid.

SEC. 53. All lots or parts of lots, not exceeding 50 by 150 feet in size, upon which church houses and parsonages have been erected, and which are occupied as such at the time of appraisement, shall be conveyed gratuitously to the churches to which such improvements belong, and if such churches have inclosed other adjoining lots actually necessary for their use, they may purchase the same by paying the appraised value thereof.

SEC. 54. Whenever the chief executive of the Cherokee Nation fails or refuses to appoint a town-site commissioner for any town, or to fill any vacancy caused by the neglect or refusal of the town-site commissioners appointed by the chief executive to qualify or act, or otherwise, the Secretary of the Interior, in his discretion, may appoint a commissioner to fill the vacancy thus created.

SEC. 55. The purchaser of any town lot may at any time pay the full amount of the purchase money, and he shall thereupon receive title therefor.

SEC. 56. Any person may bid for and purchase any lot sold at public auction as herein provided.

SEC. 57. The United States may purchase in any town in the Cherokee Nation suitable lands for court-houses, jails, or other necessary public purposes for its use by paying the appraised value thereof, the same to be selected under the direction of the department for whose use such lands are needed, and if any person have improvements thereon the same shall be appraised in like manner as other town property, and shall be paid for by the United States.

TITLES.

SEC. 58. The Secretary of the Interior shall furnish the principal chief with blank patents necessary for all conveyances herein provided for, and when any citizen receives his allotment of land, or when any allotment has been so ascertained and fixed that title should under the provisions of this act be conveyed, the principal chief shall thereupon proceed to execute and deliver to him a patent conveying all the right, title, and interest of the Cherokee Nation, and of all other citizens, in and to the lands embraced in his allotment certificate.

SEC. 59. All conveyances shall be approved by the Secretary of the Interior, which shall serve as a relinquishment to the grantee of all the right, title, and interest of the United States in and to the lands embraced in his patent.

SEC. 60. Any allottee accepting such patent shall be deemed to assent to the allotment and conveyance of all the lands of the tribe as provided in this act, and to relinquish all his right, title, and interest to the same, except in the proceeds of lands reserved from allotment.

SEC. 61. The acceptance of patents for minors and incompetents by persons authorized to select their allotments for them shall be deemed sufficient to bind such minors and incompetents as to the conveyance of all other lands of the tribe.

SEC. 62. All patents, when so executed and approved, shall be filed in the office of the Dawes Commission, and recorded in a book provided for the purpose until such time as Congress shall make other suitable provision for record of land titles, without expense to the grantee, and such records shall have like effect as other public records.

MISCELLANEOUS.

SEC. 63. The tribal government of the Cherokee Nation shall not continue longer than March 4, 1906.

SEC. 64. The collection of all revenues of whatsoever character belonging to the tribe shall be made by an officer appointed by the Secretary of the Interior, under rules and regulations to be prescribed by the said Secretary.

SEC. 65. All things necessary to carry into effect the provisions of this act, not otherwise herein specifically provided for, shall be done under the authority and direction of the Secretary of the Interior.

SEC. 66. All funds of the tribe, and all moneys accruing under the provisions of this act, shall be paid out under the direction of the Secretary of the Interior, and when required for per capita payments shall be paid directly to each individual by an appointed officer of the United States, under the direction of the Secretary of the Interior.

SEC. 67. The Secretary of the Interior shall cause to be paid all just indebtedness of said tribe existing at the date of the ratification of this act which may have lawfully been contracted, and warrants therefor regularly issued upon the several funds of the tribe, as also warrants drawn by authority of law hereafter and prior to the dissolution of the tribal government, such payments to be made from any funds in the United States Treasury belonging to said tribe, and all such indebtedness of the tribe shall be paid in full before any pro rata distribution of the funds of the tribe shall be made. The Secretary of the Interior shall make such payments at the earliest time practicable, and he shall make all needed rules and regulations to carry this provision into effect.

SEC. 68. Jurisdiction is hereby conferred upon the Court of Claims to examine, consider, and adjudicate, with a right of appeal to the Supreme Court of the United States by any party in interest feeling aggrieved at the decision of the Court of Claims, any claim which the Cherokee tribe, or any band thereof, arising under treaty stipulations, may have against the United States, upon which suit shall be instituted within two years after the approval of this act; and also to examine, consider, and adjudicate any claim which the United States may have against said tribe, or any band thereof. The institution, prosecution, or defense, as the case may be, on the part of the tribe or any band, of any such suit, shall be through attorneys employed and to be compensated in the manner prescribed in sections 2103 to 2106, both inclusive, of the Revised Statutes of the United States, the tribe acting through its principal chief in the employment of such attorneys, and the band acting through a committee recognized by the Secretary of the Interior.

The Court of Claims shall have full authority, by proper orders and process, to make parties to any such suit all persons whose presence in the litigation it may deem necessary or proper to the final determination of the matter in controversy, and any such suit shall, on motion of either party, be advanced on the docket of either of said courts and be determined at the earliest practicable time.

SEC. 69. After the expiration of nine months after the date of the original selection of an allotment by or for any citizen of the Cherokee tribe as provided in this act, no contest shall be instituted against such selection, and as early thereafter as practicable patent shall issue therefor.

SEC. 70. Allotments may be selected and homesteads designated for minors by the father or mother, if citizens, or by a guardian, or curator, or the administrator having charge of their estate, in the order named; and for prisoners, convicts, aged and infirm persons, and soldiers and sailors of the United States on duty outside of the Indian Territory, by duly appointed agents under power of attorney; and for incompetents by guardians, curators, or other suitable persons akin to them; but it shall be the duty of said commission to see that said selections are made for the best interests of such parties.

SEC. 71. Any allottee taking as his allotment lands located around the Cherokee National Male Seminary, the Cherokee National Female Seminary, or Cherokee Orphan Asylum, which have not been reserved from allotment as herein provided, and upon which buildings, fences, or other property of the Cherokee Nation are located, such buildings, fences, or other property shall be appraised at the true value thereof and be paid for by the allottee taking such lands as his allotment, and the money to be paid into the Treasury of the United States to the credit of the Cherokee Nation.

SEC. 72. Cherokee citizens may rent their allotments, when selected, for a term not to exceed one year for grazing purposes only, and for a period not to exceed five years for agricultural purposes, but without any stipulation or obligation to renew the same; but leases for a period longer than one year for grazing purposes and for a period longer than five years for agricultural purposes and for mineral purposes may also be made with the approval of the Secretary of the Interior and not otherwise. Any agreement or lease of any kind or character violative of this section shall be absolutely void and not susceptible of ratification in any manner, and no rule of estoppel shall ever prevent the assertion of its invalidity. Cattle grazed upon leased allotments shall not be liable to any tribal tax, but when cattle are introduced into the Cherokee Nation and grazed on lands not selected as allotments by citizens the Secretary of the Interior shall collect from the owners thereof a reasonable grazing tax for the benefit of the tribe, and section 2117 of the Revised Statutes of the United States shall not hereafter apply to Cherokee lands.

SEC. 73. The provisions of section 13 of the act of Congress approved June 28, 1898, entitled "An act for the protection of the people of the Indian Territory, and for other purposes," shall not apply to or in any manner affect the lands or other property of said tribe, and no act of Congress or treaty provision inconsistent with this agreement shall be in force in said nation except sections 14 and 27 of said last-mentioned act, which shall continue in force as if this agreement had not been made.

SEC. 74. This act shall not take effect or be of any validity until ratified by a majority of the whole number of votes cast by the legal voters of the Cherokee Nation in the manner following:

SEC. 75. The principal chief shall, within ten days after the passage of this act by Congress, make public proclamation that the same shall be voted upon at a special election to be held for that purpose within thirty days thereafter, on a certain date therein named, and he shall appoint such officers and make such other provisions as may be necessary for holding such election. The votes cast at such election shall be forthwith duly certified as required by Cherokee law, and the votes shall be counted by the Cherokee national council, if then in session, and if not in session the principal chief shall convene an extraordinary session for the purpose, in the presence of a member of the Commission to the Five Civilized Tribes, and said member and the principal chief shall jointly make certificate thereof and proclamation of the result, and transmit the same to the President of the United States.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I demand a second.

Mr. CURTIS. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Kansas asks unanimous consent that a second be considered as ordered. Is there objection? [After a pause.] The Chair hears none. The Chair recognizes the gentleman from Kansas for twenty minutes and the gentleman from Tennessee [Mr. RICHARDSON] for twenty minutes.

Mr. CURTIS. I yield five minutes to the gentleman from Arkansas [Mr. LITTLE].

Mr. LITTLE. Mr. Speaker, I only desire to say in relation to this bill that I feel anxious for its passage. It is one of a number of agreements leading to the final settlement of conditions in the Indian Territory. This bill applies particularly to what is known as the Cherokee Nation, providing for allotment of land and settlement of the affairs of that Territory. It is not an agreement, however, but the bill was prepared by the representatives of the Indian government, together with the Commission, and under the direction of the Secretary of the Interior.

The bill has passed the Senate, has had the careful consideration of the committee of the House, and it is the concurrent opinion of all the committee that it should pass. There never has been, since the present policy of the Government has begun, an agreement obtained with this tribe. It is believed that this bill will receive their ratification, and it is sufficient to say that it must be ratified before it becomes a law. In other words, this is simply a proposition made by the Government to the Indians of this tribe, subject to ratification by them.

Mr. GAINES of Tennessee. I would like to ask the gentleman if it takes care of the property of the Methodist Episcopal Church South in the Indian Territory?

Mr. LITTLE. I will say that the matter to which the gentleman calls my attention was not, in my opinion, properly guarded when the bill was first introduced; but the bill has been amended, and it secures to the church the 160 acres and to all the churches and denominations in possession of property under the treaty of 1866.

Mr. GAINES of Tennessee. I just learned of the matter this morning, through a letter which I received, and have been investigating it to-day.

Mr. LITTLE. The church retains the property under the article of the treaty of 1866, with all the rights they had and with the additional right to purchase the title outright at $10 per acre, if they so desire.

Now, Mr. Speaker, I do not care to say anything further unless some gentleman desires information. As far as the bill is concerned, it meets my approval. I believe it is important and necessary for the conduct of the affairs of the Government in reaching a conclusion and a final settlement of the affairs of this tribe. The bill in many particulars is not what I would make if my views alone were consulted, but upon the whole I give it my support as the best that can be obtained under the circumstances, and I hope it will receive the approval of the tribe and hasten the day when each Indian may receive his allotment and the country be prepared for government.

Mr. CURTIS. I reserve the balance of my time, Mr. Speaker.

Mr. MOON. Mr. Speaker, the gentleman from Tennessee [Mr. RICHARDSON] requested me to state to the Chair that he desired to yield five minutes to the gentleman from Texas [Mr. STEPHENS].

Mr. STEPHENS of Texas. Mr. Speaker, there is a provision in this bill I object to, but inasmuch as the Committee on Indian Affairs have refused to adopt the amendment I proposed, I can not now present the amendment to this House under the rule of the House. The amendment was proposed at the end of section 30, and is as follows:

Provided, That all persons who have suits now pending in the courts of the Territory to establish the claimants' rights of citizenship and enrollment, and masters in chancery have found in favor of such claimants, such claimants shall have the right to prosecute such suits to final judgment.

I find that among the suits that have been brought in that Territory to establish rights of citizenship, the judges of the Territory have appointed masters in chancery to pass upon many of these cases.

These masters have passed upon the cases and reports are pending before these courts, and these citizens in endeavoring to obtain their rights to enrollment have spent considerable money in the employ of counsel and considerable time and trouble in preparing their cases, and they should, in my judgment, have the right to prosecute their suits to final judgment. If this treaty is adopted, their rights will be lost, the money they have spent in establishing their rights and in bringing their suits will be lost to them entirely, and a great many of them, I understand, have farms in the Territory upon which they have lived for years and will lose if this amendment is not adopted. I do not believe this bill should be passed in this shape.

Mr. CURTIS. I now yield to the gentleman from Iowa [Mr. LACEY].

Mr. LACEY. Mr. Speaker, at this late hour in the session I will not attempt to discuss the details of this voluminous bill. This session of Congress marks an epoch in the history of the Indian Territory. We have provided for the Chickasaws, the Choctaws, and the Creeks, and the Kaws in Oklahoma. These several bills make a long step in the direction of complete civilization and individual ownership of the land and of the other steps necessary to entirely change conditions in the Indian Territory.

This bill was drawn by joint committees from the Committees on Indian Affairs of the House and Senate. Much time and labor were bestowed upon it; and while it might be interesting to explain the details of the bill, I only take so much time as is necessary to inform the House as to the methods adopted in endeavoring to prepare a safe bill to meet the conditions in that Territory.

Mr. STEELE. I should like to ask a question in regard to the manner of selling lots on these reservations.

Mr. CURTIS. The same policy is followed as in the other treaties, except that where members of the tribe have already purchased lots from the tribe and are in possession, they are permitted to perfect their title by paying 25 per cent of the appraised value.

Mr. STEELE. How is it in regard to the sale of lots in town sites? Do the proceeds go to the town?

Mr. CURTIS. No; to the nation, because the nation owns the title.

Now, Mr. Speaker, if no one desires to occupy further time, I ask for a vote.

The question being taken, the motion of Mr. CURTIS to suspend the rules and pass the bill was agreed to (two-thirds voting in favor thereof.)

LEAVE TO PRINT.

Mr. DAHLE, by unanimous consent, obtained leave to extend in the RECORD his remarks on free rural delivery.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 12086. An act to extend the time for the construction of the East Washington Heights Traction Railroad Company;

H. R. 14082. An act to provide for the construction of a bridge by the Duluth, Pierre and Black Hills Railroad Company across the Missouri River at Pierre, S. Dak.;

H. R. 12597. An act to accept, ratify, and confirm a proposed agreement submitted by the Kansas or Kaw Indians of Oklahoma, and for other purposes;

H. R. 12549. An act granting an increase of pension to Ransom Simmons;

H. R. 11656. An act to incorporate The Society of the Army of Santiago de Cuba;

H. R. 11400. An act to amend an act entitled "An act in relation to taxes and tax sales in the District of Columbia," approved February 28, 1898;

H. R. 9960. An act to prevent a false branding or marking of food and dairy products as to the State or Territory in which they are made or produced;

H. R. 7013. An act granting an increase of pension to James E. Freeman;

H. R. 8209. An act for the relief of P. A. McClain;

H. R. 97. An act to authorize the Secretary of War to furnish certificates in lieu of lost or destroyed discharges;

H. R. 13172. An act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes;

H. R. 11171. An act granting a pension to Elizabeth A. Nalley;

H. R. 14019. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes; and

H. R. 5809. An act for the further distribution of the reports of the Supreme Court, and for other purposes.

The SPEAKER announced his signature to enrolled bills and joint resolution of the following titles:

S. R. 118. Joint resolution authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Arturo R. Calvo, of Costa Rica;

S. 6091. An act extending the time for making final proof in desert-land entries in Yakima County, State of Washington;

S. 4792. An act relative to control of dogs in the District of Columbia;

S. 4762. An act to prevent any consular officer of the United States from accepting any appointment from any foreign state as administrator, guardian, or to any other office of trust, without first executing a bond, with security, to be approved by the Secretary of State; and

S. 1949. An act to authorize the Secretary of the Navy to appoint George H. Paul a warrant machinist in the Navy.

UNITED STATES COURTS IN ALABAMA.

Mr. WILEY. I move to suspend the rules and pass, with the amendments now included in it, the bill (H. R. 14839) providing that the circuit court of appeals of the fifth judicial circuit of the United States shall hold at least one term of said court annually in the city of Montgomery, in the State of Alabama, on the first Monday in September in each year.

The bill with the amendments was read, as follows:

Be it enacted, etc., That the circuit court of appeals of the fifth judicial circuit of the United States is hereby authorized and required to hold one term of said court in the city of Montgomery, in the State of Alabama, on the first Monday in September in each year.

SEC. 2. That all appeals, writs of error, and other appellate proceedings which may, after the passage of this act, be taken or prosecuted from the circuit or district courts of the United States in the State of Alabama to the court of appeals of the fifth circuit shall be heard and disposed of by the said court of appeals at the terms of the court held in Montgomery in pursuance of this act: *Provided*, That nothing herein contained shall prevent the court from hearing appeals or writs of error wherever the said court shall sit, in cases of injunctions and in all other cases which under the statutes and the rules, or in the opinion of the court, are entitled to be brought to a speedy hearing.

SEC. 3. That this act shall not operate to prevent the said court from holding other terms in the city of Montgomery or in such other places in the said fifth judicial circuit as said court may from time to time designate.

SEC. 4. That chapter 517 of 26 United States Statutes at Large is hereby amended in accordance with the provisions of this act.

SEC. 5. That the clerk of said court is authorized and permitted to pay out of the fees and emoluments of his office (first) the expenses incurred by him in transporting from his office in New Orleans, La., to Montgomery, Ala., and in transporting from Montgomery, Ala., to New Orleans, La., the records, books, papers, files, dockets, and supplies necessary for the use of the court at its terms to be held in Montgomery, Ala.; (second) an allowance for actual expenses not exceeding ten dollars per day to cover travel and subsistence for each day he may be required to be present at Montgomery, Ala., on business connected with his said office, such expenses and allowance to be approved and allowed by the senior circuit judge of the fifth judicial district.

The question being taken, the motion of Mr. WILEY to suspend the rules and pass the bill was agreed to (two-thirds voting in favor thereof).

CIVIL GOVERNMENT FOR THE PHILIPPINE ISLANDS.

Mr. COOPER of Wisconsin. Mr. Speaker, I present the report of the committee of conference on the bill providing a civil government for the Philippine Islands. I ask unanimous consent that the report be printed without reading, and that only the statement of the House conferees be read.

There was no objection.

The report was read.

[For conference report see page 7668.]

The statement of the House conferees was read, as follows:

The managers on the part of the House on the disagreeing vote of the two Houses on the amendment of the House to Senate bill No 2295, entitled "A bill temporarily to provide for the administration of affairs of civil government in the Philippine Islands, and for other purposes," state that the Senate have receded from their disagreement to the House amendment, and agree to the same with an amendment in the nature of a substitute, and that the result of this agreement is as follows, to wit:

There were three important points of difference between the two Houses, namely, provisions in the House bill for a legislature; another in relation to lands; and another in relation to coinage. The Senate recedes from its disagreement to the provision for a legislature, and agrees to it with an amendment providing that within two years after the census, provided for in the House bill, has been completed, if, in the meanwhile, a condition of general peace and good order shall have prevailed, the President shall order the Philippine Commission to call, and the Commission shall call, a general election for the choice of delegates to a popular assembly of the people of that portion of the islands not inhabited by Moros and pagan tribes, which shall be known as the Philippine Assembly. As to the qualification of voters, the power of the assembly, and of the legislature, and the qualification of the members of the assembly, the Senate has agreed substantially to the House provisions. This also provides for two commissioners, to be elected by the legislature.

The Senate further recedes from its disagreement to the provisions of the House bill relating to public lands, and agrees to the same with an amendment reducing the amount of land to be held by corporations from 2,000 hectares to 1,024 hectares. The Senate has further agreed to the House provisions restricting the ownership and control by members of corporations, and corporations, of mining and agricultural lands, with additional stringent provisions limiting these holdings.

In the coinage provision reported, the Senate recedes from its provision for the coinage of a Philippine silver dollar, and the House recedes from its provision for the establishment of a gold standard. The report agrees upon the provisions for subsidiary coins and minor coins, the names of which are to be those contained in the House bill, and substantially as provided for in the House bill.

The provisions relating to banks are eliminated from the bill.

The bill contains the legislative limitations and bill of rights, complete, as in the House bill.

The mining provisions of the bill reported are a combination of the provisions of the mining features of the two bills.

Otherwise, the bill does not substantially differ from the bill passed by the House.

HENRY ALLEN COOPER,
SERENO E. PAYNE,
E. D. CRUMPACKER,
Managers on the part of the House.

Mr. COOPER of Wisconsin. Mr. Speaker, I wish to say a word to the House concerning the provisions of the bill reported by the conferees.

Mr. JONES of Virginia. Mr. Speaker, as I understand, under the rule that has been adopted the gentleman from Wisconsin, the chairman of the Committee on Insular Affairs, has now an hour.

The SPEAKER. He has an hour if he desires to use it.

Mr. JONES of Virginia. Will there be any time for this side of the House?

The SPEAKER. The Chair can not answer that question.

Mr. JONES of Virginia. I will ask the gentleman from Wisconsin whether he expects to use all of his hour?

Mr. COOPER of Wisconsin. I will give the gentleman one-half of the time.

One of the chief difficulties in the conference was to reconcile the differences of opinion concerning the coinage provisions of the respective bills. The House bill, the members of the House will remember, provided for the establishment of the gold standard in the Philippines. We wished to establish it there to do away with the evil which is always felt by exporters and importers, where there is a fluctuating currency, with the inevitable charge on incoming and outgoing business.

The Senate, however, were of the opinion that under the provisions of the bill as passed by the House it would be impossible to maintain the gold standard. They were unwilling to adopt the American system of money, as were also the House conferees. The House conferees were absolutely and unalterably opposed to anything looking to the unlimited coinage of a Filipino silver dollar, and therefore it was impossible to reach an agreement otherwise than the one set forth in the conference report. In other words, the status quo is maintained practically, or will be maintained, under the provisions of the reported bill, with the exception that the bill allows the Commission to coin subsidiary coins of the degree of fineness, bearing the names, and of the size of the subsidiary coinage provided for in the original House bill.

The provision concerning franchises has been rendered more strict, if possible, than the original very strict provision in the House bill. A perusal of that provision by the members of the House will make that fact very plain. I have no doubt, nor has anyone who was upon the conference any doubt, that the exploi-

tation of the Philippine Islands will be absolutely impossible under this bill. The only doubt in the minds of anyone upon the conference was a doubt expressed by one of the Senate conferees, and approved by his associate conferee, that the bill as now reported is too strict in that regard.

Mr. WILLIAMS of Illinois. Mr. Speaker, will the gentleman permit an interruption?

The SPEAKER. Does the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. WILLIAMS of Illinois. As the bill now stands, the Philippine Commission has the right and power to dispose of public lands substantially as in the House bill, except the limitation as to amount, has it not?

Mr. COOPER of Wisconsin. But it is more strict than that.

Mr. WILLIAMS of Illinois. They still have that power?

Mr. COOPER of Wisconsin. They still have that power; yes, sir.

Mr. WILLIAMS of Illinois. What is the limit as to the number of acres to any corporation?

Mr. COOPER of Wisconsin. It is about 2,500 acres, or 1,024 hectares. We put it in that number, as the gentleman knows from his familiarity with the metric system, to preserve it in rectangular form.

Mr. WILLIAMS of Illinois. They still have the power to lease the timber?

Mr. COOPER of Wisconsin. No, sir; they have the power to grant licenses to cut, under the very stringent provisions, if the gentleman read it, as the Spanish law is reported——

Mr. WILLIAMS of Illinois. How about the disposition of the mineral lands?

Mr. COOPER of Wisconsin. In that respect it is a combination of the two bills. There is a prohibition upon any corporation having one mine and controlling another, and also a prohibition upon a member of a corporation engaged in mining there from being in any way engaged in any other corporation owning a mine. That is carried also to the agricultural lands of the island, and not only that, but instead of the law providing, as we had it, that this provision shall be held to extend to a member of the corporation, we change the phraseology so that it now reads that such a holding in two or more mines shall be unlawful for any member, making it an absolute violation of the law.

Mr. WILLIAMS of Illinois. And this can all be done without submitting the regulations and rules to Congress for its approval, can it not?

Mr. COOPER of Wisconsin. There is a provision which requires the Commission to submit to Congress rules and regulations for the general disposition of the public lands. It will be absolutely impossible before the next session of this Congress to more than touch the very rim, the margin, of the enormous acreage of forests in those islands. There are 73,000,000 acres of land in the islands, and only 5,000,000 of that is under private ownership. There are about 50,000,000 acres of virgin forests untouched for hundreds of years, and, as everybody knows, the Spaniards have been unwilling to do anything with those and unwilling to let anybody else do anything with them.

The result is that for generations there has been utter business stagnation in many parts of the islands. Under this law they can only cut timber under the most rigid restrictions—the restrictions of the Spanish law with such amendments as may be made by the Commission—and no one on the conference, and I think no candid, well-informed person anywhere can have a doubt but that all improper exploitation is absolutely prohibited. The law is similar to the present German and French forestry laws, under which they cut only the matured timber, and do not devastate and lay waste great tracts of forest, as we do in this country, and then have to wait for them to grow up again.

Mr. WATSON. Has the gentleman said anything about the legislative provision?

Mr. COOPER of Wisconsin. Mr. Speaker, the gentleman from Indiana asks me to say a word about the legislative provision.

The House legislative provision is retained practically intact, with this exception, that instead of the election being ordered by the President and the Commission immediately upon the completion of the census provided for in the original House bill, a period of two years is required to elapse subsequent to the completion of that census, in which there must be general order and peace in the archipelago. Then the provision of the statute will be mandatory, requiring the calling of a general election for a popular assembly of the people of the islands.

Mr. TAWNEY. Can the Commission, in their discretion, order a popular election before the expiration of two years?

Mr. COOPER of Wisconsin. They can not. There must be two years of peace.

Mr. WILLIAMS of Illinois. As the bill now stands, when is this census to be taken? What are the conditions?

Mr. COOPER of Wisconsin. Just the provisions of the original House bill. As soon as there shall be a condition of general and complete peace throughout the archipelago, the Commission shall certify that fact to the President, and upon being satisfied thereof, the President certifies the fact to the Commission, and the commission then, under the mandatory provision of the bill, are required to proceed with the taking of a census. After the completion of the census, two years of peace having elapsed, the provision again is mandatory that there shall be an election.

Mr. SULZER. Does that mean peace with the Moros also?

Mr. COOPER of Wisconsin. No, sir; only in the territory outside of the Moro and other non-Christian territory.

Mr. SULZER. General peace with the Filipinos?

Mr. COOPER of Wisconsin. General peace with the Filipinos only. I yield to the gentleman from Virginia [Mr. JONES] and reserve the balance of my time.

Mr. BARTLETT. Before the gentleman sits down, may I ask a question?

Mr. COOPER of Wisconsin. Mr. Speaker, I supposed it was understood that I yielded one-half of the hour to the gentleman from Virginia [Mr. JONES.] If necessary I give it again to him and reserve the balance of my time.

Mr. JONES of Virginia. Mr. Speaker, it would be impossible for me in the time at my command to inform the House as to the changes which have been made by the conference committee in the Senate bill as amended in this House. The statement which has been read to the House gives no adequate idea as to the changes which have been made. No member of the House other than the conferees has the slightest conception as to what those changes are. It may be that the gentlemen who sign this statement have not regarded them as of sufficient importance to be mentioned, but the changes involve the provisions of almost every section of this most important measure.

It is true, Mr. Speaker, that the three chief points of difference between the House bill and the Senate bill are those which have been mentioned by the distinguished chairman of the committee; but there are many other provisions in the House bill which have been most materially changed, and members are now expected and required to vote for or against this conference report in utter ignorance of hundreds of its provisions. It seems to me, Mr. Speaker, that we are not so pressed for time, even at this late day in the session, as to be required to vote on a measure of this great importance without the slightest consideration being given to its many new provisions.

In my judgment, this conference report is somewhat an improvement upon the House bill, as well as that of the Senate, and yet this is but my opinion. Other gentlemen are entitled to have opinions of their own—opinions which it is impossible for them to have under the circumstances. The bill as agreed to in conference reduces the number of acres of agricultural land which a corporation may acquire from 5,000 acres, as fixed in the House bill, to 2,500 acres. This is unquestionably an improvement on the House. But, Mr. Speaker, it must be remembered that the Senate bill did not provide for the sale of a single acre of this public land, and in that respect the Senate bill was infinitely a better bill than the House bill.

Mr. WILLIAMS of Illinois. I would like to ask my colleague a question.

Mr. JONES of Virginia. Certainly.

Mr. WILLIAMS of Illinois. As I understood the Senate bill, it did not contain a provision preventing a member of a corporation becoming a stockholder in some other corporation. Is that provision as passed by the House still in the bill agreed upon by the conference?

Mr. JONES of Virginia. I am unable to answer my colleague's question. The Senate bill, I will say to my colleague, contained no provision for the sale of an acre of the public lands in the Philippine Islands, agricultural or other.

Now, Mr. Speaker, so far as I am personally concerned, I would infinitely prefer to see this bill fail, to see Congress adjourn without enacting any legislation for the Philippines, than that a measure so unjust and fraught with so much danger should be imposed upon the Philippine people. I think that the inhabitants of the Philippine Islands would be infinitely better off under the present Taft Commission, acting solely under military authority, than they will be if this bill becomes law. This measure provides that the government of the Philippine Islands shall prepare rules and regulations for the sale and disposition of the public agricultural lands. But it also confers upon the government the authority to go ahead and dispose of these lands before the rules and regulations provided for have been prepared. So that it will be absolutely within the power of the government of the Philippine Islands created by this bill to dispose of every single acre of public lands in the Philippine Islands before a single rule or regulation is framed if this conference report is adopted.

The Senate bill also provides for the preparation of rules and

regulations for the sale of these lands, but until those rules have been prepared and approved by the President and submitted to Congress not an acre of land could be sold under the provisions of the Senate bill.

For this reason, if for none other, I am unable to support this report. The Taft Commission has no power now to sell these lands, and if this legislation should fail they would have none.

A great deal was said during the debate upon this question, when the House bill was under consideration, by gentlemen on the other side of this Chamber concerning the popular-assembly feature of the bill. I would like to ask any gentleman on that side now if he thinks that the provision which has been agreed upon by the conferees is that which the House bill contained when he voted for it.

If this report is adopted, no man is wise enough to say when, if ever, the Philippine people will be permitted to vote for a popular assembly. In the first place, a census must be taken. How long will be required to take a census throughout the Philippine Islands I am unable to say, and I do not think anybody else can say.

Mr. COOPER of Wisconsin. Will the gentleman permit me?

Mr. JONES of Virginia. Certainly.

Mr. COOPER of Wisconsin. Is not the gentleman aware that the House bill contained a provision for a census?

Mr. JONES of Virginia. I am; but after the census here provided for has been taken, it must be printed, and it must be published, and then two years must elapse before the President can issue his proclamation; and he can not issue his proclamation until he is satisfied that there is a condition of general and complete peace throughout the islands. I do not think that any gentleman on this floor believes that the time will come within the next generation when the President will be able to issue this proclamation, if there ever will be a time when he will be able honestly to say that there is general and complete peace in those islands.

Mr. COOPER of Wisconsin. Mr. Speaker, is not the gentleman aware that there has been general and complete peace in all but the non-Christian provinces of the archipelago, except in three, in 34 out of the 37, for practically a year?

Mr. JONES of Virginia. No; I do not know that there has been general and complete peace in the Philippine Islands for practically a year.

Mr. COOPER of Wisconsin. That is the testimony, practically uncontradicted, before our committee; and the testimony of the civil governors is to the same effect.

Mr. JONES of Virginia. I do not know, Mr. Speaker, of any such thing. My information is just to the contrary.

Mr. COOPER of Wisconsin. I mean the Christian provinces.

Mr. JONES of Virginia. The time may come when there will be no organized armed opposition to the United States forces in those islands, but the time has not yet come, if it ever does come, when there is absolute, complete, and general peace throughout the islands; and the President is required to wait for those conditions before he can issue his proclamation. How long it will require to take this census no man can say.

It requires several years to take, print, and publish a census in this country, and if it should require as long in the Philippine Islands the President must wait five or six years before he issues his proclamation, even if he should think that there is there a condition of general and complete peace. If it be true, as General Taft testified when here, if the statement made by him in an article which he recently published in The Outlook be well founded, then the Federal party in the Philippine Islands is destined to experience a great disappointment. The members of that party have been led to believe that this Congress would enact legislation which would at once give them a large share in the government of their country. When they learn how far away is the day when they will be permitted to vote for members of a popular legislative assembly, keen, indeed, will be their disappointment.

Mr. Speaker, as one of the House conferees I could not, of course, sign this report, entertaining the views I do. If my aversion to the Republican policy of imperialism were far less deep rooted than it is, I could not support a measure which does not, and is not intended for years to come, to give the Filipinos any share in the government under which they are to live—a government which is expressly empowered to strip the forests of the Philippines of their valuable timbers and to sell every acre of the millions of acres of valuable public agricultural lands there. This measure fastens for years to come upon the Filipinos a government in which they will have no part, but which will nevertheless exercise absolute control over their lives, property, and liberties.

Whilst this bill is entitled a bill to temporarily provide a civil government for the Philippine Islands, there is not a word, a line, or a syllable in it which limits the existence of the government created by it to one year, or ten years, or a hundred years, or a thousand years. This, to me, is an insurmountable objection to it.

More than this, Mr. Speaker, if it were satisfactory to me in other respects, and I believed it to be an improvement on the government in existence in the Philippine Islands now, I could not vote for it. I could never support a measure affecting the rights and liberties of 10,000,000 human beings which did not define what was to be the future policy of our Government in regard to them. They have the right to know what our purposes are. The American people have a right to know. [Applause on the Democratic side.]

Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. WILLIAMS].

Mr. WILLIAMS of Illinois. Mr. Speaker, the statement of our friends show that both the Senate bill and the House bill have been eliminated and a substitute adopted by the conference committee, and we are to vote upon this substitute without knowing what it is. I am not surprised that the members who intend to support this bill desire to do so with as little information as possible. If I were going to support it I would do as they do, close my eyes and vote for it regardless of what was in it. A great many changes no doubt have been made. There were several differences between the two bills, the Senate bill and the House bill, and we have had a statement which refers to a very few of those differences.

I desire to call your attention briefly to the provision for a legislature in the Philippine Islands. It was rather a harmless provision as passed by the House, but it is made much less harmless to exploiters since it has come back from the conferees. If they should proceed in good faith under that provision, it would probably be five years before they would get a legislative assembly in the Philippine Islands. As it passed the House, it might have been probably two or three years, but it has been extended. It was feared that the time allowed in the House bill would not give the Philippine Commission time to vote away and dispose of the public property of the Filipinos before they had a voice in the legislation.

We first have to have peace. The chairman of the committee says we already have peace. Well, it takes a larger army in the Philippine Islands to maintain peace than in any other country of that size in the world that I know of—more than it took in the whole United States to maintain peace. But admitting that we have peace, we will see whether those who act under this bill will recognize the statement of the gentleman from Wisconsin as true and proceed at once to take this census. Is there any limitation within which the census is to be taken? None. And then two long years are to expire after the census has been taken and published before the Philippine Islands are to have a legislative assembly.

The power is given in this bill to the Philippine Commission to proceed at once, without any legislation, to vote away and dispose of all the valuable land and valuable timber. I do not say timber land, but when you give these timber sharks authority to go into the fine timbers of those islands, establish their mills, and set their men to work, what control will some little American officer have over them in trying to limit them to trees of a certain dimension? There might be some hopes of keeping within regulations if the regulators were not men of the same country and the same people as the exploiters are.

It is not the Filipinos who are to guard and protect the public timber that belongs to their people, but it is an American sent there to guard American exploiters and keep them within certain regulations.

I agree with my colleague from Virginia [Mr. JONES] when he says that he would rather see the Filipino people continue as they now are under the present law than to see the bill before the House enacted into law. Now their public property is safe; it can not be voted away; but the gentleman from Wisconsin will find that when this bill becomes a law, it will not be long before the valuable lands, timbers, franchises, and other desirable public property of the Filipinos will be in the hands of American exploiters, and that is what this bill is for, and it ought to be beaten. [Applause on the Democratic side.]

Mr. JONES of Virginia. Mr. Speaker, I now yield ten minutes to the gentleman from Missouri [Mr. DE ARMOND].

Mr. DE ARMOND. Mr. Speaker, as has already been stated, and as must be evident to everyone, in voting upon this conference report we shall vote in the dark, because it is entirely impossible to know what it contains. The gentlemen who are upon the conference committee, and who framed the report, may be supposed to know what it does contain, but the rest of us can not possibly know, and no opportunity will be given for us to learn. The report is not to be printed. It seems to be regarded as necessary that the measure be passed at once, passed in the dark rather than in the light, passed without information rather than with it.

This is not so remarkable or startling after all, because the whole course of legislation on the subject has been in the dark.

Nowhere, at no time, in no degree, has the House or the Senate or the country been informed as to the ultimate purpose of the gentlemen in the majority. They either do not know themselves or, knowing, have not the courage to declare to the country what their purpose is. If they do not know, it seems to me they ought to pause in their legislation until they acquire some knowledge on the subject. If they do know, it must go without saying that their purpose can not be good, or they would not so persistently conceal it.

It is right evident, however, from the general scope of the legislation and the general purpose which has characterized those who project it, that one purpose is to give the Filipino no voice or part in the government of his own land, his own person, his own interests. The rule is to be an alien rule. The model is to be found in the policy of England in Ireland and South Africa and India. We are to follow, I suppose, as closely as we can, the English plan. We are to depart as far as we may from the American scheme of government. We are to proceed upon the theory that the governed have no rights except in submission to those who govern them, no duty except to conform to their rulers' inclinations and interests.

It would have been very startling in this country a short time since if anybody had announced that the American model of government would be abandoned so soon and the English model taken up so passively and so completely. In this land, peopled and enriched with the blood and the brain and the genius of those who fled here from English oppression, it does seem strange and somewhat startling even now that we are to have, under the American flag, and by the act of the American Congress, and through the ministration of American officers, the English system carried out in the Philippines, with its influence to come back and plague us here at home.

What the fruits will be we can only determine from what they have been. The feeling between England and Ireland is bitter and implacable, not because the Irishman has not the natural elements of affection, for he is warm hearted and loving, but because he has suffered for years and years under alien rule and landlordism and wrong; because the wrongs have sunk so deep into his heart that neither time nor distance can ever eradicate them. So it must be in far away Boerland, where two republics have been destroyed by this policy; where a large portion of the people have been swept off the face of the earth for no greater crime than loving liberty and being attached to their own form of government, and having the courage and manhood to maintain against overwhelming numbers and tremendous odds and for a long period of time a brave resistance.

In all the time given to the preparation of this legislation, in all the hatchings and counselings of the committee, with all the secrecy and furtiveness that have characterized it, clearly some things have been omitted from the bill and the conference report. Not a blow has been struck at slavery or polygamy in the Philippine Islands. When a proposition was submitted here and voted upon in Committee of the Whole to amend this bill so as to prohibit slavery there, the gentlemen on the other side of the Hall voted almost solidly against it. This bill does not interfere, and will not interfere in the slightest degree, with the privileges and prerogatives and perquisites of His Highness the Sultan of Sulu. He still remains in the pay of the freest and best Government of the earth. We give him still $2,500 a year with which to support his harem and increase his stock of slaves.

This conference report, if we may judge from what we read in the papers this morning, was matured in the calm hours of the Sabbath. The capsheaf of perfection was put upon it in the waning hours of Sunday night and the dawning hours of Monday morning. It was a labor of love, a labor of purity and exaltation, a labor of patriotism, from which the conferees representing this side of the House were excluded as unworthy to participate and not holy enough for these Sabbath-day proceedings of the conferees, though good enough to go to church.

Our Republican brethren, taking counsel of one another, framed and fashioned this conference report in the hours of the Sabbath day and in the watches of the Sabbath night—fashioned it to suit themselves. The Republican conferees being pleased with it, their fellow-members upon that side are prepared to gulp it down without knowing and without caring what is in it. Confident that the interests which it is their purpose to protect—the interest of the exploiter and the promoter, the interest of the man who desires that the Philippine Islands shall be retained for what can be made out of them by him and his friends—confident, I suppose, that these interests have been looked after and protected, they are satisfied; and as for the Filipinos, oh, it makes no difference about them!

The Sultan of Sulu and the datos and the other slaveholders and polygamists have not been interfered with; and as to those humble Christian people—neither slave owners nor polygamists—who simply fight for liberty and die for liberty, it does not make any difference what becomes of them; that is a bagetelle; let it go!

The hours of Sunday are not long enough—the day is too holy—for any of it to be devoted to work of that kind.

After careful, long, thoughtful deliberation, they are to do what? To make men freer? To increase the opportunities of the ordinary citizen of this country or those unfortunates who dwell in the Philippines? Oh, no. To increase the opportunities for American and English corporations, to broaden the field of their operations, to increase the opportunities of syndicates, to prepare the way for fostering in the Philippine Islands the production of a thousand and one things which may be sold in the markets of the world in deadly competition with the products of free American labor.

The time will come when the laboring men of this country will be compelled to rise up in their might and for self-preservation strike down those who forget them now, and recklessly wrong them here. Every step taken in this legislation, and every act done, every motive displayed, is hostile to the best interests of American citizenship, is against American labor, is contrary to the principles of the American Constitution, is violative of the rights of the Filipinos, and beneficial only to the small coterie who contribute liberally to the campaign fund, and who desire to replenish and to increase their stores by spoils wrested from the Filipinos. And so it goes; so it goes.

Civil government for the Filipinos! Civil government in which the Filipinos do not participate; civil government in which the Filipinos have no part; civil government which the Filipinos do not desire; civil government, not for the benefit of the American citizen, but for the American promoter, the American syndicate organizer, the American capitalist, the American boss, the American contributor to campaign funds, used to corrupt the needy voter, to overcome the judgment of the honest element of American citizens, and win victories by false pretenses and more positive wrong. [Applause on the Democratic side.]

[Here the hammer fell.]

Mr. JONES of Virginia. Mr. Speaker, I would ask how much time I have remaining?

The SPEAKER. The gentleman has three minutes remaining.

Mr. JONES of Virginia. I yield three minutes to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES or Tennessee. Mr. Speaker, I would be delighted to discuss this bill, but I shall employ the three minutes I have in referring somewhat to the speech of the gentleman from Indiana [Mr. LANDIS], who a few days ago, as his speech showed, reported in the RECORD at page 7821, stated: "I have on my desk a bill that the gentleman introduced, repealing the war taxes six months after the tax had been repealed," alluding to myself as the gentleman in question. Mr. Speaker, that statement is not true; it is not correct.

On December 7, 1899, I introduced a bill entitled "A bill to amend the war-revenue act, approved June 13, 1898, so as to exempt benevolent orders from its operation." Then follows the provision for stripping these benevolent orders of the burden of stamping their checks, etc. About four months after that, March 2, 1901, the Republican party, following my advice, as usual [laughter], used the suggestion made in my bill and repealed this tax, and it became a law, of course. Some time after that, in July last, I left the United States and went, as you all know, or at least have heard about [laughter], to the Philippine Islands, and returned——

A MEMBER. Why did you not stay there?

Mr. GAINES of Tennessee. Because I wanted to get back under the Constitution of the United States; that is why I did not stay. I wanted to get back into a white man's country, where white men ought to be, and where the Americans ought to stay. Mr. Speaker, I came back. I reached Washington on December 5, late in the afternoon, and on the next day I was sworn in and introduced 44 bills the same day in the House. [Laughter on the Republican side.] Some of these bills have been followed, as usual, by the Republicans in mapping out legislation that is good. [Laughter.]

Mr. Speaker, it seems I am indispensable to the welfare of the country, at least so long as the Republican party remains in power. [Laughter.] Now, in that great number of bills, hurriedly preparing them in only a few hours, by mistake, by a mere oversight, as you can very easily see, the bill which I had introduced December 7, 1899, and which became a law, was reintroduced December 6, 1901, and I have it here on my desk. Mr. Speaker, was anybody hurt? I do not care anything about that mistake, but another matter I desire——

The SPEAKER. The time of the gentleman has expired.

Mr. GAINES of Tennessee. Mr. Speaker——

The SPEAKER. The gentleman from Wisconsin [Mr. COOPER] is recognized.

Mr. COOPER of Wisconsin. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has twenty minutes remaining.

Mr. LANDIS. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee may have time to conclude his remarks.

Mr. GAINES of Tennessee. I only want about five minutes.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the gentleman from Tennessee may have five minutes in which to conclude his remarks. Is there objection?

Mr. PAYNE. I object.

The SPEAKER. Objection is made. The gentleman from Wisconsin is recognized.

Mr. COOPER of Wisconsin. Mr. Speaker, I yield one minute to the gentleman from California [Mr. COOMBS].

Mr. COOMBS. Mr. Speaker, I desire to offer a few remarks concerning the particular feature of the bill to establish a civil government for the Philippines which proposes an institution in the way of a popular assembly.

To my mind this is one of the most important essentials of this bill, not in the way of carrying out any promise, expressed or implied, but as an earnest of that effort on our part to provide instruments for the better education of the people of the Philippines and as the forerunner of more comprehensive ideas on their part of the theories and practices of government. I look upon a legislative assembly, or any public gathering under the law, as an instrument for the dissemination of knowledge, and especially knowledge of that peculiar kind the grasp of which is required as a fundamental requisite in popular government.

I happened once to be traveling in a foreign country whose history dates beyond the birth of Christianity. For about twenty-five hundred years war and the desire for war was the only great incentive which fevered the pulse of man and made ambition virtue. It was a people somewhat allied in blood, surely in instincts and habits, with the races inhabiting the Philippine Archipelago. For twenty-five hundred years Japan was divided into factions, where clans fought for mastery, and the fuedal system built lordly castles surrounded by moats and hung with trophies, defenses which had swept back the tide of battle waged by a hostile family engaged in the settlement of some petty quarrel between contending provinces.

For 2,500 years Japan waged civil war, and upon the revolution of 1868 armies were disbanded, a constitutional government was formed, parliament began to make laws for the Empire, the people forgot the old wave of battle and the intensity of conflict, and the ancient feud and family quarrel found vent and finally died in the arena of debate.

If it had not been for this popular body, it is probable that Japan would still nourish the old-time hate for the foreigner, which made it unsafe for him to be there during the warlike period of her military rule. The debates of the Diet are printed in the daily papers, men and children read them, and puffed with divine ambition they look for the fulfillment of their desires to that arena rather than to the arena of war.

Mr. Speaker, a President of the United States, a statesman, a historian, and a soldier himself, standing upon the heights of Arlington, that spot upon which the hope of the country lies buried, but above which the halo of a new hope will hover forever, reflecting upon the past pride and glory of the Republic, and inspired by the thought of its great promises, gave voice to the following sentiment:

When they—

Referring to the Philippines—

have shown their capacity for real freedom by their power of self-government, then, and not till then, will it be possible to decide whether they are to exist independently of the United States or to be knit to us by ties of common friendship and interest.

That, Mr. Speaker, is the logical conclusion of a long trial of government by a people as well fitted for government—popular government—without a king, without an emperor, ruled only by the spirit of liberty, as any that has been born to the centuries. If the idea of equality in statecraft is ever to materialize, it is when the American people shall, by example at least, have lifted from thraldom every spirit of freedom upon the globe that has toiled and suffered and hoped for its cause.

It becomes, then, our duty to teach liberty to those children whose lives and happiness have been committed to our care as the results of the war.

The American people to-day are brought face to face with the practical question of working out a government, not for themselves, but for others. If for the moment they have been cruel, it was only to be kind. If for the moment they have spoken daggers, they have used none. If for the moment they have imposed the strong arm of the law, it was that peace and quiet and humanity might ultimately be the end and the rule.

In the light of all the history that is to come, the American people will be charged with the responsibilities which are to control the fate of men and nations, which is to make what may forever be the balance of power. It must be with a bold hand. It must be with wisdom, and it must be in defiance of that criticism which comes from those who would desire them to fail. The American people to-day have but one desire. It is the desire for peace and humanity. They desire that all the emblems of peace shall wave over the islands; that the banners of chaos shall be furled; that men shall learn their rights in the broadest and profoundest way, and shall exercise them in the face of history.

What is the best method of accomplishing this civilization, this mighty progress, this great enlightenment? In our study of the events of time that method seems best which tends toward thought, toward deliberation, toward study, toward theory; and that method, it seems to me, would be most conducive to peace which tends to scatter light, which animates the mind to its best capacity, where statecraft subdues and takes the place of barbaric arms and tends to turn the sword into a plowshare.

Of all the agencies for the dissemination of this enlightened influence in national life, the greatest is the popular assembly. Its debates, its deliberations, and its laws become the foundation and the stimulus for a written language, out of which grow the chronicles of history, which in turn casts its coloring of poetry and romance and national airs and hymns of patriotism—yes, out of which patriotism rises from each hope uttered and each lofty sentiment expressed by aspiring man.

When some debate upon a question of state is made daily and read daily, men will drop their arms to listen and to read. They will listen to the stories of a new-born glory, and kindle with pride at every new thought of government. Newspapers will spring up and tell of the debates. They will educate the people in government, and the leaders of regiments from the different provinces, men who have been drilled and schooled in the clangor of arms, will become the leaders of thought in this new arena of war.

It is not, then, to fulfill some promise of an independent government that the popular assembly should be created, but with the idea of educating the people in the thoughts and inclinings of government; and in this instance this, it appears to me, would be the chief end and glory of the popular assembly. There the tumult of war would cease and the clash of intellect would take the place of the clashing sword, because it is the inclination of all leaders, it is the trend of all aspirings and all hope to plunge into the tempest of debate rather than into the tempest of war.

There revolution will run its course. There the angry temper will vent itself in angry debate, and in that assembly where the intellect can achieve, out of pride, it will linger; because, whether in civilization or barbarism, the mind rises superior to force, and the arena of one is deserted for the lofty sentiments of the other. An appeal to the mind is the best guard against revolution; for in it can be seen not arbitrary force, not anarchy, not war, but everything that summons the better judgment, everything that is humane, everything that is divine, everything that separates the noble attainments from the base attributes which would have prevailed without it. Debate, history, knowledge, and ambition appeal to the intellect and become the basis of free government and afford an illustration of the practicability of its theories.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes, and still further insists upon its amendment No. 91 to the bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes, disagreed to by the House of Representatives, and asks a further conference with the House on the disagreeing votes of the two Houses thereon, and that Mr. HALE, Mr. PERKINS, and Mr. TILLMAN had been appointed the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments a bill of the following title:

H. R. 14050. An act to amend an act to regulate the height of buildings in the District of Columbia.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

S. 2034. An act to pay to Rear-Admiral Winfield Scott Schley, on the retired list, the pay and allowance of rear-admiral on the active list;

S. 4657. An act to aid in the erection of a statue of Commodore John Sloat, United States Navy, at Monterey, Cal.;

S. 5272. An act for the relief of Darwin S. Hall;

S. 6004. An act authorizing and directing the Secretary of the Treasury to pay John F. Weston the sum of $241.60, etc.;

S. 6045. An act granting an increase of pension to Charles Sprague;

S. 5950. An act for the relief of Henry O. Bassett, heir of Henry Opeman Bassett, deceased;

S. R. 81. Joint resolution to enlarge the use of electric conduits in the District of Columbia; and

S. R. 129. A joint resolution amending an act "to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," passed at the present session of Congress.

The message also announced that the President pro tempore had appointed Mr. COCKRELL a member of the conference committee on the part of the Senate on the bill (H. R. 15108) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1903, and for prior years, and for other purposes, in place of Mr. TELLER.

PHILIPPINE GOVERNMENT.

Mr. COOPER of Wisconsin. I yield five minutes to the gentleman from Massachusetts [Mr. GILLETT].

Mr. GILLETT of Massachusetts. Mr. Speaker, the gentleman from Missouri [Mr. DE ARMOND] complains that the Republican party will not announce its purposes. There is an old adage that none are so blind as those who will not see. It is equally true that no one is so dull as those who will not understand. I think the gentleman from Missouri owes his apparent blindness and his dullness not to his lack of faculties, but to his unwillingness to use his faculties. It seems to me it is perfectly clear what is the purpose of the Republican party and what has been its purpose from the beginning.

When those islands came to us the first thing we purposed was to establish peace and order there as soon as possible. Since then we have been steadily endeavoring to put down insurrection, and it seems as if we had about accomplished it. More than that, step by step, as our armies advanced, we have also introduced self-government in municipalities. We have introduced education; we have shown consistently that our purpose was to educate those people and improve them and develop them in self-government. That has been and that will be the purpose of the Republican party. What more could either party do, and what more at present can we promise, because I believe there are not a dozen men on both sides of this House together who do not really believe it will be at least twenty years before these people are fit to govern themselves.

And shall we say now what we are going to do twenty years from now? The Republican party does not equal the other side in prophecy, but it is reliable in action. [Applause on the Republican side.] It grapples with the task before it. We deal with the present and not so much with twenty years from now. What we will do then no one can surely tell. But if we could announce our purpose for the future, why should we express it now. Everyone knows that such an expression would not be binding twenty years from now.

We can not bind the Congress that will meet in the next generation. All we can do is to bind ourselves; and for a Congress to express the purpose to bind some future legislature, which it knows it can not, is, it seems to me, foolish and useless. There was a time when we could have bound future Congresses on this subject, but that time and opportunity has passed forever. For myself, I am perfectly willing to say exactly what I wish and hope. I hope that twenty years from now the Filipinos will be able to govern themselves; and I hope that twenty years from now, or fifty years from now, or ten years from now, whenever they are fit to govern themselves, if they then want independence, the American people will give it to them. [Applause.]

Mr. JONES of Virginia. Mr. Speaker——

Mr. GILLETT of Massachusetts. I can not yield. I have only five minutes. I am sure their independence is more likely to be given to them by the people who to-day constitute the Republican party than by those who constitute the Democratic party. I hope it will be given them, but nobody can tell now what will be the conditions in the East twenty years from now. No one can tell what the relations of the United States to the powers of the world will be twenty years from now. No one can tell what our commerce will demand.

Therefore, inasmuch as we can not possibly bind the legislature which will come into power twenty years from now or perhaps forty years from now—for the time is uncertain—inasmuch as we can not bind them, inasmuch as we can not foresee what the conditions will be and what those conditions will impel, it seems to me the only thing any sensible party can do is to say we will maintain order, we will educate and develop them on American lines in self-government just as fast as we can, and we will leave the future to the powers and men that will control that future. [Applause on the Republican side.]

Mr. COOPER of Wisconsin. Mr. Speaker, I wish to call the attention of the House to one provision of the bill about which there seems to be a want of knowledge. This provision, which limits the sale of land, provides that it shall be conditioned upon actual and continuous occupancy, improvement, and cultivation of the premises sold for a period of not less than five years, during which time the purchaser can not alienate or encumber the land or the title thereto.

That will prevent people from buying land, not going near it, and holding it for mere purposes of speculation. It requires cultivation and continuous occupation for five consecutive years, during which time neither the individual nor the corporation can alienate nor encumber the title.

Mr. JONES of Virginia. Mr. Speaker, may I ask the gentleman a question?

Mr. COOPER of Wisconsin. Yes.

Mr. JONES of Virginia. If a corporation should buy 2,500 acres of land, as it is permitted to do under this bill, could not that corporation put a tenant upon one corner of that land, one acre of it, keep him there cultivating that one acre for five years, and in that way comply with the terms of this law?

Mr. COOPER of Wisconsin. Nothing of the sort, and never could be.

Mr. JONES of Virginia. There is nothing which prevents it.

Mr. COOPER of Wisconsin. Anything of the kind intimated by the gentleman from Virginia would not be tolerated for a moment.

Mr. JONES of Virginia. If that be so——

Mr. COOPER of Wisconsin (continuing.) The occupancy must be in good faith, as a matter of law. It must be substantial; it can not be less and meet with the requirements of this bill.

Mr. JONES of Virginia. If what the gentleman says——

Mr. COOPER of Wisconsin (continuing). The gentleman is a lawyer, and ought to know that.

Mr. JONES of Virginia. If what the gentleman says is true, why, then, is it that the conferees have reduced the acreage which any corporation can get to 2,500 from 5,000 acres, when Governor Taft insists that it ought not to be less than 20,000 acres?

Mr. COOPER of Wisconsin. That is a matter of judgment. It is to meet the criticisms, in part, of such gentlemen as the gentleman from Virginia. A great many people think that there ought to be a larger amount of land allowed corporations in those islands. Many of them are of the opinion that what we allow in this bill is too restricted.

Mr. MANN. Will the gentleman allow me to ask him a question?

Mr. COOPER of Wisconsin. Certainly.

Mr. MANN. Do I understand the gentleman to say that corporations purchasing this land for cultivation will not be allowed to borrow money at all by mortgage, and that it will not be liable for seizure and execution for debt?

Mr. COOPER of Wisconsin. That is to be the law. They may not encumber it or borrow money on it in any way. The man who goes there is to occupy that land and cultivate it and develop the resources of the country, which for generations have lain uncultivated.

Mr. MANN. Would that include a mortgage upon improvements which might be put upon the land, and which in this country would be a portion of the real estate?

Mr. COOPER of Wisconsin. Anything fixed is subject to this law under the rule of American homestead, I suppose.

Mr. MANN. I assume that the American common law is not prevalent there; and I did not know, but it would seem to me rather onerous on a corporation.

Mr. COOPER of Wisconsin. It would be a part of the land if fixed.

Mr. LACEY. Will the gentleman yield to me for a question?

Mr. COOPER of Wisconsin. Certainly.

Mr. LACEY. In the agricultural land system I notice you have followed the metric system, but as to mines you have adopted the English or American system of feet and inches. Will not that lead to confusion by having different methods for surveys—surveying mining claims, on the one hand, by one system and agricultural lands, on the other hand, by another—adopting two different systems of land measurements in the same country?

Mr. COOPER of Wisconsin. I raised that point in the conference, but the Senate conferees thought it had better be left. They thought 1,000 feet would be easily understood, and that there would be no trouble. Out of deference to them, and in view of the fact that they had yielded upon many points, we yielded in that.

Mr. LACEY. I do not think it is so easily understood.

Mr. COOPER of Wisconsin. I should have preferred it the

other way, and so possibly would my associates, but we yielded out of regard to the wishes of the Senate conferees.

Mr. WILLIAMS of Illinois. Mr. Speaker, I should like to ask the gentleman a question.

The SPEAKER. Does the gentleman yield to the gentleman from Illinois?

Mr. COOPER of Wisconsin. I yield for a question.

Mr. WILLIAMS of Illinois. In answering the gentleman from Virginia, I did not understand the chairman to say whether the occupancy of land by a tenant of a corporation would not be considered an occupancy by the corporation itself under this bill.

Mr. COOPER of Wisconsin. The gentleman did not understand the question of the gentleman from Virginia.

Mr. WILLIAMS of Illinois. Then I will ask that question myself. Whether a corporation may not occupy this land by tenant; and would not that be the only way that it might be occupied and comply with the requirements of this bill?

Mr. COOPER of Wisconsin. The question of the gentleman from Virginia assumed that a corporation might occupy a mere corner of the land—an acre out of 2,500—and that that under the law would be considered an occupancy of 2,500 acres. I said that such a construction of the law would not be tolerated. Such an occupancy would not be in good faith and would not be in accordance with the requirements of the law.

Mr. WILLIAMS of Illinois. This is the question I wanted to ask the gentleman. Then, a corporation under this bill may simply occupy a piece of land by tenant, and it would thus comply with the law and get title?

Mr. COOPER of Wisconsin. No.

Mr. WILLIAMS of Illinois. A corporation can take 2,500 acres under this law?

Mr. COOPER of Wisconsin. They must occupy it in good faith for five years before they can become the owner under this bill. A corporation is an artificial body; it has to occupy it by somebody. The tenants occupy the land, and if they cultivate and improve it for five consecutive years, that meets the requirements of the law.

Now, Mr. Speaker, I ask for the previous question.

The previous question was ordered.

The SPEAKER. The question is on the adoption of the conference report.

Mr. JONES of Virginia. I ask for the yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 148, nays 94, answered "present" 13, not voting 95; as follows:

YEAS—148.

Acheson,	Dahle,	Hughes,	Payne,
Alexander,	Dalzell,	Jack,	Pearre,
Allen, Me.	Darragh,	Jones, Wash.	Perkins,
Aplin,	Davidson,	Joy,	Prince,
Babcock,	Dayton,	Kahn,	Ray,
Ball, Del.	Deemer,	Knapp,	Reeder,
Barney,	Dick,	Knox,	Reeves,
Bartholdt,	Dovener,	Kyle,	Roberts,
Beidler,	Draper,	Lacey,	Shattuc,
Bingham,	Eddy,	Landis,	Showalter,
Bishop,	Esch,	Lawrence,	Sibley,
Blackburn,	Evans,	Lessler,	Smith, Ill.
Boutell,	Fletcher,	Lewis, Pa.	Smith, Iowa.
Bowersock,	Foerderer,	Littlefield,	Smith, H. C.
Brick,	Foss,	Long,	Smith, S. W.
Bristow.	Foster, Vt.	Loud,	Southard,
Bromwell,	Fowler,	Lovering,	Southwick,
Brown.	Gaines, W. Va.	McCleary,	Sperry,
Brownlow,	Gardner, Mich.	McLachlan,	Steele,
Burk, Pa.	Gibson,	Mahon,	Stewart, N. J.
Burke, S. Dak.	Gillett, Mass.	Mann,	Stewart, N. Y.
Burkett,	Graff,	Marshall,	Sulloway,
Burleigh,	Graham,	Martin,	Tawney,
Burton,	Greene, Mass.	Minor,	Tayler, Ohio.
Butler,	Grosvenor,	Mondell,	Thomas, Iowa
Cannon,	Grow,	Moody, N. C.	Tirrell,
Capron,	Hamilton,	Moody, Oreg.	Tompkins, N. Y.
Cassel,	Hanbury,	Morgan,	Tompkins, Ohio
Conner,	Haskins,	Moss,	Van Voorhis,
Coombs.	Hedge,	Mudd,	Vreeland,
Cooper, Wis.	Hemenway,	Needham,	Wachter,
Cousins,	Henry, Conn.	Nevin,	Wadsworth,
Cromer,	Hepburn,	Olmsted,	Wanger,
Crumpacker,	Hill,	Overstreet,	Warner,
Currier,	Holliday,	Palmer,	Warnock,
Curtis,	Hopkins,	Parker,	Watson,
Cushman,	Howell,	Patterson, Pa.	Wright.

NAYS—94.

Adamson,	Caldwell,	Flood,	Kern,
Allen, Ky.	Candler,	Gaines, Tenn.	Kitchin, Wm. W.
Ball, Tex.	Cassingham,	Gordon,	Kleberg,
Bankhead,	Clark,	Green, Pa.	Kluttz,
Bartlett,	Clayton,	Griffith,	Lamb,
Bell,	Cochran,	Hall,	Lanham,
Benton,	Cowherd,	Hay,	Lewis, Ga.
Bowie,	Davey, La.	Hooker,	Little,
Brantley,	Davis, Fla.	Howard,	Livingston,
Breazeale,	De Armond,	Jackson, Kans.	Lloyd,
Brundidge,	Feely,	Johnson,	McAndrews,
Burleson,	Finley,	Jones, Va.	McCall,
Burnett,	Fitzgerald,	Kehoe,	McClellan,
McCulloch,	Norton,	Rucker,	Sulzer,
McDermott,	Padgett,	Ryan,	Swanson,
Mahoney,	Pierce,	Shafroth,	Tate,
Maynard,	Pugsley	Sims,	Underwood,
Meyer, La.	Randell, Tex.	Slayden,	Wiley,
Mickey,	Rhea, Va.	Small,	Williams, Ill.
Miers, Ind.	Richardson, Ala.	Snodgrass,	Williams, Miss.
Moon,	Richardson, Tenn.	Snook,	Wilson,
Mutchler,	Rixey,	Spight,	Zenor.
Naphen,	Robinson, Ind.	Stark,	
Neville,	Robinson, Nebr.	Stephens, Tex.	

ANSWERED "PRESENT"—13.

Adams,	Irwin,	Powers, Me.	Vandiver.
Conry,	Mercer,	Skiles,	
Emerson.	Metcalf,	Thompson,	
Foster, Ill,	Otjen,	Trimble,	

NOT VOTING—95.

Bates,	Fox,	Lever,	Selby,
Bellamy,	Gardner, N. J.	Lindsay,	Shackleford,
Belmont,	Gilbert,	Littauer,	Shallenberger
Blakeney,	Gill,	Loudenslager,	Shelden,
Boreing,	Gillet, N. Y.	McLain,	Sheppard,
Broussard,	Glenn,	McRae,	Sherman,
Bull,	Goldfogle,	Maddox,	Smith, Ky.
Burgess,	Gooch,	Miller,	Smith, Wm. Alden
Calderhead,	Griggs,	Morrell,	Sparkman,
Connell,	Haugen,	Morris,	Stevens, Minn.
Cooney,	Heatwole,	Newlands,	Storm,
Cooper, Tex.	Henry, Miss.	Patterson, Tenn.	Sutherland,
Corliss,	Henry, Tex.	Pou,	Talbert,
Creamer,	Hildebrant,	Powers, Mass.	Taylor, Ala.
Crowley,	Hitt,	Ransdell, La.	Thayer,
De Graffenreid,	Hull,	Reid,	Thomas, N. C.
Dinsmore,	Jackson, Md.	Robb,	Tongue,
Dougherty,	Jenkins,	Robertson, La.	Weeks,
Douglas,	Jett,	Rumple,	Wheeler,
Driscoll,	Ketcham,	Ruppert.	White,
Edwards,	Kitchin, Claude	Russell,	Woods,
Elliott,	Lassiter,	Scarborough,	Wooten,
Fleming,	Latimer,	Schirm,	Young.
Fordney,	Lester,	Scott,	

So the conference report was agreed to.

The following additional pairs were announced:

For the session:

Mr. OTJEN with Mr. SHACKLEFORD.

Mr. SHERMAN with Mr. RUPPERT.

Mr. METCALF with Mr. WHEELER.

Until further notice:

Mr. SCOTT with Mr. NEWLANDS.

Mr. EMERSON with Mr. GILBERT.

Mr. POWERS of Massachusetts with Mr. CONRY.

For this day:

Mr. CALDERHEAD with Mr. WOOTEN.

Mr. WOODS with Mr. DOUGHERTY.

Mr. POWERS of Maine with Mr. FOX.

On this vote:

Mr. MORRIS with Mr. SHALLENBERGER.

Mr. HITT with Mr. DINSMORE.

Mr. GILL with Mr. GRIGGS.

Mr. HILDEBRANT with Mr. GOLDFOGLE.

Mr. IRWIN with Mr. GOOCH.

Mr. CORLISS with Mr. LINDSAY.

Mr. SCHIRM with Mr. MADDOX.

Mr. SUTHERLAND with Mr. SPARKMAN.

Mr. STORM with Mr. POU.

Mr. LOUDENSLAGER with Mr. BELMONT.

Mr. WM. ALDEN SMITH with Mr. JETT.

Mr. FOERDERER with Mr. RHEA of Virginia.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States was communicated to the House of Representatives by Mr. B. F. BARNES, one of his secretaries, who informed the House that the President had approved and signed bills of the following titles:

On June 27, 1902:

H. R. 292. An act granting a pension to Henrietta Gottweis;

H. R. 1466. An act granting a pension to Alfred Hatfield;

H. R. 3770. An act granting a pension to James E. Dickey;

H. R. 3986. An act granting a pension to Martha A. Cornish;

H. R. 5877. An act granting a pension to Robert Watts;

H. R. 6186. An act granting a pension to Carrie D. Farnham;

H. R. 6402. An act granting a pension to Mary J. Adams;

H. R. 7353. An act granting a pension to Nancy M. Williams;

H. R. 7906. An act granting a pension to Martha G. Young;

H. R. 7986. An act granting a pension to Clara C. Hawks;

H. R. 8781. An act granting a pension to Mary E. Holbrook;

H. R. 9717. An act granting a pension to Isaac M. Pangle;

H. R. 10255. An act granting a pension to Margaret Tisdale;

H. R. 10794. An act granting a pension to Thomas H. Devitt;

H. R. 11115. An act granting a pension to Angeline H. Taylor;

H. R. 11493. An act granting a pension to Mary A. Lipps;

H. R. 12130. An act granting a pension to Christopher S. Stephens;

H. R. 12312. An act granting a pension to Susan Walker;

H. R. 13150. An act granting a pension to James B. Mahan;
H. R. 13178. An act granting a pension to William F. Bowden;
H. R. 14012. An act granting a pension to Fannie Reardon;
H. R. 14118. An act granting a pension to Mary C. Bickerstaff;
H. R. 14359. An act granting a pension to Luther G. Edwards;
H. R. 14374. An act granting a pension to Samantha Towner;
H. R. 884. An act granting an increase of pension to Ellen W. Rice;
H. R. 945. An act granting an increase of pension to William W. Richardson;
H. R. 954. An act granting an increase of pension to Rachael Brown;
H. R. 1478. An act granting an increase of pension to Henry Runnels;
H. R. 2192. An act granting an increase of pension to Benjamin F. Shearer;
H. R. 2470. An act granting an increase of pension to Charles P. Maxwell;
H. R. 2615. An act granting an increase of pension to Charles E. Miller;
H. R. 3262. An act granting an increase of pension to David T. Bruck;
H. R. 3263. An act granting an increase of pension to John Revley;
H. R. 3677. An act granting an increase of pension to James F. Gray;
H. R. 3768. An act granting an increase of pension to John W. Campbell;
H. R. 5018. An act granting an increase of pension to Johann Conrad Haas;
H. R. 5145. An act granting an increase of pension to Thomas Swan;
H. R. 5146. An act granting an increase of pension to Florian V. Sims;
H. R. 5328. An act granting an increase of pension to Samuel Bortle;
H. R. 5866. An act granting an increase of pension to William P. Schott, alias Jacob Schott;
H. R. 6414. An act granting an increase of pension to William W. H. Davis;
H. R. 6890. An act granting an increase of pension to Robert G. Scroggs;
H. R. 6991. An act granting an increase of pension to Esek B. Chandler;
H. R. 7882. An act granting an increase of pension to John H. Smith;
H. R. 7922. An act granting an increase of pension to Richard G. Watkins;
H. R. 8026. An act granting an increase of pension to Joseph D. McClure;
H. R. 8109. An act granting an increase of pension to William H. McCarter;
H. R. 8457. An act granting an increase of pension to Gibboney F. Hoop;
H. R. 8476. An act granting an increase of pension to Moses S. Curtis;
H. R. 8698. An act granting an increase of pension to Nelson Churchill;
H. R. 8780. An act granting an increase of pension to Pierson L. Shick;
H. R. 9164. An act granting an increase of pension to John H. Crawford;
H. R. 9366. An act granting an increase of pension to Peter T. Norris;
H. R. 9463. An act granting an increase of pension to Edgar A. Stanley;
H. R. 9710. An act granting an increase of pension to Elizabeth J. Eagon;
H. R. 10172. An act granting an increase of pension to Thomas Finegan;
H. R. 10767. An act granting an increase of pension to Louisa N. Grinstead;
H. R. 10899. An act granting an increase of pension to William Warner;
H. R. 10954. An act granting an increase of pension to Mary J. Gillam;
H. R. 11327. An act granting an increase of pension to Charles E. Pettis;
H. R. 11711. An act granting an increase of pension to Isaac Gibson;
H. R. 11865. An act granting an increase of pension to John A. Robertson;
H. R. 12047. An act granting an increase of pension to Jackson L. Wilson;
H. R. 12305. An act granting an increase of pension to Charles Olson;
H. R. 12408. An act granting an increase of pension to John A. Eveland;
H. R. 12409. An act granting an increase of pension to Jesse M. Peck;
H. R. 12724. An act granting an increase of pension to Richard M. Kellough;
H. R. 12770. An act granting an increase of pension to Carrie M. Schofield;
H. R. 12774. An act granting an increase of pension to John M. Brown;
H. R. 12976. An act granting an increase of pension to Jacob Smith;
H. R. 13017. An act granting an increase of pension to James Austin;
H. R. 13063. An act granting an increase of pension to Julia B. Shurtleff;
H. R. 13081. An act granting an increase of pension to Anthony J. Railey;
H. R. 13321. An act granting an increase of pension to John S. Bonham;
H. R. 13378. An act granting an increase of pension to Edwin Beckwith;
H. R. 13423. An act granting an increase of pension to Elizabeth Wall;
H. R. 13554. An act granting an increase of pension to Andrew E. Hicks;
H. R. 13597. An act granting an increase of pension to Edmund B. Appleton;
H. R. 13675. An act granting an increase of pension to George W. White;
H. R. 13683. An act granting an increase of pension to Ella B. S. Mannix;
H. R. 13691. An act granting an increase of pension to James M. Conrad;
H. R. 13946. An act granting an increase of pension to Stephen B. Todd;
H. R. 14052. An act granting an increase of pension to George Fusselman;
H. R. 14079. An act granting an increase of pension to John Miller; and
H. R. 14224. An act granting an increase of pension to Margaret S. Tod.

On June 28, 1902:

H. R. 13123. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes;
H. R. 14802. An act for the purchase of real estate for revenue and customs purposes, at Wilmington, N. C.;
H. R. 3641. An act for the allowance of certain claims for property taken for military purposes within the United States during the war with Spain, reported by the Secretary of War in accordance with the requirements of an item contained in the sundry civil appropriation act, approved June 6, 1900, authorizing and directing the Secretary of War to investigate just claims against the United States for private property taken and used in the military service within the limits of the United States, etc.;
H. R. 8769. An act for the relief of S. J. Bayard Schindel;
H. R. 14247. An act to authorize the Charleston, Suburban and Summerville Railway Company to construct and maintain two bridges across Ashley River, in the State of South Carolina;
H. R. 13650. An act to correct the military record of James M. Olmstead;
H. R. 10933. An act to provide for the erection, at Fredericksburg, Va., of the monument to the memory of Gen. Hugh Mercer, which was ordered by Congress on the 8th day of April, 1777, should be erected;
H. R. 14111. An act to authorize the construction of a bridge across the Tennessee River, in the State of Tennessee, by the Harriman Southern Railroad Company;
H. R. 14691. An act to authorize the construction of a pontoon bridge across the Missouri River, in the county of Cass, in the State of Nebraska, and in the county of Mills, in the State of Iowa;
H. R. 3110. An act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans;
H. R. 12097. An act to amend the internal-revenue laws in regard to storekeepers and gaugers;
H. R. 11019. An act directing the Secretary of the Treasury to bestow medals upon First Lieut. David H. Jarvis, Second Lieut. Ellsworth P. Bertholf, and Samuel J. Call, surgeon, all of the Revenue-Cutter Service; and
H. J. Res. 103. Joint resolution relative to the disposition of patent specifications and drawings in the western district of Pennsylvania.

On June 30, 1902:

H. R. 4556. An act to amend an act entitled "An act to supplement existing laws relating to the disposition of lands, etc.," approved March 3, 1901;

H. R. 6570. An act to amend the act of May 12, 1900, authorizing the Commissioner of Internal Revenue to redeem or make allowance for internal-revenue stamps; and

H. R. 9723. An act correcting the record of Levi Wells.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles:

H. R. 13875. An act authorizing the adjustment of rights of settlers on the Navajo Indian Reservation, Territory of Arizona;

H. R. 14234. An act granting a pension to John Williamson;

H. R. 10321. An act granting an increase of pension to Susan A. Phelps;

H. R. 2494. An act for the allowance of certain claims reported by the accounting officers of the United States Treasury Department;

H. R. 11987. An act relating to transportation of dutiable merchandise at subports of Tacoma and Seattle, State of Washington;

H. R. 303. An act for the relief of Sol Bear & Co.;

H. R. 8586. An act amending the act of March 2, 1901, entitled "An act to carry into effect the stipulations of article 7 of the treaty between the United States and Spain, concluded on the 10th day of December, 1898;"

H. R. 15270. An act to amend an act entitled "An act authorizing the Aransas Harbor Terminal Railway Company to construct a bridge across the Corpus Christi Channel, known as the Morris and Cummings ship channel, in Aransas County, Tex.;"

H. R. 367. An act for the relief of Angus A. McPhee;

H. J. Res. 198. Joint resolution giving authority to the Commissioners of the District of Columbia to make special regulations for the occasion of the thirty-sixth national encampment of the Grand Army of the Republic, to be held in the District of Columbia in the month of October, 1902, and for other purposes incident to said encampment; and

H. J. Res. 182. Joint resolution authorizing the Director of the Census to compile statistics relating to irrigation.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 493. An act to amend an act entitled "An act to establish a code of law for the District of Columbia."

BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States for his approval the following bills:

H. R. 14019. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes;

H. R. 15003. An act to authorize the construction of a bridge by the New York, Chicago and St. Louis Railroad Company and the Chicago and Erie Railroad Company across the Calumet River at or near the city of Hammond, Ind., at a point about 1,200 feet east of the Indiana and Illinois State line and about 100 feet east of the location of the present bridge of the New York, Chicago and St. Louis Railroad Company across said river; also to authorize the construction of a bridge by the Chicago and State Line Railroad Company across said river at the point where said company's railroad crosses said river in Hyde Park Township, Chicago, Ill., being at the location of the present bridge of said company across said river in said township;

H. R. 10824. An act granting an increase of pension to George E. Bump;

H. R. 8644. An act granting a pension to John W. Thomas;

H. R. 9501. An act to provide for the sale of the unsold portion of the Umatilla Indian Reservation;

H. R. 12026. An act granting an increase of pension to Baley W. Small;

H. R. 10775. An act for the relief of Charles E. Sapp;

H. R. 11273. An act to pay F. Y. Ramsay, heir at law and distributee of the late Joseph Ramsay, $430.42, for balance due the said Joseph Ramsay as collector of customs and superintendent of lights in the district of Plymouth, N. C.;

H. R. 2487. An act granting an increase of pension to William S. Hosack;

H. R. 11171. An act granting a pension to Elizabeth A. Nalley;

H. R. 7013. An act granting an increase of pension to Jason E. Freeman;

H. R. 12086. An act to extend the time for the construction of the East Washington Heights Traction Railroad Company;

H. R. 12549. An act granting an increase of pension to Ransom Simmons;

H. R. 11400. An act to amend an act entitled "An act in relation to taxes and tax sales in the District of Columbia," approved February 28, 1898;

H. R. 13172. An act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes;

H. R. 9960. An act to prevent the false branding or marking of food and dairy products as to the State or Territory in which they are made or produced;

H. R. 5809. An act for the further distribution of the reports of the Supreme Court, and for other purposes;

H. R. 11656. An act to incorporate the Society of the Army of Santiago de Cuba;

H. R. 12597. An act to accept, ratify, and confirm a proposed agreement submitted by the Kansas or Kaw Indians of Oklahoma, and for other purposes;

H. R. 14082. An act to provide for the construction of a bridge by the Duluth, Pierre and Black Hills Railroad Company across the Missouri River at Pierre, S. Dak.;

H. R. 97. An act to authorize the Secretary of War to furnish certificates in lieu of lost or destroyed discharges; and

H. R. 8209. An act for the relief of P. A. McClain.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, bills of the Senate of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 6286. An act prohibiting the killing or taking of seals, porpoises, whales, or marine animals, or fish of any kind in the waters of the United States by means of explosive materials, and for other purposes—to the Committee on the Merchant Marine and Fisheries.

S. 5678. An act providing for record of deeds and other conveyances and instruments of writing in the Indian Territory, and for other purposes—to the Committee on Indian Affairs.

S. R. 81. Joint resolution to enlarge the use of electric conduits in the District of Columbia—to the Committee on the District of Columbia.

S. 5950. An act for the relief of Henry O. Bassett, heir of Henry Opeman Bassett, deceased—to the Committee on Claims.

S. 6045. An act granting an increase of pension to Charles Sprague—to the Committee on Invalid Pensions.

S. 6004. An act authorizing and directing the Secretary of the Treasury to pay John F. Weston the sum of $241.60, etc.—to the Committee on Claims.

S. 5272. An act for the relief of Darwin S. Hall—to the Committee on Claims.

S. 2035. An act to pay to Rear-Admiral Winfield Scott Schley, on the retired list, the pay and allowance of a rear-admiral on the active list—to the Committee on Naval Affairs.

S. 4657. An act to aid in the erection of a statue of Commodore John D. Sloat, United States Navy, at Monterey, Cal.—to the Committee on the Library.

JACOB L. HAUGER.

Mr. PARKER. I submit a conference report on the bill (H. R. 3690) for the relief of Jacob L. Hauger. I ask unanimous consent that the report be printed in the RECORD and that only the statement of the House conferees be read.

The SPEAKER. In the absence of objection, that order will be made.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses upon the amendments of the Senate to the bill (H. R. 3690) for the relief of Jacob L. Hauger, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same.

RICHARD WAYNE PARKER,
F. W. MONDELL,
House conferees.

F. E. WARREN,
N. B. SCOTT,
F. M. COCKRELL,
Senate conferees.

The statement of the House conferees was read, as follows:

The managers on the part of the House at the conference on the disagreeing vote of the two Houses on the amendments of the Senate to the bill (H. R. 3690) for the relief of Jacob L. Hauger, submit the following written statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report on said amendment, namely:

The Senate amendment only changed the language of said bill, which removes the charge of desertion, so as to hold he was absent without leave, instead of granting an honorable discharge.

It is a question of language simply, and this House recedes.

JUNE, 1902.

RICHARD WAYNE PARKER,
F. W. MONDELL,
Managers on the part of the House.

Mr. PARKER. I move the adoption of the report.

The motion was agreed to, and the report was adopted.

ANACOSTIA AND POTOMAC RIVER RAILROAD.

Mr. BABCOCK. I wish to submit a conference report which I send to the desk, together with the statement of the House conferees. I ask that the report be printed and that only the statement be read.

There being no objection, it was ordered accordingly.

The report is as follows:

The Com. of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12805) requiring the Anacostia and Potomac R. R. Co. to extend its 11th street line, and for other purposes, having met, after full conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered one and agree to the same, with an amendment as follows: "In lieu of the proviso proposed to be inserted by the Senate amendment insert 'provided that until the railroad on 11th street is further extended cars may be swtched on 11th street between Whitney and Lydecker avenues: and provided further that until provision is made for further extension of the Metropolitan Railroad on old 16th st., cars may be switched on old 16th st. between Grant and Park sts.'"

And the Senate agreed to the same.

That the House recede from its disagreement to the amendment of the Senate No. 2 and agree to the same.

And the Senate agree to the same.

J. W. BABCOCK,
SIDNEY E. MUDD,
ADOLPH MEYER,
Managers on the part of the House of Representatives.

J. H. GALLINGER.
H. B. HANSBROUGH,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

Statement of the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12805) requiring the Anacostia and Potomac River Railroad to extend its Eleventh street line, and for other purposes.

The amendment No. 1, as agreed to in conference, provides for the terminus of the extension authorized at Eleventh street and Lydecker avenue, in place of a single track loop around the two squares bounded by Lydecker avenue, Morgan avenue, Spring street, and Eslin avenue, as provided for in the House bill. This will give ample street-car facilities to the residents of that locality at the present time.

The House recedes from amendment No. 2, which extends for two years the time within which the Washington and Gettysburg Railway Company shall construct its lines within the District of Columbia.

J. W. BABCOCK,
SYDNEY E. MUDD,
Managers on the part of the House.

The report was agreed to.

ORDER OF BUSINESS.

Mr. PAYNE. I move that the House now take a recess until 8 o'clock this evening.

Mr. CANNON. Before the question is put on that question, I wish to give notice that at 8 o'clock this evening, if the House takes a recess, I shall submit a conference report on the deficiency appropriation bill.

Mr. FOSS. And I desire to give notice that this evening I shall call up the conference report on the naval appropriation bill.

WITHDRAWAL OF PAPERS.

Pending the motion for a recess—

Mr. GRIFFITH, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, papers in the case of Elymas F. Wilkins, Fifty-sixth Congress, no adverse report having been made thereon.

The question being then taken on the motion of Mr. PAYNE for a recess until 8 o'clock p. m., it was agreed to; and accordingly (at 5 o'clock and 35 minutes p. m.) the House took a recess.

EVENING SESSION.

The recess having expired, the House (at 8 o'clock p. m.) resumed its session.

ELECTION CONTEST—WILSON AGAINST LASSITER.

Mr. HASKINS. Mr. Speaker, I desire to submit from the Committee on Elections No. 3 a report on a contested-election case, to be placed on the Calendar and lie over.

The SPEAKER. The Clerk will read the resolutions appended to the report.

The Clerk read as follows:

Resolved, That C. E. Wilson was not elected a Representative to the Fifty-seventh Congress from the Fourth district of the State of Virginia.

Resolved, That F. R. Lassiter was duly elected a Representative to the Fifty-seventh Congress from the Fourth district of the State of Virginia, and is entitled to retain his seat therein.

EFFICIENCY OF THE MILITIA.

Mr. DICK. I move to suspend the rules and pass the bill which I send to the desk.

The Clerk read the bill, as follows:

A bill (H. R. 11654) to promote the efficiency of the militia, and for other purposes.

Be it enacted, etc., That the militia shall consist of every able-bodied male citizen of the respective States, Territories, and the District of Columbia, and every able-bodied male of foreign birth who has declared his intention to become a citizen, who is more than 18 and less than 45 years of age, and shall be divided into three classes—the organized militia, to be known as the National Guard of the State, Territory, or District of Columbia, or by such other designations as may be given them by the laws of the respective States or Territories, the National Volunteer Reserve as provided by this act, and the remainder to be known as the Reserve Militia.

SEC. 2. That the Vice-President of the United States, the officers, judicial and executive, of the Government of the United States, the members and officers of each House of Congress, persons in the military or naval service of the United States, all custom-house officers, with their clerks, postmasters and persons employed by the United States in the transmission of the mail, ferrymen employed at any ferry on a post road, artificers and workmen employed in the armories and arsenals of the United States, pilots, mariners actually employed in the sea service of any citizen or merchant within the United States, and all persons who are exempted by the laws of the respective States or Territories shall be exempted from militia duty, without regard to age.

SEC. 3. That the regularly enlisted, organized, and uniformed active militia in the several States and Territories and the District of Columbia who have heretofore participated or shall hereafter participate in the apportionment of the annual appropriation provided by section 1661 of the Revised Statutes of the United States, as amended, whether known and designated as National Guard, militia, or otherwise, shall constitute the organized militia. The organization, armament, and discipline of the organized militia in the several States and Territories and in the District of Columbia shall be the same as that which is now or may hereafter be prescribed for the Regular and Volunteer Armies of the United States within five years from the date of the approval of this act: *Provided*, That the President of the United States, in time of peace, may by order fix the minimum number of enlisted men in each company, troop, battery, signal corps, engineer corps, and hospital corps.

And provided further, That any corps of artillery, cavalry, and infantry existing in any State at the passage of the act of May 8, 1792, which, by the laws, customs, or usages of the said State have been in continuous existence since the passage of said act under its provisions and under the provisions of section 232 and sections 1625 to 1660, both inclusive, of Title 16 of the Revised Statutes of the United States relating to the militia, shall be allowed to retain their accustomed privileges, subject, nevertheless, to all other duties required by law in like manner as the other militia.

SEC. 4. That whenever the United States is invaded, or in danger of invasion from any foreign nation, or of rebellion against the authority of the Government of the United States, or the President is unable, with the other forces at his command, to execute the laws of the Union in any part thereof, it shall be lawful for the President to call forth, for a period not exceeding nine months, such number of the militia of the State or of the States or Territories or of the District of Columbia as he may deem necessary to repel such invasion, suppress such rebellion, or to enable him to execute such laws, and to issue his orders for that purpose to such officers of the militia as he may think proper,

SEC. 5. That whenever the President calls forth the militia of any State or Territory or of the District of Columbia to be employed in the service of the United States, he may specify in his call the period for which such service is required, not exceeding nine months, and the militia so called shall continue to serve during the term so specified, unless sooner discharged by order of the President.

SEC. 6. That when the militia of more than one State is called into the actual service of the United States by the President he may, in his discretion, apportion them among such States or Territories or to the District of Columbia according to representative population.

SEC. 7. That every officer and enlisted man of the militia called into the service of the United States in the manner hereinbefore prescribed shall be held to be in such service from the date of the publication of such call; and any officer or man who shall refuse or neglect to obey such call shall be subject to trial by court-martial and shall be punished as such court-martial may direct.

SEC. 8. That courts-martial for the trial of officers or men of the militia, when in the service of the United States, shall be composed of militia officers only.

SEC. 9. That the militia, when called into the actual service of the United States, shall be subject to the same Rules and Articles of War as the regular troops of the United States.

SEC. 10. That the militia, when called into the actual service of the United States, shall, during their time of service, be entitled to the same pay and allowances as are or may be provided by law for the Regular Army.

SEC. 11. That when the militia is called into the actual service of the United States, or any portion of the militia is accepted under the provisions of this act, their pay shall commence from the day of their appearing at the place of company rendezvous. But this provision shall not be construed to authorize any species of expenditure previous to arriving at such places of rendezvous which is not provided by existing laws to be paid after their arrival at such places of rendezvous.

SEC. 12. There shall be appointed in each State, Territory, and District of Columbia an adjutant-general, who shall perform such duties as may be prescribed by the laws of such State, Territory, and District, respectively, and make returns to the Secretary of War, at such times and in such form as he shall from time to time prescribe, of the strength of the organized militia, and also make such reports as may from time to time be required by the Secretary of War. That the Secretary of War shall, with his annual report of each year, transmit to Congress an abstract of the returns and reports of the adjutants-general of the States, Territories, and the District of Columbia, with such observations thereon as he may deem necessary for the information of Congress.

SEC. 13. That the Secretary of War is hereby authorized to issue, on the requisitions of the governors of the several States and Territories, or of the commanding general of the militia of the District of Columbia, such number of the United States standard service magazine arms, with bayonets, bayonet scabbards, gun slings, belts, and such other necessary accouterments and equipments as are required for the Army of the United States, for arming all of the organized militia in said States and Territories and District of Columbia, without charging the cost or value thereof, or any which have been issued since December 1, 1901, or any expense connected therewith, against the allotment to said State, Territory, or District of Columbia, out of the annual appropriation provided by section 1661 of the Revised Statutes, as amended, or requiring payment therefor, and to exchange, without receiving any money credit therefor, ammunition, or parts thereof, suitable to the new arms, round for round, for corresponding ammunition suitable to the old arms theretofore issued to said State, Territory, or District by the United States: *Provided*, That said rifles and carbines and other property shall be receipted for and shall remain the property of the United States and be annually accounted for by the governors of the States and Territories as now required by law, and that each State, Territory, and District shall, on receipt of the new arms, turn in to the Ordnance Department of the United States Army, without receiving any money credit therefor, and without expense for transportion, all United States rifles and carbines now in its possession.

To provide means to carry into effect the provisions of this section, the necessary money to cover the cost of exchanging or issuing the new arms,

accouterments, equipments, and ammunition to be exchanged or issued hereunder is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

SEC. 14. That whenever it shall appear by the report of inspections, which it shall be the duty of the Secretary of War to cause to be made at least once in each year by officers detailed by him for that purpose, that the organized militia of a State or Territory or of the District of Columbia is sufficiently armed, uniformed, and equipped for active duty in the field, the Secretary of War is authorized, on the requisition of the governor of such State or Territory, to pay to the quartermaster-general thereof, or to such other officer of the militia of said State as the said governor may designate and appoint for the purpose, so much of its allotment out of the said annual appropriation under section 1661 of the Revised Statutes as amended as shall be necessary for the payment, subsistence, and transportation of such portion of said organized militia as shall engage in actual field or camp service for instruction, and the officers and enlisted men of such militia while so engaged shall be entitled to the same pay, subsistence, and transportation or travel allowances as officers and enlisted men of corresponding grades of the Regular Army are or may hereafter be entitled by law, and the officer so designated and appointed shall be regarded as a disbursing officer of the United States, and shall render his accounts through the War Department to the proper accounting officers of the Treasury for settlement, and he shall be required to give good and sufficient bonds to the United States, in such sums as the Secretary of War may direct, faithfully to account for the safekeeping and payment of the public moneys so intrusted to him for disbursement.

SEC. 15. That the Secretary of War is hereby authorized to provide for participation by any part of the organized militia of any State or Territory on the request of the governor thereof in the encampment, maneuvers, and field instruction of any part of the Regular Army at or near any military post or camp or lake or seacoast defenses of the United States. In such case the organized militia so participating shall receive the same pay, subsistence, and transportation as is provided by law for the officers and men of the Regular Army, to be paid out of the appropriation for the pay, subsistence, and transportation of the Army: *Provided*, That the command of such military post or camp and of the officers and troops of the United States there stationed shall remain with the regular commander of the post without regard to the rank of the commanding or other officers of the militia temporarily so encamped within its limits or in its vicinity.

SEC. 16. That whenever any officer of the organized militia shall, upon recommendation of the governor of any State, Territory, or general commanding the District of Columbia, and when authorized by the President, attend and pursue a regular course of study at any military school or college of the United States such officer shall receive from the annual appropriation for the support of the Army the same travel allowances and quarters, or commutation of quarters, to which an officer of the Regular Army would be entitled if attending such school or college under orders from proper military authority, and shall also receive commutation of subsistence at the rate of $1 per day while in actual attendance upon the course of instruction.

SEC. 17. That the annual appropriation made by section 1661, Revised Statutes as amended, shall be available for the purpose of providing for issue to the organized militia any stores and supplies or publications which are supplied to the Army by any department. Any State, Territory, or the District of Columbia may, with the approval of the Secretary of War, purchase for cash from the War Department, for the use of its militia, stores, supplies, material of war, or military publications, such as are furnished to the Army, in addition to those issued under the provisions of this Act, at the price at which they are listed for issue to the Army, with the cost of transportation added, and funds received from such sales shall be credited to the appropriations to which they belong and shall not be covered into the Treasury, but shall be available until expended to replace therewith the supplies sold to the States and Territories and to the District of Columbia in the manner herein provided.

SEC. 18. That each State or Territory furnished with material of war under the provisions of this or former acts of Congress shall, during the year next preceding each annual allotment of funds, in accordance with section 1661 of the Revised Statutes as amended, have required every company, troop, and battery in its organized militia not excused by the governor of such State or Territory to participate in practice marches or go into camp of instruction at least five consecutive days, and to assemble for drill and instruction at company, battalion, or regimental armories or rendezvous or for target practice not less than 24 times, and shall also have required during such year an inspection of each such company, troop, and battery to be made by an officer of such militia or an officer of the Regular Army.

SEC. 19. That upon the application of the governor of any State or Territory furnished with material of war under the provisions of this act or former laws of Congress, the Secretary of War may detail one or more officers of the Army to attend any encampment of the organized militia, and to give such instruction and information to the officers and men assembled in such camp as may be requested by the governor. Such officer or officers shall immediately make a report of such encampment to the Secretary of War, who shall furnish a copy thereof to the governor of the State or Territory.

SEC. 20. That upon application of the governor of any State or Territory furnished with material of war under the provisions of this act or former laws of Congress, the Secretary of War may, in his discretion, detail one or more officers of the Army to report to the governor of such State or Territory for duty in connection with the organized militia. All such assignments may be revoked at the request of the governor of such State or Territory or at the pleasure of the Secretary of War.

SEC. 21. That the troops of the militia encamped at any military post or camp of the United States may be furnished such amounts of ammunition for instruction in firing and target practice as may be prescribed by the Secretary of War, and such instruction in firing shall be carried on under the direction of an officer selected for that purpose by the proper military commander.

SEC. 22. That when any officer, noncommissioned officer, or private of the militia or of the national volunteer reserve is disabled by reason of wounds or disabilities received or incurred in the service of the United States he shall be entitled to all the benefits of the pension laws existing at the time of his service, and in case such officer, noncommissioned officer, or private dies in the service of the United States or in returning to his place of residence after being mustered out of such service, or at any time, in consequence of wounds or disabilities received in such service, his widow and children, if any, shall be entitled to all the benefits of such pension laws.

SEC. 23. That for the purpose of securing a list of persons specially qualified to hold commissions in any volunteer force which may hereafter be called for and organized under the authority of Congress, other than a force composed of organized militia, the Secretary of War is authorized from time to time to convene boards of officers at suitable and convenient Army posts in different parts of the United States, who shall examine as to their qualifications for the command of troops or for the performance of staff duties all applicants who shall have served in the Regular Army of the United States, in any of the volunteer forces of the United States, or in the organized militia of any State or Territory or District of Columbia, or who, being a citizen of the United States, shall have attended or pursued a regular course of instruction in any military school or college of the United States Army, or shall have graduated from any educational institution to which an officer of the Army or Navy has been detailed as superintendent or professor pursuant to law after having creditably pursued the course of military instruction therein provided.

Such examinations shall be under rules and regulations prescribed by the Secretary of War, and shall be especially directed to ascertain the practical capacity of the applicant. The record of previous service of the applicant shall be considered as a part of the examination. Upon the conclusion of each examination the board shall certify to the War Department its judgment as to the fitness of the applicant, stating the office, if any, which it deems him qualified to fill, and upon approval by the President, the names of the persons certified to be qualified shall be inscribed in a register to be kept in the War Department for that purpose.

The persons so certified and registered shall, subject to a physical examination at the time, constitute the eligible class for commissions pursuant to such certificates in any volunteer force hereafter called for and organized under the authority of Congress, other than a force composed of organized militia, and the President may authorize persons from this class to attend and pursue a regular course of study at any military school or college of the United States and to receive from the annual appropriation for the support of the Army the same allowances and commutations as provided in this act for officers of the organized militia: *Provided*, That no person shall be entitled to receive a commission as a second lieutenant after he shall have passed the age of 30; as first lieutenant after he shall have passed the age of 35; as captain after he shall have passed the age of 40; as major after he shall have passed the age of 45; as lieutenant-colonel after he shall have passed the age of 50, or as colonel after he shall have passed the age of 55: *And provided further*, That such appointments shall be distributed proportionately, as near as may be, among the various States contributing such volunteer force: *And provided*, That the appointments in this section provided for shall not be deemed to include appointments to any office in any company, troop, battery, battalion, or regiment of the organized militia which volunteers as a body or the officers of which are appointed by the governor of a State or Territory.

SEC. 24. That for the purpose of providing a reserve force of trained men which shall be ready for immediate service whenever called for and organized under authority of Congress, the Secretary of War is authorized to apportion among the several States and Territories and to enroll not exceeding 100,000 men, who shall have served in the Regular or Volunteer Armies of the United States or in the organized militia. Such reserve force shall be designated as the National Volunteer Reserve, and when called forth by the President shall serve wherever ordered, within or without the territory of the United States. Such enrollment shall in each case continue for a period of five years, but in the event they shall be called into the service of the United States, other than for the purpose of drill, inspection, and instruction, they shall be entitled to be discharged at the close of the war or after nine months' service.

The persons so enrolled shall report for drill, inspection, and instruction at such times and places to be specified and under rules and regulations to be prescribed by the Secretary of War, and each person so reporting shall, during the time of such service, be subject, as far as practicable, to the regulations and discipline governing the military establishment and shall be entitled to the same pay and allowances as are or may be provided by law for the Army of the United States, to be paid out of the appropriation for the pay of the Army, but in time of peace, except in case of threatened invasion, said National Volunteer Reserve shall not be required to perform military duty to exceed ten days in any one year. Whenever a volunteer force shall be called for by authority of Congress, and the members of any companies, troops, batteries, battalions, or regiments of the organized militia shall enlist in the Volunteer Army in bodies, such companies, troops, batteries, battalions, or regiments shall be received as the first organizations of such volunteer force.

Whenever a volunteer force shall be called for by authority of Congress, exceeding in number the companies, troops, batteries, battalions, and regiments of the organized militia which shall enlist in bodies pursuant to the provisions of section 6 of the act entitled "An act to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes," approved April 22, 1898, the persons so enrolled as a reserve force of trained men, or so many thereof as shall be required, shall be organized in the manner provided for the organization of the volunteer force by section 12 of the act entitled "An act for increasing the efficiency of the Army of the United States, and for other purposes," approved March 2, 1899: *Provided*, That the President of the United States, in time of peace, may by order fix the minimum number of enlisted men in each company, troop, battery, signal corps, engineer corps, and hospital corps: *Provided further*, That no person shall belong to both organizations at the same time.

SEC. 25. That all the volunteer forces of the United States called for by authority of Congress shall, except as hereinbefore provided, be organized in the manner provided by the act entitled "An act to provide for temporarily increasing the military establishment in time of war, and for other purposes," approved April 22, 1898.

SEC. 26. That sections 1625 to 1660, both included, of Title XVI of the Revised Statutes, and section 232 thereof, relating to the militia, are hereby repealed.

SEC. 27. That this act shall take effect upon the date of its approval.

Mr. STARK. Mr. Speaker, I ask that a second be ordered.

The SPEAKER. The gentleman from Nebraska demands the second.

Mr. DICK. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Ohio asks unanimous consent that a second be considered as ordered. Is there objection?

Mr. STARK. I have no objection.

The SPEAKER. The Chair hears none. The Chair recognizes the gentleman from Ohio for twenty minutes, and the gentleman from Nebraska will control twenty minutes.

Mr. DICK. Mr. Speaker, very briefly, for the information of the House, I will state that this bill is the bill which was unanimously reported by the Committee on Militia on March 20. Now I yield to my colleague, the gentleman from Nebraska [Mr. STARK].

Mr. BARTLETT. Mr. Speaker, before the gentleman from Ohio takes his seat, I would like to ask him a question.

The SPEAKER. Does the gentleman yield?

Mr. DICK. Certainly.

Mr. BARTLETT. I desire to ask the gentleman if he proposes to amend section 8 of this bill?

Mr. DICK. The amendment to which the gentleman refers has been accepted by the committee and was read in accordance with the agreement I had with the committee this afternoon.

Mr. ROBINSON of Indiana. Mr. Speaker, I would like to ask the gentleman from Ohio a question.

The SPEAKER. Does the gentleman yield to the gentleman from Indiana?

Mr. DICK. Yes.

Mr. ROBINSON of Indiana. Mr. Speaker, I would like to ask the gentleman from Ohio if this is a general reorganization of the militia of the various States?

Mr. DICK. It is.

Mr. ROBINSON of Indiana. Concerning each of the States?

Mr. DICK. Yes.

Mr. ROBINSON of Indiana. And how many men will be affected or governed by this act?

Mr. DICK. The militia of the United States, whatever it may amount to.

Mr. ROBINSON of Indiana. Will the gentleman give us about the number of men?

Mr. DICK. If the gentleman refers to the unenrolled militia, as it is now termed, there would be 10,000,000 of them. Of the organized militia, 115,000.

Mr. ROBINSON of Indiana. The gentleman's committee reported this bill in March?

Mr. DICK. Yes.

Mr. ROBINSON of Indiana. May I ask the gentleman if he has asked the Committee on Rules for consideration of this measure when Congress was not in its closing hours?

Mr. DICK. No; it was on the Calendar, and has been waiting its turn on the Calendar.

Mr. CLAYTON. Mr. Speaker, I would like to ask the gentleman a question.

The SPEAKER. Does the gentleman yield to the gentleman from Alabama?

Mr. DICK. Yes.

Mr. CLAYTON. I desire to ask the gentleman from Ohio a question in regard to sections 23 and 24 of the bill. These two sections seem to engraft upon our militia laws entirely new provisions. The sections 23 and 24 seem to provide for the creation of a "national volunteer reserve," as it is called, and it seems that the officers for this national volunteer reserve are all to be appointed by Federal authority, under regulations laid down here, and I see that by section 24 the Secretary of War is authorized to enroll not exceeding 100,000 men in this new force called the national volunteer reserve. Now, all of those 100,000 men and all of those additional officers appointed by the President or under Federal authority constitute an entirely new provision under our militia law, as I understand it.

Mr. DICK. It is a new provision; yes, sir.

Mr. CLAYTON. I would like to have an explanation of that—the provisions of the bill to be found in sections 23 and 24—and I ask the House to scan those two provisions of the bill before voting for it, inasmuch as we can not debate the bill.

Mr. DICK. Section 23, providing for the officers, simply provides for the examination of men competent to hold commissions in the Army, providing a system of examination, and furthermore provides that they shall be apportioned as nearly as may be among the States. In other words, it follows as near as possible the law which we now have referring to volunteer officers.

Mr. CLAYTON. Now, Mr. Speaker——

Mr. DICK. Just a moment.

Mr. CLAYTON. In connection with that——

The SPEAKER. The gentleman is answering the question of the gentleman from Alabama.

Mr. DICK. I wanted to answer both the gentleman's questions at one time, if possible.

Mr. CLAYTON. Then, I desire to ask the gentleman another question in that connection.

Mr. DICK. I can best answer the question with reference to section 24 by a published letter of the Secretary of War, inasmuch as it is a correct interpretation of the section and at the same time would imply how the Department which will execute and administer this law, if it becomes a law, views this section. And if the House will permit, I will send the letter to the Clerk's desk and have it read.

The SPEAKER. The letter will be read in the time of the gentleman from Ohio.

The Clerk read as follows:

WAR DEPARTMENT, *Washington, June 13, 1903.*

MY DEAR SIR: I thank you for your letter of June 7 relating to clause of the Dick bill which has reference to the so-called reserve force of 100,000 men, and saying that there is an impression in some States that the enrollment of such a reserve force would be inimical to the best interests of the National Guard.

I think such an impression must necessarily be founded upon a misunderstanding as to the true meaning and effect of the bill. The proposed enrollment of not exceeding 100,000 veterans, who have been graduated from the Regular Army, the volunteers, and the National Guard, is carefully subordinated by the bill to the National Guard itself, which has a preference of liberal treatment in peace and opportunity in war definitely secured to it by the bill.

The National Guard is practically made a first reserve so far as it elects to become so, while the proposed enrollment of veterans practically takes the place of a second or volunteer reserve, to be called into service only when any other volunteer organization would be called into service, and the great effect produced being that after the Regular Army and after the National Guard we shall have a volunteer force, the first regiments of which are composed of experienced and trained soldiers who have seen service and have then gone back to civil life.

As we have a three years' term of enlistment in the Regular Army, approximately one-third of the 66,000 go out each year on the expiration of their enrollment. After making allowance for reenlistment, nearly 20,000 a year will be regularly going back into civil life. We want to keep track of those young men and be able to call them out instantly whenever war comes and have the first volunteer regiments composed of them and of the young men who have seen service and graduated from the volunteer regiments of the war with Spain, and who have seen service in the National Guard and have graduated from that.

Until war comes we will simply keep track of these men by enrollment. When the war comes they will be organized and put into the field ready for immediate service while the other volunteer regiments are being trained. There is no doubt that by this expedient we will save months of valuable time in the organization of a very considerable force, but so far as the National Guard is concerned it will make no difference, because under the bill the National Guard organizations come first.

I am very glad to be assured by your letter of your belief in the bill, and I assure you that your valuable support for its provisions is appreciated. I am confident that when it is enacted and put into force the organization and regulation of the citizen soldiery, upon whom our country must in the main rely in all future wars, will be far more efficient than it has ever been before, and that it will give to the United States at a minimum of expense a defensive power greater than could be obtained by the expenditure of millions of dollars annually in maintaining a larger standing army, and I am also confident that it will greatly promote the practical importance, the dignity, and efficiency of the National Guard throughout the United States.

Sincerely, yours,

ELIHU ROOT, *Secretary of War.*

Mr. CLAYTON. Mr. Speaker, may I now interrupt the gentleman?

The SPEAKER. Does the gentleman yield again to the gentleman from Alabama?

Mr. CLAYTON. I desire simply to call the gentleman's attention, in connection with these two sections, to a provision of the Constitution.

Mr. DICK. Mr. Speaker, I must decline to yield, there are so many who want to talk upon the measure in the twenty minutes allotted to me.

Mr. COWHERD. Will the gentleman allow me to ask him a question?

Mr. DICK. I yield to the gentleman from Nebraska [Mr. STARK], a member of the committee.

Mr. CLAYTON. I should like to ask the gentleman how he reconciles this bill with the provision of the Constitution "to provide for organizing, arming, disciplining, * * * the militia, * * * reserving to the States respectively the appointment of the officers and the authority of training the militia," etc.

The SPEAKER. The gentleman from Alabama must recognize the fact that the gentleman from Ohio has declined to yield further. The gentleman from Nebraska [Mr. STARK] has the floor for twenty minutes.

Mr. STARK. Mr. Speaker, I yield four minutes to the gentleman from New York [Mr. MCCLELLAN].

Mr. MCCLELLAN. Mr. Speaker, under our system of Army organization the Regular Army can only be and ought only to be a nucleus which in time of war can be expanded sufficiently to make a first line of defense to hold off invasion, so that volunteer regiments can be organized behind it to constitute the main army.

Under the present Army law there is a certain amount of elasticity. The Army may be expanded up to a maximum of a hundred thousand men; but in view of our insular possessions and the necessary garrisons for them and for Hawaii and Porto Rico, the present Army in time of war would be absolutely insufficient. It is necessary, if invasion is to be repelled, to provide some second line of defense, and the Dick bill attempts to do so.

The bill is not perfect by any manner of means, but it is the best that can be expected under the circumstances, and reflects the greatest credit upon the chairman of the committee [General DICK] and upon his colleague, the head of the minority [Mr. STARK], who have compromised many differences and have presented to us a bill that should be voted for by every member of this House, regardless of politics.

The bill provides for a general similarity of organization of all the militia in the United States. It provides that all the militia shall be equipped and armed with United States arms and equipment, and, moreover, that the apportionment of the million dollars annually appropriated shall not be made unless each of the militia organizations of the several States shall have performed at least five days' service in camp with troops and 24 drills in armory. Now, this of course is not sufficient to make a fully organized and well-drilled militia, but five days in the field and twenty-four

days in armory are certainly better than nothing, and a militia that has gone through this experience for some years will unquestionably be better than absolutely raw troops. Moreover, it provides for rifle practice, and this is a most excellent provision.

Sections 23 and 24, providing for the examination and the partial training of officers, and for the organization of a national volunteer reserve, are probably the best features of the bill. The officers provided for in section 23 must follow a course of instruction at schools designated by the War Department. They will associate with regulars; they will receive instruction from regulars; and having been instructed and having passed examinations, they will be placed upon lists from which they can be taken, in the order in which they have passed their examinations, to receive commissions in the volunteer service in case of war.

The national volunteer reserve provided for by the bill is what may be called "a third line of defense." It will consist of men who have been discharged from the regulars and from the volunteers, and may be drilled for ten days every year. It will certainly be fairly well drilled, and in case of war can in a very short time be knocked into shape as a passable volunteer force, and commanded by men who have received the rudiments of a military education. While, as I say, the bill is by no means perfect, while I should like to see the five days' service extended possibly to two or three weeks and made obligatory, this bill is at the same time a tremendous step in the right direction, and should be passed by the House of Representatives to-night. [Applause.]

Mr. STARK. I yield two minutes to the gentleman from Virginia [Mr. HAY].

Mr. HAY. Mr. Speaker, I hold in my hand a statement of the appropriations which have been made this year, and also a comparative statement of appropriations made for several years back, which statement I desire to incorporate in the remarks that I am going to make.

The SPEAKER. Does the gentleman desire to have the statement read now?

Mr. HAY. No, sir; I desire leave to incorporate it in my remarks.

The SPEAKER. Without objection, the gentleman from Virginia will have that privilege.

There was no objection.

The statement is as follows:

Appropriations of the Fifty-seventh Congress, first session.

[Omitting hundreds.]

Urgent deficiency	$20,384,000
Pension	139,842,000
Consular and diplomatic	1,958,000
Second urgent deficiency	198,000
Post-Office	138,472,000
Third urgent deficiency	75,000
Legislative, executive, and judicial	25,398,000
Ordnance and fortifications	7,299,000
Fourth urgent deficiency	178,000
Omnibus claims bill	1,640,000
Agricultural	5,210,000
Rivers and harbors	65,108,000
Omnibus public buildings bill	19,425,000
Indian	9,080,000
Sundry civil	60,125,000
District of Columbia	8,548,000
Military Academy	2,627,000
Panama canal (one year)	189,130,000
Army	91,530,000
Navy	78,681,000
General deficiency	8,250,000
Miscellaneous	2,250,000
Permanent appropriations	123,000,000
Total	998,403,000

COMPARISONS WITH THE PREVIOUS YEARS.

Comparisons with all previous years show the appropriations of this session to have been in excess of those in any previous session of Congress, and far in excess of all except the second session of the Fifty-fifth Congress, in which there was an extraordinary deficiency bill of nearly $350,000,000, on account of the Spanish war. Leaving out this particular instance, the totals of recent years foot up in round numbers as follows:

For 1903, about	$
For 1902, about	620,000,000
For 1901, about	610,000,000
For 1900, about	610,000,000
For 1898, about	450,000,000
For 1897, about	440,000,000
For 1896, about	430,000,000

The pensions appropriations have remained practically stationary for some time past. In the present year's appropriations the consular and diplomatic bill, the legislative, executive, and judicial bill, the agricultural bill, and the District of Columbia bill all show considerable increases over last year and previous years, amounting on an average to one million or so apiece over last year's bills. The Military Academy bill has jumped up to about four times as much as it ever was before, and a great increase is seen in the sundry civil bill and in the rivers and harbors bill. Comparisons in regard to the sundry civil bill are as follows:

For 1903, about	$60,000,000
For 1902, about	54,000,000
For 1901, about	49,000,000
For 1900, about	39,000,000
For 1899, about	34,000,000
For 1897, about	30,000,000

Comparisons in regard to rivers and harbors are as follows:

For 1903, about	$65,000,000
For 1902, about	7,000,000
For 1901, about	16,000,000
For 1900, about	25,000,000
For 1899, about	15,000,000
For 1898, about	19,000,000
For 1897, about	16,000,000
For 1896, about	11,000,000

It will be seen that this year's river and harbor bill is nearly three times as large as the largest preceding river and harbor bill.

Comparisons as to the Navy bill also follow:

For 1903, about	$79,000,000
For 1902, about	78,000,000
For 1901, about	61,000,000
For 1900, about	48,000,000
For 1899, about	56,000,000
For 1898, about	33,000,000
For 1897, about	30,000,000
For 1895, about	25,000,000

It will thus be seen that this year's naval bill is the largest on record; at least since the civil war.

The Army bill, while not as large as that of last year, is more than three times as large as in any year previous to the Spanish war and since the civil war.

Mr. HAY. I desire to call attention to the statement of the Secretary of War as to expenditures in the Philippine Islands. Fifty thousand soldiers have been kept in the Philippine Islands for each of the last three years.

It is also a well-known fact that each soldier costs $1,500, which makes $225,000,000 for the last three years for the soldiers kept there, besides the $20,000,000 that we paid, making $245,000,000 which has been spent. Add to this the $170,000,000 reported by the Secretary of War. I also want to call attention in the very brief time I have to the fact that there are other expenses incident to our occupation of the Philippines which, together with those I have named, amount to $500,000,000.

I want to call attention to a further fact, that by a recorded vote, and several recorded votes, in this House the Republicans have refused information upon all the different questions which we desire to know about as to the expenditures in those islands. I want further to call attention to the fact that we need light, and the people of this country need light, and more light, upon the different expenditures which this country has been put to on account of those islands, more particularly as to the expenses in Cuba, which have been by vote of this House smothered, so that no man in this country can tell how the money of this country or the money of Cuba has been spent during our occupation there. [Applause on the Democratic side.]

Mr. STARK. I yield the balance of my time to the gentleman from Alabama.

Mr. CLAYTON. Mr. Speaker, it is impossible in that length of time to point out the many defects and imperfections of this bill. Indeed, Mr. Speaker, in that length of time it is impossible to make a distinct and succinct statement of the provisions in this bill. It is impossible to review any one of the defects and shortcomings of this bill which the gentleman from New York, a friend of this measure, has admitted that it contains.

The House has not had any time for the proper consideration of this bill. Its merits may be told in glowing terms, but its demerits can not now, under the motion of the gentleman from Ohio [Mr. DICK], be pointed out. His motion cuts off proper consideration and limits debate to a few minutes, which is controlled by the friends of the measure.

But let me hurriedly read sections 23 and 24 of the bill. I have not had time to study them, for this bill has been called up in the closing hours of the session without having been considered in the Committee of the Whole, and it is sought to now rush it through without opportunity of amendment. Let me read sections 23 and 24.

SEC. 23. That for the purpose of securing a list of persons specially qualified to hold commissions in any volunteer force which may hereafter be called for and organized under the authority of Congress, other than a force composed of organized militia, the Secretary of War is authorized from time to time to convene boards of officers at suitable and convenient Army posts in different parts of the United States, who shall examine as to their qualifications for the command of troops or for the performance of staff duties all applicants who shall have served in the Regular Army of the United States, in any of the volunteer forces of the United States, or in the organized militia of any State or Territory or District of Columbia, or who, being a citizen of the United States, shall have attended or pursued a regular course of instruction in any military school or college of the United States Army, or shall have graduated from any educational institution to which an officer of the Army or Navy has been detailed as superintendent or professor pursuant to law after having creditably pursued the course of military instruction therein provided.

Such examinations shall be under rules and regulations prescribed by the Secretary of War, and shall be especially directed to ascertain the practical capacity of the applicant. The record of previous service of the applicant shall be considered as a part of the examination. Upon the conclusion of each examination the board shall certify to the War Department its judgment as to the fitness of the applicant, stating the office, if any, which it deems him qualified to fill, and, upon approval by the President, the names of the persons certified to be qualified shall be inscribed in a register to be kept in the War Department for that purpose.

The persons so certified and registered shall, subject to a physical examination at the time, constitute the eligible class for commissions pursuant to

such certificates in any volunteer force hereafter called for and organized under the authority of Congress, other than a force composed of organized militia: *Provided*, That no person shall be entitled to receive a commission as second lieutenant after he shall have passed the age of 30; as first lieutenant after he shall have passed the age of 35; as captain after he shall have passed the age of 40; as major after he shall have passed the age of 45; as lieutenant-colonel after he shall have passed the age of 50, or as colonel after he shall have passed the age of 55: *And provided further*, That such appointments shall be distributed proportionately, as near as may be, among the various States contributing such volunteer force: *And provided*, That the appointments in this section provided for shall not be deemed to include appointments to any office in any company, troop, battery, battalion, or regiment of the organized militia which volunteers as a body or the officers of which are appointed by the governor of a State or Territory.

SEC. 24. That for the purpose of providing a reserve force of trained men which shall be ready for immediate service whenever called for and organized under authority of Congress, the Secretary of War is authorized to enroll not exceeding 100,000 men, who shall have served in the Regular or Volunteer armies of the United States or in the organized militia. Such reserve force shall be designated as the National Volunteer Reserve, and when called forth by the President shall serve wherever ordered, within or without the territory of the United States.

Such enrollment shall in each case continue for a period of five years, but in the event they shall be called into the service of the United States, other than for the purpose of drill, inspection, and instruction, they shall be entitled to be discharged at the close of the war or after nine months' service. The persons so enrolled shall report for drill, inspection, and instruction at such times and places to be specified and under rules and regulations to be prescribed by the Secretary of War, and each person so reporting shall, during the time of such service, be subject, as far as practicable, to the regulations and discipline governing the military establishment and shall be entitled to the same pay and allowances as are or may be provided by law for the Army of the United States, to be paid out of the appropriation for the pay of the Army, but in time of peace, except in case of threatened invasion, said National Volunteer Reserve shall not be required to perform military duty to exceed ten days in any one year.

Whenever a volunteer force shall be called for by authority of Congress, and the members of any companies, troops, batteries, battalions, or regiments of the organized militia shall enlist in the Volunteer Army in bodies, such companies, troops, batteries, battalions, or regiments shall be received as the first organizations of such volunteer force. Whenever a volunteer force shall be called for by authority of Congress, exceeding in number the companies, troops, batteries, battalions, and regiments of the organized militia which shall enlist in bodies pursuant to the provisions of section 6 of the act entitled "An act to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes," approved April 22, 1898, the persons so enrolled as a reserve force of trained men, or so many thereof as shall be required, shall be organized in the manner provided for the organization of the volunteer force by section 12 of the act entitled "An act for increasing the efficiency of the Army of the United States, and for other purposes," approved March 2, 1899: *Provided*, That the President of the United States, in time of peace, may by order fix the minimum number of enlisted men in each company, troop, battery, signal corps, engineer corps, and hospital corps: *Provided further*, That no person shall belong to both organizations at the same time.

Mr. Speaker, in connection with sections 23 and 24 of the bill, I desire to call attention to the title of this bill and its purposes, its alleged purposes. It is "To promote the efficiency of the militia, and for other purposes;" so says its title. Yet we find in sections 23 and 24 of the bill provisions entirely foreign to any militia bill that was ever drawn; and I think, Mr. Speaker, in the light of the Constitution they contain provisions inimical to that instrument and foreign to the constitutional idea of what shall constitute the militia. I call attention to this provision of the Constitution:

"The Congress shall have power * * *

"16. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress."

Now, an examination of section 23 discloses the fact that the appointment of these officers is taken away from the State authorities. An examination of section 24 discloses the fact that the Secretary of War is authorized to enroll not exceeding 100,000 men, who shall have served in the Regular Army or volunteer army of the United States or in the organized militia; and it also discloses that this new sort of an army—we have heard before of the Regular Army, of the volunteer army in the time of war, and of the militia, but here is a new kind of an army—the "national volunteer reserves"—and, in the discretion of the Secretary of War, it may contain 100,000 men, not to be officered by the State authorities, but to be officered on examinations by a board created by the Federal authorties.

I am opposed to this centralizing feature. Let us consider this bill and pass a measure that will aid the militia of the States, but not go to the extent of creating under the name of national volunteer reserve a standing army of 100,000 men, as the Secretary of War may determine.

Mr. Speaker, I do not believe we have the authority to engraft this provision on a militia law. But whether we have by a strained construction, and nobody can tell what strain the Constitution has to undergo in this day and time, nobody can tell how much the Supreme Court will say, "We feel compelled to yield something to the executive department." I believe that is about the language of one of the justices in a celebrated case.

The SPEAKER. The time of the gentleman has expired.

Mr. CLAYTON. Mr. Speaker, I call your attention to the fact——

The SPEAKER. The time of the gentleman has expired.

Mr. CLAYTON. I want to make the point of order that the opponents of the measure have not been accorded any time at all. All the time has been given to the friends of the measure.

The SPEAKER. That should have been looked after when the second was ordered. The Chair is following the rule in these matters, and the point of order of the gentleman is overruled.

Mr. STARK. I hope the gentleman from Ohio will consume some of his time.

Mr. DICK. I yield to the gentleman from Pennsylvania.

Mr. ADAMS. Mr. Speaker, as one of the members of the National Guard of Pennsylvania, I am authorized by the adjutant-general of the National Guard of that State to inform the House that the provisions of this bill meet with the unqualified indorsement and hearty support of the officers and the 8,000 patriotic men who give their voluntary service to the National Guard of that State. Whatever State pride these men might have had in their individual organizations, they are willing to yield freely to this national scope for the second line of defense for the preservation and the safety of our country. [Applause.]

Mr. Chairman, there is one company of the National Guard of Pennsylvania to which I wish to refer especially. It is to preserve their rights and privileges that a paragraph has been inserted in this bill. The First Troop, Philadelphia City Cavalry, was organized in 1774 by a body of gentlemen of the city of Philadelphia, and offered their services to the Provisional Government. On the wall of their armory hangs the colors carried at the battles of Trenton and Princeton. In their archives is treasured the letter of Washington, whose bodyguard they were, thanking them for their tour of duty during the campaign in New Jersey. In the war of 1812 the troop participated in the battle on the Brandywine in Delaware. In the civil war they served in the first ninety days' campaign, when 75 per cent of the men returned as officers, many serving until the close of the war and attaining the rank of brigadier-general. In the late Spanish war the services of the troop were accepted, and they served in Porto Rico. Thus for a century and a quarter this body of gentlemen have ever been ready in a state of efficiency to respond to the call of their country, and this provision preserving their ancient privileges is a proper recognition by the National Legislature of their long and faithful service to their country.

The SPEAKER. The time of the gentleman has expired.

Mr. DICK. I yield three minutes to the gentleman from Pennsylvania [Mr. GRAHAM].

Mr. GRAHAM. Mr. Speaker, the necessity for this measure or something of a similar nature is conceded by all who have given the matter any attention whatever, and the statement of Mr. DICK, chairman of the Militia Committee, that the existing law which it is now sought to supersede was enacted in 1792 and has remained virtually unchanged ever since, notwithstanding its requirements are obsolete and no attempts made at its enforcement, is an irrefutable argument in favor of this bill.

The late war with Spain demonstrated the importance of a uniform organization, armament, and discipline among our State militia or National Guard.

The purpose of this bill is to make the organization and armament of the National Guard of the several States identical with the Regular Army, and to increase its efficiency by providing for instruction and examination by officers of the Regular Army, and field maneuvers under service conditions either with or without regular troops.

As a member of the Militia Committee I would state that we invited the adjutant-generals of all the States to meet with us in conference either in person or by correspondence, and after carefully digesting and considering this bill copies of it were sent to the adjutant-generals of the various States and to prominent officers of the National Guard and also distributed through the Interstate National Guard Association to the officers of the militia organizations of the United States generally, inviting criticism and comment, and I can safely say that this bill represents the consensus of opinion and the mature judgment of the National Guard of the various States and meets with their approval generally.

As a lawmaker I am content to accept the commendation of the Father of our Country, President Washington, who, in his message to Congress in 1794, said:

The devising and establishing of a well-regulated militia would be a genuine source of legislative honor and a perfect title to public gratitude.

I trust this Congress may signalize itself by the passage of this bill and thereby earn the gratitude of the public. [Applause.]

Mr. GAINES of West Virginia. Mr. Speaker, the committee having charge of this bill found the militia laws of the United States in a state of great confusion. They were often contradictory and frequently obsolete. Nearly every President, from Washington to Roosevelt, has made a recommendation for improvement

in the militia law. In his message at the opening of the present session President Roosevelt said:

Our militia law is obsolete and worthless. The organization and armament of the National Guard of the several States * * * should be made identical with those provided for the regular forces. The obligations and duties of the guard in time of war should be carefully defined. * * * It is utterly impossible in the excitement and haste of impending war to do this satisfactorily if the arrangements have not been made long beforehand.

He also calls attention to the fact that when the Spanish-American war broke out the volunteer troops, being mainly from the National Guard of the several States, were supposed to be well equipped—which supposition was not realized.

That the existing law on this subject is entirely obsolete will appear from sections 1625 and 1628 of the Revised Statutes. A perusal of section 1625 will surprise most people of this country by informing them that every able-bodied citizen between the ages of 18 and 45 is, in contemplation of the law, a member of the militia. It reads as follows:

SEC. 1625. Every able-bodied male citizen of the respective States, resident therein, who is of the age of 18 years and under the age of 45 years, shall be enrolled in the militia.

Section 1628, which I shall insert in my remarks at this point, is not so alarming, but it is amusing and will be sufficient to prove to every member of this House that some new legislation on this subject is necessary. It reads:

SEC. 1628. Every citizen shall, after notice of his enrollment, be constantly provided with a good musket or firelock, of a bore sufficient for balls of the eighteenth part of a pound, a sufficient bayonet and belt, two spare flints, and a knapsack, a pouch with a box therein to contain not less than 24 cartridges suited to the bore of his musket or firelock, each cartridge to contain a proper quantity of powder and ball; or with a good rifle, knapsack, shot pouch, and powderhorn, 20 balls suited to the bore of his rifle, and a quarter of a pound of powder, and shall appear so armed, accoutered, and provided when called out to exercise or into service, except that when called out on company days to exercise only he may appear without knapsack; and all arms, ammunition, and accouterments so provided and required shall be held exempted from all suits, distresses, executions, or sales for debt or for the payment of taxes. Each commissioned officer shall be armed with a sword or hanger and spontoon.

In the short time allotted to me I can only call attention to the salient features of the bill. The object of the committee has been to modernize the organization of the National Guard and to bring its organization, armament, and discipline into complete harmony and accord with that of the Regular Army. Section 3 has reference principally to this and is as follows:

SEC. 3. That the regularly enlisted, organized, and uniformed active militia in the several States and Territories and the District of Columbia who have heretofore participated or shall hereafter participate in the apportionment of the annual appropriation provided by section 1661 of the Revised Statutes of the United States, as amended, whether known and designated as National Guard, militia, or otherwise, shall constitute the organized militia. The organization, armament, and discipline of the organized militia in the several States and Territories and in the District of Columbia shall be the same as that which is now or may hereafter be prescribed for the Regular and Volunteer armies of the United States: *Provided*, That the President of the United States, in time of peace, may by order fix the minimum number of enlisted men in each company, troop, battery, signal corps, engineer corps, and hospital corps.

Section 4, which authorizes the President to call out the organized militia or National Guard for a period not exceeding nine months whenever he may deem it necessary to repel invasion, suppress rebellion, or enable him to execute the laws, makes the militia forces of the country, heretofore of too little value except for local police purposes, available for the national defense. Section 13 will perhaps be of more immediate interest to members of the militia of the country than any other section. While the section is long, its purport can be briefly stated. It provides that the militia shall be furnished by the United States Government with up-to-date guns and equipment. It appropriates money to provide the National Guard with "United States standard service magazine arms, with bayonets, bayonet scabbards, bullets, and such other necessary accouterments and equipments as are required for the Army of the United States."

These are supplied without charging the cost against the allotment of the States under the annual appropriation provided by section 1661 of the Revised Statutes. The equipment, of course, remains the property of the United States, available for use in time of war. The result of this will be that the United States will have in case of war a large number of modern magazine rifles, not rusting in storage, but in the hands of persons trained to use them. Section 15 provides for participation on the part of the National Guard, under certain conditions and restrictions, in the encampment, maneuvers, and field instruction of any part of the Regular Army at or near any military post.

The bill has also many other useful provisions. It is believed on the whole that the bill goes very far toward giving the country a complete up-to-date working law for the organization, equipment, drill, and government of the militia. In a letter to the chairman of the committee, dated March 18, 1902, Secretary Root says: "I have examined the measure with great care, and approve the wise and patriotic endeavors of the committee to frame an enactment which seems to me well calculated to accomplish the purpose set forth in its title." The committee, Mr. Speaker, offers the bill to the House with a considerable degree of confidence that it merits the commendation so generously bestowed by the Secretary of War. [Applause.]

Mr. STARK. I now yield three minutes to my colleague, Mr. WILEY.

Mr. WILEY. Mr. Speaker, there are many things in this bill affecting materially the militia forces of the country, now characterized as the National Guard. The Army question is at rest, certainly for the present, and the problem confronting us, as lawmakers, is the necessity of systematizing, training, and regulating a reserve force to be used in time of war or whenever it is required to preserve the public peace.

The military organizations of the United States have probably never had a Commander in Chief from whom more could be expected, particularly by the State troops, than President Roosevelt. As a volunteer officer in the Spanish-American war he won imperishable honors at San Juan Hill. He thoroughly understands the question. Secretary Root's annual report outlined the policy of the Administration, and his recommendations were strongly indorsed by the President in his message to Congress.

Briefly stated, these recommendations look to the arming, equipment, and thorough reorganization of the National Guard or State troops in such manner that they shall be treated as a first or favored reserve, entitled to a preference in the manner of being called into the service of the United States, when occasion requires, in order to execute the laws of the Union, suppress insurrection, and repel invasion, or be in readiness beforehand to meet any threatened attack from any hostile source, whether at home or abroad; and, with this object in view, it is proposed that the term of service under any call shall be limited to nine months, except in case of the reserved force of trained men authorized to be organized under sections 23 and 24 of the act; that the National Guard shall join in annual encampments at national military camps with troops of the Regular Army; that Army officers shall be detailed for duty in each State; and that militia officers attending a military college shall be allowed travel pay, quarters, and the like.

The President, in his recent message to Congress, recommended the camping and maneuvering together of at least a division (about 9,000 men) of regulars with the same number of State troops, and that, whenever practicable, these troops should be embarked on transports in order to give the officers the necessary experience in the handling of such movements. The bill under consideration carries into operation and effect all these recommendations or suggestions.

The Government is expending about $1,000,000 a year upon our State troops. They will now receive everything needed or useful in the way of arms, equipment, uniforms, tents, etc.; and the purpose of the bill is to see to it that they, both officers and men, do not lack for the best military instruction and discipline. Of course, they will still be in the service of the State, and only be subject to be "called forth" by the President in those contingencies and exigencies enumerated in the Federal Constitution.

The measure we are considering is entitled "A bill to promote the efficiency of the militia, and for other purposes." It comes to the House with the unanimous indorsement and support of every member of the Committee on Militia. The provisions of the bill, it seems to me, are eminently wise and beneficent. Under its operation the militia of the various States will be placed upon a practical and effective basis.

It is the most intelligent and satisfactory solution of the question of supporting the State troops and rendering them serviceable to the National Government in the event of war, or for executing the laws of the Union, suppressing insurrections, repelling invasion, or making preparation to resist threatened invasion, which has ever yet been presented in legislative form, so far as my experience and observation extend.

Most of the States need some such legislation for the reason that they are financially incapable of supporting their own troops in proper fashion, as is evidenced by the meager and reluctant appropriations made for military purposes during recent years, and it is but fair that the General Government, which is to be a beneficiary, should bear its proportionate share of the burden of sustaining these organizations.

And the time has arrived when we, in order to promote its efficiency, should systematize and reorganize the entire militia of the country. In my remarks on this occasion it is not my purpose to discuss the militia, in its widest sense, as including the whole military force of the nation. I shall confine myself to the great body of our citizens in the different States and Territories of the Union who, actuated by patriotic impulses, within certain ages, have been enrolled for instruction and discipline as a reserve force—not as a regular employment or occupation and not subject to be called into actual service, except in certain contingencies involving the common defense or general welfare of the Republic.

This militia, in its narrower sense, has been justly characterized as "the great bulwark of the public safety." The question of devising and establishing a well-regulated militia, and of bringing incongruous detachments of this body into an harmonious whole under some uniform system of organization, of inspiring them with military interest and of educating them in the performance of military duties so that they may be promptly and effectively employed in cases of domestic violence or national disaster, as designated in the Constitution, has engaged the attention of every President from George Washington down to Theodore Roosevelt.

In his message to Congress in 1795 President Washington said:

With the review of our Army establishment is naturally connected that of the militia. It will merit inquiry, what imperfections in the existing plan further experience may have unfolded. The subject is of so much moment, in my estimation, as to excite a constant solicitude that the consideration of it may be renewed until the greatest attainable perfection shall be accomplished. Time is wearing away some of the advantages for forwarding the object, while none better deserves the persevering attention of the public councils

President Jefferson in 1808 said:

For a people who are free, and who mean to remain so, a well-organized and armed militia is their best security. It is therefore incumbent on us at every meeting to revise the condition of the militia, and to ask ourselves if it is prepared to repel a powerful enemy at every point of our territories exposed to invasion. Some of the States have paid a laudable attention to this subject; but every degree of neglect is to be found among others.

Congress alone has power to produce a uniform state of preparation in this great organ of defense; the interest which they so deeply feel in their own and their country's security will present this as among the most important objects of their deliberations.

In the year 1825 President Adams, in the following eloquent words, also invited the attention of Congress to this important subject:

The organization of the militia is yet more indispensable to the liberties of the country. It is only by an effective militia that we can at once enjoy the repose of peace and bid defiance to foreign aggression. It is by the militia that we are constituted an armed nation, standing in perpetual panoply of defense, in the presence of all the other nations of the earth. To this end it would be necessary so to shape its organization as to give it a more united and active energy.

Ten years later President Jackson, in asking Congressional consideration of this matter, employed this strong language:

Occurrences to which we, as well as other nations, are liable, both in our internal and external relations, point to the necessity of an efficient organization of the militia. I am again induced by the importance of the subject to bring it to your attention. To suppress domestic violence and to repel foreign invasion, should these calamities overtake us, we must rely in the first instance in the great body of the community whose will has instituted and whose power must support the Government.

President Van Buren in 1837 said:

It is not, however, compatible with the interests of the people to maintain, in time of peace, a regular force adequate to the defense of our extensive frontiers. In periods of danger and alarm we must rely principally upon a well-organized militia, and some general arrangement that will render this description of force more efficient has long been a subject of anxious solicitude. It was recommended to the first Congress by General Washington and has since been frequently brought to your notice, and recently its importance strongly urged by my immediate predecessor.

These extracts from the messages of these patriotic Chief Magistrates, and many others which I might quote (except in so doing I might run the risk of trespassing upon the time and indulgence of the House), show clearly that it was the object and desire of our revolutionary forefathers to rely for purposes of home protection and the execution of the laws of the land almost exclusively upon the militia forces of the Union.

Generally speaking, we do not fully appreciate the importance of properly maintaining in each State an organized and disciplined body of troops, ready for actual service in those emergencies for which provision is made in the constitutions of most, if not all, of the States of the Union. The expense of keeping up an organization is but "dust in the balance"—a mere trifle in comparison with the great benefits to be derived from such an institution. In many of the monarchies of the Old World the masses are tax ridden and impoverished in order to maintain immense standing armies.

It is always well in peace to prepare for war; but preparation on a large scale costs more than its advantages are worth when it is made at the expense of a nation's strength by exhaustion in bearing arms, by withdrawing permanently vast numbers of men from the daily walks and busy pursuits of life, by retiring them from those vocations and employments which tend to enrich a State, and by making them "drones in the hive" instead of being the prop and support, the stay and hope, for the preservation of civil liberty and the law of the land, as well as for the maintenance of those dependent upon them by the ties of blood or the bonds of affection.

In this respect the wisdom of our forefathers was strikingly manifest. They deprecated a large standing army in the "piping times" of peace. They trusted to the conservatism and patriotism of the people. They relied for national defense upon an able-bodied militia, organized for military service and required by law to attend military exercises on designated days, in preference to regular troops whose sole occupation was war, either offensive or defensive.

Too much can not be said in commendation of the citizen soldiery of our country. In each State they stand for home and rooftrees, for hearthstone and fireside. They stand as a shining exponent of the dignity, majesty, power, and glory of a State—of a federation of sovereign States. They stand to uphold the strong right arm of constituted authority; to preserve the peace and to enforce the law. The great Washington declared that the laws of our country are above the sword.

Our State militia, now commonly known as the National Guard, recognize the truth of the declaration and act upon it, that the law of the land, save in time of actual war, is the commanding general of armed men. The constitution of every State in the Union requires the governor to see to it that the public peace is preserved. The militia conserves that laudable purpose.

The rigors of winter, the scorching heats of summer, the dust and fatigue of the long march, the burdens and privations of the camp—all these sacrifices and more they cheerfully endure, and if need be they are willing to lay down their lives in order to maintain the honor, preserve the peace, and enforce the laws not only of a particular Commonweath, but of the nation as well; to take the mob by the throat and to protect, at all hazards, life, liberty, and property, without reference to race or creed, and no matter what may be the social, civil, religious, or political standing of those whose safety is intrusted to their keeping. [Applause.]

There seems to be much confusion and misunderstanding on the part of the public generally, even among some of our best-informed fellow-citizens, as to the right and authority of the President at any time, in any contingency, or for any purpose to avail himself of the services of the militia forces of the different States when the peace of the country has been broken or disturbed or an invasion is threatened. The Federal Constitution makes this question very plain.

That instrument of our organic law contains the clear ringing declaration that Congress shall have power to provide for "calling forth" the militia in order "to execute the laws of the Union, to suppress insurrection, and to repel invasion." And as far back as the year 1827, when the great John Marshall was Chief Justice of the Supreme Court of the United States, this provision of the Constitution underwent a review by that lofty tribunal in the celebrated case of Martin *v.* Mott, reported in 12 Wheaton, beginning on page 19 of that volume.

Judge Story, whose legal learning has ornamented the jurisprudence of this continent, delivered the unanimous opinion of this court. This decision is "lucidity crystallized." In this leading case, involving, as it does, the question of the authority of the Chief Executive of the Republic over the militia organizations of the country, in all their protean shapes and forms, it was expressly held that Congress may not only lawfully provide for the execution of the laws of the land and for the suppression of insurrections, but may also "provide for cases of imminent danger of invasion, as well as for cases where an invasion has actually taken place, and that the power to repel invasion includes the power to provide against the danger of invasion;" hence, upon the principle of "forewarned, forearmed," is the necessity to prepare in advance needed and adequate methods "to effectuate the object in view;" that one of the best means of repelling invasion is to have in readiness the requisite force for action "before the invader himself has reached our soil;" that the President of the United States is the exclusive judge as to whether or not the exigencies designated by the Constitution have arisen, in which he is empowered to call into service the militia of the different States and Territories, and that his decision, when once reached on the subject, is absolute, final, and conclusive.

The facts of this case (Martin *v.* Mott, supra) are interesting and peculiar. During the war of 1812 Governor Tompkins, of New York, upon the requisition of President Madison (a Southern man, himself a native of Virginia), ordered certain portions of the militia of New York State "to be detailed into the service of the United States of America." One Jacob E. Mott, being a private in a militia company and liable to do military service in that capacity, refused to rendezvous and enter into the service of the United States in obedience to this command. As a result he was regularly court-martialed, "found guilty of delinquency, and fined $96."

Failing to pay the fine, he was sentenced to twelve months' imprisonment. A certificate of the finding of the general court-martial having issued and been placed into the hands of one Martin, as deputy sheriff, he proceeded to execute the same by taking certain goods belonging to Mott. As a result of this seizure under this character of process, Mott instituted against Martin in one of the courts in New York State an action of replevin to recover the chattels so taken and withheld from him.

In discussing the facts of the case as thus presented the Supreme Court of the United States, amongst other things, say:

A free people are naturally jealous of the exercise of military power, and the power to call the militia into actual service is certainly felt to be of no ordinary magnitude. It is not a power which can be executed without a correspondent responsibility. We are all of the opinion that the authority to decide whether the exigency has arisen belongs exclusively to the President and that his decision is conclusive upon all persons.

The power itself is to be exercised upon certain emergencies, upon great occasions of state, and under circumstances which may be vital to the existence of the Union. A prompt and unhesitating obedience to orders is indispensable to the complete attainment of the object. The service is a military service, and the command of a military nature, and in such cases every delay and every obstacle to an efficient and immediate compliance necessarily tend to jeopardize the public interests.

While subordinate officers or soldiers are pausing to consider whether they ought to obey, or are scrupulously weighing the evidence of the facts upon which the commander in chief exercises the right to demand their services, the hostile enterprise may be accomplished without the means of resistance. If the power of regulating the militia and of commanding its services in time of insurrection and invasion (or executing the laws of the Union) are natural incidents to the duties of superintending the common defense and of watching over the internal peace of the Confederacy, these powers must be construed as to the modes of their exercise so as not to defeat the great end in view.

If a superior officer has the right to contest the orders of the President upon his own doubts as to the exigency having arisen, it must be equally the right of every inferior officer and soldier.

* * * * * * *

The power itself is confided to the Executive of the Union; to him who is by the Constitution the Commander in Chief, when called into the actual service of the United States; whose duty it is to take care that the laws be faithfully executed, and whose responsibility for an honest discharge of his official obligations is secured by the highest sanction. He is necessarily constituted the judge of the existence of the exigency in the first instance, and is bound to act according to his belief of the facts.

If he does so act, and decides to call forth the militia, his orders for this purpose are in strict conformity with the provisions of the law; and it would seem to follow as a necessary consequence that every act done by a subordinate officer, in obedience to such orders, is equally justifiable. The law contemplates that, under such circumstances, orders shall be given to carry the power into effect; and it can not, therefore, be a correct inference that any other person has a right to disobey them. The law does not provide any appeal from the judgment of the President or for any right in subordinate officers to review his decision and in effect defeat it.

This is one of the ablest opinions of one of the greatest judges who ever sat upon the Supreme Court bench of the United States. It sounds as though the voice of divine wisdom dictated while the hand of inspired patriotism penned the words.

We must not forget the important fact that our militia forces have a dual capacity. The State and general governments have concurrent jurisdiction and control over them; that is to say, the governor of a particular State and the President of the United States, within their respective spheres, have each authority to call out the militia to meet those exigencies for which provision is made in both the State and Federal constitutions, but whenever the President has once acted in the premises his decision must be taken as absolutely conclusive that a necessity has arisen which, in his judgment and discretion, requires the exercise of the superior constitutional authority of the General Government.

Whenever the body of the militia has once entered into the service of the United States the Federal command over them is exclusive and paramount. The framers of our organic law intended that harmony should characterize the combined actions of both State and National governments. And I want to say in this connection, that the bill under consideration does not seek to confer upon the President one iota more of authority than that which he already possesses under the Constitution.

It follows, therefore, as a necessary corollary, that Congress, under constitutional sanction, has authority to make appropriations for drilling, arming, equipping, disciplining, and controlling the militia forces of the different States of the Union so as to render them an efficient arm of the military service. The Regular Army of the United States numbers at this time about 65,000 men. It may be increased to 100,000 men.

For the first time in the history of the Republic our Regular Army is required to be employed in foreign service; that is to say, outside the limits of the United States. All of us, both Democrats and Republicans alike, profess an earnest desire that there shall be no occasion to enlist the remaining 35,000 soldiers (authorized by law to be recruited) by calling them into service; and yet it is manifest that unless we make ample provision to render our militia efficient for home protection, and in order to enable us to defend our vast seacoast lines and extensive frontiers against invasion, actual or threatened, as well as to meet those exigencies provided by the Federal Constitution, it follows, necessarily, that our standing army will have to be increased to its maximum limit.

And in taking these matters under consideration we must bear in mind the fact that while our militia can be utilized at home and are subject to the President's mandate or requisition in any State or Territory of the Union, they can not be employed in foreign service; can not be used to invade the territory of a neighboring country; can not enforce any public rights abroad, and can not engage in offensive warfare outside the limits of the United States.

I have heard some criticism of sections 23 and 24 of the bill, which make provision for a national volunteer reserve not to exceed 100,000 men, but manifestly those who criticise are misinformed. These sections stipulate that the officers and regiments of this reserved force shall be equitably apportioned amongst the different States and Territories, and they shall bear the name of the particular State or Territory within whose limits, respectively, they were organized.

You will recall that the volunteer regiments organized under the act of Congress to serve for two years in the Philippine Islands were numbered as United States Volunteers and were not recognized in any sense as State troops. These sections are intended to prevent a repetition of that very thing by allowing to each State and Territory its proper quota of officers and enlisted men, whose commands shall be numbered by and in the names of the various States or Territories, precisely as was done in the case with the different regiments in both armies during the great civil war.

Those Democrats, therefore, who may be inclined to criticise these sections just referred to either do not know or forget the fact that they are in harmony and accord with the Democratic national platform adopted at Kansas City in 1900. The plank on that subject is as follows:

In the time of danger the volunteer soldier is his country's best defender. The National Guard of the United States should ever be cherished in the patriotic hearts of a free people. Such organizations are ever an element of strength and safety. For the first time in our history and coeval with the Philippine conquest has there been a departure from time-honored and approved system of volunteer organization.

In the light of this clear ringing party declaration it is difficult to find any good or sufficient reason justifying any opposition to this measure, particularly on the part of those members who prefer to rely for our national defense upon the militia forces of the country rather than upon the troops of a regular army. One or the other we must have, and you are now given an opportunity to make your choice.

The great Webster on one occasion, in answering a comment made by a European minister as to the fierceness of our divisional and partisan quarrels, said: "They all cease at the water's edge." Whatever sectional differences as to internal policies may exist among us, we will all stand together in defense of the Union, and in the event this nation should ever be assailed by a foreign power we would be in condition and position immediately to marshal a mighty army and to concentrate vast munitions of war.

Our rivers, railroads, turnpikes, and canals are magnificent fortresses. They would enable us quickly to mobilize at a given point large bodies of men and to collect at a common center abundant supplies to feed them. In this way and by these means we could anticipate an invasion and precipitate an overwhelming force against the most powerful army our enemies could send to fight us. With officers to command and discipline them, raw troops are readily made available. History abounds with evidence that military knowledge or skill can act efficiently with irregular soldiers. It was chiefly with men of short military experience that Napoleon won the victories of Marengo, Lutzen, Bantzen, and other triumphs which followed close upon the Russian campaign of 1812.

Should the exigency of war arise in this country, the rank and file of our militia companies, together with the educated young men going out of our military colleges, would furnish enough officers, skilled, drilled, and disciplined, to instruct and command an immense body of raw troops. Thus the strength of the nation would be rendered speedily available, and this Government, in addition to her Army and Navy, would have at all times a reserve force which could be readily utilized, and thus she would be invincible against the combined power of the armed phalanxes of the world.

In the war between the States our splendid volunteer armies on both sides were recruited mainly from the people in the ordinary business walks of life—from those who were subject to be called into the militia service of the country. The heroism of these men; their valor, fidelity, and self-devotion; their courage in battle; their patience under trial, and their fortitude under suffering, whether they wore the blue or donned the gray, are the common heritage of the nation's glory.

You will pardon me, I am sure, for saying I had occasion, while serving an enlistment of several months in Cuba during the Spanish-American war, to observe the conduct of the volunteer soldier, who, after all, was nothing more nor less than a militiaman; and it is my deliberate judgment that, taken all in all, no better soldier ever carried a sword or shouldered a musket. In an incredibly short period of time the militia of the different States, numbering about 200,000 strong, were mobilized and rendered immediately available for military service.

In order that they might be constitutionally employed outside the limits of the United States, they were promptly converted by a sort of legal or political legerdemain into volunteer soldiers;

and what a magnificent body of men they were, wearing the regulation blue, feeling the elbow touch, and keeping a quick step to the blended and inspiring music of Yankee Doodle and Dixie, while they fought together under the folds of "Old Glory" to defend the flag and maintain the nation's honor at home and abroad!

My heart thrills with patriotic pride and pleasure whenever I pause to think of those brave and loyal men, animated by the same impulse, coming together from all sections of our common country—North, South, East, and West—ready to die "upon the perilous edge of battle" in defense of justice, liberty, and right.

The volunteers who went to Santiago de Cuba in the summer of 1898 to relieve General Shafter's army and faced the pestilence that walked in darkness in a plague-stricken land, without a murmur or complaint, were no less heroes than the "regulars" who faced Mauser rifles at El Caney and San Juan Hill.

And the same thing is true of the militia—the volunteers—who served in the other provinces of Cuba and did garrison duty in preserving the public peace and in bringing order out of chaos. Every American citizen whose soul is not dead to every generous emotion can not help feeling a sentiment of admiration at the magnificent conduct of the militia volunteers in Cuba, Porto Rico, and in the Philippine Archipelago. All honor to these noble men!

In the summer of 1898, President McKinley, that great and good man, that golden-hearted gentleman, in declining an invitation of General Breckinridge to review the troops at Chickamauga, took occasion, in speaking of these volunteers, to declare:

> The highest tribute that can be paid to the soldier is to say he performed his full duty. The field of duty is determined by his Government; and wherever that chances to be is the place of honor. All have helped in the great cause, whether in camp or battle; and when peace comes, all alike will be entitled to the nation's gratitude. In this respect the volunteers will be like regulars, who do the duty assigned them, whether in peace or war, leaving the Government to determine what that duty shall be.

Although suggestions looking in that direction have been made, the indications are that our standing Army, as at present constituted, will not, in my opinion, be reduced for many years to come—certainly not unless this bill becomes a law. That question, therefore, is at rest. The Regular Army of the United States before the Spanish-American war consisted of about 25,000 men; yet the American Union continued the most liberty-loving, law-respecting, and law-enforcing Government which human genius had ever created in the history of the human race.

Conditions have changed. A new era in national affairs has been ushered in for our consideration and adjustment. In the nature of things a mighty responsibility is imposed upon this Government. We can not shirk our duty. We have assumed treaty obligations which we can not evade. We must give to the recently liberated Spanish colonies the needed help, without which they must inevitably go the downward road to ruin and death. It is manifest, therefore, that the bulk of the Regular Army will be needed for foreign service, and the militia forces, by whatever name called, will have abundant and important duties to perform at home.

We are confronted by a condition, not a theory. The prophesy of the Bible seems to have been fulfilled. Our vine has run over the farthest hill and our branches have extended beyond the uttermost wall. It is no longer a question of expansion. We have already expanded. It may become a question of restriction or confinement within narrower bounds, but how or when this process of contraction is to begin, or in what manner or at what time it is to be accomplished, no man not gifted with divine inspiration can safely venture to predict.

There can be no doubt that this nation may extend help, advice, and protection to such foreign lands as have passed under our flag and aid in the development of native governments of their own people, as well as exercise a temporary or permanent guidance, tutelage, or control over them. I think we are quite able to take care of ourselves, and will keep a free hand in dealing with them.

We may hold them as territories; we may protect them in semi-autonomy; we may in time, if we deem it wise or politic, set them up in entire independence, or we may even dispose of our interest in them to some other power. To deny our freedom and competency to do any or all of these things is to affirm that we are not a sovereign nation.

Do not misunderstand me. I am not discussing the wisdom or unwisdom of the national policy in reference to our insular possessions. It may be that this policy, on the one hand, will cause us to become a great world power and result in removing the tariff walls which stand frowningly around our seaports, and in completing an isthmian canal, by which the route of commerce from the Orient will be shortened about 8,000 miles, as well as opening the markets of those Eastern and tropical lands to our surplus cotton, grain, lumber, coal, iron, and other commodities grown or manufactured in the United States.

It may mean that we are no longer to be a "pent-up Utica;" that our merchant vessels, laden with the richest productions of the far-distant East, coming through the Caribbean Sea and across the Gulf of Mexico, will touch at all our ports and lay these marvelous treasures down at our feet or pour them out lavishly into our laps, in exchange for the products of our fields, forests, mines, furnaces, and factories; or, on the other hand, it may result disastrously to us by involving us in "entangling alliances" with foreign nations, and in weakening our internal strength by extending our commercial empire.

It may be, as Goldsmith has forcibly expressed it, that "too much commerce may injure a nation as well as too little; and that there is a difference between a conquering and a flourishing empire;" but, however these things may be, it is manifest that during the interim and pending a satisfactory adjustment of these vital and important questions of governmental expediency and policy, our standing army must and will be employed abroad, and the Government will be compelled either to increase to its full maximum the Regular Army for purposes of home protection, or else Congress must make suitable provision, as contemplated by the Federal Constitution, to render the National Guard a useful auxiliary to the Army—a reserve force to be used in the emergencies I have already mentioned.

Under these circumstances (for I desire to impress upon your minds this significant truth) you will pardon me for reiterating the fact that the National Guard will be needed for home purposes—to preserve the public peace, to enforce order, and to execute the laws of the land.

The Government ought not therefore to hesitate to make ample provision to clothe, feed, shelter, arm, and equip these citizen-soldiery; to select suitable and healthy camps of instruction for them; to furnish skilled and capable officers to drill and command them; to stimulate their patriotism; to encourage discipline, and foster a proper esprit de corps among them; to elevate and dignify these organizations; and, in short, to do everything in its power to render them an efficient arm of the nation's military establishment.

Peace is a blessing earnestly to be coveted. On the other hand, war is a fearful evil. In itself a scourge, it may, nevertheless, become a means of purifying and exalting the public spirit and of bringing a nation up to the fullest consciousness and comprehension of its real historic destiny. It develops the strongest elements of national character—the moral as well as physical resources of a people. It reveals the great objects and ends of national life—its heaven-appointed mission.

War, then, in the language of Bacon, "becomes the highest trial of right." It is not always an unmixed evil. It may and does become "the purchase price of a lasting and righteous peace." How true it is—

> God moves in a mysterious way
> His wonders to perform—
> He plants his foot upon the sea
> And rides upon the storm.

The palladium of liberty is in the hearts of the people. Let the world know that we intrust our safety to the honest yeomanry of this fair land—a well-organized, patriotic militia. It will attract the popular thought and fasten it to the inspiring ideal of a common country, in which the people rule, and from whom all authority is derived. Our "Government of the people, for the people and by the people," is to-day the shining exponent of civil liberty to all the struggling and oppressed nations of the earth, a radiant representative of that liberty which was won by the valor and is preserved by the genius of Anglo-Saxon manhood.

This steadfast and dominant idea—the liberty of the citizen—has given direction to the very life of the Republic, to the form and substance of its civilization; and has proven the most potential factor, the most efficient minister, in our material progress and national exaltation. There breathes to-day throughout these united sovereignties a broad, catholic spirit, not only of defense, but of growth and development also. There is no purpose or desire to disturb the separate rights of the States. They must and will remain forever inviolate and inviolable.

Home rule and local self-government are just as vital and essential to-day as they were in 1860; but we want and must have the realization of a Union whose definite aim is to protect the citizen at home and abroad, to keep untarnished the faith and credit of the nation, to maintain the Constitution, and defend the flag.

There resides in the Federal Government at Washington the obligation and the duty to spend the last dollar in the Treasury and to enlist every available man in the nation, not for conquest, but in defense of popular rights and constitutional liberty. In the eloquent words of another, "The old flag still lives; the stars are there, the stains have gone."

We live under one Constitution, are inspired by one hope, are linked in one destiny, and have but one flag—the Star Spangled Banner.

Long may that glorious ensign wave "over the land of the free and the home of the brave"—the standard of a Republic, the proudest and grandest the world ever saw.

One heart, one hand,
One flag, one land,
Our country evermore.

[Loud applause.]

Mr. STARK. I now yield five minutes to my colleague on the committee, the gentleman from Massachusetts [Mr. CONRY].

Mr. CONRY. Mr. Speaker, the Committee on the Militia, of which I have the honor to be junior member, have spent many weeks of arduous labor in compiling the various laws passed by the Congress of the United States since 1792 for the government of the militia. In the performance of their duty they called to their assistance the recognized authorities on the operations of the militia and the National Guard of the several States during the past one hundred years. As a member of that committee, I join most heartily with my associates in submitting a unanimous report. As one who has had a limited experience in the militia of his own State, I join most heartily in making this unanimous report. And, Mr. Speaker and gentlemen on this side of the House, as one who has never believed in the existence of a large standing army, but who believes with Jefferson that for a people who are free and who mean to remain so, a well-organized militia is their best security, I believe in perfecting the National Guard and the State militia, and therefore join most heartily in making this unanimous report.

This report, Mr. Speaker and gentlemen, brings the obsolete, antiquated militia law of the United States down to a scientific, systematic basis. It gives us a modern militia law which will secure to the United States an efficient auxiliary to the Regular Army. It gives to us what we have never had during the past one hundred years—a body of over 100,000 well-equipped, well-disciplined, well-instructed men, who may be called into service on twenty-four hours' notice and report in fit condition for soldier duty. This bill takes no power, no authority, ever enjoyed by any of the States away from the States. It gives to the authorities in Washington no power or authority which they have not enjoyed hitherto under the Constitution. It is merely a perfecting work.

Since the earliest days a large standing army in the grasp of an unscrupulous Executive has been considered a menace to the safety of a popular government, so a contrary principle was established, and the Constitution of the United States (amended in 1789) made to declare that "a well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed."

In 1792 the present militia law was adopted. It made compulsory the enrollment and the performance of military duty on the part of every able-bodied citizen between the ages of 18 and 45; that he shall "be constantly provided with a good musket or firelock of a bore sufficient for balls the eighteenth part of a pound, a sufficient bayonet and belt, two spare flints and a knapsack, a pouch with a box therein to contain not less than 24 cartridges," or a "good rifle, knapsack, shot pouch and powder horn, 20 balls, and a quarter pound of powder," and that "each commissioned officer shall be armed with a sword or hanger and spontoon."

It is very gratifying to me as a member of the committee to have secured the adoption of an amendment to the bill as originally reported protecting the militia companies of Massachusetts organized prior to 1792 in all their original rights, privileges, and immunities.

The First Corps of Cadets, of Boston; the Second Corps of Cadets, of Salem, and the Ancient and Honorable Artillery Company, of Boston, together with many other military companies outside Massachusetts, have joined in recommending the following paragraph as an amendment to the bill originally reported:

And provided further, That any corps of artillery, cavalry, and infantry existing in any State at the passage of the act of May 8, 1792, which, by the laws, customs, or usages of said State have been in continuous existence since the passage of said act under its provisions and under the provisions of section 232 and sections 1625 to 1660, both inclusive, of title 16 of the Revised Statutes of the United States relating to the militia, shall be allowed to retain their accustomed privileges, subject, nevertheless, to all other duties required by law in like manner as the other militia.

We in Massachusetts have a profound admiration for our volunteer militia. That there is good reason for this admiration and that our troops deserve well at our hands may be seen from the report made by Maj. Marcus P. Miller, Fifth Artillery, who inspected the First Corps of Cadets in camp at Hingham in 1892.

We are willing that Major Miller's judgment of the First Corps of Cadets should stand as an estimate of the true value of the Massachusetts Volunteer Militia.

[Extracts from the reports of United States Army officers detailed to inspect camps of Massachusetts Volunteer Militia, 1892.]

MAJ. MARCUS P. MILLER, FIFTH ARTILLERY.

These troops have a historical record, the first organization having been raised in 1741 as the bodyguard to the colonial governor of Massachusetts Bay Colony. Since then it has undergone changes in name and organization. The corps as established under State government in 1786 possessed certain unusual privileges, viz: First, of being the guard of honor to the governor; second, that it could not be attached to the command of any officer below the rank of major-general; third, its officers held peculiar rank. These privileges were placed under the protection of an act of Congress passed May 8, 1792. This protection is shared also by the Second Corps of Cadets.

In company with the adjutant-general of the State, I joined the corps at the Old Colony depot, Boston, about 3 o'clock p. m. July 9, and found it being loaded into cars for transportation to its camp at Hingham, Mass., under command of its regular commandant. Upon arriving at the railway station at Hingham, the troops were soon unloaded, the battalion formed without confusion or talk, and marched directly to camp, where line was formed on the parade and the companies dismissed, going to their streets, and on breaking ranks, carried their baggage to their tents. The first call for guard mounting was soon sounded, the guard details assembled and guard mounting held immediately, and, at inspection and muster soon after, the regular routine of duty commenced.

Soon after arriving I accompanied the commandant to visit the mess rooms, officers' and men's sinks, bathrooms, storerooms, and examined the drainage and police of camp.

The camp ground and buildings, in nearly all respects, were the same as described in Capt. H. M. Kendall's report of last year, except that 9 acres of land had been purchased and added to the grounds during the past year, which, with the other original grounds, gives ample room for all close-order drills.

Administration was conducted in conformity with the laws of the State, the standing orders of the commander in chief and the standing orders of the commandant. The latter are published in book form, and give full regulations, explaining the duties of all officers, noncommissioned officers, and men; how members may be admitted into the corps, how enlistments are made, records kept, guard mounting and guard duty should be performed, roll calls executed; and calls attention to the various matters of discipline, the care of property, saluting, and the necessity of courtesy among military men.

I noticed one special matter required in this corps—that candidates for enlistment have to be examined by a medical officer—not required in the other commands. (Since made obligatory throughout the militia.)

The order of routine duty gave hours of call for the following duties (naming them):

Reveille (roll call)	6 a. m.
Surgeon's call	6.45 a. m.
Breakfast	7 a. m.
First sergeant's call	8 a. m.
Guard mounting	8.15 a. m.
Fatigue (immediately after guard mounting).	
Drill (company)	9.30 a. m.
Recall	10.30 a. m.
Rifle practice	11 a. m.
Dinner	1 p. m.
First sergeant's call	3.45 p. m.
Drill (battalion)	4 p. m.
Recall	5 p. m.
Inspection and muster	5.30 p. m.
Dress parade and retreat (roll call)	6 p. m.
Supper	7 p. m.
Evening band practice	8 to 9.45 p. m.
Tattoo (roll call)	10.30 p. m.
Taps	11 p. m.

The roll call was attended by an officer, and was required to be promptly made, time allowed for formation being five seconds, and silence imposed.

The whole command was turned out for fatigue, and the whole ground gone over, each company having its particular part to look over. * * * It was exceedingly well done. * * *

There were two drills a day, and target practice immediately after the close of morning drill.

At fatigue call every man was expected to repair to his tent, which was immediately put in order and an inspection made of them, including those of the band, by the officer of the day, a company officer being present. No useless articles were allowed in the tents, the contents being the gun racks, muskets and belts, equipments and camp chairs.[a] The bedding was removed every morning after reveille, and placed in one company tent; once in order, the tents were required to be kept in order throughout the day.

Inspection under arms in the evening,[b] after which the troops were mustered by the paymaster. Each captain was sworn to the fact that the men answering to their names were the identical persons whose names were borne and answered to on the muster rolls.

The new infantry tactics had been adopted, and the officers and men practically had to unlearn the old and enter upon a new system, always more or less perplexing. In the morning drill, movements of the company drill proper were executed, also parts of the open-order drill of a company, such as forming line of squads, deploying as skirmishers, marching in both these formations, also the firings. The afternoon drills were devoted to battalion drill proper. The officers were competent, knew the principles of the new drill, and were zealous in their instruction; the men were intelligent and had but little trouble in accomplishing the movements and exercise in good style.

Great attention was paid to the instruction of sentinels and guard duty generally. Every one of the guard was supplied with a printed copy of instructions on guard duty. I inspected the sentinels on post after challenging commenced, and heard others questioned at the guardhouse and found them well informed.

Discipline was absolutely perfect. Official respect and courtesy at all times existed among the officers, also from the men to the officers. Sentinels walked post in a military manner. Camp was quiet at night after taps, and immediate obedience of the junior to the senior was a pleasure. The camp was evidently one of business.

I attended the review of the troops by the governor, which was very excellent. The men marched in the free and easy manner contemplated by the new tactics, kept good dress, distance, and performed the turn and forward movement well, and presented a fine military appearance.

And in conclusion, Mr. Speaker, as one who remembers the appearance of our militia when called into camp in the summer of 1898, the crude appearance of many militia regiments at Chickamauga and Camp Alger, I most sincerely appeal to the gentlemen on this side of the Chamber—from whom I observe the only opposition to the bill has come—to understand that in the passage of this bill we are standing firmly for the rights of the people in

[a] Stools. [b] 5.30 p. m.

their several States, and in addition we are contributing materially to the actual practical fighting force of the United States. [Applause.]

And speaking on the subject of militia, brings me to a consideration of another bill of kindred nature now pending in Congress, regarding the construction of war vessels in the navy-yards of the United States.

I am heartily in favor of the proposition to build the war vessels of the United States in the Government navy-yards, both as a matter of business and as a matter of patriotic sentiment.

The building of a war vessel has become an exact, definite science, far removed from the realms of speculation, no more guessing, nothing improbable, but every detail and particular of the business thoroughly known and well worked out in advance. Every ship that has ever been constructed for the American Navy has been under the skillful eye of the naval constructor and made according to plans with which he was intimately acquainted.

All the parts, boilers, engines, machinery, hull plates, every rivet, bolt, bar, and block, all that goes to make up a complete piece of seagoing fighting apparatus, all is calculated to a nicety from the moment the plans are started until the fighting tops are finished.

I sincerely trust the conferees on the naval appropriation bill will insist on the adoption of the amendment to the House bill which provides for the construction of war ships in Government yards. And furthermore I trust that the Charlestown Navy-Yard will be fortunate enough to get one of the vessels to build and have a chance to show to all the world what New England brawn and brain can do.

I believe I speak with the full approval and perfect confidence of both sides of the House when I say that Mr. Moody, the Secretary of the Navy, can be depended on, in case the construction of ships in Government yards is authorized, to have this work done where the yards are in the best condition and where the best results will be obtained.

Among the leaders of this House he easily took rank while a member from Massachusetts by the force and breadth of his intellect, displaying a mind of marvelous strength, clearness, and power of logical application. To this man we can safely commit this great innovation which may revolutionize the industry of upbuilding the American Navy, with the firm conviction that the experiment will be conducted to a successful conclusion and to the industrial welfare of thousands of American mechanics.

The price of material and parts being so well known, we are justified in starting in at once to build ships in our own yards and learn by actual experience precisely what the facts are and what objections, if any, exist to our doing our own work for the benefit of the people rather than for the profit of contractors.

The question of the cost of constructing ships in private and Government yards has long been a mooted one. A settlement of the question to my mind seems at hand. It is proposed to build sister ships at the same time and under exactly the same conditions—one to be built in a Government yard and the other to be constructed by the contract system. No two large ships have ever been constructed under such conditions, and this is the only absolute solution of the question, as it is impossible to exactly calculate the comparative cost of any two ships unless the work is carried on at the same time, when prices and other conditions are similar.

But, pending this, Mr. Speaker, we must look at the matter theoretically. It being well understood what the different parts of a ship will cost, nothing remains for calculation on the part of our naval constructor except the question of labor.

As is well known, eight hours constitutes a day's labor in the Government yards, and incidentally I may say I believe eight hours is long enough for any man to labor, particularly in the heavier branches of work; however, in most of the iron-working industries the nine-hour day prevails. But this is no argument why the Government should not lessen the hours of labor. It should be the aim of all employers of men, of all those who are interested in the development of the American workingman, to work for shorter hours, as that has made the American mechanic what he is—the peer of any mechanic of the world.

The chief reason advanced by the friends of the shipping combine for the increased cost of the Government doing its own work is the shorter hours of labor required in Government yards. The fact, however, is that because of the improved conditions under which its mechanics are employed the Government has secured the highest possible skill in each trade. It has courted and brought to its assistance the highest standard of mechanical ability and the most skilled mechanics the world has ever known. The reason the Government has been able to obtain the best mechanics is obvious.

It is only natural that men want to work where the hours are shorter and where a vacation is given them with pay. Because of this the Government has the pick of the best mechanics in America; and I venture to say that if the Government was to build its ships in navy-yards and the men given work every day in the year, perfection that has never been dreamed of in mechanical work would be closely approached, if not actually obtained.

It has been repeatedly stated by men competent to pass judgment on labor matters that it has been found where the hours of labor have been decreased the output has often remained the same, as a mechanic who is not worked to death every day of his life, and who is given time to rest his tired muscles, can do as much work in eight hours as a man who is driven can do in nine.

During the past year the hours of labor have been reduced to nine in nearly all the mechanical trades. In matter of time, therefore, private shipbuilders now have a large advantage over the Government, but when we consider the difference in the men and conditions the advantage is not so great. Not only has the Government secured men of the greatest ability as mechanics, but the extra time the men have at their disposal has been utilized advantageously, and the men have turned their attention to inventing improved appliances, and the Government profits by their genius and is getting the highest possible results from their labor.

It has been frequently stated that it costs the Government more to construct ships in its own yards than to let this work out by contract, but in one case at least this has not proved to be true, as the following will show. Despite the number of assertions as to this fact that have been made by gentlemen on the floor of the House and elsewhere, I can not agree with them, taking everything into consideration, that it costs the Government more to construct its own ships.

By comparing the cost of the two sister ships *Monterey*, built by the Union Iron Works, and the *Monadnock*, constructed at the Mare Island Navy-Yard, it would seem that these statements are untrue. The price paid to the contractors for the *Monterey* was $2,014,996, of which $1,872,777 was for hull and machinery, inspection charges $20,000, and repairs to date $132,000.

On the other hand, the total cost of the *Monadnock* was only $1,484,015. The price paid for hull and machinery was $1,414,266, or $458,511 less than was paid to the Union Iron Works for the hull and machinery of the sister ship. The repairs to the *Monadnock* cost $69,749, or $62,470 less than was expended in keeping the *Monterey* in first-class condition. Therefore the Government saved $530,981 by doing its own work.

The original boilers placed in the *Monterey* by the contractors had to have a new set of tubes at the expense of the Government. Later the boilers were replaced, while those furnished the *Monadnock* by the Government mechanics have as yet shown no signs of wear. When ships are built in Government navy-yards, no inspection charges have to be paid, and the contractors' profits are divided among the men who do the work and do not go into the pockets of wealthy contractors.

We will look at the cost of the repairs of each ship. The repairs made on the *Monterey* cost $62,470 more than was paid for the repairs of the Government-built vessel. It does not require any great reasoning powers or any great brain work to understand why this should be so. A man does not have to be a shipbuilder or much of a business man to explain this, and yet, despite the lack of any special qualifications required in the case, there are men to whom it is a Chinese puzzle.

The man who signs a contract to build a ship for a stipulated sum uses the cheapest material in the cheapest manner that will pass inspection, in order to increase his profits. It is business, he says, and lets it go at that. The Government is rich and can pay for the repairs and breakdowns, he argues to himself. Besides, has he not been obliged to enter into competition to secure the job and gave prices so low that he can not afford to use honest material and skilled labor if he expects to make anything by the transaction?

How many men sitting in this Chamber to-day would intrust their ordinary business contracts to persons simply because they could have the work done for a slightly smaller price? There are but few, I am happy to say. But one may say the vessel has to pass inspection and conform with certain specifications before it is accepted by the Government, and therefore there is no chance for fraud on the part of a greedy, unscrupulous contractor. But this argument is not worthy of answer, as a contractor can be dishonest if it is profitable.

What a fearful price we would have to pay if one of our fighting machines broke down while the shot and shell were flying, and our victory turned into defeat because of the greed of the constructor of the vessel. But this might happen.

In a Government yard only the best material that can be obtained is used. There is no incentive for a man to use a defective plate, where it will escape detection, or an inferior and weak bolt in an obscure part of the ship. He does not gain anything by it. It is his whole desire to turn out the most perfect machine; the machine that will stand the wear and tear of time; not a machine

modified to meet conditions that are practically new and unprecedented. The greatest good to the greatest number is the best form of equity, and those who have watched the growth of industrial conflict can not but realize that something must be done sooner or later to prevent the growth of disorders which threaten to become chronic.

A department of labor naturally seems like a strange innovation, but it is not an illogical step in the development of a governmental system capable of coping with conditions that are the outgrowth of a complex civilization and need a corrective.

THE LETTER CARRIERS' BILL.

Now, sir, I want to state that in every Congress since I have been here a bill has been introduced for the benefit of the letter carriers. In three different Congresses—namely, the Fifty-fourth, the Fifty-fifth, and the Fifty-sixth—I had the honor of introducing such a bill myself, and I worked as hard as I could—before the committee, with members of the House, in season and out of season—continually to get a favorable report, but all in vain. I never could get the Republicans on the committee to report the bill and do justice to the deserving letter carriers of the country. Time and time again on the floor of this House have I pleaded for decent treatment for the letter carriers.

If there ever was a bill introduced in this House that ought to appeal to every member as a matter of right and justice, it is the letter carriers' bill. The bill was introduced in this Congress early in the session—to be accurate, on the 13th day of December, 1901. The Speaker referred it to the Committee on the Post-Office and Post-Roads. It is there now. It is sleeping in that committee, and it will never wake up, never come out. That is all there is to it—a most commendable bill. Why should it not be reported? Why should it be smothered in the committee? Why should it not be presented to the House and the members given an opportunity to vote for it or against it? We want a record on this bill. We want to fix responsibility, and the Republicans in this House are responsible and can not evade that responsibility.

The letter carriers' bill, now peacefully and silently slumbering in committee, has the support of over 1,450 petitions, covering nearly 2,000,000 names. One petition from New York City has on it 327,000 names. Resolutions from over 2,100 organizations, representing labor unions, boards of trade, business men's leagues, independent organizations, and fraternal associations, indorsed it. These came from all parts of the country. State legislatures, city councils, and in fact every organization of any kind, political, religious, and economic, have asked that this bill be passed, but still it sleeps. Not only that, but over 400 newspapers, daily and weekly, have supported the bill editorially. The demand that Congress take action on this bill has become general, but nothing is done. Why not? Ask the Republican members of the Committee on Post-Offices and Post-Roads.

Mr. Speaker, I am a friend of the letter carriers. The Government in all its service has no more honest, no more tireless, no more faithful employees. These men are the most efficient, the hardest worked in all the country's service, and the poorest paid. The letter carriers of the land are compelled to toil day in and day out, in sunshine and in storm, in winter and in summer, in all kinds of weather, sometimes eighteen hours out of the twenty-four; and taking all other employees in the various departments of the Federal Government as a basis for comparison, it can not be denied that the letter carriers render the most and the hardest work for the smallest remuneration.

Now, sir, why is it when every Democrat, I believe, on this side of the House is anxious for a favorable report of this bill, is anxious to have it passed, is anxious to vote for it to make it a law, why is it, I ask, that the Republicans in this House smother the bill every session in the committee? Why is the Republican party against the letter carriers' bill? Is it because a few Republican leaders of this House are opposed to giving the letter carriers decent wages? Or is it because the Republicans are so busy legislating for monopoly that they have no time to legislate for man? And to think of it! The chairman of the committee, the gentleman from California [Mr. LOUD], has the brazen audacity to rise in his place in this House and to impudently assert that this great Government can not afford to pay the letter carriers and postal employees decent wages! And in the face of the fact that we have in the Treasury a surplus of over $208,000,000, the largest surplus in all our history, and every dollar taken from the pockets of the taxpayers.

CUBAN RECIPROCITY.

And so, Mr. Speaker, it is the same old story all along the line—cant and hypocrisy and false pretense. Verily, verily, I say unto you, their synonym is modern Republicanism run mad. The Republicans pretended to be the friends of the Cubans, and promised them a large measure of reciprocity; but a few Republican beet-sugar Senators thwarted the will of the people and killed Cuban reciprocity in the alleged house of its supposed friends. And Cuba, our ward, can suffer, and must get along the best she can.

A FEW OTHER MATTERS.

Now, gentlemen on the Republican side of this Chamber, just a few words more and I shall conclude. Let me ask you, What has become of all your fine promises. Why have you not to some slight degree reduced the tariff tax, which robs the many for the benefit of the few? Why do you refuse to reduce exorbitant tariff taxation on trust-made goods, which are sold cheaper in Europe than in this country? Be candid, my Republican friends. Democrats have introduced bills to do this.

Why have you killed these good bills in the committee? Will not some Republican answer? I pause for the reply. No answer. Well; I will tell you. It is because your party—the Republican party—the grand old humbug party—is owned and controlled by the trusts of the country, and I say here and now, without fear of successful contradiction, that so long as the Republicans are in power the trusts will be secure and will flourish like a green bay tree.

What has become of the resolution to amend the Constitution to elect Senators in Congress by a direct vote of the people? It passed this House early in the session—the vote was nearly unanimous. What has become of it, gentlemen? I will tell you. Killed as usual by a few Republican trust Senators sent to the other branch of Congress to look after special interests—killed by them notwithstanding the millions of petitions for it and the popular demand that it be enacted into law.

I despair that this much-needed reform will ever pass the Senate, especially as that body is now constituted. What has become of the bill to abolish government by injunction? Ask of the winds, and they will whisper back, "Killed by the Republicans." I ask the plain people of our land, How long, how long, will you submit to a betrayal of your rights by the Republicans?

THE PACIFIC TRANSPORT SERVICE.

Some time ago, sir, I introduced the following concurrent resolution:

Whereas the allegations of inadequate and scandalous conduct of the affairs of the United States transport service between San Francisco and the Philippine Islands, made by the Examiner and other leading newspapers, have been sustained by the official reports to the War Department by special War Department inspectors Col. John L. Chamberlain and Col. Marion P. Maus; and

Whereas no action commensurate with the gravity of the conditions shown to have existed has been taken by the Secretary of War: Therefore,

Resolved by the House of Representatives (the Senate concurring), That the working of the transport system be investigated by a Congressional commission to consist of three members of the House and three of the Senate, which shall have power to send for persons and papers, and to make report at the next session of Congress.

What has become of this resolution? Killed in the committee by the Republicans. Why did I introduce it? Write to the Secretary of War and respectfully request him to send you a copy of the official reports of Col. John L. Chamberlain and Col. Marion P. Maus. Those reports will tell the story. I have not the time now to go into details. Suffice it for me to say, however, in the few minutes I have left, that these reports show most conclusively that hundreds of thousands of dollars of the people's money have been wasted or stolen, or both.

No proper vouchers for Government money expended. Extravagant sums paid for repairs of the transports and to San Francisco merchants for supplies. Coal stolen and false statements made as to the amount on hand. The taxpayers' money wasted like water because the men charged with the responsibility buy the supplies in open market instead of buying by competition from the lowest responsible bidder, in accordance with custom and law.

Just let me call your attention to one item. Colonel Chamberlain says in his report that the transport *Meade* was recently purchased for $400,000, and that since she was purchased by the Government the War Department has spent on her the sum of $580,000 for repairs—$180,000 more than she cost. What do you think of that? It is only a sample, however, of what is going on, and has been going on for a long time, in the Army transport service on the Pacific between San Francisco and the Philippines. And so the Republicans in Congress smothered that resolution. They did not want an investigation. Taxpayers, citizens, Americans, you know the reason why!

The SPEAKER. The time of the gentleman from New York has expired.

Mr. DICK. Mr. Speaker, I yield one minute to the gentleman from Pennsylvania [Mr. OLMSTED].

Mr. OLMSTED. Mr. Speaker, of all the 15,000 bills which have been offered for our consideration, perhaps this is the one of which I know least. [Laughter.] Perhaps I am the only member of this House that does not know all about this bill. [Laughter.] Not being a member of the committee having it in charge, I do not claim to know all about it.

But I do know, Mr. Speaker, that the militia laws of the United States are out of date and very inadequate to present requirements. I do know that a well-trained militia is of the utmost

purpose as such a piece of patchwork can be. Realizing that the exclusion law of the past ten years, just terminated, and which is now superseded by the law just enacted, was spread over a series of acts, treaty stipulations, court decisions, and Treasury regulations which required vast research in order to ascertain the exact status of any tangible feature, the American Federation of Labor representatives, together with the representatives of the California Chinese exclusion convention, drafted a bill which was a codification of all these various laws, treaties, decisions, and Treasury regulations into a comprehensive measure, so that if it had been enacted it would have presented to the Government officials as well as any student or ordinary citizen of this or any other country a comprehensive law that anyone could understand. But the wise solons of the Republican party decreed otherwise, and, whether out of antagonism or ignorance, they imposed on the country a law which, unless remedied soon by further legislation, rectifying the wrong and the shortcomings, or by the voluntary acquiescence of China, will open the mainland of the United States to the dangers of an overwhelming horde of Chinese laborers.

Under the old law, Chinese, or persons of Chinese descent, were excluded from the United States, no matter from whence they came. Under the law just passed they can be excluded only when such exclusion shall be "consistent with treaty obligations." In no way does the law designate that the exclusion shall be consistent with treaty obligations with China, and hence, while the provision is made that they shall be excluded if they come from China to the United States, or from China to the Philippine Islands, there is no provision of law against Chinese going to Hongkong, which is under the British Government, or from China to Mexico, and coming from either of these places into the United States.

Now, sir, in view of the treaties between the United States and the Governments of Great Britain and Mexico, providing for free and unlimited coming and going of their citizens and subjects to and from the United States, and with the well-known desire on the part of Chinese laborers to come to our country and compete with American workmen, and this desire fostered and encouraged by the shipping and transportation companies, as well as the purpose of the Chinese Six Companies and a large number of American employers who constantly harp upon the idea of introducing into the United States a horde of cheap laborers, it is not difficult to understand the danger which threatens and confronts the workers of our country.

THE EIGHT-HOUR AND IMMIGRATION BILLS.

Mr. Speaker, so much for Republican pretensions regarding Chinese cheap labor. Now let us see what else was done for the toilers. The eight-hour and immigration bills were passed in the House for buncombe only—just like last session's antitrust bill—with no idea of allowing them, or either of them, to be enacted into statute law. All labor bills are opposed by the great trusts, which have more weight in the scale of the Republican party than the millions of signatures to petitions in favor of these bills. When the ship-subsidy bill was up, the whole argument for the millions of dollars which were asked for in that bill was based on the phrase "that they needed the money" in order to pay higher wages for American seamen.

Yet, in the worthless substitute for the Chinese-exclusion bill, which was finally passed, it has been so arranged that Chinamen can be employed on all our ships, even as sailors. The clause forbidding employment of Chinese seamen on American vessels was struck out in the Senate by a vote of 47 to 29, the petitions to the contrary notwithstanding. Millions for subsidies, millions for the trust, but not even consideration for honest labor bills and only contempt for petitions asking the poor privilege of justice for the toilers.

And as for having war ships built in Government navy-yards, the naval appropriation bill may possibly drop a crumb to the petitioners in the shape of one ship to be built in a Government yard, while in one of the trusts' yards there are now four war ships on the stocks. These petitioners I say can not be hoodwinked again by promises to enact their bills into law after the election. If there is any intention to pass them, why not pass them now? Nearly every man, woman, and child in the country knows what the eight-hour question is. It has been before Congress for years, ever since 1868. Why delay action on this measure?

Is the Republican party so completely in the grasp of the trusts that these unlawful combinations can hold up all the labor bills? I assert here and now that not one of these bills will be passed by this Congress. This is a serious matter and I challenge the Republican majority to allow one of these bills to be voted on before they close the session. We Democrats will vote against any resolution to adjourn unless you pass some of these bills.

This so-called shipping trust is holding up Congress this very moment and demands the expenditure of $40,000,000 for Government work in their yards, and necessarily at their prices, when the Government has yards of its own and can build its own ships and employ American workmen on their construction and can man them with American seamen when they are built. But, as I have said before, it is my belief that no action will be taken at this time; no matter how numerous the workingmen's petitions pour into Congress they will be either ignored or legislated on adversely, as was the case with the Chinese-exclusion bill. Workingmen, you have asked for bread and the Republican party has given you a stone. But the remedy is in your own hands. What is it? The ballot. If you want your rights, vote against the party of trickery and chicanery, the party that has deceived you over and over again.

THE BILL TO ESTABLISH A DEPARTMENT OF LABOR.

Mr. Speaker, a few words now in regard to another matter I deem of some moment. It relates to the bill I introduced to establish a department of labor, with a Cabinet officer to be known as the secretary of labor, and is intended to meet an urgent need of the times in our industrial and governmental affairs.

In times past the governments of the world were largely occupied with war and diplomacy, hence a war department, a navy department, and a state department were essential features of every government.

We are now in the beginning of a new era in the world's history, when industry and commerce, instead of war and diplomacy, are to be the chief subjects occupying the attention of governments. For this reason and in order that the Government of the United States may be prepared to deal properly with these new and changed conditions, I have introduced two bills, one to provide for a department of labor and another providing for a department of commerce.

The need for a department of labor on the lines provided in my bill is clear to every citizen who reads and looks with any degree of clearness on the industrial phenomena around us to-day in the United States.

After the preservation of order and the administration of justice, by far the most important duty of government to-day is to see to it that all its citizens are employed or have the opportunity to be employed at productive labor.

When any considerable number of the citizens of the country are shut out of the opportunity to labor the loss in wealth to the country is almost incalculable, and is equaled only in magnitude by the gigantic losses from great wars.

For example, the census of 1890 shows that during that year there were 1,139,000 people in enforced idleness. The census also shows that the average wealth produced per head by these workers was about $2,000 per year. Thus the United States suffered a loss of over two and a quarter billions of dollars in a single year from the failure to secure employment of this large number of its workers. This loss shows most impressively and conclusively the urgent need of such legislation as that embodied in my Department of Labor bill.

The great labor organizations of the country appreciate more than any other class of intelligent citizens the need of such legislation, and year after year have demanded it of Congress, but without result.

The failure of all other methods of settling the great coal strike shows most emphatically the need of the arbitration and conciliation provision in section 20 of my bill. The time has come when further delay on the part of Congress to act on this legislation is inexcusable.

I have devoted much time and care in the preparation of this bill, and it should be studied by the writers on the press and every thinker in the country. It will help in a large measure, in my judgment, to solve existing and future social, economic, and industrial problems. It will be a step in advance and in the right direction. It will protect and add dignity to labor, which creates all wealth, and do much to preserve the wealth created and conserve peace and order.

I shall keep on fighting for it, and sooner or later it will become a law, but during this session of Congress I could not get the Republicans to report it. If it had been reported it would have passed. The men who create all the wealth of this country demand the enactment into law of this bill.

The Washington Times, owned and edited by Frank A. Munsey, in a recent leading editorial commenting on this bill to establish a department of labor, said:

WORTHY OF CONSIDERATION.

The proposition of Representative SULZER for a department of labor will at least bear careful consideration. There is every reason to believe that the greatest problems of the near future will be industrial and commercial. The questions involved are intricate and most important. The material welfare of the nation depends upon the reasonable solution of the questions involved and the neglect of these questions is, as Mr. SULZER has pointed out, certain to lead to almost incalculable losses.

A popular government has the right to act in matters that concern the welfare of the nation. Some old-fashioned ideas may have to go slightly

which the work would be done, and although the specifications did not call for a time bid, the concern that received the contract—although at a higher price—received the order because, as I was told, they specified the time in which they would have the boat ready; and the first firm omitted that detail, although it was not in the specifications, and their price was lower.

The naval constructors to a man are most enthusiastically in favor of this measure. They are all agreed that as matters stand at present, when repair work is slack, the skilled forces at the various yards have to be broken up and dismissed, and that consequently there is a great loss of time and a scattering of disciplined forces, which it is difficult and generally impossible to gather together again when repair work is plentiful. With a battle ship and cruiser on hand at our three leading navy-yards—Boston, New Charlestown, New York, and Brooklyn—it would be possible to keep a force of first-class mechanics continually employed, transferring them from repair work to construction when necessary.

It is only just to the mechanics employed that this should be done. They are laid off through no fault of their own and much suffering is caused among their families.

The Charlestown Navy-Yard inside of a year will be one of the best equipped navy-yards in the country and will be prepared to do any kind of work. The total value of the Government navy-yards is $113,074,510, and it costs $18,404,047 annually to maintain them and produce $4,157,266 in results.

If there were $20,000,000 worth of construction work at the navy-yards, the cost for maintenance would not be greater than it now is. In view of these facts it is the height of folly not to experiment with the construction of ships by the Government.

In conclusion, Mr. Speaker, I want to see at least 3,500 men permanently employed in the Charlestown Navy-Yard, each man perfecting himself in his own line of effort until he has reached such a degree of excellence that his handiwork will rival in accuracy the finest art of the watchmaker. I want the busy hum of machinery to sing the song of contentment to thousands of happy families, the right arm of the family developing the right arm of the Republic, both keeping equal pace in development, both working for the preservation of the peace of the world. I am not hostile to the private yard. On the contrary, I believe in helping it out in every possible way that is legitimate and honorable, but as between putting vast profit into the pockets of a few already wealthy men and providing permanent employment for the worthy mechanic, I am with the mechanic both on economic grounds and the loftiest grounds of patriotic sentiment. [Applause.]

Mr. STARK. Mr. Speaker, how much time have I remaining?

The SPEAKER. Four minutes.

Mr. STARK. I yield two minutes to the gentleman from North Carolina [Mr. SMALL].

Mr. SMALL. Mr. Speaker, this bill has the indorsement of the adjutant-general of my State, and my knowledge of its provisions leads me also to approve of it. But I have not time to enter into its merits; I have risen for the purpose of asking unanimous consent to extend in the RECORD my remarks upon another bill—House bill 15109.

The SPEAKER. The gentleman asks unanimous consent to extend in the RECORD his remarks on House bill 15109. Is there objection? The Chair hears none.

[Mr. SMALL addressed the House. See Appendix.]

Mr. STARK. Mr. Speaker, I yield the balance of my time to the gentleman from New York [Mr. SULZER].

The SPEAKER. The gentleman from New York has three minutes.

Mr. SULZER. Mr. Speaker, this is a bill to promote the efficiency of our militia. and I am in favor of it. I have always been the friend of the volunteers; I believe in them, and I believe in the effectiveness of our citizen soldiery. This bill may not be perfect. Very little legislation is perfect; but if there are any material defects in the bill, they will soon be discovered and can be corrected hereafter. This bill has been most carefully considered, approved by the adjutants-general of all the States, and comes to us with a unanimous report from the committee. I shall vote for it, and I do not believe the fears of some of the gentlemen who have spoken against the bill are well founded. I have given considerable study to this matter and have always been in favor of that good old Democratic doctrine enunciated by Thomas Jefferson in favor of a well-disciplined militia.

It is the best security of a free people. I am now and always have been opposed to a large regular army in time of peace in a Republic like ours. It is true, as has been said, that we have on our statute books a lot of old, antiquated, and obsolete militia laws, some of them enacted in 1792. Most of these laws are useless to-day, and inoperative. This bill eliminates the obsolete laws, codifies the useful laws, and brings them up to the present time, perfects them, and makes it possible for the States in this country to get Government aid and have a great body of well drilled, disciplined, and modernly equipped citizen soldiery.

If this bill becomes a law, and I hope so, it will give to the several States a national guard—a military organization armed and equipped the same as the Regular Army. The Spanish-American war demonstrated the importance of having this done, and we should not neglect it. In this country every able-bodied citizen in time of war—when our homes are threatened by an invasion from a foreign foe—is a soldier and a good fighter. I believe in the bravery and the patriotism of the American citizen, and so long as our martial spirit lasts, and we glory in our free institutions, the Republic will be safe and endure. I hope the bill will pass.

A BILLION DOLLAR SESSION OF CONGRESS.

Now, Mr. Speaker, I shall take advantage of the time at my disposal to submit to the House a few remarks on some matters that I believe to be pertinent and of some moment to our fellow-citizens. We have been in session since the first Monday of last December. It has been indeed a long session, and it has been the most expensive session of Congress ever held in all our history. We have spent a great deal of the people's money—nearly a billion dollars. And what for? Let us see. I hold in my hand a statement of the appropriations made this session, and I ask the Clerk to read it.

The Clerk read as follows:

Appropriations of the Fifty-seventh Congress, first session.

[Omitting hundreds.]

Urgent deficiency	$20,384,000
Pension	139,842,000
Consular and diplomatic	1,958,000
Second urgent deficiency	193,000
Post-Office	138,472,000
Third urgent deficiency	75,000
Legislative, executive, and judicial	25,398,000
Ordnance and fortifications	7,299,000
Fourth urgent deficiency	178,000
Omnibus claims bill	1,640,000
Agricultural	5,210,000
Rivers and harbors	65,108,000
Omnibus public buildings bill	19,425,000
Indian	9,080,000
Sundry civil	60,125,000
District of Columbia	8,548,000
Military Academy	2,627,000
Panama canal (one year)	189,130,000
Army	91,530,000
Navy	78,681,000
General deficiency	8,250,000
Miscellaneous	2,250,000
Permanent appropriations	123,000,000
Total	998,403,000

Mr. SULZER. Now, gentlemen, that statement speaks for itself. It can not be successfully controverted. This is a Republican Congress—overwhelmingly Republican in both branches—and the Republican party must assume the responsibility for all its acts of commission and omission. The Republican party is responsible for all that has been done and all that has been left undone—for all the flagrant extravagance and abuse of power—during the first session of the Fifty-seventh Congress. A billion-dollar session of Congress is an anomaly in our legislative history. I ask the taxpayers to ponder on these facts. I ask the people how long they are willing to submit to it, and all for a little cheap glory of conquest; all for a little glitter and pomp and circumstance; all for a little tinsel and tassel and gold lace? How long do you want it to last? You can answer in the coming elections. Ask yourself what has this Congress done for you—what has it done for the rank and file?

IS THE RIGHT OF PETITION FUTILE?

What has this Congress done for labor? Where are the bills which were petitioned for by millions of workingmen? Congress has been deluged with petitions more numerous than "the leaves in Valambrosa," and all to no purpose. The Republican party has turned a deaf ear to these petitions. It has legislated either adversely on them or ignored them altogether.

No man will again be deceived by the Republicans passing a measure in the House and holding it up in the Senate, as was done with the antitrust bill in the last Congress. But this plan worked so well then that it has been tried again with the same idea of deceiving the workingmen of the country who have signed these petitions of which I speak. The eight-hour bill is a shining example, as well as the immigration bill, the letter carriers' bill, the overtime pay or excess of eight hours on Government work bill, the building of war ships in Government yards bill, and the Chinese-exclusion bill. All denied except one, the Chinese-exclusion bill, and the legislation on that subject was adverse to the true interests of American labor.

THE CHINESE BUNCO LAW.

As a matter of fact, the so-called Chinese-exclusion act is as defective, deceptive, and inefficient to accomplish the desired

that has been constructed to pass the inspector's eye by a narrow margin and return a handsome profit to its builder. All this must be considered when the relative cost of constructing ships in private and Government yards is discussed.

Another factor which must be considered, Mr. Speaker, is the time required by private yards to construct a vessel. They are all congested with work, and although the major portion of their enormous earnings is undoubtedly derived from Government work, this class of work is pushed to the rear and delayed, while private work, paying a smaller profit, is rushed ahead until completed. This is neither just nor businesslike, and only serves to accentuate the way in which the contractor regards the Government.

It is an outrage that this state of affairs exists and is allowed to continue. The shipping combines have the United States Government under their thumbs and do as they please.

Representatives of shipping combines have attempted to delay the authorization of new ships for the American Navy. They have allowed their sordid greed and mercenary desires to master their patriotism, and notwithstanding the fact we know not when we may be plunged into war and need every ship that we can obtain, have worked against an increase of the American Navy because they were already receiving all of the Government pap they can swallow, and are fearful lest the Government would build its own ships and find that it could do the work more satisfactorily, if not so cheap.

On January 1, 1902, there were in process of construction 8 battle ships, 6 armored cruisers, 9 protected cruisers, 4 monitors, 15 torpedo-boat destroyers, 9 torpedo boats, and 7 submarine boats. Although this total of 58 ships under construction would seem to indicate the activity with which the construction of our navy is being carried forward, it is unfortunate that the figures are misleading, for the reason that the private firms that have undertaken the contracts for these ships are woefully behind their contracts. Out of the whole 58 no less than 35 are behind from nine months to over three years. And yet not a word of protest is raised and these ship contractors come forward with claims against the Government for failing to deliver to them armor plate on time.

This disgraceful state of affairs should not be allowed to continue; the growth of our navy should not be hindered by mercenary shipbuilders.

Regarding the congested condition of private yards, a reliable newspaper says:

It seems evident that the builders have bitten off more than they can chew, yet they want more ships, and are doing their utmost to prevent the Navy from building its own ships. It is possible that with the formation of a ship-building trust matters may be so arranged that certain yards will construct naval vessels and others will get the mercantile work. The plan might work very well and be acceptable to the Government, which, after all, only requires work done according to the contract and at a reasonable cost, but there are grounds for apprehending that the trust would demand higher prices in order to pay dividends on its diluted capital stock.

It has been asserted by the opponents of shipbuilding in navy-yards that there is no telling how much a ship built by the Government will cost. This applies with equal force to contract-built ships. The contractor rarely pays any penalty, but claims for alleged extra work—damages sustained from various causes—are presented and liberal compensation allowed. Notwithstanding the vast improvements made during the last dozen years in tools and labor-saving devices, there has been no corresponding increase in rapidity of construction or decrease in cost of naval vessels, nor are any material improvements in this direction to be expected from the trust. Improved tools and labor-saving devices must certainly cheapen the cost of constructing ships, and the money saved in this manner must certainly go into the hands of the combine. How long will we let the contractors take advantage of the Government? How long will we let costly machinery rust away and skilled mechanics remain idle?

On the other side of the book, it will be seen that the Government is not seeking to make a profit on its work. So if a contractor gives a figure for a piece of work, figuring on a nine-hour day and calculating a generous profit, the Government certainly ought to do as well, figuring on an eight-hour day but not looking for a profit.

I find in the report of the Committee on Naval Affairs, on page 19—

In view of the fact that there is some public sentiment favorable to building ships in our Government navy-yards, it has been deemed advisable by the committee to insert a provision in the appropriation bill of this year leaving it in the discretion of the Secretary of the Navy to build any or all ships in Government yards, but making it mandatory on him to construct at least one battle ship or one armored cruiser in such navy-yard as he may designate, as an experiment; and it is further provided that he shall keep an accurate account of all expenditures for labor and material in the inspection and construction of such ship and report to Congress at each session, and upon the completion of said ship he shall make a detailed report showing the relative cost of one built by the Government and one by contract. It is believed by your committee that nothing short of an experiment of this kind will settle the question that has vexed many minds, and at the same time will show whether private contractors have been reasonable in their bids, and furthermore be a basis for future guidance in the continued construction of our Navy. An appropriation of $175,000 is recommended for each yard in which a ship is built.

Why, Mr. Speaker and gentlemen, the feelings of the people on this question can not be described as "some public sentiment favorable" to the idea. It is a demand. There is a demand from the people that we should do this, and a demand we are in duty bound and should be prompt to honor.

The great and general court of Massachusetts, the legislature of my own State, a body which for brains and intelligence and cold, hard-headed business sense is not surpassed in the United States, has just adopted the following resolutions, which I will read at this time:

Commonwealth of Massachusetts. In the year 1902. Resolutions relative to the building of war vessels in navy-yards of the United States.

Resolved, That the Senators and Representatives from Massachusetts in the Congress of the United States are requested to use all reasonable efforts to secure the passage of the naval appropriation bill now pending in such form as shall authorize the construction by the United States Government in its own navy-yards of some of the war vessels to be built under the provisions of that bill.

Resolved, That properly attested copies of these resolutions be sent to each of the Senators and Representatives from Massachusetts in Congress.

SENATE, *May 1, 1902.*

Adopted, sent down for concurrence.

HENRY D. COOLIDGE, *Clerk.*

HOUSE OF REPRESENTATIVES, *May 7, 1902.*

Adopted, in concurrence.

JAMES W. KIMBALL, *Clerk.*

A true copy. Attest:

Clerk of the Senate.

And so all over the country, every member of this House is deluged with petitions from labor organizations, boards of trade, city councils, and State legislatures, and, in fact, almost every assembly gathered to discuss questions of public interest have adopted resolutions favoring the building of Government vessels in the Government navy-yards. We have in Boston a splendid opportunity to examine into the merits of this question by observing actual operation.

On one side of Boston Harbor is located the new and, I sincerely hope, successful plant of the Fore River Ship and Engine Company building; there to-day are the battle ships *New Jersey* and *Rhode Island*, 15,000 tons each, contract price of each being $3,405,000; protected cruiser *Des Moines*, contract price $1,035,000; torpedo-boat destroyers *Lawrence* and *McDonough*, contract price each $281,000; total Government contracts, $8,437,000. Across the harbor in Charlestown at the Boston Navy-Yard is located a plant valued at about $13,000,000, on which we expended for maintenance and improvements during the fiscal year ending June 30, 1901, $1,252,408.

We have also there the accumulated experience of nearly one hundred years in handling vessels and a picked lot of men filled with the traditions of the trade and anxious for steady work.

James O'Connell, president of the International Association of Machinists, said at a hearing held to consider the question we are now discussing: "In fact, the New England States are credited with having the highest mechanical skill in the country."

This may well be accepted as authority concerning the rank and file, the bone and sinew of the yard, and while my personal opinion on the matter is of no interest, my observations and investigations convince me that Mr. William J. Baxter, the naval constructor at the Boston Navy-Yard, is one of the foremost, if not the foremost, naval constructor in the United States. Now, there is the situation. If the Fore River Ship and Engine Company can take contracts amounting to over $8,000,000 and make a profit on same, why can not the Government, with its enormous plant, build at least a cruiser over at the Charlestown yard and get it out without sustaining a loss?

On page 17 of the committee report I find a table showing the ships now in process of construction, and their degree of completion April 1, 1902.

The table is incomplete, uninteresting, uninstructive. How much more entertaining reading would the table be if the committee had added the date on which the contractors had agreed to have their several boats finished. I have not gone into the table in detail, but I have personal knowledge of one boat, which I will not mention unless all the others are mentioned also, which was to have been launched last November, and to-day, six months later, she has not been thrown overboard. Now, what I want to know is this: Does the Government get any rebate on the contract price by reason of failure to have the boat ready at the stipulated time?

I think if we have a naval constructor in one of our yards, and he could not get a boat into the water inside of six months after the date he had agreed to launch her, there would be a hearing on his case, an investigation, and good chances for a subsequent vacancy in that particular position.

Only the other day my attention was directed to a case where a shipbuilding concern in my district failed to receive a contract for repair work on a boat because they did not specify the time in

importance to this Republic. I do know that the National Guard of Pennsylvania is the largest, finest, and best-drilled body of State troops in the Union to-day [applause]; that it desired to go as a body into the service of the United States, and that most of its members did serve in the war with Spain. I do know that Pennsylvania has an exceedingly popular and most capable adjutant-general, and that he and other officers of the National Guard assure me that the passage of this bill is most desirable and necessary. Therefore I hope that it will pass. [Applause.]

Mr. DICK. Mr. Speaker, in order that the House may have a sample of the law which we expect to repeal I ask the Clerk to read section 1628 of the Revised Statutes.

The Clerk read as follows:

SEC. 1628. Every citizen shall, after notice of his enrollment, be constantly provided with a good musket or firelock of a bore sufficient for balls of the eighteenth part of a pound, a sufficient bayonet and belt, two spare flints, and a knapsack, a pouch with a box therein to contain not less than 24 cartridges, suited to the bore of his musket or firelock, each cartridge to contain a proper quantity of powder and ball; or with a good rifle, knapsack, shot-pouch, and powder-horn, 20 balls suited to the bore of his rifle, and a quarter of a pound of powder; and shall appear, so armed, accoutered, and provided when called out to exercise, or into service, except that when called out on company days to exercise only he may appear without a knapsack. And all arms, ammunition, and accouterments so provided and required shall be held exempted from all suits, distresses, executions, or sales, for debt or for the payment of taxes. Each commissioned officer shall be armed with a sword or hanger and spontoon.

Mr. DICK. Mr. Speaker, I do not think it needs better proof to maintain the assertion in the President's last message that the militia laws of the country are obsolete. The effort of your committee has been to bring in something modern, something practical. It comes here with a unanimous report, filed more than three months ago. The press of the entire country has universally approved the measure. The National Guard organizations of every State and of every section of the country have indorsed its provisions.

The Secretary of War approves it with a letter which is filed with our report. It may not be a perfect law; we make no claim to perfection, but it is the belief and hope of your committee that this law will bring about at a minimum of expense a maximum of our military power, and that in times of peace we shall be able to reduce the standing army of our country to the very minimum. Mr. Speaker, I might go on in detail and explain the provisions of this act, but it has been in the hands of members of Congress with reports for so long a time that I think it best now to call for a vote. Before doing so I ask unanimous consent that leave to print remarks on the bill be granted to members for the period of ten days.

The SPEAKER. The gentleman from Ohio asks unanimous consent for general leave to print on this bill for ten days. Is there objection?

Mr. RICHARDSON of Tennessee. Mr. Speaker, I do not think it ought to be given for ten days.

Mr. DICK. I will modify the time. How much time does the gentlemen suggest?

Mr. RICHARDSON of Tennessee. I shall object to a longer period than five days.

Mr. DICK. I am willing to so modify the request.

The SPEAKER. The request is modified to five days. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The question now is on suspending the rules and passing the bill.

The question was taken; and on a division (called for by Mr. CLAYTON) there were—ayes 180, noes 28.

So (two-thirds having voted in favor of the motion) the rules were suspended and the bill was passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed a joint resolution of the following title; in which the concurrence of the House was requested:

S. R. 130. Joint resolution authorizing certain temporary repairs to the Aqueduct Bridge, District of Columbia.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 11573. An act for the relief of settlers on lands granted in aid of the construction of wagon roads;

H. R. 14087. An act granting a pension to Lizzie Dunlap;

H. R. 13617. An act granting an increase of pension to Anne M. Luman; and

H. R. 7105. An act granting an increase of pension to Silas Stotts.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 6117) for the relief of George Lea Fibiger.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 12805. An act requiring the Anacostia and Potomac River Railroad Company to extend its Eleventh street line, and for other purposes; and

H. R. 12977. An act granting an increase of pension to William L. Church.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 3896. An act to amend section 3362 of the Revised Statutes, relating to tobacco.

SENATE JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate joint resolution of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. Res. 130. Joint resolution authorizing certain temporary repairs to the Aqueduct Bridge, District of Columbia—to the Committee on the District of Columbia.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. CANNON. Mr. Speaker, I present a conference report on the general deficiency appropriation bill, and ask unanimous consent that the statement may be read and that the reading of the report may be omitted.

The SPEAKER. The gentleman from Illinois calls up the conference report on the general deficiency bill, and asks unanimous consent that the reading of the report be omitted and that the statement only be read. Without objection this course will be pursued.

There was no objection.

The conference report was read.

[For report of the committee of conference see page 7605.]

The Clerk read the statement of the House conferees, as follows:

The managers at the conference on the part of the House on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 15108) making appropriations to supply deficiencies, submit the following written statement in explanation of the action on each of the amendments in the accompanying conference report, namely:

On No. 26: Strikes out the appropriation of $1,000,000 proposed by the Senate on account of the Territory of Hawaii;

On No. 34: Inserts the limitation proposed by the House in the amendment of the Senate appropriating $25,000 for the Ohio River;

On Nos. 81 and 82: Appropriates $1,000, to be paid in the discretion of the Superintendent of the Capitol, to certain employees injured while employed on the Capitol building;

On Nos. 87 and 88: Appropriates $2,679.44, as proposed by the Senate, for services of a receiver and register of the land office in Alaska;

On No. 90: Appropriates $15,000, instead of $30,000 as proposed by the Senate, for fencing and for buffalo in the Yellowstone National Park;

On No. 91: Strikes out the appropriation of $175,000 proposed by the Senate for survey of certain Indian reservations and inserts a provision requiring specific estimates for such surveys to be submitted to the next session of Congress;

On No. 93: Appropriates $800, as proposed by the Senate, to pay for services of a clerk in the post-office at San Antonio, Tex.

On Nos. 99 and 116: Strikes from the bill the appropriation of $10,000 as proposed by the Senate and $1,000 as proposed by the House, to purchase manuscript for a new edition of Charters and Constitutions.

On amendment numbered 9, making an appropriation for the Charleston Exposition, the committee of conference have been unable to agree.

J. G. CANNON,
S. S. BARNEY,
L. F. LIVINGSTON,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. CANNON. Mr. Speaker, there is one amendment yet undisposed of. That is the amendment of the Senate that appropriates $160,000 for the Charleston Exposition. I will move that the House further insist upon its disagreement——

Mr. FINLEY. Mr. Speaker, I move that the House recede from its disagreement to Senate amendment No. 9, and agree to the same.

The SPEAKER. The gentleman from South Carolina moves—which is a preferential motion—that the House recede from its disagreement and concur in the amendment of the Senate.

Mr. CANNON. Mr. Speaker, a moment. I want to ask unanimous consent at this time that I may be permitted to file the usual statement of appropriations and matters connected therewith within the next five days.

The SPEAKER. The gentleman from Illinois asks unanimous consent that he may be permitted to file for publication in the RECORD a statement of the appropriations of the present session. Is there objection?

Mr. CANNON. And I will also ask in the same connection that any member of the Committee on Appropriations may do the same, if he desires.

The SPEAKER. The gentleman from Illinois modifies his

request so that it shall apply to all members of the Committee on Appropriations. Is there objection?

Mr. RICHARDSON of Tennessee. I understand that it is expressly limited to five days. I shall object unless it is, because we ought not to have a RECORD issued thirty or sixty days after the adjournment of the session, as we have before.

Mr. CANNON. I think five days will be quite long enough. I now hope to print the statement that I shall offer in the RECORD of Wednesday morning.

Mr. BENTON. I think that will be sufficient time for us.

Mr. LIVINGSTON. I want to say that my statement will be published in the RECORD on Wednesday morning.

The SPEAKER. Is there objection?

There was no objection.

Mr. CANNON. Mr. Speaker, it is proper for me to say, touching the only amendment of the Senate that is not disposed of, the disposition of which alone stands in the way of the enactment of the deficiency bill, all other matters being closed, that the Senate is insistent upon this amendment. It is proper for me to say, further, that this amendment originated in the Senate, that it is without law, and is legislation and appropriation combined.

If the House should further insist upon its disagreement, under the practice in such matters it is the part of the Senate to recede. That is the invariable rule between the two bodies. When one body proposes legislation or appropriation not authorized by law, in connection with or as an amendment to an appropriation bill, that body invariably recedes if the matter can not be accommodated between the two bodies. In this instance the Senate proposes the amendment. I want to be exactly fair——

Mr. FINLEY. Mr. Speaker——

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from South Carolina?

Mr. CANNON. In a moment. I want to be exactly fair with the House. In my judgment, if the House intends to vitalize the amendment for Charleston, S. C., this is its opportunity. I do not care at this time, so far as I am concerned, to speak further of its merits.

I do not care to go back and hold a post-mortem over the merits of the Buffalo appropriation. That is vitalized as soon as this amendment is disposed of and the bill is signed by the President. It does not do much good to talk about last year's birds' nests. I shall vote against this amendment, so far as I am concerned, as I did before, and will repeat now what I stated a few hours ago when that matter was before the House for consideration.

This amendment is wrong. The Buffalo amendment was wrong. The Buffalo amendment passed. This was rejected. Somebody suggested that when you considered the two propositions together it was like unto straining at a gnat, this being the gnat, and swallowing the Buffalo camel. [Laughter.] That is what it is. It is a peculiar cross, but we have swallowed it.

Mr. FINLEY. One question.

The SPEAKER. Does the gentleman yield?

Mr. CANNON. In a moment I will yield. Now, having stated this much I stand ready to yield to the gentleman from South Carolina a brief time. How much time does my friend desire?

Mr. FINLEY. Mr. Speaker, I merely wish to say, as I understand the gentleman's conviction, it is that between the two propositions his view is, and he has so stated privately, that the Buffalo proposition has no advantage over Charleston. [Laughter.]

Mr. CANNON. Well, one is a great big kettle, Buffalo, and the other is a little bit of a black pot, Charleston. [Great laughter and applause.]

The SPEAKER. The question is on the motion of the gentleman from South Carolina.

Mr. CANNON. Mr. Speaker, I desire to yield some time to the gentleman from Mississippi. I beg the pardon of my colleague, the gentleman from Georgia, a member of the conference committee. I yield to him such time as he may desire.

Mr. LIVINGSTON. Mr. Speaker, it is a well-known fact to every member of this House that this amendment originated in the Senate. It is also well known that our Appropriations Committee turned down both appropriations, that for Buffalo as well as that for Charleston.

More than that, I want to say, Mr. Speaker, that I voted against the Buffalo appropriation and against the Charleston appropriation; but I undertake to say in my place that this House giving Buffalo $500,000 without any merit, and perhaps with less merit than Charleston, it looks to me that it would be an outrage to allow Charleston to go without this pittance of an appropriation after having given Buffalo $500,000. [Applause on the Democratic side.]

All I wish to say now is that it can not be justified on either side of this House, nor can it be justified before the public of this country to make such a discrimination between the two places. I ask the House to look at it in that light.

Mr. CANNON. I will yield to the gentleman from South Dakota in a moment, but I yield to the gentleman from Mississippi [Mr. WILLIAMS]—how much?

Mr. WILLIAMS of Mississippi. About two or three minutes.

Mr. CANNON. Well, three minutes.

Mr. WILLIAMS of Mississippi. Mr. Speaker, both of these appropriations are superlatively wrong. There is nothing that I know of that grants the Federal Government the right to carry on a national or any other sort of a show. I think it would be just about as much within the power of the Federal Government to make an appropriation for an effective display of steriopticon picture exhibits as either one of these two things.

But, Mr. Speaker, the majority of this House took a different view of this matter when it made the appropriation for the Buffalo exposition. There is no difference at all between these two things that I can discover, except two.

First, that Buffalo is in the north and that Charleston is in the south, and, second, that the men who wanted the Buffalo exposition appropriation obtained the aid and assistance of Congress in order to get money out of the Treasury by promises more extreme than those given for the Charleston exposition, and after the Charleston exposition people had voted for the scheme of the Buffalo men, the latter then vacated their seats in order to prevent giving the quid pro quo.

I do not find but one other difference between the two things, and that is that I consider Charleston stands upon a much higher plane of equity before Congress than Buffalo does. The Buffalo men's promises not to apply to Congress for any other appropriation were much more sacred in their character and under the conditions under which they were given than any like promises upon the part of Charleston.

You can go forward to-morrow, if you please, having first set aside all constitutional limitations in both cases, and then brand yourselves as having made an appropriation of exactly the same character for the North and having refused it for the South, if you choose. I can not find, for the life of me, any justification for either appropriation; but if there be justification for the Buffalo appropriation, there is just twice that much justification for the Charleston appropriation. [Applause on the Democratic side.]

Mr. CANNON. I yield five minutes to the gentleman from South Dakota.

Mr. BURKE of South Dakota. Mr. Speaker, the proposition embodied in this amendment was introduced into this House by a separate bill, which was referred to the Committee on Industrial Arts and Expositions, of which I am a member. The bill was considered by that committee, after a very full hearing, and the committee were unanimous in the decision that there was absolutely no merit in it whatever. This is entirely different from the Buffalo proposition.

Why, Mr. Speaker, in the hearings before the committee to which I have referred, the chairman or the president of the Charleston Exposition Association appeared and testified, and it appears from his testimony that this exposition was given simply and purely as a local matter for Charleston. I refer now to his testimony on page 2 of the hearings. He says:

> I have made it a special business to show those who have come to Charleston the advantages of that city as a place for investment. Of course the exposition has been given for that specific purpose. As far as I am individually concerned that has been the purpose.

And then he says:

> The question with us is whether we are going to be helped out of the lurch.

The proposition as stated by that gentleman was this, that they were simply here asking Congress for an appropriation to make good a deficit that exists by reason of this exposition.

Mr. Speaker, that gentleman was unable before that committee to state what the receipts of the exposition were; he was unable to state what the expenses had been; he was unable to state what the deficit is, and he was unable to state to whom they owed the money. And if there was any merit whatever in this proposition I say that it does seeen to me that Congress can not intelligently act until we know something about what the amount of the deficit is.

Mr. BARTLETT. I want to call the attention of the gentleman to the fact that when the hearing was had Captain Wagner, in answer to the chairman of the committee, made a statement which you will find on page 20——

Mr. BURKE of South Dakota. That does not contain one syllable or one word as to the deficit or who the money was owing to. Now, I can not yield further. The Buffalo proposition provided to pay for material and labor, and we know something about who the money is to go to. This provides it shall be paid for labor, articles, and services rendered to said company for work of said exposition, and reimbursement of any officer of said company.

It appears, Mr. Speaker, that a portion of the indebtedness is

due to banks in the city of Charleston. They have an overdraft of $21,000. The president of the association says he has obligated himself for some of this indebtedness. On page 16 of the hearings he, in answer to a question by the chairman, "Who is liable for the money?" answered, "The exposition company is liable, but the exposition company is no good; I am liable for it." Now he comes to Congress and asks an appropriation to pay a deficiency that exists there that he himself says he is liable for, and to pay overdrafts on the banks in the city of Charleston.

I want to call the attention of the House to another feature of this provision, and that is that not one dollar has ever yet been appropriated by the State of South Carolina for this exposition except an appropriation for a State exhibit. Not one dollar has ever been given to this exposition, as appears from this hearing, except to pay for that exhibit.

Mr. FINLEY. Will the gentleman from South Dakota yield to me?

Mr. BURKE of South Dakota. I can not yield now.

The SPEAKER. The time of the gentleman from South Dakota has expired.

Mr. CANNON. I will yield the gentleman two minutes more.

Mr. BURKE of South Dakota. Then I will answer the question of the gentleman from South Carolina.

Mr. FINLEY. The gentleman states the State of South Carolina has not made an appropriation except for a State exhibit. Does not the gentleman know that the appropriation covered both building and exhibit?

Mr. BURKE of South Dakota. It was simply a State exhibit, just as the Government has done. The Government appropriated $90,000 to pay for their exhibit.

Mr. FINLEY. The gentleman is mistaken in making that statement.

Mr. BURKE of South Dakota. I will show it by the president of the association in the statement that he made in the hearings before the committee.

Mr. FINLEY. The gentleman is entirely mistaken.

Mr. BURKE of South Dakota. The gentleman can not find it in the testimony before the committee. There is not a syllable of testimony except that there is an overdraft of $20,000 due the banks, and that the president of the association himself is liable for some contingent amount, we do not know how much, and this provision in the bill asks us to vote to give them $160,000 to pay out to whosoever they see fit if they have claims against this exposition.

Mr. CANNON. I now yield five minutes to the gentleman from Minnesota [Mr. TAWNEY].

Mr. TAWNEY. Mr. Speaker, this bill proposes to make the same appropriation that is provided for in the amendment to the general deficiency bill that was introduced in the House, and referred to the Committee on Industrial Arts and Expositions, as was said by the gentleman from South Dakota.

That committee gave to those interested in the appropriation a hearing, and upon that hearing Mr. Wagner, the president of the exposition, appears, and his testimony shows conclusively that the amount now sought by this amendment to the pending appropriation bill was to make good either the amount that has been paid by the individual members of that association or to pay amounts for which the individual members of the association are liable.

I said this morning, when we were considering the amendment in respect to the Buffalo Exposition, that if any individual member of the exposition company was liable for that deficit due to contractors I would not vote for it, and if there was any liability on the part of the State I would not vote for it; but here were the facts that the contractors who had paid their money for material and labor which went to make the exposition a success, and because of the catastrophe that occurred there in September the receipts were not sufficient to enable the company to pay that indebtedness due those contractors.

I can state to the House that from the testimony of Mr. Wagner it appears that the Charleston Exposition was not closed on any day from the beginning of the exposition to the end, including Sundays; that the deficit is due entirely to either a failure on the part of the company to properly advertise their exposition or because for some other reason the people of the United States did not attend it. Mr. Wagner expressly states to us that there were no extraordinary circumstances that interfered with the attendance at their exposition.

Now, Mr. Speaker, it seems to me that this is simply a business proposition. There is no circumstance connected with the exposition at Charleston that can in any case be construed as creating an obligation on the part of the Government of the United States to make up this deficit. In that respect the exposition at Charleston is distinguishable from the Buffalo Exposition.

There is another distinguishing feature; and it grows out of the relation of the Government of the United States to the Buffalo Exposition and the relation of the Government to the Charleston Exposition. In the one case the Government authorized the exposition, and by authority of Congress the President of the United States invited foreign nations to participate in that exposition, to make their exhibits. In the other case the Congress absolutely refused to have anything to do with the Charleston Exposition by refusing to appropriate money to enable the Government of the United States to make exhibits at that exposition. The two cases are entirely different.

I want to say further that this Congress has already made a gift of $90,000 to the Charleston Exposition. Before the Exposition was opened the managers came to Washington and interviewed the President. They secured from him permission——

The SPEAKER. The time of the gentleman has expired.

Mr. TAWNEY. I would like time simply to complete my statement.

Mr. CANNON. I yield the gentleman one minute more.

Mr. TAWNEY. They secured from the President permission to take the Government exhibits of the Pan-American Exposition to Charleston upon the express promise that they themselves were to defray the expense of transportation and maintenance. But when Congress convened it was apparent that there would be a deficit, and then they came to Congress and asked us to make good a portion of that deficit by appropriating money enough to defray the expense of transporting the Government exhibits to Charleston and the expense of their maintenance.

We appropriated $90,000 for that purpose, almost all of which has been paid, according to the report of the Secretary of the Treasury to our committee. Therefore I think the two cases are entirely different. South Carolina has already received a donation from the Federal Government.

[Here the hammer fell.]

Mr. CANNON. I yield now to the gentleman from South Carolina [Mr. FINLEY]. How much time does he wish?

Mr. FINLEY. Just a few minutes. I do not propose to detain the House.

Mr. CANNON. I yield five minutes to the gentleman.

Mr. FINLEY. Mr. Speaker, it was not my intention to further debate this proposition this evening; nor would I have done so but for the fact that statements have been made here on the floor which are incorrect. It has been stated that South Carolina did not appropriate anything except for an exhibit. The fact is that the State of South Carolina made an appropriation of $50,000 for a building and an exhibit.

It may be said that $50,000 is not very much, but I wish to say to the members of this House that in the State of South Carolina, where there is less than $200,000,000 worth of property on the tax books and where the taxes collected for State purposes are about $1,000,000, $50,000 is, in round numbers, about 5 per cent of all the money paid into the State treasury in the way of taxation annually.

So I submit that the State did make an appropriation. More than that, the city of Charleston made one of like amount, and the counties of South Carolina had their exhibits.

The gentleman from South Dakota argues that there is nothing to show where this money will go. If members will turn to page 21 of the report of the committee they will find this statement:

Amount of claims made by contractors and for materials and workmanship		$103,579.51
Amount cash loans due	$115,000	
Amount cash loans about	32,000	
		147,000.00
		250,579.51

Now, I say to the gentleman from South Dakota and to members of the House that every dollar here appropriated will go——

The SPEAKER. The time of the gentleman has expired.

Mr. CANNON. Mr. Speaker, I yield one minute more.

Mr. FINLEY. Mr. Speaker, I will say to the members of this House that every dollar that is asked for will go to the contractors, to the material men, and to the laborers, or those who have paid the bills and stand in their shoes. Not one dollar will go into the pockets of any member of this corporation.

The bonds that were issued were a mortgage upon the gate receipts. Two-thirds of that has been paid, and that is all that will be paid. Not one cent that is asked here will go to the bondholders—to the men who furnished the money and took the bond of the exposition company.

The SPEAKER. The time of the gentleman has expired. The question is on the motion of the gentleman from South Carolina, that the House recede from its disagreement to the amendment of the Senate and concur in the same.

The question was taken and the motion agreed to.

On motion of Mr. FINLEY, a motion to reconsider the last vote was laid on the table.

NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I desire to submit a conference report on the naval appropriation bill, and I ask unanimous consent to dispense with the reading of the report and that the statement of the House conferees may be read.

Mr. GAINES of Tennessee. Mr. Speaker, we have been doing that several times to-day, and a good deal of confusion and misunderstanding has occurred. I would like to ask the gentleman what is in the report and how long it is?

Mr. FOSS. Oh, it is a very short report.

The SPEAKER. The gentleman from Illinois asks unanimous consent to dispense with the reading of the report and that the statement only be read. If there is no objection this course will be pursued. [After a pause.] The Chair hears none.

The Clerk read the statement, as follows:

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes, submit the following written statement, to wit:

The committee of conference have been unable to agree on the following amendment:

On No. 91, as to "Increase of the Navy" and the method of construction of new ships authorized.

GEORGE EDMUND FOSS.
R. W. TAYLER.
ADOLPH MEYER.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate numbered 91 to the bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes, having met, after full and free conference have been unable to agree.

GEORGE EDMUND FOSS,
R. W. TAYLER,
ADOLPH MEYER,
Managers on the part of the House.
EUGENE HALE,
GEO. C. PERKINS,
Managers on the part of the Senate.

Mr. FOSS. Mr. Speaker, I now move the adoption of the report.

The SPEAKER. The Chair thinks that that is not a motion to be permitted. The report is simply a statement that the conferees have been unable to agree. There is nothing to be voted on there.

Mr. FOSS. I supposed it was proper to adopt or accept.

The SPEAKER. What is the motion of the gentleman?

Mr. FOSS. I move that the House recede from its disagreement to amendment No. 91 and concur in the same with an amendment striking out said amendment, and inserting in lieu thereof the following; which I will send to the Clerk's desk to be read.

The SPEAKER. The gentleman from Illinois moves to recede from this amendment with an amendment, which the Clerk will read.

The Clerk read as follows:

That the House recede from its disagreement to amendment No. 91, and agree to the same with an amendment striking out said amendment and inserting in lieu thereof the following:

"That for the purpose of further increasing the naval establishment of the United States, the President is hereby authorized to have constructed by contract two first-class battle ships, carrying the heaviest armor and most powerful ordnance for vessels of their class, upon a trial displacement of not more than 16,000 tons, and to have the highest practicable speed and great radius of action, and to cost, exclusive of armor and armament, not exceeding $4,212,000 each; two first-class armored cruisers of not more than 14,500 tons trial displacement, carrying the heaviest armor and most powerful armament for vessels of their class, and to have the highest practicable speed and great radius of action, and to cost, exclusive of armor and armament, not exceeding $4,659,000 each; two gunboats of about 1,000 tons trial displacement, to cost when built, exclusive of armament, not exceeding $382,000 each; and the contract for the construction of each of said vessels shall be awarded by the Secretary of the Navy to the lowest best responsible bidder, having in view the best results and most expeditious delivery; and in the construction of all of said vessels the provisions of the act of August 3, 1886, entitled "An act to increase the naval establishment," as to materials for said vessels, their engines, boilers, and machinery, the contracts under which they are built, the notice of any proposals for the same, the plans, drawings, specifications therefor, and the method of executing said contracts shall be observed and followed, and, subject to the provisions of this act, all said vessels shall be built in compliance with the terms of said act, and in all their parts shall be of domestic machinery, and the steel material shall be of domestic manufacture, and of the quality and characteristics best adapted to the various purposes for which it may be used, in accordance with specifications approved by the Secretary of the Navy; and not more than two of the six battle ships, armored cruisers, and gunboats provided for in this act shall be built by one contracting party.

"One battle ship or one armored cruiser herein provided for shall be built on or near the coast of the Pacific Ocean or the waters connecting therewith; but if it shall appear to the satisfaction of the President from the bidding for such contracts that said vessel can not be constructed on or near the coast of the Pacific Ocean at a cost not exceeding 4 per cent above the lowest accepted bid for the corresponding vessel provided for in this act, he shall authorize the construction of said vessel elsewhere in the United States, subject to the limitations as to cost hereinbefore provided. If the Secretary of the Navy shall be unable to contract at reasonable prices for the construction of any of the vessels herein authorized, then he may build such vessel or vessels in such navy-yards as he may designate: *Provided*, That the Secretary of the Navy shall build one of the vessels authorized by this act in such navy-yard as he may designate: *Provided further*, That the Secretary of the Navy shall build all the vessels herein authorized in such navy-yards as he may designate, should it reasonably appear that the persons, firms, or corporations, or the agents thereof, bidding for the construction of any of said vessels, have entered into any combination, agreement, or understanding, the effect, object, or purpose of which is to deprive the Government of fair, open, and unrestricted competition in letting contracts for the construction of any of said vessels.

"The Secretary of the Navy is hereby instructed to keep an accurate account of the cost of inspection and construction of vessels provided for in this act, whether built in Government yards or by contract, and report thereon to Congress, at each session, the progress of work and cost thereof including the inspection of all the material going into the construction of said vessels, and, upon the completion thereof, to report a full and detailed statement showing the relative cost of inspection and construction in Government yards and by contract."

Mr. FOSS. Mr. Speaker, I desire to add to that the following, which I will ask to have read.

The Clerk read as follows:

And for the purpose of preparing and equipping such navy-yard or navy-yards as may be so designated for the construction of said ship or ships, the sum of $175,000, or so much thereof as may be necessary, is hereby appropriated for each of the navy-yards in which the Secretary of the Navy may direct any such ship or ships to be built.

Mr. RIXEY. Mr. Speaker, I would like to ask the gentleman a question in regard to the amendment.

The SPEAKER. Does the gentleman yield?

Mr. FOSS. Yes.

Mr. RIXEY. Is the amendment which was read from the RECORD by the Clerk before this last amendment which you now propose the same amendment as was proposed yesterday?

Mr. FOSS. The amendment which was read from the RECORD is identically the same. I have added to it, however, the provision which I just now sent to the Clerk's desk, providing for an appropriation of $175,000 for equipping any or each yard in case the Secretary of the Navy finds that such yard is not properly equipped.

Mr. HANBURY. Mr. Speaker, I should like to ask, as a member of the House, what the gentleman has in mind, or what navy-yard he seems to have in his mind, which is not thoroughly equipped to-day, and needs $175,000 to equip it?

Mr. WATSON. Why, every one of them.

Mr. FOSS. I would say to the gentleman that the Chief Constructor of the Navy, Admiral Bowles, appeared before the committee and said that there were very few of our navy-yards which were well enough equipped for the building of ships without an appropriation of this kind. I presume that to-day our best equipped yard is New York, but some of the other yards are not equipped for the building of ships at the present time.

Now, Mr. Speaker, I would ask my colleague upon the committee [Mr. TAYLER of Ohio] if he desires time for the discussion of this question?

Mr. TAYLER of Ohio. Mr. Speaker, I do not know exactly how much time will be needed on our side of the question. I suppose the gentleman in charge of this amendment has an hour, and if he will yield half of that time to me, we will get through as soon as we can.

Mr. FOSS. I will gladly yield one-half of my time to my colleague.

The SPEAKER pro tempore [Mr. DALZELL]. The gentleman from Ohio has thirty minutes.

Mr. TAYLER of Ohio. Mr. Speaker, this controversy between the two Houses has reached an acute stage, and the question is whether the House, after having twice debated this proposition, while no debate has occurred at the other end of the Capitol, will now recede from the position which it has deliberately taken and refuse to stand where it stood before.

And I desire, Mr. Speaker, at the outset, to advert to a statement made in the hearing of gentlemen some time ago, and in principle repeated by the chairman of the Committee on Appropriations [Mr. CANNON] a few minutes ago, not in relation to this matter, but as indicating the ground that some gentlemen are taking as to the duty of the House at this juncture, namely, that as the House is proposing new legislation, it is the duty of the House in case of conflict to recede.

I dispute the accuracy of that statement of fact as to this bill. This bill, like all other naval appropriation bills, provides for the construction of battle ships, armored cruisers, and gunboats. That is the essential part of this portion of the bill, and whether they be built in Government yards or whether they be built by private contract is a mere incident, necessarily superimposed upon the main proposition of building ships. And to say that we are injecting new propositions into old measures and old methods by reason of the fact that we merely say that a part of these ships shall be built in Government yards is drawing a finer sight upon the situation than I am capable of following.

Now, Mr. Speaker, it is unfortunate, in my opinion, that this controversy has arisen in the way in which it has, and that so much has been said about outside pressure from labor organizations, etc., impelling men to vote against their convictions, and,

in a sense, to exhibit themselves as demagogues here by their voice and by their vote.

I am glad to say that, so far as I am concerned, politically and personally, and in all the relations which I expect to sustain toward others, no man can be less influenced by any such considerations than I, and I am glad to be able to stand here now in the presence of this House and assert my deliberate conviction that the time has come when this nation ought to proceed to make, in so far as it can, those things for the purchase of which it is practically the only market. [Applause.]

I want to say this to gentlemen on this floor, and to apply it to myself in an equal way, that we made a grave mistake some years ago when we did not adopt the policy of making our own armor plate. [Applause.] I myself opposed that, and I think if it was presented as an independent proposition I would oppose it to-day, because I do not think we are going to buy enough armor plate at a time to make it pay for us to run our own armor factory; but that is not here now, and I do say this, that if we had built our own armor factories six years ago, as on the floor of this House it was contended we ought to do, we would to-day have more than paid for that armor factory in the increased price that we have had to pay for our armor since that date. The injection or introduction of a single threatened bidder for armor two years ago resulted in a saving to this Government of nearly $2,000,000 in the current contracts for armor which we are now receiving.

We might just as well meet this question now as at any other time. This country demands that at least the experiment be tried as to whether and how we can build Government vessels in Government yards. There is a good deal of archaic talk about the time when we built the *Raleigh*, the *Cincinnati*, the *Maine*, and the *Texas* in Government yards; but to compare our capacity and our capabilities, both as to factories, implements, men, mechanics, and engineers, with the industrial conditions that prevail in our Government works to-day is as though one would undertake to compare the construction of John Stephenson's first locomotive with a 120-ton locomotive of to-day.

We might as well try the experiment now. Speaking for myself, I will be perfectly satisfied, as I was perfectly satisfied when this bill was under consideration, if we provide for the building of only one of these great battle ships in a navy-yard. If we do build it, we will find out what our capacity is, and it is quite as important to know what we can do, whether we know we can not do it well or that we can do it just as well; that we should know that as that we should pay more or less for the thing that we undertake to manufacture.

Then, again, our yards ought to be equipped, one or more of them, for doing this great work. No one on this continent is having great battle ships and great armored cruisers built except our own country. We are the great customer for them so far as American yards are concerned, and we ought to know further whether we can build them in our own yards, so that in time of stress, if need be, or in time of monopoly, if it should come, we will know, and then we will know that we are equipped to do this great work.

Then, again, if we build one or more of these great ships, if it is known that one of them is to be put in competition as to price and character and quality with the ships built in private yards, we will at once feel the effect of that operation upon those who outside are bidding for the construction of these Government ships.

I doubt not, Mr. Speaker, that however much more the building of a great ship in the Government yard may cost us than if built by private contract, we will save all of that exceessive cost in the reduction of price on the same character of ships built by contracts in private yards.

Now, I do not know, Mr. Speaker, whether at the other end of the Capitol there will be found to be an agreement if we insist upon our way; whether we may not have to yield at some time or other, it is now so late in the session; but this amendment, which is practically the amendment which was voted down last Saturday, in my judgment ought to be voted down again to-night, and at the other end of the Capitol it ought to be known that the House, having time and again discussed this matter and put itself on record, is ready and willing to stand by its guns. [Loud applause.] I reserve the balance of my time.

Mr. HOPKINS. Before the gentleman takes his seat, I would like to ask him a question. If the House follows out the advice that he has given and votes the motion down, what is the difference between the two Houses and what is the status of the bill in the difference between the two Houses?

Mr. TAYLER of Ohio. Mr. Speaker, there is now no difference between the two Houses, save in this proposition. The conferees have met respecting this matter, and have reported their inability to agree. Now, if this amendment is voted down, a motion will be made that the House insist upon its disagreement to the Senate amendment, and ask for a further conference, and the bill will then go to the Senate with this question before the conferees.

Mr. DAYTON. May I ask the gentleman a question?

Mr. TAYLER of Ohio. Certainly.

Mr. DAYTON. If the House takes the course you have offered, will you state to the House your judgment as to the likelihood of getting any other agreement?

Mr. TAYLER of Ohio. Well, I would not be here urging the House to take the action that I have urged upon it if I did not have some belief upon the subject. [Loud applause.] If the gentleman from Virginia desires some time, I will yield to him.

Mr. RIXEY. It is possible that some one in favor of the motion may desire to be heard next. I would like to be recognized after a while. The gentleman from Illinois will, perhaps, consume some of his time.

Mr. FOSS. I want to say to the gentleman that I do not care to speak now. I desire to close the matter. [Cries of "Vote!"] I claim the right to close debate. [Renewed cries of "Vote!"] I suggest that the gentlemen proceed with their side of the discussion.

Mr. FITZGERALD. Mr. Speaker, I rise to a question of order. I make the point of order that the gentleman from Illinois, representing the minority of the conference committee, and a position in opposition to the express desire of the House, is not entitled to control the time, particularly to have the advantage of closing debate.

The SPEAKER pro tempore (Mr. DALZELL). If the gentleman from New York had made that point of order when the gentleman from Illinois was recognized he would have sustained it. It is too late after the gentleman has controlled the time, and he is entitled to say when he will speak.

Mr. RIXEY. I would like to ask the gentleman from Illinois as to whether he is to be the only speaker in favor of the motion?

Mr. FOSS. That is a matter within my discretion.

Mr. RIXEY. I concede that the gentleman is entitled to close under the rule, but it seems to me that we ought to know whether there is to be more than one speaker.

Mr. GROSVENOR. Mr. Speaker, I do not think there is any fairness in compelling one side to exhaust all of its time and then give the gentleman from Illinois a full half hour to close debate. There is no doubt that he has the right to close, but surely he ought to yield such time as somebody else is to have. This is the first time I ever knew anybody to make such a proposition. The House can defeat that now by voting on the proposition.

Mr. FOSS. How much time does the gentleman from Ohio [Mr. TAYLER] consume?

The SPEAKER pro tempore. The gentleman from Ohio has nineteen minutes remaining of the time yielded to him.

Mr. FOSS. I will yield ten minutes to the gentleman from West Virginia [Mr. DAYTON].

Mr. DAYTON. Mr. Speaker, I do not know that I want to take up the time yielded to me. I sincerely hope that in what I do have to say I may be listened to. There can not be any question here to-night in the few hours before adjournment about this argument on building ships in the navy-yards. We stand here as the House of Representatives advocating this proposition against the Navy Department itself, against the Senate of the United States—that is so far a unit that no man in that body has had interest enough to object to a unanimous confirmation of the position taken in the Senate by itself and by its conferees on this question.

There can be no question about another matter, that this legislation originated in the House; that it is new legislation, and that under the rule that this House has continually fought for, it is the duty of the body that proposes the change of existing law without the consent of the other to recede.

I want to say to the House, in absolute candor and sincerity, that for four days as a conferee on this bill we sought in every way to carry out the will and wishes of this House and secure an agreement such as the House desired upon this proposition. I want to say to you that it has been stated to us that the Senate has been called on this proposition, and that not more than five or six in any way, shape, or form were favorably inclined to the proposition of the House as presented here in its original new legislation ingrafted on this bill touching this proposition.

Now, under this situation, a proposition is suggested that will provide for the building of one ship in the navy-yard; providing further, that if there is a combination of the shipbuilders and the Secretary of the Navy is convinced of that, all of those ships shall be built in the navy-yards; and it further provides that if the price shall not be reasonable they shall be built in the navy-yards. This proposition, I submit, is a fair proposition for us and will test the question whether or not ships can be built in the navy-yard as cheaply as they can be built in private yards.

I have read the testimony, and I was present when the representatives of the labor organizations appeared before the

Committee on Naval Affairs, and I want to say to you that in these hearings the representative of the labor organization himself, in answer to a question, said that he did not believe it would be wise for us to undertake the construction of the largest ships in the navy-yard. I want to say further to you that in conversation with these representatives they have placed themselves squarely on the proposition that if we could not build ships as cheaply in the navy-yards they would not ask it or demand it. Now, I want to have a fair test.

Mr. RIXEY. Will the gentleman yield?

Mr. DAYTON. The gentleman can get time of his own; I decline to yield now. I want to say further, let us be reasonable on this proposition. They say under this proposition the Secretary of the Navy may build a gunboat in the navy-yard. I want to say to you that is not, in my judgment, what he will do, because I believe our former colleague will be fair in making this test, as we all desire it to be fair if it is to be made.

There is not a single member of this House but that wants a fair test. I will tell you why it is not wise to specify what ships shall be built, for two reasons: One was suggested by one of the labor witnesses himself. If we specify it to be a battle ship that shall be built in the navy-yard there will be a combination among the private shipbuilders, a secret understanding that one of their number will bid that battle ship down so low that the navy-yard that shall build the other sister ship will not be able to compete with it, and they can make up the loss to the one that bids.

Furthermore, there is a reason why it should not be specified. The Secretary of the Navy may ask for bids on all six of the ships; and all six of them under the provisions of this amendment may be subject to be built in the navy-yards. One of them will be bound to be built in a navy-yard. Then, when those biddings come in, the Secretary of the Navy will have a club over the head of the private shipyard builders. Why?

Because those who bid upon those ships will do it with the understanding that if their bids are not down to the lowest figure—if the bid is not the lowest opened—the highest opened can be placed in a navy-yard, so that it will break down the price or the cost of all these ships; it will prevent a combination between the shipbuilders, and will enable the Department to build the designated ship at lower than its actual cost; so that the test in the years to come will not be a fair and complete test.

Now, gentlemen, I submit to you in all candor and in all sincerity that every effort has been made to adjust this difficulty and this deadlock. Certainly we have voted upon this proposition again and again; we have tried to concentrate the conferees upon this matter. Why not let the matter stand, and trust the Secretary of the Navy to be fair.

According to the statements of the laboring men themselves who appeared before the committee, a fair test upon one ship was all they asked or demanded. Their only fear was that the test, under the provisions of this amendment, would not be a fair test. But it can not be anything but a fair test. Let us have the test; let us not go headlong into the construction of ships in our navy-yards when the contractor who formerly favored this proposition has, upon fairly going over the whole matter, told us that it will cost us 25 per cent more, and that each one of these yards will have to have an expenditure of $175,000 to begin with.

Let us give a fair test. Let it be a test that will be satisfactory to the Department and satisfactory to the laboring man.

Mr. TAYLER of Ohio. I yield ten minutes to my colleague [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Speaker, the argument of the gentleman from West Virginia [Mr. DAYTON] is that when the Senate of the United States plants itself upon a proposition it is the duty of the House to yield to that body, to waive its own judgment, and to retire from the controversy. That is the argument, and that has been the course of management of this committee from the beginning to the end. [Applause.]

Mr. Speaker, there has come to this House an appeal from a great element in this country with which I have heretofore had no sympathy so far as to believe in the argument which they have put forward. But they insist, and have done so in a manner and through organizations and through appeals that I am not willing longer to resist, that there shall be a fair experiment made here as to the relative cost of building one or more of these ships in the navy-yards of the country as compared with the private yards.

Now, the attitude of these gentlemen on this floor is this: They come forward and tell us that we have no navy-yards that are now fitted for this business, and yet they propose here by an amendment to this amendment to expend $175,000 for the purpose of equipping those navy-yards to do just exactly what we ask Congress to compel the Secretary of the Navy to do, at least so far as one ship in concerned.

Now, Mr. Speaker, the language of this amendment is a cheat and a fraud. [Applause.] I use very plain language on this subject, and I challenge the gentleman from Illinois who stands up here annually and undertakes to bulldoze this House of Representatives [applause]—I challenge the gentleman to read the language of the amendment and say that there is any provision in it for a test. He knows that the language here does not result in the thing he claims. [Applause.] Let me read the language.

Mr. FOSS. Read the language.

Mr. GROSVENOR (reading):

If the Secretary of the Navy shall be unable to contract at reasonable prices for the construction of any of the vessels herein authorized, then he may build such vessel or vessels in such navy-yard as he may designate.

Now, then——

Mr. FOSS. Read on.

Mr. GROSVENOR. Oh, I will "read on" as much as I please. That is just the style of the gentleman—to get up and demand that another gentleman shall "read on." [Laughter and applause.] I want the gentleman to understand that I am making this speech and that I am not under his dictation. [Applause.] The gentleman says "Read it now."

I will read it when I get ready. That is the way this business has been run up to this time. Who is to decide whether these prices are reasonable or not? Is it to be ascertained by some competition with outside people, or are we to ascertain, once and for all, by an experiment that this country has the genius to make what is a reasonable price for the construction of a battle ship? That is what we want to get at, not the estimates that are put upon it by the Secretary of the Navy. Now, let us see what follows:

Provided, That the Secretary of the Navy shall build one of the vessels authorized by this act in such navy-yard as he may designate.

What vessel? What vessel? There is the trick of it. We have asked for a vessel, a vessel of standard type, a vessel that will settle the question once and forever as to the relative cost of these great ships—the armored cruiser or the battle ship. And why does not the gentleman put it into his language, if he wanted to treat the House fairly, that it should be one battle ship, or one ship even. If he had been willing to even put the word "ship" into it, I would have tried to be content.

Mr. FOSS. Mr. Speaker, I will say to the gentleman if he will offer that amendment, I will accept it—one "ship."

Mr. GROSVENOR. Oh, yes; now he will offer that amendment, when it has been exposed. [Laughter.]

Mr. FOSS. Yes; shall build one "ship."

Mr. GROSVENOR. Shall build one of the "vessels." What kind of a vessel? There are a great many vessels. There are vessels of clay and vessels of honor and vessels of dishonor. Now, the whole purpose that we have had in this matter is to meet a great public demand and have one fair test. Why can we not have it?

The gentleman is either for such a test as I am describing or he is against it. If he is for it, why not put in the full provision for a complete test of the question of the cost of a battle ship or an armored cruiser, and make it so that there will be no question of discretion left to anybody in all this country whether it shall be executed or not. I believe that the people of this country are represented by the House of Representatives. [Applause.]

I do not believe the people of this country are exclusively represented by the Senate, or by a little coterie of the Senate, and it is to me a shocking proposition that a gentleman comes in here and tells the House of Representatives that they must go down, for the Senate will not. [Applause and laughter.] That is the argument of the gentleman from West Virginia. You must quit and give up your judgment, because if you do not do it, the Senate will not do anything for you.

Well, I am in favor of testing the Senate once more, and if this committee of conference is not willing to carry out the expressed and determined and oft-repeated will of the House of Representatives there is a parliamentary procedure that suggests itself to the Speaker of the House how that complication may be gotten rid of. [Applause.] We have a right to have the House of Representatives represented, and have it represented by those who will go into the conference insisting upon the rights of the House, and not come back here and tell us that somebody in the Senate has given notice that they never will consent to yield.

Mr. DAYTON. Mr. Speaker, will the gentleman from Ohio permit just one suggestion about that?

Mr. GROSVENOR. Certainly; make two suggestions.

Mr. DAYTON. Possibly the gentleman overlooks the fact that he is criticising the last conferees, the majority of whom entertain the views exactly that he expresses, and that I have dropped out of the conference in order that this second conference might be composed of gentlemen just like himself, who thinks this amendment objectionable.

Mr. GROSVENOR. Well, you see we have made some headway. [Laughter.]

Mr. DAYTON. I do not know what headway you have made, when your own friends have come in and reported that they can not agree.

Mr. GROSVENOR. I have known that to be done twenty-five times on a single bill in this House, and afterwards they did agree. [Laughter.] Have we reached that point in our relation to the higher branch of Congress—if it is a higher one—that all they have got to do is to stand still and say, "We will not budge another inch?"

Mr. DAYTON. I will ask the gentleman how many times he has stood on the floor of this House and insisted that the Senate must recede when it was the author of the new legislation, and whether or not he thinks there is anything in the action of the Senate improper, when this legislation originates with the House and we refuse to obey the rule that we have always insisted on their obeying?

Mr. GROSVENOR. I am not criticising the Senate; I am not talking about the Senate. I am talking about what the gentleman has said about the Senate. That is all. In days gone by I may have insisted that we should concur because the Senate was stubborn, and in days gone by I may have insisted that we would not concur. I am discussing this question now, and I believe that the whole country, not only the labor organizations, but the communities at large, the general intelligence of the country, is anxious to see and understand beyond a reasonable doubt what is the relative cost of the construction.

I believe it will be higher in the navy-yards. I have no doubt about it; but I believe it will save money, as my colleague [Mr. TAYLER of Ohio] has said. I believe if we should force the construction of one great battle ship in a navy-yard and put up the balance of them for the bidding of the outside yards the cost would go down so rapidly that we would save a large amount of money and get the exact test that we want to have made. [Applause.]

[Here the hammer fell.]

Mr. FOSS. Mr. Speaker, I yield ten minutes to my colleague from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, first, in the ten minutes allotted to me, I want to ask my colleague [Mr. Foss] whether, in his opinion, an agreement can be obtained from the Senate to accept the House provision touching the construction of ships as therein provided in Government navy-yards.

Mr. FOSS. Do you mean the original House proposition?

Mr. CANNON. Yes.

Mr. FOSS. I do not think under any possible circumstances that the Senate will ever consent to it.

Mr. VANDIVER. Does the gentleman mean to imply that the Senate will let the whole naval bill fail?

Mr. CANNON. Oh, well, I have got this time. Now, I want to ask the gentleman from Ohio [Mr. TAYLER] a question for information. I listened to the remarks of the gentleman. Does my friend believe that another conference will secure an agreement from the Senate for the construction of a battle ship or a cruiser in a Government yard?

Mr. TAYLER of Ohio. Well, I was asked that question and answered it.

Mr. CANNON. I want to be sure.

Mr. TAYLER of Ohio. I have not changed my mind since I last answered the question.

Mr. CANNON. I want to understand the gentleman, because I want his reply for a basis for what I have to say. The gentleman can answer the question.

Mr. TAYLER of Ohio. I do not suppose that the Senate would take offense at any expression of opinion that I might now give as to what it would do.

Mr. CANNON. Oh, I am entitled to ask that question of the gentleman as a member of this House.

Mr. TAYLER of Ohio. I am going to answer it. I think that the Senate will agree to a proposition to build one armored cruiser or one battle ship in a navy-yard. [Applause.] I believe they will agree to that because it is right, and the Senate have not discussed the question whether it is right or not.

Mr. CANNON. Now, Mr. Speaker, it is agreed all around, practically, that some time to-morrow there will be an agreement between the House and the Senate to quit for this session. Yet I am frank to say that, in my judgment, if such is the sense of the House, there is time for another conference with the Senate, and an opportunity to agree touching the matters in difference upon this amendment. An agreement is what we want. We may not agree as to what that agreement ought to be, and I am not here now to discuss, more than by a mere reference, the merits of the proposition.

I do not know that I have discussed it at any time. I have my opinion about it, but I am here to say that in my judgment this is a legislative provision. It is legislation from the beginning to the end, to build ships, and where and how they shall be built, and under what conditions. It is legislation proposed by the House, and if the House and Senate can not agree the bill to support the Navy can not pass.

Mr. GROSVENOR. Will the gentleman permit——

Mr. CANNON. I will not yield just this second. I will in a moment, but I want to finish this point.

Mr. GROSVENOR. The gentleman from Illinois has asked questions over here, and I should like to ask him a question.

Mr. CANNON. A little later on I will yield to my genial friend, never more genial than he is now. [Laughter.] Let me state my proposition, and then I will yield to my friend in good faith.

Now, Mr. Speaker, this is legislation on a general supply bill, which bill must pass or the Navy must tie up.

Mr. SULZER. We do not have to adjourn.

Mr. CANNON. Which bill must pass or the Navy must tie up on and after the 1st of July, or some other provision be made to pay the men, to buy the fuel, to make the repairs, and so on.

Now, I think the bill is going to pass. It could pass by the whole amendment to build all the ships anywhere being stricken out. If that amendment was disposed of, then the bill could pass for the support of the Navy otherwise for the coming year. Now, the House proposing the legislation, if the Senate does not agree to it the responsibility is upon the House in defeating the bill, because it is the place of the House to recede, as it was the place of the Senate to recede touching Charleston if the House had not agreed with the Senate.

So much for the parliamentary situation. Now, one word. Upon the merits, we have always defended the navy-yards for two purposes, one to make repairs, the other to be prepared, in the event that private shipyards would not build for a reasonable amount, to build ourselves, keeping the check upon them.

I recollect, however, Mr. Speaker, what has been the proposition. Under the lead of Samuel J. Randall, when we commenced to construct the new Navy, we were especially anxious to build the ships by contract so that we could stimulate shipbuilding by the citizens.

We have got the yards at Newport News, two or three at Philadelphia, one on the Delaware, on the Lakes, for everything except battle ships, and all around great private yards under this policy in which there are 20 men employed that earn their living in the sweat of their faces where there would be 1 man employed if we would build all these ships in the navy-yards.

Still, whatever views I may entertain, I have respect for the views of the brethren in the House. We go by majorities. I am quite content, if such be the will of the House, that this should go back to conference, and that the gentleman from Ohio can see if he can get a provision to build one battle ship or one cruiser assented to by the Senate.

Mr. GROSVENOR. That is a point on which I would like to ask the gentleman a question.

Mr. CANNON. With great pleasure.

Mr. GROSVENOR. Does the gentleman believe that if the House of Representatives would respectfully insist that they desire, in obedience to popular demand, to have one battle ship built under these conditions, the Senate would defeat the passage of the naval appropriation bill in order to have their way about that one little matter?

Mr. CANNON. Well, now, then, does the gentleman believe that if the Senate would not, that the House proposes to say to the Senate that they would starve the Navy for twelve months because it could not have its way.

Mr. GROSVENOR. A resolution could be passed in this House in ten minutes that will save the Navy from starvation.

Mr. CANNON. I have answered the gentleman's question, and——

Mr. GROSVENOR. The resolution is already drawn and ready to be offered.

Mr. CANNON. I have yielded to the gentleman courteously.

Mr. GROSVENOR. But did not answer my question.

Mr. CANNON. Oh, nobody—not even Deity himself, if He would answer the question—could answer satisfactorily to the gentleman from Ohio. [Laughter.] Now, I am not going to undertake to satisfy him. I have tried for years. It can not be done. He was not made to be satisfied. [Laughter and applause.]

Now, at the hour of almost 11 o'clock—hoping that the House will soon adjourn until 11 o'clock to-morrow—I am quite content that this bill should go back, on the belief of the gentleman from Ohio. I do not see that it can do any hurt to let it go back and see if it can be accommodated; and an agreement is desirable. An agreement will be had, in my judgment.

Now, then, one further word. I like the gentleman from Ohio.

Several MEMBERS. Which one?

Mr. CANNON. Both of them. [Laughter.] I like my colleague from Illinois. I have had contests with the gentleman from Ohio. I have had contests with my colleague from Illinois. And, first and last, I have had more or less contests with most members here. [Laughter.] We have always kept our temper.

Once in a great while, about the closing of the session, however, when there is a try to tread the ground, then the senior gentleman from Ohio tears a passion to tatters, you know, and issues a "defi" against the world. [Laughter.] Why, if we were to go back in old ancient Grecian times, he would defy Jupiter himself [laughter and applause], and throw him out of Olympus, where the army failed to throw him out, away back there according to the old heathen myth.

I want to say, in just one minute more, to my colleague, "Do not turn pale." [Laughter.] Do not shrink in height a single half inch from your magnificent 6 feet. [Renewed laughter.] The sun will rise on the morrow, and the senior member from Ohio will greet you on the morrow, as he will greet me, and say, "How do you do, Foss? We had a nice time last night." [Laughter.] I respect my friend's interest.

Now, Mr. Speaker, I have said about all I want to. I am quite willing to see my friend's amendment adopted if the majority think so. I am quite willing, perhaps a little more desirous of seeing my friend the junior member from Ohio have another chance, to see if we could have one battle ship built in the navy-yards.

I propose, however, that we will not forget one thing—that this bill, when enacted, carries seventy millions and authorizes forty millions more. I propose that we will not forget another thing, that when these bills are aggregated they will carry seven hundred and fifty millions, including appropriations for Panama or Nicaragua Canal, and that it will amount in authorizations and appropriations to over a thousand millions.

Now, then, I want the Navy. I want a good Navy. I want the American wage-earner to receive good wages, exceptionally good wages, which all the balance of the eighty millions contribute by taxation to pay; but I do not want to further strengthen any one of the dozen navy-yards by making it one to complete and build the ships of the world or of the Navy or of our ships like unto the ships of the world except as it may be necessary. So much for the merits. Having said that much, I thank gentlemen for their attention.

Mr. TAYLER of Ohio. Mr. Speaker, how much time is there remaining?

The SPEAKER pro tempore. The gentleman from Ohio has nine minutes remaining, and the gentleman from Illinois five minutes.

Mr. TAYLER of Ohio. I yield three minutes to the gentleman from North Carolina [Mr. WILLIAM W. KITCHIN].

Mr. WILLIAM W. KITCHIN. Mr. Speaker, I deny the proposition as announced by the gentlemen from Illinois [Mr. CANNON] who has just taken his seat. He says in this situation it is the duty of the House to yield, if either body shall yield. To-day there is no legislation provided for the construction of these battle ships. This bill authorizes the building of two armored cruisers, two battle ships, and two gunboats. There is no law which provides for their construction.

The very act that authorizes their construction at all must provide for the manner and for the place of their construction. This House did provide that one-half of them should be constructed in the navy-yard. It goes to the Senate, and the Senate strikes out that provision and provides that they shall be constructed by contract. Who first starts the legislation? The Senate urges the legislation as much as the House rejects it.

It is the duty of the Senate to recede from their amendment, in my judgment, and not the duty of the House to recede. We are not starting new legislation except in the fact that we authorize the construction of the ships. The Senate consents to the construction of the ships, but strikes out our method of constructing them and inserts theirs. It seems to me common sense to say that that body that brought about the disagreement ought to yield, and this House ought to stand on its rights.

This Government has $80,000,000 invested in navy-yards, and it spends vast sums of money in these yards. The repair work of the Government yards amounts to five millions a year, and we have this enormous expense, this enormous investment, to turn out $5,000,000 worth of repair work.

These gentlemen, Mr. Speaker, who are fresh from the people, elected by the people, knowing the wants of the people, have twice voted deliberately, after debate, in favor of the construction of the battle ships one-half in the Government shipyards. Shall we now surrender to the Senate under this situation? Shall we surrender to these private shipyards that have been encouraged to the extent of $127,000,000 until they have become giants? In the last month they have organized a concern of six large shipbuilding plants in the country and annexed or brought under control an armor-plate factory.

You tell us that they need further encouragement on the part of the Government. It can not be. Let the Government yards build some of these ships. As we argued years ago, it ought to have built an armor-plate factory, and if we had it would have saved the Government many million dollars and would have helped to keep down the appropriations which the gentleman from Illinois is struggling with. We want to adopt the method that will save money to the Government in the long run. [Applause.]

Mr. TAYLER of Ohio. I now yield five minutes to the gentleman from Massachusetts [Mr. ROBERTS].

Mr. ROBERTS. Mr. Speaker, the gentleman from Illinois in his closing words gave what is to my mind one of the strongest arguments I have yet heard in favor of now starting in the policy of building some of these great battle ships in our navy-yards. He stated in his closing words that he might be willing to build a small ship, possibly a battle ship, for the purpose of getting the men in the navy-yards accustomed to that sort of work.

Why, Mr. Speaker, before our committee it was in evidence on the part of the Chief of the Bureau of Construction that one of the elements of added cost in building ships in the navy-yard came from the very fact that the navy-yards to-day did not have men who are skilled and experienced in the construction of iron ships. And he stated that the second and third of these big ships built in the yard where the men had had experience would cost less and less until they got down to a plane with the men in private yards, who had the peculiar knowledge and skill gained from building these great ships.

Now, Mr. Speaker, a great deal has been said here from one member of the committee about what the labor organizations wanted. My colleague on the committee stated that one of the representatives of organized labor stated that they did not want a great battle ship built in the navy-yard. I was present at this meeting, and I failed to hear any such statement.

The statement was made, however, by the head of one great labor organization that they did not want one small vessel built in a navy-yard, and he gave this reason: He said such a test would not be a fair one, because it was more than probable that, with a small ship, costing not over three or four hundred thousand dollars, the contractors outside would pool together and put in a bid so low that the ship built in the private yard would be constructed at less than actual cost, simply to discredit the Government yard in the construction of these ships.

Therefore he wanted, not a small gunboat, but a large warship constructed in one of the Government yards. He wanted a battle ship and a cruiser and a small gunboat to be so constructed. I believe, Mr. Speaker, that in that way, and that way only, can come a fair test of the relative merits of this proposition—whether the large vessels can be constructed as cheaply or less expensively in a Government yard than in a private yard—whether also the Government yards may not be able to build the small boats as cheaply or more cheaply than the private yards.

Mr. DAYTON rose.

Mr. ROBERTS. I have only a moment, and I decline to yield.

Now, the gentleman from Illinois tells us about how we have built up the private yards in this country. We have built them up. Since 1883 the Government has paid, or agreed to pay, to the private shipbuilders in this country $127,000,000 for war vessels. We have in that time authorized 136 war vessels to be constructed in the private yards, and they have yet in their yards vessels to the amount of $71,000,000.

[Here the hammer fell.]

Mr. TAYLER of Ohio. Mr. Speaker, in my concluding words I want to refer to an observation of the gentleman from Illinois [Mr. CANNON]. He said, cavalierly enough, that he did not know that he had any serious objection to the conferees (and he apparently referred to me in particular) going back and endeavoring to obtain an agreement with the Senate conferees on this subject, implying that it was the conferees that would do the work, that their persuasiveness would accomplish the result. Now, my relation to this matter must be, in the nature of things and in the situation in which we find ourselves, entirely impersonal.

The Committee on Naval Affairs of the House had lengthy and elaborate hearings on this subject. The House on two occasions has debated it, and again to-night is debating it. No question that has come before the House—and this being a question of a nonpolitical character is more likely to be carefully and candidly considered by members—no question has been more carefully considered than this.

And Mr. Speaker, it is the cogency of the votes of this House that will operate to bring about an agreement with the Senate. The Senate has not considered these questions—the House has time and again considered them; and because of the conclusive way in which the House has expressed itself and in which I believe it is now about to express itself the Senate will come to the conclusion at which we have arrived.

[Here the hammer fell. Cries of "Vote! Vote!"]

Mr. FOSS. Mr. Speaker, I do not care to take up the time of the House. My only purpose here this evening was simply to test in some way the sense of the House. I knew it had to be done by a motion of some character or another. We were getting to the very eve of adjournment, and I was anxious in some way to see to it that this great naval appropriation bill authorizing an expenditure of $79,000,000 for the maintenance of the Navy and for the building of new ships should not fail.

I do not share the confidence and faith which my colleague from Ohio has. I have been in more conferences than he on this bill, and when the Senate conferees suggested that this bill was at the point where it might fail, and that we would have to bring in a resolution to extend the appropriations for the fiscal year, then I thought we had reached a serious stage in the contention between the two Houses.

I am very glad, however, that the motion which I have made has given an opportunity to feel the pulse of this House, and that is all I desired. I am glad also that it gave the distinguished gentleman from Ohio and my honored colleague from Illinois a chance to make a little byplay here—a very amusing byplay—for the entertainment and edification of us all.

But when the gentleman says that I have attempted in times past to "bulldoze this House," I leave it to every member here to say who is the biggest bulldozer.

Mr. GROSVENOR. I was only quoting a remark of the gentleman from Illinois [Mr. CANNON], made two years ago, just about this time.

Mr. FOSS. And when the gentleman from Ohio said that nowhere in this bill is it made mandatory upon the Secretary of the Navy to build a ship in a navy-yard, he did not read the bill aright, because it is made mandatory upon the Secretary of the Navy to build a ship in a navy-yard; but it is left in his discretion to say what shall be the character of that ship and in what yard it shall be built.

Mr. GROSVENOR. A toy ship.

Mr. FOSS. A toy ship? He has the discretion to build a battle ship or an armored cruiser or a gunboat, and the gentleman from Ohio knows it, and I hoped he would have the frankness to say so.

Mr. GROSVENOR. I said exactly that, but I said I wanted it to be compulsory upon him to build one of the larger type.

Mr. FOSS. Now, I say to the gentleman from Ohio that it would be infinitely more to the benefit of the Government to leave the character of that ship unnamed and within the discretion of the Secretary of the Navy.

Why, if you name a battle ship in that bill and say that the battle ship shall be built in the navy-yard, that is notice to the shipbuilders of the country that one battle ship must be built in a navy-yard, and they might combine and put in a bid very much lower on the other battle ships which the private contractors are to build, whereas if you leave it to the discretion of the Secretary of the Navy as to whether he will build a gunboat or a cruiser or a battle ship, then by reason of that uncertainty the Government will secure better prices for the construction of its ships, because the private shipbuilders will not know what kind of a ship the Secretary of the Navy will build in the navy-yard.

But, gentlemen, I do not care to press this motion any further. It has served its purpose, namely, to test the sentiment and pulse of this House, and if the gentleman has any faith or confidence that we will secure a battle ship or a cruiser and that it can be named in the bond and in the bill, and that is the sentiment of the House, I will go with him, as I have gone heretofore, because that was the provision which I had the honor to report in the naval appropriation bill.

Now, Mr. Speaker, I will withdraw the amendment and move that the House further insist upon its disagreement to the amendment of the Senate and agree to the conference asked for by the Senate.

The SPEAKER. The question is on the motion of the gentleman from Illinois, who withdraws his amendment, that the House further insist upon its disagreement to the amendment of the Senate and agree to the conference asked by the Senate.

The motion was agreed to.

The Chair announced the following conferees on the part of the House:

Messrs. FOSS, TAYLER of Ohio, and MEYER of Louisiana.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent that when the House adjourn, and if this be agreed to I propose to move to adjourn immediately, it adjourn to meet at 10 o'clock to-morrow morning.

The SPEAKER. The gentleman from New York asks unanimous consent that when the House adjourn it adjourn to meet at 10 o'clock to-morrow morning. Is there objection? [After a pause.] The Chair hears none.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 11 o'clock and 3 minutes) the House adjourned until 10 o'clock to-morrow morning.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, the following executive communication taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a statement of the documents received and distributed by the Department during the year 1901—to the Committee on Printing, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. LITTLEFIELD, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 13075) to amend section 3 of the "Act further to prevent counterfeiting or manufacturing of dies, tools, or other implements used in manufacturing," etc., approved February 10, 1891, reported the same with amendments, accompanied by a report (No. 2736); which said bill and report were referred to the House Calendar.

Mr. JOY, from the Committee on Accounts, submitted statements of the Clerk, Doorkeeper, Sergeant-at-Arms, and Postmaster of the House, and the Superintendent of the Capitol Buildings and Grounds, relative to the employment, duties, and compensation of employees of the House, accompanied by a report (No. 2737); which said statements and report were referred to the Committee on Appropriations.

Mr. SOUTHARD, from the Committee on Coinage, Weights, and Measures, to which was referred the bill of the House (H. R. 2004) to establish an assay office at Baker City, Oreg., reported the same without amendment, accompanied by a report (No. 2738); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MOODY of Oregon, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 9202) to regulate the use of forest-reserve timber, reported the same with amendment, accompanied by a report (No. 2739); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HASKINS, from the Committee on Elections No. 3, reported resolution of the House (H. Res. 337) in the contested-election case of C. E. Wilson *v.* F. R. Lassiter, Fourth Congressional district of Virginia, accompanied by a report (No. 2744); which said resolution and report were referred to the House Calendar.

Mr. WOOTEN, from the Committee on the Library, to which was referred the bill of the House (H. R. 14690) providing for the erection of a monument at Cowpens battle ground, Cherokee County, S. C., commemorative of Gen. Daniel Morgan and those who participated in the battle of Cowpens on the 30th day of January, 1781, reported the same with amendment, accompanied by a report (No. 2745); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. JOY, from the Committee on Accounts, to which was referred the resolution of the House (H. Res. 332) to pay W. L. Walter $336.76, as clerk of the Committee on Elections No. 3, reported the same without amendment, accompanied by a report (No. 2746); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. ESCH, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 5028) for the relief of Francis M. Oliver, reported the same without amendment, accompanied by a report (No. 2740); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, Mr. ESCH, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 10009) to correct the military record of William Fields, reported the same adversely, accompanied by a report (No. 2741); which said bill and report were ordered to lie on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HEPBURN: A bill (H. R. 15331) to amend an act to limit the effect of the regulations of commerce between the several States and with foreign countries in certain cases, approved August 8, 1890—to the Committee on the Judiciary.

By Mr. MOON (by request): A bill (H. R. 15332) to amend sections 4924 and 4927 of the Revised Statutes, relating to patents—to the Committee on Patents.

Also (by request), a bill (H. R. 15333) to amend sections 4924, 4925, 4926, and 4927 of the Revised Statutes, relating to patents—to the Committee on Patents.

By Mr. WANGER: A bill (H. R. 15334) to provide rules and regulations governing the importation of trees, plants, shrubs, vines, grafts, cuttings, and buds, commonly known as nursery stock, and fruits into the United States, and rules and regulations for the inspection of trees, plants, shrubs, vines, grafts, cuttings, and buds, commonly known as nursery stock, grown within the United States, which become subjects of interstate commerce or exportation—to the Committee on Agriculture.

By Mr. FLYNN (by request): A bill (H. R. 15340) to expressly confer American citizenship upon the people of Porto Rico—to the Committee on Insular Affairs.

By Mr. GAINES of Tennessee: A bill (H. R. 15343) further regulating the class of matter denied admission to the mail—to the Committee on the Post-Office and Post-Roads.

By Mr. PAYNE: A concurrent resolution (H. C. Res. 59) providing for final adjournment—to the Committee on Ways and Means.

By Mr. DICK: A bill (H. R. 15348) to increase the efficiency of the militia, and for other purposes—to the Committee on Militia.

By Mr. HENRY C. SMITH: A resolution (H. Res. 332) to pay W. L. Walter for services as clerk to Committee on Elections No. 3—to the Committee on Accounts.

Also, a resolution (H. Res. 333) authorizing the Clerk of the House to pay session employees for the full month of July—to the Committee on Accounts.

By Mr. DALZELL: A resolution (H. Res. 334) suspending the rule requiring conference reports to be printed in RECORD one day before being considered—to the Committee on Rules.

By Mr. GROSVENOR: A resolution (H. Res. 335) relating to the motion to suspend the rules—to the Committee on Rules.

By Mr. NORTON: A resolution (H. Res. 336) to investigate charges of fraud in connection with outer bar at Brunswick, Ga.—to the Committee on Rules.

By Mr. HASKINS: A resolution (H. Res. 337) in relation to the contested-election case of C. E. Wilson *v.* F. R. Lassiter, Fourth Congressional district of Virginia—to the House Calendar.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. GRIFFITH: A bill (H. R. 15335) to correct the military record of William Allen—to the Committee on Military Affairs.

By Mr. GREENE of Pennsylvania: A bill (H. R. 15336) granting an increase of pension to George W. Rotz—to the Committee on Invalid Pensions.

By Mr. REEDER: A bill (H. R. 15337) granting an increase of pension to Benjamin Shaffer—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 15338) for the relief of the estate of Sidney Markham, deceased—to the Committee on War Claims.

By Mr. YOUNG: A bill (H. R. 15339) granting a pension to John Q. Lane—to the Committee on Invalid Pensions.

By Mr. MILLER: A bill (H. R. 15341) granting an increase of pension to Daniel S. Whittenhall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15342) granting an increase of pension to Samuel G. Purcell—to the Committee on Invalid Pensions.

By Mr. BOWIE: A bill (H. R. 15344) for the relief of the heirs of Xavier Willman—to the Committee on War Claims.

By Mr. BARTLETT: A bill (H. R. 15346) granting a pension to Julia A. Fletcher—to the Committee on Pensions.

By Mr. JETT: A bill (H. R. 15347) granting an increase of pension to John L. Carr—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of Robert Graham and 5 other druggists of Brownsville, Pa., in favor of House bill 178, for the repeal of the tax on alcohol—to the Committee on Ways and Means.

By Mr. BINGHAM: Petition of retail druggists of Philadelphia, Pa., urging the passage of House bill 178, for reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. BURKETT: Petition of citizens of Olsburg, Kans., in favor of House bill 7475, for additional homesteads—to the Committee on the Public Lands.

By Mr. CANDLER: Papers to accompany House bill 15163 granting a pension to James P. Roberts—to the Committee on Pensions.

By Mr. CASSINGHAM: Papers to accompany House bill granting an increase of pension to Margaret Snyder—to the Committee on Invalid Pensions.

By Mr. CROMER: Petitions of Shelby Ray, T. M. Bly, and other retail druggists urging the enactment of the Joy bill, providing a reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. CURRIER: Petition of F. E. Lovell and 2 others, of Newport, N. H., in favor of House bill 178, for the repeal of the tax on alcohol—to the Committee on Ways and Means.

Also, petition of Andrew J. Sawyer and 34 other members of Post No. 10, Grand Army of the Republic, Newport, N. H., favoring a bill to modify and simplify the pension laws—to the Committee on Invalid Pensions.

By Mr. FOERDERER: Petition of 14 druggists of Philadelphia, Pa., favoring the passage of House bill 178, to reduce the tax on alcohol—to the Committee on Ways and Means.

Also, petition of the Federation of Catholic Societies of the Diocese of Pittsburg, Pa., favoring measures looking to a discontinuance of alleged abuses and injustice toward the Catholics in the Philippines—to the Committee on Insular Affairs.

By Mr. FOSS: Sundry petitions of German-American citizens of Chicago, Ill., in relation to the Boer war, etc.—to the Committee on Foreign Affairs.

Also, sundry petitions of prominent business men of Chicago, Ill., praying for the negotiation of a reciprocal trade agreement with the Dominion of Canada—to the Committee on Foreign Affairs.

By Mr. GREENE of Massachusetts: Resolutions of citizens of Chatham and Harwich, Mass., and vicinity, in favor of a law to pension men of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. GREEN of Pennsylvania: Papers to accompany House bill granting a pension to George W. Rotz—to the Committee on Invalid Pensions.

By Mr. GRIFFITH: Petition of druggists of North Vernon, Franklin, and Vevay, Ind., in favor of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, petition of William Allen, for correction of his military record—to the Committee on Military Affairs.

By Mr. GROSVENOR: Petition of citizens of Oregon, Vermont, New York, and Illinois, favoring the passage of bill to require mixed woolen goods to be marked and tagged so as to show the ingredients—to the Committee on Ways and Means.

By Mr. HEMENWAY: Petition of D. A. Davison and other druggists of Princeton, Ind., in favor of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. JACK: Petition of retail druggists of Kittanning, Pa., favoring House bill 178, reducing the tax on alcohol—to the Committee on Ways and Means.

By Mr. JONES of Washington: Petition of the Tacoma Chamber of Commerce and Board of Trade, of Tacoma, Wash., favoring the passage of the Grosvenor bill, concerning the regulation of gasoline and other launches—to the Committee on the Merchant Marine and Fisheries.

By Mr. KEHOE: Petition of retail druggists of Carlisle and Bracken Counties, Ky., urging the passage of House bill 178, for reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. W. W. KITCHIN: Petitions of Hackney Brothers, R. T. Beck & Co., and Sykes Drug Company, favoring House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. MERCER: Papers to accompany House bill 15261, granting an increase of pension to Louis Lowry—to the Committee on Invalid Pensions.

By Mr. MIERS of Indiana: Petition of O. E. Dunn and other druggists of Spencer, Ind., favoring the enactment of House bill 178, reducing the tax on alcohol—to the Committee on Ways and Means.

By Mr. MILLER: Papers to accompany House bill granting an

increase of pension to Samuel G. Purcell—to the Committee on Invalid Pensions.

Also, petition of citizens of Wamego, Kans., in favor of House bill 7475, for additional homesteads—to the Committee on the Public Lands.

By Mr. MUTCHLER: Petition of citizens of Pennsylvania, relating to conditions in the Philippines—to the Committee on Insular Affairs.

Also, petition of T. D. Thomas, of Lehighton, Pa., favoring House bill 178—to the Committee on Ways and Means.

By Mr. OVERSTREET: Petition of George W. Sloan and other druggists in the State of Indiana, for reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. PUGSLEY: Petition of citizens of the Sixteenth Congressional district of New York, in favor of House bill 12203—to the Committee on Invalid Pensions.

Also, resolution of Israelite Alliance of America, of New York City, approving the action taken by the House of Representatives as to the attitude of the Russian Government toward American citizens of Jewish birth attempting to enter its territory—to the Committee on Foreign Affairs.

By Mr. ROBINSON of Indiana: Petition of E. C. Carter, of Churubusco, Ind., and J. A. Schannep, of Collamer, Ind., in favor of the Joy bill, reducing the tax on alcohol—to the Committee on Ways and Means.

By Mr. RYAN: Resolutions of East Buffalo Business Men's Association, of Buffalo, N. Y., favoring a bill to authorize the Mather Power Company to construct experimental span in Niagara River at Buffalo, N. Y.—to the Committee on Interstate and Foreign Commerce.

Also, petition of F. M. Dunning, of Buffalo, N. Y., in favor of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. SIBLEY: Petition of citizens of Warren, Tidioute, West Hickory, and Pittsfield, Pa., for reduction of tax on alcohol—to the Committee on Ways and Means.

By Mr. SNODGRASS: Petition of retail druggists of Wilson County, Tenn., in relation to House bill 178—to the Committee on Ways and Means.

By Mr. STEPHENS of Texas: Petition of retail druggists of Wake Forest, N. C., asking for reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. SULLOWAY: Petitions of retail druggists of Dover, New Market, and Wolfboro, N. H., urging a reduction in the tax on alcohol—to the Committee on Ways and Means.

By Mr. WARNOCK: Petition of F. O. Penny, H. S. Ritchie, and others, in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. WILLIAMS of Illinois: Papers to accompany House bill granting a pension to Alexander T. Sullinger—to the Committee on Pensions.

By Mr. WOOTEN: Petition of and papers from the joint committee of the Antitrust League, Knights of Labor, in relation to the Eastern Railroad Association—to the Committee on the Judiciary.

SENATE.

TUESDAY, *July 1, 1902.*

The Senate met at 11 o'clock a. m.

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. HALE, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 6148) providing for the resurvey of certain townships in San Diego County, Cal.; and

A bill (S. 6196) to regulate the sale of viruses, serums, toxins, and analogous products in the District of Columbia, to regulate interstate traffic in said articles, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3690) for the relief of Jacob L. Hauger.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12805) requiring the Anacostia and Potomac River Railroad Company to extend its Eleventh street line, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15108) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other purposes.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 14050) to amend an act to regulate the height of buildings in the District of Columbia, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BABCOCK, Mr. MUDD, and Mr. MEYER of Louisiana managers at the conference on the part of the House.

The message also announced that the House still further insisted upon its disagreement to the amendment of the Senate numbered 91 to the bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes, agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FOSS, Mr. TAYLER of Ohio, and Mr. MEYER of Louisiana managers at the conference on the part of the House.

The message further announced that the House had passed, with an amendment, the bill (S. 6139) to provide for the organization of private corporations in the district of Alaska; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 14839) providing that the circuit court of appeals of the fifth judicial circuit of the United States shall hold at least one term of said court annually in the city of Montgomery, in the State of Alabama, on the first Monday in September in each year; and

A bill (H. R. 15345) to promote the efficiency of the militia, and for other purposes.

The message further announced that the House had returned to the Senate, in compliance with its request, the bill (S. 6117) for the relief of George Lea Febiger.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 3896) to amend section 3362 of the Revised Statutes, relating to tobacco;

A bill (H. R. 3690) for the relief of Jacob L. Hauger;

A bill (H. R. 7105) granting an increase of pension to Silas Stotts;

A bill (H. R. 11573) for the relief of settlers on lands granted in aid of the construction of wagon roads;

A bill (H. R. 12805) requiring the Anacostia and Potomac River Railroad Company to extend its Eleventh street line, and for other purposes;

A bill (H. R. 12977) granting an increase of pension to William L. Church;

A bill (H. R. 13617) granting an increase of pension to Anne M. Luman;

A bill (H. R. 14087) granting a pension to Lizzie Dunlap; and

A bill (H. R. 15108) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other purposes.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 15108) "making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 26, 82, and 99.

That the House recede from its disagreement to the amendments of the Senate numbered 87, 88, 93, and 116, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 34, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert the following:

For extra compensation to Dallas Jones, Edward Minor, Edward Poindexter, and Joshua W. Barkley for the period from July first, 1901, to December first, 1901, in connection with the reconstruction of the roof, central portion of the Capitol, to be determined by the Superintendent of the Capitol Building and Grounds, one thousand dollars; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment, as follows:

In lieu of the sum named in said amendment insert fifteen thousand dollars; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert the following:

Surveys of Indian reservations: The Secretary of the Interior is hereby authorized and directed to cause careful estimates to be made and submitted to Congress at the beginning of its next session for survey of the Walker

River Reservation in Nevada, the Uintah Reservation in Utah, and the Spokane Reservation in Washington; and the Senate agree to the same.

On the amendment of the Senate numbered 9 the committee of conference have been unable to agree.

EUGENE HALE,
W. B. ALLISON,
F. M. COCKRELL,
Managers on the part of the Senate.
J. G. CANNON,
S. S. BARNEY,
L. F. LIVINGSTON,
Managers on the part of the House.

Mr. HALE. This is only a formal report, and will go to the House for their assent. The subject-matter in dispute, the item of the Charleston Exposition, has been disposed of by the House agreeing to the Senate amendment; so that substantially this bill is now out of the way. I ask for the adoption of the report.

Mr. COCKRELL. Has the House returned the bill with its action?

Mr. HALE. The bill is here.

The report was agreed to.

NAVAL APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate numbered 91 to the bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes, and requesting a further conference with the Senate on the disagreeing votes of the two Houses thereon.

The PRESIDENT pro tempore. Does the Senator from Maine desire any further action in relation to the bill?

Mr. HALE. Nothing except a further conference, to which the House has agreed. It was asked for by the Senate yesterday, and the papers will remain here.

PRESERVATION OF THE BUFFALO.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of January 30, 1902, certain information relative to the preservation of the American bison in the United States and the Dominion of Canada; which, with the accompanying papers, was referred to the Committee on Agriculture and Forestry, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. ELKINS presented a petition of W. N. Harris Post, No. 32, Department of West Virginia, Grand Army of the Republic, of Bellville, W. Va., praying for the enactment of legislation to modify and simplify the pension laws of the United States; which was referred to the Committee on Pensions.

He also presented petitions of Local Union No. 59, of Wheeling; of Local Union No. 28, of Wheeling; of Local Union No. 2, of New Cumberland; of Local Union No. 128, of Fairmont; of Typographical Union No. 79, of Wheeling; of Local Union No. 364, of Wheeling; and of Local Union No. 203, of Fairmont, all of the American Federation of Labor, in the State of West Virginia, praying for the enactment of legislation providing an educational test for immigrants to this country; which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Parkersburg, W. Wa., remonstrating against the passage of the so-called Grout bill to regulate the manufacture and sale of oleomargarine; which was ordered to lie on the table.

He also presented a petition of sundry citizens of West Virginia, praying for the adoption of certain amendments to the internal-revenue laws relative to the tax on distilled spirits; which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Sardis, W. Va., and a petition of Valley Union No. 13, Brotherhood of Railroad Trainmen, of Benwood, W. Va., praying for the enactment of legislation to exclude Chinese laborers from the United States and their insular possessions; which were ordered to lie on the table.

Mr. SCOTT presented a petition of sundry citizens of Mount Hope, W. Va., praying for the repeal of the anti-injunction law; which was ordered to lie on the table.

Mr. FORAKER presented a petition of the Society of Christian Endeavor of Ruggles, Ohio, praying for the adoption of certain amendments to the anticanteen law; which was referred to the Committee on Military Affairs.

Mr. KEAN (for Mr. DRYDEN) presented a petition of Lodge No. 367, International Association of Machinists, of Perth Amboy, N. J., praying for the passage of the so-called eight-hour bill; which was referred to the Committee on Education and Labor.

He also (for Mr. DRYDEN) presented petitions of sundry citizens of Hamburg, Haddon Heights, Newark, and Demarest, all in the State of New Jersey, praying for the enactment of legislation to prohibit the sale of intoxicating liquors at immigrant stations; which were ordered to lie on the table.

He also (for Mr. DRYDEN) presented a petition of Engineers and Firemen's Local Union No. 256, American Federation of Labor, of Jersey City, N. J., and a petition of Tin and Sheet Metal Workers' Local Union No. 111, American Federation of Labor, of Trenton, N. J., praying for the enactment of legislation to increase the salaries of letter carriers; which were referred to the Committee on Post-Offices and Post Roads.

IRRIGATION OF ARID LANDS.

Mr. STEWART. I present a paper, being a compilation on the irrigation of the arid lands of the country, showing that the irrigation of these lands will help the East and West alike. I move that the paper be printed as a document.

The motion was agreed to.

REPORT OF A COMMITTEE.

Mr. FORAKER, from the Committee on Pacific Islands and Porto Rico, to whom was referred the bill (S. 6216) to pay in part judgments rendered under an act of the legislative assembly of the Territory of Hawaii for property destroyed in suppressing the bubonic plague in said Territory in 1899 and 1900, and authorizing the Territory of Hawaii to issue bonds for the payment of the remaining claims, reported it without amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. BATE (by request) introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Patents:

A bill (S. 6313) to amend sections 4924 and 4927 of the Revised Statutes of the United States, relating to patents; and

A bill (S. 6314) to amend sections 4924, 4925, 4926, and 4927 of the Revised Statutes of the United States, relating to patents.

Mr. SCOTT introduced a bill (S. 6315) for the relief of Rebecca Queen; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. ELKINS introduced a bill (S. 6316) granting a pension to Jackson Lykins; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6317) for the relief of W. D. Catlett; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6318) for the relief of Charles W. Collison, administrator of Elisha F. Collison, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. SCOTT introduced a bill (S. 6319) to authorize the erection of a monument at Point Pleasant, W. Va., to commemorate the battle of the Revolution fought at that point between the colonial troops and Indians October 10, 1774; which was read twice by its title, and referred to the Committee on the Library.

PENSION WORK OF THE SESSION.

On motion of Mr. COCKRELL, it was

Ordered, That 500 extra copies of Senate Document No. 442, Fifty-seventh Congress, first session, being a statement of general and private bills referred to the Senate Committee on Pensions and action taken thereon during the first session of the Fifty-seventh Congress, be printed for use in the Senate document room.

HOUSE BILLS REFERRED.

The bill (H. R. 14839) providing that the circuit court of appeals of the fifth judicial circuit of the United States shall hold at least one term of said court annually in the city of Montgomery, in the State of Alabama, on the first Monday in September in each year, was read twice by its title, and referred to the Committee on the Judiciary.

The bill (H. R. 15345) to promote the efficiency of the militia, and for other purposes, was read twice by its title, and referred to the Committee on Military Affairs.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the House had passed the following bill and joint resolutions:

A bill (S. 2162) to increase the efficiency and change the name of the United States Marine-Hospital Service;

A joint resolution (S. R. 113) authorizing the Secretary of War to furnish condemned cannon for a monument to the soldiers of Worcester County, Mass., who served in the war for the Union, to be surmounted by an equestrian statue of the late Maj. Gen. Charles Devens, United States Volunteers; and

A joint resolution (S. R. 130) authorizing certain temporary repairs to the Aqueduct Bridge, District of Columbia.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 14244) authorizing the President to reserve public lands and buildings in the island of Porto Rico for public uses, and granting other public lands and buildings to the government of Porto Rico, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CRUMPACKER, Mr. CANNON,

and Mr. WILLIAMS of Illinois managers at the conference on the part of the House.

CIVIL GOVERNMENT IN THE PHILIPPINE ISLANDS.

Mr. LODGE. I call up the conference report on the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

The PRESIDENT pro tempore. The report will be read.

The Secretary proceeded to read the report.

Mr. LODGE. Unless it is requested, I would ask that the reading of the bill, which is a very long one, and which has been printed in the RECORD and is also on our tables, be dispensed with.

The PRESIDENT pro tempore. The Senator from Massachusetts asks that the reading of the bill be dispensed with. Is there objection?

Mr. ALLISON. This is the conference report, and I think it ought to be read.

Mr. LODGE. Let it be read, then.

The Secretary resumed and concluded the reading of the report, which appears in the Senate proceedings of yesterday.

PUBLIC LANDS IN PORTO RICO.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives, disagreeing to the amendments of the Senate to the bill (H. R. 14244) authorizing the President to reserve public lands and buildings in the island of Porto Rico for public uses, and granting other public lands and buildings to the government of Porto Rico, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. FORAKER. I move that the Senate insist on its amendments disagreed to by the House of Representatives, and agree to the conference asked for by the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. FORAKER, Mr. WETMORE, and Mr. COCKRELL were appointed.

HEIGHT OF BUILDINGS IN THE DISTRICT.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives, disagreeing to the amendments of the Senate to the bill (H. R. 14050) to amend an act to regulate the height of buildings in the District of Columbia, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GALLINGER. I move that the Senate insist on its amendments disagreed to by the House of Representatives, and agree to the conference asked for by the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. MCMILLAN, Mr. GALLINGER, and Mr. MARTIN were appointed.

GEORGE LEA FEBIGER.

The PRESIDENT pro tempore laid before the Senate the message of the House of Representatives returning to the Senate, in compliance with its request, the bill (S. 6117) for the relief of George Lea Febiger.

Mr. WARREN. I move that the vote by which the bill was passed be reconsidered.

The motion was agreed to.

Mr. WARREN. I now move that the bill be postponed indefinitely.

The motion was agreed to.

CORPORATIONS IN ALASKA.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 6139) to provide for the organization of private corporations in the District of Alaska.

Mr. WARREN. Mr. President, I had hoped to move a concurrence in the House amendment, but upon investigation I find that there is opposition to disposing of it in that way, on account of the much new matter inserted, which has not been considered by the Committee on Territories; and I therefore ask that the bill be referred to the Committee on Territories.

The PRESIDENT pro tempore. That order will be made in the absence of objection.

PRESIDENTIAL APPROVALS.

A message from the President of the United States by Mr. B. F. BARNES, one of his secretaries, announced that the President had on the 30th ultimo approved and signed the following acts and joint resolution:

An act (S. 4923) to ratify and confirm a supplemental agreement with the Creek tribe of Indians, and for other purposes;

An act (S. 4776) to authorize the construction of a bridge across the Emory River, in the State of Tennessee, by the Tennessee Central Railway or its successors;

An act (S. 4611) to authorize the West Elizabeth and Dravosburg Bridge Company to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania;

An act (S. 5434) to authorize the city of Little Falls, Minn., to construct a wagon and foot bridge across the Mississippi River within the limits in said city;

An act (S. 493) to amend an act entitled "An act to establish a code of law for the District of Columbia;

An act (S. 1949) to authorize the Secretary of the Navy to appoint George H. Paul a warrant machinist in the Navy;

An act (S. 4762) to prevent any consular officer of the United States from accepting any appointment from any foreign state as administrator, guardian, or to any other office of trust, without first executing a bond, with security, to be approved by the Secretary of State;

An act (S. 4792) relative to the control of dogs in the District of Columbia;

An act (S. 6091) extending the time for making final proof in desert-land entries in Yakima County, State of Washington;

An act (S. 3320) granting an increase of pension to Adelaide G. Hatch;

An act (S. 5856) granting an increase of pension to Elizabeth A. Turner;

An act (S. 1225) granting an increase of pension to Clara W. McNair;

An act (S. 5506) granting an increase of pension to Clayton P. Van Houten;

An act (S. 5383) providing that the circuit court of appeals of the fifth judicial circuit of the United States shall hold at least one term of said court annually in the city of Atlanta, in the State of Georgia, on the first Monday in October in each year;

An act (S. 3360) for the promotion of First Lieut. Joseph M. Sims, Revenue-Cutter Service;

An act (S. 4450) confirming in the State of South Dakota title to a section of land heretofore granted to said State; and

A joint resolution (S. R. 118) authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Arturo R. Calvo, of Costa Rica.

The message also announced that the President of the United States had on this day approved and signed the following acts:

An act (S. 2162) to increase the efficiency and change the name of the United States Marine-Hospital Service; and

An act (S. 6148) providing for the resurvey of certain townships in San Diego County, Cal.

CIVIL GOVERNMENT IN THE PHILIPPINE ISLANDS.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

Mr. LODGE. I find in looking over the bill that by a clerical error there is a reference made to a wrong section; and it is important to direct the enrolling clerks to correct it. I therefore offer the concurrent resolution which I send to the desk, and I ask unanimous consent for its immediate consideration.

The concurrent resolution was considered by unanimous consent, and agreed to, as follows:

Be it resolved by the Senate (the House concurring therein), That the enrolling clerks in the enrollment of Senate bill 2295 be directed to change the word "sixty-six," where it occurs in section 64 of said bill, to the word "sixty-three."

Mr. CULBERSON. I desire to say, Mr. President, that I declined to sign this report as a member of the committee of conference because I can not conscientiously vote for the measure or recommend its passage by the Senate. It will serve no good purpose for me to make an extended statement of opposition. I content myself, therefore, with saying that this bill, in my judgment, is not less objectionable than the bill which recently passed the Senate. It does not fix the political status of the Filipinos; it does not state the ultimate purpose of the Government of the United States with reference to the Philippine Islands, and the provisions of the measure are such, in my opinion, that all of the property of the people of the archipelago will have been disposed of or mortgaged or pledged long before they will have any substantial share in the government of the archipelago.

While I do not intend to make any extended remarks upon this measure, yet I desire to take advantage of this opportunity to submit a brief statement with reference to a subject germane to the bill. On the 17th of April I submitted a resolution, which was adopted by the Senate, asking the Secretary of War, among other things, to report the cost of the war in the Philippines, and we have the reply of the Secretary in Senate Document 416 submitted on the 19th day of June. That official states in this

report that the total expenses from the 1st day of May, 1898, down to and including the 30th day of April, 1902, amounted in the aggregate to $170,326,591.11, as follows:

Fiscal year.	Expended.	Liabilities.
1898 (2 months, May and June)	$2,686,850.81	
1899	26,230,673.10	
1900	50,869,543.96	
1901	55,567,422.86	$12.30
1902 (10 months, July to April, inclusive)	34,499,022.09	473,060.99
Total	169,853,512.82	473,073.29

This report, Mr. President, excited surprise on this side of the Chamber at the time it was submitted, and I have made what investigation I was able to make in the meanwhile. As near as can be ascertained from the official reports and making estimates for reports not made, the total expenses of the Army from the 1st day of May, 1898, to the 30th of April, 1902, exclusive of river and harbor improvements, amounted to $605,000,000, in round numbers. The Secretary of War reports that out of this enormous sum of $605,000,000 only about $170,000,000 was expended in the Philippines.

Mr. President, as a preliminary statement and as showing the looseness with which this estimate has been made by that official, I want to call attention to the fact that an error in mere addition of the several items by the Commissary-General amounts to $1,090,000.

It appears also that while the Commissary-General, whose report forms a part of that of the Secretary of War, reports rations furnished for enlisted men, 48,882 for the fiscal year July 1, 1899, to June 30, 1900, there were in the Philippines, according to the report of the Adjutant-General, 50,108 men; and while the Commissary-General reports rations furnished for 59,675 enlisted men for the year July 1, 1900, to June 30, 1901, there were, according to the Adjutant-General's report, an average of 66,000 troops, enlisted men, in the Philippines during that time.

The Secretary of War divides his report for this period into four different parts: First, for May and June, 1898, next, for the two fiscal years succeeding, and fourth, for the ten months from July 1, 1901, to the 30th of April of the present year. I have not been able to secure the official reports of the last period, namely, the period from July 1, 1901, to April 30, 1902, but I call attention to two striking discrepancies during the two full fiscal years for which the report is made by the Secretary of War. He reports that there were expended in the Philippine Islands for the total expenses for our Army there for the fiscal year July 1, 1899, to June 30, 1900, $50,869,543.96. The report of the Adjutant-General for the same period shows that the average enlisted strength of the whole Army was 94,133 men, and that the average number of enlisted men in the Philippines was 50,108 men, or 53.2 per cent of the enlisted strength.

The purely military expenses of the Army, given by Inspector-General Breckinridge, for this fiscal year were $117,993,539.75, and this percentage of enlisted strength at 53.2 per cent would give an expenditure of $62,772,563.14, or a discrepancy, as against the report of the Secretary of War, of $11,903,019.18.

The report also shows that there were expended in the Philippine Islands for the total expenditures of our Army for the fiscal year July 1, 1900, to June 30, 1901, $55,567,422.86. The report of the Adjutant-General, on the contrary, for the same period shows that the average enlisted strength of the Army was 95,463 men and that the average number in the Philippines of enlisted men was 66,000, or 69.3 per cent of the entire enlisted strength. The proportionate share of those expenditures at a common ratio of the soldiers serving in the United States should have been $74,684,219.14, or a discrepancy for that fiscal year of $19,116,796.28.

So that recapitulating and correcting, as I think it ought to be, the report of the Secretary of War on this subject with what data we have in hand the statement would be as follows:

RECAPITULATION.

Report of the Secretary of War	$169,853,512.82 473,078.29	
		170,326,591.11
Error in addition		1,090,000.00
Error for 1899-1900		11,903,019.18
Error for 1900-1901		19,116,796.28
Paid under Spanish treaty		20,000,000.00
Total		222,436,406.57

This does not include (1) pensions, (2) any error for the last ten months, as the figures are not accessible for comparison, (3) greater ratio of cost of supplies in the Philippines by reason of climate and 8,000 miles transit than in the United States, amounting to about 50 per cent, and (4) the cost of transporting the Spanish prisoners from the Philippines to Spain.

In addition to the statement which I have presented, Mr. President, I desire to present, without having it read, a statement of Mr. Edward Atkinson, of Boston, the distinguished statistician, in which he shows, or undertakes to show, that the cost of the war in the Philippines, instead of amounting to $170,000,000, in round numbers, as reported by the Secretary of War, aggregates the enormous sum of $325,000,000.

The paper referred to is as follows:

[Extracts from letter of Edward Atkinson, dated Boston, June 28, 1902.]

Referring to the brief of the statement which I prepared to submit to your Committee on Philippine Affairs, you will observe that the normal rate of the expenditures of this country established by the experience of twenty years antecedent to the Spanish war was $5 per head, varying slightly each year, the variation being mainly on pensions and not on the normal expenditures for the cost of government. This subject is treated in full on pages 8, 9, 10, and 11 in No. 6 of the Anti-Imperialist, herewith inclosed, the tendency having been to diminish per capita rather than to increase, this tendency being the consequence of the falling in of pensions.

In this $5 per head, the normal cost of the Government aside from pensions and interest was $2.57 cents per head, varying very little; but when we deduct the return of direct taxes and bounties on sugar the normal expenditure was less than $2.50 for civil service, war, navy, including the construction of the "new navy," so called, with which we entered upon the Spanish war, postal deficiency, Indians, rivers and harbors, public buildings, and everything else except pensions and interest.

Now, I hold that a rule may be derived from these constants covering twenty years of normal conditions under five Administrations, Republican and Democratic. Such being the facts, I have computed the normal expenditures of the Government since the beginning of the Spanish war at $2.50 per head. Dealing with the year 1901 as an example, I have then added to the normal expenditures of $2.50 $1.79 pensions and the interest on the public debt, 42 cents, showing a normal rate for that year of $4.71, whereas the actual expenditure for the year 1901 was $6.57, a difference of $1.86 per head, which, being assessed on the population, amounted to $144,183,239. (See page 1 of my brief.) That for a single year when Philippine expenditures were diminishing rather than increasing.

Again, following the same rule and dealing with the whole period since we entered upon the Spanish war, we derive a conclusion that up to June 30, 1902, we shall have spent $660,000,000 in excess of the normal rate.

I shall analyze the figures to June 30 as soon as we get them. I expect to find pensions down to $1.60 per head or less and the interest down to 35 cents or less; say pensions and interest $2, which being added to the normal rate of $2.50 will make $4.50 per head normal for 1902. Deduct $4.50 from whatever the average of the whole year may be and may we not rightly attribute the excess to the state of warfare in the Philippine Islands and to the waste of money generally in that warfare for the construction of battleships which are probably worthless in the race of the Maxim shell and the Holland boat and other wastes of militarism?

You are making rather excessive appropriations in the civil department of Government, especially on rivers and harbors, but they do not tell for much in the average rate per capita. Population tends to increase faster than the appropriations of Congress, even though they are somewhat extravagant on rivers and harbors, etc. The only waste at the present time, the only excess above the normal, is due to the Philippine war.

Now, if the figures of June 30, which will be in our hands in about a week, justify the figures which I submitted in my brief inclosed, you will find an excess of expenditure above the normal for the last five years of not less than $650,000,000. I think that should be divided in about even sums—the cost of the war with Spain and the liberation of Cuba about one half, the cost of Philippine warfare and excessive expenditures generated thereby the other half.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed with amendments the bill (S. 4139) diminishing the number of appraisers at the ports of Philadelphia and Boston; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 15257) to cede jurisdiction over place on which the National Home for Disabled Volunteer Soldiers is located in the State of Ohio; and

A bill (H. R. 15258) authorizing Anton Brueken to construct locks and dams in Pond River, in the State of Kentucky, and to give the consent of Congress thereto.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 5956) to provide for the allotment of the lands of the Cherokee Nation and for the disposition of town sites therein, and for other purposes; and

A bill (S. 6148) providing for the resurvey of certain townships in San Diego County, Cal.

APPRAISERS AT PHILADELPHIA AND BOSTON.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 4139) to diminish the number of appraisers at the ports of Philadelphia and Boston.

The amendments were, on page 1, line 8, to strike out "five" and insert "four;" and to amend the title so as to read: "A bill to diminish the number of appraisers at the ports of Philadelphia and Boston, and for other purposes."

Mr. LODGE. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

SOLDIERS' HOME AT DAYTON, OHIO.

Mr. PATTERSON obtained the floor.

Mr. FORAKER. Will the Senator from Colorado yield to me

a moment, until I may ask that the bill in reference to the Dayton Soldiers' Home, which has just come from the House, may be laid before the Senate and acted upon?

Mr. PATTERSON. How long will it take?

Mr. FORAKER. It will take but a moment. It is only a few lines long.

The PRESIDING OFFICER (Mr. WELLINGTON in the chair). Does the Senator from Colorado yield to the Senator from Ohio?

Mr. PATTERSON. Certainly.

Mr. FORAKER. I ask the Chair to lay before the Senate the bill which has just come from the House of Representatives.

The PRESIDING OFFICER. The Chair lays before the Senate the bill indicated by the Senator from Ohio.

Mr. FORAKER. I wish to ask for its consideration.

Mr. ALLISON. Let it be read for information.

Mr. FORAKER. Yes.

The PRESIDING OFFICER. The bill will be read to the Senate for its information.

The bill (H. R. 15257) to cede jurisdiction over place on which the National Home for Disabled Volunteer Soldiers is located to the State of Ohio was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That the jurisdiction over the place purchased by the United States from the State of Ohio for the location of the "National Home for Disabled Volunteer Soldiers," ceded to the United States by act of the seventy-fifth general assembly of the State of Ohio, passed May 6, 1902, is hereby ceded to the State of Ohio and relinquished by the United States, and the United States shall claim or exercise no jurisdiction over said place after the passage of this act: *Provided*, That nothing contained in this act shall be construed to impair the powers and rights heretofore conferred upon the Board of Managers of the National Home for Disabled Volunteer Soldiers in and over said territory.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. FORAKER. For the information of the Senate I can state in a word the purpose of the bill. The legislature of Ohio by an inadvertence ceded back to the United States in May last jurisdiction over the Soldiers' Home at Dayton, Ohio. The purpose of the act passed by the legislature of Ohio was to cede to the United States jurisdiction over certain property in Ohio acquired by the United States for post-offices, custom-house, and other general Federal purposes. But, as I say, by inadvertence the cession was made general and applied to the Soldiers' Home, the result of which would be to disfranchise some four or five thousand inmates of that establishment. The House has passed a bill simply ceding back to the State of Ohio the jurisdiction that it originally had. I hope there will be no objection to the bill.

Mr. ALLISON. There is no objection.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. FORAKER. I am obliged to the Senator from Colorado.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bill and joint resolutions:

A bill (S. 6232) for the relief of I. I. Barber;

A joint resolution (S. R. 120) providing for the removal of shoals in North River, New York Harbor; and

A joint resolution (S. R. 123) for the relief of Naval Cadet William Victor Tombs, United States Navy.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate numbered 91 to the bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes.

The message further announced that the House had passed a bill (H. R. 12702) to provide for the erection of a quartermaster's warehouse at Omaha, Nebr.; in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the concurrent resolution of the Senate to correct an error in the enrollment of the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (S. 2162) to increase the efficiency and change the name of the United States Marine-Hospital Service; and it was thereupon signed by the President pro tempore.

NAVAL APPROPRIATION BILL.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 91, and agreed to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert the following:

That for the purpose of further increasing the naval establishment of the U. S., the President is hereby authorized to have constructed by contract two first-class battleships carrying the heaviest armor and most powerful ordnance for vessels of their class upon a trial displacement of not more than sixteen thousand tons, and to have the highest practicable speed and great radius of action, and to cost, exclusive of armor and armament, not exceeding $4,212,000 each; two first-class armored cruisers of not more than 14,500 tons trial displacement, carrying the heaviest armor and most powerful armament for vessels of their class, and to have the highest practicable speed and great radius of action, and to cost, exclusive of armor and armament, not exceeding $4,659,000 each; two gunboats of about one thousand tons trial displacement, to cost, when built, exclusive of armament, not exceeding $382,000 each, and the contract for the construction of each of said vessels shall be awarded, by the Secretary of the Navy, to the lowest best responsible bidder, having in view the best results and most expeditious delivery; and in the construction of all of said vessels the provisions of the act of August third, 1886, entitled "An act to increase the naval establishment," as to materials for said vessels, their engines, boilers, and machinery, the contracts under which they are built, the notice of any proposals for the same, the plans, drawings, specifications therefor, and the method of executing said contract shall be observed and followed, and, subject to the provisions of this act, all said vessels shall be built in compliance with the terms of said act, and in all their parts shall be of domestic machinery; and the steel material shall be of domestic manufacture, and of the quality and characteristics best adapted to the various purposes for which it may be used, in accordance with specifications approved by the Secretary of the Navy; and not more than two of the six battleships, armored cruisers, and gunboats provided for in this act shall be built by one contracting party:

One battleship or one armored cruiser herein provided for shall he built on or near the coast of the Pacific Ocean or the waters connecting therewith, but if it shall appear to the satisfaction of the President from the bidding for such contracts that said vessel cannot be constructed on or near the coast of the Pacific Ocean at a cost not exceeding four per centum above the lowest accepted bid for the corresponding vessel provided for in this act, he shall authorize the construction of said vessel elsewhere in the U. S., subject to the limitations as to cost hereinbefore provided: Provided, That the Secretary of the Navy shall build one of the battleships authorized by this act in such navyyard as he may designate: *Provided further*, That the Secretary of the Navy shall build all the vessels herein authorized in such navy yards as he may designate, should it reasonably appear that the persons, firms or corporations or the agents thereof, bidding for the construction of any of said vessels, have entered into any combination, agreement, or understanding, the effect, object or purpose of which is to deprive the government of fair, open, and unrestricted competition in letting contracts for the construction of any of said vessels.

The Secretary of the Navy is hereby instructed to keep an accurate account of the cost of inspection and construction of vessels provided for in this act, whether built in Govmt. yards or by contract and report thereon to Congress at each session, the progress of work and cost thereof, including the inspection of all the material going into the construction of said vessels, and upon the completion thereof, to report a full and detailed statement, showing the relative cost of inspection and construction in Govmt. yards and by contract.

And for the purpose of preparing and equipping such navy yard or navy-yards as may be so designated for the construction of any such vessels, the sum of one hundred and seventy-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated for each of the navy-yards in which the Secretary of the Navy may direct any such vessels to be built; and the Senate agree to the same.

EUGENE HALE,
GEORGE C. PERKINS,
Managers on the part of the Senate.
GEORGE EDMUND FOSS,
R. W. TAYLER,
ADOLPH MEYER,
Managers on the part of the House.

The report was agreed to.

CIVIL GOVERNMENT FOR THE PHILIPPINE ISLANDS.

The Senate resumed consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2295) Temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

Mr. PATTERSON. Mr. President, I have not had much time to examine what may be called the compromise bill—the bill that the Senate committee of conference has reported to this body containing the agreements reached by the conferees of both Houses—but I have examined it enough to be quite convinced that from every standpoint, wherever the bill as it passed the Senate has been changed, it has been made worse rather than better.

The bill may be justly denominated "a bill to administer upon all of the property and assets of the Philippine Islands before the inhabitants of those islands can have any opportunity to take action or have voice in the administration." There is a clause in the bill as reported which holds out the shadow of a hope to some sort of a legislative body in the far distant future in which the Filipino people, through representatives, may participate in legislation. But I think I will be able to show that it is simply the shadow of a hope; that there is no certainty of any kind, so far as the bill is concerned, that in this generation or in the next the people of the Philippine Islands will have any voice in legislation relating to their country.

When the bill is reviewed as a whole, it completely sustains, in my opinion, the charge that was made by the Senator from Tennessee in the early part of the Philippine controversy, that it is a bill to provide for and to make easy the exploitation of the Philippine Islands by American capital and American capitalists.

I will first call attention to the provisions for a legislature, as everything else may be said to revolve around that, for if there is no reasonable hope that there will be a Filipino legislature we may justly conclude that it is intended that the United States will govern 10,000,000 people for an indefinite period, extending far into the future, without permitting them voice in what shall be done about them or with them or about their property.

The measure provides, first, that there shall be a census taken after peace has been completely restored and the President issues a proclamation to that effect, and then it provides that two years thereafter—that is, after the taking and publication of the census—in case a condition of complete peace, and in addition to that there is a recognition of the authority of the United States which shall have continued uninterruptedly for a period of two years, then that fact having been certified to the President and the President being satisfied that the statements in the certificate are true, he shall direct the commission to call an election for a popular assembly.

I think it may be conceded that it will require at least three or four years to take and publish a census. How many years it will be before the President will proclaim that there is perfect peace throughout the islands no member of this body can tell, but whenever that proclamation may be made, whether in one or two or five years, then and not until then a census is to be taken. The taking of the census and its publication, if we may judge by census experiences in the United States, will take not less than four or five years. Then if for two years after this period there have been perfect peace and absolute recognition of the authority of the United States by the people of the Philippine Islands and the President is satisfied that such is the case, upon certification of these things to him by the governor of the Philippine Islands, he shall call an election for a general assembly. When that will be no one can tell.

The general assembly is to consist of two bodies, one the popular body and the other the Philippine Commission. The Philippine Commission is the creature of the Executive of the United States. The Philippine Commission has an absolute veto upon every act that the popular assembly may take. In the first place, the lands will have been disposed of. The franchise will have been taken up. The cities and the municipalities will have been covered by the bonded indebtedness this bill provides for. In addition to that the Philippine Commission will have enacted all the laws it sees fit to make before a popular assembly of the Philippine Islands shall have anything whatever to do with legislation.

So whenever a so-called legislature may come, the popular assembly can undo nothing that has theretofore been done by the lawmaking power known as the Philippine Commission, because the Commission stands with the veto power upon everything it may do. This is simply a promise of a possibility, intended, it seems to me, to create the impression in the minds of the American people that there is to be something more in the Philippine Islands than government by an oligarchy.

I do not blame the conferees representing the Senate and House for throwing all the impediments they could possibly think of in the way of a popular assembly in the Philippine Islands, because you might as well stand with a lighted torch in a powder magazine as to have a popular assemblage in a subjugated country populated by seven or eight or ten millions of subjugated people.

The right to meet in a popular assemblage means the right to discuss measures and principles. It means the right to talk about the fundamental principle of a free government, to extol the principles of the Declaration of Independence, to speak of the rights of man in the connection of government, and we know that at the present time in the Philippine Islands efforts of that kind are met with the sedition laws, and a man who dares to speak of freedom and the right of a people to independence would soon be confronted with the sheriff and lodged in one of the bastiles of the islands. So it was quite well enough that these impediments were thrown in the way of everything that seemed like a popular assemblage, because those who had to do with the making of the bill knew full well that with free speech in the islands there would be turbulence, there would be the necessity for a larger army, and once again bloodshed would probably exist all over the islands. So there is to be no popular government there. It is a government with the President of the United States as the source, administered by his appointees, controlled only by the will of the Executive and the members of the Commission, without any limit whatsoever upon the extent to which they may go.

I imagine, Mr. President, that I hear the advocates of this measure suggesting that they have incorporated in this bill what they call a bill of rights; but accompanying that is the prohibition of appeal to the Supreme Court of the United States in any case in which personal rights, personal privileges, or personal liberty are involved. In both the House and the Senate bill, as I recall, there was some liberality in the matter of appeals to the Supreme Court of the United States, but upon reflection and consultation the conferees have cut out every provision granting an appeal from a decision of the supreme court of the Philippine Islands to the Supreme Court of the United States, except in the matter of money, of goods, or of real estate. If $25,000 is involved, whether in money or personal property or real estate, then an appeal may be taken from the decision of the supreme court of the Philippine Islands to the Supreme Court of the United States; but if the case involves even the construction of the Constitution of the United States; if the suit in the Philippine Islands involves the lives and the liberty of no matter how many of those people, it is an utter impossibility, under this measure, to secure an appeal to the Supreme Court of the United States, that those grave questions may be adjudicated by the highest court of the land.

So who have we to administer the laws? A body appointed by the President, the Philippine Commission. The Philippine Commission appoints the judges of the courts of first instance. The President is to appoint the judges of the supreme court of the Philippine Islands. There you have the making of the laws and the administration of the laws wholly within the power of these officials whom I have mentioned. There is no opportunity to bring any question, however grave or serious, which affects the people of the Philippine Islands to the Supreme Court of the United States. If that is not the government of an oligarchy and by an oligarchy, I do not know what an oligarchical form of government is.

Mr. President, I will next call the attention of the Senate to the provisions of the bill as reported with reference to the lands of the Philippine Islands. As that bill passed the Senate it was much better in its provisions than it was when it was reported from the committee. The committee bill provided for the granting to corporations of land to the amount of 5,000 acres or its equivalent in hectares. Before the bill was voted upon in the Senate the chairman of the committee voluntarily withdrew that section. The House bill as it passed the House had in it this 5,000-acre provision. I have no doubt that the Senate conferees struggled to exclude that provision from the bill altogether, but corporate influences were powerful enough over one of the bodies represented in that conference to succeed in retaining in the bill the provision that, in round numbers, 2,500 acres may be granted to corporations.

Mr. President, under this measure a single individual can receive not more than 40 acres of land in round numbers. A corporation or an association of three or more persons can secure 2,500 acres in round numbers. I should like a member of the conference committee to explain why it is that this immense bonus is offered to those who desire to deal in land in the Pilippine Islands to deal in them only as corporations and not as individuals. The bill says to an individual, "If you buy or take up land in your own right, you can get 40 acres; but if you will incorporate yourself with two others, if you will buy lands as a corporation and not as an individual, then you can purchase 2,500 acres."

Mr. President, it is holding out to the individual who wishes to deal in lands in the Philippine Islands twenty to one if he will undertake to deal as a member of a corporation. As an individual he can take only 40 acres; as a member of a corporation, if it contains but three stockholders or three organizers, he may have 2,500 acres of land. There is a reason for this, I take it, Mr. President.

It has been very conclusively demonstrated by the testimony taken before the Philippine Commission that the American can not live any length of time in the Philippine Islands. Two years is about the limit, as testified to by the high generals in the American Army who spent so much time there. Therefore it is not possible for an American who buys 40 acres of land or a greater amount to cultivate and live on it. If he buys it, he must buy it to have it cultivated by an agent. It would not pay the American to buy 40 acres of land and leave behind him a salaried overseer to work the land. So Congress holds out this inducement for absentee landlordism: "Organize yourselves into a corporation and you may purchase 2,500 acres of land—a body sufficiently large to enable you to employ your overseer. You may remain in the United States and let your overseer deal with the natives and use them in the cultivation of your land."

I wish to call attention to a further fact. There was a seeming attempt on the part of the conferees to limit to 2,500 acres the amount of land that a corporation might take. Whether intentionally or otherwise I conceive that the bill shows a lamentable failure in that effort. Section 75, Mr. President, was evidently intended as a limitation upon the quantity of lands to be taken up by a corporation. But before I read section 75 I wish to call attention to the clause which permits a corporation to take up 2,500 acres. That is section 15:

That the government of the Philippine Islands is hereby authorized and empowered, on such terms as it may prescribe, by general legislation, to provide for the granting or sale and conveyance to actual occupants and

settlers and other citizens of said islands such parts and portions of the public domain, other than timber and mineral lands, of the United States in said islands as it may deem wise, not exceeding 16 hectares to any one person—

In round numbers that is 40 acres—

and for the sale and conveyance of not more than 1,024 hectares to any corporation or association of persons.

That, in round numbers, is 2,500 acres.

So, Mr. President, we have the authority given in section 15 to the Philippine Commission to provide for the sale and conveyance to any corporation of Philippine lands to the amount, in round numbers, of 2,500 acres, while to the individual only 40 acres may be sold.

Mr. DIETRICH. Mr. President, I should like to ask the Senator from Colorado a question.

Mr. PATTERSON. Certainly.

Mr. DIETRICH. I read in the private diary kept by Aguinaldo's private secretary while they were journeying through the island of Luzon that Aguinaldo made the statement that in case they were successful he, Aguinaldo, and his officers and members of his cabinet would each take 13,500 acres. I should like to ask the Senator which of the two propositions would be the worst for the people—to have Aguinaldo and his followers take 13,500 acres each or to have 2,500 acres sold to each corporation.

Mr. PATTERSON. Before I get through I will demonstrate, I think, that the provisions of this bill will enable one or more persons easily to secure a much greater amount than 13,000 or 15,000 acres of land. But in addition to that, I might say to the Senator from Nebraska that if he is to adopt the standard set up by Aguinaldo and the members of the former Philippine government as a guide to the conduct of the United States, then he had better go to Aguinaldo for other examples and other illustrations and other standards by which to guide Republican conduct. If Republicans will take the proclamations and the private and public writings of Aguinaldo as we have had them before the committee, they will have a standard of excellence to follow which will vastly improve the legislative work they are attempting at this time to adopt.

I have shown the Senate that under section 15, 2,500 acres of land may be sold to any corporation, and the limitation is supposed to be in section 75. I will now read what that is:

And it shall be unlawful for any member of a corporation engaged in agriculture or mining, and for any corporation organized for any purpose except irrigation, to be in any wise interested in any other corporation engaged in agriculture or in mining.

This is practically an express provision that a corporation organized for irrigation purposes may be interested in as many corporations organized for agriculture as it sees fit; that a corporation organized for irrigation may grasp and hold as much land as it may see fit to take, and as much land as it may be able to buy, and the individuals who comprise such a corporation may be the instrumentalities for any number of corporations for the acquisition of lands in quantities of 2,500 acres, and may become the owner of every one of the tracts thus secured by other corporations.

Another strange change in the provisions of the bill is the one that relates to the friars' lands. Both the Senate and House bills provided for the acquisition of the friars' lands by appraisement and condemnation or purchase. In the Senate bill as introduced and as it passed it was provided that the friars' lands should not be sold by the government of the Philippine Islands at a less price than the appraised value. In other words, if the lands were purchased from the friars, the purchase being made at the appraised value, they should be resold at not less than the appraised value. In the bill as it comes from the hands of the conferees there is no limitation whatever upon the price for which those friars' lands may be resold. They may be appraised for sale to the United States at any price from $10 to $100 per acre or more or less, and they may be resold for a dollar an acre or any less or greater sum.

There is this freak of protection provided, Mr. President: The bill provides that the rules and regulations that shall be adopted by the Philippine Commission shall not be lawful until they first receive the approval of the President of the United States, and, in addition, they must be submitted to the next succeeding Congress; and in event of Congress failing to repeal or amend the law, they shall then stand as the law of the land.

Mr. President, how illusory is that proposition! It is not that the rules adopted by the Philippine Commission shall not be law until they shall be approved by the Congress of the United States, but that they shall be law unless disapproved by the Congress of the United States. If it required approval by Congress, then it would be necessary for both the Senate and House and President to approve it. But under the law, as it is proposed in this measure, the approval either of the Senate or the House or the President, though the other two may disapprove, makes whatever the Philippine Commission may do in the disposition of the public lands the law.

I can very readily understand how utterly impossible it will be with either a friendly House or Senate or President to defeat any legislation that the Philippine Commission may enact. We can well understand how a hostile committee, either in the Senate or in the House, may prevent legislation in either the one or the other of the bodies. So we may take it as an accomplished fact that whatever the Philippine Commission may do with reference to the lands it will stand as the law of the land if the act meets the approval of the powers and influences controlling the administration in dealing with those islands and their people.

With reference to the bonds and franchises as provided for in the bill, first the franchises are to be given out under rules and regulations prescribed by the Philippine Commission, which shall be the law unless they are disapproved by Congress. It provides that there shall be $4,000,000 of bonds issued by the city of Manila and that these bonds shall be gold bonds, payable in the gold coin of the United States, bearing interest at 4½ per cent in gold, redeemable in not less than five nor more than thirty years from the date of their issuance. In addition to that, it provides that these bonds shall not be taxed by any authority either in the Philippine Islands or the United States. The citizen of Massachusetts may invest his fortune in 4½ per cent bonds issued for public works in the city of Manila, and his investment stands without taxation either in the State of Massachusetts, in his own city, or in the United States, or in the Philippine Islands.

These bonds are practically guaranteed by the Government of the United States. Bonds of this character issued by the United States bearing 2 per cent interest sell at a premium. What was it that induced the conference to provide that bonds practically as good as United States bonds, and as free from taxation of every kind and character, should draw interest at the rate of 4½ per cent in gold, doubling the interest burden that is placed upon the citizens of the city of Manila, as compared with the interest burden placed upon the people of the United States by our Government issues?

The municipal bonds that may be issued under the provisions of this bill by a municipality, for the construction of any work of public service, under authority of the Philippine Commission, are to be payable in the gold coin of the United States, with interest payable in gold, are to draw interest at the rate of 5 per cent per annum, and these bonds are to be as free from taxation in the Philippine Islands and in the United States, whether national, State, or municipal, as are the bonds issued by the United States Government.

Mr. ALLISON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Iowa?

Mr. PATTERSON. Certainly.

Mr. ALLISON. These municipal bonds are not free from municipal taxes in the States or municipalities of the United States. They are exempt, it is true, from United States taxation, but not from municipal or State taxation; and that is true also of the Manila bonds.

Mr. PATTERSON. Is the difference made between these bonds and the bonds for the friars' lands?

Mr. ALLISON. Yes, sir; the friars' lands are the only lands that are to be so sold under the bill.

Mr. PATTERSON. Of course I accept the statement of the Senator from Iowa. I read the section that provided for the issuance of bonds for the purchase of the friars' lands, and I supposed, since there was but half of 1 per cent difference in the interest that was to be paid on them and the municipal bonds, that the same exemptions extended to all municipal bonds. I hope, unless the Senator from Iowa is absolutely certain about his statement, that he will examine the sections of the proposed law, for I can not see——

Mr. ALLISON. I will read it, if the Senator will allow me.

Mr. LODGE. There is no doubt whatever about it.

Mr. PATTERSON. Certainly; that settles it. Then I can not conceive why the bonds that are issued in payment of the friars' lands should bear interest at 4½ per cent in gold and be exempt from every form of taxation in the United States and in the Philippine Islands, while bonds issued by minor municipalities bear only 5 per cent interest and are not exempt from taxation, State or municipal, within the limits of the United States. That is one of the singular features of this measure which discloses to my mind either that the financial logician was not sitting with the committee while they were at work or that some member of the committee succeeded in imposing an unnecessary burden upon the people of the archipelago.

Mr. LODGE. If the Senator will allow me, the object, in the first place, was to make the bond of the friars' land, which I think everybody is agreed it is desirable to dispose of, an attractive bond. There was no desire on the part of the committee to encourage municipal indebtedness. They took away the exemption from taxation from municipal bonds, and they also provided, as the Senator will notice, that all those municipal loans should have

the approval of Congress, the object being to keep the municipal indebtedness within the narrowest possible limits.

Mr. PATTERSON. Why it was desired to make the bonds for the friars' lands so highly favored I do not understand, unless they are to be put upon the market with a quasi-indorsement by the United States, making this Government their guarantor. If that is the situation, Mr. President, then I submit that 2 or 2½ per cent gold interest was ample remuneration to the purchaser of those bonds for the money that he had advanced for them, and that there is no reasonable excuse in this day and generation, with the abundance of money in the markets seeking just such investment, to have burdened the people of the Philippine Islands with gold interest upon gold bonds, provided for by an act of Congress, at the rate of 4½ per cent.

The effect of this land legislation must inevitably mean this, Mr. President: The great bulk of the Philippine lands will pass into the ownership of absentee owners. The great bulk will pass into the hands of corporations whose members reside in the United States and who will be represented in the islands by their agent or overseer; and within a few years under such a system we will have the absentee landlord system of Ireland in the Philippine Islands, only intensified time and time again. We will have the earnings of the lands sent abroad. The great bulk of the lands passing into the possession and ownership of corporations will be held by foreigners and nonresidents, and the natives of the Philippine Islands will necessarily become the peons of the landowners, with no hope in the future and with no prospect for the betterment of their condition.

Mr. President, that I suppose is what colonies are for. I suppose it is for that purpose England sends her fleet and has been sending her fleet the world over to subjugate half-civilized and powerless people. In India Great Britain, as will be the case in the Philippines, has no legislature. A country can not afford to permit a legislature in a subjugated country with 10,000,000 of subjugated people. In Australia and in Canada and other countries whose territory was virgin when England became the owner and which were populated by those who left Great Britain to settle there, it is safe to have legislatures; but no government dare to trust millions of subjugated people with a legislature, because a legislature representing such a people means constant agitation, constant complaints, the giving to the world notice of their grievances, and appeals to their people to rise if need be for the purpose of asserting and securing the rights that belong to freemen.

I have shown you, Mr. President, that so far as the courts are concerned there can be no redress. Whatever violations of this so-called bill of rights may occur, however the rights of freemen may be disregarded, they must be passed upon by courts the creature of the Executive, the judges subject to instant removal by the appointing power if, in their decisions, they shall interfere with the schemes of the master minds who have taken under their control the future of this Filipino people.

Therefore, Mr. President, so far as this measure is concerned, it is bad in all its features. I commend the Senate conferees for not yielding to the House the provision in the bill of the House to establish the gold standard in the islands. I am grateful that they, by their action, have shown that somewhere under the burning sun there is some virtue in the policy of the free coinage of silver. The Senate, under the leadership of the majority of the Philippine Committee, passed a bill for the free coinage of silver in the Philippine Islands. They recognized that to establish the gold standard there would precipitate ills that would vie in their intensity with the ills to which the people of the Philippines were lately subjected, and under which they are yet suffering. To the Senator or Senators who were instrumental in warding off from the people of the Philippine Islands the calamity of the gold standard under conditions as they exist in the Philippine Islands the thanks of the united Filipino people and American people are due.

When the Senate conferees could not secure the free coinage of silver, they wisely and humanely insisted that the provisions establishing the gold standard found in the House bill should be rejected. The provisions originally found in both bills upon the subject of coinage are omitted, the conferees' bill providing simply for the coinage of minor coins, and very properly leaving the coinage of the islands to continue as it is to-day. Without a mint, it is practically the free coinage of silver, for every piece of silver that circulates in the Philippine Islands is coined in other countries under free-coinage laws. Therefore, Mr. President, both the Senate and House have practically left the free coinage of silver in the Philippine Islands. Since they were unwilling to give the stamp of approval in words to the free coinage of silver in the bill, I thank them for giving their approval to it in spirit. It is the one feature of this bill that I can approve with genuine sincerity.

Mr. President, to my mind this bill in its enormity is only exceeded by the enormities connected with the subjugation of those people. The idea, when a country was in honor bound to take a people by the hand and lead them to independence, of administering upon all of their estate, of taking them by force, governing them by an army, placing upon the statute books of the islands laws that the courts of this land would repudiate as quickly as they could be brought before them, suppressing the freedom of speech and of the press, and, in addition to those enormities, taking the patrimony of those people and disposing of it, their lands, their franchises, and all of the other property connected with the islands, is to my mind an enormity, as I said before, that has only been exceeded by the enormity of their subjugation.

Mr. President, I have no desire to occupy the floor long enough to interfere with the plans for the final adjournment of Congress. For that reason I will not longer discuss the features of the bill. There are one or two other matters to which I think I should refer before I take my seat.

We have had during this session what is called an investigation—an investigation that was nothing, and has been from the beginning to the end nothing but a travesty—an investigation that was commenced with some degree of liberality upon the part of the majority of the committee, but that, as the disclosures progressed, narrowed and narrowed and narrowed until practically it was forced to an end.

Mr. President, the investigation to which I refer practically commenced by a resolution offered by the senior Senator from Massachusetts [Mr. HOAR] on the 13th day of January, and I want to read that resolution to the Senate for the purpose of showing the scope that was in the mind of the senior Senator from Massachusetts. The resolution reads:

Resolved, That a committee of seven Senators be appointed by the Chair, who shall examine and report into the conduct of the war in the Philippine Islands, the administration of the government there, and the condition and character of the inhabitants. Said committee shall have power to send for persons and papers, to administer oaths, and to sit during the sessions of the Senate.

Upon that resolution the senior Senator from Massachusetts made some remarks, and he expressed in a very effective way the general scope that he intended the investigation should take, and that scope embraced an investigation of the conditions, the hopes, the feelings, and the desires of the people of the Philippine Islands, the conduct of the government, and various other matters of national importance which have been subjects of controversy in the United States since the treaty was made with Spain at Paris.

The committee which the Senator from Massachusetts asked for was not granted, but the investigation was turned over to the Committee on the Philippines; and I put it to the Senate that the scope, as contemplated by the senior Senator from Massachusetts, has been entirely ignored, and the investigation has been confined within very, very narrow and unsatisfactory lines.

The witnesses before the committee consisted in the main of the generals in the Army. To their examination, as a matter of course, all the members of the committee consented; and, speaking for the minority, I know that we desired to have the views of such men as MacArthur, Hughes, Otis, and also of Governor Taft, but it will be readily understood that the testimony given by gentlemen who are in the service of the Government, largely and almost necessarily attached to the fortunes of the Administration, would not give to the people of the country that wide and unbiased view of conditions in the Philippines which the people were entitled to have.

Then followed the examination of some witnesses about cruelties in the Philippines; and, Mr. President, it was on the disclosures made by those witnesses that the disinclination of the majority of the committee to continue the investigation was manifested. I think that every member of the committee will bear me out that for the last six weeks or two months the investigation has dragged along with snail's pace. Recesses were taken for a week at a time, for two weeks at a time, while witnesses were right here in Washington. As the chairman of the committee stated the other day, there is yet in the committee room a list of witnesses as long as your arm that the minority desired subpœnaed.

In addition to that, we were forbidden to bring a single witness from the Philippines; we were necessarily restricted to those who are at the present time in association with the Administration, and to those who have returned and left the service, who might volunteer to tell the committee what they knew. It is only necessary to make these statements to demonstrate to the Senate and to the country that the investigation, having in mind its original scope as intended by those who first urged it and by the Senate when the authority for it was given, has been, as I suggested before, nothing less than a travesty. As soon as matters were disclosed which tended to hurt the Administration, just so soon the reins were drawn tight, until, immediately following the passage of the bill, in the face of the public assurance of the chairman of the committee that the investigation should continue

notwithstanding the passage of the bill, the investigation practically ended. Two witnesses who happened to be in the city and Admiral Dewey, have been the only witnesses examined since the passage of the Philippine bill.

Mr. President, I want to call attention to the last disclosure made in that investigation, the disclosure made by Admiral Dewey, and I will ask the Senator from Iowa [Mr. ALLISON], who I see is about leaving the Chamber, to remain while I make the statement, as he is the only member of the committee who is on the floor.

Mr. ALLISON. The chairman of the committee is here.

Mr. PATTERSON. Then I withdraw my request. I had not observed the presence of the chairman of the committee, because he is wearing a gray suit and I am somewhat short-sighted.

Mr. President, it has been suggested for a couple of years that there was no genuine attack upon the city of Manila; that Manila had been surrendered to the United States by an agreement entered into between the governor-general of the Philippines and Admiral Dewey and General Merritt. When General MacArthur was upon the witness stand, we asked him about that arrangement, and he declared that he knew nothing about it; that although he commanded one of the brigades that were engaged in the attack, if there was an arrangement by which there was to be a peaceable surrender of the city of Manila to the American forces he was not aware of it. General Hughes in substance made the same statement.

But what did Admiral Dewey disclose the other day? According to his statement there was a practical surrender of Manila to the Navy on the day that the Spanish fleet was sunk; not an offer to surrender in terms, but one in effect: that, having drawn his fleet up in front of the city, he notified the Spanish governor-general that if a shot was fired he would bombard the city, and the Spanish governor-general practically agreed to fire no shot and Admiral Dewey agreed not to bombard the city; and that, Admiral Dewey said, was a practical surrender. He says he drew up within 2,000 yards of the city. I place no particular stress upon that statement, because that evidently was an inference of Admiral Dewey that might or might not have been justified by the facts.

Admiral Dewey, however, stated further that during the latter part of the month of May the English consul came to him from the Spanish governor-general and told him that the Spanish governor-general wished to surrender to the American Navy, and that later, in the month of June, through M. André, the Belgian consul, the Spanish governor-general twice proposed to surrender the city of Manila to the American Navy; and that ultimately, just a short time before the 13th of August, 1898, a formal agreement was entered into between Admiral Dewey and the Spanish governor-general by which a surrender was agreed upon, the terms of which were that Admiral Dewey should make a demonstration upon some of the defenses of the city, he to fire a shot or two, to result in no injury, when a white flag would be raised at a point that was specifically designated. Admiral Dewey states that General Merritt had full information of this arrangement.

Mr. President, what did that require? That the taking of Manila should be so conducted that no American soldier would be killed and no American soldier wounded. On the contrary, taking Admiral Dewey's statement and the statements of General MacArthur, General Hale, and General Greene, General Merritt permitted an attack to be made upon Manila by the American land forces, its officers left in utter ignorance of the arrangement which had been entered into.

Following the publication of Admiral Dewey's testimony in the newspapers, a special dispatch was sent from Denver to the Washington Post and printed in that paper upon the 30th day of June. It reads as follows:

[Special to the Washington Post.]

IT WAS NOT A SHAM FIGHT—GENERAL HALE TAKES ISSUE WITH ADMIRAL DEWEY'S STATEMENT.

DENVER, COLO., *June 29, 1902.*

Brig. Gen. Irving Hale disagrees with Admiral Dewey over the statement that the battle of Manila was a sham fight. General Hale was commander of the First Colorado at the attack. He said:

"If there was any understanding, it did not come to the knowledge of the troops actually engaged in the attack. General MacArthur, commanding the First Brigade, stated in his testimony before the same committee that he knew of no such understanding. General Greene, who commanded the Second Regiment, has made the same statement. I know that the Colorado regiment, from the colonel down, had no such intimation."

So, Mr. President, we have General MacArthur, General Hughes, Brigadier-General Hale, and General Greene all uniting in the statement that if there was an agreement by which Manila was to be surrendered upon a sham attack by the Navy they went into the fight without any knowledge whatsoever of it.

I submit, Mr. President, that this either calls for a court-martial or a board of inquiry. I submit that the lives of American soldiers are too precious to be simply sacrificed to the negligence or indifference or the purposes of any official. There were American soldiers killed and wounded in the attack upon Manila; and I am bound to infer, in the light of the testimony of Admiral Dewey, killed where there was no necessity for it, killed where, if the existing facts had been communicated to generals in command of the land forces surrounding Manila, there would have been no assault, for no assault was needed, and no American soldier's life would have been lost and no American soldier would have been wounded.

I submit, Mr. President, in view of this statement by Admiral Dewey that General Merritt was informed of the agreement; in view of the fact, as the voluntary testimony of the officers under General Merritt discloses, that General Merritt failed to inform any of his subordinates, and that by reason of the failure to do so American soldiers lost their lives and American soldiers were wounded, there should be an investigation to have the truth made clear to the American people, and the blame for this unnecessary slaughter, if blame there be, placed upon the shoulders of those who are guilty.

Mr. President, I predict that this so-called investigation is practically at an end. I predict that whatever may be the necessity for knowledge of the shortcomings of American representatives in the Philippine Islands, no further opportunity will be given to make it known to the American people.

The Senator from Texas [Mr. CULBERSON] suggested that the majority had not made known their purposes with reference to the Philippine Islands. While they have not done this in words, Mr. President, it is perfectly clear to my mind that this bill very clearly makes known their purposes. It is to turn these islands over to exploiters; to get the lands and get the franchises, and secure the investment of American capital in the islands; to make it impossible, no matter what the sentiment of the American people may be as developed at any future time, to give to those people what they are entitled to under every law of right and justice and humanity, namely, the management and the control of their own islands and the making of their own laws and the shaping of their own destinies.

The PRESIDENT pro tempore. The question is on agreeing to the report of the committee of conference.

The report was agreed to.

ANTON BRUCKEN.

The PRESIDENT pro tempore laid before the Senate the bill (H. R. 15258) authorizing Anton Brucken to construct locks and dams in Pond River, in the State of Kentucky, and to give the consent of Congress thereto.

Mr. BLACKBURN. I ask unanimous consent for the present consideration of the bill. I will state that it is a bill reported to the House by Mr. BURTON, the chairman of the Committee on Rivers and Harbors in that body. Of course there is no opportunity and no time to refer the bill to our Committee on Commerce.

Mr. LODGE. What is the bill?

Mr. BLACKBURN. It authorizes the construction of locks and dams in Pond River, in Kentucky. The bill was unanimously reported by the House Committee on Rivers and Harbors and reported by the chairman [Mr. BURTON] in person. I hope I may have unanimous consent for the consideration of the bill at this time.

The bill was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That whereas the Chief of Engineers and the Secretary of War have had submitted to them the plans and specifications for certain locks and dams proposed to be constructed in the bed of Pond River, a navigable stream running between Hopkins County and Muhlenberg County, in the Commonwealth of Kentucky, by one Anton Brucken, who has proposed, on his private account and by voluntary subscriptions of interested parties, to construct such improvement in order to make said stream navigable for rafts and barges during the whole year; and said Anton Brucken and his associates desire the consent and approval of Congress to said improvement, pursuant to section 9 of an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for certain other purposes," approved March 3, 1899, said Anton Brucken be, and he is hereby, authorized to construct, erect, and operate a system of locks and dams in said Pond River, in Kentucky, according to such plans as may be approved by the Chief of Engineers and the Secretary of War, for the use of himself and all other persons using said stream by way of traffic, without tolls, and the consent of Congress to said improvement is hereby conferred: *Provided, however*, That said Anton Brucken and his associates are in no way relieved from the lawful consequences of any damage done by the work to private property, and the United States in no way relinquishes its right to require the removal of any structure placed in said stream: *Provided further*, That unless availed of within three years from the date of this act the privilege hereby conferred shall cease and be determined.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

QUARTERMASTER'S WAREHOUSE AT OMAHA, NEBR.

The PRESIDENT pro tempore laid before the Senate the bill (H. R. 12702) to provide for the erection of a quartermaster's warehouse at Omaha, Nebr.

Mr. DIETRICH. I ask unanimous consent for the immediate consideration of the bill.

The PRESIDENT pro tempore. The bill will be read to the Senate for its information.

The bill was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That a warehouse for the storage and distribution of quartermaster supplies, United States Army, be erected, under the direction of the Secretary of War, upon ground now owned by the United States in the city of Omaha and State of Nebraska, the cost of such building not to exceed the sum of $75,000.

SEC. 2. That the sum of $75,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, to carry into effect the foregoing provisions.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. BATE. I should like to ask if the bill has been before any committee, and what committee it has been before?

The PRESIDENT pro tempore. It has not been before any committee of the Senate. It is a House bill.

Mr. BATE. It is rather late. Is there any special reason for its passage?

Mr. DIETRICH. The bill has been especially recommended by the Secretary of War. I am sorry to say that my colleague, who has the report of the House and the special recommendation of the Secretary of War, is not here for the moment. I have sent for him.

Mr. BATE. I understand the Senator to say that the Secretary of War desires the passage of the bill, and it is upon his suggestion that the measure is here.

Mr. DIETRICH. It is indorsed by the Secretary of War.

Mr. LODGE. Is the House report here?

Mr. DIETRICH. I have it not, but my colleague has it. However, he is not in the Senate Chamber for the moment.

Mr. LODGE. Would it not be better to wait until the report can be read?

Mr. BATE. I think so.

The PRESIDENT pro tempore. The bill will remain on the table for the present.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty-five minutes spent in executive session the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14244) authorizing the President to reserve public lands and buildings in the island of Porto Rico for public uses, and granting other public lands and buildings to the government of Porto Rico.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 16) to provide for the erection of a monument at Washington, D. C., of bronze equestrian statues of the late Brig. Gen. Count Casimir Pulaski and Baron Steuben; and

A bill (H. R. 11848) granting right of way to the Williams and Cataract Canyon Railroad Company across the Supai Indian Reservation in Arizona.

The message further announced that the House had passed a concurrent resolution appointing three members of the House to join a similar committee to be appointed by the Senate to wait upon the President of the United States and inform him that the two Houses have completed the business of the present session and are ready to adjourn, etc.

The message also announced that the Speaker had appointed Mr. PAYNE, Mr. CANNON, and Mr. RICHARDSON of Tennessee members of the committee on the part of the House.

The message further announced that the House had passed with amendments the joint resolution (S. R. 8) construing the act approved June 27, 1890, entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents;" in which it requested the concurrence of the Senate.

PUBLIC LANDS AND BUILDINGS IN PORTO RICO.

Mr. FORAKER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14244) authorizing the President to reserve public lands and buildings in the island of Porto Rico for public uses and granting other public lands and buildings to the Government of Porto Rico, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4 and 7.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 5, 6, and 8 and agree to the same.

J. B. FORAKER,
GEORGE PEABODY WETMORE,
F. M. COCKRELL,
Managers on the part of the Senate.
E. D. CRUMPACKER,
J. G. CANNON,
J. R. WILLIAMS,
Managers on the part of the House.

Mr. SPOONER. I should like to ask the Senator from Ohio what these numbers signify?

Mr. FORAKER. The Senate conferees recede from the provision authorizing the Secretary of War to survey the harbor of San Juan and the other principal ports of Porto Rico, and also recede from the amendment which provided for the naturalization of citizens of Porto Rico.

Mr. SPOONER. Is there any change in the provision?

Mr. FORAKER. There is no change of any other kind.

Mr. SPOONER. There is to be no Delegate in Congress?

Mr. FORAKER. Not at all; nothing of that sort.

The report was agreed to.

QUARTERMASTER'S WAREHOUSE AT OMAHA, NEBR.

The PRESIDENT pro tempore. The Chair lays before the Senate the bill (H. R. 12702) to provide for the erection of a quartermaster's warehouse at Omaha, Nebr.

Mr. DIETRICH. Mr. President——

The PRESIDENT pro tempore. The bill has been read, and the report of the House committee was called for. The Secretary has the report of the House committee, and it will be read to the Senate.

The Secretary read the report submitted by Mr. HULL May 6, 1902, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 12702) to provide for the erection of a quartermaster's warehouse at Omaha, Nebr., report the same back to the House with the recommendation that it do pass.

This bill has been referred to the Secretary of War for information and remarks and is returned with the following indorsements:

[First indorsement.]

WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,
Washington, May 2, 1902.

Respectfully returned to the honorable Secretary of War.

In view of the increased size of the Army and the need of storage room for its supplies, the construction of an additional storehouse on ground now owned by the United States (known as the quartermaster's corral) in the city of Omaha, Nebr., would be very desirable, and is recommended.

Omaha is an excellent distributing point from which supplies stored there could be quickly shipped to the Middle, Northern, and Northwestern posts, and I think it wise that there should be a distribution of reserve supplies held in store, so that in the event of its being necessary, as in the case at the beginning of the Spanish-American war, to suddenly clothe and outfit troops in all parts of the country, it may be done with promptness, and thus avoid the difficulties and delays experienced in equipping the troops west of the Mississippi in the spring of 1898.

M. I. LUDINGTON,
Quartermaster-General, U. S. A.

[Second indorsement.]

WAR DEPARTMENT, *May 2, 1902.*

Respectfully returned to the chairman Committee on Military Affairs, House of Representatives, inviting attention to the foregoing report of the Quartermaster-General of the Army.

WM. CARY SANGER,
Assistant Secretary of War.

Mr. DIETRICH. I ask for the present consideration of the bill.

The PRESIDENT pro tempore. Is there objection?

Mr. BATE. Has the Committee on Military Affairs acted upon it?

The PRESIDENT pro tempore. The Committee on Military Affairs of the Senate has not. It is a House bill.

Mr. BATE. Has there been a poll of the committee?

The PRESIDENT pro tempore. The committee has been polled here.

Mr. BATE. And it agreed to it?

The PRESIDENT pro tempore. And it agreed to it.

Mr. BATE. Then I withdraw my objection.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INVESTIGATION OF AFFAIRS IN THE PHILIPPINES.

Mr. CARMACK. Mr. President, I should like to call up and have considered the resolution I introduced yesterday regarding an investigation of affairs in the Philippines.

The PRESIDENT pro tempore. The Chair lays before the Senate, at the request of the Senator from Tennessee, a resolution, which will be read.

The Secretary read the resolution submitted yesterday by Mr. CARMACK, as follows:

Resolved, That the Committee on the Philippines be authorized and instructed to sit during the recess of Congress for the purpose of prosecuting the investigation heretofore authorized by resolution of the Senate.

2. That said committee be further authorized and instructed to visit the Philippine Islands during the recess of Congress for the purpose of examining witnesses and otherwise prosecuting the said investigation.

Mr. CARMACK. Mr. President, while this resolution was introduced in behalf of the minority of the committee, I have no positive reason to assume that it is disagreeable to the majority of the committee. We have not had an opportunity to have any action upon the matter by the committee itself, and consequently I have introduced the resolution as I have done.

Mr. ALLISON. I ask that the resolution may be again read. I do not see the chairman of the committee here.

The Secretary again read the resolution.

Mr. SPOONER. I suppose that——

Mr. KEAN. I suggest that the resolution be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. SPOONER. I recognize the ability of the Senator. That is the suggestion I was about to make.

Mr. CARMACK. What is the suggestion?

Mr. SPOONER. The resolution will have to go to the Committee to Audit and Control the Contingent Expenses of the Senate. It involves the expenditure of considerable money, and under our rules we can not pass such a resolution until it has been reported from that committee.

Mr. CARMACK. Could it not be done by unanimous consent?

Mr. JONES of Arkansas. No; that is the law.

Mr. SPOONER. I do not think it can be done by unanimous consent.

Mr. JONES of Arkansas. It is the law.

Mr. McCOMAS. There is no provision in the resolution for the expenses of such a journey and investigation. That [indicating] is the mass of testimony taken by this committee, sitting almost daily during the whole session, and the inquiry has covered a very wide scope. This is a late hour in which to endeavor to project that sort of an investigation. As has been stated by the Senator from New Jersey [Mr. KEAN], it will require the action of the Committee on Contingent Expenses of the Senate. It is rather late, and I think the resolution ought to be referred to the committee for consideration.

Mr. SPOONER. It has to go there.

Mr. CULLOM. The law refers it.

Mr. CARMACK. Mr. President, probably it is a little late, but this is not the first effort which has been made to secure the consideration of this question. The matter was brought up in the committee and adjourned over without action. The committee itself has not been meeting for days and weeks at a time. It has been impossible to secure a meeting of the committee to have any consideration of the question. More than a month ago—perhaps two months ago—this question was discussed somewhat informally in the committee with reference to the committee sitting during the recess and visiting the Philippine Islands. The matter has not been pressed because we had a definite assurance from the chairman of the committee to the effect that immediately after the passage of the Philippine civil government bill the investigation would proceed. There were a large number of witnesses who remained.

Mr. President, as I said, we had the assurances that this investigation would proceed as soon as the civil government bill was disposed of. There was a long list of names of witnesses that had been submitted by the Democratic members of the committee—witnesses who would testify to very important matters, far more important, in my judgment, than any testimony that has yet been offered before the committee, and yet, sir, when that bill was passed the investigation dropped dead; it was absolutely impossible to secure a meeting of the committee; it was absolutely impossible to carry on the investigation at all, and as soon as the committee did meet we brought up this question. It was put off on account of the absence of several members of the committee. When we met again Admiral Dewey was before the committee. He occupied the whole time of the committee until the hour of the meeting of the Senate. It has been impossible to have this question considered by the committee, because the committee itself has not been in session; it has refused to meet and, as a last resort, we have brought the matter before the Senate. The action upon that resolution will determine whether or not this investigation, which was ordered by the Senate, shall be carried on and accomplish the purpose for which it was ordered.

A large part of this investigation has been an absolute failure, a farce, not to speak offensively, for, as the Senator from Colorado [Mr. PATTERSON] has said, just as soon as facts began to be disclosed which did not seem to be palatable to some of the gentlemen upon the committee, a disposition to choke off and stop the investigation was manifested, and the investigation has been choked and strangled and destroyed. There has been no real investigation, Mr. President.

The Senator from Wisconsin [Mr. SPOONER] stated the other day that the members of the minority of the committee seemed to have no desire or no further object in this investigation except to secure testimony as to torture in the Philippine Islands, and he represented us as having advertised for torture witnesses, or for water-cure witnesses, and saying that no others need apply. The fact is that almost every witness who has been brought before that committee has been brought there at the instance of the minority members of the committee. The very first witness who was suggested——

Mr. SPOONER. If the Senator will allow me, why did they not bring Captain Bridgman?

Mr. CARMACK. I do not know him.

Mr. SPOONER. He is the witness to whom the Senator from Texas [Mr. CULBERSON] referred.

Mr. CARMACK. Does the Senator from Wisconsin think that Captain Bridgman knows anything particularly about these matters?

Mr. SPOONER. No; but he was interrogated as to whether he knew anything that tended to show that General Hughes had sactioned, verbally and otherwise, the water cure in the Philippines.

Mr. CARMACK. And I believe his answer was that he did not know anything about it.

Mr. SPOONER. And therefore he was not called.

Mr. CARMACK. He was not called because he did not know anything.

Mr. SPOONER. He did know something.

Mr. CARMACK. Did he? Then why did not the distinguished Senator from Massachusetts [Mr. LODGE] have him called?

Mr. SPOONER. Why did not the Senator from Tennessee have him called?

Mr. CARMACK. I never heard of him until the Senator mentioned his name.

Mr. SPOONER. Why did not the Senator from Texas have him called?

Mr. CULBERSON. Mr. President, during my absence from the Senate, when the distinguished Senator from Wisconsin [Mr. SPOONER] was delivering his great speech on this subject, he made some reference to this case of Bridgman. The Senator personally understands why that witness was not summoned.

Mr. SPOONER. Well, Mr. President, if the Senator will permit me——

The PRESIDENT pro tempore. Does the Senator from Texas yield?

Mr. CULBERSON. I do.

Mr. SPOONER. The Senator from Wisconsin does not personally know anything about it; but the Senator thinks that Captain Bridgman was not called because it was discovered that he would not answer the purposes of the minority in testifying to some imputation upon the honor of the army in the Philippines, to be frank about it.

Mr. CULBERSON. Mr. President, I stated that the Senator from Wisconsin knew why the witness was not summoned. I stated it because I informed the Senator personally why he was not called; and if the Senator has no recollection of it, I call it to his attention now, which I did at the time personally to the Senator——

Mr. SPOONER. Did what?

Mr. CULBERSON. I called this to your attention personally: A citizen of this town informed me that Capt. Victor H. Bridgman knew that General Hughes had given orders for the infliction of the torture known as the water cure. I stated to this man that I did not know whether Captain Bridgman knew anything about this question, and that I did not desire to call any witness unless I had investigated and understood what he knew about it; and I stated to the Senator from Wisconsin that, rather than call here a captain of the Army at the expense of the Government, to testify, and to put him in an attitude that might be a false attitude, I saw proper to write him a letter and to ask him if the statement was true that he knew of this matter. Captain Bridgman having answered me that he was not in the Philippines at that time and knew nothing about it, he was not subpœnaed as a witness; and that is all there is about it.

Mr. SPOONER. I have no recollection of ever having had any conversation with the Senator upon that subject, and I am positive I never did have. The conversation must have been with some other Senator.

Mr. CARMACK. Now that the matter is brought to my attention I remember it, and I remember also the conversation between the Senator from Texas, the Senator from Wisconsin, and myself here in the cloakroom.

Mr. CULBERSON. Immediately in the Senate Chamber and in the cloakroom. The Senator from Wisconsin said to me that if he had known the circumstances he would not have referred to the matter in my absence.

Mr. SPOONER. Was not Captain Bridgman in this city?

Mr. CULBERSON. I have no idea where he was. I have never seen him. I do not know him personally.

Mr. SPOONER. Was he not in this country?

Mr. CULBERSON. I addressed him a letter at Fort McHenry, Md., and he answered from Baltimore. He was not called, I repeat—and I want to be emphatic about it—because he stated that he knew nothing about the subject and would not testify, as my informant told me he would. Consequently he was passed by.

Mr. CARMACK. In other words, Mr. President, this witness replied to the Senator from Texas that he did not know anything, and the Senator from Wisconsin thinks it was a great outrage that the Senator from Texas did not bring the officer here at the expense of the Government to show that he did not know anything. That is all there is about it.

Mr. SPOONER. You were perfectly willing to bring Filipinos here from the archipelago.

Mr. CARMACK. We are ready to bring anybody here who knows anything about these matters.

Mr. SPOONER. But not very willing to bring an officer here who was in this country, because, as the Senator from Texas has just said, he would not testify as his informant had informed him he would testify.

Mr. CARMACK. Because he said to the Senator from Texas that he had no knowledge and no information and could not testify to anything.

Mr. SPOONER. That is not my recollection of the correspondence. I should like to get that correspondence.

Mr. LODGE. I have sent for it.

Mr. CARMACK. Very well. Mr. President, meanwhile——

The PRESIDENT pro tempore. This debate is proceeding by unanimous consent. Under the law the resolution has been referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. SPOONER. Has that order been made?

The PRESIDENT pro tempore. That order was made at once.

Mr. CARMACK. Well, I have the floor by unanimous consent, have I?

The PRESIDENT pro tempore. The Senator from Tennessee asks unanimous consent to finish his remarks. Is there objection? The Chair hears none, and the Senator will proceed.

Mr. CARMACK. The Senator from Wisconsin seems to think that a great outrage was perpetrated because we did not summon a witness whose statement was that he had no information whatever and could not testify to any positive fact one way or the other.

Mr. SPOONER. I do not remember the correspondence in that way.

Mr. CARMACK. I do not remember the correspondence at all.

Mr. SPOONER. Then, if the Senator does not recollect it, he ought not to state it.

Mr. CARMACK. I am speaking from what the Senator from Texas said, and I am stating what I have a right to state. I had no knowledge of this matter at all, and had no recollection of it, but I was speaking of what the Senator from Texas said in his reply to the Senator from Wisconsin. I was speaking of the charge made by the Senator from Wisconsin, that we had sought to have no witnesses brought before the committee except those who would testify to the water torture.

Mr. President, the very first witness that was suggested to be brought before that committee was suggested by the minority, and that was Governor Taft. It was the minority members of the committee who suggested that General MacArthur be brought before the committee; it was from the minority that the suggestion came that Admiral Dewey be brought before the committee, and also General Anderson; and, as the Senator from Massachusetts [Mr. LODGE] himself said here upon the floor, every witness who had been brought before the committee had been brought there at the instance of the minority members of the committee, except Governor Taft and Professor Barrows; and he might have excepted Governor Taft, because he was the first witness suggested by the minority members of the committee. We have sought to bring everybody before the committee who had any knowledge with respect to the facts as to which we were making inquiry.

The Senator says we did not summon Captain Bridgman. If the Senator from Massachusetts, the chairman of the committee, believed that Captain Bridgman had any knowledge or any information that was worth having him testify to, why did not he or the majority of the committee have Captain Bridgman brought before the committee and secure his testimony? One would imagine from what the Senator from Wisconsin says that we have suppressed the testimony of Captain Bridgman.

Mr. CULBERSON. I ask the Senator from Tennessee to yield to me that I may settle this matter now——

Mr. CARMACK. Very well; I yield to the Senator.

Mr. CULBERSON. If the truth can settle it.

Mr. SPOONER. What is that?

Mr. CULBERSON. That I may settle this matter now, if the truth can settle it.

Mr. President, I desire to read the correspondence to which, for the second time, the Senator from Wisconsin has alluded in this Chamber. It is as follows:

UNITED STATES SENATE,
Washington, May 1, 1902.

Capt. VICTOR H. BRIDGMAN,
Fort McHenry, Md.

DEAR SIR: I have been informed that while serving in the Philippines you heard Brig. Gen. R. P. Hughes and probably other general officers give verbal orders to soldiers to administer what is known as the "water cure" to Filipinos, and I write to ask if this is true.

Very truly, yours, C. A. CULBERSON.

His answer is as follows:

204 WEST FAYETTE STREET,
Baltimore, Md., May 2, 1902.

Senator C. A. CULBERSON, *Washington, D. C.*

DEAR SENATOR: Replying to your letter of inquiry of May 1, I have to say that I never heard General Hughes or any other general officer, or any officer, regular or volunteer, give any order to administer the "water cure," or any direction which could be construed to that end.

Having frankly answered your question, I ask that the source of your information be furnished me.

Very truly, yours, V. H. BRIDGMAN, *U. S. A.*

Having asked the Captain if the statement was true that he had heard these orders given, and he having answered that he had not heard any such orders given, directly or indirectly, it was utterly useless, of course, to call him as a witness.

Mr. CARMACK. Mr. President, I can not see any sense whatever in calling a witness to testify to a fact about which he does not know anything.

Mr. SPOONER. No; in calling a witness who can not testify to what you want.

Mr. CARMACK. I do not know what the Senator from Wisconsin means by that. He probably knows what he means; but I simply repeat what I have said, that there is no sense in calling a witness to testify to a fact about which he has no information whatever. That is all I have said, and that is all I meant.

The statement that we have refused to call witnesses for fear that they would testify to something we did not want to hear is not a charge that can be truthfully laid at our door; but it is a charge that can be truthfully laid at the door of the majority. As I have said, we have called witnesses who were known friends of the Administration, who were the known friends of this policy, witnesses whose testimony has been quoted again and again by Senators upon the other side of the Chamber, witnesses like Admiral Dewey, like General MacArthur, like Governor Taft. Everybody who might be supposed to have any information with respect to this question has been summoned at the instance of the minority. Where the witnesses whose names we suggested were favorable to the Administration, they have been eagerly brought before the committee and examined, but, as the chairman of the committee has said, there is a list of witnesses as long as your arm there in that committee to-day, not one of whom has ever been subpœnaed to testify before the committee.

There have been no sittings of the committee and there have been no hearings. We have adjourned for eight days at a time with a witness on the stand and other witnesses who have come for a thousand miles here to the city of Washington, and although the chairman of the committee assured us the investigation would go on after the passage of the Philippine civil government bill, the investigation fell dead from the very day that bill was passed. We had two witnesses subpœnaed, two witnesses who were here from Iowa, who were making life a burden to the senior Senator from Iowa [Mr. ALLISON] and who, in order to get rid of them, was anxious that we should take them, get their testimony, and let them go. That is all the testimony we have been able to get before the committee since that bill was passed.

Mr. President, I say that this resolution ought to pass, that this committee ought to sit here during recess, and that it ought to go to the Philippine Islands and investigate right there upon the ground. The committee has refused to allow a single witness to come here from the Philippine Islands to testify before it. Therefore I say the committee itself ought to go to the Philippine Islands and investigate right there upon the ground, if we want to get the truth. If it can not do that, it ought at least to sit or to have some members of the committee, a subcommittee if need be, sit here during the recess, and at least examine those witnesses whose names have been laid before the committee with the request that they be subpœnaed, and whom the committee has refused to subpœna, and whose testimony it has refused to hear.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills and joint resolution:

A bill (S. 4546) to provide certain souvenir medals for the benefit of the Washington Monument Association, of Alexandria, Va.;

A bill (S. 4815) to grant certain lands to the South Platte Canal and Reservoir Company;

A bill (S. 5587) for the relief of Anna Eliza Isabella Von Hemert;

A bill (S. 6016) for the suppression of train robbery in the Territories of the United States and elsewhere, and for other purposes; and

A joint resolution (S. R. 23) authorizing the Secretary of War to furnish condemned cannon for a statue of the late Maj. Gen. Alexander Macomb, United States Army.

The message also announced that the House had passed the following bills and joint resolutions; in which it requested the concurrence of the Senate:

A bill (H. R. 4346) to amend section 2743 of the Revised Statutes of the United States, concerning the examination of drugs;

A bill (H. R. 14275) providing for additional terms of court in the western judicial district of the State of South Carolina;

A bill (H. R. 14764) to establish United States courts at Wilkesboro, N. C.;

A joint resolution (H. J. Res. 16) to carry into effect two resolutions of the Continental Congress directing monuments to be erected to the memory of Generals Francis Nash and William Lee Davidson, of North Carolina; and

A joint resolution (H. J. Res. 210) reappropriating and making available an unexpended balance of appropriations for work on the Capitol building.

The message further announced that the House had passed a concurrent resolution directing the Speaker of the House and the President pro tempore of the Senate to adjourn their respective Houses for the present session on July 1, 1902, at 5.30 o'clock post meridian; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President pro tempore:

A bill (S. 6196) to regulate the sale of viruses, serums, toxins, and analogous products in the District of Columbia, to regulate interstate traffic in said articles, and for other purposes;

A bill (S. 6232) for the relief of I. I. Barber;

A bill (H. R. 12702) to provide for the erection of a quartermaster's warehouse at Omaha, Nebr.:

A bill (H. R. 15257) to cede jurisdiction over place on which the National Home for Disabled Volunteer Soldiers is located to the State of Ohio;

A bill (H. R. 15258) authorizing Anton Brucken to construct locks and dams in Pond River, in the State of Kentucky, and to give the consent of Congress thereto;

A joint resolution (S. R. 113) authorizing the Secretary of War to furnish condemned cannon for a monument to the soldiers of Worcester County, Mass., who served in the war for the Union, to be surmounted by an equestrian statue of the late Maj. Gen. Charles Devens, United States Volunteers;

A joint resolution (S. R. 120) providing for the removal of shoal in North River of New York Harbor;

A joint resolution (S. R. 123) for the relief of Naval Cadet William Victor Tomb, United States Navy; and

A joint resolution (S. R. 130) authorizing certain temporary repairs to the Aqueduct Bridge, District of Columbia.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. 14275) providing for additional terms of court in the western judicial district of the State of South Carolina; and

A bill (H. R. 14764) to establish United States courts at Wilkesboro, N. C.

The joint resolution (H. J. Res. 16) to carry into effect two resolutions of the Continental Congress directing monuments to be erected to the memory of Gens. Francis Nash and William Lee Davidson, of North Carolina, was read twice by its title, and referred to the Committee on the Library.

CAPITOL BUILDING.

Mr. ALLISON. I ask the Chair to lay before the Senate House joint resolution 210, which has just come over from the House.

The PRESIDENT pro tempore. The Chair lays before the Senate the joint resolution referred to by the Senator from Iowa, which will be read for the information of the Senate.

The joint resolution (H. J. Res. 210) reappropriating and making available an unexpended balance of appropriations for work on the Capitol building, was read the first time by its title, and the second time at length, as follows:

Resolved, etc., That the unexpended balance, amounting to $6,658.70, of the appropriation for reconstructing and fireproofing the roof of the central portion of the Capitol building, made by the sundry civil appropriation act, approved March 3, 1901, is hereby reappropriated and made available for the fiscal year 1903.

Mr. ALLISON. That is a necessary appropriation to continue the work on the Capitol, and I hope it may be considered and passed at this time.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. HANSBROUGH submitted the following resolution; which was considered by unanimous consent, agreed to, and ordered to be printed:

Resolved, That the Interstate Commerce Commission be, and is hereby, directed to furnish to the Senate a list of national, State, and local commercial organizations, also national, State, and local agricultural associations of the United States to such extent as may be practicable, and report to the Senate during the month of December next, and that 1,500 copies be printed for the use of the Senate.

FINAL ADJOURNMENT.

Mr. ALLISON. Mr. President——

Mr. SPOONER. I yield to the Senator from Iowa.

Mr. ALLISON. I ask the Chair to lay before the Senate the concurrent resolution of the House of Representatives proposing an adjournment of the two Houses.

The PRESIDENT pro tempore. The Chair lays before the Senate the resolution indicated by the Senator from Iowa, which will be read.

The Secretary read as follows:

Resolved by the House of Representatives (the Senate concurring), That the President of the Senate and the Speaker of the House of Representatives be authorized to close the present session by adjourning their respective Houses on the 1st day of July, 1902, at 5.30 o'clock post meridian.

Mr. ALLISON. I ask for the present consideration of the concurrent resolution.

The PRESIDENT pro tempore. The Senator from Iowa asks unanimous consent for the present consideration of the resolution. Is there objection to its consideration? The Chair hears none, and the resolution is before the Senate.

Mr. ALLISON. I move that the Senate concur in the concurrent resolution.

Mr. CARMACK. Is that debatable?

Mr. ALLISON. I submit the question to the Chair.

The PRESIDENT pro tempore. It is not. The question is on concurring in the resolution of the House of Representatives.

The resolution was concurred in.

NOTIFICATION TO THE PRESIDENT.

Mr. ALLISON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That a committee of two Senators be appointed by the Chair to join a similar committee appointed by the House of Representatives to wait upon the President of the United States and inform him that the two Houses, having completed the business of the present session, are ready to adjourn unless the President has some other communication to make to them.

The PRESIDENT pro tempore. The Chair appoints as the committee on the part of the Senate the Senator from Iowa [Mr. ALLISON] and the Senator from Missouri [Mr. COCKRELL].

SPECIAL EXAMINER OF DRUGS AT PHILADELPHIA.

Mr. HANSBROUGH. I ask the Chair to lay before the Senate the House bill in relation to the examiner of drugs at Philadelphia.

The PRESIDENT pro tempore. The Chair lays before the Senate the bill indicated by the Senator from North Dakota.

The bill (H. R. 4346) to amend section 2743 of the Revised Statutes of the United States concerning the examination of drugs was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That section 2743 of the Revised Statutes be, and it hereby is, so amended that the special examiner of drugs, medicines, chemicals, chemical preparations, dyes, dyestuffs, paints, oils, varnishes, and other similar articles, at Philadelphia, Pa., shall receive a salary of $1,800 per annum, and shall be paid each year quarterly.

Mr. HANSBROUGH. I ask unanimous consent that the bill may be put upon its passage.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INVESTIGATION OF AFFAIRS IN THE PHILIPPINES.

Mr. SPOONER. Mr. President, may I be permitted to make an observation?

The PRESIDENT pro tempore. Is there objection to the Senator from Wisconsin making a few remarks? The Chair hears none.

Mr. SPOONER. Mr. President, I had supposed that the discussion upon this subject had ended for the session.

The Senator from Tennessee [Mr. CARMACK] says that this resolution ought to be passed. It has passed—to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. CARMACK. "The undiscover'd country from whose bourn no traveler returns."

Mr. SPOONER. No; where the law requires it to go. If the Senator had introduced the resolution earlier——

Mr. CARMACK. There is no penal statute requiring it to be returned.

Mr. SPOONER. If the Senator had introduced the resolution

at an earlier date, or had called it up at an earlier date, the committee could have considered it and reported it.

Mr. BLACKBURN (in his seat). Would it?

Mr. SPOONER. The Senator from Kentucky says it would not.

Mr. BLACKBURN. No; I did not. I beg the Senator's pardon. I asked a very pertinent question. I made no statement.

Mr. SPOONER. What did you say?

Mr. BLACKBURN. When the Senator from Wisconsin said that that committee could have considered and reported it, I simply asked, Would it?

Mr. SPOONER. I think it would.

Mr. BLACKBURN. Well.

Mr. CARMACK. Could it not do so now?

Mr. SPOONER. I think it could not.

Mr. PATTERSON. May I have unanimous consent to ask the Senator from Wisconsin a question?

Mr. SPOONER. No; but you may have my consent.

Mr. CARMACK. That is unanimous consent.

Mr. PATTERSON. That represents unanimous consent.

Mr. SPOONER. No; I have the floor by unanimous consent, and I yield to the Senator.

Mr. PATTERSON. What I want to know is this: By what right or by what authority the Senator, who is not a member of the committee, assumes to speak for the majority of the committee as to what the committee would have done?

Mr. SPOONER. I am not a member of the committee and do not speak for the committee, but I am a member of the Senate, and speak when I choose, if the Senate permits me.

Mr. PATTERSON. Oh, Mr. President, I was not interfering with the freedom of speech on the part of the Senator, but he is assuming to state what the Committee on the Philippines would have done in a certain contingency.

Mr. SPOONER. I said what I thought the Committee to Audit and Control the Contingent Expenses of the Senate would have done.

Mr. PATTERSON. I wanted to know what authority the Senator had to speak for the committee.

Mr. SPOONER. None whatever. I am only giving my opinion, Mr. President—and I do not charge anything for it [laughter]—as to what the Committee to Audit and Control the Contingent Expenses of the Senate would have done.

The Senator from Tennessee says this investigation is a farce, and in the same breath he tells the Senate and he tells the country that every witness called before that committee was called by the minority or at their request. Has the minority been playing a farce all this session?

Mr. CARMACK. It has been compelled to.

Mr. SPOONER. It looks that way.

Mr. CARMACK. Yes; it does.

Mr. SPOONER. The testimony of Governor Taft was of great interest. It tended to illumine the subject; it related to the condition of affairs in the Philippines, and it served as a very correct guide to the Senate and to the House in framing the legislation which should be adopted for the government of the Philippines. But when the minority of the committee abandoned that line of testimony and conceived it to be of public interest and legislative wisdom and political strategy and policy to make an attack upon the army in the Philippines, I think the result has shown that the investigation was a farce, and not only a farce, but a very cruel and wicked farce.

The Senator from Texas [Mr. CULBERSON] referred to a speech which I had the honor to make, in which I commented upon this correspondence between him and Captain Bridgman. I do not find any occasion from the correspondence itself, which I have read before, or from anything which the Senator from Texas says upon the subject, to qualify in the slightest degree the observations which I submitted to the Senate upon that subject.

It had been said that Captain Bridgeman was not called because his answer showed that he had not served in the Philippines and knew nothing about the subject concerning which he was interrogated. I find nothing of the kind in the correspondence. On the other hand, I find in the correspondence adequate evidence that he had served in the Philippines and that if called before the committee he could have given evidence of a negative kind, which would have inured to the benefit of the reputation of the army in the Philippines.

The letter written by the Senator from Texas, to whom I would not be willing to do any injustice, as I would not to any other man, is brief, and I will read it:

UNITED STATES SENATE,
Washington, May 1, 1902.

Capt. VICTOR H. BRIDGMAN,
Fort McHenry, Md.

DEAR SIR: I have been informed that while serving in the Philippines you heard Brig. Gen. R. P. Hughes and probably other general officers give verbal orders to soldiers to administer what is known as the "water cure" to Filipinos, and I write to ask if this is true.

Very truly, yours, C. A. CULBERSON.

The answer also is brief:

204 WEST FAYETTE STREET, *Baltimore, Md., May 2, 1902*—

It would not have been a very great expense to the Government to have brought before the committee this officer from Baltimore, and Senators who were quite willing to involve the country in the expense of bringing Aguinaldo and a large number of others from the Philippines to the United States to testify ought not to have been affrighted at the bare thought of two or three dollars' expense it would have been to the Government to bring Captain Bridgman from Baltimore to Washington. But they were.

DEAR SENATOR: Replying to your letter of inquiry of May 1—

This officer does not say he had not served in the Philippine Islands. Senator CULBERSON'S letter stated "while serving in the Philippines." If he had not served in the Philippines the first sentence of his letter would have been "I did not serve in the Philippines, and therefore I know nothing about it." He did serve in the Philippines. The Senator was correctly informed upon that subject. So the captain says:

DEAR SENATOR: Replying to your letter of inquiry of May 1, I have to say that I never heard General Hughes or any other general officer, or any officer, regular or volunteer, give any order to administer the "water cure," or any direction which could be construed to that end.

Were you after witnesses to exculpate the general officers named here and other officers of the Regular and Volunteer service from having issued the orders indicated?

Mr. CARMACK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Tennessee?

Mr. SPOONER. In a moment. The charge involved in the inquiry was an affirmative charge impeaching the honor of the army in the Philippines. A defense of the honor of that army would of course be negative testimony, and the statement of an officer who had served there and who could come before the committee and testify, as this correspondent stated, that he had never heard General Hughes or any other general officer or any other officer of the Regular or Volunteer service give such an order or any order which could be construed in that way, would have been pertinent testimony upon the issue sought by the minority of the committee and attempted through many weeks by them to be established—that the army in the Philippines had acted in disregard of the rules of civilized warfare.

If the purpose of that minority were not a partisan purpose, if they were not simply seeking testimony on a line which would be satisfactory to them, if their object was the broad patriotic purpose to obtain the facts from officers who knew the facts, those which were inculpatory as well as those which were exculpatory, I shall never be able to see why this witness was not called before the committee. I can discover no reason, Mr. President, and I believe there was none, except that this witness's testimony would have given a denial to the implication of the inquiry of the Senator from Texas and would have vindicated, so far as the testimony of one witness would go, the army in the Philippines against that charge.

Mr. PATTERSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Colorado?

Mr. SPOONER. Certainly.

Mr. PATTERSON. Is it not a fact that through the agency of the minority members every general officer who was in the Philippines was called before the committee to testify about everything they knew?

Mr. SPOONER. Well, Mr. President, I have not gone over the list. I do not think it can be a fact that every general officer who was in the Philippines was called before the committee.

Mr. PATTERSON. If there are any others I imagine the Senator from Wisconsin is willing to assume that the majority of the committee had the power to call them, if they desired.

Mr. SPOONER. Ah, that gives the whole thing away. Did we have an investigation of the army in the Philippines where there were a majority and a minority? Were the Senators of the United States upon that committee divided in this investigation of the Army? Were a part of them seeking to smirch the Army and relying upon the other part to seek to call witnesses to vindicate the army?

Mr. PATTERSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Colorado?

Mr. SPOONER. Yes; I yield.

Mr. PATTERSON. I trust the Senator will grant the request in a less defiant way than he does.

Mr. SPOONER. Oh, I grant it; and that is enough.

Mr. PATTERSON. That is enough, but the manner always has a great deal to do with it.

Mr. SPOONER. I withdraw the manner.

Mr. PATTERSON. So far as you have——

Mr. SPOONER. As far as I choose.

Mr. PATTERSON. And you have chosen to withdraw it altogether, for which I am very much obliged.

Mr. SPOONER. The Senator is entirely welcome.

Mr. PATTERSON. With reference to the majority and the minority, the Senator knows that we always speak of the members composing a committee as comprising the majority and the minority, and we know that Senators are all divided in this body and classified as Republicans and Democrats, the Republicans constituting the majority, the Democrats the minority.

Mr. SPOONER. Yes.

Mr. PATTERSON. There was in that committee one side that wanted an investigation, and the other that did not care about an investigation; and I was referring, when I spoke of the majority, to the side that did not care about an investigation.

Mr. SPOONER. I did not have in mind the Senator from Colorado when I spoke. I am not for the first time acquainted, by the observations of the Senator from Colorado, with the fact that we have Republicans and Democrats in the Senate, and that our committees are divided, and that the membership of our committees is divided between Republicans and Democrats. I knew that; and if the Senator from Colorado supposed I did not, he has taken great pains to very little purpose.

What I complain of is this—not that upon the questions on which parties divide in this country there is a majority and there is a minority on the committee, but that when the honor of the Army is involved, your Army as well as ours, carrying your flag and our flag, there should be a majority and a minority.

Mr. PATTERSON. There is neither in that case.

Mr. SPOONER. Oh, Mr. President, I wish there were neither; but every page of testimony taken before that committee relating to the Army bears irrefutable evidence that there were a majority and a minority——

Mr. PATTERSON. Oh, Mr. President, the testimony does not warrant that statement.

Mr. SPOONER. And that the minority which was willing, I will not say anxious, to degrade the Army in the Philippines by generalization was not, thank God, composed of the Republicans. It was the minority, of which the distinguished statesman from Colorado was a shining and conspicuous light.

Mr. President, I said in the observations which I submitted to the Senate, and I say it again, that almost every question put to these Massachusetts volunteers, for most of them came from the Twenty-sixth United States Infantry, I might say every question put, calculated to elicit an answer which would tend to the credit of the Army was put *not* by a member of the minority, but by members of the majority. I will not say members of the majority, but by the Republican members of the committee.

Questions as to how our troops were instructed to treat the Filipinos were all put, with a single exception, as I remember it, by the Republican members of that committee. Questions, Mr. President, as to how our troops treated Filipino prisoners, kindly or unkindly, were all put, with one exception, by the Republican members of the committee. Questions as to how the wounded captured by us were treated were all put by the Republican members of the committee, and most of them were put by the Senator from Indiana [Mr. BEVERIDGE].

Questions as to how they were fed; as to whether prisoners were not fed as our own boys were fed; as to whether the wounded were not treated in our hospitals as our own boys who were wounded or ill were treated; as to whether they were not cared for by our physicians, by the same men who skillfully and tenderly cared for our own boys—all these questions were answered in the affirmative, and they were put, as I recollect it, by the Republican members of the committee.

Aye, it is a little late, but better late than never, that Senators, just as we are about to adjourn, should shy their castors into the ring here to defend the minority of the committee against criticisms made weeks and weeks ago. No, Mr. President, this scheme was found to be a mistake. Senators found that they had misconceived the spirit of the American people. They found, and they ought to have known it before, that the great heart of the American people beats always for fair play, that it is opposed to *ex parte* trials, and that, above all things, the American people love the men who, under their flag, on distant fields, dare to die for them, regardless of the cause in which they fight or the differences among us as to the justice of that cause.

It did not take very long—it ought to have been known in advance—that an attempt to smirch, upon *ex parte* testimony, by leading questions would not be accepted by the American people as warrant for impeaching the American Army in the Philippines or anywhere else. I congratulate the Senators that they have arrived at the conclusion that an investigation like that is a farce; that it is not persuasive upon the American people and never, never will be. The people stand by their Army. They are not in favor of cruelty either in the Army or in the Senate. They are not in favor of torture in the Philippines, nor are they in favor of imputations of dishonor here at home upon men far, far away, brave, and because brave, humane.

Mr. President, there is one phase of this correspondence not printed in the record, and that is the answer of the Senator from Texas to Captain Bridgman's question in the last line of his letter.

Having frankly answered your question, I ask that the source of your information be furnished me.

I happen to have seen the Senator's answer, in which he stated that the source of his information was "confidential." That has been one troubles with all this business from the beginning of it. The spring, "the poisoned spring," out of which have come these insinuations and imputations upon the Army has been a hidden and mysterious spring not be be found by those who, attacked, had a right to know where it was located. I think I could guess, but I should like to know—I do not expect to—the location of the hidden spring which through this committee through its minority has found vent through all the weeks to the discredit, if the American people had been differently constituted, of the Army—God bless it!—in the Philippines.

Mr. CULBERSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Texas?

Mr. SPOONER. I do.

Mr. CULBERSON. I am not sure whether the Senator has my reply, which was not printed——

Mr. SPOONER. No; it is not printed, but I have read it.

Mr. CULBERSON. You might at least let me ask the question.

Mr. SPOONER. I thought the Senator had asked it. I beg the Senator's pardon.

Mr. CULBERSON. No pardon is necessary.

Mr. SPOONER. Then I withdraw my request.

Mr. CULBERSON. You are excusable under the circumstances.

Mr. SPOONER. I think I should get along whether I am or am not excused by the Senator.

Mr. CULBERSON. I trust so.

Mr. SPOONER. Yes. I expect to live till winter. [Laughter.]

Mr. CULBERSON. At the present progress I doubt it.

Mr. SPOONER. I will disappoint the Senator, then.

Mr. CULBERSON. I trust he may. I see no occasion for the Senator's dying——

Mr. SPOONER. I do not, either.

Mr. CULBERSON. Though I regret very much that he should be so inclined to talk in this manner.

I rose simply for the purpose of asking him if he had the letter, or a copy of the letter, to which he has referred. He might read it.

Mr. SPOONER. I have it not.

Mr. CULBERSON. There has apparently been some reason, I do not know what, why this last letter of mine was not printed with the other in the record presented by the chairman of the Committee on the Philippines.

Mr. SPOONER. Was it confidential?

Mr. CULBERSON. The letter was not confidential, but for some reason the chairman of the committee or the Secretary of War or General Hughes, or whoever may be responsible for its nonappearance, did not have it printed with the other.

Mr. SPOONER. I do not know why it did not appear, but I do know this——

Mr. LODGE. If the Senator will allow me, I never saw any other letters except those printed, and never knew that any others existed.

Mr. SPOONER. I do not know why it did not appear.

Mr. LODGE. I had printed all the letters sent to me, and made no further inquiries.

Mr. SPOONER. I know if I had been responsible for their publication it would have appeared.

Now, Mr. President, I do not wish to do anybody an injustice in this business. I recognize the fact that it was supposed there was a great political exigency in it, and I know nothing which is a stronger incentive than that sometimes. I only hope that I am not too optimistic when I express the belief that it will not happen again in the history of this country that many weeks of the time of one of the most important sessions of Congress we have ever had will be consumed by an attempt in committee to smirch, upon the testimony of returned and sometimes disgruntled soldiers, the honor of an army as patient, as brave, as liberty-loving as ever marched under a flag.

Mr. LODGE. Mr. President, I want to say only a very few words in regard to what has been done by the committee.

Mr. CARMACK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Tennessee?

Mr. CARMACK. I thought I had a right to the floor.

Mr. LODGE. I asked to be recognized in my own right.

Mr. CARMACK. I suppose the gentlemen on the other side

will take up all of the time and the gentlemen on this side will have none.

Mr. LODGE. I have not spoken and the Senator from Tennessee has been recognized several times.

The PRESIDENT pro tempore. The Chair recognized the Senator from Massachusetts.

Mr. LODGE. I will not keep the Senator from Tennessee from the floor. I know everybody is desirous to hear him.

Mr. President, I only wish to say that the committee of which I have the honor to be chairman has sat from the 31st of January until the 6th of June, and with an interval of only one week it practically met every morning to hear testimony. After the passage of the bill, I having stated in the Senate that the investigation would continue, I went home for ten days. I had not been away from the city since Congress assembled. I had business of great importance to attend to, which had been postponed, and I went away. During my absence the committee heard two witnesses. As soon as I returned I called Admiral Dewey. He had been asked for several times by members of the minority. He was likely to leave town and I called him at once. We heard him for three days. It was impossible to get a quorum. The Senator from Iowa [Mr. ALLISON] and the Senator from Maine [Mr. HALE] were both engaged in conferences on appropriation bills. The Senator from Vermont [Mr. PROCTOR] was out of town. The Senator from Idaho [Mr. DUBOIS] was out of town. The Senator from Utah [Mr. RAWLINS] had left town.

I think, Mr. President, that any fair-minded man who will look at that testimony and note that we have taken 2,984 pages will admit that so far as the mere activity of the committee is concerned we have not been idle. We called first the governor-general of the Philippines. Everybody agreed that ought to be done. We then had before us the military governors, General Otis and General MacArthur, and General Hughes, who had commanded the southern department of the islands. All of those officers, admittedly by both sides, were witnesses we ought to have heard.

Then followed a series of witnesses called, with few exceptions, as the Senator from Tennessee has said, on the request of members of the minority. They were most of them private soldiers. They were called apparently, to judge from what they said, for the single purpose of testifying to cruelties by our soldiers. What that testimony is the country knows. The witnesses who still remain on the list, so far as I know anything about them, are all witnesses of the same class, called with a view of proving that more than a year ago, during the time of war, cruelties were committed in various parts of the Philippine Islands.

I think all that portion of the investigation has been very aptly characterized by the Senator from Tennessee as a farce, but for one thing, and that was tragic, which involved the aspersions which were cast on certain officers, and which in one case at least we know was proved to have been perjury of the worst sort.

Mr. CARMACK. Mr. President——

Mr. LODGE. Mr. President, I do not think myself there is anything to be gained by a continuance during the summer of that sort of an inquiry.

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Tennessee?

Mr. LODGE. Certainly.

Mr. CARMACK. The Senator has said that in one case at least the witness before the committee was a perjurer. Does the Senator suspect that any other witness before the committee was a perjurer?

Mr. LODGE. Mr. President, I am not prepared to go upon suspicion. I said in one case I thought perjury had been proved. I think it has. There is other testimony there that I think is very suspicious. Whether perjury can be proved or not I do not know.

Mr. CARMACK. Will the Senator name any single witness?

Mr. LODGE. No; I am not in the habit of casting out aspersions as to what I can not prove.

Mr. CARMACK. The Senator is casting aspersions on all——

Mr. LODGE. Mr. President, I decline to be interrupted.

Mr. CARMACK. But he indicated only a single one.

The PRESIDENT pro tempore. The Senator from Massachusetts declines to be interrupted.

Mr. LODGE. I indicated one witness whose testimony has been shown to have been perjured.

Mr. President, after I came back here I laid before the committee—and it did not have a quorum—a petition to Congress which had been presented in both Houses, asking that a committee of Congress be sent to investigate affairs in the Philippines. The majority members of the committee were against it; the minority members favored it. I inquired of the House majority members and I found they were uniformly against it. I myself think there was no object to be gained in sending a Congressional committee out to the Philippines to stay there a few weeks and come back with a majority and a minority report, which might have value if produced just before the election for political purposes, but which would have no value in determining what would be well for the islands.

Mr. President, we have taken all the mass of testimony which I have described. It is all there for the public to read. The question here that we have been debating this winter is going to be transferred to the larger tribunal of the American people. I am perfectly willing myself to take the appeal to that tribunal. I do not wonder that Senators upon the other side, who have made such a brilliant success of their Philippine issue, like to present it even in these expiring hours of the session, but certainly to me it seems totally needless. We have only an hour and a half left of the present session of Congress. Why go on and debate the question of the Philippines and the conduct of the war when we are going out of this Chamber to present it to the American people? I believe I know what that verdict on the Army will be, but it is not for us to anticipate it. We will learn it next November, and we will make the appeal if the other side does not.

Mr. MCCOMAS. Mr. President, I am confused by the differing statements in respect of this investigation. It began in January and it ended on the 28th of June. It has been a steady and constant session of a committee, a frank, free, and open investigation.

Since Senators say that the minority called nearly all the witnesses who were called, surely it could not have been a partisan or a reluctant inquiry, and where they did not call the witnesses, if you read these 3,000 pages of testimony you will find that those men who have had authority and have borne great responsibility well, when they have come back to their homes have been brought here under the roof of the Senate of the United States and the inquiries put to them have not been such a welcome as faithful servants had a right to expect when they came home.

In the case of General Otis, a most painstaking, earnest soldier and military governor, see how few sympathetic questions were put to him in this committee inquiry. General MacArthur, a splendid man, a soldier of great ability, a fine civil administrator, was put through an examination on about the level of a police-court inquiry.

Governor Taft was brought here, and suffered between examinations the visits and ministrations of surgeons, in the hands of the surgeons, under their knives, and in the hands of American Senators with their knives here in this inquiry. His cross-examinations did not do justice to the American appreciation of a splendid civil governor who left the bench of his country, and who went yonder across the seas to the Tropics, imperiled his health, and then came here to make a report of his high office and his great trust.

Mr. President, these governors and these leading generals were called and thoroughly examined, examined not in a broad and generous spirit, but in a carping and critical spirit which ever prevailed on the part of the minority. This oral inquiry was supplemented by a frank disclosure of official reports, cablegrams, and all the communications between the Philippine Commission and the military governors and the War Department and the Executive here.

These sources of information were thrown open and all the reports of all the governors of all the provinces added. It happens that in one case, that of Major Gardener, a civil governor, when the report was delayed and when that report seemed to reflect upon the order and conduct of soldiers in certain garrison towns in the province of Tayabas, that matter was seized upon in the committee and was exploited here on this floor. Why did it happen and how did it happen that with the other 33 reports of civil governors, giving splendid results of magnificent and honest administration in all the other pacified provinces, only the one in which a civil governor had made some reflections upon some soldiers, that that alone was brought here to the attention of the Senate? What spirit prompted this? It was not American fair play.

Mr. President, it was because the minority of that committee persistently sought everthing which might do discredit, not anything which might do credit to the Army and to the civil administration. If there was an examination which brought out anything making for the pride and glory of our people yonder in arms, or in civil life, it was brought out by the volunteer statements of those who came to report or by the inquiries of the majority of the committee. The minority were ever seeking and groping and burrowing here and there, and now and then by some subterranean passage gathering secretly from confederates in the War Department the reports and all the papers.

The case of young Arnold, the young soldier of Iowa, nobody knows how it came, whence it came, nobody is sponsor for the mode of communication; but public records were brought here and put in in an unknown and secret manner, and it has not yet been explained how the records of the War Department came here into this committee. There was no need of that. These records were all open to us; they are open now; they have been put in evidence and are printed in these pages; they are open to the

public in this country. A clean purpose and an open breast has been the policy of the President, of the Secretary of War and of Army, and of the civil government in the Philippines.

And yet these attacks upon the Army, little faults, matters of cruelty forbidden and here and there practiced and being rapidly punished, form the whole story which the minority have when they go before the American people. Nothing more; nothing else.

There is, Mr. President, that other story, the story of the honesty of American soldiers and officers in civil administration wherein they have handled the stores, moneys, treasures without stain or without default.

There is that story of the American soldiers, before the schoolmasters went to the Philippines, putting aside their guns and teaching the children of the Filipinos the language of the people which will build up for them a great government of freedom and liberty across the seas. And there is that involuntary testimony coming even from those who testified about somebody ducking a Filipino insurgent in the river to find where he hid his rifles, when the same soldier who so says testifies that everywhere and all the time the generals, the colonels, the captains, the lieutenants, and subalterns demanded humanity, demanded good treatment of prisoners, demanded the care of property, life, and personal liberty for the people in the towns and barrios, and ever compelled order and obedience.

This is the story of the American army in the Philippines when you hold it up in its broad expanse and find only a few little blotches or stains, which the Senator from Colorado [Mr. PATTERSON] and those with him on the committee have painfully through five months endeavored to make conspicuous there. These little stains bring out in shining light the broad and splendid career of the American citizen wearing the American blue yonder across the seas.

Wherever they have gone, by night or by day, suffering from fever, going without food, without water to drink, marching on long expeditions, fighting here and there, bearing and enduring suffering always, scaling mountains, wading rivers, creeping out in jungles and over the swamps, whether they were suddenly attacked, or whether they were, when on pacific errands bent, caught in ambush, promptly rallying, always the same brave, resourceful Americans everywhere.

These men have been carrying glory and honor with the flag wherever it goes. These men have been carrying civilization and liberty, regulated by law, with the American arms. And now they are coming back to their homes. They will go among all the people of all the States of the Union. There were 70,000 men there in arms two years ago. There will soon be but 18,000 men under arms in the Philippines, which have been pacified in such large measure.

They are coming home, and they will tell their story. They will present their personal testimony; they will make witnesses, not of 3,000 pages, but of 70,000 good men and true: and when they leave 18,000 yonder the heart of the American people, which has all the while been in sympathy near the heart of these men under our flag yonder, the American mind will flash back the intelligence to them of sympathy and of comfort, of support, and of vindication.

This assault upon the Army has failed miserably, humiliatingly, pitiably failed, failed utterly.

In the last three days of the investigation of the committee, when the assault was made upon the Navy by pestiferous, annoying, nagging, irrelevant, and unworthy questioning of Admiral Dewey, the hero of Manila, which did annoy him, which he felt so unworthy of him, he, in behalf of the American Navy, has responded boldly and strongly in the testimony which I would have every American read.

When this session closes, when your gavel falls, Mr. President, an hour hence, when the people come to hear this testimony and consider this issue, there will be a conviction of their blunder not only on the part of the Democratic leaders, but on the part, I trust, even of the Senators themselves who have conducted this investigation.

But their failure has been most abject, and in November the American people whose brothers, whose sons, whose kindred wear a blue coat and keep under it an American heart, and march under the flag, when they come back home or when they out yonder lift up their eyes and wait for news, it will come as news of the vindication of the American Army, of the American Navy, a vindication of the American civil administration in the archipelago, a vindication of that patient, able Secretary of War, a vindication of that great President who is carrying on this work, and they will applaud him as they applauded the career of his great predecessor, now lost forever to this world.

In November will be the final ending of this investigation in the overwhelming rebuke of those who inspired it, planned it, conducted it, perverted it and lowered it far below the level of American fairness, far below the purpose of the American people in meeting the new and serious problem in the Philippines, the most troublous legacy of that Spanish war which the Democracy forced upon us and then flinched from in a craven spirit.

CONSTRUCTION OF PENSION ACT OF JUNE 27, 1890.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the joint resolution (S. R. 8) construing the act approved June 27, 1890, entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents."

The amendments of the House were:

On page 1, line 8, after "person," insert:
"and the widow and minor children of all deceased persons subject to the limitations of this act."

On page 2, line 2, after "therefrom" insert:
"and section 4716 Revised Statutes U. S. is amended accordingly."

On page 2, line 5, after "Navy" insert "and who enlisted in said regiments while confined as prisoners of war under a stipulation that they were not to be pensionable under the laws of the U. S."

On page 2, after line 8, insert as a separate section the following:

Sec. 2. That in the administration of the pension laws any enlisted man of the Army, including regulars volunteers and militia or any appointed or enlisted man of the Navy of Marine Corps who was honorably discharged from the last contract of service entered into by him during the late war of the rebellion shall be held and considered to have been honorably discharged from all similar contracts of service previously entered into by him with the U. S. during said war:

Provided, That said enlisted or appointed man served not less than six months under last enlistment or appointment, that his entire service under said last enlistment or appointment was faithful, that he did not receive by reason of said last enlistment or appointment any bounty or gratuity other than from the U. S. in excess of that to which he would have been entitled if he had continued to serve faithfully until honorably discharged under any contract of service previously entered into by him, either in the Army or Marine Corps during the war of the rebellion.

Amend the title so as to read: "A joint resolution construing the act approved June 27, 1890, entitled 'An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents, and for other purposes.'"

Mr. PRITCHARD. I move that the Senate concur in the amendments.

The amendments were agreed to.

HOUSE BILLS REFERRED.

The bill (H. R. 16) to provide for the erection at Washington, D. C., of bronze equestrian statues to the memory of the late Brig. Gen. Count Casimir Pulaski and Baron Steuben, was read twice by its title, and referred to the Committee on the Library.

The bill (H. R. 11848) granting right of way to the Williams and Cataract Canyon Railroad Company across the Supai Indian Reservation in Arizona, was read twice by its title, and referred to the Committee on Indian Affairs.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President pro tempore:

A bill (S. 4815) to grant certain land to the South Platte Canal Reservoir Company;

A bill (S. 4139) to diminish the number of appraisers at the ports of Philadelphia and Boston; and

A joint resolution (H. J. Res. 210) reappropriating and making available an unexpended balance of appropriations for work on the Capitol building.

INVESTIGATION INTO AFFAIRS IN THE PHILIPPINES.

Mr. CARMACK. Mr. President, it would hardly be in order, I suppose, to characterize a speech made in this Chamber as the merest balderdash, and yet I feel strongly tempted to use some such expression. I will only say, however, that there has been a very ingenious effort on the part of the Senator from Wisconsin [Mr. SPOONER], faithfully copied by the Senator from Maryland [Mr. MCCOMAS], to divert the attention of the Senate and of the country from the real issue that is before us.

There is one fact which is pertinent to the question which has been raised here this evening, and that is the fact that a committee, charged by the Senate with the duty of prosecuting an investigation, has failed in the performance of its duty, and has deliberately suppressed the investigation it was ordered to conduct. That is a fact.

The question which has been raised before the Senate is that of continuing this investigation during the recess of Congress for the purpose of eliciting the truth, which the committee has been so zealous and earnest in suppressing up to this time. That, I say, is the question.

Senators have sought to divert attention from the real fact and the real question by rushing forward here with a great deal of tempestuous oratory about the honor of the Army, and denouncing us for assailing and attacking the Army. Mr. President, there is not a Senator upon the other side of the Chamber, and there is not a man with the intelligence of a good bird dog anywhere in the country who does not know that there is not one word of truth in any such accusation. We have never assailed

the honor of the Army. As I have said before, men have rushed forward with this accusation, not because there is any truth in it, but in order to drag the controversy down to the level of their own intelligence. It is not so easy to meet the real facts and the real issue in this case; but to say that you are assailing the Army, that you are trying to degrade the Army, is a kind of argument that any fool could utter and any parrot could be taught to repeat. It is utterly unworthy of some of the Senators upon the other side of the Chamber who have used and repeated it.

The Senator from Wisconsin grows very indignant because the expression has been used here about the majority and minority of the committee. The Senator's wrath is a little belated. He ought to have exhibited it upon a former occasion. The Democratic members of that committee, long before it occurred to the Senator from Wisconsin, entered their protest against the use of any such term. It was first uttered when the chairman of the committee proposed in committee that the majority and minority should each submit a list of its witnesses. At that time I myself made a protest against the use of any such term, against the committee being divided into a majority and minority. I said it ought to be assumed that the whole committee was engaged in a common purpose, for a common end, and that was simply to elicit the truth.

Subsequently the Senator from Massachusetts [Mr. LODGE] upon this floor said that all the witnesses except two had been summoned at the instance of the minority, and those two at the instance of the majority. I again protested upon the floor of this Senate against the use of such language, but as it has been persisted in by Senators upon the other side of the Chamber, I finally concluded I would accept it. The Senator from Wisconsin, if he had been a little earlier and a little more zealous, might have stopped the use of such language. The Senators upon this side have simply fallen into the habit set by the Senators upon the other in that regard. We shall try not to copy some of their habits in other particulars.

As I have said before, no man upon this side of the Chamber has assailed the Army. The assaults upon the Army, if such have been made, have come from the Administration and its friends. Why, Mr. President, we have had put forward and sent out by the Secretary of War a statement made by General Otis and by General Funston, to the effect that we must not accept any of these stories that come from soldiers in the Philippine Islands, because they are in the habit of "drawing the long bow;" they are in the habit of exaggerating things; or, in other words, we must not believe the American soldier because he is in the habit of slandering the American Army. That is the defense that has been made by the Secretary of War and by the Administration.

Mr. President, attacks have not been made upon the Army. The witnesses who have been before the committee were soldiers in the American Army. The Senator from Massachusetts now for the first time—I do not believe the Senator would have done it at an earlier day in this session—intimates that a number of these witnesses have not spoken the truth. Why, Mr. President, we had one witness before the committee, Sergeant Riley. The War Department had made a public statement in regard to the letter which had been written by this soldier, giving evidence of the water torture in the Philippine Islands, and the Secretary of War had said that Sergeant Riley, and all the officers of his regiment had said, that there was no truth in it; that Riley himself had retracted the statement; and a report was made by an Army officer, who professed to have questioned Riley, who said that Riley had admitted that he had never seen this torture committed by any members of his regiment.

Riley was brought before the committee, and the fact was developed, and admitted to be true by every member of the committee, that the officer when he examined Riley had asked him if he had seen the water torture committed by his regiment or any members of his regiment, and he said no, but he had seen it committed by others. The officer making the examination left out the latter part of the statement and reported the other, and the Secretary of War gave that statement to the country, branding this honorable soldier as a slanderer and a liar. He was brought before our committee and testified to the real truth in that case, and other witnesses were brought as to the administration of the water torture, until the majority of the committee said that it was not worth while to call any more witnesses. They admitted the truth of his statement.

These soldiers told all about the application of the water torture. They told about the wholesale burning of towns, not for retaliation, because they said that in the five towns occupied by their company there had not been a single murder committed upon an American soldier or a single act of violence committed upon an American soldier until after the water torture and the burning of towns began. The Senator from Massachusetts now, by vague insinuation, seeks to cast discredit upon these witnesses, yet, as a matter of fact, the Senator from Massachusetts himself admitted in committee that their testimony was true; and he said it was not worth while to call any other witnesses to prove these facts.

The Senator from Wisconsin raised a great hullabaloo about the correspondence between the Senator from Texas [Mr. CULBERSON] and Captain Bridgman, as though Captain Bridgman was regarded as a very important witness, who had very important testimony, and that the minority had suppressed his testimony, when, as a matter of fact, the statement of Captain Bridgman was laid before the whole committee, and the majority of the committee did not summon him for no other reason that I can see, except that he had no testimony to give.

Senators say we have admitted that this investigation is a farce. Mr. President, it is a farce, because it has been one sided. The committee has done everything in its power to prevent any witnesses coming before the committee except such witnesses as would testify to suit the Administration. So long as we were content to have witnesses like Governor Taft and General Otis and General MacArthur and Admiral Dewey, all summoned at the instance of the minority, they were willing and eager to proceed with the testimony; but the very moment the testimony began to develop showing these outrages in the Philippine Islands, the gentlemen of the majority became eager to suppress the investigation.

Mr. President, I say the only thing we need to consider now is whether or not we shall continue this investigation. There has been a list of witnesses, as the chairman stated, as long as his arm before that committee for weeks and weeks, and not a subpœna has been issued for a single one of them. In my opinion the only reason they have not been subpœnaed is because the majority of the committee did not want their testimony.

I called attention the other day to the character of the investigations which have been conducted in the Philippines. The Senator from Maryland alluded to the case of Lieutenant Arnold, of whom he spoke in the highest terms. He is the officer who was charged with having perpetrated the most cruel and inhuman torture upon an absolutely innocent man, subjecting him to the water torture, hanging him by the thumbs, and beating his naked body until the blood ran down, and the Army officer charged with the investigation reported that the charges were true.

Now, the War Department has ordered one Colonel Crowder to conduct another investigation of that matter. What sort of an investigation we may expect from Colonel Crowder may be judged from the kind of investigation he conducted in another case; and that was where an officer and some soldiers were charged with murdering Filipino prisoners. It was proved beyond a doubt that the Filipino prisoners were murdered. The report indicated that Captain Bishop had been a party to the execution of those prisoners. It was proved that a private by the name of Putnam had been one of the parties who had killed the prisoners under orders, and the recommendation was made that Putnam be tried by court-martial. When it came to Crowder, the man who is now investigating the Arnold case—he is assistant judge-advocate-general—he reported the following:

> The offense of Private Putnam, if he has committed one, is manslaughter. His only defense would be a lawful order of his superior officer. If put on trial, it is probable that facts would develop implicating many others. I doubt the propriety of his trial, and am of the opinion that considerations of public policy, sufficiently grave to silence every other demand, require that no further action be taken in this case.

There was an investigation by Crowder, and he deliberately recommended that the private be not court-martialed, not because he cared anything for the private, but upon the express ground that if he were court-martialed his defense would be that he had orders from his superior officers, and that the facts developed would implicate many of them. I say that all the investigations over there have been farces, utter farces. That is why I say there ought to be an honest investigation somewhere, and it ought to be conducted by a committee of this Senate. We have developed a number of important facts, and there is other testimony to be had of a very important character. The committee have refused to meet during the sessions of the Senate, and the only way to deal with the subject is to have the committee meet during the recess of the Senate. That, I say, is the only question to be considered.

EXECUTIVE SESSION.

Mr. STEWART. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twelve minutes spent in executive session, the doors were reopened.

RECESS.

Mr. KEAN (at 4 o'clock and 37 minutes p. m.). I move that the Senate take a recess until 5 o'clock p. m.

The motion was agreed to; and at the expiration of the recess (at 5 o'clock) the Senate reassembled.

STATEMENTS OF APPROPRIATIONS.

Mr. ALLISON. Mr. President, I desire at this time to ask to have printed in the RECORD two or three statements, all relating

to appropriations for the current fiscal year. They have been carefully prepared by the clerks of the Committees on Appropriations of the House and Senate, and they are therefore accurate. I ask that they may be printed in the RECORD, and also printed as a document.

The PRESIDENT pro tempore. The Senator from Iowa asks that certain papers in relation to appropriations be printed in the RECORD and also as a document. The Chair hears no objection, and the order is made.

The statements referred to are as follows:

Chronological history of appropriation bills, first session of the Fifty-seventh Congress; estimates and appropriations for the fiscal year 1902-3, and appropriations for the fiscal year 1901-2.

[Prepared by the clerks to the Committees on Appropriations of the Senate and House of Representatives.]

Title.	Estimates, 1903.	Reported to the House.		Passed the House.		Reported to the Senate.		Passed the Senate.	
		Date.	Amount.	Date.	Amount.	Date.	Amount.	Date.	Amount.
		1902.		1902.		1902.		1902.	
Agriculture	$5,509,540.00	Apr. 21	$5,159,070.00	Apr. 30	$5,114,540.00	May 10	$5,249,680.00	May 13	$5,249,680.00
Army	99,289,982.03	Mar. 20	90,880,136.41	Mar. 27	90,880,136.41	May 7	92,385,136.41	May 10	92,385,136.41
Diplomatic and consular	2,098,578.76	Feb. 18	1,933,078.76	Feb. 28	1,929,828.76	Mar. 6	1,962,385.69	Mar. 7	1,964,025.69
District of Columbia [a]	7,826,016.00	Apr. 26	7,867,054.97	May 2	7,897,210.97	June 13	9,848,673.97	June 14	9,894,373.97
Fortification	16,399,308.60	Apr. 3	6,562,455.00	Apr. 19	6,562,455.00	May 10	7,946,481.00	May 15	7,946,481.00
Indian	7,124,271.09	Feb. 14	8,636,625.69	Feb. 21	8,675,129.06	Apr. 1	9,621,219.36	Apr. 5	9,488,219.36
Legislative, etc	25,623,533.16	Feb. 5	25,175,569.90	Feb. 7	25,174,639.90	Mar. 4	25,490,195.50	Mar. 5	25,490,545.50
Military Academy	898,812.42	Apr. 15	3,627,324.42	Apr. 22	2,627,324.42	May 16	2,627,324.42	June 6	2,627,324.42
Navy	98,910,984.63	Apr. 28	77,659,386.63	May 19	77,619,933.13	June 3	78,166,838.13	June 10	79,351,238.13
Pension	139,846,480.00	Jan. 10	139,842,230.00	Jan. 15	139,842,230.00	Jan. 20	139,842,230.00	Feb. 7	139,842,230.00
Post-Office [b]	134,731,576.00	Feb. 14	137,916,598.75	Mar. 14	137,916,598.75	Apr. 8	138,466,757.35	Apr. 10	138,466,757.35
River and harbor	[c] 23,123,300.00	Mar. 10	24,219,107.00	Mar. 21	24,219,107.00	Apr. 11	28,910,942.00	Apr. 21	29,045,942.00
Sundry civil	[d] 57,604,715.78	Mar. 28	49,323,895.93	Apr. 2	49,813,695.73	Apr. 16	52,719,943.13	May 5	56,361,994.13
Total	618,927,098.47		578,802,533.26		578,272,859.13		593,237,806.96		598,113,857.96
Urgent deficiency		Jan. 18	16,704,230.54	Jan. 24	17,076,470.54	Feb. 3	20,239,620.83	Feb. 5	20,255,176.83
Additional urgent deficiency		Apr. 3	192,737.39	Apr. 4	200,567.39	Apr. 5	200,567.39	Apr. 5	200,567.39
Do	[e] 30,000,000.00	Apr. 14	66,200.00	Apr. 14	66,200.00	Apr. 15	66,200.00	Apr. 15	75,200.00
Do		May 20	81,000.00	May 20	81,000.00	May 23	178,500.00	May 23	178,500.00
Deficiency, 1902, and prior years		June 14	4,951,317.33	June 18	4,951,384.31	June 25	8,420,910.80	June 26	8,575,122.69
Total	648,927,098.47		600,798,018.52		600,648,481.37		622,343,605.98		627,398,424.87
Miscellaneous	[e] 3,500,000.00								
Total regular annual appropriations	652,427,098.47								
Isthmian canal									
Permanent annual appropriations	123,921,220.00								
Grand total, regular and permanent annual appropriations	776,348,318.47								

Title.	Law, 1902-3.		Law, 1901-2.
	Date.	Amount.	Amount.
	1902.		
Agriculture	June 3	$5,208,960.00	$4,582,420.00
Army	June 30	91,530,136.41	115,734,049.10
Diplomatic and consular	Mar. 22	1,957,925.69	1,849,428.76
District of Columbia [a]	July 1	8,547,526.97	8,502,269.94
Fortification	June 6	7,298,955.00	7,364,011.00
Indian	May 27	9,143,902.58	9,747,471.09
Legislative, etc	Apr. 28	25,398,381.50	24,594,938.85
Military Academy	June 28	2,627,324.42	772,653.68
Navy	July 1	78,678,963.13	78,101,791.00
Pension	Mar. 10	139,842,230.00	145,245,230.00
Post-Office [b]	Apr. 21	138,416,598.75	123,782,688.75
River and harbor	June 13	[f] 26,726,442.00	[g]
Sundry civil	June 28	[h] 60,125,359.13	[i] 61,795,908.21
Total		595,502,705.58	582,072,890.38
Urgent deficiency	Feb. 14	20,383,866.83	
Additional urgent deficiency	Apr. 7	200,567.39	
Do	Apr. 22	75,200.00	15,917,446.94
Do	June 2	178,500.00	
Deficiency, 1902, and prior years	July 1	7,201,777.20	
Total		623,542,617.00	597,990,337.32
Miscellaneous		2,600,000.00	7,990,018.67
Total regular annual appropriations		626,142,617.00	605,980,355.99
Isthmian Canal		50,130,000.00	
Permanent annual appropriations		123,921,220.00	[k] 124,358,220.00
Grand total, regular and permanent annual appropriations		[l] 800,193,837.00	[m] 730,338,575.99

Amount of estimated revenues for fiscal year 1903	$580,000,000.00
Amount of estimated postal revenues for fiscal year 1903	132,020,630.00
Total estimated revenues for fiscal year 1903	712,020,630.00

[a] One-half of the amounts for the District of Columbia payable by the United States, except amounts for the water department (estimated for 1903 at $326,016), which are payable from the revenues of the water department.

[b] Includes all expenses of the postal service payable from postal revenues and out of the Treasury.

[c] This amount is exclusive of $5,489,377.50 to meet contracts authorized by law for river and harbor improvements included in the sundry civil estimates for 1903.

[d] This amount includes $5,489,377.50 to meet contracts authorized by law for river and harbor improvements for 1903.

[e] This amount is approximated.

[f] In addition to this amount, the sum of $5,768,757.50 is appropriated in the sundry civil act to carry out contracts authorized by law for river and harbor improvements for 1903, making in all $32,495,199.50 for rivers and harbors for 1903.

[g] No river and harbor bill passed for 1902, but the sum of $7,046,623 is appropriated in the sundry civil act to carry out contracts authorized by law for river and harbor improvements for 1902.

[h] This amount includes $5,768,757.50 to carry out contracts authorized by law for river and harbor improvements for 1903.

[i] This amount includes $7,046,623 to carry out contracts authorized by law for river and harbor improvements for 1902.

[k] This is the amount submitted by the Secretary of the Treasury in the annual estimates for the fiscal year 1902, the exact amount appropriated not being ascertainable until two years after the close of the fiscal year.

[l] In addition to this amount contracts are authorized to be entered into, subject to future appropriations by Congress, as follows: By the District of Columbia act, $2,118,405; by the Military Academy act, $3,500,000; by the naval act, $18,306,000; by the river and harbor act, $38,336,160; by the sundry civil act, $616,000; by the urgent deficiency act, $550,000; by miscellaneous acts, including the public buildings act, $15,946,650; by the isthmian canal act, $180,000,000; in all, $259,373,215.

[m] In addition to this amount, contracts are authorized to be entered into, subject to future appropriations by Congress, as follows: By the District of Columbia act, $498,500; by the naval act, $1,384,640; by the sundry civil act, $82,500; by the act of March 3, 1901 (public buildings act), $2,259,000; in all, $4,224,640.

Comparison of appropriations, fiscal years 1903 and 1902.

Title.	Law, 1903.	Law, 1902.	Increase, 1903 over 1902.	Decrease, 1903 under 1902.
Agriculture	$5,208,960.00	$4,582,420.00	$626,540.00	
Army	91,530,136.41	115,734,049.10		$24,203,912.69
Diplomatic and consular	1,957,925.69	1,849,428.76	108,496.93	
District of Columbia	8,547,526.97	8,502,269.94	45,257.03	
Fortification	7,298,955.00	7,364,011.00		65,055.00
Indian	9,143,902.58	9,747,471.09		603,568.51
Legislative, etc	25,398,381.50	24,594,968.85	803,412.65	
Military Academy	2,627,324.42	772,653.68	1,854,670.74	
Navy	78,678,963.13	78,101,791.00	577,172.13	
Pension	139,842,230.00	145,245,230.00		5,403,000.00
Post-Office	138,416,598.75	123,782,688.75	14,633,910.00	
River and harbor	26,726,442.00		26,726,442.00	
Sundry civil	60,125,359.13	61,795,908.21		1,670,549.08
Total	595,502,705.58	582,072,890.38	45,375,901.48	31,946,086.28
Deficiencies	28,039,911.42	15,917,446.94	12,122,464.48	
Total	623,542,617.00	597,990,337.32	57,498,365.96	31,946,086.28
Miscellaneous	2,600,000.00	7,990,018.67		5,390,018.67
Total regular annual appropriations	626,142,617.00	605,980,355.99	57,498,365.96	37,336,104.95
Isthmian canal	50,130,000.00		50,130,000.00	
Permanent annual appropriations	123,921,220.00	124,358,220.00		437,000.00
Grand total, regular and permanent annual appropriations	800,193,837.00	730,338,575.99	107,628,365.96	37,773,104.95
Net increase			69,855,261.01	

Comparison of appropriations for the fiscal years 1903, 1902, 1901, 1900, and 1899.

Title of act.	Fiscal year 1903.	Fiscal year 1902.	Fiscal year 1901.	Fiscal year 1900.	Fiscal year 1899.
Agriculture	$5,208,960.00	$4,582,420.00	$4,023,500.00	$3,726,022.00	$3,509,202.00
Army	91,530,136.41	115,734,049.10	114,220,095.55	80,430,204.06	23,193,392.00
Diplomatic and consular	1,957,925.69	1,849,428.76	1,771,168.76	1,714,533.76	1,752,208.76
District of Columbia	8,547,526.97	8,502,269.94	7,577,369.31	6,834,535.77	6,426,880.07
Fortification	7,298,955.00	7,364,011.00	7,383,628.00	4,909,902.00	9,377,494.00
Indian	9,143,902.58	9,747,471.09	8,197,989.24	7,504,775.81	7,673,854.90
Legislative, etc	25,398,381.50	24,594,968.85	24,175,652.53	23,410,840.79	21,625,846.65
Military Academy	2,627,324.42	772,653.68	674,306.67	575,774.47	458,689.23
Navy	78,678,963.13	78,101,791.00	65,140,916.67	48,099,969.58	56,098,783.68
Pension	139,842,230.00	145,245,230.00	145,245,230.00	145,233,830.00	141,233,830.00
Post-Office	138,416,598.75	123,782,688.75	113,658,238.75	105,634,138.75	99,222,300.75
River and harbor	26,726,442.00		560,000.00	16,091,841.94	
Sundry civil	60,125,359.13	61,795,908.21	65,319,915.45	48,385,960.86	48,490,212.26
Total	595,502,705.58	582,072,890.38	557,948,010.93	492,552,299.79	419,062,694.80
Deficiencies	28,039,911.42	15,917,446.94	15,688,330.61	25,005,912.26	349,772,389.96
Total	623,542,617.00	597,990,337.32	573,636,341.54	517,558,212.05	768,835,084.26
Miscellaneous	2,600,000.00	7,990,018.67	3,802,301.34	28,744,590.24	6,560,311.29
Total regular annual appropriations	626,142,617.00	605,980,355.99	577,438,642.88	546,302,802.29	775,395,395.55
Isthmian canal	50,130,000.00				
Permanent annual appropriations	123,921,220.00	124,358,220.00	132,712,220.00	128,678,220.00	117,836,220.00
Grand total regular and permanent annual appropriations	800,193,837.00	730,338,575.99	710,150,862.88	674,981,022.29	893,231,615.55

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolutions, and they were thereupon signed by the President pro tempore:

A bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes;

A bill (S. 4546) to provide certain souvenir medals for the benefit of the Washington Monument Association, of Alexandria, Va.;

A bill (S. 5587) for the relief of Ann Eliza Isabella Von Hemert;

A bill (S. 6016) for the suppression of train robbery in the Territories of the United States and elsewhere, and for other purposes;

A bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes;

A bill (H. R. 4346) to amend section 2743 of the Revised Statutes of the United States, concerning the examination of drugs;

A bill (H. R. 14244) authorizing the President to reserve public lands and buildings in the island of Porto Rico for public uses, and granting other public lands and buildings to the government of Porto Rico, and for other purposes;

A joint resolution (S. R. 8) construing the act approved June 27, 1890, entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents," and for other purposes; and

A joint resolution (S. R. 23) authorizing the Secretary of War to furnish condemned cannon for a statue of the late Maj. Gen. Alexander Macomb, United States Army.

NOTIFICATION TO THE PRESIDENT.

Mr. ALLISON and Mr. COCKRELL appeared at the bar of the Senate, and

Mr. ALLISON said: Mr. President, the committee selected by the Senate to join a like committee of the House of Representatives to wait upon the President and inform him if he had no further communication to make to the two Houses they were ready to adjourn, have performed that duty. In response the President informed us that he had no further communication to make to the two Houses.

PRESIDENTIAL APPROVALS.

A message from the President of the United States by Mr. B. F. BARNES, one of his secretaries, announced that the President had on July 1 approved and signed the following acts and joint resolutions:

An act (S. 3896) to amend section 3394 of the Revised Statutes of the United States relating to tobabcco;

An act (S. 5956) to provide for the allotment of the lands of the Cherokee Nation, for the disposition of town sites therein, and for other purposes;

An act (S. 6196) to regulate the sale of viruses, serums, toxins, and analogous products in the District of Columbia, to regulate interstate traffic in said articles, and for other purposes;

An act (S. 6232) for the relief of I. I. Barber;

An act (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes;

An act (S. 4139) to diminish the number of appraisers at the port of Philadelphia and Boston, and for other purposes;

An act (S. 6016) for the suppression of train robbery in the Territories of the United States and elsewhere, and for other purposes;

An act (S. 4815) to grant certain lands to the South Platte Canal and Reservoir Company;

An act (S. 4546) to provide certain souvenir medals for the benefit of the Washington Monument Association, of Alexandria, Va.;

An act (S. 5587) for the relief of Anna Eliza Isabella Von Hemert;

A joint resolution (S. R. 8) construing the act approved June 27, 1890, entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents, and for others;"

A joint resolution (S. R. 23) authorizing the Secretary of War to furnish condemned cannon for a statue of the late Maj. Gen. Alexander Macomb, United States Army;

A joint resolution (S. R. 113) authorizing the Secretary of War to furnish condemned cannon for a monument to the soldiers of Worcester County, Mass., who served in the war for the Union, to be surmounted by an equestrian statue of the late Maj. Gen. Charles Devens, United States Volunteers;

A joint resolution (S. R. 120) providing for the removal of shoal in North River of New York Harbor;

A joint resolution (S. R. 123) for the relief of Naval Cadet William Victor Tomb, United States Navy; and

A joint resolution (S. R. 130) authorizing certain temporary repairs to the Aqueduct Bridge, District of Columbia.

THANKS TO THE PRESIDENT PRO TEMPORE.

Mr. COCKRELL. Mr. President, I present a resolution and ask for its present consideration. It gives me very great pleasure to offer it.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The resolution will be read for the information of the Senate.

The resolution was read, as follows:

Resolved, That the thanks of the Senate are hereby tendered to Hon. WILLIAM P. FRYE for the dignified, impartial, and courteous manner in which he has presided over its deliberations during the present session.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution? The Chair hears none.

The resolution was unanimously agreed to.

FINAL ADJOURNMENT.

The hour of 5 o'clock and 30 minutes having arrived,

The PRESIDENT pro tempore said: Senators, the resolution just adopted by you is very grateful to me. My duties as Presiding Officer have been very agreeable and comparatively easy, through you, and my debt is to you rather than yours to me.

I hope our dear Lord will keep you all during the coming vacation and permit you to return in strength and health for the duties of public life once more.

Senators, the hour has arrived for the adjournment under the concurrent resolution passed, and the Chair declares the Senate adjourned sine die.

NOMINATIONS.

Executive nominations received by the Senate July 1, 1902.

PROMOTIONS IN THE ARMY.

Medical Department.

Maj. Blair D. Taylor, surgeon, to be deputy surgeon-general with the rank of lieutenant-colonel, June 30, 1902, vice Winne, retired from active service.

Capt. Frank R. Keefer, assistant surgeon, to be surgeon with the rank of major, June 30, 1902, vice Taylor, promoted.

Lieut. Col. Alfred C. Girard, deputy surgeon-general, to be assistant surgeon-general with the rank of colonel, June 28, 1902, vice Forwood, appointed Surgeon-General.

Maj. Henry S. Turrill, surgeon, to be deputy surgeon-general with the rank of lieutenant-colonel, June 28, 1902, vice Girard, promoted.

Capt. Euclid B. Frick, assistant surgeon, to be surgeon with the rank of major, June 28, 1902, vice Turrill, promoted.

Cavalry Arm.

Lieut. Col. Allen Smith, First Cavalry, to be colonel, June 28, 1902, vice Wint, Sixth Cavalry, appointed brigadier-general.

Maj. Henry W. Sprole, Eighth Cavalry, to be lieutenant-colonel, June 28, 1902, vice Smith, First Cavalry, promoted.

Capt. William A. Shunk, Eighth Cavalry, to be major, June 28, 1902, vice Sprole, Eighth Cavalry, promoted.

First Lieut. Alexander M. Miller, jr., Ninth Cavalry, to be captain, June 20, 1902, vice Blunt, Fifteenth Cavalry, retired from active service.

First Lieut. Charles B. Drake, First Cavalry, to be captain, June 28, 1902, vice Shunk, Eighth Cavalry, promoted.

Infantry Arm.

Lieut. Col. John F. Stretch, Twenty-Eighth Infantry, to be colonel, June 28, 1902, vice Baldwin, Twenty-seventh Infantry, appointed brigadier-general, United States Army.

Lieut. Col. William P. Rogers, Twenty-second Infantry, to be colonel, June 28, 1902, vice Lee, Thirtieth Infantry, appointed brigadier-general, United States Army.

Maj. Charles A. Williams, Seventeenth Infantry, to be lieutenant-colonel, June 28, 1902, vice Stretch, Twenty-eighth Infantry, promoted.

Maj. Marion P. Maus, Second Infantry, to be lieutenant-colonel, June 28, 1902, vice Rogers, Twenty-second Infantry, promoted.

Capt. James A. Maney, Fifteenth Infantry, to be major (subject to examination required by law), June 28, 1902, vice Williams, Seventeenth Infantry, promoted.

First Lieut. John G. Workizer, Second Infantry, to be captain, June 23, 1902, vice French, Fourth Infantry, detailed as quartermaster.

First Lieut. Charles H. Bridges, Twenty-second Infantry, to be captain, June 28, 1902, vice Maney, Fifteenth Infantry, promoted.

PROMOTIONS IN THE NAVY.

Richard Henry Creel, a citizen of Missouri, to be an assistant surgeon in the Navy with the rank of lieutenant (junior grade), to fill a vacancy existing in that grade.

Pay Inspector John B. Redfield, to be a pay director in the Navy with the rank of captain, from the 10th day of April, 1902 (subject to the examinations required by law), vice Pay Director Frank C. Cosby, retired.

Passed Assistant Paymaster Timothy S. O'Leary, to be a paymaster in the Navy with the rank of lieutenant, from the 10th day of April, 1902 (subject to the examinations required by law), vice Paymaster William W. Galt, promoted.

Assistant Paymaster George M. Stackhouse, to be a passed assistant paymaster in the Navy with the rank of lieutenant (junior grade), from the 10th day of April, 1902 (subject to the examinations required by law), vice Passed Assistant Paymaster John H. Merriam, promoted.

Assistant Paymaster Grey Skipwith, to be a passed assistant paymaster in the Navy with the rank of lieutenant (junior grade), from the 10th day of April, 1902 (subject to the examinations required by law), vice Passed Assistant Paymaster Timothy S. O'Leary, promoted.

Pay Inspector Henry T. B. Harris, to be a pay director in the Navy with the rank of captain, from the 13th day of June, 1902, vice Pay Director Henry M. Denniston, retired.

The following-named assistant paymasters to have the rank of lieutenant (junior grade) in the Navy, from the 1st day of July, 1902, viz:

Jonathan Brooks.
Eugene F. Hall.
Dexter Tiffany, jr.
Franklin P. Sackett.
David M. Addison.
William T. Wallace.
Victor S. Jackson.
John R. Sanford.
Herbert E. Stevens.
Charles R. O'Leary.
Charles W. Eliason.
Cuthbert J. Cleborne.
Philip W. Delano.
John D. Robnett.
Stewart Rhodes.
George W. Pigman, jr.
Perry G. Kennard.
George W. Reeves, jr.
Walter T. Camp.
Ray Spear.
Christian J. Peoples.

Ensigns to be lieutenants (junior grade) in the Navy.

Harry E. Yarnell.
Harlan P. Perrill (subject to the examinations required by law).
David E. Theleen (subject to the examinations required by law).
Daniel S. Mahoney (subject to the examinations required by law).
Arthur J. Hepburn (subject to the examinations required by law).
Needham L. Jones.
Thomas C. Hart (subject to the examinations required by law).
Alfred W. Pressey (subject to the examinations required by law).
William R. White.
William H. Reynolds (subject to the examinations required by law).
Cyrus R. Miller (subject to the examinations required by law).
Orin G. Murfin (subject to the examinations required by law).
Leonard R. Sargent (subject to the examinations required by law).
Luther M. Overstreet (subject to the examinations required by law).

Victor S. Houston (subject to the examinations required by law).
David F. Boyd (subject to the examinations required by law).
Gilbert Chase.
Louis C. Richardson (subject to the examinations required by law).
Walton R. Sexton (subject to the examinations required by law).
Walter M. Falconer (subject to the examinations required by law).
Joseph W. Graeme (subject to the examinations required by law).
Albert H. McCarthy (subject to the examinations required by law).
Frederic R. Holman (subject to the examinations required by law).
Henry N. Jenson (subject to the examinations required by law).
William D. Leahy (subject to the examinations required by law).
Andrew T. Graham (subject to the examinations required by law).
Arthur St. Clair Smith (subject to the examinations required by law).
Peter L. Pratt (subject to the examinations required by law).
Oscar D. Duncan (subject to the examinations required by law).
Willis McDowell (subject to the examinations required by law).
Austin Kautz (subject to the examinations required by law).
Charles T. Owens.
Hilary Williams (subject to the examinations required by law).
Robert W. Henderson (subject to the examinations required by law).
William C. Asserson.
Clarence S. Kempff (subject to the examinations required by law).
Alfred C. Owen (subject to the examinations required by law).
Irwin F. Landis (subject to the examinations required by law).
Ernest C. Keenan (subject to the examinations required by law).

Naval cadets to be ensigns in the Navy.

Charles P. Snyder.
Carleton R. Kear.
Joseph R. Defrees.
Willis G. Mitchell.
John J. Hyland.
Samuel W. Bryant.
Edward S. Jackson, jr.
William F. Bricker.
Daniel P. Mannix.
Henry L. Wyman.
Charles T. Wade.
Frederick R. Naile.
Emil P. Svarz.
Arthur B. Keating.
Hollis T. Winston.
Wilbert Smith.
James C. Kress.
Harry K. Cage.
Robert Morris.
John D. Wainwright.
Sinclair Gannon.
George W. Steele, jr.
Julius F. Hellweg.
Stafford H. R. Doyle.
William K. Riddle.
William S. Case.
John G. Church.
William N. Jeffers.
Huntington Johnston
Charles S. Freeman.
John W. Timmons.
Herbert C. Cocke.
Robert L. Berry.
Ward K. Wortman.
Robert A. Abernathy
Hayne Ellis.
Frank D. Berrien.
Carlos A. Gardiner.
James H. Comfort.
Edison E. Scranton.
Paul Foley.
Bayard T. Bulmer.
William V. Tomb.
John W. Schoenfeld.
Stanley Woods.
Clarence L. Arnold.
Edwin H. Dodd.
Luke E. Wright, jr.
Charles P. Huff.
Charles R. Train.
George B. Landenberger.
Hugo W. Osterhaus.
Robert T. Menner.
Benjamin G. Barthalow.
Clarence E. Landram.

CONSUL.

Horace J. Harvey, of New York, to be consul of the United States at Fort Erie, Ontario, vice Ossian Bedell, deceased.

COLLECTORS OF INTERNAL REVENUE.

James U. Sammis, of Iowa, to be collector of internal revenue for the third district of Iowa, to succeed John W. Patterson, removed.

Harry O. Weaver, of Iowa, to be collector of internal revenue for the fourth district of Iowa, to succeed John M. Kemble, resigned.

MARSHAL.

Ruel Rounds, of Idaho, to be United States marshal for the district of Idaho, vice Frank C. Ramsey, removed.

UNITED STATES ATTORNEY.

Horace G. McMillan, of Iowa, to be United States attorney for the northern district of Iowa. A reappointment, his term having expired February 1, 1902.

CHIEF JUSTICE OF CHOCTAW AND CHICKASAW CITIZENSHIP COURT.

Spencer B. Adams, of North Carolina, to be chief judge of the Choctaw and Chickasaw citizenship court. An original appointment, as provided in an act entitled "To ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes."

ASSOCIATE JUDGES OF CHOCTAW AND CHICKASAW CITIZENSHIP COURT.

Walter L. Weaver, of Ohio, to be associate judge of the Choctaw and Chickasaw citizenship court. An original appointment, as provided in an act entitled "To ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes."

Henry S. Foote, of California, to be associate judge of the Choctaw and Chickasaw citizenship court. An original appointment, as provided in an act entitled "To ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes."

Executive nominations received by the Senate July 1, 1902.

POSTMASTERS.

George G. Sedgwick, to be postmaster at Martins Ferry, in the county of Belmont and State of Ohio, in place of George G. Sedgwick. Incumbent's commission expired June 3, 1902.

John D. Robards, to be postmaster at Greenfield, in the county of Greene and State of Illinois, in place of John D. Robards. Incumbent's commission expired May 24, 1902.

A. B. Sproul, to be postmaster at Sparta, in the county of Randolph and State of Illinois, in place of Clara M. Murphy. Incumbent's commission expired May 6, 1902.

Seymour W. Hancock, to be postmaster at Newbern, in the county of Craven and State of North Carolina, in place of Seymour W. Hancock. Incumbent's commission expired June 13, 1902.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 1, 1902.

APPOINTMENT IN THE NAVY.

Richard Henry Creel, of Missouri, to be an assistant surgeon with the rank of lieutenant (junior grade).

PROMOTIONS IN THE NAVY.

Pay Inspector John B. Redfield, to be a pay director.
P. A. Paymaster Timothy S. O'Leary, to be a paymaster.
Asst. Paymaster George M. Stackhouse, to be a passed assistant paymaster.
Asst. Paymaster Grey Skipwith, to be a passed assistant paymaster.
Pay Inspector Henry T. B. Harris, to be a pay director.

Assistant paymasters to have the rank of lieutenant (junior grade).

Jonathan Brooks.
Eugene F. Hall.
Dexter Tiffany, jr.
Franklin P. Sackett.

David M. Addison.
William T. Wallace.
Victor S. Jackson.
John R. Sanford.
Herbert E. Stevens.
Charles R. O'Leary.
Charles W. Eliason.
Cuthbert J. Cleborne.
Philip W. Delano.
John D. Robnett.
Stewart Rhodes.
George W. Pigman, jr.
Perry G. Kennard.
George W. Reeves, jr.
Walter T. Camp,
Ray Spear.
Christian J. Peoples.

Ensigns to be lieutenants (junior grade).

Harry E. Yarnell.
Harlan P. Perrill.
David T. Theleen.
Daniel S. Mahony.
Arthur J. Hepburn.
Needham L. Jones.
Thomas C. Hart.
Alfred W. Pressey.
William R. White.
William H. Reynolds.
Cyrus R. Miller.
Orin G. Murfin.
Leonard R. Sargent.
Luther M. Overstreet.
Victor S. Houston.
David F. Boyd.
Gilbert Chase.
Louis C. Richardson.
Walton R. Sexton.
Walter M. Falconer.
Joseph W. Graeme.
Albert H. McCarthy.
Frederic R. Holman.
Henry N. Jenson.
William D. Leahy.
Andrew T. Graham.
Arthur St. Clair Smith.
Peter L. Pratt.
Oscar D. Duncan.
Willis McDowell.
Austin Kautz.
Charles T. Owens.
Hilary Williams.
Robert W. Henderson.
William C. Asserson.
Clarence S. Kempff.
Alfred C. Owen.
Irwin F. Landis.
Ernest C. Keenan.

Naval cadets to be ensigns.

Charles P. Snyder.
Carleton R. Kear.
Joseph R. Defrees.
Willis G. Mitchell.
John J. Hyland.
Samuel W. Bryant.
Edward S. Jackson, jr.
William F. Bricker.
Daniel P. Mannix.
Henry L. Wyman.
Charles T. Wade.
Frederick R. Naile.
Emil P. Svarz.
Arthur B. Keating.
Hollis T. Winston.
Wilbert Smith.
James C. Cress.
Harry K. Cage.
Robert Morris.
John D. Wainwright.
Sinclair Gannon.
George W. Steele, jr.
Julius F. Hellweg.
Stafford H. R. Doyle.
William K. Riddle.
William S. Case.
John G. Church.
William N. Jeffers.
Huntington Johnston.
Charles S. Freeman.
John W. Timmons.
Herbert C. Cocke.
Robert L. Berry.
Ward K. Wortman.
Robert A. Abernathy.
Hayne Ellis.
Frank D. Berrien.
Carlos A. Gardiner.
James H. Comfort.
Edison E. Scranton.
Paul Foley.
Bayard T. Bulmer.
William V. Tomb.
John W. Schoenfeld.
Stanley Woods.
Clarence L. Arnold.
Edwin H. Dodd.
Luke E. Wright, jr.
Charles P. Huff.
Charles R. Train.
George B. Landenberger.
Hugo W. Osterhaus.
Robert T. Menner.
Benjamin G. Barthalow.
Clarence E. Landram.

PROMOTIONS IN THE ARMY.

Medical Department.

Maj. Blair D. Taylor, surgeon, to be deputy surgeon-general with the rank of lieutenant-colonel.

Capt. Frank B. Keefer, assistant surgeon, to be surgeon with the rank of major.

Lieut. Col. Alfred C. Girard, deputy surgeon-general, to be assistant surgeon-general with the rank of colonel.

Maj. Henry S. Turrill, surgeon, to be deputy surgeon-general with the rank of lieutenant-colonel.

Capt. Euclid B. Frick, assistant surgeon, to be surgeon with the rank of major.

Cavalry Arm.

Lieut. Col. Allen Smith, to be colonel.
Maj. Henry W. Sprole, to be lieutenant-colonel.
Capt. William A. Shunk, to be major.
First Lieut. Alexander M. Miller, jr., to be captain.
First Lieut. Charles B. Drake, to be captain.

Infantry Arm.

Lieut. Col. John F. Stretch, to be colonel.
Lieut. Col. William P. Rogers, to be colonel.
Maj. Charles A. Williams, to be lieutenant-colonel.
Maj. Marion P. Maus, to be lieutenant-colonel.
Capt. James A. Maney, to be major.
First Lieut. John G. Workizer, to be captain.
First Lieut. Charles H. Bridges, to be captain.

COLLECTORS OF INTERNAL REVENUE.

J. U. Sammis, of Iowa, to be collector of internal revenue for the Third district of Iowa.

Harry O. Weaver, of Iowa, to be collector of internal revenue for the Fourth district of Iowa.

MARSHAL.

Ruel Rounds, of Idaho, to be United States marshal for the district of Idaho.

UNITED STATES ATTORNEY.

Horace C. McMillan, of Iowa, to be United States attorney for the northern district of Iowa.

CHICKASAW CITIZENSHIP COURT.

Spencer B. Adams, of North Carolina, to be chief judge of Choctaw and Chickasaw citizenship court.

Walter L. Weaver, of Ohio, to be associate judge of Choctaw and Chickasaw citizenship court.

Henry S. Tooke, to be associate judge of Choctaw and Chickasaw citizenship court.

POSTMASTERS.

Charles P. Kimball, to be postmaster at Bremerton, in the county of Kitsap and State of Washington.

Lewis E. Hardy, to be postmaster at Kent, in the county of King and State of Washington.

John D. Robards, to be postmaster at Greenfield, in the State of Illinois.

A. S. Sproul, to be postmaster at Sparta, in the State of Illinois.

Seymour W. Hancock, to be postmaster at Newbern, in the State of North Carolina.

George G. Sedgwick, to be postmaster at Martins Ferry, in the State of Ohio.

Levin J. Moore, to be postmaster at Bridgeville, in the county of Sussex and State of Delaware.

Edward T. Cole, to be postmaster at Garrison, in the county of Putnam and State of New York.

Branson R. Beeson, to be postmaster at Kernersville, in the county of Forsyth and State of North Carolina.

J. J. Bryan, to be postmaster at Black Rock, in the county of Lawrence and State of Arkansas.

Susan C. Carpenter, to be postmaster at Fort Dodge, in the county of Webster and State of Iowa.

Loren Z. Burdick, to be postmaster at Seabreeze, in the county of Volusia and State of Florida.

Wilbur F. Pierce, to be postmaster at Forest, in the county of Hardin and State of Ohio.

Lemuel G. Dafoe, to be postmaster at Alpena, in the county of Alpena and State of Michigan.

Henry D. Northway, to be postmaster at Midland, in the county of Midland and State of Michigan.

Adolphus T. Jenkins, to be postmaster at Sullivan, in the county of Moultrie and State of Illinois.

William T. Bedford, to be postmaster at La Salle, in the county of La Salle and State of Illinois.

S. C. Lobaugh, to be postmaster at Harper, in the county of Harper and State of Kansas.

REJECTIONS.

Executive nominations rejected by the Senate July 1, 1902.

POSTMASTERS.

Dallas Harbert, to be postmaster at Commerce, in the county of Hunt and State of Texas.

William H. Harvey, to be postmaster at Belton, in the county of Bell and State of Texas.

HOUSE OF REPRESENTATIVES.

TUESDAY, *July 1, 1902.*

The House met at 10 o'clock a. m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, as follows:

O Thou eternal influence of all that is truly noble and pure, of every high and holy aspiration, we bless Thee for our great nation and we most fervently pray that its genius may more and more obtain until all the people of the earth shall follow its influence and be united into one great brotherhood under the leadership of the Lord Jesus Christ. And now, O Heavenly Father, that we are approaching the end of this session of the Fifty-seventh Congress, we most fervently pray that Thy blessing may be upon the officers, the members, and all the employees of this House. Keep them in health and strength and bring us together at the appointed time without the loss of any.

And now, may that peace which passeth all understanding keep your hearts and minds, through Jesus Christ. Amen.

The Journal of yesterday's proceedings was read and approved.

HEIGHT OF BUILDINGS IN THE DISTRICT OF COLUMBIA.

The SPEAKER laid before the House the bill (H. R. 14050) to amend an act to regulate the height of buildings in the District of Columbia, with Senate amendments, which were read.

Mr. BABCOCK. Mr. Speaker, I move that the House nonconcur and ask for a conference.

The SPEAKER. The question is on the motion of the gentleman from Wisconsin that the House nonconcur and ask for a conference.

The motion was agreed to.

The SPEAKER announced the following conferees on the part of the House:

Messrs. BABCOCK, MUDD, and MEYER of Louisiana.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 14087. An act granting a pension to Lizzie Dunlap;

H. R. 11573. An act for the relief of settlers on lands granted in aid of the construction of wagon roads;

H. R. 3690. An act for the relief of Jacob L. Hanger;

H. R. 7105. An act granting an increase of pension to Silas Stotts; and

H. R. 13617. An act granting an increase of pension to Anne M. Luman.

BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER also, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States, for his approval, the following bills:

H. R. 8586. An act amending the act of March 2, 1901, entitled "An act to carry into effect the stipulations of article 7 of the treaty between the United States and Spain, concluded on the 10th day of December, 1898;"

H. R. 15270. An act to amend an act entitled "An act authorizing the Aransas Harbor Terminal Railway Company to construct a bridge across the Corpus Christi Channel, known as the Morris & Cummings ship channel, in Aransas County, Tex.;"

H. R. 367. An act for the relief of Angus A. McPhee;

H. R. 303. An act for the relief of Sol Bear & Co.;

H. R. 10321. An act granting an increase of pension to Susan A. Phelps;

H. R. 11987. An act relating to transportation of dutiable merchandise at subports of Tacoma and Seattle, State of Washington;

H. R. 2494. An act for the allowance of certain claims reported by the accounting officers of the United States Treasury Department;

H. R. 14234. An act granting a pension to John Williamson;

H. R. 13875. An act authorizing the adjustment of rights of settlers on the Navajo Indian Reservation, Territory of Arizona;

H. J. Res. 182. Joint resolution authorizing the Director of the Census to compile statistics relating to irrigation; and

H. J. Res. 198. Joint resolution giving authority to the Commissioners of the District of Columbia to make special regulations for the occasion of the Thirty-sixth National Encampment of the Grand Army of the Republic, to be held in the District of Columbia in the month of October, 1902, and for other purposes incident to said encampment.

SALE OF VIRUSES, TOXINS, ETC., IN THE DISTRICT OF COLUMBIA.

The SPEAKER laid before the House the bill (S. 6196) to regulate the sale of viruses, serums, toxins, and analogous products in the District of Columbia, to regulate interstate traffic in said articles, and for other purposes, a similar House bill having been favorably reported.

Mr. BABCOCK. Mr. Speaker, I move that the bill H. R. 13289, similar to the bill just reported, be laid upon the table, and that the Senate bill just reported be passed in lieu of that, this bill being substantially the same.

The SPEAKER. If there be no objection, the similar House bill will be laid on the table.

There was no objection.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to a third reading, read the third time, and passed.

On motion of Mr. BABCOCK, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15108) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other purposes.

GEORGE FEBIGER.

The SPEAKER laid before the House the following request for the return of a bill to the Senate:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 611?) for the relief of George Febiger.

The SPEAKER. If there be no objection, this request will be granted.

There was no objection.

RESURVEY OF LAND IN SAN DIEGO COUNTY, CAL.

Mr. NEEDHAM. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 6148) providing for the resurvey of certain townships in San Diego County, Cal.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to cause to be made a resurvey of the lands in San Diego County, in the State of California, embraced in and consisting of the tier of townships 13, 14, 15, and 16 south, of ranges 11, 12, 13, 14, 15, and 16 east, and the fractional township 17 south, of ranges 15 and 16 east, all of San Bernardino base and meridian; and all rules and regulations of the Interior Department requiring petitions from all settlers of said townships asking for resurvey and agreement to abide by the result of the same so far as these lands are concerned are hereby abrogated: *Provided*, That nothing herein contained shall be so construed as to impair the present bona fide claim of any actual occupant of any of said lands to the lands so occupied.

The SPEAKER. Is there objection?

Mr. RICHARDSON of Tennessee. Mr. Speaker, reserving the right to object, I should like to have the gentleman give us some explanation of the bill. In the first place, I desire to have the gentleman state whether the bill has been considered by the Committee on the Public Lands.

Mr. NEEDHAM. It has been so considered, and unanimously reported.

Mr. RICHARDSON of Tennessee. Has it been recommended by the Commissioner of the General Land Office?

Mr. NEEDHAM. Yes; it has been recommended by the Department, by the Secretary of the Interior.

Mr. RICHARDSON of Tennessee. I should be glad if the gentleman would state the purpose of the bill.

Mr. NEEDHAM. The bill provides for the resurveying of certain townships in San Diego County, Cal. The land was last surveyed in 1856. The corners are now gone. A large number of settlers are going in there and desiring to take up this land. There is a company that has brought water upon the land at an expense of about a million dollars. The settlers are anxious to make improvements, but they do not know exactly where the lines are. There are some nonresidents, and consequently it is necessary to put this bill through in order that the exact lines of the sections may be known. The bill is unanimously reported by the Committee on the Public Lands.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to a third reading; and was accordingly read the third time, and passed.

On motion of Mr. NEEDHAM, a motion to reconsider the last vote was laid on the table.

LOCKS AND DAMS IN POND RIVER, KENTUCKY.

Mr. ALLEN of Kentucky. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 15258) authorizing Anton Brucken to construct locks and dams in Pond River, in the State of Kentucky, and to give the consent of Congress thereto.

The bill was read, as follows:

Be it enacted, etc., That whereas the Chief of Engineers and the Secretary of War have had submitted to them the plans and specifications for certain locks and dams proposed to be constructed in the bed of Pond River, a navigable stream running between Hopkins County and Muhlenberg County, in the Commonwealth of Kentucky, by one Anton Brucken, who has proposed, on his private account and by voluntary subscriptions of interested parties, to construct such improvement in order to make said stream navigable for rafts and barges during the whole year; and said Anton Brucken and his associates desire the consent and approval of Congress to said improvement, pursuant to section 9 of an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for certain other purposes," approved March 3, 1899, said Anton Brucken be, and he is hereby, authorized to construct, erect, and operate a system of locks and dams in said Pond River, in Kentucky, according to such plans as may be approved by the Chief of Engineers and the Secretary of War, for the use of himself and all other persons using said stream by way of traffic without tolls, and the consent of Congress to said improvement is hereby conferred: *Provided, however*, That said Anton Brucken and his associates are in no way relieved from the lawful consequences of any damage done by the work to private property, and the United States in no way relinquishes its right to require the removal of any structure placed in said stream: *Provided further*, That unless availed of within three years from the date of this act the privilege hereby conferred shall cease and be determined.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

Mr. PAYNE. Has the bill been recommended by the Committee on Rivers and Harbors?

Mr. ALLEN of Kentucky. It has, by the entire committee, the full committee.

There was no objection.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. ALLEN of Kentucky, a motion to reconsider the last vote was laid on the table.

Mr. ALLEN of Kentucky. This bill is a substitute for the bill H. R. 10521, and I move that that bill lie on the table.

The SPEAKER. Are there two House bills?

Mr. ALLEN of Kentucky. Yes; the bill which has just passed is a substitute for the original House bill. I move that the original bill lie on the table.

The SPEAKER. Without objection, this order will be made.

There was no objection.

OHIO NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

Mr. NEVIN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 15257) to cede jurisdiction over the place on which the National Home for Disabled Volunteer Soldiers is located in the State of Ohio.

The bill was read, as follows:

Be it enacted, etc., That the jurisdiction over the place purchased by the United States from the State of Ohio for the location of the "National Home for Disabled Volunteer Soldiers," ceded to the United States by act of the seventy-fifth general assembly of the State of Ohio, passed May 6, 1902, is hereby ceded to the State of Ohio and relinquished by the United States, and the United States shall claim or exercise no jurisdiction over said place after the passage of this act: *Provided*, That nothing contained in this act shall be construed to impair the powers and rights heretofore conferred upon the Board of Managers of the National Home for Disabled Volunteer Soldiers in and over said territory.

The SPEAKER. Is there objection?

Mr. RICHARDSON of Tennessee. Reserving the right to object, as I understand this bill from hearing it read, it cedes the right of the Government of the United States to certain property at the Soldiers' Home in Ohio. I should like to know how much is involved in it and what the necessity is for it.

Mr. NEVIN. Originally when the Government purchased the ground upon which the Soldiers' Home is located——

Mr. RICHARDSON of Tennessee. Is that the Home at Dayton?

Mr. NEVIN. Yes. Congress passed a bill ceding jurisdiction to the State of Ohio, so that administrators could be appointed and civil writs served, and so on. Last month a general bill was passed in the Ohio legislature ceding exclusive jurisdiction to the United States over all places in Ohio that belonged to the Federal Government. It was not intended to embrace the Soldiers' Home. Subsequently a bill was introduced in the Ohio legislature saying that it was not the intention or purpose to include the Soldiers' Home. Every man in both branches of the legislature, Democrat and Republican alike, voted for it. This has gone to the Military Committee and has been approved unanimously by that committee. It does nothing except to restore what has heretofore always been the case out there, and which by inadvertence was overlooked.

Mr. SLAYDEN. Mr. Speaker, I want to say to the gentleman from Tennessee that the statement made by the gentleman from Ohio is correct, as was shown before the committee when the bill was under consideration there. The bill was reported unanimously by the committee.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. NEVIN, a motion to reconsider the vote by which the bill was passed was laid on the table.

MOTIONS TO RECONSIDER.

The SPEAKER. The Chair would like to suggest to the House that it seems hardly necessary to make any motion to reconsider at this hour, and it takes time.

UNITED STATES MARINE-HOSPITAL SERVICE.

Mr. RICHARDSON of Alabama. Mr. Speaker, I move to suspend the rules and pass Senate bill 2162.

The bill was read, as follows:

A bill (S. 2162) to increase the efficiency and change the name of the United States Marine-Hospital Service.

Be it enacted, etc., That the United States Marine-Hospital Service shall hereafter be known and designated as the Public Health and Marine-Hospital Service of the United States, and the Supervising Surgeon-General and the officers now or hereafter commissioned under the act of January 4, 1889, entitled "An act to regulate appointments in the Marine-Hospital Service of the United States," and acts amendatory thereof, shall hereafter be known as the Surgeon-General, surgeons, passed assistant surgeons, and assistant surgeons of the Public Health and Marine-Hospital Service of the United States. Nothing in this act contained shall be held or construed to discharge any of the officers above named, or any of the acting assistant surgeons, pharmacists, and other employees of the Marine-Hospital Service, or to deprive any officer of his commission or the benefits derived by longevity of service. The care of sick and disabled seamen and all other duties now required by law to be performed by the Marine-Hospital Service shall hereafter be performed by the Public Health and Marine-Hospital Service, and all funds and appropriations now provided by law for use by the Marine-Hospital Service and all properties and rights pertaining to said service shall be available for use for like purposes and in like manner, under the Treasury Department, by the Public Health and Marine-Hospital Service.

SEC. 2. That the salary of the Surgeon-General of the Public Health and Marine-Hospital Service shall be $5,000 per annum, and the salaries and allowances of the commissioned medical officers of said service shall be the same as now provided by regulations of the Marine-Hospital Service.

SEC. 3. That commissioned medical officers, when detailed by the Surgeon-General for duty in the Public Health and Marine-Hospital Bureau at Washington, D. C., in charge of the administrative divisions thereof, namely, marine hospitals and relief, domestic quarantine; foreign and insular quarantine, personnel and accounts, sanitary reports and statistics, and scientific research, shall, while thus serving, be assistant surgeons-general of the Public Health and Marine-Hospital Service, but their pay and allowances shall be the same as now provided by regulations of the Marine-Hospital Service for officers in charge of said divisions, and the senior officer thus serving shall be the assistant within the meaning of section 178, Revised Statutes of the United States: *Provided, however*, That no such officer shall be detailed in charge of said divisions who is below the rank of passed assistant surgeon.

SEC. 4. That the President is authorized, in his discretion, to utilize the Public Health and Marine-Hospital Service in times of threatened or actual war to such extent and in such manner as shall in his judgment promote the public interest without, however, in any wise impairing efficiency of the service for the purposes for which the same was created and is maintained.

SEC. 5. That there shall be an advisory board for the hygienic laboratory provided by the act of Congress approved March 3, 1901, for consultation with the Surgeon-General of the Public Health and Marine-Hospital Service relative to the investigations to be inaugurated, and the methods of conducting the same, in said laboratory. Said board shall consist of three competent experts, to be detailed from the Army, the Navy, and the Bureau of Animal Industry by the Surgeon-General of the Army, the Surgeon-General of the Navy, and the Secretary of Agriculture respectively, which experts, with the director of the said laboratory, shall be ex officio members of the board, and serve without additional compensation. Five other members of said board shall be appointed by the Surgeon-General of the Public Health and Marine-Hospital Service, with the approval of the Secretary of the Treasury, who shall be skilled in laboratory work in its relation to the public health, and not in the regular employment of the Government. The said five members shall each receive compensation of $10 per diem while serving in conference, as aforesaid, together with allowance for actual and necessary traveling expenses and hotel expenses while in conference. Said conference

is not to exceed ten days in any one fiscal year. The term of service of the five members of said board, not in the regular employment of the Government, first appointed shall be so arranged that one of said members shall retire each year, the subsequent appointments to be for a period of five years. Appointments to fill vacancies occurring in a manner other than as above provided shall be made for the unexpired term of the member whose place has become vacant.

SEC. 6. That there shall be appointed by the Surgeon-General, with the approval of the Secretary of the Treasury, whenever, in the opinion of the Surgeon-General, commissioned medical officers of the Public Health and Marine-Hospital Service are not available for this duty by detail, competent persons to take charge of the divisions, respectively, of chemistry, zoology, and pharmacology of the hygienic laboratory, who shall each receive such pay as shall be fixed by the Surgeon-General, with the approval of the Secretary of the Treasury. The director of the said laboratory shall be an officer detailed from the corps of commissioned medical officers of the Public Health and Marine-Hospital Service, as now provided by regulations for said detail from the Marine-Hospital Service, and while thus serving shall have the pay and emoluments of a surgeon: *Provided*, That all commissioned officers of the Public Health and Marine-Hospital Service not below the grade of passed assistant surgeon shall be eligible to assignment to duty in charge of the said divisions of the hygienic laboratory, and while serving in such capacity shall be entitled to the pay and emoluments of their rank.

SEC. 7. That when, in the opinion of the Surgeon-General of the Public Health and Marine-Hospital Service of the United States, the interests of the public health would be promoted by a conference of said service with State or Territorial boards of health, quarantine authorities, or State health officers, the District of Columbia included, he may invite as many of said health and quarantine authorities as he deems necessary or proper to send delegates, not more than one from each State or Territory and District of Columbia, to said conference: *Provided*, That an annual conference of the health authorities of all the States and Territories and the District of Columbia shall be called, each of said States, Territories, and the District of Columbia to be entitled to one delegate: *And provided further*, That it shall be the duty of the said Surgeon-General to call a conference upon the application of not less than five State or Territorial boards of health, quarantine authorities, or State health officers, each of said States and Territories joining in such request to be represented by one delegate.

SEC. 8. That to secure uniformity in the registration of mortality, morbidity, and vital statistics it shall be the duty of the Surgeon-General of the Public Health and Marine-Hospital Service, after the annual conference required by section 7 to be called, to prepare and distribute suitable and necessary forms for the collection and compilation of such statistics, and said statistics, when transmitted to the Public Health and Marine-Hospital Bureau on said forms, shall be compiled and published by the Public Health and Marine-Hospital Service as a part of the health reports published by said service.

SEC. 9. That the President shall from time to time prescribe rules for the conduct of the Public Health and Marine-Hospital Service. He shall also prescribe regulations respecting its internal administration and discipline, and the uniforms of its officers and employees. It shall be the duty of the Surgeon-General to transmit annually to the Secretary of the Treasury, for transmission by said Secretary to Congress, a full and complete report of the transactions of said service, including a detailed statement of receipts and disbursements.

Mr. MANN. Mr. Speaker, I demand a second on this.

Mr. RICHARDSON of Alabama. I ask that a second be considered as ordered.

Mr. MANN. Reserving the right to object, I suggest to the gentleman from Alabama that this bill can not be passed without a quorum of the House, which is not here at the present time, and that it may take up time which might well be spent for other purposes without calling this bill up at this time.

Mr. RICHARDSON of Alabama. I will allow the bill to take its ordinary course.

The SPEAKER. The Chair did not understand the gentleman.

Mr. RICHARDSON of Alabama. I do not consent to what the gentleman from Illinois says.

The SPEAKER. Is there objection to a second being considered as ordered? [After a pause.] The Chair hears none. The Chair will recognize the gentleman from Alabama and the gentleman from Illinois.

Mr. RICHARDSON of Alabama. I yield one minute to the gentleman from Georgia.

Mr. BARTLETT. Mr. Speaker, I do not desire to discuss this bill. From what I can ascertain about it, it is a meritorious bill, and I shall support it. I merely desire to rise for the purpose of correcting both the RECORD and the Journal on the vote cast yesterday afternoon on the motion to agree to the conference report on the Philippine government bill. I voted distinctly on the first roll call "nay." I am recorded as voting "yea." I did not vote for the bill at the time when it passed the House, nor did I vote "yea" when the conference report was agreed to. I distinctly voted "nay."

The SPEAKER. Without objection, the Journal and RECORD will be changed in accordance with the statement of the gentleman.

Mr. RICHARDSON of Alabama. Mr. Speaker, I think I can safely say that there has been a growing demand, a public demand, within the last twenty years that Congress should enact some kind of legislation regulating our quarantine interests. This disposition during that time has been manifested by various and divers bills introduced into either branch of Congress relative to the public health. The great trouble, Mr. Speaker, which has been encountered and the difficulties that we have met heretofore in securing this legislation has been inability to secure concurrence and cooperation of both State and Federal health officers. But I am glad to say that this trouble is now entirely removed, and that this bill is the joint product of the earnest labor of both Federal health officers and State health officers.

This bill, Mr. Speaker, comes before this House very strongly indorsed and recommended. It is indorsed by the Public Health and Quarantine Committee of the Senate and it is indorsed by the Committee on Interstate and Foreign Commerce of this House, there being really no minority report filed against it. It is also indorsed, gentlemen of the committee, by the Secretary of the Treasury. Not only that, but this bill is strongly indorsed by a convention of health officers of the States of the Union. That convention was held in this city within the last few weeks, and while it is true, as I am informed, that the different health officers that composed that convention came here for the purpose of entering their solemn protest against this bill, after it was explained, after its humane, conservative, and patriotic provisions were fully explained, that convention with practical unanimity indorsed this bill. It comes further indorsed. It is indorsed by the American National Medical Association, many of whose representatives came before the two committees of the House and the Senate on this subject and urged the passage of this bill.

Now, I can not, Mr. Speaker, in the time allowed me enter into all the details and minutiæ of this bill, worthy and commendable as I think it to be; but I will undertake to point out a few salient features of it. The first one is that it provides for conference and cooperation between the Federal health officers and the State health officers. Well, now, what gentleman is there upon the floor of this House that does not promptly admit that there are times when such a conference, such a cooperation, will be of great aid and benefit in working out some intelligent, reasonable plan and policy for the management, not only of threatened, but of actual epidemics. The demand of this country is, and as I said in the beginning of my remarks, the public demand is that there should be not only an intelligent, but that there should be a humane execution of the quarantine laws of the country.

I say, Mr. Speaker, that this can never be accomplished so long as States, counties, and municipalities have the right to enact and execute their different quarantine laws. Why, we ought to adopt such legislation here as will tend to destroy the opportunity for the fearful and frightful panics and the prostration of public business that take place in many sections of this country on the first announcement that yellow fever has appeared in a given place. Then the surrounding towns and cities enact such stringent legislation and put such embargoes and unreasonable restraints upon public business as they see proper, and the result of it is in many places what is known as the "shotgun policy."

Now, Mr. Speaker, there is another feature of this bill that commends itself most strongly to me, and it is that this bill provides that the Federal health officers and the State and municipal authorities shall confer together about vital statistics, the statistics of mortality. No gentleman will say for a moment that that is not a wise provision.

The next provision I desire to call attention to is, in my opinion, a very important one. There is a tendency upon the floor of this House to give a military feature, to the various Government branches of the service, and that means when the military feature is given to it, soon thereafter a proposition will be made to put the employees of that service, which is purely civil, upon a pension list, subject to the same general regulations of pension law that applies to soldiers of the Army and sailors of the Navy. I say that is the tendency even upon the floor of this House. Now, this bill studiously avoids any such feature as that, and I take the liberty of reading on that subject what the Senate committee said:

> Section 4 of the bill, which provides rank in time of war or threatened war corresponding with the rank of surgeons, etc., in the Army and Navy, the committee have eliminated. The officials of the service are uniformed and have been for many years, and have been under a quasi-military discipline, with commendable efficiency. The service is one essentially civil, and the committee have not thought it wise to put it upon a military or naval basis or to provide in a detailed way for rank and precedence in the event of war, threatened or actual.

Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has eleven minutes.

Mr. RICHARDSON of Alabama. I reserve the balance of my time.

Mr. MANN. Mr. Speaker, I have very great admiration, indeed, for the gentleman from Alabama [Mr. RICHARDSON] who makes this motion. I feel perfectly confident that if there is anyone in the House who could give a good reason for the passage of this bill the gentleman from Alabama could have given it in his remarks. I have read this bill over several times, and I will confess my inability to understand just what is intended to be accomplished by the bill, and the gentleman from Alabama in his remarks did not enlighten the House. He told us the various department officials of the Government were in favor of the bill. Why, of course, Mr. Speaker, the bill was prepared by the head of the Marine-Hospital Service, who wishes to be the head of the United States health service, and he obtains the approval of the Secretary of the Treasury and the other department officials over him.

But we have had presented to us protests from people employed in the Marine-Hospital Service against this bill, and while it is true the bill comes before the House without a minority report, it is also true that the bill was opposed by almost one-half of the members of the committee which reported the bill.

I do not know to what scope the bill may reach. I do not know from reading the bill just how far it is intended to change the law now in existence in reference to quarantine regulations or health regulations. I defy any member of the House to read this bill through and understand what is intended by it, unless the proposition is to leave absolutely within the control of the new health department the whole subject of health regulations in the United States.

Yesterday the House voted down a proposition to pay Hawaii $1,000,000 for stamping out the bubonic plague, but under this bill, I suppose, if it should be enacted into law, the United States health department would have the power to stamp out the bubonic plague and do all the work done by Hawaii wholly at the expense of the United States Government.

But I will confess my inability to understand what was intended to be accomplished by the bill. It is for that reason that I think that this bill properly should be considered by the Committee of the Whole House before it is passed. I want to call the attention of the House to one provision of the bill which probably exemplifies the entire bill.

Mr. Speaker, we have recently created a permanent Census Bureau, which has the duty of collecting statistics. There has been a proposition pending before Congress during the present session which may be before the House in the form of a bill at the next session of Congress for the purpose of drawing together in one department the various branches of the Government now engaged in the collection of statistics. The permanent Census Bureau proposes to collect vital statistics. We passed through the House a few days ago a resolution giving that Bureau power to print the vital statistics which they collected. Here is a section of this bill proposing to again duplicate the collection of statistics. The Census Bureau, on the one hand, will collect vital statistics, and the new health office, if this bill passes, on the other hand, will be collecting and publishing the same statistics in another branch of the Government.

Section 8 in this bill provides—

That to secure uniformity in the registration of mortality, morbidity, and vital statistics it shall be the duty of the Surgeon-General of the Public Health and Marine-Hospital Service, after the annual conference required by section 7 to be called, to prepare and distribute suitable and necessary forms for the collection and compilation of such statistics, and said statistics, when transmitted to the Public Health and Marine-Hospital Bureau on said forms, shall be compiled and published by the Public Health and Marine-Hospital Service as a part of the health reports published by said service.

I protest, Mr. Speaker, against constantly building up new branches of the Government for the purpose of duplicating the collection of statistics or duplicating the work to be done by some other branch of the Government. For what purpose do we have a Census Bureau, engaged in the collection of statistics, engaged in the collection, compilation, and publication of vital statistics, and then pass a bill for the purpose of duplicating this work in the department of health?

I have been unable to find in this bill a specific requirement covering any other subject of importance. But of course if the bureau or department of health shall have the power to collect vital statistics, that means the building up of another great census bureau of the Government. The collection of mortality, morbidity, and vital statistics is a work of importance. It is also one which requires a great number of employees. In every branch of the Government, in every county and town almost of the country, it would be necessary to have employees of this new department of health engaged in the collection of these vital statistics, and side by side with their collection and publication would be the Census Office engaged in the same work.

Mr. Speaker, we now have a Bureau of Statistics in the Treasury Department. We have a collection of statistics in the Labor Department. We have a Bureau of Statistics in the State Department. We collect statistics in the Agricultural Department. We have gone so far that to-day there are two branches of the Agricultural Department collecting and publishing the same statistics or statistics upon the same subject.

Mr. DE ARMOND. Will the gentleman yield to me for a moment?

Mr. MANN. Yes, sir.

Mr. DE ARMOND. Mr. Speaker, I desire to call the gentleman's attention to two or three provisions of this bill upon which he has not commented. Section 5 lodges with the head of this new bureau the extraordinary power of appointing a whole lot of people—five other members of the board——

Mr. MANN. Does the gentleman wish some time?

Mr. DE ARMOND. I would like a little.

Mr. MANN. Mr. Speaker, I yield five minutes to the gentleman from Missouri.

Mr. DE ARMOND. Mr. Speaker, I think this is altogether too important a measure to be disposed of in this way. The bill seems to me, so far as I can learn from my cursory examination of it—and nothing more can be made at this time—to be designed for the aggrandizement of the present head of the Marine Hospital and to have only a few other incidental objects. There is said to be one very beneficent and valuable feature of it embodied in section 7, providing for the calling of conferences by the head of this bureau. Now, there is nothing anywhere that prevents the head of the Department or any other officer from inviting anybody he may choose to consult in conference at any time. This valuable section 7 provides simply for a formal sort of invition by the head of this bureau to such persons as he may choose to invite to meet him in conference. All this can be done now just as completely without this provision.

Section 4, too, is claimed to be a very valuable section:

SEC. 4. That the President is authorized, in his discretion, to utilize the Public Health and Marine-Hospital Service in times of threatened or actual war to such extent and in such manner as shall in his judgment promote the public interest without, however, in any wise impairing the efficiency of the service for the purposes for which the same was created and is maintained.

Not a particle of power is here given to the President or anybody else beyond that which now exists. It is simply a padding, as it seems to me, to cover up the main purpose of the bill. Here is an officer who gets by this bill a more pretentious title, who is to be known as the Surgeon-General, and there are to be surgeons and passed assistant surgeons with increased pay.

Then provision is made in section 5 for this new Surgeon-General authorized by this act, with an increased salary and power, to appoint five persons skilled in laboratory work to meet with him at certain times, receiving for their services a compensation of $10 a day and expenses. In section 6 provision is made for further appointments by this same gentleman—

That there shall be appointed by the Surgeon-General, with the approval of the Secretary of the Treasury, whenever, in the opinion of the Surgeon-General, commissioned medical officers of the Public Health and Marine-Hospital Service are not available for this duty by detail, competent persons to take charge of the divisions, respectively, of chemistry, zoology, and pharmacology of the hygienic laboratory, who shall each receive such pay as shall be fixed by the Surgeon-General, with the approval of the Secretary of the Treasury.

So it runs all through this bill. There is provision for consultation with the health officers of the different States, just what there can be now. The distinctive lines of the two jurisdictions are not marked, and any danger that may now exist of conflict will still remain. But elevated upon a pedestal—made more conspicuous, given more power, furnished with opportunity to employ more people of his own selection—the head of this service looms up.

It is said that no provision is made at present for the pensioning of the officers in this service. It is true, I suppose, that all that these gentlemen desire has not yet been done; but we may fairly assume it is also true that in due time, if they can be magnified as this would magnify them, this little omission will be supplied, and one by one each of these officers will go upon the pension roll. I do not think this bill tends in the slighest degree to protect this country or any part of this country from any epidemic or to be beneficial to any person except, primarily, to the head of this department, and, secondarily, beneficial to those whom he may favor with his appointments from time to time, largely in his own discretion, at compensation to be fixed by him and with qualifications to be determined by himself. If the bill has merit in it, it seems to me it does not disclose that merit, and it has not yet been disclosed. It would be well enough, I think, to allow it to go over until there is time to consider it and ascertain and have uncovered those merits. At present the particular object and purpose of it, it seems to me, must arrest the attention of everyone, and that is to exploit the head of this institution and increase the number of officials and increase the expense and provide, as the gentleman from Illinois [Mr. MANN] has said, for a large duplication of a service already abundantly provided for.

Mr. RICHARDSON of Alabama. Mr. Speaker, I will ask the gentleman from Illinois if he has exhausted his time.

Mr. MANN. Not yet.

Mr. RICHARDSON of Alabama. I will ask the gentleman to do so.

Mr. MANN. I am not required to exhaust all of my time first.

Mr. RICHARDSON of Alabama. The gentleman has no right to conclude.

Mr. MANN. No; I do not wish to. I will ask, Mr. Speaker, how much time I have remaining.

The SPEAKER. Five minutes.

Mr. MANN. I think the gentleman on the other side ought to use a portion of his time.

Mr. RICHARDSON of Alabama. I yield three minutes to the gentleman from Alabama, Mr. CLAYTON.

Mr. CLAYTON. Mr. Speaker, those of us who come from the Gulf States or from the Pacific coast regard this as a very important measure. The subject of bringing the health offices of

the States into cooperation with the health offices of the Federal Government has been under discussion for a number of years, and various bills looking to that desirable end have been proposed in Congress and have been considered by the Commerce Committee of this House. I believe, Mr. Speaker, that this is the first bill that has met the unanimous approval of the State health officers of the various States and of the Federal health officers. So much for the character and the general object of this bill. For the prevention of the coming in of certain diseases this bill is necessary, notably, so far as the Gulf States are concerned, in preventing the importation of yellow fever.

Now, Mr. Speaker, while we of the Gulf States and the Pacific coast are more directly interested than the gentleman from Illinois [Mr. MANN] and the gentleman from Missouri [Mr. DE ARMOND], who come from the interior, we think that in the interests of the country which will grow under existing conditions, and especially with the building of the isthmian canal, it is important that we bring the State health offices and the Federal health offices into cooperation in order to prevent the coming in of yellow fever. It is said by the gentleman from Missouri [Mr. DE ARMOND] that this increases the public expense. Not so. It does not increase the public expense. There is no employment of persons from the States contemplated in this measure. There is no increase of the salary of any man except the Surgeon-General, and his salary is increased in a separate measure from this.

I desire, Mr. Speaker, to read section 7 of the bill under consideration and to invite special attention thereto, merely for the purpose of emphasizing the good that will come from it. That great good will come from it is apparent to the physicians of the Gulf States who have had to deal with yellow-fever epidemics under the conflicting Federal and State quarantine regulations. This will reconcile all conflicts so as to prevent, as far as possible, the coming in of the disease and the limitation of its spread should any cases be brought into the United States from the Tropics. There is nothing in the bill that militates against the authority of the State. This bill will unite, harmonize, and rationalize the work of the State and Federal health officers in the interests of the public health and commerce of our country. I wish I had time to dwell more at length upon the many excellent features of this bill. I now read section 7 of the bill:

SEC. 7. That when, in the opinion of the Surgeon-General of the Public Health and Marine-Hospital Service of the United States, the interest of the public health would be promoted by a conference of said service with State or Territorial boards of health, quarantine authorities, or State health officers, the District of Columbia included, he may invite as many of said health and quarantine authorities as he deems necessary or proper to send delegates, not more than one from each State or Territory and District of Columbia, to said conference: *Provided*, That an annual conference of the health authorities of all the States and Territories and the District of Columbia shall be called, each of said States, Territories, and the District of Columbia to be entitled to one delegate: *And provided further*, That it shall be the duty of the said Surgeon-General to call a conference upon the application of not less than five State or Territorial boards of health, quarantine authorities, or State health officers, each of said States and Territories joining in such request to be represented by one delegate.

The SPEAKER. The time of the gentleman has expired.

Mr. CLAYTON. Mr. Speaker, I would ask unanimous consent to extend my remarks in the RECORD by printing with my remarks the report of the House and Senate committees on this bill.

[House Report No. 2415, Fifty-seventh Congress, first session.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (S. 2162) to increase the efficiency and change the name of the United States Marine-Hospital Service, having considered the same, report thereon with a recommendation that it pass.

The bill has the approval of the Treasury Department, as will appear by the letters attached, and which are made a part of this report.

There has been a great demand for many years for the enactment of legislation of this character. The necessity of such legislation has been seriously felt by those intrusted with the enforcement of quarantine regulations and the advancement of the sanitary welfare of the country. The difficulty of obtaining legislation heretofore has been the inability to secure a concurrence of the Federal and State authorities upon the passage of any special bill. This difficulty has been eliminated by the aforesaid Senate bill, upon which representative Federal authorities, State authorities, as well as representative men of the medical profession of the United States have united in approval and have given formal expression of their desire for its passage.

The committee consider it fortunate that these important influences are in harmony, and are satisfied that in consequence the bill, if enacted into law, will be the more effective and beneficial. The measure has been prepared with care to prevent any conflict between Federal and State authorities, and it is believed that its passage will result in the most cordial cooperation between said authorities.

The administrative features of the bill are demanded by the growth of the Marine-Hospital Service and increase in its functions which have been imposed upon it by acts of Congress.

Other reasons for the passage of the bill and an exposition of its contents are clearly and forcibly stated by Senator SPOONER, of Wisconsin, in the report which he submitted to the Senate upon this bill. The report of Senator SPOONER is herewith appended and made a part of this report.

The approval of the Treasury Department of this measure is set forth in a letter from the Secretary of the Treasury, Hon. Lyman J. Gage, addressed to the chairman of the Committee on Interstate and Foreign Commerce of the House of Representatives, under date of January 16, 1902, and in a letter to the chairman of the Committee on Public Health and National Quarantine of the Senate, February 3, 1902, from the Surgeon-General of the Marine-Hospital Service, approved by Hon. L. M. Shaw, Secretary of the Treasury. These letters relate to House bill 7189 and Senate bill 6162, which are identical.

The committee therefore recommends the adoption, without amendment, of S. 2162 as it passed the Senate.

[Senate Report No. 1531, Fifty-seventh Congress, first session.]

The Committee on Public Health and National Quarantine, to whom was referred the following bills: (a) S. 2162, "A bill to increase the efficiency and change the name of the United States Marine-Hospital Service;" (b) S. 2417, "A bill relating to quarantine and the public health;" (c) S. 4583, "A bill to reorganize and increase the efficiency of the Marine-Hospital Service, and for other purposes;" (d) S. 4895, "A bill to establish a commission of public health and fix the salaries of the commissioned officers of the Marine-Hospital Service," have given careful consideration to the said bills and to the general subject of the national health, quarantine, and to improvements in the organization of the United States Marine-Hospital Service.

The committee report back Senate bill 2162, by substitute, with the recommendation that it do pass. This substitute changes the name of the United States Marine-Hospital Service to "Public Health and Marine-Hospital Service of the United States." This change in the name is justified by the growth of the service, the enlargement from time to time of its original functions, and the provisions hereinafter referred to, intended to bring it into closer relations and cooperation with the health authorities of the States, in conservation generally of the public health. The substitute eliminates the word "Supervising" from the official designation of the Surgeon-General as too cumbersome.

The salary of the Surgeon-General, which is now $4,000, is increased to $5,000 per annum, an increase which the added responsibility and duties of the service fully justify in the opinion of your committee.

The substitute, also following in that respect, with an amendment, the original bill, authorizes the Surgeon-General to detail commissioned medical officers of the service for duty in the Bureau at Washington, in charge of certain administrative divisions, namely, marine hospitals and relief, domestic quarantine, foreign and insular quarantine, personnel and accounts, sanitary reports and statistics, and scientific research, and gives the rank while thus serving of assistant supervising surgeons-general of the Public Health and Marine-Hospital Service. It also provides that the senior officer thus serving shall be the assistant surgeon-general, within the meaning of section 178, Revised Statutes of the United States. The committee has added a proviso, upon what seemed to be the reasonable request of the officers of the service, that no officer below the grade of a passed assistant surgeon shall be eligible to this detail.

Section 4 of the bill, which provides rank in time of war or threatened war corresponding with the rank of surgeons, etc., in the Army and Navy, the committee have eliminated. The officials of the service are uniformed and have been for many years, and have been under a quasi-military discipline, with commendable efficiency. The service is one essentially civil, and the committee have not thought it wise to put it upon a military or naval basis or to provide in a detailed way for rank and precedence in the event of war, threatened or actual.

By act of Congress approved March 3, 1901, a hygienic laboratory was provided for in the Marine-Hospital Service. The committee has adopted, with some modification, as in the interest of public health, the provision of section 5 of the original bill for an advisory board for this laboratory to confer with the Surgeon-General. The original section constituted the board of the Surgeon-General of the Army, the Surgeon-General of the Navy, the Chief of the Bureau of Animal Industry of the Department of Agriculture, and the director of the laboratory, all being ex officio, and provided for five other members, to be appointed by the Secretary of the Treasury, to receive compensation. As the board is to render a service scientific and technical, the committee did not think it wise that it should be constituted as provided by the bill. They provided in the substitute, therefore, that the ex officio members of the board, aside from the director of the laboratory, consist of three competent experts, to be detailed from the Army, the Navy, and the Bureau of Animal Industry, by the Surgeon-General of the Army, the Surgeon-General of the Navy, and the Secretary of Agriculture, respectively.

Section 6 of the bill provides for the appointment and commission by the President of one chemist, one medical zoologist, and one pharmacologist, each to have the pay and emoluments of a surgeon of the United States Public Health and Marine-Hospital Service. There was some objection to this by the officers of the Marine-Hospital Service, and the committee, after hearings and full consideration, concluded that it would be wise to authorize the employment of these specialists outside of the service and without regard to rank therein, where officers of the service were not available, and with such compensation as should be fixed by the Surgeon-General, with the approval of the Secretary of the Treasury. The committee deem it important that the most competent men in the specialties named should be employed in order to obtain the best results, and that therefore in the beginning at least, and during the upbuilding of the work, there should be freedom to attract by adequate compension those best fitted. While wastefulness, of course, could not be justified in any public expenditure, in promoting the public health any sacrifice of substantial results for the mere matter of expenditure would be obviously false economy and not to be defended upon any just principle.

Section 7 of the bill was an attempt to meet the long-continued demand from the State health authorities, and especially from the South, and in some of the great cities on tide water, for legislation which would secure consultation, and therefore cooperation, between the health authorities of States and the quarantine officials of the United States. It was not, in the opinion of the committee, so drawn as to accomplish this result so much to be desired, and they therefore in the substitute have supplied a new section 7, which is as follows:

"That when, in the opinion of the Surgeon-General of the Public Health and Marine-Hospital Service of the United States, the interests of the public health would be promoted by a conference of said service with State or Territorial boards of health, quarantine authorities, or State health officers, the District of Columbia included, he may invite as many of said health and quarantine authorities as he deems necessary or proper to send delegates, not more than one from each State or Territory and District of Columbia, to said conference: *Provided*, That an annual conference of the health authorities of all the States and Territories and District of Columbia shall be called, each of said States, Territories, and the District of Columbia to be entitled to one delegate: *And provided further*, That it shall be the duty of the said Surgeon-General to call a conference upon the application of not less than five State or Territorial boards of health, quarantine authorities, or State health officers, each of said boards or quarantine authorities joining in such request to be represented by one delegate."

This section we regard as by all means the most important section in the bill. The dividing line between the Federal power of quarantine, in its relation to foreign commerce and interstate commerce, and the State power of quarantine and police regulation, in its relation to the public health, is undoubtedly real, but it is often very difficult of discernment; and therefore it has often happened that State authorities have felt their province invaded by Federal authorities, and Federal authorities have insisted that the national function was invaded by State authorities; and out of it all has grown more or less of friction, necessarily detrimental to great public interests. No statute, of course, can change the power of the Federal authorities, as defined by the Constitution, or take away the sovereign power of any State in respect of these matters. The committee has been impressed with the conviction

that in the general public interest some recognition by Federal legislation of the State health authorities, in the way of consultation upon subjects of vital consequence to the localities, and as to the rules to be put in operation by both State and Federal authorities in accomplishing the same end, would of necessity bring about better understanding, and a cooperation which would inevitably promote a fuller accomplishment of the great purpose desired by both the Federal and State authorities.

The Federal jurisdiction is exercised primarily in the interest of commerce. The local or State jurisdiction is exercised primarily for the protection of life and health in the communities, and, secondarily, in the interest of commerce. In the hope and belief that good results will come from it the committee has inserted section 7, above set forth, which, briefly stated, provides:

First. That when, in the opinion of Surgeon-General, the interests of the public health would be promoted by a conference of that service with the State or Territorial health officers that he may invite as many of said health officers and quarantine authorities as he deems necessary to send delegates, not more than one from each State or Territory and District of Columbia, to such a conference.

Second. That an annual conference of the health authorities of the States and Territories and District of Columbia shall be called by the Surgeon-General, each State, Territory, and the District of Columbia to be entitled to one delegate.

Third. That it shall be the duty of the Surgeon-General to call a conference upon the application of not less than five States or Territorial boards of health, quarantine authorities, or State health officers, each of said boards or quarantine authorities joining in such request to be represented by one delegate.

It is not provided that the expenses of the delegates to these conferences shall be borne by the United States. It is not intended that they shall be junkets, but that they shall be attended by those who have at heart the health interests of their people and shall represent people who are willing to bear the expense of such service.

Section 9 of the original bill is amended so as to require the Supervising Surgeon-General to make report to the Secretary of the Treasury, to be transmitted by that official to Congress, and to require that the report shall include a detailed statement of receipts and disbursements in the service.

The committee recommend the adoption of the substitute, and report back S. 2417, S. 4583, and S. 4895 with the recommendation that they be severally indefinitely postponed.

TREASURY DEPARTMENT,
Washington, D. C., January 16, 1902.

SIR: I am in receipt of a communication from your committee of January 13, inclosing a copy of House bill No. 7189, and requesting me to furnish the committee with such suggestions as I may deem proper touching the merits of the bill and the propriety of its passage.

In reply I beg leave to invite your attention to my annual report to Congress, dated December 2, 1901, on page 53 of which I concurred in the recommendation of the Surgeon-General for appropriate legislation by Congress to increase the efficiency of the Marine-Hospital Service as a public health service. The method of thus increasing its efficiency as detailed in the provisions of this bill meets with my approval.

The bill is calculated to strengthen a branch of the Government service which has, particularly in the last decade, undergone a steady and natural growth, and is recognized in various acts of Congress and by reason of its efficiency as useful and necessary in the protection of the public health.

If enacted into law, it would give an improved status to this service, expanding it in a manner to meet the growing necessities of the Government and the people, and aiding materially in the administration of its functions as now provided by law.

Inclosed are comments explaining in detail the several sections of the bill.

I have to suggest that in section 1, on page 2, line 6, after the word "commission," the following words be inserted: "or the benefits derived by longevity of service," to remove any doubts as to the intent of the bill with regard to longevity of service.

I have also to suggest that in section 5, page 4, line 15, the words "in conference" be inserted after the word "serving," to make it more clear that the compensation referred to is to be received only during the time of actual service.

I have further to recommend that in section 7, page 5, there be inserted on the nineteenth line, after the words "health or health," the words "or quarantine," and in the twenty-third line, after the word "one," there be inserted the words "health and one quarantine authority." This is to permit the inviting of quarantine authorities in conference, said authorities, in some instances, being independent and distinct from State health boards.

These additions have been inserted in the inclosed copy of the bill.

With the above suggestions I have to state that it is desirable that the bill should be enacted into law.

Respectfully,
L. J. GAGE,
Secretary.

Hon. WILLIAM P. HEPBURN,
Chairman Committee on Interstate and Foreign Commerce, House of Representatives.

TREASURY DEPARTMENT,
OFFICE SUPERVISING SURGEON-GENERAL
MARINE-HOSPITAL SERVICE,
Washington, February 3, 1902.

SIR: I have the honor to acknowledge receipt of your letter of January 22, inclosing a copy of the bill introduced by Senator PERKINS (S. 2162), and also a copy of a proposed amendment thereto, and requesting my opinion on the bill and the amendment.

I will make the proposed amendment the subject of a separate letter.

In general it may be said that this measure is made necessary by the growth of the Marine-Hospital Service, both in functions and personnel. This growth is due to the new duties relating to the public health which have, from time to time, been imposed upon the service by Congress. It may be termed an administrative measure in compliance with the last report of the Secretary of the Treasury, well calculated to enable the Marine-Hospital Service to carry on with greater facility and efficiency its varied and important work.

I inclose herewith (inclosure No. 1) a copy of a letter of the Secretary of the Treasury to the chairman of the Committee on Interstate and Foreign Commerce of the House of Representatives, in response to the latter's request, expressing his approval of the bill and his opinion that it is desirable that it should be enacted into law, the House bill (H. R. 7189) being the same as that introduced into the Senate by Mr. PERKINS (S. 2162).

Three years ago, by reason of the war with Spain and the unusual duties thrown upon the service in consequence thereof, it became necessary to increase the corps of officers of the service and to reorganize the Bureau on a much broader plan than the one then existing. Accordingly, six distinct divisions of the Bureau were made, with an experienced surgeon in charge of each, and later, by the last Congress, the duties of the service were still further increased by the addition of a hygienic laboratory "for the investigation of infectious and contagious diseases and matters pertaining to the public health."

The new organization and the new functions already alluded to make appropriate and natural further provisions for the efficient conduct of the service as set forth in this bill.

I have made a careful study of the several bills which have been introduced from time to time in the last ten years affecting the general question of public health and the Marine-Hospital Service, and believe that the bill introduced by Mr. PERKINS (S. 2162) both meets the present requirements so far as legislation may be successfully proposed and places in a more effective position an organization which has grown to its present standard of strength and efficiency through years of hard experience.

A few verbal alterations, however, are recommended, as follows;

In section 1, on page 2 of the bill, line 1, erase the words "hospital stewards" and insert in place thereof the word "pharmacists." This change is made to conform with a recent regulation of the service changing the title of hospital stewards to pharmacists.

In section 1, on page 2, line 6, after the word "commission," insert the following words: "or the benefits derived by longevity of service." This is to remove any doubt as to the intent of the bill with regard to said longevity.

In section 5, page 4, line 15, after the word "serving," insert the words "in conference." This is to make it more clear that the compensation referred to is to be received only during the time of actual service.

In section 7, page 5, line 19, after the words "health or health," insert the words "or quarantine;" and in line 23 of the same page and section, after the word "one," insert the words "health and one quarantine authority." The insertions in this section are to permit the inviting of quarantine authorities in conference, said authorities in some instances being independent of State health boards or authorities.

I inclose a copy of the bill with the above alterations inserted, together with a series of comments on its several sections, to which I invite your attention.

I would urgently urge, in the interest of the public health, that this bill be enacted into law.

Respectfully,
WALTER WYMAN,
Surgeon-General Marine-Hospital Service.

Hon. GEORGE VEST,
Chairman Committee on Public Health and National Quarantine, United States Senate.

Approved February 4, 1902.
L. M. SHAW, *Secretary.*

The SPEAKER. The gentleman from Alabama asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, the gentleman from Alabama says that his section of the country is more interested in the prevention of yellow fever than the portion of the country represented by the gentleman from Missouri and myself.

Mr. CLAYTON. I said we were more directly interested.

Mr. MANN. The gentleman from Alabama is mistaken. There is no portion of this country more directly and vitally interested in the prevention of yellow fever in the country than is the city of Chicago, which does the great commercial business down along the territory of the Mississippi Valley to the Gulf and which suffers more in case of yellow fever than any other large city of the country; and if there was a line or a syllable in this bill which in any way would have a tendency to prevent or control the introduction or spread of diseases like yellow fever, I do not think that I should be opposed to it, but this bill is not intended to have control of epidemics.

This bill is intended only to swell the personnel and importance of the Marine-Hospital Service, presided over to-day by one of the most genial gentlemen in the city of Washington, and but for whose geniality this bill would not be considered for two minutes together. It will not add to the power of the Marine-Hospital Service or the health service in controlling epidemics or disease. It will add only to the office employees, to the men connected with the work of the laboratories and the men connected with the gathering of statistics. It will have nothing to do with the prevention or control of disease. It is possibly true that it might be a benefit to the country to have various State health officers come to Washington on annual jaunts at the expense of the Government.

I do not know that I have any objection to that. I can see no special benefit from it, but it could do no great damage. What we need is a proper quarantine law. What we need is a proper bill governing the subject of quarantines. This bill is intended only to add, not to the usefulness and value, but to the number and pay of the men engaged in the service. One provision of this bill is that certain officers who are created by the bill shall receive such pay as shall be fixed by the Surgeon-General. There is no fixing of salary in the bill, no determination of the expense. Offices are created which are to be filled by officers whose pay is fixed by the Surgeon-General absolutely without restriction. That is the purpose of the bill. It is not to prevent the spread of yellow fever in the South. It is not to prevent the introduction of the bubonic plague. It is not to prevent epidemic or disease anywhere. The purpose of the bill is only to swell and make larger, under a new title, the present Marine-Hospital Service, which is doing very well as it is, but which, if it needs to be enlarged, ought to be enlarged under a bill which would give it particular power to suppress epidemics and disease.

[Here the hammer fell.]

Mr. RICHARDSON of Alabama. How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman has eight minutes remaining.

Mr. RICHARDSON of Alabama. I yield the remainder of my time, or so much thereof as he may desire, to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. Mr. Speaker, the complaint that is made by my colleague on the committee [Mr. MANN] that this is not the time to consider this bill would be one with which I would agree if it were possible to consider the bill at any other time than this. It has been on the Calendar a long time, as gentlemen know. It is a subject that has been discussed in the Interstate and Foreign Commerce Committee ever since I have been a member of that committee. This is the first time that we have ever been able to secure an agreement among the health officers of the United States. It is the only measure upon which we have ever been able to secure an agreement.

Now, my friend may be right in the supposition that this is not a wise bill; but allow me to suggest, gentlemen, that the National Board of Health, the National Medical Society, and 22 of the State medical societies, as well as all the quarantine officers of the United States and of the States, have united on this bill. It meets their approval. I am not able to say and do not know whether it is the best possible measure, but they say it is, and in my judgment their opinion is more valuable than that of any gentleman who has not given careful study to the subject of quarantine. There are and at all times have been differences between the Federal authorities and some of the State authorities. There have been serious difficulties. This bill seems to compose those difficulties, and hereafter we may hope that they will not exist.

I do not understand that this bill creates an additional office. The men who gather the statistics provided for in this bill are the State authorities. They simply report, and we have a uniform method of publication by the Federal Government. That is the marked change.

The gentleman tells us that there have been remonstrances against the bill. That is true. This bill did not provide for rank for the hospital stewards. Those gentlemen do not want that title. They want it to be called pharmacists, and they want it to have commissions ranking with second lieutenants. They have brought to bear upon the committee the influence of the entire pharmaceutical societies of the United States, not in opposition to the bill, but favoring this recognition of rank for certain of their membership. That is where the fight has been made by them, and my friend ought to have suggested that there is where all of these protests came from, and that that was the inspiring cause.

Mr. MANN. If the gentleman will permit me, I think the bill has been vastly improved in that respect over the protests, but that was not the only protest that I had.

Mr. HEPBURN. Well, I am free to say that there were five or six officers in the service who did not like the bill as it was originally presented; but I think my friend knows those gentlemen have been here in this city, and, as I understand, they yield their consent and approve of the bill as it passed the Senate and as it now appears before us.

Now, Mr. Speaker, I am free to say that this bill has imperfections. I do not believe that we will ever be able to pass one that has not. I think that in some ways it might be improved; but those measures that, in my judgment, would be an improvement, would excite hostility upon the part of some of the State officers and prevent any legislation at all.

I hope the bill will pass. I believe it is the best possible measure that we can get. I am satisfied that it meets with the approval of the medical fraternity of the United States, of the health officers of the United States, and of the quarantine boards of the various States. Therefore I hope that it will become a law.

Mr. RICHARDSON of Alabama. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has two minutes remaining.

Mr. RICHARDSON of Alabama. Mr. Speaker, it is very evident from the remarks made by the gentleman from Illinois [Mr. MANN] that the time will never come when he will really understand the objects and purposes of a bill of this kind. A measure of this sort has been before the different committees for years. Recently the Interstate and Foreign Commerce Committee has given a great deal of time to hearings on this bill. All the provisions were fully explained. He says that it does not undertake nor will it accomplish any regulation relative to yellow fever.

Whose opinion would you rather have on that subject, that of the American Medical Association, and the medical convention of twenty-two States, composed of leading State health officers, and the Secretary of the Treasury, who all say that the object and purpose of this bill is to regulate matters pertaining to yellow fever, or that of the gentleman from Illinois [Mr. MANN]? The only objection that my friend from Illinois makes to the bill is that he does not understand it. That is all.

Now the objection made against the bill by my friend from Missouri [Mr. DE ARMOND] relates to a certain section, and it seems to me, Mr. Speaker, that if he had looked at it from the right standpoint, according to the plain meaning of the English words that are there used, he would not have said what he did say about it. Why, the object of that section, Mr. Speaker, is to have an advisory board. How is that advisory board made up? The gentleman from Missouri says it is an effort upon the part of the Surgeon-General to "glorify" himself by gathering around him a number of gentlemen from different sections, and that he can call anybody he pleases.

Why that advisory board consists of nine expert officers on the question of laboratory work as applicable to health, one of them to be appointed by the Surgeon-General of the Army, one by the Surgeon-General of the Navy, one by the Commissioner of Agriculture from the Bureau of Animal Industry, and the Surgeon-General of the Public Health and Marine-Hospital Service will be the fourth expert. These four experts will be ex officio members of this advisory board. Five other members of this advisory board who are not in the employment of the Government shall be appointed by the Surgeon-General of the Public Health and Marine-Hospital Service. Certainly great benefit will be derived from the conferences and consultations of such a board coming from different sections of our country. This section makes a wise provision for the length of service of these five members of the board and their rotation in office. It is really one of the most commendable features of this important bill, and the gentleman from Missouri entirely misunderstands its purpose and scope.

The SPEAKER. The time of the gentleman has expired. The time on both sides has expired, and the question is on suspending the rules and passing the bill.

The question was taken; and in the opinion of the Chair, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

PUBLIC LANDS AND BUILDINGS, PORTO RICO.

The SPEAKER. The Chair lays before the House the following House bill with Senate amendments. The Chair will say that these amendments strictly require to be considered in Committee of the Whole House on the state of the Union, and therefore consideration can only be had by unanimous consent.

The Clerk read as follows:

A bill (H. R. 14244) authorizing the President to reserve public lands and buildings in the island of Porto Rico for public uses, and granting other public lands and buildings to the government of Porto Rico.

The Senate amendments were read at length.

The SPEAKER. Is there objection?

Mr. RICHARDSON of Tennessee. I understand this bill has been reported unanimously by the Committee on Insular Affairs. I am so informed, and for that reason I shall not object.

Mr. CRUMPACKER. This bill originally passed the House in pursuance of a unanimous recommendation of the Committee on Insular Affairs. It is a measure in which the people of Porto Rico are very deeply and very much interested. The bill went to the Senate and four or five amendments were attached to it. Some of them are of an unimportant character, but one amendment, in relation to naturalization, I do not believe the House is ready to agree to. I therefore ask that the House disagree to the Senate amendments and ask for a conference.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. The gentleman from Indiana moves that the House disagree to the Senate amendments and ask for a conference.

The motion was agreed to.

The SPEAKER. The Chair appoints the following conferees: Mr. CRUMPACKER, Mr. CANNON, and Mr. WILLIAMS of Illinois.

CONDEMNED CANNON.

Mr. GILLETT of Massachusetts. Mr. Speaker, I ask unanimous consent for the present consideration of the Senate joint resolution 113.

The joint resolution was read, as follows:

A joint resolution (S. R. 113) authorizing the Secretary of War to furnish condemned cannon for a monument to the soldiers of Worcester County, Mass., who served in the war for the Union, to be surmounted by an equestrian statue of the late Maj. Gen. Charles Devens, United States Volunteers.

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to deliver to the governor of the State of Massachusetts at such place as he shall designate, if the same can be done without detriment to the public service, such condemned bronze cannon as he may deem proper, not to exceed 15,000 pounds in weight, to be used in the erection of a monument to the soldiers of Worcester County, Mass., who served in the war for the Union, to be surmounted by an equestrian statue of the late Maj. Gen. Charles Devens, United States Volunteers.

The SPEAKER. Is there objection?

Mr. SULZER. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SULZER. I desire to be informed whether it will be in order to ask for a second in regard to this matter?

The SPEAKER. This is a request for unanimous consent. It

is not a motion to suspend the rules. Is there objection? [After a pause.] The Chair hears none.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

AQUEDUCT BRIDGE, DISTRICT OF COLUMBIA.

Mr. CANNON. Mr. Speaker, I ask unanimous consent to discharge the Committee on the District of Columbia from the further consideration of a Senate joint resolution which I hold in my hand, but I have not the number, reappropriating $15,000 for work on the Aqueduct Bridge in connection with the piers of the bridge.

The SPEAKER. The gentleman from Illinois asks unanimous consent to discharge the Committee on the District of Columbia from the further consideration of the following joint resolution and to consider the same now in the House. The Clerk will report the joint resolution.

The Clerk read as follows:

Joint resolution (S. R. 130) authorizing certain temporary repairs to the Aqueduct Bridge, District of Columbia.

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to spend an amount not exceeding $3,000 from the balance of appropriations made for the reconstruction of pier No. 4 of the Aqueduct Bridge, District of Columbia, for the purpose of the examination of, and immediate temporary repairs to, the remaining piers of said bridge in cases of need arising from flood or ice.

The SPEAKER. Is there objection?

Mr. UNDERWOOD. Reserving the right to object, I would ask the gentleman from Illinois to explain this joint resolution.

Mr. CANNON. I have a letter here from the Chief of Engineers covering the matter. I can say in a word to the gentleman that we have to rebuild the Aqueduct Bridge. A pier has been substantially rebuilt, but not quite finished. The District bill authorizes the building of another pier. It is absolutely necessary to be done, and is being done gradually and efficiently under the War Department by the Chief of Engineers, and being so done as not to interrupt travel.

Mr. UNDERWOOD. Has the appropriation been made for that purpose?

Mr. CANNON. In the other appropriation bill it has.

Mr. UNDERWOOD. Why, if the appropriation has been made, discharge the Committee on the District of Columbia from the consideration of the bill?

Mr. CANNON. The Committee on the District of Columbia does not know that it was referred to it. It came over yesterday.

Mr. BABCOCK. This was an erroneous reference to the Committee on the District of Columbia.

Mr. CANNON. And it happened that the communication came to me, though it really ought to have gone to the Committee on Appropriations.

Mr. UNDERWOOD. Then it is necessary to enact a law to authorize the carrying it on?

Mr. CANNON. It is a reappropriation, authorizing the finishing of this pier and a further examination of other piers. I have the letter, which I will read.

Mr. UNDERWOOD. The gentleman from Illinois thinks it is necessary to be done?

Mr. CANNON. Undoubtedly necessary.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. CANNON, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

WAREHOUSE, OMAHA, NEBR.

Mr. BANKHEAD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 12702) to provide for the erection of a quartermaster's warehouse at Omaha, Nebr.

The Clerk read the bill, as follows:

Be it enacted, etc., That a warehouse for the storage and distribution of quartermaster supplies, United States Army, be erected, under the direction of the Secretary of War, upon ground now owned by the United States in the city of Omaha and State of Nebraska, the cost of such building not to exceed the sum of $75,000.

SEC. 2. That the sum of $75,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury of the United States not otherwise appropriated, to carry into effect the foregoing provisions.

Mr. LIVINGSTON. I reserve the right to object, Mr. Speaker.

Mr. CANNON. Mr. Speaker, I think the regular bills have cared for enough of this service. We want to leave something for the next session of Congress to do. I must say to my friend I feel constrained to object.

Mr. BANKHEAD. Then, Mr. Speaker, I move to suspend the rules and pass the bill.

Mr. CANNON. Oh, well, Mr. Speaker, I throw up my hands. [Laughter.]

The SPEAKER. The gentleman from Illinois withdraws his objection, if the Chair understands it. Is there further objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

On motion of Mr. MERCER, a motion to reconsider the last vote was laid on the table.

APPRAISERS AT PORTS OF PHILADELPHIA AND BOSTON.

Mr. ADAMS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4139) to diminish the number of appraisers at the ports of Philadelphia and Boston.

The Clerk read the bill, as follows:

Be it enacted, etc., That sections numbered 2529 and 2544 of the Revised Statutes of the United States are hereby so amended that there shall be one appraiser of merchandise at each of said ports instead of two, as now provided by law.

The salary of said appraisers shall be $5,000 each per annum, instead of $3,000 each, as now established by law.

With the following amendments recommended by the Committee on Ways and Means:

Amend the title by adding thereto "and for other purposes;" in line 8 strike out the word "five" and insert the word "four."

Mr. RICHARDSON of Tennessee. Reserving the right to object, Mr. Speaker, I would like to understand this bill.

Mr. ADAMS. Mr. Speaker, I will state for the information of the gentleman that this is the unanimous report from the gentleman's own Committee on Ways and Means, and it is to correct the anomaly in the present law in regard to the appraisers at Boston and Philadelphia. Under the present law there are two appraisers at each port. The services of these men have not been required. At the port of Philadelphia there has been but one appraiser for fifty years, and at Boston for seventeen years. The duties of these men have greatly increased, and in fact they are responsible and the office is as important now as the surveyor and collector of customs. A large number of appraisers and inspectors are under the control of these men.

Mr. LIVINGSTON. Let me ask the gentleman if it increases the pay of the remaining two; and if so, how much?

Mr. ADAMS. One thousand dollars in Boston and $1,000 in Philadelphia. This is a Senate bill. The Senate increased it to $5,000, but the Committee on Ways and Means has reduced the salary to $4,000. In view of the fact that the services of these men have so increased and the responsibilities have become so much greater as it is and in reducing the number from two to one, we thought that the salary of $4,000 was reasonable.

Mr. PAYNE. I want to say to the gentleman that the committee considered this matter. We have had it before us for two years, and we took some evidence in regard to the duties of these men, and, comparing their salaries with the salaries of others, the committee thought the increase to $4,000 was fair and reasonable. The Senate had increased it to $5,000. The present salary is $3,000. We therefore reported a bill fixing the sum at $4,000.

Mr. LIVINGSTON. There were three appraisers?

Mr. PAYNE. There are two authorized under the law at each port.

Mr. LIVINGSTON. And now there is only one?

Mr. PAYNE. They have cut it down to one in each port by this bill, and given the appraiser $4,000 salary instead of $3,000.

Mr. LOUD. Will the gentleman from New York inform the House why the appraiser at Boston and Philadelphia should receive $4,000 apiece, and at San Francisco, a port of greater importance, with more imports and more exports than either of the other ports, the appraiser should be continued at a salary of $3,000?

Mr. PAYNE. I will say to the gentleman that we only had evidence before the committee in relation to Philadelphia and Boston. It did not relate to the appraiser at San Francisco, and no suggestion was made in regard to it.

Mr. LOUD. I think if $3,000 is enough for the appraiser at San Francisco I shall have to object. You could have put in the appraiser at San Francisco if the committee had seen fit.

Mr. ADAMS. Mr. Speaker, I move to suspend the rules and pass the bill as amended.

Mr. SULZER. Mr. Speaker, I demand a second.

Mr. ADAMS. I ask unanimous consent that a second be considered as ordered.

Mr. SULZER. There is no objection to that.

The SPEAKER. The gentleman from Pennsylvania asks that a second may be considered as ordered. Is there objection? The Chair hears none. The Chair will recognize the gentleman from Pennsylvania for twenty minutes and the gentleman from New York [Mr. SULZER] for twenty minutes.

Mr. ADAMS. Mr. Speaker, I think the matter has been sufficiently explained to the House. In view of the fact that this is the unanimous report from the Committee on Ways and Means, the fact that the appraiser in the city of New York gets $6,000,

I think this very mild provision in the way of an increase of salary ought to appeal to the fair judgment of the House. As the chairman of the Committee on Ways and Means has explained the matter so fully, I will occupy no more time, but will reserve the balance of my time.

Mr. SULZER. Mr. Speaker, at this time I wish to take advantage of the rules and submit to the House some remarks on a resolution introduced by myself regarding the Pacific transport service, which I send to the Clerk's desk and ask to have read in my own time.

The Clerk read as follows:

Concurrent resolution.

Whereas the allegations of inadequate and scandalous conduct of the affairs of the United States transport service between San Francisco and the Philippine Islands, made by the Examiner and other leading newspapers, have been sustained by the official reports to the War Department by special War Department inspectors Col. John L. Chamberlain and Col. Marion P. Maus; and

Whereas no action commensurate with the gravity of the conditions shown to have existed has been taken by the Secretary of War: Therefore,

Resolved by the House of Representatives (the Senate concurring), That the working of the transport system be investigated by a Congressional commission to consist of three——

Mr. PARKER (interrupting the reading). Mr. Speaker, I rise to a point of order. This resolution has nothing to do with the debate on the pending bill. It is not pertinent to the subject under consideration, nor are any remarks on the transport service.

Mr. SULZER. Mr. Speaker, I have the floor and the gentleman can not take me off my feet.

The SPEAKER. The gentleman has a right to make a point of order, but the Chair can not decide the question until the paper has been read. [After examining the resolution.] This resolution can not be read except by unanimous consent. It is not germane.

Mr. SULZER. Mr. Speaker, if the gentleman insists on his point of order, I shall insist on the point of order that there is no quorum present. I only want a few minutes——

Mr. PARKER. How long?

Mr. SULZER. Ten minutes.

Mr. PARKER. There need be no difficulty about it. Mr. Speaker, if the gentleman will pardon me a moment, the only question before the House is one of fairness——

The SPEAKER. The gentleman from New York [Mr. SULZER] wants to talk on a different subject from that before the House. Without objection, he will be accorded ten minutes, to be taken out of his time.

Mr. HULL. I object.

The SPEAKER. Objection being made——

Mr. SULZER. Does the Chair rule that I can be taken off the floor in this way? I have control of the time——

The SPEAKER. The point of order being made, the gentleman must confine his discussion to the bill before the House.

Mr. SULZER. Then, Mr. Speaker, I make the point of order that no quorum is present.

The SPEAKER (having counted the House). There are 178 members present—more than a quorum.

Mr. SULZER. I ask for tellers. [A pause.] Mr. Speaker, I ask unanimous consent to address the House for ten minutes on this resolution concerning the Pacific transport service between San Francisco and the Philippine Islands.

Mr. HULL. I object.

The SPEAKER. The gentleman from New York asks unanimous consent to address the House for ten minutes, the same to come out of his time.

Mr. SULZER. Certainly.

Mr. HULL. I object.

The SPEAKER. Objection is again made by the gentleman from Iowa.

Mr. SULZER. What is the gentleman afraid of? Mr. Speaker, I ask for tellers.

The SPEAKER. The question before the House is the debate. The gentleman has been recognized for debate.

Mr. SULZER. I ask for tellers.

The SPEAKER. The House has already passed that point. Does the gentleman from New York desire to occupy the time?

Mr. SULZER. Mr. Speaker, I have no disposition to oppose the bill offered by the gentleman from Pennsylvania [Mr. ADAMS]. In my opinion it is a good bill. It has been unanimously recommended by the Committee on Ways and Means, and I trust it will pass this House. I simply desire at this time to take advantage of what I believe is my parliamentary right to speak on a resolution concerning the Pacific transport service which I introduced, and which has not been reported by the Committee on Military Affairs. This question is a very important question to the people of this country, and the taxpayers who pay the money. I think something ought to be done about it. A great deal of public money has been squandered. It is a grave scandal and should be investigated.

Mr. HULL. I insist upon my point of order.

Mr. SULZER (continuing). All I want to do——

The SPEAKER. The gentleman from New York will suspend. A point of order is made. The gentleman from Iowa will state it.

Mr. HULL. My point is that the gentleman is discussing a resolution which was ruled out of order by the Chair.

Mr. SULZER. I am not.

The SPEAKER. The gentleman from New York will state his point.

Mr. SULZER. Mr. Speaker, I am not saying a word about the resolution, and I shall not do so; but I hold in my hand the reports of two Army officers who investigated——

Mr. HULL. My point of order is that the gentleman is not discussing the question before the House.

The SPEAKER. The gentleman from Pennsylvania [Mr. ADAMS] is recognized.

Mr. SULZER. Mr. Speaker, I submit I have the floor.

The SPEAKER. The gentleman has said he would not say a word——

Mr. SULZER. The Chair can not anticipate what I am about to say. I hold in my hand——

The SPEAKER. The gentleman from New York must take his seat, unless he desires to speak upon the question before the House. The gentleman, however, has stated that he did not intend to say one word about the resolution.

Mr. ROBINSON of Indiana. I move that the gentleman be allowed to proceed in order.

Mr. SULZER. Accepting the ruling of the Chair, I shall have something to say about this a little later on.

Mr. BARTLETT. I move that the gentleman be allowed to proceed in order.

The SPEAKER. The Chair will recognize the motion, although the Chair requested the gentleman to proceed in order, and he said he would not.

Mr. BARTLETT. The Chair will permit me a moment. I thought the Chair——

The SPEAKER. The Chair asked the gentleman to proceed in order, and he said he would not say one word about the resolution.

Mr. BARTLETT. I think the Chair misunderstood the gentleman. I think the gentleman from New York meant to say that he was not going to say anything about the resolution referred to the Committee on Military Affairs.

The SPEAKER. The Chair will ask the gentleman from New York did he mean the resolution before the House when he said that he would not say one word about it?

Mr. SULZER. I said that the bill of the gentleman from Pennsylvania was, in my opinion, a very good bill; but, sir, even if it were not in all respects satisfactory to me, he is such a genial gentleman that I would be disinclined to object. [Laughter.]

Mr. Speaker, just a word more. As the Chair has ruled that I can not speak on my own resolution, regarding an investigation of the Pacific transport service, at this time, I yield the balance of my time to the gentleman from California [Mr. LOUD]. [Laughter.]

Mr. LOUD. Mr. Speaker, I only wish to say this to the House about this bill reported from the Committee on Ways and Means. If appraisers are entitled to and should receive $4,000 a year for their services, then the Committee on Ways and Means in my humble opinion should have taken into consideration appraisers throughout the country. I do not know whether I would advocate the increase of the salary of the appraiser at San Francisco or not. I do know as a commercial port, as a port of export and import, as to the customs work done at that port in comparison with Boston and Philadelphia, that it is a port far exceeding either of those. Now, then, I say again, if the salaries of appraisers should be $4,000 a year, it would seem to me that the more important port ought really to have as much as the less important. The gentleman from New York says the matter of San Francisco was not before the committee. I assume that when a matter of the salaries of officials is before a committee that that committee takes into consideration the salaries of like officials, and if in the opinion of the Committee on Ways and Means the appraiser at the port of San Francisco, a more important port, I say, than either, is sufficiently paid by a salary of $3,000 a year——

Mr. BINGHAM. Mr. Speaker, I would inquire what the gentleman means by "more important."

Mr. LOUD. Why, that the receipts at the customs-house, that the customs business done at San Francisco is greater than at the port of Philadelphia.

Mr. BINGHAM. No; Philadelphia is the second port in the Union and Boston is the third.

Mr. LOUD. I beg the gentleman's pardon. There was a time when Philadelphia was, but at the present time, during the last year and a half, no. For many years San Francisco was the second port. Then for a time Philadelphia and Boston came in. Since that time, permit me to say, they have fallen to the rear

and San Francisco is the second port in the country. That is all I have to say except this, that I do not believe it right for a combination to be made to increase the salaries of one or two or three individuals.

Mr. DALZELL. Mr. Speaker, the gentleman from California entirely misapprehends the situation. The provisions of law with respect to Boston and Philadelphia are different altogether from the provisions of law with respect to the port of San Francisco in this respect, that under existing law there are two appraisers at Philadelphia and two at Boston. There is only one provided for at San Francisco. Now, under existing law there might be two appraisers at each of those ports, drawing $6,000 a year. This bill introduced by the gentleman from Philadelphia provides for one appraiser at each port. That is to say, it reduces two officers and only increases the salary to $4,000. It is a reduction of $2,000 of salary at each of those ports. Now, the gentleman has no right to insinuate that there is any combination here in the interests of these two cities, and to complain that San Francisco has been neglected. It is not the fault of the Committee on Ways and Means that San Francisco has been neglected. It is the fault of the gentleman himself. If he does not see fit to take the necessary steps to protect the interests of his city, he surely can not expect the Committee on Ways and Means to be looking out for it.

Mr. LOUD. Mr. Speaker, will the gentleman yield?

Mr. DALZELL. I will.

Mr. LOUD. I have not intimated that I desired the salary of the appraiser at San Francisco increased. It is immaterial what I may want. I say if the office at Philadelphia is worth $4,000, then the office at San Francisco is worth $4,000. If it is only worth $3,000 in San Francisco, it is only worth $3,000 in Philadelphia.

Mr. DALZELL. The evidence before the committee is that the officer at Philadelphia is entitled to $4,000, and if the officer at San Francisco is entitled to the same amount and does not receive it, I repeat it is not the fault of the committee, but of the gentleman himself.

Mr. MANN. Mr. Speaker, will the gentleman yield for a question?

Mr. DALZELL. My time has expired.

The SPEAKER. The gentleman from Pennsylvania [Mr. ADAMS] is recognized.

Mr. ADAMS. Mr. Speaker, I would like to call the attention of the House to the fact that there is a misapprehension. This is not a House bill. This is a Senate bill which has been carefully considered by that body, and in their judgment they raised the salaries of these two officers to $5,000. The Committee on Ways and Means of the House, after careful scrutiny, struck off $1,000 from the Senate bill and reduced the salaries to $4,000 a year.

But the reason for this bill is not found alone in this reduction of the number of the officials, but the increase of the salary of the one remaining official is justified because of the change in the nature of the duties of the appraisers. When those offices were created the duties of those officials were almost nominal. Now there has been an increase in the imports into both these ports of entry, and the duties of the appraisers have become as arduous and responsible as those of the surveyors and collectors, both of whom are paid $5,000 a year. At the port of Boston there are 57 inspectors under the charge of the appraiser. Surely, a man with such responsibility should receive compensation commensurate with his duties.

Therefore, with the reduction from two appraisers to one at each port, and with the great increase in the responsibilities and duties of these officers, the Committee on Ways and Means very properly reported the bill in its present form. They reduced the salary provided in the Senate bill from $5,000 to $4,000, increasing the present salary from $3,000 to $4,000. I think the action of the Committee on Ways and Means was very conservative. The report of that committee was unanimous, and it should meet with the indorsement of this House.

Mr. SULZER. Mr. Speaker, how much time have I remaining?

The SPEAKER. None whatever. The gentleman yielded all his time to the gentleman from California.

Mr. LOUD. I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. ADAMS. I reserve the balance of my time.

Mr. MANN. Mr. Speaker, I should like to ask the gentleman from Pennsylvania [Mr. ADAMS] if he read from the printed copy of the bill?

Mr. ADAMS. I did.

Mr. MANN. The gentleman stated that the amendment offered by the Committee on Ways and Means proposes to reduce the salary as agreed upon by the Senate from $5,000 to $4,000. In the copy of the bill which I have I do not find any such amendment.

Mr. ADAMS. Then the gentleman has not the right print of the bill. He will find that the amendment has been reported by the Committee on Ways and Means and that it is in the bill.

Mr. MANN. I see now that my print of the bill was not the correct one.

Mr. ADAMS. I call for a vote, Mr. Speaker.

The SPEAKER. The question is on the motion to suspend the rules and pass the bill with the amendments.

The question was taken; and two-thirds voting in favor of the motion, the rules were suspended and the bill as amended was passed.

Mr. SNOOK. Mr. Speaker, I ask unanimous consent to submit some remarks on Senate bill 4850.

The SPEAKER. The gentleman from Ohio [Mr. SNOOK] asks unanimous consent to submit some observations on Senate bill 4850. Is there objection?

There was no objection.

Mr. SNOOK. Mr. Speaker, I feel convinced that the provisions of the bill increasing the rate of pension of those soldiers who were so unfortunate as to suffer the loss of limbs while engaged in the service of their country are just. I therefore believe that the measure should pass the House as it came from the Senate, increasing the pension of those who have lost one hand or one foot or been totally disabled in the same from $30 to $45 per month; who have lost an arm at or above the elbow or a leg at or above the knee or been totally disabled in the same from $36 to $50. Those who have lost an arm at the shoulder joint or a leg at the hip joint, or so near the shoulder or hip joint as to prevent the use of an artificial limb from $36 to $60. Those who have lost one hand and one foot or been totally disabled in the same from $36 to $60.

The Committee on Invalid Pensions of the House offer certain amendments increasing the first class to $40 instead of $45 as proposed by the Senate; the second class to $46 instead of $50, and the third class at $55 instead of $60. If pension legislation originates in one branch of Congress, there appears at times a disposition on the part of the committee in the other branch to reduce the rate proposed by the branch in which the legislation originates. I think this is done on the theory that in this manner a committee can create the impression that they are diligent and economical. [Applause.]

Where the attempted reduction is so small as in this case and is taken from a class of people having such meritorious claims against the Government, I believe that the committee will fail to receive any great praise for its attempted show at economy either in this House or from the country.

It is now nearly forty years since the close of the war. The pensioners who are to receive the benefits of this proposed legislation were all gallant soldiers and defenders of their country. There can be no doubt on this score—their wounds are the badge of honor. No decoration, no medal that could be bestowed upon them is needed to attest their bravery. The heroic courage and patience with which they have borne their wounds during all these years as they moved among us have been an object lesson in patriotism of inestimable value to the young men of our country.

Nearly a half a century they have borne the empty sleeve or the empty trouser leg in silence, wracked by pain and suffering, growing older until the average has now passed three score and five, reduced in number to but 7,466. Who is there among us that would wish to give up a leg or arm, undergo such suffering, and exchange places for the sum that is now proposed to be given these veterans? I indorse the sentiment uttered by the committee of the Senate in the Fifty-second Congress when they used the following language:

> There is no question as to the justice of the claims of the men who left limbs on the battlefield. Whatever frauds, if any, have been committed on the Treasury by those now drawing pensions, the men who suffered amputations have not been a party to them. And it should not be forgotten that these amputations were hurriedly performed, often by ignorant or inexperienced surgeons, and without any of the precautions deemed so necessary in private or hospital practice, the result of which was diseased stumps and other sequelæ that will follow the soldier through life. Beyond a question a large proportion of these men are suffering from nervous affections, from heart disease, or other painful disability, the direct result of the amputations they underwent. The celebrated physician, Dr. Pancoast, of Philadelphia, expressed a great truth when he said concerning this class of cases:
>
> "One of the prominent symptoms observed in this condition of the nervous system is a weakness of the heart action, causing an abnormal blood pressure, which deranges the secretions and excretions of the various organs of the body, seriously interfering with nutrition. He is easily fatigued, and when this occurs it invariably produces weak and compressible pulse and not infrequently an intermittent pulse, all of which results from neurasthenia of the medulla, the seat of nerve energy, which controls the action of the heart as well as that of respiration. Permit me to say that during a period of thirty-five years of active practice I have found that where large nerves are injured by shock, laceration, or by cutting they are seldom restored to normal activity, and the nervous debility thus produced not only shortens life, but it incapacitates the one so unfortunately afflicted from continued mental or physical exertion."
>
> These men, as a class, are great sufferers, and much more liable to accidents than others. Besides this, they are shut out from life insurance, the means used by prudent men to protect their families from possible want. The mortality in this class is unusually large, reaching the enormous figure of 57 per thousand annually, with a constantly increasing death rate; and as the average age of the soldiers of the war of 1861-1865 is 55 years, the ranks of these men will be rapidly decimated by natural causes. For these reasons we are impressed with the justice of their demands, sympathizing with them when they say:
>
> "Give back the legs and arms, give back the sight, make helpful the now

helpless body, and the largest pension that might be provided by a grateful country would not be accepted as the price of either by the man who has suffered such a loss."

For one I trust that the provisions of this bill as reported by the Senate will receive the approval of my colleagues. Let him who may find fault with other pension legislation, I hope no one can be found who will begrudge this just reward to him who still bears the deadly mark of battle he received in defense of his country.

The Committee of the House propose the following amendment to the Senate bill:

SEC. 2. That the pensions of all persons who served one year or more in the Army or Navy of the United States and who under the act approved June 27, 1890, and the acts amendatory thereof are drawing or hereafter shall be entitled to draw a pension at the rate of $12 per month, and who are or shall become so disabled from injuries or disease as to require the frequent and periodical aid and attendance of another person, shall be increased to $30 per month from and after the date of the certificate of the examining surgeon or board of examining surgeons showing such degree of disability and made subsequent to the passage of this act.

I believe that this amendment should be adopted. I know that gentlemen have attacked this amendment with great vehemence. But if you live in a community where reside a large number of the veterans of the civil war and look around, you must see many old soldiers who served from one to four years—men who were the bravest and best soldiers, who always cheerfully performed any service, no matter how difficult, that might be assigned them, always ready for duty, engaged in many severe battles, whose history the Department searches in vain for a hospital record on which to base such a rate of pension as their loyal service and sacrifice merits. Yet who doubts that the vitality of one who underwent these years of excitement, loss of rest, want of proper food, the fatigue and exposure of the bivouac, the march and the battle, has not been weakened? Who doubts that this sacrifice brought disease and suffering to many? These men are now growing old and feeble. Their Army surgeons and comrades are dead. They are unable to meet the requirements of the law as interpreted by the Pension Bureau. I say interpreted because I believe the rulings as laid down in this Department have in many cases amounted to a practical denial of justice. [Applause.]

That this is so is clearly shown by the answer of the distinguished chairman of the Committee on Invalid Pensions to a question propounded by the distinguished member from Tennessee [Mr. GAINES], which may be found on page 2376 of the RECORD, and is as follows:

Mr. GAINES of Tennessee. Now, as I say, these bills are all for an increase of pension. What is the gentleman's idea about having a general law to pension soldiers of the civil war instead of having from day to day these special bills to increase pensions? I would like to ask the gentleman why there is so much of that kind of legislation.

Mr. SULLOWAY. Simply because they do not get justice at the Pension Bureau.

Mr. GAINES of Tennessee. The gentleman arraigns the Pension Bureau.

Mr. SULLOWAY. Well, an injustice is done the soldiers on the records at the Pension Bureau.

Mr. GAINES of Tennessee. Then that rule applies to all the cases reported here this morning?

Mr. SULLOWAY. I do not remember whether all the cases that have been taken up this morning are for increase, but I think they are mostly for an increase.

When we find how difficult it is in many cases to satisfy the Department that the disease with which the soldier is suffering is of army origin it seems to me that we must be convinced that there is an absolute necessity for such legislation as is embraced in this amendment. Many of these veterans are helpless; they are absolutely unable to secure any increase of pension through the Department, whose rulings have become more and more severe, until they preclude many from any hope of increase.

These men are helpless invalids, without means of support. They were gallant soldiers. They do not belong to the class that we so often hear criticised by the opponents of pension legislation. In many cases they must receive an additional pension or become public charges. I ask is it possible that there is a single man on the floor of this House who would be willing to suffer any man who served faithfully for more than one year in defense of his country to become a public charge?

Many are inclined to criticise the House for its special pension legislation. But it must be remembered that the present rulings of the Pension Bureau have grown up through a series of precedents each one of which has become a little more severe against the soldier seeking a pension or an increase of the one he already has. These new rulings and requirements which have from time to time come to be rules that are invariably adhered to, have necessarily worked a great inequality in the amount of pension allowed to soldiers at various times. The amount being controlled by the rule in force at the time of the allowance of the pension claim and the manner in which various Commissioners have interpreted the laws and precedents, some favorable and some unfavorable to the claims of the soldiers.

If the claims are to be at all equalized, if justice is to be done to that class which the chairman of the Committee on Invalid Pensions says are denied justice by the rulings of the Department, we will be compelled to increase the amount of our special legislation or correct these inequalities I have pointed out by general legislation along the line proposed by this bill and amendments.

It is plain to all that these inequalities can never be fully corrected by special legislation when a member representing a district in which live 5,000 soldiers can not secure the passage of more than two or at the outside three special acts during a session of Congress. The situation is such as demands the passage of general legislation.

There is still other legislation that ought to be adopted to adjust the inequalities that have grown out of these rulings of the Department. I would suggest to the committee the adoption of a measure embracing the provisions contained in the amendments offered by the gentleman from Wisconsin [Mr. JENKINS] to the general pension appropriation bill, one of which is as follows:

That in all cases of application for pension it shall be presumed in favor of the person on account of whose service pension is claimed, whether living or dead, that the disability for which pension is claimed is not due to his vicious habits, and the acceptance by the United States of any such person into the military or naval service of the United States shall be prima facie evidence that at the time of such acceptance such person was mentally and physically sound, not then suffering from or laboring under any disease, injury, wound, or disability, and the opinion of the board of surgeons organized by the Commissioner of Pensions shall be received as prima facie evidence that the person on account of whose service pension is claimed received a wound, injury, or contracted a disease or a disability in a pensionable degree while in the military or naval service of the United States. And for the purpose of being able to form a correct opinion the board of surgeons must carefully consider the history of the person on account of whose services pension is claimed in connection with other sworn statements offered by the claimant, sufficient for the board to express an opinion that the services of such soldier or sailor sufficiently account for the wound, injury, disease, or disability for which the pension is claimed. All of the statements upon which the opinion is based shall be forwarded to the Commissioner of Pensions as part of the report.

I believe after a man has been examined by the Government physicians and found to be fit for duty, that it is wrong, unjust, and absurd to require him to prove that all this is so—that he was then physically sound. Such an amendment would afford a just and simple test. We pass laws saying that these men are entitled to a pension, and then the Department puts such interpretation on these laws and makes such exacting requirements as often prevents the applicant from acquiring that which we say he is entitled to.

Not only this, but often the Department is not satisfied with requiring the applicant to prove that he was physically sound when he entered the service, but notwithstanding he has proved this fact and he was thoroughly examined by the Army surgeons and they found it to be true, the Department send out examiners to make an expert examination, who often call in some of the neighbors, who may be the personal enemy of the applicant, to see if it is not possible to show that he was afflicted with disease before his service. And often the word of some such witness is allowed to outweigh the evidence of the examining surgeon and the proof of comrades.

I suppose the original intention of the Department in creating the special examiners was to assist the poor and afflicted applicant, and to help in the search for and the examination of comrades who lived so far away that they could not be reached by the applicant. But, speaking for myself, it seems to me what experience I have had in the examination of their work of late, their main exertion has been along the line of hunting testimony to contradict that offered by the applicant and to defeat cases already fairly made.

We are appropriating annually $195,000 in salary to these examiners and as much again or more for expenses. The amount paid to these examiners annually would pension 3,300 worthy soldiers at $10 per month, and in my opinion the discontinuance of this class of employees and the spending of the money appropriated for their salaries and expense for pensions would be one of the best pieces of pension legislation that could be adopted.

The soldiers of the civil war I am sure demand nothing but justice at our hands. There are many inequalities in the pensions that have been granted. We all know this. It is our duty, if possible, to correct these errors and inequalities. If we are dismayed by the cry of some who oppose all further pension legislation, I maintain we fail in our duty. I believe these measures I have discussed will tend to correct some of the errors in the administration of the Pension Bureau. Let us endeavor to correct these inequalities in every way we can. I believe we owe it to the soldiers, and for one I shall heartily support al such measures. [Loud applause.]

MONUMENTS TO GENERALS FRANCIS NASH AND WILLIAM LEE DAVIDSON.

Mr. WILLIAM W. KITCHIN. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution No. 16, to carry into effect two resolutions of the Continental Congress directing monuments to be erected to the memory of Generals Francis Nash and William Lee Davidson, of North Carolina.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of $5,000 be, and the same is hereby, appropriated for the erection of a monment in honor of the memory of Brig. Gen. Francis Nash, of North Carolina, according to the resolution of Congress passed on the 4th day of November, 1777.

SEC. 2. That a like sum of $5,000 be, and the same is hereby, appropriated for the erection of a monument in honor of the memory of Brig. Gen. William Lee Davidson, of North Carolina, in accordance with the resolution of Congress passed on the 20th day of September, 1781.

SEC. 3. That the Secretary of the Treasury shall pay the sums appropriated to the order of the governor of North Carolina whenever required for the purposes aforesaid.

The following amendment recommended by the committee was read:

Strike out section 3 of the bill and substitute therefor the following:

"SEC. 3. That the site for the location of said monuments, the designs for the same, the conduct of the work of erection, and the disbursement of the money hereinbefore appropriated shall be under the direction of the Secretary of War, who shall, however, act jointly with the governor of the State of North Carolina, as far as may be practicable, in the selection of a location for said monuments."

The SPEAKER. Is there objection?

Mr. CANNON. Mr. Speaker, I should like to ask the gentleman, has this been authorized by law or is this the authorization?

Mr. WILLIAM W. KITCHIN. This is the authorization.

Mr. CANNON. Two monuments are to be erected somewhere in North Carolina to the memory of two Revolutionary soldiers?

Mr. WILLIAM W. KITCHIN. Two brigadier-generals who fell in the forefront of battle in the Revolutionary war. These monuments were once authorized by the Continental Congress.

Mr. CANNON. Why were they not put up under that authorization?

Mr. WILLIAM W. KITCHIN. It may have been on account of the disturbed condition of the country, or on account of the poverty of the Continental Treasury. In any event, the monuments were not built, although they were authorized by the Continental Congress.

Mr. CANNON. Mr. Speaker, it is ungracious to object.

Mr. WILLIAM W. KITCHIN. I hope the gentleman will not.

Mr. CANNON. But this thing of monuments, seems to me, ought to be confined, except in very rare instances—and it seems to me the exceptions are not wise—to the District of Columbia.

Mr. RICHARDSON of Tennessee. They are old acquaintances of my friend from Illinois. I think he was born in North Carolinr about that time. [Laughter.]

Mr. CANNON. They died just before I can recollect; but I know my friend from Tennessee had full acquaintance with them. [Laughter.]

Mr. WILLIAM W. KITCHIN. Before the gentleman from Illinois interposes an objection, I would like to say this to him: That one of these generals, General Nash, was the colonel of the First North Carolina Regiment. He was afterwards promoted to brigadier-general, and was ordered to join General Washington in the North, where he served under the eye of the great commander with distinction, and at the battle of Germantown, Pa., now in the city of Philadelphia, he was mortally wounded and died a few days afterwards. He is buried in the Mennonist burial ground in Kulpsville, Montgomery County, Pa.

The Continental Congress thereafter, in a resolution mentioning his gallantry and bravery, authorized the erection of a monument to his memory. General Davidson was born in Pennsylvania, but moved to North Carolina when a child. He was first major and finally brigadier-general. He fought in the battles of Brandywine, Monmouth, and at Germantown, where General Nash fell. He was severely wounded at the battle of Calsons Mill, and was killed at the engagement of Cowans Ford, on the Catawba River, in North Carolina, resisting Cornwallis's march northward. Both of these men fought for their country's liberty, and they poured out their life's blood in that behalf. I say to the gentleman from Illinois that the original resolutions in the Continental Congress which recognized these two brave soldiers directed the governor of North Carolina to build the monuments, and left their location to the discretion of the governor of North Carolina.

We have in North Carolina the Guilford Battle Ground Association. It has reclaimed this famous battle ground at Guilford Court-house, which Mr. Benton, in his "Thirty Years in the United States Senate," says led inevitably to Cornwallis's surrender at Yorktown. This battle ground has been reclaimed by the patriotic citizens, who have also erected many small monuments there, and on the Fourth of July of each year thousands of people from various parts of our State pay tribute to the principles of liberty, independence, and sacrifice which actuated our Revolutionary ancestors. I certainly hope that the gentleman from Illinois, with this explanation, will not object to the present consideration of the resolution. I think these monuments ought to be erected. The location is left with the Secretary of War and the governor of North Carolina, so far as the governor can aid him in it, and in my opinion Guilford Battle Ground should be the spot favored with their location.

Mr. CANNON. Well, these were two gallant soldiers, I have no doubt. The Continental Congress acted in word but not in deed. So far as these gallant men are concerned, following the doctrine of Swedenborg, they know nothing of it.

Mr. SULZER. Are you a Swedenborgian?

Mr. CANNON (continuing). No doubt there are other heroes in the celestial heavens, wherein we all hope to attain a position. Simply and purely from a standpoint of public service—although it may seem to be, perhaps, not a courteous thing to do—from sympathy with everybody who performs his duty well, having broken the record, as our friends will claim, and come pretty near to it, as we will admit, let us leave something for the liberality of Congress and the Treasury to do at the next session. We will absolutely have nothing to do to earn our salary. I must now, with all due respect to my friend, purely impersonally, object.

Mr. WILLIAM W. KITCHIN. Mr. Speaker, I regret that the gentleman objects, and move to suspend the rules and pass the joint resolution No. 16, with the amendment that the Committee on the Library recommends.

The SPEAKER. Does some one object to unanimous consent?

Mr. CANNON. I think I object, Mr. Speaker.

The SPEAKER. The gentleman objects. The gentleman from North Carolina moves to suspend the rules and pass the joint resolution with the amendment recommended by the committee.

Mr. CANNON. On that I demand a second.

Mr. WILLIAM W. KITCHIN. Mr. Speaker, I ask that a second may be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Chair recognizes the gentleman from North Carolina on the one side and the gentleman from Illinois on the other.

Mr. WILLIAM W. KITCHIN. I merely wish to say, Mr. Speaker, in addition to what I have said, that this bill, or a similar resolution, has passed the Senate for the last three Congresses and in the form in which it was introduced into this Congress. The Committee on the Library offer an amendment, striking out the third section and inserting a new section, pertaining to the location and design of this monument. I will say to the gentleman from Illinois that we have already passed some monument bills during this session, one carrying an appropriation of $25,000 and one $50,000 and one of $100,000——

The SPEAKER. The gentleman from North Carolina will suspend. The Committee on Naval Affairs desires to present a conference report on the naval appropriation bill.

NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I desire to submit the conference report on the naval appropriation bill.

The SPEAKER. The report and statement will be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

That for the purpose of further increasing the naval establishment of the United States, the President is hereby authorized to have constructed by contract two first-class battleships carrying the heaviest armor and most powerful ordnance for vessels of their class upon a trial displacement of not more than sixteen thousand tons, and to have the highest practicable speed and great radius of action, and to cost, exclusive of armor and armament, not exceeding four million two hundred and twelve thousand dollars each; two first class armored cruisers of not more than fourteen thousand five hundred tons trial displacement, carrying the heaviest armor and most powerful armament for vessels of their class, and to have the highest practicable speed and great radius of action, and to cost, exclusive of armor and armament, not exceeding four million six hundred and fifty-nine thousand dollars each; two gunboats of about one thousand tons trial displacement, to cost, when built, exclusive of armament, not exceeding three hundred and eight-two thousand dollars each, and the contract for the construction of each of said vessels shall be awarded, by the Secretary of the Navy, to the lowest best responsible bidder, having in view the best results and most expeditious delivery; and in the construction of all of said vessels the provisions of the Act of August third, eighteen hundred and eighty-six, entitled "An Act to increase the naval establishment," as to materials for said vessels, their engines, boilers, and machinery, the contracts under which they are built, the notice of any proposals for the same, the plans, drawings, specifications therefor, and the method of executing said contracts shall be observed and followed, and, subject to the provisions of this Act, all said vessels shall be built in compliance with the terms of said Act, and in all their parts shall be of domestic machinery; and the steel material shall be of domestic manufacture, and of the quality and characteristics best adapted to the various purposes for which it may be used, in accordance with specifications approved by the Secretary of the Navy; and not more than two of the six battleships, armored cruisers, and gunboats provided for in this Act shall be built by one contracting party.

One battleship or one armored cruiser herein provided for shall be built on or near the coast of the Pacific ocean or the waters connecting therewith; but if it shall appear to the satisfaction of the President from the bidding for such contracts that said vessel cannot be constructed on or near the coast of the Pacific ocean at a cost not exceeding four per centum above the lowest accepted bid for the corresponding vessel provided for in this Act, he shall authorize the construction of said vessel elsewhere in the United States, subject to the limitations as to cost hereinbefore provided: Provided, That the Secretary of the Navy shall build one of the battleships authorized by this Act in such navy yard as he may designate: Provided, further, That the

Secretary of the Navy shall build all the vessels herein authorized in such navy yards as he may designate, should it reasonably appear that the persons, firms or corporations or the agents thereof, bidding for the construction of any of said vessels, have entered into any combination, agreement or understanding, the effect, object or purpose of which is to deprive the Government of fair, open and unrestricted competition in letting contracts for the construction of any of said vessels.

The Secretary of the Navy is hereby instructed to keep an accurate account of the cost of inspection and construction of vessels provided for in this Act, whether built in Government yards or by contract, and report thereon to Congress, at each session, the progress of work and cost thereof, including the inspection of all the material going into the construction of said vessels, and, upon the completion thereof, to report a full and detailed statement showing the relative cost of inspection and construction in Government yards and by contract.

And for the purpose of preparing and equipping such navy yard or navy yards as may be so designated for the construction of any such vessels, the sum of one hundred and seventy-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated for each of the navy-yards in which the Secretary of the Navy may direct any such vessels to be built.

GEORGE EDMUND FOSS,
R. W. TAYLER,
ADOLPH MEYER,
Managers on the part of the House.
EUGENE HALE,
GEORGE C. PERKINS,
Managers on the part of the Senate.

Mr. FOSS. Mr. Speaker, I move the adoption of the report, and upon that motion I desire to say a few words.

Mr. GAINES of Tennessee. Will the gentleman from Illinois tell us what this change is? I could not hear the reading of the statement very well.

Mr. FOSS. That is what I desire to do.

Mr. Speaker, this is a full and complete agreement upon the naval appropriation bill. The agreement is identically the same in language with the proposition which I submitted to the House last evening, with this exception: That the ship is named; that is to say, that it is mandatory on the Secretary of the Navy to build one battle ship in a Government navy-yard. [Applause.] But the provision requiring him, in case he can not secure reasonable prices, to build all ships in Government navy-yards has been stricken out. That was in the proposition which I offered last evening, but that was not deemed material, for this reason: There is a further proposition in this provision requiring the Secretary of the Navy, in case there shall be any combination on the part of shipbuilders against an open, free, and fair competition, that then the Secretary of the Navy shall have the authority to build the ships in the Government nvay-yards. With these two exceptions, the provision is identical in every particular with that which I had the honor to submit last evening.

Now, Mr. Speaker, I have nothing further to say except this: I felt that it would have been better for the Government to have left the ship to be built in a navy-yard unnamed. Knowing the Secretary of the Navy as I do, and as you do; knowing that he would not trifle with a provision authorizing him to build a ship in the Government navy-yards, and believing that he would build a battle ship there—certain of it—I felt that if we left that ship unnamed we could secure better prices from the shipbuilders all down the line for the great naval programme—one of the largest ever incorporated in a naval appropriation bill. [Applause.]

I felt when the battle ship was named that the shipbuilders might combine and put in a very low bid on the other battle ship, and that we could not get a fair and honest test; but, if we left it in the discretion of this man whom we know and with whom we have served, it would all the greater inure to the benefit of the Government in the end. That is all I desire to say, and I will yield to my colleague, Mr. TAYLER of Ohio, as much time as he desires.

Mr. TAYLER of Ohio. Mr. Speaker, I have but a word to say as to the provision in this bill. As it passed the House it provided for the building of one gunboat, one armored cruiser, and one battle ship in Government yards. The provision as now reported from the committee of conference provides that one great battle ship shall be built in Government yards. Now, I served notice on the House last night that, notwithstanding the expression of the House in favor of one of each of three kinds, my proposition was and always had been for the building of one great ship in Government yards. And while I know that we could not have obtained any better agreement with the Senate than we now have, yet I feel that I was especially justified in coming to the agreement which my colleagues and I reached with the Senate conferees in having one great battle ship built in Government yards. I feel now like congratulating the House and congratulating the country on the fact that the great fight is won, that the experiment is to be tried, and a really great modern ship is to be built by the Government in a Government yard, by Government workmen, and by Government engineers. [Applause.]

Mr. FOSS. I now yield to my colleague, the gentleman from Louisiana [Mr. MEYER].

Mr. MEYER of Louisiana. Mr. Speaker, the agreement reported by the conferees upon the naval appropriation bill has been reached after many days of argument and conference. I may well congratulate the House upon the successful result, and although we have not obtained all that we contended for at the outset, as one of the conferees, I can freely state that the concessions made by the Senate ought to be, and no doubt will be, eminently satisfactory to all of us who have advocated the principle of construction of some of our war ships in our navy-yards. I earnestly recommend the adoption of the report on the conference. My colleagues [Messrs. FOSS and TAYLER] have stated the terms of our agreement fully and clearly. Further explanation on my part is unnecessary. I now yield three minutes of my time to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, I feel that the House is to be congratulated upon the outcome of this conference. Since the first session of the Fifty-sixth Congress I have been active in the movement then begun to have some of the Government vessels built in the navy-yards of the United States. Careful investigation had convinced me that it was costing the United States a much larger sum to build the war vessels of the country than was at all justifiable. The adoption of this conference report will be to procure a test, not as thorough as if the original provision of the House to build three vessels in navy-yards were adopted, but sufficient, perhaps, for the purpose.

It is my opinion that it would have been better to provide "that one battle ship or one armored cruiser should be built in a navy-yard." The Secretary of the Navy could then have made his choice, after determining which type of vessel would give the fairest comparison. I have no fear, however, that the naming of "a battle ship" will result disastrously to the Government. If the contractors take advantage of that provision and submit appreciably lower bids than those heretofore submitted it will be the best proof of the wisdom of the action of Congress in authorizing this test.

Some years ago—in 1895—before the Newport News Shipbuilding Company had been permitted to enter the shipbuilding combination which I am convinced exists in this country, it submitted a bid on two battle ships $1,000,000 lower than the bid of the members of the combine. The combine bid $5,500,000 for two battle ships; the Newport News Shipbuilding Company submitted a bid of $4,500,000, and, receiving the contract the Government saved a million dollars. Upon three gunboats, two years previously, the members of the combine bid $1,100,000; the Newport News Shipbuilding Company's bid was $840,000, a difference of $260,000. Upon five vessels the Government saved $1,260,000 on account of competition. Since then, however, the Newport News company has been taken into the combination. An examination of the bids submitted during the past three or four years discloses that the bids are practically identical; they differ merely to the extent of five or ten thousand dollars. The Secretary of the Navy was aware of this condition and was convinced that there was no real competition for naval contracts, because three years ago he asked Congress to authorize him, if he should deem it wise or if a combination existed, to build these vessels in the navy-yards.

This report is the first step in the right direction. It is in the interest of economy. It will be for the best interests of all the people, and I am glad that this House for once has stood upon its dignity, maintained its rights, and compelled the Senate to accede to the demands of the people. [Applause.]

Mr. FOSS. I yield three minutes to the gentleman from West Virginia [Mr. DAYTON.]

Mr. DAYTON. Mr. Speaker, I want to say that I hope this report will be adopted, because it is in strict accord with the view taken in the committee originally by the majority of the members of the majority side of this House. It is precisely the same provision that we agreed upon, absolutely——

Mr. TATE. Will the gentleman yield?

Mr. DAYTON. I have said all I desire to say. I yield, of course.

Mr. TATE. Do you mean to say that that provision was the provision of the majority members of the committee? Did the gentleman mean to make that impression upon this House?

Mr. DAYTON. I want to say that it was a provision framed by a majority of the majority side of the committee; I do not mean to say the majority of the committee.

Mr. TATE. Well, in that the gentleman is mistaken.

Mr. DAYTON. I think not.

Mr. TATE. Entirely. In fact it was not framed by the majority members of the committee, but by the minority and three members of the majority.

Mr. DAYTON. I want to say that this provision was prepared by the chairman of this committee and submitted to the committee as his proposition, and was supported by a majority of the Republican members of the committee.

Mr. RIXEY. I would like to occupy some time—two or three minutes.

Mr. FOSS. I yield the gentleman three minutes.

Mr. RIXEY. Mr. Speaker, this agreement is a compromise, and I recognize it as the best we can get. But so far as my position in the matter is concerned the amendment does not go far

enough. The position of the Democratic members of the Naval Affairs Committee was that at least one vessel of each kind should be built in the navy-yards. The contractors are now building 59 ships; the navy-yards are not building any. Germany is building ships in her navy-yards; France is building ships in her navy-yards; so is England, and so is Russia. We have the finest navy-yards in the world; and the position of the Democratic members of the committee was that this Government ought to build at least a portion of her Government ships in the navy-yards. This position was fortified by proof before the Naval Committee that upon the last contracts the contractors for the big ships of the Navy "got together on prices," as expressed by Admiral O'Neil.

We deny the position of the gentleman from West Virginia [Mr. DAYTON] that this compromise is a victory for the Republicans—least of all for the gentleman from West Virginia. [Applause on the Democratic side.] He has been from the beginning an active opponent of every effort looking to the building of a single ship in the navy-yards of the country.

Mr. DAYTON. I want to deny that absolutely and unqualifiedly. The hearings before the committee, if members will read them, will prove my statement.

Mr. RIXEY. The gentleman's statement can go for what it is worth. I repeat that my understanding of the gentleman's position was that he was an uncompromising opponent of building any ships in the navy-yards. He has been as persistent in his opposition to this measure as he was in opposing any reform in regard to the armor plate. Everybody remembers the fight made in this House a Congress or two ago against the monopoly which the contractors had for furnishing armor plate to the Government, and the Democratic members demanded and urged that there should be a Government factory.

The SPEAKER. The time of the gentleman has expired.

Mr. FOSS. Mr. Speaker, I yield one minute to my colleague on the committee, Mr. LESSLER.

Mr. LESSLER. Mr. Speaker, I do not care to detract one bit from the claim of the gentleman from Virginia [Mr. RIXEY] in his advocacy of this measure, but I do think he ought to give credit to some of the members of the committee, even though he will not give it to the gentleman from West Virginia [Mr. DAYTON], for standing pretty firmly on this proposition. But be that as it may, I want to say to this House in the name of the New York Navy-Yard, if we are fortunate enough to be selected under the provisions of this bill, that we are going to prove that with the best work and the best workmen, with American brains, American engineers, and American labor, we can excel all the governments of the world, and demonstrate this experiment a great success. [Applause.]

Mr. FOSS. I yield four minutes to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Speaker, one prophecy of the seer from Illinois, made last night, has come true. Everything is all right this morning. [Laughter.] I do not know that the gentleman has been around to all the members of the House and told them we had a good time last night, but he intimated it to me very promptly this morning when I met him. Now, you see that there is some power in the House of Representatives after all. It only needed the distinct and definite utterance by this House to have the effect which we are now celebrating. We can see now just how near we came to making everybody unhappy.

Mr. PAYNE. Mr. Speaker, I would like to ask the gentleman from Ohio if he has just discovered the power of the House of Representatives.

The SPEAKER. The gentleman from New York is out of order.

Mr. GROSVENOR. Just discovered it. All of us who stood firmly last night against that amendment are happy, as a matter of course, and now all the gentlemen who opposed it are happy and are filing affidavits to prove that they always came downstairs that way. [Laughter.] Now, that is first-rate. But, Mr. Speaker, I want to say seriously that I put my support of this test on a little different ground from what some of my enthusiastic friends who stood with me have placed themselves. I do not believe that there is any combination of shipbuilders in the United States to raise the price of the construction of these great ships.

I believe that the great builders of ships of this country are figuring the prices at the lowest possible point where they can construct them and live, and I believe that this test will not only be fairly made by the distinguished Secretary of the Navy, but I believe it will demonstrate to the people of the United States that private enterprise in the matter of building war ships, as it is in everything else that I know anything about, even to the carrying of the mails and the construction of the material for the carrying of the mails, far exceeds in benefit to the people of the country any effort of the Government itself to do this work. That is the reason why I have stood for the proposition. I want a straight test, and I join with the gentleman from Illinois who eulogized the Secretary of the Navy. I had a talk with him, and I am divulging no secrets when I tell you a portion of our conversation. I said to him, "Mr. Secretary, it is claimed that there are elements that enter into the construction of a ship in a Government yard that can not be ascertained and estimated—such as construction, supervision, etc. Can you, in your judgment, now ascertain exactly or within reasonable approximation how much is the cost of the construction of a battle ship in the navy-yards?"

Well, he is a very modest man as well as a very able man. He said to me, in substance, "I am of the opinion that I can ascertain with reasonable approximation the cost of a ship thus built."

The SPEAKER. The time of the gentleman has expired. The question is on agreeing to the conference report.

The question was taken, and the report agreed to.

On motion of Mr. FOSS, a motion to reconsider the last vote was laid on the table.

MONUMENTS TO GENERALS FRANCIS NASH AND WILLIAM LEE DAVIDSON.

Mr. WILLIAM W. KITCHIN. Mr. Speaker——

The SPEAKER. The gentleman from North Carolina has nineteen minutes remaining.

Mr. WILLIAM W. KITCHIN. Mr. Speaker, if I can have the attention of the gentleman from Illinois [Mr. CANNON], I wish to say that the House has been liberal with the monument bills that it has considered so far during this session. We have passed a bill authorizing a monument to Gen. Hugh Mercer, also a Revolutionary hero, that carried $25,000 and directs that the monument shall be built in the city of Fredericksburg, Va. That, it seems to me, is a striking precedent for the location of these monuments in the State of North Carolina if the Secretary of War should so decide, for he will have the decision of that question, acting with the governor of North Carolina as far as practicable.

We have also passed a bill for a hundred thousand dollars to commemorate the martyrs of the British prison ships. We have passed a bill appropriating $25,000 to take the preliminary steps toward a monument to President Lincoln. How can the gentleman from Illinois find it in his heart to oppose this little bill for $10,000? I venture to say that it is the smallest bill of this character and equal merit that this House has ever been called upon to consider. Substantially the same proposition had the support of the Continental Congress. This bill has passed the Senate repeatedly, and it has been favorably reported by the proper committee of this House three times, now, to my knowledge, and I do not know how many times before.

The gentleman says that building a monument to these men will do them no good. Is the gentleman going to erect that great monument which he a few days ago advocated for President Lincoln's benefit? Not a bit of it. Does Washington's monument stand down there for the benefit of George Washington? Not a bit of it. Why, the gentleman from Illinois knows that we build monuments because of the purest sentiments that come from the human heart—in order to bless the living, in order to encourage those great principles that guided the lives of the men whom we honor by monuments. We build monuments to patriots to teach men patriotism, to teach men that when they act patriotically their descendants and other generations will honor them. If monuments should be built to any men, they should be built to those who have died in the cause of human liberty, in the cause of national independence, who died resisting the oppressions of British rule and British colonialism. How can you find a man more fit to be honored by a monument than General Nash, who fell at the battle of Germantown, or General Davidson, who fell resisting the march of Cornwallis north through Carolina?

So I think if you want to teach the people of North Carolina patriotism, if you want to tie them in closer bonds to this Government, you should erect these monuments there, paid for out of the Federal Treasury. Erect them at this great gathering place (Guilford battle ground) where the patriotism of North Carolina comes together on the Fourth of July. If the gentleman from Illinois will help me in this he will do a great service to the people, because when you encourage the spirit of patriotism in any section of this great country you are helping the grand total of our people in that respect. [Applause.]

I reserve the remainder of my time.

Mr. CANNON. I ask the attention of the House for a minute, because in the closing hours of the session, when everybody is feeling good and hoping to get home soon, everything is relaxed here and we do things all along the line that we would not have done at any other period in the session. I am always very glad when the hammer falls and final adjournment occurs, because on a day like this no one realizes exactly the scope of what we do.

I was born in North Carolina. [Applause.] Somebody said once: "You could not help yourself." [Laughter.] But I am proud of being born there, in a Quaker settlement of small

landowners—humble, God-fearing people, better than their descendants in that respect, perhaps. A way back sixty years ago we went over the mountains to the wilderness in the West. Now, my birthplace, while I have not been there since that time, is dear to me. My home where I have lived for sixty years is dear to me. And I will say again that perhaps it may seem ungracious to oppose a bill like this. I am proud of the history of North Carolina, and of every State. I am proud of the achievements of the Revolutionary fathers. I am proud of the achievements of the heroes of 1812, and of the Mexican war, and of the civil war, and of the late war. But, after all is said and done, I sometimes grow a little weary when the common patriotism and common pride in the progress of our race is made an excuse to do this, that, and the other, that really no great number of people desire to have done. I had not much pride in what happened yesterday touching two appropriations, but that is past and gone. I am not here to scold about it.

I doubt the propriety of making appropriations from the National Treasury to erect monuments anywhere outside of the District of Columbia. Here we are supreme, the capital of the nation. Here we gather the revenues and make the expenditures. Here is where all the people come. So that I have quite generally voted for whatever memorials have been proposed, if they came in due shape with the emplacement thereof here. I sometimes could wish that all the great battlefields and everything that would memorialize great events of our history could be marked. Many of them are.

Mr. WILLIAM W. KITCHIN. May I ask the gentleman a question?

Mr. CANNON. Just a moment. I will yield to you before I get through. Many of them are. There is scarcely a county throughout the Northland but what you may find monuments to the memory of the soldiers who fought for the Union in the late war. Constructed how? By the people. The men and the women and the children have taken up collections here and there and accumulated them until five, ten, or twenty-five thousand dollars have been collected, and each man, woman, and child feel as if there had been some sacrifice made for the monuments that commemorate the achievements of the illustrious dead. That which costs something we appreciate.

Sometimes I have felt that an objection to our higher school system is that it has not cost much. That people appreciate the common-school system—the three R's are all right from the standpoint of national good and national education, but we have got in the habit of injecting hypodermically, it seems to me, education which comes with trifling cost into people that do not want it. We appreciate, I say again, that which costs something, and that patriotism that causes people of the various localities to lay aside a dollar here and there and gather it together and erect a monument is the right kind of action and the right kind of sentiment to foster.

I have sometimes wished, and I am inclined to think I would possibly vote, for the erection of a monument at the national expense to commemorate the battle of Kings Mountain, where the mountaineers, reenforced under the lead of Gen. John Sevier by Tennesseans, after a long march through valley and over mountain, fought that great battle. [Applause on the Democratic side.] But I would prefer not to go beyond that. True, we voted to erect a monument to the memory of General Mercer down in Virginia. I think that was a mistake from the standpoint that I am speaking of, and I believe now that the best way is to stop the construction of monuments to commemorate the character and services of illustrious men from the beginning of our history outside of Washington, so that I have demanded a second, and I feel as one that it is my duty to vote "no" upon this proposition. Now I yield to my friend.

Mr. WILLIAM W. KITCHIN. I ask the gentleman, after reminding him that the patriotic citizens of North Carolina have contributed their money and built several monuments on Guilford battle ground, whether the gentleman—since the Continental Congress, composed of the contemporaries of these brave men, had authorized the governor to erect monuments to them—does not think that would except this joint resolution from the ordinary monument cases and justify him in supporting monuments for these men outside of the District of Columbia?

Mr. CANNON. I will say to my friend it seems to me not. I recollect in my service in the House that Congress did make a small appropriation toward the improvement of the battlefield of Guilford Court-house, and that has been expended with contributions made by the patriotic citizens of the locality and of North Carolina. But Congress took good care after it made this donation to divorce itself from the maintenance. Now, this is upon a different ground. That is all I have to say about it.

The SPEAKER. The question is on suspending the rules and passing the bill.

The Speaker proceeded to put the question.

Mr. CANNON. I think I will take a rising vote.

The House proceeded to divide.

Mr. CANNON (during the count). Mr. Speaker, it is evidently the sense of the House that the bill should pass, and I withdraw the demand for a division.

The SPEAKER. Two-thirds having voted in favor thereof, the rules are suspended and the joint resolution as amended is passed.

CENTRAL PORTION OF CAPITOL.

Mr. CANNON. Mr. Speaker, I desire to ask unanimous consent to pass the following joint resolution.

The Clerk read as follows:

Joint resolution (H. J. Res. 210) reappropriating and making available an unexpended balance for work on the Capitol building.

Resolved, etc., That the unexpended balance, amounting to $6,658.70, of the appropriation for reconstruction and fireproofing the roof of the central portion of the Capitol building, made by the sundry civil appropriation act approved March 3, 1901, is reappropriated and made available for the fiscal year 1903.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The joint resolution was ordered to be engrossed for a third reading; and being engrossed, it was read the third time, and passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment a bill of the following title:

H. R. 15257. An act to cede jurisdiction over place on which the National Home for Disabled Volunteer Soldiers is located to the State of Ohio.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 14050) to amend an act to regulate the height of buildings in the District of Columbia disagreed to by the House of Representatives, and had agreed to the conference asked by the House, and had appointed Mr. MCMILLAN, Mr. GALLINGER, and Mr. MARTIN as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 14244) authorizing the President to reserve public lands and buildings in the island of Porto Rico for public uses, and granting other public lands and buildings to the government of Porto Rico, disagreed to by the House of Representatives, and had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. FORAKER, Mr. WETMORE, and Mr. COCKRELL as the conferees on the part of the Senate.

The message also announced that the Senate had passed the following resolution:

Resolved by the Senate (the House of Representatives concurring), That the enrolling clerks in the enrollment of Senate bill S. 2295 be directed to change the word "sixty-six," where it occurs in section 64 of said bill, to the word "sixty-three."

CORRECTION OF ENROLLED BILL.

The SPEAKER laid before the House the following request from the Senate; which was read, considered, and agreed to:

Resolved by the Senate (the House concurring), That the enrolling clerk in the enrollment of the Senate bill 2295 be directed to change the words "sixty-six," where it occurs in section 64 of said bill, to the words "sixty-three."

MONUMENT TO PULASKI.

Mr. BRICK. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 16.

The bill was read, as follows:

A bill to provide for the erection of a bronze equestrian statue to the memory of the late Brig. Gen. Count Casimir Pulaski at Washington, D. C.

Be it enacted, etc., That the sum of $50,000, or so much thereof as may be necessary for the purpose indicated, be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be expended for the erection of a suitable bronze equestrian statue of the late Brig. Gen. Count Casimir Pulaski, of Poland, who came to America and, after declaring his intention to become a citizen of the Republic, offered his sword to Washington, under whose leadership in the great struggle for American independence he lost his life at the siege of Savannah, Ga., October 11, 1779.

SEC. 2. That a site for said statue shall be selected by a committee of five, to be appointed by the Secretary of War, and that no part of the sum hereby appropriated shall be expended until a suitable site at Washington, D. C., for the erection of said equestrian statue shall have been selected.

SEC. 3. That before any contract for the purpose indicated in this bill shall be made the plans and model of the statue shall be approved by, submitted to, and under the supervision of the committee hereinafter named, and that the money hereby appropriated shall be drawn from time to time as may be required during the progress of the work, and upon the requisition of the Secretary of War: *And provided further*, That a suitable coping and iron railing for the protection of the statue shall be included in the contract.

SEC. 4. That the committee having charge of the erection of the equestrian statue provided in this bill shall be composed of the chairman of the Joint Committee on the Library of the Senate and House of Representatives, the Secretary of War, or such other officer as he may designate, and a committee of three: One member chosen from the Senate, the other from the House of Representatives, who shall have been selected to introduce this bill in their respective bodies, and the third the representative of the Polish-American organizations in the Pulaski monument movement at Washington, D. C.

The amendment recommended by the committee was read, as follows:

Strike out sections 2, 3, and 4, and insert as sections 2 and 3 the following:

"SEC. 2. That a site for said statue shall be selected by a committee consisting of the Secretary of War, the chairmen of the Committees on the Library of the Senate and the House of Representatives, and the representatives of the Polish-American organizations in the Pulaski monument movement at Washington, D. C., and that no part of the sum hereby appropriated shall be expended until a suitable site at Washington, D. C., for the erection of said equestrian statue shall have been selected.

"SEC. 3. That the above-designated committee shall select and approve the model and plans for said statue and have general supervision of the erection thereof: *Provided*, That the money hereby appropriated shall be drawn upon the requisition of the Secretary of War."

Mr. SULZER. Mr. Speaker, I wish to be heard on this matter. I desire to say that I am very much in favor of the passage of this bill to erect in the city of Washington an equestrian statue to the memory of Casimir Pulaski, but I understood that the gentleman from Missouri [Mr. BARTHOLDT] intended to offer another bill as an amendment to this bill to build a similar statue to the memory of Baron Steuben. Both of these bills have been unanimously reported by the Committee on the Library. I think they ought to go together.

It will be fitting and proper. Steuben and Pulaski were great heroes and rendered invaluable service to the American cause during the Revolutionary war. If the gentleman from Missouri [Mr. BARTHOLDT] does not offer the amendment I shall, and I hope the gentleman from Indiana [Mr. BRICK] will accept it. If he does, I believe they will pass together unanimously. I am as much in favor of one as I am of the other. The merits of each are about the same. They fought for the same cause, under similar circumstances, and their monuments should go up together at the same time.

Now, Mr. Speaker, I want to say a few words, and pay my humble tribute to the memory of both of these distinguished heroes of our Revolutionary struggle. It is fitting that this should be done. They both deserve to have statues in this city.

GEN. CASIMIR PULASKI.

Monuments, sir, have been erected by vote of Congress in the city of Washington to many of the great Revolutionary heroes of this country. And among those that served America in the darkest days of the Revolution Casimir Pulaski figures as one of the most distinguished officers and martyrs. But no statue to the memory of Pulaski, his noble deeds and high-minded patriotism, appears here, although it should have been one of the first statues erected in Washington. It is a legacy bequeathed to us by the Continental Congress.

Away back in November, 1779, the Continental Congress, upon receiving notification of the death of General Pulaski through Major-General Lincoln, passed the following resolution:

Resolved, That a monument be erected to the memory of Brigadier-General Count Pulaski, and that a committee of three be appointed to bring in a resolution for that purpose.

This resolution was never acted on, and it has come to the Congress of the United States as a sacred obligation from the Continental Congress. We should act on it without further delay.

We have erected in Jackson Park, fronting the White House, a statue to General Lafayette. That statue occupies a prominent corner. On the other corner we have just unveiled a magnificent statue to General Rochambeau, and the two remaining corners of that park should be graced with the statues of General Pulaski and General Steuben. I hope this course will be followed. It would be, it seems to me, entirely proper and exceedingly consistent.

General Pulaski was born in Poland in 1747. As a mere lad he fought in his native country until its downfall, and then came to America to take up again the battle for liberty, until he fell at the siege of Savannah, on October 9, 1779. Many of his countrymen by birth have, like Pulaski, immigrated to America to make this their home, and their numbers now are in the millions. They have been asking for the erection of this statue to their countryman, and many petitions have been received by Congress, urging that some action be taken on this bill to erect to his memory a suitable statue.

He deserves it. He was a lover of mankind, a friend of human freedom, and a believer in the rights of man. He was a brave soldier, a gallant officer, and he fought at home and here for liberty. He was one of the heroes of the revolution, and he died for American independence. What he did for liberty will live forever.

He deserves this statue to perpetuate his memory among the people he helped to make free and for whom he sacrificed his life on the battlefield. It can be said of him and of his tragic death what a great poet has said of the sad death of his illustrious countryman—to paraphrase the couplet—

Hope for a season bade the patriots farewell,
And Freedom shriek'd when Pulaski fell.

GEN. FREDERICK STEUBEN.

Now, Mr. Speaker, I want to say a few words regarding General Steuben and the bill to erect a statue to his memory. A century and a quarter have passed since Baron Steuben, as he is more frequently called, came to America and offered his services to the struggling colonists.

He was duly commissioned a general in the Revolutionary Army and rendered incalculable service during that protracted and sanguinary struggle. American history does not give him the place he is entitled to and should occupy. Our Government has done practically nothing to testify its appreciation of the great work he performed in the days that tried men's souls.

Perhaps this is because he did not assume the commanding position of other more dashing Revolutionary generals. Steuben was a soldier. He drilled and disciplined the ragged Army of the colonists. He worked behind the scenes, but the work he did was of the utmost importance, and made it possible for the Continental Army to cope with the disciplined and experienced soldiers of England and win American independence.

The career of General Steuben is a most interesting and absorbing history of an exciting life. He was born November 15, 1730, at Magdeburg, a large Prussian fortress on the Elbe. At that time his father was captain in the Prussian engineers, and when he was called to service in the Crimea the son accompanied him. In 1740 he returned with his father to Prussia. In 1744, when scarcely 14 years of age, during the war of the Austrian Succession, he was present at the siege of Prague. Thus from his earliest years Steuben was familiar with soldiers and things pertaining to war.

In the Seven Years' War so greatly did he distinguish himself that he attracted the attention of Frederick the Great, who appointed Steuben aid-de-camp on his personal staff. He was one of six talented young officers whom the King personally instructed and initiated into the most abstruse branches of military art. The distinction of being thus chosen is convincing proof of Steuben's merit and promise. With Frederick the Great neither high birth nor family influence had any weight in the selection of his military favorites; talent and fitness were the only recommendation to favor.

In 1764, having resigned from the service of Prussia, Steuben accepted the office of grand marshal of the court of the Prince of Hohenzollern-Hechingen, the honorable and responsible duties of which he discharged with great credit for some ten years. For some years the dignified tranquillity of court life furnished agreeable repose for him, tired as he was of the bivouac and the camp. But it could not satisfy his ardent and impetuous temperament or induce him to renounce the active duties from which for a season he had withdrawn. So he began to look around for a fitting opportunity to reenter active military service.

He left Europe, where he had won hard-earned distinction and fame—where if he was not opulent he had at least a sufficient competence—to serve a country engaged in an obstinate, exhausting, and hitherto unsuccessful war, where his prospects of professional advancement were by no means assured, and which offered no inducements of a pecuniary or material nature. Confident in himself, urged by high and generous motives, he determined to offer his sword to a people struggling for their rights and liberties. He made no conditions. He bargained for no reward.

Arriving at Portsmouth, N. H., on the first day of December, 1777, Steuben, on December 6, wrote to the Continental Congress a letter which is worthy of being quoted here in its entirety, as illustrating the spirit of the man. It was as follows:

HONORABLE GENTLEMEN: The honor of serving a nation engaged in defending its rights and liberties was the motive that brought me to this continent. I ask neither riches nor titles. I am come here from the remotest end of Germany, at my own expense, and have given up honorable and lucrative rank. I have made no condition with your deputies in France, nor shall I make any with you. My only ambition is to serve you as a volunteer, to deserve the confidence of your General-in-Chief, and to follow him in all his operations as I have done during seven campaigns with the King of Prussia.

Two and twenty years spent in such a school seems to give me a right of thinking myself among the number of experienced officers, and if I am possessed of the acquirements in the art of war they will be much more prized by me if I can employ them in the service of a republic such as I hope soon to see America. I should willingly purchase at the expense of my blood the honor of having my name enrolled among those of the defenders of your liberty. Your gracious acceptance will be sufficient for me, and I ask no other favor than to be received among your officers. I venture to hope that you will grant this my request, and that you will be so good as to send me your orders to Boston, where I shall await them and take suitable measures in accordance.

In a letter to Washington, of the same date, he said:

SIR: The inclosed copy of a letter, the original of which I shall have the honor to present to Your Excellency, will inform you of the motives that brought me over to this land. I shall only add to it that the object of my greatest ambition is to render the country all the service in my power, and to deserve the title of a citizen of America by fighting for the cause of your liberty. If the distinguished ranks in which I have service in Europe should be an obstacle, I had rather serve under Your Excellency as a volunteer than to be an object of discontent to such deserving officers as have already distinguished themselves among you.

Such being the sentiments I have always professed, I dare hope that the

respectable Congress of the United States of America will accept my services. I could say, moreover, were it not for the fear of offending your modesty, that Your Excellency is the only person under whom, after having served the King of Prussia, I could wish to follow a profession to the study of which I have wholly devoted myself. I intend to go to Boston in a few days, where I shall present my letters to Mr. Hancock, member of Congress, and there I shall await Your Excellency's orders.

At Boston Steuben was entertained by John Hancock, who had just retired from the presidency of the Continental Congress, and here, after waiting five weeks, he received Washington's answer to his letter. It advised him to report at once to Congress, then sitting at York, Pa., since it belonged exclusively to that body to enter into negotiations with him.

The fame of Steuben had preceded him to York and he was cordially received by Congress. A committee of three members was appointed to confer with him and ascertain the conditions on which he was willing to serve the United States, and whether he had made any arrangements with the American deputies in France.

He said that he had made no agreement with them, nor was it his intention to accept any rank or pay; that he wished to join the Army as a volunteer, and to render such services as the Commander in Chief should think him capable of. The Continental Congress, through its president, Mr. Laurens, accepted his generous proposition and directed him to report to General Washington at Valley Forge. Here Steuben began a work the value of which can scarcely be overestimated.

He made the patriotic army a disciplined and effective force—the drilled corps that ultimately won the war for freedom. He worked incessantly to do this under the greatest difficulties and most adverse circumstances, but he succeeded, and the credit for it is all his own. American history some day will do him full justice and give him a high place in our temple of fame.

On the 30th of April, 1778, about six weeks after Steuben had commenced his active duties, Washington made the following report to Congress:

> The extensive ill consequences arising from a want of uniformity in discipline and maneuvers throughout the Army have long occasioned me to wish for the establishment of a well-organized inspectorship, and the concurrence of Congress in the same views has induced me to set on foot a temporary institution, which, from the success which has hitherto attended it, gives me the most flattering expectations.
>
> Baron Steuben's length of service in the first military school of Europe and his former rank pointed him out as a person peculiarly qualified to be at the head of this department. This appeared the least exceptionable way of introducing him into the Army, and the one that would give him the most ready opportunity of displaying his talent. I therefore proposed to him to undertake the office of Inspector-General, which he agreed to do with the greatest cheerfulness, and has performed the duties of it with a zeal and intelligence equal to our wishes.
>
> I should do injustice if I were to be longer silent with regard to the merits of Baron Steuben. His knowledge of his profession, added to the zeal which he has displayed since he began upon the functions of his office, leads me to consider him an acquisition to the service, and to recommend him to the attention of Congress.

The "recommendation" of Washington was that Steuben be made Inspector-General of the American Army with the rank of major-general. The recommendation of Washington was followed by Congress, and by act of May 5, 1778, Steuben was created a major-general and assigned to the duties of Inspector-General of the Army.

Mr. Speaker, such in brief is the story of General Steuben, one of the bravest and most invaluable officers of the Continental Army. He served throughout the Revolutionary war and was of inestimable service to Washington, who never failed to testify to his abilities and the great work he had done in the cause of American independence.

When peace came and the United States had taken her place among the nations of the world, this battle-scarred veteran—grand old General Steuben—who had been a tower of strength to George Washington from Valley Forge to Yorktown, quietly resigned his commission in the Army of the United States and retired to a log hut in the backwoods of the State of New York—away from the crowded marts of trade and the peopled thoroughfares of towns and cities—to live and die in peace.

He rendered great service to this country in its most trying hour, in the darkest days of its struggle for independence, and in his name, in the name of all that he did and accomplished, in the name of the Continental Congress, in the name of honor and gratitude, I appeal to every member of this House to vote for this bill to erect to his memory a fitting statue to commemorate his heroic deeds and to perpetuate forever his imperishable glory. [Applause.]

Mr. BARTHOLDT. Mr. Speaker, I should like to ask unanimous consent for the purpose of making a statement.

The SPEAKER. The first thing is the unanimous consent to the request of the gentleman from Indiana. Is there objection? [After a pause.] The Chair hears none. Now, if there is no objection, the gentleman from Missouri can make a statement.

There was no objection.

Mr. BARTHOLDT. Mr. Speaker, a few weeks ago the chairman of the Committee on the Library——

Mr. RICHARDSON of Tennessee. Mr. Speaker, I desire to understand what is going on.

Mr. BARTHOLDT. I have the floor.

Mr. RICHARDSON of Tennessee. But I have a right to know upon what ground the gentleman has the floor, and I make the point of order.

Mr. BARTHOLDT. The House has granted me unanimous consent to make a statement.

Mr. RICHARDSON of Tennessee. Very well.

Mr. BARTHOLDT. A few weeks ago, Mr. Speaker, the chairman of the Committee on the Library informed me that he had the consent of the Speaker to ask for the consideration of two bills, one providing for a monument to General Pulaski and the other a monument to General Steuben. I naturally supposed that the chairman of the committee would, when his time came, be recognized for the purpose, and that both bills would be passed. On this account I did not ask in time for my name to be put on the list.

The SPEAKER. The Chair will state that the gentleman is taking up time now which would enable the House to pass the bill. The Chair will also say that the Chair makes no promise to gentlemen until they are notified, and this matter is on the Speaker's list, and if the gentleman will allow the business to go on, we can reach it.

Mr. BARTHOLDT. Mr. Speaker, I want to say that the Speaker has acted with entire fairness in this matter. I only came here yesterday, and consequently there is now an absolute certainty that my request for recognition for the monument to General Steuben will not be reached in this session. And yet I ask both sides of the House whether it would not be fair that both monuments should be ordered at this time. They were both great Revolutionary heroes, and France has been recognized in statues for Lafayette and Rochambeau, and the Poles are to be recognized in a monument for Pulaski, and I ask that these two bills be passed together. I ask unanimous consent, Mr. Speaker, that the bill providing for a monument for General Steuben be added to this pending bill as an amendment.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the bill pending in the House making provision for a statue of Baron Steuben be added as an amendment to the bill now before the House. Is there objection?

Mr. RICHARDSON of Tennessee. Mr. Speaker, there are a number of these bills, and it is not good legislation to couple two bills together. It is unusual to do it. I understood the gentleman from Missouri to say that unless it was done now, the bill could not pass at this session. I want to ask why not? There has been no time fixed for adjournment. The summer is ahead of us, and it is unusually early for a final adjournment. There are a number of good bills here that ought to be considered, and among them a bill to protect trade and commerce against unlawful restraint of monopoly. Every man on this side of the House is in favor of it, and will vote unanimously for it in this Congress. Let us consider it, extend the session about two days, and pass this meritorious bill.

The SPEAKER. Does the gentleman from Tennessee object?

Mr. RICHARDSON of Tennessee. No; I have not objected. I do not think it is proper legislation to couple two measures together, but I want to say that we have got time to pass the bill. The gentlemen on that side have charge of measures like this, and if they want to pass legislation that is unwise we perhaps ought not to object, but I do insist——

The SPEAKER. Does the gentleman from Tennessee object?

Mr. RICHARDSON of Tennessee. No; I do not object. I am simply stating——

The SPEAKER. The gentleman from Tennessee is not in order, and he will allow the House to proceed with the business.

Mr. RICHARDSON of Tennessee. I would like to be allowed, Mr. Speaker, to ask unanimous consent to request the passage of this bill to protect trade and commerce against unlawful restraint of monopoly.

Several MEMBERS. Regular order.

The SPEAKER. The regular order is demanded. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

> Add to the pending bill the following:
>
> "That the sum of $50,000, or so much thereof as may be necessary, be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be used for the erection of an equestrian statue to the memory of Baron Steuben at Washington, D. C., and for grading and inclosing with stone curbing the site upon which said equestrian statue shall be erected, which sum shall be expended under the direction of the Secretary of War or such officer as he may designate: *Provided*, That the money hereby appropriated shall be drawn from time to time only as may be required during the progress of the work and upon the requisition of the Secretary of War: *And provided further*, That a site and design for said monument shall be selected by the Secretary of War and the two chairmen, respectively, of the Senate and House Committees on the Library, and that no part of the sum hereby appropriated shall be expended until a suitable site

at Washington, D. C., for the erection of said equestrian statue shall be selected."

The SPEAKER. The proposed amendments have been adopted by unanimous consent of the House.

Mr. PALMER. Mr. Speaker, we have at the nation's capital a statue of the gallant Frenchman, Lafayette, who volunteered and fought for independence, and lived.

We have a statue of the brave Rochambeau, who volunteered, fought for independence, and lived.

We are to have, I hope, a statue of the accomplished German, General Steuben, who organized and disciplined the ragged troops of General Washington during that fateful winter at Valley Forge.

We have been presented by the Emperor of Germany with a statue of Frederick the Great, which will have a place in the nation's capital as a perpetual memorial of his sympathy for the colonies in their great struggle for liberty, and as an evidence of the harmony that still exists between the great German Empire and the great Republic.

Why, then, should not the United States erect a statue to General Pulaski, a gallant Pole, who volunteered, fought, bled, and died in our battle for liberty. The Continental Congress recognized his merit and voted him a monument. More than a century has rolled away and the obligation unfulfilled.

His country has been dismembered and Poland as a nation has been obliterated from the map of the world. It was a crime unexampled in the history of nations, but the Poles and Lithuanians still live, and they have naturally turned, millions of them, to the United States as the only country where their aspirations for freedom can be satisfied. They came to stay, to cast in their lot with us, and to help build up the great Republic. They acquire land, build homes, educate their children, organize societies, build churches, and in every way adapt themselves to our civilization. Their children excel in their studies and will stand a fair chance in their contests for success.

There are those who believe that the Slav is the coming man, destined to prevail over the Latin, Anglo-Saxon, and Celt. The Poles and Lithuanians who come here are, in the main, good, frugal, and thrifty citizens of the United States. Their just pride would be gratified by doing this honor to their brave countryman. Their attachment to the land of their adoption would be stimulated and increased by such an act of recognition.

Finally, this country is too big and too generous and too just not to do this act of simple justice to the memory of General Pulaski, who gave his life that liberty might live.

Mr. BRICK. I ask that general leave to print on this subject alone be given for five days.

There was no objection.

UNITED STATES COURTS IN SOUTH CAROLINA.

Mr. JOHNSON. I ask unanimous consent for the present consideration of the bill (H. R. 14275) to provide for the appointment of a district judge of the western judicial district of South Carolina, and for other purposes.

The bill was read.

The amendments reported by the committee were read, as follows:

Strike out all after the enacting clause and insert the following:

"That a term of the circuit and district court of the United States shall be held in the western judicial district of South Carolina at the city of Spartanburg on the first Tuesday of February and the third Tuesday of September in each year, and the judges, marshal, and clerk shall attend said terms: *Provided*, That the county and city of Spartanburg shall furnish a place for the holding of said terms of court without cost to the United States."

Amend the title so that it will read as follows:

"A bill providing for additional terms of court in the western judicial district of the State of South Carolina."

There being no objection, the House proceeded to the consideration of the bill.

Mr. FINLEY. Mr. Speaker, I offer an amendment which is agreeable to the chairman of the Judiciary Committee.

The amendment of Mr. FINLEY was read, as follows:

Amend the amendment of the committee as follows:

Insert, after the words "February and," in line 6, the words "at the city of Rock Hill."

In line 8, after the word Spartansburg, insert "and the county of York and the city of Rock Hill."

In line 9 strike out "a place" and insert "places."

The amendment to the amendment was agreed to; and the amendment as amended was adopted.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

The SPEAKER. In the absence of objection, the amendment to the title as proposed by the committee will be agreed to.

There was no objection.

SPECIAL EXAMINER OF DRUGS, PHILADELPHIA, PA.

Mr. BINGHAM. I ask unanimous consent for the present consideration of the bill (H. R. 4346) to amend section 2743 of the Revised Statutes of the United States concerning the examination of drugs.

The bill was read, as follows:

Be it enacted, etc., That section 2743 of the Revised Statutes be, and it hereby is, so amended that the special examiner of drugs, medicines, chemicals, chemical preparations, dyes, dyestuffs, paints, oils, varnishes, and other similar articles at Philadelphia, Pa., shall receive a salary of $2,500 per annum, and shall be paid each year quarterly.

The amendment reported by the Committee on Ways and Means was read, as follows:

In line 8 strike out "2,500" and insert "1,800."

There being no objection, the House proceeded to the consideration of the bill.

The amendment reported by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

I. I. BARBER.

Mr. WILLIAMS of Mississippi. I ask unanimous consent for the present consideration of the bill (S. 6232) for the relief of I. I. Barber.

The bill was read, as follows:

Be it enacted, etc., That I. I. Barber, who is the owner of military bounty land warrant 45467, issued the 20th day of March, 1852, for 40 acres of land, and military bounty land warrant 62104, issued the 13th day of April, 1857, for 160 acres of land, is authorized to select 200 acres of unreserved public lands of the United States in the State of Mississippi, in one body or in subdivisions of not less than 40 acres each, and upon such selection and the delivery of said land warrants to the Secretary of the Interior, duly certified and assigned to the bearer, it shall be the duty of the Secretary of the Interior to issue patent, or patents, as the case may be, to said I. I. Barber for such land or lands.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to a third reading, read the third time, and passed.

On motion of Mr. WILLIAMS of Mississippi, a motion to reconsider the vote by which the bill was passed was laid on the table.

QUESTION OF PRIVILEGE.

Mr. SULZER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. SULZER. I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. SULZER. Mr. Speaker, on the 25th day of June just passed I introduced in this House a resolution to investigate the Army transport service on the Pacific, which was referred to the Committee on Military Affairs. The committee has not reported the resolution. Six days having elapsed, the resolution becomes privileged under the rule, and I now ask to have the committee discharged and the resolution acted on by the House. I send the resolution to the Clerk's desk, and ask to have it read.

Mr. HULL. I rise to a point of order. It is not six days since the resolution was referred.

Mr. PARKER. Nor is it a privileged resolution; it contains many matters which are not privileged.

Mr. HULL. The information called for is in the committee room in full and has been there for three weeks. It would make, if printed, a document of some 700 or 800 pages.

The SPEAKER. This resolution was referred to the Committee on Military Affairs June 25. Only six days have elapsed; so it is not yet privileged.

Mr. SULZER. With all respect to the Chair, this is the seventh day, as the Chair will find by counting the days.

The SPEAKER. In order to make it seven days we would have to count the first and the last days.

Mr. RICHARDSON of Tennessee. It is six days, under the rule.

Mr. SULZER. The rule says six days.

The SPEAKER. The rule says one week, if the Chair remembers right.

Mr. PAYNE. Even if this is the seventh day, the committee would have all day in which to report it.

Mr. RICHARDSON of Tennessee. No, sir; this is the seventh day, and I think it is in order.

Mr. PAYNE. This is really the sixth day, and if it were the seventh the committee would have all day in which to report it.

The SPEAKER. Within one week after the introduction. This is clearly not privileged as yet.

RELIEF OF WILLIAM VICTOR TOMB.

Mr. TAYLER of Ohio. Mr. Speaker, I ask unanimous consent for the present consideration of the Senate resolution 123, for the relief of Naval Cadet William Victor Tomb, United States Navy, which I will send to the desk and ask to have read.

The Clerk read as follows:

Whereas William Victor Tomb, naval cadet, United States Navy, has been found upon examination to be physically disqualified for promotion to the grade of ensign in the Navy on account of disability incurred in the line of duty: Therefore,

Resolved, etc., That the President be, and he is hereby, authorized to promote the said Tomb to the grade of ensign in the Navy.

The SPEAKER. The gentleman from Ohio asks unanimous consent for the present consideration of the resolution which has just been read. Is there objection? [After a pause.] The Chair hears none. The question is on the third reading of the Senate resolution.

The resolution was ordered to be read a third time, read the third time, and passed.

WILLIAM AND CATARACT CANYON RAILROAD COMPANY.

Mr. SMITH of Arizona. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 11848) granting right of way to the Williams and Cataract Canyon Railroad Company across the Supai Indian reservation in Arizona, which I will send to the clerk's desk and ask to have read.

The bill as amedded by the committee was read, as follows:

Be it enacted, etc., That the Williams and Cataract Canyon Railroad Company, a corporation created and existing under the laws of the Territory of Arizona, be, and is hereby, authorized to construct and maintain a railroad, telegraph, and telephone line through the Supai Indian Reservation in the Territory of Arizona. Such right of way shall be 50 feet in width on each side of said railroad on the slide rock along the bottom canyon, and shall not cross any of the tillable land of the Supai Indian Reservation.

SEC. 2. That said company is hereby authorized to enter upon said reservation for the purpose of locating its railroad, telegraph, and telephone lines.

SEC. 3. That said company is authorized to use steam or electric power in the operation of its road through the reservation.

SEC. 4. That the provisions of sections 3 and 4 of the act of March 2, 1899, entitled "An act to provide for the acquiring of rights of way by railroad companies through Indian reservations, Indian lands, and Indian allotments, and for other purposes," are hereby extended and made applicable to the right of way granted under this act. And the provisions of section 15 of the act of February 28, 1902, entitled "An act to grant the right of way through the Oklahoma Territory and the Indian Territory to the Enid and Anadarko Railway Company, and for other purposes," are hereby extended and made applicable to the right of way granted under this act.

SEC. 5. That Congress reserves the right at any time to alter, amend, or repeal this act or any portion thereof.

The SPEAKER. The gentleman from Arizona asks unanimous consent for the present consideration of the bill which the Clerk has just read. Is there objection? [After a pause.] The Chair hears none. The question is on the amendments.

The amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. LACEY, a motion to reconsider the last vote was laid on the table.

UNITED STATES COURT AT WILKESBORO, N. C.

Mr. BLACKBURN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 14764) to establish United States courts at Wilkesboro, N. C., which I will send to the Clerk's desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That two terms of the circuit and district courts of the United States for the western district of North Carolina shall be held in each and every year in the town of Wilkesboro, N. C., beginning, respectively, on the second Monday in July and November, to continue till the business is disposed of.

SEC. 2. That the clerk of the United States circuit and district courts at Statesville, N. C., shall be the clerk of the United States circuit and district courts at Wilkesboro, and he shall appoint a deputy clerk of said court, to reside at Wilkesboro, with the usual power of a deputy clerk in such cases, whose compensation shall be such proportion of the fees accruing from business done in said courts at Wilkesboro as shall be fixed by the judge of said district.

The following amendment was read by the Clerk:

In line 7 strike out the word "time" and insert the word "business."

The SPEAKER. The gentleman from North Carolina asks unanimous consent for the present consideration of the bill which the Clerk has just read. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

W. T. WHITAKER ORPHAN HOME, INDIAN TERRITORY.

Mr. ZENOR. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 14305) making an appropriation of the support of the W. T. Whitaker Orphan Home in the Indian Territory, which I will send to the desk and ask to have read, together with the amendment thereto, which I will also send to the desk and ask to have reported.

The Clerk read the bill and the amendment thereto.

The SPEAKER. The gentleman from Indiana asks unanimous consent for the present consideration of the bill which the Clerk has just reported. Is there objection?

Mr. CANNON. Mr. Speaker, I object.

The SPEAKER. Objection is made.

Mr. ZENOR. Then, Mr. Speaker, I move to suspend the rules and pass the bill.

Mr. CANNON. I hope the gentleman will not move that. The House is thin and there is no time for its consideration.

The SPEAKER. The Chair will not recognize the gentleman under suspension of rules.

Mr. ROBINSON of Indiana. Mr. Speaker, I hope the gentleman from Illinois will not object to this partial taking care of the unfortunates there.

Mr. GAINES of Tennessee. Can not the gentleman from Illinois get a quorum here?

The SPEAKER. Objection is made.

Mr. ROBINSON of Indiana. Mr. Speaker, I raise the point of no quorum.

Pending the count,

Mr. ROBINSON of Indiana withdrew the point of no quorum.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15108) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other purposes.

SHOAL IN NORTH RIVER OF NEW YORK HARBOR.

Mr. BURTON. Mr. Speaker, I ask unanimous consent for the present consideration of Senate joint resolution No. 120, providing for the removal of a shoal in North River of New York Harbor.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, etc., That the Secretary of War is hereby authorized and directed to cause to be removed the rock or obstruction in North River of New York Harbor near pier numbered 1 to a depth of 40 feet at mean low tide; and that for such removal he is hereby authorized to divert a sum not exceeding $25,000 from the amounts heretofore appropriated or authorized for the improvement of Ambrose Channel, in said harbor.

The SPEAKER. Is there objection?

Mr. CANNON. Has this been considered by the committee?

Mr. BURTON. A House resolution exactly similar has been considered by the committee and unanimously reported.

The SPEAKER. Is there objection?

There was no objection.

The joint resolution was ordered to a third reading, and was accordingly read the third time, and passed.

On motion of Mr. BURTON, House joint resolution 205 was ordered to lie on the table.

BENJAMIN FRANKLIN HANDFORTH.

Mr. KEHOE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4641) for the relief of Benjamin Franklin Handforth.

The bill as amended by the Commitee on Military Affairs was read, as follows:

Be it enacted, etc., That the President is hereby authorized to appoint a retiring board, which shall have power, notwithstanding the record and sentence of court-martial, dated December 7, 1887, to review the case of former lieutenant Benjamin F. Handforth, from his admission as a cadet at the Military Academy to the date of his dismissal from the Army, with the view of determining whether his present insanity existed at the time of such dismissal or is due or traceable to service origin. The board shall have power also to take into consideration the facts and circumstances of his present insanity in whatever bearing they may legitimately have upon the subject of inquiry. In the event said board shall find that said insanity existed at the time of such dismissal or is due or traceable to service origin, the President is authorized to nominate and, by and with the advice and consent of the Senate, to appoint the said Benjamin Franklin Handforth to the rank in the Army held by him at the date of his dismissal, and to retire him with such rank, the retired list being increased in number to that extent.

The SPEAKER. Is there objection?

Mr. STEELE. I object.

Mr. KEHOE. I hope the gentleman will withhold his objection long enough to allow an explanation of the bill.

The SPEAKER. Objection is made.

Mr. KEHOE. Then I move to suspend the rules and pass the bill.

The SPEAKER. The Chair can not recognize the gentleman to move to suspend the rules.

Mr. PARKER. Will the gentleman from Indiana allow an explanation? Mr. Speaker, just three words. Benjamin Franklin Handforth was turned out of the Army by a court-martial some years ago. He stood mute on the trial——

The SPEAKER. The Chair is not aware what the gentleman is talking about.

Mr. PARKER. I understood that the gentleman from Indiana withdrew his objection to allow an explanation.

The SPEAKER. Is that the case?

Mr. STEELE. No.

The SPEAKER. Objection is made.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment a bill of the following title:

H. R. 15257. An act to cede jurisdiction over place on which

the National Home for Disabled Volunteer Soldiers is located in the State of Ohio.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 14050) to amend an act to regulate the height of buildings in the District of Columbia, disagreed to by the House of Representatives, and had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MCMILLAN, Mr. GALLINGER, and Mr. MARTIN as conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 14244) authorizing the President to reserve public lands and buildings in the island of Porto Rico for public uses, and granting other public lands and buildings to the government of Porto Rico, disagreed to by the House of Representatives, and had agreed to the conference asked for by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. FORAKER, Mr. WETMORE, and Mr. COCKRELL as conferees on the part of the Senate.

STATUE OF THE LATE MAJ. GEN. ALEXANDER MACOMB.

Mr. BISHOP. Mr. Speaker, I ask ananimous consent for the present consideration of Senate joint resolution 23, authorizing the Secretary of War to furnish condemned cannon for a statue of the late Maj. Gen. Alexander Macomb, United States Army.

The joint resolution was read, as follows:

Resolved, etc., That the Secretary of War be, and is hereby, authorized to deliver to mayor of the city of Detroit, Mich., if the same can be done without detriment to the public service, such condemned bronze cannon as he may deem proper, not to exceed 7,000 pounds in weight, to be used in the erection of a monument to the memory of the late Maj. Gen. Alexander Macomb, United States Army.

The SPEAKER. Is there objection?

There was no objection.

The joint resolution was ordered to a third reading, was accordingly read the third time, and passed.

SOUTH PLATTE CANAL AND RESERVOIR COMPANY, COLORADO.

Mr. SHAFROTH. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4815) to grant certain lands to the South Platte Canal and Reservoir Company.

The bill was read, as follows:

Whereas the South Platte Canal and Reservoir Company is the owner of a reservoir from which the inhabitants of the City of Denver, Colo., are supplied with water for domestic purposes; and

Whereas it is necessary for the health of the people of said city that the waters of said reservoir should not be contaminated and that the principal drainage basins leading into said reservoir should be under the control of the owners of said reservoir: Therefore,

Be it enacted, etc., That the following-described tracts of land, situated in the counties of Jefferson and Douglas, in the State of Colorado, described as follows: Sections 1, 2, 11, 12, 13, 14, 23, and 24, in township 10 south, range 71 west, of sixth principal meridian; and sections 6, 7, 18, and 19, in township 10 south, range 70 west, of sixth principal meridian, all within the South Platte Forest Reserve, containing 7,680 acres, be, and the same are hereby, granted and conveyed to the South Platte Canal and Reservoir Company, a corporation of the State of Colorado, upon the payment of $1.25 per acre by said company to the United States, to have and to hold said lands to its use and behoof forever for purposes of water storage and supply of its waterworks; and for said purposes said company shall forever have the right, in its discretion, to control and use any and all parts of the premises herein conveyed, and in the construction of reservoirs, laying such pipes and mains, and in making such improvements as may be necessary to utilize the water contained in any natural or constructed reservoirs upon said premises.

The SPEAKER. Is there objection?

Mr. CANNON. I want to ask the gentleman from what committee is this bill reported, and what is it about? It sells 7,000 acres of land to a corporation, at a dollar and a quarter an acre.

Mr. SHAFROTH. Yes.

Mr. CANNON. That is held not to be wise in the Philippines. [Laughter.] Is it wise in the United States?

Mr. SHAFROTH. Yes; it is wise under these circumstances. I will explain the provisions of the bill. The bill was introduced in the Senate by Senator TELLER, and passed the Senate about a week ago.

Mr. Speaker, the water company that furnishes water for the city of Denver is at present erecting a very large reservoir up in the mountains. This reservoir is going to cost somewhere in the neighborhood of a million dollars, and is near completion. This company supplies the citizens of Denver with water for drinking purposes and other domestic use. So far they have found difficulty in protecting what may be termed the watershed for that reservoir. For instance, they have found dead animals in the stream above, which contaminate the water. They feel that in order to get a pure water supply it is absolutely necessary that this land be sold to them by the Government.

The bill as originally introduced took in about 12,000 acres of land, but the Senate committee, after examining the matter very carefully, cut it down to seven thousand and some odd acres. It takes in the watershed that covers this reservoir, so that they can fence it, so that they can prevent any contamination of the waters of the reservoir. Some provision of this kind is absolutely necessary in order to insure the purity of the water. These lands are worth practically nothing. They are rocky lands. This reservoir is located, I think, about 9,000 feet above the sea level. It is some 200 feet in depth, and it extends about 7 miles in one direction. It is so large and so deep that the *Kaiser Wilhelm* could float on it for 7 miles.

Mr. SULZER. Do you mean the Emperor or the steamship?

Mr. SHAFROTH. I mean the steamship *Kaiser Wilhelm*, the largest steamer in the world.

Mr. CANNON. First, is there due protection against monopoly and overcharge?

Mr. SHAFROTH. Well, the city has an ordinance by which the charges of the water company are fixed.

Mr. CANNON. Now, I will ask the gentleman another question. This grant, I understand, is given in mountain regions?

Mr. SHAFROTH. Yes; it is in the mountains. I will state to the gentleman that while the dam of this reservoir is constructed in a canyon of a width at the base of not more than 20 feet, of course it widens out with the mountain side. The dam will be 200 feet high. I saw the dam once. It was then about 40 feet high, and since that time they have been at work at it.

Mr. LACEY. If the gentleman will allow me just a moment, I would like to suggest——

Mr. CANNON. I want to ask my friend another question, because he is acquainted with the locality. This is an absolute grant in fee simple?

Mr. SHAFROTH. The wording of it is this——

Mr. CANNON. The gentleman knows. It grants it in fee, does it not?

Mr. SHAFROTH. It is granted only for a certain purpose—

To have and to hold said lands to its use and behoof forever for purposes of water storage and supply of its waterworks; and for said purposes said company shall forever have the right, in discretion, to control and use any and all parts of the premises herein conveyed and in the construction of reservoirs, laying such pipes and mains, and in making such improvements as may be necessary to utilize the water contained in any natural or constructed reservoirs upon said premises.

Mr. CANNON. Now, I am told that in Colorado nobody knows where mines will be discovered in the future, but when found the section of the country is directly worth fifty or a hundred million dollars for minerals, precious metals, etc. Now, there is no reservation of mineral rights in this grant.

Mr. SHAFROTH. Well, I will say to the gentleman that it has been subject to mineral entry for years and nothing has been done.

Mr. CANNON. But was not Cripple Creek in the same condition for a generation?

Mr. SHAFROTH. That is true; it was opened for homestead entry, and, so far as the town site of Cripple Creek was concerned, it was taken up for agricultural purposes in tracts aggregating 320 acres. There were no surface indications whatever of minerals.

Mr. CANNON. Does not my friend think that wisdom dictates that there should be a reservation of all minerals?

Mr. SHAFROTH. Well, I do not know. If the minerals are reserved and a party has got the right to work them it would pollute the water and defeat the very purpose of the bill.

Mr. CANNON. I will ask my friend another question. Under the legislation lately had touching irrigation, is not this land granted already by law?

Mr. SHAFROTH. How already granted?

Mr. CANNON. For the purpose of irrigation?

Mr. SHAFROTH. Well, the proceeds of the land only are granted, and this bill is practically going to put eight or nine thousand dollars into the Treasury that the Government will get for the use of that fund.

Mr. CANNON. Then I understand this will go to the expenses for the irrigation of other land.

Mr. SHAFROTH. This will go to it.

Mr. CANNON. It will travel through the United States Treasury into the irrigation fund.

Mr. SHAFROTH. Yes, sir.

Mr. CANNON. That will not come from anywhere else, with the possible loss of valuable property in any of the States that are to be benefited by this fund? Where is my golden-haired friend from Nevada?

Mr. SHAFROTH. I will say substantially that this would increase that fund in the United States Treasury about $8,000 that it would not otherwise get.

Mr. CANNON. But suppose it would be worth eighty thousand?

Mr. SHAFROTH. There is no indication of anything in the way of mineral values, or the people would be trying to make use of it.

Mr. CANNON. I find myself very busy trying to protect my own little district and adjacent districts. I do not see that I can constitute myself into an individual that has to be omnipresent

to protect the irrigation interests, now that legislation has been enacted. But I want in connection with that again to refer to the fact that as to the condition presented it seems to me that it is eminently proper that this 7,000 acres of land, perhaps with some reservations that are not in it, should be devoted to the welfare of the people of the city of Denver. It seems to be so; but what is to become of the development of the Philippines hereafter, not developed now, when a wide-awake, progressive American goes over there and finds it necessary to build waterworks and reservoir sites and do a dozen other things that it is necessary for an enterprising man to do, and is met with an absolute provision of law confining him to 1,007 hectares, equivalent to 2,500 acres, that somebody said was a valuable concession that we had "wrung from the Senate?" [Laughter.]

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ANNA ELIZA ISABELLA VON HEMERT.

Mr. STEWART of New Jersey. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 5587) for the relief of Anna Eliza Isabella Von Hemert.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to pay to Anna Eliza Isabella Von Hemert the sum of $5,167.05, in refundment of the money inadvertently paid by her for the discharge of the special assessment against the Walton W. Evans tract of land, represented by lien certificates Nos. 8 and 38 of the series issued for the cost of improvements upon the street connecting Columbia road with Connecticut avenue extended and thence along said avenue to the District line, which certificates have been declared by the supreme court of the District of Columbia to have been illegally issued; and for that purpose there is hereby appropriated the aforesaid sum of money, one-half of which to be paid from the revenues of the District of Columbia and one-half from any money in the Treasury not otherwise appropriated.

Mr. SULZER. Mr. Speaker, reserving the right to object, I would like some information about this bill.

Mr. STEWART of New Jersey. I will state for the information of the gentleman from New York that this was an alleged assessment paid by Mrs. Von Hemert in the District of Columbia. The whole assessment was decided by the supreme court to be void. She was the only person who paid it. The others paid nothing. The Commissioners report that the money should be paid back to her. It was money paid by mistake, inadvertently, and on an illegal assessment, and this bill simply gives her the money back again. It has the unanimous report from both Houses of Congress.

Mr. SULZER. Does this money come out of the Federal Treasury?

Mr. STEWART of New Jersey. It comes out of the treasury of the District; it was an assessment upon property on Connecticut avenue.

Mr. SULZER. If all the money comes out of the District treasury, then she has a remedy in the District of Columbia courts, has she not?

Mr. STEWART of New Jersey. But this was her money and was paid on an illegal assessment.

Mr. SULZER. Do I understand the gentleman to say that this claimant has no legal remedy to recover that money illegally paid under an assessment that was afterwards determined to be void?

Mr. STEWART of New Jersey. None at all; it has been so decided.

Mr. COWHERD. If the gentleman will permit me, I will say that it was a special assessment for the opening of Connecticut avenue. This woman only paid, and the others resisted payment and brought suit.

Mr. SULZER. I have no objection, providing the claimant has no other remedy except by an act of Congress.

The SPEAKER. Is there objection?

Mr. CANNON. One moment, Mr. Speaker. This is reported by the District Committee?

Mr. STEWART of New Jersey. Yes.

Mr. CANNON. Is my friend from New Jersey a member of that committee?

Mr. STEWART of New Jersey. No, sir.

Mr. CANNON. Does the gentleman from Missouri [Mr. COWHERD] approve of this?

Mr. COWHERD. Yes; as I understand it, this was the only property that paid, and the others resisted and took their case to the court, and the case was decided in favor of the property owners and against the Government.

Mr. CANNON. Very well; I will take the gentleman's statement.

The bill was ordered to be read a third time; was read the third time.

The SPEAKER. The question is now on the passage of the bill.

The question was taken; and on a division (demanded by Mr. RICHARDSON of Tennessee) there were 69 ayes and 8 noes.

So the bill was passed.

SUPPRESSION OF TRAIN ROBBERY.

Mr. RAY of New York. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 6016) for the suppression of train robbery.

The Clerk read the bill, as follows:

Be it enacted, etc., That if any person shall willfully and maliciously trespass upon or enter upon any railroad train, railroad car, or railroad locomotive, within any Territory of the United States, or any place subject to the exclusive jurisdiction or control thereof, with the intent to commit murder, robbery, or any unlawful violence upon or against any passenger on said train or car, or upon or against any engineer, conductor, fireman, brakeman, or any officer or employee connected with said locomotive, train, or car, or upon or against any express messenger or mail agent on said train, or in any such car thereof, or to commit any crime or offense against any person or property thereon, such person shall be punished by imprisonment not exceeding twenty years, or by fine not exceeding $5,000, or both, at the discretion of the court.

SEC. 2. That any person who shall counsel, aid, abet, and assist in the perpetration of any of the offenses set forth in the preceding section shall be deemed to be principals therein.

SEC. 3. That upon the trial of any person charged with any offense set forth in this act it shall not be necessary to set forth or prove the particular person against whom it was intended to commit the offense, or that it was intended to commit such offense against any particular person.

Mr. RAY of New York. Mr. Speaker, this bill meets with the unanimous approval of the Senate and of the House committee. We did have a bill which extended the punishment of this offense and carried it into the States. That is eliminated from this bill, so that it applies only in the Territories, and every member of the Judiciary Committee is in favor of it.

Mr. BARTLETT. I understand the gentleman from New York, Mr. Speaker, to state that this is not the bill which the gentleman from Kentucky objected to several days ago.

Mr. RAY of New York. This is not; this is a Senate bill, and eliminates all that the gentleman from Kentucky [Mr. SMITH] objected to. This applies simply to the Territories, and, as I say, it meets with the unanimous approval of the Committee on the Judiciary.

Mr. BARTLETT. In other words, this bill would not give the United States courts jurisdiction of an offense like an assault upon any person or train simply because the train was engaged in interstate commerce?

Mr. RAY of New York. No, sir.

Mr. BARTLETT. It would not confer jurisdiction upon the United States courts except in cases where the United States courts had actual jurisdiction.

Mr. RAY of New York. That is right. It applies solely to the Territories.

Mr. CLAYTON. Mr. Speaker, just one word. The gentleman from New York has correctly stated the scope and the purpose of this bill, and that it meets with the unanimous approval of the House Judiciary Committee. It in nowise conflicts with the State rights idea of anybody.

Mr. RAY of New York. That is right; it does not.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. RAY of New York, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 12702. An act to provide for the erection of a quartermasters' warehouse at Omaha, Nebr.; and

H. J. Res. 210. Joint resolution reappropriating and making available an unexpended balance of appropriations for work on the Capitol building.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 4139) to diminish the number of appraisers of the ports of Philadelphia and Boston.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14244) authorizing the President to reserve public lands and public buildings in the island of Porto Rico for public uses and granting other public lands and buildings to the government of Porto Rico.

HOME FOR AGED AND INFIRM COLORED PEOPLE.

Mr. ROBERTS. I ask unanimous consent for the present consideration of the bill (H. R. 3108) to provide a home for aged and infirm colored people.

The bill was read, as follows:

Be it enacted, etc., That the sum of $100,000, out of all moneys, arrears of pay, and bounty which are due the estates of deceased colored soldiers who served in the late civil war, and which were in the hands of the commissioner of the Freedmen's Bureau and have been repaid into the Treasury, and for which no claim or claims have been or shall hereafter be made, filed, or presented prior to the 1st day of January, 1902, on an after which date all such claims not so filed and presented shall and are hereby declared to be

effectually, absolutely, and forever barred, be, and is hereby, appropriated, out of any such money in the Treasury of the United States not otherwise appropriated, for the purpose of erecting a memorial national home for aged and infirm colored people and to aid in maintaining the inmates of the same; the building or buildings for said home to be erected in the District of Columbia upon the lands owned by the association known as the Home for Aged and Infirm Colored Persons, a corporation duly incorporated under and by virtue of the incorporation laws of the District of Columbia: *Provided*, That no money shall be paid to said association under the provisions of this act until the Attorney-General of the United States shall have reported to the Secretary of the Treasury, after proper investigation, that such association is legally incorporated for the accomplishment of the purposes specified in this act, nor until the deed for said property shall have been approved by such Attorney-General, nor until the association shall have given good and sufficient bond, to be approved by such Attorney-General, conditioned upon the faithful discharge of their duties in the proper expenditure of the above-mentioned fund: *And provided further*, That no claim or obligation upon the United States for any appropriation of money for the support or endowment of said institution shall ever be asserted against the United States, nor will the United States recognize any obligation growing out of this act other than the duty of supervision specifically provided for herein; and the corporation aforesaid is hereby authorized to receive donations and gifts of endowment from benevolent and charitable persons and other sources.

SEC. 2. That the plans and specifications for the buildings to be erected for said home shall be submitted to and be subject to the approval of the Secretary of War; and the Secretary of the Treasury is authorized and directed to pay the money hereby appropriated to the association known as the Home for Aged and Infirm Colored Persons in the manner provided for and upon the fulfillment of the terms of this act: *And provided further*, That the Attorney-General shall have certified that the organization and constitution of the association afford reasonable security that the money hereby appropriated will be fully, wisely, and economically expended for the purpose set forth, and that no more than the amount certified by the Attorney-General to be reasonable shall have been expended for the work and materials provided, employed, and used in such part of the construction and erection of said building as may, in each case, be certified to by said Attorney-General; and that the association shall make annual reports of all the receipts and expenditures to the Secretary of the Treasury, to be by him communicated to Congress, and the Secretary shall have and exercise visitorial powers over said association.

SEC. 3. That all other moneys being a part of or belonging to such arrears of pay and bounty, and prize money and other allowances that are due the estates of deceased colored soldiers, sailors, and marines who served in the late civil war be, and are hereby, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, to be invested as an endowment fund for the national memorial home for aged and infirm colored persons of the United States, with the exception of so much money as may be held to pay off all or any claims that may be proven against such fund, which shall be determined by the law governing the settlement of those claims which shall be presented before January 1, 1902, all claims which shall be presented after that date being hereby barred: *Provided*, That all the States in the United States shall have the right to organize one or more similar associations, and that such of the members of said similar associations as this present association shall from time to time determine may become members of the association known as the Home for Aged and Infirm Colored Persons of the United States by complying with the requirements of the association; and that any such similar association now existing or that may be formed hereafter shall have the right to place in the institution or on the grounds of the institution any memorial of deceased colored soldiers or representative colored men or of such other representative men as the association shall determine to have been benefactors of the colored people, providing that all such memorials are in harmony with such institutions, by and with the consent of the trustees of the national memorial home for aged and infirm colored persons of the United States: *And provided further*, That the Secretary of War, Secretary of the Treasury, and the Attorney-General of the United States shall constitute a board which shall have and exercise supervision over the expending and investment of the said fund, and that all vouchers must be certified by the Attorney-General before any money is drawn from the Treasury, and the money only taken from the Treasury by such vouchers as the work progresses; that the said endowment fund be invested in safe security in land or the first mortgage on land or in lands by the trustees of the national memorial home, with the approval of the Attorney-General of the United States, and that the disbursing officers of the Treasury are authorized and directed to pay the money upon the presentation of such vouchers, as approved and certified, as may be drawn by the association known as the Home for Aged and Infirm Colored People of the United States.

The amendments reported by the Committee on Military Affairs were read, as follows:

Insert after the word "dollars," in line 3, page 1, section 1, the words "or so much thereof as the Attorney-General shall deem advisable."

In section 1, after the word "owned," in line 4, page 2, insert the words "or to be owned."

"In section 1, after the word "fund," in line 18 of page 2, insert the words "and submit proper plans and contracts approved by the Secretary of War for such construction."

In section 3, page 3, line 24, after the word "moneys," insert the words "above such cost of construction."

Also, in lines 13, 14, and 15, strike out the words "the trustees of the National Memorial Home, with the approval of the Attorney-General of the United States," and insert the words "said board or under their direction."

Also, after the word "money," in line 16 of page 5, insert the following words, viz, "required for said construction and the income of said endowment fund."

Mr. LOUD. If the gentleman presenting this bill desires to offer some suggestions on the subject, I reserve the right to object.

Mr. ROBERTS. Mr. Speaker, this bill is one which passed the last House. It has been favorably reported by several committees of various Congresses. There never has been any adverse report on it. It is a bill which provides for taking out of the money now in the Treasury due the estates of deceased colored soldiers in the civil war $100,000, to be turned over to an incorporated association called "The Home for Aged and Infirm Colored Persons," for the purpose of erecting a home for such persons.

This association has raised by private subscription enough money to buy a suitable plot of land here in the city of Washington. The bill will take out of the Treasury $100,000 belonging to the colored people of this country and place it in a home where these people can get a decided and substantial benefit from it.

The bill also provides that the balance of the sum (the whole amount is about $230,000, the balance being $130,000) shall be invested, and the income used for endowment for the home. This balance, $130,000, will be under the control of the Secretary of War, the Secretary of the Treasury, and the Attorney-General. No money will be expended for the home until the Attorney-General and the Secretary of War shall report to the Secretary of the Treasury that the plans for the proposed buildings are proper and will come within the $100,000. The present bill is reported from the Committee on Military Affairs, as I am informed, by a unanimous vote. It seems to me, Mr. Speaker, there can be no reasonable objection to it.

Mr. HULL. This money is held as a separate fund in the Treasury; it belongs to the colored people; and this is the best disposition of it that can possibly be made as a recognition of the services of the colored soldier during the civil war.

A MEMBER. Where did the money come from?

Mr. HULL. From the pay and bounty of the colored soldiers.

Mr. BARTLETT. Mr. Speaker, as I understand, this fund is made up of the pay and bounty which were due to colored soldiers and which now remain undisposed of in the Treasury. But it is to be borne in mind that this money did not come altogether—possibly in very small part—from colored soldiers of the District of Columbia. The persons originally entitled to this money came no doubt from various parts of the Union. And now it is proposed to take this money due to those various people or their descendants and expend it for the benefit exclusively of persons residing in or near the city of Washington.

Mr. ROBERTS. Oh, no; that is to be a home for the colored people of the whole United States—not a local institution. It will merely be located here.

Mr. HULL. There can absolutely be nobody claiming this money now. It has been in the Treasury, and no valid claim has been made for it. In some cases forty or fifty persons have appeared claiming money as the descendants of one soldier, but have been unable to prove their claim.

The parties originally entitled to this money have moved to various States, in some instances changing their names, and it has been impossible to trace their descendants so that they could establish a legal claim on the Government for this money.

The money is carried in the Treasury as a separate fund, and unless some disposition of this kind be made of it the colored people of the United States will get no benefit from this fund, which is peculiarly the property of the colored race of the United States.

Mr. LOUD. Is there not a lot of money held in the United States Treasury that came from many other sources?

Mr. HULL. But this is a special fund which I think may be devoted with peculiar appropriateness to this particular purpose.

Mr. ROBINSON of Indiana. What authority is there for taking this money from the Treasury?

Mr. HULL. If this bill passes it will be done by the authority of the Congress of the United States.

Mr. ROBINSON of Indiana. As I understand, there is a fund there to which no claimants can make a valid title.

Mr. HULL. It is held there as a separate fund—has been there since the close of the war.

Mr. BARTLETT. Is it not a fact that this money has gone back into the General Treasury, or is it there as a separate and distinct fund? If we make this appropriation will it come out of a specific fund or will it be paid from the General Treasury? Is it not a fact that this fund has long since been turned back into the General Treasury?

Mr. HULL. It is still carried on the books of the Treasury as a liability of the Government to the soldiers.

Mr. BARTLETT. Then there is no specific fund of this character there?

Mr. HULL. Yes; $240,000, in round numbers.

Mr. BARTLETT. Kept a separate and distinct fund for forty years?

Mr. HULL. It is kept as a fund there belonging to these soldiers and these heirs, and will have to be carried there.

Mr. GAINES of Tennessee. If it belongs to them what right have we to give it away?

Mr. GROSVENOR. Mr. Speaker, I will state to the gentleman from Tennessee that it provides that these claims may be prosecuted up to a certain time, when the statute of limitations shall run, and then all who have not claimed the money at that time shall be barred and the balance of the money shall go to this purpose.

Mr. GAINES of Tennessee. How long is that limitation?

Mr. GROSVENOR. One year.

Mr. GAINES of Tennessee. Why, in that short time not one-tenth of the people of the country will know that this has passed.

Mr. ROBERTS. Mr. Speaker, I will state that the reason why this money has not been taken out of the Treasury long ago is due very largely to the fact that the colored soldiers in the civil war were mostly ex-slaves, and there was no record ever kept of the slave marriages, so it has been impossible for their lawful descendants to prove that they were the lawful descendants of these deceased soldiers, and they never can make that proof. You might as well put a limitation of a day ahead as a year or ten years. So much time has elapsed in which they have not been able to make the proof that it is an absolute certainty, almost, that they never will or can.

Mr. GAINES of Tennessee. Do not they make a practice of keeping a record of the marriages and deaths and the children in pension cases by the thousands and hundreds of thousands?

Mr. ROBERTS. I do not know what the rule is in pension cases, but I know this money is due the estates of these soldiers and can only be paid to their lawful heirs; and if a person can not prove himself the lawful heir he can not get it; furthermore, if he can not prove the marriage of his father and mother, he can not prove himself a lawful heir.

Mr. GAINES of Tennessee. In what time is he required to do that?

Mr. ROBERTS. He has until the 1st of January, 1903. I yield to the gentleman from New Jersey [Mr. PARKER].

Mr. CLAYTON. Mr. Speaker, before the gentleman yields to the gentleman from New Jersey——

The SPEAKER. Does the gentleman yield to the gentleman from Alabama?

Mr. ROBERTS. I yielded to the gentleman from New Jersey, and after I will be glad to yield to the gentleman from Alabama.

Mr. PARKER. Mr. Speaker, will the gentleman from Alabama put his question to me? I reported the case.

Mr. CLAYTON. Certainly. In connection with the remarks just made by the gentleman from Massachusetts as to the difficulty of the heirs of these dead soldiers establishing their claims, proving that they are the lawful descendants or legal heirs of these dead soldiers, I want to know what, if any, effort has been made in the direction of establishing their right to this money.

Mr. PARKER. A large part of the money on hand has been distributed through the past thirty-five years or thirty-seven years. The other part has had no claimants, because the heirs of these soldiers are unknown and have never appeared, in spite of all the efforts of the Treasury to find them. I desire to add that this fund is, as I understand it, kept as a separate fund in charge of trustees, who charge something toward it every year for taking care of it.

Mr. LOUD. What! Of the Government money?

Mr. PARKER. Of this part of the money; yes.

Mr. CANNON. Oh, no; my friend is dead wrong.

Mr. PARKER. Am I? All right. However that may be, the other part I speak of, but I understand that to be the case.

Mr. LACEY. That is the Freedman's Bureau the gentleman is speaking of.

Mr. GAINES of Tennessee. Has any book been published containing the names of these parties to whom this money belongs?

Mr. ROBERTS. I was just going to refer to that point. This money came originally into the possession of the Government, as I understand, in winding up the affairs of the Freedman's Bureau. That is how it got into the possession of the Government, and when the affairs and assets of that bureau were turned over everything that could possibly be proven up was taken out immediately, and this is what could not be proven up.

Mr. GAINES of Tennessee. Has any list been published in, say, the CONGRESSIONAL RECORD or any book?

Mr. ROBERTS. I do not know whether there has or not.

Mr. HULL. The gentleman is mistaken about the Freedman's Bureau. This is bounty and pay money, and I do not think it came through the Freedman's Bureau.

Mr. ROBERTS. Possibly I am misinformed.

Mr. HULL. Because this is a charge upon the Treasury for this purpose.

Mr. CANNON. There can be no doubt about it, I will say to the gentleman, if he will yield to me for a minute.

Mr. ROBERTS. I will yield to the gentleman from Illinois.

Mr. CANNON. There can be no doubt about it. This is the situation. There seems to be much misinformation about what this bill does. The law provided so much for pay of soldiers during the civil war and so much for bounties from time to time. Now, there were white soldiers and colored soldiers, and everybody that performed service, according to the time of his enlistment, as the law was then, was entitled to the pay and the bounty.

Now, out of the 2,200,000 enlistments or more in the Army of the United States there was a proportion of soldiers, mostly white, some colored, because the white greatly predominated in numbers, who through accident or otherwise did not get the bounty they were entitled to, and in some instances did not get the pay they were entitled to. Congress increased the bounties from time to time, and soldiers in the service did not know it until long after. Soldiers were killed or died and their heirs were entitled to these unpaid balances. The surviving wife, if any, or children, or, if none, the legal representatives were entitled to it. Congress from that time to this, whenever these cases have been made out, has been paying up these bounties. The proof has to be made, and invariably when it is made Congress authorizes the payment.

Mr. BARTLETT. May I ask the gentleman a question?

Mr. CANNON. In a moment. Invariably when the cases are made out and certified to Congress the appropriation has been made. We follow the practice of making a lump-sum appropriation each year to meet these audited accounts as they are ascertained. Now, there are pending in the Second Auditor's office for the War Department, I suppose, 50,000 or 100,000 claims, in some instances by soldiers who think something is due them when it is not, and in other instances by the representatives of deceased soldiers, and they keep on, to the extent of twenty-five thousand, fifty thousand, or a hundred thousand dollars each year as they establish their claims, receiving these payments.

Now, there is far more back pay and bounty due to white soldiers than there is to colored soldiers; and all this story about appropriating an amount due to colored soldiers for this home is mere leather and prunella. It is mere deception, mere sticking in the bark—buncombe, so to speak. This bill would do the manly and honest thing if it said, "There is hereby appropriated $100,000 to build this home," if that is the amount. That is the effect of it.

Mr. BARTLETT. That is exactly what I wanted to ask the gentleman. If the statement is correct with reference to our having periodically to make appropriations with reference to these claims, then it can not be true that there is now in the Treasury unappropriated any sum of money for this purpose.

Mr. CANNON. There is not a word of correctness in that statement.

Mr. BARTLETT. That is what I wanted to know.

Mr. CANNON. This money comes into the Treasury by taxation—internal revenue and customs—just as all other money comes in. This bill will bar the colored soldiers in 1903, if they do not prove up, making a statute of limitations against them. It does not bar the white soldiers, but it cuts the colored soldiers off.

Mr. GAINES of Tennessee. Who does that?

Mr. CANNON. It is done by this bill. Of course we would revive it. If colored soldiers should establish their claims notwithstanding the bar, if any of them could prove up, we would pay them.

Mr. GAINES of Tennessee. Has any list ever been published anywhere showing these claims?

Mr. CANNON. Why, it is on the Army rolls; that is all.

Mr. GAINES of Tennessee. Any newspaper publication?

Mr. CANNON. No; the claim agents are writing all over the country, hunting up folks.

Mr. GAINES of Tennessee. And they are coming in before Congress?

Mr. CANNON. Hunting up everybody to whom we owe anything, and three times as many bodies to whom we do not owe anything. They are lively ducks. They get in their work.

Mr. GAINES of Tennessee. They are still looking these people up?

Mr. CANNON. Now, this proposition is just one thing more. Let us see what it is. Let there be no misunderstanding about it. It appropriates this money for a colored old-folks' home, to be located in the District of Columbia; and colored old folks from Illinois, Pennsylvania, and Massachusetts—I think people outside of the District can come in, can they not?

Mr. ROBERTS. Yes.

Mr. CANNON. And from other States they come in here, and when once here they are always here, and the Treasury of the United States will again have to take the burden, not of sustaining the soldiers that defended the flag, pay and pension to them and furnish them with artificial limbs, but will have assumed the burden of the States for the poor and caring for the indigent.

Mr. GAINES of Tennessee. A poorhouse.

Mr. CANNON. Oh, yes; or by outside relief. Now, then, there it is in its length and breadth. I am a good deal of a States' rights man. I believe in Tennessee and Illinois and Massachusetts taking care of the indigent colored poor, just as it takes care of the indigent white poor, and I will not by my vote fly in the face of the whole theory of our Government by assuming this burden in the District of Columbia and from the National Treasury now.

Mr. TOMPKINS of New York. Is there a separate fund belonging to the colored and another fund which belongs to the white?

Mr. CANNON. No, no; every colored or white soldier that did not get his pay and bounty, as he was entitled to under the

law, is entitled to it, but he has got to prove that he is the fellow, and that the Government owes him that much, and if he never proves it he will never get it.

Mr. HULL. Will the gentleman allow me? The Government has already adjudicated it. It was paid in and it was decided that they owed the soldiers that much.

Mr. CANNON. No.

Mr. HULL. Yes; and the Treasury eight years ago published a report on the matter. The gentleman is mistaken in the statement he makes.

Mr. CANNON. I am not mistaken, because the gentleman will see at once that it would be impossible to adjudicate claims that are not made.

Mr. HULL. Oh.

Mr. CANNON. Hold on a minute. I understand what I am talking about. It would be impossible to adjudicate claims that are not made. Anybody can see that if the Government had adjudicated $100,000 due to A, B, C, D, E, and F the Government must pay it. Now, the Government no doubt may have published a roster of the services of the colored and white. That is all. And then somebody may have estimated that under the law, if somebody was in being that would come and claim it, he was entitled to it. That is all.

Mr. HULL. That is not what the Treasury published in this report. The Treasury reported on a bill first at the beginning of the Fifty-second Congress or the Fifty-third, a specific statement that this amount of money was due.

Mr. GAINES of Tennessee. Did they call the names?

Mr. HULL. You can go to the War Department and get a list of the names.

Mr. CANNON. The Government can do this and nothing more.

Mr. ROBERTS. Will the gentleman from Illinois yield to me for a moment? I think that I can clear up this point.

Mr. CANNON. In a moment. The Government can do this and nothing more. You can tell how many soldiers are on the rosters and who has drawn bounty and full pay and who is not found. I have no doubt that the Government may have done that.

Mr. ROBERTS. The gentleman said a few moments ago that this money got into the Treasury Department through the Freedman's Bureau. I want to read this report, made to Congress in the Fifty-third Congress, second session:

A joint resolution was passed by Congress in 1867 (see Stats. L., vol. 15, p. 26) which provided that all moneys certified to be due colored soldiers should be paid to the commissioners of the Freedman's Bureau. At that time most of the colored people from the Southern States who would be entitled to this money that had been slaves had no individual relationship, and where they had it was impossible to trace it. The law now governing the proper adjudication of these claims requires that the heirs of the deceased colored soldier must prove their lawful marriage relation by record evidence, and that to be certified to by a notary public or clerk of the court in the several States, but as no marriage record was ever kept of the slaves it is impossible that the law can be complied with, so that in a great many instances the proper proof can not be made. The Second Auditor of the Treasury in 1892, in his annual report, makes the following statement:

"When the bureau (referring to the Freedman's Bureau) was discontinued in 1872 the unexpended balance of said funds was turned over to the Adjutant-General's Department for disbursement, and every effort was made to find the person entitled thereto. In many instances it was ascertained that the payees were dead, and in all such cases the funds were held for seven years and then repaid into the Treasury on the legal presumption of the death of the payees. The total amount repaid was $504,000. In 1882 it was found that more than one-half of that sum had been claimed, the actual amount remaining unclaimed being $240,233."

Your committee find that while all of the money has been claimed (and in many instances as many as 10 persons from as many different States filed claims as the lawful heirs of 1 deceased soldier) since the date of that report there still remains in the Treasury at least $300,000, which, under existing conditions, can never be paid out on account of the utter insufficiency of the proof furnished to establish the claims. There have been numerous requests made by the colored people generally to apply the sum for the advancement and benefit of their race, but as there was no law in existence whereby this money could be so used no progress was ever made.

In 1893 a number of colored men in the District of Columbia formed a corporation for the purpose of establishing and maintaining a home for the aged and infirm colored people of the United States, and by private subscription have acquired a tract of land sufficient to erect a suitable home thereon, and have come to Congress for a transfer to them for that purpose of a portion of the fund in the Treasury which justly, equitably, and legally belongs to the colored people. There is no question but that the aged colored people who were once slaves are more subject to destitution and require charitable aid more than any other class of people in the United States, and as it is not the province of this Government to establish charitable institutions, but rather assist those already established in the District, these people suffer for want of an institution of their own. There are at the present time only 10 colored people permitted admittance in the charitable institutions in the District of Columbia on account of a lack of accommodations, and those are provided for in the basement of the Children's Asylum on Eighth street; therefore it is eminently proper that they should receive recognition to such an extent as will enable them to care for the needy and aged of their own race out of the funds which really belong to them and are withheld in the United States Treasury.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LOUD. I object.

The SPEAKER. Objection is made by the gentleman from California.

FINAL ADJOURNMENT.

Mr. PAYNE. Mr. Speaker, I am directed by the Committee on Ways and Means to report back the following resolution with an amendment, and on it I desire immediate action.

The SPEAKER. The gentleman from New York, by direction of the Committee on Ways and Means, calls up the following resolution:

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the President of the Senate and the Speaker of the House of Representatives be authorized to close the present session by adjourning their respective Houses on the 1st day of July, 1902, at —— o'clock post meridian.

The amendment recommended by the committee was read, as follows:

In line 5, after the word "at," insert the words "five thirty."

Mr. PAYNE. On that I demand the previous question.

The previous question was ordered.

Mr. RICHARDSON of Tennessee. I desire to amend the resolution.

The SPEAKER. The previous question has been ordered.

Mr. SULZER. A parliamentary inquiry.

Mr. RICHARDSON of Tennessee (to Mr. PAYNE). Did the gentleman offer the amendment?

Mr. PAYNE. I did.

Mr. SULZER. Is a motion to recommit the resolution back with instructions in order?

The SPEAKER. The Chair thinks it would be.

Mr. SULZER. Then, Mr. Speaker, I ask that this resolution be recommitted to the committee with instructions to report——

The SPEAKER. It is not in order to make that motion yet. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

The SPEAKER. The question is now on agreeing to the resolution.

Mr. SULZER. Mr. Speaker, I move that the resolution be referred back to the committee, with instructions to report an adjournment on the 8th day of July, 1902, at 5 o'clock p. m.

The SPEAKER. The gentleman from New York moves to recommit the resolution to the Committee on Ways and Means, with instructions to report it back for the 8th day of July, so that the adjournment will take place at 5.30 p. m. on that day; and on that question the gentleman from New York demands the previous question.

Mr. SULZER. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The previous question had been ordered by the House before the gentleman took the floor, and the motion to recommit is not debatable, and the Chair must submit it to the House at once.

The question was taken; and on a division (demanded by Mr. SULZER) there were 51 ayes and 104 noes.

So the motion to recommit was rejected.

The SPEAKER. The question now is on agreeing to the resolution.

Mr. SULZER. And on that, Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

Mr. SWANSON. Mr. Speaker, under the rules are we not entitled to twenty minutes' debate on either side?

The SPEAKER. Demand was made for the yeas and nays, and the yeas and nays have been ordered. No debate was demanded until after the division began, and the Chair thinks it is too late now.

Mr. SWANSON. Pending the yeas and nays, Mr. Speaker, I desire to call the attention of the Chair to the fact that there had been no division prior to the call for the yeas and nays. The motion had not been put by the Chair, and the motion not having been put, as I understand, we are entitled to twenty minutes' debate on either side on a motion to adjourn sine die. The motion had not been put, and the previous question had been ordered, and when the previous question is ordered, under the rules, and and there has been no debate, we are entitled to twenty minutes' debate on each side after the previous question is ordered.

The SPEAKER. The point of order is not without some difficulty, but the Chair thinks it comes now too late. The question on the amendment and the motion to recommit have been considered, and the House is dividing, and the Chair thinks it comes too late. While it is not without difficulty, the Chair thinks it is now too late.

Mr. SULZER. Mr. Speaker——

The SPEAKER. The Chair will not recognize the gentleman from New York because he is filibustering.

Mr. SULZER. I am not filibustering, Mr. Speaker.

The question was taken; and there were—yeas 136, nays 76, answered "present" 13, not voting 125, as follows:

YEAS—136.

Acheson,	Dalzell,	Jones, Wash.	Payne,
Alexander,	Darragh,	Joy,	Perkins,
Allen, Me.	Deemer,	Kahn,	Prince,
Aplin,	Dick,	Knapp,	Ray, N. Y.
Babcock,	Dovener,	Knox,	Reeder,
Barney,	Eddy,	Kyle,	Reeves,
Bartholdt,	Esch,	Lacey,	Roberts,
Bates,	Evans,	Landis,	Scott.
Bingham,	Fletcher,	Lessler,	Shattuc,
Bishop,	Foerderer,	Lewis, Pa.	Showalter,
Blackburn,	Foster, Vt.	Littlefield,	Sibley,
Blakeney,	Fowler,	Long,	Smith, Ill.
Boutell,	Gaines, W. Va.	Loud,	Smith, Iowa
Bowersock,	Gardner, N. J.	Lovering,	Smith, S. W.
Bristow,	Gibson,	McCall,	Southard,
Brown,	Gillett, Mass.	McCleary,	Southwick,
Brownlow,	Graff,	Mahon,	Sperry,
Burk, Pa.	Grosvenor,	Mann,	Steele,
Burke, S. Dak.	Hamilton,	Marshall,	Stewart, N. J.
Burkett,	Haskins,	Mercer,	Storm,
Burleigh,	Haugen,	Minor,	Sulloway,
Burton,	Hedge,	Mondell,	Sutherland,
Butler,	Hemenway,	Moody, N. C.	Tayler, Ohio
Cannon,	Henry, Conn.	Moody, Oreg.	Thomas, Iowa
Capron,	Hepburn,	Morgan,	Tirrell,
Cassel,	Hildebrant,	Moss,	Tompkins, N. Y.
Cassingham,	Hill,	Mudd,	Tompkins, Ohio
Conner,	Hitt,	Needham,	Vreeland,
Coombs,	Holliday,	Nevin,	Wachter,
Cooper, Wis.	Hopkins,	Olmsted,	Warner,
Cousins,	Hughes,	Overstreet,	Warnock,
Crumpacker,	Hull,	Palmer,	Watson,
Curtis,	Irwin,	Parker,	Wright,
Cushman,	Jackson, Md.	Patterson, Pa	Young.

NAYS—76.

Allen, Ky.	Flood,	Little,	Ryan,
Ball, Tex.	Gaines, Tenn.	Livingston,	Shafroth,
Bartlett,	Goldfogle,	McClellan,	Sims,
Benton,	Gordon,	McCulloch,	Small,
Brantley,	Green, Pa.	Meyer, La.	Snodgrass,
Brundidge,	Griffith,	Miers, Ind.	Snook,
Burleson,	Hall,	Moon,	Spight,
Burnett,	Hay,	Mutchler,	Stark,
Candler,	Hooker,	Newlands,	Stephens, Tex.
Clark,	Jackson, Kans.	Norton,	Sulzer,
Clayton,	Johnson,	Padgett,	Swanson,
Cochran,	Jones, Va.	Pierce,	Tate,
Cooper, Tex.	Kehoe,	Pugsley,	Underwood,
Cowherd,	Kern,	Randell, Tex.	Wiley,
Davey, La.	Kitchin, Wm. W.	Ransdell, La.	Williams, Ill.
Davis, Fla.	Kleberg,	Rhea, Va.	Williams, Miss.
De Armond,	Kluttz,	Richardson, Tenn.	Wilson,
Dinsmore,	Lanham,	Rixey,	Wooten,
Fitzgerald,	Lester,	Robinson, Ind.	Zenor.

ANSWERED "PRESENT"—13.

Adams,	Davidson,	Metcalf,	Trimble.
Bankhead,	Driscoll,	Powers, Me.	
Bromwell,	Finley,	Taylor, Ala.	
Burgess,	Jenkins,	Thompson,	

NOT VOTING—125.

Adamson,	Fleming,	Littauer,	Scarborough,
Ball, Del.	Fordney,	Lloyd,	Schirm,
Beidler,	Foss,	Loudenslager,	Selby,
Bell,	Foster, Ill.	McAndrews,	Shackleford,
Bellamy,	Fox,	McDermott,	Shallenberger,
Belmont,	Gardner, Mich.	McLachlan,	Shelden,
Boreing,	Gilbert,	McLain,	Sheppard,
Bowie,	Gill,	McRae,	Sherman,
Breazeale,	Gillet, N. Y.	Maddox,	Skiles,
Brick,	Glenn,	Mahoney,	Slayden,
Broussard,	Gooch,	Martin,	Smith, Ky.
Bull,	Graham,	Maynard,	Smith, H. C.
Calderhead,	Greene, Mass.	Mickey,	Smith, Wm. Alden
Caldwell,	Griggs,	Miller,	Sparkman,
Connell,	Grow,	Morrell,	Stevens, Minn.
Conry,	Hanbury,	Morris,	Stewart, N. Y.
Cooney,	Heatwole,	Naphen,	Talbert,
Corliss,	Henry, Miss.	Neville,	Tawney,
Creamer,	Henry, Tex.	Otjen,	Thayer,
Cromer,	Howard,	Patterson, Tenn.	Thomas, N. C.
Crowley,	Howell,	Pearre,	Tongue,
Currier,	Jack,	Pou,	Vandiver,
Dahle,	Jett,	Powers, Mass.	Van Voorhis,
Dayton,	Ketcham,	Reid,	Wadsworth,
De Graffenreid,	Kitchin, Claude	Richardson, Ala.	Wanger,
Dougherty,	Lamb,	Robb,	Weeks,
Douglas,	Lassiter,	Robertson, La.	Wheeler,
Draper,	Latimer,	Robinson, Nebr.	White,
Edwards,	Lawrence,	Rucker,	Woods.
Elliott,	Lever,	Rumple,	
Emerson,	Lewis, Ga.	Ruppert,	
Feely,	Lindsay,	Russell,	

So the resolution was adopted.

The following pairs were announced:

For the remainder of the session:

Mr. WANGER with Mr. ADAMSON.

Mr. GILLET of New York with Mr. CLAUDE KITCHIN.

Mr. JACK with Mr. FINLEY.

Mr. CURRIER with Mr. FEELY.

Mr. DRISCOLL with Mr. POU.

Mr. STEVENS of Minnesota with Mr. VANDIVER.

Mr. ADAMS with Mr. RUCKER.

Mr. SHERMAN with Mr. RUPPERT.

Mr. OTJEN with Mr. SHACKLEFORD.

Mr. BOREING with Mr. TRIMBLE.

Mr. BULL with Mr. CROWLEY.

Mr. METCALF with Mr. WHEELER.

Mr. DAVIDSON with Mr. SPARKMAN.

Mr. BALL of Delaware with Mr. LEVER.

Mr. DRAPER with Mr. LEWIS of Georgia.

Mr. DAYTON with Mr. MEYER of Louisiana.

Until further notice:

Mr. HEATWOLE with Mr. BELMONT.

Mr. RUSSELL with Mr. ROBERTSON of Louisiana.

Mr. SHELDEN with Mr. REID.

Mr. CONNELL with Mr. ELLIOTT.

Mr. POWERS of Maine with Mr. FOX.

Mr. WM. ALDEN SMITH with Mr. JETT.

Mr. SKILES with Mr. TALBERT.

Mr. JENKINS with Mr. SMITH of Kentucky.

Mr. FORDNEY with Mr. BURGESS.

Mr. MILLER with Mr. THOMAS of North Carolina.

Mr. RUMPLE with Mr. THOMPSON.

Mr. POWERS of Massachusetts with Mr. CONRY.

Mr. EMERSON with Mr. GILBERT.

Mr. LOUDENSLAGER with Mr. DE GRAFFENREID.

For this day:

Mr. VAN VOORHIS with Mr. ROBINSON of Nebraska.

Mr. TONGUE with Mr. SHALLENBERGER.

Mr. STEWART of New Jersey with Mr. SCARBOROUGH.

Mr. SCHIRM with Mr. ROBB.

Mr. PEARRE with Mr. PATTERSON of Tennessee.

Mr. MORRIS with Mr. MICKEY.

Mr. MORRELL with Mr. NAPHEN.

Mr. MARTIN with Mr. MAHONEY.

Mr. MCLACHLAN with Mr. MCLAIN.

Mr. LITTAUER with Mr. MCRAE.

Mr. KETCHAM with Mr. MCDERMOTT.

Mr. HANBURY with Mr. MCANDREWS.

Mr. GROW with Mr. MADDOX.

Mr. GRAHAM with Mr. LINDSAY.

Mr. GILL with Mr. LATIMER.

Mr. GARDNER of Michigan with Mr. LAMB.

Mr. FOSS with Mr. HENRY of Mississippi.

Mr. DOUGLAS with Mr. FOSTER of Illinois.

Mr. DAYTON with Mr. DOUGHERTY.

Mr. DAHLE with Mr. FLEMING.

Mr. CROMER with Mr. CREAMER.

Mr. WOODS with Mr. BROUSSARD.

Mr. CORLISS with Mr. BREAZEALE.

Mr. CALDERHEAD with Mr. BOWIE.

Mr. BRICK with Mr. THAYER.

Mr. WEEKS with Mr. SLAYDEN.

Mr. BEIDLER with Mr. BELLAMY.

Mr. WADSWORTH with Mr. BELL.

Mr. TAWNEY with Mr. LLOYD.

Mr. LAWRENCE with Mr. CALDWELL.

On this vote:

Mr. BROMWELL with Mr. RICHARDSON of Alabama.

Mr. HENRY C. SMITH with Mr. TAYLOR of Alabama.

Mr. GREENE of Massachusetts with Mr. GRIGGS.

The result of the vote was announced as above stated.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment a bill of the House of the following title:

H. R. 4346. An act to amend section 2743 of the Revised Statutes of the United States concerning the examination of drugs.

The message also announced that the Senate had agreed to the following concurrent resolution of the House:

Resolved by the House of Representatives (the Senate concurring), That the President of the Senate and the Speaker of the House of Representatives be authorized to close the present session by adjourning their respective Houses on the 1st day of July, 1902, at 5.30 o'clock post meridian.

The message also announced that the Senate had passed the the following resolution:

Resolved, That a committee of two Senators be appointed by the Chair to join a similar committee appointed by the House of Representatives to wait upon the President of the United States and inform him that the two Houses, having completed the business of the present session, are ready to adjourn, unless the President has some other communication to make to them.

The message stated that, in compliance with the foregoing, the President pro tempore had appointed as said committee on the part of the Senate Mr. ALLISON and Mr. COCKRELL.

SOUVENIR MEDALS FOR WASHINGTON MONUMENT ASSOCIATION.

Mr. RIXEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4546) to provide certain

souvenir medals for the benefit of the Washington Monument Association, of Alexandria, Va.

The Clerk read the bill, as follows:

Be it enacted, etc., That for the purpose of aiding in the cost of erecting, in the city of Alexandria, Va., a monument commemorating the centenary of the death of Washington, in a manner designated by the Washington Monument Association, of Alexandria, Va. (an association chartered under the laws of Virginia), the Secretary of the Treasury is hereby authorized and directed to have made and prepared in the mint of the United States, in Philadelphia, four dies for medals of such size, shape, and design as may be designated by said Washington Monument Association and approved by the Secretary of the Treasury, and to have made and struck from said dies at said mint such number of medals out of silver or bronze, not to exceed 200,000, as may be required by said Washington Monument Association.

SEC. 2. That the material from which said medals are to be made shall be furnished to the Director of the Mint, at the mint in Philadelphia, by and at the expense of said Washington Monument Association, and the United States shall furnish the material for the said four dies.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be read a third time, was read the third time, and passed.

PUBLIC LANDS AND BUILDINGS IN PORTO RICO.

Mr. CRUMPACKER. Mr. Speaker, I call up a conference report on the bill (H. R. 14244) authorizing the President to reserve public lands and buildings in the island of Porto Rico for public purposes, and granting other public lands and buildings to the government of Porto Rico, and I ask unanimous consent that the reading of the report be omitted and the statement only be read.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the statement only be read. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

The managers on the part of the House on the disagreeing vote of the two Houses on the Senate amendments to House bill No. 14244 respectfully state that the Senate recedes from its amendments Nos. 4 and 7, and that the House recedes from its disagreement to Senate amendments Nos. 1, 2, 3, 5, 6, and 8, and agrees to the same.

Amendment No. 4, from which the Senate recedes, provided that the Secretary of War should make a survey of the harbors of the island of Porto Rico with a view of determining what improvements are necessary in the interest of commerce and navigation, and that the expense thereof should be paid out of the contingent appropriation for surveys of rivers and harbors.

Amendment No. 7, from which the Senate recedes, provides for the application of the naturalization laws of the United States to the inhabitants of Porto Rico and the Philippine Islands. Both of these amendments go out.

Amendments Nos. 1 and 2, to which the House agrees, are of an immaterial character.

Amendment No. 3 provides that rights which accrue under contracts, leases, and licenses made by the United States prior to May 1, 1900, shall not be affected by the bill.

Amendment No. 5 appropriates the sum of $2,000 to be used, under the supervision of the United States district judge for Porto Rico, in the purchase of a law library for the use of the United States district court therein.

Amendment No. 6 provides that the resident commissioner from Porto Rico to the United States shall, in addition to his salary, be allowed his actual traveling expenses to and from Porto Rico once each year; and further provides that his term of office shall commence on the 4th day of March next succeeding his election; and that the term of the present incumbent shall be extended until the 3d day of March, 1903.

Amendment No. 8 amends the title.

E. D. CRUMPACKER,
J. G. CANNON,
J. R. WILLIAMS,
Managers on the part of the House.

The report is as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14244) authorizing the President to reserve public lands and buildings in the island of Porto Rico for public uses, and granting other public lands and buildings to the government of Porto Rico, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4 and 7.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 5, 6 and 8, and agree to the same.

E. D. CRUMPACKER,
J. G. CANNON,
J. R. WILLIAMS,
Managers on the part of the House.

J. B. FORAKER,
GEO. PEABODY WETMORE,
F. M. COCKRELL,
Managers on the part of the Senate.

Mr. CRUMPACKER. Mr. Speaker, I move that the report be adopted.

The SPEAKER. The question is on the motion of the gentleman from Indiana that the report be adopted.

The question was taken; and the report was adopted.

CONSTRUING ACTS GRANTING PENSIONS TO SOLDIERS AND SAILORS.

Mr. GIBSON. Mr. Speaker, I call up the privileged report from the Committee on Invalid Pensions on Senate resolution No. 8, construing the act approved June 27, 1890, entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents," and I ask unanimous consent that it may be considered at this time in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the conference report he calls up may be considered in the House as in the Committee of the Whole. The Clerk will first read the resolution.

The resolution as amended by the committee was read, as follows:

Resolved, etc., That the act approved June 27, 1890, entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents," is construed and held to include all persons and the widows and minor children of all deceased persons, subject to the limitations of said act, who served for ninety days in the military or naval service of the United States during the late war of the rebellion, and who have been honorably discharged therefrom, and section 4716, Revised Statutes United States, is amended accordingly: *Provided, however*, That the foregoing shall not apply to those who served in the First, Second, Third, Fourth, Fifth, and Sixth regiments United States Volunteer Infantry who had a prior service in the Confederate army or navy and who enlisted in said regiments while confined as prisoners of war under a stipulation that they were not to be pensionable under the laws of the United States, nor to those who, having had such prior service, enlisted in the military or naval service of the United States after the 1st day of January, 1865.

SEC. 2. That in the administration of the pension laws any enlisted man of the Army, including regulars, volunteers, and militia, or any appointed or enlisted man of the Navy or Marine Corps, who was honorably discharged from the last contract of service entered into by him during the late war of the rebellion, shall be held and considered to have been honorably discharged from all similar contracts of service previously entered into by him with the United States during said war: *Provided*, That such enlisted or appointed man served not less than six months under said last enlistment or appointment, that his entire service under said last enlistment or appointment was faithful, and that he did not receive by reason of said last enlistment or appointment any bounty or gratuity other than from the United States in excess of that to which he would have been entitled if he had continued to serve faithfully until honorably discharged under any contract of service previously entered into by him, either in the Army, Navy, or Marine Corps, during the war of the rebellion.

Mr. KLEBERG. Mr. Speaker, reserving the right to object, I would like my colleague on the committee to give us an explanation of the bill.

The SPEAKER. The first question is on the request for unanimous consent that it be considered in the House as in the Committee of the Whole.

Mr. KLEBERG. Mr. Speaker, reserving the right to object, I would like to have an explanation of the resolution.

Mr. GIBSON. Mr. Speaker, I would state to my colleague from Texas that the question is not yet before the House. Under the rules of the House the proper procedure is to go into the Committee of the Whole House on the state of the Union for the consideration of the resolution, but I thought instead of going into the Committee of the Whole we would consider it in the House as in the Committee of the Whole and thus shorten and simplify the consideration. That is the question now—whether we will consider it in the House as in the Committee of the Whole. It is not a question of unanimous consent for the consideration of the resolution, for the resolution is privileged.

Mr. GAINES of Tennessee. Before unanimous consent is given, the gentleman asks that the resolution be explained, so that he will know whether he will give consent or not.

Mr. GIBSON. That will be done when we get into the Committee of the Whole.

Mr. GAINES of Tennessee. The unanimous consent is to go into the Committee of the Whole.

Mr. GIBSON. I will state to the gentleman that this is a privileged question. It does not depend on the unanimous consent of the House. We have a right to move to go into the Committee of the Whole. Of course it takes a majority vote to go into the committee.

Mr. GAINES of Tennessee. I understood the Speaker to state the proposition that the gentleman asked unanimous consent to go into the Committee of the Whole.

The SPEAKER. The gentleman has called up a privileged repost which, if anyone objects, must be first considered in the Committee of the Whole House on the state of the Union. He has asked unanimous consent that it may be considered in the House as in the Committee of the Whole House on the state of the Union. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the committee amendments.

Mr. KLEBERG. Now, Mr. Speaker, I would like my colleague to give us an explanation.

Mr. GIBSON. Mr. Speaker, I move the adoption of the committee amendments, and on that I would like to be heard.

The SPEAKER. The gentleman from Tennessee is recognized.

Mr. GIBSON. Mr. Speaker, I will state to the House that the act of June 27, 1890, on the subject of pensions, was originally intended to include all soldiers who served ninety or more days in the Army of the United States during the war of the rebellion and received an honorable discharge. When the matter was originally presented in the Senate, in 1890, the question was raised whether the bill included the men who served a while in the Confederate army and afterwards joined the Army of the United States and served faithfully to the end. It was stated by the Senator in charge of the bill that it did include those men who served in the

Confederate army and afterwards left that army and had a long and honorable service in the Union Army.

On that statement of facts the bill passed the Senate and the House, and the Commissioner of Pensions for over four years construed the law to include those men who served a while in the Confederate Army and afterwards served ninety or more days in the Army of the United States and received an honorable discharge. But under Mr. Cleveland's Administration, by order of the Secretary of the Interior, Hoke Smith, the rule of construction was changed; and it was held that section 4716 of the Revised Statutes cut out the class of men I have referred to. I will read that section:

No money on account of pensions shall be paid to any person, or to the widow, children, or heirs of any deceased person, who in any manner voluntarily engaged in or aided or abetted the late rebellion against the authority of the United States.

The Commissioner of Pensions under Mr. Cleveland's Administration, acting under the orders of Hoke Smith, Secretary of the Interior, held that that section cut out the men who had once served in the Confederate Army, notwithstanding a long and honorable subsequent service in the Federal Army and notwithstanding the statement made in the Senate when the bill was passed in 1890 that section 4716 was not "applicable."

Mr. Speaker, this section, 4716, which I have just read, has been repealed as to seven classes of soldiers. It was repealed by an act passed on March 9, 1878, as to the widows of those soldiers who served in the Revolutionary war. It was repealed by the same act as to those ex-Confederates who had served in the war of 1812 with England. It was repealed by the act of January 29, 1887, as to those ex-Confederates who had served in the Mexican war, and as to their widows. It was repealed by the act of July 27, 1892, as to those ex-Confederates who served in the Indian wars. It was repealed by the act of April 18, 1900, as to those ex-Confederates who served in the Spanish war. It was repealed by the act of March 3, 1877, as to those ex-Confederates who incurred a pensionable disability in the United States Army; and it was repealed August 1, 1892, as to those ex-Confederates who incurred a pensionable disability in the United States Navy; in all, seven partial repeals.

Mr. Speaker, under the law as it stands a man who served sixty days in the Mexican war and afterwards served four years in the Confederate Army is pensionable, while a man who served one day in the Confederate Army, conscript though he may have been, who escaped the next day and joined the Union Army the third day and served in the Union Army four years, can not draw any pension under the act of 1890. Sixty days' service in the Mexican war counts more than four years' service in the war for the Union as the law now stands.

Not only that, but under the act passed July 27, 1892, the men who served thirty days in the Indian wars and afterwards served in the Confederate Army are entitled to pensions, although they may have served four years in the Confederate Army. So a man who served thirty days in the Indian war is honored more than a man who served thirty months in the Army of the United States fighting for the preservation of the Union. Mr. Speaker, I can see no justice or patriotism in this discrimination, and we should wipe it out.

Mr. KLEBERG. Will the gentleman yield for a moment?

Mr. GIBSON. Yes.

Mr. KLEBERG. Will the gentleman, after the close of his remarks, yield to me a few minutes in opposition to the bill?

Mr. GIBSON. With great pleasure.

Those who served in the Indian wars are only required to show thirty days' service. Now, it so happens, Mr. Speaker, that a large portion of the men who served in the Indian wars served in the Confederate army, and many of them served for years, yet we have removed the ban from them, although they never served a day in the Union Army, and were only required to serve thirty days in an Indian war, most of them engaged in removing the Creeks, Cherokees, and Seminoles from Alabama, Georgia, and Florida to the country west of the Mississippi River, now the Indian Territory.

Yet those of them who served two, three, and four years in the Confederate army are to-day drawing pensions, while the Union man caught in Tennessee, or in North Carolina, or in northern Georgia, or in northern Alabama, and conscripted into the Confederate army for a week or a month, escaping as soon as he could, often traveling by night in order to join the Federal Army 200, 300, or 400 miles away, and serving honorably in the Army of the Union all through the war of the rebellion, is barred out, is treated no better than if he had served four years in the Confederate army and had never served in the Union Army at all.

Mr. CANDLER. Will the gentleman yield for a question?

Mr. GIBSON. Certainly.

Mr. CANDLER. I want to know the effect of this resolution. I could not hear all of the gentleman's remarks. The question I want to ask is whether or not the object and purpose of this resolution is to make it possible under the law for a man who enlisted in the Confederate Army and served for a while in that army, and then afterwards enlisted in the Union Army and served in that Army and got an honorable discharge, to receive a pension; whether it is for the purpose of repealing the statute that prevents him from receiving a pension and authorizes the Pension Bureau to grant him a pension under those circumstances.

Mr. GIBSON. That is the object of the resolution.

Mr. CANDLER. That is the entire purpose of the act?

Mr. GIBSON. The resolution would make the man pensionable under the act of 1890.

Mr. CANDLER. Under the act of 1890?

Mr. GIBSON. Yes; provided he joined the Union Army before the 1st of January, 1865.

Mr. CANDLER. Prior to January, 1865. After that he would not be pensionable?

Mr. GIBSON. Joining after January 1, 1865, would cut him out. I say that he ought to be in, but the committee have not so reported.

Mr. CANDLER. One other question. A man dropped from the roll for this very reason, because of the fact that he had served in the Confederate army, and afterwards enlisted in the Union Army, and granted a pension, and dropped from the rolls because this fact was discovered—would he be entitled to reinstatement under this act?

Mr. GIBSON. He would be, provided he enlisted in the Union Army prior to the 1st of January, 1865.

Mr. RAY of New York. Mr. Speaker, I desire to ask my friend if under this bill this class of soldiers will be pensionable. I will describe them. A man enlisted voluntarily in the Confederate army, served in that army until near the close of the war, when it became evident that the Confederate cause was lost. He then deserted from the Confederate army and joined the Union Army and served for more than ninety days in the Union Army, and, of course, received an honorable discharge. Will this bill place upon the pension rolls such a soldier as that?

Mr. GIBSON. It will not put him upon the pension roll. He is cut out. The resolution cuts out all who joined our Army as late as January 1, 1865. But I want to say here, so far as I am concerned, that I do not think that any discrimination as to date of enlistment ought to be put in. I say that any ex-Confederate who served in the Federal Army ninety days, made a good soldier, and received an honorable discharge should stand on the same basis under the law as any other man who served ninety days and received an honorable discharge. Where the service is the same the reward should be the same. The United States gladly accepted these soldiers when they offered to enlist, and should treat them all alike.

Mr. KLEBERG. Will the gentleman allow me to ask him a question?

Mr. GIBSON. Certainly.

Mr. KLEBERG. Does it include those very men that have served one year in the Union Army which the gentleman from New York confined to ninety days, and would it not include them if they served one year before the 1st of January?

Mr. GIBSON. It is possible there may be a few cases of that sort, if I understand the gentleman.

Now, Mr. Speaker, there is a class of ex-Confederates as to whom this disability has already been removed. It is the class that served in the Confederate Army, some of them for many months, and then joined the Union Army and incurred disability while they were in the Union Army. Now, that kind of a man may have served four years in the Confederate Army; he may have served in the Confederate Army down to Lee's surrender; he may have surrendered with Lee on the 9th day of April, 1865, and the next day joined the Federal Army and incurred disability therein.

He is now pensionable under the law, although he may have served in the Union Army less than a week; but the Union man, conscripted in Georgia, Alabama, North Carolina, Virginia, or Tennessee, forced into the Confederate Army, escaped the next week, traveling a hundred miles or 500 miles to get to the Union Army, joined the Union Army, and served with that Army four years, never in hospital, never incurred any wounds or any disease—that man is not pensionable under the laws of the United States.

Mr. Speaker, is that just? Is it just to draw this discrimination against a man who served so long and so faithfully in the Union Army and was so true to the Government and the flag of his country, and yet pension men who served years in the Confederate army and never joined the Union Army until Lee surrendered at Appomattox Court-House, just because they happened to incur a disability in our Army? Now I want to say to my friends on the other side that this resolution is a step to strike the word "disloyalty" from our statute books.

It is a step in that direction, and a very large proportion of the

friends of this resolution are on your side. There are no politics in this resolution. A large proportion of the bills presented to the Invalid Pensions Committee for relief from section 4716 have been introduced by Democratic members, and our committee have treated Democrats and Republicans alike in the matter of pensions. I now yield to the gentleman from Texas. How much time does he wish?

Mr. KLEBERG. Five minutes.

Mr. GIBSON. Then I yield five minutes to the gentleman.

Mr. KLEBERG. Mr. Speaker, I crave the attention of the House for a few moments to this important bill. As a member of the Invalid Pensions Committee I wish to make my protest against this bill. I think I have evinced a spirit of willingness as long as I have been in this House and on that committee to do everything in the world that is reasonable for the old Union soldier. As an old ex-Confederate I stand here more than willing to do more than justice to the old Union soldier, and to do all that is reasonable for the one who took his part in fighting for his country under the Stars and Stripes; but I am unwilling to offer a prize upon disloyalty.

I am unwilling that the man who first enlisted in the Confederate service, and served as a soldier in the Confederate service, and then possibly deserted, and, in the language of the gentleman from New York, when the thing got too hot, possibly went over to the other side and joined the Union Army, should now claim pension as Union soldiers. I do not think this great nation ought to recognize that kind of a soldier. I stand here as an ex-Confederate, and proud of that record, and also proud of the record that was made by the Union soldier on the other side. I do not want to place a price on disloyalty and pension the man who fought a while on the Confederate side, and when the clouds of adversity possibly stood over the Confederate cause went over to the other side and fought a while on the Union side, and for aught we know possibly deserted again and fought again on the Confederate side.

I do not believe that this great nation ought to give pensions to that class of soldiers. The pension list ought to be a list of honor. The soldiers who fought for the nation are entitled to these pensions. I am willing to extend them to them and give them all reasonable pensions, but when it comes to ex-Confederates who fought on both sides, I do not want to give them a prize for disloyalty. If a man was conscripted, if he went involuntarily into the service, give him a pension if he can show it. We have passed pension bills here under such state of facts.

This law includes all soldiers who went voluntarily or involuntarily into the Confederate service and then deserted to the other side and stayed there a while. Now, I do not think that that kind of a bill ought to pass, and if this be the last bar or exception, I believe in keeping it up.

Mr. WANGER. Will the gentleman allow me an interruption?

Mr. KLEBERG. Certainly.

Mr. WANGER. What effect, if any, will this have upon the class of persons known as professional bounty jumpers?

Mr. KLEBERG. Well, I suppose it will be very favorable to them, and for that reason and for other reasons I am not in favor of it. I do not know how many it will help, but I do not believe that men should have a pension who have fought on both sides, who promised to be loyal to both sides. Such a man can not be loyal to either side, and therefore I do not think they ought to be recognized.

I am perfectly willing to forget everything. I have. I am as loyal as anybody. I buried the hatchet, and am as loyal a citizen now as anybody, and I am proud of it. [Applause.] You might just as well, with just as much right, pension me or any other Confederate soldier. Pensions are given for loyalty to the United States at that time. That is the reason that pensions are given to Union Soldiers, and I do not believe their record of honor ought to be besmirched by men who have fought, or at least who have enlisted on both sides of the cause. [Applause.]

Mr. GIBSON. I now yield five minutes to the gentleman from Indiana [Mr. ZENOR].

Mr. ZENOR. Mr. Speaker, I very much appreciate the sentiments expressed by my friend from Texas [Mr. KLEBERG], in which he disclaims any feeling of prejudice or animosity toward those who were engaged in the service of the Union Army during our unpleasantness. But, Mr. Speaker, I think that full justice will never be done to all of the soldiers who served in the Union Army until this bill is enacted into law.

On July 14, I believe it was, 1852, the Congress of the United States enacted section 4716. This is the section that imposes disabilities upon those who served in the Confederate army and who subsequently joined and served in the Union Army, and who are cut off from the benefits of the act of 1890, the law imposing the disabilities, as in the section just read by my friend from Tennessee [Mr. GIBSON], upon all soldiers who had a short or a long period of service in the Confederate army and subsequently joined the Union Army, even though they were wounded in battle or incurred disabilities in the line of duty.

The first act of Congress recognizing the justice of this class of men that joined the Confederate army, whether through fear or patriotic motives, or otherwise, subsequently and shortly thereafter joined the Union Army, and served three or nearly five years, almost the entire period of the war. The Pension Bureau recognized the justice of the claims of this class of men who had first enlisted in the Confederate service but subsequently joined the Union Army and served two or three years, and were wounded in battle or incurred disabilities, that they could not receive a pension at the hands of the Government. The first act of Congress passed thereafter was to remove disabilities from all soldiers who had Confederate service but subsequently joined the Union Army and were wounded in battle and incurred disabilities in the line of duty. That will apply only to those who served in the Army in the first instance by enabling that class of meritorious soldiers to obtain benefits from the pension laws of this country.

It was subsequently discovered that that law was not broad enough to include those who had enlisted in the Navy. So Congress subsequently enacted another statute removing this disability from those who had enlisted in the Navy and had incurred disability in the line of duty. Subsequently, recognizing the justice to many old soldiers who served throughout the war in the Union Army, and those who had served in the war of 1812, and those who had served in the Mexican war of 1846, acts of Congress were enacted removing all the disabilities incurred by reason of a long period of service in the Confederate Army, though many of those soldiers did not serve the entire period of Confederate service. Some of the old Mexican veterans enlisted in that war and served throughout. All these disabilities have been removed.

There are no disabilities imposed to-day by any statute on the statute book upon the old soldiers who served in the Union Army who can not get the benefit of the provisions of the act of 1890, except those who have, some of them, had a short Confederate service, some of them a little longer service; but all of those who failed to enlist in the Union Army, who failed to have service in the Union Army for three months, and received an honorable discharge, are excluded under the provisions of this act. No soldier who enlisted after January 1, 1865, is entitled to the benefit of the provisions in the act of June 27, 1890.

I say, therefore, that the bill applies to a meritorious class of soldiers. There are not many of this class in the country at present. About four years ago the Commissioner of Pensions in his report stated that there were not exceeding 1,000——

[Here the hammer fell.]

Mr. GIBSON. I give the gentleman two minutes more.

Mr. ZENOR. Mr. Speaker, 800 or 900 of these old soldiers would receive the benefit of this bill if enacted. The bill has been indorsed by the Commissioner of Pensions. In fact, it has been indorsed by several Commissioners of Pensions. To-day there are, perhaps, not more than six or seven hundred living who would receive the benefit of this bill if enacted into law.

In addition to that, Mr. Speaker, there are many of those men, as I have said, who have had a long period of service in the Union Army, Some of them to-day are in such a condition that but for the aid of charity they would be in the poorhouses. In my own district I know one man who, if not supported by charity, would be there. He had a Confederate service of about eight months. When the war broke out, while an apprentice boy at the city of Nashville, he was pressed into the Confederate service, as he says.

[Here the hammer fell.]

Mr. GIBSON. I move the previous question.

The previous question was ordered; and under the operation thereof the amendments were agreed to.

The joint resolution as amended was ordered to a third reading, read the third time, and passed, there being on a division (called for by Mr. KLEBERG)—ayes 97, noes 19.

On motion of Mr. GIBSON, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

By unanimous consent, the title of the joint resolution was amended so as to read: "Joint resolution construing the act approved June 27, 1890, entitled 'An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents,' and for other purposes."

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States was communicated to the House by Mr. BARNES, one of his secretaries, who announced that the President had on the following dates approved and signed bills of the following titles:

On June 30, 1902:

H. R. 12804. An act making appropriations for the support of the Army for the fiscal year ending June 30, 1903;

H. R. 10279. An act to pay the claim of Stephen B. Halsey;

H. R. 621. An act for the relief of Daniel Cherry;
H. R. 12205. An act to provide for circuit and district courts of the United States at Valdosta, Ga.;
H. R. 8108. An act for the relief of John Hornick;
H. R. 2978. An act for the relief of Joseph H. Penny, John W. Penny, Thomas Penny, and Harvey Penny, surviving partners of Penny & Sons;
H. R. 12648. An act to establish a regular term of United States district court in Roanoke City, Va., and for other purposes;
H. R. 8586. An act amending the act of March 2, 1901, entitled "An act to carry into effect the stipulations of Article VII of the treaty between the United States and Spain, concluded on the 10th day of December, 1898;"
H. R. 2063. An act amending an act creating the middle district of Pennsylvania;
H. R. 2066. An act to change the terms of the district court for the eastern district of Pennsylvania;
H. J. Res. 6. Joint resolution in relation to monument to prison-ship martyrs at Fort Greene, Brooklyn, N. Y.;
H. J. Res. 182. Joint resolution authorizing the Director of the Census to compile statistics relating to irrigation; and
H. J. Res. 198. Joint resolution giving authority to the Commissioners of the District of Columbia to make special regulations for the occasion of the thirty-sixth national encampment of the Grand Army of the Republic, to be held in the District of Columbia in the month of October, 1902, and for other purposes incident to said encampment.

On July 1, 1902:

H. R. 2494. An act for the allowance of certain claims reported by the accounting officers of the United States Treasury Department;
H. R. 14019. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes;
H. R. 12086. An act to extend the time for the construction of the East Washington Heights Traction Railroad Company;
H. R. 11400. An act to amend an act entitled "An act in relation to taxes and tax sales in the District of Columbia," approved February 28, 1898;
H. R. 2641. An act for the relief of Albion Christie;
H. R. 15270. An act to amend an act entitled "An act authorizing the Aransas Harbor Terminal Railway Company to construct a bridge across the Corpus Christi Channel, known as the Morris and Cummings ship channel, in Aransas County, Tex.;"
H. R. 367. An act for the relief of Angus A. McPhee;
H. R. 3690. An act for the relief of Jacob L. Hanger;
H. R. 97. An act to authorize the Secretary of War to furnish certificates in lieu of lost or destroyed discharges;
H. R. 5809. An act for the further distribution of the reports of the Supreme Court, and for other purposes;
H. R. 8327. An act to amend an act entitled "An act for the protection of the lives of miners in the Territories;"
H. R. 9960. An act to prevent a false branding or marking of food and dairy products as to the State or Territory in which they are made or produced;
H. R. 11656. An act to incorporate the Society of the Army of Santiago de Cuba;
H. R. 11987. An act relating to transportation of dutiable merchandise at subports of Tacoma and Seattle, State of Washington;
H. R. 12597. An act to accept, ratify, and confirm a proposed agreement submitted by the Kansas or Kaw Indians of Oklahoma, and for other purposes;
H. R. 13172. An act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes;
H. R. 13875. An act authorizing the adjustment of rights of settlers on the Navajo Indian Reservation, Territory of Arizona;
H. R. 14082. An act to provide for the construction of a bridge by the Duluth, Pierre and Black Hills Railroad Company across the Missouri River at Pierre, S. Dak.;
H. R. 15003. An act to authorize the construction of a bridge by the New York, Chicago and St. Louis Railroad Company and the Chicago and Erie Railroad Company across the Calumet River at or near the city of Hammond, Ind., at a point about 1,200 feet east of the Indiana and Illinois State line and about 100 feet east of the location of the present bridge of the New York, Chicago and St. Louis Railroad Company across said river; also to authorize the construction of a bridge by the Chicago and State Line Railroad Company across said river at the point where said company's railroad crosses said river in Hyde Park Township, Chicago, Ill., being at the location of the present bridge of said company across said river in said township;
H. R. 15108. An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other purposes;
H. R. 1456. An act granting a pension to William G. Miller;
H. R. 3323. An act granting a pension to Daniel L. Mallicoat;
H. R. 6005. An act granting a pension to James A. Chalfant;
H. R. 6009. An act granting a pension to Absolum Maynard;
H. R. 8644. An act granting a pension to John W. Thomas;
H. R. 10856. An act granting a pension to Jacob Findley;
H. R. 11171. An act granting a pension to Elizabeth A. Nalley;
H. R. 12299. An act granting a pension to William C. Roberts;
H. R. 13598. An act granting a pension to John J. Southerland;
H. R. 14206. An act granting a pension to Mary J. Moore;
H. R. 14234. An act granting a pension to John Williamson;
H. R. 6031. An act authorizing the payment of part of the pension of Ira Steward to Adell Augusta Steward;
H. R. 2487. An act granting an increase of pension to William S. Hosack;
H. R. 3500. An act granting an increase of pension to Kate O. Phillips;
H. R. 3519. An act granting an increase of pension to John Marble;
H. R. 4170. An act granting an increase of pension to Henry P. Macloon;
H. R. 5315. An act granting an increase of pension to Orrin J. Wells;
H. R. 6871. An act granting an increase of pension to Harmon Scramlin;
H. R. 7013. An act granting an increase of pension to Jason F. Freeman;
H. R. 8840. An act granting an increase of pension to John H. Lauchly;
H. R. 9187. An act granting an increase of pension to Caroline A. Hammond;
H. R. 9308. An act granting an increase of pension to Edwin P. Johnson;
H. R. 10178. An act granting an increase of pension to Daniel Thomas;
H. R. 10321. An act granting an increase of pension to Susan A. Phelps;
H. R. 10824. An act granting an increase of pension to George F. Bump;
H. R. 10964. An act granting an increase of pension to Francis M. Beebe;
H. R. 12026. An act granting an increase of pension to Baley W. Small;
H. R. 12056. An act granting an increase of pension to Warren C. Plummer;
H. R. 12284. An act granting an increase of pension to George W. Shaw;
H. R. 12507. An act granting an increase of pension to Ebenezer W. Oakley;
H. R. 12549. An act granting an increase of pension to Ransom Simmons;
H. R. 12800. An act granting an increase of pension to Horatio N. Whitbeck;
H. R. 14042. An act granting an increase of pension to George W. Edgington;
H. R. 14182. An act granting an increase of pension to Susan B. Lynch;
H. R. 14208. An act granting an increase of pension to Alexander Murdock;
H. R. 14221. An act granting an increase of pension to Nancy J. McArthur;
H. R. 14656. An act granting an increase of pension to Charles A. Scott;
H. R. 12977. An act granting an increase of pension to William L. Church;
H. R. 13617. An act granting an increase of pension to Anne M. Luman;
H. R. 7105. An act granting an increase of pension to Silas Stotts; and
H. R. 14087. An act granting a pension to Lizzie Dunlap.

NOTIFICATION OF ADJOURNMENT OF CONGRESS.

Mr. PAYNE. I offer for present consideration the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That a committee of three members be appointed by the Chair, to join a similar committee appointed by the Senate, to wait upon the President of the United States and inform him that the two Houses have completed the business of the present session and are ready to adjourn, unless the President has some other communication to make to them.

The resolution was considered by unanimous consent, and adopted.

The SPEAKER announced the appointment of Mr. PAYNE, Mr. CANNON, and Mr. RICHARDSON of Tennessee as the committee on the part of the House under the resolution just adopted.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the report of the

committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill of the Senate (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes.

The message also announced that the Senate had passed without amendment a bill of the following title:

H. R. 15258. An act authorizing Anton Brucken to construct locks and dams in Pond River, in the State of Kentucky, and to give the consent of Congress thereto.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the joint resolution (S. R. 8) construing the act approved June 27, 1890, entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents."

ARBITRATION OF LABOR CONTROVERSIES.

Mr. McDERMOTT. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 15157) to authorize the appointment of boards of investigation and arbitration, and to define their powers and duties.

Be it enacted, etc., That whenever the President of the United States shall be informed, by petition or otherwise, that there exists in any State or States of the United States a dispute between any employer and employees, engaged in any business affecting commerce between the States, it shall be lawful for him, if he shall deem such action necessary and expedient, to appoint a board of investigation and arbitration to investigate the matters in difference between such employer and employees, and to make report thereon. The report of such board shall be made to the President, and shall be accompanied by the evidence taken during such investigation, and shall (together with all other things which the board, or any member thereof, may decide to report) include full statements upon the following points, namely:

First. A comprehensive account of the matters in dispute between the parties concerned.

Second. An account, in detail, of the wages offered to such employees, and of the cost of living in the locality in which they reside.

Third. If the employer is a corporation, a statement of its funded and floating debt, stock (authorized, and issued and outstanding), assets, surplus, profits during the five years immediately preceding such investigation, dividends earned or paid, a true valuation of the tangible property of the corporation (which shall, when practicable, be based upon the cost of reproduction), and the value of all franchises owned or controlled by such corporation.

Fourth. The opinion of each member of the board upon the justice of the demands and claims made by each party to the dispute, and the recommendation of each member of the proper course to be pursued by each party.

The existence of each board shall terminate with the filing of its final report upon the matter referred to it.

SEC. 2. That each board of investigation and arbitration shall be composed of seven members. If an employer concerned in such dispute shall designate a person whom he desires appointed to such board, the President shall appoint the person so designated. If the employees shall (either by the action of a majority of them, taken at a meeting or meetings called for that purpose, or through the officers of any labor organization of which a majority of such employees are members) designate a person whom they desire appointed to such board, the President shall appoint the person so designated. Such designation shall be made only upon request made by the President. If either or both parties to any dispute shall not, when requested so to do, designate a person to be appointed to such board, the President shall fill the vacancy caused by such failure to designate. Each of the members of such board shall, before entering upon his duties, take and subscribe to an oath or affirmation that he will faithfully and impartially examine the matters in dispute and make report in accordance with the provisions of this act, which oaths or affirmations shall be annexed to the report of such board.

SEC. 3. That each board shall hold its first meeting at such time and place as shall be designated by the President, and shall determine the rules of its proceedings and appoint such officers and agents as may be necessary for the transaction of its business. It shall be lawful for any district court of the United States, upon application for that purpose made by the chairman or any member of such board, to issue process to compel the attendance of witnesses to give evidence and the production of books and papers before such board. Disobedience to such process shall be adjudged a contempt of the court issuing the same. The board shall summon as a witness any person whose testimony is desired by any member of the board, and each party to any dispute shall be entitled to be represented by counsel, who may examine witnesses and present printed arguments under such rules as may be made by the board. Witnesses shall be entitled to the same fees that are provided for witnesses attending a district court of the United States.

SEC. 4. That each board shall conclude the taking of testimony within twenty days after its first meeting, and shall report to the President within five days after the testimony is closed: *Provided*, That the President may extend the time within which testimony may be taken upon application of said board.

SEC. 5. That if, after the apointment of said board, the parties to any dispute between employer and employees shall desire to end such dispute by arbitration it shall be lawful for them to submit all matters in difference to the arbitration of such board, which submission shall be made under such rules as may be adopted by the board. Upon the submission of any matter in dispute, as authorized by this section, the board shall consider the testimony offered by the parties and shall give judgment upon all matters submitted. Each side to any dispute thus submitted shall be represented by counsel, and a copy of the findings of the board shall be served upon the counsel of the respective parties within ten days after the closing of testimony. A report of all proceedings had under this section shall be made to the President.

SEC. 6. That oaths and affirmations shall be administered by the chairman or clerk of the board, and any person who shall testify falsely shall be deemed guilty of perjury. The term "employer" as used in this act shall be held to include "employers," "association," "company," and "corporation" as fully as if each of said terms had been herein expressed in each place where the term "employer" is used.

The amendments reported by the committee were read, as follows:

Amend section 1, line 5, by inserting after the word "dispute," the following: "in connection with which a strike or lockout has occurred or is threatened."

Same section, line 6, insert after the word "employees" the words "either of whom are;" change the word "any" to "the;" strike out the word "affecting" and insert in lieu thereof the words "of interstate or foreign."

Same section, line 7, strike out the words "between the States."

Section 1, page 2, insert instead of lines 8 to 15, inclusive, the following:

"Third. The investigation of the business carried on by the employer shall cover such period of time and such of the operations and resources of such business as are necessary for the proper investigation and consideration of the questions involved in any threatened or accomplished strike or lockout."

Add to section 1, page 2, line 21, the following:

"The members of said board shall each receive $10 for each day that he is actually engaged in the discharge of any duties prescribable by this act. All expenses of the board shall be allowed and paid on the presentation of itemized vouchers therefor approved by the chairman of the board."

Amend section 2, page 2, line 23, by changing the word "seven" to "five," after the word "of."

Add to section 6, page 5:

"No person shall be prosecuted or subject to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may testify or produce evidence, documentary or otherwise, before said board or in obedience to its subpœna."

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. ROBINSON of Indiana. Reserving the right to object, I desire to ask the gentleman from New Jersey, as this bill seems to cover the entire field of dispute between employer and employees, what requests the gentleman has had coming to him or to the Committee on Labor from labor organizations for this legislation?

Mr. McDERMOTT. Mr. Speaker, the bill may be said to have evolved itself out of the necessity of the conditions existing in this country. The bill does not come before Congress as an official request from labor organizations or from employers, but is the result of some study that I have given to the question how disputes between both these parties may be settled. I would not introduce a bill badged, if I may use the expression, with the authority of either side. I have desired to draw and present a bill that will be perfectly fair to both. There can not be any objection on the part of labor organizations to this bill.

Mr. ROBINSON of Indiana. Mr. Speaker, may I ask the gentleman when the bill was reported?

Mr. McDERMOTT. Oh, two or three days ago.

Mr. ROBINSON of Indiana. The gentleman recognizes that in an hour and a half we will adjourn the session, by virtue of the resolution already adopted, and I wanted to know whether the labor organizations had not been consulted or whether they have criticised the bill to his knowledge.

Mr. McDERMOTT. I have not asked the criticism of anybody, except one concerned in the forum where the bill is presented. If there is objection and we adjourn in an hour and a half, they will have in another forum the right to present objections to it. With somewhat of a knowledge of the necessities of labor organizations and somewhat of a knowledge of the conditions that now exist in this country, and as a result of somewhat of study as to what should be done under those conditions, I have presented this bill. Of course it can not become a law without their having an opportunity to object to it.

Mr. ROBINSON of Indiana. The gentleman recognizes the absolute impossibility of giving any large consideration to it, and I only desire to have it stated on the floor as to whether the labor organizations were asking for this legislation.

Mr. McDERMOTT. No; they are not.

Mr. SULZER. Mr. Speaker, will the gentleman yield?

Mr. McDERMOTT. Yes.

Mr. SULZER. As I understand, this bill does not provide in any way for compulsory arbitration.

Mr. McDERMOTT. Not at all.

Mr. SULZER. There can not be any objection to this bill.

Mr. ROBINSON of Indiana. I have presented no objection. I wanted to make the inquiry.

Mr. McDERMOTT. I will explain the bill in one moment. I think there should be power in the President, when requested to do so, to appoint a board of arbitration. This bill provides that wherever there is a lockout or a threat of a lockout or a dispute between employers and employees affecting interstate commerce, the President, either on his own motion or on a request made to him may appoint a board of five.

Two of the members of that board are to be nominated, one by the employers, one by the employees, who may be represented by a labor union. The five thus appointed are to investigate the conditions between the employers and the employees, and they are to report to the President of the United States a comprehensive account of the matters in dispute between the parties concerned. Second, an account in detail of the wages offered to the employees

and of the cost of living in the locality where they reside is to be reported. Third, they are to investigate relations between employers and employees for such time as they may determine, and fourth, they are to report the opinion of each member of the board upon the justness of the demands and claims made by each party to the dispute, and the recommendation of each member of the board as to the course to be pursued by each party.

Now, I have provided that every member of that board shall make a report of what he considers should be the course pursued by each of the parties to the dispute. Of course under our Constitution it is absolutely impossible to give this finding any judicial force. It is impossible to follow it up, but where you have a board representing employer and employee and the nation, and that board reports to the President, then you have it in the forum of public opinion to determine on the truth of the difference between capital and labor, and the side that is wrong will have to yield to public opinion.

The condition in this country is one not affecting the miners employed in the coal fields, but affecting the employment of millions of men in every city in this country, affecting them here within the city of Washington to such an extent that in twenty days from this moment it will be impossible to carry on any business of transportation within this city, because coal is absolutely unobtainable, and there are not 10,000 tons within the District of Columbia. Soft coal is selling to-day in this District for more than $5 a ton, and even at that price it is impossible to obtain it; and it was simply because of my relations to interests that must have coal in order to supply power that I was led to draw this bill, a bill that I think perfectly safe in its provisions.

Now, the title of the bill indicates that it is a bill not only of investigation, but that it is a bill of arbitration. You can not force arbitration, but the last section of this bill provides that if in the course of the investigation of the dispute between employer and employee both sides desire to turn this board into a board of arbitration, they shall have the power to do so. Now, the judgment of that board of arbitration in a matter affecting interstate commerce would be nil, it would have no judicial force, but it would nevertheless be a judgment rendered in the forum of public opinion, and where you have one or two employers on one side and two or three hundred thousand employees on the other side, that is the only forum in which you can get a judgment that amounts to anything.

The design of creating the board was not to create a permanent bureau, and therefore every dispute is to be referred to a separate board. The life of the board expires with the investigation of the particular matter referred to it by the President. I do not mean to say that there may not be raised hundreds of objections to any scheme that looks to propositions of investigation of disputes between employer and employee; but I believe that it is proper for the nation, affected as it is from Maine to California by some of these labor agitations and disputes, to provide a forum in which the great judge of public opinion may be invited to sit; and he having rendered his judgment, I believe that judgment will be as effective as the ordinary judgment given in cases of arbitration where neighbor and neighbor dispute.

Mr. BURK of Pennsylvania. I object to the consideration of the bill.

The SPEAKER. Objection is made by the gentleman from Pennsylvania [Mr. BURK].

Mr. McDERMOTT. I move to suspend the rules and pass the bill.

The SPEAKER. The Chair can not recognize anyone to suspend the rules at this late hour.

DANISH WEST INDIA ISLANDS PURCHASE.

Mr. DALZELL. I submit a report of the select committee to investigate the facts connected with the purchase of the Danish West India Islands.

The SPEAKER. The gentleman from Pennsylvania [Mr. DALZELL] submits a privileged report.

Mr. DALZELL. Mr. Speaker, a large portion of the report consists of a recital of the charges and of the testimony, and unless the House is desirous of having it all read I suggest that the substance of the report is contained in what I have marked on pages 1, 2, and 7.

The SPEAKER. The Chair thinks that none of it ought to be read, and certainly there is no time to read it. The Chair suggests that it be read by its title, printed as a House document, and referred to the Committee of the Whole House. The Clerk will read the title.

The Clerk read as follows:

Report of the Special Committee to Investigate the Facts Connected with the Purchase of the Danish West India Islands.

Mr. COUSINS. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Iowa rise?

Mr. COUSINS. I should like to have this report read.

The SPEAKER. The report has been disposed of. It has been referred to the House Calendar.

Mr. ESCH. Mr. Speaker——

The SPEAKER. The gentleman from Wisconsin is recognized.

Mr. ESCH. I ask unanimous consent for the present consideration——

Mr. COUSINS. Oh, no, Mr. Speaker, a high privilege is not disposed of in that way.

The SPEAKER. The report was made and referred to the House Calendar with the knowledge and consent of the House. No one objected.

Mr. COUSINS. Then it is privileged to be called up at any time. No motion was made to reconsider.

Mr. DALZELL. There is no disposition——

The SPEAKER. The Chair supposes that it is privileged to be called up if desired.

Mr. RICHARDSON of Tennessee. I suggest that no legislation is recommended.

The SPEAKER. There is no recommendation accompanying the report. All that has been done so far as the report is concerned is to put it on the Calendar, but the Chair thinks it can be called up if the gentleman desires to call it up.

Mr. COUSINS. I think it ought to have respectful consideration.

The SPEAKER. What is the gentleman's pleasure in regard to it?

Mr. COUSINS. Well, I will call it up at the pleasure of the Speaker.

The SPEAKER. Some motion must be made. There is no recommendation in the report.

Mr. COUSINS. No motion has been made to reconsider and lay on the table?

The SPEAKER. It is not necessary that that be done.

Mr. COUSINS. I move to reconsider the motion by which it was referred to the Calendar.

The SPEAKER. There was no motion of that kind made. No motion was made with respect to this.

Mr. COUSINS. Well, it is a privileged report, anyway.

The SPEAKER. It is a privileged report.

Mr. COUSINS. The highest privilege that is known.

The SPEAKER. The Chair has stated to the gentleman that it may be called up from the House Calendar for consideration.

Mr. COUSINS. At any time?

The SPEAKER. At any time; but there is no recommendation in this, nothing but a cool statement of facts in the report.

Mr. COUSINS. I move to take it up now.

The SPEAKER. The gentleman has a right to do that. He has a right to call it up.

Mr. RICHARDSON of Tennessee. I presume if it is taken up it is for debate, and of course the time will be equally divided. We desire to be heard.

The SPEAKER. That is all the use that can be made of it—for debate.

Mr. RICHARDSON of Tennessee. There is no legislation in it. If it is to be debated, we desire half the time, of course.

Mr. COUSINS. What time does the gentleman desire?

Mr. RICHARDSON of Tennessee. I do not want any, unless you take time, and then that I have the same time.

Mr. COUSINS. Oh, well, what is the hour of adjournment, Mr. Speaker?

The SPEAKER. Five-thirty is the hour fixed upon by the Congress for adjournment of this session. The gentleman has a right to an hour.

Mr. COUSINS. All right. I want to yield to the gentleman from Tennessee whatever is reasonable.

Mr. UNDERWOOD. Mr. Speaker, I move that the House take a recess for one hour.

Mr. MANN. I raise the question of consideration.

The SPEAKER. The gentleman from Illinois raises the question of consideration. That is unquestionably the right of the gentleman from Illinois.

Mr. COUSINS. A question of the highest privilege puts this report before this House.

The SPEAKER. The Chair overrules that point. The House has the right to raise the question of consideration on this proposition.

Mr. MANN. I withdraw the question of consideration.

The SPEAKER. Does the gentleman withdraw his demand?

Mr. MANN. I do.

Mr. BARTLETT. I raise the question of consideration on this measure.

The SPEAKER. The gentleman from Georgia renews the question of consideration.

Mr. UNDERWOOD. Pending that, I move that the House take a recess for one hour.

The SPEAKER. The question is on consideration.
Mr. BARTLETT. I withdraw the question of consideration.
Mr. RICHARDSON of Tennessee. Mr. Speaker——
The SPEAKER. For what purpose does the gentleman from Tennessee address the Chair?
Mr. RICHARDSON of Tennessee. I desire to ask as a parliamentary inquiry as to what is to be considered. The question of consideration has been suggested.
The SPEAKER. The question is the matter before the House, but the gentleman from Alabama moves to take a recess for one hour.
Mr. RICHARDSON of Tennessee. Well, I will not object.
Mr. UNDERWOOD. Mr. Speaker, it is evident that no business will be transacted, as the House is not in a humor to, and an hour will give us time to hear the report of the committee. [Cries of "Regular order!"]
The SPEAKER. The regular order is the motion of the gentleman from Alabama that the House take a recess for one hour.
The question was taken; and the Speaker announced that the noes appeared to have it.
Mr. UNDERWOOD. Division.
The House divided, and there were—ayes 32, noes 101.
So the House refused to take a recess.
Mr. BURK of Pennsylvania. Mr. Speaker, I desire to withdraw my objection to the consideration of the bill H. R. 15157.
The SPEAKER. That is not before the House. A matter of higher privilege is before the House.
Mr. BARTLETT. Mr. Speaker——
The SPEAKER. For what purpose does the gentleman desire to address the Chair?
Mr. BARTLETT. I desire to withdraw my question of consideration on this bill.
The SPEAKER. The gentleman withdraws the question of consideration, and the gentleman from Iowa is recognized, and will proceed.
Mr. SULZER. A parliamentary inquiry.
The SPEAKER. The gentleman will state it.
Mr. COUSINS. Mr. Speaker——
The SPEAKER. A parliamentary inquiry is pending.
Mr. SULZER. As I understand the situation, this matter was referred to the Calendar and ordered to be printed as a House document. If that is so, it seems to me that the matter can not be brought up by the gentleman from Iowa in this way at this time.
The SPEAKER. The matter is of high privilege, and can be called up from the Calendar by the gentleman from Iowa. There is no question about that.
Mr. RICHARDSON of Tennessee. A parliamentary inquiry, Mr. Speaker.
The SPEAKER. The gentleman will state it.
Mr. RICHARDSON of Tennessee. I desire to know if the time is to be equally divided. I am perfectly willing to discuss this matter, but I do insist that we should have the time equally divided upon the discussion.
Mr. COUSINS. Very well; that will suit me exactly. How much time do you want?
Mr. RICHARDSON of Tennessee. The same time as you use.
Mr. COUSINS. How much?
Mr. RICHARDSON of Tennessee. I do not know how much you are going to use.
Mr. COUSINS. Well, how much would the gentleman desire?
Mr. RICHARDSON of Tennessee. I want exactly the time that the gentleman from Iowa uses.
Mr. COUSINS. Indicate how much you would like.
Mr. RICHARDSON of Tennessee. If the gentleman will indicate how long he will occupy the floor.
Mr. COUSINS. You brought this before the House. How much time do you think ought to be given? I will say twenty-five or thirty minutes.
Mr. RICHARDSON of Tennessee. I want as much as you use.
Mr. COUSINS. The gentleman is very liberal. I yield twenty-five minutes to the gentleman, and if the gentleman wishes to say anything in regard to it, I yield to the gentleman from Tennessee first. [Great laughter.]
The SPEAKER. The gentleman from Tennessee.
Mr. RICHARDSON of Tennessee. I have no desire to occupy the floor.
The SPEAKER. Does the gentleman desire to reserve his time?
Mr. RICHARDSON of Tennessee. Yes; I reserve my time.
Mr. COUSINS. Now, Mr. Speaker——
The SPEAKER. Does the gentleman from Iowa reserve his time? [Great laughter.]
Mr. COUSINS. Not at all.
The SPEAKER. Then the gentleman from Iowa is recognized.
Mr. COUSINS. The gentleman reserved his time. Of course, if they want to use their time, they must use it now; for I have the right to close. If they have anything to say at all it must be said now.
The SPEAKER. The only certainty is that the gentleman from Iowa [Mr. COUSINS] has an hour, of which he has yielded twenty-five minutes to the gentleman from Tennessee [Mr. RICHARDSON], which the gentleman wishes to reserve. In that state of the case the gentleman from Iowa can proceed and use the entire hour if he desires. [Laughter.]
Mr. COUSINS. Except for the extraordinary character of this so-called "report" of Mr. W. Christmas Dirckinck Holmfeldt, authentically vouched for and solemnly spread upon the records of Congress some three months ago by the honorable gentleman from Tennessee (assisted by the honorable gentleman from Alabama), the whole matter might be passed without a moment's serious thought. But there are features of the fiasco so attractive that we tarry with them. Sometimes the ridiculous becomes so interesting that it deserves registration, and when skillfully mixed with a showing of seriousness and solemnity it is almost unavoidable.
During the brief moments that elapsed while this extraordinary Christmas present was being so dramatically flashed upon the attention of the House on the morning of March 27 by the honorable gentleman from Tennessee (assisted by the honorable gentleman from Alabama) there was neither time to read it nor to hear it read. It was placed before the House in such serious and sudden fashion and with such gravity of charges against Congress and the press that, although some thought it would be wiser to let it cool until morning, it was carried by its own furious impetus and by the apparent anxiety of its proposers to an order of investigation.
There are some things that will not keep over night, even in a refrigerator. This piece of putrid libel had to be used that very day or its own stench would have probably offended the nostrils even of its custodians before the next morning, and would have remained on their hands a useless, nauseous screed of miserable and ignominious defamation. It had already been dead a long while, the press refusing to handle or revive it, and by the special request of its general agent, Gron, an autopsy having been held upon it by that eminent and skillful surgeon, Dr. GROSVENOR, of Ohio, who expressed the opinion that no one would ever bite at it. But finally, after begging all that time for recognition, it was taken in from the Democratic doorstep just three days too soon. It should have been more appropriately discovered on the 1st of April.
As soon as it was printed the country smiled and went about its business. The papers gave it a parting shot and Congress had it on its hands and embalmed forever in its record. If the members could have read it before taking action, they probably would have thrown it into the sewer, where it belongs.
Instead of inviting any sort of credulity when it was read, it produced amusement and amazement. One began to think at once of all the foolish and extravagant hyperbole that he had ever read. The tales of Baron Munchausen are reasonable compared with this. The stories of crusaders and the necromancers and the alchemists and fortune tellers and the magnetizers become dull reading. Jack the Giant Killer and the fairies are outdone. All the magicians from Geber and Alfarabi down to Valentine Greatraks and Cagliostro are now in the shade since Christmas has been respectably vouched for. One involuntarily exclaims, as an old neighbor of mine used to do when he tried to avoid swearing, "Gemini Christmas!"
When we contemplate what this strange person claims to have done on credit and possibly with a dollar and seventy-five or eighty cents in cash, truly we may say that no one need abandon hope because of poverty. Think of it; according to the story, this outcast from the Danish navy, landing in a strange country, not even deputed or authorized by his own, at once commanded bankers, skilled interpreters, lawyers, capitalists, press associations, investors, intimate friends of men in power, Representatives, Senators, diplomats, premiers, presidents; claims to have secured unlimited credit with which, in his own imagination and in actual penury, he bribed a great nation, wined and dined associates that were his dupes, traveled to and fro in elegant apartments, stopping at the best hotels and peddling, meantime, the islands of the sea—dickering in little worlds! No wonder that his fiction captured the innocent and susceptible gentleman from Tennessee. It reminds one of that famous description of Talleyrand: "Like a spider in its web, he allured and caught in succession heroes, thinkers, great men, conquerors, kings, princes, emperors—Bonaparte, Sieyes, Madame de Staël, Chateaubriand, Benjamin Constant, Alexander of Russia, William of Prussia, Francis of Austria, Louis XIV, Louis Philippe—all the gilded and glittering flies who buzzed through the history of forty years."
Considering where he stood and the difficulties under which he labored, Mr. W. V. Christmas Dirckinck Holmfeldt appears to be about the most illustrious dealer in men and real estate of

whom we have any record. There was a man who lived in the fifteenth century who performed some wonders, hardly comparable with the alleged feats of Christmas, although his name was even longer—Aureolus Theophrastus Bombastes Paracelus Hohenheim. He was not a dealer in land, but in water. He was possessed in his imagination of the elixir vitæ. He performed in Prussia, Austria, Egypt, and other countries, and he, too, claimed certain influential and powerful friends. He could, in a hard pull, invoke "a whole army of demons," and he had one spirit friend called "Azoth," but he never succeeded in getting unlimited credit at a great bank and was obliged to spend considerable of his time "prescribing remedies for cows and pigs."

There is no record that he ever secured any Congressional indorsement. Then there was another person by the name of Joseph Francis Borri, who lived in the early part of the seventeenth century, and who claimed that he in some way obtained possession of the philosopher's stone. He, like Christmas, performed a while at Copenhagen, and it is said of him that, having more enemies than friends in Copenhagan, he sought an asylum in another country. Like Christmas, he, too, claimed to command certain influential friends. He had the aid of the angelic hosts and especially of the Archangel Michael, but with all his political and diplomatic seductiveness and power he never claimed to have landed anything so important as a brace of Senators or anyone like our old friend GARDNER, of New Jersey. It is said he borrowed money wherever he could get it, and finally died in the prison of St. Angelo in 1695.

But the one character in all history who approaches nearest to the similitude and accomplishments of Christmas was Dr. Dee, of London. He flourished about the middle of the sixteenth century. He dealt in astrology, philosophers' stones, and the elixir of life. He did business on a large scale and, like Christmas, had a partner, with whom he finally fell out. He also claimed some friendly spirits, and on one occasion he wrote a document purporting to relate what the spirits said to him, and that document is said to be among the Harleian manuscripts in the British Museum, entitled "A true and faithful relation of what passed between Dr. John Dee and some spirits; tending, had it succeeded, to a general alteration of most States and Kingdoms of the world."

It would seem almost as though he, too, had been dealing in islands. There is no record that Dr. Dee's report or document was ever vouched for or recorded in the House of Commons or of Lords, but there is strong evidence that at one time he worked "Good Queen Bess" for £20 through the Earl of Leicester, and for other sums at divers and sundry times. He got the best of Count Laski, of Poland, and after sponging his board and lodging from Emperor Rudolph for a considerable time, finally degenerated to the position of an ordinary fortune teller at Mortlake. This sounds so like Mr. Christmas's experience with Hansen and others that it almost seems worthy of the attention of the gentleman from Tennessee.

But the famous Dr. Dee is finally outdone, and we are indebted to the honorable gentleman from Tennessee and to his partner in glory, the honorable gentleman from Alabama, for the mysterious manuscript, one page shy, which proves it. If the missing page of this so-called "report" were only at hand, there is no telling what glory might be in store for its ambitious champions. Dr. Dee, in full favor with the court of Queen Elizabeth, armed with the assistance of spirits and of angels and with a full line of samples of astrological signs, philosophers' stones, and elixir vitæ, made a dismal failure.

Christmas, ousted from the navy of his own nation, penniless and unknown, according to this strange "report," grapples at once with our Yankee nation, allies with him the famous banking house of Seligman & Co., commands the services of foreign and domestic lawyers, gains the entrée to the White House, consummates sundry contracts for the corruption of Congress and various press associations, "secures" in ten minutes, on a railway train between Baltimore and Philadelphia, the illustrious author of The First Battle and The Cross of Gold, scorns elixir vitæ and the philosopher's stone, tarries not with spirits or with angels but makes straightway for a few choice Senators, and, wearing the flush of easy triumph and of Senatorial dignity on his radiant face and Farmer GARDNER'S honest name for a bosom pin, hies himself away across the billowy sea for Copenhagen. The manuscript of Dr. Dee reposes silently and modestly in a museum. The "report" of Captain Christmas is embalmed in the CONGRESSIONAL RECORD, authenticated by the illustrious leader and guardian of the modern Democracy and Populism.

Mr. Speaker, so much for the pretenses of this so-called "report," as appears upon its face.

Presuming that some such report had really been made, inasmuch as it was vouched for by the honorable gentleman from Tennessee (assisted by the honorable gentleman from Alabama), your committee has given opportunity to all available parties involved and named in the curious document. Most of them have appeared in person before your committee, and others have communicated in writing. As a result, it may be asserted without fear of contradiction that every charge and every intimation of dishonor in connection with the transactions involving the purchase of the Danish Islands are shown conclusively to be utterly without foundation and ridiculously absurd. I shall not augment the folly of it all by any extended review of the testimony. A few illustrations from the evidence will serve to show the character of all of it. It will be remembered that certain members of the House of Representatives were named and implicated in the so-called Christmas report. It is averred by Christmas, according to the report, that "members of the House, ALEXANDER, GARDNER, and others * * * promised me their very best assistance."

When this infamous libel was spread upon the record by the gentleman from Tennessee (assisted by the honorable gentleman from Alabama), Representative ALEXANDER of New York was absent at his home in Buffalo. He came before your committee and testified as follows:

I never spoke to Mr. Christmas; I have never met Mr. Christmas; I never heard of Mr. Christmas until this report, published in the RECORD, was called to my attention in the newspapers of Buffalo, where I was last Friday. I never spoke to anyone in or out of Congress in regard to the Danish treaty, nor has anyone spoken to me in or out of Congress in regard to the Danish treaty, nor have I ever heard it discussed at any time or in any place by anyone until after the publication of this alleged report. That is all I have to say.

Representative GARDNER of New Jersey, who once introduced a bill looking to the purchase of the Danish Islands, also appeared before your committee. He testified that after the introduction of his bill, which never had consideration either in the committee to which it was referred or in the House of Representatives, a person calling himself Christmas called at his committee room and left his card upon the table and later procured a card of admission to the House gallery, but that he never had any connection whatever with the said Christmas and could not even remember the balance of his name.

Mr. Speaker, while the proprieties do not permit any reference here to the other branch of Congress or to any member thereof, it may with propriety be asserted that this so-called report of Mr. Christmas is disputed and flatly denied in the essential by every one involved. It is disputed by everyone mentioned, both in and out of Congress. It is disputed by his alleged friends, bankers and attorneys in New York. In every particular charging dishonor it is denied by Grön and Hansen, native Danes, pronounced by Mr. Seligman, the New York banker, to be "made out of the whole cloth," denied by Mr. Rodgers, denied by Evans and Knox, denied by Wilbur C. Brown and Abner McKinley, and finally denied by Christmas himself. Our Secretary of State has transmitted to your committee the following letter received from Mr. Christmas since this investigation was instituted:

9 SKJOLDSGADE O.,
Copenhagen, April 8, 1902.

His excellency The AMBASSADOR FOR THE UNITED STATES IN COPENHAGEN.

YOUR EXCELLENCY: Nearly two months ago some Danish gentlemen engaged a Danish-born American citizen, named Niels Grön, to prevent the sale of the West Indian Islands.

By foul means one of these gentlemen got hold of a confidential report of my doings in America, and provided Grön with a copy of the same.

I have reason to believe that Grön has falsified my report, and I am already able to state—from newspaper cablegrams—falsifications on following points:

1. I have never impressed the former prime minister, Hövring, with the idea that bribery was the way of getting the islands sold.

I never wrote anything like this in my report.

The fact is that Grön, two years before taking the matter up, invented the whole 10 per cent commission theory, and declared that without spending this money no sale was possible.

2. Nowhere in my report have I given the name of any Congressman in connection with my personal promise of money.

3. I have never written that bankers I. and W. Seligman had guaranteed "certain contracts." I have, on the contrary, stated that these gentlemen declined to do so.

4. I have never in any newspaper declared Mr. Grön's copy of my report to be correct, for the simple reason that I have never seen any copy.

I do not understand how Congress can take up a matter like this without investigating about the informer, Niels Grön, and his so-called translation of a stolen document belonging to the Danish Government. After what I can judge, Mr. Grön has utterly falsified my report.

On the 19th of February I have, through Ritzaus Bureau, sent to all Danish newspapers a declaration by which I, under my oath, state that no members of Congress in Washington were interested directly or indirectly, with my knowledge, in the sale of the islands.

This declaration I deposited the next day in the Danish foreign office, demanding to have it forwarded to our ambassador in Washington.

I sincerely regret that the minister of foreign affairs declined to do so, and I do not understand his motives; the whole scandal might have been avoided.

I hereby entreat your excellency to cable the contents of this letter to Secretary of State, Mr. Hay, and I offer to pay the cable expenses myself.

I have the honor to remain, your excellency's most obedient
WALTER CHRISTMAS.

It not only appears that this so-called report is false and foolish on its face, but false in fact, and is now denied by its imputed author. It appears upon its face that the author was discredited not only by the Danish minister at Washington, but by the prime

minister in Denmark. Near the close of the report we find this language:

I had not seen the minister since my departure from Denmark in January, and it was in a bitter frame of mind that I again entered the minister's reception room in the ministry of finance. I had in the meantime worked to such a degree that my nerves were almost ruined and my means entirely exhausted. I had not saved myself, but thrown my whole energy into the affair, which the minister had shown such a lively interest for. In return the minister had done nothing for me. He had broken his promises and agreements even to such a degree that he had proven untrue to me and had made it appear that I had made myself impossible for the minister's confidence.

This is the indictment which, according to this report, Mr. Christmas drew against his own country and against himself when he returned. It seems that he had fallen out with everybody and was discredited by everybody, except possibly by the gentleman from Tennessee, assisted by the honorable gentleman from Alabama, who at last gave him sufficient credit to spread upon our record the ludicrous and monstrous charge which not only involves by name two members of this body, but directly impugns the honor of the whole American Congress and the press.

Nothing in this "report" nor in the facts developed by its investigation necessitates a defense either of Congress or the press, not even the assertion that the prime minister of Denmark expressed to Christmas "his abhorrence for the political situation in America, which makes it necessary to offer money in order to bring political action." The American people suspect neither themselves nor Denmark. They know too well the sterling qualities of Danes who live among us to believe that any high official of that country ever uttered such unbelievable and preposterous scandal.

The people of America regret with painful earnestness the silly exploitation of this whole affair, the embarrassment it may have brought to Denmark and likewise to ourselves; but remembering that our form of government and its procedure, by virtue of its very plan, is always subject to exposure, both by advocates for its eternal good and by the cheapest demagogues for temporary gain, rest their faith in the intelligence of all mankind, believing that the truth will finally be discerned and realized.

This wild and incoherent story of the adventurer Christmas belongs to the dark and bygone ages, when innocent credulity with wondering eyes believed the monstrous stories of the ancient oracles and accredited the spurious performances of the necromancers and the alchemists, when ignorance confided in imposture and daylight feared the shadows of the night.

There is but one thing in connection with the whole matter that approaches the silliness and absurdity of the driveling diatribe and fictitious tale of Christmas, and that is the unparalleled and ludicrous performance of deliberately and solemnly spreading it upon the records of the American Congress, where it must remain throughout all history as a shameless challenge to the credulity of men. If in the surging sea of time every chronicle of nonsense and folly should ever be submerged, and that one copy of the American CONGRESSIONAL RECORD containing this "report" should be washed up on the strand of some distant civilization, it will be enough to reveal to coming ages the most novel, extraordinary, and scandalous piece of fiction ever spread upon a public record. [Loud applause.]

Mr. RICHARDSON of Tennessee. Mr. Speaker, I don't know that I should make any reply to the speech with which we have been edified, nor shall I attempt to comment extensively on that effort. I hope it is not deemed necessary that I should do so. I only want a few words in justification of myself in the part I took in bringing these charges to the attention of the Congress and the country. On the 27th of March, as stated by the gentleman, I did present the report of Mr. Christmas, whom the gentleman from Iowa has ridiculed, a report made by Mr. Christmas to his own Government, that of Denmark.

Mr. Speaker, the gentleman from Iowa attempts to grow facetious over the fact that some attention was paid by myself and others to the grave charges of corruption which this agent of the Danish Government made to his Government. Mr. Speaker, in the light of all the evidence, it may be said by some persons that it was not necessary that these grave charges should have been noticed; but, sir, when you consider that they were made by an agent of the Danish Government in an official report to his own Government, it was sufficient to challenge the attention of members of this Congress and of the country. I feel fully warranted in having presented them.

What are those charges? Mr. Christmas charges that he had a contract with his Government to receive 10 per cent of the purchase price that the Government of the United States was to pay Denmark for the Danish West Indian Islands; and the price being fixed at $5,000,000, he was to receive $500,000. The gentleman grows facetious, and says that that charge should not be noticed. Who was Captain Christmas? I have already stated that he was an official agent of the Denmark Government. But that was not all, Mr. Speaker. The proof is distinct and clear that he was not only the agent of the Danish Government, but he was also the agent of the Government of the United States.

Now, what is to become of the speech of the gentleman from Iowa, and his effort to ridicule Christmas, in view of the fact that he was not only the agent of the Danish Government, but was made the agent of the United States Government—a diplomatic agent?

Mr. DALZELL. Mr. Speaker, the gentleman ought not to make that statement. There was not an iota of testimony to that effect.

Mr. RICHARDSON of Tennessee. I supposed the gentleman might deny this, but I have the proof of the Secretary of State himself—Mr. Hay—as well as the report of Captain Christmas, to sustain my statement. The Secretary of State says, in his testimony in the record, that he gave this man a letter of introduction to a member of our legation in London.

Mr. DALZELL. Undoubtedly; but that does not make him the agent of the United States.

Mr. RICHARDSON of Tennessee. And in that way he made him an accredited agent of the United States for a certain purpose?

Mr. COUSINS rose.

Mr. RICHARDSON of Tennessee. I do not yield to the gentleman now, but later on I will. Let us settle this question. I say that the Secretary of State gave Christmas a letter of introduction to a member of the American legation in London, and in this way put on foot a diplomatic movement looking to the purchase of these islands from Denmark. Does the gentleman deny it? Did not Mr. Hay when he did this make him our agent, at least to that extent?

Mr. COUSINS. Will the gentleman yield?

Mr. RICHARDSON of Tennessee. Yes.

Mr. COUSINS. Does the gentleman represent to this House that Mr. W. V. Christmas was the agent of that Government in fact in view of what he said when he returned and his own minister disowned him, the minister in Washington disowned him?

Mr. RICHARDSON of Tennessee. I am not speaking of the minister here. There is no controversy but that Christmas was the agent of the Danish Government.

Mr. COUSINS. Oh, the gentleman does not mean to represent that that is the fact.

Mr. RICHARDSON of Tennessee. I do not mean to misrepresent anybody. The gentleman from Pennsylvania raised the question, and I will read a letter from Henry White, the member of our legation in London, to Secretary Hay of April 23. I will print the whole of it in my remarks; it is all printed in the report here. This letter shows that Secretary Hay sent Christmas with a letter of introduction to Mr. White; that he called at the embassy in London, presented his letter or credentials from Mr. Hay, was received and went on to Copenhagen; that he arranged for the interview between Mr. White and the Danish officials, etc. The letter is as follows:

AMERICAN EMBASSY, *London, April 23, 1902.*

Hon. JOHN DALZELL, M. C.,
Chairman of the Select Committee on Purchase of Danish Islands, House of Representatives, Washington, D. C.

SIR: In accordance with the suggestion contained in your letter of 31st ultimo to the Secretary of State that I should make a statement for the information of your committee relative to the so-called report of Capt. von Christmas Dirckink-Holmfeldt to the Danish Government, dated October 1, 1900, I have the honor to inform you that on Saturday, December 9, 1899, Capt. von Christmas appeared at this embassy with a letter of introduction from the Hon. John Hay to me—not, as he states, to the ambassador, whom he did not see on that occasion.

Finding that I had left earlier in the day for Dover en route to the Continent, he followed me thither, and I had with him that same evening at the Lord Warden Hotel an interview, during which he assured me that if I would come to Copenhagen the Danish prime minister would be happy to receive me, and would furthermore inform me of Denmark's willingness (which he said amounted to a very earnest desire) to sell to the United States the three islands of St. Thomas, St. John, and St. Croix in the West Indies. I informed Captain Christmas in reply that after having taken my wife, who was seriously ill, to the south of France I would return to Copenhagen without delay, which I did.

I reached that city on Tuesday evening, December 19—not the 9th, as Captain Christmas states—having meanwhile received from him on the 14th at Bordighera, Italy, a telegram in French, of which the following is a translation: "Prime minister enchanted to receive you. When do you arrive?"

Capt. von Christmas met me at Copenhagen station and accompanied me to the Pœnix Hotel, stating on the way thither that the Danish prime minister, Mr. Höring, being unable to speak English or French, or even German enough to carry on a conversation satisfactorily, had decided, as I do not speak the Danish language, that it would be better for the minister of foreign affairs, Admiral Ravn, to see me on the next day, and that he would accordingly do so. Captain Christmas also said that he had registered me at the hotel under an assumed name, to which I objected; and upon reaching the hotel I at once gave the porter my own name and told him that I expected to receive several telegrams.

On the following morning, Wednesday, December 20, Captain von Christmas accompanied me to the Danish foreign office, where I was promptly received alone by the minister for foreign affairs, Admiral Ravn (who was also minister of marine), the Captain having been requested to remain in the public waiting room.

I informed the minister that the object of my visit was, as I assumed that he knew, to inquire confidentially what the intentions of his Government might be with respect to the Danish West India Islands, as my Government had been informed that His Majesty's Government would be willing to cede them to the United States for a consideration.

Admiral Ravn having given me to understand that the information which had reached my Government was correct, and that the Danish Government would cede the islands to us, I asked to be placed in communication with officials of the ministry of finance with a view to ascertaining the financial condition, indebtedness to Denmark, trade, etc., of the islands; all of which information was promptly placed at my disposal, and I was able to leave Copenhagen that same evening, Wednesday, December 20, having spent exactly twenty-four hours there.

With regard to Captain Christmas, I may say that I considered that his connection with the question ceased when he had carried out his undertaking to bring about an interview between the Danish minister of foreign affairs and myself. It is untrue that I asked him for "instructions" as to the manner in which I should broach the question to the minister, never having had any doubt in my own mind on that subject, and his other statements as to conversations with me before and after my interviews with the Danish officials are equally devoid of foundation, except that I did mention to him that the minister had hinted at a price between $4,000,000 and $5,000,000, because he (the Captain) seemed to be of the opinion that the Danish Government would sell the islands for $3,500,000.

I may add that Captain Christmas never hinted at any idea on his part that it would be necessary for him to return to the United States in order to "agitate during the coming negotiations and acts of Congress," and it is untrue that I "urgently advised the foreign minister to let him complete what he had begun," as I was wholly unaware that he had done anything but notify our Government privately that Denmark wished to sell the islands and undertake to bring about a meeting been a representative of our Government and a member of that of Denmark. On the contrary, in the course of my interview with the minister I said to him that if my Government should decide to enter into negotiations for the purchase of the islands, which I was not authorized to do, such negotiations would be initiated and conducted through the ordinary diplomatic channels.

I have honor to be, sir, your obedient servant,

HENRY WHITE.

A MEMBER. Who is White?

Mr. RICHARDSON of Tennessee. Mr. Henry White was secretary of the American legation in London. He is the man to whom Mr. Hay gave a letter of introduction to Mr. Christmas to go there and put on foot negotiations for the sale of the Danish islands. Mr. White in this letter substantially corroborates Christmas in his report.

Christmas says that he did not go with Mr. White from London to Copenhagen, because of some domestic trouble—the illness of the wife of Mr. White. Mr. Christmas went on to Copenhagen and arranged there an interview to take place between Mr. White, when he arrived, and the prime minister. Mr. White tells us in his letter about what Christmas had told us in his report.

Mr. White, in his letter, says:

Captain Christmas also said he had registered me under an assumed name

I will do Mr. White the justice to say that when he learned that *he had* been registered under an assumed name he objected. But let us see what he did further? On the following morning, after knowing that he had been registered under an assumed name by Christmas, what occurred? Here is his own statement:

On Wednesday, December 20, Captain Christmas accompanied me to the Danish foreign office, where I was promptly received, etc.

Why, sir, Mr. Christmas was the very life of the negotiations. Here is the man who went there ahead of him, who arranged for an interview, and who registered him at the hotel under an assumed name; and the next day, after knowing all this, Mr. White accompanied him to the legation for the purpose of being presented by him to the prime minister of state.

Mr. Speaker, I have established the fact that Christmas went there as an agent of the United States. Mr. White was his guest in Copenhagen, went with him to call on the officials when he entered upon the negotiations, etc.; but that is not all. Before leaving that subject, let me say I not only give the statement of Mr. White, but I will publish in my remarks the letter of Mr. Hay himself, dated April 3, 1902, addressed to Mr. DALZELL, in further substantiation of the contention I make.

The letter of Mr. Hay is as follows:

DEPARTMENT OF STATE,
Washington, April 3, 1902.

Hon. JOHN DALZELL,
Chairman Select Committee, etc., House of Representatives.

SIR: I have received your letter of the 31st of March, and in reply beg leave to say:

In the early part of December, 1899, Captain Christmas called upon me at this Department and informed me that, through private and personal sources in Copenhagen, he had become aware that there was a disposition among some of the leading members of the Danish Government to regard favorably an overture from the Government of the United States looking to the acquisition of the Danish Islands.

He said that he had been a naval officer, and spoke at some length in regard to the desirability of the island of St. John as a naval station for the United States. At my suggestion he conveyed what further technical information he had on this subject to Admiral Bradford, of the Navy Department. Although he presented no credentials whatever and expressly declared he had no official character, I thought his story was of sufficient interest to be worth investigation. I told him I would send a confidential and trusted agent of this Government to Copenhagen to ascertain unofficially the true state of affairs, and mentioned to him the name of Mr. Henry White, first secretary of embassy at London. Captain Christmas said he would like to be in Copenhagen when Mr. White arrived, and bring him into communication with the members of the Government, whom he mentioned.

I gave him a note of introduction to Mr. White, and they met in Copenhagen, where Captain Christmas had arranged for an interview between Mr. White and a member of the Danish Government. Mr. Christmas was not present at this interview, and his connection with the matter ceased entirely at that time. He afterwards returned to Washington, and I saw him once or twice, but told him that there was no need of the services of any private person in any negotiations which might be taken up between the two Governments in regard to the acquisition of the islands.

I inclose a copy of a letter which I gave the Danish minister in Washington at the time of the signing of the recent treaty, and also a copy of a letter which I have received from the Danish minister, Mr. Brun, dated the 31st of March, 1902.

Very sincerely, yours, JOHN HAY.

Now, Mr. Speaker, from the foregoing letter it appears that this man had called upon Mr. Hay to sell the islands, and he says he put him in communication with Admiral Bradford. What was the object? To investigate as to the sale of the islands, and nothing else. In this letter Mr. Hay says:

I told him that I would send a confidential and trusted agent of this Government to Copenhagen.

He gave him a letter of introduction to Mr. White at the embassy in London. He says that Captain Christmas arranged for an interview between Mr. White and the Danish officials.

Mr. Christmas was here, Mr. White was in London. The negotiations were to take place in Copenhagen. Mr. Hay gave Mr. Christmas a letter of introduction to Mr. White in London. I do not know what the contents of that letter were. The Secretary of State, I have no doubt, kept a copy of it; but he did not give us its contents. I have no doubt he gave him such a letter of introduction as a gentleman would need who was to put on foot such important diplomatic negotiations as the sale of those islands to the United States. I assume he did give him just such a letter as any man wishing an audience with the American legation in the city of London would wish to receive.

Now, I should like to know whether Mr. Christmas was not made the agent to start these negotiations by our own Government. With such a man as that making an official report to his own Government, was it unusual that we should take notice of the grave charges that he makes in his report? I should say not.

But that is not all. I shall publish the whole of the letter as I state it.

The gentleman from Iowa says that there is no proof that Mr. Christmas had any such contract as $500,000 for his services. No man can read the record in this case and doubt it.

The proof is conclusive that Christmas had a contract with the Danish Government to get 10 per cent of the purchase price of these islands. He says in that report that he intended to use it in bribing members of Congress and other officials of the United States. It is a matter of pride to every member of the committee, and should be a matter of felicitation to all of us, that the report is unanimous in the conclusion that no member of Congress was bribed. I was not surprised at it. I have here my remarks made on the 27th of April, when I brought these charges to the attention of Congress. I stated then, as did the gentleman from Alabama, that no man made any charge that members of the Senate or House had been bribed.

Why, Mr. Speaker, the report which we submitted shows on its face that there could be no bribery until the purchase price was paid, and the money has not yet been paid. It could not be possible that $500,000 could be paid until Congress appropriated the money, and there has been no appropriation. Therefore, there could be no proof, and nobody suspected that there would be any proof, that any member of Congress had been actually bribed. I expressly stated when I brought the charges to the attention of Congress, as did the gentleman from Alabama, that no man charged that a member of Congress had been bribed.

Now, Mr. Speaker, so much for Christmas. He was the agent of the two governments, the diplomatic agent. He put these negotiations on foot. But that is not all. The gentleman from Iowa [Mr. COUSINS] says that we should not have paid any attention to the charges when they were brought here. Now, who brought the charge? I only call attention for a few moments to the man who brought the charges here. Who was he? Niels Grön; and who is Niels Grön? He is a Dane, a native of Denmark, but a naturalized citizen of the United States, educated, a graduate of Harvard, and a Republican.

Mr. Speaker, so far as I know, no Democrat testified in this whole record. No Democrat had anything to do with bringing these charges. They were brought by Mr. Grön, a Republican. Will that be denied? Was he man of character? Will that be questioned? Does the gentleman from Iowa, in making his severe attack upon and heaping ridicule upon Mr. Grön, say that Mr. Grön is not a man of good character? I pause for a reply. Does the gentleman say that Mr. Grön, who made the affidavit that was used in the House on the 27th of March, is not a man of honor and integrity? The gentleman declines to answer. I take it that he concedes that he is.

Mr. COUSINS. Mr. Speaker, that rests entirely with the gentleman from Tennessee. He is the man that presented the only document that we have.

Mr. RICHARDSON of Tennessee. Yes.

Mr. COUSINS. And his own authority says he never wrote such a document. How can I answer?

Mr. RICHARDSON of Tennessee. He does not say anything of the kind. I beg the gentleman's pardon.

Mr. COUSINS. He says that he never made any accusation against any member of Congress.

Mr. RICHARDSON of Tennessee. Well, perhaps he did not.

Mr. COUSINS. Now, you settle with Grön.

Mr. RICHARDSON of Tennessee. I care nothing about that. Nobody is charging members of Congress with having been bribed. The money has not been paid.

Mr. COUSINS. I am glad to know that.

Mr. RICHARDSON of Tennessee. This was all stated in the very beginning. I am glad the gentleman has got up to that point. He does not seem to know what has been charged.

Mr. COUSINS. Just a moment——

Mr. RICHARDSON of Tennessee. The gentleman has had his hour. I am talking about Mr. Grön.

Mr. COUSINS. Just a moment, if the gentleman will yield.

Mr. RICHARDSON of Tennessee. I decline to yield, because I have not the time.

The SPEAKER. The gentleman from Tennessee declines to yield further.

Mr. RICHARDSON of Tennessee. Now, I will ask who Grön was, and I propose to show, not by the testimony of Democrats. I do not know whether Grön is an honest man or not. He appeared to be a gentleman. He had good credentials. I never saw him until he brought these papers to my room and made the affidavit about their authenticity, but I will read you some testimony as to his character and standing as a man and as a Republican. I will read you a letter, signed by Mr. MARCUS A. HANNA, sent to Senators HOAR and LODGE. It is in the testimony at page 53. It is as follows:

HEADQUARTERS REPUBLICAN NATIONAL COMMITTEE,
GLOVER BUILDING,
Washington, D. C., March 12, 1897.

DEAR SENATORS: I beg to advise you that Mr. Niels L. J. Grön, of Boston, a Scandinavian by birth, but a citizen of Massachusetts, was exceedingly useful and valuable in the campaign of 1896 and contributed efficient service. He organized the Scandinavian bureau at our Western headquarters and conducted it in a successful manner, and later on in the campaign entered the field and addressed his countrymen in Illinois, Wisconsin, Minnesota, South Dakota, Iowa, and Nebraska, and for this work in these States as a campaigner our speakers' bureau received numerous commendations.

Realizing that there were large settlements of Scandinavians at Jamestown, N. Y., Bridgeport, and New Haven, he was requested to make a trip East, and was equally efficient in the East as he had been in the West. At Jamestown, N. Y., his work was especially valuable, for he spoke to Scandinavians from Ohio, Pennsylvania, and New York.

You will pardon me, Senators, for this note, but I greatly desire to advise you of the good work done by this citizen of Massachusetts, and to remind you that the Scandinavian vote in the West was a potent factor in our victory, and to Mr. Grön due credit should be given.

I am, etc., yours, very truly,
M. A. HANNA,
Chairman.

Hon. GEORGE F. HOAR and Hon. HENRY CABOT LODGE,
United States Senate.

Now, if that is not a pretty good certificate of character, I would not know where to get one. I would take it. Almost any gentleman would, I think, take a certificate from Mr. HANNA as to his capacity, and so forth. But that is not all.

Mr. COUSINS. Will the gentleman yield?

The SPEAKER. The gentleman declines to yield.

Mr. RICHARDSON of Tennessee. But that is not all. I will read you another letter. If you will not take Mr. HANNA, I will read you a letter signed by Mr. SHELBY M. CULLOM, not to two Senators, but to the President of the United States. Mr. Speaker, here is what Mr. CULLOM says about this discredited man, this man who is not entitled to any credit according to the gentleman from Iowa; this is the man who brought these charges here; this is the man who says he translated from the Danish language into the English language this report of Mr. Christmas. Is he reliable? The gentleman from Iowa [Mr. COUSINS] says no. I have read you what Mr. HANNA says about it.

Mr McCALL. Mr. Speaker——

The SPEAKER. The gentleman from Tennessee has declined to yield.

Mr. RICHARDSON of Tennessee. I will yield to the gentleman from Massachusetts.

Mr. McCALL. I understood the gentleman from Tennessee to say that Mr. Grön said that these charges were true.

Mr. RICHARDSON of Tennessee. No; I do not say that he said that anybody had been bribed. He said nothing of the kind. He said this report had been made to the Danish Government and that this was a true translation; that he translated it. Now, what does Mr. CULLOM say about this gentleman? Here is Senator CULLOM's letter, from page 50 of the report:

DEAR MR. PRESIDENT: Mr. Neils Grön, of Boston, a Scandinavian by birth, is a candidate—

For what—

for appointment as minister to Siam. Mr. Gron is a thoroughly educated gentleman, is a graduate of Harvard, and in the campaigns of 1892 and 1896 did very valuable service for the Republican party. I should think he was just the man to send to the country to which he wishes to be accredited, and I shall be pleased if he should secure the position indicated.

Very truly, yours,
S. M. CULLOM.

Senator CULLOM of Illinois commends to the President of the United States this discredited man that my friend from Iowa has been slandering here to-day. Now, that is not all. Senator Cushman K. Davis says:

I take great pleasure in concurring in the above recommendation of Senator CULLOM.

But that is not all. Mr. Grön, while on the stand, testified that he had another indorsement, and possibly it was a better indorsement than the one I have referred to. After speaking of his campaigns in behalf of the Republican party and putting in evidence these letters that I have read, he said:

I applied for the position of minister to Denmark or Siam.

He then speaks of his indorsements for this position. He says:

Among other indorsements—

I read from page 52 of the printed testimony—

I had an indorsement from Mr. McCALL—

The gentleman who just a moment ago interrupted me, my distinguished friend from Massachusetts, a member of this investigating committee. He says:

I had one from Senator HANNA—

The one that I read—

I had one of which I am proud, being a citizen of Massachusetts, from the two Senators from that State, Senator HOAR and Senator LODGE, and besides that I had the indorsement of the majority of the Republicans in Congress from the State of Massachusetts.

Why, he says:

Senator HOAR accompanied me to the State Department and introduced me to the Secretary, and Senators HOAR and LODGE, in a joint statement to the President, thanked the President for having appointed Mr. Draper as ambassador to Italy; and that was followed up by a statement to the President that if, in the President's opinion, Massachusetts should deserve any more diplomatic positions, they beg to recommend the following gentlemen, and I had the honor to be the first one recommended.

Now, Mr. Speaker, that is the kind of a man Mr. Grön was. We do not have to vouch for him. As I say, I never saw him until he brought this paper to my room, but he had the indorsement of the ablest, the purest, and the best Republicans in the United States, some of them.

Now, after this testimony, which my friend from Iowa must have overlooked, does he still undertake to say that Mr. Grön is unworthy of confidence, unworthy of credit, and that we could not take the sworn affidavit of this Republican, who was competent to go to Siam, who had the indorsement of the Senators from Massachusetts, of the members from Massachusetts to go to Siam as the ambassador and representative of this great Republic there.

Mr. COUSINS rose.

The SPEAKER. Does the gentleman yield to the gentleman from Iowa?

Mr. RICHARDSON of Tennessee. I can not yield.

Mr. COUSINS. I want to answer your question.

Mr. RICHARDSON of Tennessee. And yet with all these testimonials, with all these certificates of integrity, of character, of capacity as a Republican, as a campaigner, as a stumper, a man who had rendered efficient services among the Scandinavians in seven or eight States mentioned by Senator HANNA; a man who had rendered service in Iowa, I believe, the State from which my friend [Mr. COUSINS] comes, this worthy man, this high Republican; a man who stood high in the councils of the Republican party, came and by his affidavit swore that this report was genuine; that he had brought it from Copenhagen; that he had just landed in the United States; and that it made these charges, as we could see on its face. Notwithstanding all that, because we presented it here, and asked simply that the charges might be disproved if not true, the gentleman from Iowa [Mr. COUSINS] gets into a rage and undertakes to ridicule our position.

But, Mr. Speaker, I say I rejoice that nobody has been bribed, and we say so in this report. I did not intend to bring this report before the House. The chairman of the committee and myself agreed that we would submit the report. There is no legislation called for. It acquitted Congressmen of having been bribed, and I was as much delighted as was the gentleman from Iowa or the gentleman from Pennsylvania.

I did not want it to go out that members of the American Congress had been bribed unless it was true. I did not charge it. I had expressly disavowed it on the 27th day of March; and now, because nobody has been bribed, the gentleman from Iowa gets in a very happy mood and brings the matter here and undertakes to ridicule the bringing of the charges before Congress.

I think the gentleman from Iowa, like all other gentlemen who think about this matter seriously, will conclude that this was exactly the thing to do. It is a thing in which no man rejoices more than I do that there is no proof that any member of Congress was really bribed.

Now, Mr. Speaker, a word or two as to what was done. We have acquitted members on the charge of having been bribed. I want to put into my remarks here a contract made (and there were about three of them, I think) by this agent of the Danish Government, this quasi agent of the United States Government, with an attorney in this city. The record shows that Christmas was very busy making contracts to pay money when he received his commissions.

Mr. Speaker, having said that no member was bribed, and having stated it with emphasis; having shown that this man was an agent of the Danish Government; having shown, I think, very clearly that he was to get 10 per cent of the purchase money when paid, I want to read you some of the contracts that he made, and one that he made with an attorney in this city. This attorney was called as a witness, and he gave his testimony before this committee, and here is the contract; it appears on page 87 of the report:

This memorandum of agreement made at Washington, D. C., the 23d day of February, A. D. 1900, by and between Capt. W. v. Christmas Dirckinck-Holmfeld, of Copenhagen, Denmark, and Richard P. Evans, attorney and counselor-at-law, of Washington, D. C:

Witnesseth, that the said Capt. W. v. Christmas Dirckinck-Holmfeld has retained the legal services of the said Richard P. Evans, attorney and *counselor-at-law*, *in* matters pertaining to the purchase by the United States from the Kingdom of Denmark of the Danish West India Islands, and has agreed to pay to the said Richard P. Evans for his said legal services hereinafter described, rendered and to be rendered in the matter of said purchase, the fee and compensation of $50,000—

A $50,000 contract with one attorney in this city!

in United States money, contingent upon the consummation of said purchase as far as the United States is concerned, by the enactment into law by the Congress, approved by the President of the United States, of a treaty or bill carrying an appropriation of money, acceptable in amount to the said Government of Denmark, exceeding $3,500,000 for the purchase of said Danish West India Islands, and in event of the said purchase being consummated by payment of an amount acceptable to the said Government of Denmark of $3,500,000 or less, then said Capt. W. v. Christmas-Dirckinck-Holmfeld agrees to pay to the said Richard P. Evans the sum of $40,000 as his full fee and compensation for his said services.

Provided, That said law shall be enacted before the adjournment of the present session of the present United States Congress; otherwise this agreement is void and of no effect.

And he agrees that the payment of said fee and compensation shall be made through the banking firm of J. & W. Seligman & Co., of New York, and that they will become surety for its payment.

And further witnesseth, that the said Richard P. Evans, attorney and counsellor at law, has entered upon the said services and has agreed to perform said legal services faithfully and with dispatch for the prompt accomplishment of said purchase; and that he will prepare and present facts, briefs, arguments, and necessary documents and data to the committees of Congress, and others, in the furtherance of said purchase, for the said fee and compensation of $50,000, or said alternative fee of $40,000, as hereinbefore stipulated, contingent upon the consummation of the purchase of said Danish Islands by the United States under a treaty or law enacted by the present session of the present Congress of the United States and to do any and all other acts as an attorney at law necesary in the accomplishment of said purchase, before the Congress, the Executive Departments, and the courts, without any other or further compensation or fee whatever for any of said services than as hereinbefore stipulated and set forth.

The foregoing considered, it is hereby agreed and stipulated by and between the parties hereto that the said fee of $50,000, or alternative fee of $40,000, shall be due and payable to the said Richard P. Evans upon the approval by the President of the United States of an act of the present session of the present Congress, appropriating the money necessary for said purchase, acceptable to the said Government of Denmark and not otherwise.

In witness whereof we have hereunto set our hands and seals the day and date hereinbefore stated in duplicate.

This testimony shows that Christmas had a contract with Mr. Evans, of the city of Washington, to pay him $50,000 to help him pass the bill through Congress for the sale of the islands.

But that is not the only contract he made. He had a contract with a man named Knox, and Mr. Knox was to receive $15,000. I will not print this contract in my remarks, but it appears at page 101 of the report.

He also had an agent in New York to guarantee these contracts. The gentleman from Iowa says that Mr. Seligman, of the banking firm of I. W. Seligman & Co., said that he never guaranteed any contract for Mr. Christmas. Well, that is true. He did not, and Mr. Christmas says in his report that he did not. He said that he laid the matter before Mr. Seligman, but that Mr. Seligman did not guarantee these contracts, and we may let that pass. But he did have an agreement with Carl Fischer-Hansen, of New York, to guarantee his contracts.

Mr. COUSINS. Will the gentleman from Tennessee allow me to ask him a question?

Mr. RICHARDSON of Tennessee. I yield for a question.

Mr. COUSINS. Did not the gentleman hear the question presented to Mr. Seligman in his testimony when he said it was made out of the whole cloth?

Mr. RICHARDSON of Tennessee. I know he said he never guaranteed the contract, but he said that Christmas called on him about it. I do not care about that. Mr. Christmas said in his report that Seligman did not guarantee them. But he says in his report that he found a man of wealth in the city of New York who would guarantee his contracts, and we find that Mr. Carl Fischer-Hansen did.

Mr. Carl Fischer-Hansen testifies, and his testimony in this record states that he did agree to guarantee certain contracts, among them the one I have referred to. It does not make any difference whether it was Seligman or Hansen who was the guarantor of these contracts. Mr. Hansen states that he was called upon by Mr. Christmas, and confirms the statement of Mr. Christmas that he was to guarantee these contracts. The proof shows that he was a man of wealth and that he did guarantee them. He afterwards had a difficulty with Mr. Christmas, and undertook to withdraw his indorsement of the contracts.

Mr. Speaker, this is all I care to say at this time. As I have intimated, I did not expect to say anything on the report, but was content to let it go on the files. The remarks of the gentleman from Iowa have made it necessary for me to say what I have said, and now I am content to dismiss the subject.

Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has twenty-five minutes remaining, but the House has not got that time.

Mr. SULZER. I yield five minutes of my time to the gentleman from Arkansas [Mr. DINSMORE].

Mr. DALZELL. One moment, Mr. Speaker. Does the gentleman from Tennessee intend that I shall not have an opportunity to reply to him?

Mr. RICHARDSON of Tennessee. I have nothing to do with that. I got my time from the opposite side.

Mr. DALZELL. If the gentleman occupies all the time, of course I can not reply.

Mr. RICHARDSON of Tennessee. How much time have I used, Mr. Speaker?

The SPEAKER. The gentleman has used thirty-six minutes.

Mr. RICHARDSON of Tennessee. I did not use as much time as the gentleman from Iowa.

Mr. COUSINS. I think, Mr. Speaker, we have sixteen minutes remaining over here.

Mr. RICHARDSON of Tennessee. I want to deal fairly on a question of time. I tried to have an agreement in advance.

The SPEAKER. This controversy is out of order. The gentleman from Arkansas is recognized.

Mr. DALZELL. Mr. Speaker, the gentleman from Arkansas has yielded to me to make a request. I ask unanimous consent that the report of your committee, not the testimony but the report, may be printed in the RECORD.

The SPEAKER. Without objection, this will be done.

There was no objection.

The following is the report:

SPECIAL COMMITTEE ON PURCHASE OF DANISH ISLANDS.

Mr. DALZELL, from the Special Committee to Investigate Facts Connected with the Purchase of the Danish West India Islands, submits the following report:

On March 27, 1902, Mr. RICHARDSON, of Tennessee, brought to the attention of the House of Representatives a certain document which purported to be a secret report to the Danish Government by one Capt. W. Christmas Dirckinck Holmfeld, of his services in endeavoring to bring about the purchase by the United States of the Danish West Indian Islands. In this document allegations were made of the bribery and corruption of members of Congress.

After a consideration of the matter by the House as one of the highest privilege, the Speaker, pursuant to a vote of the House, appointed a committee to examine into the truth of all the allegations and charges made by the said Walter Christmas in his secret and confidential report to the Danish Government as to the methods pursued and to be pursued by him and any of his assistants in the United States, and the contracts made or proposed to be made by him or other persons acting in any way for him, or as assistants to him, for the purpose of, or which in any manner had for their object, the bribery of, or the attempted bribery of, members of the United States Congress, or of the payment of any valuable consideration of any kind or character to them, or to any of them, to vote for or to assist in procuring the proposal, adoption, or ratification of said treaty of sale of the said islands as aforesaid.

This committee had power to subpœna and examine witnesses under oath, and to send for records, papers, and all other evidence that may be necessary for a full and complete investigation of the subjects mentioned.

The committee so appointed has held a number of sessions and examined witnesses, and submits herewith the testimony taken, together with the alleged Christmas report.

At the hearings there was incidentally brought out a great deal of evidence connected with the subject, in its various phases, of the purchase of the Danish West Indian Islands not necessarily connected with the subject given in charge to the committee. So much of the evidence as does not relate directly to the duties of the committee under the terms of their appointment they have eliminated as unnecessary for consideration in this report.

The authenticity of the Christmas report is vouched for by one Niels Grön, a native Dane and a naturalized citizen of the United States, who translated the report into English and who asserts that it was acknowledged by Christmas over his own signature in a Danish newspaper. There is no question that Christmas made a report—intended to be secret—to the Danish ministry; but the report produced by Grön, Christmas claims, in a letter addressed to the American minister at Copenhagen under date of April 8, 1902, to have been falsified. That letter is as follows:

9 SKJOLDSGADE O.,
Copenhagen, April 8, 1902.

His excellency the AMBASSADOR FOR THE UNITED STATES IN COPENHAGEN.

YOUR EXCELLENCY: Nearly two months ago some Danish gentlemen engaged a Danish-born American citizen, named Neils Grön, to prevent the sale of the West India Islands.

By foul means one of these gentlemen got hold of a confidential report of my doings in America and provided Grön with a copy of the same.

I have reason to believe that Grön has falsified my report, and I am already able to state, from newspaper cablegrams, falsifications on following points:

(1) I have never impressed the former prime minister, Hövring, with the idea that bribery was the way of getting the islands sold.

I never wrote anything like this in my report.

The fact is that Grön two years before my taking the matter up invented the whole 10 per cent commission theory, and declared that without spending this money no sale was possible.

2. Nowhere in my report have I given the name of any Congressman in connection with my personal promise of money.

3. I have never written that Bankers I. & W. Seligman had guaranteed "certain contracts." I have, on the contrary, stated that these gentlemen declined to do so.

4. I have never in any newspaper declared Mr. Grön's copy of my report to be correct, for the simple reason that I have never seen any copy.

I do not understand how Congress can take up a matter like this without investigating about the informer, Niels Grön, and his so-called translation of a stolen document belonging to the Danish Government. After what I can judge Mr. Grön has utterly falsified my report.

On the 19th of February I have, through Ritzaus Bureau, sent to all Danish newspapers a declaration by which I, under my oath, state that no members of Congress in Washington were interested, directly or indirectly, with my knowledge, in the sale of the islands.

This declaration I deposited the next day in the Danish foreign office, demanding to have it forwarded to our ambassador in Washington.

I sincerely regret that the minister of foreign affairs declined to do so, and I do not understand his motives; the whole scandal might have been avoided.

I hereby entreat your excellency to cable the contents of this letter to Secretary of State, Mr. Hay, and I offer to pay the cable expenses myself.

I have the honor to remain, your excellency's most obedient,

WALTER CHRISTMAS.

Waiving any question as to the authenticity of the Christmas report, the committee, as the result of their investigation, find and report:

That there is not the slightest semblance of evidence that any member of Congress, either directly or indirectly, was offered or received any bribe or was paid any valuable consideration of any kind or character to vote for or assist in procuring the proposal, adoption, or ratification of a treaty of sale of the Danish West Indian Islands to the United States. There is not the remotest ground from which to draw an inference or on which to base a conclusion that there was any corruption or wrongdoing on the part of the public officials of the United States in connection with the negotiations for the purchase and sale of the Danish West Indian Islands.

It is plain beyond peradventure that the bribery alleged in the report could have existed nowhere save in the imagination of Christmas, since the whole burden of his story is that he had no money. It is in evidence that he had to borrow in order to pay his passage home from this country.

According to the report, Christmas claims that the arrangement with his Government was that he was to get the American Government to take the first step toward purchasing the Danish West Indian Islands; that for his services in the event of success he was to receive 10 per cent of the purchase price (estimated at $500,000).

Whether this be true or not, the fact appears to be that he never received any money, save a small and insignificant sum of $1,600 prior to his leaving home, and consequently he never was in a position to bribe anyone.

The report contains the statement that in a conversation with the Danish prime minister relative to Christmas's proposed mission the latter pointed out the necessity for a large sum to bribe American legislators.

"His excellency expressed himself with greater force than I wish to report—his abhorrence for the political situation in America, which made it necessary to offer money in order to bring a political action, like that of transferring the islands, to a successful termination, but that he had long ago discovered the necessity for making such a money sacrifice, and he was ready to grant it."

Aside from the inherent improbability of this statement, we have the denial of Christmas as to its having been made in the letter just quoted wherein he says:

"I have never impressed the former Prime Minister Hövring with the idea that bribery was the way of getting the islands sold. I never wrote anything like this in my report."

The committee does not seek to justify its conclusions upon mere general statements, but will consider the charges of the report and the answers thereto in detail.

The report contains the allegation that Christmas had enlisted the services of Abner McKinley, brother of the late President, and of his partner, Mr. W. C. Brown, "who," it said, "know most accurately all the winding paths through Congress, and are well informed as to what members of Congress must be paid, as well as to the method which must be used to accomplish it." It further alleged that Christmas had contracts with them and others which the banking house of Seligman & Co., in New York, had conditionally agreed to guarantee. It furthermore said that these gentlemen had "rendered Christmas excellent assistance."

Abner McKinley appeared before the committee and testified, under oath, as follows:

"ABNER MCKINLEY sworn and examined.

"By the CHAIRMAN:

"Q. Your place of residence is where?

"A. New York City.

"Q. And your business?

"A. Lawyer.

"Q. Are you a brother of the late President McKinley?

"A. I am.

"Q. Do you know Captain Christmas?

"A. I met him once in a casual way. I lived at the Manhattan Hotel, and I met him in a most casual way in the lobby of the hotel.

"Q. Did you ever have a contract with him of any kind?

"A. Never, of any kind or character.

"Q. Had you any connection with him in seeking to bring about the sale of the Danish West Indian Islands to the United States?

"A. None, either directly or otherwise.

"Q. Did you ever bring that matter at his instance to the attention of the President?

"A. Never. I never talked to the President on the subject.

"Q. And the only relation you ever had with this Captain Christmas is that which you have already described?

"A. I may have met him a couple of times, but I met him in the public lobby of the Manhattan Hotel, where he was stopping. I do not recall who presented him to me, and only the ordinary courtesies of the day were extended. I never talked with him on any subject in relation to this inquiry."

"Mr. W. C. Brown appeared before the committee and testified as follows:

"WILBUR C. BROWN, sworn and examined:

"By the CHAIRMAN:

"Q. What is your place of residence?

"A. New York City.

"Q. What is your business?

"A. I am in a number of businesses. I am president of the Lincoln Coal Company and connected with the White Mountain Paper Company and the International Fire Insurance Company.

"Q. Do you know Captain Christmas?

"A. I met him, I think, once at the Manhattan Hotel.

"Q. Under what circumstances?

"A. I think he introduced himself to me.

"Q. Were you living at the Manhattan Hotel?

"A. Yes, sir; I have lived there since the burning of the Windsor Hotel.

"Q. Was he stopping there at the time?

"A. Yes, sir; he was stopping there.

"Q. Was that the extent of your acquaintance with Captain Christmas?

"A. I never had any conversation with him except on one occasion, when he came and introduced himself as Captain Christmas. He stated I had doubtless heard of him through Mr. Carl Fischer Hansen.

"Q. Mr. Hansen was an acquaintance of yours?

"A. Yes, sir; I had known him a number of years.

"Q. How often did you have a conversation with Captain Christmas?

"A. Never but the one time, when he came and introduced himself to me.

"Q. What was said in that conversation?

"A. Nothing whatever. He introduced himself as Captain Christmas and made no reference whatever to his business.

"Q. Did you have any conversation with him then or at any other time about the purchase of the Danish West Indian Islands?

"A. I did not.

"Q. Did you have any business arrangements with him?

"A. None whatever.

"Q. You had no relations with him except those you have just now indicated?

"A. None of any character.

"TESTIMONY OF MR. ISAAC N. SELIGMAN.

"ISAAC N. SELIGMAN sworn and examined.

"By the CHAIRMAN:

"Q. Your place of residence is New York?

"A. Yes, sir; New York.

"Q. You are a member of what firm?

"A. I am a member of the firm of I. & W. Seligman & Co.

"Q. Their business is what?

"A. Bankers.

"Q. How long have you been a member of that firm?

"A. I have been a member of the firm since 1878, I think.

"Q. Do you know Captain Christmas?

"A. Yes; I have met him a number of times in our office.

"Q. Will you state what particular relations you had with Captain Christmas?

"A. Yes, sir; I will be glad to do so. If I recollect correctly, it was some time in October or November, 1899, that he came to our office, introduced I forget by whom, and he stated to us that he was the representative of the Danish Government unofficially, as I recollect, in the matter of the sale of the West Indian Islands to be made to the United States, and that he was substantially directed by his Government, also unofficially, to say to it that the sale could take place on a fair basis (I think he mentioned four or five million dollars; I forget the basis), and that he was desirous of obtaining the instrumentality of reputable bankers to undertake the transmission of the money on commission, etc., and asked us whether we would do it.

"We told him yes, that we would be very glad to do it. He then told us that he was to receive, as I understood it, a commission of 10 per cent as commission in connection with the matter, and that he would give a banker's commission of 2½ per cent commission for all work that we could do, and, if I recollect correctly, we should pay all commissions on the other side, exchange, transmission of money, etc. He made a fairly good impression. He then told us that Privatbanken was the bank in Denmark in touch with the Government, and that the moneys would be paid over through them to us, as I understood it.

* * * * * * *

"Without hearing anything for some time, in order to more clearly establish Mr. Christmas and his entire arrangement, we then wrote to Privatbanken, Denmark, in reference to this entire business, and the letter which we received from them was not entirely satisfactory, was no confirmation whatever from the Government that Mr. Christmas was the agent or that moneys were to be paid so thereafter; we substantially dismissed the entire business from our minds. That is substantially the entire connection we had with Mr. Christmas.

* * * * * * *

"Mr. COUSINS. He says in his report, on page 25, 'Here I have been obliged to place my own person and my personal property as security, and, besides, Seligmans have (who have absolute confidence in me) placed their highly respected name as guaranty for my administration of the 10 per cent.'

"The WITNESS. That is unqualifiedly and wholly untrue, made out of the whole cloth."

The report contained this allegation:

"I had * * * made the acquaintance of different members of Congress—for example, Senators LODGE, DEPEW, CLARK, BACON (the last two were Democrats): members of the House, ALEXANDER, GARDNER, and others. They all took a great interest in the acquirement of the islands and promised me their very best assistance. I got them to establish the price of $4,000,000, as the prime minister had desired."

Each and every one of the parties thus named appeared before the committee and gave the lie to the statement of the report, with the exception of Senator CLARK, of Montana, who, however, stated to the chairman that he had never met Christmas, and had not, therefore, as a matter of course, had any conversation with him on any subject.

Senator LODGE met Christmas two or three times, but it is unnecessary to cite his testimony, since the report speaks of him as "the most respected member of the Senate, and who, of all the political persons I have met in America, is the only one that can not be bribed."

The testimony of the other gentlemen, members of the Senate and House, mentioned in the report follows:

"STATEMENT OF HON. CHAUNCEY M. DEPEW.

"The CHAIRMAN. Senator, you were a member of the United States Senate during the last Congress?

"A. Yes, sir.

"Q. Do you know Captain Christmas?

"A. I have no recollection of ever having met him. I will state my belief is that I never did, but so many thousands and thousands of people come to see me in New York and here, I would not want to say I had not met him.

"Q. You do not ever recollect having any conversation with him about the purchase of the Danish West Indian Islands?

"A. No, sir; I never had a conversation with anybody on that subject.

"6.

"STATEMENT OF HON. A. O. BACON.

"By the CHAIRMAN:

"Q. You are a United States Senator from the State of Georgia?

"A. Yes.

"Q. And you were United States Senator during the last Congress?

"A. Yes, sir. I have been Senator since the beginning of the Fifty-fourth Congress.

"Q. Do you know Captain Christmas?

"A. I do not know how broad that question might be. I have seen him, but I do not know that I would know him by sight if I were to see him now; but I did see him, I recollect, twice in Washington.

"Q. He says that you, together with certain other Senators whom he named, took a great interest in the matter of the acquisition of the Danish West Indian Islands, and promised the very best assistance to him. Is there anything in that?

"A. Will you kindly read what he says? I did not know he mentioned my name except at one place, where he said he had formed my acquaintance.

"The CHAIRMAN. On page 21 he says: 'I had, as above mentioned, at last made the acquaintance of different members of Congress—for example, Senators LODGE, DEPEW, CLARK, BACON (the last two were Democrats); members of the House, ALEXANDER, GARDNER, and others. They all took a great interest in the acquirement of the islands and promised me their very best assistance. I got them to establish the price of $4,000,000, as the prime minister had desired.' What have you to say in regard to that?

"A. That is absolutely untrue so far as I am concerned. So far from that being the truth, I did not desire the Government to acquire the islands, and do not desire it now, and am very sorry for what appears to be the necessity for that fact. With the permission of the committee, I will tell all I know with reference to any personal communication between him and myself.

"Q. Certainly.

"A. As I said in the beginning, I only remember to have seen him twice, each time in Washington. The first time was at a private house in this city at an afternoon reception where there were a number of callers, and he was presented to me apparently in an entirely incidental way, just from the fact we happened to be standing near each other, and the person presenting him—I really do not remember who it was; it was some lady. However, I remember that he stated he was a captain in the Danish navy, and in the same connection, probably in the same sentence, said that he was here in the interest of the sale of the Danish West Indian Islands to the United States.

"I did not desire the acquisition of the islands, and consequently I made no reply to that statement at all. I did not encourage any conversation in that line, and the only thing that passed between us was in the nature of the most commonplace civilities between strangers. Not a word was said either by him or by me as to the Danish Islands, and in possibly less than a minute we were separated in a crowd, and I saw no more of him.

"The other time I saw him was equally as accidental, at a reception of Mr. McKinley, in the East Room at the White House, where the crowd was, as is usual, thronging, and in a purely accidental way I was thrown near him, or he near me, I do not know which.

"His wife was with him at the time, I remember, and I spoke to him and we had again some of the most commonplace civilities without a word said in regard to Denmark or the West Indian Islands. If he had said anything about them I should have turned the subject, because I would not have desired to be rude to him, and if I had said anything at all expressing my own wish it would have been that I hoped he would fail in his mission. I use those words "fail in his mission" because I supposed at that time he was an officer in the Danish navy and was the accredited agent of the Government.

"STATEMENT OF MR. ALEXANDER, MEMBER OF CONGRESS FROM NEW YORK.

"Mr. ALEXANDER. I never spoke to Mr. Christmas; I have never met Mr. Christmas; I never heard of Mr. Christmas until this report, published in the RECORD, was called to my attention in the newspapers of Buffalo, where I was last Friday. I never spoke to anyone in or out of Congress in regard to the Danish treaty, nor has anyone spoken to me in or out of Congress in regard to the Danish treaty, nor have I heard it discussed at any time or in any place by anyone until after the publication of this alleged report. That is all I have to say.

"STATEMENT OF HON. JOHN J. GARDNER.

"By the CHAIRMAN:

"Q. Mr. GARDNER, you are a member of Congress from New Jersey?

"A. I am.

"Q. Do you know Captain Christmas?

"A. I think I met Captain Christmas; I am not certain about it.

"Q. You read or heard read this alleged report of his to the Danish Government?

"A. I have looked over it.

"Q. You noticed what was said therein about yourself?

"A. As I remember it now, I saw he says that he made the acquaintance of Mr. GARDNER. Captain Christmas has not yet made my acquaintance in any sense there indicated. When I say I think I met him once I mean this: Somebody, whom I can not exactly recall now, came to the Labor Committee room one morning and asked to present a lady and her husband. The lady was introduced with a long name, and my recollection is that the gentleman was simply introduced as her husband. He had very gallant manners, however, and seemed like a very fine gentleman. He laid his card upon the table on going out, and it had a number of names on it, and I recall somewhere in the middle, I think, occurred the name of Christmas. Afterwards, I think, he called one morning and asked the courtesy of a card to the gallery of the House, That is the extent of my acquaintance with Captain Christmas or his with me.

"Q. You notice that in his statement he says that at a certain time a speech was prepared to be delivered by you in connection with the Danish West Indian business.

"A. I was going to come to that. I never had anybody prepare a speech on the subject for me to deliver. I never had any knowledge at any time that anybody was preparing a speech on the subject for me to deliver, and I never had any knowledge that I was expected to deliver one.

"Q. And you were not preparing a speech yourself on that subject?

"A. I was not preparing a speech on that subject.

"Q. You had no connection with Mr. Christmas?

"A. None in the world.

"Q. Mr. GARDNER, you introduced a bill relative to the purchase of the West Indian Islands?

"A. I did.

"Q. Was that at the instance of Mr. Christmas?

"A. That was not at the instance of Mr. Christmas, nor could anybody representing him have known anything about it in any way."

From the foregoing citations of the evidence taken before the committee it is manifest that the charges made in the Christmas report with respect to Senators and Members of Congress are wholly untrue.

Christmas, according to the report and as shown in the evidence, had contracts with several parties to assist him in his work.

One of these was a young lawyer in New York named Carl Fischer-Hansen, who was to act as counsel for Christmas and to receive $20,000, payable out of the latter's commissions when earned. Mr. Fischer-Hansen testifies that he never met or spoke to any member of Congress or Government official in connection with his retainer. (See p. 77, testimony.)

Another party with whom Christmas, according to the report and the evidence, had a contract for legal services was one Richard P. Evans, of Washington, who was to have $50,000 for his services, payable out of Christmas's commissions when earned. (See p. 87, testimony.)

Mr. Evans testified that he "did not come in contact personally with any members of Congress relative to this matter." He went to the committee room of the Committee on Foreign Affairs to inquire about the Gardner bill. This was the extent of his services.

Still another party with whom the report and evidence shows Christmas had a contract for services was a Mr. C. W. Knox, of Glenelg, Md., who was to receive $15,000 out of Christmas's commissions. (See p. 101.)

Knox testifies that he "never said anything on the subject to any member of the House of Representatives." "That he talked to a number of people, but does not remember any particular conversations; all of them were simply to ascertain the views of the persons with whom they were conducted, and nothing else.

This is the party who the report says introduced Christmas to W. J. Bryan. Knox testifies that he never saw W. J. Bryan.

There is no evidence that any of Christmas's assistants bribed or made any attempt to bribe any member of the United States Congress, or to use corrupt methods to bring about the purchase by the United States of the Danish West Indian Islands; but there is abundant evidence to the contrary.

Upon the whole, that there may be no doubt, misapprehension, or misunderstanding about the matter, your committee, repeating in substance what they have already said unequivocally and emphatically, report that in connection with the negotiations for the purchase of the Danish West Indian Islands no member of the Congress of the United States was bribed or attempted to be bribed, nor did any member of Congress of the United States receive payment or promise of any valuable consideration of any kind or character to vote for or to assist in procuring the proposal, adoption, or ratification of the treaty of sale of the Danish West Indian Islands to the United States.

Attached hereto as an appendix is a full account of all hearings before the committee.

Mr. DINSMORE. Mr. Speaker, I must confess that I was very much surprised that this discussion was injected for the consideration of the House in the last hour of the session, because a report had been agreed upon unanimously by the committee that had this matter under consideration, and their report fully and emphatically acquits every member of this Congress and every official of the Government from any charge of bribery or improper conduct whatever.

I do not think it is worthy of discussion by me at all except from one consideration. My honorable friend the gentleman from Iowa [Mr. COUSINS], who thought proper to open the discussion with one of his brilliant speeches, has, by the manner of the discussion and by the language used in his remarks, seen proper to reflect upon the gentleman from Tennessee [Mr. RICHARDSON] and the gentleman from Alabama [Mr. UNDERWOOD], who participated with him in bringing the matter before the House, for having done so.

You have heard, Mr. Speaker, the source from which this report came. You have heard the affidavit of the man who brought it before Congress, a man who was vouched for by the highest authorities in the Republican party in the United States, a man who was commended to the President by honorable and distinguished Senators, a man who was commended to the organization of the Republican party for the distinguished services which he rendered, and who testified under oath that he had made a correct translation of an official report which was made by the man Christmas to the Danish Government, in which the character of this House was involved and members of the House were reflected upon.

Their integrity was not only questioned, but impugned, and when gentlemen arise and bring it to the consideration of the House and to have an investigation of the subject made, they are to be criticised in a partisan spirit by gentlemen of the opposition for doing so.

I am willing, for one, Mr. Speaker, to rest under the insinuation. I am willing to abide the criticisms of the honorable gentlemen who see proper to indulge in them against us, for we on this side of the House stand ready upon all occasions to vindicate the honor and the dignity of the House against all persons. [Applause on the Democratic side.]

The report was unanimous; it was agreed upon. It was presented to the House. It goes before the country with every syllable of the testimony taken before that committee, but the honorable gentleman is not content to rest upon this report. The honorable gentleman is not willing that the report shall go before the country, that the people shall make up their own minds from that. The gentleman does not seem willing to accept the supplemental report of the committee appointed by the Speaker of the House to make this investigation and that the public shall decide upon it, but he must question the motives of the gentleman on the Democratic side for bringing it before the House at all.

It rests with him to question the motives of members in bringing this matter here. It was for the purpose of maintaining the honor and the dignity of the Congress of the United States, and I am glad to know, and I believed from the beginning, that so

member of this House nor of the other House would be shown to have been guilty of any misconduct in the premises.

It was our duty out of self-respect to investigate the matter and show to the country whether the honor of any of our members might be questioned. A report of his relations both with the Danish Government and with Secretary Hay was made to the Danish Government by Christmas, a man who went from Washington with a letter from Secretary Hay to our legation in London, in which he stated distinctly that members of Congress must be controlled, a man who had contracts with different people in which large amounts of money were to be paid for services rendered, and as proven, and the gentleman from Iowa evidently resents that we should seek to inquire into the facts.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted to withdraw from the files of the House papers in the following cases:

To Mr. RUSSELL of Connecticut, papers in reference to the preservation of Fort Griswold, Conn., Fifty-sixth Congress, no adverse report having been made thereon.

To Mr. GRIFFITH, papers in the case of Ortho Adams (H. R. 13133), Fifty-sixth Congress, no adverse report having been made thereon.

METRIC SYSTEM.

Mr. SOUTHARD. I ask unanimous consent that House bill 123 be made the special order in the House for December 3 next, the consideration of the bill not to interfere with revenue bills——

Mr. RICHARDSON of Tennessee. What is this bill?

Mr. SOUTHARD. It is the bill providing for the adoption of the metric system.

Mr. RICHARDSON of Tennessee. I object.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 15108. An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other purposes;

H. R. 14244. An act authorizing the President to reserve public lands and buildings in the island of Porto Rico for public uses, and granting other public lands and buildings to the government of Porto Rico, and for other purposes;

H. R. 14046. An act making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes;

H. R. 4346. An act to amend section 2743 of the Revised Statutes of the United States concerning the examination of drugs;

H. R. 12702. An act to provide for the erection of a quartermaster's warehouse at Omaha, Nebr.;

H. R. 15258. An act authorizing Anton Brucken to construct locks and dams in Pond River, in the State of Kentucky, and to give the consent of Congress thereto;

H. R. 15257. An act to cede jurisdiction over place on which the National Home for Disabled Volunteer Soldiers is located to the State of Ohio; and

H. J. Res. 210. Joint resolution reappropriating and making available an unexpended balance of appropriations for work on the Capitol building.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 2162. An act to increase the efficiency and change the name of the United States Marine-Hospital Service;

S. 6148. An act providing for the resurvey of certain townships in San Diego County, Cal.;

S. 5956. An act to provide for the allotment of the lands of the Cherokee Nation, and for the disposition of town sites therein, and for other purposes;

S. 5587. An act for the relief of Ann Eliza Isabella von Hemert;

S. 6016. An act for the suppression of train robbery in the Territories of the United States and elsewhere, and for other purposes;

S. 4546. An act to provide certain souvenir medals for the benefit of the Washington Monument Association of Alexandria, Va.;

S. R. 8. Joint resolution construing the act approved June 27, 1890, entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents;"

S. 113. An act authorizing the Secretary of War to furnish condemned cannon for a monument to the soldiers of Worcester County, Mass., who served in the war for the Union, to be surmounted by an equestrian statue of the late Maj. Gen. Charles Devens, United States Volunteers;

S. 6196. An act to regulate the sale of viruses, serums, toxins, and analogous products in the District of Columbia, to regulate interstate traffic in said articles, and for other purposes;

S. R. 123. Joint resolution for the relief of Naval Cadet William Victor Tomb, United States Navy;

S. R. 130. Joint resolution authorizing certain temporary repairs to the Aqueduct Bridge, District of Columbia;

S. 4815. An act to grant certain land to the South Platte Canal Reservoir Company;

S. 4139. An act to diminish the number of appraisers at the ports of Philadelphia and Boston;

S. 2295. An act temporarily to provide for the administration of the affairs of the civil government in the Philippine Islands, and for other purposes;

S. R. 23. Joint resolution authorizing the Secretary of War to furnish condemned cannon for a statue of the late Maj. Gen. Alexander Macomb, United States Army;

S. 6232. An act for the relief of I. I. Barber; and

S. R. 120. Joint resolution providing for the removal of shoal in North River of New York Harbor.

W. L. WALTER.

Mr. JOY. I desire to call up a resolution from the Committee on Accounts.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I raise a point of order. I have not yielded the floor. I reserved my time.

The SPEAKER. There is nothing left but a few formal matters and then the adjournment.

Mr. RICHARDSON of Tennessee. I did not want anyone else to take the floor from me.

The SPEAKER. Nobody is going to have the floor.

Mr. RICHARDSON of Tennessee. I do not want any further debate.

The resolution called up by Mr. JOY was read, as follows:

Resolved, That the Clerk of the House is hereby authorized to pay, out of the contingent fund of the House, to W. L. Walter the sum of $356.76, for services rendered as clerk to the Committee on Elections No. 3, at the rate of $80 per month from December 10, 1901, to April 15, 1902, inclusive.

The resolution was adopted.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States was communicated to the House of Representatives by Mr. B. F. BARNES, one of his secretaries, who informed the House that the President had approved and signed bills and joint resolutions of the following titles:

On June 30, 1902:

S. 4923. An act to ratify and confirm a supplemental agreement with the Creek tribe of Indians, and for other purposes;

S. 4776. An act to authorize the construction of a bridge across the Emory River, in the State of Tennessee, by the Tennessee Central Railway or its successors;

S. 4611. An act to authorize the West Elizabeth and Dravosburg Bridge Company to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania;

S. 5434. An act to authorize the city of Little Falls, Minn., to construct a wagon and foot bridge across the Mississippi River within the limits of said city;

S. 493. An act to amend an act entitled "An act to establish a code of law for the District of Columbia;

S. 1949. An act to authorize the Secretary of the Navy to appoint George H. Paul a warrant machinist in the Navy;

S. 4762. An act to prevent any consular officer of the United States from accepting any appointment from any foreign state as administrator, guardian, or to any other office of trust, without first executing a bond, with security, to be approved by the Secretary of State;

S. 4792. An act relative to the control of dogs in the District of Columbia;

S. 6091. An act extending the time for making final proof in desert-land entries in Yakima County, State of Washington;

S. 3320. An act granting an increase of pension to Adelaide G. Hatch;

S. 5856. An act granting an increase of pension to Elizabeth A. Turner;

S. 1225. An act granting an increase of pension to Clara W. McNair;

S. 5506. An act granting an increase of pension to Clayton P. Van Houten;

S. R. 118. Joint resolution authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Arturo R. Calvo, of Costa Rica;

S. 5383. An act providing that the circuit court of appeals of the fifth judicial circuit of the United States shall hold at least one term of said court annually in the city of Atlanta, in the State of Georgia, on the first Monday in October in each year;

S. 3360. An act for the promotion of First Lieut. Joseph M. Simms, Revenue-Cutter Service;

S. 4450. An act confirming in the State of South Dakota title to a section of land heretofore granted to said State;

S. 2162. An act to increase the efficiency and change the name of the United States Marine-Hospital Service;

S. 6148. An act providing for the resurvey of certain townships in San Diego County, Cal.

On July 1, 1902:

S. R. 113. Joint resolution authorizing the Secretary of War to furnish condemned cannon for a monument to the soldiers of Worcester County, Mass., who served in the war for the Union, to be surmounted by an equestrian statue of the late Maj. Gen. Charles Devens, United States Volunteers;

S. R. 120. Joint resolution providing for the removal of shoal in North River of New York Harbor;

S. R. 123. Joint resolution for the relief of Naval Cadet William Victor Tomb, United States Navy;

S. R. 130. Joint resolution authorizing certain temporary repairs to the Aqueduct Bridge, District of Columbia;

S. 3896. An act to amend sections 3362 and 3394 of Revised Statutes of the United States relating to tobacco;

S. 5956. An act to provide for the allotment of the lands of the Cherokee Nation, for the disposition of town sites therein, and for other purposes;

S. 6196. An act to regulate the sale of viruses, serums, toxins, and analogous products in the District of Columbia, to regulate interstate traffic in said articles, and for other purposes;

S. 6232. An act for the relief of I. I. Barber;

S. 2295. An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes;

S. 4139. An act to diminish the number of appraisers at the port of Philadelphia and Boston, and for other purposes;

S. 6016. An act for the suppression of train robbery in the Territories of the United States and elsewhere, and for other purposes;

S. 4815. An act to grant certain land to the South Platte Canal and Reservoir Company;

S. 4546. An act to provide certain souvenir medals for the benefit of the Washington Monument Association, of Alexandria, Va;

S. 5587. An act for the relief of Anna Eliza Isabella Von Hemert;

S. R. 23. Joint resolution authorizing the Secretary of War to furnish condemned cannon for a statue of the late Maj. Gen. Alexander Macomb, United States Army;

S. R. 8. Joint resolution construing the act approved June 27, 1890, entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents, and for others;"

H. R. 303. An act for the relief of Sol Bear & Co.;

H. R. 8209. An act for the relief of P. A. McClain;

H. R. 10775. An act for the relief of Charles E. Sapp;

H. R. 12702. An act to provide for the erection of a quartermaster's warehouse at Omaha, Nebr.;

H. R. 15257. An act to cede jurisdiction over a place on which the National Home for Disabled Volunteer Soldiers is located to the State of Ohio;

H. R. 15258. An act authorizing Anton Brucken to construct locks and dams in Pond River, in the State of Kentucky, and to give the consent of Congress thereto;

H. R. 14046. An act making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes;

H. R. 12805. An act requiring the Anacostia and Potomac River Railroad Company to extend its Eleventh street line, and for other purposes;

H. R. 11578. An act for the relief of settlers on lands granted in aid of the construction of wagon roads;

H. R. 9501. An act to provide for the sale of the unsold portion of the Umatilla Indian Reservation;

H. R. 14244. An act authorizing the President to reserve public lands and buildings in the island of Porto Rico for public uses, and granting other public lands and buildings to the government of Porto Rico, and for other purposes;

H. J. Res. 210. Joint resolution reappropriating and making available an unexpended balance of appropriations for work on the Capitol building;

H. R. 4346. An act to amend section 2743 of the Revised Statutes of the United States concerning the examination of drugs; and

H. R. 11273. An act to pay F. Y. Ramsay, heir at law and distributee of the late Joseph Ramsay, $430.42, for balance due the said Joseph Ramsay as collector of customs and superintendent of lights in the district of Plymouth, N. C.

NOTIFICATION OF ADJOURNMENT OF CONGRESS.

Mr. PAYNE. Mr. Speaker, the committee appointed by the House to join the committee appointed by the Senate to wait upon the President of the United States and inform him that the two Houses of Congress had concluded their business and were ready to adjourn, and to ask him whether he had any further communication to make, have performed that duty, and the President has informed them that he had no further communication to make.

The SPEAKER (at 5.30 p. m.). Gentlemen of the House of Representatives, many of us met at the beginning of this session as friends; many of us at the commencement of this session met as strangers. I believe that we shall all part, when the moment for adjournment comes, as friends. [Applause.] The prayer which I made to this House at the commencement of this Congress that the House would help to sustain the Chair in enforcing the rules has never been forgotten. You have been each and all of you sustaining forces in aiding me in the discharge of my duty. [Applause.] For that, my friends, I return my grateful acknowledgments.

I am proud to say that no House of Representatives since the Constitution was adopted has in the same length of time done the amount of work that this House of Representatives has done. [Applause.] And you have done your work like men—earnest and honest as you have all been in carrying your convictions, so far as possible, into legislation. There has never been an hour when the acrimony of debate left scars in any breast in this House. That fact has much gratified your presiding officer. You have all been faithful and untiring; and in the twenty years of my service I have never seen so many friends in the closing days of a session as I now witness.

Now, as we are about to part, I wish you all a safe return to your homes, and that you may all come back to the next session rested and refreshed; and I ask no more than that you may be as earnest then as you have been in the session just closed. [Applause.] And now, gentlemen, in pursuance of the concurrent resolution of the two Houses, I declare this session of the Fifty-seventh Congress adjourned sine die. [Loud applause.]

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of War, transmitting a report of the Adjutant-General showing promotions in the Army of officers who within one year thereafter were retired at a higher rank than that held previous to such promotion—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Acting Secretary of War, transmitting, in response to a resolution of the House, a copy of a letter from Brig. Gen. Leonard Wood relating to payments to F. B. Thurber out of Cuban funds—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Doorkeeper of the House of Representatives, transmitting a statement of the sale of waste paper—to the Committee on Accounts, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MOODY of Oregon, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 597) granting to the State of North Dakota 30,000 acres of land to aid in the maintenance of a school of forestry, reported the same without amendment, accompanied by a report (No. 2747); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PAYNE, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 15155) to refund the amount of duties paid on merchandise brought into the United States from Porto Rico between April 11, 1899, and May 1, 1900, and also on merchandise brought into the United States from the Philippine Islands between April 11, 1899, and March 8, 1902, and for other purposes, reported the same with amendment, accompanied by a report (No. 2748); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DALZELL, from the special committee to investigate facts connected with the purchase of the Danish West India Islands, submitted a report (No. 2749); which said report was referred to the House Calendar.

Mr. McCLEARY, from the Committee on the Library, to which was referred the bill of the House (H. R. 3075) in regard to a monumental column to commemorate the battle of Princeton, and appropriating $30,000 therefor, reported the same without

amendment, accompanied by a report (No. 2750); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. HENRY C. SMITH: A bill (H. R. 15349) to increase the efficiency of the United States Marine-Hospital Service—to the Committee on Interstate and Foreign Commerce.

By Mr. DRISCOLL: A bill (H. R. 15350) for the erection of a monument to the memory of Commodore John Barry—to the Committee on the Library.

By Mr. SCHIRM: A bill (H. R. 15351) to establish the Department of Labor—to the Committee on Labor.

By Mr. MUDD: A bill (H. R. 15352) to provide for the purchase of a site and the construction and equipment of a building for a naval hospital at Solomons Island, Calvert County, Md.—to the Committee on Naval Affairs.

Also, a bill (H. R. 15353) authorizing the Secretary of the Navy, in his discretion, to contract for the construction of a dry dock at Drum Point Harbor, at the mouth of the Patuxent River, Chesapeake Bay, Maryland—to the Committee on Naval Affairs.

Also, a bill (H. R. 15354) authorizing the Secretary of the Navy, in his discretion, to contract for the construction of a dry dock at or near St. Marys City, on St. Marys River, between said St. Marys City and the mouth of said river, upon the Potomac River, Maryland—to the Committee on Naval Affairs.

By Mr. SAMUEL W. SMITH (by request): A bill (H. R. 15355) to reorganize and improve the present form of government for the District of Columbia—to the Committee on the District of Columbia.

By Mr. SHAFROTH: A joint resolution of the legislature of Colorado, relating to the national currency—to the Committee on Banking and Currency.

Also, a joint resolution of the legislature of Colorado, relating to the Philippines—to the Committee on Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BATES: A bill (H. R. 15356) to remove the charge of desertion from the military record of Samuel C. Davis—to the Committee on Military Affairs.

By Mr. DOVENER: A bill (H. R. 15357) granting an increase of pension to George W. Fitzgerald—to the Committee on Invalid Pensions.

By Mr. GRAHAM: A bill (H. R. 15358) granting a pension to John Snodgrass—to the Committee on Invalid Pensions.

By Mr. MUDD: A bill (H. R. 15359) for the relief of the heirs of Nicholas Stonestreet, deceased—to the Committee on War Claims.

By Mr. PEARRE: A bill (H. R. 15360) for the relief and compensation of William Forsythe—to the Committee on Claims.

By Mr. TOMPKINS of New York: A bill (H. R. 15361) for the relief of Nancy Rose—to the Committee on Claims.

Also, a bill (H. R. 15362) granting a pension to Grace G. Harrington—to the Committee on Pensions.

By Mr. WILLIAMS of Mississippi: A bill (H. R. 15363) for the relief of Elias Nichols—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER: Resolutions of Broadway Business Men's Association, North Jefferson Business Men's Association, and Cold Springs Business Men's Association, all of Buffalo, N. Y., favoring a bill to authorize the Mather Power Company to construct an experimental span in Niagara River at Buffalo, N. Y.—to the Committee on Interstate and Foreign Commerce.

By Mr. ALLEN of Kentucky: Petitions of V. P. Stateler, A. T. Brown, and others in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. BINGHAM: Petition of John J. Keenan and other retail druggists of Evansville, Ind., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, petition of Andrew Carnegie, Charles F. Adams, Carl Schurz, Edwin Burritt Smith, and Herbert Welsh, urging the appointment of a special committee to investigate the condition of affairs in the Philippine Archipelago—to the Committee on Insular Affairs.

By Mr. BOWERSOCK: Papers relating to Senate bill 688, for the relief of David H. Lewis—to the Committee on Claims.

By Mr. CRUMPACKER: Petitions of citizens of Hammond, Crown Point, Lafayette, and Idaville, Ind., favoring House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. DOVENER: Papers to accompany House bill granting increase of pension to George W. Fitzgerald—to the Committee on Invalid Pensions.

By Mr. GRAHAM: Affidavits of Dr. R. L. McGrew and Dr. Theodore Diller to accompany House bill granting a pension to John M. Snodgrass—to the Committee on Invalid Pensions.

By Mr. HALL: Petition of Charles A. Schrum and four other druggists of Dubois, Pa., favoring the enactment of House bill 178, reducing the tax on alcohol—to the Committee on Ways and Means.

By Mr. KAHN: Petition of retail druggists of San Francisco, Cal., in favor of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. PATTERSON of Pennsylvania: Paper to accompany House bill 13443, granting a pension to Sarah Williams—to the Committee on Invalid Pensions.

By Mr. RUPPERT: Resolutions of Woman's Republican Club of New York City, in favor of the proposed increase of pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. SIBLEY: Petitions of druggists of Bradford and Oil City, Pa., in favor of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. SULLOWAY: Petition of druggists of Manchester, N. H., for reduction of the tax on alcohol—to the Committee on Ways and Means.

APPENDIX.

APPENDIX

TO THE

CONGRESSIONAL RECORD.

The Isthmian Canal.

SPEECH

OF

HON. JAMES R. MANN,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, January 7, 1902.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 8110) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans—

Mr. MANN said:

Mr. CHAIRMAN: When Columbus set sail from Palos on August 3, 1492, it was in search of a western route to the Far East. He discovered instead a new continent, which was also a barrier lying across the water route which he had vainly hoped would lead him to the dazzling riches of the Orient. He died believing that he had discovered the outposts of the land which he had sought.

But in 1513 Balboa, with wondering eyes, gazed upon the Pacific Ocean, or South Sea, as he called it, and it then became known that a great ocean lay upon each side of the narrow isthmus and that the straight western water route from Europe to the Indies had been closed by the hand of God and the surface of nature.

No natural channel being discovered between the two oceans, the enterprise of man began early to contemplate the construction of an artificial connection by water as well as over land.

In 1534 Charles V of Spain directed that the Isthmus be examined by experienced men to ascertain the most practicable route for water communication between the two oceans, but his son Philip II, who succeeded him, in the fervor of his religious beliefs, thought that what God had joined together no man should put asunder, and that it would be wicked to sunder the two continents of the Western Hemisphere by a water route connecting the two great oceans.

The policy of Philip II continued to be the policy of the Spanish Government until shortly before Spain was deprived by revolution of her possessions in Central America, and no great progress, either in the way of obtaining technical information or otherwise concerning maritime communication between the two oceans, was made during the more than three hundred years of Spanish occupation.

In 1825 the then Republic of Central America asked the cooperation of the United States and the American people in the construction of a Nicaraguan Canal, and in 1826 entered into a contract with certain American citizens for that purpose. After this effort and still another one in 1830 had ended in failure, the Republic of Central America proposed to grant to our own Government the right to construct a canal. In his annual message to Congress in 1831 President Jackson, referring to treaty with the Republic of Central America, said that this treaty—

promises a great benefit to commerce between the two countries—a commerce of the greatest importance if the magnificent project of a ship canal through the dominions of that State from the Atlantic to the Pacific Ocean, now in serious contemplation, shall be executed.

But before the close of Jackson's second term he reported to the Senate that there was no probability of an early execution of any of the projects for a ship canal. President Van Buren, however, who succeeded Jackson, sent Mr. John L. Stephens to examine the Isthmus for a canal route and he reported the Nicaragua route as the most desirable, estimating the cost at $25,000,000.

In 1838 the Republic of New Granada, owning the Panama route, granted a concession to a French company which, in connection with the French Government, made an examination of the route, and a report was made by Napoleon Garella that the cost of a canal at that point would be about $25,000,000 if constructed with a tunnel 3 miles long, or about $28,000,000 if constructed with an open cut. The summit of water level of this canal was to be over 160 feet above sea level.

Our war with Mexico, as well as the territory we gained thereby, greatly increased the interest of our Government in the isthmian connection between the two oceans, and in December, 1846, a treaty was negotiated between this country and New Granada securing to us certain rights concerning transit across the Isthmus of Panama, and imposing upon us certain obligations. That treaty still remains in force, and it is under that treaty that our Government has had a special interest in all propositions relating to the construction of a Panama Canal.

In 1849 Mr. Elijah Hise, then in charge of affairs for the United States in Nicaragua, negotiated a treaty with that Republic conferring upon the United States or its citizens the exclusive right to construct a canal through Nicaragua. But President Taylor, who was elected on a ticket opposing the natural results of the Mexican war and who was not in sympathy with the Administration which had appointed Mr. Hise, recalled Mr. Hise, disapproved the treaty which he had negotiated, and, instead, directed and approved the negotiation of the Clayton-Bulwer treaty, which has proven such an obstacle and source of obstruction ever since. President Taylor did not live long enough to do much in his high office, but he built up a barrier in front of an isthmian canal fully as hard to overcome as the hills themselves. If it had not been for the narrow-minded opposition of the Whig party to the natural and desirable results of the Mexican war, it is probable that the canal would have been built many years ago.

In 1850 The American, Atlantic and Pacific Ship Canal Company, having obtained a proper concession from Nicaragua, appointed Col. O. W. Childs to make a complete survey and report upon the feasibility and cost of a ship canal through Nicaraguan territory. In 1852 Colonel Childs made his report in an elaborate form and reported in favor of the practicability of the canal to be built at an estimated cost of $31,538,319.55. This canal was to have 12 locks on the eastern side and 13 locks on the western side, each to be 60 by 250 feet, with a depth of 17 feet of water on the miter sills. The project of Colonel Childs was submitted by President Fillmore to United States engineers, who reported favorably upon it, with some modifications, and it was also submitted by the English Government to English engineers, who also reported favorably, with some modifications. No work was ever done under this project. Surveys, examinations, and reports were made from time to time, both as to the canal in the Nicaraguan territory and in the Darien territory, including the Panama route.

INTEROCEANIC CANAL COMMISSION.

In 1872 General Grant appointed an Interoceanic Canal Commission, and in the same year the Navy Department commenced a more complete examination of the Nicaraguan route. The report of the latter is known as the report of Commander E. P. Lull, who estimated the cost of the Nicaragua Canal at $65,722,137, including 25 per cent for contingencies. The depth of the canal was to be 26 feet and the locks were to be 75 by 400 feet.

In 1874 Major McFarland was detailed by the War Department to make an examination and report, and he made a rough estimate of a 26-foot canal at Nicaragua at $140,000,000.

In 1875 Commander Lull made an examination and report upon a Panama Canal. His estimate of a 26-foot canal there, with locks 65 by 450 and a summit level of 124 feet above sea level, was $94,511,360. These reports were all laid before the Interoceanic Canal Commission, as well as reports of other exploring and examining expeditions which made surveys and estimates of the San Blas route, the Caledonia route, and other routes.

The Interoceanic Canal Commission, which had been appointed by President Grant, consisting of Gen. A. A. Humphreys, Chief of Engineers of the Army; C. P. Patterson, Superintendent of the Coast Survey, and Commodore Daniel Ammen, Chief of the Bureau

of Navigation of the Navy, after a careful examination of the surveys and information relating to all of the different routes, made a unanimous report in 1876 as follows:

That the route known as the Nicaragua route, beginning on the Atlantic side at or near Greytown, running by canal to the San Juan River; thence * * * to * * * Lake Nicaragua; from thence across the lake and through the valleys of the Rio del Medio and Rio Grande to * * * Brito on the Pacific coast, possesses, both for the construction and maintenance of a canal, greater advantages and offers fewer difficulties from engineering, commercial, and economic points of view than any of the other routes shown to be practicable by surveys sufficient in detail to enable a judgment to be formed of their respective merits.

OLD PANAMA CANAL.

In 1876 and again in 1878 Lieutenant Wyse, as the agent of a French provisional company, obtained a concession from the Republic of Colombia, the successor of the Republic of New Granada, for a Panama canal, and this concession, as subsequently modified from time to time by agreement between the parties, became the basis of the Panama Canal Company. In accordance with the provisions of the Wyse concession, an international scientific congress was assembled at Paris in 1879 to decide upon the best line for and kind of a maritime canal across the American Isthmus. This international congress was composed of 135 delegates from various nations, including the United States, though a majority of the congress were Frenchmen.

In this International Scientific Congress the principal consideration of the subject was had in the committee on technology, which reported that a canal with locks could be constructed for $114,000,000; a sea-level canal at the same point for $214,000,000; that the Nicaragua Canal would cost $154,000,000; that the San Blas sea-level canal would cost $254,000,000. The committee reported that the expense of repairs and working of the canal capitalized at 5 per cent would be about the same at each place and would amount to $26,000,000, making, as the committee reported, a total estimated cost of $180,000,000 for the Nicaragua Canal, $140,000,000 for the Panama Canal, with locks, $240,000,000 for sea-level canal at Panama, and $280,000,000 for sea-level canal at San Blas, through a 9-mile tunnel. I shall refer more particularly to the report of that congress a little later.

TEHUANTEPEC SHIP RAILWAY.

In 1849 Peter A. Hargous, of New York City, had presented a petition to Congress setting forth the advantages of communication between the Atlantic and Pacific across the Isthmus at Tehuantepec, and that route was called to the attention of the American Republic from time to time, though not with great force, until Col. James B. Eads proposed the construction of an interoceanic ship railway at Tehuantepec. Various hearings upon this proposition were held before committees of the House and Senate in 1880 and subsequent years, and in 1881 the Committee of the House on Interoceanic Ship Canals reported in favor of the Eads ship railway. A favorable report upon this same proposition was made by Senator Vest, from the Committee on Commerce, in the Senate, in 1882.

MARITIME CANAL COMPANY.

In 1884, under the Administration of President Arthur, the Frelinghuysen-Zavala treaty was negotiated authorizing the construction by the United States of the Nicaragua Canal, but President Cleveland withdrew the treaty from the Senate when he entered upon his term of office. Following the negotiation of this treaty a new survey was ordered by our Government, under command of A. G. Menocal, of the Navy, who had been connected with the previous surveys by Commander Lull. Menocal reported, in 1885, a new project for the Nicaragua Canal, with a proposed depth of 28 feet and locks 65 by 650 feet, at a total estimated cost of $64,036,197, which included 25 per cent for contingencies. Following the withdrawal of the Frelinghuysen-Zavala treaty Mr. Menocal, in 1887, secured a concession for a canal by the Nicaragua route, and this concession was turned over to the Maritime Canal Company, which was granted a charter by Congress in 1889.

The project of the Maritime Canal Company contemplated the construction of a dam at Ochoa, on the San Juan River just below its junction with the torrential stream the San Carlos River, about 69 miles from Lake Nicaragua, on a clay foundation, about a quarter of a mile in length, having a thickness at the bottom of about 500 feet and a height from base to top of 85 feet, designed to hold the water above the dam in the San Juan River at above the level of the water in Lake Nicaragua, between 100 and 110 feet above sea level. To carry out the idea of the backing up of the San Juan River, and in extension of the lake thus formed, it was proposed to construct on the north side of the river 67 other dams, having a total crest length of about 6 miles, and on the south side of the river 21 other dams, having a total crest length of about 5,500 feet. Some of these dams were to be high and wide, one of them being 70 feet in height and 1,050 feet in length.

RECENT COMMISSIONS.

In 1895 a new Nicaragua Canal Board was appointed, consisting of Col. William Ludlow, of the Army; M. T. Endicott, of the Navy, and Alfred Noble, civil engineer, of Chicago, which board made a thorough examination of the project of the Maritime Canal Company, favored various changes in the project, reported favorably upon the project with such proposed changes, and estimated the cost at $133,472,893, which included 20 per cent for contingencies.

In 1897 a new Nicaragua Canal Commission was appointed to continue the work of the board of 1895, and upon this Commission were placed Admiral John G. Walker, of the Navy; Col. Peter C. Hains, of the Army, and Prof. Lewis M. Haupt, civil engineer.

It must be remembered that during the time from 1890 to 1899 the Maritime Canal Company was constantly seeking additional legislation in Congress, and for several years was asking from Congress financial aid in its enterprise. Meanwhile the time for the construction of the canal under its concession was rapidly running out, and although that company expended several millions of dollars and commenced the construction of the work upon the ground, it was never able to obtain the necessary financial support for the proper undertaking of such a great work. It came before the Committee on Interstate and Foreign Commerce of the House, as well as going before the proper committee in the Senate, urging in every way that some action be taken by Congress through which the canal might be restored to financial life and the company obtain something for its expenditures and its concessions.

When it became evident that the Maritime Company could not finish the canal and that the work which it had done was of little practical utility, our committee did not feel inclined to favor any legislation which would further commit this Government to the proposition of raising the money to be expended by the canal company or which would operate so as to permit that company to obtain an extension of its concession. Meanwhile other individuals and companies were seeking, and some claimed that they had obtained, concessions from the Republic of Nicaragua exclusive in their character.

HISTORY OF THE PRESENT BILL.

It was at this juncture that the distinguished chairman of our committee, the gentleman from Iowa [Mr. HEPBURN], presented the proposition, in the form of a bill introduced by him, that the canal should be constructed, owned, and controlled by the United States Government. Before this could be done various obstacles must be surmounted. There was the Clayton-Bulwer treaty; there was the Panama Canal concession in the Republic of Colombia, the Maritime Canal Company's concession, and the Grace-Eyre-Cragin concession in Nicaragua, as well as various other concessions whose reputed owners made claims at both places.

In May, 1899, the Walker Nicaragua Canal Commission made its report, favoring the construction of the Nicaragua Canal 30 feet in depth, with a bottom width of 150 feet, with locks 80 by 640 feet in the clear, and at an estimated cost of $118,113,790, including 20 per cent for contingencies. This estimated cost included $27,257,037 for the four items of engineering, police, sanitation, and contingencies, leaving the actual estimated cost of the canal at $90,856,753. The present Commission estimates the four items of engineering, police, sanitation, and contingencies at $31,644,010, and the actual cost of the canal at $158,220,052, showing an increase in the estimate from less than $91,000,000 to over $158,000,000 for the items enumerated and estimated for.

When the conclusions and figures of the Nicaragua Canal Commission of 1897 were made known to your committee on Interstate and Foreign Commerce they reported favorably to this House the Hepburn bill for a canal to be built by the United States. It was natural that all the friends of all the concessions which had been granted and were outstanding, both at Panama and at Nicaraugа, should arouse as much opposition as possible to this bill, which proposed a canal to be constructed by the Government and without any profit to be paid the concessionnaires. The Hepburn bill was reported to the House in the winter of 1899. It was never taken up for consideration by itself; but when the river and harbor bill of that year passed the House and went to the Senate the Hepburn bill was added to the river and harbor bill as an amendment in the Senate. That amendment caused for a time a deadlock between the conference committee of the House appointed from the River and Harbor Committee and the conference committee from the Senate over the river and harbor bill.

Finally a provision was agreed upon which was enacted into law in the river and harbor bill of 1899 providing for a new Commission to reexamine the canal question and make a new report. Pending the report of that Commission the Hepburn bill for Government ownership was reintroduced into the last Congress and favorably reported by our committee. It was urged then against its consideration and passage that Congress ought to await the report of the Commission which had been appointed; but notwithstanding this objection, the House passed the bill two years ago next spring. Since that time the obstacle of the Clayton-Bulwer treaty, by which our Government agreed not to build a canal, has been removed.

The Hepburn bill is now before us for disposition. Let me call your attention to its terms: It authorizes the President to acquire from Costa Rica and Nicaragua control of such territory as may be desirable and necessary on which to construct a canal of sufficient depth and capacity to accommodate ships of the greatest tonnage and draft now in use. The canal proposed by the present Commission has a depth of 35 feet, a bottom width of 150 feet, with locks 84 by 740 feet in the clear. I shall call attention later to the fact that the only method by which the President can enter into an agreement with a foreign power is by a convention or treaty, which must be ratified by the Senate before it takes effect.

Section 2 of the bill provides that when the President has secured full control over the territory in section 1 referred to he shall direct the Secretary of War to construct the canal. The responsibility for the work is placed upon the President. It is not proposed that there shall be any divided authority through which those in charge may escape the force of scandal or fraud if that shall occur. We adopt, at least for the present, the Nicaragua route, if this bill becomes a law. But, Mr. Chairman, the Nicaragua route has been favored by every commission of our country. Time and time again the commissions and the engineers appointed by this Government to examine into the question of an isthmian canal have made reports favoring the Nicaragua route as the most available, the most practicable, and the least expensive. The subject has been before the world for more than four hundred years. It has been actively and incessantly before our people and our Government for more than fifty years. The subject has been considered from all sides and from all standpoints. Surveys have been made and remade and made over and over again. There is much that we have learned concerning the subject; there is much that we have yet to learn.

But, Mr. Chairman, in spite of the history of the past; in spite of all of the investigation which has been made upon the subject; in spite of the testimony which has been given by eminent engineers before the committees of Congress and elsewhere; in spite of all these favorable reports of the past; in spite of the report of the present Isthmian Canal Commission favoring the Nicaragua route, although that Commission was appointed by legislation secured by those who favor delay; I say, Mr. Chairman, in spite of all these circumstances and many more of like character, we are again met, as we climb toward the summit of the hill of legislation, with the proposition for more delay, with the request that we turn back, march down, and wait a time before we climb up again.

Mr. Chairman, there is a studied effort being made in this House now, and doubtless the same studied effort will be made throughout the country, to show that because the Panama Canal Company at this last hour makes a newspaper proposition we should set aside the reports and recommendations of American engineers during more than fifty years, in favor of the Panama route, which has never had a favorable report from any American commission or board or any American engineer holding an official position under the Government. The opposition accuses us of undue haste. But, Mr. Chairman, we are supported by the evidence, the information, the propositions, the policy, and reports of half a century, all favoring the Nicaragua route. Our project has been examined over and over again, each new board looking with critical eyes at the reports of the board which preceded it. We are not acting with haste. We are expressing the deliberate judgment of the American standpoint for fifty years. We are carrying into effect the decree in favor of the Nicaragua route, which has been oft repeated. [Applause.]

The gentlemen now opposing us cry out for delay. They say: "Do not act in haste." In the same breath, Mr. Chairman, they exclaim in favor of the Panama route, and all they have to support their contention are a few favorable expressions used by the present Isthmian Commission in its report, which report favored the Nicaragua route. There never was, Mr. Chairman, a more flimsy excuse for delay. It will be an excuse, however, which will receive support from many people throughout the land, and especially from those who have given no consideration to the history of the subject or the examinations and reports of the past. Mr. Chairman, I believe in the fullest discussion of this subject. I believe in the widest latitude of research and examination. I am not absolutely sure that the Nicaragua route is better than the Panama route. I do not believe any man can know that. The only way we will ever find out whether either of these routes is feasible is to make the attempt of actual construction. [Applause.]

Mr. Chairman, it was only yesterday, as it were, that we were seeking some possible route for a canal. The Congress of the United States was not prepared to say by legislation whether there existed upon the Isthmus at any point a practicable, or feasible, or possible canal route. To-day the situation is somewhat changed. Where yesterday there was none, to-day there is a surplus. Where yesterday the contention was as to whether Congress should authorize the construction of a canal at all, because possibly there was no place where one could be constructed, to-day we are divided only upon the question as to which of the two favorite routes we shall select. Heretofore the objection to legislation has been that no practicable route existed. To-day the objection to legislation is that there are too many practicable routes. Yesterday we were in doubt whether a canal could be constructed at Panama or whether one could be constructed at Nicaragua. To-day we are told that both are possible, but that we must wait further to find out which one shall be selected.

I confess, Mr. Chairman, that I have approached the question with grave doubts in my mind as to my ability to pass upon the question and grave doubts as to the possibility of engineering authorities to decide the question correctly. We are all of us prone to accept expert testimony which is on our side of the case; but those of us who, either in the profession or elsewhere, have had occasion to examine the truthfulness or correctness of expert testimony have learned to question its value in many particulars. The expert testimony in regard to the canal routes has been varied and has been before the public for many years.

No two commissions have ever agreed either upon the cost or the exact place of constructing a canal. Great engineering commissions have been created by this country, by other countries, and by other organizations and companies, to report upon the cost and the feasibility of canals across the Isthmus, and no two of them have ever agreed either upon the exact route to be selected, the manner of construction to be accepted, or the cost to be expended. Hence I say it is with considerable doubt that I approach a conclusion reported by the present Commission or by any of the preceding commissions.

We are told to-day that the Nicaragua route is practicable. We are told to-day that the Panama route is practicable. Why, Mr. Chairman, when De Lesseps first proposed the Panama Canal he called together in convention one hundred and thirty-five of the most distinguished engineers of the world, and, after consideration of the plans, surveys, maps, and the reports of the engineers upon the question, this distinguished body of one hundred and thirty-five engineers reported that there could be built a sea-level canal from Colon to Panama at a cost, subsequently estimated by De Lesseps at $127,600,000. No such distinguished body of engineers has ever been collected upon any other question or at any other time, and it took the expenditure of $246,000,000 by the old Panama Company to demonstrate, in the course of five or six years, by work upon the ground, that this distinguished body of engineers who had reported upon the practicability and the feasibility of a sea-level canal was utterly mistaken. Since that time every body which has examined the project has declared that it was never feasible and that the construction of a sea-level canal, in the face of the obstacles to be encountered, is impracticable, wholly and without reserve. The recent engineering commission of the New Panama Company reports that the control of the Chagres River is an "insurmountable obstacle" to a sea-level canal.

When the Panama people went into bankruptcy, in 1889, and the liquidator was appointed by the French court, it was provided in the reorganization of the company that there should be appointed by the liquidator a commission of study. That commission of study was appointed for the purpose of reporting upon the feasibility and the cost of the project of a sea-level canal or of a lock-level canal. Pending the report of that commission another commission was appointed, consisting of some twelve or fifteen distinguished engineers, gathered from France, Germany, England, Russia, and the United States, the most distinguished men of their profession in the world. That commission, known as the technical commission or engineering commission, finally reported, in 1898 or 1899, that the original project of the Panama Company of a sea-level canal was utterly impracticable, and they reported in favor of the construction of the canal which the Panama Company has been working upon recently.

The commission of study adopted the report of the technical commission, reporting in favor of the Panama Canal at a water level, on the summit, of about 100 feet above sea level; but our new Isthmian Commission, which has just sent its report to Congress, again disagrees with the technical commission and the commission of study, and says that while a canal at Panama is practicable, a change must be made in the method of construction and in the plans. The technical commission overruled the original commission of one hundred and thirty-five engineers. Our new Isthmian Canal Commission overrules the technical commission, and I presume that as time goes on, and possibly new commissions are appointed with reference to the Panama Canal, the new commissions will overrule the present one as the present one has overruled others in the past.

The great difficulty at Panama is in the construction of an enormous dam and locks to control the waters of the Chagres River.

The original body of engineers selected one place and one method of controlling those waters, the technical commission selected another place and another method, and the Isthmian Canal Commission has reported in favor of another method and another place of solving this great question. The whole question of canal construction there hinges on a point upon which no two engineers have yet agreed. The proposition of the technical commission, which is the proposition of the Panama Canal Company, is to construct a great dam for the purpose of holding back the waters of the River Chagres and creating an artificial lake. Their proposition is to construct an earth dam with an earth foundation.

That was the proposition of the Maritime Canal Company when it was originally seeking to construct a canal on the Nicaragua route, and finally the civil engineers of the world laughed the project out of existence. There never has been, and I dare say there never will be, a dam of such dimensions, with such a pressure upon it, with such a torrential stream dammed up by it, constructed as is proposed by the Panama Canal Company at Bohio on the Chagres River. They themselves in their report state that they limit the height of the dam to 65 feet, because the nature of the ground is such that they dare not make it higher. The report of the technical commission says, referring to its own conclusions, "The engineering commission unanimously agreed that it would not be prudent to build on that location a dam forming a reservoir of a depth of more than 20 meters (65.62 feet) above the river bed," which is sea level at that point.

That of itself is sufficient to damn the measure. Mr. Chairman, there are many gentlemen upon the floor of this House and elsewhere in the country who earnestly, honestly, and conscientiously believe that the new offer made by the Panama Canal people of that route ought to receive further consideration before any action is taken by the Congress pledging the United States to the Nicaraguan route. To that I can only say that all of these engineering problems are only possibilities. No one can tell you which is the better route, or which would be the more or which the less expensive. The engineer does not exist who has the power in his mind, without actual work upon the ground, to tell which the Government can construct the cheaper. The only way we can ever find that out is by commencing the work.

I believe, Mr. Chairman, that the experience of mankind has been that no great engineering work has ever been carried out in the manner of construction as it was originally contemplated by the engineers who planned it. In all of these canal reports of recent years they have referred, for instance, to the great sanitary canal at Chicago, which, up to date, is the most stupendous enterprise in the way of canals which the world has ever yet undertaken. I can say to you that which most of you probably know, that if it had not been for the discovery of new methods and new machinery at Chicago the cost would have been prohibitive before the undertaking was completed; but that with the new machines and new methods that they discovered the engineers found that they could reduce the cost already contemplated on the points which they had considered, and out of the money thus saved do those portions of the work which the engineers could not foresee and did not contemplate.

I know of no better illustration of the faultiness of engineering expert testimony than the reports made by the different commissions appointed to report upon this subject. Fifty years ago Engineer Childs reported in favor of the construction of the Nicaragua Canal at an expense of $31,000,000. A few years later, in 1873, Engineer Lull reported in favor of the construction of the Nicaragua Canal at an expenditure of $65,000,000. A few years later, in 1886, Engineer Menocal reported in favor of the construction of the Nicaragua Canal at an expenditure of $64,000,000. The Maritime Canal Company followed, in 1890, with another report with an estimate of $65,000,000.

Three reports, which ran nearly alike, and then we appointed the Ludlow Nicaragua Board of 1895, which reported the cost of the Nicaragua Canal at $133,000,000. Then the so-called Walker Commission of 1897, consisting of Admiral Walker, Professor Haupt, and Colonel Hains, and they reported that the Nicaragua Canal could be constructed at a cost of $118,000,000. That report was made since the present Commission was appointed. The chairman of that Commission was the chairman of the present Commission. Three of the membership of that Commission, or the whole of the membership of the former Commission, are members of the present Commission; and yet, with practically but little change in the size or route of that canal, they report now that the cost leaps up from one hundred and eighteen millions to a hundred and eighty-nine millions of dollars; and no one can read the report of the Commission and find out why the difference of cost is proposed.

Mr. WANGER. Will the gentleman permit me to ask him a question?

Mr. MANN. Certainly.

Mr. WANGER. Colonel Hains dissented, I believe, from the former report estimating the cost, and estimated it at a hundred and thirty-five millions, did he not?

Mr. MANN. Colonel Hains estimated it then at one hundred and thirty-four and now at one hundred and eighty-nine millions.

Mr. WANGER. The last report, as I understand it, provides for duplicate locks, whereas the earlier report provided for single locks.

Mr. MANN. That might make a difference of $25,000,000.

Mr. WANGER. A very considerable item.

Mr. MANN. A very considerable item, Mr. Chairman, but very far from explaining a discrepancy of more than $70,000,000. And if duplicate locks were not required two years ago, I think the country might manage to have the canal built without duplicate locks to-day.

Mr. WANGER. My colleague will permit one further suggestion at this point?

Mr. MANN. Certainly.

Mr. WANGER. As to the duplicate locks, it occurs to me, and I submit that to him, is not that simply indicative of the greater thoroughness of the work in all respects as provided for in the last report than as provided for in the report of the Nicaragua Canal Commission?

Mr. MANN. Well, I do not think it is. The matter of duplicate locks is one which has always been discussed at all times in the making of all canals, and there has been no change in situation between the time of the former report and the present one.

Mr. LACEY. The gentleman is discussing a matter in which I feel a deep interest, because it is one of very great importance involved in this case—that is, the cost. I would like to suggest to him that he explain that thoroughly, as he is upon the committee.

The estimates started in at thirty millions: the last is one hundred and ninety millions. The Panama Canal is estimated as costing approximately the same if we were to begin at the beginning, by the same Commission. Now, the French company have spent two hundred and forty-odd million dollars, and they have built only one-quarter of the canal. If it costs $246,000,000 to build one-quarter of the Panama Canal, how are we going to build the Nicaragua Canal for $190,000,000? Is there not a very gross underestimation even in the last figures?

Mr. MANN. The gentleman wants my own opinion, which, of course, is worth practically nothing, because I am not an expert engineer; but I will give it. I think the testimony of the expert engineers is not worth very much; I think the last Commission has vastly overestimated the cost of the construction of the Nicaraguan Canal; I think the last Commission, or two members of it, who reported in favor of $118,000,000 two years ago, were much nearer right than they are now.

Now, let us treat it as a practical question. When the Commission two years ago reported in favor of $118,000,000, what did they adopt as the basis of price? They took the price of construction both for earth and rock at the Chicago Canal, added 50 per cent to that, and then added 20 per cent of that total.

I will say to the gentleman that the price of the work at Chicago was duly fixed when the contractors had not yet learned how they could do the work most cheaply; and nearly every one of them who had a contract became a wealthy man, and legitimately wealthy, because of the great profit in digging the Chicago Canal at the prices fixed. And yet the Commission two years ago added 50 per cent to that, and then 20 per cent to the total, and only reached $118,000,000. Now, with practically no change, except the construction of double locks, they have reported in favor of $189,000,000.

Mr. LACEY. I should like to ask my friend another question.

Mr. MANN. Certainly.

Mr. LACEY. What consideration is given to the climatic difficulties, the enormous death rate that followed the construction of the Panama Railway, and the tremendous waterspouts that would be interfering with and destroying the work as it progressed? What I want to get at is, are we not underestimating the magnitude of the undertaking, and shall we not be disappointed when it costs us a great deal more than we thought it would cost?

Mr. MANN. I may say to the gentleman that outside of a few problems the difficulties of canal construction there are not so great. The climatic difficulties at Panama have undoubtedly resulted in the death of thousands of employees. My understanding is there is no favoring breeze at that point. The climatic difficulties at Nicaragua exist largely in imagination. There is no high death rate there.

The engineer forces who went from here to Nicaragua have had exceptionally good health—far better, on an average, than the members who sit in this Chamber from year to year. It is true, at Nicaragua, on the east side near the coast, there is an immense rainfall, aggregating the enormous amount of 2 feet per

month. But the difficulty of construction there is only a difficulty of building a dam—a dam to dam up the San Juan River; and the difference between the dam at that point and the dam proposed by the Panama people is that the dam proposed by this Commission for the San Juan River is a masonry dam which rises from the rock under the surface to the top, and the dam proposed by the Panama Commission is an earth dam upon an earth base, and no one can tell until after it has been built whether it will wash out or not. Such a dam will never be safe. If built, it is sure to give way some time.

Mr. WANGER. If my friend will pardon me, the Isthmian Commission estimates on a basis of a wall lining to that great dam upon the Panama route, does it not, from the rock surface?

Mr. MANN. The Isthmian Commission changed the plans of the Panama company entirely, without due consideration, and after reporting upon the masonry lining of the dam, said that they hope and believe that a better location for the dam will be secured. Neither the Isthmian Commission, nor the Panama Canal Company, nor the technical commission, nor any other commission has ever been able to find a satisfactory place for the main work of the Panama Canal route, namely, the dam at Bohio, on the Chagres River. No two commissions have ever agreed upon a place, and no commission has ever stated yet that the place, if selected, was a good one or a satisfactory one, and every commission has hoped that a better location might be selected.

I say that when the French people spent $246,000,000 in endeavoring to solve that problem on the Panama Canal route, and that no engineering commission has since endeavored to say that they could satisfactorily solve it, it is not the place of the United States Government, because of its overflowing treasury, to undertake that expense. [Applause.] I do not know, as I said, which of the two routes will cost the most. I do not believe that any commission or any expert on earth knows. I believe that a canal can be built at either place. My own preference, after a somewhat large reading (though not exhaustive) upon this subject, would be to have a canal built by the San Blas route by a tunnel through the mountains—a sea-level canal—at far less expense, in my judgment, than at either of the two other places; but I cheerfully yield to the reports of the engineers that that would be too expensive and is not feasible.

Now, Mr. Chairman, there are many things about the Nicaragua Canal route and about the construction of the canal which I frankly say I do not like. The distinguished chairman of the Interstate and Foreign Commerce Committee, who made so able a presentation of this case, said that it had been his hope that when a canal was constructed American shipping might receive a privilege and a benefit thereby. Ah, Mr. Chairman, the trouble with that hope is that it has been forever cruelly stifled and killed before birth. By the present treaty between this country and England, no preference can be given to American shipping, and we might as well frankly understand it. I had hoped that when any canal was built this country, if it should be at war with another country, would have the treaty right to prevent the warships of the enemy from passing through the canal from the Atlantic to the Pacific coast or vice versa. I fear that the construction of this canal under the present treaty, if we ever go to war with a sea power, will either involve danger to our Pacific coast or will involve us in trouble with other nations.

This treaty under which we are now operating provides that the war ships of the enemy shall have the same rights upon the same terms as the war ships of this country to pass through the canal both in time of peace and in time of war. Ah, but the Isthmian Canal Commission says: "No enemy would place its war ships within the power of this country while we control the canal." I feel most certain, Mr. Chairman, that if (to use for illustration the recent Spanish war)—that if we had had the Nicaragua Canal constructed at that time, Spain would have been most anxious to have a war ship started on its way through the Nicaragua Canal, and had an "accident" happen to it by the explosion of a dynamite stick or otherwise. That would have brought disgrace upon this country; it would probably have brought about intervention by the European powers between us and Spain.

If I had my way I would not, in a canal built and controlled by this country, give the war ships of any enemy an entrance. I would fortify the canal; treat the commerce ships of all countries with equality; treat the war ships of nations with which we are at amity with equality; but I would, not by breach of faith, but by open-handed announcement, see to it that no enemy's war ship should pass from one coast line to the other.

Now, Mr. Chairman, I wish to address myself for a few moments to the offer just reported in the papers of the Panama Company. In one particular I do not agree with the distinguished chairman of the committee or the gentleman from Florida [Mr. DAVIS], who stated that an offer made by that company is a breach of its concession. The minister from Nicaragua himself, in the correspondence published in the report of the Isthmian Commission, invited the Panama people to present proposals for ceding their rights to this nation; and proposals were made in answer to that invitation; and it is upon that basis that negotiations have been carried on between the Panama people and the Isthmian Canal Commission of this country. I do not think they have forfeited any right, so far as that matter is concerned.

The truth is that the Panama Canal people believed that they had the only practicable route. With a fatuity that sometimes enters into the minds of men, they stood back, believing that they had this country by the throat; that the United States was determined to build a canal; that the only place it could build a canal was at Panama, and that we would be compelled to come to them and beg humbly the privilege of buying their concession and their work at enormous cost.

I have already stated that after the reorganization of the Panama Canal Company a technical commission was appointed, which reported in 1898. There has been no change of situation so far as the Panama Company is concerned since that time. After they had received the report of this technical commission—after their reorganization had been effected, when they had all the light upon the subject which they now have—they were invited to appear before the Committee on Interstate and Foreign Commerce, over which the gentleman from Iowa so ably presides, for the purpose of communicating any facts which it might be useful to lay before Congress in the consideration of this subject. And the very first proposition that was made before that committee by the gentleman representing the Panama Canal Company was made by their general counsel, under authority, as he stated, of the company. And he said:

I beg to remind the committee that we are not appealing for any money; and of course we are rather independent in regard to our financial statements.

He also said:

As two-fifths of the entire length of the Panama Canal is essentially constructed and in a measure open to navigation; as nearly one-half of the entire work of excavation is actually completed; as the harbors at the terminii are natural, open, and free to entry by vessels of the largest draft; as there is an existing railroad parallel to the canal, vastly expediting the work of construction; as the concessions, titles, and solvency of the company are unquestionable; as over 3,000 men, with a force of over 150 engineers, have been for four years and are now actually engaged in the canal work; as the United States has by a treaty with Colombia entered into special guarantees respecting a canal across the Isthmus of Panama, and as this work has been done and will be completed without the cost of a penny to the people of the United States, we have the right to assume that the Panama Canal is a necessary if not the controlling factor in the solution of the isthmian canal problem.

In the course of the statement of the general counsel of the company the distinguished chairman of the committee said to the counsel of the Panama Canal Company:

I think that this committee would like to be advised of another very important matter. I suggested there were two questions we would no doubt like to have heard about. One was as to the practicability of this canal. Gentlemen have heretofore confined themselves solely to that question and to engineering matters. Another question quite as important will be the financial ability. Now, is there some gentleman here present who proposes to speak in regard to that matter?

And the general counsel of the company, Mr. Cromwell, replied, stating:

I suppose I should respond to your natural inquiry, and I will, by saying that the new Panama Canal Company, not soliciting any aid financially from this Government, has not deemed it to be necessary to go into the condition of its finances.

Further on in his remarks he said:

It has millions of dollars to go on with this work. It has very large resources and a very powerful board of directors, composed of the most prominent bankers in all France, and of great resources. Its resources are very large. It has confidence in its own financial ability. That confidence is unwavering, and when it reaches the point where it desires to make an issue of securities, it will base the issue upon values and conditions which will invite general confidence. It is a very natural question that you have asked me, and one which I have answered to the best of my ability; by which I mean that our company is quite content with its resources, is pursuing its work, has entire reliance upon its resources to complete the work without Government aid.

In the course of that argument the distinguished gentleman from New Jersey [Mr. STEWART] asked this question:

If this Nicaragua Canal should be built, would you still go on and complete your canal?

And Mr. Cromwell replied:

Our company has no apprehensions on that question, and will pursue its course. Of course we must go ahead with the investment that is already made—with nearly half the canal completed. The company does not think that any other canal will be constructed.

And I asked him this question:

I suppose that the only object of this hearing is for the purpose of showing that this canal may be finished, and that as a necessary corollary two canals would not be successful. There is not business enough there for two canals. Your purpose—the only purpose, I assume, when not asking any money—is to show that this canal can be and will be finished. If this Government should start to build another canal, it would complete it. That might result in your not getting money enough to build your canal. If that is the case, and this hearing is for the purpose of showing that you can build the canal, do you not think that you ought to show the committee not only that you have the engineering ability to finish it, but the financial ability to finish it?

Mr. Cromwell replied:

The same apprehension has been before us for four years and has not made us waver for one instant.

Then I asked this question:

The same apprehension has not been before your canal company, because the Government of the United States has not up to the present time started to build a canal.

And he replied:

Has it started yet?

That is about the key to the present situation. They desire delay; not through improper motives on the part of gentlemen here, but the whole course of their dealing is for delay. With no authority under their concession to bind themselves by any agreement to sell, they present, so the newspapers report, some kind of a proposition upon which honorable gentlemen may legitimately base a demand for delay.

They had their opportunity before the committees of this House. They had their opportunity before the Isthmian Canal Commission. The Committee on Interstate and Foreign Commerce made every effort with this company to obtain some kind of a proposition from them under which our Government might enter into proper negotiations for the acquiring of the Panama Canal. These gentlemen, believing that they had us by the throat, stood back against the wall, refusing to make any proposition, refusing to make any suggestion, and simply saying: "We have the controlling factor in the isthmian canal construction. We are able to build our own canal," meaning thereby "make us an offer of our first investment."

I asked the honorable counsel of the company before the committee this question:

Then, I suppose you expect confidence to be inspired in a sufficient degree to enable you to build this canal?

And the counsel of the Panama Company replied:

I have no more doubt that it will be built than that I am standing here now.

A change seems to have come over the dreams of the company to-day.

I also asked him this question:

Your object in appearing here is that you wish to prevent any complications that may arise by this Government helping to build another canal?

And the counsel replied:

I would hardly put it that way. Our prime object is to invite your attention; * * * we are not asking anything. * * * We have stated very fully that the company has not a dollar of indebtedness, but has millions of dollars of cash, and feels no doubt whatever of its ability to continue this work and complete the canal.

That has been the attitude of the Panama Canal Company before Congress. When the Isthmian Canal Commission was appointed, with Admiral Walker at its head, in the spring of 1899, one of the first things the Commission did was to visit in Paris the Panama Canal office and administrative force. Admiral Walker, as chairman of the Isthmian Canal Commission, requested the director-general, Mr. Hutin, to inform the Isthmian Canal Commission, "First, whether the Panama people would sell to the United States at all; and, second, if so, at what price would they sell." In a letter dated April 10, 1900, nearly two years ago, from the chairman of the Isthmian Canal Commission to the director-general of the Panama Canal Company, he asks this question:

Is the Panama Canal Company willing to sell to the United States all the rights, privileges, etc.?

That was question No. 1; and question No. 3 was:

For what sum of money, in cash, will the company transfer to the United States all of the rights, privileges, franchises, property, etc.?

That letter was received by the director-general, and on July 20, 1900, he made a reply. In the course of his reply he said:

We would be much obliged, Mr. President, to be informed by what date you wish to have our reply to your above-mentioned letter.

Admiral Walker replied to this letter, under date of August 13, 1900, nearly a year and a half ago:

In response to your inquiry, I have to say that I will be glad to have your reply at as early a day as practicable, but I think it should not be later than the 1st of next October.

Here was a request to the Panama people to have an answer to the question as to whether they would sell, and for how much, by October 1, 1900, a year and a quarter ago, and no answer was made to these specific inquiries. The director-general and other gentlemen connected with the Panama Canal Company came to the United States and discussed the question of the Panama Canal, its feasibility, its cost, its practicability, its plans, and its route with the Isthmian Canal Commission, but no answer was made to the inquiry as to whether they would sell and at what price they would sell to this country. On May 16 last Admiral Walker again reminded the director-general of the Panama Canal Company, as a basis of negotiations—for the canal company had proposed some negotiations—there should be some expression of the views of the company as to the value of its property, "and perhaps this could be done in no better way than by a specific reply to the questions asked you in my letter of April 10, 1900."

No answer was received to those questions asked in April, 1900, and in July last Admiral Walker wired the agent of the Panama Company: "Will give valuation prompt attention when received. Will take up discussion here on your arrival." There had been an intimation that they would answer the question, but they did not. On September 14 Admiral Walker again wired the Panama people at Paris: "If you intend naming price for property and concessions there should be no delay."

Still no reply. No reply to these questions was submitted by the Panama people. On October 18 last Admiral Walker again addressed the director-general of the Panama company, who at that time was in this city, and in the course of his letter he said:

At our subsequent conferences and in my answer of May 16 to this letter, without replying to the suggestion as to the manner in which you would fix the value of the property, and without inquiry as to the basis and conditions of the arbitration suggested by you, I again called attention to my letter of April 10,1900, and stated that there should be a specific reply to this third question as a basis for future negotiations.

But still no answer was made by the Panama people.

On October 22 last, at the time the Isthmian Canal Commission was making every effort in its power to prepare its report and submit it to Congress for its action, Admiral Walker again addressed the director-general of the Panama Company and again asked an answer of the previous question, at what price the Panama people would sell to this country.

This matter was first called to your attention at the sessions of the Commission held with you in Paris on the 7th and 8th of September, 1899. Since that time it has been the subject of frequent conferences and of a correspondence of some length, to which your attention is called, and particularly to my letter of April 10, 1900, in which the powers of the Commission were frankly stated and three definite questions asked, the substance of these questions being the willingness of the company to sell, its ability to do so, and the money, in cash, for which it would dispose of its property. These questions have been repeated at intervals since that date, and the third still remains unanswered.

From April 10, 1900 to the date of the report of the Commission the third question still remained unanswered. Gentlemen may hide behind the proposition that we ought to investigate an offer made by the Panama Canal people, but after the committee in charge of this matter in this House had endeavored for years to obtain a proposition from the company, after the Isthmian Canal Commission had endeavored from April 10, 1900, to October, 22, 1901, to obtain an expression of opinion from the Panama Company at what price they would sell, I can assure them if they favor delay in this matter, all they need to do is to have it postponed until some definite proposition is really made by the Panama people. [Laughter.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. DALZELL. Mr. Chairman, I ask unanimous consent that the gentleman may have an opportunity to conclude his remarks.

The CHAIRMAN. The gentleman from Pennsylvania asks that the gentleman from Illinois may have time to conclude his remarks. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, I would not accept the indulgence of the House in this matter if I thought that there was any other more pressing business coming before the House.

Mr. CUMMINGS. Go on, we want to hear you.

Mr. MANN. I believe, Mr. Chairman, that we ought to deal fairly and frankly with the French people. They have my sincere sympathy for the losses which they have sustained in endeavoring to construct this great highway of water commerce. I would gladly favor the Panama route on sentimental grounds if I believed, first, that the work was a practicable work, and, second, if I believed that there was any method by which we could commence operations in connection with that company.

But, Mr. Chairman, while I extend my sympathy to the French people who have lost their money in this enterprise, it is proper for me to call the attention of the House to the remarkable fact in connection with the reorganization of the New Panama Canal Company as to the method in which they received subscribers to their stock. Let no gentleman in this House think that he would put any great amount of money into the pockets of the men who lost their all, or their portion, in endeavoring to build the Panama route by now buying its concession from the new company.

The old Panama company failed in 1889, and a liquidator was appointed by the French court. That liquidator commenced proceedings against a number of financial houses, agents, contractors, etc., in France, whom he alleged had defrauded the old Panama company. The claim was made that in the negotiation of securities, in the construction of the work, and in various other ways in dealing with the old company these houses, large and small, had swindled that company out of its money, and proceedings were commenced to recover the money thus fraudulently taken from the old company.

These proceedings were never carried to the extreme, but an

arrangement was entered into between the liquidator and these gentlemen who were being pursued, under which it was agreed that the suits against them should be dropped, and that they should subscribe to the stock of the new company.

The stock of the new company was to consist of 65,000,000 francs. Five million francs of paid-up capital was paid over to Colombia for the extension of the franchise. About forty millions, nearly, out of the sixty millions balance was subscribed by these gentlemen who had swindled the old company. The public were invited to subscribe, but with remarkable unanimity stayed away, and they only received from the public a subscription of about 3,000,000 francs. The liquidator subscribed the balance; so that the gentlemen who are now interested in the New Panama Canal Company are men who went into it because they had swindled the old company. There is no loss on their part. They are not out anything. Having fraudulently made money in the expenditure of these $246,000,000 expended by the old company, they subscribed about $10,000,000 to the new company, in order that they might not be compelled to pay back the money which they had beaten the old company out of.

Mr. WANGER. Will my friend permit me a question?

Mr. MANN. Certainly.

Mr. WANGER. Does the gentleman understand that the first nine persons named as subscribers on page 84 of the report of the Isthmian Commission are among those who had secured advantages under fraudulent contracts?

Mr. MANN. I do.

Mr. WANGER. If so, I call the gentleman's attention to the fact that the next statement is "Various persons, to the number of 60, who had profited by syndicates created by the old company," which would seem to exclude the other subscribers as being in that category. Otherwise I think it would have read "Various other persons." If this idea which has suggested itself to me is correct, then only 3,285,700 francs of the 60,000,000 came from that class of people.

Mr. MANN. The gentleman very appropriately calls attention to the question because it is a grave charge. He will notice that that item is "sixty persons who had profited by syndicates created by the old company." The other companies have not entered into syndicates. The other companies have directly swindled the old Panama Company without going into syndicates. If the gentleman will read a line or two below, he will notice the public subscription to the new company. It is 3,484,300 francs—between half a million and a million dollars which was subscribed by the public.

Mr. WANGER. I beg pardon for interrupting the gentleman so frequently——

Mr. MANN. That is all right.

Mr. WANGER. But I want to ask this further question. Outside of the public subscription, the liquidator subscribed, as I understand, over 15,000,000 francs. Now, does my friend understand that the liquidator was in any sense a party to the questionable contracts of the old company?

Mr. MANN. The liquidator subscribed for the balance of the stock, representing the old company, and, I presume, paying no money for the stock.

Now, it is true that the old company, or the liquidator for the old company, has a contract with the new company under which, when profits are realized and certain dividends are paid, 60 per cent of the balance shall go to the old company. Nobody has yet been able to find out in this country the terms of that contract. We have repeatedly asked for the contract between the new and the old company. They always say, in describing the contract, that it provides for the payment of "certain dividends." What those are I would like to know. The terms of that contract we can not find out.

But, Mr. Chairman, I appreciate the fact that in the construction of this canal we ought to exercise, if possible, a friendly feeling to the French Government and the French people. Upon even terms, I would much prefer to take the canal partially constructed in which the French people may be interested; but I say that if this bill passes this House and becomes a law in its present form we shall be actually doing something and there will still be ample opportunity for any change of plan or any negotiation in the future.

The gentleman from Illinois [Mr. CANNON] raises a question in regard to this bill upon the ground that it commits Congress in such a way that the Republic of Nicaragua may raise its price. Permit me to call the attention of the House to the fact that the only method by which the power conferred in this bill upon the President can be carried out is by the power which he is now authorized to use.

This bill, in so far as it authorizes the President to acquire a right of way, confers no new authority upon him. The only way in which the President can exercise this power is by treaty. That treaty must be ratified by the Senate of the United States. The President has now the power to negotiate any treaty that he pleases with Nicaragua in reference to this bill and to lay it before the Senate of the United States for confirmation. In this respect the present bill confers upon him no additional power. What, then, it may be asked, is the purpose of putting this provision in the bill? Why, Mr. Chairman, before you and I were born various companies and individuals were dealing with the Republic of Nicaragua, obtaining franchises, etc.

A few years ago anybody in this House could have gone to Nicaragua and obtained a concession for a canal, guaranteeing to the Republic of Nicaragua certain rights and privileges. If the President is now to go to Nicaragua, he ought to go with some authority of Congress behind him. We ought to give an evidence of good faith. If he goes to the Republic of Nicaragua and says, "If you make the proper terms with me, which I can submit to the people of the United States, feeling the responsibility resting upon me, then I have the authority to proceed with the construction of the canal," who will say that he can not obtain better terms in that way than he can by saying to the Republic of Nicaragua, "I wish that you would make a treaty with our country, but I can not guarantee that anything will ever be done under the treaty."

I welcome the newspaper rumor that the Panama people have now realized that they can not "hold up" this country. It may have a very advantageous effect upon the Republic of Nicaragua and the Republic of Costa Rica. We are now in a position to say to Costa Rica and Nicaragua, "If you wish the great advantage which will come to your countries through the construction of this canal on the Nicaragua route, you must deal fairly with us." And there is no doubt that they will do so.

Mr. Chairman, I have delayed the House much longer than I had anticipated, though I have occupied less time than I would like to have occupied in the discussion of the question. I do not believe that the House can make any mistake in passing this bill.

For four hundred years Europe has been looking for a waterway to the West across the Western Hemisphere. That wish of years gone by, that expectation to-day of the people, will, I think, shortly be realized. It will not be realized by talk. It takes digging and work to construct a canal. As you meet one obstacle another rises in its place. To never approach the first will not overcome the second. For every reason that can be given, so far as lies in my power, both from an engineering and a sentimental standpoint, I do to-day favor the Nicaragua route. I have one selfish reason for this position. The great expenditures of the nation are made upon the seacoast. We build there our fortifications and our navies. We place there most of our armies. We do the great public work of the country largely along the line of the seacoast. It makes some difference to New York City in distance whether the canal is located at Panama or Nicaragua, but it makes a greater amount of difference to the Mississippi Valley.

The Nicaragua route is 600 miles shorter to San Francisco from the Mississippi Valley than the Panama route. That distance means a considerable sum in transportation of freight by water. To-day the margin in the cost of transportation is so close that this difference may decide the traffic between the Mississippi Valley and England or France or Germany. I believe we are entitled to that consideration, to that favoritism. It seems to me that whichever route we take, now is the time for us to express our views by action and by the passage of the most practicable bill which has been before this House in many years. [Loud applause.]

Mr. Chairman, when the century plant which, through its years, has gathered strength, proportions, and vitality, comes close to the fruition of its life and begins to show signs of flowering, it is the object of admiration and wonder on the part of the people. Mr. Chairman, we are now showing signs of reaching the fruition of the efforts of four hundred years; and the building by this Government of a connection between the two great oceans of the world will be the flowering of one of the objects of mankind for ages—a flowering which will not fade away and decay, but which will be everlasting in its nature.

Our country and our people owe much to the civilization and the efforts of humanity in the past. We have been spared much of the troublous times and many of the travails through which the people of other countries and other ages have been compelled to pass. But in this auspicious period of history, in this crowning glory of civilized effort, in this dawn of the new century, the United States of America, the beneficiary of the past, will make to the future a present of the greatest public engineering enterprise ever undertaken. We have received much from civilization. We have benefited greatly by the work and trials of other nations and other peoples. To-day we will give to all nations and to all peoples, without preference and without discrimination, a reminder of our prosperity and our generosity which will stand like the pyramids of Egypt—a lasting memorial to our labor—and which, unlike the pyramids, will be of constant use and benefit to progressive mankind. [Applause.]

Other nations have been great in public enterprises. It was

Portugal which circumnavigated Africa; it was Spain which discovered the New World; it was mainly England and France which planted and nourished the settlements in the wildernesses of the North American Continent. Russia has contributed greatly, both in Europe and in Asia, to the progress of mankind. Germany is spreading her influence throughout the globe. But all these countries have acted with a view to secure for themselves some special benefit, some preferential advantage. Have we not the right, then, to contemplate with satisfaction the proposition we are now making that our country, at its own expense and out of its own treasury, without contribution or aid from other peoples or other nations, take this mighty step forward in the march of civilization, not for itself, not for our advantage, not to benefit ourselves, not to gain a preference over our neighbors, but in the interest of the whole world, for the good of all people? We pay the expense; they share equally the results. No sublimer conception of a great enterprise was ever entertained by man or by spirit.

And, Mr. Chairman, this undertaking is not desired by only a majority of our people. It is their universal desire that our country, out of the abundant means of its prosperity, shall make this present to all mankind and to all the future.

We may be divided here to-day upon the question as to the necessity of immediate construction; we may be divided here to-day upon the question as to whether the information already received is sufficient to warrant present construction; we may be divided here to-day upon the question as to which of the routes proposed is most desirable; but, Mr. Chairman, when this bill shall have been reported back into the House and the roll shall be called upon its passage it will receive the unanimous support not only of the membership of this House, but of the people of this nation. The heart of the American people grows greater when it undertakes works like this. It beats in rhythm with the progress which is yet to come when it approves a project like this. [Applause.]

We shall pass this bill after debate, probably spirited and somewhat heated, but when it shall have become a law; when the conception of this work shall have proceeded until the work itself is ready to be commenced, we ought to bow our heads in solemn contemplation of the responsibilities which we have accepted toward mankind, and in thankfulness that we can, through the blessings which have been showered upon us, make some returns under the guiding hand of the Almighty for that which we have ourselves received. [Applause.]

The Isthmian Canal.

SPEECH

OF

HON. WILLIAM P. HEPBURN,

OF IOWA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, January 7, 1902.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 3110) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans—

Mr. HEPBURN said:

Mr. CHAIRMAN: In opening this discussion it is not my purpose, or it has not been my purpose, to occupy any considerable portion of time. I am moved to this self-denial by the recollection that this subject of a waterway across the Isthmus connecting the waters of the two oceans has been in the minds of the people of the world for more than four hundred years. It is quite four hundred years since the first expedition started from Spain to find a waterway across this continent. In every age since, in every generation, by the maritime people of the world, this subject has been one of inquiry and discussion. In this country, more than seventy-five years ago, the Congress of the United States took action upon this subject. We have had innumerable expeditions and surveys authorized by the United States and by corporations, all looking to penetrating this great barrier. It is a subject in which all of the people, I may say, of the United States take a deep interest and have manifested that interest.

Thirty-seven of the States of this Union have instructed their Senators and requested their Representatives at various times to support a measure of this character. All of the great political parties have hastened in their national conventions to align themselves in favor of this great measure. It has been discussed in the Congress, in scientific societies, in the newspapers, on the hustings, in the legislatures, until a volume of literature has been secured such as perhaps has never been devoted to any other subject. In the archives of this House there are tens of thousands of pages of reports of committees, of commissions, and of others authorized and unauthorized to investigate this subject and report their findings. More than a thousand pages were contributed to this fund of literature from one body in the last Congress, and already we have from that same body thus early in this session a large and valuable contribution. We have upon our desks the report of the last authorized Commission, of nearly 300 well-considered pages, in which almost every conceivable feature of this question is shown to have received the attention, the full examination, and the exposition of the Commission.

I hope that that paper has been thoroughly read by the membership of this House. If so, members have a graphic picture placed before them of what is desired, of what will probably result, of the possibilities of construction—in fact, the whole history of this enterprise. Moved by the recollection of what has been said—of how completely the subject has been discussed—your committee in their report have been brief, and the bill to which your attention is now directed is one of but few sections and few words. The purpose of your committee—the leading thought with them, next to securing the execution of this great work—has been to concentrate authority and responsibility. Therefore the bill has invested the President with all the authority necessary to accomplish all that is preliminary and then to accomplish this great work. At the same time, somewhat relentlessly, perhaps, we have thrust upon that officer the entire responsibility of this work in its execution. There is no divided authority under the terms of this bill. There is no commission. There is no place made in this bill for the retirement of partially defunct statesmen. [Laughter.]

There is no opportunity to pension those who have been passed in the race of life. We have concentrated, as I have said, this authority and this responsibility in the hands of one man. We have given to the President the amplest power to select, throughout the length and breadth of the land, those aids and agents in whom he has confidence and who he believes are capable and willing to honestly aid him in this great enterprise without asking the advice and consent of anybody on earth.

Mr. Chairman, I believe that this is wise policy. The first section of the bill authorizes the President of the United States to secure the control over that strip of territory lying in the State of Nicaragua on which he will be enabled to construct, protect, and operate this canal. The word "control" has been used, because in this connection I know of none of broader signification. It means all. Some gentlemen have suggested to me to-day that there should be some provision made by which this property when constructed would avoid onerous taxation.

It seems to me that that word "control" covers everything. Taxation is an attribute of sovereignty. Control includes sovereignty, jurisdiction, all efforts in the exercise of power. And so the word has been selected and used. I am told by those who are in a position to speak and to know that that word will be satisfactory to that Government with which we shall have to deal, although another word that might well be included within it, giving to us less of power, would have been objectionable and would have proved an insurmountable obstacle.

Mr. Chairman, there is no question in the mind of any informed man as to the practicability of the construction of this great waterway. That question has passed beyond the domain of speculative thought. The best engineers on this and the European continent, called into consultation, with all data before them, have arrived at the conclusion that a canal is a feasible engineering enterprise and that it can be accomplished within the limits of reasonable cost.

"Reasonable cost" is a phrase that necessarily has relation to environment. It is estimated by the last Commission that this work will cost $189,000,000. That would have been a stupendous sum during the Administration of George Washington, and perhaps would have been so objectionable that an enterprise of this kind would not have been undertaken. But it is a very different matter to 80,000,000 people. It is a very different matter to us, with our unlimited credit, with the possibility of a bond issue, if one should be necessary, bearing a less rate of interest than 2 per cent per annum. It is a very small consideration in comparison with the features that it would have presented years ago.

The first survey that was made of a canal, accompanied by estimates, fixed the cost at $35,000,000; but that was a very different undertaking from the one now proposed. That canal would have had a width of 40 feet and a depth of 15 feet, which perhaps would have been entirely adequate to the commerce of those times. The last estimate that we had preceding the one now under consideration was $135,000,000; but that was a very different canal—5 feet less in depth, 50 feet less in width, than the one now proposed—and entirely unadapted to the commerce of to-day; certainly unadapted to the ships that within a few years will use this waterway. I believe that the Commission has done wisely in fixing the estimate at the maximum; I do not mean by

that the maximum of possible expenditure, but the maximum of reasonable probable cost of the different works. Of course, the estimates of engineers will vary.

Different engineers will give undue importance to particular items of cost. We must remember that this canal is to be built, wherever it may be built on the Isthmus, in a sparsely settled region, in a tropical country where rainfall is excessive, sometimes reaching in parts of the line nearly 300 inches annually; that the treatment of torrential streams will have to be dealt with, and that one of these streams is said to have had a phenomenal rise of 70 feet in twenty-four hours, and is known to have had a rise of 35 feet in a very few hours. These streams must be controlled, because they occupy the ground that must be occupied, in part at least, by the canal. The gentlemen who have made these estimates have in the abundance of caution made them large, and then, to cover the possibility of accident or of error, they have added 20 per cent to all of the elements of cost, I think even including that of administration. So that it is altogether probable that there will be none of those disappointments that have been experienced in other efforts to secure a like waterway.

I know that there are some discouraging incidents in the history of the past that well might make men chary about embarking in this great work. Less than twenty years ago certain gentlemen in France undertook the solution of this problem. They raised $256,000,000 by the sale of $435,000,000, face value, of securities. They embarked in that work, and after the lapse of seven or eight years found themselves with less than a quarter of the work accomplished, found themselves penniless and bankrupt in money and character. Our engineers have wanted to avoid the recurrence of such things, and hence they have made estimates of the most careful kind.

The enterprise to which I have alluded was prematurely and unfortunately undertaken. The engineers had but partially accomplished their work. They had been unsuccessful in the selection of the best sites for their most expensive operations. That is not true of the present enterprise. Remember that we have had the amplest of opportunity, and we have made the closest of research.

In 1852 a careful survey was made of this entire line under the authority of the Government. In 1870 another careful survey was made by another officer under the authority of the Government. Three or four commissions and officers of distinguished merit were required to verify the work that was done, and the record shows that in every instance it met with their approval. Later the Maritime Canal Company secured the most ample surveys by Mr. Menocal, an engineer of high repute, whose work was approved by a commission of the most notable civil engineers of the United States.

Later that work was verified by a Commission of which the late Brigadier-General Ludlow was the head, with two associates conspicuous for their skill, their learning, and fidelity to the duties of their profession. They made ample surveys in the field, with a personal inspection and scientific verification of the works heretofore reported. Not content with that, two years later the Nicaragua Canal Commission was inaugurated, presided over by Admiral Walker, a man most admirably fitted by his reading, his experience, his industry, his fidelity to duty, and his great common sense, to head an enterprise of that kind. Two most eminent engineers, one standing at the head of his profession in civil life, the other ranking among the best of our military engineers, were his associates. They spent months in exploration, they verified all the borings previously made; they searched the earth to the very bed rock, to discover whether error had crept into the report that had been previously made.

Not content with that, two years later another Commission, again headed by Admiral Walker, with whom were associated eminent engineers of the Army and eminent engineers in civil life. They have again, with large parties, with abundant means, with ample time, with all of the aids that could be beneficial in the direction of complete research, gone over the work so often gone over before. There is no part of the work in the general engineering of this great enterprise yet to be done; and the reports, the specifications, the blue prints, the estimates, everything, are in condition now to begin the work if this Congress authorizes it. I undertake to say, gentlemen, that in favor of the feasibility of the proposition, in favor of its practicability, and within the limits of reasonable cost, as that is now defined, no enterprise that has ever received the attention of man has been more amply approved and more convincingly shown to be an enterprise that engineering skill gives its heartiest approval to than this. [Loud applause.]

This much for the feasibility of the enterprise. I need not discuss further the elements of money. Every gentleman knows that we can do this if we choose. What may be the best method eventually with regard to raising the funds is a matter that well may be relegated to later days. Six years must be expended on this work. One of the works, the Conchuda Dam, will require four years, the engineers say, to complete it. They estimate that two years will be required for the perfection of the harbors and building of the railway and such other work as may be required antecedent to the work proper. Yet they say with regard to this great enterprise, with the dam in the San Juan River, that they have added two years to the four years that they regard as essential to the accomplishment of that work under the best and most favorable conditions. So that it is their opinion that eight years will be required for the completion of the canal.

I do not know certainly, nor in my judgment does any other man know, just what this will be to us as a purely commercial venture or investment. There are so many factors that will control, or that may control, the use of the canal by the shipping of the world that at this time probably no more very reliable estimate can be made. I have seen a statement by a statistician to the effect that not more than 300,000 tons would pass through the canal annually. I heard a gentleman of eminence, the late Senator Miller, when speaking as a witness before the Interstate and Foreign Commerce Committee, say that in his judgment 11,000,000 tons of shipping would pass through the canal the second year after its completion. Senator Miller was the president, as some of you may know, of the Maritime Canal Company. We may make some allowance for the enthusiasm that a president of a corporation would have when coming to the American Congress seeking a gratuity of $75,000,000. But he was a gentleman of great attainments. He had had opportunity for the study of the subject. He had given it probably a great deal more attention than any of us.

His fortune at that time was embarked in the enterprise; and, making allowance for his enthusiasm, we may still insist that it corroborates the estimates of our Commission, who say that very shortly after the canal is opened we may certainly expect that seven millions of tonnage will pass through the canal. Seven millions annually! Now, at the rates that are charged by the Suez Canal, that would yield a revenue, if the premises are correct, of fourteen millions a year, a sum largely abundant to meet the estimated cost of maintenance and operation, three and one-third millions, and still leave more than ten millions to meet the interest account, if the Government of the United States have such a one. That is more than 5 per cent of the estimated cost.

But suppose that to make certain this seven millions and to meet the necessary and proper demand and to give to our people something of advantage, the Suez rate should be cut in two and we should charge for the use of this canal but a dollar a ton. We would still have ample means to meet all of the operating expenses and the cost of maintenance and still have $3,700,000 annually to apply to this account that I have called the interest account. Remember that this revenue is a constantly growing sum. The use of this canal undoubtedly must increase. The use of the Suez Canal has multiplied more than seven times in the few years that it has been in operation. While the number of vessels in late days may not have increased, the tonnage has vastly increased, resultant from changes in naval architecture, the larger vessels now being used.

There is a mistaken idea upon the part of many people as to the future disuse of the sailing vessel. Very many men in the United States who have given attention to this subject tell us, on the contrary, that there is an increase in the percentage of tonnage of sailing vessels in late years being built in the United States, and that 52 per cent of all the vessels of the United States are those that are propelled by wind, and that that percentage is increasing rather than diminishing. Anyone who has taken note of the wonderful doings of the Maine shipyards during the last three or four years, the large number of four, five, six, and seven masted schooners that are being sent forth from their shipyards, is ready to believe that gentlemen have been premature in the belief that the sailing vessel was disappearing.

Now, if that is true, then this canal that this bill proposes to construct is of peculiar advantage. It has advantages over every other route that is known, because of its location and because of the universal prevalence of the trade winds that blow through this low depression in the backbone of the continent. Where this canal crosses the divide the elevation is but 153 feet above sea level. No other place known to exist between the Canada border and the Magellan Straits has so low a depression as this. There is no other depression like that, and the one that has been discussed in connection with this presents an elevation of 333 feet, or where the canal is located several tons of feet more than that. This low depression secures a constant draft through that region, making it the healthiest of all tropical regions. In contrast I might say that in the cemetery owned by the Panama Canal Company there are said to be 8,000 graves dug while work was in progress on that route. Senator Warner Miller, whom I have referred to, in testifying before the committee that reported this bill, testified that during a period of nearly two years with a force of more than 2,000 men only six deaths occurred in their hospitals.

It is phenomenal not only in the matter of health but in the wafting of the sails of vessels that may desire to cross the continent. The doldrums seldom exist in the vicinity of either of the termini of this canal, while at other points south there have been known periods of five months at a time when no favoring breeze filled the sails of the vessel waiting to make its escape from the western shore of the continent.

Not long ago, in discussing this subject with a gentleman living in San Francisco, he told me this remarkable story: That as he left Panama on a steamer, a few miles out he passed a sailing vessel, becalmed. He went to San Francisco and completed some business, then went to Portland, then returned to San Francisco, and then was compelled to make the journey back, and when he reached the vicinity of Panama that same disconsolate vessel was waiting for the breeze that was to help it onward in its voyage. So that all of the elements seem to conspire in pointing out this route as the one most favored.

There are many gentlemen who speak of the difficulties there will be in navigating a canal and who desire to have the minimum length of canal, and who therefore favor the route south of the Nicaragua as furnishing only about one-quarter as much of canalized waterway. This is an error. There is not quite double the miles of pure canal on the Nicaragua as is found on the Panama, owing to the fact that the San Juan River and the Nicaragua Lake are utilized as part of the waterway—52½ miles of the San Juan River and 70 miles of the lake. So that you have a continuous waterway, not through a canal, but by a large river and a broad lake, for 120 miles of the distance; and this is effected through the Conchuda Dam—I venture upon the pronunciation of that word with a great deal of diffidence. Fifty-two and a half miles from the lake this dam is erected, so as to bring the waters of the San Juan to the level of the waters of the lake. Then by the excavation of a small river flowing in from the west the waterway is extended some 8 or 10 miles farther toward the Pacific Ocean; so that there are less than 73 miles of canal in the entire distance.

Remember, too, gentlemen, that this is fresh water. I am not much of a sailor myself. I am, however, enough of a sailor to go across the Chesapeake Bay without being laid up for any considerable length of time after I get off the boat. [Laughter.] But I am told that placing a ship in fresh water cleans the bottom of the ship—takes off the barnacles and dispenses with the frequent dockage and the expense incident thereto.

Now, I do not know how long a ship must lie in fresh water to meet with these desirable results; but I have been told by sailors—they are said sometimes to tell yarns to greenhorns—that the passage of a vessel through this water would have an appreciable effect. I do not know exactly what an "appreciable effect" is, but it is urged by some—how wisely, I do not know—as a consideration.

I do know this, that when they reach the level they find a vast body of water there. It is a wonderful phenomenon. Away up within 43 feet of the summit of the Cordilleras Range is found this lake, 145 miles long and 45 miles wide, drained by the San Juan River. It has a surface area of more than 3,000 square miles. It has a drainage area of 4,500 square miles. It solves the question of water at the summit level in a way that can not be disputed. Not only that; this vast reservoir regulates the flow of the San Juan River and prevents those torrential aspects that are such a terror to the engineer when he contemplates other routes.

I think there is no question that this enterprise will be of value to us. I have hoped—and I do not yet despair—I have hoped that this canal could be used as a subsidy in promoting the rehabilitation of American shipping. I sometimes despair as to whether we shall be able, with the preconceived notions of many of our associates, to secure that aid in the form in which other nations give it, to upbuilding the merchant marine of the United States. There is something in the word "subsidy," coming down from the days of Thomas Jefferson, that excites the fear and disturbs the heart pulses of some of our brethren. I had hoped that by calling this by some other name they would be able to take much more kindly to the project, and that by the use of this great waterway free of all charge to the American citizen who in an American shipyard built a ship from American material, manipulated by American workmen, sailed by American sailors, loaded with American products, he could have the use of this canal free of all charge. [Applause.]

If that might be done, what an impulse that would give in the direction that you so much desire. The Liverpool merchant today trading with Hongkong, using a 6,000-ton ship, using the Suez Canal, pays $24,000 of toll for the round voyage. What an infinite advantage would his American rival have, sailing his vessel from New York or New Orleans or Mobile, using this canal free of all tolls, as he goes upon his journey in competition with the English merchants.

The nation building this waterway removes all probability of cupidity on the part of a corporation that might control the enterprise. With us the object is commercial, industrial, political; and the benefits to be secured can be enumerated under all those heads. In the case of the Suez Canal the only motive in its operation and maintenance is the commercial idea. Those who control it want to make the most they can out of the tolls. They want their 19 per cent per annum upon the fabulous cost of that sea-level ditch, built without masonry or concrete—dug out with a shovel—a work which a Chicago man will duplicate to-day for $5,000,000. Mr. Bates, of Chicago, with one of those wonderful dredges of his, that removes to a distance of 1,000 yards 6,000 cubic yards of sand in every hour, would dig the whole canal in seven months, and do it for $5,000,000, And yet the engineers who constructed the Suez Canal expended $97,000,000 in its construction.

I have said that we can not compute the advantages that will result to us in dollars and cents by the construction of this canal. The commercial part of it, at best, we can at this time only speculate upon; but we have no doubt that in the industrial advancement of the future it will be a most important factor. We have no doubt that in its political significance, binding closer and closer together in interest and purpose the Pacific coast with the Atlantic, there will be great advantage to the public. I can conceive of no aspect in which we can view this great enterprise in which it does not loom up as of primary importance to the people and of the greatest advantage to the American people of to-day and their posterity.

I believe that this House is to-day intent upon building the Nicaragua Canal. I ask that we now begin it. Gentlemen, has there not been talk enough in the years and centuries that have gone? Is it not time to do something? There are some interests in the United States which it is said will be harmed by the rivalry of this canal, and there are many gentlemen of honest purpose who think that either the time is not ripe, or that an enterprise of this kind should not be undertaken. There are men who are terrified by the specter of scandal, by the possibility of wrongdoing—men who feel that returns in money will not be ample. But I insist upon it that the American people have made their decree that the canal is to be built, and that now is the time to build it, and now is the time to commence it. [Applause.]

I reserve the balance of my time.

Mr. ADAMS. Mr. Chairman, I wish to ask the gentleman a question.

The CHAIRMAN. The gentleman has time remaining. Does he yield?

Mr. HEPBURN. Certainly.

Mr. ADAMS. I wish to know if opportunity will be given to amend this bill?

Mr. HEPBURN. Why, I do not know of any method by which it could be prevented, without the House prevents it.

Mr. ADAMS. I wish to know if it is the desire of the chairman of the committee to give that opportunity, or if he means to foreclose it by moving the previous question to cut off debate?

Mr. HEPBURN. It is my present purpose to give the amplest time for the consideration of this bill.

Mr. ADAMS. That is not an answer to my question, as the gentleman knows.

Mr. HEPBURN. Well, that is as much as I desire to answer at this time. I mean it in good faith, in the broadest possible way.

Mr. SHAFROTH. I should like to ask the gentleman a question for information.

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Colorado?

Mr. HEPBURN. Certainly.

Mr. SHAFROTH. I was not in the room during all of the gentleman's remarks and perhaps he covered this phase of the case. I should like to know what is his construction upon this bill and upon the late treaty that has been ratified as to the power of the United States to fortify the canal?

Mr. HEPBURN. Why, I have not any doubt about the right of the United States to defend that canal and to do it in the way that seems wise to the United States. If that involves the erection of fortifications at the termini of the canal or of stockades at the sites of the important works, I have no doubt about the authority of the United States to do it, and that it would exercise that authority. I know there are a great many gentlemen, skilled in the art of defense, who say that the proper place to defend this canal is upon the sea; who say that the works will be so expensive and difficult as to preclude their practicability; but I remember that we are spending millions of dollars every year upon a comprehensive plan that promises the expenditure of $250,000,000 in defending localities along our coast. The argument that can be made against the use of fortifications for the defense of this canal can be made against the use of fortifications at New York, at Philadelphia, at every point along the coast. If the Navy is to be relied upon to defend the canal, why not rely

upon the Navy to defend New York and Philadelphia and New Orleans? The gentleman may judge from the tenor of my remarks that for myself I do not take a great deal of stock in that kind of talk. I want to see the canal fortified whenever it is in peril.

Mr. SHAFROTH. And you think there is nothing in the way of fortifying it in the measure presented here?

Mr. HEPBURN. I think not.

Mr. FOWLER. I should like to ask a question for information.

Mr. HEPBURN. Certainly.

Mr. FOWLER. The gentleman stated in his remarks that it was possible that we could allow American ships to pass through the canal without charge. Is that his view, in the light of the treaty?

Mr. HEPBURN. I said I had hoped that that would be the condition.

Mr. FOWLER. Well, without referring to the treaty, with which I am not particularly familiar, is that your opinion now?

Mr. HEPBURN. I have no doubt but that the United States can use that canal in a manner advantageous to its own people above the advantage that it would be to other people, but I have not so carefully studied that treaty as the gentleman has done, perhaps. At all events, Government ships will go through free, and at all events, there is that trend on the part of other nations toward yielding to the desires of the United States that makes me hopeful that if there was a barrier of that kind now, we would brush it out of the way pretty soon. [Applause.]

Mr. CUMMINGS. I should like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield for a question?

Mr. HEPBURN. Certainly.

Mr. CUMMINGS. I should like to ask whether, in your opinion, if your bill should be passed under the treaty that has been confirmed by the Senate, England would have any special privileges in the canal over any other nation?

Mr. HEPBURN. I think not.

Mr. MCDERMOTT rose.

The CHAIRMAN. Does the gentleman yield to the gentleman from New Jersey?

Mr. HEPBURN. Certainly.

Mr. MCDERMOTT. Realizing that we all want the canal built, I want the benefit of the idea of the gentleman on this question. The Commission's report, which the gentleman has undoubtedly absorbed to an extent that I have not had opportunity to, has this conclusion:

There are certain physical advantages—

Speaking of the Panama Canal—

such as a shorter canal line, a more complete knowledge of the country through which it passes, and the lower cost of maintenance and operation in favor of the Panama route, but the price fixed by the Panama Canal Company for a sale of its property and franchises is so unreasonable that its acceptance can not be recommended by this Commission.

Now, in the report of the Commission the price fixed as the purchase price of the Panama Canal property is $109,000,000 for that part of it built for the route. Using the Panama Canal as a basis for building the proposed canal, we find a difference of $63,000,000. It is rumored that the Panama Canal can be purchased for the sum of $40,000,000. If that be true, and we subtract forty millions from the one hundred and nine millions, we would have a fiscal aspect in favor of the Panama Canal. Now, as the Commission have given the price as a reason, in the concluding paragraph of the report, why they declare the Nicaraguan as the most feasible route, I desire the gentleman to answer the question, whether, in his opinion, if the fiscal propositions had been equal, and if we could obtain the Panama Canal as at present constructed, the Commission would have reported in favor of that canal?

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. PAYNE. Mr. Chairman, I ask that the gentleman's time may be extended until he concludes his remarks.

There was no objection.

Mr. HEPBURN. If the gentleman from New Jersey had absorbed the report of the Commission he would have learned that they did not base their conclusion upon the condition that he has recited, although it is only one reason for that part of the report. He would have found that they have stated the respective advantages of each route. It says that each has advantages over the other, and they did not express any opinion as to where the greater majority of advantage lies.

They have contented themselves with the one question of cost. I can not say what the Commission might have done under other circumstances; but I believe that I can say that every gentleman who absorbs that report, and who understands it, will come to the conclusion to favor that canal which is 400 miles nearer this country, that brings New Orleans 560 miles nearer to San Francisco than this other, that brings New York 375 miles nearer to San Francisco than this other—that that would be the better one for us to construct. [Loud applause.]

Mr. MCDERMOTT. If the difference in cost could be eliminated, would it not be better for those who have to pass upon this question to have full knowledge of all the particulars about it? There is not the slightest doubt that nearly every man in both branches of the national legislature is in favor of a canal, and there is also very little doubt that there are not ten members in either branch who can give you the slightest idea as to which is the best route—whether one is better than the other. The Commission has reported, and it has reported against one on the question of cost. Now, I should like to have an opinion as to their views, if the question of the additional expense were eliminated.

Mr. HEPBURN. The query of the gentleman involves so much of speculative philosophy that I submit it for answer to himself.

Mr. KEHOE. I would like to ask the gentleman from Iowa if the committee which prepared this bill had any special reason for using the word "control," rather than the word "ownership?"

Mr. HEPBURN. We thought that control included everything we wanted. [Laughter.]

Mr. SIMS. I would like to ask the gentleman a question which is pertinent in this connection—if they have made any investigation as to the fact whether if the Nicaragua Canal should be constructed the Panama Canal will also be built, and that we will have a competing line to the detriment of the canal built by us?

Mr. HEPBURN. Well, I will say that there will be the same probability of the Panama Canal Company completing their canal then that there is of the French Government building its capitol on the Mall below us here. [Laughter.]

Mr. GILBERT rose.

Mr. HEPBURN. They have had their opportunity, if the gentleman will permit me, for eight years to secure capital to carry on this enterprise. They have utterly failed. After having expended $246,000,000, they have accomplished less than one-fourth of the work, this money having been raised from 200,000 citizens of France. This great proportion of their people having been robbed in this manner, there is no reasonable probability of their ever being able to raise the money. They have time and again, or at least two or three times, asked for an extension of their rights because of the impossibility in the past of raising money. The whole scheme is discredited in France. It is not credited except in the United States.

Mr. SIMS. I do not understand it to be a French Government enterprise.

Mr. HEPBURN. It is not a Government enterprise.

Mr. SIMS. I will ask further if it is not more likely that the canal will be completed by France, or the people of France, or by some other country, if we build the Nicaragua Canal, than it would be that the Nicaragua Canal should be built if we should buy and construct the other one?

Mr. HEPBURN. That is a matter I can not tell anything about. I think, though, there is the same probability of two canals across the Isthmus that there is of having the Suez Canal paralleled by another.

Mr. SIMS. In other words, the gentleman thinks there is no probability of more than one canal.

Mr. HEPBURN. Yes.

Mr. GILBERT. Mr. Speaker, the gentleman from Iowa has been so amiable in answering questions that I desire to ask him two. The gentleman said in the outset that the power of taxation was an attribute of sovereignty. Now, in reading this report of the Walker Commission on page 173, they say that it is not desirable or advantageous for the United States to obtain the right of sovereignty; that that ought to be retained by the Governments of Nicaragua and Costa Rica. If that be true, why is it not true that by the retention of the sovereignty they would exercise the right of taxation?

Mr. HEPBURN. They have a constitutional provision in both of those States that prohibits the alienation of "jurisdiction" over any part of their sovereignty. They are sticklers for observing that, as I am told, while they are entirely willing to give us complete and absolute "control" in the form of a perpetual lease.

Mr. GILBERT. And they will not have the power to tax?

Mr. HEPBURN. I understand not. I am told by the Secretary of State that arrangements have so far progressed that he is able to state with great confidence that we shall be able to get that portion of the territory we desire with the title we desire, and for a sum that will be entirely satisfactory to the United States.

Mr. GILBERT. Now, one other question. On page 180 of this report there is a résumé of the different treaties existing between Nicaragua and sundry other governments. And here is an epitome of these treaties:

These points of agreement indicate a well-defined policy with reference to this subject, which is acceptable to the nations and people of the world that have manifested an interest in an interoceanic communication.

4. Military force to be supplied by Nicaragua when needed for the security

and protection of the canal and auxiliary works, the officers and workmen engaged in its construction and operation, and the vessels passing through it, with their officers, crews, passengers, and cargoes.

Now, it seems that in all these treaties made by Nicaragua with England and other countries, that Nicaragua has uniformly retained the right to exercise control over that territory. Does the gentleman from Iowa understand by the terms of this bill that we will have the right, notwithstanding these treaties, to protect the canal by a military force?

Mr. HEPBURN. I take the view of the Commission who have been instructed to investigate this subject. They say in that report—and the gentleman has undoubtedly read it—that there is no treaty, no obligation on the part of either of these Governments which will prevent them from giving us the rights that we desire.

Now, I have not examined this vast number of treaties and concessions, although some of them I have. I know that some years ago Nicaragua alone had granted 21 concessions to different companies or different people for the construction of this waterway. It used to be sort of an industry down there to sell a concession, and there was thus a great number of them. I know that there have been numerous treaties, but the Commission say, at the date of that report, that there was no international obligation upon the part of either of these countries that prevented them from giving us all the rights we desire.

Mr. FINLEY and Mr. REEVES rose.

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from South Carolina?

Mr. HEPBURN. Yes; after I have yielded to the gentleman from Illinois.

The CHAIRMAN. The gentleman from South Carolina rose first.

Mr. HEPBURN. Very well; I did not notice him. I will be glad to answer any question that he may ask, if I can do so.

Mr. FINLEY. The bill fixes the Nicaragua route as the one to be constructed under the control of the President of the United States. Now, in view of the fact that the commissioners reported that the only objection to the Panama route is of the cost, if the Panama route can be secured cheaper than the amount proposed at the time the Commission made the report, what would be the objection in providing in the bill an alternative route, the Nicaragua or the Panama, and leave the selection to persons to be provided for in the bill or to the President of the United States?

Mr. HEPBURN. I do not agree with the gentleman from South Carolina in his conclusion with regard to the report of the Commission. I think, if he reads the entire report, he will find that they do not base their recommendation solely on the question of comparative cost. But passing that, I believe so supremely in the superiority of the route that is nearest to us that I want to labor, if I can, to carry out the views of the committee that I represent [applause]; and I look upon any attempt to entangle us in any way with the Panama Canal as simply another effort in the direction of delay. [Applause.]

Mr. FINLEY. As matters now stand, I believe the United States have no treaties with Nicaragua and Costa Rica providing for the building of this canal. Any treaties which may be made with those countries for the acquirement of the right of way must yet be accomplished. Now, why not leave the matter of securing the right of way, the best right of way, with the President, as you propose to do the building of the canal?

Mr. HEPBURN. That is simply a question of opinion.

Mr. FINLEY. We have no right of way secured now?

Mr. HEPBURN. We have to negotiate for it. But we do know this: That steps have been taken, are now being taken, and are about completed that will give us all the right we desire. There can be no question about it. This canal to the people of Nicaragua, situated, as they are, with this great lake in the very heart of their country, the making of it available by this enterprise, is to them what our entire interior system of transportation is to the people of the United States. They have the same anxiety to have these barriers in the San Juan River removed that the people living upon that great inland sea, the Mediterranean, would have if there were a blockade at the Straits of Gibraltar; they would want it removed. The people of Nicaragua want these barriers on the San Juan River removed. They recognize, after seventy-five years of experiment, that there is no way of securing their removal save through the instrumentality of the United States. We have a right, therefore, to expect—we do expect—that whatever we desire in this direction will be given to us; that we shall pay only fair prices for the territory that we actually receive. It is inconceivable that the case should be otherwise. There is nothing in all the negotiations, nothing in all the history of this enterprise and the negotiations between the two nations to induce any gentleman to say that the scheme of consent is not practicable.

Mr. REEVES. The gentleman has practically answered what I wanted to ask him. Will he allow a further inquiry? In view of the fact that negotiations are now pending—in view of the fact that a treaty (if you please to call it such) is in process of making, to give us the right of way through Nicaragua and Costa Rica, I wish to ask—and at the same time I assure the gentleman from Iowa that I am with him on this general proposition of a canal, perhaps this canal—still would it not be prudent on the part of Congress to wait a week or a month, if need be, until the Secretary of State has concluded the necessary negotiations and informed us what they are and what it will cost us if they are carried out? Would it not be best that we should in that way act intelligently, instead of proceeding upon mere supposition? Would violence be done to the interests of this country if we should wait a little while until that is accomplished?

Mr. HEPBURN. Mr. Chairman, there never has been a day, there never will be a day, when a proposition of this magnitude is being considered by this House when some gentleman will not be able to give some reason for postponement—for delay. We have been suffering from such things for years, and now I think the time has come for action, especially in view of the information that perhaps I can give to the gentleman, that I am assured by those who know that this protocol has already reached such a stage as to make it certain that we shall get what we want. [Applause.]

Mr. REEVES. Is it not true that instead of the arrangement being consummated numerous conditions of it have been rejected by our Secretary of State and the matter sent back?

Mr. HEPBURN. Yes, sir; with regard to inconsiderable matters. But the great matter of transfer, the great matter of control, the great matter of cost, the great matter of policing, and of all of that; the establishing of courts and all of that—those matters have been arranged; and it is only the inconsiderable things—the annoying things, as it was expressed to me—that are involved in the matters sent back.

Mr. REEVES. Will the gentleman pardon me—one more question? He has just said that among the things that have been completed is included the question of cost?

Mr. HEPBURN. Yes, sir.

Mr. REEVES. Would the gentleman violate any confidence if he should tell us what the cost is to be?

Mr. HEPBURN. My recollection is that there are two items—$5,000,000 and $1,000,000.

Mr. DOUGLAS. Mr. Chairman, I should like to ask the gentleman from Iowa whether, with the greater distance through the Nicaragua Canal and with eight locks in place of four, as provided by the Panama route, the cost to steamers and sailers would not be much larger and whether the time in transit would not be much greater; if the cost of maintaining the Nicaragua route would not be much more costly than Panama? I would like to ask the gentleman this question: While the proposition is that we shall build this canal for the benefit of American commerce, is it not the fact, in view of the very few ships we have to go through that canal at present, that it would be a dead failure if we endeavored to restrict the use of the canal to American commerce and ships only? Therefore is it not absolutely essential that we should throw the canal open to the world, so that we may get a revenue from it; and if we do not throw it open to the world would not other nations at once take up the Panama Canal and complete it?

If these considerations are good, and if France has now come to a point where she is willing to sell her rights for reasonable compensation, would it not be well for us to give the most careful consideration to the question of buying the Panama Canal, which, in all probability, if built would serve our purpose better than building the Nicaragua Canal with a possibility of a competing canal? Is it not undoubtedly the fact that if we should endeavor to carry out our project of constructing the Nicaragua Canal and thereby benefiting American commerce, which I am in favor of, we might meet opposition, as France will still try to raise funds and complete her enterprise, while if we should take hold of and finish the Panama Canal, I think it very doubtful whether we shall have any competition for many years? I am aware that I am putting a series of questions.

Mr. HEPBURN. Now, which one of his seventeen questions does the gentleman desire me to answer? [Laughter.]

Mr. DOUGLAS. There are only two, not seventeen. In the first place, as to the cost. I claim it would be the heaviest——

Mr. HEPBURN. If you are asking me a question, it is not important what you claim, for the purposes of the colloquy.

Mr. DOUGLAS. It is important to the country, even if it is not to me, if you will excuse me.

Mr. HEPBURN. It is not important to the colloquy.

Mr. DOUGLAS. I consider it is of vast importance also to know how much more it is going to cost, and how much longer it is going to take to get vessels through by the Nicaragua route, and the extra cost of towage, etc., than by the Panama route.

Mr. HEPBURN. Well, the probabilities are that the Nicaragua Canal can be built in less time than the Panama. The cost of maintenance and operation of the Nicaragua Canal would be $3,300,000 per annum, as estimated, and of the Panama Canal Company $2,000,000. As I stated in my opening, there is that much in favor of the Panama Canal.

Mr. DOUGLAS. What is the difference in the time of transit through the Panama Canal and the Nicaragua Canal?

Mr. HEPBURN. The time of transit is twelve hours by the Panama and thirty-three hours by the Nicaragua.

Mr. DOUGLAS. Not more than that?

Mr. HEPBURN. Thirty hours by the Nicaragua, for a 4,000-ton ship.

Mr. MORRIS. Will the gentleman from Iowa permit a question?

Mr. HEPBURN. Certainly.

Mr. MORRIS. Would there be any objection to so amending this bill as to give to the President of the United States the alternative power to construct the canal along the line of the Panama route, provided the rights of the Panama Canal Company, free and clear of all incumbrance, could be obtained for $40,000,000, and provided further that we could get equally favorable concessions from the Government of the United States of Colombia—I believe that is the proper title——

Mr. HEPBURN. I think it is—to-day. [Laughter.]

Mr. MORRIS (continuing). As from Nicaragua and Costa Rica? Would there be any objection to so amending this bill that, provided those things could be done, the President could leave the matter to the Isthmian Canal Commission to say on which route this canal should be constructed, and be guided by their advice?

Mr. HEPBURN. To my mind there would be objection. I am in favor of our determining this matter. It has been under consideration for a long time. This bill is the product of the best inquiry that the committee having charge of it could make. I do not want any commission to have the power to determine this question. I believe that the Nicaragua Canal route is the better one; and yet here is a foreign corporation with a stake, they say of $109,000,000, our Commission say of $40,000,000. They are playing for that stake. They have everything to gain and nothing to lose. If they gain the half of it they are $20,000,000 ahead.

Mr. MORRIS. But the gentleman seems to have misunderstood my question.

Mr. HEPBURN. No, I do not think I misunderstood you.

Mr. MORRIS. I said, if these rights could be acquired——

Mr. HEPBURN. I understood just what the gentleman said. He has not understood me.

Mr. MORRIS. They can not make anything, if they get what the Commission says is the value of their property.

Mr. WILLIAMS of Mississippi. Would they not make whatever they get? Would they not make whatever we should give them?

Mr. MORRIS. Possibly that is true.

Mr. WILLIAMS of Mississippi. Yes.

Mr. HEPBURN. Then I should like to know—so many of these hypothetical inquiries have been made—I should like to know what the gentleman bases his hypothesis upon.

Mr. MORRIS. I base it upon the statement made here at the end of this report. They seem to have based their report——

Mr. HEPBURN. No; I beg your pardon; you can not base it upon that. There is something which has occurred since then. What is it you base your inquiry upon?

Mr. MORRIS. What does the gentleman mean by that?

Mr. HEPBURN. Is it on this rumor that we can now secure it for $40,000,000?

Mr. MORRIS. Yes; on that, connected with this report.

Mr. HEPBURN. What assurance have you, what assurance has any man, what assurance can be given, that ought to influence legislation like this, that any proposition of that kind has ever been made; that there is any party that can make it; that there is anything that they can sell? You must remember that there are four parties interested in this property. There is the new Panama Canal Company; there is the old Panama Canal Company with reserved rights; there is the liquidator of the court, in whose hands the whole thing is now; there is the Government of Colombia. Now, in view of that, here comes a rumor across the sea; an alleged or a real cablegram. We are told—I have been told—the Secretary of State told me that Admiral Walker told him that Mr. Bovee told him that he had received a cablegram from somebody in Europe stating that the Panama Canal Company was ready to sell us its property at $40,000,000.

Now, that is what you have got, and upon that you propose to delay legislation in a body like this.

Mr. MORRIS. There is no intention of delay. I wanted an answer from the gentleman from Iowa to the two questions which I have asked on the amendment which I suggest as a simple matter of inquiry. There is no need of excitement about the matter.

Mr. HEPBURN. I am not excited; are you?

Mr. MORRIS. I am asking for information. This report comes to us now.

Mr. HEPBURN. It is not worthy of the dignity of being called a report.

Mr. MORRIS. There is no desire for delay. The chairman of the committee stated that it would take two years to get these harbors constructed and this railroad constructed before the work upon that canal could be done.

Mr. HEPBURN. Yes, sir.

Mr. MORRIS. Now, the harbors are already there on the other route.

Mr. HEPBURN. One of them is there. Do not use the word "harbors," because there is a harbor on one side and on the other side it is simply a roadstead.

Mr. MORRIS. It is a place for vessels to discharge their cargoes.

Mr. HEPBURN. They have to go to sea when there is a storm.

Mr. MORRIS. It is already there for use. Now, I would not delay this project one minute, and I say to the gentleman that I will vote for no proposition that will delay it for a moment. But would there be any delay in allowing the President to institute negotiations and see whether these things can be accomplished or not, and letting him have power enough to select either route?

Mr. HEPBURN. Now I want to ask the gentleman a question. Would it not be better for us to go on and start this matter?

Mr. MORRIS. Decidedly.

Mr. HEPBURN. And if a proposition comes, tangible in its character, valuable in its essence, then during these two years there is ample time for that corrective legislation that the gentleman thinks ought to be initiated. [Loud applause.]

Mr. MORRIS. Possibly so; but in the meantime we could be making progress.

Mr. HEPBURN. In the meantime we are making progress now. We can not make any progress until a bill passes. And I confess that I do not want to have this great enterprise tarnished, tainted, by any connection with the discredited scheme of the Panama Canal. I do not want that kind of a heritage.

Mr. McCLEARY. Will the gentleman permit me to ask him a question?

Mr. HEPBURN. Certainly.

Mr. McCLEARY. I want to ask the gentleman two questions. First, assuming the canal to have been constructed, what protection is provided against a man with a 10-dollar stick of dynamite who may determine to blow up one of these locks?

Mr. HEPBURN. None in the world.

Mr. McCLEARY. And, second, what protection is there against a convulsion of nature, such as an earthquake?

Mr. HEPBURN. None in the world.

Mr. WILLIAMS of Mississippi. I would ask the gentleman, in speaking about dynamite, would there be any protection against damage in either project?

Mr. HEPBURN. I do not think there would. The gentleman may know, the same as I know——

Mr. McCLEARY. I asked the questions as affecting the merit of the whole proposition.

Mr. HEPBURN. There is a possibility of a stick of dynamite destroying one of these locks. There is a possibility of destroying the Conchuda Dam. There is no question about that; and there is a possibility of the assassination of the President of the United States.

Mr. MERCER. I want to ask the gentleman a question. Have the parties representing the so-called Panama interests ever appeared before the committee of which the gentleman is chairman and made any proposition looking toward a concession?

Mr. HEPBURN. I want to say that the only time I recall of them ever appearing before our committee was some four years ago. They extolled their route; they told us of what they were going to do. Their effort was to secure delay on our part—that we should not go on and interfere. It interfered with their purposes. I tried to find out what there was behind this management; what there was of capital——

Mr. GILBERT. Would you attach any weight at all——

Mr. HEPBURN. Let me answer this question. I tried to find out what some two or three members of the committee had attempted by some pointed questions. I said to one of the attorneys, who was the spokesman, I would be glad to know what they had in the way of revenues and resources. He fenced about it a little while and I repeated it again, possibly a third time, and then he said as they were not here asking any favors of the United States they would be excused, they thought, from opening up their private affairs to the prying eye of the inquisitor. And I quit at that. [Laughter.]

Mr. GILBERT. France was once a great friend of ours when we needed a friend.

Mr. HEPBURN. When?

Mr. GILBERT. A long time ago.

Mr. HEPBURN. No; she was a great friend of herself and wanted us as an ally.

Mr. GILBERT. Other things being equal, would not you attach some importance to the fact that some estrangement might result from our refusing to entertain the French proposition?

Mr. HEPBURN. Oh, I wish the gentleman would not point his jokes at me. [Laughter.]

Mr. GILBERT. No, Mr. Chairman, really, if other things were equal, would not the gentleman from Iowa prefer the Panama route on account of the friendly relations with France?

Mr. HEPBURN. No, sir; I have a more kindly feeling for the Nicaragua people than I have for France. I remember not very long ago when the French people took advantage of us. I remember when they invaded a neighboring State, notwithstanding our declaration that it must not be; they took advantage of our straits. I am glad to know that in the sequel they dodged out when Phil Sheridan, with 100,000 men, reached the Mexican border.

Mr. GILBERT. Well, England was a party to that transaction, and furnished money and supplies both.

Mr. HEPBURN. Yes; but England repented early and got out of her own accord, while France did not get out until she was kicked out. [Laughter.]

Mr. REEVES. I would like to ask the gentleman one more question. If this great big rumor that you have stated as being cabled across the ocean that we could get the Panama property for $40,000,000 were known to be true instead of a rumor, does the gentleman from Iowa think he has made such investigation that he is able to say whether it would be worthy of sufficient delay and time for consideration or not? I mean to say if the rumor were true.

Mr. HEPBURN. If it were true that that proposition had been made, I would then deal with the State of Colombia. Colombia, then, is the owner of this property, if it is true that this offer has been authoritatively made.

Mr. REEVES. The gentleman means, upon the basis of the treaty rights, that they have been forfeited by the attempt of the company to sell out?

Mr. HEPBURN. Yes.

Mr. REEVES. It is hardly likely that they would jeopardize their property in that way.

Mr. HEPBURN. Isn't it? Is it not more probable that Colombia would prefer to have the $40,000,000 property in addition to the franchise to sell to us? Does not the gentleman believe that if she can effect that forfeiture she will do it?

Mr. REEVES. Yes; but I do not believe that the other fellows are so senseless as to put themselves in that position.

Mr. HEPBURN. Why? They recognize that the jig is up now. [Laughter.]

Mr. REEVES. Well, the gentleman makes that statement, but I do not know of any information upon which it is authorized. Without wishing to be offensive in any degree, I want to say to the gentleman that I do not believe that any exists.

Mr. HEPBURN. Of course that is not offensive to me. [Laughter.] I am under bonds not to take offense to-day. [Laughter.]

Mr. REEVES. I hope the gentleman will not break the bond. [Laughter.]

Mr. HEPBURN. I would like to ask the gentleman from Illinois a question, if he please.

Mr. REEVES. Certainly.

Mr. HEPBURN. Does the gentleman know of any authority or of any concession given by the Colombian Government to the new Panama Canal Company to sell or to offer to sell their franchise and their property?

Mr. REEVES. I do not know of any such arrangement. I doubt if any exists. But going further I will say that I do not believe that the Panama Canal Company has forfeited what rights they have by offering to sell, if any offer has been made, any provision of any treaty to the contrary notwithstanding, because they would not do it, as a matter of course.

Mr. HEPBURN. I do not know what they would do or would not do. I know that the Commission has said that they are prohibited in express terms from the sale of the canal property, and they are prohibited in the case of the railroad property from even an offer to sell, and either one or the other will work a forfeiture of the franchise and all the property there in Colombia.

Mr. REEVES. Will you allow me now?

Mr. HEPBURN. Certainly.

Mr. REEVES. It certainly would not be a violation of the agreement if they were to say, We will take so much on condition that we can have the consent of the Colombian Government. So I say again, giving them ordinary intelligence, I do not believe they have deliberately forfeited all their property rights.

Mr. HEPBURN. I think the gentleman is wrong for this reason: Undoubtedly they have been striving to secure a release from that obligation. If the gentleman had read this report and the correspondence accompanying it he would have found that the Colombian minister has stated that the Colombian Government would be willing under certain conditions that they should make this offer to the United States. So that there has been no negotiation, and so far as I can learn the Colombian Government has never yet given its consent. If this is an offer, in my judgment, with due respect to the superior opinion of the gentleman, I think it must work a forfeiture. Just why they should take that action I do not know, but it may be that, realizing that the construction of the Nicaraguan Canal would destroy the possibility of ever utilizing that capital which is buried in the soil of Colombia, they may have adopted this as the last resort, hoping through the joint influence of the United States and France to coerce Colombia into some recognition of their action.

I think that for another reason. I want to call the gentleman's attention to the time when this proposition came. Mind you, for nearly two years the Commission, under the leadership of Admiral Walker, has been striving to get from the Panama Canal Company a definite statement of what they would take—what they would do in this matter. They have haggled. Read the correspondence. To my mind it is not reputable on the side of the Panama Company. It shows from first to last an effort to get an advantage—a disposition to "jockey." On our side there has been an utter failure to secure any other response than that they valued their property at $109,000,000. Then on a day just before the adjournment of Congress for the holidays the House determined to take up this matter. For the first time in two years it looked as if something was to be done. And what is the result? Three days afterwards we are told by cable that there has been a meeting of 250 of the stockholders—whether of the Panama Canal Company or of the New Panama Canal Company I do not know—that a meeting was held; that the old president and engineer were deposed, or that they resigned, new ones taking their places, and it was announced that this offer of $40,000,000 had been made.

The whole circumstance is, to my mind, full of suspicion that the transaction is not being conducted in good faith. It comes at a most inopportune time. After long deliberation and many consultations and board meetings and stockholders' meetings, nothing less than $109,000,000 would suffice. But all at once when we began to act, when there was a probability of something being done, then this apple of discord was thrown into our midst.

Mr. WILLIAMS of Mississippi. Will the gentleman allow me a question?

Mr. HEPBURN. Certainly.

Mr. WILLIAMS of Mississippi. I agree with the gentleman that this proposition is simply a proposition to delay the game. But in connection with the question asked by the gentleman from Illinois, I wish to ask the gentleman from Iowa whether this Panama concern is not to-day virtually bankrupt or insolvent?

Mr. HEPBURN. The new Panama Canal Company, as I am informed, has never had but $13,000,000. They have been operating since 1894 on that $13,000,000. How much of it has been expended I do not know, but I know that this report says there have been 5,000,000 yards of excavation done by them since 1894.

Mr. WILLIAMS of Mississippi. Now, to follow that question up in answer to the suggestion of the gentleman. Suppose that this concern could get from us $40,000,000, could they not declare a dividend to their stockholders so much higher than any dividend they have hoped for lately or do now hope for that they would not care a cent whether the Government of Colombia forfeited the charter or not?

Mr. HEPBURN. If they could get the money, I think that would suffice them.

Mr. CANNON. I should be glad to ask the gentleman a question. This bill, if it passes, will locate the canal, as I understand, in what is now territory of Nicaragua and Costa Rica?

Mr. HEPBURN. It locates the canal in territory belonging to Nicaragua, but some of the overflow of the river would be over lands belonging to Costa Rica.

Mr. CANNON. Now, as I understand, there is as yet no concession from either Nicaragua or Costa Rica of the land upon which to place this canal.

Mr. HEPBURN. I think that is correct.

Mr. CANNON. If I understood the gentleman aright, he said, in answer to another question, that in conversation with the Secretary of State he had learned that, in his opinion, the most material matters had been agreed upon and were ready to be placed in a proposed protocol, but that the question of price was not agreed upon.

Mr. HEPBURN. No; I said that was included among the important matters that had been agreed upon.

Mr. CANNON. Well, now, what is the price—$5,000,000?

Mr. HEPBURN. Five million dollars and $1,000,000. I think there are two sums.

Mr. CANNON. Six million dollars, then. Now, let me say to the gentleman that I have not talked with the Secretary of State, but from the gentleman's talk with that officer I understand that this matter is as yet all "up in the air;" that no protocol has been reduced to writing; that no treaty making these concessions has been agreed upon. I have been told by a gentleman, who ordinarily is a knowing man, that according to his understanding Nicaragua asked the sum of $25,000,000.

Mr. HEPBURN. Twenty million dollars originally; then $16,000,000, $12,000,000, $10,000,000, $8,000,000, and finally $6,000,000.

Mr. CANNON. The matter is not as yet closed?

Mr. HEPBURN. The Secretary thinks that practically it is.

Mr. CANNON. Then why not come to Congress with that information? Why not transmit it by message?

Mr. HEPBURN. Simply because the protocol, as I understand, was sent here with some conditions—not of great consequence—which the Secretary disapproved, and therefore he sent the paper back with his disapproval. But all the essentials, all the important matters, were, as we understand, agreed upon.

Mr. CANNON. Well, does that agreement bind our Government? Suppose it were reduced to black and white?

Mr. HEPBURN. That in itself means simply this, that they will go into treaty relations with us on lines indicated in the protocol.

Mr. CANNON. Does that bind the Congress of Nicaragua.

Mr. HEPBURN. No; I imagine that it does not bind it any more than the preliminaries of a treaty would bind us.

Mr. CANNON. Then it is on both sides as yet in the air. Now, as a business proposition, does the gentleman consider it good policy, with these differences as yet unadjusted, even by a protocol, that the Congress of the United States, the House moving first, should absolutely, without limitation as to cost, commit the Government of the United States to this route?

Mr. HEPBURN. I have no thought that this Government will be bound by any unfair, improper, exorbitant proposition; but I remember that even if this legislation occurs, it is not of that imperious, immovable, binding influence that the gentleman thinks it is. I have known legislative enactments to be repealed. I have known them to be modified; and I think that if any such condition should arise as he thinks may arise, that the House of Representatives will be quick to act in undoing and taking away a power that was being misused.

Mr. CANNON. Does not the gentleman——

Mr. HEPBURN. And I think, if the gentleman will allow me to go on——

Mr. CANNON. Certainly.

Mr. HEPBURN. As I believe that there never will be a day when something will not be in the way; as there never will be a time that will be just the opportune time, when everything will converge so that everyone will say that now and now only is the proper time to act; as I never hope for that condition with regard to any legislation, I think we must take our chances; and it is better to do something, even if we undo it afterwards. [Applause.]

Mr. CANNON. If the gentleman will allow me——

Mr. HEPBURN. Certainly.

Mr. CANNON. This bill not only locates the route as I have indicated, but makes the appropriation. Now, is it not perfectly patent that, although this bill might be enacted into law to-day, there could not be one spadeful of dirt thrown until this concession is obtained by treaty and ratified both by Nicaragua and the United States? And do we lose anything by postponing this matter for thirty days, with a six months' session in front of us, or by postponing it sixty days, and letting these negotiations proceed in an orderly, businesslike manner?

Mr. HEPBURN. Mr. Chairman, I think this is a matter of delay. Without accusing any gentleman of bad faith, without saying anything discourteous, I think it is an attempt to get a better legislative hold in favor of some theory. I remember that we have been subject to this class of delay in the past. Here was this proposition before the Interstate and Foreign Commerce Committee. That committee made a report. Another committee of this House that had never been charged with jurisdiction over it, that had never given it consideration, introduced a proposition on an appropriation bill, in defiance of the rules of the House, perhaps, making an appropriation and raising a Commission further to investigate. It was said that we wanted more time, that we must have delay. That was the argument, and so we had the delay. Other gentlemen, timid gentlemen, said, "We will not act while this Commission is considering its report."

That Commission made its report. It affirmed the benefits of this route. It approved it heartily; but on an appropriation bill, by another committee than that which had jurisdiction, a second time an appropriation of thousands of dollars was made for still further investigation, still further delay, more time. Gentlemen said, "We must not act upon this great measure while that report is being formulated."

Not content with that, two years later still another committee of this House, without jurisdiction of this matter, usurped it for the time being, introduced a provision upon one of the great bills of the House authorizing the expenditure of a million dollars in establishing and creating another Commission, and at once it was argued, "We must not act now. Let us have this report. Let us see what these commissioners say."

Now we have their report. We have removed all of these difficulties out of the way, and I beseech the House not to be beguiled into further delays in the beginning of this great work. [Applause.]

The Isthmian Canal.

SPEECH

OF

HON. STEPHEN M. SPARKMAN,

OF FLORIDA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, January 9, 1902.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 3110) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans—

Mr. SPARKMAN said:

Mr. CHAIRMAN: Having given my views fully on the question of an isthmian canal, its importance, and our duty in relation thereto, a little less than two years ago, when a similar measure was before this body, I did not intend to trouble the House with any remarks on the pending bill, and I would not do so now but for the fact that a difference of opinion has arisen since the discussion began as to which is the better route for such a canal, the Nicaragua or the Panama. The interests I represent on this floor, as well as the wishes of the people whose commission I hold, require that I should not be silent when these interests are threatened, as I think they would be if the views of many of those who have spoken on the bill should prevail.

That a canal crossing the Central American isthmus and connecting the Atlantic and Pacific oceans should be constructed all are agreed, or appear to be agreed, but divergent and conflicting views exist as to the choice of a route, even among those who wish the canal constructed, some preferring the Panama, others, and a majority, I hope and believe, the Nicaragua route. The views of the latter are embodied in the Hepburn bill, while those of the former find expression in one or more of the amendments offered, but especially in that presented by the gentleman from Minnesota [Mr. MORRIS].

I shall vote, Mr. Chairman, against all of these amendments, at least those which up to the present time have been proposed to the pending bill, and finally in favor of that measure, for several reasons.

In the first place, this bill provides for the building of a canal many hundreds of miles nearer the United States than would be one built on the Panama route. The Isthmian Canal Commission tells us, and a glance at the map will confirm its statement, that the Nicaragua route is shorter by at least one day between our Atlantic coast and Pacific ports, and between our Atlantic coast and the Orient, while between the Gulf ports—such as Key West, Tampa, Pensacola, Mobile, New Orleans, and Galveston—the route is shorter to the same ports on the Pacific and to the East by about two days.

Now, while we do have in mind the great advantages that will accrue to the world by reason of the construction of this waterway, yet the consideration which moves us mainly is the advantages that will come to our own country and her people. But for them the canal would not be constructed; but for them we would not for one moment entertain the proposition to build any transisthmian canal, entailing, as it will, an expenditure of nearly $200,000,000, to say nothing of the cost of the military and naval preparations necessary for its protection and control. That being true, I am unalterably in favor of that route which brings our own possessions and the different sections of our own country so much nearer together.

Consider for a moment what this means in the matter of time saving—about 800 miles in distance and two days in time the round trip in the one case and more than 1,200 miles and four days in the other. If, then, a vessel should make one trip per month during the year, she would save by the Nicaraguan route from 10,000 to 15,000 miles in distance, or from twelve to twenty-four days in time, for each vessel, according as she went from the Atlantic or Gulf ports to the Pacific coast or our insular possessions in the East. Multiply, then, these figures by hundreds and thousands and you have the grand total in time and distance thus saved by adopting the one route instead of the other.

Let us figure a little, using the Suez Canal as a basis. The number of vessels of all nations and sailing from all countries which went through this canal for the four years between 1895 up to and including 1899 was 16,939, with a tonnage of 44,042,274. If one-fifth that number of vessels should use the Isthmian Canal from the United States, and should be equally divided between those plying between the Gulf and Pacific and our Atlantic and Pacific ports, we would have 1,693 to each class, a large majority of which would be steam vessels of an average, perhaps, of 2,500 tons burden. Such vessels would burn from 40 to 50 tons of coal per day; so that, saying nothing of the time saved by using the Nicaraguan route, the saving in fuel alone would likely amount to much more than $1,300,000, the difference in the cost of the maintenance of the Nicaragua Canal over that of the Panama route.

This estimate is somewhat of a guess, to be sure, but is rather under than over what will likely prove to be the exact figures for the first four years of the operation of the canal.

But, Mr. Chairman, we are not building for the moment, but for all time; not for a year, but for the centuries; not for the commerce of to-day, but for all the future, with its vast, its boundless possibilities, and we should adopt that route which will save the most to our commerce; that will place the lightest burden upon American enterprise and industry.

Then, too, the time may and doubtless will come, when, under a wiser policy and more liberal laws, the restrictions now thrown around American shipbuilding and ship owning being removed, our merchant marine shall revive and our commerce once again be carried on in American bottoms and under the American flag, so that not only will the shipper be benefitted by the adoption of the route nearest our shores, but the American shipowner as well.

This is an age of the greatest commercial activity the world has ever witnessed. Railroads spanning continents and crossing national boundaries are being built and mighty and swift steamships constructed by private enterprise, while rivers and harbors are being deepened and their navigation improved by the governmental hand, and all at the behest of the restless enterprise of man and the ever-increasing commercial and business activities of the nineteenth and twentieth centuries. Larger and more powerful locomotives are being evolved and swifter steamships builded in order that freight and passengers may be transported quickly and rapidly across hill and mountain and plain and over ocean and sea and river to meet the wants of man, whether at home or abroad. Time is money, and its economy is the great desideratum in the transportation of the world's commodities from place to place. To that end the inventive genius of man is being taxed as never before, and nobly is it responding to the demands made upon it.

This great enterprise—the building of the isthmian canal—one of the greatest ever undertaken by man, is the child of that same idea of timesaving and quicker transit, and every mile it is brought nearer to our own ports, our fields, mines, and factories, the greater the benefits to be derived by us from its construction. Then let it not be said that the American Congress, deliberating in this progressive age, and legislating primarily for American interests, did not have the wisdom to perceive or the statesmanship to act in accordance with the demands of the commercial and business interests of this great country. [Applause.]

It is feared by some that a canal constructed along the Nicaragua route may cost a little more than one built on the other. I for one do not believe this; I do not think it will cost as much by many millions of dollars, and I base my opinion upon the data gathered and furnished by the Isthmian Commission. Certainly I am correct in this view, if a tide-water canal is contemplated over the Panama route, for in that case it would cost, according to the report of the Commission, at least $100,000,000 more than a canal on the Nicaraguan route. But, Mr. Chairman, should the latter cost a hundred millions more than the former the Government of the United States can, in view of the benefits accruing to the American people, well afford the outlay.

Another reason for the preference I have for the Nicaraguan route is the fact that it passes through countries whose possibilities in the way of business and commerce between the United States and those sections are great. The countries of Nicaragua and Costa Rica are rich and productive, and with the stimulus which will be applied to these regions by American energy and enterprise their vast resources will be rapidly developed, commerce between our country and theirs greatly increased, and an additional market furnished for our own commodities. Not so according to the report furnished us by the Isthmian Commission on the business and industrial importance of the two routes. Hear what it says on that point:

A canal by the Panama route will be simply a means of communication between the two oceans. That route has been a highway of commerce for more than three hundred years, and a railroad has been in operation there for nearly fifty years, but this has effected industrial changes of but little consequence, and the natural features of the country through which the route passes are such that no considerable development is likely to occur as a result of the construction and operation of a canal.

In addition to its use as a means of communication between the two oceans, a canal by the Nicaragua route would bring Nicaragua and a large portion of Costa Rica and other Central American States into close and easy communication with the United States and with Europe. The intimate business relations that would be established with the people of the United States during the period of construction by the expenditure of vast sums of money in these States and the use of American products and manufactures would be likely to continue after the completion of the work, to the benefit of our manufacturing, agricultural, and other interests.

Furthermore, along the canal on either side we are to practically own and control a strip of land probably 10 miles wide. This would give us more than 1,000 miles on the Nicaraguan route, as against less than 400 miles on the Panama route. The former is susceptible of development; the latter barren and practically uninhabitable. When, therefore, our relations to this canal and contiguous territory for all time are considered it is worth much to us to construct this waterway where the land and country are susceptible of such development, rather than through the other, which is fit for little except to furnish a route for the canal.

But, sir, I have yet another reason among the many that might be given for the passage of this bill and the adoption of the Nicaragua route. I want to see the canal constructed without delay, and I know, as I think every one else knows who has given thought to this matter, that the adoption of any one of the amendments and the selection of the Panama route means indefinite and vexatious delay. I do not say, because I do not believe, that anyone on the floor of this House would be so un-American as to wish the defeat of this great work, but the inevitable result would be to postpone indefinitely even the commencement, to say nothing of its completion.

It has been stated here by the gentleman in charge of the bill that the negotiation of a treaty with the Government of Nicaragua has already progressed so far that all except minor details have been arranged, and that these will likely be concluded within a short while—probably a month or two—and the treaty be ratified by the Senate before the adjournment of Congress, so that the President can by midsummer begin the construction of the Nicaragua canal, if this bill is passed without amendment. But not so if any of these amendments prevail, and the President is compelled, as he will then be, to open negotiations with the new—perhaps also with the old—Panama Canal Company, as well as with the Colombian Government, all of which would likely require years to bring to completion, if all the substantial and necessary rights and privileges are to be acquired.

The amendment seemingly meeting with most favor by those opposed to the Nicaragua route is the Morris amendment. The proposition involved in this amendment is that the President is required (because the language will admit of no other construction) to ascertain if the Panama Canal and the property rights, privileges, and franchises of all the corporations or parties interested therein can be acquired by the United States, free and clear of all incumbrances, for a sum not exceeding $40,000,000, and in addition thereto equally desirable political and territorial rights and privileges as in the case of the Nicaragua route, and at no greater expense, within six months from the passage of this act. Then the President of the United States, if the Isthmian Canal Commission shall so recommend, is authorized to purchase the same and complete the construction of the Panama Canal, the sum of $50,000,000, or so much thereof as may be necessary, being appropriated for that purpose.

Now, let us look into the proposition for a moment and see what its possibilities are in the matter of delay. The President is given six months after the passage of the bill—about next May or June, if it should pass the Senate at all—in which to look around and ascertain what may be done with all the corporations and persons interested in the Panama Canal toward securing the property rights, privileges, and franchises of those parties therein, and to sound the Colombian Government to see if as good a bargain can be struck with that country as can be obtained from the Nicaraguan and Costa Rican Governments, for a route through those countries. Then if the Isthmian Canal Commission shall so recommend, the President is authorized to purchase the Panama Canal, together with all rights, privileges, franchises, and appurtenances, and complete the canal.

No time is fixed within which the President is to consult the Commission or in which the Commission is to make its recommendation. So far as this amendment is concerned, it may take a day or ten years, or the President may take an indefinite period in which to purchase after the recommendation is made. Then, again, who is to determine the character of the political and territorial rights and privileges to be obtained, or whether they are equal with those acquired or which may be acquired from Nicaragua? Certainly not the President alone.

Territorial and political rights and privileges to come from a sovereign state must be obtained by and through a treaty, if at all, and the Senate has equal voice with the President in such matters. Who can coerce, who can force the Senate to act within a given time, or to act at all?

Besides, the Isthmian Canal Commission may take the position—and a very reasonable one it would be—that the object of its creation having been performed, having examined into the merits of the two routes and given its final opinion to the effect that "the most practicable and feasible route for an isthmian canal, to be under the control, management, and ownership of the United States, is that known as the Nicaraguan route," it has no further power in the premises. That having placed Congress and the President in possession of all the information obtainable as to the merits of the two routes, Congress can judge as well as it as to what ought to be done, and refuse to volunteer any suggestions unless its powers are extended or the Commission given a new lease of life, for which no provision is made in the bill or in any of the proposed amendments.

If it should take this position, who can force it to act? Certainly not the President nor the Senate alone, and then the whole proposition will be held up, like Mahomet's coffin, between the heavens and the earth, until Congress should again take action.

Mr. Chairman, the Morris and all the other amendments mean delay and should be defeated. The same would likewise be true if the President were authorized in so many words to construct the Panama Canal instead of that by the Nicaragua route. We may not be able to acquire all the rights, franchises, and privileges from the Panama Company or the requisite territorial and political rights from the Colombian Government. No effort has as yet been made in that direction and no one knows what can be done. The Panama Canal Company is bound hand and foot to the Colombian Government and prohibited from selling or offering to sell the canal under penalty of forfeiture of its rights and privileges. So that we can do nothing until we first obtain from the United States of Colombia the right to build the canal, and years will be required to obtain all that will be necessary to take up the construction of the Panama Canal where the French have practically left it off.

So, Mr. Chairman, if we really want a canal and want it for the benefit of the American people, and desire it to be under our control and management, let us take that route which the Commission has said we should take. If we do not want such a canal, then either defeat this bill or, which is the same thing, sidetrack it with the Panama proposition. It will make no difference; the end will be the same—no canal.

When a similar bill to this was under discussion in the Fifty-sixth Congress, objection was then made to the Nicaragua route on account of the Clayton-Bulwer treaty. The objection being that under the provisions of that treaty we could not have that control of the canal the American interest demanded. I did not even then share those views or fears; but that bogy has passed away and a new treaty giving us all the power needed to build, own, control, and protect the canal has taken place of the Clayton-Bulwer treaty. Yet among those favoring the Panama route are those who believe, or seem to believe, that the recent treaty does not go far enough in the way of a surrender by Great Britain of the right to the United States to own and control, to police and protect this great work.

But, sir, I submit that when the treaty gives, as it does give, to the United States the right to construct, as well as the exclusive right of providing for the regulation and management of the canal, and further, the right to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder, while we charge and collect toll for the use of the canal, it gives us the right and the power to do any and every thing requisite to preserve the waterway from injury or destruction.

All nations may, as they should, be permitted to use the canal, but let none suppose for a moment that a hostile fleet will ever be permitted to pass through its waters until our naval power is swept from the seas and our military force destroyed.

Now, Mr. Chairman, the time for talking has ended, and that for action has arrived. Nearly three years ago, in response to the demand of those who wished delay, we provided for a commission to investigate this whole matter, to tell us which was the most practicable and feasible route for an isthmian canal to be under the control and ownership of the United States. This Commission has with laborious and painstaking care discharged its duty, and we have its final report before us. It found, as everybody believed it would find, in favor of the Nicaragua route, and that finding is abundantly fortified by the facts submitted in this report. Now, after three years of delay, we find those who, though not perhaps seeking delay, come here with propositions which, if adopted, would result not only in delay but with the further result that the canal will probably never be constructed.

Ever since Columbus, in the fifteenth century, sought a passage to Asia through western seas there has been an ever-increasing demand for a channel through this Isthmus which barred his passage and disappointed his hopes. The demand today, with the business interests of this progressive age ever on the increase, with all the world's energies at their very highest tension, is greater than ever before. The commercial activities of the world require its construction, and the American people demand its early completion. Let us, then, listen to their voice and give heed to their wishes. [Loud applause.]

The Isthmian Canal.

Water transportation and internal improvements better than foreign wars—Peace and commerce with all nations, enslavement of none—Home first and the world afterwards.

SPEECH

OF

HON. WILLARD D. VANDIVER,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, January 9, 1902.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 3110) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans—

Mr. VANDIVER said:

Mr. CHAIRMAN: When a small boy beginning the study of geography in a country school, I looked at the map of the American continent, glancing down the coast line to the point where the hand of the Creator seems to have crushed and crumpled the continent into a narrow strip that looks like one more pinch of a giant's finger would have made two continents out of one, and drew a pencil line across that narrow ridge, wondering what would happen if the Gulf Stream or some other ocean current should break through and wash that neck away. From that day to this I have been hoping to live to see the day when that experiment should be tried. It is a singular fact that for more than 300 years navigators have been seeking for a "Northwest passage." The discovery of America itself was the result of an effort on the part of enterprising navigators to find a shorter route from Europe to India. Columbus, after discovering the Bahama Islands and the Orinoco coast, died in the belief that he had found this western route to India, not knowing that he had really discovered a great continent, less than halfway by the western route from Europe to India.

In 1513 Balboa climbed to the top of the ridge along the Isthmus of Panama and looked across on to the great waters of the Pacific Ocean. And so great was the importance of a passageway across this narrow strip of land that the bold Spanish adventurers undertook an expedition transporting material for four ships on the backs of Indians and slaves across to the west coast of the Isthmus, and establishing a line of communication which has been of historical interest from that day to this. Three years later when Charles V came to the throne of Spain he gave orders for a complete exploration of the coast, with a view to finding a passage from one ocean to the other, and from that day to this it has been the hope of the world that the passage which the navigators failed to find, because nature had not provided it, would be provided by the arts and industry of mankind. In 1522 Gonzales, another Spanish explorer, discovered Lake Nicaragua, and soon after the city of Granada was founded on its shore. Ferdinand, one of the Spanish governors of the province, despairing of a water channel, established a line of posts across the Isthmus, and land transportation has been carried on more or less ever since. At one time, after the conquest of Pizarro, large quantities of gold and silver were brought from the mines of Peru across the Isthmus to Panama, and from there transported in royal vessels to the King of Spain. The town of Panama thus became a place of some commercial importance, and it is recorded that about the year 1585 Panama was considered "the tollgate between western Europe and eastern Asia."

It will be remembered, too, that nearly all of the efforts of the old navigators—Dutch, English, and Portugese, as well as Spanish—were directed toward finding a passage through the continent. When the Hudson River was first discovered it was hoped a passage was found through it. When the Mississippi was discovered it was hoped that that was an open channel through the continent. Cortez had sent more than one expedition through the Gulf of Mexico to search for a strait; but the failure of all of these efforts, owing to the fact that nature had not furnished such a passage, naturally led to the ambitious project by which human ingenuity might supplement the Almighty's designs.

The perplexing question which has agitated the commercial world, as well as the scientific world, has never yet been fully settled, as to whether the effort should be made to dig a canal which would be open clear through on the sea level from one coast to

the other or to construct the canal with a series of locks and dams by which the ascent could be made from the sea level to the top of the divide, without being obliged to remove the vast amount of material necessary to get down to the sea level. Here, I may say, hinges the whole of the argument as to whether the Nicaragua route should be adopted, or the Panama route, or the Darien route. It is conceded by all engineers that a sea-level canal is impossible by the Nicaraguan route.

It is claimed, by some engineers, at least, that it would be possible by the Panama route. The superiority of the sea-level canal over the lock and dam system is also fully conceded by all persons interested in navigation. It may also be stated that even by the Panama route the sea-level canal would be immensely more expensive than one utilizing the system of locks and dams, because it would require the excavation of vast mountains of earth and stone, and therefore the engineers in their recommendations have not dared to advise that a sea-level canal be undertaken for the whole of the distance, even by the Panama route, but only for a part of it; while the Darien route is for a sea-level canal clear through by means of an immense tunnel under the mountain, 3 miles long.

But passing over a large part of the interesting history of this great project, for the last fifty years our Government has taken special interest in the project and has appointed one commission after another to investigate and report on it.

In 1850 Col. O. W. Childs, an eminent civil engineer, surveyed the route from Lake Nicaragua to the Pacific Ocean, and reported it to be a feasible and practicable project. In 1872 Commander Lull, of the United States Navy, made investigation of the subject, and reported favorably. In 1895 President Cleveland, by authority of Congress, appointed a special Commission, of which Brigadier-General Ludlow was president and Admiral Endicott and Colonel Noble, a civil engineer of great experience, were the other members. This Commission spent many months in making surveys and studying plans of others. Two years ago still another Commission was appointed under authority of Congress. Admiral Walker, of the United States Navy; Col. P. C. Hains, of the United States Army, and Prof. Louis N. Haupt constituted its personnel. They examined the work with great care, studying the conditions of the country, its formation, and all the questions connected with the important subject. Their report is now before us. All agree that the canal can be constructed by either route—Panama or Nicaragua. But the Darien Canal seems not to be seriously considered. Which route shall we adopt? This is the question.

The Panama route has an unfortunate history. The great French engineer, De Lesseps, recommended the Panama route to the French people and the French Government. It was adopted by them in about 1873, and the Panama Canal Company of France organized, and proved to be one of the most gigantic swindling schemes of modern times. I am persuaded that the great engineer himself was the innocent victim of scheming financiers. But however this may be, more than 200,000 stockholders found their investments swallowed up in what was worse than the "South Sea bubble." A financial crash followed, scandals honeycombed the French Republic and the French army until the whole world stood aghast at the amazing and stupendous frauds. The company collapsed after spending perhaps more than $100,000,000 and scarcely having made a good beginning of the real work to be done. A new Panama company, it is said, has since been organized, and claims to hold the rights of charter and all tangible property of the old corporation.

In this sense it may be said, at least, that the scandal attaching to the very name of "Panama" has made it a disreputable word, and I am persuaded that the prejudice thus created constitutes the largest part of the argument against the Panama project. The people of our country naturally prefer to originate their own schemes instead of taking them second hand from others. The question now is: Shall we buy the Panama Canal, and proceed to complete the work which they have commenced, or shall we start a new canal of our own? From an engineering standpoint it seems to me that almost every advantage is on the side of the Panama route. The total length of the Nicaragua route, using the Lake Nicaragua and the San Juan River as parts of it, would be 183.6 miles, while the total length of the Panama route is only 49 miles. The actual length of the canal to be dug by the Nicaragua route is 73.7 miles, and 36.4 miles by the Panama route. In other words, the Panama is less than half the length of the other.

In the second place, the Nicaragua Canal, with all of its locks and dams, its harbors and entrances, is estimated by the engineers to cost, in round numbers, $190,000,000, while the Panama route is estimated at $144,000,000, but to this last should also be added what would have to be paid to the Panama Canal Company for their interest in it, and this interest has been estimated by the engineers at $40,000,000. And it is believed that they will yet recommend its purchase. In addition to this it must be remembered that the cost of maintaining the canal after it is constructed is a point of great interest, and the engineers' estimate of this cost for the Nicaragua Canal is $1,300,000 per year greater than for the Panama. On the other hand, it may be said that the Nicaragua route is 200 miles nearer to us, and that the distance from a point on the Atlantic coast to a point on the Pacific coast would be 400 miles shorter by the Nicaragua route than by the Panama. This latter fact seems to me to constitute the strongest argument in favor of the Nicaragua route.

Now, Mr. Speaker, whatever may be our ideas as to the comparative advantages of these two projects for a great interoceanic canal one thing seems to be fully settled, that in the public mind one of them must be constructed. The growing sentiment of the world has been in this direction for more than three hundred years. The great impetus given to commerce and public enterprises of every character by the results of our recent war with Spain seems to have culminated in this conclusion, that this project shall be no longer delayed.

Our great cotton-growing States of the South are united in the demand that this open highway to the seas shall be furnished for all the products of their fields; the great grain-growing States of the Mississippi Valley unite their voices with those of the South and demand that this granary of the world shall have free access to the markets of the world; the great manufacturing States of the East also unite in the general demand that the products of the loom and the shop shall likewise have the amplest facilities for reaching the lands beyond the seas, while the great States of the West and Pacific slope all join in the chorus. So that the East and the West, the North and the South, all combine to swell the loud acclaim that henceforth and forever the Atlantic Ocean shall not be separated from the Pacific by impassable barriers, but they shall mingle their waters through the channel which the industry of man has constructed to break down the ramparts of nature.

I confess, sir, to some little misgiving as to the business management of this enterprise and as to some of the details of this bill. But if in future years my children shall see the commerce of the cotton States doubled and the grain-growing States furnishing food supplies to the hundreds of millions of inhabitants of the Orient, the bulk of this commerce passing through this canal, I shall hope that they will forgive any inaccuracies or imperfections of details in this piece of legislation, which I, at least, am not able to perfect as I would like to do. This bill is vastly better than the one which passed this House two years ago, and which was defeated in the Senate.

I was one of the 35 members of the House who voted against that bill two years ago. I have never regretted that vote; and on yesterday, when the distinguished gentleman from Ohio [Mr. BURTON], chairman of the River and Harbor Committee, paid a fitting compliment to the wisdom of those 35 minority members, I took a part of the compliment to myself.

But now, Mr. Speaker, as I shall vote for the passage of this bill I think it incumbent on me to state briefly the reasons why in the first place I voted against the other. It was for two very good reasons: First, that under the provisions of the other bill, considering the Clayton-Bulwer treaty then in force, this Government would have been absolutely precluded from fortifying that canal if it saw proper to do so.

The seventh section of the Clayton-Bulwer treaty provided that when that canal should be built it would be under the joint control and encouragement of the British Government and the United States. Under the first article of this treaty neither Government was to be allowed to fortify or defend the canal. I read from the first article of the Clayton-Bulwer treaty, as follows:

> The Governments of the United States and Great Britain hereby declare that neither one nor the other will ever maintain for itself any exclusive control over the said ship canal, agreeing that neither will ever erect or maintain any fortification commanding the same or in the vicinity thereof.

In addition to that it will be remembered that in the second place the bill which we considered two years ago had first been introduced with a provision in it that we should have the right to defend it; but that provision was subsequently stricken out of the bill, and that by the express language of the bill the American Government should be prohibited from fortifying or defending the canal.

For these two reasons I voted against it and am glad to-day that I did, for now we have a much better bill. Here in this bill we find that in the first section it provides that the President shall secure the right to "construct and protect a canal," and in the second section that he is "also to construct such provisions for defense as may be necessary for the safety and control of the said canal." Therefore I am willing to vote for it. It is now to be an American canal, to be built with American money, and controlled by the American Government, and fortified if necessary by American forts, and defended by American arms. [Applause.]

Besides this, sir, the Democratic national platform adopted at Kansas City on the 4th of July, 1900, commissions every Democrat in this House to vote for it. I read from that platform as follows:

We favor the immediate construction, ownership, and control of the Nicaraguan Canal by the United States, and we denounce the insincerity of the plank in the Republican platform for an isthmian canal, in the face of the failure of the Republican majority on this subject to pass such a bill in Congress.

But, Mr. Chairman, there are broader questions yet involved. This bill opens up the whole subject of water transportation, and I want to see it go still further. I hope to see a great ship canal connecting the lakes with the Mississippi River.

Then let the Mississippi be dredged and her banks revetted, her shores leveed, some of her kinks and curves straightened out, her surplus waters in flood time hoarded in reservoirs for use in low-water seasons, and a minimum depth secured of at least 8 feet from Chicago and 10 feet from St. Louis to the Gulf of Mexico, and then her placid bosom will float the commerce of half a continent.

It would be far better than shooting civilization into heathendom with Gatling guns and Mauser bullets at a cost of $200,000,000 a year. Ah, Mr. Chairman, when I think of how much might be done with the money we are wasting on our policy of imperial conquest I am, indeed, astonished that the people take it so calmly. Taxes wrung from them by the millions and thrown away in the vain pomp and show of military aggrandizement! Aye, sir, worse than thrown away; absolutely burned up in the shameless business of quenching the spirit of human liberty in other lands.

But, sir, returning to the point, I want to see the Mississippi River leveed from the foothills of Cape Girardeau to the Gulf and her banks so protected with stone revetment as to stop the turgid waters from washing away the richest farm lands on the face of the earth.

By dikes and revetments protect them from erosion and caving; by levees protect them from floods; by ditching drain them and protect them from the surplus of surface water, and the farmers of the Mississippi Valley can supply the world with breadstuffs. Then by blasting and dredging give us the canal and the depth of channel from Chicago to the Gulf and on through the Nicaragua Canal to the Pacific Ocean and the Orient, and the farmers of this great valley will feed the starving millions of India and China and the isles of the sea.

Tell me it will cost a hundred millions! Well, we have only to stop our brutal war in the Philippines and we can pay the bill in six months.

Now, Mr. Chairman, as to the general subject, I am through. But I shall take advantage of this opportunity to incorporate as a part of my remarks a brief synopsis of river work that should be done in the district which I have the honor to represent; not that I expect these projects all to be incorporated in this bill, but that I desire to bring them to the attention of the House, confident as I am in the belief that most of them will be provided for in the river and harbor bill soon to be brought in and passed by this body, some as specific projects and others as part of the general fund for the Mississippi River to be allotted by the River Commission.

This is the memorandum which I have placed before the Rivers and Harbors Committee as the basis of my argument for liberal appropriations for each of these projects. Each stands for itself a worthy project. I will not dwell on each one here, as I have fully explained them to the committee. But here is the list, those for points on the Mississippi River to come out of the general fund appropriated for that river, and the others by specific appropriation in the river and harbor bill:

MEMORANDUM OF RIVER WORK.

(1)	For Cape Girardeau Harbor, removing sand bar, dredging, etc	$15,000
(2)	College Farm, dikes and wing dams to direct the channel and prevent river from cutting through into its ancient channel and destroying thousands of acres of valuable lands	10,000
(3)	Continuing work already begun at Anita Towhead and Price landing to protect the old Government levee and a large district of farm lands back of it	10,000
(4)	For Thompson landing, revetment work, bank protection, etc	10,000
(5)	Birds Point levee, continuation of work already begun in connection with local levee board	50,000
(6)	Levee work on southern border of Mississippi County, Mo	50,000
(7)	For New Madrid Harbor, completion of work of revetment already well under way	20,000
(8)	Point Pleasant landing, protection of bank by wing dams and dikes to control the channel	10,000
(9)	Carruthersville Harbor, completion of work of revetment of bank, already started	50,000
(10)	Completion of levees, New Madrid and Pemiscot counties	40,000
	Total for Mississippi River	265,000
(11)	St. Francis River, dredging, snagging, etc	50,000
(12)	Black River, dredging, snagging, and clearing	22,000
(13)	Current River, snagging and clearing	10,000
(14)	White River, in Taney County, snagging and dredging	20,000
	Entire total of present projects	367,000
(15)	Two other projects not yet surveyed and estimated—Eleven Points River and upper part of St. Francis River—can not here be estimated, but surveys and estimates should be at once ordered.	

These sums may be too much to expect all in one bill, but I confidently expect that fully half of them will be provided for in this year's appropriation, and within the next two or four years, if I am permitted to continue my services here, I shall insist on all of these projects being fully carried out.

The Isthmian Canal.

The sentiment of the American people is overwhelmingly in favor of the construction of a canal—The destiny of the United States is to lead the world.

SPEECH

OF

HON. JAMES A. NORTON,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, January 9, 1902.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 3110) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans—

Mr. NORTON said:

Mr. CHAIRMAN: Discussion upon the subject of an interoceanic canal seems to be almost interminable. It is now time for action. For four centuries the question of a shorter route for the transportation of commerce from the eastern, or Atlantic, ports to the Pacific markets than the long and dangerous voyage around the Cape has been agitated and a solution sought.

Ever since Columbus discovered Nicaragua, in his fourth voyage to the New World in 1500–1503, adventurous and enterprising spirits have endeavored to find or make some connection between the great oceans.

There is no dispute to-day anywhere but that a canal is an urgent necessity and should be constructed, but in these days of progress, in these days of our advancement, when we all flatter ourselves with the idea that there is nothing too good for us, we insist upon having the very best possible, and on a question of the magnitude of this now before us nothing should be allowed to stand in the way of our having the best canal, over the best route, and giving the best facilities for our constantly increasing commerce that we can in any way honorably acquire.

It has been successfully demonstrated that great ship canals can be built and operated to the advantage of those who have invested in them, and a canal across either Nicaragua or Panama would save a greater distance in proportion to its length than any existing or possible canal on the globe. The commerce of the world is subjected now to a greater loss, by many times, than would be the cost of either canal, even at the highest figures named, by reason of the long distance required to reach opposite shores.

The trend of events shows that the Pacific Ocean is destined to become more and more largely the sphere of the commercial activity of our great Republic, and the necessities of the times demand that we treat this question fairly and honestly, meeting all issues boldly, and challenge the future by the drafts we make upon it.

As the ancient Roman orator continually repeated "Carthage must fall," so we should continually cry "This canal must be built," and not only talk, but go ahead and build it, with an eye single to the best interests of our own country.

I am no iconoclast; I have no desire to break down or hinder the advancement of any nation or people on the face of the earth, but I stand for my own country and its good, first and foremost at all times; and the canal route that, all things considered, seems to me to be the best for this country is the one I want to see built, and is the one I shall support. I do not object to the expenditure of a large amount of money for this purpose. For my part, I would never quibble over any sum if the good of our country was to be secured or advanced. I believe in progress, in internal improvement, in building up every interest of our country, until we can take our rank as the best endowed nation of the world. Yes; I would like to have money expended here in Washington to make our nation's capital, the most beautiful city of the land, the mecca of every lover of the beautiful, in which every American citizen would take a just pride.

Every improvement costs something, and the people expect it. Every great business concern, and every possessor of a home, as well as those who have but little of wealth or opportunity, are constantly on the watch to better their condition, and plan for the outlay of their means. They look ahead and have no hesitation in bonding their future, if they see indications or prospects

of material advantage; so I say I do not shrink, as a public servant, from favoring the expenditure of public money or incurring an obligation which will redound to the prosperity and glory of our country, and not for the aggrandizement and profit of any interest alone.

The great surplus in our nation's Treasury has been piled up by exactions and enforced contributions from the people, and should be sacredly safeguarded and used in their behalf. Rapid and cheap transportation is conceded to be a factor of the greatest moment in cementing and unifying States and peoples, and in promoting their general welfare, hence the construction of a great interoceanic waterway must commend itself to all patriotic sentiment.

William H. Seward, in addressing the United States Senate, said, as to the commerce, politics, thought, and activities of Europe, that they would "ultimately sink in importance, while the Pacific Ocean, its shores, its islands, and the vast regions beyond, will become the chief theater of events in the world's great hereafter," and it becomes incumbent upon us to prepare to meet just such conditions.

The distance from New York to San Francisco, around Cape Horn, is 14,840 miles, while by either the Panama or Nicaraguan routes there is a saving of nearly two-thirds of this great distance. This fact alone shows the importance of the early completion of a canal so forcibly that, to an unprejudiced and unbiased mind, opposition to the project seems like the stopping the swing of the pendulum of progress.

The sentiment of the American people is overwhelmingly in favor of the construction of a canal. Its feasibility is assured. As has well been said, "It is only a matter of engineering skill, and the work of the engineer is plain and simple."

In my own district there is a company able to do the entire work of excavating the canal through Nicaragua. The mechanical and financial resources of our country are abundantly able to successfully meet any and all the problems incident to the building and maintenance of a canal, and the people will indorse and approve the appropriation of any sum necessary for the completion of the enterprise.

Why not, then, at once pass this bill and let work begin in Nicaragua? Because the people are not as yet convinced that the Nicaraguan route is enough better than the Panama route as to justify the expenditure of $140,000,000 more than would be necessary should the Panama route be chosen. The American people will not question or hesitate over the expenditure of any amount if they are convinced that the results to be gained justify it, but, sir, they resent all bunco games, and will condemn unnecessary extravagance.

There are presented for our consideration numerous reasons why we should pause just now and not rush this matter through under the force of partisan rule, but at least give it sufficient time to have these objections fully met, and each one of us be enabled to give our constituents a full and clear explanation, and show to them the reasonableness and wisdom of our action. The Nicaraguan route involves $180,000,000. The Panama Canal is offered to us for $40,000,000. It has two good harbors already existing, while with the Nicaragua route it will be necessary to construct artificial harbors at great expense and difficulty. At Panama there is a good railroad in full operation extending along the entire route, while at Nicaragua from 120 to 140 miles of railroad would have to be constructed through territory involving serious engineering problems.

At Panama the canal is now well advanced, a large portion actually completed, and for the balance, surveys and plans show definitely and absolutely the character and nature of difficulties to be met, none involving anything which is not easy or practicable by the ordinary application of every-day engineering practice. The Nicaraguan route involves starting from the very beginning, no work done, and many questions undecided, and others requiring new and untried experiments of engineering skill, which may prove elements of constant danger and menaces to the safety of the completed canal, especially when the annual rainfall is nearly three times as great as at Panama.

The Panama route lies wholly within Colombia, and the distance to be guarded, lighted, and cared for is only 46 miles, and there are no active volcanoes within 200 miles of the route, making danger from earthquake and volcanic disturbance far less probable, while the concessions granted by the Government of Colombia are ample, satisfactory, and unquestioned.

On the other hand, the route proposed in this bill is on the border line between Nicaragua and Costa Rica, exposed to the jealousy of divergent local interests, covers a distance of 176 miles, to be supervised, lighted, and controlled, with active volcanoes within 40 miles of proposed route, and concessions which the President is authorized to acquire from Nicaragua and Costa Rica are all subject to diplomatic action on the part of those Governments.

To me it seems the part of wisdom to have these objections met before we bind ourselves beyond recall to the Nicaragua project. They are not fanciful or imaginary objections. They are all sustained by the report of Gen. H. L. Abbot, of the Engineering Corps of the United States Army.

There are, however, some great obstacles that confront us at Panama, the rumors—they may be facts—that by the terms of the cession by the Panama Government to the French company the very act of offering the property for sale the charter may be wholly invalidated and the entire rights and privileges secured to the company and all its holdings may revert back to the Panama Government.

Another question is, that the company holds its rights by a limited franchise expiring in ninety-nine years. If these are true, ascertained to be facts, they are most serious objections, and raise at once questions of great magnitude, questions that may be of such potent difficulty as to make the Panama route wholly untenable.

Then, at the very outset there must be assured to us beyond the possibility of a doubt a good, valid, and sufficient title vesting in the French company, and their power to dispose of their property established beyond question.

Our title, also, to the canal, to a strip of territory from 5 to 10 miles in width on each side of the canal extending its whole length, must be made perpetual. The Nicaraguan route has been prominently before the country for many years. In 1805 Alexander von Humboldt, the famous scientist, declared that a canal was feasible. Twenty years later the States of Central America passed a decree authorizing the digging of a canal; and the next year Henry Clay, who was our Secretary of State, ordered the route examined. Nothing came from this. In 1835 President Jackson sent parties down to look over the route. In 1848 the Government of Nicaragua contracted for the construction of a canal, but the difficulties were so great that it was dropped.

The Clayton-Bulwer treaty in 1850 providing for the neutrality of the waterway, the next year a company was organized by Cornelius Vanderbilt to construct a canal; but no appreciable work was done, and the subject dropped until 1867, when Rear-Admiral Davis presented a report to the President adverse to the canal enterprise. During the next ten years a Commission was appointed, which in 1876 reported to the President, but it was not until 1890 that work was actually begun at Greytown, the eastern terminal. This work, however, did not go far. In 1895, after prolonged discussion, the Senate passed a bill appropriating $70,000,000, but the bill failed to pass the House, a commission appointed by the President presenting an unfavorable report. In 1897 another Commission, headed by Rear-Admiral Walker, was appointed, which Commission in 1899 reported in strong terms in favor of constructing a canal. The measure, however, failed to pass Congress. The Commission was continued, and its report is now before us.

It has gone deeper and extended its investigations further than ever before. It not only touches upon the merits of the Nicaragua route, but it gives us information concerning Panama which has never before been at our disposal.

Conditions surrounding this question have changed, and the hindrances of the past no longer exist. It seems now to be a most fitting time for action upon the question. We have never before had such clear understanding of the situation as we have now. The report of the Commission is full to the smallest detail, and they deserve the greatest credit and honor, and I would not that one word of mine should ever serve to block the progress of this work, but there is no occasion for immediate haste. The canal is bound to be built. We are here on the long session, and there is ample time for the fullest discussion. A delay of two weeks, or even two months, will not jeopardize the success of a canal.

I am not sure but that it would be best, in view of the distinctive advantages of each route as presented by the report made by the Commission, to leave the selection to the President, allowing him the alternative between the two routes, and I have all confidence in the honesty and integrity, as well as the good judgment, of the President to decide for the best interest of the country. This is not a partisan question; it is a business proposition, and I am interested and desirous of having at least a small share of the honor attendant upon the success of this work, a work which will be a monument to the glory and power of our nation, but I want my action to help secure for us the very best route that can be selected.

We will have not only Nicaragua to consult and make treaty with, but we must also deal with Costa Rica on the one hand, while on the other there will be need of rare diplomatic ability and business acumen in dealing with Panama. I must confess that when I study the report of the Commission I am forcibly reminded of the words "How happy I would be with either, were the other dear charmer away."

They tell us that at Nicaragua the construction of the dams will be easier, the climate will be healthier, and the local surroundings will be such that a large amount of trade and commerce will be developed; and this whole project has its foundations not upon sentiment but upon the demands of commerce. At Panama the water in the canal will be self-regulating; the summit will be 28 feet less; there will be a shorter line, about eight less locks, with at least a million dollars smaller annual cost of operation. A million dollars is a great deal of money. The syndicates and trusts I know consider a million as a mere bagatelle, and say this is a billion-dollar nation; but the great mass of the people are poor like myself, and are more familiar with handling a few dollars than they are millions or even thousands. We have to look after the pennies, and ofttimes we find it hard work when we come to pay our taxes to raise the necessary amount. But, as I have said, we do not begrudge the payment of money when it is for our betterment or for our best interests.

It will not be in the expenditures for the construction of a canal, whether it be at Nicaragua or Panama, that will meet opposition and criticism, but it will be in the details and the manner in which the work is conceived and carried to conclusion, and now at the very inception it behooves us to act with sound judgment, patriotism, and wisdom.

We have had a war Congress and made history; we should now have a business session that will build up our country and add to its luster. The fierce heat of the campaign has died away, and there is no reason why we should not calmly, dispassionately, and intelligently discuss measures. There should be no unseemly haste, but all things conducted with decency and order. This measure involves a work greater in magnitude than any undertaking projected in the history of our country.

It is in the line of progress and in keeping with the spirit of the age.

As a people, difficulties do not discourage us, and we shrink from no enterprise however formidable. Other nations have undertaken this same enterprise and have failed. The destiny of the United States is to lead the world. The twentieth century opens before us big with possibilities. Let us take up this task with a determination based on the characteristics of our race, and we can not fail, but will hand down to posterity the triumphant realization of this gigantic project, and the waters of the Atlantic mingling with the waters of the Pacific will form a mid-continent stream, the acme of engineering skill and genius unparalleled in the world's history. [Applause.]

The Isthmian Canal.

The Marriage Bond of the Oceans, whose Union will Enrich the United States, and Bless the Whole World.

SPEECH

OF

HON. HENRY R. GIBSON,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, January 8, 1902.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 3110) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans—

Mr. GIBSON said:

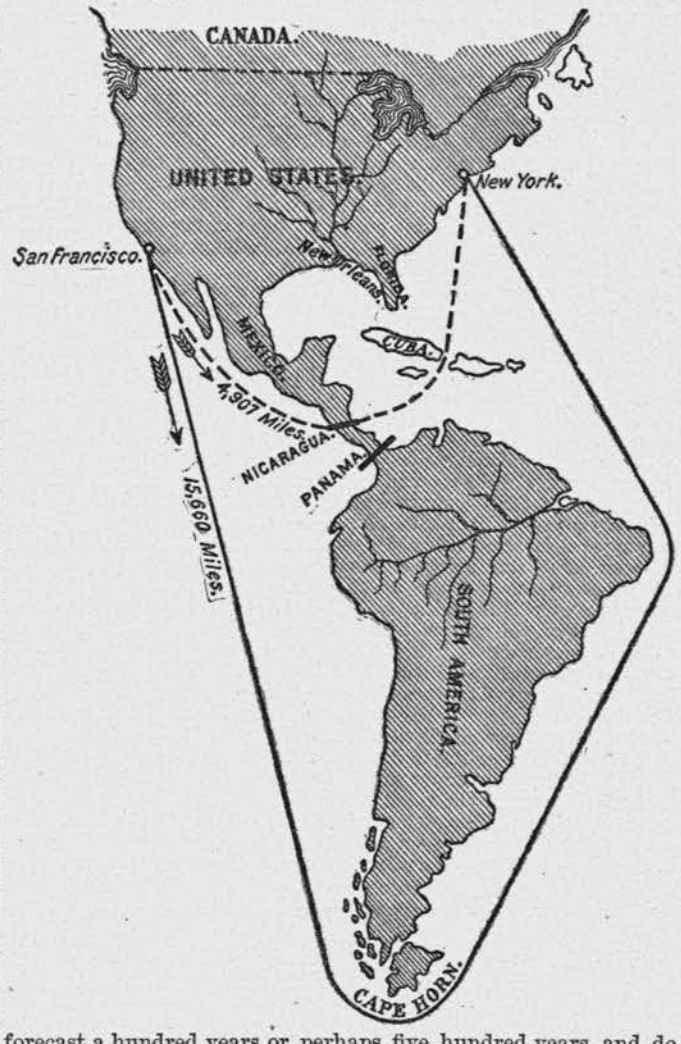
Mr. CHAIRMAN: I have for many years been an ardent advocate of the construction of an isthmian canal. No man who takes a proper view of the commercial welfare of the United States or, I may say, of the world can help being confronted by the fact that the narrow strip of land connecting the continent of North America with the continent of South America is a most gigantic impediment to the commerce not only of our own country but of the whole world. That isthmus is an obstruction that chokes the throat of commerce between the eastern and western parts of North America, and prevents the natural flow of traffic in what otherwise would be its ordinary channel.

The commercial world has for four hundred years been endeavoring to solve the problem of how speedy communication could be effected between the Atlantic Ocean, the Gulf of Mexico, and the Caribbean Sea on one side, and the Pacific Ocean and the Chinese Sea on the other side. All manner of plans and expedients have been devised and many of them have been experimented upon, but all without satisfactory success.

During the last fifty years the world seems to have settled down to the conclusion that a canal of some sort across the Isthmus of Panama, or somewhere through the Central American States, was the best possible solution of this gigantic problem, and the thoughts of the American people have been directed to the execution of this solution. In the seven years I have been a member of this House that question has come up at some time during every session.

THE TIME FOR ACTION HAS COME.

The newspapers have been filled with editorials and communications and the magazines have contained elaborate essays upon the subject. And we are this day, here and now, confronted with the question whether we shall stand up like men, like American citizens, like people of progressive ideas, like statesmen who can



forecast a hundred years or perhaps five hundred years, and do the duty which we owe not only to the present generation of our countrymen, but to all the generations yet to come.

Some say, "Let us delay;" others say, "Select this route;" still others say, "Let us select that route," until a great many do not know what to do, and are almost in the condition of the ass in the fable who saw two stacks of hay—one on the right hand and one on the left—the two seeming equally desirable; and, not knowing which to choose, stood in his tracks and died of starvation within reach of both. [Laughter.] That seems to be the plan some gentlemen on this floor have mapped out for this Congress. Whether it is a policy of obstruction, whether it is a plan of delay, or whether it is an honest and patriotic doubt I can not say; but, be the motive what it may, it has the effect of making delay.

Some gentlemen remind me of boys, who in early spring strip for a river bath, but linger shivering on the bank debating whether to take a plunge or resume their clothes. These gentlemen think they are in favor of an isthmian canal, but are in doubt whether now is the time or this is the route. They look at the clock and see it is about to strike the hour, but are not sure that the clock is right.

> And thus the native hue of resolution
> Is sicklied o'er with the pale cast of thought,
> And enterprises of great pith and moment
> With this regard their currents turn awry
> And lose the name of action.

But, Mr. Chairman, the canal will be built, and this bill will begin the work, and he who fails to vote for it will regret as long as he lives that he lost so grand an opportunity to link his name to so mighty an event.

WHAT BENEFIT WILL THE CANAL BE?

I wish in a very few words, Mr. Chairman, to put upon record my views on this subject. The first question is, what will this canal accomplish if it can be built? In the first place, it will bring the Pacific coast in close touch with the Atlantic coast and the Atlantic coast in close touch with the Pacific coast. It will, as it were, bring the Pacific States and the Atlantic and Gulf States face to face, instead of their having their backs turned upon each other, as now. It will make New York, Philadelphia, Boston, Baltimore, Charleston, Savannah, and New Orleans neighboring cities to San Francisco, Los Angeles, Portland, Seattle, and Tacoma. To show the enormous commercial advantage of this canal, I will merely call attention to the fact that it will reduce the distance between New York and San Francisco by water from 16,000 miles to 5,000 miles—a saving of 11,000 miles. Commercially this canal will, as it were, extend every bay and every river on the Atlantic Ocean or the Gulf of Mexico into the Pacific Ocean, and will make the Atlantic and the Pacific, for all of our great commercial and naval purposes, one mighty American sea. It will bring the whole of China, Japan, India, and eastern Africa within near reach of our Atlantic cities.

And when we remember that in those countries to-day there are three-fourths of all the people of the world; when we take into consideration further the enormous strides that Japan has made, even within the memory of living men; when we take into consideration further the high probability that China will soon be infused with the same spirit of enterprise, actuated by the same principles of development, through the dissemination of Western ideas, of American and European civilization; when we consider the possibility that China, under the influence of this new spirit, will become another Japan; when we consider the enormous increase, the marvelous development of commerce which will result from 400,000,000 of people becoming commercialized, we see what enormous benefits would accrue to the United States of America by our being enabled to advantageously participate in the commerce of these great Asiatic nations, as well as the commerce of Malay, India, and the newly growing and developing peoples on the eastern coast of the continent of Africa.

The construction of this canal will make our Hawaiian Islands the greatest entrepôt of the greatest ocean in all the world, and along with our ownership of the Philippine Islands and the Samoan Islands, will make the Pacific Ocean literally an American sea. What Malta is in a small way to the Mediterranean Sea the construction of this canal will make the Hawaiian Islands in a much greater and grander sense to the Pacific Ocean—a mighty factor in the commerce of the world.

Mr. Chairman, I have been in favor of this canal for many years. Four years ago, when we were here discussing the question of annexing the Hawaiian Islands, I spoke as follows:

THE NICARAGUAN CANAL.

Yes, Mr. Speaker, we must not only annex Hawaii; we must also construct the Nicaraguan Canal, and we must do both at once. When the Nicaraguan Canal is completed, California and the Pacific Ocean are brought close to the Atlantic coast. The East and West shake hands. This canal unites our two great oceans as the ligament united the Siamese twins. It operates like magic to bring our Atlantic coast 10,000 miles nearer to our Pacific coast, and our Pacific coast 10,000 miles nearer to our Atlantic coast. It brings Europe 7,000 miles nearer to California, and brings Asia 6,000 miles nearer to New York. It revolutionizes the commerce of the world. It does away with a voyage of 14,000 miles around the great continent of South America, and puts in its place a voyage of 147 miles.

This canal we are bound to build. The necessities of commerce require it. Our national welfare demands it. It will double the effective force of our Navy. Now San Francisco and New York are 15,000 miles apart on the sea, and in time of war our Atlantic fleets can not defend our Pacific coast, nor can our Pacific fleet defend our Atlantic coast. This canal brings these fleets together and thus doubles our war power on the sea.

There are three great keys to the commerce of the world—the Suez Canal, the Nicaraguan Canal, and the Hawaiian Islands. Give us the latter two, and no dream of national greatness that ever illuminated a patriot's mind will equal the transcendent commercial greatness of our country.

The ocean is God's great highway. Any man can use it who owns a ship. Any nation can use it that has a fleet. No tolls are charged. There are no tunnels to build, no cuts to make, no fills to keep up, no cross-ties, no rails, no side tracks, no switches, no culverts, no bridges, but one wide, smooth, level road, open to all, and free to all, without money and without price.

The Nicaragua Canal completed and the Hawaiian Islands annexed, the book of fate is closed and sealed; our supremacy of the seas is assured; the oceans become our domain; the dream of the Vikings is realized. God gives us the Hawaiian Islands, but He requires us to construct the canal ourselves.

THE CANAL A MILITARY NECESSITY.

Not only that, Mr. Chairman, but the construction of a canal will greatly aid us in defending our country in time of war against any of the great naval powers. It will enable us to transfer our war ships from the Pacific Ocean to the Atlantic Ocean, or from the Atlantic Ocean to the Pacific, according as the exigencies of war may require, in a very short time, whereas now it will require months; and in these months what calamities may befall us!

How well we can all recall the voyage of the *Oregon* from the Pacific Ocean to the Atlantic Ocean during the Spanish-American war. How we watched that grand battle ship as she sailed southward, southward, southward, day after day, week after week, through the waters of the Pacific, until she rounded the Cape, and then as she turned northward around South America how we watched her, how we grasped every little item of intelligence as to her location and progress, until finally the glorious news came that she had completed her voyage of 15,000 miles and joined the balance of our war ships in the waters of the West Indies, reaching there just in time to participate in the great naval battle off the harbor of Santiago and to be one of the principal factors in achieving the magnificent victory won there by our Navy.

Now, Mr. Chairman, how long shall we continue to risk a war with some great naval power that may attack us with mighty fleets on one ocean or the other, and we have no ability to speedily transfer our fleets from one ocean to the other in order to meet the emergency? It would necessitate the doubling of the number of our war ships and our naval defenses. I regard this canal as a military necessity, and this is the opinion of all the great experts in the science of war.

WILL THE CANAL PAY?

Another question, Mr. Chairman, is, Will this canal pay? I do not care to discuss this question in detail by any presentation of statistics. It is proof enough that it will pay to know that the business men of the world have put their hands in their pockets and expended over $250,000,000 in an attempt to construct a similar canal. The business world agrees that it will be a grand financial investment; not necessarily to-morrow or next day. We are not going to build this canal exclusively for this day and generation. We are going to build it for all time, for the centuries, for a thousand years. It is to become a permanent link to bind the two mightiest oceans of the world in perpetual wedlock, and this bill is a part of the marriage ceremony. A statesman does not look forward to to-morrow only, nor to next month, nor to next year, but to a hundred years. A statesman looks forward to the building of this canal not only for our generation, but for all the generations to come.

This canal, Mr. Chairman, will not only benefit us, but it will benefit the world. It will tend to peace. Whatever makes men better acquainted makes men better friends. Ignorance is the mother of distrust. Whatever brings nations together, whatever ties of friendship, relationship, and business result from commercial intercourse tend to prevent war. Nothing does so much to engender enmities as unacquaintance.

> Lands intersected by a narrow frith
> Abhor each other. Mountains, interposed,
> Make enemies of nations, which had else,
> Like kindred drops, been mingled into one.

This canal, while mingling the waters of two great oceans, will also contribute to the mingling of mankind. It will bring all the peoples who dwell upon the shores of the Pacific, whether in South America, in Asia, in Africa, or in Oceania, into more intimate relationships with the peoples who dwell upon the shores of the Atlantic, whether in America or in Europe, and thus hasten the dawning of that millennial day when war shall be no more, and all be brethren.

Mr. COOPER of Wisconsin. I should like to ask the gentleman from Tennessee a question.

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Wisconsin?

Mr. GIBSON. Certainly; with pleasure.

Mr. COOPER of Wisconsin. Is the gentleman from Tennessee a member of this committee?

Mr. GIBSON. No, sir. I am a member of "this committee" in the sense that I am a member of the Committee of the Whole House on the state of the Union. [Laughter.]

Mr. COOPER of Wisconsin. I wish to ask the gentleman a question for information, because I think from his speech he has devoted a good deal of attention to the subject, and I will confess that I have not so far as the amendment of the gentleman from Minnesota [Mr. MORRIS] is concerned. I wish to direct the gentleman's attention to what I consider to be a vital point touching the amendment offered by the gentleman from Minnesota. This report of the Commission says that—

The Republics of Nicaragua and Costa Rica are untrammeled by any existing concessions or treaty obligations and are free to grant to the United States the rights necessary for the attainment of these ends; and in December, 1900, demonstrated their willingness to have their territory so occupied by the United States by executing protocols by which it was agreed that they would enter into negotiations to settle in detail the plan and agreements necessary to accomplish the construction and provide for the ownership of the proposed canal whenever the President of the United States is authorized by law to acquire the necessary control and authority.

Now, the following paragraph of that report says:

The Government of Colombia, on the contrary, in whose territory the Panama route lies, has granted concessions which belong to or are controlled by the New Panama Canal Company and have many years to run.

Now, this is the paragraph to which I wish to call the gentleman's attention specifically:

These concessions, limited in time and defective in other ways, would not be adequate authority for the purposes of the United States, but while they exist Colombia is not free to treat with this Government. If the Panama route is selected these concessions must be removed in order that the two Republics may enter into a treaty to enable the United States to acquire the control upon the Isthmus that will be necessary and to fix the consideration.

Now, if a treaty be necessary, and that treaty is not to be entered into until six months have expired, as is proposed practically by the amendment of the gentleman from Minnesota [Mr. MORRIS], that carries the negotiation of the treaty over until after this session of Congress shall have adjourned. A treaty must be ratified by the Senate. That takes the treaty into the short session of this Congress, and the Senate can talk it to death before the 4th of March, and that carries the whole canal legislation over until a year from next winter, or two years from now.

Mr. GIBSON. Mr. Chairman, I do not see any question in what the gentleman has said [laughter], but I see what is in the gentleman's mind, and I do not object to his views. The point the gentleman makes is a very good one. What he wants to know is whether delay will not be fatal. Now, this danger of delay is one of the things that I am contending against. We do not want delay. If our action here was final, if it was irrevocable, then there might be some good reason for some gentleman on this floor being so very cautious; but we only start the ball.

The Senate has yet to act. The President of the United States has then to act; and if at any time in the future before the final action has been taken we find that what we do here needs revision the Senate or the President can revise it; but until somebody starts a thing there will be nothing to be revised. If we never make a beginning, there will never be a canal, and the question is, Are we going to begin and when shall we begin?

ALL PARTIES FAVOR THE CANAL.

I have no thought, Mr. Chairman, that our action here will be absolutely perfect. I take it that in the discussion in the Senate something new may be developed. They can modify our bill. If something new appears, the Senate can take advantage of it. If after the Senate has acted something newer appears, the President can take advantage of it. Our action is not a finality. We are simply starting the thing. We are putting the machinery into operation; we are begetting the canal, not delivering it. [Laughter.]

The people of the United States are in favor of this canal. The Republican Presidential convention declared as follows:

We favor the construction, ownership, control, and protection of an isthmian canal by the Government of the United States.

The Democratic party in their Presidential convention said:

We favor the immediate construction, ownership, and control of the Nicaragua Canal by the United States.

And denounced the Republican party for not having passed this bill at the previous session.

The Silver Republican party in their Presidential convention said:

We favor the speedy construction of the Nicaraguan Canal, to be built, owned, and defended by the Government of the United States.

M'KINLEY AND ROOSEVELT COMMEND IT.

Thus we see, Mr. Chairman, all political parties have joined hands in support of this canal.

President McKinley, in his great speech at the Buffalo Pan-American Exposition, on September 5, the day before his assassination, speaking for the whole country, declared:

We must build an isthmian canal which will unite the two oceans and give a straight line of water communication with the western coasts of Central and South America and Mexico.

In his message to the present Congress President Roosevelt said:

No single great material work which remains to be undertaken on this continent is of such consequence to the American people as the building of a canal across the isthmus connecting North and South America. Its importance to the nation is by no means limited merely to its material effects upon our business prosperity; and yet, with view to these effects alone, it would be to the last degree important for us to immediately begin it. While its beneficial effects would perhaps be most marked upon the Pacific coast and the Gulf and South Atlantic States, it would also greatly benefit other sections. It is emphatically a work which it is for the interest of the entire country to begin and complete as soon as possible. It is one of those great works which only a great nation can undertake with prospects of success, and which when done are not only permanent assets in the nation's material interests, but standing monuments to its constructive ability.

I am glad to be able to announce to you that our negotiations on this subject with Great Britain—conducted on both sides in a spirit of friendliness and mutual good will and respect—have resulted in my being able to lay before the Senate a treaty which, if ratified, will enable us to begin preparations for an isthmian canal at any time, and which guarantees to this nation every right that it has ever asked in connection with the canal.

And this treaty has been ratified, and the last obstacle to the canal removed. So it seems to me, Mr. Chairman, that with all of the people commanding us to act, and our Presidents reiterating this command, there is nothing for us to do as representatives of the people but obey this command and execute their order by passing this bill.

THE BARRIERS TO COMMERCE BEING REMOVED.

For thousands of years the Alps were a mighty barrier between western Europe and Italy, but Hannibal crossed them, and Rome trembled, and all the civilized world has applauded ever since. One hundred years ago Napoleon crossed these same Alps, and Austria and Italy fell as though stricken by an avalanche, and the fame of his achievement has thrilled the hearts of men. But the Alps no longer separate France from Italy. Two mighty tunnels have been bored through them, and men travel from one side of the Alps to the other without realizing the existence of the Alps, so that commerce might stand up and say: "For me there are no Alps." And when this canal is completed the United States will be able to say: "For me there is no Isthmus."

According to mythology, the Mediterranean was once a closed sea, but Hercules tore open an outlet for it into the Atlantic Ocean and made the Straits of Gibraltar. But a greater than Hercules is here. The young giant of the New World, to whom all things are possible, will with his mighty hands tear the two continents of America apart and join the two oceans together when this Congress says the word. Mr. Chairman, the isthmian obstruction has been in our way long enough. Let us say the word and let the work be done.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GIBSON. I desire a few more minutes, Mr. Chairman.

The CHAIRMAN. Without objection, the time of the gentleman will be extended.

There was no objection.

Mr. GIBSON. Mr. Chairman, I have another point, and to this I wish to call the attention of my brethren from the South. The South is far more interested in this canal than are the New England or Middle States. This canal will be of wonderful benefit to the people of the South. It will open the greatest new cotton markets of the world to the raisers of cotton and the manufacturers of cotton goods, and these new markets will be worth millions of dollars every year to the cotton people of the South—first, by giving them new and good markets, and, second, thereby raising the price of cotton and cotton goods in the markets of Europe.

TENNESSEE SPECIALLY BENEFITED.

Now a special word for my own State. Will the canal help the State of Tennessee? I would vote for this bill even if it did not directly benefit Tennessee, for it will certainly benefit the whole country, and what benefits the whole country will certainly indirectly benefit my own State and every other State in the American Union. But, Mr. Chairman, this canal will directly and greatly benefit the State of Tennessee. We have in Tennessee, in addition to our magnificent cotton lands and many cotton factories, more square miles of commercial coal lands than any other State in the Union. And we have alongside of our coal lands boundless quantities of commercial iron ore.

We are in a condition to supply the whole world with coal and iron for a thousand years. But the demand for these two great factors in the world's commerce, though now so great and rapidly on the increase, will be vastly enlarged by the opening of this canal. The coal mines of Tennessee and Alabama are nearer to this canal than are any other mines in the United States, and, I may say, nearer than any other good mines in the whole world; and it will certainly result in a marvelous impetus being given to the mining and shipping of our coal and the making and selling of our iron, and will thus bring into Tennessee and Alabama millions of dollars that, without this canal, our people would never see. Ex-Senator Warner Miller, of New York, in writing of the Nicaragua Canal, says:

The developments now going on in Japan, and the enterprises which will undoubtedly be undertaken in the near future in China, will call for iron in all its forms. This can be furnished more cheaply from Alabama and Tennessee than from any other place in the world, provided we are able to furnish cheap transportation; and that can be done so successfully through the Nicaragua Canal as to defy competition from any source.

And, Mr. Chairman, this canal would, along these same lines, be of vast special benefit to the States of West Virginia, Maryland, Pennsylvania, and all the rest of our coal and iron States. But, Mr. Chairman, while I thus specify these special benefits to my own State, I want it understood I favor this bill because it will be of vast and everlasting benefit to my whole country, and to every part thereof—North and South, East and West.

I regard this canal as the greatest and most potential factor for good, the most far-reaching in effect, of any deed of peace or war in all the history of the world. He who votes for this bill may well be proud of this epitaph: "He voted for the isthmian canal that united the Atlantic and Pacific; that brought the East and the West together; that made the New World and the Old World next-door neighbors, and hastened the millennial day." And all mankind, on reading this epitaph, will say of him, "Whatever else he did or left undone, this we know—he did not live in vain." [Laughter and applause.]

The Philippine Problem.

SPEECH

OF

HON. JAMES E. WATSON,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, January 22, 1902.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 9615) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other purposes—

Mr. WATSON said:

Mr. CHAIRMAN: Inasmuch as this debate has hitherto covered a wide range of topics, and inasmuch as our Democratic friends have confined themselves almost exclusively to a discussion of our relations to the Philippines, I thought I might, perhaps, without overstepping the limits of propriety, indulge in a few observations upon the same theme.

I confess, Mr. Chairman, to having hitherto indulged the hope that when the Philippine question again demanded the attention of Congress our Democratic friends would be willing to concede the past; that they would be willing to acknowledge the fact that we are in full possession of those islands, and that they would, with us, have eagerly sought a happy solution of the vexed problem which confronts us there. I believed that, when the results of the last two elections broke in full upon them and they came to thoroughly comprehend the situation, they would be willing to share with us the burdens and responsibilities arising from our relations to those islands, and that with ready hands and willing hearts they would aid us in upholding our country's flag beyond the sea.

I had fondly hoped that, if discussion of that topic were to be indulged in at all upon this floor, it would be in a calm, dignified, and statesmanlike manner, free from the argument of slander and the logic of vilification, and that it would be an earnest effort, without a single appeal to partisan rancor, to successfully grapple with the momentous question involved.

I indulged the hope that because the people of the Republic had twice pronounced their verdict the Democratic party would be willing to abide by their decision, and that in obedience to the manifest sentiment of the nation they would turn their backs upon their dead past and face hopefully a new future.

But in this, I regret to say, sir, I have been mistaken. I relied upon a willingness which the Democratic party does not possess, a readiness of which it is not capable, and a patriotism which it has never displayed. But, sir, after all I should neither express surprise nor receive sympathy, for he who, knowing the past history and the present situation of the Democratic party, hopes for any display of wisdom or patriotism by that aggregation of malcontents is indeed more foolish than he who builded his house upon the shifting sands. [Laughter.]

And so I acknowledge, Mr. Chairman, that that fond hope has been blasted, for not only have we been invited to a third thrashing of the musty straw pile of imperialism, but we have had again the old and harrowing tales of woe. We have had again the doleful prophecies dinned into our ears on the stump for two successive campaigns throughout the land rehashed here for our reproof, if not for our delight. We have again heard of bloody-handed tyrants. We have again been warned of the overthrow of the Republic. We have again been told of the establishment of an empire upon the ruins of the Union. We have again had pictured to our fancy the pleading Filipino, shivering and crouching in despair, while the mailed hand of the despot clutches at his throat.

And we have again had presented to us the sorry spectacle of Representatives of the nation assailing their own flag upon this floor and branding our government in the Philippines as a despotism without mercy and a tyranny without hope.

These songs have all been sung to us before, and always in a minor key. They have all been dissipated and lost in air, too, for the American people have more faith in their institutions and more faith in their flag than to believe such accusations, especially when made by such accusers; and yet, at a time when we had every reason to hope that the Democratic party had learned something in the last four years, we are again invited to a discussion of past events, events which are now embalmed in history, whose decrees are unerring and whose edicts never change.

Why is it? For what purpose, sinister and concealed, is this question again thrust upon us? To what end have Democrats upon this floor assailed our sovereignty in the Philippines? The reason has not been disclosed during the progress of this debate, and yet, I apprehend, is not far to seek. The Philippines have not yet been completely subdued, our boys are still bleeding and our treasure is still outflowing. Under these conditions, which should inspire to union and not discord here, the Democracy, driven to desperation for an issue, have again sought by this discussion to bring forth from their closet of cast-off problems the skeleton of imperialism and with it to frighten the American people in the approaching campaign.

To this end, gentlemen have vied with each other on this floor in the construction of phrases with which to assail the Administration. They have exhausted their cunning in building sentences with which to attack the conduct of affairs in the Philippines.

But, Mr. Chairman, it was reserved for the distinguished gentleman from Missouri, Judge DE ARMOND, to distance all competitors in this mad race, to outrival all his colleagues in the bitterness of his invective and the caustic character of his comments, to paint the future of the Filipino a darker hue and give to the coming days of his own country a blacker tinge than any other who essayed to speak upon this theme. He poured out the vials of his wrath upon our heads, he vented his spleen against those in authority, he filled the present with woe and the future with horror unless we listened to and obeyed his prophetic voice. With classic sentence and well-rounded period he depicted the suffering of the oppressed Filipino and the deep disgrace of his own land, and with well-carpentered clauses he declaimed against the honor of his flag.

I can readily understand, sir, how in the heat of debate, when the brain is afire and the face is aflame, men may say such things, but the gentleman from Missouri can not seek to palliate the character of his deed with even this excuse. For he was not excited; he was, on the contrary, unusually calm and unperturbed. With measured sentence, with modulated flow of speech and rhythmical cadence of voice he deliberately assailed his country and coolly attacked the defenders of his flag 7,000 miles away.

He again indulged in a speech which perhaps he has delivered in substance, if not in form, a dozen times on the floor of this House, and no doubt time without number to his admiring constituency in the State of Missouri, in the midst of their rapt and silent attention. This gentleman is always courteous, always cultured, always literary, and always wrong. [Laughter.] He almost invariably sees things with a distorted vision, and is unable to grasp the affairs of life in their real relation the one to the other.

GREAT CHANGES IN THE PHILIPPINES.

Why, Mr. Chairman, in that very remarkable speech delivered upon this floor the other day, the gentleman took occasion to again call attention to the sad estate of the Filipino, and almost at the outset of his remarks he gave utterance to a statement which I desire here and now to challenge and to show by indisputable proof is absolutely unwarranted by the condition of affairs in the Philippine Islands. What did he say?

> The Filipinos, unhappily, have been dependents and the victims of tyranny for three hundred years, and when they hoped that by their own exertions and by our timely aid they had escaped from the taskmaster and achieved their own independence, lo and behold, by the administration of such gentlemen as the gentleman from Illinois [Mr. CANNON] and those who subscribe to and entertain the same philosophy, they found themselves face to face with the unexpected condition that the rescurer was merely going to take the place—was determined to take the place—of the despoiler from whom they had escaped.

Mr. Chairman, we are here presented with the spectacle of a Representative of the American people, in this presence, in this forum, branding his country as a despoiler of the liberty of the Filipino, the very man to defend whom our blood has become as free as water and our money as plentiful as leaves. [Applause.]

CHANGE IN EXPENDITURES.

Why, Mr. Chairman, has there been no change in the Philippine Islands since Dewey's guns sounded in the bay? Has there been no transformation there? Has American genius touched them but to corrode, and American civilization entered them but to canker? Are conditions the same there to-day that they were when Dewey's guns first poured forth the shot that rang round the world and made us the first nation of history? No changes? Is the gentleman's estimate of his country correct? Have the American people simply supplanted mediæval Spain without any corresponding change in policy—with the same tyranny and the same despotism and the same savagery and the same administration? There is not a solitary fact to support this broad assertion, made with such splendid diction and such rounded sentences by the distinguished gentleman from Missouri.

I hold in my hand several complete budgets of Spain with reference to the Philippine Islands for many years, and I will ask the Clerk to read those I have indicated, reminding gentlemen that the sums given are in pesos, of which two are about equal to an

American dollar in gold—or, perhaps, I may say, to an American dollar, for under the administration of the Republican party every dollar that circulates under the flag, of whatever substance composed, is the equal of every other dollar, and every one is worth 100 cents every day and everywhere. [Applause.]

The Clerk read as follows:

Receipts of the General Government in the Philippines for the year 1896-97 were as follows:

Direct taxes	$8,496,170.00
Indirect taxes (customs)	6,200,550.00
Monopolies	1,222,000.00
Lotteries	1,000,000.00
From State property	257,000.00
Miscellaneous receipts	298,300.00
Total	17,474,020.00

Expenditures of the General Government in the Philippines for the year 1896-97 were as follows:

General obligations	$1,507,900.46
State	74,000.00
Grace and justice (church and courts)	1,896,277.71
War	6,042,442.43
Treasury	1,393,184.68
Navy	3,566,528.58
Government	2,198,350.05
Public works	473,298.24
Instruction	141,900.50
Total	17,293,882.65

Mr. WATSON. In the foregoing table it will be observed that $9,608,971.01, or nearly 60 per cent of the entire expenditure, was for the army and navy, and but $141,900.50, or less than 1 per cent, was expended for public instruction, and $474,298.24, or less than 3 per cent, for public works.

In other words, Mr. Chairman, as we can see from this budget of Spain, carrying a total of all the appropriations of that country for the Philippine Islands, one-half of every dollar raised in the Philippines was diverted to the treasury of Spain and only one-half was permitted to remain in the Philippine Islands.

We give every dollar that we raise by tariff on all goods going into the Philippine Islands for the benefit of the Philippine government itself; and not only that, but on all goods coming into this country from the Philippine Islands the tariff that we collect goes back to the Philippine treasury. Spain took one-half of all the revenues for her own treasury. We give it all to the Philippines. Yet the gentleman from Missouri says that we are the same despoiler that Spain was and that no change has been made in the general treatment of the Filipinos. Is it true?

Why, Mr. Chairman, this budget shows that 1,420,188 pesos were every year given to the clergy—the friars—three orders of whom, as I understand, have done so much to produce trouble and discord in those islands; for, as I am informed, there are several orders of the friars, of whom three or four are peaceable and contented and satisfactory in their conduct, while the others are those who stir up strife and produce difficulty. Yet in the face of this fact these are the three orders to which Spain diverted 1,400,000 pesos that ought to have gone into the treasury of the Philippine Islands and donated it to these gentlemen, whose only claim to recognition was the strife and turmoil they had produced.

Mr. Chairman, have the American people simply taken the place of the Spanish Government? Are we to-day despoiling those people of their treasure? Are we to-day sapping the vitality of those islands and filching their funds from their treasury? Why, sir, how much did the Spanish Government appropriate for public works of every character for that year? Two hundred and forty thousand dollars. How much did Spain expend for educational purposes for that year? Seventy thousand dollars!

In striking contrast with this treatment of her Philippine colonies on the part of Spain, I call the attention of the House and the country to the receipts and expenditures of those islands under our control for the year ending June 30, 1901, reminding gentlemen that the sums stated are on a gold basis.

Receipts of the General Government in the Philippines for the fiscal year ending June 30, 1901, were as follows:

Customs	$9,032,600.70
Postal	121,559.26
Internal revenue	932,484.91
Miscellaneous	591,017.52
Total	10,677,662.39

The expenditures for the same period were as follows:

Customs	$280,815.23
Postal	147,031.25
Other expenditures	6,335,975.68
Total	6,763,821.68

It is impossible at this time to supply with exactness the items which are included in the term "Other expenditures" as used above. From acts of the Philippine Commission making current appropriations, and conservatively computed estimates based thereon, the following is presented as a fair distribution of the sum, $6,335,975.20, shown above:

There was expended for public works, including streets, parks, fire departments, cold storage, ice plants, and printing office, public buildings, markets, telegraph lines, water, roads, and bridges, quartermaster's department, light-houses, ferries, benguet, cemeteries, and crematories	$2,818,488.00
There was expended for current expenses, including Manila police, courts, registers, scouts, native police, and cavalry, prisons and prisoners, cable and telegraphing, harbor police and tugs, hospitals, lighting claims, poor, secret service, civil-service commission, mining and forestry bureaus	1,919,218.00
There was expended for education, including transportation of teachers	980,336.00
Total	5,718,042.00
There appear in the acts of Philippine Commission items aggregating the sum of $549,860, expended in military districts not under civil government, to which added, say, $68,073 to carry them to end of fiscal year, account for	617,933.20
Total	6,335,975.20
Amount of item "Other expenditures"	6,335,975.20

The unexpended surplus is in the Philippine treasury, as no part of the revenues of the Philippine Islands has been sent out of the islands, except to pay for purchases made for island use.

Spain, for public works, $240,000; America, for public works, more than $4,000,000. Spain, for education, $70,000; America, for education, a million dollars!

Spain donating 60 per cent of all the island's income for her own selfish purposes; America expending every dollar for the benefit of those islands themselves. Spain expending less than 1 per cent for education; America, 12 per cent. Spain expending 3 per cent for public works; America, 30 per cent. Spain collecting a large portion of her revenues by direct taxation upon an already overburdened and impoverished people; America collecting her revenues by a tariff upon imports and exports.

Spain appropriating large sums for the maintenance of the relations between church and state; America forever divorcing church and state and ushering in the glad day of religious toleration and religious liberty. Sir, it is the contrast of darkness with light, of liberty with bondage, of the fourteenth with the nineteenth century, of barbarism with civilization. [Loud applause.]

CHANGE IN THE SCHOOL SYSTEM.

What have we done for the school system upon those islands? Pertinent inquiry, sir, for education is the sovereign hope of those peoples. What was their condition under Spain's despotic sway? I read from the December (1901) Report of the Philippine Commission:

> The city of Manila, with its 11 districts and 247,000 inhabitants, has but three buildings erected by the Spanish Government for primary school purposes, and one of these is so poorly constructed and is in such a dilapidated condition that it is utterly unfit for use.

Under the Spanish régime, in a city of 240,000 people, but three schoolhouses, and one of them unfit for occupancy! Why, sir, among the very first things that the Philippine Commission did was to appropriate at one time $600,000 for the benefit of the schools!

Not only that, but before the Philippine Commission assumed control of affairs in those islands the Army of the United States had been at work along the same line; for the American soldier, ever true, ever patriotic, ever loyal, remembering always that under our Government the military authority is subject to the civil—the soldier of the Republic, when he marched through the swamps in pursuit of the swift-footed warriors of Aguinaldo and across the plains of the Philippine Islands, sheathed his sword long enough to erect a schoolhouse wherever he rested, so that he left in his pathway not desolation and despair, but places where citizens are to be educated and brought up to the exalted plane of republican institutions. [Applause on the Republican side.]

Yet in the face of this, our friends would have us believe that the Filipinos are faring no better under our Government than they did under the government of the Spaniards. Why, sir, what is the condition of the school system there now? Listen a moment. The Commission say in this report, which was made in December, 1901, but a short month ago, and is absolutely accurate beyond dispute, and I challenge successful contradiction by the gentlemen from Missouri—either the distinguished gentleman, Judge DE ARMOND, or his literary and scholastic colleague, Mr. CLARK, who made something of the same statement:

> It is impossible, on account of the short time that has elapsed since the majority of the American teachers were sent to their stations, to make a definite and correct statement of the number of pupils enrolled in all the public schools of the archipelago or to determine the ratio of those in regular attendance to the whole number enrolled. An estimate based on reports already received and on the number of teachers employed indicates that there are over 150,000 Filipino pupils enrolled in the free primary schools established by the government, and that there are over 75,000 pupils in actual daily attendance. The discrepancy between the number of primary pupils

enrolled and the number in actual attendance is in part due to the fact that in many towns schoolhouses are still used or occupied by the military authorities, and it is impossible to assemble all the pupils who wish to attend school.

This estimate indicates, moreover, that there are between 3,000 and 4,000 elementary Filipino teachers engaged in the schools, about 2,000 of whom are daily receiving at least one hour of English instruction. There are also at least 10,000 adults receiving English instruction in the evening schools conducted by American teachers. Demands for the establishment of schools for the instruction of adults in English are coming from all parts of the archipelago, and the American teachers have been given authority to establish evening schools for giving instruction in English wherever they are needed. Judging from the applications and the numbers already under instruction, and considering the eagerness of the Filipinos to learn English, it is safe to say that within a few weeks between 20,000 and 30,000 adults will be attending these evening schools.

One hundred and fifty thousand Filipino students enrolled in the free primary schools established by the American Government in the Philippine Islands; 30,000 men and women eagerly seeking a knowledge of our language, our laws, our Government, our civilization—and yet the gentleman from Missouri sees no star of hope in the universal gloom which surrounds him.

Mr. WHITE. Will the gentleman allow me to ask him a question?

Mr. WATSON. Certainly; with pleasure.

Mr. WHITE. As I understand it, the gentleman's argument is that if we confer upon these people greater material and financial benefit than have been conferred upon them by Spain it is a complete justification for us in depriving them of their liberty.

Mr. WATSON. I will show the gentleman what has been done in the way of conferring liberty upon these people. The gentleman seems to assume that material and financial benefits are all. I am endeavoring to show that since the Government of the United States acquired these islands the people are in a better condition than they have ever been before. Talk to me about liberty! Why, Mr. Chairman, what is the first thing to be done in all of these cases? What is the first thing that we should consider in dealing with these people? What condition did we find them in? And what have we done for them under free American rule, under the shadow of the American flag, in fitting them for the enjoyment of liberty?

The gentleman speaks sneeringly of the material benefits which have been conferred upon them. What have we been doing for them? We have been educating them under our own system, so as to fit them for civil government. Talk of liberty! Why, Mr. Chairman, the first thing that we should do is to feed and clothe and educate these people and give them an opportunity to be somebody, to make something of themselves.

Give them something for their heads to do and their hands to do. Give them employment, pay them wages, show them the method of civilization, and, above all else, plant the flower of hope in their hearts. Give them happy homes, and teach them how to enjoy the liberty of free citizens. This condition of affairs can not be brought about by making specious arguments on the floor of the House. Something must be done for them. We can not accomplish it by making abstract speeches on the question of human liberty. [Applause on the Republican side.]

Mr. Chairman, in the face of this magnificent result, in view of the strenuous conditions which have arisen and which we have to face in dealing with these islands, the gentleman from Missouri rises to say that we have only taken the place of barbarous Spain, that we have become the despoilers of the liberties of the people, and that, in the guise of American liberators, we are clutching at the throats of the Filipino people!

Sir, we are spending $100,000 in those islands every month in the cause of education. Do despoilers do thus? Is this the course of despots? Does tyranny form a partnership with knowledge? Is the public school system a means for the suppression of liberty? I deny it. There is not a fact adduced to support it.

CHANGE IN JUDICIAL SYSTEM.

What else have we done? What else has taken place? I call your attention to the further fact——

Mr. GAINES of Tennessee. Will the gentleman from Indiana yield for a question?

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Tennessee?

Mr. GAINES of Tennessee. I should like to ask the gentleman a question.

Mr. WATSON. Oh, Mr. Chairman, this is too much. [Laughter on the Republican side.]

Now, Mr. Chairman, what else? My distinguished and literary friend from Missouri [Mr. CLARK] stated upon the floor of this House—and I am sorry that he does not honor me with his presence—that he had recent information that almost every attempt at municipal government in the Philippines had proven a failure and had fallen abjectly to the ground. Do I state it too strongly? Rather, do I not state it too feebly? Because the gentleman is a master of language and knows full well how best to state his thought. What do the Commission say? This Commission, reporting a month ago, say that—

Six hundred and sixteen towns have thus far been reported as organized under this law, with the provinces of Bataan, Bohol, Capiz, Cebu, Isabela, and Suriago yet to be heard from. In actual practice the law has worked to the *supreme satisfaction of the people and of the Commission.*

Six hundred towns under civil authority. Six hundred towns redeemed from barbarism. Six hundred towns lifted from savagery. Six hundred towns placed under the control of the American flag and under the authority of American law. Six hundred towns, gentlemen of this House, where little children are going to school, taught the rudiments of language and of literature in order that they may become useful citizens in the future. Six hundred towns under municipal government, with our school system established in all of its branches. Six hundred towns that are to-day sending up pæans of praise to American liberality and American genius and the glory of our free American institutions.

Yet in the face of that fact the learned gentleman from Missouri [Mr. DE ARMOND] says that we are usurpers and have simply taken the place of barbarous and tyrannical Spain. I deny it. There is not a fact to support that. There is no truth upon which to base it. It was born alone in the distorted imagination of the fertile and ingenius gentleman from the banks of the Kaw. [Laughter on the Republican side.]

CHANGE IN INTERNAL IMPROVEMENTS.

But, sir, what else have we done? As the very first act of the American Congress was an act in favor of upbuilding home industries, so the very first act of the Philippine Commission was an act for the improvement of the Philippine Islands. It reads as follows:

Resolved, SECTION 1. That the sum of $2,000,000 Mexican is hereby appropriated, out of any money in the insular treasury not otherwise appropriated, to be expended in the immediate construction and repair of highways and bridges in the Philippine Islands.

And shortly after this follows another act appropriating a million dollars for the improvement of the harbor at Manila.

Such acts are at once the despair of the scoffer and the hope of the patriot, for they demonstrate beyond cavil the generous purposes and the broad methods of our country in dealing with those people.

Gentlemen, what is the masterful work that is being done there? Desolate islands are being transmuted by highways, by bridges, by roads, by schoolhouses, by laws, by a jury system, by the methods of peace, and the means of civilization. And yet, in the face of it all, the gentleman says that we have simply supplanted Spain; that no change has taken place in the islands since Spain abandoned them, and that we, like Spain, are usurpers and tyrants. Do I state it too strongly?

CHANGE IN FINANCIAL CONDITION.

And, Mr. Chairman, we have every ground for reasonable hope that these great and beneficent measures may be continued in the future, for, notwithstanding the unwholesome and pessimistic deluge poured out here by gentlemen upon this floor, those islands in the future will be self-sustaining. I quote again from the report of the Philippine Commission, page 111:

The general condition of the insular treasury is highly satisfactory. On the 1st day of September, 1900, when the Commission first assumed legislative power in relation to income and expenditures, there was in the insular treasury available for appropriation the sum of $3,023,834.29 gold values, on the basis of $2 insular currency for $1 in United States money.

At the date of our last preceding report, November 30, there was in the treasury available for appropriation the sum of practically $2,500,000, gold values, the Commission having in the period intervening between September 1 and November 30 made large appropriations for general improvements, particularly one of the $1,000,000 gold for building of roads under the supervision of the military government, and another of $1,000,000 gold for carrying on the improvement of Manila Harbor.

At the date of this report, September 30, 1901, there is in the treasury available for appropriation the sum of $5,106,518.46 gold values. Meanwhile all the expenses of the insular government have been met and very large appropriations have been made out of the insular treasury during that period for purely military and naval purposes. It is only a reasonable and conservative statement to say that under any proper management of the finances of the islands the revenue will be at all times sufficient to meet all ordinary expenses of good administration and to make considerable appropriations for large general improvements and the erection of public works.

In the ordinary current expenses of the islands we include, for the purposes of the statement now made, the establishment and maintenance of an efficient police system for the preservation of good order and of necessary means of communication between the islands for transportation of mails, public officials, and revenue-customs inspection. There is no reason why the Government of the United States should ever be called upon to contribute toward the support of the insular government, and, within a comparatively few years after the complete restoration of good order, it is entirely reasonable to anticipate that the revenues of the islands will be sufficient to pay all expenses incurred for troops, native or American, and insular police sufficient to maintain good order throughout the whole archipelago.

In the face of this testimony need gentlemen be disturbed about the cost of government there? Need they howl themselves red in the face about the enormous expenditures of our money there? Need they attempt to hold aloft this expense bugaboo as a scarecrow with which to terrify the timid?

OUR OBJECT PEACE, NOT WAR.

"Oh, but the Army, the Army!" exclaim our demoralized friends. "You are shooting civilization into the helpless Filipino with your Army!"—a highly favored expression invented by carping critics as a substitute for logic and sanity. Mr. Chairman, where there is insurrection it will be put down. [Applause on the Republican side.] It is on our territory and against the sovereignty of our flag. [Renewed applause.] But, after all, by far the larger portion of those islands is to-day under the reign of peace, subject to the methods of civilization I have heretofore described. And, sir, our Bill of Rights is there, too, guaranteeing personal freedom and individual liberty.

In the instructions given by President McKinley to the Taft Commission April 7, 1900, this Bill of Rights was laid down as the ground work, the very basis, of their operations in dealing with the complex problems presented for their solution. I will read it, for it holds within its sentences the very germ of liberty:

In all the forms of government and administrative provisions which they are authorized to prescribe the Commission should bear in mind that the government which they are establishing is designed not for our satisfaction or for the expression of our theoretical views, but for the happiness, peace, and prosperity of the people of the Philippine Islands, and the measures adopted should be made to conform to their customs, their habits, and even their prejudices to the fullest extent consistent with the accomplishment of the indispensable requisites of just and effective government.

At the same time the Commission should bear in mind, and the people of the islands should be made plainly to understand, that there are certain great principles of government which have been made the basis of our governmental system, which we deem essential to the rule of law and the maintenance of individual freedom, and of which they have, unfortunately, been denied the experience possessed by us; that there are also certain practical rules of government which we have found to be essential to the preservation of these great principles of liberty and law, and that these principles and these rules of government must be established and maintained in their islands for the sake of their liberty and happiness, however much they may conflict with the customs or laws of procedure with which they are familiar. It is evident that the most enlightened thought of the Philippine Islands fully appreciates the importance of these principles and rules, and they will inevitably within a short time command universal assent. Upon every division and branch of the government of the Philippines, therefore, must be imposed these inviolable rules:

That no person shall be deprived of life, liberty, or property without due process of law; that private property shall not be taken for public use without just compensation; that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense; that excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted; that no person shall be put twice in jeopardy for the same offense or be compelled in any criminal case to be a witness against himself; that the right to be secure against unreasonable searches and seizures shall not be violated; that neither slavery nor involuntary servitude shall exist except as a punishment for crime; that no bill of attainder or ex post facto law shall be passed; that no law shall be passed abridging the freedom of speech or of the press or of the rights of the people to peaceably assemble and petition the Government for a redress of grievances; that no law shall be made respecting an establishment of religion or prohibiting the free exercise thereof, and that the free exercise and enjoyment of religious profession and worship without discrimination or preference shall forever be allowed.

Is despotism possible where such principles prevail? Rather, sir, must wide-extended freedom be the sure result.

NO OTHER COURSE POSSIBLE WITH HONOR.

But, Mr. Chairman, the distinguished gentleman from Missouri [Mr. DE ARMOND], turning his attention to another phase of the question, further says in regard to our occupancy of those islands:

Do we lack the power and the right to take the hand of the spoilsman from off the islands of the far-away seas? Do we lack the power and the right to give liberty to 10,000,000 people who are struggling and dying for it?

Where did the gentleman learn that there are 10,000,000 Filipinos struggling for human freedom? Why, the very best information that can be obtained is to the effect that there are but 8,000,000 of them all told, and so the fertile fancy of my friend has transcended the limits of possibility, and in his eagerness to make out a case against his country he sees 2,000,000 people struggling for human liberty who have no existence save in his imagination.

Not only that, but, Mr. Chairman, what right has the gentleman to say that 10,000,000 of those people are struggling for liberty? I deny it. There is not a solitary thing to show that the insurrection ever extended to many of the tribes. Is not that so? Well-nigh 80 tribes, we are told, have never been in insurrection. Yet the gentleman says 10,000,000 of them are struggling for liberty. Are any considerable portion of them to-day in insurrection? Is it not true, and can we not bring the facts of history to prove, that a comparatively small number of the inhabitants of those islands ever have been in insurrection?

What right would Aguinaldo have to establish a government, any more than we would have to establish one? What right would he have to establish the government that he formulated when sitting in a coffeehouse in Hongkong, whither he had gone after being bought by Spain to desist in his revolutionary schemes? What right would he have to bring that government over and force it upon the people of the Philippine Islands? Would he have as much right as we would have to establish a government after the islands had been ceded to us?

The gentleman says:

Do we lack the power and the right to take the mailed hand from the throats of men who are crying out for liberty and for independent national existence?

Mr. Chairman, if, by his fiat, the distinguished gentleman from Missouri could wholly change history, if by his command he could wipe out the past, would he, could he, obliterate the last four years in our history? Would he again fasten the Spanish yoke upon every Cuban neck? Would he once more place Porto Rico under the imperial sway of despotic Spain? Would he put the Filipinos back under the galling domination of that semibarbarous land?

No, he would not do that. What would he do? Would the gentleman from Missouri advocate the withdrawal of our troops, the withdrawal of our Commission, the withdrawal of our teachers, the withdrawal of our schools, the withdrawal of our fellow-Americans, the withdrawal of our investments, the withdrawal of our civilization, the withdrawal of all we have and are and represent there, and have us abjure any allegiance to or touch with the people of the Philippines? Would he do that?

Mr. Chairman, has there been a time when we could, with honor to ourselves and with safety to those people, have withdrawn from the Philippines?

When Dewey sailed into Manila Bay it was not only because he sought the Spanish fleet, but also because he had nowhere else to go. It was an exigent necessity. War having been declared between the United States and Spain, he could not remain in a single Asiatic port, because all were neutral. He was compelled to go somewhere. He could not sail for America, for he was without a sufficient supply of coal to cross the ocean. There was but one port open to him, and that was flanked by batteries, protected by forts, strewn with torpedoes, and held by a hostile navy. Therefore, when the message of President McKinley to George Dewey went sweeping under the waves of the sea, "Find the Spanish fleet and destroy it," it was dictated not alone by the policy of war, but also by stern necessity.

Does the gentleman from Missouri regret that Dewey sailed into Manila Bay? Would he with ruthless hand tear out that glorious page in American history? Was there one pang of regret felt by anyone within the confines of the Republic because of that unparalleled triumph? No, sir; unbounded gratification and delight rather.

Could Dewey have withdrawn just after his immortal achievement? Is the gentleman sorry that he did not? Did it occur to him then? Was it at that time suggested by a single citizen of this or any other land?

Shortly after Dewey had won that great victory he sent home stating that he was compelled to have troops before he could take Manila; and troops were sent. Was there a single lisping syllable against that proposition? Not one was heard here on either side of the House or at the other end of the Capitol. What were those troops sent for? Manifestly to take Manila, and for no other purpose. Was there a soul in this nation that objected to taking that city at that time? Not one. There were 13,000 Spanish soldiers in that city and they had to be conquered before Manila could come into Dewey's possession. Dewey could have reduced the city at any time, but he could not hold it because he lacked troops, and these troops were sent to him that he might hold it.

It was a strategic act to find the enemy and strike him wherever you can find him; and finding the enemy at Manila it was necessary to have troops. From a military standpoint it was necessary to take possession of Manila and dislodge the enemy. Does anybody dispute that plain proposition? Then when could we have withdrawn? The gentleman says we could have withdrawn immediately after Dewey achieved his victory. Why did not he suggest it then? Did his wildest fancy lead him to think of such an act at that time?

But I say that we could not then have withdrawn without losing our self-respect and forfeiting the esteem of every other nation on earth. There were in the city of Manila at that time Germans, Frenchmen, Englishmen, Italians, Spaniards, and people from all the civilized nations of the world. Would we have had any right to turn them over to the cruel mercies of those gentlemen lying just outside the walls waiting for an opportunity to loot the great city of Manila? We should not forget the fact that the chief of staff of Aguinaldo, the future ally of the Democratic party, in obedience to his leader's commands, issued this cruel order to his heartless followers:

Filipino families only will be respected. They should not be molested. But all other individuals, of whatever other race they may be, will be exterminated without any compassion after the extermination of the army of occupation.

Gentlemen, could we then have withdrawn and permitted these looters to have gone into the city of Manila; could we have turned

the English, the Germans, the French, and all others over to the tender mercies of Aguinaldo and his allies with such an order as that trembling on their lips? If in such an hour of appalling peril we had abandoned those people to the pitiless terrors that awaited them at the hands of these inhuman looters, would we not have stood convicted at the bar of civilization of national cowardice and national infamy? Would we not have been subject to the charge that we were partners with the Filipinos in these nameless atrocities? No, no, my friends, there is not a voice in this House but would cry out against that. I still say we could not have withdrawn. [Applause.]

If there ever was a time when we could have withdrawn, it was when the treaty of peace was before the Senate of the United States for ratification. While it was pending an amendment was offered by the distinguished Senator from Georgia [Mr. BACON], and I want to read that amendment. Bear in mind that that Senate was a Democratic Senate; that it was organized by Democrats and Populists, because fusion at that time between Democrats and Populists was complete, so complete, in fact, that it amounted to absorption, and the Democratic party was swallowed up by the Populist party; and I will do the Democratic party the credit to say that after that job was completed the Populist party had more brains in its abdomen than it ever had on its shoulders. [Laughter.] What was that amendment?

Resolved further, That the United States hereby disclaim any disposition or intention to exercise permanent sovereignty, jurisdiction, or control over said islands, and assert their determination, when a stable and independent government shall have been erected thereon, entitled in the judgment of the Government of the United States to recognition as such, to transfer to said government, upon terms which shall be reasonable and just, all rights secured under the cession by Spain, and to thereupon leave the government and control of the islands to their people.

What was the proposition that came before that Democratic body? It was that we should treat the people in the Philippines precisely the same as we were to treat the Cubans; that we were to take possession of the Philippines only temporarily. That was the question before that Democratic body. Now, what was the result? By a tie vote they refused to adopt it. I know that more Republicans voted against it than Democrats; I know that more Democrats voted for it than Republicans; but it was a Democratic body, charged with legislation, responsible for legislation, and it can not escape the consequences of that act simply because the Republicans voted against the proposition.

Ah, when the opportunity to escape from responsibility came, if, indeed, it ever did come, the Democratic party would not let us escape, and now by every principle of right they are estopped from denying that we are in the Philippines justly and that, under Providence, we are there to stay. [Applause on the Republican side.] Is not that right? Ah, but Mr. Bryan was present——

Mr. BARTLETT rose.

Mr. WATSON. If the gentleman from Georgia will wait till I get through. Mr. Bryan left his uniform in Florida, or wherever he was—he was so peripatetic that it was hard to find him—anyhow, he finally landed in the capital of the United States, and in answer to a question by the distinguished gentleman from Ohio, General GROSVENOR, touching this point, the gentleman from Missouri, Judge DE ARMOND, used this language:

Mr. Bryan did not believe that the treaty was good.

What an apology for his great leader. What an apology for this wandering applicant for the Presidency of the United States. [Laughter.] He did not believe that the treaty was good. Now, the treaty either must have been good or it must have been bad. There was no middle ground. If Mr. Bryan did not believe the treaty was good, he evidently believed it was bad, and he was, according to the statement of his apologist in this House, seeking to induce the Senate to adopt a treaty that he knew and believed was bad. What an apology for a distinguished statesman that desires to stand at the head of the Republic.

He believed—

Further said Mr. DE ARMOND—

the treaty was not good, that the treaty was not what it ought to be, and he never said anything like that.

Well, he was here, and it is universally conceded and never denied, or doubted, or disputed that the personal interference of Mr. Bryan, his personal influence with the hosts of fusion, brought about the passage of that resolution which ratified the treaty with Spain.

Not only that, but Mr. Bryan was here when the other resolution I have read was offered and under discussion, and influenced by his counsel that Democratic Senate voted not to keep the Philippines temporarily; they voted not to adopt the Bacon resolution, and on the very next day they voted for the other resolution that we should take the Philippines. On one day they voted not to take them temporarily, and on the next day they voted to take them. What is the irresistible and inevitable conclusion? That they voted to take them forever. Is not that true?

Mr. BARTLETT rose.

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Georgia?

Mr. WATSON. I can not yield.

Mr. BARTLETT. The gentleman is making a statement of history, and he ought to be willing to make it correctly.

Mr. WATSON. I can not read history through Democratic eyes, Mr. Chairman, and I am very fortunate that I can not [applause on the Republican side], because I can only see things in a straight line and not around a corner. [Laughter on the Republican side.]

Mr. BARTLETT. Mr. Chairman——

The CHAIRMAN. The gentleman from Indiana declines to yield.

Mr. WATSON. By and by I will yield to my friend from Georgia, if he will permit me to conclude.

CAN NOT NOW WITHDRAW.

But the gentleman insists that we could have withdrawn once, and that we can withdraw now. Hear him:

And what we ought to have done then, we still can do. The door is not closed. Who bars us? What fell agency stands between the great American Republic and the right? What is across our pathway leading as honor points to where glory may be won by the doing of a just and generous deed? Point it out. Where is the goblin? Where is the opposing force?

* * * * * * *

Not a nation upon the earth to oppose, not an obstacle in our path, not a power but our own greed and vanity and selfishness to stand in the way of a grand achievement by a grand Republic—the crowning by grand and glorious deeds of a grand and glorious war undertaken for liberty and humanity. There is no difficulty in the way except our own perversity, no difficulty in the way except the juggling with the Constitution which some of the gentleman's friends are doing.

How gleefully the gentleman chides his countrymen! With what sweet unction he assails his native land! How free his wing in the poisoned air of truthless invective! How he delights in sarcasm at the expense of his Government! How he revels in the dear privilege of saying mean things about those in authority! How he fairly rolls in the luxuriant richness of his scathing rhetoric! But is it true?

Mr. Chairman, I have never believed that it was possible for us to have concluded a treaty of peace with Spain without accepting the Philippines. The more I have studied the three courses open for us at that time with reference to that archipelago the more firmly I am convinced that we adopted the only one we could have adopted with honor to ourselves and safety to those distant peoples. What were they? First, to permit Spain to retain her sovereignty there. Would our people have ratified that choice? Would the Democratic party have acquiesced in that policy?

The citizens of this country had, but a few months before, been inexpressibly shocked at the untold cruelties practiced upon the helpless people of Cuba by Spain, and we rushed to arms to snatch them from her barbarous rule. Could we, then, have turned the Philippines back to her—ten times as many people as inhabit Cuba—without incurring the just censure of all mankind? The Democratic party, desperate as it is for an issue, would not dare even now to advocate such a policy of infamy and shame.

Again, it was demanded in certain quarters at that time that we should compel Spain to relinquish sovereignty over those islands the same as she did over Cuba. But, sir, that was a demand to which Spain, even in the hour of her humility, would not have acceded. We could not justly have made such a demand. Cuba was the cause of the war. We went into the strife for her sake and we had a right to demand that she should be free, especially in view of our previous declaration that we did not desire her territory. We had a right to demand Porto Rico, and Spain yielded to our demand. We had a right to demand the cession of the Philippines, but we had no right to ask that they should be set adrift. If we did not want them we had no right to say that Spain should not retain them.

Furthermore, sir, had they been set adrift, with no civilized nation to safeguard them, can anyone doubt that they would at once have been plunged into an internecine strife almost without historic parallel? Aguinaldo would at once have sought to establish his government over the islands. Eighty tribes of varying degrees of civilization would not have submitted to his domination, and the inevitable result would have been a war that must have shocked the world.

Can anyone doubt that while thus unfortunately situated some European nation would have seized them? Or failing in that, and in order to maintain the balance of power in Europe, the powers would have again handed those helpless people over to Spain for further cruel extortion, for further heartless exploitation? So, sir, there was but one remaining alternative, and that we adopted; and, considering the untoward conditions which have confronted us from the day we received them to the present moment, we have accomplished there some of the most marvelous achievements of history—achievements possible only to a nation whose sole object is liberty, whose sole aim is freedom. [Applause.]

Sir, have conditions so changed that we can do now what we

have not heretofore been able to do? Do not the same circumstances exist at this time which have all along forbade our withdrawal? The foreigners are yet in Manila. We have assumed charge and they look to us, and have a right to look to us, for protection. If we withdrew at this time, would not rebellion break out afresh in every part of that archipelago? Would not those foreigners be subject to the same dangers that beset them when Aguinaldo's looters were howling for their blood?

If we withdrew now, would not internal dissensions spring up on every hand? Would not those islands speedily become the scene of a ghastly carnival of disaster, wreck, and death? Mr. Chairman, I believe that we are in the Philippines to stay [applause]; at least we can not now withdraw. We must remain; we must face our duty; we must discharge the debt we owe to those people, to humanity, to civilization, to liberty. [Applause.]

OUR ARMY SHOULD BE UPHELD.

But what other charge did the gentleman make against his country? And this is a splendid text:

> Do we lack the power and right to take the mailed hand from the throats of men who are crying out for liberty and for independent national existence?

Whose is the mailed hand that is held at the throat of the Filipino? Manifestly the boys in blue, fighting under the rippling folds of our beautiful banner over the Pacific, across the ocean, 7,000 miles away. Is this a mailed hand? Shall we sit patiently by while the soldier boys of the Republic, gallantly contending for the honor of the country and the glory of the flag, are assaulted and aspersed on the floor of this House?

Sir, no more singular devotion to the flag has been known than theirs. They left their country's shores, they climbed over the ridge of the Western sea, to plant their country's banner in a strange land and under new skies. Clad in their uniform of blue and beneath the emblem of their nation's power, they have never faltered in their devotion to their country's cause. They are to-day struggling for the supremacy of republican principles and the equality of all men. [Applause.] In the desert sands, in the mountain fastnesses, in the tangled forest, in the treacherous swamp, they have not ceased to contend, not for power, for conquest, for territory, for spoils, but for the eternal principles represented by their flag. [Applause.]

Is theirs a mailed hand? Can it be withdrawn at this time and in justice? No; it can not be. And it is not a mailed hand. It is the helping hand that rolls back the clouds, that disperses the mists, that brings the sunshine of hope and liberty into the human heart. [Applause on the Republican side.]

And shall these boys go unprotected? Will the Democracy vote against the proposition here involved? Will they refuse shelter to and withhold protection from the defenders of their country's flag?

Are they subject to the unjust censure of the gentleman from Missouri? They who rushed to arms "when the judgment drums beat to quarter in 1898," and who have since borne steadily aloft the sacred banner of the free?

Men of the North, your sons are there. When you came back from Appomattox you brought an unsullied banner. Every star was shining on the spangled flag, and there was neither master nor slave beneath its folds.

While they were yet children you placed it in their keeping, under your watchful care, and they are guarding it with a jealousy worthy the sacred trust. They are your sons and they can no more help being what they are than the sunset can help being glorious; than the rose can help being fragrant; than the bird song can help being sweet; than the rainbow can help leaping from the jeweled raindrop. They were bred in an heroic mold. They are the sons of the men who went singing up the steeps of Mission Ridge; who rolled up their sleeves and calmly lighted their pipes before they rushed into the leaden storm at Fredericksburg; who shouted the national air as they swung into battle at Chancellorsville.

Men of the South, your sons are there, too, for, thank God, to-day there is but one uniform and one flag. [Loud applause.] Sons of the men who wore the Confederate gray; sons of the men who rushed into the leaden hell of battle as to a banquet; sons of the men who followed Lee and Jackson, and Johnston, and Hood, and Bragg, upon a hundred gory fields of strife. They are heroes to the manner born, and are entitled by right of birth to a place among the bravest and the best.

These boys are true to their immortal heritage. Catching the spirit of universal freedom, they are contending for the enfranchisement of a race beyond the sea. Amid thick dangers and hidden perils they have been true to their country's cause. They have conquered, they have overcome. And behold! The flag of the Western land is to-day unfurled in everlasting triumph above those distant islands of the sea, uplifting in its rise a race from bondage and a nation to triumphant hope. [Loud applause.]

Can the sun refuse to shine? No more could we confine the spirit of liberty which gave us a nation to our own shores. We could not rot in our own selfishness. We could not mold in our own greed. The Maine was exploded at an opportune time to call us from ourselves, to fix our gaze once more upon our high ideals, to summon us to an imperial participation in the affairs of the world. Who doubts that all peoples will be the better for it? Who doubts that the Filipino's freedom will be greater under our banner than under the shifting flag of Aguinaldo? Who doubts that the realm of civilization will be extended and the sphere of peace enlarged by our occupancy of those islands? Who doubts that our own flag will continue to symbolize wherever it may wave, on land or sea, the perfect liberty of man?

I for one do not. I believe that so long as the rivers run to the seas; so long as altars are erected to liberty; so long as the Rockies upon whose bald summit the ardent Fremont planted the flag of freedom shall rear their snow-capped peaks toward heaven, just so long will that flag continue to mean what it means here and now; just so long will it represent the only land where liberty is regulated by law; just so long will that banner, with the commingled colors of the sunset and the sky, typify the land of liberty, equality, fraternity, three of the sweetest words in all the languages of men, and which

> Upon the sacred altar stairs,
> Which slope through darkness up to God,

humanity under it has attained. [Loud applause.]

ONLY A REPETITION OF DEMOCRATIC ASSAULTS.

Why, Mr. Chairman, we have heard these speeches before. I well remember that when Mr. McKinley, the gentlest memory of our day, was President of the United States, these same epithets were used, these same arguments were employed. I remember that these gentlemen exhausted the dictionary in order to amplify their vocabulary of epithets. We all remember what they said. How distinctly we recall it now. How they hurled their maledictions at his head, and how the doleful prophet from Missouri predicted unutterable woe if we persisted in our course.

Why, sir, the stately and mournful stanzas of Isaiah, the deep and melancholy reflections of Jeremiah, the sharp and exclamatory maledictions of Malachi, are but as the murmurous river of breath compared with the woe-laden and sorrow-burdened prophecies of the gentleman from Missouri. [Laughter and applause.] But, behold, they have not come to pass.

And we well remember what our Democratic friends then had to say about these momentous questions and about that gifted man.

They did not hesitate to charge that the hands of our great chieftain, now gone, that we now know to have been ever clean, were dripping with the warm, fresh blood of his fellowmen. They did not hesitate to charge that his heart, that we now know to have been ever pure, was a nesting place for tyranny and hate. They did not hesitate to charge that his breast, that we know in its aim embraced humanity and humanity's cause, was a spawning place for oppression and all oppression's breed. They did not hesitate to charge that his brain, which we now know never gave birth to any other thought than the good of his fellow-man, was filled with schemes for gain, for riches, and for self-advancement. We vividly remember that they tipped their arrows with malice and steeped their spears in hatred and hurled them in showers at his head. But they found no flaw in his armor. The powder of calumny was all burned by his defamers, but it left his name untarnished.

Mr. Chairman, but a few short weeks ago, in the city of Buffalo, the poisoned bullet of the assassin sped on its cruel mission and executed the fell purpose of him who fired it. It was the most dastardly deed that has ever disgraced the annals of our civilization. But before the great man fell, as if to place a fitting crown on all his noble work, his lips had but given splendid utterance to the favored theme of his life, revoicing the song the angels sang above Judea's hills, "Peace on earth, good will to men."

A nation wept, a people mourned, the earth was wrapped in gloom, and men in all their busy marts stood still. And as I looked upon the calm and noble features once instinct with life and reflected upon all the high purposes, the firm resolves, the generous impulses, the lofty sentiments, and the world-embracing thoughts that had stimulated him to word and deed, I could not help but wonder how, in such an hour of universal woe, those men felt whose only thoughts of him were born of malice, whose only feeling for him was conceived in hatred, whose only words concerning him were words of contumely and reproach.

Sir, what high purpose animated him from the inception of this great controversy? Permit him to answer in his own measured words—words that spoke his lofty object in dealing with these people in the distant seas. On the 8th of January, 1899, he sent a message to Admiral Dewey and General Otis which for breadth and sentiment has never been surpassed. Hear it, you who charged him with murder and tyranny.

Time given insurgents can not hurt us and must weaken and discourage them. They will come to see our benevolent purpose and recognize that, before we can give their people good government, our sovereignty must be complete and unquestioned.

Tact and kindness most essential now. Am sure you both, having full knowledge of situation, can be trusted to accomplish purposes of this Government with least discord and friction. *We accepted the Philippines from high duty in the interest of their inhabitants and for humanity and civilization. Our sacrifices were with high motives.* We want to improve the condition of the inhabitants, securing them peace, liberty, and pursuit of their highest good.

Was ever nobler object voiced? Was ever broader platform stated? Over and against the pessimistic plaints of the opposition, over and against the oft-repeated charges of tyranny and oppression, over and against the carping criticism that we want the Philippines for our enrichment and not for their good, I set the noble words of our departed chief, every syllable of which we have been trying to execute and bring to pass up to the present hour. [Applause.]

And now that William McKinley stands immortal, it does seem remarkable to me that our Democratic friends should loose the tongue of vituperation, of slander, of aspersion, of vilification in speaking of the Republican party and of the boys fighting over yonder in the Philippines under the shadow of the American flag. [Applause.]

But, sir, there need be no trouble about this after all, for the Republican party is at the helm, and that means safety for the Republic and liberty for the Philippines.

DEMOCRATIC PARTY CAN NOT BE TRUSTED.

Oh, what a strange thing this old Democratic party is anyhow! [Loud laughter.] What has been their attitude on this question from its beginning till this hour?

Denunciation, criticism, complaint. Negative always, positive never. Pessimistic always, optimistic never. Doubting, disputing, quibbling, objecting. Self-constituted sentinels upon the watchtower of liberty, they ever cry out against dangers which do not exist, and ever warn us of impending calamities which can not occur.

What do you believe now, gentlemen of the Democracy? Can anybody tell? For what great national principle are you contending? Does anybody know? Can you agree among yourselves on a single question that now demands solution at the hands of the American people? If so, what is it? What policy do you propose for the Philippines? Gentlemen of the Democracy, you have none. Your attitude on this great question is that of the dog in the manger—you will do nothing yourselves and you are doing your utmost to prevent us from aiding these new wards of the nation.

What has your party ever done to warrant the people in restoring you to power? And to-day, as you look back over your history, are you not really glad that you have had but little to do with governmental affairs since the Republican party was born? Has there been one solitary page of history written in the last forty years that you have had anything to do with writing save as a party of opposition?

In 1860 your party sought to destroy this Union, and every man upon that side to-day rejoices because you did not succeed.

You sought to tear the Stars and Stripes into shreds and from its tattered fragments to construct the stars and bars; you sought to overthrow the Republic and upon its ruins to rear an oligarchy whose foundation should be the stooping and lacerated backs of 4,000,000 human beings. Are you not to-day more than glad that the Republican party would not let you do it?

In 1864 you met in convention and declared the war a failure, just as you are here and now declaring the Philippine war a failure, and you sought to prevent the reelection of Abraham Lincoln, with whose great name you now profess to conjure. Are you not to-day glad that you were unsuccessful in that effort?

And after the war was over you looked upon the national debt, you saw that it was piled mountain high and its immense proportions carried terror and dismay to your souls. In that trying hour you demanded a policy of repudiation. But the Republican party said:

No! Every dollar of that debt is as sacred as our soldiers' blood, and every penny of it shall be paid in the best money known to the nations of the earth.

And under the matchless leadership of Ulysses S. Grant the Republican party sustained its principles at the polls. Are you not happy to-day, gentlemen of the Democracy, that you did not succeed in that contest? [Applause.]

And in 1888, in seeking for an issue, as you ever are, you again unfurled the faded banner of free trade. You demanded that our tariff system should be at once repealed, and that we might have free and unrestricted trade with all the world. In the battle of the ballots which ended that campaign you were again vanquished. In the light of all you now know on that subject, do you not this hour rejoice that Benjamin Harrison was triumphant in that conflict?

And in 1892 we had the same candidates and the same issue, and you were successful in the struggle. Are you not everlastingly sorry, my Democratic friends, that you did win in that fight? [Laughter and applause on the Republican side.]

And in 1896, when the sanity of our monetary system was assailed, you discovered a new Moses, and climbed with him upon the rickety Populistic platform of 16 to 1. But the Republican party again flung itself across your pathway as you were plunging along toward national repudiation and national dishonor and said, "No! We have promised to make every dollar of our money as good as the best known among the nations of the world, and we propose, in the name of justice and in their presence, to redeem that promise and make every dollar as good as gold." We waged a momentous conflict upon that question, such as shook this great Republic from circumference to center, and we won. Are you not glad in your heart of hearts, my Democratic friends, that we did win in that historic conflict?

In 1900, when we were again lined up on opposing sides of political questions, when the Republican party stood for honor at home and for honor in the Philippines, and for the honor of our country everywhere; when we said we wanted to place our hands gently beneath these people and lift them up, by development, by evolution, to the exalted plane whereon we stood, the Democratic party said, "No; the Republic will be overturned, an empire will be established upon its ruins, and we are in the throes of disintegration and dissolution as a Republic." We fought upon that issue and we won a tremendous victory. Really, my Democratic friends, down in the inmost recesses of your souls, are you not glad that we did win in 1900? [Applause on the Republican side.]

And, Mr. Chairman, in the days of the Republic that are yet to be, when our eyes will be gladdened by the vision of all the people of the Philippines redeemed from barbarism and glorified by the manifold blessings of peace, of civilization, of liberty; when we behold the white sails of our commerce dotting every sea, entering every port, and encircling every land; when we look upon our flag as the one most honored among all the flags of earth because of what it stands for and what it represents; then will not those of you who are yet alive, and will not your children and your children's children, rise up and thank God that the people of the United States paid not the slightest attention in the world to anything the Democratic party thought or said or did in the year of our Lord 1902? [Loud laughter and applause on the Republican side.]

Now, Mr. Chairman, the Republican party will handle this question, will solve this problem, will grandly rise to the occasion just as it has always done for the last forty years of our country's history. If our Democratic friends will come along and be good, we will be glad to have them in the neighborhood; but if they propose to object, if they propose to nullify, if they propose to obstruct, if they intend forever to stand off and criticise and propose nothing and oppose everything, then we had just as soon they would not be around us to bother and distract, because we propose to solve these questions anyhow and do it right, under the fear of God, who has opened up a shining pathway for this great Republic. [Prolonged applause on the Republican side.]

APPENDIX.

COMPARISON OF RECEIPTS AND EXPENDITURES, WITH SYSTEMS OF TAXATION IN THE PHILIPPINES, UNDER SPANISH AND AMERICAN ADMINISTRATION, JANUARY, 1902.

Receipts of the General Government in the Philippines for the year 1894–95 were as follows:

1. Direct taxes	$6,659,450
2. Indirect taxes	4,565,000
3. Receipts from monopolies	1,112,850
4. Lotteries	875,000
5. From state property	195,500
6. Estimated petty receipts	174,100
Total	13,579,900

1. Of the "direct taxes," $4,586,250 was derived from the "cedulas," or certificates of identification, one of which every Filipino was required to secure annually, the cost ranging from $1 to $25 each. Other direct taxes were that on commerce and industry, netting $1,323,000; the poll tax on Chinese, $482,000; tax on urban property, $110,400; tribute from unconquered tribes, $12,000; a 10 per cent tax on railway tickets, $35,000; a 10 per cent tax on salaries, $70,000.

2. Of the "indirect taxes," or customs receipts, $3,800,000 were duties on imports; $430,000 duties on exports; $300,000 from clearance dues, and $35,000 in fines, etc.

3. Of the "receipts from monopolies," $602,300 was from the opium contract and $510,550 from stamps and stamped paper.

4. Of the receipts from "lotteries," all but $4,000 was from sale of tickets.

5. Of receipts "from State property," $122,000 was from sale of forest products; $45,000 from sale of lands; $25,000 from sale of buildings.

6. Of "petty receipts," $100,000 was from coinage of money; $40,000 from sale of supplies, etc.

In all municipalities taxes were laid, strictly for municipal uses, as follows:

1. On persons selling their products in market, according to amount sold.

2. On slaughterhouses, whether animals were killed there or not, average rates being 50 cents for a sheep, $1.50 for a cow, 25 cents for a pig, 25 cents for a goat.

3. On permits to fish, ranging from 20 cents to $2.50.

4. On ferries and bridges, ranging from 1 to 20 cents.

5. Certificates of ownership of animals, costing 15 cents each.

6. On billiard rooms, theaters, horse races, cock fighting, deeds, inclosures for animals, etc.

7. On rural property, for roads, carriages, carts, horses, weights and measures, etc., as the municipal tribunal may direct.

Expenditures of the General Government in the Philippines for the year 1894-95 were as follows:

1. General obligations	$1,380,506.53
2. State	65,150.00
3. Church and courts	1,687,108.88
4. War	4,045,061.84
5. Treasury	823,261.95
6. Navy	2,450,176.77
7. Government	2,220,120.98
8. Public works and institutions	628,752.46
Total	13,280,139.41

1. Of the "General obligations," $118,103 was for the colonial department in Madrid; $70,822.73 for the colony at Fernando Po, on the coast of Africa; $718,000 on pensions and retired pay; $367,000 for interest.

2. Of the "State" expenses, nearly the whole $65,150 was used to pay cost of Spain's diplomatic and consular service in China, Japan, and other oriental countries.

3. Of the expenditures for "Church and courts," $1,226,793.64 was spent on the church—the two largest items being $625,860 for the parochial clergy (four bishops receiving $6,000 each, and the archbishop $12,000) and $419,680 for material for ecclesiastical establishments.

4. Of the "War" expenditures, $771,043.25 was for salaries of officials of the administrative bureau, while $1,334,484.32 was for army material.

5. Of the "Treasury" expenses, $232,796 was for the central offices of the intendancy-general, the central treasury, and comptroller, and $216,244 for provincial administrations of the public treasury.

6. Of the "Navy" expenses, $1,147,540.42 was for material and $1,349,504 for services.

7. Of "government" expenses, $272,606 was for salaries of the governor-general, who received $40,000 and allowance, and for provincial governors and commanders, who received from $3,000 to $4,500, with at least half as much more in allowance; $843,755.91 for the civil guard of 3,482 persons; $969,921.92 for postal and other communications, and $88,555 for the "general directorate of the civil administration."

8. Of expenses for "public works and institutions," $141,175.50 was for special institutions of instruction, chiefly in Manila; $109,690 for public works, mostly in salaries; $142,365 for "general inspection of mountains;" $15,575 for mines; $103,570 for agricultural school and stations, and $37,462 for navigation and light-houses.

This system of taxation took from the Filipinos their substance in the form of taxes and contributions and gave no equivalent in return. The revenues were swallowed up by salaries, pensions, the church, and the colonial office at Madrid.

Receipts of the General Government in the Philippines for the fiscal year ending June 30, 1899, were as follows:

Customs	$3,097,864.15
Postal	42,954.87
Internal revenue	240,378.27
Miscellaneous	130,131.03
Total	3,511,328.32

The expenditures for the same period were as follows:

Customs	$29,177.16
Postal	30,410.75
Other expenditures	2,337,810.80
Total	2,397,398.71

Receipts of the General Government in the Philippines for the fiscal year ending June 30, 1900, were as follows:

Customs	$5,535,952.49
Postal	104,282.54
Internal revenue	522,509.01
Miscellaneous	361,195.58
Total	6,523,952.49

The expenditures for the same period were as follows:

Customs	$134,685.83
Postal	89,149.51
Other expenditures	4,994,545.78
Total	5,218,381.12

TAXATION IN THE PHILIPPINES—SPANISH TAXES BEFORE AMERICAN OCCUPANCY.

Under Spanish rule in the Philippines there were ten classes of taxes imposed. They were: (1) Industrial tax, (2) urbana tax, (3) stamp tax, (4) cedula tax, (5) capitation tax on Chinese, (6) vassalage tax, (7) discount of 10 per cent on Government salaries, (8) lottery tax, (9) monopoly tax, (10) provisional and transitory taxes.

1. The industrial tax was in the nature of a license to do business. Professions were classified, and practitioners were taxed on their general standing; merchants, on the line and class of business conducted. These were again loaded with "surtaxes," which in the aggregate amounted to about 27.05 per cent of one's profits.

2. The urbana tax was levied on the income of buildings and improvements. The owner was allowed, say, 25 per cent of his income for insurance, repairs, and general expense of maintaining his estate. On the remaining 75 per cent a tax amounting to about 20 per cent was levied (including surtaxes of, say, 15 per cent).

3. The stamp tax was similar to our "internal-revenue stamp tax." In addition to requiring stamps to be placed on all deeds and other documents for record, on checks, receipts, and other similar papers, the Government supplied "stamped paper," upon which all legal papers, pleadings, and the like must be prepared to entitle them to be recognized.

4. The cedula tax was a vicious one. Every man was required to have constantly on his person a receipt showing that he had paid a "cedula" varying from $1 to $25, as he might be arbitrarily assessed. If not paid, it became in the nature of a perpetual lien, in fact, a bar to his enjoying any public benefit. If a party could not produce his "cedula" he could not file in or otherwise make use of a public record of any kind—could not procure a marriage license; a body could not be buried if a death should occur in the home of the poorest citizen until his pending and all unpaid cedula taxes were paid.

5. The capitation tax was in the nature of an immigration fee, imposed on all Chinamen arriving or attempting to land in the islands.

6. The vassalage tax was one imposed on the "non-Christian" tribes. It was rather a dangerous one to collect, and no attempt was made to enforce it except where tribal relations existed, and they were collected in groups. In addition to the element of revenue, it served as an evidence of allegiance of the tribes to the authority of the Spanish Crown.

7. Discount of 10 per cent on Government salaries. All persons who received a salary from any department of the Government were compelled to submit to having 10 per cent thereof deducted and placed in the treasury of the Government.

8. Lottery tax. Lotteries were permitted, and a very heavy tax was assessed both on the enterprise itself as well as upon those who dealt in lottery tickets if conducted for a foreign enterprise.

9. The monopoly tax was composed of two elements. First, the Government itself for many years claimed all the tobacco raised in the islands. They compelled all landowners in rural districts to raise a certain quantity of tobacco to be turned over to the State. So rigid was this exaction maintained that a farmer would be subject to imprisonment if known to make a cigar of the tobacco he might be raising until the share belonging to the Government had been segregated and delivered. Tobacco and cigar factories were conducted also by the Government, in which persons were employed at nominal rates. The profits arising from the tobacco so received and manufactured were placed in a fund known as the "monopoly fund."

There was another element of monopoly recognized. Certain parties were granted exclusive privileges of selling and handling particular kinds of merchandise—for instance, opium. For this exclusive privilege, amounting to a monopoly, they paid a special tax, which was also placed in the "monopoly fund."

10. Provisional and transitory taxes were certain levies made by the arbitrary decree of the Government to meet urgent or special expenses. There was no limit to them, either in amount or frequency. During the war, conditions prevailing for many years, they were made regularly and were extremely burdensome. (Under Spanish rule there was no system of land taxation.)

TAXES AFTER AMERICAN OCCUPANCY.

Among the instructions of the President to the major-general commanding the army of occupation of the Philippines was the following:

"The taxes and duties payable by the inhabitants to the former Government become payable to the military occupant unless he sees fit to substitute for them other rates or amounts of contribution for the expense of the Government."

Under these instructions the following taxes have been continued, modified, abolished, or new ones substituted, as follows:

1. The industrial tax is maintained in a modified form. Corporations and individuals engaged in manufacturing or mercantile pursuits pay a tax of 5 per cent of their "net income." There are seven different tariffs or schedules and four classifications of tariffs based upon population of cities and towns. There are 62 classes of industries entirely exempt.

Salaries of directors, managers, superintendents, and other higher officials pay an income tax of 5 per cent; subordinates, employees receiving 600 pesos and upwards, pay 2½ per cent; all salaries (other than government employees) less than 600 pesos are entirely exempt.

All sur-taxes are abolished.

2. The urbana tax was maintained after abolishing the "sur-tax," which reduced it to 5 per cent of 75 per cent of the income of buildings and improvements, until January 1, 1902, when it was abolished entirely.

3. The stamp tax was continued similar in character to the laws of the United States. The stamped-paper feature was abolished. Poor people are allowed to prosecute and defend without costs, and in that way they are exempt from any considerable hardship from this class of tax, whereas large corporations and transactions involving large sums of money continue to contribute to the expense of government through this medium.

4. The cedula tax was practically abolished. The hardship was obliterated, and in place of exacting a sum varying from $1 to $25, a sum not exceeding 20 cents (estimated cost of maintaining registry) is charged for what all desire as the protection which they all believe exists in having their "cedula" paid.

5. Capitation tax on Chinese. This tax has been maintained.

The other five taxes—viz, vassalage, discount of 10 per cent on government salaries, lottery, monopoly, and the provisional and transitory taxes—have never been maintained since American occupancy.

The above taxes, with the exception of the capitation tax on Chinese, are, when collected, divided equally between the provincial and municipal governments. The general government must depend mainly for its support on export and import duties.

Jury Rights Denied in Philippine Islands and Hawaii—Slavery in Both Territories.

SPEECH

OF

HON. JOHN W. GAINES,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, January 23, 1902.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 9515) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other purposes—

Mr. GAINES of Tennessee said:

Mr. CHAIRMAN——

Mr. CANNON. I will ask unanimous consent that after the gentleman has had his five minutes and my colleague such portion of five minutes as he may desire, that we can have a general agreement that the visiting statesmen to the Philippines [laughter] will take some other bill to tell their experiences, and that we may go on.

Mr. GAINES of Tennessee. Ah, Mr. Chairman, I am surprised at my distinguished friend from Illinois——

Mr. CANNON. I will ask if we can have that agreement.

Mr. GAINES of Tennessee. I am perfectly willing.

Mr. GREEN of Pennsylvania. I object.

Mr. GAINES of Tennessee. I am surprised, Mr. Chairman, that the gentleman from Illinois should so lightly look on this matter in these islands. Why, gentlemen, what is the trouble in addition to the conditions that I have alluded to. It is that there is not simply one slave in the schoolroom, but Wahab, the

teacher, told me that the Sultan of Jolo was selling people every day, and especially, as this school-teacher, Wahab, said to me, "on his side of the island"—that is, over in the territory contiguous to the Sultan's residence, and this, too, Mr. Chairman, in the face of the Constitution, which prohibits slavery throughout the domain of the United States in the following words:

Neither slavery nor involuntary servitude, except as punishment for crime, whereof the parties shall have been duly convicted, shall exist within the United States, nor any place subject to its jurisdiction.

If the Philippine Islands are not a part of the United States, and I contend they are, they are clearly a place, a territory, "subject to the jurisdiction of the United States," and this amendment says: "Neither slavery nor involuntary servitude * * * shall exist within the United States or any place subject to its jurisdiction."

Mr. Chairman, both military and civil officials, so far as I have been able to ascertain in the past, up to this period of imperialism and colonialism, have felt bound and were bound by an oath to enforce this provision of the Constitution in every spot of American territory, and they have done so; and yet it seems that in the Philippines it is held by military officials at Jolo, at least one of them, with whom I talked, whose duty it is to uphold the Constitution, that this contract or treaty made by and between President McKinley and this little Sultan not only prohibited him from acting in the matter of this slave boy, but that this contract was the superior law—the law of that land—and if the Constitution was or was not there his idea was that this contract was superior to the Constitution that prohibits slavery.

Why, Governor Taft, just before I arrived at Manila, explained in the Manila papers, which I read on arrival, the reason why officers in the Philippines were not required to take an oath to support the Constitution of the United States in the Philippine Islands.

This marks a new era in the administration of our Constitution and our Territorial laws. Heretofore our officials have been required to not only take an oath to support the Constitution, but Congress has even gone so far as to say—though unnecessarily, as the Supreme Court said in the Maynard case, reported in 125 United States Reports—that nothing could be law or become law in our Territories that was contrary to the Constitution; and yet we find now that contracts can be entered into which are contrary to the Constitution, and that oaths to support it are unnecessary—are useless—that men have become so good, so just and unselfish, that all the strong and proper restraints of the old days of the Republic need not be thrown around them; that they need not be reminded of their full duty and bound up by oath so that all danger of doing wrong officially may be eliminated as far as possible.

I do not know what effect the opinion of Governor Taft had upon the Army officers, or upon this particular officer, but the fact is that this officer said that by reason of this contract with the Sultan he had no right to intervene and demand the liberty of or give liberty to this schoolboy, and that, too, after I called his attention to the fact that this provision of the Constitution prohibited slavery within American domain, and that this contract, regardless of what it said, was in derogation of the Constitution, and was null and void as to slavery at least; but this had no effect upon the official, who planted himself firmly upon this contract and declined to act. What was done with this case after I left I do not know. I have given the substance and the conversation had.

JURY RIGHTS DENIED IN PHILIPPINE ISLANDS.

Let us see what rights are denied in the Philippine Islands to the natives and Americans there that are enjoyed by the people in the United States. They are denied their rights we enjoy under the fifth amendment of the Constitution that:

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury.

They are denied the rights we enjoy by amendment 6 of the Constitution, that "In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury," and all rights under amendment 7 to the Constitution, that "In suits of common law, where the value in controversy shall exceed $20, the right of trial by jury shall be preserved." Time and again, Mr. Chairman, the Supreme Court of the United States has held indictments for crime in our Territories are illegal unless found by a grand jury.

Time and again the Supreme Court of the United States has held that the sixth amendment gave to the people of the Territories the right of trial by twelve jurors, "neither more nor less;" that the jury alluded to in this amendment meant a jury of twelve men. Time and again the Supreme Court has held that the seventh amendment secured a unanimity in finding a verdict, and that a verdict by jury must be a verdict of all the jurors and not a part, and that "Congress could not impart the power to change this constitutional rule."

Yet, Mr. Chairman, the people in the Philippine Islands, both natives and Americans, are denied any jury rights whatever. They are indicted there without a grand jury. They are tried without a jury. Yet the Filipinos submitted a constitution for the island of Negros to President McKinley which provided for jury trials, but the President denied them. They are tried by judge. Their property rights are adjudged by judge without a jury. Both natives and Americans are hanged without a jury trial, and this, too, in the face of the fact that our Supreme Court has repeatedly said that these jury rights were guaranteed to the people of the territory by the Constitution, and that Congress could not take away or give these rights, being already rights guaranteed to the high and low alike in our Territories.

Time and again the courts have said that it is the duty of the "courts to be watchful of the constitutional rights of our people" and especially those "for the security of persons and property," and that to do this they should be "liberally construed." But the courts in the Philippine Islands are created by a lawmaking power, the Philippine Commission, and that Commission says by the laws they make that the jury rights which we enjoy in the United States shall not be enjoyed there by natives or Americans, and they so made the law.

So they created the court and enacted the law to suit themselves. The members of this Commission will tell you it is not safe to intrust the trial of cases to juries in that island; yet we turn to the official records of that country and find the Filipinos (excluding 10,000 white people who are there who are capable of being jurors) have planned and written and are administering many of the laws of that island and are holding a high place, as well as low ones, by appointment of this Commission.

I remember distinctly that I was instrumental in causing an amendment, which became law, giving the people of the Territory of Alaska the right of a trial by jury—a jury of 12, although the bill, which was reported, provided a trial by jury of six; and I was informed, only a few days ago, the law is working well; and in the course of the debate it was agreed, after I had challenged the matter to the attention of the House, that by virtue of the Constitution the people of Alaska had the right of jury trials, and 12 jurors at that, and more, that their verdict must be unanimous.

And I remember, further, that there were distinguished members on the other side of the House who ably supported my contention, who have since, I regret to say, weakened in their convictions and claim that the Constitution does not follow the flag.

CONSTITUTIONAL RIGHTS DENIED IN HAWAII.

But conditions are not much better in the Territory of Hawaii. On returning from the Philippines I stopped there and found that slavery existed there, and that three Republican judges, appointed by President McKinley, had held that the fifth, sixth, seventh, eighth, and thirteenth amendments to the Constitution did not apply to Hawaii; that a conviction on indictment found without a grand jury was valid; or that a conviction by a majority of a jury of twelve was valid, and that the thirteenth amendment did not apply to that Territory or reach a system of slavery under what is known as the masters and servants' act, which "makes imprisonment for life," as the court said, "a possible punishment for its violation."

The court further held that the eighth amendment to the Constitution did not apply, which requires that—

Excessive days shall not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.

The act under which the defendant was convicted reads as follows:

If any person lawfully bound to service shall willfully absent himself from such service without the leave of his master, any district magistrate of the Republic, upon complaint made under oath by the master, or by any one on his behalf, may issue a warrant to apprehend such person and bring him before the said magistrate; and if the complaint shall be maintained the magistrate shall order such offender to be restored to his master, and he shall be compelled to serve the remainder of the time for which he originally contracted.

If any person shall refuse to serve according to the provisions of the last section or the terms of his contract, his master may apply to any district magistrate where he may reside, who shall be authorized, by warrant or otherwise, to send for the person so refusing, and if such refusal be persisted in to commit such person to prison, there to remain at hard labor until he will consent to serve according to law. And in case such person so bound as aforesaid shall have returned to the service of such master in obedience to such order of such magistrate, and shall again willfully absent himself from such service without the leave of his master, such district magistrate may fine such offender for the first offense not exceeding $5, and for the second offense not exceeding $10; and in default of payment thereof such offender shall be imprisoned at hard labor until such fine is paid; and for every subsequent offense thereafter the offender shall be imprisoned at hard labor not exceeding three months, and at the expiration of any such imprisonment such magistrate shall order such offender to be restored to his master to serve for the remainder of such original term of service.

Laborers are enslaved and can be imprisoned under this law, and one was in this sugar company's case.

I rejoice to state that about a year ago there was placed on the same bench a Mr. Justice Galbrith, from the good State of Indiana, who utterly repudiates, in the dissenting opinions that he writes,

these Republican adjudications and holds, as he should, that the Constitution follows the flag. [Applause.]

I know of no cases but these which I have cited—the one in Hawaii and the other in Jolo—where an Americon judge or official, civil or military, has ever held that the thirteenth amendment did not prohibit slavery within the limits of American domain. It applied and destroyed the system of peonage in the Territory of New Mexico; it was applied in Alaska, and an Indian slave was given his freedom in an opinion found in Thirty-first Federal Reporter, written, as I remember, by Justice Dawson, and the question has never been presented to the Supreme Court of the United States, so far as I recall, that that court did not hold that the thirteenth amendment applied throughout the territory of the United States, and that the jury rights that were denied in this case in Hawaii were rights which the people in each and all of our Territories were entitled to have as rights guaranteed to them under and by virtue of the Constitution.

I am glad to state that in a recent case, in writ of habeas corpus proceedings, Mr. Justice Estee, of the Federal bench, has reversed the opinion of the Supreme Court in the Hawaii case which I have been discussing, and holds that the opinion of Mr. Justice Galbrith, a Democrat, is correct. An appeal has been prosecuted in the Hawaii case, and it stands now for trial soon before the Supreme Court of the United States. But no right of appeal is given in the cases in the Philippine Islands to the Supreme Court of the United States.

We find here, Mr. Chairman, that question, that we thought had been settled for all time to come, is now an "open one;" questions that the Supreme Court said, I believe in the Hoff case (reported in 174 United States Report), one of the recent cases arising in the District of Columbia, a Territory of the United States, to wit, the right of trial by jury in our Territories, was "no longer an open question." But the imperialists of to-day, the colonialist, now doubts and denies and seeks to overthrow these ancient and recent decisions and rulings of that great court, and are seeking to set up by such contentions a system of tyranny and oppression that has always followed where the right of trial by jury has been denied the people.

The imperialist contends that these rights do not obtain in our Territories by virtue of the Constitution. That before such rights do, Congress must pass a statute and either "extend" the Constitution there or enact jury rights by statute for the particular Territory. Such a statute, of course, as all statutes are, could be repealed in a week after its enactment. And such a policy places the personal liberty and inalienable rights of the Americans—excluding the natives, if you please—places the Americans at the mercy of each recurring Congress, although our forefathers, or such American's forefathers, framed our Constitution for the protection of themselves and their "posterity," and declared in the face of that great document that "this Constitution is the law of the land."

With such insidious invasions of our constitutional rights in our new possessions, how long before they will take root and begin to pull down these fundamental rights at the very door of every American citizen in our great Republic? Little by little evil influences attack righteous principles, and soon, like a great banyan tree, they spread over the country and become so powerful as to demand recognition in society, and later in legislation generally. At the very beginning of such evils I protest, and shall continue to protest as long as I remain in this honorable body and after I have retired to the walks of private life. [Applause.]

Urgent Deficiency Appropriation Bill.

Should a wise man utter vain knowledge and fill his belly with east wind? Should he reason with unprofitable talk or with speeches wherewith he can do no good?—*Job xv, 2, 3.*

SPEECH

OF

HON. HENRY W. PALMER,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, January 21, 1902,

On the bill (H. R. 9815) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other purposes.

Mr. PALMER said:

Mr. CHAIRMAN: The House, having under discussion a deficiency appropriation bill, has wasted two days in useless debate, principally over the acquisition of the Philippine Islands; useless because there is no practical disagreement among men of sense on the subject of what shall ultimately be done with those islands. I believe all such are in favor of establishing for them a stable government, and when they are fit of allowing their people to govern themselves. If a difference of opinion exists, it is as to how that kind of a government can be established, and when the people of the islands shall be left to administer it.

On this side of the House the opinion seems to be that the first necessary step that must be taken before any kind of a civil government can be established is to reduce to submission those who are in armed rebellion against the authority of the United States. If this can not be done, evidently civil government of any kind, stable or unstable, can never be established. Having undertaken the work, we do not believe the United States can afford to give it up and confess defeat.

Whether the acquisition of the islands was wise or unwise is not an open question. When it was decided by the treaty-making power to acquire the Philippines, that question was settled and settled forever. It ought to be closed to debate. Whatever the opinions of gentlemen of the opposition, they are of no consequence at this stage of the case. The time to object has gone by, and objections are not now signs of superior wisdom, but of unwise contumacy. The duty of those who regard patriotism as above party is to join in an honest, united effort to make the best of the situation, and to hasten the happy day when the government of the Philippine Islands shall concern us no more.

Further discussion of the question whether the United States did well or ill in acquiring the Philippine Islands, whether we hold them by conquest or purchase, whether Spain had the sovereignty to sell, whether the $20,000,000 paid was the consideration for their purchase or the price paid for peace, whether the inhabitants are citizens or subjects, whether the United States may lawfully own and govern them under the Constitution, is idle and unprofitable. These questions were submitted to the people at the last general election and then decided. The people declared no backward step should be taken. They decided to keep the flag flying and manfully shoulder the responsibility, and go forward in the plain path of duty and honor, with confidence that no principle of liberty had been or would be violated. It may be a costly and tedious task, but in the end, when the blessings of civil and religious liberty shall be enjoyed by the inhabitants of these islands, when education and civilization shall take the place of bondage and ignorance, as they must, those who delay the work and make the task more difficult will confess their error and be ashamed of their actions.

The reasons that justified the Spanish treaty were sufficient to secure its adoption; it was not a partisan measure; without a considerable Democratic support it never could have been ratified. That support came from those who at the time were in command of the Democratic forces; it is now too late for privates in the ranks to carp and criticise. Every obstructive speech inspires new hope in the ranks of those who vainly resist the authority of the United States. The war in the Philippines would have been over long ago but for the false hope raised by those who place partisan advantage above patriotic duty. The evidence in support of this assertion comes from the officers and men who are facing the bolos and bullets of the enemy.

The country has had enough and more than enough of this profitless discussion. Perhaps it is too much to hope that a party which has not been right upon any public question in fifty years should now learn wisdom. In the best of books it is said:

Though thou shouldst bray a fool in a mortar among wheat with a pestle, yet will not his foolishness depart from him.

The Democratic party has not been right in half a century; it was wrong when it repealed the Missouri compromise and reopened the question that had vexed the country from a time before the Constitution was adopted. It was wrong when it encouraged the South to undertake the most wicked, wasteful, and unnecessary civil war that the world has ever seen—a war that cost $7,000,000,000 and 400,000 precious lives.

It was wrong when, during the darkest days of the rebellion, it discouraged enlistments, encouraged desertions from the Army, impeded the progress of the war, and gloried over Union defeats and rebel victories. It was wrong when, in its national convention upon the eve of a final collapse of the rebellion, it declared that the war was a failure and demanded that our troops should be withdrawn from the field. It was wrong when it opposed a reasonable plan of reconstruction that would have left the domestic affairs of the South in the hands of her people. It was wrong when it opposed the resumption of specie payments and the redemption by the Government of the pledges it made to its friends at home and abroad, that the money loaned to aid in suppressing rebellion should be repaid according to the letter and spirit of the contract.

It was wrong when it advocated an unlimited issue of greenback currency, and in opposing the national banking system which delivered the country from a flood of depreciated or worthless

paper money. It was wrong in reopening a tariff discussion, which ended in the passage of the Wilson bill, which cost in actual cash more than the great rebellion, filled the country with idle mills and factories, and the streets of town and country with idle men who begged for work while their families begged for bread. It was wrong in advocating the free and unlimited coinage of silver, which was an unparalleled scheme of confiscation and robbery of rich and poor alike. Doubtless it is too much to hope that this party, once great and led by great men, but now fallen into a state of "innocuous desuetude," should ever again rise to the height of a patriotic conception or the execution of a patriotic deed.

Can the Ethiopian change his skin, or the leopard his spots? Then may ye also do good that are accustomed to do evil.

I beseech you, gentlemen of the opposition, give up gazing into the dead past and look forward to the living future. Join hands with the party of progress and constructive statesmanship in one supreme effort to keep our country where she is and where she belongs—at the head of the procession.

The extent of the commercial invasion of Europe by the United States is graphically described by Mr. F. A. Vanderlip, recently Assistant Secretary of the Treasury, who spent some months abroad investigating the subject. He says:

American locomotives, running on American rails, now whistle past the Pyramids and across the long Siberian steppes. They carry the Hindu pilgrims from all parts of their empire to the sacred waters of the Ganges. Three years ago there was but one American locomotive in the United Kingdom; to-day there is not a road of importance there on which trains are not being pulled by American engines. American bridges span rivers on every continent. American cranes are swinging over many foreign moles. Wherever there are extensive harvests there may be found American machinery to gather the grain. In every great market of the world tools can have no better recommendation than the mark "Made in America."

We have long held supremacy as a producer of cotton. We are now gaining supremacy as makers of cloths. American cottons are finding their way into the markets of every country. They can be found in Manchester, as well as on the shores of Africa and in the native shops of the Orient. Bread is baked in Palestine from flour made in Minneapolis. American windmills are working east of the Jordan and in the land of Bashan. Phonographs are making a conquest of all tongues. The chrysanthemum banner of Japan floats from the palace of the Mikado on a flagstaff cut from a Washington forest, as does the banner of St. George from Windsor Castle. The American typesetting machines are used by foreign newspapers, and our cash registers keep accounts for scores of nations. America makes sewing machines for the world. Our bicycles are standards of excellence everywhere. Our typewriters are winning their way wherever a written language is used. In all kinds of electrical appliances we have become the foremost producer.

In many European cities American dynamos light streets and operate railways. Much of the machinery that is to electrify London tram lines is now being built in Pittsburg. The American shoe has captured the favor of all Europe, and the foreign makers are hastening to import our machinery, that they may compete with our makers. In the Far East, in the capital of Korea, the hermit nation, there was recently inaugurated, with noisy music and flying banners, an electric railway, built of American material, by a San Francisco engineer, and now it is operated by American motormen.

One might go on without end, telling in detail the story of American industrial growth and commercial expansion. In the list of our triumphs we would find that American exports have not been confined to specialties nor limited as to markets. We have been successfully meeting competition everywhere. America has sent coals to Newcastle, cotton to Manchester, cutlery to Sheffield, potatoes to Ireland, champagnes to France, watches to Switzerland, and "Rhine wine" to Germany.

In the year 1900 the output of open-hearth steel in the United States, for the first time in our history, exceeded that of Great Britain. The total production of pig iron was 13,789,242 gross tons in the United States, whereas that of the United Kingdom was 8,908,570 tons. Of Bessemer steel in the same year our output was 6,684,770; of the United Kingdom, 1,745,000. Of open-hearth steel we made 3,398,135 tons, while the quantity credited to Great Britain was 3,156,050 tons.

There is great anxiety among British iron masters and steel makers. They see the day approaching, and near at hand, when the supremacy of English shipbuilding, which is due largely to the lead of the English in the production of open-hearth steel, will pass across the Atlantic. Reasonable legislation, which will place American shipping on terms of equality with that of other countries, will almost immediately restore the American flag to the seas and save to the country not less than $200,000,000, which is annually paid to owners of vessels sailing under foreign flags for carrying our exports abroad.

Unite with us in perfecting a just and necessary law on the subject; give up for a brief space the illusive hope that the people of this country will ever intrust the Democratic party with the administration of the Government until it has repented of its false doctrines and "brought forth fruits meet for repentance."

Let this unnecessary and hopeless agitation, kept alive for purely political purposes, cease. It serves only to unsettle what has been settled by the untiring labor of a nonpartisan commission in the Philippine Islands. It revives insurgent activity, stimulates false hopes, inculcates mischievous notions, and keeps in the field, in active hostility, bands of guerrillas who, ignorant of the laws of civilized warfare, ambush and treacherously slaughter American soldiers, and thus measure the mischief that flows from this idle and unpatriotic talk in American blood.

The War in the Philippines—Reconcentrado Camps—Human Slavery in the Mohammedan Islands—Enormous Expenditures, Past and Prospective.

Should a wise man utter vain knowledge and fill his belly with east wind? Should he reason with unprofitable talk or with speeches wherewith he can do no good?—*Job xv, 2, 3.*

SPEECH

OF

HON. C. F. COCHRAN,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, January 22, 1902.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 9315) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other purposes—

Mr. COCHRAN said:

Mr. CHAIRMAN: Concerning the proposal to place at the disposal of the President, to be expended as he may direct in the erection of barracks in the Philippines, I have only a few words to say. It is not to the expenditure that I object. Millions more will have to be expended for the same purpose if we conclude, as a finality, to maintain perpetually in the Philippines a hybrid government, part military and part civil, of the carpetbag variety. The people over there will never submit to such a government except under compulsion. We must expect to keep there a large army, scattered through the archipelago. The troops must have barracks, and while I shall avail myself of every opportunity to insist upon withdrawing the hand of force which now compels subjection to our authority, while our soldiers are there I shall vote for every reasonable measure for their support. I will never again, however, vote for any bill which places at the disposal of the President a large sum of money to be disbursed outside the usual channels of public business. At every session of Congress since the first appropriation for the defrayment of the expenses of the Spanish war we have made appropriations of this kind. Anxious to make provisions for the support of the Army, fearful that opposition to this vicious practice would be perverted into seeming opposition to appropriations instead of opposition to a growing evil in the administration of the Government, many members of this House have voted for bills containing provisions like this. I never will do it again.

Mr. Chairman, in view of the extraordinary performance of the gentleman from Indiana [Mr. WATSON] and its exhilarating influence upon the members of the opposition, it is perhaps not unadvisable to refresh the recollection of the House as to some matters that have passed into history. It is true that the Philippine Commissioners have reported that in 600 towns in the Philippine Islands schools have been established. They have reported also that in a number of towns in the island of Luzon courts have been organized. It is equally true, however, that all this has been done by our representatives in a country and among a people who claim the right to govern themselves and who have stubbornly and amid incalculable horrors resisted our occupation of the islands. The achievements of which the gentleman from Indiana [Mr. WATSON] so eloquently boasted are the achievements of a conqueror. Furthermore, it is undoubtedly true that in accomplishing the ghastly work so eloquently applauded we have been compelled to resort to the course pursued by the English in South Africa and by the Spaniards in Cuba. Undeniably we are now making war upon noncombatants—men, women, and children—just as Weyler did in Cuba and as Kitchener is now doing in South Africa. Within a month general orders have been issued by our commanders which are indistinguishable from those promulgated by the Spaniards during their last days in Cuba, and which were by us denounced as violative of the usages of civilized warfare, and these orders are now being enforced against the people of the Philippine Islands.

And, Mr. Chairman, what are we to gain in the end by this unholy crusade? In the attempt to forcibly impose an alien government upon the Filipinos, we have expended enough money to build the Nicaragua Canal and build a hundred first-class war ships with which to defend it, and we are no nearer to undisputed sovereignty in those islands than we were when the first blow was struck.

In addressing the House upon this subject nearly three years ago, before a shot had been fired, I said that the army had never walked the earth and never would that could conquer and pacify the Philippine Islands under alien rule. Three hundred years of history attest the correctness of this statement. From the date of Spanish occupation down to our invasion of the Philippine Islands recurring revolts and attempted revolutions compelled Spain to defend her pretensions scores of times at an enormous

expense in treasure and blood; and it is actually true that since their occupation by Spain the islands have had a larger number of their people killed in battle than any of the great States of Europe or the United States. To the gentlemen who so hopefully predict that in a little while the war in the Philippines will be over I recommend the careful study of the history of Spanish occupation of the country and equally diligent inquiry as to the racial peculiarities of the people against whom we are waging a war of conquest. History warrants the statement that the Filipinos are far superior to the South Americans, the Mexicans, or the Cubans. They are in some respects wonderfully gifted. When the Spaniards took possession of the islands, the people were barbarians, but they did not acquire the vices and reject the virtues practiced by their conquerors. The appearance of the European upon their shores was not precursory of the destruction and disappearance of the sturdy islanders, who, throughout the centuries during which they have served cruel taskmasters, have been remarkable for sobriety, morality, and the observance of a code of ethics which has preserved sacredly the strict observance of those duties the performance of which guarantees the honesty of men, the virtue of women, and the happiness of the household.

As barbarians, long before the Spanish invasion, the Filipinos had invented a written alphabet and written numerals. Their chiefs, called "headmen," were elected, and the "headmen" of each tribe exercised such functions as were necessary to the conduct of government, simple in form, essentially democratic, and ample for their purposes.

And, Mr. Chairman, it seems to have escaped the attention of the President and of the majority in Congress that during the entire term of Spanish sovereignty this simple, democratic, municipal government was not interfered with. The Spaniards never undertook to uproot the simple institutions which, throughout the Catholic islands, made life, property, and civil rights as secure as they are in any oriental country—I think I might safely say, as secure as they are anywhere,

Throughout the controversy precipitated in this country by the acquisition of these islands the supporters of the policy of imperialism have grossly misrepresented the people of the Philippine Islands, and I have no doubt a majority of the American voters are of the opinion that the people of Luzon are mere savages—worse than our Indians—no better than the naked natives of African jungles.

Mr. Chairman, at the outbreak of the revolt against Spain which was in progress in the Philippines when our forces went there 800 native students were attending the university at Manila. The Filipinos had schools of their own and scholars equaling in attainments the graduates of Cambridge and Yale. They have a literature of their own, for instead of using the Spanish language, as many believe, the native tongue is taught in schools and seminaries and is used almost exclusively by the natives.

Mr. Chairman, the gentleman from Indiana says that only the Tagalogs, a single tribe, are in revolt against our authority; that the remainder of the inhabitants of the islands are enthusiastically in favor of American rule. This pretense is threadbare, and the fact that the gentleman from Indiana has repeated it here to-day is sufficient to discredit his eloquent defense of the misguided policy of his party as valueless. Does not the gentleman know that the term Tagala applied to a single Philippine tribe has precisely the significance that the term Missourian or Vermonter or New Yorker applied to a citizen of a State has in this country? There is no difference between the Tagala as an individual and any other inhabitant of the islands. Meeting members of different "tribes" on the street, you would not know one from the other. This wicked tribe, so long abused by the Republicans on this floor, belong to Luzon. How about Samar, the scene of the recent tragedies? No Tagalas live down there.

The civilized people of the Christian islands are a homogeneous people, and are united in the desire for the independence of their country. Regardless of tribal names they are of the same race—all of the same nationality and of the same color.

Mr. Chairman, outbursts of eloquence will not put an end to the horrible conditions prevalent in the Philippine Islands. Our army has been there for about three years. For over two years war has been raging. We have lost thousands of lives, mostly from disease, and our soldiers have desolated the country and killed thousands of the natives. During every month of this protracted struggle the people of the United States have been solemly told that there would soon be peace throughout the islands. Indeed, two or three times this reassuring intelligence has been conveyed to this body through the medium of President's messages.

Mr. Chairman, there is to-day no prospect of peace. Why, the newspapers announced only two or three days ago that 5,000 fresh troops are to be sent to the islands to take the place of a similar number who are to be brought home, and it is undoubtedly true that the Administration knows by this time that we must maintain in the Philippines for an indefinate period an army of at least 50,000 men in order to hold the natives in subjection.

Mr. Chairman, Weyler, "the butcher," the Spanish general whose brutal disregard of the rules of civilized warfare so horrified American sympathizers with Cuba a few years ago, will go into history in very respectable company. His orders concentrating noncombatants of all ages, and of both sexes, in camps near fortified towns, there to die by hundreds and thousands of diseases unescapable under such conditions were justly regarded as so cruel, so unnatural, so monstrous that his name became the synonym of "murderer." Precisely the policy of Weyler is being practiced by the British in South Africa and by our generals in the Philippine Islands

General Bell, in command of our forces in southern Luzon—an island in which our army has been marching and countermarching for over two years, and in which we are told only one "tribe" is in revolt—recently promulgated an order, and a circular urging its enforcement, which I desire to put into the CONGRESSIONAL RECORD.

The Washington Times of recent date published a summary of General Bell's order, which I will incorporate as part of my remarks:

Brig. Gen. Franklin Bell, commanding the department of southern Luzon, recently issued a reconcentrado order which may compare in a way with that of Weyler in Cuba or of Kitchener in South Africa. Copies of it were received by the War Department and made public to-day.

Examination of the order shows it to be the most completely frank document of an official character put out in a long time.

THE INNOCENT MUST SUFFER.

General Bell discusses the situation without dissimulation and candidly declares that the peace in his district, such as it is, is only seeming, and that measures causing the innocent to suffer with the guilty are absolutely necessary.

General Bell says in his order: "In order to put an end to forced contributions now levied by insurgents upon the inhabitants of sparsely settled and outlying districts by means of intimidation and assassination, commanding officers in the provinces of Batangas and Laguna will immediately specify and establish a plainly marked boundary surrounding each town, bounding a zone within which it may be practicable to exercise efficient supervision over and furnish protection to inhabitants (who desire to be peaceful) against the depredations of armed insurgents.

LIABILITY AND DANGER.

"Commanding officers will also see that orders are at once given and distributed to all the inhabitants, informing them of the danger of remaining outside of these limits and that unless they move by December 25 from outlying districts with all their movable food supplies, to within the limits of the zone established at their own or nearest town, their property found outside of said zone at said date will become liable to confiscation or destruction.

"The people will be permitted to move houses from outlying districts should they desire to do so, or to construct temporary shelter for themselves on any vacant land without compensation to the owner, and no owner will be permitted to deprive them of the privilege of doing so."

NOT VERY ANXIOUS FOR PEACE.

In explaining and elaborating upon this order, General Bell, by means of a telegraph circular to his subordinate officers, says a general conviction which the brigade commander shares appears to exist that the insurrection continues because the greater part of the people, especially the wealthy ones, pretend to desire, but in reality do not want, peace. He adds that "when all really want peace, we can have it promptly."

"Under such circumstances," General Bell continues, "it is clearly indicated that a policy should be adopted that will, as soon as possible, make the people want peace, and want it badly. It is an inevitable consequence of war that the innocent must suffer with the guilty. The short and severe war causes in the aggregate less suffering than benevolent war indefinitely prolonged.

SYMPATHY SHOULD BE SUBORDINATED.

"Natural and commendable sympathy for suffering and loss and for those with whom friendly relations may have been maintained should therefore take a place subordinate to the doing of whatever may be necessary to bring a people who have as yet not felt the distressing effect of war to a realizing sense of the advantages of peace."

He urges commanding officers to take the initiative, saying: "Subordinate commanders and young officers of experience should not be restrained or discouraged without excellent reason, but should be encouraged to hunt for, pursue, and vigorously operate against armed bodies of insurgents wherever they may be found."

General Bell advises that every chance be taken to get into action.

CIVIL ELECTIONS DENOUNCED.

The election of civil officers in Batangas and Laguna is denounced as having been dictated by Malvar and other insurgent leaders. He continues: "It can be adopted as a rule without danger of error that whenever an insurgent sympathizer writes a letter or takes any action under pretense of opposition to the insurrection he will immediately secretly convey to insurgent officials the information that he was compelled to do it or did so to mislead Americans. The loyalty of persons should not be judged by such acts or by words alone.

"Another dangerous class of enemies are wealthy sympathizers and contributors who, though holding no official positions, use all their influence in support of the insurrection, and while enjoying American protection for themselves, their families, and property, secretly aid, protect, and contribute to insurgents.

CHIEF OF THE DISLOYAL CLASSES.

"Chief and most important among this class of disloyal persons are native priests. It may be considered as practically certain that every native priest in the provinces of Batangas and Laguna is a secret enemy of the Government and in active sympathy with insurgents. Those are absolutely our most dangerous enemies—more dangerous even than armed insurgents because of their unequaled influence. They should be given no exemption whatever on account of their calling. On the contrary, whenever sufficient evidence is obtainable they should be brought to trial. Should a suspicion rest against them, in the absence of competent evidence they should be confined and held as a necessary military precaution against further activity or bad influence on their part. The same course should be pursued with all of

this class, for to arrest anyone believed to be guilty of giving aid or assistance to the insurrection in any way, or of giving food or comfort to the enemies of the Government, it is not necessary to wait for sufficient evidence to lead to conviction by a court, but those strongly suspected of complicity with the insurrectionists should be arrested and confined as a military necessity, and may be held indefinitely as prisoners of war."

Mr. Chairman, what is the difference between the reconcentrado orders issued by Weyler when he was commanding the Spanish troops in Cuba and this order made by one of the commanders of our forces in the Philippines? If Weyler was guilty of inhumanity, are we innocent?

If it is true, as the gentleman from Indiana [Mr. WATSON] has just said, that the war is about over—if only a single tribe is in revolt—there was no necessity for such an order, and it is therefore doubly reprehensible. If means so obnoxious must be resorted to in order to subdue opposition to our sovereignty, who can safely predict how long the bloody work of conquest will last?

But, Mr. Chairman, this is not the only unusual expedient resorted to by our generals in order to create a reign of terror in the Philippines. Another general order, still more extraordinary, stands to our discredit—an order for which there can be found no precedent in the history of the world except in Great Britain's bloody wars upon the Irish peasantry.

General Smith, commander of our forces in Samar, requires each and every combatant to furnish information as to the whereabouts of belligerent forces, as to the whereabouts of arms, or other information such as will facilitate the operation of our army against the insurgents, and in the general order requiring this serves notice on the inhabitants that nothing else will be accepted in proof of loyalty to the American Government. This general order says to a man under suspicion, "Have you any information to give against the enemy?" If the answer be, "I have no information on the subject," whether true or false, the victim is branded as an enemy, and although a noncombatant he is banished from home and family, and his helpless dependents are driven into the wilderness to starve. "Shoot him on the spot" is what this general order means. I desire to put it in the CONGRESSIONAL RECORD:

HEADQUARTERS SIXTH SEPARATE BRIGADE,
Tacloban, Leyte, November 1, 1901.

The commanding general of this district, comprising the islands of Samar and Leyte, in assuming command announces to the people under his jurisdiction that his object is now, and ever will be, to secure a permanent peace under which all may freely pursue their ordinary avocation. He is well aware of the fact that certain persons are engaged in insurrection against the lawfully constituted authority and that this insurrection has no justification in law or reason.

Furthermore, he is informed and believes that this insurrection is not only countenanced by but is receiving the active support of influential natives, who are living in the various pueblos and barrios of these islands, apparently friendly to the American authorities.

He desires to announce to all natives in the district, and especially to those in the island of Samar, that those who have arms of any kind in their possession can present them to the nearest military officer, who is authorized to pay 30 pesos for each and every serviceable rifle that is thus presented.

He desires to announce to all the influential natives of the district, and especially to those in the island of Samar, that up to and including the 10th day of November, 1901, those who desire to establish the fact that they are friendly to the American Government can do so in any one of the following ways:

First. By giving information as to the location of any guns used for the purpose of insurrection.

Second. By giving information as to the whereabouts of persons in insurrection.

Third. By inducing persons in insurrection to present themselves, with their rifles or other arms, to the nearest American official.

They can not establish the fact of their friendship by protestations of any kind.

Those who fail to avail themselves of the opportunity presented will be regarded as distinctly unfriendly to the American Government, and will be treated accordingly.

The Manila Times, in which this general order was printed the day it was issued, says that—

In explanation of the last paragraph, General Smith says that all influential citizens of Samar who have not presented evidence—of the kind mentioned—of their loyalty to the American Government by November 10 will be deported from Samar to Guam or some other island, their wives and children sent into the mountains, and their towns destroyed. There will be no postponement or delay in fulfilling this promise.

Mr. Chairman, I refrain from further comments. As long as we have a soldier in the Philippines I stand ready to support him and to loyally sustain my country. But, sir, this war is wrong. The methods that are being used are disgraceful to our arms and our flag. The people have a right to know these things, and when they shall have been fully informed concerning them, they will refuse to go further in an enterprise so revolting.

I am one of the number who thought that a fatal mistake was being made when the Spanish treaty was ratified by the Senate. I believe also that a fatal mistake was made when, in this body, in the Senate, and at the White House, the project of revolutionizing the Government was entered upon. The enactment of laws for the government of colonies outside of the Constitution was distinctively revolutionary. It made our President the emperor of the Philippines just as Edward VII is Emperor of India.

The gentleman from Illinois [Mr. CANNON] a day or two ago, in the course of a magnificent outburst of eloquence, said that the Constitution goes to the Philippine Islands, and in the next breath he said that in dealing with the people over there our Government could do anything that the Czar could do in dealing with conquered peoples. Ah, yes. The soldiers of the Czar in China tossed murdered babes from bayonet to bayonet. Thank heaven, our soldiers were guilty of no such atrocities. But when China shall have been dismembered the despoilers will uphold their authority, as England upholds her authority in Ireland and India, by violence. Conquered peoples can not be held in subjection without substituting force for justice. A constitutional government in the Philippines is impossible. As long as our flag remains there force alone will compel the natives to respect it, and every act of violence and injustice practiced by the representatives of our Government will intensify popular hatred of our country.

It would be better if, instead of outbursts of oratory about our mission as savior of the Philippines, gentlemen on the other side would look the facts squarely in the face and recognize the solemn fact that if we are to retain permanent sovereignty in the Philippines, we must desolate and depopulate them with fire and sword. This is the undisguised purpose of the British in South Africa, and no matter how eloquently gentlemen may discourse about manifest destiny, no matter how bland may be the pretense that our sole purpose is the upbuilding of civilization in the Philippines, the plain truth is that we must either go on butchering the natives and burning their homes or grant them independence.

Besides being wrong, the war in the Philippines can not fail to be unprofitable. We have expended there over $300,000,000, and if our Army is to remain in twenty-five years from now we will have expended considerably over a billion dollars. How are you going to get even? Out of the trade of the islands?

We give every other nation an "open door" to trade there, without let or hindrance, and since the termination of the war with Spain the English, the Germans, and the Spaniards have increased their trade in the Philippines in greater ratio than ours has increased. Our consular reports show that we have gained everywhere else on our competitors except in the Philippine Islands, and there they have gained on us. But this is not all. Unquestionably the exports that go from this country to the islands are sent there, largely, to be sold to our own soldiers; and if we deduct from the aggregate exports of this country to the Philippines the things sent there to be paid for by money paid out of the Treasury to our own soldiers the discrepancy would be still more noticeable.

The minority in this House would apply to the momentous questions raised by the Philippine situation the only safe measure of duty—the Constitution, interpreted by the sense of justice and principles of right which inspired the patriot founders of the Republic and guided the hand which wrote the creed of universal democracy—the Declaration of Independence. The inhabitants of the Philippines are, and of right ought to be, free and independent. [Loud applause on the Democratic side.]

The Isthmian Canal.

SPEECH
OF
HON. WILLIAM P. HEPBURN,
OF IOWA,
IN THE HOUSE OF REPRESENTATIVES,
Thursday, January 9, 1902.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 3110) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans—

Mr. HEPBURN said:

Mr. CHAIRMAN: After so extended a debate as this, after it has taken the great range that it has taken, after so many statements have been made and such varied arguments have been used, it is right and proper that there should be some words of review.

Nearly all gentlemen have said that if modified in accordance with some one or other of the propositions that have been suggested they would aid in the passage of this bill. I believe but one or two gentlemen only who have discussed the bill have failed so to declare themselves.

Now, let us look for a moment at the propositions that are made. The one in the nature of a substitute reads:

That the President of the United States be, and is hereby, authorized to acquire for and in behalf of the United States the control of such portion of territory now belonging to any foreign "states" as may be desirable.

And so forth. What is there in that proposition? There is but one location that is owned by more than one State, and that is the

one provided for in this bill. What does the gentleman mean? Certainly there is some discrepancy about it that is inconceivable, except he has in his mind the one route that is owned by two States, which is the Nicaragua route. Whatever other route there is that has been discussed at all, save the Tehuantepec route, which is wholly within the State of Mexico—all other routes are in the State of Colombia. Let me call your attention to the proposition of the gentleman from Massachusetts:

That the President of the United States be, and is hereby, authorized to acquire from the States of Costa Rica and Nicaragua, or the United States of Colombia, for and in behalf of the United States, control of such franchises and of such portions of territory now belonging to Costa Rica and Nicaragua as may be desirable and necessary.

And so forth.

So that all of these gentlemen instinctively gravitate back to the state as provided for in the bill now pending. Let us look for a moment at the proposition that the gentleman from Illinois announces that he would vote for. He wants clearness; he wants distinctness; he wants no possibility of construction that may in any possible way be disadvantageous. We are not informed as to where his proviso is to come. It is to be considered when we consider this bill by sections. Is it a proviso to the first, to the second, to the third, or to the sixth section? Where is it to be put? If to the sixth section, it may be a very important matter.

Provided, however, That if the Panama Canal, so far as constructed, and the property, rights, privileges, and franchises of all the corporations or persons interested therein can be acquired by the United States, free and clear of all incumbrances, for a sum not exceeding $40,000,000, and in addition thereto equally desirable political and territorial rights and privileges as in case of the Nicaraguan route, and at no greater expense, within six months from the passage of this act, then the President of the United States, if the Isthmian Canal Commission, or a majority thereof, shall so recommend, is hereby authorized to purchase the same, and to complete the construction of said Panama Canal, subject to all the conditions, provisions, and limitations aforesaid.

What does "aforesaid" refer to? That which we see in this proviso or that which we see in the bill? Who is to determine that? The gentleman does not want a bill that is subject to or necessitates construction.

And the sum of $50,000,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, toward the project herein contemplated.

What project? The project in this proviso or that contemplated in the bill of which this proviso is to be a part? The gentleman wants distinctness, certainty!

Mr. MORRIS. Will the gentleman permit me?

Mr. HEPBURN. I would rather not be interrupted, if the gentleman please. But look again:

For a sum not exceeding $40,000,000, and in addition thereto equally desirable political and territorial rights and privileges as in the case of the Nicaraguan route.

Who is to weigh the differences of the political rights and the territorial rights and the franchises? Who is to determine that? The gentleman wants "certainty." Who is to say whether this political right secured from Nicaragua is equal to this political right secured from Colombia? The territorial right, the franchise right? Who is to determine these questions about equality? This is an important matter to the stickler for that which is "definite," that which is "certain," that which leaves "nothing to construction." But gentlemen will see how easy it is to criticise; and yet I understand him to be committed to this proposition, not by what he said to-day, but what he said two days ago. And now I understand why it was that the gentleman was so solicitous about the notes of the speech of "the gentleman from Iowa." This was a colloquy more than a speech, and what the gentleman said was embodied in the speech; and it is altogether natural that the gentleman from Illinois wants to know what he said two days ago before he commits himself to-day. [Laughter and applause.]

Mr. Chairman, I have not in the least in this debate imputed bad motives to any man. I have contented myself with showing the kind of measure in my judgment the substitute was. I believe it now, as I did when I uttered the statement. I have not impugned the motives of any man; and when the gentleman from Illinois says that he is in favor of an isthmian canal, in the parliamentary sense I am convinced; and yet it is only the obligations of the parliamentary law that could force my mind to such a conclusion when we remember how invariably and at all times he has been a stickler for delay. The gentleman has had the privilege of descanting upon the duties of committees and of their chairmen, and of their relations to this House. We will thank him at least for one thing: It has apparently come to his knowledge that the committees are not the masters of the House. I thank God for that modicum of intellectual growth. [Laughter and applause.]

Mr. Chairman, let me suggest to the gentleman a very old maxim, that actions speak louder than words. In the face of this great sentiment of the American people, which, I say to him and to the gentleman from Missouri [Mr. DE ARMOND], in my judgment is the only thing affected here in this consideration—the will of the people; and when he recognizes the necessity of not attempting to thwart that in a way that can be seen, I think that his declarations of friendship, his declarations of desire for this great work, ought to be contrasted with his uniform course of hostile delay.

Nearly seven years ago the gentleman, then as now, was at the head of a great committee, or a member of it. Then as now he knew something, I take it, of the ethics that control the committees of this House. Then as now he knew that the House determined what subject shall be committed to its servants, its committees, and with what subjects they shall deal. He knew then that this subject had been committed to another committee than his, and yet in defiance of the rules, and in defiance—I had almost said of decency, but I will leave that word to the sole monopoly of the gentleman from Illinois—in defiance of all this, the gentleman usurped jurisdiction over this proposition and introduced in violation, not only of the rule that I have referred to but of another well-known rule of this House, a proposition for a commission to examine that which had already been examined.

Not content with that, two years afterwards, under the same rules and with the same obligation to decency—I quote again—the gentleman again injected a proposition in violation of the rules of the House whereby this matter was again postponed, in order that he might have, as he afterwards explained, more light and more information, and it was postponed for two whole years.

Information came and it was within the reach of every member of the House save the gentleman from Illinois. Evidently he did not get it. And then two years ago another committee usurped the functions of the Committee on Interstate and Foreign Commerce, and in pursuit of light and more information another commission was appointed, with two years more delay.

Now, the gentleman wants more light and more information. He wants to know what it is going to cost to condemn the property along the line of this canal. That no man, I take it, can tell. Who can tell? I remember that here in this enlightened city that a proposition was made to the Secretary of the Treasury of an informal character for the sale of all of the property that is now covered by the Post-Office Department building at an average cost of a little more than $2.50 a foot. And yet when that was secured under the process of condemnation the Government paid more than four times that. I remember that when we were discussing the propriety of establishing the great park near this city it was said that the property could be had at an average price of $100 an acre, and some of it as low as $25 an acre. Yet those who are familiar with those proceedings know that the Government paid thousands of dollars an acre for a part of it, and witnesses were secured who stated under the solemnity of an oath that certain parts of it were worth $35,000. And for the purpose of that inquiry some of the good people of this city absolutely discovered gold mines and worked them for a time while the condemnation proceedings were pending. [Laughter.]

Who can give information in regard to a subject of that kind? The records of the court of the county in which the gentleman from Illinois lives assert that he is a lawyer, and he ought to know that it is absolutely impossible that information of a definite character on a subject of this kind should be within the limits of inquiry of any commission of this House.

I understand, Mr. Chairman, that the gentleman from Illinois is favorable to the purchase of the rights of the Panama Canal Company. Yet while he was so insistent that other men should be so accurate and detailed and comprehensive in their efforts to inform the House, why did he not inform the House as to which Panama Canal Company had the right to sell? Why did he not inform us as to what we should be able to buy? Why should we pay $40,000,000? The Commission say that the work that has been accomplished that would be of use to us would cost us $27,000,000. Where is the other $40,000,000? In the property that they have there?

Aside from the railroad the Commission tell us that it is utterly valueless to us, with the exception of the excavation and the railroad valued at $6,800,000. They say they can duplicate railroad with heavy iron, with heavy locomotives, with modern equipment for one-half of the sum, yet that item goes to make up the $40,000,000. The estimate of $2,000,000 we find includes their survey. But we have our own surveys. Our Commission refused to rely upon theirs, for they were found in many instances utterly valueless. We have changed the location of the greatest piece of work on the whole route.

They are valuable to us. And then there is the amount of $3,000,000 and some hundreds of thousands for something or other that has not been enumerated. Oh, the gentleman wants a "business proposition." He is a business man, and yet he proposes to offer $40,000,000 for that which our Commission says is worth to us not more than $27,000,000 to $30,000,000. Why, in this burst of economy, did not the gentleman think of this when in the generosity of his heart he proposes to give to the virtuous Panama Canal Company $40,000,000?

The gentleman is disturbed by the fact that at some future day—no, not in the day—"in the soft moonlight." [Laughter.] See how easy it is for the gentleman, with that fertile mind of his, to effect transitions from the most serious business to beautiful poetic thought. "In the soft moonlight" will come these trooping hordes of New Yorkers and will want compensation for something that they may have had or may not—that they may have lost or may not—in the old venture of the Maritime Canal Company. And the gentleman, in his apparent anxiety for his business venture, suggests this in the face of the declaration of the Commission, whom he extolled, and in the face of the clear statement of the report which he says he has "dog-eared." They tell us that all these rights of every nature and character have been swept out of existence, that they are absolutely and completely forfeited. The Commission tells us there is no property that we would have. It is like the plant and appliances owned by the Panama Canal Company. It is obsolete; it is worn out; it has been in disuse now for nearly a decade. Yet that is the property that the "business" representative of the House—I think that is the position to which the gentleman has elected himself [laughter]—wants us to buy. [Laughter.]

Mr. Chairman, I want to call attention now in a few words to a portion of the report of the Isthmian Canal Commission:

The canal concession is to be continued, according to its latest extension, for ninety-nine years from the date on which the canal shall be wholly or partially opened to public service, and the date fixed for this contract is October 31, 1910.

Now, will gentlemen listen:

Should it fail, and the concession be forfeited, the company will still have exclusive control of the territory through which the line extends until 1966, under the railroad concession.

That is an important matter. The "business" manager of this House is going into a dicker for this canal. Has he ascertained that in the opinion of the Commission there are four parties that have to be dealt with? There is the new Panama Canal Company, that has only a conditional right. It is bound to complete this canal so as to protect the rights of its grantors. Then there is the old Panama Canal Company, with its 200,000 stockholders, representing $246,000,000 of stock. In addition to and back of that are bondholders of such amounts as make the aggregate of stock and bonds $436,000,000.

Now, that property is in the courts of France. It has not been adjusted. There is a liquidator who has the property in his control. An arrangement has been made by which for a time the New Panama Canal Company has control of this property for the purpose of construction of the canal, and, if constructed, then the ownership. But there is to be annually paid a rental of not less than $250,000 a year to the Government of Colombia—a percentage ranging from 5 to 8 per cent, but never to be less than $250,000 a year. That is perpetual, or so long as the grant runs; and if we get their rights we get them encumbered with that obligation. Then there is an agreement with the liquidator on behalf of the stockholders of the old concern that after the payment of certain dividends and certain interests on new stock and bonds, then of the balance of the net earnings 60 per cent is to be set apart for the benefit of the old stockholders.

This $245,000,000 of stock is a subsisting lien upon this property. Yet the gentleman invites us to that kind of a business "dicker." A foreign court, on foreign soil, with foreign people—no interest in common with ours of any kind! Then after all that has been done we are to deal with the closest neighbors of the Nicaraguans—people of the same blood, belonging to the Latin races, who, in the language of the gentleman, have learned something of Yankee civilization—a people who the gentleman fears will rob us on every hand, will take every advantage of us, will so impose upon us that this appropriation of an indefinite character may assume the huge volume of $500,000,000. Why will not the Colombian be as careful of his rights and his interests as the Nicaraguan? Oh! the gentleman was making an argument, and it being a business argument, it was only necessary to take one view of the question.

Mr. Chairman, it is my belief that we ought to pass this bill as it is. I do not assume to say that it is perfect. It is not as it would have been if written by the gentleman from Illinois.

Mr. CANNON. You are right in that.

Mr. HEPBURN. I well know that it is not. And I do not take great pride in the authorship of the bill. All I can say is, that it is the best that I could get. If I had known that the gentleman from Illinois had the criticism to make that he has made, I would long ago have sought his counsel and would have tried to eliminate all the imperfections in the light of that benefit which would come to me from his inexhaustible wisdom. But, Mr. Chairman, the gentleman himself did not give me an opportunity. He has not been fair. He did not have his new bedfellow until one night or two nights ago. He had not discovered these enormities in the bill; they are novelties to him. And if I had gone to him two days ago, or three, the probabilities are that he at that time could not have given me any light, because at that time, with many opportunities, he had never discovered these difficulties, although if they are such, they have been patent to the eye of this House for a period of nearly four years.

Mr. Chairman, there is a little bit of literature to which I want to call the attention of my Democratic brethren. It is a good thing once in a while to get back to the sources of power and to the instructions of the master, and I want to recall the wavering memory of some of you to what has been authoritatively spoken. I am reading from the platform of the Democratic convention assembled in Kansas City, Mo., July 4, 1900. It is the latest announcement, gentlemen. [Laughter.]

We favor the immediate construction, ownership, and control of the Nicaraguan Canal by the United States——

[Applause.]

and we denounce the insincerity of the plank in the Republican platform for an isthmian canal, in the face of the failure of the Republican majority on this subject to pass a bill in the last Congress.

[Applause and laughter.]

Gentlemen, it is my solemn conviction that that is the most respectable utterance that ever came from a Democratic convention. [Laughter and applause.] But, gentlemen, I want you to remember the emphatic words in that paragraph—"the immediate construction."

And not content with using a word of such solemn import, they have given it new and additional emphasis by criticising the delay of their political opponents. Now is the time, gentlemen. [Laughter and applause.] Now is the time to carry out the will of the people. [Cries of "Vote!" "Vote!" on the Democratic side.] And although I am not authorized by partisanship, yet in the name of honor and of political integrity, and in the voice of the democratic people, I summon each and all of you to the discharge of your duty. [Applause and laughter.]

Mr. Chairman, I have but a word or two more to say upon this subject. Two years ago, by an overwhelming majority of 9 to 1, we passed a bill authorizing the President of the United States to begin negotiations with a view to the ultimate construction of this canal. We did that in the face of an old treaty that forbade our so doing. Some gentlemen have gone so far as to make obeisance profound, and to yield new loyalty to-day to that old treaty. I have not believed for many years that it had any binding force whatever upon us. I believed with Secretary of State Cass, James Buchanan, Secretary Frelinghuysen, Secretary Blaine, President Grant, President Hayes, President Arthur, as those statesmen and scores of others have declared since 1855, that that treaty had no binding force upon us—some putting it upon the ground of its previous violation by Great Britain; others putting their faith upon the ground that it was for a specific purpose that both Governments had abandoned; others putting it upon the ground that in 1867 both Great Britain and the United States had formed treaties with the State of Nicaragua which would have been prohibited if the terms of that treaty had had binding force upon this Government.

From all of these sources from which the beliefs of men may be formed I believed and urged that we should act independently even of that treaty. But did it not have its useful purpose? Suppose that we were wrong. What a moral spectacle it is to any deliberative body or to any people when a great deliberative assembly like this, backed by the will of the whole people, declare themselves as we did then. What was the influence that that action of this House had upon another body in getting rid of even the seemings of impediment? So to-day I would act. Gentlemen tell us, the newspapers tell us, talk tells us that in another body there is to be found a rocky road for any isthmian canal, that there is a sentiment on the part of some persons of potency against such enactment. What will be the moral effect, what will be the resultant political action if this House determines, by a vote well-nigh unanimous, as nearly so as two years ago, that it is our purpose to carry out the will of the master, that it is our purpose to do as the people demand we shall do?

Gentlemen say that we are only waiting for a period of six months. Ah, gentlemen, let us start now, and if during the next six months, during the present session of this body, a definite proposition can be made, based upon certainties of fact, then how easy it will be for us, and how willing we all will be to bring about that modification that will secure speedy action.

I want an isthmian canal. If it is not the one for which I have some preference, then I want another one. Any one, in my judgment, is better than none. I do not believe it worth our while to strive to secure anything east of the Panama Canal. The reports tell us that if one is constructed there it must be at enormous expense. They tell us that they have formed an estimate, and yet they warn us that it is a minimum.

And yet the cheapest of these sea-level canals would cost $263,000,000, and the one that they regard as the most expensive will cost $320,000,000. So that the Commission have wiped them

all from their contemplation, but not before careful examination, not before minute survey, not before estimates of the cost. It is not a mere hazard. They give us the price of cost of construction, and tell us of sums which are so enormous they exclude them from their consideration. There are but two routes that I believe to be at all practicable. Some gentleman has thought that if we got an isthmian canal—or I judge it from the statement the gentleman made—that for the sum of $184,000,000 we could have a sea-level canal. That is not so. There is a difference of nearly 90 feet elevation between the proposed Panama Canal and a sea-level canal.

A gentleman yesterday took up the statement that $1,300,000 more would be expended for maintenance of the Nicaraguan Canal than the other, and thereupon capitalized it, and he made an immense sum. Yesterday I saw in a newspaper the capitalization of another item. Here is the saving of two days between the Southern ports and the Pacific coast in favor of the Nicaragua Canal. Suppose you estimate the cost of a 6,000-ton vessel for a day. It is more than a thousand dollars, nearly $1,500. Add to that the cost of repairs and the percentage for decay. Suppose that three only passed that route; there you have a sum approaching $5,000 a day. Capitalize that on the other side, will you not? Deduct that from the cost of the Panama Canal. It is not fair. And you will see that the Nicaragua Canal, by that process of reasoning, will cost almost nothing if you let the bonds run long enough. That is not a fair way, I submit. You must remember that the distance of a voyage, when computed, is from port to port. That is the consideration and not the time that will be expended on any particular portion of the route. A New Orleans man is interested in the shortest consumption of time between New Orleans and San Francisco, and if there be two days in the course of a voyage, and computing it with reference to all our vast commerce, it is an item to be considered—at least I commend it to a business man. [Applause.]

Mr. Chairman, this subject that is proposed by the gentleman from Minnesota is not without difficulties. His proposition is, briefly, that if the foreign right can be secured and concessions from Colombia can be obtained that are equal in value to those secured from Nicaragua, and if one man or a majority of the Commission shall so determine, then the President is authorized to build the canal on the Panama route. I submit to the lawyers of this House the import of the word "authorized" in that connection. In my judgment, it is mandatory and not permissive. There is a pretense of discretion in the Commission and the President, but that discretion, with that word in that connection and in the interest of that duty, is mandatory upon the President of the United States.

Mr. MORRIS. Will the gentleman permit an inquiry?

Mr. HEPBURN. I would rather not. I know that the gentleman does not agree with me or he would not rise.

Mr. MORRIS. Yes; I do. I stated on yesterday that there might be some verbal inaccuracies or ambiguity in the amendment; and I will state to the gentleman in the final draft as it will be offered the words "in the discretion of the President" will be inserted.

Mr. HEPBURN. At all events, Mr. Chairman, it involves the responsibility of selection upon one man—one man of the nine composing the Commission. Mr. Chairman, it is not desirable that any man should be placed in such a situation. Here is the Panama Canal Company playing for a stake of $40,000,000. It is forty millions from us or nothing. If we do not take this property all is lost to them. Here is the chance of $40,000,000 and the chance of nothing. There will be inconceivable temptations thrown in the way of men, and that seems to me ought to have presented itself to the mind of a business man!

But again, Mr. Chairman, just one moment. Who has taken into account the multitude of stockholders—of the 200,000? If we build this canal and it is a success, they who have lost all will come to us, as the French spoliation claimants did a few years ago, and the speculators will buy these claims as the speculators did those, and perhaps the unseemly spectacle may be presented a hundred years from now of the successors of those claimants, the class of men who so excited the sympathy of the gentleman from Pennsylvania, demanding that our Government make good their losses through the acquisition that we have made.

Mr. ADAMS. Will the gentleman permit me?

Mr. HEPBURN. I can not yield to the gentleman.

Mr. ADAMS. These were American and not French claims.

Mr. HEPBURN. Everybody but you knew that. [Laughter.]

Mr. ADAMS. Except yourself.

Mr. HEPBURN. They were insurance claims.

Mr. ADAMS. They were American claims and not French claims, and the gentleman's knowledge of history is not sufficient to know it.

The CHAIRMAN. The time of the gentleman from Iowa has expired. [Loud applause.]

Eulogy on Death of the Late Robert E. Burke.

REMARKS

OF

HON. ARIOSTO A. WILEY,

OF ALABAMA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 8, 1902.

The House having under consideration the following resolutions:

"*Resolved*, That the business of the House be now suspended in order that an opportunity may be given for tributes to the memory of Hon. ROBERT E. BURKE, late a member of the House of Representatives from the State of Texas.

"*Resolved*, That as a particular mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a distinguished public servant, the House, at the conclusion of these memorial proceedings, shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk be, and he is hereby, instructed to send a copy of these resolutions to the family of the deceased"—

Mr. WILEY said:

Mr. SPEAKER: If there be one privilege dearer to us than the rest it is to do honor to the dead; to wreathe a bright chaplet about the broken urn as a tender expression of that sympathy too delicate for human utterance.

Death has invaded our ranks so often that scarcely a session of Congress convenes we are not called upon to render funeral honors to some one of our body.

How true it is that "One by one the heavy laden sink beneath the noon-tide sun;" one by one we step smiling into the ferryboat which is to carry us, as we vainly think, for a little while across the narrow river; one by one we waive our hands and say to those who watch us from the familiar shore, "To-morrow." But alas! alas! before we are even aware of it, the shore is out of sight, the stream is a sea, the ferryboat is the boat of Death, and "to-morrow" is Eternity.

Solon, the Athenian lawgiver, is said to have offended Crœsus, the munificent Lydian King, by telling him to "count no man happy who had not seen the end of life," and his reason was that it is impossible to form any correct estimate of another's character until after his death. Now that ROBERT EMMETT BURKE is no more, we can appreciate his many virtues and contemplate with something like certainty what "manner of man" he was.

It is natural that the death of one so highly respected should cause profound sorrow in our hearts, We feel proud to claim him as an Alabamian. He was born upon the soil of my native State. He loved his home and the people amongst whom he lived and toiled in his boyhood days, and they in turn appreciated his warm-hearted, generous, and manly nature. He had the courage of his convictions and the heroism to perform his duty even before he attained to man's estate.

While yet in his teens, a mere stripling, he went forth to the bloody fields of war, in obedience to the sovereign command of his native State, under a glorious leadership, and 'neath "the stars and the bars," wearing the proud title of a Confederate soldier, he was ready, if needs be, to go down for God and country into the dark valley of death. As long as the Southern cross gleamed out amid the wild light of battle he fought bravely for "Dixie." Returning to his desolated home when that fratricidal conflict was ended, he found the wolf of hunger and want standing on the doorstep, and devastation on every hand. With ruin staring him in the face he left Alabama and removed to Texas, where conditions were more favorable, to begin anew the struggle of life. Service in the Confederate army having deprived him of early educational advantages, far away from home and kindred and friends, "a stranger in a strange land," he was compelled, in the first instance, and as a necessary preliminary, to seek knowledge and mental discipline in order to equip and fit him for his chosen profession—the law. Genial, brave, loyal, and true, it is no marvel that he soon won the confidence and esteem of his newly formed neighbors and friends.

It is a Talmudic maxim that there are four crowns with which mortals can be invested. The crown of the king, which is the crown of power; the crown of the priest, which is the crown of holiness; the crown of the scholar, which is the crown of learning; "but the crown of a good name, which is far better than riches, exceedeth them all in value." Lord Bacon said the power to do good is the true end of aspiration. While the ambition of the distinguished dead was lofty, he did not forget that morality is the basis, sound-fixed principle the superstructure, and common sense the capstone of true greatness. There is a faith that works silently but mightily, because it loves fervently, and never worries because it never fears. Such was his faith and courage. As a lawyer, I am informed, he was always considerate, courteous, and just. As a judge he was painstaking and conscientious.

Gentle in nature and amiable in disposition, he was lion-hearted in courage, mental as well as physical. He held the scales of justice evenly balanced at all times. He dared to do the right and was "not afraid of the face of man."

We are told in a beautiful allegorical poem that Abou Ben Adhem, awakening from a dream, found an angel writing in a book of gold the name of those whom the love of God had blessed. "And is mine there?" he asked. The angel answered, "Nay." He said: "I pray thee, then, write me as one who loves his fellowmen." The angel wrote and vanished. The next night the angel came again with a great wakening light and showed the names whom love of God had blessed. And lo! Ben Adhem's name led all the rest. At the head of the list of those "whom the love of God had blessed" the recording angel has written in everliving, radiant characters of gold the name of him who loves his fellowmen.

Full of humanity himself, a reciprocating people delighted to honor him. Thrice elected to Congress, he served his constituency faithfully and well. His life filled the measure of lofty aspiration, of a high and honorable ambition. His influence will work on silently for good long after we have passed away. The virtues of such a good man are the common inheritance of us all. His bones are interred in the soil of his adopted State, but Alabama, loving him as a son and still claiming him as her own, craves permission to drop a tear upon his grave and to bring here, as a tender tribute, the white flowers of her abiding love.

Oleomargarine Bill.

SPEECH

OF

HON. A. S. TOMPKINS,

OF NEW YORK,

IN THE SENATE OF THE UNITED STATES,

Tuesday, February 4, 1902.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 9206) to make oleomargine and other imitation dairy products subject to the laws of the State or Territory into which they are trapsported, and to change the tax on oleomargarine—

Mr. TOMPKINS of New York said:

Mr. CHAIRMAN: Representing a district containing large agricultural and dairy interests, I deem it my duty to support the measure reported by the majority of the committee. Not only because a large number of my constituents are interested in the bill do I support it, but also because it seems to me the only effective measure of preventing or punishing fraud and deception by the manufacturers and dealers in oleomargarine and the imposition now practiced upon the people of the nation. Thirty-two States, representing four-fifths of the population of our country, have enacted laws absolutely prohibiting the manufacture and sale of oleomargarine when made or colored in imitation of butter. But in spite of these laws, and in spite of the penalties imposed for their violation, these manufacturers have gone right on manufacturing, and the wholesale and retail dealers have continued to sell this fraudulent butter, coloring it to deceive the people, and producing in the year ending June, 1900, 107,000,000 pounds, manufacturing it at a cost of about 8 or 10 cents per pound, practically all of which, certainly 85 per cent of it, being sold as pure butter and at a price for which pure butter is sold, all in defiance of the laws of the States and in competition with the farmer and dairymen, whose real, genuine product costs, on an average, about 17 cents per pound to produce, and all in deceit and fraud upon the rights of the consumers.

These violations of the State laws have not been and apparently can not be effectively dealt with by the State authorities. The States have been quite impotent to enforce their own penal statutes on this question. Of course the Congress has no constitutional right to invade the States and legislate to prohibit or restrict the manufacture of any necessary, useful, and healthful article of food, or to prevent or restrict or interfere with commerce therein, or to unreasonably exercise its legislative power to affect commerce between the States. Yet it undoubtedly has the power to impose revenue taxes upon the product of any State or States, whether it be for the sole purpose of raising revenue only, or in connection with that, and as one of the objects to be accomplished thereby, the "general welfare of the nation." Such power is expressly conferred by the Constitution.

The existing law, enacted in 1886, imposes an internal-revenue tax upon all oleomargarine manufactured or sold of 2 cents per pound. The constitutionality of that law has been passed upon, and it has been upheld by the courts. It has been held that Congress had power to enact and the internal-revenue officers to enforce that statute.

In answer to the argument of gentlemen who insist that this measure is unconstitutional, I simply suggest in passing that if the law of 1886, imposing an internal-revenue tax of 2 cents per pound, is constitutional, then Congress must have the power, in the exercise of its legislative discretion, to impose a tax of 10 cents per pound.

The bill reported by the majority of the committee and now under consideration, in substance provides that on and after July 1, 1902, the tax upon oleomargarine shall be one-fourth of 1 per cent per pound when the same is not made in imitation of butter, but when made in imitation of butter the tax shall be 10 cents per pound, to be paid by the manufacturer thereof. The law is not designed to and does not prohibit or restrict the manufacture and sale of oleomargarine as such. It does not stifle or interfere with any honest or legitimate industry, as has been charged by gentlemen during this debate. Rather it is an advantage and a benefit to the manufacturers of and dealers in genuine and pure oleomargarine because it reduces the present tariff tax from 2 cents a pound to one-fourth of 1 cent per pound. This measure is a concession to rather than an imposition upon the true oleomargarine interests. It will not in any wise affect the free and open manufacture and sale of butterine or oleomargarine. It places no restriction whatever upon it, but as I have already stated the effect of it will be either to increase the profit to the manufacturer 1¾ cents per pound, or reduce by that amount the cost to the buyer. But I take it there is no objection to that part of the measure to which I have just called attention. I have heard no gentlemen during this debate complain of the concession which has been made to the oleomargarine interests, or deny that such concession is made by this bill. The objection and opposition is to that provision of the bill which imposes of a tax of 10 cents per pound upon oleomargarine or butterine when it is made in imitation of butter.

It is a notorious fact that for years this article called butterine or oleomargarine, made from fats and oils and colored to resemble butter, has been put upon the market and sold and used as butter, being produced and made ready for the market at considerably less than the cost of the production of butter made from cows' milk. It is to prevent the continuance of these fraudulent practices that this provision of the bill is urged. It is claimed that this provision is designed to destroy a legitimate industry. It is not. Its purpose is to prevent the continuance of the fraud that has been practiced upon the people by the use of this colored oleomargarine. It is to stamp out and destroy this unjust, dishonest, and unequal competition with the farmers and dairymen of the land.

It is further urged in opposition to this provision that oleomargarine is conceded to be a pure and wholesome article of food; that it can be produced cheaply and sold at a low price, and thus become for the poor man a cheap and wholesome substitute for butter. In the first place, it is not conceded that all oleomargarine as manufactured in this country is a pure and wholesome product.

But conceding it to be all that, it should not be sold for something or under the name of something that it is not. Let the manufacturers of this article make and sell all they can, let the retail dealers who put it on the market sell it at the best possible price, and let those who want to use it as a substitute for butter use it and altogether and entirely discard butter if they choose to, but let us insist that it shall be honestly and openly sold for what it is. Let us insist that it shall be sold in the market in its original and natural color, so that people who want butter may not be deceived into taking and using oleomargarine. It is well known that there have been many violations of the State laws and abundant proof has been furnished in such cases showing that grocers and retail dealers of butter have sold and delivered to customers butterine or oleomargarine when butter was asked for and paid for.

In such a case a double fraud was perpetrated, one upon the purchaser and another upon the manufacturer and producer of genuine butter. In other instances butterine or oleomargarine has been actually stamped and labeled as a certain well-known brand of butter. There was a triple fraud perpetrated, first, upon the buyer; second, upon the manufacturer of honest butter, and third, upon the concern of real butter manufacturers, whose name was used with which to label the oleomargarine. All these violations of the State laws and frauds upon the public can be prevented by the enactment and enforcement of this measure, which requires that the manufacturer at the factory shall pay a tax of 10 cents per pound. This tax the retail dealer will also have to pay in addition to the market value of the article, the payment of which will remove the temptation and incentive to the continuance of these fraudulent practices.

The farmers of the land have some rights which Congress should consider and respect. They get but small return at the best for their labor and the capital invested. They produce and supply to the world in one form or another nearly all of its necessities and

luxuries. Their life is the hardest and their pay the smallest of all who produce. Butter in many parts of our country is one of their principle products, and the unlawful and fraudulent imitation of this product by the manufacturers of oleomagarine has been to them a serious loss and injury, in the year ending June, 1900, 107,000,000 pounds of oleomargarine being put on the market and sold in competition with their genuine butter. The farmers have asked for but little from Congress and the State legislatures, and have received less. Let Congress now grant unto them the relief which this measure will afford, thus protecting the great dairy interests of the land and in no wise interfering with or injuring the honest oleomargarine interests.

The coloring which is put into the oleomargarine is not put there for the purpose of improving the quality of the article; it is not a necessary ingredient of oleomargarine; it is not one of its constituent parts. It is put there simply for the purpose of making the product look like butter, and thus deceiving and defrauding the people and injuring the farmer.

The friends of oleomargarine—at least its honest friends—concede that this giant fraud must be stopped, but they say it will be sufficient to stamp yellow oleomargarine with the word "oleomargarine." What pitiful simplicity, Mr. Chairman! How much trouble will it be for dishonest dealers to erase the stamp or to take off the wrappers and throw them away? No, sir; the only safety lies in forbidding the manufacture or sale of yellow oleomargarine, save at a tax which will make it unprofitable for it to be offered to the public as butter. Let it be manufactured and offered to the public freely as oleomargarine, in its natural white color, or in any color except yellow, so that the public may know what it is buying and using.

This bill, I have said, is due as a protection to the farmer and dairyman, but it is needed still more as a protection for the public at large, for the hundreds of millions of persons in this and other countries who consume American butter daily, and pay butter prices for what they suppose and desire to be the pure product of cow's milk, and millions of whom are being daily swindled and cheated by paying butter prices for a lot of oleomargarine colored yellow and sold as butter. This is one of the most monstrous frauds ever heard of. The adulterations of coffee, of sugar, of milk, of spirits, about which we hear so much, fade into insignificance beside it. In those and similar cases a genuine article is deteriorated or weakened by the infusion of some foreign substance. But in this case a wholy spurious article is fashioned so as to imitate exactly in taste and appearance a genuine article, and is sold as such genuine article. This is not mere adulteration; it is actual counterfeiting. It is not mere petty cheating; it is absolute knavery and robbery.

One of the chief arguments which the advocates of the minority report have urged against the contentions of the majority consists in distorting the position as taken by the latter. They have misinterpreted—perhaps not designedly—the words employed by some of the witnesses in favor of the Grout bill as implying a purpose avowed to crush out altogether the butterine or oleomargarine industry, and not addressed to the suppression of the wholesale counterfeiting of genuine butter which has been going on under the guise of its substitute—oleomargarine. Nothing could be more foreign to the thought and purpose of the majority. We fully recognize that oleomargarine and butterine per se, as a manufactured product, when offered for sale as such and not colored to counterfeit the genuine butter, have their distinct place in the industries and marts of our commerce.

We do not lose sight of the well-known fact that many of the very States which are most zealous in their legislation to prevent the fraud pointed out are themselves raising the greatest number of cattle and hogs, which, with the cotton-seed oil and other constituents, make up the oleomargarine. It is a significant fact, as stated, that these latter States, as well as the Southern States most interested in protecting the cotton products or cotton-seed oil, or most of them, have joined in rigid legislation looking to the suppression of the fraud and counterfeiting of the dairy products. This in itself demonstrates there is no disposition to favor one industry or product at the expense of the other, as charged by the minority; but really such legislation is essentially aimed at the flagrant fraud and counterfeiting which the manufacturers of oleomargarine or, if not the manufacturers, those who distribute their product, are daily practicing upon the consumer.

The question of constitutionality has been finally and definitely settled by the supreme courts of New York, of Missouri, of Minnesota, of Massachusetts, and the question of constitutionality of such legislation has been carried on appeal from the supreme court of Massachusetts to the Supreme Court of the United States in the Plumbley case, which held that it is a proper exercise of the police power of the State, for the purpose of preventing fraud, to prohibit the manufacture of any food product which shall be so complete a counterfeit of some other and more valuable product that the average purchaser is likely to be deceived when he buys it.

To sum up, what more eloquent proof may we offer as evidencing the uniform sentiment of the country in favor of the legislation proposed under the Grout bill than to cite the following indisputable facts: The bill passed the House by the decisive majority of 104, or 12 more than two-thirds, at the last session of the Fifty-sixth Congress, was favorably reported by the Senate Committee on Agriculture, and conceded a two-thirds majority in the Senate; and the people of the country at large, as voiced by and through the legislatures of more than two-thirds of the States, with more than four-fifths of the population of the United States, all have thus emphatically signified their hearty approval and indorsement of this measure. [Loud applause.]

Oleomargarine Bill.

SPEECH

OF

HON. CHARLES W. THOMPSON,

Wednesday, February 12, 1902,

On the bill (H. R. 9206) to make oleomargarine and other imitation dairy products subject to the laws of the State or Territory into which they are transported, and to change the tax on oleomargarine—

Mr. THOMPSON said:

Mr. CHAIRMAN: In view of the extended arguments which have already been submitted against this bill, I deem it unnecessary for me to consume any further time of the House. But I can not content myself to be silent upon a question of such great importance to the people I represent and to the future welfare of our whole country. I beg, therefore, to place myself on record against this unjust and vicious class legislation.

Leaving aside for the moment all considerations relative to the comparative merits and claims of the two articles of food involved, the principle on which this bill is based is enough to condemn it in the opinion of any true citizen of the Republic, provided he realizes the principles at stake. This is, in reality, the most barefaced and tyrannical instance of class legislation that I can remember in the whole history of our country. The various high tariff bills have had for their excuse the necessity for providing revenue, and the same pretext has served to float many other bad or doubtful measures. But in this case there is not even this excuse. The bill pretends to propose a tax, it is true, but not a single human being has any idea that it would yield any revenue. The proposed levy of a tax of 10 cents on oleomargarine colored any shade of yellow is simply designed to kill the oleomargarine industry. It could not support such a tax, and its advocates know that it could not. That is what they are trying to levy it for. But, aside from the amount of the proposed tax, the whole principle of the bill is wrong. You have no right to levy any tax whatever on oleomargarine, any more than on butter. To do so is to be guilty of class legislation, which is contrary to democratic principles and hostile to the basic idea of our Government—the Government of the people, by the people, for the people—for the whole people—not for some particular class or classes or some particular section or sections.

This bill puts a special tax on one single commodity in favor of another single commodity. It discriminates against oleomargarine and in favor of butter. Is not that so? And is not that really all there is to it? What right has this House to discriminate against one commodity and in favor of another? What right have we to assist the butter makers at the expense of the oleomargarine makers? Such a proceeding is undemocratic, unjust, and unconstitutional. Why not tax butter 10 cents a pound, too? You have just as much right to tax butter as to tax oleomargarine, and no more right to tax the latter than the former. Since when has butter enjoyed the privilege of special legislation and special privileges? They say that oleomargarine must be crushed and throttled because it competes with butter. You might as well say that butter must be taxed out of existence because it competes with oleomargarine. Oleomargarine does compete with butter, and it has a perfect right to do so—and on an even basis, too, on the same even, untaxed basis—just as much right as wood has to compete with coal, or electricity with gas and steam, or different kinds of breakfast foods with each other, or different kinds of cod-liver oil, or skates, or shoes, or any other similar articles. But no, Mr. Chairman, butter is a sacred thing; everything else must take its chances in the market, but butter must be protected by a prohibitory tax. Why, sir, the whole contention of the butter interest would be perfectly ridiculous if it were not so perfectly monstrous.

But they say that oleomargarine must be suppressed because it is colored yellow to resemble butter in looks. By what right has butter a monopoly of that color? Why have not the oleomargarine people a right to color their goods yellow if they choose to

do so? The butter people color their product yellow, too, whenever it does not come out of the churn yellow enough to suit them and their customers. What is sauce for the goose is sauce for the gander. It is no more unjust to color oleomargarine yellow than to color butter yellow. Have the butter people taken out a patent on the color of yellow?

But they say, again, that in coloring oleomargarine yellow its manufacturers are taking a fraudulent advantage of butter. Not unless oleomargarine is fraudulently sold as butter, Mr. Chairman; and such fraudulent practices as that, whether they be numerous or rare, it is the precise purpose of the minority substitute bill to prevent. That bill is perfectly fair, perfectly honest, perfectly constitutional, and that is the bill which ought to be passed. Its passage would amply protect the dairy interests so far as they have any right to protection, namely, against counterfeiting and the fraudulent sale of oleomargarine as butter. On the other hand, the pending majority bill is the rankest kind of unjust legislation, openly and brazenly essaying to benefit one industry by shackling and ruining another rival industry, and to create a monopoly in an article of common food, to facilitate the formation of a butter trust, and to put the screws of higher prices for butter onto the people of this land, both the rich and the poor. What can we be thinking of, Mr. Chairman and gentlemen, to dream of passing such a bill? If we do pass it, there will be a day of reckoning with the people very soon for those who are responsible for this outrage.

I beg to submit the following preamble and resolutions, which were adopted at the meeting of the legislative committee of Alabama Cotton Seed Oil Mills, held at Montgomery, Ala., January 24, 1902:

Whereas in the last Congress the Grout antioleomargarine bill passed the House but was defeated in the Senate; and

Whereas this bill, as we know, was the most glaring and insolent piece of class legislation ever proposed in Congress; and

Whereas the advocates of this iniquitous system of legislation, encouraged by their partial success in the past Congress, are urging and lobbying several other bills looking to the same end, endeavoring to employ the taxing power of this Government for the purpose of the destruction of a legitimate and harmless competitive industry; and

Whereas the said advocates are especially urging the measure commonly known as the Tawney bill, because it is the most radical and destructive in its effect of all the measures pending; and

Whereas the law of 1885 imposing a revenue tax and requiring a revenue stamp, which is sufficient for the purposes of inspection and identification of cotton-oil products, and providing heavy penalties for the violation thereof; and

Whereas every dealer, wholesale and retail, is required by law to pay a license for the privilege of engaging in the sale of any of said goods; and

Whereas *in no other* country is this industry taxed, but, on the contrary, receives governmental encouragement; and

Whereas it is not claimed or shown that oleomargarine is unwholesome as food or deleterious to the public health; and

Whereas a further tax of this industry is not necessary for governmental revenue, and no additional taxation thereon is needed, statistics showing that the taxes and licenses derived from this source are more than sufficient to defray the entire expenses of the Bureau of Internal Revenue, economically administered; and

Whereas oleomargarine is cleanly, healthy, keeping well in and adapted to all climates, is cheaper than butter; therefore additional taxation placed thereon is taken from the pockets of the poor, who are compelled to use it because it is cheaper and healthier than butter; the additional tax threatened will, therefore, tax out of existence "the poor man's butter;" and

Whereas said additional tax will crush out of existence an industry using exclusively products which come from the farmers of this country; and

Whereas the manufacture of oil from cotton seed is one of the greatest industries of this great liberty-loving country and furnishes a ready and high price for farm products: Therefore be it

Resolved, That we, the legislative committee of the Alabama cotton-seed oil mills, in meeting assembled, believe that the farm products of our land, including those from cotton seed, should have just, fair, and impartial consideration of the Congress, without regard to section, territory, or occupation, and that the hand of the Government should not be raised to strike down and crush a legitimate private industry, which pays thousands of dollars directly into the hands of the farmers for their products; and

Resolved further, That a copy of these resolutions be forwarded to each of the Senators and Members of the House of Representatives from the State of Alabama, and that they be, and are hereby, requested to use all fair, honorable, and just measures to defeat all of said pernicious bills introduced in opposition to the oleomargarine or butterine interest; and

Resolved further, That we condemn all measures having for their purpose the placing of an additional tax upon said industry or its products.

In witness whereof we have hereunto affixed our signatures.

J. W. Black, district manager Southern Cotton Oil Company, Montgomery, Ala.; Ernest Lamar, president and manager International Cotton Seed Oil Company, Selma, Ala.; C. S. Boles, manager Alabama Cotton Oil Company, Montgomery, Ala.; W. J. Montgomery, vice-president Alabama Cotton Oil Company; O. C. Wiley, president Troy Fertilizer Company, Troy, Ala.; E. B. Nuzum, secretary and treasurer Tuscaloosa Cotton Seed Oil Company, Tuscaloosa, Ala.; George P. Ide, presdent Jacksonville Oil Mill, Jacksonville, Ala.; M. T. Trawick, member firm Trawick & Jernigan, proprietors oil mill, Opelika, Ala.; F. H. Vernon, manager Birmingham Oil Mill, Birmingham, Ala.

Mr. Chairman, this document represents most fairly and forcibly the prevailing sentiment of the people of Alabama, and, I believe, of the whole Southern section of the country. There is no opposition in the South to butter, of course, nor is there any opposition to oleomargarine. The predominant feeling is a desire that there should be justice and fair play for both interests, and there is a strong feeling of indignation over the injustice shown toward oleomargarine by the champions of this iniquitous bill. This indignation on the part of the Southern people is justified, Mr. Chairman, inasmuch as oleomargarine, which has been pronounced a pure and healthful food by the highest scientific authorities and authorized as a proper article of commerce by the Supreme Court, draws largely upon Southern farms for some of its ingredients, and becomes thus an important source of revenue and support to the Southern farmers.

The preamble and resolution just quoted state the case with admirable strength and precision. It is true, as is therein alleged, that the pending bill is the most insolent piece of class legislation ever proposed in Congress, and I can not believe that this Congress will actually and finally sanction it and deliberately vote to "employ the taxing power of this Government for the purpose of the destruction of a legitimate and harmless industry." It is true, as stated, that the present licenses and revenue taxes on oleomargarine are much more than sufficient for the legitimate expenses of inspection, and that in no other country is the industry taxed at all, nor should it be taxed here. Least of all should it be subjected to the proposed ruinous tax proposed by the jealous and selfish butter interests, solely to crush the legitimate oleomargarine industry, which is so beneficial to our farmers and laboring classes, and to force the poor man to pay butter prices or go without either butter or oleomargarine.

The butter interest is undoubtedly a great interest, but so is the cotton-seed oil interest a great interest. The one has as much right as the other before the law, and no more. Why should the cotton-seed oil interest be taxed and burdened and crippled for the benefit of the butter interest? The cotton-seed oil interest asks no special favors from the Government, as the butter interest is so impudently asking. All that is asked by the friends of oleomargarine is a fair field and no favor—a just, equitable, impartial treatment at the hands of the law-making power. The people of Alabama consider it outrageously unjust that the farm products of the South should be discriminated against for the benefit of the farm products of New York or Wisconsin or Iowa, or that the power of the General Government should be made use of to ruin a business which provides such a large source of income for the hard-working agricultural community.

Mr. Chairman, I sincerely hope that the sober second thought of the members of this House may come to the rescue and save us from the disgrace of legalizing this oppressive and unjust measure. There is no warrant nor excuse for passing it. There is no sense or justice in it. The bill is a barbarous bill—unconstitutional, undemocratic, inequitable, a gross piece of favoritism, and more suitable to an autocratic despotism than to the free Republic of the United States. It ought to be buried out of sight, and I can not and will not believe that it can ever become a law in this civilized free country and in this enlightened age.

Oleomargarine Bill.

SPEECH

OF

HON. T. J. SELBY,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, February 11, 1902,

On the bill (H. R. 9206) to make oleomargarine and other imitation dairy products subject to the laws of the State or Territory into which they are transported, and to change the tax on oleomargarine.

Mr. SELBY said:

Mr. CHAIRMAN: I desire to say a few words on this greasy subject. I am a friend to the cow. I am a friend to the woman that milks the cow. I am a friend to the man who stands by and watches his wife while she milks the cow, for is she not his helpmeet? I love to see the woman churn the foaming cream until the butter cometh. I love the nice fresh buttermilk, and love to see the busy housewife wallop the butter about in her hands into shapely rolls. I love to see the butter come, and then I love to make the butter fly.

Memory goes back to the happy times when the cows came home, and to the less happy times when I had to make them come home. Any man who has been raised with a cow will never lose his friendship for her, nor go back upon her, nor upon her back, when adversity strikes her business.

The gentleman from Virginia [Mr. LAMB] paid the Virginia cow a beautiful and eloquent tribute, but let me say to him that the Virginia cow can not be compared with the big fat cows of the Mississippi Valley and beyond. I am well aware that Virginia is entitled to the proud distinction of having been the

"mother of Presidents," but she was not the mother of the cow. The Mississippi Valley cow is a marvel of wonder and the pride of every home. She never goes dry. It generally takes an hour to milk her, and if she is not milked on time she will milk herself. She is kind and gentle, and has such maternal affection that she often licks the milker instead of her calf.

I have the honor, sir, to live in the land of the blooming cow. If I fail to vote for this bill, I shall feel that I can not go home and ever again look an honest cow in the face. The cows in my country are Democratic cows. They give Democratic milk, which accounts for the everlasting big Democratic majorities in my district. They never "water" their milk nor kick the bucket over in a fashion that causes the milkmaid to say "durn it," nor the milkman to swear. They are honest, innocent cows that have not heard of the tricks of ye cunning dairyman or of the slippery ways of ye oleo man. They are not yet aware, sir, that there is such a thing as oleo in any part of their anatomy. Why, sir, even our hogs have not learned that their greasy in'ards contribute to the greedy work of building up a great anticow-butter monopoly. If the peaceful hog knew it he would grunt in shame.

The cow in my country lives in Acadian simplicity. She dwelleth amidst green pastures and looketh dubiously at the Republican politician as he passeth by on his mission to hoodoo the honest voter.

Frolicsome calves gallop about with tails erect, rejoicing in the fullness of democratic freedom that is theirs. The cow is contented and happy out in my district in her benevolent work of giving milk for young Democrats. Little does this patient cow know that the honest product of her toil is being counterfeited so successfully by cunning men that the butter eater knoweth not any more what he eateth when he buttereth his bread. Little does the lazy hog know that a substance called butter contains 34 per cent of his grease "in'ards," to say nothing of "hair in the butter" from other sources. And our honest cow—what would she do—how would she feel, if she knew that the ingenious Yankee, when she should die—on call, or violently—would use 27 per cent of her tallow and mix it up into a mess with hog fat and cotton-seed grease and palm it off on mankind for honest butter? Her grief would become so intense that her milk would turn to water.

And this honest workingman of whom the oleo angels sing—this son of toil and his little family, or big family, as the case may be, and about whom gentlemen seem so solicitous for fear he will not get cheap butter—what about them? Why should you be such strenuous advocates of a cheap stuff, a counterfeit butter for this honest son of toil and his family that you denounce Democrats here in the great name of oleo? Are you really for the poor man or for the oleo fellow? Why should you desire to feed him and his family on hog lard, steer fat and cotton-seed grease, and leave them in the innocent belief that they are filled up on butter, delicious butter, "wholesome food," and all that sort of stuff!

This "wholesome food product" called oleomargarine you say is such a fine counterfeit of genuine butter, such a delicious substitute, that the honest son of toil can not tell whether he is eating pure butter or this fraudulent compound of hog lard, steer fat, and cotton-seed grease. To such perfection hath swindling come at last under Republican rule and misrule. Why should you not be as earnestly and eloquently advocating an honest thing for the honest workingman as you are earnestly and eloquently advocating this substitute, this compound of mysterious fats, for him? I tell you the honest son of toil is entitled to have the honest product of honest labor, the best and not the poorest, the genuine and not the counterfeit. We should take off our hats to these honest sons of toil, for we are here by their votes, by their kind permission. They expect us to prevent fraud, not to protect it. They expect us to give an honest vote for an honest measure. This bill is an honest measure to protect an honest industry.

The country is now filled with so many gigantic food-product swindles and other swinding frauds everywhere, in everything, that State and national legislation is now demanded to suppress them.

Corporation swindles and trust combine swindles have been fostered and fattened and allowed to grow in such gigantic forms since the reign of Republicanism began that they overshadow the country with their vampire wings, until the people can scarcely distinguish honesty from dishonesty, the genuine from the counterfeit. These vast institutions have become the pets of party. And so, behind these oleomargarine concerns stand great influences and active agencies, because there is money in the business. The frauds they perpetrate upon the country are overlooked, because there is money in overlooking them. States laws have been ignored, because there is money in ignoring them. The wheels of these concerns run fast, while the wheels of justice run slow. There is money in the fast wheels—there is none in the slow ones.

This great oleo fraud has reached that stage when legislation is necessary to expose its fraud, to check it, to suppress it, to destroy it. The legislation provided in this bill is necessary. More than 200 leading agricultural publications, representing millions of readers, demand it. The Patrons of Husbandry demand it. The honest dairy interests of this country demand it. The honest butter makers everywhere demand it. Then, why should we hesitate to vote for it? Should we hesitate because 357 cotton-seed oil mills stand opposed to this measure? The product of these mills last year is reported at 93,000,000 gallons, of which 49,000,000 were exported and 44,000,000 left for home consumption, to be used for "pure olive oil," soap grease, and this oleo-butter compound. A very small portion of this product really goes into the oleo mixture. Only about 5 per cent in the make-up of oleomargarine is cotton-seed oil. Hence, this favored industry will not be crippled if this bill becomes a law.

The hog-fat man is not kicking against this legislation, yet the hog-fat man furnishes 34 per cent of this compounded fraud. But the steer-fat man is kicking; the stock-yard fellows that have steer fat to sell are kicking. They feel so distressed over the prospect of a butter famine, if this bill should pass, whereby, as they claim, the poor man will be deprived of cheap butter, that they start the report that a great butter trust is forming, with headquarters at Kansas City, as the result of this proposed legislation. This report starts too close to the Kansas City stock-yards to have the trade-mark of honesty upon it. Is it the poor man these fellows are thinking about or the steer fat they want to sell? It is not the butterless man they care for; there is no money in that, but there is money in steer fat. And when the hog fat, the steer fat, and cotton-seed grease are mixed up with a lot of other stuff "there's millions in it," not for the honest sons of toil, but for the oleo man—the counterfeit-butter-making man.

We are told that no Jeffersonian Democrat can consistently vote for this bill! The Democracy does not stand on a platform 34 parts hog fat, 27 parts steer fat, and 5 parts cotton-seed grease. Such an assumption would be an insult to the memory of Jefferson and a slander on the intelligence of Bryan. The oleaginous gods of the Republican party—and there are lots of them—would not for a moment blaspheme Democracy by accusing it of standing on an oleomargarine platform. No party could stand long on such a platform without slipping "away back" and sitting down hard, with its face to the wall.

Gentlemen, let us stand by the honest cow, and verily we shall have an abundance of genuine butter for our bread, and milk for our babies—and the earth and the fullness thereof shall be ours. [Loud applause.]

Oleomargarine Bill.

I believe that at the root of this bill and this proposition lies a menace to the liberties of this country and an assault upon personal rights and freedom. It is a proposition to introduce into the forum of Congress a measure to permit the taxing power of the United States Government (when there is no necessity for raising funds) to be used for the purpose of destroying a great industry, and by consequence building up another industry. It is a simple attempt of the strong to crush the weak. It is a misdirection of Government power and purpose that may be used in the coming years for the overthrow of any other industry of this country. There is not an industrial right enjoyed by a citizen of the United States that may not be in this way assailed and overthrown by a merciless, corrupt, and wicked purpose.

SPEECH

OF

HON. CHARLES H. GROSVENOR,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, February 4, 1902.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 9208) to make oleomargarine and other imitation dairy products subject to the laws of the State or Territory into which they are transported, and to change the tax on oleomargarine—

Mr. GROSVENOR said:

Mr. CHAIRMAN: My contribution to this debate will not be made in the expectation that any good will come of it so far as the passage or defeat of this bill is concerned. A mighty power has gotten its shoulder to the wheel, and the faint-hearted and fearful are going to execute the decree of that influence. A mighty special industry in the United States has found another industry in its pathway. It was on the highway to the complete overthrow of fairness and justice in the dealings with its fellow-men, and it has invoked the power of this Congress to rid itself of that obstruction. The power is great enough to force this measure through. Not one single argument has been made here that has not been based upon a false and fraudulent assumption; and if I believed that the manufacture of oleomargarine was as faulty in the integrity of its ingredients as have been these arguments for

the passage of this bill faulty in their citation of authorities and their appeals to precedents, then I would vote for this bill. Not one argument thus far made could stand for one moment in any court of the country or in the forum of common sense or common fairness.

We have one gentleman coming here to invoke the shade of John Marshall to prove that it is a just and legitimate act of government to use its taxing power to "destroy" an industry; and John Marshall, here on this floor, where a few short months ago he was eulogized by the most eloquent men in the nation, is denounced as a judge who announced that taxation is a proper weapon to fight competition. If that statement were true, John Marshall—John Marshall, who gave tone and direction to the great principles of equal justice and civil rights in this country—is dragged from his tomb and brought in here with a garbled statement of what he has uttered in order to justify the demand that one legitimate industry shall be permitted to destroy another legitimate industry.

I had read this opinion only about a year ago, and I was amazed that anybody who was a lawyer, and apparently a good lawyer, could have thus attempted to distort such an opinion as this one. Why, this opinion of John Marshall has been quoted in the United States for a hundred years or less by every statesman and every lawyer who has attempted to protect the people of this country against unjust taxation. It is the very thunder of the Mount Sinai of denunciation against such a bill as the one presented here by the majority of this committee. It is the very foundation stone upon which the people of the United States have stood and hurled their anathemas against the men who have attempted to take the power of the Government in one hand and to destroy the rights of men by an enactment. It has been the basis of appeal for justice and fairness in taxation in all these years.

The gentleman quoted just this much of John Marshall's declaration:

> The power of taxation is the power to destroy—

and used that here on this floor in the presence of lawyers familiar with these cases, to argue with the people that it was held by John Marshall that it was a legitimate use of the taxing power to destroy one article of industry in the interest of another.

Now, let us see what these decisions are. I read from the opinion in Loan Association *v.* Topeka (87 Supreme Court Reports, Wallace), and I want to read about a page and a half of it to show you how you may don the livery of justice and truth, don the livery of the court of justice, to serve the devil of greed in. [Applause.]

I read from the opinion of the court:

> Of all the powers conferred upon government that of taxation is most liable to abuse. Given a purpose or object for which taxation may be lawfully used, and the extent of its exercise is in its very nature unlimited. It is true that express limitation on the amount of tax to be levied or the things to be taxed may be imposed by constitution or statute, but in most instances for which taxes are levied, as the support of the Government, the prosecution of war, the national defense, any limitation is unsafe. The entire resources of the people should in some instances be at the disposal of the Government.
>
> The power to tax is therefore the strongest, the most prevailing of all the powers of the Government, reaching directly or indirectly to all classes of the people. It was said by Chief Justice Marshall, in the case of McCulloch *v.* The State of Maryland—

And the gentleman read just that much of it—

> that the power to tax is the power to destroy. A striking instance of the truth of the proposition is seen in the fact that the existing tax of 10 per cent imposed by the United States on the circulation of all other banks than the national banks drove out of existence every State bank of circulation within a year or two after its passage. This power can as readily be employed against one class of individuals and in favor of another, so as to ruin the one class and give unlimited wealth and prosperity to the other, if there is no implied limitation of the uses for which the power may be exercised.
>
> To lay with one hand the power of the Government on the property of the citizen and with the other to bestow it upon favored individuals, to aid private enterprises, and build up private fortunes is none the less a robbery because it is done under the forms of law and is called taxation. This is not legislation. It is a decree under legislative form.

That is law that justice smiles on, and any distortion of it for a base purpose and justifying robbery justice will condemn some day.

> Nor is it taxation. "A tax," says Webster's Dictionary, "is a rate or sum of money assessed on the person or property of a citizen by government for the use of the nation or state."

No court will hold that this 10 cents per pound to be decreed against a useful and wholesome article is a tax. It is a decree of confiscation. It is penalty so large that it will prevent the carrying on of one industry and the increase of the monopoly of another.

These gentlemen come right in here and say they do not need this money; they do not want this money. They only want to do it to put it as a burden upon an industry and break that industry down by it. You might just as well do it by prohibitive laws as to do it by taxation.

> Coulter, J., in Northern Liberties *v.* St. John's Church, says, very forcibly: "I think the common mind has everywhere taken in the understanding that taxes are a public imposition, levied by authority of the Government for the purpose of carrying on the Government in all its machinery and operations; that they are imposed for a public purpose."

Do not call this taxation any more; call this a power to levy a contribution. Call it what it was called when the rebel army marched up to Gettysburg and Chambersburg and demanded a ransom. Call it what the brigands of Bulgaria call the demand that they are making upon the missionaries over there, and then you have got the right name for it. [Loud applause.] Never again, I hope, will I ever hear such a proposition as this called taxation.

> We have established, we think, beyond cavil that there can be no lawful tax which is not laid for a public purpose. It may not be easy to draw the line in all cases so as to decide what is a public purpose in this sense and what is not.
>
> It is undoubtedly the duty of the legislature which imposes or authorizes municipalities to impose a tax to see that it is not to be used for purposes of private interest instead of a public one, and the courts can only be justified in interposing when a violation of this principle is clear and the reason for interference cogent.

Now, the gentleman from Vermont [Mr. HASKINS] stood here yesterday and undertook to show that by the decision of Chief Justice Marshall he had held that it was competent in this country and a thing to be advocated, to take the taxing power of the Government for no public purpose, not in any way to benefit the public directly, and use that taxing power for the purpose of the destruction and annihilation of a great industry engaged in the manufacture of a wholesome food product. If he did not mean all this, what did he mean? For what purpose did he quote Marshall? Well, I have defended Judge Marshall.

Nobody can be made to believe that the object of the promoters of this bill is in the interest of the public or for any interest in the world except the most sordid and cold-blooded. It is the purpose of the promoters of the oleomargarine bill to destroy the manufacture of the article.

Mr. Adams was the leading exponent of the doctrine underlying this whole measure; he was not hot-headed and vindictive as was a certain other gentleman who led in the fight, and here is his language:

> There is no use beating about the bush in this matter. We want to pass this law and drive the oleomargarine manufacturers out of the business.

Then, on the 18th of May, 1900, Mr. *Knight*, secretary of the National Dairy Union, wrote as follows:

> Now is the time for you to clip the fangs of the mighty octopus of the oleomargarine manufacturers.

And Governor Hoard himself stated before the House Committee on Agriculture, speaking officially for the National Dairy Union:

> In plain words, this is repressive taxation.

Later on, when Governor Hoard was asked what he would do if it turned out that the bill which he was advocating failed to reduce and destroy the manufacture of oleomargarine, he said:

> In that case, I would come before Congress and demand a still higher tax.

So, Mr. Chairman, there is no use to be "beating about the bush." It is a deliberate purpose upon the one hand to take the taxing power of the Government and say to the manufacturers of oleomargarine, "You shall not make this article;" to say to the people of the country who to-day buy this article in competition with butter, "You shall not buy this article; you shall not eat it. We will drive the manufacturers of it out of the country, and you shall not have it, no matter how anxiously you seek for it; it shall not be yours to have." This is the whole doctrine, and it may just as well be faced one time as another, and let us know whether, in this country of equal rights and freedom, one set of men, because they have the power and can by clamor excite the multitude, can destroy a valuable industry in the interest of another.

It will be seen that the advocates of this bill in the end will refuse to vote for a measure intended to protect the public against the poisonous article known as "process butter." What is "process butter?" Hundreds of thousands of tons of butter in the United States, in the market places, in the great cities, in the small cities, and in the towns become rancid and unfit for use. This butter is collected together, and a set of creameries have invested their money in a process that takes this butter and puts it through a chemical process—not heat, so as to destroy the vermin of its poison—and manufactures it into a compact ball of butter which no man can tell by mere sight from the best May or June butter, and this is forced upon the market.

And you will find, Mr. Chairman, when the proposition comes up to inspect that butter and to prevent its sale and to prevent its deleterous effect upon the public health of this country that these same people will resist it, and the creameries engaged in the business will telegraph to their members of Congress to vote down any amendment of this character. This is the animus of the whole procedure.

Now, Mr. Chairman, I want to refer briefly to the history of this legislation or the legislation on the subject of oleomagarine

and kindred questions. I was in Congress when the first oleomargarine bill was introduced. It was brought here at the demand of the American Dairy Association. I may not have the name just exactly right, but whatever name it was, it was the same organization. It was brought here and introduced into this House by one of the ablest advocates of this scheme of legislation that ever appeared here. It was brought to this House by the gentleman from Missouri.

Mr. COOPER of Texas. Mr. Hatch.

Mr. GROSVENOR. Mr. Hatch. I heard his first argument in favor of the passage of the bill in the committee, and he brought to its support every argument that could be made in favor of that sort of legislation. What was that legislation? It was simply a bill that provided for the proper marking and selling of oleomargarine as the product thus described, and it did not attempt to go one step further. No man at that time had ever heard in the United States that it was to be tolerated for one moment that one industry should be allowed to crush another industry by the mailed fist of the law.

And Colonel Hatch came before the committee and made an argument, and what do you think it was based upon? What was the whole sum and substance of it? It was that oleomargarine was a deleterious product. And the predecessor of the distinguished gentleman who argued here yesterday from the State of Vermont, Mr. Grout, made the same argument, standing right there, hour after hour, in season and out of season. He told of the horrible effects upon the health of the people of the United States.

As the hearings before the committee progressed, medical gentlemen, chemists, men of high distinction in their specialties, came before the committee and testified that there was not one single particle of truth in any of the allegations that had been made. We sent to the Agricultural Department and brought the analysis of the article itself and discovered what is now stated to be true, that there is not one single ingredient in oleomargarine that is not in the butter of the cow; not one; not one article of anything in its last analysis that is not a component part of the butter of the cow; and the evidence showed that there was not any truth in the statement that there was anything deleterious, and therefore the whole argument as to public health fell to the ground.

From that day to this, this sort of legislation has been progressing onward and upward, and finally I have lived, and held a position on the floor all the time, to see the exponents of the bill come forward and in a manly, straightforward manner, as the gentleman from Vermont [Mr. HASKINS] did yesterday, admit that there was no objection to the manufacture of the article; that it was lawful; that it was nutritious, and a valuable article of food product.

Now, it is something to have had a manufacturing industry in the country that taught the people that much, that moved the whole people of the United States away from the argument of Colonel Hatch, made with the utmost sincerity and believing it to be true, and coming here armed with the arguments of the association, and going forward to the testimony we have had here from every source whatever that this is an article unimpeachable in its character, both for nutrition and wholesomeness and everything else that appertains to butter.

Now, the next step in this direction was filled cheese. I ought to say that I voted for the oleomargarine bill. The provision of taxation in that case was only sufficient in amount to provide a police espionage of the manufacture and sale. It did not intend and was not intended to in anywise limit the manufacture, or to prevent anybody from buying it, or in any way interfering with it, except as everybody insists upon to-day that the article ought to be sold for what it is. Nobody denies that. That was the sole purpose of the legislation in 1885 for which I voted, and for which I would vote again.

Mr. BARTLETT. Will the gentleman from Ohio allow me a suggestion?

Mr. GROSVENOR. Yes.

Mr. BARTLETT. Did not the President of the United States when he approved the bill of 1886, in a message to Congress, say that if its purpose was to destroy an industry for the benefit of another, he would have vetoed it?

Mr. GROSVENOR. Certainly; that was admitted by everybody who supported the bill, and it was urged that a small tax upon it was not going in anywise to interfere with the production of the article. I voted for it, as I said, and I would continue to vote for it under like circumstances and under like conditions. And I would vote for a good deal of other legislation. I would vote for legislation to have pure butter, the product of the cow, if I could get it. But this same phalanx that stands here breathing out threatenings and slaughter against the manufacturers of oleomargarine would not vote to-morrow, under the five-minute rule, for a provision prohibiting the introduction of strychnine into cow butter. [Laughter.] Try it and see. Just try it.

While they stand here admitting the purity and beneficial character of oleomargarine, they know perfectly well that thousands of tons, millions of pounds of butter, are shipped from the country districts of this country into the great cities, and after it has become rancid and utterly unfit for human food is daily being reconstructed, remanufactured, treated with chemicals, put up in beautiful cakes of butter, sent everywhere, and not one of them will vote to prevent it. [Laughter.] From the day when the great manufacturers of fraudulent coloring in the city of Burlington, Vt., taught the farmers of New England to color their butter, there has been no effort to prevent dishonesty in the manufacture of butter of the country. [Laughter and applause.]

I remember very well that I once heard a colloquy between a distinguished Senator from Kansas, the late Mr. Ingalls, and the great Senator from Vermont, Mr. Edmunds, in which Mr. Edmunds eulogized the butter makers of Vermont and declared that under no circumstances would they ever be guilty of any fraud upon the people by coloring their butter; and Mr. Ingalls reached down under his desk and, in a dramatic manner, pulled out a bottle holding about a quart of a preparation that had been made in the city of Burlington, Vt., with which the farmers of that State might change the appearance of the white butter of winter so that nobody could tell the difference between that and the butter of May and June. [Laughter.]

But I can tell you something that will be curious to some of you. They have abandoned that coloring; they do not use it any more. That was a clumsy article. They are now using the article the base of which was first introduced into the United States and first used by the manufacturers of oleomargarine. [Laughter.] I refer to annotto.

Mr. SLAYDEN. They are imitating oleomargarine! [Laughter.]

Mr. GROSVENOR. They are imitating oleomargarine to all intents and purposes. They never used this coloring article in all the history of butter making until, Japanese-like, they learned how to use it from seeing it used in the oleomargarine factories of the United States.

Mr. HASKINS. Allow me to say that the preparation made by Wells, Richardson & Co. does not contain any annotto, but, as shown by chemical analysis, is composed purely of vegetable matter.

Mr. GROSVENOR. That is what I am saying. So is annotto a vegetable substance. But the article formerly used by the butter makers was a clumsy article, not a product of skill, as is the article now being used. And I venture to say to my friend from Vermont that the article which he speaks of, manufactured at Manchester, in his State, has no sale to-day because the butter makers are using our article.

Now, the next measure that came into Congress undertaking to deal with a food project related to filled cheese. The bill on that subject was reported from the committee of which I was a member. I wrote the report; I championed the bill on this floor; it passed and became a law. That bill proceeded upon the theory which was established beyond a reasonable doubt that the ingredients out of which filled cheese, as it was called, was made were an inferior article and made a species of cheese that was proven to be deleterious to the public health.

It was shown, also, to our satisfaction that the commingling of that article with the pure cream cheese of our country had broken down our market in foreign countries for this product of the farm. And so we provided in that bill just about what is provided in the minority bill here—only not in so good form as the minority bill puts it. We provided that filled cheese should be stamped and branded in such a way that it could not be a fraud upon the public. And there has been, so far as I know, no trouble or difficulty in protecting the real cheese of the United States against the spurious article known as filled cheese.

But we went forward. Thirty-two States of the Union passed laws against oleomargarine. I want to say to the gentleman from New York [Mr. TOMPKINS] that when he speaks of the 32 States of the 45 launching their criminal statutes against the commodity, while the manufacture, sale, or use of the commodity is growing at a rapid rate, unaffected by that sort of a statute, there is presented a consideration that may well induce us to call a halt as intelligent legislators.

Here are 32 States with their power of constabulary enforcement of criminal and civil statutes, with all the machinery to carry them into effect, with their grand juries and their prosecuting attorneys; yet we are told that this commodity, the object of invective and denunciation as criminal, is growing stronger and stronger and mightier and mightier in this country. Why is this? Is it because the article is as good as, if not better than, its competitor, and because there is a public demand for it that defies legislation—just exactly as the public demand for whisky in the State of my friend here, Mr. POWERS, simply does not repeal the law, does not amend it, but just laughs at it—just as has been

the case with the law in the State of New Hampshire, where it has been the fact, as exploited not very long ago, that the city of Manchester has erected a great public building and supported the city government, and carried on a magnificent line of improvements, all of which came out of the fact that there was a violation of the law going on in that State.

Mr. CURRIER. I wish to make this suggestion, that however true the statement of the gentleman may have been in the past, it is not true to-day. There is no violation of the prohibitory liquor statute in our State that the authorities can possibly learn of to-day.

Mr. GROSVENOR. Well, my friend, I will say this to you: If you should be passing over the State of New Hampshire, I do not think you need to carry a large supply of liquor in order to get through comfortably. But I admit that it is my information that the system under which the public building at Manchester was erected and the civil government run there for several years has been put an end to. How long that will continue I do not know. Probably they will get along very well, now that they have the building, without any increase of taxation.

Mr. RICHARDSON of Tennessee. They have not sold out the building and given the proceeds to the poor, have they?

Mr. GROSVENOR. Not that I have heard of.

Mr. CURRIER. The gentleman is mistaken in regard to the building. There has been no new city building constructed in years in Manchester.

Mr. GROSVENOR. I am glad to hear that, and gladly correct any false impression made by the published accounts. It shows that sometimes newspapers will be mistaken, even in a godly city in a godly State, but we all know that that is the true and just criterion in this country. When a law is unenforced, when 32 States come here apparently saying to the Congress of the United States, "We have an enactment in our State as wisely framed as it is possible for human ingenuity to frame it; it relates purely to a police regulation; it goes only to the question involved in that definition of law, and yet we can not enforce it, and there are flagrant violations of it all over the country," when you see that condition of things, the wise man stops and says, "Possibly we may be going a little too far in trenching upon the liberties and rights of the people of this country." That is what I have to say upon that branch of the subject.

So far as I know, there has been no difficulty in the enforcement of the filled-cheese law. I have heard no complaint about that. There is no complaint from our consular service in Europe, where our market is or has been, although our consular reports teemed with complaints before the passage of the filled-cheese law. And if this bill had been framed here with an argument to Congress saying, "The law is defective in that we have not the machinery for its enforcement," and suggesting a wiser plan, suggesting some amendments that would be beneficial, I would have gladly voted for that bill, and I will do so now if the opportunity is afforded me to vote for the minority bill.

Now, what have we got? I am going to give you a few instances, and ask the members of this committee if you will strike down an industry that has that sort of effect in this country. I know you will. I am only speaking to justify myself; that is all. I can produce evidence here that not only private individuals, but the managers of creameries, have been found to be engaged in this kind of a business, buying the milk from the farmer, manufacturing it into butter, and selling the butter in the cities; buying the oleomargarine from the cities and selling it to the farmers from whom they bought the milk. [Laughter.]

Now, I will tell you where you can get the evidence, and if it is not a significant circumstance, then I do not understand the significance of anything. Go to the Internal-Revenue Department, and you know we have a law on the statute books under which every manufacturer of oleomargarine is known. He is compelled to show his books and the places to which he ships his product—to the intermediate man, the middleman—and the Department follows it down. Strangely enough, in one of the counties of Ohio it was discovered that two of the largest patrons of the Chicago oleomargarine factory were two creameries, and the Department thought there must be some mistake about that and followed down the stream and came to the creamery and said, "What are you doing with oleomargarine?" Then they exposed the whole thing and told the story: "We are selling it to the farmers at a cheap price per pound, and we are buying their milk and making it into butter and sending the butter to Chicago."

Over here in the institution known as St. Elizabeth's, the great insane asylum, you will find by reference to its report to Congress that after full experiment the superintendent of that institution ordered that there should be no further purchases of butter, and that the entire institution, including the table of the superintendent, should be supplied with oleomargarine. He states that the quality is better than the butter that he had bought, that itis more healthful, and that he saves to the institution $6,000 a year. And you are to put a stop to that?

And now comes my friend the gentleman from New York [Mr. KNAPP], who spoke in the time of the gentleman from Vermont [Mr. HASKINS], and says that they do not do this for any purpose of limiting the supply, that they do not do it out of any purpose to benefit the producers of cow butter. Oh, not at all! They only just want to get rid of an article that in a single public institution has saved to the Government $6,000 a year, and they say "we have nothing but the most platonic interest in the whole subject."

Gentlemen, when did a man who bought a pound of butter for the use of his family ask you to vote for this bill? Where is the man who was ever instigated to vote for this bill by a single human being who was a buyer of butter? There are 25 men in the United States who buy butter where there is one who makes it. And confessedly you propose to make the manufacture impossible.

It is not worth while for gentlemen to talk to me here and say they do not intend the destruction of this article. We have their admission right here, of record, that their purpose is to make it impossible that this commodity shall be manufactured and sold in the United States. Do you think the creamery interests of the country are here carrying on this war, filling the lobbies of this House with paid lobbyists, and filling the mails of the country full of literature, all because they love a country where they have pure butter, and that no pecuniary advantages is to come to anybody, not one soul on earth. Nobody would ever stand up here and solemnly make those declarations.

The gentleman from New York says he advocates the passage of this bill in the interest of the people of this country. What people of this country? Who asked him for it? Go to the district that I have the honor to represent in this House, where there are 10,000 men engaged in the business of mining coal, and tell these men after this bill becomes a law, "We did not pass this bill to take a single cent out of your pockets; no, not at all." The answer will be, "There is 15 cents a pound added to the pound of butter that I wanted to buy;" and you will answer to the people of this country, that are not easily fooled, by declaring that they have no pecuniary interest in the passage of this bill.

I repeat what I said the other day, and I have nothing further to say about this whole measure. This bill is founded upon bad principles of law. It is founded upon the development of injustice and outrage. It is a bill that in the hundred and odd years of our country's life never had its equal or parallel in the House of Representatives before. In all the years that this Government has stood no man before this ever dared to come into the Congress of the United States and say: "I am the producer of Article A, and Article B has got in my way. I want you to tax out of existence Article B, so that I can make money on Article A." These virgins are corrupt and wicked virgins, without any oil in their lamps. [Laughter and applause.]

Do you think the gentleman from Connecticut is interested that the people of my Congressional district shall eat pure butter or interested in the men who stand behind him, a small minority of his constituents, who put money in dairies, who shall have laws in their interest passed under an act of Congress of the United States? [Loud applause.] That is all there is of it.

Mr. HENRY of Connecticut. As the gentleman seems to refer to me, I would state that I am interested that the gentleman's constituents shall know what they buy and eat, and if they buy a substitute for butter that they shall know that it is oleomargarine.

Mr. GROSVENOR. What about wooden nutmegs? [Great laughter.]

Mr. HENRY of Connecticut. Nutmegs are supposed to be cheap.

Mr. SPERRY. The gentleman should not cast an imputation against the State of his birth.

Mr. GROSVENOR. The gentleman has been here a long time. There are thousands of products in this country that are filled with adulteration. There are hundreds of products in this country that you can not say, as the gentleman from Vermont said yesterday, this is a clean, a nutritious, wholesome article; but you can say of them they are vicious and unwholesome and deleterious. This is the first time that gentlemen have got up a raid against the production of any article.

Mr. HENRY of Connecticut. One word. As a native of old Connecticut, I would not suppose that the gentleman from Ohio would cast a slur upon the wooden nutmeg.

Mr. GROSVENOR. As a native of Connecticut, "the gentleman from Ohio" understands the game. [Great laughter and applause.] I was saying that in a hundred years of legislation in this country nobody ever before presented a bill and in support of it said that he desired to destroy, as two witnesses said in these hearings, an industry recognized and now in force, compelling

the destruction of this valuable product of the people of the United States.

Mr. BURKE of South Dakota. Will the gentleman permit me to ask him a question?

Mr. GROSVENOR. Certainly.

Mr. BURKE of South Dakota. I would like to ask the gentleman, as a matter of fact, is it your opinion should this bill become law that oleomargarine will no longer be manufactured?

Mr. GROSVENOR. I am coming to that in a moment if my friend will permit me to do so in the proper place.

Mr. SPIGHT. The gentleman seems to have given the subject a great deal of consideration. What does the gentleman think of that class of argument made by Governor Hoard, the chairman of the National Dairy Union, that one of the elements that enters into the manufacture of oleomargarine is from the bodies of dead animals that have died of disease and from the refuse of slaughter-houses?

Mr. GROSVENOR. Governor Hoard knows there is not a word of truth in that statement. I do not know that he ever made such a statement. I hope he did not.

Mr. SPIGHT. He made that statement in his testimony.

Mr. GROSVENOR. I will put the gentleman from Vermont against him. He says that it is a "pure, wholesome article." That is one of the extremes to which men are driven. Driven from every other position, they have to come at last to the naked proposition that they wanted to destroy one industry for another by the use of the taxing power of the Government. It is the means by which the strong desire to prevail over the weak.

I heard the speech of the gentleman from Missouri [Mr. COWHERD] this afternoon, when he put forward in such an eloquent manner that we could not afford to establish any such precedent as this. No man has answered that speech. No man will ever answer that speech. That speech was the ringing battle cry of warning to the people of the United States, and I indorse every word of it, and to say it is in the interest of the people that you are granting these powers to let the strong crush the weak, that we are to permit somebody in New England or Wisconsin or somewhere else to dictate what food the people of my State and my district shall eat, and having made their decision, come to Congress to enforce, as this court says, "a decree" that they shall not eat that which they want to eat and shall eat the other thing.

Why not carry out the instances and illustrations the gentleman from Missouri so eloquently referred to? Why not crush out the use of coal, or why not take any product that is strong and represented by an enormous number of people and crush its rivals? I presume that on this floor there are a greater number of coal representatives than there are of oil representatives. What is the difference? Oil is a good product, and coal is a good product.

Why permit oil to be put into cakes and deceive the engineer when he shovels it into the furnace? Why not by law say you shall not put things of a similar form and similar use on to the markets of the country, and do it by force of law, by the overpowering force of greed, by the petition of men confessedly admitting that it is for the purpose of direct pecuniary benefit of their own constituents? Why not permit them to come and dictate the kind of clothing that we shall wear? There are more people in this country that raise cotton than raise wool. Why not prohibit the use of wool, because sometimes we can not tell the difference between the woolen article and the cotton article?

Mr. CLAYTON. Will the gentleman from Ohio allow me a suggestion?

Mr. GROSVENOR. Certainly.

Mr. CLAYTON. Why should not Congress legislate so as to prohibit the manufacture of Attleboro jewelry in imitation of gold jewelry and thereby break up a New England industry along with the industry of making wooden nutmegs? [Laughter.]

Mr. GROSVENOR. The gentleman from Missouri illustrated his splendid speech by an act of Congress prohibiting the making of plated spoons or plated forks because it was liable to deceive somebody who wanted to buy the sterling silver forks. Now, the utmost that any nation ever went in the history of the world is that of the English people, who have a law that there shall be no silver sold that has not the Hall mark on it, which indicates that it is sterling silver; and it is the Hall mark that the minority measure favors here, a law that puts the Hall mark on oleomargarine.

Mr. SLAYDEN. The stamp of honesty.

Mr. GROSVENOR. The stamp of honesty. I should like to have gentlemen go with me on some Saturday night, and have them witness the purchase by thousands of the laboring men of the Hocking Valley as they march into the stores to buy oleomargarine with the sign up, and a wrapper on it, while butter is lying over on the other side. The people of this country do not need any protection of that character. They do not need to have guardians appointed for them. The time has not come yet when the Government of the United States shall put itself in loco parentis of the people of the United States, and surely not when there is a sordid interest that is driving them forward.

Why, there is no limit to where this principle may go. Take the subject of jewelry. I was told night before last by a gentleman that he saw in the possession of a lady a string of pearls which he supposed, judging by his observation and experience, was worth from $15,000 to $25,000, at least. He told me that it was manufactured, as he afterwards found out, in one of the little States of New England, and was sold for $75.

Why not interfere and stop the manufacture of jewelry? Why allow the people of the United States to buy something which they do not know anything about? Why not compel the man that has got a horse that will "stand just as well without hitching as he will hitched," under the doctrine of David Harum—or a horse that a "woman can drive as well as a man." [Laughter.] Why not forbid him to raise, keep, or sell such a horse as that? You are entering here upon a field unexplored, with danger marks all along the line, and outrage and wrong and ultimate revolt at the other end of the dark passage through which you are traveling.

Mr. McCLEARY. Will the gentleman allow me an interruption?

Mr. GROSVENOR. Certainly.

Mr. McCLEARY. Am I correctly informed that the gentleman from Ohio had introduced a bill or advocates one in relation to shoddy as a substitute for wool?

Mr. GROSVENOR. I have.

Mr. McCLEARY. Will the gentleman explain the difference?

Mr. GROSVENOR. It is upon the theory of the minority bill here that the manufacturer of woolen goods shall put the word "woolen" on them and that if he mixes cotton with them he shall put on the word "mixed."

Mr. SLAYDEN. And that is all you ask for?

Mr. GROSVENOR. That is all we ask for. We ask for nothing more. There is no tax on it. If anybody finds me attempting to destroy the manufacture of a valuable article by legislation, I hope he will brand me here and elsewhere as a violator of my promises. [Applause.] It is a bill introduced at the suggestion of the Live Stock Association of the United States to prevent the fraud in mixed goods.

And it is exactly in line with the original oleomargarine law; exactly in line with the filled cheese; exactly in line with the minority report here, and is justifiable under all circumstances. But there is not one cent of taxation imposed. I think that is the defect of the bill, because I believe under all the circumstances there should be a tax sufficient at least to defray the expenses of the police regulation.

Now, Mr. Chairman, we are at the opening door of this class of legislation. We are entering upon the threshold of a dangerous precedent. We are saying to the people of this country, "It is a question of power and not right." We are saying to the people of this country "It is a question of your ability to organize in behalf of a given interest, and the rightfulness or wrongfulness of your competitor makes no difference in the minds of the people that are to vote upon the subject."

I appeal—hopelessly, uselessly, I know—to the men of this House of Representatives, do not make this record. It will be the sowing of seed that will bring a harvest of legislative dragon teeth that shall rise up in the pathway of the nation if this be established as a precedent. It is a blow at the rights of men. It is a blow at competition. It is an attempt to build up a power upon the simple merit that there is such a power, and to crush out another instrumentality because it is weak.

One word more, and I will not trespass further upon the House. Do not imagine, gentlemen, that you are going to strangle and stifle the people of the country upon this question. Oleomargarine will be produced and eaten as food when you and I are forgotten. And you have advertised this product beyond any other advertisement that was ever given to it. [Laughter.] You have done this article more good than everybody else ever did in the history of this country.

Mr. BURKE of South Dakota. I presume that is the gentleman's answer to the other question which I asked?

Mr. GROSVENOR. No; I am coming to that in a moment.

Mr. BURKE of South Dakota. If the gentleman's statement that he now makes is true, that oleomargarine will continue to be manufactured and used, will it not, when sold on the market and used as oleomargarine, be cheaper than it is now, when it is sold in imitation of butter?

Mr. GROSVENOR. There is no doubt about that.

Mr. BURKE of South Dakota. Then would it not be true that after the passage of this bill St. Elizabeth's Hospital, which, according to the gentleman's statement saves $6,000 a year by the use of oleomargarine, would save several thousand dollars more because oleomargarine would be cheaper?

Mr. GROSVENOR. That may be, but that does not amount to anything in sustaining the principle underlying this bill. If I should go to the gentleman and tell him he should stop using real coffee and go to using chicory because I wanted to break down the manufacture of coffee, would it be a very good argument for me to say, "If you get rid of coffee, chicory will be cheaper than it is now?"

Mr. BURKE of South Dakota. I understood the gentleman to say that he is opposed to this bill largely because it has a tendency to destroy one industry in order to build up another.

Mr. GROSVENOR. It has exactly that effect. But for that there would not be one vote here in favor of it, and the gentleman knows it.

Mr. BURKE of South Dakota. I do not know it.

Mr. WADSWORTH. Let me say that physicians now recognize the fact that oleomargarine in its manufacture is subjected to such heat as to destroy all germs of disease.

Mr. GROSVENOR. I should like to have the "germs" in a good piece of well-made oleomargarine sized up in comparison with some of the butter that I have seen.

Mr. BURKE of South Dakota. The gentleman has stated that originally the butter makers used a coloring that was manufactured, I believe, in Vermont?

Mr. GROSVENOR. That was a coa rse article which was somewhat used in the East, but when it got West nobody would use it.

Mr. BURKE of South Dakota. And the gentleman said that the butter manufacturers are now using "our" coloring. Will he please state what he meant by "our?"

Mr. GROSVENOR. I mean the article which the manufacturers of oleomargarine were the first to use, but which is to-day the coloring matter of the creameries of the country, as has been fully established in the evidence taken a year ago, now made and sold in Vermont in great quantities.

Mr. DAHLE. Is there any difference between the coloring used by the manufacturers of oleomargarine and that used by the butter makers?

Mr. GROSVENOR. Not that I know of.

Now, I want to make one prediction, and I want my friend from Connecticut to hear it. You can not destroy the manufacture and sale of oleomargarine——

Mr. HENRY of Connecticut. We do not want to.

Mr. GROSVENOR. That is what you are trying to do; you have no other purpose. There was never any power in any civilized country great enough to dictate to any people what they should eat or drink. That being the case, this law, after it is placed upon the statute book, can not have any effect in suppressing this article.

It will be cheaper by a half than the price of your butter is, and it will be manufactured in quantities beyond the dream of the supporters of this bill. And then comes this proposition: Throughout the whole civilized world outside of Ohio—outside of the United States [laughter]; it happens very often that under the pressure of heated discussion I use synonyms [laughter]—outside of the United States there is no such thing as colored butter used.

There are scores of gentlemen here now who will bear me witness that from the moment you get upon a great ship in the harbor of New York until you return to it, if you go to Paris, or London, or Vienna, or Berlin, or anywhere else in Europe, in the very highest price hotels and restaurants you see no colored butter. It is all white. Go to the city of New York to-day, and in the leading places where men are fed you will find much of the butter is white.

You will only have to wait until a change takes place in the taste of the people for white butter instead of the yellow butter, and then your constituents will come and ask, if you are living at the time, and I hope and pray you may be, for you will be unfit to die with such a responsibility as this upon you [laughter]—your constituents will come to you and ask you. "Why did not you understand that question when you were voting to advertise oleomargarine in this country?" [Laughter.]

Mr. HENRY of Connecticut. Mr. Chairman, when the gentleman is through with his personal talk to me, I should like a very brief word in reply.

Mr. GROSVENOR. The gentleman will have plenty of time.

Mr. HENRY of Connecticut. I should like it right now.

The CHAIRMAN. Does the gentleman yield?

Mr. GROSVENOR. Oh, I do not want to publish the gentleman's speech in the bowels of mine.

Mr. HENRY of Connecticut. If the gentleman heard what I said yesterday, I did not claim that the manufacture of oleomargarine would be destroyed. I believe it will increase under this bill. I believe the manufacture of colored oleomargarine will become a permanent industry, paying 10 cents a pound tax, and that the manufacture of the uncolored oleomargarine will very materially increase. We do not expect to destroy a legitimate industry. And now let me say just one word more. We are very proud of the gentleman down in old Connecticut, proud that he is a native of the State. If he was representing a Windham County constituency, the county that loves and honors him, he would take a very different view of this legislation from that which he takes representing a district of Ohio.

Mr. GROSVENOR. I have more agricultural production in the district that I represent than there is in the whole State of Connecticut put together. [Laughter.]

Mr. HENRY of Connecticut. Possibly.

Mr. SLAYDEN. When the change in fashion comes which the gentleman predicts, and the taste of the public turns to white butter, will our friend from Connecticut come and ask to have a law to compel the manufacturers of oleomargarine to color it yellow?

Mr. GROSVENOR. Of course he will. Why should he not? But let me give you now the force and effect of it. The gentleman from Connecticut [Mr. HENRY] now says, everybody having admitted on all hands that the product is a good one, that it is a healthful food product; now he says that he expects the production of it will very largely increase. I should like to know what he is here for just now?

Mr. HENRY of Connecticut. In the interest of honest butter and honest oleo.

Mr. GROSVENOR. How in the interest of it? If the use of oleomargarine largely increases, its customers must come from some of the people who are using cow butter to-day. Now, your theory is that having driven the manufacturer of oleomargarine to making it white, it will at once become an aggressive force, and that its production and sale to the people will largely increase. Then, my friend, if I represented the creamery interests and wanted an advocate I would employ some other gentleman besides yourself. [Laughter.]

Mr. OLMSTED. Will the gentleman allow me to interrupt him?

Mr. GROSVENOR. Yes.

Mr. OLMSTED. I hold in my hand a copy of the bill (H. R. 6565) introduced by the gentleman from Ohio. I find that it provides that all articles not made of pure wool shall be labeled "mixed goods," and that there shall be a Federal officer to inspect the goods. I find that any person purchasing goods, any purchaser of such goods, not properly tagged shall be guilty of a misdemeanor and subject to a fine not exceeding a thousand dollars. That is imposed on the purchaser.

I also find that the manufacturer who shall make his goods with intent to deceive, so as to be calculated to deceive and mislead the purchaser, shall be guilty of a misdemeanor and subject to a fine not exceeding $5,000. I simply want to ask the gentleman from Ohio if he does not think that is going a little further in the protection of pure wool than the friends of butter are going in this bill to protect pure butter?

Mr. GROSVENOR. No; it is not.

Mr. OLMSTED. And whether he would be willing to apply to oleomargarine the limitations, restrictions, fines, and penalties provided in this bill for those who use and manufacture mixed wool products?

Mr. GROSVENOR. Absolutely. I would vote for it cheerfully. I will vote for any measure that will put up the barriers so as to defy cheating in the sale or the manufacturs of any article in this country of common use among the people.

Mr. HEPBURN. And use the taxing power?

Mr. GROSVENOR. Not at all. I would not use the taxing power; that is the distinction. The gentleman knows I did not draw the bill; but in that bill we did not go that far. We did not raise a tax to enforce the measure. There is not a cent or a particle of taxation involved in the bill.

Now, one thing further in the bill; and I want to show the committee the artfulness of this bill under consideration.

This bill is drawn for the purpose of preventing fraud, and because the man who wants to buy butter ought to be able to buy what he wants. I call your attention to the third page in this bill, beginning at the fifth line:

> And any person that sells, vends, or furnishes oleomargarine for the use and consumption of others, except to his own family and guests thereof without compensation, who shall add to or mix with such oleomargarine any ingredient or coloration that causes it to look like butter shall also be held to be a manufacturer of oleomargarine within the meaning of said act and subject to the provisions thereof.

As I have said already, there is not a single ingredient in oleomargarine that is not in butter; there is not a single ingredient in butter that is not in oleomargarine. Now, this bill provides that if you take 99 per cent out of pure milk and cream and put in 1 per cent of oleomargarine you are liable to the pains and penalties of this legislation.

That shows what there is in this whole performance, Having gotten an analysis of the article, and knowing this fully, they have undertaken to bar the way to any distinct or possible ad-

mixture of oleomargarine in 99 per cent of pure butter fat. It shows what the purpose of this bill is. It is a craftily contrived scheme to prevent the possible manufacture of oleomargarine; and that would do it. But the gentleman says he expects oleomargarine will yet be manufactured. It can not be manufactured under that provision of the bill if there is any ingredient that is put into it that in any way affects its color.

Mr. Chairman, this is dangerous legislation. Greed is always fed and grows more voracious by the thing that it is fed upon; and the time to turn around and stop and prevent the long train of evils that will follow this legislation is to stop it now. [Loud applause.]

War-Revenue Taxation.

SPEECH

OF

HON. JACOB RUPPERT, JR.,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Monday, February 17, 1902,

On the bill (H. R. 10530) to repeal war-revenue taxation, and for other purposes.

Mr. RUPPERT said:

Mr. SPEAKER: I congratulate the House and both political parties and the country at large on the opportunity now offered to us for relieving the country of a large amount of taxes which have been quite burdensome and which are certainly no longer necessary. In such a case as this partisanship is out of place, and partisanship, I am sure, will not be manifested. The special taxes which we now have an opportunity to discontinue were imposed under the stress of special need. Although they bore too heavily on some interests and too lightly on others, and although they were consequently not equitable in their arrangement or operation, they were accepted by all as a temporary necessity. As all parties and cliques and sections united patriotically in support of the Spanish war in the field and on the sea, so all united in providing the "sinews of war," as represented by these special taxes. And now, when the war is over, with such a glorious triumph for the American arms, and when the expenses of the war have been terminated, all parties can and certainly should join joyfully in annulling these war taxes and thus relieving the people of a very considerable burden.

It is our plain duty to our constituents to repeal these war taxes at once, as recommended by the Ways and Means Committee. The criticisms upon the manner in which the bill has been brought in are perfectly just, and I should have much preferred that opportunity for amendment and debate thereon had been freely given, as usual. But the Republican managers are responsible for the management, and must take the consequences of any errors they may have made. The members on this side of the Chamber have nothing to do with that. If shut out from the privilege of amendment by the ruling powers, we must submit to that as unavoidable, but that does not change our obligations in regard to the main question at issue. It still remains our duty, and the duty of all here present, to repeal these remaining war taxes.

A very large amount of money, amounting to something over $77,000,000 annually, will thus be saved to the people of the country. So long as the money was needed for the specific purpose for which it was appropriated the people of the country, always patriotic as they are, cheerfully paid it. Never within my knowledge has there been a more general popular agreement on any subject than there was in this country at the outbreak of the Spanish war. We all remember how that event served to bring together again the veterans and the sons of the veterans of the North and the South. Never can it be forgotten how inspiring, how pathetic the spectacle was. And while our brave soldiers from all parts of our solidly reunited country stood shoulder to shoulder once more and marched in step together against the foe, at home the people willingly raised the money requisite for carrying on the war in a proper manner.

The war, though short, was expensive, but there was no complaint of the cost, nor has there been any complaint on that score since the end of the war, except as to the expense of the Philippine occupation, concerning which there is a division of opinion. But there would soon be a complaint, and a justifiable complaint, if the war taxes were longer continued. So in the greater and much longer continued civil war, when the taxes and other expenses connected with the struggle were very much larger, and when the financial as well as other resources of the country were well-nigh exhausted, there was very little complaint heard as to the expense so long as the war lasted, and it was only in the years after the war, when the war taxes still continued to be levied and collected, that complaint became loud and general.

The people will applaud us now for relieving them of the remainder of the Spanish war taxes, as they applauded a year ago when a portion of the taxes was taken off. The taxes have been imposed somewhat irregularly upon articles usually exempt, or heavy additional duties or imposts have been laid upon some articles already taxed, and on this account, and also because the taxes were levied for a purpose which has long since been accomplished, Congress is now under a moral obligation to rescind the entire war tax. It is none the less true that there is a pressing need and justification for still further reducing the burden of taxation at present borne by the American public. But it would seem best under the circumstances, and under the conditions which have been imposed upon the House by the Committee on Rules, and for which the rest of us are of course not at all responsible, that nothing should be done which could in any way imperil the passage of this bill. Let it be passed by all means, and then let efforts be made for further tax reduction separately.

The reduction bill which was passed a year ago took off the war tax on several articles and interests, including bank checks, certificates of deposit, promissory notes, money orders, express receipts, telegrams, telephone messages, certificates, life, marine, and accident insurance policies, leases, mortgages, powers of attorney, warehouse receipts, patent medicines, perfumery, and a few other articles, and reduced somewhat the tax on beer and tobacco. The pending bill, if adopted, will take off the remainder of these special taxes, including the taxes on beer, banks, brokers, theaters, tobacco, stock certificates, sales on margins, bills of exchange, custom-house entries, mixed flour, tea, legacies, and the rest.

I have alluded to the tax on beer, and I have no hesitation, Mr. Speaker, in characterizing this tax as by far the most unjust feature of this war-revenue measure. When the measure was originally framed the contemplated doubling of the beer tax by raising it from $1 to $2 was vigorously protested against by the brewing interests and by others not connected with those interests as not only an exorbitant additional tax in itself, but also a very disproportionate addition in comparison with the other items contained in the measure. The protests against this grossly burdensome and unprecedented tax upon beer were vigorously presented before the committees and before both Houses of Congress, and the subject led to extended debate, in which the injustice fo this proposed tax was clearly brought before the attention of Senators and Representatives. Nevertheless, the 100 per cent addition to the beer tax was levied, and it remained in full force until last year, when the tax was reduced from $2 to $1.60. At that time another vigorous effort was made to have this extra tax repealed, but it was unsuccessful, and the tax remained on beer at $1.60 a barrel, or 60 per cent in advance of the original tax—not as bad as 100 per cent advance, but still an unwarranted, unreasonable, and altogether disproportionate and unjust tax, as I shall proceed to show directly.

As I have already more than once stated, I can not see how Congress can fail to pass this repeal measure of national importance and national relief. And yet I have heard in some quarters, and other gentlemen have heard, doubtless, whispers of impending opposition to the measure among certain statesmen, some of whom are not directly connected with this particular body. It is said that this opposition is based on the theory that several measures of importance are pending, and many of them very expensive measures, and that a great deal of money will be needed to carry out these expensive measures, provided they become laws, and, accordingly, that it would be better to keep these taxes going for this purpose. Now it is not my province nor my intention to command others as to their duty, but it seems to me, most decidedly, that it would be wholly wrong and indefensible to proceed on this principle with these measures of new legislation. Even granting for the sake of the argument that all these proposed new measures are desirable, I must protest that it would not be at all proper to secure the funds for executing these measures out of the Spanish war tax.

No, Mr. Speaker and gentlemen; let the ship-subsidy bill and the interoceanic-canal bill and the river and harbor bill and the Pacific-cable bill and the bridge bills and the public-buildings bills and all the other expensive bills stand on their own merits, and if they are passed let them draw for their support in the usual and regular manner and not depend on money raised by a special tax for a war which was finished nearly four years ago.

The tax of $1 a barrel on beer was itself originally a war tax—a tax imposed in the great civil war—and although all other taxes of that war were long ago removed or greatly reduced, the beer tax has remained unchanged ever since, until it was doubled to $2 at the outbreak of the Spanish war. That fact might have

been fairly taken into consideration in formulating the Spanish-war taxes, and might have availed with fair-minded, reasonable men as an argument against any great increase in the beer tax. Instead of that, a greater increase was made in the beer tax than in any other, and to make the injustice still more striking, while the tax on beer was doubled, the tax on distilled liquors was not increased at all.

Another aspect of the case is this: The beer tax was not only increased disproportionately with relation to other taxed articles, but the amount of the increased tax was in itself and absolutely far too great. It amounted to nearly half the actual value and market price of the article taxed—a perfectly monstrous rate of taxation. The brewers' price of a barrel of beer is now $5, and out of that they have been compelled, since 1898, to pay $2, or during the last year $1.60, for taxes, which has simply wiped out all their profits, and in many cases has thrown them in bankruptcy. In former years, when the old $1 tax was first imposed, the brewers used to get $12 a barrel for their beer, and the tax was levied with that fact in view, and it was apparently considered by the lawmakers an equitable tax under those circumstances—although very high, nevertheless. But the increase of the tax to $2, or even to $1.60, was glaringly unjust, especially considering that the price of beer has fallen from $12 to $5 a barrel. In fact, such a tax amounts to a measure of confiscation. Contrast this increase of 100 per cent or 60 per cent, Mr. Speaker and gentlemen, with the increase of only 15 per cent in the English beer tax on account of the Boer war—a longer and much more expensive war than our Spanish war.

Another reason for grievance on the part of the brewers is that they are being impoverished and their business ruined by the payment of a burdensome and exhausting war tax, while other interests and businesses have had no war-tax burden whatever. I have already spoken of the liquor interests in this connection; but there are many others that might be mentioned—the iron and steel interests, the oil interests, sugar interests, glass interests, and all the other tariff-protected interests and trusts—why should the beer interests have to pay a double and exorbitant tax for carrying on the war, and all these other interests pay nothing at all?

Again, this ruinous and exorbitant war tax is still being paid, although the war is over, and when the tax was levied the assurance was solemnly and repeatedly given by the leaders of the dominant party that the tax would be repealed as soon as the emergency which necessitated it should cease. And not only has the emergency ceased, but the beer tax, which amounts to $60,000,000 annually, even since the reduction to $1.60 a barrel, is being poured into a Treasury that does not need it and does not know what to do with it—a Treasury overflowing with a tremendous and increasing surplus. In other words, the brewing interest is being cruelly taxed and ruinously depleted, not to help carry on a war, not to help sustain the Government, but for no purpose whatever, and to the advantage of nothing and nobody under the sun!

In view of these facts, in view of the unjust discrimination against beer in the levying of the extraordinary war tax, in view of the destructively large rate of the beer tax as compared with the market value of the article taxed, in view of the disastrous effect which the tax has had on the brewing industry, utterly destroying nearly a hundred and fifty breweries and throwing nearly a hundred and fifty more into the hands of receivers, thereby bringing disaster to nearly 300 out of the total of 1,800 breweries in the country, or to one-sixth of the entire brewing business of the United States—in view of all these considerations and of many others that I might adduce, the beer war tax certainly ought to have been repealed a year ago, the first of all the taxes to be repealed. This act of justice was denied, however, and now the least that can be done in the way of reparation is to repeal the tax at once, so as to enable the industry to begin the work of recuperation without further delay.

In this connection I should not fail to point out that the reduction of the tax from $2 to $1.60 a year ago was a reduction only in name. The so-called reduction was coupled with a repeal of the previous rebate of 7½ per cent for revenue stamps lost through leakage, etc. This made the net reduction amount to only about 25 cents a barrel, and during the last year the prices of all brewing materials have advanced to such an extent that this margin of 25 cents has been also wiped out.

I have dwelt more particularly upon the item of beer in my discussion of the repeal measure, not merely because I am especially familiar with the facts and arguments in the case of beer—as I am, being interested in the brewing business myself—but because the beer tax appears to me, as it must appear, I think, to all persons who will consider the matter in a calm and judicious spirit, the most unjust and inequitable tax on the list, and the one which calls the most loudly for repeal. Of course I am aware that there are good arguments for the repeal of all the other details of the war taxes, and that if the bill passes all the different articles taxed will be relieved together. I am glad of it, Mr. Speaker. And I repeat most emphatically that the brewers are as patriotic as any other set of men in the country. They never have objected to paying their full share of the ordinary or extraordinary expenses of the Government, but they do object to paying such an unjust proportion.

There are many here who would like to have a chance to amend this pending bill so as to diminish still further the tariff in some particular. They would like to be able to get a vote on an amendment on the lines of the proposition lately mooted by the member from Wisconsin. I would like very much to vote on that question myself, but under the rule framed for this case by our Republican friends in their emergency, I can not so vote at this time, and I am content to wait until the time comes when I can, as it surely will.

The reason for my belief that such a time will come lies in the fact that we have now a large surplus in the Treasury. Of course we might go on and spend this surplus in all manner of expensive appropriations, but I have too much confidence in the good sense and good faith of the people and of their Representatives in Congress to believe that such a course will be pursued.

There is now in the Treasury an idle cash balance, a surplus, of $175,000,000. If the war revenue be deducted, there will still remain a surplus of $100,000,000. This amount will be larger rather than smaller by next July, when the war revenue, if cut off, will cease. This surplus really belongs to the people. We have no right to spend it just because it happens to be available for spending. There is always a great temptation to spend such a surplus, but the national appropriations should be arranged on the same lines of necessity, economy, and propriety when there is an abundance of surplus money as when there is not. A surplus is no excuse for extravagance. But of course we can not take this hundred millions out of the Treasury and hand it back to the people pro rata. What can we do then as an equivalent? Everybody, of course, knows the alternative. Get square with the people by reducing tariff taxation. The people have been paying considerably more than enough to support the Government lately; let them pay a less amount henceforth, at least until it becomes necessary for them to pay more again. As Andrew Jackson said:

> The surplus money of the United States is nowhere deposited to such good advantage as in the pockets of the people.

I believe that the time is ripe for a considerable reduction in our present tariff schedules. Our surplus will continue to increase and accumulate, though of course not at so fast a rate as hitherto, after our war taxes have been discontinued. The appropriations ought not for that reason to be made any larger than they would normally be. If we make some considerable reductions in the tariff, we shall evidently still have income enough for all the proper and legitimate expenses of the Government. I am not disposed to have this Government attend to its affairs in a niggardly spirit, but public extravagance is even worse than that. We all remember and know what harm has been wrought in this country at various times in the past by extravagance running riot. Besides, the people have a right to a voice in the matter, and they are indicating plainly that they wish to restrict somewhat the enormous outgo of recent years—made enormous necessarily by the incident of the Spanish war.

I do not take it upon myself to indicate just where or to what extent the tariff schedules should be revised. I have my own opinions in regard to some branches of trade and some classes of commodities with which I happen to be familiar. I have no doubt that the proposition to reduce the duties on iron and steel ware is founded on justice, and that such reduction would be wise and entirely practicable. We have arrived now at a point where we can turn out steel products as good in quality as the British output, if not better, and at as low a price, if not lower. That being so, wherein is the use of keeping up the present rates on steel, with reference to the foreigner? And, with reference to the home market, it is charged, and I have not seen it successfully denied, that our steel manufacturers have been systematically selling their products to English buyers at much less rates than they are selling them to American buyers.

If so, they are sheltered in so doing by the high tariff rate, which tends to give an artificially high market price to steel as to everything else that is protected by the tariff. And if the price of British steel should fall again below our own nominal price, as it very likely might do at any time, our people ought to be enabled to take advantage of that lower price, especially after it has been shown that the American manufacturers can make and sell their goods at a lower price than they are generally quoting to American buyers.

This is only one instance. I believe there are many other cases where the present rates could be lowered without doing injustice

or injury to anyone, and, indeed, where the continuance of the present rates works injustice to the American purchaser.

But all this can come later. The first thing to do is to wipe out the old score—to repeal the remainder of the war taxes. I do not wish to keep harping on what might have been—on what ought to have been. But it is now evident that the whole of the taxes might have been repealed with perfect safety to the country a year ago, when a part of them were repealed. The arguments for total repeal at that time, which were urged with so much force, are now seen by all to have been amply justified. There was a surplus in the Treasury then, and that surplus has kept on swelling and swelling all through the past year, until it now amounts to $175,000,000; and every dollar of the war tax extracted from the brewers and other interests during the past year has merely gone to augment this enormous and useless surplus. No practical use has been made of a single penny of it. Every dollar of it has lain idle in the Treasury. This useless and unjust and debilitating tax is still being collected, and is pouring millions of dollars into the Treasury every month, forming thus a tremendous temptation to reckless and extravagant appropriations. In other words, the few industries and interests which are paying this tax—and the brewing interest is paying nearly one-half of the whole amount—are practically putting up the money to back up the ship-subsidy bill and the canal project and the cable proposition and the river and harbor bill and all the other big expensive schemes now before Congress.

This is not right, Mr. Speaker. Brewers and tobacco manufacturers and tea merchants and brokers and bankers are as patriotic and as liberal as any other classes of citizens, and they are perfectly willing, as I have already said, to do their proper part as taxpayers, but they do not consider it their duty to submit to this unnecessary drain upon their resources any longer. The tax ought to have been wholly repealed a year ago; in fact, events have proved that this ought to have been done two years ago. So far as this House is concerned, Mr. Speaker, I hope that before another day has passed there will be an end made of this injustice. Its further continuance, under the present circumstances, would be nothing short of outrageous.

War-Revenue Taxation.

SPEECH

OF

HON. WILLIAM H. RYAN,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Monday, February 17, 1902,

On the bill (H. R. 10530) to repeal war-revenue taxation, and for other purposes.

Mr. RYAN said:

Mr. SPEAKER: The repeal of the war-revenue taxes is a measure that has been too long delayed. This burden, placed as it was in July, 1898, was met patriotically by the people of the United States, as it was for the purpose of raising revenue to carry on the Spanish-American war, a war that was declared in the interests of humanity to free the island of Cuba from the oppression of cruel Spain. This war was only of one hundred days' duration, but there is still collected in round numbers $77,000,000 annually under the war-revenue act. Last year the reduction bill took off a number of these special taxes, but did not go far enough, and the burdens have been borne by American industries long after the purposes for which this tax had been levied have been accomplished. These oppressive taxes had been borne in a large measure by the beer-brewing interests of this country. The tax on their product being doubled by the act of 1898, increasing it from one to two dollars per barrel, and under the act passed last year this tax was reduced to $1.60.

This tax on beer, Mr. Speaker, is arbitrary and unjust and is not in proportion to other items contained in the measure. The Republican majority of this House has been appealed to in this matter for fair play, and proofs have been submitted that these taxes are oppressive and have not only checked the output but have been the cause of forcing many out of business. At the hearing of the Ways and Means Committee it was shown that—

During the civil war the internal-revenue system included every available and legitimate source of revenue. In 1866 the income from this source reached its highest point, amounting to $310,906,984; of this total, the sum of only $5,115,140, or 1.64 per cent of the aggregate internal-revenue receipts, was derived from malt liquors; cigars and tobacco in all its forms and distilled spirits yielded $45,014,737. Hence the revenue derived from these three articles (spirits, tobacco, and malt liquors), amounted to $50,129,877, or about 16 per cent of the total internal revenues. The remaining sum of $260,777,107 was derived from other sources, which, in our opinion, should all have been utilized again before the war tax upon malt liquors was doubled. A comparison of the revenues for 1866 and 1900 will show more clearly and incisively the correctness of this contention.

Year.	Total internal-revenue taxes.	Aggregate amount of taxes upon spirits, tobacco, and malt liquors.	Aggregate amount of taxes from other sources.
1866	$310,906,984	$50,129,877	$260,777,107
1900	295,316,107	242,754,655	52,561,452

Since 1866 the population of our country has increased a hundredfold and our manufactures have been quadrupled. If this fact be taken into consideration, in conjunction with the further fact that in 1866 the revenue from special taxes (licenses) and from manufactures alone amounted to $196,394,759, it will be readily perceived that fully four-fifths of the nation's revenue sources remain unproductive, while the tax upon beer has been doubled.

The full import of this will appear still more clearly if we compare the tax rates, the price of beer, and the total revenue derived from this industry.

Year.	Tax rate.	Price of beer per barrel.	Amount of beer tax.
1866	$1.00	$12.00	$5,115,140
1900	2.00	5.00	73,550,754

In 1866 the tax amounted to less than one-eighth; in 1900 to two-fifths of the market value of beer.

In 1866 the brewing industry paid not quite 2 per cent of the total internal revenue; tobacco, spirits, and beer paid 16 per cent, and all other manufactures and productions 41 per cent.

In 1900 malt liquors alone paid about one-fourth of all internal-revenue taxes, while nine-tenths of the manufactures taxed in 1866 remained untaxed. The injustice of doubling the old war tax upon malt liquors, at a time when the price of beer had dwindled to $5 per barrel, becomes still more manifest in the light of the following official statement submitted to Congress in 1867 by the Special Revenue Commission, who thoroughly investigated the subject of internal taxation, viz:

"As the present rate of tax upon fermented liquors, viz, $1 per barrel of 31 gallons, is in excess of the rate imposed by any States of Europe (Austria excepted), and as the present rate, moreover, in the opinion of the Commission, after full consideration, is believed to be fully up to the revenue standard, and as such is all but unanimously acquiesced in by the brewing interest of the country, they would, therefore, recommend that the existing rate be neither increased nor diminished."

At that time the price of beer was, as we have stated, $12 per barrel; hence the present tax of $2 upon a barrel of beer, costing $5, exceeds by over 200 per cent that revenue standard which a competent Federal revenue commission declared to be fair, just, and equitable.

A few years after the civil war all internal-revenue taxes, except those upon malt liquors, distilled liquors, and tobacco, were repealed. The two latter taxes were reduced; that upon spirits was at first reduced from $2 to 50 cents; then frequently increased or decreased, the rate fluctuating between 50 cents per gallon, the lowest, to the present rate of $1.10, the highest since 1865. The war tax upon malt liquors alone remained unchanged from 1863 to 1898. In the latter year very few of the old civil war taxes were revived; the tax on tobacco, an article of luxury, was increased; the tax upon distilled liquors remained unchanged; native wines, in bulk, and cider remained wholly untaxed; but the tax upon beer, an article of diet to the great mass of the people, was doubled.

If, Mr. Speaker, the profitableness of commercial and industrial enterprises is to be the gauge by which the amount of taxes to be imposed upon each is to be measured, may it not reasonably be asked why all the many immensely wealthy, protected industries and the vast trusts-like combinations who control the entire market and can dictate prices, bear no share of the nation's tax burden, while the brewers (who are not organized as a price-regulating trust, and produce a staple article, the retail price of which can not be increased) are compelled to pay this new war tax superimposed upon the old war tax? A single example will suffice to illustrate this feature of the question. It appears to be a well-established fact that three men engaged in the iron industry reap an annual profit of $60,000,000 from their business. This is a sum almost twice as large as the entire American brewing industry (about 1,800 brewers in all) would have yielded if the tax had remained at $1 per barrel.

These 1,800 breweries paid to the Government in 1900 $73,550,754, while their profits were either wiped out entirely or reduced to a mere pittance. Now, how much of the nation's internal-tax burden do the three men bear whose annual profits amount to $60,000,000? I quote these words because, excepting the aggregate of the beer tax, they are as true to-day as they were one year ago, and ten years or thirty years ago.

If you consider, gentlemen, that before the Spanish-American war the average profit on a barrel of beer amounted to less than 75 cents, you will admit that the imposition of an additional tax of $1 amounted to something worse than confiscation. Now, the idea that the entire profits of a business should revert to the nation's treasury is a sound communistic doctrine; but even from that peculiar point of view its soundness will not be admitted, unless it be applied to the profits of all industries as well as to those of agriculture and commerce.

Mr. Speaker, that part of the additional war tax which is still

being exacted from the brewing industry amounts in the State of New York alone to over $6,000,000 annually, a large sum of money which is thus withdrawn from circulation and locked up in the Treasury only to swell a surplus already exceeding all previous accumulations of public funds in the hands of the Federal Government.

The injustice, sir, of this war tax, an injustice which is rendered all the more glaring in view of a superabundance of revenues and a constantly increasing surplus; and that these facts, considered in conjuction with the official declaration that the taxes imposed for war purposes should and would be considered and treated exclusively as war taxes and be repealed as soon as the emergency which called them into existence had ceased, and as the tax upon malt liquors is the highest and most burdensome of all taxes imposed under the war-revenue act, amounting to over 40 per cent of the market value of the article taxed, it should have been repealed as soon as the war was over and peace declared.

However, I am pleased that the House will now take this action and bring relief to the brewer and retailer, both of whom have patiently waited for this day to come.

Oleomargarine Bill.

SPEECH

OF

HON. CHARLES H. GROSVENOR,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, February 12, 1902,

On the bill (H. R. 9206) to make oleomargarine and other imitation dairy products subject to the laws of the State or Territory into which they are transported, and to change the tax on oleomargarine.

Mr. GROSVENOR said:

Mr. CHAIRMAN: I beg to call the attention of the committee to a few responses to the debate now in progress on this bill. The following is from a great representative body known as the National Live Stock Association of the United States:

HELENA, MONT., *February 5, 1902.*

Hon. CHARLES H. GROSVENOR,
House of Representatives, Washington, D. C.:

I have been directed to transmit the following resolution adopted to-day:

"Whereas Congressman C. H. Grosvenor, of Ohio, has championed the cause of the live-stock men of the nation by declaring himself in favor of the passage of H. R. 6565, otherwise known as the 'shoddy bill:' Therefore, be it

"*Resolved*, That the Pacific Northwest woolgrowers, representing the industry of Oregon, Washington, Idaho, Utah, Wyoming, and Montana, in convention assembled at Helena, Mont., February 5, 1902, hereby express their appreciation of the valuable aid rendered them by this distinguished member of Congress; and be it further

"*Resolved*, That the president of this organization is hereby instructed to wire Congressman Grosvenor over his official signature the thanks of this association for his noble work in behalf of the shoddy bill; also the following

"Whereas there is pending in Congress a bill to compel the manufacturers of oleomargarine butter to refrain from putting coloring matter in the compound so that it looks like butter under penalty of paying a heavy tax that would be practically prohibitory; and

"Whereas if the said bill should become a law it would practically abolish the manufacture of this healthful and desirable substitute for butter; and

"Whereas the use of oleomargarine among stockmen on the plains and in the mountains has been almost universal and is the only butter that is practicable for such use because of its keeping qualities; and

"Whereas we believe that the addition of coloring matter to the oleomargarine in its manufacture is harmless and adds greatly to its appearance, and consequently makes it more palatable; and

"Whereas the proposed legislation is vicious, uncalled for, and class legislation of the worst kind, as it builds up one industry for another equally as meritorious: Therefore,

"*Resolved*, That the Pacific Northwest Woolgrowers' Association most emphatically protests against the passage of said bill, and the members of this association are urged to write their members of Congress and Senators demanding that they use their efforts to prevent the passage of such obnoxious legislation."

THOMAS C. POWER, *President.*

The following from similar interests covering the great West and Northwest is significant:

DENVER, COLO., *February 5, 1902.*

Hon. C. H. GROSVENOR,
House of Representatives:

On behalf of the United Live Stock interests of this country I congratulate you for your speech on the oleomargarine bill. We all favor Wadsworth substitute, but denounce unreservedly reported bill as unjust, unconstitutional, and absolutely indefensible.

NATIONAL LIVE STOCK ASSOCIATION,
JOHN W. SPRINGER, *President.*

This from the Pacific Northwest Woolgrowers' Association:

HELENA, MONT., *February 5, 1902.*

Hon. C. H. GROSVENOR, *Washington, D. C.:*

Pacific Northwest Woolgrowers' Association, representing Oregon, Washington, Idaho, Montana, Utah, Wyoming, adopted resolutions thanking you for your noble speech against oleomargarine bill yesterday and your stand regarding shoddy bill.

C. F. MARTIN.

The following letters all reflect upon the demand for oleomargarine and the manner of its sale:

BUCHTEL, OHIO, *February 7, 1902.*

Mr. GEORGE SNOWDEN, *Buchtel, Ohio.*

DEAR SIR: In reply to your inquiry of this date as to the percentage of butter we sell compared to our sales on oleomargarine, we beg to advise that we sell very little butter; suppose our sales would be about 600 pounds oleomargarine to 25 pounds butter. We pay 25 cents per pound for all the country butter we can get. Do not see how the working people could live without the oleomargarine.

Yours, respectfully,

STRATTON BROS.

BUCHTEL, OHIO, *February 7, 1902.*

Capt. GEORGE SNOWDEN, *Buchtel, Ohio.*

DEAR SIR: In reply to your inquiry of this date as to the sale of oleomargarine, will say that we sell 800 pounds of oleomargarine to 25 pounds of country butter, and I don't see how the people could get along without oleomargarine.

Yours, respectfully,

A. K. SCHENZ.

BUCHTEL, OHIO, *February 7, 1902.*

Capt. GEORGE SNOWDEN, *Buchtel, Ohio.*

DEAR SIR: In reply to your inquiry of this date as to the percentage of butter we sell compared to our sales on oleomargarine, we beg to advise that the percentage is so small that it is hardly worth while mentioning.

At several of our stores we do not have any demand for and can not sell butter. However, we are safe in saying that for every 25 pounds of butter we sell we will sell 1,000 pounds of oleomargarine.

In our fifteen years' experience in the merchandise business, in which we have handled hundreds of thousands of pounds of oleomargarine, we have as yet to have one single pound returned to us, while a large percentage of the butter we sell is returned with the declaration from the customer that it is unfit to use. To deprive them of oleomargarine would be a hardship imposed upon the laboring class that in our opinion would be both unjust and unwise.

Yours, respectfully,

THE NEW PITTSBURG COAL CO.,
Per GEO. WELLS, *Store Manager.*

THE DEPARTMENTAL COOPERATIVE
INVESTMENT ASSOCIATION,
Riverdale, Md., February 7, 1902.

Hon. C. H. GROSVENOR, M. C., *Washington, D. C.*

DEAR SIR: I was born and raised a dairyman. Have made, bought, and sold dairy products for more than fifty years. I built and operated the first cheese and butter factory west of the Mississippi River, and could have told your committee lots which I have not seen in print and which your committee (of course excepting yourself) do not seem to have learned. Oleo is undoubtedly as wholesome as butter and much more cleanly made than the butter upon which the great mass of the American people are fed, and, as cleanliness is said to be next to godliness, it must be more conducive to good morals and piety than common butter.

I have used it daily upon my own table for several years, and no human being living enjoys better health than I do. All factory butter of the Elgin type is colored. Why not stop or tax that color also? Call oleo imitation butter, or whatever name you please, I do not care what label you prescribe, but do not tax it as proposed by the bill under discussion. If you do, it will actually be worse for the common people who are able to buy it, but who can not buy 30 to 40 cent creamery butter, than was the Democratic slogan of some years ago about "taxing the poor man's dinner pail," when the McKinley bill laid a tax upon tin plates. A tax on oleo is the entering wedge of sumptuary legislation, and would literally snatch a healthy food from the mouths of thousands of the American people. Do not do it. Do not do it.

Respectfully,

J. F. SIMONDS, M. D.

BROOKLYN, N. Y., *January 5, 1902.*

General GROSVENOR.

DEAR SIR: I saw an account in this morning's Journal of Commerce that you were defending oleomargarine from a great injustice, hence I take the liberty of writing you.

I was one of the first to introduce the product into this country in 1871, having seen it in Paris in 1869, when it was in its infancy, but am pleased to say it has become quite a child. Starting in 1872 in a small way, the next year, in connection with Hon. J. J. Toffey, the ex-State treasurer of New Jersey, I sent a quart sample to friends in London. They sent to Messrs. Perkins to come to London, and on seeing the sample, which was crude compared with the perfection of to-day, they ordered 10 tierces, then 10 tons, 100 tons, then 300 tons, 2,100 tierces, and now the weekly export to almost every country, including Egypt—last week 300 tierces—is about 6,000 tierces weekly for butterine abroad. In 1887 the tax was paid on 47,000 pounds; 1890 increased to about 87,000 pounds; 1891 increased to about 114,000. Compare this with cotton seed, 1891. Oil produced, 2,200,000 tierces; exported, about 460,000, the balance manufactured here in cottolene, with many millions of foreign stearin imported, as not enough produced here. Fairbanks used nearly 700,000 tierces of cotton oil alone, and the big packers the balance, which made a purer article than the natural. Take butter, the milk is the only impure article that enters into its manufacture, and is the impurest of the impure.

Take the human and animal. When the mother has a child at the breast and she should be pregnant again, that instant her milk becomes deadly poison to the child. What does the farmer do? The calf is hustled out of the way as soon as possible, and we are fed on the impregnated milk the year round that would even kill its animal offspring. In 1884, Governor Cleveland signed the color law, and in so doing said: "It is unconstitutional, but let them fight it out in the courts."

I have made as high as 38,000 tierces of oil in the year, and 6 tons of butterine a day, and did not have any trouble to sell it as such. Am going to put up a very large plant in London on March 8. Should you think my person necessary before the Senate committee, I would readily spare the time.

Yours, truly,

C. D. MOULTON,
179 Lafayette Avenue, Brooklyn.

LANCASTER, Pa., *February 5, 1902.*

Hon. C. H. GROSVENOR, *Washington, D. C.*

DEAR SIR: The citizens of Honorable Brosius's district admire your truthful and courageous remarks against the infamous oleo bill. It is the belief here that not a man who spoke in its favor had faith in his remarks; the ridiculous idea that the bill will cheapen the butter is too thin for a sane man to utter. The bill was supported for political gain. It takes bread and butter out of the poor man's mouth. There are now half a dozen statutes against

oleo. How many more are desired by the greed of the butter sharks? A license from $25 to $800 to deal in it is simply outrageous. Will the Supreme Court indorse such damnable acts? As you have truly said, greed is at the bottom of all the persecution of oleo. Is invention of artificial food to be interfered with and progress blocked to please a set of so-called pure-butter saints? Let pure butter take its chance in competition with oleo, and if oleo be detrimental it must go down. Cowardice, fear of a rival, is the matter at the bottom, and the advocates of the bill know this, but stultify themselves by hypocritical sentiment to please a faction.

I am not interested in oleo.

Truly, yours, in justice,

WM. H. RAY,
555 W. Chestnut.

The following is the platform of principle announced by the Pacific Northwestern Woolgrowers:

AGAINST THE OLEO BILL.

Resolutions passed by Pacific Northwest Woolgrowers' Association:

"Whereas there is pending in Congress a bill to compel the manufacturers of oleomargarine to refrain from putting coloring matter in the compound, so that it looks like butter, under penalty of paying a heavy tax that would be practically prohibitory; and

"Whereas if the said bill should become a law, it would practically abolish the manufacture of this healthful and desirable substitute for butter; and

"Whereas the use of oleomargarine among stockmen on the plains and in the mountains has been almost universal, and it is the only butter that is practicable for such use, because of its keeping qualities; and

"Whereas we believe that the addition of coloring matter to the oleomargarine in the manufacture is harmless and adds greatly to its appearance, and consequently makes it more palatable; and

"Whereas the proposed legislation is vicious, uncalled for, and class legislation of the worst kind, as it builds up one industry for another equally meritorious: Therefore, be it

"*Resolved*, That the Pacific Northwest Woolgrowers' Association most emphatically protests against the passage of said bill, and the members of this association are urged to write their members of Congress and Senators, demanding that they use their efforts to prevent the passage of such obnoxious legislation."

Mr. Chairman, there will be more expressions of the people if Congress decides to make an effort to prescribe by law what the people shall eat and who may make and sell wholesome food products.

On the Proposition to Increase the Tax on Oleomargarine, and the Present State of Public Revenues.

SPEECH

OF

HON. HENRY S. BOUTELL,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, February 5, 1902.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 9206) to make oleomargarine and other imitation dairy products subject to the laws of the State or Territory into which they are transported, and to change the tax on oleomargarine—

Mr. BOUTELL said:

Mr. CHAIRMAN: In listening to this discussion, which has already consumed over two days, it has struck me that it has proceeded very largely on the assumption by each side that every member of the opposition was animated solely by the desire to prevent a break in the continuity of the representation of his Congressional district in this House. The learned and eloquent gentleman from Iowa [Mr. HEPBURN], whose logic illuminates every subject upon which he turns it (I regret exceedingly that he did not illuminate this subject), said yesterday in his remarks:

The truth is, gentlemen, that a great deal of the opposition to this bill is fabricated. The premises upon which the opposition rests are fabricated premises. They have no place in truth.

I suppose, Mr. Chairman, he meant by that to intimate that the opposition to this measure—"fabricated," as he said—was manufactured—colored, as it were—in imitation of the real thing, and that in the opinion of the distinguished gentleman the real thing is the zeal of the advocates of this measure; that the zeal of the opposition bears the same relation to the zeal of the advocates of the measure that oleomargarine does to butter; but it is apparent, from the evidence taken before the Committee on Agriculture and from the admission of the advocates of this bill on this floor, that it is impossible to distinguish oleomargarine from butter by the sense of taste, the sense of sight, the sense of smell, the sense of touch, or by its ultimate effect upon the human system, and that you can only tell one from the other by bringing in the services of an expert chemist. And so I may suggest that you can only distinguish between the zeal of the opponents of this measure and the zeal of its advocates by bringing in the services of the expert psychologist from Iowa. Is it not possible—I do not say that it is—but is it not barely possible that the zeal of the gentleman from Iowa has been colored, tinged, tinctured, as it were, just enough to make his February argument in the House of Representatives take on the fine, warm, rich glow of a June harangue to the electors of the Eighth district of Iowa? [Laughter.]

Some other gentleman in advocating this bill said that its opponents have been encouraged by the bellowing of the Texas steer. Well, now, I never saw a man from Texas that was not entirely able to take care of himself; and without either denying or agreeing to this proposition, I would simply like to suggest whether it is not within the realm of possibility that some of the advocates of this measure who are rushing, hurrying, jostling to the support of this bill are being lured along the path which they are traveling by the gentle, seductive lowing of the Jersey kine. Far be it from me, Mr. Chairman, to intimate that any of these advocates of the measure are conscious of any impelling impact from the rear from the polished horns of the harmless domestic cow.

One of the most interesting pictures that I ever saw was that of the Pied Piper of Hamelin leading the children of that ancient burgh away from their homes and out of their city by the magic sounds of his flute, with a leer on his face and a wink in his eye. What a magnificent historical painting for this Chamber would be a pictorial representation of the vote on this bill. In the foreground, at the left, a heifer rampant—regardant, as the heralds say—with a leer on her face and a wink in her eye, followed by the profound constitutional lawyers of this Chamber—the ardent enemies of monopoly, the fierce and truculent opponents of trusts, the earnest, philanthropic advocates of a uniform tax, and the enemies of discriminating revenues—gazing apprehensively behind them to escape the propelling force from the rear as they rush wildly to the support of this measure confessedly monopolistic and of doubtful constitutionality. [Laughter.]

Well, Mr. Chairman, between the steers on the one side and the cows on the other, it is almost impossible for one who is under obligations to neither to determine from the arguments that have been brought forward what his attitude on this bill ought to be.

Mr. JETT. May I ask my colleague a question?

Mr. BOUTELL. I yield with great pleasure.

Mr. JETT. Does my colleague know the position of the present governor of Illinois in relation to this bill since the express company has refused to permit him to frank his cow from one point to another? [Laughter.]

Mr. BOUTELL. Well, I should say, from the question of my distinguished colleague, which I think is based on a false report, that the governor of Illinois is in favor of the cow.

Mr. JETT. What is the governor's opinion on this bill? That is what I want to know.

Mr. BOUTELL. You will have to apply to the chief executive of our State to obtain an answer to that question, but in my opinion both the legislature and the governor of Illinois are able to enforce the criminal jurisprudence of the State without invoking the taxing power of the Federal Government.

Now, it seems to me, Mr. Chairman, that the man who represents such a district as I do, in which there are no cows and no steers, no dairies and no oleomargarine factories, must make up his opinion on this measure from something which appears in the bill itself, and from the fundamental principles which ought to underlie our system of legislation.

As I look at this measure, Mr. Chairman, putting aside for the present the question of its constitutionality and its economic and fiscal features, the first thing that strikes me is its violation of a law that is higher than the Constitution in its ultimate results upon those who will feel the final effects of the measure. Let us suppose that this bill becomes a law, and that it is declared constitutional, what will be its ultimate effects?

This is a point which has not yet been considered in this discussion. As I look at it, this is what will happen: When this bill becomes a law, and a man who has a firkin of uncolored oleomargarine which he can manufacture and sell without a tax, or with a merely nominal tax, divides that up, leaving in the one firkin the uncolored oleomargarine, and prepares the remainder in molds and colors it to suit the taste and fancy of his customers, then the strong arm of the Federal Government reaches out and takes that man by the throat and holds him up and says: "You may manufacture and sell that white oleomargarine without a tax, but if you manufacture and sell this product, colored to meet the taste and fancy of the public, you must pay a fine into the Treasury of the United States of 10 cents a pound."

Ah, but you say, the manufacturer or the seller simply adds the 10 cents a pound to the price, and it is paid by the consumer. Granted. So much the worse, so much the more abominable. What then is the result? The long, clinging fingers of the Federal Government wind themselves about the collective throat of the American people and say to every man, "You may eat white oleomargarine free, but if you eat oleomargarine colored to suit your taste and palate you shall pay a penalty of 10 cents a pound into the Federal Treasury."

That will be the final effect of this bill. And let me say to the advocates of this bill, when you go home to your constituents and explain this bill to them, you will have to explain also the

principle on which this bill was based, a principle that has no parallel in any legislation since tne sumptuary laws of the Middle Ages, laws which said to a man with a certain income, "You may clothe yourself in such and such apparel, and you may partake of such and such viands;" and said to a man with a lesser income, "You must put on plain clothes, and you must eat coarse food, or you pay a fine into the imperial coffers."

Mr. Chairman and gentlemen, that principle of legislation is repugnant to our ideas of personal liberty and equality under the law. That principle of legislation is not in harmony with the spirit of generosity and fair play of the American people. And, Mr. Chairman, let me add, I do not believe that this principle of legislation squares itself with the ideals treasured in the hearts of every member of this body.

Mr. SPIGHT. I should like to ask the gentleman a question, if it will not interrupt him.

Mr. BOUTELL. Certainly.

Mr. SPIGHT. The gentleman from Illinois is a Republican, and I assume that he is in favor of Republican policies, and especially of the protective policy. I should like to ask him how he can reconcile the policy of this bill with the Republican policy of protection? I do not agree with the policy of protection, but the Republican policy of protection looks to the building up of home industries without bringing them into competition with foreign industries of the same character. In this bill a distinction is made between home industries, striking down one to build up another in our own country. I want to ask the gentleman to discuss that proposition.

Mr. BOUTELL. I will say to my friend from Mississippi that I am in favor of the Republican protective policy, and I am opposed to the principle of this bill, and before closing I will endeavor to make some comparison between the two principles.

I was saying, Mr. Chairman, that the bad principle involved in this bill is not so much the discrimination between one product and another as it is the discrimination between two kinds of the same product. And when you go home to your districts, my friends, and explain to your constituents that you have passed this measure which you think will benefit them, tell them, if you tell them the whole truth, "We passed this bill in accordance with a principle under which the Federal Government has the power to tax colored butter and to exempt white butter; to tax colored oleomargarine and to exempt white oleomargarine; to tax crude sugar and to exempt refined sugar; to tax beet sugar and to exempt cane sugar."

My friends from Michigan and from California, how do you think your constituents will like that principle? How will you justify your support of a principle under which you can tax crude oil and exempt refined oil, tax the Baldwin apples from the State of Connecticut and exempt the Rhode Island greenings, tax bay horses and exempt white horses, tax white turnips and exempt rutabagas, tax sweet potatoes and exempt Irish potatoes, a principle by which you can tax the gig of the farmer and exempt the brougham of the banker, tax the sewing machine of the seamstress that is driven by pedal or hand and exempt the electric or steam machine of the manufacturer, tax blue-fish and exempt white-fish?

I do not believe it would tax the ingenuity of the advocates of this bill to find some way, under this principle, to tax colored men and exempt white men. There is no escape from your responsibility. You are trying to do good in the wrong way. This is the principle of sumptuary laws. It is not so much taxing oleomargarine and exempting butter that is bad. The evil lies in taxing one kind of oleomargarine while exempting another. That is the vicious principle in this bill. That is what you must explain to your constituents. But you say with a great show of magnanimity, "This bill is in the interest of the man who wants to consume oleomargarine. We have reduced the tax to one-fourth of 1 cent a pound."

Oh, my friends who advocate this measure, do not delude yourselves. The American people will not be deceived, and least of all the American farmer. When you slap the poor people of the United States in the face with one hand, you can not make them think somebody else did it by patting them on the back with the other and then delude yourselves with the complacent dream that with both hands you are distributing prizes to the American farmers. [Applause.] Never. The American farmer, when you come to him and tell him what a beneficent measure this is, will be the very last man in the world to be deceived by such an argument. The American farmers, the rugged yeomen of this country, are the men who from 1776 to 1898 have fought for the establishment and support of a government which gives equal rights to all and special privileges to none. Now, if the ultimate effects of this bill upon the consumer will be as I have described them, does not the measure violate a higher law than even the Constitution? Is it not contrary to all our American, all our Anglo-Saxon ideas of justice and equality?

If this bill should become a law, it would also work a great injustice in another way. Under section 2 if a retail dealer should buy white oleomargarine and color it for his customers to suit their tastes and sell it honestly for what it is, he would be held to be a manufacturer and compelled to take out an annual license at an expense of $600. But this is not all. The wife of a mechanic, keeping house for her husband and children, who takes one or more boarders to help support and educate her children, is by this bill made a manufacturer if she works over the oleomargarine which she has bought, coloring it to suit the fancy of her family.

The license required, of course, precludes her from so coloring the food, or if, without knowledge of the existence of the infamous law, she does color it, she becomes liable to the fines and imprisonment specified in the bill. Is it possible that the American people will submit to such tyrannical laws? It seems incredible that such a panic should seize upon this House as would lead any great number of its members to favor legislation of this inquisitorial nature.

Passing now to the consideration of some of the legal features of this bill, it seems quite clear that it violates that provision of the Constitution which aims at securing uniformity in taxation.

Can it be said that a law is uniform which taxes bay horses all over the United States and exempts all other horses? Without entering, Mr. Chairman, into any discussion of whether the Constitution follows the flag to the Philippines, I think it can not be denied that the Constitution follows butter and oleomargarine *ex proprio vigore* into every State in the Union in which they are manufactured and sold, and when the Constitution says that "all duties, imposts, and excises shall be uniform throughout the United States," it means, in effect, that, and when you tax some horses, you must tax all horses; and when you tax some cows, you must tax all cows; that you can not tax the brindle cow of the cottager and exempt the well-kept herd of Jerseys of the rich experimental farmer. You can not tax white butter and exempt colored butter. You can not tax colored oleomargarine and exempt white oleomargarine. This would be contrary to the uniformity clause of the Constitution. This bill places a prohibitive tax on oleomargarine prepared in one way and virtually exempts oleomargarine prepared in another way. For this manifest violation of the plain letter of the Constitution this measure should receive the prompt condemnation of this House.

But, sir, this bill imposes a tax which, it is said, is to prevent fraud. It is to prevent fraud by crushing out an industry. If the bill does not do it, the advocates of the measure will bring in a bill, as the gentleman from Minnesota has admitted, to make the tax on oleomargarine 25 cents a pound. The intention of this bill is to prevent, if possible, the honest manufacture of oleomargarine which looks like butter and its open sale as oleomargarine. That is no fraud. There is no fraud in making any article that looks like another article; and the advocates of this measure, who say that it is necessary to prevent fraud in the production of oleomargarine, have been led away by their zeal from the paths of reason.

There is no fraud in the manufacture of oleomargarine of any color or appearance; there is only fraud in the sale of the article for what it is not. This legislation is designed to overthrow the industry of making oleomargarine and selling it honestly for what it is, colored to suit the taste and fancy and palate of the consumer. That is the plain design of this bill. Now, I emphatically deny that the Federal Legislature can constitutionally prevent in my State of Illinois the production and sale of a product which the legislature of my State authorizes.

If the legislature of Illinois should incorporate a company with power to manufacture and sell oleomargarine of any form and color, the effect of this bill, if carried out, would be to overthrow the legislation of my State. Are we prepared to admit the constitutional right of the Federal Government to nullify State legislation by evasive enactments in the guise of revenue laws?

In the fourth place, to hurry briefly over the more important objections to this measure, and granting for the moment, for the sake of argument, that it is constitutional, there is, it seems to me, a very serious ground of opposition to this measure, which we, as members of this House, ought to consider most carefully. If there is any one sign of the times which we can see plainly, it is the tendency to concentration in all departments of human activity. The concentration of governmental powers, which is so apparent to-day, is something that should receive the resistance of every member of this body.

I think that perhaps the two most serious tendencies in our present political development are these: First, the concentration in the hands of the executive, State and National, of the powers that the framers of our Constitution designed should be left to

the legislative branches of the Government. I may simply allude, for illustration, to the Executive's influence on the legislative branch of this Government. We hear it often stated on the floor of this Chamber that such and such a measure should commend itself to our judgment and receive our unquestioning support because it is recommended or asked for by one of the Executive Departments. Has it come to pass that we must simply sit here without consideration and deliberation, like a cash register, to ring up what is asked of us by the Executive Departments? [Applause.] This is a very serious tendency that ought to be vigorously checked.

But there is another tendency that I think is still more serious. I always supposed I was as ardent a Hamiltonian Federalist as could be found in the borders of the United States, but I must confess that the principle embodied in this bill shocks even my Federalism. Perhaps the most serious sign of radical change in the workings of our system is the usurpation by the Federal Legislature or by the other branches of the Federal Government, of those powers which should be left, as our fathers left them, with the local State legislatures. I have more confidence than many of my distinguished friends on this committee in the legislature of my own State. If there is fraud in the sale of any commodity in Illinois, I believe that the legislature of Illinois has the power, the strength, the wisdom, and the ability to deal effectively with this matter, which should be left exclusively to its control.

I believe that our State executive, the man who presides over the executive department in the State of Illinois to-day, has the strength, the vigor, the determination to carry out all laws enacted by the State. I believe that every one of the 45 States in the Union is able to administer its own criminal jurisprudence without Federal intervention, and that the sort of legislation typified by this pending bill, this usurpation of the powers of the State legislatures, is degrading those bodies. It lowers them in the opinion of the people; it is a departure from the original scheme of our Government. I venture to say, Mr. Chairman, that if in 1787 it could have been foreseen that under the Constitution Congress could, by the exercise of the taxing power, usurp the criminal legislation of one of the independent States, you would not have found twelve men on the continent who would have voted to adopt the Constitution.

Now, it has been said that this bill is in form a revenue measure, and that the Supreme Court will not go behind its form. Let me read to my friends who will be called upon to explain and justify this bill a few words from the scholarly argument of one of the most learned constitutional lawyers in either branch of this Legislature, Hon. GEORGE FRISBIE HOAR, Senator from Massachusetts. I quote from a speech delivered on January 16, 1893, in the United States Senate, on a question involving the very point we have under discussion. It was a question in reference to imposing a Federal tax upon dealing in futures. The Senator said:

> It is said that the people are helpless in this matter; that the court will not go behind the form of the law, which purports to be a tax, to look at the substance, which is to prohibit domestic contracts in the States. On the contrary, it seems to me if there is any one doctrine embedded in the Constitution of this country, any one authority which the courts have exercised and will exercise, it is the authority to do this very thing—to go behind and unmask any legislative pretense, State or National, and look at its substance, and not its form.
>
> Chief Justice Marshall settled that very early in the history of our jurisprudence. He says:
>
> "Should Congress, under the pretext of executing its powers, pass laws for the accomplishment of objects not intrusted to the Government, it would become the painful duty of this tribunal to say that such an act was not the law of the land."
>
> He does not say that "if Congress avows a purpose to exceed its powers," but he says that if under the pretext of executing them it passes a law which in substance and effect is unconstitutional the court would interfere.

And so, notwithstanding the skillful way in which this measure is framed, I feel confident that when it comes before the Supreme Court that tribunal will tear aside the mask and find that this is not a revenue measure, but a measure which invades in disguise the rights of the separate States.

These, in brief, are, it seems to me, some of the principles which the advocates of this measure will have to explain to their constituents. And, right on the first point, I want to state to my friends from Virginia—and I am glad to see so many of them here—that they will either have to treat the views of Thomas Jefferson sub silentio—as he once advised his friends to treat the Constitution—in presenting this matter to their constituents, or they will have to explain to them these words of Jefferson on the subject of taxation, which are very significant when considered in connection with the pending measure.

Listen to these words of the father of Democracy in reference to discrimination in taxation:

> The government which steps out of the ranks of the ordinary articles of consumption to select and lay under disproportionate burthens a particular one because it is a comfort, pleasing to the taste, or necessary to the health, and therefore will be bought, is in that particular a tyranny.

I like to linger on that word "tyranny" in reading this language of Thomas Jefferson. When you try to explain to our farmers, not the effect of this law, but the principle underlying it, read these words to them and tell them, "The founder of a great party, Thomas Jefferson, the author of the Declaration of Independence, of the statute of religious liberty in the Old Dominion, and the father of the University of Virginia; Thomas Jefferson, your idol, said that this kind of legislation was tyranny."

Mr. LAMB. Will the gentleman allow an interruption?

Mr. BOUTELL. With pleasure. I wish it were Thomas Jefferson himself who makes the request. [Laughter.]

Mr. LAMB. I am glad to know that a gentleman who represents, as the gentleman from Illinois has to-day said he does, the school of thought of Alexander Hamilton comes out and quotes Thomas Jefferson so strongly. In answer to that Virginia will quote the declaration along that line of the first jurist of America, John Marshall.

Mr. BOUTELL. Whenever I take off my hat to the political sagacity of Alexander Hamilton I only regret that I have not two more hats on my head, that I might take off one to the versatility of Thomas Jefferson and another to the wisdom of John Marshall. [Laughter.]

Then Mr. Jefferson continues:

> Taxes on consumption—

Mind you, he is not discussing the constitutional question; he is discussing the first point that I made, and to which I return for a moment for the benefit of the disciples of Jefferson, that a measure of this kind violates a law above the Constitution—violates the moral law. He said:

> The taxes on consumption, like those on capital or income, to be just—
>
> Not constitutional—
>
> to be just must be uniform.

And when you tax oleomargarine of one color you ought to tax all oleomargarine; and if you came in here with a bill based on the principles of Thomas Jefferson, you would do what you do not dare to suggest, even in a whisper—make a 10-cent tax on all oleomargarine. It is your sop to the poor of the country when you make a reduction to one-quarter of 1 cent on the white oleomargarine. You do not dare to bring this bill to square with the principles of the great and illustrious founder of the Democratic party.

And so, when you go home to your constituents, go home to your thoughtful farmers and tell them the prize that you have brought in your bag you also will have to tell them by what a sacrifice of principle you captured the prize. You will have to tell them, as I say, that you got this prize on the principle that you can tax a portion of any article, that you may tax a part of any product, and exempt the rest. And when you have explained honestly to the farmers, not what this bill brings to them, but what it cost, by what a sacrifice of principle it was obtained, then, my friends, you advocates of the bill will not need the services of an expert chemist. You will not need the services of the erudite psychologist from Iowa to square yourselves with your constituents. They will be of no avail. When you make the people understand this abominable principle—this principle of the sumptuary laws that underlies this bill—all that you will need will be the special services of an experienced political undertaker and embalmer. [Applause and laughter.]

Mr. SIMS. May I ask the gentleman a question right there?

Mr. BOUTELL. Certainly.

Mr. SIMS. Do you believe that the men who support this bill, on either side of the House, are voting their honest convictions and beliefs in this matter?

Mr. BOUTELL. Well, I intimated in the beginning of my remarks that I thought that possibly all their arguments were tinged or tinctured, as it were, in imitation of the real thing, and possibly their votes will be colored in the same way. [Laughter.]

Now, Mr. Chairman, we must, of course, take this bill as it is, and on its face it is a revenue measure. As a revenue measure of course it must go to the Supreme Court. This bill imposes a tax of 10 cents a pound on oleomargarine made in imitation of butter. It is true there is great confusion as to how much revenue this would produce; but I want to call attention to one thing: If oleomargarine, colored, continues to be honestly sold—and they say that this is not to suppress its sale—if oleomargarine, colored as butter, continues to be sold, there will be a large increase in the revenues of the country. Now, we must look at it just as it is on its face, as a bona fide revenue measure, a bill brought in here to bring additional money into the now bursting vaults of the Federal Treasury.

Now, I want the country to understand this striking coincidence in connection with the consideration of this measure. I do

not know that there was any premeditation in it. When the gentleman from Connecticut [Mr. HENRY] moved to go into Committee of the Whole to consider this so-called revenue bill, putting a 10-cent tax on oleomargarine that looks like butter, the leader of the House, the distinguished gentleman from New York [Mr. PAYNE], the chairman of the Ways and Means Committee, asked leave, pending that motion, to report a bill reducing the revenues of the Federal Treasury about $77,000,000 a year. [Laughter.]

Under those circumstances the solemn declaration that this bill is a revenue measure has no parallel for grotesque absurdity except in the whimsicalities of Alice in Wonderland or in the vagaries of opera bouffe.

What is the condition of the Federal Treasury to-day? What need have we for additional revenue? Why inflict on the workingman a penalty of 10 cents a pound for eating what he likes the looks of? We have in the Federal Treasury to-day $375,000,000 in free cash. That is, we have $175,000,000 over and above the $150,000,000 gold reserve. We have $175,000,000 available cash balance over and above all our immediate liabilities. And instead of wanting more money, either from the poor man or from the rich man, what we want is to get this money back where it belongs, for it is in the wrong place. As the great philosopher Bacon tersely said three hundred years ago, "Money, like muck, is no good unless it be spread." Or, as the illustrious son of the State of Tennessee, that ardent old Nationalist, that grand sound-money man, Andrew Jackson, said:

> The surplus money of the United States is nowhere deposited to such good advantage as in the pockets of the people.

[Applause.]

Now, then, with this $175,000,000 of free cash in the Treasury, what are we going to do with it and the surplus that is constantly flowing into the Treasury? Are we going to get it back where it belongs by putting an additional tax on oleomargarine? Our surplus is accumulating at the rate of over $7,000,000 a month, and the only way in which we keep down the cash balance is by buying bonds. Certainly we do not want to keep this $175,000,000 in the Treasury. In these days of extended international credit we have no use for a Government hoard. If we do not intend to keep on hand such a large balance, what is the wisest way in which to reduce it? Shall we follow the precedent established in 1836 for the distribution of the surplus? Let us trace briefly the history of the national debt. It is an interesting story. The bare naked statement of the figures of our national debt and its reduction should stir the pride of every American. The bald figures of the contracting and payment of our national debt are like the clear distinct outlines of some familiar picture, by whose aid the imagination fills in the lights and shades and all the other details.

Let us glance, then, rapidly at the rise and fall of our national debt, and see how it comes to pass that three years after the close of an expensive war we have $175,000,000 of cash balance in the Treasury. The United States at her birth inherited a national debt, and here we have the origin of the sentiment, "a national debt is a national blessing." The assumption of the debt of the colonies became a national blessing, because it established our national credit. Alexander Hamilton and Thomas Jefferson together carried out the scheme by which we assumed the debt of $75,000,000 incurred by the colonies, and established the seat of the Federal Government on the Potomac. As Webster said of Alexander Hamilton:

> He smote the rock of the national resources and abundant streams of revenue gushed forth. He touched the dead corpse of public credit and it sprung upon its feet.

So by assuming this indebtedness of $75,000,000, which our ancestors considered the "price of liberty," we established our credit abroad and placed this Government on a firm and sure foundation. Alexander Hamilton's sinking-fund scheme, adopted in 1790, had made little reduction in the debt when he handed over the Treasury to Albert Gallatin, who remained at the head of the Treasury a longer time than any other Cabinet officer in the history of the country. Albert Gallatin, modifying the sinking-fund measure of Hamilton, was able to reduce this debt gradually year by year, so that at the outbreak of the second war with England our credit was established at home and abroad and we had no difficulty in raising the sinews of war to carry on that struggle. By 1812 the debt had run down to $45,000,000, and it then went up to $128,000,000, where it stood in 1816 at the close of the war. In twenty years thereafter, Mr. Chairman, this Government had paid off the entire national debt contracted in two foreign wars and in the purchase of half a continent. This is one of the most magnificent achievements in the financial history of modern nations.

As we have seen, the national debt on January 1, 1791, was about $75,500,000. In forty-four years it had been paid in full. It remained nearly stationary until 1806, when it began to diminish, sinking gradually to $45,000,000 on January 1, 1812. It increased again during the war with England, reaching $128,000,000 on January 1, 1816. It then steadily decreased until, on January 1, 1835, it had been practically extinguished. At that date the outstanding indebtedness matured but unclaimed amounted to about $300,000, and the balance in the Treasury in excess of this sum was about $9,000,000. On January 1, 1836, the surplus was nearly $27,000,000, and it was then evident from the rapidly increasing revenues derived from the tariff and the sale of public lands that the balance on January 1, 1837, would be much larger. The question therefore arose, what should be done with the surplus.

The account of the disposition of this surplus in 1836–37 forms the most curious chapter in the history of our financial legislation. In those days it was considered unconstitutional to appropriate the national revenues for internal improvements. Such a river and harbor bill, for example, as to-day forms a convenient and seductive medium for reducing the surplus, even if it could have been passed by Congress, would have been vetoed by President Jackson. Two propositions for disposing of the surplus were discussed in Congress. The first was to distribute the money to the States according to their representation in Congress, including one share each to the Territories and the District of Columbia. This, however, was thought to be unconstitutional. The second proposition was to deposit the surplus with the treasurers of the different States, to be repaid to the National Government on demand. This latter proposition became a law as sections 13 and 14 of the act approved June 23, 1836, entitled "An act to regulate the deposits of the public money." These sections provided that the balance in the Treasury on January 1, 1837, after reserving $5,000,000, should be deposited pro rata, according to their representation in Congress, with those States which should by law authorize their treasurers to receive the deposits and give a receipt therefor pledging the faith of the State to repay the same at any time upon the demand of the Secretary of the Treasury. These deposits were to be paid in four installments, on the first day of January, April, July, and October, 1837.

On January 1, 1837, the balance in the Treasury over and above the $5,000,000 reserve was $37,468,859.97. All the 26 States accepted the deposits under the conditions above stated, and the first three installments were paid in full. Through the courtesy of the Treasurer of the United States I have recently examined the original receipts given by the States, and the book in which the stubs of the original drafts are preserved. The book still contains a sufficient number of blank drafts with which to pay the fourth installment, now sixty-four years overdue. The draft, called "State transfer draft," is made by the Treasurer of the United States on the cashier of one of the State banks, and orders the money to be paid to the State named "to be placed to my credit by that State, payable on demand." The receipts are on double-page printed forms. On the first page is the receipt signed by the treasurer of the State; on the third page are instructions in reference to repayment.

This obligation on the part of 26 States of the Union to pay into the National Treasury over $28,000,000 has been so completely lost sight of in recent years that it may be interesting to recall the fact that each State participating in this division of the surplus is bound by its agreement to repay the amount received upon demand of the Secretary of the Treasury.

The withdrawal of the $28,000,000 from the State banks that were the depositories of the public funds helped to bring on a financial crisis. By May 1, 1837, 82 out of 86 of these banks had suspended specie payments. A simultaneous falling off in the public revenues occurred and a financial panic swept over the country.

It became evident even before the payment to the States of the third installment that on October 1 the Secretary of the Treasury would have no funds with which to make the fourth payment. A special session of the Twenty-fifth Congress met on September 4. On October 2 an act was passed providing—

> that the transfer of the fourth installment of deposit directed to be made with the States under the thirteenth section of the act of June 23, 1836, be, and the same is hereby, postponed until the 1st day of January, 1839: *Provided*, That the first three installments under the said act shall remain on deposit with the States until otherwise directed by Congress.

On January 1, 1839, the Secretary of the Treasury had no funds with which to pay the fourth installment, and it is still unpaid. The table following shows the representation of the 26 States in Congress, the total amount to which they were entitled under the act of 1836, the amounts actually received, and the amount of the fourth installment still unpaid.

State.	Number of electoral votes.	Total amount which was to have been deposited with the States.	Amount of three installments deposited, subject to call by Congress.	Amount of fourth installment still unpaid.
New York	42	$5,352,694.28	$4,014,520.71	$1,338,173.57
Pennsylvania	30	3,823,353.06	2,867,514.78	955,838.28
Virginia	23	2,931,237.34	2,198,427.99	732,809.03
Ohio	21	2,676,347.14	2,007,260.34	669,086.78
North Carolina	15	1,911,676.53	1,433,757.39	477,919.13
Kentucky	15	1,911,676.53	1,433,757.39	477,919.13
Tennessee	15	1,911,676.53	1,433,757.39	477,919.13
Massachusetts	14	1,784,231.43	1,338,173.58	446,057.86
South Carolina	11	1,401,896.12	1,051,422.09	350,474.03
Georgia	11	1,401,896.12	1,051,422.09	350,474.03
Maine	10	1,274,451.02	955,838.25	318,612.75
Maryland	10	1,274,451.02	955,838.25	318,612.75
Indiana	9	1,147,005.92	860,254.44	286,751.48
Connecticut	8	1,019,560.81	764,670.60	254,890.20
New Jersey	8	1,019,560.81	764,670.60	254,890.20
New Hampshire	7	892,115.71	669,086.79	223,028.93
Vermont	7	892,115.71	669,086.79	223,028.93
Alabama	7	892,115.71	669,086.79	223,028.93
Illinois	5	637,225.51	477,919.14	159,306.38
Louisiana	5	637,225.51	477,919.14	159,306.38
Rhode Island	4	509,780.41	382,335.30	127,445.10
Mississippi	4	509,780.41	382,335.30	127,445.10
Missouri	4	509,780.41	382,335.30	127,445.10
Delaware	3	382,335.31	286,751.49	95,583.83
Arkansas	3	382,335.31	286,751.49	95,583.83
Michigan	3	382,335.31	286,751.49	95,583.83
Total		37,468,859.97	28,101,644.91	9,367,214.67

It is worthy of note that in this distribution of the national revenues the Territories and the District of Columbia were ignored.

By act approved August 13, 1841, Congress repealed all of the act of June 23, 1836, except the thirteenth and fourteenth sections, which, as we have seen, provided for the distribution of the surplus with the States in four installments and for its repayment on demand. In 1883 the treasurer of the State of Arkansas made a demand upon the Secretary of the Treasury for the payment to the State of the fourth installment. The Secretary replied that he must follow in the path of his predecessors, who in recent years had considered the law obsolete. In 1884 the State of Virginia filed in the Supreme Court of the United States a petition for a writ of mandamus to compel the Secretary of the Treasury to pay to the treasurer of that State $732,809.03, the amount of the fourth installment.

Jutice Harlan delivered the unanimous opinion of the court on March 17, 1884, holding that the Secretary of the Treasury had no authority, without further direction from Congress, to pay the fourth installment out of any surplus that might have accrued since January 1, 1839. In the course of this opinion. Justice Harlan thus speaks of the situation of the States with reference to the amounts deposited with them:

> Congress has permitted the thirteenth and fourteenth sections of the act of 1836, as modified by the act of October 2, 1837, to stand for the purpose, as we infer, of showing not only the terms upon which the States received the first three installments of deposit, but that those installments are held by the States subject to be recalled in the discretion of the United States.

The question of the constitutionality of that part of the act of October 2, 1837, which requires an act of Congress to recall the three installments was not before the court. It is difficult to see how that provision can be sustained. The original deposit act strained to the breaking point that clause of the Constitution which says, "No money shall be drawn from the Treasury but in consequence of appropriations made by law." It could be justified only on the theory that the deposits were still in the Treasury of the United States so long as they were subject to the demand order of the Treasurer of the United States. As a matter of fact, these funds have always been carried on the books of the Treasury as assets of the Government, and appear on page 47 of the last report of the Treasurer of the United States as "Unavailable funds of the General Treasury." But under the act of October 2, 1837, which provides that these funds shall remain on deposit with the States until otherwise directed by Congress, they can not be held to be, even technically or constructively, in the Treasury. For how can funds be in the Treasury—out of which they can not be drawn except in consequence of appropriations made by law—if a preliminary act of Congress is necessary to make them available for appropriations made by Congress?

If these funds are constructively in the Treasury, then they are subject to recall by the Treasurer in the same way that funds of the Government deposited in the national banks, but constructively in the Treasury, are subject to recall by the Secretary of the Treasury. If these funds are not in the Treasury—if they are on perpetual deposit with the States—then they were taken out of the Treasury in a manner not warranted by the Constitution. This is a technical legal question; but, in my opinion, the provision above referred to in the act of October 2, 1837, can not be sustained, and the three installments, now on deposit with the States, are subject to recall in accordance with the provisions of sections 13 and 14 of the act of June 23, 1836. On the other hand, in view of the rapidly increasing surplus in the Treasury, it would not be surprising if some member from one of the twenty-six deposit States should bring before Congress the claim of his State for the unpaid fourth installment.

As no limitations or restrictions were placed by Congress on the uses which should be made by the States of these deposits, it would be interesting to ascertain what disposition was made of the money received by them, and how readily they could comply with a demand for repayment. A glance at the foregoing table suggests the great changes that have taken place in the population, wealth, and relative importance of these States in two generations. In 1837 Virginia, the third State in the Union, had a population of 1,200,000, and received, as her share of the deposits, $2,198,427.78, while Michigan, with a population of about 150,000, received only $286,751.49. To-day Michigan has a population of 2,400,000, while the population of Virginia is only 1,800,000. Where the principal of the fund received by the State has been kept intact, the deposit could be repaid without serious difficulty; but where the principal has been expended, as is the case with some of the States which received the largest amounts, the repayment would cause serious embarrassment.

Do we want to repeat at this time the financial folly of 1836? I trust not.

In 1837 a new public debt was begun. The panic of 1837 compelled the contracting of new loans, and from that day to the present time we have never been without a debt. The debt ran down to about $15,000,000 just before the Mexican war and rose to $68,000,000 in 1851. In 1856 we had a considerable balance in the Treasury. Then came the folly of 1857, when an injudicious cut in the tariff brought on the panic of that year and financial paralysis and suspension of business all over the country. Do we want to attempt to get rid of our present surplus by such unwise and injudicious legislation?

Mr. GAINES of Tennessee. Will the gentleman allow me an interruption?

Mr. BOUTELL. Certainly.

Mr. GAINES of Tennessee. The gentleman alludes to the panic of 1857 and the era from 1846 to 1860 as an era of panic, distress, and commercial failure. Does not Mr. Blaine, in his Twenty Years in Congress, allude to that and say it was the most prosperous era of the country, and did not Senator Allison in this very House, about 1874 or 1875, say that the tariff of 1846 was the best tariff we ever had in this country?

Mr. BOUTELL. The gentleman from Tennessee, lacking his usual acumen, failed to catch the point of my remark. I said that prior to 1857 we had had this era of great prosperity and that we had a surplus in the Treasury which Congress attempted to dispose of by an injudicious cut in the tariff.

Mr. GAINES of Tennessee. My question covered the period from 1846 to 1860, which the two gentlemen I have named alluded to as the most prosperous era of this country.

Mr. BOUTELL. The era from 1846 to 1857 was, as I have said, one of great prosperity, but the period from 1857 to 1860 was one of the darkest periods in the history of our country. At the outbreak of the civil war the public credit was at a lower ebb than it was when Hamilton took charge of the Treasury.

Mr. GAINES of Tennessee. Did not those gentlemen make in substance the statement I have alluded to?

Mr. BOUTELL. I was not in the House with Mr. Blaine or with Mr. ALLISON. But I have no doubt the gentleman is correct, as he often is.

Mr. GAINES of Tennessee. I was not in the House either at that time; but I am familiar with what those gentlemen said.

Mr. BOUTELL. As I was saying, we had about $60,000,000 of indebtedness at the outbreak of the civil war. And then came one of the greatest exhibitions of national strength that the world has ever seen. From 1861 to 1865 the interest-bearing debt alone mounted up to $2,300,000,000!

Now I ask this question: Are we to use this available $175,000,000 surplus in the Treasury in buying bonds issued on account of the civil war and issued since then? What has been the history of the debt since that time? From 1865 the indebtedness gradually ran down until in 1892, ten years ago, our interest-bearing debt has been reduced to $585,000,000, with an interest charge of $23,000,000. Under President Cleveland, as gentlemen will remember, we issued $262,000,000 more of bonds to carry on the expenses of the Government, and during the Spanish war we issued about $198,000,000 more bonds.

The official statement of the interest-bearing debt on the 31st of January last is as follows:

Interest-bearing debt.

Title of loan.	Authorizing act.	Rate.	When issued.	When redeemable.	Interest payable.	Amount issued.	Outstanding Jan. 31, 1902.		
							Registered.	Coupon.	Total.
Consols of 1930	Mar. 14, 1900	2 per cent	1900	After Apr. 1, 1930	J., O., J., and A.	$445,940,750	$435,373,550	$10,567,200	$445,940,750
Loan of 1908–1918	June 13, 1898	3 per cent	1898	After Aug. 1, 1908	A., N., F., and M.	198,792,660	48,401,060	49,131,880	97,532,940
Funded loan of 1907	July 14, 1870, and Jan. 20, 1871.	4 per cent	1877–1879	After July 1, 1907	J., A., J., and O.	740,923,200	186,843,600	51,128,000	237,971,600
Refunding certificates	Feb. 26, 1879	do	1879		do	40,012,750			32,190
Loan of 1925	Jan. 14, 1875	do	1895–96	After Feb. 1, 1925	F., M., A., and N.	162,315,400	106,385,800	31,504,700	137,890,500
Loan of 1904	do	5 per cent	1894–95	After Feb. 1, 1904	do	100,000,000	10,798,800	8,927,550	19,726,350
Aggregate of interest-bearing debt.						1,687,984,760	787,802,810	151,259,330	939,094,830

I believe in a steady annual reduction of the public debt, but until our national banking laws have been revised we can not reduce much further the amount of the bonded debt without impairing thereby the efficiency of our national banking system. The national banks are now using over $434,000,000 of bonds as a basis of circulation and to qualify as public depositories. The amount of bonds so used has doubled in the last four years.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. HENRY of Connecticut. I ask that the gentleman's time be extended for five minutes.

Mr. FLEMING. Why not let the gentleman proceed until he concludes?

The CHAIRMAN. The gentleman from Connecticut [Mr. HENRY] yields to the gentleman from Illinois five minutes.

Mr. BOUTELL. I thank the gentleman and the committee for their courtesy. I was just discussing the policy of using the present surplus and taxes in buying bonds, and was reading from a table showing how closely we were encroaching upon the present demand of the banks for bonds. This table, prepared by the Comptroller of the Currency, is as follows:

Statement of number of national banks, with their circulation.

[Number of banks designated as public depositories, with the amount of United States bonds held by them as public deposits at periods named.]

Date.	Number of banks.	Circulation on bonds.	Circulation on lawful money.	Number of United States depositories.	Bonds for deposits.
July 1, 1891	3,662	$126,871,090	$40,706,184	185	$26,349,500
July 1, 1892	3,765	145,425,782	27,000,828	159	15,852,000
July 1, 1893	3,846	157,565,194	20,812,773	160	15,247,000
July 1, 1894	3,775	180,098,270	26,784,660	155	14,736,000
July 1, 1895	3,722	185,786,698	25,628,937	160	15,278,000
July 1, 1896	3,698	205,094,903	20,461,617	160	16,928,000
July 1, 1897	3,619	205,916,688	24,751,347	168	16,930,500
July 1, 1898	3,590	197,078,091	30,822,085	172	30,851,500
July 1, 1899	3,589	205,264,095	36,086,776	357	78,564,540
July 1, 1900	3,816	274,115,551	35,524,892	442	107,253,580
July 1, 1901	4,178	323,890,683	29,851,503	448	105,765,450
January 1, 1902	4,337	325,009,306	35,280,420	471	110,844,650
January 20, 1902	4,358	322,679,446	36,476,791	472	111,389,650

A glance at this table shows how rapidly our national banks have multiplied in the last few years. Until our present banking system has been remodeled it seems to me that it would not be wise to make further large purchases of bonds.

Some one may say, however, that we ought to comply faithfully with our sinking-fund laws, no matter what the result of such a compliance may be. But a brief examination of the history of our present sinking-fund laws will show that they have never been considered as conferring anything but discretionary power upon the Secretary of the Treasury. These laws are contained in section 5 of the act of February 25, 1862, authorizing the issue of United States notes and 6 per cent bonds, and provide:

> That all duties on imported goods shall be paid in coin or in notes payable on demand heretofore authorized to be issued and by law receivable in payment of public dues, and the coin so paid shall be set apart as a special fund, and shall be applied as follows:
>
> First. To the payment in coin of the interest on the bonds and notes of the United States.
>
> Second. To the purchase or payment of 1 per cent of the entire debt of the United States, to be made within each fiscal year after the 1st day of July, 1862, which is to be set apart as a sinking fund, and the interest of which shall in like manner be applied to the purchase or payment of the public debt, as the Secretary of the Treasury shall from time to time direct.
>
> Third. The residue thereof to be paid into the Treasury of the United States.

This sinking-fund law, codified in the Revised Statutes as section 3694, is still in force. The language of the law is plain and the intention of the legislature clear, with the exception of the fiction concerning the interest on the purchased debt. Enough of the coin received from duties on imports to pay the interest and purchase or pay before maturity 1 per cent of the principal of the debt was to be annually withheld from the Treasury and applied by the Secretary to such payments or purchases. Only the "residue" was to be paid into the Treasury. Every year the interest and 1 per cent of the principal of the debt were to be paid, no matter how small the balance that would go to the Treasury for the support of the Government.

This is the plain language of the law and the interpretation placed upon it by those who were instrumental in its adoption. As late as 1870 Mr. Sherman said in the Senate, in speaking of this law: "These particular revenues are pledged, mortgaged. You have no more right to take them for any other purpose than the public debt than you have to take my property." No one has yet been able to determine whether the legislature intended that the interest on the purchased debt should also be considered a prior lien on the customs receipts.

At the close of the war it was estimated that the operation of the sinking fund would discharge the debt in about thirty-five years; but the law has been variously interpreted at different times by the financial officers of the Government, and, under any interpretation that has been given to it, has never been fully complied with. Strangely enough it is under Mr. Sherman's administration of the Treasury that we find the smallest annual debt reduction in the history of the sinking fund. In 1879 the total amount credited to the sinking fund was only $18,500. So much easier is it to make and interpret the laws than to execute them.

From 1865 to 1869 large amounts of floating and matured indebtedness were "paid," but it was not until May, 1869, that any purchases of the debt were made for the sinking fund. It is with this date that the sinking-fund account, as kept by the Treasury, begins. During the last thirty-two years the annual purchases for the sinking fund have ranged from $18,500, in 1879, to over $74,000,000, in 1881, and the total amount of securities redeemed for the sinking fund up to July 1, 1901, was $962,000,000. On that date there was a balance due the sinking fund of over $343,000,000; that is, if the requirements of the law had been fully complied with since 1869 over $343,000,000 more of securities would have been redeemed and credited to the fund.

But the sinking-fund account by no means shows the full amount of the debt that has been canceled since 1865, or even since 1869. The interest-bearing debt in 1865 was $2,300,000,000, and additions have been made to it since that time. However, the outstanding interest-bearing debt is now less than $950,000,000. We must look, therefore, to some other account for an item of $800,000,000 of canceled debt.

The refunding act of 1870 contained this provision, codified as section 3696 of the Revised Statutes:

> In addition to other amounts that may be applied to the redemption or payment of the public debt, an amount equal to the interest on all bonds belonging to the sinking fund shall be applied, as the Secretary of the Treasury shall from time to time direct, to the payment of the public debt.

The authority vested in the Secretary of the Treasury by this law was extended by the act of March 3, 1881, section 2 of which provides:

> That the Secretary of the Treasury may at any time apply the surplus money in the Treasury not otherwise appropriated, or so much thereof as he may consider proper, to the purchase or redemption of United States bonds: *Provided*, That the bonds so purchased or redeemed shall constitute no part of the sinking fund, but shall be canceled.

These enactments confer upon the Secretary of the Treasury powers similar to those given to the old sinking-fund commissioners by the act of 1830.

What is the practical operation of the sinking-fund law in connection with these later statutes? How have these laws been interpreted and administered by the Treasury Department?

The sinking-fund law has not been regarded as mandatory. No coin has been set aside to meet the requirements of the law. The interest on the sinking fund has not been considered a permanent annual appropriation. All purchases and redemptions of bonds have been made out of the surplus funds in the Treasury. Whenever in any year the demands of the sinking fund for that year have been complied with, additional purchases of bonds which may be made in that year are carried in another account. This

method of separating into two accounts transactions belonging to the same subject is illogical and confusing.

Besides those already mentioned two other transactions are now carried in the sinking-fund account. Under the law of 1890 money deposited by national banks with the Secretary of the Treasury to secure their circulation is carried as part of the public debt. Redemptions of bank notes are now credited to the sinking fund. The financial act of 1900 provides that the premiums paid by the Secretary of the Treasury in exchanging 2 per cent bonds for outstanding securities shall also be credited to the sinking fund.

During the fiscal year ending June 30, 1901, the disbursements on the sinking-fund accounts amounted in round numbers to $56,000,000. The official statement for the year shows the manner in which the account is kept:

Sinking-fund account, fiscal year 1901.

DR.		CR.	
To balance from last year ..... July 1, 1900—	$345,998,471.37	June 30, 1901— By principal of bonded debt redeemed in 1901.	$36,088,120.00
To 1 per cent on the principal of the public debt on June 30, 1900, less coin and currency certificates, Treasury notes, and cash available for reduction of the debt, viz, $1,263,416,912.67...	12,634,169.13	By accrued interest thereon	147,682.79
June 30, 1901— To interest on redemption prior to fiscal year 1901	40,962,389.79	By fractional currency and notes redeemed in 1901	3,428.78
To interest on $36,091,548.78, amount of debt "paid" during fiscal year 1901	564,924.50	By accrued interest thereon	125.35
		By national-bank notes redeemed	5,743,569.00
		By premium on bonds purchased	1,841,120.77
		By excess of present worth over par value of bonds exchanged for 2 per cent consols of 1930	12,808,452.18
		By balance	343,527,455.92
Total	400,159,954.79	Total	400,159,954.79

An analysis of this account will show some of the departures from a literal interpretation of the law. The law says that 1 per cent of the "entire debt" shall be discharged in each fiscal year. The official statement of the "entire debt" on June 30, 1900, shows that it was $2,101,445,225.67. But the computation for the sinking fund is made on the net debt, or the entire debt less the cash in the Treasury. Even on the basis of the Treasury computation the sinking fund last year called for $54,000,000, exclusive of the bank notes and 2 per cent bond premiums. The purchases, however, were less than $38,000,000. The first item in the foregoing account, of over $345,000,000, shows the deficit in the sinking fund up to the beginning of the fiscal year 1901.

Again, the law directs that 1 per cent of the debt shall be paid or purchased in each year, not that an amount equal to 1 per cent thereof shall be disbursed. To carry out the intent of the law, therefore, the premiums paid on purchases of 1 per cent of the debt, if credited to the sinking fund, should also be carried as a charge against the account. Further illustrations are unnecessary to show that the operation of the sinking-fund laws which have been on the statute books for forty years is not uniform, certain, or automatic. These laws are simply a system of bookkeeping. Their operation depends, as the operation of all such laws must depend, upon the condition of the Treasury and the discretion of the financial officer of the Government.

As no one could justly criticise the Secretary of the Treasury for a full compliance with these laws, to the extent at least of applying the surplus thereto, it is interesting to consider what effect such a compliance would have in the next few years upon the public debt. At the close of business on December 1, 1901, the aggregate debt was, in round numbers, $2,100,000,000. Of this sum $811,000,000 consisted of certificates and Treasury notes secured by cash in the Treasury, $7,000,000 of fractional currency, little of which will ever be presented for redemption, and $35,000,000 held for the redemption of national bank notes. This leaves the debt unsecured except by cash in the Treasury $1,300,000,000, consisting of $347,000,000 of United States notes, or greenbacks, bearing no interest, and $950,000,000 of bonds. This interest-bearing debt is made up of $20,000,000 in 5 per cent bonds, due in 1904; $240,000,000 in 4 per cent bonds, due in 1907; $98,000,000 in 3 per cent bonds, due in 1908; $140,000,000 in 4 per cent bonds, due in 1925, and $446,000,000 in 2 per cent bonds, due in 1930.

From the above analysis it will appear that there are $358,000,000 of bonds maturing within the next six years. Now, the present annual demands of the sinking fund are something over $55,000,000, and, of course, these demands increase as the capital of the sinking fund increases. It is apparent, therefore, that, if the sinking-fund laws could be made to work automatically and with precision, the entire amount of the debt maturing on or before August 1, 1908, would be discharged by their operation.

The outstanding interest-bearing debt would then consist of $140,000,000, due in seventeen years, and $446,000,000, due in twenty-two years. But the annual demands of the sinking fund would, in 1908, be about $67,000,000 a year. A compliance with these demands would redeem the $140,000,000 in three years, so that in 1911 there would be outstanding only the $446,000,000 of 2 per cent bonds. In 1911 the requirements of the sinking fund would be over $71,000,000 a year. A compliance with these requirements would, therefore, extinguish our interest-bearing debt by 1917. It was after this fashion that the framers of the law of 1862 intended it to work. But in its practical operation the Secretary of the Treasury is restricted to a judicious use of the balance remaining in the Treasury each year "after an adjournment of Congress."

The following is a statement of the sinking-fund account for the first six months of the fiscal year beginning July 1, 1901:

Sinking-fund account, fiscal year 1902—six months.

DR.		CR.	
To balance from last year	$343,527,455.92	July 1, 1901, to Dec. 31, 1901— By principal of bonded debt redeemed in 1902....	$43,934,460.00
To 1 per cent on principal of the public debt on June 30, 1901, less coin and currency certificates, Treasury notes, and cash available for reduction of the debt, viz, $1,221,572,244.89.....	12,215,722.45	By accrued interest thereon	225,739.42
To interest on redemptions prior to fiscal year 1902.....	41,980,309.17	By fractional currency and notes redeemed in 1902....	4,199.75
To interst on $43,938,659.75, amount of debt "paid" from July 1 to Dec. 31, 1901.....	1,484,686.85	By accrued interest thereon	442.32
		By premium on bonds purchased..	11,399,471.48
		By balance.....	343,643,861.42
Total.....	399,208,174.39	Total.....	399,208,174.39

This statement shows that the principal of the bonded debt has been reduced $8,000,000 more in the first six months of this year than it was in the whole of the preceding year.

In the foregoing estimate of the reduction of the debt that would take place if the sinking-fund laws were carried out no account has been taken of the bond purchases which the Secretary is authorized to make by the act of 1881 in addition to the requirements of the sinking fund. If the rate of reduction during the first six months of this year should be maintained throughout the year, the reduction of the principal of the bonded debt alone would amount to over $87,000,000. A continuance of this annual rate of reduction would extinguish the entire interest-bearing debt in about eleven years.

The outstanding bonds bearing interest at 3, 4, and 5 per cent can be readily converted as they mature into long-time 2 per cent gold bonds, under the act of 1900. We have in the Treasury an available cash balance that, as we have seen, has stood at between $160,000,000 and $190,000,000 during the last four months. The Secretary estimates that the surplus for the year ending June 30, 1902, will be $100,000,000. This would produce a Treasury balance on that date of about $230,000,000, if no future purchases of the debt should be made.

Congress ought, therefore, to determine whether the policy of reducing the debt should be continued or a plan for converting the bonds adopted. If our ordinary expenditures are not increased and the purchases of the debt are discontinued, a greater reduction in taxation can of course be made than if we adhere to the policy of reducing the debt.

I have no faith, however, in the supposed benefits of a national debt; neither do I believe in the policy of national deficit financiering or in the efficacy of the restraining influence of such a system. We can not tell what national trials the future may have in store for our country, and we should not selfishly transfer to posterity any burden of debt which the present peace and our abundant resources enable us easily to discharge.

In closing his extremely able report to Congress the Secretary of the Treasury suggests that this is a most favorable time "to enter upon judicious measures to eliminate such elements of financial weakness as experience has brought into view, and to perfect, if possible, our now imperfect system of currency." In accordance with his suggestion this would seem to be a good time to repeal the obsolete sinking-fund law of 1862, whose inefficiency experience has effectually demonstrated.

We are now in a position to revert to Gallatin's policy and make a permanent annual appropriation of a sum that will be sufficient, in connection with the occasional use of the annual surplus, to discharge the outstanding bonds as they mature. Such a policy, definite in its terms and certain in its action, would enable us to adjust more nearly than we can now do our annual receipts to our annual expenditures. With such a permanent appropriation we should still be justified in making a considerable reduction in our present revenues. Such a reduction should, however, be made with caution. While a large surplus in the Treasury offers a tempting invitation to extravagant appropria-

tions on the one hand, it presents, on the other hand, an attractive inducement to an inconsiderate curtailment of the revenues. Congress is now given an excellent opportunity to shun the folly of 1836, avoid the blunder of 1857, and demonstrate for the first time its ability to deal successfully with a large and increasing surplus.

In 1817 $2,000,000 was considered a sufficient working balance for the Treasury. In 1837 $5,000,000 was held to be ample. At the present time $50,000,000 would undoubtedly meet all ordinary demands. There is now in the Treasury a sum of one hundred and twenty millions over and above a reservation of fifty millions. In the present condition of the public credit the accumulation of money in the National Treasury is not only of no benefit to the Government, but it is a positive injury to the business interests of the country.

I think it is clear, however, from the foregoing review of our sinking-fund laws, that in considering the question of disposing of the present surplus we need not feel bound or at all hampered by the provisions of these laws.

This would seem to be a most opportune time for retiring the United States notes. Issued originally as a forced loan, they constitute to-day the worst part of the public debt. They are a constant menace to the stability of our monetary system. The total amount of greenbacks issued was about $450,000,000. There are now outstanding $346,681,016.

Against these notes we are holding in the Treasury $150,000,000 in gold.

If the greenbacks should be called for redemption in gold and permanent withdrawal from circulation, probably not over $200,000,000 could be retired in the first two years. It would undoubtedly take ten or fifteen years more to get in the remaining $146,000,000. By adding $50,000,000 from the available cash in the Treasury to the gold reserve we should have a fund of $200,000,000 with which the redemption of the greenbacks could be safely undertaken at the present time without any reduction in the volume of money in circulation.

The suspension of specie payments during the civil war and the issuing of United States notes, which were both caused by the lack of an adequate banking system, cost the Government not less than $500,000,000, through the sale of bonds for depreciated notes and their payment in gold. Now that the condition of the Treasury warrants the use of the necessary funds, ought we not to destroy this dangerous form of currency before it works further harm to the country?

It seems to me that the application of a portion of the present available cash in the Treasury to the retirement of the greenbacks would be a most judicious method of reducing the surplus.

Our experience in dealing with a surplus shows the dangers into which we are liable to fall. It is an easy matter to dissipate a surplus, for a full Treasury is an invitation to extravagant expenditures. We can easily get rid of the balance in the Treasury by increasing our ordinary appropriations and by entering upon new and unusual expenditures.

Ought we not, however, in determining what we shall do with the present surplus, to consider the sources from which it has been derived?

It does not result from a decrease in our normal expenditures, for there has been during the last few years a steady increase in our expenses over and above the cost of the war with Spain.

Our expenses will always keep pace with the growth of the nation in wealth and population. The present surplus is the direct result of the large income derived from the war-revenue act of 1898.

The following table, prepared from the records of the Treasury Department, shows in detail the receipts and expenditures of the Government, by months, from July 1, 1891, to January 1, 1902:

Statement of receipts and expenditures of the United States, by months, from July 1, 1891, to January 1, 1902.

RECEIPTS.		EXPENDITURES.	
Customs	$15,468,153.91	Civil and miscellaneous	$12,343,669.77
Internal revenue	14,551,867.92	War	5,791,153.95
Miscellaneous	4,138,222.85	Navy	2,233,716.07
		Indians	1,245,829.81
		Pensions	13,663,326.43
		Interest	2,822,598.31
Total for July, 1891	34,158,244.68	Total for July, 1891	38,100,294.34
		Excess of expenditures	**3,942,049.66**
Customs	15,164,674.61	Civil and miscellaneous	6,861,616.19
Internal revenue	12,501,829.02	War	3,590,617.41
Miscellaneous	1,107,477.47	Navy	2,784,990.46
		Indians	737,505.54
		Pensions	5,094,323.88
		Interest	468,430.97
Total for August, 1891	28,773,981.10	Total for August, 1891	19,537,484.45
Surplus	**9,236,496.65**		

Statement of receipts and expenditures of the United States, by months, from July 1, 1891, to January 1, 1902—Continued.

RECEIPTS.		EXPENDITURES.	
Customs	$14,120,940.80	Civil and miscellaneous	$7,292,546.11
Internal revenue	11,946,531.71	War	3,961,443.95
Miscellaneous	1,098,082.24	Navy	2,580,157.68
		Indians	1,335,038.98
		Pensions	6,682,878.75
		Interest	414,972.22
Total for September, 1891	27,165,554.25	Total for September, 1891	22,267,037.69
Surplus	**4,898,516.56**		
Customs	13,980,687.43	Civil and miscellaneous	8,983,729.89
Internal revenue	13,066,461.15	War	2,281,916.60
Miscellaneous	1,401,413.63	Navy	2,383,305.58
		Indians	850,858.99
		Pensions	10,976,593.69
		Interest	5,174,405.77
Total for October, 1891	28,448,562.21	Total for October, 1891	30,650,810.52
		Excess of expenditures	**2,202,248.31**
Customs	12,659,039.01	Civil and miscellaneous	6,072,845.14
Internal revenue	12,480,326.54	War	4,055,177.22
Miscellaneous	1,663,522.17	Navy	2,684,497.01
		Indians	1,200,684.31
		Pensions	11,783,598.71
		Interest	359,245.41
Total for November, 1891	26,802,887.72	Total for November, 1891	26,156,047.80
Surplus	**646,839.92**		
Customs	13,836,555.64	Civil and miscellaneous	8,342,679.75
Internal revenue	12,427,046.73	War	5,102,456.59
Miscellaneous	1,382,913.36	Navy	2,427,108.94
		Indians	1,086,004.54
		Pensions	13,140,769.05
		Interest	325,708.80
Total for December, 1891	27,646,515.73	Total for December, 1891	30,424,727.67
		Excess of expenditure	**2,778,211.94**
Customs	17,459,285.74	Civil and miscellaneous	9,473,708.04
Internal revenue	11,439,956.70	War	4,067,179.34
Miscellaneous	1,484,236.16	Navy	2,489,355.26
		Indians	950,365.05
		Pensions	10,521,941.40
		Interest	6,672,801.01
Total for January, 1892	30,383,478.60	Total for January, 1892	34,175,350.10
		Excess of expenditure	**3,791,871.50**
Customs	16,782,419.95	Civil and miscellaneous	8,223,430.67
Internal revenue	12,189,387.36	War	3,072,548.00
Miscellaneous	1,727,137.26	Navy	1,852,926.67
		Indians	487,763.85
		Pensions	11,561,447.31
		Interest	764,609.13
Total for February, 1892	30,698,944.57	Total for February, 1892	25,962,725.63
Surplus	**4,736,218.94**		
Customs	16,415,312.33	Civil and miscellaneous	7,800,501.86
Internal revenue	12,133,601.09	War	3,434,574.96
Miscallaneous	1,287,692.91	Navy	2,405,585.01
		Indians	957,119.43
		Pensions	12,937,407.06
		Interest	249,028.97
Total for Mar., 1892	29,836,606.33	Total for Mar., 1892	27,784,217.29
Surplus	**2,052,389,04**		
Customs	13,709,989.18	Civil and miscellaneous	9,104,040.82
Internal revenue	12,048,622.17	War	3,600,098.06
Miscellaneous	1,212,612.69	Navy	2,008,779.34
		Indians	876,017.86
		Pensions	12,705,035.01
		Interest	1,765,660.88
Total for Apr., 1892	26,971,224.04	Total for Apr., 1892	30,059,631.97
		Excess of expenditure	**3,088,407.93**
Customs	13,121,391.37	Civil and miscellaneous	7,972,853.30
Internal revenue	13,050,106.75	War	3,632,339.07
Miscellaneous	2,056,900.33	Navy	2,603,881.81
		Indians	542,253.72
		Pensions	12,908,339.24
		Interest	4,073,126.75
Total for May, 1892	28,228,398.45	Total for May, 1892	31,732,793.89
		Excess of expenditure	**3,504,395.44**
Customs	14,618,495.37	Civil and miscellaneous	7,606,018.09
Internal revenue	14,779,922.34	War	4,314,346.16
Miscellaneous	1,560,200.27	Navy	2,760,368.30
		Indians	830,621.51
		Pensions	12,122,095.44
		Interest	288,962.75
Total for June, 1892	30,958,617.98	Total for June, 1892	27,922,412.25
Surplus	**3,036,205.73**		
Total for fiscal year 1892	354,937,784.24	Total for fiscal year, 1892	345,023,330.58
Surplus for the year	**9,914,453.66**		

Statement of receipts and expenditures of the United States, by months, from July 1, 1891, to January 1, 1902—Continued.

RECEIPTS.		EXPENDITURES.	
Customs	$17,205,153.00	Civil and miscellaneous	$8,755,801.44
Internal revenue	14,866,118.33	War	3,565,087.62
Miscellaneous	2,243,059.92	Navy	2,221,707.86
		Indians	508,614.79
		Pensions	14,235,140.15
		Interest	7,047,624.68
Total for July, 1892	34,314,331.25	Total for July, 1892	36,333,976.54
		Excess of expenditure	**2,019,645.29**
Customs	18,271,668.55	Civil and miscellaneous	10,468,448.84
Internal revenue	14,063,459.80	War	4,239,044.31
Miscellaneous	1,143,930.18	Navy	2,186,749.34
		Indians	737,644.41
		Pensions	13,478,067.56
		Interest	330,299.57
Total for August, 1892	33,479,058.53	Total for August, 1892	31,440,254.03
Surplus	**2,038,804.50**		
Customs	17,209,947.88	Civil and miscellaneous	7,641,351.04
Internal revenue	13,735,887.81	War	4,363,770.46
Miscellaneous	851,792.97	Navy	2,586,788.07
		Indians	698,998.37
		Pensions	12,654,367.13
		Interest	247,148.17
Total for September, 1892	31,797,628.66	Total for September, 1892	28,192,423.24
Surplus	**3,605,205.42**		
Customs	16,366,558.62	Civil and miscellaneous	7,660,742.67
Internal revenue	14,153,891.04	War	3,515,426.40
Miscellaneous	768,090.55	Navy	1,844,464.37
		Indians	1,332,315.81
		Pensions	11,682,410.59
		Interest	5,152,602.34
Total for October, 1892	31,288,540.21	Total for October, 1892	31,187,962.18
Surplus	**100,578.03**		
Customs	14,269,379.94	Civil and miscellaneous	7,796,814.98
Internal revenue	13,050,706.64	War	4,751,186.70
Miscellaneous	1,419,808.80	Navy	2,736,096.15
		Indians	559,822.47
		Pensions	13,431,871.00
		Interest	364,986.98
Total for November, 1892	28,739,895.38	Total for November, 1892	29,640,778.28
		Excess of expenditure	**900,882.90**
Customs	16,308,334.25	Civil and miscellaneous	8,675,317.07
Internal revenue	14,843,836.27	War	5,726,440.98
Miscellaneous	1,914,793.08	Navy	2,547,072.71
		Indians	1,293,253.59
		Pensions	14,942,108.41
		Interest	275,803.82
Total for December, 1892	33,066,963.60	Total for December, 1892	33,459,999.58
		Excess of expenditure	**393,035.98**
Customs	21,102,476.50	Civil and miscellaneous	10,451,683.25
Internal revenue	12,052,917.57	War	4,270,785.65
Miscellaneous	1,847,658.24	Navy	2,319,309.60
		Indians	1,167,567.03
		Pensions	13,038,270.40
		Interest	7,103,836.25
Total for January, 1893	35,003,052.31	Total for January, 1893	38,351,452.18
		Excess of expenditure	**3,348,399.87**
Customs	16,936,395.28	Civil and miscellaneous	9,322,334.69
Internal revenue	11,316,832.14	War	3,665,027.94
Miscellaneous	1,444,914.81	Navy	2,836,969.00
		Indians	1,225,054.07
		Pensions	13,494,663.26
		Interest	322,224.04
Total for February, 1893	29,698,142.23	Total for February, 1893	30,866,273.00
		Excess of expenditure	**1,168,130.77**
Customs	19,664,874.60	Civil and miscellaneous	9,578,943.80
Internal revenue	12,930,927.86	War	3,775,416.95
Miscellaneous	1,520,007.53	Navy	2,510,743.47
		Indians	1,249,982.15
		Pensions	13,839,220.10
		Interest	679,175.76
Total for March, 1893	34,115,809.99	Total for March, 1893	31,633,482.23
Surplus	**2,482,327.76**		
Customs	15,418,637.53	Civil and miscellaneous	8,773,809.25
Internal revenue	11,799,367.72	War	3,436,386.03
Miscellaneous	1,197,362.54	Navy	2,627,309.72
		Indians	433,756.74
		Pensions	12,871,761.38
		Interest	5,095,863.11
Total for April, 1893	28,415,367.79	Total for April, 1893	33,238,886.23
		Excess of expenditures	**4,823,518.44**

Statement of receipts and expenditures of the United States, by months, from July 1, 1891, to January 1, 1902—Continued.

RECEIPTS.		EXPENDITURES.	
Customs	$15,424,853.83	Civil and miscellaneous	$8,221,452.54
Internal revenue	13,212,103.42	War	4,557,880.03
Miscellaneous	2,291,900.39	Navy	2,320,935.42
		Indians	649,152.42
		Pensions	14,268,020.35
		Interest	383,346.53
Total for May, 1893	30,928,857.64	Total for May, 1893	30,210,787.29
Surplus	**718,070.35**		
Customs	14,964,390.83	Civil and miscellaneous	6,258,315.45
Internal revenue	14,003,127.32	War	3,970,064.48
Miscellaneous	1,749,583.70	Navy	3,400,062.01
		Indians	3,473,907.95
		Pensions	11,411,301.98
		Interest	261,816.93
Total for June, 1893	30,707,101.85	Total for June, 1893	28,775,468.80
Surplus	**1,941,633.05**		
Total for fiscal year 1893	385,819,628.78	Total for fiscal year 1893	383,477,954.49
Surplus for the year	**2,341,674.29**		
Customs	14,683,969.19	Civil and miscellaneous	9,437,018.37
Internal revenue	14,689,127.56	War	4,970,545.56
Miscellaneous	1,532,679.44	Navy	2,549,883.56
		Indians	834,044.78
		Pensions	14,757,668.37
		Interest	7,126,727.96
Total for July, 1893	30,905,776.19	Total for July, 1893	39,675,888.60
		Excess of expenditure	**8,770,112.41**
Customs	12,144,626.28	Civil and miscellaneous	10,186,339.66
Internal revenue	10,562,967.33	War	6,234,988.98
Miscellaneous	1,183,291.69	Navy	3,591,334.60
		Indians	1,629,780.28
		Pensions	11,266,158.75
		Interest	396,626.21
Total for August, 1893	23,890,885.30	Total for August, 1893	33,305,228.48
		Excess of expenditure	**9,414,343.18**
Customs	12,569,776.15	Civil and miscellaneous	6,563,652.02
Internal revenue	11,469,389.66	War	4,804,838.86
Miscellaneous	543,590.29	Navy	2,600,476.10
		Indians	524,364.54
		Pensions	10,786,864.53
		Interest	197,814.12
Total for September, 1893	24,582,756.10	Total for September, 1893	25,478,010.17
		Excess of expenditure	**895,254.07**
Customs	10,999,531.45	Civil and miscellaneous	8,112,138.01
Internal revenue	12,736,409.48	War	5,325,918.63
Miscellaneous	817,454.04	Navy	2,645,173.33
		Indians	583,060.07
		Pensions	10,340,314.33
		Interest	2,582,187.97
Total for October, 1893	24,553,394.97	Total for October, 1893	29,588,792.34
		Excess of expenditure	**5,035,397.37**
Customs	10,218,688.64	Civil and miscellaneous	7,894,680.44
Internal revenue	12,054,069.58	War	5,259,098.55
Miscellaneous	1,706,642.59	Navy	2,104,878.59
		Indians	804,197.60
		Pensions	12,330,568.00
		Interest	2,908,663.23
Total for November, 1893	23,979,400.81	Total for November, 1893	31,302,026.41
		Excess of expenditure	**7,322,625.60**
Customs	9,153,215.99	Civil and miscellaneous	7,333,687.60
Internal revenue	12,056,323.15	War	5,032,197.13
Miscellaneous	1,102,487.86	Navy	2,795,214.84
		Indians	897,938.91
		Pensions	13,766,534.83
		Interest	232,687.20
Total for December, 1893	22,312,027.00	Total for December, 1893	30,058,260.51
		Excess of expenditure	**7,746,233.51**
Customs	11,454,803.14	Civil and miscellaneous	6,714,678.12
Internal revenue	10,711,649.21	War	3,956,682.13
Miscellaneous	1,916,286.62	Navy	3,305,025.15
		Indians	1,180,878.33
		Pensions	8,995,808.90
		Interest	7,156,596.96
Total for Jan., 1894	24,082,738.97	Total for Jan., 1894	31,309,669.59
		Excess of expenditure	**7,226,930.62**
Customs	10,390,528.13	Civil and miscellaneous	8,277,104.81
Internal revenue	11,050,403.99	War	3,759,978.33
Miscellaneous	828,367.34	Navy	2,109,060.52
		Indians	791,183.94
		Pensions	11,528,557.85
		Interest	259,488.39
Total for Feb., 1894	22,269,299.46	Total for Feb., 1894	26,725,373.84
		Excess of expenditure	**4,456,074.38**

Statement of receipts and expenditures of the United States, by months, from July 1, 1891, to January 1, 1902—Continued.

RECEIPTS.		EXPENDITURES.	
Customs	$11,358,984.67	Civil and miscellaneous	$9,656,907.98
Internal revenue	12,808,427.45	War	3,779,427.40
Miscellaneous	675,385.67	Navy	3,373,210.03
		Indians	709,067.51
		Pensions	13,372,506.08
		Interest	246,441.24
Total for March, 1894	24,842,797.79	Total for March, 1894	31,137,560.24
		Excess of expenditure	**6,294,762.45**
Customs	10,176,691.36	Civil and miscellaneous	9,881,029.78
Internal revenue	11,363,144.02	War	3,136,226.94
Miscellaneous	1,152,528.88	Navy	2,545,483.27
		Indians	782,302.53
		Pensions	10,152,300.95
		Interest	5,575,492.95
Total for April, 1894	22,692,364.26	Total for April, 1894	32,072,836.42
		Excess of expenditure	**9,380,472.16**
Customs	9,798,067.25	Civil and miscellaneous	9,292,183.16
Internal revenue	12,041,950.53	War	3,842,210.20
Miscellaneous	1,226,976.54	Navy	2,031,606.44
		Indians	740,982.82
		Pensions	12,977,282.21
		Interest	894,876.09
Total for May, 1894	23,066,994.32	Total for May, 1894	29,779,140.92
		Excess of expenditure	**6,712,146.60**
Customs	8,858,876.63	Civil and miscellaneous	7,610,590.75
Internal revenue	15,178,898.21	War	4,223,591.64
Miscellaneous	2,448,150.88	Navy	1,732,116.73
		Indians	804,478.25
		Pensions	10,894,818.62
		Interest	291,425.24
Total for June, 1894	26,485,925.72	Total for June, 1894	25,557,021.23
Surplus	**928,904.49**		
Total for fiscal year 1894	297,722,019.25	Total for fiscal year 1894	367,525,279.83
		Excess of expenditure over receipts	**69,803,260.58**
Customs	8,417,338.46	Civil and miscellaneous	9,962,646.80
Internal revenue	25,200,487.95	War	3,995,601.00
Miscellaneous	1,181,513.34	Navy	2,325,441.27
		Indians	448,535.65
		Pensions	12,902,577.20
		Interest	7,013,780.61
Total for July, 1894	34,809,339.75	Total for July, 1894	36,648,582.53
		Excess of expenditure	**1,839,242.78**
Customs	11,804,914.21	Civil and miscellaneous	9,826,488.79
Internal revenue	27,562,278.80	War	5,660,911.15
Miscellaneous	1,050,412.80	Navy	3,446,272.31
		Indians	476,815.45
		Pensions	11,334,569.52
		Interest	911,579.63
Total for August, 1894	40,417,605.81	Total for August, 1894	31,656,636.85
Surplus	**8,760,968.96**		
Customs	15,564,990.56	Civil and miscellaneous	7,515,845.84
Internal revenue	6,182,149.47	War	6,352,315.52
Miscellaneous	874,088.85	Navy	2,282,301.18
		Indians	1,260,809.17
		Pensions	12,589,701.19
		Interest	322,045.71
Total for September, 1894	22,621,228.88	Total for September, 1894	30,323,018.61
		Excess of expenditure	**7,701,789.73**
Customs	11,962,118.17	Civil and miscellaneous	8,203,279.28
Internal revenue	6,493,438.22	War	4,428,495.04
Miscellaneous	683,683.71	Navy	3,025,732.47
		Indians	808,135.71
		Pensions	11,053,357.12
		Interest	5,194,040.27
Total for October, 1894	19,139,240.10	Total for October, 1894	32,713,039.89
		Excess of expenditure	**13,573,799.79**
Customs	10,260,692.56	Civil and miscellaneous	6,978,647.51
Internal revenue	7,774,074.32	War	4,675,145.01
Miscellaneous	1,376,637.10	Navy	2,962,956.74
		Indians	902,104.74
		Pensions	12,032,191.03
		Interest	926,143.76
Total for November, 1894	19,411,403.98	Total for November, 1894	28,477,188.79
		Excess of expenditure	**9,065,784.81**
Customs	11,203,049.40	Civil and miscellaneous	6,935,329.09
Internal revenue	9,394,039.35	War	4,254,323.16
Miscellaneous	1,269,048.07	Navy	2,537,306.62
		Indians	968,953.20
		Pensions	12,329,473.97
		Interest	110,074.51
Total for Dec., 1894	21,866,136.82	Total for Dec., 1894	27,135,460.55
		Excess of expenditure	**5,269,323.73**

Statement of receipts and expenditures of the United States, by months, from July 1, 1891, to January 1, 1902—Continued.

RECEIPTS.		EXPENDITURES.	
Customs	$17,361,916.25	Civil and miscellaneous	$10,217,952.58
Internal revenue	9,034,964.65	War	3,647,892.03
Miscellaneous	1,407,518.81	Navy	2,531,103.35
		Indians	983,719.47
		Pensions	10,054,298.75
		Interest	7,088,480.82
Total for January, 1895	27,804,399.71	Total for January, 1895	34,523,447.00
		Excess of expenditure	**6,719,047.29**
Customs	13,334,691.99	Civil and miscellaneous	6,527,950.75
Internal revenue	8,860,480.93	War	2,680,886.78
Miscellaneous	692,884.08	Navy	1,788,682.64
		Indians	797,781.80
		Pensions	12,380,235.42
		Interest	1,520,437.74
Total for February, 1895	22,888,057.00	Total for February, 1895	25,696,035.13
		Excess of expenditure	**2,807,978.13**
Customs	14,929,789.22	Civil and miscellaneous	7,167,206.25
Internal revenue	9,854,977.09	War	3,868,937.80
Miscellaneous	685,809.38	Navy	1,637,536.15
		Indians	1,152,498.05
		Pensions	11,617,856.55
		Interest	272,922.66
Total for March, 1895	25,470,575.69	Total for March, 1895	25,716,957.46
		Excess of expenditure	**246,381.77**
Customs	12,453,086.42	Civil and miscellaneous	7,926,731.87
Internal revenue	10,648,880.87	War	4,168,254.15
Miscellaneous	1,145,869.14	Navy	2,391,141.67
		Indians	938,201.93
		Pensions	11,986,083.37
		Interest	5,520,263.04
Total for April, 1895	24,247,836.43	Total for April, 1895	32,990,676.03
		Excess of expenditure	**8,742,839.60**
Customs	12,474,558.43	Civil and miscellaneous	6,733,463.45
Internal revenue	10,754,053.00	War	4,252,173.94
Miscellaneous	2,043,466.69	Navy	2,281,572.42
		Indians	638,292.31
		Pensions	12,902,240.20
		Interest	1,750,471.52
Total for May, 1895	25,272,078.12	Total for May, 1895	28,558,213.84
		Excess of expenditure	**3,286,135.72**
Customs	12,130,443.27	Civil and miscellaneous	5,266,670.88
Internal revenue	11,810,385.90	War	3,825,442.52
Miscellaneous	1,674,645.26	Navy	1,002,240.85
		Indians	486,420.26
		Pensions	10,204,258.54
		Interest	297,996.10
Total for June, 1895	25,615,474.43	Total for June, 1895	21,683,029.15
Surplus	**3,932,445.28**		
Total for fiscal year 1895	313,390,075.11	Total for fiscal year 1895	356,195,298.29
		Excess of expenditures over receipts	**42,805,223.18**
Customs	14,076,984.39	Civil and miscellaneous	10,047,562.11
Internal revenue	12,898,405.25	War	5,378,939.67
Miscellaneous	2,094,308.25	Navy	2,380,496.94
		Indians	677,874.53
		Pensions	12,755,427.42
		Interest	7,307,773.14
Total for July, 1895	29,069,697.89	Total for July, 1895	38,548,063.81
		Excess of expenditure	**9,478,365.92**
Customs	15,639,047.10	Civil and miscellaneous	7,758,621.49
Internal revenue	12,172,104.96	War	6,551,124.55
Miscellaneous	1,141,544.64	Navy	2,341,435.71
		Indians	1,785,610.49
		Pensions	12,302,349.48
		Interest	1,849,043.25
Total for August, 1985	28,952,696.70	Total for August, 1895	32,588,184.97
		Excess of expenditure	**3,635,488.27**
Customs	14,653,967.45	Civil and miscellaneous	4,918,899.66
Internal revenue	12,260,008.73	War	5,745,339.32
Miscellaneous	635,701.87	Navy	1,855,477.02
		Indians	736,598.84
		Pensions	10,707,909.14
		Interest	236,347.99
Total for September, 1895	27,549,678.05	Total for September, 1895	24,320,481.97
Surplus	**3,229,196.08**		
Customs	13,773,055.12	Civil and miscellaneous	9,964,099.90
Internal revenue	13,216,583.17	War	4,444,914.04
Miscellaneous	912,109.87	Navy	2,322,992.94
		Indians	712,511.97
		Pensions	11,890,475.06
		Interest	5,168,431.32
Total for Oct., 1895	27,901,748.16	Total for Oct., 1895	34,503,425.23
		Excess of expenditure	**6,601,677.07**

Statement of receipts and expenditures of the United States, by months, from July 1, 1891, to January 1, 1902—Continued.

RECEIPTS.		EXPENDITURES.	
Customs	$11,455,314.76	Civil and miscellaneous	$6,138,883.49
Internal revenue	13,040,084.87	War	3,823,488.39
Miscellaneous	1,491,103.37	Navy	2,138,186.80
		Indians	764,794.54
		Pensions	12,235,039.26
		Interest	2,098,890.94
Total for November, 1895	25,986,503.00	Total for November, 1895	27,199,283.42
		Excess of expenditure	**1,212,780.42**
Customs	12,169,172.51	Civil and miscellaneous	6,106,797.88
Internal revenue	12,750,771.37	War	4,553,113.52
Miscellaneous	1,368,993.99	Navy	2,512,895.43
		Indians	952,671.28
		Pensions	11,366,825.71
		Interest	322,013.42
Total for December, 1895	26,288,937.87	Total for December, 1895	25,814,317.24
Surplus	**474,620.63**		
Customs	16,380,796.30	Civil and miscellaneous	8,643,635.72
Internal revenue	11,041,401.32	War	3,607,816.50
Miscellaneous	1,815,472.59	Navy	2,488,229.32
		Indians	841,126.13
		Pensions	9,965,237.21
		Interest	6,983,295.77
Total for January, 1896	29,237,670.21	Total for January, 1896	32,529,340.65
		Excess of expenditure	**3,291,670.44**
Customs	13,906,393.38	Civil and miscellaneous	5,819,461.68
Internal revenue	10,806,752.72	War	3,029,772.12
Miscellaneous	1,346,082.32	Navy	2,232,231.60
		Indians	1,082,720.93
		Pensions	12,317,457.48
		Interest	2,268,302.64
Total for February, 1896	26,059,228.42	Total for February, 1896	26,749,956.45
		Excess of expenditure	**690,728.03**
Customs	13,344,215.85	Civil and miscellaneous	6,782,825.05
Internal revenue	11,536,264.65	War	3,477,914.14
Miscellaneous	1,160,668.56	Navy	2,305,774.20
		Indians	2,326,141.16
		Pensions	11,709,996.83
		Interest	672,342.57
Total for March, 1896	26,041,149.06	Total for March, 1896	27,274,993.95
		Excess of expenditure	**1,233,844.89**
		Civil and miscellaneous	7,520,508.90
		War	3,278,732.20
		Navy	2,288,478.72
		Indians	680,886.38
		Pensions	10,077,392.98
		Interest	5,141,382.40
Customs	11,815,731.20		
Internal revenue	11,225,577.13		
Miscellaneous	1,241,584.76		
Total for Apr., 1896	24,282,893.09	Total for Apr., 1896	28,987,381.58
		Excess of expenditure	**4,704,488.49**
Customs	10,949,793.79	Civil and miscellaneous	6,691,440.00
Internal revenue	11,550,109.06	War	3,453,332.64
Miscellaneous	2,143,814.96	Navy	1,820,864.70
		Indians	837,149.22
		Pensions	12,803,696.37
		Interest	2,820,109.65
Total for May, 1896	24,643,717.81	Total for May, 1896	28,426,592.58
		Excess of expenditure	**3,782,874.77**
Customs	11,351,803.65	Civil and miscellaneous	6,898,052.06
Internal revenue	13,352,717.06	War	3,587,040.63
Miscellaneous	3,089,698.74	Navy	2,475,241.09
		Indians	726,825.78
		Pensions	11,299,615.98
		Interest	458,013.76
Total for June, 1896	27,794,219.45	Total for June, 1896	25,444,789.30
Surplus	**2,349,430.15**		
Total for fiscal year 1896	326,976,200.38	Total for fiscal year 1896	352,179,446.08
		Excess of expenditures over receipts	**25,203,245.70**
Customs	12,157,330.70	Civil and miscellaneous	12,343,931.46
Internal revenue	14,302,532.15	War	5,225,425.33
Miscellaneous	2,569,346.48	Navy	3,756,250.99
		Indians	951,582.22
		Pensions	13,100,774.51
		Interest	6,710,503.54
Total for July, 1896	29,029,209.33	Total for July, 1896	42,088,468.05
		Excess of expenditure	**13,059,258.72**
Customs	12,329,495.55	Civil and miscellaneous	11,907,121.21
Internal revenue	11,961,338.35	War	4,512,522.35
Miscellaneous	1,271,262.61	Navy	2,216,720.17
		Indians	1,731,155.29
		Pensions	12,396,341.04
		Interest	2,937,816.59
Total for August, 1896	25,562,096.51	Total for August, 1896	35,701,676.65
		Excess of expenditure	**10,139,580.14**

Statement of receipts and expenditures of the United States, by months, from July 1, 1891, to January 1, 1902—Continued.

RECEIPTS.		EXPENDITURES.	
Customs	$11,374,116.28	Civil and miscellaneous	$5,972,532.70
Internal revenue	11,679,136.93	War	4,848,095.54
Miscellaneous	1,530,991.36	Navy	3,139,471.95
		Indians	711,076.81
		Pensions	11,485,675.15
		Interest	422,682.88
Total for September, 1896	24,584,244.57	Total for September, 1896	26,579,535.03
		Excess of expenditure	**1,995,290.46**
Customs	11,105,493.12	Civil and miscellaneous	10,352,715.23
Internal revenue	13,363,156.30	War	4,148,470.28
Miscellaneous	1,814,180.51	Navy	3,377,090.89
		Indians	721,025.76
		Pensions	10,346,052.29
		Interest	5,032,923.04
Total for October, 1896	26,282,829.93	Total for October, 1896	33,978,277.49
		Excess of expenditure	**7,695,447.56**
Customs	9,930,385.81	Civil and miscellaneous	8,452,859.26
Internal revenue	13,104,828.15	War	4,877,976.24
Miscellaneous	2,175,482.34	Navy	2,456,108.26
		Indians	1,098,282.58
		Pensions	13,178,930.96
		Interest	3,196,562.84
Total for November, 1896	25,210,696.30	Total for November, 1896	33,260,720.14
		Excess of expenditure	**8,050,023.84**
Customs	10,779,412.67	Civil and miscellaneous	4,481,720.37
Internal revenue	13,198,998.42	War	3,887,275.70
Miscellaneous	1,878,703.15	Navy	2,542,238.88
		Indians	982,139.02
		Pensions	11,431,331.16
		Interest	487,959.73
Total for December, 1896	25,857,114.24	Total for December, 1896	23,812,664.86
Surplus	**2,044,449.38**		
Customs	11,276,874.15	Civil and miscellaneous	4,940,484.03
Internal revenue	11,031,839.97	War	3,842,874.49
Miscellaneous	2,008,279.93	Navy	3,187,993.52
		Indians	999,245.07
		Pensions	10,534,740.78
		Interest	6,764,051.40
Total for January, 1897	24,316,994.05	Total for January, 1897	30,269,389.29
		Excess of expenditure	**5,952,395.24**
Customs	11,587,260.37	Civil and miscellaneous	6,159,172.15
Internal revenue	10,888,421.95	War	3,128,621.39
Miscellaneous	1,925,315.06	Navy	2,374,674.69
		Indians	967,127.31
		Pensions	13,208,413.69
		Interest	2,958,047.43
Total for February, 1897	24,400,997.38	Total for February, 1897	28,796,056.66
		Excess of expenditure	**4,395,059.28**
Customs	22,833,856.46	Civil and miscellaneous	5,929,795.97
Internal revenue	11,925,694.30	War	3,046,103.81
Miscellaneous	1,458,111.32	Navy	2,694,834.97
		Indians	2,918,751.93
		Pensions	12,166,775.60
		Interest	456,735.56
Total for Mar., 1897	36,217,662.08	Total for Mar., 1897	27,212,997.84
Surplus	**9,004,664.24**		
Customs	24,454,351.74	Civil and miscellaneous	8,101,335.64
Internal revenue	11,447,213.04	War	4,287,020.47
Miscellaneous	1,910,570.26	Navy	2,744,078.93
		Indians	573,820.93
		Pensions	10,763,090.76
		Interest	5,602,750.74
Total for Apr., 1897	37,812,135.04	Total for Apr., 1897	32,072,097.47
Surplus	**5,740,037.57**		
Customs	16,885,011.55	Civil and miscellaneous	6,419,410.97
Internal revenue	10,673,011.83	War	4,214,955.76
Miscellaneous	2,239,367.21	Navy	2,537,576.03
		Indians	470,406.29
		Pensions	12,393,324.35
		Interest	3,073,575.77
Total for May, 1897	29,797,390.59	Total for May, 1897	29,109,259.17
Surplus	**688,131.42**		
Customs	21,560,152.36	Civil and miscellaneous	5,405,764.79
Internal revenue	12,887,085.60	War	2,886,016.91
Miscellaneous	2,137,470.29	Navy	3,563,922.73
		Indians	894,870.72
		Pensions	10,039,147.44
		Interest	144,971.96
Total for June, 1897	36,584,708.25	Total for June, 1897	22,934,694.55
Surplus	**13,650,013.70**		
Total for fiscal year 1897	347,721,705.16	Total for fiscal year 1897	365,774,159.57
		Excess of expenditures over receipts	**18,052,454.41**

Statement of receipts and expenditures of the United States, by months, from July 1, 1891, to January 1, 1902—Continued.

RECEIPTS.		EXPENDITURES.	
Customs	$16,966,801.65	Civil and miscellaneous	$13,977,446.41
Internal revenue	19,767,831.98	War	10,736,758.90
Miscellaneous	2,292,730.62	Navy	2,998,809.47
		Indians	769,238.53
		Pensions	14,958,378.20
		Interest	6,660,277.33
Total for July, 1897	39,027,364.25	Total for July, 1897	50,100,908.84
		Excess of expenditure	**11,073,544.59**
Customs	6,987,702.84	Civil and miscellaneous	7,597,311.96
Internal revenue	11,193,194.89	War	5,622,852.65
Miscellaneous	842,717.24	Navy	2,672,691.83
		Indians	976,595.91
		Pensions	13,792,376.34
		Interest	2,926,218.72
Total for August, 1897	19,023,614.97	Total for August, 1897	33,588,047.41
		Excess of expenditure	**14,564,432.44**
Customs	7,243,100.28	Civil and miscellaneous	6,201,757.29
Internal revenue	12,701,975.77	War	4,276,022.16
Miscellaneous	1,288,022.39	Navy	2,787,253.20
		Indians	723,857.33
		Pensions	10,992,078.37
		Interest	387,847.36
Total for September, 1897	21,933,098.44	Total for September, 1897	25,368,815.71
		Excess of expenditure	**3,435,717.27**
Customs	9,713,494.62	Civil and miscellaneous	8,746,118.06
Internal revenue	13,614,872.80	War	5,268,718.99
Miscellaneous	1,063,047.84	Navy	2,988,575.75
		Indians	600,954.14
		Pensions	10,885,319.63
		Interest	5,211,825.54
Total for October, 1897	24,391,415.26	Total for October, 1897	33,701,512.11
		Excess of expenditure	**9,310,096.85**
Customs	9,830,025.00	Civil and miscellaneous	11,794,983.19
Internal revenue	13,530,649.48	War	5,376,080.29
Miscellaneous	[a] 20,002,930.81	Navy	2,736,454.83
		Indians	1,236,658.28
		Pensions	13,649,843.72
		Interest	3,016,818.55
Total for November, 1897	43,363,605.29	Total for November, 1897	37,810,838.86
Surplus	**5,552,766.43**		
Customs	11,660,788.74	Civil and miscellaneous	7,179,796.08
Internal revenue	14,342,928.97	War	3,728,420.73
Miscellaneous	[b] 33,642,980.64	Navy	2,984,538.81
		Indians	638,166.07
		Pensions	12,205,327.64
		Interest	897,842.74
Total for December, 1897	59,646,698.35	Total for December, 1897	27,634,092.07
Surplus	**32,012,606.28**		
Customs	14,269,492.08	Civil and miscellaneous	8,966,127.38
Internal revenue	12,443,199.73	War	4,946,098.41
Miscellaneous	[c] 10,620,936.58	Navy	3,230,106.51
		Indians	1,040,429.36
		Pensions	12,375,223.33
		Interest	6,138,726.07
Total for Jan., 1898	37,333,628.39	Total for Jan., 1898	36,696,711.06
Surplus	**636,917.33**		
Customs	15,040,680.74	Civil and miscellaneous	5,065,112.80
Internal revenue	12,003,318.90	War	3,780,749.78
Miscellaneous	1,528,358.69	Navy	2,056,766.56
		Indians	735,985.28
		Pensions	11,978,924.88
		Interest	2,981,716.56
Total for Feb., 1898	28,572,358.33	Total for Feb., 1898	26,599,255.86
Surplus	**1,973,102.47**		
Customs	15,450,431.94	Civil and miscellaneous	6,118,243.17
Internal revenue	12,888,234.03	War	5,159,571.11
Miscellaneous	[d] 4,620,084.53	Navy	5,241,442.99
		Indians	2,716,526.47
		Pensions	12,290,628.25
		Interest	356,032.46
Total for Mar., 1898	32,958,750.50	Total for Mar., 1898	31,882,444.45
Surplus	**1,076,306.05**		
Customs	14,193,976.99	Civil and miscellaneous	9,024,995.14
Internal revenue	14,819,037.04	War	6,223,814.48
Miscellaneous	[e] 3,999,928.99	Navy	12,556,932.74
		Indians	532,599.28
		Pensions	10,867,716.66
		Interest	5,108,003.75
Total for Apr., 1898	33,012,943.02	Total for Apr., 1898	44,314,062.05
		Excess of expenditure	**11,301,190,31**

[a] Includes $18,194,618.26, account of sale of Union Pacific R. R.
[b] Includes $31,715,204.14, account of sale of Union Pacific R. R.
[c] Includes $8,538,401.35, account of sale of Union Pacific R. R.
[d] Includes $3,651,500, account of sale of Kansas Pacific Railway.
[e] Includes $2,651,500, account of sale of Kansas Pacific Railway.

Statement of receipts and expenditures of the United States, by months, from July 1, 1891, to January 1, 1902—Continued.

RECEIPTS.		EXPENDITURES.	
Customs	$13,466,534.17	Civil and miscellaneous	$5,706,900.11
Internal revenue	14,492,208.70	War	17,093,595.86
Miscellaneous	2,116,075.41	Navy	9,095,577.20
		Indians	536,437.67
		Pensions	12,382,085.55
		Interest	3,007,313.06
Total for May, 1898	30,074,818.28	Total for May, 1898	47,849,909.45
		Excess of expenditure	**17,775,091.17**
Customs	14,555,729.11	Civil and miscellaneous	6,213,628.59
Internal revenue	16,683,365.80	War	19,723,804.77
Miscellaneous	2,270,218.32	Navy	9,506,021.10
		Indians	448,372.98
		Pensions	11,068,020.12
		Interest	892,434.09
Total for June, 1898	33,509,313.23	Total for June, 1898	47,852,281.65
		Excess of expenditure	**14,342,968.42**
Total for fiscal year 1898	405,321,335.20	Total for fiscal year 1898	443,368,582.80
		Excess of expenditure over receipts	**38,047,247.60**
Customs	15,169,680.96	Civil and miscellaneous	12,061,387.26
Internal revenue	26,170,697.29	War	34,774,153.27
Miscellaneous	2,506,730.33	Navy	8,514,279.61
		Indians	669,868.55
		Pensions	12,657,894.50
		Interest	5,585,892.25
Total for July, 1898	43,847,108.58	Total for July, 1898	74,263,475.44
		Excess of expenditure	**30,416,366.86**
Customs	16,249,699.00	Civil and miscellaneous	7,782,314.74
Internal revenue	24,015,934.98	War	25,163,235.94
Miscellaneous	1,517,073.81	Navy	6,386,277.49
		Indians	766,084.26
		Pensions	13,084,735.14
		Interest	3,078,070.30
Total for August, 1898	41,782,707.79	Total for August, 1898	56,260,717.87
		Excess of expenditure	**14,478,010.08**
Customs	16,759,574.06	Civil and miscellaneous	6,393,964.28
Internal revenue	21,555,288.54	War	24,643,374.99
Miscellaneous	1,463,207.44	Navy	7,231,219.89
		Indians	1,162,509.97
		Pensions	10,937,670.22
		Interest	3,855,181.79
Total for September, 1898	39,778,070.04	Total for September, 1898	54,223,921.14
		Excess of expenditure	**14,445,851.10**
Customs	15,555,234.17	Civil and miscellaneous	10,991,284.64
Internal revenue	22,356,511.87	War	22,895,029.54
Miscellaneous	1,718,305.04	Navy	5,314,567.83
		Indians	957,969.74
		Pensions	9,965,960.23
		Interest	3,877,464.68
Total for October, 1898	39,630,051.08	Total for October, 1898	53,982,276.68
		Excess of expenditure	**14,352,225.60**
Customs	15,335,200.88	Civil and miscellaneous	6,905,766.22
Internal revenue	21,336,743.58	War	20,391,876.06
Miscellaneous	2,228,970.95	Navy	4,676,181.03
		Indians	1,225,483.56
		Pensions	13,688,918.66
		Interest	2,202,755.20
Total for November, 1898	38,900,915.41	Total for November, 1898	49,090,980.73
		Excess of expenditure	**10,190,065.32**
Customs	16,764,324.82	Civil and miscellaneous	6,663,466.77
Internal revenue	22,621,318.70	War	18,184,676.06
Miscellaneous	2,019,150.02	Navy	4,373,729.90
		Indians	897,254.51
		Pensions	11,171,893.17
		Interest	573,787.15
Total for December, 1898	41,404,793.54	Total for December, 1898	41,864,807.56
		Excess of expenditure	**460,014.02**
Customs	17,991,741.40	Civil and miscellaneous	9,814,421.24
Internal revenue	20,982,056.80	War	18,656,554.96
Miscellaneous	2,801,132.00	Navy	5,226,653.74
		Indians	950,676.41
		Pensions	10,967,015.51
		Interest	5,507,448.89
Total for January, 1899	41,774,930.20	Total for January, 1899	51,122,770.75
		Excess of expenditure	**9,347,840.55**
Customs	16,921,572.48	Civil and miscellaneous	6,299,421.19
Internal revenue	19,242,299.69	War	15,132,098.05
Miscellaneous	1,815,460.55	Navy	4,430,215.87
		Indians	1,084,874.15
		Pensions	12,791,491.82
		Interest	4,180,828.41
Total for Feb., 1899	37,979,332.27	Total for Feb., 1899	43,918,922.49
		Excess of expenditure	**5,939,590.77**

Statement of receipts and expenditures of the United States, by months, from July 1, 1891, to January 1, 1902—Continued.

RECEIPTS.		EXPENDITURES.	
Customs	$20,933,436.07	Civil and miscellaneous	$9,142,563.16
Internal revenue	22,671,107.33	War	14,696,466.19
Miscellaneous	[a]13,425,696.28	Navy	4,842,434.58
		Indians	2,583,053.97
		Pensions	11,251,944.20
		Interest	462,108.99
Total for March, 1899	57,030,239.68	Total for March, 1899	42,978,571.09
Surplus	**14,051,668.59**		
Customs	17,645,945.98	Civil and miscellaneous	[b]28,657,604.28
Internal revenue	22,207,099.61	War	15,937,159.13
Miscellaneous	1,758,541.67	Navy	4,627,865.53
		Indians	995,963.20
		Pensions	10,369,068.09
		Interest	5,361,445.69
Total for April, 1899	41,611,587.26	Total for April, 1899	65,949,105.92
		Excess of expenditure	**24,337,518.66**
Customs	18,367,906.99	Civil and miscellaneous	8,048,527.11
Internal revenue	23,720,729.44	War	10,344,124.53
Miscellaneous	2,697,377.39	Navy	4,768,694.66
		Indians	910,129.84
		Pensions	12,129,048.00
		Interest	4,312,470.60
Total for May, 1899	44,786,013.82	Total for May, 1899	40,513,004.74
Surplus	**4,273,009.08**		
Customs	18,443,907.82	Civil and miscellaneous	7,074,039.09
Internal revenue	25,605,859.67	War	8,015,395.59
Miscellaneous	3,073,147.94	Navy	4,422,319.98
		Indians	600,807.46
		Pensions	10,371,713.47
		Interest	898,486.05
Total for June, 1899	47,126,915.43	Total for June, 1899	31,382,762.04
Surplus	**15,744,153.39**		
Total for fiscal year 1899	515,960,620.18	Total for fiscal year 1899	605,072,179.85
		Excess of expenditure over receipts	**89,111,559.67**
Customs	16,971,454.21	Civil and miscellaneous	13,503,489.81
Internal revenue	28,322,574.70	War	19,291,080.06
Miscellaneous	2,760,229.14	Navy	5,090,245.40
		Indians	571,754.88
		Pensions	12,925,674.80
		Interest	5,178,845.38
Total for July, 1899	48,054,258.05	Total for July, 1899	56,561,090.33
		Excess of expenditure	**8,506,832.28**
Customs	20,546,697.32	Civil and miscellaneous	7,594,451.24
Internal revenue	24,237,039.26	War	14,981,330.31
Miscellaneous	[c]5,194,436.90	Navy	4,597,965.25
		Indians	1,266,715.28
		Pensions	13,136,335.84
		Interest	3,975,453.88
Total for August, 1899	49,978,173.48	Total for August, 1899	45,522,311.90
Surplus	**4,455,861.58**		
Customs	19,120,357.95	Civil and miscellaneous	6,586,570.64
Internal revenue	24,364,591.79	War	10,541,515.02
Miscellaneous	1,849,194.90	Navy	4,737,853.00
		Indians	708,525.81
		Pensions	11,028,665.97
		Interest	3,976,242.11
Total for September, 1899	45,334,144.64	Total for September, 1899	37,579,372.55
Surplus	**7,754,772.09**		
Customs	18,807,809.69	Civil and miscellaneous	10,581,818.84
Internal revenue	26,455,453.29	War	12,477,395.63
Miscellaneous	2,270,325.79	Navy	5,120,648.12
		Indians	653,948.20
		Pensions	10,677,418.23
		Interest	4,662,797.93
Total for October, 1899	47,533,588.77	Total for October, 1899	44,174,026.95
Surplus	**3,359,561.82**		
Customs	19,204,417.09	Civil and miscellaneous	7,247,244.15
Internal revenue	23,693,254.53	War	11,455,102.59
Miscellaneous	[d]4,047,900.64	Navy	3,803,079.47
		Indians	968,202.12
		Pensions	13,686,986.35
		Interest	3,609,232.90
Total for November, 1899	46,945,572.26	Total for November, 1899	40,769,847.58
Surplus	**6,175,724.68**		

[a] Includes $11,798,314.14 account Central Pacific Railroad indebtedness.
[b] Includes $20,000,000 paid to Spain in carrying out treaty obligations.
[c] Includes sale of old custom-house, New York, $3,210,000; account of Central Pacific Railroad indebtedness, $293,702.15.
[d] Includes $821,897.70 account Kansas Pacific Railway indebtedness.

Statement of receipts and expenditures of the United States, by months, from July 1, 1891, to January 1, 1902—Continued.

RECEIPTS.		EXPENDITURES.	
Customs	$19,120,884.22	Civil and miscellaneous	$7,776,379.01
Internal revenue	25,075,574.39	War	11,009,110.48
Miscellaneous	2,562,645.81	Navy	4,684,374.94
		Indians	791,595.36
		Pensions	10,475,410.90
		Interest	4,408,688.82
Total for December, 1899	46,759,104.42	Total for December, 1899	39,145,559.51
Surplus	**7,613,544.91**		
Customs	22,094,279.54	Civil and miscellaneous	11,036,779.74
Internal revenue	22,779,856.24	War	9,352,823.88
Miscellaneous	3,138,029.21	Navy	5,316,631.18
		Indians	947,113.66
		Pensions	10,973,525.95
		Interest	1,562,222.58
Total for January, 1900	48,012,164.99	Total for January, 1900	39,189,096.99
Surplus	**8,823,068.00**		
Customs	19,882,252.96	Civil and miscellaneous	6,793,308.98
Internal revenue	20,767,437.17	War	9,436,083.51
Miscellaneous	[a]4,981,574.95	Navy	4,045,724.52
		Indians	995,598.00
		Pensions	12,955,364.32
		Interest	3,512,392.86
Total for February, 1900	45,631,265.08	Total for February, 1900	37,738,472.19
Surplus	**7,892,792.89**		
Customs	22,090,681.35	Civil and miscellaneous	6,939,136.05
Internal revenue	24,237,963.68	War	8,329,053.85
Miscellaneous	2,398,192.28	Navy	4,413,637.15
		Indians	908,709.46
		Pensions	11,059,656.59
		Interest	538,077.96
Total for March, 1900	48,726,837.31	Total for March, 1900	32,188,271.06
Surplus	**16,538,566.25**		
Customs	18,765,017.92	Civil and miscellaneous	9,789,100.90
Internal revenue	23,600,291.45	War	10,244,127.25
Miscellaneous	2,674,017.28	Navy	4,700,078.05
		Indians	392,764.87
		Pensions	10,926,930.93
		Interest	4,850,925.49
Total for April, 1900	45,039,326.65	Total for April, 1900	40,903,927.59
Surplus	**4,135,399.06**		
Customs	17,396,573.28	Civil and miscellaneous	9,140,472.68
Internal revenue	23,861,326.64	War	8,636,636.25
Miscellaneous	3,908,153.30	Navy	5,149,621.68
		Indians	886,885.34
		Pensions	12,939,679.75
		Interest	3,598,229.66
Total for May, 1900	45,166,053.22	Total for May, 1900	40,351,525.36
Surplus	**4,814,527.86**		
Customs	19,369,160.33	Civil and miscellaneous	8,814,752.27
Internal revenue	28,744,737.61	War	8,230,817.69
Miscellaneous	3,321,934.33	Navy	5,049,832.17
		Indians	1,059,914.22
		Pensions	10,082,153.10
		Interest	303,203.96
Total for June, 1900	51,435,832.27	Total for June, 1900	33,540,673.41
Surplus	**17,895,158.86**		
Total for fiscal year 1900	567,240,851.89	Total for fiscal year 1900	487,713,791.71
Surplus for the year	**79,527,060.18**		
Customs	19,802,271.86	Civil and miscellaneous	12,203,509.34
Internal revenue	27,560,688.90	War	18,842,124.47
Miscellaneous	2,592,199.84	Navy	5,318,673.98
		Indians	956,444.59
		Pensions	11,916,341.29
		Interest	4,739,556.43
Total for July, 1900	49,955,160.60	Total for July, 1900	53,979,653.10
		Excess of expenditure	**4,024,492.50**
Customs	21,384,494.53	Civil and miscellaneous	11,869,782.04
Internal revenue	26,054,735.99	War	15,231,700.11
Miscellaneous	[b]2,249,525.36	Navy	5,456,553.80
		Indians	991,282.11
		Pensions	13,780,799.06
		Interest	3,170,081.39
Total for August, 1900	49,688,755.88	Total for August, 1900	50,500,198.51
		Excess of expenditure	**811,442.63**

[a] Includes $3,044,314.34 account of Central Pacific Railroad indebtedness.
[b] Includes $123,838.74 account Central Pacific Railroad indebtedness.

Statement of receipts and expenditures of the United States, by months, from July 1, 1891, to January 1, 1902—Continued.

RECEIPTS.		EXPENDITURES.	
Customs	$19,700,516.13	Civil and miscellaneous	$8,115,549.68
Internal revenue	22,927,439.00	War	14,125,284.44
Miscellaneous	[a]2,676,371.09	Navy	4,734,265.23
		Indians	1,001,593.59
		Pensions	10,861,213.96
		Interest	332,044.49
Total for September, 1900	45,304,326.22	Total for September, 1900	39,169,971.39
Surplus	**6,134,354.83**		
Customs	20,552,938.64	Civil and miscellaneous	11,754,840.72
Internal revenue	27,691,143.80	War	15,169,228.67
Miscellaneous	3,381,984.61	Navy	4,598,258.57
		Indians	849,938.03
		Pensions	10,648,500.19
		Interest	4,972,871.42
Total for October, 1900	51,626,067.05	Total for October, 1900	47,993,637.60
Surplus	**3,632,429.45**		
Customs	18,550,296.71	Civil and miscellaneous	8,141,788.12
Internal revenue	27,559,159.27	War	9,572,739.85
Miscellaneous	2,235,058.85	Navy	5,608,809.94
		Indians	1,014,200.04
		Pensions	13,948,110.08
		Interest	2,993,018.63
Total for November, 1900	48,344,514.83	Total for November, 1900	41,278,660.66
Surplus	**7,065,854.17**		
Customs	18,496,634.46	Civil and miscellaneous	9,694,811.45
Internal revenue	25,260,693.80	War	10,940,100.22
Miscellaneous	3,089,179.92	Navy	4,487,514.47
		Indians	1,045,935.42
		Pensions	10,803,055.25
		Interest	3,233,145.53
Total for December, 1900	46,846,508.18	Total for December, 1900	40,204,622.34
Surplus	**6,641,885.84**		
Customs	21,673,915.77	Civil and miscellaneous	12,525,058.93
Internal revenue	23,379,003.61	War	9,388,649.64
Miscellaneous	2,467,387.60	Navy	5,169,577.82
		Indians	840,902.57
		Pensions	10,215,352.58
		Interest	1,970,165.86
Total for January, 1901	47,520,286.98	Total for January, 1901	40,109,707.40
Surplus	**7,410,579.58**		
Customs	18,719,598.45	Civil and miscellaneous	8,144,479.47
Internal revenue	22,046,598.51	War	10,033,054.12
Miscellaneous	[b]5,077,926.20	Navy	4,370,269.68
		Indians	676,865.22
		Pensions	13,200,368.13
		Interest	2,455,599.05
Total for February, 1901	45,844,123.16	Total for February, 1901	38,880,635.67
Surplus	**6,963,487.49**		
Customs	21,048,596.71	Civil and miscellaneous	10,822,602.01
Internal revenue	24,320,424.06	War	10,635,786.54
Miscellaneous	[c]4,522,104.24	Navy	6,014,510.41
		Indians	1,402,814.25
		Pensions	11,162,248.31
		Interest	724,900.46
Total for March, 1901	49,891,125.01	Total for March, 1901	40,762,861.98
Surplus	**9,128,263.03**		
Customs	19,131,718.97	Civil and miscellaneous	11,285,520.76
Internal revenue	26,022,311.63	War	10,102,730.72
Miscellaneous	2,613,820.70	Navy	5,272,677.72
		Indians	455,282.76
		Pensions	10,196,912.02
		Interest	4,655,122.01
Total for April, 1901	47,767,851.30	Total for April, 1901	41,968,245.99
Surplus	**5,799,605.31**		
Customs	21,021,428.84	Civil and miscellaneous	9,744,928.37
Internal-revenue	27,668,702.77	War	9,897,555.87
Miscellaneous	3,939,308.40	Navy	5,650,508.89
		Indians	693,170.06
		Pensions	13,525,294.69
		Interest	2,625,103.01
Total for May, 1901	52,629,440.01	Total for May, 1901	42,136,560.89
Surplus	**10,492,879.12**		

[a] Includes $133,942.89, account Kansas Pacific Railway indebtedness.
[b] Includes $2,956,317.95 account of Central Pacific Railroad indebtedness.
[c] Includes $1,496,090.41 account of Central Pacific Railroad indebtedness.

Statement of receipts and expenditures of the United States, by months, from July 1, 1891, to January 1, 1902—Continued.

RECEIPTS.		EXPENDITURES.	
Customs	$18,409,378.37	Civil and miscellaneous	$8,003,482.57
Internal-revenue	25,431,802.10	War	9,924,178.78
Miscellaneous	[a]6,492,727.37	Navy	4,657,368.78
		Indians	959,242.41
		Pensions	9,055,127.54
		Interest	445,747.41
Total for June, 1901	50,333,907.84	Total for June, 1901	33,045,147.49
Surplus	**17,288,760.35**		
Total for fiscal year 1901	587,685,337.53	Total for fiscal year 1901	509,967,353.15
Surplus for the year	**77,717,984.38**		
Customs	21,263,963.21	Civil and miscellaneous	12,834,255.98
Internal revenue	28,338,190.59	War	16,017,809.10
Miscellaneous	[b]2,718,186.20	Navy	6,143,265.82
		Indians	1,055,375.93
		Pensions	11,601,209.24
		Interest	4,655,674.81
Total for July, 1901	52,320,340.00	Total for July, 1901	52,307,590.88
Surplus	**12,769.12**		
Customs	21,462,171.19	Civil and miscellaneous	7,582,365.85
Internal revenue	22,036,784.72	War	9,320,615.03
Miscellaneous	1,895,169.52	Navy	5,040,931.25
		Indians	1,108,603.44
		Pensions	13,835,955.22
		Interest	2,463,026.88
Total for August, 1901	45,394,125.43	Total for August, 1901	39,351,497.67
Surplus	**6,042,627.76**		
Customs	19,160,613.52	Civil and miscellaneous	6,600,711.89
Internal revenue	22,433,053.83	War	6,356,650.22
Miscellaneous	2,840,755.63	Navy	5,651,641.34
		Indians	605,259.96
		Pensions	9,694,992.09
		Interest	3,401,480.60
Total for September, 1901	44,434,422.98	Total for September, 1901	32,310,736.10
Surplus	**12,123,686.88**		
Customs	23,415,570.79	Civil and miscellaneous	12,018,392.08
Internal revenue	23,511,649.55	War	9,543,570.02
Miscellaneous	2,904,732.62	Navy	6,124,279.41
		Indians	943,808.58
		Pensions	10,450,863.58
		Interest	1,565,022.19
Total for October, 1901	49,831,952.96	Total for October, 1901	40,645,935.86
Surplus	**9,186,017.10**		
Customs	19,526,377.22	Civil and miscellaneous	8,174,254.77
Internal revenue	23,049,725.25	War	9,271,237.51
Miscellaneous	3,140,674.36	Navy	5,970,123.37
		Indians	744,515.40
		Pensions	13,607,288.28
		Interest	2,431,497.24
Total for November, 1901	45,716,776.83	Total for November, 1901	40,198,916.57
Surplus	**5,517,860.26**		
Customs	21,039,827.78	Civil and miscellaneous	8,031,454.04
Internal revenue	23,194,575.17	War	8,634,649.28
Miscellaneous	2,827,561.86	Navy	5,284,030.91
		Indians	1,019,068.87
		Pensions	10,818,081.67
		Interest	3,531,653.51
Total for December, 1901	47,061,964.81	Total for December, 1901	37,318,998.28
Surplus	**9,742,966.53**		
Surplus for first six months fiscal year 1902	**42,625,927.65**		

[a] Includes $2,122,841.24 realized from sale of Government's claim against the Sioux City and Pacific Railroad.
[b] Includes $432,895.93, account of Central Pacific R. R. indebtedness.

In 1892, toward the close of President Harrison's Administration, we had reached a very satisfactory condition financially. The principal of our interest-bearing debt was less than $600,000,000. Our annual interest charge was under $23,000,000. The annual expenses of the Government fell below $400,000,000, and we had a small annual surplus. We were on a thoroughly normal basis.

Now, mark what happened when the Democratic party came into power. A glance at the following summary of annual receipts and expenditures will show the great change that came about under President Cleveland:

Under the destructive influence of the Wilson tariff every year of Mr. Cleveland's Administration showed a deficit ranging from $18,000,000 to $69,000,000.

During the fiscal years 1898 and 1899 the war with Spain caused a deficit of $127,000,000.

From July 1, 1899, to January 1, 1902, the surplus of receipts over expenditures was $200,000,000.

Annual receipts and expenditures of the United States from July 1, 1891, to July 1, 1901, and for the six months from July 1, 1901, to January 1, 1902.

Year.	Receipts.	Expenditures.
1892	$354,937,784.24 a9,914,453.66	$345,023,330.58
1893	385,819,628.78 a2,341,674.29	383,477,954.49
1894	297,722,019.25	367,525,279.82 b69,803,260.58
1895	313,390,075.11	356,195,298.29 b42,805,223.18
1896	326,976,200.38	352,179,446.08 b25,203,245.70
1897	347,721,705.16	365,774,159.57 b18,052,454.41
1898	405,321,335.20	443,368,582.80 b38,047,247.60
1899	515,960,620.18	605,072,179.85 b89,111,559.67
1900	567,240,851.89 a79,527,060.18	487,713,791.71

Annual receipts and expenditures of the United States from July 1, 1891, to July 1, 1901, and for the six months from July 1, 1901, to January 1, 1902—Cont'd.

Year.	Receipts,	Expenditures.
1901	$587,685,337.53 a77,717,984.38	$509,967,353.15
1902, first six months	284,759,583.01 a42,625,927.65	242,133,675.36

a Surplus. b Deficit.

Cleveland was compelled to issue $262,000,000 of bonds to carry on the Government in time of peace. McKinley issued $198,000,000 of bonds for the prosecution of a war, and subsequent events have shown that we did not need the proceeds of those bonds.

In the last two years we have reduced the principal of the debt $105,000,000 and we have a balance of $175,000,000 in the Treasury. So great is the difference between Democratic and Republican methods in national financiering!

As I have said, the war-revenue act of 1898 is the source of the present surplus in the Treasury. Under that act we had realized up to the 1st of last January over $377,000,000, as the official Treasury statement shows:

Statement showing receipts from war-revenue acts only, from June 13, 1898, to June 30, 1901; also the first six months of the act of March 2, 1901, from July 1 to December 31, 1901.

	Receipts from June 13 to July 1, 1898.	Receipts during the fiscal year 1899.	Receipts during the fiscal year 1900.	Receipts during the fiscal year 1901.	Act June 13, 1898. Total.	Receipts from July 1, 1901, to Dec. 31, 1901. (Act Mar. 2, 1901.)	Gross total from both acts.
Schedule A	$724,073.94	$38,618,081.20	$36,416,082.11	$34,998,836.30	$110,757,073.55	$6,925,145.27	$117,682,218.82
Schedule B	70,343.66	5,219,737.46	4,548,283.19	4,242,200.02	14,080,564.33	324,527.59	14,405,091.92
Beer	2,023,747.66	31,093,138.38	33,431,221.65	34,439,516.10	100,987,623.79	14,343,317.40	115,330,941.19
Special taxes	46,973.00	5,370,941.80	4,844,743.97	4,463,629.00	14,726,287.77	4,226,229.41	18,952,517.18
Tobacco	367,639.64	14,226,994.63	16,738,622.13	17,646,102.88	48,979,359.28	4,908,734.71	53,888,093.99
Snuff	18,361.03	875,898.72	895,045.07	1,001,510.66	2,790,815.48	268,879.95	3,059,695.43
Cigars	110,268.16	1,717,851.34	3,189,764.14	3,462,560.62	9,480,444.26	344.99	9,480,789.25
Cigarettes	39,090.29	1,402,828.18	1,320,394.72	1,139,079.63	3,901,392.82	16,269.04	3,917,661.86
Legacies		1,235,435.25	2,884,491.55	5,211,898.68	9,331,825.48	2,634,963.74	11,966,789.22
Excise tax		643,446.41	1,079,405.14	1,027,294.99	2,750,146.54	493,682.42	3,243,828.96
Mixed flour		7,840.62	7,439.46	6,606.36	21,886.44	1,585.55	23,471.99
Additional taxes on tobacco and beer	9,945.13	947,424.37	18,734.82	6,977.81	983,082.13	8,782.11	991,864.24
Total internal revenue	3,410,442.51	102,359,618.36	105,374,227.95	107,646,213.05	318,790,501.87	34,152,462.18	352,942,964.05
Receipts from tea	41,322.00	4,812,607.00	8,008,637.00	8,259,354.00	21,121,920.00	3,830,410.00	24,952,330.00
Total	3,451,764.51	107,172,225.36	115,382,864.95	115,905,567.05	339,912,421.87	37,982,872.18	377 895,294.05

We should, of course, always keep in the Treasury an available cash balance sufficiently large to meet all ordinary emergencies. We should also put the Treasury on such a basis and give such discretionary power to the Secretary as will justify keeping this balance at a low figure. Every dollar hoarded in the Treasury is a dollar drawn from the channels of productive industry. We often hear a large Treasury surplus spoken of as a desirable thing, and as a mark of general prosperity. This opinion proceeds from an erroneous conception of what constitutes sound national financiering. There is a wide difference between private and public financiering.

It is the aim of the man engaged in private business to accumulate as large an annual surplus as possible. Successful public financiering, on the other hand, consists in adjusting as nearly as possible annual receipts to expenditures. It should aim to avoid a constantly increasing surplus as well as a frequently recurring deficit. A large surplus, therefore, simply indicates a failure to wisely adjust revenues to expenses, and the larger the surplus becomes the greater becomes the danger of disturbances in the business of the country resulting from the concentration of money in the Treasury.

The revenue act of 1898 contains one clause that should be retained permanently on the statute book. I refer to section 32 of the act, which is as follows:

SEC. 32. That the Secretary of the Treasury is authorized to borrow from time to time, at a rate of interest not exceeding 3 per cent per annum, such sum or sums as, in his judgment, may be necessary to meet public expenditures, and to issue therefor certificates of indebtedness in such form as he may prescribe and in denominations of $50 or some multiple of that sum; and each certificate so issued shall be payable, with the interest accrued thereon, at such time, not exceeding one year from the date of its issue, as the Secretary of the Treasury may prescribe: *Provided*, That the amount of such certificates outstanding shall at no time exceed $100,000,000; and the provisions of existing law respecting counterfeiting and other fraudulent practices are hereby extended to the bonds and certificates of indebtedness authorized by this act.

With this wise provision in force, $25,000,000 should be a sufficient average amount to keep in the Treasury as a working balance. If this sum should be considered ample, we now have in the Treasury $150,000,000. That should be returned as soon as possible into the pockets of the people. Unless we keep down the surplus by further purchases of bonds, the cash in the Treasury above the sum needed for a working balance will, at the end of the fiscal year, amount probably to $175,000,000.

Whatever disposition we may decide to make of the present surplus, one thing is certain, that it is our duty as representatives of the people to reduce at once the present taxes by $75,000,000 or $80,000,000 a year. How shall this reduction be made? I think that a little reflection on the circumstances under which the taxes of 1898 were imposed and the pledges which were then made to the people will lead to the inevitable conclusion that the remaining war-revenue taxes should be repealed without delay. These taxes were hurriedly imposed and patriotically acquiesced in to meet the sudden demands of war.

When the act was passed, we made the solemn pledge that as soon as the war was over it would be repealed. A year ago we repealed about one-third of these taxes, giving as our excuse for retaining the balance that the expenses resulting from the war necessitated such a course.

To-day, however, all the expenses of the war with Spain so far ascertained and payable, estimated at $500,000,000, have been paid and we have a surplus of $175,000,000 in the Treasury. A reference to the tables which I have given shows that during the first half of the current fiscal year from July 1, 1901, to January 1, 1902, the surplus of receipts over expenditures largely exceeded the sum realized from the war taxes during the same period.

The surplus of receipts over expenditures was	$42,625,927.65
The war taxes amounted to	37,982,872.18
Excess of surplus over war taxes	4,643,055.47

It will be seen that if our revenues and expenses continue on the present basis the repeal of all the remaining war taxes will still leave us an annual surplus of over $9,000,000. Under this showing it seems to me there is no question as to what is our present duty.

Some members of this House have said to me in conversation that they were not in favor of repealing all the war taxes until all the expenses of the war, including the Spanish war bonds, had been paid. Their position is based upon a misapprehension of the facts. All of our public debt, except the bonds, may be regarded as a fixed quantity. The condition of the Treasury at any given

time depends, therefore, upon the amount of bonds outstanding and the available cash balance in the Treasury.

I have prepared a table which shows the capital of the interest-bearing debt, the annual interest charge, and the available cash in the Treasury at the beginning of each fiscal year since 1891, and on January 31, 1898 and 1902:

Statement of interest-bearing debt, annual interest charge, and available cash, including gold reserve.

	Interest-bearing debt.	Annual interest charge.	Available cash, including gold reserve.
July 1, 1891	$610,529,120	$23,615,735.80	$153,893,808.83
July 1, 1892	585,029,390	22,893,883.20	126,692,577.03
July 1, 1893	585,067,100	22,894,194.00	122,462,230.38
July 1, 1894	635,041,890	25,394,385.60	117,584,466.13
July 1, 1895	716,202,060	29,140,792.40	195,240,153.51
July 1, 1896	847,363,890	34,387,265.60	267,432,096.70
July 1, 1897	847,365,130	34,387,315.20	240,137,626.76
July 1, 1898	847,367,470	34,387,408.80	205,657,570.76
January 31, 1898	**847,365,810**		**223,871,786.26**
July 1, 1899	1,046,048,750	40,347,872.80	281,380,468.73
July 1, 1900	1,023,478,860	33,545,130.00	305,705,654.78
July 1, 1901	987,141,040	29,789,153.40	326,833,124.92
January 1, 1902	943,279,210	28,037,313.30	321,603,278.63
January 31, 1902	**939,094,330**		**324,796,646.42**

From this table it appears that on January 31, 1898, before one dollar had been spent on account of the war, the debt was $847,365,810. The available cash was $223,871,786. The debt, less cash, was $623,494,024.

On January 31, 1902, only three years after the close of the war, the debt was $939,094,330. The available cash was $324,796,646. The debt, less cash, was $614,297,684.

That is, the net debt to-day is $9,196,340 less than the net debt three years ago. So that, while it is true that there are still outstanding $97,000,000 of the $198,000,000 Spanish war bonds, it is also true that we have the money in the Treasury with which to retire them if we so desire.

All the accrued expenses of the war with Spain have been paid, and we are over $9,000,000 better off than we were when the war began, and our annual interest charge has been reduced over $6,000,000.

This splendid record of wise national financiering has no parallel in the history of any nation. In the glow of victory and pride in the valor of our arms we are apt to forget the honor that is due to the financial officers of the Government who have conducted the nation with safety and honor through the vicissitudes of an expensive foreign war.

To President McKinley and Secretary Gage belong the largest share of the honor due to the successful management of the national finances during the past four years.

It now remains for us by a reduction in taxation through the repeal of the war-revenue act, and by wise and economical appropriations, to return, to restore the normal condition of receipts and expenditures that existed before the war. The erection of public buildings, the improvement of rivers and harbors, the construction of the isthmian canal, the granting of ship subsidies, the enlargement of the Navy, should all be considered from the plane of our normal revenues. We should not allow ourselves to even contemplate the use of emergency war taxes for carrying out in time of peace these great national enterprises, however praiseworthy they may be.

There are some who fear that a reduction of $80,000,000 or even $70,000,000 in our annual revenues, even on our present basis of expenditures, will result in a deficit. But even if it should so result a deficit is not an unmixed evil. It certainly is not a thing to be feared, especially with a balance of $175,000,000 in the Treasury. There are many statesmen and economists who, recognizing the difference between private and national financiering, believe that an annual deficit is better than an annual surplus. Professor Henry C. Adams, of Michigan University, whose opinions have often been quoted with favor on this floor, has summed up the arguments in favor of national deficit financiering in his excellent work on Public Debts. I read a few extracts from pages 79 to 82:

It seems, then, that both convenience and economy justify the use of temporary debts whenever estimates fall short of actual expenditures or when some change in public policy presents new demands to the Treasury Department that must be immediately met.

But the real question that lies at the bottom of the policy of temporary loans goes deeper into the science of finance, and suggests itself only when we inquire respecting the alternative presented to the administration, supposing the policy of temporary debt to be discarded. The alternative is to overestimate expenditure and underestimate revenue, in order that such discrepancies in the budget as may arise should always be on the side of a surplus. The question, then, reduces itself to this: Since perfect harmony in the budget can not be expected, do sound rules of finance require the error to fall on the side of surplus or of deficit? According to the maxims of domestic economy, a constantly recurring surplus is accepted as evidence of good financiering; but it is doubtful if such maxims are applicable to national affairs.

There are three reasons, as it appears to me, why a constant deficit should be chosen rather than a constant surplus.

In the first place, the moral effect of a deficit upon the electors as well as upon the legislatures is good. The people will be more careful to exercise their constitutional prerogative in the control of expenditures if the minister of finance is obliged to use the language of poverty than if they are made to feel rich by the portrayal of an ever-increasing surplus; the legislative body, also, will be more careful as to appropriations if deficits stare them in the face than if their deliberations are carried on in the presence of an overflowing treasury.

* * * * * * *

But in the second place, a deficit at the close of a year brings for a second time before the legislative body the appropriations of the year previous. A revisionary study of all expenditures is in this manner rendered necessary, and this tends to secure a stricter control over future appropriations. The laws of many States provide for temporary loans, sometimes in the form of a loan from one appropriation that is in excess to another in which there occurs a deficit, sometimes the Government is authorized to appeal directly to the market; but in either case the action of the minister of finance must come up for approval or disapproval when his report is presented to the legislative body.

The third claim in favor of deficit financiering is of a somewhat different nature, since it brings to our notice the commercial distress which may be occasioned by adopting the competing policy. It is a well-known principle that the value of money is inversely as its amount; and if, through a constant excess of revenue over expenditure, large sums are withdrawn from circulation, or if, through any considerable excess in the revenue of one year, the average amount of money in the hands of the people be reduced, the country will suffer the inconvenience which always attends falling values.

I can not agree fully with Professor Adams, but I must admit that there is great force and wisdom in what he says in favor of deficit financiering, especially when a nation is out of debt. But while we have any debt outstanding we ought to provide an annual surplus to be used in extinguishing the debt.

From the best estimates that can be made the repeal of the war-revenue act would still leave us an annual surplus of over $9,000,000. But if, through any unforeseen changes in the business world, our other revenues should decrease and a deficit should result from the repeal of these war taxes, we need have no apprehensions of disaster and should have no hesitation in promptly repealing these taxes. The present surplus in the Treasury could be put to no better use than making up such annual deficits as might result from a repeal of the war taxes and a return to our ordinary revenues. There is, however, not the remotest prospect of such a deficit, and the surplus must be used in some other way.

Finally, the repeal of the war taxes will in no way embarrass us in making just concessions to Cuba. We have given to the island political independence and a stable republican government. With the magnanimity that has always characterized the Republican party, let us at this session of Congress do all in our power to give to the people of Cuba commercial independence and industrial prosperity.

Mr. Chairman, after reviewing with some care the financial history of the country and taking into consideration the present condition of the Treasury and the probable demands upon our resources in the future, it seems to me that we shall be false to our trust as representatives of the people if we do not decide at once to repeal these war taxes.

I trust that the bill reported by the gentleman from New York, the Chairman of the Ways and Means Committee, last Monday will be passed without amendment. It should be considered by itself and without being complicated with other questions. It simply restores the taxes that existed before the war with Spain. It should be passed without delay and ought to receive the vote of every member of this House.

We have already delayed too long in this matter. Further delay may be fatal. Emergency taxes, if retained too long after the emergency has passed, become permanent taxes.

Legislative, Executive, and Judicial Appropriation Bill.

SPEECH

OF

HON. E. J. BURKETT,

OF NEBRASKA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, February 7, 1902,

On the bill (H. R. 10847) making appropriation for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes.

Mr. BURKETT said:

Mr. CHAIRMAN: I desire to avail myself of this opportunity to address the House upon an important measure now pending before the Invalid Pensions Committee, and which has not yet been by them reported upon. I address the House at this time that the committee may have before them in their deliberations some figures and data that I have collected, and some deductions that I shall make therefrom, which, to my mind, argue very strongly for the passage of the bill, or some similar bill. And let me say now that I have no undue proprietary pride in this bill to the ex-

clusion of any other. I shall support any bill or anybody's bill that will relieve the complaint that is now being made in pension matters.

The bill I refer to is H. R. 3098, and is intended to amend section 2 of the act of June 27, 1890, of the pension laws. This law is commonly known as the new law, and under its provisions those soldiers who are incapacitated from the performance of manual labor and are yet unable to establish the origin of their disability as of Army service are pensioned. As the law now stands, a soldier drawing a pension under it is rated at $6, $8, $10, or $12 per month, according to the degree of his inability to earn a support by manual labor.

The section which this bill proposes to amend is that part of the 1890 law which prescribes the several ratings, and, if passed, its effect will be to establish a flat-rate pension under this law of $12 per month.

No other provisions of the 1890 law are changed, nor are any other of the pension laws affected. No soldier's right is abridged, but, on the other hand, veterans who are drawing less than $12 per month under the law of 1890 will be increased to $12 by virtue of this amendment.

The proposed legislation is not of hasty conception, nor have I introduced the bill until considerable thought had been given to it, much counsel taken from veterans and Grand Army of the Republic posts, and very much computation made. The idea is suggested from experience in calling up and attending to many hundreds of claims for constituents. Most of us have common experiences in this particular branch of our work, and accordingly I shall not go into very minute detail as to what has suggested the bill, but, rather, shall devote my time to showing why the bill should pass.

We are all well aware that the present laws and their administration are unsatisfactory to the soldiers. Indeed, most of us probably, from time to time, have been wont to criticise what seemed an injustice to some worthy veteran. With so much of machinery (and under the law as it is that machinery seems necessary) for the adjudication of claims, there is little wonder that somewhere, every once in a while, it skips a cog, or fails to do its full duty. I am not persuaded that this amendment will adjust all the complaints and satisfy all the complainants, but, sirs, it will satisfy two-thirds of them; for the Commissioner's last report, at page 94, shows that out of a total of 155,165 claims for original and increase of pension filed during the last year two-thirds of them, or 108,559 claims, were under the very identical law that this bill seeks to amend, and to overcome the very identical things that this bill removes from it.

During the same time there were allowed by the Pension Bureau, according to the report at page 73, 653 original claims under the old law, and 19,319 original claims under the new law. There were also allowed of increases under the old law 12,693, and under the new law 22,765, while of reissues, restorations, and renewals there were allowed under the old law 3,577, and under the new law of the same class of cases there were allowed 8,379.

Summarizing, we find that during the last year affirmative action has been had in the Department under the old law in 16,923 cases. and under the new law in 50,463 cases.

Those claims under the new law—two-thirds of all filed and representing three-fourths in allowances—were every one of them filed for exactly the same purpose that this amendment is intended to accomplish. They were filed for an increase, or a twelve-dollar rating. This law precludes all such by making a minimum as well as a maximum rate.

It is the indefiniteness of the 1890 law that has made it such a source of trouble. Its unending offer of inducement; its tantalizing more; its inviting bid to try again, is the "why" of so many claims under it. Every increase or rejection under that law is a specific invitation to try again. In fact, that is the soldier's only chance. He must do it. He will do it. In fact, he is directed to do it.

Only one-third of the soldiers under the 1890 law have had a final settlement of their claims. Two-thirds of them know their case is unfinished. Sixty-five per cent of all the claims hitherto allowed under the 1890 law are incomplete and unfinished, and hence are worked over and upon constantly. This is only in favor of a continued large force of clerks in the Pension Department. One medical examination after another is ordered. A case came under my observation where three examinations had been taken by a soldier in a single year. One review of the case after another is made. The papers are worn out in the much handling. Untold expense is made both to the claimant and to the Government by this doling out of pensions under the "installment plan."

The object of this bill is to settle all of these claims at once; to have a final and complete verdict rendered now; in short, to close up and file away as completely adjusted two-thirds of all the claims now before the Department; to discharge three-fourths of the medical examining boards, or, rather, save three-fourths of their fees and expense; to discharge one-half of the clerks in the Department, and to save one-half of the postage and stationery and miscellaneous items of expense of the Pension Bureau.

But, sirs, best of all, it will smooth the path of 280,000 heroes of the Republic. It will send a tiny ray of sunshine into 280,000 homes and make a million happy hearts. It means a little more to eat to some hungry mouths, a little more clothes to some shivering form, and a little more of school, and a few more books, a better education and better opportunities, higher thoughts, nobler ideals, better men and women, more patriotic and devoted citizenship.

Then, too, the opportunities for inequalities among the pensioners have made the 1890 law an object of contempt. It is difficult to make comparisons satisfactory to all parties compared. It is impossible to say that one soldier in a community is entitled to $12, another $10, another $8, and another $6, according to the degree of ability to perform manual labor, and make any of them, except the $12 man, satisfied.

Human nature is so constructed that comparisons against interest are odious even when they are absolutely right. In short, everybody knows his own troubles, his own diseases, his own disabilities better than he knows anybody's else and better than anyone can know his; and, do as he may, he is unable to appreciate another's troubles as he does his own. To the heroic veteran, gray and grizzled by patriotic service to his country, as the shadows of declining years fall about him, there is no just comparison but his own infirmities with the robust vigor and extravagance of health that he gave to his country.

Ratings under the old law are more certain and more easy of interpretation. Their correctness may be established. Degree can be measured with mathematical precision in most instances. An arm off at the shoulder has a certain rating, and off at the elbow has another rating. There can be no uncertainty. But to measure a man's ability to perform manual labor and then pension him according to that judgment could not possibly result other than in error and complaint and dissatisfaction. Then, too, sirs, all the more so when the man who rates has never seen the soldier he is rating, and, while pretending to base his ratings upon the compromised opinion of three other men who have made an examination, absolutely refuses to follow their recommendations.

A more absurd proposition I can not imagine. There is little wonder that injustice is complained of, and yet how could it be otherwise? Doctors from all over the country are sending in reports. These doctors are from different schools of medicine; they are differently educated; they are of different temperaments, and they differ in their attitude toward the whole plan of the pension system. Some of them are able not only to diagnose a disability, but to describe it minutely and intelligently; others may possess neither of these qualifications.

That you may fully appreciate the difficulties under which the Department labors in this particular, let me quote to you from the Commissioner's report the words of the medical referee, Mr. J. F. Raub. He says:

> After more than three years' effort to improve the work of examining surgeons it has been found that such effort has not been crowned with the measure of success hoped for and reasonably expected. It is to the credit of some boards that take an honest pride in their work that they are giving fairly satisfactory reports. * * *
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> Too many, however, apparently regard their duties and obligations to the Bureau in the slightest imaginable manner, their certificates bearing evidence of work done in a slipshod, haphazard manner. This faulty work is most frequently apparent in the inaccurate descriptions of disabilities and in the use of practically the same phraseology in describing a disability. For instance, one board in 20 examinations found valvular disease of the heart and described it in practically the same words in each case. Test examinations failed to confirm these reports. No amount of advice, with special instructions, has effected any material improvement.
>
> Many boards apparently have no conception or appreciation of the importance of their duties, and quiet their consciences by submitting machine-made reports that are in the highest degree unreliable and unsatisfactory.
>
> One board regarded its duties as fully performed when the secretary, having examined the claimants at his office, merely conferred over a telephone with the other members, after which they all certified that they were present and participated personally at the examination. * * *
>
> Taking into consideration all the complaints, real and imaginary, against the office, the knowledge of the Bureau that reports of examining surgeons are unreliable, the failure to secure intelligent, thorough, and complete certificates, notwithstanding the efforts of the Bureau during thirty years—efforts growing more and more insistent year by year—it is surprising that no change has been made in the system.

Is it to be wondered that exasperating comparisons are made? Is it to be wondered that the new law rating in many cases not only does not establish even approximately the soldier's disability, but rather his blind fortune, in making the board of rating understand he is debilitated.

The rating part of the law is the part complained of. It is the part that causes the trouble. Soldiers do not complain, so far as my experience teaches me, when they feel that they are drawing what the law allows them and what their Congress intended they should have. But it is the uncertainty and indefiniteness of the 1890 law that condemns it as applied to practice. Then let us do away with the uncertainty; let us take from it the part that makes the trouble. Let us have no sliding table to be speculated upon by a board of rating 3,000 miles, perhaps, from the soldier affected

thereby. Let the soldier know in the fewest possible words, and in the plainest language, just what Congress intends to give him. Take away the power of any man to work up or down the rate, according to his whims or his fancy, his ignorance or his prejudice.

Eleven years ago Congress said that a soldier who was incapacitated from earning a support by manual labor should have of the bounties of the nation $12 per month—

and not less than $6 per month proportioned to the degree of inability to earn a support.

The war then was only removed twenty-five years. To-day it is thirty-six years since the last soldier was mustered out. In all that great army of veterans few, comparatively, are under 60 years of age. Much the larger proportion are probably above 65 years old.

With the infirmities of age stealing on them, with the toils and cares of life burdening them down, with the years of war and bloodshed that they experienced taken into consideration, it is my judgment that none of them are able to earn a support by manual labor; at least that may be said of the great majority of them; and for one, if it is necessary, in order to do away with all the examinations and the evidence and the parleying and the jockeying to establish inability to perform manual labor, I am in favor of establishing that fact by law. Suppose some one of them has retained his health and his vigor, and really does perform manual labor, I shall rejoice in the fact, rather than begrudge him the benefits of the law, if this bill should pass.

The pension system should be a comfort to the old soldier rather than a worry. Its benefits should be obtained in the easiest possible manner consistent with the safety of the nation against frauds. What the Government is going to do, it ought to do generously and magnanimously, and not niggardly and begrudgingly. To make a pension rate of $12, or any other rate, and then throw around it such barriers as to make it impossible to be attained, is ungenerous and un-American. If you want the old soldier to have $12 per month, say so, and strike down every barrier that stands in his way of securing it.

I hope, as far as I have gone, that my words have fallen on sympathetic ears. I believe this House is in sympathy with the propositions that I have laid down so far. I believe the experience of its members confirms what I have said. There may be those here who whould give even larger ratings. I believe that the time will come when we shall have a properly adjusted service pension that will more correctly respond to the demands of justice to the soldier. But it has not been my object at this time to undertake any revolution of the pension system, or to call forth the attack that would necessarily come to new pension legislation. I am only anxious that the laws that we now have shall be more equitable, more easy of application, and more satisfactory to the great army of patriots in their declining years.

There is another side of this question that will concern each of us, and that each of us are bound as guardians of the national purse to investigate before this bill is passed. I confess, sirs, that I have given no little time to this side of the question. What each of you want to know is, What is the amendment going to cost the Government? How much additional will it carry in the pension appropriation bill? I might say here, however, that the American people are generous, they are fraternal, they are charitable, they are patriotic, and they rejoice that the nation is big enough and rich enough to be generous to its heroes.

But it is our duty to protect the National Treasury. There is not a soldier in the land to-day, I believe, who would wish us to do otherwise. Patriotism that sent a man to the front to fight the battles of his country would spurn the depleting of its Treasury, even if he should profit thereby. But I have looked into this question, and it is my opinion that it will not require to exceed $6,000,000 per year in addition to what we have appropriated for the past several years. Surely this is not exorbitant nor too much if this amendment will do better justice for our national heroes.

Last year we appropriated $144,000,000 for pensions, and I believe that the figures will demonstrate that $150,000,000 or $151,000,000 will prove abundantly adequate if this bill should pass. Let me also suggest that this amendment will save money in many particulars. I shall therefore give you first the additional cost of such a bill, and then give you the saving that will accrue to the Government under it.

First. In addition to what we are now paying in pensions it will cost as much more as it will take to bring every man under the new law who draws less than $12 up to that rate. From the report of the Commissioner of Pensions, I find that under the law there are pensioned—

	Per month.
104,834 at	$6.00
138,293 at	8.00
24,452 at	10.00
156,217 at	12.00

By computation, it would require $1,259,100 per month or $15,109,200 per year to bring all up to $12 per month. Similarly figuring, the honorable Commissioner of Pensions estimates that it would require $6,313,708.20 to bring all under the old law up to $12, provided they choose to apply under the new law as amended. This makes a total of $21,422,908.20 required to bring every man now on the pension rolls, under any law, who draws less than $12, up to that rating. From this we may legitimately deduct the savings to the Government by reason of the law. Last year practically $900,000 was paid out for medical examinations. By making a careful estimate it can be said that of this there was paid for new law cases, which would all be saved under the proposed amendment, $600,000.

On page 73 of the report of the honorable Commissioner of Pensions may be found Table No. 1, showing the number of pensions allowed and increased during the year, with the annual value of such issue and increase. This table shows what additional burdens are brought to the Pension Bureau in the natural course of business with the laws as they are at present—that is, that the pension roll and its value increases every year under present laws.

If any of those would be obviated by this proposed amendment, or rather if any of the natural increases to pension expenses and outlay under the laws as they are have already been included in the estimate under the proposed amendment, then it is fair that they should be deducted from the sum total necessary to carry into effect the amendment, for the reason that such increases would occur anyway under the law as it is, and hence are not properly chargeable to this amendment. The total value, as therein shown, of civil-war claimants, by allowances, and reissues, and restorations, and additional, and increases, and changing classes, was $4,114,851. Of this, $2,879,983 is directly traceable to allowances and increases, etc., under the new law, or the act of June, 1890.

It is but fair, then, in calculating the increase in the pension disbursements by reason of the proposed amendment, to deduct from the estimated amount the amount that we can reasonably expect the pension roll will increase under the present laws which have been duplicated in our estimates under the amendment. There is no better way to estimate the future, perhaps, than by the figures of the past. It is fair, then, to say that from the estimated increase by reason of this bill there should be deducted the amount that the roll will increase under the present laws.

Therefore, all of the amount which the roll will be increased under the law of 1890 as it is should be deducted. It is hard to tell just what proportion of the increase in the pension allowances by reason of the old-law claims should be deducted. Someone may say that the increase each year is offset to a considerable extent by depletion of the rolls by death, failure to claim, etc. But to this the answer is, that the same depletion would occur under the amendment, and the same decrease can be depended upon.

We find from the table that I have just referred to that on account of allowances, increases, reissues, etc., under the old law the pension roll was increased last year $1,234,868. Some of these allowances of course were to claimants already drawing more than $12 and some to claimants drawing less than $12. If we could figure just what proportion of these claimants were drawing less than $12, that amount should be deducted, as is deducted the entire amount of the increases, etc., under the new law, for in the computation that we have submitted we have contemplated the increase up to $12 of every soldier under both laws.

It is safe to say, perhaps, from observation and from the best estimates that can be made from the Commisioner's report, that one-half of the increase under the old law has been on account of pensioners drawing a rate less than $12. Therefore, if this is correct, from the estimated increase on account of this proposed amendment giving a flat rate of $12 there should be deducted the additional sum of $617,434 that we may expect persons under the old law, drawing a rate less than $12 per month, will increase their total pensions during any year with the law as it is now.

Table No. 3 of the report of the Commissioner of Pensions, page 76, shows the amounts of the first payment on every class of certificate during the last fiscal year. This represents the amount of back pay paid to the soldiers duriug the year, and if the present amendment should pass a great amount of this back pay would be saved to the Government by reason of the pensions being raised by virtue of the law, the same as in all other cases of this sort in the changing of the pension laws. This enormous item would be distributed among the soldiers in increase of their present ratings.

While the amount as shown by the report would probably not represent anywhere near the amount that would be saved each year hereafter, at least the amount that is shown to have been paid under the 1890 law would be saved, and also a considerable portion of that paid under the general law, for the reason that many claimants who are prosecuting their claims under the general law and who draw less than $12 per month, if they should

present their claims and draw $12 under the 1890 law, would drop their claims under the general law.

We find from this table that there was paid out last year in first payments, or in back pension, under the new law, $4,309,502.46, and under the general law, or the old law, they have paid out $1,604,028.22. It would not be too much to estimate that one-third of this latter amount would be saved by reason of the passage of this amendment, which would amount to $534,676.07, or a total saving of $4,944,178.53.

Table No. 11, page 85 of the Report of the Commissioner of Pensions, shows that the total expense of running the Pension Bureau, outside of disbursing agencies and examining surgeons, during the last fiscal year has been $2,498,639.90. This, of course, includes the salaries of officers and clerks, stationery, printing, postage, etc.

It is quite possible that during the first year after this amended law should go into effect that the clerical force could not be reduced; that the postage and stationery and printing account might not be reduced; but when the claims had been adjusted to this new law, then certainly the force of clerks could be reduced at least one-half, and the postage and miscellaneous expenses could be reduced the same, for the reason that two-thirds of the claims that are filed in the Department, being under this law—if these claims are satisfactorily adjusted, as they will be by this amendment—then certainly we can expect that one-half of the force and one-half of the printing, etc., would attend to the other one-third.

At page 61 of the Commissioner's report we find that last year there was paid in attorneys' fees $591,245.22. I believe it is safe to say that two-thirds of this amount, or $394,163.48, was paid on account of the new-law claims. An amendment of this sort would save this almost entirely to the soldiers. To be sure it would make no saving to the Government, and thus could not be legitimately considered to reduce the additional appropriation necessary to carry into effect this proposed amendment. But, being in favor of the soldier, it is a matter worthy of our consideration in this connection. The old veteran is annually paying that much out in his vain struggle to obtain what he believes his rights to be under the new law. This amendment saves that amount to him.

The Commissioner reports to us that of the money which Congress appropriated for pensions, $5,471,985.17 remained unexpended at the end of the fiscal year. Accordingly, there was $138,528,014.83 expended for pensions last year. If to this we add the $21,437,847 necessary to bring all up to the $12 rating, we would have a total pension roll of $159,965,861.83, and from this deducting the savings, as I have heretofore set out, would leave $149,774,946.35, the amount actually necessary to carry into effect the provisions of this amendment. This is $5,775,946.35 more than the appropriation for the last fiscal year, and within the amount that I stated at the beginning the bill could be put in operation for. Or, to summarize:

Additional cost to raise all now drawing under new law to $12		$15,109,200.00
Additional cost to raise all now drawing under old law to $12		6,328,647.00
Total additional cost		21,437,847.00
Saved by reason of this amendment:		
Account of medical examination fees	$800,000.00	
Account of increase under new law as it now is	2,879,983.00	
Account of increase under old law as it now is	617,434.00	
Account of back pension under new-law claims	4,309,502.46	
Account of back pension under old-law claims	534,676.07	
Account of saving expense of Bureau	1,249,319.95	
Total saving		10,190,915.48
Net increase of cost		11,246,931.52
Present expenditure		138,528,014.83
Total amount necessary, with law amended		149,774,946.35
Present appropriation		144,000,000.00
Additional appropriation necessary		5,774,946.35

It may be argued against the passage of this bill that even if this law would pass, and a $12 rating was given to the soldier under the new law, he would still prosecute his claim under the old law, but he certainly would not do it unless he had rights under that law. This he can do now. The pending measure neither adds to nor takes from his rights under other laws. But the time has passed for proving up claims under the old law. Only 543 were able to do so last year. Forty years of time is too long to go back through and find witnesses. Death has thinned the ranks of comrades; age and long intervening years has made uncertain memories.

The present system of proof has outlived its usefulness. It is ridiculous to ask a man to remember details of things that happened nearly half a century ago. Yet, supremely ridiculous as is the asking of it, even more unjust is the requirement of it from the pensioner as a condition precedent. But suppose somebody did apply under the old law after this amendment goes into effect, he has done no more than he will do with the law as it is now. They have their old law right now, and this amendment gives them nothing additional in this respect, nor should it take anything away in that respect.

During the last fiscal year there were filed of original applications under the new law, or the act of June, 1890, 7,571, and of these 1,335 had claims pending under the general law, while 4,240 had claims admitted or were drawing pension under the old law. Of course, those persons who had claims admitted and applied under the new law were drawing less than $12 under the general law. This shows the determination of the old soldier in procuring the rating of $12; after his claim has been adjudicated under the general law and he has not reached a $12 rating, he has applied under the new law; while the figures also show that while the claimant was still hopeful under the old law, even though actually drawing nothing, that of some 7,000 applications only 1,335, or less than one-fifth, had claims pending under the old law.

On the other hand, we find that last year there were filed original claims under the old law, 943, and of these 943 there were 476 who had new-law claims pending and 647 that had new-law claims admitted. This, of course, represents men who are either drawing no pension or who are drawing less than $12 per month, and rather than being a reflection upon the old soldier, it only shows the fruitless effort and the work that is necessary to draw a pension at all.

A case that has come under my own personal observation is perhaps in point in this particular. The veteran served four years and six months in the civil war. He was a good soldier—not a blot upon his record. He was at the front, and the fact that he was at the front, together with the additional fact that he has not a line of hospital record, probably prevents him from drawing a single cent of pension. He has only six teeth in his head. He is totally deaf in one ear and nearly so in the other. He is bowed down with years. He carries, plainly visible, the marks of a veteran. To a layman it is easily apparent that he is absolutely unable to earn a living by manual labor; yet this decrepit old veteran, after four years and a half of patriotic service to his country, is denied a penny of pension by the Government he served so long and faithfully. He is caught between the machinery of the two laws. While he has had applications in under both laws, and this counts for two claims, yet he would be satisfied if he could draw $12 per month under either.

His claim under the old law is based upon scurvy. Evidence enough to satisfy any jury to the effect that he had scurvy in the Army has been introduced. There is not a single syllable of testimony to dispute that fact or to contradict the evidence in his behalf. Several witnesses, together with some of the officers of his regiment, testify as to his affliction. One comrade, who knew him before he enlisted, messed with him during his service, and who testified that he knew him like a brother, makes affidavit as to the disease.

Another comrade, who did not know him until after he enlisted, testified as to his disease in the Army, that claimant states brought on his disability. The medical examining board say that there is history of the disease which the claimant and his witnesses testify that the soldier had in the service, yet, under the old law, the claim is rejected, for the alleged reason that there is insufficient evidence to prove the continuance of the disease during all the years intervening between his discharge and the present.

Under the new law the claim has been rejected on the ground that loss of hearing and loss of teeth did not incapacitate him from earning a living by the performance of manual labor. Thus, I say, between the machinery of the two laws this claimant, old and broken in health, bearing the marks of his service, in his declining years is yet unable to partake of the bounties which this Government has so generously intended for her national heroes.

This is a single case of why a law of this sort should be passed. Take it out of the hands of the medical board, or the board of review, or the rating board, or any other board, to say what disables a man and what does not disable a man, or to what degree a man is disabled or is not disabled, and let this Congress of the United States, the Representatives of the people, say, in words so plain that they may be understood, that the soldiers of this country who followed its flag in times of sore distress shall be protected.

Again I repeat that in my judgment the trouble with the pension system is its uncertainty, its incomprehensible incongruities. The soldiers are not complaining for higher pensions so much as they are for their rights as the laws now are. Let Congress make the rate. Let it be a certain, definite, fixed rate, conditioned in the law of 1890, only upon patriotic service to the country and an honorable discharge.

This is not liberality; it is only justice. It is little reward, indeed, to compensate the fighting and the dying, the suffering and

the privations that those men went through. I wish we could do more. They did a patriotic duty, and performed it as only a hero could. They marched into the jaws of death and brought out Old Glory without a star missing. They charged the best and most determined foe that men ever went against, and brought as the victories of war a reunited nation, with all misunderstanding obliterated.

Let us pass this bill. It is only a little thing, but it means much to many men and many homes. It will not be operative long. Father Time has made old men of the boys of "'61," and the silent call of death is mustering them out after a life well spent in patriotic service of their country. Let us help them now, while we may, for we may not when we would.

Eulogy on Death of the Late Robert E. Burke.

REMARKS

OF

HON. CHARLES W. THOMPSON,

OF ALABAMA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 8, 1902.

The House having under consideration the following resolutions:

"*Resolved*, That the business of the House be now suspended in order that an opportunity may be given for tributes to the memory of Hon. ROBERT E. BURKE, late a member of the House of Representatives from the State of Texas.

"*Resolved*, That as a particular mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a distinguished public servant, the House, at the conclusion of these memorial proceedings, shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk be, and he is hereby, instructed to send a copy of these resolutions to the family of the deceased"—

Mr. THOMPSON said:

Mr. SPEAKER: In the death of ROBERT EMMET BURKE Alabama sadly notes the close of the noble career of one of her most distinguished sons. His adopted State of Texas is justly proud of him, but not more proud than his native State of Alabama. He was born of honest and humble parents in a county adjoining my own, and one of the counties of my Congressional district. It was not my pleasure to know him personally, but I am proud to add a testimonial to the many already offered in memory of such a grand life, so full of usefulness to his people and his country.

Alabama has contributed a large number of useful and distinguished men to the national councils, and not a few have come out of Mr. BURKE'S native county, Tallapoosa. That county furnished the Lone Star State with another eminent and highly honored gentleman, Judge David B. Culberson, whose eldest son, also a native of Tallapoosa County, now fills a prominent position in the United States Senate in a manner worthy of his ancestry.

But we have no cause to be prouder of any man who has gone out of our State than of the lamented ROBERT EMMET BURKE. He was an honest, unpretentious, unselfish, conscientious, courageous man. Prompted by the same patriotic motives that carried so many of our noble sons to the battlefield, he entered the military service of the Confederacy at the early age of 16 years, conceiving it to be not only his duty but also a privilege to offer his life in defense of the principles animating the South in the terrific struggle of 1861–1865. And although I did not go with him through the bloody conflicts of that war, being much younger than he was and far too young to act as a soldier, I know full well the brave record he made in the army, and the history of his subsequent public career—the splendid services he rendered to the State of Texas and to the United States. I know well the confidence which he won from the community in which he lived and the community at large. The esteem and honor bestowed upon him by his fellow-countrymen all along the journey of his life demonstrate to me his loyal devotion to his country and to what he considered to be right and his faithful performance of every duty that was intrusted to him.

I have alluded to some of his characteristics—his bravery, as shown in the war, his honesty, simplicity, and unselfishness, all of which were attested by the everyday acts of his life, and for which he became noted among all his friends and acquaintances. I might also dilate upon other characteristics—the sturdy perseverance and will power which enabled him to grapple with the hard conditions which confronted him at the end of the war, and the thoroughness and conscientious care which he bestowed on everything which he undertook. He found himself in 1865 without any money, without any profession, and without a sufficient education. Nevertheless, he determined to overcome all these obstacles. He determined to get an education and to become a lawyer; and in spite of his poverty he did get an education, and a good one, and did become a lawyer, and a very good one. In his new home in Texas, where he located in his nineteenth year, he settled down manfully to work and study, and by the time he was 23 years of age he had been admitted to the bar. Then followed eight years of steady devotion to his profession, during which he won the respect of every citizen of Dallas; and then, at the age of 31, he was elevated to the bench, serving as county judge and district judge for many years, and until he was promoted in 1896 to represent his district in the Fifty-fifth Congress, and afterwards in the Fifty-sixth; and he had been reelected to this present Congress when death snatched him away from his field of usefulness in the prime of life aud at the untimely age of 54.

This is certainly a proud record—the record of a self-made man, triumphant over the most disheartening difficulties, and successful in all essential particulars, socially, intellectually, and morally. And yet none could be more modest and unassuming than he was in relation to his achievements and abilities. For that very reason, all the more did his constituents at home and his associates here delight to honor him. He never boasted or pushed himself into prominence, but his works and deeds spoke for him and made him prominent. The testimony is unanimous as to the sterling character of his work as a lawyer and judge, and his record in Congress was also most honorable and serviceable, as we all know.

The pity of it is that he should have been cut down at the very height of his usefulness and when his race was but half run, at least so it appears to our finite intellects. We must not presume to criticise the decrees of the Almighty, who "doeth all things well," but there are times when human understanding is staggered and the human heart tempted to rebel as we contemplate such untimely deaths as this. However, we know that we must submit, and must at least try to realize that all is for the best. Hapily, Mr. BURKE'S record was complete in one sense of the word. Though cut short, it was complete in quality. It had not a flaw in it, and its value as an example and an incentive to virtue for those of us who remain could not have been greater if he had lived a full century.

Personal fidelity to his duties was a shining quality in Judge BURKE. In this age of hurry and worry there is great temptation to attend to our business by proxy, and far too great yielding to the temptation. Judge BURKE did not delegate his duties to substitutes and subordinates. So far as it was physically possible, he personally attended to the requests of his friends and constituents. Indeed, it is probable that his untiring assiduity and conscientiousness in this respect caused the breakdown in his health which became noticeable in the last session of Congress.

Akin to this trait was his spirit of loving-kindess toward his friends and toward all mankind. The list of the favors and benefits which he had conferred and showered all around him as he journeyed through life would be too long for anyone to undertake to write or to recite. The consequence was that his friends were true friends, and innumerable.

His character shone brightly also in his domestic relations, and sad indeed is the bereavement which has come to the family circle of such a man as Judge BURKE. Above all, he was a true and sincere Christian, and although he loved life, and strongly desired to live longer for the benefit of his fellow-men, when the summons came he was ready to obey it, and to resign his soul to Him in whom he had trusted. Though we who are left behind must sorrow over our great loss, we find unspeakable comfort in the sure belief that all is well with him now and forevermore.

The Oleomargarine Bill.

SPEECH

OF

HON. GEORGE A. PEARRE,

OF MARYLAND,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, February 11, 1902.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 9206) to make oleomargarine and other imitation dairy products subject to the laws of the State or Territory into which they are transported, and to change the tax on oleomargarine—

Mr. PEARRE said:

Mr. CHAIRMAN: The controversy between the people and the manufacturers and sellers of oleomargarine, which seeks to find its settlement in the provisions of this bill, is not a new one, but has been waged for some years. In order to get a clear idea of the bill and its object, it may be well to review the circumstances which have created the necessity for legislation regulating the

manufacture of oleomargarine. The first animal fat used for the purpose for which butter is now used was butter itself. In its primitive form and its early uses it can not be said to have been a manufactured product, but was a natural product. The milk or cream of the cow was taken, and after being subjected to the simple process of stirring up or churning it became butter. The process itself was not an artificial process, but as nearly a natural process as could well be conceived, and there has been but little departure, excepting slight improvements, from the method originally employed.

Butter so produced was at all seasons of the year of a yellow color, varying from a deep golden in summer to a light yellow in winter. Yellow, therefore, is the natural color of butter not made by artificial process or brought out by the introduction of any foreign material. Nature first gave butter its color, not man. Butter, therefore, has a natural patent on the yellow color. With its natural color and great recognized wholesomeness and palatableness, it held the market undisputed for centuries. It is true that as time went on, as populations increased, and the demand for butter became greater, it began to be made not only on the farm, but in the large creameries, where finally a little harmless coloring matter began to be added to it for the purpose, not of deceiving anyone nor of imitating any other product, but of securing uniformity in color throughout the year.

During the Franco-Prussian war, when the industries of France were paralyzed, its men were taken from the farms to fill the armies of France, food for cows was seized for the use of the armies, and milch cows thus became so few in number that it was impossible for France to procure from the cow butter enough to feed her own people and meet the demands of her armies. In this position of dire extremity the necessity for a cheap substitute for butter became urgent, and the genius of a Frenchman discovered for France and for the world a method of meeting that demand by a process which utilized animal fats other than those contained in the milk or cream of cows. This product was manufactured and sold in the open market for a number of years without complaint until it was discovered that the maker of oleomargarine was manufacturing his product in such manner as to imitate the form, color, taste, smell, and consistency of butter, and was selling it, not as oleomargarine, but as butter.

Then the fight began between the honest product, which had never been sold for aught but what it was, against a fraudulent imitation, which for the last fifteen years, at least, has scarcely ever been sold for aught except what it was not. Then the people complained, because when they went to get butter they were deceived into buying oleomargarine at a butter price. The farmer began to complain because his honest product was being supplanted through fraud by a dishonest product. The manufacturer at the creamery began justly to complain because his market was being stolen from him by a bastard butter. These three classes, composing more than 60,000,000 of the inhabitants of the United States, began to clamor at the doors of the legislatures of the various States until the legislatures of Alabama, California, Colorado, Connecticut, Delaware, Georgia, Illinois, Iowa, Kentucky, Maine, Maryland, Massachusetts, Minnesota, Missouri, Vermont, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Utah, Nebraska, Virginia, Washington, West Virginia, Wisconsin, and Michigan, 32 out of 45 States in the Union, passed laws prohibiting the sale of oleomargarine colored in imitation of butter.

The people thus attempted to reach this spurious butter by what appeared to them to be the most direct method, through the legislatures of their States, and then rested, as they supposed, secure in the efficiency and inviolability of the law. But the laws of the States immediately proved to be ineffective against the persistency of the manufacturers of the oleomargarine. They immediately attacked the antioleomargarine laws of the States on the ground that they were unconstitutional, and a number of cases were taken to the Supreme Court of the United States. This court determined that the State has the power, through its legislature, to control the manufacture and sale of oleomargarine within its own borders. The most recent of these decisions is that of the Capital City Dairy Company, plaintiff in error, *v.* The State of Ohio, ex. rel. attorney-general, decided January 6, 1902.

Among these cases was the Plumley case, which arose under the statute of the Commonwealth of Massachusetts (Plumley *v.* Mass., 155 U. S., 461), prohibiting the sale of any substance made in imitation of yellow butter produced from pure unadultered milk or cream of the cow. Plumley was convicted for violation of this statute and the case was taken to the supreme court of Massachusetts and finally to the Supreme Court of the United States, where in December, 1894, the judgment of the state court convicting Plumley was affirmed. In the case of Scholenberger *v.* Pennsylvania (171 U. S., 1) the Supreme Court has said:

We hold that, in the absence of Congressional permission to do so, the State had no power to interfere by seizure or any action in prohibiting the importation and sale by a foreign nonresident importer.

This decision was based upon the case of Leissy *v.* Hardin (135 United States, 100), usually called the original-package case, in which it was decided that intoxicating liquors shipped from the State of Illinois into the State of Iowa might be lawfully sold in the latter State in the original package in which it was exported or brought within the State, notwithstanding the statute of Iowa forbidding the sale. The Iowa statute was therefore held to be in derogation of governmental control of "commerce among the States" and an unlawful interference of the right of interstate commerce. The Plumley and Scholenberger cases in the decisions of our highest judicial tribunal caused much difference of opinion among lawyers and courts in the enforcement of the antioleomargarine laws of the States, and on account of this conflict and that portion of the Scholenberger case above quoted the necessity for national legislation became apparent. The oleomargarine dealers seemed determined to sell imitation butter in spite of State laws and Supreme Court decisions, and some State judges sustained them in their contentions. Then it was that the people of the various States, foiled in their efforts to suppress this growing fraud by the apparent conflict of the decisions of the Supreme Court of the United States and by the decisions of the courts of the States, applied to the Congress of the United States to enact such legislation as was suggested by the Scholenberger case to be necessary.

The Congress of the United States had taken the matter up in 1886 and passed the act approved August 2, 1886. This bill imposed certain special taxes upon manufacturers and wholesale and retail dealers of oleomargarine and endeavored by such safeguards as occurred to Congress at that time to prevent the fraudulent sale of this product. It also imposed a tax of 2 cents a pound on all oleomargarine which shall be manufactured and sold, etc. This law was presumed to be drastic in its provisions, but proved to be utterly inefficient in suppressing the gigantic fraud at which it was aimed. Notwithstanding this law and the laws of 32 States prohibiting in different forms the manufacture or sale of oleomargarine colored yellow, the manufacture and sale of oleomargarine rapidly increased, until to-day there are 107,000,000 pounds of it manufactured and sold annually, being equal in amount to about one-seventh of the butter that goes upon the market annually. This suggested the necessity for further legislation, and the farmers of the country, 5,000,000 in number, sturdy, honest, fair men, determined that, while they had no objection to the manufacture and sale of oleomargarine uncolored and as oleomargarine, they would fight to the death against the sale of oleomargarine colored in imitation of butter and sold as such. Again they came to Congress and the result of their appeal is the present bill.

Let us take a short review of its provisions. The first section merely designs to subject to the laws of the States or Territories or the District of Columbia all oleomargarine, butterine, and imitation butter, etc., when it comes within the limits of the State, thus avoiding the decision of Leissy *v.* Hardin by adopting the suggestion of the Scholenberger case. While the bill was being considered in the committee it was discovered that there was nothing in the bill to prevent anyone from purchasing white oleomargarine and, by the simplest kind of a process, adding coloring matter so as to give it the yellow hue of butter. This was discovered by the committee in a visit to a butterine factory at Langdon, in the District of Columbia. It was there shown to the committee that white oleomargarine might be taken and a little coloring matter very readily introduced into it without changing the form of the oleomargarine. In order to prevent this and to prevent the sale of colored oleomargarine at any time by hotels, restaurant keepers, and boarding-house keepers, section 2 was added to the bill.

The oleomargarine people had declared that they had been imposed upon. They said that they had no desire to violate the law; that oleomargarine was as pure as butter, would sell on its own merits as oleomargarine, as it was a pure product as they claimed, and they ought to have the right to manufacture it without a tax of 2 cents per pound upon it. In order to give the oleomargarine people an opportunity to prove the honesty of this declaration and to relieve them as far as possible of the tax upon the uncolored product, the committee which reported this bill determined to reduce the 2 cents per pound tax of the act of 1886 on uncolored oleomargarine to one-fourth of a cent per pound. This will enable the honest oleomargarine manufacturer who wants to sell uncolored oleomargarine to sell it with only such tax upon it as is necessary to give the Government supervision over it through the Internal-Revenue Department of the Government, and the committee increased the tax on colored oleomargarine from 2 cents to 10 cents per pound in order to make it unprofitable for manufacturers and sellers of oleomargarine to sell oleomargarine colored yellow to imitate butter.

Section 4 of the bill requires wholesale dealers of oleomargarine

to keep such books and make such returns as the Commissioner of Internal Revenue may require, etc. This is done to enable the Internal Revenue Bureau of the Treasury Department to keep tab on the wholesale dealers or manufacturers.

A great cry goes up from the manufacturers of oleomargarine against this bill. They claim first that it is unconstitutional, because they say oleomargarine is a pure-food product and Congress has no right to tax it, and yet the minority of the Committee on Agriculture, who have never been charged with being hostile to oleomargarine interests, have reported a bill, which is offered as a substitute for the majority bill, by which section 8 of the act of 1886, which imposes a tax of 2 cents per pound on oleomargarine, is not repealed. If it be unconstitutional to tax oleomargarine 10 cents per pound, it is certainly one-fifth as unconstitutional to tax it 2 cents per pound. It seems to have been left to the minority of this committee to discover degrees of unconstitutionality which have never been recognized on earth before.

The next objection is that the whole burden of the tax is placed upon the manufacturer, who complies with the law in every instance, and they claim that the retail dealer, who perpetrates the fraud, escapes unscathed of the law. It is true that the burden of taxation and the penalties of the law fall largely upon the manufacturer, and it is equally true that the manufacturer to-day complies with the law. It is also true, however, that the manufacturer, as has been shown at every hearing upon this subject, encourages the retail dealer to sell his product as butter in violation of the law and furnishes him assurances of assistance in defending prosecutions and the payment of his fines if convicted. At the hearings before the committee public advertisements were shown of the largest oleomargarine firms in Chicago to the effect that if the retail dealers would buy of these firms and sell the product of these firms the firms would protect them as aforesaid, paying all attorneys' fees, conducting all the proceedings, and paying all the penalties.

The experience is of those whose duty it was under the act of 1886 to prosecute for fraudulent sales of oleomargarine discovered that the only way to correct the evil was to get down to the root of it, the manufacturer. They saw that as long as the manufacturer with ample wealth and enormous profits would assure immunity to the retail dealer, he would take the slimmest chance of prosecution on account of the large profit he could make in selling oleomargarine as butter, especially when he knew if ever detected and prosecuted it would cost him nothing. And the retail dealers did take these chances, as will be seen from the fact that in spite of a law in Illinois prohibiting the sale of colored oleomargarine, as much as 18,000,000 pounds have been sold in that State in a year. In spite of the fact that the same kind of a law in Pennsylvania 11,000,000 pounds of oleomargarine have been sold there in a year.

In spite of the fact that the State of Maryland has a law which prohibits the manufacture or sale of oleomargarine made in imitation of butter out of anything but the pure milk or cream of the cow, 1,400,000 pounds of oleomargarine have been sold in Maryland in a year. The latter figures are startling when it is contemplated that less than 3,000,000 pounds of butter are manufactured in Maryland in a year. By this I mean made in creameries or establishments of that sort, while over 9,000,000 pounds of butter are produced by the farmers. These figures must give us cause to pause if the rights and interests of the farmers are to be considered at all. If in a State like Maryland, with a law absolutely prohibiting the manufacture or sale of oleomargarine, 1,400,000 pounds of oleomargarine can be sold in a year, a little over one-eighth of all the butter in Maryland manufactured or produced on the farm, how long would it be without effective laws against oleomargarine before the farmers in Maryland would be absolutely driven out of the butter business?

Mr. Chairman, this bill is neither unconstitutional nor unusual, and its opponents know it. It is not only constitutional and usual, but absolutely necessary. Why, sir, is there any difference in principle between this law and the act of August 12, 1898, against mixed flour? Is it less constitutional or does it differ in principle from the act of June 6, 1886, against filled cheese? No; it is identical in principle with these two acts, whose constitutionality has never been questioned, either in Congress or in the courts, and the necessity of which to prevent the adulteration of food products is admitted by all fair-minded men. In the Plumley case, above referred to, Justice Harlan, in affirming the judgment of the State court, says:

> And yet it supposed the owners of a compound which has been put into a condition to cheat the public into believing that it is a particular article of food in daily use and often eagerly sought for by the people in every condition of life are protected by the Constitution in making and selling it against the laws of the States in which it is offered for sale, because it is in the original package and had become a subject of ordinary traffic.
>
> We are unwilling to accept this view. We are of the opinion that it is within the power of the State to exclude from its markets any compound manufactured in another State which has been artificially colored or adulterated so as to cause it to look like an article of food in general use, and the sale of which, by reason of such coloration or adulteration, cheat the general public into purchasing that which they may not intend to buy. The Constitution of the United States does not secure to anyone the privilege of deceiving the public. The deception against which the statute of Massachusetts is aimed is an offense against society. The States are as competent to protect the people against such offenses or wrongs as they are to protect them against crimes or wrongs of a more serious character, and this protection may be given without violating any right secured by the national Constitution and without infringing the rights of the General Government. A State enactment forbidding the sale of a deceitful imitation of an article of food in general use among the people does not abridge any privilege secured to the citizens of the United States, nor in any just sense interfere with the freedom of commerce among the States.

The oleomargarine people complain that a tax of 10 cents per pound on colored oleomargarine will tax it out of existence and break up a great industry. The answer to this is that the act of 1886 imposed a tax of only 2 cents on oleomargarine. This was thought to be a sufficient warning against the further perpetration of this fraud, together with the other provisions and penalties of that act. The oleomargarine people would not be warned; they openly and defiantly violated the law, and if it be necessary to tax oleomargarine out of existence in order to suppress this monumental fraud of the century, on account of the unwillingness of the manufacturer to obey the milder laws, then it deserves destruction, and the manufacturers can blame nobody but themselves. The people have protested, the manufacturers of butter have prayed, the farmers have besought, the State legislatures have directed by law, and the United States Congress has ordered that the oleomargarine people must sell oleomargarine as oleomargarine and not as butter.

In spite of appeal, in spite of protest, in spite of beseechings, in spite of the laws of the States and the acts of Congress, the oleomargarine people, drunk with their intoxicating successes from fraudulent sales, have turned a deaf ear to all and defied everybody, from the Supreme Court of the United States down, until the day for their complaining has passed and they must abide by the law or suffer its consequences. If this act be too drastic, it is their own fault; if they had obeyed the prohibitions of the State legislatures there would have been no further complaint; if they had obeyed the act of 1886 there would have been no further legislation; but since they have seen fit to set themselves up against the people of the United States and its moral sentiment they must yield and betake themselves to honest dealing.

Mr. Chairman, I have no quarrel with any man who manufactures oleomargarine as oleomargarine and sells it as such, and I would originally have had no objection to his coloring it any color he desired, provided he had sold it as oleomargarine, nor would the farmers and people of the United States; but after the manufacturers of this article undertook to color it for the purpose of perpetrating a fraud, then there was only one thing left to do, and that was to take from them the right to color it in imitation of butter. Colored butter, as the able Secretary of Agriculture, Hon. James Wilson, very tersely said, deceives nobody, but colored oleomargarine deceives everybody. That is a sufficient reason for depriving the oleomargarine manufacturer or dealer of the right to color his oleomargarine.

I have never yet, sir, been able to bring myself to believe that oleomargarine is a wholesome product; certainly not so wholesome as butter. It is well known that the best physicians in the world to-day prescribe large quantities of butter for delicate, dyspeptic, and catarrhal stomachs, but I have never yet known any physician of repute, whatever his views may have been as to the respective wholesomeness of these two articles, who has prescribed the free use of oleomargarine in cases of delicate stomach. It may be true, sir, that oleomargarine can be manufactured in such a way as not to be distinctly unwholesome to a healthy man, but it is equally true that when men are engaged in fraudulent practices, as most of the oleomargarine manufacturers undoubtedly have been and are, the temptation to make butter out of almost any kind of fat by means of oleomargarine inventions is a very strong one, especially when the profits are so enormous and the probabilities of detection so small. It may be made in a cleanly manner and purely, but it also may be made in a dirty manner and impurely.

My hostility to impure and fraudulent food products is not confined to oleomargarine, but extends to every honest food product which is adulterated in any way. If it be discovered that butter is not made in a cleanly fashion, then, too, the manufacturer of butter should be subjected to such regulations and inspections as will insure its purity; and this is true of every other food product.

The suggestion has been made that the laboring men of the country are behind this gigantic fraud. I spurn that suggestion. The laboring men in my district, sir, are as honest and upright and as much opposed to fraudulent practices as any men under the sun, and the manufacturers of imitation butter will get little comfort from the laboring man when he understands that they are trying to hide this fraud behind what they claim is his poverty and necessity. The laboring men in my district want butter

when they pay for it, and do not want to be deluded into paying a butter price for beef fat, lard, and cotton-seed oil.

If the oleomargarine people are honest in their belief that oleomargarine is a pure, wholesome, and palatable article, what objections can they have to the provisions of this bill? The people want the traffic in this article so regulated that when a man buys oleomargarine he will know it, and will pay only for oleomargarine, and that when he wants butter he will not pay a butter price and get oleomargarine.

Mr. Chairman, the minority of the committee have offered a bill of their own as a substitute to the majority bill. A moment's examination discloses the fact that it is not in any sense an improvement on the present legislation. The minority of the committee relies upon section 6 to prevent the abuses in the manufacture and sale of oleomargarine, which it admits. This section provides as follows:

That all oleomargarine shall be put up by the manufacturer for sale in packages of 1 and 2 pounds, respectively, and in no other or larger or smaller package; and upon every print, brick, roll, or lump of oleomargarine, before being so put up for sale or removal from the factory, there shall be impressed by the manufacturer the word "Oleomargarine" in sunken letters, the size of which shall be prescribed by regulations made by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury; that every such print, brick, roll, or lump of oleomargarine shall first be wrapped, with the word "Oleomargarine" printed on the outside thereof in distinct letters, and said wrapper shall also bear the name of the manufacturer, and shall then be put up singly by the manufacturer thereof in such wooden or paper packages or in such wrappers, and marked, stamped, and branded with the word "Oleomargarine" printed thereon in distinct letters, in such manner as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe, and the internal-revenue stamp shall be affixed so as to surround the outer wrapper of each 1 and 2 pound package: *Provided*, That any number of such original stamped packages may be put up by the manufacturer in crates or boxes, on the outside of which shall be marked the word "Oleomargarine," with such other marks and brands as the Commissioner of Internal Revenue shall, by regulations approved by the Secretary of the Treasury, prescribe.

The act of 1886 provides "that the retail dealer in oleomargarine must sell only from the original stamped packages in quantities not exceeding 10 pounds, and shall pack the oleomargarine sold by them in substantial wooden or paper packages, which shall be marked and branded as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe." Pursuant to this provision the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, prescribed as follows:

New wooden or paper packages similar to those usually employed in selling butter and lard at retail may be used by the retail dealer in oleomargarine.

Each retailer's wooden or paper package must have the name and address of the dealer printed or branded thereon, likewise the words "Pound" and "Oleomargarine," in letters not less than one-fourth of an inch square, and the quantity written, printed, or branded thereon in figures of the same size (one-fourth of an inch square), substantially as follows:

a ——— ———
b ——— ———
c ——— ———

ONE-HALF POUND OLEOMARGARINE.

The words "Oleomargarine" and "Pound," which are required to be printed or branded on retailers' wooden or paper packages, in letters not less than one-fourth of an inch square, and the quantity which is required to be written, printed, or branded thereon in figures of like size, must be so placed as to be plainly visible to the purchaser at the time of delivery to him. Illegible or concealed marks and brands are not those contemplated and required by the law and regulations. It will not be deemed a compliance with this regulation if the word "Oleomargarine" and the other required words and figures shall be illegibly branded or printed, or so placed as to be concealed from view, by being on the inside of the package, or by folding in the stamped portion of the paper sheet used for wrapping or otherwise. The required words and figures must be legibly printed or branded and conspicuously placed, and no other word or business card should be placed in such juxtaposition thereto as to divert attention from the fact that the contents of the package are wholly oleomargarine.

It will be observed from these regulations, which must be read as the law, that the retail dealer must sell from the original package, in a wooden or paper package, marked with his name and address and the word "Oleomargarine" and "One pound" or "Half pound" marked on the package in letters not less than one-fourth of an inch square, and the package must be so wrapped that all these letters will be clearly visible to the eye of the purchaser. This has been the provision since 1886, and in spite of it 107,000,000 pounds of oleomargarine, or the largest part of this, has been fraudulently sold. Section 6 of the substitute bill prescribes that oleomargarine shall be manufactured in bricks of 1 and 2 pounds, with the word "Oleomargarine" pressed into the bricks, and then covered by a wrapper with the address of the seller and the word "Oleomargarine" and the quantity marked on it, this to be surrounded by the revenue stamp. What protection do these provisions give greater than the act of 1886, which has been violated so many thousands of times? None. It is true that a penalty is prescribed for the retail dealer if he tears off the revenue stamp, unwraps the wrapper, or obliterates the word "Oleomargarine" stamped in the oleomargarine.

a Here give dealer's name.
b Here give street number.
c Here give name of city or town.

So, too, as heavy penalties were prescribed under the act of 1886, if the retail dealer sold any oleomargarine which was not wrapped in the packages as I have shown. He did sell it under the act of 1886 in unmarked packages and in packages with the stamp hidden. He could do it, and he did it. He can, under the substitute provided by the minority, tear off the revenue stamp or take off the wrapper and very readily rub out the word "Oleomargarine" stamped in the brick. He took a chance of the imposition of the penalties under the act of 1886, and he would take a chance of the imposition of the penalties under the substitute. The act of 1886 proved to be inefficient to overcome the temptation presented to the retail dealer by his enormous profits to violate the law. The provisions of the substitute would prove equally inefficient.

Mr. Chairman, the people have spoken not only through their legislatures, but in this Hall through their Representatives, and this bill, as righteous a measure as was ever conceived and as necessary a measure as the undisputed facts demonstrate, will pass this House, and I believe the Senate, by substantial majorities; will vindicate the moral sense of the American people, and declare once and for all to adulterators of food and fraudulent imitators of honest products that they must stand upon the virtues and merits of their own articles and will not be allowed to deceive a worthy and trusting people with fraudulent imitations. [Loud applause.]

Oleomargarine Bill.

SPEECH
OF
HON. SAMUEL S. BARNEY,
OF WISCONSIN,
IN THE HOUSE OF REPRESENTATIVES,

Tuesday, February 11, 1902,

On the bill (H. R. 9206) to make oleomargarine and other imitation dairy products subject to the laws of the State or Territory into which they are transported, and to change the tax on oleomargarine.

Mr. BARNEY said:

Mr. CHAIRMAN: When this bill was before the House for discussion during the Fifty-sixth Congress I took occasion to express my views upon it, so what I may now say will necessarily be, in a measure, a repetition of what I then said.

The primary object of this measure is to place a tax upon oleomargarine, the tax upon the natural or uncolored article to be merely nominal—one-fourth of 1 cent per pound—and the tax on the unnatural or colored article to be 10 cents per pound, which the enemies of the bill claim will, in effect, be prohibitory.

Time alone will prove the truth of this prediction, and if it shall prove to be true it is, in my opinion, the great reason why this bill should become a law.

Because this measure will thus be in effect prohibitory is a reason given by many in opposition to it and for the argument that it will be unconstitutional.

At this late day it seems hardly necessary to meet this argument or to say one word in defense of the constitutionality of this measure, and yet, as the contrary position has been taken in evident good faith by many able men on this floor, it may not be out of place to spend a little time in its discussion.

The taxing power of Congress is unquestioned and unquestionable, and is given in the following language in the Constitution:

The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States.

It will thus be seen that the power of taxation is given to Congress for three purposes, viz, (1) to pay the debts; (2) to provide for the common defense, and (3) to provide for the general welfare of the United States; and for these purposes there is but one limitation upon the power, and that is that "all duties, imposts and excises shall be uniform throughout the United States." There are other limitations upon the methods of taxation provided for, but they do not affect this right and are not pertinent to the question under discussion.

In the first place, I think it can well be maintained, both upon principle and precedent, that under the provision "for the general welfare" Congress can impose a tax which will limit and even prohibit the manufacture of any article, being justified by the letter of the Constitution and by the fact that such article is injurious to the public health or morals, is inimical to general prosperity, that it is fraudulent in character, and thus needs public surveillance, or for many other reasons. And from the foundation of this Government under the Constitution Congress has exercised the power of taxation "for the general welfare." The very first

law passed by Congress, and which was signed by President Washington July 4, 1789, stated as one of its purposes that it was "for the protection of American industries;" and no protective tariff law can be justified under the Constitution on any other ground than that it is "for the general welfare."

Almost if not from the very foundation of this Government we have had laws enacted by Congress and upon our statute books entirely prohibiting the importation into this country of certain articles, viz, obscene pictures and literature, certain medicines to be used for immoral purposes, and other like articles.

A heavy tax is now placed by the Federal Government upon all classes of intoxicating liquors and many other articles, one of the objects, or at least effects, of which is, if not to limit the manufacture and sale of these articles, to put them under Federal control, and thus indirectly exercise police power through the power of taxation.

Judge Story in his great work, in discussing this taxing-power clause, uses the following language:

> So that whichever construction of the power to lay taxes is adopted, the same conclusion is sustained that the power to lay taxes is not by the Constitution confined to purposes of revenue. In point of fact, it has never been limited to such purposes by Congress, and all the great functionaries of the Government have constantly maintained the doctrine that it is not constitutionally so limited. (1 Story Constitution, sec. 973.)

Forty years since Congress passed a law imposing a tax of 10 per cent upon the issue of State banks, and this law has remained upon our statute books ever since, and I have never heard of a single dollar having been collected under it, except when it was paid for the purpose of testing the constitutionality of the law in the courts. It was intended to be prohibitory; it was expected to be prohibitory, and it was prohibitory.

The constitutionality of this law came before the Supreme Court of the United States in the case of Veazie *v.* Fenno, reported in 8 Wallace, 548. The tax had been paid by the plaintiff under protest, and he brought this action against the collector for the purpose of securing its return, so that the whole question was squarely raised. The facts in the case were admitted and judgment went for the defendant.

The court in its opinion (Chief Justice Chase) uses the following language:

> It is insisted, however, that the tax in the case before us is excessive, and so excessive as to indicate a purpose on the part of Congress to destroy the franchise of the bank, and is therefore beyond the constitutional power of Congress. The first answer to this is that the judicial can not prescribe to the legislative department of the Government limitations upon the exercise of its acknowledged powers. The power to tax may be exercised oppressively upon persons; but the responsibility of the legislation is not to the courts, but to the people by whom its members are elected.

In the License Tax cases (5 Wallace, 462), where the same question was involved, the court says:

> The power of Congress to tax is a very extensive power. It is given in the Constitution, with only one exception. * * * Thus limited, and thus only, it reaches every subject and may be exercised at discretion.

Also, in Collector *v.* Day (11 Wallace, 113) the following language is used by the court:

> But we are referred to Veazy Bank *v.* Fenno in support of the power of taxation. That case furnishes a strong illustration of the position taken by the Chief Justice in McCulloch *v.* Maryland (4 Wheaton, 316), that the power to tax involves the power to destroy.

To deny the absolute and unlimited power of Congress of taxation under this clause would leave it to the discretion and judgment of the courts to inquire into every taxation law passed by Congress to determine what its purpose was, and thus practically transfer this great power from Congress to the courts. To illustrate this, suppose that Congress should now pass a law imposing a high duty upon the importation of coffee. No one would deny the constitutionality of such a law, as its only object and only effect at the present time would be to raise a revenue, and would doubtless please our free-trade friends. Suppose that in a few years coffee is begun to be cultivated in this country and with this high duty this industry becomes profitable, then it becomes a protective tariff, and hence, in the opinion of many free traders, unconstitutional.

Suppose in the course of time the cultivation of coffee becomes so general and so cheap in this country that this duty, which in its inception was for revenue only, becomes actually prohibitory, so that no more coffee is imported and the law yields no revenue whatever. Then if the argument of my friends on the other side of this question is right, this law, by change of circumstances, becomes unconstitutional, and the courts should so hold. Thus it will be seen, if that view of the taxing power of Congress is sound, it is left to the courts, and not to Congress, to define the object and purpose of any exercise of the taxing power, and all discretion upon this subject is transferred from the legislative to the judicial branch of the Government.

The constitutional right to enact this legislation is beyond question, and it thus becomes a question only of wisdom and necessity.

The evidence introduced upon the hearings when this bill was before the Committee on Agriculture during the last Congress and the present session of this Congress clearly shows that the oleomargarine industry as conducted at the present time is a fraud upon the public. Such being the case, how can it be said that a law is either unconstitutional or unjust which imposes a tax the incidental effect of which is to defend the public from a fraud and a counterfeit?

Upon this point the language of the court in the case of Plumley *v.* Massachusetts (155 U. S., 461) is particularly applicable. Justin Harlan, in delivering the opinion, said:

> And yet it is supposed the owners of a compound which has been put in a condition to cheat the public into believing it is a particular article of food in daily use and eagerly sought for by people in every condition of life are protected by the Constitution in making a sale of it against the will of the States in which it is offered for sale because of the circumstance that it is in an original package and has become a subject of ordinary traffic. We are unwilling to accept this view. We are of the opinion that it is within the power of a State to exclude from its markets any compound manufactured in another State which has been artificially colored or adulterated so as to cause it to look like an article of food in general use and the sale of which may, by reason of such coloration or adulteration, cheat the general public into purchasing that which they may not intend to buy.
>
> The Constitution of the United States does not secure to anyone the privilege of defrauding the public. The deception against which the statute of Massachusetts is aimed is an offense against society. The States are as competent to protect their people against such offenses or wrongs as they are to protect them against crimes or wrongs of more serious character, and this protection may be given without violating any right secured by the National Constitution and without infringing the authority of the General Government. A State enactment forbidding the sale of deceitful imitations of articles of food in general use among the people does not abridge any privilege secured to citizens of the United States, nor in any just sense interfere with the freedom of commerce among the several States.

Why is the manufacture of oleomargarine a fraud? Because it is made and sold in the market for that which it is not—butter. The advertisements of its manufacturers all show that it is colored for the purpose, and the only purpose, of making the purchaser from the retailer believe that he is buying and eating butter. It goes into the market and upon the table of the consumer under false pretenses, claiming to be butter when it is nothing but a conglomeration of soap grease and oleo oil.

It is claimed by those who oppose this measure that oleomargarine is a better article of food than very much of the butter which is sold in the market.

That may be true, and yet it is no justification for this fraud. Bad butter may be a poor article of food, but it at least has the quality of being honest. It travels upon its own merits—or demerits—and deceives no one. If oleomargarine is such a superior article, why does it sneak into the market under disguise? Why does it dishonestly assume the color and appearance of that which it is not, and an inferior article at that? This brings me to a discussion of some things which have been said in opposition to this measure and which I believe are a misrepresentation of the motives of the promoters of this law. It is said in the report of the minority, and has been repeatedly said in this debate, that the object of this measure is to totally destroy the business of manufacturing oleomargarine. That is not the object, and neither will it be the result.

It only seeks to drive from the market that portion of oleomargarine *which is colored and sold in imitation of butter.* It only seeks to drive out of the market that part of this oleomargarine business which is a counterfeit and a fraud, or if it remains it must pay a tax commensurate with its fraudulent profits.

The dairymen of this country and the consumers of this country do not object, and they have no right to object, to the manufacture and sale of oleomargarine if placed upon the market and sold without deception—that is, uncolored to imitate butter. Let it go into the market for just what it is and be sold upon its own merits and no one will have a right to complain or will complain.

In the report of the minority the impression is sought to be conveyed that W. D. Hoard, ex-governor of Wisconsin and president of the National Dairy Union, desires and expects by this measure to destroy the business of manufacturing oleomargarine, uncolored as well as colored. That such is not the case will be seen from his statement before the committee as printed in the hearings, for he says:

> The hoped-for effect of the legislation asked of Congress is not to destroy the oleomargarine industry, but to force it over onto its own ground; to compel it to be made in its own guise and color. Is there anything unjust or unreasonable about this?
>
> With a tax of 10 cents a pound on the counterfeit substitute, we believe the temptation for unjust profits, deceptive sale, dishonorable and dangerous conspiring against law, and fraudulent competition with an honest industry will be greatly modified.

An isolated extract is also given in the minority report from the statement made before the committee by Mr. Adams, pure-food commissioner for the State of Wisconsin, to show that his expectation was the same—viz, to destroy the oleomargarine industry, honest as well as dishonest. That that is not true is shown by

this letter, which I have received from him and which he wrote when his attention was called to that part of the report:

THE RALEIGH, *Washington, D. C., December 8, 1900.*

DEAR SIR: In the report of the minority of the Committee on Agriculture upon the Grout bill I am quoted as having said in my testimony before the committee, March 7, 1900: "There is no use beating about the bush in this matter. We want to pass this law and drive the oleomargarine manufacturers out of the business."

The statement is absolutely incorrect. I made no such declaration. I did say that the purpose of the Grout bill was to stop the coloring of oleomargarine in imitation of butter and to destroy that portion of the oleomargarine business which depended for its success upon the deception of the public.

I have never, at any time or place, thought or said that the manufacture and sale of oleomargarine, when not a counterfeit of butter, should be prohibited.

Respectfully, yours,

H. C. ADAMS.

Hon. S. S. BARNEY,
House of Representatives, Washington, D. C.

It has been said in this debate that the coloring of pure butter by the dairyman is upon the same footing and equally fraudulent as the coloring of oleomargarine in imitation of butter. The incorrectness and even utter absurdity of such an argument hardly needs refutation. Oleomargarine is colored to cheat the purchaser and consumer into believing that he is buying pure butter, while butter is colored to suit his taste, and is not intended to deceive him and does not deceive him as to the kind of article he is purchasing.

Pure butter is not even shaded in color by the manufacturer to deceive the public as to the time when it was made. There is no June butter in the market at this season of the year, or if it was it would not command as high a price as butter made last week. Winter butter, therefore, is sometimes colored, not for the purpose of making anyone believe that it is June butter, for that would depreciate its value, but because some people desire butter of a higher color than others. Woolen cloth is colored all shades of the rainbow, not for the purpose of deceiving anyone as to the material of which it is made, but because tastes differ in the selection of material for clothing. There is no more deception in the coloring of pure butter in the one case than there is in the coloring of wool in the other.

I am heartily in favor of the passage of this measure because, first, it is in the interest of pure food; second, because it is in the interest of the consumer, who has a right to know what he is purchasing and eating, and hence can buy it for what it is reasonably worth, and third, because it is a protection to the great dairying interests of this country against fraud and dishonest competition.

It is claimed by the friends of oleomargarine that this measure will deprive the poorer classes of the privilege of buying a cheap and nutritious article of food, and hence benefit the farmer at the expense of other classes. There is no foundation whatever for such a claim, because the natural and necessary effect of it will be to benefit the consumer of oleomargarine and the dairyman alike. It will injure no one but the dishonest manufacturers and dealers who are engaged in this fraud, and they ought to be injured and driven from the business.

The evidence shows that oleomargarine can be made for less than 8 cents per pound, and yet it is sold by retailers for 25 cents per pound and more, because the purchaser believes he is buying butter.

Let the bill become a law and oleomargarine will be compelled to go into the trade uncolored and for just what it is, and, as a result, can be bought for less than one-half what it costs now.

I say, then, that this bill is not only in the interests of the manufacturers of pure butter, but is equally in the interests of all who wish to use oleomargarine and to purchase it for what it is and for what it is honestly worth. For my part, I wish to see Congress go to the fullest extent of its taxing power for the suppression of fraud in any business, and particularly in the manufacture of what the public eats and drinks.

At the present time there are men engaged in the manufacture of honest—that is, uncolored—oleomargarine, and no one seeks to interfere with them.

In several cities in my own State these manufacturers of uncolored oleomargarine are putting their product upon the market and are selling it for a little more than one-half the price of the colored and fraudulent product. That fact proves that the passage of this bill will benefit the consumers of oleomargarine equally with the dairyman.

It will relieve the latter from dishonest and fraudulent opposition, and the former from dishonest and exorbitant profits.

It has been urged that this is improper class legislation—that is, that it is a measure for the benefit of one class to the detriment of another.

On the contrary, I say it is legislation designed to prevent one class from fraudulently obtaining undue advantage over another; legislation to prohibit the dishonest oleomargarine manufacturer from cheating the consumer directly and the dairyman indirectly.

The millions of dairymen in this country who are interested in this bill are scarcely heard, because of their scattered and necessarily unorganized forces. The other millions of consumers who are interested in pure food and honest prices are not heard, partly for the same reason and partly because they hardly realize the fraud which is being perpetrated upon them.

This is a battle of the honest butter producer and the honest consumer on the one hand against a gigantic combination of grease producers, who by fraud and dishonesty seek to rob both.

Let this bill pass and become a law and it will only benefit those who ought to be benefited and injure those who ought to be injured.

It has been amusing, and at the same time somewhat provoking, to hear in this discussion our Democratic friends, who are so generally opposing this measure, howl about "the great dairy trust," which they claim is lobbying this bill through. What do they mean by "the great dairy trust?" If they mean that 5,000,000 American farmers are "trusting" that this Congress will come to their relief and drive from the markets a fraud which is robbing them and the public, then I concede that they are right.

But if they use the term "trust" as indicating a gigantic corporation engaged in the manufacture of butter, which is urging the passage of this bill, they are indulging in ridiculous misrepresentation. Some of the time, in fact much of the time, these same gentlemen are shouting that the farmers of the country are being ruined by trusts, and now when an opportunity is offered to give them some relief from the fraud of one of these trusts, the farmers themselves are accused of belonging to a trust. The absurdity of this statement is hardly worthy of refutation. The farming industry is about the only business in which men are engaged which it is impossible to organize as a trust.

On the contrary, this is a battle between the great grease producers and manufacturers, who are organized into a trust, on the one side, and the disorganized 5,000,000 dairy farmers on the other. It is a fight between organized and concentrated capital and tillers of the soil, who could not organize themselves into a trust if they would. I believe the American farmer will resent this kind of slanderous "rot," and make up his mind that a party which indulges in it is not entitled to his consideration or support.

The Case of Cuba Stated.

SPEECH

OF

HON. HENRY W. PALMER,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, February 17, 1902,

On the bill (H. R. 10530) to repeal war-revenue taxation, and for other purposes.

Mr. PALMER said:

Mr. CHAIRMAN: The charge has been freely made that one purpose of this bill is to so reduce the revenues of the Government that no aid can be given to suffering Cuba.

An answer to this charge is unnecessary, as the surplus revenues remaining after the war taxes have been repealed will amount to far more than any probable reduction of duty on Cuban sugar and tobacco.

When the war taxes were imposed the distinct pledge was made that they should be removed when they were no longer needed.

The financial statements from the Treasury exhibit the encouraging fact that the interest-bearing public debt immediately before the Spanish war and before any expenditures had been made on that account was, less the cash on hand, $623,494,624, and that the net debt January 1, 1902, less available cash, was $614,297,684. So the cost of the Spanish war and all its expenses have been paid and the United States is over $9,000,000 better off than before the war; and, furthermore, during that period the annual interest charge has been reduced more than $6,000,000.

Under this state of facts it is useless to continue this unnecessary taxation a single day. If hereafter the benevolent impulses of the people of the United States impel them to benevolent deeds toward Cuba, there will be no lack of means in the hands of charity.

It is my purpose to fairly state the case of Cuba as it appears from the testimony of the witnesses who have been examined before the Committee on Ways and Means. I believe concessions may be made to Cuba, either with or without reciprocal concessions to the United States, without violating the "most-favored-nation clause" in treaties with other countries from which similar articles may be imported. The uniform interpretation of the

United States has always been that the most-favored-nation clause covers only gratuitous favors, and does not touch concessions for equivalents, either expressed or implied. (Wheaton's Digest, Vol. II, p. 38; Opinions of Attorney-General, vol. 21, pp. 80, 82, 83; American State Papers, Foreign Relations, Vol. V, pp. 152, 153, 161, 163; Wheaton's Digest, Vol. II, p. 41.)

In Bartram *v.* Robertson (122 U. S., 116) the court held that the favored-nation clause in the treaty between the United States and Denmark obliged the contracting parties to avoid hostile or discriminating legislation, but was not intended to interfere with special arrangements with other countries founded upon a concession of special privilege.

Furthermore, the exceptional nature of our relations with Cuba are such that no other nation could claim to be "similarly situated," and therefore entitled to demand an extension of favors granted Cuba.

Under the joint resolution of April 20, 1898, the United States intervened for the purpose of expelling from Cuba the authority and government of Spain, which was accomplished by the force of arms, and in the treaty of Paris assumed the duty to temporarily occupy the island, and "agreed to assume and discharge the obligations that may under international law result from the fact of its occupancy for the protection of life and property." Thus the United States undertook the legal obligation to "protect in all appropriate legal modes the lives, the liberty, and the property of all those who submitted to the authority of the representatives of this country." So much was decided by the Supreme Court. (Neely *v.* Hinkel, 180 U. S., 109–121.)

Suitable fiscal regulations necessary for the welfare of the inhabitants are certainly within the obligation so long as it exists. If in performance of this duty the United States accords to Cuba trade privileges not enjoyed by other nations, they can not justly complain, for the reason that they do not stand in like relation.

But the question, what under all the circumstances ought to be done, depends upon a variety of considerations.

Unquestionably the situation in Cuba demands the thoughtful consideration of Congress. If it be true, as averred by public officials and men of business in Cuba, that unless the duty on sugar and tobacco is largely reduced or entirely removed bankruptcy and ruin will be the portion of the island; and if it be true that the United States is under obligations, either legal or moral, to shield the people of that island from financial distress and establish them upon a firm foundation of prosperity, then there is no room for discussion. It must be done, cost what it may, because this country never runs away from duty.

The month of January and part of the month of February were devoted by the Ways and Means Committee to hearing the statements and arguments. Cuban planters, capitalists, officials, and business men, who united upon a reduction for sugar and for tobacco as indispensable to their financial success and to the security and peace of the island, and to the cane growers, sugar-beet growers, and tobacco raisers and manufacturers of the United States, who asserted with equal zeal that any reduction of the duty on sugar and tobacco would ultimately ruin their business and destroy the capital invested, amounting to more than $130,000,000, throw out of employment 500,000 persons directly engaged, and cripple a far greater number who are engaged in allied industries.

The propositions of fact, about which there can be no dispute, which were established by the testimony thus taken are:

First. That there is no financial distress in Cuba at the present time. Labor is fully employed at remunerative wages ranging from $23 to $30 per month in gold, which is more than has ever been paid before. More laborers are needed to harvest the present crop of cane, which it is estimated will produce 850,000 tons of sugar. The general conditions in the island are described by Señor Emilio Nuñez, civil governor of Habana, in an article published in Success this month.

To comprehend properly the story of Cuba's advance and the operation factors in its rehabilitation, it is necessary to take a view of the island as the Spanish troops left it. From one end to the other it was devastated. The outlook in any given direction from Habana, for miles and miles, was bleak and discouraging. One might have traveled 100 miles without seeing a house or a living animal. Everything was in ruins, for even the smaller towns had fallen into decay or had been left in ashes, sometimes by the Cuban army, more often by the Spanish, a part of whose tactics it was to leave no village standing which could not be garrisoned. The torch had caused vast damage to the country at large, blighting its prospects for future growth and bringing ruin to individuals.

A MODERN PHŒNIX ROSE FROM THE ASHES OF MENDICANCY.

Here and there were left cities which, by the influx of reconcentrados, had populations far in excess of their natural numbers. In the miserable, half-starved army of unfortunates were to be found many former planters who were once rich, but had been beggared by fire and the sword. Cuba became, for the time being, the great modern country of mendicancy. The country districts could provide no sustenance for those who knew how to till the soil. The cities were overflowing with a ragged population, who besought alms from those who had nothing to give. When I say that at the close of the war there were in Cuba 60,000 beggars—unprofessional seekers of aid—I am making a small estimate. This was the condition of affairs when the United States took Cuba in hand.

Since that time a marvelous change has been wrought. In business affairs with the world Cuba is almost as active as it was prior to the war. Its internal government is better than it has ever been before. Sanitary science has brought improvement in municipal attention to health, the cities have acquired clean streets and practical sewerage systems, buildings now give evidence of modern American planning, and education has taken giant strides. Step by step order has been brought out of chaos.

One of the first steps in Cuba's advancement was in the system of relief instituted by the Government of the United States. The beggars and the impoverished were fed, not only as a charitable duty, but as a matter of policy. A man can not conquer a wilderness on an empty stomach; weakened bodies are not fit for the work of saving the island from ruin.

So the establishment of posts in Habana and other places for the aid of the needy thinned the ranks of beggars, as it was expected it would. Almsgiving, instead of encouraging mendicancy, relieved from despair individuals who had the energy, in ordinary circumstances, to support themselves and even to help enrich the country. In less than a year the United States Government had only the sick to care for. Beggars had become laborers, artisans, merchants, and planters. As soon as a man or woman could find anything to do which would relieve the authorities of the burden of his or her support, another would be stricken from the lists of the needy. To-day there is not a beggar on the island of Cuba.

It may be observed that this article was not prepared for use before the Ways and Means Committee.

Secondly, the demand for a reduction in tariff duties on tobacco and sugar is not founded upon present distress, but upon an apprehension that the price of sugar at this time being so low that the Cuban planters can not pay the duty, which is 1.685 cents per pound, and make a profit; that they will not be able to plant another crop, having already expended their credit and having reached their limit of debt, and that lack of employment will create discontent and foment disturbances among the people and bring on another revolution which would entail trouble and expense upon the United States.

It is not claimed that the low price of sugar in the world is in any way attributable to the United States. It clearly results from the stimulation given the beet-sugar industry by the bounties paid by foreign governments, particularly Germany and France, and the indirect bounty received by producers from a system called the "cartel," by which the domestic consumer is charged the enormous price of 8 and 10 cents per pound for refined sugar, the profits arising being divided between the refiners and the growers.

This year the overproduction amounts to about 1,300,000 tons, and has forced the price of raw sugar, duty paid, down to about 3½ cents per pound in New York. At this price Cuban raw sugar, produced at 2.06 cents per pound, paying duty at 1.685, with cost of transportation, etc., added, would net a loss of about a half a cent a pound. To meet this loss and secure some profit, the demand is made for free entry of Cuban raw sugar, or if that is not accorded, then for a reduction of 50 per cent on the tariff rate.

It is further urged that the relations between Cuba and the United States are such that a legal and moral duty rests upon this country, not only to establish a stable government, republican in form, for Cuba, but also to secure for the inhabitants of that island such a measure of financial prosperity as will give them contentment, and remove all inducements to engage in revolutionary disturbances.

Representatives of the sugar-cane growers of Louisiana and of sugar-beet growers of 11 Western States object to any reduction of the duty on sugar and assign for reasons, first, that the cane growers have invested in the business in Louisiana $100,000,000; that they are customers of other States for necessaries of life to the amount of $70,000,000 annually; that not less than 500,000 persons find employment in and about the business; that it is the chief and practically the only industry of the State, and that free Cuban sugar, or any material reduction of the duty, would force them to sell their crop at a loss, and eventually completely destroy their business, obliterate their capital, and beggar the State, there being no other use to which their lands can be put, the climate being too moist for either corn or cotton.

They urge that to stimulate the production of sugar in Cuba would put under cultivation vast areas of land that have never been cleared, which have been acquired by Americans and others, and from which sufficient sugar could be produced, at a cost with which they can not compete, to supply the entire demand of the United States. They point to the fact that the production of sugar in Cuba has risen from about 300,000 tons to 850,000 tons since the Spanish war; and that with 150,000 tons from Porto Rico, 350,000 from Hawaii, the total consumption of the United States of 2,219,847 could be easily made up in a very few years, and at a cost which would render profitable sugar growing in the United States simply impossible. To the planters of Louisiana it is perfectly plain that compliance with Cuban demands would be ruin to the sugar industry of the United States and bankruptcy for all employed therein.

The sugar-beet growers and refiners of 11 Western States set up a plea that they now have $30,000,000 invested in the business of growing sugar beets and refining beet sugar, and that last year they produced 150,000 tons of sugar, which, if sold for 4 cents

per pound, made $12,000,000, practically all of which went to farmers and laborers; that the Government has been for years holding out inducements to Western farmers to go into this business, having established experimental stations, taught them how to raise beets, at one time paying them a bounty; that now the problem is solved and the business is beyond the experimental stage. Forty-nine factories were operated this year; 50 more are ready for next year if the business is not disturbed; 100 more which are projected will soon be in operation, and in a few years, if let alone, they can produce sugar enough to supply the demand and keep at home more than $50,000,000 which is annually paid for foreign sugar. The farmers of the West claim that the protective system, which tends to raise the price of every manufactured thing they buy, ought not to be denied them upon a purely agricultural product. They claim that since the establishment of this industry a new era has dawned upon the West, for the reason that the worn-out wheat lands will produce beets at good profit which can be sold for ready money, and they object to the change demanded because free Cuban sugar means for them exactly what it means for the Louisiana planters—ruin.

The force of these objections depends largely upon the capacity of the island of Cuba to produce sugar cane and the cost of its production. There is substantial agreement to the proposition that not more than one-eighth of the available sugar land of Cuba is under cultivation, and that 2.06 cents per pound is a fair average price of production at the present rate of wages, though it is claimed that 1.25 or 1.50 cents would be nearer the truth.

CUBAN PROSPERITY.

The following clippings from a resident Habana correspondent to a leading industrial paper in the the United States tend to show what has been going on in Cuba:

The grand central factory "Boston," at Banes, belonging to the American Fruit Company, will commence its crop on the 1st of March next, and is expected to produce 100,000 bags, as well as "Santa Lucia," at Gibara, that has just been put under way.

The large factory of foregoing name, located in the district of Cienfuegos, and which was recently purchased by an American syndicate that has taken the name of Damuji Sugar Company, has just placed under culture 40 additional caballerias of new lands, which are equivalent to about 1,350 acres, which will allow them to enhance their annual output to about 40,000 tons.

The large San Francisco central factory will soon be operated at Santa Cruz del Sur, in the province of Porto Principe. It belongs to a syndicate that has been organized in New York, and has already constructed about 10 miles of broad-gauge railway, upon which two locomotives are constantly running to convey trains laden with materials or workmen to all distant places where either are wanted.

The Cuban Land and Sugar Company have just contracted for the planting with cane of 1,000,000 acres of land at San Nicolas; the company which had heretofore sold their cane to neighboring factories intends to establish a mill and grind it for their own account.

Arrangements are being made to establish at Yaguaramas, in the province of Matanzas, another large sugar central factory. The promoters of the scheme here succeeded in obtaining the assistance of several American capitalists who have subscribed for a certain number of shares.

Another large central sugar factory is on the way of being established in the district of Holguin, province of Santiago de Cuba, on the bank of the Bejaru River. About 3,500 acres of good sugar land have already been placed under culture. The mounting of the machinery will soon commence, and in the meantime, the construction of the railway to connect the plantation with the Central Railroad is being actively pushed. The principal promoters of this new factory, in which a large amount of American money has been invested, are Messrs. Dumois Brothers, the representatives in Cuba of the American Fruit Company, of Boston, that already own in the same locality the Grand Central Factory, Boston, that will inaugurate sugar manufacture early next year and is considered one of the best equipped in the island.

Mr. Stillman, of New York, for whose account a large sugar factory is being erected at Cabo Cruz, on the east southern coast of Cuba, is in treaty to purchase 400 additional caballerias (13,250 acres) in the same vicinity, and the total cost of the factory including value of the land, is estimated at $2,500,000.

A royal gift.—The American syndicate proprietors of the Chaparra factory that is being erected at Banes, in the province of Santiago de Cuba, and which will be one of four huge factories in Cuba, purchased 1,000 oxen with the purpose of distributing them among their poorer land tenants, whom the company will also advance on reasonable terms all the money they may need to increase cane planting, as their intention is to turn out from 300,000 to 400,000 tons of sugar yearly. Chaparra will be the most powerful center of the island, with a production from the first epoch of over 200,000 sacks of sugar, with powerful and modern machinery which will cause in Cuba an industrial revolution by its novelty, in its installation, and in its workings, with its extensive fields of cane (of more than 300 caballerias, equal to 10,000 acres), of great production and excellent cultivation, and its extensive railroad (over 40 kilometers) and its commodious port of Cascarero. This enormous planting is without precedent in the history of Cuba and probably of the entire world.

Plantation Union, situated on the Cardenas and Jucaro Railway line, about 9 miles from the port of Cardenas, has just been purchased for account of an American syndicate, and as said plantation was almost totally destroyed during the war its new proprietors intend to rebuild and equip it with all the most modern and improved apparatus. The land is said to be exceedingly fine, and the greater part of same has been placed under culture after the termination of the war.

HABANA, *April 7, 1901.*

American investors continue to place money in Cuba, and scarcely a week passes but some new commercial enterprise, fostered in the United States for the development of the island's resources, comes to light.

Another American syndicate, presided over by Mr. John J. Craig, of Philadelphia, has lately invested heavily in sugar lands on this island and purchased a large tract adjacent to the Cauto River, in the province of Santiago de Cuba. The company intends to build on said premises a large factory, which will be equipped with all the most modern sugar improvements. Mr. Craig has been engaged in sugar business with Cuban planters for the past thirty years.

HABANA, *September 24.*

Congressman R. B. Hawley, representing American capitalists, has purchased the Tinguaro sugar estate, one of the largest in Cuba, in the province of Matanzas. The estate includes 20,000 acres, which, with other large properties along the south coast that Mr. Hawley is arranging for, will, it is expected, alone produce 100,000,000 pounds (44,000 tons) of sugar.

A large part of the land visited is virgin soil, upon which $1,500,000 will be expended, including the cost of improvements.

Two American citizens, Messrs. Ladd and Barlow, have just entered into a copartnership with a well-known and experienced Cuban fruit grower, Mr. Cassanova, to establish on a large farm, located at Santiago de las Vegas, near this city, and belonging to the latter, an orange grove, which is expected to be the largest on this island when the plans upon which the company is operating be perfected. The concern will be run under the Florida plan, and is expected to afford handsome benefits to its proprietors.

A certain number of American capitalists have determined to invest heavily in Cuba, and besides the acquisition of 75,000 acres of good sugar-cane land near Cienfuegos by a syndicate of New York capitalists, a certain number of large tracts of land located at both extremities of the island, at Santiago de Cuba and Pinar del Rio, have recently been sold to American companies, and several others are in treaty with the representatives of the respective syndicates, which shows that people in the United States who have money to invest commence to realize that Cuba offers them a good field for speculation.

HABANA, *April 10, 1900.*

Despite the advice of the insular secretary of agriculture, Gen. Rius Rivera, it is said that a certain number of American capitalists have lately invested heavily in sugar deals on this island and that they are sure such investments will soon become a paying business, whether Cuba be annexed to the United States or not.

HABANA, *October 16, 1899.*

In spite of all that has been said about the reluctance of Americans to invest their capital in Cuban property, large purchases are being daily made by them, and to-day I can report the recent sale of the famous banana farm called "Cabonico," located in the vicinity of Holguin, to a large American company, that intends to commence at once the reconstruction of the farm, on which a certain number of American families purpose to colonize and conduct thereon a large fruit and tobacco culture business.

I can hardly believe it is possible that the United States people will be able to consume the totality of the fruit to be grown in Cuba for their exclusive use and consumption.

Corn growers seeking protection.—Cuban corn growers request the Government to enhance duty on American corn imported into this island, since that of 15 cents per bag of 100 pounds keeps prices so low that they can not dispose of their crops without experiencing heavy losses. They accordingly ask that the duty on corn proceeding from the United States should be raised to 60 and 65 cents per bag, as a measure calculated to protect the home growth, as otherwise they are utterly unable to compete with American Western corn.

HABANA, *February, 1900.*

The large central sugar factory located at Santo Domingo, in the jurisdiction of Sagua la Grande, is reported as having just been sold to an American syndicate that intends to increase its producing capacity and make it one of the largest sugar-producing centers on this island in less than one year.

HABANA, *February 10, 1900.*

Consolidation of sugar refineries.—The proprietors of the sugar refineries at Habana, Matanzas, Cardenas, and that on plantation "Providencia," at Guines, have formed a syndicate or trust, consolidating their interests under a joint management, whose business is to be conducted under the style of the United Cuban Refineries, Messrs. Quesada & Alonso, of this city, to represent them for the sale of all their goods.

[Another Habana dispatch.]

It is reported that the grand central factory Lugareno, at Minas, province of Porto Principe, has just been sold to an American syndicate for $800,000 United States currency, the purchasers to take charge of said factory after the taking off of this year's crop.

Another American company has made propositions for the purchase of central factory San Miguel, at Porto del Padre, in the same province as above, and the transaction has not as yet been closed, owing to a difference in price, for while the owner, Señor Francisco Pla Picabin, wants $1,500,000 for his plantation, buyers' offer does not exceed $1,200,000; but owing to the strong desire to come to a fair understanding, it is likely that the question will soon be settled in a satisfactory manner.

HABANA, *June 12, 1899.*

The representative of the powerful New York syndicate is in treaty for the purchase of several large sugar plantations, which he offers to pay cash for, after redeeming all mortgages thereupon attached. To other parties, who are as yet unwilling to part with their properties, large advances are made them, on liberal terms, on produce of the next crop, which remains affected to guarantee payment of advanced money.

A syndicate is buying up all lands to be acquired along the Jucaro-Moron Railway and the ancient military trocha, with the avowed purpose of carrying thereon sugar culture on a very extensive scale.

An American company is being spoken of that intends to invest $1,000,000 in the purchase of 100,000 acres of land. They are sanguine of making fortunes, growing, besides sugar cane and tobacco, all sorts of tropical fruits for the Northern markets.

The factory Narcisa, in the Yaguajay Valley and belonging to the Narcisa Sugar Company, of New York, is progressing in a very satisfactory manner, and is expected to take off in 1901 an extraordinary crop. Besides the old plantings, about 2,650 acres of land have been sown this year.

* * * * * * *

HABANA, *September 22, 1900.*

An American syndicate that means business has just purchased a large tract of land, covering about 14 leagues, between rivers Cauto and Salado, in the province of Santiago de Cuba, whereon they contemplate to establish a grand central sugar factory and a large hog-breeding farm, to conduct on an extensive scale and simultaneously with the manufacture of sugar that of lard, hams, bacon, sausages, and salted, pickled, and smoked pork, which will undoubtedly prove to be a well-paying business, since the company will be able to sell their goods cheaper than the similar ones imported from the United States.

Of the four huge sugar estates in Cuba, the largest of all will be that of Cabo Cruz that an American capitalist is erecting at said place, in the province of Santiago de Cuba, and whose producing capacity will be, it is said, about 225,000 to 230,000 bags; next will come Chaparra, with 200,000; and after this, Caracas, in the province of Santa Clara, and belonging to Messrs. Terry Brothers, whose capacity is estimated the same as that of Constancia, in the same locality, and which has been recently sold to an American syndicate, at from 140,000 to 150,000 bags. It is likely that if what is said about the Cabo Cruz factory is true, it will be one of the largest if not the largest in the world, since its production will range between 40,000 and 45,000 tons of sugar.

Cuba sugar factories.—The number of sugar factories existing in Cuba today is estimated at 361, whose location is as follows: Pinar del Rio, 20; Habana, 40; Matanzas, 118; Santa Clara, district of Sagua, 43; Cruces, 15; Santa Clara, 14; Cienfuegos, 32; Remedios, 20; Sancti Spiritus, 7; Puerto Principe, district of Nuevitas, 6; Santiago de Cuba, district of Manzanilla, 14; Gibara, 3; Guantanamo, 11; Santiago de Cuba, 8. Total, 361.

It is generally expected that the construction of the Central Railway will impart great impetus to the sugar interests in the province of Puerto Principe, the drawback of which was chiefly the lack of easy and cheap ways of communication.

There can be no reasonable doubt that if Cuban sugar could find market in the United States without payment of duty, Cuba could and would in a very short space of time, not to exceed ten years, produce sufficient to supply the entire demand in the United States, and at prices that would make successful competition on the part of the sugar producers of Louisiana and the West impossible. Not more than one-eighth of her sugar land has been placed under cultivation. Her climate and soil enable her planters to produce raw sugar at less cost than anyone else in the world. What, then, is to hinder a doubling or trebling of her highest production, which in 1894 reached over 1,000,000 tons. American enterprise, capital, and ingenuity, with the privilege of importing coolie labor, which is now enjoyed, will speedily accomplish the task, and then all the capital invested in sugar raising in the United States will be irretrievably lost, and all the people engaged forced to seek new employment.

The question, therefore, is, Shall the sugar growers of the United States be made bankrupt and driven out of business, and a great loss be entailed upon all the related industries, in order to save the Cuban planters, Spanish and American, and the Cuban people from anticipated financial distress, which, if it occurs, will grow out of temporary conditions which the United States was not instrumental in producing, viz, overproduction of sugar in the world?

If we are under obligations, legal or moral, to insure Cuba not only a free and stable government, but also material prosperity, there is but one answer, and that is yes.

As to the legal obligations, if such exist, they must be based upon some act of Congress, treaty, or convention entered into with Cuba or Spain.

The treaty of Paris, so far as it relates to this subject, is as follows:

ARTICLE I.

Spain relinquishes all claim of sovereignty over and title to Cuba.

And as the island is, upon its evacuation by Spain, to be occupied by the United States, the United States will, so long as such occupation shall last, assume and discharge the obligations that may, under international law, result from the fact of its occupation, for the protection of life and property.

ARTICLE XVI.

It is understood that any obligations assumed in this treaty by the United States with respect to Cuba are limited to the time of its occupancy thereof; but it will, upon the termination of such occupancy, advise any government established in the island to assume the same obligations.

By this treaty the United States is under legal obligation to "protect life and property" in Cuba "so long as the time of its occupancy thereof continues," and no longer. That is all. The most eager friend of Cuba must fail to find in this treaty evidence upon which a claim can be founded that the United States is under legal obligations to come to the financial aid of the people of Cuba whenever the changing markets of the world render any of their agricultural products unprofitable.

The Cuban constitution has been adopted; the election of a president of the republic has taken place. Nothing remains but to induct him into office, and the occupancy of the United States will end, and with it all the obligations under the treaty of Paris to protect life and property in the island.

The only other written instrument under which it is contended Cuba has a legal claim on the United States is the so-called Platt amendment, which is as follows:

I.

That the government of Cuba shall never enter into any treaty or other compact with any foreign power or powers which will impair or tend to impair the independence of Cuba, nor in any manner authorize or permit any foreign power or powers to obtain, by colonization or for military or naval purposes or otherwise, lodgment in or control over any porton of said island.

II.

That said government shall not assume or contract any public debt, to pay the interest upon which, and to make reasonable sinking fund provision for the ultimate discharge of which, the ordinary revenues of the island, after defraying the current expenses of the government, shall be inadequate.

III.

That the government of Cuba consents that the United States may exercise the right to intervene for the preservation of Cuban independence, the maintenance of a government adequate for the protection of life, property, and individual liberty, and for discharging the obligations with respect to Cuba imposed by the treaty of Paris on the United States, now to be assumed and undertaken by the government of Cuba.

IV.

That all acts of the United States in Cuba during its military occupancy thereof are ratified and validated, and all lawful rights acquired thereunder shall be maintained and protected.

V.

That the government of Cuba will execute, and as far as necessary extend, the plans already devised or other plans to be mutually agreed upon, for the sanitation of the cities of the island, to the end that a recurrence of epidemic and infectious diseases may be prevented, thereby assuring protection to the people and commerce of Cuba, as well as to the commerce of the southern ports of the United States and the people residing therein.

VI.

That the Isle of Pines shall be omitted from the proposed constitutional boundaries of Cuba, the title thereto being left to future adjustment by treaty.

VII.

That to enable the United States to maintain the independence of Cuba, and to protect the people thereof, as well as for its own defense, the government of Cuba will sell or lease to the United States lands necessary for coaling or naval stations at certain specified points, to be agreed upon with the President of the United States.

VIII.

That by way of further assurance the government of Cuba will embody the foregoing provisions in a permanent treaty with the United States.

This amendment forbids Cuba to enter into any treaty that will impair her independence or contract any debt which can not be discharged out of the ordinary revenues, and allows the United States to intervene for her protection and defense. It binds Cuba to continue to execute the plans of sanitation of Cuba made by the United States, which are for the protection of both countries, and to sell us a naval station to enable us to defend her independence.

Cuba is not forbidden to trade or make commercial treaties or to do business with any country. No control is retained by the United States over her trade, finances, or business relations. She may buy and sell where and when it pleases her people and at such prices and on such terms as she may be inclined to accept. No one can justly say that the Platt amendment is in any respect a limitation on the commerce of Cuba or that any obligation can be asserted on the part of the United States to guarantee Cubans against loss in business or to insure their financial success.

The next question to be considered is whether the United States is under moral obligations to Cuba such as require the aid demanded for the proper discharge thereof.

A moral obligation is not easily defined, if indeed it is capable of definition. Who is to decide when such an obligation arises, or how much it would take to satisfy it after the question of its existence is settled? Does the fact that the United States voluntarily intervened and at great cost of life and treasure drove away the Spanish tormentors and gave Cuba the priceless boon of freedom create a moral obligation to provide for the wants of the Cuban people in every time of need?

Does the fact that after the last Spanish soldier had been expelled, the United States contributed $3,000,000 to pay those who claimed to have been in the Cuban army and distributed more than 5,000,000 of rations among the starving poor; abolished all export taxes, amounting to $900,000 in 1900, reduced the duty on salt, put building materials, school furniture, and crude petroleum on the free list; made great reductions in manufactured iron, railway equipment, and sugar-making machinery; abolished the Cuban tax of 10 per cent on passenger and 3 per cent on freight rates, equal to $300,000 per annum; all municipal taxes known as "repartiments," also the consumption tax on meat, food, fuel, and charcoal; cleaned, purified, and disinfected her houses and cities so that yellow fever and smallpox, once an annual scourge, are now only memories; relieved her of a debt of $300,000,000; do all or any of these benefactions raise a moral obligation on the part of the United States to support the people of Cuba, or to pay her planters a price for sugar above the market price in the world?

If the conclusion is that under the circumstances we owe Cuba further succor and support, and that we are under moral obligations to furnish it, then how much shall it be and how long shall it continue? Those among us who believe in absolute free trade with other countries assert that nothing short of free Cuban sugar will suffice. The Cuban planters, principally subjects of Spain, who have never renounced their Spanish allegiance, are also distinctly of the opinion that no other relief will be adequate or satisfactory. The sugar-refining interests in the United States are also very sure that no benevolence short of free sugar would avail. Those of our citizens who have acquired great estates and erected expensive sugar mills in Cuba may also be added to the list of persons whose benevolent aspirations toward this young republic will be content with nothing short of free sugar. Other persons whose sympathies have been aroused by the vast and unceasing flood of literature on the subject that has appeared in this country are of the opinion that a concession of 50 per cent in the duty would be enough, while others think 33 or even 25 per cent would adequately meet the case.

Those among us who adhere to the doctrine of protection to American industry and the preservation of home markets to our own citizens, deplore the necessity, if such exists, of disturbing our trade conditions, which are prosperous beyond the prophecies or dreams of any high-tariff advocate. They deny that Cuba has anything to give in the way of reciprocal-trade concessions that

would compensate for the annihilation of the sugar industry in the United States and make us forever dependent for a necessary of life on foreign producers.

There are others who deny that we owe any further duty to Cuba, and who believe that the full measure of our legal and moral obligations have been fully performed.

And, finally, those engaged in the production of sugar in the United States insist with great and undeniable force that charity to Cuba, if it must be given, ought not to be entirely at their expense.

The consequences of a wrong decision of this question are so grave that those having the responsibility to decide may well hesitate and deliberate. In advance of their conclusion I do not presume to suggest a plan for Cuban relief, or indicate an opinion that such relief is either obligatory or necessary.

As remarked in the beginning, my purpose has been to state the facts as they appear from the testimony.

War-Revenue Taxation.

SPEECH

OF

HON. JOHN F. RIXEY,

OF VIRGINIA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, February 17, 1902,

On the bill (H. R. 10530) to repeal war-revenue taxation, and for other purposes.

Mr. RIXEY said:

Mr. CHAIRMAN: I avail myself of the privilege provided for in the rule under which this bill is considered to suggest, in the absence of tariff revision—which the Republican party will not permit and which can only be secured through the Democratic party—how the interests of the farmer may be promoted by treaties of reciprocity with foreign countries.

First, however, a word as to this bill and as to Cuba. This bill, for the repeal of the war taxes imposed in 1898, is assented to very grudgingly and with poor grace by the majority party in this House. The repeal is not to take effect as to any article until July 1, and as to other articles not until January 1, 1903, nearly eleven months.

If it were done when 't is done, then 't were well it were done quickly.

The Philadelphia Inquirer, a stalwart Republican paper, February 5, says:

DO NOT CUT OFF THE SURPLUS.

The House seems bent upon cutting off the war taxes—making a grand sweep of $77,000,000.

The Inquirer confesses that it has no sympathy with such a proposition at this time.

Where is your money coming from to build the canal? Where is the money coming from to build up the merchant marine, to dig out the rivers and harbors, to promote irrigation, to add the ships to our Navy that ought to be building now but are not?

It is useless to talk about reducing expenses in the Philippines as one reason why we can lop off the surplus, or of arguing that the withdrawal of the army from Cuba will decrease expenditures. All the reductions possible from those sources will not begin to carry on the vast enterprises that the nation must enter into. * * *

If the House goes into this wholesale business of knocking the surplus out, the Senate will be looked to to block the scheme.

There is no doubt that this view is held by a strong element in the Republican party.

There are strong influences against the repeal. There are many who desire to continue the war taxes with expectation and assurance of great appropriations for favorite subsidies, but there is a stronger power behind it. Congressional elections are approaching and to be held in a few months. A prominent Republican of this House well expressed to me the situation when he said if the Republicans did not provide for repealing the war taxes at this Congress, they would not again soon have the opportunity. The people are tired of temporizing and demand the total repeal of taxes which have been unnecessarily imposed for a year or more.

When the bill for a partial repeal was pending, I had intended then to urge the total repeal of the whole war taxes, but, as often happens here, time could not be secured. The Republican party concurs in this tardy act of justice for the repeal of the war taxes in the hope that it will insure another victory for that party. But other accountings are to be had. What of their treatment of Cuba? What of their treatment of the Filipinos? What of their nursing and encouragement of trusts and monopolies? And what of their continued protection of manufacturers who, under the plea of protection against foreign competition, have secured a prohibitive tariff enabling them by combination to rob the American people while they sell in the foreign markets in competition with foreign goods at less prices than they sell to our own people?

What of Cuba? I have asked. It is as true to-day as when we declared war—nay, truer—Cuba of right ought to be free. But is it? We said to the world that our only purpose in going to war with Spain was to free Cuba. Have we done it? In sixty days we drove Spain from Cuban soil; but now for almost four years the tramp of the American soldier has been heard throughout the island, and military rule, obnoxious and galling, as we know, to every free man, controls and makes and enforces the law. Under the most trying conditions the Cubans have acted with great self-restraint and patience. Foreign soldiers regulated their election of members to the constitutional convention, and it is believed that the War Department here dictated the newly elected president of the Cuban Republic.

In everything the military governor, appointed by the United States, practically controls and governs the island. When is it to end? Some say not until Cuba, driven to desperation, begs for annexation to the United States. Does not the blush of shame mantle the cheek of every true man at the thought that this great world power should so use its great strength? We said to the world that we had no idea of taking territory; only to free Cuba. Our acts since give the lie to our words. If annexation is had, it should be voluntary and not compulsory. After centuries of oppression and tyranny Spain was driven from her borders, leaving Cuban industries paralyzed. Her inhabitants petition us for concessions in trade relations. The President in his message said:

Every consideration of duty and interest demands that Cuba should have liberal treatment at our hands.

Mr. Cleveland said:

The arguments used in opposition to tariff concessions (to Cuba) based on our material interests are fallacious, mistaken, and misleading, while their source and the agencies of their propagation and spread can not fail to be recognized by every honest, patriotic citizen with shame and humiliation.

Her commissioners have pictured in the most graphic manner her desolation and the poverty of her people; and yet the Republican party continues military rule and to this day refuses to "temper the wind to the shorn lamb."

AS TO THE PHILIPPINES.

This House, on the 18th day of December, 1901, under whip and spur and without the opportunity for amendment, passed a bill enforcing the Dingley tariff rates against the Philippine Islands—the property of the United States—part of our territory and part of our people. It is true that the Supreme Court, by a majority of one, said we had the power to do this. Power? Yes. But right, moral right? No. Many of us, I among the number, believe the decision of the court wrong, just as I believed it wrong when it reversed former decisions and held the income tax unconstitutional. It is but human, and "Humanum est errare." Bowing to the decision until reversed, as we must, we appeal for our action to a higher guide—that of right and justice.

The Filipinos desiring freedom are denounced as rebels, and our soldiers are engaged in the pacifying business of hunting them down and shooting them as they would do wild animals in their jungles. Is there a Filipino army? If so, how many men and who are the commanders? It was claimed at the time of the capture of Aguinaldo that he was the last remnant, but still the so-called war goes on.

They thought Spain's defeat meant their freedom, and can not reconcile themselves to a continuation of their serfdom. Freedom is what they have fought for and want.

We are told by the military and civil governors whom we have sent to those islands that the greater portion of the inhabitants are reconciled, law abiding, and peaceful. Fifty thousand troops are, however, still kept there, and we are destroying the natives and the industries of the archipelago with powder, bullets, and prohibitive tariffs. The contention is now made that we will never let them go. Their bondage must be perpetual, to our great cost and detriment. No wonder that they dislike us—hate us. Like the Cubans, they are a feeble folk—only a few million half-clad, half-fed, half-civilized people—but justice and truth are as eternal and all-pervading as the heavens. Even Spain conceded free trade; we give them the Dingley tariff.

Popular indignation with the injustice and bad faith of the Republican party in its treatment of the Cubans and Filipinos should result in the retirement of that party to "innocuous desuetude" and in the restoration to power of the Democratic party, which will give a strict observance of our plighted faith for Cuban independence and fair treatment of the Filipinos.

But it is not my purpose now to discuss the problem of the Philippine Islands, nor in the time at my disposal can I consider, as I would like, the different phases of the tariff. I can at best do little more to-day than indicate how the interest of the farmers can be promoted by treaty arrangements with foreign countries.

Is the attitude of the Republican party to treaty arrangements promotive of the best interests of agriculture?

The Republican party stands as the protector and friend of all the great monopolies, trusts, and combinations; as father and sponsor for the trust-breeding tariff, which surrounds our country with a Chinese wall, placing the consumers at the absolute mercy of the fattened and bloated protectionists, who have grown so insolent in their security that the murmurings of the people go unheeded. Their just demand that articles controlled by trusts for the purpose of increasing the price and securing unreasonable profits from the people be placed upon the free list, so that competition from foreign countries may protect them from their own oppressors, continue to be ignored. The Republican party acts as if it believed in the opinion of Hamilton, the founder of Republicanism, when he said: "The people? The people are a beast." The instances of prices increased by the trusts from 25 to 100 per cent are many and glaring; in some cases the price has been raised more than 200 per cent, and it would be an insult to the intelligence of the people to believe that they will forever permit this extortion and robbery.

A day of reckoning must come—will come. But 2 Republicans out of the 11 on the Ways and Means Committee seem willing to join with the 6 Democrats to protect the people against the trusts. A Democratic victory in the Congressional elections will mean 11 Democrats to 6 Republicans on that Committee. It is for the people to decide.

It was thought for a while that the Republican party, though refusing to revise the tariff or draw the fangs from the serpent by putting trust-made articles on the free list, might follow the course marked out by President McKinley in his Buffalo speech and favor the opening of foreign markets to agriculture and manufacture by giving reciprocity. But who believes it now?

If we can not secure a reduction in the great tariff of this country, we should at least have reciprocity, and in this way open the markets of other countries. If we do not give trade concessions, other countries, goaded to desperation by a sense of our injustice, will, with their tariff walls, exclude our manufactures and agricultural products from their markets.

Blaine saw the danger to the farmer from high tariff duties and strongly advocated the lowering of tariff duties by reciprocity treaties.

William L. Wilson, writing in the Forum, October, 1892, said:

Mr. Blaine, with a sagacity not shown by other protectionists, saw the danger and folly of the bill as it was carried through the House. He saw the imperative necessity for larger markets for the farmer, while the blind authors of that bill were intent only upon securing the home market for the special interests they represented. He first tried by personal conference with the Republican members of the House committee to secure some amendment to their tariff bill looking toward new markets for our exports. Private advice and warning having failed, he forced the fight openly. He followed up an amendment offered in the Senate by a Senator from Maine with two personal but public letters to the other Senator from his State, which set forth what he could not say in his official report, the impending loss of existing markets to the American farmer and the complete failure of the McKinley bill to provide any new outlet whatever for the farmer's surplus grain or meat products.

The Export Bulletin, in its issue of January, 1902, under the headlines "Reciprocity Treaties," said:

This subject is destined to become an important one in the politics of the United States. The great producing interests of the United States in seeking an outlet for their surplus products recognize that we must offer reasonable inducements to foreign countries for reciprocal trade. Some of the highly protected industries, however, of the United States are unwilling to make any concession which will injure any of our home industries, and insist upon themselves being the judges of what will and what will not injure. From the disposition shown thus far they will make no concessions until compelled to, and the danger is that they will sit upon the safety valve until the pressure of public opinion bursts the boiler; or, in other words, that instead of the tariff being reformed by its friends through reciprocity treaties, which an opportunity now exists for, all reforms will be resisted until a ground swell of public opinion comes which will change party lines and the tariff will be reformed by its enemies.

Some time ago I heard the junior Senator from New York [Mr. DEPEW] say in a speech in the Senate that the manufactures of this country had outgrown the home markets and foreign markets must be found; or, as another expressed it, we must find a market for our surplus or stop producing it. This condition has been true of agriculture for many years, but so long as it was true only of agriculture little concern was manifested by the Republican party.

The Republican party's idea is to open by war and at a great expense of blood and treasure an insignificant market in the Philippine Islands. This attempt has already cost us something like $400,000,000 and the lives of thousands of our young men. By reciprocal relations with the great nations of the world we can (and without the shedding of blood or expenditure of money) open up their markets to the products of our fields and manufactories.

According to the Journal of Commerce—

The returns for eleven months indicate that the value of our agricultural exports for the year will reach $910,000,000, while those of manufactured products will not be less than $390,000,000. In spite of a decrease of $46,000,000 in the last-mentioned item, as compared with 1900, the total export trade of 1901 promises to come within a few millions of $1,473,000,000, the unexampled total of last year.

Who is to consume this surplus if foreign countries, imitating our policy of prohibition, bar our products from their markets?

European countries seem to be awakening to the necessity of tariffs against American products in retaliation of our high duties. Germany is even now considering a revision of her tariff, increasing the rates very largely upon imports, as the following table shows:

Samples of some of the increased tariffs of Germany that affect the United States.

	Per 100 kilos (220.46 pounds).		United States exports to Germany.
	Present rate.	New tariff.	
Wheat	$0.83	$1.55	$6,495,209
Rye	.83	1.43	352,392
Barley	.48	.95	1,531,455
Oats	.86	1.48	394,108
Flour	1.74	3.20	2,700,638
Corn	.38	.95	18,776,736
Horses (per head)	4.76	7.14 to 71.40	----------
Hogs (by weight)	1.19	2.38	----------
Meats, fresh or frozen	----------	7.14	----------
Meats, salted or smoked	4.04	8.33	3,243,272
Meats, finer quality	14.28	17.85	----------
Lard	2.38	2.98	12,269,958
Butter	3.81	7.14	65,207
Eggs	.48	1.43	----------

The Record-Herald, of Chicago, is right when it says:

The people will have reciprocity or a general tariff revision. They will not pay fancy prices as a gratuity to protected manufacturers who underbid their foreign competitors in all of the markets of the world.

Hon. John A. Kasson, late special commissioner of the United States under President McKinley, said:

Official letters show that even in Great Britain, which with her possessions gives us a market for over 50 per cent of all our exports, the agitation for tariff protection has already commenced. In Germany governmental hostile action has been officially announced.

One German economist, after asserting that our tariff is now seven times higher than the present German tariff, and will remain four times higher than their new tariff, proposes that legislative provisions on the part of Central European States shall make their new tariffs applicable to European countries only, and that they adopt for American products the identical rates of the United States tariff. He adds that of course the United States can not complain if Germany simply reciprocates their own tariff.

Both agrarians and manufacturers abroad are appealing to their governments for new measures against "the American invasion." They are specifically aimed at our agricultural interests.

The markets of the United Kingdom are open to us, while those of Germany and France are subject to restrictions. The following table for 1900, showing some of our exports to those countries, is therefore of interest:

Products.	Great Britain.	Germany.	France.
Meat products	$116,000,000	$27,000,000	$5,000,000
Wheat ..... bushels	60,831,811	16,752,528	[a] 1,973
Wheat flour ..... barrels	10,215,605	107,433	[b] 1,139
Indian corn and corn meal .. bushels	77,772,862	44,273,187	4,727,852
Tobacco ..... pounds	88,804,522	28,084,179	36,550,584

[a] In 1898 it was 34,663,911 bushels. [b] In 1898 it was 42,238 barrels.

Notwithstanding our large exports, it is but a small per cent of the world's trade, as will be seen by the following table, showing the imports into European countries for a single year:

Countries.	Year.	Total.	From United States.	United States share.
				Per cent.
Austria-Hungary	1900	$336,696,000	$7,675,019	2.2
Belgium	1900	427,740,000	46,929,953	10.9
Bulgaria	1900	9,268,000	48,200	5
Denmark	1900	111,059,000	15,499,371	13.9
France	1900	881,706,000	82,553,335	9.3
Germany	1900	1,389,264,000	197,603,400	14.2
Greece	1900	25,087,000	327,569	1.3
Italy	1900	339,847,000	36,731,704	10.7
Netherlands	1900	791,055,000	83,721,501	10.5
Portugal	1900	64,518,000	5,705,179	8.8
Roumania	1900	41,878,000	31,037	.07
Russia	1900	294,837,000	8,498,950	2.8
Servia	1900	10,422,000	369	.003
Spain	1900	171,375,000	15,200,917	8.8
Sweden	1900	143,362,000	11,520,574	5
Norway	1900	83,267,000		
Switzerland	1900	214,800,000	297,283	.13
Turkey	1898	11,890,000	405,217	3.4
United Kingdom	1900	2,548,260,000	602,221,375	23.6
Total for Europe	----------	7,895,831,000	1,114,952,953	14.1

To the above are to be added the imports into Asiatic, African, South and North American countries, bringing the total imports

into all foreign countries $10,398,189,000, of which only $1,468,373,470 are from the United States—being about 14 per cent of the total trade. Of these exports from the United States two-thirds are food stuffs. For 1901 the exports of manufactures amounted to $395,144,030—a falling off of $46,262,912—while the exports of agricultural products amounted to $940,246,488—a gain of $35,591,077 over 1900. A vast field is open for the products of this country. Will we avail ourselves of it?

Our first duty should be a revision of the tariff in the interest of the farmer and the consumer. Until this can be secured, treaties of reciprocity should be made with foreign countries providing for the admission of our manufactures at a low tariff rate and of agricultural products absolutely free. This is the way to encourage and promote the farming interests. Let us send to all the markets of the world our bread stuffs, meat products, tobacco, and cotton. No longer let the cry be simply for home markets but foreign markets. By a wise use of reciprocity they can be secured. It would again place agriculture at the fore front of wealth-producing industries.

By these new markets to the farmer the demand for his products will be doubled, prices increased. Reciprocity refused, retaliatory measures follow, with the closing of foreign markets to our products. If the party in power does not give it, the people have the remedy in their own hands. A Congressional election is approaching. The leaving at home of the statesmen opposed to lowering the tariff wall or of making any concessions for farm products by reciprocal arrangements with foreign countries will secure the needed legislation.

As an illustration, I would say, give Cuba a reduction of 50 per cent in the tariff on sugar and secure her markets for the agricultural products of wheat, corn, flour, and cattle, and for our manufactures, of none of which is she a large producer.

Gen. Leonard Wood, our military governor in Cuba, in his circular letter to members of Congress, says:

> Cuba has submitted a proposition of reciprocity which will turn to the United States $34,000,000 of the $37,000,000 of her trade, which last year went to Europe; and under conditions of increasing agricultural and commercial prosperity her trade will soon be among the most valuable which we have. To-day it amounts to a little less than $70,000,000. With conditions of confidence and prosperity it will probably soon reach $150,000,000, a trade well worth cultivating; and of this amount at least $144,000,000 should come from the United States.

In a like manner, and to a greater extent, a reduction in our tariff rates on the favored products of other countries could secure free entry for our breadstuffs and meat products to their markets.

The time is ripe for these reciprocal relations. No political party ever had a better opportunity of serving the farmer. Will the Republican party put its foot upon the trust octopus, revise the tariff, and by reciprocal relations open the markets of the world to our products? The answer, in the light of its past history, must be no, and on this the appeal lies from the Republican party to the people.

There is now great depression in Germany, Russia, Great Britain, and France, while for the past four years there has been a period of great prosperity in the United States. Is this to continue, or are we standing upon the brink of a precipice? Experience in the past shows that great depression abroad is followed by depression here. But whether this is to be an exception or not we should throw out the "life line" while we are in condition to do so, open the markets of the world, and seek to place the producing interests where they can stem the tide of adversity.

Securing open markets for our agriculture and manufactures will do more to build up our merchant marine than the subsidy scheme by which it is proposed to take millions from the public treasury to give to owners of ships. Of this measure the opinion of the National Grange, Patrons of Husbandry, representing the farmers of the United States, is expressed so tersely that I adopt their language as my own:

> The principle involved in the ship-subsidy bill before the last Congress has the unanimous opposition of the farmers of the country as expressed by the National Grange and by the master of every State grange in the land. We are in favor of the development of the American merchant marine and of manufacturing as we are in favor of the development of American agriculture, but are no more in favor of contributing to a few wealthy ship builders than we are of contributing to farmers or manufacturers. We have reasons founded on sound principles of statesmanship to oppose a scheme that contributes to the profits of the few at the expense of the many without adequate return. The toiling farmers of the land have developed American agriculture until its products constitute a majority of the exports of the country without Government aid, and we understand that American steamships are already yielding their owners profits in transporting these and other products to all parts of the world without Government subsidies. The farmers of the country ask for no special favors in legislation and oppose in the most vigorous manner such special favors to ship builders and owners as are embodied in what is familiarly known as the ship-subsidy bill.

Securing the open markets of the world will do more for the farmers of this country than the expenditure of the many millions on the arid lands of the West, whose Senators and Representatives, we are told, have made a hard and fast bargain to stand together in their demand for relieving the public treasury of its surplus. The National Government had as well provide great reservoirs in the Eastern States for the storing of water against the destructive droughts which sometimes destroy corn and hay crops and burn up the pasture lands, preventing the fattening and marketing of cattle, entailing great and sometimes destructive loss to their owners.

Let these special pets, schemes, and subsidies, offshoots of a perverted idea of Government, slumber and sleep. The people do not want them. Let us all unite upon the common plane of the greatest benefit to the greatest number and encourage agriculture. Let us do what we can to restore it to its old-time prosperity. Let us dignify the farmer's calling and increase his profits by giving him the best markets of the world. Too long has he been the victim of a tariff which has consumed his earnings and made his calling unprofitable. Give him now his "day in court." His calling is the most ancient and has always been among the most honorable. Let us make it the most profitable, so that our young men may be content to remain to build up the waste places. Nothing is to be more regretted than the leaving of our farms and farm life by the sturdy young men to accept places in the city, yielding them a bare support and with no hope of advancement. To the question, "Why do you leave the country?" the reply is almost invariably made, "Farming no longer pays."

The depreciation of agriculture is well illustrated by a comparison of the great appropriation bills for a single year. The producer, agriculture, has an appropriation of $4,000,000, while the consuming Department, War, has $116,000,000 and the Navy $66,000,000.

This ought not to be. The Government should be more liberal with the Agricultural Department, which should be developed on all lines in the interests of the farmer. It is probably the best and most economically administered of all the departments of the Government, while the many millions so recklessly spent upon the Army and Navy and other departments should be curtailed.

The people who live upon the Government stand together, while the people who pay the taxes and support the Government are frequently divided. Let the farmers unite to demand that treaties be so framed as to give them the open markets of the world, and an era of unexampled prosperity must await them.

Oleomargarine Bill.

SPEECH

OF

HON. HENRY D. CLAYTON,

OF ALABAMA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, February 3, 1902.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 9206) to make oleomargarine and other imitation dairy products subject to the laws of the State or Territory into which they are transported, and to change the tax on oleomargarine—

Mr. CLAYTON said:

Mr. CHAIRMAN: In view of the strong and perhaps authoritative statement of the gentleman from Illinois [Mr. GRAFF], who has just taken his seat, it may be wholly unnecessary for anything more to be said in this debate, for he has informed the House in a very impressive manner, indicating great knowledge and confidence, derived, doubtless, from a canvass of the House, made, perhaps, by the aid of a very powerful and efficient lobby on the outside, that this bill will certainly pass. I have never had anything to do with lobbyists and have no information of the kind expressed by the gentleman. Therefore, in the time accorded to me in this debate I desire to address the committee upon the lack of authority in Congress to rightfully enact this legislation, and also to more fully expose the real purpose of the pending measure, and, furthermore, to show that this bill ought not to pass, even if Congress has the power to enact it into law.

Mr. Chairman, there is not a man in this House, I dare say, on either side of the question, who has not been impressed by the lack of candor exhibited throughout the discussion by the advocates of this bill. We have seen evasion after evasion of proper answers to proper questions propounded to the friends of this measure; and it is not offensive, I hope, to say that a pettifogging lawyer would be discredited in the court of a justice of the peace if he advanced such arguments as some of the supporters of this bill have inflicted upon the House.

Mr. Chairman, the first question that addresses itself to the conscience and enlightened judgment of every member of this House, when a measure is introduced here, is, What rightful authority has Congress for the passage of the bill? I trust, Mr.

Chairman, that in view of the ancient history to which the gentleman from Vermont, defender of this bill, has adverted—the account of Jacob and the herds of Laban, and Moses and the flocks of Jethro—I may refer to that antiquated document known as the Constitution of the United States, which is still an instrument of interest to academicians and students of history, and, I may add, of some binding force upon at least a few members of Congress.

Sir, at the beginning of each session of Congress the members of this House swear that they will support this venerable instrument and be guided in their action by this great chart of the Federal Government. Yet, sir, it is a lamentable fact that when questions are presented here members are impatient at any reference to the Constitution, and some of them manifest intolerance sometimes when a Representative rises to give his interpretation of the organic law of the Federal Government, a government of a written constitution, of delegated powers, and denied the exercise of powers not conferred. It is elementary to say that Congress has no power to legislate unless that power is expressly granted in the Constitution, or derived by fair implication as a necessary incident to or consequent from a power expressly granted. That was the canon of construction and the law even before the adoption of the tenth amendment. The people have always been jealous of their right to home rule, and one of the fundamental teachings of the Democratic party has always been that the rights of the State must be as zealously guarded against Federal usurpation as the rightful power of the Federal Government ought at all times to be recognized. Carrying these principles in our minds, let us weigh and test the bill under consideration.

Now, it must be admitted that the measure is bottomed upon some one or more provisions of the Constitution, for independent of that instrument there is no power in Congress. I have heard it said in this debate, in substance, that this bill is authorized and justified under the taxing power conferred upon Congress, and some of these same expounders of the Constitution would construe the general-welfare clause to be a grant of power instead of a limitation upon the power to tax. Certainly the Federal Government has the right to tax for well-defined public purposes. And I agree that the taxing power has been often abused, and that sometimes it has been so perverted as to destroy certain interests and in other cases so misused as to build up and foster illegal conspiracies and unlawful combinations, known as trusts. Examples of the perversion of the taxing powers are numerous.

That this power is perhaps the greatest possessed by any government I do not deny, for it was said in McCullough *v.* Maryland "that the power to tax involves the power to destroy." But in citing the opinion delivered by Chief Justice Marshall in that case, the gentleman from Vermont [Mr. HASKINS] seems to approve the statement quoted solely because it recognizes the ability of the taxing power to destroy, and he apparently exults in the destructive feature of this power and its application to oleomargarine and cotton-seed oil and beef cattle, allied industries affected by this bill. He forgets that Judge Marshall used the language as in the nature of a warning of the danger to come from the abuse of the taxing power. In this connection, the gentleman might also have quoted from the Topeka case, where Justice Miller, speaking for the court, said:

> To lay with one hand the power of the law on the property of the citizen and with the other to bestow it upon favored individuals to aid private enterprise and build up private fortunes is none the less robbery because it is done under the forms of the law and is called taxation.

It is admitted by candid men that this very ability of this power to destroy is an efficient way that one class of producers and tradesmen have here invoked through the medium of this bill to destroy the industry of another class of producers and tradesmen. Let me ask, Mr. Chairman, does this bill come legitimately within the purview of the rightful authority of Congress to lay taxes? The courts have never said so, as to this particular bill, and perhaps never will, in any event, pass directly upon this question. They may say that they can not inquire into the real purpose of this bill, because, they may say, it declares in its face that it is at least in part a revenue measure. In plain English, this bill may stand up before the Supreme Court of the United States and assert a false purpose, assert a lie that the ablest efforts of Annanias could not equal, and yet the court may say that the statute can not be pronounced unconstitutional.

Mr. Chairman, it is not given me to know what the Supreme Court may declare with reference to any statute. That court has in these, the latter days of the Republic, made some remarkable decisions, overruling decisions of this very court that have stood as the settled construction of the Constitution for over a hundred years. Let me instance the Hylton case, that was the judgment of the court for more than a century, holding that Congress has the power to lay an income tax. And yet this decision, by a change on the part of one of the justices, was overruled in the well-known case of Pollack *v.* The Farmers' Loan and Trust Company. Take another instance, the case of Loughborough *v.* Blake, which stood so long as the decision of the court, defining the United States to mean all territory of the United States, including the District of Columbia and the Territories, as well as the States, and holding that the clause of the Constitution requiring uniformity in taxation was applicable everywhere, and yet we have the Insular Decisions overturning this ancient doctrine.

But does this measure come within the constitutional purview? I think not. It goes further than any measure of the like kind ever did. The courts may run away from the consideration of the real object of the bill by saying that the measure appears to be for revenue, as I have said, or that it is in the nature of the exercise of the political power and that authority was invested in Congress to construe this latter power, and that when an act pretends to be the exercise of one or the other of these powers the courts can not interfere. Hence it may be, Mr. Chairman, that the constitutionality of a measure of this kind can never be questioned in the courts. The court may ignore the real intention, as they have done. Remembering these facts, a member of a coordinate branch of the Government, charged, as he is, with construing and supporting the organic law, may perhaps be permitted to say that his confidence in the opinions of the Supreme Court has been somewhat lessened. As I have instanced, that tribunal has construed this very question of taxation as suited the exigencies of "the idle holders of the idle capital." And Congress has gone on and levied taxes upon the Porto Ricans, and its approval by the Supreme Court has gone far toward destroying the clause of the Constitution which undertakes to guarantee uniformity of taxation throughout the United States.

So then, gentlemen, it is for you to interpret this instrument touching the power you are called on to exercise, for if the courts avoid the ascertainment of the real purpose here involved and known to us there can be no tribunal in which to bring the bill to a correct final test. The only remedy may be a resort to Congress to repeal the statute. Every man here, therefore, must sit in judgment upon this measure. He must try it in the light of his judgment and determine whether it is within the scope of our legislative authority; he must try it in view of our written delegated authority, and I hope every Democrat will try by the ancient teachings of the fathers. I do not mean to say that the decision of the Supreme Court in any case is not the law of that case. Every good citizen must accept it as such and abide by it. But it is none the less true that we, in our representative capacity, have the right, and it is our high duty, to adjudge for ourselves the constitutionality and purpose of any measure here presented to us. We may, of course, and doubtless should, study and weigh the reasons that support the interpretation by that august tribunal given to any question we may have under consideration demanding the exercise of enlightened judgment and conscience.

Is this bill for the purpose of raising revenue? That is what some of the gentlemen who support it would pretend to make us believe. They themselves do no believe it. You know the object of this bill is to destroy the oleomargarine industry, and you propose to do it in this insidious way, under the sneaking form of invoking the taxing power and commerce power of the Federal Government to do what you know you could not do if you avowed the purpose in plain words on the face of your bill.

Now, as honest men, stand up and deny it. Don't you know that the representatives of the great dairy combinations, who have been lobbying here and flooding the mail of every member of Congress with postal cards and printed extracts—do not you know, and do not they know that what you intend to do is to prevent the use of oleomargarine, whether colored or not, as a substitute for butter? The man who does not know that, with due deference to distinguished gentlemen, and I trust without giving offense, is a fit subject for St. Elizabeth's Asylum.

Mr. Chairman, if this bill did not show in its features its real purpose, we could trust its friends, who have lobbied and testified for it, to tell us its meaning. Hear the chief of them, Mr. Hoard, who in speaking of this bill said:

> In plain words this is repressive taxation.

And hear him again. I now read from the printed hearings of the committee that reported this bill.

> Mr. SCOTT. If the passage of this law should not diminish the sale of oleomargarine, would its enactment still be demanded?
>
> Mr. HOARD. That is a question I could not answer you, because it is too problematical. I could not say what would be demanded if we did not do this or that.
>
> Mr. SCOTT. I thought I might get your opinion whether, if you thought the passage of this law would not restrict the sale of oleomargarine, but would simply make it an honest sale instead of a dishonest sale, you would still be in favor of it.
>
> Mr. HOARD. I am absolutely opposed to the sale of oleomargarine in the guise of another thing.
>
> Mr. SCOTT. But if it could be sold honestly——
>
> Mr. HOARD. I do not care whether it is sold honestly or dishonestly; I am opposed to counterfeiting.

Mr. SCOTT. But under this bill, after paying the tax, it can be sold only as oleomargarine, can it not?

Mr. HOARD. I suppose so. It can be sold to that extent but no more, but I have to do business with the things I have, with the machine I have; I can not approach it from the Federal standpoint except through taxation.

Mr. SCOTT. I understand that. But you seem to fail to catch the drift of my question. I object just as much as you do to the sale of one product for another product. I was simply asking whether this bill would be demanded if, after its passage, just as much oleomargarine would be manufactured and put on the market as is now manufactured and sold.

Mr. HOARD. In that case, sir, I would come before Congress and demand a still higher tax.

And yet gentlemen tell us here that this bill will not militate against the manufacture and use of oleomargarine, and this, too, in the face of the statement of Mr. Hoard that if it should pass and the result should be not to diminish the manufacture and sale of oleomargarine he will come before Congress again and demand a still higher tax.

Permit me, Mr. Chairman, to read the colloquy that occurred this morning between the gentleman from Connecticut and myself:

Mr. CLAYTON. I would like to ask the gentleman from Connecticut a question. Stripping this controversy of all verbiage and getting at the heart of the proposition, is it not the purpose of the bill, by the abuse of the taxing power of the Government, to destroy one of the legitimate industries in order that the price of butter may be enhanced to the consumer?

Mr. HENRY of Connecticut. Oh, no, no; I say, decidedly, no.

Mr. CLAYTON. Will the gentleman answer another question? How much more will the consumers of butter have to pay for butter, when they eat it, after this bill becomes a law?

Mr. HENRY of Connecticut. Not one cent, in my opinion.

Mark that, Mr. Chairman.

Mr. CLAYTON. Then who will receive this benefit?

Mr. HENRY of Connecticut. It will benefit the laboring man that will buy oleomargarine for 15 cents where he now pays 20.

Mr. CLAYTON. How can the gentleman demonstrate that? Will this not destroy the oleomargarine industry?

Mr. HENRY of Connecticut. No; it will not.

Mr. CLAYTON. Why was it, let me ask the gentleman, that the committee struck out the word "yellow" on page 2 of the bill?

Mr. HENRY of Connecticut. Well, there was a difference of opinion, I may say, in the committee, and as that is a committee secret I prefer not to go into it.

Mr. CLAYTON. Will the gentleman answer one more question? Why is it, if you are so anxious to protect the people against fraud, your committee did not provide for the taxing of renovated butter? Isn't that a fraud on the consumer when it is sold to them as pure, fresh butter?

Mr. HENRY of Connecticut. If the gentleman from Alabama will introduce a bill and have it referred to the Agricultural Committee, I guarantee it will receive consideration.

Mr. CLAYTON. That question was up to your committee. That proposition was distinctly offered to you in the last Congress, and it is offered to you now, and I will offer it as an amendment to this bill. Will the gentleman from Connecticut support it?

Mr. HENRY of Connecticut. No. That is another proposition.

Mr. CLAYTON. Will the gentleman answer this question frankly? Is it not the purpose of the Dairy Union and your purpose, by legislation, by the abuse of the taxing power of the Government, or a stretch of the commerce power of Congress, to tax it and outlaw a legitimate industry—the manufacture of wholesome oleomargarine.

Mr. HENRY of Connecticut. I will say—and I trust the gentleman will credit me with candor—that I would not be a party to any such legislation.

Mr. CLAYTON. Then what good is going to be accomplished by this bill? You say that it does not raise any revenue for the Government; you say it does not enhance the price of butter; and if it does not benefit the farmer in the sale of the butter, and raises no revenue, tell me where the good can come in.

Mr. HENRY of Connecticut. Oh, well, the gentleman can have plenty of time to put that into his argument.

Mr. CLAYTON. I want the gentleman to answer it. He got up here to defend the measure.

Mr. HENRY of Connecticut. I will answer questions, but not an argument.

Mr. CLAYTON. Now, I ask the gentleman again, will the Federal Government be benefited one dollar by the taxation from this measure?

Mr. HENRY of Connecticut. That is a minor consideration, but the Federal Government will derive some benefit from the taxation.

Mr. CLAYTON. What amount of taxes will the Government derive from this source?

Mr. HENRY of Connecticut. I can not answer.

Mr. CLAYTON. The butter maker or the farmer whom you are so anxious about—how much benefit will he derive from this measure?

Mr. HENRY of Connecticut. Oh, well, the farmer is the best judge of that for himself.

Mr. CLAYTON. You say that this tax is not going to enhance the price?

Mr. HENRY of Connecticut. The farmer is here asking for this legislation.

Mr. CLAYTON. What farmer is here? The butter trust, I suppose, which was formed in Kansas City a few days ago, is asking for this measure.

Where is the revenue feature of this bill? Why, one gentleman to-day said it was going to reduce the revenue. And he demonstrated that. You are going to increase the revenue by passing a bill taking off revenue! That is the logic. If so, you must increase the sale and consumption of oleomargarine, further popularize it as a clean and wholesome article. Do you intend that? Do the owners of the great dairy plants at Elgin, Ill., and in Minnesota, and in Wisconsin, believe that? Give me a candid answer.

Mr. McCLEARY. Will the gentleman allow a question?

Mr. CLAYTON. Certainly.

Mr. McCLEARY. Did not the Wilson bill reduce the revenue? And was it a revenue measure?

Mr. CLAYTON. It did not reduce it from nothing, and I am coming to the tariff. Besides, that bill was designed, by lowering the wall of a protective prohibitory tariff, to increase importations, and thereby increase the revenues arising from customs duties. I am glad you suggested it, because I have a little tariff talk for some gentlemen on this side who have been lecturing you people on tariff.

Now, Mr. Chairman, what is the object of this bill? To raise revenue? Confessedly not. Why are you going to impose this tax? Do you not know that this 10 cents a pound tax upon oleomargarine is like the 10 per cent tax upon State banks of issue? Do you not know that it is intended primarily to be a prohibitive tax? If not, then why? If it does not prohibit the manufacture and sale of oleomargarine, what will happen? It must necessarily increase the price of it, for one of two things must result; either the manufacturer of oleomargarine must increase the price, or else he must go out of the business. Your object is one or the other. Which?

Mr. HAUGEN. Will the gentleman allow a question?

Mr. CLAYTON. Yes.

Mr. HAUGEN. How do you harmonize your statement with the statement of the gentleman from Ohio, who says that the market price of oleomargarine in the city of Washington to-day is 15 to 18 cents a pound, while the price of butter in the city of Washington is 35 cents a pound.

Mr. CLAYTON. Does the gentleman refer to the gentleman from Ohio, Mr. GROSVENOR?

Mr. HAUGEN. Yes.

Mr. CLAYTON. I did not have the pleasure of hearing his remarks this morning and I am not much of a harmonizer anyway. You jump on old Santa Claus, as that gentleman is familiarly called, yourself to-morrow, and he will give you enough. [Laughter.] He will take care of himself.

Mr. FOSTER of Illinois. In the line you have just been arguing, I do not know whether you heard the little colloquy that occurred between the gentleman from Illinois [Mr. BOUTELL] and the gentleman from Minnesota [Mr. McCLEARY]. In answer to the question of the gentleman from Illinois as to why colored oleomargarine was to be taxed 10 cents a pound, the gentlemen from Minnesota [Mr. McCLEARY] replied that the minimum cost of oleomargarine was 8 cents a pound, that the minimum cost of butter was 17 cents a pound, and that they taxed the oleomargarine 10 cents a pound in order to make it a cent a pound higher than the minimum cost of butter, and thereby give it the benefit of the larger market.

Mr. CLAYTON. I thank the gentleman for the suggestion. Now, Mr. Chairman, we know that whatever view the courts may take of this matter, stripped of its verbiage and getting down to the real meaning of this bill, the purpose of it is to destroy one industry by the use of the taxing power of the Federal Government. Either that is the object of it or else it is to make the customer pay a higher price for a particular product. Now, you can not run away from one of those conclusions. One or the other is bound to be true. Will any man here say that this is a rightful regulation of interstate commerce? By any construction of words can it be stretched to be that? Read the purpose of the bill. It shows plainly that the object is to hedge about the manufacture, the production, the sale, and the use of oleomargarine, not only as an interstate article, but an article of domestic manufacture and consumption in the States.

It goes further than any bill that has ever been proposed to this Congress. You not only assume to pass certain Federal statutes, but you propose in the first section of this bill to delegate certain assumed Federal power, if you have any, to the States. The gentleman from Texas [Mr. BURLESON] argued well on that proposition this evening, and without an examination I agree with him that if we sit here in judgment upon a proposed law the maxim "delegatus non potest delegare" applies. We are agents. The Federal Government is clothed with certain powers taken away from the States. We know that when the duty is imposed upon us of doing certain things, when a certain power is delegated to us, we ought not to delegate that to the State legislatures, and before I conclude I shall discuss that provision of the bill.

Mr. WILLIAMS of Mississippi. Now, if the gentleman from Alabama will excuse me, he has just said this bill went further, and he made an illustration in one particular; and it goes further in another particular. If an oleomargarine company was chartered by the State of Illinois to do business in Illinois, and not outside of that State, and manufactured oleomargarine and sold it only as oleomargarine, colored, and Illinois had any laws against its being colored, then this bill would drive it out as a matter of State manufacture and State consumption in the State without any interstate trade about it.

Mr. CLAYTON. The gentleman's interruption was timely. I thank the gentleman for the suggestion.

Now, Mr. Chairman, I am as tolerant as any Democrat here with his brethren. I want to say something on the line of a Democratic doctrinal sermon. [Applause.] Now, we are Democrats because we believe in certain doctrines, and not because your cow lobby asks us to do a certain thing. [Laughter and applause.]

Mr. McCLEARY. Or cotton-seed lobby.

Mr. CLAYTON. In reply to the suggestion of the gentleman, let me say that I have not had a single letter or petition from the cotton-seed growers or cattlemen, both of whose products enter with butter and milk into the composition of oleomargarine. And let me say further, that so far as I know, not a single cotton-seed grower has been here. Not one has said anything in writing or otherwise to me on the subject. Why are we Democrats? One thing that makes us Democrats is our theory of the Government of the United States, and when you come to construe the taxing power of the Federal Government you Democrats believe that the Federal Government has the power to tax for the purposes of revenue and to carry on the Government economically administered. [Applause.] You Democrats have been talking about these Republicans all your lives for abusing the taxing power of the Government; you have been saying that when they passed high protective tariff laws it was an abuse of the taxing power of the Federal Government. Although the Supreme Court has said it could not declare these abuses unconstitutional, you have always maintained that prohibitive tariffs and the like was an abuse of and pro tanto a destruction of the power. Why? Because you said they were fixed so high as to prohibit foreign competition, and enabled the domestic manufacturer to mark the price of his goods up to the price charged by the foreign competitor plus the tariff, and thereby reducing revenues and making the manufacturer rich at the expense of the consumer. That is the doctrine that Democrats have always maintained. Now, beardless Democrats, and baldheaded ones, too [great laughter], answer me this: If it is wrong for the Federal Government to levy a protective tariff to build up a domestic manufacture, how much more wrong is it for the Federal Government to levy a tax to destroy a domestic manufacture? [Loud applause.]

Mr. WILLIAMS of Mississippi. Neither is for revenue.

Mr. CLAYTON. Neither one is for revenue, as the gentleman from Mississippi has stated. Now, let some of those Democrats who are thinking of voting for this bill take this Democratic doctrine home with them and chew over it. [Laughter.] Chew over it; and I want to tell any one of you that in case a good, live Jeffersonian Democrat gets after you and unshirts you, you will stay at home and he will come here.

Mr. HEPBURN. Will the gentleman from Alabama permit me to ask him a question?

Mr. CLAYTON. Certainly.

Mr. HEPBURN. Do you regard the present law upon the subject which you have just mentioned a proper exercise of the taxing power?

Mr. CLAYTON. The present law. I did not vote for it.

Mr. HEPBURN. Do you regard it as a proper exercise of the taxing power?

Mr. CLAYTON. I do not.

Mr. HEPBURN. Yet you will remember that it was passed by a Democratic Congress.

Mr. WILLIAMS of Mississippi. But by a Republican vote.

Mr. HEPBUBN. Oh, no.

Mr. CLAYTON. I do not care. The gentleman has said that there are various sorts of Democrats, and I say there are various sorts of Republicans.

Mr. HEPBURN. Would you like to have a list of the distinguished Democrats who voted for that law?

Mr. CLAYTON. I prefer not to be interrupted with that, as my time is limited. I was proceeding to deliver a sort of a Democratic talk over here. [Laughter.] If you want to come over and join this side, I will take you in under the head of baldheaded Democrats. [Laughter.] You would make a good one. You come mighty nigh talking like one sometimes. If you lived in Alabama, I believe you would be one. I wish you were down there.

Now, Mr. Chairman, let us look further into this bill, as it has been printed to accompany the report of the committee. Section 1 seeks to avoid the effect of the Original-Package cases and to surrender back to the States the commerce power of Congress, to be used by any State, in its discretion, for the prevention of the sale and use of oleomargarine sent there from another State. This section says that "oleomargarine, etc., transported into any State or Territory, etc., and remaining therein for use, etc., shall, upon the arrival within the limits of such State, etc., be subject to the operation and effect of the laws of such State, etc." And in the proviso to this section it is said "That nothing in this act shall be construed to permit any State to forbid the manufacture or sale of oleomargarine in a separate and distinct form and in such manner as will advise the consumer of its real character," etc.

Now, Mr. Chairman, we have here a monstrous proposition—the surrender by Congress of its control over interstate commerce, so far as the oleomargarine industry is concerned. If Congress can surrender this control in the case of any article of interstate commerce, there is no reason why Congress can not surrender to the States the control over any or all articles of interstate commerce—over such articles of interstate commerce as cotton-seed oil, as so-called sardines from Maine—little fishes caught there and embalmed in some sort of grease and put into cans with French inscriptions thereon, and stating that they are imported French sardines, put up in pure olive oil. And let me also mention candy composed in part of chalk, and other deleterious substances put in packages, branded as pure sugar candy; and canned peas may be included, for they are artificially colored very green, and put up in boxes labeled French peas. Some of you will recollect that in the Fifty-fifth Congress the lamented Mr. Dingley, of Maine, wore a silk hat stamped inside with the words "Made in London," and he confessed here on the floor of this House that while the hat was made in America it was so stamped to please or fool the dudes, who desired to be "English, you know," and wanted to buy low-priced silk hats. If we are going into the paternal business, for mercy's sake let us protect the dudes from imposition. They need it.

Mr. Chairman, what is the nature of the power conferred upon Congress by the commerce clause of the Constitution? Undoubtedly so far as trade with foreign nations and between the States and with the Indian tribes is concerned it is an exclusive power. An analysis of the clause subdivides the power into three several and separate subjects to which it applies. I need not discuss that part relating to trade with the Indian tribes, for every lawyer knows that it has been uniformly held that so far as trade with these tribes is concerned Congress has the fullest power to regulate and license that, and the converse of license is prohibition. As to control over commerce with foreign nations, the power is again of the fullest nature, and necessarily so, because it is the exercise of the power of the Republic as an indissoluble unit, as an indivisible, legal, and political entity. In this view, embargo has been laid upon foreign commerce, and many other things done illustrating the extent of the power over foreign commerce.

It is well to remember the history of the commerce clause and its adoption, and that so far as the States are concerned, that part relating to interstate commerce, while it is full power for the protection of the commerce of each and every State from injurious legislation by any other State or States, it is a power less full than the power over foreign commerce, for Congress can not lay an embargo on the commerce of one State in favor of a rival State. It must be remembered that in the convention which framed the Constitution there was a universal demand growing up out of the necessity of the case for the surrender of interstate commerce to the exclusive control of Congress. It was deemed wise and necessary that this power should be surrendered by the States and vested in Congress. Before the formation of the Union a State was sometimes guilty of hostile legislation and acts of reprisal against the commerce of a rival State. The quarrel between Virginia and Maryland is a conspicuous example. The States felt the necessity of having this power in a central authority, to be exercised for the common benefit of all and to the detriment of none. The statesmen in the convention recognized that the Union could not last or ever be a harmonious Union as long as a great State had the power to discriminate against the commerce of a weak State. Hence the necessity for conferring exclusive control over interstate commerce upon the Congress, composed of a House of Representatives elected from districts, and of a Senate, where any small and weak commercial State is the equal in political and legislative influence of the one greater in population and commerce.

Now, why shall this first section of the bill be enacted into law, which, permit me to say, I do not believe will stand the test of judicial scrutiny? It is for the manifest purpose of giving to such States as Wisconsin and Minnesota, who are greatly interested in the dairy product—butter—as an article of interstate commerce, control over oleomargarine as an article of interstate commerce. Those States are not interested in cotton-seed oil, a Southern States article of interstate commerce, or in beef cattle and the by-products, an article of interstate commerce of Texas, or corn, oil, and glucose, articles of interstate commerce of Illinois. The answer is that the object is to allow dairying States to drive oleomargarine out of the interstate business. And why is the absurd proviso put in section 1 of the bill, saying, in effect, that nothing in this act "shall be construed to permit"—mark the word—"any State to forbid the manufacture, etc., of oleomargarine in a separate and distinct form," etc.?

This proviso assumes that the State either does not have full control over purely domestic and intrastate affairs, or that Congress may interfere with the police regulations of a State of purely State concern, and in no constitutional sense of any concern to the other States of the Union. If this be sound, what becomes of the reserved powers of the State? With these reserved powers

destroyed by Federal usurpations, we will at once have an absolutism at Washington. There will be no restraint or limitation whatsoever except what Congress and the Executive may deem expedient.

Mr. Chairman, it is regrettable that bad precedents have been paraded before this House in this debate as reasons for the enactment of this bill. For myself, Mr. Chairman, it is enough to say that bad customs and bad precedents can never become the law, or of binding force upon me here. The customs and precedents must not only be good, but they must come up to rightful and constitutional admeasurement.

Oleomargarine has been pronounced over and over again, by experts from one end of the country to the other, to be a wholesome article of legitimate commerce, as useful and as palatable as butter, and far superior, from the hygienic standpoint, to renovated butter, which the experts say is filled with noxious germs, and yet sold by the great dairy combination as pure, fresh butter. The Shollenbarger case declares oleomargarine to be an article of legitimate interstate commerce and of wholesome dietetic use. Mr. Chairman, I can not support this bill, because I do not believe that it is the rightful exercise of either the taxing power or the commerce power possessed by Congress. It does not square with old-time Jeffersonian Democracy.

Come, my brethren, stray not away from your party doctrines. Serve the Lord, and I say it reverently, and always vote Democratic. If you have strayed away, come back, and then sing in your heart:

This is the way I long have sought,
And mourned because I found it not.

[Applause.]

Come, my brethren, come with me, and if you stand united on this side that distinguished gentleman from Illinois [Mr. BOUTELL] and that distinguished gentleman from Ohio [Mr. GROSVENOR] will rally enough true Republicans who believe in the Constitution and an open field and a fair fight for all legitimate American industries to defeat this iniquitous measure. [Applause.]

Mr. Chairman, one more thought and I have done. I am against this bill for another reason. How many laboring men are there whom the gentleman from Connecticut is so solicitous about? Every time I asked him a question he would say, "Oh, oh," or "No, no," and go into hysterics and escape behind some proposition about the poor laboring man. He was pathetic. I like to have cried myself. [Laughter.]

How much butter is made per annum, and how many people are there that want butter or something as good as butter, and can not pay the price of butter? There are but 1,500,000,000 pounds of butter made in the United States per annum, and only 800,000,000 pounds go into commerce, and the rest is consumed at home. But let us take the whole billion and a half as entering into commerce and divide it among the 80,000,000 people who want butter, give the laboring man a little on his bread occasionally, and how much butter is there per capita? About 19 pounds. Nineteen pounds of butter for the laboring man to spread on his bread from New Year's Day to the last of December. Do you think your laboring man will get much?

Now, some laboring men have asked me to vote against this bill, and I want the gentleman from Connecticut [Mr. HENRY], when it again comes his time to-morrow, to show me where the laboring man will ever get his bread buttered at all if this bill passes and accomplishes its object.

I thank you, Mr. Chairman and gentlemen, for your considerate attention. [Applause.]

To Repeal War-Revenue Taxation.

SPEECH

OF

HON JAMES M. ROBINSON,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, February 17, 1902,

On the bill (H. R. 10530) to repeal war-revenue taxation, and for other purposes.

Mr. ROBINSON of Indiana said:

Mr. SPEAKER: I shall avail myself of the privilege afforded to present my views apropos of the subject under consideration.

This measure for the repeal of war taxes is not timely. It has been too long deferred. The Ways and Means Committee, abusing the patience of the country by its refusal to reduce taxation, has until now shielded itself from the demands of the people by the power of the same rules that it now invokes for the speedy passage of this bill. Does the haste now evinced show an awakening to a sense of dereliction of duty? Voicing the sentiment of the country, we on this side have repeatedly demanded a repeal of these taxes, but as often you refused, and you were fortified in these refusals by the drastic rules of the House.

So long as such rules continue no one of the minority will be held responsible for any act of legislation.

But how is it with you of the majority, whose constituencies demand lower taxes, a control of trusts, and, withal, that you should represent them on this floor? How can you, who have the power, and how can your constituencies, submit to this tyranny of the rules? For years, under Republican rule, the most popular branch of the American Congress has been governed with a rod of iron, wielded by a few on the floor, and under the sanction of iron rules by those few promoted and sustained.

History records that we have a republican form of government, but the evidence of it is not found in the House of Representatives. Scourged in conscience and in action, with party fealty making cowards of you all, you members of the majority, and your constituencies are disfranchised, while this body exists only as a relic of a proud and historic form of people's government intended by our fathers to have been transmitted to their posterity.

Must the people look only to the Senate for all there is of orderly procedure, discussion, and deliberation in the American Congress? On taxation measures it seems they must. For years a surplus in the Treasury has been piling up, with all the attendant evils. Evils in extravagance, in ill-fated and ill-starred ventures have ensued from a failure to repeal these burdensome war taxes long ago.

Policies un-American and unfortunate have been pursued which would never have been dreamed of if an unending drain of taxes had not been piled up in the Treasury.

Why were they not repealed after the Spanish war was over, as was promised? It lasted only ninety days.

The answer will disclose the attempt to change the principles of the Republic, and show a departure to the new and untried paths of colonial rule by the Republican party. Till then that party had stood for the rights of self-government, the equality of man, and for the eternal principle that all men should be free.

Where is your love of liberty now, your altruism and philanthropy, if you rob a people of self-government and deny to them the constitutional and traditional rights that Americans enjoy? This change has come through broken promises, perfidy, and national dishonor.

In 1898, when humanity and love of liberty caused us to declare war for Cuba, true Americanism actuated the hearts and minds of statesmen on this floor.

I read from the debates on the war-tax bill from the 27th to the 29th of April, 1898.

The gentleman from Maine, Mr. Dingley, whose spirit has since gone across the Great Divide, who at that time ably represented his party's policies on that side, said:

Mr. DINGLEY. Mr. Chairman, this bill, as the title indicates, is a war measure—a measure forced upon us by reason of the fact that the United States is now engaged in a war with Spain, and it is in view of this fact that the Committee on Ways and Means have felt called upon to take early action with reference to replenishing the Treasury and furnishing a revenue for carrying on the war.

The gentleman from Iowa [Mr. DOLLIVER] who has since gone to the Senate, said in the same connection:

Mr. DOLLIVER. I have said these things because I want the House to understand that the measure which is here proposed is no confession on our part of the failure of the Dingley bill. It aims to create new revenues to cover new expenditures. It levies wartaxes because we are on the threshold of war times.

The gentleman from Illinois [Mr. HOPKINS], who also represented well his party, then said:

Mr. HOPKINS. Mr. Chairman, the bill we have under consideration is, as has been well stated by the gentlemen on this side who have preceded me, prepared not to carry on and pay the necessary expenses of the Government in time of peace, but to meet the expenses of the emergency that is upon us.

But it remained for the distinguished gentleman from Illinois [Mr. CANNON], the chairman of the Appropriations Committee, to round up the purposes of his party in providing for war tax four years ago. His standing made it appropriate for him to speak, and he spoke in prophecy. He said:

Mr. CANNON. I understand, in the third place, when the war ceases, that it will be the duty of the general Congress to immediately—when we have no longer need for these revenues—repeal the law. [Applause.] That is what I understand. * * * It is strictly and exclusively a war-revenue matter.

And further he said:

Not one dollar will be raised by taxation; not one dollar will be raised by borrowing, except as it is needed. If the war ends in six months, as the gentleman from Kentucky thinks it will, then we shall be in a position six months from now to repeal this taxation.

This language is particularly significant now, though it was uttered four years ago.

The gentleman to-day is regarded as the "watchdog of the Treasury;" the holder of the keys; the tribune of the people; one whom the Democrats gladly join in his efforts to secure economy.

To-day he decried the evils of a surplus in the Treasury. He used his usual vigorous language, the same as he did in his speech four years ago. But, sir, what has our friend been doing during the last four years of stupendous accumulation of surplus and wild enterprises to consume and dissipate it?

Why has he slept for four years on this proposition? He knew and deprecated the surplus and its evils; but he was silenced, as was many of his Republican colleagues, by the rules of the House. He can no more have his way than can others, so long as the present rules thwart the individual will of members and so long as the members of the majority shrink from the discharge of their duty in overturning those rules.

To-day the gentleman repeated the sentiments of his speech four years ago, but overlooked his silence of four years cruelly imposed by the Reed rules, and when the party lash was heard to-day he, with others, rushed within the lines.

Mr. PAYNE, who succeeded to the leadership after the death of the lamented Mr. Dingley and is now chairman of the Ways and Means Committee, on April 29, 1898, used this language:

> The proposition of the gentleman from Massachusetts is that we provide here for a set of bonds that would be payable in three years, because, he says, he wants to continue these war taxes and pay these bonds. The proposition of the committee is that when the war is over we cut off the war taxes [applause], and that we pay the bonds as we paid the bonds of the late war—out of the usual and ordinary taxes of the Government.

These were the promises of leaders solemnly made, but the taxes went on. Extravagance encouraged by the accumulating surplus ran riot.

Vicious practices and policies were encouraged by the glitter of the people's money in the vaults. A useless and unheard-of surplus was erected, and war taxes went on till it reaches now, with the gold reserve, $325,000,000.

More than one-half of this is taken from the avenues of business by taxation, so much indeed that you found it necessary to resort to a dangerous and pernicious policy to return it to the people.

Under the Gage system of favoritism to national banks we find to-day $107,000,000 in round numbers deposited, without interest, in national banks scattered over the country, but largely in the East and in large cities.

This is the people's money, collected from them by the National Government in the form of war taxes. It is placed in the banks to prevent a stringency in the money market. It can be thus got out in the avenues of business by the people paying interest to the banks to get it. As this amount is strictly the people's money, and as they get it from the banks that hold it till the people pay an interest to receive it, it may be claimed by the wily money changer that the people are their own bankers; but this will hardly be relished, as they have to pay interest to get their own money from their own banker. The Lord be merciful to them, as their own money must percolate its way to them through the clay of a national banker. This is one of the vicious expedients of the great surplus project, one of the means to which end was the continuance of war taxes.

The vices of this system are easily shown. It is dangerous to make the national banks special favorites of the Government. It is still worse to regulate the exercise of such a power so that only a select coterie of bankers become the beneficiaries of this peculiar system of surplus offset.

A law may be general in its terms, but the ways of evasion seem to be known and easy in Administration circles. This system may be useful in certain exigencies, but in most cases the practice will be vicious and violative of the best interest of the people.

Its practice confesses an unjust use of the taxing power, for without an unnecessary accumulation there would be no transfer of the money to the banks. When is this money to be loaned to the banks and when withdrawn? In good times or in times of panic? Will the Government be able at all times to withdraw it with ease? Would it not be especially difficult to withdraw it in panicky times?

To the bankers of what section will it first go? To those sections where stock gambling and where dealing in options and margins may affect local conditions, or will it go to the West for the movement of crops?

The answers to these queries will show the extreme danger that inheres in the policy.

Such a discretion is lodged in the Secretary of the Treasury that he is made a Napoleon of finance and a Czar over our money.

An officer should not have such a power, or be subject to the influences that surrounds the exercise of it. Those who submerge patriotism to greed would encourage excessive taxation to accumulate a surplus, to get the pelf.

The decisions to be made under such a power are too momentous to the people, too fraught with consequences to give to the Secretary of the Treasury the right to make them.

Another practice open to the same temptations and abuses as the one just mentioned has likewise been encouraged by over-taxation—the purchase of United States bonds by the Secretary of the Treasury.

Why should a premium for Government bonds be paid with the people's money, when the people could usefully employ that money till the bonds matured? Why exact taxation and pay a premium for low interest-bonds not yet due?

Randolph's policy of "pay your debts as you go" is one to be commended, and the speedy payment of debts outstanding is likewise good policy in public administration. It is not a good rule to excessively tax to provide a surplus from which bonds can be purchased at the market price; which means at a premium, especially when the people, if not so excessively taxed, would be better able to pay off their private, State, and municipal debts, which usually hang at a higher rate of interest over their heads.

The instances in our country's history to prove the wisdom of this practice will be rare. The evil lies in the overcollection of taxes, and the flagrant abuse, long continued, was caused by the failure long ago to repeal these taxes in response to the demands of the people. The system gives opportunity to take advantage by the banks and bond-holding classes, who must always be closely allied in interest.

When the Government offers to purchase the price of bonds goes up. So when the Ways and Means Committee adopt a system of taxation that will accumulate a surplus, the money manipulators know this and that the Government will offer to purchase their bonds, and the price goes up. The price is not always governed by their value as interest-bearing securities, being the basis of the banking system that enhances them, and the fewer of them the greater the value. If the bondholders would so far permit the Government to get out of debt so as to materially reduce its bonds, no one can tell the price to which they would go, since they furnish to the national banker a peculiar and valuable monopoly.

The Republican policy has been to keep up taxation. They never stopped at $150,000,000 gold reserve and a good working balance, but taxes continued till it reaches the grand total of $325,000,000 in the Treasury.

For several years it has been a race between the Republican members of the Ways and Means Committee, that originates revenue measures, taxing the people on the one hand, and Republican Secretary Gage on the other getting it out to the bankers, the bondholders, and the people.

How did he do it? By depositing it in the banks without interest and the purchase of bonds at a premium.

A month before his resignation Secretary Gage proudly recounted that since April, 1901—in nine months—he had purchased $58,714,700 of bonds, for which he had paid $72,226,845.

Who placed it in his hands to pay in premiums on the purchase of bonds $13,512,145 in nine months? Clearly the Republicans in Congress, acting under the leadership of this committee, who kept up these war taxes to create a surplus and long after they were needed for an economical administration of the Government.

In this class I do not include the $20,000,000 paid to Spain for the Philippine Islands, and for a war, the end of which has been often predicted but has never come.

The mooted purchase of the Danish West Indies would never have been thought of if it had not been invited by the surplus. During thirty years they have been on the bargain counter. The overflowing Treasury furnishes an opportune time to try to press them upon us.

Mr. Speaker, the rule adopted gives us no right to amend the bill proposed. The minority came here this morning knowing that they would be compelled to take the medicine in doses and ingredients that your rules prescribed for them. We have no power by amendment or repeal to change another great power with which the Secretary of the Treasury was clothed by a provision of the war-tax bill and which is unrepealed by this—the right to borrow not more than $100,000,000 on certificates of indebtedness. This is the first time in the history of the Government that this grant of power has been given. It would be rare, indeed, that availment of this provision should be made, but it stands as an additional reason why a large surplus should not be created by taxation. It furnishes adequate protection against a reduction of a fair working balance in the United States Treasury.

While an administration would hesitate long before it issued such certificates of indebtedness without calling Congress together, if it were in adjournment, yet so long as the law remains there can be less excuse for the reckless building up of a surplus, which of late has been the policy of the Administration.

From a political and official standpoint the depositing of money without interest with the national banks to the amount of $107,000,000 and the payment each year of millions in premiums on the purchase of Government bonds is less reprehensible than is the action of the party in power in permitting these taxes to remain which made possible the large surplus and the great abuses connected therewith.

Discussion of Confederate Pensions and Homes—Mexican Pension Laws—Spanish War Pension Claims—50,000 Filed up to January, 1902—Climate in the Philippines—Horrible Health Conditions of the American Soldiers in Philippines and those from Philippines and Cuba Serving in China—Philippines not White Man's Country.

SPEECH

OF

HON. JOHN W. GAINES,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

Monday, January 13, 1902.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 8581) making appropriation for the payment of invalid and other pensions for the fiscal year ending June 30, 1903, and for other purposes—

Mr. GAINES of Tennessee said:

Mr. CHAIRMAN: Born about at the beginning of the civil war, it was not my fortune to have enjoyed the opportunities, however glorious or dangerous they were, that conflict presented, nor have I had the misfortune to have been personally punished with its awful trials, but I have keenly felt the point of adverse fortune, the outgrowth of that scourging conflict, and I regret that I am not alone in this respect, for no one, old or young, in the South escaped its awful effects. But, sirs, I rejoice that the wounds which the unfortunate conflict made have long since healed, and the reverses it wrought, that seemed for a while to paralyze the possibilities of the South, have been in a great measure overcome by the unremitting industry, the patriotic heroism, the native ability, and the noble ambition of the Southern people.

While, sirs, I was not in the Confederate service, from the very beginning of their teens, as well as those bordering on old age, my kindred were, and from beginning to end, and I make no apology for them here, nor their comrades. Nor have I ever done so; nor will I ever do so.

I do not speak to-day by request or petition from a single Confederate of my distinguished constituency, but I feel that I reflect their wishes and those of my people when I here and now utterly repudiate the statement, made during this debate, that if Congress would pension the disabled and honorably discharged Confederate soldier or build them a Home "that then we will have peace between the North and South."

Mr. Chairman, we already have peace between the North and South, and have had it for years, and that peace is secure, and if it were not, the people in the South are not, have not been, and never will be, a people whose love and friendship can be bought with money, with pensions, with gratuities, with charities, or with office. [Applause.] Let Congress pay the hundreds of just claims due the Southern people, payment of which they have demanded for years and years only to be denied. This would be simple justice long delayed. Do this and the Southern people will provide for the honorably discharged Confederate soldier, and, sirs, they will do so anyway, and have done so, and will continue to do so.

The Southern people have paid unmurmuringly the heavy burdens of taxation exacted of them by the Federal Government, while but small have been the reimbursements they have received of any kind, and especially in the payment of their just claims, the integrity of which is absolutely undisputed.

The people of the South have always been governed, and will continue to be governed, by a deep sense of right and justice. They have always maintained their self-respect, their manhood inviolate, their womanhood pure, their homes free from plunder, and not infrequently am I told by Republicans of this House that the time will yet come when the Southern people must and will save this Union from destruction.

The Southern States forty years ago called for their services and promptly received them, and it is nothing but right and just that the States who received this service should now provide for those who tendered it. Such circumstances raise a moral obligation on the State, and the Confederate soldier feels that when he receives a pension from such State he is not accepting a charity, and when he enters a Confederate Home that he is accepting what he deserves—that four years of his devoted service entitles him to receive either or both.

But in every instance where a Confederate soldier has spoken to me on the subject, he has said that he feels that "to accept a pension" from the Federal Government would be receiving "a pure gratuity," "a charity," and that there is no difference between accepting a pension and entering a Confederate Home erected by the Federal Government.

If thus treated by a Southern State, he feels that he is receiving right and justice in consideration of services rendered at the call of his State; in the case of the Federal Government he feels that to accept such a pension he accepts a charity, because he did not respond to the call of the Federal Government for his services when called for, and therefore no consideration passed.

The Confederate soldiers and the Southern people, Mr. Chairman, are actuated by another consideration in declining to become the wards of Government charity. They cherish with unspeakable pride the sacred and unsullied muster roll of the Confederacy, and they would hand it down to history untarnished—a glorious roll of honor. They would prefer to suffer the privations of poverty rather than see that roll of honor sullied by greed and a mercenary grasping after gratuities. The South rose from the ashes of devastation by the unaided and unequaled efforts of these ragged veterans, asking no bounties or gratuities from Government, and she has kept up in the race for development and industrial advancement with those who have wallowed and fattened on Government favors; and now, after having passed through an ordeal of labor and struggle, exhibiting recuperative powers unequaled in the history of any people, she would not willingly submit herself to the operation of a system of pensions, of something for nothing, that will surely entail degeneracy, idleness, and impotency. Whatever others may do with their affairs, as for the South she prefers to maintain inviolate and pure the sacred integrity of that glorious roll of honor, as an inspiration to coming generations, and she dare not pollute it and thus incur the curse that follows an indolence begotten by unearned gratuities.

CONFEDERATE SOLDIERS' HOMES.

Nearly all the Southern States have built Confederate Homes, and provide for and maintain the honorably discharged, disabled Confederate soldier. I am glad to state that the State of Tennessee some years ago erected a Confederate home on the "Hermitage Farm," and there provides for her honorably discharged Confederate citizens a retreat where she gives them attentions as good if not better than those given in the Federal Homes; and I want to state just here that when the time came to enact a law for the building of this Confederate Home, the Republicans and Democrats, like a band of brothers, united and enacted the law, and though at that time a private citizen it was my pleasure to aid in the undertaking. But even before this was done, Mr. Chairman, it is a pleasing fact to state that I never saw an honorably discharged Confederate soldier begging on the street, South or North.

But the Confederate soldier needs no defense, and if he did we could point with pride and pleasure to his record in State and national affairs.

Since he sheathed his sword at Appomattox down to this moment he has occupied every place of trust in the gift of his people except those of President and Vice-President. From constable to governor; from governor to the Senate of the United States; from the State court to the Federal bench; from the lowest to the highest office we trace his illustrious record. To-day he is a member of the Supreme Court of the United States, and we have had three ex-Confederates on that high bench since the civil war—the distinguished Lamar, of Mississippi, the illustrious Howell E. Jackson, of Tennessee, and now Associate Justice White, of Louisiana.

The Confederate has filled every position in civil or military affairs, as he always did and always will, with distinction to himself, with credit to his people, and his constituents take pride in the fame he has won for himself and the glory he has shed upon his native State and this Republic which he loves with unremitting devotion.

But there is another statement developed during this debate that prompts me to speak to-day, and you will hear it often on the outside. It is this: "We are glad we have had the Spanish war; now we have a reunited country;" or, "Now the South and the North are reunited."

I am glad we had the Spanish war. I voted for it, and my kindred fought in it, and we will all act in the same way again under the same circumstances. It was a righteous war, if war is ever righteous. It was planned and fought in the name of liberty, just as our Revolutionary war was. We were victorious, and the conflict quickly ended.

But I do object to having it prated in my ears from the Golden Gate to Hell Gate, from the Lakes to the Gulf, as the case has been, that simply because the soldiers of the North and South, sons of Federal and ex-Confederate soldiers, fought side by side in the Spanish-American war that such an act is proof "that now the South and North are reunited."

Mr. Chairman, the North and South were already reunited, in law, in fact, and in feeling, and the heroism and devotion of the Southern soldier in the Spanish war, his quick response to the call of the President, and his brilliant achievements on the battlefield and on the sea were but overt acts demonstrating the preexisting fact that the North and South had in every way long since become reunited. [Applause.]

There is another question that I have been waiting all day to elucidate, that arose in the debate this morning and upon which issue was taken by my distinguished friend from Colorado [Mr.

BELL], my distinguished friend from Missouri [Mr. CLARK], and my distinguished friend from Tennessee [Mr. SIMS], and myself. I contend that the Confederate soldiers who left the Confederate service and served in the Federal Army was pensionable under certain circumstances. I believe these gentlemen disputed my contentions. The law I allude to is the act of March 3, 1877, which reads as follows:

Be it enacted, etc., That the law prohibiting the payment of any money on account of pensions to any person, or to the widow, children, or heirs of any deceased person who in any manner engaged in aiding or abetting the late rebellion against the authority of the United States, shall not be construed to apply to such person as afterwards voluntarily enlisted in the Army of the United States, and who, while in the service incurred disability from wounds or injuries received or disease contracted in the line of duty.

This act was amended August 1, 1892, to read as follows:

That it shall not be construed to apply to such persons as afterwards voluntarily enlisted in either the Navy or Army of the United States, and who, while in such service, incurred disability from a wound or injury received or disease contracted in the line of duty.

These are the acts, the laws, which I alluded to this morning, and my friends who have insisted that pensions be granted to Confederate soldiers who subsequently served in the Federal Army and were denied pensions, it seems, by the Commissioner, because there was no law allowing it, can certainly have such relief as these statutes provide for.

MEXICAN PENSIONS.

There is another matter, Mr. Chairman, about which I wish to speak. I have been in Congress five years, and this is the beginning of my third term, and I believe I have listened to more speeches on pensions in various forms and witnessed more contortions and circumlocutions of elocution on this subject than on any other which has been discussed in this Chamber. But in all these debates not one-tenth or even one-fiftieth of the speeches have been devoted to the proper protection and care of the old Mexican veteran. You will remember that he is all over the United States. There are a great many of them from my own State. When the war broke out and volunteers were called for, 30,000 Tennesseans begged at the White House to be mustered into the service, when only 3,000 was the quota of Tennessee.

And how are they pensioned? I want to correct the gentleman from Iowa [Mr. HULL], who said they were pensioned just as the soldiers of the civil war are pensioned. He is mistaken. The law is, and I have it before me, that he is only allowed $8, but if he be practically a pauper and unable to maintain himself, and makes oath to that effect, the law gives him $12 a month. Now, I know this is the practice, because I had a case of an old Mexican veteran, between 60 and 70 years old, feeble in body, with one eye, unable to labor, insolvent, an honest man, respected by everybody, who had for several years only received $8, and the Commissioner refused to pension him at $12 because he would not take the pauper's oath, and I had to appeal, and successfully, to Congress last session in a special bill to pension him at $12. In addition, a Mexican veteran must be 62 years of age before he gets even $8, and must humble himself as a pauper to get $12, which is the very utmost limit.

The rate paid soldiers of the civil war under the same circumstances is far in excess of $12, and it is a great injustice to make this distinction.

History makes no record of similar glorious achievements where an invading army with inferior numbers won not only every battle, but never lost even a skirmish; and thus did these heroes add luster to the glory of American arms and exhibit a prowess that challenged the admiration of the world and which has been a shield of menace to any who might wish opportunity to assail us. But it did not stop at that, as gloriously sufficient as it seems. These veterans, whom we now neglect, added many States to the Union, and the history of the development constitutes one of the richest pages in American annals, and the total of the riches they bought for us with their blood is so fabulous as to defy computation. It is but fair and just and right that these men should be placed upon the same footing as the soldiers of the other wars, whom we reward so handsomely and deservedly, and until it is done it will remain a shame upon every Congress that neglects to do it.

FIFTY THOUSAND SPANISH WAR CLAIMS FILED UP TO JANUARY, 1902.

Mr. GAINES of Tennessee said:

Mr. CHAIRMAN: This debate has developed another question that I desire to discuss, and that question is: Why the abrupt and immense increase in pension claims filed since the war with Spain begun in 1898?

The Commissioner in his last report, for the fiscal year ending June 30, 1901, undertakes to explain this matter, and says that industrious claim agents have caused the filing of so many pension claims for soldiers who served in the "Spanish war."

I can not agree to this as either the sole or main cause, and the Commissioner unwittingly submits proof in his report going to show that the main cause of so many of such claims being filed is that the white man can not stand to live as a citizen or fight as a soldier in a tropical climate without being saturated with tropical diseases that wither and destroy his health, if not his life.

I am informed by the gentleman from Wisconsin [Mr. BARNEY], who reports this bill, that the Commissioner of Pensions stated to him since his report was filed that 50,000 "Spanish war" pensions had been filed up to January 1, 1902. This report states that 45,710 had been filed up to June 30, 1901, by persons "incurring disabilities in the line of duty" in the "Spanish war."

The Commissioner further states that 6 per cent of our civil-war veterans filed claims for pensions in the first seven years after the close of that war, and that 20 per cent of the number of soldiers engaged in the "Spanish war" had within three years filed claims for pensions.

REPRESENTATIVES ON OUR PENSION ROLL IN NEXT CENTURY.

The Commissioner further states that there will be representatives on our pension roll at the beginning of the next century, and submits a most remarkable table that is official, showing the examination of, by a "medical officer" of the United States Army, a certain "crack regiment," as the Commissioner calls it, which was examined just before it was mustered out, and that, too, after sixty days of recuperation at Montauk, N. Y.

48 PER CENT OF A "CRACK" REGIMENT APPLIED FOR PENSIONS UP TO JUNE, 1901.

I submit that this remarkable, and certainly we must believe indisputable, official report clearly goes to show that our troops can not stand to live or fight any length of time in Cuba or any other tropical climate without sickness, disease, and death in shocking proportions.

MEDICAL OFFICER'S REPORT ON THIS CRACK REGIMENT WHEN MUSTERED OUT—70 PER CENT DISEASED.

I will now read at page 47 and 48 of the Commissioner's report:

A good object lesson in this regard is furnished by the history of a volunteer regiment which was recognized as one of the "crack" regiments in service during the war with Spain. Its membership was notably a fine body of men, and its officers were men of experience and ability and skilled in military matters. Few regiments had as good a record for service as this one. It was at Camp Alger for a time, then at Camp Thomas, then at Tampa Fla.; thence sailed for Santiago de Cuba, where it was placed in the trenches and did good service until it returned to Montauk. From there it was returned to the place of its enrollment, and at the expiration of a sixty days' furlough was mustered out of service.

This regiment had a membership of 53 commissioned officers and 937 enlisted men. There were no battlefield casualties, but 1 officer and 22 men died of disease while in the service. The published report of the medical officer on the muster out of this regiment shows that 1 per cent of the men of the regiment were improved by military service, 5 per cent were in as good physical condition as at time of enlistment, 24 per cent were but slightly affected, and, as a rule, the troubles were not traceable to military service. Of the remainder (70 per cent), or 528 men, the general condition was as follows:

Irritable heart, due to fever	365
Mitral regurgitation	4
Chronic bronchitis	214
Acute bronchitis	47
Phthisis	3
Gastritis	158
Enlarged or congested liver	116
Enlarged spleen	316
Inflammatory condition of intestines	53
Irritability of bladder and incontinence of urine	76
Nephritis	5
Hemorrhoids	11
Varicocele	61
Inguinal hernia	3
Rheumatism	26
Myopia	19
Slight eye strains	29
Slight deafness, due to quinine	17
Chronic nasal catarrh	9
Sprain of back	3
Old dislocation, right shoulder	1
Gunshot wounds, left forearm	2
Badly set Colle's fracture	1
Secondary syphilis	2
Suffering from pains in the muscles, especially the calves of the legs and lumbar region, loss of weight from 10 to 30 pounds, accompanied by more or less debility	471
Relapses of fever continuing to occur up to January 4, 1899	87

* * * * * * *

Up to June 30, 1901, 477 claims for pension have been filed in this Bureau on account of service in said regiment for disabilities alleged to have been contracted during the brief term of its existence.

Here we find in this remarkable official examination, had at the proper time by a sworn officer of the law, that 70 per cent of the men, or 528, were on the sick list when mustered out, and many afflicted with dangerous diseases, and that up to June 30 last 477 claims for pensions had been filed out of 967 soldiers, or about 48 per cent of the number of troops in the entire regiment, officers and men included, less 23 who died of disease while in the service.

SHOULD OUR PENSION WAR CLAIMS SURPRISE US?

Looking at this shocking document, are we surprised that 50,000 "Spanish war" pensions have been filed up to January 1, 1902, when we know that our troops have been fighting in the Philippine Islands for about three years of war and that 1,947 of troops

from the Philippine Islands were sent to China and fought there for a number of months and the sick report concerning them, as well as those remaining in the Philippine Islands, is most horrible and shocking?

Are we surprised that we have already issued pension certificates to 6,604 "Spanish war" soldiers or their widows at a cost of nearly $2,000,000 up to June 1 last? Should we be surprised that during the last year we had 1,014,321 persons' names on the pension roll; that during the year we dropped 44,386; that we added 44,225 new names, and restored 3,567 old names, making a net gain on the pension roll of 4,206, and leaving a net total of persons on the pension roll on June 30, 1901, of 997,735—the largest number at the end of any fiscal year in our history, the Pension Commissioner states?

This last pension appropriation bill carried over $145,000,000, but the Commissioner has not paid out this full amount but has managed to save about $5,000,000 because the "arrearages for pensions have diminished" and have been diminishing in the same rate for "the past ten years," and therefore there was no reason to pay out the full amount appropriated.

This is the only encouraging feature about the pension expenditures this report discloses, that is, that the old pension debts or arrearages are diminishing as time rolls on.

PHILIPPINE CLIMATE AND ITS EFFECT ON THE HEALTH OF OUR SOLDIERS AND THE WHITE RACE GENERALLY.

Henry F. Hoyt, major and chief surgeon, in a letter to the Philippine Peace Commission, August 27, 1899, says:

That the fact that the white man can not successfully perform manual labor in this climate and that the Chinese are more reliable in this respect than the native should not be overlooked. (Vol. 1, p. 262, Philippine Commission's Report, 1900.)

He further states—

that smallpox is prevalent everywhere, and in this latitude and longitude is very fatal, especially to whites.

Major Hoyt had been in the Philippine Islands about nine months at this date, as surgeon (Ib., p. 264), and had been for ten years a practical sanitarian (Ib., p. 263).

NO SUCH THING AS "ACCLIMATIZATION" OF THE "WHITE MAN IN TROPICAL CLIMATES"—HE INVARIABLY DETERIORATES.

Maj. Charles F. Mason, surgeon, Twenty-sixth United States Volunteer Infantry, Jaro, province of Iloilo, P. I., in a report upon his "observations on diseases in the Tropics," found at page 234 of the Surgeon-General's report for the fiscal year ending June 30, 1901, says:

I do not believe there is any such thing as acclimatization of white men in tropical climates, and that their health gradually deteriorates and they become less fit for active service.

DISEASES IN PHILIPPINES AND EFFECT OF SAME.

On page 235 he says:

Dysentery prevails throughout the year, but there is a marked increase in the number and severity of the cases at the commencement of the rainy season and a progressive increase in both respects until a maximum is reached toward the end of August. It is by far the most serious disease which attacks the white soldiers in the Tropics, both as regards its mortality and its invaliding effects. Out of 32 deaths from disease in the Twenty-sixth United States Volunteer Infantry during its first year of service in the Philippine Islands, 15 were from dysentery and its complications and 10 more from typhoid fever.

BOILS, ABSCESSES, AND LEG ULCERS COMMON.

Boils, abscesses, and leg ulcers are very common, the latter especially during campaign, when it is impossible to keep the underclothing clean. Though not dangerous to life, these seemingly trifling ailments put a large number of men out of service temporarily and correspondingly swell the sick report.

DEAFNESS AND EAR TROUBLE.

Suppurative inflammation of the middle ear with perforation of the drumhead is of frequent occurrence. It is insidious in its commencement, often deafness and sudden discharge of pus being the first symptoms noticed. Upon examination an acute catarrhal pharyngitis is usually found.

BUBOES AND SUPPURATION PREVALENT.

Another interesting condition is the prevalence of buboes, both in the groin and axilla, without discoverable point of origin. Frequently a careful examination of the tributary lymph district fails to reveal any lesion whatever, and this though the bubo may proceed to suppuration.

HOW CAN THE WHITE MAN LIVE THERE?

This being true, how can we expect the white farmer to live in the Philippine Islands, while Dr. Hoyt says, as the fact is, the white man can not work in the sun in this climate. But these two gentlemen are not alone in speaking of the effect of this climate on the white man.

EVEN SEASONED SOLDIERS CAN NOT STAND THE CLIMATE.

Major-General Greenleaf, in his report May 16, 1901, says that even "seasoned soldiers" can not stand the Philippine climate; that his health is undermined; that "the most energetic and stalwart American after a year's service here loses energy, strength, and ambition;" that he performs even his "duty demands half heartedly;" "that he feels at the time a draft on his vital energy;" that the "immature youths, the hard drinkers, and recruits" are repeatedly on the sick list, in the hospitals, and have "been sent to the United States." I will insert the entire quotation, Mr. Chairman, in my remarks:

NEITHER THE "IMMATURE YOUTH" NOR "SEASONED SOLDIER" CAN STAND THE PHILIPPINE ISLAND CLIMATE.

Surgeon Greenleaf says:

The immature youths, the hard drinkers, and the recruits with inherited or acquired weakness of constitution have gradually, after repeated appearance on the sick report and running the gamut of various hospitals, been sent to the United States. Service in the Philippines shows on a grand scale the operation of the law of the survival of the fittest. Seasoned soldiers of proper age, disciplined and intelligent enough to appreciate the primary rules of hygiene, and moderate in their habits, remain. The proportion of sickness among such men as these would be surprisingly small but for two adverse factors.

The first is the inevitable undermining of the strength of the most robust by tropical service.

The most energetic and stalwart American after a year of service here loses energy, strength, and ambition. He performs what work his duty demands more or less half-heartedly and with a draft on his vital energy that he can actually feel at the time. Slight ailments, to which a second thought would not be given in the United States, are felt out of all proportion to their severity; and the number of entries for trivial complaints on the sick report increases. The most valuable work of the medical officer, with troops in camp and garrison, consists of judiciously advising and treating this class of cases—the slight ailments of men who do, or are striving to do, their full duty, and who honestly dislike their names to appear on the sick list.

I desire to state just here that in the face of the testimony of Surgeon Greenleaf that immature youths and recruits with weak constitutions should not be sent to the Philippine Islands we are still sending them there. I saw many going and I saw many returning. It certainly is a most distressing condition that we must thus sap and deprive society and the business of this country of our splendid young men to send them to distant lands to do what? Go right into "hospitals," and later sent home, either dead or sick, back to the United States!

GENERAL OTIS'S REPORT FOR 1899.

I will now read the report of Major-General Otis for the year 1899 to show the condition of our troops in the Philippine Islands, in which we find that out of one regiment of 873 officers and men 60 per cent were in the hospital, and of the remainder there were not 8 men in each company who had the strength to endure one day's march.

ONLY 8 MEN IN EACH COMPANY ABLE TO MARCH ONE DAY.

On June 2 the surgeon of one of these regiments reported that of 873 officers and enlisted men 30 per cent were in the Manila hospitals sick and wounded, 30 per cent were sick at San Fernando, and "of the remainder there are not 8 men in each company who have the strength to endure one day's march." In respect to this report the chief surgeon of MacArthur's division remarked that he had made a careful examination of the men and that of the whole number in the regiment then present only 96 were fit for duty. The division commander remarked on May 22 and June 5, with regard to these and similar reports, as follows:

The duty required of the men of this brigade, in common with the other commands of the division, has been severe and continuous since the 4th of February of the current year. The sun, field rations, physical exertion, and the abnormal excitement arising from almost constant exposure to fire action have operated to bring about a general enervation, from which the men do not seem to rapidly recover, although the present conditions are very favorable.

MANY COULD NOT MARCH 5 MILES.

The four regiments now present have an enlisted strength of 3,701. Of these, 1,003 are sick and wounded, leaving an effective force of 2,698, which, after deducting necessary details for special duty, yields only 2,307 for the firing line, many of whom could not march 5 miles under the conditions which obtained from Madolos to this place.

PHYSICAL CONDITION OF MEN GROWING WORSE AND WORSE.

The physical conditions of men in the organizations which originally commenced the campaign in this division, and are still at the front, has, during the past month, been a matter of great concern. The difficulties are progressive, and without any apparent fluctuations are growing worse from day to day.

SCORCHING SUN ALMOST AS DESTRUCTIVE AS THE ENEMY'S FIRE.

For four months these men have been continually under arms night and day, exposed in a relaxing climate to a scorching sun, almost as destructive and much harder to bear than the enemy's fire, until, apparently, the severe, unremitting and almost unexampled strain has told upon whole organizations to such an extent that they are now completely worn out and broken in health.

NO VITAL RESISTANCE TO DISEASE.

The weakened hearts and quickened pulses indicate a condition akin to that of typhoid-fever convalescence, and restoration to physical efficiency will not take place in this climate within any reasonable period, and meanwhile such men display no vital resistance to acute disease.

This feature of the "soldier's irritable heart" was a condition well recognized during the strain of the civil war, but with these men there is the additional disability of general physical prostration.

We find, then, that the report on the "crack regiment" from Cuba, the regiments in the Philippines, the testimony of Major Hoyt, Major Mason, and Surgeon-General Greenleaf, all clearly show that our soldiers can not, nor can our white people, survive the climatic influences in the Philippines.

This being true, how can we expect, if we deal justly with the soldiers who serve in these countries, that the pension roll shall diminish, either in the number of pension or their value?

Mr. SIMS. Will the gentleman permit me to ask him a question?

Mr. GAINES of Tennessee. Certainly.

Mr. SIMS. Did those gentlemen who were receiving salaries of $15,000 or $25,000 a year from the Government look very pale?

Mr. GAINES of Tennessee. Two of them did, I know, and I think a third one did, while I see from the press reports that Mr. Commissioner Ide, of Vermont, has had to leave for Japan on account of some terrible bowel trouble, although when I left there he looked to be the healthiest man in the entire Commission. It is enough to make any man look pale and lose strength both in mind and body to stay there, no matter what salary he receives. You can not overcome climate with salary.

AMERICAN WOMEN CAN NOT STAND THE PHILIPPINE CLIMATE.

I want to say, furthermore, Mr. Chairman, and with emphasis, that it is an outrage to permit the white women of this country whom we can control to go to that island at all. There is not a woman in that island who has been there any length of time who has a blush in her cheek, not a one has a rose in her face, not one who does not look jaded, pale, debilitated, and sick. Every month her usual condition of life, instead of continuing naturally, is prolonged and becomes more or less hemorrhagic, and thus continues until she is packed up and sent to Japan or back to the United States, seeking to restore her health by the cool or white man's climate, and this is continually being done.

I saw a great number of American women in Japan, while hundreds of them were returning, as rapidly as they could get out of the island, to the United States, looking pale and withered.

There is no question about this effect upon our white women. I discussed it with physicians, military and civic, and in a few instances with some husbands, and last night, at one of our hotels, I heard a husband say, who had been in the islands for about three years—had lost, as he said, "40 pounds of flesh"—"I am tired and broken down. When I sit down here I feel like going on through the seat. Now I have got to go back, after three years' service there, and serve two years more, under the law, and I do not like to do it; and I must take my wife back with me, whom I brought here not long ago because of her health. It is no white man's country. It is no place for the white woman." I have numerous statements to the same effect, but not with me, as I did not expect to speak to-day.

Mr. SIMS. Does the gentleman think it is safe to send female teachers to that country?

Mr. GAINES of Tennessee. Certainly not, so far as their health is concerned.

Mr. Chairman, this is a serious question, and, like my colleague, I am so treating it. These are facts that any man can ascertain who so desires. Any man with common sense can see that there is something there that is poisoning to the vitality of the American man and the American woman in that climate. Of course there are some exceptions, but even many of the exceptions will say to you that while they are not sick, yet they feel weaker, mentally and physically, than when at home.

Others will say the same thing, and further that they have lost their flesh and regained it, but still they are weaker mentally and physically than ever before and unable to remain in the sun. These are plain, indisputable, potent facts that must be considered and on which I dwelt with great industry while in that country; indeed, with as much industry as I ever investigated any question in my life and with all the care that I could possibly bring to bear upon that subject; and I say, and shall continue to say, that that archipelago is no white man's country, and that no white woman should be permitted to go there, and certainly not to go there and remain more than a few months.

I have here a statement given me by one of the best officers in the Army, who, pale, thin, and worn-out, was being sent home for his health, bringing with him his wife, a victim of the Philippine climate also.

He says:

SAN MIGUEL BAY, CAMARINES, LUZON,
September 23, 1901.

In considering the question of living in the Philippines, an American will naturally ask, How have Europeans or Americans stood the climate of the Philippines? A statement of my experience having been requested, I would state the following facts: To show that these statements are from personal knowledge, I would first say that I arrived in Manila March 4, 1899; that I was on all the hardest campaigns of the early part of the war, making forced marches on part rations, hard fighting over rice swamps and in mountains for over a year, and severe office work in Manila for about a year, thus testing the climate by physical as well as mental work. During these two years and eight months I have gathered also from civilian Europeans of long residence in these islands information which shows their experience to be the same.

At first one is inclined to believe that the climate of these islands has been maligned; that it is not so bad as had been represented, but, being on the alert, one will find growing on himself, however energetic he may be, the "mañana" habit, to put off until "to-morrow;" a disinclination to do business. One is extremely fortunate in the first few months if, by taking good care of himself, of his drinking water, etc., he escapes bowel troubles; but the one thing he can not escape is the gradual but sure sapping of his energies, mental and physical. His blood becomes thin and impoverished, due to the constant heat and little change of seasons. There is no recuperative period. His impoverished blood will not readily cause any little wound to heal. He almost invariably becomes the victim of boils, which may become ulcers, and I have known numerous cases to die of blood poisoning from lancing of these ulcers and boils—a continuous drain on the system.

There is apt to come after the bowel-trouble period and the eruption period a period of lassitude, when one cares little whether he goes back to God's country or not—cares little what becomes of him if he is forced to stay. All these periods and experiences I have passed through, and know of hundreds of others—in fact, almost all my acquaintances—who have done the same.

To my mind there is no doubt but that it is necessary that, unless a man come here to die, he must, as commercial houses recognize in their agencies, have a rest period, and be sent to a colder climate to again get his blood enriched—filled with ozone, red corpuscles, or whatever it may be.

As for physical exertion, constant and continued, as in case of labor in the United States, it is out of the question; it can not be done. The sun, above all else, must be avoided. It was absolutely necessary to make hard marches at night or the very early morning. In the sun even the native carabao dies quickly. On one expedition, eight carabaos having died from effects of the sun, 20 men to each cart had to haul them with ropes. One hundred and sixty men, American soldiers, hauling carts with ropes! The effect on them, of course, was to send a large per cent to the hospital, where some died. However, these deductions I make from careful thought, coupled with my experiences and conversing with Europeans who have been many years here at intervals.

One can keep out of the sun most of the time, if his business permits, and live here two years or a little more, but then he must get to a cold climate. He must not do manual work, but get natives or Chinamen to do almost everything. By careful attention to diet and proper drinking water and about four months in a cold country every two years one can be reasonably well. Of course the transition from cold to warm climate and the reverse will be wearing, and perhaps tend to an earlier breaking down of the system.

Mr. CANNON. How long was my friend in the Philippine Islands?

Mr. GAINES of Tennessee. I was there about two of the longest months that I ever spent anywhere in my life, and I worked night and day in order to get possession of all fundamental conditions existing there. I went there for that purpose, and that alone.

Mr. CANNON. Does the gentleman now make profert of himself to show the harmful effect of that climate?

Mr. GAINES of Tennessee. I hope the gentleman will not compel me to say——

Mr. CANNON. I was only going to thank Heaven that the gentleman is still alive and with us.

Mr. GAINES of Tennessee. I am glad, too, and as long as the gentleman is a member of this House I hope to Heaven that I may be here. [Laughter.]

Mr. Chairman, when we arrived at Nagasaki the weather was cool and bracing. Owing to an accident to our vessel we were delayed a number of days. During this stay here all of the passengers, including the soldiers, except a few who died and the consumptives, in two or three days showed signs of returning vitality and health. Ladies who were unable to walk were seen ashore in a few days. Some color begun to show itself in their pale faces, while the men quickened their steps and gave solid evidence of returning vigor.

Mr. CANDLER. Will the gentleman answer a question?

Mr. GAINES of Tennessee. With pleasure, if I can.

Mr. CANDLER. Will you tell us what the percentage of deaths is in the Philippine Islands among the soldiers?

Mr. GAINES of Tennessee. Your question calls for the percentage of deaths in the Philippine Islands and not elsewhere—that is, those who died within the limits of the Philippines, and not those who died after they came home to the United States and died by reason of disability incurred while in the Philippines; nor does it include the per cent of soldiers who died on the sea while returning to the United States from these islands. Your question then is: What is the per cent of deaths among our soldiers while in the Philippine Islands, and not after they returned to the United States?

In answer to this question I will submit a table which I have prepared from the figures used by Surgeon-General Sternberg at pages 127 and 128 of his report for the fiscal year ending June 30, 1901.

He says that the lowest rate for all causes of death was in 1897, the year before the Spanish war began. We will compare the death rate of troops serving in 1897 and 1899 and 1900 in the United States and those serving in the Philippine Islands in 1899 and 1900, and the following is shown:

Death rate of troops serving in United States per 1,000 of strength.

	1897.	1899.	1900.
All causes	5.11	7.89	7.78
Disease	3.14	6.56	4.83

Troops serving in the Philippine Islands.

	1899.	1900.
All causes	30.58	28.75
Disease	15.30	20.26

Troops from Philippines serving in China.

	1900.
All causes	47.76
Disease	23.62

"Fortunately, the mean strength of men in China was small—1,947," says General Sternberg.

You hear it often said that the death rate of our troops operating in the United States is about the same as that of troops operating in the Philippine Islands. This is clearly disproved by these figures.

The death rate in the Philippine Islands for all causes was six times greater in 1899 than in 1897 in the United States, and four times greater than in 1899 and 1900 in the United States; while the disease rate of death in the Philippines in 1899 was three times greater than in 1897 in the United States and twice as great as in 1899 and 1900 in the United States; while in the year 1900 in the Philippine Islands the death rate was 20.26, and in the United States in 1897 it was four times less, and in 1899 and 1900 nearly three times less, than in the Philippine Islands.

DEATH RATE IN CHINA COMPARED.

Now, the death rate from all causes amongst our troops in China in 1900, who were sent there from the Philippines and Cuba, was nine times greater than in 1897 and more than six times greater than in 1899 and 1900 in the United States, while the death rate from disease in China was more than seven times greater than in 1897 in the United States, nearly four times greater than in 1899 in the United States, and nearly six times as great as in 1900 in the United States.

We had no fighting between the Atlantic and Pacific within the domain of the United States in 1897, 1899, or 1900, but the death rate is greater in 1899 and 1900. And why? Because the soldiers serving within the limits of the United States, between the Atlantic and Pacific, had previously served, in all probability, in Cuba or China or the Philippines, and had returned home sick and died, or were discharged for disability.

HEAVY DEATH RATE IN CHINA—THIRTY-THREE AND ONE-THIRD PER CENT.

Surgeon-General Sternberg, at page 155 of his report, states that the "death rate from gunshot wounds in China was 66⅔ per cent, and from disease 33⅓ per cent."

At page 161, in speaking of this command in China, this report says:

> During that period of the military occupation prior to October 1, 1900, the sick report, although large, was in no manner excessive when the severity of the campaign and attending circumstances are taken into consideration, many of the troops actively engaged having been previously on duty in Cuba and the Philippines and China, and were necessarily debilitated and proper subjects for disease incidental to a campaign.

He then states that digestive diseases, including diarrhœa and dysentery, led all others, with a total of 2,426 cases, or 43.5 per cent of all; malarial fever, 6.51, or 11.6 per cent; accidents and injuries, 5.77, or 10.3 per cent; respiratory, 5.68, or 10.1 per cent. He also states that we "had 100 cases of heat exhaustion in the march from Tientsin to Pekin," the death rate there being, as stated, 33 per cent.

CUBA AND THE PHILIPPINE CLIMATE UNFITS OUR TROOPS FOR ACTUAL WARFARE, EVEN IN COOL CLIMATES.

China is a cool country, yet we see that our troops when engaged in actual warfare, as they were in China, fell victims to disease—went to pieces generally. The Surgeon-General says, "Fortunately we had no more soldiers there than we did, the death rate being, as stated, 47.76 per 1,000 of strength and from disease 23.62 out of 1,947 men."

I ask, now, seriously, what benefit would troops be to the United States on this side of the world; that is, what benefit would troops serving in the Philippine Islands be if we had a war between the Atlantic and Pacific if they go to pieces as they did in China, a cool country, when they were engaged in actual hostilities? Practically none, although as usual they would be true and patriotic and fall in the last ditch.

General Sternberg states that in 1894 our sick rate from all causes fell to 1,089.73 amongst our troops operating in the United States, but it rose, he states, in 1900 to 2,311.81 per 1,000 of strength from 2,178.06 in 1899. In 1894 our troops operated within the limits of the United States; in 1900 they operated in the United States, Cuba, China, the Philippines, and Porto Rico; and General Sternberg says that the cause of the great increase to our sick report, discharges, and deaths in 1900 over 1894 and 1897 was because our troops "operated in the Philippine Islands and China;" that the rates were "by no means heavy in Cuba, Porto Rico, and the United States."

So we see that when our troops operate in tropical climates these rates are more than doubled. We see this from another statement General Sternberg makes. He says:

> The troops serving in the United States during the year 1900 had an admission rate of 1,510.97 per 1,000, and 1,677.51 in 1899. The troops serving in the United States in 1900 were not engaged in hostilities, but many of them had been to Cuba, China, Porto Rico, and in the Philippine Islands, and hence the rate was increased more that half over the rate of 1894.

General Sternberg further states that our lowest admission rate for disease was 830.65 in 1896; that is, amongst our troops operating in the United States; but he further states that among our troops serving in the United States the rate for disease was 1,242.87, and in 1899 it was 1,496.84. This admission rate for disease in 1900 and 1899 was increased because our troops had been operating in the Tropics and in China.

Take now the admission rate for 1900 of our troops in the Philippine Islands and we find General Sternberg states, at page 128 of his report, that it was 2,621.96 in 1900 and 2,395.52 in 1899—more than twice as much as in 1894 and more than one and a half times greater than in 1900, and about the same for 1899 amongst troops operating in the United States, and this is true, although thousands of troops were sent from the Philippine Islands and China back to the United States and admitted on the sick list.

Take now the ratio of discharge for 1900 with troops operating in the United States and we find General Sternberg states that in 1900 it was 39.29 per 1,000 of strength and 26.95 in 1899, while the death rate was 32.52 from disease and 3.14 in 1897.

Take now the discharge rate in the Philippine Islands in 1900, and we find that it was 18 for all causes, for disease 13.83, while the discharge rate amongst troops operating in the United States was 39.29 per 1,000 of strength for all causes, but for disease it was 32.52; but why? Why is the rate less for discharges in the Philippines than in the United States, with the death rates greater and admission rates also in the Philippine Islands. Simply because the troops are not all discharged in the Philippine Islands who are taken sick there, but are sent home, as a last resort in many instances, to save their lives and are discharged in the United States, and as a rule at San Francisco.

I will here insert three other tables exploiting these official figures taken from General Sternberg's last report, and upon which I have in part commented:

United States Army per 1,000 of mean strength.

	1900.	1899.	1889-1898.
Admission rate	2,311.81	2,178.06	1,280.19
Disease	2,115.54	1,985.58	1,047.44
Injury	196.27	192.48	232.75
Discharge rate	22.60	21.98	14.79
Disease	17.71	17.51	11.68
Injury	4.89	4.47	3.10
Death rate	22.74	18.43	9.83
Disease	15.79	11.76	7.08
Injury	6.95	6.67	2.74

In Philippines per 1,000 of mean strength.

	1900.	1899.
Admission rate	2,621.96	2,395.52
Disease	2,462.83	2,206.36
Injury	159.13	189.16
Discharge rate	18	17.82
Disease	13.83	13.16
Injury	4.17	4.66
Death rate	28.75	30.58
Disease	20.26	15.30
Injury	8.49	15.28

Per 1,000 of mean strength.

	Cuba.		Porto Rico.		China, 1900.
	1900.	1899.	1900.	1899.	
Admission rate	1,873.07	2,749.74	1,577.98	2,522.40	2,947.61
Disease	1,586.19	2,537.98	1,397.71	2,255.97	2,625.58
Injury	286.88	211.76	180.27	266.43	322.03
Discharge	16.57	20.25	15.14	19.85	38.52
Disease	13.23	16.26	13.76	16.63	17.98
Injury	3.34	3.99	1.38	3.22	20.54
Death	9.78	18.30	5.05	11.27	47.76
Disease	8.40	16.36	5.05	9.12	23.62
Injury	1.38	1.94	.....	2.15	24.14

Take now the admission rate for all causes in the United States, according to General Sternberg's figures, and we find that in 1894 it was 1,089.73, and in 1900 2,311.81, and in 1899 it was 2,178; but in the Philippine Islands for 1900 the admission rate was 2,621, and in 1899 2,395.52.

In 1894 our troops served in no tropical climates, while those serving in the United States only had served in tropical climates and returned home and were admitted to the sick list, while those

serving in the Philippine Islands, of course, were stricken down to the sick list and to death by remaining in and out of the sun, fighting part of the time and resting a part, and yet we see the immense difference, and we further notice that the admission rate for all causes in 1900 was 2,311, but for disease it was 2,115, and only 196 for injury. Hence, disease caused nearly all the admissions. This was now for the whole Army, and we find the same result or condition with the troops in the Philippines, where for all causes the admission was 2,621, for disease 2,462, for injury 159. We see for the same year, 1900, that the death rate for the whole Army of the United States per 1,000 of mean strength was 22.74, and for ten years previous, from 1889 to to 1898, it was only 9.83, but amongst our troops operating in the Philippines the death rate was 28.75 in 1900, and 30.58 in 1899. Again, the death rate from disease in our Army in 1900 was 15.79, in 1899 it was 11.76, but for ten years previous it was only 7.06, but in the Philippines the death rate for disease in 1900 was 20.26 and in 1899 15.30, and this, too, after thousands and thousands of soldiers had been returned from the Philippines to prevent them dying there.

MY OBSERVATION AND OPINION ON CLIMATE AND HEALTH IN THE PHILIPPINE ISLANDS.

Now, Mr. Chairman, I want to say just this—and I want the distinguished leader of this House and the great mouthpiece of the Appropriations Committee to hear this: Just so long as we send out white men to the Philippine Islands and keep them there any length of time, as a rule, just so long will we continue to bring back dead men or men so utterly disabled when they return to their homes that they begin to apply for a pension the minute they strike the land, if not before.

I had an opportunity to look into this question with some degree of care myself while in the Philippine Islands and returning. The condition of the troops, the effect of the climate, the many complaints lodged with me about the condition of the soldiers and the effect of the climate, impelled me to thoroughly investigate it, and I did so, and that investigation corroborates, in effect, the statements in the report of General Otis, the other majors or surgeons whom I have quoted, and Commissioner Evans in his report on the "crack regiment" that served in Cuba.

BURIALS AT PRESIDIO, CAL.

On returning from San Francisco a few days ago I had a conversation on the train with a gentleman of intelligence and sobriety, but a stranger to me, and a Republican in politics. He said that he had just returned from the camp at Presidio and was there on one or two of the burial days; that they had two burial days per week; that they buried on an average per week from 16 to 60 soldiers there, and that the burial ground had been recently enlarged by the purchase of an adjoining farm for burial purposes. I use the words of the gentleman as near as I can recall them and certainly the substance of his statement.

450 SOLDIERS SICK AND 21 INSANE ON THE SHERIDAN.

There were about 1,500 soldiers that started from Manila when I did aboard the *Sheridan*, 450 of whom were sick, with the list daily increasing, several of whom died on the way. There were aboard 21 insane, some becoming so after we started, and I have heard of other cases since I left there, including Army officers, who had become insane and were being returned to the United States, and I was informed of other like cases before I left the islands.

INSANITY AMONGST THE SOLDIERS LARGEST IN THE PHILIPPINES.

Surgeon-General Sternberg, at page 173 of his report, states that 273 cases of insanity had been reported for the fiscal year, 149 of whom were sent to the insane asylum at Washington, while 124 returned to their duty after having been on the sick report for some time. He says:

> The increase during the last year is explained by the nervous depression and homesickness among the relatively larger proportion of the strength of the Army serving in the Philippines. The cases were reported 23 from home stations, 3 from Porto Rico, 14 from Cuba, 7 from China, 99 of the regular troops in the Philippines, and 123 from the volunteer troops in the Philippine Islands.

In other words, out of 273 cases, all of them arose in tropical climates except 23 from home stations and 7 in China, and they had been serving in Cuba and the Philippine Islands.

INSANE PATIENTS AT PRESIDIO, CAL.

The report on insane patients at Presidio Hospital, San Francisco, by Deputy Surgeon-General Girard, is found at pages 122, 123, and 124 of the Surgeon-General's last report.

Colonel Girard says that 180 patients that had been diagnosed as insane received at this hospital during the year were divided as follows: Regulars, 96; volunteers, 78; discharged soldiers, 2; prisoners, 2; civilians, 2. He says it has been exceedingly difficult in many cases to determine the exact form of insanity, and that diagnosis was determined only after careful study and observation. Then follows a classification of the different phases of insanity. He then states that—

> During the year there have been 46 cases diagnosed as insane received at this hospital on which the diagnosis was not confirmed. It is probably true that most of these cases, if not all, were insane at the time when they were transferred to this hospital, but the majority of them came from the Philippine Islands, * * * and the voyage home, together with a more cheerful surrounding, resulted in the disappearance of the abnormal mental condition.

In other words, bringing 46 of the 180 patients home improved their mental condition. You can see now the effect of this climate on 46 soldiers, not ordinary citizens, but strong, able-bodied soldiers, as they must have been when mustered into the service. They wither physically and, it seems, mentally in this climate. Continuing, Colonel Girard says:

> Most of the cases were of the type of insanity in which the prognosis is good, and most of them were, without doubt, due to the nostalgia and the depressing influence of campaigning in the Tropics. Upon removal of this condition the return to the normal mental condition was rapid and complete.

THEY MUST BE RETURNED HOME TO CURE.

In giving the etiology of the insane cases returned from the Philippines, Colonel Girard says:

> The etiology of insanity in soldiers returned from the Philippine Islands is a subject which is at once simple and complex. Without a doubt a large proportion of the cases which become insane have a hereditary taint which had not been discovered prior to enlistment.
>
> This, taken with the long distance from home, the intense heat of the tropical sun, constant harassment by the enemy which it is impossible to see, excessive use of alcoholics, and the depressing influence always present in a tropical climate, will account for the changed mental condition. The influences just spoken of, without the hereditary predisposition, are enough to produce in a highly nervous individual mild or even severe forms of insanity. It is safe to say, however, that the proportion of insanity in the Army does not exceed that in civil life in any large city where the conditions of life approach the conditions found in the Philippines as regards social surroundings, etc.
>
> It has also been found that the ratio of recovery in the case of soldiers returning from the Philippine Islands is much larger than that found in a corresponding number of individuals taken from civil life, and this goes simply to prove that the condition of insanity present has been only a temporary one which rapidly disappeared upon transference to other conditions more favorable to the individual. Almost all of the cases of melancholia will be found upon examination to be due to nostalgia and, as a rule, in these cases the prognosis is very favorable, provided the patient is transferred to the United States.

Bear in mind, this is the effect of the Philippine climate on an able-bodied man—an American soldier, who can be cured, when at all, "provided the patient is transferred to the United States," as the surgeon says.

We see from this report and others that I can quote that when a soldier is predisposed or tainted with insanity that in the Philippines it is quickly developed. This is very distressing information, for we know that it is very hard, if not almost impossible, to ascertain or to get a recruit under examination to confess, even if he knew, that he is predisposed to insanity.

In addition to this, it is perfectly clear to my mind from the interviews I have had with soldiers and some officers, regardless of the manner in which they take care of themselves and whether they drink or not, that two things do occur to the soldiers—that it weakens mentally and physically the white man in the Philippine Islands to work or remain any length of time there in the sun. I have in mind now an officer who lost 50 pounds of flesh and regained 50 pounds and 10 pounds more, and yet he said to me that he was weaker mentally and physically than ever before in his life; "and yet I take good care of myself; I am not a drinker." Such statements as to mind and body are common in the Philippine Islands.

MORTALITY IN THE PHILIPPINE ISLANDS FROM AUGUST 1, 1900, TO APRIL 30, 1901—NINE MONTHS.

In further answer to the inquiry of the gentleman from Mississippi [Mr. CANDLER], and to bring down the condition of our soldiers in the Philippine Islands to as late a date as possible, I will now quote from the report of Assistant Surgeon-General Greenleaf, chief surgeon in the Division of the Philippines, dated May 31, 1901, found at page 133 of General Sternberg's report last filed.

Colonel Greenleaf produces a table covering this period, showing, indeed, he says "the average daily deaths is 3.6 as against 4.7 in my last report." That is, that this was the rate (3.6) for the nine months named. He further adds that "the mortality rate for this period is about 20.45 per 1,000 per annum; in the last report it is 26.20 per annum"—that is, for these nine months a little over 20 men out of every 1,000 died.

He further says that the proportion of officers killed in action is very great, and shows the number to have been 13 during these nine months. He continues, "The deaths from wounds diminished one-half from last year." His table shows that during that period our total loss of officers was 31 and soldiers 1,056—total, 1,087; which, at the same rate, would make, for twelve months, the mortality 1,448 within the limits of the Philippine Islands.

I quote further from Colonel Greenleaf:

> It is gratifying to report a steady decrease in deaths. This seems to be mainly due to the falling off of the number of those killed in action and died of wounds, but the figures showing death from disease give a decrease in some important particulars and at least a maintenance of former rates in all others except dysentery.

Let me analyze this statement here and now. First, he says there has been a steady decrease in deaths. Second, this seems to be mainly due to the falling off of those killed in action and died of wounds. Third, he says the figures showing deaths from disease give a decrease in some "important particulars." Fourth, that there is at least a maintenance of "former rates" in all except dysentery.

In other words, the number of deaths is decreased only as to officers and men killed in actual battle, while the former rates of death are about the same, except the rate for dysentery, which has increased.

We are surprised that there were any officers or men killed, and we all deplore the fact—for we remember that this report covers the summer of 1900, when our Presidential canvass was on, while President McKinley was President, and after he was re-elected—because we remember that we were informed in substance by the distinguished Philippine Commission, through a cablegram that cost the American Government, as the press report stated, either $5,000 or $7,000, that the war was over in the Philippine Islands in the summer of 1900, and, further, that final peace would be complete if McKinley was re-elected.

Now, if the war was over, how were our soldiers killed during this period? If the re-election of McKinley meant final peace, how is it that they were killed after he was re-elected and while he was still President? Was this cablegram a campaign document only?

We find that the mortality rate was 20.45 per 1,000 per annum during this period of nine months, while the mortality rate in 1897, when we had no war, and when President McKinley was President, was only 5.11, and in 1900, 7.7 amongst our troops serving between the Atlantic and Pacific, where there was absolute peace and no war.

ABOUT 4,000 INVALID TROOPS SENT HOME IN NINE MONTHS IN 1900.

At page 134 Colonel Greenleaf says from "August 1 to April 30, the number of invalids sent home from the Philippine Islands was as follows: Regulars, 1,132; volunteers, 2,861;" total, 3,993.

This of itself would lessen the rate of deaths in the Philippines, and, it seems to me, would easily keep the rate of mortality down to "former rates;" but we find from the table which Colonel Greenleaf submits that the number of deaths during these nine months increased, caused by injuries, suicides, drownings, and dysentery.

PRAYERS OF THE PATIENT TO GO HOME ANSWERED.

On page 138 he says, "the transportation of over 4,000 invalids, insane, and men to be discharged on surgeon's certificate of disability to San Francisco has been successfully carried out," and he says, "unofficially," "their condition improved." Continuing, he says, "deaths have occurred from dysentery and other diseases, but on many occasions, after careful deliberation and on the urgent prayers of the patient, men were sent home as a last hope."

In other words, almost the dying were sent home as a last resort, and by sending them home he says the condition of the majority improved.

Still, the distinguished surgeon is only able, after sending nearly 4,000 desperately ill soldiers home, to keep the "former rates" of mortality in the islands at a standstill, and then fails as to dysentery, which his table shows is on a large increase—24 per cent in 1900 as against 19 in 1899.

On the subject of dysentery and the transfer to the United States of invalids, at page 134, he says:

Dysentery gives a large increase, and this bears out the belief that every case of amœbic dysentery should be sent home at once when the diagnosis is made. It would also appear that length of service does not give any immunity from dysentery, but rather seems to predispose to its acquirement.

SUICIDES REMAIN AT NEARLY THE SAME RATIO.

The mortality for variola has decreased 60 per cent of former rate. In typhoid fever it has diminished 28 per cent.

Malarial fever and results give a very small mortality, notwithstanding their great prevalence. It is commonly observed in the provinces that the natives have "calentura" as severely as American soldiers, and with a considerable mortality. As our post duty diminishes and the men can sleep in their cots with mosquito bars every night, malaria will probably diminish very much.

TRANSFER OF INVALIDS TO THE UNITED STATES.

This constant and unavoidable drain on the strength of our forces remains large, and although the greatest care to choose the subject for transfer has been taken, and each patient is carefully examined by a board of medical officers, the figures show that the loss from transfer for treatment to the United States will be a very large factor in estimating the strength of troops to be kept or afterwards sent for duty in the Philippines.

It has been found poor economy in many cases to keep a soldier here who has apparently recovered from an attack of dysentery and has been returned to duty from hospital, with hardly an exception again to be taken sick. The amount of duty performed by a sick man between his stays in hospital is entirely incommensurate with the ultimate danger to his health or life. It is best to send such a case to the United States as soon as the disease is diagnosticated.

CONSUMPTIVES BEWARE OF PHILIPPINE ISLANDS—PATIENTS WITH TUBERCULOSIS SHOULD NOT STAY IN THE PHILIPPINES.

Malarial fever is generally completely recovered from. Nearly all of the well men of a years' service have had it, but men saturated with the malarial poison from service in especially unhealthy localities, bloodless and weak, with torpid livers and enlarged spleens, never completely recover here and should be sent home. Such patients furnish fertile soil for dysentery. Experience shows that a lowering of the physical standard for recruits is an expensive luxury, when such men are sent to the Philippines. More especially does this apply to the enlistment of minors. Even a strong, athletic youth, with the measurements of a man of 21 and free from blemish, is seldom a desirable recruit for tropical service.

In September I noted that out of 445 convalescents to be sent to the United States for treatment 129 were under 21, or 29 per cent of the whole number. Such boys are particularly prone to typhoid fever; in fact, 18 or 19 is the favorite age for typhoid fever all the world over. They seem to have malarial fever more severely and become cachectic more rapidly than older men. When the first sense of novelty and adventure wears off, the boys lose heart and become homesick; in short, they are more imprudent concerning their own health and less resistant to the disease-producing agents.

"An ideal army for the Tropics would consist of men between 25 and 40 years of age."

FIVE HUNDRED AND TWENTY-SIX DISABLED SOLDIERS LARGE NUMBER TO LOSE IN A YEAR.

On page 135 Colonel Greenleaf further states that between May 31, 1900, to April 27, 1901, there were sent home 526 soldiers suffering from "disability," about which he says:

This is a large number to lose in less than a years' time, but every care has been taken to select cases for discharge, and it is not likely that the figures will be improved upon as new troops come in.

Then the ending of the war in the summer of 1900, the re-election of McKinley, the sending home of 4,000 invalid troops, and sending thousands of new troops to the Philippines have each and all failed to reduce the rate of mortality in the Philippine Islands, and why? Simply because it is not a white man's climate and a white man can not survive there operating as a soldier or as a laborer on the farm for any great length of time.

GENERAL STERNBERG'S REMARKABLE STATEMENT.

In the face of all these facts, of all this distressing history of the decay of our soldiers in our tropical climates and their increased illness and physical distress when they go to the cold climate of China from the Philippine Islands and when they come back home from either place, we find a remarkable statement of General Sternberg at page 127, to wit:

The health of the Army must be regarded as having been unusually good during the calendar year 1900, the medical certificates of which are tabulated in the present report.

This reminds me of a conversation I had night before last in one of the hotels with two officers who had just returned from the Philippine Islands. One of the gentlemen said to me, "Mr. GAINES, you should talk with this gentleman about the Philippines." He has just returned and has been there some time. We were introduced and I asked him, "How have your troops stood the climate in the Philippines?" He promptly replied, "Oh, that is the best tropical climate in the world;" and immediately the other officer said, "Now," shaking his finger in his face, "Now, you know that when my command went up to relieve yours there was over 50 per cent of your men on the sick list." "Yes, that is true," my new acquaintance said, "but still I submit that the Philippine climate is the best tropical climate in the world;" and both officials laughed.

Mr. CANDLER. Can you tell us the rate of mortality among the Americans who have gone there?

Mr. GAINES of Tennessee. Of course the American civilian leaves there before he gets sick, but the soldier can not. In conversation with a leading physician of Manila, whose name I do not recall just now, and in the presence of my distinguished, lovable, and gifted friend, Governor Taft—one of the great men of the age, I think—this physician said to me, and Governor Taft corroborated the statement, that over 30 per cent of the children in the city of Manila die annually.

Colonel Greenleaf's report, at page 139 of Surgeon-General Sternberg's report, says that out of the population of Manila, 244,732, excluding officers of the Army and Navy, the total number of deaths was 8,671, "an annual rate of 42.54 per 1,000, exclusive of Army and Navy. Twelve cemeteries and one crematory are in charge of the board of health," and that the total number of births for a period of ten months was 3,349 registered, or 18.29 per 1,000.

Mr. CANDLER. Can you tell us what the rate of mortality is as to these school-teachers who went over there?

Mr. GAINES of Tennessee. They have not been there long enough to die yet, but you will hear from them later. Unlike the soldier, they can leave the island before they are invalids, and I am informed that many of these teachers married on arriving at Manila and married "returning" soldiers. [Laughter.]

Mr. Chairman, I have been talking seriously on this great question; that is, the inevitable, the natural conditions, that can not be overcome, and the effect of those conditions upon the American people or any other white people who live temporarily or permanently in the Philippine Islands. I went to the Philippine Islands to get the facts, the whole truth, if possible, and for the ulterior purpose of benefiting my constituents and the people of this Republic by returning here and telling them of the unvarnished facts, as I ascertained them. I had no other desire to take

this tedious, extremely laborious, long, and expensive trip. I desired to go to Europe for a good rest, but I felt that my duty was to go to the Philippines, and so I did.

And I want to say here, and as seriously as I know how, that the American people should weigh it well before they determine upon permanently holding these islands. To do this, they must be Americanized; that is, by sending many of our white people there to live, at least for several years at a time, as civil officers and soldiers, and we have seen, and I state it as a fact, from my observation and from information received in the Philippine Islands and from a great number of Army and Navy officers with whom I talked on my trip around through the Mediterranean and Red seas, the canal and Indian Ocean, that the climate in the Philippine Islands is not a white man's climate, nor is that country a white man's country.

We may select for the Army athletes and for the civil officers the best physical specimens, yet still they degenerate physically and mentally and must be relieved often from their duties and brought home to a cooler climate. This is the rule with merchants living in other countries who have agencies in the Philippines. One agent remains a certain number of months or a year and then a substitute comes and the agent then returns to a cold climate, and thus the endless chain is kept up.

Now, if the effect of this climate is so withering to the white people who have vigorous constitutions, to the soldier who is picked out as a perfect man, mentally and physically, how can the great masses—how can our white people as a body—ever live in that country? If the strongest must return in a short while, what about the ordinary, the consumptive, or those of weaker constitutions?

You have the statement of the distinguished Secretary of War, Mr. Root—a man I admire, whose ability I respect. He says, in substance, and so orders, that our soldiers must be succeeded by others from time to time, none to remain longer in the Philippines than two or three years. Why return these soldiers—to save their health from "permanent" ruin, or their lives?

CONSUMPTIVES CAN NOT LIVE THERE.

A consumptive can not live there at all. He gallops right off in a short while. The gentleman who carried this large body of school-teachers to the Philippines not long ago had himself to wheel around and hurry back home, and is now at home threatened with consumption, so the public press states. The climate is damp and is absolutely destructive to consumptive lungs.

This is a serious condition there. We can not overcome climate. By building any kind of a house you can not overcome natural conditions, and they are there in the extreme in this respect. They are the work of God. I do not care how you feed a white man there, nor how you house him, these climatic conditions occur and recur—practically ever present.

Of course there are exceptional cases in other diseases, but I heard of none with reference to lung trouble, and the overwhelming weight of testimony gathered by me from military men and civilians, from physicians and laymen—and I talked to many of all classes—is that the Philippine Archipelago is not a white man's country, because of climatic conditions.

I did not expect to discuss this matter, Mr. Chairman, at this time. I expected to do so on some other occasion, but when I see this Spanish war pension list rolling up until it touches the 50,000 notch, and an explanation is made of it that I do not think tenable; that is, that it is caused by industrious claim agents, and that therefore the Spanish war pension claim is without merit, I feel it my duty to state what I know to be the facts, and just at this time, going to show that this explanation is practically without merit, and that there must be a great deal of merit in the pension claims themselves, and that if we treat the Spanish war and Philippine war disabled soldier, or his widowed wife and orphan children justly, that our pension liabilities are bound to increase in large proportion.

It may be true that a keen, industrious claim agent will wear himself out on a pension claim totally devoid of merit, but I doubt it; and I think that the Commissioner's explanation proves less satisfactory as you investigate the facts than on first impression.

You will find the soldier out in the provinces, in the jungles, and slums. They are the pension claimants, and not the officers, the majority of whom, it seemed to me, were in the cities and towns, mostly Manila, the great Mecca of the island.

You need not expect under such circumstances for pension claims of the soldier to be reduced in number or in value. Of course, by law, you can limit their right to be pensioned, and reduce its value. You can economize on the Spanish and Philippine war victims, as has been suggested by the leaders on the Republican side. You can make flesh of the civil war veteran and bone of the Spanish war victim. Trembling with disease, for life, acquired in the brown man's country—health ruined—you may say he does not merit the pension that the soldier does who fought four years and was wounded; but still the fact remains, as the law is now, that our pension liabilities will grow in huge proportion if present conditions are perpetuated.

30,000 TO 60,000 SOLDIERS, SAY THE MILITARY, FOR THE PHILIPPINE ISLANDS.

Almost without an exception the military men whom I saw in the Philippines say that for years, and even after peace is restored, we must police the Philippine Islands with a huge navy to keep off other nations, and be ready in case of war with from 30,000 to 60,000 land force to act in concert with the Navy. In case of war with any nation, they all say, as did many leading foreign, military, colonial officials, with whom I talked in other countries as I passed along, the enemy will strike us where we are farthest away from the base of supplies, just as we did Spain—in the Philippine Islands—and that by holding permanently these islands we necessarily weaken ourselves, from a military standpoint.

This is what many said to me, notably three leading and distinguished English veterans and high officers, one of whom said to me we might keep a coaling station, the other two saying, "Cut loose entirely as quick as you can propitiously; you will never get your money back, and the people will not stand the great expense and inevitable liabilities that will arise in supporting an army and navy necessary to protect the island internally and from foreign interference."

These statements were volunteered in the course of a pleasant conversation, and not while the three officers were together, but while alone, separate, and apart from each other.

I asked them why English officers should talk thus while England continued to expand. The prompt reply came that "England got into the business of expanding unintentionally and unexpectedly, and now we can't stop." Said the oldest veteran of the three:

For instance, down here some little nation will commit some little depredation on the dividing line between an English possession and theirs, and we just go down there and have a little brush with them and take charge of them, and run their country to protect ourselves. This constantly occurs. So you see we got into the business of expanding and now we can't stop it.

And when you look carefully into the history of England you will find that her great leaders are correctly reported, as this English officer of twenty-five years' standing has stated, and at some other time I shall do myself the honor of quoting freely their advice.

WHAT THE CIVIL OFFICIALS IN THE PHILIPPINE ISLANDS SAY.

The civil officials in the Philippine Islands say that after peace is restored in the islands that a large army is unnecessary; that a small force, garrisoned in the islands, so it can be called into service on short notice, will suffice. They say there a civil "constabulary" is all that is needed when the insurrection ends.

If this is true, what size "constabulary" is necessary—a huge or small "constabulary?" Who will pay the "constabulary," composed, as they were when I was there, of American soldiers? They were paid large salaries from the revenues of the islands, and the Filipino claims that his taxes are absorbed in the payment of salaries already, and that the natives will serve for less money, which the American soldier will not do. It may be a small salary for the American people to pay, but an oppressive one for the poor, battle-scarred, bereaved people of the Philippines.

But suppose the "constabulary" system obtains, with a garrison troop, must we not have a navy to protect the naked shores from invaders and secret enemies, and from interference by foreign nations, when by some reckless, lawless, or ill-advised act on the part of our people there, foreign nations at once attack us from the sea? At all events, it would seem a huge navy in these waters is inevitable, at an inevitably large expense.

The War Department ledgers show that the average cost of each enlisted man in the Army during two years of peace, 1896 and 1897, was $882.86, and for two years of war, 1899 and 1900, $1,397.74, or $497.89 increase or 56.3 per cent.

A standing army we see not only jeopardizes the civil rights of the people, and this we have always been taught, but it is an expensive luxury in peace, and we see more expensive in time of war by nearly $500 per man. The expense per man of the Navy I am not advised, but I should think it would be in keeping with that of the land force.

Mr. HILL. As the gentleman was a member of the Coinage Committee and has had a very large experience in the question of free silver, will he give us, before he takes his seat, the benefit of the observations he made on that subject when he was in the Philippine Islands and other portions of the Orient.

Mr. GAINES of Tennessee. I had rather talk about human beings and the horrible condition of our soldiers in these islands than to talk about any kind of money. [Applause.]

I know that my distinguished friend has also been to the Philippine Islands and other brown countries and amongst other brown people, and I trust he will be as frank as I am trying to be

in giving his experience amongst them, and if he will do so now, I will yield the floor to him, so far as I am concerned.

But I want to say right here, in passing, that while the bankers and merchants favor the gold standard in this country, the bankers and merchants in the Philippines are in favor of free coinage of both metals.

This, I think, is clearly shown by the testimony in the several reports on that subject by the military and civil officers in the Philippines. Merchants and bankers there are in favor of silver money, and say that it will paralyze business and produce a panic if the gold standard is adopted in that country now. But I am not going to speak about money or money laws at this time, while we are endangering the life of our Republic and the lives of our soldiers in that country, and, as I believe, the inalienable rights of the people that were there before we were.

THE INALIENABLE GIFTS OF GOD ARE MORE PRECIOUS THAN THE GIFTS OF MANKIND.

Mr. Chairman, there are other phases of the Philippine question that I hope to exploit at a later day in the House. I have undertaken to reply to a number of policies and suggestions made during this debate, and I am now content to conclude, rejoiced, as I am, if I have accomplished in the least a practical refutation of the statement which I mainly set out to do, that the reason why so many pension claims have been filed on account of the Spanish and Philippine war was on account of the great industry of claim agents.

We can control claim agents, but we can not control disease, and I have shown, I think, that our soldiers and American citizens are poisoned with disease when they habituate this brown man's country.

If we hold on to these islands permanently, the fact stares us in the face that there must be an endless chain of soldiers sent there and an endless chain brought back—the sick and dead both—and that this policy is inevitable, and the proof of the fact is that this is what we are now doing, and the Republicans are fixing to perpetuate conditions that necessarily force us to face an endless chain of responsibilities and burdens on the lives of American soldiers and upon the backs of the taxpayers of this country.

I want to know if we are to go into the business of breeding sons for the purpose of making soldiers for the army in the Philippines? Are we to adopt a fixed or permanent policy of conquest, of colonization, of imperialism, that necessitates sending our sons and fathers to the Philippine Islands regularly, when they must come home sooner or later and perhaps drag out an existence the balance of their lives, broken in health and broken in spirit, with all their natural chance of fortune blighted, pensioners, if you please, upon a charitable or uncharitable Government?

This is the question that comes sharply before us. It will not down and will continue to confront us as long as the American soldiers are sent to that island, even though their unfortunate wives and beautiful daughters follow them there, running the risk, as they do, of destroying their own lives to minister to fathers and brothers when stricken, and finally, perchance, bring them back to their native land to live, or die if they must, about their own vine and fig tree. [Loud applause.]

Rural Free Delivery.

SPEECH

OF

HON. CHESTER I. LONG,

OF KANSAS,

IN THE HOUSE OF REPRESENTATIVES,

Friday, March 7, 1902.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 11728) to classify the rural free-delivery service and fix the compensation to employees thereof—

Mr. LONG said:

Mr. CHAIRMAN: Rural free delivery has brought our people who live in the country into closer relations with the Government and its administration. In his last annual message to Congress, President McKinley characterized it as "the most striking new development in the continued and rapid growth of the postal service." It has given a service to the people living in the country which those who live in cities have enjoyed for a generation. It has stimulated an interest in the history and development of the nation and has contributed to a still higher intelligence among the people. It has enabled the rural population to transact more intelligently and profitably the business upon which they depend for subsistence.

I believe the bill now under consideration will change this condition and retard the development of rural free-delivery. I am therefore opposed to the proposed legislation.

It is intended by this bill to contract for the mail service on rural free-delivery routes and let the lowest bidder carry the mail, providing he possesses certain qualifications.

The rural free-delivery system was inaugurated eight years ago by the establishment of a single experimental route in West Virginia. By the end of the present fiscal year more than 8,000 routes will be in operation. In addition there will be nearly 7,000 pending uninvestigated cases. Every State in the Union but Montana is represented in this service, and every Territory but New Mexico. Even Alaska has enjoyed the benefits of the system in certain localities. Thirteen so-called "county systems" have been put into operation. A county system contemplates the extension of the service to every farmhouse in the county. The benefits of such a service are inestimable. In the State of Kansas within the past three years 444 routes have been established. There are now pending in that State 455 uninvestigated cases. In the Seventh Congressional district of Kansas, which I have the honor to represent, there are 63 routes in operation and 68 uninvestigated cases. To this total number must be added 40 routes, which will be embraced in the county system now being investigated in Sumner County, and which, it is hoped, will be in successful operation within thirty days.

Kansas is admirably adapted for rural service. Reports of special agents and route inspectors show that its roads are unequaled in the whole country. The rural population of Kansas readily took to the service. Intelligent and industrious to a high degree, they are strongly in favor of its maintenance and are opposed to legislation that will impair its efficiency. My State is an example of the good that has resulted from rural free-delivery. It is my judgment that if the proposed legislation be enacted this excellence of service will be greatly injured.

It is undisputed that legislation calculated to insure the permanency of the rural service is essential. It is conceded that the experimental stage is past. Rural free delivery is an institution that is here to remain. Its benefits have been recognized. With respect to rural carriers, I quote from the last report of the First Assistant Postmaster-General:

> In regard to the rural carriers, however, it is a debatable question whether it is desirable at this time to withdraw from the Department the discretion now exercised in their appointment. While their selection is usually made on the recommendation of the Representative in Congress of the district, or of the local postmaster, the special agent who inaugurates the route passes on the qualifications of the candidates for carriers, including their ability to furnish suitable conveyances for the transportation of themselves and of the mail, and under his instructions will not confirm the appointment of anyone who has not the capacity and character to make him a proper custodian of the rural mail.
>
> As shown more in detail in this report, the relations between the rural carrier and the patrons of the route are such that it is possible that something of the effectiveness of the system would be lost if a method of selection were adopted which might secure carriers not enjoying the acquaintance and possessing the confidence of the people along the route.
>
> It is generally conceded that no other branch of our great postal system is so popular as the rural free-delivery service. This, I think, is due largely to the fact that it carries with it the facilities of all the other branches. It is, in fact, the extension of the post-office to the homes of the people, the carrier performing all the functions of a postmaster. He not only delivers and collects ordinary mail, but carries a supply of stamps and stamped paper for the accommodation of rural patrons, is prepared to register letters at the roadside, or to accept money for the purchase of money orders. It is evident, then, that the more easily and conveniently the carrier performs these functions the more satisfactory and popular the service becomes.
>
> The system now in vogue has resulted in the selection of a force of efficient and faithful rural carriers, and the insignificant number of removals and reprimands for derelictions in duty shows the excellent character of the force and the faithfulness of their work.
>
> But if it should be deemed unwise at this time to change the method of selecting carriers, there is no good reason why they should not have the protection and sense of security which the civil-service system throws over incumbents of office in the classified service.

Since this report was made, the President has promulgated the order placing the rural carriers under the classified service, and all selections are now made in compliance with rules formulated for this purpose.

The principal objection to placing rural carriers under the contract system is that it will demoralize the entire rural system. This structure has been reared with great care, and the radical change now sought to be made will demolish and ruin it.

Rural carriers are now taken from men of more than ordinary intelligence and ability. The very nature of the responsibility devolving upon them demands that they should be of such character. The average rural carrier performs services fully as responsible as those of a fourth-class postmaster. He is, in the language of the last report of the First Assistant Postmaster-General, a "traveling postmaster." Note the statement:

> In his capacity as a traveling postmaster a rural letter carrier is required to perform duties which are not exacted of a city carrier, and his responsibilities are therefore correspondingly greater. The sale of stamps, the registration of letters, and the receipt of money for the purchase of money orders, which the carrier frequently incloses in unsealed letters intrusted to him, necessarily bring him in close touch with his patrons and establish between them relations of a very confidential character. A rural carrier must

therefore be a man of character known to the patrons of his route and possessing their confidence, otherwise the rural free-delivery service will not receive the full patronage of the community in which he is employed. Under no circumstances will the average resident of a rural community intrust money or a valuable letter to a carrier whose integrity he questions and very seldom to a stranger, whether trustworthy or not. On the other hand, he will go to the extreme in trusting a carrier whom he has known, perhaps, since boyhood and in whom he has implicit confidence.

If we change this condition and substitute a method which will permit men to be carriers under no further restrictions than are provided in this bill, we will fail in the one object most essential—close relationship of carrier with patron—an object absolutely necessary to the success of the service. As is stated in the report above, the relationship between carrier and patron is very close. It is a question of one individual dealing with another. Aside from the responsibility devolving upon the carrier, nothing is more important than this individual relationship.

This bill places rural carriers under a system of contract. The responsibility of rural carriers is greater than that of city carriers. Indeed, it is a question if it is not fully commensurate with that of railway postal clerks. It certainly equals that of clerks in post-offices. Yet in all the years that the Railway Mail Service, the city carrier service, and the postal clerical service have been in operation there has been no effort to place these postal employees under the contract system. If it has not been deemed necessary to contract for city carriers, railway postal clerks, and city post-office clerks, why should it be any more for the good of the service thus to place rural carriers, whose responsibility is fully as great as any of the classes of postal employees just mentioned? Why extend the contract service to one class and ignore others in the same branch of the Government service?

The rural carrier under contract would occupy nearly the same position as the present carrier of a star-route, transporting mail from a railroad post-office to an inland office. Nor is the comparison at all favorable to the proposed legislation. The present star-route service, through no fault of the Department, is not successful. For years it has baffled the Department, the postmasters, and the patrons.

Under the proposed legislation the contract for carrying rural mail will be let to the lowest bidder. As it is now, the salary of $600 per annum is a consideration. It is a stimulus to men of ordinary ability and intelligence to leave other employment and seek the appointments. The proposed bill would open the doors to men who perhaps have failed at a trade, at farming, or some other means of livelihood, to bid for the contract at absurdly low figures. There would be nothing to attract the present carrier, or his equal. They would know in advance that any compensating figure at which they might place their individual bids would prove higher than that of men of other classes. A man may be able to read and write, but character can not be obtained in a system of competitive bidding. Under selection by appointment, with a compensation sufficient to be attractive, character and responsibility can be secured. The lowest bid is a matter involving figures. Character decidedly is not. The two may not be combined. If high bids obtain, there will be no economy in the proposed change. If bids be low, the efficiency will suffer.

If it were a mere question of carrying mail in bulk, where character and responsibility did not enter, the proposed legislation might do. Star-route contractors thus transport mail. But in the case of the rural carrier it is quite different. He handles and carries mail in piece, not in bulk. He comes into contact with the individual; not alone with one inland postmaster. He takes money orders; receives valuable letters and packages intrusted to him in separate pieces, and with a frequent knowledge of the contents. He sells stamps. He has clerical duties, as well as manual. He needs ability. His position demands it.

In this connection I desire to read from a recent editorial on the subject in the Philadelphia Press, written by the late able and efficient Postmaster-General, Hon. Charles Emory Smith:

The rural mail service is an individual service. The rural carrier collects mail and delivers it. He sells stamps and cancels them. He takes money for post-office orders, and he registers letters. His work is the work of the rural postmaster. It goes further than the work even of the city carrier. The rural mail service is the service of a moving post-office, and a salaried service is as necessary as in any post-office. Contract service would divide responsibility, slacken discipline, remove close supervision, and inevitably destroy the efficiency and morale of the service. It has been recently placed under the classified service by Presidential order. A contract service would destroy this reform. It would substitute for the picked force now doing this work the employees of a contractor, selected for economy and to make a profit, and not for character and to promote efficiency.

This, in my opinion, is a concise and logical argument against the proposed legislation.

It is apparent that the one result sought to be obtained by the friends of this proposed legislation is economy. It is evident the feeling exists among the friends of this bill that the annual expenditure for rural service is too great, and that it should be curtailed. But is not this curtailment of expense at the sacrifice of efficiency? Either the service under the new system will be bettered or be made worse. Economy and efficiency can not go hand in hand. If economy prevails and efficiency fails, then the entire rural service will fail, and the experimental work, which has now reached a stage of supposed permanency, will have been in vain. If the standard of present efficiency is maintained, then the very object sought in this bill will have failed, and the system be no better for the change.

But a close study of this bill's provisions permits only of one deduction—that economy will triumph under the change and efficiency will fail. All bids must be entertained. It is easy enough in seeking economy to strain a point on the prerequisites for carriers set forth in this bill. If economy is to be the consideration, a man who is not possessed of the character of the present rural carrier, who may be trustworthy in the main, who can read and write, who may possess intelligence in a degree, may, as lowest bidder, receive the contract, and yet be wholly incapable of discharging the duties of the position and fail in relationship with patrons.

The service would deteriorate in many other ways under this bill. As it is now, the carrier, receiving a stated compensation and knowing how far he can go in expenditure for equipment, feels considerable pride in properly preparing for the service. His horse is a good one, able to withstand long journeys and all weather conditions. His wagon is durable, neat, and well arranged for the proper transaction of his clerical duties. Uniformity largely prevails.

It is a matter of much pride with carriers as to which one shall have the best equipment; present the best appearance; possess the greatest facilities for expeditious and proper transaction of his duties. Under the proposed system there would be a nondescript assortment of men, horses, and wagons. Instead of the expeditious transaction of work being facilitated it would be interfered with seriously. Instead of pride there would be indifference. Instead of well-equipped wagons for the service there would be vehicles long since cast aside because they had ceased to be serviceable. Nor is this to be wondered at. A man who successfully bids for the contract to carry the mail on a rural route for $250 per annum could not be expected to take any great pride in his equipment or to do his work with dispatch and marked ability. You would have a system where good service would suffer. Neither the carrier, the patron, nor the Government would have justifiable pride in the conduct of the service. Dispatch of business would depart. The carrier would soon cease to find interest in his work. The individual relationship between him and the patron would not exist. The contract would terminate. The next carrier would go the same course. Economy would triumph, but the successful and efficient rural service would be seriously crippled if not utterly destroyed.

There is not a Representative from a rural district who is not aware of the constant changes in star-route service. Contracts terminate. Service suffers. Mails fail to be carried. Contractors become insolvent. Compensation is low. Never is there satisfaction. Protests are lodged against carriers on their service. Contractors fail in their duty, and the machinery of the contract system is constantly clogged. Is it the purpose of any man on this floor to see such a system in vogue in the rural service, in which we all take justifiable pride?

In the fiscal year ending June 30, 1901, out of between 4,000 and 5,000 rural carriers, only 33 were dismissed from the service, in every instance for a just cause. Only four arrests were made for theft. Of a total of 1,135 inspections made between August 1 and October 15, 1901, the inspectors found cause to complain of only 29 carriers, the conduct of two being reported as bad and 27 as careless or indifferent. This record, it seems to me, speaks well for the personnel of the rural carriers under the present system, and is a suitable guaranty of their character, responsibility and relationship with the patrons and with the Department. With such a creditable record, with such manifest efficiency prevailing, why change the system, even in the name of economy?

While the expenditures for rural service are increasing the expenditures for other purposes are decreasing on account of rural service. The fourth-class post-offices discontinued between November 15, 1900, and November 15, 1901, effect a saving to the Department of $120,221.43. In the same period 1,032 star routes and messenger services were discontinued. They required an expenditure of $174,404.41 which the rural service saved. The total saving to the Department in these two items, for which rural service was responsible, amounted in one year to $294,695.84. This is more than 8 per cent of the appropriation for rural service for the fiscal year following. If the growth of rural service is permitted to continue, this saving will be even greater, and will be in proportion to the annual expenditures for the service.

Rural free delivery has taken firm hold on the class it was intended to serve. The people who live in the country have long

felt that they have not received the benefits accorded to other classes. Manufactures were protected; river and harbor legislation came with frequency; cities and city population reaped advantages; certain classes and sections profited by appropriations and legislation; but it was left for rural free delivery to give the people in the country something practical, tangible, and productive of inestimable good. They felt this was something especially designed for them. Their feeling toward the Government and Congress was one of gratification and appreciation. And while this feeling now exists this population will resent any abridgement of the service.

The beneficent results of rural free delivery are many; let us not injure and impair the service by this unwise legislation.

Eulogy on Death of the late Robert E. Burke.

REMARKS
OF
HON. REESE C. DE GRAFFENREID,
OF TEXAS,
IN THE HOUSE OF REPRESENTATIVES,
Saturday, February 8, 1902,

On the following resolutions:

"*Resolved*, That the business of the House be now suspended in order that an opportunity may be given for tributes to the memory of Hon. ROBERT E. BURKE, late a member of the House of Representatives from the State of Texas.

"*Resolved*, That as a particular mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a distinguished public servant, the House, at the conclusion of these memorial proceedings, shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk be, and is hereby, instructed to send a copy of these resolutions to the family of the deceased."

Mr. DE GRAFFENREID said:

Mr. SPEAKER: On the 5th day of June, 1901, as the stars were fading away at the approach of the great luminary which fills the earth day by day with effulgent glory, the soul of ROBERT EMMET BURKE took its flight, and may we not indulge the hope to that eternal day that knows no ending, and which was greeted with the words "Well done, good and faithful servant?"

The mystery of death is not more mysterious than life; man is fearfully and wonderfully made; endowed with the power of choice, good and evil lies before him, a tremendous responsibility, and yet it is this thing that lifts him infinitely above the brute creation and makes him a son of the living God. The largest, the truest, the noblest man is he who, broad in his conceptions, grasps with unerring precision the path which leads to noblest life and follows it, neither swerving to the right nor the left, in obedience to duty's call; such a man was my colleague, my lamented friend, ROBERT EMMET BURKE. Were there obstacles in the way, he overcame them; were there disparagements, he rose above them; were there dangers, he feared them not; grandly, serenely he passed on.

A soldier fighting for his beloved South, a young man struggling for existence by day and bending over his books at the midnight hour; a lawyer advocating with power and earnestness the cause of his clients; a judge, industrious, studious, careful; a statesman on the floor of this House, he acquitted himself always with great credit, and won the esteem and plaudits of those who knew him. Were I called upon to analyze and measure the characteristics which marked him, I should say industry, honesty, generosity, simplicity, nobility of soul, independence in thought and action. He respected the honest opinions of others, but was bound by none; his method was to carefully analyze, to sift, to weigh in the balance every question of moment, and then, without fear or favor, to act nobly his part. Nature endowed him with a rugged intellect, with fine discriminating powers, and a clear judgment, a kindly heart, a gentle disposition; these, coupled with indistury, energy, a high and lofty purpose, made him the clean, pure, noble, manly man that we knew and respected.

It is not strange that he should have been selected by his fellow-citizens to adjudicate their differences and determine the law; that they should have selected him to represent them on the floor of this House, for they knew that in him was justice, that in him was honor, that in him were the elements of the statesman, and he proved himself worthy of that confidence in every instance. His death is therefore a public calamity. He will be missed in the district which he represented; he will be missed in the State that he loved; he will be missed by the nation dear to his heart, and still more will he be missed by his friends and neighbors, for they knew him as the Christian gentleman, devoted to the church of his choice, kind, gentle, charitable, benevolent. He never forgot a friend nor cherished malice. A hospitable home was his in which centered all those endearing affections which made it to him the dearest spot on earth, and there he will be missed and mourned till time shall reunite wife and children.

And you, oh, you, who the wildest yearn
For the old-time step and the glad return,
Think of him faring on, as dear
In the love of there as the love of here,
Think of him still as the same, I say,
He is not dead—he is just away.

The Anti-Oleomargarine Bill.

SPEECH
OF
HON. J. H. DAVIDSON,
OF WISCONSIN,
IN THE HOUSE OF REPRESENTATIVES,
Tuesday, February 4, 1902.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 9206) to make oleomargarine and other imitation dairy products subject to the laws of the State or Territory into which they are transported, and to change the tax on oleomargarine—

Mr. DAVIDSON said:

Mr. CHAIRMAN: It has been a pleasure for us to listen to the remarks of the gentleman from Ohio [Mr. GROSVENOR]. He has entertained us if he has not instructed us. His position to-day is so different from the position he has always heretofore taken upon measures of this kind that I have wondered whether in the speech he has just made he did not expect us to take him facetiously rather than seriously.

In prior years his voice has always been heard in behalf of pure-food legislation, and this year he has introduced and had referred to the committee of which he is a member, a bill to prevent the use of shoddy in woolen goods. Therefore, it is somewhat surprising to hear him to-day advocating the cause of oleomargarine, and incidentally speaking a good word for those who manufacture the color which is inserted into oleomargarine for the purpose of deceiving the people and making that article sell for something which it is not. I presume he has tried to reach an honest decision upon this subject, but his argument is decidedly weak. He has stated that this bill to regulate the sale of colored oleomargarine was an attempt to destroy one industry for the benefit of another, and then he concludes his statement by saying that the oleomargarine industry, notwithstanding this legislation, will prosper greater in the future than it has in the past.

It has been claimed that oleomargarine as at present manufactured is a wholesome and nutritious article of food. Scientists have been found who are willing to state that samples of oleomargarine which they have tested have been found to contain nothing which could be called deleterious or injurious to the public health. I suppose if all oleomargarine was manufactured solely from the lard of the hog, the tallow of the beef, and the oil of cotton seed and sufficiently flavored by churning in pure milk, it might be called wholesome. The fact is, however, that a very large portion of the oleomargarine manufactured contains many other substances, some, at least, of which are not or can not be considered nutritious or wholesome. Read the statement issued by the Treasury Department, which shows the various "wholesome" and "nutritious" ingredients used in oleomargarine. I submit it here:

Quantity, character, and value of ingredients used in the production of oleomargarine for the year ending June 30, 1899; also percentage each ingredient bears to the whole quantity.

Material.	Pounds.	Value per pound.	Total value.	Percentage each ingredient bears to the whole.
		Cents.		
Neutral lard	31,297,251	8	$2,503,780.08	34.27
Oleo oil	24,491,769	9	2,144,917.69	26.82
Cotton-seed oil	4,357,514	6	522,025.08	4.77
Sesame oil	486,310	10	4,863.10	.53
Coloring matter	148,970	20	29,296.00	.16
Sugar	100,164	4	4,406.50	.12
Glycerin	8,963	10	896.30	.01
Stearin	5,890	8	459.60	.007
Glucose	2,550	3	76.50	.003
Milk	14,250,576	1	142,005.76	15.55
Salt	6,773,670	1	67,726.70	7.42
Butter	1,568,319	20	313,663.80	1.72
Cream	3,527,410	5	176,370.50	3.86
Butter oil	4,342,904	6	260,520.00	4.76

This shows that during the fiscal year ending June 30, 1899, in an output of 91,322,260 pounds there were used only 14,250,576 pounds of milk, 1,568,319 pounds of butter, and 3,527,410 pounds of cream, or 21.13 per cent of the whole amount. In other words, nearly 80 per cent of the year's product was made up of lard, oils, glycerin, sugar, and other foreign substances.

We also find that among the articles named in the patents granted for the manufacture of substitute butter are borax, cotton-seed oil, bicarbonate of soda, alum, glycerin, sulphuric acid, tallow, cornstarch, caustic potash, castor oil, chalk, slippery-elm bark, olive oil, turnip-seed oil, chlorate of potash, oil of peanuts, nitrate of soda, stomach of pigs, nitric acid, mustard-seed oil, sugar, caustic soda, and bicarbonate of potash. It is possible that so-called "neutral grease," when subjected to these acids and alkalies, may be wholesome butter, but, "leading scientists" to the contrary, 32 States, having over 60,000,000 people, have prohibited such deodorized grease from being colored in imitation of butter and sold in the market.

In the table just submitted we find "stearin" is also used in oleomargarine. Now, what is stearin? Some may think it is the hard fat from the beef which ordinarily is used for soap and candles. That is true, but there is also another kind of stearin. In the manufacture of certain grades of cotton-seed oil, in the refining of which caustic soda and potash are used, there is left a solid matter which in trade is "known as stearin and used in the butterine and soap-making industries."

During the year 1889, samples of oleomagarine taken from retail stores in New York and Brooklyn, were found to contain from 9 to 11 per cent of paraffin, which is "a colorless, odorless, translucent, waxy, solid mixture of hydrocarbons derived from methane, rich in carbon and indifferent to most reagents. It is contained in bituminous coal and petroleum, from which it is separated by distillation."

It is used to protect bronze and marble statues from destruction by the elements, and the obelisk now standing in Central Park, New York, has been coated with this biproduct of coal tar and petroleum in order to prevent it from being ruined by the action of the weather. Possibly the human stomach can digest a substance that time and the elements can not destroy, and some may consider that this substance, when mixed with the fats of steers and hogs is "just as nutritious" and "as easily digested" and "as perfectly wholesome" as butter, but I do not.

Oleomargarine melts at a temperature varying from 102° to 106°. Butter melts at a temperature of 92°. The normal heat of the human stomach is 98°. It is apparent, therefore, that butter—the natural product of milk which the Almighty provided as a natural food for the most delicate digestion, a food which the young, the old, and the invalid may alike use with the least possible harm—that this product is the natural food for the human stomach, because it melts and digests at a temperature of about 6° less than the normal heat of the stomach. On the other hand, oleomargarine can not be considered a natural and easily digested food for the human stomach, because the temperature at which it melts is a temperature which no healthy stomach ever attains, and as a consequence this unnatural, foreign fat can not be digested, but must be expelled by sheer gastric action and force.

A prominent lumberman told me he was opposed to this bill because he wanted to furnish oleomargarine to the men employed by him in the woods and on the drives on the river, because it would "stand up" in warm weather and he did not need to provide refrigerators in which to keep it, as he would have to do with butter. I have no doubt if a sufficient amount of stearin and paraffin and other such substances are used the product will "stand up" in most any kind of weather; but can it be said that a product which hot weather will not melt is as healthful and as easily digested as butter?

Knowing what ingredients are used in oleomargarine, I am satisfied that it can hardly be considered a wholesome and nutritious article of food. That question, however, is not involved in the legislation now proposed. For the sake of the argument, it may be admitted that oleomargarine is a food product and its manufacture a legitimate industry.

The purpose of this legislation should be clearly understood. The statement has repeatedly been made during this discussion that this bill is intended to destroy a legitimate industry. That it is intended to destroy one industry for the benefit of another. This I emphatically deny. The purpose of this legislation is not to destroy any legitimate industry. It is intended to destroy an illegitimate industry. It is intended to stamp out the fraud and deceit which one industry practices for the purpose of deceiving the people and thereby gaining an undue advantage over another industry. Its purpose is to protect an honest industry against the dishonest methods of another industry. [Applause.]

The manufacturer of oleomargarine has a right to sell his product to those who desire to purchase it in the open market for what it is. He has no right to so color and change the article that those who handle it will be able to perpetrate a fraud on the people who purchase it. That fraud is committed in the sale of this article there is no doubt. It has been admitted by many of the able champions of the oleomargarine industry, and the evidence taken before the Agricultural Committee clearly shows that practically all of the oleomargarine now sold by retailers to consumers is sold as butter and at a price equal to the prevailing value of butter. I deny, however, that the retailer is alone responsible for this fraud. I maintain that the manufacturer is primarily responsible. He is the one who seeks a market for this product. He is the one who employs every means which money can procure to deceive the people.

If oleomargarine was made in its own color, which is practically white, the retailer would have to sell it as oleomargarine, unless he colored it with annotto or some other substance to make it resemble butter. For a time I did not believe the retailer could insert such coloring matter without melting up and working over the whole product. It has been found, however, that it is possible for him to do so, and therefore a provision is inserted in this bill which will make such retailer a manufacturer within the meaning of this law and compel him to pay the manufacturer's license and a tax of 10 cents per pound upon each pound of oleomargarine which he shall color in order to make it resemble butter.

I have advocated the pending measure, which will compel the manufacturer to pay a tax of 10 cents per pound upon oleomargarine colored in imitation of butter, because I believe the manufacturers are primarily responsible for the fraud perpetrated upon the public, and therefore they ought to be the ones to pay the 10-cent tax. I hold in my hand a card issued by William J. Moxley, a butterine manufacturer of Chicago. It will be noticed that Mr. Moxley, in order to attract attention to the goods he manufactures, places upon the front page of his card a picture of the Stars and Stripes. Permit me to digress a moment, Mr. Chairman, to say that this is one of the most glaring instances which has come to my attention of the desecration of the American flag, and I hope the time will soon come when Congress will pass a law which will protect the Stars and Stripes, the flag of our country, from desecration of this kind. [Applause.]

Mr. Moxley puts Old Glory on the cover of his advertisement, and on the next page he arranges a pyramid showing the different shades of color which he is able to give to the oleomargarine which he manufactures. Each block is numbered and marked. No. 1 is marked "No color;" No. 2, "Denver color;" No. 3, "Wisconsin color;" No. 4, "Country rolls—Pittsburg color;" No. 5, "Cincinnati color;" No. 6, "Straw color;" No. 7, "Chicago regular color;" No. 8, "Brick or high color." No. 1 is the natural color of oleomargarine and is white. Through the remaining blocks runs a shade of yellow, each one darker than the previous one, until No. 8 reaches a brick or high color. Does anyone believe that this advertisement is sent out at the request of the retailer? No. It is the manufacturer, who is trying to sell his product. He sends this card to the retailer and with it a letter of instruction. Let me read this letter:

CHICAGO, *April 5, 1899.*

NOTICE TO THE TRADE.

Inclosed find a color card, which is as near the color of our butterine as the printer's art can represent. Our aim in sending you this card is to aid you in selecting the proper color suitable to your trade. Mistakes are easily made, but hard to remedy.

In nearly every section of the country there is a difference in the color of butter, and even in certain seasons of the year there is a change, as you will have noticed. In winter butter is of a lighter color than in summer. In many sections this is the result of the difference in feed or pasture.

We can give you just what you want at all seasons if we know your requirements. As an example, No. 1 has no coloring matter, No. 2 a little coloring, and so on to No. 8, which is the highest colored goods we turn out. Preserve this card, order the color you want by number, and we will send you just what you want.

Yours, truly,

W. J. MOXLEY.

Here we have positive evidence that the manufacturer, the man who makes the article and puts the coloring matter in it, is the one who is responsible for the fraud and the one who makes it possible for the fraud to be committed. He makes it possible for the retailer to force this article upon the public, and he gives every possible assistance to the retailer to enable him to meet the conditions that prevail in his particular locality at any given season of the year. It will be noticed that in the letter that Mr. Moxley sends out he says:

In nearly every section of the country there is a difference in the color of butter.

He does not say that there is a difference in the color of oleomargarine and that the people want oleomargarine colored different shades at different seasons of the year, but that there is a difference in the color of butter in different sections and in different seasons of the year, and therefore the retailer must order according to the season of the year and the section of the country in which he is located, and the manufacturer supplies him with just the article required to deceive the people.

Let me call your attention to another point which shows that the manufacturer is the primary party to the fraud perpetrated upon the consumers of butter. I hold in my hand a list of the manufacturers of oleomargarine in this country. There are 26 in all. Nearly one-half of them have adopted a peculiar name. Some do business under the name of the individual, like William J. Moxley or the G. H. Hammond Company, or something like that; but many of them have chosen a name which will aid them in deceiving the people.

We have first the Fall City Dairy Company, of Louisville, Ky.; then the Capital City Dairy Company, of Columbus, Ohio; the Illinois Dairy Company, of East St. Louis; the Union Dairy Company, of Cleveland, Ohio; the Elgin Butter Company, of Indianapolis, Ind. Is there any gentleman from Indiana here who knows whether there is a town of Elgin within the corporate limits of Indianapolis? Then we have the National Dairy Company, of Washington. Now, why do they all adopt the name "Dairy Company" or "Butter Company?" What is the object of those who manufacture oleomargarine in calling their company a "dairy company?" Are they running a dairy? Are they selling cream, or milk, or butter? No; they do it for the purpose of advertising their product and making the people believe they are manufacturing butter. It has been demonstrated that practically all of the oleomargarine sold in this country is sold, not as oleomargarine, but as butter, and at a price equal to the value of butter, and that such fraudulent sale is made possible by inserting coloring matter in oleomargarine, thereby making it resemble butter.

It is proposed by this measure to impose a tax of 10 cents per pound upon all oleomargarine when so colored. The cost of oleomargarine, including the tax, is about 9 cents per pound. It therefore ought to be sold at retail for from 12 cents to 15 cents per pound. As a matter of fact it is sold from 20 cents to 22 cents per pound, according to the price of butter. The large profit which the retailer is thus able to make is a strong inducement for him to engage in this trade. If we impose a tax of 10 cents per pound upon the colored article the cost to the retailer will be practically equivalent to the cost of butter, and the profit accruing to him in the sale of this article will not exceed the profit which he would make in the sale of honest butter. By removing the incentive to commit fraud I believe we will largely prevent the fraud and thus protect not only the producers of butter, but the consumers as well.

Mr. FLEMING. Will the gentleman allow me to ask him a question?

Mr. DAVIDSON. Yes.

Mr. FLEMING. Does not the substitute bill have provisions in it which would make it impossible for a man to sell oleomargarine as butter?

Mr. DAVIDSON. In my honest judgment it does not. Mr. Chairman, I want to be fair about this. I want to say that I have as much respect for the able chairman of the Agricultural Committee, who drafted the substitute bill, as anyone, but in my judgment the substitute bill will not prevent this fraud, and no bill which simply provides for branding and marking and wrapping of oleomargarine will ever prevent it.

We now have a law which provides for wrapping and marking oleomargarine, and yet it is violated every day. I hold in my hand a photograph of an alleged dealer in butter in Chicago. You will notice this dealer has a large sign, which reads, "Pure grass butter." Below this he quotes prices as follows: "Pure dairy butter, 15 cents per pound;" "Pure Elgin creamery, 18 cents per pound," and "Rock River creamery, 20 cents per pound." To my certain knowledge every pound of these goods was oleomargarine. This dealer never had a pound of butter in his store. He is one of the notorious oleomargarine dealers of Chicago. No law short of the most drastic one will reach him. That is why I am not in favor of the substitute bill. If I thought it would be effectual, I would vote for it. That is all I want.

Mr. FLEMING. Will it not prevent fraud from being carried on by the wholesaler, such as the merchant in Chicago, who has been mentioned?

Mr. DAVIDSON. He is a retailer.

Mr. FLEMING. But they sell the article in large quantities.

Mr. DAVIDSON. I bought it by the pound. I called for a pound, and got it. I could have bought any amount that I wanted at retail.

Mr. HAUGEN. In view of the statements which have been made, let me say for the information of gentlemen here that every pound of this supposed butter which is sold is contained in a wrapper marked "Oleomargarine;" yet, although the wrappers disclose that it is oleomargarine, it is, as a matter of fact, sold and advertised as pure butter.

Mr. WADSWORTH. By the retail dealer—not by the manufacturer.

Mr. ALLEN of Kentucky. What did the gentleman from Wisconsin say was the price in Chicago?

Mr. DAVIDSON. Fifteen, 18, and 20 cents.

Mr. ALLEN of Kentucky. What was genuine creamery butter worth then in the market?

Mr. DAVIDSON. I presume from 22 to 24 cents.

Mr. ALLEN of Kentucky. Does not the gentleman think that the discrepancy of price must convince any man of ordinary intelligence that he is not buying creamery butter?

Mr. DAVIDSON. The advertisement of the retail dealer quoted "creamery butter" at 20 cents; pure "Elgin creamery," 18 cents; and pure "dairy butter," 18.

Mr. ALLEN of Kentucky. Is it not a fact that the great majority of the best creamery butter sells in the market generally at about 35 cents?

Mr. DAVIDSON. Oh, no, sir; not in the markets with which I am acquainted.

Mr. ALLEN of Kentucky. I mean on the average.

Mr. DAVIDSON. On the average it sells in Milwaukee and Chicago at 22 to 25 cents.

Mr. ALLEN of Kentucky. Is the gentleman familiar with the statement made before the Senate Committee, that some parties sell creamery butter as high as 55 cents?

Mr. DAVIDSON. I am not familiar with any such statement. I do not know any place in the United States where such butter sells at 55 cents, although there may be such places.

Mr. GAINES of Tennessee. I take it that the price varies in different States and different communities.

Mr. DAVIDSON. Of course; that is the case with all products. There is not any food product nor any article of clothing that does not vary in price at different places.

Mr. GAINES of Tennessee. I want a little information about this bill. The imposition of a small tax is first alluded to, I believe, on page 3, in lines 17, 18, and 19. I wish to ask what is the object of levying this tax of one-fourth of 1 cent per pound? Is it levied as a police regulation—to pay for the execution of the law?

Mr. DAVIDSON. That argument was urged in favor of the tax, and also that some tax was necessary in order that the Internal-Revenue Department might have supervision over it, which possibly it could not have if no tax was imposed.

Mr. GAINES of Tennessee. I find the next proposition of the bill in lines 19 to 22:

But when made in the imitation of butter the tax to be paid by the manufacturer shall be 10 cents per pound, to be levied and collected in accordance with the provisions of said act.

Now, why is that tax levied?

Mr. DAVIDSON. For the purpose of driving the fraudulent article out of competition with the honest article.

Mr. GAINES of Tennessee. But the language is "when made;" it does not say "when made and sold in imitation of butter." Under the bill, as I understand, a man could not make oleo butter and color it like cow butter without paying a tax of 10 cents a pound, irrespective of whether it was made for sale or not.

Mr. DAVIDSON. Oh, yes; he could.

Mr. GAINES of Tennessee. Is there any language of the bill which so provides?

Mr. DAVIDSON. There is.

Mr. GAINES of Tennessee. I am against fraud anywhere I find it, and am trying to find some way of framing legislation so as to prevent the fraud of selling oleo as butter produced from milk. That is the point and evil. I want to do what I can to crush it out.

Mr. DAVIDSON. That is a mere matter of detail. The tax of one-fourth of 1 cent on the uncolored article gives the Internal-Revenue Department an opportunity to inspect all oleomargarine manufactured, and consequently an opportunity to see that no fraud is perpetrated. Except for that I should have been in favor of removing the entire tax on the uncolored article.

If the Internal-Revenue Department could have complete supervision without the aid of this tax on the uncolored article, I would say take it off, because I believe that if oleomargarine is a wholesome, nutritious article of food, then when not made in imitation of something which it is not, it should be sold on its merits, and ought to be sold just as cheaply as possible. Those who desire to use oleomargarine should have a right to purchase it at its true value, and I know of no reason why the miners in the district represented by my able friend from Ohio [Mr. GROSVENOR] should pay more for oleomargarine than it is actually worth. If they want to use it, why should they not be entitled to purchase it at retail at from 12 cents to 15 cents per pound instead of paying a much higher price, as they do now.

The present tax on all oleomargarine is 2 cents per pound. This bill provides that the tax on uncolored oleomargarine shall be one-fourth of 1 cent per pound, a difference of 1¾ cents per pound,

which ought to reduce the price of the article by that much to those who want to purchase it.

In answer to some suggestions which have been made in reference to the position of laboring men upon this question, I want to say a word in regard to those residing in my district. Last year resolutions were sent to all of us by different labor organizations in opposition to this bill. The language of the resolutions indicated that they had been prepared by some one who was not familiar with the bill or the purpose for which it was presented. When I went home I took some of these resolutions and presented them to the laboring men of my district, and talked the matter over with them.

When they clearly understood the situation, every one with whom I talked expressed himself in favor of the measure and was ready to support any proposition which was intended to prevent fraud and misrepresentation.

I want to say to the gentlemen from Ohio, and to every other member on this floor who, in opposing this measure, thinks he is representing the laboring man, that, in my judgment, the laboring men of this country are as anxious to have wholesome legislation enacted, are as anxious to have legislation which will prevent fraud and misrepresentation in the sale of food and other products, as any other men in the United States. The laboring men of our country have no desire to get anything by fraudulent means, and as consumers they have a right to demand that such legislation shall be enacted as will give them and everyone else an opportunity to know that the article which they are about to purchase is what it is represented to be, whether it is butter or oleomargarine, whether it is a food product or an article of clothing. It should be sold upon its merits and not for something which it is not.

Mr. MOON. Will the gentleman permit me to interrupt him?

Mr. DAVIDSON. Yes, sir.

Mr. MOON. I want to say that I feel friendly to this bill, and will be glad to see it perfected; but it occurs to me that there is some trouble in the third section, and I will ask the gentleman what he understands by "butter?" What is the meaning of butter? What is its color?

Mr. DAVIDSON. Was the gentleman brought up on a farm?

Mr. MOON. Yes; I was brought up on a farm. But this is a judicial question, and judges do not know things as farmers do. They have to know them from the actual proof.

Mr. DAVIDSON. I do not think it is necessary for me at this time to undertake to demonstrate the judicial definition of the word "butter."

Mr. MOON. I do not want the gentleman to misunderstand me. This act provides that oleomargarine shall not be made in imitation of butter.

Mr, DAVIDSON. Yes.

Mr. MOON. When you come to a judicial consideration of this question, the court must know what butter is, and oleomargarine must be shown to be an imitation of butter or like butter. The gentleman has just demonstrated clearly that oleomargarine can be colored in seven or eight different ways. Butter certainly has not more than one or two or three or four different colors. It could not be demonstrated to have more. Therefore, if it should occur that the oleomargarine was colored in some way that was not an imitation of butter, could it not still be imposed upon the public, notwithstanding this act?

Mr. DAVIDSON. Yes.

Mr. MOON. Well, then, is not the act as here proposed defective in its attempt to protect this industry in that respect?

Mr. DAVIDSON. No; because the whole attempt of the oleomargarine manufacturers and retailers has been to make their product a substitute for butter and to put it on the market as butter, and to sell it as butter.

Mr. GAINES of Tennessee. They call it butter when they sell it. They do not call it oleo.

Mr. MOON. Oh, no; they call it oleomargarine.

Mr. DAVIDSON. A great many of them do not.

Mr. MOON. Suppose they call it butter and it does not look like it and is colored differently from any butter you ever saw, is it a violation of the law then?

Mr. DAVIDSON. If it is not contradictory to the terms of the law, then it is not a violation of the law.

Mr. MOON. How are you going to know whether it is or not? You have got to define an offense before you can punish it.

Mr. DAVIDSON. The original act, to which this is an amendment, defines oleomargarine, and the courts have held that act constitutional.

Mr. MOON. Oh, there is no trouble about the definition of oleomargarine.

Mr. DAVIDSON. And the courts have had no trouble in determining the difference between oleomargarine and butter.

Mr. HAUGEN. The original act also defines butter.

Mr. DAVIDSON. The gentleman suggests that the original act also defines butter.

Mr. Chairman, in my judgment no more meritorious measure will be presented in this House at this session than the one we are now considering. I have some pride in this, because I had the honor to introduce the first bill on this subject. In the Fifty-fifth Congress I presented a bill which provided for a 10-cent tax on oleomargarine colored in imitation of butter. I reintroduced that measure in the Fifty-sixth Congress, and Governor Grout also incorporated the same proposition in the bill which he introduced at the same session. All of us who are interested in this legislation united in support of the Grout bill, which passed the House last year. I have watched the growth of public sentiment throughout the country in favor of this legislation, and notwithstanding the protests of the gentlemen from the cotton-seed and cattle-raising districts, I am firmly of the opinion that its enactment into law will be of material benefit to the people of the country.

This has been called class legislation. I deny that assertion, unless we are to understand from that term that this legislation is demanded by a very large class of all the people in the country. It has been suggested that this legislation is in the interests of the "butter trust." I deny that assertion, unless the 5,000,000 individual farmers owning cows and producing butter from as many individual farms can be called a trust. That the producers of butter are interested in this legislation there is no doubt. They have a right to be interested and they have a right to be heard on this floor. They do not ask us to destroy any legitimate industry. They do say to us, and they have a right to say to us, that their industry shall not be destroyed by any illegitimate means. One gentleman the other day criticised those of us who favor this measure and insinuated, if he did not say, that we are influenced by unworthy motives.

I have no criticism to make to the position of any man upon this measure. You who are opposed to it are undoubtedly representing the wishes of your constituents. You who come here from districts where the people are engaged entirely in the production of cotton and are anxious to have a market for cotton-seed oil undoubtedly represent the wishes of your constituents in opposing this measure. You who come from districts given over to grazing and the raising of cattle undoubtedly represent your constituents in opposing this measure. I believe you are mistaken in what you think the effect of this legislation will be on your people. I believe the passage of this measure will not result in injury to your constituents, but, on the contrary, will be very much to their benefit. However, I do not criticise the position you take.

I accord to you the same right which I claim for myself. I represent a district which is largely interested in the dairying industry. I have a map here which represents the butter and cheese industry of the State of Wisconsin. The red dots on this map show the cheese factories and the black dots the creameries. If you look at this map, gentlemen, you will see to what extent the dairy interest has been developed in our State. You will find that during the last year there were in operation 1,186 creameries, which produced 80,000,000 pounds of butter, valued at $16,000,000, and 1,575 cheese factories, which produced 60,000,000 pounds of cheese, valued at $6,000,000 Wisconsin produces one-fourth of all the butter produced in the United States, and I think, gentlemen, that I have a right to stand on this floor and in this presence say to you that the dairy interest of Wisconsin is not only entitled to be heard but is entitled to have such legislation as will enable it to compete with the honest dairy products of other States, and not have the market stolen from it by a false and fraudulent imitation. [Applause.]

Mr. KLEBERG. The most forcible argument we have heard in opposition to your position is that the poor people who live in the cities are denied the opportunity of buying oleomargarine for consumption by their families. Now, before you sit down, suppose you elucidate this proposition, that there is nothing in your bill that prevents the poor man in the city from buying oleomargarine uncolored and color it at home if he deems proper.

Mr. DAVIDSON. He would have a perfect right to do that if he does not color it for the purpose of selling it to some one else to make a profit thereby.

Mr. SLAYDEN. What percentage of olemargarine is uncolored?

Mr. DAVIDSON. A very trifling per cent.

Mr. SIMS. I would like to ask the gentleman a question.

Mr. MANN. Will the gentleman permit me to make another inquiry in the line of the question that has just been asked?

Mr. DAVIDSON. Yes.

Mr. MANN. On the question that the poor man can not buy uncolored butter. Under your bill, if it is passed, there will have to be a retail license of $48 a year, and he can not buy it unless he buys it from a wholesaler, who is compelled to pay a large wholesale license. The manufacturer of uncolored and the manufacturer of colored oleomargarine must also pay a large license. You

do not pretend to take off any of that in the interest of the poor man?

Mr. DAVIDSON. No; because the manufacturer of oleomargarine can pay that license and still make a good profit.

Mr. MANN. Nobody who manufactures oleomargarine will agree with you in that.

Mr. DAVIDSON. Wait just a moment. I want to answer the gentleman from Illinois. I will read from a pamphlet sent broadcast by the Standard Butterine Company, of Washington, D. C. It is a prospectus of the company, in which they give the cost of the production of oleomargarine and in which they say that for each 100 pounds of oleomargarine manufactured the oleo oil will cost $3.04; neutral lard, $1.44½; cotton-seed oil, 85 cents; milk, 17 cents; salt, 3½ cents; moisture, 10 pounds. Water costs nothing. I suppose they get it out of the Potomac.

Mr. MANN. That will color the oleomargarine.

Mr. DAVIDSON (continuing). Labor, parchment paper, tubs, $1.38; internal revenue, 2 cents per pound, $2; total cost, $8.92 for 100 pounds.

Mr. MANN. The gentleman knows that the same man can make figures which would show that a man could make a fortune in farming.

Mr. FEELY. Mr. Chairman, the gentleman from Wisconsin just stated that he was the pioneer of this legislation; we all admit that he was the gentleman who first sought out the proposition of the 10-cent tax. Can the gentleman enlighten this House now on the question as to whether that 10 cents is to be for revenue purposes or a repressive tax, as stated before the committee by the ex-governor of Wisconsin?

Mr. DAVIDSON. Oh, yes; I can do that, and I will not hesitate to say that it is for the purpose of suppressing an illegitimate industry.

Mr. ALLEN of Kentucky. Then why not embody that in the title to the bill?

Mr. DAVIDSON. Because it is not necessary. I believe this is the only way you can prevent the fraudulent practice of imposing on the people something they do not ask for. I believe when you add 10 cents to the cost of colored oleomargarine you put it so high that you take away from the retailer the incentive to commit fraud. When you have done that you have practically prevented the fraud, and after that oleomargarine—if people want it, and I presume some do, and if people like it, and I have no doubt some do—will be sold for what it is. If people want it and want to buy it, they will buy it uncolored, because color is not a natural part of the product. It does not belong there in any way. There is not a thing that goes into the manufacture of oleomargarine that gives it a yellow color or a yellow shade. They have substituted something absolutely foreign to the product itself for the purpose of giving it a shade which would enable somebody along the line to sell it for butter.

Mr. FEELY. Will the gentleman deny that the element of color enters into the taste of butter; that it enters into the palatability of butter?

Mr. DAVIDSON. Certainly I deny it; I do not believe it at all.

Mr. FEELY. Why, then, do you color butter?

Mr. DAVIDSON. I have been told they do it to give uniformity of shade. There is this fact that should be borne in mind: That no butter produced from cream will ever be white. You can call it winter butter, or white butter, but if you put it beside a white sheet of paper you will find it has a yellow shade. The shade varies all the way from bright yellow in June, which is produced by green grass and sunshine, and nothing else in the world, down to the light shade of winter butter.

You follow that all the way through, step by step, and you will find that the shade of color varies only according to the food the cow is fed upon. If you go back to the small farmer in the country who is poor and keeps only one or two cows, who cures his hay dead dry and feeds it to the cows in the winter without any grain or corn meal, you will find that he produces very nearly white butter. It will not be absolutely white, but it will be close to it. But if you feed the cows as progressive farmers now do, with ensilage made of green corn, clover, and other products, and which is cured so that it is practically green when fed in the winter, you will get yellow butter at that season.

Mr. SIMS. Will the gentleman allow me right there?

Mr. DAVIDSON. Yes.

Mr. SIMS. Take butter made each month in the year and blend it, and you would get the average color, would you not?

Mr. DAVIDSON. Yes.

Mr. SIMS. Then for eleven months in the year you color it to the color of the butter for one month?

Mr. DAVIDSON. The gentleman will not find in actual experience any two creamery men who give their product a bright yellow June color. They do not do it. You can not sell January-made butter for June butter.

Mr. SIMS. Then why color it? Why not sell it on its merits?

Mr. DAVIDSON. Because it is a matter of taste. People have got into the habit of having the butter colored, and they want a uniform shade.

Mr. SIMS. Now, to be honest, if I want January butter, why not make every man sell the butter in the color it is when he manufactures it and not attempt to bolster up one industry over the prostrate form of another?

Mr. DAVIDSON. Because January butter will sell itself.

Mr. SIMS. Not if you color it, it will not.

Mr. DAVIDSON. If you go into any grocery store in the city of Washington and put last June butter beside January butter, you or any other man can tell the difference. Butter has a flavor of its own. You can not substitute anything that will have the same flavor; and you can not give the flavor of new butter to old butter.

Mr. McCLEARY. Will the gentleman allow me a single remark? The coloring is not for the purpose of making the buyer think that the butter is June butter——

Mr. DAVIDSON. No, sir.

Mr. McCLEARY. Because the article would bring a lower price if it were known that it was June butter.

Mr. SIMS. I would like to ask the gentleman from Minnesota [Mr. McCLEARY] a question.

Mr. DAVIDSON. He has just left the Hall.

Mr. SIMS. Very well, then, let me put the question to the gentleman from Wisconsin [Mr. DAVIDSON]. Why is butter colored any other color than the natural color if the object is not to make it appear to greater advantage than it would without the coloring matter?

Mr. DAVIDSON. The natural color of butter is yellow. The only object of having coloring matter is to give a uniformity of shade. There is not a creamery in the United States producing butter that will produce from the cream as obtained from the farmers the same shade of butter one day with another.

Now, the creamery has a market. It sells its product at a certain place, and in order to give the uniformity of color which the customers expect the makers put in coloring matter which will give the butter that uniformity of color day by day. The object is not to make January butter look like June butter, because that is the worst thing that the maker could do. No man would take fresh January butter and add coloring matter to it and then advertise it as butter which was made in June. Neither can you take old butter made in the winter and by adding coloring matter sell it for fresh June butter. It is not for the purpose of changing the butter in any way that the coloring matter is added. It is not for the purpose of selling it for oleomargarine. It is not for the purpose of imposing it on the consumer for something which it is not. It is butter all the time, no matter what its shade or color may be.

This distinction should always be borne in mind. When you add coloring matter to butter, the product is still butter, and must be sold as such. When you add coloring matter to oleomargarine you intentionally give it an unnatural appearance, and, while it is still oleomargarine, it need not be sold as such. The coloring matter, although it does not change the product, does change its appearance, and this change of appearance makes the deception possible. The coloring matter is not added to oleomargarine to give it flavor, or even uniformity of shade, but in order that it may at all times so closely resemble the shade of fresh butter that it can be sold as such. Mr. Moxley's advertisement shows that it is necessary to have the shade different at different seasons of the year.

Mr. MANN. I understood the gentleman to say that cows fed upon dry hay give milk which produces nearly white butter——

Mr. DAVIDSON. Yes, sir.

Mr. MANN. But if the cows are fed upon a high class of grain the butter will be more highly colored?

Mr. DAVIDSON. If the cow is fed upon the proper kind of grain, it improves the color of the butter.

Mr. MANN. Is it not a fact that in cream which comes from cattle fed upon a high grade of grain there is a larger percentage of butyric acid than where the cow has been fed upon dry hay?

Mr. DAVIDSON. Yes, sir.

Mr. MANN. And is not the object in coloring butter to produce the impression that the butter is produced from cows fed upon grain which has a large percentage of butyric acid, and is not the purchaser thereby defrauded?

Mr. DAVIDSON. Not at all. It is impossible to produce any deception in that way, because the flavor and the aroma of butter advertise it for what it is, and no man can be deceived in that respect.

Mr. MANN. Does the gentleman claim that the ordinary purchaser of butter can tell by the aroma whether it is butter artificially colored or whether it is butter which has the natural color?

Mr. DAVIDSON. Ordinarily he can tell whether it is colored or not by its appearance, and the flavor and aroma will tell its other qualities.

Mr. MANN. Well, in the business of my life I have found that I can not tell.

Mr. MOODY of Massachusetts. Allow me to ask the gentleman from Wisconsin [Mr. DAVIDSON] a question. I understood him to admit that the purpose of this tax is to destroy a fraudulent industry.

Mr. DAVIDSON. Yes, sir.

Mr. MOODY of Massachusetts. That is an object for which, of course, we all stand. Now, the question upon which I would like to hear the gentleman is whether the power of taxation is a proper agency with which to accomplish even so desirable a purpose as that which he has stated.

Mr. DAVIDSON. I think it is.

Mr. MOODY of Massachusetts. Is it not a dangerous method to adopt?

Mr. DAVIDSON. No; it is not dangerous. It may be severe, but experience has shown that when you have dangerous elements to deal with you are compelled to resort to severe measures. When an industry defies every species of legislation, when an industry defies the laws of 32 States and goes to its customers and says to them, "We will protect you; we will stand back of you; we will pay your fines; we will pay your costs of prosecution," it becomes so dangerous to the community that severe legislation is justified.

Mr. MOODY of Massachusetts. The gentleman's idea is that you can not enforce the law unless you do employ taxation for the purpose?

Mr. DAVIDSON. No; it is the only power.

Mr. LITTLEFIELD. You mean you can not accomplish the purpose?

Mr. DAVIDSON. That is the idea. You can not accomplish the purpose without it.

Mr. LITTLEFIED. Your idea is that the other laws have proved to be nugatory. That is the theory?

Mr. DAVIDSON. Absolutely nugatory and ineffectual for the purpose.

Mr. MOODY of Massachusetts. I will say to the gentleman that I asked the question for information. I voted for the bill before.

Mr. SNOOK. The gentleman has shown by the map which he has exhibited here that the State of Wisconsin is one of the largest dairying States in the Union.

Mr. DAVIDSON. One of them.

Mr. SNOOK. It has been stated by gentlemen on the floor of this House that there has been an immense lobby in Congress on behalf of the dairymen of this country to secure the passage of this measure. Is it not a fact that in the production of butter milk is one of the principal factors in the cost, and that the farmers occupying the various farms around these dairies are the people who own the cows and sell the milk to the dairymen?

Mr. DAVIDSON. Yes.

Mr. SNOOK. Therefore the people who are interested in the passage of this measure are the farmers and not the men from the factories.

Mr. DAVIDSON. The farmers are the ones who are interested, and I am glad the gentleman called my attention to it, because I know of no lobby in behalf of this bill in any offensive sense. I do not know what the gentleman referred to when he referred to the lobby that was crowding the corridors. There have been representatives of the National Dairy Union, a voluntary organization of men interested in this industry, from different States of of the Union here. There have been representatives here who have advocated the passage of the bill, who have appeared before the committee and argued for it, the same as the oleomargarine manufacturers have had representatives here who have appeared before the committee, and I presume have walked through the corridors and argued against it. It is no reflection on them.

Mr. MANN. Will the gentleman permit me to ask him one more question?

Mr. DAVIDSON. Yes; if I may have the time. I have taken more time than I intended to.

Mr. MANN. I do not suppose there is anyone on the floor of the House who has given greater consideration to the subject than the gentleman who has the floor.

Mr. DAVIDSON. I thank the gentleman, but many gentlemen have given it as much or more study than I have.

Mr. MANN. I ask this question because I have more faith in the gentleman's judgment than in the judgment of any others whom I have heard speak on this point. Is it your opinion that this bill, if enacted into law, will increase the price of butter?

Mr. DAVIDSON. I have never believed it would to any great extent.

Mr. MANN. If it does not increase the price of butter, how will it benefit the dairymen?

Mr. DAVIDSON. Simply because it puts them on a plane of equality. It will widen the market unless your contention is true that the people who are eating oleomargarine are doing it knowingly, intentionally, and with the desire to eat it. If they do, then there will be just as much oleomargarine made hereafter as there is now, and the butter market will not be extended at all, and there will not be any change in the price of butter. If it is not true, and if, as it is claimed, a fraud is perpetrated upon the people in the sale of the colored article, then if we stop that fraud there will not be as much oleomargarine used, and for a time the price of butter may be increased; but just as soon as you have done that you will find that the people will more extensively produce butter. A larger number of people will engage in the butter industry, and the result will be that there will be a greater production, and the price will be regulated thereby. Now, that is my theory on all of these propositions.

Mr. MANN. I asked the gentleman a question, because I have faith in him and faith in his ability and frankness. Irrespective of the general benefit to the country, which the gentleman has just stated, I would like his opinion as to whether this will increase the price of butter if enacted into law. If it will not increase the price of butter, who does it benefit? The man who now makes the butter?

Mr. DAVIDSON. It may for a short time increase the price of butter. I do not believe it will be very much, or for a very great length of time, because I believe the butter market, like every other market or anything else, is regulated by the law of supply and demand. But I believe that if the farmers of Wisconsin who are engaged in the butter business knew that it would not increase the price of butter one-fourth of 1 cent they would be just as much interested in having me urge the passage of the bill because they want everything to stand upon its own merits.

Mr. MANN. They desire to prevent the consumer from being defrauded.

Mr. DAVIDSON. They desire to prevent a fraudulent article taking the place of their honest product.

Mr. MANN. That is in the interest of the consumer, because if it does not affect the price to the seller, why, it does not make any difference to him.

Mr. DAVIDSON. It is in the interest of the consumer, of course, but also in the interest of the producer.

Mr. MANN. Does not the gentleman think it remarkable that in a matter of this kind, where the consumers of oleomargarine are mostly found in the large cities, that there is no member upon the floor of this House from a large city advocating the passage of the bill?

Mr. DAVIDSON. I think you will find members from cities advocating the bill, not those from the vicinity of the stock yards of Chicago, but from other cities.

Mr. MANN. No man from any large city has thus far advocated its passage.

Mr. DAVIDSON. I am from a city of 30,000, and I am satisfied the people of my city favor the passage of this bill.

Mr. SLAYDEN. You made a statement, if I did not misunderstand you, that even if this measure would not increase the price of butter a fraction of a cent, that still, in the interest of honesty, the farmers of Wisconsin would like to see the bill passed.

Mr. DAVIDSON. Yes, sir; I believe that.

Mr. SLAYDEN. Then, how do you reconcile that with the statement of the head of the dairy organization, ex-Governor Hoard, when this bill was under consideration, when he said it was to drive the oleomargarine people out of the business?

Mr. DAVIDSON. I do not think ex-Governor Hoard was correctly quoted or understood.

Mr. SLAYDEN. The stenographer caught him exactly.

Mr. DAVIDSON. The same statement was made as to Mr. Adams. You will find, however, that in his remarks he was then talking about the sale of oleomargarine for butter, and it was that illegitimate industry he proposed to stamp out.

Mr. SLAYDEN. They correctly quoted Governor Hoard, and his language admits of no other construction.

Mr. DAVIDSON. I have not examined the matter, but I have no doubt that is what he meant.

Mr. COWHERD. I have the language here.

Mr. SNOOK. I would like to ask the gentleman this question, if he will permit me.

Mr. DAVIDSON. Certainly.

Mr. SNOOK. I would like to ask him how this affects the farmer? Is it not a fact that while heretofore the sale of oleomargarine has been almost wholly within the large cities, would not the sale of it reach into the little country towns and take the market which the independent farmer is now having for himself?

Mr. DAVIDSON. They are doing that now.

Mr. SNOOK. Then, will not the passage of this bill maintain for the independent farmer the market that he now holds for his butter?

Mr. DAVIDSON. Undoubtedly.

Mr. Chairman, I have taken much more of the time of the

House than I intended to take. I have tried to answer the questions propounded to me fairly and honestly. I am in favor of this measure because I believe it is a meritorious one; because I believe no injury can be done to any legitimate industry, while, on the other hand, its passage will afford protection to the consumers and to the producers of dairy products. This legislation is demanded by the producers of butter. They represent a very large proportion of the taxpayers of the country. They do not enjoy the benefits of our national protective system as much as do those who are engaged in manufacturing. Their benefit comes largely from the fact that a home market is provided for the products of the farm. That home market they think they are entitled to supply with whatever it demands. They claim the right to furnish butter to those who want to use it, and in their name and in their behalf I appeal to you to pass this bill. [Loud applause.]

Rural Free-Delivery Service.

SPEECH

OF

HON. ASBURY F. LEVER,

OF SOUTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, March 8, 1902.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 11728) to classify the rural free-delivery service and fix the compensation to employees thereof—

Mr. LEVER said:

Mr. CHAIRMAN: My district is almost entirely agricultural. Its people live on the farm, and their daily bread comes from the soil. I am a country boy, sent here in a large measure by country boys, therefore I feel a peculiar interest in the fate of the bill under present consideration, for it directly and materially affects the large majority of my rural constituency. I believe I represent the mind of the country people of my district when I rise here to protest against the passage of this bill, whose object is to revolutionize the existing system of rural free delivery, putting it under the contract system—in the same category with star-route delivery, whose miserable inefficiency has been so keenly felt by our people.

Rural free delivery under the present system is eminently satisfactory to the rural population of the country receiving its service. No word of criticism has ever come from those who have once felt its beneficent effects. The carriers are polite, efficient, and accommodating to the patrons of the service, and are, possibly, to a larger degree than any other cause, responsible for the increasing popularity of the service.

Until February 1 of this year, carriers were selected upon the recommendation of Congressmen. The Department, however, concluded it was for the best interest of the service to divorce it as much as possible from politics, and to that end promulgated certain regulations governing the appointment of carriers on rural routes. These regulations, in brief, require a kind of civil-service examination of the applicants for carrier on a given route, and the appointment is made in accordance with the results shown by the examination. It is provided by these regulations that, all things being equal, one of the persons nominated by the petitioners for an initial service will be given preference by the appointing power. This puts the matter of selecting carriers as nearly in the hands of the people whom they are to serve as it is possible at this time to get it. This is about as fair as it can be made, and is entirely democratic in idea. It removes the system as far away from politics as it is possible to take it without completely denying to the carriers their inalienable political rights.

The bill brought in here by the Post-Office Committee proposes to revolutionize all this, and substitute for it the contract system of selecting carriers. It is proposed to abolish this system which is doing such a splendid work and give us in its stead the contract system—a system whose skirts in the past have been soiled by corruption and fraud, and whose practical workings, even now, are in many cases disgraceful. I honestly believe the adoption of the contract system will, if it does not entirely destroy the rural-delivery service, at least greatly hamper its development and the spread of its benefits; and it is as the friend of the rural-delivery service, believing in its right to live because of its inherent merit and works, that I oppose this bill.

There is another reason why I am afraid of this bill, and that is its strongest advocate has never by his action on the floor of this House shown himself a friend of rural delivery, and when he stands here now and protests that he is introducing and pushing this measure in the interest of the rural service, I take his word with no little suspicion. I always examine the food in the spoon handed me by my enemy, and most especially so when he "doth protest too much" about the great good it is going to do me. Men do not put themselves to the trouble to aid a service which they do not like, and when I see the distinguished chairman of the Post-Office Committee arguing with such zeal for the contract system on the ground that it will help the free-delivery service, I am forced to think of the well-known tale of the spider and the fly. Our friend weaves a beautiful web and sings a siren song, but they will fail to catch. The fly has learned his lesson by experience, and such lessons are never forgotten.

Mr. Chairman, it will not be amiss to review briefly the history of rural delivery in order that we may form a better idea of the possibilities of its ultimate development if left undisturbed by hostile legislation.

Europe has known the service for long years, and it has there reached a very high stage of development, giving to the people unequaled postal facilities.

Its struggle to get a foothold in this country is but the struggle of every advanced idea to take root in unplowed ground. It had a hard birth, and, in fact, it seemed at one time that false prophets would stifle it.

Its first appearance upon the floor of this House brought down upon its head the wrath of the great Post-Office Committee, then headed by the Hon. John S. Henderson, who denominated it a scheme entirely visionary and wholly impracticable, to inaugurate which it would cost $20,000,000. In 1894—remember, that was only eight years ago—Postmaster-General Bissell—and the scales have not yet fallen from his eyes—absolutely refused to spend the appropriation of $10,000 which Congress had made for the purpose of having the feasibility of the plan tested, on the ground that such expenditure of public money was wasteful and unwarranted. The Hon. William L. Wilson, the author of the Wilson tariff bill, and a man of great ability, succeeded Bissell. Congress, at its next session, insisted that the Department make some experiment with rural free delivery, and doubled the appropriation of the preceding Congress.

Postmaster-General Wilson, who was skeptical of the practicability of the system, found an excuse for not making the experiment. All along Congress seems to have foreseen the development of the plan, for it kept doubling the appropriation for experimentation each year, making it $40,000 in 1896. There was no other alternative for the Postmaster-General but to follow the expressed wish of Congress, and accordingly he took steps to test the system, giving to the work the scanty enthusiasm of a disbeliever. Forty routes, in different parts of the country, and without any regard whatever to local conditions, were selected, and the service put into operation. Many of these routes were failures because of the lack of knowledge and system attending their inauguration. But where the conditions were about average country conditions, the service became very popular, and the people in adjoining territories petitioned largely for its extension.

The Hon. Perry Heath became First Assistant Postmaster-General, and at once began an investigation of rural delivery. Young, brainy, active, and energetic, he dared give the system a fair trial, and since that time it has won its own way, inspiring its friends with courage and striking terror to the hearts of its enemies. The First Assistant Postmaster-General became its most enthusiastic friend. In his able report following his experiments, he says: "The operation, in connection with the establishment of rural free delivery, had attracted so little attention that it was almost with surprise that I learned that there was such an experiment in progress and that Congress had made an appropriation of $50,000 to give it further test.

"An examination of the reports on file led to the conclusion that great possibilities of social, industrial, and educational development lay behind the projected extension of postal facilities in rural communities, and that with proper care in the selection of localities the service could be extended far and wide with great benefit to the people and without any serious tax upon the revenues of the Government, inasmuch as the increase of postal business which had hitherto followed the granting of additional postal facilities in every well-selected route would go far toward the payment of the extra expense incurred," etc. Here is the optimism, the enthusiasm of a man, the greater part of whose life lay in front of him. He was strongly supported in Congress. It was my own distinguished predecessor who made the fight to double the appropriation for the fiscal year 1897-98, and each Congress has added its endorsement of the system by increasing the appropriation from year to year.

Thus we trace the legislative and departmental trials of the service. Looking at the system as it at present stands developed, we can hardly believe that it could ever have had arrayed against it the judgment and wisdom of a great House committee and two succeeding Postmaster-Generals. But it has lived amid all these drawbacks, making friends each day and hour.

Mr. Chairman, let us see how well the system has lived and to

what purpose. Remember, it is only ten years ago when the Post-Office Committee set the seal of its condemnation on the scheme. It is only six years ago when Postmaster-General Wilson was driven into making the experiment. It is only five years ago when it was taken up by its first real friend in the Post-Office Department. It is only three years ago when there were only 383 routes in operation, of which South Carolina had 21. Note this wonderful growth. It is unequaled in the postal history of the world.

In December, 1901, there were 6,009 routes in operation, supplying over 4,000,000 of our rural population with an efficient daily mail service. The First Assistant Postmaster-General, in his report, estimates "that at the end of the present fiscal year rural free delivery will be in successful operation over not less than 8,900 routes, serving a farming population of 5,700,000." What a marvelous story of postal development! How almost impossible to realize its magnitude! The justice so long denied the farmer is at last within reach! It has come as a result of advanced civilization, as one of the mighty strides in the grand march of progress! From the shunned and abused outcast, it has risen to that point of power where the Congress, the Department, and the President are glad to be numbered among its devotees. The farmer for once in his life is in the saddle, and he is there to stay!

The system is here to stay. There will be no backward step. The people, having felt its beneficent influence, will not do without it. And I want to say to that man who is foolhardy enough to stand up here and by vote or act, directly or indirectly, oppose free delivery or attempt to hamper it in its operation, that it would pay him to choose his pallbearers now, for he is going to have a political funeral in his district this fall.

It is hardly necessary, Mr. Chairman, for me to go into an elaborate enumeration of the blessings which the system is bringing to the farmer. It is giving him the best mail facilities he ever had, and adding value to his farm lands by putting them in touch with the markets of the world, thus making them more attractive to reliable and intelligent renters.

It is becoming a potent factor in the good road making of the country and promises to go far in the solution of that question. It is making his home happier and his family more contented and satisfied with farm life. It gives to him the daily market reports, enables his wife to find the best market days for eggs and butter and the small pickings around the farm, and gives the daughter the best days for frills and flounces. But above and beyond all these, it teaches the farmer's son the independence and respectability of farm life—a lesson of incalculable value to the boy himself and the boy's country. It is instructing, educating the farmer, bringing him in touch with the best literature and thought of the world, giving him an insight into the past and capacitating him to prognosticate the future. It is breaking down the artificial barriers and prejudices of society, bringing the people to a better knowledge and fuller appreciation of each other, widening the horizon of their vision and broadening their ideas. It is second only to the college and pulpit as an educational and moral factor.

Yet this system, with all these blessings to the farmer, is inexpensive from a comparative point of view. The gain in postal revenue from the added postal facilities in well-regulated routes—and the better regulated the routes, the greater the increase of revenue—is significant of the fact that the expense of operating the system will never become dangerously large and will become proportionately less and less as the system is perfected and improved by experience.

This, then, is the system. It is cheap, satisfactory, and popular. Hardly a day passes that petitions for the service no not reach me, and the only complaint that I have to make is that we can't get it fast enough. There are petitions from my district now which have been awaiting the action of the Department for nearly twelve months, and I find such cases are not confined alone to me, but are quite general with the members.

I have never heard but one complaint from the patrons about the service, and that was in reference to the price of boxes. I think the Government should set a maximum price of not exceeding $1 in any case for boxes, and my colleague [Mr. JOHNSON] has given notice that he will offer an amendment at the proper time to effect that end. The people should get the boxes at exactly what they cost.

Mr. Chairman, I have gone thus lengthily into the birth and development of the system in order that we may the more clearly discuss the advisability of grafting it onto another and entirely different system. Shall we run the risk of ruining a system, now so satisfactory and efficient, by attempting to run it by the machinery of an entirely different system? Will the contract system give to the people the efficient service which the present system is giving them? I believe not.

We have had, and are having, practical demonstrations of the relative merits of the two systems in South Carolina. The contract system in my part of the country has not only proven a failure generally, but in many cases it is an actual disgrace to the Government. I have seen the rickety cart; I have seen the mule so poor that you could count his ribs a hundred yards away; I have seen the sleepy negro, perched up in the one and occasionally grumbling his commands to the other, delivering the mail to the people in my district, and I have involuntarily said every time I have seen such a spectacle: "Deliver us from such a service!" This is the contract system as it is most generally known with us, and it is to this that the advocates of this bill, if successful, will bring the rural delivery service. The routes will be let to the lowest responsible bidder, and the responsibility of the bidder is to be passed upon by a partisan judge of responsibility. In other words, two men of like character, having equal facilities to perform the contract, each having the unanimous indorsement of the patrons of the route, happen to bid for the same route. One is a Democrat and the other is a Republican.

The Postmaster-General, who, under the terms of this bill, is to be the judge of the comparative responsibility of the bidders, is a Republican. Is it unreasonable to expect him to think the Republican is the least bit more responsible than the Democrat? The Department is the absolute judge of the responsibility of bidders, and it is most certainly within the range of possibility that some of our routes would be served by carriers of such color and character as would not for a moment be tolerated by their patrons. The carrier becomes a daily visitor to the homes of his patrons. In his official capacity he must necessarily come in contact with the members of the family. Such a man ought, above all things, to possess a high degree of moral character, having the entire confidence of his patrons. Is it possible, at all times, to get such a man under the contract system? Would the people be satisfied to allow the kind of carrier already referred to as a possibility under the contract system to enter their homes and to come in contact with their wives and children?

There is the danger in the contract system, and it does not exist in the system as we now have it, for under the present arrangements the petitioners nominate a number of men, any of whom would be acceptable to them, from whom, after an examination, the special agent selects a carrier. So that under the present system there is no danger of having objectionable carriers forced upon the patrons of the rural delivery routes. Under the contract system we may get good men, for there are a good many contract carriers down there who are good men, some of them my friends, or we may have thrust upon us carriers whom we would be afraid to allow in our homes. The possibility of this danger lies in the one system and does not in the other, and I am not willing to run the risk by passing this bill.

We can not get as good service under the contract system as we can under the present system, because the same motives actuating special effort on the part of carriers under the salaried system will not exist under the contract system. The carrier under the present system is the direct agent and appointee of the Government. He is, in fact, a governmental official, subject to its discipline and immediate control; he holds his commission at the pleasure of the Department, and is directly responsible to it for every act in connection with his work; he is selected because it is thought he will give the people the best possible service; he knows the tenure of his position depends upon the character of the service given the patrons of his route; he knows the Government demands of its employees the best service of which they are capable; he knows also that if he fails in the discharge of his duties he can be immediately disciplined by the Government, and if the case warrants it he can be discharged and the route put into the hands of another.

A person knowing these things will most likely use his best efforts to please the patrons of his route and thus please the Government. Such a man will spare no pains to accommodate his patrons, will make no hesitation in going out of his way to do little kindnesses and providing himself with every convenience which may add to the efficiency of his efforts and to the commendation which he hopes to get from his patrons. The result of this personal and immediate responsibility of the carrier to the Government is seen in the high personnel of the rural carriers now in the service. In my district we have a very high type of men carrying the mail. There are in the service ex-college men, schoolteachers, farmers, and the sons of farmers, and merchants. They come from that great class in society which has ever been its safest bulwark, and their intelligent zeal in their work is winning for themselves and the system the unstinted praise of its patrons.

No such a service, nor such a class of carriers, could be gotten under the contract system, where the contractor or carrier owes no responsibility to the Government and is out of reach of its authority. So long as he keeps within the letter of the contract—and it is the spirit of the contract which gives it life—the discipline and control of the Department are inadequate to reach him for any lack of accommodation or for any slight but annoying

failure to do the full measure of his service to the patrons. He is a contractor—a lowest bidder. He is awarded the contract because he is the lowest bidder. The sharp competition for these routes will necessarily leave but a narrow margin of profit for the successful bidder, each bidder making the very closest calculations as to the probable cost of doing the work.

The consequence must be that the successful bidder is going to squeeze every point in order to get every cent out of his contract which its terms will admit. He is going to serve the route with the least possible expense to himself. He will give the people the cheapest service, and that means the most inefficient and the least satisfactory service. Short cuts will be in order, little accommodation, cheap equipage, and a lack of personal pride upon the part of the carrier in his work. The splendid service now being given to the people will be degraded to the pretense of the service, in so many instances, given under the star route or contract system. Under the proposed arrangement the carrier may be guilty of the most flagrant and violent inattentions and the Government can not get rid of him, except by giving him a reasonable notice and then discharging him. The route must again be let to the lowest bidder, the same possibilities of danger as in the first case being always present. The confusion resulting from such a change must always work to the detriment of the service and the injury of the patrons.

The contract system will put the service on a different salary basis in different parts of the country. In the North, where the standard of wages is higher and where cheap labor is not so common, the unit of salary for given districts will be one amount, while in the South, where the standard of wages is lower, in consequence of the white bidder having to compete with the negro bidder, the unit will be a much smaller sum. Because of the peculiar conditions existing in the South, where there is such a large population with such a low standard of living, giving rise to such a low standard of wages, a 25-mile route will be served on a $200 or a $300 basis, while in the other parts of the country, where these unfortunate conditions do not prevail, a $750 or $800 basis would exist. So that a Southern white man would have to do a certain amount of work for two or three hundred dollars, while white men in other parts of the country would be doing exactly the same service, no more nor no less, for seven or eight hundred dollars.

I do not propose by any vote of mine to open the door for any such discrimination against our people, either as to the salaries paid them for their services or as to the efficiency of the service afforded them by the Government. If this discrimination, in favor of one locality against another, is not the purpose of the framers of this bill, and there is strong circumstantial evidence that it is, it will at least have this effect.

Mr. Chairman, it is a principle running all through the postal service that wherever the mail is handled individually a salaried officer is necessary. When the mail is handled in bulk it is usually done by contract. The mail comes to the railroads and steamboats in great bulk, and mail transport is under the contract system. So it is with the star-route contract. The mail comes to the carrier in locked pouches, and is so delivered to the postmasters at the other end of the line, and he never handles it personally. But when the pieces of mail are handled individually the necessity for the salaried officer arises and the principle above referred to—and it is a century old—is applied.

Thus it is with the railway mail clerk who assorts the mail on the train. He is paid a salary. So, too, it is with the postmaster who comes in personal contact with his patrons. He is on a salary basis. The carriers for cities, doing individual work, have the same principle applied to them. If the Post-Office Committee would be consistent, it would favor putting all carriers and all postmasters under the contract system, and thus relieve itself of the charge of discrimination against the rural carriers, who are walking postmasters with a larger responsibility than the railway mail clerk, the city carriers, or the postmasters. Let the committee be consistent. Let us feed all our children with the same kind of a spoon, always equally filled.

Mr. Chairman, one of the two arguments I have heard in favor of the passage of this bill is that it is in the interest of economy. No man can be a true Democrat who is not also an economist in the expenditure of the people's money. It is one of the strong pillars in the Jeffersonian creed. It is a cardinal doctrine of the Democratic party, and the one thing upon which we all agree. I don't believe the change will effect the economy claimed by its friends. Any reduction in the cost of carrying the mail in the South will be offset by the increase for carrying it in the North and East, and the South will be the loser, both in the way of reduced salaries and efficient service. The friends of the bill are forced to this dilemma—either the change will not effect an economy, in which case there is no need for the change, or else it will result in economy, in which case it must follow that the present high efficiency of the service will be impaired, for no one can afford to work day in and day out, twelve months in the year, feeding a family, furnishing his outfit, giving his labor for any less sum than that now given the carriers.

The moment you reduce their salaries that moment you strike a blow at their capacity for doing first-class service. It is against what must be an inefficient service in the South, if this bill passes, that I protest. I object to Congress forcing upon our farmers a cheap service. If you can not give us the best service, don't give us any. If you can't give us what you give the cities, we don't want anything. We are entitled to as good service as this great Government can give, and this is all we are asking for. It is strange to me that Members can not correctly spell the word "economy" until the friends of the farmer ask some recognition of his rights. Then the word stands out before their eyes in blazing letters and their mouths overflow with it.

This Congress appropriates over fifteen and one-half million dollars per annum to furnish free delivery for 886 cities and towns, and none of these "economists" who go into hysteria at the idea of spending four or five million per annum to give the country people a daily mail service open their mouths to say it; nay! These same gentlemen, who now want to begin their economy on the farmer, are silent as a midnight graveyard when it comes to voting $60,000,000 for river and harbor purposes, or expending millions to carry on the damnable outrages in the Philippines. No word of protest comes from him, save when the farmer asks for something; then the erstwhile indifferent and napping statesman becomes a raving, ranting, hair-tearing economist. You are willing to vote your taxes and duties upon us, but you are not willing to divide the benefits of the Government with us.

If it is right to give $15,000,000 to furnish a from three to nine times' daily delivery of mail to our urban population, it is equally right to furnish it to our rural population and the people in small towns; and if it costs the Government something, then let it cost. Either let every man walk to the post-office for his mail or else let the mail come to every man's door. Let us treat them all alike. They are all equally deserving. There are 48,000,000 people in this great land crying out for better mail facilities. The sharp competition in industrial, commercial, educational, and professional life demands it. Our advanced civilization calls for it, and the American Congress is expected to give it. We can not be driven from our purpose by any false cry of economy. Stinginess is never economy.

Mr. Chairman, there is one other argument the friends of this bill use—that it will place upon the Government an army of salaried officers, who will have the power to organize themselves and coerce Congress into doing their bidding. Judging the future by the past, I don't believe there is any danger from this source. There is already an army of salaried officers in the United States in every department of the Government, and they have never marched up Capitol Hill to overawe Congress into raising their salaries to an unreasonable extent. There are over 16,000 carriers now in our cities. They have never organized to coerce Congress, nor do I believe they could coerce Congress if they did organize for that purpose; neither do I believe the rural carriers can force Congress to do anything not in keeping with its best judgment concerning the public interest.

I like political life, as do most young men, and I would like to stay in Congress a while, but I want to say that whenever I feel myself so weak in backbone that I am not able to stand up and resist the fleecing of my constituents because I am afraid of the fleecers, whenever I am not strong enough to protest against the robbery, no matter how strong and influential the robber, then I will go home and let a man come here who does have the backbone.

I have a splendid set of carriers in my district, and I will do all that I can for them. I am willing to give them fifteen days' annual leave—all they ask for—because all other governmental employees are getting more than this, and I see no reason for discriminating against the country boy. But there is a limit to which I am willing to go in helping them, and that is marked by the point where it begins to hurt the people, and I don't believe they are going to ask me to go beyond that point.

As before said, there are over 16,000 city carriers getting anywhere from eight hundred to a thousand dollars year for eight hours' daily service.

A MEMBER. Eight hundred dollars to $1,400.

Mr. LEVER. The salary of city carriers, I am informed, ranges from $800 to $1,400. I ask why it is that the Post-Office Committee is not solicitous about them? Why single out the farmers to economize on, and why single out the rural carriers as such a dangerous political weapon? Is he more dangerous than the city carrier?

But suppose that he does become a partisan in politics, is there any assurance that we can obviate this danger by putting him under the contract system? You can not padlock men's mouths any more than you can stifle the impulses of their consciences. But the truth is there is less political danger from the carrier under

the present system than there would be under the contract system, because under the contract system the carrier is responsible to no one save himself, and there is no one to call a halt upon his pronounced partisanship, while the rural carrier is now under the civil-service provisions, subject to the discipline of the Government and to a possible discharge for pernicious political activity under the recent Executive order. The danger must come from the contract carrier, not the rural carrier.

Now, Mr. Chairman, I have the greatest sympathy for my political friends, and especially my friends from the West, who are so afraid of the rural carriers. One of the first lessons I was taught in politics—and I am not so young in politics as I look to be, I am older than I appear—one of the first lessons the leaders of my party in South Carolina taught me was to cast my eyes westward. They told me that we were going to see a light in the West. Democratic hope was high, the pulse beat strongly, I turned my youthful eyes in that direction and sure enough there was a light like a burning brush heap there, sputtering high in the air and giving much promise of success. I have been looking in that same direction ever since, and it has been getting darker, the light has been growing less and darker, and less and darker for Democracy, until at last my eyes see only darkness and dreariness over there. I wish we could save our friends of their unreasonable fears in respect to the supposed dangers that lie in the continuance of the present system of rural delivery. The hobgoblin they are conjuring up is purely an imaginary creature, unwarranted by the facts and the logic of the situation. The more you educate the people the less likely they are to be deceived by Republican policies and false teachings. Turn on the light; it will help our Western friends.

To sum up, this bill will not save a single dollar to the people. If it does save a single dollar, it will be at the expense of the efficiency of the service. It will not lessen the dangers from a political point of view; it may put upon our people a cheap service wholly inadequate to their wants; it may place undesirable and worthless carriers upon the routes; it may give white people, negro carriers, and this we will not stand; it will cause a discrimination in salaries against the South in favor of the other parts of the country; it can do no possible good and may do inestimable damage, discrediting, disgracing, and possibly ruining the system. The service is entirely satisfactory, cheap and popular, and will ultimately carry its blessings into the home of every farmer in these United States. There is no demand for the change either from the Post-Office Department or the people themselves. The hand that would interfere with the system as it stands now is either the hand of a blind friend or of an open enemy to the system. A wise policy is: "Let well enough alone." [Applause.]

Indian Appropriation Bill.

SPEECH

OF

HON. CHARLES CURTIS,

OF KANSAS,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, February 18, 1902,

On the bill (H. R. 11353) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1903, and for other purposes.

Mr. CURTIS said:

Mr. CHAIRMAN: In view of the fact that one of the members of the committee during the debate on the Indian appropriation bill criticised the Secretary of the Interior for performing his duty in the collection of taxes in the Indian Territory, I deem it but just and fair to the Secretary to have printed in the RECORD the opinion of the Attorney-General, the opinion of the Assistant Attorney-General, and the decision of the court of appeals of the Indian Territory upon the question of the collection of taxes in that country. A reading of these papers and of the opinion will convince the members of the House that the Secretary is but performing his duty and protecting the interests of the Indian tribes and of the Government of the United States in the collection of taxes from the people doing business in the Indian Territory.

The opinion and papers above referred to are as follows:

[Maxey et al. *v.* Wright, United States Indian Inspector, et al. (Court of appeals of Indian Territory, January 6, 1900.)]

INDIANS—OCCUPATION TAX ON WHITE MEN—TREATIES.

1. Under the Creek Indian treaty of 1856 (article 15), guaranteeing to the Creeks, so far as compatible with the Constitution of the United States, the right of self-government and declaring all persons in the Creek Nation without its consent intruders and subject to removal by the Government, except such parties as may be permitted by the Creeks to reside within the nation, a lawyer, who is a white man and not a citizen of such nation, is required to pay an occupation tax imposed by the laws of such nation; and if he refuses payment thereof, he is subject to removal by the Interior Department.

2. Act of Congress June 28, 1898 (30 Stat., 495; Ind. T. Ann. St., 1899, 57q–57z, 91), entitled "An act for the protection of the people in the Indian Territory," though authorizing creation of cities and towns in the Creek Nation and extinguishing Indian titles to lands embraced within such municipal corporations, does not affect the Indians' right of occupancy of the lands, nor the treaties giving them the right to exclude white men therefrom.

Appeal from the United States court for the northern district of the Indian Territory, before Justice John R. Thomas, July 29, 1899.

Action by N. B. Maxey and others against J. George Wright, United States Indian inspector, and others. From an order sustaining a demurrer to the complaint plaintiffs appeal. Affirmed.

W. T. Hutchings and Thomas Marcum for appellants. P. L. Soper, United States attorney, and L. F. Parker, jr., assistant United States attorney, for appellees.

Clayton, C. J. This is an action brought in equity in the United States court at Muskogee, Ind. T., to enjoin J. George Wright, United States Indian inspector for the Indian Territory, and J. Blair Shoenfelt, United States Indian agent for the Five Civilized Tribes, from collecting from plaintiffs, who are all noncitizens of the Creek Nation, and attorneys at law residing in the Creek Nation and practicing law in said court, an occupation tax imposed on them by virtue of the laws of the Creek Nation, which, among other things, provides that a tax of $25 per annum shall be collected from each lawyer residing and practicing his profession in the Creek Nation who is not a citizen of the Creek or Seminole nation. To the complaint the following demurrer was filed: "Come now the said defendants, by Pliny L. Soper, United States attorney for the northern district of the Indian Territory, and demur to the complaint of the plaintiffs, and for ground therefor state (1) that the court has no jurisdiction of the subject-matter of the action; (2) that the complaint does not state facts sufficient to constitute a cause of action against these defendants, or for which any equitable relief may be granted." The court below sustained this demurrer, and, plaintiffs refusing to plead further, the cause was dismissed. Exceptions to the sustaining of the demurrer and dismissal of the complaint were duly saved, and the cause regularly appealed to this court.

It is contended by the appellants, first, that the Creek Nation has no power to enforce this tax on a citizen of the United States residing in that nation, because it is claimed that the Creek Nation is not possessed of such sovereign powers as would permit it to levy a tax upon the person or occupation of any other than its own citizens; and to support this contention we are cited to the opinion of Attorney-General Wirt on the right of the Cherokee Nation to impose a tax on traders (1 Ops. Attys. Gen., 645). This opinion was rendered in 1824, at which time, by virtue of the treaties then existing between the Cherokee Nation and the United States, the Cherokee Nation had relinquished that right. That opinion is based exclusively on the treaty of 1785. The Attorney-General says: "The time has passed away in which it would be tolerated to treat these people as we please because we are Christians and they are heathens. If the tax is to be resisted, we must find some solid ground for that resistance which law and reason will support and which we can justify both toward God and man. If, by the treaties into which they have entered with us, they have debarred themselves from imposing this tax, they can not justly complain if we insist on the fulfillment of these treaties and the withdrawal of the tax as far as it shall be found in conflict with their own stipulations." * * *

Now, the stipulation of the treaty of 1785 is that "the United States in Congress assembled shall have the sole and exclusive right of regulating the trade with the Indians, and managing all their affairs in such manner as they think proper." The right thus conferred on the United States is sole and exclusive. Consequently, neither the Cherokees nor any other nation had the right thereafter to touch the subject which was thus solely and exclusively given to the United States. What was the right thus solely and exclusively given to the United States? The right of regulating the trade with the Indians. What does this mean? The right of regulating the conduct of the citizens of the United States in carrying on this trade? This can not be the meaning, because this right the United States had before, and it required no treaty to give it to them. The treaty meant to give a right which did not exist before, and this could only be the right to prescribe the whole system of regulations, on both sides, under which the trade should be carried on. * * *

But if it were conceded that the Cherokee Nation might prohibit this trade altogether, it would not follow that they might, under these treaties, tolerate it under such regulations as they might institute, for, whether the power of entire prohibition has been given to Congress or not, the sole and exclusive power of regulation has been given to them, and so long as these treaties remain in force it seems manifest that the Indians have no power to interfere with these regulations, either by addition or subtraction; and what is a tax upon persons authorized by Congress to trade without it but a new and distinct regulation superinduced upon the regulations provided by Congress? It is clear that the Attorney-General founds his opinion upon the fact, as he finds it, that the Cherokee Nation had "debarred themselves from imposing this tax." But no stipulation and abrogation of the rights can be found in any treaty between the United States and the Creeks, but, upon the contrary, in all of their treaties with the Government, and more especially by the treaty of 1856 (Revision of Indian Treaties, 111), they have carefully guarded their sovereignty and their right to admit, and consequently to exclude, all white persons except such as are named in the treaty. Article 15 of the treaty reads as follows:

"ART. 15. So far as may be compatible with the Constitution of the United States, and the laws made in pursuance thereof, regulating trade and intercourse with the Indian tribes, the Creeks and the Seminoles shall be secured in the unrestricted right of self-government and full jurisdiction over persons and property within their respective limits; excepting, however, all white persons, with their property, who are not by adoption or otherwise members of either the Creek or Seminole tribe, and all persons not being members of either tribe found within their limits shall be considered intruders and be removed from and kept out of the same by the United States agents for said tribes respectively (assisted, if necessary, by the military), with the following exceptions, viz, such individuals, with their families, as may be in the employment of the Government of the United States, all persons peaceably traveling or temporarily sojourning in the country, or trading therein under license from the proper authority of the United States, and such persons as may be permitted by the Creeks or Seminoles, with the assent of the proper authorities of the United States, to reside within their respective limits without becoming members of either of said tribes."

The last clause of the treaty above set out clearly confers upon the Creek Nation the power of admitting into its territory, with the consent of the proper authorities of the United States, such "other persons" than those named by it; and, if it has that power, it is equally clear that it may prescribe all reasonable terms upon the compliance of which such persons may be admitted or excluded. More especially so when it is remembered that by the provision of the same treaty it is provided that "so far as compatible with the Constitution of the United States and the laws made in pursuance thereof regulating trade and intercourse with the Indian tribes, the Creeks * * * shall be secure in the unrestricted right of self-government; and, further, that all such persons as may be in the Creek Nation without the consent of that nation are deemed to be intruders, and pledges itself to re-

move them." Attorneys practicing in the United States courts are not persons who come within the exceptions, for they are not "in the employment of the Government of the United States," or "persons peaceably traveling or temporarily sojourning in the country, or trading therein under license from the proper authority of the United States."

Article 7 of the treaty between the United States and the Choctaw and Chickasaw nations (11 Stat., 613) is, upon the question here involved, identical with article 15 of the Creek treaty; and the question as to whether these nations had the power to enforce their permit laws was passed upon by Attorney-General Wayne MacVeagh in 1881. He says: "The validity of such permits is recognized by the concluding clause of article 7 of the treaty of June 22, 1855, which is not inconsistent with the terms of the later treaty." (17 Ops. Attys. Gen., 134.) Upon the same subject Attorney-General Phillips, in 1884, says: "In absence of treaty or statutory provision to the contrary, the Choctaw and Chickasaw nations have power to regulate their own rights of occupancy, and to say who shall participate, and upon what conditions, and hence may require permits to reside in the nations of the United States, and levy a pecuniary exaction therefor. The clear result of all the cases, as restated in Beecher *v.* Wetherby (95 U. S., 526; 24 L. Ed., 442), is, "The right of the Indians to their occupancy is as sacred as that of the United States to the fee."

I add that, so far as the United States recognize political organizations amongst Indians, the right of occupancy is a right in the tribe or nation. It is, of course, competent for the United States to disregard such organizations and treat Indians individually, but their policy has generally been otherwise. In such cases, presumptively, they remit all questions of individual right to the definition of the nation, as being purely domestic in character. The practical importance here of this proposition is that in the absence of express contradictory provisions by treaty, or by statutes of the United States, the nation, and not a citizen, is to declare who shall come within the boundaries of its occupancy, and under what regulations and conditions. * * *

(a) Article 7, 1855, secured to the Choctaws and Chickasaws, amongst other things, "the unrestricted right of self-government and free jurisdiction over persons and property within their respective limits, excepting, however, all persons or their property who are not by birth, adoption or otherwise, citizens or members of either tribe," etc.

I submit that whatever this may mean it does not limit the right of these tribes to pass upon the question, who (of persons indifferent to the United States, i. e., neither employees nor objectionable) shall share their occupancy, and upon what terms. That is a question which all private persons are allowed to decide for themselves; and even wild animals, not men, have a certain respect paid to the instinct which in this respect they share with man. The serious words "jurisdiction" and "self-government" are scarcely appropriate to the right of a hotel keeper to prescribe rules and charges for persons who become his fellow-occupants. It is therefore improbable that the above proposition in the treaty of 1855 has any relation to this plain, natural right and natural instinct of an Indian nation. (18 Ops. Attys. Gen., 36, 37.)

We fully agree with these opinions and hold, therefore, that unless since the ratification of the treaty of 1856 there has been a treaty entered into or an act of Congress passed repealing it, the Creek Nation had the power to impose the condition or occupation tax, if it may be so called, upon attorneys at law (white men) residing and practicing their profession in the Indian Territory. And, inasmuch as the Government of the United States in the treaty had declared that all persons not authorized by its terms to reside in the Creek Nation should be deemed to be intruders, and had obligated itself to remove all such persons from the Creek Nation, the remedy to enforce this provision of the treaty was a removal by the United States from the Creek Nation of the delinquent as an intruder. Whether the Creek Nation, since the establishment of courts in the Indian Territory and of the passage of the so-called "Curtis bill," could recover the amount specified by the Creek statute by a proper action in the courts, is not necessarily now a question for us to decide, because the treaty provides a remedy; and whether this remedy is exclusive of the courts or only cumulative is not material.

The superintending control of the Interior Department over the Creeks is nowhere abolished, but on the contrary all recent legislation has confirmed and even enlarged it, leaving all of the powers of that Department of the Government to remove from the Indian Territory for the causes specified by the treaties and statutes as they existed before that time. The act of Congress approved June 7, 1897 (30 Stat., 83), provides "that on and after January 1, 1898, the United States courts in the Indian Territory shall have original and exclusive jurisdiction and authority to try and determine all civil causes in law and equity thereafter instituted, * * * ; and the laws of the United States and the laws of Arkansas in force in the Territory shall apply to all persons therein, irrespective of race, the said courts exercising jurisdiction thereof as now conferred upon them in the trial of like causes."

While it is true that this act had the effect of abolishing the courts of the Indian tribes, which of course included those of the Creek Nation, and of relegating all causes of actions to the United States courts for trial, yet the executive and legislative departments of the Indian governments were retained, and the treaty provisions and intercourse laws and other statutes relating to the Indian Territory remained in full force. The full control of the Indian Department over these Indian tribes as they then existed was not interfered with, nor were the Indian statutes annulled, except in so far as that all jurisdiction was taken from their courts and transferred to those of the United States. The power to remove intruders for the causes assigned by treaty provisions or statutory law still remains, as before, in the Interior Department of the Government, and the act of Congress approved June 28, 1898, entitled "An act for the protection of the people in the Indian Territory, and for other purposes" (30 Stat., 495; Ind. T. Ann. St., 1899, 57q–57z, 91), commonly called the "Curtis bill," from beginning to end recognizes this continued authority of the Interior Department, and in many instances enlarges it.

The contention that the Creek Nation is not now an Indian reservation is not tenable. Whatever effect the Curtis bill may have upon the Creeks, it has not yet been carried into operation, so far as it changes their title to their lands or their tribal relations to the United States. The mere fact that the Creeks are at some future time to hold their lands in severalty, instead of in the name of the nation, or in common, is not incompatible with and does not change the legislation which gives to them the exclusive right of occupancy of their country; nor can it be successfully maintained that, because the United States at one time bought from the tribe of Indians who first occupied that country, thereby extinguishing the then Indian title to this land, and afterwards sold it to the Creeks, giving to them a fee-simple title thereto, therefore it is not in possession of the Creeks as an Indian reservation.

When the Government, in 1825, bought the lands from the Osages, who occupied them under the "original Indian title," they became a part of the public domain, subject to be appropriated by the Government and set aside for Indian reservations, or for any other purpose which it might designate. And by the act of Congress of May 28, 1830 (4 Stat., 411), Congress authorized the President to set it apart for the reception of such tribes of Indians as might be willing to exchange for it the lands where they then resided, and remove upon them. The statute is as follows:

"That it shall and may be lawful for the President of the United States to cause so much of any territory belonging to the United States west of the River Mississippi, not included in any State or organized Territory, and to which the Indian title has been extinguished, as he may judge neccessary, to be divided into a suitable number of districts, for the reception of such tribes or nations of Indians as may choose to exchange the lands where they now reside and remove there; and to cause each of said districts to be so described by natural or artificial marks as to be easily distinguished from every other."

Clearly this is a reservation of so much of the lands as the President might thereafter designate for the purpose set forth in the statute, and pursuant to the change which was afterwards made by which the Creeks surrendered their right of occupancy of the lands they then held in Alabama for those which they now possess. The land was conveyed to them with the limitation that they should not alienate it without the consent of the United States. By numerous treaties and statutes, including the intercourse laws, their right to the exclusive occupancy of the country was assured to them. No white men, except such as were allowed to go upon other Indian reservations, were permitted to enter the Creek Nation.

By the most solemn pledges they were to be protected from the intrusion of white men. But, whether strictly an Indian reservation or not, the Creek Nation is so far clothed with sovereign powers as that the treaties made between it and the United States, until abrogated, are binding; and as already shown, the treaty provides that, as to all but the classes of persons therein designated, the Creek Nation is clothed with the power to admit white men or not, at its option, which, as we hold, gave it the right to impose conditions. Nor does the fact that Congress, by the provision of the Curtis bill, has provided for the creation of cities and towns in this nation and the extinguishment of the Indian title to the lands embraced within the limits of such municipal corporations alter the case, because this provision of that bill has not yet been carried into effect. The Indian title to such lands still remains in them, and it is yet their country. What effect the provision of this statute relating to cities and towns, when fully consummated, may have we do not now decide.

But it is claimed that because Congress has enacted a statute establishing United States courts in the Creek Nation, and as attorneys practicing in such courts are officers thereof, therefore they are excluded from the provisions of the treaty, first, because they are officers; and, second, because, as courts can not perform their duties without the aid of attorneys, they are therefore a necessary and a constituent part of it, and, if taxed, they might refuse to pay and leave the country, or be removed therefrom by the agent, and, as every man charged with crime is entitled to be heard in the courts by counsel, he would be thus deprived of this constitutional right. In ex parte Yale, 24 Cal., 241, the supreme court say:

"An officer, as defined by Webster, is 'a person who performs any public duty.' An attorney at law is not such an officer. And in our opinion he is not an officer in the constitutional sense of the term, and does not hold a public trust. On this point we agree with Justices Crocker and Norton in Cohen *v.* Wright, 22 Cal., 293."

Mr. Justice Platt, in a case relating to an oath of an attorney (In re Oaths to be Taken by Attorneys and Counselors, 20 Johns., 492), says:

"The point is simply whether an attorney or counselor holds an office of public trust, in the sense of the Constitution." * * *

"In my judgment an attorney or counselor does not hold an office, but exercises a privilege or franchise. As attorneys or counselors, they perform no duties on behalf of the Government; they execute no public trust."

Cooley, Taxation, 576, says:

"Practitioners of law and medicine are not uncommonly taxed a specific sum upon the privilege of pursuing their calling for a year or other specified time. Such a tax is not a poll tax, and may therefore be levied when poll taxes are forbidden. Sometimes the tax is graded by the supposed value of the privilege. The right to impose an occupation tax on practitioners of law has been much contested, as being in effect a tax on the privilege of seeking justice in the courts; but it has nevertheless been sustained with only faint dissent."

To the same effect, see Languille *v.* State, 4 Tex. App., 312; Simmins *v.* State, 12 Mo., 271; State *v.* Hibbard, 3 Ohio, 63; Young *v.* Thomas, 17 Fla., 170; Cousins *v.* State, 50 Ala., 115; Wright *v.* Mayor, etc., 54 Ga., 645; Stewart *v.* Potts, 49 Miss., 749; Tied. Lim. 84–101; Weeks, attys. (2d ed.), 41.

In ex parte Williams (31 Tex. Cr. R., 262; 20 S. W., 580; 21 L. R. A., 783), the court say:

"But, conceding them to be officers, still that would be no ground for exemption from taxation. * * * But, in the second place, the contention that the legislature may cripple or destroy the judicial department is more plausible than sound. * * * The objection goes to the existence of the power, rather than to any probability of its exercise. It is, indeed, an objection that could be urged against any exercise of the taxing power. Thus, the legislature ought not to have the power to tax land, for fear it might confiscate; nor personal property, because the tax imposed might exceed its value; nor any occupation, business, or pursuit, because they could be taxed out of existence, and the livelihood of many be destroyed. * * *

"There is certainly no force in the proposition that by the imposition of this tax some defendant may be deprived of counsel. The presumption is absolute, says Judge Deaderick in the Tennessee 'lawyers' tax cases,' that all good citizens will obey their State's laws and pay the taxes imposed. There will always be lawyers who obey the law and pay their occupation taxes. The person accused of crime will always be within reach of lawyers in a position to defend him by reason of having paid their tax. Until the criminal can show that he has actually been deprived of legal counsel by reason of this occupation tax, the lawyer can not interpose this plea, that can only inure to the benefit of the defendant. It is a defense peculiarly personal, and this court would not declare the occupation-tax law unconstitutional on the ground that some criminal might be deprived of counsel by reason of the law, although no such case arose or ever will arise.

"This contention is utterly without foundation, for the reason that this provision was put in the bill of rights, not to operate upon contingencies, but upon actual occurrences; and we have none such here. Many reasons could be urged against this proposition, but it is deemed so frail that it is not necessary to deal with it further than to draw a plain parallel. We might with equal propriety charge the legislature with murder because some person gets snake bitten and can get no whisky to drink for it, and dies on account of the legislature imposing an occupation tax on liquor dealers, as to say that a criminal is deprived of the right of appearing by counsel on account of the legislature placing an occupation tax on lawyers, or might with some propriety accuse the legislature with murder because some persons die on account of a tax on traveling physicians. The cases are about on a par."

We agree with the authorities and hold that attorneys at law are not relieved from the payment of the amount required by the Creek statute for the privilege of remaining and practicing their profession in the Creek Nation because of the fact that they are lawyers. On the whole case we therefore hold that a lawyer who is a white man and not a citizen of the Creek Nation is, pursuant to their statute, required to pay for the privilege of remaining and practicing his profession in that nation the sum of $25. That if he refuse the payment thereof he becomes, by virtue of the treaty, an intruder, and that in such a case the Government of the United States may remove him from the nation, and that this duty devolves upon the Interior Department. Whether the Interior Department or its Indian agents can be controlled by the courts by the writs of mandamus and injunction is not material in this case, because, as we hold, an attorney who refuses to pay the amount required by the statute by its very terms becomes an intruder,

whom the United States promises by the terms of the treaty to remove, and therefore in such cases the officers and agents of the Interior Department would be acting clearly and properly within the scope of their powers.

The complaint challenges the right of the Indian agent to collect this tax, but at the hearing before us this point was waived by appellants in open court because, as stated by their counsel, the object of the suit was to get a judicial determination of the question as to whether, under the law, they were liable at all. We are of the opinion, however, that the Indian agent, when directed by the Secretary of the Interior, may collect this money for the Creeks. The intercourse laws (Rev. Stat. U. S., 2058; Ind. T. Ann. St., 1899, 4268) provide that:

"Each Indian agent shall, within his agency, manage and superintend the intercourse with the Indians, agreeably to law, and execute and perform such regulations and duties, not inconsistent with law, as may be prescribed by the President, the Secretary of the Interior, the Commissioner of Indian Affairs, or Superintendent of Indian Affairs."

In this case the Indian agent was acting in strict accordance with directions and regulations of the Secretary of the Interior, in a matter clearly relating to intercourse with the Indians; and when it is remembered that up to the time that the United States courts were established in the Indian Territory the only remedy for the collection of this tax was by removal and that the Indian nations had no power to collect it except through the intervention of the Interior Department, it is quite clear that if, in the best judgment of that Department, it was deemed wise to take charge of the matter and collect the money and turn it over to the Indians, it had the power to do so under its superintending control of the Indians and the intercourse of white men with them granted by various acts of Congress, and, in our opinion, that power has not been taken away by any subsequent act of Congress or treaty stipulation. The decree of the court below, sustaining the demurrer to the complaint and dismissing the case, is affirmed.

Townsend and Gill, justices, concur.

DEPARTMENT OF THE INTERIOR,
Washington, February 4, 1902.

Hon. CHARLES CURTIS,
House of Representatives.

SIR: Referring to your conversation of yesterday, wherein you handed me a copy of House of Representatives resolution No. 115, apparently relating to the collection in Indian Territory of permit or license taxes from persons not members of the Indian tribes and to the exclusion as intruders of those who, under the Indian laws, are liable for such taxes and refuse to pay them, I beg to say that the Department is acting in conformity to the decision of the court of appeals of Indian Territory, rendered January 6, 1900, in the case of Maxey et al. *v.* Wright, inspector, et al., reported in 54 Southwestern Reporter, page 807; to two opinions of the Assistant Attorney-General for this Department, dated July 13, 1900, copies of which are herewith transmitted, and to the opinion of the then Attorney-General, John W. Griggs, rendered September 7, 1900, a copy of which opinion is herewith inclosed. No one has been called upon to pay such a permit or license tax, except where he was liable therefor under the laws of the nation in whose territory he was carrying on business or practicing a profession, and such persons have been removed as intruders only where, after appropriate and repeated demands, they have refused to pay this tax.

Very respectfully,

E. A. HITCHCOCK, *Secretary.*

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE ASSISTANT ATTORNEY-GENERAL,
Washington, July 13, 1900.

The SECRETARY OF THE INTERIOR.

SIR: I am in receipt by your reference, with request for an opinion upon the legal matters presented therein, of a letter from the Indian Inspector assigned to the Indian Territory, setting forth that certain parties doing business in towns in the Indian Territory have refused to pay the permit tax or license fee imposed by the laws of the several nations, this refusal being based upon the claim that they have purchased town lots and by such purchase have acquired the right to reside within the limits of the nation in which such lots are situated, and upon the further claim that section 14 of the act of June 28, 1898, confers or recognizes such a right of residence within the limits of incorporated cities and towns in the Territory.

The question is not directly as to the right of these people, not citizens, to occupy the property they have bought, but is as to their right to carry on a business in one of those nations without first obtaining a permit therefor, as required by the laws of the nation. The right of these nations or tribes to prescribe regulations requiring those not citizens engaging in business within the nation to pay a permit tax or license fee has been recognized by this Department and sustained by the courts. In the case of Maxey *v.* Wright, decided January 6, 1900 (54 S. W. Rep., 807), the court of appeals of the Indian Territory upheld the right of the Creek Nation to require the payment of such a tax or fee and the power of this Department to take charge of the matter, collect the money, and turn it over to the Indians, or in case of refusal of anyone to pay the same to enforce the penalty of removal prescribed by laws of the nation.

It seems that many persons engaged in business in these nations, especially in the Choctaw and Chickasaw nations, have become purchasers of town lots at sales made under the provisions of the act of June 28, 1898 (30 Stat., 495), and now refuse to pay the tax or fee imposed by the laws of the nations upon noncitizens carrying on business there. Their position is not clearly set forth in the papers submitted, but it seems to be that a lot so purchased is no longer the property of the tribe, and that the owner may conduct on such lot any business that he may see fit to engage in. The purchase of a town lot does not make the purchaser a citizen of the nation within whose boundaries such town may be located, nor does it necessarily operate to confer upon him a license to follow a pursuit in disregard of the laws of the nation requiring a noncitizen to secure a permit before engaging in such business. In the case of Maxey *v.* Wright (supra) the court declared it unnecessary to then decide as to the effect of the law of June 28, 1898, authorizing the sale of lands in cities and towns upon this question, saying:

"Nor does the fact that Congress, by the provisions of the Curtis bill, has provided for the creation of cities and towns in this nation and the extinguishment of the Indian title to the lands embraced within the limits of such municipal corporations alter the case because this provision of that bill has not yet been carried into effect. The Indian title to such lands still remains in them, and it is yet their country. What effect the provision of this statute relating to cities and towns, when fully consummated, may have, we do not now decide."

Important changes have been made both as to the conduct of the internal affairs of these nations and as to their relations with the outside world. These changes are largely the result of the law of June 28, 1898, supra, which, among other things, provides a plan by which lands in cities and towns may be sold to others than citizens of the nation. As said before, a purchase of such lands does not, however, give the purchaser any special privilege or benefit in the manner of engaging in business in such nation. Such a purchaser bought the property with the knowledge of the provisions of the tribal law and the conditions imposed thereby upon anyone wishing to engage in business in such nation and that he could remain within the boundaries of such nation and occupy the property thus purchased only in conformity to and compliance with the laws of that nation.

The contention that the purchase of a town lot in one of these nations exonerates a noncitizen wishing to engage in trade or business from compliance with the laws of such nation and gives him a license to engage in business therein in defiance of such laws can not be sustained. A noncitizen has, in this respect, the same status after such purchase as he had before, and must afterwards, as before, meet the requirements of law if he desires to engage in business there. He is also subject to the same penalty for refusal to comply with the law after such purchase as he was before. If there is any hardship in the matter it does not grow out of conditions arising subsequently to his purchase, as there has been no change in the laws of any of said nations in this respect since provision was made for the sale of town lots. He voluntarily placed himself in the position he occupies and must bear the incident responsibilities.

The question as to the powers and duties of this Department in the premises is necessarily presented. Relative to that question the court in the case of Maxey *v.* Wright (supra), used the following language:

"On the whole case we therefore hold that a lawyer who is a white man and not a citizen of the Creek Nation is, pursuant to their statute, required to pay for the privilege of remaining and practicing his profession in that nation the sum of $25; that if he refuse the payment thereof he becomes by virtue of the treaty an intruder, and that in such a case the Government of the United States may remove him from the nation, and that this duty devolves upon the Interior Department. Whether the Interior Department or its Indian agents can be controlled by the courts by the writs of mandamus and injunction is not material in this case, because, as we hold, an attorney who refuses to pay the amount required by the statute by its very terms becomes an intruder, whom the United States promises by the terms of the treaty to remove, and therefore in such cases the officers and agents of the Interior Department, would be acting clearly and properly within the scope of their powers."

At another place the court said:

"We are of the opinion, however, that the Indian agent, when directed by the Secretary of the Interior, may collect this money for the Creeks. * * * In this case the Indian agent was acting in strict accordance with the directions and regulations of the Secretary of the Interior in a matter clearly relating to intercourse with the Indians. And when it is remembered that up to the time that the United States courts were established in the Indian Territory the only remedy for the collection of this tax was by removal, and that the Indian nations had no power to collect it except through the intervention of the Interior Department, it is quite clear that if, in the best judgment of that Department, it was deemed wise to take charge of the matter and collect this money and turn it over to the Indians, it had the power to do so under the superintending control of the Indians and the intercourse of white men with them granted by various acts of Congress, and, in our opinion, that power has not been taken away by any subsequent act of Congress or treaty stipulation."

The powers and duties of this Department in the premises are so fairly set forth and defined by this language as to justify its adoption by the Department as a correct statement thereof. The statements are as applicable now as when that decision was rendered, and are as true of all the nations as of the Creek.

Section 14 of the act of June 28, 1898, authorizes the incorporation of cities and towns in the Indian Territory, making the provisions of Mansfield's Digest of the Statutes of Arkansas applicable, and further provides as follows:

"All elections shall be conducted under the provisions of chapter 53 of said Digest entitled 'Elections,' so far as the same may be applicable; and all inhabitants of such cities and towns, without regard to race, shall be subject to all laws and ordinances of such city or town governments, and shall have equal rights, privileges, and protection therein. Such city or town governments shall in no case have any authority to impose upon or levy any tax against any lands in said cities or towns until after title is secured from the tribe. But all other property, including all improvements on town lots, which for the purposes of this act shall be deemed and considered personal property, together with all occupations and privileges, shall be subject to taxation. And the councils of such cities and towns, for the support of the same and for school and other public purposes, may provide by ordinance for the assessment, levy, and collection annually of a tax upon said property not to exceed in the aggregate 2 per cent. of the assessed value thereof, in manner provided in chapter 129 of said Digest, entitled 'Revenue,' and for such purposes may also impose a tax upon occupations and privileges."

These are provisions for establishing and maintaining municipal governments enacted to meet the changed conditions in the Territory, and while they recognize the right of persons not citizens of the tribe or nation to reside in such towns, to participate in such governments, to enjoy the benefits and protection thereof, and also their liability to contribute by payment of taxes to the expenses of such government, they do not relieve such persons from observance of and compliance with the laws of the nation. The payment of a license fee imposed by a municipal government upon a certain occupation would not relieve one of the obligation to pay a like fee imposed by the State government. While the relations between these municipal governments and the Indian nation are perhaps not precisely the same as those ordinarily existing between a city and the State, yet they are so similar that the same rule obtains. As said before, the question is not as to the right of noncitizens to reside in these towns, but is as to their right to carry on a business in the nation in violation of the laws thereof. The provisions of said section 14 do not in my opinion operate to relieve inhabitants of cities or towns in these nations from the payment of the permit tax or fee prescribed by the laws of the nation in which such city or town may be located.

The papers submitted are herewith returned.

Very respectfully,

WILLIS VAN DEVANTER,
Assistant Attorney-General.

Approved July 13, 1900.

THOS. RYAN, *Acting Secretary.*

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE ASSISTANT ATTORNEY-GENERAL,
Washington, July 13, 1900.

The SECRETARY OF THE INTERIOR.

SIR: I am in receipt of your letter of the 6th instant, requesting an opinion upon the legal matters presented by a letter of the Commissioner of Indian Affairs "relative to the refusal of certain noncitizens residing at Ardmore, Chickasaw Nation, to pay their tribal merchandise tax." The question, as formulated by the Commissioner of Indian Affairs and quoted in your letter of reference, is as follows:

"Whether or not, in view of the fact that the Choctaw and Chickasaw agreement provides that the Choctaw and Chickasaw tribal governments 'shall continue for the period of eight years from the 4th day of March, 1898,' and that section 26 of the Curtis Act provides, 'That on and after the passage of this act the laws of the various tribes or nations of Indians shall not be enforced at law or in equity by the courts of the United States in the Indian

Territory,' it is incumbent on the Government to collect or assist in collecting taxes from merchants and others in accordance with the laws of the Choctaw and Chickasaw nations."

It is believed that the opinion rendered to-day upon a former reference involving the same questions with respect to the Indian nations generally in the Indian Territory answers the question here submitted as to the Choctaw and Chickasaw nations, and the papers submitted are herewith returned with a reference to that opinion.

Very respectfully,

WILLIS VAN DEVANTER,
Assistant Attorney-General.

Approved:

THOS. RYAN, *Acting Secretary.*

DEPARTMENT OF JUSTICE,
Washington, D. C., September 7, 1900.

The SECRETARY OF THE INTERIOR.

SIR: I have the honor to reply to your note of August 13, 1900, requesting my official opinion upon several questions there stated, arising from conditions now existing in the Indian country, occupied by the Five Civilized Tribes of Indians, and which conditions are stated, in substance, thus.

Without referring specially to the tax legislation of these Indian nations, they generally require that persons not citizens, or members of any Indian tribe who reside or carry on certain kinds of business within their limits, shall procure and pay for a permit or license to do so.

Many persons of this description have bought, under the act of Congress referred to below, lots in the towns and cities in these nations, and many of them are engaged in mercantile, professional, and other kinds of business, and refuse to pay such tax, claiming, among other reasons, that the act of Congress referred to in authorizing the sale of such lots to persons not Indians or connected with any tribe has recognized this right to so purchase and to reside and carry on business on said lots, and has exempted them from such tax.

In addition to this, vast herds of cattle owned by persons not citizens of such nation nor connected with any Indian tribe are, by their owners, kept and grazed upon the public lands of these nations, and the owners refuse to pay the tax imposed on account thereof; and the questions propounded relate chiefly to the power and duty of the Department of the Interior to enforce payment of these taxes, and to remove from the limits of such nation as intruders those who refuse payment thereof. On account of the number of persons, the vast amount of property, and the consequences involved, the question is, as you suggest, one of great magnitude and importance.

Without referring specially to the different treaties with these Indian nations, it may be stated that they provide that all persons not citizens of such nations or members of any Indian tribe found within the limits of such nation should be considered as intruders, and be removed from and kept out of the same by the United States. From this class of intruders are excepted the employees of the Government and their families and servants, employees of any internal improvement company, travelers and temporary sojourners, those holding permits from any of the Indian tribes to remain within their limits, and white persons who, under their laws, are employed as "teachers, mechanics, or skilled in agriculture."

It is apparent, therefore, that, save the excepted classes, no one not a citizen or member of a tribe can be lawfully within these limits without Indian permission; and equally apparent that all may be so with such permission. And it follows that the same power that can refuse or grant such permission can equally impose the terms on which it is granted.

So far as concerns the Choctaw and Chickasaw nations (and the same rule applies to the others), this question was passed upon by my predecessor, Attorney-General Wayne McVeagh, who held (17 Ops., 134) that such permit and license laws with their tax were valid and must be enforced. The same doctrine was held by Acting Attorney-General Phillips in 16 Ops., 24. Both these opinions are cited by the court of appeals of Indian Territory in Maxey *v.* Wright (54 S. W. Repr., 807), which distinctly affirms the validity of this legislation. I quite agree with these opinions, and have no doubt that it is competent for those Indian nations to prescribe the terms here being considered upon which they will permit outsiders to reside or carry on business within their limits.

Nor does the act of June 28, 1898 (30 Stat., 495), either deprive these nations of the power to enact such legislation or exempt purchasers of town or city lots from its operation.

This was also decided in the case last referred to. So far as affects any question here, that statute provides a plan for the organization of cities and towns, for the sale of town and city lots, and the extinguishment of the Indian title. This last has not yet been consummated, but, as said by the court in Maxey *v.* Wright, supra, decided January 6, 1900, "the Indian title to such lands still remains in them and it is yet their country."

But, however this may be, and even if the Indian title to the particular lots sold has been extinguished, and conceding that the statute authorizes the purchase of such lots by any outsider and recognizes his right to do so, the result is still the same, for the legal right to purchase land within an Indian nation gives to the purchaser no right of exemption from the laws of such nation, nor does it authorize him to do any act in violation of the treaties with such nation. These laws requiring a permit to reside or carry on business in the Indian country existed long before and at the time this act was passed, and if any outsider saw proper to purchase a town lot under this act of Congress, he did so with full knowledge that he could occupy it for residence or business only by permission from the Indians.

I do not say that Congress might not violate its treaty promises and authorize the outside world to enter upon and occupy the lands of the Indians without their consent, but do say that provisions very different from any contained in this act would be required to justify the imputation of any such intention. All that this act does in this respect is to give the consent of the United States to such purchase with the assumption that the purchaser, if he wishes to occupy, will comply with the local laws, just as in other cases. The United States might sell lands which it holds in a State, but it would be a strange contention that this gave the purchaser any immunity from local laws or local taxation. The case is much like that of a Federal license to manufacture and sell spirituous liquors, which, while good as against the United States, confers no right where such manufacture and sale are forbidden. This act was passed with the full knowledge of these laws of the Indian nations approved by the President and having the full force of laws, and had Congress intended to nullify these laws or take away the power to enact them, or to exempt the purchasers of lots or any other persons from their operation, it is quite safe to say it would have done so by provisions very different from these in the act of 1898.

The treaties and laws of the United States make all persons, with a few specified exceptions, who are not citizens of Indian natives (nations) or members of an Indian tribe and are found within an Indian nation without permission intruders there, and require their removal by the United States. This closes the whole matter, absolutely excludes all but the excepted classes, and fully authorizes these nations to absolutely exclude outsiders or to permit their residence or business upon such terms as they may choose to impose; and it must be borne in mind that citizens of the United States have as such no more right or business to be there than they have in any foreign nation, and can lawfully be there at all only by Indian permission; and that their right to be or remain or carry on business there depends solely upon whether they have such permission.

As to the power or duty of your Department in the premises, there can hardly be a doubt. Under the treaties of the United States with these Indian nations this Government is under the most solemn obligation, and for which it has received ample consideration, to remove and keep removed from the territory of these tribes all this class of intruders who are there without Indian permission. The performance of this obligation, as in other matters concerning the Indians and their affairs, has long been devolved upon the Department of the Interior. This power and duty are affirmed in the two opinions referred to and as directly in Maxey *v.* Wright, supra. In that case it was said on page 812:

"Upon the whole case we therefore hold that a lawyer who is a white man and not a citizen of the Creek Nation is, pursuant to their statutes, required to pay for the privilege of remaining and practicing his profession in that nation the sum of $25; and if he refuses the payment thereof he becomes, by virtue of the treaty, an intruder, and that in such a case the Government of the United States may remove him from the nation; and that this duty devolves upon the Indian Department."

And in another place—

"We are of the opinion, however, that the Indian agent, when directed by the Secretary of the Interior, may collect this money for the Creeks * * *. In this case the Indian agent was acting in strict accordance with directions and regulations of the Secretary of the Interior, in a matter clearly relating to intercourse with the Indians."

That the United States has the power to perform its treaty stipulations in this regard can not be doubted; and as already said, and in the opinions referred to and above quoted, the execution of that power and duty devolves upon the Interior Department.

This power of removal is expressly conferred by Revised Statutes, sections 2147 to 2150 inclusive with the right to use the military force of the United States, when necessary for its accomplishment. And a power of this nature carries with it the duty of its exercise.

But as to persons other than purchasers of town or city lots, residing or carrying on business thereon, no question arises under the above act of 1898, and persons who are pasturing cattle upon, or otherwise occupying part of the public domain of either of these Indian nations, without permission from the Indian authorities, are simply intruders and should be removed, unless they obtain such permit and pay the required tax, or permit, or license fee.

In one of the questions submitted, you ask, whether your department has "authority in the case of a merchant refusing to pay such tax, to close his place of business, or to remove his stock of merchandise beyond the limits of the nation?"

To this I answer, your Department may and should remove such merchant unless he has a permit to reside or remain there, and close his place of business and his business, unless he has a permit to carry it on, in all places where such permit is required by law. The question of the right to remove his stock of merchandise beyond the limits of the Indian nation is a different and more doubtful one. While he has no right to remain or carry on business there without a permit to do so, his want of right to keep his goods there or the right of the Department to remove them is not so clear. While the law excludes him and authorizes his removal, it does not do so expressly, at least as to his goods. And as the whole evil which is sought to be remedied is so done by the removal of the owner and the closing of his business, it is recommended that his goods be permitted to remain, if he so desires.

Your question whether the lands of any Indian nation in which a town or city is situated will cease to be Indian country, etc., when the lands in such town or city are sold, is not one involving any present existing question or one which I am authorized to answer.

Your last question asks: "What is the full scope of the authority and duty of the Department of the Interior in the premises under the treaties with these nations and the laws of the United States regulating trade and intercourse with the Indians?"

As applicable to the cases here in hand, which is as far as I am authorized to answer the question, and which is designed also as a comprehensive answer to all the other questions save the one last referred to above, it may be said generally that the authority and duty of the Interior Department is, within any of these Indian nations, to remove all persons of the classes forbidden by treaty or law, who are there without Indian permit or license; to close all business which requires a permit or license, and is being carried on there without one; and to remove all cattle being pastured on the public land without Indian permit or license, where such license or permit is required; and this is not intended as an enumeration or summary of all the powers or duties of your Department in this direction.

In view of the number of persons, the magnitude of the interests involved, and also as tending to a more ready and better adjustment of the difficulties, it is suggested that public notice be first given to all persons residing or carrying on business without an Indian permit or license, where, for such residence or business, such permit is required, that unless such permit or license be obtained by a short day to be named, such persons will be removed and such business closed; and in case of cattle pastured, without permission where permission is required, such cattle will be removed from within the nation.

I return herewith the printed copy of the constitution and laws of the Chickasaw Nation, transmitted with your note.

Respectfully,

JOHN W. GRIGGS,
Attorney-General.

War Revenue Taxation.

SPEECH
OF
HON. WILLIAM C. LOVERING,
OF MASSACHUSETTS.

IN THE HOUSE OF REPRESENTATIVES,

Monday, February 17, 1902,

On the bill (H. R. 10530) to repeal war-revenue taxation, and for other purposes.

Mr. LOVERING said:

Mr. CHAIRMAN: What the people of the country want, sooner or later they are sure to get, and woe betide the party that throws itself across the path when the bugle call of public sentiment sounds "on to victory."

There is no mistaking the temper of the people at this moment.

They demand that something shall be done for Cuba, and done promptly. For my own part, I believe that the ultimate solution of the Cuban question is annexation, but the time has not yet come for it. The initiative must come from Cuba herself, and it is doubtful whether this will come until she has had an opportunity to try her hand at self-government.

Meantime we owe something to her and can not stand her off by dangling before her eyes the glittering advantages of American citizenship.

If Cuba is ever to be territory of the United States, her people must be captivated by ministering to her self-interest and material prosperity. The same stroke by which we delivered her from her oppressors cut her off from the chief market for her products. We are absolutely and morally bound to make some terms by which she can enter our markets. I believe this can be done.

We are told on the one hand that anything less than 75 per cent reduction in the tariff on her sugar will be of no avail to the Cuban planters, and on the other hand we are told that any reduction will ruin the cane and beet sugar growers of this country. Now, I doubt both of these statements. I believe the truth lies between them, and some intermediate ground can be found that will be fair and yield some profit to both.

The Republican party in the end always does the right thing. It is not given to indecent haste, nor thrown out of its course by unseemly clamor, but it seldom fails to obey the imperative commands of a great aroused public sentiment.

If I thought for one moment that this bill was brought in here to prevent or delay favorable action regarding Cuba, I should vote against it. I do not believe that there is any such purpose in the minds of the committee, and I am therefore willing to give my vote for the bill and hope it may pass.

Rural Free Delivery.

SPEECH

OF

HON JOHN H. SMALL,

OF NORTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, March 10, 1902.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 11728) to classify the rural free-delivery service and fix the compensation to employees thereof—

Mr. SMALL said:

Mr. CHAIRMAN: The general interest of the country and of this House in the rural free-delivery service has been attested by the length of the debate upon the pending bill. The general debate, extending throughout several days, was remarkable in the fact that advantage was not taken of the rules which permitted discussion upon other subjects, and that each gentleman confined himself to the merits of the measure. No one has indicated his opposition to the continuance and development of this service, but with unanimity they have lauded its merits and encouraged its development throughout the rural sections of this great country. There have been, however, two discordant notes to disturb the harmony. Some of our Democratic members, particularly from the Western States, have expressed the fear that the carriers under this service would be appointed from the dominant party, and that they would use their positions in a partisan spirit in Congressional and other elections, and thus would be built up another potential machine, tending to thwart the will of the people and to defeat Democratic candidates. I would not minimize the evil results which would follow if this prophecy should be fulfilled, and if no remedy was proposed to check this evil I should be the more inclined to be influenced by such arguments.

Since the 1st day of February the appointment of carriers has been under the classified civil service, and their appointment has been subject to civil-service examination, both as to their character and competency and acceptability. The professed object is not only to maintain and elevate the character of the service, but to make it entirely nonpartisan. If this result shall follow, then the ominous prediction of a partisan political machine will fail to materialize, and the probability of a proper and nonpartisan administration of the civil-service rules is only to be considered. My past environment and associations have not tended to impress me most favorably with the administration of the civil-service regulations, and yet my experience as a member of this House and my closer observation of the vast and intricate machinery of this Government have convinced me that the administration of its affairs would be greatly improved if we had an honest civil service, administered by capable and conscientious officials and applicable to the bulk of the clerical and subordinate positions under the Government.

It appears that I must select between the contract system for the appointment of carriers, under which the service shall be let to the lowest bidder and which would, in my judgment, demoralize and weaken its efficiency, and the appointment of carriers under the provisions of the civil service, and paid a salary at least somewhat commensurate with the labor involved and the competency and character required. I prefer the latter alternative as promising better results for the development and extension of the service. I believe that the members of this House and their constituents will have the fullest opportunity to observe its administration, and their interest in the service will not only induce them to be vigilant but to be critical of any maladministration. I am of the opinion that members of Congress and their constituents have it in their power to enforce the proper administration of civil service in their respective districts. The principles of the civil service have grown so steadily in the esteem of a large body of our citizens and have been ingrafted so strongly into our governmental policy that no Administration, however partisan, could afford an exposure of any flagrant violations. Speaking for the present Administration, I prefer to believe that President Roosevelt is honest in his expressed sentiment to enforce an efficient civil service, and such belief is justified not only by his utterances but by his past official acts.

The other note of dissatisfaction to which I refer presents to my mind a more serious condition. I advert to the complaints relating to the unfair distribution of the service throughout the country. In the last report of the First Assistant Postmaster-General upon the subject of rural free delivery I find a rule adopted for the establishment of this service, and I quote therefrom: "Inasmuch as it has been and is a physical impossibility to establish all the service applied for as rapidly as the people desire, the Department has aimed to make an equitable distribution of the service among the States and Congressional districts on the basis of 50 per cent of the applications filed." I do not believe this is the fairest method of distributing this popular service throughout the country. Local conditions in some States tend to increase the number of applications. To illustrate, in one locality the public roads may be in better condition, the population may be more dense, the proportion of illiteracy may be less, and the proportion of favors received from the Government heretofore may have been in some sections so small as to create little hope of favorable consideration in answer to petitions. While all this is true, yet in the less-favored localities the necessity for this service may be equally as great.

Again, it is contended that even this rule adopted by the Department has in some States been more honored in the breach than in the observance. I shall append to my remarks a table showing by States and Congressional districts the number of representatives under the new apportionment, the petitions for rural free-delivery service received, the routes established, adverse petitions, petitions pending, and routes ordered, but not established. This table shows the condition of rural free-delivery service throughout the country up to February 1, 1902. I call attention to the disproportion of the service in several of the States. In California, 150 petitions have been received and 96 routes established; in Connecticut, 165 petitions have been received and 112 routes established; in Maryland, 236 petitions have been received and 181 routes established; in New Hampshire, 121 petitions have been received and 86 routes established; in North Carolina, 398 petitions have been received and 56 routes established. By an examination of the table of the Congressional districts in each State the unequal distribution will be more apparent.

The rural free-delivery service was established for the benefit of rural communities, and the only fair ratio of distribution would be in proportion to the rural population of the several States and Congressional districts. It was for the purpose of overcoming this well-founded objection to the present administration of the service that I introduced earlier in the day an amendment which was intended to equalize the benefits of the service among all the rural communities. I will read again the amendment proposed, as follows:

The Postmaster-General shall establish rural free-delivery service in the several States in the proportion, or as near as may be, which the rural population of each State shall bear to the aggregate of the rural population in all the States, and the same ratio shall be observed as far as practicable in the establishment of such service in the several Congressional districts of each State: *Provided*, That if the applications on file for such service from any State or district are not sufficient to enable the Postmaster-General to maintain the ratio herein provided, then he may establish the service in other States, observing the same ratio as far as may be practicable.

I was gratified at the large vote in favor of the amendment, but was distinctly disappointed at the fact that gentlemen upon the other side almost unanimously voted against it. Their action gives color to the charge which has been made that they are not willing that this service shall be distributed impartially over the entire country. I do not wish to be a prophet of evil, but I feel very sure that the sentiment in favor of such a provision in the law will continue to grow until the people will demand such

legislation of their representatives. It can not be said that the amendment is impracticable, because it specifically provides that the Postmaster-General shall not be compelled to observe this ratio of distribution unless petitions are actually on file from the States and Congressional districts, and have been investigated by special agents and favorably recommended. Thus if any section fails to receive the benefits of the service, they will be made to understand that such failure is not due to any partiality or discrimination, but to their own dereliction. Thus the subject will be brought to the homes of the people of such sections and the necessary conditions for the establishment of rural free delivery will be impressed upon them. Such a provision in the law would be an additional incentive to the building of good roads and to their maintenance and improvement and the more intelligent of the people would be induced to disseminate information as to the service and to convert all doubters of its benefits.

I do not wish to be understood as making any captious criticism of the officials of the Post-Office Department who have had the responsibility of the establishment of this service and under whom it has grown and multiplied and popularized itself among the people. I can appreciate how difficult it is for a Government official to withstand the importunities of an influential Senator or Member of Congress of the dominant party, who are constantly demanding the introduction of this service into their States and districts. It may be that almost unconsciously the evil to which I advert has grown and gotten beyond the control of the Department officials. This condition must necessarily continue as long as the Department has the liberty of exercising discretion in sending special agents into Congressional districts and States. It would not only be in the interest of the service and promote its healthy growth, but the existence of a law controlling the distribution of routes would be an actual relief to the Post-Office Department. While rural free delivery has passed its experimental stage and is now a permanent feature of the postal system of our country, yet Congress must continue to exercise a fostering care. We must not only be content to make an annual appropriation, but such laws must be framed as are dictated by wisdom and experience.

Congress is now enjoying an opportunity to bring some of the benefits of this great Government to the homes and firesides of the farmers. We have done very little, comparatively, for this class of people, and unfortunately there are very few laws which bring to them positive benefits. We can best serve the agricultural interests of the country by avoiding the enactment of any law for the benefit of other classes or which discriminates against the farming interests. Therefore, when this opportunity is offered for their benefit, it is not only the duty, but it should be the pleasure of Congress to give them the very best service possible under existing conditions. We must not only provide competent carriers and pay them a proper compensation for the service, we must not only provide proper schedules and most convenient routes, but we must so distribute this service that the charge of discrimination shall cease. It will be many years before every rural community shall have the benefit of free delivery of mails at their homes, but we can at least show them that the benefits of the service are being extended equally to all communities and to all States. [Applause.]

APPENDIX.

RURAL FREE DELIVERY.

List of petitions received, routes established, adverse petitions, petitions pending, routes reported favorably but not yet established, by States and districts.

[February 1, 1902.]

BY STATES.

State.	Apportionment of Representatives in Congress under last census.	Petitions received.	Routes established.	Adverse petitions.	Petitions pending.	Routes ordered but not established.
Alabama	9	133	43	16	74	0
Arizona	0	5	2	0	3	0
Arkansas	7	42	15	2	25	0
California	8	150	96	19	35	0
Colorado	3	73	38	11	24	0
Connecticut	5	165	112	9	42	2
Delaware	1	43	20	5	18	0
Florida	3	5	1	1	3	0
Georgia	11	641	173	108	363	2
Idaho	1	26	12	0	14	0
Illinois	25	1,539	548	65	860	66
Indiana	13	1,055	561	76	395	23
Indian Territory	0	0	0	0	0	0
Iowa	11	1,461	698	70	673	20
Kansas	8	948	443	49	455	1
Kentucky	11	114	20	9	82	3
Louisiana	7	10	5	2	3	0

List of petitions received, routes established, adverse petitions, petitions pending, routes reported favorably but not yet established, by States and districts—Continued.

BY STATES—continued.

State.	Apportionment of Representatives in Congress under last census.	Petitions received.	Routes established.	Adverse petitions.	Petitions pending.	Routes ordered but not established.
Maine	4	161	89	16	39	17
Maryland	6	236	181	15	28	12
Massachusetts	14	123	72	9	39	3
Michigan	12	1,038	374	34	587	43
Minnesota	9	566	231	17	301	17
Mississippi	8	34	2	1	30	1
Missouri	16	859	333	36	473	17
Montana	1	14	1	1	12	0
Nebraska	6	510	195	24	289	2
Nevada	1	0	0	0	0	0
New Hampshire	2	121	86	13	14	8
New Jersey	10	102	55	14	32	1
New Mexico	0	3	0	0	2	1
New York	37	882	438	45	352	47
North Carolina	10	398	56	22	312	8
North Dakota	2	31	10	9	4	8
Ohio	21	1,503	629	78	748	48
Oklahoma	0	49	9	0	40	0
Oregon	2	88	28	4	56	0
Pennsylvania	32	760	417	48	285	10
Rhode Island	2	23	14	2	6	1
South Carolina	7	319	140	55	124	0
South Dakota	2	119	45	1	64	9
Tennessee	10	510	226	41	233	10
Texas	16	423	137	10	276	0
Utah	1	23	12	0	11	0
Vermont	2	113	64	11	32	6
Virginia	10	205	67	9	127	2
Washington	3	51	33	6	8	4
West Virginia	5	91	39	6	44	2
Wisconsin	11	697	319	41	318	19
Wyoming	1	8	5	3	0	0
Total	386	16,470	7,094	1,008	7,955	413

BY DISTRICTS.

District.	Petitions received.	Routes established.	Adverse petitions.	Routes ordered not yet effective.	Petitions pending.
Alabama:					
First	3	1	1	0	1
Second	10	0	0	0	10
Third	18	3	5	0	10
Fourth	29	7	1	0	21
Fifth	2	0	0	0	2
Sixth	3	0	0	0	3
Seventh	30	3	8	0	19
Eighth	8	0	1	0	7
Ninth	30	29	0	0	1
Total	133	43	16	0	74
Arkansas:					
First	2	1	0	0	1
Second	6	4	1	0	1
Third	7	0	0	0	7
Fourth	14	7	0	0	7
Fifth	7	1	0	0	6
Sixth	6	2	1	0	3
Total	42	15	2	0	25
California:					
First	14	13	1	0	0
Second	23	15	3	0	5
Third	6	4	1	0	1
Fourth	0	0	0	0	0
Fifth	27	23	2	0	2
Sixth	35	14	8	0	13
Seventh	45	27	4	0	14
Total	150	96	19	0	35
Colorado:					
First	51	29	8	0	14
Second	22	9	3	0	10
Total	73	38	11	0	24
Connecticut:					
First	34	19	4	0	11
Second	41	29	2	0	10
Third	19	8	0	1	10
Fourth	71	56	3	1	11
Total	165	112	9	2	42
Delaware:					
First	43	20	5	0	18

List of petitions received, routes established, adverse petitions, petitions pending, routes reported favorably but not yet established, by States and districts—Continued.

BY DISTRICTS—continued.

District.	Petitions received.	Routes established.	Adverse petitions.	Routes ordered not yet effective.	Petitions pending.
Florida:					
First	4	1	0	0	3
Second	1	0	1	0	0
Total	5	1	1	0	3
Georgia:					
First	1	0	0	0	1
Second	115	37	18	0	60
Third	60	21	10	0	29
Fourth	57	10	16	0	31
Fifth	100	29	4	0	67
Sixth	41	11	8	2	20
Seventh	62	15	9	0	38
Eighth	68	15	13	0	40
Ninth	69	13	12	0	44
Tenth	29	7	6	0	16
Eleventh	39	15	7	0	17
Total	641	173	103	2	363
Idaho:					
First	26	12	0	0	14
Illinois:					
First	2	0	0	2	0
Second	0	0	0	0	0
Third	0	0	0	0	0
Fourth	1	0	0	0	1
Fifth	1	0	0	0	1
Sixth	1	0	0	0	1
Seventh	13	3	2	1	7
Eighth	102	36	5	10	51
Ninth	108	39	1	1	67
Tenth	99	28	4	14	53
Eleventh	77	24	4	6	43
Twelfth	83	51	3	0	29
Thirteenth	117	40	4	0	73
Fourteenth	108	37	3	1	67
Fifteenth	130	41	2	0	87
Sixteenth	87	33	2	0	52
Seventeenth	114	50	9	2	53
Eighteenth	92	18	0	2	72
Nineteenth	123	33	13	9	68
Twentieth	104	27	5	17	55
Twenty-first	125	59	6	1	59
Twenty-second	52	29	2	0	21
Total	1,539	548	65	66	860
Indiana:					
First	66	37	4	0	25
Second	28	13	1	0	14
Third	38	14	6	0	18
Fourth	62	27	3	2	30
Fifth	78	31	7	0	40
Sixth	100	59	3	0	38
Seventh	47	43	3	0	1
Eighth	128	81	12	18	17
Ninth	120	74	8	1	37
Tenth	74	34	4	1	35
Eleventh	108	59	9	0	40
Twelfth	91	37	7	1	46
Thirteenth	115	52	9	0	54
Total	1,055	561	76	23	395
Iowa:					
First	111	52	5	1	53
Second	95	62	6	2	25
Third	178	101	3	0	74
Fourth	136	43	4	3	54
Fifth	157	86	14	3	86
Sixth	104	49	4	0	51
Seventh	115	49	11	11	44
Eighth	161	76	16	0	69
Ninth	116	56	5	0	55
Tenth	131	59	2	0	70
Eleventh	157	65	0	0	92
Total	1,461	698	70	20	673
Kansas:					
First	153	78	3	0	72
Second	132	67	8	1	56
Third	125	67	2	0	56
Fourth	139	61	11	0	67
Fifth	145	69	5	0	71
Sixth	106	41	13	0	52
Seventh	148	60	7	0	81
Total	948	443	49	1	455
Kentucky:					
First	7	1	0	0	6
Second	24	4	1	0	19
Third	9	1	4	0	4
Fourth	10	2	0	0	8
Fifth	7	1	1	3	2
Sixth	10	2	3	0	5
Seventh	21	8	0	0	13
Eighth	9	0	0	0	9
Ninth	14	1	0	0	13

List of petitions received, routes established, adverse petitions, petitions pending, routes reported favorably but not yet established, by States and districts—Continued.

BY DISTRICTS—continued.

District.	Petitions received.	Routes established.	Adverse petitions.	Routes ordered not yet effective.	Petitions pending.
Kentucky—Continued.					
Tenth	3	0	0	0	3
Eleventh	0	0	0	0	0
Total	114	20	9	3	82
Louisiana:					
First	1	1	0	0	0
Second	0	0	0	0	0
Third	4	3	1	0	0
Fourth	3	1	0	0	2
Fifth	1	0	0	0	1
Sixth	1	0	1	0	0
Total	10	5	2	0	3
Maine:					
First	51	33	6	2	10
Second	42	19	1	5	17
Third	45	25	8	4	8
Fourth	23	12	1	6	4
Total	161	89	16	17	39
Maryland:					
First	48	32	3	3	10
Second	114	90	5	8	11
Third	0	0	0	0	0
Fourth	1	0	0	0	1
Fifth	15	8	5	1	1
Sixth	58	51	2	0	5
Total	236	181	15	12	28
Massachusetts:					
First	25	20	3	2	0
Second	20	5	1	0	14
Third	12	7	2	0	3
Fourth	14	10	0	0	4
Fifth	9	5	1	0	3
Sixth	3	2	0	0	1
Seventh	2	1	0	0	1
Eighth	0	0	0	0	0
Ninth	0	0	0	0	0
Tenth	0	0	0	0	0
Eleventh	4	2	0	0	2
Twelfth	20	12	2	0	6
Thirteenth	14	8	0	1	5
Total	123	72	9	3	39
Michigan:					
First	1	0	0	0	1
Second	157	48	4	8	97
Third	145	66	3	4	72
Fourth	152	45	4	8	95
Fifth	99	43	4	5	47
Sixth	152	61	2	3	86
Seventh	63	8	0	0	55
Eighth	129	51	2	1	75
Ninth	44	26	5	1	12
Tenth	22	9	5	4	4
Eleventh	74	17	5	9	43
Twelfth	0	0	0	0	0
Total	1,038	374	34	43	587
Minnesota:					
First	132	48	0	0	84
Second	144	58	2	9	75
Third	101	43	2	3	53
Fourth	64	25	6	0	33
Fifth	27	20	0	1	6
Sixth	52	22	6	2	22
Seventh	46	15	1	2	28
Total	566	231	17	17	301
Mississippi:					
First	17	0	0	0	17
Second	0	0	0	0	0
Third	1	0	1	0	0
Fourth	1	0	0	1	0
Fifth	8	1	0	0	7
Sixth	2	0	0	0	2
Seventh	5	1	0	0	4
Total	34	2	1	1	30
Missouri:					
First	80	20	3	0	57
Second	136	53	6	3	74
Third	141	50	3	0	88
Fourth	96	49	8	4	35
Fifth	54	45	0	0	9
Sixth	116	44	10	0	62
Seventh	46	7	0	0	39
Eighth	16	3	1	0	12
Ninth	64	27	2	0	35
Tenth	17	0	1	10	6
Eleventh	0	0	0	0	0
Twelfth	0	0	0	0	0
Thirteenth	3	0	1	0	2

List of petitions received, routes established, adverse petitions, petitions pending, routes reported favorably but not yet established, by States and districts—Continued.

BY DISTRICTS—continued.

District.	Petitions received.	Routes established.	Adverse petitions.	Routes ordered not yet effective.	Petitions pending.
Missouri—Continued.					
Fourteenth	7	2	0	0	5
Fifteenth	83	33	1	0	49
Total	859	333	36	17	473
Montana:					
Rep	14	1	1	0	12
Nebraska:					
First	96	40	4	0	52
Second	41	19	5	0	17
Third	91	48	4	2	37
Fourth	161	50	3	0	108
Fifth	86	23	2	0	61
Sixth	35	15	6	0	14
Total	510	195	24	2	289
Nevada	0	0	0	0	0
New Hampshire:					
First	50	40	6	3	1
Second	71	46	7	5	13
Total	121	86	13	8	14
New Jersey:					
First	28	11	8	0	9
Second	31	22	1	0	8
Third	11	9	0	0	2
Fourth	23	8	3	1	11
Fifth	9	5	2	0	2
Sixth	0	0	0	0	0
Seventh	0	0	0	0	0
Eighth	0	0	0	0	0
Total	102	55	14	1	32
New York:					
First	3	1	0	0	2
Second	0	0	0	0	0
Third	0	0	0	0	0
Fourth	0	0	0	0	0
Fifth	0	0	0	0	0
Sixth	0	0	0	0	0
Seventh	0	0	0	0	0
Eighth	0	0	0	0	0
Ninth	0	0	0	0	0
Tenth	0	0	0	0	0
Eleventh	0	0	0	0	0
Twelfth	0	0	0	0	0
Thirteenth	0	0	0	0	0
Fourteenth	0	0	0	0	0
Fifteenth	0	0	0	0	0
Sixteenth	3	2	0	0	1
Seventeenth	3	0	0	0	3
Eighteenth	23	11	1	0	11
Nineteenth	9	3	1	2	3
Twentieth	8	6	0	0	2
Twenty-first	17	6	1	3	7
Twenty-second	43	19	3	1	20
Twenty-third	21	7	1	1	12
Twenty-fourth	59	35	2	0	22
Twenty-fifth	48	24	0	5	19
Twenty-sixth	44	9	1	0	34
Twenty-seventh	39	18	5	1	15
Twenty-eighth	153	93	4	0	56
Twenty-ninth	82	30	3	4	45
Thirtieth	138	87	6	12	33
Thirty-first	42	26	7	2	7
Thirty-second	0	0	0	0	0
Thirty-third	37	16	5	1	15
Thirty-fourth	110	45	5	15	45
Total	882	438	45	47	352
North Carolina:					
First	23	7	2	0	14
Second	35	0	1	0	34
Third	42	6	2	0	34
Fourth	61	18	1	0	42
Fifth	32	2	5	4	21
Sixth	73	8	4	0	61
Seventh	50	1	0	0	49
Eighth	39	3	7	4	25
Ninth	43	11	0	0	32
Total	398	56	22	8	312
North Dakota:					
At large	31	10	9	8	4
Ohio:					
First	0	0	0	0	0
Second	6	2	0	0	4
Third	77	42	4	9	22
Fourth	77	26	1	0	50
Fifth	77	25	10	7	35
Sixth	83	32	0	1	50
Seventh	100	40	2	10	48
Eighth	115	55	8	3	49
Ninth	78	37	2	0	39
Tenth	26	6	1	7	12

List of petitions received, routes established, adverse petitions, petitions pending, routes reported favorably but not yet established, by States and districts—Continued.

BY DISTRICTS—continued.

District.	Petitions received.	Routes established.	Adverse petitions.	Routes ordered not yet effective.	Petitions pending.
Ohio—Continued.					
Eleventh	84	43	3	1	37
Twelfth	74	48	3	0	23
Thirteenth	90	19	4	1	66
Fourteenth	146	60	7	0	79
Fifteenth	98	54	9	3	32
Sixteenth	33	10	2	0	21
Seventeenth	108	32	8	0	68
Eighteenth	90	48	7	3	32
Nineteenth	101	26	6	2	67
Twentieth	40	24	1	1	14
Twenty-first	0	0	0	0	0
Total	1,503	629	78	48	748
Oregon:					
First	68	23	2	0	43
Second	20	5	2	0	13
Total	88	28	4	0	56
Pennsylvania:					
First	0	0	0	0	0
Second	1	0	0	0	1
Third	0	0	0	0	0
Fourth	0	0	0	0	0
Fifth	0	0	0	0	0
Sixth	61	44	10	0	0
Seventh	37	20	2	2	13
Eighth	6	2	0	1	3
Ninth	9	6	1	0	2
Tenth	22	10	0	0	12
Eleventh	4	2	0	0	2
Twelfth	10	2	0	0	8
Thirteenth	0	0	0	0	0
Fourteenth	3	0	2	0	1
Fifteenth	19	6	0	0	13
Sixteenth	18	3	1	0	14
Seventeenth	26	11	0	2	13
Eighteenth	27	16	2	2	7
Nineteenth	56	26	2	0	28
Twentieth	7	2	2	0	3
Twenty-first	53	25	5	1	22
Twenty-second	0	0	0	0	0
Twenty-third	3	0	0	0	3
Twenty-fourth	150	105	15	0	30
Twenty-fifth	90	49	0	0	41
Twenty-sixth	120	73	2	0	45
Twenty-seventh	28	13	4	2	9
Twenty-eighth	10	2	0	0	8
Total	760	417	48	10	285
Rhode Island:					
First	15	10	2	1	2
Second	8	4	0	0	4
Total	23	14	2	1	6
South Carolina:					
First	3	1	0	0	2
Second	31	13	10	0	8
Third	82	58	4	0	20
Fourth	71	29	20	0	22
Fifth	20	5	0	0	15
Sixth	29	8	3	0	18
Seventh	83	26	18	0	39
Total	319	140	55	0	124
South Dakota:					
At large	119	45	1	9	64
Tennessee:					
First	161	104	5	1	51
Second	136	43	27	8	58
Third	28	6	1	0	21
Fourth	5	0	0	0	5
Fifth	40	20	2	0	18
Sixth	39	19	2	0	18
Seventh	50	28	1	0	21
Eighth	18	0	0	1	17
Ninth	23	5	3	0	15
Tenth	10	1	0	0	9
Total	510	226	41	10	233
Texas:					
First	1	0	0	0	1
Second	7	0	1	0	6
Third	46	17	1	0	28
Fourth	25	2	0	0	23
Fifth	66	17	3	0	46
Sixth	133	56	2	0	75
Seventh	50	15	0	0	35
Eighth	35	9	0	0	26
Ninth	30	8	1	0	21
Tenth	12	6	1	0	5
Eleventh	9	4	1	0	4
Twelfth	9	3	0	0	6
Thirteenth	0	0	0	0	0
Total	423	137	10	0	276

List of petitions received, routes established, adverse petitions, petitions pending, routes reported favorably but not yet established, by States and districts—Continued.

BY DISTRICTS—continued.

District.	Petitions received.	Routes established.	Adverse petitions.	Routes ordered not yet effective.	Petitions pending.
Utah:					
At large	23	12	0	0	11
Vermont:					
First	83	55	9	2	17
Second	30	9	2	4	15
Total	113	64	11	6	32
Virginia:					
First	1	0	0	1	0
Second	3	0	0	0	3
Third	10	6	4	0	0
Fourth	1	0	0	0	1
Fifth	89	34	0	0	55
Sixth	10	0	0	0	10
Seventh	32	15	0	0	17
Eighth	15	5	2	0	8
Ninth	29	5	2	0	22
Tenth	15	2	1	1	11
Total	205	67	9	2	127
Washington:					
At large	51	33	6	4	8
West Virginia:					
First	18	4	3	2	9
Second	54	30	1	0	23
Third	4	0	2	0	2
Fourth	15	5	0	0	10
Total	91	39	6	2	44
Wisconsin:					
First	80	24	9	0	47
Second	113	55	3	0	55
Third	104	53	2	7	42
Fourth	6	5	1	0	0
Fifth	71	28	3	0	40
Sixth	73	28	6	6	33
Seventh	80	44	1	1	34
Eighth	58	30	10	2	16
Ninth	26	12	1	0	13
Tenth	86	40	5	3	38
Total	697	319	41	19	318
Wyoming:					
At large	8	5	3	0	0
BY TERRITORIES.					
Arizona	5	2	0	0	3
New Mexico	3	0	0	1	2
Oklahoma	49	9	0	0	40

Oleomargarine Bill.

SPEECH

OF

HON. HERMAN B. DAHLE,

OF WISCONSIN,

IN THE HOUSE OF REPRESENTATIVES,

Monday, February 10, 1902.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 9206) to make oleomargarine and other imitation dairy products subject to the laws of the State or Territory into which they are transported, and to change the tax on oleomargarine—

Mr. DAHLE said:

Mr. CHAIRMAN AND FELLOW-MEMBERS: In the consideration of the subject of oleomargarine legislation the first question to be discussed is that of fraud in the traffic in oleomargarine. As it is on account of fraudulent practices that this legislation is asked, it is certainly necessary that a strict examination of this feature of the question should be conducted, in order that we may arrive at the correct understanding of the nature and extent of the fraud, and thereby be well informed as to what kind of legislative procedure is the best for the situation.

Shortly after the introduction of oleomargarine into this country it soon came to light that there was fraud carried on in the traffic in this substitute for butter, and it was not very long before pressure was brought to bear to have this fraud eliminated. In 1886, after the matter was presented in a strong light, Congress enacted the oleomargarine law which we now have, and it was doubtless considered at that time that the law was sufficient for the needs of the case, and that it would be sufficient for some time to come. But those engaged in the fraud found ways to evade it, and did so, either openly or in secret, until the cry of fraud was as strong as before.

The result was that the Fifty-sixth Congress found itself confronted with the question, and was compelled by the universal desire for the correction of the fraudulent practices, as manifested through thousands of letters, postal cards, and petitions, to take some action in regard to it. After very extensive hearings by the Agricultural Committee, during which the oleomargarine interests, as well as the dairy interests, were thoroughly represented, the Agricultural Committee reported the bill known as the Grout bill, which, as is well known, was passed by the House, after thorough debate, but was not passed by the Senate because of lack of time for its proper consideration and consequent action, wherefore several bills bearing on the same subject were among the first introduced at the beginning of this Congress. These were referred to the Committee on Agriculture, where consideration of same commenced at once.

Owing to the fact that the printed hearings of the committee of last year were accessible to all members of the committee, the dairy interests did not ask for any particular time in which to present their side of the question, as it had been thoroughly gone over during the previous Congress, but the oleomargarine representatives asked for time, which was granted. The result of the proceedings in the Agricultural Committee was the unanimous adoption by the friends of the dairy interests of the bill now before us for consideration, H. R. 9206.

It has been constantly asserted by gentlemen who appeared before our committee at different times that there is no fraud practiced by the manufacturer in the disposal of his product.

Judge William M. Springer, appearing before our committee, stated as follows, page 174:

> I take it for granted that in the retail business there have been and are committed from time to time, and from day to day, many frauds, in reference to the sale of oleomargarine and butter. In the State of Illinois, where I live, there have been a great many complaints of retail dealers selling oleomargarine for butter. There there is a law prohibiting such sales. How can you expect a man in Pennsylvania, for instance, to sell oleomargarine when the law makes it such a criminal offense as it does? He admits himself a criminal as soon as he hands out to his customer something called oleomargarine.

We find in the Judge's statement, pages 186 and 187, under the heading, "How to prevent fraud in oleomargarine," that the following is a part of the proposition that the Judge submits, declaring his belief that same would accomplish the desired object of stopping fraud if it could be enacted into law:

> SEC. 7. That each manufacturer of oleomargarine shall pay a tax or a license of $2,500 per annum, which shall include his license as dealer, and that all dealers in oleomargarine shall pay a seller's license of $10 per annum.

Gentlemen, when I think of this it certainly presents itself to me as though the object sought was precisely the opposite of that which is claimed for it. We find the Judge has just stated that the kind of fraud which he acknowledges is committed is done by the retail dealer, and it seems to me a self-evident fact that by lowering the license of a retail dealer to $10 per annum would cause a condition whereby we would have many times the number of these lawbreakers compared with what we have at the present time, and I can only take it that a $2,500 per annum license on manufacturers would drive out of the trade all the smaller manufacturers and help build up a trust or combine of the larger ones. I certainly know of no better way of bringing about such a change than by advocating just exactly what the Judge here advocates.

We find further on that Judge Springer tries to bring out the fact that there is danger of disease being carried in butter. In one place, on page 213, he quotes as follows:

> As a consumer of butter and a citizen of the United States, I think I have a right to come before the committee and ask you to protect me and my family in the consumption of an article of every day use, and which comes to every family in the land, and in speaking of this I think I am doing a public service and it ought to commend itself, in my opinion, to your judgment.

After this last statement we, the friends of the bill before us for consideration, feel that we are striving to accomplish the object which the Judge claims he is working for, and feels that it is his right and duty to work for. He must surely have forgotten himself when he speaks of butter as an article which comes to every family in the land. Gentlemen, this is what we are trying to bring about, in a measure; that is, we hail the day when the consumer who wishes butter may have it, and may not have to take in its place that which he does not want. Cleanliness in creameries is certainly a thing that should not be lost sight of, but as I have said before, where cleanliness is not exercised the effect brands itself at once in the flavor of the butter, and if such off-flavor gets too bad and the product totally unfit for use as butter it can be neutralized and used in the manufacture of oleomargarine.

Other gentlemen who appeared before us made statements, all tending to establish the belief that there is very little fraud, if

any, on the part of the manufacturer. Allow me to call your attention to the actual figures taken from the Internal-Revenue Department's report, and which show that instead of only 1 per cent being illegally disposed of the total amount of fraudulent disposition of this product is about 80 per cent. The revenue report is as follows:

Yellow oleomargarine sold contrary to law in 1899.

State.	Number of dealers	Quantity sold.	State.	Number of dealers	Quantity sold.
		Pounds.			*Pounds.*
Alabama	21	226,053	New York	14	222,788
California	.....	74,923	North Dakota	18	7,710
Colorado	95	1,123,537	Ohio	1,005	8,830,969
Connecticut	5	134,255	Oregon	3	41,250
Delaware	48	40,475	Pennsylvania	717	11,433,341
Georgia	61	495,004	South Carolina	24	258,159
Illinois	2,020	18,638,921	South Dakota	4	55,432
Iowa	3	79,922	Tennessee	83	714,640
Kentucky	217	1,490,577	Utah	.....	8,450
Maine	17	102,274	Vermont	1	2,990
Maryland	58	1,791,950	Virginia	121	1,159,400
Massachusetts	108	2,083,889	Washington	5	63,345
Minnesota	30	1,343,865	West Virginia	172	1,206,865
Missouri	231	3,133,313	Wisconsin	23	714,742
Nebraska	73	1,024,985			
New Hampshire	19	445,583	Total	5,492	62,825,582
New Jersey	296	5,875,975			

Oleomargarine sold in States where legal to color.

State.	Number of dealers	Quantity sold.	State.	Number of dealers	Quantity sold.
		Pounds.			*Pounds.*
Alaska	5	18,080	Mississippi	17	104,622
Arkansas	35	380,389	Montana	.....	446,022
Arizona	5	78,767	Nevada	.....	625
District of Columbia	61	816,848	New Mexico	12	115,850
Florida	82	590,225	North Carolina	9	110,224
Idaho	3	58,224	Oklahoma	10	117,398
Indiana	306	3,923,228	Rhode Island	333	3,594,984
Indian Territory	21	152,278	Texas	162	1,518,264
Kansas	186	1,658,544	Wyoming	5	39,547
Louisiana	140	1,043,502	Total	1,501	16,860,142
Michigan	109	2,092,521			

Mr. Adams, State dairy commissioner of Wisconsin, states as follows:

Right across the line in the next State are those large oleomargarine manufacturers. They are pounding at the doors of Wisconsin all the time. The agents of these big companies come into the State and go to the retailers in our State and say: "We want you to sell this oleomargarine. You can make more out of it than you can out of butter, and you can make more out of it than you can out of uncolored oleomargarine." The retailer says, "But we will get into trouble." "Oh, we will stand behind you; that is all right." But the retail dealer answers, "But you won't be here when I am prosecuted," and the agents of those people have sometimes said, "Here is a check for $500; we will stand behind you." For years they have been coming into our State endeavoring to induce our own citizens to break down the law of our State. We do not like it. It is one continuous struggle.

I have read at different times that this same Mr. Adams has been conducting prosecutions in our own State for illegal sale there, and well he may, for he advised us in his speech before our committee that about one-half of the 700,000 pounds of oleomargarine sold there is colored and sold in violation of the law, his chief trouble being, he informs us, in getting juries and judge to convict. My own experience is that the colored product is sold in Iowa, where, however, it is sold as oleomargarine, while in Chicago, with its 2,500 dealers, I have gone from store to store, in company with Mr. Knight, secretary of the National Dairy Union, and with Mr. HAUGEN, of Iowa, where we found that the article sold us when we asked for and paid for butter proved to be oleomargarine in every case. The fact is that the fraudulent sale of this article there is so extensive that the dealer in the honest product of the cow has had to lay down his business.

Under these circumstances it seems that no fair-minded man would attempt to convince a body of intelligent men that there is no fraud on the part of the manufacturer. There are 32 States in our Union which have laws against the sale of oleomargarine colored in semblance of butter. No one will deny that the oleomargarine manufactured is disposed of in some manner. If it is not sold largely in the States which have laws against such sale, then where is it sold? If it is sold there, it certainly is sold illegally.

This fraud is by no means confined to the manufacturing class. It is necessarily carried on by the wholesaler, the retailer, and the parties who furnish it directly to the consumers, the latter class including the hotel keepers, restaurant keepers, and boarding-house operators, who place oleomargarine upon their tables as butter.

Anyone going into the oleomargarine business must necessarily go into it with the understanding that he can not confine the sale of his products in such States only where his product is allowed to be sold, colored or not colored. In order to be successful he must overstep his bounds and do as the representative of the Western manufacturer informed us that his company did and as is also done by the Standard Manufacturing Company, namely, have salesmen all over the country. Especially do we find that the sale of this product can be carried on on a very large scale in our larger cities, where juries will not convict and where even the courts are so corrupted that the fraudulent sale of this product is carried on in defiance of all law and its defenders.

Next to the manufacturer we have the wholesale dealers. I find that we have such located in each of the following States where the sale of this colored product is by law forbidden: Alabama, Colorado, Connecticut, Georgia, Illinois, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New York, Ohio, Oregon, Pennsylvania, South Carolina, Tennessee, Virginia, and Wisconsin. There is but one conclusion that we can reach, and that is that these wholesalers, locating on forbidden ground, start in with the knowledge that their traffic is illegal and lawless from the very start; that they can not thrive in a business way without throttling the words and spirit of the law, no matter what they sell their goods for, whether oleomargarine or butter. The transaction in either case is illegal, unlawful, and certainly fraudulent when sold where forbidden.

We then come to the retail dealers, who comprise a still larger number and are the class whom our opponents strive to lay all the blame of fraud upon. Such dealers we find are doing a thriving business in the States where their traffic is by law forbidden and where parties back of them and with them are able to so control courts and juries that prosecution is impossible.

We have one more class—the largest of all—and that is the class which illegally and fraudulently furnishes oleomargarine where butter is called for and wanted. This is the very large class who are engaged in furnishing meals for others.

Closely dependent upon and connected with the matter of fraud is that of color. It is because oleomargarine is colored to look like butter that such a widespread demand for this legislation has arisen.

Again and again have gentlemen made the assertion that oleomargarine is not colored in semblance of butter, but that the use of coloring substance originated with the oleomargarine manufacturers, and that the makers of butter followed their example because they perceived that the appearance of butter would be materially improved by the addition of coloring matter. The history of butter making shows that this kind of statement is entirely without foundation. Ever since the early days of the manufacture of butter it has been customary to mix coloring matter of some sort with the butter in order to preserve a uniform shade the year around.

It is the God-given color of butter, but varies with the season. When the grass is fresh and green and the cow is fresh and gives a large flow of milk, the butter from such contains less curd and is of a richer, darker tint, while in the winter season, when the cow is a stripper and the food not as sustaining, the butter produced from the milk contains less coloring and more curd, the butter is of lighter shade. Since the shade of butter is darker during the summer months the demand originated before my day for a uniform color the year throughout.

Let me give a brief history of the growth of the dairy industry in my own State. When I was a small boy in the sixties nearly all the butter that was made in southern Wisconsin, where my parents lived, was brought to the store in rolls and there exchanged for merchandise. If the quality and also the color of such was fair it was rolled in cloth and shipped to the markets in that way. If it was poor, and especially in the summer season, it was packed in half barrels or firkins and shipped, afterwards ladled, resalted, and colored to suit the demands of the market.

The next step was that dairymen having enough cows so they could pack their product in tubs were instructed to do so. This product would bring a price in accordance with its quality and color. The color part was very essential. It was taught to us as dealers by commission merchants to whom we shipped and in turn by us to the dairymen. There was a mutual object of gain in this. When we got the product of good flavor and properly colored we could dispose of such to advantage, and could consequently allow the farmer more for same, while if the farmer knew nothing of the necessity of such coloring we would pay him less for his product, but not enough less but what there would be a loss to us, so that we naturally more and more brought out the fact that the farmer must produce a product of an even color the year around.

The next step was establishing routes throughout the various country districts, where a butter gatherer visited the farmer at regular intervals, gathering the fresh churned butter, which was brought to the country store, there prepared for the market by salting, coloring, working the buttermilk out of same, and packing it in suitable packages for the market.

The next step is the creamery, which in our particular part of the country is operated by the dairyman bringing his milk directly to the creamery, where it is separated, the skim milk being returned to the farmer and the cream made into butter. In other places creameries are operated by having routes through the country, where the milk is skimmed from milk cans and taken to the creamery, where it is treated in like manner. In still other places the farmers have their individual hand separators, so that the cream is separated from the sweet milk, and is either taken to the creamery and there prepared for the market or else made into butter by the individual farmer and shipped to the market direct.

I can imagine that this same condition of affairs has existed in other parts of the country. I learn from New York market reports that next to creamery in price there are State dairy tubs, wherefore I must conclude that there are several individual dairies in that State and neighboring States.

Having witnessed the evolution in the manufacture of this product before oleomargarine was conceived or born, I can only say that I feel absolutely sure that oleomargarine has robbed butter of that yellow-tinted cloak which by all rights belongs to butter. Let me also quote you from others who are posted on the situation.

First, Mr. L. S. Taylor, secretary of the Elgin Board of Trade, writes:

Elgin Board of Trade was organized in 1872. Ever since then members have used butter color, and it was used by creamery men and farmers before that time.

Second, from statement of the president of the Chicago Butter and Egg Board:

Have handled butter in Chicago market for twenty-eight years, and during all that time it has been colored.

Third, George W. Linn, president of the Illinois Dairy Union, says:

I have been handling butter on this market over thirty years, and during all that time much of it was colored.

Fourth, from the firm of Egbert & Case, one of the oldest houses in this trade in New York City, I will read the following:

Have sold colored butter for forty years—long before oleomargarine was made. This is literally true. This house has been in the butter trade since 1855, and one of the original members is still connected with it. During our connection with the trade butter has always been colored. Oleo has been colored to imitate the appearance of butter in order to deceive the consumer.

Fifth, from John S. Martin & Co., one of the oldest butter houses of New York City:

We learn that the oleomargarine interests are representing that butter was and is colored in imitation of their article. One can scarcely believe that any sane individual would make such a statement or accept the responsibility for such an untruth, and still those engaged in the butter business (we have been established nearly fifty years) know there is no statement so wild and untrue that will not be made by the supporters of this miserable fraud on the consumer.

Sixth, Wells, Richardson & Co., Burlington, Vt., the standard manufacturers of butter and oleomargarine color of both this and other countries, who have been in business since before oleomargarine was invented, advised me that butter color was used in the United States before oleomargarine was used, and that the oleomargarine manufacturers, when they came in the field, also adopted their butter color and are using it to this day.

I began last year as thorough an examination as I could as to the value of the plants and machinery used in the manufacture of oleomargarine in the United States. Changes have taken place since then, so that I have again gone over the same work, and the result of my work shows a value of about $3,000,000 being invested in this industry. The reason I did this was that I might compare such result with the value of plants or money invested in plants for butter making, and I find that the State of Wisconsin, which I have the honor to represent, has over 1,000 creameries, worth in the aggregate more than all the oleomargarine factories in the United States. I cite these figures that you may be able to conceive the very much larger extent of the dairy industry over the oleomargarine industry.

WHO ARE ASKING FOR THIS LEGISLATION.

Bills were introduced into our House both from the East and from the West along the lines of the present bill which is before us for consideration. We have received hundreds and thousand, and I presume millions, of letters, of postal cards, of petitions, asking that legislation be passed that may put a stop to the fraudulent traffic in oleomargarine. There is no other subject that has come before the Agricultural Committee, of which I have the honor of being a member, or before the House where there has been as strong pressure brought to bear for the necessity of action as along this line.

The Woman's Industrial and Patriotic League of the District of Columbia was represented before our committee through its president, Charlotte Smith, who so vigorously and earnestly plead in behalf of the consumer that oleomargarine might stand on its own merits, and that the purchaser of butter might now obtain what he wished for as in the good old days when same was made by the women for the markets of the world.

We also heard from the National Grange through its master, Mr. Aaron Jones. Allow me to quote from his speech as follows:

We have a membership something over 500,000 of the farmers of the United States. We have county organizations to the number of 1,500 scattered all over this country from the Atlantic to the Pacific coast. I want you to understand that this membership is composed of Democrats, Republicans, and men of all shades of political opinion and all classes of the farming population. We have 1,500 of those organizations, representing counties that have considered in detail this bill, and have urged and memorialized Congress for the passage of a bill embracing this principle. We believe that Congress should protect us from the adulteration or the imposition of a bogus article being palmed off on the public for the genuine article. We believe that it is injurious to the markets of this country and injures our business, and that we are entitled to protection at the hands of the Congress of the United States. We believe that this law embraces that protection and with a unanimity that we have never had upon any other measure, we come to Congress asking that this bill become a law, and we hope—we believe—that the justice of the members of Congress, representing the entire people, will recommend the measure that is now pending before you for the principle involved therein.

We also heard from the National Dairy Union, through its president, Governor Hoard, of Wisconsin, who stood before our committee for nearly three hours speaking and answering questions. He was a sick man at the time; but even though he was, he did not shirk his duty, but stood at his post, although the strain on him proved so severe that he was laid up for several days.

Besides these, the dairy interests of the country, in which 5,000,000 or more farmers are interested, have also spoken to us through their individual dairy commissioners. As for our own State commissioner, he appeared here in person; and I have previously quoted from his speech, so that nothing further is necessary to be said regarding him.

Following are extracts from the letters from other dairy commissioners:

The sentiment of the dairymen of our State in relation to the Grout bill, so called, is, as far as I am aware, that they are unanimously in favor of the passage of this bill. My own opinion is that its passage will be a great benefit to the dairymen of the country. I hope that the bill, or something of a similar nature, may be pushed with sufficient force to pass it at the present session of Congress.

B. WALKER McKEEN,
Secretary Agricultural Department.

AUGUSTA, ME., *December 23, 1901.*

I am sure there has been no change of sentiment in regard to the 10-cent-tax feature of the bill, unless it has been an increase in the earnestness with which our people desire the same.

B. P. NORTON, *Dairy Commissioner.*

DES MOINES, IOWA, *December 27, 1901.*

From information received it seems to be the desire of the Dairy Union of this State that there be no change in the oleo legislation of the Grout bill, which passed the House of Representatives of the Fifty-sixth Congress.

JESSE K. COPE,
Dairy and Food Commissioner.

HARRISBURG, PA., *December 24, 1901.*

In reply to yours of the 20th instant, I beg to say that I have heard no complaint in this State concerning the Grout bill, and if there is any demand for a change from this bill it has not made itself manifest to me.

A. B. CHANDLER, *Governor.*

ATLANTA, GA., *December 23, 1901.*

The dairymen of Connecticut are looking at this question very much as the dairymen of the West—that a stronger national law would be of great help.

Connecticut dairymen are very strong in their wish to have the Grout bill or some similar bill become a law. HENRY, the member from the First district, is favorable for it, and will make a good fight for its passage.

J. B. NOBLE, *Commissioner.*

HARTFORD, CONN., *December 24, 1901.*

The various organizations representing the farmers of the State, such as the State Dairymen's Association, State Grange, and State Board of Agriculture, have taken action in favor of the Tawney bill, so called, and will use their influence to secure its passage.

N. J. BUCHELER,
Secretary Board of Agriculture.

CONCORD, N. H., *December 24, 1901.*

At the annual meeting of the State Dairy Association, of which I am secretary, held the 1st of this month, a resolution was unanimously adopted favoring the passage of the Grout bill. This is also the sentiment of the dairy people all over this State.

C. P. SHERWOOD, *Secretary.*

DESMET, S. DAK., *December 27, 1901.*

Having had some six years' experience as deputy collector of United States internal revenue at St. Louis, Mo., and being somewhat familiar with the workings of the law of that State, which is like this and most of the States in regard to the color clause, I am thoroughly convinced that it is almost impossible to secure conviction under this clause. The prosecuting attorneys in most cases, if they can avoid it, will not prosecute. While in the Internal-Revenue Department, of more than 50 cases reported I have never lost one, while the commissioner of one State informed me that he had dismissed 100 cases because he was convinced that he could not secure conviction. I should advocate each State enacting laws similar to those of the United States, especially if the proposed Grout bill passes. I do not think it wise to take off all tax on the uncolored. Let there be at least a small tax, so as to force the

manufacturers to report the number of pounds made. This office is doing all it can to have the law enforced. It has just instituted suit against the Eastern Packing Company for manufacturing colored oleo and offering it for sale.

B. S. NEWLAND, *Deputy Commissioner.*

DENVER, COLO., *January 2, 1902.*

Our butter makers are very much in favor of the Grout bill. The free hand in which oleomargarine is sold in this State now has well-nigh ruined our dairy interests. Our farmers can not make butter on the farm and sell it in competition with oleomargarine. Oleomargarine is sold here at 15 cents per pound and branded as Virginia butter. Our people want a law requiring oleomargarine to be sold as oleomargarine, and not colored in imitation of butter and sold as butter. Our able and efficient member of Congress from this district, Hon. JOHN C. LAMB, will cooperate with you in his usual energetic way in securing the passage of a bill protecting the "honest cow."

G. W. KOINER,
Commissioner Department of Agriculture.

RICHMOND, VA., *December 24, 1901.*

The dairy interests of this State seem very anxious to have this measure (the Grout bill) passed. They have not been as active as they should have been when the importance of the measure is considered. I do not know of anyone, interested, either directly or indirectly, in the dairy business, who does not desire the passage of this bill.

Personally, I am in favor of the bill. I appeared before the Senate committee in Washington last Congress and expect to appear before the present Congress in favor of this measure.

JOSEPH E. BLACKBURN,
Dairy and Food Commissioner.

COLUMBUS, OHIO, *December 27, 1901.*

No pressure has been brought to bear by this department, either directly or indirectly, nor by the butter makers in this State, that we are aware of, either directly or indirectly, to change the wording of the so-called Grout bill in any sense whatever. Personally the commissioner of agriculture of this State does not like changing the bill. He does not deem it wise at this time to stir up dissensions in the ranks of those in favor of the general principles in this bill, but believes the dropping of the one-fourth of 1 cent per pound tax on the uncolored oleomargarine to be unwise.

G. L. FLANDERS,
Assistant Commissioner.

ALBANY, N. Y., *December 24, 1901.*

The Grout bill, as I understand, reduces the revenue tax on oleomargarine from 2 cents per pound to one-fourth cent per pound, and increases the revenue tax on oleomargarine colored yellow to 10 cents per pound. This measure our people were in favor of when before the last Congress and are still of the same opinion; there has been no change of sentiment in regard to this matter. At hotels, restaurants, and boarding houses guests call for butter and are served oleomargarine at butter prices, and the fraud is perpetrated because the product is colored yellow in semblance of butter. There are only two ways to prevent the fraudulent sale of oleo as and for butter; one is to prohibit the coloring of the product yellow in semblance of butter; such a law would be effective if enforced. Experience has proven that it is exceedingly difficult to enforce such a law in the State courts.

The other method is to tax the product colored in imitation of butter in such an amount as will do away with the great incentive to fraud, which in this case is the large profits allowed the retail dealers. When a retail dealer can make from three to five times the profit in selling a pound of oleo that he could in selling a pound of butter, there is great incentive for a certain class of dealers to push the sale of the most profitable article, and this they do. Let the revenue tax be made 10 cents per pound on colored oleo; then those who wish to buy and use uncolored oleo will be able to purchase at oleo prices, which will be much less than at present, while the great incentive to to the sale of the fraudulent article will be done away with. We are not opposed to the sale and use of oleo as such, but we are opposed to its fraudulent sale and use. This matter now before Congress is being watched with most intense interest by all persons interested in the dairy industry.

I have heard no discussion in regard to the repeal of the tax on uncolored oleo, the thing most desired being the 10-cent tax on the product colored in imitation of butter. Personally I am in favor of the one-fourth cent tax on the uncolored article, for the reason that we shall still know how much of the product is manufactured, and also its component parts. This I deem important. If we tax the colored article, as proposed, there will still be a large sale and use of the uncolored, and it will be used as a substitute for butter. If under the control of the revenue department the public can easily be kept informed as to what it is composed of; if untaxed, the opportunity for fraud and deception in its manufacture will be largely increased, and especially is this true from the fact that oleo is bound to be an article of interstate commerce—that is, manufactured in a few States only, but sold in all the States.

S. C. BASSETT,
Secretary and Treasurer Nebraska Dairymen's Association.

GIBBON, NEBR., *December 27, 1901.*

Let me briefly mention the principal opponents of this bill: Oakdale Manufacturing Company, Providence, R. I.; Vermont Manufacturing Company, Providence, R. I.; Goshen Manufacturing Company, Providence, R. I.; Freidman Manufacturing Company, Chicago, Ill.; Swift & Co., Chicago, Ill.; William J. Moxley, Chicago, Ill.; Braun & Fitts, Chicago, Ill.; Chicago Butterine Company, Chicago, Ill.; Illinois Butterine Company, Chicago, Ill.; Standard Butterine Company, Chicago, Ill.; J. J. Murray Butterine Company, Chicago, Ill.; Arthur Jordan Company, Indianapolis, Ind.; Kingan & Co., Indianapolis, Ind.; The G. H. Hammond Company, Hammond, Ind.; Armour Packing Company, Kansas City, Kans.; Swift & Co., Kansas City, Kans.; Harrison Butterine Company, Kansas City, Kans.; Falls City Dairy Company, Louisville, Ky.; Illinois Dairy Company, East St. Louis, Ill.; Standard Oleomargarine Company, Washington, D. C.; The National Dairy Company, Washington, D. C.; The Ohio Butterine Company, Cincinnati, Ohio; Dold Butterine Company, Kansas City, Mo.; Capital City Dairy Company, Columbus, Ohio; Union Dairy Company, Cleveland, Ohio; Holland Butterine Company, Pittsburg, Pa.

The above is a list of the oleomargarine manufacturers as I have got it from the Internal Revenue Department; these, we must all agree, are the beneficiaries under our present law.

Our opponents have attempted to bring up the discussion of the renovated butter. We object to this at this time, because the question has not been studied into as it should be before final action. Let me say, however, that I have visited the process or renovated butter factory in this city, which is operated by responsible parties. A few words on the methods of conducting this factory may not be out of place.

The plant is a very new one; in fact, not yet fully completed. Its cost is to be $70,000. The butter that is renovated in this plant is the ordinary roll butter, some of it coming from Virginia, as well as Indiana, Ohio, and even my own State of Wisconsin. I was shown an invoice of butter there from S. C. Strauhl, Greenbay, Wis. This roll butter, after being brought here, is melted and the curd, water, and foreign substances all allowed to settle to the bottom of the melting tanks. This is led into certain tanks and the clean oil into other tanks, where air is forced through it in order to clear away any rancid flavor. The former is run through a Danish-Weston separator, where all foreign substance is separated from any oil that it may contain. The product is then mixed with milk and run into cold water, where the oil takes up the milk and the product forms into granules, which separate from the butter.

This is taken out and churned, salted, and colored, and process butter is the result. The product is clean, and is composed solely of butter and milk, without the addition of any kind of matter foreign to butter.

I am not now in position to say whether legislation on this product is necessary. There seems to be no reason why it is not perfectly healthful.

The introduction of this matter into the discussion is merely an attempt to divert attention from the main question before us, and constitutes, in a way, a tacit admission that fraud exists in the oleomargarine trade.

The object of the legislation proposed in the bill we have before us is to provide the very best possible means for protecting the people from unscrupulous dealers in oleomargarine. Testimony before our committee showed that it was considered possible, even by manufacturers themselves, to build up a trade in the uncolored oleomargarine if the colored were removed from competition. So that the argument that this bill's passage will kill the oleomargarine business entirely seems not to be based on actual anticipation of such a result, but upon a wish to be allowed to continue the sale of the colored article merely for the reason that because it is a close imitation of butter it can be sold at butter prices and bring a large profit.

I am strengthened in this idea when I think of the fact that one of the largest and no doubt most perfect oleomargarine factories is built within sight of the Capitol. If the promoters of this concern did not feel quite safe that they could go on and make money, prospering in their business whether or not we passed antilegislation, it seems to me they would not have ventured their money.

A few words as to the claims of the two opposing sides to this question. According to my views the people who are interested in pure butter have appeared in entirely a different way in order to bring about necessary legislation to stop the fraud and illegitimate sale of this product than the other side has seen fit to do. The friends of this measure, the parties who are asking for legislation along this line, have used reason, coolly and calmly, with such convincing effect that the opposition have also seen fit to bring in a bill having the same purport; but, gentlemen, the friends of this minority bill have not worked like we have and studied like members of our committee have studied to perfect a bill that might be construed to mean just exactly what we mean.

When in our work we found that there was a deficiency in the old bill we set right to work studying and then talking over and agreeing as to the wording of our bill in all its different sections. After the committee members had visited the Standard oleomargarine factory and there seen how easy it is to color the uncolored product, we immediately concluded that we had to be very careful or our new law would be more inadequate than the old law, as retail dealers and hotel proprietors and the like might buy the white oleomargarine and color it themselves, either again selling same or furnishing it to others to eat, wherefore, our present bill specifies that any person guilty of such act shall be deemed a manufacturer within the meaning of the law, and the fine for such act, where such parties do not have manufacturer's license, is from $1,000 to $5,000—a sum so large that no wise man will undertake the job.

The same with the other sections of the new bill. They are inserted to make it easier for the Internal Revenue Department to carry out the provisions of the oleomargarine law.

I wish to briefly consider some of the evidence that has from

time to time been presented to our committee from the other side, that you may in a way measure the unfairness and exaggeration of such testimony.

First and foremost among these let me quote you from the statement of Mr. A. Larson, general manager of the Standard Butterine Company, of Langdon, D. C. Question by Mr. SMITH, of our delegation: "Do you make any white butterine?"

To which Mr. Larson answered "Yes." You can imagine how surprised we were when we visited the factory of which he is the manager and found that they do not manufacture a single pound of white oleomargarine for consumption. The information we received at the factory was that one or two shipments of white (uncolored) butterine had been made, and that either all or a part of same was returned to the factory, and that this was the last trial made by the company in the line of white oleomargarine. Asked again by Mr. SMITH:

"About what proportion?" (White oleomargarine.)

"Very near half of our output." Certainly false, since none is made.

Mr. Larsen informed the committee that the output of his factory is about 700,000 pounds a month, and about half of this amount uncolored. Another falsehood, since no uncolored is made. Asked by Mr. HENRY:

Does your uncolored find a ready sale in the market?

Mr. LARSEN. You have to work harder to sell the uncolored goods than you do to sell the colored goods.

Mr. LAMB. For it is more expense?

Mr. LARSEN. Yes.

Another falsehood, since none is made. Mr. Larsen produced two samples of oleomargarine, claiming them to be one each of the two different brands made for the trade, one with cotton-seed oil and the other without, which is another false statement, because I have gone on the market and bought samples of each of the two brands made by this factory, and had the same analyzed by Dr. Wiley, Chief Chemist of the Agricultural Department, who reported that the result of his investigation shows that both kinds contain cotton-seed oil.

In answer to a question by myself as to whether in the manufacture of white oleomargarine the same method is carried out, Mr. Larsen said, "Yes; the same thing." Another falsehood, since none is manufactured.

I understand that this same Larsen, whose every statement as here copied was a barefaced falsehood, explained in some way to the committee afterwards that he did not fully understand the questions and had been mistaken in his statements. Well might he do so after the committee found out that his every statement was false.

I also wish to quote from the statement of Prof. George M. Kober, page 40 of our hearings, under the heading, "Butter adulteration," he states:

The popular demand in this country being for a yellow article the year round it is customary to secure this color out of season by the addition of annotto, and other harmless vegetable colorings.

In answer to this, as I mentioned once before, the almost exclusive manufacturers of butter color is Wells, Richardson & Co., whose color is used both in butter and cheese, and is what Dr. Wiley, whom the professor later refers to, classes as mineral coloring, never mentioning either annotto or other harmless colorings. Dry annotto was the coloring that I sold when a little boy, and not that of the present day.

The professor goes on and states that "apart from the sophistication in color," and here is where I feel that the common business man like myself knows more about this sophistication than the scientist. I feel that my evidence on that subject must stand, because besides my own experience I quote from the best authority in the land. So that the sophistication is the yellow cloak of butter that is worn by oleomargarine, and which helps it that it may sneak in, even into our own throats, where it is not wanted.

The professor then goes on informing us that the more common forms of adulteration in butter consist in the addition of salt, and, among other things, the retention of as much water as possible. This shows to me clearly that this scientist either does not know what he is talking about or else argues from a very partial standpoint—not in any way doing justice to butter. If he had ever been a butter manufacturer he would soon have learned, had he tried it, that the salting of butter must necessarily be so exact that every pound of butter that is put upon the worker to be worked is weighed before being dumped upon the worker, and the salt is also weighed which is added to the same, that the quantity may be exact. If any butter maker neglects that rule, and also the rule that the water must be worked out of the butter, he will find that the purchaser will soon understand where the trouble is, and that the consequence is that such butter will not command top price, so that such butter maker is necessarily bound to do his best or else he will bring ruin to his proprietor, if his proprietor does not see fit to grant such party indefinite leave of absence.

The Doctor goes on naming other forms of adulteration, as the addition of starch flour, lard, and suet, that a greater profit may be realized. Also, he quotes from others, naming gelatin and gilt-edge butter compound. Allow me to read the definition in our present oleomargarine law as to what shall constitute butter:

It is the food product which is made exclusively from milk or cream or both, with or without common salt, and with or without additional coloring matter.

I will also read the definition of oleomargarine as per section 2:

That for the purposes of this act certain manufactured substances, certain extracts, and certain mixtures and compounds, including such mixture, and compounds with butter, shall be known and designated as "oleomargarine," namely: All substances heretofore known as oleomargarine, oleo-oleomargarine oil, butterine, lardine, suine, and neutral; all mixtures and compounds of oleomargarine, oleo, oleomargarine oil, butterine, suine, lardine, and neutral; all lard extracts and tallow extracts, and all mixtures and compounds of tallow, beef fat, suet, lard, lard oil, vegetable oil, annatto, and other coloring matter, intestinal fat, and offal fat made in imitation or semblance of butter, or when so made calculated or intended to be sold as butter or for butter.

Wherefore we perceive that all persons who are tempted to venture such adulteration are not butter makers; their product is not butter, but bears the same name, "oleomargarine," the same which the Doctor himself is interested in the manufacture of, which he speaks of on page 53, where he states that he regards it as a beneficent industry. Oh, how differently he looks upon it than I possibly can do! The adulteration of butter that he speaks of is not alone in law the same as that he is interested in, but in fact. In the place of being beneficent it is certainly a fraud in every case where such oleomargarine is fixed up to look like butter, to sell like butter, and does sell like butter.

I also find on page 21 that the Professor advances arguments under the heading "Process or renovated butter." That subject I have mentioned before. I have, however, left out one fact, and that is, that if there is any competitor that packing stock or poor roll butter has it is the oleomargarine factory, because butter, no matter how poor, can be neutralized so that it will have no flavor and will yet hold up better than any other product that goes into oleomargarine, and judging by the cost of low-grade oleomargarine we must conclude that such is the kind of butter that is apt to be used in the low grades of oleomargarine on account of its cheapness.

On being closely questioned by Mr. GRAFF as to his general opinion whether oleomargarine is sold pretty generally as butter, the Doctor answers "yes," and later on states that every product should be sold for what it is and at its true value. Gentlemen, I can not make this in any way harmonize with the statement where the Doctor speaks of the beneficent industry, this industry where, when Mr. GRAFF gets the Professor cornered, he acknowledges that it is sold for that which it is not, and more than that, acknowledges that things should be sold for what they are. I know of no other article of the magnitude of oleomargarine where there is so much fraud and illegality of transactions as in this article.

Upon being pretty closely examined as to whether or not scrap fat and grease can be used in the manufacture of oleomargarine the doctor starts out by trying to explain that such can not be used, but after being questioned more definitely we find he does not know anything about it. Of the hearings before our committee this year we find that one-third of same is made up of scientific figures and tables and statements of the professor. I have tried to explain some of the statements, while the figures I do not think that anyone either of the committee or the House who may have read same have lost any sleep over.

Next we have statements of W. J. Lambert, attorney for the Standard Butterine Company, who advises us that he believes in being absolutely as fair as he can in treating of the question before us for consideration, stating that no fair-minded citizen can arrive at any other conclusion than that, from beginning to end, while Governor Hoard has charged fraud, deception, dishonesty, and so on, there is not a particle of truth of any fraud or deception being practiced by the oleomargarine people.

Whatever little scintilla of alleged evidence is shown in the document exists in the shape of the grossest kind of hearsay testimony, concerning which there is not a lawyer at this table who would not say it is absolutely foreign and should be thrown out, and that the person who advanced it should be criticised for having interpolated it into the discussion.

What a contrast to first listen to Governor Hoard, the president of the National Dairy Union, with his manly form and ready wit, who addressed us first; this man who has been in the business of instructing the dairy people of the United States more years than any other party that I know living, who has appeared before large and intelligent audiences of dairy people, instructing them in the different branches of dairying, he himself having a most thorough knowledge of the situation after having studied it for years and years. Not only has he imparted his knowledge to the dairyman, the farmer, the stock grower through words, but through pen as well, in having been the editor and proprietor of Hoard's Dairyman, which, together with Charles Y. Knight's Chicago Dairy

Produce and other dairy papers, have done so much to educate along this line. In contrast to this we have a bright-looking, small, young man, who presents himself, advancing the idea that this venerable worker's ideas should be thrown out as worthless.

This gentleman goes on stating thus:

I say it is the duty of the Legislature, first, to find out whether it can not devise a system or a law to protect the citizens against an imposition of that kind before it comes and strikes a blow at the heart of a legitimate and an admittedly legitimate industry, and crush out of existence the hundreds of wage-earners and the thousands and millions of dollars that people have honestly put into the manufacture of a proper industry.

Try your laws first. Do not strike, as the people who want to annihilate an industry would have you believe it is proper to do, at the heart of an industry and crush it out. It has not been tried, and that is what the people and those who have honestly followed a line of action in this connection are first entitled to, I submit, at the hands of your representatives.

Reading this part of Mr. Lambert's statement calls back to my mind his first statement, where he starts out by alluding to the fairness with which he intends to handle this question. It would be more natural for me to conclude that this is all taffy. We have tried State laws, now having them on the statute books of 32 States of the Union, and yet we find that there is nearly as much oleomargarine sold in the one State of Illinois against the law of that State as there is legally sold in all the States of the Union that have no laws against its sale. I can not see where this gentleman can expect in any way to convince a single member of our committee by advancing such arguments. His first statement also comes back to my mind, where he says that there is not a particle of proof of any fraud or deception being practiced by the oleomargarine people. Had this gentleman had the experience and the reputation of our Governor Hoard, he would not have presented such charges. He would have had so much at stake that he could not afford to have done so, and it certainly has hurt the oleomargarine industry rather than helped it when their representatives have appeared before us and made the declarations of this young man.

I find that Representative HAUGEN, of our committee, that friend of the farmer who has fought with fairness and judgment and untiring energy, yea, even like the energy of the Vikings of old, and yet in that characteristically pleasant manner which is a stock in trade with him, whereby to overcome the enemy, gets after this attorney of the oleomargarine institution. Mr. HAUGEN has proved both through the report of the Internal Revenue Department, as well as by Mr. Adams, dairy commissioner of Wisconsin, that three-fourths or more of the oleomargarine that is sold in the United States has been sold in violation of law. The effect of this is that Mr. Lambert now tries to shield himself, acknowledging that oleomargarine is sold at different places in imitation of butter, but says that condition prevails as to nearly all food products.

He is further questioned as to how oleomargarine colored yellow can legally be sold in the States where the laws are against the sale of such colored product. Here Mr. Lambert is also brought to time by answering, "You can not do it; that is a self-evident proposition."

After being questioned further, Mr. Lambert explains the situation among oleomargarine manufacturers to be that they wish to be let alone, and further acknowledges that the oleomargarine manufacturers are not adhering to the laws of a State if they solicit orders in States where same is forbidden.

It has been charged that in attempting to put a stop to the fraud we will, intentionally or otherwise, drive the oleomargarine makers out of business. There is no intention that I know of to legislate oleomargarine out of existence. It is not the industry that we want to kill but the fraud; we are not here to destroy but to correct. Our bill is the only one which gives any promise of effectually doing away with the fraud. The minority bill simply seems to express the idea of the oleomargarine manufacturers in the cry, "Let us alone. We merely want to be let alone." I do not wonder that they wish to be let alone. If by some process an article may be manufactured at half the usual expense of another article and be sold for that other article at many times the profit of the genuine, then in the course of human events we find parties will always appear who will manufacture the imitation, and it is not strange that they will wish to be "let alone."

It has also been asserted that the passage of this bill will mean the loss of some $62,000,000 annually to the stock raiser by depriving him of a market for his stock through the destruction of the oleo industry, which makes use of what he has for sale. This is a remarkable condition of things. A little investigation will show the absurdity of such an allegation. As a matter of fact, the total value of the ingredients used in the manufacture of oleomargarine last year was about $7,000,000. I will be an interested witness to that process of reasoning or mathematics which can demonstrate how even the total destruction of the oleo industry will be able to deprive the stock raiser of nine times as much wealth as is represented in the total value of the ingredients entering into the finished product. The statement is simply one of the many ill-advised attempts which have been made so frequently to bolster up the cause of fraud.

It has been the desire of this committee to frame a bill which will, if passed, be as nearly perfect as possible in dealing with this question, and we believe that we have done so.

We believe the second section of our bill to be very necessary. We visited the factory of the Standard Butterine Company, near this city, and there learned that it is possible to color oleomargarine very easily and quickly. This being the case, it would be a temptation to the hotel, restaurant, and boarding-house keepers to buy the uncolored product and color it themselves. Therefore, we thought it wise to incorporate this second section into our bill. It will prevent fraud of this particular kind because it makes manufacturers out of parties carrying on such practices and renders them liable to the fine which may be imposed on manufacturers, and this is so large that no one with good judgment would attempt any such fraud.

Section 3 is introduced in the bill, the first part imposing a tax of one-quarter of a cent a pound on uncolored oleomargarine, making it compulsory with the manufacturer that correct books be kept by them, showing the ingredients and the amount of each ingredient used in such manufacture, also showing the amount manufactured and to whom sold, which books shall be open to to inspection of internal-revenue agents, just the same as the requirements of the present law. The tax on the colored product is raised from 2 to 10 cents a pound, the object being the placing of colored oleomargarine on an equality in price with butter, thereby taking away the present strong incentive for committing fraud by selling such oleomargarine for butter at nearly butter prices.

Section 4 of the present bill is incorporated that the Internal-Revenue Department may have no trouble in getting access to the books of the oleomargarine manufacturer, which has been some trouble to the Department in the past.

We have no hesitation in supporting this bill in all its provisions, because we believe that they will all prove as efficient as it is possible to make them, and that they are all necessary to the proper construction of an oleomargarine law which shall be stable, just, and approved by the majority of the people. Every section was unanimously agreed upon by the members of the committee who were friends of the dairy interests, and every section represents the result of much study and research into all the problems connected with the question. In behalf of honest legislation against the dishonest traffic in oleomargarine we ask the passage of the bill; in order to obtain the greatest good for the greatest number of people we ask the passage of the bill; we ask it conscientiously believing that it is actually needed, and not from a sentimental prejudice in favor of the great American cow, who is, however, one of the greatest wealth producers of the country, and on whose account a certain amount of sentiment might be excusable. It is not our wish to destroy industry which is legitimate, wherever found, but to make illegally directed energy exert itself in legitimate channels. We seek for complete justice to the interests concerned in this discussion, and in behalf of that justice we submit that this bill ought to be enacted into law.

Rural Free-Delivery Service.

SPEECH

OF

HON. SPENCER BLACKBURN,

OF NORTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, March 10, 1902.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 11728) to classify the rural free-delivery service and fix the compensation to employees thereof—

Mr. BLACKBURN said:

Mr. CHAIRMAN: "Thrice armed is he that hath his quarrel just." To my mind it is a condition which confronts us and not a theory. In this great country we have two distinct classes of citizens; one is the urban population, the other lives in the rural districts. The people of the cities enjoy many comforts and opportunities not possible to the people in the country. We have under consideration now a measure which, whether so intended or not, would, if acted upon favorably by this Congress, work incalculable injury to the people who are not so fortunate as to be inhabitants of cities of more than 10,000 population. Within the last few years there has been inaugurated by the Post-Office Department of our Government a system of mail delivery which to the people of the country districts means more than any other consideration ever received by them at the hands of the Government.

Rural free delivery is comparatively new, but not so young as to be only experimental. There are now in the country, I am informed, more than 8,000 carriers, whose business it is to go each day, with the exception of Sunday, through the districts heretofore isolated from post-offices and post-roads and carry to the population their letters and papers and receive from them such mail as they desire to post. These carriers are appointed by the Government, paid by the Government, under bond, insuring to every patron of the route which he travels prompt delivery of his mail and security against destruction, theft, or fraud on the part of the carrier. These carriers, as they are now selected, are men of character and responsibility.

The people of the cities enjoyed this convenience long before it was conceived or dreamed of for the benefit of the people of the rural districts. Their mail was delivered to them daily; in many cities several times a day.

It seems to me that as far as practicable the people of the country should be as generously treated by the Government as those of the cities. The bill under consideration does not, upon its face, antagonize our present system of rural free delivery, to which the country people now look with hope and confidence for their promotion and enlightenment; but the method sought to be inaugurated in supplying the country population with carriers to my mind would prove absolutely disastrous to the system and render it entirely inefficient. It is my desire to give to the people of the rural districts the same advantages, as far as possible, as those now enjoyed by the people in the cities, and the only question is how shall it be done.

I submit that from my observation and experience, if we seek to secure this result through the contract system of letting the routes to the lowest bidder, as now proposed by the gentleman from California [Mr. LOUD], the rural free-delivery system will not be successful, and its attempted establishment and further extension upon this basis would prove a most dismal failure. Our experience with the contract system in connection with the star routes in this country should be a sufficient object lesson to convince the most skeptical that the consideration of this question in connection with this system would be unwise in the extreme, and the only effect of the proposition submitted by the bill now before us would be to render rural free delivery as inefficient and unreliable as the star routes themselves are. Under the present arrangement, paying to the carrier $600 a year, which is a sum small enough for the smallest route, we secure efficient service and satisfactory results. If the object of the bill is to destroy the rural free-delivery system, which is disclaimed by its advocates, its object will be most effectively accomplished should this measure become a law.

In the district which I have the honor to represent, which is almost entirely rural, where the only means of procuring mail by my constituents is through the medium of the star routes, the contract is taken at such an inadequate price that the contractor is unable to render the service required at his hands, and in many instances wholly unable to deliver the mails at all. Oftentimes the postmaster is required to supply the service for days and weeks until the original contractor or some one of the many subs to whom he has let it appears upon the scene and relets it to another party whom he is able to dupe into the belief that he can meet the demands of the Department and make the schedule time; or the people are left absolutely without any service, and the mail facilities upon these routes is absolutely paralyzed.

I know in my district one route, a distance of 32 miles, over which the carrier must go daily, supplying more than one entire county, carrying hundreds of pounds of mail matter, for which he receives within the neighborhood of $400 per annum—a little more than $1 per day, requiring the service of at least 4 horses and 2 carriers. I know of another route which is let for a distance of sixty-odd miles, for which the carrier gets less than $900 a year. For this sum he is not able to keep his horses in good condition and hire a carrier who is in any wise responsible. The result of which is the inconvenience of the patrons of the line and the absolute inefficiency of the service.

With my knowledge of these facts, which continue to exist each succeeding year, I shall never consent to destroy by my vote a system which is now being introduced into the country for the benefit of that class of citizens who stand in need of it. There are in my district 40,000 voters and 200,000 American freemen whose interests are more to me than that of any other citizenship in this great land, and to those interests I shall not knowingly prove false.

Some days since I voted for an appropriation to spend millions of dollars—hundreds of millions of dollars—to build a canal connecting the two great oceans, and I did it freely, because I thought it was for the public good. I voted for an appropriation of $500,000 to provide shelter for our soldiers in the Philippine Islands against the ravages and ills of that climate, and I did it cheerfully. And when I vote upon this proposition I shall vote for the interests of the people who sent me here and whose confidence I enjoy and whose interests I shall endeavor to guard as long as I remain in the capacity of a public servant. I shall vote against this proposition and for our people in the rural districts, who ask for less at the hands of legislative assemblies than any other citizenship in the world, and who in times of trouble respond most cheerfully to their country's call.

We are sending hundreds of teachers to the Philippines to aid in the enlightenment and intellectual and Christian development of the natives of those islands. By the final arbitrament of war they have fallen into our hands, and it is our duty to enlighten and Christianize them. While this is the case, there are thousands and thousands of American freemen, my blood and my flesh and my bone, who are looking to me to guard their interests, and I shall endeavor so to do. Whether the opposition intends to destroy this great system, which means so much to the rural population, this bill, if passed, will prove as effective in so doing as a measure actually directed at its repeal. I read with considerable interest the speech of the gentleman from North Carolina [Mr. KLUTTZ] in advocacy of the further extension of the rural free-delivery system and its advantages to the people in the rural districts, and I thought that he might have added an extra reason why he and the distinguished gentlemen of like faith in our State should be heartily in favor of the present system of rural free delivery.

I would suggest to him that a further reason for my opposition to this measure, which I think would prove detrimental to the rural free-delivery system, is that under a law which his party forced upon the people of my State by intimidation, fraud, force, and murder, under an election law which disregarded contemptuously the rights of all opposition to the machine Democracy of our State, that no freeman, however intelligent he may be, after the year 1908, six years from now, will be able to vote in any election in our State unless he is able to read and write to the satisfaction of a Democratic registrar any section of the constitution of North Carolina. In the absence of school facilities and the means of our people to educate their children it is appalling to think of the consequences following in the train of a constitutional amendment, the only object of which was to give the dominating party in our State permanent lease on political life, and which we must meet and realize long ere we are ready for it. My information is that, approximately, 33 per cent of the white population of my State is illiterate. May we hope, without schools better than we now have, to educate, within the next six years, all the boys who are now 15 years of age and upward?

With this awful condition confronting us, and the gentleman himself being responsible, so far as his influence and efforts are concerned, it is no wonder to me that he should be heartily in favor of this measure and seek now, when too late, to remedy an irreparable wrong which his party has inflicted upon a helpless though honest people.

So far as I am concerned, I hope that these mail facilities rendered through the operation of the rural free-delivery system may be extended to every home throughout the length and breadth of my State. In the absence of the school facilities such as we need there is a ray of hope that by extending these facilities and keeping the people in touch with the newspapers and other sources of information many an honest freeman and aspiring youth may get sufficient education and information to save him from the humiliation and disgrace of being made to stand aside six short years from now with the vicious negro, simply because he can not read and write. The curtain is falling upon the first act now, and the citizen who is unable to pay his tax before May 1 of this year will be a serf on a level with the common criminal.

May the hand of God shield us from the scenes of the second act when 33 per cent more will be added to the number already sacrificed.

I want to maintain the present system because it injures no one and benefits thousands. It comes with life and light and sunshine, and gives hope and inspiration. It has been suggested by gentlemen upon this floor who favor this bill that within the next few years there will be 30,000 carriers and millions of people supplied by this system at an immense expense to the Government. So far as I am concerned, I wish we had them now. The millions in our vast cities are already enjoying the benefits of free delivery; to that no one has objected, nor would anyone do so. At the same time may we not give to our constituents in the country—the bone and sinew of our land, the great conservators of peace, law, and order—some of the advantages enjoyed by the people in the great cities? It is said that in the great marts of trade where the fortunes are accumulated, that within these generations business would be paralyzed and thousands of enterprises hampered except for the fact that up from the country comes new blood and new life to take the places of those who are city-reared and city-bred through the beneficence of their ancestors, who likewise came from the country to make the fortune which they have squandered. [Applause].

If this be true, why not then place within the reach of the youth of the country every advantage possible for us to place there?

There is no education like the public press, and what I desire to do is to put, as far as possible, in the hands of every citizen in the district which I have the honor to represent some means of enlightening himself, informing himself upon the public issues of the day, making himself a better and more intelligent citizen. Should this bill become a law and the contracts let to the lowest bidder, the result will be that the routes will be let to men who can not do the service, the rural free delivery will be rendered inefficient, unreliable, and the great mass of our people whose object it is to aid, elevate, and enlighten—the best citizenship of our land—will be denied the recognition to which they are entitled. [Applause.]

In conclusion, Mr. Chairman, I desire to register my vote unmistakably in favor of the welfare of as true constituency as ever charged the citadel of fraud or wrenched victory from defeat—citizens whose liberty is as dear to them as their lives and little ones, and who will resist to the last fatal ditch any encroachment upon their rights; and hail with equal delight whatever small consideration may be shown them in the race of life. I shall cast my vote with the hope of giving one extra ray of light to the citizenship of the community in which I was born, as true to the flag as the steady fixedness of the North Star to the pole—as devoted to their country as Arnold Winklereid, or the Scottish highlander who followed Wallace and Bruce for the love of his Mary and his native heath. For the urgent needs of the great common masses, their welfare, and their hope—the people of the country—I stand and plead.

Ill fares the land, to hastening ills a prey,
Where wealth accumulates and men decay;
Princes and lords may flourish or may fade—
A breath can make, as a breath has made—
But a bold peasantry, their country's pride,
When once destroyed, can never be supplied.

[Applause.]

Oleomargarine Bill.

SPEECH
OF
HON. JAMES T. McCLEARY,
OF MINNESOTA,
IN THE HOUSE OF REPRESENTATIVES,

Wednesday, February 5, 1902.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 9206) to make oleomargarine and other imitation dairy products subject to the laws of the State or Territory into which they are transported, and to change the tax on oleomargarine—

Mr. McCLEARY said:

Mr. CHAIRMAN: The House is always delighted when it is afforded the opportunity of listening to the gentleman from Illinois [Mr. BOUTELL]. As he said of another at the beginning of his address, whatever subject he touches he illumines, and we enjoy him whether he speaks soberly or in a jocular tone.

I noticed that the early part of his address was jocular, and I could not help thinking of an address on a somewhat similar subject given by Josh Billings, of perennial fame, who was announced to deliver an address on "Milk." He appeared before his audience. Upon the lecture table was a glass of milk. He drank the milk and proceeded with his address, but with no further reference to the subject of milk. Some one said, "I paid my money to hear you deliver an address on milk." "Well," said he, "didn't I deliver that address—on milk?"

I want the attention of the committee to the fact that during the closing part of my friend's address, when he discussed so ably national finances, he talked soberly. I can only assume that like many another skillful public speaker he began his address in jocular vein, when he was talking upon the subject of the bill under consideration, and that in that connection he did not intend us to take him seriously.

AGREEMENTS AND DISAGREEMENTS.

Mr. Chairman, persons in the gallery who have attended these meetings for only one day are probably possessed of the idea that among those discussing this bill there are many and serious disagreements. But those of us who have followed the discussion carefully and have analyzed, as it proceeded, the remarks made, can hardly fail to be impressed with the fact that there are more points of agreement than of disagreement.

The practical question before each member of the House is this: "When the Committee of the Whole concludes discussion and the time comes to act, which of two bills am I going to vote for?" For among all those who have spoken I have heard no one who did not express the expectation to vote for one or the other of these two bills, the question being, "Which of the two shall I vote for?"

Now, let us note some of the things about which all seem to agree.

First, no matter which bill we support, the starting point of each, the spoken or unspoken major premise, is the proposition that there is great fraud in the sale of colored oleomargarine.

Second, everyone follows with the proposition that national legislation is needed at this time to check that fraud.

And, third, all agree that this legislation should, in the first place, prevent the fraud; and, in the second place, not interfere with any legitimate industry. On all of these points we seem to be agreed.

Mr. BOUTELL. Does the gentleman say we are all agreed in the necessity for national legislation?

Mr. McCLEARY. So far as I have heard, no one has taken issue with that proposition.

Mr. BOUTELL. There was where I was perfectly sober and serious, when I emphatically denied any necessity for national legislation.

Mr. McCLEARY. I did not take it seriously, because the gentleman mixed it with so much fun. [Laughter.] But I would remind my friend that there has been a national law on this subject for nearly sixteen years, the law whose weak places we are now proposing to make strong. So that if nothing is done now we shall still have a national law on the subject. The question, then, would be, "Shall we keep the present law unchanged or shall we make it a better one?"

The only disagreement, then, is as to the method of accomplishing improvement.

SOME HISTORY.

At this point it may not be amiss to revert for a short time to the history of this kind of legislation.

Oleomargarine, so far as we can learn, was first made in France about the year 1868, as an experiment. In the Franco-Prussian war the industry was encouraged by France, for the time being at least, in the hope of furnishing a suitable substitute for butter for the men in the field. The industry took root in the United States about 1873. So that the industry in this country is about twenty-eight years old. As time progressed State after State found it necessary, in defense of its citizens, to pass laws restricting the sale of this colored oleomargarine. At the present time there are 32 States in the Union having such laws, more or less restrictive, and these States contain four-fifths of the population of the United States.

About sixteen years ago it became evident that the State regulation was inadequate to meet the conditions, and on August 2, 1886, after months of consideration, an act of Congress was passed supplementing the work done by the State legislatures. That act of August 2, 1886, is still in existence. It is that law which is to be amended by the pending bill.

The bill which resulted in the act of August 2, 1886, as introduced into the House, provided for a tax of 10 cents a pound on oleomargarine, whether colored to resemble butter or not. As reported by the Committee on Agriculture and as passed by the House the tax was reduced to 5 cents a pound. In the Senate the tax was reduced to 2 cents a pound, and thus it became a law.

Now, by 1888, when the business had been in existence only fifteen years, the product of oleomargarine in the United States, notwithstanding the restrictive legislation I have spoken of, amounted to 34,000,000 pounds per year. State legislation more rigorous in character was adopted, but by 1901, thirteen years later, the product had amounted to 104,000,000 pounds in round numbers, or more than three times what the product was in 1888. The bulk of this immense product is believed to be sold fraudulently as butter and largely at about the price of butter. This explains in part the need of further national legislation, as judged by the majority and almost unanimously conceded by the membership of this House.

THE CASE ANALYZED.

Now, here is fraud being committed. Here is a disease in the body politic. The skillful physician called to attend a sick person endeavors first of all to diagnose the case in order to determine the nature of the disease and the causes thereof. Let us analyze then, briefly, the nature of the fraud and its causes.

Its nature? It consists essentially in selling to people who desire butter a product which is not butter, but so closely resembles butter that it is sold as butter and at about the price of butter.

By whom is this fraud committed? My friend Mr. WADSWORTH was right when he said that it is not committed immediately by the manufacturer. It is committed by great numbers of retailers supposed to sell butter, and by very many keepers of hotels, restaurants, and public boarding houses.

Illustrations of the methods of fraud were given so fully yesterday by my friend from Wisconsin [Mr. DAVIDSON] that I shall not trespass upon your time to consider them further to-day.

What is the motive of the act? When we reach the motive we get very near to the application of the remedy. The motive of the act is gain. Those guilty of the fraud sell the colored oleomargarine because of the difference between the wholesale price of oleomargarine and the retail price of butter.

What makes the fraud possible? It is accomplished through the color of the article.

Right here, then, we have the elements of our problem. We have, first, the motive, which is gain; and second, the means, which is color. The purpose of the bill reported by the committee is to strike at the motive through the means.

Let us consider briefly the two bills before us to ascertain how each bill endeavors to meet the difficulty. We shall thus discover wherein the bill reported by the committee is the better bill.

THE WADSWORTH BILL.

The minority bill, or, as it is called, "the Wadsworth bill," amends sections 3 and 6 of the act of 1886, to which I have referred. Section 3 refers simply to the license fees and is not so very important. The amendment proposed to section 6 contains the gist and the germ of the differences between the two bills.

By the way, I need hardly say that the Wadsworth bill must have some good, strong points about it, otherwise it never could have secured the indorsement of men like JAMES W. WADSWORTH, of New York; WILLIAM CONNELL, of Pennsylvania; CHARLES F. SCOTT, of Kansas; JOHN S. WILLIAMS, of Mississippi, and HENRY D. ALLEN, of Kentucky, the members of the Committee on Agriculture who favor the Wadsworth bill. These are men whom we all know to be gentlemen of the highest character and of very superior ability. In the nature of the case this bill must have great merit or such men would not approve it and support it. This very merit is what misleads some of our friends into its support. While it has merit the bill reported by the other 12 gentlemen of the committee, gentlemen of equal character and ability, contains still more merit, as I hope to show.

The main paragraph of the Wadsworth bill is the one which amends section 6. Briefly, it provides that the maker of oleomargarine shall sell that product, whether colored or uncolored, in 1-pound and 2-pound packages; and that each package shall be marked by the manufacturer with the word "oleomargarine" plainly impressed into each 1 or 2 pound piece. Around each package a paper must be wrapped, upon which is marked the name "oleomargarine." Then around that another stronger wrapper, made of wood or other substance, as the manufacturer may choose, is to be placed for the protection of the package, and that must be marked plainly "oleomargarine." And around the package thus made up is to be strapped the revenue stamp of the Government. And no broken package is to be sold for use. Each package must go into the hands of the consumer unbroken.

Now, the merit of that bill is this: It does put a restriction upon the practice of such a man as the grocer in retailing that product to the consumer. He must sell the oleomargarine in one or more unbroken packages. Through the marking referred to the purchaser is fully advised that the article is oleomargarine and not butter. In the case of the man who buys for consumption in his own home the bill does seem to have a great deal to be said in its behalf. It does seem to be pretty nearly effective in protecting the consumer who buys from the dealer for his own use.

But knowing that he is getting oleomargarine, the purchaser would of course not be willing to pay as much for it as if he thought it to be butter. To increase his profit the dealer is tempted to deceive the purchaser. And I can not see why a dealer disposed to practice fraud might not unwrap the package, take out the oleomargarine, pack it in a tub, and then out of that tub sell it as butter. Of course it would be a fraud, and if caught at it the man would be punished. The bill, I understand, provides penalties for that offense. But the chances of being caught are so small as not to be much of a deterrent.

Then there is another class of people, and a very large one, too, who are utterly unprotected by the bill. You and I are boarding. Very few of us can afford to keep house here in Washington; it is too expensive. Most of us are boarding. Think of the number of people all over this country who are unmarried and who are boarding. Think of the habit which is growing up even among married people of boarding part or all of the time. Think of the number of people who are traveling to and fro. You rarely go upon a train without finding it filled with people. Americans are great travelers. So I might go on enumerating people of this class. Now, my friend [Mr. WADSWORTH] will hardly claim that for this class of consumer there is one particle of protection in his bill.

Mr. WADSWORTH. I think there is ample protection, but I will not consume the gentleman's time by answering him at present.

THE COMMITTEE BILL.

Mr. McCLEARY. Now, let us look a moment at the bill of the committee. As I said, the thing that causes the trouble is the very natural desire for large gain or profit. The desire for unusual gain is the cause of the whole trouble; and the instrument of the fraud is the color of the product. The heart of the bill which the majority has reported consists in this—that it removes the temptation; the effort at least is to get at the root of the matter by removing the temptation.

The bill consists of four sections.

Section 1 provides that oleomargarine carried into any State or Territory shall be subject to the laws of said State or Territory, even if the oleomargarine is sold in the original packages, thus obviating the effect of the "original package" decision of the Supreme Court. By the way, the effect of the Wadsworth bill would probably be the very opposite—namely, to break down the laws of the 32 States on the subject.

Section 2 extends the definition of "manufacturer," as used in the act of 1886, so as to include all persons making the colored oleomargarine for sale; such, for instance, as boarding-house keepers who buy the oleomargarine uncolored and then color it for boarders.

Section 3 raises the tax on colored oleomargarine to 10 cents per pound and reduces the tax on uncolored oleomargarine to one-fourth of 1 cent per pound. This is the central and essential paragraph or section.

Section 4 amends the McKinley Act by providing for better reports from wholesalers of oleomargarine.

Mr. LESSLER. Will the gentleman allow me a question? I want to get some information which no member thus far in the debate seems to have given.

Mr. McCLEARY. Certainly; I yield for a question.

Mr. LESSLER. Will the gentleman clearly tell me what the consumer who wants yellow butter or yellow oleomargarine will do when 10 cents a pound taxation is added to the price of the commodity? I refer to those who can not afford to buy 35-cent butter.

Mr. McCLEARY. I will endeavor to reach that point in due course; I have it in my mind to be considered. The gentleman's question is a perfectly pertinent and proper one.

MAKING FRAUD UNPROFITABLE.

How shall the trouble be reached—the desire for and hope of unusual gain? The principle of the committee bill on this point is illustrated by a story. I remember hearing once of a man who was running what is known in common parlance as a "blind pig." The story is located at the home of my friend on my right, the gentleman from South Dakota [Mr. MARTIN].

Mr. MARTIN. Probably its actual location was over the line—in Minnesota. [Laughter.]

Mr. McCLEARY. The incident might have occurred over in my district, but we always locate it in South Dakota when we tell the story.

Mr. MARTIN. The reason of that is plain.

Mr. McCLEARY. Obvious. We never claim what does not belong to us.

The man was arrested, tried, convicted, and fined. He went back and engaged again in the business. He was again arrested, again tried, again convicted, again fined. Again he returned to the business. This process was repeated many times. Finally the magistrate asked him one day, "How long are you going to keep this thing up?" "Why," replied he, "just as long, your honor, as there's 8 cents profit in a 10-cent drink." [Laughter.]

Well, that is exactly the situation here. This fraudulent sale of oleomargarine for something that it is not will be kept up just as long as there is such an enormous profit to be made by practicing the fraud.

Mr. MONDELL. Will the gentleman allow me a question?

Mr. McCLEARY. Certainly.

Mr. MONDELL. Following the line of the illustration which the gentleman has just given, I wish to ask him this question: Does he believe that he will eliminate fraud from the sale of oleomargarine by making the incentive to fraud not 2 cents a pound, but 10 cents a pound? In other words, would the judge have closed the "blind pig" in South Dakota or Minnesota, whichever it might have been, if by some hocus-pocus he had increased the profit on the drink from 8 cents to 80 cents?

Mr. McCLEARY. The question is ingenious, but I do not see what it has to do with the case. [Laughter.]

Mr. MONDELL. The gentleman's argument, as I understand, is that the intent of this legislation is to prevent fraud by taking away the incentive to fraud. But instead of that, this legislation, as I understand, multiplies the profit, and thereby the temptation to fraud, five times.

Mr. McCLEARY. There would be little change in the retail selling price of the colored oleomargarine. It could not be raised much without making it equal to the selling price of butter. But the 10-cent tax on the manufacturer would decrease his profit by that amount, removing from him the temptation to make the colored article. This is our purpose.

Mr. FOSTER of Illinois. Will there not be the same incentive to commit fraud? Can not a man take uncolored oleomargarine into his store and color it himself? And can he not, if arrested

and punished, go on committing the fraud just the same as before, and continue paying the fine, as in the case of the man who ran the "blind pig?"

Mr. McCLEARY. I will try to answer that question in the course of what I have to say. But I desire to follow out as nearly as possible the order of thought which I have mapped out.

Let us endeavor, if we can, to find out now why the State laws have failed of their purpose.

WHY STATE LAWS FAIL.

Mr. Chairman, we know from unimpeachable testimony, some of which was given yesterday in the admirable speech of my friend from Wisconsin [Mr. DAVIDSON], that the manufacturers have offered the retailers protection against all prosecutions in case they sell these products.

Here, for example, is an extract from a letter sent out August 2, 1899, by Braun & Fitts, of Chicago, to dealers in butterine or oleomargarine:

Every licensed butterine dealer in Chicago has received circular letters from the secretary and attorney for the Illinois Dairy Union, promising all sorts of trouble to dealers in butterine (that honest and pure article of food). Well, now, don't you believe a word of it; there is a law against blackmailing, and we want now and here to go on record to the assertion, as an affidavit, that we shall civilly and criminally prosecute any man or party of men interfering unlawfully with the butterine business in this or any other State. We know exactly where we stand: we are properly advised on the subject, and now we make you a "fair offer:" "Handle our goods as you always have; we, in turn, promise and guarantee full protection against the State law (which has been declared unconstitutional) to the extent of paying cost of prosecution, fines, and paying all costs pertaining thereto." In declaring the law unconstitutional one of the judges stated to the effect "that the butter ring were, in his opinion, liable to prosecution to recover damages done an honest industry." Fair enough, isn't it? Renew your efforts, and be assured that we will be prepared to fight any number of rounds in any kind of a legal fight to the finish. Handle our butterine and be safe.

One great difficulty in the execution of the State laws is right there.

Another is found in the reluctance of reputable citizens to get into the courts. Suppose that you or I go into a store that handles oleomargarine and call for butter. If we are strangers to the merchant, he will naturally be cautious lest we be inspectors trying to entrap him. The chances are that we will get butter if he has it at all, or he will say that he has none. But let some one he knows, and whom he does not suspect to be an inspector or some one seeking to entrap him—let him call for butter, and the chances are nine out of ten that he will get colored oleomargarine.

Suppose you go and buy this product for butter and find it is not butter. What will you do? Do you want to get into trouble, or do you want to keep out of trouble? You want to keep out, and the manufacturers of oleomargarine and the dealers in it count on that. They know that each sale is a small thing, and that it is the nature of the law-abiding citizen not to get into the courts; and they assume that thereby their wrong performance will go unprosecuted.

But if it does get into the courts, they have such skilled attorneys that they can drag the case along until the man who is endeavoring to prosecute them finds it is an almost impossible task to convict them. It is this experience of the States that makes them come to Congress and ask Congress to strike at the root of the matter instead of palliating the trouble by touching it here and there. We believe this bill does go to the root of it.

Mr. THAYER. I should like to ask the gentleman a question and to make a suggestion. I do not ask this question or make this suggestion in opposition to the general principle which is involved in this bill, namely, for the purpose of doing away with the manufacture of oleo in imitation of butter; but I do believe that this bill, if it goes into effect, will be a breeder of contention in the courts. The oleomargarine men are not going to sit quietly by and stop making oleo. On the other hand, they are not going to pay 10 cents a pound as a royalty for making a commodity which does not cost more than that. Now, I want to suggest to the gentleman this: Suppose, as we are told here, that at the fashionable resorts in New York and other places the people are eating the whitest butter that they can get.

In the winter season throughout the North the butter made is almost white in its natural state. That being so, and oleomargarine, as heretofore made, being of about the same consistency as butter and about the same weight to its volume, and having a little of a yellow cast without being colored, suppose a person is put on trial on the 1st day of January in a Northern State for making oleomargarine in imitation of butter, and he brings in witnesses and shows that he has simply put the proper ingredients into it for its manufacture, without attempting to color it otherwise; that he has manufactured his oleo in that way, and as a result of that manufacture, without any artificial coloring, that it was an imitation of butter. Ought he to be convicted or acquitted?

Mr. McCLEARY. That would be a question for the court.

Mr. THAYER. Now, Mr. Chairman——

Mr. McCLEARY. I beg the gentleman's pardon. I do not dare to let him ask another question. I fear that my time would expire before he would get through with it. [Laughter.]

Mr. THAYER. I am a friend to the theory of this bill, but I do think that as the oleomargarine men under the Massachusetts law get acquitted in almost every case, under this one they would in still more cases be acquitted.

The CHAIRMAN. The gentleman from Minnesota declines to yield further.

"TAXING AN INDUSTRY."

Mr. McCLEARY. Our friends on the other side of this question persistently speak of taxing an industry. There is no such thing contemplated in this bill. *The tax is on the fraud and not on the industry;* because, as is well known, the bill provides that the tax on uncolored oleomargarine shall be only one-fourth of 1 cent per pound, a sum simply sufficient to police the matter. There is no disposition to interfere with the manufacture and sale of oleomargarine as such; what we aim at is the sale of colored oleomargarine as butter.

Now, how would the bill work? It is understood from the evidence adduced at the hearings that oleomargarine itself costs somewhere from 7 to 8 cents per pound. If left uncolored it can be sold to retailers for 9 or 10 cents and by them to consumers at 11 or 12 cents, instead of 18 to 20 cents as now. This uncolored oleomargarine could probably have a large sale, as it does in Denmark.

If colored, the tax is added to the cost of the article. Colored oleomargarine, then, would have to be sold for something like 18 to 20 cents per pound to the retailers and by them at from 22 to 25 cents per pound. Now, a man could get good butter for that same price.

Mr. LESSLER. Where?

Mr. McCLEARY. Almost anywhere in the country, unless he wants fancy butter—for that, of course, he must pay a fancy price.

The profit to both manufacturer and retailer of the fraudulent article would be reduced. Thus the temptation to wrong-doing would be reduced.

Then there is risk to the man who sells oleomargarine if he sells it in any fraudulent way. There is loss of prestige to his store if it is known that oleomargarine is sold rather than butter. So there will be little temptation to engage in the sale of a thing which seems to have danger about it and no unusual profit. On the other hand, there would be the natural inducement to sell the real thing.

Then, again, the man who wants oleomargarine will be able to buy it more cheaply than he can to-day, because the tax on uncolored oleomargarine is reduced by 1¼ cents, so that the tax is practically nothing.

And to my good friend from Baltimore [Mr. WACHTER], who is so exercised over the workingman's interest, I would suggest, first, that the workingmen who last year sent so many petitions to Congress against this bill are not sending any this year. Now, the reason for that, in my judgment, is that they have thought it over and have found that if they want oleomargarine they can get it under this bill cheaper than they get it now.

THE WORKINGMEN BENEFITED.

Mr. WACHTER. If the gentleman will permit me, I desire to say that I believe the gentleman is mistaken when he says the reason the workingmen have not sent petitions here this year is because they have thought the matter over. They thought the bill was dead and did not think it would be dug up again so soon.

Mr. McCLEARY. My friend has too low an opinion of the acumen of the gentlemen who work by the day with their hands.

Mr. WACHTER. I have been one of them.

Mr. McCLEARY. They know better. They know the bill was never so much alive as it is to-day.

Mr. GAINES of Tennessee. Will the gentleman yield to me?

Mr. McCLEARY. Just in a moment, if my friend will permit me to cover the point about which I am speaking.

Mr. GAINES of Tennessee. Certainly.

Mr. McCLEARY. My friend from Maryland and other gentlemen speak in the interest of the laboring man, and they have a perfect right to do so. They represent them—they have them for their constituents, and so have I. Workingmen in my district do not buy oleomargarine; they buy butter. But to any laboring man in my district who should raise this question I would simply say:

"Which would you rather do, pay a high price for colored oleomargarine or get it for a low price? Would you rather have some other man color your oleomargarine and charge you a big price for doing it, or have the right to buy the uncolored product cheap and take it home and let your wife color it—which she can do practically without any expense—getting the raw material just as you do for any of your other food products? You do not buy bread already baked. You buy the flour from which to make the bread;

and your wife with her skill prepares it for your palate and puts it upon the table. With the same skill she can prepare this other raw material."

It has been discovered recently that the coloring does not have to be done during the process of manufacture. Oleomargarine can be colored after being made, just as butter can be colored after being made, and in practically the same way. All that the laboring man who desires colored oleomargarine has to do is to have his wife initiated, which will take about five minutes, and then, at little expense, he can have the very thing he wants served up in the usual way, by the skillful hand of his wife and at far less expense than he now has to meet.

Mr. WM. ALDEN SMITH. And of any color that he wants.

Mr. McCLEARY. Yes.

Mr. LESSLER. They will teach it in the schools after a while.

Mr. GAINES of Tennessee. Will the gentleman yield to me now for a question?

Mr. McCLEARY. Yes, with pleasure.

Mr. GAINES of Tennessee. On page 2 of this bill there is a proviso which I should be very glad to have the gentleman explain. I am opposed to this fraud—the sale of oleo to a man instead of butter when a man wants butter. Understand that now. I am opposed to that, as I am opposed to fraud generally, but I do not understand this language, and I am inclined to believe that some of the gentlemen who favor this bill do not understand it themselves. I think you do understand it, and I want you to explain it, if you please.

Mr. McCLEARY. I will try to do so.

Mr. GAINES of Tennessee. The proviso which I wish you to explain is this:

That nothing in this act shall be construed to permit any State to forbid the manufacture or sale of oleomargarine in a separate and distinct form and in such manner as will advise the consumer of its real character free from coloration or ingredient that causes it to look like butter.

Now, it is provided:

That nothing in this act shall be construed to permit any State to forbid the manufacture or sale of oleomargarine in a separate and distinct form.

Is that a proviso to prohibit the States from legislating on the subject of oleomargarine, a business which is carried on within the States?

Mr. McCLEARY. I think not. The history of that proviso, I would say to the gentleman from Tennessee, is, I have been advised, simply this: The original Grout bill, introduced many years ago, consisted of section 1 of the present bill, barring the proviso referred to. The gentleman from Mississippi [Mr. WILLIAMS], I understand (who lives on the side of the House occupied by my friend, and whose ability he will not question), thought that there should be a protection to the States, and the proviso was put in, I have been told, in the Fifty-fourth Congress to meet his objections to the bill.

Mr. GAINES of Tennessee. My heavens! It prostrates the States.

Mr. McCLEARY. My friend can argue that with the gentleman from Mississippi [Mr. WILLIAMS].

WHY TAX THE MANUFACTURER?

Mr. McCLEARY. My friend from Illinois [Mr. BOUTELL], who delighted us with his speech before I began my remarks, said that he opposed this bill, first of all, because that it was leveled against the man who did not commit the fraud, that it was leveled against the manufacturer, while it was the retailer who confessedly committed the fraud. The gentleman from New York [Mr. WADSWORTH] makes the same objection.

Now, when we undertake to strike at a trouble we should strike at the source of the trouble. In this case the trouble begins with the manufacturer. We tax the manufacturer of colored oleomargarine as a deterrent of fraud on the same principle that we punish the maker of counterfeit money, even if he does not circulate a dollar of it.

Referring to the chief manufacturer of oleomargarine in this country, the Moxley Company, of Chicago, here is a pertinent extract from one of the company's letters to dealers in oleomargarine, dated August 2, 1899—a very recent letter, it will be noted:

The Internal-Revenue Department looks after their own business and the State after theirs, and should this so-called dairy union interfere with your business in the way of prosecution as to the State laws, we hereby guarantee you protection to the extent of paying all fines, costs, etc., until the color law is decided unconstitutional in the supreme court of the State of Illinois, and will further, on receiving complaint, take such action for damages as will make it unpleasant for some of those who are attempting to interfere with your and our own legitimate business.

* * * * * * *

We strongly recommend you to pay no attention to those circulars. We have always been in a position to protect our customers from injustice and blackmailers, and will be ever at your service should you require our aid.

There is no man who makes oleomargarine colored in the semblance of butter who does not know when he makes it that the bulk of it will be sold as butter. He knows that if that were not true there would not be so much of it sold. Why, what do our friends continually say? They do not speak five minutes without saying we are striking at an industry. What does that confess? It is an open and unmistakable confession that unless oleomargarine can be made and sold in semblance of butter it can not be made and sold at all. That is their judgment. The only way to sell the product is to sell it as butter. It is the color that makes it possible to do that. Why, the man who makes oleomargarine——

Mr. BURLESON. Will the gentleman permit me one question?

Mr. McCLEARY. I have not time to yield to the gentleman. If I do not cover the question of my friend before I get through, I promise to yield to him if my time permits. I am always sorry to disoblige him, because he is so courteous himself.

We wish a tax upon the manufacturer, because we want to strike where the fraud begins. My friend from Wisconsin [Mr. DAVIDSON], who spoke so well yesterday, showed you the advertisement of one of the manufacturers, Mr. Moxley, in the form of a pamphlet showing the different colors in which he could furnish oleomargarine, and in the letter which he sent with it he said he could furnish the oleomargarine of the color of the butter used at any season in the locality where the merchant was selling goods. The whole purport is that the manufacturer intended by this to make the dealer the instrument of fraud. So far as I can see, no other construction can be put upon the language.

Mr. WADSWORTH. But the gentleman would not punish the whole flock of sheep because there was one black sheep in the flock. This is the only case that has been brought before our committee, the one of Mr. Moxley, and it is by such means that the business has been brought into disrepute; but this is the only manufacturer that has ever been named before our committee in two winters' hearings.

Mr. McCLEARY. But my friend will remember the letter of Braun & Fitts, from which I quoted. He also knows that there are companies making and selling colored oleomargarine that use names such as would mislead people. Here are some of the names used by such makers: Falls City Dairy Company, Louisville, Ky.; Capital City Dairy Company, Columbus, Ohio; Union Dairy Company, Cleveland, Ohio; Illinois Dairy Company, East St. Louis, Ill.; National Dairy Company, Washington, D. C. Now, what is the purpose of using such names if it is not the purpose of misleading people?

Mr. WADSWORTH. I do not know.

Mr. McCLEARY. Moxley is not the only manufacturer who is doing this. He claims to be the greatest manufacturer of this product in this country. He claims that he is making about 12½ per cent of all that is made. So probably he is the greatest sinner of all.

I have heard of but one man who voluntarily obeyed the law, and that was Armour. When he found it was against the law of his State to make colored oleomargarine, he ceased to make it. Phil Armour said: "I will not make a thing in the State of Illinois when the making of it is against the law of Illinois." Let this be said to his everlasting credit. These other manufacturers advertise, though probably not as conspicuously as Moxley does; but they know—and must know—that the purpose of coloring oleomargarine is to make the purchasers and consumers believe it to be butter.

Mr. FOSTER. Will the gentleman yield for a question?

Mr. McCLEARY. My time has pretty nearly run out, and I want to finish a certain line. If I do not cover the point, I will then yield to the gentleman.

Mr. LESSLER. Does not the gentleman think we ought to go further than that and look after the chicory manufacturer, and see that they do not supersede the coffee fellows?

Mr. McCLEARY. I have heard that question asked here often during the debate. I suppose my friend would answer that all fraud ought to be stamped out if possible. And, Mr. Chairman, in that I very heartily agree with him. But, my dear friend, will not you take one step in the right direction because you can not become an angel in fifteen minutes? [Laughter.]

Mr. LESSLER. I will answer you if you will answer the question that I have put, but have not yet had an answer to. What about the consumer? I am interested in him because he is in my district—the poor fellow who can not get pure butter, who has not the money to buy it; and you are taking the oleomargarine that he can get away from him. Now, I would like an answer to that question.

Mr. McCLEARY. My friend must have been thinking of something else, or else my poor tongue is unequal to the answer, because I distinctly said, and I tried to emphasize it, that under this bill he can get the colored oleomargarine cheaper than he gets it now if he is willing to do the coloring himself or have his better half do it. All in the world he has to do is to carry on his proceedings in this matter as he does in any other. He buys the

flour and his wife makes the bread. He or she buys the eggs and the sugar and she makes the cake that pleases his palate. She can get the uncolored oleomargarine at about 10 to 12 cents per pound, and in two minutes she can color it to suit his taste.

Mr. LESSLER. The gentleman does not understand the condition of the large cities when he makes a statement like that.

Mr. McCLEARY. I intended to cover the ground in my answer, and I will yield to the gentleman to tell me wherein I am at fault.

Mr. LESSLER. Take the conditions in the great big cities, where you find tenement houses with 50 or 60 people in them, a tenement house with 50 families in it, having 2 rooms or 3 rooms, and perhaps only 1 room, with no stove or any of the household luxuries. They do not know how to do these things, they have no time to find out, no place to go to find out, and when you add 10 cents a pound to the product they want—whether they think it is butter or not—you are taking away from them something that they have a right to have. [Applause.]

Mr. McCLEARY. But we do not aim to add to the price that they now pay. Our purpose is to take profit from the manufacturer of the fraudulent article.

Mr. SIMS. Why not let the housewife color her butter in the same way?

Mr. McCLEARY. I am endeavoring to answer the gentleman from New York; sincerely endeavoring to answer his question. Now, is it very expensive to take a little piece of a shingle, or a piece of wood out of which to make a little paddle? Will that strain the resources of the various persons in your district?

Mr. LESSLER. I will say this——

Mr. McCLEARY. The smallest boy in the family can find all the material necessary to do this.

Mr. LESSLER. These people want the product, whether it is butter or oleomargarine.

Mr. McCLEARY. Have they not a spoon in the house?

Mr. LESSLER. I guess they have.

Mr. McCLEARY. Then that is all they need.

A MEMBER. Probably his constituents have got souvenir spoons with the gentleman's picture on them. [Laughter.]

Mr. McCLEARY. They ought to have, because he is their good friend, and I trust they will keep the pictures and keep him a long time here.

Mr. SIMS. I would like to ask the gentleman if they could not color the butter in the same way?

Mr. McCLEARY. Pardon me. I am trying now to answer the gentleman from New York and answer his question in good faith because he has asked the question in good faith.

Now, these people do not need any special implements. They can buy uncolored oleomargarine for, say, 10 to 12 cents per pound. Enough coloring matter to last all year can be bought for a few cents. They take the uncolored oleomargarine, mix into it a few grains of the coloring material (just in the way a farmer's wife sometimes colors butter to suit the taste of those to be served), and for 10 to 12 cents they have what would now cost them 18 to 20 cents. They do not need any unusual amount of time. In two minutes they can put in the coloring matter. They can do it with a spoon or a knife. The only instrument they need to do it with is always at hand. I trust I have answered the gentleman.

Mr. LESSLER. If the gentleman will pardon me, one thing more. The gentleman made this statement, the bill is aimed at oleomargarine sold at the price of butter. One of the gentlemen said the idea was to determine whether butter should be sold for 15, 18, or 20 cents, and you want to add 10 cents to the spurious article. Is that so? If this is yellow oleomargarine, he has got to pay 6 cents a pound and to charge 15, 18, or 20 cents.

Mr. McCLEARY. The gentleman misquotes me—unintentionally, of course. My proposition is that this bill will not materially change the cost of colored oleomargarine to the consumer if he goes and buys it already colored, as he does now. *But it will materially reduce the profit of the manufacturer of colored oleomargarine*, so that his inducement to make the colored article will be removed, and thus the fraud will be done away with. And if the purchaser is willing to have the coloring done at home the colored oleomargarine will cost less than now.

Mr. LESSLER. I took down the gentleman's language just as he said it—"oleo sold at the price of butter."

Mr. McCLEARY. My statement is that the 10-cent tax is directed solely at one thing—at the fraud in coloring the oleomargarine.

Mr. LESSLER. But the point I make is that in striking at the fraud you are striking at the consumer; he is the person who is hurt.

Mr. McCLEARY. My friend will allow me to say I am utterly unable to make my answer clearer.

I assume that most men prefer butter to oleomargarine if they can get it. But the consumer who desires colored oleomargarine can get it under the bill cheaper than he can get it now, getting big pay for doing the coloring at home.

To make this any clearer is an impossible task for me; somebody else may be able to make the matter clearer.

Mr. LESSLER. Let the gentleman charge the difficulty to my obtuseness.

Mr. McCLEARY. Not at all. The answer is, and there is no getting away from it, that colored oleomargarine—colored absolutely to suit the taste of the one who consumes it—is possible at the humblest home. All that anyone who wants the colored oleomargarine needs to do is to buy the uncolored article and then get a very small quantity of that very inexpensive coloring material called annotto and color the oleomargarine.

Mr. WM. ALDEN SMITH. He does not need to color it.

Mr. McCLEARY. Certainly not. I say he can color it if he wishes to.

My friend from New York claims that a man has a right to suit his taste in this matter, and I concede that such is his absolute right. The consumer has the right to color the article dark or light, according to his taste. For the extra price that would be paid for one pound of colored oleomargarine the consumer can buy enough annotto to furnish coloring material for the rest of the year.

Mr. LESSLER. If you told those people to buy annotto they would think you were inviting them to swallow poison.

Mr. SIMS. According to the argument of the gentleman from Minnesota, the hotel or restaurant keeper can buy coloring matter, and by its use can stuff oleomargarine down the throats of his guests under the pretense that it is butter. The gentleman tells such people how the fraud may be committed.

Mr. McCLEARY. The difficulty the gentleman mentions is the reason why section 2, to which I have referred, was added to the Grout bill.

And I want to say that this bill of the committee is practically the Grout bill, with two sections added to meet new conditions. There has been no newspaper report flashed out this winter from this city giving the proceedings of Congress, and there will be none sent out, that will give as much satisfaction to as many of the substantial people of this country as the announcement which will be made when the vote on this question shall have been taken that the Grout bill has again passed the House of Representatives.

Mr. LAMB. Does the gentleman refer to consumers or producers?

Mr. McCLEARY. I mean all right-minded people.

And now I desire to go back to a question which the gentleman from Tennessee [Mr. SIMS] asked me a few minutes ago. I will answer him frankly. My friend is so frank and straightforward himself that he has a right to expect the same quality in others.

The possibility just referred to became obvious only recently. At the time the Grout bill passed the House last year it was supposed by everybody that the coloring had to be done during the process of manufacture, and therefore the Grout bill of last year was ample to meet the conditions as they were then known.

In the committee this question was brought up by the gentleman from Kansas [Mr. SCOTT]. The gentleman from Kansas asked some one who appeared before the committee—Dairy Commissioner Adams, of Wisconsin, I think—whether it would not be possible to buy the white product and then color it; and the answer given was, Yes. The committee had investigated the matter last year and had reached a different conclusion. But in order to get a full understanding of the question the committee accepted an invitation given some weeks ago to visit a representative oleomargarine factory within a few miles of Washington. On Saturday, the 18th of January, they went out to that factory, and there they learned for the first time to a certainty that the thing which the gentleman from Tennessee suggests could be done.

On the way back my friend from Vermont [Mr. HASKINS], my friend from Michigan [Mr. HENRY C. SMITH], and my friend from New York [Mr. WADSWORTH], and others said, "There is a point where there is a possibility of fraud." Then the four lawyers of the committee, Messrs. HASKINS, SMITH, GRAFF, and NEVILLE, went to work and drafted a paragraph to be inserted in this bill, after receiving the approval of the committee, extending the definition of the word "manufacturer" so as to include any man who buys the uncolored product and colors it, and then directly or indirectly offers it for sale.

Mr. SIMS. But the hotel man who buys it in order to use it in his business is not offering it for sale.

Mr. McCLEARY. He most certainly is. That matter is especially covered by the paragraph. The provision on this subject has been carefully drafted by four skillful lawyers, who are members of the committee, with the view of covering the contingency referred to. It is framed so as to leave open all the right possibilities and to close absolutely if possible all the wrong ones.

Mr. SIMS. Suppose a hotel man buys uncolored oleomargarine and then colors it and serves it to his guests. How can the guest to whom it is offered know that it is not genuine butter? How is the prevention of such a fraud practicable?

Mr. McCLEARY. Well, the way the fraud is expected to be made impracticable is this: The hotel man knows that under the section he would have to become a manufacturer. The license of a manufacturer is high——

Mr. WADSWORTH. Six hundred dollars a year.

Mr. McCLEARY. Six hundred dollars a year.

Mr. WADSWORTH. Every year.

Mr. McCLEARY. Every year. And the penalty for an infraction of the law is also high. If he thinks it is profitable, he can become an oleomargarine manufacturer. But he will not be tempted to become such manufacturer, by reason of the fact that it is very expensive to become one. He will probably conclude that it is more profitable, and therefore better, to buy real butter and serve that.

Mr. WADSWORTH. Is there not a law against larceny to-day?

Mr. McCLEARY. Yes; and by reason of that law there is less larceny than there would be if there were no law.

Mr. WADSWORTH. But there is larceny every day, all the same.

Mr. McCLEARY. Certainly.

Mr. WANGER. Would my friend repeal that law because there is larceny?

Mr. WADSWORTH. No.

Mr. McCLEARY. Not at all. The purpose of that law is to reduce larceny to the minimum, and the purpose of this law is to reduce fraud to the minimum.

Mr. HAMILTON. That is right.

Mr. McCLEARY. And we believe the bill of the majority will do that more certainly than the bill of the minority, and at the same time infringe no man's rights. Therefore we are for the bill of the majority.

Mr. WM. ALDEN SMITH. I should like to ask you whether you deem it essential that oleomargarine should be colored in order to be palatable?

Mr. McCLEARY. I do not know. I presume not. I never ate any that was uncolored. I presume I have eaten some that was.

Mr. WM. ALDEN SMITH. But you are making it cheaper to sell the uncolored oleomargarine by the passage of this bill.

Mr. McCLEARY. Yes.

Mr. WM. ALDEN SMITH. Now, it seems to me that answers the very bad situation that the gentleman from New York [Mr. LESSLER] described to us, which he says exists in his own district. If they want oleomargarine they can get it.

Mr. McCLEARY. Yes. My friend from Michigan is correct. The gentleman from New York can say to them, "When you eat that, boys, you are right in style, because that is the color of what they eat at the Waldorf."

Mr. LESSLER. No; they will probably say to me, "You had in mind 500,000 farmers somewhere else, but you forgot us because we live in tenement houses."

Mr. McCLEARY. No; I believe my friend will make them his friends by reason of his vote on this bill, if he votes for it, rather than make them his foes. By patiently explaining to them how it benefits them he will in the end increase the confidence which they have in him, even if at first they oppose his action through misunderstanding.

Mr. BOUTELL. Will the gentleman yield to me?

Mr. McCLEARY. Yes; with pleasure.

Mr. BOUTELL. Just two questions for information. What is the latest evidence as to the proportion of colored oleomargarine that is fraudulently sold as compared with colored oleomargarine that is honestly sold as colored oleomargarine?

Mr. McCLEARY. My friend well knows that that is a question which is not capable of exact proof by the production of evidence.

Mr. BOUTELL. In the last Congress the percentage was given. I wish to know whether it appeared that there had been any decrease in the amount?

Mr. McCLEARY. The judgment of those who have studied the question most carefully is that practically all of it is sold fraudulently. I was a good deal instructed, and of course amused, by the statement of the distinguished gentleman from Ohio [Mr. GROSVENOR] yesterday that he has seen thousands of men in Ohio marching up to the counters and buying colored oleomargarine. Bless his dear heart, can he mean to be considered a participant in a wrong? Does he not know that such "business" is against the law of Ohio, and did he, as a legislator, stand up and see that done?

Mr. BOUTELL. I will say to my friend from Minnesota that that state of things does exist in the large cities, such as my friend from New York [Mr. LESSLER] refers to, and anyone who is at all familiar with the residence section of the workingmen in every large city knows that there is none of this delusion or deception that is alluded to. Butterine is the term they use; they go and ask for butterine, they want butterine, and they get butterine, and they want to be able to get it, because it is cheaper than butter.

Mr. LESSLER. And they have not the price to get anything else.

Mr. BOUTELL. My second question is this: The gentleman will doubtless agree that the star of empire moves westward. Now, what I want to ask is, if the taste that now prevails exclusively on the Continent of Europe and in the cities of the Atlantic seaboard for absolutely white and absolutely uncolored butter should ever spread all over our blessed domain, whether the butter men will come in here with a bill compelling the oleomargarine men to color oleomargarine?

Mr. WACHTER. Why, certainly they will.

Mr. McCLEARY. I will say to my friend that in this instance he is not original, as he usually is. That question has been asked before here half a dozen times.

Mr. BOUTELL. I want my friend's opinion of it.

Mr. McCLEARY. That is purely a hypothetical question that can not be answered. I can only say that I would expect the creamery men to ask nothing wrong or unreasonable; hence I would not expect any such proposition.

Mr. BURLESON. I would like to ask the gentleman from Minnesota to answer this question. Would you not abandon this bill before you would accept amendments prohibiting butter from being colored?

Mr. McCLEARY. My friend is usually very candid, so that I dislike to make the suggestion—but he has asked a question which seems to be intended to be smart rather than profound. He knows that under the practice of this House things that are germane are permitted to be attached to a bill and things that are not germane are put out on the objection of even one member.

Mr. BURLESON. Now, the gentleman will pardon me. He is not answering the question.

Mr. McCLEARY. I answer the gentleman's question by saying that I am against all frauds, and if some one will devise a bill which will make it impossible or which will reduce to the minimum the possibility of passing off upon the unsuspecting purchaser a grade of butter other than that he believes himself to be buying, I shall support the bill; but an amendment of that kind to this bill would not be germane.

Mr. WILLIAMS of Mississippi. Bearing upon that very point of germaneness, I call the gentleman's attention to the title of the bill, which is, "to make oleomargarine and other imitation dairy products subject to the laws of the States or the Territories, etc." How could it be ruled not germane? I understand that while I was out I was held to be responsible in some way for some provision in this bill.

Mr. McCLEARY. I understand——

Mr. WILLIAMS of Mississippi. I want to enter a general disclaimer of any culpability in the authorship of any part of this bill.

Mr. McCLEARY. I heard the general statement made in the committee meeting that this proposition to which my friend alludes was put in there to meet some objection of his. And, as he made no comment then on the statement, I assumed that he acquiesced in it.

Mr. WILLIAMS of Mississippi. It may have been put in to meet some objection, but when it was put in I thought it was as insane a thing as could be put in.

Mr. GAINES of Tennessee. I understood the gentleman from Minnesota to say that this was put into the bill by the gentleman from Mississippi.

Mr. McCLEARY. I did not mean it to be so understood. I intended to say that it was put in to meet his objections, and I understood that it did so.

Mr. SIMS. I should like to ask the gentleman this question: If a private family should have a couple of boarders, schoolgirls or men boarding at their house, and if they should buy uncolored oleomargarine and color it at home, would they be liable under this provision?

Mr. McCLEARY. They would come within the provision which requires a license to act as a manufacturer.

Mr. SIMS. Is not that a very severe penalty for that?

Mr. McCLEARY. "Old dog Tray" was not guilty of anything particularly vicious, but he came under the penalty. Legislation must be general in its provisions.

Somebody asked me a moment ago—I think my friend from Illinois—how much colored oleomargarine was sold fraudulently. My friend from Iowa [Mr. HAUGEN] calls my attention to the fact that 62,000,000 pounds were sold last year in States where such sales are absolutely forbidden.

Mr. HAUGEN. Or about 80 per cent of the total sales.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LESSLER. I ask that the gentleman's time be extended.

Mr. WADSWORTH. I yield the gentleman five minutes of my time. I have twenty-seven minutes left.

Mr. McCLEARY. I thank the gentlemen for their courtesy, and shall endeavor not to trespass on their patience.

THE ELEMENT OF COLOR.

As I have said, Mr. Chairman, this bill reported by the Committee on Agriculture is the Grout bill, which passed the House in the Fifty-sixth Congress by the overwhelming majority of 104, with two sections added to meet recently discovered conditions.

To this general statement there is one minor, but not unimportant, exception—the change of the word "colored" to the word "made." The Grout bill made the law apply to oleomargarine "*colored* in imitation of butter." The bill reported by the committee makes it apply to oleomargarine "*made* in imitation of butter."

Of course I understand the purpose of the friends of the bill in the committee. It is to make the bill so comprehensive as to include not only the oleomargarine colored by means of some added substance, such as annatto, but also such as might, under the growing skill of the manufacturers, be colored by means of one or more ingredients used in making the oleomargarine. But in their eagerness to cover the ground in all its fullness—and experience has shown the necessity of taking every conceivable precaution—I fear that our friends have made a mistake.

The whole question of the fraud aimed at hinges on the idea of color. The word "made" contains no necessary suggestion of the idea of color. It might be construed to refer to texture or any other elemental idea connected with the subject. The bill should recognize color as the essential matter.

The committee evidently thought of this, for one form of the bill makes the proposed law relate to imitations of "yellow butter." It seems to me, Mr. Chairman, that the use of any term such as "yellow" to designate the kind of butter would be unfortunate. Such a term would seem to be intended to restrict the law's application. Under that wording the making of orange-colored oleomargarine, for instance, might well be held to be lawful. And most of the colored oleomargarine that I have seen is orange colored, rather than yellow.

Moreover, the moment we enter the field of specific color we begin to deal with technical terms, a dangerous thing for anyone, not having the special technical training, to undertake. Such words as "shade" and "tint" and "hue," are all terms of peculiar significance when used in relation to color. One may be thoroughly versed in their ordinary significance and yet wholly misuse them in their technical sense.

The purpose of the committee to use just the right terms—just and fair to all and easily comprehended by all—is beyond question. And I know something of the pressure that has been brought to bear on the committee to have certain terms used. The word "colored" seems to fill the bill completely. The first definition of "colored" given in Webster's Dictionary (which is recognized in the courts as standard) is "having color." So that whether the color is put in in the course of manufacture or afterwards, the case is covered. And in all kindness and in the common interest, I suggest that the wording of General Grout's bill, making the law apply to all oleomargarine "colored in imitation of butter" is the safest and wisest and the least liable to misconstruction by manufacturer or consumer, by officer or layman, by judge or jury, of all the expressions that have been suggested. Any variation from it is, in my judgment, fraught with danger to the bill and to the interests to be protected by it.

THE TAX ON UNCOLORED OLEOMARGARINE.

The only serious difference of opinion among the friends of this legislation has been as to whether or not the small tax of one-fourth of a cent per pound on uncolored oleomargarine should be retained in the bill.

One proposition was to remove entirely the tax on uncolored oleomargarine, on the ground that (among others equally valid) this was necessary to remove all opportunity for the opponents of the bill to call it "class legislation."

The other proposition was that, having reduced the tax on the uncolored product from 2 cents (the tax under the existing law) to one-fourth of a cent per pound, the friends of the bill had gone as far as it was necessary to go to obviate the use of the expression referred to; while, on the other hand, the small tax was vital to the successful operation of the law when passed, because only thus could the Treasury Department keep supervision over the entire product and reduce to the minimum the chances of fraud. The committee gave the matter careful consideration. It consulted the Commissioner of Internal Revenue, whose office would be charged with executing the law. From him the committee received the following opinion:

In reply to your inquiry you are informed that it is my opinion that this office can not require from manufacturers of oleomargarine the keeping of books and making of reports showing the quantity of uncolored oleomargarine produced by them in case the internal-revenue tax is entirely removed from such product.

An attempt had been made to impress the committee with the idea that the dairy people of the country wanted the tax removed entirely from uncolored oleomargarine, but the committee soon discovered that the judgment of the people of the country was overwhelmingly in favor of the retention of the tax. The people of the country will be pleased to learn that the judgment of the committee accords with theirs, and that the very necessary tax on the uncolored oleomargarine is retained in the bill.

Mr. Chairman, during the discussion of this bill it *has* frequently been referred to as "class legislation;" but it is worthy of note, sir, that of the opponents of the bill who have used this expression *not one*, so far as I have heard, has based his use of the expression on the retention of the small tax referred to. And it is fair and reasonable to infer that not one vote will be lost to the bill by reason of the retention of this tax.

CONCLUSION.

In the moment remaining to me it seems only proper that a personal word should be said.

This bill will probably be enacted into law in substantially its present form. For one reason or another verbal changes may be made here and there, but the essential features of the bill will undoubtedly remain unchanged.

The bill is believed to contain in it potentialities for good to untold numbers of people. It would therefore seem fitting that a few words be said at this time concerning those to whom the credit of devising this measure is due.

The bill had its origin in one introduced many years ago by Gen. William W. Grout, who for some twenty years was an able and influential member of this House from the State of Vermont. General Grout's original bill consisted of what is section 1 of the pending measure, barring the proviso. The bill in that form passed the House twice, I understand, but did not pass the Senate. The importance of this section has been pointed out.

The preeminently important provision amending the act of August 2, 1886, by increasing to 10 cents per pound the tax on oleomargarine colored to resemble butter is to be credited to Hon. JAMES H. DAVIDSON, of Wisconsin, still an honored member of this House, and to General Grout, before mentioned.

In the Fifty-fifth Congress Mr. DAVIDSON introduced a bill of one section increasing the tax on colored oleomargarine to 10 cents per pound, leaving the tax on the uncolored product unchanged at 2 cents per pound. This bill was referred to the Committee on Ways and Means, but was not acted on. At the beginning of the Fifty-sixth Congress Mr. DAVIDSON reintroduced his bill and it was again referred to the Committee on Ways and Means.

At the beginning of the Fifty-sixth Congress, without knowing that Mr. DAVIDSON had introduced such a bill and without consultation with anyone outside of his own district, General Grout, in reintroducing his original bill, added to it a second section providing for a tax of 10 cents per pound on colored oleomargarine and at the same time reducing the tax on uncolored oleomargarine to one-fourth of 1 cent per pound. This bill General Grout introduced on December 12, 1899, and had it referred to the Committee on Agriculture. This was the famous "Grout bill" which the dairy interests adopted as embodying the provisions so much desired by them and which was pushed so vigorously in the last Congress, and which demonstrated its strength and the practical wisdom of its provisions by passing the House by the remarkable majority of 104.

In the present Congress (General Grout not having been a candidate for reelection), upon demand of untold thousands of people in all parts of the country, the Grout bill was reintroduced verbatim and it became the basis of the bill now pending. The way in which the two paragraphs came to be added by the committee has already been told. These additions illustrate the painstaking care with which the committee has considered this legislation, "holding fast to that which was good" and adding the two paragraphs to meet the new conditions.

Mr. Chairman, the purpose of this bill is to preserve to the maker of genuine butter his legitimate market and to the person who desires to buy real butter the opportunity to do so with certainty. The bill is framed "with malice toward none and with charity for all," in the interest of fair dealing between man and man. Like all other productions of the human mind, it is probably not perfect, but it is as nearly so as honest purpose and intelligent effort can make it, and as such it is commended to Congress and the country. [Loud applause.]

Diplomatic and Consular Appropriation Bill.

SPEECH

OF

HON. WILLIAM H. DOUGLAS,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, February 25, 1902,

On the bill (H. R. 11471) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1903.

Mr. DOUGLAS said:

Mr. CHAIRMAN: I move to strike out the last word. I do not think there has been any intention to criticise the gentlemen of the Committee on Foreign Affairs, although several gentlemen have brought this question into the debate. I can not quite agree with the gentleman from Ohio [Mr. GROSVENOR] nor the gentleman from Missouri [Mr. CLARK]. Those who have traveled in foreign countries will fully agree with me that the consular service of the United States is not what some of us say it is, and we ought to have reasonable revision of this important Government department. But, Mr. Chairman, my reason for especially rising in connection with this question is that I want to put these facts before the House. The consul-general at Cape Town is occupying a most important post. To-day that trade is increasing with enormous strides, and when the war in South Africa is over that gentleman will have very arduous duties to perform. It is a fact that the last consul-general, an able, fine man, Colonel Stowe, resigned because he was not paid a salary commensurate with his duties and one upon which he could afford to live decently, which can be confirmed by the State Department.

A gentleman by the name of Bingham was appointed to the position, and that gentleman is now in Cape Town. I have received letters from him within a recent date, in which he also says he can not live on the salary now paid. He has to do a great deal of work, and house rent and living expenses are very high, and a $3,000 salary is inadequate for him to live upon.

Now, Mr. Chairman, I would like to have the chairman of the committee consider this question, and I hope to give our friend from Missouri, notwithstanding his witty speech, some views on this subject which may be of value to the committee.

I ask, Mr. Chairman, to strike out the words "three thousand" and insert the words "forty-five hundred" as the salary of the consul-general at Cape Town, He only receives $600 for clerk hire, and he wrote me the other day that he could not get a clerk at any such price. I know that is correct, and that he can not obtain a clerk and stenographer combined that will do the duties properly for less than $1,200. He would probably be willing to stay there if he could get a reasonable increase in his compensation. He wrote me in a letter, which I showed to the State Department, that he had spent since he left the United States, seven or eight months ago, over $5,000 for himself and family, or over $2,000 in excess of what he receives. I hope the chairman of the committee and the House will agree to my amendment.

Mr. HITT. The conditions are such that I am compelled to object. I recognize and the committee know the truth of the greater part of what the gentleman has stated. The $3,000 salary at Cape Town is very attractive to applicants who want an office, and many applications are made for that office and have been for twenty years, and the men appointed are disillusioned by finding that it is a very expensive post.

The former incumbent, a most efficient man, who resigned, Mr. Stowe, has stated the facts truly. The consul there gets a greater amount than the gentleman from New York has stated. There are some notarial fees which go to him, and he gets $304 as his one-half of the fees of the agents. We have also given him $600 for clerk hire. If we had gone on to raise the salary of one $3,000 post to $3,500 like this, there would have been 50 gentlemen on the floor who would have insisted on equality and fair treatment, and that other consuls should be raised a like amount. The gentleman can see that if the committee allowed one amendment to go in there would be a dozen others.

Mr. DOUGLAS. Mr. Chairman, I recognize the truth of the remark by the chairman of the committee, and I withdraw my proposed amendment, and would further say the general public, rightly or wrongly—but in my judgment they are justified in their opinion—have conceived the idea that the consular service is capable of being greatly developed and improved, and that it should be done without delay, as beyond question improvements could be made which would redound vastly to the interests of our country, both in a commercial way and in upholding the dignity of the great nation we have grown to be.

This view is held by the greater number of intelligent travelers who have, as they journeyed abroad, and especially in the less frequently traveled sections of the world, taken care to investigate this subject, and have not merely been satisfied that the consul was a good representative if he has been agreeable in his social intercourse with them, and obliging in bestowing any favors in his power when asked, but most particularly does the sentiment for the betterment of existing conditions come from the leaders of the commercial industries of the country, who have had occasion to feel the need of new life and energy in the service, owing to their forced increase of correspondence with our representatives, through the needs of their business, or the necessities of searching the reports of the consuls for information which they desired and, I am informed, have usually not been able to obtain; but more particularly have they formed their judgment from the verbal statements made to them by the returning travelers they have sent throughout the world to push the products of the American workingmen's labor in the factories of our country from Maine to California.

The statements of these men, who have had the best of opportunity to form careful and proper conclusions, and who have mostly been men of capability, are almost uniform, I am told, and they say that we are far behind in the needs of this great service, which can be made so potent a factor for the advancement of our material interests and national wealth.

These reports are not so much, in many cases, a criticism of the man who may occupy the post, who often is doing as well as lies in his power, struggling against the adverse conditions he has to face, but in indignant condemnation of the niggardly policy of the United States Government itself, and that we do not appear willing, nor Congress agreeable, to arise to the national emergency and equip our consular officers with proper salaries and staff to aid them, also surroundings to upbuild their positions and enable them to give their entire time and energy to the requirements of their posts.

Everyone fully recognizes and admits the fact that it is very easy to find fault, but not so easy to apply the proper remedies; but it can not be contradicted, except by those who knowingly do so, that we have now been for a great number of years going along steadily in the same old groove, and while, undoubtedly, during the past twenty-five or thirty years the service has been advanced in some points to a better status, yet that has been an advance brought about by natural causes largely, and owing to the superior education of our entire community, which has reflected itself on the class of employees taking these positions; but that is not sufficient, and our needs, with a population of 80,000,000 people, are far different from when we had one-half that number, and our export business a quarter of a century ago was only in its infancy as compared with the stupendous figures of to-day and the probabilities of the future.

These various causes have led up to the great universal demand, which should not longer be ignored, that Congress should adopt a more liberal and intelligent policy, and that new rules and regulations should be put forward which will bring this Government Department up to the standard needed to meet the new order of things, and so that all may point with pride to the efficiency of our consular service.

It is all very well for some members of the House to defend this Department and to state that it stands as high as any other branch of our service and that the men who devote their time and labor to the interests of the country abroad are doing so in an intelligent and efficient manner, and no one desires to gainsay these facts or any such fair statements, or to condemn the service or the men employed, but when it is stated on the floor of the House, by not one but several, that our consular service ranks higher than any other in the world, and when members practically claim that there is very little room for improvement, they can not do so with any clear knowledge of the actual conditions, or could not have traveled extensively abroad and carefully studied the question, except from the level of a desire to avoid spending money to increase the efficiency of the service.

Beyond a doubt there are a fair number of able and capable men employed, but when we come to think of and look into the matter, they certainly are receiving very little return in the way of Government gratitude, where their work, if they are efficient, is deserving of just credit and much higher compensation. The result is that these men, after a short period of service, often become dissatisfied and fall out of the ranks, finding they can do much better in business or in other walks of life, and if they hold to the position they become indifferent and only do so from sheer necessity.

In the discussion of this subject one gentleman remarked that we have had, and have to-day, consuls abroad who have remained at one post for twenty years or over. This is probably correct, but it certainly does not appeal to anyone who will give the subject thought that such an instance is good for the service.

One or two things must have led to such a long term at one

station. Either the man himself could not have been a person of great force of character and energy or he would not have been satisfied to have remained there for practically a business lifetime on probably the wretched pay he received, and he undoubtedly had acquired and carried out a routine system of work which was lacking in vim and could not have been of any great benefit to the country or its commercial interests, or if his service was so meritorious as to warrant his being kept, in spite of custom and changes of Administration, in the consular service for so long a period, and his abilities were admitted and recognized by the Government, then we did not as a nation do our duty by him, but were derelict, as we should have advanced such a man to other stations of more commanding importance and value, so that he, personally, would have received recompense commensurate with his work and time devoted to our interests, and the Government itself could have benefited by his life experience and acquired knowledge.

Throughout the discussion there seems to have been a disposition to magnify our importance and to use vainglorious remarks about our country and the men who served us without getting down to any practical facts. One or more gentlemen appeared to think that the men from the backwoods were of such sterling quality and such intellect as to be able to fill any of these positions acceptably and well without any particular advance training, and while beyond question the men from the country districts of any section of the United States we will freely admit are of equal or superior abilities, if given equal opportunities, to the men going from the large cities, yet it does not present itself as an argument of any validity; nor can it be true that the man who is taken from some small town, or village, or hamlet, without the proper training, and who is sent abroad to represent this Government, can be anything but crude and incomplete in his work for a considerable period of time, no matter what may be his natural ability, his pride in country, and his integrity.

It has been further stated, and probably with a great deal of truth, that the desirable consulships, and especially those in Europe, are often by chance ably filled by good men, owing to the desire of some of our citizens to go abroad for pleasure and to educate their families, and having some money of their own they are willing and able to take these positions without great sacrifice, even if the compensation is not sufficient for them to live upon, as they can obtain thereby a certain status, and at least the Government is paying a fair share of their annual expenses and they lead an easy life, but certainly this can not commend itself either to anyone really interested in the advancement of the service, nor can it be properly claimed that this class of men should be generally employed, so as to save the Government a small amount of money annually, owing to being able to make the salary of that post less than the post is really worth.

Now and then such a man may prove himself the most efficient officer that we could secure, but generally the opposite would be the case. Going there for sightseeing, educational purposes, for the benefit of his family, and to have a pleasant time, the chances are that these purposes are served rather than looking closely and carefully after every Government requirement. It certainly strikes me that it would have been far better to have had in an office thus occupied a man who went abroad with the sole view and desire to make a reputation for himself and with no other object excepting a firm determination to serve United States interests and aid our citizens according to his ability, so that the activity he might show and the furthering of Government interests would in due course be appreciated, recognized, and tend to his material benefit.

It will be admitted, I think, by the Department of State that many of the United States consuls who go abroad find, on spending a reasonable time at their posts, that they are usually called upon to live at a rate which their salaries will not admit of doing; that the compensation they receive for clerk hire and expenses is inadequate, and consequently they either have to incur debts or restrict their living to a point which is almost penurious and beneath the dignity of any man who holds such an office. Merely to give one illustration, we will take the consul at Sydney, New South Wales. He comes under class 5 and receives $2,000 per annum. There may be some emoluments to the office, it is true, but the amount can not be very large.

Sydney is a large city, and while the cost of living may not be excessive, as compared with older cities, yet to ask a first-class man to try to exist on such a compensation is not just to the country nor to the man, and to claim that good men can be secured at any such price is not worthy of consideration, as everyone knows that it is simply misstating a condition. By accident a fairly good man may take the place and stay there for a period, but that is the best we can hope for; and many other similar conditions in other places could be pointed out.

While under federation of the Australian colonies, Sydney will not be the actual capital of the entire country. It will always remain the nominal capital of New South Wales, and heretofore has been the resident city of the governor-general sent out from England. Our consul, by reason of the dignity of his position, representing the United States, is invited to all functions given at Government house. He is entertained by his fellow associates, consuls from other countries, some of whom are receiving as high as $10,000 per annum from their governments, but it is impossible for him to reciprocate these courtesies on his salary, and I know of many instances where these men recognized and admitted the humiliating position they are placed in through these causes, and have felt it keenly.

Human nature is the same the world over, and the other consuls often have felt themselves above the representatives of the United States, knowing their status, although they have come from nations of comparatively no importance whatever in wealth and population or trade in comparison with our country.

Much has been said about the nondesire of having the man seek the place by reason of the compensation he might receive, but this false argument certainly can not appeal to anyone in the present discussion, and in any case it is always well to strike a fair average of salary, and certainly we have not reached such a point with those who represent us.

It is well known that there is a certain glamour or allurement about Government official positions, and thus we can understand how many a poor fellow has been attracted by a consulship who was worthy of a better fate, and has been led on to accept the Government pittance and go abroad to represent us in some out-of-the-way place, who never would have thought of going if the facts had been properly put before him as to the climatic and other conditions he was called upon to meet, and who has bitterly regretted the move taken.

Again, a great deal has been said regarding the question of the United States consul being free from commercial contamination or business entanglements, and yet it does seem as if we do our best to drive him into the very thing we apparently wish to avoid, if we are honest in our words and thoughts, and it is well known that a large number of our representatives undoubtedly are forced, when opportunity offers, to interest themselves more or less in commercial enterprises, really being obliged to do so by their absolute necessities. Some do it subrosa and some openly, and it is no uncommon thing for our consuls to become drummers for local merchants, being paid a fat commission on all sales made by the storekeepers to any United States citizen who may go to the consul for information where best to purchase the goods he needs for personal use or to take home as gifts to his family or friends.

Others associate themselves absolutely with business ventures, and do not hesitate to have samples of various kinds of merchandise in their rooms or in adjacent premises, and promote schemes of any kind for a consideration. Further, the temptation presents itself, beyond doubt, to accept compensation from those who may present arguments which look reasonable. As, for instance, a large commercial house in this country may feel that the good will, if he can not command the active interests, of the consul may be to his advantage, and it can be easily arranged, if the consul is open to such arguments, for a yearly compensation, to be given simply for the use of the opportunities which may arise to indorse the firm who may pay a bonus, or, if it is a manufacturer, for the recommendation of his line of goods. I do not care to assume and I trust that there is not much of this kind of thing done, but there have been at times statements made which warranted the calling of attention to this feature, and it is but another argument why at least a living salary should be paid to the end that temptations of all kinds need not be thrown in the way of men who represent us abroad.

While it is true, as has been previously stated, that owing to the desirability of the European positions we are, notwithstanding the small salaries paid, reasonably well represented in many of the positions, when you come to consider the posts that are unhealthy and many thousands of miles from the United States, also extremely undesirable for other reasons, there does not appear to have been given the attention which might have been to the raising of the salaries, at least in these places, to the end that proper representatives could be secured, and that these men should be paid according to the risks they run in going there and the hardships they were forced to meet.

Often such towns and cities are on the coast, and if a man has a family he would be forced to send them back into the country where the climate and surroundings were more healthy, and, if possible, he would have to live there himself, even if single; all of which entails expense; and to give a few illustrations of places of this description and the salaries paid, I mention: Belize, Honduras, $1,500; Bombay, India, $2,000; Ceylon, India, $1,500; Bahia, Brazil, $2,500; Lourenço Marquez, Africa, $2,000; Zanzibar, Africa, $2,000; Aden, Arabia, $1,500; Port Louis, Mauritius, $2,000—and could name many others, and it certainly seems incredible that men will knowingly take these places at such pay.

In some of these towns or cities it is almost impossible for a man to exist for more than a year or two without a change of climate, and the probability of sickness and fever of various kinds, besides the discomforts of living, are so great that one who takes the post certainly should be paid accordingly.

It has been said that it is not the duty of the consul to make himself practically the drummer, or at least the intermediary, for the various drummers sent out by houses doing business from America in foreign countries, and beyond question this is partly correct; but it certainly is his duty to be sufficiently posted as to the status of American business in the country or section he represents to give any American traveler reasonable information as to whether he can advantageously open trade relations with the country, port, or district, and to give all travelers seeking commercial information any reasonable facts they may require.

As regards the real duties of a consul, there is, of course, much question, but it does seem as if, to put it briefly, he is there to represent American interests in a commercial way above all others, and I fail to see how this can be lost sight of or contradicted. He should be thoroughly posted and should acquaint himself with the products which enter and go from the port or ports of the country in which he is resident. He should do all possible in his power to do away with any prejudice which may exist in relation to American goods, so as to increase their sale and aid in their importation. He should make himself acquainted with the credit and standing of the commercial houses in his district and be willing to impart this information. He should be absolutely free from all entanglements of any kind in any business way, so that rival manufacturers through their representatives can obtain the same information and favoritism would not be shown.

It should be his duty to post his Government thoroughly as to what is going on and being done by other consuls, and what efforts they are making for the benefit of their government. He should be in a position to entertain to a reasonable extent, so as to uphold the rightful dignity of his office. He should at once advise the Government of any laws enacted that might injure our trade or shipping. He should be careful to render any reasonable service to his countrymen as they travel in the territory he represented and be capable of making intelligent reports on all matters of interest. One of the greatest difficulties there appears to be in connection with the desire for reform is that the position is more or less dominated by political influences, and while some members have taken the high stand that no Senator or Congressman would possibly think of ever recommending for office abroad anyone who was not generally fitted and worthy to occupy the position, yet, surprising as it may seem, the public will not believe that this is correct, nor will this idea be likely, generally considered, as in order, even by the Representatives themselves.

There is no doubt whatever but that many men are recommended and obtain the positions who are not justified in securing them by their business training or warranted in having the appointment by any qualifications that they possess, and they have simply secured the offices in preference to better men through the influence of those who were pushing them and who desired to pay off, perhaps, some political debt, or for other similar motive.

It has been desired that a few suggestions might be made as to the possibility of improvement in the service and the methods necessary, and on these lines I would say that the first thing which must be taken up is the question of compensation, and a new system should be adopted of paying reasonable salaries. No man who is of the proper intelligence, education, and business knowledge and experience to represent the United States Government abroad at any post that does a large trade and where American interests should be watched carefully, should be allowed less than a salary of $4,000 to $5,000. He should then, perhaps, be able to at least maintain himself outside of the plane of absolute poverty.

He also should be allowed a proper compensation for clerk hire, as on this important issue as well the Government has adopted a theory of allowing only about one-half the amount necessary to enable the consul to secure even a halfway competent person to aid him and facilitate the work. A man should be employed, if possible, who understands stenography and typewriting, as this is essential, and it further should be required of the consul that this clerk should be taken from the United States, and the expense out and home should be paid by the Government.

At this point it might be well to state that there also exists an extremely bad system at present, which is the appointing of representatives of foreign countries to act in many cases as United States vice-consuls, which means that when the consul himself is absent by leave, through sickness, or other causes, which are continually arising, the interests of the United States Government are then left in the hands of a foreign citizen, and no matter how able or conscientious a man he may be, and undoubtedly a number of those who now thus represent us are upright men, yet, at the same time, it is not just to American interests to have this condition longer exist, as surely our country has grown beyond the need of such makeshift expediencies, and we should be willing and see to it that we have an American in every post where a vice-consul is required, owing to the importance of the post, and that he is sent from here and paid a reasonable salary, as I believe it is extremely unwise even to appoint American citizens who live abroad to such places, as it is bound to create jealousy unless such appointee happens to be interested in no commercial enterprises and is therefore free from the consequent criticism, and such men are not likely to care for the position. I certainly hope we shall have relief so far as regards this most important change for our benefit and not be told we can not afford the cost.

Such a commanding post as Cape Town, South Africa, where surely the United States Government should have a vice-consul, and one who could intelligently act as such if the consul was away, is represented by a local merchant of another nationality, and our interests there during the present war were represented by said vice-consul for a considerable period. As I mentioned this instance, I desire to add that the gentleman in question has done much good service for the United States, and deserves our full thanks, and that I do not wish to reflect upon him in any manner whatever. That, however, does not alter the force of the argument that this condition of affairs should not longer exist. To do away with this contingency, and as suggestions have been asked, I would state that it certainly appeals strongly to me, and as a further step to improve the service, that the Government should at once take up the training of such number of young men as may be necessary to occupy these subordinate positions.

I would consider as one means toward this end that the State Department should be authorized to employ, at a salary of not less than $1,000 the first year, with a yearly increase of $100 for a proper period, such number of men as may be desirable and necessary, their expenses to be paid out and home, and they to be sent to different stations to act for the first three or four years as clerks, and then, on their written application, be accredited, if they have proved efficient, to some post with authority to act as vice-consul when needed. During the years they would have been on trial they could have the proper opportunity of learning sufficient to qualify themselves for their somewhat higher offices, and should study and learn foreign languages whenever convenient. If they continue to remain in the service, it would be advisable to transfer them every two or three years, so that after a proper period of service, if they still signified their intention to remain in Government service, they would be then considered as entitled to be raised to the position of consul, and as opportunities arose it would be well to give them preference in these positions, if their record was such as to warrant their appointment.

The age at which they should be taken when they first enter the service to be not under 25 years nor over 30 years. By this system we would educate up to efficiency and value in the service a class of young men who would obtain a vast experience, and as I would protect them by having their positions secure, with prospects of advancement, they would have every incentive to remain in the service; and it goes almost without saying that such a man, with the experience acquired, certainly ought to be able to represent this Government far better than a person simply taken through political influence; and in any case, whether or not he obtained his position in this manner, one who had had no previous knowledge or training in the work he was about to undertake. Under a system of this kind, if adopted, the Government would have an eye on these men for a series of years, receiving proper reports yearly from their superior officers, and would know regarding their moral character, personal habits, and other qualifications. These young men could also be sent abroad to fill positions as clerks in the offices of our ministers as well, to such an extent as might be considered for the increased value of the service.

It has been suggested, and certainly commends itself to me, that it would be well to have the Secretary of State employ a reasonable number of efficient men who would make yearly inspections of every consular office, taking note of the situation of consul's office, and if suitable and convenient, how the office is kept, giving information as to the clerks, the system of books, and any and all particulars which might be of value to the Government, and particularly to consult with the consul as to the question of his ability to live on his salary, and verify his statements; also report if he would consider it advisable and wise to have the Government provide a suitable home at the place; state if site and building could be obtained at a reasonable figure, and make other suggestions of the kind which should be considered. It may be said by some that the consul himself can make all these reports and suggestions to the Government, which is undoubtedly true; but it must be borne in mind that in such a case the details would

come from an interested party, and it would therefore be best for an outside person with experience to pass judgment on such questions who is unbiased. In adopting this suggestion, there is no intention to make such an inspection as would humiliate or be objected to in any way by the consul himself, but simply to have proper records; and it does not appear as if any exception could be taken if this matter was handled with judgment.

In addition to the special clerks to be sent out it would be well to also have the Secretary of State employ for such larger consulates as required the services of several clerks a number of young men, to be known as second-grade clerks, who would receive a compensation of, say, $800 a year, with yearly increase for good service, who could work into the position of the high-grade clerks as they were advanced or transferred.

It is not desirable that consuls or even our ministers abroad should employ members of their own families, or to be influenced by friends to take their sons to occupy subordinate positions, or, what is worse, employ local men who can have absolutely no interest in their work so far as our Government's good is in question. This tends undoubtedly to do away with efficiency of the office, and it is most undesirable for the upbuilding of the service. It is well known that many of the minor offices, especially in Europe, are held by favor and often by young men with money and high station in life who have no desire in taking the position but to have a good time and dance attendance on society. There can be no objection to a reasonable number of such appointments in the highest and confidential grade of position, but it appears as if it is overdone, and certainly all our diplomatic and consular officers should have some young men working there to advance themselves, and with nothing to look forward to but such advancement for their future welfare.

The question of having permanent Government quarters in a large number of foreign places, and especially tropical countries where this is so necessary, should also be carefully gone into. In a great many seaports and inland towns at a very reasonable expenditure houses could be built or purchased in proper location and with fair amount of ground, which would at once provide a proper home for the different consuls as they reached their positions. This would also elevate the position itself, give a better standing to the office, and be of such unquestionable benefit to our Government and to the betterment of the service that it seems almost unnecessary to call attention to it. By doing this the salary could be adjusted in proportion and the Government would really be at no loss.

A consul unfamiliar with the country he is visiting on reaching his post often finds conditions are not favorable to securing proper quarters, and he has to pay for himself, and especially for his family, if they go with him, an amount which is extremely expensive and out of the way for the likely inferior quarter she secures.

It has also been suggested by some that it would be desirable to put the position of consul under civil-service rules of some description, and on this point I do not specially care to express a decided opinion, but I am inclined to think it is well to leave the appointing power in the hands of the President, as heretofore. In the case of the proposed first and second grade clerks, however, I certainly feel they should be justified in having their status defined and secured.

The idea of leaving well enough alone seems to have a greater hold on this consular question than on most any other which is brought forward, and it has been stated that the State Department have seldom been given the increase of salaries that they have asked for, and that representatives of the people have said as an answer that there were twenty men in their districts who would fill the offices gladly at the compensation paid.

The service should further be increased at once beyond question by having consulships at a number of places where the United States Government is not at present represented. The reports of the consuls as published yearly by the Department are in many cases creditable, but in others the information sent appears to be almost the same, year by year, and it looks as if the various consuls following each other had simply reported on the same lines as their predecessors, and undoubtedly these reports could be vastly improved by the home department adopting a series of strict rules governing information which a consul is supposed to submit, leaving him, of course, open to make such extra remarks in his report as he might feel warranted in doing.

There does not appear to be any branch of the United States service to-day on which an expenditure of money could be made which would be so much to the advantage of the country. The House of Representatives and the Senate do not hesitate to appropriate millions yearly for objects where the Government benefit will be of vastly less consequence to the importance of the country. Probably the expenditure of about $1,000,000 additional per annum would enable the consular service to be placed on the plane it should be, and likely the expenditure of about $500,000 per annum, which is an insignificant amount in comparison with the good it will do, would in ten years enable the Government to own its own homes for consuls in most of the important foreign tropical countries, leaving Europe out of the question. Certainly there is an immense outside wish and desire on the part of the public that these things should be done, and it seems that the committee in charge of these matters could accept suggestions of this kind, which are made in a liberal spirit and with no desire to criticise, without taking exception in any way or feeling for a moment that such views are advanced with any other desire than to benefit the diplomatic and consular department of the Government for the good of our people and our country. [Loud applause.]

River and Harbor Appropriation Bill.

SPEECH
OF
HON. JOHN L. BURNETT,
OF ALABAMA,
IN THE HOUSE OF REPRESENTATIVES,

Wednesday, March 19, 1902,

On the bill (H. R. 12346) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes—

Mr. BURNETT said:

Mr. CHAIRMAN: Having gone pretty fully into the merits of the amendment which I have just offered, in my remarks on last Tuesday, I shall ask but little more of the time of the committee.

What I do say shall be in reply to the remarks of the distinguished chairman of the committee, for whom I entertain the highest respect.

Nothing that I have said or shall say warrants the chairman in growing nervous or lecturing members about being young men. Logic and truth, whether it comes from the young or the old, will with fair-minded people always receive that consideration to which it is entitled.

The distinguished chairman, while reiterating statements made by Captain Judson, does not deny our assertion that Judson had never been over the obstructed part of the river, had never made a survey of it, had given no facts upon which he based his change of heart. Nor did he deny that the statements made by Captain Price, from which we quoted and which showed a 4-foot channel sufficient, were based upon a survey actually made by Price.

The chairman makes a statement of the assessed real estate values of the five counties bordering on the lower 68 miles of the river in 1890, but says nothing of the value of the personal property in these same counties, nor what the real and personal values are now.

But even if he had, Mr. Chairman, would it be fair when discussing the completion of the entire project to limit it to the five counties at the lower end of the obstruction? The very fact of the obstruction, anyone knows, contributes largely to these small valuations. Again, should not the other counties bordering it both in Georgia and Alabama be considered in the estimate? If so, then the committee should know that according to the census of 1890, from which the chairman himself quotes, the tax values of the other four Alabama counties are over $24,000,000, to say nothing of Floyd County, Ga., in which is the splendid city of Rome, and the other Georgia counties through which navigation would extend. But if the committee were going into the question of tax values as a basis for river improvement, it would have been well for them to have prosecuted it a little further into some of the counties in which they have made vast expenditures.

But, as I said the other day, in spite of the fact that we are thus hemmed in from river competition with the railroads, our country is improving rapidly. In addition to the industries of my home town, to which I referred the other day, I desire to say that at Round Mountain, Ala., right on the banks of the Coosa, there is a large wood alcohol plant; at Rock Run is located the Bass Furnace, the largest charcoal furnace in the South; at Gadsden is the Kyle Lumber Company, one of the largest sawmill plants in Alabama, which employs 200 men; the Queen City Lumber Company, employing 40 men; the Southern Manufacturing Company, employing 60 men; a large mining plant; one daily, two semiweekly, and one weekly newspaper; a large flouring mill, and many other manufactures which I have not time to mention.

At Attalla, 5 miles away, there are in operation a furnace, machine shops, two large mining plants, and many other smaller industries. I spoke the other day of the immense cotton factory at Alabama City. These, Mr. Chairman, give but a faint idea of my home towns alone. All along this stream are large industrial plants springing up, and when this splendid water course receives the recognition it deserves the Coosa Valley, from Rome to Wetumpka, will be one vast hive of industrial life.

Philippine Tariff.

SPEECH

OF

HON. HENRY D. GREEN,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, December 18, 1901.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 5883) temporarily to provide revenue for the Philippine Islands, and for other purposes—

Mr. GREEN of Pennsylvania said:

Mr. CHAIRMAN: Unexpectedly the remaining ten minutes of the minority's time has been placed at my disposal.

Had I expected this generous concession I would have fully prepared myself to make the best use of so short a time to discuss so important a subject, and one of such great scope. Under the circumstances I will content myself by making a few remarks which of necessity must be somewhat desultory and to which in the future when opportunity offers I may be able to add.

With a party of Congressmen it was my privilege to travel in the months of September and October over 2,500 miles in and around this archipelago. I returned just in time to be present at the opening of this session of Congress, and under these circumstances feel that I may have seen and heard and learned many facts of interest and importance about these islands and their people which may be of benefit to this body when considering not only the measure now before us, but when deliberating upon other measures which it will be our duty to act upon in the immediate future, by which we will declare our policy there and perhaps provide either temporarily or permanently for their government.

I regret that the presentation of this tariff bill was not postponed until we could have obtained all the information necessary to intelligently consider a law which will so materially affect the welfare of these people. We could at least have waited until the report of the Philippine Commission, already completed and at this time being printed, was available for a careful reading and examination. It would be hard to explain why, under these circumstances, there should be any rush about the matter, any unnecessary haste. It certainly would have been much more satisfactory had the members of this House at least had an opportunity to learn the Commission's views, which would have enabled them to arrive at more reliable conclusions.

The chairman of the Committee on Ways and Means frankly states that he and his colleagues have been obliged in drafting this bill to depend entirely upon information received some time ago from some of the Commissioners, and urges that we pass it for no other reason than that they recommend such action. From the statement of the chairman it is not at all clear what the Commission do recommend, and upon what facts, circumstances, or conditions they base their recommendations. The bill can hardly be said to have been considered by the committee itself.

They accept it in blind faith, and ask this House to pass the measure on equally blind faith in the supposed wishes and recommendations of the five kings into whose hands we have turned over the government of the 10,000,000 brown people living in those lands. This is surely a case of the blind leading the blind.

But why do they expect the bill to pass under these circumstances and conditions? Simply because the few leaders of the majority party have made it a party measure and propose to drive it through this body under the party whip and spur. Not an amendment is to be allowed to be presented and discussed; nor is time given at all sufficient to discuss the merits of any item, let alone the whole bill. This certainly furnishes a good example of how this supposed deliberative body acts without deliberation or discussion.

If the government of the islands is ever carried on in the same happy-go-lucky, slipshod fashion that characterized the construction and passage of this legislation, I can only say God help the Filipinos.

The Democratic minority of this House deem it their duty to learn everything that can be learned which may have a bearing upon this subject, and would have you discuss this legislation after careful deliberation. They would learn everything that can be learned about these new possessions, and then enact such tariff laws and all other legislation as will be best for the Filipinos and best for the interest of the American people.

I am satisfied that many Republican Congressmen do not approve of this way of proceeding, and would willingly have had this question fairly and intelligently considered. As it is, all that the minority, and all that these men in the majority, can do is to place the responsibility upon the shoulders of the majority leaders who have framed the bill and dictated the rule by which the measure is to be pressed through this body and eventually enacted into law.

Here let me protest against these great questions, involving the lives, the liberty, the happiness, and prosperity of so many million humans, being made party questions and discussed and considered with partisan bias and bigotry. In debating these new and difficult questions we should be governed by impulses of the broadest statesmanship and not by narrow partisanship. While listening to the forcible remarks of the gentleman from Iowa [Mr. HEPBURN] I could not help feeling sorry that he and all the members of both Houses of Congress could not have personally visited this new country, and from such an examination formed their opinions and drawn their conclusions. I am certain he would never have likened the probable development of these islands to the development of that portion of this country acquired by the Louisiana purchase.

Let me point out to him a few reasons why such possibilities can exist only in the realm of a most vivid imagination and will never be brought within the pale of a practical realization. The reasons I assign should be kept in mind whenever these islands, their people, their progress, or their possibilities are discussed, because they have the most important bearings upon all these questions.

First. We must not forget that the Philippine Islands lie in the Torrid Zone.

Second. That they are peopled, not by a homogeneous race, but by a mixed race, perhaps the most mixed on the face of the globe—Caucasian, Mongolian, and Malay mestizos, and in all probability African.

Third. That although their total area is less than 120,000 square miles the population is between eight and ten millions.

Fourth. These islands are neither contiguous nor even near to our country, but lie many thousand miles away from our nearest shores.

Fifth. They can not be peopled with our citizens and our wage-earners, and their families can never make them their homes.

Sixth. The white race can never mix with them and maintain its superior qualities. A mixture means mestizos or half-breeds. When we take into account these facts it is easy to understand why no results can be expected to be obtained such as were obtained by settling that vast area which was included in the Louisiana purchase with our surplus white population and that of immigrants coming from the white races of Europe.

These facts must demonstrate beyond the possibility of a doubt that the Philippine Islands and their people will never reach that condition of cultivation and enlightenment where we can with advantage admit them to statehood and citizenship. They will never make American States or American citizens; climate and racial conditions prevent. They do not now and never will stand on the same footing as the Sandwich Islands, which lie in the Temperate Zone and are suitable to be inhabited by our people.

The CHAIRMAN. The time of the gentleman from Pennsylvania has more than expired.

Mr. GREEN of Pennsylvania. Mr. Chairman, I ask leave to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Pennsylvania asks leave to extend his remarks in the RECORD. Is there objection?

Mr. GAINES of Tennessee. I object.

The CHAIRMAN. The Chair hears objection.

Mr. GREEN of Pennsylvania. Mr. Chairman, I will whenever an opportunity occurs endeavor to discuss the Philippine question more at length and in detail.

Rural Free-Delivery Service.

SPEECH

OF

HON. JAMES P. CONNER,

OF IOWA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, March 8, 1902.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 11728) to classify the rural free-delivery service and fix the compensation to employees thereof—

Mr. CONNER said:

Mr. CHAIRMAN: With the light I now have on this question, I find myself opposed to the contract system proposed in the bill of the committee and in favor of the continuance of the existing plan of selecting rural carriers. I do not say that conditions may not arise in the future which will justify a change from the plan now in force, but in view of the fact that the service is still in its experimental stage and that under the salary plan it is continually growing in favor and popularity, and, in addition, as no demand comes from the people or the Department for the adoption of the contract plan, I do not hesitate to say that the suggestion for the proposed change at this time is inopportune and that I shall vote against it.

I regret that in making this decision I am compelled to place myself on record against the almost unanimous recommendation of the committee reporting the bill. There is no doubt of the absolute good faith of every member of the committee recommending the change from the salary to the contract method in the selection of carriers, and that they are inspired by no other thought than the good of the service goes without saying. The record of the chairman of the committee from the beginning is one to be envied, and proves that he has, in all stages of the development of the rural service, been its true friend and loyal supporter. The country owes to him and other champions of this great movement an everlasting debt of gratitude. But, while bowing my acknowledgments to the committee for their efforts and good faith, I do not lose sight of the fact that the proposed change would be a grievous mistake and one that would seriously cripple the successful development of the service.

It is not out of place at this time to speak of the benefits and popularity of the rural delivery. It has been repeatedly said upon the floor during this debate that it is here to stay, and I may add that it is not only here to stay but to grow and develop until it shall extend to every populated section of the country. It is safe to assert that no other act of legislation has been so fruitful of good results and so universally popular. The expectations of the most sanguine have been more than realized in the actual growth and popularity of the service.

The farmers of the country are, in a large measure, the beneficiaries of the service. In no other way do they receive such direct returns for the taxes paid by them. It places them upon an equal footing with the residents of the cities and affords them the same opportunities. It removes time and distance and breaks down the barriers between the city and country. The farmer's life is no longer one of isolation and solitude, but of contentment and happiness. He reads in his daily paper what is going on in the busy world the same as do his neighbors in the city. He keeps in close touch with current events and is familiar with all questions of a public character. His horizon is extended beyond the limits of his immediate neighborhood and takes in all the world. In short, his life has been transformed and he is a new creature, with enlarged vision and increased capacity for work and for enjoyment. These are some of the blessings which have come as a result of rural delivery.

Let us not do anything or make any experiment which may impair the success of this great improvement, the crowning glory of the new century. Its past development is a sufficient guaranty of the safety of the plan now in force. We should let well enough alone, at least until it is demonstrated there is necessity for a change. Every argument urged for adopting the contract system in selecting rural carriers applies with equal force to the city carriers, and, for that matter, to railway mail clerks and many other employees of the Government. Why confine this new discovery to rural carriers alone? If it is a good thing, why not let it be extended to the city carriers and to employees of other branches of the Government? It is safe to assert that not a single member of the committee would favor an extension of the contract plan beyond the rural carrier. I hope it is not because their service is in the country and for the benefit of the farmer alone that this reform is urged; this cheap, discredited reform, which makes hirelings of men who otherwise should be responsible Government employees and public officials. It may as well be understood that of all that is good the farmer is entitled to the best. He is moving up to the front of the procession, and hereafter his place must be recognized.

It may be conceded that the contract plan will cost less than the salary method, but cheapness is not the only thing involved. Effectiveness in the service is of paramount importance. It takes good men for good carriers and good carriers for good service. In order to maintain the present standard in the service, the carriers should be respectable and responsible men. They should regard themselves and should be regarded by the public as Government officials, and not as mere hirelings, whose chief ambition will be to make their daily rounds and to draw their salaries. Our knowledge, obtained from the practice in the star-route service, warrants us in saying that if the plan of the committee is accepted we will have in the rural service a cheap man, a cheap horse, and a cheap wagon, and, as a natural and inevitable result, a cheap service.

It is important that we have the best men available as carriers, not only to discharge the duties devolving upon them, which are practically those of a postmaster, because it is their duty not only to deliver mail upon their routes, but, in addition, to collect mail, to sell postage stamps, to sell post-office orders, to give receipts for registered packages, and to perform other duties required of a postmaster. Not only should they be good men to perform these duties, but, because of the fact of the close and intimate relations they sustain to the patrons of their routes, they should be men of good reputation and moral character and worthy of the confidence of those whom they serve.

The salary should be enough to attract to the service capable and responsible men who will take pride in the discharge of their duties. My own opinion is that $600 per annum, for the present, will insure the selection of capable and desirable men. It is said that in some parts of the country school-teachers are seeking employment as carriers. I hope this is true, for no better class of men can be secured, and if they are willing to undertake the work at the salary which is paid it is an argument in support of the existing plan. It is safe to assert that few school-teachers will be employed in case a change is made in accordance with the recommendation of the committee, because a cheaper and less desirable class of men will compete for the contracts for carrying the mails. It is said by those who favor the contract method that within a few years we will have from fifty to sixty thousand rural carriers, and that their number will be so great and their influence so potent upon members of Congress that their salaries will be increased to an exorbitant amount.

I have a better opinion of the carriers than to believe that their only mission will be to secure an increase of their salaries, and it certainly is a sad commentary upon the American Congress to assume that it could not withstand the importunities of a few employees of the Government. If it should be conceded that members of Congress will be influenced by considerations of this character, we should not lose sight of the fact that while there may be 50,000 or 60,000 men asking for increase of salaries, on the other hand there will be several millions of taxpayers who will object to the salary being increased beyond what is reasonable. This suggestion, made by those who favor the contract method, is evidently made to frighten rather than to enlighten the members of this body. I hail with joy the time when 60,000 young Americans will be engaged in the service of rural delivery, because it means education; it means carrying to the people messages of joy and gladness; it means elevation for the farmers of the country; it means employment for American labor, and, I hope, at reasonable prices; it means that the more men there are employed in the service the more consumers there are for the products of the farm and factory.

If the number of carriers is increased to 60,000 it means that 300,000 people have become consumers, and this consideration is not without weight in considering the question of the expense of the salary system. It seems to me the question of expense should be a secondary consideration in determining what our action should be on the bill under consideration. The controlling question, as I have stated, is what will best insure the maintenance of this exalted standard of service now in force. In voting on this question let us not close our eyes to the fact that the welfare of rural free-delivery is involved and its destiny is at stake. We vote either to strengthen or to weaken it. We vote it up or we vote it down. I for one am in favor of a policy which means better men, better equipment, and consequently better service, and that rural delivery may in the future, as it has in the past, grow in favor and popularity, and that its benefits may be extended to and enjoyed by all the people of our great and glorious country. [Loud applause.]

Rural Free-Delivery Service.

SPEECH

OF

HON. GEORGE A. PEARRE,

OF MARYLAND,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, March 6, 1902.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 11728) to classify the rural free-delivery service and fix the compensation to employees thereof—

Mr. PEARRE said:

Mr. CHAIRMAN: It is apparent that this debate, continuing as long as it has, has perhaps thrashed out as well as could be expected any issue joined by the presentation of this bill between the committee or those who favor it on the one hand and those who are opposed to it on the other. That fact, coupled with the additional fact that I am this morning far from well, would induce me to desist from respectfully submitting any additional remarks before the Committee of the Whole, did I not believe that this is a matter of very serious import, especially to the rural sections and to the farming communities of the United States.

I may preface what I have to say, sir, with the statement that it is not entirely in advocacy of local rights and interests that I speak. My district is composed not only of agricultural counties, but also of mineral counties, one of the counties indeed being so endowed by nature with mineral resources that it would be next to impossible to benefit anybody in it, perhaps, by the introduction of the rural free-delivery system of mail. Its population is

gathered in small towns and settlements, each having a post-office. But, sir, my view is broader than mere local interest. It extends in sympathy to the whole agricultural interest of the United States. Now, Mr. Chairman, let us contemplate for a moment the source from which this bill comes. Has there been any public demand of any kind for it? Absolutely none. What is the usual origin of bills of any kind in the House of Representatives or the Senate of the United States? They usually come, first, from the initiative of the people, taken through petitions to one of the branches of the Congress.

They come, second, through a suggestion which arises from some glaring deficiency or inefficiency in the public service which immediately commands the attention of Congress and suggests a cure for the evil by legislation. They come next, Mr. Chairman, through the recommendation of the party platform, or the head of a department, or the message of a President of the United States. These are the sources from which bills of this sort and almost every other kind usually emanate. How was this bill born? Its birth seems to have occurred in the secluded recesses of the Committee on the Post-Office and Post-Roads, where, conceived in the virtuous desire of the gentleman from California [Mr. LOUD] to save his colleagues of the House from their political doom, it was brought forth. It was born, sir, of the travail of the generous soul of that gentleman and nursed, it appears, to its present strength and health in the genial incubator of the lofty and high public purpose of the gentleman from Mississippi. No interested neighbors were invited to be present at its birth.

No political party stood sponsor at its baptism; but begotten of a strange combination of Republicans and Democrats, of unique parentage and questionable ancestry, it is now, wrapped in the swaddling clothes of its own great purity of purpose, presented to this House for adoption. Will the House adopt it? I apprehend not, sir, but before I come to a discussion of the bill and the likelihood of its passage, I desire to register my great and unfailing confidence in the integrity and lofty public purpose of the gentleman from California who is the chairman of this committee. I am proud to call that gentleman my friend, but, sir, some men must be saved from themselves, and I entertain a profound fear that if we be not careful we will gather from the speeches of the honorable chairman and the other members of this committee that each one of them may, perchance, find himself in the divine solitude which oppressed Richard Brinsley Sheridan, the great Irish orator and wit, when the poet said of him:

Nature form'd but one such man,
And broke the die, in moulding Sheridan.

Mr. Chairman, I never have been informed that any State or district in the United States has ever been set aside by Providence, legal enactment, or public opinion as the reservation of political honor, political directness of purpose, and personal integrity. Before I had the honor to become a member of this body I entertained the opinion and conviction, which I shall endeavor to retain, that each man on the floor of this House was the peer of every other, at least in honor, purity of public purpose, and integrity, and yet the gentleman from California has charged every opponent of his unnecessary bill with a lack of courage in the performance of his public duty. The gentleman from California says that the members of the House know that it is as natural for him to oppose as it is for him to breathe. I quite agree with the gentleman from California, and I think that the membership of this House will bear out the correctness of my belief, with this modification of the gentleman's statement, that it is as natural for him to oppose as it is for him to breathe, except when the proposition under discussion is the child of his own thought and brain. Then he seems imbued with the fatuous notion that no man can mean well who differs with him. In short, as Falstaff said: "There live not three good men unhanged in England and one of them is fat and grows old."

Mr. Chairman, I listened with intense attention to the gentleman from California [Mr. LOUD], because I was deeply concerned in this subject and desired to secure light from the chairman of the committee, in whose experience and knowledge I have such confidence. I listened and heard with thrilling heart and moral exaltation the pathetic story told by the gentleman from California of the magnanimous charity with which he treated a letter carrier who had treated him badly. I believed that what the gentleman said was true, that in the magnanimity of his soul he could forgive and forget and could afford to overlook the attacks of a letter carrier upon him and help him to retain his place. But, sir, while listening to this I listened in vain for such arguments, such conclusive and logical deductions in support of the passage of this bill and in opposition to the present method of paying the rural free-delivery carriers, as I expected to hear from a gentleman of his experience and ability.

Mr. Chairman, what is the origin of this system of free delivery? Whence does it come? The delivery of letters by carriers began as far back as 1823, or perhaps even earlier, in New York City. It is true that the carrier in the city was compelled to collect his compensation, one cent per letter, or at times two cents per letter, from the receiver of the letter, and one or two cents a letter for every letter that was sent. It was not free delivery, because the individual who received or sent a letter had to pay for it, and the compensation of the carrier was made in that way.

In 1863, however, that city delivery system was changed so that the letters were received from and delivered to every citizen residing in a city of a certain population without price, without fee, and without tax of any kind except the general taxation of the Government.

This was the beginning of the free delivery of mail, which has grown and expanded until every citizen in towns of 10,000 or more population may now dispatch and receive all his mail at his own home without the trouble of going to a post-office, no matter how near it may be, without the cost of a penny.

Now, sir, these cities, therefore, have enjoyed this great privilege of free city delivery since 1863, at least. The boon was a great one and its advantages apparent and undeniable. This led the House of Representatives in 1894 to include a provision in the Post-Office appropriation bill of that year authorizing the Postmaster-General to use the appropriation given to experiment with the free delivery of mails in the country.

The members of that House could see that every argument of necessity and convenience that could be advanced in favor of city free delivery was reenforced an hundred times in applying that system to the rural districts. The farmer's need for the service was even greater than that of his city brother. Let us look for a moment at their respective situations. What had been done in the city, forsooth? Post-offices had been erected in the large cities at the expense of the Government. Those post-offices were provided with every modern convenience. More than that, paved streets led to the doors of the post-office, and street cars and omnibuses ran along at intervals of from five to ten minutes. The city man could very readily have gotten into a bus or car or stepped across the street to the magnificent post-office and there received his mail; but the Government of the United States said to the man in the city, "No; sit at your desk, remain at your home, and we will employ carriers at the public expense to bring the letters and lay them in your hands, and take the letters that you desire to dispatch to the post-office and dispatch them without trouble or expense to you."

What had been done for the farmer and the man who lived in the rural communities? Absolutely nothing. He was the man whose mail facilities required improvement. He lived a long distance from the post-office, sometimes 8 or 10 miles. When he wanted his mail in summer it was necessary for him to take a horse from the harvest and, perhaps, a hand and send to the post-office for it. In winter he, his boy, or a hand on the place had to go on horseback, making the same journey through the snow, sleet, and bitter cold before he could have a newspaper or a letter.

Now, it took exactly thirty-one years before the Congress of the United States was brought to extend those privileges, rights, and conveniences to the farmer who needed them most and ought to have had them first. The farmer had waited in vain for this convenience to come to him. When the system was introduced, no man dared to bring in a bill defining and establishing a system in one law, but it grew up by an appropriation in a post-office appropriation bill, designed and limited to experimenting with rural free delivery throughout the United States.

Mr. Chairman, there was no lobby behind that proposition. No great Department was behind it. The people spoke, and to-day, although many would like to wipe out this system, no man in this House dare openly raise his hand or his voice in favor of its abolition. It was an evolution of the people's desire. It grew up without political assistance. The outgrowth of this system, which the gentleman from Illinois [Mr. BOUTELL] objects to calling a system, was a spontaneous growth, the seed of which had been planted in the heart of the people out of the desire of the people in the rural communities to see their rights observed, in having the same conveniences in the delivery of mails as the people of the cities had. Now, my time does not permit or I would digress to the extent of endeavoring to show to this committee that the easy and rapid diffusion of intelligence is at the bottom of the preservation of republican institutions.

Why, sir, I assert that if it had not been for the telegraph and the rapid transmission of mails by railroad trains running 60 miles an hour no power on earth, no patriotic purpose in the United States, could have ever welded together the great West with the great East. It is of primary importance, therefore, sir, that the North and South, the East and the West, all sections and all climes of this expansive land, should be welded together by the easy transmission of intelligence between the various sections.

Nay, more, sir, the sovereign of the United States is the individual citizen. In so far as that individual citizen is an educated and intelligent man, in so far will the Government of the United States equal the wisdom which was projected for it by the framers of the Constitution.

The Government can not rise in point of intelligence and morality above the sovereign power, and you must educate the sovereign power. One of the best ways to educate is to disseminate periodicals and newspapers and general intelligence throughout every portion of the country, through the cities as well as the country, and you then have the sovereignty of your land, which is nothing more nor less than the collective will of individual freemen, a well-educated, intelligent, and moral sovereignty.

Has it ever struck the members of this committee that the Post-Office Department was not limited or restrained in any way when it undertook this experiment? It was not compelled, sir, to adopt the salary system in the payment of the carriers. No law said you shall or shall not pay a salary. Congress said find with this appropriation the best, the cheapest, the most satisfactory method of delivering mail to those in the country. It was a pure experiment, left to the discretion of the Postmaster-General without let, hindrance, or legal limitation.

Now, it has been administered by that Department since 1897. It was fair to suppose that the Postmasters-General that were administering this experiment were honest men; that they had no pet theory; that they were endeavoring to exercise the discretion Congress gave them in a way which would redound to the benefit of the people and the welfare of all concerned. They were not extravagant officials, because the gentleman from Illinois says that the other departments and divisions of the Post-Office Department are most economically administered. Therefore, when you find the result coming from a power which was not constrained or limited in any way in the method of the payment of these employees, and you find that that power has selected the salary system, it is fair to suppose that that is the proper, legitimate, and logical result of a fair experiment. Is not that true? With ample power to do so, why did not the Postmaster-General select the contract system as the method of payment? The experiment has been going on, improvements and changes have been made in the system every year, the messages of successive Presidents have come to Congress with various recommendations, but nobody has suggested any other method of payment than the method now employed. But the gentleman says that the expense of the present system is too great; that a contract system will be cheaper. This is the first argument he makes in favor of his bill. I think I can show, sir, that not only will the expense not be too great, but that it will not be greater than that of any of the economically administered bureaus of the Post-Office.

Mr. Chairman, is not the gentleman simply guessing? Has he submitted for the consideration of this committee any facts, any figures, any deductions upon which he has based that statement? I listened to his speech attentively, and have read it since, and failed to find any argument which shows that the rural free-delivery system with the carriers paid a salary as now will be more expensive than if the contract method of payment were introduced. Why, the gentleman admits in several pages of his remarks, as gentlemen of the Committee will remember, but I have not time to call attention to his utterances, that he did not believe that the contract system would reduce the cost.

Let us see. He said that it was the most extravagant bureau of any department in any government since time began, or words to that effect. Let us look at the administrative features of this system. Eight hundred and fifty thousand dollars is appropriated for the administration of the rural free delivery for the next year. Now mark you, sir, when the next year rolls around there will be 15,000 carriers, and for the administration of a bureau with these 15,000 carriers $850,000 is appropriated.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PEARRE. Mr. Chairman, I hesitate to ask for any indulgence, but I should like a little more time.

Mr. SWANSON. There is a great pressure for time.

Mr. PEARRE. I do not often ask indulgence, but I should like to have about ten minutes more.

Mr. SWANSON. I can only yield the gentleman five minutes more, there is such a demand by members for time.

Mr. PEARRE. Why, Mr. Chairman, in order that I may not lose more time, I will continue. Here is the cost of the administration of the rural free delivery compared with that of the Railway Mail Service:

RURAL FREE DELIVERY.		RAILWAY MAIL SERVICE.	
General superintendent	$3,000	General Superintendent	$3,500
Supervisor	2,750	Assistant general superintendent	3,000
Chief clerk	1,800	Chief clerk	2,000
No corresponding office.		Clerk in office General Superintendent	1,800
7 division inspectors, at	2,500	11 assistant division superintendents, at	2,700
No corresponding office.		11 assistant division superintendents, at	1,800
No corresponding office.		22 assistant superintendents, at	1,600
45 special agents, at	1,600	109 chief clerks, at	1,600
25 clerks, division headquarters	27,300	180 clerks, division headquarters	200,000
2 route inspectors, at	1,200		
4 route inspectors, at	900		

Showing that in every instance in the administrative bureau of the Railway Mail Service of the United States the officials of the Government are paid more than they are in the same bureau of the rural free-delivery service, and that is a bureau which the gentleman from California [Mr. LOUD] said is the most extravagant in the history of nations. The total cost for the supervision of the Railway Mail Service is $537,400, as follows:

1 General Superintendent	$3,500
1 assistant general superintendent	3,000
1 chief clerk (office of General Superintendent)	2,000
1 clerk (office of General Superintendent)	1,800
11 division superintendents, at $2,700	29,700
11 assistant division superintendents, at $1,800	19,800
22 assistant superintendents, at $1,600	35,200
109 chief clerks, at $1,600	174,400
100 (about) clerks employed in division headquarters, although carried on the rolls as postal clerks, estimated	210,000
Total	479,400
Actual and necessary expenses, General Superintendent	28,000
Per diem allowances, assistant superintendents	30,000
Total cost for supervising Railway Mail Service alone	537,400
Cost of departmental supervision, office of Second Assistant	185,000
Total	722,400

The cost of the departmental supervision office of the Second Assistant Postmaster-General is $185,000, which, added, makes in all $722,200 for administration of Railway Mail Service, with only 10,500 postal clerks. Now, $850,000 has been appropriated for the next year for the administrative department of the rural free delivery. One hundred and fifty thousand dollars of that must be taken off for stationery, supplies, etc., leaving $700,000 for the administration of the rural free-delivery service, with 15,000 carriers, showing a difference of over $22,000 in favor of the departmental supervision of the rural free-delivery service. Further than that: What is the total population of the United States? Seventy-eight million.

In the rural free-delivery cities there are 32,000,000 people served by the free delivery. The rural town population is estimated at 24,000,000, and the rural population outside of cities and towns to be served is 22,000,000. 4,000,000 of whom are now served by rural free delivery. The balance of the rural people unserved is 18,000,000, and we must provide for them. How much will it cost? I will tell you by the figures. It will require 50,000 carriers at $600 a year. But, the gentleman says, these people come and clamor at the doors of Congress to make us increase their salaries. They have had mighty poor luck in making the gentleman from California, the chairman of that committee, report any increase of salary, either for the clerks of the Post-Office, the clerks in the Railway-Mail Service, or the free-delivery carriers in the cities.

Now, I trust we shall long have the gentleman from California at the head of that committee, but I do not apprehend, sir, that if some fell misfortune should overtake him, courage, virtue, and honor would disappear from the face of the earth. [Laughter.] I have confidence in the ability of the people of the United States and this magnificent civilization which is the consummation and concentration of all the political wisdom of ages; I have confidence in that civilization being able to furnish a man who, with the same courage and the same fearlessness and the same intelligence, will take hold of the management of the affairs of that committee and resist any improper importunities leading to extravagance. [Applause.]

But to return to the estimate of what it would cost to furnish rural free delivery to the remaining 18,000,000 of our rural population still unserved. It is estimated that it will require 50,000 carriers to serve them. These, at $600 a year, would cost $30,000,000. But a deduction must be made from this figure of the saving made in the discontinuance of star routes and fourth-class post-offices in the introduction of rural free delivery, a large number of which are always abolished. In Frederick County, Md., for instance, there are 56 rural free-delivery carriers, and 49 post-offices and 32 star routes have been discontinued. It has been carefully estimated that the saving from this source will be $6,000,000. This deducted from the $30,000,000 leaves $24,000,000. A deduction, however, has to be made by reason of the enormous increase in revenues of the Post-Office Department by the introduction of rural free delivery.

In Carroll County, Md., alone, which has a full county system, the aggregate revenues of the first three quarters, after the service was fully adjusted, were $20,489.19, and of the succeeding three quarters, ending September 30, 1901, $22,553.46, an increase of $2,064.27, or a fraction over 10 per cent. (See report of Postmaster-General for the fiscal year ending June 30, 1901, page 134.) Quoting again from the same report of the Postmaster-General, page 134:

In Table 1 of the Appendix will be found a statement showing separately the postal revenues for the three years of 35 post-offices with rural free delivery and 35 post-offices without rural free delivery, the towns and villages in each class having about the same population. This statement shows gratifying results in favor of the offices having rural free delivery, where

the percentage of increase of 1900 over 1889 was 10.3 per cent, and that of 1901 over 1900 is 11 per cent. On the other hand, the increase in the 35 towns without rural free delivery was 4.7 per cent for the year 1900 over 1899, and 4.6 per cent for 1901 over 1900.

Again quoting from the same report on the same page:

An analysis of the gross postal revenues of the United States for the year 1901, which were $111,631,193.39, shows that $74,295,394.47 came from 866 free-delivery cities. The remaining 3,600 Presidential offices yielded $16,063,251.81, while the 72,479 fourth-class offices produced $18,913,519.21. These amounts show an increase over the preceding year as follows: Free-delivery offices, $7,519,490.81, or 11.11 per cent; Presidential offices, $552,265.58, or 3.56 per cent (nonfree delivery); all fourth-class offices, $405,678.46, or 2.19 per cent—

Showing a difference of between 7 and 8 per cent in the increase in the revenues of these respective offices in favor of the free-delivery offices. On page 135 of the same report the Postmaster-General says:

These unsatisfactory conditions disappear as rural free delivery, with its attending benefits, reaches out into the country, giving the people equal postal facilities without regard to locality, which has the effect of increasing the revenues at a rate at least equal to that maintained in the free-delivery cities, where during the past five years it has averaged 8 per cent. It may then be reasonably claimed that a general extension of rural free delivery will increase the postal revenues from year to year at such a rate that eventually the service will become self-sustaining.

The city free delivery is more than self-sustaining now.

It therefore appears beyond doubt that the amount of revenue in the Post-Office Department has increased in proportion to the increase of the facilities furnished the citizen to dispatch and receive his mail. From these figures and along these lines it has been estimated that there will be at least an increase of $10,000,000 in the revenue arising from the increased business of the Department, due to increased and improved postal facilities. Deducting this again from the twenty-four million above remaining, and a balance of fourteen million will be left as the net cost of furnishing the farmers of the United States, and others living in the rural districts, the same advantages and blessings that are now enjoyed by their more fortunate brothers of the city. Indeed, one does not have to claim to be a prophet to foresee that eventually the rural free-delivery system will cost the Government nothing, but will be absolutely self-sustaining.

This $14,000,000, the cost of establishing rural free delivery through those portions of the United States now unprovided with it, is not so appalling as the gentleman from California would lead us to believe when compared with the present cost of the city delivery system, which, according to the estimates of the First Assistant Postmaster-General, at page 103 of the annual report of the Post-Office Department for the fiscal year ending June 30, 1901, appear to be $18,745,450, nor does this amount stand out in such horrid relief, as the chairman of the committee would have us believe, when compared with the present cost of our railway-mail service, the sum necessary for maintaining which, as set out by the Second Assistant Postmaster-General, on page 332 of the same report, is $11,098,496. These figures certainly do not justify the extravagant statements of the gentleman from California in his speech on this bill delivered March 3, in which he said that "rural free-delivery service completed through the country would cost $60,000,000."

While upon this point of the comparative cost of the salary method and contract method of payment of the rural free-delivery carriers it may be well to direct the attention of the gentleman from California to the fact that when the Postmaster-General (if this bill should become a law) would ask for bids for the carrying, collecting, and delivery of the mails, as now performed by the rural free-delivery carrier, he would find that the bids would be very much higher proportionately than those now made by contractors for star routes. Formerly star-route contractors simply carried the mail from the railroad to the post-office in closed pouches. He was required to collect no mail and deliver no mail to any individual. Within the last year the Second Assistant Postmaster-General has issued an order requiring that star-route contractors shall deliver the mail to those who leave requests therefor at the nearest post-office; and since that additional requirement has been made there has been an increase in the cost of carrying the mail by star-route contract.

The Second Assistant Postmaster-General, on page 317 of the Annual Report of the Post-Office Department for the fiscal year ending June 30, 1901, from which I now read, says:

The average rate per mile traveled on June 30, 1901, under the old contracts, was 3.87 cents. The average rate per mile traveled on July 1, 1901, under the new contracts, was 5.26 cents—an increase of 1.39 cents per mile, or 35.91 per cent.

This increase of nearly 36 per cent in the cost under the contract system has arisen since the three new requirements have been added to the contract:

First. That the contractor shall live on or in the neighborhood of his route, and shall personally perform the work.

Second. That he shall deliver the mail to individuals along his route, making proper arrangements therefor.

Third. That he shall accept mail from an individual along his route for deposit at the next post-office.

In addition to these duties the rural free-delivery carrier is compelled not only to accept mail when handed to him by individuals, but to collect it from their boxes.

Second. To carry stamps and sell them, to sell money orders, and register letters.

If the contract service will increase in cost nearly 36 per cent by the addition of about one-third the duties of the rural free-delivery carriers, it is safe to say that it will at least double when all the duties of the rural free-delivery carrier are imposed upon the contract carrier who is contemplated by this bill.

Mr. Chairman, I listened with close attention and much surprise to the discussion between the gentleman from California and the gentleman from Illinois, in which the gentleman from California tried to sustain his statement that—

every star-route contract let a year ago, going into operation on the 1st of last July, in the first section, which embraces New England, New York, Pennsylvania, Maryland, West Virginia, and Virginia, every single star-route contract obligated the contractor to deliver and collect the mail from every resident on his route, and he is doing it to-day.

I was, I say, surprised to hear the gentleman make this contention, because, unfortunately, it is incorrect. The star-route contractor in the first district, under the new contracts, is not required to collect mail from every resident on his route. And he is not doing it to-day. He is required to deliver mail into boxes along his route at the risk of the addressee, and then only upon the written order of that person upon the postmaster at the nearest post-office.

I turn to page 318 of the report of the Second Assistant Postmaster-General in the annual report to which I have already referred, and read from the terms of the advertisement for star-route contracts:

The carrier is not required to collect mail from the boxes, but there is no objection to his doing so if it does not interfere with his making the schedule time. The law provides that every carrier of the mail shall receive any mail matter presented to him, if properly prepaid by stamps, and deliver the same for mailing at the next post-office at which he arrives, but that no fees shall be allowed him therefor.

This is the advertisement. Let us see what the contract itself provides, to which the gentleman from California so often and so vigorously referred the gentleman from Illinois. I read from the fourth paragraph or provision of a "Contract for Mail Service," which I secured from the Second Assistant Postmaster-General:

Fourth. To take mail matter from any post-office now on the route, or that may hereafter be established on the route, and carry the same to, and deposit it into, the proper box now on or that may hereafter be placed on the line of the route for this purpose (or on any route that may hereafter be established and to which this contract may be extended, as hereinafter provided), when requested so to do, as contemplated by the terms of the advertisement pursuant to which this contract is made.

It will be observed that he is only required to deposit mail in post-office boxes when requested so to do, as contemplated by the terms of the advertisement pursuant to which this contract is made. The advertisement, pursuant to which the contract is made, says nothing about collecting mail from boxes, except that he is not required to so collect it, nor is there a suggestion in the contract which could be construed into a requirement upon the contractor to collect the mail. As a matter of law, if he stands upon his rights, he can not be required, either under the advertisement or under the contract with the advertisement read into it, to collect mail from anybody or any place except the post-offices along his route.

Moreover, Mr. Chairman, the gentleman from California has overlooked the fact that these improvements in the star-route service have only been made in the first section, embracing the States which I have already mentioned, and in that section only, since July 1, 1901. The advantages of the rural free-delivery system had become so apparent and had made such a deep and favorable impression upon the people that it became a case of "Help me, Cassius, or I sink." This miserable old star-route system, with its characteristic rickety wagon and ricketier horse, driven by a man not there for the accommodation of the people, but determined to earn the amount of his contract with as little trouble as possible, saw that it would be entirely superseded by the sprightly and modern rural free-delivery service. The officers took hold of it then and began, for the first time since 1793, to make some improvements in it, copied after the rural free-delivery service, and now the gentleman from California would have us adopt it instead of its superior prototype.

I now come, sir, to the second argument of the gentleman from California, which is that there is so much politics in the present system that he fears for the safety of his colleagues and their continued service in the House. He threatens us with an army of rural free-delivery carriers sweeping down upon us and so making slaves of every member of Congress; that they will have their will in legislation, increasing their salaries, and that we will not dare oppose them. The gentleman from California stoutly denies that any such fear will possess his soul, but seems to intimate that while he has the fortitude to resist such assaults he fears for the virtue of his weaker brothers.

There can be very little argument, sir, in this. There are 10,500 postal clerks in the United States and they are thoroughly organized. There are 17,789 letter carriers in the cities and towns and they are thoroughly organized. There are 72,479 fourth-class postmasters in the United States, each of whose post-offices is a town or village center from which radiates political and other influences. If Congress were in danger of being controlled by these influences against its duty, it would certainly have so been controlled by these agencies ere now. The railway postal clerks, the letter carriers, the post-office clerks, all separately organized, have separately petitioned Congress on numerous occasions to increase their compensation, and I believe justly so, but these petitions have not yet so improperly controlled a sufficient number of Congressmen to pass bills increasing their respective salaries, which could be looked upon, even by an economist, as a raid upon the public Treasury.

The fourth-class postmaster has not organized, as far as I know, but he could if he would, and could, perhaps, be more potent in exercising politics for or against a member of Congress than any of the other agencies. These men have a perfect right to lay their grievances before Congress and to present to their Congressman or to the whole body of Congress the reasons why they believe their compensation should be increased. It is not only the right, but the duty, of Congress to give such petitions, respectfully made, careful consideration, and, if the reasons appear to be good and the salaries too small, to correct the injustice by increasing the salaries. This much rural free-delivery carriers could do, and no more.

The right to petition is an ancient one, for which the Anglo-Saxon has shed much blood and endured much suffering, and I for one will never vote to curtail him of that privilege; nor will I permit the probability of the exercise of that right by any set of men to prevent my voting in favor of a system which I believe to be good, simply because the officers of that system might desire to submit petitions to me. Why, Mr. Chairman, one fourth-class postmaster, with all the time he has to spare, with his store and post-office the center of attraction of the town or village in which he lives, with opportunities to see not only the people of the town, but those who come into his store from the country, could do more good or injury to a member of Congress in one day than a rural free-delivery carrier, hurrying along his route, could do in a week. Such an argument is an imputation upon the manhood of the House, and I believe will be resented in the vote.

If it be wise, as the gentleman from California argues, that we put rural free-delivery carriers under the contract system in order to keep them out of politics and to protect ourselves, why not put the railway postal clerks under the contract system, the fourth-class postmasters under the contract system, the post-office clerks under the contract system, and especially the 17,789 letter carriers in the towns and cities throughout the United States under the contract system? Why pay the city carrier, whose duties are even simpler than the rural free-delivery carrier (because he does not sell stamps and money orders nor register letters), a salary and let the important work of the rural free-delivery carrier out by contract? I have listened patiently for a satisfactory answer to this question, Mr. Chairman, but have heard none in all this debate.

The third argument upon which the gentleman from California bases his advocacy of this bill, which is to put the rural free-delivery carriers under contract, and the one upon which, perhaps, he lays the most emphasis, is that it is impossible to adjust the pay of the rural carrier to the work that he does. Will you better adjust the compensation for the work by bidding? Hardly. The bidders will, in the first place, be largely ignorant of the amount of time required and the amount of work to be done. Some will bid too high. Then all the bids will be rejected by the Department. Some will bid too low, the contract will be awarded, and as soon as the contractor discovers that he has bid too low he will throw up the work. In both instances there will be great public inconvenience.

But, Mr. Chairman, the present system is so flexible that the Department can and does now adjust the salaries of rural carriers to meet local conditions as respects topography, time, etc. Under the present system the officers of the Post-Office Department are not constrained by any legal requirements as to the amounts of the respective salaries. This makes the system elastic and enables the Department to most justly and conveniently adjust the compensation to the existing conditions. The gentleman from California seemed to be under the impression that there had been no discrimination in the salaries paid to the rural carriers, or, at least, only in one or two cases. I will include in my remarks a list of the irregular salaries of rural free-delivery carriers throughout the United States, which I secured from the Post-Office Department, after hearing the gentleman express his doubts upon this subject. This list will show that the salaries of rural free-delivery carriers range from $180 to more than $500. From this it appears that the Department has adjusted, and very skillfully adjusted, the salaries to the work done.

Irregular salaries of rural letter carriers.

State.	Office.	Name of carrier.	Salary.
Alabama	East Lake	William D. Carroll	$360
	McCalla	T. J. Letson	360
	Morris	J. W. James	480
Arkansas	Fort Smith	Edward C. Brogan	480
California	Redwood City	Walter Knight	450
Connecticut	Brookfield Center	Benjamin Rippy	180
	Coscob	Frank T. Ferris	300
	Eagleville	Bennett Wyllys	300
	Fairfield	Thomas H. Wheeler	360
	Portland	John K. Sanstrom	480
	Riverside	Frank L. Fenwick	540
Illinois	Danville	Coy Vanbickle	360
Indiana	Crawfordsville	James R. Rankin	300
Iowa	Eaglegrove	Earl D. Spears	390
	Union	George Hauser	420
	Whitten	Thomas H. Hauser, jr	480
Maine	Auburn	Preston J. Carver	480
	Portland	George C. Roberts	480
	Sebago Lake	Walter P. Libby	480
	South Harpswell	Daniel Merriman	300
	Strong	Richard E. Burns	480
Maryland	Halethorp	John J. Krapt	480
	Henryton	Herbert I. Cursler	480
	Le Gore	Frank P. Lescallet	300
	Middletown	Martin F. Zecher	360
	Monrovia	Joseph G. Glase	540
	Mount Airy	John H. Hahn	450
	New Windsor	Ephraim B. Durbin	540
	Pocomoke City	Asbury P. Beauchamp	360
		William T. C. Hargis	480
		Samuel J. Maddux	360
	Taneytown	Arthur B. Coombs	200
	Thurmont	John H. Freeze	450
		Eliza R. Cover	300
		William P. Mohler	480
	Walkersville	Augustus E. Roderick	480
	Westminster	David C. Slonaker	450
	Woodensburg	Leonard K. Clifton	300
	York Road	Robert W. Galt	450
		O. C. Rentzel	450
		James A. Koons	360
		William D. Shildt	480
Massachusetts	Athol	Ensign A. Marsh	300
		James Oliver	300
New York	Chazy	Robert C. Doming	480
	Kenmore	Edwin French	480
North Carolina	Fort Barnwell	William Penn Lane	480
Pennsylvania	Gettysburg	Isreal A. Noel	530
	Brandywine Summit.	Frank B. Standbridge	330
	Kennett Square	Joseph J. Hughes	360
South Carolina	Iva	Alexander C. Jackson	480
Tennessee	Emmett	Nathan M. Boyd	540
	Greenville	Francis M. Broyles	480
	Jonesboro	C. A. Brown	480
		Charles N. Boyd	480
Vermont	Bridgeport	Ernest R. Norton	460
	Jericho	Oliver H. Brown	480
	South Hero	Clarence C. Kinney	360
		Sidney C. Phelps	360
Virginia	Chilhowie	Lonnie E. Faris	540
	Draper	Beverly T. Gilmer	540
	Elkton	George M. Lam	300
		George T. Herndon	300
	Penn Laird	David H. Hinegardner	480
	Axton	John D. Rogers	540
Washington	Centerville	Levi Thomas Leath	300

Moreover, Mr. Chairman, the Department has in operation a method which will enable it to determine as definitely, as accurately, and as justly as any other method that could be conceived about what it is worth to cover a certain route. Each carrier is now required to fill out a monthly time report showing, daily, at what hour and minute he reported at the office, at what hour and minute he left to serve his route, at what hour and minute he returned after serving his route, and the daily time on the route. Each day he fills in this information on spaces provided in the report. There are 31 spaces, one to cover each day in the month. At the end of the month he signs this report and turns it over to the postmaster. The postmaster must then approve it and promptly forward it to the general superintendent of rural free delivery and retain a copy or duplicate on his own files. If the work be done by the substitute, it is so indicated on the report.

From a review of these reports the superintendent of rural free delivery can readily ascertain in the course of a year how much time it takes to cover that route. Moreover, the postmaster or keeper of the postal station must at the end of each calendar month report to the First-Assistant Postmaster-General, on a blank prepared for that purpose, the number of registered letters and packages, letters, postal cards, newspapers, circulars, and packages delivered by each one of the carriers centering at his office, and also a list of the same collected by each of the carriers. In addition to this, the routes are inspected at stated periods during each year, and reports made by the inspector to the superintendent of rural free delivery.

These reports contain 36 questions, which the route inspector

has to answer in writing. These questions cover every conceivable feature of the service, going into detail. In addition to all this, the superintendent of rural free delivery sends inquiries to the postmasters, as a check upon the reports of the carrier, inquiring when the principal mail arrives in his office, when the principal afternoon dispatch leaves his office, at what hour the rural carrier reports for duty, which carriers have locked pouches, the number of star routes supplied by the office, whether each carrier has an available substitute, whether the postmaster has maps and descriptions of the existing rural routes on file in his office, what the condition of the roads traveled by the carriers is, whether the roads were impassible at any time during the past winter, if so, for how many days and what was the cause, etc.

This system of reports and inspections, it would appear, Mr. Chairman, places the superintendent of rural free delivery in possession of all the information that any man could secure with regard to the route and the time and trouble necessary to cover it, and therefore enables him and the First Assistant Postmaster-General to determine better than by any other method what the work is worth. Having ascertained this, they can, under the existing law, adapt the salary to it. The salaries now given are not unchangeable, as they would be if fixed by law, but can be adjusted to meet the conditions. The method of fixing salaries up to the present time has not been absolutely arbitrary, but has been at the rate of about $100 for each 5 miles. The information thus gained, I submit, enables the Post-Office Department to arrive at a more correct conclusion as to the value of the work than the man who has bid for it himself. The Government does not desire cheap service so much as good service. Good service is always cheap. Bad service is dear at any price. This has been our experience with the star-route system. The Government does not desire to squeeze the last cent out of the citizen by requiring him to be a competitive bidder, but is only anxious to know what the work is fairly worth, and is then ready to give that price.

The contract system is an obsolete system. The tendency of governments is to employ their own servants and agents, and to have them under government control and discipline. No other country in the world which operates a rural free-delivery system operates it under contract. On the contrary, in every government, including the United States, in which this system is in operation to-day salaries are paid to the carriers, and they are government agents, government officers. The difference between the services of a contractor and the services of an officer of the government is about the same as the difference between the work of a hired nurse and that of a member of the family. The government officer feels that he has been honored by appointment as a government official. He takes pride in the performance of his work, and in satisfying the requests and reasonable demands of his patrons. He has a wholesome fear of his superior officers, whose eyes are upon him and who have the power to suspend or dismiss him for dereliction of duty. He takes an interest in the work and tries to improve the service.

The contractor reads his contract closely and cuts off every corner in it that he can. He serves his patrons grudgingly and often rudely, knowing that mere impoliteness and lack of accommodation will not vitiate his contract. He cares not whether his patrons feel kindly toward him or look upon him as a good carrier or not, because he knows that whatever their opinions may be, his contract can not be vitiated except by some distinct violation of one of its explicit terms. If the people complain of a public servant, his superiors immediately call upon him to answer and will insist that he do his work in a spirit of accommodation rather than grudgingly. If the patrons complain of the contract carrier he silently points to his contract and claims that he has not violated it in any substantial manner. The one works like Portia in a spirit of kindliness and love for his work. The other, like Shylock, silently points to the terms denominated in the bond.

The modern tendency of governments is to employ their own officers at a salary rather than to let their work out by contract to the lowest bidder. Aye, more, the modern tendency of governments is to take absolute control of all methods of the transmission of public intelligence and to place it in the hands of its salaried officers. This tendency had its first manifestation in the United States in the establishment of the Post-Office Department at the very beginning of our Government, and even more modern manifestations of it appear from the fact that not only do all civilized nations so control their postal affairs, but that statistics from 75 of the principal nations of the world show that the government owns and operates the telegraph in all except Bolivia, Cuba, Cypress, Hawaii, Honduras, and the United States.

I fear that our people can not get much comfort out of the company in which we find ourselves upon this proposition. Moreover, Government control of telegraphic methods of transmitting intelligence through a postal telegraph has been indorsed by such men as Henry Clay, Charles Sumner, Hannibal Hamlin, General Grant, Senators Edmunds, Dawes, Chandler, N. P. Hill, and Gen. B. F. Butler, and Postmaster-Generals Johnson, Randall, Maynard, Howe, Creswell, and Wanamaker; Professor Morse, the inventor of the telegraph; Charles W. Field, the founder of the Atlantic cable and director in the Western Union Company; James Gordon Bennett, Professor Ely, Lyman Abbott, T. V. Powderly, and Samuel Gompers. Every country of Europe controls not only its postal facilities but its telegraphic facilities. France, Germany, Russia, Sweden, Norway, Denmark, Switzerland, and many other nations had their own lines at the start. In England the telegraph was originally in private hands, and after a three-years' fight it was taken charge of by the Government. I am not now going into a discussion of the wisdom of this policy, but simply advert to it to sustain the proposition that the tendency through all modern governments is to control all methods of the transmission of public intelligence through their own salaried officers.

Indeed, sir, the tendency has gone further. It has extended to the suggestion of the Government ownership of the railroads. By this plan the Government would control, not by contract but by its salaried officers, all railroad transportation, passenger and freight. This plan is not only being agitated, but has been dignified by a serious but not hostile discussion by the Hon. Martin A. Knapp, Chairman of the Interstate Commerce Commission, in an article in the Annals of the American Academy of Political and Social Science for January, 1902. I do not advert to this either by way of approval or disapproval, but simply to again sustain the proposition that the modern tendency of governments is to assume control of the great public utilities, which have become necessities for the citizen, and to operate them by their own salaried officers rather than to leave the work to the tender and uncertain mercy of private enterprise, or even to permit that portion of it which is the Government's own patronage to be performed by private individuals under contract.

The gentleman from California can give us no assurances of the result of this system. He does not point with any confidence to the operations of the star-route system, because he is compelled to admit that only recently they found it necessary to improve it by imitating the rural free-delivery service. His plan is but an experiment which has never been tried. The present system of rural free delivery has been tried without trammel as an experiment for five years. In that experiment the officers of the Post-Office Department, honest, capable, discreet, and economical men, have been endeavoring during that time to develop the best, the cheapest, the safest, and most satisfactory method of distributing the mail through the rural communities. In that experiment the Postmaster-General has been constrained by no precedent or legal regulation. He could just as freely have selected the contract system for his carriers as the salary system, and yet he selected the salary system, notwithstanding the fact that he had before him in operation in his own Department the star-route system, in which the carriers are under contract.

These star-route carriers were the only carriers who went through the rural districts. The Postmaster-General, in establishing the rural free-delivery routes, came into contact with them, and if his experience had taught him that the contract system in vogue with the star-route carrier was preferable to the salary system he would naturally have adopted it; but with the star-route carrier before his very eyes, with the star-route carrier to be superseded by the rural free-delivery carrier, instead of making the rural free-delivery carrier a star-route carrier by contract, with enlarged duties, he made the star-route carrier a rural free-delivery carrier, with a salary and enlarged duties. He had the amplest opportunity to contrast the two plans, and in his five years of experience he has selected the salary plan.

Mr. Chairman, it seems to me that this matter is too plain for argument. An attempt has been made to foist this bill upon this House when there has been absolutely no complaint of the popular and growing rural free-delivery system under salary; when the Postmaster-General, at the head of the postal affairs of this Government, after careful and conscientious study and ample experiment, has selected the salary system. Though no petition has come from the people; though no recommendation has come from the Department; though the full messages of the Presidents have come to Congress without any recommendation of this sort whatever; though the Civil Service Department, the Mrs. Grundy of American politics, finds no fault and makes no complaint, the business of the Government and the work of this House is delayed for days by what seems to be a determined effort to do something that nobody wants except the gentlemen on the Committee on the Post-Office and Post-Roads.

If, sir, it be cheaper for the Government and better for the public service to have the work of the Government done by contract, why waste time and money on the Post-Office Department at all? Why not have all of our postal facilities let by contract to the lowest bidder? Why not advertise every post-office in the United States and let the citizen come forward and offer his bid to manage

the affairs of the respective post-offices? Many citizens would doubtless bid and would be glad to do the service. Why not advertise for bids by the various railroad companies for handling and distributing the mails as they are handled and distributed by the railway postal clerks to-day? The railroads now enter into contracts with the Government for the carrying of the mail. Why not let them arrange and distribute it also, if the argument of the gentleman from California be good? Why not, indeed, if the contract system be cheaper and the service will be, therefore, improved, offer the work of city free delivery to the lowest bidder instead of paying salaries ranging from $600 to $1,200 a year for letter carriers in the towns and cities?

What difference can be found between a carrier in the city and a carrier in the country, or what argument can be advanced why one should be paid a salary and the other paid under contract? I submit, Mr. Chairman, that no argument can be advanced in favor of applying the contract system to the rural free-delivery carrier which does not with equal force apply to the carrier in the city, to the railway postal clerk, and to the postmaster himself. Indeed, if the Government desire, it could get bidders by the score who would be willing to take off the hands of the Government the management of all its postal affairs and the collection and distribution of its mails. No reasonable man would listen with patience for one moment to such a proposition. The mere statement of it I have just made shows its absurdity and ought to aid in showing the absurdity of the proposition in this bill to let the work of distributing the mails through the rural communities by contract to the lowest bidder.

I hope, sir, that I may live to see the day when every star route in the United States shall have been abolished, when the cadaverous horse and rattling wagon of the star-route driver shall vanish from the sight of man, and in its place, along every highway, the bright, energetic, and ambitious son of the sturdy farmers of the land may be seen with his well-fed, active horse and his trim wagon, hurrying the letters and papers of the people from post-office and postal station and delivering them into the mail boxes of every farmer in the land, planted in front of his own gate and protected by the power and the officials of the Government, collecting, as he goes, letters and packages from all those who desire them dispatched, selling stamps and furnishing money orders, the registration of letters and all the facilities of a post-office to every rural citizen of the nation. Thus, at last, some of the hardships of rural life will have been overcome, and in respect to the receipt and dispatch of his mail, at least, the farmer will stand on an equal footing with his more favored brother of the town and city.

Mr. Chairman, this is essentially a farmer's facility, a farmer's convenience, and a farmer's boon. Do not let us quibble about its cost or seek by insidious means to overthrow it. The growth of this system has been wonderful, and reflects distinguished credit upon the able gentlemen under whose administration it has been perfected to its present condition. Without guide, without suggestion, but developing it as the needs of the people's services required, with patience and great ability, the Hon. Charles Emory Smith and his able superintendent of rural free delivery, the Hon. A. W. Machen, have wrought out of nothing one of the greatest public utilities among the many that add to the comfort and convenience of the people of the United States. [Loud applause.]

River and Harbor Appropriation Bill—Amendment for Coosa River.

SPEECH

OF

HON. CHARLES W. THOMPSON,

OF ALABAMA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 18, 1902.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 12346) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes—

Mr. THOMPSON said:

Mr. CHAIRMAN: I believe the Rivers and Harbors Committee is composed of honorable men, men of ability and good judgment, and that they have labored earnestly and faithfully to reach the result which they have submitted to this House for consideration. I do not care to gainsay the proposition that the bill which they have presented is an ably prepared document, the intention of which, as they claim, is to increase the transportation facilities of this great country, and to cheapen the transportation of its products. I am in favor of liberal appropriations by this Government for the improvement of our rivers and harbors, because I believe that system furnishes the only check we have against the great railroad monopolies and combines which are making unjust discrimination in freight charges, thereby encouraging elaborate trusts and combinations of all kinds. Therefore I heartily favor the bill these gentlemen have presented for our consideration, in the main. But as the distinguished gentleman from Texas [Mr. BALL] has said, the men composing this committee are human; they are not infallible, they are liable to err, and I claim that in the consideration of some of the claims presented to them they have erred, and that the section of country I have the honor to represent has been unfairly and unjustly treated by this committee.

The distinguished chairman of the committee [Mr. BURTON] said yesterday that the Coosa River, flowing through the district which I represent, was the least meritorious of all the projects presented to his committee, and he undertook to fortify that statement by a report recently submitted to that committee from an engineer who has been stationed in our section of the State for the past two years. This report, Mr. Chairman, is not consistent with the reports that have been made upon this stream for the past twenty-five years, and is not consistent with the report made by this same engineer two years. I can not imagine what has brought about this great and sudden change of heart in this engineer. No change has been made in the conditions in that section of Alabama, except in the way of progress, advancement, and development along all lines.

As shown by the report of Gen. Thomas L. Casey, Chief of Engineers, United States Army, in 1890:

Nine Alabama counties lie immediately upon the Coosa River and are cut off from water communication with the Alabama River. These are Cherokee, Etowah, Calhoun, St. Clair, Talladega, Shelby, Coosa, Chilton, and Elmore. Their area is about 3,563,272 acres, of which about 632,855 are in a high state of cultivation. There are great opportunities for stock raising and for dairy and poultry farming here. The population of these counties is about 200,000, the assessed value $45,000,600, with 700,000 acres in cultivation, producing 150,000 bales of cotton, 3,500,000 bushels of corn, 750,000 bushels of oats, half a million bushels of wheat and other farm products, as well as stock in proportion. The total annual tonnage of agricultural products grown in the portions of Alabama and Georgia lying immediately upon the Coosa River is 502,000, of which 50,000 tons are cotton, 100,000 cotton seed, 224,000 corn, 40,500 oats, 67,500 wheat, and 20,000 cattle, sheep, and hogs.

In the 9 Alabama counties that lie immediately upon the Coosa are 2,835,000 acres of unimproved land. This is clothed with virgin forests of the long leaf yellow pine, intermingled with white, red, and chestnut oak, hickory, and other valuable timber. These forests average not less than 3,000 feet of timber to the acre, or a total of 8,505,000,000 feet of timber in these counties, or about 20,000 tons, worth, perhaps, $65,000,000.

The mineral resources of this section are enormous. There are masses of rich red and brown iron ores and many other minerals. There is gold in Coosa County, a fine grade of kaolin in Calhoun and Etowah counties, abundant marble in Talladega County, plumbago in Chilton, and some tin has been found in Clay and Coosa counties; but brown and red iron ores, coal, and lime are the predominating minerals.

Inexhaustible deposits of iron ore are found on the banks of the Coosa, with an abundance of coal and lime. The present iron output of the Coosa Valley mines reaches 1,600,000 tons annually, worth $2,400,000. What would it be with the Coosa improved?

The lime interests in the Coosa Valley are remarkable, and the deposits perhaps the richest and most extensive in the United States. The lime assays 98 to 100 per cent pure in the cliffs along the river. The coal fields of the Coosa Valley are estimated to contain 350 square miles. There are great factories in the valley, including some 12 furnaces with an output annually of 670,000 tons, as well as cotton factories making 21,000 tons of cotton goods each year. Manufactories of car wheels, bar iron, and other products at Gadsden and Anniston aggregate 170,000 tons, worth $5,300,000, and at the same places 100,000 tons of iron pipe, worth $4,000,000, are made, while the output of the carpet and cordage mills at Anniston is 525 tons, worth a quarter of a million.

The recapitulation of the annual resources of the Coosa is as follows:

Agriculture, 500,000 tons, valued at	$16,000,000
Timber, 150,000 tons, valued at	5,600,000
Iron ore, 1,600,000 tons, valued at	2,400,000
Lime, 448,000 tons, valued at	416,000
Coal, 200,000 tons, valued at	300,000
Manufactory, 961,525 tons, valued at	28,050,000
Total, 3,859,525 tons, valued at	52,766,000

In addition to the above undeveloped resources of the Coosa River which lie slumbering and waiting for navigation, there was transported over the Alabama River, between Montgomery and Mobile, Ala., the following amount of tonnage:

In 1899, 76,529 tons of merchandise of estimated value of	$6,887,610
And in value of timber	2,500,000
In 1900, 85,567 tons, valued at	7,701,030
In 1900, timber valued at	2,500,000
In 1901, 119,634 tons, valued at	8,375,000
In 1901, timber valued at	3,000,000

A large portion of which would be carried to and from Wetumpka if you would give us an appropriation sufficient to complete lock 31 and open and build lock and dam 30. The people I represent in the Fifth district of Alabama are very much interested in this matter. They feel that their claim upon the Government for this appropriation, which has been so long neglected, is a just one.

Hon. W. R. Merriam, Director of the Census, in an able article in the Manufacturer's Record of February, says:

One of the Southern States that has done much toward utilizing her advantages as a manufacturing State is Alabama. The summary below shows that the capital invested in that State has increased during the past fifty years from $3,000,000, in round numbers, to over $70,000,000. The increase in the number of establishments from 1890 to 1900 was 88 per cent, and the increase in capital invested was about 53 per cent.

The population increased during these years from 771,623 to 1,828,697, or 137 per cent, while the average number of wage-earners employed in manufacturing establishments increased from 4,936 to 52,902, or 971.8 per cent. This growth of the wage-earning class has been very marked in the last two decades, and particularly in the decade 1880 to 1890, when the increase was 210.8 per cent, as compared with an increase of 19.8 per cent in total population. In 1900 the average number of wage-earners in manufactures constituted 2.9 per cent of the total population, as compared with eight-tenths of 1 per cent in 1880. But probably the best indication of the importance of the wage-earning class is afforded by the greatest number employed at one time during the year. In 1900 this was 76,931, or 4.2 per cent of the total population of the State.

The rapid growth of the manufacturing industries of Alabama during the last twenty-five years is due to the utilization of the State's rich mineral resources, which were neglected in the earlier years of the century. This development of the iron industry and of coal and mining has stimulated a variety of manufactures which are centered in the Birmingham district, in the northern part of the State, where the mineral deposits exist. The abundance of coal has made unnecessary any extensive use of the water power of the State on the Coosa, Tennessee, and Tallapoosa rivers, although on the Tallapoosa, near Montgomery, one of the largest water plants in the South has recently been constructed. It is noteworthy that the great development of manufactures in the northern part of the State has taken place largely without the advantage of navigable water for the cheap shipment of products. * * * It is estimated that water communication with Mobile would reduce freight charges on iron and coal 80 per cent.

Why, sir, it is a conceded fact that the region through which the Coosa River flows is one of the richest in the world. Col. A. K. McClure, the gifted editor of the Philadelphia Times, has repeatedly declared Alabama to be one of the richest States, naturally, in the world, if not the richest; and I believe that gentleman's estimate is practically correct. There is no place, Mr. Chairman, on the face of this broad earth where iron and coal can be found in such close proximity to each other as in the Birmingham district of Alabama; and Birmingham, Ala., fixes the price of iron for the whole world to-day. And yet this stream, flowing through the rich undeveloped mineral fields of this section, with coal and iron in great abundance, and leading out directly to the Gulf, has no merits in the eyes of the majority of the committee. On this stream millions and millions of tons would be transported if the Government would lend a helping hand and remove 72 miles of obstruction, thereby giving us a navigable water route 815 miles long, as is shown by the reports of the Government engineers in charge of this work for the past twenty-five years, which contradict the committee report recently made. I read from the report of the War Department made in 1901, less than two years ago:

The Coosa River has always been navigable for light-draft boats from Rome, Ga., to Greensport, Ala., an estimated distance of 162 miles. This part of the river is of such a character as to make its improvement by work of contraction and channel excavation entirely practicable.

From Greensport, Ala., to Wetumpka, Ala., a distance of 142 miles, the improvement requires the building of locks and dams in conjunction with works of contraction and channel excavation.

With the Coosa opened to navigation, there would be a continuous water route of transportation from Carters Landing, on the Coosawattee, to Mobile, Ala., a distance estimated at 815 miles.

This water route includes the Coosawattee, Oostenaula, Coosa, Alabama, and Mobile rivers, emptying directly into the Gulf through the Mobile Bay, and constituting the third longest water route in the United States.

The Alabama River is now navigable, Mr. Chairman, and is being used to transport the products of our section from Mobile to Montgomery, and of this 815 miles of accessible water there remains only 72 miles of obstruction. It has been estimated by the engineers for the last twenty-five years that $6,000,000 would remove all of these obstructions and give us a water route 815 miles long; and yet an engineer who has been there but eighteen months or two years, and who has made no survey, brings in a report to this committee purporting to show that it would require $20,000,000 to do this work. I would like to ask the chairman of this committee if Mr. Judson, who made this report, has ever made a survey of this work? I would like to know upon what basis he makes this report? Mr. Chairman, I am constrained to believe that "there is a nigger in the wood pile," and that some undue influence has been brought to bear in order, if possible, to blot the Coosa River off the map. But, sir, it will never be done. The Rivers and Harbors Committee of this House may throttle that great enterprise, but the time will come when Congress will recognize its merits. I call attention to a report made by the Chief of Engineers of the United States Army in 1882, volume 2, page 1855:

In 1876 an appropriation was made for improving the Coosa River between Rome and the Selma, Rome and Dalton Railroad bridge, and from this time work of improvement has been going on. The Coosa, though crooked, is very favorable for improvement. The bed and banks are generally of permanent nature, and the mean depth of the water is great when compared with the width.

In another report, made by the engineers in 1890, they make the following statement:

The river was originally much obstructed by rock shoals and sand bars between Rome, Ga., and Greensport, Ala., and below Greensport it was not navigable at all on account of the many shoals and rapids, formed by ledges of rock crossing the river bottom at points where the width of the river was greater than normal. The normal width of the river at low water is from 500 to 800 feet.

From Rome, Ga., to Greensport, Ala., an estimated distance of 162 miles' the river has an average slope of about 5 inches per mile, with banks which are firm and not easily eroded. From Greensport down to Wetumpka, Ala., an estimated distance of 142 miles, the profile of the natural river at low water exhibits a succession of deep pools, varying in length from one-half to 8 miles, separated by shoals formed of ledges of solid rock or loose stones and detached bowlders, which frequently rise above the surface. The shoals extend along the river for distances varying from a few feet to 12 miles, and have depths of water varying from a few inches to several feet. Velocity observations at Wetumpka showed a low-water discharge of 5,796 cubic feet, about the same as that reported for the Mississippi River at St. Paul. The abundance of water, the stability of the banks and bottom of the river, and the rock foundations for locks and dams, presented in all cases, make the lower portion of the river peculiarly susceptible of permanent improvement by a system of slack-water navigation.

By means of the Upper Coosa, the Oostenaula, and Coosawattee rivers there is now a stretch of 236 miles of navigable river above Lock No. 4, and by means of the Coosa and the Alabama rivers a stretch of 367 miles of easily navigable river below Wetumpka. The improvement of the 116 miles of river between Lock No. 4 and Wetumpka will therefore afford a continuous route of water transportation, 776 miles in length, from northwestern Georgia, through the mineral region of north Alabama, to the Gulf of Mexico at Mobile, Ala.

In another report, made in 1890, volume 2, page 1645, it is said:

In the meanwhile the coal and iron interests of Alabama have been rapidly developed, and the Coosa River coal and iron fields have become the objective of the more recent plans of improvement. The extension of the improvement to Wetumpka will unquestionably build up a large traffic in coal, iron, and farm products between north Alabama and Mobile and intermediate points and a large export business in coal from Mobile.

The present local business upon this river should not be taken as a measure of the value of this improvement.

The volume of business done annually in Wetumpka is estimated at $1,500,000, and in Montgomery at $40,000,000. At Tallassee, on the Tallapoosa River, which flows into the Alabama River at Montgomery, the annual business is $2,000,000. In Prattville, which is in close proximity to the Alabama, the annual business is estimated at $2,000,000. And yet Mr. BURTON would have you believe that the only thing to be taken into consideration in making this appropriation is the assessed value of of the counties of Tallapoosa, Coosa, and Chilton in 1890—twelve years ago—which he claims was $8,000,000.

In another report the Government engineer says:

The district of Georgia, which lies convenient to the Coosa River, had in 1885 an output of 32,924 tons.

The present iron production of the Coosa Valley region, extending from the neighborhood of Calera to Rome, Ga., is not much, if at all, below 200,000 tons.

The total iron production of the United States in 1885 was 4,529,869 tons. There had been very little increase since 1880. But in that time the output of southern furnaces had grown from 387,301 tons to 712,837. The most remarkable increase was in Alabama.

It is now conceded that the Alabama output will constantly grow in volume, since iron can be made cheaper here than elsewhere in the United States. If we now furnish transportation so cheap that we can, at Mobile, undersell any other point upon our coast, the result must be that Alabama, in a few years, will furnish millions of tons for market, and the greater part of it would pass down the Coosa River.

Another report in the same document, on page 1673, from Col. J. H. Simpson, says:

It is fair to assume that the opening of the Coosa River to navigation between Wetumpka and Greensport will be the virtual opening of a channel for direct trade between Rome, Ga., and Mobile, Ala., via the Mobile, Alabama, and Coosa rivers, by a water course 700 miles in length, available at all seasons of the year.

The opening and development of the rich and extensive coal and iron mines in the Coosa Valley will render this thoroughfare the great and important feeder of Mobile and the Gulf ports generally. The valuable products of the different counties bordering upon the Coosa River which now seek a market over rough and circuitous roads would naturally tend to this great highway, and the benefits of the great carrying trade thus created would be felt throughout the length of the river. Many products which are now neglected because of the difficulty in transportation would find a ready market and become a source of profit to the producer.

Maj. A. N. Damrell, in the report of 1881, on page 1222, says:

The improvement is believed to be of great local, national, and international importance for the following reasons:

It would give an unbroken water communication of about 800 miles from the Gulf of Mexico to the southern border of Tennessee and northwestern border of Georgia. It would supply a large local demand for fuel, iron, and building materials at rates much below the present. It would reduce immensely to the United States the cost of the large supplies of coal and iron which would be required by it on the Gulf of Mexico in time of war, and in time of peace it would result in a saving in the reduction of the cost of these items to the cities of this section generally, and to the steamers, both merchant and war, of all nations navigating the Gulf, which would soon reach the estimated cost of the work.

Mr. Chairman, I have other reports here which are just as favorable as those I have read from the engineers for the past twenty-five years who have surveyed this work, but which I will not take the time or patience of this House to read; but they all go to show the incorrectness of the report made recently upon this river by Mr. Judson.

In the memorial of the Coosa River improvement convention, referred to in the report, they say:

De Soto discovered the river in 1540, and marched down its entire length. After his discovery the region through which it passes remained undisturbed

except by the tribal wars of the Indians for nearly a century and a half. In 1813 and 1814 it became the scene of General Jackson's campaign against the Creek Indians, which practically terminated with the battle of Horseshoe, upon the Tallapoosa River, March 27, 1814.

MAGNITUDE OF THE RIVER.

The Coosa River rises in the mountains of north Georgia and flows south westerly and southerly until it helps to form the Alabama River a few miles below Wetumpka, Ala.

It is formed by a junction of the Ootanaula and Etowah rivers at Rome, Ga. From the most northerly navigable point the distance along these streams to the Gulf of Mexico is as follows:

	Miles.
Oostenaula River	108
Coosa River	315
Alabama River	390
Mobile River	50
Total	863

There would be a continuous water route of transportation over the bosom of these rivers to the Gulf but for the shoals and rapids on the Coossa River, distributed over a distance of only 142 miles from Greensport to Wetumpka, Ala., and these shoals and rapids are intermingled with long pools of deep water. However, of this distance there has been opened to navigation by the Government improvement of the river about 35 or 40 miles from Greensport down to Lock 4, Alabama.

The Coosa River is not one of those insignificant streams upon which often large sums of money are spent with no avail, but to the contrary, it is a deep, bold, running, and beautiful stream, its grandeur and beauty excelled by none, with sufficient water for successful low-water navigation for boats drawing 4 feet of water or over, if the water was properly concentrated over the shoals and rapids between Lock 4 and Wetumpka, Ala.

To give a more correct idea of the magnitude of the river and its possibilities, we quote from the report of Charles Frith, United States assistant engineer, in his report of November 24, 1888, in which he says: "Velocity observations taken at Lock 4 show a discharge of 3,921 cubic feet, with a velocity of 1.33 feet per second at a stage of 1.8 feet above low water. Similar observations at Wetumpka at low water show a discharge of 5,796 cubic feet, with a velocity of 0.9 feet per second."

In the Annual Report of the Chief of Engineers for 1879, page 1203, the low-water discharge of the Mississippi River at St. Paul is given at 5,800 cubic feet per second. In the report for 1880, page 482, the low-water discharge of the Hudson River between Troy and Albany is given as about 2,000 cubic feet per second, and in the report for 1881, page 1929, the low-water discharge of the Ohio River at Pittsburg is given as 1,666 cubic feet at zero of the gauge and as 5,810 cubic feet per second at 9 inches of the gauge.

Comparing these discharges with that of the Coosa at Wetumpka, it appears that the volume of water flowing in the Coosa at low water is about equal to that of the Mississippi at St. Paul, about 2.8 times greater than that in the Hudson at Albany, and about 3.5 times greater than that in the Ohio at Pittsburg.

NATIONAL IMPORTANCE.

The Coosa River, reaching like a bandeau across the State of Alabama from Rome, Ga., to Mobile, crosses every line of railway that extends from the Alabama cotton, coal, and iron fields and the great pine forests to the Gulf and South Atlantic. The cost of these elements of industry, commerce, and civilization is a fact that interests the people of every section of the United States.

The cheapening of the cost of transportation on these commercial necessities is a duty of the Government when it holds the paramount control of such a channel of navigation.

The Coosa River has claims to national care and consideration that are not possessed by any water course of the United States of similar length not yet open to steam navigation. On the banks of this river great geological systems are in contact with each other, the river draining each of them. Such a condition is not presented elsewhere in the United States, if it is found in any other country.

These systems, bearing the rich material of their full development, each contribute to industry and commerce the indispensable element of progress in agriculture and the arts that are in universal use. Among these are coal, iron, lime, marble, granite, the slates, kaolin, mica, asbestus, and many cognate minerals, with soils, clays, sandstone, and other useful minerals of great variety.

Such geological areas are found elsewhere in the United States in perfection, and each of them is indispensable in the grand aggregate of our material resources, but they are widely separated in other localities, and their transportation from one field to the other is so expensive that their value is much diminished.

Along the banks of the Coosa River these several formations meet, and that river is a natural conduit for their interchange. The forests and the productions of these several systems are indigenous to such formations, and are very rich and varied.

The use of the Coosa River as the commercial outlet to the ocean for this immense field of industry in agriculture, forests, quarries, and mines is a great national duty that is devolved on Congress. The United States being the paramount power entitled to improve this river, the States of Georgia and Alabama can not do this necessary work.

Congress has continuously prosecuted this national duty, and the only question is whether it shall now be abandoned or prosecuted to a success that is commensurate with its vast importance.

PRESENT IMPROVEMENT.

The present improvement of the Coosa River, now being carried on under the auspices of the War Department of the United States, was begun in 1870, but owing to the meager appropriations for that purpose this work has progressed very slowly, and frequently during this period, as is now the case, the work has been almost entirely suspended. Delays like this, with the work standing in an unfinished state, necessarily cause heavy damages to the work previously done, and so demoralize the forces, until it takes a good portion of the next appropriation to reorganize and place the work back on its former footing. Much of the appropriations have been spent in this way, while if sufficient sums of money were appropriated to push the work to completion, would save all this useless delay and expenditure of money. We have no criticism to make except as to the inadequate sums of money appropriated for this important work.

It has been suggested that it would be better to abandon this entire scheme rather than continue this wasteful plan of operations. To abandon this project would be to repudiate the purposes of our forefathers as far back as 1823, and throw away all the money that has been spent on this important stream. When we take into consideration these facts in connection with the magnitude of the river, the rich fields of agriculture, forests, iron, lime, coal, and manufacturing, through which this magnificent stream flows in such close proximity to the seaboard, the abandonment of this project can not be within the contemplation of any rational man.

The able engineers in charge of this work estimate that $6,000,000 will give four-foot slack-water navigation from Lock 4 to Wetumpka, Ala., which is the portion of the river now closed to navigation. This money can be more economically expended in six years than it could be in twelve, and more economically spent in twelve than in twenty-four. Therefore we recommend and ask that Congress place the work of opening the Coosa River to thorough navigation on the continuous contract plan, and appropriate $6,000,000 to be spent in six years in the opening of this important stream, the work to be done according to the plans and specifications previously furnished by the engineers in charge, and that the work be commenced at Lock 4, and continue down the river from there and at Wetumpka, and work up the river from that point, and continue in this form until completed.

At the outset of my remarks I alluded to the general argument in favor of river and harbor appropriations, in that they serve to facilitate waterway transportation, and thus act as a check on the great railroad monopolies and trusts.

This, Mr. Chairman, I consider one of the most important aspects of the question. The greatest peril to our national prosperity and the most sinister menace to our liberties, nay, even to our very existence as a free Republic, is from the gigantic trusts which have sprung up so suddenly and with such an appalling measure of strength in our land. These trusts, now about 100 in number, counting only the larger and more dangerous ones, have succeeded in obtaining a monopoly of the production and sale of almost all the articles which mankind ordinarily requires to possess, including meats, sugar, flour, salt, oil, coal, iron, steel, copper, leather, rubber, paper, and many other important articles of daily and universal use. The trusts have combined all the sources of supply and production in these lines, and have thus stifled all competition and forced the small individual manufacturer and dealer to unite with them and do their bidding or else be forced out of business or driven into bankruptcy by them. Having thus obtained a monopoly of the various leading lines of business, the trusts have next been able to arrange the prices to suit themselves, and the prices of everything to-day are advancing, as we all know. They are much higher than they were four or five years ago, when the trusts were on their good behavior and were feeling their way to the securing of absolute power through the Republican party and the Dingley tariff law.

I do not need to dilate upon the dangerous and terrible power of the trusts nor upon their evil effect upon the community at large. The people in general are beginning to understand these things pretty well, but it is very desirable to keep the people well informed as to the conditions which render the trusts possible and which tend to give them their great and increasing power. There are two principal causes or conditions to be mentioned. One is our present high tariff, which prevents our citizens from obtaining their needed supplies in outside markets at outside prices, and thereby enables the trusts to force the home prices up to the level of the foreign prices plus the amount of the tariff duty. In this way the trusts compel the American people to buy all the products of the trusts at an exhorbitant figure, and the result is that the comparatively few trust magnates become enormously wealthy at the expense of the masses of the people.

The other cause or condition greatly favorable to the trusts is the favoritism shown to them by our great railroad monopolies and combines in granting them wholesale discriminations and rebates in freights. This practice, Mr. Chairman, has become general, and has developed into a national scandal and disgrace. Many instances have been brought to light by the investigations of the Interstate Commerce Commission, and the testimony in recent hearings before the Industrial Commission has served to thoroughly awaken the public to the great importance of this subject. From this testimony it became apparent that "the most potent factor in establishing and maintaining monopolies has been preferential or discriminating rates of freight by common carriers given by rebates or otherwise." In brief, the railroad monoplies have made a practice and are making a practice of "standing in with" the trust monopolies and secretly giving them much more favorable rates of freight than are given to the smaller manufacturing concerns or to individuals and much smaller rates than the published tariffs of freight rates allow. In this way the railroads help the trusts to undersell and ruin their small competitors. This is a scandal of the first magnitude, and, as I have already said, it supplies one of the strongest arguments in favor of liberal appropriations for the improvement of our internal waterways.

It is a reflection on the business judgment and sagacity of the committee in charge of this important subject to even suggest the abandonment of this great project. While this report deals liberally with my State, it deals unjustly with my district and the Coosa River, which is by far the most important undeveloped waterway within her borders. I appreciate the liberal appropriations you have provided for the Warrior River, in the district of my distinguished colleague [Mr. BANKHEAD], who is a member of your committee, and also the other appropriations made for Alabama, but in behalf of justice, equity, and right I appeal to the members of this House to protect the million and a half already expended on the Coosa River, to save my people from

this gross injustice, and to consult the best interests of this whole country by voting for my amendment to keep this project alive, at least. To cut it off now would nullify all the work previously done and the $1,500,000 already spent, which has greatly benefited that section of the country in which this improvement has been made. The section that has been mostly benefited is on the northern end of the Coosa, represented by my distinguished colleague [Mr. BURNETT], who will follow me.

But, Mr. Chairman, I submit that if the Government is in earnest about opening this stream and giving the people of Alabama the benefits it will afford them, it does seem to me that the proper way to do this work is to begin at the mouth and work up, and then all the improvement you effect along this river would find an unobstructed outlet to the Gulf and would not be blocked by this intervening obstruction of 72 miles of shoals.

I shall, then, Mr. Chairman, at the proper time offer an amendment to the pending bill, and ask this House to give us an appropriation sufficient to enable us to build lock and dam 30 at Wetumpka, Ala., which is just above lock 31, which has just been completed or is now in the course of construction. The Government has at Wetumpka ample machinery, which has lain there idle for years, to do this work, the development of which would greatly facilitate the transportation of the products of that section of country, which are unequaled by the products of any other section of the United States.

As stated in the beginning of my remarks, I am in favor of liberal appropriations by the Government for internal improvements, and I shall vote for this river and harbor bill notwithstanding the fact that the improvement of the Coosa River has been temporarily side-tracked. I hope yet to be able to convince the distinguished chairman, Mr. BURTON, for whose judgment as a fair-minded business man I have great respect, that instead of the Coosa's being the least meritorious of all the streams in the country, as he has been unkind enough to say, it is one of the most important and the most meritorious; and when the new survey which he has been kind enough to give us is presented to his committee next session, he will, as he has done for the other streams in Alabama, provide a liberal appropriation for the continued improvement of the Coosa.

Commerce is an exchange and interchange of commodities between different and distant communities. Water transportation is one of the chief mediums of commercial intercourse. When the Coosa River is opened to navigation, untold advantages will accrue to the people not only of the district I have the honor to represent, not only of the great State of Alabama, but of the entire country. As stated in a recent editorial of the Montgomery Advertiser, one of the leading journals in the South—

It means, for one thing, the making of Mobile a mighty coal entrepôt whence coal could be distributed to the world, and it means making the Coosa a vast artery of commerce through which would flow the riches, natural and artificial, of one of the finest sections of the Union.

Steam vessels laden with the richest productions of a very fertile section of our State and with the valuable ores of coal, iron, lime, copper, and gold which lie slumbering and undeveloped in their wide, deep beds, will ply the waters of the Coosa and Alabama and sweep past the thriving cities of Rome, Gadsden, Cedar Bluff, Center, Riverside, Childersburg, Wetumpka, and Montgomery, the queenly capital of our State—also in close proximity to Cedartown, Anniston, Talladega, Birmingham, Shelby, Tallassee, and Prattville—down by Selma to Mobile, Alabama's great seaport, the lovely city by the sea.

The white-winged messengers of commerce will carry glad tidings of great joy from the people who live in the mountain regions of north Alabama to those who dwell on the shores of her southern Gulf, and then will our waste places bloom with a new and radiant life and smile in the light of a new and brilliant destiny. [Applause.]

Post-Office Appropriation Bill.

SPEECH
OF
HON. GEORGE W. SMITH,
OF ILLINOIS,
IN THE HOUSE OF REPRESENTATIVES,

Thursday, March 13, 1902.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 11354) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1903—

Mr. SMITH of Illinois said:

Mr. CHAIRMAN: I do not care at this time to enter into a general discussion of the bill now under consideration, but I wish to submit a few remarks upon a subject directly connected with this bill and the postal service. That subject is 1-cent letter postage—a reduction of the letter rate of postage from 2 cents to 1 cent.

Some years ago I introduced in Congress a bill of this character, but did not press it at that time, believing that the revenues of the postal service would not then justify its passage. I, however, continued to present the bill at each succeeding Congress, and have reintroduced the bill during this session, as follows:

A bill to reduce letter postage to 1 cent per ounce.

Be it enacted, etc., That from and after July 1, A. D. 1902, the rates of letter postage shall be as follows: On all letters weighing 1 ounce or less the postage to be paid from any place or point in the United States to any other place or point therein, and on all drop letters, shall be 1 cent, and for each additional ounce or fraction thereof the postage shall be 1 cent additional.

Our postal service has so increased, our revenues from that service have so rapidly enlarged, and our business condition is such that, in my judgment, this is an opportune time and a proper time for the careful consideration of the question whether we can reduce letter postage from 2 cents to 1 cent.

This subject has been under consideration and discussion by various Postmasters-General at different times. Postmaster-General Vilas, in his annual report for the year 1895, strongly advocated the reduction at that time of the letter rate to 1 cent, and Mr. Wanamaker, in his report of 1890, discussed the subject fully and thoroughly. For the benefit of the country and of those in this House who may care to hear some of the facts in reference to this subject as stated by Postmaster-General Wanamaker I will read a few extracts from the annual report of that officer for the year 1890:

SHALL LETTER POSTAGE BE REDUCED TO 1 CENT?

There can scarcely be a difference of opinion as to the very general interest in the subject of 1-cent letter postage. Conventions and associations have declared for it, newspapers advocate it, and great numbers of the people believe in it and want it. With my short acquaintance with the postal business a year ago I did not feel competent to pass a judgment on the question beyond recording my conviction that the state of the postal revenues at that time would hardly justify the reduction. To some, who do not look far beneath the surface, the question may seem quite easy; but short inquiry will show that there are many obstacles difficult to overcome. I will try to give the result of my investigations.

If the postal revenue arising from the letter postage could be set aside for its proper uses the millions of letter writers of this country might quickly be permitted to enjoy a reduced taxation on letter writing. In point of fact, there is a clear gain of nearly $30,000,000 from letter postages. This large profit, with the annual deficit (which last year amounted to $5,768,300) appropriated out of the General Treasury, is all swallowed up by the losses on other classes of mail matter carried at less than the cost of distribution and handling.

* * * * * * *

That the subject may be properly understood, I have had prepared with as much care as possible a few tables of estimates to show the possible condition of the postal service when looked at from various standpoints. In the first place, there need be no conjecture as to the principal item of cost in trying to drop to a 1-cent rate. The amount received from letter postage last year was something over $38,000,000. This sum would be cut exactly in half, and we would therefore get but a little over $19,000,000. The deficiency for the current year is likely to be $4,530,000, which would make the total deficiency $23,500,000, and more. This large deficiency under a 1-cent rate would be reduced, first, by the natural increase of business; second, by the stimulus of a low rate of postage; and, third, by the completion of the pending legislation to collect proper postages from sample copies of so-called newspapers and from paper-covered books. It is estimated that by the sample-copy abuse over $1,000,000 is annually lost to the revenue, and in the transportation of paper-covered books considerably more than $1,000,000 is kept out of the postal income, or postal trust fund, for the benefit of certain book publishers. The deficiency under a 1-cent rate might be still further reduced by the adoption of improved devices, from time to time, which would save time and money.

He further states that:

One-cent postage will probably be delayed as long as any deficit appears in the books of the Department. Yet this deficit might quickly be removed by the passage of a few measures of legislation. It is only a question of time, therefore, when 1-cent rate will be successfully demanded. The money paid for postage by letter-writers is, according to my view, a trust fund, and it is not proper to use it for any other purpose than in paying the cost of the work performed, in extending the convenience of the service, and in reducing rates.

Past experience shows that a large increase of business has resulted from the stimulus of a lower rate of postage. The three radical reductions in the rates of letter postage since the foundation of the Government occurred in 1845, when the letter rate was established at 5 cents; in 1851, when it was reduced to 3 cents; and in 1883, when the rate was fixed at 2 cents. For a number of years prior to 1845, under the exorbitant and complicated rates then prevailing, the revenues were almost stationary in amount, being about $4,300,000 annually. For the first year following the reduction of 1845 the revenue was about $3,500,000, showing a falling off of about $800,000. For the year ending June 30, 1851, six years after the reduction, the revenue had grown to about $6,400,000, being nearly 50 per cent more than the revenue prior to the reduction in 1845.

For the first year under the reduction of 1851 the revenue was about $5,200,000, or about $1,200,000 less than the previous year under the old rate. Eight years later, in 1860, the revenue had increased to about $8,500,000, or nearly 65 per cent more than that of the revenue for the first year under the 3-cent rate. For the year ending June 30, 1883, the revenue was about $45,000,000. For 1884, the first year under the 2-cent rate, the revenue was about $43,340,000, showing a falling off of about $1,660,000. The revenue for the year ending June 30, 1890, was upward of $60,000,000, and this amount is about $15,000,000, or, say, one-third more than the revenue of 1883, the last year under the old rate.

It is interesting to note the following significant statement in the same report:

The reduction of the letter rate in 1845 was made in face of a small deficiency in the revenue, but the reductions of 1851 and 1883 were preceded by a small surplus of revenue over expenditures. The deficiency of the revenue for the first year under the reduction of 1845 was about 14.4 per cent, for the first year after the reduction of 1851 it was 27 per cent, and for the year after the reduction in 1883 it was 6.6 per cent.

I have read these statements from the report of Postmaster-General Wanamaker to give a clear idea of what might be expected in case letter postage should be reduced from 2 cents to 1 cent. We have a magnificent postal service. Our business has been rapidly increasing. We have improved our postal methods, are still constantly doing so, and expect to continue doing so.

Our postal service has been constantly and rapidly increasing. Rural free delivery has been established to supply the farmers with mail at their own doors. From the experimental service six years ago, with an initial appropriation of $40,000, it has grown by an appropriation of $50,000 for its second year; $100,000 for the third year; $1,750,000 for the fourth year; $3,500,000 for the fifth year, and this year in the bill now under consideration we provide the sum of $7,529,400 for this service. To-day every State and two of the Territories have this service. In addition to rural free delivery, delivery by star-route carriers has been inaugurated, by which these carriers deliver mail to those living along their routes and who desire the service, and is in operation in several States. Yet the annual deficiency in the postal revenues is insignificant. To-day we have the best and most efficient postal service in the world, and will keep it up.

The postal barometer is one of the best indicators of the business interests of the country. For the last four years we have had an era of prosperity never exceeded by any nation on God's green earth. The Post-Office Department should not be a money-making institution, but we should make it as nearly self-sustaining as possible. With our splendid prospects and rapid increase of postal revenues, notwithstanding enormous increases in the postal appropriations, I feel satisfied that with the anticipated saving to the Government by reason of the recent order of the Postmaster-General relative to second-class mail matter, which it is believed—as has been stated by officials in the Post-Office Department—will amount to between $12,000,000 and $15,000,000 per annum, that this is an opportune time to adopt 1-cent postage, and that this can now be done without material detriment to the revenues and no disadvantage to the continued betterment of the service.

Every man, woman, and child who writes a letter will be benefited by the reduction. The man who writes but a dozen letters a year would be benefited proportionately with the firm which writes 10,000 letters in the same time. The benefit would reach all.

My information is that the history of the reduction of postage in this as well as all other countries has been that for a short time only the revenues have been decreased, but as soon as it became generally known that a reduction had been made in the postal rates the revenues rapidly increased,so that eventually the decrease in amount of postage worked a very material increase in the amount of revenues.

It may be said by some that 2 cents is a small amount for postage on a letter, and that anyone who wishes to write a letter can afford to pay that amount, but to the poor man who makes but a bare living and has hard work to do that, to the old soldier, grizzled and bent from the hardships of war, past the day when he is able to labor for a living, and whose niggardly pension, sometimes grudgingly paid, is in many instances insufficient to pay his doctor's bills and purchase the necessary medicines to prolong a life made miserable through patriotic sacrifices in the service of a country which to-day stands as the envy of all nations of the earth. To such as these 1 cent saved in the pay of postage on a letter is worth much.

Without having at hand official figures, although I have endeavored to secure same from the Department, my information is hat in all the leading nations of the earth as postage has been decreased the postal revenues have increased. Such has been the history in our own country. Reductions in 1845, 1851, and 1883 all show that for a short time after the reduction of postage a decrease in the revenues was experienced, but that in each and every case the immediate falling away was quickly followed by a steady, large, and permanently increasing rise in the revenues. This has been the history of the past, and under the present circumstances and with such facts before us I firmly believe the time is now opportune for a reduction in the rate of letter postage from 2 cents to 1 cent per ounce.

I have here a large number of petitions and letters containing indorsements of this proposition from 17 States of this Union, and I am still receiving them every day at a rapid rate. Here are some petitions representing the sentiments of the business men of the country. They come from Connecticut, from Delaware, from Illinois, from Maine, from Maryland, from Massachusetts, from Michigan, from New Hampshire, from New Jersey, from New York, from Ohio, from Pennsylvania, from Vermont, from Virginia, from West Virginia, from Indiana, from Wisconsin, and Minnesota.

Mr. SHAFROTH. May I ask the gentleman how many signers he thinks are included in those lists?

Mr. SMITH of Illinois. Over 300,000; and every one of them a resident of a State or Territory from which the petitions have been received, and every one certified to be a legal voter in his State or Territory.

Mr. SHAFROTH. I am heartily in favor of the gentleman's proposition. I simply wanted to bring out that fact.

Mr. SMITH of Illinois. I have information by telegram and otherwise that within the next few weeks there will be sent to me from various other States, together with a portion from States from which these have been received, a million more. This statement will show the interest that is being taken by the people on this subject.

I do not care to occupy the floor longer, as I see my time is just expiring. I will ask that I may extend my remarks in the RECORD along this same line.

The CHAIRMAN. The gentleman from Illinois asks leave to extend his remarks in the RECORD. Is there objection? The Chair hears none.

Mr. SMITH of Illinois. I also ask to present and have referred to the Committee on the Post-Office and Post-Roads these indorsements and petitions which I have just referred to.

The CHAIRMAN. The gentleman also asks leave to refer certain documents to the Committee on the Post-Office and Post-Roads. Is there objection? The Chair hears none.

Urgent Deficiency Appropriation Bill.

SPEECH

OF

HON. HENRY D. GREEN,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, January 21, 1902.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 9315) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other purposes—

Mr. GREEN of Pennsylvania said:

Mr. CHAIRMAN: My attention has been called to the following section in this bill:

MILITARY POST.

For the establishment in the vicinity of Manila, P. I., of a military post, including the construction of barracks, quarters for officers, hospital, storehouses, and other buildings, as well as water supply, lighting, sewerage and drainage, necessary for the accommodation of a garrison of two full regiments of infantry, two squadrons of cavalry, and two batteries of artillery, to be available until expended, $500,000.

This item of appropriation for the first time this session brings up the question whether or not it is advisable or desirable for the United States to permanently occupy the Philippine Islands and maintain the present carpetbag government there.

Over a month ago I made a short speech on the subject of the Philippine Islands and their people when the tariff bill was under discussion.

I shall now take the opportunity to go more at length into the subject and discuss it with some detail.

MISAPPREHENSION ABOUT PHILIPPINE ISLANDS.

In the minds of the American people a great deal of misapprehension exists about the Philippine Islands and their people.

The confusion and error has been greatly increased by statements made in newspaper and magazine articles and in speeches, written and made by men who have received their information at second hand.

Had I not only carefully read the most reliable information published but also had the opportunity of visiting these new possessions last fall and made an extended tour through them, I would not have dared to occupy the time of the House in discussing this subject. But having seen the country as it lies spread out before the traveler; having visited many of the cities and large towns as well as small villages; having traversed rivers, bays, lakes, and channels; seen and conversed with the various tribes of native people in their homes; having visited their business places, dwellings, churches, and schools, I may be pardoned in believing that it may be possible that I may in a small degree at least, add to the knowledge of this body by relating things seen and heard and giving the opinions I formed on various subjects and the reasons upon which they are based.

It is very easy to understand how a man can go to these islands and by confining his observation and examination to the few large cities and their inhabitants, especially to the principal city and capital, Manila, obtain a very erroneous idea of the country and of its people, which, had he made a more extended tour and more careful examination of the several islands, would have been corrected.

This will explain, no doubt, the reason many statements have

been made by visitors there which do not at all agree with my observations. Whether I am capable of making a fair presentation of the subject-matter you must judge. Whether I have had opportunities of making extensive and general observations you must determine. And on this subject let me say that our party traveled under exceptional conditions, were accorded every convenience, advantage, and facility which could be placed at our disposal by both the civil and military authorities of the United States located there, and for these reasons were able to see more, travel farther, and learn more during our stay there of over a month than the traveler having only the ordinary facilities could have in a much longer time.

We visited the islands of Luzon, Samar, Cebu, Mindanao, Panay, and Jolo, and, in steaming through the channels, viewed from shipboard Leyte, Bohol, Negros, Mindoro, Marinduque, Burias, Masbate, Ticao, Basilan, Catanduanes, Luban, and innumerable of the smaller islands which dot the channels everywhere.

On most all, if not all, of these islands we could plainly see the towns, villages, and plantations, for it is a notable fact that by far the largest portion of the people of the Philippines live along the water's edge or shore line. These towns and villages are built on one general plan. In the center are located the churches and buildings belonging to those who have them in charge. They are invariably built of stone, substantial, often ornate and expensive. Then grouped around them are the business houses and homes of the wealthy and well-to-do citizens. Then the bamboo shacks of the common people, all built on streets and arranged in the same orderly manner as the houses in American towns.

In the country wherever you see a bunch of banana trees if you look carefully you will find a dwelling or group of dwellings. When you see one of these places you obtain a very correct idea of the others. We visited the three most important cities of the archipelago—Manila, Iloilo, and Cebu. In addition we visited Cavite, Santa Cruz, Nueva Caceres, Daet, San Fernando, Tarlac, Dagupan, and many smaller towns on the island of Luzon; Catbalogan, on Samar; Zamboanga, on Mindanao; Jolo, on that island, and many of the small towns in the neighborhood of these places.

We traversed the Pasig River from source to mouth and crossed the Laguna de Bay. We ascended and descended the Bicol River, in the province of Ambos Camarines. Saw many of the high mountains and the celebrated volcano of Albay. We passed over the only railroad on the islands from one terminus at Manila to the other terminus at Dagupan, and returned to Manila. In all we covered a distance of over twenty-five hundred miles.

If after this extended trip, under the peculiarly favorable conditions we enjoyed, a man is not able to form a pretty correct idea of the country and its people, as well as the conditions existing there, it could not be by reason of any lack of opportunity.

During the whole time our party was never in any danger from the insurgents, and only on one occasion, when we crossed the river at Pagsanjan to visit a native market, were we accompanied by an escort, which in this instance consisted of a single soldier. This was in the province of Laguna, where the Filipinos were still offering armed resistance to the American occupation.

MANILA.

Upon first entering the city of Manila the visitor obtains his most favorable impression of these islands, and, if he remains there, may return home and tell great stories of their wealth, fertility, and commercial importance, as well as of the great success and progress of the country under American rule. This was my first impression. The city was very lively. New stores and saloons were found on all sides. Conveyances were busy and hard to obtain at any price. Hotels were crowded, and, considering the accommodations, exceedingly expensive. Every article of consumption was double what you could buy it for in the States. Cigars alone were cheap.

Officers and soldiers of the United States Army, constabulary, and officers of the civil government swarmed everywhere and gave the town an American look. It seemed like an American picture in a Spanish setting. Everywhere you saw the Army wagon drawn by Government mules. The newly arrived American schoolma'ams and the nurses were prominent. In the river you found numerous steam launches belonging to the quartermaster and commissary departments of Uncle Sam's Army.

Many cascoes and bankos were huddled together in the Pasig River, especially below the Bridge of Spain, unloading freight and produce for use in the city, whence it was carried from nearby towns. Rents were high and rising. Filipino laborers had flocked into the city to get the advantage of the $1.25 a day paid by the Government, when they were able to make but about 25 cents growing rice and doing the usual work offered in the country districts.

The principal new buildings have been built by the United States authorities, of which the large cold-storage building, costing nearly a million dollars, is an example. The Luneta and the Malacon road after sundown are thronged with carriages of all sorts, and the sidewalk along the road crowded with pedestrians; here, too, the officers and their wives and sweethearts largely predominate. Newspapers printed in the English language are sold everywhere. It is surprising how completely the American has taken possession of this city.

Everything and everybody gave one the idea of extensive business transactions being carried on and great prosperity.

After a more careful examination into the causes, as well as an examination of the surrounding country, and the situation and conditions existing on the other important islands, the real reason of this actual or seeming prosperity in Manila became apparent, and it also became apparent that it was the result of artificial and not natural conditions. When this artificial stimulus is removed the city will lapse back into its quiet easy-going, nonprogressive condition.

What is the real reason? Immense sums of United States money have been spent there paying our troops and buying, transporting, handling, and distributing Army supplies of all kinds. The officials and employees of the civil government in large part spend their salaries and wages there; the fund out of which they are paid comes from the taxes gathered from the entire archipelago.

The idea that prosperous times, for a time, at least, would prevail has attracted many foreigners there to engage in business, chiefly retail. Many discharged soldiers, seeing a chance to make money, have with their savings and added capital received from home set up shops on their own account. Natives from the country and Chinese merchants from all over the island have gathered there. Money makes business, and United States money has made this city quite a busy one compared with what it was previously.

The result of the influx of the rural populatiou has caused much of the tillable land in the nearby country, especially along the railroad, to be neglected and uncultivated. The desolation of war has also decreased the production of the staple products to a considerable extent. Negros, for example, will produce much less sugar, as will the great sugar-producing province of Batangas, where the insurgents were still active. Samar will grow less hemp and scarcely any rice. The scarcity of the water buffalo will prevent many thousands of acres from being tilled which produced bountifully before the war.

From these and many other causes the net amount of the principal commercial products of the islands will be considerably less than it was in even average years before hostilities began. This surely would have had the reverse effect upon the principal shipping point of the islands, Manila. It is for this reason that I say the business activity and prosperity must be attributed to other than natural causes—those resulting from the increased productivity of the soil upon which all lasting prosperity must be based, as there are practically no manufactures on the islands.

The character of the imports which have largely increased in certain commodities prove this theory to be correct. What are they? Beer and liquors, canned goods and that class of fabrics and commodities bought and consumed by the American and foreign population and not by the natives. I have laid some stress upon this particular point simply because it has been so frequently asserted that in spite of the war the commerce has greatly increased during the American occupation, and the islands have been more productive and the people more prosperous. In other words, that commercially American occupation had been of great advantage to the native people by the development of their natural resources.

This I hold to be not only not true but the reverse to be the case. Whenever exports have increased of native products it has only been the shipment of such products which have been stored and withheld and not such as have been grown during the period. The total production has greatly diminished.

When the American policy of subjugating and annexing the country was first determined upon the chief excuse given for this course was that they were exceedingly rich and productive, and their wealth and productivity could be increased to an almost unlimited extent, so that commercially they would become most valuable to us in the future. It was never at that time doubted that it would be not only profitable for us to own them, but immensely profitable.

ARE THEY AND CAN THEY BE MADE PROFITABLE?

Let us examine this proposition and see whether instead of being profitable they, up to this time, have not only been exceedingly expensive, but under all known conditions and circumstances will each year that we maintain possession of them continue to be unprofitable, and that nearly all if not all of the money of the American taxpayer spent and invested there will be lost.

The principal products of the Philippine Islands which can be used for export are hemp, sugar, rice, and tobacco, and, as asserted by many, but, I think, believed by few, lumber. To increase the exports of these products appreciably a much larger

area of cultivation must be opened and worked. This is only possible by the army of laborers which will be required to do this character of work being increased. Some improvement may be made by the use of more modern implements; but where are the laborers to be found who can and will use these, to us, necessary agencies? No agricultural machinery known to us can be used in the cultivation of rice or hemp, and very little is used in planting and growing sugar cane.

I am satisfied that the most fertile lands of the Philippine Islands and those sufficiently near to the markets to be available for profitable production have recently been cultivated, and before the more remote territory can be made productive enormous expenditures of money will be required. The transportation alone of crops from the fertile country in the interior must be made over roads yet to be built, and unless these assume the form of steam or electric railroads this transportation must be done by beasts of burden, such as can be successfully grown and used in that country.

What are these means of transportation, and what have these means been in the past? Wagons drawn by the carabao or water buffalo, the slowest and clumsiest and least economical of all the beasts of burden that I have ever seen. He can be worked but comparatively a few hours each day, requires long rests, frequent access to water, not for drinking alone, but for bathing. If he is deprived during the heat of the day of frequent and continuous mud and water baths, this animal becomes uncontrollable and absolutely wild and ferocious. Besides this, at the present time he has become very scarce in the islands, as very large numbers during the past two years have died of the rinderpest, a disease which at all times is prevalent there, but which lately has carried off these beasts of burden to such an extent that the number killed is placed by natives who claim to know as high as 70 per cent of the whole number there.

It will take many years before, in this respect, the Philippine Islands will ever recover from this great disaster, and we must expect in the very near future to find that, by reason of this alone, the productiveness of these islands will be greatly diminished instead of being increased. I have been informed by men who know that the horse and mule, which are exceedingly expensive to bring there, too much so for them to be used generally in the cultivation of land, when brought there do not thrive.

This can be seen in the city of Manila, where the United States has introduced, by necessity, for the purposes of transportation, a large number of these animals. As long as they feed upon the hay which is imported there they seem to be able to maintain health and strength, but when the wet season comes on, which covers about one-half of the year, and when they feed upon the green provender grown in the country they are stricken down with glanders and diseases unknown to us, and perish in great numbers, and much time is lost by constant sickness, and much expense incurred for their treatment. Besides this they can not be used at all in plowing the deep, muddy soil, upon which is grown rice and sugar cane. For this work the carabao is especially adapted.

When one considers these conditions, he is bound to acknowledge that the drawbacks to the extension of agriculture are great.

TIMBER.

But it is said that there are enormous fortunes to be made in marketing the heavy growths of timber which are found there. If that timber was in America and in a place available to the market, I grant you that heavy profits could be derived. The timber available for commercial purposes which exists in these islands is not near the coast, but quite a distance in the interior, from whence it can not be floated down the streams and rivers, as the pine and hemlock is in my own State of Pennsylvania and in many other portions of the United States.

The truth is, that this timber is so heavy that it will not float at all. It is exceedingly hard to cut, and when launched upon a stream immediately sinks to the bottom. The result of this is that if it must be carried any considerable distance for shipment its transportation must be subjected to all the drawbacks that I have mentioned in connection with the transportation of agricultural products; and then one must consider the expense of loading it on lighters and transporting it, and again loading it into ships and carrying it many thousands of miles to markets where there is a demand for it, or where such demand can be created. Japan wants none of it; China wants none of it; India wants none of it; Africa wants none of it; Australia wants none of it.

Europe, and perhaps this country, would be its nearest market. Were it shipped in any large quantity, how much of it Europe would consume is problematical, as the wood is not of such a character that would come into general use. The expense to take it through the Suez Canal would be enormous. Very little of it, I am satisfied, would ever be brought to American markets even if the canal which would unite the Gulf of Mexico with the Pacific Ocean were built and in operation. We must not forget that there are enormous quantities of just as good timber, and of similar character, in Mexico and the Central and South American countries, little of which is ever brought to our markets by reason of the fact that the expense is so great as to make it unprofitable, and this, although those forests are many thousands of miles nearer New York and San Francisco and the great centers of population in the United States, than is the timber of the Philippine Islands.

Let me refer in this connection to two circumstances which, I think, may throw some light on this subject. When we went from one terminus—Manila—to the other terminus—Dagupan—of the single railroad of the Philippines, we found that they were fitting the road with new sills of teak wood, and upon inquiry of the officials of the road, it was learned that these sills were bought and shipped to Manila from Australia by reason of the fact that they cost less than timber of like quality could be cut and shipped in the Philippine Islands, although plenty of such timber was growing there.

Again, so far as we were able to learn by diligent inquiry, there were but three sawmills in operation in these islands, and these were small affairs, run cheaply and intermittently, and turned out only sufficient lumber for the local trade. A large part of the lumber used in building operations in the city of Manila is laboriously sawed out by hand, and until quite recently, on account of the building operations carried on by the United States Government, there has been but little demand for timber there. The native requires none for the building of his home, and even for his larger buildings.

He requires no barns, nor farm buildings, such as we have in this country, and all the buildings that he needs and uses, or will need and use, are cut from the bamboo, and it is surprising to find how rapidly and how cheaply, from this material, with no other implement than a working bolo, or heavy knife, he can erect a comfortable structure, sufficient for all his purposes in that country. This is so, not only throughout the Philippine Islands, but throughout the entire East, wherever the bamboo grows. Out of this wood the native not only builds his home but furnishes it with almost everything which is required. So, in my mind, those who are expecting to see and to make great fortunes from the manufacturing of timber in the Philippine Islands are doomed to disappointment, and at no time in the near future will timber figure as an important article of export.

COAL.

They say that there are large deposits of coal in these islands. I failed to obtain any reliable information to substantiate this assertion. I believe that coal could be found and mined there, but its quality is problematical, and its quantity and availability is more so. Suppose, however, that there existed coal both good in quality and sufficient in quantity, how is it to be mined and transported to shipping ports? The transportation alone, except in the most favored localities, in none of which places is it asserted that it has been discovered, would be enormously expensive, thus making the possible profit but small.

Then, again, coal must be mined by trained and steady labor, by men able and willing to perform for long hours and in dangerous places the most laborious kind of work. Where can this labor be found? Certainly not in the Philippines. I do not believe that in the whole world there is a single example of any large output of coal coming from countries where tropical conditions prevail. Certainly this coal could not be mined in competition with the coal of Japan, and the enormous deposits which we may expect in a few years to be developed in China, where there exists an abundance of labor and where there can be found every facility for its economical development and marketing.

GOLD, COPPER, AND OTHER MINERALS.

They say there are large deposits of minerals in these islands, and gold is much talked of. I admit that if the white man can ever be induced in any considerable numbers to come into the Philippine Islands and labor there, large deposits of gold alone will bring him, but we all know of what value to a country the mining population of that character is; it comes and goes.

Unless gold exists extensively, of which there never have been and are not now any indications, the few favored places will soon be bought up and run by mining capitalists. The mining of gold has always been precarious, and I believe the assertion is true that for every dollar taken out of the earth a far greater amount has been expended in the search for it. The discovery of iron or copper, or any other mineral that we may reasonably suppose exists there in paying quantities will be limited to but a few places, and the mining and marketing of such products will be subjected to all the expense and disadvantage that we have indicated in the mining of coal.

MANUFACTORIES.

As for building and operating any considerable number of manufactories there, that seems to me to be out of the question. In Manila are several large cigar factories, and I saw in the outskirts of that city a rope manufactory, where the machinery was

exceedingly crude and the motive power furnished by cattle used as we work them in a thrashing machine on the farms of my county. There were said to be small machine shops and boiler works, at which repairs were made. There were no manufacturers, so far as I observed, using machinery run by steam power.

To make manufactories profitable and successful abundant fuel and raw material are required. This abundant fuel has yet to be found, and its cost must be much less than any now used there. The raw material raised in the country would be virtually confined to hemp.

NATIVE LABOR MARKET.

In addition to all this, a reliable labor market is required. If there were no other drawbacks, that would be sufficient to dissipate all visions of building up large manufacturing and mining operations or extending to any great extent the agricultural productions.

There seems to be little difference of opinion among those who have examined this important question; all agree that the native as a reliable, steady, and intelligent workman, such as is absolutely necessary to new organized enterprises, is not only not a success but a positive failure. Whether he can ever be much improved in this respect is more than problematical. Like all people who inhabit hot countries, he is indolent, shirks hard work, and does not take kindly to even light employment. Nor is there much inducement for him to indulge in any great amount of physical exertion, as he is temperate and has few wants which can not be easily supplied. Rice, fish, and fruit constitute his ordinary diet; they can be readily obtained by spasmodic and easy work; nor in that warm country does he require fuel, or an abundant or expensive supply of clothing, and as for a dwelling, he, as I have said before, can build all he requires with little labor and a very small expenditure.

On this subject I mention an instance showing his habits in this respect. Steaming up the Pasig River we saw numbers of people fishing from the banks with rods and lines, and with a few rare exceptions these fishermen were women. The men of the family were sleeping, cooking, and tending the children at home, while the wife was at work in the hot sun trying to catch fish enough for the family meal. When a man becomes too lazy to fish what can one hope for?

Nor does the payment of good wages stimulate his effort to any extent. He works only when he must, if he is paid double wages. Governor Taft says he will work half as long and triple them, and in all probability his working one-third of the time will be the result.

He is no exception, however, to the native of the hot countries; and it is the rule, not the exception, that when men obtain the necessities of life easily they are not prone to hard work. Nor do I believe this would be possible where the temperature is hot all the year around and subject to no decided changes such as we have in the temperate zones.

In addition to these climatic results, the native Filipino under the rule of Spain has had all incentive to save and accumulate crushed out of him, and it will take a long time to undo the results attending Spanish misrule.

Where in the world will you find a reliable labor market in the Tropics? Do not understand me to say that the native Filipino does not work and can not work; he can work and does work, but only to the extent he must. Such labor as the wage earners of the United States do all the year round, day in and day out, from eight to ten and even twelve hours a day, he is not capable of and could not be by any means compelled to do. They say he makes a fair servant and will do light labor, but always sleeps in the heat of the day and frequently rests when working. He will leave his employment for the most trifling reason and often from none at all, and will return when he is ready, and often not at all. Employers say you can place no dependence upon him, and that they are constantly subjected to unnecessary and unexpected delays. He works with no ambition or desire to accomplish results.

The last man I saw when I left the Philippine Islands was Brewster Cameron, at one time an Assistant Attorney-General of the United States. He was the representative of American capitalists who sought profitable investments in the Philippines and were ready to make permanent investments in manufacturing plants, mines, or sugar plantations. Talking on the subject of labor, he said it was useless to make investments there of capital in productive enterprises unless the Chinaman, especially the Chinese cooly, was given free access to the country. Without them it would be impossible to obtain sufficient reliable labor to carry on any enterprise.

WHITE LABOR.

He admitted that not only could the natives not be depended upon but the white workmen from the United States could not live there continuously any length of time. He certainly could not bring his family there, maintain a permanent residence, and do the labor required. He asserted that the only possible hope was the introduction of the Chinaman.

A word about the possibility of whites maintaining permanent residences there. Despite what may be asserted by optimists or interested persons I am convinced that about two years is the average time a white man can reside continuously in those islands. This fact is recognized by the Army and Navy authorities of our Government. They have made a standing order that soldiers and sailors after a stay of two years should be brought back to the States to recuperate. This order was made upon the known result of the climatic conditions on the white man and after practical demonstration.

When a man is exceptionally strong and healthy and able to live under the most favorable conditions, he may remain a longer time, say three years. By favorable conditions I mean a good house to shelter him, good food and water, plenty of servants, abstaining from intoxicants, keeping himself sheltered during the heat of the day, sleeping and resting often and for considerable periods, bathing frequently, and working leisurely.

The members of the Commission and their families also furnish examples. Governor Taft is in the United States on account of sickness; Commissioner Ide is trying to recuperate in Japan; Commissioner Wright, when I left the country, was unwell, but pluckily holding on; Mrs. Taft and Mrs. Wright were seeking health in Japan, the favorite health resort of those who can afford it. A considerable number of Army officers and their families were there for the same reason. Surely all these people live under the most favorable conditions and can not stand the climate.

What must be the condition of men who must live surrounded by all the discomforts of cheap boarding houses, and who have to perform continuously the usual amount of daily work required to earn a living.

Physicians and men who should know frequently assured me that, trying as the climate was to men, it was much worse on women—a year at most greatly sapped their vitality and debilitated them, and two years often used them up.

Under such circumstances I regard it as a positive crime to send female school-teachers there, and think the Government should discontinue the practice. For more than one reason the country is not one for women to be sent to.

In addition to malarial fever and stomach and bowel troubles, all sorts of skin diseases are prevalent, and prickly heat and dhobie itch often make the foreigner's life miserable.

It is stated as a fact that a person's physical condition runs down quickly, and he loses his vitality and ambition; and when once affected in health in this climate it is almost impossible to recuperate. The only chance he has to regain lost health is to leave the country and seek a more salubrious climate.

It must be remembered during the hundreds of years the country was ruled by the Spanish that they maintained but a small army there, and few Spanish people reside there continuously any length of time; and this in spite of the proverbial avarice and cupidity of the people of this nation. From the experience I had, and what I saw and heard, I would not have agreed to spend the balance of my life there for the island of Luzon in fee simple, sovereignty, and all.

Many criticisms have been made on the $20,000 salary received by Governor Taft, yet when one understands the expensive surroundings he is obliged to maintain, and the conditions under which he is obliged to live and work, in my opinion these criticisms are not justifiable. The salaries of the commissioners are high, especially when one takes into consideration the limited wealth and productive possibilities of the country. I am satisfied that five commissioners are unnecessary; two, or at most three, are sufficient. Acting Governor Wright earns what he receives, I know, but then the entire responsibility of maintaining the civil government really rests upon the shoulders of Taft and Wright, and while the others may be useful, they are not at all necessary, in my humble opinion. Very large salaries are paid secretaries and subordinate officials; much larger than is paid for the same character of work by the United States, which is a thousand times more able to pay large salaries.

I believe it can rightly be said that the civil government, as a whole, maintained in the Philippines is excessively and unnecessarily expensive and a burdensome tax upon the resources of the people, and this should be promptly remedied.

CHINESE COOLY LABOR.

A word about the introduction of Chinese cooly labor into the islands. The wage-earners of the United States are loudly and unitedly demanding of this Congress the passage of not only legislation extending the present exclusion law, but asking that more stringent laws be passed. If the American workmen fear so greatly the influx of Chinese labor and the results of its being brought into competition with his own, a fear which, I believe, he is justified in possessing, how much more disastrous to the Filipino would the admission of the Chinese be to him.

He would be deprived of all opportunity to do the work which belongs to him, and instead of American rule being of advantage, as it is claimed, it would crush him. There are now too many Chinese in these islands; they monopolize all mercantile pursuits and are a constant drain on the country, for their gains are in great measure sent to China, and he stands ready at all times and on all occasions to catch every stray dollar floating about. The Chinaman may be brought there as a coolie, but he will not remain in that condition long. He is very quick to see and seize an opportunity for easier and more remunerative employment, and when his habits of industry and thrift are matched against the natives' habits of indolence and shiftlessness the result is easy to foretell.

The boast of our Government is that we are in the Philippines not with any selfish purpose, but with the sole object of benefiting and uplifting the native even against his will. If our real objects are what we claim, we can never consent to have the Chinaman allowed to immigrate to that country. The question of Chinese exclusion is a test of whether the Government is friendly to the people or more friendly to the exploiters.

RAILROADS, ROADS, HARBORS, AND CHANNELS.

But there are other questions which must not be overlooked in the matter of developing this country.

They are the roads, railroads, harbors, and channels.

RAILROADS.

As for railroads, and there is but one; that is owned and controlled by an English company. It is narrow gauge, 3 feet 4 inches, and 125 miles in length, with termini at Manila and Dagupan, and costing $20,000 gold a mile. It traverses the provinces of Bulacan, Pampanga, Tarlac, and Pangasinan, a fertile country traversed by water courses, and is laid over level country and sandy soil.

The road up to the present time, and it was finished in 1888, has never paid a dividend. The officials hinted that owing to the travel of United States officers and men and the transportation of supplies they expected to pay a small dividend in that year (1901) unless the road suffered more than ordinary damage during the rainy season. This road is quite well equipped, and we traveled on it at from 30 to 35 miles an hour. The company were making many repairs and improvements all along the roadbed where it had been impaired by the streams crossing it or was in danger from streams changing their courses. The manner of constructing these improvements was to plant numerous bamboo piles along these crossing streams and away back along the banks. We were informed that for a considerable time during the wet season the trains were obliged to stop running by reason of the fact that the water frequently undermined the roadbed and destroyed the banks and washed away the rails and sills.

One of the officers of this road informed us that the company was anxious for the Americans to remain in the country and control it. The road has a heavy claim for damages against the United States for injuries suffered during the war with the Filipinos by reason of wrecked engines and cars and injury done to the roadway by the insurgents. They have repair and construction shops at Caloocan, under the management of a Chinaman, and the chief mechanics are also Chinese. This company would build a small extension upon receiving some guaranties. If this road does not pay, I can not see where a paying road could be located. The field of railroad improvement is limited. Offers have been made to build lines with the proviso that subsidies of land to be selected at any place owned by the Government on the islands would be given the constructing company. So far as I could find out after diligent inquiry no private capital had offered to build roads without financial or other help from the Government.

The commissioners themselves doubted whether private capital could be obtained to build roads which were greatly needed, and doubted whether, if built, they could be made to pay a fair interest on the investment. I know that some members of the Commission had in mind suggesting that the United States should furnish the money to build, equip, and run roads to be built over important routes, or loan money on municipal bonds guaranteed by the present government—both principal and interest. Such a request would be asking this Government to do for the building up of the Philippines more than it had ever done in building up our own country. Railroad building will be slow in the Philippines, and the possibility of its earning a fair interest on the investment for some years to come is at least exceedingly doubtful.

WAGON ROADS.

The want of wagon roads is also a great drawback to any development of the country. There are very few on the islands, and some of the best have been made while the island has been under military rule. At Dagupan I saw one about 26 miles in length, which it was asserted had been built for $17,000 Mexican. When I asked what was paid for labor a day I was informed that the natives were compelled to work and received no pay, for the reason that they were most benefited by the road. Of course, if nothing was paid for labor, it can easily be seen how cheaply roads can be built.

Talking over the subject of roads with General Chaffee, whom I found to be an excellent officer as well as a brave, level-headed business man, he frankly said that the want of roads was a great drawback to the country, and in addition they were not only expensive to make, but when made were more expensive to maintain in good condition, owing to the great destruction done to them by the heavy rains in the wet season. He said that a superintendent would be required all year around for every mile of road built and maintained. Since the civil authorities have had control of the government they have spent over a million dollars for roads, and propose adding to them by additional expenditures each year.

HARBORS.

There are very few harbors of any value in the archipelago, and these will require the outlay of many millions of dollars to make them suitable for general commercial use. The principal ones are those of Manila, Iloilo, and Cebu. Some millions of dollars are now being spent on Manila Harbor, and many millions more will be required to make it reasonably safe for shipping. Manila Bay is a very uncertain body of water. It becomes heavily agitated under the influence of ordinary winds, and when in this condition it is absolutely impossible to load and unload boats. Besides, it is in the track of the heaviest and most frequent typhoons, which are very destructive on account of the openness of the bay. This never can be corrected and a safe harbor constructed by any expenditure of money, and will always be a drawback to Manila becoming an important mercantile port for general shipping.

A typhoon struck this harbor during the stay of some of our party, and it occasioned great destruction to the steam launches and tugs, cascoes, and bancoes, which were moored in the most sheltered part of the harbor; the Pasig River, between the Bridge of Spain and the mouth of the river. The city of Manila lies on both sides of the river here and gives it all possible protection, but notwithstanding this, great destruction was done, and shipping in the open bay suffered more seriously.

The harbors of Iloilo and Cebu are quite small and not at all safe or convenient. All large vessels must be loaded from lighters and small boats, which is a very slow and expensive proceeding, and great care must be taken both in going in and out, as the channels are shifting and the currents uncertain. Only by enormous expenditures can these be sufficiently improved so as to be advantageously used by large ships, such as carry commerce to distant points.

The channels separating the larger islands, I am informed, are quite dangerous, and no reliable charts have been made. The transport which carried us over these courses frequently lay at anchor during the night for fear of mishap. General Chaffee, when speaking about the necessity for accurate surveys of these channels and the coasts and harbors along them, estimated that if the full working force of the United States Government were employed it would take from forty to fifty years to complete the work.

In considering the commercial importance of these islands, we must not forget that they do not lie in the great lines of commercial travel. In going from United States ports to China and Japan they lie many hundreds of miles to the south; and even with the interoceanic canal built, they will still lie far away from the direct lines. So, also, the commerce which is moved north from Australia and the neighboring islands of that continent will never stop at Manila, for the great harbor and shipping port of Singapore is in the direct course. No more will the commerce of China and Japan, moving east through the Suez Canal to the Atlantic. This fact alone bars Manila and the Philippines of ever becoming of great commercial importance, and its trade will be limited to its local imports and exports.

I am convinced that all the United States can advantageously use in the Philippines is a naval station and coaling ports. These the people would cheerfully give us, and with a contented and happy people governing the islands, a people friendly to us, there would be no necessity of our maintaining any such fortifications as the British maintain at Gibraltar and Malta. All the wealth of this country could not completely fortify these islands, and what would be the advantage of it if it were possible?

As long as we seek to own and control them they will be the one vulnerable place in all our possessions—one so far away as to be absolutely useless should we come into collision with any great naval power.

Summing up the situation in the Philippines from an entirely commercial standpoint, I do not believe that we shall find it either more productive or richer than millions of acres yet untouched in the United States, the development of which would bring prosperity and wealth to our people and add to our strength and greatness among the nations of the world. The development of the Philippine Islands may be of advantage to the Philippine

people, if they can be taught to labor steadily and to work harder than they ever did, or than any other tropical race has ever done; but even in such case where are the people of this country to derive any great benefit from this great promised uplifting of the brown brother—an uplifting, by the way, which seems to be largely against his will, and is promised to be absolutely at his expense? Any manufactories we build up there will be in competition with those of our own country, and the labor of the American workman.

We can not in good conscience, and I am certain that we would not if we could, put ourselves in the place of Spain, where we would permit ourselves to prey upon his industry. We certainly can not mingle our blood with his and expect to produce a white people, a product such as the mingling of the blood of the different white races shows to be superior, and such an amalgamation as is possible would do him no good and would do our people positive harm. It seems to be written in the law of nature that the different races of the world can not be beneficially interbred, and could they be, are we ready and willing to make the sacrifice? In his improved condition, if that is in any great measure possible, what benefit would the Filipino be to us commercially?

His whole commerce is but a drop in the mill pond compared with that which we now and in the future expect to be able to carry on with the rest of the world, and there is no good reason, nor do I believe any good reason can be given, why that commerce would not be shared with the other mercantile nations of the world. In the past they have, in a large measure, monopolized the products he has imported from the markets in which he is a purchaser. It is so to-day despite the artful juggling of figures with which some of the officials of this Government seek to deceive and to entertain our people.

If we sell him more in the future, it will only be because we shall be able to furnish him with a better article for a cheaper price, and we can do that anywhere in the world. If his country is not to be treated as a part of the United States, and free exchange of products allowed, we might force him to take our products by a system of discriminating tariff legislation, in which the rest of the mercantile nations of the world were discriminated against in those articles which we could supply to him, but surely, for the paltry trade of the Philippines—double it, treble it, quadruple it, aye, multiply it twentyfold—we could not afford to put ourselves in such a position, when we stand at the head of the mercantile nations of the world, demanding not only an open door in China and in all parts of the Orient, but the opening of the doors as wide as possible to our products in all parts of the world.

The handwriting is upon the wall, and we can and must read it; and that is, that to enjoy the continued prosperity with which we are now blessed, the high tariffs which exclude in a greater or less degree other nations from participating in our trade must be torn down or similar obstacles will be erected in those countries which are now the great consumers of our products and our best customers in manufactured goods. It was perfectly evident to me, after I had made an examination of those lands, that there was every indication, amounting to an absolute certainty, that the Philippine Islands had been boomed in the same way, only to a much greater extent than thousands of towns and sections of country in the States.

This is a great age of exploitation; a great age for the speculator and the promoter; a great age for the sharper who lures owners of capital seeking investment to invest it in such a way that in a very short time they who had the experience will have the capital, and they who had the capital will have the experience. This very tariff bill seeks to do what?

After the Supreme Court has declared that the Philippine Islands belong to and are a part of this great country, to force them to pay a duty on all the goods which are furnished them by this country, and to also oblige our people to pay a duty on all the goods received from them; and instead of allowing this money to be applied to paying the expenses of running the American Government, it is proposed to hand it over to the Filipinos as a bonus to assist them in supporting themselves. From an American standpoint, was there ever a more ridiculous proposition brought before the Congress of any country?

The taxpayers of this country are to have all the burdens of assisting in the support of the Philippine people and none of the benefits which heretofore have always been gained by bringing new countries under our flag. No excuse can be offered for this proposition to the American people, and the only salve which I can see is offered to the Filipino lies in the fact that he must be satisfied that a very large proportion of the duties received from imports does not come from his pocket, but from the pockets of the American purchaser now temporarily living in his country.

INDEPENDENCE OR UNITED STATES CONTROL.

Mr. SULZER. May I ask the gentleman a question?

Mr. GREEN of Pennsylvania. Yes, sir.

Mr. SULZER. From your observations in the Philippine Islands, do you believe the people there want their independence or do you believe they want to become a part of the United States?

Mr. GREEN of Pennsylvania. I will answer the question of my friend from New York briefly as follows:

Foreigners and American residents there want the islands to become a part of the United States and be governed by the authorities of that country.

The natives to-day are united as never before, and not only want their independence, but peaceful and unwarlike people as they are, have been willing in the past and are now ready to fight for it, to sacrifice wealth, family, and life for self-government. What greater proof could they give? Such proof must be more convincing than the statements of interested people to the contrary. But I will take this matter up with more detail at some future time, when I expect to dwell upon the government as it is there, and give facts from which every member can satisfy himself to what extent the Filipino is fitted for self-government.

THEIR COST.

When the American people are convinced that the Philippine islands are neither a paradise for them nor a promised land flowing with milk and honey and studded with bonanzas of untold wealth, they will then consider what they have cost the Government.

When it is figured up how much of the American taxpayers' money has been permanently invested in these far-off islands, and the small return possible, at first they will grumble as they are beginning to do even now, and then they will rise in their might and discharge the financial agents who have recommended this investment, and through whose representations, promises, and advice their money has been sunk.

To future generations this speculation will be known as the Philippine Island bubble, and it will far exceed the once famous South Sea Island scheme we read of in English history.

At this time it is estimated that these lands have cost the United States over $300,000,000—$20,000,000 original purchase money. Add interest. Then $100,000 additional for an insignificant island with no harbor, lying, the Lord only knows, where. I saw hundreds said to be much more valuable, and I would not have given one dollar Mexican for the pick.

Then there is the cost of the war, which, for the support of the Army alone at the present time, when reduced to 30,000 men, amounts to $45,000,000 per annum—an average of $1,500 a head. This is a safe estimate, and you can figure up for yourselves what our military occupation cost. Then we must add some hundreds of millions more which have been, are now, and will be expended for pensions. All this, to say nothing of the suffering and the thousands of human lives which have been sacrificed in this reckless venture.

The Commission are asking the United States to hand over to them a little matter of seven and a half millions to buy the lands owned and claimed by the Spanish friars.

I know the friar lands are a serious bone of contention among the native people, and buying them, no doubt, is a short cut in settling the contentions. But is it not a hard proposition, from the standpoint of the American taxpayer, which asks him to put seven and a half millions of his hard-earned money into far-off real estate and take the chance of his getting his money back from the rental or resale of the property?

Mr. CANNON. If my friend will allow me, does he not understand that the title to these lands is to be extinguished by the insular revenues or by an insular loan, and does anybody propose anything different from that?

Mr. GREEN of Pennsylvania. The plan is a beautiful plan, for the United States is to guarantee the loan, principal and interest. When responsible men indorse bad paper of course they suffer no loss. If that is your experience it has not been mine, nor that of most of the members of this House. As for extinguishing them by the insular revenues, the revenues will be entirely used up in paying running expenses, if the government is continued to be carried on as it has been up to this time. Instead of a surplus, after you have exhausted the taxpaying abilities of the people living there, you will see a deficit, and the only question for the American public will be how deep will they have to go down into their pockets to pay the deficit.

Mr. CANNON. Does not my friend think that if we can once let the American citizen and the intelligent citizen everywhere get into these islands and build roads and help develop the country, with 75,000,000 acres of public lands that the United States owns there, it will be quite easy to furnish the money by loan and safely do it; to extinguish the title to these lands, and that with the increase of revenue they will be self-sustaining.

Mr. GREEN of Pennsylvania. Evidently the gentleman has not heard my statement.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. CANNON. I hope it will be extended a little more; say five minutes.

The CHAIRMAN. The gentleman from Illinois aks unanimous consent that the time of the gentleman from Pennsylvania be extended five minutes. Is there objection?

There was no objection.

Mr. GREEN of Pennsylvania. If the American or white man can not reside there permanently, he would not go there and stay there if you would make him a present of the public land. You would have to depend upon native labor to cultivate this land or you will have to introduce the Chinaman. I have dwelt at length on both these propositions and say to you the day will never come in your time, or in the time of your posterity, when a condition of affairs will be found existing in the Philippines as you evidently hope will exist there. I went to the Philippine Islands firmly expecting and believing that they possessed great fertility and wealth; firmly believing that they could be readily developed, and that great fortunes awaited the pioneers in that development.

I wished this to be true. But by the time I left that country I was satisfied that the United States had been buncoed into carrying on a most gigantic and most expensive foreign missionary scheme, in which the natives were being converted against their will and having so-called civilization and enlightenment forced upon them with the saber, the rifle, and the cannon; and the picture brought back to me memories of the days when with fire and sword the followers of Mahomet spread their civilization and their religion over northern Africa and southern Europe; with the great difference that the conquerors were citizens of a twentieth century Republic, whose motto had been virtue, liberty, and independence, who held themselves out to the nations of the world as the one great example of a stable, popular government founded upon the consent of the governed—a government of the people, for the people, and by the people—and the victims were a weak, oppressed, and peaceful Christian race.

River and Harbor Appropriation Bill.

SPEECH
OF
HON. SYDNEY J. BOWIE,
OF ALABAMA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, March 20, 1902.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 12346) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes—

Mr. BOWIE said:

Mr. CHAIRMAN: Some time after I had had the honor of being elected a member of this House a friend of mine asked me what "programme" I had. I told him the only "programme" I had was to endeavor to keep my mouth shut the first two years after I got here if it was possible to do so, and I have up to this moment carried out that programme. This is the first time that I have appeared to address this House on any question pending before it, and I therefore crave the indulgence of this body while I reply just for a few moments to the address of the distinguished chairman of the committee.

At the outset, I wish to disclaim any idea of attacking the chairman or the committee on account of any supposed partiality or prejudice. I have not the slightest doubt that this committee has done the best it could with all the projects before it, and I have no criticism to make of it. So far as the expenditure for the 31 locks between Riverside and Wetumpka is concerned, the committee has made an appropriation of $10,000 for a further investigation into the matter, and with that action of the committee, in that respect, we are at this time satisfied.

I have no complaint to make on that score, nor do I come here and ask of this House that it shall appropriate $6,000,000, or enter upon any such appropriation as that at this time. The proposition which I submit to the House and this committee, and upon which I invite your careful attention, is entirely a different one from that which the chairman of the committee has argued. He predicates his opposition to this "Coosa River project," as he calls it, and his condemnation of that project upon the report of Captain Judson.

It is confessed that Captain Judson changed his report in the course of three months. And whereas he has made a report favorable to the general improvement of the Coosa River, he subsequently became converted, and "in a moment, in the twinkling of an eye," as it were, made a report condemning it; and upon that the chairman of the committee predicates the argument which he has addressed to this House.

Now, Mr. Chairman, I desire to state that for the purposes of this discussion I accept the report of Captain Judson, and I am perfectly willing, so far as this House is concerned and this session is concerned, to stand upon the recommendation of Captain Judson, and if this committee had come in and brought a report in accordance with the recommendation of Captain Judson, there would not have been a word of complaint from the friends of this much-maligned river.

I hold in my hand a copy of that report, in which he says:

For the reasons above given—

Those reasons alluded to by the chairman of the committee—

it is not now my opinion that the Coosa is worthy of improvement beyond the completion of Lock 4 and the construction of the dam without a lock a short distance below Riverside, Ala.

There it is, Mr. Chairman; "is not worthy of improvement beyond the completion of Lock 4."

He goes on to say:

The estimate for completing Lock 4 and for building a dam below Riverside is as follows:

For completing Lock 4	$192,000
For one timber rock-fill dam with abutments	95,000
Total	287,000

The above amount could be profitably expended during the fiscal year ending June 30, 1903.

The recommendation that Lock 4 be completed was also specifically indorsed by Lieutenant Raymond and Colonel Adams.

Now, Mr. Chairman, I do not ask at the hands of this House that they shall appropriate $95,000 for the timber, rock-fill dam. We ask merely that you appropriate $192,000 to finish the lock upon which the Government has already made much progress. We ask it in strict accordance with the report of Captain Judson and every officer of the Government who has investigated it at all. We believe the whole Coosa River project is entitled to better treatment. We believe it is entitled to be worked out in the future, and that great benefit would accrue therefrom, but for the present session we are satisfied with the recommendation of Captain Judson.

Now, I submit to this House whether it is fair to use the report of Captain Judson against a project which he has really approved. If his evidence is to be used to impeach the general improvement of the river, which is not before the House, why should it be rejected when it sustains the project that is before us? The truth is, that a report wholly favorable to the amendment under discussion has been made the basis of a bitter arraignment of it by quoting an attack upon a scheme confessedly involving millions of dollars, which was not in any sense before the House. Having put the witness on the stand, I submit, they are bound by his testimony.

Mr. Chairman, let me state for the further information of the House what the completion of Lock No. 4 means to that section of the country. I hold in my hand a statement from Mr. Lay, of Gadsden, Ala., in which he sets out the amount of commerce and business that will be affected by the completion of Lock No. 4. It reads as follows:

LOCK 4 AND DAM AT LOCK 5 ON THE COOSA RIVER IN ALABAMA—BENEFITS TO BE DERIVED BY THE COMPLETION THEREOF.

Lock 4 is situated 3 miles above Riverside, Ala., where the Birmingham division of the Southern Railroad crosses the Coosa River. It is the lower end of the present navigation of the Upper Coosa. Greensport is situated on the river 40 miles above Lock 4. Locks 1, 2, and 3 lie between Greensport and Lock 4. The completion of the dam at the location selected for Lock 5 is necessary to back the water up into Lock 4 before this lock can be operated. With Lock 4 and the dam at Lock 5 completed, 12 miles more of a very important portion of the river will be opened and river transportation extended to 10 towns and villages, and river and railway connection made at Riverside.

There are no towns or villages of any consequence between Greensport and Lock 4 except Ragland, a coal mining town, which is about 1½ miles from the river; but beginning just below Lock 4 there is a series of towns and villages on and near the river bank—10 in number—that will be directly benefited by the completion of Lock 4 and the dam at Lock 5 and river transportation extended within about 25 miles of Birmingham and a connection made with the Southern Railroad at Riverside.

These towns and villages are: Riverside, Lincoln, Seddon, Cropwell, Easonville, Eureka, Coosa Valley, Stemley, Ragin, and Beaver.

Their commerce about as follows per annum:

	Tons.	Value.
RIVERSIDE.		
10,000,000 feet of lumber	22,500	$155,000
Miscellaneous	1,630	68,600
Logs that would be handled on river if open	36,000	54,000
Total	60,130	277,600
LINCOLN.		
5,000 bales cotton	1,250	200,000
Cotton seed	2,500	50,000
Miscellaneous	5,244	200,000
Total	8,994	450,000

	Tons.	Value.
SEDDON.		
500 bales of cotton	125	20,000
Cotton seed	250	5,000
Lumber	3,337	18,000
Miscellaneous	320	12,800
Total	4,032	55,800
CROPWELL.		
2,000 bales of cotton	500	80,000
Cotton seed	1,000	20,000
Miscellaneous	312	10.000
Total	1,812	110,000
EASONVILLE.		
2,000 bales of cotton	500	80,000
Cotton seed	1,000	20,000
Miscellaneous	312	10,000
Dairy products	120	10,000
Total	1,932	120,000

The commerce of the remaining, which are villages, is about as follows:

	Tons.	Value.
Eureka	600	$37,000
Coosa Valley	500	30,000
Stemley	400	20,000
Ragins	1,000	60,000
Beavers	500	30,000
Total	3,000	177,000

As is customary in estimating the exchange of commerce in this country, we must expect in return for the above resources almost a like amount in value returned to these towns, though the articles so returned being in a more refined state, the tonnage of the incoming goods would be about half that of the outgoing. This would make an annual tonnage of both the outgoing and the incoming freight approximating 119,850 tons, valued at $2,378,800 per annum.

It is hard to say what percentage of this commerce would be handled on the river were it opened down to the site for Lock 5, but probably 20 per cent.

This would give 23,970 tons to be handled on the river annually, then with the river opened the entire log product would be handled on the river, which is 36,000 tons, making a total of 59,970 tons to be handled on the river annually from these two sources alone. If forsooth the river should not handle the proportion of the mercantile commerce allotted it in this compilation it would act as a check to regulate the present arbitrary rates imposed on this unfortunate region.

Then in addition to the above tonnage the brown iron ore and limestone that would undoubtedly be shipped down the river from Collins Spring, 6 or 8 miles above Lock 4 to Riverside, and thence to Birmingham over the Southern road, would be very extensive.

If you will notice the map hereto attached and look at Collins Spring, 6 or 8 miles above Lock 4, you will see what is known as the Daughdrill Mountain. This is a mountain of brown hematite iron ore, bordered on the north by a towering range of cliff limestone, which assays 98 to 100 per cent pure lime. It has been estimated that the Daughdrill Mountain will contain 50,000,000 tons of brown iron ore above the water level, and the quantity of this rich limestone can not be estimated. It is simply inexhaustible, and both these deposits lie immediately on the bank of the Coosa River, while just a half a mile back you will see the southern border of the Coosa coal field.

The juxtaposition of these rich minerals found here make Collins Spring one of peculiar commercial importance. There is but little brown iron ore to be found in the immediate Birmingham district. Hence large quantities of this valuable ore are shipped from different points in the Coosa Valley to the furnaces at Birmingham. The completion of Lock 4 and the dam at Lock 5 will open these rich deposits found at Collins Spring direct to the Birmingham market, and as a result we may naturally expect a very heavy tonnage through Lock 4 from this source, a tonnage that will probably reach hundreds of tons daily to be handled through this lock, to say nothing of the timber and other commerce aforementioned now knocking at the gate of this important lock for passage.

Any one who knows the demand for brown iron ore and limestone for fluxing in the Birmingham district can not doubt but the shipment of these products from Collins's Spring to Birmingham would soon, with Lock 4 complete, reach 500 to 600 tons daily. This, in connection with the other tonnage aforementioned, would give a total tonnage of 700 to 800 tons per day to pass through Lock 4 were it completed.

In the reports of Capts. W. V. Judson and C. A. F. Flagler, Appendix Q, 1901, they estimate that it will take to complete Lock 4 $192,858. Estimates have since been made that it will take $128,471 to build the dam at Lock 5. Then, in justice, we should have about $75,000 for channel work between Rome, Ga., and Lock 4.

This would make a total of $396,329 to do this much-needed work.

I beg that you take the map hereto attached as a part of this document and refer to it as often as you desire, and hoping that the importance of the Coosa River may be properly appreciated and that we may get an appropriation commensurate with the stream, I am,

Very respectfully, W. P. LAY, *Chairman.*

GADSDEN, ALA., *February 10, 1902.*

It increases the river transportation, which is now over 175 miles long, between there and Rome, Ga., by 12 miles. The completion of this lock would mean the opening of water navigation to ten towns and villages, among which may be mentioned Riverside, Lincoln, Seddon, and Easonville. These towns and villages are places of considerable importance. The work of the river improvement has gone on until it is almost in sight of them. We are then in the condition of a man who has a well 100 feet deep to the water and who has only bought 90 feet of rope to reach it with.

Suppose when he is told that he needs more rope he says, "No, I have bought 90 feet of rope and could not reach the water, and I do not propose to waste any more money on 10 additional feet." These people are in sight of water transportation, and it will be of great value to them; and yet, when they are just in sight of it, and when the Government has almost completed its work, they are told that because they have not done anything with the river above them they must not have it brought to a point where they can use it. Because 90 feet of rope will not reach water a hundred feet deep we must refuse to purchase the other 10. I submit that the argument is illogical.

The chairman of this committee has stated before this House and in his other speeches that he thinks the true plan, if the work is to be done at all, is to begin at the lower end of the stream and come up, so as to open the river all in that direction, all one way coming up. Well, Mr. Chairman, that would be a very good plan if it were not for the fact that we have up here more than 175 miles of navigable river already. We would like very well to have the work done on the lower end of the river and come up, but we realize the fact that we can not get it now. That is the project that will cost $6,000,000 and take six or seven years to complete, and we recognize that it is impossible now. This project that we ask for will only cost $192,000, and it will not take but twelve months to complete it.

Now, shall these people who want an improvement that will give them access to the markets at Gadsden and Rome on the northern part of the river be denied the improvement which is easy to obtain, merely because they could not get a six million dollar improvement that gives them access to the markets of Montgomery and Mobile? The argument, it seems to me, is absolutely illogical. We may be well willing to change the words of Mr. Greeley and say: "Go South, young man, go South," but the unfortunate people, who by reason of these 31 locks are precluded from going South, will doubtless think it is better to go North than not to go at all. And we are willing that they should, since they only want to go as far as Rome.

Now, the chairman of the committee referred in his speech on yesterday to the assessed valuation of the real estate in the four lower counties bordering on this river. He mentioned, I believe, the counties of Elmore, Chilton, Shelby, Coosa, and a part of Talladega. Why he should have omitted the assessed value of the personal property in these counties I am at a loss to understand. His statement was that if all the State, county, and municipal taxes collected on the real estate in these counties were applied to this improvement it would take fifty years to pay for the same.

Note now that he is still discussing a proposition not before you. And he uses the figures of the Eleventh Census (1890) at that.

In answer to that suggestion let me refer you to the valuations of those counties which border on the 12 miles of river affected by the completion of Lock 4, and I hope that the chairman of the Rivers and Harbors Committee will give me his attention. The four counties that will be affected by the improvement of Lock 4 are Talladega, Calhoun, St. Clair, and Etowah. The total values of those counties for 1890, as assessed for taxation, taken from the figures of the Eleventh Census, amount to $24,214,000.

Mr. THOMPSON. How much did the chairman of the committee say that that valuation was?

Mr. BOWIE. The valuation of the real estate in the lower counties to which he referred was, he said, about $8,000,000.

I am now asking attention to the valuation of the 12 miles of river affected by the specific appropriation under consideration. In those four counties the total valuation is over $24,000,000. At the rate of 1¼ per cent, the rate of taxation obtaining, not for State, county, and municipal purposes, but for State and county purposes alone, the sum of $192,000 would be raised in seven months and a half, instead of fifty years.

That, Mr. Chairman, is the difference between the case which the gentleman has stated in this House and the case as it actually stands. Seven and a half months as against fifty years! To defeat this appropriation, recommended by every engineer of the Government who has looked into it, he had to resort to the tax values of real estate in counties not affected by it and set the same off against the cost of a scheme not before us. Verily, they are hard pressed for an argument. If a good one existed, would resort be had to such as this?

I submit, Mr. Chairman, that when you look into the merits of it, this is a most worthy appropriation. The county of Calhoun, measured by tax values, is the fourth county in size in the State of Alabama. The county of Talladega is the seventh; the county of Etowah is not far behind. In these three counties affected by this appropriation—Etowah, Talladega, and Calhoun—nearly one-half of the cotton mills of the State of Alabama are located. All

of these counties are rich in iron ore, and the county of St. Clair is teeming with coal. In manufacturing in other lines they excel any portion of the State, Jefferson County only excepted.

The Coosa Valley, which will be affected by this improvement and which is now in sight of it, is one of the most fertile agricultural valleys in the State of Alabama, and it will be greatly benefited by it. As a concrete illustration of the importance and great value of this particular improvement—to show what a great flame a little fire kindleth—let me read you a special to the Age-Herald, Birmingham, Ala., under date of January 11, 1900:

[Age-Herald, Birmingham, Ala., January 12, 1900.]

LINCOLN, *January 11.*

The people of Lincoln are jubilant to-day over the events of yesterday. At 11 o'clock a. m. the *Willie C. Wagnon*, of the Georgia and Alabama Steamboat Line, in charge of Capt. George H. Magruder, arrived at Lock 4, on the Coosa, and began loading cotton. By 6 o'clock in the evening the little boat had on a cargo of 400 bales, consigned to the Howell Cotton Company at Rome, Ga.

She is now hastening home and will return about Saturday for another cargo of 400 bales. Six hundred and seventy-four bales of this cotton was shipped by J. C. Wilson & Son, of Lincoln, and 126 bales by Law & Davis, of the same place. This shipment of 800 bales is less than one-fourth of the cotton receipts, yet these enterprising merchants have made $1,000 in the increased price over other markets and means of transportation. Had they made the same trade on the other part of the cotton receipts, Lincoln would have saved $5,000 on this year's crop.

Twenty-five wagons did the drayage, at 2 cents per hundred pounds. Lock 4 is only 3 miles from Lincoln, and the road is about the best in the county. The farmers will gladly do the draying at the price named, and all of our next year's cotton receipts will probably be shipped to Gadsden and Rome, and the wholesale merchants of those cities will now put up a lively bid for Lincoln trade.

Captain MaGruder was pleased with wharfage facilities at Lock 4 and expects to make many more trips of like nature. This shows what the opening of the Coosa means for the people.

But, coming to the general improvement of the river, as one expert has testified, let me call attention to another expert—an officer of the Government of the United States and a gentleman of the highest character and professional skill—a man who came here and under the sanction of his oath made a statement before the River and Harbor Committee on the 15th of May, 1900. I refer to Capt. C. A. F. Flagler. I read from his testimony before the Committee on Rivers and Harbors:

The CHAIRMAN. Is the channel one which can easily be maintained when once it can be obtained?

Captain FLAGLER. Yes; it is by far the best I have seen on any river in the country in that respect. It is a very permanent river, and below Rome is very free from snags and logs that we generally have in most of the Southern rivers.

The CHAIRMAN. What would it cost to transport a ton of coal from Gadsden to Mobile?

Captain FLAGLER. From the ore fields from some distance below Gadsden from where they go, it would be about 22 cents, giving every possible margin I can to the boat company, and that would be the actual cost of transportation down there. Then these boats would carry other freight; they would carry passengers and other things, and I think from 22 to 25 cents would be the outside amount charged.

Mr. BURTON. Will the gentleman respond to a question?

Mr. BOWIE. Certainly.

Mr. BURTON. There is coal, is there not, on the 150 miles of the river from Lock 4 up to Rome?

Mr. BOWIE. Yes, sir.

Mr. BURTON. How, then, does the gentleman explain the fact that the commercial statistics for years back do not show that a single ton of coal was ever carried on that part of the river?

Mr. BOWIE. Because, Mr. Chairman, there is no sufficient market at Rome for the coal.

Mr. BURTON. Does the gentleman mean to say that the extension of the river for 12 miles additional, when it is already open for 150 miles, would afford any additional market for coal?

Mr. BOWIE. I was not discussing that particular phase of the case at this time. But it would. By means of this improvement we extend the river down to two railroads that are not now reached by it—the Southern Railroad, at Riverside, and the Birmingham and Atlantic, at Stemly.

Mr. BURTON. But is it not true that both those railroads go through fertile coal fields and get their supply from those coal fields, and will continue to do so?

Mr. BOWIE. Not all of it, by any means. There is no reason in the world for supposing that they would get it all.

Now, Captain Flagler continues:

The coal is now obtainable in this region at a dollar and a half a ton, and it can be delivered at the Gulf for $1.75 a ton, whereas, the last reported commercial statistics from Gulf ports I see coal has already increased to $5 a ton for foreign export. That is, apparantly, what coal is considered worth when exported. If coal can be brought down from the Coosa Valley and delivered at the Gulf ports at $1.75 per ton, it can certainly be sold at a figure that will increase the national export of coal tremendously.

Mr. BISHOP. What does it cost by rail?

Captain FLAGLER. The least it has ever been has been a dollar and fifty cents.

Now, Mr. Chairman, I wish to invite the attention of the committee to an extract from the testimony of Captain Lathrop, a great lumber manufacturer at Riverside, Ala.

People living up or down the river do not think the Government is able to open it up. They do not think the Government is able to do it, and they have abandoned that country and moved out. It is a fact, and I have traveled the whole length of the river, from Rome and from Cleveland, Tenn., down to Mobile. I have gone down in a rowboat, and it is just a huge forest of timber in that country that has not had an ax put to it since God made it.

That is just the condition of the timber business. There is timber enough on that river to pay for all the work that could be done upon it. * * * I have been over the stream from one end to the other, and have rowed down it in a rowboat. It is one of the finest streams in the United States.

[Applause.]

The waters of the Coosa River flow a distance of more than 800 miles in their course to the sea. Beginning at the northeastern portion of the State, near Rome, they flow into the Gulf below Mobile, at the extreme southwestern portion, and cross every railroad in the State. Open up this river to navigation its entire length and it will touch with the magic wand of water transportation every railroad system in Alabama. Who shall say that such a "consummation so devoutly to be wished for" is not worth all it will cost? As Major Flagler again so well says:

The commerce of that part of the river now navigable between Rome and Lincoln is $2,000,000 per annum, even without a water outlet; its tributaries drain the gold ocher and marble fields of Georgia. In northern Alabama it flows through mountains of iron ore (both mæmetite and limonite), vast beds of slate and coal, and all these covered by dense forests of long-leaf pine.

The commerce to and from cities in the valley of the Coosa exceeds $20,000,000 annually, and fully one-fourth of this will find its way to Mobile and the commercial world by the water route when the lower Coosa shall be opened. No appropriation has been made for the locks on this river since 1896, and this magnificent waterway, after the expenditure of over a million dollars, appears to be abandoned by Congress. On all other parts of the State where rivers merit improvement appropriations are made with lavish hand. Why is the Coosa, the key to nature's richest valley in the State of Alabama, forgotten?"

Here is a great river—as some one has well said, tied in the middle and loose at both ends—flowing through as fair a section as there is on this continent, a land abounding in mineral, timber, and agricultural resources, rich in all the elements that go to make a great State, needing only a tithe of the money expended on far less meritorious schemes, and which this Government deliberately proposes to abandon. Against this injustice, this act of folly and waste, I enter my earnest protest. [Applause.]

Oleomargarine Bill.

SPEECH

OF

HON. D. LINN GOOCH,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

Monday, February 10, 1902,

On the bill (H. R. 9206) to make oleomargarine and other imitation dairy products subject to the laws of the State or Territory into which they are transported, and to change the tax on oleomargarine.

Mr. GOOCH said:

Mr. CHAIRMAN: In discussing briefly the measure now under consideration I shall endeavor to keep clearly in mind the interests of the masses of the people whom I have the honor to represent, and my vote upon the pending measure shall be cast in accordance with my honest judgment of what is fairest and best for all concerned. I shall not go into any elaborate consideration of the relative merits of pure butter and oleomargarine. That the last-mentioned product, when made of wholesome ingredients properly compounded, is a nutritious and palatable food I do not doubt.

The real question, it seems to me, is whether the people shall have proper assurance that when they buy butter, butter will be delivered to them, and when they buy oleomargarine, the price paid will be reasonable. That in a great many instances, as the law now stands, oleomargarine is now sold for butter is true beyond doubt. In every one of these instances the person who buys butter and gets oleomargarine is imposed upon. Usually he is imposed upon in more ways than one. He does not get what he buys, and thus is the victim of deception, if not of downright fraud.

I know from personal experience that fraud upon fraud has been committed by the dealers upon the people in my district. I remember quite well having oleomargarine sold to me for creamery butter at the rate of 40 cents a pound, it being represented to me that it was the best and purest of butter, and I know personally that owners of company stores, where their laborers have no other chance to buy except at their commissaries, sell them oleomargarine, it being represented to them as creamery butter, at 35 cents per pound. I know this to be an absolute fact, and I believe that we should do all that we can to protect laboring men and their families from being thus deceived and imposed upon.

It has been found very difficult to prevent the sale, by unscrupulous manufacturers and dealers, of oleomargarine for butter, and experience has taught that to prevent wholesale imposition resort must be had to a law more minute in its provisions, and more stringent than the oleomargarine law now upon the statute book.

It is believed by many who have given the subject much earnest study that the bill now before us will accomplish the results desired. The condition of affairs which I believe ought to be brought about is that which will exist when commodities are sold for what they really are. I am not opposed to the manufacture of oleomargarine and would not cripple this extensive and useful industry, but I am opposed to the sale of oleomargarine for butter. Let it be sold for what it actually is. Then everyone desiring oleomargarine may buy it at its own price and not at the higher butter price. Then, too, those wishing to buy butter and not oleomargarine may get what they buy and pay for. In my judgment the result of the proposed legislation will not be to break up any legitimate industry, but to protect the people against the fraud and imposition with reference to these products—butter and oleomargarine.

Surely it can not be to the interest of anyone, however poor or however unable to buy anything but a substitute for butter, to have the price of that substitute put up because the substitute may be sold for real butter, and therefore may be priced accordingly. To the buyer of oleomargarine it is of interest to have the product sold at oleomargarine prices and not at butter prices. To the buyer of butter it is a matter of concern to get butter and not oleomargarine as a substitute for it.

In a certain grade of hotels and boarding houses the proprietor would resent a suggestion that his guests are served with oleomargarine instead of butter, when, in fact, it often happens that butter never touches the table. Indeed, if the scale of prices is high enough to warrant the guests in expecting to be served with butter and to induce the proprietor to claim that he does serve butter, and butter only, this proposed law in such cases can have none but a beneficial effect in furnishing the guests with butter or depriving the proprietor of the pretense that he serves butter. In another class of places where meals are served no pretense is made that anything better than oleomargarine is used, and yet as the law now stands the oleomargarine is sold at a higher price than it would command if much of the article were not dishonestly marketed as pure butter.

I am confident that this legislation will be at once beneficial to the producers of butter and to the consumers of oleomargarine, and can do no harm to the manufacturers of oleomargarine or the dealers in oleomargarine who are content to do an honest business for an honest profit. I know our farmers will be benefited by the passage of this bill, and they demand it, and, therefore, I am for it.

Mr. Chairman, it is seldom that the man who follows the plow appeals to Congress for legislation, and when he does come knocking at the door he should be heard, and if his request is reasonable it should be granted; therefore I am for the milkmaid and for protecting the cow, and for all legislation that will promote the tiller of the soil. The country can not do too much for the farmer, for unless the farmer is prosperous there can be no real prosperity.

Proposed Banking and Currency Law and Its Necessity.

SPEECH

OF

HON. JESSE OVERSTREET,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, April 7, 1902,

On the bill (H. R. 13031) to prohibit the coming into and to regulate the residence within the United States, its Territories, and all territories under its jurisdiction, and the District of Columbia, of Chinese and persons of Chinese descent.

Mr. OVERSTREET said:

Mr. SPEAKER: Availing myself of the privilege extended under the general debate upon the pending bill, I wish to offer for the information of members an explanation of the provisions of the bill (H. R. 13363) "to maintain the gold standard, provide an elastic currency, equalize the rates of interest throughout the country, and further amend the national banking laws," which has recently been reported to the House by the Committee on Banking and Currency. The bill has been drawn with great care and contains wise and needful provisions for the correction of defects in our financial laws that shall make them a proper and safe basis for the great and growing commerce of our people.

There are four purposes to be accomplished by the bill, namely, the further strengthening of the gold standard; divorcing the Government from the banking business; providing greater elasticity in our currency, and equalizing and making more uniform the rates of interest.

There are nine distinct features in the bill, but so intimately related as to mutually support each other. While some provisions are more important than others, each one is a factor in the proper and successful operation of the law.

The nine distinct provisions of the bill authorize the following:

First. The creation of a Division of Banking and Currency, consisting of three members, who shall perform the duties now imposed upon the Comptroller of the Currency.

Second. The gradual but certain retirement of United States notes.

Third. The issue of bank notes not secured by United States bonds, under specific limitations, and subject to specific taxes.

Fourth. The deposit with national banks of the excess of public money above $50,000,000, exclusive of the reserve fund, and also of the gold and silver held for the redemption of certificates, which shall be secured by United States bonds and subject to an interest charge.

Fifth. The chartering of clearing houses and the division of the country into clearing-house districts.

Sixth. The authority to national banks to establish branches.

Seventh. The coining of the silver bullion now in the Treasury and silver dollars, when necessary for public requirements, into subsidiary coins.

Eighth. The cancellation of silver certificates of denominations above $5 and the reissue of the same into one, two, and five dollar certificates.

Ninth. The maintenance of the parity of silver dollars by their exchange at the Treasury for gold.

DIVISION OF BANKING AND CURRENCY.

First. The creation of a Division of Banking and Currency to take the place of the present Comptroller of the Currency is deemed wise, for the reason that the duties of such position can be better discharged by a board of three than by one individual. The field of work under this department is so important, and constantly increasing, that the responsibility is best lodged in a board of three instead of being borne exclusively by one individual. The duties imposed by this bill are numerous and important and greatly increase the responsibility of such board.

The bill proposes to substitute a board of three for the Comptroller of the Currency, with the same authority now exercised by such Comptroller, with the additional authority and duties set forth in the bill. The effort to divorce the Government from the banking business will be greatly aided when the general oversight and control of banks shall be placed in the hands of a board of three members, holding their positions for a term of years, and confining their thought, energy, and effort exclusively to that field, separate and distinct from any work having relation to duties involving political consideration or intimately connected with the general line of policy of a specific Administration. Provision is made for the payment of the salaries of the members of this board out of the taxes upon the bank-note circulation.

RETIREMENT OF UNITED STATES NOTES AND ISSUE OF BANK-NOTE CURRENCY.

Second and third. The provisions of the bill for the gradual but certain retirement of United States notes and the issue of bank notes not secured by United States bonds are so intimately related, and operating in the first step simultaneously, that these two features can best be considered together rather than separately.

By these provisions national banks are authorized to issue notes, not secured by bonds, conditioned upon such banks first assuming to currently redeem United States notes equal to 20 per cent of their paid-up capital, and presenting to the Treasury for redemption and cancellation an additional amount of United States notes equal to 10 per cent of their paid-up capital. No bank shall issue in any one year an amount of its notes in excess of 10 per cent of its paid-up capital, except authority is given for two extraordinary issues of 20 per cent each, after the issues of such notes shall have reached an amount equal to 60 per cent of the paid-up capital of such banks.

A tax of one-eighth of 1 per cent upon the average amount of such notes in circulation within any period of six months is imposed upon the first two issues of 10 per cent each and a tax of five-eighths of 1 per cent upon the average amount of such notes in circulation within any period of six months is imposed upon the third, fourth, fifth, and sixth issues of 10 per cent each, while the tax upon the first extraordinary issue of 20 per cent is fixed at 1½ per cent and upon the second extraordinary issue of 20 per cent is fixed at 2½ per cent upon the average amount of such notes in circulation within any period of six months.

The notes are made redeemable in gold at the home office of the bank of issue, and through the system of clearing houses and clearing-house districts, authorized and controlled by the Division of Banking and Currency, can be easily and quickly returned for redemption.

Inasmuch as the issues of such notes are limited to easy and short steps, seven years would be required within which a bank could place in circulation an amount of its notes equal to the

full amount of its capital, while the heavy tax imposed upon the last 40 per cent issued would evidently restrict such issue to periods of great emergency and drive the issue out of circulation as soon as the emergency should pass. The long time (seven years) required for the issue of any bank to equal its capital would certainly afford ample opportunity for complete and safe inspection and full security against fraud, deceit, or serious danger.

While the present law authorizes banks to issue bond-secured notes to the full amount of their capital, the aggregate of such issues rarely exceeds 50 per cent of the aggregate capital of the banks. The aggregate capital of national banks at present is about $673,000,000, while the national-bank notes are about $350,000,000. As the bank-note issues under the proposed law, except the two extraordinary or emergency issues, would be limited to 60 per cent of the paid-up capital of national banks, it is quite apparent that there is no danger of inflation and that no radical changes are proposed or methods advanced which will increase the opportunities for loss either to the note holder or the depositor.

The notes proposed by the bill are made a first lien upon the assets of the banks issuing them, and no bank is permitted to have in circulation a greater amount of its notes of all kinds than the amount of its paid-up capital. It is believed that the gradual substitution of the bank notes proposed by the bill for the bond-secured notes will result in withdrawing the Government from the banking business, with advantage to both the Government and the commerce of the country.

The object of the bill in requiring banks seeking the privilege of note issue to assume the current redemption of a certain per cent of United States notes, and to present at the Treasury for redemption and cancellation a certain additional per cent, is to remove from the gold reserve the burden of the redemption of a certain proportion of the United States notes, and to retire at once $65,000,000 of such notes.

These two conditions operating simultaneously would result in the banks presenting to the Treasury $195,000,000 of United States notes, receiving gold for one-third of the same ($65,000,000), which notes would be retired, and assuming the current redemption of the remaining $130,000,000. The United States notes then outstanding would equal $151,000,000, against which, for redemption, there would be $150,000,000 in the gold reserve, the amount of United States notes now outstanding being $346,000,000.

While the bill provides for the assumption by national banks for current redemption of an amount equal to 20 per cent of their capital, and the immediate retirement of one-half that amount, yet it is specifically provided that when $130,000,000 of United States notes have been assumed, and one-half such sum—$65,000,000—has been retired, the remainder of the United States notes, namely, $151,000,000, shall not be so assumed, but whenever received by any bank shall be at once sent to the Treasury for redemption and cancellation out of the reserve fund of $150,000,000.

The aggregate capital of the national banks of the country at present is about $673,000,000, so that the apparent discrepancy between 30 per cent of this sum, namely, $201,900,000, and the $195,000,000 is explained by the specific limitation of the amount to be assumed to $130,000,000 and the amount to be immediately retired to $65,000,000, aggregating $195,000,000.

The banks having assumed the $130,000,000 in United States notes and obligating themselves to first redeem them over their several counters in gold before the United States Treasury would be required to ultimately redeem them, would evidently result in such $130,000,000 of United States notes being placed by the several banks in their respective reserves, which would operate successfully to remove them from any burden upon the gold reserve. If, however, a bank should pay out over its counter a United States note which had been assumed for current redemption, and such United States note should be presented at the Treasury, it would, of course, be the duty of the Government, upon demand, to pay out gold for the same; but under the terms of the bill the Treasury would at once notify the bank which had assumed to currently redeem such United States note to forward to the Treasury gold equal in amount thereto, and upon its receipt to return such United States note to that bank and reimburse the gold reserve in the amount which had been paid out for the redemption of that particular United States note.

The bill provides that when $130,000,000 of United States notes shall have been assumed by the banks and $65,000,000 have been canceled and retired, thereafter national banks which have not assumed any United States notes shall be accorded the same privileges of issuing their bank notes, without the deposit of United States bonds, as the other banks have enjoyed, except that such banks shall pay a tax upon their bank-note circulation of 1¼ per cent per annum, being 1 per cent per annum more than the tax required of banks which have shared in the current redemption of the $130,000,000 United States notes.

As the bill contains a provision that the United States notes which shall be assumed by the banks shall be called in for redemption by the Secretary only in the inverse order in which they have been assumed, the banks will have the additional inducement of making such assumption as early as possible in order that the reduced interest on their note issues may be enjoyed for the longest possible period.

In order to secure the prompt payment of any note in the event of a failure or liquidation of the bank issuing it, banks are required at the time they first make application for the privilege of issue, to deposit with the Treasury an amount in United States bonds, or gold, or both, equal to 5 per cent of the notes to be issued by such banks, which deposits shall comprise a fund to be known as the guaranty and redemption fund, out of which shall be paid the notes of any bank which may fail or liquidate, and which fund shall be by the Secretary of the Treasury reimbursed from the assets of the bank of issue.

The bill further provides authority to the Secretary of the Treasury to deposit public money in excess of a working balance of $50,000,000, not including the funds in the redemption division, with national banks, such deposits to be secured by Government bonds, at par, equaling the deposits, upon which deposits such banks shall pay to the Government interest at the rate of 1 per cent per annum, which interest shall be paid into and become part of the guaranty and redemption fund. The guaranty and redemption fund, therefore, will receive and comprise the original 5 per cent guaranty deposit at the time the banks apply for the privilege of note issue, all the interest on public moneys which may be deposited with national banks, and all of the taxes realized upon bank-note issues.

The bill then provides that when such guaranty fund as above defined shall reach an amount in excess of 10 per cent of the total amount of bank notes outstanding, such excess shall be applied by the Secretary of the Treasury in the redemption of United States notes which shall have been assumed by the respective banks, and such United States notes when called in for redemption and retirement, shall be called for in the inverse order in which they shall have been assumed by the different banks.

The operation, therefore, of these two features of the bill, namely, the retirement of the United States notes and the issue of the bank notes, operating as they will concurrently, will ultimately result in, first, the immediate retirement of $65,000,000 of United States notes out of the general fund of the Treasury; second, the assumption by the banks of $130,000,000 of United States notes, which notes will be gradually, but ultimately, called in and retired out of the guaranty fund in excess of 10 per cent of the bank notes outstanding, and finally the retirement of the remaining $151,000,000 of United States notes out of the gold-reserve fund as the same now exists.

The tax upon national bank-note issues and the interest upon the public money in excess of the $50,000,000 limitation will unquestionably maintain the guaranty fund in sufficient proportion to practically and sufficiently safeguard the possible failures of banks to redeem their own note issues and at the same time afford a source of revenue out of which the $130,000,000 of United States notes can be gradually but certainly paid and retired. The only possible extraordinary draft upon such guaranty fund would be in the event of the failure of many banks and the necessity to meet the payment of their notes as well as the United States notes which they may have assumed to currently redeem.

The history of the country, however, based upon carefully prepared statements made by the actuary of the Treasury Department, clearly shows that if these particular provisions had been ingrafted into law at the time of specie resumption the guaranty fund which would have arisen from the taxation upon the schedules herein provided, assuming that the national banks would not have issued any greater amount of such notes than the bank-note circulation during the period as above suggested, together with the interest upon public moneys in excess of the $50,000,000 limitation deposited with national banks, would not only have resulted in the full and complete payment of the bank notes of every national bank which failed during such period without the loss of a cent, but would have netted the Government many millions of dollars, which could have been utilized in the final retirement of an equal amount of United States notes.

However, the bill contains a further safeguard to the guaranty and redemption fund by providing for an emergency tax of not more than 1 per cent in any one year upon the circulation of banks to replenish such fund should it be reduced to an amount equal only to 3 per cent of the notes outstanding, so as to restore it to a point equal to 5 per cent, and the reimbursement to the banks of such emergency tax when the guaranty fund shall be properly restored by the regular taxes.

The easy stages, therefore, of 10 per cent issue a year for six years, safeguarded by a taxation which would enable full security, while at the same time affording better opportunity for profit to the banks than the present method of taxation, will prevent an

inflation of the currency, and allow a gradual operation which will afford every advantage of value and complete inspection, with no more dangers of loss either to the Government or to the note holders than exist to-day.

The emergency circulation of the 20 per cent between the 60 and 80 per cent burdened with a taxation of 3 per cent, and the extraordinary emergency circulation of 20 per cent between the 80 and 100 per cent burdened by the extraordinary tax of 5 per cent, will inject into our currency an elasticity which will be helpful at times when money is in great demand and operate to ease greatly the situation without increasing the dangers.

The present condition of the general fund of the Treasury will easily and safely warrant the immediate retirement of $65,000,000 of United States notes without requiring an encroachment upon the reserve fund of $150,000,000. Such retirement will discharge a portion of a Government obligation which must at some time be met, and will permit the release from the Treasury of $65,000,000 which, under the prosperous condition of the Treasury, is now withheld from circulation.

It is confidently believed that under the operation of the provisions of the proposed law banks which may at present have in circulation bank notes equal to the full amount of their paid-up capital will retire at once 10 per cent of the same and substitute therefor an equal amount of bank notes authorized under the bill, while other national banks which do not have in circulation the full amount authorized under the law will very probably increase their circulation to an amount equal to 10 per cent of their paid-up capital. It is not possible, therefore, under this bill for the circulation of bank notes to be very greatly increased during the first or second year of the operation of the proposed law, and at no time too rapidly to be easily absorbed by commerce and to afford safe and ample inspection.

DEPOSITS OF PUBLIC MONEYS WITH NATIONAL BANKS.

Fourth. The provision of the bill authorizing the Secretary of the Treasury to deposit with national banks any money in excess of a working balance of $50,000,000, exclusive of the funds in the redemption division, was necessarily touched upon in the consideration of the second and third provisions of the bill. The law under which the Secretary of the Treasury to-day deposits public funds with national banks is under authority, whereby he is authorized to make such deposits "except of moneys received from customs revenue," and the security for such deposits, under the terms of the law, is by collateral security of United States bonds "and otherwise."

The provision proposed by the bill would extend the authority to all moneys of the Treasury, exclusive of that held in the Redemption Division, but would limit the security to United States bonds. While there are always liabilities upon the Treasury, the Secretary would be able to meet the ordinary expenses and discharge the immediate obligations with a working balance of $50,000,000, leaving him free in times of large revenue and prosperity to deposit such funds in excess of such $50,000,000 with national banks, amply and completely secured by the use of United States bonds as collateral.

There is no requirement under the present law for the exaction of interest for this privilege. The proposed bill requires interest to be paid at the rate of 1 per cent per annum, which would afford a very creditable source of revenue for the benefit of the guaranty and redemption fund to secure the redemption of bank notes and the ultimate retirement of the United States notes. An additional benefit in this provision would be in affording a demand for United States bonds which may have been released upon the market by the retirement of national-bank notes under the present law.

CLEARING HOUSES.

Fifth. There is at present no law governing the establishment of clearing houses or providing for the chartering of the same. Clearing houses to-day are merely mutual associations whose duties are discharged through the medium of trustees agreed upon by the parties interested. This provision of the bill is to effect two purposes: First, to give definite governmental authority to the chartering of clearing houses under proper control of the Division of Banking and Currency; and, second, to arrange for a division of the entire country into clearing-house districts, within which national banks shall designate specific banks or agents, through which channel the bank notes may be properly and safely cleared and redeemed.

BRANCH BANKS.

Sixth. This provision of the bill proposes authority for national banks to establish branches or agencies under proper restriction and control of the Division of Banking and Currency. This step is in line with the principle of the extension of banking facilities so as to permit the easy flow of currency from centers enjoying a surplus to localities where the demand is greater than the supply. The most fluid capital known to commerce is bank capital. A channel through which such capital can, under proper restrictions and limitations, safeguarded by a complete system of inspection, flow back and forth will remove from our system the anomaly of having a surplus of funds in one locality and a dangerous dearth of funds in another, because of which unfortunate condition the interest rate in different sections of the country varies greatly, in some sections being much lower than in others. The system of branch banks is expected to result in a more nearly uniform rate of interest throughout the country, while the reduction of expenses to banks will permit the borrower to enjoy this benefit. Practically every civilized nation except the United States permits this system of banking, and the history of such countries clearly demonstrates the wisdom of the system and its operation to the benefit of the borrower.

COINAGE OF SILVER BULLION INTO SUBSIDIARY COIN.

Seventh. There is a constantly growing demand for a larger volume of subsidiary coin to meet the daily conditions of trade requiring small change. The numerous transactions in the markets of the people and the varying prices of commodities, especially in small purchases, necessitate the use of a considerable sum of subsidiary coin. The present law limits the issue of such coin to $100,000,000. This limit should be removed and permit the ordinary laws of trade to control the amount under a wise and cautious administration of the Treasury Department.

There is at present in the Treasury Department silver bullion amounting in its coinage value to about $55,000,000. Under the operation of the act of March 14, 1900, the Treasury note based upon the silver bullion was directed to be canceled and destroyed and, as canceled, silver dollars in equal amount to be coined and issued. Under the operation of this law, the Treasury notes have been reduced to about $35,000,000 and can easily be taken care of out of the general fund of the Treasury by redeeming them in gold, the same having been declared by the act of March 14, 1900, to be redeemable in gold.

The bullion, therefore, now in the Treasury can easily be put to this use without creating the slightest burden by reason of the Treasury notes at present outstanding. This provision of the bill further authorizes the Secretary of the Treasury to coin, when public requirement shall make such coinage necessary, silver dollars into subsidiary coin. This authorization merely provides against any future demand for a further increase of subsidiary coin, which could be met by coining silver dollars without reducing the volume of currency, and still providing a full and satisfactory use for our silver coinage.

SILVER CERTIFICATES.

Eighth. This provision of the bill provides that silver certificates of denominations above $5 shall no longer be issued. The present law, namely, the act of March 14, 1900, provides that silver certificates shall not be issued in denominations above $10, except an amount equal to 10 per cent of the total amount of silver certificates may be in denominations above $10.

The purpose of this provision of the proposed bill is to provide that the full field of trade among the people requiring change of $5 and under shall be given for the use of the silver currency. It is clearly demonstrated by properly prepared statements that the daily market of our people, or the pocket trade, will require an amount of money somewhat in excess of that represented by the total amount of our silver currency. Therefore, by limiting the silver either to one, two, and five dollar certificates, or the silver coin itself, this pocket trade will absorb the total output of our silver coinage, and while giving ample use to the same will remove this silver almost entirely as a burden upon such reserve fund as shall be necessary to maintain the parity of the silver with gold.

EXCHANGEABILITY.

Ninth. This provision of the bill directs the Secretary of the Treasury to exchange gold for silver dollars when the same shall be presented in sums of $100 or multiples thereof, and is for the express purpose of maintaining the parity of the silver dollars with gold. Its object is to make certain the gold standard and to remove all doubt from the validity and stability of such standard.

The first section of the act of March 14, 1900, in which the declaration of gold as the standard is made, directs that the Secretary of the Treasury shall maintain all forms of money issued or coined by the United States at a parity of value with the standard, but the law fails to recite the method or process by which such maintenance shall be preserved.

Every silver dollar which the Government has issued has been upon receipt by the Government of the equivalent of the face value of such dollar in gold. Good morals as well as good business require the Government to maintain that dollar at a parity with gold. The demand for gold in exchange for silver dollars will not arise except in one of two instances: Either a doubt as to the

value of the silver dollar will force it to the Treasury for gold, or a redundancy of such silver dollars will result in their return to the Treasury at which time gold would be demanded.

If the Government has forced upon the people a coin which is not as good as its best coin, the law should compel the Government to pay upon demand, by exchange, its best coin when the poorer coin is presented. If the Government has coined and issued a greater amount of silver coins than the trade of its people can absorb, the Government should by law provide against the evils which would arise from such redundancy. In either event the obligation upon the Government is plain, and the wise method of relief in either emergency is the direct method of maintaining the parity of the metal by standing ready to exchange gold when the same shall be demanded.

The Government has received the equivalent of gold for every greenback and silver dollar issued, and in the event either is discredited the holder will have a right in equity, if not in law, for an exchange in value equal to that received by the Government. The acceptance of both these forms of money by the Government at all times for customs dues establishes an indirect method of redemption and fixes a smooth channel through which both can be easily returned to the Treasury. The standard will not be secure nor free from strain until the burden of the greenback shall be removed and the silver coinage so regulated that its value as measured in the standard shall be definitely fixed and its flow to the Treasury for redemption can be checked.

When the United States note shall be taken care of as above outlined and its retirement provided for, and when the silver certificates above $5 in denomination are discontinued and the silver bullion now in the Treasury coined into subsidiary coin, the exchange of gold for silver can be authorized without danger, and the certainty of its operation will completely remove the demand for such exchange. In order, however, to fully safeguard this provision, the proposed bill provides that the Treasury shall keep on hand a fund in gold equal to 5 per cent of the total amount of silver outstanding, which shall serve as a guaranty fund with which to meet demands for such exchangeability.

As a further safeguard to this provision and to completely remove any danger of a possible "endless chain" by its operation it is expressly provided that the silver dollars for which gold shall be exchanged from the reserve fund shall be held in said reserve fund and not paid out except in the manner provided in regard to United States notes under the act of March 14, 1900, and the provisions for the maintenance of such fund now authorized with regard to the United States notes are made applicable to silver dollars in said reserve fund. If, therefore, gold should be exchanged for silver dollars, the silver dollars so received would be paid out only in exchange for gold.

The careful removal of the causes for a draft upon the gold reserve, the certain establishment of a field for the full use of silver, and the assurance of the ability of the Government to meet the demand at all times will make exchangeability practicable and easy, and close the only gap remaining between doubt and certainty with regard to our standard of value.

Defects in financial laws are rarely noticed in times of business activity, and doubts of money standards are always obscured by general prosperity. And yet a period of prosperity affords the most opportune time for the correction of such defects and the removal of such doubts. This country has never been so prosperous as it is to-day, and the Treasury has never been stronger than it is to-day. It is the best of all times to complete the financial legislation so splendidly begun by the enactment of the law of March 14, 1900.

A boat built only for fair weather is of no use upon a stormy sea. A ship so strongly built and well equipped that she is safe in any sea can be trusted in a calm. Our financial laws are drawn with too much regard to fair weather and too little regard for storms. Easy of operation in periods of prosperity, but strained and of doubtful stability in times of panic. Already the trade of our country is broadening into a world commerce. The necessity of exchange upon London embarrasses the American merchant shipping goods to China or to South America.

The business development of our people is rapidly heading to a condition when bills of lading will be direct from our exporters to their customers without the need of transfers through foreign agents, and their settlement sheets will be through the medium of exchange upon American banks. The great and increasing trade of this country with the peoples of the earth will require money centers for the settlement of balances where the exchange in which such balances are made shall be based upon such a standard of value as shall be quickly recognized as the safest and best. We have it in our power to complete this legislation and so strengthen the gold standard and fortify our financial laws that our money centers will become the chosen clearing houses of the world wherein the balances in trade will be settled in American exchange.

Chinese-Exclusion Bill.

SPEECH

OF

HON. GEORGE W. CROMER,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, April 5, 1902,

On the bill (H. R. 13031) to prohibit the coming into and to regulate the residence within the United States, its Territories, and all territory under its jurisdiction, and the District of Columbia, of Chinese and persons of Chinese descent.

Mr. CROMER said:

Mr. CHAIRMAN: I am in favor of this bill, with a few amendments which I believe the Committee of the Whole ought to make, because it is in the interest of American citizenship and for the protection of American labor.

This question of Chinese exclusion is a difficult one upon which to legislate, in view of the universal desire on the part of all our people and on the part of our Government to retain the same friendly business and commercial relations in the future and for all time to come with China that have existed for more than fifty years past. Whilst we desire to protect American laboring men from unfair, unequal, and unjust competition from Chinese coolies by excluding from our country Chinese laborers, who rob American workingmen of their employment, decrease their wages, and lengthen their hours of toil, yet it is the desire and interest of all to retain our friendly business relations with China in order to find a market for the surplus products of factories and fields. Both capital and labor alike are mutually interested in preserving our trade relations with China. Trade with China gives employment to labor and a market for our products. Our country has reached a period in its development when foreign markets must be found for our surplus products. To-day, by the skill of American workingmen and by the labor-saving machinery invented by the genius of American minds, we produce much more than we consume, and it becomes necessary for us to seek foreign markets in which to sell our surplus products. For more than fifty years we have had friendly business relations with China. We desire to retain these friendly commercial relations with that country.

It may help us some in the solution of this question to know the history of our treaties with China and to thoroughly understand the provisions of our legislation on this question in the past.

In 1844 we secured by treaty and without force the same trade relations with China that England obtained a short time prior by violence. In that year a treaty was made between our Government and China which gave us the same concessions in trade with that country which England compelled from them by force of arms. By the terms of that treaty, in the making of which an eminent statesman, Mr. Caleb Cushing, was at the head of our commission, and as a result of that treaty, peace, amity, and commerce were recognized and established between the two nations.

In 1856, as a result of war with China, Great Britain secured other important concessions from that country, including religious freedom for foreigners and the suppression of piracy on the seas. Again, our Government in 1858, by sending a friendly agent to China, obtained from her a new treaty, containing many of the articles of the old treaty of 1844, and in addition thereto secured the right to have a representative of our Government in China, to protect American interests there, and to secure to our citizens residing there protection to property, religion, and person; our Government by the terms of this treaty granting the same rights to Chinese residing here. In truth, through peaceful means, by the terms of this treaty our commercial, shipping, and political relations were to receive the same treatment as those of the most favored nations. It will be observed from reading these two treaties with China that nothing was said in either of them about Chinese immigration, although a great many Chinese had already come to our shores. In 1860, two years after the making of the last of these two treaties, there were in round numbers 35,000 Chinese in the United States. Both of these treaties recognized and established the most friendly commercial and political relations between the two nations. The evil effects of Chinese cheap labor were not so keenly felt at this time, as by the discovery of gold in California and in the settlement and development of the Pacific coast there was ample work for all in the mines and in the construction of railroads.

Our trouble from Chinese immigration dates from 1868, when our relations with China became so friendly that an American diplomat, Mr. Anson Burlingame, resigned his position as minister to that country, came here with Chinese officials and dignitaries to make a new treaty between the two nations, and, if

possible, to establish more friendly relations. Everywhere this commission was enthusiastically received by the American people. As a result of this visit a new treaty was made, known as the Burlingame Treaty, by the terms of which Chinese not only were invited but earnestly solicited and encouraged to come to our shores. That we may the better understand the close, friendly, political, and social relations existing between the two nations at this time I will read as a part of my remarks, for the information of the committee, Articles V and VI of this treaty. They are as follows:

ART. V. The United States of America and the Emperor of China cordially recognize the inherent and inalienable right of man to change his home and allegiance, and also the mutual advantage of the free migration and emigration of their citizens and their subjects, respectively, from one country to the other for the purposes of curiosity, or trade, or as permanent residents. The high contracting parties therefore join in reprobating any other than entirely voluntary emigration for these purposes. They consequently agree to pass laws making it a penal offense for a citizen of the United States or Chinese subjects to take Chinese subjects either to the United States or to any other foreign country, or for a Chinese subject or citizen of the United States to take citizens of the United States to China or to any other foreign country without their free and voluntary consent, respectively.

ART. VI. Citizens of the United States visiting or residing in China shall enjoy the same privileges, immunities, or exemptions in respect to travel or residence as may there be enjoyed by the citizens or subjects of the most favored nation. And reciprocally Chinese subjects visiting or residing in the United States shall enjoy the same privileges, immunities, and exemptions in respect to travel or residence as may there be enjoyed by the citizens or subjects of the most favored nation. But nothing herein contained shall be held to confer naturalization upon citizens of the United States in China, nor upon the subjects of China in the United States.

Mr. Chairman, it will be observed from the reading of these articles of the Burlingame treaty that our relations with China at this time had become so friendly that it was thought necessary by the high contracting parties to write into this treaty as one of the conditions thereof a provision enjoining upon both Governments the enactment of laws making it a penal offense for citizens or subjects of each to take the citizens or subjects of the other into the country of which they were not respectively citizens or subjects without the consent of the citizens or subjects so involuntarily taken. This provision in the treaty was insisted upon by both nations to prevent the further bringing into this country of Chinese laborers under the contract system, which was not desired by China and which was repugnant to our institutions and to our civilization. Labor being scarce on the Pacific coast, this practice was resorted to at this time in order to secure hands with which to construct the great transcontinental railroad, which brought the Pacific States in closer touch with all parts of our great country.

After this treaty was finally ratified in 1870 our trouble began. It soon dawned upon the minds of the American people that we had made a grave mistake by inviting the Mongolians of the Orient to come among us. The Chinese came in great numbers. Immediately a yellow tide of pagans streamed through the Golden Gate and flooded the Pacific coast. We realized after it was too late that we had invited to come to our country a people whose presence here corrupted society, threatened our civilization, and trampled upon the rights of American workingmen. The evil effects of this yellow horde were first felt in California, where they were found in great numbers. The people of the Pacific coast sounded the alarm, and the whole country heard their voice and was aroused. Steps were taken to stop the great tide of immigration. At first we endeavored to restrict it by legislation. A law was passed by the Congress restricting and limiting the number of Chinese that might be brought to our country by each vessel to fifteen. This law was vetoed by President Hayes on the ground that it violated the terms of the Burlingame treaty.

The President having vetoed the law designed to restrict immigration, our Government in 1880 sought and procured a modification of the treaty of 1868, in which China agreed to and did make some concessions. It was stipulated in this treaty that the United States might "regulate, limit, and suspend" the immigration of Chinese laborers, but could not prohibit it absolutely. Then followed in 1882 an act of Congress to carry out the provisions of this treaty, which President Arthur vetoed on the ground that it repudiated the obligations of the treaty of 1880. However, afterwards, in May of the same year, this act was modified to meet the views of the President, and became a law. By the provisions of this law the immigration of Chinese laborers was suspended for a period of ten years, but it was expressly provided that all Chinese laborers who were in the United States on November 17, 1880 at the time of the ratification of the treaty, should not be molested.

Such persons were to be identified by certificate. Also, it was provided that no State or Federal court should admit Chinese to citizenship. This law was soon found to be inadequate to carry out the intention of the treaty, and was amended in 1884 with a view of strengthening it, expressly providing that the certificate of residence required of resident Chinese was the only evidence by which they might regain reentrance into the United States. This amended law also was found inadequate to stay the tide of Chinese immigration. By fraud and false swearing and by all kinds of deception, Chinese laborers who had never before visited our country gained admission by showing upon examination to the satisfaction of Government officials that they had resided here before November 17, 1880.

To make it possible to exclude Chinese laborers, who so successfully had been evading the law by fraudulently establishing their right to reenter our country on the ground that they had resided here before November 17, 1880, the law of 1888, designed absolutely to prohibit Chinese immigration of laborers, was passed. The policy of suspension adopted by our Government having failed to check the immigration of Chinese coolies, who, by false swearing, in great numbers were gaining admission to our country, our Government made an effort to get further concessions from China, by which another treaty was to be made giving us the right absolutely to prohibit for a limited time the coming into the United States of Chinese coolies. This treaty was negotiated and, with amendments, was ratified by the Senate of the United States, but China refused to ratify it as amended, and so the treaty of 1880, without modification, remained in force.

During the time this treaty of 1888 was pending, the Congress, believing that finally it would be ratified, on September 13, 1888, passed a prohibitory act, which was to go into effect upon the ratification of the treaty; but the treaty never having been ratified nor proclaimed, it has always been a question whether this act of September 13, 1888, ever went into effect. It is challenged by a case now pending in the Supreme Court of the United States, in which its validity is assailed. Regardless of the fact that this act recited that it would go into effect when the treaty then pending was ratified and which afterwards failed of ratification, it has been given force and effect by the decision of the Solicitor of the Treasury, who has decided that all of it from section 5 to section 14, both inclusive, except section 12, is valid and in force. The provisions of this act are the most effective of all our legislation upon Chinese exclusion for the staying of the almost irresistible tide of Chinese immigration. It provides for the prohibition of Chinese laborers from our shores.

While this treaty of 1888 was pending, another act, commonly known as the "Scott Act," intended to cure certain defects in prior legislation, and supplementary to the act of May 6, 1882, was passed on October 1, 1888.

The law of May 6, 1882, being about to expire according to its own provision, by suspending immigration for ten years, the Congress, on May 5, 1892, passed what is known as the Geary Act, which provides, in its first section, the continuation for a period of ten years of all laws enacted prior thereto regulating, suspending, and prohibiting the immigration of Chinese laborers, providing as one of its requirements that all Chinese within the United States must register and procure from the proper official a certificate showing his right to remain therein, and throwing the whole burden of proof to establish his right to remain upon him. The Chinese resisted this registration requirement and employed eminent lawyers to test its validity in the Supreme Court of the United States. But its validity was upheld. Pending the decision of the Supreme Court and acting on the advice of their lawyers, many Chinese refused to register in compliance with the law. The decision of the Supreme Court was not rendered until the year that was given them by the law in which to register had expired; so an amendatory act of November 3, 1893, extending the time of registration, was passed. This law of 1893 also for the first time defined the words "labor" and "laborers" and the term "merchant" as used in this act and the acts of which it was amendatory.

Finally the treaty of December 8, 1894, was agreed upon by the two nations, in which China recognized our right absolutely to prohibit the coming into our country of Chinese laborers, except as otherwise provided therein, for a period of ten years, and further provided that unless one of the parties thereto, at least six months before the expiration of this period of ten years, shall have served notice on the other party thereto that it is the intention to terminate said treaty, it shall continue in force for another like period of ten years. In this treaty the Chinese Government not only recognized our right to prohibit Chinese laborers from coming to our country, but expressed a desire to cooperate with our Government in prohibiting such immigration. The preamble of this treaty reads as follows:

Whereas on the 17th day of November, A. D. 1880, a treaty was concluded between the United States and China for the purpose of regulating, limiting, or suspending the coming of Chinese laborers to, and their residence in, the United States;

And whereas the Government of China, in view of the antagonism and much deprecated and serious disorders to which the presence of Chinese laborers has given rise in certain parts of the United States, desires to prohibit the emigration of such laborers from China to the United States;

And whereas the two Governments desire to cooperate in prohibiting such emigration, and to strengthen in other ways the bonds of friendship between the two countries.

Under the stipulations of this treaty, officials, merchants, teachers, students, and travelers for curiosity or pleasure, but not laborers, were continued in their right to enter and be in the United States.

Mr. Chairman, I have thus followed the history of our treaty making and the history of our legislation upon the subject of Chinese immigration from the making of the first commercial treaty of 1844 down to the making of the last one in 1894, which is the last expression of the two nations on the question of Chinese exclusion. We have seen the policy of our Government changed from a policy inviting and encouraging all classes of Chinese to come among us through the varying degrees of regulating, suspending, and excluding to a policy absolutely prohibiting Chinese laborers from our country.

Our laws, treaties, and Treasury regulations upon the subject of Chinese immigration are the result of years of experience in our efforts to exclude from our country Chinese coolies. The wisdom of this experience declares in favor of a prohibitory policy. To-day there is but one sentiment in this House, and that sentiment is in favor of a prohibitory policy. Then, why not at this time declare our intention to make permanent our policy and serve notice on China that we will forever exclude from the privileges of our glorious country a class of people who have not the capacity to become American citizens?

I am in favor of this bill because it declares in favor of a permanent prohibitory policy by our Government forever excluding from our country the Chinese coolies.

It is contended by those who are unfriendly to this bill that if enacted into law it will violate some of our treaty obligations with China. I will not undertake to discuss this feature of the question further than to say that from reading and examining our treaties and a study of the laws enacted for the enforcement of them I do not think that this contention is true. This bill is only a codification of existing laws, embodying our Treasury regulations which experience has approved, and decisions of supreme courts.

It is not the purpose of this bill to change our policy of Chinese exclusion, but to continue it and to make it easy for the exempted classes of Chinese who have a right to enter our country to gain admission here, but, on the other hand, to make it so exceedingly difficult for the prohibited class—Chinese laborers—that fraud, deception, and perjury will not avail them in gaining admittance to our country.

It has been claimed that this bill, if enacted into law, will violate our treaty obligations with China, because they say, in defining the words "teacher," "student," "laborers," and "merchant," it gives to these words a meaning and definition never contemplated by the Chinese Government when they were used in forming the treaty, and gives to them a meaning different from the ordinary meaning as defined by Webster. I do not think that there is much force in this contention, because the words "laborer" and "merchant," as used in the treaty, were defined in the amendatory act of 1893, and no other or different meaning is given to these words in this bill; and the words "student" and "teacher" as used in the treaty were defined in our Treasury regulations before the making of the treaty, and no other or different meaning is given to these words in this bill than that given to them in these Treasury regulations. All these Treasury regulations, including the definition of these words, were in force at the time of the making of the treaty in 1894, and both the regulations and the amendatory act of 1893 were before the Chinese Commission and known to the members thereof when this treaty of 1894 was made. So they knew what meaning and definitions were given to these words as used in our Chinese-exclusion laws and Treasury regulations at the time the treaty was made.

It is claimed that this bill, if enacted into law, will violate our treaty obligations by not fixing a time limit for its expiration on or before December 8, 1904, the time when the treaty may expire. I do not think this contention is tenable, for in this bill we simply say to China that we propose to make permanent our present prohibitory policy, as agreed to and desired by both nations and so expressed in the treaty. It might as well be understood now that nothing less than the right forever to exclude Chinese coolies will ever be accepted and approved by the American people.

This bill may seem harsh and severe to some, but to those who best understand the character of the Chinese coolies and know how much fraud and bribery have been resorted to unlawfully to bring them into our country, it does not seem to be too drastic. It is well known that all kinds of schemes are resorted to by organized companies in both countries for the purpose of evading our exclusion laws in bringing in the prohibited classes. We admit the exempted classes, including officials, teachers, students, merchants, and travelers for curiosity and pleasure, under stringent laws and regulations, because of the well-known disposition and purpose of Chinese laborers to gain admission under the pretense of belonging to the exempted classes. This bill, rightly understood, will not seem severe to those who have a right to come here, but it will seem severe, no doubt, to those who are prohibited from coming and to whom are denied the privileges of our country because of the evil effects of their presence upon our civilization and the injury to the cause of American workingmen.

Our legislation should be as definite and strict as the officers who enforce our laws are honest and diligent, because there is an organized effort by the Six Companies as well as by others to smuggle in Chinamen belonging to the prohibited class.

We should guard our doors against the corrupting influences from all nations. We should deny the privileges of our civilization and the advantages of our glorious country to all who have not the capacity and the disposition, from whatever land they may come, to make good citizens of our Republic. This legislation is not leveled against China as a Government, but against the class of her people whose presence here would be injurious to us. I do not believe that the Chinese Government will object to this bill on account of its severity, but I do believe that the same friendly relations which now exist between their Government and ours will continue after this bill becomes the law of the land.

Some three or four months since an almost universal sentiment prevailed for the reenactment of the Geary law, and there are yet many who believe and contend that Congress should merely continue in force our present laws and regulations until December 8, 1904, or until the expiration of the treaty. They say that our present laws are effective, and cite us to the fact that under their operation the Chinese population in this country has dwindled; that it has been decreased 40 per cent in California, and during the last ten years, as shown by the census reports, the number in the whole country has been reduced some 16,000. But there are some very cogent reasons why it is not wise merely to continue our present laws in force by an enactment in three or four lines, as has been proposed by several bills. One good reason why this should not be done is that the most effective law in force today in support of our prohibitory policy of shutting out Chinese laborers is the act of September 13, 1888, concerning the validity of which there is much doubt.

The effect and force of this act depends upon the decision of the Solicitor of the Treasury. There is a case now pending in the Supreme Court assailing the validity of this law on the ground that it never went into effect. There are no less than five different cases pending in the Supreme Court of the United States assailing the validity and constitutionality of existing laws and Treasury regulations. Why, then, involve this question in so much doubt when it is so easy to make certain our law upon this question by passing this bill? Again, this bill embodies many Treasury regulations which experience has approved and which should be given additional force by enactment into law. Then, again, our present laws are only effective in the mainland of our country, and should be extended to our insular possessions. Our prohibitory policy should be extended to the Philippine Islands. This bill proposes to do this, proposes to prohibit Chinese laborers from going into the Philippine Islands, and from that island to the mainland of our country, and from one insular posession to another, and from the mainland to any insular possessions.

There is one provision of the bill, however, concerning which there is much difference of opinion in the House. I refer to the committee amendment prohibiting the employment of Chinese sailors not entitled to enter our country upon board of vessels holding the American register and flying the American flag on voyages terminating at American ports. Some of us believe and insist that it is no more than fair, right, and just to protect American laboring men on sea as well as upon land. But we are told that it is impossible to secure American seamen or white sailors because of the nature of the work to be performed and the hot climate of the seas over which voyages are made by many of our vessels; but this contention has been refuted by resolutions received by members of Congress from the Firemans and Seamans' Union in Philadelphia and New York, requesting that this provision be placed in the bill, and asserting that white men and American sailors can be had to work in the stokeholes of the vessels and expressing a willingness to accept employment on vessels on voyages to all parts of the world. By far the strongest reason and testimony establishes the fact that difficulty in securing American seamen and white sailors exists because of the low wages paid for this kind of employment.

We have no objections to admitting into our country all that come from foreign lands who have mind and heart and intelligence and are ambitious to become American citizens, if they will renounce their allegiance to kings and potentates, and will declare their loyalty to our institutions and to our Government and become genuine American citizens. Our country has been the asylum of the oppressed from other lands ever since the Pilgrim Fathers landed at Plymouth Rock. From the foundation of our Republic, beginning with the early settlement of our colonies, there have come to our land from foreign countries those

who loved liberty better than slavery, who preferred the free institutions of America to the despotisms and monarchies of the countries from which they came, and mingling their blood with ours and assimilating with us, have become imbued with our civilization until they have become a part of our body politic. Our country has grown great and our nation has become strong and powerful because the liberty-loving people of other countries, the bravest and best, have united their fortunes with us in America to make this the best Government in all the world.

But our civilization has no place for the Chinese cooly. He has no ambition or sentiment in harmony with our people. He has no desire to become an American citizen; indeed our laws and treaties prevent him from so becoming. He clings to the institutions of the Celestial Empire. His object in coming to America is wholly mercenary. He comes here, not because he loves our institutions, not because he loves our flag, but because he finds it a good place to make and accumulate money with which to return to his native land. He is no benefit to our people. He takes what money he earns back to China, instead of investing it here in business or using it to improve and develop our country. Corporations and capitalists, who place their selfish interest above the general good, above the interest of all the people, may be in favor of admitting cheap labor, but all who respect the rights of others will favor the absolute prohibition of Chinese coolies.

There are those who fear that if we are too drastic in our legislation against the admission of Chinese laborers that we will destroy our friendly commercial relations with China which have so long existed. They fear that her merchants will not buy our products nor sell to us theirs. There may be some reason for this fear in the minds of those who are unfriendly to this bill, but in my opinion there is no reason in fact upon which to base such fear. China herself is committed to the policy of prohibiting the emigration of her laborers to this country. By the terms of the treaty of 1894 she was willing to have this policy adopted. But admitting for the sake of the argument that there is danger of losing our trade with China, will we neglect our duty to our own people in order to hold our trade with that country? Our first duty is to our people at home.

As for myself, I am in favor of protecting the American laboring men in their rights and giving them employment at good wages, even though we sacrifice our trade with China. I am in favor of giving up our commercial relations if need be for the good of American toilers and for the elevation of American citizenship. The peace and comfort and happiness of our laboring men are worth more to us than all of our trade with the Orient. Our home market is more valuable to us than the markets of the world. But we will not be compelled to give up our trade with China. We will retain it and it will increase with the coming years. Will we refuse to listen to the just demands of American laboring men? The labor unions of this country have taken a great interest in this question and have sent petition after petition and resolution after resolution to members of the Congress urging them to support a measure, unlimited as to time, absolutely prohibiting the coming to our shores of Chinese laborers. They have a right thus to advise members of Congress. They above all others are interested in protecting their employment and good wages. This legislation is for the protection and purity of their homes and their firesides, their families and friends.

It is the proud boast of our people that labor in America is better paid, better fed, better clothed, better housed, more ambitious, more intelligent, more public-spirited, and consequently more happy and contented than the toilers of any other land beneath the sun. By organization and cooperation American workingmen have been able to demand and to receive from capital a portion of the profits created by their own toil. They are bettering their condition as years come and go. I hope the time will soon come in this country when a man who toils will be able to earn, by working eight hours a day, enough wage to support himself and family with the necessaries and comforts of life in his own happy home of peace and plenty and accumulate and lay aside sufficient money to support his old age and his loved ones after he is gone.

I have always favored protection to American industries and American labor. It is one of the cardinal principles of the Republican party to protect those who toil in factories and fields from the cheap labor of other countries by placing upon the products of those countries seeking our markets with competing goods a tariff equal to the difference in wages paid to the workingmen of those countries and the wages paid to the workingmen of this country for making the same goods. I feel it as much our duty to protect our laboring men from unfair competition with cheap men coming into our country, who have neither the disposition nor the capacity to become American citizens, as it is our duty to protect them against the cheap goods made by the cheap labor of other countries. It would be folly to shut out the cheap goods, produced by the cheap labor of other countries, and throw wide open our doors to admit cheap men, who are willing to work for small wages and thereby deprive our people of employment, reduce the price of wages, and lengthen the hours of toil.

No, Mr. Chairman, we will not permit the incoming of those who are not ambitious to become good citizens of our Republic, who are willing to work for cheap wages, any more than we will permit cheaply made goods from other countries to come into competition with the goods made by the well-paid labor of our country.

We are proud of our broad domain, stretching away from the Atlantic to the Pacific; we are proud of our country, her laws, and her free institutions; we are proud of our flag that has been carried to victory in every war with enemies from within and foes from without, but prouder still are we of the patriotism, industry, and character of our people, by whose valor and courage our Republic has been established and defended, our country developed and built up, and our flag made glorious. [Loud applause.]

Chinese-Exclusion Bill.

SPEECH

OF

HON. GEORGE R. PATTERSON,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, April 5, 1902,

On the bill (H. R. 13061) to prohibit the coming into and to regulate the residence within the United States, its Territories, and all territories under its jurisdiction, and the District of Columbia, of Chinese and persons of Chinese descent.

Mr. PATTERSON of Pennsylvania said:

Mr. CHAIRMAN: That former Chinese-exclusion legislation has been regarded by so many people of the East as a concession to the citizens of the Pacific slope impels me to express a few thoughts on this subject, hoping that, however imperfect my efforts may be, the fact that an Eastern member appears on this floor in support of this measure will be some slight testimony to the interest taken by the country at large, and particularly by the laboring element, in the reenactment of such legislation.

That Chinese immigration has been so largely confined to the extreme West was most fortunate for the rest of the country. We of the Alleghanies, who have not had to contend with this yellow stream that has practically deluged the Pacific States, can scarcely conceive of the blight it has cast upon the industrial advancement of that section. Beginning as a small rivulet of apparently harmless Orientals, this brooklet soon became a mighty torrent, threatening all before it, and was checked only by the barriers erected in the passage of the exclusion law now in operation.

I do not, Mr. Chairman, propose to go into details as to the character, habits, morals, or, rather, the absolute absence of morals of the Chinaman. I leave that to gentlemen, members of this body, who speak from actual contact with conditions as they exist wherever the Chinese live in any considerable number. I propose to confine myself to an effort to show that the anthracite miner of Pennsylvania is as desirous of the passage of this bill as the California wage worker, and to draw a comparison between this class of immigrant and other classes with which I am somewhat familiar.

We are all naturally and rightfully influenced in our legislative action by the desire and sentiment of the district each represents, and I feel that the great interest in this measure on the part of the people I represent, as evidenced by the large number of petitions, memorials, resolutions, and letters I have received pertaining to this question and introduced on this floor, is such that I would be derelict in my plain duty did I permit this occasion to pass without expressing the overwhelming sentiment that prevails in my district in favor of this bill.

The district which I have the honor to represent is composed largely of mine workers, whose occupation is fraught with the gravest dangers, especially in the deep anthracite coal mines. The dashing bravery of a battle charge, the impulsive leap to the rescue of an endangered life, both pale into insignificance when compared with the intrepid and persistent courage of the men who day after day, night after night, betake themselves to the bowels of the earth, never knowing whether or not the light of God's sun will ever shine upon them again. A fall of top rock, an explosion of gas, and the miner's light is out forever. His work requires care and skill of the highest order, and a long experience is required to perfect him in his avocation.

These men, these miners and laborers, Mr. Chairman, are sincerely in earnest in their demand to keep out the cooly, and so, too, are the merchant, the mechanic, the farmer, and the community at large in which he lives.

We are told that the Chinaman has invaded every branch of industry, and on some lines has established a monopoly. If such conditions can exist with an exclusion law in force, what would be the effect of letting down the bars to the unrestricted immigration of the hundreds of millions inhabitants of the Chinese Empire? If we fail to pass this bill, what assurances have we that our anthracite mines and our workshops will not be overrun with the slave labor of the Orient? For every cooly who reaches our shores is bound for a term of years to the Chinese company that brings him here. Can we afford to degrade the American standard of labor by permitting this immigration?

During the past twenty years the people of the mining districts of Pennsylvania have been called upon to solve the question of another character of immigration. The labor of the native American, and his fellow-citizen of English, Welsh, Irish, and German extraction, came into contact during that period with the Italian, the Russian, the Greek, the Austrian, the Polander, and the Hungarian. Originally these people were regarded as a menace. They were deemed an undesirable addition to our laboring population, and their coming was viewed with apprehension.

But conditions have changed these people. The so-called foreigners have changed in themselves. They are no longer looked upon simply as cheap labor. They are to-day among the most fervent and consistent advocates of organization, and they demand American pay for an American day's labor. They have become citizens, proud of the land of their adoption, loyal to the American flag; they are striving for the elevation of themselves and their children, and endeavoring to merit the esteem of the people with whom they are associated. And, actuated by such sentiments, these people, who have taken upon themselves the duties of citizenship, are to-day hand in hand with the native American, demanding that the hordes of the Chinese Empire be refused admission to this country.

And the reason, Mr. Chairman, is apparent. The European immigrant, unlike the Chinaman, desires to become identified with out national institutions; he seeks citizenship, and to be worthy of it; he desires an American home in all that characterizes an American home; he desires that freedom which the United States alone can grant him; and he wants these things just as soon as he has lived here long enough to grasp their meaning. On the contrary, the Chinaman entertains no such desires; he wants admission to this land without restraint to impose his characteristics upon the community wherein he may elect to reside and lower the standard of living; then to depart to his own country to relapse into his natural degraded environments.

Mr. Chairman, I refer to these European immigrants from a long social and business intercourse with them. I have lived among them for years. I know what they were, I know what they are. Coming to this country with the burden of ages of submission to aristocratic and military power, a residence of a few years under a republican form of government has taught them many things, not the least of which is self-respect. We have to-day people of the nationalities referred to who have become presidents and directors of our banks, savings funds, and other public and semipublic institutions, members of local councils and school boards; many have become large property holders. A glance at the annual reports of some of our high schools demonstrates that their children are taking advantage of the splendid opportunities of our free high-school system. Last June I noticed that the sons of some of these men whom I know well had taken an honorable part in the class-day exercises, and held high rank in their classes; and in December last these same boys were home from college, spending the holiday season with their parents.

Such instances as these show which way the wind blows. Gentlemen who have never been thrown into close association with this class of immigrants would be utterly surprised if I were to take them to Shenandoah, Mahanoy City, or any of the cosmopolitan towns in the anthracite region of Pennsylvania and have them witness a public demonstration in which the societies and organizations of these people are participants. Every man of them is well dressed. Their uniformed organizations compare favorably with American societies, and some of the handsomest American flags I have ever seen are carried in their lines, and each organization carries the flag at its head.

Now, Mr. Chairman, I have dwelt at some length upon a feature of immigration with which I am perfectly familiar. The Chinaman possesses none of the aspirations, entertains none of the ambitions of the European who migrates from his native country. He evinces no desire to become an American citizen, as do the Hungarian, the Pole, and the Greek. He brings with him no regard for an oath, no ambition to improve his condition, no hope to elevate his standard. Bigoted in the highest degree, lost to every sense of decency, imbued with traditions that lead him to the lowest depths of venality, susceptible to no moral or mental improvement, he does not assimilate in any respect with the people with whom he comes into contact. In a word, he is not a home seeker, and the American home is the very foundation of the nation's greatness and the corner stone of her liberties. Had the Spaniard and the Frenchman of the Territory of Louisiana been a home-seeker, and not a pursuer of adventure or a seeker for gold, the history of some sections of North America might have been different.

Nearly all the purely American societies of my district, composed of native-born American citizens, who gather about the camp fires of their organizations regularly, have presented their memorials in favor of this bill. They are men who study the conditions that exist and hope to elevate the standard of American citizenship and hesitate not to oppose that which would lower the value of an American birthright. The Patriotic Order Sons of America, the Junior American Mechanics, and kindred societies are unanimous in the demand that the Chinese be excluded by law.

Organizations composed of citizens of foreign birth, other than those whose nationalities have been referred to, are unanimous against the admission of the Chinese.

The foreign-born citizen of the United States, reared in any of the countries of northern Europe, having emigrated to this country, where he could better his condition, exchange his labor for living wages, provide a home and the comforts that make it a home, educate his children, and possess the abundant blessings of American citizenship, is of one mind on this question of the exclusion of the Chinese.

The native American, conscious of the high plane of American existence, whose arms have been outstretched to the oppressed of every land, declines association with the cooly, because he knows too well the deleterious effects such immigration will have upon American environments.

And so it is, Mr. Chairman, that every class of citizen of the great States of the East joins hands and demands of this Congress that the cooly be kept out.

The American laborer recognizes full well the effect upon him such immigration would bring about. The American laborer reads. He reads good books. After his evening meal the daily paper is greedily devoured. He is conversant with what transpires about him. He is familiar with current events. He knows what has been the experience of the people of the far West with cooly labor, and he wants none of it.

The American laborer is intelligent. His home bears witness thereto. He knows as well and better, possibly, than you or I what the result of indiscriminate Chinese immigration would mean to him and his fellow, and he wants none of it.

The American laborer is organized. He knows that his brawn and his brain produce the wealth of the country. His organization keeps him in close touch with conditions that affect or may affect his condition. His union is well administered. Men are at the helm now in labor matters who permit no rashness, but rather encourage calm consideration and conclusions having in view the greatest benefit to all. They want none of this cooly labor.

The society that is strictly native born, and the organization composed altogether of the citizens formerly called foreigners; the wage worker of whatever craft, and the breadwinner of whatever character; the citizen born, and the citizen naturalized, all join in the demand that the Chinese be excluded. And it is our duty as representatives—mindful of the just demands of those we represent, careful of their proper interests, jealous of their welfare—to heed their uplifted voice.

If it were solely from a desire to be guided aright on this question, would not the experience of the extreme West with the Chinese afford us the best reason for denying his admission? What has been the experience of labor in California? Abler men than I have already informed us. The unanimous demand of the people, the press, the organizations of that State fully answer the question.

In the light of their experience, were this bill defeated, could we hope for different results here in the East? History repeats itself, and will again, if we permit this most undesirable addition to our population.

The wisdom of a former Congress in excluding these people is unquestioned. If it was necessary to exclude the cooly then, is it not imperative now that we continue the refusal to permit his coming in? Now, when we are enjoying the greatest national prosperity, when we are reaching out the world over for new markets for the products of our labor, when we have assimilated what was before regarded as an undesirable immigration, and recovered from the fear therefrom, when we are climbing steadily and without fear of obstruction to the position of the foremost nation in every respect?

Let us protect the American laborer. Let us legislate in his interest, mindful that his prosperity is national prosperity, that the advancement of his interests and the betterment of his conditions means a more glorious national existence and a higher standard of citizenship.

Mr. Chairman, it would be a most dangerous experiment to permit the Chinaman to come into the country now in the hope that he may some time be assimilated. He is unequal to such assimilation. Let us have no such experiment.

We are endeavoring as a Republic to protect the laborer of the country, and to guarantee him his just share of the wealth he produces. We hope for shorter hours of his labor and increased wages in exchange for his labor. Let us not, then, assault him by placing side by side with him a character of slave labor that would take from him his employment, and reduce him to a plane from which he can never hope to recover.

The Present Phenomenal Prosperity of this Country Should not be Disturbed by Needless Tariff Agitation.

SPEECH

OF

HON. JOHN DALZELL,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, April 18, 1902,

On the bill (H. R. 12765) to provide for reciprocal trade relations with Cuba.

Mr. DALZELL said:

Mr. CHAIRMAN: I avail myself of the leave to print granted by the House to insert in the RECORD the following:

A LETTER TO THE HON. JOHN DALZELL.

OFFICE OF THE AMERICAN IRON AND STEEL ASSOCIATION,
No. 261 South Fourth Street, Philadelphia, February 14, 1902.

Hon. JOHN DALZELL,
Member of the Committee on Ways and Means of the House of Representatives, Washington, D. C.

DEAR SIR: In behalf of the American Iron and Steel Association the following statement of reasons why House bill No. 9056, introduced by Mr. BABCOCK, of Wisconsin, should not become a law is respectfully submitted for your consideration. This bill proposes to amend Schedule C of the Dingley tariff by placing certain articles therein enumerated in the free list and reducing the duties on others 25 to 50 per cent.

THERE IS NO IRON AND STEEL MONOPOLY.

House bill No. 9056 is not accompanied by any reasons for its introduction, but in published interviews its author is represented as justifying its radical provisions by alleging that American iron and steel products, especially the products of the United States Steel Corporation, are being sold in foreign markets at lower prices than are charged to home consumers. Waiving for the present the inquiry whether or not this allegation is correct, there are two unquestionable facts which definitely and conclusively prove that home consumers of iron and steel are not charged extortionate or unreasonable prices for these products. These facts are of common knowledge.

First. Prices of iron and steel in this country are fixed by competition and the law of supply and demand. No corporation has a monopoly of their manufacture, or ever can have in this country of boundless individual enterprise, wide opportunities, and widespread natural resources. The corporation alluded to does not to-day control one-half of the country's aggregate iron and steel capacity, more than one-half being controlled by independent companies, most of which possess ample capital, modern plants, and abundant resources in raw material.

Second. The United States Steel Corporation, instead of using its influence to unduly advance prices, has ever since its creation less than a year ago steadily insisted on keeping prices within reasonable limits. The temptation to advance prices of steel rails, for instance, which has been presented in a season of great railroad prosperity, has been resisted, and the price of steel rails is to-day just the same as it was ten months ago, namely, $28 a ton, a price to which no objection is made by any railroad manager in the country.

THE UNITED STATES STEEL CORPORATION.

The testimony of the officers of the United States Steel Corporation upon this subject should be conclusive. In the recent report of the directors to the stockholders appears this statement:

"The demand for the products of the several companies has been so great that prices could easily have been advanced. Indeed, higher prices have been voluntarily offered by consumers who were anxious for immediate execution of orders, but the companies have firmly maintained the position of not advancing prices, believing that the existing prices were sufficient to yield a fair return on capital and maintain the properties in satisfactory physical condition, and that the many collateral advantages to be gained in the long run by refusing to advance prices would be of substantial and lasting value, not only to the companies but also to the general business interests of the country. The strong position thus taken by the companies for stability in prices, both of raw material and finished products, has had a reassuring effect on the trade, and has contributed greatly toward restoring confidence in the general business situation and creating the present large demand for steel products by dispelling any doubt as to prices in the future."

The New York Sun, in its issue of January 31, in commenting upon the above statement by the board of directors, says: "The United States Steel Corporation has so far done exactly what its managers have here said they were trying and will continue to try to do. They have rigidly kept their prices down to the point of reasonableness." The Louisville Courier-Journal recently said: "The policy of the corporation so far has been to try to make money by reducing the cost of production, not by advancing the price to the consumer." While pursuing this policy, it may be added, the corporation has nowhere reduced wages.

The Commercial and Financial Chronicle, of New York, the highest financial authority in this country, bears the following testimony in its issue of February 1 to the conservative course of the United States Steel Corporation in relation to prices. Reviewing our large production of pig iron in 1901, it says:

"One feature in connection with the year's large production and consumption of iron should not escape attention, for it is in one sense really the most striking characteristic of that period. We refer to the fact that, with the demand larger and more urgent than ever before in the country's history, prices were kept within moderate limits. In the case of every one of the leading articles of iron and steel the average of prices for 1901 is lower than the average for 1900, and in most cases it is very much lower. For this result, preventing that extreme upward movement in values which on so many previous occasions has proved disastrous to the iron and steel industry, the policy of the United States Steel Corporation is largely responsible.

"In the early part of the previous year, as will perhaps be remembered, prices had risen to very high figures, but then a decline set in which continued almost to the close of 1900. The beginning of 1901, therefore, found prices at a fairly low level. The business career of the United States Steel Corporation may be said to date from the 1st of April. Before the organization of this company the destructive competition threatened by the rivalry of the different separate companies which are now embraced in its control acted somewhat to demoralize the iron and steel trades, so that some intending buyers were induced to withhold their orders. With the possibility of disturbance from that source removed, the demand, already large, became more active than before: and if the steel corporation had not firmly resisted the rising tendency, prices would undoubtedly have quickly recovered to the extraordinarily high figures ruling at the beginning of 1900.

"But the managers of that concern made it a cardinal point in their policy to keep prices at a level only high enough to leave a fair margin of profit, and their action of course dominated the trade. The result is that prices at the close of 1901, while ruling above the low figures prevailing at the close of 1900, did not on the whole show any very great advances. The price of steel rails was raised from $26 a ton to $28 in May, but early in 1900 the price had been $35, and the average of rails for the whole year 1901 is only $27.33, against $32.29, the average for 1900. Bessemer pig iron at Pittsburg averaged $16.37 in December, 1901, against $13.75 in December, 1900, but in February, 1900, the price had been $25 a ton. Steel billets at Pittsburg were $34.50 in January, 1900, $19.75 in December, 1900, and $27.90 in December, 1901."

THE BILL MAKES INVIDIOUS DISTINCTIONS.

This bill is invidious in this respect: That it aims a blow at our prosperous iron and steel industries while leaving untouched other prosperous domestic industries of equal or almost equal magnitude. Particularly may it be mentioned that the Dingley duties on the products of the farm, the necessaries of life, have not been disturbed in this bill. Iron and steel products have risen with the general advance in values, but not as farm products have risen, except during the short-lived boom of 1899. Dun's Review says that the rise in breadstuffs since July 1, 1897, has been little short of 90 per cent, and that meats have risen in the same time nearly 30 per cent, and dairy and garden products 75 per cent. Mr. BABCOCK makes no attack on the tariff duties which protect the farmers, nor upon the duties which protect our great lumber industry, nor upon the duties which protect any of our great mineral or other industries.

Mr. BABCOCK'S bill is also invidious in another noticeable particular. While transferring to the free list finished or half-finished products of iron and steel or radically reducing the duties on these products, it proposes to retain iron ore in the dutiable list at the rate of duty prescribed in the Dingley tariff, iron ore being a raw material which is wholly supplied by the bounty of nature. Intelligent advocates of a protective policy for American industries do not, however, deny the right of our iron-ore producers to a fair degree of protection from foreign competition, but that the Dingley duty on iron ore, a raw material, should be continued and the duties on the finished or half-finished products of iron and steel should be reduced or repealed altogether is a flagrant violation of the principles underlying a properly balanced protective tariff.

THE IMMINENCE OF CANADIAN COMPETITION.

Next to iron ore in the Dingley tariff comes pig iron, upon which and upon scrap iron and scrap steel Mr. BABCOCK would reduce the duty from $4 to $2 per ton. Although often erroneously referred to as a raw material, pig iron is in fact one of the most delicate and troublesome products of metallurgical art, requiring in its manufacture a vast investment of capital and the application of the highest skill by the mechanical engineer, the chemist, and the experts who look after all the details. A modern blast furnace represents in construction and management a larger amount of capital and a larger display of scientific and mechanical skill than is generally supposed.

Mr. BABCOCK proposes to reduce the Dingley duty of $4 a ton on pig iron to $2; but he virtually places it in the free list, because the duty of $2 which he concedes to pig iron is $1 less than the bounty of $3 a ton which Canada now pays to her pig-iron manufacturers, who have already entered our markets. Under the stimulus of this and other bounties, Canada is rapidly developing important iron and steel industries of her own. A bounty of $3 a ton is paid on every ton of steel ingots produced in Canada and upon every ton of puddled iron bars.

The Canadian production of pig iron in 1901 was greatly increased by the blowing in of three large new furnaces by the Dominion Iron and Steel Company in that year, while another of its furnaces was blown in in January of the present year. Other new furnaces are now being built in Canada and still others are projected. The annual capacity of the furnaces that have been built or are now being built in Canada is not less than a million tons. Canada now has 14 completed blast furnaces, 4 furnaces building, and 4 projected furnaces. It has also 18 completed rolling mills and steel works and 2 building. It will very soon be able to make nearly a million tons of steel annually and to roll nearly a million tons of iron and steel products.

Canada has in very recent years developed two large iron-ore fields—one, the Wabana district, on Belle Island, Newfoundland, and the other the Michipicoten district, on the northern shore of Lake Superior. Immense deposits of excellent iron ore are found in these two districts. At a very early day, even in this year, Canada will become an important rival of the United States in the production of iron ore and iron and steel. The Dominion Iron and Steel Company is already shipping large quantities of pig iron to England and Scotland, and it has commenced to make shipments to the United States. In 1901 Canada shipped to this country 160,000 tons of Michipicoten iron ore. Reduce our present duty on pig iron, and Canada would flood our markets with its pig iron. The production of pig iron in Canada in 1901, as ascertained from the manufacturers by the American Iron and Steel Association, amounted to 244,976 tons, as compared with 86,090 tons in 1900. Put iron and steel finished products in the free list, and Canada will be kept busy on American orders.

EXPORTS OF AMERICAN IRON AND STEEL PRODUCTS.

It is not necessary to consider in detail the remaining provisions of House bill No. 9056. The most important of these provisions provide for absolute free trade in iron and steel products. It is enough to say on this subject that the experience of this country under the Wilson tariff act should be a warning to everybody that even an approximation to free trade in our fiscal legislation is destructive of national prosperity and disastrous to the political party that supports this British policy.

Now, as to exports of American iron and steel products to foreign markets: Statistics show that a large part of these exports in very recent years has been composed of pig iron, steel rails, plates, and sheets, and structural iron and steel, the last named embracing steel bridges. These are largely but not wholly new features of our export trade. Other forms of iron and steel we have exported for many years. A few years ago, beginning in 1893, there was a great depression in our iron and steel industries, and prices were abnormally low and unremunerative; wages in the iron trade were also greatly reduced. Soon afterwards there was developed a boom in the iron and steel industries of our European competitors, particularly Great Britain and Germany, and their prices went up. This was our opportunity.

A serious and prolonged engineering strike in Great Britain subsequently broadened this opportunity. We began for the first time to receive foreign orders for pig iron, steel rails, and ship plates in large quantities, and for steel bridges; the foreign orders for other forms of iron and steel also naturally increased. Our exports of iron and steel first exceeded our imports of these products in 1893, and thereafter until 1901 they steadily increased, but in 1901 they began to decline seriously. The German boom in iron and steel ended in 1900 and so also did that of Great Britain. Prices in both countries have since steadily fallen. In 1899 a boom began in the iron and steel industries of our own country, from which there was a reaction in 1900, followed in 1901 by an improvement in demand and a moderate advance in prices. With an increase in demand and prices in our own country and a shrinkage in demand and prices abroad, it can easily be seen that our exports of iron and steel would necessarily decline. In pig iron, steel rails, ship plates, and steel bridges the decline has been of a very marked character.

In the calendar year 1900 we exported 286,687 tons of pig iron, but in 1901 we exported only 81,178 tons. In 1900 we exported 356,245 tons of steel rails, and in 1901 we exported 318,055 tons. Of steel plates and sheets we exported 45,534 tons in 1900 and 23,923 tons in 1901. Of structural iron and steel, largely in the form of bridges, we exported 67,714 tons in 1900 and 54,005 tons in 1901. There has also been a decline in 1901 in the exports of some other iron and steel products, the total exports of iron and steel and manufactures thereof in 1900 amounting in value to $129,633,480, and in 1901 to $102,539,797. The shrinkage in our iron and steel exports in 1901 has been conspicuously in tonnage as well as in values. To-day the exports of all heavy iron and steel products have almost ceased.

FOREIGN COMPETITION IN OUR OWN MARKETS.

The foregoing summary of the causes of our large exports of iron and steel in recent years and of the recent decline in these exports is necessary as a refutation of the charge so frequently made that our iron and steel industries have captured the world's markets. They have entered the world's markets, but they have not captured them. Nor have we absolute control of our own iron and steel markets, as many persons suppose. In the calendar year 1900 we imported iron and steel and manufactures of iron and steel to the amount of $20,443,911, and in 1901 our imports of these commodities amounted to $20,394,995. These are foreign values. Our imports of iron and steel are to-day increasing, notwithstanding the Dingley tariff. The Iron Age for January 16 reports the sale of 3,000 tons of foreign billets, for delivery at Youngstown, Ohio, at $27.50 per ton, with further business pending. It adds that a number of Eastern consumers are now using small quantities of foreign steel.

The Iron Trade Review of the same date says that a large quantity of German Bessemer pig iron has been sold for delivery in this country, and it notes the sale of 7,000 tons of English Bessemer pig iron also to this country. It says further that "a recent sale of German spiegeleisen for export to the United States, indicates that our steel makers have not been able to supply their wants from such of their furnaces as ordinarily run on spiegel," and adds that "the importation of steel is also expected to grow steadily in the coming months." A telegraphic dispatch from Berlin, Germany, to the London Iron and Coal Trades Review of December 6, 1901, says: "Our exports continue to increase. German manufacturers have even shipped to America sheets for tin plates, and even thick iron sheets, also half-finished products; and in the month of October the quantity of the latter and of finished products exported was nearly equal to half our total production of pig iron."

These and other increased importations of iron and steel would not be possible if foreign prices had not fallen to much lower figures than have prevailed in recent years, and if German and British iron and steel industries were not now greatly depressed. Our own prices are not excessive. They are much lower than they were two years ago.

English trade journals of recent date show how rapidly the prices of British iron and steel have fallen within the last two years. In January, 1900, steel rails at Cardiff were quoted at £7 10s.; in January, 1901, they were quoted at £6, and in January, 1902, they were quoted at £5. Steel ship plates at Glasgow were quoted at £8 10s. in January, 1900; at £6 15s. in January, 1901, and at £6 2s. 6d. in January, 1902. Iron and steel in other forms show similar shrinkages in price. In Germany prices have fallen so low that, even with the low prices now prevailing in Great Britain, English trade journals complain that German iron and steel are being sold in large quantities in British markets. In Belgium prices are also at a very low ebb.

It may be frankly said that some recent importations of iron and steel are the result of a temporary scarcity of two or three products, due to the enforced stoppage last summer of many works in consequence of the Amalgamated strike, followed by the wholly unexpected inability of the railroad companies ever since to move iron and steel raw materials and finished products with reasonable promptness. Our productive capacity in all iron and steel lines is to-day fully equal to the country's wants; but we have not for six or seven months, for the reasons above mentioned, been able to utilize the whole of this capacity. The present scarcity of a few iron and steel products can not last long; but the importations which it has made possible, inconsiderable as they are, teach this plain lesson, that if they can take place with the Dingley tariff rates in full force and with our present reasonable prices they would be immensely swollen if House bill 9056 should become a law. "If they do these things in a green tree, what shall be done in the dry?"

SPECIAL ADVANTAGES OF OUR FOREIGN COMPETITORS.

Whether our importations of iron and steel at any time come from Great Britain or Germany, or any other country, the fact should never be lost sight of that our tariff duties on these products are always largely neutralized by the low ocean freight rates on these importations, and particularly when good times in our own country and bad times in Europe are cotemporaneous, as they are to-day. What are termed tramp vessels call at our ports in large numbers for grain, petroleum, and coal as return cargoes. That these vessels may be properly ballasted on the inward voyage their owners are glad to accept all such heavy products as iron and steel at merely nominal freight rates, frequently as low as $1 a ton and sometimes as low as 25 cents a ton. These low freight rates aid foreign iron and steel manufacturers materially in gaining an entrance to our markets, especially as our own manufacturers must pay higher rates to the railroads to reach important points of consumption on the Atlantic and Pacific coasts and on the Gulf of Mexico. Subsidized French vessels also call at San Francisco for grain.

Just here it is important to remember that German iron and steel manufacturers, operating through their syndicates, habitually make one schedule of prices for home consumers of their products and another schedule for their foreign customers, thus committing as a matter of habitual and daily practice the very offense with which our own iron and steel manufacturers are now charged and against whom House bill No. 9056 is directed. If this bill should become a law it would greatly help German manufacturers to sell to us through their syndicates iron and steel products at cut prices with which our own manufacturers could not hope to compete. This would be a ridiculous display of statesmanship. We would be punishing our own people for occasionally selling iron and steel to foreigners at lower than home prices, and we would be rewarding our German competitors for adopting and systematically adhering to the very same policy.

It will be seen from what has been stated that, if House bill No. 9056 should become a law, our markets would be at once flooded with European iron and steel. The demand for the iron ore of our Lake Superior region, the protective duty on which is retained in this bill, would at once decline. Of what avail would then be the protective duty? This bill would oppose absolutely no obstruction to the shipment to this country of the surplus iron and steel products of Europe. Canada would also be a formidable competitor in our iron and steel markets, as has already been shown. She will be a competitor anyway.

PRICES OF IRON AND STEEL TO FOREIGN BUYERS.

With regard to the prices at which our iron and steel products have been sold abroad, it can be said with entire frankness that, while there have been some sales made at lower prices than have been charged to domestic consumers, the large majority of the sales have been made at the same prices as have been obtained at home or at even higher prices. When lower prices have been charged the inducement to do this has been to dispose of a surplus, as during the years of depression following the panic of 1893 or during the reactionary year 1900, or to secure entrance into a desirable foreign market, or to retain a foothold in a foreign market that has already yielded profitable returns. These reasons for occasional cutting of prices require no defense. They are akin to the reasons which daily govern sales of manufactured and all other products in domestic markets.

Even in years of prosperity it sometimes happens that a rolling mill or steel works, when running to its full capacity, produces a surplus of its products beyond the immediate wants of its customers or of its general market. If this surplus can be sold abroad, even at prices below current quotations, it is better to do this than to reduce production by stopping the rolling mill or steel works for a few days or even for one day. The men would not only lose their wages during the stoppage, but the manufacturers would lose in many ways. As one incident of the stoppage the home consumers of their products could not be supplied so cheaply as when the plants are running full. A moment's reflection will convince any candid man that the manufacturing establishment that is not kept constantly employed, whether it produces iron and steel, or cotton goods, or woolen goods, or pottery, or glassware, or any other articles, can not be operated so economically for its owners or so beneficially for its customers as the establishment that is kept running six days in the week and every week in the year.

It should also be remembered that our tariff legislation for at least a generation has encouraged our manufacturers to seek foreign markets by remitting nearly all of the duties levied on imported raw materials when these materials enter into the manufacture of exported finished products. Under the operation of this drawback system our iron and steel manufacturers have been able to manufacture their products intended for foreign markets at a much lower cost than they could supply similar products to home consumers. The London Engineering for January 17, this year, says of this drawback system: "A certain amount of trade is brought into the country that would otherwise be missed, and no one loses anything." It might have added that the raw materials we import and subsequently export in the form of finished products furnish employment to thousands of American workmen.

OFFICIAL RECORD OF PRICES TO FOREIGNERS.

The official statistics furnish the only trustworthy information of the prices at which our iron and steel products have been sold to foreign buyers. The average value of the 286,687 tons of pig iron shipped abroad in 1900 was $16.23 per ton, and the average value of the 81,178 tons shipped abroad in 1901 was $15.52 per ton. The average value of gray forge pig iron at Pittsburg in 1900 was $16.90 per ton, and in 1901 it was $14.20 per ton. The average value of the 356,245 tons of steel rails exported in 1900 was $30.58 per ton, and the average value of the 318,055 tons exported in 1901 was $27.13 per ton. The average value of all steel rails sold to domestic consumers in 1900 was $32.29 per ton, and the average value of similar sales in 1901 was $27.33 per ton. These illustrations, bearing in mind our drawback system, are sufficient to establish the general proposition that our iron and steel products have not been sold to foreigners at notably lower prices than they have been sold to our own people.

HOW GREAT BRITAIN CAPTURES FOREIGN MARKETS.

Mr. BABCOCK and others, who are just now complaining of occasional sales abroad of American iron and steel at lower prices than they are furnished to home consumers, wholly forget that our British manufacturing rivals have for generations not only practiced the same trade policy that is now so vigorously condemned, but have done so with a wholly indefensible motive that Mr. BABCOCK will not venture to attribute to our own manufacturers. These British manufacturers have not only sought to extend their trade abroad by lowering their prices, but they have done this with the express purpose of destroying the manufactures of other countries. Here are some proofs that our own country has been one of Great Britain's slaughter markets:

In 1816 Lord Brougham, in a speech in Parliament advocating the increased exportation of British goods to the United States, declared that "it was well worth while to incur a loss upon the first exportation, in order by the glut to stifle in the cradle those rising manufactures in the United States which the war has forced into existence contrary to the natural course of things."

In 1854 a British Parliamentary commission reported as follows: "The laboring classes generally in the manufacturing districts of this country, and especially in the iron and coal districts, are very little aware of the extent to which they are often indebted for their being employed at all to the immense losses which their employers voluntarily incur in bad times in order to destroy foreign competition and to gain and keep possession of foreign markets. * * * The large capitals of this country are the great instruments of warfare against the competing capital of foreign countries, and the most essential instruments now remaining by which our manufacturing supremacy can be maintained."

It was only after a long and hard fight that the manufacturers of this country were enabled to overcome this brutal British competition. Now that American products have successfully entered British markets and other markets Mr. BABCOCK would so legislate as to make it difficult for our iron and steel manufacturers to keep control even of their own home markets, for it should be plain to everybody that putting iron and steel in the free list means the partial restoration here of the odious British manufacturing monopoly from which we have recently been delivered, or else it means a reduction of American prices and wages to the normal British standard, which no sensible American wants. British and Continental economic and

social conditions possess no attractions that commend them to the people of this country.

THE DANGER OF OVER-CONFIDENCE.

Instead of a demand being now made to punish American iron and steel manufacturers because of their enterprise in seeking foreign markets, and thus furnishing additional employment for American labor, even in the conversion of foreign raw materials, those who have the welfare of all our industries at heart should jealously guard our own markets against the foreign competition that is always active and aggressive and is even now threatening the prosperity which has been so marked for the last three years. Official statistics just published show that our exports of domestic merchandise in 1900 amounted to $1,453,010,112 and in 1901 to $1,438,083,990, a decrease of $14,926,122, while our imports of merchandise in 1900 amounted to $829,149,714 and in 1901 to $880,421,056, an increase of $51,271,342, making the total loss in our foreign exchanges last year $66,197,464.*

There has been entirely too much thoughtless boasting of our ability to gain and keep control of foreign markets for our manufactured products. In cheap labor our European manufacturing competitors still possess one advantage over our own manufacturers that should never be lost sight of, nor will they hesitate to adopt our latest and best manufacturing methods. They are now doing this and are also watching our markets like hawks. We should always be on our guard against their competition, and more particularly at a time when the home demand for some of their products has so declined that they are eager to book foreign orders at exceptionally low prices.

I am, sir, very respectfully, your obedient servant,

JAMES M. SWANK, *General Manager.*

Sham Reciprocity.

SPEECH

OF

HON. C. L. BARTLETT,

OF GEORGIA,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, April 16, 1902.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 12726) to provide for reciprocal relations with Cuba—

Mr. BARTLETT said:

Mr. CHAIRMAN: Real and not pretended reduction of the high protective tariff duties should command the support of all Democrats. A reduction of all tariff duties is the demand of the hour, but propositions which have for their purpose no real reduction in the taxes of the people of this country, and which will not result in cheapening manufactured goods and products to the consumer do not in any way meet the demands of the people, and should not commend themselves to the Democrat who is in earnest in his desire to reduce the burdens of the people. Real reciprocity and freer trade with the nations of the world that consume our vast surplus produce should be supported and encouraged by all who are opposed to the high protective tariff system. Republican shams and makeshifts should not allure Democrats from the true doctrine or inveigle them into false paths. In my judgment the pending bill does not bear any semblance to the Democratic demand for a reduction of the tariff, and in no way resembles true Democratic reciprocity and freer trade with the world. It is therefore the duty, especially of Democrats, before they rush to the support of such a measure, that we take our bearings, consult the true Democratic compass, and steer the way its needle points.

In order that we may have a clear insight into the proposition as it is now presented to the House, I shall recall the exact position and status of the bill and the proceedings up to this time. Mr. Chairman, for months the Ways and Means Committee, carrying out the recommendations contained in the message of the President communicated to Congress in December last, considered the proposition, What could be done by the United States for the alleged relief of the Cuban people, soon to assume control of their own government as a free and independent republic? Hearings were had for the purpose of determining what shape that so-called relief should take, whether free trade with the United States or a reduction of the duties on imports from Cuba into this country, consisting principally of sugar and tobacco, and what Cuba should do in return with reference to the collection of duties upon goods and products from the United States going into Cuba. From the proposition of free trade, which was said to be absolutely necessary to give the needed relief to Cuba, after long hearings on both sides the majority of the Ways and Means Committee have reported this bill.

Before that committee those claiming to represent the interests of the Cuban people never suggested that the products of the United States should be admitted into Cuba free of duty, but the only proposition that I could ascertain from the hearings that was submitted or proposed to be carried out was that the present rates of duty imposed in Cuba shall continue as against American products imported there, and that the duties shall be raised as to other countries of the world from 50 to 100 per cent, so as to give to this country a discrimination in the matter of import duties as against the balance of the world. That is, a differential or preferential duty to be placed upon our goods as against the most favored nations. So that I am authorized to consider in the discussion of the pending bill that the proposition made and that has been acted on in the consideration of the matter before the committee—and no different one has been suggested in the debate in the House—that the only effect of this bill will be to reduce the rates of the Dingley tariff law 20 per cent upon products imported into the United States from Cuba, and to leave upon the products of our people which shall be imported into Cuba the same rate that now exists in Cuba.

In other words, there will be no reduction upon American goods that are shipped to Cuba, and there will be a reduction of only 20 per cent upon Cuban products in this country until December, 1903, a reduction which does not reduce to any considerable amount—not sufficient to reduce the price of Cuban products consumed in this country to the American consumer, and which does not benefit our shippers who sell their products to the Cuban people. The bill provides, as we all understand, that upon the enactment by the Cuban government, when established, of our immigration, exclusion, and contract-labor laws, which shall be as fully restrictive of immigration as the laws of the United States, and the President shall enter into an agreement under which concessions may be secured in favor of the products and manufactures of the United States, and by which the rates of duty to be charged upon the products and manufactures of the United States, imported into Cuba, shall be 20 per cent less than the duty upon like articles when imported into Cuba from the most favored of other countries, then that the President shall proclaim such facts, and thereafter, from the date of such proclamation until December 1, 1903, the duties upon the products imported from Cuba, as now imposed, shall be 80 per cent of the rate now imposed upon like articles imported from other foreign countries, and the President is given power, whenever he shall be satisfied that such immigration, exclusion, and contract-labor laws are not being fully executed by the government of Cuba, or that such agreement as to the levying of duties is not being carried out, to restore the present tariff rates upon the products of Cuba coming into this country.

Thus, it will be observed, Congress parts with its power to enact laws and delegates that power to the President, who, in the exercise of the power, is to declare certain reductions in the tariff rates as contained in the Dingley law when, in his judgment, the conditions are complied with, and, further, that the President, and not Congress, shall determine when this proposed arrangement shall cease. Thus the President is given a roving commission to repeal and reenact law with no accountability to Congress, and the people's servants in the matter of tariff reduction and tariff reform abandon the legislative power and make the President supreme.

And this is the pretended tariff reduction and sham reciprocity that some of our friends on this side label Democratic doctrine.

During the consideration of this measure before the Committee on Ways and Means, as has been stated on the floor by the gentleman from Virginia [Mr. SWANSON], a member of that committee, and others, otherwise I would not refer to it, certain other propositions were submitted to the committee by way of amendment for the purpose of reducing the tariff rates generally, and especially to reduce the duties and rates in what are known as the iron and steel schedules, and to remove the differential or preferential duty on refined sugar. In other words, an effort was made in the committee to make this bill the means of relieving the American consumer and the great masses of tax-burdened and tax-ridden people of the United States from the unjust oppression of the high-tariff law as it now exists.

We are informed that all the Democrats on the committee voted for this proposition, and that all the Democrats and one Republican voted for the proposition to take off what is the profit of the sugar-refining trust, called the differential, and when none of these amendments could be voted onto the bill, three Democrats of that committee voted for the bill and three Democrats and one Republican voted against it. Thus, with the votes of a majority of the Republicans, consisting of all the members of the majority, except Mr. TAWNEY of Minnesota and Mr. METCALF of California, and three Democrats, namely, the gentleman from Tennessee [Mr. RICHARDSON], the gentleman from New York [Mr. MCCLELLAN], and the gentleman from Virginia [Mr. SWANSON], the bill was reported to the House in its present form by the chairman of that committee, the gentleman from New

*The Chief of the Bureau of Statistics of the Treasury Department reports that the total value of our imports of merchandise, both free and dutiable, in the first eight months of the fiscal year 1902 amounted to $593,366,077, as compared with $523,539,840 in the first eight months of the fiscal year 1901, and that the total value of our exports of domestic merchandise in the same eight months of the fiscal year 1902 amounted to $857,986,427, as compared with $898,705,337 in the first eight months of the fiscal year 1901, showing an increase in imports of $69,826,237 and a decrease in exports of $40,718,910.

York [Mr. PAYNE], who filed a report for the committee, setting forth the reasons why the bill should pass.

In that report it is naturally suggested that it is in no way intended as an effort on the part of the majority to interfere with the existing tariff laws of the United States, known as the Dingley law, or in any way to contravene the Republican doctrine of protection by high tariff, and he quotes in his report from the message of the President, which declares, not that it is our duty to reduce the tariff rates, but that we are bound by every consideration of honor and expediency to pass commercial measures in behalf of her (Cuba's) well-being. In the same report of the chairman of the Ways and Means Committee it is stated:

All the experts who were called before the committee admit that the price of sugar will not be less to the consumer on account of the 20 per cent reduction proposed. The enactment of this bill will not affect the protection of the sugar producers of the United States.

* * * * * *

Aside from the exceptional case that Cuba presents, the action of the committee is in entire accord with the reciprocity doctrine of the Republican platform and the declarations of President McKinley and President Roosevelt. It involves no proposed revision of the tariff or anything not entirely in harmony with the maintenance of the protective system.

This report, according to the RECORD, was filed in behalf of the Republican majority and two of the Democrats who voted for the bill, the gentleman from Tennessee [Mr. RICHARDSON] and the gentleman from Virginia [Mr. SWANSON], because, while every other member of the minority on that committee, except these two gentlemen, filed special minority reports, presenting their views, the gentleman from Tennessee [Mr. RICHARDSON] and the gentleman from Virginia [Mr. SWANSON] did not present their views, but contented themselves to permit the chairman of the committee to represent them, or, at least, they acquiesced in what he presented as the reasons why the bill should pass, as contained in his report. One Democrat who was in favor of the bill, the gentleman from New York [Mr. MCCLELLAN], filed his own views in a minority report, and undertook to demonstrate that from his standpoint, and from the Democratic standpoint, the bill should pass.

Every Democrat on that committee who was opposed to the bill, as it was his duty to his political associates to do, filed a report containing a statement of his views why the bill should not pass. There were three of these reports of members representing the minority on that committee, namely, the gentleman from Louisiana [Mr. ROBERTSON], the gentleman from Texas [Mr. COOPER], and the gentleman from Nevada [Mr. NEWLANDS], who were not content that the Republican leader of the House should speak for them and present their views to their Democratic associates and to the country; but they made their own report upon this bill, giving their own reasons why they voted against it and why it should not pass. This, then, is the status: It is a Republican measure, suggested by a Republican President as an Administration proposition, adopted and approved by a Republican caucus, passed by the votes of the Republican majority of the committee, reported from that committee in a report made by the Republican chairman, and either assented to or acquiesced in by those Democrats who did not see fit to express and report their views to the House. Of the three Democrats who voted for the bill in the committee the gentleman from New York [Mr. MCCLELLAN] filed his own views, declaring, amongst other things, that it was in accord with his views of the Democratic doctrine of reciprocity, while the gentleman from Tennessee [Mr. RICHARDSON] and the gentleman from Virginia [Mr. SWANSON] filed no views and made no report, but were content, as I have said, to accept the views for their position on the bill as enunciated by the Republican leader of the House. [Applause.]

Now, if I have stated the position of any gentleman on that committee incorrectly, if I have stated the facts incorrectly, I will gladly make the correction here and now, and I pause for a reply. I have no personal feeling in any way in this matter. My conservatism is such and my liberality great enough to respect the views of everyone upon any subject, but when it is asserted in argument on the floor of this House or elsewhere that those of us who are not blindly in favor of this bill because it pretends to reduce the tariff duties, and when some of us are attacked for not voting for it and it is asserted that we are not remaining true to the Democratic doctrine of tariff reform, I must call attention to the fact that it should not be expected that Democrats shall be furnished with arguments why they should support a bill conceived solely by Republican minds, framed solely by Republican hands, and concocted in the brain of Republican leaders of this House, and the outgrowth of a Republican caucus, and which has all along been sought to be passed by the Republican votes, so that Republicans can declare it to be, what it really is, a Republican Administration measure.

Now, if the gentleman from Tennessee [Mr. RICHARDSON] and the gentleman from Virginia [Mr. SWANSON] did not agree with the views of the Republican leader, who declares in his report that this bill is no departure in the slightest from the well-known and established Republican doctrine of tariff protection, who denies that it even takes down one little brick from the top of the tariff wall, that it does not make the least indentation in the great tariff fabric that obstructs the operation of our trade and commerce, I respectfully maintain that it was their duty to present views dissenting from his report to this House and the country, and to assault that Republican doctrine, against which every Democrat in my section of the country who is true to his party teachings, and against which the Democrats of this whole land, whenever they have an opportunity, assert their opposition and make their earnest protest. For myself, whenever a proposition is offered which is in full accord with the theory of the Republican party as to the tariff—a doctrine which the Democratic masses everywhere, not only the Democratic masses, but the tax-burdened masses of the people, manufacturers as well as consumers, are demanding that if the Republicans will not cure the outrages of such tariff laws the Republicans should be defeated—I shall be found opposing such doctrines and principles, no matter what bill they find place in.

Yet the distinguished leader of the minority, the gentleman from Tennessee [Mr. RICHARDSON], and the gentleman from Virginia [Mr. SWANSON], as I have stated, content themselves, so far as separate views are concerned, with at least in acquiescing in the views and reasons presented by the majority leader. When this debate is ended, when this bill has been passed or defeated, when this sham reciprocity shall be proven—as it will be, in my judgment—to be a failure, when it shall have lived its short life of one year, where in the archives of this House, in the document room or elsewhere, save in the speeches made upon this floor by them, when all parties shall have passed from the stage of action, where will be found a suggestion from the gentleman from Tennessee [Mr. RICHARDSON] and the gentleman from Virginia [Mr. SWANSON] that the Republican leader of the majority did not correctly present their views upon this bill? We know that both of these gentlemen are in favor of taking off of refined sugar the differential duty, and yet in no report or document is it suggested by either of them to this House, to their colleagues on the minority side, or to the country, that they will present such a proposition and ask that it be voted for. Ah, gentlemen, your colleagues upon that committee are not satisfied thus to rest. The gentleman from New York [Mr. MCCLELLAN], earnest as he is in the advocacy of this bill, earnest as he is in striving for a reduction of the duties on Cuban products even to 50 per cent or lower until trade shall become free, earnest as he is in the assertion that he is in accord with the Jeffersonian doctrine of Democracy, earnest as he is in his assaults on the sugar trust, he presents his own views. Where are yours? I pause for a reply.

Gentlemen, you have acquiesced in the report of the leader of the majority; you have not, at least, protested to this side of the House, to the world, and to the party that you are not in favor of those views. Therefore, when you ask me, even though you be the accepted, honored, and able leaders on this side—and I do not mean to say anything in the least offensive—but when you ask me to cross the aisle from the old Democracy of Jefferson, stack my arms, stop the fight, shake hands with the Republicans on that side, and proclaim that I do not intend by this measure either to reduce the price of sugar to the consumer or to make a solitary assault, an impression, upon the tariff wall, then you have no right to declare that to oppose it is un-Democratic, when I find that you have joined hands with the great Republican leaders of this House.

My Democracy is equal to yours. Against Republican measures I shall stand to my guns, shotted to the muzzles, and fight Republican propositions no matter where they come from. But they say we voted for a further reduction in the committee; we will vote for it in the House. We wanted to reduce it as low as 50 per cent; we wanted to reduce the tariff on all articles and we could not get it; we are in favor of free sugar from Cuba and free trade with all the world, but this Republican mountain would not come to the Democratic Mahomet, and therefore the Democratic Mahomet went to the Republican mountain. Gentlemen, you may go to the Republican mountain; when you command it to come to you it will not; but, for one, while I differ from many of my colleagues on this side, and especially the distinguished leader of the minority and my friend from Virginia, and some of my own colleagues from Georgia, when you go to the Republican mountain you will not carry this Democrat with you.

Mr. RICHARDSON of Tennessee. Will my colleague from Georgia permit me to interrupt him?

Mr. BARTLETT. Most surely.

Mr. RICHARDSON of Tennessee. I understand the gentleman from Georgia made his criticism of me because——

Mr. BARTLETT. I am not criticising the gentleman. I am stating the facts. If you think it is any criticism, I assure you that it is not.

Mr. RICHARDSON of Tennessee. I do not object; I am open

to criticism; but the gentleman, as I understand, criticises me because I did not file some views on this bill, and he assumes, because I vote for the passage of this bill, that I agree with all the reasons given by the gentleman from New York, who reported the bill and submitted a report. I do not think that is a proper conclusion, for this reason: A report is simply an argument; and if the gentleman from New York sets out his reasons in his report, because I agree to the conclusions, you can not assume that I agree with the reasons that he states for his coming to those conclusions any more than the gentleman might agree with the gentleman from Minnesota [Mr. TAWNEY] in opposing the bill, and vote against it, that he indorses the reasons which lead the gentleman from Minnesota to vote against it.

Mr. BARTLETT. Not at all, Mr. Chairman. It is not very difficult to show the difference. I am not on the greatest committee in the House. I am not the authorized leader of the minority. The members on this side and the Democrats of the country do not look to me as a member of the Ways and Means Committee to assert the Democratic doctrine in a report on this bill. We in the House sat here for ten days, after the filing of this report by the chairman of the Ways and Means Committee, and waited anxiously to see what these two gentlemen on the committee would say. We wanted them to tell us how it was that they support this measure. The gentlemen, until this very minute, or until yesterday, were as dumb as oysters, as uncommunicative as the sphynx of old as to why they support this bill. I tell you, gentlemen, that when you desire that a Democrat shall vote for a Republican measure—and as I shall show if I have time before I take my seat—a measure which no Democrat in this Congress should support and for which in no other Congress have Democrats voted for, you must give the reasons, and they must not be the reasons advanced by Republican leaders.

Mr. THAYER. Mr. Chairman, will the gentleman yield to me for a question?

Mr. BARTLETT. I can not yield to the gentleman; I have not time. I assure the gentleman that I mean no discourtesy to him. As I was saying, if these gentlemen desire us to vote for a proposition which is similar to the one offered as an amendment to the McKinley bill, and for which no Democratic Senator or Representative voted then; if you want me now to change my views as to this pretended reciprocity, which is a fraud and a sham; if you want me to go back on the doctrine that the Democrats indorsed in 1892; if you want me to repudiate the principles as contained in the great Democratic tariff act of 1846, then, my friends, my Democratic leaders on the Ways and Means Committee, you must give me your reasons. When you ask me to follow the lead of the gentleman from New York [Mr. PAYNE], who has grown gray, honored, and distinguished in the service of the protected interests and combinations—and I say this without any intention to be disrespectful—when you ask me to follow the gentleman from New York, who stands here as a champion of the protected interests and monopolies of the country; when you ask me to follow the lead of that ideal champion from Pennsylvania [Mr. DALZELL] of the protected-tariff interests; when you want me to follow them on tariff legislation, I beg you in the name and memory of the great Democratic heroes in the battles for tariff reform that have been fought—those great Democrats who stood like a solid phalanx, as immovable as a stone wall, against the assaults made in this country by the champions of this sort of sham reciprocity, I beg you, my friends, when you ask me to follow the trumpet blast and answer to the bugle call of my friend from New York and my friend from Pennsylvania, give the party your reasons, that the world may know where we stand. [Applause on the Democratic side.] I do not ask you to give the reasons to me, for I am an insignificant part of the Democratic party.

I am one of those old-fashioned Democrats that believe in the old-fashioned doctrine that tariff taxes should be so laid that after raising the necessary revenue the man that consumes a manufactured article should be able to buy as cheap as possible, and when we reduce tariff it should be done in such a way that the consumer of the article upon which the tariff is reduced shall be benefited. The man in his cabin who drives a bobtail mule and makes one bale of cotton has the right to demand that he can buy his sugar as cheap for his wife and children just as much as those who live in palaces in the cities, and much more so than the Cuban or the sugar trust has to demand legislation in their favor; and when you assure me that by this bill the price to the consumer will not be lessened, I do not enthuse for its support. I think I shall demonstrate, if I have the time, that the ten million reduction on sugar will not go for the benefit of the consumer. According to the testimony of these men who appeared before the committee, 30 per cent of it will probably go to the Cuban planter—I think I state the evidence correctly, and if I do not, I will ask to be corrected—that nothing beyond 30 per cent will go to the planter, and that 70 per cent of it will be poured into the already bursting coffers of that most oppressive and gigantic and impudent corporation known as the American Sugar Refining Company, or better known as the American sugar trust, and the people will have no benefit from it.

I shall put into my remarks the testimony of this president of the sugar refining company, who, before the Industrial Commission, declared that so far as the people are concerned, so far as those who compete with him were concerned, it is no business of his or his corporation, but that they simply put a turn of the wheel, reduced the price of sugar, crushed the competitor, and when that was done took it out of the pockets of the consumer by adding to the price.

Why, sir, I state a proposition which will commend itself to this House as undeniable when I say that the sugar trust will get the benefit of this reduction. To substantiate this proposition, I have only to recall the statement I have here, susceptible of absolute proof, that within the last few weeks, since this agitation began, the daily quotations of this stock in the market have advanced 25 per cent; so that the mere suggestion that you take off 50 per cent or 20 per cent of this duty has poured into the coffers of this great corporation nearly $13,000,000.

This is a corporation that started with a capital of $6,000,000. Subsequently it increased it to $45,000,000, then it added $50,000,000, making $95,000,000. This corporation pays enormous dividends upon a pretended capital of $95,000,000. They are the men I am after. This corporation, in combination with the steel trust, and the iron trust, and the copper trust, and the lead trust, and the coal trust, and the paper trust, and the ice trust, and the leather trust, and the tin trust, and those other unholy combinations, make up what they call "the modern jabberwock." This corporation, the sugar trust, is, in fact, the chief power of this modern "jabberwock."

It is these combinations that I am after, and it is they that the whole Democratic party ought to be after. These are the men that the Republicans will not vote to strike.

Now, I have here evidence from the report of the committee which these gentlemen have not dissented from, and acquiescence gives consent in the court of law as in the court of love. On last Tuesday I asked the gentleman from New York [Mr. PAYNE] a question which he answered frankly, as I knew he would do. He said:

> All the experts who were called before the committee admit that the price of sugar to the consumer will not be less on account of the 20 per cent reduction.

When you summon me to follow the banner that is held by Republican hands, that has not even the pretended 20 per cent of Democracy in it, then I hesitate; I must question it and I must know what it is before I obey. Like Hamlet's ghost, it comes in such a questionable shape that I will speak to it. I must know the reasons why tariff reform and honest taxation, which, in 1896, we saw throttled by Republican votes, hearsed, and buried, has burst its cerements, and why it now stalks abroad as a ghost, while some of my friends on this side quake and their teeth almost chatter in fright at the apparition. No proposition like this, coming from a Republican source, inaugurated by a Republican President, born in a Republican caucus, its members lashed and whipped into line to support it, if the press accounts be true, by the party whip and power of patronage, can have my support. For one, I must have some better reason than the gentleman from New York gives in his report.

Does the gentleman from Tennessee or the gentleman from Virginia deny that proposition? If those gentleman wanted the united support, the almost unanimous support, of the Democrats on this floor, why did they not deny that proposition? Do they deny it now?

Amend this bill so it will benefit the American consumer, reduce the price of sugar to the masses, and no man will more cheerfully indorse it than I.

Where does the reduction go? According to all the testimony, 30 per cent or less goes to the Cubans, and 70 per cent to the American refiner—this modern "jabberwock," who produces and sells at least nine-tenths of all the sugar sold in the United States.

Here you ask me to vote, not to help the man who buys sugar in my State or in any part of this great country, not to help the toiling millions down in my section, men who do not get, as the Cuban laborer does, $23 a month and his maintenance, but to vote to take off the tariff and give it to the sugar trust. If you want to help the little farmer or the big one—if you want to help the poor colored laborer who raises our cotton and our corn—you are not proposing the proper way to do it. They are entitled to a little of this Cuban "reciprocity," if you call it such; but that is a sham.

Mr. Chairman, I belong to that class of Democrats who believe in real tariff reform, a reduction of the high and exorbitant protective rates of the Republican tariff scheme all along the line to a revenue basis that will collect by means of import duties on foreign goods sufficient revenue to pay the expenses of the Government

when economically administered. I am unalterably opposed to any system of tariff taxation which has in view any other purpose than to raise the necessary revenue, or any system which fosters one branch of industry to the detriment of another, or cherishes the interests of one portion to the injury of another portion of our common country. From the time that the first Democratic platform was written and adopted down to the last Presidential campaign these principles on the subject of the tariff have been stated and reiterated; and the abuses of the Republican tariff law, which have been known as "protective tariff legislation," have been continually denounced in every Democratic platform.

The Republican tariff confers special favors and privileges to a few, robs the masses to pay tribute to the classes, are trust-breeding measures, giving to the few favors they do not deserve, and placing upon the many burdens they should not bear. Under the Republican tariff great trusts and monopolies have grown up and flourished. These monopolies are indefensible and intolerable; they destroy competition, destroy the prices of raw materials, of the finished product, and thus rob both producer and consumer. Ever before the Republican party has paltered with the trust evil, and their laws passed to carry out their system of tariff have fostered the trusts.

In addition to these evils, the high protective tariff laws of the Republican party have restricted trade and deprived American producers of the great staples access to the natural markets of the world. This policy has continued so long that even Republicans who have heretofore been in favor of erecting high tariff walls to defeat competition in our markets have been compelled, after supplying the American market, to seek a foreign market to sell their products, and have thus presented the remarkable spectacle of selling to the foreign consumer American manufactured goods at a cheaper price than to the domestic consumer, until recently manufacturers, boards of trade, and farmers, alike, have declared that we need no protective tariff on our products, and that they would either remove the prohibitive tariff or so modify it as to permit us to have larger fields for our trade.

In answer to this general demand for tariff reform, the Republican President in his message to Congress at the opening of this session, endeavored to answer that demand by suggesting what he calls "reciprocity," and the kind of reciprocity that he suggests is not freer trade with the great nations of the world which consume our products, but that reciprocity which he declares to be the result of protection, and which must be treated as its handmaiden. After much labor, after many caucuses, after many interviews and consultations with the Chief Executive and the Republican leaders on this floor, as a result we have this bill in reference to Cuba, and we are told that we Democrats must vote for it because it reduces the tariff. The Republican mountain has labored and brought forth a ridiculous mouse. It has no more appearance or semblance to true tariff reform upon Democratic principles than the Republican platform of 1892, which indorsed the McKinley bill and the sham reciprocity which it contained, which President Harrison claimed he undertook to carry out, had to and with the great principles of Democracy on the tariff that were contained in the Democratic platform of 1892, and upon which the Democracy went to the country and was successful in the election of its candidate for President, and the election of a Democratic Congress.

As representing the true sentiment of the people of the United States on the subject of tariff reduction, I call attention to the following replies made to the inquiries of the American Machinist sent to the most prominent manufacturers of machine tools in this country, employing 22,636 men and a capital of $35,000,000. The American Machinist submitted letters to these manufacturers in which were contained, among other inquiries, these:

1. Do you need a protective tariff in your own particular trade?
2. Do you think the present high tariff has a tendency to retard foreign trade?

Summing up the result of its investigations, the Machinist says:

Of the 58 replies 38 unqualifiedly indorse the passages regarding the necessity of reciprocity treaties taken from President McKinley's last address at Buffalo, 7 indorse them qualifiedly, and none disapprove of them; 34 declare they need no tariff on their own products, and 2 say they do need it; 42 would do away with or modify the present tariff on machine tools, while 3 say they would let it alone; 38 say that it does restrict our foreign trade in machinery, 4 think it does not; 24 express the opinion that foreign workmen produce no more per wage unit than is produced by American workmen, 4 declare that the American workman produces more per wage unit, and 1 that the foreign workman produces most; 24 think that free raw materials would help foreign trade, 7 think they would not.

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The Congressman or official of any kind that thinks he can afford to disregard the spirit that is behind these letters and that has inspired them is sadly mistaken. These letters do not represent campaign froth, but the deliberately and firmly fixed convictions of men of ideas and of great influence in the communities in which they live, and whom not to heed in a matter of this kind is to disregard the plainly spoken sentiments of the best informed business men in this country.

EDITOR AMERICAN MACHINIST.

NEW YORK.

I now quote from a few of these letters:

The Adams Company, Dubuque, Iowa, write:

"Do you need a protective tariff in your own particular trade?—No.

"Do you think the present high tariff has a tendency to retard foreign trade?—Yes."

G. P. Altemberg, of Cincinnati, Ohio, representative of the Fay-Eagan Company, large builders of woodworking machinery, says:

* * * "While times are still prosperous America should turn her attention to a rearrangement of her tariff and enter on broad and liberal lines into reciprocal trade relations with her foreign customers." * * *

Capt. E. P. Reichheim, replying for the American Gas Furnace Company, New York, large manufacturers of gas furnaces for industrial purposes: says:

* * * * * * *

"But any industry developed to a point where it successfully competes with the whole world while paying American wages to American workmen should at once be declared master of the art and its product placed on the free list. If this is not done, protection becomes a fraud upon the whole people, a false pretense and a means of making the people pay arbitrary prices, regardless of intrinsic value, which are imposed by the makers of goods who combine and fix prices anywhere up to the limit where foreign competition can pay duty and still compete. This we know as a matter of fact to be the case at the present time in many industries, and their claim to protection now has become an evil which in the common interest should be removed.

"A surplus derived from taxation I consider nothing else than a national scandal. Therefore taxes should be reduced. First of all, the internal-revenue taxes imposed for defraying the expenses of the late war. Then take down the tariff wall on steel and iron, because this 'infant industry' has grown to full manhood, and is in fact a monster and a prodigy. If some branches of this industry are still in need of soothing sirup or any other artificial stimulus, let them prove their needs before a tariff commission, and give them whatever protection they still may need if they make an honest statement of the facts, and do not ask it merely to enable them to form trusts and combinations with the power of taxing the whole people, in place of having the taxing done by the Government."

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John J. Grant, writing for the Grant Tool Company, manufacturers of machine tools, steel balls, etc., Franklin, Pa., says:

"We do not believe we need a protective tariff in the manufacture of machine tools. The writer's long experience over there in selling tools abroad leads him to believe we can and do undersell a fairly made machine tool that is made in any foreign country. * * * We certainly ourselves would not care a rap if the tariff was taken off at once."

W. L. Saunders, writing for the Ingersoll-Sergeant Drill Company, manufacturers of air compressors, rock drills, coal cutters, stone-channeling machines, etc., 26 Cortlandt street, New York, says:

"What we want is markets, not protection. We build by machinery, and our productive capacity is so great that the world's market is needed to maintain its stability. It is better to provide markets for our surplus than to curtail our product and discharge our workmen."

"At one time in the Carnegie works 800 men were employed in a department that produced 1,200 tons of steel. By the use of improved machinery 1,500 tons were produced by 65 men. According to Labor Commissioner Wright, an American farm hand raises as much grain as 3 in England, 4 in France, and 5 in Germany. A protective tariff does not benefit the mining-machinery trade. Few in this business know what the duties are on our products, and if they were taken off entirely no harm could result, because American-made mining machinery is better and cheaper than any other. The tariff acts only to increase the cost of our product by increasing the cost of raw materials. It puts an obstacle in our way when we go out to develop foreign business, as we are met by retaliatory duties, by criticism of our prices, which we are told are upheld by high-tariff laws and by the stigma of unpopularity which follows the product of a country which maintains the bars of protection against its neighbors and at the same time seeks business abroad.

"Protection is not a shibboleth—not a religion."

These extracts are but samples, but they demonstrate the sentiment of the people, which has been aroused against the protective system, and which will eventually find utterance in a demand for a general reduction of high tariff duties which must be heeded. I favor a reduction of the tariff because it enables the American consumer to buy at a cheaper price, and it enables the American producer to sell in the best markets. Whenever I shall have an opportunity to vote for a measure to reduce the tariff in such a way that it will reduce the prices of articles of consumption or manufacture that the great masses of the people use and consume, I shall cheerfully support such a measure, but I can not be deluded from my devotion to the Democratic principles in opposition to the protective tariff by such a Republican reciprocity sham as this bill is.

I may not be an old political bird, but I am too old to be caught with such chaff. What the great masses of this country want is freer and more extended trade and trade interchange with the great nations of the world that consume our surplus products. We want enlarged foreign markets with the richest countries of the world, that stand ready to take our surplus products and to exchange therefor commodities which are necessaries and comforts among our own people; and that demand of the masses is not met in the least by this bill, because it simply pretends to establish closer relations with a small island with less than a million and a half people, and whose articles of export are almost exclusively agricultural products, and this is only to last twelve months.

Indeed, the scheme will very nearly die a-borning. Trade interchange on the basis of reciprocal advantages to the countries participating is a time-honored Democratic doctrine, but the demand for that kind of Democratic reciprocity is not met in any particular by this bill. It is simply a Republican Administration bill; it comes first suggested in the message of a Republican President; it was formulated and matured in a Republican conference, and they are now endeavoring to whip all Republicans into line to

support it, because it is a party measure and because the Republican party, now in power, hope to delude the people and by so small a concession to silence them, even for a short time, in their demand for a genuine tariff reduction.

After the famous speech made by the late lamented President at Buffalo the country looked upon the convening of this Congress as an event which would be the beginning of genuine tariff reduction, for that great apostle of tariff protection, who was so prompt to catch the wishes of the people and to heed them, declared:

> What we produce beyond our domestic consumption must have a vent abroad. The excess must be relieved through a foreign outlet, and we should sell everywhere we can and buy wherever the buying will enlarge our sales and production, and thereby make a greater demand for home labor.

And the American people regarded that as an indication, yea, as a promise, that this Congress would take up the question of tariff reduction. This bill does not carry out any line suggested in that famous address, but it is simply an undertaking to further deceive the people on this subject by keeping the promise to the ear and breaking it to the hope. I propose to demonstrate, if I can, that this bill bears no resemblance to either the Democratic doctrine of tariff reduction or Democratic reciprocity.

As everyone understands, this bill relates solely to our trade with Cuba. That trade was, in 1900, imports into the United States, $31,371,704, and exports from the United States to Cuba, $26,513,400. The imports into this country from Cuba are principally raw sugar and tobacco; the others are so inconsiderable as to scarcely deserve mention. The tariff wall is to remain intact to all the balance of the world. The great European markets, where our people might buy and sell to advantage, are to remain as they are. The great nations of the world, with their teeming millions of people, anxious to buy from and sell to us, are still to be subject to the high tariff rates imposed by the Dingley bill, and the present demand for tariff reduction is to be met by this bill, which proposes to reduce the rates in the manner provided in this bill: A homeopathic dose of 20 per cent for one year.

When we reflect that the tariff is to be reduced mainly upon raw sugar, and that no one is to be deceived by the suggestion that all the others products of Cuba are to come in also under the 20 per cent reduction, we are driven to the conclusion that this arrangement is made for the purpose and that the result will be a reduction upon those two articles, the manufacture of which into the finished product is controlled by the most arrogant and oppressive trust in our country. The objections of the beet-sugar manufacturers that they are entitled to the protection of the present duty on raw sugar provided by the Dingley bill and promised to be continued in the Republican platforms of 1896 and 1900 do not appeal to me.

I did not vote for the Dingley bill; I did all that was in my power to defeat it, and I would never levy by tariff any duty on raw sugar that was not necessary to aid in raising revenues for the Government and to administer it economically, and I have always been opposed, and am still opposed, and propose now and here, if I have the opportunity, to destroy that portion of the sugar schedule which gives to the sugar-refining interests the benefit of the protection which is known as the differential. In other words, if I had it in my power I would reenact to-day the provisions of the famous Walker tariff of 1846, which, by the way, was the only genuine, real, unadulterated Democratic tariff law that was ever enacted in this country, and which simply provided the same ad valorem duties upon sugars of all kinds and gave no benefit or protection to the manufacturer of refined sugar over the producer of the raw.

The Democratic party in Congress and in national convention has had to meet and deal with this question of Republican sham reciprocity, and to their credit be it said it never frightened them, they have never fled from it, and they have never joined hands with the Republicans in endeavoring to put it upon the country, but they denounced it as a sham. They voted against it in the Senate and in the House; they met the proposition squarely in the Chicago convention of 1892; they distinctly declared against it and denounced it; they went before the people in the Presidential and Congressional campaigns of that year; they opposed it on every stump in every State of the Union, and when the battle was over, after a fearless fight made for tariff reform and against sham reciprocity, the McKinley bill, with all its high schedule, with its provisions for free sugar, hides, coffee, and tea, its provisions for reciprocal trade relations with the South American republics, lay buried beneath an overwhelming majority of the ballots of the majority of the people.

I prefer to take my views of Democratic reciprocity from those leaders in Congress in 1892 and from the enunciated platform of the Democratic party than to take them now from a Republican President and the Republican leaders on this floor, who have grown gray in the service of the Republican party and in fighting the battles of the protected manufacturing interests. I prefer to draw my inspiration on the subject of the tariff from Colquitt and Crisp, Turner, Vance, VEST, Walthall, and George, from Turpie and Voorhees, from MORGAN and Pugh, from Barber and DANIEL, from Carlisle and Coke and Reagan, and all the great leaders of Democracy in the Fifty-first Congress, than from McKinley and Dingley and from PAYNE and DALZELL, and I prefer to walk in the path and the way on this subject that they blazed out for us in 1890 than to ground my arms and lower the banner of Democracy and join the Republican ranks and shout hosannas for the triumphs of Republican sham reciprocity.

It will serve well the Democratic minority on the floor to bear in mind the ancient proverb, "Fear the Greeks when they bear gifts," and when the Republican Administration and the Republican leaders bring forward that which they claim to be in line with Democratic doctrine and principle and offer it to us it is the part of wisdom to scan it closely—yea, to fear them. It comes in such questionable shape that I for one propose to speak to it to know what it is before I can give it my vote.

Recurring to the proposition that this is not a Democratic measure, nor in line with Democratic principles, I desire to recall briefly some history of high-tariff legislation, and when I do so I think I shall demonstrate clearly that instead of being a Democratic doctrine of tariff reform or Democratic doctrine of reciprocity this proposed bill is but in line with the Republican doctrine of sham reciprocity.

THE REPUBLICAN DOCTRINE OF RECIPROCITY.

When the McKinley bill, with its provision for free sugar, coffee, tea, and hides, passed the House it contained nothing looking to any reciprocal trade relations with any nation.

Mr. Blaine, then Secretary of State, made a furious attack upon it. He contended that while the bill raised the duty on manufactured goods that the farmer consumed, it did not open a market for another bushel of wheat or another barrel of pork, and he further said that "free sugar would not sweeten the pill." He insisted that there should be legislation by which free sugar in the United States could be accompanied by free breadstuffs and provisions in Spanish America.

Congress did not accept Mr. Blaine's proposition. It provided for free sugar, but by the third section of that act it gave the President the right, under certain circumstances, whenever in his opinion the tariff laws of any country producing and exporting the articles which had been made free were reciprocally unequal and unreasonable, to impose the tax provided for in that act.

In pursuance of his views the then Secretary of State submitted an amendment, in a letter to Senator HALE, of Maine, which was as follows:

> And the President of the United States is hereby authorized, without further legislation, to declare the ports of the United States free and open to all the products of any nation of the American Hemisphere, upon which no export duties are imposed, whenever and so long as such nation shall admit to its ports, free of all national, provincial (state), municipal, and other taxes, flour, corn meal, and other breadstuffs, preserved meats, fish, vegetables and fruits, cotton-seed oil, rice, and other provisions, including all articles of food, lumber, furniture, and all other articles of wood, agricultural implements and machinery, mining and mechanical machinery, structural steel and iron, steel rails, locomotives, railway cars and supplies, street cars, refined petroleum, or such products of the United States as may be agreed upon.

Mr. Blaine had completely failed to get a reciprocity provision grafted on the McKinley tariff bill while it was in the hands of the House committee, and on July 11, 1890, he wrote Senator FRYE a letter which contained the following:

> The charge against the protective policy which has injured it most is that its benefits go wholly to the manufacturer and the capitalist and not to the farmer. * * * Here is an opportunity for a Republican Congress to open the markets of 40,000,000 people to the products of the American farmers. I do not doubt that in many respects the tariff bill pending in the Senate is a just measure and that most of its provisions are in accordance with the wise policy of protection; but there is not a section or a line in the entire bill that will open a market for another bushel of wheat or another barrel of pork.

And he added most impressively:

> Our foreign market for breadstuffs grows narrower. Great Britain is exerting every nerve to secure her bread supplies from India, and the rapid expansion of the wheat area in Russia gives us a powerful competitor in the markets of Europe.

This proposed amendment of Mr. Blaine's was not put upon the McKinley bill, but the following amendment, which was proposed by Senator ALDRICH, was added and was finally passed by the conference report submitted to the two Houses, adopted, and became a part of the McKinley law:

> That [the exemptions from duty of sugar, molasses, coffee, tea, and hides provided for in this act are made] with a view to secure reciprocal trade with countries producing these articles; and for this purpose, on and after the 1st day of July, 1891, whenever and so often as the President shall be satisfied that the government of any country producing and exporting sugars, molasses, coffee, tea, and hides, raw and uncured, or any of such articles, imposes duties or other exactions upon the agricultural or other products of the United States, which in view of the free introduction of such sugar, molasses, coffee, tea, and hides into the United States he may deem to be reciprocally unequal and unjust, he shall have the power, and it shall be his duty, to suspend, by proclamation to that effectsthe provisions of this act

relating to the free introduction of such sugar, molasses, coffee, tea, and hides, the production of such country, for such time as he shall deem just, and in such case and during such suspension duties shall be levied and collected and paid upon sugar, molasses, coffee, tea, and hides, the product of or exported from such designated country.

Upon this amendment in the Senate there was a vote, and the Republican Senators, except Senators Edmunds and Evarts, voted for it and the Democratic Senators voted against it. Those Democratic Senators were:

Barbour,	Colquitt,	Gorman,	Pugh,
Bate,	Daniel,	Gray,	Ransom,
Berry,	Edmunds,	Harris,	Reagan,
Butler,	Eustis,	Jones, Ark.	Vance,
Carlisle,	Evarts,	Kenna,	Vest,
Cockrell,	Faulkner,	Morgan,	Walthall,
Coke,	Gibson,	Pasco,	Wilson, Md.

(Page 9909, September 9, 1890, 51st Cong., 1st sess., vol. 21, No. 10, serial No. 111, CONGRESSIONAL RECORD.)

The other Democratic Senators were paired against it.

The third section of the McKinley act provided that, with the view of securing reciprocal trade relations with countries producing the following articles, and for this purpose, etc., and an examination of the present bill will demonstrate that it proposes to enact the same kind of reciprocity for Cuba alone that the third section of the McKinley law declared should be proposed and carried out for those countries exporting sugar, molasses, coffee, tea, and hides. So that the reciprocity provisions of the McKinley bill and the reciprocity proposed in this bill is a purely Republican reciprocity. I specially call attention to the following:

[Extract from speech delivered by Hon. Henry G. Turner, of Georgia, in the House of Representatives, September 27, 1890. Volume 113, CONGRESSIONAL RECORD, Fifty-first Congress, first session, p. 10587.]

My honorable friend from Ohio [Mr. McKinley] says that it is to be hoped that some beneficent results will follow from the inauguration of the reciprocity proposed in this bill. I would like to know whether my friend is very sanguine about it. [A pause.] The gentleman does not answer. My opinion is that it is brutum fulmen so far as any result to the country is concerned in the way of freeing our traffic abroad. But I object to this reciprocity, because it inaugurates a principle in our Government that is contrary to the Constitution. This bill proposes to invest the President of the United States with power to enact law, not simply to execute it.

It gives him power when he thinks that those countries with which he desires reciprocal trade relations have been unfair to us—when he thinks that they have not offered commerce reciprocally fair, he is to put certain rates prescribed in the bill on sugar, on hides, on coffee, and on tea. Now, Mr. Speaker, I am opposed to giving the President any such power—in the first place, because the Constitution devolves that duty upon Congress; in the next place, because Congress is nearly always in session and can attend to its own business, and in the last place, I am opposed to this reciprocity because, while the bill is itself a universal boycott against other nations, it proposes to give to the President a roving commission of marque and reprisal and to make him a buccaneer among our neighbors.

Thus stood the Republican law of reciprocity when the Democratic convention met in Chicago on June 28, 1892, and declared in its platform that—

Trade interchange on the basis of reciprocal duties to the countries participating is a time-honored doctrine of the Democratic faith, but we denounce the sham reciprocity which juggles with the people's desire for enlarged foreign markets and freer exchanges by pretending to establish closer trade relations for a country whose articles of export are almost exclusively agricultural products with other countries that are also agricultural, while erecting a custom-house barrier or prohibitory tariff taxes against the richest countries in the world that stand ready to take our entire surplus of products, and to exchange therefor commodities which are necessaries and comforts of life among our own people.

In the following campaign, which resulted in the election of the Democratic candidate for President and the return of a Democratic House, from every stump the Republican reciprocity sham was denounced by Democratic orators. It was said of it in the Democratic campaign book, issued for that campaign—

That the system of reciprocity to which the Republicans are now pointing with pride was begotten two years ago in fraud, was conceived in dissimulation, was born in falsehood, and is now wrapped in the juggled figures of systematic misrepresentation.

How true was this declaration of the Democratic party on the subject of Republican sham reciprocity is well established by the results which followed. The pretense was hailed with delight by the farmers of the West so much so that many of them formed themselves into organizations known as "Knights of Reciprocity," but they soon learned that it was a deception, and to our farmers a mere mirage on the vast desert of the Republican protective tariff system—Dead Sea fruit that turned to ashes on their lips; for, instead of buying of our products that she did not need, Brazil sent the money to Europe and bought cheap manufactured goods that she did need; for soon after the agreement had been made, because the agreement provided for in the third section of the McKinley bill was made with Brazil, and when it had been in operation for nine months, from April 1 to December 31, after full notice of it was given by the President that such reciprocal arrangement had been made, we find that our exports were, total domestic, in 1891, $7,063,223; during the same period in the year 1890 the same exports amounted to $10,071,871.

The agricultural exports for 1891 amounted to $4,682,546, and for the prior year, 1890, the same exports amounted to $5,208,001; so that there was an actual falling off of agricultural products exported from our country of $521,000, and Brazil sold to us $79,283,344, her exports increasing largely under the provision for free trade in hides, sugar, coffee, and tea, and her imports decreased. They took advantage of our free reciprocal rates to her to sell to us, in competition with our own farmers, this enormous amount of her own products, but they found it more convenient, cheaper and more profitable to buy what they needed from Europe.

Under the provisions of the third section of the McKinley Act of 1890, to carry out the reciprocity therein proposed, arrangements were made with Brazil, the Dominican Republic, Salvador, Guatemala, Austria-Hungary, Spain (as to Cuba and Porto Rico), the German Empire, Nicaragua, Great Britain (as to British Guiana and West India Islands), for the free entry, or at a reduced rate of duty, of certain articles from the United States, in consideration of the free admission of the articles mentioned, namely, sugar, molasses, coffee, tea, and hides, or any of such articles, in the United States.

It may be of interest to know what the Democracy of the great State of New York thinks of this kind of reciprocity. After the passage of the McKinley bill, which, as I have stated, had incorporated in it a section providing for free sugar, hides, tea, and coffee, and proposing to do for the South American Republics what this bill proposes to do for Cuba alone, the New York Democrats met in convention, in January, 1891, and they denounced the McKinley Act as worse than a war tariff and the Blaine reciprocity humbug. Mr. Blaine's reciprocity contemplated more than was put in the McKinley tariff bill, and yet I apprehend if the Blaine proposition which I have quoted were offered to this House now those of the Democrats who feel bound to vote for this bill and to advocate it would not rush to the support of that, and yet that same proposition, which was broader than the one contained in this bill and which proposed to open the markets of the South American Republics, or rather authorized the President to enter into reciprocal relations with them, was denounced by the New York Democracy, and Hon. David B. Hill, then its governor and afterwards its Senator, declared the issues for 1892 to be opposition to the Blaine reciprocity humbug.

And so this doctrine of Republican sham reciprocity was dealt with in the Democratic platform of 1892 and went into the Republican platform of that year. Here we have a true exposition of the difference between Democratic and Republican reciprocity—the Democratic platform demanding trade interchange on the basis of reciprocal advantages with those countries of the world which stand ready to take our surplus products and to exchange therefor commodities which are necessaries and comforts of life among our own people, and the Republican sham reciprocity being a pretext for that, and simply permitting the President to establish trade relations with certain countries that produce certain named articles, confining the trade of our people to particular localities and smaller countries and those that have smaller populations and fewer wants.

I propose to stand by these Democratic principles or true tariff reform, but not to be led into the quagmire of Republican protection by this ignis fatuus, will-o'-the-wisp, in the shape of this bill pretending to establish reciprocity with Cuba. But this bill is not a tariff reduction for the benefit of the consumer here, nor will it reduce the tariff against our products and manufactures that go into Cuba. In the first place, there is no pretense on the part of the advocates of this bill that the 20 per cent reduction solely—leaving the differential, which is for the protection of the sugar refiner, to remain unchanged—will reduce the price of sugar to the American consumer. If it does reduce the price of sugar, then I shall cheerfully support it, because it is my duty as a Democratic representative of the people of my district to reduce the price of consumption to them if in my power.

Will it reduce the price of sugar to the consumer to take off 20 per cent of the duty on raw sugar coming into this country from Cuba? What is the testimony on that proposition? I will read first an interview with the leader of the majority, who presented this bill to the House, published in the Washington Post of March 7 last. Referring to the hearings had before the Ways and Means Committee, he says:

All agreed that the price of sugar to the American consumer would remain the same.

During this debate the following colloquy occurred:

Mr. BARTLETT. Will the gentleman, before he proceeds, permit me an interruption upon the line upon which he has just concluded?

Mr. PAYNE. Yes.

Mr. BARTLETT. The matter I am interested in more than anything else is what effect this bill will have upon the price of sugar to the American consumer.

Mr. PAYNE. The universal testimony before the committee was that it would not reduce the price unless it was continued for such a length of time as to enable Cuba to supply the principal part of the imported sugar.

Mr. BARTLETT. This bill contains a provision that the reduction under it shall cease in December, 1903, and as I understand the gentleman, that would not reduce the price of sugar to the consumer.

Mr. PAYNE. I think it would not. There is a production in the United States and in the islands of about 900,000 tons, and in Cuba of about 900,000 tons, making 1,800,000 tons altogether; and the principal consumption of sugar in the United States will be, during the next year, 2,500,000 tons, so there will be about 700,000 tons that must be imported under full duties.

Mr. BARTLETT. May I ask the gentleman another question? Referring to the sugar trust, is it not a fact that the evidence before the Ways and Means Committee showed that the American Sugar Refining Company bought and sold 90 per cent of the sugar that is used in this country?

Mr. PAYNE. That was not the evidence before the committee, but it was in evidence that Mr. Havemeyer had claimed before the Industrial Commission that that was the fact. That was disputed by Mr. Post before the committee.

Mr. BARTLETT. At the hearings before the Industrial Commission, it is stated that Mr. Havemeyer said that his company refined and sold 90 per cent of the sugar.

Mr. PAYNE. I want to say to the gentleman that this is the precise fact. He was examined several years ago before a committee of the New York legislature, and he testified that he distributed and refined 90 per cent of all the sugar. Before the Industrial Commission he was asked that question, and admitted that he had said so, but said he did not know how much they did refine; but he thought about 90 per cent now. Mr. Post, who is the president of the National Refinery, said that he did not refine more than five-eighths of it. I leave it to those two gentlemen to determine which was right.

Mr. RANDELL of Texas. Will the gentleman permit me an interruption?

Mr. PAYNE. Certainly.

Mr. RANDELL of Texas. The gentleman says that the price of sugar will not be reduced to the consumer. I would like to ask for information how much the revenue will be reduced?

Mr. PAYNE. On sugar?

Mr. RANDELL of Texas. How much will be the reduction of the revenue by the reduction in this bill?

Mr. PAYNE. Between $6,000,000 and $7,000,000.

In the hearings before the committee I find the following statements as to the effect of this proposed reduction on Cuban sugar:

KELLY. Reduction of duty would go to the Cubans, and not until all our sugar comes in free will the home consumer be benefited much (p. 61).

ARMSTRONG. Thinks that the price of refined sugar will be reduced corresponding with the raw, always keeping a certain percentage of difference between the price of the raw and the refined for the profit of the refiners It is aimed to maintain this at 1 cent a pound (p. 71).

POST. States that he does not believe the consumers would get any benefit by the reduction of the tariff on Cuban sugar. Later on, when Cuba shall be producing a million and a half tons of sugar or more a year, it will have some effect on the retail price of sugar in the United States (p. 334).

WHERE THE BENEFITS OF REDUCTION WOULD GO.

BLISS. Q. As I understand it, the present duty on Cuban sugar is about $1.68 per hundred pounds, is it not?

A. On all sugar that polarizes at 96, yes.

Q. If that entire duty were taken off, the Cuban sugar would sell in our market just as the Louisiana sugar and the beet sugar does, would it not? Would there not be an increase?

A. I am not an expert on that question, and I do not like to answer. It appears to me that the question relates to the price that the Cuban producer would get, and I do not know what proportion of the increase would go to him. I believe not more than 30 per cent (pp. 381 and 22).

I have examined all the hearings before the Committee on Ways and Means on this subject, and the universal opinion is that it will not reduce the price of sugar to the consumer. Already, since the discussion of this measure has begun in Congress, anticipating its passage because of its advocacy by the Republican President and by the Republican leaders in Congress, the price of stock in the Sugar Refining Company has advanced—a clear indication of who is to be benefited by it. We know too well the power of this great trust; we know, from the evidence given by its president and the men who formed it, who oppress the people of this country at their will and pleasure, who destroy competitors, crush out competition; whose sole purpose, according to the testimony, is to create millions of dividends upon the thousands of shares of stock, watered and otherwise, owned by himself and his stockholders. We know too well that if this proposed legislation was in the least to effect the price of sugar or the profits of the trust, the stock would not advance as it has done on the market. It is a fact that one sugar refining company in the United States buys, refines, and sells 90 per cent of all the sugar consumed in the United States. What its methods are has been exposed to the country.

I will read some of the testimony before the Industrial Commission, by Mr. Havemeyer:

TESTIMONY OF MR. HAVEMEYER BEFORE INDUSTRIAL COMMISSION.

Q. Now, can sugar be made in Germany from beets, or in the Philippines from cane, or in any other part of the world cheaper than you can make it here? Is that owing to the labor, or what is it?

A. Because, in the evolution of sugar refining, refined sugar can be made directly from the beet without the intermediation of the sugar refinery.

Q. Then it is not the cane sugar abroad that you fear coming in, but the beet?

A. Both.

Q. Do you think it desirable for the Government to do anything to encourage the domestic production?

A. No; I do not. (P. 132, R. Ind. Com.)

Q. If you can make it unprofitable to them (other refiners), they will stop their sales and in the long run the expectation is that the profit will be larger to your stockholders?

A. That would be the natural inference. Of course, it goes without saying, if we protect our own meltings it can only be done under the condition of things that makes it unprofitable for our competitors, the real motive being the protection of our own business, and the result being an absence of profit to them. (P. 108, Rep. Ind. Com.)

Q. Now, I also understood you to imply, at least, that it is the policy of the American Sugar Refining Company to crush out all competition, if possible.

A. But that is not so. There is no such testimony I understand it has been put in that form by one of the gentlemen, but it is not the fact. What I said was, that it was the policy of the American Company to maintain and protect its trade, and if it resulted in crushing a competitor it is no concern of the American Company. If he gets in the press, that is his affair, not ours.

Q. And if anyone interferes with the business, profits, or competition of the American Sugar Refining Company, it is its policy to prevent it, if possible?

A. By lowering profits to defy it.

Q. And if it results in crushing him out——

A (interrupting). That is his affair.

Q. Not the affair of the American Sugar Refining Company?

A. No. (P. 120, Rep. Ind. Com.)

Q. When you sell in this country you control the price?

A. Yes, sir.

Q. And it (the trust) was organized, as I understand it, with a view of controlling the price and output to the people of this country?

A. That was one of the objects of consolidation.

Q. And you have succeeded in doing it?

A. Yes, sir.

Q. That was the principal object in organizing the American Sugar Refining Company?

A. It may be said that was the principal object. (P. 125, Rep. Ind. Com.)

On page 142, Report Industrial Commission, Mr. Jarvie, of Arbuckle Bros., the principal competitor of the American Sugar Refining Company, testified as follows:

Q. Has not their (the American Sugar Refining Company) attitude been an attempt to crush you out of business?

A. If the cutting of prices is that, yes.

Q. Is not that about as good a way as any?

A. We think so.

On page 63 the Commission sums up Mr. Havemeyer's position on competition in the following words:

It is very vital to the prosperity of the company to keep up its output. When competitors begin business, prices must be lowered with the primary purpose of retaining trade. If the result is to crush competitors, that is their affair, not the affair of the trust.

On page 107, Report Industrial Commission, Mr. Havemeyer testified as follows:

Q. What proportion does your output form of the total output of the country now?

A. I have never been able to get at those figures, but I should say about 90 per cent.

Q. You think about 90 per cent of America?

A. That is not of the capacity, but of the output. The fact is that these refineries are not working full.

Q. Does the American Sugar Refining Company itself have a capacity enough to supply the total demand, if it were not for the opposition? Your company could easily supply the total demand at the present capacity?

A. The demand and 20 per cent in excess.

On page 60 the Industrial Commission quotes from Mr. Havemeyer's testimony before the Lexow committee, as follows:

It goes without saying that a man who produces 80 per cent of an article can control the price by not producing.

On page 112 Mr. Havemeyer states:

We maintain that when we reduced the cost we were entitled to the profit and that it was none of the public's business.

On page 117 Mr. Havemeyer's testimony reads as follows:

Q. I say he (the consumer) may be benefited temporarily for six months or a year, but if, after the crushing out has taken place, you then, as you said in your testimony, resume a margin of profit which you consider is the right thing, and that is the only thing you were governed by, I ask you then whether the consumer will be materially benefited or not?

A. Is he not benefited to the extent of the reduction of the prices during the fight?

Q. He is; but if he has to pay double or three times the price after the fight is ended I fail to see where he is benefited.

A. He is not if he has to pay that.

Q. I understood you to say when the war was ended you evened up?

A. Yes.

Q. The price you put on was for the benefit of the stockholder?

A. Yes.

Q. Do you think it is fair that the consumer should pay a dividend to your company on brands, good will, etc.?

A. I think it is fair to get out of the consumer all you can consistent with the business proposition.

Q. You state that as an ethical proposition before this Commission, and you have to stand on that ethical position for fair play. Now, I want to know if you think—you state that the consumer received the benefits of this consolidation of industry—it a fair ethical position, independent of the business view you put on it, that the consumer should pay dividends on this $25,000,000 of overcapitalization?

A. I do not care 2 cents for your ethics. I do not know enough of them to apply them.

To show Mr. Havemeyer's attitude toward Government control of his business, we quote from page 223:

Mr. Havemeyer, president of the American Sugar Refining Company, declares that corporations are under no obligations to the States, but the reverse.

The Industrial Commission, on page 46, sums up the effect of Mr. Havemeyer's position on prices as follows:

On the whole, the chart seems to make it perfectly evident that the sugar combination has raised the price of refined sugar beyond the rates in vogue during the period of active competition before the formation of the sugar trust and the two competitive periods during its existence.

On page 130, in reply to a question asking if he would give raw-sugar producers the benefit of a tariff, Mr. Havemeyer said:

No; they are an agricultural product, and if they can not produce under natural conditions I would not give them anything at all.

And so it is with this bill. It benefits the sugar trust, but in no way aids or benefits the farmer or consumer.

That the proposed legislation will mainly benefit the sugar trust is demonstrated by the rise in the stock of that corporation since this bill was offered and its passage became assured.

The following from the financial pages of New York City newspapers are fair samples of Wall-street sentiment.

Sugar jumped up on the many protests that more than a 20 per cent reduction on raws from Cuba should be granted. Of course, the larger the cut on raw-sugar duties the larger the benefits to the sugar trust. What refiners of cane sugar in New York want is a lower duty on the raw material, so that they can crush out the domestic beet-sugar industry more easily.—New York Press, March 21.

Sugar Refining reacted sharply in the early trading under pool realizing. The stock was stimulated in the later trading on buying orders executed by houses with Washington connections, and reports of a 33⅓ per cent reduction on Cuban sugar, instead of 20, in the reciprocity treaty were circulated.—New York Herald, March 21.

American sugar: The expectation (now almost a certainty) of the reduction in the duty on Cuban sugar has been the chief bull argument on sugar-trust stock, which has advanced on buying by Washington and sugar-trust interests. The sudden upward movement on Friday was coincident with a five-point advance in the price of refined sugar.—New York Times, March 22.

During the month of March this stock advanced from 124¾ to 144¾, and on April 4 to 145¼.

From the following extract it is shown that strenuous effort has been made to mold sentiment in the interest of the sugar trust, and to manufacture petitions to Congress in its interest; in the interest of this bill, which has been heralded as the performance of our duty to Cuba and by others as a reduction of the tariff along Democratic lines, I quote from the American Economist of April 4:

AGAIN THE LITERARY BUREAU.

The Miner, a Democratic daily newspaper of Butte, Mont., has been favored with one of the numerous productions of the literary bureau of the sugar trust, in form as follows:

[Here insert name of your publication]—Coupon.

Sign, cut out, and mail this coupon to

U. S. PRESS BUREAU, 90 WEST BROADWAY, NEW YORK.

To my Representative in Congress:

As one of your constituents, I ask you to support President Roosevelt in his efforts to reduce the tariff duties on Cuban imports into the United States and effect reciprocal reductions in the Cuban tariff on American products imported into Cuba.

Name, ——— ———; address, ——— ———; city, ———; State, ———.

The Miner is not altogether carried away by this patriotic appeal. It is rather inclined to caustic comment. Thus:

"Failing to find in Congress the cheerful cooperation expected, but rather an opposition that can with difficulty be broken down, the friends and backers of the President in the Cuban scheme quite naturally appeal to the people.

"Though the Chief Executive would scorn to resort to the initiative and referendum, he might as well do so as to allow his friends to work the coupon deal—a cheap imitation in this case of the original populistic plan of trying to reach public sentiment as to the merits of a pending question.

"The coupon, however, differs from the referendum idea in that it permits the signer to vote only one way, or refrain from voting entirely, thus representing but one side of public sentiment—with several counties to hear from.

"In view of the recent order issued by the President, the United States Press Bureau was guilty of an unpardonable oversight in not warning Government employees against the free and unlimited use of these coupons."

This, then, being no Democratic reciprocity; the result being not to reduce the price of sugar to the American consumer, but simply to swell the already bursting coffers of the sugar trust, I can see no advantage to my constituents, or to the American people, in condemning my party platform and party principles, and in wavering in my allegiance, which has always been unswerving to my party and its leaders, in order to support this measure. Will it reduce the tariff upon our products which go into Cuba? I do not believe it will, and I propose to demonstrate it. The only suggestion made with reference to this tariff is the one I find in the hearings, and which was submitted by the Cubans themselves, and also suggested by Mr. Placé.

From an investigation of this proposed tariff it is clear that this is all the Cubans have proposed, and all that we can do, because they decline a reduction of the tariff rates upon goods coming from this country of 20 or 50 per cent, or any reduction, because it would so reduce their revenue that they would be compelled to resort to other methods of taxation. The proposition is simply this: Not to reduce the present rates in Cuba by 20 per cent, or any other amount, so as to favor our products or manufactures, or our farmers who sell to Cuba, but to raise the rate to the outside world, and let the present duties charges against the United States and the rest of the world remain as they are as to the United States. I am justified in making this assertion from the statements made by those who appeared before the Ways and Means Committee, and who claimed and in fact represented the Cuban people, and submitted the plan of reciprocity which this bill proposes to carry out.

I read from the printed hearings:

Page 31:

Mr. ATKINS. The Cuban people need the revenue. As I understand the situation, they do not want to cut so into the revenue that they will not have any resources to run the government. Mr. Placé, who is here, is thoroughly posted on that side of the question; and he can answer that question in two words, very much better than I can. Will Mr. Placé answer that question?

Mr. SWANSON. Had we not better finish with this witness first, Mr. Chairman?

Mr. ATKINS. Very well; I will refer that question to Mr. Placé later.

The CHAIRMAN. If there is nothing further, had we not better let Mr. Atkins go?

Mr. SWANSON. I was anxious to find out from Mr. Atkins, as a business man, an American, and one interested in Cuba, to what extent the United States would be benefited if these concessions as to the sale of commodities there should be granted, what inducement can be offered, as to what commodities, and wherein we are going to get any benefit in return.

Mr. ATKINS. A reduction in the duty on certain commodities that now come from the United States would mean loss of revenue on that special line without any accruing benefit to the United States, because a very large proportion of our supplies are now coming from Europe. That can easily be arranged, however, by advancing the tariff on European goods and leaving the tariff on American goods as it is at present. It can be done either in that way or by lowering the tariff on American goods. What you want, in order to effect that particular result, is a discrimination against European goods.

Mr. SWANSON. Are you willing, as an American planter there, to abolish the tariff on the importation of goods from the United States, which will prevent importation from foreign countries, and have a direct tax on your property there sufficient to make revenues for the Cuban government?

Mr. ATKINS. Certainly. If I can have free trade in Cuba, I can pay my taxes in Cuba in exactly the same way that I pay them in Massachusetts.

Page 385:

The CHAIRMAN. If the minimum duty on goods coming from the United States was the same as the minimum duties charged now to those countries from which these goods are imported, the revenue would be the same, would it not?

Colonel BLISS. If the duty charged on products from the United States was the same as now, yes, sir; it would transfer the trade from other countries to the United States, and the products of that country would continue paying the same duty that those articles would pay now, coming, as they now do, from Europe or elsewhere in the world.

The CHAIRMAN. And in order to secure this trade, it would be necessary to inaugurate a new system of tariff for Cuba, under which the minimum duty would be equal to the duty charged now, while the maximum——

Colonel BLISS (interrupting). Would be, perhaps, about 33⅓ per cent higher. In some cases it need not be that high, while in others it would have to be higher.

The CHAIRMAN. Sufficiently advanced, in other words, to give the trade to the United States?

Colonel BLISS. Yes, sir. And there are many people who think that the result of this concession, if any should be made, would be to restore better conditions in Cuba, resulting in more importations. I have not any doubt—although I do not think anybody could prophesy as to the exact figures—that it would increase the importations to such an extent that, while the differential would have to be maintained, the increase in customs revenue would permit the actual rates of duty to be lowered.

The CHAIRMAN. Now, have you proposed a schedule in your papers that carries out that theory?

Colonel BLISS. Yes, sir; but it is a mere suggestion. I do not propose to commit myself to it until an expert examination of the details should prove that it would accomplish what is desired. As I have already said, I have here two statements which suggest two of the various ways of looking at the subject, one showing a straight differential of 33⅓ per cent, and the other a varying differential. The latter one I have submitted to the Department, merely for the purpose of showing the present distribution of trade, and also what seemed to me must be general lines on which Cuba would have to construct her tariff if she wished to give the trade to the United States and at the same time maintain her present revenue.

Mr. METCALF. Will you not say which department? Which department do you mean?

Colonel BLISS. The War Department. To be more accurate, I submitted this statement to the military governor for his information, and he sent it to Washington.

Statement of Mr. Placé (pages 90–91):

The CHAIRMAN. What class of goods are now imported from the United States?

Mr. PLACÉ. Bacon, lard, corn, hay, bran, oats, and lumber; that is all. The manufactured goods come from Europe.

The CHAIRMAN. Now, the duties are the same on goods imported from the United States as on other goods imported from other countries?

Mr. PLACÉ. Yes, sir; the same thing.

The CHAIRMAN. What reduction in duties will be necessary to give us a greater share of the market on Cuban goods?

Mr. PLACÉ. As a Cuban I would like to give the United States free trade. The whole of American products imported into Cuba ought to be free.

The CHAIRMAN. What reduction of duty would secure that trade to the United States?

Mr. PLACÉ. First of all, our present tariff in Cuba to-day is very low. In order to give the Americans the trade of Cuba we ought to raise the present tariff 50, 60, and 70 per cent, and out of that tariff allow the United States 40, 50, and 60 if you are not willing to allow the United States free trade.

F. B. Thurber, president of the United States Export Association (pages 47–48):

Now, as to what concession should be made to Cuba. I believe it would be to the interest of the Cubans, of American flour and provision interests, of American fruit canning and preserving interests, and of all American consumers of sugar if what the Cubans ask could be granted, viz, free raw sugar and one-half the present duties on tobacco and cigars. But if in your wisdom you think we can not go as far as that at this time, then the very least concession which should be made should be 50 per cent on all her products, and this, it should be remembered, would still leave her products subject to a duty equal to the average on the dutiable products received by us from all other countries. This would lower by one-half the high tariff wall which we have erected against our ward. And if she, in return, would establish a tariff averaging 50 per cent on her importations she could reciprocally reduce that one-half on her importations from the United States, and this would enable her merchants to buy all their supplies in the United States, three-fifths of which they now buy in Europe.

This would not violate the "most-favored-nation" clause in treaties with other countries, because no country could offer Cuba such inducements as we would offer her by such an arrangement. It would still give her sufficient revenue, because her present tariff, established by our War Department, only averages about 25 per cent. American products would still enter the Cuban market at the present rate. Hence we would get the trade, and a large and increasing trade, because with increased purchasing power on the part of her people Cuba would become one of our most important markets.

The following, Exhibit G, of the printed hearing contains the

present tariff and suggested modifications. I simply quote the heading and omit schedules:

Cuban tariff (now in force), with suggested modifications, and old Spanish tariff.

(Explanatory note.)

The following is the customs tariff at present in force in the island of Cuba, and opposite each paragraph and letter thereunder is a suggested per cent of increase in the present rates to be applied to goods from all countries except the United States. The second column shows what the duty would be with the increased per cent added. The third column shows what per cent of decrease is suggested on the new "world" rate for goods from the United States, and the fourth column shows what the duty would be on goods from the United States on their entry into Cuba. The fifth and sixth columns show the rates prescribed in the old Spanish-Cuban tariff for the world and for Spanish goods upon their importation into Cuba.

The result of these suggested modifications would be to make a maximum and minimum Cuban tariff, the maximum rates to be applicable to all except United States goods and the minimum rates to apply to United States goods.

It will be noted upon examination that in most of the paragraphs the rate is increased for the world over the present rates, and the decrease suggested for the United States brings the rate back to that at present in force. This plan is suggested because Cuba must collect from customs an amount equal to the present customs revenues in order to meet necessary current expenses.

This being the only formulated plan submitted by anyone, and being the one sent to the War Department and evidently having received the official sanction of General Wood and the Secretary of War, will be the tariff rates fixed in the proposed reciprocity scheme.

An examination of the proposed modifications of the Cuban tariff will demonstrate the real purpose of the framers of this measure. This purpose is plainly exposed in those suggested changes which apply to articles manufactured by the great trusts and combines of this country. These proposed changes in most instances seek to impose a prohibitive tariff upon trust-manufactured articles when imported from countries other than the United States, thus affording the great combines of this country about the same measure of protection in the Cuban markets that they now enjoy in our own markets under the Dingley tariff law.

The small measure of relief, if any at all, afforded to Cuba under the terms of this bill is purely incidental, the main purpose and real purpose being to protect the American trust-manufactured articles in the Cuban market from foreign competition by extending to that country the protective-tariff system. The tariff proposed on most manufactured articles when imported into Cuba from countries other than the United States is practically prohibitive, placing the Cuban consumer absolutely at the mercy of the American trusts. In almost every instance the present Cuban tariff remains unchanged, so far as the United States is concerned, the changes proposed applying to her commerce with countries other than the United States. The effect of the proposed changes is simply to compel the people of Cuba to purchase practically all manufactured articles required by them in the United States.

In the case of the following manufactures, the proposed tariff, as applied to countries other than the United States, is practically prohibitive: Glassware, pottery, articles of gold, silver, platinum, and their alloys, wrought iron and steel, hardware, tools, cutlery, etc., tin plate, copper ware, including copper wire, etc., nails and tacks, pins and pens, gilt or nickeled articles, dyes and varnishes, chemicals, starch and glues, gunpowder, cotton manufactures, nearly all fibers and tissues, paper, boots, shoes, harness, saddlery, and other articles manufactured of leather, musical instruments, clocks, etc., agricultural implements and machinery of all kinds, wagons, buggies, carts, carriages, etc., and all railway equipment and appliances, including locomotives, cars, coaches, etc. All preserves and pickles (canned goods) must pay a tariff of 100 per cent over the duty paid by the American product when imported into Cuba by countries other than the United States.

The correctness of this statement is demonstrated in the following suggested schedules for cotton manufactures and machinery of various kinds. It will be noted that in nearly every instance the discrimination in favor of the American manufacturer is sufficient to prohibit the importation of such articles and manufactures into Cuba from other countries.

CLASS IV.—*Cotton and manufactures thereof.*

GROUP 1.—COTTON IN THE WOOL AND YARNS.

No.	Articles.	Duty.	Increase for world.		Decrease for United States.		Spanish tariff.	
			Per cent.	Duty.	Per cent.	Duty.	World.	Spain.
112	Cotton in the wool and cotton waste, gross weight	$1 per 100 kilograms	50	$1.50	33⅓	$1.00	$2.00	$2.00
113	Cotton yarn and thread for crocheting, embroidering, and sewing, including the weight of reels, net weight.	33 cents per kilogram		.33	33⅓	.22	.68	18

GROUP 2.—TISSUES.

No.		Duty.	Increase for world.		Spanish tariff.	
			Per cent.	Duty.	World.	Spain.
114a	Present tariff	13 cents per kilogram	66⅔	$0.22	$0.26	$0.08
b		17 cents per kilogram	66⅔	.28	.34	.12
c		23 cents per kilogram	66⅔	.38	.46	.18
d		35 cents per kilogram	66⅔	.58	.70	.30
e	Surtax, 30 per cent, net weight					
115a		15 cents per kilogram	66⅔	.25	.30	.10
b		20 cents per kilogram	66⅔	.33	.39	.14
c		27 cents per kilogram	66⅔	.45	.55	.20
d		37 cents per kilogram	66⅔	.62	.75	.30
e		50 cents per kilogram	66⅔	.83	.98	.40
f	Surtax, 40 per cent, net weight					
116a		15 cents per kilogram	66⅔	.25	.30	.10
b		18 cents per kilogram	66⅔	.30	.36	.12
c		20 cents per kilogram	66⅔	.33	.46	.16
d		32 cents per kilogram	66⅔	.53	.64	.24
e		42 cents per kilogram	66⅔	.70	.85	.35
f	Surtax, 30 per cent, net weight		66⅔			
117a		18 cents per kilogram	66⅔	.30	.36	.12
b		23 cents per kilogram	66⅔	.38	.46	.16
c		32 cents per kilogram	66⅔	.53	.64	.24
d		43 cents per kilogram	66⅔	.72	.87	.35
e		55 cents per kilogram	66⅔	.92	1.10	.45
f	Surtax, 40 per cent, net weight					
118		24 cents per kilogram	66⅔	.40	.48	.16
119		45 cents per kilogram	66⅔	.75	.90	.30
120a		8 cents per kilogram	66⅔	.15	.17	.06
b		20 cents per kilogram	66⅔	.33	.40	.15
121		47 cents per kilogram	66⅔	.78	.95	.30
122a		70 cents per kilogram	66⅔	1.17	1.50	.60
b		80 cents per kilogram	66⅔	1.33	1.75	.70
c		70 cents per kilogram	66⅔	1.17	1.50	.60
d		90 cents per kilogram	66⅔	1.50	1.75	.70
123a		70 cents per kilogram	66⅔	1.17	1.40	.40
b		92 cents per kilogram	66⅔	1.53	1.85	.60
124		$1.46 per kilogram	66⅔	2.43	2.75	1.00
125		15 cents per kilogram	66⅔	.15	.30	.10
126		32 cents per kilogram	66⅔	.32	.65	.25
127		15 cents per kilogram	66⅔	.15	.30	.10
128		52 cents per kilogram	66⅔	.52	1.05	.35
122[a]		30 cents per kilogram	66⅔	.50		

For the United States there is proposed a uniform reduction of 40 per cent from proposed rate for world, leaving duties the same as at present.

[a] Knitted goods, even with needlework.

No.	Articles.	Duty.	Increase for world.		Decrease for United States.		Spanish tariff.	
			Per cent.	Duty.	Per cent.	Duty.	For world.	Spain.
				Per cent.		*Per cent.*		
214	All weighing machines, including scales and detached parts thereof.	20 per cent ad valorem.	50	30	33⅓	20	$5.40	$1.60
215	Machinery and apparatus for making sugar and brandy	10 per cent ad valorem.	300	20	50	10	.50	.50
216	Agricultural machinery and apparatus	do	300	20	50	10	.80	.80
217	Steam motors, stationary	20 per cent ad valorem.	50	30	33⅓	20	3.75	3.75
218	Marine engines, steam pumps, hydraulic, petroleum, gas, and hot or compressed air motors.	do	50	30	33⅓	20	5.00	5.00
219	Boilers	do	50	30	33⅓	20	3.00	3.00
220	Locomotives and traction engines	do	50	30	33⅓	20	4.50	4.50
221	Turntables, hydraulic cranes, and columns	do	50	30	33⅓	20	1.50	1.50
222	Machines of copper and its alloys	do	50	30	33⅓	20	27.00	13.50
223	Dynamo-electric machines, etc	do	50	30	33⅓	20	17.60	8.80
224	Sewing machines and detached parts	do	50	30	33⅓	20	4.00	4.00
225	Bicycles, etc	do	50	30	33⅓	20	6.00	4.00
226	Machines of other kinds, and detached parts not of copper	do	50	30	33⅓	20	9.80	2.30

Conceding, for the sake of the argument, that the doctrine of protection is based upon a correct economic principle, a study of the import trade of Cuba will convince anyone that these trust-manufactured articles of the United States require no protection in the markets of Cuba from foreign competition. In nearly every instance where such articles are sought to be protected by a practically prohibitive tariff upon the same articles when imported from countries other than the United States the American manufacturer already enjoys very nearly, if not quite, a monopoly of the Cuban trade, so that the only possible effect of these proposed changes or concessions, wrung from the people of Cuba in exchange for the reduction of 20 per cent on raw sugar, will be to enable the trusts and combines of this country to raise the prices on their products to the Cuban consumer. Therefore, the manifest purpose of the Administration and the Republican majority was to take a base advantage of the supposed immediate and pressing necessities of the Cuban people and fasten upon them our own vicious system of tariff protection.

The truth of this assertion that the American trust-manufactured articles, in favor of which it is proposed to erect a tariff wall around Cuba, do not require protection in the markets of Cuba is strongly emphasized by the following figures, taken from a compilation made by the Division of Insular Affairs, showing the export and import trade of Cuba for the fiscal year ended June 30, 1901:

Manufactures of tin from the United States, $72,274, as against $9,745 from the United Kingdom, the closest competitor.

Scales and balances from the United States, $32,006, as against $1,474 from France, the closest competitor.

Pipes and fittings from the United States, $147,129, as against $16,432 from the United Kingdom, the closest competitor.

Wire from the United States, $28,652, as against $1,349 from Germany, the closest competitor.

Agricultural machinery, for year ending June 30, 1900, from the United States, $36,429, as against $290 from the United Kingdom, the closest competitor.

Electrical machinery, from the United States, $89,966, as against $1,351 from France, the closest competitor.

Pumps and pump machinery, from the United States, $78,202, as against $4,074 from France, the closest competitor.

Sewing machines, from the United States, $107,300, as against $5,104 from Germany, the closest competitor.

Steam engines and parts of, from the United States, $115,219, as against $990 from France, the closest competitor.

Boilers and parts of engines, from the United States, $255,471, as against $8,223 from the United Kingdom, the closest competitor.

Sugar and brandy machinery, from the United States, $440,395, as against $15,702 from the United Kingdom, the closest competitor.

All other machinery, not enumerated, for 1900, from the United States, $1,099,798, as against $80,042 from Germany, the closest competitor.

Structural iron and steel, from the United States, $350,045, as against $8,584 from France, the only competitor.

Wire and wire cables, from the United States, $177,034, as against $11,688 from the United Kingdom, the closest competitor.

Rails for railways, from the United States, $211,961, as against $5,325 from the United Kingdom, the closest competitor.

Steel, from the United States, $231,230, as against $46,054 from the United Kingdom, the closest competitor.

And yet, notwithstanding the fact that the American manufacturers of the articles I have just mentioned already enjoy a practical monopoly in the markets of Cuba, it is now proposed to levy a tariff, practically prohibitive in its effects, upon these articles when imported from countries other than the United States.

COTTON-SEED OIL.

Cotton-seed oil under classification a, section 274, imported from the United States, would pay a duty of $2.40 per 100 kilograms, and under classification b, of same section, it would pay a duty of $3 per 100 kilograms.

Yet, when cotton-seed oil is imported from the United States, upon the direct demand of soap manufacturers in Cuba, under regulations obviously designed to enable such manufacturers to purchase their material at a lower rate in this country, the duty would be 50 cents per 100 kilograms. The American producer of cotton-seed oil can receive no benefit from this reduced rate, because he can not import his cotton-seed oil into Cuba except by the cooperation and consent of the soap manufacturer, who would naturally reap the advantage since the proposed bill places it absolutely in his power to do so.

The soap manufacturer of Cuba would enjoy a monopoly of the cotton-seed oil import trade in Cuba and cotton-seed oil export trade from the United States to Cuba. He would have in the Cuban market an advantage of from $1.90 to $2.50 per 100 kilograms over the American exporter. Naturally he would purchase his cotton-seed oil in this country at the lower rate and sell in Cuba according to the higher rate. On all cotton-seed oil imported by him he would have a clear margin of $1.90 for one class and $2.50 for the other class of oil upon which to meet competition at the hands of American cotton-seed oil producers. The result is that the American exporter will suffer all the disadvantages of the high rate, the Cuban consumer will suffer all the disadvantages of the high rate, while the soap manufacturer will reap (1) the benefit of a lower rate to himself, (2) protection from competition at the hands of American cotton-seed oil producers by reason of the high rate, thereby insuring him a monopoly of the market, and (3) the corresponding benefit of a high price to the Cuban consumer by reason of the high rate.

The following proposed tariff schedules for cotton-seed oil will demonstrate the correctness of this conclusion:

No.	Articles.	Duty.	Increase for world.		Decrease for United States.		Spanish tariff.	
			Per cent.	Duty.	Per cent.	Duty.	World.	Spain.
274	Olive oil, cotton-seed oil (except for the manufacture of soap):							
a	In receptacles of earthenware, wood, or tin, gross weight	$2.40 per 100 kilograms.	83⅓	$4.40	45½	$2.40	$6.75	$2.35
b	In bottles, including the weight of bottles, gross weight	$3 per 100 kilograms	83⅓	5.40	54⅓	3.00	10.00	3.00

101 c. Cotton-seed oil to be used exclusively in the manufacture of soap, provided that the importation be made at the direct demand of the manufacturers of soap, and that the latter submit their works at all times to the inspection of the customs authorities, and that the importer give such bond as may be regarded necessary by the acting collector, gross weight, 50 cents per 100 kilograms.

No change of any kind suggested.

It is a very significant fact, however, that these proposed discriminations do not apply to a great many agricultural products of this country when imported into Cuba. The following proposed tariff schedule will demonstrate that such farm produce of this country as pork, lard, tallow (except for soap), eggs, wheat, corn, rye, oats, etc., will be compelled to compete on equal terms with the same products imported into Cuba from other countries:

No.		Duty for world.	Duty for United States.
237b	Pork, brine or salt, per 100 kilograms	$2.80	$2.80
238	Lard, per 100 kilograms	2.80	2.80
239	Tallow, except for soap, per 100 kilograms	2.80	2.80
252	Eggs, per 100 kilograms	5.50	5.50
254	Wheat, per 100 kilograms	.60	.60
255a	Corn, per 100 kilograms	.30	.30
b	Rye, per 100 kilograms	.40	.40
d	Oats, per 100 kilograms	.40	.40

It will be further observed, as a significant fact, that while the American wheat grower must compete on equal terms with the wheat growers of other countries, the flour trust is amply protected from foreign competition of any kind in the markets of Cuba.

No.	Flour.	Duty for world.	Duty for United States.
256a	Of wheat, per 100 kilograms	$1.00	$0.55
b	Of rice, per 100 kilograms	1.10	.55
d	Of oats, per 100 kilograms	1.10	.55

So that I come back to the proposition that this is but a sham reciprocity and that the Republican Congress and Republican Administration by this bill seek simply to extend the principles of the Dingley bill and the McKinley bill and all the other abominations of Republican protective tariff to Cuba, and simply extends the tariff wall across the ocean and builds it up higher against the outside world, while it makes the American producer pay the same rates that we are now paying, and this is done in order to reduce our rates upon Cuban products 20 per cent for one year, but the Cuban is not to reduce his rates to us a particle from the existing rate.

Against such a sham reciprocity; against the extension of special favors to the manufacturers of this country or of Cuba; against taxing the struggling people of Cuba as the people of America have been taxed and plundered under the Dingley bill and all Republican tariff laws, I enter my protest, and I shall not support it by my vote. I will vote for any measure which actually reduces the duties upon our goods in Cuba, and a reduction of our rates to Cuba that will reduce the price to our consumers, but I will not vote for a measure like this which proposes to reduce the rates so as to benefit one protected interest and fill the coffers of the sugar trust, and at the same time proposes to graft upon the new republic of Cuba the principles of Republican tariff protection.

In support of my position on this—though I may not have many companions—I can draw my inspiration from the fathers of the Democracy and from its teachings in the past.

On the subject of our duty to Cuba, on account of the peculiar relations, I do not yield to the clamor raised in the interest of the great protected sugar trusts of this country that we owe something to Cuba, and ought to give them something to aid them in their struggles to establish an independent government and to prevent the bankruptcy of the island. I think if a balance were struck the debt would be to us and not to Cuba. We have given her liberty and independence for which she fought for thirty years in vain. We have poured out blood and lavishly spent our treasure for her. Our debt is fully paid.

The Cuban sugar planter is not in distress; the hearings before the committee show that labor is all employed at high wages. Far better had we be concerned in answering the demands which humanity and the principles of freedom and our institutions make to us in regard to establishing a free government in the Philippines than to devote our time, energies, and money upon these people whom we have freed, who have not yet become, and I trust will not be soon, citizens of the United States.

It may be true that we will have to assume responsible duties; it is true that we had to free Cuba: it is true that we are aiding her to establish an independent government, and we wish her God speed in her effort to become an independent nation; it is true that we have put upon her what is known as the Platt amendment, but which was not placed upon her by my consent or vote; but it is also true that in the same war, with the same foe, we inherited other burdens and other responsibilities and other duties to 10,000,000 of people in the Philippine Islands, who are now within the jurisdiction of the United States, who are a part of the United States, and who are at least entitled to some consideration at our hands. What are we to do for them?

There is no distress among the laborers of Cuba. Her people are all employed at far better wages than the laborers in my own State who do farm work. From the evidence on this subject I will quote a few statements:

Colonel Bliss says "the men themselves get varying wages, but many of them, in many portions of the island, get as much as $30 a month American gold; others much less than that. When I say much less I mean $4, $5, or $6 less." (P. 388.)

BLISS. Q. You have said that labor there is employed all over the island. In what does this distress of which you speak consist?

A. I have not spoken of any distress, except to deny that any existed so far as I knew. It is a long time since I have seen anyone begging on the streets, or anybody who wanted to work who was not at work at good wages. (P. 389.)

ATKINS. Wages in Cuba high and supply of labor limited. Wages quite as high as in the United States. (P. 18.)

ATKINS. The labor in Cuba is very limited, and I have very strong doubts in my mind whether there is labor enough in Cuba to cut and take off possibly a crop of 800,000 tons. (P. 15.)

Mr. Atkins claims wages have increased 75 per cent since the termination of the war. He pays $23 per month. On east end of island wages are $1 per day. (P. 18.)

ATKINS. States that the average cost of agricultural labor in United States is below that of Cuba. (P. 20.)

ATKINS. Cuban labor higher than that of our Southern States. (P. 29.)

ATKINS. Labor in Cuba not sufficient to go around. (P. 36.)

Q. As I understand it, the labor in Cuba is at present well employed, and at good wages? (P. 382.)

A. Yes, sir.

Q. That means that the present production of sugar utilizes all the labor that now exists in Cuba, does it not?

A. Yes, sir.

ATKINS. In my section I pay about $23 for a month of twenty-six working days. Mr. Kelly has to pay $1 a day. (P. 18.)

HAWLEY. Q. Is labor employed there? (P. 358.)

A. It is.

Q. Can labor find full employment?

A. It has employment at the present time.

Q. At good wages?

A. At good wages; yes.

KELLY. Roustabout or unskilled labor in Cuba is 90 cents to $1.10 per day, United States gold. (P. 51.)

KELLY. In our end of the island we are paying an average of $30 a month. (P. 57.)

So far as I am concerned, and so far as my people are concerned, I am exercised much more to do what is right and proper with the Philippines and establish civil liberty there, giving them a free government and ending the war and strife, than I am for doing something for the million and a half people in Cuba. Our duty to humanity, our duty to the world, demands that the Philippines should be considered first; they who are our own citizens, whom we govern, whom we control. Against these islands of ours we have built up a tariff wall; we have established there a tariff wall against our own country and our own products, and before we pour out our charity in the shape of millions of dollars a year to the Cubans, whom we freed, to whom we gave liberty and a government of their own, we ought to answer the demands of justice in giving liberty and constitutional government, humane and wise laws to the Filipinos, who did that which the Cubans never did—aided us in destroying the Spanish power.

So, Mr. Chairman, my position upon this bill is that I shall vote for a proposition that shall reduce the differential upon refined sugar to the same rate as that upon the raw, and if that is put upon it I shall cheerfully vote for this bill. In that way I reduce the price of sugar to the American consumer, and in that way I take away at least some of the power of the great combination and trust known as the American Sugar Refining Company to further oppress the people, both the consumer and those who undertake to compete with it in the manufacture of this necessary article to our people; but I do not feel disposed, on account of any views of mine on the subject of Democratic reciprocity, to support this bill, which is simply a sham and pretext, a snare and a delusion. I shall not rush into the ranks of the Republican majority and follow the lead of the Republican President or the Republican leaders in this House; I shall not hasten to lower the Democratic banner in the front of the charge made by the Republican Congress, but I shall stand by my Democratic guns and oppose this Republican sham reciprocity measure—this measure which comes out of a Republican caucus, which is in line and but a continuation of Republican tariff schemes, which is offered to allay the demands of the Republican masses for tariff reform—and in doing this I shall feel that I am discharging my duty as a Democrat. To do less would not be in accord with my belief in Democratic principles.

It gives me concern and some pain to know that I differ in this particular with some of my Democratic colleagues from my own State. It gives me pause and causes me to reflect. But, much as I value their opinion, much as I regret to differ with

them, glad as I would be to yield to their judgment and decision, I have not seen my way clear, entertaining the views that I do on this subject, to do so. I regret also that it falls to my lot to disagree with the minority members of the Ways and Means Committee who support this measure, one of whom is the distinguished leader of the minority in this Congress. I always desire to uphold his hands in resisting Republican policies, and I say to him now that I regret that in the vote upon this measure I find myself not following him in his vote and advocacy of this bill. I sincerely wish that he could have found it consistent with his views to lead us in opposition to this Republican measure, and that it would not have been necessary that he should consent to advocate it and join the ranks and march along with the Republican column in advancing its own interests and purposes.

The fact that I have to account to my constituents for my votes does not at all frighten me. At all times I have endeavored to subserve their interests and to carry out their views. Fortunately for me, they have always agreed with mine, and I feel assured now that they stand with me in the views I have presented upon this measure. All votes that I have given upon measures since I have been in Congress have received their indorsement. For four successive terms, without opposition in the party, they have chosen me to represent them. Their generosity and confidence are far beyond measure and far beyond my merits. When they demand an explanation, as they have the right to do, I shall make it without fear and trembling. When I tell them, as I have stated here, and as I propose to tell them again, that I voted against a Republican measure which had no semblance or vestige of resemblance to Democratic tariff reform, but was a pretext and a sham; that I voted as Colquitt and Crisp and Blount and Turner, of Georgia, voted on this subject; that I followed the beacon lights that these great leaders I have mentioned hung out for my guidance and protection, I am sure they will applaud my course.

But whatever be my political fate, Mr. Chairman, whether this vote shall cost my seat in Congress or whether it shall meet with the approval of my constituents, I can give back to them my honors again and still shall have that peace which is above all earthly dignities, a still and quiet conscience.

And, Mr. Chairman, how different is this proposed and pretended reciprocity from that just and fair and profitable reciprocity with all the world, that true Democratic reciprocity, which Jefferson taught and which he had in mind when he said:

> Peace, commerce, and honest friendship with all nations, entangling alliances with none.

And, so far as I am concerned, I should almost rather believe all the fables in the Talmud and the Alkoran than accept the pretension of the Republican leaders of this House that they favor or advocate a reduction of the tariff.

But, Mr. Chairman, my time is exhausted. I say without fear of contradiction (for the history which I have recalled will demonstrate it), as was said by Hampton, who has just passed away (God rest his soul in peace!), and by Vance, by VEST, by Colquitt, and all other Democratic Senators in 1890, when the McKinley bill was before Congress and this same kind of reciprocity was under discussion—I say it is a sham; it is a fraud upon the American people and upon the Democratic party. I propose to invoke the spirits of those worthy champions of Democratic doctrine in support of my action here. I propose to follow the beacon lights that they have placed to guide our steps over this dreary waste of Republican tariff legislation to the sure and safe ground of honest and equal taxation. On this question of tariff I propose to put my faith in the teachings of those Democratic leaders who fought this same proposition in the McKinley bill.

I propose to put my feet in the ancient ways of the fathers and walk straight on, not allowing the Republican music furnished by my friend from New York [Mr. PAYNE] or my friend from Pennsylvania to allure me from the straightforward path that leads onward and forward to a united fight, if that can be had, against a Republican tariff, which has built its walls around this country and now proposes to carry them across the Gulf of Mexico, that separates Cuba from our country, and to build them still higher there against the world, and this on the pretense that the producers of American manufactured products will be benefited, thus increasing our trade to a large extent with Cuba. My people desire to extend their trade, but they are unwilling to oppress Cuba by imposing upon her the iniquitous Dingley law and build the tariff wall still higher and higher, simply that the American protected manufacturer may continue to grow richer under the operation of this oppressive tariff, and thereby rob the helpless Cubans as they plunder our own people. [Loud applause.]

[Here the hammer fell.]

Oleomargarine Bill.

Here is an attempt directly and for the first time in the history of the American people to take the specific food of the poor man and the rich man and tax it, and it is to be done by an act of Congress and by the approval of the President of the United States. Think you, Mr. Speaker, that the people of the United States will forget this outrage?

It was well said once in England:

"Woe to that government which makes it harder for the poor man to feed his wife and children; the people will punish the government that taxes bread."

It is an attack upon the cost of food, and a governmental instrumentality is brought to bear to enhance to an unreasonable degree the cost of an article of food held by a monopoly to the great detriment of the common people of the United States.

SPEECH

OF

HON. CHARLES H. GROSVENOR,

OF OHIO.

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, April 23, 1902.

The House having under consideration the conference report on the oleomargarine bill (H. R. 9206) and to make oleomargarine and other imitation dairy products subject to the laws of the State or Territory into which they are transported, and to change the tax on oleomargarine—

Mr. GROSVENOR said:

Mr. SPEAKER: I believe I may well claim to be as earnest a supporter, defender, and promoter of the interests of the agriculturists of the United States as any member of this House. I was raised on a farm, and my father before me devoted his life to the improvement of a farm in the early days of the settlement of the section of Ohio where I now live. I have grown up amid the interests of the farmer. I have been identified in personal interests with farming enterprises, and I have uniformly and always stood by, with unfaltering earnestness, what I believed to be the real interest of the farming community.

I supported, defended, and voted for the original oleomargarine bill in this House of Representatives. That was a bill to protect the producer of butter from the danger that another article not made from milk and cream alone might be sold in fraud of the farmer's interest. I voted for the most extreme measure of protection and defended it as well as I might. I voted for and reported to this House the filled-cheese bill, which was another measure of protection to the farmer, and handled the bill in this House to passage and approval by the President. I have supported every measure to protect the farm products of this country from adulteration and fraud. I have voted strenuously and earnestly for a protective tariff on farm products, and it was due to my personal fight, and I say it without hesitation, and I say it in the hearing of the men who were present and know all about it, that the tariff on XX Ohio wool was put at 11 and 12 cents as against 8 and 9 cents that would have been its fate, and there has never been a question in which the interest of the Ohio farmer was involved that I have not stood by it and protected it.

I can not vote for this bill, and I can give no stronger or better reasons than I gave in a single paragraph of the speech I made on the 4th of February, 1902, which is as follows:

> I believe that at the root of this bill and this proposition lies a menace to the liberties of this country and an assault upon personal rights and freedom. It is a proposition to introduce into the forum of Congress a measure to permit the taxing power of the United States Government (when there is no necessity for raising funds) to be used for the purpose of destroying a great industry, and by consequence building up another industry. It is a simple attempt of the strong to crush the weak. It is a misdirection of Government power and purpose that may be used in the coming years for the overthrow of any other industry of this country. There is not an industrial right enjoyed by a citizen of the United States that may not be in this way assailed and overthrown by a merciless, corrupt, and wicked purpose.

I will put in a summary, very brief and terse, the reasons for my position:

First. I believe the law to be unconstitutional.

Second. I believe that the enforcement of the law would be an outrage and a crime against the people of my country, who desire to purchase oleomargarine and who have a right to do so.

Third. It is a bill in the interest of a great unconscionable trust known as the "Creamery trust."

Fourth. Because the passage of this bill will in no wise benefit the farmer; its influence will never reach him, but will simply benefit the owner of the creamery and the constituent elements of the great trust.

Fifth. In the long run, in my judgment, it will result in agitation and the conflicting of interests between masses and classes of the people and lead to discontent among the laboring people, complaining of the oppression of the Government upon them.

Sixth. It is an attack upon the cost of food, and a governmental instrumentality is brought to bear to enhance to an unreasonable

degree the cost of an article of food held by a monopoly to the great detriment of the common people of the United States.

Seventh. It is a cheat to ask the farmer who produces milk to aid the monopolists under the specious cry that the farmer is to be benefited.

Eighth. It is placing the heavy hand of the Government upon the food of the common people and putting 10 cents a pound of tax upon every laboring man in the United States who buys a pound of butter.

It was well said once in England, "Woe to that government which makes it harder for the poor man to feed his wife and children; the people will punish the government that taxes bread." Here is an attempt directly and for the first time in the history of the American people to take the specific food of the poor man and the rich man and tax it, and it is to be done by an act of Congress and by the approval of the President of the United States. Think you, Mr. Speaker, that the people of the United States will forget this outrage? Think you that the men who have done this will be forgotten during this generation of men? This is introducing into American legislation a feature never before touched, and which will be resented from California to Maine, and it will not be answered by the clamor of a few creameries. Let us see whether the farmer is to be benefited. Here, within a few days, we have this statement from New York:

Elgin butter prices for the week ending April 14, 1902; also the prices of previous years.

[From the Elgin Dairy Report.]

	Cents.
April 14, 1902	31
April 15, 1901	21
April 16, 1900	18

This shows the unconscionable character of this whole performance. Butter 18 cents a pound on the 16th of April one year, 21 cents the next year, and 31 cents the next year.

Now, comes a worse statement. Here follows a statement showing that on the 16th of April, 1900, when butter was 18 cents a pound, milk was bought at 2½ cents a quart, and when they nearly doubled the price of butter on the 14th of April, 1902, they made the price of milk 2¾ cents a quart. Here is the statement:

Is (?) there a butter combine?

ELGIN BUTTER PRICES. [From the Elgin Dairy Report.]	Cents per pound.	NEW YORK WHOLESALE MILK PRICES. [From the Milk Reporter.]	Cents per quart.
April 14, 1902	31	April 14, 1902	2¾
April 15, 1901	21	April 15, 1901	2½
April 16, 1900	18	April 16, 1900	2¼

Comparison.—Milk, one-fourth cent per quart higher; butter, 13 cents per pound higher.

Here is a letter from a dealer in butter, eggs, etc., in Kansas, which puts the case in fine form. It is dated Chanute, Kans., April 22, 1902:

CHANUTE PRODUCE COMPANY,
BUTTER, EGGS, AND DRESSED POULTRY,
Chanute, Kans., April 22, 1902.

Hon. C. H. GROSVENOR,
Washington, D. C.

MY DEAR SIR: Your favor of the 19th instant received. Accept thanks. This is a degenerate age when such vicious legislation as building up of one industry by striking down another can be accomplished by men sent to represent the good of all.

The Harris amendment is the latest and most flagrant of all. It strikes at an industry so old that the time of its birth can not be recalled. Its only beneficiary visible is the creamery industry, which is as yet in its infancy.

It starts in its campaign of destruction with a bald falsehood, that process butter is adulterated, a statement which is wholly and totally false. On the contrary, purity and cleanliness are one of the essentials of success.

If enforced, it reaches out and strikes disastrously every woman in the United States who makes a roll of butter and offers it to the country merchant in exchange for groceries and clothing.

It is an undisputed fact that the researches of science in developing our knowledge of the constituents of milk and the intelligence of the processor in rehandling country butter on the laws laid down by science and nature has succeeded in reclaiming store butter from a condition unfit for table use to a quality dangerously near the creamery quality (that fact explains their activity), or, in other words, the creamery influence begins to regard them as rivals.

Of necessity a successful processor must shun adulteration as he would poison, as adulteration and quality are never present in the same tub.

With other reasons, the demands of the processor for what we call country butter has caused its advance in value of more than 150 per cent during the past three years.

I beg to remain, very truly, yours, JOHN F. BANKLEY.

Here is a letter from one of the clearest-headed men in the State of Ohio, engaged in an enormous business of mining coal. He deals with his men upon liberal principles and has the good will of the 2,000 miners who are employed by him. I refer to Mr. Thomas Johnson, who is known to all the business men of Ohio. It will be seen why I, as the Representative of that district, ought to have some feeling on this subject:

THE NEW PITTSBURG COAL COMPANY,
Columbus, Ohio, April 22, 1902.

Hon. CHAS. H. GROSVENOR,
House of Representatives, Washington, D. C.

DEAR MR. GROSVENOR: Regarding the oleomargarine bill, which is now before the House, I wish to call your attention to the fact that we have been using the butterine manufactured by the Capital City Dairy Company, of Columbus, Ohio, for quite a number of years; in fact, our miners and all of our employees about our mines have become so favorably accustomed to using it that they prefer it to country butter. If we were not using it, it would be practically out of the question for us to get sufficient wholesome butter to supply our miners, as the bulk of the butter we have been getting in recent years has been almost wholly unfit for use. While on the other hand, we know from investigation the butterine used is perfectly wholesome, and that our miners, some 2,000 in number, would be very much injured by the passage of the present bill, if it becomes a law; and before giving it your support I hope you will consider the matter well, as I believe it is your duty to the miners of Athens County to do everything you can to defeat the bill. Should there be a tax of 8 cents per pound placed upon it the miner would naturally be the party who would have to pay this tax, and I sincerely hope you will do everything you can to see that the bill is defeated.

In addition to the 2,000 miners which our company employs in the Hocking Valley, I am interested in mines in eastern Ohio—Belmont County—where there are employed over 1,000 men, and I know the general feeling of these employees is that they would regard it as quite a hardship on them if the bill as now presented should become a law.

Trusting you can see your way clear to do everything possible to defeat the bill, I remain,

Sincerely, yours, THOS. JOHNSON.

Here I publish from Jersey City a letter from Ammon & Person, showing the New York price of milk paid to farmers in 1901 and the New York price of milk paid to farmers in 1902, and the price of butter in 1901 and the price of butter in 1902:

THE "BUTTER RING" ON THE RUN.

JERSEY CITY, N. J., *April 22, 1902.*

DEAR SIR: Herewith we hand you a page from the Sussex Independent, a paper representing the largest and most important dairy section (Sussex County) in this State, and Orange County and adjacent dairy counties of New York.

We are informed that the signatures of farmers requesting passage of the oleomargarine-tax bill were obtained by creamery owners under the promise that a better price for milk would follow the passage of the bill.

Below we give you a memorandum of wholesale prices of milk and butter:

New York price of milk per quart paid to farmers.

[Price fixed by the Milk Exchange, controlled by creamery men.]

	Cents.		Cents.
January 1, 1901	3	January 1, 1902	3½
February 1, 1901	2½	January 15, 1902	3½
March 1, 1901	2½	March 6, 1902	3
April 1, 1901	2½	April 16, 1902	2¾

New York wholesale price of butter.

	Cents.
April, 1901, average price	21
April, 1900, average price	20
April 1, 1902	28
April 18, 1902	33
To-day	28

The 5-cent reduction in the price of butter since last Saturday is due to the wide publicity given to the methods of the "butter ring" in the public press; but, as one of them remarked, "We will put the price up again when Congress passes the oleo bill."

Yours, respectfully, AMMON & PERSON.

This is a beautiful spectacle which is presented. On the 1st of January, 1902, they paid 3½ cents per quart for milk, when butter was 21 cents a pound, and on the 18th of April they raised the price of butter to 33 cents a pound and cut down the price of milk to 2¾ cents per quart. That shows pretty well what the real situation is.

I publish here a leter from Bartram Brothers, New York, showing exactly how this thing is working:

NEW YORK, *April 7, 1902,*

Hon. CHARLES H. GROSVENOR,
House of Representatives, Washington, D. C.

DEAR SIR: I hand you herewith to-day's prices current on butter. As near as I can recollect, we have had no such prices for low grades of butter since 1872. You will notice the lowest quotation is 20 to 22 cents, while fine butter is 31 cents. April 7, one year ago, fine butter was 22 cents. We are now 9 cents higher than on that date. Canadian butter on Saturday was 21 cents, and Danish on Thursday last was 23½ cents.

Is it possible that the people who are trying to force this bill through realize the awful penalty they are putting upon the American consumer? The day following the passage of the bill in the Senate the market advanced 3 cents per pound. It seems to me beyond belief that, with the American market 8 cents higher than Danish and 10 cents higher than Canadian, these people who are pushing this bill are in earnest. There can be but one result—the public reaction, just as soon as the situation is understood, that will hurt somebody.

When you take into consideration that the public, who have consumed oleomargarine as butter, and upon whom this fraud has been continuous, are not the offenders, but must pay the penalty, while the offender, the oleomargarine man, has nothing but an additional cost made to his product, which the same public must pay.

Why the law was not changed, both civil and criminal, against the offender I can not conceive. There has been now in the neighborhood of 200,000 pounds of butter come from Canada. The Canadians are jubilant over the passage of the bill by the Senate.

Can not you bring some further force to your arguments when this bill comes before the House again? If it is your pleasure, I will come over with what data I have and assist all that I possibly can. I believe that the members of the House, when they realize what they are doing, will stop to think. Excuse me for intruding on your time with this subject.

Awaiting your further favors, I am

Yours, respectfully, J. A. NORTH.

Here I publish the protest of the Board of Trade of Toledo, Ohio, a body deeply in sympathy with the poor men of the State and surroundings:

RESOLUTION PASSED BY TOLEDO (OHIO) BOARD OF TRADE.

Whereas there is now pending in the United States Senate a bill known as "the Grout oleomargarine bill," which if enacted will deprive the public, and especially the poorer classes, of an article of food now in general use because of its merits and cheapness, and will destroy a large amount of cap-

ital invested in the various oleomargarine plants, and will deprive a large number of wage-earners of their means of livelihood and will decrease the revenues of the State and Federal Governments: Now, therefore, be it

Resolved, That we request our representatives in the United States Senate, the Hon. M. A. HANNA and the Hon. J. B. FORAKER, to use their influence and best endeavors to defeat the passage of the aforesaid "Grout oleomargarine bill," on the ground that it is oppressive and unjust legislation and that the passage of said bill would work to the detriment of the general public, and that copies of this resolution be forwarded to the said Hon. M. A. HANNA and the Hon. J. B. FORAKER.

Here I publish the resolution of the Eastern Montana Wool Growers' Association as reflecting upon the view taken by thousands of men in the far Northwest:

The following resolution was unanimously adopted by the Eastern Montana Wool Growers' Association, in convention assembled in Miles City, Mont., April 14, 1902:

Whereas the Senate has just passed the Henry oleomargarine bill, which means a loss to the stock raisers of more than $25,000,000 annually; and

Whereas the live-stock industry has repeatedly protested to the members of Congress against the enactment of this measure; and

Whereas we, the members of the Eastern Montana Wool Growers' Association, look upon the passage of this bill as a direct blow to our interests and as one which will only benefit the creamery manufacturers and not that engaged in dairying; and

Whereas it establishes the vicious principle of destroying one industry for the benefit of another, which, if not checked at once, will lead to most disastrous results in all industries; and

Whereas the live-stock industry of the United States represents a greater capital than any other two of the nation, it should receive just consideration by the Federal Congress; Therefore, be it

Resolved, That while we commend the action of those Senators and Representatives who remembered the rights and interests of their constituents, at the same time we desire to enter an earnest protest against those Senators and Representatives who forgot the rights and interests of their constituents by casting their votes against them; and be it further

Resolved, That we call upon the National Live Stock Association to test the constitutionality of this measure in the higher courts and to secure its repeal in the event it becomes a law.

JOHN M. CALVIN, *Secretary.*

Here is an exposé of the whole scheme of the reduction of the price of butter in order to affect the action of Congress upon this conference report. I publish the letter of the Capital City Dairy Company of Ohio:

THE CAPITAL CITY DAIRY COMPANY,
Columbus, Ohio, April 22, 1902.

Hon. C. H. GROSVENOR,
Washington, D. C.

DEAR SIR: Presuming upon your request to keep you posted on the "oleomargarine-butter" situation, we learned yesterday, upon reliable information, that the exposure, through the newspapers of the United States, of the butter trust in advancing price on creamery butter upon reliable assurance that Congress would pass the oleomargarine bill, caused a decline in the price, officially on the Elgin board, of 3 cents per pound, and in markets like New York and Philadelphia this means a reduction of from 4 cents to 5 cents per pound, while in Chicago and the West of exactly 4 cents per pound. This reduction is made in the face of the report of almost every creamery and dairy journal in the country that butter is still scarce; that there has been no surplus, and that even the commoner grades of butter have been much sought after, having actually advanced in price, which still further proves that the creamery butter prices were fictitious previously, as it does not stand to reason that with the scarcity of butter and spring pastures delayed that there could be a reduction of from 3 cents to 5 cents per pound over the entire market of the United States.

This information, we believe, will admit of the closest scrutiny, and we believe that it bears out our argument that Congress has been misled and that the butter crowd have learned their mistake and are attempting to rectify it by this almost unprecedented drop in butter price during a period of seven days, with a shortage of all first grades reported a week ago.

We beg to remain, yours, very respectfully,

THE CAPITAL CITY DAIRY COMPANY,
Per H. C. PIRRUNG.

Here I publish an editorial from the National Provisioner of April 19, 1902:

BUTTER AT ROBBER'S PROFIT—CONTROLLING INTEREST SENDS THE PRICE SOARING—CREAMERIES PAYING FARMERS LESS FOR MILK, BUT PRICE OF BUTTER JUMPS UPWARD—TWO REDUCTIONS IN PRICE OF MILK IN FIVE WEEKS—BUTTER MAY GO TO 50 CENTS PER POUND.

The butter interests are chafing at their leashes. They await with the utmost impatience the passage of the antioleomargarine bill in Congress. If it passes—if, mind you—millions of dollars will go into their pockets, and it will come from the pockets of the people. Already they have raised the price of butter, now a necessity on the American table, to an enormous price, and that only in anticipation that the bill will become a law.

Unlike the conditions which have caused a rise in the price of meats, the rise in the price of butter is purely and simply speculative. Five weeks ago the creameries paid the farmer 3½ cents per quart for milk. At that time high-grade butter sold at retail for 30 cents per pound. Later the farmers were paid only 3 cents per quart for milk, but the price of butter went up to 35 cents. On Wednesday the price paid for milk was again reduced to 2½ cents, but the price of butter remains at 35 cents.

The cost of the raw product (milk) has been decreased from 3½ to 2½ cents in five weeks' time, but the butter interests, which absolutely control the market, have increased the price of butter from 30 cents to 35 cents. And it will go to 40 or 45 or 50 cents if the antioleomargarine bill becomes a law.

Even at present prices butter is a luxury. It will be forbidden in thousands of homes if it goes higher, and conditions will be aggravated because there will be no oleomargarine to serve as a substitute. The passage of the law will accomplish two things: It will increase the price of butter by a large percentage to those who can stand the pressure. It will take butter and its substitute from the tables of the poor.

The New York Sun reviews the butter situation as follows:

"The rise in the price of butter is said to be chiefly speculative, not as turning upon any attempt to corner the market, but owing to a belief among the dairymen that Congress will pass the proposed law prohibiting the manufacture of oleomargarine. The law, if passed, will not do this in terms. The bill provides for a fractional tax upon uncolored oleomargarine and a tax of 10 cents a pound on the colored product. But people will not buy the uncolored oleomargarine, which looks like lard, and a tax of 10 cents a pound on the colored oleomargarine, it is said, will make the manufacture of the substance unprofitable.

"According to the figures of the so-called 'dairy trust,' there are manufactured in the United States 1,500,000,000 pounds of butter a year. Of this quantity it is said that 800,000,000 pounds are consumed in the neighborhood of manufacture and do not reach the general market, leaving 700,000,000 pounds as the estimated supply through the markets of the large cities.

"The annual sale of oleomargarine is put at 104,000,000 pounds, or about one-seventh of the total butter sales of the general markets. It is declared that the advance in butter prices is due to the belief that the oleomargarine bill will be passed and that therefore there will be this large hole in the supply to be filled with genuine butter of whatever quality.

"Yesterday's market reports showed that 'renovated butter,' which is said to be sold practically in every grocery store and to be 'renovated' by processes sometimes harmless and sometimes directly poisonous, was selling at 29 and 30 cents, as against the choicest creamery butter at 31 cents; this in the wholesale markets."

That the butter interests are creating a "corner" in anticipation of the passage of the bill is evident. On this phase of the situation the New York Journal says:

"The better quality of creamery butter is selling at 31 cents wholesale. There has been an increase in price of 2 cents in two days. At this season last year the price wholesale was about 18 to 20 cents a pound, with the demand well supplied.

"Where the creamery product is stored is a mystery. The dealers have called upon the creamery men to explain, and they have answered that their production was disposed of through the usual channels and that nothing had come to their attention that indicated that butter was being accumulated in order to effect a corner.

"Lately, however, the scarcity of butter has been so evident that both dealers and creamery men have concluded that the product for some time past had been bought up with the all too apparent intention and result of raising the price by creating a scarcity.

"The price is expected to go to 50 cents a pound there unless the supply available is increased."

To support my statement that no benefit is to come to the farmer from this legislation I publish an editorial from the Chanute Times, published in Neosho County, Kans. This publication, made in the midst of a great body of farmers, shows that the men in that country are not being misled by the cry that this is favorable legislation for the farmer. It is favorable legislation for a soulless monopoly and the farmer is to be the sufferer:

THE OLEOMARGARINE BILL.

For years one of the most absorbing questions that has come before Congress and State legislatures has been the manufacture of oleomargarine and kindred articles. The product has been cussed and discussed, praised and abused, investigated and reinvestigated, till it would seem there could be no phase of the manufacture or use of the product that is not perfectly familiar to the people, and especially to the lawmakers.

Each year finds a big lobby in Congress behind some kind of a bill for the regulation and sale of the product. At first the stuff was pronounced by its enemies as an article unclean and deleterious to health, but investigation and chemical analysis have proven it to be a pure and wholesome article of diet, unobjectionable in any way except to those who may be directly interested in the production of other articles of food, the use of which may be somewhat restricted by an increased consumption of the new commodity.

We have no sympathy whatever with those parties who would try to deceive the people as to the commodity they are selling them, and believe very severe and stringent laws should be enacted to protect the consumer against all efforts of the unscrupulous dealer who would sell one commodity and deliver another.

It being established and accepted that the oleo products are wholesome and palatable and desirable food products, then any legislation that seeks to cripple or destroy their manufacture, simply because they compete with some other industry, is vicious in the extreme and should not be tolerated. All the safeguards that can legitimately be thrown around the product to protect the consumer from being deceived in what he is buying is fair and proper, but any effort to tax the product out of existence or prevent its being manufactured or put up in an attractive shape, is simply arbitrary and injurious legislation against one legitimate industry in the interest of another.

If a customer has a taste for butterine and wants it, should the law say, No, you must buy creamery butter? If the customer demands that his butterine be colored yellow, blue, or green, should the law say, No, you can only have it white? Would it not be just as sensible to say that the creameries shall not use any coloring matter? That the internal arrangements of the cow alone should determine the color of the creamery product?

We have become somewhat wearied with this, which seems to us an unjust fight of the creamery combine against a legitimate industry employing thousands of people and representing an investment of millions. If oleo is such a desirable food product and can be put on the market at a price that competes with the creamery product, it is surely a benefit to the people at large instead of a detriment, and should be protected and not legislated out of use. Right now many families in Chanute are using butterine at 18 cents per pound. Good country butter can not be secured in sufficient quantities to supply the trade, and many prefer the 18-cent oleo to the 30-cent creamery for economy's sake. Many a poor man finds his grocery bill a dollar or so smaller at the end of each month these days than though he were compelled to buy the 30-cent creamery product, and the creamery does not suffer because of this, as there is always a greater demand among those who can afford it than the creamery can supply.

But later comes Senator HARRIS of Kansas, and under the blind of pure-food pretense offers an amendment to the bill which seems to have for its object the destruction of the industry of renovating and improving the lower grades of country butter by reworking, etc. The bill provides a tax of $600 per year on all such industries, and $48 per year on any merchant that sells the improved butter. Should this amendment become a law it would greatly reduce the price of country butter, because it would drive from the market the principal customer. Now a very large per cent of this butter goes into the hands of these process men, where it is thoroughly washed, reworked, and colored, and greatly increased in value. Take away from the country butter maker this market and you must necessarily greatly reduce the price of the product. Much of the country butter that comes to town, on account of the poor facilities for handling and in some cases absolute indifference about the matter, is not a palatable article until it has passed through the hands of the skillful renovator.

It seems that the great creamery combine of this country is at the bottom of this whole onslaught and is determined to crush these other industries if enough of our wise legislators can be influenced to lend a helping hand.

We do not believe in food adulterations, nor do we believe in imitations being sold as the genuine article, but we do believe in every enterprise stand-

ing or falling on its own merits. We do not believe in destroying one legitimate enterprise that another may reap excessive gains.

TO THE FARMERS OF KANSAS.

The bill introduced by Senator HARRIS, of Kansas, as an amendment to the oleo bill strikes at every housewife in this State, or any other, who makes butter and exchanges it at the store for groceries or clothing. Ostensibly it is aimed at the ladlers and processors on the false assumption that their goods are adulterated. Nothing could be further from the truth. The effort to improve butter is always with us. It is active in the housewife when she makes it. It is present in the merchant when he buys it. It is very much present in the processor when he buys it and endeavors to improve it so as to get a profit out of it. All of these efforts heretofore have been lauded.

Now Mr. HARRIS comes along with his bill and says it is criminal.

Why? I confess I can not see.

Is it dictated by ignorance? Mr. HARRIS is a very intelligent man.

Is it an additional slap at the oleo bill put in for fun? I can not tell.

Is it by design? There again I am at sea.

But that the creamery interest is powerful in the halls of legislation, and growing more powerful as the years go by, is a well-known fact.

Can it be that sinister motives underlie the effort? I pass it over to you, farmers and your wives, for a solution. If it becomes a law your interest is assailed, and your revenue from the article of butter will be cut in half, for the very plain reason that if an unjust law drives your best customer out of the industry your goods at once lose value, and you will return to the old condition of things existing ten, twenty, or thirty years ago.

What matron of 40 years in this vast Western country can not remember when her roll of butter, carefully made and wrapped, was taken to town and exchanged for groceries, and the best offer she could get was 6 cents per pound for it? And why? Because the country storekeeper had but three customers for it: A few pounds of the best for table use, more pounds of the next choice for bakers' use, and the balance (more than 50 per cent of it) went down to grease. All is now changed. The processor is daily on the market picking up this butter, and the processors are so numerous and the competition among them so active that the settled value of butter for the past three years has averaged 12 to 14 cents per pound, and unless unjust legislation arrest its course, the price will rule still higher in the future.

I append the defining paragraph of the law. Read it carefully, digest it, and then write your representatives in both branches of Congress and protest against its passage:

"That 'process butter' or 'renovated butter' shall be understood to mean a grade of butter produced by mixing, reworking, rechurning in milk or cream, refining, or in any way producing a uniform, purified, or improved product from different lots or parcels of melted or unmelted butter, and in which no acid, alkali, nor chemical, nor any substance whatever, has been used for the purpose or intent of deodorizing or removing rancidity therefrom, and to which no substance or substances foreign to pure butter has been added with intent or effect of cheapening cost or increasing weight of same."

FAIR PLAY.

Here is a finely condensed and powerful statement of the situation:

	Cents.
Butter	35
Should be	26
Who gets the extra	9

THE ROBBERY OF THE FARMER AND LABORER.

A month ago the farmer was paid 3½ cents per quart for his milk. Best butter retailed at 30 cents.

Recently the price of milk to the farmer was reduced to 3 cents and butter went up to 35 cents. Yesterday, April 16, the price of milk was again reduced to 2½ cents and the price of butter is still 35 cents. It would have been 40 cents but for the wide publicity given to the methods of the "butter ring" through the daily papers.

The price of farmers' milk is fixed by the "milk exchange," controlled by the creamery owners, and the "fat" (or excess profit of 9 cents) is "contributed" by the farmer and by you.

The farmer nowadays sells his milk and the creamery men make the butter. What a nice position for the creamery man, who, while he howls for a 10-cent tax on butterine (oleomargarine), lowers the price of milk to the farmer and raises the price of butter to the retailer and his customers.

Read the following extract from the July (1895) report of the Hon. George W. Roosevelt, United States consul to Brussels, Belgium:

"Some time since, France sent a delegation to Holland for the purpose of studying the methods employed there for the suppression of frauds in butter making; and also to ascertain if the manufacture of margarine (oleomargarine, butterine) had been favorable to agricultural interests. The report contains the attestation of seven mayors of communes in southern Holland, showing that since the introduction of the margarine industry in that country not only has the price of milk increased, but also the number of cattle, which plainly shows that the industry in question has become a source of profit to the farmers."

(Any one desiring the full report of Consul Roosevelt can get it upon application by mail to the Secretary of State, Washington, D. C.)

The 10 cent oleomargarine tax bill is intended to wipe out oleomargarine (butterine) for the benefit of the creamery men, who intend having the field entirely to themselves, as by taxing competitors out of existence they will name their own price for butter.

The oleo tax bill is now pending in the House of Representatives. Write to your member of Congress, write to President Roosevelt, protesting against a law which means that you must contribute to the now overflowing purse of the creamery man.

AMMON & PERSON,
Wholesale Dealers in Oleomargarine,
138-140 Ninth street, Jersey City, N. J.

I print here an editorial from the Chicago Tribune of April 8, 1902, which puts this matter in strong colors.

This evil class of legislation is to be inaugurated if the President will consent. The outrage, if it is perpetrated, will lie at his door. For all coming time, as the people look backward to see where this legislation came from or this strife was inaugurated, where this assault upon the food of the people began, where it was made possible for the mailed hand of taxation to go directly into the house of the poor and the rich and put a price upon their food, and take that price and put it into the pockets of other people, where it came from, who began it, history will show that the innovation upon all American legislation was begun in 1902 by the passage of this oleomargarine bill and the approval of the President:

A GREAT STRETCH OF POWER.

The oleomargarine bill is the latest and most odious and offensive example of the practice of using the national taxing power to prohibit a domestic industry. The taxing power has long been used to prevent the importation of the products of foreign industries in order to give protection to the American manufacturers or growers of similar products. Its use to "regulate" out of existence one domestic industry for the benefit of another industry or for the alleged protection of public health or morals is of later origin.

There is a tax of 10 per cent on the circulation of State banks. That tax was not imposed as a revenue measure, but to destroy State bank notes and leave a free field for the national-bank issues. That tax seemed an essential part of the system which gave the country a safe bank-note currency. But the practical illustration of the axiom that "the power to tax is the power to destroy" has served as a precedent for a similar use of the taxing power where its expediency may be questioned.

The war-revenue act of 1898 contained a provision for the taxation of bucket shops which aimed at their extinction. A brief controversy between the House and Senate as to whether that provission shall be repealed with the war taxes or left in force has been determined in favor of repeal. The tax on bucket shops is to go with the other war taxes. The bucket-shop business is objectionable from many points of view. It should be regulated, controlled, or prohibited. The bucket shop itself is objectionable from the point of view of the moralist, who sees in tolerated gambling an intolerable evil. But it is open to question whether it properly comes within the purview of the national authority to control bucket shops, policy shops, or any other kind of shops which are subject to the police powers of the several States. On the whole, The Tribune would like to see the bucket-shop tax retained, but it can not help seeing in this and all similar legislation a dangerous abuse of the true functions of the National Government.

A few years ago the practice sprang up of mixing wheat flour with corn flour and selling the product as wheat flour. The millers took exception to it. They appealed to Congress to use the taxing power for their protection against a new industry which they said injured trade in many ways. Congress granted the prayer. A special tax was imposed on the manufacturers of mixed flour and a tax was put on their product. These taxes produced $6,000 during the last fiscal year. The taxing power has about destroyed the mixed-flour industry, whose product was not an unhealthful one. Should the power to tax in order to destroy be used in any such case?

Sixteen years ago a small tax was levied on oleomargarine at the instance of the dairymen. The ostensible object was to "regulate" the business and obtain revenue. The hope of the dairymen was that the business would be destroyed. The hope was frustrated. Therefore they have asked Congress for and are on the eve of obtaining legislation which will practically put an end to the manufacture of a food product which is not injurious to health, which a great many Americans have been buying because it was cheap, and enjoying because it was an acceptable substitute for butter.

The practice of using the taxing power at the instance of one domestic industry to destroy another domestic industry is dangerous. It has been carried too far. If it is to become a settled rule of action that an industry which can command the necessary votes in Congress may use the taxing power to crush out home rivals the abuse of power may in time become intolerable. It is time to put a limit to this perversion of the functions of the National Government.

I publish a telegram received by me from constituents of mine who are shocked beyond measure by the injustice which they see coming:

CHARLES H. GROSVENOR, M. C.:

To preserve the heart throbs of our country's Constitution—equal rights to all, special privileges to none—we attract your attention to the increase of 8 cents per pound tax on colored oleomargarine, which is a dribble from out wage-earners' pocketbook, whose humble homestead must be built from the economy of his diet, we beseech your intervention for him, the life of our workshops. The manufacturer does not pay the tax.

I protest in the name of law and justice against this legislation.

Chinese-Exclusion Bill.

SPEECH
OF
HON. WILLIAM H. RYAN,
OF NEW YORK,
IN THE HOUSE OF REPRESENTATIVES,
Monday, April 7, 1902,

On the bill (H. R. 13031) to prohibit the coming into and to regulate the residence within the United States, its Territories, and all territories under its jurisdiction, and the District of Columbia, of Chinese and persons of Chinese descent.

Mr. RYAN said:

Mr. SPEAKER: This bill, known as the Chinese-exclusion law, provides for a permanent policy of excluding from the United States Chinese laborers. I am in favor of the bill with the addition of the amendments which are recommended by the minority and have the indorsement of the representatives of labor of the United States and the people of the Pacific coast. In order to fully understand this question it is necessary to briefly state our treaty relations with China. In July, 1844, a commission representing the United States, headed by Mr. Caleb Cushing, secured a treaty with China granting to the United States similar concessions to those granted to England in relation to peace and commerce.

In 1858 a new treaty was signed by the United States providing for a representative of the United States in China, protection of American citizens residing in China, and giving the United States benefits of commercial relations, etc.

Although considerable numbers of Chinese were attracted to California after the discovery of gold in 1848, there were only about 35.000 in the United States in 1860, and none of the evils of Chinese labor were felt at this time.

In 1868 Anson Burlingame resigned his position as minister from the United States to China, and headed a delegation of Chinese officials to this country, and as a result of this mission a new treaty was signed. This was the first concession by the United States to Chinese subjects residing in the United States.

This treaty gave to China the right to appoint consuls at ports of the United States, and provided for reciprocal religious freedom of Chinese subjects residing in the United States and our citizens residing in China.

Articles V and VI, however, are the important articles, and I will quote them:

ARTICLE V. The United States of America and the Emperor of China cordially recognize the inherent and inalienable right of man to change his home and allegiance, and also the mutual advantage of the free migration and emigration of their citizens and subjects, respectively, from the one country to the other for purposes of curiosity, of trade, or as permanent residents. The high contracting parties therefore join in reprobating any other than an entirely voluntary emigration for these purposes. They consequently agree to pass laws making it a penal offense for a citizen of the United States or Chinese subjects to take Chinese subjects either to the United States or to any other foreign country, or for a Chinese subject or citizen of the United States to take citizens of the United States to China or to any other foreign country without their free and voluntary consent, respectively.

ARTICLE VI. Citizens of the United States visiting or residing in China shall enjoy the same privileges, immunities, or exemptions in respect to travel or residence as may there be enjoyed by the citizens or subjects of the most favored nation. And reciprocally Chinese subjects visiting or residing in the United States shall enjoy the same privileges, immunities, and exemptions in respect to travel or residence as may there be enjoyed by the citizens or subjects of the most favored nation. But nothing herein contained shall be held to confer naturalization upon citizens of the United States in China, nor upon the subjects of China in the United States.

There seems to be nothing else reserved in that treaty except that the citizens or the subjects of either country shall not be naturalized in the other.

The treaty further provided that citizens of the United States in China and Chinese subjects residing in the United States should enjoy all the privileges of the public institutions of each country, respectively, and should have the right to establish schools, respectively, in the United States and China.

By this treaty we invited immigration from China and guaranteed those immigrants the same protection as we guaranteed the people of other nations coming to the United States. No distinction was made between Chinese laborers and other classes of Chinese. We invited them to come, and they accepted our invitation and came in large numbers and settled principally on our Pacific coast. That they assisted greatly in the development of the West and in the construction of railroads can not be doubted. While they built railroads and to a limited extent worked in the mines, they were principally engaged in menial work which it was difficult to procure others to perform. In 1860 there were but 35,000 Chinese in the United States, and in 1880 there were 105,000.

It was soon discovered, however, that we had made a mistake in the free admission of Chinese into the United States. The Chinese are a wonderful people in many respects. They have great powers of endurance, great industry, great patience, and they can work and live on so much less wages than white men that they become formidable competitors in all lines of work. They continued to come into the Pacific States in such large numbers that our people became alarmed, and the people and officials of the Pacific coast appealed to Congress to save them from what was termed "the yellow invasion." In 1879 Congress passed an act "to restrict the immigration of Chinese to the United States." The means adopted to secure this object was the limitation of the number of Chinese passengers which might be brought to this country by any one vessel to 15. The bill was passed by both Houses and was transmitted to the President for approval. President Hayes vetoed it, stating in his veto message that the bill as amended by the Senate included provisions which aim at and require the abrogation of Articles V and VI of the treaty with China of 1868.

The Chinese immigration became a vital question. With a Chinese population of 400,000,000 people, the yellow man could soon overrun the United States, and public sentiment was greatly aroused, and the Government again took up the question of restricting Chinese immigration.

In 1880 the Chinese in the United States numbered more than 100,000, and a commission was appointed to negotiate a treaty that would give the United States power to regulate Chinese immigration. This commission negotiated two treaties, one relating to commerce and the other relating to the immigration of laborers. These treaties were ratified in the year 1880, and Congress passed an act to suspend for twenty years the immigration of Chinese laborers, but President Arthur, on April 4, 1882, vetoed this bill as being in violation of the terms of the treaty.

Congress then passed the act of May 6, 1882 This act provided that the coming of Chinese laborers into the United States should be suspended for ten years; but provided that this section should not apply to Chinese laborers who were in the United States November 17, 1880, and provides for the identification of such laborers by means of certificates. It also provides that no State court or court of the United States shall admit Chinese to citizenship.

The act of 1882 was soon found to be inadequate. It was found, as it is at present, that it is most difficult to obtain truthful testimony from Chinese laborers seeking to enter or claim a residence in the United States because of the utter disregard or perhaps the inability of Chinese witnesses to understand the obligations of an oath. The act of July 5, 1884, was then passed, which was a stronger act than the one passed immediately after the ratification of the treaty. This act declared that the certificate which the laborer must obtain "shall be the only evidence permissible to establish his right of reentry into the United States."

The act of May 6, 1882, would have expired by its terms in ten years after its passage; but on May 5, 1892, the act now in force, known as the Geary law, was passed and approved. This act provides that all laws in force prohibiting and regulating the coming of Chinese persons into this country are continued in force for ten years from the passage of the act. This act places the burden of proof on the Chinaman when arrested to prove his right to remain in the United States, or it adjudges him guilty until he proves his innocence, which is a reversal of the ordinary rule of procedure. It provides for the removal of Chinese illegally in the United States, and it also provides for the imprisonment of persons adjudged not lawfully to be entitled to remain here, at hard labor, not to exceed one year, and thereafter to be removed. In other words, they are to be put in jail, kept there a year, and then sent home. It provides that no bail shall be allowed pending the disposition of the application of a Chinaman for a writ of habeas corpus.

It provides that all Chinese within the United States at the passage of the act must apply to the collector of internal revenue for a certificate of residence, and that all Chinese laborers found in the United States within one year after the passage of the act without such certificate shall be deemed to be unlawfully in the United States.

This act also gives to the Secretary of the Treasury the right to make all necessary rules and regulations for its execution.

In 1894 a new treaty was negotiated between the United States and China. As stated by the Chinese minister, "to relieve the Executive from embarrassment," China consented to enter into the treaty of March 17, 1894, proclaimed December 8, 1894.

The treaty absolutely prohibits the coming of Chinese laborers into the United States, except under conditions therein specified, for a period of ten years. It provides that this restriction shall not apply to the return to the United States of any registered Chinese laborer who has a lawful wife or a parent in the United States, or property therein to the value of $1,000. The act further provides that this restriction shall not apply to the rights at present enjoyed of Chinese subjects being officials, teachers, students, merchants, or travelers for curiosity, etc., but not laborers, of coming into the United States and residing therein; and that Chinese laborers shall continue to enjoy the privilege of transit across the territory of the United States to or from other countries, subject to regulation by the United States. The treaty also guarantees to Chinese, of whatever class, the same protection as is given by the laws of the United States to citizens of the most favored nation, except the right to become naturalized citizens. The convention is to remain in force for ten years, and if six months before the expiration of said ten years neither Government shall have formally given notice of its termination to the other, it shall remain in force for another like period of ten years.

This is our last treaty with China.

By the acts of July 7, 1898, and April 30, 1900, the immigration of Chinese into the Hawaiian Islands is prohibited; and it is also now prohibited, although not by act of Congress, in the Philippine Islands.

Mr. Chairman, the report of the minority on this bill says:

The question of Chinese exclusion is largely a racial question and largely a labor question.

Because our Pacific coast is the chief place of entrance of Chinese into our country, because a vast majority of Chinese immigrants settle on the Pacific coast, and because American citizens resident on the Pacific coast having had more experience with Chinese than the rest of our people, they understand the Chinese character better and are better fitted to know what legislation is necessary to solve the numerous and difficult problems connected with Chinese immigration.

I am fully in accord with this statement and will favor the legislation asked for by the representatives of the Pacific coast. I believe that the following section that is in the minority report should be again placed in the bill:

And it shall be unlawful for any vessel holding an American register to have or to employ in its crew any Chinese person not entitled to admission

to the United States, or into the portion of the territory of the United States to which such vessel plies; and any violation of this provision shall be punishable by a fine not exceeding $2,000.

The Pacific coast delegation ask for it and the argument that white firemen can not do the work, as is claimed by the other side, is contradicted by the Firemen's and Seamen's Union, as follows:

Whereas during the subsidy debate, and also during the hearings on the Chinese-exclusion bill, it has been stated in Congress that white firemen, for reasons of health, can not be employed in the fire rooms of steamers trading in the Tropics; and

Whereas this statement is being used to deprive us of the protection against Chinese competition: Therefore,

Resolved, That we, the Firemen's Union of Philadelphia, call attention to the fact that we sail in vessels on the Gulf coast to Central and South America and in any vessels anywhere as long as we are wanted and paid; and

Resolved, That in our opinion it is not a friendly act to deprive us of work and give it to the Chinese; and further

Resolved, That it would be more frank and friendly to state the reason why Chinese are carried, it being known of all seafaring men that the wages of Chinese are $9, while we as American firemen insist upon about four times that amount; and further

Resolved, That, being good enough to fight under the flag for its honor, we ought to be good enough to make a living under it.

Approved by regular meeting March 25, 1902.

WILLIAM ROBERTSON, *Chairman.*
HORACE ATKINSON, *Secretary.*

Whereas Senator HANNA and Senator FRYE stated that the heat in the stokeholds of steamers trading to the Orient is such that no white stokers can endure the same; and

Whereas this statement appears to have been the cause of the Senate voting down the anti-Chinese amendment to the ship-subsidy bill; and

Whereas this statement is without any foundation in fact, the truth being that white stokers go in the transports from this coast through the Suez, the Red Sea, and the Indian Ocean to the Philippines, and that white stokers go to the West Indies, Central and South America: Therefore, be it

Resolved, By the Marine Firemen's Union, of New York, in regular meeting assembled, that we repudiate the heat argument and the idea that it had any justification in any humanitarian concern for the health of the stokers or marine firemen; and further

Resolved, That we have been and are now willing to serve as stokers in those vessels, and will gladly do the work now done by the Chinese; and further

Resolved, That we hereby urge upon Congress to give to us, who go to sea, the same protection from Chinese competition that it shall be willing to give to workers on land.

WILLIAM MACQUEEN, *Chairman.*
JAMES W. BIRD, *Secretary.*

MARCH 25, 1902.

I believe American ships should have American crews, and this section should remain in the bill. When we annexed the Hawaiian Islands, we took in over 20,000 Chinese; when we acquired the Philippines, we took title to a large number of Chinese, variously estimated from 200,000 to 1,750,000, and the American workingman demands that this cheap labor be not placed in competition with his.

America is the asylum for the oppressed and liberty-loving people of the world, and the implied condition of their admission to this country is their allegiance to its Government and devotion to its institutions. It is hardly necessary to say that the Chinese are not even bona fide settlers, as the Imperial Chinese consul-general admits.

American labor should not be exposed to the destructive competition of aliens who do not, will not, and can not take up the burdens of American citizenship, whose presence is an economic blight and a patriotic danger. It has been urged that the Chinese are unskilled and that they create wealth in field, mine, and forest, which ultimately redounds to the benefit of the white skilled workingman. The Chinese are skilled, and are capable of almost any skilled employment. They have invaded the cigar, shoe, broom, chemical, clothing, fruit canning, match making, woolen manufacturing industries, and have displaced more than 4,000 white men in these several employments in the city of San Francisco. As common laborers they have throughout California displaced tens of thousands of men.

The United States has now a greater per capita of working energy than any other land. If it is stimulated by a nonassimilative and nonconsuming race, there is grave danger of overproduction and stagnation. The home market should grow with the population; but the Chinese, living on the most meager food, having no families to support, inured to deprivation, and hoarding their wages for use in their native land, whither they invariably return, can not in any sense be regarded as consumers. Their earnings do not circulate, nor are they reinvested, contrary to those economic laws which make the prosperity of nations. For their services they may be said to be paid twice, first, by their employer, and then by the community. If we must have protection, is it not far better for us to protect ourselves against the man than against his trade? Some maintain that the admission of the Chinese would cause an enlargement of our national wealth and a great increase of production. In this age of science and invention the production of wealth can well be left to take care of itself. It is its equitable distribution that must now be the concern of the country.

The enactment of a Chinese-exclusion law is asked for, not only by the people of the Pacific coast, but by the American Federation of Labor and all other labor organizations of the United States. I am in favor of protecting the American workingman and giving him employment at good wages, even if we lose our trade with China.

The Chinese cooly is no benefit to this country, and I for one am not willing to allow him to drag the laborer of this country down to his level.

The American workingman is paid better wages, is more intelligent, more ambitious than his brother in any other country in the world; and we should keep him so; not only should we keep the coolies out, but we should welcome an eight-hour work day to encourage and elevate our workmen. This country has grown great because the best people of all lands have here united to build up the grandest Government on earth, and we should keep advancing and not permit the progress of our country or the happiness of our people to be endangered by the overflow of the Celestial Empire.

Cuban Reciprocity Bill.

SPEECH
OF
HON. WILLIAM T. ZENOR,
OF INDIANA,
IN THE HOUSE OF REPRESENTATIVES,
Friday, April 18, 1902,

On the bill (H. R. 12765) to provide for reciprocal trade relations with Cuba.

Mr. ZENOR said:

Mr. CHAIRMAN: At this late hour in the debate I confess to some degree of hesitancy in venturing upon a discussion of this bill, and I shall not attempt to do so in detail. But, Mr. Chairman, in view of the very unusual and somewhat extraordinary situation presented by the division and conflict of opinion on both sides of this Chamber touching the wisdom of the passage of this measure, I deem it not only just to myself but due to those whom I have the honor to represent upon this floor to briefly explain, in a general way, why I shall support and vote for the bill. I shall do this by a somewhat general review of the subject under consideration, as applied to present conditions, and contrast as best I can the views and theory of the two dominant parties concerning the expediency of Congress taking some early action in overhauling and revising the present high and burdensome tariff taxation of this country. As to the pending bill, the ground has been so thoroughly covered by the wide range of arguments pro and con already submitted that but little, if anything, of interest remains to be said.

I do not, therefore, assume that any observations I may make touching the merits of this controversy will contribute anything of importance to the general fund of information upon that subject. Mr. Chairman, for the first time since I have had the honor of being a member of this House I have witnessed the remarkable spectacle of the Republican majority divided into factions, bitterly assailing and denouncing each other over a purely Administration measure. It is a somewhat strange and interesting performance. It is rarely the case that Republicans, whatever their convictions, are unable to compromise their differences in private caucus or to coerce the bolting factions into a surrender of their opposing views to the policy of the recognized leaders of their party.

But in this instance it seems the insurgent forces have refused to yield to party discipline and have carried their grievances into this Hall, to be aired and fought out upon this floor. As an evidence of this fact and of the struggle between the contending forces it is only necessary to recall the statement made in the course of his remarks by the distinguished gentleman from Kansas [Mr. LONG]. In the beginning of his address to this House, in referring to the pending measure, he said "that after the Committee on Ways and Means had considered this measure for about two and a half months, and had taken testimony covering 766 pages, it was then considered by the Republican members of the committee for some weeks, and finally a resolution was adopted to submit the question to a Republican caucus or conference; that such a conference was called, and after five successive meetings the conference directed the Committee on Ways and Means to report this bill."

It will thus be seen that this measure has come up through great trial and tribulation. What was the occasion for all this delay? Why procrastinate and parley over a very simple measure of relief to the Cuban people? Certainly no excuse could be found in any uncertainty as to the urgent needs of Cuba, and much less as to the views of the Administration upon the subject. President Roosevelt, in his message to Congress on the 3d day of December, 1901, in speaking upon this subject, said:

In the case of Cuba, however, there are weighty reasons of morality and of national interest why the policy (reciprocity) should be held to have a

peculiar application, and I most earnestly ask your attention to the wisdom, indeed to the vital need, of providing for a substantial reduction in the tariff duties on Cuban imports into the United States. Cuba has in her constitution affirmed what we desired, that she should stand, in international matters, in closer and more friendly relations with us than with any other power, and we are bound by every consideration of honor and expediency to pass commercial measures in the interest of her material well being.

This declaration of a Republican President ought to have been a sufficient warrant to the majority of the Ways and Means Committee to act, and act at once. The President's language was plain, and clearly indicated beyond the peradventure of doubt the Administration's policy of affording relief to Cuba. It was to consist of not merely a reduction, but a substantial reduction, of tariff duties upon all Cuban imports into the United States. If the Committee on Ways and Means did not feel fully justified in accepting the views of the President, or entertained doubts of the wisdom of his judgment as to the manner of granting the needed relief, then the views of the late President McKinley and the honorable Secretary of War, both of whom expressed in equally emphatic terms the same opinion as that of President Roosevelt upon that subject, should have been considered.

Here is what the Secretary of War in his annual report says:

Our present duty to Cuba can be performed by the making of such a reciprocal tariff arrangement with her as President McKinley urged in his last words to his countrymen at Buffalo on the 5th of September. A reasonable reduction in our duties upon Cuban sugar and tobacco, in exchange for fairly compensatory reductions of Cuban duties upon American products, will answer the purpose, and I strongly urge that such an arrangement be promptly made. It would involve no sacrifice, but would be as advantageous to us as it would be to Cuba. The market for American products in a country with such a population, such wealth and purchasing power, as Cuba with prosperity would speedily acquire, made certain by the advantage of preferential duties, would contribute far more to our prosperity than the portion of our present duties which we would be required to concede.

A large part of the $37,000,000 of merchandise which Cuba now imports from countries other than the United States, and of the much greater amount which she would import if prosperous, should come, and with a proper reciprocal arrangement inevitably would come, from the United States. An examination of the tables, Appendex B, shows that last year she bought over $6,000,000 worth of cotton goods, of which we supplied less than $500,000; nearly $700,000 worth of woolen goods, of which we supplied less than $22,000; over $2,000,000 worth of vegetables and vegetable fibers, of which we supplied but $171,000; over $2,700,000 worth of wines, of which we supplied but $829,000; over $526,000 worth of silk goods, of which we supplied but $24,000; nearly $2,598,000 worth of oils, etc., of which we supplied but $713,000; $1,053,000 worth of chemicals, drugs, etc., of which we supplied but $422,000; $8,476,000 worth of animals and animal products, of which we supplied but $1,994,000; $1,638,000 of manufactures of leather, of which we supplied but $405,000; $3,335,000 worth of rice, of which we supplied but $3,000. Substantially the whole of these articles, of which we now furnish so small a part, should come from the fields and factories of the United States. (Annual Report Secretary of War, November 27, 1901, p. 48.)

Notwithstanding these emphatic declarations of two Presidents, reenforced by the urgent recommendations of the governor-general of the island and Secretary of War, all of whom, as is well known, favored not the kind of bill reported by the Ways and Means Committee and now before this House, but a bill providing for a reduction of from 40 to 50 per cent of the existing Dingley rates on Cuban imports. These high officials were of the opinion that, considering the distressed condition of the Cuban people and our relations with that island, we should make a cut of at least one-half of the present high and exorbitant duties upon Cuban imports through reciprocal trade arrangements. Instead, however, of proposing this reasonable and just concession to the Cuban people, for which they offered to render a just equivalent, the majority of the Committee on Ways and Means, composed of Republicans, have seen proper to ignore the recommendations of these high officials and the earnest appeals of the Cuban people for at least a 50 per cent reduction in our tariff rates, and report this compromise measure, advocated by the American sugar trust, of only a 20 per cent reduction.

Evidently this bill, entitled "A bill to provide for reciprocal trade relations with Cuba," does not embody the views of the Republican party, nor does it express the convictions of the Democratic party upon the question of our duty to Cuba. The Cuban people have the right to expect and the American people are demanding that ample and full justice be done the Cubans. The United States has a peculiar interest in this island and its people and in the future welfare and success of its government, soon to be inaugurated. Having sacrificed thousands of lives and millions of treasure to free Cuba from Spanish dominion, in order that another republic might be added to this Western Hemisphere, whose future destiny, honor, and glory must ever be inseparably associated with that of ours; having, as a result of our intervention, destroyed the commercial relations of Cuba with European countries, and imposed upon her conditions restrictive of her power to build up new markets; having required of Cuba concessions of certain important governmental functions incident to her sovereignty, which she readily yielded and incorporated as part of her constitution and fundamental law; having willingly done all that we ask of her, and now that she has formed her constitution, organized her government, and elected her president, and is about ready to take over to herself the control of that government and embark upon her career as an independent and free nation, she appeals to us, not as a mendicant, not for charity, but for fair and honorable trade relations; for a market in which her people can dispose of the fruits of their labor and toil at fair and remunerative prices for freer trade and exchange of commodities.

Cuba does not plead for any advantages that she is not willing to reciprocate. She stands with open arms within 90 miles of our shores, rich in the almost inexhaustible resources of her soil, with a climate unsurpassed and a future pregnant with possibilities. With a commerce aggregating annually the large sum of $130,296,887, even now, under all the paralyzing effects of a most disastrous war, and with normal conditions once restored and her people given the opportunities that a reduction of our high tariff rates would guarantee to them in our markets, Cuba would soon command a commerce of over $200,000,000 a year, all of which she tenders to us if we will but grasp the opportunity. In view of this splendid opportunity to widen and expand our markets and build up and cement friendly and neighborly intercourse with the Cuban people, in view of our admitted duty and obligation involving the honor and good faith of the nation, I can not avoid the conclusion that the committee reporting this bill have failed to measure up to their full duty and meet the just expectations of the country.

Mr. Chairman, it would be a shortsighted and unstatesmanlike view to take of our relations with Cuba if in dealing with her we are controlled solely or in any large part by the narrow and selfish consideration of one or two domestic industries. It must be remembered that Cuba will in the future be a tower of strength in maintaining and upholding the Monroe doctrine. It is Cuba that will furnish to the United States our strongest base for both offensive and defensive operations in the future in all cases of national peril, and will most effectively secure us in the enjoyment of national peace. It is not Porto Rico, the Philippines, Florida, or the storm-swept coasts of the Gulf States that have or will be selected for the American coaling stations, but Cuba, with its sympathetic people, central position, and its deep and secure harbors—Cuba, that has ceded to us extraordinary privileges in harbors and coaling stations. Cuba is as certainly and securely within the armed defenses of the United States as if it were annexed.

This closeness of relationship and mutuality of great interests, this bond which must make us inseparable for purposes of war, should likewise induce us to make such trade concessions as will make us equally inseparable for purposes of peace. Mr. Chairman, I said a few moments ago that Cuba presented a splendid field for American trade and commerce. I now desire briefly to call attention to this phase of the question. For the fiscal year ending June 30, 1901, the total value of imports into Cuba was $66,167,645. Of this sum the United States furnished $28,475,002 worth and the rest of the world furnished $37,692,643 worth.

For this same year Cuba sold $64,127,242 worth of her products. Of this amount she sold to the United States $45,886,568 worth, and to all other countries only $18,342,674 worth. This latter sum was made up almost entirely from sales of cigarettes, cigars, and leaf tobacco. Cuba bought more than $37,600,000 worth from all other countries, or double the value of the products she sold to them, their balance of the trade exceeding $18,000,000. On the other hand, Cuba received in cash from the United States, as her balance of the trade with us, nearly $17,500,000. When Spain had control and governed the island of Cuba, she applied a system of preferential duties in favor of not only all articles produced in Spain and exported to Cuba, but in favor of all articles brought to Cuba in Spanish vessels.

These preferential duties ranged from one-fourth to one-half of the duties paid by foreign countries. This policy and system enabled Spain to command 90 per cent of the Cuban imports, or, in other words, to sell to Cuba 90 per cent of all she bought. The application of the same policy, the same principle, by the United States to Cuba would enable us to control the Cuban trade in the same manner and in like proportion.

A carefully prepared table, which I will incorporate as part of my remarks, embracing certain articles imported into Cuba for the fiscal year ending June 30, 1901, amounting in the aggregate to the sum of $45,322,942, shows the names and classes of articles composing this sum sold by the United States and those by all other countries to Cuba during this period. It may be noted that this table does not include all the articles furnished by the rest of the world, only those in the main in which the rest of the world furnished larger quantities than the United States, nor are all the items furnished by the United States given; in fact, none of those in which the United States outstrips all other countries are included. The United States has how the larger part of the trade in fresh beef, pork, eggs, flour, coal oil, coal, machinery, railroad iron, and a number of other very important articles of importation.

But these are more than offset on the part of other countries by cattle, rice, salt, wines, olive oil, preserved fruits, dried beef, cottons, linens, silks, woolens, shoes, hats and caps, and a

number of other common articles of consumption, all of which the United States produces, and most of which in quantities in excess of domestic consumption. It will also be observed from an examination of this table that of the aggregate total of $45,322,942 of this class of imports into Cuba for this period the United States only secured $10,356,725 worth, or only about 23 per cent. The rest of the world obtained $34,962,101 worth, or more than 77 per cent. The value of the imports for this fiscal year, not included in table, is $20,844,700. Of this sum the United States furnished $18,114,160 worth, consisting of articles sold to Cuba in which the United States has virtually no competition, making our share in this balance of trade 86 per cent.

This demonstrates that in making reciprocal trade arrangements with Cuba if we would apply the correct principle we could secure at least 86 per cent of her entire trade, or $56,904,000 worth of it, which is just double the amount we shared the last year. For the purpose of showing the present and former Spanish rates of duties levied upon Cuban imports, two columns of per centum have been added to the table. The first column represents the present ad valorem duty collected upon the articles enumerated upon their entering Cuba; the second the former Spanish rates.

Imports from the United States and all other countries into Cuba, fiscal year ending June 30, 1901.

Names and classes of articles.	United States.	All other countries.	Rate of duty.	Former Spanish rate.
Alimentary articles.				
			Per cent.	*Per cent.*
Bread and biscuit	$33,616	$28,674	15.5	35
Beef, other than fresh	64,732	1,917,016	31.5	34
Butter	29,319	78,974	18.4	30
Cheese	59,333	401,410	18.5	20
Condensed milk	402,846	99,832	10	50
Coffee	1,315,706	768,744	37	48
Fish, cod, etc	238,901	769,675	10.1	19
Fish, all other	50,630	207,397	22.2	21
Fruit, green and dried	117,611	267,503	11	37
Nuts	4,166	32,589	14.2	38
Meat products	137,332	184,515	24	50
Oil, animal	18,594	7,331	7	37
Oil, olive, and other vegetable	43,998	974,944	11.5	27
Oil, volatile	6,265	28,507	25.6	55
Rice	3,481	3,332,019	22.9	46
Salt	2,501	46,399	81	145
Seeds	8,616	43,534	12	36
Spices	13,942	100,348	25	36
Sugar, candy	32,249	68,579	25	43
Vegetables, garden	868,223	1,255,902	18.5	39
Beer	315,671	169,331	24.9	36
Cider	995	75,543	8.5	36
Malt	7,227	15,176	20	35
Spirits, distilled	5,419	170,682	60	70
Wine, in bottles and barrels	6,463	1,846,989	80	45
Champagne and cordials	1,484	32,458	50	38
Total	3,789,320	12,924,071		
Chemical products.				
Medicines, patented	138,880	146,693	11	38
Drugs, all other	244,082	432,812	8.5	30
Paints	101,478	124,995	28.4	33
Perfumery	15,889	143,838	37.4	55
Soap	38,026	408,490	36	35
Starch	13,272	64,890	27	40
Total	551,627	1,321,718		
Fibers, tissues, and apparel.				
Cotton:				
Closely woven	109,265	1,036,194	34.3	38
Loosely woven	237,621	2,369,147	28	36
Knit fabrics	13,430	651,876	37.3	42
Carpets, quiltings, etc	6,898	83,006	50	40
Tulles and laces	2,146	334,336	29	40
Waste	17,157	9,162	10	7
Wearing apparel	34,453	126,784	24.3	41
Yarn and thread	1,738	218,560	24.4	34
All other manufactures	39,936	740,119	28.6	32
Fibers:				
Bags for sugar	32,177	430,646	21	38
Cordage and rope	34,806	25,531	23	40
Twine	1,663	45,336	18.7	31
All other manufactures	16,841	1,240,396	23.8	37
Silk, and manufactures of	24,057	497,354	45	53
Wool and woolens	19,871	666,640	40	56
Hats and caps	29,801	357,195	20	29
Leather	23,209	33,386	19.3	32
Leather, manufactures of	482,141	1,320,361	22	40
Total	1,127,160	10,186,029		
Manufactures, various.				
Brooms and brushes	19,272	26,828	34.9	30
Candles	4,990	318,183	18.3	30
Chinaware	4,456	60,618	38.4	43
Earthen and stone ware	20,232	152,312	31.	41
Celluloid, and manufactures of	4,544	28,351	31.	60
Cement	157,586	51,219	26.5	80
Clocks and watches	27,428	71,724	25.	16
Cork	9,358	28,818	6.4	27

Imports from the United States and all other countries into Cuba, etc.—Cont'd.

Names and classes of articles.	United States.	All other countries.	Rate of duty.	Former Spanish rate.
Manufactures, various—Cont'd.				
			Per cent.	*Per cent.*
Crockery	$38,823	$83,009	19.5	38
Fans	7,857	55,346	30.	29
Games and toys	19,324	85,689	20.	40
Glass	202,466	377,017	25.2	39
Musical instruments	9,201	52,826	40.	35
Paper	229,001	632,823	27.7	25
Rubber, manufactures of	73,212	169,930	19.	30
Miscellaneous carriages	133,002	21,260	23.	21
Umbrellas, canes, etc	10,194	55,522	25.	30
Wood, hogsheads and barrels	218,136	260,591	16.3	50
Wood, unspecified manufactures	22,797	13,711	30.	36
Total	1,211,967	2,545,277		
Metal manufactures.				
Brass, and manufactures of	26,586	45,094	19.2	30
Copper, and manufactures of	149,133	64,883	17.3	35
Iron and steel, bars, bands, rods, etc	122,109	125,862	26.5	23
Cutlery	29,594	48,935	28.5	32
Firearms	7,412	15,330	28.	44
Locks, hinges, and builders' hardware	48,250	40,212	14.3	33
Tools, not elsewhere specified	128,884	69,269	16.	29
Castings, not elsewhere specified	135,199	55,090	11.4	26
Nails, spikes, and tacks	147,659	107,732	18.	32
Needles, pins, and all fine articles	57,915	146,186	18.5	35
All other manufactures	314,061	199,139	16	37
Jewelry, etc	8,338	115,278	14.1	0
Lead, and manufactures of	30,100	22,951	16.7	30
Plated ware	38,554	43,946	25	20
Tin and tin compositions	73,124	60,454	16.5	20
Zinc, and manufactures of	11,229	19,809	20.6	25
Total	1,329,592	1,180,220		
Miscellaneous.				
Cattle	1,260,335	6,020,087	7.5	20
Hides	31,248	108,673	15	40
Stones, building, etc	16,752	28,206	35	47
All articles not otherwise specified	1,038,674	615,812	20	30
Total	2,347,009	6,772,868		

RÉSUMÉ OF TOTALS.

Names and classes of articles.	United States.	All other countries.
Alimentary articles	$3,789,320	$12,924,071
Chemical productions	551,627	1,321,718
Fibers, tissues, and apparel	1,127,160	10,186,029
Manufactures, various	1,211,967	2,545,277
Metal manufactures	1,329,592	11,180,220
Miscellaneous	2,347,009	6,772,868
Grand total	10,356,725	34,930,183

As to the reduction of duty on tobacco, no one is heard to complain, and the facts do not warrant the belief that any harm will come from any increased competition to our tobacco producers. The consumption of cigars in the United States for the year ending July 1, 1901, was 5,770,954,369. The total production of cigars in Cuba does not exceed 250,000,000 per annum. This includes all cigars sold in Europe, as well as in the United States. The total Cuban production does not exceed 4½ per cent of the present American consumption. The annual consumption of cigars in the United States will naturally increase with the increase of population, while it is conceded that the United States does not and can not produce the same quality of tobacco raised in Cuba. The difference in quality between American and Cuban grown tobacco renders competition between the two harmless to the American tobacco producer. Besides this it is admitted by the best-informed of both American and Cuban tobacco growers that the annual production of Cuban tobacco of the grades valuable enough to pay the cost of export transportation can not be largely or materially increased. Hence any pretended grounds for alarm among American tobacco growers arising out of competition with the exports of tobacco from Cuba to this country would seem to be without any substantial foundation.

Now, Mr. Chairman, what are the conditions with which we find ourselves confronted in Cuba? Cuba is asking our Government for some remedial legislation—some relief. It is urged in behalf of this appeal that we owe Cuba a duty; that we are under a moral if not a legal obligation to relieve her people from financial and business distress; from the effects of prevailing low prices for her sugar product; prices that do not equal the cost of production; prices brought about not by any act of our Government, but conceded to be due to a fall in the price of sugar the world over. It is urged that the Cubans are without money and their credit exhausted; that unless they secure some immediate aid they will not be able to harvest their present crop of cane and

plant their next crop. This claim seems fairly well supported by the testimony given before the committee in their hearings upon this bill. If not in present distress, they will suffer in the near future unless something be done. They do not ask charity; they come with a quid pro quo to offer as a fair equivalent for the favor asked. They seek to secure from us a reciprocal trade arrangement by which they can enter and sell their products in the markets of the United States, and in return for whatever concessions we make in that behalf to grant to us on our products exported to Cuba a like reduction or preferential rates equal thereto.

They ask for a reduction of 50 per cent of the present duties imposed by the Dingley law. It is pretty clearly shown, if not absolutely demonstrated, that any less reduction than this will not materially help them. What are the duties, under the Dingley law, upon articles coming to the United States from Cuba? How do they compare with the rates of duty upon the imports from other countries? Mr. Chairman, while the general average of tariff duties upon all dutiable articles imported into the United States is 51 per cent, the highest general average of any law ever placed upon the statute books, exceeding the general average under the McKinley law of 1890 by nearly 2 per cent. But while this general average of duties does not exceed 51 per cent upon all articles imported into the United States, yet, as applied to Cuba alone, the average rates of duty paid by Cuba upon articles imported by her into our country is about 100 per cent. This happens because of the fact that the two chief products of export by Cuba are sugar and tobacco, upon which are levied the heaviest tariff rates known to the Dingley law.

The maximum rate of duty on unrefined sugar being from $1.68½ to $1.82½ per hundred pounds and on refined anywhere from $1.95 to $2.40 per hundred pounds, according to the methods employed by different experts in making the estimates. The scheme devised in the sugar schedule in the present Dingley law is so complex and complicated that it is conceded that it requires the very best skill of experts to determine the exact per cent of protection they are entitled to under its provisions. These experts, strange to say, differ in their computations and arrive at different results in their manipulation of figures. The law itself is grievously faulty in its construction in that it is so indefinite and uncertain that it permits the sugar trusts and those sharing in its benefits to take this advantage. But, be this as it may, it is a conceded fact that the average of duties paid by Cuba is now about 100 per cent. The duties upon tobacco are about 280 per cent, and this is the next largest article of Cuban export.

Now, Mr. Chairman, how much sugar does Cuba produce for export? For the fiscal year ending June 30, 1901, Cuba produced about 875,000 tons of sugar. Of this amount she exported about 825,000 tons to the United States. The amount of domestic or free sugar produced in the United States, including Porto Rico and Hawaii, was about 850,000 tons.

Secretary Wilson's latest report on the subject places the beet-sugar production for 1901 in the United States at 198,500 tons, from the following sources: California, 80,000 tons; Michigan, 60,000 tons: Colorado, 20,000 tons; Utah, 15,000 tons; Nebraska, 7,000 tons; New York, 7,000 tons; Wisconsin, 3,000 tons; Minnesota, 2,500 tons; Washington, 2,000 tons; Oregon, 2,000 tons. The cane-sugar production is estimated in detail as follows: Southern States, 300,000 tons; Porto Rico, 100,000 tons; Hawaii, 300,000 tons; total, 700,000 tons.

The amount of sugar consumed in the United States during the year ending December 31, 1901, was 2,372,316 tons. This would leave a balance to be imported of 1,522,316. The consumption of sugar in the United States has increased at the average rate of 6.94 per cent per annum for the last twenty years. At this average annual rate of increase the increase in consumption for the present year will be 164,638 tons, making the total amount of sugar consumed in the United States during the year ending December 31, 1902, 2,536,954 tons. To meet this requirement for consumption the maximum supply of free sugar from the crops now under way is estimated to be as follows:

Hawaii (estimated), from	300,000 to	350,000 tons
Porto Rico (estimated), from	100,000 to	150,000 tons
Louisiana and Texas (estimated), from	300,000 to	350,000 tons
Domestic beets (estimated), from	150,000 to	150,000 tons
Total (estimated)	850,000 to	1,000,000 tons

This leaves from 1,536,954 to 1,686,954 tons as a margin between home production and consumption, which must be supplied from foreign sources. This amount of foreign sugar must enter the United States subject to the high rates of duty under the Dingley tariff. This margin of foreign importation constitutes an actual protection afforded our American sugar producers. Until this margin of foreign importation is exhausted the American industry is fully protected. The sugar crop of Cuba has never exceeded 1,100,000 tons in its most prosperous years.

The following table will show the annual production of sugar in Cuba for the past twelve years:

	Tons.		Tons.
1890-91	819,760	1896-97	219,500
1891-92	976,789	1897-98	314,000
1892-93	841,000	1898-99	345,260
1893-94	1,087,000	1899-1900	308,453
1894-95	1,040,000	1900-1901	635,856
1895-96	240,000	1901-2 (estimated)	875,000

With this large excess of consumption over production, can any reasonable mind find any occasion to grow hysterical over the threatened invasion of our sugar market by Cuban sugar? Can any gentleman upon this floor or elsewhere justify his refusal to consent to the small and insignificant reduction of 20 per cent proposed in this bill in the interest of Cuba, in the interest of larger and freer trade, in the interest of what is still more important than either, of a possible reduction of the price of sugar to the great mass of consumers of this country? I take it that he can not. I do not hesitate to say that the great majority of the people of this country will refuse to excuse, if they do not condemn, any Representative here who has the opportunity and fails to record his vote in favor of cutting down these duties, in favor of removing a part of the high-protective wall that has been thrown around an article of such prime importance and general use to the whole people.

There is now, and has been for several years, a strong and growing sentiment against the manifest injustice of maintaining the present high, exorbitant, and useless rates of the Dingley tariff upon many of the articles included in its various schedules. The people have had an object lesson in the practical operation of this law that has challenged their attention, and they are wondering why it is that they must continue to be taxed for the benefit of the protected industries which have long since outgrown the necessities of protection, whose output is far in excess of the home market, far in excess of domestic use and consumption, and who, on account of this selfish and monopolistic policy, are enabled to shut out all competition at home and charge our own people much higher prices for what they need and must have than they do the people of foreign countries. They are beginning to study and understand something of their own interest and of the operation of these Republican laws and policies, and the more they study and understand and the more they investigate and inquire into the producing causes of trusts, combinations, and monopoly of markets and control of prices the more thoroughly persuaded they become that the chief of all these evils is the policy of an exorbitant and excessively high tariff.

Mr. Chairman, while I know the power and influence of partisan appeals, the tyranny of partisan prejudice, and the courage required to break away from a lifetime association with the political party of our choice, yet, notwithstanding all these cherished ties, we owe a still higher duty, a more sacred obligation, to ourselves and the country. When the policies and course of that party no longer serve the best interest of the people; when it has ceased to express and carry out the popular will and has entered upon a career of colonial exploitation abroad and a still more destructive system of spoliation at home; when the designs, purposes, and policies of such party manifest an utter disregard of the demands of the people in matters of the highest concern and vital importance to their well-being, it is well to pause and consider the wisdom of our political action. And this, Mr. Chairman, is what the people of this country are doing today, and unless some radical change takes place in the policies of this Administration, unless some legislative relief is given the country and the great army of consumers from existing conditions of tariff taxation, an aroused public opinion will certainly and justly sweep from place and power those who have thus betrayed the confidence of the country.

Believing that the pending bill is framed along these lines, and, to the extent of the proposed 20 per cent reduction in our tariff to all the products coming from Cuba, is in strict accord with Democratic principles and the demands of the country, I see no reason why I, as a Democrat, should not support and vote for it. While I can see no good reason why Democrats can not consistently support this bill, yet it must not be understood that I regard the bill as a Democratic measure. Such a thing as a Democratic bill involving questions of Democratic tariff reform being reported favorably to this House by the present Ways and Means Committee would be entirely too much to expect, and no Democrat, I am sure, would either expect or hope for such a thing. If it was a Democratic bill, it would not stop at a 20 per cent reduction on Cuban sugar. It would go much farther in its measure of tariff relief to Cuba, not only on sugar, but on all other articles coming from Cuba.

It would have provided for a reduction of at least 40 or 50 per cent, as the Cuban people ask and as was suggested by General Wood and other American officials in charge of the military government of that island. If it had been reported by a Democratic

committee it would have included a provision for the abolition of the entire differential duty and all sugar coming into the United States from foreign countries, and thereby given the American people some relief as against the American Sugar Refining Company and all other sugar trusts in this country. If this bill had been a Democratic measure, even though coming from a leading Republican committee of this House, it would have proposed to place on the free list all articles manufactured, whether by a trust or otherwise, and sold abroad at prices below what they are sold for at home.

If it bore the similitude of a Democratic measure, it would have carried a provision for relegating to the free list all articles of steel, iron, and other metals and manufactures thereof embraced in the metal schedule of the Dingley law, and all wood pulp used in the manufacture of paper, and all other articles included in what is known as the Babcock bill, introduced by Mr. BABCOCK, of Wisconsin, at the present session of Congress. Such a bill, Mr. Chairman, would, if enacted into law, afford some material relief to the country and prove of immense value and benefit to the farmers and agriculture. Such a bill would be responsive to the universal sentiment of the country and be welcomed as a real benefaction by those who are the helpless victims of this vicious, trust-breeding, and monopoly-creating policy of the Republican party. It would be gladly hailed by the great body of the people as a harbinger of emancipation from the remorseless grasp of greed and avarice.

But, Mr. Chairman, unfortunately the bill reported by the Republican Ways and Means Committee, and now before this House for our consideration, is not such a bill as that. It is neither a Republican nor Democratic measure. It is hardly a respectable compromise of the two, although it has been severely denounced by many Republicans upon that side of the Chamber in the course of this debate as so highly tinctured with Democratic ideas and tendencies that they will not, as they say, stultify themselves or compromise the honor and faith of their party by supporting it; while upon this side of the Chamber are found Democrats just as emphatic in their denunciation of the measure as a wicked contrivance of the Republicans to shirk the responsibility of a grave and important national duty, diluted with only 20 per cent of Democracy to commend it to their support. The insurgent Republican contingent on that side of the Chamber insist that they will not surrender one farthing of the protective duties on sugar even to relieve the distress of Cuba.

The Democrats, always more conservative, always more considerate, while not accepting the provisions of the bill as satisfactory; while hoping to be able to secure amendments to it before it is put upon its passage that will not only render it much more effective in the accomplishment of the purpose contemplated, but will, in addition, afford a large measure of much-needed relief to the people of our own country as well as to those of Cuba, yet, failing in this, will, as a party, support the bill. I much prefer, Mr. Chairman, that before I am compelled to cast my vote, the bill be amended. I think it should be amended. I believe there should be a greater reduction in the per cent of tariff duties than 20 per cent. I believe this is necessary to meet the situation in Cuba and afford the people there proper relief. I believe this should be done for the further reason that the lower we fix the tariff duties on Cuban imports the greater will be the preferential duties granted us under the provisions of this bill.

It is virtually admitted upon both sides of this controversy that the freer the trade is made between Cuba and the United States the more certainly we will command the trade of that island. No reduction in tariff rates between Cuba and this country will, in my judgment, injure or cripple a single industry in the United States; but, on the other hand, would benefit our people in giving us the Cuban market for the products of both the farm and factory, and may result in securing to our consumers a lower price for sugar. The opposition made to this proposition by the friends of the beet-sugar industries is, in my judgment, wholly without foundation. As long as our people consume over 1,500,000 tons of sugar more than we raise, as long as we are importers of sugar and not exporters, our sugar factories and industries can not be affected by tariff duties upon what sugar comes from Cuba. If there is any doubt about this in the minds of those who feel apprehensive upon this subject, it seems to me that the whole matter should be put at rest by the statement of the two great magnates of the beet-sugar industries.

Messrs. Henry T. Oxnard and W. Bayard Cutting are the two great leaders and managing heads of the American beet-sugar business. Mr. Oxnard, in a trade circular issued in January, 1899, said:

Perhaps it may be well to draw attention to one or two features of the industry:

(1) Its product is a staple of universal consumption and of the readiest sale.

(2) The product is a finished article, the sugar being turned out refined and granulated, the manufacturer not being dependent upon the refiners' trust for his market.

(3) Competition by home production is so remote as to be scarcely worth consideration. The United States is now compelled to import three-quarters of its consumption, and it would take at least 300 factories of a daily capacity of 500 tons of beets to produce present importation.

Regarding the future development and permanency of the beet-sugar industry in the United States there can be absolutely no doubt, for the following reasons:

(1) Of the tropical countries which it is proposed to annex to the United States, Porto Rico is too small to cut any figure, and the Philippine Islands have not the necessary elements for the expansion of the sugar business sufficiently rapid to give any concern to those interested in the production of sugar from beets in this country for the next twenty-five years to come.

(2) The island of Cuba is so situated that its sugar industry can rapidly recover the ground lost during the insurrection, provided that the labor question there can be satisfactorily settled. There is, however, no fear that Cuban production, even under an annexation to the United States, can in our day expand to the point where the United States would become exporters of sugar instead of importers, and hence that protection would no longer protect.

(3) Greater than all the above assurances of the permanence of the sugar industry in this country is the fact that sugar can be produced cheaper here than it can be in Europe. The sugar industry is, after all, merely an agricultural one. We can undersell Europe in the production of all other crops, and sugar is no exception. The sugar consumed in the civilized world consists of 3,000,000 tons of cane sugar grown in the Tropics and 5,000,000 tons of beet sugar grown on the Continent of Europe. Therefore, in considering any given sugar enterprise, if it can meet and overcome the competition of sugar on the Continent of Europe, it is perfectly safe to say that it has a permanent future.

Now, it is claimed that Mr. Oxnard was mistaken when he made this statement, because he predicated his calculation upon an erroneous basis. Mr. Oxnard himself has since attempted to explain away this deliberate declaration made by him upon the theory that he had assumed certain data that failed to materialize; but the inherent weakness of this denial is manifest when you consider that that statement was made after an experience and practical knowledge in the beet-sugar business of nine years and after there had been produced and marketed of beet sugar in the United States about 300,000 tons. So that here we have, as against the arguments made by the advocates of the beet-sugar interests and those who are now opposing this bill upon the ground that the proposed reduction of duty on sugar will cripple and destroy this industry, the testimony of the most prominent and, I assume, the best-informed beet-sugar man in this country to the effect that beet sugar needs no protection whatever. Add to this the further testimony of the facts and figures evidenced by the late census bulletin upon this subject, and it will be made to appear that Mr. Oxnard was not only not mistaken in his first statement, but was, as he himself declares, very conservative.

According to this United States census bulletin the average price paid for a ton of 2,000 pounds of beets in the United States is $4.39. The average per cent of sucrose carried by the beet is 14.5 per cent. But suppose this per cent is somewhat high, and to be entirely safe and conservative we assume only 12 per cent, or 240 pounds of refined sugar to a ton of beets. One hundred ton of beets at $4.39 per ton equals $439. Manufacturing, at $3 per ton—figure estimated by beet-sugar interests—equals $300. A 12 per cent yield of sugar would make cost of 24,000 pounds of refined sugar $739, or a little less than 3 cents and 1 mill per pound. The average price of granulated sugar during the last year was 5.05 cents per pound. Figuring on this basis, and I submit that it is entirely fair to the beet-sugar producers, they have a profit of 2 cents a pound, or $40 a ton. In view of this enormous profit can it be said that Mr. Oxnard was not right when he said that beet sugar needed no protection? But this is not the question. It is not proposed to deprive beet sugar of protection. All that this bill proposes is a reduction of existing duties 20 per cent. What, destroy the protection on sugar, when after this cut is made it will still enjoy a higher rate of protective duty than almost any other article on the dutiable list?

If this is what our Republican friends call a destruction of the protective tariff system—great God, save us the mark! Mr. Chairman, I have just said that a motion will be made by this side of the House at the proper time to amend this bill by abolishing the existing trust differential tax on sugar. This, Mr. Chairman, will furnish an opportunity to all members of this House to demonstrate their sincerity and make good their professions of opposition to the sugar trust. The American Sugar Refining Company has throughout this debate been bitterly assailed and made the excuse, in a very large measure, by both advocates and opponents of this bill for their position—a very peculiar and anomalous condition of things. To one having listened to the arguments advanced for and against this bill, it would seem that the sugar trust was of all organized agencies, human or inhuman, the most friendless, the most hated and despised in this Hall—upon this floor.

But it remains to be seen, to be tried, and tested whether the votes will accord with the professions, with the declarations made, when the final moment arrives. If there be an amendment ingrafted upon this bill and passed removing the differential duty, eliminating the Dutch standard in color, ingeniously contrived and purposely designed solely for the benefit of the sugar

trust and for the trusts exclusively, a great service will be rendered to the American people. Let him who falters or fails in the performance of this duty, who forfeits his words upon this floor, be pilloried and punished for his duplicity by an honest and fearless constituency, as I have no doubt he will be. This proposed amendment will distinctly present the plain and simple issue between the sugar trust upon one hand and the American consumer and taxpayer upon the other, and the vote to be recorded upon it will unequivocally disclose the names of those who stand with the trusts and those who stand with the American people—the American consumer and taxpayer. This differential duty is of two kinds, one known as the specific and the other the hidden. To illustrate, I quote from a recognized writer upon this question the following:

The word "differential" has been currently accepted as indicating the 12½ cents added specific duty. As it is desired to gradually bring about a change of terms, in this article both are indicated.

The 12½ cents is the specific added duty to protect refiners, over and above the maximum duty ($1.825 per 100 pounds) levied to protect domestic producers.

The total differential which protects the American refineries is of a double nature:

(*a*) The specific added duty of 12½ cents.

(*b*) The actual difference between the duty paid on any grade of imported sugar and the maximum duty levied on unrefined sugars.

(*a*) Is the apparent specific added duty currently termed the differential; and (*b*) is the hidden differential.

The maximum duty on refined sugar is $1.95.

The maximum duty on unrefined is $1.825.

The difference is the specific duty accorded to protect refined sugar, and where the duty on unrefined sugars is taken off there should be only the specific duty on refined remaining.

Were the duty on unrefined sugars taken off there should only remain the specific duty on refined. This would do away with any differential and only the specific duty remain, therefore the $0.12½ is not the differential but the added specific duty for refined sugars.

Now, Mr. Chairman, a few words in regard to one other amendment already referred to. This amendment will be the same as the Babcock bill, which we are told by members of the Ways and Means Committee was offered by the Democratic members of that committee as an amendment to this bill while before that committee, and was voted down by the Republican majority. This motion will be renewed at the proper time in this House as an amendment to the pending bill. We are further informed by members of that committee that Mr. BABCOCK, himself a Republican member of this committee, voted against incorporating the same in the pending bill as an amendment thereto. So it appears that Mr. BABCOCK has refused to take advantage of the only opportunity he will ever have of securing consideration of his much-famed measure for placing steel and various other articles upon the free list.

How Mr. BABCOCK will be able to explain to his Wisconsin constituents and the country at large that he was honest and sincere in introducing this bill, in the face of his refusal to vote for its favorable report from the committee, of which he is a prominent member, is a matter that surpasses the comprehension of the uninitiated. His friends and the friends of his measure must necessarily feel a sense of mortification, if not sore disappointment, at the early and willing surrender of his convictions, if any he had, at the first beck and call of his party. There is likely to arise in the public mind a dark and shadowy suspicion that there was and is some strange and mysterious connection between his unfriendly behavior toward his own reform measure and the dominating influences of his party, especially that potential element of his party to whom he and his colleagues upon the Republican National Congressional Committee have to appeal for succor and aid in campaign stress. Be that as it may, certain it is, however, that he abandoned a sentiment and demand of his party that is bold and courageous enough to find open and explicit expression all over the country, and in no State more so than that of the gentleman's own State—Wisconsin. In the gentleman's own Congressional district, as reported in the special correspondence to the Washington Post, and published in the issue of that paper of the 18th instant, it appears that his own party, at conventions held for the purpose of renominating our distinguished friend as the Republican candidate to succeed himself in this House, have boldly and fearlessly spoken out upon this subject, and in strong and unequivocal terms approved the bill with which his name until very recently had been so honorably associated. This is the dispatch:

[Special to the Washington Post.]

FOR BABCOCK AND FREE STEEL—TWO COUNTIES IN HIS DISTRICT INDORSE HIS ATTITUDE IN CONGRESS.

BARABOO, WIS., *April 17.*

The Sauk County Republicans held a convention here to-day and elected a solid delegation for the renomination of Congressman BABCOCK and adopted a resolution in favor of the bill introduced by Mr. BABCOCK reducing the tariff on steel products. The resolution is as follows:

"The Republicans of Sauk County in convention assembled reaffirm their allegiance to the doctrines of the Republican party, believing that the prosperity of the American people depends upon its continuation in power; they declare unequivocally in favor of the bill introduced by their present Representative, the Hon. J. W. BABCOCK, reducing excessive and unnecessary tariff on steel products, and while favoring the fullest protection to every American industry requiring protection, they are heartily in favor of revising all excessive tariff schedules, keeping in view the interests of the American farmer and the laboring man.

"*Resolved*, That the delegates to the Congressional convention be instructed to cast their ballots for our present Representative, Hon. J. W. BABCOCK."

DODGEVILLE, WIS., *April 17.*

The Republicans of Iowa County elected delegates and instructed for BABCOCK. Resolutions were passed indorsing his position in regulating the tariff on steel products.

This Babcock bill is drawn upon Democratic lines and fairly expresses Democratic views upon the subject of tariff reform. It may not go quite so far in some respects as it would have gone if prepared by a Democrat and covered a wider field.

But its authorship has not deterred Democrats from indorsing it, nor will it bar any Democrat, in my judgment, upon this floor from supporting and voting for it as an amendment to this bill, if not ruled out of order by the chairman of this committee. This bill, if made a part of the pending measure by amendment, will not only receive the cordial support of the Democratic side of this House, but will furnish an additional and persuasive reason for a more earnest and enthusiastic support. If enacted into law, it will strike the most fatal and effective blow at the steel and other allied trusts of this country that has ever been administered, and afford a larger measure of substantial relief to the American farmer and American taxpayer, as well as many independent manufactories, than any act every passed under a Republican administration.

But, Mr. Chairman, these are the reasons, I fear, that will or may defeat this most meritorious proposition in a Republican House. I am led to suspect that the same motives, the same influences, the same combination, if you please, of political and partisan considerations that induced the author of this proposition to betray and abandon it will operate no less effectively upon the Republican membership of this House. That the influence of organized trusts, wealth, and power are more potent in the American House of Representatives than the sovereign people. It seems an indefensible position to assume before an intelligent and patriotic people that when an industry or industries have reached a point in their development under the fostering care of the Government, when their output is largely in excess of home consumption, when their products can no longer be absorbed by our people, when it is conceded by all parties and admitted by even the protected interests themselves that in order to keep their manufactories running and their workmen employed they must have wider markets—foreign markets—in which to dispose of their surplus. I say that with these facts conceded it seems indefensible to contend that these high and, in many instances, prohibitory rates of duty should still be maintained. Our people are made to pay constant tribute upon almost every article they buy by way of an enhanced price much in excess of that paid by foreigners for the same article; and this exaction, this unjust tribute, is enforced by the policy and system inaugurated and maintained by the Dingley tariff law.

Mr. Chairman, if I believed in the policy of protection as a wise and just principle of government and regarded a tariff schedule as a holy and sacred thing not to be desecrated by the profane hand of revision, as many of our Republican friends profess to believe, I might find myself standing with the cane-sugar growers of Louisiana and the beet-sugar industries of the Northwest and oppose the pending measure. But as a Democrat, not believing in the theory of protection for protection's sake and not willing to blindly worship the fetich of tariff schedules, I shall stand with the great majority of my party and Democratic friends, who are encouraged to believe that they can see in the factional divisions on the other side of this Chamber a hopeful indication of approaching dissolution of this most iniquitous system. How any American farmer or any other taxpayer who has regard for his interest or concern for his prosperity can reconcile the consistency of further encouraging or upholding a system which, if not designed, does in its practical working operate to increase the costs of living to the masses and give to the manufacturers the exclusive control of our home market and power to hold up and fleece our home consumers with enormous trust profits and turn those profits over to the foreigner is a puzzle that confounds the wits of ordinary minds.

Now, Mr. Chairman, to demonstrate the truth of the charge made that our manufacturers sell their products at higher prices at home than they do abroad I desire to refer to some reliable and authentic data. Attention was first called to this extraordinary condition of things in 1890, when a committee of the Tariff Reform Club published a pamphlet entitled "Protection's Home Market." In this pamphlet we find quoted the domestic and export prices of numerous agricultural implements and tools, of kitchen utensils and household goods, carpenters' tools, hardware, etc. The domestic prices usually exceeded the foreign prices from 10 to 25 per cent, but the difference reached 100 per cent in many

instances. A few of the articles and prices are found in the following table:

Articles.	Domestic price.	Foreign price.
Cultivators	$11.00	$8.40
Plows	14.00	12.60
Axes ..... per dozen	8.25	7.20
Kettles	1.40	.85
Wire nails ..... per 100 pounds	2.25	1.35
Table knives ..... per gross	15.00	12.00
Horse nails ..... per pound	.17	.14
Barbed wire ..... per 100 pounds	3.00	2.00
Rivets ..... do	10.00	5.55
Typewriters	100.00	60.00
Sewing machines:		
Fine	27.50	20.75
Medium	22.00	17.50
Cheap	18.00	12.00

Upon this same same subject the New York Press of October 22, 1889, said:

It is sometimes looked upon as wise to ship goods out of the country at cost rather than break the regular price for which such articles sell in the country in which they are produced.

The American Machinist of September 26, 1889, said:

Just why American manufacturers will sell machinery and other goods from 10 to 30 per cent cheaper in Europe than they will sell them to be used at home is rather puzzling; but anyone curious in the matter can easily enough find out that many of them do that. It may be necessary to cut prices in order to secure trade from abroad, but it is likely to strike the American purchaser as being a little rough on him.

The Engineering and Mining Journal of March 15, 1890, said:

As soon as an industry has obtained a position where it can more than supply our home market and has to send its goods abroad, where they compete with those of foreign manufacturers, it is evident that they are either giving the foreigners the benefit of lower rates than they do our own people or that they are able to get along at home without any protection from foreign manufacturers. It is not fair that our own people should be made to pay more than foreigners for the products of our own land.

In answer to a claim made by the Australasian and South American (an export journal), that the lower prices quoted foreigners were for the wholesale trade only, the New York World published the following letter from the Engineering and Mining Journal of New York:

ENGINEERING AND MINING JOURNAL,
New York, August 26, 1890.

DEAR SIR: I am obliged to you for the letter of August 25, respecting proceedings taken in the Senate regarding our "prices current."

Prices quoted by us are, as you will notice, at the head of the first column, "for export only," and the prices therein given are the prices at which every foreign subscriber can buy in this market. It stands to reason that orders for farm implements are frequently given for one only. If to buy one machine is retail trade, then these foreign prices are retail prices.

Our domestic subscribers are debarred from the prices quoted in these columns. These special discounts are "for export only," and in more than one instance we have lost our advertiser through publishing these prices.

I inclose an invoice from S. Allen & Co., which you will see is for one of the machines quoted by us, and you will notice that it conforms exactly with our prices as reprinted by you in the World, and that the net price on the bill is exactly as stated by you in the World.

Your statement that the foreigner can buy at retail in this market cheaper than the domestic consumer is as indisputable as the daily revolution of the earth. We can enumerate any number of instances where houses have written us: "Prices furnished are for export only, and it would be most injurious to us if these figures were circulated in the home market."

In going through our letters this morning we counted no less than fifty-eight received during the month of July, thanking us for publishing the "prices current," as it enabled our subscribers to keep a check on the prices charged them on their indents.

Yours, very truly,

ENGINEERING AND MINING JOURNAL.

Mr. A. B. Farquhar, the head of the great Pennsylvania Agricultural Works, in a letter in answer to certain questions of the Farmer's Call, of Quincy, Ill., may be quoted here:

JULY 30, 1890.

The fact is that our protective laws are a monstrous swindle upon the agricultural community. As a manufacturer I was inclined to say nothing on the subject, for the reason that it was natural to suppose if anybody was benefited it was the manufacturing class, to which I belong. But, as I have explained, the farmer is being destroyed. We are killing the goose for the golden egg. And I honestly believe now that it is to the interest of the manufacturers themselves to eliminate the protective feature from our tariff laws.

Certainly, as our manufactures are sold much lower abroad, we could only need protection to get better prices from our customers at home. We do manufacture and sell in Canada, South America, and Europe many agricultural implements and machines, and could we have free raw material and the commercial advantages which free trade would give us, America would become the great manufacturing emporium of the world, and the farmer, of course, would share the prosperity, since he would have less to pay for everything and get better prices for all he sold. Go on with your good work. When the farmer begins to think and rise up against this swindle it is doomed.

Again, in May, 1901, less than a year ago, Mr. Charles M. Schwab, the president of the steel trust, testifying before the Industrial Commission, startled the country by declaring that all kinds of American goods were usually sold much lower for export than in the home market. Here are some extracts from Mr. Schwab's testimony:

It is quite true that export prices are made at a very much lower rate than those here. * * * I think you can safely say this, that where large export business is done—for example, in the line of iron and steel—nearly all the people from whom supplies are bought for that purpose give you a good price for the materials that go into export; railroads will, in most instances, carry them a little cheaper for you, and so on all down the line. But labor, within my knowledge at least, has never been asked to work for a lower price for export material, so that labor benefits more by it than almost any other interest. * * *

Q. Is it a fact generally true of all exporters in this country that they do sell at lower prices in foreign markets than they do in the home market?

A. That is true; perfectly true. * * *

Also, Mr. Byron W. Holt, of the tariff-reform committee of the New York Reform Club, testified at length on the subject of tariffs and trusts before this same Commission. The following are extracts from Mr. Holt's testimony in regard to export prices:

The concealment of export prices is probably responsible for considerable of the difference between the values of our exports and of our imports, and, therefore, for numerous editorials on our "favorable balance of trade."

Ten years ago it was comparatively easy to get the export prices of various protected articles, even though they were then often from 10 to 30 per cent below the home-market prices. To-day, when great trusts control the prices on most of our exports, it is extremely difficult to obtain export prices. The editors of trade papers will no longer talk on this subject, and, as a rule, will not keep on file foreign exchanges which quote prices of certain American goods in foreign countries. It is only now and then that an employee of a trust or of some export house can be found who is willing to risk betrayal and almost certain decapitation if he talks on this subject.

Nearly all of the information on this point which I have obtained during the last few years has been strictly confidential. In this way I learned a few days ago that tin plate is being extensively offered and in some instances has been sold to manufacturers of cans and packages, to be filled with products for export, at about $1 per box below the price to other manufacturers and consumers. I am not permitted to mention any names. I also learned last week from an entirely reliable source that steel rails were sold some three months ago to foreigners at less than $21 per ton. I could specify the exact price, names of both seller and buyer, in an important recent transaction, but am not permitted to do so. These rails were sold with the provision that they were not to be used in the United States. That steel rails are sold for export at whatever the manufacturer can get above $20, and perhaps for considerably less if the time of delivery is remote enough, I do not doubt. The manufacturers' pool or selling agreement, under which rails are now sold for $28, is not effective on rails sold to foreigners or for export. The newspapers of a month or so ago contained the details of a sale of steel rails to an English firm for $15 per ton (allowing for freight) less than the price to Americans. The New York World of April 9, 1901, thus states the case:

"Mr. Charles Thulin, a Pennsylvania contractor, recently secured a contract to supply rails for Russia's great Siberian railway. He asked the leading steel trust companies here for bids. They all asked him about $35 per ton, with freight to be added. Mr. Thulin went over to England, sublet his contract to an English firm, and one of the same companies that had asked him $35, plus freight here, sold the rails at $24 a ton delivered in England to the English contractor." * * *

After having investigated this subject for more than ten years, I have reached the conclusion that practically all of our manufactured products are sold to foreigners for less than to Americans. The minimum difference is about 10 per cent. The average difference in price is probably 20 per cent, and on our really protected products above 25 per cent. Often we who pay the tariff taxes devoted to nourishing these "infant industries" must pay 50 per cent and sometimes 100 per cent more for the products of the coddled industries than is paid by foreigners who do not pay our nursing taxes.

Mr. Chairman, here are but a few of the many publications and statements that could be produced, testifying upon this subject, and all to the effect that our manufacturers and protected industries are selling their products abroad at much lower prices than to our own people; but I forbear further comment, and will content myself by supplementing what I have said by adding, as an appendix to my remarks, a short article published in the American Machinist and certain quotations and extracts from letters of a number of various manufacturing and business establishments from different sections of the country expressing their views upon the need of tariff revision and the business demand for a reduction and removal of the present high and excessive rates of duty under the Dingley tariff law.

APPENDIX.

RECIPROCITY AND FOREIGN TRADE IN AMERICAN MACHINERY.

To the Editor:

Within are printed 58 letters written by the most prominent manufacturers of machine tools in America, employing in their establishments an aggregate of 21,636 men and a capital of $35,320,000. These letters were sent in reply to a circular letter of inquiry from the American Machinist, as follows:

"*To the manufacturers of machinery in America:*

"We have received a number of letters giving the views of manufacturers on our foreign machinery trade, reciprocity, the tariff, etc., and it has occurred to us that it would serve a useful purpose if there could be a general interchange of opinion on these subjects. We ask you, therefore, to give us an expression of your views.

"Whatever these views may be, we will print them.

"We would particularly like to have an expression of opinion from you regarding the following words spoken by the late President McKinley in his last public address at Buffalo:

"'We must not repose in fancied security that we can forever sell everything and buy little or nothing. If such a thing were possible, it would not be best for us or for those with whom we deal. * * * The period of exclusiveness is past. The expansion of our trade and commerce is the pressing problem. Commercial wars are unprofitable.'

"If you agree with this view of the case, we would like to know what you think is the best way of doing something about it. If you do not agree, we shall be equally pleased to have your views and to know what, in your opinion, ought to be done.

"Do you need a protective tariff in your own particular trade?

"Do you think the present high tariff has a tendency to retard foreign trade?

"Would free raw materials allow you to produce your product cheaper?

"Do you think that free raw materials would tend to keep the prices of such materials more uniform?

"Do you know of any country where workmen in any line do more for a dollar in pay than they do in the United States?

"Questions such as these are certain to be prominent in the near future. It is important to the machinery interests of the country that their welfare and their rights should be considered.

"A general expression of opinion such as we ask will, we hope, help in this important work.

"AMERICAN MACHINIST."

In this issue we complete the publication of a series of letters that we have received from manufacturers of machinery (mainly machine tools) written in reply to a circular letter of inquiry designed to bring out the views of these manufacturers respecting reciprocity, the effect of the present tariff upon their domestic and foreign trade, etc. We chose builders of machine tools because they are the American manufacturers who, above all others, have developed their foreign trade within the past eight years, and have produced the most profound effect and attracted by far the most general attention in foreign manufacturing and commercial circles. Nearly all of them have spent a good deal of time in Europe studying the situation and the conditions to be met there, so that we feel safe in saying that no other class of manufacturers are so generally well informed regarding trade in foreign countries and what is necessary to get and keep it. The very great importance of their foreign trade has actually compelled these men to think about it in all its relations, and their wide acquaintance with buyers, users, and producers of machinery in other countries has brought them knowledge of what other peoples think about these things, what their attitude is toward them, what does and will offend and restrict, and what will attract and develop trade.

It is quite certain that in no other line of manufacturing has nearly so large a proportion of total products gone abroad during the past eight years as has been the case in the line of machine tools, and the men who have written the letters which we have printed speak as experts and as business men discussing a business proposition without any regard whatever to politics—party or factional.

Not all, but the great majority, of these men have been and still are protectionists, but stubborn facts which have confronted them constantly during the past few years have led to their seeing some things from an entirely new standpoint, and a very striking feature of the situation is their general change of attitude toward foreign trade and their radically different conception of its nature, as compared with their attitude a few years ago. It is noticeable that, almost without exception, those who have been most abroad and have given most attention to their foreign business are generally most outspoken and most confident that something needs to be done.

It is probable also that a very large proportion of the 22,000 men employed by these machinery builders have not seen the machinery produced by their labor constantly going abroad and there successfully meeting the competition of foreign builders without acquiring new and more liberal ideas regarding foreign trade and about the importance of a prohibitive import tariff upon the class of machinery made by them.

While some of these expressions of opinion are not direct and must be deduced, yet all are, we believe, fully warranted and the letters themselves—printed substantially just as we received them—will bear evidence of our fidelity in interpreting them. The capital invested in the enterprises represented by the writers of these letters is, by the statements of the proprietors or their representatives, $35,326,000, and they employ 21,636 men. The figures representing capitalization are, we believe, conservative, and we feel quite certain that the businesses named could not be purchased for the amount given.

These expressions, therefore, are those of responsible men—men who have much at stake and who for the most part have built up and developed their enterprises from small beginnings. They are conservative in business matters; apt to consider well what they say before saying it—especially when it is to be printed as coming from them; and, considering all the circumstances, we consider this the most remarkable series of letters ever written by a group of business men respecting a matter of public policy. The Congressman or official of any kind that thinks he can afford to disregard the spirit that is behind these letters and that has inspired them is sadly mistaken. These letters do not represent campaign froth, but the deliberately and firmly fixed convictions of men of ideas and of great influence in the communities in which they live, and whom not to heed in a matter of this kind is to disregard the plainly spoken sentiments of the best informed business men in this country.

EDITOR AMERICAN MACHINIST.

NEW YORK.

Capt. E. P. Reichhelm, replying for the American Gas Furnace Company, New York, large manufacturers of gas furnaces for industrial purposes, says:

"I also thoroughly agree with you that it will 'serve a useful purpose' to induce a general expression of opinion on these subjects, not from statesmen, lawyers, and politicians, but from your clientage of practical men, who, as a class, must be credited by their fellow-citizens with the possession of a well-developed common sense and the ability to use it effectively in solving questions vitally affecting their own interests.

"The underlying principles of national and business economy differ in magnitude, but not in kind. It seems to me that the sentence from President McKinley's address which you quote forms a complete platform upon which we can all stand with both feet, and in connection with it I take the liberty to quote another martyred President, James A. Garfield, who in a speech delivered in the House of Representatives, while he was chairman of the Committee on Ways and Means, and during a debate on the tariff then pending, said: 'I am for that kind of protection which leads ultimately to free trade,' and this has been for over twenty years my own position with reference to the protective tariff.

"But any industry developed to a point where it successfully competes with the whole world while paying American wages to American workmen, should at once be declared master of the art and its product placed on the free list. If this is not done, protection becomes a fraud upon the whole people, a false pretense, and a means of making the people pay arbitrary prices, regardless of intrinsic value, which are imposed by the makers of goods who combine and fix prices anywhere up to the limit where foreign competition can pay duty and still compete. This we know, as a matter of fact, to be the case at the present time in many industries, and their claim to protection now has become an evil, which in the common interest should be removed.

"We are confronted with a surplus. I do not object to surpluses—at least, not in my own pocket; but when the surplus accumulates in Uncle Sam's strong box, much as I love him, I object to it. There the surplus becomes useless. To it each one of us must contribute, whether he knows it or not, by paying taxes. The money is withdrawn from circulation and becomes dead and useless, while it should stimulate the industries of the country by its circulation.

"A surplus derived from taxation I consider nothing else than a national scandal. Therefore taxes should be reduced. First of all, the internal-revenue taxes imposed for defraying the expenses of the late war. Then take down the tariff wall on steel and iron, because this 'infant industry' has grown to full manhood, and is in fact a monster and a prodigy. If some branches of this industry are still in need of soothing sirup or any other artificial stimulus, let them prove their needs before a tariff commission, and give them whatever protection they still may need if they make an honest statement of the facts, and do not ask it merely to enable them to form trusts and combinations with the power of taxing the whole people, in place of having the taxing done by the Government.

"A tariff commission is my idea. It should have the 'power to send for persons and papers,' to sit as judges do, sworn to render a verdict in every case brought before them according to ascertained facts and with reference to this simple question, 'Do you need protection?' and 'On what ground of public good do you claim it?'

"Bearing in mind that the greatest good to the greatest number is the sole object of the Government, it stands to reason that no individual can be rightly enriched at the expense of the whole people. Protection is right when the national welfare is increased by it, its industries diversified, and the country made more and more independent of other nations in what our advancing civilization needs. It is wrong when it enriches a few at the expense of the many, and has the virtual effect of transferring the taxing power of the Government to private individuals or corporations.

"Answering your several other questions concisely, I would say in the first place that the American Gas Furnace Company needs no protection, except what it may be entitled to under our patent laws, and even this is of doubtful value and not absolutely necessary for its prosperity.

"The present tariff retards foreign trade.

"Free raw materials would enable us to produce cheaper and sell more.

"That in no country under the sun does a mechanic do more or better work for a dollar than in ours has been demonstrated too often to need further proofs, and permit me to add that in no country is he under the direction of a harder-worked set of employers."

Baker Brothers, manufacturers of improved ironworking and woodworking machinery, Toledo, Ohio, say:

"We agree fully with the sentiments expressed by the late President McKinley in his Buffalo speech in reference to reciprocity. While we believe in ample protection to American industries, we believe the time has arrived where some concessions will have to be made to foreign countries to retain the trade we have with them, and we believe this can be done without injury to the American industries. We, like other manufacturers, have been more or less handicapped by import duties of other countries; and this is more especially true in reference to Canada, where the duty is almost prohibitive."

The B. F. Barnes Company, manufacturers of machine tools, upright drills and lathes, Rockford, Ill., say:

"We believe that the industrial development of the United States has reached a point where a tariff as high as the one now in force is not only unnecessary, but that it is a hindrance to the extension of our foreign trade. Taking up your specific questions, we would state:

"First. In our own particular trade (machine tools) we do not need a protective tariff.

"Second. We think the present high tariff has a tendency to retard foreign trade, in that it tends to create a feeling of hostility in other countries and provokes retaliatory action, the natural result being to restrict business relations between this and other countries and to thereby diminish the volume of our export trade.

"Third. We think free raw materials might to a certain extent allow us to produce our product cheaper.

"Fourth. We are of the opinion that free raw materials would tend to keep the prices of such materials more uniform.

"Fifth. We do not know of any country where workmen in any line do more for a dollar in pay than they do in the United States. In other words, we believe the workmen of the United States have a higher degree of efficiency than those of any other country.

"The industrial development of this country has reached that point where our manufactured products can not be wholly absorbed by our own people, consequently we must find foreign markets for a portion of our output if our manufacturing industries are to run at their full capacity. It is therefore necessary that we should cultivate friendly business relations with other countries, particularly with those whose purchasing ability is the greatest and whose wants are the most diversified. Our national legislation should not seek to erect barriers against our dealings with other countries, but to lower existing barriers as much as possible. To this end we think the reciprocity treaties now pending should be made effective, and we are of the opinion that our present tariff could wisely be trimmed down (particularly in those cases where the existing rates of duty practically prohibit importations), thereby making it possible for great industrial and financial combines to control prices.

"The continued activity and healthy condition of the home market will be promoted by the extension of our foreign trade, and the United States is giving constant evidence of its ability to meet the competition of other countries.

"All trade, however, presupposes mutual advantage, and, as President McKinley said, 'We must not repose in fancied security that we can forever sell everything and buy little or nothing.' If it is profitable for men in Illinois to trade with men in Massachusetts or California, there is no reason why it should not be equally advantageous for men in Illinois to trade with men in England, France, or any other part of the world."

The Betts Machine Company, makers of metal-working machine tools, Wilmington, Del., say:

"In our line of manufacture we do not need the protective tariff, and to have it removed would probably result in an increased trade for us in foreign markets, most especially with those nations whose goods being now kept out of this country by the duty cause their people to have feelings of resentment against us.

The Binsse Machine Company, Newark, N. J., manufacturers of horizontal boring machines, say:

"The subject will be clear once we pierce the fog with which it has been enveloped. To drive away this obscurity, let us begin by the use of correct words in stating the case. We must understand clearly that ours is not a protective tariff at all. Germany, France, and the continental nations of Europe all have protective tariffs. Ours is a prohibitive tariff, imposing duties with the intention of shutting off our market to all outside nations; and there is no nation in the world with a set of customs duties equal to ours.

"It is acknowledged that our land is by far the richest in natural resources and that we have besides in superabundance energy, skill, and money. Then, why this swollen tariff?

"The cause is very simple, but also of such character that I firmly believe nothing else but the danger of widespread financial disaster will nerve our people to throw off this oppression. Before me I have prices on some sizes of steel, ranging from 3½ to 4 cents per pound. To my certain knowledge this material can be produced and sold at good profit for 1 cent per pound. Hence come Carnegie and the numberless minor Carnegies. That is to say, the Dingley bill was designed, not to protect American manufactures in general, but, by the suppression of outside competition, it was intended to protect extortion; to enable a few great interests to overcharge our nation, and to amass enormous wealth in a very short time. For example, there is a little article which enters into almost every detail of the household. In England it sells for a price which I shall designate by 3, and at that price pays an enormous profit. The English companies making this article pay about 40

per cent dividends yearly. In our land, where is grown the raw material for this manufacture, it sells at a relative price of 5—that is, every household in this country is taxed to enrich the lucky producers of this little article. I am suppressing names to avoid personalities.

"This is the truth about the tariff. It is an instrument of oppression and extortion, not of protection. We are prosperous not by it, but in spite of it; and our prosperity, were the tariff reduced, would be such as the world has never seen before. A protective tariff, like that of Germany, would increase the workingman's wages not less than 50 per cent—that is, with his present wages he could buy 50 per cent more, at least, than he does to-day."

Hugo Bilgram, manufacturer of gear wheels and machinery, Philadelphia, Pa., says:

"In studying the tariff question I have arrived at convictions which in many respects are at variance with the generally accepted views.

"Commerce being an essential factor in the specialization of industries an obstruction to commerce, such as tariff, is in a sense equivalent to a resistance to the introduction of labor-saving devices or to a condemnation of inventive efforts. Why should we fear competition? Foreign labor is admittedly cheaper than domestic labor because, and only in the measure in which, it is less productive.

"Our desire to export more than we import can be traced to our desire to make other countries our debtors and to obtain from them a tribute in the form of interest on bonds, dividends on stock, or profits on invested capital. The country in which a low rate of interest prevails will always export to the country of high interest rates. For this reason low-interest countries will desire reciprocity and even free trade, while high-interest countries will favor high tariff to stay the inevitable importation of foreign products and the subsequent investment of the purchasing price. Tariff can accordingly protect only investors of capital. Labor can not profit by it, for it tends to increase wages only in the measure in which it tends to increase prices. The wages, expressed in dollars and cents, may be increased by tariff, but the purchasing power of this increased sum will not be greater than that of the smaller sum. The only advantage of tariff is its tendency to prevent money from leaving the country and to keep competitive capital out, unless that capital is imported in the form of gold coin or bullion. Tariff is a relic of the mercantile theory of economics, which places more importance on money than on wealth consisting of labor's products. Indeed, by our indifference we have permitted the perpetuation of some very objectionable currency and banking laws which have the tendency to even now give supremacy to money. And by tracing the deplorable effects upon our industries of this supremacy to wrong causes the most absurd notions on economic topics, including the tariff question, are apparently confirmed."

The Billings & Spencer Company, manufacturers of machinists' tools and drop forgings, Hartford, Conn., say:

"We believe in reciprocity. We think it would be advantageous to the manufacturers of this country if we had free raw material, and also in our own business it would allow us to produce our goods much cheaper. We think it would keep the price more uniform. We do not know of any country where workmen produce more for the pay they receive than they do in the United States, and we quite agree with our lamented President McKinley in his last address at Buffalo, as set forth in your circular."

Brown & Sharpe Manufacturing Company, Providence, R. I., manufacturers of machine tools, small tools, gauges, calipers, steel rules, etc., say:

"We fear it is unfortunately true that the success of our manufacturers abroad during the past few years has not taught us to have a perspective of the real state of affairs. We firmly believe that the success of our machinery exports has been primarily due to the superiority of American designs, aided, no doubt, by an abnormal demand and the consequent crowding of the foreign shops. But of late the foreigners have learned a good deal from us, and are in a good position to offer designs approaching the American, which fact we must reckon with in the future.

"Owing to a growing hostility to American competition, we will do well to preserve all the advantages which we have earned, even at the expense of some of our cherished ideas as to a 'protection' which at the best is doubtful. It is better, we feel, to forestall any possible action of European nations by removing duties here and there which will not unwarrantably provoke our neighbors, as is surely the case in the present state of our tariff. For this reason we feel that President McKinley, when he spoke the words at Buffalo which are so well known, spoke only too truly, that 'the period of exclusiveness is past;' and if we refuse to recognize the force of these words perhaps we shall be affected in the machinery trade as soon as in any other.

"As for the effects on the machinery business of the protective tariff, free raw materials, and the matter of wages, we have too much confidence in the ingenuity of American designers and the competence of their workmen to feel that they cut much of a figure."

Buffalo Forge Company, Buffalo, N. Y., manufacturers of forges, blowers, exhaust, steam, and ventilating fans and systems, say:

"We heartily indorse the words spoken by our late President, William McKinley. We favor and encourage reciprocity.

"Our business has grown and been perfected to such an extent that we no longer need protective tariff. We not only compete favorably in domestic markets, but successfully in foreign markets as well.

"The skill of the American workmen enables them to do more work for a dollar in pay than workmen of any other country."

E. P. Bullard, president of the Bullard Machine Tool Company, Bridgeport, Conn., manufacturers of boring and turning mills, lathes, and other machine tools, says:

"I am in full accord with the sentiments of the late President McKinley as expressed in his last public utterance, from which you quote.

"It is evident that the trade expansion of the past five years has been effective in converting him from an extreme protectionist to a man of liberal and comprehensive views. He realized what so few seem to, that international trade is but barter on a large scale; a simple matter of 'so much for so much;' that with trade, as with the ocean, the tide must ebb as well as flow. It is to be hoped that the logic of events will soon have a like convincing effect upon our manufacturers, and through them upon our lawmakers.

"You ask if we need a protective tariff in our business, to which I answer most emphatically, no. Our present high tariff is, in my judgment, a serious barrier to larger trade relations with peoples whose friendship we could cultivate to mutual advantage. 'The period of exclusiveness is past.' The times are ripe for pressing this great truth to the front so impressively that men's minds shall grasp its full force and meaning. If this is done intelligently and persistently, the results must be a loosening of the bonds that now restrain our industrial activities.

"With a free hand in the matter of raw materials of all kinds we should have no fear as to the results of open competition with all the world; but the present policy of exclusion from our markets will soon result in a like exclusion of ourselves from the world's markets—as witness, the tariff agitation in Germany and the retaliatory measures actually being enforced by Russia.

"It was my pleasure to attend the recent so-called reciprocity convention held in the city of Washington. All discussion of free trade was rigidly suppressed; but the most extreme protection theories and facts (?) were vociferously applauded. I soon reached the conclusion that a mistake had been made in the call, which should have been for a national antireciprocity convention. At all events, that, as we all know, was the net result.

"I should be pleased to have a convention called avowedly in the interests of freer trade relations, but in which the fullest discussion of all views could be had.

"To-day 'protection' may have value for a few, but in the main it is obstruction for the many."

Emmert Manufacturing Company, manufacturers of Emmert's universal vises, Waynesboro, Pa., say:

"Our lamented President struck the keynote in his last public address at Buffalo. Since we are compelled to mourn our untimely loss, we rejoice that he was permitted to live long enough to find the proper level on the question of tariff. In our business the present tariffs practically exclude us from the world's markets. Reciprocity in tariffs and reciprocity in commerce work upon the same lines, only that the one repels and the other attracts. A tariff sufficient to cover the difference between the cost of a foreign product laid down at our wharves and the cost of producing the same thing in this country is all the protection that any tariff can yield. All in excess is class legislation in favor of the mighty who do not need it and at the expense of the consumer, and is the parent of those octopuses upon the body politic, called trusts or combines, which are robbing our people of their individuality now, and will continually rob them of their substance and manhood."

F. A. Errington, manufacturer of and dealer in metal-working specialties, 39 and 41 Cortlandt street, New York, says:

"Commercial reciprocity is free trade. Trade should be freer, as is now admitted even by the high protectionists when they pay homage to the principle of free trade by proposing reciprocity. There should be the least possible margin for arbitrary interference with commerce, the great exchange of man power. Let us have a few fundamental laws to rely upon and not to hide behind. Simplicity is the essential for durability of any law or machine, and any medium that simplifies and renders more accessible the effect of the tariff will tend to bring it down to a better working basis. Publicity is the remedy for our tariff, as for our trusts.

"Appoint a secretary of commerce, and let him be the focus for all tariff queries and dissatisfaction, and let it be his duty to throw light on all present tariff laws and their exact effect on any particular article inquired about. Then our manufacturers would know definitely the obstacles to contend with, and not see a huge mass through a fog of brokers and interested agents. If a manufacturer could get a concise statement as to just how to pack and mark his goods to secure the lowest possible rate of duty, and be informed just what that duty is in dollars and cents, we would soon have an intelligent public opinion brought to bear on tariff questions that would insure just and simple legislation. Get the manufacturer in a position to tell the middleman what to do to sell his goods, instead of the middleman trying to tell the manufacturer of indefinite difficulties that clog the channel through which he must move."

The Gleason Tool Company, manufacturers of gear planers and gears, Rochester, N. Y., say:

"We are in favor of a reduction in the tariff machinery to 10 or 15 per cent. The reason is that, though we have been able to sell a great many of our special machines in Europe during the last eight years without hurting our scale of wages, we have been able to buy but a very few because of our prohibitory tariff.

"There are several valuable machines we want that are made in Europe, but that are not on the market in this country, and some of them are made by the very firms who have bought our machines. It does not seem square to them that we can not give them our orders, to say nothing of the loss to our business through the lack of these valuable tools. If the other side improve on the quantity and quality of their output per man faster than we do, it will be as easy to put the protective tariff on again as it is to take it off."

John J. Grant, writing for the Grant Tool Company, manufacturers of machine tools, steel balls, etc., Franklin, Pa., says:

"We do not believe we need a protective tariff in the manufacture of machine tools. The writer's long experience over there in selling tools abroad leads him to believe we can and do undersell a fairly made machine tool that is made in any foreign country. Certainly there are very few machine tools made across the water which we would care to use in this business on this side. Understand me, there are many good tools made over there, but I believe we have paid more attention to our machine tool design and construction than they have, and we certainly ourselves would not care a rap if the tariff was taken off at once.

"In regard to the material used in the manufacture of our tools, would say that it might help us some if the tariff were removed, as it would cause a little competition and reduce the prices of raw material, although we are not so sure about that."

The Late Representative J. William Stokes, of South Carolina.

SPEECH

OF

HON. SAMUEL W. McCALL,

OF MASSACHUSETTS,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, April 26, 1902.

The House having under consideration the following resolutions:

"*Resolved*, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. J. WILLIAM STOKES, late a member of the House of Representatives from the State of South Carolina.

"*Resolved*, That as a particular mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a distinguished public servant, the House, at the conclusion of these memorial proceedings, shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk be instructed to send a copy of these resolutions to the family of the deceased"—

Mr. McCALL said:

Mr. SPEAKER: I avail myself of the leave granted by the House to put upon its records a few words attempting to express, although most inadequately, my appreciation of the character of the Hon. J. WILLIAM STOKES, late a member of Congress from the State of South Carolina.

I did not know Mr. STOKES prior to his election to this House,

but I became acquainted with him soon after he took his seat in the Fifty-fourth Congress. It happened that his election to that Congress was contested and that the contest was referred to a committee of which I was a member. I had an opportunity to observe him under trying circumstances.

I was struck with his placid dignity, his serenity, his patience, and his quiet courage. His was a fine and gracious presence, and yet he was a man likely to get credit for less ability than he really possessed. There was nothing spectacular or showy about him. He was not given to self-exploitation, but those who knew him best had no difficulty in discerning the excellent capacity which had given him so large a measure of success and which seemed to justify the hope of his friends of even higher success in the future, if his life had been spared. What most impressed me about him was the happy temper which, after he had done his utmost, led him to accept apparently without complaint or without elation whatever the result might be, as if he clearly saw that the real greatness lay in the nobility of the struggle and in the uncomplaining acceptance of what came after his own responsibility had ended. He would have modestly filled a higher place with the ability equal to it, just as he would have accepted a more obscure lot without repining. He seemed to me to have lived according to the philosophy in the noble words of Wordsworth:

If thou indeed derive thy light from heaven,
Shine poet, in thy place and be content;
The star that from the zenith darts its beams,
Visible though it be to half the earth,
Though half a sphere be conscious of its brightness,
Is yet of no diviner origin,
No purer essence, than the one that burns,
Like an untended watch fire, on the ridge
Of some dark mountain, or than those which seem
Humbly to hang, like twinkling winter lamps,
Among the branches of the leafless trees.

The Shipping Bill.

SPEECH

OF

HON. STEPHEN B. ELKINS,

OF WEST VIRGINIA,

IN THE SENATE OF THE UNITED STATES,

Saturday, March 15, 1902.

The Senate having under consideration the bill (S. 1348) to provide for ocean mail service between the United States and foreign ports, and the common defense; to promote commerce, and to encourage the deep-sea fisheries—

Mr. ELKINS said:

Mr. PRESIDENT: All agree that the present condition of our carrying trade is deplorable. While we have made marvelous progress in every department of industry on land, we have gone behind in our interests on the sea. Since the formation of our Government, as a people we have shown intelligence, inventive genius, courage and wisdom in large undertakings, broad statesmanship in adopting policies that have built up our industries beyond our greatest expectations; but it seems all this stopped when we reached the sea, where we have been impotent and unable to deal broadly and successfully with questions affecting our shipping interests and the building up of our merchant marine.

We are now paying $600,000 every day to foreign shipowners, or more than $200,000,000 annually for carrying what we buy and sell, our exports and imports. American ships carry only 8 per cent of our foreign commerce, when they once carried 90 per cent. This humiliating decrease in our carrying trade has gone on for nearly forty years. In many of the large ports of the world the American flag is never seen and is entirely unknown; in the port of Buenos Ayres where more than 500 ships entered in 1895 not one was American, and in our home ports, especially New York City, the flags of other nations are oftener seen floating from foreign vessels than our own. This condition should not longer continue. It demands the prompt and serious consideration at the hands of Congress.

A remedy should be speedily found and our shipping interests built up as our industrial interests have been on land. For my part I do not believe that a subsidy policy is the best remedy, but it is the one that has been agreed upon by the Committee on Commerce and a majority of my Republican colleagues. I adhere to the policy laid down in the Republican platform of 1896, that of discriminating duties, adopted in the beginning by the fathers of the Government as the wisest and best policy of building up our merchant marine, and under which our shipping prospered for forty years, as it has never prospered since. This policy would take nothing from the Treasury, and surely give us back the carrying trade which we once had.

The argument and claim that treaties with other nations stand in the way of adopting this policy is a mistake. These treaties are merely commercial conventions, and by their terms can be terminated on one year's notice. If we had put this policy into proper legislation in 1897, as we pledged the country we would do in the Republican platform, we would now be, without one dollar's cost to the Government, far on the way toward restoring our merchant marine. But, Mr. President, so vital and so important is the question of building up our merchant marine that I am willing to do anything, join in any plan or method, looking to this end; and for this reason I give my support to the bill now under consideration, yielding my individual judgment to the will of the majority.

FREE SHIPS.

The minority in Congress is opposed to protection of our shipping interests in any form as they are opposed to protection to our industries on land, and especially to the payment of subsidies by the Government for this purpose. Their contention is now, and has been for more than thirty years, that the free ship policy is the best method of encouraging and building up our carrying trade.

In the debate during the consideration of the pending bill free ships have been put forward as the best policy that should be adopted. The free-ship policy means that because foreign steamships can do the carrying business cheaper than American ships they should be allowed to do so. It means also the granting of the right by Congress to American citizens to purchase ships wherever they can in any part of the world, to be used without restriction in our foreign carrying trade. Free ships is an attractive phrase and sounds well, but the principle is fundamentally wrong and as much against American interests as free trade.

If we had followed free trade, bought steel, iron, cotton goods, and other manufactured products wherever they could be had cheapest in the markets of the world, we would not to-day be enjoying the greatest prosperity known to any nation in history and leading the world in manufacturing. Instead of adhering to free trade and permitting our people to do as the Democratic party has urged, and buying goods wherever we could get them cheapest, we have uniformly adhered to the policy of protection, and through protection built up the largest and most successful manufacturing establishments in the world. If we could protect our shipping interests to the extent we have protected our industries on land, our carrying trade to-day would be equally prosperous.

In case the free-ship policy could be adopted and our people should go abroad and purchase ships instead of building them at home, the United States would not only lose the money sent abroad to pay for the ships, permanently taking it out of the country, but the industry of shipbuilding in the United States would become paralyzed, with no hope of encouragement in the future, and the production of all materials, such as steel, iron, wood, zinc, copper, brass, paint, etc., that enter into the building of ships would stop, our people would be deprived of the labor necessary to this production, as well as the business of shipbuilding. In addition to all this, we would give up the business of shipbuilding, and in this regard become a dependent nation, and if we adhered to this policy of buying ships abroad we could never become great on the sea. We would surrender the hope of taking a commanding part in the carrying trade of the world and give up to foreigners the control of an industry that should, when properly developed, employ, first and last, a thousand millions of capital and make us as prosperous and independent on the sea as we are on land.

The best answer now, however, to the free-ship policy is that, although the Democratic party has advocated it for forty years, yet when in control of all the branches of the Government from 1892 to 1896 the party failed to pass the free-ship bill or even to make any attempt in that direction. If the Democratic party, when it could do so, refused to adopt and put in force the free-ship policy, why should Republicans do so now?

CONDITIONS MUST BE EQUALIZED.

Great Britain has nearly 60 per cent of the carrying trade of the world, and has been the leading nation in this industry for fifty years. She is strongly intrenched, enjoying those advantages that come only from being long established in business.

Other nations in a smaller degree have advantages over the United States. If we are to win back the carrying trade, build up our shipping industries, engaging in the fiercest competition to bring this about, we must equalize conditions, we must allow the United States to start in the race of competition on an equal footing with other nations. The purpose of this bill is simply to provide such help as will have the effect of equalizing conditions in our efforts to gain our just share of the carrying trade of the world. With our geographical position, our 10,000 miles of seacoast, our splendid harbors, our unlimited powers of production, the United States should be, under any wise policy of encouragement, the leading maritime nation of the world. This is our sure destiny if, as a nation, we are only true to ourselves. And why should we delay this splendid result? With everything in our

favor, is it not strange that we are not now a great power on the sea? The business of shipping is profitable. Besides no nation can be truly great without being great on the sea.

I do not think, Mr. President, that as to the North Atlantic, where we are to come into competition with Great Britain in the great fight that is before us, the aid afforded by this bill is sufficient. I think as an encouragement to build up our carrying trade on the Pacific Ocean and with South America it will be sufficient; but when we come to meet England on the North Atlantic I fear it will not be sufficient. It must be borne in mind that shipping is now the greatest interest Great Britain has, and she will never give up even a part of it without a great struggle. It is less, as I have figured it out, than the aid given by the bill which was under consideration last year.

Mr. MALLORY. Will the Senator state why he thinks it may be sufficient in one instance and not sufficient in another?

Mr. ELKINS. I think that the competition will be fiercer, the fight will be greater, on the North Atlantic with Great Britain than on the Pacific, where we have some advantages.

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. ELKINS. Certainly.

Mr. SPOONER. If it is not enough, is it not too much?

Mr. ELKINS. Well, Mr. President, I listened with a good deal of interest to the question when it was propounded to the Senator from Iowa [Mr. ALLISON] by the Senator from Wisconsin. This is my objection to the bill under the present policy. I have doubts whether we can wrest from England much of her carrying trade by this subsidy. Why? Because it is inadequate. England gives equally as much. Great Britain is already in possession. She has the largest part of the carrying trade of the world, and how we can drive her out of possession, how we can beat her in this great contest on merely equal lines only, is a serious problem to me. Besides, on the North Atlantic we must also meet and contend with Germany and France, also in possession of a large share of the business. However, I think we ought to make some effort.

In my judgment if we adopt the subsidy plan, as we seem willing to do, I believe the amount of the subsidy on the North Atlantic should be increased in this bill. It does not seem to me to be sufficient. I know this will not be well received. I understand what is in the mind of the Senator. Why throw away money if we do not give a sufficient sum to insure success? Why not appropriate a sufficient amount to begin with and give our people something like a fair chance in an unequal contest? But, Mr. President, I am willing the effort be made, even though I do not think the amount sufficient. Others believe that it is sufficient, are willing to make the attempt, and I am willing to join them.

Mr. MALLORY. Will the Senator permit me to interrupt him before he leaves that point?

Mr. ELKINS. Certainly.

Mr. MALLORY. The Senator thinks there is no comparison in competition between American and British vessels plying between this country and South America and vessels plying between this country and Europe. Is it not a fact that the British tramp steamer does just as much business between the United States and South America, proportionately, as the British tramp steamer does between North Atlantic ports and Great Britain?

Mr. ELKINS. The conditions are different as to the South American ports. I think we have a better chance on account of our nearness to the South American coast. I do not think Great Britain will fight as hard, contend as strongly, for the retention of her South American carrying trade as she will for the trade between Europe and the United States on the North Atlantic.

COST OF CONSTRUCTION AND MAINTENANCE OF SHIPS GREATER IN THE UNITED STATES.

Reliable statistics bear out the fact that the difference in cost of building a ship in the United States and abroad is about 25 per cent.

There is no doubt about this. It can not be denied successfully.

In England the cost is $76 per ton, while in the United States it is $102 per ton. This is a fact, no matter what causes it or how it comes about. There may be a few instances in which this is not the case, but they are only exceptions to the rule. If we can build ships as cheaply as Great Britain or Germany, why do not our shipyards get most of the orders at home and some of the orders from other countries? We get scarcely any. We have built a Russian war ship and the Kaiser's yacht—not, however, because we could build cheaper. There are many reasons why we can not build ships cheaper. One is that wages of all kinds in the United States are 25 to 50 per cent higher than abroad. Ninety per cent of the cost of a ship is labor.

If a ship costs $1,000,000, $900,000 of this is in labor. If labor is higher in the United States than in Great Britain, which it is, the cost of building ships must be greater. Even with this disadvantage in wages, if our shipyards could have constant employment for a number of years I believe, owing to the fact of the superiority of skill and efficiency of our labor, we could reduce the cost of building to nearly what it is abroad. Therefore, in the interest of reducing the cost of building ships, and for other reasons, we should aid our shipbuilding interests. Then the cost of operating an American ship is about 30 per cent greater than the cost of operating foreign ships. This, too, is on account of higher wages paid on American ships and better food provided for the crews.

Another element that enters into the cost of operating American ships is that the State taxes in the United States are heavy and must be paid yearly. Every ship has its home, a stated port or place where it is owned, and the State in which that is located imposes a tax. Other countries have no taxes upon ships corresponding to our State taxes; they escape this altogether. It is a considerable item in the cost of maintenance and operation. For instance, a steamship valued at two millions must pay from 1½ to 2 per cent on this value, or thirty-five to forty thousand per annum. I think the State of Maine exempts ship property from taxation.

These are the conditions against us, and we can not equalize them directly. Therefore we must do it indirectly and by help of some kind. American ships must be put on an equal footing with foreign ships to compete in the fierce fight for the carrying trade of the world. We have never hesitated to protect our industries on land, with the most beneficial results, and why should we hesitate to protect them on the sea, when they are so important and so necessary to our success as a nation?

WHAT OTHER COUNTRIES ARE DOING TO AID SHIPPING.

One reason for the neglect of American shipping is that our people have been so employed and occupied in our industries on land and they have been so remunerative that we have neglected our interests on the sea. Although other countries have the start of the United States and great advantages in shipping and the carrying trade, and are actually doing the carrying business of the world, yet all of them encourage shipping by subsidies, bounties, or mail contracts. For instance, the mail subsidies, bounties, etc., paid last year by other nations to encourage shipping amounted to nearly $30,000,000.

They have the business; they are intrenched; they are in possession. For instance:

France paid	$8,643,423
Germany paid	1,825,651
Italy paid	2,819,451
Japan paid	2,942,296
Great Britain paid	5,536,612
Russia paid	1,595,701
Spain paid	1,629,000

I will not name the smaller countries.

The total amount in form of subsidies paid by other nations in 1901 was $19,904,778; bounties, etc., $7,765,382; total, $27,670,160.

This enormous sum is massed against the United States on the sea and is the aid and encouragement that foreign nations render annually toward building up and maintaining their shipping interests—although strongly intrenched and in possession of the carrying trade of the world. The problem is, what can Americans do? In order to get part of this trade the United States must meet this vast expenditure in some way. We can not meet it by simply doing nothing, having no policy, making no effort, simply urging free ships; we must meet $27,000,000 given in the way of aid annually by other nations with some sort of substantial encouragement.

If we fail to do so, it will simply be impossible for the United States to hope to gain its fair share of the carrying trade. The bill under consideration is an effort to give this encouragement. If we had American ships sufficient to carry what we buy and sell, we would not only save to our people annually the payment of $200,000,000, now paid to foreign shipowners, but we would build new shipyards and stimulate the production and home consumption of all the materials that enter into shipbuilding. We would produce more iron, steel, lumber, coal, coke, lead, copper, zinc, and paint, finding a market at home for the same.

England's greatest interest is on the sea. She can not afford to give it up, and will never do so without a fierce struggle.

A subsidy equal only to the aid she gives will not avail. She is already in possession of the carrying trade, and I doubt whether we can take it from her, no matter what subsidy we give. The subsidy part of this bill is a doubtful experiment. If we had adopted the policy of discriminating duties, there could be no doubt as to the results.

AMOUNT WE PAY FOREIGN SHIPOWNERS.

The amount paid in 1901 to the owners of foreign ships by the American people for carrying our imports and exports was $50,000,000 more than all the taxes collected under the Dingley bill, and within ten millions of the amount collected under the internal-revenue war tax. In the ten years from 1891 to 1901 we paid to foreign shipowners more than $2,000,000,000 and in the

last twenty years more than $4,000,000,000. These figures are appalling. They exceed our national debt following our great war.

There is loud complaint by the Democratic party against taxes, and especially the iniquitous tariff taxes under the Dingley bill, but they do not murmur at paying more than the Dingley bill taxes to foreign steamship companies for doing the business Americans should do, when by a wise and liberal policy this might be avoided. If we were to build and own the ships that carry the products for which we pay $200,000,000 annually to foreign shipowners, this would cause the immediate expenditure of at least $100,000,000 in present shipyards and new ones that would be built, and as time goes on constantly increase. Besides it would stimulate the production of all materials that enter into the construction of ships; it would also give employment to thousands of our people at good wages.

The policy of one nation allowing another to control its carrying trade and transporting what it buys and sells is radically wrong. In time of war the commerce of a nation without ships would be entirely destroyed. What would be thought of two great business establishments, department stores if you please, situated near each other, one of which allowed the other to do the business of transporting the goods it sells to customers. This never would be permitted by individuals for one moment; it would be disastrous, and so it is in the case of nations. Correct business principles are the same everywhere, and apply with equal force to nations and individuals.

AMERICAN SHIPYARDS NOT FULL OF ORDERS.

It has been claimed in this debate that American shipyards are full of orders, and this great interest needs no encouragement. This is not the case. According to reliable information gathered from American shipyards, they are almost without orders for the coming year. It is true last year our shipbuilders received a great many orders, because it was believed that the bill of last year to encourage shipping would become a law, but it failed, and the orders were reduced, and unless this bill becomes a law, or some relief be given, orders for our shipyards will continue to grow less each year. Our shipyards will close and our flag be rarely seen on the ocean.

TO ESTABLISH A MERCHANT MARINE A NATION MUST OWN AND BUILD SHIPS.

To take a commanding part in the carrying trade of the world a nation must build and own its ships. No nation was ever great on the sea or ever had a merchant marine that did not build and own its ships.

Another great advantage in encouraging our carrying trade and building up our shipping interests is that it affords the best means of expanding our commerce and of finding new markets. Trade follows the flag. American ships going to foreign countries with American goods are more likely to find a market than if the same goods are carried in foreign ships. We can best extend our commerce and find new markets by establishing new lines of steamships to the various countries of the world, especially to those on the Pacific ocean and South American ports.

THE TRADE OF THE ORIENT.

The trade and commerce of the Orient, by reason of its geographical position and nearness to our Pacific coast, with its 600,000,000 people, who are learning the methods of Western civilization and becoming consumers of American products, belongs naturally to the United States. If we only take advantage of what belongs to us physically and naturally, very soon the United States must control this vast and growing trade.

But this can not be done now for want of ships, and until Americans can have American-built ships they will not be able to compete for this trade. It is a fact well known that because we have not enough ships for the Pacific trade two German steamship companies are now arranging to put on lines from San Francisco to the Orient in connection with railroads having their termini at large cities on the Pacific coast.

If this bill fails, connections between our transcontinental railroads and foreign steamship companies will be established from our Pacific coast ports to all points in the Orient. Our products going to the Philippines, now our territory, will be carried in foreign bottoms.

Possibilities of the trade with the Orient can not be overestimated. It must grow in importance until it will be greater than the trade with Europe and the rest of the world. We should not throw away such opportunities. They should be improved. Great cities and great ports will grow up on the Pacific coast if we only render aid to our shipping interests. The products of the Pacific coast States and the Middle States will find a new and ready market in the Orient if we only provide ways and means to send them there in American ships.

Hawaii and the Philippines belong to us. They furnish great bases of operations from which to maintain our trade relations and build up our commerce in the Far East. By reason of our nearness to the countries of the Orient and the islands of the Pacific, we have to only reach out and this trade is ours.

SOUTH AMERICAN TRADE.

The trade of South America is at our doors and has been waiting for us to take it for the last half century, but we have had no ships, no lines of steamers. All efforts to establish steamship lines to South America have been signal failures. A passenger from the United States must go by way of Europe to South American ports. American goods must be taken by way of England to expeditiously reach these ports. This is a solecism in the economic and commercial world. It is a wrong against American interests, and should be corrected. If we hope to extend our markets in South American countries, we must have American ships. We have waited for these markets to come to us without ships, and the result is that they remain with our competitors. Europe, farther away than we, holds the trade of South America.

BENEFICIAL RESULTS THAT MAY BE EXPECTED FROM THE BILL.

Under the postal subsidy provisions of the bill, according to the report of the committee and other testimony, it is believed the United States will have established within a reasonable time the following lines carrying the United States mails on the Pacific coast:

Weekly mail service to Hawaii, the Philippines, Japan, China, and Hongkong.

Semimonthly service to Pago-Pago, New Zealand, and Australia.

The vessels which will perform this service, both in speed and tonnage, will be superior to those by which our rivals now maintain mail connections with Asia and Australia at an annual cost of $4,700,000. The maximum cost to the United States, under the bill, will be $2,335,000.

On the Atlantic side we will have, under the bill, a semiweekly mail service to Jamaica, Habana, and Europe.

A weekly service to Venezuela.

A fortnightly service to Brazil, at a maximum cost of $2,365,000.

This will be a splendid mail service, equal to any in the world. The establishment and maintenance of these lines—something heretofore unknown in our history—would be the forerunner, the handmaid and helper in seeking markets in the countries reached by these lines.

Under the general subsidy clause the bill will promote the building at once of new vessels with large tonnage, and gives special facilities to our steamships for the Pacific trade.

The payment of the subsidies provided for in this clause of the bill is upon certain conditions. The subsidy is not naked and direct, but conditional. The conditions set forth in the report of the committee are these:

First. The employment and training of a certain percentage, the minimum being 25 per cent, of seamen under allegiance to the United States.

Second. The transportation of ocean mails of the United States, when required, free of charge.

Third. The training of American boys in seamanship.

Fourth. The use of the vessel for the national defense or for any public purpose, at any time, at a value to be fixed by arbitration.

Fifth. The perpetual incorporation of the vessel in the American merchant fleet.

The committee in its report further states:

"The ocean steamer in foreign trade stands in a different relation to the American purchaser from any other manufactured product. It is wholly separated from the operation of the tariff laws. If the American purchaser does not like the price of an American-built steamer for the foreign trade, he is entirely at liberty to purchase a foreign-built steamer for the same trade, and employ her for that purpose with the same freedom as if built in the United States. This bill does not change that condition in any respect."

These are the five conditions, and they are to some extent onerous ones, upon which the subsidy can be paid. They mean something, and if performed as they must be will greatly benefit and help build up our merchant marine.

THE COST TO THE GOVERNMENT UNDER THE BILL.

Under the postal-subsidy provisions the Government gets a consideration just and adequate for all the money it pays out, both directly and indirectly. It not only gets the mails carried expeditiously by us over new lines of communication, but puts American manufacturers and farmers in direct connection with the markets reached by these vessels.

The cost of the service by American mail steamers will be $4,700,000 per annum, the same as the cost of the British colonial mail service. It is estimated that the receipts from postage will be about $3,000,000, leaving a deficit of about $2,000,000; but as mail communication becomes established and business increases, the postage receipts must constantly increase and this deficit decrease.

The expenditure of this sum will not only secure the advantages just stated by way of mail communications and opening up markets, but there will be added 42 auxiliary cruisers which could be used in time of war. The cost under the general subsidy provision is important and should also be approximately known. As near as can be estimated, taking data furnished by the actual navigations of American vessels in 1900, the subsidies would amount to about $1,072,000. Of this there would be paid to steam vessels, excluding mail ships, $559,000; to sailing vessels, $513,000.

If all the provisions of the bill were carried out, the expenditures at the beginning would be from $800,000 to $900,000 a year; on the completion of 200,000 tons of steam vessels for the foreign trade in one year, the cost would be $1,300,000 in subsidies under this general clause. This would place the United States in advance of Germany as a shipbuilding nation.

Now, Mr. President, if we can win back our shipping by subsidies and by the expenditure of this amount in the face of European nations spending now $27,000,000 annually we ought to make the effort promptly and cheerfully. If these promising results shall be realized, it will be the best and wisest expenditure the Government ever made in the interests of the people and will yield the largest and best returns.

The results are so promising that it does seem to me we are justified in making this expenditure.

The great State of West Virginia, though inland, is deeply concerned in building up American shipping. Her mountain tops overlook the waters of the Great Lakes on the north and Atlantic tide water on the east. For purposes of trade and commerce she is in effect a seaboard State. She depends now, and will more largely in the future, on the sea and the Great Lakes for an outlet for her products, especially coal, coke, oil, timber, and manufactured goods. Already these products are seeking the markets of the world, and are only hindered from reaching them for the want of suitable and economical transportation on land and sea.

No State in the Union equals West Virginia in substantial wealth and natural resources, which are abiding and give promise of lasting indefinitely.

Our position on the map of the United States makes our products nearest to the markets, both East and West. No State offers more advantages to investors seeking a fair and certain return on capital, to the wage-earner seeking employment at fair wages, and the man looking for a home to rear and educate his family in one of the healthiest climates of the world.

West Virginia has more coal than Pennsylvania, is the first oil-producing State in the Union, stands second in the production of coke, and third in the production of coal, with vast forests of timber of all kinds still untouched. Besides having coal, coke, and oil to send over the sea to foreign markets, she produces nearly all the materials which enter into the building of ships and can furnish the same at the lowest cost to shipyards on the Great Lakes and on the Atlantic seaboard.

No State in the Union is more interested in the building up of our merchant marine on tle lakes and the sea than West Virginia. Her coal and coke in the future will not only go to South America and the West Indies, but to the great cities and centers of population of Europe. This can he hastened and facilitated by restoring our merchant marine. With the completion of the isthmian canal—which now seems assured—West Virginia coal and coke, owing to its superiority, will reach the Gulf of Mexico by way of the Mississippi River, and find a market not only on the Pacific coast, but in Hawaii, the Philippines, and the Orient.

It requires no stretch of the imagination to believe in the near future the mountains of West Virginia will be giving up their hidden wealth to both the Orient and Europe. These hopes for the glorious future in store for West Virginia may seem visionary now, but they will surely be realized.

Mr. President, I feel justly proud of my State. Her borders are filled with untold wealth. Her products, though in great demand, can not reach home and foreign markets for want of transportation facilities. There are not enough railroads within the State to haul its products. More are needed. Every trunk line of importance must some day enter West Virginia. She holds within her hills and mountains the wealth that must bring them there.

Omnibus Public Building Bill.

SPEECH

OF

HON. ARIOSTO A. WILEY,

OF ALABAMA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, April 29, 1902,

On the bill (H. R. 14018) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes.

Mr. WILEY said:

Mr. CHAIRMAN: This bill carries an appropriation of $65,000 to improve and enlarge the Government building in the city of Montgomery in order to meet the exigencies of the public business. I had the honor at an early day of the present session to introduce a bill upon this subject, and I am very glad it has received such favorable consideration.

We live in the greatest and grandest country under the cycles of the sun. An enormous volume of business is transacted every year in all the departments of Government. It is marvelous to contemplate. It staggers the human mind to comprehend its magnitude. Legislation in all the protean shapes and forms which public needs may assume or the public weal may require is enacted by Congress under the common defense and general welfare clause of the Federal Constitution.

Under the existing rules of the House, made necessary, it is claimed, for the dispatch of this vast amount of public business, we are all constrained to admit the self-evident fact that Congressional legislation means legislation by committees; that is to say, that the efforts of the individual Representative in seeking measures of relief for his constituency must be directed to the standing committee having that particular matter under consideration rather than to this honorable body sitting as a Committee of the Whole House. Every member, therefore, whether his experience be of short or long duration, readily recognizes and appreciates the almost insurmountable obstacles which obstruct his pathway whenever he seeks to obtain an appropriation with which to erect a public building or to beautify some public ground. In view of these difficulties I desire thus publicly to thank the members of the Committee on Public Buildings and Grounds, and particularly my colleague [Mr. BANKHEAD], the ranking minority member thereon, for the kindness and courtesy shown through me to my constituents in granting the full amount recommended by the Supervising Architect in the Treasury Department.

This appropriation contemplates an enlargement of the Federal building at Montgomery for the purpose I have just stated, either by extending the structure south in the direction of Washington street or erecting a wing on the west side thereof, at a cost of $65,000. When this annex is completed, it is estimated that it will require an additional sum of about $25,000 to make all necessary changes, so as to connect together and properly harmonize the architectural designs of the two edifices. I am also grateful to the committee for the assurances so generously given to me that at the proper time whatever additional appropriation is needed to this end will be cheerfully recommended by the committee.

Representatives on this floor have spoken with commendable pride and in glowing terms of communities in which they live. You have heard a good deal, no doubt, of our glorious Southland; but permit me to invite your attention to the fact that Montgomery, the beautiful city in which I live and in which this appropriation is to be expended, is peculiarly typical of the old South—one of the few ideal Southern cities left unchanged by the radical chisel of a new aggressive and progressive American civilization. If you want to see the South in all her pristine perfection—the old-fashioned, chivalric, provincial, family-loving, home-building, traditional, self-respecting South, the land of the "cotton and the hoe"—then I bid you come with me to cities like Charleston, Savannah, Montgomery, Mobile, Memphis, or New Orleans, where the old romance yet lingers, where the loveliest women God ever created still abide, and where brave and loyal men prize the legacy of a good name more than they value silver and gold.

Ah, Mr. Chairman, if you knew the old South as I do, and loved the memories and traditions interwoven with her history as fondly as I, you would pardon me, I am sure, for using extravagant language in describing the district I have the honor to represent in this Chamber, because I come here from a land "way down South in Dixie," whose climate is delightful, whose soil is productive, and whose laughing waters are as pure and abundant as ever gushed out of the rocks; whose golden summers are filled with clustering vines, ripening fruits, and singing birds; whose soft and beauteous skies are tinted with the blended colors of the blue and the gray; whose silvery moon—wandering "a pale-faced Cynthia"—guides the weary traveler his way with rays of the brightest, sweetest, and gentlest light that ever was shed on any spot in all the wide earth; a land whose broad plantations of rich prairies and fertile valleys become every year white with fleeces of downy cotton, green with tasseling corn, and yellow with flowering wheat; a land of the happy darky and patient mule; where the watermelon and the pomegranate, the apple and the peach grow in luxuriant profusion; where the wild flowers bloom amid the "soft dews" of the evening; where the jasmine and the honeysuckle expend their perfumes, and the "rose speaks of love and of light;" a land where the mocking bird will sing you to sleep every night, while some amorous whippoorwill from a neighboring tree top pours out the while a dolorous plaint to a pensive mate; a land of the magnolia and japonica, the myrtle and the bay, the ivy and the red-fruited woodbine; a wondrous land, indeed, whose sweetness, beauty, and glory it has never been given to the tongue of man to picture or describe, though touched, it may be, with the heavenly fire of matchless eloquence.

Montgomery, the capital of our State, is an historic city. She sits enthroned a queen at the headwaters of navigation of the

Alabama River. Nine different railroads concenter there, being the focal point of trade for an immense territory. Her estimated population, within police jurisdiction, is about 40,000. The distance to the nearest coal fields is not over 60 miles. She has about 600 manufacturing and industrial enterprises and the amount of capital invested in these important interests is more than $3,000,000. The value of manufactured products for a given year is $4,000,000, while the volume of business done in the same period of time is about $40,000,000.

The various railroads run from a common center in all directions like the spokes of a wheel, and the city reaches by water and rail transportation six great Gulf and Atlantic ports. Montgomery is the place of residence of the State officials and many Federal officeholders. Being a place of unique historical interest, we are visited every year by many thousands of travelers, tourists, and sight-seers. We have an abundant supply of the purest water. Our citizens are peaceable, law abiding, patriotic, and hospitable. The community is a most desirable one to live, in so far as topography, climate, health, water, and transportation facilities are concerned, and in consequence our population is rapidly increasing. Statistics demonstrate Montgomery to be one of the healthiest cities to her size in the world.

It is no marvel, then, that she has grown beyond the narrow limits of the present Government building erected there several years ago.

This appropriation will supply a long-felt need. The expenditure will prove a wise, judicious, and economical investment for the Government; and I rejoice to know that this improvement, when made, will meet the necessities of the public business.

Cuban Reciprocity Bill.

SPEECH

OF

HON. SAMUEL M. ROBERTSON,

OF LOUISIANA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, April 14, 1902.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 12765) to provide for reciprocal trade relations with Cuba—

Mr. ROBERTSON of Louisiana said:

Mr. CHAIRMAN: The matter now under consideration by this House has been fully presented by the advocates of this bill, and I believe they have exhausted all their arguments in support of the proposition. Much has been said about the extension of trade to Cuba. Much has been said about the duty of the United States to Cuba at this time. Much has been said concerning the distress in Cuba, and the necessity for the passage of this bill.

It is well known, Mr. Chairman, that before the Committee on Ways and Means, in the consideration of this question, the case of Cuba was ably presented. It is well known that the opponents of the measure routed and completely annihilated every proposition made by the exporters of New York and the sugar refiners of this country in their attempt to make it appear that it was necessary at this time to come to the relief of the Cuban people. And it seemed to me that all the testimony on this question brought the case at last to the desire of these New York importers and the sugar trust to reap from the existing conditions the benefit to themselves which will result from the passage of this bill.

The principle of reciprocity in later years has been distorted by the Republican party. Those of us who have paid attention to the question know that all reciprocity agreements entered into under section 3 of the McKinley law were granted almost entirely at the expense of the sugar industry of the United States. Every commercial agreement made with the South American Republics, Germany, and Spain, was made at the sacrifice of our agricultural industries and in the interest of the manufacturers, who were able without reciprocity to sell their wares in these countries at a price much less than that charged our own people at home. Every agreement which fell when the Wilson bill passed this House fell because the principles of the Democratic party could not sustain the position of the Republican party upon that principle.

I remember well, Mr. Chairman, that in the consideration and discussion of the Wilson bill before this House the gentleman from West Virginia, Mr. Wilson, the embodiment of tariff reform and the able expounder of Democratic principles in this country at that time, arose himself on the floor of this House and by an amendment to his own bill, which he feared did not carry a repeal of the reciprocity clause of the McKinley Act, swept out of existence section 3 of that act. In my views embodied in my report against this bill when it was brought into the House I said:

It seems to me that this kind of reciprocity is absolutely impossible under a Democratic idea of a tariff. Should the tariff ever be revised on the line and plane of the principles of the Democratic party reciprocity would be entirely unnecessary and impossible, as the rates would not be prohibitive, and the extension of our trade would, as a natural consequence, flow from the imposition of such tariff rates without the necessity of reciprocity.

The Democrats, in their national platform in 1892, said:

"We declare it to be a fundamental principle of the Democratic party that the Federal Government has no constitutional power to impose and collect tariff duties except for the purpose of revenue only, and we demand that the collection of such taxes shall be limited to the necessities of the Government when honestly and economically administered."

The imposition of a tariff which can be raised or lowered for the purposes of reciprocity is in direct antagonism to this declaration, which states that tariffs are levied for revenue purposes and are not levied for the purpose of anything else, either for protection or for reciprocity. In speaking particularly of the question of reciprocity, this platform, section 4, is expressive of the doctrine of the party on this question. But while this expression in this platform upon the question of the tariff would exclude the reciprocity carried in this bill, yet the expressions in section 4 condemn it as entirely un-Democratic.

"SEC. 4. Trade interchange on the basis of reciprocal advantages to the countries participating is a time-honored doctrine of the Democratic faith, but we denounce the sham reciprocity which juggles with the people's desire for enlarged foreign markets and freer exchange by pretending to establish closer trade relations for a country whose articles of export are almost exclusively agricultural products with other countries that are also agricultural, while erecting a custom-house barrier of prohibitive tariff taxes against the richest, and the countries of the world that stand ready to take our entire surplus of products, and to exchange therefor commodities which are necessaries and comforts of life among our own people."

This platform was adopted subsequent to the enactment of the McKinley bill, and under this declaration, in the consideration of the Wilson bill by a Democratic Congress, section 3 of the McKinley law, which provided for this kind of reciprocity, was subsequently repealed by an amendment offered by that noble and great Democratic leader, the then chairman of the Ways and Means Committee, the Hon. W. L. Wilson, of West Virginia. This was a definite, well-defined, and effective method of expressing the will of the Democratic party on the question of such reciprocity as that contained in the bill under consideration.

I would not refer to this at the present time, Mr. Chairman, had it not been that the gentleman from New York [Mr. MCCLELLAN], a member of the Committee on Ways and Means, accused the Republican party of stealing the thunder of the Democratic party upon this question. The further discussion of this topic would only establish more firmly the fallacy of the contention that this measure is in the least the embodiment of true Democratic doctrine. I desire to go at once to the discussion of our trade relations with Cuba at the present time. I hope I may be able to show, and I believe I can, that we control now all of the trade of Cuba—all of the export trade and our proper share of the import trade.

I have carefully gone over the report of the Secretary of War—the Monthly Summary of the Commerce of the Island of Cuba for June, 1901. Selecting this publication because it gives two complete years of commerce with that island, and having scanned each and every schedule in it, it is evident to me that we have reached, without reciprocity, a maximum of trade with Cuba in the matter of imports.

The total commerce of Cuba, according to these statistics, including the exports and imports of gold and silver, for the years 1900 and 1901, is as follows:

Imports in 1900, $76,869,813; exports, $49,481,552. In 1901, total imports were $66,264,767; exports, $64,245,801.

It is very interesting indeed to look at the articles imported into Cuba from all countries. This examination will show beyond a question of a doubt that the United States now has all the trade which natural conditions will bring about. The character and habits of the people, of course, lead them to consume articles which their natural tastes and inclinations impel them to use, and which must be, through the necessity of things, imported from countries producing these peculiar goods.

By a careful review of the report of the War Department on the export and import trade with Cuba these facts clearly appear.

Let us take the imports for the years 1900 and 1901, ending in the month of June for each year, the years which show the greatest trade in any one article of import. In 1900 the total value of agricultural implements imported into Cuba was $441,794. The imports from the United States of these implements were valued at $297,158, being nearly three-fourths of the total. It is well known to the country that we are able to sell in foreign countries these agricultural implements very much cheaper than we sell like articles in the United States. In fact, Mr. Chairman, in the discussion of all the bills touching the tariff in this House it has been claimed and shown that we can put in the South American Republics, and therefore into Cuba, agricultural implements cheaper than any other nation on the face of this earth. If we do not control the market in this respect, the fault is not in the tariff.

There was imported into Cuba last year from all countries horses valued at $332,271. Of this the United States furnished $195,871 in 1900, and in 1901, $208,193 out of a total import of $430,000. The country competing with us in this line was Mexico. And why? The natural conditions would direct that trade, because the animals imported into Cuba must be imported from a

tropical country, so that they may be able to stand the climate, and they must be horses that are accustomed to the conditions which surround a tropical country.

Can we increase that trade, Mr. Chairman, by the passage of this bill? Take mules. We almost control this market, but Mexico still competes with us on this line. It is not necessary to give the figures; they are accessible to every member of this House. Now, let us take the hog trade. Let our friends of the West, who are the great producers of hogs in this country, know that we have monopolized that trade completely and fully, and that the total value of this trade was $350,000 in 1900, and that the value of hogs imported into Cuba in 1901 was $200,000, of which we supplied $196,000. Now, take the sheep. Let our farmers of the West understand this—that we furnish Cuba with all of the sheep. How can reciprocity increase this trade?

Of text-books we furnish Cuba $17,000 out of a total of $30,000 worth; but, Mr. Chairman, it must be remembered right here that Spanish is spoken in Cuba, and French also to a very great extent. It is impossible for us at any time to extend our trade in this direction. It depends upon the peculiar characteristics of the people. Let us take brass and brass manufacture. Out of a total importation of $71,000 we furnish $26,000; France furnishes $14,000, and Spain $14,000. It must be remembered, Mr. Chairman, in all these calculations that Cuba was a colony of Spain. Germany has furnished Cuba with all of her barley. I do not believe we can compete with Germany in this line. The value of bran and fodder imported into Cuba in 1900 was $116,000, and of this amount the United States furnished $102,000.

Out of 1,438,197 bushels of corn imported in 1900 the United States furnished 1,433,000 bushels, within 5,000 of the total consumption in Cuba. The trade of Cuba increased in 1901, but we practically, notwithstanding that fact, furnished all of the corn. Let our friends from the West who produce this take that into consideration. Will this bill increase this trade? I deny it, Mr. Chairman. There is no room for increase except in increased consumption. In 1900 and 1901 we furnished all the corn meal imported into Cuba. In 1901 we furnished practically all of the oats imported into Cuba, amounting to 340,000 bushels in 1900 and in 1901 to 400,000 bushels. We furnished more than one-half of the macaroni and vermicelli and all the rye; all the wheat and all the flour, the value of the flour alone amounting in 1901 to $2,206,000. We furnished all the bricks, glazed and unglazed, with the exception of $11,000, the total being $116,836 in 1900.

The candle trade seems to be a very important one, amounting in 1901 to $323,173, of which Spain furnished $296,426 worth, practically controlling this trade. The reason that we did not furnish this is explained by the fact that the Cuban people are Catholics, and that very many of these candles were imported for use in religious worship from their mother country, and it will be impossible for us to obtain this trade under this so-called reciprocity until we are able to touch them in the matter of supplies for the many fêtes and ritualistic services to which they have been so long accustomed. Will reciprocity change this? The United States furnished all the cars and all the carriages and all other vehicles for steam railways and for other railways in the island of Cuba. We furnished all the bicycles, with the exception of a small number imported from the mother country. Can we gain anything in this line, Mr. Chairman, by this reciprocity?

Out of $154;330 worth of carriages and vehicles not used upon railroads, the United States furnished $133,000 worth. She practically monopolizes this trade. England beats us in crockery ware, but the importations are of little importance. I ask gentlemen please to pay attention to these figures: Out of $208,000 worth of anthracite coal the United States furnished $204,633 in 1901. Of bituminous coal, she furnished the entire supply. Of coke, she monopolizes the market. Of clocks and watches, the United States has a monopoly. Of coffee, out of $2,082,960 imported into Cuba in 1901 the United States furnished $1,977,000, being practically the whole amount.

We furnished one-half of the copper, England being our rival. If we compete with her, we must do so by the strenuous efforts of our own merchants. That trade can not, in my opinion, be affected by the 20 per cent preferential rate which this bill carries. But when we come to the manufactures of copper, out of $178,177, which Cuba imported in 1901, we furnished $135,535.

Now, as to cotton goods. Upon that point I desire to call the attention of the members of this House to the condition which surrounds that trade. We by no means control this market. The reason for this was brought out by the testimony before the Committee on Ways and Means, which showed us that we made no attempt to control this article. The Cubans are furnished with a peculiar kind of cotton cloth, which they use for the most part.

The United States does not produce cotton cloth of this character, and it was not, therefore, a matter of price so much as it was the character of the goods which were offered by us. As soon as our cotton manufacturers can bring themselves to the necessity of manufacturing the class of goods the Cubans desire, there will be no doubt that we will control this market. It has no connection whatever with the matter of reciprocal trade relations, but is a peculiar situation brought about by the climatic conditions and customs of the people.

We furnished in 1900 nearly all the eggs in Cuba, valued at nearly half a million of dollars. We furnished all the fertilizers imported into Cuba last year, except those which Peru supplied and with which we can not hope to compete.

I hope the House will excuse me when I go into these details, but my purpose is to show that nothing can result from this bill now pending in this House by any reduction of 20 per cent upon the commodities which go from this country to Cuba, which can extend our trade. Out of $15,500 worth of vegetable fiber, fine straw, etc., imported into Cuba last year, the United States furnished $11,565 worth.

As for the iron and steel schedule and manufactures of iron and steel, our greatest rival is England. The question of the tariff upon those schedules in the United States and the desire that the tariff should be reduced, is evidence that we can easily compete with England, should we use our strenuous efforts in the direction of accomplishing the control of this trade here.

It will take something more, Mr. Chairman, than a preferential rate of 20 per cent to bring this trade to us. In saws, tools, wire, wire cables, structural steel and iron, and steel rails for railroads, the most important articles for the development of Cuba in the future, we control and are apt to continue to control the trade in this direction. The effect of this bill, therefore, will be to no very great extent in the development of this particular trade on the lines of steel, iron, and products and manufactures of those metals.

In salt meats—now I desire to call attention to this—the total importations into Cuba last year were nearly $3,000,000, or, to be exact, $2,998,519. We furnished $1,431,216 of these important articles. Our great rival was Uruguay, in South America, which furnished $1,275,000 of jerked beef. Of course this is not an article of manufacture and commerce in the United States, and, therefore, we will never take the control of this trade. It is one of those peculiar food products which the people of Cuba are accustomed to use. We do not produce it—we will not produce it; hence this $3,000,000 of trade, one-half of which is controlled by us, will all be controlled by us only when the people of Cuba begin to learn that it is better to use other articles of food of like character than the jerked beef which they now consume. As to hams, bacon, pickled pork, and shoulders, we control the market. Out of $2,000,000 worth of lard imported in 1901, we furnished the entire amount.

In poultry and game we control almost the entire market, as we do also in the matter of condensed milk. Now we do not control the rice market in Cuba. The value of rice imported into Cuba is nearly $3,000,000 per annum. The reason of this is that we have scarcely reached a point in this country where this trade is eagerly sought. We are importers now, rather than exporters of rice, but even if we desired this trade, after careful investigation, I do not hesitate to say that we could not compete with Hongkong, China, and the East in this matter. Rice comes to Cuba from the East, for the greater part through the United Kingdom and Germany. It is the German rice which now competes with Louisiana in our own market; and the brewers inform me that they have not used our rice to any great extent yet because they could import rice fit for brewing into this country at lower cost than Louisiana planters can afford to sell it. If they can afford to compete with us in our own market and pay the high tariff under the rates fixed in our present law, they can certainly compete with us successfully and exclude us from the market of Cuba for some time to come.

Very much has been said about securing this rice trade for the United States, and very much weight has been attached to it in a specious argument used to influence the actions of the Representatives from Louisiana in their vote upon this bill. I am convinced that we can not control this market under the provisions of the pending bill. The quality of the rice used is of the very lowest grade, a grade not produced in Louisiana in any great quantities. What may be done in the future is a question which our people are able to work out. I am sure they do not desire to embark upon a policy clouded with such extreme doubt, when the return will be so little when compared with sacrifices made by other industries in the State.

By review, therefore, of the figures which I have given, it appears that we control practically the trade of Cuba in the great staple products, including flour, corn, corn meal, pork, hams, salted meats, and all kinds of pickled pork, oats and hay, coal and coke—in fact, all of the most important articles of commerce.

Spain controls the wine market almost exclusively, and it is natural she should do so. You might as well try to substitute American wines for Le Petit Bleu, used by the French peasantry,

accustomed to its peculiar flavor, however mean it may be, from infancy. They cling to it as against all others. The same characteristic exists in Cuba. They have been accustomed to the grades of wine imported from Spain. This is another one of the peculiar conditions which must be overcome, and will be overcome in time, but can not to any appreciable extent be affected by the passage of this bill.

The trade in boots and shoes and sandals is monopolized by Spain. It appears that the amount of this trade is $3,000,000 per year. In the testimony it was shown that $2,000,000 of this amount was the value of sandals, a peculiar shoe which is made in Spain and used by the Cubans to the exclusion of all shoes imported from other countries. Spain, in many of the important articles of commerce which is not controlled by us, is our rival. The principles upon which the Cubans have conducted their business heretofore have been very different from those pursued by our merchants in matters of credit. It appeared in the testimony before the committee that the merchants of Cuba bought their goods on a twelve months' credit, while the extent of credit allowed by our merchants is ninety days. On account of this fact much trade will, for some time to come, be controlled by Spain under these conditions, and can not come to us through reciprocal arrangements. They are circumstances which can only be overcome in time and by the assiduous efforts of our merchants, whose task it is to overcome the prejudices of the people and the customs of long-established business habits.

Now, let us review the export trade. Articles of export from Cuba are almost entirely purely agricultural. They consist of sugar, tobacco, and cigars. It will appear from the table which I here submit that out of the $64,000,000 of the export trade of Cuba the United States takes from her $54,000,000. We are the great market for Cuban products. The adoption of this bill will not change this condition.

Exports to United States.

Sugar, 1901	$27,058,648
Leaf tobacco, out of $9,720,266, exported to United States	8,395,370
Wrapper tobacco, 1901, out of $15,739,364	10,659,825
Cigars (greatest other exporter in United Kingdom)	2,564,601
Molasses	1,142,855
All other articles, estimated	5,000,000
Total exported to United States	54,821,299
Total exports, 1901	64,245,801
Total to United States	54,821,299
Balance to other countries, almost exclusively tobacco and cigars	9,424,502

This review, partial as it has been, of the commercial relations between Cuba and the United States demonstrates, it seems to me, that the matter of our trade relation does not rest so much upon the question of tariff rates as it does upon the possibility of overcoming the natural conditions brought about by the habits of the people and the peculiarities which remain from the impress of hundreds of years of control of a Latin nation, the characteristics of which have engrafted themselves upon this generation to such an extent that it alone can solve the problem and bring to us greater returns in matters of trade.

I can not see that the reciprocity carried in the bill under consideration can justify anyone in favor of the extension of our trade to make the sacrifices which must come to our own people in the solution of so doubtful a problem. The matter, then, must resolve itself primarily into an effort on the part of those interested to secure a better price for their sugar. I doubt that anyone would put the question upon a higher plane. It is necessary, therefore, for us to review carefully and considerately this phase of the question. It is well known that the depressed price of sugar at this time results from two causes: First, an overproduction of sugar in the world; second, the institution by countries producing beet sugar of bounties to producers of sugar in these countries, consisting in export taxes, excise taxes, import taxes, and what are known, I believe, in Germany as "surtaxes."

It so happens that by the formation of the great trust in Germany called the "cartel," which handles the entire output of the sugar in the country, and by the cooperation of the German Government the producers of sugar there obtain a tremendous benefit which affords an opportunity to the exporters of sugar to sell it at a price far below the cost of production. I speak now of raw and unrefined sugar, the sugars which come in competition with the sugars of Louisiana and the sugars produced in the United States from beets, and also the sugars produced in Cuba.

It is therefore a matter entirely of low prices which are brought about by overproduction that affect the sugar industry in Cuba, which to-day is not in good condition, but they are conditions which the people of the United States should not be called upon to stand for. The sacrifices which are intended to be made by this bill should not be borne by the American agriculturists alone, embarking, Mr. Chairman, as they are now upon a great industry which will furnish to this country, beyond question of doubt, within the next ten or twelve years all of the sugar which it consumes.

Mr. Chairman, I want to call the attention of this House to the financial condition existing in Cuba. It appears that the banking business of Cuba is done almost wholly by Spanish citizens, and most of the mercantile business is transacted by these same people. It appears that the loans upon sugar estates to the people of Cuba were made at highly usurious rates. In fact, it was stated before the Committee on Ways and Means by respectable citizens that the interest charge on the indebtedness ranged from 12 to 20 per cent per annum. Now, if it is to pay these men this usurious interest that the people of the United States are called upon to make the sacrifice which the bill carries, I must humbly and emphatically enter my protest. I do not believe it is just and proper to sacrifice the avocation of 500,000 people in Louisiana and one hundred millions of property there invested in the sugar industry in order to pay this usurious interest.

If the provisions of the pending bill are to expire in 1903, the effect of its passage will mean that we will donate from our Treasury eight to twelve million dollars, which must go to enrich these same bankers and merchants and primarily the sugar trust and sugar-refining interests of the United States.

Mr. Chairman, Cuba has about finished the harvesting of her crop. I have heard it said by many gentlemen on this floor, particularly the gentleman from New York [Mr. PAYNE] and the gentleman from New York [Mr. MCCLELLAN] and the gentleman from Kansas [Mr. LONG], in their efforts to show that the sugar trust will not be benefited by the passage of this act, that the sugar trust had only bought about 3,000 bags of sugar; that the sugar trust would not control and is not now buying any Cuban sugar which is stocked up in the warehouses there. My contention is that, whether the sugar is sold to-day or whether it is sold six months from to-day, its price will be controlled absolutely by the only consumer of raw sugar in the United States to which it must go inevitably—the sugar trust.

Who will gainsay that proposition? I do not, Mr. Chairman, intend that they shall get away from it. Now, as to the price which we have paid for sugar, it is in evidence and can not be denied on either side of this House, whether they favor the passage of this bill or not, that the price of sugar is fixed at Hamburg, Germany. The price of sugar in New York is the price of sugar in Hamburg plus the freight to New York, plus the freight and insurance and tariff rates charged upon it by the operations of our law. If sugar is high in Hamburg, the Cubans will reap the benefit of that price. They must sell their sugar in New York to the sugar refiners there, in competition with the sugars from Hamburg, as the trust is the only buyer of raw sugar; and as it controls entirely the output in refined sugars, it has such absolute and complete dominion over the market that they will themselves give whatever they may feel is just and proper when they come to the consideration of the profits they desire to make.

The price, therefore, is not dependent, in so far as Cuban sugar is concerned, upon the price which might be fixed in a competitive market, but it is fixed entirely by such estimation as the trust may make upon its value at the port of New York.

I for one can never believe that this powerful corporation would yield one single cent or one-hundredth of a cent to the people in this country as against the profits which must accrue to them by the conditions which present themselves in the market in New York, over which they have full control.

The gentleman from New York [Mr. PAYNE] stated in his speech that the reduction in this bill would not affect the price of sugar; that sugar would be the same price as that fixed by the conditions of the German market. If this be true, where does the American citizen profit by it? Where is the consumer relieved? I ask some of my brethren on this side of the House if this be true how can they afford to vote for this bill under the pretext that it lowers the tariff taxes, and therefore the price to the consumer? I want some of them to answer this question. I want some of them to tell their constituents how it can be done. I want some of them to throw off the dark shadow of ignorance upon the question which now obscures from them the light of the facts and go forth to their constituents and tell them that this bill lied upon its face when it said that it reduced the tariff, and therefore reduced the price of one article universally consumed by them.

I want gentlemen also who hide behind this same cloud which obscures their minds in the consideration and investigation of this question and causes them to say that they will support this bill because they do not desire to go to their constituents and explain its provisions—I want to say to such gentlemen, it has been my experience that if you do not explain it, some other fellow will do it for you. When you tell me that you can claim before your constituents that the price of sugar will be reduced and that the reciprocity involved in this bill will relieve the people of this country, I am almost ready, Mr. Chairman, to exclain that it is a

species of cowardice which can not remain in the breast of any Democrat who attempts to represent an honest constituency on this floor.

I charge, and I believe I can prove it, that the trust will be the beneficiaries of this legislation. I have stated before that the sugar refineries of this country were the only producers and the only consumers of sugar. They were the only consumers of raw sugar, the only producers of refined. If anybody doubts this proposition, I have ample proof before me to establish it. I presume that no one will deny it.

In a calculation made by one of the witnesses who appeared before the Committee on Ways and Means it was shown that in making up the price of sugar in Hamburg not only were the charges of freight, insurance, and handling made, together with the ordinary tariff upon sugar, but also there was taken into consideration 26 cents which was exacted by this country against countries which paid a bounty upon sugar. It appears also from this statement, and this statement is in figures and easily accessible to any gentleman upon this floor, that on January 21, I believe, there was shown that through the manipulation of the sugar trust that the Cubans received at the port of New York 31 cents less for their sugar than that paid for Hamburg sugars landed in New York on that day. The gentleman from New York [Mr. McCLELLAN], in answer to the gentleman from Texas [Mr. COOPER], denied most emphatically and without explanation that the Cubans got the benefit of this countervailing duty.

I desire to turn to the gentleman now and ask him why they do not get it. They were entitled to it because they paid no bounty. They were entitled to the benefit of this charge of 26 cents per hundred pounds. It should have made the price of their sugar equal to that of the sugar from Germany, with its bounty and countervailing duty. But the facts are that on that date, and I believe and know that these figures are true for every other date, the Cubans were receiving 31 cents per hundred pounds less than they were entitled to. I desire here to read the items which go to establish the price of sugar at the port of New York, given in the testimony of a most reliable witness before the Committee on Ways and Means, and which has not been denied or controverted, and which will bear out my contention fully and completely.

Price of sugar, export duty New York (f. o. b.), per 100 pounds	$1.58
To which add, for insurance and credit	.02
To which add duty (94.5° polariscope test)	1.63
To which add countervailing duty	.27
To which add difference between 88° analysis beet and 96° polariscope test cane sugar	.19
Total	3.69
To-day's price New York, costs, freight, and duty paid, of 96° centrifugal cane sugar	3.375
Difference	.315

I agree with the gentleman that Cuban sugar does not receive the benefit of this 26 cents per 100 pounds, which results from the laws of this country by the countervailing duty upon bounty-fed sugar.

And I desire to go further, and to ask him whether they are not entitled to it? Why they do not get it? Why is it they do not receive these benefits? And then I will answer that question for the gentleman from New York, and I will tell him because the price is controlled by the sugar trust. The gentleman has stated in his speech that there are a number of independent sugar refineries in this country—sugar refineries not in the trust. Are these known as the National Sugar Refining Company? I beg to state to the gentleman that the testimony of Mr. Havemeyer shows—that testimony delivered before the Industrial Commission, which I will quote right here if anybody denies it—was to the effect that the sugar trust, of which Mr. Havemeyer is president, refined 90 per cent of the sugars which went into consumption in the United States. Will the gentleman deny that?

We had testimony by the gentleman, who, I believe, was the president of the National Refining Company, Mr. Post, before the Committee on Ways and Means. The gentleman stated that he sold his sugar for 1 cent less per 100 pounds than the American Sugar Refinery. When, how, and under what circumstances this was done we are not able to obtain from Mr. Post, but an article which was published a few days since, dated April 5, coming from New York, said that—

> By an agreement or contract which has just been ratified, all refiners throughout the country will sell sugar on uniform terms.

This statement was published by the New York Journal of Commerce, one of the most reliable papers published in the country, one whose reliability will be vouched for by the gentleman from New York.

The statement goes on and states further:

> That in the future the price of 5 cents for granulated will mean the same whether quoted by the American Company, the National Company, or the Arbuckles, and it will not be complicated by any special or extra discounts.

So that it is clearly shown from these extracts that whether there was independent bidding by the several sugar-refining companies or corporations of the United States in the past the agreement which I quote fixes beyond cavil that the price will in the future be controlled under this agreement. Clearly, then, when the Cuban crop is sold its price will be controlled, as I have repeatedly said, by the sugar refineries of the country.

If they have and do control the price of Cuban sugar, and if they have, as shown, filched from the cane-sugar producers this 26 cents per hundred pounds, what will prevent them from filching further the 20 per cent reduction made in this bill from the sugar producers of Cuba?

The gentleman from New York [Mr. PAYNE] a few days ago stated that the sugar industry in Cuba was an industry in which the small farmers of Cuba were engaged, and led us to believe that they were upon a par with the cotton planter in the South or the tobacco planter throughout the country. My friends, I have investigated that question, and if you will examine the report of the Bureau of Statistics, published a short time ago, you will find that the colonas are the small plantations, and the colonos, those who cultivate these small farms, are in an absolute condition of servitude and that these small farms comprise less than one-sixth of the total area in sugar cane in the island; that the great industry of Cuba is in the hands of a few powerful men or corporations who have invested their money there, and consists of tremendous estates, amounting to twenty-five or thirty thousand acres in some plantations.

The following statement of facts was published in the Louisiana Planter and Sugar Manufacturer for April 12, 1902. The source from which the statements contained in this article was obtained seems to have been entirely unbiased and free from the influence of political consideration. The testimony is good and reliable and goes to establish the fact that the small farmer in Cuba is destined to survive an exceedingly short time longer. The condition is almost a system of peonage and is controlled to great advantage by the larger sugar estates, and the small farmers are as entirely dependent upon them as a barnacle is upon a ship:

> Some useful and reliable information regarding the true state of affairs among the sugar and tobacco planters is furnished to the American Economist by a well-known financier of New York City as the result of an eight weeks' tour of inspection throughout the island west of and including Santa Clara. This trip was made without any reference whatever to the question of tariff concessions. It was a tour of inspection having neither sentiment nor politics for its motive. For the past twelve or fifteen years this gentleman has represented a number of English and American companies engaged in lending money upon real-estate security in the United States, and was very familiar with the business in this country These companies contemplated engaging in the same business in Cuba, and the object of his trip was to ascertain the conditions there and the possibility of a safe and desirable business on these lines.
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> In the sugar district around Matanzas, Cardenas, Santa Clara, Cienfuegos, Habana, and other important points he found that probably five-sixths of the cultivated land was owned by big grinding mills, called centrals, and that the remainder was owned or occupied by small farmers, sometimes renters, called colonos.
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> The lands of the colonos were almost invariably mortgaged, and likewise for so large a sum that but little, if any, margin was left. This gentleman's clients always preferred small loans on small farms in the United States and desired an investment of that kind in Cuba. These colonos are generally quite ignorant people, of extremely small means, and invariably in debt to the big centrals.
>
> He found that almost without exception the sugar crop was mortgaged by the colonos to the centrals, or to the sugar brokers in the larger cities, at the very commencement of the cultivating season, and that the lenders "supplied" the colonos during the season, much the same as is done in the Southern States with the small cotton planter. The sugar crop of the colono is required by the lender to be delivered to him as soon as it is ready to cut, which is about the 1st of December. This is required not only as a matter of safety, but that the lender may get the return of his funds as soon as possible. And he found the fact to be that with very rare exceptions the colono delivered his cane early in December, had a settlement of account with the lender, and very often found very little or nothing to his credit, but received whatever balance, if any there was.
>
> This left the colono without means to produce his next crop, and often without sufficient means to carry him on even to the time of cultivation, so that from the time cultivation began—in March or April, if not before—he had executed a new mortgage upon his forthcoming crop for like purposes.
>
> It is the practice of the centrals or big sugar mills to deliver either the sugar or the price of the sugar at that time to the colono. Invariably the colono takes the price rather than the sugar, which he has no means of handling. The cane raised upon the lands of the big centrals is ground later.

I stated in my minority report against this bill that the laboring man in Cuba was in a better condition than he was anywhere else in the world; that he was to-day commanding better prices for labor performed than our own people in this country for like labor. I am opposed, Mr. Chairman, to any development of that industry by the importation of foreign labor to such an extent as to place competition in the island of Cuba in the matter of labor between such labor and its own citizens. They are now earning their bread. Let me tell you another thing. The industry of Cuba has been developed over 300 per cent in less than three years. Is not that a good showing? In 1894 they produced 1,000,100 tons of sugar, and they produced that 1,000,100 tons of sugar when Spain had dominion over the island.

Every one of them received a profit upon the sugar which they produced. All of the sugar planters there made money. If they did not, they were not provident enough to conduct their business

on business lines. Why is it now that this cry comes? Gentlemen say because they are deeply in debt. My friend from Massachusetts [Mr. McCALL] says they are terribly in need of money. It seems to me that when the laboring people of a country are receiving all they can expect—high wages and continuous labor—that that country is in a pretty good state. I shall protest, Mr. Chairman, against the development of that country through the stimulation of legislation which we may pass, which may increase it beyond its natural condition under the status of to-day.

Why are we called upon, Mr. Chairman, to put Cuba in a position where she can raise 5,000,000 of tons of sugar at this time? Let her work out her own salvation. The young of the eagle is the most helpless of all birds, but when he has matured he is the monarch of the air. Let these people work out this destiny. Let them alone; let them learn how to be strong; let them meet the conditions as they present themselves and solve their problems as Louisiana has. We from Louisiana do not come here to-day as mendicants asking you to give us anything except that to which we are justly entitled under the principles of any party in this country.

We have solved too many problems, Mr. Chairman, to cry to-day or to plead the baby act. I can remember, sir, when I heard first the news of the surrender of Lee at Appomattox. I was a child, but I remember the impress it made upon me at that time. It carried with it so much for the South, so much for Louisiana, that the impression it made will never be effaced. It brought about a social condition, the solution of which would have checked almost any people in their progress on the face of this earth. We solved that problem, however. Then came the dark days of reconstruction, which spread over our glorious and beautiful State like a bird of ill omen carrying corruption in its beak and shaking contagion from its wings. I remember how we solved all of these questions.

They were given to us for solution, and we have solved them. When the terrible disasters which came from the floods of the Mississippi River, sweeping away the embankments which we had builded at onerous taxation, flooding the beautiful land of that glorious and great State, a problem was presented which we have solved. When it came to meeting the great terrors which flow from the epidemics which have threatened us, we have solved that question, and in such a way and by such a system that the world has adopted it to-day. When it comes to the solution of this terrible blow which Louisiana must receive at the hands of this House in coming in competition with the island of Cuba, I tell you that we can solve that; but, Mr. Chairman, I can not understand why these problems should be continually submitted to the State of Louisiana. I want to tell you one thing, that out of this condition has grown a sturdy citizenship, whose courage is equal to any crisis which may overtake their State.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BREAZEALE. Mr. Chairman, I ask unanimous consent that the time of my colleague be extended, so that he may be able to conclude his remarks.

The CHAIRMAN. The gentleman from Louisiana asks that the time of his colleague may be extended to conclude his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. ROBERTSON of Louisiana. I think, Mr. Chairman, I have about concluded my remarks. This matter is a great one and has in it many things which must be solved by the members of this House in determining how they shall vote on this question. We have heard much concerning the doctrine of reciprocity and its necessity in dealing with Cuba. Now it has been invoked by the Republicans to entice the votes of members of that party. Ah, Mr. Chairman, it seems to me that no Democrat can insist that this bill is in the line of Democratic principles on this point. It is useless to argue this, because no Democrat will maintain it, unless he has so forgotten his duty to his party in his effort to maintain the sugar trust that he is willing to submit to anything which might be done, even to the destruction of the industries of our country, that undue benefits may result from the passage of this bill to this powerful corporation.

Will gentlemen on the other side of this House, and gentlemen on this side, who talk about reciprocity and the extension of our trade, examine the conditions of Cuba and examine its imports and exports? If they will do so, I will defy any one of them to show that by this bill we will increase our trade relations with this island.

I remember well in the history of Louisiana—away back yonder, when we were purchased from France—that the characteristics of the people in that territory were such as to cause much concern to our country. They held on to their habits. They worshipped them as they did their fireside gods, to such an extent that frequently our Government was disturbed on account of these peculiarities.

My friends, Cuba has been in the hands of Spain for hundreds of years. The characteristics of these people are so impressed upon the Cubans that the matter of the articles of trade must come in time and can not come by the passage of this bill.

I am sick and disgusted to hear about our debt to Cuba. Does any Cuban or any Representative on this floor forget that we gave her the priceless boon of independent government and free citizenship? Who can estimate the price and value of such a donation? And it was given, my friends, at the sacrifice of the blood of our own youth and millions of dollars of treasure.

Who stands here and pleads that we owe more to Cuba? I say that neither the President of the United States nor General Wood nor anybody else can tell us that we owe more to Cuba than we have already done. That we have brought her forth in her swaddling clothes is true. That we have put her on her feet and she can walk is true. Shall we continue to nurse her at the breast until she is full grown? Where shall we stop in this matter, Mr. Chairman? When shall we pay Cuba what we owe her if we still owe her anything? Shall we do it at the sacrifice of the industries of this country? Will that not come as a natural result should this bill pass? Let us go on with our trade with Cuba which we control now both as to exports and to imports. Let us go on with that trade and let her build herself up after she has gone through the fire of contention. Let her arise an independent and glorious nation.

But, Mr. Chairman, I could say to my friend from Nevada [Mr. NEWLANDS] when he advocated the annexation of Cuba—"Paul, almost thou persuadest me to be a Christian." We were told of the terrors which must come from Cuba, now a young republic, filled by a race that so often has forgotten the boon of republican institutions. All of us who are familiar with the history of the world know how little those institutions are appreciated by the South and Central American Republics. Will Cuba do better than they in this respect?

Mr. Chairman, they will not be able to do better than that. They will in the next two or three years be bound hand and foot by the power of American corporations that will go over to that little congress which meets in a few days from now. I will not say what I intended to say, what my thoughts prompted. I was going to say they would go over there and buy franchises. I will not say that, but they will influence the granting of franchises. What will be the result? When the resolution is passed through this House in the future to admit Cuba as a State of the American Union, every franchise which is granted in Cuba must be recognized. It will come to us as a heritage of woe and ill from the government of Cuba—the independent state of Cuba.

Already, now, Mr. Chairman, millions of dollars are being expended by corporations in Cuba. She will in that time become the most trust and corporation ridden God-forsaken country on the face of this earth; and when she comes to us, will any man upon this floor state that he is willing to accept the conditions which come with that? Therefore my remark to the gentleman from Nevada. I want to ask any Democrat how he can vote for this bill. Upon what basis can he stand in real Democratic principle?

When you take the tariff tax to Cuba and require her to arrange her tariff; when we say, Give us the preferential reduction of 20 per cent, you require her to get down to the condition of establishing a protective tariff. How are you going to get away from that? Where can you get away from it? Let some gentleman get up and explain that, in view of the statement I have made here in the discussion of this question. It is understood well that the revenues in Cuba now under the present tariff scarcely pay the expenses of that island, and when you raise the tariff so that it excludes goods and make a protective tariff, you absolutely and completely annihilate the revenue of the island of Cuba. Where is she going to get it? Gentlemen may say, upon the enhanced value of real estate and personal property. I state to you, "No." I have had experience of the force and effect of the control of corporations in a State.

I have seen the time when we were dominated by the force and power of such corporations, which no State on earth except Louisiana could have resisted and destroyed. I tell you that when it comes down to the question of taxing real property owned by corporations and the franchises given to them by the Cuban Congress, they will say to the tax collector: "Here, put my property at such and such a value." You will not get the benefit even of that from the remote standpoint of an enhanced value of Cuban property by the stimulus to be given under this bill.

The sugar farmer in Louisiana produces raw sugar. He is completely in the hands of the sugar trust, who is the only purchaser of his sugar. It must be understood that, instead of paying him the New York price for sugar, they pay him three-sixteenths of a cent less than the New York price, and they state that the reason for it is, that they must deduct the freight rate from New Orleans to New York.

Now, my friends, what does that mean? It means that this

trust not only buys the sugar in New Orleans, but they refine it there. If they would carry it to New York, they would add three-sixteenths to carry it to New York, and say three-sixteenths to bring it back to New Orleans to put it upon the market, so that really we lose six-sixteenths of a cent—nearly one-half a cent a pound in Louisiana. Reduce this tariff, and what will it mean? The sugar of Cuba comes to the port of New York and the sugar of Hamburg comes to the port of New York. The sugar of Louisiana is not shipped.

The buyers of sugar, the sugar trust, go to the Cuban and state to him we will give you now the New York price, provided you divide with us that which may result from the concessions in the tariff paid to you. Suppose they do not take it. They come back to Louisiana and say we will not only give you three-sixteenths of a cent a pound less for your sugar, for we can buy Cuban sugars for 10 or 20 per cent less than the price of Hamburg sugar in New York, but you must stand this loss also. My friends, you must understand that the sugar that we produce and the sugar imported into this country is raw material, and that it can only be used by the refiners of sugar; and it must also be understood that the sugar refiners are the only sellers of refined sugar. Mr. Chairman, it seems to me that they will not under any circumstances give to Louisiana any advantage in the sugar market, and they will not give it to Cuba.

Now, Mr. Chairman, in conclusion I will state that I have never yet been able to see the reasons for the passage of this measure. It is clear that the only article which is to be affected by the bill is sugar. It is shown by the testimony of the advocates of this bill themselves that the reduction of the tariff carried in it will not reduce the price of sugar to the consumer. It is also shown by evidence, cumulative and overwhelming, that the people of Cuba are not in distress; that the laborers receive from twenty-two to twenty-four dollars a month, and that every laborer in Cuba is employed. It seems to me that it should be as clear as the noonday sun to every member of this House that as the sugar trust is the only purchaser of raw sugar, it will beyond any question of doubt control the price of sugar without any regard to the matter of tariff reduction. It has also been shown, it seems to me, that our increased trade with Cuba is dependent upon the efforts which our people may make to adapt themselves to the conditions which confront them in the island, which are fundamentally inherent in the people.

Mr. Chairman, the people in the United States engaged in the sugar industry have cried out against this bill; they have sought a respectful hearing and have won the case in the estimation of those who have given close thought to the matter. The sugar industry of this country is forging forward with unprecedented vigor, and will, if undisturbed, in the next ten or twelve years furnish our people at a reasonable price all the sugar they can consume. Why, Mr. Chairman, should all this be sacrificed when it is shown from every point of view in which the case has been considered that the results from the enactment of this legislation would not only be injurious to the American people and deprive them of a profitable vocation and the capital invested in this industry, but would not in the least particular afford relief to the Cuban people. The whole measure from beginning to end is a sham and a fraud and should be stamped with the condemnation of the Representatives of the people by their votes against the bill. [Loud applause on the Democratic side.]

Trade Relations with Cuba.

SPEECH
OF
HON. HENRY H. APLIN,
OF MICHIGAN,
IN THE HOUSE OF REPRESENTATIVES,
Friday, April 18, 1902,

On the bill (H. R. 12765) to provide for reciprocal trade relations with Cuba.

Mr. APLIN said:

Mr. CHAIRMAN: The bill under consideration confers upon the President of the United States, as soon as an independent government is established in Cuba, under certain restrictions, authority to enter into a treaty with that government providing for the importation of articles from this country into Cuba at a rate of duty which shall be 20 per cent less than the rate accorded other nations, and in consideration of such concessions by the Cuban government, providing that until the 1st day of December, 1903, the duties now imposed by law on articles imported from Cuba into the United States shall be suspended, and in lieu thereof there shall be levied and collected 80 per cent of the rate of duty now levied upon like articles imported from foreign countries.

The conditions imposed by the bill are that such treaty shall not be entered into until the government of Cuba shall enact immigration and exclusion laws as fully restrictive of immigration as the laws of the United States, and that whenever the President of the United States is satisfied that such immigration or exclusion laws are not being fully executed by the government of Cuba he shall notify such government, and thereafter there shall be levied, collected, and paid upon all articles imported from Cuba the full rate of duty now provided by law.

The effect of this legislation would be to admit the sugar and tobacco produced in the island of Cuba into the United States with the present duty thereon reduced 20 per cent.

I am opposed to the sugar feature of this bill. I have always been in favor of the all-round principle of protection. The Republican platform of 1896, upon which we won a signal victory, declared as follows:

We condemn the present [Democratic] Administration for not keeping faith with the sugar producers of this country. The Republican party favors such protection as will lead to the production on American soil of all the sugar which the American people use and for which they pay other countries more than $100,000,000 annually.

The Republican national platform of 1900 declared:

We renew our faith in the policy of protection to American labor. In that policy our industries have been established, diversified, and maintained. By protecting the home market, competition has been stimulated and production cheapened.

In the Republican Campaign Text-Book for 1900, issued by the Republican national committee and used by its stump speakers throughout the land, several pages are devoted to the beet-sugar industry. What did the national committee say?

1. No subject interests the farmer of the United States more than that of the possibility of their being able to supply the $100,000,000 of sugar which our people consume annually, and some facts which have recently been presented showing the rapid growth in the percentage which beets are now supplying of the world's sugar shows that they are fully justified in their ambition.

2. The farmers of the country have been encouraged by the Republican party in their ambition to produce the sugar of this country. The experience of other nations and of other parts of the Temperate Zone has shown that sugar can be produced from beets in great quantities and at very small cost, and can successfully compete with cane sugar under the most favorable circumstances.

3. Under the stimulus given to the beet-suger production by Republican legislation beet-sugar factories sprang up all over the United States, and the production of beet sugar has already reached large proportions and is increasing with wonderful rapidity.

4. The first thought which came to the minds of the farmers when the events following the war for the liberation of Cuba brought under our control certain tropical areas was whether or not the possession or control of tropical territory by the United States would injure or perhaps destroy the opportunities which they believed they had almost within their grasp for supplying the $100,000,000 of sugar which the people of the United States annually consume. This fear—if it reached the stage in which it might be called by that name—was answered in the negative by the Republican party when it passed the Porto Rican bill. The Democratic party fought with all its power to prevent the enactment of that measure, which placed a duty on articles coming into the United States from Porto Rico. That duty was small, and it was an explicit declaration by the Republican party that it proposed to retain the power to fix such tariff as it might deem judicious against the products of cheap tropical labor wherever located and under whatever conditions.

In other words, here was a distinct promise to the farmer that he need not fear that the Republican party would permit the cheap labor and cheap sugar of any tropical territory to be brought in in a manner which would destroy the infant industry of beet-sugar production, which the farmers of the United States have, under the fostering care of the Republican party, been building up during the last few years.

Congressman PAYNE, on March 25, 1897, said:

Mr. Chairman, I would tell the House how we propose to reduce revenue when it becomes necessary to do so, but I can only hint at it now, as my remaining time is so limited. We propose to take off five or six millions a year of duty on the linen that we import by producing it in this country and not having to pay any duty upon it, because it will not be imported. [Applause on the Republican side.] We propose to raise beet sugar and cane sugar enough in this country to supply all our 73,000,000 people, who must have the best in the world, and in that way we will take off $50,000,000 in the course of a few years.

On July 19, 1897, Mr. PAYNE said:

What shall be done with the sugar trust? Well, I will tell you what, in my opinion, is the best way of dealing with it. Establish a beet-sugar factory in every Congressional district in the United States. [Applause on the Republican side.] Give competition, lots of it, everywhere. Put the farmers over against the trust by passing this bill, and reduce the price of sugar so that German raw sugar can not be brought in to be refined here. Gentlemen on the other side, come over here and help us while we help the farmers out. [Laughter and applause.] You grangers over there, come and help us. You Populists that go up and down the streets day after day proclaiming your devotion to the interests of the farmers, help us out now when we are trying to help the farmers in this industry that we can establish so successfully. In this way you will do something toward demolishing the trust. You will accomplish more in this way that by mere invective—by running windmills and all that. [Laughter and applause.]

Why should we not produce all of our sugar in this country? Why, it costs us, Mr. Speaker, about $100,000,000. We were looking around for proper subjects for taxation. We knew that sugar would produce an enormous revenue; and besides all that, we knew that an adequate protective tariff would build up the industry in this country, and as it was gradually built up the revenue from that source will be reduced. By and by the revenue will come in more largely from other sources, and when this industry is fully established and revenue from sugar ceases the reduction will keep pace with

the increase. This thing will regulate itself; we will not disturb our tariff in the next quarter of a century.

Another distinguished member of the Ways and Means Committee, Mr. STEELE, of Indiana, said on March 25, 1897:

With regard to sugar, I predict that if the tariff fixed by this bill is unchanged for a period of ten years we will at the end of that time be producing not only enough for our own consumption, but as much as we care to export, and at very little additional cost to the consumer.

We also have the record of another distinguished member of the Ways and Means Committee from the great State of Ohio, and here is what he said on March 24, 1897:

There is not a principle involved in its formation, not a condition suggested in its ramifications, not a rate or duty, not a principle of tariff taxation, that has not been protested against by the sugar trust and fought to the bitter end before the Committee on Ways and Means.

Again, on the same day, RECORD, page 240, Mr. GROSVENOR said:

We propose that instead of sending $125,000,000 a year to the foreign countries of the world, most of which goes to pay labor in the production of sugar, we will make it possible for every pound of sugar that we want to be produced in the United States of America. [Applause.] The Republican party comes and offers to the agriculturalists of this country this magnificent boon. We will protect the industries of the country in all directions from further demoralization, and we ask you to turn aside hundreds of thousands of acres of the splendid lands of all these States from the production of corn, oats, wheat, potatoes, and cotton, to be put into an already overstocked market, to the production of sugar, and give to the farmers upon the farming land of the country a better market, with less competition than they now have

The Hon. Nelson Dingley, chairman of the Ways and Means Committee of this House, on July 19, 1897, page 2708 of the RECORD, said:

It should be borne in mind that the general increase of duty on sugar made in the proposed tariff has been made not only to increase the revenue, but also to further encourage the production of beet sugar in this country and furnish a new crop for our farmers, who are being sorely pressed as to our large wheat surplus by Russian and South American competition. I believe that the time has come when the production of our own sugar from the beet ought to be and can be successfully entered upon, and save to us the $75,000,000—soon to be $100,000,000—sent abroad for the purchase of our sugar, ultimately distributed here to our farmers. Already, indeed, it has been demonstrated that we can successfully produce beet sugar here, and the proposed duty placed on that article will gradually bring this about, while for the time being affording increased revenue.

Certainly nothing can be done to so successfully clip the wings of the sugar trust as to develop our beet-sugar industry. Sugar-beet factories turn out their product in a refined form, and thus become the efficient competitors of other refiners. The successful establishment of the sugar-beet industry in even half of the 26 States which can and will successully grow sugar beets under the proposed tariff would speedily end any sugar trust, and would at the same time confer immense benefit on our farmers and all of our people.

If the amendments which are now proposed to the sugar schedule by the distinguished leader of this House [Mr. PAYNE] had come from the Democratic side of the House I should have felt no particular surprise thereat, but I am at a loss to comprehend how any member who stood upon the Republican platform of 1896 or who adopted the principles laid down by the Republican national committee with respect to the tariff on sugar can possibly favor it. Next to the money question the main plank in that platform was protection to American industries and the placing of such a duty upon sugar coming from foreign countries to the United States as would encourage the American sugar producers to extend their operations so that they might produce all the sugar on American soil that the American people would consume.

I maintain that it was our duty to protect sugar the same as we protected glass, iron, steel, and pottery, and, indeed, all of the industries of my own and other districts. Upon this principle I stand squarely where the Republican party has stood for forty years, and has won some of the greatest political triumphs of all history; and whenever we, as a party, allow invidious distinctions like the ones we are now considering to be made between the sugar industry and other industries, we make a rent in our garment of protection that we can not mend in many years.

The Ways and Means Committee, presided over by Chairman Dingley in 1897, framed the present tariff on sugar imported from foreign countries. In my opinion there has been no change since that time in the sugar situation which requires any interference from this Congress with the sugar schedule of the Dingley law.

Under the present tariff the beet-sugar production of the United States has been stimulated in a remarkable degree. In my own State of Michigan at the time of the passage of the Dingley law not a sugar factory was in existence. Within four years from the date of the passage of that bill over $9,000,000 had been invested in beet-sugar factories, and there were engaged in beet culture in Michigan alone during the past year over 30,000 laborers, and some 15,000 Michigan farms were producing sugar beets. The Michigan sugar factories for the coming year will have an annual capacity of 100,000 tons of beet sugar, or 35,000,000 pounds more than the entire sugar consumption of the State of Michigan.

At the price paid for granulated sugar this past year very little profit was made by the Michigan factories, and any member who has carefully examined the evidence before the Ways and Means Committee upon this question will readily concede that any legislation which would reduce the present price of granulated sugar would prevent any further development of the sugar industry in my State.

What is the excuse for this legislation? It does not seem possible to me that any member of Congress can seriously contend that it will largely increase the sale of other American products to the island of Cuba by opening our markets to their sugar production at a less rate of duty. If that were so it would be discrimination pure and simple in favor of the producers of steel, plate glass, and other articles of American manufacture at the expense of the beet-sugar interests of the United States.

In considering tariff legislation and what industries needed protection, they have been classified in the following manner: First, those articles of which our resources and facilities enable us to produce a full domestic supply and a surplus for exportation; second, those articles of which we can only partially supply the home demand; third, those articles which can not be produced at home.

It would seem to me that if there was to be any reduction of the tariff upon any articles it should be upon those articles named in the first class, and that no duty whatever should be levied upon the articles named in the third class except such as might be necessary to provide for the running expenses of the Government; but to the second class should be extended the full measure of the principle of Republican protection.

It must be apparent to all that a tariff for protection should be upon such articles as the home production is insufficient to supply the home demand, coupled with the condition that these articles can be produced in this country to such an extent as to supply the home demand, provided this production does not have to meet a foreign competition where the article is produced by slave or cheap labor and under conditions where the American producer would meet an unfair competition.

Every principle of a protective tariff will apply to the American sugar industry. It must be apparent to all that with proper protection the American sugar producers can supply the American market; but in order to do this it is necessary that a fixed and stable policy be adopted by this Government and that the tariff schedules be not continually tampered with or changed.

If this Congress should reduce the tariff on sugar 20 per cent, what assurance has the American sugar producer that the next Congress will not reduce the tariff 20 or 30 per cent more? It requires an enormous outlay of money to engage in the beet-sugar business. A factory of a thousand tons daily capacity costs for the construction of the factory alone over $1,000,000. It will be impossible to get capital to invest in a business of this kind if Congress is to be continually changing the duty on sugar. The history of the industry has shown that tariff tinkering in the past has absolutely arrested its development.

Under the McKinley Act of 1890 the American sugar producers were paid 2 cents per pound bounty on all sugar produced. Under the Wilson Act of 1894 this bounty provision of the McKinley Act was repealed, and in place of the bounty a duty of 40 per cent ad valorem was imposed on all imported sugar.

What was the result of this legislation?

If is a well-known fact that not a beet-sugar factory was erected in the United States between the date of the passage of this act and the passage of the Dingley bill. This Democratic Wilson tariff act had the effect of throttling the beet-sugar industry.

It is the opinion of those engaged in the sugar business of this country that a 20 per cent reduction from the duty imposed by the Dingley bill will certainly put a stop to the further development of the industry. The beet-sugar industry of Germany, Austria, France, Russia, Belgium, and Holland was stimulated by tariff legislation imposing duties much higher than the present tariff on sugar coming into this country. All of these countries, under the protection imposed by their acts, are now exporters of sugar. It has been the policy of those Governments to so protect the industry that all of the sugar consumed by their people should be produced within their own borders.

That our American beet-sugar industry should be protected was the distinct pledge made by the Republican party in their platform of 1896.

All we ask is that this pledge to the people be redeemed; that the men who have invested their money in the American sugar industry under this pledge shall not have their business ruined and their capital destroyed through any tariff tinkering by the present Congress.

A great public clamor has been raised that something should be done for the poor, suffering, starved people of Cuba. Any member of this Congress who has carefully examined the testimony taken before the Ways and Means Committee with respect to this very bill knows that there is no basis for the claim that Cuba is suffering. It was made to appear before the committee

that more than 60,000 laborers had been imported into Cuba from South America and the Canary Islands since American occupation of the island; that every man on the island of Cuba who wanted work and was willing to work could get work at good wages; that the wages paid to laborers were 75 per cent higher now than during the war; that the only sufferers in Cuba on account of our present tariff were the American investors in Cuban lands and the large Spanish and Cuban planters who could make more profits by opening up our markets for their sugar at a less duty than the present rate established by the Dingley bill.

I know of no reason why I should cast my vote to give money out of the people's treasury to an American who invests his money in a foreign land for the purpose of producing commodities there with cheap labor to be sold in this country in competition with articles produced by the labor of our own citizens.

On what ground of public policy should the United States protect these American investors? Protective tariff legislation should be for the purpose of encouraging capital to invest in the development of industries in the United States, and not to encourage capital to invest in foreign countries for the purpose of bringing the products of those countries into competition with our domestic products. If these American capitalist want protection or special privileges in the sugar market they should invest their capital in the sugar business of this country and employ American laborers therein, and pay American wages. When American investors go to a foreign country for the purpose of building up an industry in that country they loose all claim to protection or encouragement from the United States Government.

It is claimed that we are under moral obligations to assist in the establishment of a stable and independent government in the island of Cuba. If this claim be conceded, still it affords no reason why the Republican party should violate its solemn pledge to the men who have invested their money in the sugar business of this country. So far as I am concerned, I am for the 2,400,000 people who live in the State of Michigan and for protecting their interests and discharging the direct pledge and promise made to them by the Republican party, and in doing this I shall not fail in discharging any moral obligation we may be under to the 1,500,000 inhabitants of the island of Cuba. I am not in favor of destroying the $12,000,000 capital of Michigan investors in the beet-sugar industry for the benefit of American investors in Cuban sugar lands or of the Spanish and Cuban grandees who own large sugar plantations in Cuba.

I am an American, and I am first, last, and all the time for the American people as against the people of the whole world.

If there is any moral obligation resting upon the people of the United States to see to it that a stable and independent government be established upon the island of Cuba, then let us have that obligation discharged by all the people of the United States together, so that each one will contribute his just share. I am not in favor of establishing a stable government upon the island of Cuba at the expense of the sugar and tobacco producers of America. The clamor for Cuban relief and the loud assertions of the moral obligations that we are under to the people of Cuba comes primarily from a class of people who have an absolute certainty that the present measure for Cuban relief will not cost them a fraction of a penny.

They are indulging their sentimental notions with respect to our moral duty at the expense of the sugar industry of this country, and with a full knowledge that not one cent will be contributed to Cuban relief by themselves. It is an entirely different proposition with the people who are asked to stand the whole of the burdens and pay the entire expense of discharging this moral obligation. There is, I know, a considerable clamor for a reduction in the duty on sugar coming from the island of Cuba. This clamor has been created, as I believe, through a literary bureau established and paid for by the American sugar trust. It is charged that very many of the articles which have been printed in newspapers advocating reduction of sugar duties have been paid for at so much a line by the sugar trust. Is it expected that Congress can be stampeded by such methods?

I sincerely trust that a sufficient number of Republicans may remain true to their principles to defeat the purpose of this bill. Thus they will prove to the sugar producers of this country—to the men who, upon the faith of the pledges contained in the platform of 1896, with confidence in the statements of the Republican party through its campaign committee of 1900, invested their money in the beet-sugar business—that their faith was well founded, that their investments under a Republican Administration shall not be destroyed, and that this splendid American industry shall continue to be fostered and sustained. Thus will the investment of American capital in America be encouraged, the demand for American labor will be greatly enlarged, and all classes of our people will reap the benefits of continuing and increasing prosperity.

Post-Office Appropriation Bill.

SPEECH
OF
HON. JOHN J. FEELY,
OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, March 13, 1902.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 11354) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1903—

Mr. FEELY said:

Mr. CHAIRMAN: From the remarks of the gentleman from South Carolina one might be led to believe that there was a general effort on the part of the members of this House to enter into the wholesale movement to raise the salaries of Government clerks. Every one here knows that there has been agitation on the part of the post-office clerks to increase their salaries and better their condition. Doubtless the excess of agitation provoked the recent Executive order that has been referred to this afternoon against officials or clerks coming here and working in the interest of such legislation. But the very fact that the Department has sent to one of our large cities a commission to investigate carefully the conditions in that office and recommended changes which in their opinion would ameliorate those conditions and the fact that this commission has recommended changes which would largely coincide with many of the recommendations of the representatives of those clerks, is sufficient evidence to warrant a belief that there was a great deal of fire where there was so much smoke.

The Department is to be congratulated on the efforts it has made to better the conditions of the city of Chicago and its post-office. I talked with the postmaster of that city within the last week, and I am sure that the efforts now being made for a reclassification and for a betterment of the conditions generally among the clerks will result in better service to the Government—will result in better feeling among the employees of the Government. After all, there is little need for losing so much temper on account of a desire of some men to be properly paid for their services. Members need not be swept off their feet by indiscriminate criticisms of clerks or any class of Government employees. Members of this House are supposed to have stability and cool judgment, and not to be swerved by unjust criticism, and I doubt that anyone will be swerved. But the fact remains that whenever anyone raises his voice here against the system of underpaying and overworking any branch of the Government service, somebody gets excited; somebody comes to the fore with remarks about increasing the salaries and a fear lest the people, the farmers—always in the first class—the mechanics, and the business men, and the laborers will be mulcted out of an excess of taxation in order to pay for this service.

The gentleman from Indiana [Mr. LANDIS] made a remark here during the discussion of the rural free-delivery service, I believe, that there was nothing good in this world that you did not have to pay for, and I think that if this Government is to get good service, to get the use of brain and brawn that is necessary in the make-up of good Government clerks, we will have to begin to pay more than $60 a month for it, It is all very well for members to say that $60, or $70, or $75 is enough for a clerk in certain localities. In certain localities that sum may be sufficient for the sustenance of life, but in the great cosmopolitan cities of this country a clerk of this Government can not live, can not rear his family as an American family should be reared, can not see anything but despair in front of him, when he becomes superannuated on the salaries now paid. It is very well to say that a sustenance can be gotten upon it. There are members in this House who can be heard to decry an increase of salary who do not seem to be so careful about economy in other lines.

During the discussion of the rural free-delivery bill we heard very little about high salaries from some quarters from which we heard it to-day. Let us not become excited. Let us look at this question squarely, as the Department has looked upon it, and let us endeavor to aid the Department in bringing out a proper classification of the service and a proper salary. [Applause.]

Now, what says the Department, familiar with every particular of the question? The various reports for the last decade are replete with recommendations in harmony with the views of us who now favor reform in the classification of this service, the adjustment of the salaries of the employees in it, in such a way that the compensation can be reasonably regarded as adequate to the

service rendered. It is a generally conceded fact that the operation of the civil-service laws in this branch of the service is, to say the least, not all that it was intended to be by the framers of the law or what it is believed to be by its enthusiastic friends at present.

The necessity for a reclassification which will give the employee a fixed status in the service is apparent to all. It is proven by the constantly recurring appeals to the Commission from the decisions of the Department. The clerks have no well-defined and legal status under the law. It is all very well for members to say that classification would cause numberless drones to be kept in the service. Employees who are unfit to earn the salary paid them should be dismissed without ceremony. The Government must be free to take care of this class of drones without interference or hindrance, regardless of the injury to discipline, which favoritism, jealousy, and a constant appeal to influence to aid promotion and transfers. Now, it seems to us that in economical administration the Government should first pay respectable and fair salaries to those whom it employs, and after having arranged for this, they should lay a violent arm on the unfit and undesirable employee and remove him from the service. It will not do to say to reasonable men that the Department has not the power under the civil-service laws to effectuate this. It has the power, and it has demonstrated many times that it has the power, and it is only recrimination to say it is necessary to allow the existence of drones in the service.

The existence of this state of affairs is more demoralizing to the service than all the pernicious activity, so called, that has ever been indulged in by any organization of Government employees while endeavoring to better the service of the Government and ameliorate their own lamentable condition. In testimony of this we have but to refer to the report of the First Assistant Postmaster-General for the fiscal year ending June, 1900, where, on page 9, he says: "In this connection I desire to submit the proposed classification of post-office clerks in the first and second-class post-offices, based on the present number, to be effective July 1, 1901:"

> The present classification act of Congress of March 2, 1899, does not properly or satisfactorily classify, embodying many confusing and synonymous designations, and does not provide for regular advancement.

In the report of the Post-Office Department for the year 1901, on page 92, the First Assistant Postmaster-General says:

> I desire again to urge upon Congress the necessity for a reclassification of the post-office clerks in the first and second class post-offices.

This shows that the Department has ever been watchful in the interests of legislation that will put it on a better basis and make it possible to render to the country the service which ought to be and is expected of it by the people. Continuing,—"still harping on my daughter"—the First Assistant Postmaster-General says:

> The classification act of March 2, 1899, does not meet the present needs of the service and offers no incentive or inducement for the bright and energetic young man to remain in the Government employ.

Who is best able to judge of the requirements of the Department—the officials of the Government selected for their demonstrated ability and great personal worth, placed in the lime light by Presidential appointment and confirmed by the Senate, having every advantage of a clear and penetrating knowledge of every detail of the Department, or members of the House? I submit that upon matters of this kind the members of the House ought to take the judgment of the Department, or at least it ought to accept without challenge the fact so patent which the Department sets forth. On the contrary, we have received recriminations and complaints against various individual employees of the Government.

We are charged with overzealousness on behalf of the employee of the Government whenever we point out the simple recommendation of the Department and urge the enactment of legislation which will make it possible for the Department to put into practice the reformatory measures in which it believes. But the number of those in this House who have studied this question or who are moved by reason alone in the determination of this question, who neither fear, either individually or collectively, the employee of the Government nor are extravagantly moved by false cries of economy or bitter complaints of cruel personal experience with organizations of employees, is constantly growing, and will ultimately, in my opinion, force the solution of this question, and that solution will come in the nature of the passage by Congress of a bill providing for the regular classification of this service, together with definite and fair salary for the employees.

Continuing further, the First Assistant Postmaster-General says:

> The bill submitted with our last annual report has been very carefully considered, and provides for an annual increase in clerical salaries until the maximum salary for the designation is reached only where satisfactory evidence of the clerk's efficiency has been shown.

This is not all which could in reason be asked by those who are firm believers in the true civil-service reform, by those who believe in the application of merit, and the removing of all possibility of favoritism in the Government service; but still it is a step which they will hail with delight even if the adjustment of salaries still lies with the Department as is proposed by the bill recommended.

It may seem satisfactory to those behind the scenes, but to the observer who is not moved by the influence of Department politics it would seem that if a Government clerk after the probationary years of service required of him before he reached the maximum salary is not able and efficient he should not be retained in the service, but should be dismissed. The Department further says:

> Notwithstanding the failure of these hard worked and underpaid clerks to secure the enactment of a law for the reclassification of their salaries, the promotions accorded them through the generous action of the Fifty-fifth and Fifty-sixth Congresses has bettered their conditions more perhaps than any other class of Government employees. In the year 1899 the average annual pay of post-office clerks was $788.
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> | 1900, average annual pay of post-office clerks | $790 |
> | 1901, average annual pay of post-office clerks | 818 |
> | 1901, average annual pay of railway postal clerks | 1,055 |
> | 1901, average annual pay of letter carriers | 903 |
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> In New York, Chicago, and many of the more important post-offices not only are the clerks greatly overworked, but the mails are seriously delayed as well. In order to avoid serious congestion it has been frequently found necessary to improvise pouch racks and distributing cases in railway depots and require railway postal clerks to perform extra duty, when supposedly off duty, between trips. The recent ruling of this Department, however, respecting second-class publications will ultimately relieve this strain, but the clerical force at the post-offices referred to needs a material strengthening in order to handle the growing mails properly and expeditiously.

The Post-Office Department is charged with the conduct of the postal system. Its officials are supposed to be and admittedly are capable of ascertaining its needs on this subject. They can not be charged with inattention of duty. They have ascertained facts concerning the undesirable conditions existing in the postal service in all of the large cities of the country, and they have laid before this House the result of their investigations and the suggestion of remedies, which they very strongly recommend as efficacious in ameliorating the lamentable condition there existing. Can it be contended, therefore, that this House is performing its full and complete duty when it fails to take up and seriously consider their various recommendations, and relying upon the intelligence and genius of its members to formulate a system of classification that will be most beneficial to the service?

We can not, as representatives of the sovereign people stultify ourselves in the belief that there is but one plan and one bill and that that plan and bill must emanate from certain organizations or from some members. We must follow the experience of other pioneers in lines of legislation. We must endeavor to separate the chaff from the wheat. With an eye single to the interests of the people we serve and the Government whose conduct we are in a sense responsible for, we must endeavor to consider every feature of every plan seriously proposed for our consideration, and from our considerations should come a bill that will meet the present unsatisfactory conditions, make possible the highest standard of administration in large cities, and provide for a fixed and certain status of the employee and provide for him a salary commensurate with the duties required of him and one that will be as respectable as the employment he is in and as the service which is required of him.

I know, Mr. Chairman, that this service has sometimes been the subject of sharp and acrimonious debates on this floor, and I know that there have been occasions in the discussion of this question which have been productive of some bitterness and of some unnecessary ill feeling, but it seems to me that the time for reason is at hand—the time for a generous recognition of the ability and excellent judgment in most matters of the men who have particular charge of this class of legislation.

And it is also, Mr. Chairman, a time for recognition on their part of fallibility of judgment, which is only human, and for a wider and more reasonable view of the situation on their part.

Let us hope, Mr. Chairman, that during the present Congress this question, which is vexatious in some of its aspects, will receive the deliberate and conservative consideration of the committee in charge and of the whole House, and that out of this deliberation will come a settlement which will relieve the conditions of the Government employee in this service, which will redound to the great credit and to the statesmanship of the gentlemen specially charged with this legislation, and which will give to the people the best possible service for the expenditures which they so generously make in contributing to the support of this Department. [Applause.]

Cuba.

The Liberty, Peace, and Safety of Cuba Lie in Her Becoming a State in the American Union—The Acquisition of Cuba by Peaceful Means Has Always Been the Policy of the Democratic Party.

SPEECH

OF

HON. T. J. SELBY,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, April 17, 1902,

On the bill (H. R. 12765) to provide for reciprocal trade relations with Cuba

Mr. SELBY said:

Mr. CHAIRMAN: I have always taken an interest in Cuba and Cuba's history. I have always felt that it is Cuba's destiny to become a part of the United States. This was the desire of the father of the Democracy, and at one time the expressed hope of the Democratic party and I believe is the present wish of a majority of that party.

The iron hand of Spanish tyranny and oppression has been lifted from the prostrate form of Cuba, and she now stands before the American Congress pleading for a little help, a very little help, from her generous deliverer.

Nature has favored this beautiful island more bounteously than any other island in the West India seas. Man alone has been unkind to her. "Man dressed in a little brief authority" has played such fantastic tricks in the name of government upon this island, such cruel tricks, that her crushed and fallen people cried aloud to this Republic to save them from an oppression that had become an open grave to all Cuba. This generous Republic heard the cries of Cuba's people and stretched forth its liberty-loving hand and saved them from the death embrace of a cruel master. The oppressor was driven from Cuba. American arms accomplished in a few weeks what Cuba had failed to do in a century and what Cuba never could have done in a century to come.

A country or people once stricken with the Spanish blight is slow to recover from its baneful effects. It has proven almost a pestilence to the Spanish-settled colonies of the New World. While the desire for liberty and self-government has been strong, the hands of the people have been weak in all Spanish colonies until the corruption of the rulers weakened the arm of the Government to such an extent that it was powerless to cope with revolution.

An ignorant people may have the desire and not the capacity for self-government. Freedom promotes education and increases the intelligence of the people. Any nation competent to maintain a republican form of government must have the intelligence to know and understand the God-given rights of men and to respect them. I believe the American people are the only people on earth who understand and practice the principles of free government. The true republic belongs to America.

The Latin race, particularly if mixed with the Indian, has never been able to grasp the idea of self-government. With that race of people the corrective principle of government is not the ballot, but revolution. The resort to force is their remedy for all government abuses. Their governments are of the volcanic sort. Perhaps there have been local reasons for this condition, for even republics may become oppressors of the poor.

Now, Cuba wants her independence and a republican form of government, modeled after that of this country. If left alone, will she be capable of forming a republic based on the equal rights of men? Can she maintain in peace a government based on the doctrine that governments derive their just powers from the consent of the governed, or will the jealousies and rivalries of political leaders in time cause her to welcome the authority of the most successful ruler so long as he can sustain himself by the power of an army, following in the footsteps of her sister republics in South and Central America?

The people of Cuba, I imagine, are largely different from the mixed Latin races of Central and South America, where revolutions occur with every change of the moon. Our nearness to Cuba has had a beneficial influence over her people, and they have in some way absorbed the ideas peculiar to free self-government from contact with us. They are not a cruel people; they are not a bad people; and from observing a hundred years of our history, development, and progress, and from their knowledge of our free institutions and the importance of maintaining friendly relations with us, commercially and otherwise, I believe the Cubans competent to exercise the rights and duties of citizenship under our system of government. Security of life, individual freedom of action in business and politics, and equal opportunity to acquire property and to enjoy the fruits of their own labor, economy in matters of state and of home affairs, special privileges to none, and the burdens of taxation light and a free commerce with the United States are the needs of Cuba.

To secure these principles governments are instituted among men, and if established and guaranteed and respected the people will progress; if denied, they will decay and all the evils of bad government will gather about them, forcing them into the vortex of sin and intellectual nothingness. If the American Congress in its wisdom shall conceive that Cuba is not yet fitted for statehood in our system, then let her become the territory of the United States under a territorial form of government. But I would prefer to see Cuba enter the American Union as a State, for, until this is done, she will not have that free system of government to which I think her present importance entitles her. I do not believe it will be wise to leave Cuba alone to work out her own destiny as an independent nation if it can be avoided. Such restrictions are now placed upon her by this country, and others that will be placed upon her by the terms of the bill now before the House, that Cuba will be after all little better than a mere dependency. Her failure at any time to comply with the terms of the Platt amendment will lead to intervention or such interference by the United States that a resort to force to compel obedience will be sure to follow, and that will mean "forcible annexation," which is not desirable. Therefore, believing as I do that Cuba is destined to become a part of the United States, the question presents itself, Is it better to acquire Cuba now by peaceful methods or later by force?

Let her people consider the question and pass upon it in wisdom. The inevitable is before them, and the business men and the intelligence of Cuba already recognize it. I do not believe that Cuba can stand alone and successfully fight her political and commercial battles with the rest of the world. It is possible that she will, if alone, become a shining target for foreign intrigue and commercial diplomacy. There may be already many uneasy spirits in Cuba waiting to ride political horses. We know not of their ambitions. A little prosperity may develop the wolves of greed, and these uneasy spirits may join the wolves in a hungry riot for the spoils of office and the plunder of this fair island.

If left alone, I believe her political and financial systems will degenerate, her sanitary conditions will relapse into the cesspool of contagious diseases, because there can be no progress until everything Spanish is wiped off the island. Cuba is yet Spanish in language, customs, and thought, whether her people will admit it or not. If they would prosper along with us, these must give way to the English language, American laws and customs. Her people must become Americanized. To accomplish this the American school-teacher will be needed there, American labor will be needed there. Education must be free for all her people and labor unshackled.

Now, if left to herself, in my opinion, it will mean Cuba's destruction. But, with the help of the United States, she will be safe; as a part of the United States her future will be certain and her course will be onward and upward to a glorious destiny now little dreamed of and, to Cuba, now little understood.

But Cuba now stands in our presence begging for help. The question is, What shall we do with Cuba—what is the right thing to do by her people? The question implies a duty on our part to do something. What does Cuba want of us? This little island, now clothed in the garments of commercial poverty, just freed by our generous help, wants to trade her products for our products—not a free and unrestricted exchange, but half free, half restricted. What is there wrong about this proposition? What influences—what power—is interposed to prevent this request of Cuba, which request is sanctioned and recommended by the Chief Executive of this country, by his Cabinet, his Secretary of War, and by the military governor of the island?

There seems to be a power behind the throne, greater than the throne itself, determined to prevent this half reciprocal trade with Cuba. It is a selfish power—supremely selfish. Its name is Sugar.

But there are two kinds of sugar, one the old-fashioned cane sugar, full of sweetness, and the other beet sugar, a creepy, crawling kind of sugar, not so full of sweetness. These two sugar kings, King Cane and King Beet, are striving for supremacy—exclusive supremacy in the sugar markets of the United States.

They fear not the Cuba of to-day, but the Cuba of to-morrow. Their trade motto is, "Let none live but us;" "Me and my wife, my son John and his wife, us four and no more." King Cane would like to kill King Beet by cutting his throat with a feather, and King Beet wishes to strangle King Cane by blowing out the gas; and so they have it, these great commercial twins of a great commercial century, and Cuba is used as a pretext by these protection-fattened industries for kicking up an oratorical dust to blind the eyes of both legislator and consumer.

The battle has indeed bewildered both Republicans and Democrats until neither knows "where he is at." But somewhere there

must be a question of right, a question of justice, in the measure before the House, and there must be a question of right in Cuba's earnest request for half-reciprocal trade relations with the United States. It is my opinion that freer trade relations between the United States and Cuba should be offered and would be the proper thing, particularly since there seems to be a growing belief that, sooner or later, Cuba will become a part of this Republic. Let us examine that question for a moment.

For more than a hundred years the island of Cuba has been a threatened menace to our peace, a danger to our commerce. For more than a hundred years American statesmen have harbored the fear of undesirable complications with foreign powers concerning Cuba. This country early announced its decision that Spain should not dispose of the island to any foreign nation. We offered Spain millions for Cuba, but all our offers were repulsed. When we offered to purchase the island from Spain we did not consider in the offer the consent of the Cubans. Spain was the sovereign owner, and from her alone we proposed to purchase the island. The consent of Spain was all we asked. There was no expressed intention at any time to ask the Cubans whether they liked our proposal of purchase or not. Jefferson thought that the acquisition of Cuba was not to be thought of independent of the consent of the Cubans, but it was believed that their consent could be easily obtained.

Cuba is naturally a part of United States territory. She is so near our shores and occupies such an important position in the West India seas that her acquisition by us has always been desirable. This superb island should be a State in the American Union. Aside from race characteristics, there is nothing to prevent Cuba becoming one of the grandest of the many grand States of the Union. Our democratic ways and methods of intercourse would soon dissipate race differences and conditions, and the Cubans would soon become good American citizens.

American education and enterprise are what this beautiful island most needs. With us, as a part of us, Cuba will become great in all things—without us, and away from us, she will be a weakling, nonprogressive, a water-soaked remnant of Spanish degeneracy forever.

If Cuba wants the benefits of free government, of republican institutions, powerful, great, and glorious as her skies are beautiful, let her become a State in the American Union of States. Then she need not fear enemies within or foes abroad. Then she will have reached the ideal thing in government. Foreign nations and foreign intrigues and influences will never disturb the even tenor of her republican growth and power.

Cuba will then become the watchful sentinel of the sea, keeping guard over the great commercial currents of trade flowing out from the Mississippi, watchful of our interests in the Gulf of Mexico and the West Indian seas.

To her will be given a post of honor such as no other State can hold and maintain. Her harbors will teem with new commercial life. As a naval and military station for the protection of the United States her position makes her of incalculable value. As an American State her people will have independence, freedom, peace, and safety. In the event that Cuba refuses to become a part of us and insists on becoming an independent sovereign state, I fear such act would prove nothing better than political suicide. I fear that we would see no end of complications and trouble growing out of it. The end of such a course on her part might be the military conquest and possession of the island—"forcible annexation"—at last.

I hope it may not be so, for I hate military conquests; I believe in a conquest by reason and not by force. Let us invite Cuba to cast her future and her fortune with us. To accomplish this let us reason together. The Cubans need not fear us. They can be free and independent—as free and independent as any American in this country, and that is good enough for anybody on earth—by assenting to become the southern star in our constellation of States. A refusal on her part will prove to be the worst blunder in all her history of blunders—a crime.

For more than a century these people have known only a government of force, cruelty, and greed. The common people of Cuba have ideas of something better, no doubt, derived from contact with this country, but that is about as far as their knowledge goes. It is from this Republic that the educated men of Cuba have drawn their ideas of self-government. They could not have drawn it from any other source. But the common people of Cuba have no knowledge, derived from experience, of the real meaning of a republican form of government such as ours. They know only of oppression. They have always felt the goadings of tyranny from the cruel spurs forced into their flanks. These poor people have never had the time to study forms of government. It has always been their lot to toil, suffer, and die. Freedom to them was a wild life in the jungle. Now they come forth and stand in God's sunlight, waiting to be enlightened. They know that Spanish rule has disappeared from their lovely island, and they now need honest, liberal-minded men to lead them to a haven of safety. Let us hope that there and here they will find them.

I am glad that this country now proposes to go out of the "stable government" business and "pacification" business in Cuba.

Cuba hates military rule—so do I—so does every man who loves liberty—and yet there appear to come times in the affairs of men and nations when the iron hand of military rule is a protective necessity. But this military rule at best is a sort of despotism—oftenest a very bad sort of despotism. It breeds discontent among men and brings in its train a long list of evils hostile to the principles of liberty. It has no place in the republic, and a resort to it should be an extreme necessity—the people themselves the judges of the necessity.

The army in all ages has been the iron arm, the mailed fist of tyranny, and has always been used by despots against the people to suppress their longings for liberty.

From the time Columbus discovered the island of Cuba, in 1492, and the first settlement by the Spaniards, in 1512, this island has been cursed with 136 rulers who exercised despotic power over its inhabitants. Although the island was blessed with a superior soil and climate and possessed great natural advantages over all its kindred islands, the people of Cuba never made any progress. The resources of the island, outside of sugar and tobacco, are yet unknown. Three centuries have given Cuba nothing but trouble—both state and church have been her oppressors. Human progress has always been at a standstill there, the same as everywhere when and where the rights of men to life, liberty, and property have been denied them. Among the toilers education was unknown, for oppression, whether civil or ecclesiastical, is the enemy of education. The workers of the soil were taught to raise sugar cane and tobacco—that was enough for them to know! There was wealth in the production of sugar and tobacco for the Spanish rulers and their favorites, and poverty in it and tired backs for the men and women that used the hoe.

Trade and commerce, the most useful and desirable of industries, and yet always the most exacting and overbearing—often cruel and inhuman in their pursuit of advantages and privileges, whether on land or sea—exhausted and impoverished Cuba by their cruel restrictions and prohibitions. It has always been the same in all countries, in all ages. But there comes a time when the burdens imposed upon men become too heavy to bear, and they rise up with maddened energy and cast the yoke from them even in the face of torture and death. It was so with Cuba many times. Her soil has been fertilized by the bones of her dead.

A system of excessive and oppressive taxation has always been Cuba's greatest curse—its bone of insurrection and rebellion. Royal officers of a cruel and corrupt monarchy infested the island for centuries to gather in the substance of Cuba's toil. The poor could not escape them, but the "better class," by resorting to bribery, were more fortunate. Corruption was the rule of official conduct; it was so in all the Spanish colonies. Everything her officials did not steal went to Spain. Debt piled upon debt until it reached the enormous sum of $400,000,000, a per capita rate of $283, or $1,415 to each head of a family.

It is not stange that a race of men grew up in Cuba that longed to rid the island of its oppressors. Conspiracies, insurrections, and rebellions were the legitimate fruits of Spanish absolutism in Cuba. None of these efforts to free Cuba were successful—disaster, exile, death, confiscation followed in the wake of all of them. But during the last hundred years there was one thing more than all else that imbued the Cuban people with the hope for liberty and independence. They looked across the narrow channel that separated this queen of the West India Islands from the United States, and saw a growing Republic, where men are free and permitted to enjoy the blessings of home and the fruits of their own labor. This picture was constantly before them, and gave them new courage and renewed hope; and so the blood of the patriots became the seed of the Republic, and their cause never died—men died, but Cuba's cause could not die.

This country and Cuba are now united by ties that are sacred. The American soldier and the Cuban patriot, standing side by side in the cause of humanity, gave up their lives as a sacrifice to that cause. The great sacrifice was for Cuba—Cuba free. Why should she not be friendly, now that the struggle is over? Why should we not trade with her as freely as one American State trades with another? Can any valid reason be given against it that does not have its foundation in selfishness? None, I imagine. Cuba's trade will be much to us, much more, perhaps, than that of China and the Philippines combined. She wants our breadstuffs, our cotton and manufactures of cotton, hides, beef products, hog products, vegetables, wool and manufactures of wool, rice, agricultural implements, iron and steel and manufactures of iron and steel, cars and carriages, boots and shoes, meat products, dairy products, canned goods, and other products, and will trade with us sugar, molasses, and tobacco and manufactures of tobacco.

Is there any reason why she would not give us all her trade if we will meet her halfway in making trade exchanges? Nothing stands in the way but sugar, sugar, sugar! Well, let us take Cuba into the American Union and then we shall own all her sugar, and New York will become the great sugar market of the world, instead of Hamburg. We will furnish sugar to the world and cease to be an importer for home consumption.

The gentleman from Kansas [Mr. LONG] showed in his remarkable speech the other day the value of Cuba's trade and commerce even now in her crippled condition. I take the liberty to quote the gentleman:

Last year, under the present military tariff, we practically had all of the trade of Cuba in corn, wheat, flour, and other breadstuffs; but Cuba also imported cattle and animals to the amount of $8,476,509, of which only $1,994,218 came from the United States. Cuba imported dairy products to the amount of $1,071,711, of which only $491,318 came from the United States. Cuba imported meats and meat products to the amount of $8,791,689, of which only $666,211 came from the United States. Cuba imported oils, grease, and paraffin to the amount of $2,598,988, of which only $713,737 came from the United States. Cuba imported cotton, and manufactures of, to the amount of $6,068,241, of which only $464,816 came from the United States. Cuba imported iron and steel, and manufactures of, to the amount of $4,799,216, of which only $3,403,907 came from the United States. Cuba imported of boots and shoes $1,638,084, of which only $405,682 came from the United States.

Of the articles that are distinctly those of the farm, the importations of Cuba last year were $24,371,808; of which only $12,137,708 came from the United States.

The total imports of Cuba for the last fiscal year amounted to $65,050,141; of which only $28,078,702 came from the United States.

All the witnesses before the Committee on Ways and Means stated that with prosperity in Cuba, the importations of that island would amount to $150,000,000 to $200,000,000 annually. This is the trade that Cuba offers to the United States in return for concessions on her products.

Is there any good reason why we should not have all of Cuba's trade? It is surely worth securing, and we can secure it now if we will.

What a field for trade will be open to us at our very door if we have the wisdom to accept it. Here is an "open door" right at home. Why go round the world to hunt a pagan "open door" for our products, when a better one, a Christian one, lies within sight of our shores? There may be a sort of statesmanship in it, but there is no sense in it. Therefore, let not this trust-sugar ghost or this beet-sugar ghost frighten men who think they are doing right by Cuba. In my opinion this country never had a better opportunity to do the right thing by a weak neighbor than now. I would not stop at 20 per cent of right, but would give, if I could, 100 per cent. I would give Cuba free trade and an invitation to become a member of our family of States.

Poor Cuba! The oppressed, suppressed, and depressed child of a most cruel and unfortunate monarchy! Was it her "manifest destiny" that she should pass under the yoke—"pass under the rod"—to immerge into the sunshine of American liberty, peace, and safety? Let us gladly and humanely teach her the way in which God has decreed her to walk. Let us be honest with her and make her burden light while she passes through the portals of American freedom to learn the lessons of free government, human progress, industry, peace, commerce, and of the true life. We are not her enemy, but her saviour. Let her cling with us to the same cross of freedom to which we cling. Let her destiny be our destiny. Her cities now are only dreams. We will develop them into human realities. We will show her that there are better places and things for men than the jungle and the machete. We will help her drive the specter of disease from her beautiful shores. The squalor and want that has so long stalked about the island like gaunt wolves will steal away into "outer darkness" as the sunshine of plenty bursts forth over that beautiful land under American protection and influences.

We have sacrificed our best blood and treasure unstinted for Cuba. Could we have done more for any State in this Union? Is not Cuba aware of this? Is she now indifferent to these sacrifices of ours made in her behalf? Will her people now turn upon us with sullen faces, like pouting children, because they can not have their own way in all things that concern them and us? I hope not; I believe not. That would be foolish indeed. Let them rather bow the knee in gratitude and thank their Creator that we were so near to them and they so near to us, that we took up their cause against Spain and fought and won battles for Cuba which Cuba's people never could have fought and won.

Does Cuba wish to experiment in government making? Then let her follow the example of Texas and come to us. Does Cuba fear that her people will not be protected by us—that they will not assimilate with us? Then let her look at California, Arizona, and New Mexico, and, again, at Texas, where sons and descendants of the Spanish race have become American citizens.

But, perhaps, Cuba has not had time to consider the question from an American standpoint. She has just emerged from a bondage worse than slavery. She stands dazed, looking about her. New conditions have been forced upon her so suddenly, so unexpectedly, that she has not been able to grasp her situation in its most important details. Then give her time to pause and consider. The future is just opening to her vision. Let her pause and take the time to look well about her—the vision will widen and brighten.

There are men in Cuba who dream of power and wealth, who have ambitions to gratify. They must lay these aside and become patriots for Cuba's sake. Presidential, senatorial, representative, ambassadorial, and other like ambitions which have come like dreams in the night to Cuba's patriots and statesmen must give way to that one absorbing question, "What is best for Cuba's future?" The political dreams of great men are often delusive. I would not have Cuba a province for the sons and daughters of wealth. I would not have her become "appurtenant territory" of the United States, for in that case she might become the victim of commercial greed, corruption, and partisan deceit.

The hand of plutocracy would lie heavily upon the face of this beautiful island. There would be valuable public franchises there to capture, railroads to build, large plantations to acquire, mines to be opened, great timber privileges to secure, banking projects to establish. Ah, sir, what chances would there be for great commercial schemes such as uneasy and unsatisfied capital loves to capture! What a field would there be for the "captains of industry" to enter and exploit with vulture-like industry!

As a territory she might have, under Republican rule, that undemocratic form of government called colonial. Her people would be under the subjection of colonial officials, backed by a standing army, whose only object would be plunder, and her people would again be forced to the jungle.

Cuba can now realize her long dream of liberty—her dream of a hundred years, if she will. In what manner, by what method? Let her have that freedom that Democracy would give her; that independence that the American colonies once longed for and demanded of Great Britain, and fought for and obtained; that liberty that Jefferson placed in the Declaration of Independence in words of "living light"— words Democracy love and cherish and have always defended—let her have these in their fulness by becoming a State in the American Union of States. Anything else, anything less than this, will mean evil to Cuba. We would better welcome her as a sister State than as a sister republic.

APPENDIX A.

THE ACQUISITION OF CUBA—ITS IMPORTANCE.

It will be objected to our receiving Cuba that no limit can then be drawn to our future acquisitions. Cuba can be defended by us without a navy, and this develops the principle which ought to limit our views. Nothing should ever be accepted which would require a navy to defend it. (Jefferson to Madison, April 27, 1809.)

These islands (Cuba and Porto Rico), from their local position, are natural appendages to the North American continent, and one of them (Cuba), almost in sight of our shores, from a multitude of considerations has become an object of transcendent importance to the commercial and political interests of our Union.

Its commanding position with reference to the Gulf of Mexico and the West Indian seas; the character of the population; its situation midway between our Southern coast and the island of Santo Domingo; its safe and capacious harbor of Habana, fronting a long line of our shores destitute of the same advantage; the nature of its productions and of its wants, furnishing the supplies and needing the returns of a commerce immensely and mutually beneficial, give it an importance in the sum of our national interests with which that of no other foreign territory can be compared and little inferior to that which binds the different members of this Union together.

Such, indeed, are, between the interests of that island and of this country, the geographical, commercial, moral, and political relations formed by nature, gathering in the process of time and even now verging to maturity, that, in looking forward to the probable course of events for the short period of half a century, it is scarcely possible to resist the conviction that the annexation of Cuba to our Federal Republic will be indispensable to the continuance and integrity of the Union itself. (Mr. Adams to Mr. Nelson, April 28, 1823.)

I candidly confess that I have ever looked on Cuba as the most interesting addition which could ever be made to our system of States. The control which, with Florida Point, this island would give us over the Gulf of Mexico and the countries and Isthmus bordering on it, as well as all those whose waters flow into it, would fill up the measure of our political well-being. (Mr. Jefferson to Mr. Monroe, October 24, 1823.)

Its (Cuba's) geographical position, which places it almost in sight of our Southern shores, and, as it were, gives it the command of the Gulf of Mexico and the West Indian seas, its safe and capacious harbors, its rich productions, the exchange of which for our surplus agricultural products and manufactures constitutes one of the most extensive and valuable branches of our foreign trade, render it of the utmost importance to the United States that no change should take place in its condition which might injuriously affect our political and commercial standing in that quarter. (Mr. Van Buren to Mr. Ness, October 2, 1829.)

So long as Cuba remains in the hand of Spain, a friendly power, a power of which we have no dread, it should continue to be, as it has been, the policy of all Administrations ever since I have been connected with the Government to let Cuba remain there; but with the fixed determination, which I hope will never be relinquished, that if Cuba pass from her it shall not be into any other hands but ours. This not from a feeling of ambition, not for the desire for the extension of dominion, but because that island is indispensable to the safety of the United States. (Calhoun.)

The geographical position of the island of Cuba in the Gulf of Mexico, lying at no great distance from the mouth of the Mississippi River, and in the line of the greatest current of the commerce of the United States, would become, in the hands of any powerful European nation, an object of just jealousy and apprehension to the people of this country. A due regard to their own safety and interest must therefore make it a matter of importance to them who shall possess and hold dominion over that island. (Mr. Crittenden to Mr. Sartiges, October 22, 1851.)

The island of Cuba lies at our doors. It commands the approach to the Gulf of Mexico, which washes the shores of five of our States. It bars the entrance of that great river which drains half the American continent and

with its tributaries forms the largest system of internal water communication in the world. It keeps watch at the doorway of our intercourse with California by the Isthmus route. * * *

The opinions of American statesmen at different times and under varying circumstances have differed as to the desirableness of the acquisition of Cuba by the United States. Territorially and commercially it would, in our hands, be an extremely valuable possession. Under certain contingencies it might be almost essential to out safety. (Mr. Everett to Mr. Crampton, December 1, 1852.)

THE OSTEND MANIFESTO.

During Mr. Polk's administration an offer of $100,000,000 was offered for Cuba, but was rejected by Spain.

In August, 1854, President Pierce instructed Mr. Marcy, his Secretary of State, to direct Mr. Buchanan, Mr. Mason, and Mr. Soulé, ministers, respectively, at the courts of London, Paris, and Madrid, to convene in some European city and confer with each other in regard to the matter of gaining Cuba to the United States. They met, accordingly, in October at Ostend. The result of their deliberations were published in a manifesto, October 18, 1857, in which the reasons are set forth for the acquisition of Cuba. The following is the document.

OCTOBER 18, 1857.

SIR: The undersigned, in compliance with the wish expressed by the President in the several confidential dispatches you have addressed to us, respectively, to that effect, have met in conference, first at Ostend, in Belgium, on the 9th, 10th, and 11th instant, and then at Aix-la-Chapelle, in Prussia, on the days next following, up to the date hereof.

There has been a full and unreserved interchange of views and sentiments between us, which, we are most happy to inform you, has resulted in a cordial coincidence of opinion on the grave and important subject submitted to our consideration.

We have arrived at the conclusion and are thoroughly convinced that an immediate and earnest effort ought to be made by the Government of the United States to purchase Cuba from Spain at any price for which it can be obtained, not exceeding the sum of $——.

The proposal should, in our opinion, be made in such a manner as to be presented through the necessary diplomatic forms to the supreme constituent Cortes about to assemble. On this momentous question, in which the people both of Spain and the United States are so deeply interested, all our proceedings ought to be open, frank, and public. They should be of such a character as to challenge the approbation of the world.

We firmly believe that, in the progress of human events, the time has arrived when the vital interests of Spain are as seriously involved in the sale as those of the United States in the purchase of the island and that the transaction would prove equally honorable to both nations.

Under these circumstances we can not anticipate a failure, unless possibly through the malign influence of foreign powers who possess no right whatever to interfere in the matter.

We proceed to state some of the reasons which have brought us to this conclusion and, for the sake of clearness, we shall specify them under two distinct heads:

First. The United States ought, if practicable, to purchase Cuba with as little delay as possible.

Second. The probability is great that the Government and Cortes of Spain will prove willing to sell it, because this would essentially promote the highest and best interests of the Spanish people.

The first, it must be clear to every reflecting mind that, from the peculiarity of its geographical position and the considerations attendant on it, Cuba is as necessary to the North American Republic as any of its present members, and that it belongs naturally to that great family of States of which the Union is the providential nursery. From its locality it commands the mouth of the Mississippi and the immense and annual increasing trade which must seek this avenue to the ocean.

On the numerous navigable streams, measuring an aggregate course of some 30,000 miles, which disembogue themselves through this magnificent river into the Gulf of Mexico, the increase of the population within the last ten years amounts to more than that of the entire Union at the time Louisiana was annexed to it.

The natural and main outlet to the products of this entire population, the highway of their direct intercourse with the Atlantic and Pacific States, can never be secure, but must ever be endangered whilst Cuba is a dependency of a distant power, in whose possession it has proved to be a source of constant annoyance and embarrassment to their interests.

Indeed, the Union can never enjoy repose, nor possess reliable security, as long as Cuba is not embraced within its boundaries.

Its immediate acquisition by our Government is of paramount importance, and we can not doubt but that it is a consummation devoutly wished for by its inhabitants. The intercourse which its proximity to our coasts begets and encourages between them and the citizens of the United States has, in the progress of time, so united their interests and blended their fortunes that they now look upon each other as if they were one people and had but one destiny.

Considerations exist which render delay in the acquisition of this island exceedingly dangerous to the United States. The system of immigration and labor lately organized within its limits, and the tyranny and oppression which characterize its immediate rulers, threaten an insurrection at every moment, which may result in direful consequences to the American people.

Cuba has thus become to us an unceasing danger and a permanent cause of anxiety and alarm.

But we need not enlarge on these topics. It can scarcely be apprehended that foreign powers, in violation of international law, would interpose their influence with Spain to prevent our acquisition of the island. Its inhabitants are now suffering under the worst of all possible governments—that of absolute despotism, delegated by a distant power to irresponsible agents, who are changed at short intervals, and who are tempted to improve the brief opportunity thus afforded to accumulate fortunes by the basest means.

As long as this system shall endure humanity may in vain demand the suppression of the African slave trade in the island. This is rendered impossible while that infamous traffic remains an irresistible temptation and source of immense profit to needy and avaricious officials, who, to attain their ends, scruple not to trample the most sacred principles under foot.

The Spanish Government at home may be well disposed, but experience has proved that it can not control these remote depositaries of its power. Besides, the commercial nations of the world can not fail to perceive and appreciate the great advantages which would result to their people from a dissolution of the forced and unnatural connection between Spain and Cuba and the annexation of the latter to the United States. The trade of England and France with Cuba would, in that event, assume at once an important and profitable character, and rapidly extend with the increasing population and prosperity of the island.

* * * * * * *

Extreme oppression, it is now universally admitted, justifies any people in endeavoring to relieve themselves from the yoke of their oppressors. The sufferings which the corrupt, arbitrary, and unrelenting local administration necessarily entails upon the inhabitants of Cuba can not fail to stimulate and keep alive that spirit of resistance and revolution against Spain which has of late years been so often manifested. In this condition of affairs it is vain to expect that the people of the United States will not be warmly enlisted in favor of their oppressed neighbors.

We know that the President is justly inflexible in his determination to execute the neutrality laws; but should the Cubans themselves rise in revolt against the oppression which they suffer, no human power could prevent citizens of the United States and liberal-minded men from other countries from rushing to their assistance. Besides, the present is an age of adventure, in which restless and daring spirits abound in every portion of the world.

It is not improbable, therefore, that Cuba may be wrested from Spain by a successful revolution; and in that event she will lose both the island and the price which we are now willing to pay for it, a price far beyond what was ever paid by one people to another for any province.

It may also be remembered that the settlement of this vexed question by the cession of Cuba to the United States would forever prevent the dangerous complications between nations to which it might otherwise give birth.

It is certain that, should the Cubans themselves organize an insurrection against the Spanish Government, and should other independent nations come to the aid of Spain in the contest, no human power could, in our opinion, prevent the people and Government of the United States from taking part in such a civil war in support of their neighbor and friend. But, if Spain, dead to the voice of her own interests, and actuated by stubborn pride and a false sense of honor, should refuse to sell Cuba to the United States, then the question will arise, What ought to be the course of the American Government under such circumstance?

Self-preservation is the first law of nature, with States as well as with individuals. All nations have, at different periods, acted upon this maxim. Although it has been made the pretext for committing flagrant injustice, as in the partition of Poland and other similar cases which history records, yet the principle itself, though often abused, has always been recognized. The United States have never acquired a foot of territory except by fair purchase, or, as in the case of Texas, upon the free and voluntary application of the people of that independent State, who desired to blend their destinies with our own.

Even our acquisitions from Mexico are no exception to this rule, because, although we might have claimed them by the right of the conquest in a just war, yet we purchased them for what was considered by both parties a full and ample equivalent.

Our past history forbids that we should acquire the island of Cuba without the consent of Spain unless justified by the great law of self-preservation. We must, in any event, preserve our own conscious rectitude and own self-respect.

Whilst pursuing this course we can afford to disregard the censures of the world, to which we have been so often and so unjustly exposed. After we shall have offered Spain a price for Cuba far beyond its present value, and this shall have been refused, it will then be time to consider the question, Does Cuba, in the possession of Spain, seriously endanger our internal peace and the existence of our cherished Union?

Should this question be answered in the affirmative, then by every law, human and divine, we shall be justified in wresting it from Spain if we possess the power, and this upon the very same principle that would justify an individual in tearing down the burning house of his neighbor if there were no other means of preventing the flames from destroying his own house.

Under such circumstances we ought neither to regard the circumstances or count the odds which Spain might enlist against us. We forbear to enter into the question whether the present condition of the island would justify such a measure. We should, however, be recreant to our duty, be unworthy of our gallant forefathers, and commit base treason against our posterity should we permit Cuba to be Africanized and become a second Santo Domingo, with all its attendant horrors to the white race, and suffer the flames to extend to our own neighboring shores, seriously to endanger or actually to consume the fair fabric of our Union.

We fear that the course and current of events are rapidly tending to such a catastrophe. We, however, hope for the best, though we ought certainly to be prepared for the worst.

We also forbear to investigate the present condition of the questions at issue between the United States and Spain. A long series of injuries to our people has been committed in Cuba by Spanish officials, and are unredressed. But recently a most flagrant outrage on the rights of American citizens and on the flag of the United States was perpetrated in the harbor of Habana, under circumstances which, without immediate redress, would have justified a resort to measures of war in vindication of national honor. That outrage is not only unatoned, but the Spanish Government has deliberately sanctioned the acts of its subordinates and assumed the responsibility attaching to them. Nothing could more impressively teach us the danger to which those peaceful relations it has ever been the policy of the United States to cherish with foreign nations are constantly exposed than the circumstances of that case. Situated as Spain and the United States are, the latter have foreborne to resort to the extreme measures.

But this course can not, with due regard to their own dignity as an independent nation, continue, and our own recommendations, now submitted, are dictated by the firm belief that the cession of Cuba to the United States, with stipulations as beneficial to Spain as those suggested, is the only effective mode of settling all past differences and of securing the two countries against future collision.

We have already witnessed the happy results for both countries which followed a similar arrangement in regard to Florida.

Yours, very respectfully,

JAMES BUCHANAN.
J. Y. MASON.
PIERRE SOULÉ.

Hon. WILLIAM L. MARCY, *Secretary of State.*

Benton, in his "Examination of the Dred Scott Case," appends the following note on page 24, commenting on the word "colony" as used by the Supreme Court of the United States in that case:

"The meaning of it is too well fixed to admit of ambiguous sense, even in a popular harangue, much less in a judicial decision. It always signifies a body of cultivators transplanted by the government to a distant possession and governed and protected there by the mother country, of which it is to be always the dependent, never the equal. The term has never been applied to our territories, and can not be without a total change in their nature. Distance, governmental transplantation, perpetual inferiority, is their inexorable characteristic. As such, the question of colonies is purely and simply a political question for the determination of the political power, and as such was determined some fifty-odd years ago by our Government.

"The determination was that the United States would have no colony which required a navy to guard it and to keep open communication with it. And that determination, by its import and express terms, admitted Cuba as an exception, that island being near enough to our coast to be safely reached without the convoy of a fleet, and strong enough in its natural and artificial

defenses to be protected by land forces. But while this exception of Cuba was made, all designs upon it inconsistent with fair purchase or honorable conquest in just war were sternly repudiated. The doctrine of the old school was that geographically Cuba belonged to the New World, and to the North American part of it, and to the United States as the chief power of North America; and politically to Spain; and that while Spain declined to sell and gave us no just cause of war she was to be undisturbed in the possession of that island—as much so as in the island of Cadiz. But no other power was to be allowed to get it from Spain either by purchase or conquest. If it was to be sold, the United States had the preemption right of the purchase; if to be conquered, we the conqueror; but all this open and aboveboard—no pretexted wars, no false claims, no fictitious quarrels, no annoying, no bullying, no forced sale."

The Democratic party will expect of the next administration that every proper effort be made to insure our ascendency in the Gulf of Mexico and to maintain a permanent protection to the great outlets through which are emptied into its waters the products raised out of the soil and the commodities created by the industry of the people of our Western valleys and the Union at large. (Democratic platform, 1856.)

The island of Cuba, from its geographical position, commands the mouth of the Mississippi and the immense and annually increasing trade, foreign and coastwise, from the valley of that noble river, now embracing half the sovereign States of the Union. With that island under the dominion of a distant foreign power this trade, of vital importance to these States, is exposed to the danger of being destroyed in time of war, and it has hitherto been subjected to perpetual inquiry and annoyance in time of peace.

While the possession of the island would be of vast importance to the United States, its value to Spain is comparatively unimportant. (President Buchanan, second annual message, 1858.)

I need not repeat the argument which I urged in my last annual message in favor of the acquisition of Cuba by fair purchase. My opinions on that measure remain unchanged. I therefore again invite the serious attention of Congress to this important subject. (President Buchanan, third annual message, 1859.)

I reiterate the recommendation contained in my annual message of December, 1858, and repeated in that of December, 1859, in favor of the acquisition of Cuba from Spain by fair purchase. I firmly believe that such an acquisition would contribute essentially to the well-being and prosperity of both countries in all future time. (President Buchanan, fourth annual message, 1860.)

The Democratic party are in favor of the acquisition of the island of Cuba on such terms as shall be honorable to ourselves and just to Spain. (Democratic platform, 1860.)

THE TELLER RESOLUTION.

Joint resolution for the recognition of the independence of the people of Cuba, demanding that the Government of Spain relinquish its authority and government in the island of Cuba, and to withdraw its land and naval forces from Cuba and Cuban waters, and directing the President of the United States to use the land and naval forces of the United States to carry these resolutions into effect.

Whereas the abhorrent conditions which have existed for more than three years in the island of Cuba, so near our own borders, have shocked the moral sense of the people of the United States, have been a disgrace to Christian civilization, culminating, as they have, in the destruction of a United States battle ship, with 266 of its officers and crew, while on a friendly visit in the harbor of Habana, and can not longer be endured, as has been set forth by the President of the United States in his message to Congress of April 11, 1898, upon which the action of Congress was invited: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, First. That the people of the island of Cuba are, and of right ought to be, free and independent.

Second. That it is the duty of the United States to demand, and the Government of the United States does hereby demand, that the Government of Spain at once relinquish its authority and government in the island of Cuba and withdraw its land and naval forces from Cuba and Cuban waters.

Third. That the President of the United States be, and he hereby is, directed and empowered to use the entire land and naval forces of the United States, and to call into the actual service of the United States the militia of the several States, to such extent as may be necessary to carry these resolutions into effect.

Fourth. That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the island to its people.

Approved, April 20, 1898.

TREATY OF PARIS, DECEMBER 10, 1898; RATIFIED BY THE SENATE FEBRUARY 6, 1899.

ARTICLE I.

Spain relinquishes all claim of sovereignty over and title to Cuba.

And as the island is, upon its evacuation by Spain, to be occupied by the United States, the United States will, so long as such occupation shall last, assume and discharge the obligations that may under international law result from the fact of its occupation, for the protection of life and property.

ARTICLE VI.

The United States will undertake to obtain the release of all Spanish prisoners in the hands of the insurgents in Cuba.

ARTICLE VIII.

Spain relinquishes in Cuba all the buildings, wharfs, barracks, forts, structures, public highways, and other immovable property which, in conformity with law, belong to the public domain.

ARTICLE IX.

The civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by the Congress.

ARTICLE XVI.

It is understood that any obligations assumed in this treaty by the United States with respect to Cuba are limited to the time of its occupancy thereof; but it will, upon the termination of such occupancy, advise any government established in the island to assume the same obligations.

THE PLATT AMENDMENT.

That in fulfillment of the declaration contained in the joint resolution approved April 20, 1898, entitled "For the recognition of the independence of the people of Cuba, demanding that the Government of Spain relinquish its authority and government in the island of Cuba, and to withdraw its land and naval forces from Cuba and Cuban waters, and directing the President of the United States to use the land and naval forces of the United States to carry these resolutions into effect," the President is hereby authorized to "leave the government and control of the island of Cuba to its people" so soon as a government shall have been established in said island under a constitution which, either as a part thereof or in an ordinance appended thereto, shall define the future relations of the United States with Cuba, substantially as follows:

I.

That the government of Cuba shall never enter into any treaty or other compact with any foreign power or powers which will impair or tend to impair the independence of Cuba, nor in any manner authorize or permit any foreign power or powers to obtain by colonization or for military or naval purposes or otherwise lodgment in or control over any portion of said island.

II.

That said government shall not assume or contract any public debt to pay the interest upon which and to make reasonable sinking-fund provision for the ultimate discharge of which the ordinary revenues of the island, after defraying the current expenses of government, shall be inadequate.

III.

That the government of Cuba consents that the United States may exercise the right to intervene for the preservation of Cuban independence, the maintenance of a government adequate for the protection of life, property, and individual liberty, and for discharging the obligations with respect to Cuba imposed by the treaty of Paris on the United States, now to be assumed and undertaken by the government of Cuba.

IV.

That all acts of the United States in Cuba during its military occupancy thereof are ratified and validated, and all lawful rights acquired thereunder shall be maintained and protected.

V.

That the government of Cuba will execute, and as far as necessary extend, the plans already devised, or other plans to be mutually agreed upon, for the sanitation of the cities of the island, to the end that a recurrence of epidemic and infectious diseases may be prevented, thereby assuring protection to the people and commerce of Cuba, as well as to the commerce of the southern ports of the United States and the people residing therein.

VI.

That the Isle of Pines shall be omitted from the proposed constitutional boundaries of Cuba, the title thereto being left to future adjustment by treaty.

VII.

That to enable the United States to maintain the independence of Cuba, and to protect the people thereof, as well as for its own defense, the government of Cuba will sell or lease to the United States lands necessary for coaling or naval stations at certain specified points, to be agreed upon with the President of the United States.

VIII.

That by way of further assurance the government of Cuba will embody the foregoing provisions in a permanent treaty with the United States.

Chinese-Exclusion Bill.

SPEECH

OF

HON. GEORGE P. FOSTER,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Monday, April 7, 1902,

On the bill (H. R. 13061) to prohibit the coming into and to regulate the residence within the United States, its Territories, and all territory under its jurisdiction, and the District of Columbia, of Chinese and persons of Chinese descent.

Mr. FOSTER of Illinois said:

Mr. CHAIRMAN: The flight of time has all too quickly brought us face to face with the termination of the existing Chinese-exclusion law by limitation. Ten years ago next May the law became operative, and next May it lapses. There is no time to waste if the friends of American labor and American civilization wish to preserve their country and its institutions from the greatest calamity that could befall them. In a few short weeks, unless appropriate restrictive legislation is accomplished meanwhile, our whole country will be open to the free admission of what has been well termed the "yellow devil," and will be shortly overrun by the heathen and vicious hordes of Asia.

Mr. Chairman, to me it seems one of the strangest, most incredible things ever heard of that there should be any considerable division of opinion in this country on this subject. After the experience which we had in our Pacific States previous to the passage of the remedial laws, after learning what we have learned and knowing what we know about the habits and manners of the Chinese, both in China and in the United States and everywhere else, I can not imagine how any American citizen can favor the unrestricted colonization of this country by the Chinese. And yet that is what many citizens are now favoring, influenced by either selfish trade and commercial motives or by some mistaken sentimental notions of philanthropy. It is charitable to believet that they know not what they do. It is hardly supposable that even the most intense desire for making money on the pare of the American Asiatic Association, the Boston Chamber of Commerce, or the cotton manufacturers of New England and the South could induce them to favor unrestricted Chinese immigration if they realized the dire and ruinous results to our country which would surely follow the success of their plans—if they knew that

they were actually sacrificing their country on the altar of their greed.

A brief review of the history of the Chinese in America is all that is necessary in that line at present. The mass of the people know the history by heart, if the small band of Eastern Chinese lovers and apologists do not. This whole hideous story has been burned into the hearts and brains of the community at large. The honorable men and women of the United States will never forget what happened after the Burlingame treaty, in 1868, let down the bars to the Asiatics. Even before then as many as 80,000 Chinese had invaded California, and after 1868, and until the adoption of the restrictive laws, they came pouring in by the thousand in every ship until their yearly immigration exceeded the entire yearly increase of white population from all sources combined, from births, migration from other States, and immigration from Europe.

This would not have mattered if the Chinese had proved desirable immigrants like the Irish, the Scotch, the English, the Germans, Scandinavians, Poles, etc., who have proved such welcome additions to our original stock, and have done such grand service in developing, enriching, and defending our beloved country. All these classes of foreigners have come over here as bona fide immigrants, to make this their permanent home, to become citizens, to put their money and their energy into the various enterprises and interests of the Commonwealth, to become friends and neighbors and coworkers with the native Americans, to live for the Republic, to fight for it, to die for it if necessary, and thousands upon thousands of them have fought for it and died for it in our recent wars. They have brought their wives and families with them, or have intermarried with American families and become perfectly assimilated with American society.

How was it with the Chinese? Did they come over here with their wives and families in a decent, respectable manner, to become citizens, to advance the interests of the various communities where they settled, to develop the country, to fight for it, and to live and die for it? Let the official records of the several investigating committees make answer. To begin with, a large part of what was discovered was unfit for putting into print even for official and judicial perusal. The awful depravity of the Chinese in San Francisco was too bestial to publish, even in confidential, private official reports. Nothing like it had been heard of since the days of Sodom and Gomorrah. There were found at one time to be tens of thousands of Chinese men in San Francisco and only about 1,300 Chinese women, and only about 50 of these were legal wives. Recollect also what was brought to light about their herding together like swine, 20 and 30 in a room, and about their abominable opium dens, and about their perjury in the courts of justice. Then think of the white children of a Christian community growing up with such a sink hole of pollution ever before their eyes. Think of its effect on the community at large.

This is the moral side of the question and there is certainly no need to dwell on it. Financially the effects of the Chinese in America are not less ruinous, and it is upon the economic aspects of the subject that it is now most important to dwell, because those who plead for the admission of the Chinese base their arguments generally upon economic grounds. They say that we must have the Chinese trade for the sake of our own commercial prosperity and that we can not get it unless we remove the restrictions to Chinese immigration. I do not believe this, Mr. Speaker. I believe that the Chinese will trade with us without reference to these restrictions, hereafter as heretofore, if they find it profitable to themselves to do so. But even if not, all the Chinese trade in the world would be far too small a compensation for free Chinese immigration into this country. What would be its result, financially and socially and economically?

A few figures and statistics, from the official reports of the Bureau of Labor statistics, will be in point here. We find that the Chinese in San Francisco and other Pacific cities spend on an average $5 a month for food, $3 a month for rent, and $10 a year for clothing; that they send 75 per cent of their earnings back to China, and that their scale of wages is about like this: Boot and shoe makers, $1.25 a day; miners, $1.75 a day; canners, $1 a day; bag makers, 75 cents a day; slipper makers, 65 cents a day, etc. In the cigar-making trade, working by the piece, they get from $4 to $7 a week. The laundrymen get about $10 a month, with board. All the other rates, just quoted, are without board. What American workingmen can compete with such rates as these, or wish to try to do so? American workingmen do not live on $5 a month for food nor sleep 25 in a room. Of course there is only one word needed to describe this sort of competition—it is ruin to the American workingman.

The opponents of exclusion make a great hue and cry about the "discrimination" which lets in the European and shuts out the Asiatic immigrant. Certainly there is discrimination, but it is not unjust. Doubtless there is a small proportion of European immigrants whom it would be better to keep out, but European immigrants, as a whole, have proved desirable, while Asiatic immigrants have not. As to the right to exclude a race, or such classes of a race as we see fit, we have it not only in law, but in morals. In dealing with this Chinese problem sentimental grounds should not be considered. It is purely a matter of business, and as a straight business proposition we should refuse admission to the scores of millions of Chinese laborers who would rush in if our doors were left unguarded.

We do not want any Asiatic immigrants at all, from China or from any other country of Asia. Asiatics are not of our kind of civilization, their morality is immorality in our eyes, and their scales of finance and wages would utterly subvert our social system and our national prosperity if they should be generally introduced here.

It is urged by the advocates of Chinese admission that the Chinese laborers are needed to work our railroads, our mines, etc. Needed by whom, and why? The covetous millionaire owners and corporations "need" them simply because they want to get cheaper labor and then kick their American laborers out. That is all. To a great extent this has already been done out West wherever the Chinese have become numerous. And even if the Chinese got as much wages as the American they are not wanted. In that case, as in the other, they crowd the American out, and the labor market is glutted, not by a plethora of American citizen workingmen, but by a horde of heathen aliens.

That the American workingmen are alive to the situation is evident. Look at the hundreds of petitions already sent in to this Congress, representing tens and hundreds of thousands of our own American citizens and their wives and children, all praying and beseeching that Congress may not fail to continue to protect them against the danger which now threatens in the coming lapse of the exclusion law of 1892. So far as I have had leisure to examine the files, these petitions have come from nearly every nook and corner of the country. They are from Pennsylvania, Illinois, Iowa, Indiana, West Virginia, New York, Washington, Florida, New Jersey, California, Montana, Connecticut, Wisconsin, Minnesota, North Dakota, South Dakota, Maine, Virginia, Missouri, Nevada, Ohio, Kentucky, Michigan, Colorado, and doubtless from other States that I have overlooked, and the petitioners include printers, typefounders, mine workers, the building trades, painters, carpenters, bricklayers, masons, general mechanics, sheet-metal workers, cigar makers, railroad conductors, other railroad men, team drivers, stereotypers, electrotypers, core makers, glass blowers, etc., besides trades and labor councils innumerable, and very many unions of the American Federation of Labor.

These, and such as these, comprising the bone and sinew of our national citizenship, are grouped together by the pro-Chinese advocates, and in their pamphlet or memorial to Congress are called a "mob." That word eloquently illustrates the attitude of the pro-Chinese forces toward American labor. If they could have their way, they would like to scale down all American labor and laborers to the Chinese standard. The Chinese are bright and quick to learn. They are keen at a bargain and utterly unscrupulous and selfish. If they were to be admitted freely, they would soon drive the Americans out of business in the cigar making, clothing, boot and shoe, and many other industries by cutting under the established rates of wages. There would soon be a much worse system of "sweat-shops" here than ever yet has been known, They would soon monopolize the track work on our railroads. Beginning at the extreme West, this new and formidable industrial invading army would gradually spread east, until the whole country was given over to it. What a spectacle! What a fate for the proud and great Republic of the United States of America!

But this will not be its fate, Mr. Chairman. I am confident that before the expiration of the present law there will have been enacted the needed supplementary legislation and the present grave danger will have been averted. The proposed legislation is certainly just and also generous. It does not interfere with the Chinese laborers who have already acquired a residence here, and who are pursuing their callings in a decent and law-abiding manner. It allows them to remain and to return if they should go abroad. It also gives free entrance to the better classes of Chinese, described as "officials, teachers, students, merchants, and travelers for curiosity or pleasure." It simply says that no more Chinese laborers shall be admitted. It seeks to save California and the rest of the Pacific coast from a repetition of the miseries there undergone in former years, and to save the eastern part of the country from an experience of these miseries.

Never more may it be recorded, as it was recorded a few years ago in California, that the Chinese gradually invaded one industry after another until they took the places of the girls as domestics and cooks, the laundry from the poor white women, and also the places of the men and boys as boot and shoe makers, cigar makers, bag makers, miners, farm laborers, brick makers, tailors, etc., and gained absolute control of the ladies' furnishing line,

displacing hundreds of girls; and that every business they entered was forthwith doomed for the white laborer, as competition was simply impossible. Since Chinese exclusion, as the San Francisco convention of last November reports in the memorial to Congress, "every material interest of the State has advanced and prosperity has been its portion."

Let us vote, Mr. Chairman and gentlemen, to continue this prosperity not only on the Pacific coast but all over the country, by upholding the dignity of American labor and by preserving the purity of American men, women, and children from contamination by contact with the races of fallen Asia.

Fortification Appropriation Bill.

SPEECH

OF

HON. ROBERT W. TAYLER,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, April 19, 1902.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 13359) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

Mr. TAYLER of Ohio said:

Mr. CHAIRMAN: I do not rise to oppose this amendment, nor yet in terms to advocate it. When this bill was up a year ago, I opposed in a very mild way the adoption of that part of the bill which provided for the payment of $100,000 for the Isham shell and thorite. Those two propositions were united in one; and I opposed it for the reason that the Ordnance Department believed that the Isham shell was not an effective implement of war, and because thorite was an explosive, the component parts and proportions of which were well known to the Army and to all experts on that subject.

Undoubtedly, Dr. Tuttle deserves credit for his connection with thorite, and I see no reason why he should not be fairly compensated for the service he has rendered the Government.

I take the floor, however, at this time to make one or two observations and to pay a just and well-merited tribute to the efficiency of the Ordnance Department of the Army, which has been so frequently attacked on this floor as an obsolete and practically useless department of the Government. Time after time for the last fourteen years Congress has appropriated thousands and thousands of dollars, aggregating at least a million and a half, for the purpose of making experiments, of trying projectiles, of testing various inventions, over the protests and objections of the War Department and the Ordnance Department, who declared that they were contrary to the recognized principles of science and the experience of ordnance experts.

But Congress has said that the War Department did not know what was the fact and what was right as to these projected improvements, and has insisted on appropriations of not less than a million and a half dollars. Now, it so happens that recently I have made an investigation of this matter and have discovered that since 1888, back of which I have made no examination, in every instance in which Congress has appropriated money for the purpose of experimenting with certain devices over the protest and against the objection of the Ordnance Department, careful, complete, and impartial tests have in every instance justified the position taken by the War Department and the Ordnance Office.

I want to say just one word in connection with what was said by the gentleman from Colorado [Mr. BELL], whose remarks are fully illustrative of what occurs in Congress at every session. These remarks were of course made by him in good faith, with a just purpose of illuminating this discussion, of instructing the committee, and accomplishing some good. Yet the gentleman is entirely in error as to most of the things that he stated. He is not fully informed either as to the composition of these two bodies to which he refers or, as was indicated by the gentleman from Missouri [Mr. COCHRAN], as to General Crozier's relation to these patents.

Now, anybody who knows anything about military affairs knows that, apart from what may have occurred in the Senate committee recently respecting the nomination of General Crozier as Chief of the Bureau of Ordnance, he is one of the most eminent ordnance officers in the world, known, I suppose, to more Army experts as an ordnance officer than any other individual.

Now, General Crozier, while he was a subordinate officer in the Ordnance Department, being a man of inventive genius, invented, or assisted in the invention of, various devices of which the Government has taken advantage, without one cent of reward to him and without returning to him a dollar of compensation from any source.

And here permit me to interject that I refer to General Crozier specifically only because reference has been made to him by the gentleman from Colorado. I have so high a regard for the Ordnance Bureau as a body and for the individual members of it, all of whom are doing splendid and lasting work in their several spheres of activity, that it is not necessary to single any one for special praise or commendation.

Mr. LIVINGSTON. Mr. Chairman, I would like to suggest to the gentleman that we are not trying either of these boards or General Crozier. These matters are not before the House at all.

Mr. TAYLER of Ohio. I am only referring to what a member of your committee has just said, and it would not be right——

Mr. BELL. You misunderstand me entirely if you think I intimated that he got a cent.

Mr. TAYLER of Ohio. I understand.

Mr. BELL. What I said and all I said was that my understanding was the reason why the second board was organized was because those bringing their patents complained that the Bureau of Ordnance was not inclined to consider the patentee when he was not in the Army.

Mr. TAYLER of Ohio. I understand that.

Mr. BELL. I did not claim that any of them got a cent.

Mr. TAYLER of Ohio. And I understand the good faith with which the remarks were made, but knowing what I know about these matters it would not have been just to sit here and listen even to those remarks with the inference and imputation that might go along with them without saying as much as I have said. What I said when I spoke upon the first amendment to the effect that every recommendation that the Ordnance Department had made to Congress had been justified by the event and that every time it had disapproved an appropriation by Congress for making some experiments such disapproval had been justified by the event, was answering a little too soon such statements as the gentleman from Colorado has made, and I will be able, by the official documents which will be incorporated in my remarks, to satisfy such persons as may have the curiosity to read them, that what I have said is entirely justified by the facts.

The Bureau of Ordnance is composed of a body of men, alert, honest, and devoted to their duty. They have won their place by merit and not by politics. They have no political influence, and they have no time to cultivate it. Vast interests are in their charge, and these they have administered ably and honestly. No taint of scandal has touched them, and the nature of their work permits no laggards among them. They have stood in the breach between importunate demands on the one hand and the Federal Treasury on the other.

Daily are claims made upon them—sometimes by deserving and honest inventors; sometimes by cranks and adventurers; sometimes by swindlers and petty pilferers, all with plausible stories and ingenious arguments.

To sift out what is deserving from what is worthless and to draw the difficult line which divides them is a serious and a thankless task. Perhaps it has not always been drawn at the right place, but always it has been drawn honestly and fearlessly, and sometimes it has brought upon them denunciation by the disappointed and attack and criticism in Congress.

Frequently appeal has been made from the decision of the Ordnance Department to Congress. Here all men can be heard, and, individually as well as collectively, we are ready to listen to, and easily to be convinced by, the most specious arguments, colored by a little judicious criticism of Army officers supposed to be influenced by a spirit of rivalry, conservatism, or ignorance.

And, being so moved, we have overturned the deliberate judgment of trained ordnance officers who have devoted their lives and their great abilities and attainments to the solution of questions which we airily dispose of in a moment.

It is easy to assert and often as easy to make us believe that injustice has been done by some ancient barnacles at the War Department, and, in defiance of their recommendations, we proceed to appropriate hundreds of thousands of dollars to show that these trained officials are wrong.

And what is the outcome of it? We forget to-morrow what we do to-day, and next week we will appropriate a handsome sum to conduct expensive experiments, having forgotten that last year we did the same thing, the experiments having been conducted under the most impartial conditions, according to the plans and directions and in the presence of the inventor, with the palpable result that our money was wasted and the War Department justified.

Let me call as witnesses every instance within the last fourteen years when Congress, against the recommendation of the War Department, has spent money to satisfy the claims of urgent

inventors, who have convinced credulous members of both Houses that they have not been fairly treated in the War Department.

I shall first present a statement of these facts in tabular form and follow it with a somewhat detailed account of each case.

Memorandum showing all appropriations made since 1888 upon the initiative of Congress for war material, together with action or attitude of the Ordnance Department with reference to such material, with statement of results of trials.

Objects and purposes.	Total appropriation or expense.	Action of the Ordnance Department.	Result of test.
Pneumatic dynamite guns, including machinery, ammunition, and carriages.	$587,500.00	Not favored by the Ordnance Department.	Declared obsolete by the War Department.
12-inch elevating carriage of A. H. Emery's design.	180,000.00	do	Not yet completed.
Second 10-inch pneumatic disappearing-gun carriage.	69,500.00	do	Carriage a failure.
Gatling 8-inch high-power gun.	58,645.00	do	Gun burst upon trial.
Howell 10-inch counterpoise carriage.	55,605.10	do	Carriage not adopted.
Gathmann 18-inch gun	145,550.00	do	The joint board of officers of the Army and Navy reported as a result of the test that there is nothing in the Gathmann system to recommend its adoption for the service of the United States, or to warrant further experiments.

I think it well to add, at this point of my remarks, a detailed statement of the dates and amounts of the several appropriations for the designated purposes. The dates and items of these several appropriations are shown in the following summary:

PNEUMATIC DYNAMITE GUNS.

Amount appropriated by act approved September 22, 1888	$400,000.00
Amount appropriated by act approved March 2, 1889	187,500.00
Total	587,500.00

EMERY 12-INCH ELEVATING CARRIAGE.

Amount appropriated by act approved March 3, 1893 (this amount was reappropriated from amount originally appropriated August 18, 1890)	130,000.00
Amount appropriated by act approved May 25, 1900	40,000.00
Amount appropriated by act approved June 6, 1896, for loading apparatus for the Emery carriage	10,000.00
Total for carriage, including loading apparatus, etc	180,000.00

10-INCH PNEUMATIC DISAPPEARING GUN CARRIAGE.

Amount appropriated by act approved August 1, 1894	50,000.00
Amount allotted April 16, 1895, by the Board of Ordnance and Fortification for platform and for test of this carriage	19,500.00
Total for carriage, test, etc	69,500.00

GATLING 8-INCH GUN.

Amount appropriated by act of June 6, 1896	40,000.00
Amount allotted November 9, 1898, by the Board of Ordnance and Fortification for test of this gun	18,645.00
Total for gun, including test	58,645.00

HOWELL COUNTERPOISE CARRIAGE.

Amount appropriated by act approved June 6, 1896	50,000.00
Amount allotted June 9, 1900, by the Board of Ordnance and Fortification for alterations in this carriage	5,605.10
Total for carriage	55,605.10

In addition to the above, about $500 has been expended in dismounting the carriage, and the Board of Ordnance and Fortification has allotted sufficient funds from its appropriation to cover the expenditure.

GATHMANN GUN.

Amount appropriated by act approved March 3, 1899	75,000.00
Amount appropriated for test of the gun, etc., by act approved March 1, 1901	50,550.00
Total	125,550.00
In addition to the above, there has been expended in connection with the Gathmann system $20,000 from funds allotted by the President under the act of Congress approved March 9, 1898, for the "national defense"	20,000.00
Amount expended by War Department	145,550.00
Amount previously appropriated for tests to be made by Navy Department	50,000.00
Total amount expended	195,000.00

In considering this subject several distinctions should be clearly borne in mind.

The Ordnance Department is a bureau of the War Department, presided over by the Chief of Ordnance. It has certain well-defined duties, prescribed by statute and regulations.

The Ordnance Board is composed of officers of the Ordnance Department detailed for that purpose by the Chief of Ordnance. It is merely a part of the machinery of that department.

The Board of Ordnance and Fortification is a body independent of the Ordnance Department, composed of the Commanding General of the Army, an engineer officer, two artillery officers, an ordnance officer, and a civilian. It was created by law and its members are appointed by the Secretary of War.

Let us now examine the history of these several experiments for which such large sums of money were appropriated.

PNEUMATIC DYNAMITE GUNS.

The Chief of Ordnance, United States Army, in his report for 1887, described the experimental progress made with these guns at that time, and stated:

I would recommend the purchase of one of these guns, say of 15-inch caliber, for exhaustive trials of gun and projectile, with the object of determining the full extent of their capacity and fitness for coast defense.

He also stated that—

a board of officers was appointed January 26, 1886, by the Secretary of War for the purpose of witnessing trials with the dynamite torpedo gun, which for some months had been under experiment at Fort Hamilton under the auspices of the War Department, and to report on its merits and suitability for the military service. But the company interested in this gun failed to make the necessary arrangements for the proposed trials, and the board was ultimately dissolved without making any report.

On April 18, 1888, the Pneumatic Dynamite Gun Company, of New York, through Mr. Edward A. Wickes, in a letter to Mr. Townshend, chairman of the Committee on Military Affairs, House of Representatives, offered to sell to the United States Government 100 dynamite guns, 15-inch caliber, at the price of $40,000 each, delivered at the place of manufacture. This offer was submitted to the Secretary of War on April 19, 1888, for an expression of his views as to the desirability of making an appropriation for the purchase of the ordnance proposed. The matter was referred by the Secretary of War to the Chief of Ordnance and the Chief of Engineers, United States Army, for report. Gen. S. V. Benét, Chief of Ordnance, stated that the views expressed in the Chief of Ordnance's report for 1887, above referred to—

are deemed very liberal, when the fact is considered that not a shot has been fired under the direct inspection and supervision of this Department, and that, with the exception of witnessing the destruction of the wooden vessel by the Ordnance Board, the results of trials have reached the Department second hand. It is hardly to be expected that on such meager practical information a recommendation can be made for the immediate expenditure of $4,000,000. * * *

In view of these considerations, he recommended as follows:

First. That one or more pneumatic dynamite-torpedo guns of different caliber, of the most approved pattern, with appurtenances and mounting complete, and 300 shells, subcaliber or otherwise, and fuses for each gun, with the necessary quantity of high explosive, be procured for exhaustive trial of gun, projectile, and fuse, to enable this Department to decide upon the merits of the weapon as such. This is substantially as recommended in my annual report.

Second. That this paper be referred to the Engineer Department for an expression of its views and for recommendations as respects the employment of this system for coast defense; and

Third. That, as this system is but an auxiliary in coast defense and of secondary importance as compared with high-power steel guns and rifled mortars, there should be no reduction in the sums that may be appropriated for steel guns and mortars in order to procure dynamite guns. The more urgent need for inaugurating the production and supply of steel guns and mortars should stand first and foremost in any appropriations made for armament.

Brig. Gen. J. C. Duane, the Chief of Engineers, concurred in the recommendations of the Chief of Ordnance, and under date of April 25, 1888, reported as follows:

I am not prepared, however, to recommend any extensive purchase of these or any torpedo guns, much less an appropriation of $4,000,000, until their efficiency has been more fully demonstrated.

In reply to the letter of Mr. Townshend, the Secretary of War, in a letter of May 17, 1888, stated:

In reply I have the honor to say that this dynamite gun has been developed to a point of efficiency which entitles it to recognition as a formidable addition to harbor defense.

He refers to his annual report of December 5, 1887, page 31, in which he speaks of this gun and its development, and recommended the purchase of one gun of 15-inch caliber in order to determine the full extent of its fitness for coast defense, and then says:

Since then I have examined with much care the reports and opinions of officers and the evidence bearing upon the question whether the gun is still to be considered merely as an experiment and in the experimental stage, or may be taken as having an established character on which legislation may be safely based. * * *

The Secretary of War refers to the then last annual report of the Secretary of the Navy, to the remarks of the Lieutenant-General of the Army in his last report, and also to the report of the Chief of Ordnance of the Army, General Benét, referred to above, and states:

I am therefore forced, on that evidence, to the conclusion that the gun is no longer to be considered as an experiment, but has well-established qualities and characteristics, upon which it will be safe for Congress to take action; and I accordingly recommend an appropriation which would enable us to

purchase and install a number of these guns, with the necessary operating plants, not exceeding 10 of different calibers. * * *

The Board of Ordnance and Fortification, in its report for 1892, reports as follows with reference to these guns:

By the acts of 1888 and 1889 for the support of the Army, sums aggregating $587,000 were appropriated for pneumatic dynamite guns and for mounting and operating the same. The expenditure of these appropriations was not under the supervision of this board, but inasmuch as it has had charge of the experiments with high explosives it has deemed it proper to call attention to this subject. So far as the board is advised, these guns are not yet constructed, although the period originally limited by contract has long since expired.

In view of the present state of development of the experiment of throwing high explosives with powder guns, as detailed in another part of this report, the board suggests the inadvisability of keeping open this contract.

In the proceedings of the Board of Ordnance and Fortification dated June 5, 1901, the following occurs with reference to these guns:

It is the unanimous opinion of the board that the pneumatic dynamite-gun batteries have become obsolete by more recent developments in the means of defense, and the board does not consider these batteries at the present time of sufficient utility to warrant further expenditures in their construction or the extensive repair of those already installed; and the board is of the opinion that any repairs should be limited to what is necessary to the preservation of the material until final disposition is made of these batteries.

THE EMERY CARRIAGE.

In the ninth report of the Board of Ordnance and Fortification, for the year ending October 31, 1899, page 7, appears the following:

The Emery 12-inch elevating carriage.—This carriage was contracted for under a special act of Congress approved February 18, 1893, appropriating $130,000 for the purpose, and an additional appropriation made June 6, 1896, of $10,000 for a loading apparatus. The original act was passed after this board, having carefully considered the drawings and specifications submitted to it by Mr. Emery, had declined to approve its plan of construction. The amount appropriated by Congress for the same is several times as large as the cost of carriages of the same kind now in the service. A large portion of that amount has already been expended in the construction of innumerable pieces of the carriage. Although the inventor and contractor gives no information whereupon any conjecture or speculation can be made as to the time when the carriage may be completed, yet he has drawn from the Treasury $95,380.16, of which he has expended $12,500 for the purchase of ammunition with which to test it after completion. It now hardly seems probable that this experimental carriage will be finished in time to be used, even if successful, in the adopted plan of our coast defenses.

The Chief of Ordnance had disapproved making this contract and the Board of Ordnance and Fortification also refused to recommend it.

At the hearing on this subject before the subcommittee of the Senate Committee on Appropriations, held April 14, 1900, Senator TELLER said to General Buffington:

I suppose you know, of course, that Congress authorized this carriage without reference to the board; that the Committee on Appropriations and Congress determined themselves to have the experiment tried. You know that, do you not?

The extent to which Congress resolved itself into an expert body to overrule the Board of Ordnance and Fortification and the Ordnance Bureau will abundantly appear from the following extracts from the law appropriating $130,000 for this carriage:

Be it enacted, etc., That the sums of money herein provided for be, and the same are hereby, appropriated out of any moneys in the Treasury not otherwise appropriated, to be available until expended, namely:

* * * * * * *

To enable the Board of Ordnance and Fortification to procure and test one 12-inch elevating carriage of A. H. Emery's design, $130,000; and the Secretary of War is hereby authorized and directed to contract, without advertising, with A. H. Emery for this carriage, and test it, the same to be built, erected, and tested, for a sum not exceeding $130,000, which price shall cover the cost of the carriage erected, and including all the powder and projectiles necessary for its preliminary test by the contractor and the 50 additional rounds for proof, to be fired under the direction of said Board of Ordnance and Fortification, and in the presence of the said Board and the inventor, or his authorized agent, due regard being paid to suggestions offered by him with regard to the making of such test; said price also to cover all such repairs, if any, as may become necessary to have the whole carriage in good working order after the test of fifty rounds for proof. It shall be constructed on the general plans put before the Board by A. H. Emery, and described by him in his letters to the Board under dates of November 16 and December 24, 1892, and January 21, 1893.

For the purpose of facilitating the more ready, satisfactory, and quick construction of this carriage and its foundations, the inventor is at liberty to make any and all changes in the design and specifications for and the construction of this carriage, at any time on or before the completion of the test, which he thinks are desirable for the utility and use of this carriage or repetitions thereof, or which will facilitate the early completion and successful test of this carriage, which changes or alterations shall all be made at his expense; but no such changes shall be made which will render the carriage unable to fulfill all the requirements set forth by the Board as necessary to be observed and maintained for the construction and use of this carriage and its foundations in their letters to the inventor of dates August 17 and November 17, 1892, fixing the engineering conditions, which must be fulfilled and observed in constructing the carriage and its foundations, unless such changes are sanctioned by the Board. Of the price of this contract $110,000 shall be for the carriage and foundations erected, including all changes and repairs, and $20,000 shall be paid the contractor for the preliminary testing of the carriage and the powder and projectiles to be furnished by him for the 50 rounds of proof tests.

Of the $110,000 to be paid for the carriage and its foundations 60 per cent shall be paid in partial payments as the work progresses, in accordance with the proposals submitted by A. H. Emery to the board in his letter of January 21, 1893. Before advancing any part of this 60 per cent, the contractor shall furnish bonds satisfactory to the Secretary of War for the return of this money if the carriage is not accepted. The balance of the $110,000 shall be paid as soon as the test is completed and the work found to be done according to contract. Of the $20,000 to be paid for the testing of the carriage, three-eighths shall be paid the contractor when the preliminary tests are completed, and the other five-eighths shall be paid to him proportionately as the fifty rounds for proof are fired.

Should any damage be done to the carriage during these tests by the bursting or overloading of the gun which is being fired thereon, or by other guns or projectiles being tested, such damage shall be made good to the contractor by the Government.

This carriage shall raise the gun from loading to firing position 14 feet, and shall be able to train the gun for firing at all angles of elevation from minus 5 degrees elevation to 20 degrees elevation, and to have an all-round fire of 360 degrees.

* * * * * * *

That all material purchased under the foregoing provisions of this act shall be of American manufacture, except in cases when, in the judgment of the Secretary of War, it is to the manifest interest of the United States to make purchases in limited quantities abroad, which material shall be admitted free of duty.

Approved February 18, 1893.

On March 17, 1893, a contract was entered into with Mr. Emery to deliver the carriage at Sandy Hook within two years from the date of the contract.

As late as October 18, 1894, nineteen months after the contract was entered into and five months only before the carriage was to be completed and erected ready for testing, Mr. Emery wrote to the Board of Ordnance and Fortification:

The design is now nearly complete and the working drawings rapidly approaching completion, ready to commence work in the shop.

September 19, 1895, he wrote that the design for his gun carriage "was finished last spring," but that he had not yet completed his arrangements for getting it built.

Under the act of February 18, 1893, Mr. Emery was to receive from time to time, as the work progressed, 60 per cent of the contract price, but he was required to furnish a bond for the return of the money if the carriage was not accepted.

Finding that he was unable to proceed with the erection of the carriage, he appealed to Congress in 1896 with such effect that this provision appeared in the act of June 6, 1896:

That in the act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, approved February 18, 1893, the paragraph beginning with the words: "Of the $110,000" and providing for terms of payment for the 12-inch elevating gun carriage to be contracted for with A. H. Emery under the provisions of said act be, and is hereby, amended to read as follows:

"Of the $110,000 to be paid for the carriage and its foundations, 85 per cent shall be paid in partial payments as the work progresses, in accordance with the proposals submitted by A. H. Emery to the board in his letter of January 21, 1893. And no bond shall be required for the return of this money if the carriage is not accepted, nor shall the said Emery be required to return the money paid, and the carriage shall belong to the United States when the tests are completed. The balance of the $110,000 shall be paid as soon as the said carriage shall have been completed in all respects according to contract and shall also have undergone and endured a test satisfactory to the Board of Ordnance and Fortification. Of the $20,000 to be paid for the testing of the carriage, three-eighths shall be paid the contractor when the preliminary tests are completed, and the other five-eighths shall be paid him proportionally as the 50 rounds for proof are furnished.

"And the Secretary of War is hereby authorized and directed to enter into a supplemental contract with the contractor for this carriage, for the supply by him of a loading apparatus to go with and belong to the carriage, and to be furnished therewith as a part thereof; and the carriage shall be so constructed that a part of the work of recoil can be used for the horizontal traverse of the carriage and the working of the loading apparatus; and the payment for the work so furnished under this supplementary contract shall be $10,000, which sum shall be due and payable when said loading apparatus is completed in all respects according to contract, and shall also have undergone and endured said test hereinbefore mentioned, to make which payment the sum of $10,000 is hereby appropriated."

The following is an extract from the report of the Board of Ordnance and Fortification, dated October 31, 1896, and refers to the above:

The extra amount appropriated was allotted by the board July 2, 1896, as required by the act.

The position taken by the board in regard to amending the act approved February 18, 1893, which made the original appropriation of $130,000 for the construction of the 12-inch Emery elevating carriage, was defined at the March meeting in reply to a letter of the Hon. E. J. Hainer, chairman subcommittee on fortifications, United States House of Representatives, as follows:

"The Board of Ordnance and Fortification does not recommend the enactment of the amendments proposed by Mr. Emery for the following reasons:

"First. With reference to the amendment in regard to the 12-inch elevating carriage. By the act approved February 18, 1893, the Board of Ordnance and Fortification was required to allot out of its funds $130,000 for the construction and proof of a 12-inch carriage of Mr. Emery's design. The plans for this carriage were not completely worked out at the time the appropriation bill was passed and were never approved by the board. In its action of January 25, 1893, the board stated as follows: 'In view of the doubts in the mind of the board as to the successful working of this carriage, as expressed in its action of December 29, 1892, it is of the opinion that if Congress deem it advisable to authorize and direct the construction, the appropriation should be so worded as to make the cost of the carriage and foundations payable only after their successful test and acceptance by the War Department.'

"The board still adheres to the opinion thus expressed. Should the proposed amendment become a law, $93,500 might be paid to Mr. Emery for preliminary work on a carriage the plans for which have never been approved by experts on this class of work and the patents for which are not transferred to the United States, although it should prove of no value after completion.

"Other amendments proposed by Mr. Emery were also discussed at the same time, but as they were not adopted, it is unnecessary to give the action of the board."

By the act of June 6, 1896, the payments to be made on account were increased to 80 per cent, and the inventor was not required to give bond nor to return the money paid if the carriage was not accepted.

The very thing that the board said might happen—viz, that $93,500 might be paid to Mr. Emery and the Government get nothing for it—did happen, for over $95,000 was paid to him, and the carriage was never even completed.

July 27, 1896, the time for the completion of the contract was extended to March 17, 1898, and later was again extended to March 17, 1899.

The following letter is illuminating:

STAMFORD, CONN., *September 29, 1898.*

GENTLEMEN: In reply to your letter of September 24 in regard to progress on my contract for 12-inch elevating gun carriage of date March 17, 1893, which was modified by a provision of the act approved June 6, 1896, in such a manner as to permit the actual construction of this carriage, I would say work in the shop was commenced in the fall of 1896 and has proceeded during the past two years, but not with such rapidity as I had hoped and expected.

The drawings for this carriage had been made prior to this date, but many modifications of these drawings have been and are still being made, many of which were found desirable for the general utility and use of the carriage, and some to meet the exigencies which have arisen as the work progresses.

I spent three months in Washington in the spring and early summer in endeavoring to get contracts for guns which I felt would be of great advantage to our Government if ordered. The time thus spent somewhat delayed this work, but a source of much greater delay has been caused by the great pressure of other Government work being done in the shop upon which I rely for the final finishing of a large part of my carriage.

Another source of great delay is that much of the work is tentative and can not be decided or ordered until much other work is done, so that some of the rough material could not yet properly be ordered, some experiments having yet to be made first.

There are an unusually large number of different parts, each of which must be particularly looked after, some of which have required several shops to produce and finish a single piece.

Notwithstanding all these difficulties there has been put into the different shops material for the metal work of this carriage amounting to more than 420,000 pounds, from which parts have been finished covering over 222,000 pounds of finished weight. The rest of this material is in the various stages of construction, with the exception of the material which could not yet be ordered, for the reasons above given. Besides this there has been finished and delivered for the preliminary and proof tests of the carriage upward of 92,000 pounds of ammunition.

I have a good force at work on the carriage, pushing the work as fast as I can consistently with the great necessity of seeing that all the different parts of an entirely new machine are so made that they will properly fulfill the functions required of them and so that the whole may be successful when done.

I remain, your obedient servant,

A. H. EMERY.

The BOARD OF ORDNANCE AND FORTIFICATION,
War Department, Washington, D. C.

Mr. Emery soon found that his carriage was a stupendous undertaking and that he had not worked it out with sufficient fullness and accuracy to meet even the practical test of construction.

March 10, 1899, he asked for an extension of another year, and supported his claim for the extension in a long letter, dated March 23, 1899, from which I quote a sample paragraph:

SIR: In reply to yours of March 17 asking for detailed reasons why it has been impracticable to complete my gun carriage I have to state that primarily the carriage is not only comprised of many parts, many of which are large and difficult to make, but there are a great many parts different from each other, most of which have required very careful computations to find the strains upon them and determine their best form and size, and in doing this it has frequently and continually happened that after a large number of parts were fully designed designing other parts brought up facts and considerations which made it often desirable and often necessary to redesign many parts previously designed to work in harmony with other parts of the work being designed.

The contracts were thereupon extended to March 28, 1900.

On March 28, 1900, Mr. Emery requested another extension of his contracts, as follows:

1325 M STREET,
Washington, D. C., March 28, 1900.

SIR: I have very diligently pursued the work on my 12-inch disappearing gun carriage during the past year, but still find it far from completion. I have sent into the shops for this work so far, exclusive of the ammunition, something like 440,000 pounds of material, most of which is now finished, but there still remains very much to do, and I am compelled to ask for the extension of my contract for another year, which I hope will be sufficient to complete and erect the carriage, but am unable to say certainly as to the time of completion, owing to the trouble I shall certainly have in getting the springs, of which I require a very large quantity, of such sizes and lengths that I shall be compelled to erect more or less special apparatus, which has yet to be designed, for their production.

Awaiting your reply, I remain, your obedient servant,

A. H. EMERY.

The CHIEF OF ORDNANCE,
War Department, Washington, D. C.

It will be interesting and instructive at this point to quote what Mr. Emery said in his communication of December 24, 1892, respecting the time necessary to build his carriage:

It * * * is thought that this work may be completed and erected ready for test within one year from the date of the contract, and all due diligence will be made on my part to that end, but condemnations of parts for faulty castings or forgings or difficulty of getting these parts may delay the work.

By the act of May 25, 1900, an additional appropriation of $40,000 was made to complete the carriage.

It is still unfinished, and when completed, if that shall ever occur, it will have cost the Government $180,000, or three times what it could possibly be worth.

It is worthy of note that no obstacles have been placed in the way of this inventor by the War Department. He has had most generous, not to say improvident, treatment by Congress. He has already drawn from the Treasury three times as much money as more efficient carriages cost us, and no man can say how much more will be appropriated through the influence of those who have pinned their faith to its success.

PNEUMATIC DISAPPEARING GUN CARRIAGE (SECOND).

The Board of Ordnance and Fortification in its report for 1892 stated as follows with reference to the first carriage purchased on November 15, 1889, by the Chief of Ordnance:

The Board is not prepared to recommend the further purchase of disappearing carriages of this class for the reason that there are objections to any system which involves the use of extraneous power, as the cost of protecting the source of the power and the liability of disarrangement of the working parts of the same is very great. Other disappearing carriages for the same gun, which are represented to be capable of being operated entirely by hand, are now nearly ready for trial, and until they have been tested any purchase of pneumatic carriages would be premature.

The manifest objections to the system are, first, the mechanical difficulty of certainly preventing the leakage of air when under such high pressure; second, the necessity of steam power, involving the expense of protection from the enemy's fire, and the use of a mechanism more or less intricate, requiring the services of skilled labor. * * * It should be noted that these tests were made simply to determine whether the conditions of the contract had been fulfilled in a manner to justify the acceptance of the carriage.

On April 3, 1894, the following letter was sent by Brig. Gen. D. W. Flagler, Chief of Ordnance, to Hon. Wilkinson Call, chairman of the subcommittee on fortifications bill, United States Senate:

In response to a letter of March 30, inclosing a printed copy of the amendment intended to be proposed by Mr. TELLER to the bill (H. R. 4858) making an appropriation for fortifications, etc., which letter requested that I would submit my views to the subcommittee upon the Pneumatic Gun Carriage and Power Company's design for a 10-inch disappearing carriage therein provided for, I have the honor to make the following remarks:

This amendment contains a proposition not to authorize but to direct the Secretary of War to expend a considerable sum of money—$50,000—and leaves him no option in the matter, even though it should be subsequently ascertained, or subsequent facts or information obtained should show that the expenditure is not a judicious one. To make such an expenditure a proper one, it should be shown now, not only probably but with a fair degree of certainty, that the carriage to be built is a better one than any other the United States can purchase. It is not known to this Department that this is the case. This Department, on recommendation of the Board of Ordnance and Fortification, has already purchased from the Pneumatic Gun Carriage and Power Company a 10-inch disappearing gun carriage. The experiments with, and reports on this carriage, indicate that in principle it is inferior to other less expensive carriages which the Department can obtain. The description of the new carriage now proposed has not been submitted to this Department, but if it is to be understood that the principle is materially the same as the one mentioned above, it does not appear that the expenditure proposed would be judicious.

As stated, the description of the carriage has not been furnished to this Department, but I am informed that it has been submitted to the Board of Ordnance and Fortification, and the project reported on adversely by that board.

By act of Congress August 1, 1894, $50,000 was appropriated for the purchase of a second carriage. On August 2, 1901, the artillery committee of the Board of Ordnance and Fortification witnessed the acceptance test of this carriage at the Sandy Hook Proving Ground. The following is quoted from the report of this committee:

With the exception of the time required in traversing by the electric power and pneumatic power, the carriage has failed in all the prescribed acceptance tests, and its acceptance is not recommended.

In letter of August 9, 1901, the Pneumatic Gun Carriage and Power Company, through Mr. C. E. Creecy, the president, proposed to the Board of Ordnance and Fortification the following settlement of the matter:

The Government to take the carriage as it now stands and retain the amount of the final payment and reservation, $12,802, and release our company from all obligations on account of our contract. This settlement would stand us a very considerable financial loss, but we will be glad to finally close the matter and bring to a termination the many expenses and vexations incident to the work. Congress, by its action in similar cases to ours, where purely experimental work is involved, has shown that it is its policy to deal liberally with inventors where the work represents development for the sole benefit of the Government. In the case of the Emery carriage, where no results have been accomplished and the contract time has long since expired, Congress not only has refrained from enforcing penalties, but has appropriated additional funds to carry on the work.

This matter is now before Congress with a view to the passage of an act to relieve the company as requested in the above letter.

GATLING 8-INCH HIGH-POWER GUN, PROCURED UNDER ACT OF CONGRESS DATED JUNE 6, 1896, APPROPRIATING $40,000.

Under date of March 31, 1896, the Chief of Ordnance wrote the following letter to the Secretary of War, which is quoted in full:

I have the honor to return herewith drawing and description of Dr. Gatling's proposed method of gun construction, referred to this office by the Board of Ordnance and Fortification for report, and in reply to state as follows:

Within the past few years Dr. Gatling has made a number of suggestions and taken out patents for supposed improvements in the manufacture of heavy ordnance, which have come in one form or another before this Department, but the particular plans now under consideration are new to the Department.

The inclosed drawing of a combined furnace and rolling mill proposed by Dr. Gatling is so general in character and so lacking in detail that the Department is unable to say whether or not it would perform the work required of it and at the estimated cost. But even with a satisfactory working plant, the Department has little confidence in the method proposed for the manufacture of cannon. Experience shows that the mere mandrelling of the bore surface could have but little effect in working the metal in the middle and outer layers of the walls of the gun. As the casting must be a thick one,

the metal in the middle portions would remain more or less coarsely crystalline in structure. There can be no doubt that the average quality of the metal in such a gun would be far inferior to that in the built-up forged steel gun as now manufactured, and that the desired initial tensions would be much less perfectly attained.

So far as mere cheapness of production is concerned, as cheap and certainly a stronger gun can be produced from a single forging, which, after finishing and treatment of the metal, would be cooled from the interior in order to induce initial strains, and thus place the gun in the most suitable condition for resisting internal pressures.

Dr. Gatling refers to a method of interior cooling as a mode of treatment that might be applied to guns made according to his method.

This proposition is not a new one. It is, in theory, only the same as the Rodman principle of hollow casting, and has been frequently mentioned and applied, to some extent, in the manufacture of guns made from steel forgings. The same may be said of the proposition to lessen the initial strains by annealing, should the strains produced by the interior cooling at any time prove too great.

Both of these propositions are embodied in plans that were originally submitted to this office by Lieutenant—now Captain—Hobbs, of the Ordnance Department, to be applied, however, to a gun consisting of a single forging manufactured with all the care and precautions usual in making forgings for built-up steel guns. The Department has tested an experimental forging treated in the manner proposed by Captain Hobbs, with such favorable results that the question of making a gun on this plan is now under consideration. In this plan no expensive addition of plant for the manufacture of forgings is required. The interior cooling is done, with slight expense, at a certain stage in the usual process of manufacture of the forgings, and any subsequent annealing that may be required is an operation similar to that now in vogue in this manufacture, and would be done in the same furnaces that are now used.

In view of the experimental nature of the propositions made by Dr. Gatling—not only with respect to the operation of the proposed furnace, but also as regards the quality of the gun to be produced—it is not considered advisable for the Government to bear the expense of erecting this plant and producing a gun. If, however, the company represented by Dr. Gatling will produce a complete gun for test, the Department might probably furnish the ammunition for and pay the expense of the test, and also pay for the gun itself, a sum equal to the present cost of a built-up gun, provided the test were successful.

It is understood that Dr. Gatling represents a company organized with a capital of $1,000,000, and it may be expected that the commercial advantages incident to the introduction of his methods of casting and forging in the new form of furnace, if successful, would ultimately fully remunerate the company for other expenses incident to the production of this gun.

It is recommended that this paper be referred to the Board of Ordnance and Fortification.

In compliance with the above-mentioned act of Congress, this cast steel gun was manufactured and was sent to the proving ground on November 1, 1898, for test in accordance with a programme prepared by the Board of Ordnance and Fortification. Firings, were begun December 15, 1898. At the fifteenth round the breech end of the gun burst explosively into numerous fragments, which were scattered in all directions for about 300 feet from the platform on which the gun was mounted. One of the largest of these fragments, containing half of the powder chamber, shows along the ruptured surface three cavities extending from 1 to 4 inches into the body of the metal.

Dr. Gatling's accomplishments in other forms of ordnance are well known and everywhere recognized, but his eminence ought not to be taken as implying perfection in everything he undertakes.

HOWELL 10-INCH COUNTERPOISE CARRIAGE, PURCHASED IN COMPLIANCE WITH THE ACT OF CONGRESS DATED JUNE 6, 1896, APPROPRIATING $50,000.

In a letter dated April 27, 1896, the Chief of Ordnance informed the Secretary of War that an examination of the drawings and model of the Howell disappearing carriage did not show the advantages claimed for the design, and led to the belief that it was inferior to the carriage then adopted for service. He also stated that even if it were equal in efficiency and economy to the adopted type, it was considered disadvantageous to have two entirely different patterns in service. He was therefore unable to recommend the passage of the bill.

The act of Congress approved June 6, 1896, appropriating $50,000 for the purchase of this carriage, provided that it should be subjected to the same test as a Buffington-Crozier 10-inch disappearing carriage with respect to ease of maneuvering and rapidity of fire, of traversing and raising to the firing position. The test of the carriage was begun September 22, 1898, and was continued, with interruptions necessitated by alterations and repairs, until completed January 24, 1899. In all, 26 rounds were fired.

In the report of the test by the Ordnance Board, dated February 11, 1899, the following points are noted:

The eighth round broke several bolts in the counterweight box and started the front part of the traverse circle. Ten additional anchor bolts were put in the front part of the traverse circle and the counterweight box was strengthened by 12 bolts. During the accuracy test one of the front anchor bolts worked loose, and after the test the chain of the elevating shaft counterweight was found broken and was replaced by wire rope. The method of delivery of shot to the gun—i. e., by a crane—is very poor. The traversing mechanism is unsatisfactory, being both slow and uncertain. The retraction mechanism is too slow, requiring about nineteen minutes, as compared with two minutes for the service carriage. The parapet required for this type carriage is in height nearly double that required for the service carriage.

The great merit of the carriage, when considered for service, is the absence of sliding parts. The carriage is well worth a further test if the defects mentioned above can be corrected.

Based on this report, the Board of Ordnance and Fortification recommended the adoption of this carriage as an additional type for service.

The Ordnance Department held that a sufficient number of rounds had not been fired from this carriage upon which a definite recommendation could be based, and further, that the number of rounds that had been fired indicated that the carriage did not meet the specifications of the act in that it had not successfully passed the same test to which the Buffington-Crozier 10-inch disappearing carriage had been subjected, and that, in accordance with the report of the Ordnance Board, a further test should be made to determine whether or not the defects reported by the board could be corrected.

The Secretary of War therefore withheld his approval of the recommendation by the Board of Ordnance and Fortification, and again referred the matter to that board for further consideration and report.

Before making these further tests the Board of Ordnance and Fortification, at the request of the licensee, made an allotment of $5,605.10 to cover the cost of certain changes in the traversing and retracting mechanisms and in the mounting.

The artillery board of the Board of Ordnance and Fortification, in their report of the further tests made, state:

The traversing and retraction mechanisms are crude and unsatisfactory and much inferior to those found in the present service carriage, but it is also the opinion of the committee that neither of these features is an essential part of the Howell disappearing system.

On July 3, 1901, the commanding officer of the Sandy Hook proving ground, in forwarding the firing record of these tests of the 10-inch Howell disappearing carriage, states:

The new retraction device and traversing device have added little to the efficiency, while detracting materially from the structural appearance of the carriage.

It has not been demonstrated that this carriage could not have been made to operate serviceably, and neither has it been demonstrated that the system offers any advantage over that in use in the service, and the example tested had many disadvantages of design and practical elements which were never overcome.

Surely there was no reason for adopting this carriage, whatever its merits might be, if it did not appear to be at least as serviceable a carriage as that which was in successful use.

GATHMANN TORPEDO SHELL AND GUN.

The history of the controversies between the Navy Department and Congress and between the War Department and Congress respecting the Gathmann shell and gun is the most interesting and satisfactory of all the subjects to which I have referred in these remarks.

This is true because—

1. The Gathmann Company clearly defined what the shell and gun would do.

2. The Navy Department and the War Department asserted that the results claimed could not be produced.

3. Congress appropriated ample funds to conduct experiments.

4. Many tests and experiments were conducted, all sustaining the position of the military experts, and the final test was made under conditions absolutely guaranteeing completeness and fairness.

5. The result of this test absolutely demonstrated two facts:

First. That the Gathmann shell and gun are practically valueless as implements of war; and

Second. That the Regular Army 12-inch gun, with the regular armor-piercing projectile charged with the latest Army explosive, is the most powerful and destructive weapon ever devised, to compare which to the Gathmann shell and gun is like comparing a Colt automatic rapid-fire gun to a Springfield rifle.

Generally stated, the claim of Gathmann was that the explosion, that is, detonation, of a large amount of high explosive against the side of a battle ship would destroy the vessel. His plan, therefore, was to fire a large projectile containing, say, 500 or 600 pounds of gun cotton and cause it to explode at the instant of impact against the target. If the target was made as nearly as possible of the strength of the side of a battle ship, it would be destroyed.

His theory was that upon explosion the forces generated would act in the direction of the line of fire.

The theory of the Army and of the Navy is to pierce the armor first and explode afterwards.

From the following correspondence between the inventor and the Chief of the Bureau of Ordnance of the Navy Department the view of that Department clearly appears:

THE RALEIGH,
Washington, D. C., September 29, 1897.

DEAR SIR: Referring to conversation with you, and in furtherance of the experiments to settle the advisability of throwing large quantities of high explosives from powder guns, we desire to submit the following:

We wish to try the effect of detonation of varying quantities of gun cotton upon nickel-steel armor plates, to ascertain the quantity probably required to put a battle ship out of action. Reflection has convinced us that we need not start below a 6-inch plate and, therefore, that the experiments need not be numerous nor prolonged. It would probably take in all not over 1,000 to 1,500 pounds of gun cotton, a good part of which is in hand in connection with these experiments.

We submit herewith drawings of a gun, which we present as an arm for the now unused monitors, capable of throwing a charge of 600 pounds of air-dry gun cotton, with a velocity of 1,500 to 1,600 feet per second, thus cheaply utilizing these now practically useless vessels and making them gigantic engines for coast or harbor defense.

We assume in this that while a few experimental shots have yet to be fired, you do not doubt that the Gathmann safety fuse and system of firing have been so exploited as to render it certain that practically unlimited charges of wet gun cotton can be safely fired and detonated upon impact, the only restriction being the caliber of the gun.

We can also quite appreciate the grave responsibility incurred in changing either the guns or ammunition upon vessels now in commission constructed upon certain rigid lines. We have, therefore, thought that you might favorably entertain the proposal to man these monitors, and possibly other special vessels, such as the *Vesuvius* and *Kathadin*, with guns made after such plans as we submit, leaving the greater question to be settled after more complete experience.

We would call your attention to the fact that the weight of the guns, as per plan, would be less than 22 gross tons, light enough to be substituted for the obsolete guns now on board the monitors.

Very respectfully, yours,

LOUIS GATHMANN.
G. W. McMULLEN.

Capt. CHARLES O'NEIL,
Chief of Bureau of Ordnance,
Navy Department, Washington, D. C.

To this proposition Admiral O'Neil made the following explicit and conclusive response:

DEPARTMENT OF THE NAVY, BUREAU OF ORDNANCE,
Washington, D. C., October 14, 1897.

SIR: The receipt is acknowledged of your communication of the 29th ultimo relative to making experiments by detonating varying quantities of gun cotton upon nickel-steel armor plates to ascertain the quantity probably required to put a battle ship out of action, etc.

The Bureau is of the opinion that the problem can not be solved in the manner you suggest, because it is not practicable to reproduce by means of a projectile fired from a gun against a vessel at ordinary firing range the action due to the detonation of a mass of gun cotton in close contact with a plate at the proving ground. Therefore the Bureau does not believe that any useful purpose would be served by carrying on expensive experiments of such a character.

With reference to paragraph 2 of your letter, presenting drawings of a proposed gun for use in the old monitors, to throw projectiles carrying 810 pounds of gun cotton with a velocity of 1,500 feet per second, and to the succeeding paragraph in your letter, which reads, "We assume in this that while a few experimental shots have yet to be fired, you do not doubt that the Gathmann safety fuse and system of firing have been so exploited as to render it certain that practically unlimited charges of wet gun cotton can be safely fired and detonated upon impact, the only restriction being the caliber of the gun," the Bureau replies that it can not recommend or approve of the system to which you refer for naval use.

Moreover, you are incorrect in assuming that the Bureau does not doubt but that by the Gathmann system it is certain that practically unlimited charges of wet gun cotton can be safely fired and detonated upon impact. The Bureau has not sufficient confidence in it to the extent of being willing to recommend its adoption on any scale for naval purposes.

While it is true that a few shells of comparatively small caliber containing wet gun cotton and fitted with the Gathmann safety fuse have been safely fired from a short gun of old type with moderate velocities, the Bureau is not aware of any case in which the shell charge was detonated on impact, nor is it conclusive evidence that because a few pounds of wet gun cotton have been safely fired an immense projectile, 7 feet 6 inches long by 17.2 inches diameter, to carry 810 pounds of gun cotton, and weighing complete 1,879 pounds, such as is submitted in your drawing, could be fired with safety.

The gun proposed, of 36 feet 9 inches in length and weighing approximately 22 tons, could probably not be mounted in the turret of one of the old monitors, nor is it likely that proper loading arrangements could be effected for so large and heavy a projectile in the limited space available in vessels of the monitor class.

The Bureau has no funds available for further experiments with the system, and can therefore make none, nor is it considered desirable to do so.

In carrying on the experiments with the Gathmann system, the Bureau has endeavored to carry out the views of the inventor to the best of its ability.

Respectfully,

CHARLES O'NEIL,
Chief of Bureau of Ordnance.

Messrs. LOUIS GATHMANN and G. W McMULLEN.

Next we find a joint board of Army and Navy officers giving expression to a well-considered but unmistakable opinion, as follows:

Proceedings of a joint board of Army and Navy officers convened by orders from the War and Navy Departments, upon request of the Chief of the Bureau of Ordnance, Navy Department, a copy of whose letter to the Secretary of the Navy is appended and marked "A."

WASHINGTON, D. C., *July 14, 1898.*

The board met in the office of the Board of Ordnance and Fortification at 10.30 a. m. the 14th instant.

Mr. Louis Gathmann requested permission to appear before the board to present the claims of the Gathmann shell for high explosive charges. Mr. Gathmann presented, in the form of a letter, to the board his claims for his system. A copy of this letter is appended and marked "B."

The board carefully reviewed the experiments made by the War and Navy Departments up to date, and finds that for service guns and service projectiles the subject of the use of a high explosive for shells has made satisfactory progress, and that shell charges of gun cotton in a certain form, and weighing less than 35 pounds, can be projected safely from a high-power gun with maximum pressures and velocities.

Promising experiments have been made in projecting such bursting charges through armor plate and detonating the charge behind the plate, but the experiments have not sufficiently advanced to warrant the statement that it can in all cases be done successfully when the armor plate is materially increased in thickness as compared with the projectiles.

The board is of the opinion that the experiments made with special shell to be used in service guns or in a special type of gun have not been sufficiently successful to warrant the introduction into the services of such a shell or gun.

As the system devised by Mr. Gathmann has been brought before the board by his action, and since it has been experimentally tested at both of the Government proving grounds, and the members of the board are familiar with the experiments, it is considered proper and pertinent to record its opinion that the Gathmann system, even if successful, would have a limited field of action as compared with modern ordnance, and the tests thus far made with this system have not shown results that warrant any further expenditure by the Government in its development.

Very respectfully,

A. R. COUDEN,
Commander, U. S. N., Senior Member.
KARL ROHRER,
Lieutenant-Commander, U. S. N., Member.
FRANK HEATH,
Captain, U. S. A., Member.
GEORGE MONTGOMERY,
Lieutenant, U. S. A., Member.

The SECRETARY OF THE NAVY.

[Indorsement.]

DEPARTMENT OF THE NAVY,
Bureau of Ordnance, August 10, 1898.

Respectfully returned to the Department.

The Bureau concurs in the within opinion that the experiments made with special shell to be used in service guns, or in a special gun, have not been sufficiently successful to warrant the introduction into the Army or Navy of such a shell or gun.

In the Bureau's opinion, the tests thus far made, both at Indian Head and Sandy Hook, clearly show that the system proposed by Mr. Gathmann has not been developed to a point justifying its service use, and even were the merits of the system such as to render its adoption desirable after it has been completely developed, the fact that some $75,000 Government money has already been expended with no better results seems to the Bureau to afford sufficient reason for not proceeding further in this direction, and it is believed that should it ever be found desirable to use shells of large capacity loaded with a high explosive, instead of with gunpowder, it would be better to use shells of ordinary form rather than those of the Gathmann design, even at the expense of a slight reduction in the weight of the explosive carried.

The actual tests made with Mr. Gathmann's projectiles have been failures in almost every case, and it may be fairly said that the only useful result attained by so large an expenditure of money in experiments with the Gathmann shell has been the proof that the destructive effects of very large quantities of gun cotton against structures is vastly less than has been commonly supposed.

CHARLES O'NEIL,
Chief of Bureau of Ordnance.

GATHMANN 18-INCH GUN.

A letter from the Chief of Ordnance, dated December 30, 1898, to the Secretary of War and inclosure therein are quoted herewith in full:

Referring to verbal communications from the representatives of the Gathmann Company, with reference to an allotment of $200,000 for the purchase and manufacture of two guns on the Gathmann system, of 18-inch caliber, I have the honor to report as follows:

On January 25, 1898, the Board of Ordnance and Fortification made an allotment of $2,750 to enable the Chief of Ordnance to make certain tests with Gathmann projectiles and fuses to be fired from 8-inch service guns. This recommendation having been referred to the Chief of Ordnance for remark was returned to the Secretary of War with a report on the subject, a copy of which is inclosed.

The report in general pointed out the fact that extensive experiments and tests had been made by the Navy Department under an appropriation of $50,000 for the Gathmann system; that after test that Department did not consider the projectiles adapted for use with guns fired at a low angle, or even if fired at a high angle under low velocities carrying very large charges of gun cotton. In view of this fact, then, the Chief of Ordnance recommended that the experiment be not carried out.

On March 30 the Secretary of War directed that the Chief of Ordnance make an estimate of from $15,000 to $20,000 to be obtained from the allotment of $50,000,000 appropriated for national defense to test the Gathmann system of high-explosive projectiles. After considering the matter with the representatives of the company an estimate was made for $18,020, which was allotted.

Subsequently the sum of $1,980 was obtained from the same appropriation for these experiments, making the total amount allotted $20,000. With this allotment experiments have been conducted at Sandy Hook to test the system, and on June 30, 1898, the commanding officer of Sandy Hook proving ground made a full report of the experiments up to that time.

At the request of the Secretary of the Navy a joint board of Army and Navy officers was directed to meet in Washington to consider the subject of the Gathmann system, and Mr. Louis Gathmann requested permission to appear before the board and presented to it a letter giving the claims for his system.

This board, consisting of two Navy officers and two Army officers, reported, among other things, as follows:

"As the system devised by Mr. Gathmann has been brought before the board by his action, and since it has been experimentally tested at both of the Government proving grounds, and the members of the board are familiar with the experiments, it is considered proper and pertinent to record its opinion that the Gathmann system even if successful would have a limited field of action as compared with modern ordnance, and the tests thus far made with this system have not shown results that warrant any further expenditure by the Government in its development."

Notwithstanding the report of this board, however, further experiments were made at the Sandy Hook proving ground, the latter being made principally with a view to testing Mr. Gathmann's fuse.

In view of all the facts stated this Department would not recommend the expenditure of any further sums of money for the test of this system on which the Government has already expended about $70,000 without, in the opinion of those who are familiar with the experiments, results of a satisfactory nature.

If, however, it should, in the opinion of superior authority, be determined that further trial should be made, it is recommended that not more than one gun be built originally, and that if it is to be built the material may be procured by the Ordnance Department by advertisement in the usual manner, and that the finishing and assembling of the piece may be made under direction of the Ordnance Department, either at one of the gun-manufacturing establishments (probably the Bethlehem Iron Company) or else at the Army Gun Factory.

The material should be of the best obtainable, and that can be procured best under Government specifications and under the supervision of inspecting officers of the Ordnance Department. In this way it is believed that the total cost of procuring the material and finishing and assembling one of these guns will be much less than the amount indicated by the representatives of the Gathmann Company.

[Inclosure to the foregoing letter, dated February 8, 1898.]

In connection with the recommendation of the Board of Ordnance and Fortification that an allotment of $2,750 be made for the Chief of Ordnance to purchase Gathmann projectiles, etc., returned herewith, I have the honor to submit the following report:

The Gathmann system of high-explosive projectile was tested last year by the Bureau of Ordnance of the Navy Department under an appropriation of $50,000 therefor made by Congress in the act approved July 10, 1896.

The Navy Ordnance Bureau tested the Gathmann projectiles by firing from an 8-inch M. L. R. gun and an experimental 12-inch rifle and by explosions at rest and against armor plates. The design underwent a number of modifications during these tests for its development.

In the first firings from the 12-inch rifle, three out of four of the projectiles broke up in the gun or in flight. The projectile was then strengthened. The projectiles, in these trials, were filled with water instead of gun cotton. One round was fired from the experimental 12-inch gun with the shell charged with 307 pounds of gun cotton and 35 grains of fulminate in the fuse. This projectile exploded in the gun, destroying the gun.

In subsequent firings from the 8-inch gun, and also in the explosions at rest, the fuse not infrequently failed to function properly, no detonation being produced. Only three rounds with shell charged and fused were tried, and in none of these was the gun-cotton charge detonated. The explosion against plates produced no material damage. The pressure in either gun did not exceed 9 tons, the velocity did not exceed 1,700 feet, and generally both pressure and velocity were below those figures. The projectile broke up on striking the butt.

The numerous trials of this projectile and the expenditure of the large sum of money mentioned by the Navy Department did not result in a recommendation of its adoption for service.

In design, the projectile admits, it is claimed, of carrying safely a larger charge of gun cotton for a given weight than other known types, the only limit in this respect being the safe pressure to which gun cotton can be subjected under firing conditions of suddenly applied pressure. Whether this pressure was exceeded in the case of the 12-inch gun, or whether the premature explosion was due to a defective fuse, or breaking up of the projectile in the bore, has been disputed; but it is the opinion of the Navy Department that these projectiles ought not to be subjected to the high pressures employed with full service charges.

As these projectiles break up upon impact, they would have little or no penetration; and the effect of the high explosive charge upon an armor plate would, it is believed, be largely wasted. The Navy Department does not consider this projectile adapted for use with guns fired under a low angle or having a flat trajectory.

These facts are submitted to the Secretary in order that he may determine whether it is worth while to continue the experiments of the Navy Department with this projectile, which would appear to be the direction indicated by the recommendation of the board. In any case this Department would not wish to have the projectile tested in any of the new steel guns, or in any gun, if high pressures are to be employed for propelling the projectile.

On March 1, 1901, Congress made a further appropriation, as follows:

To enable the Secretary of War to make a comparative test of destructive energy between the Gathmann torpedo gun, now at Sandy Hook, and the army 12-inch service rifle, such tests to be made against two similar targets representing the side construction of the latest type of battle ship, each of said structures to be faced with a kruppized armor plate 8 feet by 16, and 12 inches thick, and at least ten shots to be fired from the Army rifle against one structure and one or more Gathmann torpedoes against the other; for the erection of the structures and the purchase of materials, armor plates, ammunition, mount for the torpedo gun, and other necessary expenses of such test, $50,550.

A report of the tests made, dated November 29, 1901, by a joint board of Army and Navy officers, is found in Senate Document No. 53, and is quoted in full. I hope it will all be read by such persons as may be interested in this subject. It is most informing and free from mere technical details.

NEW YORK ARSENAL, N. Y., *November 29, 1901.*

SIR: The act of Congress (Public No. 113) approved March 1, 1901, appropriated $50,550 to enable the Secretary of War to make comparative tests of the destructive energy between the Gathmann torpedo gun, now at Sandy Hook, New Jersey, and the 12-inch Army service rifle, such tests to be made against two similar targets representing the side construction of the latest type of battle ship, each of said structures to be faced with a kruppized armor plate 8 feet by 16 feet and 12 inches thick, and at least 10 shots to be fired from the Army rifle against one structure and one or more from the Gathmann torpedo gun against the other. This test was conducted by a joint board of officers of the Army and Navy appointed by Special Orders, No. 252, dated Headquarters of the Army, Adjutant-General's Office, Washington, October 26, 1900.

The targets were constructed by the Navy Department. The plates were 16 feet long by 7½ feet wide and 11½ inches thick. They each weighed 47,000 pounds.

The target structures were similar in all respects, and each actually represented a section of the side of the latest type of battle ship, but the structures themselves lacked the support of the adjacent armor plates and of the surrounding frames, beams, and decks that make up the whole structure of the ship, it being impracticable to exactly simulate a battle ship on so small a scale. It is considered, however, that the character of these experiments was sufficient from which to make conclusive deductions as to the effect upon a battle ship when similarly attacked.

This test being for the purpose of comparing the destructive effect of two systems of attack, it will lead to a better understanding of the results to briefly describe the object of each system.

By the Gathmann system it was proposed to detonate a large quantity of gun cotton against the side of an armored vessel without any attempt at penetrating the armor. It was claimed by the promotors of the system that the volume of gas produced by the explosion could be made to expend its force against the armor, and on the effect of this force the destructive energy of this system depended. It was claimed that a single shot would destroy a battle ship.

The method used in the 12-inch Army service rifle contemplated, first, penetration of the armor, and then the detonation of a high explosive contained in a thick-walled projectile. Thus there is involved the destruction of the armor, of the structure of the vessel, of the armament and interior mechanism, and of the personnel.

Of necessity the targets were set up on shore. Is was impracticable to place the targets at distances from the guns of more than a few hundred feet, consequently it was necessary to use such firing charges as would give to the projectiles velocities on striking the plates such as they would have had if they had been fired with larger charges and at greater distances from the targets. Thus the firing of both guns was conducted at simulated ranges.

The board accepted the recommendation of the Ordnance Board, United States Army, as to details of projectiles and charges to be fired from the Army rifle, these details being based upon the use of the present type of 12-inch gun, and without consideration of the greater power of the latest adopted type of this caliber.

The board accepted the statements of representatives of the Gathmann Company as to the weight of charge to produce the desired striking velocity. The simulated ranges as given, however, are computed from the actual results obtained from firing in the third round a full charge of powder, as designated by the Gathmann Company. The company protested against firing shots at either target at simulated ranges less than 7,000 yards. But the board overruled this protest, it being considered that such a test would not give conclusive results as to the comparative destructive effect of the two weapons. This action was not considered unfavorable to the claims of the Gathmann system, since in a written communication from the company its president stated that "even should the range of 7,000 yards be deemed extreme, it can not be disputed that a weapon effective at that range would be more so at a shorter one."

Representatives of the Gathmann Company were consulted before each round as to the details of loading and firing, and in each case expressed themselves as being satisfied with the conditions.

THE GATHMANN TEST.

Round 1.—A Gathmann projectile weighing 1,834 pounds, including 497 pounds of wet gun cotton, struck the center of the plate at a velocity of 1,650 feet per second, corresponding to a range of 2,709 yards. The energy of impact due to the mass of the projectile was 34,610 foot-tons. The gun cotton in the shell detonated on striking the plate. The plate was dished in the center 1½ inches on its major axis and one-half inch on its minor axis and was slightly flaked at the point of impact. In other respects the plate was uninjured. The tap bolts securing the top plate of the armor were sheared; the bracket plates of the cellular structure in the rear of the frames were buckled about 4 inches; a 3-inch plate which had rested, unsecured, on wooden sleepers in the sand, in front of the plate, was moved away and the edge next the plate was pushed downward 9 inches into the sand. The backing, the frames behind the armor, and the wooden uprights against which the whole rested were practically uninjured save for the shearing of a few rivets. Had this projectile struck the belt armor of a battle ship, which the target represented, it would not have endangered the vessel.

Round 2.—A Gathmann projectile weighing 1,839 pounds, including 507 pounds of wet gun cotton, struck the right center of the plate with a velocity of 1,650 feet per second, corresponding to a range of 2,709 yards. The energy of impact was 34,700 foot-tons. The gun cotton in the shell detonated on striking the plate. The effect of this impact on the plate and on the structure behind the plate was similar to that of the preceding round. The plate, the backing, the frames behind the armor, and the wooden supports against which the whole structure rested remained practically uninjured. The bracket plates forming the sides of the cofferdam behind the framing were still further buckled, allowing the right-hand edge of the plate to be moved 2 feet 9 inches in the rear. The left-hand edge was sprung back to its original line. The whole structure was moved 13 inches to the right. The plate being practically uninjured, it is obvious that no harm could have come to the personnel, armament, or the interior mechanism of a vessel. It being evident also that neither of these rounds would have so far injured the structure of a ship as to endanger its buoyancy, it was decided to fire a third shot at a maximum velocity and point-blank range in order to determine if it were possible to inflict any damage whatever upon the plate by this system of attack.

Round 3.—A Gathmann projectile weighing 1,840 pounds, including 514 pounds of wet gun cotton, struck the center of the plate with a velocity of 1,970 feet per second, corresponding to point-blank range. The striking energy was 49,500 foot-tons. As a result of this impact there was a vertical through crack 8 feet distant from this point of impact, extending through a row of bolt holes and through the place struck in the preceding round. In other respects the effect on the plate was as in the former rounds.

The backing, the skin plates behind the backing, and the wooden supports against which the structure rested were slightly displaced. The left-hand edge of the plate was thrown backward about 15 inches under the top plate. The bottom left-hand side of the plate was shoved back 4 feet. The whole structure, including the wooden supports against which the section rested, was revolved to the left about 30 degrees. The top layer of deck plating was detached and thrown to the rear on top of the sand butt about 10 feet. The metal structure behind the armor on left-hand side of the target collapsed.

It is evident that had this shot struck the belt armor of a battle ship it would have resulted in no injury to the interior mechanism, the armament, or the personnel of the vessel and would not have seriously menaced its buoyancy. While the target structure was very much damaged by the accumulated effect of the pounding resulting from these three shots striking with a total energy of 119,000 foot-tons, neither shot in itself would have endangered the buoyancy of a battle ship or have wrought serious local damage.

With the idea of determining whether the effect on the target of the impacts of the three preceding rounds was due to the detonation of the gun cotton or to the striking energy of the mass of the projectile, it was suggested by the Gathmann Company that the fourth empty shell be filled with sand and fired at the target. An examination of the target, however, showed that the true effect of the energy of such an impact could not be obtained, owing to the then condition of the target. A just comparison between projectiles, loaded one with gun cotton the other with sand, could only be made by firing each at new and like targets.

12-INCH ARMY SERVICE RIFLE.

Round 1.—An armor-piercing shot weighing 1,001 pounds and 7 ounces, including 19 pounds 7 ounces of Army high explosive, struck the center of the target with a velocity of 1,800 feet per second, corresponding to a range of 4,400 yards. The striking energy was 22,500 foot-tons. This shot penetrated the plate and was detonated just in the rear. The backing, the skin plates, frames, and cofferdam plates were completely demolished in the line of this impact. The crater formed in the sand butt in the rear of the structure measured 15 feet by 6½ feet. Pieces of the plate and projectile passed through the structure, through the butt, and were recovered at distances of 150 to 200 feet in rear of the butt. The rivets in the top plate were sheared, the side plates of the cofferdam were buckled about 3 inches, and the plate was forced back bodily about three-fourths of an inch. It is evident that had this shot struck a battle ship, it would have wrought serious damage to the vessel.

Round 2.—An army 12-inch armor-piercing shot weighing 1,006 pounds, including 23 pounds of Maximite, struck the right center of the plate with a velocity of 1,804 feet per second, corresponding to a range of 4,400 yards. The striking energy was 22,500 foot-tons. The shot detonated in the plate, completely wrecking the right-hand portion and demolishing the frames behind the armor and the plates of the cofferdam. It is evident that had this shot struck a battle ship it would have wrought serious injury to the vessel.

Round 3.—A 12-inch armor-piercing shell weighing 1,045 pounds, including 60 pounds of army high explosive, struck the lower left-hand center of the plate with a velocity of 2,073 feet per second, corresponding to a range of 1,880 yards. The striking energy was 51,100 foot-tons. The shell penetrated and detonated in the plate. As a result of this impact the plate was totally wrecked and the backing, frames, beams, and cofferdam plates of the structure were completely demolished. An opening was made through the plate 4 feet wide by 8 feet long.

The lower left-hand quarter of the armor plate was broken into six large fragments and numerous small ones, the largest being about 4½ feet square, which, with the backing and skin plates, was torn loose from the structure and turned inward, so that the left-hand edge of this fragment was in the plane of the original face of the plate. One large fragment about 2 feet by 2½ feet by 11½ inches, and weighing about 2,500 pounds, was hurled through the target, through the butt, and was recovered 135 feet in the rear of the butt. Numerous fragments of the plate and projectile passed through the target structure, through the butt, and were recovered in the rear. The effect of this shot would have resulted in serious injury to a battle ship.

The act of Congress required that at least ten shot should be fired from the army rifle against one structure, but the annihilation of the structure by the three rounds made it impracticable to comply with this mandate.

The results of these experiments give a fair illustration of the effect that can be produced by each system. The separate effect of each round and the accumulated effect of the three rounds from the Army service rifle was, in each and every instance, superior to that from the Gathmann gun.

After a careful consideration of the effect of the various impacts on the respective targets of the Gathmann gun and the 12-inch Army service rifle, the board finds that none of the impacts from the Gathmann gun would have endangered a modern battle ship; that the Gathmann system is not effective as a means of attacking armored vessels, and that any one of the shots from the 12-inch Army service rifle would have wrought serious injury to a modern battle ship as regards its buoyancy, the interior mechanism, the armament, and the personnel.

It may be said in this connection that the destructive effect of the 12-inch Army service rifle surpasses anything hitherto obtained from any gun, as far as this board has knowledge or as the records show.

In considering the value of the two guns, not only must the destructive energy be taken into account, but their respective merits with reference to range and accuracy. From the experiments just completed it is found that the 18-inch gun which fires the Gathmann projectile has a velocity of less than 2,000 feet per second. The Army 12-inch rifle which was used in the test has a velocity of 2,300 feet per second, and the latest type adopted by the War Department has a muzzle velocity of 2,650 feet per second. Both in initial and sustained velocities the 12-inch Army service rifle of both models is so far superior as to give at all ranges a very much greater probability of hitting, and the remaining velocity at 4 miles is sufficient to perforate the heaviest armor now being put on battle ships.

There is nothing in the Gathmann system to recommend its adoption in the public service of the United States, or to warrant further experiments.

Photographs of the guns and targets and showing the effects of the various rounds, together with the detailed records of firing and of the results of the impacts, are appended to this report.

JOHN G. D. KNIGHT,
Major, Corps of Engineers, U. S. A.
R. BIRNIE,
Major, Ordnance Department, U. S. A.
JOHN P. WISSER,
Captain, Artillery Corps, U. S. A.
JOS. STRAUSS,
Lieutenant, U. S. N.
CLELAND DAVIS,
Lieutenant, U. S. A.

The CHIEF OF ORDNANCE, U. S. A.,
Washington, D. C.

[First indorsement.]

OFFICE OF CHIEF OF ORDNANCE,
Washington, December 2, 1901.

Respectfully submitted to the honorable the Secretary of War.

As this test has afforded the first occasion for the demonstration to others than the officers of the Ordnance Department, who have been concerned with their development, of the power of the explosives used with the 12-inch army rifle, it appears pertinent to invite attention to the cardinal points of the achievement, namely, the development of explosives:

Sufficiently insensitive to be fired with safety from high-power guns with full charges.

Sufficiently insensitive to withstand the shock of impact against heavy armor plate.

Sufficiently powerful to produce as great shattering effect as is desired.

The development of a detonating fuze which is capable of being fired with safety from high-power guns with full charges; which is sufficiently powerful to cause the realization of the full force of the explosive; which, set in action by the impact of the projectile, produces detonation after sufficient delay to insure penetration and the greatest destructive effect both upon and behind the plate.

WILLIAM CROZIER,
Brigadier-General, Chief of Ordnance.

These formal words of an official report do scant justice to the really dramatic features of this competitive test of the Gathmann gun and shell and the Army service gun and projectile.

The splendid efficiency of the technical arms of the Army and Navy was never so graphically exhibited, and one must examine the various photographic illustrations attached to the report of the officers in charge of the test to appreciate how apparent and overwhelming is the superiority of guns and projectiles now in the Government service.

I ought not to leave the discussion of the Gathmann case without acknowledging the plausibility and attractiveness to the layman of the Gathmann theory. It is not difficult to believe that the detonation of 500 to 1,000 pounds of such a powerful explosive as gun cotton against the side of a war ship would work great damage if not absolute annihilation to the vessel. Our Army and Navy experts said it would not. The Chief of the Bureau of Ordnance of the Navy, in a memorandum prepared for the Senate Committee on Naval Affairs, said:

Persons unfamiliar with the action of the present type of projectiles, charged with unpowder, are apt to underrate their power of destruction, and also to overestimate that of wet gun cotton. It is a fact that wet gun cotton is a more powerful explosive by far than ordinary gunpowder, but, exploded in the air, it is by no means as powerful as generally supposed. If confined, its action is exceedingly violent, and a small quantity exploded in the bore of a gun would ruin it, and a large charge, under such conditions, would probably completely wreck a gun, turret, and possibly fatally injure a vessel herself, whereas an ordinary shell charged with gunpowder may break up and explode in a gun with no injury to it, perhaps, beyond disfiguring the rifling.

It is generally recognized that if it is desirable to throw high explosives at all it should be done on a large, or at least on a moderately large, scale; and herein lies the danger, that if a premature explosion of the shell charge should take place while it was still in the gun the destruction to life and property would be appalling. It is well enough for inventors and persons who have no responsibility in the matter to say that an accident can not occur, but unfortunately accidents with explosives do happen every now and then from most unexpected causes. No amount of vigilance on the part of an inspector might be able to detect a fatal flaw in the metal of which a shell was made and which might cause its destruction in the bore of a gun, nor in the present state of the art of powder making can it be guaranteed that an expected pressure in the chamber of a gun will not be exceeded.

Since the event so fully settled the controversy perhaps it was worth all it cost.

It can not be doubted, and ought not to be, that all of the inventors interested in the several devices above referred to were, and in some instances still are, honestly of the belief that their inventions were novel and of great practical value, and that the Ordnance Department was in error in refusing to adopt them. This is not strange or discreditable. The ordnance officers are not infallible, and the rosy hue which every inventor gives the product of his own mind has, in each instance, led to the conviction that in his case the fallibility of the Ordnance Department is apparent.

Their inventions had in them enough merit to require the most rigid inquiry of trained men and sufficient promise to captivate the judgment of laymen. And so it has come about that we have frequently set up our judgment against those whose judgment, in technical matters, we ought to follow.

THE BROWN SEGMENTAL WIRE TUBE GUN.

As the subject of the Brown segmental tube wire gun has been mentioned in terms such as to indicate that there is ground for dissatisfaction on the part of the representatives of this system of gun construction with the Ordnance Department, it is believed that a brief account of the dealings of these representatives with that Department is pertinent.

In 1894 a gun of this design was presented by the manufacturers and tested by the Ordnance Department at the Sandy Hook proving ground. At the one hundred and ninety-second round the gun failed; the failure consisting of the rupture of the lining tube in two places, the cracks being about 12 inches long and one-fourth of an inch wide, the breaking in two of one of the staves, and the blowing of a hole through the wire envelope. In previous rounds certain high pressures had been attained, as follows: Eleven between 50,000 and 60,000 pounds per square inch, 3 between 60,000 and 70,000, and 1 of 82,500 pounds. These high pressures are no greater than service guns have frequently endured without injury. This gun did not endure them but gave way, as shown by the result, after 192 rounds. A gun of this caliber should have endured five times as many. The testing board reported as follows:

The board is also of the opinion that no information could be obtained by further test of this gun of sufficient importance to justify the expense required to put it in serviceable condition.

The report was signed by Maj. Frank H. Phipps and Capt. Frank Heath, Ordnance Department.

Subsequently and notwithstanding the above-described result of the test of this experimental gun, the Board of Ordnance and Fortifications allotted the sum of $33,000 to procure a 10-inch Brown segmental wire breech-loading rifle. The Secretary of War remarked as follows upon this allotment:

The evident purpose of the House Committee on Appropriations, as appears by its proceedings in connection with the increased appropriation for the Board of Ordnance and Fortifications, was to direct the test of this principle of wire-wound gun construction.

I am therefore constrained to withhold my disapproval of the action of the Board of Ordnance and Fortifications in this matter.

With the foregoing exception the within proceedings are approved.

DANIEL S. LAMONT,
Secretary of War.

This action was taken on December 5, 1896, and a contract for the construction of the gun was entered into by the War Department with the trustees of the Brown segmental tube wire gun. The contract provided that the gun should be completed by June 19, 1886.

In the spring of 1898, before the completion of the 10-inch gun, upon the recommendation of the Major-General Commanding the Army, the Secretary of War directed the Chief of Ordnance to contract with the same parties for 25 5-inch and 25 6-inch wire guns. The Chief of Ordnance counseled against the making of the contract, but was overruled, and in accordance with instructions from the Secretary of War a contract was entered into on May 18, 1898, which stipulated that the first gun and mount

should be delivered in three months from the date of the contract, and 4 guns and mounts should be delivered per month thereafter, these stipulations being in accordance with the proposition of the company. The Chief of Ordnance stated at the time of executing the contract that it was his belief that the trustees were not prepared with either drawings or plant to execute the work in accordance with the contract. The first gun was presented for test in the spring of 1899, and the first round of the test was fired on March 8, 1899, over nine months after the date of the contract.

In constructing the gun the trustees had departed from the design of the original experimental gun by discarding the wedge-shaped staves of which the tube was formed and replacing them by strips of sheet steel, assembled so as to envelop the lining tube and thus to simulate a little more closely than the staves a tube of solid metal. Upon the test of the gun a disagreement arose between its representatives and the Ordnance Department, the latter maintaining that the test was not conclusive, in that certain distortions of the bore had taken place which, in view of the peculiar and untried construction, did not warrant the acceptance of the type represented for adoption in the service without further test. The Chief of Ordnance upon this point remarked as follows:

In view of all the facts, while it may be held that the terms of the contract have been met, yet it is recommended that 100 additional rounds be fired from the type 5-inch gun at the expense of the Department, using pressures conforming more nearly to the pressures that will be incurred in service, in order to fully test the system and to give the manufacturers any further information that may be thereby developed, to enable them to suitably modify the remaining guns to be delivered, such modifications to be made without additional expense to the Department, the acceptance of the guns to remain in abeyance until after this additional test has been made.

These conditions were objected to by the company; the type gun was not presented for further test; no 6-inch guns whatever were completed, and on January 17, 1901, the contract was annulled by direction of the Secretary of War for nonfulfillment.

In the meantime the trustees had, at the instance of the War Department, employed certain experts to make theoretical computations in regard to the strength of the system and the strains which would be brought upon the component parts of the gun. The conclusion of the experts in regard to the most radical feature of the system—the segmental tube—was that it would act in the structure as a solid tube; and they claimed that it would have over a solid tube, such as is used in guns of standard construction, certain economical advantages and the structural advantage of the possibility of its being made of better material than the standard tubes.

The segmental tube forms practically the only special feature of the design, and the claimed superiority of its material is practically the only advantage which it is maintained that this special feature embodies; but in the same paper in which these claims are made the material of the segmental tube of the gun submitted for test, and which is asserted by the trustees to be acceptably representative of their system, is stated to have a tensile strength of only 45,000 pounds per square inch, about that of good boiler iron and far inferior to that of the metal used in guns of standard construction.

The 10-inch gun which has been before referred to, and the contract for which was entered into December 31, 1896, was not delivered at the proving ground for test until some time in the early part of January, 1900, over eighteen months after it was due under the contract. At one of the early rounds the breech of the gun was blown off, the jacket in which the breech mechanism is housed being torn in two transversely. Permission was accorded to remove the gun and repair the damage, and it has not yet been returned to the proving ground.

This history shows that the interested parties presented a gun of radically novel features of construction; that the first gun failed under test, the circumstances being such that the Department held that the failure was absolute, while the promoters maintained that even in its failure the gun scored a triumphant success; that the promoters thereafter procured from the Government for the construction of a 10-inch gun upon the same system $33,000; that after much delay the test of this 10-inch gun was commenced, but was interrupted by the accident of the breech being blown off; that under the stress of the war with Spain a contract was entered into for a number of guns; that in constructing these guns the trustees departed from the system of construction previously used and submitted a gun of a different character of segmental tube; that the result of the test of this new and different construction was not considered by the Ordnance Department to be conclusive, and the offer was made to make such further test as would be conclusive without expense to the contractors; that this offer was not accepted, and that the contract was annulled for nonfulfillment.

THE ADOPTION AND MANUFACTURE OF SMALL ARMS BY THE ORDNANCE DEPARTMENT.

Occasional criticisms have appeared in print in reference to the deliberate attitude of the Ordnance Department in regard to the adoption and manufacture of certain ordnance supplies, particularly small arms. Reports and records since the civil war indicate, however, that the work of this Department has been characterized by determined and persistent efforts on the part of its officers in the development of such arms, and it appears that no sooner has a gun been adopted than new efforts have been made to improve it or, if necessary, to substitute for it another of satisfactory model.

The Springfield rifle, caliber .45, which reflected so much credit upon this Department, was selected in 1873 by a board of officers, of which General Terry was president. In recommending the "Springfield" single-loader this board expressed the opinion that the adoption of a magazine rifle was only a question of time, and that whenever an arm was devised which would be effective as a single-loader and possess a safely and easily manipulated magazine consideration of public policy would require its adoption. The manufacture of the Springfield rifle was hardly commenced before the Ordnance Department began to experiment with magazine rifles, and numerous boards of officers were convened from time to time, on the recommendation of the Chief of Ordnance, with a view to the adoption of a magazine arm for service.

Before 1890 the trials of the various magazine guns presented did not indicate the advisability of the withdrawal of the Springfield rifle, although they were undoubtedly of inestimable value in finally producing a suitable arm for service.

In connection with the determination of a proper magazine arm, attention was given to the subject of reduced caliber simultaneously with a movement in that direction in military circles abroad. The matter was complicated, however, by the lack of a satisfactory powder in this country, the desired velocity being accompanied by too great pressures, and for a time no substantial progress in the matter of a small-caliber rifle was made.

The Ordnance Department proceeded, however, with the manufacture of a .30-caliber rifle, to be ready when a satisfactory powder should be obtained. At this time the Chief of Ordnance stated that all effort to date had been abortive, and American powder makers and chemists had not awakened to the lucrative opportunity presented to them. In this year, 1890, however, the Chief of Ordnance, realizing the importance of substituting an efficient magazine system for the Springfield single loader, recommended that a board of officers be convened to select a suitable arm for the service after a full and free competition.

The change from the caliber .45 to the caliber .30 and the use of a long, narrow cartridge, necessitating the use of smokeless powder to give the proper velocity to the bullet without undue strain upon the barrel and breech, operated to retard the efforts of American inventors in perfecting their guns and delayed the presentation of their arms to the board. To assist inventors, the Department sold caliber .30 barrels and smokeless-powder cartridges at cost price for such experiments as they desired to make.

Probably nothing contributed more to delay the perfection of a magazine arm nor required more effort to overcome than the lack of a suitable smokeless powder in this country. In September, 1892, after an examination of 53 guns presented by American and foreign inventors, the board of officers above referred to recommended for adoption the magazine rifle now in service, which has given universal satisfaction in Cuba and the Philippines.

Preparations for the manufacture of the new arm and ammunition were carried on with dispatch, although for nearly a year after the adoption of the rifle no smokeless powder had been found suitable for service, and when all arrangements had been completed these rifles were manufactured at the rate of 100 per day, up to the date of the declaration of war with Spain, at which time the Army had been supplied with them and there was in storage a surplus of about 50,000 rifles and 14,000 carbines. The fact that the appropriations were hardly sufficient and the facilities at Springfield Armory no more than adequate to enable the Department to accumulate each year hardly enough rifles for 30 regiments can not be laid at the doors of the Ordnance Department. Chiefs of Ordnance had for years been inviting attention to the capacity of the Department for the manufacture of arms and recommending that a surplus be accumulated. General Benét, in one of his reports, says:

Our armories and arsenals fully stocked with war material, our fortifications well armed, and our militia well organized, armed, and equipped to march shoulder to shoulder with our small body of regulars, constitute the best peace offering we can present to the world. In the matter of preparation, economy during peace means extravagance in war. * * *

In 1895 particular attention was invited by the Chief of Ordnance to the desirability of increasing the facilities for manufacturing arms at the rate of 300 per day, but no change was made until funds appropriated at the beginning of the Spanish war permitted.

Another embarrassment at the beginning of the war was caused by the lack of facilities for manufacturing small-arms ammunition, to which the attention of Congress had been repeatedly invited. Had these been adequate it would not have been necessary

to issue "smoky" powder cartridges for the Springfield rifles in the hands of volunteers, since a satisfactory smokeless powder had been adopted previous to the war. When war was declared and increased appropriations became available, it was necessary for the first few months to concentrate all efforts on the manufacture of the .30-caliber ammunition, after which smokeless-powder ammunition, caliber .45, was manufactured and issued. This concentration on caliber .30 ammunition would not have been necessary had funds and facilities previously been provided to enable a considerable reserve of this ammunition to be accumulated.

Before concluding these remarks I desire to append a partial list of material in service in the Army, recommended and adopted by the Ordnance Department, but not invented by ordnance officers. Nothing could more clearly exhibit the just and patriotic spirit of our ordnance officers than this long and interesting list. Surely, the outside inventor has had a fair field if this list signifies anything:

Partial list of material in service recommended and adopted by the Ordnance Department but not invented by ordnance officers.

Present system of built-up gun construction.	Present system of slotted-screw breech mechanism.
Armor-piercing shot and shell.	Caps for armor-piercing projectiles.
8-inch converted rifle on Palliser system.	Parrott guns.
Piper gun.	Krag-Jörgensen rifle.
McKeever cartridge box.	Mills cartridge belt.
Knife bayonet.	Gardiner machine gun.
Gatling machine gun.	Colt automatic gun.
Maxim automatic gun.	Hotchkiss mountain gun.
Hotchkiss revolving cannon.	Scott telescopic sight.
Vickers mountain gun.	Replotting boards and relocators.
Sight for rapid-fire guns.	6-pounder Driggs-Seabury gun and mount.
15-pounder Driggs-Seabury gun and mount.	4.7-inch Armstrong R. F. gun and mount.
6-pounder American Ordnance Co.'s gun and mount.	4-inch Driggs-Schroeder gun and mount.
6-inch Vickers R. F. gun and mount.	Weldon range finder.
Magneto firing box.	Smokeless powder.
Base end and azimuth instruments.	12-inch Easton & Anderson mortar carriage.
Maximite.	5-inch carriage, pillar mounting.
Drift scale on small-arm sight.	McClellan saddle.
Artillery harness.	Cincha for cavalry and artillery.
Subcaliber tubes.	Horse equipment (recommended by mixed board of officers).
Carbine scabbard.	Cavalry forge.
Quadrant.	12-inch casemate carriage.
Meat can (recommended by mixed board of officers).	Electric control of disappearing gun carriages.
Service revolver.	Canister.
Hotchkiss fuse.	Hotchkiss projectile.
Morris tubes.	Copper rotating band on projectiles.
Borman fuse.	Archibald wheel.
Accles & Bruce feed for Gatling guns.	Freyre gas check.
Noble crusher gauge.	

The history of the past fourteen years is substantially but a repetition of the history of the last seventy-five years. It does not show that the work of the Ordnance Bureau is perfect, but it does show a record of unsurpassed devotion to duty and of solid accomplishment.

Some criticism of it has, no doubt, been justly directed at its work, but the suggestion that its members have consumed their energy in seeking to hold themselves in chapels of ease is not only unjust but absurd.

We have no better examples of brains and industry, of conscience and courage, than the Ordnance Bureau has furnished us.

Let us criticise when necessary, but let us not substitute for real intelligence and scientific knowledge our own ill-tempered and ill-advised condemnation.

The ordnance officers both in the Army and the Navy have met courageously and wisely the great technical and industrial questions which our modern development has forced to the front, and we may rest secure in the assurance that the glory of our military achievements, both in war and peace, will, in just proportion, be shared by the Bureaus of Ordnance.

Mr. GAINES of Tennessee. Before the gentleman takes his seat I would like to have him speak on the other branch of the remarks of the gentleman from Colorado.

The CHAIRMAN. I would suggest to the gentleman from Tennessee that there is no amendment before the House.

Mr. GAINES of Tennessee. Then I move to strike out the last word.

Mr. LIVINGSTON. I suggest that the gentleman on the right [Mr. TAYLER of Ohio] has the floor.

Mr. TAYLER of Ohio. Then I yield to the gentleman.

Mr. LIVINGSTON. How can you yield?

Mr. HEMENWAY. Oh, let it go.

Mr. GAINES of Tennessee. I hope the gentleman from Georgia will not prevent me from trying to get some information on this subject. I understood the gentleman from Colorado to state that the reason one of these committees was appointed was because the other committee was composed of a lot of men who had patents and that they unloaded those patents on the Government.

Mr. BELL. No; I never said that.

Mr. TAYLER of Ohio. He said that was a charge that was made.

Mr. GAINES of Tennessee. The gentleman states now that I misunderstood him, and I am glad that I did. I will ask the gentleman from Ohio if he knows of anything going to show the reason why the second ordnance committee or the second bureau was formed; that it was because the first bureau was not doing its duty?

Mr. TAYLER of Ohio. No; my understanding of the——

Mr. GAINES of Tennessee. As a committee composed of patentees who wanted to unload their product on the Government.

Mr. TAYLER of Ohio. Oh, there certainly was no such reason as that assigned by any responsible person, nor did any such ground exist. The Board of Ordnance and Fortification was very properly established by Congress and was composed of various representatives of various arms of the Army, with a civilian member, one member of the board being an officer in the Ordnance Department, not the Chief of the Bureau of Ordnance, however, necessarily. Sometimes it has been the chief, and sometimes the representative of that Department has not been the chief. Now, that Board, composed of representative persons from several arms of the Army, had presented to it the various claims of individuals who, presenting them to the Ordnance Department, might not think that they would get the fairest hearing and who would thus have a variety of counsel, and that Board would order experiments to be made with the devices presented from funds which Congress annually appropriates for the purpose.

Mr. GAINES of Tennessee. Now, did any member of that committee recommend the sale to the Government through that committee of any patent owned by any of them?

Mr. TAYLER of Ohio. Oh, no; not at all; not in any case.

Omnibus Public Building Bill—Post-Office at Springfield, Tenn.

SPEECH

OF

HON. JOHN W. GAINES,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, April 29, 1902.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 14018) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes—

Mr. GAINES of Tennessee said:

Mr. CHAIRMAN: During the last and at the present session of this Congress I introduced a bill to appropriate $20,000 to purchase a site and build a post-office building in the town of Springfield, Robertson County, Tenn.

The people of Springfield thought this amount was a modest request for a post-office building such as they want and need, and would be granted by Congress.

However, the Treasury Department, in reporting approvingly upon the measure, requested that an additional amount be appropriated, that office room, to wit, a second story, might be added to the proposed building for the use of the internal-revenue department at Springfield. The Treasury Department recommend an additional appropriation of $14,600, or a total of $34,600. The estimated cost of the building (with necessary equipments, all fireproof apparatus necessary) is $32,000, as stated in a letter of Secretary Gage to the chairman of the Committee on Public Buildings and Grounds, January 27, 1900.

I believe that a two-story building, one for the post-office and the other for the internal-revenue department, that would be entirely acceptable to the people of Springfield and the Government, can be built for less than $32,000, while, of course, we know that the internal equipments of the post-office can be made to cost much less (or much more) than is estimated by the Department and would be acceptable to all parties.

The amount of internal revenue annually collected "on property taxable and taxed in Robertson County is $202,463.19," as stated in letter to me from the collector of internal revenue at Nashville. This letter I have here and is dated January 4, 1901.

The Internal-Revenue Commissioner, in a letter to the Supervising Architect as of January 25, 1900, says:

The internal revenue collected from taxables in Robertson County "approximates $175,000 per annum," and adds, "I would therefore respectfully modify my statement in the letter referred to, and ask that two rooms, aggregating 800 square feet of floor space, be allowed for the internal-revenue office in the public building at Springfield, Tenn.

Respectfully,

G. W. WILSON, *Commissioner.*

So that while the people of Springfield would be satisfied with a building and site to cost (exclusive of furniture, of course) $20,000, the Internal-Revenue Department, or the Treasury Department, seeing the importance of having an internal-revenue office at Springfield, requests that an additional appropriation be made for that purpose.

In other words, the people of Springfield want a post-office, and the Treasury Department wants an internal-revenue office there. Both are sadly needed.

I have been informed reliably that some time in the last year or so the internal-revenue officer, while in Springfield, not having any headquarters or office in which to keep his stamps, carried them in his pocket and lost them on the street.

In addition to this, the postmistress at Springfield writes, in a letter to me of January 4, 1901, as follows:

I neglected to say that we have no iron proof vaults, burglar-proof safe—in fact nothing to place or deposit our funds, money orders, or stamps. We are forced by these circumstances to carry our funds, stamps, etc., at night after closing to the bank, where, by permission of the cashier, we can place them for the night in his vault.

So unsafe, discreditable and disgraceful I may add, to this great Government, is this miserable post-office building that the merchants and exporters of tobacco and liquors, who have a valuable mail, and the people generally, instead of depositing their mail in the post-office, carry it by hand and in wagons to the six mail trains that pass Springfield every twenty-four hours and deposit it on the trains.

This, of course, makes the gross receipts from the post-office at Springfield much smaller than if the mail was deposited in the post-office.

The gross receipts for the year ending June, 1900, the postmistress states, was "$3,237.18 and the net revenue turned over to the Government annually is $1,440.42." The postmistress states, and the official records show, that "the total cost for rent, light, and fuel per year for this old shack of a post-office is $185.57," yet the Government collects from the people in this county, "from the taxables in this county," annually, and have for the last twenty years, from $174,000 to $200,000 internal revenue.

And yet it seems because the revenues from this post-office are so small—the population of Springfield being only about 1,900 (that is, within the technical limits—with from 3,000 to 4,000 in the technical limits and the suburbs combined)—that no appropriation has been provided for in this bill to erect this building.

I have explained why the gross recipts are so small—the people take their mail to the train—yet here is this great Government of ours, that has been gathering about $200,000 for the last twenty years, or about $4,000,000, from the taxables in this county, and yet because the revenues are small and the population is small this post-office matter must be and is ignored by the committee that reports this bill.

The postmistress thus further describes this building:

It is in a very bad condition. It is an old frame building, undesirable in appearance, badly located, improperly ventilated, and poorly lighted. There is an old cellar under the building, which has been partly filled up, but water still stands in it, thus rendering the room unhealthy. The lobby is entirely too large, ungainly in appearance, poorly lighted, heated, and ventilated. Our cabinet extends only about two-thirds of the way from the floor to the ceiling, and when I or my employees are out of the office we have to lock all the doors, so that when this is done the lock-box renters can not get to their boxes. The lock boxes can only be reached when the doors to the lobby are open.

In addition to this poor excuse for a building, it is the best that can be had at this time (unless a new one is built by the Government or someone), for the reason that a most disastrous fire last year burned down one side of the public square and "there is not any suitable building that can now be rented."

The situation is thus described by one of Springfield's leading citizens who visited Washington a few days ago:

The post-office at Springfield is so insecure that valuable packages are not considered safe in it and have to be taken every night to some safe place and deposited. Frequently people to whom such packages are sent call for them and find they are not in the office, being away in some other place for safety, and have to wait for them until next day. There have been three destructive fires in that vicinity in recent years, and the building is very inflammable. It is not secure as a stronghold and robbers could easily break in.

There is not a suitable building in the town that can be rented.

Robertson County pays more internal-revenue taxes than any other county in Tennessee, and there is no Government place there that is safe. Frequently large quantities of stamps are ordered and there is no place to deposit them until used or called for.

The shabby appearance of the post-office shames an otherwise beautiful town and does no credit to the Government.

Compare this miserable post-office building with the magnificent court-house in Springfield the enterprising and patriotic citizens of Robertson County taxed themselves to build and did build. Sir, it is a splendid monument to themselves and their posterity. I wired there to know what it cost, and am in receipt of the following answer:

SPRINGFIELD, *April 28, 1902.*

Court-house cost $20,000.

JOHN E. GARNER.

The making of this appropriation and the building of this post-office has been indorsed and recommended by the governor of Tennessee, who approved a resolution passed by the legislature of Tennessee indorsing this project. It has been approved by ex-Secretary Gage, when Secretary of the Treasury of the United States; it has been approved by the late Commissioner Wilson, of the Internal-Revenue Department of the Government; it has been approved by the county court of Robertson County, Tenn.; it has been approved by all the merchants, manufacturers, bankers, and tobacconists in Springfield, and I have here from them a long petition addressed to me urging the passage of this measure.

It has been approved at a huge mass meeting of the citizens of Springfield, feeling that their cause is just; that the Government has overlooked them long enough in this matter.

At this meeting a committee was appointed to show the need of this building and to put on paper what Springfield commercially is; and I have in my hand the report of this committee, in the nature of a petition, setting forth clearly, succinctly, and briefly what Springfield is commercially, and you can see from this what her people are socially—a part of the very best people in this or any country.

I can add nothing to this splendid statement of their cause, and I will read it just as this committee has written their report. It is a good speech within itself, and I beg the indulgence of the committee while I read it, as follows:

Hon. JOHN WESLEY GAINES,
Member of Congress from Tennessee.

DEAR SIR: At a mass meeting of the citizens of Springfield, Tenn., held in Stratton's Opera House October 26, 1899, we were appointed a committee to get up statistics showing the necessity for a post-office building at Springfield, Tenn. We have performed that duty and submit the following report:

Springfield, Tenn., furnished two companies of infantry in the war with Spain—Company K, Capt. S. O. Murphey, First Tennessee, saw service in Philippines; Company E, Capt. S. G. Ragsdale, Fourth Tennessee, saw service in Trinidad, Cuba. Springfield and Robertson County have paid on an average of $400,000 yearly for the last twenty years whisky and tobacco revenue taxes.

Volume of railroad business.

Source of revenue.	1898.	Nine months of 1899.
Ticket sales	$12,558.69	$12,030.06
Freight	55,497.85	55,090.12
Excess baggage	365.26	248.77
Southern Express Company	3,127.63	3,527.75

Western Union Telegraph Company, 1899, $800.56. Daily average number of trains: Passenger, 8; freight, 22. Twelve million pounds of tobacco bought and sold here per annum, at an average of 6 cents per pound, $720,000. Amount of tobacco furnished yearly to the "Regie contract" from Springfield and Robertson County, 5,500,000 pounds. Robertson County exports tobacco to all importing countries of the world. Amount of business done annually by the business houses of Springfield is $973,000.

Banking business of Springfield.

We have two banks actively engaged at present.

Capital stock	$110,000
Surplus	28,000
Average on deposit	455,000

Robertson County Banking and Trust Company just started in business; capital stock, $25,000.

Commercial fertilizers sold in Springfield per annum, 1898 and 1899, 15,800,000 pounds.

Robertson County tax aggregate.

Aggregate for the year—	
1898	$49,821.11
1899	54,767.68

Springfield has 80 business houses and 13 public buildings, including churches. It is lighted by electricity. Its population is from 3,700 to 4,000. Taxable property within city limits is $811,000. Thirteen teachers are employed in our city schools.

Volume of telephone business.

Number of instruments—	
January 1, 1898	70
January 1, 1899	112
October 29, 1899	168
Business for the year—	
1898	$2,760
1899 to October 29, 1899	$2,950
Number of miles of wire up in town and county—	
January 1, 1898	423
January 1, 1899	513
October 29, 1899	633
Towns in the county connected with Springfield—	
January 1, 1898	7
January 1, 1899	7
October 29, 1899	16

Springfield's post-office is third class; exchange with five mail trains daily; number of stamps canceled per day, 400 to 500; pounds of mail received per week, 600; pounds of mail sent out per week, 675; post-office per week, $35; average number of registered packages received weekly, 40; average number of registered packages sent out weekly, 45; number of lock boxes rented, 70; number of call boxes rented, 214; street drop boxes, 3; amount of postage stamps, postage-due stamps, special-delivery stamps, stamped envelopes,

newspaper wrappers, and postal cards received from the Department last quarter from July 1 to September 30, 1899, $1,513.15; number of star-route offices supplied from this office daily, 9; number of star-route offices supplied from this office triweekly, 2.

Springfield has: Preachers of the gospel, 9; attorneys at law, 12; dentists, 3; physicians, 9; hotels, 5; boarding houses, 7; blacksmith and woodwork shops, 8; tobacco factories, 7; cigar factories, 1; flouring mills, 2; planing mills, 1; ice factories, 1; carpenter shops, 4; machine shops, 2; tin shops, 2; tanyards, 1; coal dealers, 3; livery stables, 4; churches, 7; public (free) school buildings, 4; cemeteries, 3; 3,398 persons registered at the Commercial Hotel in the year 1898; 3,241 persons registered at the Commercial Hotel first nine months of 1899; 3,002 persons registered at the Dewey Hotel in the year 1898; 1,830 persons registered at the Dewey Hotel first nine months of 1899.

Springfield has 3 newspapers.

Robertson County owns its steam road-building machinery. The Standard Oil Company has a large warehouse and tanks here.

Respectfully,

A. E. GARNER.
H. C. TRUE.
NEEL GLENN.
A. G. WHITE.
CHAS. E. BELL.
W. T. HENRY.
G. E. SMITH.
J. C. GARNER, Jr., *Secretary.*

Mr. Chairman, so far as I am informed the people of Robertson County have never before asked the Federal Government for assistance; in fact I know it is true that there is not a single public building, not a single monument in Robertson County, that would remind that splendid and glorious people that we have a Federal Government, excluding the star-route service.

There is nothing within the limits of that glorious county, amongst that splendid and patriotic people, that would remind them or their children that they are citizens of this great Republic or that this great Government is in actual existence. No; not one. Yet they have paid, as I have shown, for over twenty years, annually, from $175,000 to $200,000 internal-revenue tax.

They have built their churches, they have built their schools, they have built their court-houses, they have built their manufactories, they have their broad acres of tobacco, and sell their tobacco throughout the world. They pay a tax on this product, too—to the Government. They have paid all burdens the Federal Government has exacted of them without a murmur. They have furnished soldiers, and among the first, when the din of war was sounded, when we said "Cuba is and of a right should be free and independent." They have furnished soldiers in all of our wars, including that in the Philippines.

Some of the most distinguished soldiers—officers and privates—of the immortal First Tennessee Regiment came from this county, and yet, because the revenues of this post-office are small, and partly the fault of the Government and because the population within the technical limits is small, they are to be denied this little appropriation to build a post-office that would be a credit to these people and an honor to the Government.

This is not right and it is not fair; it is not just; it is not dealing out equal and exact justice to all, and I regret, and grievously regret, that the committee, as I am informed by the chairman, say they can not make appropriations for post-offices with revenues so small, with populations so small, as this; that if they did the appropriations in similar places would have to be made general throughout the country, and that it would require so much to build such post-offices at such places that it would be practically impossible for the Government to make the appropriation.

Now, I will ask the chairman, the gentleman from Nebraska [Mr. MERCER], if I can get his attention, if I have stated substantially the reasons why his committee failed to make this appropriation for this post-office?

Mr. MERCER. Mr. Chairman, I will state that the gentleman fairly states the situation.

Mr. GAINES of Tennessee. Even under this rule it seems to me that I have shown from fair and undisputable facts that this is a case with so much merit otherwise as to overturn this objection, to override the reason for or reason of this rule. I insist that in all justice and in all fairness that Springfield is an exceptional case, an exceptionally "hard case," and that at least it should be made an exception to this rule, and that this appropriation should have been allowed.

But, Mr. Chairman, Congress has not yet adjourned. I am not yet done in this matter. I shall not surrender here. I shall continue the fight, for I think justice demands it, and I believe this Congress will yet make this appropriation.

Mr. Chairman, without further detaining the honorable committee, and returning thanks to the Chairman, who has extended my time and given this opportunity to explain this case, I now ask unanimous consent that I may be permitted to place in the RECORD the petition touching upon this matter, from which I have read, and two or three official documents relating to this matter.

The CHAIRMAN. The gentleman from Tennessee [Mr. GAINES] asks unanimous consent to print in the RECORD certain documents to which he has referred. Is there objection?

There was no objection.

The documents referred to are as follows:

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C., January 25, 1900.

The SUPERVISING ARCHITECT.

SIR: On further examination of the subject of your inquiry of the 8th ultimo, in regard to the necessity for a room in the public building about to be erected at Springfield, Tenn., for the internal-revenue force at that point, I have to advise you that the advice contained in office letter of the 9th ultimo was predicated upon the amount of taxes actually received at Springfield, and not upon the amount actually paid in that vicinity.

The records of this office disclose the fact that the internal-revenue receipts paid in that immediate vicinity, including receipts from the three distilleries there, approximate $175,000 per annum. I would therefore respectfully modify my statement in the letter referred to and ask that two rooms, aggregating 800 square feet of floor space, be allowed for the internal-revenue office in the public building at Springfield, Tenn.

Respectfully,

G. W. WILSON, *Commissioner.*

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, January 27, 1900.

The CHAIRMAN COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
House of Representatives.

SIR: In compliance with the request contained in your communication of the 17th instant for a report in connection with H. R. 901, providing for the acquisition of a site and the erection thereon of a suitable building, with fireproof vaults therein, for the accommodation of the post-office and other Government offices at Springfield, Tenn., at a cost not to exceed $30,000, I have the honor to advise you that from computations made based upon data which has been collected with a view to ascertaining the requirements of the public service at Springfield it is estimated that a thoroughly fireproof building, with basement and one story, of 2,000 square feet area, with heating apparatus, fireproof vaults, and approaches, affording sufficient accommodations for the post-office, can be constructed for $32,000, exclusive of cost of site. Accommodations for the internal-revenue office can be provided in a mezzanine story.

It is estimated that a site of sufficient size to accommodate a building of the description above indicated, to allow for the 40-foot fire limit provided by the bill in question, and to permit of an extension of 30 feet to the building in the future, can be secured for about $2,600.

Estimated cost of building	$32,000
Estimated cost of site	2,600
Total	$34,600

In this connection, your attention is invited to the fact that the clause "nor shall any site be purchased until estimates for the erection of a building which will have accommodations for the transaction of the public business and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased or condemned and paid for, shall have been approved by the Secretary of the Treasury," contained in the bill in question, is in conflict with section 355, United States Revised Statutes, which has been held to forbid any expenditure for improvements on any site or land purchased by the United States until a valid title thereto has been vested in the Government, and it is suggested that the apparent object of this clause may readily be accomplished by providing that the building shall furnish sufficient accommodations for the transaction of the public business, and shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for.

Your attention is also invited to the fact that the prohibition contained in said bill, that "no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of Tennessee shall have ceded to the United States exclusive jurisdiction over the same," will prevent the payment, until after the acquisition of a site, of the customary preliminary expenses, such as advertising, the traveling and subsistence expenses of the agent of this Department who may be detailed to examine and report upon the suitability of such sites as may be offered, etc. Unless it is intended that such items should not be paid promptly, it is suggested that the provisions of section 355, United States Revised Statutes, hereinbefore referred to, are ample for the purpose of preventing the purchase of a site until the State has ceded to the United States jurisdiction over the same, or the erection thereon of any building until the Attorney-General has passed favorably on the title thereto, and it is respectfully suggested, therefore, that the prohibitory clause referred to be stricken from the bill, or that the ordinary preliminary expenses be excepted from its operations.

Respectfully,

L. J. GAGE, *Secretary.*

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, March 13, 1902.

CHAIRMAN COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
House of Representatives.

SIR: Referring further to the request of January 15, 1902, from your committee for a report in connection with H. R. 3164, providing for the erection of a public building at Springfield, Tenn., I have the honor to advise you that it is estimated that a basement and one-story building of 2,800 square feet ground area will be sufficient. A building of the dimensions indicated, of nonfireproof construction, including heating and ventilating apparatus, fireproof vaults, and approaches, will cost $35,000, exclusive of site. It is estimated that a suitable size of sufficient size to accommodate said building, to allow for the 40-foot fire limit, and to permit of a 30-foot extension to the building in the future, can be secured for $3,000.

Estimated cost of building	$35,000
Estimated cost of site	3,000
Total	38,000

In this connection your attention is invited to the fact that the clause "nor shall any site be purchased until estimates for the erection of a building which will have sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased or condemned and paid for, shall have been approved by the Secretary of the Treasury," contained in said bill, is in conflict with section 355, Revised Statutes of the United States, which has been held to forbid any expenditure for improvements on any site or land purchased by the United States until a valid title thereto had been vested in the Government; and it is suggested that the apparent object of this clause may readily be accomplished by providing that the building shall

furnish sufficient accommodations for the transaction of the puplic business, and shall not exceed in cost the balance of the sum therein limited after the site shall have been purchased and paid for.

Your attention is also invited to the fact that the prohibition contained in said bill, that "no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of Tennessee shall have ceded to the United States exclusive jurisdiction over the same during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of the said State and the service of civil process therein," will prevent the payment, until after the acquisition of the site, of the customary preliminary expenses, such as advertising, the traveling and subsistence expenses of the agent of the Department who may be detailed to examine and report upon the suitability of such sites as may be offered, etc. Unless it is intended that such items should not be paid promptly, it is suggested that the provisions of section 355, Revised Statutes of the United States, are ample for the purpose of preventing the purchase of a site until the State has ceded to the United States jurisdiction over the same or the erection thereon of any building until the Attorney-General has passed favorably on the title thereto, and it is respectfully suggested, therefore, that the prohibitory clause referred to be stricken from the bill or that the ordinary preliminary expenses be excepted from its operations.

Respectfully,

H. A. TAYLOR, *Assistant Secretary.*

SPRINGFIELD, TENN., *January 4, 1901.*

Hon. J. W. GAINES, M. C.,
Washington, D. C.

DEAR SIR: Yours of the 2d instant to hand and contents carefully noted. I take pleasure in furnishing the data asked for.

First. Rent from July 1, 1899, to July 1, 1900, $150; light from July 1, 1899, to July 1, 1900, $10.05; fuel, $25.52; total, $185.57.

Second. It is in very bad condition.

Third. It is an old frame building, undesirable in appearance, badly located, improperly ventilated, and poorly lighted. There is an old cellar under the building which has been partly filled up, but water still stands in it, thus rendering the room unhealthy. The lobby is entirely too large, ungainly in appearance, poorly lighted, heated, and ventilated.

Fourth. Our cabinet extends only about two-thirds of the way from the floor to ceiling, and when I and my employees are out of office we have to lock all the doors, so that when this is done the lock-box renters can not get to their boxes.

Fifth. The lock boxes can only be reached when the doors to the lobby are open.

Sixth. Gross receipts for the year ending June 30, 1900	$3,237.18
Seventh. Gross receipts, six months ending December 31, 1900	1,507.10
Eighth. Gross receipts, three months ending December 31, 1900	773.39
Ninth. Net revenue to Government twelve months ending June 30, 1900	1,440.42

Summary for one year to June 30, 1900.

Gross receipts	$3,237.18

EXPENDITURES.

Postmistress's salary	$1,400.00
Clerk hire	200.00
Rent	150.00
Fuel	25.52
Light	10.05
Repairing mail pouch	.10
Receipts for special-delivery letters	7.76
Correction report September 30, 1899	3.33
	1,796.76
Amount deposited with Treasury	1,440.42
Total	3,237.18

You thus see that our office pays a net revenue of $1,440.42 per year. I have four clerks, including my husband, and am trying to give patrons good service, and feel satisfied I do, as I hear no complaint.

I hope that you will get us a building here so that we can give a service that will be creditable to our town and Government. I assure you that I will do all in my power to give good service.

Hoping to hear favorable report from you soon, I am, yours, truly,

SUSAN C. CHEATHAM.
Postmistress, Springfield, Tenn.

P. S.—I neglected to say that we have no fireproof vaults, burglar-proof safe—in fact nothing in which to place or deposit our funds, money orders, and stamps. We are forced by these circumstances to carry our funds, stamps, etc., at night after closing to the bank, where, by permission of the cashier, we can place them for the night in his vault.

HOUSE OF REPRESENTATIVES, *Washington, January 2, 1901.*

POSTMISTRESS, *Springfield, Tenn.*

DEAR MADAM: I am hard at work on our Springfield post-office matter, and beg of you to honor me with prompt replies to the following questions, to wit: What does it cost the Government to rent, heat, light, and take care of the post-office building now occupied by you? Second, what is its present condition with reference to health of the Government employees using it? If not good, why? Does or did water accumulate in the building, etc.? In the absence of yourself or assistant is or not the building locked up, thereby excluding the lock boxes from use? In other words, are not the lock boxes used only when the post-office is "open?" What are the gross receipts for the last fiscal year and for the last six calendar months and fiscal quarter? What is the net revenue to the Government?

Give me any other information or data that will assist me in my efforts to get our post-office building bill through Congress. I am hard at work and have this particularly in hand, and the committee is waiting upon me to give them answers to these questions. In a letter of December 30, 1899, Postmaster-General Smith says that the gross receipts from this post-office were $3,158; net revenue, $1,458; allowance for rent, fuel, and light $198; square feet of floor space, 1,300; number postal employees, 2, as of the fiscal year ending June 30, 1899. Bring these items down to the very latest dates you can. Answer me, if you please, at once. Mr. Ewin Burney wrote me some interesting data along these lines, but I have mislaid the letter along with others. I am very anxious about this and hope you can at once comply with my request.

I am, my dear madam, very truly, yours,

JNO. W. GAINES.

The county court of Robertson County, Tenn., composed of the magistrates of said county, being in special session upon other matters, deem it proper to recommend to the Congress of the United States that a public building at Springfield for a post-office, a stamp clerk, and other governmental purposes is not only desirable but necessary, and we recommend the building of the same.

This October 28, 1899.

C. G. Hatman, chairman; E. W. Williams, justice of the peace; G. R. Murphey, justice of the peace; J. M. Food, justice of the peace; F. W. Clayton, justice of the peace; B. Scott, justice of the peace; J. W. Crunk, justice of the peace: F. H. Corder, justice of the peace; V. A. Bradley, justice of the peace; J. J. Bingley, justice of the peace; R. H. Fells, justice of the peace; J. M. Richards, justice of the peace; T. E. Durrett, justice of the peace; E. D. Patterson, justice of the peace; Mat Morris, justice of the peace; C. A. Burr, justice of the peace; T. H. Flouer, justice of the peace; I. E. Empson, justice of the peace; E. W. Corbin, justice of the peace; R. M. Suter, justice of the peace; J. B. Robertson, justice of the peace; A. W. Byrns, justice of the peace; R. S. Draughon, justice of the peace; J. H. Johnston, justice of the peace; J. W. S. Widick, justice of the peace; G. B. Moody, justice of the peace; B. C. Batts, justice of the peace; P. D. West; J. H. Orman; C. W. Crockett; B. L. Murphy; B. A. York; W. H. Swift.

STATE OF TENNESSEE, *Robertson County.*

I, G. E. Smith, clerk of the county court for the State and county aforesaid, do hereby certify that the foregoing resolution was adopted by the county court of Robertson County on October 28, 1899, and the same was signed by the members of said court in their own handwriting.

Witness my hand and seal of court at office in Springfield, Tenn., this November 2, 1899.

[SEAL.] G. E. SMITH, *Clerk.*

Eulogy on the Death of Hon. Rufus K. Polk.

REMARKS
OF
HON. WILLIAM SULZER,
OF NEW YORK,
IN THE HOUSE OF REPRESENTATIVES,
Saturday, May 10, 1902,

On the following resolution:

"*Resolved*, That the business of the House be now suspended that opportunity may be given for paying tribute to the memory of Hon. RUFUS K. POLK, late a member of the House of Representatives from the State of Pennsylvania.

"*Resolved*, That as a particular mark of respect to the memory of the deceased and in recognition of his eminent abilities as a distinguished public servant, the House at the conclusion of the memorial proceedings shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk be instructed to send a copy of these resolutions to the family of the deceased."

Mr. SULZER said:

Mr. SPEAKER: As a personal friend and sincere admirer of the late RUFUS K. POLK, I simply désire on this sad memorial occasion to pay my poor tribute to his memory, and place on record my testimony to his sterling worth as a man, his grandeur of character, his ability as a legislator, his genial qualities as a companion, and his devoted patriotism as an American citizen.

His sudden and unexpected death recently in the city of Philadelphia was a great shock to every member of this House, a grievous blow to his innumerable friends, and an irreparable loss to his stricken and beloved family. His death has left a void in this Chamber that can not be filled, and his many acquaintances have lost a kindly, generous, noble-hearted friend, upon whose like we shall not look again.

He endeared himself to all who knew him. He possessed that indefinable quality that attracts, makes enduring friendships and holds them with a grip of steel for life. The better you knew him the more you liked him. He had a frank, open character, a sunshiny disposition, a generous heart, a forgiving spirit, and a sympathetic soul. He was courtly and considerate, broad minded and liberal, as modest as he was brave, and above all he was absolutely honest in all things—in deed and word and thought. He was a loving husband, an affectionate father, a loyal friend, a safe counselor, a brave soldier, an able legislator, a fearless representative, and a shining political light in his adopted State. He had the discernment to see the right and the courage to do his duty.

He was a self-made man in the best sense of the term. He worked out his own career—was the architect of his own fortunes, and his sympathies were always with struggling humanity. He was a true democrat in its broadest significance. He believed in the people—in the destiny of the Republic; gloried in the greatness of the flag and all that it represents, and at the first opportunity went to the front, an intrepid soldier, to defend it with his life. He stood for the rights of man; for the cause that lacked assistance; for the future in the distance, and the good that he could do. He was an optimist and not a pessimist. His enduring faith in the coming of the better day was as immutable as it was sublime. He knew the world was growing greater and grander and more magnanimous. He saw the brotherhood of man encircling the globe, and his buoyant spirit leaped with joy as he

beheld the bright harbinger of the coming morn when man's humanity to man will make the whole world kin.

Born in Tennessee in 1866, of an historic family, he finished his education at the Lehigh University, in Pennsylvania, graduating with high honors in 1887. Then began the activities of practical business life with all its stern realities. He began at the foot of the ladder. By his energy, his industry, his earnestness, and his perseverance he worked himself to the top. He was eminently successful: a splendid type of progressive man, an honor to the community, a useful citizen, and his example an incentive to every hopeful boy and every struggling youth in the land.

Lives of great men all remind us
We can make our lives sublime,
And departing, leave behind us
Footprints on the sands of time.

Mr. Speaker, RUFUS K. POLK died in the prime of life—as he was crossing the meridian—at the noontime of his usefulness, on the threshold of a great career, fruitful with future honors, mourned by all. He had fought the good fight, but his race had not been run—in truth it had only begun. It is always inexpressibly sad when the light of life goes out and darkness comes before our work is done—ere the hill of hope is climbed.

His death was a great loss to the country, and he will be missed here and elsewhere more and more as the days and years come and go. We can not replace him; we can only mourn our loss and tearfully and tenderly lay our wreath of love on his bier and send our sympathy to his sorrowing family—to his grief-stricken and disconsolate widow and his orphaned children. But words can not console a deep and lasting grief like this. How futile they are, after all, in the presence of death! And yet we know that our friend has gone to a better land—a more hospitable clime—and we who are left behind will fondly cherish his memory while life endures, and the thousand and thousand kindly, generous, sympathetic deeds he did will ever and anon arise to praise and call him blessed and be, as they always will be, an abiding monument more lasting than marble or brass, more indestructible than stone or shaft.

What seem to us but sad, funereal tapers
May be heaven's distant lamps.
* * * * *
There is no death! What seems so is transition;
This life of mortal breath
Is but a suburb of the life elysian,
Whose portal we call Death.

The Statehood Bill.

SPEECH
OF
HON. MARCUS A. SMITH,
OF ARIZONA.

IN THE HOUSE OF REPRESENTATIVES,

Thursday, May 8, 1902.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States—

Mr. SMITH of Arizona said:

Mr. CHAIRMAN: My anxiety to obtain an early vote on this bill has kept me thus far silent, and but for the remarkable and misleading statements just made by the gentleman from Ohio [Mr. GROSVENOR] I would not now participate in this discussion, for I feel physically unable to stand long on my feet, and I therefore beg the indulgent attention of the House while I show that not one statement made by the gentleman touching the population or resources of Arizona are justified by the facts. If he had known anything about the question he would have remained silent, or would have made a different and a better speech.

Brooding for many days over the wrongs which my people have suffered at the hands of partisan Congresses, I found myself wondering who could be found at this late day to further oppress us or take the floor to insist on our continued degradation. I felt certain no new member would do it, and I felt equally sure that none of those with whom I served these many years and who had an opportunity to know the real conditions would ever think of doing it, until my friend from Ohio crossed the field of my contemplation. Instantly I knew where to look for an attack, but no man could have imagined the kind of assault that would be made. There was presented such a fine wide field for his fancy—and you know fancy does not have to trouble itself about facts. Probably there was no harm in his statements. Poetic license must be allowed, or the imagination must wither from inaction.

Yes, I knew General GROSVENOR was to speak against this bill. He could not help it without hurting his record. He is consistent above all things. He preserves consistency by being always wrong and an even temper by being always mad. [Laughter.] You will see before I am through that he is wrong, and I make profert of his own words to show you that he is mad. Did he not just tell you, in effect, that Congress was not bound and should not be bound by any mere moral obligation which it was inconvenient to recognize? The point to which a mind saturated with partisan politics can be driven surprises the most thoughtful and observant philosophy. To see men of commanding ability, under the influence of party exigency, willing, yea, anxious to oppress their fellow-men without mercy and without shame if by it they can secure success of their party in an election is to my mind one of the most remarkable signs flashing from the clouds which now surround us, clouds big with danger for our future.

Are you not shocked to hear from men on this floor that treaty promises created no obligation on the part of the Government which it was bound to respect? That there was nothing binding in a mere moral obligation, and if you could not appeal successfully to a mandamus or other legal remedy there you must bear what you can not help, and make the most of it? No writ can be executed legally against sovereignty, and therefore by this new code of moral ethics governments can do rightfully just what they please to do if they do it against those unable to fight. Away with such doctrine. The fact that a promise can not be enforced makes a strict observance of its terms all the more sacred.

The Government is bound by treaty obligations—by the principles of the Declaration of Independence, by the very warp and woof of the Constitution—by that spirit of liberty and equality on which our institutions are built, and our existence depends, to admit Arizona as a State whenever she is qualified and worthy. That such is her condition now I shall attempt to demonstrate.

Mr. Chairman, Arizona is entitled to statehood. Political considerations unworthy of the Congress of the United States have so far retarded her progress. Since my advent to the privileges of this floor I have seen admitted and I have advocated the admission of Washington, Montana, North Dakota, South Dakota, Idaho, Wyoming, and Utah to the Union of States. I have during all this time stood a protesting witness against the injustice done Arizona, which was as well equipped as any, and far better than some of these, for the responsible duties and obligations of statehood. Twice have I passed the bill for the admission of Arizona through the House of Representatives, and once under a suspension of the rules, which required a two-thirds vote to pass it. I stood at the deathbed of its hopes on the Calendar of the Senate. The opposition in that august legislative body came from and the fatal blow was given by Senators from States whose whole area would barely make a good cow lot for Arizona.

Opposition to the admission of the Territories was born of, and has been nursed by, ignorance and selfishness; ignorance of the resources, wealth, and civilization of the West; selfishness in maintaining the power of the East in Federal legislation and the further selfish fear that political advantages may be lost. From such considerations I appeal to your patriotism, your justice, your duty to your fellow-men, your country, and your conscience. The inherent right of self-government under our Republic can not be disputed or questioned. It was guaranteed by the provisions of the treaty under which Arizona and New Mexico became a part of our possessions. And even if that treaty had been silent as to the right of statehood for these newly acquired possessions, the Government would in justice still be bound to admit any Territory into the Union when capable of self-government and possessed of the requisite population. This, from the very beginning, has been the policy of our Government and an essential part of that freedom and equality on which our Union is constructed and through which it has reached its present glory and renown.

In acquiring that country embraced in the Louisiana Purchase, extending from the Gulf of Mexico to the southern line of English possessions on this continent, it was stipulated in the contract entered into between the great Napoleon and our greater Jefferson that the inhabitants of that region should have guaranteed to them all the rights of American citizenship, including the right of admission to the Union of States.

Before the adoption of the Federal Constitution, several of the States had ceded to the United States all of their several claims to that vast region lying northwest of the Ohio River. In order to govern this great territory, and with the purpose of eventually organizing States from it, the celebrated ordinance of 1787 was adopted, which among other things provided (in the thirteenth article thereof) "for the establishment of States and permanent governments therein and for their admission to a share in the Federal councils on an equal footing with the original States at as early a period as may be consistent with the general interests." Article 14 of the same ordinance contains the following guaranty: "It is

hereby ordained and declared by the authority aforesaid that the following articles shall be considered as articles of compact between the original States and the people and the States in said territory, and forever remain unalterable except by common consent, to wit: * * * Whenever any of said States shall have 60,000 inhabitants, such State shall be admitted by its Delegate into the Congress of the United States on an equal footing with the original States in all respects whatever, and shall be at liberty to form a permanent constitution and State government."

By this ordinance the grand old State of Virginia gave to the General Government the mighty States of Ohio, Indiana, Michigan, and Illinois, and I am proud to know that not one of her Representatives on this floor will cast a vote against the spirit of the compact their fathers made, no matter what course may be taken by the Representatives of those States which her generosity gave to the common country and whose rights and privileges she so carefully guarded against the very afflictions with which they now whelm us.

This ordinance was again and again extended after the adoption of the Constitution, and its very essence was repeated in our treaty with Mexico under which was ceded the Territories now appealing for statehood.

But little attention has Congress paid to these solemn guaranties, and we find its action or its quiescense so imbued with politics and political considerations as to silence the voice of justice and consanguinity.

The conduct of Congress toward Arizona has been nothing less than tyranny.

Complaint is made that we have not sufficient population. The same complaint was made against three-fourths of the States on their application for admission. The late census shows that Arizona has in round numbers 130,000 population. In this estimate many Indians are included. That the census is scandalously wrong there can be no doubt. The Department admits that it is unreliable. In fact, there was no census taken. Under the laws fixing the compensation of census enumerators, no real census could be taken. As instances of the accuracy of that alleged census, let me cite you to the city of Phoenix, the capital of the Territory. The census gives that town something over 5,000 people, when the school census and the voting population shows beyond doubt that there are, at the lowest estimate, over 10,000 people in that city. Yes, there are more than that.

Take, again, the case of Bisbee, Ariz., where the census alleges a population of 3,000, when the fact is that the town has at least 7,000 people in it. There are more men at work and with their names on the pay rolls of the mines than the census gives as the population of the town. If the enumerators have done such work as this on the cities, what can you expect of their returns from the distant outlying country precincts? The fact is, no census was ever taken at all. No reliance whatever can be placed on it.

It is enough here for me to say that we have a population of at least 150,000 people, with as much patriotism and more general education than can be found in any other part of the United States. They add to the general wealth of the country more than twice as much per capita as any other subdivision of our country. They give per capita twice as much to education, hospitals, and charities in support of eleemosynary institutions than any political subdivision of the globe. They have spent of their own money more on public buildings, roads, highways, and other public improvements than any other people in this broad land; and yet some of you from States with schoolhouses which we would not use as stables for our horses are assuming airs of superiority over us and daring to assert that we are not fit for political association with you. I assert, measuring my words and knowing whereof I speak, that I represent here a constituency as well educated, as well behaved, and as wholly patriotic as any member of this House, come from what State he may.

No informed man on this floor, whatever reason he may have for his opposition, can be in earnest when he attacks our right on the ground of insufficient population.

Bear with me while we take a hurried view of the history surrounding this question. Of the 25 States admitted to the Union, beginning with Vermont in 1791 and closing with Colorado in 1876, Maine and Kansas alone had as much as 100,000 population. Vermont, Kentucky, Missouri, and California are the only others with as many as 50,000 population. In 1836 and 1837 the previous census giving a representative ratio of 47,700, Arkansas was admitted with 25,000 and Michigan with 31,000. From 1845 to 1848, when the representative ratio had reached 70,600, Florida, Iowa, and Wisconsin were admitted to the Union, Florida with 28,700, Iowa, 43,000, and Wisconsin, 30,900.

Again, in 1858, when the ratio of representation had risen to 93,500, Minnesota was admitted on the previous census showing with only 7,000 inhabitants, and the next year Oregon became a State with only 13,200 population.

In 1867, when the ratio had risen to over 127,000, Nebraska was taken in on a population of 28,800, and in 1876, the ratio having reached 131,500, Colorado came in with only 39,000.

With this history of these great States before you, you pretend to object to a Territory with over 150,000 intelligent people becoming a part of the Union. You can not by such pretense deceive anybody. You can not even deceive yourselves by it.

Have you observed the great impetus given to each State by its mere admission to the Union? In ten years after statehood Kentucky had increased 200 per cent; Tennessee, 195; Ohio, 408; Louisiana, 100; Indiana, 500; Mississippi and Alabama, over 400; Illinois, 350; Missouri, 111; Michigan, 221; Florida, 570; Iowa, 345; Wisconsin, 886; California, 370; Minnesota, 2,370, and all the balance named increased at the surprising average ratio of 275 per cent. The same general history holds good as to all the recently admitted States, and will repeat itself when this bill shall happily become the law.

Mr. Chairman, it is an outrage to longer keep these three Territories or any of them out of the Union. They have suffered and are still suffering grievous wrongs at your hands. The "water cure" is nothing to what you have been giving Arizona for the past fifteen years. You have permitted Indians to "pacify" our settlements by laying them waste, and, by the light of their burning homes, those so lucky as to escape butchery have beheld the last vestige of their property carried away by these marauding "wards of the Government," and not one dollar of damage have you allowed the settler who had the right to expect your protection.

I was instrumental in having a bill passed permitting the injured to sue in the Court of Claims for these damages. The Senate inserted a clause in the bill in effect prohibiting a recovery if the tribe was not at the time in amity with the United States. In other words, no war claims would be allowed. Geronimo and his band laid waste our country. He had with him not one in twenty of his tribe. The whole balance of the Apaches were on their reservation at peace with the Government. The Supreme Court decided that the United States was at war with the Apaches, and therefore no suit could be maintained. If it had been provided that only war claims could be collected the court could just as well have decided—and with much more reason—that the Apaches were at peace—true with a small marauding band at large—and have thus again defeated the just claims of these brave men who carried the lamp of civilization into the gloom of Western savagery and dedicated an empire to the service and wealth of our common country. You owe them not only the money which you permitted your wards to take from them, but a debt of immense and lasting gratitude, with the right to participate in the affairs of the Government on an equal footing with the balance of the States. The passage of this bill will be a slight recognition of your duty to them.

Mr. Chairman, a Territorial form of government is inherently bad. There is no apology for it when the people are capable of maintaining a government of their own. I fear the country does not know the trials, tribulations, yea, horrors to which the people under it are subjected. Following the example of Mr. Toole, of Montana, when pleading for statehood, and using at times his language, I will proceed to a recital of our wrongs:

Congress has given us a system of courts inherently wrong.

It has regulated the number of our judges, which is grossly inadequate and results often in delay and often in denial of justice.

It denies us the authority to call an extra session of the legislature unless the will of the President be first consulted.

It reserves the right to annul any law our legislature may pass, thus destroying the faith and credit of our public acts. It reserves the right to destroy any good obligation we may assume, and has actually validated and made binding on us a lot of illegal, worthless railroad bonds which the Supreme Court of the United States had previously declared void and of no effect.

It has bound us hand and foot by a law prohibiting us from expending our own money on public improvements, no matter how urgent our necessities.

It has stifled industries by prohibiting us from selling mining properties in foreign markets, thus laying on us an embargo not borne by the States.

It has exempted 400 miles of railroad from taxation in Arizona and refuses to survey the enormous land grant of said road so that taxes on the land might be imposed by the Territory.

It has withheld from us our dowry of lands which belong to our school fund and refuses us all control over it until we become a State, and then refuses us statehood.

It gives us no representation in either House of Congress, yet imposes taxes burdensome to be borne.

It has imposed every burden of citizenship and withheld its benefits by denying us the right to participate in Federal legislation and a voice in the enactment of laws by which we are to be bound.

It has even refused to appropriate the salaries provided by law for the hungry officials it has sent us.

It has deprived the frontier settlements of proper postal facilities, proceeding upon the unjust and impracticable basis that every post-office should be self-sustaining.

It has persistently refused to pass laws by which timber lands could be sold or leased and has hedged the limited right to take timber for any purpose with odious and impractical rules, harassing the people with expensive suits, based on the ex parte statements of an obsequious special agent, who has found that his term of office depends on his activity in stirring up strife.

It has invited settlement in the Territories on the promise that property should be protected against Indian depredations. Millions of dollars of just claims, mildewed by age and still unpaid, are piled up in the departments, while the heroes of those troublesome times, grown weary of your injustice and the burden of years, have passed to where "beyond these voices there is peace."

And last, but not least, it has fastened upon us an odious system of carpetbag rule.

The Administrations have been bound by party platforms to relieve this unholy and unnecessary system, but all have failed. Do not you remember that "sending hither a swarm of officials" was one of the indictments against the Crown in our Declaration of Independence, and was one of the causes of the war of our fathers against Great Britain? From that day until this hour the name and the occupation of the carpetbagger was and is odious to a free, self-respecting people. The insolence of office consequent on these alien appointments is almost unbearable. The imported officeholder owes nothing to the people whom he attempts to rule, and having no interest in common with them cares little except for the emoluments, which he and his henchmen can squeeze from the unwilling subjects of his wrongful power.

Mr. Chairman, I will no longer ask the House to listen to the melancholy story of our wrongs, but will ask its indulgence while I attempt to show the character of people on whom these indignities are so uselessly and causelessly heaped.

Who settled the West? What character of people and whence came they? Were the pioneers in Arizona alien outcasts from foreign lands and the good society of our own States? No, sir; those were the young men from honest families of all the States, with an ambition to make a name for themselves and homes for those who loved them. With hearts that knew no fear and with spirits undaunted, they left their kindred and friends and home-endearing ties and set their faces to the wilderness. Impassable mountains seemed only an obstacle in their path, and the endless desert was invaded without fear. With untiring energy they removed all obstacles, with hopeful hearts surmounted all difficulties, until at last the desert was conquered; the mountains surrendered their treasure, and the home of youth's bright hope became a reality; villages, towns, and cities sprang into active existence, schoolhouses everywhere dot the plains, and church spires point to heaven from every hamlet.

This has all been done without your aid and while you were sleeping. Many of these brave, true men are enjoying in the peaceful sunset of life the full fruition of its morning hopes. May they long be spared to us! From that first settlement until now the sons of these pioneers and men of like mold have spread over every county of the Territory.

Every State in the Union, every corner of our Republic, is represented there by its young, intelligent, courageous, self-reliant, and progressive manhood. They knew every lesson of citizenship before they came to Arizona, and not one has been forgotten.

They are blood of your blood and bone of your bone, and are inspired by every sentiment that exalts or ennobles you. Why should you attempt to keep such a people from the enjoyment of every blessing, of equal citizenship with you? In their names, I protest against every vote cast against this bill. Those who support it will be enshrined in the hearts of a grateful people, and conspicuous in her hall of records shall be hung a roll of honor bearing the name of every member of this House who by his vote aided their struggle to be free. Below this list of glorified names will be the inscription: "There were some who voted against their country's duty. They knew not what they did. Accord to such the charity of the world's silence."

Nothing but miserable politics of the lowest order can actuate resistance to the appeal of these Territories. I care not what the politics of any new State may be. I had rather live in a Republican State than a Democratic Territory. The people have the right to select their own officers and declare their own policy. It is no business of yours or mine. Party bias is a fragile reed to rely upon when principles are at stake. No man can say to what political party new States will adhere, but all who know the West are assured that lofty and abiding patriotism will guide its course.

The new State may disagree with you on questions of political ethics, and may combat your academic doctrines, but when taxes are to be paid, when soldiers must fight, when sacrifices must be made for the public welfare, you will draw your money, your heroes, your martyrs largely from the people whose rights you now ignore. In our late war with Spain the first company responding to its country's call was found in Arizona, and the first blood poured on Cuban soil flowed from the wound of one of her fallen heroes. [Applause.]

Far to the front on San Juan Hill the Arizona boys bore our banner, and the reckless courage of Capt. "Buckie" O'Neil gave to our cause the life of the first commissioned officer who fell on that sanguinary field. And now we find many of you who stayed at home and dodged your taxes voting against the right of such men as these to have a voice in Federal affairs. Oh, yes; you are glad that we may fight our country's battles, may pay our taxes, subdue the wilderness and conquer the desert, delve the mountains, build the highways of commerce, and open avenues for your successful trade, but when we come to the evening repast, tired and hungry, you tell us to get away from the table; that we need nothing to eat; that we are doing well enough as it is. "The husks which the swine do eat" are good enough for you. The prodigal son of old was met by parental joy and the savory meat of the fatted calf. The other son who never wandered justly found some fault. If that old man had possessed the spirit and heart of the opponents of this bill, he would not only have driven the prodigal away from the door, but would have lain in the fence corner and as the faithful boy returned from his day of toil knocked him in the head with a brickbat. [Laughter.]

Shame on the man and on the party who would permit political considerations to blind him to the rights of his fellow-man. The straightest road to a brave and honest heart is along the line of exact justice. This is as true of parties as of individual men. The way to win the West is first to be fair and just, and the way to keep it is to remain fair and just. Is either party on this floor so fearful of its policy as to shun that test? I hope not.

Mr. Chairman, far be it from me to follow the example of certain men on this floor by claiming superiority for my people over the balance of our countrymen; but I make no boast in asserting that we are your equals in every respect of manhood and citizenship. As was said by Sunset Cox (that versatile and sparkling genius whose service here gave glory to this House), when speaking of the admission of the Territories under the omnibus bill of the Fiftieth Congress:

"The emigration from the Eastern States constitutes the nerve, the sinew, the muscle, and the mind which penetrates the wilderness and builds up our Commonwealth. It is the unaided energy which has made a million of men stand in intelligent masses and ask of the Federal Government participation in its blessings and its glories. The pioneer recks not of the past; he works in the living present. All the energies of his nature are aroused by the splendid prospects and the glowing inspiration of budding Commonwealths. No figure of speech, no flights of the imagination can picture or compass the achievement of this State-creating and man-ennobling advancement. Like the eagle to which our country is often compared, he seeks a wider ether for his wing, and the fire within his heart seeks the source of all illumination—the sun itself.

"How much nobler and wiser is the effort to install and institute such States in our own land rather than chase the ignis fatuus of island annexation. There will be time for that when our Territories put off their rudimentary and don their stately stoles of independence."

For nearly forty years Arizona has been a Territory and governed locally by laws of its own making—laws second to none in this broad land and executed with a fidelity and promptness equal to that of any State in the Union. They demonstrate by this their capacity for self-government.

The day of blood has passed away. Good order is kept—better than in most of the States. Titles are no longer defended by Winchester rifles. The courts settle all questions of disputed rights to property. Peace and quiet are everywhere supreme. The cattle are herded on the plains; the miner prospects the mountains for its hidden treasure; the farmer pursues his daily avocation with no deadly arms at his side and with no fear in his heart. Arizona's prosperous future is assured. Law is supreme. Her population, by every rule of virtue, education, property, patriotism, and industry, fills to the fullest measure every requirement of enlightened citizenship.

Its resources are as boundless as its mighty area, which is greater in extent than Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, and Delaware combined, with enough left to make one more State the size of Delaware and two more Rhode Islands. We have an untouched body of forest trees larger in area than the State of Vermont, while the timber belt of northern Arizona covers more land than

is contained in Massachusetts, Connecticut, Rhode Island, and Delaware put together. Our timber alone would make all New England rich, while if the Copper Queen mine and Senator CLARK'S United Verde were in the Green Mountains their output would change the thrifty character of the people and turn them into spendthrifts. And if on any hillside or accidental valley of a New England State our orange groves could thrive, with the golden fruit bending the boughs to touch the lips of man, my gold-standard friend from Connecticut would begin to know something about the primal temptation of our race.

Arizona raises now the finest lemons and oranges in the world. Side by side in every market the Arizona orange brings a higher price by far than the product of Florida, Mexico, or California, and the possibility of the production is unlimited.

That great new State is destined soon to be the choicest orchard in the world. South of the thirty-fourth parallel the date, olive, fig, grape, lime, lemon, and orange grows under proper husbandry in prodigal profusion. Ascending from the lower valleys, every fruit of the Temperate Zone is produced in perfection. In the foothills of our mountains peaches are produced superior to those of the famous Delaware orchards, while the melon and cantaloupe make the Georgia product taste like pumpkins and cucumbers. We have no competitors in the market, as our crop is disposed of be fore others ripen.

From the best obtainable information I am assured that Arizona has now 880 miles of irrigating canals in operation, and by proper conservation of flood waters the cultivated area under them can easily be doubled.

The governor's report shows that in 1900 we produced 125,000,000 pounds of copper, against 48,000,000 in 1895. Large new producers are developed, so that it is safe to say that in the next fiscal year Arizona will produce 150,000,000 pounds. At 10 cents a pound this amounts to $15,000,000, while the gold and silver product reached last year about $10,000,000. There are 1,558 miles of railroad now in successful operation in the Territory, and with others in course of construction will open every part of the Territory to easy access from all parts of the world.

The public buildings of the Territory comprise the capital, situated at Phoenix, recently erected at a cost of $130,000; the university at Tucson, Territoral prison at Yuma, the asylum for the insane at Phoenix, the splendid normal-school buildings at Tempe and Flagstaff, and a reform school for young offenders is now in course of erection at Benson, in Cochise County. Besides these, nearly every county has a splendid modern court-house, jail, and fireproof vaults for public records, and every town and village has public schoolhouses that would do honor to any school district of the older States. Many of these schoolhouses are large, expensive, and architecturally beautiful.

The bill for the admission of Arizona and New Mexico demands four sections in each township for common-school purposes instead of the two heretofore given to other States. New Mexico has received the two sections and is now asking two more. Arizona has received none and is asking for four sections. This the committee thinks should be allowed. There is no better purpose to which the public lands could be applied than to the education of the people. The committee estimates that this increased donation will not exceed in value the lands given to other States for similar purposes, as much of the land is of a desert character that can never be reclaimed; much of it in volcanic mountains, which can never be of value to the schools. Arizona has the most liberal school system in the country, and has borne without complaint a heavier tax for school purposes than any other known to your committee, paying at many times and in many places as much as $5 per month for each child in the schools. Attendance is compulsory.

Arizona, by act of Congress, 1892, was made a customs district. The chief port is Nogales, a railroad town on the International Line.

The foregoing is merely a summary of the many facts presented to the committee from which it concluded that no valid objection to Arizona's admission to statehood now exists. Many of the greatest States of the Union have been admitted with much less population and half the resources that Arizona possesses.

The summary reveals that Arizona can support a State on its forests alone for many years to come.

It can support itself on its mines alone for ages. It can carry on a prosperous State government from its fruit possibilities, to say nothing of its enormous and prosperous live-stock interests.

Adding them all, who with sense can doubt our right to statehood, and who but a selfish politician would question or oppose?

We have never defaulted in any obligation, but have, in addition to our own burdens, paid enormous revenues into the Federal Treasury, and have had returned less than 10 per cent of our advances.

If this plain recital does not convince you, if the simple facts themselves do not pursuade, then my work is vain, for "though I had the gift of tongues," ye would not.

Had I, however, the power to cast out devils, as was given the good men of old, this bill would pass unanimously. It should so pass this House. The opposition to it is wrong, coming as it does from men who gave their voice and vote to Montana, Idaho, Wyoming, and Utah. Is Congress growing narrower every day and yearly beautifully less? It seems so, looking from this back to the Fiftieth.

In contrast with the statements of the gentleman from Ohio [Mr. GROSVENOR], and showing in a striking manner the different planes on which they stood as they viewed the question now before us, I would beg you to listen to what Sunset Cox said in speaking on the question of statehood in that Congress:

"This energetic and hopeful population have in their veins the vigorous blood of many races. They have inherited the material, intellectual, and moral triumphs of the Old and New Worlds, and their civilizations. They settle upon soil which has no rival in richness and no peer in production. Their faith in their future is buoyant. No perplexity about their fortune; no weariness in their work; no despondency in their hope—exulting ever in their strength, these millions move on to fill up our territory from sea to sea, from Canada to the Gulf, and from north to south. Restless, active, and yet steady, like the movements of the heavenly bodies, shining as they move in orbits of their own, and yet to the casual eye, fixed in our heavens as the stars.

"There is a chapter in the book of Professor Bryce, whose spirit, outvying the careful analysis of De Tocqueville, is of the very essence of democratic-republicanism. It deals with the temper of the West.

"Western America to this author is the most interesting subject of study which the modern world has seen. Its Territories, resources, and climate, its variety of production, such as mountains of minerals, forests of trees of fabulous height, appliances of modern science, and other phenomena, make Western America, to the eye of this observer, without precedent in history. He says that it may not recur elsewhere, because our planet contains no such other favored tract of country. He lays most stress upon the character and temper of the men of this region. The West is to him the most American part of America. Here those features which distinguish America from Europe come out in the strongest relief. He exclaims:

"What Europe is to Asia, what England is to the rest of Europe, what America is to Europe and England, that the Western States and Territories are to the Atlantic States. The heat and pressure and hurry of life, always growing, is that following the path of the sun.

"In the West all is bustle, motion, and struggle, more so, of course, among the native Americans. Yet even the alien from the secluded valleys of Bohemia or the shores of some Norwegian fiord learns the ways almost as readily as the tongue of the country and is soon swept into the whirlpool of its energies. This is the frontier spirit with its passionate eagerness and strenuous effort. It would extract the greatest amount of values from mining hills, territories, and fields, and with a passion so absorbing as to be unselfish. It takes from its very vastness a tinge of ideality. It makes routes for exchangeable commodities with a rapidity which seeks a market with one hand and throttles a monopoly with the other.

"He sees this remarkable people intoxicated with the majestic scale of nature in which their lot is cast. Their imagination revels in every sight. They gild their own struggles with the belief that they are the missionaries of civilization and the instruments of Providence in the greatest work the world has ever seen. They live in the future rather than in the present; not that they fail to work while it is called to-day, but they see the country not merely as it is, but as it will be twenty, fifty, or one hundred years hence, when the seedlings shall have grown to forest trees."

We claim statehood as a matter of right, and can find no more persuasive language in which to express the sentiment pervading our people than that found in the appeal made by California when she sent her representatives to this body:

"This people request admission to the Union as a State. They understand and estimate the advantages which will accrue to them from such a connection, while they trust they do not too highly compute those that will be conferred upon their brethren.

"They do not present themselves as suppliants, nor do they bear themselves with arrogance or presumption. They come as free American citizens, by treaty, by adoption, and by birth, and ask that they may be permitted to reap the common benefits, share the common ills, and promote the common welfare as one of the United States of America." [Long-continued applause.]

Friday, May 9, 1902.

Mr. KNOX. I move that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole (Mr. HEMENWAY in the chair) and resumed consideration of House bill 12543.

The CHAIRMAN. The pending question is upon an amendment offered yesterday by the gentleman from Indiana (Mr. OVERSTREET).

Mr. OVERSTREET. I ask that the amendment which I proposed just before the committee rose last evening be now read.

The Clerk read as follows:

"Strike out section 19 and insert in lieu thereof the following:

"'SEC. 19. The inhabitants of all that part of the area of the United States now constituting the Territories of New Mexico and Arizona as at present described may become a State under the name of Montezuma, or such name as may be finally determined by the convention to be elected under this act.'"

After argument by Mr. OVERSTREET and Mr. LACEY in favor of the amendment, Mr. SMITH of Arizona was recognized.

Mr. SMITH of Arizona said:

Mr. CHAIRMAN: Will somebody please tell me where the gentleman from Iowa [Mr. LACEY] dug up all this beautiful assortment of misinformation with which he has regaled the House? From a hasty trip on a Pullman sleeper in his berth at night, asleep, clear through Arizona, he dreamed more dreams and learned more ignorance of that country than he could under less favored conditions ever have hoped to obtain. He discovered at last the origin and meaning of the word "Arizona." We who for years have been vainly seeking this information take this occasion to publicly acknowledge our great indebtedness and express our gratitude to his erudition.

He is the only man now on earth that knows "Arizona" means "an arid zone." I wonder if he had taken a like trip through my native State if he would not have discovered that "horticulture" meant "raising horses" or the culture of tall horses. It were just as reasonable and just as probable and just as true. He belabored that arid zone with bad prose, and then, feeling that justice had not been done his theme, like Mr. Wegg, "he dropped into poetry" and gave us a "solar plexus" by likening our land to—

"Some proud king in old time slain
An ugly skeleton it gleamed
In burning sands."

It was also—

"Burnt and black and seamed
With thunder strokes and strewn with cinders."

It is no wonder Bret Harte died when my friend LACEY thus quoted him.

I did not much mind what the gentleman from Ohio [Mr. GROSVENOR] said yesterday, for I felt that mere misstatements could be successfully disposed of, but I protest it was unfair for my friend Mr. LACEY to do us this way. We all know a dead proud old king has no right to be a state or anything else, and we all know, too, that anything that had been "hit by thunder" ought to go out of business and quit pestering sentimental folks. I can not answer that "burnt and black and seamed" argument in dull common prose. Saddle Pegasus and let me meet this doughty knight-errant:

"I love that man who knows it all,
From East to West, from North to South;
Who knows all things, both great and small,
And tells it with his tireless mouth;
Who keeps the wondering world in awe,
The while he works his iron jaw."

[Laughter.]

Mr. Chairman, these two Territories are much too large for one State. They have nothing in common more than mere geographic location. They have been separated about forty years. They have different governments, different codes, different laws, and different histories. The mountain divides them. New Mexico's watershed empties into the Gulf of Mexico; Arizona's into the Gulf of California. Each Territory has different debts that under one government would be difficult of equitable adjustment, if, in fact, they could ever be adjusted at all. Each has its own capitol; Arizona's costing her people a vast sum of money. Arizona will never consent to become a part of New Mexico. As much as her people hate Territorial dependence, they will bear even that for years and years to come before consenting to such a proposition as this amendment contains.

New Mexico, doubtless, feels the same way. Arizona would never hold a convention, nor adopt a constitution, or take any part in either if this amendment carries. The proponent [Mr. OVERSTREET] knows it. The gentleman from Iowa [Mr. LACEY] knows it equally well. The whole and only purpose of the amendment is to defeat this bill, and my purpose in taking the floor was to make this fact apparent to the House. I am thankful to the gentleman from Iowa for the compliment he pays me personally, and the applause which greeted it was particularly gratifying to me, but above the kindly words of friendship and the affection of my fellows here I hold the sacred duty I owe those whose confidence has kept me so long amongst you, and to whose interest I have conscientiously given the best years of my life.

The Committee on Territories is composed of as good men as this House carries on its rolls. They have given this question consideration far in excess of any other members of this body, and that committee has unanimously presented here separate States for your vote. Their judgment is entitled to your most respectful consideration. Every friend of the Territories will vote against this amendment. Every person desiring to defeat all the Territories will vote for it. This is the test vote. This is the last ditch of the opposition. Defeat this amendment and this bill will pass without a division of the House on the final vote. This is an insiduous, underhand attack on the bill. Under the thin guise of friendship to our best interest I see the assassin's dirk. Your side and this side of the House are bound by party platforms against this amendment. It therefore can not carry. Mr. Chairman, let us have a vote.

NOTE.—The amendment was defeated by 106 to 28.

Three New States.

SPEECH

OF

HON. DENNIS T. FLYNN,

OF OKLAHOMA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, May 8, 1902.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States—

Mr. FLYNN said:

Mr. CHAIRMAN: It may not be out of place, in the first place, to state that the bill under consideration is a bill which met with the unanimous approval of all the Democratic and all the Republican members of the Committee on the Territories.

I have heard criticisms of the chairman of that great committee for having consented to report this bill to Congress. Who is the censor of the opinions of members of this House and chairmen of committees? I have been asked, "How does it happen that Oklahoma was not reported alone?" I will frankly state it was not reported alone because the committee was unanimous in the opinion that it was right that all three of the Territories should be admitted; and it was their judgment to report this bill in the manner in which they did to the House.

A great deal has been said with reference to the rights of the Territories to statehood. Members of my own party say, as was said by the gentleman from Ohio [Mr. GROSVENOR] this morning, "I am willing to vote for Oklahoma." Yes. Vote for Oklahoma; vote for one proposition, and then have the opposition vote against Oklahoma and use that as a means to beat the entire bill. [Applause.] There has never been any rule laid down which would specify what shall be prescribed as the requisites for the admission of a Territory. The nearest to that was in the ordinance of 1787, when it was provided that Territories having a population of 60,000 should be admitted into the Union as States, and that was so far changed that even under it they could not have admitted the great State of Ohio itself, as it only had about 45,000 when admitted. The ordinance was not enforced as against it.

There are to-day in the Territory of Oklahoma one-third as many people from the State of Ohio as there was population in the entire Territory of Ohio when it was admitted as a State. [Applause.] What are the requisites for the admission of a Territory into the Union? We have been told this morning that it was political. Who lives to-day that can prophesy what the great and undeveloped West will be with reference to political affiliations in the future. Do you believe—I talk now to my Republican friends—do you believe that the way to make Republican States is to vote to keep them as Territories, and give the credit for their admission to the members of the opposition?

It has now come to this, that in the consideration of this bill, in the language of old, "Just and due consideration of the rights of the people should be the paramount question considered." There are more people in every one of these Territories now applying for admission than were in many of the States now represented upon this floor.

Mr. Chairman, there has never been a Territory that applied for admission into the Union since the organization of our Government that had within one hundred or two hundred thousand as many inhabitants as the Territory of Oklahoma now has. Is geographical area to be considered? If it is, then are we disqualified? But, if you disqualify us, you must disqualify Ohio, Indiana, Kentucky, South Carolina, and about one-third of the States

now in the Union. So that geographical area can not be considered. The exact area comprises 39,000 square miles more than the States of Vermont, New Hampshire, Rhode Island, New Jersey, and Delaware, being practically the size of Ohio, and larger than Indiana, and the size of Kentucky.

The census in 1900 gave us, in round numbers, 400,000 people. There are a dozen States now enjoying the rights, advantages, and immunities of full citizenship which have a smaller number of people within their boundaries than the Territory of Oklahoma. The States having the largest population when admitted were South Dakota and Washington, and even then, by the census taken a year after they were admitted, they lacked from 150,000 to 175,000 of having as large a population as Oklahoma now has. There has been no rule upon which you can gauge the admission of Territories. Some gentlemen argue, for the purpose of having my associates on this side vote against this bill, that they should consider the political complexion of these Territories. I will refer to that subject in a moment.

Ordinarily in the admission of new States it was argued that they should have population enough to entitle them to at least one Representative in Congress under the census. The bill under consideration bases our population on the last census and gives Oklahoma two members in the lower House. With the enormous influx of people into Oklahoma since the last census, our population has increased to over the half-million mark. Even under the large apportionment fixed for the Fifty-eighth Congress Oklahoma to-day has a population which would entitle her to three Representatives on the floor of this House, the only Territory, if we receive our just deserts, ever admitted into the Union with three Representatives in the lower House. When Illinois was admitted into the Union it did not have the requisite population to entitle it to even one. Neither did Florida, Kansas, Nebraska, Colorado, or Oregon, and the latter State lacked 45,000 of having enough. The people of the Territory must be pardoned if they temporarily cast their lot with the political party that is broad enough and fair enough to break the shackles of territorial bondage, and assist them in their upward march in building up a self-reliant commonwealth. [Applause.]

I say this to my Republican friends. I am as good a Republican as any member ever elected by that party on this floor. I come here with 13,000 more votes cast for myself individually as a Republican candidate than were cast for the gentleman from Ohio [Mr. GROSVENOR]. [Applause.] I come from a district with 33,000 and odd more votes cast in it than were cast in the entire district represented by him. I come with about 30,000 more votes cast in my district than were cast for any of the so-called leaders on the floor of this House who think that this bill should be throttled. [Applause.] But I am one of those Republicans who has been led to believe that when the party met in solemn convention and enunciated its doctrines that it was honest. I believe they meant it then, and I believe so now, no matter how the vote may be on this question. [Renewed applause.]

Mr. Chairman, I have been one of those who have looked forward to the bright sunlight and have stood as a humble follower revering the memory of the martyred Lincoln, looking forward with sorrow, but pleased at the record of the lamented Garfield, one of those humble followers who to-day stands looking to the bright side of the grand triumvirate of Lincoln, of Garfield, and of the sainted McKinley, and looking to them and not to the opponents of just legislation on the floor of this House.

I have heard the statement made to-day that the Republican platform and all platforms, for that matter, were merely made for a purpose, and that the people did not know what they were, and consequently they went for naught. I deny the statement that the saintly McKinley was ever nominated on such a hypocritical platform. [Applause.] The platform on which he was nominated in 1896 provided: "We favor the admission of the remaining Territories at the earliest practicable date."

That was the declaration of this great party which was followed by four years of the greatest prosperity that not only this country but any other country that the sun ever shone on enjoyed.

Again, in Philadelphia, four years later, when the party was enunciating another platform upon which that great hero was again placed in nomination, they said—now listen to the more recent declaration, the most modern article of Republican faith that has been enunciated, and I deny that either my Democratic or my Populist friends would willingly cast a slur upon anything connected with the name of McKinley—

> We favor home rule for, and the early admission to statehood of, the Territories of New Mexico, Arizona, and Oklahoma.

But our friends on the other side, evidently having trained with the gentleman from Ohio [Mr. GROSVENOR], met a little later on in their convention; and I am here now to ask my Republican friends, when I read them this declaration, whether or not they are willing to stand by and say that the Democratic platform and the utterances of the gentleman from Ohio are correct? The Democratic platform last adopted says:

> We denounce the failure of the Republican party to carry out its pledges to grant statehood to the Territories of Arizona, New Mexico, and Oklahoma.

What right had they to "denounce the Republican party," unless they had been told in advance by some one like the gentleman from Ohio that the Republican platform did not amount to anything and that nobody believed in it anyhow. [Applause.]

But, Mr. Chairman, I have some more Republican documents on the statehood problem. I do not believe that any man here will question the standing of the late Benjamin Harrison—his loyalty or his fealty to his party. Mr. Harrison, in Senate Report No. 15, first session Forty-ninth Congress, when making a report on the subject of Territorial admission, said:

> Territorial governments were always regarded as formative and temporary, to be superseded by State governments as soon as the necessary conditions existed.

Is not that good doctrine, coming from Benjamin Harrison, as good a Republican as ever lived? But I will not stop there. You may tell me that all I have read is from the tomb. Yes, and the hallowed tomb, revered and reverenced by all mankind. Senator PLATT of Connecticut, the best friend that the Territory of Oklahoma has ever had in the Senate of the United States—Senator PLATT of Connecticut, in the first session of the Fifty-first Congress, when reporting the bill for the admission of Wyoming into the Union, used this language, to which I call the attention of the House:

> The Territorial system was adopted only as a matter of necessity in order that there might be some government in an undeveloped and sparsely settled region. Wherever settlement and development make it possible for the people to sustain a State government according to the principles of the Federal Constitution, the Territorial government should be abandoned and the privileges of State citizenship conferred upon its people.

Will anybody say that we are not capable of self-government?

I deny, Mr. Chairman, that there is a pool or a trust on the Republican doctrines of this nation. McKinley, Lincoln, and Garfield were honest in enunciating the doctrines of their party. That party is broad enough to include not only the wealthy man, but the poor man. All alike are welcome and are members of that party. It might as well now be said, if the statements of the gentleman from Ohio are correct, that the platform upon which Theodore Roosevelt will be nominated will only be read, and that the people of the country will not pay any attention to it. Oh, yes; he doubtless will also be charged with belonging to the trusts. You know and I know that under his able management there will not be either a political or a commercial trust in this country. This we can confidently assume by the way he set out to look after the interests of the people.

But enough on the political phases of the question. I heard the statement volunteered by the gentleman from Ohio that Oklahoma is sure to be a Democratic State. Why, sir, that declaration will be heralded throughout the district which I represent by the Democratic party, and they will quote the gentleman from Ohio as very good authority. I have no objection if they want to use him as such; but I deny his right to speak on that proposition for me and the party of which I claim to be a member.

Further, we are told "you are bound to be Democratic." As a matter of fact, suppose that to be so, have not the people of Oklahoma a right to align themselves with whatever party they deem proper? I hope their judgment, however, will not indicate that the gentleman from Ohio is correct. But whether that should be so or not, they are entitled to admission; they ought to have admission.

I believe the gentleman is correct when he says we have no right to demand anything. We have not; that is true. The delegates are accorded a voice on this floor by virtue of an act of the American Congress. That is true. But when I say to you that there are now States represented on this floor and States having votes in the Senate—not one State, but more—whose population, men, women, and children all told, is not equal to the population of the district schools of Oklahoma Territory, I say that no man has a right to deny us admission into the Union.

When the great Territory of Dakota applied for admission it had no greater population and greater resources than Oklahoma has now, but Congress in its wisdom divided the Territory into the States of North and South Dakota. Who now doubts the wisdom of that division? Who would advocate the merging of the two sovereignties into one? As divided, each of the two States were giants in population and in resources, but neither of them had the population or the resources that Oklahoma now possesses.

Ohio and Indiana are both about the same size as Oklahoma. Where is the man who would to-day be so foolish as to say that each of them is too small geographically and that they should be combined into one great State? Such a man would be swept from his feet by a storm of ridicule. Oklahoma's area is nearly 3,000 square miles greater than that of Indiana and only a little

over 2,000 square miles less than that of Ohio. If geographical area is the test, then Oklahoma meets every requirement and at once should be clothed with all the habiliments of statehood.

The reports of the last census show that there are in Oklahoma 13,000 more boys and girls of school age than there are people in two States which are represented in the halls of Congress by six men who not only have the right to talk, but the right to vote.

At the last general election in the Territory (1900) over 73,000 votes were cast for Delegate to Congress. This number was far in excess of the total vote in each of the following States: Delaware, Florida, Idaho, Louisiana, Mississippi, Montana, Nevada, North Dakota, Rhode Island, South Carolina, Vermont, and Wyoming. Nevertheless two of these States are represented on the floor of this House by 7 members each, while one of the others has 6. Of the half million people in Oklahoma 88 per cent of them were born in the States and have had the privilege, as well as the responsibility, of voting for their own officers and for the chief magistrate of the nation.

The pride and the glory of Oklahoma is its public-school system, and the public-school system forms the bulwark of any State or nation. The strength of our country rests upon its public schools. It is in the public school that the American patriot is reared, and it is the public school that will see that the unity of the flag is preserved and the glory of the nation maintained. As a result of the public-school system of Oklahoma the last census reports show that only 5.9 per cent are unable to read and write. Excepting the States of Illinois, Indiana, Michigan, and Wisconsin, this is a smaller percentage of illiteracy than can be shown by any State east of the Mississippi. There are only 17 States in the Union that have as small a percentage of illiteracy. Having in thirteen years built up a school system which shows higher results than those of two-thirds of the States, is there any wonder that the Territory of Oklahoma feels proud of its achievements in an educational way and boasts of its common schools?

In 1891 there were 9,395 pupils enrolled in the public schools of Oklahoma; in 1900 there were 114,797. In 1891 the estimated value of school property was $12,000; in 1900 it was $760,972. In 1891 there were 109 schoolhouses; in 1900 there were 1,930. In 1891 there were 358 school districts sustaining schools; in 1900 there were 2,096 schoolhouses. In 1891 the amount received for school purposes was $44,000; in 1900 it amounted to $774,176. This shows the increase up to 1900.

The increase during 1901 was equally as great. There are to-day in the Territory 2,500 district schoolhouses that you people in the South and in New England and in the West are familiar with. They are not all log houses. Some of them are, but a majority of them are reproductions of the little white schoolhouses that have turned out the brains of our Government. There are to-day, as I say, 2,500 district schoolhouses, located in all parts of the Territory, sustained by our people, most of which were built without the issuing of any form of indebtedness. We have in every large city creditable brick and stone school buildings, which are furnished in the most modern manner.

In addition to these we have a Territorial university, which is the boast of the Territory; an agricultural college, and several normal schools, together with various denominational schools, colleges, and academies. This shows that the Oklahoma boys and girls are all keeping in the front rank of intelligence and progress, commensurate with the onward march of their brothers in the older sections of the Union. During the last year we had enrolled in our university about 400 students, and when a boy or a girl secures a diploma from that university, he or she is as proud of it as if it were issued by Harvard or Yale.

Congress has always been kind to Oklahoma, and I have had the honor to represent the Territory when it was under the control of first one and then the other of the great political parties. We have never appealed to Congress in vain and I do not expect to do so this time.

In view of the rapid settlement and development of Oklahoma, it was recognized very early that if any land was to be reserved for the future State it would have to be reserved as various sections of Indian land was opened to settlement; otherwise it would be too late, when the Territory was admitted, for Congress to make grants for school purposes, as was done in most other cases when new States were admitted. We have had lands reserved at different times, and with the consent of Congress have leased them for the benefit of the various educational institutions. In 1900 the amount received from such leases was, in round numbers, $75,000, and in 1901 it was $213,000. For the present fiscal year it is estimated at fully $300,000. We have received since 1891, as the net proceeds from leasing said lands, $1,046,857.

With such a commendable educational record for the past, with such an imposing statement of facts for the present, and with such brilliant prospects for the future education of the youth of Oklahoma, why should Congress hesitate to intrust to our hands that priceless boon of citizenship, about which our children study and for which our parents sigh, but which they can not enjoy, although they are intellectually and educationally equal to their brothers and sisters in the States? Is it strange that in behalf of this class of men and women we ask of you the right to control our own affairs? Is it wrong that they should insist upon the privilege—that great and high privilege—of casting ballots for the Chief Executive of this nation and of electing their own executive and judicial officials? Moreover, is it right for States having less people than we have school children to be entitled to three votes in the Congress of the nation while we can have no voice in the enactment of the laws which govern us?

Aside from the character of its schools, probably there is no better gauge of the intelligence of a people than the number and the standard of its newspapers. Among the first tents erected on the town site of Guthrie on the day of the original opening was one that covered a fully equipped newspaper plant, which, while the people generally were struggling for a chance to file on their claims, printed the first issue of a daily newspaper which has never missed an issue from that day to this. That first newspaper now has over 200 competitors within the boundaries of the Territory. There is an even score of papers published daily in the larger towns, while there are 170 weekly and numerous monthly and semimonthly papers and periodicals issued in various parts of the Territory. This is a record which can not be equaled by any community with the same population in the United States, and it is proof positive that our people hold a place in the intellectual sphere that is equaled by few and excelled by none.

Another test of the intellectual advancement of a community is found in the number and the size of its post-offices and in the character of the postal facilities demanded by its people. There are to-day in Oklahoma 35 Presidential offices and 725 fourth-class offices.

The last report of the Auditor for the Post-Office Department shows that for the fiscal year ending June 30 last the gross receipts of the Presidential post-offices in Oklahoma aggregated over $200,500, which is nearly as large as the total gross receipts from all of the Presidential offices in three of our Western States. The report also shows that during the same year there were nearly a score of States in which the gross receipts from the issuance of domestic money orders were less than those derived from that source in Oklahoma. Over two and a half million dollars were paid into the offices of Oklahoma for domestic money orders. These figures are very interesting and pertinent, in that they show that the Oklahoman not only keeps in touch with his friends in the States, but that in his industrial and financial transactions with the outside world he is more active than his brethren in over one-third of the States.

Again, socially and religiously our people are not a whit behind their neighbors in the States. All fraternal societies are liberally represented, there being between six and seven hundred such organizations in the various towns of the Territory. All of the principal religious denominations have large and commodious church edifices in every town, while there is hardly a community that does not boast of several literary societies. The general social condition is not as complex as in older communities, the line of eligibility not being so closely drawn. This can be accounted for by the fact that there has never been a settlement in any country of as many different people from so many different sections. There sectionalism and State pride disappear.

The old Union soldier and the ex-Confederate live in peace and friendship on adjoining claims. Northern push and energy meet and mingle with Southern hospitality, and they soon transform the prairie into farms, vineyards, and orchards, with homes that rival in the comforts of life those in the older communities. We have no millionaires; we have no paupers. Our people belong to the middle class. This admixture of the various elements of American civilization, this blending of the brain and the brawn, the customs and the training of different sections, this commingling of the representatives of all of the best elements of the North and the South, of the East and the West, has furnished a prosperous and intelligent people, has resulted in a cosmopolitan and broad-minded community, proud of its own record, but which would not detract from that of another. In a word, it has produced a typical and ideal American Commonwealth, where happy homes and well-tilled farms surround the hustling and thriving cities and towns. It is this industrious and high-minded class of people which has made the prairie blossom like a rose and which has within a little more than a decade erected a Commonwealth whose size and population surpasses that of many of the States and whose intellectual standing is unquestioned. In their name I ask, Is it justice that, because they have seen fit to cross an imaginary State line, they be deprived of the full rights and benefits of American citizenship?

With elementary and higher educational institutions that would be an honor to any State; with a public-school fund supplying a yearly income of $300,000; with school property now worth

nearly $1,000,000; with a percentage of literacy equaled only by one-third of the States in the Union; with daily and weekly newspapers in practically every home; with religious, charitable, and fraternal organizations within easy access of every family, and with a composite citizenship typical of the best in every section of the nation, we can and do proclaim without the slightest fear of contradiction that if education and intelligence is the test, Oklahoma should at once be promoted to her rightful place in the list of sovereign States.

Now, as to the financial condition of our people, a conservative and not a full estimate of the value of taxable property in Oklahoma would unquestionably place it at over $300,000,000. The total Territorial tax levy for 1901 was 7.5 mills, an increase of 2.35 mills over the preceding year. This increase was caused by the erection of new buildings for educational purposes.

The total taxable property in 1901 was $60,464,686, an increase of $12,000,000 over that of 1900. This is not a fair estimate of the value of our property, however. Congress kindly donated $16,000,000 in free homes to the people of the Territory, but in our total assessment we have but $17,000,000 charged as assessments from farm property, and I want to say here now that Oklahoma feels grateful to the American Congress for that great boon—yes, and when I say that I include the gentleman from Ohio [Mr. GROSVENOR], because he aided us in procuring the passage of that bill. And I would be untrue to the great cause of free homes did I not refer, in thought at least, because words fail me, to the great and honorable record of the gentleman from Pennsylvania [Mr. GROW], by whose work and energy the great American nation became known as the country of free homes for free men. We owed him, and we owe to many members of this floor, thanks for their kindness in voting to give these people what they did, and in carrying out the doctrine of that party to which I belong, and which, thank God, the other side of this House voted to sustain us in when they passed the last free-home bill. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. KNOX. I ask unanimous consent that his time be extended in order that he may conclude his remarks.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that the time of the gentleman from Oklahoma may be extended, that he may conclude his remarks. Is there objection?

There was no objection.

Mr. FLYNN. Sixteen States had less taxable property at the time of admission. Before Oklahoma would become a State under the operation of this bill the real value of her taxable property would be largely in excess of $300,000,000.

The appended statement shows the taxable value of several States at the time of their admission into the Union:

Arkansas	$19,000,000
Alabama	24,000,000
Missouri	22,000,000
Florida	21,000,000
Iowa	24,000,000
California	22,000,000
Oregon	29,000,000
Kansas	35,000,000
Nevada	30,000
Idaho	26,000,000
Wyoming	23,000,000

The total Territorial indebtedness of Oklahoma on June 30, 1901, was $466,220.13, or less than $1 per capita. Of this entire amount, but $48,000 was in the form of bonds, which in the first year of the Territory were issued for educational purposes, when we had no property to tax. There is not a bond issued by the Territory of Oklahoma, or by any county or municipality in it which has ever been repudiated or upon which there has been any default in the payment of interest. Our bonds of all kinds are at a premium, and our people, while striving to make the best terms possible whenever they borrow money, are equally anxious to keep unsullied their business reputation and their financial honor.

Sheperd & Co., of New York City, who have probably handled three-fourths of the warrants and bonds issued in the Territory, say in their last statement:

> We have handled more than half a million dollars of the bonds issued by the Territory of Oklahoma, by its counties, cities, and school districts. Our experience with the securities has been eminently satisfactory. Payments of interest and principal have been regularly made, and at the present time there is not a dollar of interest in default on any Oklahoma securities that we have ever handled.

That is our financial record, as viewed, if I may use the term, "on Wall street."

According to the latest figures there are in the Territory 125 Territorial banks and 61 national banks. The number of national banks has doubled since the end of the last fiscal year, and there are now pending in the office of the Comptroller of the Currency a dozen applications for charters for national banks in Oklahoma. In addition to these there are in the Territory various building and loan associations and other financial institutions, all of which are of a substantial character; and to say that we have 200 banking institutions of all kinds in the Territory, with resources of over $20,000,000, is to place a low estimate on them.

There are now in the Territory over 1,200 miles of railroad, with enough projected to bring the mileage up to 2,000. Of the 26 counties in the Territory only one is without a railroad. The 50 largest cities and towns of the Territory are connected by railroad and telegraph lines, some of the towns having three and four lines of railroad running into them. The assessed valuation of the railroad property in Oklahoma amounts to over four and a half million dollars. During the year ending June 30, 1901, the railroads shipped to markets outside of the Territory nearly 50,000 carloads of live stock and agricultural products, and over 100,000 bales of cotton.

Oklahoma is very largely a farming section. It surpasses every other section of the country in its ability to raise the four great staples—wheat, corn, oats, and cotton—upon the same piece of land. All fruits abound in great luxuriousness and perfection. Watermelons, sweet potatoes, and peanuts can be raised on every quarter section of land in the Territory. Oklahoma's wheat was awarded first prize at the Chicago World's Fair against the competition of the entire balance of the Union, and its wheat and flour carried off the premium at the Trans-Mississippi Exposition at Omaha in 1898.

Oklahoma raises annually over 25,000,000 bushels of wheat, 60,000,000 bushels of corn, over 150,000 and up to 200,000 bales of cotton, and other products in proportion. There are in the Territory 1,500,000 cattle, about 500,000 horses, to say nothing of about 1,000,000 swine and 50,000 sheep.

We have as yet devoted very little attention to mining, but with the opening of the reservations last August the Wichita Mountains are being thoroughly prospected, and there are indications of zinc, iron, and copper, and even silver and gold. Asphalt is found in many counties.

One of the agents of the Union Central Life Insurance Company, not a resident of Oklahoma, passed the following compliment upon us:

> We consider Oklahoma farm mortgages first class, and are making all the desirable loans that we can make. During the past five years we have loaned nearly, if not quite, $400,000 to the farmers of Oklahoma. We have not a single default in the payment of interest that is at all serious, and have never taken a foot of land in Oklahoma for foreclosure. The most serious trouble we have had with our Oklahoma loans has been that the farmers take advantage of the prepayment option which we grant them to pay off their loans long before we want to see our money come back.

That is our record on farm loans.

Oklahoma believes in encouraging all the industries and enterprises. It is not opposed to a man because he has not been successful in life elsewhere; neither does it believe in taxing especially those who have been successful.

We believe that this statement of facts and figures concerning the financial standing and business integrity of our people can not be questioned, and that it adds the last argument that is necessary to show that the Territory of Oklahoma not only possesses all the necessary essentials for statehood, but possesses all of them more abundantly than did any State that ever presented itself for admission into the Union on an equal footing with the thirteen original States.

Mr. BOWIE. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield to the gentleman from Alabama?

Mr. FLYNN. I do.

Mr. BOWIE. I do not wish to interrupt the gentleman. I am going to vote for the bill; but I have heard it reported that not one of the Delegates who have argued in its favor intends to vote for its passage. [Prolonged laughter.]

Mr. FLYNN. That is true. I regret to say that under the rules of the House I will not be permitted to vote for the bill.

Mr. Chairman, the Committee on the Territories carefully considered the question of including the Indian Territory within the limits of the proposed State of Oklahoma in the manner prodosed by the amendment offered by the gentleman from Arkansas [Mr. MCRAE], and unanimously decided that such action is wholly impracticable at this time. But in order that Congress may be left free to exercise its best judgment in the future, a clause has been inserted in the bill requiring the constitutional convention to pass an irrevocable ordinance giving the consent of the State of Oklahoma that all or any part of the Indian Territory may be added to said State at any time or from time to time as conditions may justify and the landed property becomes subject to taxation. In my judgment this is a wise provision. But it may be asked, Why not do it in this bill, as proposed in the pending amendment? I will tell you why.

The reasons are abundant and are known to all who are conversant with the unsettled and unfortunate condition of affairs which prevail in the Indian Territory. That Territory has an area nearly as large as the State of Indiana. At the present time only a few allotments have been made, and not a single foot of land is subject to general taxation. The only realty that can be taxed is that segregated from the land held in common by the Indian tribes and divided into town lots, and these lots can only be taxed for municipal purposes. Under these conditions that part of the State of Oklahoma now constituting that Territory would have to pay the taxes of the State government. And what does this involve? In the first place, not a foot of land nor a single dollar of money has been reserved in the Indian Territory for school purposes.

The census of 1900 shows that there are more than 150,000 persons of school age in that Territory who know nothing of public schools and with no proper facilities for any sort or kind of public education. As a result the percentage of illiteracy has reached alarming proportions. No land to tax, no schoolhouses, no school money, and no kind of government except the Indian governments; and more than this, there is an existing agreement between the United States and the Choctaws and Chickasaws that there is to be no change in tribal governments until 1906.

May it not well be asked, Mr. Chairman, in view of these conditions, is it fair to the people of Oklahoma to be required to divide the lands which Congress has generously reserved for the education of the children of Oklahoma with the Indian Territory. All these lands are within the boundaries of Oklahoma, and I will never consent to a union of the two Territories at this time without Congress first providing for a school fund in lands or money for a public-school system in the Indian Territory equal to the grants made to Oklahoma. I shall here and elsewhere defend to the best of my ability the rights of the school children of Oklahoma to enjoy the benefits of the magnificent fund to be derived from the grants of land made in this bill and which in the years to come will be the pride and glory of a great commonwealth.

In the second place, there is not at this time a single mile of public road in the Indian Territory. It will take not less than $10,000,000 to provide for these roads and no provision has been made by which they can be located. With no government for the white population, with no settled titles, and with the court costs reaching nearly half a million dollars annually, it would be the height of injustice to require Oklahoma to bear the heavy burden that would be imposed upon her by attaching the Indian Territory before Congress, by appropriate legislation, has equalized the unequal conditions to which I have alluded. Let Oklahoma be admitted with all her magnificent qualifications for statehood; let the destiny of the Indian Territory be worked out as rapidly as possible, and the lapse of time will place Congress in a position to properly settle the perplexing problems, with which it is now impossible to deal, with justice to all concerned.

In the meantime the urgent need of the Indian Territory is a Territorial form of government. The Committee on the Territories have unanimously reported a bill for this purpose, which ought to meet the approval of Congress. It will give protection to life and property; hasten the work of the Dawes Commission; give the people there a Delegate upon this floor, and in every way promote the welfare of a long-neglected section of our common country.

Why should Oklahoma, so large, so populous, so intelligent, and so prosperous, be governed differently from the States you represent? Why should our Territory, with its great population, with its manifest intelligence, with its unbounded wealth, with its unlimited prosperity, be denied the right to vote for the President of the United States, to elect its own governor, to choose its own judges, and to make its own laws? The prosperous and intelligent people of Oklahoma are tired of a Territorial form of government and strenuously object to longer marching in a procession tied by a Congress which, though trying to be just and kind, is not at all times able to appreciate the local situation or to give much needed and speedy relief. Our people believe that they possess not only the right to be heard but the right to vote in the councils of the nation, and they now ask that they be permitted to exercise that right. As has been said in the past of another great Territory which was making its last demand for admission, Oklahoma is "a peerless beauty in resources, in wealth, in numbers, and in intelligence, the pride of all America, yet ignored by Congress and denied the right to enter her father's house."

We hope that will not be true as far as this House is concerned when the hour arrives to record your votes. The only way to encourage people who have gone forth and builded a new commonwealth is to give them to understand that there is still room for a star on the flag, invite them to prepare their star, and I, for one, will guarantee to you no act of any of these Territories will ever cast odium or stain upon Old Glory. [Prolonged applause.]

The Best Roads are the Cheapest Roads in the End.

SPEECH

OF

HON. GEORGE A. PEARRE,

OF MARYLAND,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, April 30, 1902.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 13885) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1903—

Mr. PEARRE said:

Mr. CHAIRMAN: I desire to submit a few remarks upon the question of this appropriation. The gentleman from Oregon has anticipated me in offering an amendment, which I hold in my hand, increasing this appropriation to $40,000. I believe that $40,000 would be adequate to meet the needs of this Bureau at this time. I shall endeavor as far as I can to secure the $40,000 appropriation, and if not able to secure that increase I shall vote most willingly for the $30,000 appropriation, which is a ten-thousand-dollar increase over the present appropriation for public-road inquiries.

Mr. Chairman, this appropriation applies to the Bureau of Public Road Inquiries, which, in my judgment, is one of the most important bureaus connected with the Government of the United States, and, indeed, a bureau without the proper operation of which, and without an adequate appropriation for which, almost every other bureau, if not every other bureau, of the Agricultural Department becomes absolutely ineffective. It may be well for a moment to glance at the history of the establishment of this bureau. It was established in 1893, after an agitation set on foot by the National Good Roads League of the United States. This league was made up of gentlemen from various sections of the United States—I may say from every section of the United States—without reference to local or political feeling, and it met in Chicago in 1892. It was suggested at that convention that the Congress of the United States should be appealed to for the establishment of a bureau of public road inquiries. In that convention, Mr. Chairman, Secretary Rusk made some remarks which were very pertinent, and to which it may be well to call the attention of Congress. Hon. Jerry M. Rusk was at that time Secretary of Agriculture, and in his remarks to that audience he said:

> The United States Department of Agriculture is in full sympathy with this movement. It ought to be, as the national representative of the agricultural interest. A dollar saved in transportation is a dollar added to net production. What shall the farmer do with his surplus product, and why raise this surplus if his way to the outside world is barred by impassable highways or obstructed by obstacles which increase threefold the expense of realizing the fruits of his industry? Can we enlighten him by showing him a better way of expending the taxes levied upon him for the improvement of his roads? Can we show him such a system, well driven home with clear persuasion and positive assurances, as will induce him to take hold of the subject with energy? I believe that the time is ripe to submit this matter to the intelligence of the American public. There should be a unity of interest between the city and the country. The city is almost as much interested in getting good roads as the country itself. To the country it means enhanced net value to country products; to the city it means a greater variety and no essential increase to cost to the consumer.
>
> No one man can improve the highways of a neighborhood. All must act together in behalf of their common interest, and people in yielding something to the common interest will in the end, by intelligent cooperation and systematic methods, be the recipients of benefits far beyond any possible results arising from discordant and uncompromising individual demands. Every person must be brought to see this and be induced to yield his individual interest to a wider range of road improvement, and to a single system wider than the horizon as seen from his own doorstep.

Mr. Chairman, the result of that convention was an invitation from the chairman of the Committee on Agriculture of the House, to a committee appointed by the National Good Roads League, to appear before the Committee on Agriculture and present their views upon the necessity and propriety of establishing a bureau of public-road inquiries, and the following item was included in the agricultural appropriation bill for that year:

> To enable the Secretary of Agriculture to make inquiries in regard to the systems of road management throughout the United States, to make investigations in regard to the best method of roadmaking, to prepare publications on this subject suitable for distribution, and to enable him to assist the agricultural colleges and experiment stations in disseminating information on this subject, $10,000.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PEARRE. I ask unanimous consent to continue for fifteen minutes.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent that he may extend his remarks for fifteen minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. PEARRE. Mr. Chairman, this Bureau, therefore, was the result of this convention. It was not created by politicians, but was the offspring of a spontaneous popular demand. None

of its advocates expected to make anything out of it in the way of salaries or other emolument, but all were animated solely by the desire to subserve a great public purpose. These gentlemen gathered together in this convention, and they represented the people of their various localities. The present appropriation of $20,000 is too small to enable this Bureau to properly perform its functions and its work. The Secretary of Agriculture has set apart $7,500 for the road-material laboratory, and $3,000 for two experts in the field—a total of $10,500—leaving $9,500 for the total expenses of this Bureau, including the salaries of all the clerks, all the assistants, road experts, and engineers, and carrying on the work of object lessons in road building.

This, Mr. Chairman, is too little for the work. The work may extend over the 45 States of the Union, and the work of this Bureau of the Agricultural Department has already extended over 23 States. The needs of the Bureau, Mr. Chairman, are great. Heretofore it has been compelled to borrow its machinery, to use the road-making machinery of the various counties in which it has gone for the purpose of building object-lesson roads.

It has to beg from the railroad companies transportation for this machinery, and it indeed has been compelled to rely upon the National Good Roads League to bear part of its expenditure, even to the extent sometimes of bearing the expense of the salary of some of its officials. The Government of the United States should not and does not desire to be placed in any such humiliating position. The needs of this Bureau are fully and forcibly set out in the annual report of Hon. Martin Dodge, director, for the year 1901, in which he recommends an appropriation of $75,000, and a part of which report I will insert in my remarks.

In order to meet the constantly increasing demands that are being made upon us from time to time for practical assistance and advice it would be advisable to organize two or three outfits of road-building machinery, including rock crushers, screens, rollers, road graders, etc., and to send them to the various places which have asked for the cooperation of the Department and where preparations have been made for actual road construction. Each of these outfits should be accompanied by one or two practical road builders and a competent road engineer to direct the work.

Heretofore this office has been aided generously by the loan of road-making machinery, but the time has now come to abandon this make-shift policy and for the Government to purchase its own equipment for object-lesson work. This item of expense would not be a large part of the total sum needed and recommended. The leading railroads are deeply interested in the improvement of the public highways and have heretofore carried all our machinery free of charge, and it is thought that they can be relied upon in the future to carry it at a comparatively small expense to the Government.

If an appropriation is made by Congress for carrying out this plan, the only expense to the Department will be the salaries and traveling expenses of the engineers and expert road builders, the cost of the machinery, and the freight on the same from point to point. The local authorities would cheerfully furnish the road materials, which could be selected by our divisional agents and tested in our laboratory. They would also contribute the common labor, teams, and fuel, and attend to the grading down of hills, if that should be required.

This plan has been operated to a limited extent by the office for several years, and during the months of April, May, June, and July almost the same project was carried on by the National Good Roads Association in cooperation with this office. It is but proper to state here that this object-lesson work could not have been entered into by the office but for the national association, which paid the expenses, including the salary of our own engineer and a portion of the traveling expenses of the director and assistant.

The general adoption of this method of experimenting and disseminating practical information establishes a very wide cooperation, comprising the department, the railroads, the various local road authorities, the agricultural colleges and experiment stations, and interested individuals. It makes the expense of building experimental and sample roads very easy to be borne, and would enable the Government with a small expenditure to accomplish much practical benefit.

Scientific road building necessitates not only the consideration of local conditions, such as climate and soil, rainfall and drainage, but also a study of available materials adjacent to the road. To transport materials a great distance adds so much to the cost as to render roads scientifically constructed of foreign materials impracticable. Competent road builders should discover and test the available materials and show by practical object lessons how the most good can be made of them with the least possible expenditure of money and labor.

The best materials are not always discovered, and thousands of dollars are wasted in this country annually by the use of poor materials where a little expert study and advice would have developed good materials close at hand. The best methods of using these materials are ofentimes unknown, and money is wasted in their improper application. All these things require scientific study and investigation. The people of the country are now interested in this matter as never before, and they are demanding and are sorely in need of authentic information along these lines. Furthermore, this is a work which the Government can do for them much better and more economically than they can do for themselves.

After having considered all letters, requests, and resolutions which have come to the Department, and after consulting and corresponding with many of the most prominent farmers and road advocates throughout the country, I have the honor to recommend that Congress be asked to increase the appropriation for this office for the next fiscal year to $75,000. If this increase is granted, I would recommend that there be devoted, provisionally, to investigations and educational work $1,000 in each of the States and Territories, and that the balance be used in defraying the running expenses of this office and the road-material laboratory.

The necessity of furthering the work of this laboratory is felt all over the country, and at least $10,000 is needed for carrying on this branch of the work for the next fiscal year. The small sum of $1,500 heretofore allotted to each of the four divisions of the country is not sufficient to pay the salary and expenses of competent persons. The Department should be able to command the entire time and attention of those representatives, but in order to do this at least $2,500 should be set apart for each division.

Our small force has been so completely occupied with outside work that the preparation of didactic literature had to be neglected. This branch of the work should also receive more attention, especially the collection, illustration, printing, and distribution of practical and scientific information. I trust, therefore, that you will find it within your power to secure at least $75,000 for the use of this office for the next fiscal year.

When the last report was submitted, there was some doubt as to whether we could secure a sufficient number of trained men to carry on extensive investigations in the various States, but during the past year the office has devoted a great deal of attention and study to the selection of persons who are sufficiently skilled to inaugurate this work. It is gratifying to announce that we are now prepared to greatly extend the work of this office, and the appropriation above mentioned, if granted by Congress, will be expended judiciously and wisely.

An increased appropriation is also recommended by the Secretary of Agriculture in his report on page 99, where he says:

The work of this office is of great and growing importance. Popular appreciation of its efforts has greatly increased, as shown by press comments and resolutions adopted by many popular gatherings. The demand for the services of the Director and his assistants far exceeds the limit of their time and energy. There is an unmistakable popular demand that the Office of Public Road Inquiries be given a largely increased appropriation, a demand with which I am in hearty sympathy. If a larger sum should be appropriated for this purpose, I believe it would be profitably expended in carrying on and extending the work of this office.

In the estimate of the Agricultural Department the exact amount of my amendment ($40,000) is estimated and recommended by the Secretary of Agriculture.

Mr. Chairman, this recommendation of the Secretary of Agriculture is significant when we examine the report of the Secretary and discover that in no single other instance has the Secretary of Agriculture recommended with the same earnestness and positiveness any increase in appropriation. If you will glance at the report of the committee on the bill, it will be discovered that there are increases of appropriation provided for the Weather Bureau, Bureaus of Animal Industry, Forestry, Biology, Chemistry, Entomology, Soils, Public Experiment Stations, Silk Investigations, Plant Industry, etc. It reads as follows:

	Current fiscal year.	1902-3.	Increase.
Office of Secretary	$71,670	$73,690	$2,020
Weather Bureau	1,148,320	1,251,760	103,440
Animal Industry	1,154,030	1,247,180	93,150
Plant Industry	496,680	601,780	105,100
Forestry	185,440	282,860	97,428
Chemistry	35,800	73,200	37,400
Soils	109,140	168,960	59,820
Entomology	36,200	57,200	21,000
Biology	32,800	45,600	12,800
Accounts	18,900	24,100	5,200
Publications	198,020	228,820	30,800
Experiment stations	789,000	792,000	3,000
Silk investigations	Nothing.	10,000	10,000
Total increase			581,150
But deducting $5,000 carried in last year's bill for preparing plans of new building for Department of Agriculture			5,000
Leaves a total net increase for administration purposes of			576,150

You look in vain, sir, through the report of the Secretary of Agriculture for a recommendation of increase for these various bureaus, and, notwithstanding that, the Committee on Agriculture makes increase of large amounts in these various bureaus, not earnestly recommended by the Secretary of Agriculture, and overlooks the one item of an increased appropriation for the only bureau upon which the Secretary of Agriculture lays any special stress.

Mr. Chairman, this appropriation is not only recommended by the Secretary of Agriculture and the Director of the Public Road Inquiries, but it is also recommended by the Industrial Commission. If gentlemen will take the trouble to examine, they will see in volume 10 of the Industrial Commission that the Industrial Commission has made a careful investigation of this subject, and after that careful investigation has made this recommendation to Congress:

We recommend to Congress that increased appropriations be made for building sample stretches of improved roads in various sections of the country, so as to encourage the more rapid construction of such roads at State and local expense.

In addition to that, sir, the International Good Roads Congress, which met at Buffalo, N. Y., September 29, 1901, also adopted a resolution recommending an appropriation of $150,000 for this Bureau, and if there be no objection I will embody that recommendation in my remarks in the RECORD.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent to print the resolution referred to in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The resolution is as follows:

Resolved, That it is the sense of this International Good Roads Congress—

(1) That now, while the public-road systems of this country are in a somewhat chaotic condition and in a state of transition, the need for investigation and educational work by the Government is greater than at any time in the past.

(2) That the office of public-road inquiries in the Department of Agriculture should, therefore, at once be enlarged into a bureau and supported by such larger appropriations as will be more in keeping with the great work to be done by it.

(3) That in the opinion of this congress an appropriation of at least $150,000 should be made by the United States Congress for this purpose, and all members of Congress are respectfully urged to secure such an appropriation.

Mr. PEARRE. Mr. Chairman, this is no new matter, the interest that the Government may take and is taking in the improvement of the public roads. One of the very first matters which was brought to the attention of the Congress of the United States in the very infancy of this nation was the establishment or construction of a great highway for internal commerce. That, sir, I claim, was brought about, or the completion of the work (the child of the brain of Henry Clay) was brought about, to the everlasting credit of the State of Maryland, by its determined refusal to acquiesce in the Articles of Confederation until the other States and colonies negotiating for that confederation had consented to yield up to the common Government all the lands that they owned or claimed west of the Allegheny Mountains. That put into the hands of the United States the enormous public lands, out of the proceeds of which our public-school system has been largely built up, out of which the great national road, the greatest and only national highway we have ever had, was constructed.

Mr. Chairman, that road during the period of its usefulness was one teeming artery of the life and trade and commerce of the people of the United States.

True it is that after the construction of railroads it fell practically into "innocuous desuetude;" but it serves still to illustrate and emphasize the fact that the fathers of our country in the early history of this Government recognized not only the constitutionality and the legality but the propriety and wisdom of looking after the public roads. Mr. Chairman, that road cost $7,000,000, and was to have been extended far beyond Ohio to the city of St. Louis.

This matter of the improvement of the public roads has been taken up by every other country of the world, and large sums expended annually in their construction and improvement. England and Wales spend annually $20,000,000 on their roads; Ireland, $3,000,000; France, $37,500,000, while the United States, the pioneer of all nations in public improvements, the leader of the world in devising and perfecting plans to add to the comfort and welfare of mankind, lags in the race with the disgraceful record of but $100,000 expended in connection with the improvement of the common roads—excepting the National Road—and the Agricultural Committee of this great body refuses to adopt the earnest recommendation of an able and conservative Secretary of Agriculture for a paltry appropriation of $40,000 looking to the improvement of the roads of 77,000,000 of people. If the committee will indulge me for a moment, I will read from United States Consular Reports, volume 3, 1891. The document from which I propose to read is a report from Consul Danforth, of the Liege district, in Belgium, and will serve to show to the committee what other governments have done in regard to their roads:

> One can mount his wagon at the English Channel and drive through the breadth of Europe—except in time of snow—or its length, without sinking as deep as the fellies of his wheels in any weather or at any time of the year. The roads are so firm that rain does not soften them; they are so thick that frost does not break them up. There are no sloughs to wade through, no periods when the factory and the farm are cut off from the rest of the world by an impassable sea of mud. Two horses start with a cart or wagon weighing a ton, having upon it a load weighing 2 or more tons, and arrive with no breakage, and at least no friction, to their destination.
>
> How discreditable is the comparison between this condition of roads in foreign lands and those in our own lands, where, the Industrial Commission says, 99 per cent of the common roads are still bad? Is it not time to change the character of this comparison to the credit of our own country?

Now, Mr. Chairman, since the establishment of this Bureau, has it served any practically good purpose? If you will glance over the laws of the various States of the Union, looking to the improvement of the roads, you will discover that road improvement in the various States of the United States began with the establishment of this Bureau of Public Road Inquiry of the Department of Agriculture. California, Indiana, Massachusetts, Michigan, Missouri, New Hampshire, New York, North Dakota, Oregon, Washington, Wisconsin in 1893, New Jersey and Vermont had road laws prior to that time, but improved them greatly after 1893. New York passed its present law providing for State aid in the construction of roads in 1894.

Before this Bureau began its labors to educate the public and stimulate it to improve the public roads, in the States of Massachusetts, Rhode Island, Connecticut, New York, and New Jersey a limited mileage of roads was being built almost entirely at local expense, with one exception—of New Jersey—which adopted a State-aid plan in 1891. After the Bureau had performed a great amount of work in these States, they began to go forward with most extensive improvement. In New Jersey 10 miles of road were built in 1892, 25 miles in 1893, 64 miles in 1894, and since 1895, the year in which the Bureau did the most work in that State in the way of building object-lesson roads at the State Agricultural and Experimental Station, the applications for new roads have been in excess of the limit prescribed by law. The first State appropriation in New Jersey was limited to $75,000. The appropriation which the State now contributes to the construction of public roads in New Jersey is $350,000, and over 100 miles of permanent State roads have been built.

Roads in New Jersey, which at first cost $10,000 per mile, were subsequently built, under the direction of an expert of this Bureau, for $3,500 a mile, and owing to the increased knowledge and practical experience of these experts, as well as by the use of improved machinery and methods, the cost in more recent years has been reduced to a much smaller figure, running from $1,000 (gravel road) to $1,800 and $2,500 per mile for macadam roads. The results in New York, stimulated by this Bureau, are even more encouraging than in New Jersey. New York has profited greatly by the suggestions and instructions of this Bureau, for in March, 1898, the Higbie-Armstrong State-aid law was approved and $50,000 appropriated by the State. This year that appropriation was increased to $850,000 to aid the counties in improving the public highways. These improvements in the laws, reductions in the cost of construction, and increased State appropriations in the two States I have just mentioned were brought about, without doubt, by the stimulation of public interest in public-road matters by the literature issued by this Bureau and by the construction of object-lesson roads therein, all of which shows the invaluable work of this Bureau.

It may be contended by some gentlemen that it is not the function of the Government of the United States to construct roads for the various States of the Union. With this proposition I entirely agree, but this appropriation, Mr. Chairman, does not contemplate anything of that sort. It simply contemplates the same purpose which is contemplated by every one of these bureaus of the Agricultural Department, namely, to stimulate a desire and purpose upon the part of the various States to take up the various matters investigated by these bureaus for their own good, and by State appropriations to do the work as to which the Government is educating the people through the bureaus of this Department. The function of this Bureau is clearly and forcibly set out by the Hon. Martin Dodge at page 251 of his report, to which I have already referred, as follows:

> It is proper just here to call attention to a misconception, which appears to exist in the minds of some, to the effect that increased appropriations for this work may lead to national aid. It should be distinctly understood that the work of this office, like that of many other divisions of the Department, is peculiarly educational. In requesting an increased appropriation it was not the intention to shift the burden and responsibility of constructing improved roads from the States and counties to the General Government. Such a plan is not feasible, and even if it were it would not be desirable, for there could be no surer way of postponing the building of good roads than by making them dependent upon national aid. Under such a system States and counties would wait for national aid, and little or nothing would be done.

Just here I desire to call the attention of the committee to the fact that without this Bureau of Public Road Inquiries the good arising from every other bureau, appropriated for in this bill, will be curtailed. And why? Because each one of these bureaus has for its purpose the improvement and the increase of some natural product of the land. The Bureau of Animal Industry has for its purpose the ascertainment of the best methods of protecting the farming animals of the country from disease; investigating the best method of improving the breed, developing the animal and adapting him for the purposes for which he is used. How useless, then, is it for the Government to appropriate money to ascertain the best methods of protecting the health and developing the power of the horse if he is to be dragged to death in hauling loads through roads which, during a part of the year, are little less than mires. How futile the effort to develop cattle and then to have the weight, which is added to them by the best methods of breeding and feeding, dragged off in driving them through miles of mud knee-deep to the railroad station to be shipped to the market? How absurd to tax the farmer to meet an appropriation of $1,247,180, carried in this bill for the Bureau of Animal Industry, to aid him in part in developing the best and most productive breed of milch cows and protecting their health, when the legitimate benefit which should arise from this appropriation is torn from him by the increased cost of transporting his milk from the farm to the railroad or market by dragging it over roads at times axle-deep with mud?

There is appropriated in this bill $601,780 for the Bureau of Plant Industry—an increase of $105,100 over the appropriation for the current fiscal year. The design of this Bureau is to aid the farmer in improving all plant products on the farm; in protecting them from the ravages of the insects which are fatal to them, and in causing them to bring forth the greatest amount of product. How is the farmer compensated for this tax, unless something is done to improve the road from the farm to the railroad or market, in order that he may get the benefit of the increased production without having his profit reduced by an extra cost of hauling it through mud roads? I might go on, Mr. Chairman, through the appropriations for the bureaus of Forestry, Chemistry, Soils, Entomology, and Biology provided for in this bill, and show that the benefits arising from any and all of them

(and these benefits are great) will be destroyed unless the means of the farmers' transportation are improved and reduced in cost. The function of each one of these bureaus is to improve the farmer's product, and in every instance the profit from this improved product will be lost to him unless something is done throughout the country to improve the common roads over which that produce passes to the markets. Therefore, I assert with every confidence that the appropriation for this Bureau is the most important one contained in this bill, and is the basis of the benefit to be derived from any and all of the bureaus. Instead of being the only one which is not increased, it is the one which, perhaps, should be most increased.

This proposition is vigorously and clearly stated by Gen. Roy Stone, formerly director of this Bureau, in the Yearbook of Agriculture for the year 1897, in which he says:

The various divisions of the Department teach the farmer how to increase his product and how to care for it to the best advantage, but the question which finally interests him most is how to dispose of this product. It is useless for him to raise anything beyond supplying the mere necessities of his family unless he can be sure of finding a market and of reaching it at the proper time. Taking the country at large, the Chamber of Commerce of the State of New York declares this country is handicapped in all the markets of the world by an enormous waste of labor in the primary transportation of our products, and the National Board of Trade says that the country is "poverty stricken in the midst of its riches by reason of the badness of its roads."

The improvement of the public roads brings the city market nearer to the country and the farmer by increasing the ease with which the farmer reaches town. It cheapens the product to the consumers in town and city without reducing the profit to the farmer. Every ton, every pound, and every bushel of the farmers' surplus product must be marketed somewhere. In order to reach a railroad the distance between the farm and the railroad, ranging from nothing to 5, 6, 8, and 10 miles, must be traversed. That distance and the cost of traveling it is reduced by the cutting down of grades and the smoothing of the surface of the roads, and every improvement in this respect in effect reduces the length of the haul and saves the farmer money. This is not idle speculation, Mr. Chairman, but is based upon well-ascertained facts. There are over 5,000,000 farmers in the United States. They are the bone and sinew of the land. From their homes come the new blood and the strong nerve which meet the great draft made by the strenuous commercial, mercantile, and professional life of the large cities. Their farms comprise one-fourth of the total property of the country. The average cost of transportation from these farms to the nearest market or railroad over bad roads is not less than 25 cents per ton per mile; on good roads about one-third of this, or 8 cents per ton per mile. Each cent by which the cost of carrying a ton a mile is reduced is added to the farmer's profit without being added to the price.

In a prize essay by David H. Bergey, of North Wales, Pa., written in a contest where the awards were made through the University of Pennsylvania by a committee of the citizens of Philadelphia, with Dr. William Pepper, the famous physician and philanthrophist, as its chairman, the following statement is made:

The price of wheat is increased for localities having properly improved transportation facilities. If it costs a farmer $1 to haul 100 bushels of wheat over a dirt road, and by macadamizing the road this cost can be reduced to 20 cents per mile, the price of wheat is raised accordingly. One mile saves 80 cents. Ten miles save $8 for a hundred bushels or 8 cents per bushel—the increase in price of each bushel—not considering the larger load that can be carried on macadam roads. The price of wheat is then permanently raised by improved facilities for transportation. The value of farm lands is also relatively increased. The value of farms is increased by the improved facilities for transportation of their products, and thus find an earlier market. As the time needed to reach the market is lessened, the farm is brought relatively nearer the town and its market. If improved roads make the journey an hour shorter, the farm is, relatively speaking, an hour's journey nearer the market.

He also says that—

The farmer also receives some benefit in the saving of time and draft and in hauling coal, feed, and other commodities from railroad and mill. The time saved in hauling each load, and the increased burden that it is possible to carry greatly reduces the real cost of these commodities. In Montgomery County, Pa., nearly every farmer sends his milk either to the creamery or to the depot and ships it to Philadelphia. The time lost in this manner amounts to a considerable sum during the year. If the roads were macadamized this saving of time would represent that much profit on the dairy. If the loss of time amounts to one-half an hour each day for half the year—and many farmers lose more—or ninety hours during the year, the loss would amount to $9, since the hired help of the farmer costs him at least 10 cents an hour, including his keep. The saving of time of this item alone would go far toward paying his road tax and would be so much profit on his dairy.

The reduction in the cost of transportation to the farmer by the improvement of the roads arises not only from the greater ease with which and the shorter time in which he can haul the same load, which he now hauls over a bad road, to market, but also from the increased load that he can haul. Careful estimates have been made from experience, both abroad and in this country, to ascertain the saving upon this score. Mr. Harry Fielding Reid, chief of the division of highways of the geological survey of the State of Maryland, in an excellent article on "The advantages of good roads" in a publication called The Highways of Maryland, published in 1899, states that—

In Belgium, roads compete with railroads. Wagons bring merchandise from Brussels (60 miles) or Antwerp (72 miles) to Liege, and one horse pulls an enormous load. Dog carts come to Liege, 12 or 15 miles, laden with farm products, and two grown people ride back.

William H. Rhawn, chairman of the Philadelphia committee, to which I have already referred, states in a publication of the work of that committee called "A Move for Better Roads" that the census of 1880 gave the farm products of Pennsylvania as 6,500,000 tons, half of which is consumed on the farms, and the balance is hauled an average of 5 miles to market. Assuming that a 2-horse team makes two trips per diem, at a cost of $2.50 per day, the cost of movement on clay and macadam roads will vary as follows:

	Clay road.	Macadam road.
Load for 2 horses.....pounds..	1,400	2,180
Number of loads for the 3,250,000 tons.....	4,643,000	2,981,000
Cost at $1.25 per load.....	$5,703,750	$3,726,250
Saving by reducing the surface resistance.....	.....	$1,977,500

This is the waste entailed upon the farmers' products by clay roads. It is enough to keep in repair 30,000 miles of turnpike, at an annual cost of $60 per mile, or it represents 831,000 days of labor, which might be employed in other wealth-producing industries.

Arthur Newhall Johnson, highway expert of the Maryland geological survey, in a carefully prepared article on the construction and repair of roads, makes this statement:

It is seen in the case of an earth road that forty-one one-hundredths as much can be hauled on a grade of 5 feet per 100 as on a level earth road, and but 10 per cent as much on a grade of 15 feet per 100. Thus, if a horse can pull 1,000 pounds on a level dirt road, on a 5-foot grade he can only pull 410 pounds, and on a 15 per cent grade but 100 pounds.

It requires no argument to show that the lighter the grade and the smoother the surface the larger load one horse can drag; the heavier the road and the rougher the surface the greater number of horses it will require to draw the same load and the lighter the load. Mr. Byrne in his excellent work on Highway Construction makes the following estimate of the relative number of horses required to pull an equal weight on various surfaces:

Road.	Horses.
Iron rails.....	1
Macadam.....	5¼
Earth, dry.....	20
Sand.....	20

The illustrations could be multiplied of what must be apparent to every thinking man, that the reduction of grades and the smoothing of the surface of our roads will shorten the distance between the farm and the market, reduce the cost of transportation of the farmer's products, and thus increase his profit. But this is not the only way in which the farmer is benefited. The increase in his profit thus brought about increases the value of his land. The reason for this is plain. It brings the farm nearer to the market.

Gen. Roy Stone, vice-president of the National League for Good Roads, and formerly United States special agent and engineer for the Bureau of Public Road Inquiries of the Agricultural Department, states in his book on New Roads and Road Laws in the United States, published in 1894, that—

The Canandaigua (New York) roads by their improvement have increased the value of the adjoining farms many times the cost of the roads, and that the cost of keeping them in good repair is much less than that of keeping poor roads in poor repair.

He also states that—

The owner of a large tobacco plantation some miles from Henderson, Ky., having great difficulty in moving his product to the market in that city, organized a company and built a toll road. He estimates the increase in the value of his property at threefold, while the road has paid annually over 10 per cent in dividends.

In 1896 Prof. W. C. Latta, of Purdue University, Indiana, collected some important information on the subject of the increased value of lands in Indiana due to good roads by sending a number of questions to about 60 farmers living in 40 counties in the central part of the State. Over 40 answers were received, and from these Professor Latta draws the following conclusions:

First. The average estimated increase of the selling price of land due to the existing improved highways is $6.48 an acre. The estimates from which this average is made refer in most cases to land near improved roads, but in a few instances have applied to all the land in the county.

Second. The estimated average increase per acre that would result from improving all the public roads is $9.

Third. The estimated average cost of converting common public roads into improved highways is $1,146 per mile.

Fourth. The estimated average loss per 100 acres from poor roads is $76.28.

Mr. Reid, in the article I have already referred to, states that the farmers of Cayuga County, N. Y., who have built themselves a number of miles of hard road at a cost of $1.50 per acre of the adjoining farms, found that their land has increased in value from $20 to $30 per acre, and in the southwestern part of the State of Connecticut there are three towns in juxtaposition, the outer two of which have improved their roads, with the result that their land values are 50 per cent higher than those of the middle town.

Mr. Edward Burrows, formerly road commissioner of New Jersey, has collected the opinions of a number of farmers in that State who have resided in the neighborhood of the roads lately improved. One farmer writes:

I would not sell my house and accept another worth $7,000 as a gift and be obliged to live in it 2 miles from a macadam road. No farmer in the neighborhood would buy a farm not located on the macadam road.

Mr. Charles C. McBride, of Elizabeth, N. J., in writing on the improved roads in Union County, of that State, says:

The cost and expense of these manificent roads are easily computed. The total outlay by the board of freeholders has been nearly $350,000 and there are now nearly 40 miles of Telford and macadam road in the county. The figures are not in excess of what was expected by those who have given the matter careful study, thus showing that the financial part has been as discreet as the preparatory part. But the question will arise at once, Has this expense of nearly $10,000 a mile proved wise as well as beneficial? Good roads are, of course, good things, but do they pay?

The answer may in part be found in the fact that the property in Union County has actually appreciated in value far more than the cost of the roads; and this not only in cases of sale or exchange, but upon the tax levy. Notwithstanding the fact the $300,000 worth of county bonds had been issued to build these roads and the interest must be met annually, the tax rate has not been increased in the county or in any city in the county in consequence of the extra interest expense: and it is but fair to say that the actual appreciation of property due to the increased values of land benefited by the improved roads meets the increased taxes already. As an advertising medium alone they have been worth what they cost, for they have brought county property into prominence, have already caused the sale of many residential sites, have brought new wealth and new enterprise into the midst of us, have given direct impetus to the building and improvements in every city and town touched by them, and as yet the benefits are only beginning to be realized. It is fair to say that the citizens and taxpayers of Union County would not go permanently back to the old system, with its roads, if they were paid many times the cost of the new roads.

Gen. Roy Stone, formerly connected with the Agricultural Department, in endeavoring to ascertain or estimate the difference in the cost of transportation on good and bad roads, sent 10,000 letters of inquiry to all parts of the country. He found that the cost of hauling varied in different regions, being as low as 22 cents per ton per mile in prairie States and as high as 32 cents in the Eastern States. He estimated that nearly 220,000,000 tons of farm and labor products are annually carried on wagons in the United States at a total cost of nearly $1,000,000,000 and that probably two-thirds of this could be saved by good roads.

The highway commission of Maryland, Mr. Chairman, has been doing some good work in the way of collecting statistics on the advantages to the farmer of good roads. Mr. Reid, in his article, states that one of his correspondents, living near Bradshaw, Baltimore County, Md., at which place an excellent piece of macadam road was laid down less than two years ago under the direction of Mr. Harrison, of the United States Office of Public Road Inquiries, states that he hauls twice as much over this road in half the time as he formerly did and with less wear and tear on his harness and wagon. He says that his land has doubled in value.

The improvement in public roads reduces the number of draft animals that have to be kept and minimizes the wear and tear on them. There is also a great saving in repair to wagons and harness. The wear and tear on a horse on bad roads is a great loss to the farmer. It is authoritatively stated that stronger and more expensive horses are required in Baltimore than in Washington for the same class of hauling, on account of the difference in grades, streets, pavements, and car tracks. It is stated with equal authority that there is a company doing a large business in delivering freight in Baltimore and in Washington which finds that the annual repairs to their wagons in the former city are over three times as much as in the latter; and this is due to the difference in the streets and car tracks.

Mr. Harry Fielding Reid, chief of the division of highways of Maryland, states in the report of that commission, made by Prof. William Bullock Clark, state geologist of Maryland, in 1899:

That answers from correspondents in Maryland show that there are annually hauled from their farms 38,504 tons, and to their farms 17,504 tons; that is, the total freight moved is 57,045 tons. The farms of these correspondents have an aggregate area of 57,638 acres. One can therefore say with sufficient accuracy that there is annually moved 1 ton of freight for every acre of farm lands in Maryland. This ton is hauled an average distance of 6.7 miles, at an average cost of 26 cents per ton per mile, or $1.74 for the 6.7 miles of haul. The census of 1900 shows that the State contains 46,012 farms, aggregating a total of 5,170,075 acres. Multiply this number of acres by $1.74 and the total cost of transportation to and from Maryland farms amounts to about $8,925,800. If the cost of hauling was reduced one-half by good roads, the annual saving would be about $4,497,900.

This estimate includes nothing but what is hauled to and from the farm and does not include timber, lumber, mine props, crossties, and various other species of freight hauled over the public roads to railways, factories, etc. Mr. Reid estimates another great saving to the farmer which is effected by good roads. The better the roads the lighter the grades and the smoother is the surface. The lighter the grades and the smoother the surface the fewer are the horses needed to haul the loads, the larger are the loads, and the shorter is the time consumed in hauling them. Answers, he says, to his inquiries showed that on an average farm of 210 acres there are six horses, and that good roads would diminish the cost of repairs to wagons and harness about $10 annually, and if we take $15 as the value of the annual saving on each horse as the result of less food needed and a longer life service by reason of the greater ease with which he can do his work on well-graded and well-surfaced roads, and $10 as the saving in repairs to wagons and harness, we find that there would be an annual saving of about $100 per farm of 210 acres, and as the total acreage of farm lands in 1900 is about 5,170,075, the saving for the whole State would be about $2,461,900.

The arguments heretofore educed lose none of their strength by the suggestion that the transportation over the common roads in the future may not be by horse power but by steam or electric motors. If this be conceded (and for practical purposes it is a long way off), the lighter the grades and the smoother the surface the less resistance there will be to the power whatever it may be, and the larger the loads and the quicker the hauls. Indeed, there is scarcely a road in the United States over which electric trolley lines are being run the grade of which has not been lessened and improved. In eight cases out of ten it is necessary. Even if such motors be introduced, they will never supersede the farmer's own private method of transportation—namely, by his own horses and wagons.

I might multiply instances of this sort, Mr. Chairman, and add to my remarks innumerable calculations and estimates based upon authentic information to show the special benefits arising from good roads and the special losses due to bad roads, but neither my time nor the patience of the House will permit. If any of these estimates which have been made by careful men engaged in this work, both in this country and abroad, are within 50 per cent of being accurate, the advantages to the farmer and the public generally of good roads and the disadvantages of bad roads from a financial point of view become startling.

I may be pardoned for referring to my own home county for further illustration. In Allegany County, in Maryland, where I live, we have expended, sir, in the last three years $172,032.49 on public roads and bridges, the amount for new roads being but $10,600. In the ten years prior to that time, from 1889 to 1898, this same county spent $269,042 on its roads, and yet on account of the lack of sufficient knowledge of the proper method of road building the improvement of our roads has not been permanent. The Industrial Commission, in its review and analysis of the testimony heard by it on the subject of public roads, states that "99 per cent of the entire road mileage of the country is still practically unimproved;" which shows that the condition existing in my own county is the condition that exists in 99 out of every 100 counties in the United States, or 99 out of every 100 roads in those counties.

Under the existing laws in most of the States and under existing methods of road building (if the way our roads are built can be dignified by the word method) the labor and money that is annually expended on the roads is annually washed into the ditches and ravines. Much, if not all, of this enormous waste of energy and money can be avoided by encouraging the Bureau of Public-Road Inquiries of the Agricultural Department and by sufficient appropriations enabling it to continue the good work it has already begun and which has already been so fruitful of good results. The most important function, perhaps, of this valuable Bureau is, by the building of object-lesson roads, to teach the people of the United States how to expend the public money devoted to road building in the various States in the most judicious way and to the greatest permanent benefit.

We sanctioned the policy of the construction of public roads in the early part of this century by the construction of the great National Road, as I have already said, and we are to-day, sir, in every part of our possessions, outside of our own land, pursuing, and wisely pursuing, the policy of common-road improvement for which I appeal. As a result of the Spanish war and the treaty of peace we have taken Porto Rico and the Philippine Islands, and now hold them as territory belonging to the United States. Perhaps our first act after assuming jurisdiction over these possessions was to improve the highways. In Porto Rico we have expended or are expending a million of dollars on the public roads. Upon this subject the Hon. Charles H. Allen, governor of Porto Rico, in his report to the President of the United States on May 1, 1901, says:

The crying need of the island is above all things roads. The peculiar configuration of the insular surface and the frequent and continued rains which fall in all parts of the country render intercommunication impossible for weeks at a time, except where military roads have been constructed. Schoolhouses

may dot the hills and valleys to the north and south of the great central cordillera, the coffee tree may put forth its fragrant blossoms on every mountain side; the sugar cane may clothe every plain with perennial verdure; the tobacco plant may brighten and beautify every landscape, and all the forests, fields, and meadows may offer their stores of wealth to the horny hand of the industrious farmer; but of what avail are the means of education or the sources of wealth if communication is cut off between the neighboring farms and villages and the markets and seaports for lack of roads passable in all seasons and in every state of tropical weather? It is an imperative necessity to devote every dollar which can be spared from the surplus revenue to the construction of permanent roads.

It is understood that nearly a million dollars was allotted to the military authorities for the building of roads throughout the island. Plans were prepared and 20 contracts made for the construction of roads and bridges. In addition 4 Spanish contracts were continued in force, making altogether 24 contracts for the building of 86 miles of road and 2 bridges of the aggregate length of 674 feet. But these works were scattered over the island, and the roads were built in detached sections, so that the entire amount of money would be expended and scarcely a single highway completed, thus necessitating the expenditure of much more money to connect the roads already constructed. Evidently the plans were laid with the expectation of a further appropriation to carry on the work to completion; or perhaps the distribution of the funds to the different sections of the country may have been the principal object, in view of the plans adopted.

We have expended or are now expending a million dollars in the construction and improvement of the highways in the Philippine Islands. The report of the United States Philippine Commission to the Secretary of War for the period from December 1, 1900, to October 15, 1901, contains the following on the subject of highways:

The first law enacted by the Commission, pursuant to your direction, was one appropriating $1,000,000, gold, to be expended for the construction of roads, primarily for strategic purposes.

We have expended large sums of money in the construction and improvement of roads in Cuba, while in connection with the public roads of the United States we have expended but $100,000 in the history of the Government on the Bureau of Public Road Inquiries of the Agricultural Department, and the Committee on Agriculture of the Congress of the United States hesitates to appropriate a trifle of $40,000 for the beneficent purposes of this Bureau.

We will expend before the Nicaraguan Canal is finished perhaps $200,000,000 or more. This canal will connect ocean with ocean, and will place New York City in closer communication with Hongkong and the growing oriental trade than Liverpool is now through the Suez Canal. We expend annually millions of dollars on the rivers and harbors of the United States. We have within the last few years adopted the magnificent and growing system of rural free delivery and are annually and wisely increasing our appropriation for this boon to the farmers. With each one of these appropriations, judiciously made and carefully expended, I am, sir, in hearty sympathy. Nay, more; I glory in the greatness of the land which with no selfish purpose founds republics and carries the light of civilization and the hope of liberty to the islands beyond the sea; but at this time, when we are engaged in this grand work in the pursuance of a manifest destiny imposed upon us by an infallible providence, I feel bound to utter a word of caution lest in doing so much for others we may, perchance, forget ourselves.

Liberate Cuba, Porto Rico, and the Philippine Islands from the iron heel of Spanish tyranny if you will. Carry to them as generously and as humanely as you may all the blessings of modern civilization. Halt not at the difficulty, but boldly facing the new light of a coming century courageously meet and overcome every obstacle that stands between to-day's enormous task and to-morrow's glorious consummation of the work, but in your zeal for other lands and other races do not forget the convenience, the comfort, and the welfare of the people of your own land.

With good roads the Porto Rican may better bring his product to our markets; with good roads the work of reclaiming the wasted Philippines may be advanced; with good roads the liberation of Cuba and its establishment as a republic may be made permanent, and the expenditures made for this purpose in those possessions are therefore wise.

Almost every American product before it reaches the Nicaragua Canal must pass over the common roads. Almost every American product before it reaches the ocean steamer, the subsidization of which is now contemplated by the expenditure of millions of dollars, must pass over the common highways of the country. Almost every American product before it reaches the great transcontinental railroads to which the Government has appropriated millions of dollars in the shape of donations of public lands, must pass over the roads of the people. Every ton of the farmer's product before it reaches the rivers and harbors, for the improvement of which we have appropriated $60,000,000 at this session of Congress, must pass over the common roads before it reaches the market, domestic or foreign.

Is it not wise, therefore, that liberal appropriations should be made to stimulate the States to improve these roads and reduce the cost of the carriage of the farmers' product, the product of the mill and forest, from 25 cents per ton per mile to at least 10 or 15 cents? The Government of the United States has a direct economic interest in the improvement of the public roads since the establishment of rural free delivery. The better the grades and the smoother the surface of the roads throughout the States the greater distances can the United States carriers of rural mail go in a given time, thus saving hundreds of thousands of dollars annually to the Government of the United States.

Mr. Chairman, while I approve of all the appropriations which I have just mentioned, when they are judiciously made, as they have been by Republican Congresses; while I favor the extension of human liberty and the rights of man, not only over every foot of American soil and every possession of this Government, but over the entire earth, I would not, in this period of the mighty expansion of our progress, neglect the internal economy and domestic welfare of our people. Upon these the wealth, prosperity, and welfare of Americans at home must first and finally be based, and upon such basis must our power to extend the beneficent influences of our American civilization be founded. If we carefully guard our domestic economies, we will add to the safety and strength of our external endeavors.

Upon the hearthstone of the farmer's home is lighted and burns the brightest, the steadiest, and surest light of individual and national liberty. Keep these fires glowing by proper and just attention to the honest demands and necessities of the farmer's life, and from these home altars of happiness, strength, and freedom will radiate the beams of a safe and lasting progress, which will make us happy, contented, and prosperous at home and mighty, just, and powerful abroad. [Loud applause.]

The Late Representative J. William Stokes, of South Carolina.

REMARKS

OF

HON. JOSEPH T. JOHNSON,

OF SOUTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, April 26, 1902.

The House having under consideration the following resolutions:

"*Resolved*, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. J. WILLIAM STOKES, late a member of the House of Representatives from the State of South Carolina.

"*Resolved*, That as a particular mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a distinguished public servant, the House, at the conclusion of these memorial proceedings, shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk be instructed to send a copy of these resolutions to the family of the deceased"—

Mr. JOHNSON said:

Mr. SPEAKER: To-day, as we lay aside the regular business of this body, as it is eminently proper that we should do, to pay tribute to the memory and worth of our deceased brother, we are forcibly reminded that death comes with equal pace to the palace and the hut. Though I was not intimately acquainted with the late Representative STOKES, it became my duty as a member of this House to attend his funeral. Dr. STOKES was not a resident of the city of Orangeburg, but all places of business were closed out of respect to his memory during his funeral. All classes from every section of his own and adjoining counties were there to show their appreciation of him who had served them so faithfully and so well.

Of his services in this body I shall not attempt to speak, because his colaborers are better fitted for that duty. Suffice it for me to say that a man of his moral, Christian character could not have done less than his duty as God gave him light to see it. This leads me to refer not to Dr. STOKES nor to Congressman STOKES, but to Mr. STOKES, the modest, unassuming, Christian gentleman. The official clergyman at the funeral read one of the beautiful Psalms of David, and stated that it was the chapter read by Mr. STOKES when he erected in his home an altar to the living God. Would that every man in an office of honor and trust recognized his responsibility to and dependence on God, and would erect in his home an altar to Him.

Referring to the funeral, the text was:

For I know whom I have believed, and am persuaded that He is able to keep that which I have committed unto Him against that day.

These were the words spoken by Mr. STOKES when the chill, cold hand of death was upon him and he was entering the valley of the shadow of death. What a sublime and beautiful faith; what a happy ending of life's battles!

The highest compliment that can be paid any man is to be able to say of him that he was a Christian gentleman. I believe that the late J. WILLIAM STOKES was a Christian gentleman.

National Sanitarium at Hot Springs, S. Dak.

SPEECH

OF

HON. CHARLES H. BURKE,

OF SOUTH DAKOTA.

IN THE HOUSE OF REPRESENTATIVES,

Monday, May 19, 1902,

On the bill of the Senate, "An act for the establishment, control, operation, and maintenance of a national sanitarium of the National Home for Disabled Volunteer Soldiers at Hot Springs, in the State of South Dakota."

Mr. BURKE of South Dakota said:

Mr. SPEAKER: I hope that this bill will not only pass, but that it will have the vote of every member of the House. It is indeed a meritorious measure, and, as has been stated by my colleague, has been before Congress for several years, having passed the Senate four different times, and was reported to the House by the Committee on Military Affairs in the Fifty-sixth Congress, and has been unanimously reported by that committee in this Congress.

That the several Soldiers' Homes are now overcrowded has been made apparent by the remarks of my colleague.

The purpose of this bill as amended is to establish a sanitarium where soldiers may be sent for treatment who are afflicted with the many diseases, especially rheumatism, which so many of the soldiers of the civil war are subject to. The bill also provides that soldiers in the late war with Spain and those who have served in the Philippines or anywhere in the Army of the United States may be sent to this sanitarium.

That the waters of the Hot Springs possess great curative properties has been fully tested and demonstrated by an experiment which was made several years ago, as stated by Mr. MARTIN. In this connection I desire to submit and have printed with my remarks a letter dated February 7, 1894, from Gen. William W. Averell, U. S. A., assistant inspector-general, National Home for Disabled Volunteer Soldiers.

BATH, N. Y., *February 7, 1894.*

DEAR SIR: I have been requested to present to you my views regarding the advisability of and necessity for the establishment of a sanitarium at Hot Springs, S. Dak. Your committee, I presume, has my reports of three visits to the State Home for Disabled Volunteer Soldiers at that place made in 1891, 1892, and 1893, which contain my knowledge of the climate and of the healing qualities of the waters of the Minnekatah or Hot Springs.

The unusual number of members discharged from the State Home during the year by reason of their recovery from the disabilities which had entitled them to its care and benefits first attracted my attention, and subsequently the results of the remarkable test made last year (1893) upon thirty disabled men selected and sent from the Western Branch of the National Home, have induced my belief in the efficacy of the waters of the Hot Springs for rheumatism, sciatica, spinal irritation, and nervous prostration.

The test, which is fully described in my report, was severe, but too brief. It was upon about 30 men, 18 of whom were treated for rheumatism. In the sixty days' test 8 of them, or 44 per cent of those who were treated for rheumatism, were practically cured, the remainder all benefited excepting 1, and those suffering from sciatica, spinal irritation, and nervous prostration were improved. I believe the percentage cured would have been doubled with four to six months' treatment. During the year ending June 30, 1893, there were in the Central, Marion, Northwestern, and Western Branches of the National Home an average number sick of 1,590, of which 853, or 53 per cent, were treated for rheumatism in its various forms, acute, subacute, and chronic (articular and muscular). These Branches are the nearest and most accessible to the South Dakota Hot Springs, and if provision were made for the treatment of those 853 members afflicted with rheumatism at the Hot Springs, and 44 per cent of them were cured, there would ensue a saving to the Government of the cost of their maintenance in the Homes, viz, $52,875, computed upon the per capita cost of $140.75 per annum, and there would be something added to the producing power of the country.

In the ten State Homes nearest the Hot Springs—Illinois, Ohio, Pennsylvania, Michigan, Wisconsin, Minnesota, Iowa, Nebraska, Kansas, and Colorado—there were on the 30th of June, 1895, 488 members sick, of whom a much larger proportion, over 400, were treated for rheumatism. Assuming the same percentage of cures, 44, would result from a treatment at Hot Springs, there would be 176 restored to health, and there would follow a saving of $100 per capita to the Government per annum, or $17,600. Thus there might be a total saving effected per annum of $70,000.

If a sanitarium were established at Hot Springs at a cost of $100,000, and one-half the cases of rheumatism should be cured that might be sent to it for treatment from the most convenient Soldiers' Homes, I have no doubt it would pay for itself within five years after it was ready for occupation, in saving from cost of maintenance in Soldiers' Homes without cure. Without a cent of savings in money, the rescue from pain and misery, and the restoration to health of those men for whose welfare the Government is responsible, would, I believe, fully justify the establishment of the sanitarium.

In this view it would be an economical undertaking for the public good, which the public would appreciate and approve.

I am, General, very truly, yours,

WM. W. AVERELL, U. S. A.
Assistant Inspector-General,
National Home for Disabled Volunteer Soldiers.

Gen. JOHN C. BLACK,
Chairman Subcommittee on Soldiers' Homes, etc.

Dr. R. D. Jennings, surgeon in charge of the test, in his official report, said:

As will be seen, almost every man was afflicted with rheumatic or nervous troubles, the same being cured in almost every instance. I am satisfied that a careful inspection by the medical board on the return of the men will bear me out in saying that, all things considered—age of patients, shattered constitutions of some of them, variety and complication of diseases, and the chronic nature of all—the result of this test, as shown by detailed report, is in every substantial sense, highly satisfactory. A realization of all the claims put forth by the promoters of this experiment as to the virtues of the waters and climate of Hot Springs, S. Dak., and the desirability of this place for the location of a United States sanitarium for the treatment of such chronic diseases as most usually affect the old soldier is fulfilled.

Gen. Alfred Pearson, a member of the board of managers of the National Home, in a communication dated January 25, 1900, states:

I am deeply interested in the passage of the bill (H. R. 2967) introduced by Mr. Gamble for the establishment of the Northern Branch of the National Home for Disabled Volunteer Soldiers at Hot Springs, S. Dak. Aside from the reports of General Averell, assistant inspector-general for the National Military Home (which convinced me that the Government should establish a Branch of the Home at Hot Springs), the very many old veterans applying for admission to the Home, broken down with weight of years and suffering from disease, principally rheumatism, added to the reasons given by General Averell from personal observation, I have no doubt many would be greatly benefited by the use of the waters at Hot Springs, and I sincerely hope your honorable committee will favorably consider the bill.

Maj. William H. Bonsall, a member of the National Board, in a letter dated February 10, 1900, states as follows:

I am in receipt of H. R. 2967, for the establishment of a Branch Home at Hot Springs, S. Dak. I am heartily in favor of the bill referred to. The benefits, in so many ways, are inestimable, and the Branch Home should be established by all means.

General Averell, in a letter under date of January 8, 1898, in referring to the necessity for this sanitarium, stated:

There is no question of the necessity for such a sanitarium. If several hundreds who are afflicted with rheumatism, and not too old to be moved, were sent from the Homes to an adequate sanitarium at Hot Springs, they would at once make room for worthy, needy, and eligible soldiers who are pressing for admission, and if the sanitarium was full, some of those that were cured might make their way and leave room to be filled with fresh accessions.

Commandant Lucas, of the South Dakota Soldiers' Home, located at Hot Springs, in a report to Assistant Inspector-General Averell, says:

After a careful observation of the results in the treatment of our sixty-odd veterans for severe and desperate cases of rheumatism, I am constrained to say that I have no longer doubts about the curative properties of the waters. Every case that has been treated in the Home (not an exception) has resulted in a perfect cure, or the patient is approaching it. These results I regard little less than miraculous, when the enfeebled and broken-down condition of these men is taken into account. The waters are equally good and effective in treating cases of indigestion, scrofula, and all skin or cutaneous diseases.

I think, Mr. Speaker, that it has been sufficiently demonstrated that there is a necessity for the establishment of this sanitarium, and, that being the case, certainly no member of this House ought to oppose this bill.

I desire to submit and have printed with my remarks a copy of the analysis of the water of some of the hot springs, which analysis was made by Prof. G. A. Maringer, a Chicago chemist, as follows:

MINNEKAHTA SPRINGS.

[Constituents, in grains.]

Silica	2.464
Peroxide of iron	Trace.
Calcium sulphate	16.352
Magnesium sulphate	4.320
Sodium sulphate, Potassium sulphate	25.620
Sodium chloride and potassa	13.790
Total	62.546

Analysis of two of the prominent springs by Prof. Charles B. Gibson, of Chicago, Ill.

MAMMOTH MINERAL WATERS.

[Constituents, in grains, per gallon of 58.329.]

Total residue	83.1000
Inorganic and nonvolatile	71.0000
Organic and volatile	12.1100
Sulphate of sodium	23.2628
Sulphate of potassium	5.6272
Sulphate of calcium	33.1125
Chloride of calcium	5.5887
Chloride of ammonium	.0291
Chloride of magnesium	4.1144
Nitrate of magnesium	.3024
Phosphate of magnesium	.0996
Carbonate of magnesium	3.5057
Iron sesquioxide	.1490
Alumina	.2710
Silica	1.5483

LAKOTAH OR INDIAN SPRING MINERAL WATER.

[Constituents, in grains, per gallon of 58.329.]

Total residue	57.2100
Inorganic and nonvolatile	49.1600
Organic and volatile	8.0500
Sulphate of sodium	8.8241
Sulphate of potassium	3.3312
Sulphate of calcium	16.2909
Chloride of calcium	8.4990
Chloride of ammonium	.0491
Chloride of magnesium	3.1403
Phosphate of calcium	.3110
Nitrate of magnesium	0.1507
Carbonate of magnesium	3.0445
Iron sesquioxide	.2800
Alumina	.0210
Silica	1.8300

As has been stated, this measure has received the indorsement of two national encampments of the Grand Army of the Republic, and it has also been indorsed and recommended by several State encampments in States adjoining South Dakota.

The location is certainly a good one, and accessible to a vast section of country having a large soldier population, and where it can be easily reached from the Home at Leavenworth and the Home at Milwaukee, from which Homes soldiers can be sent for treatment who may be afflicted with rheumatism or other diseases.

Hot Springs has two lines of railroad, namely, the Fremont, Elkhorn and Missouri Valley Railroad and the Burlington and Missouri Railroad. This gives them connection with the East and South, and they also have western connections to Denver, Colo., and Cheyenne, Wyo.

Under this bill, the citizens of Hot Springs are required to donate sufficient ground for all the needs of the Home, and to furnish a perpetual lease of one or more of the medicinal hot springs, and the site and the springs are to be selected by the Board of Managers of the National Home for Disabled Volunteer Soldiers, and they are to have exclusive jurisdiction over the property.

The late Senator Sewell, in the Fifty-fourth Congress, in reporting this measure from the Committee on Military Affairs of the Senate, referring to the location at Hot Springs, did so in the following words:

It is a location possessing advantages that can not elsewhere be acquired—advantages provided by nature and so rare in their combination that they are duplicated in only a few instances the world over. From the surrounding hills come forth unfailing streams of water, medicated and tempered in the great laboratory of subterranean earth, endowed with health-giving properties in relative proportions so exact that man, with all the skill that scientific knowledge imparts, may strive in vain to improve upon, and at last can only imitate. It is the product of centuries of processes—a part of the grand scheme of nature, which, in preparing the earth for man's habitation, made provision also to combat the ills to which man has fallen heir.

Mr. Speaker, I am indeed very glad that no one has arisen to oppose this meritorious measure, and I have been particularly gratified to note the fact that the distinguished gentleman from Illinois [Mr. CANNON] is in favor of the bill in its amended form, or at least is not opposed to it. There being no apparent opposition to the bill from any source in this House is an evidence of the fact that the sentiment of the American people is that the Government should be liberal and do everything possible to add to the comfort of the noble and brave men who sacrificed everything and unselfishly gave their services to their country when its honor was imperiled, and if by the passage of this bill we can to any degree contribute to their comfort in their declining years, or do that which will tend to alleviate their suffering, I am certain that our action will have the approval of the country.

Eulogy on Death of Hon. Rufus K. Polk.

REMARKS

OF

HON. HENRY D. CLAYTON,

OF ALABAMA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, May 10, 1902.

The House, as in Committee of the Whole, having under consideration the following resolutions:

"*Resolved*, That the business of the House be now suspended that opportunity may be given for paying tribute to the memory of Hon. RUFUS K. POLK, late a member of the House of Representatives from the State of Pennsylvania.

"*Resolved*, That as a particular mark of respect to the memory of the deceased and in recognition of his eminent abilities as a distinguished public servant, the House at the conclusion of the memorial proceedings shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk be instructed to send a copy of these resolutions to the family of the deceased"—

Mr. CLAYTON said:

Mr. SPEAKER: While we now commemorate the life, character, and public services of our departed friend, Mr. POLK, we witness the unprecedented spectacle of three desks in this House clad, at the same time, in the habiliments of mourning. Since the adoption of the resolution setting apart this day as the time for tributes to this young Pennsylvanian, Mr. Cummings, of New York, the Union veteran of the war between the States and an experienced Representative; Mr. Otey, of Virginia, a Confederate veteran and a Representative of little less experience than Mr. Cummings, and Mr. Salmon, of New Jersey, have gone hence to await the roll call in another assembly. These three were of riper years, and had accomplished the greater part of life's work.

The morning of Mr. POLK'S life had not passed—the dew was yet upon the flowers—and now we stay the ordinary proceedings of the House to manifest our sorrow at his untimely taking off, to testify to his public service, his character, and his many virtues. Remembering his youthfulness, his genial disposition, and the warmth of his friendship, we must feel a peculiar and deep bereavement on this impressively sad occasion.

I knew some of the members of the family of our deceased friend for a number of years, but I never had the pleasure of knowing him personally until he came to Congress. I desire to add my testimony to what my colleague [Mr. RICHARDSON of Alabama] has so beautifully said about the distinguished family of which Mr. POLK was a member. His father was Brig. Gen. Lucius Polk, of the Confederate army. He was a brave and gallant soldier. The Polk family of the South has furnished not only a President of the United States, but distinguished divines and men renowned in the civil and military annals of the country.

Among the characteristics that I would truthfully and reverently ascribe to our dead friend would be his fervent patriotism, his uniform urbanity, his kindness of heart, his integrity, and his unswerving devotion to duty in all the relations of life, both public and private. In addition to these characteristics, we must recognize that he possessed another virtue that may be said to be too rare in political life. He was, with all his talents and distinguished name, a modest man. He was never a self-seeker. He never referred to his own achievements or to his meritorious conduct. One of the best evidences of his modesty is furnished in the Congressional Directory, a copy of which I have before me.

The new member of Congress sometimes imagines that, in the public mind, the compiler of the Directory is given the credit of being the author of these biographical sketches, but you know, Mr. Speaker, and all of us who have been serving here for any considerable length of time know that these biographical sketches are autobiographical. With your indulgence, I read from the Directory, in substantiation of the modesty of our friend, his plain and unexaggerated biographical sketch:

RUFUS KING POLK, Democrat, of Danville, was born in Maury County, Tenn., August 23, 1866; was educated at Webb's Academy, Culleoka, Tenn., and Lehigh University, South Bethlehem, Pa., graduating as mining engineer; served as first lieutenant Company F, Twelfth Regiment Pennsylvania Volunteer Infantry, in the war with Spain; is interested in the manufacture of iron and steel as a member of the firm of Howe & Polk; was chosen delegate at large from the State of Pennsylvania to the national Democratic convention at Kansas City, 1900; was elected to the Fifty-sixth Congress, and reelected to the Fifty-seventh Congress.

To this sketch, Mr. Speaker, his friends here to-day have added their testimony, showing the true worth of the man, his life, and service. He was too modest to indulge in self-praise. In this brief summary are the simple material facts pertaining to his life. There is an absence of adjectives; there is an absence of anything which might look like a desire on his part to say of himself what he might fear his friends and the public generally who knew him were not willing to say.

Mr. Speaker, the untimely taking off of this young man, in the morning of life, ere the sun had reached its meridian, serves to remind us of the frailty of human life, to remind us that we must make the most of it while its flitting moments pass; for the common end comes to all sooner or later.

Kind words and flowers are all that we can give to the dead. May the memory of our lamented friend abide with us and be as the perfume of sweet flowers. And may the words which we have uttered in truth and sincerity serve to console bereaved ones and furnish us ennobling thoughts and higher aspirations. Farewell, dear friend, until the new and radiant life, the Christian's hope, shall come in fulfillment of the blessed promise of our Lord and Saviour.

Civil Government for the Philippine Islands.

SPEECH

OF

HON. JETER C. PRITCHARD,

OF NORTH CAROLINA.

IN THE SENATE OF THE UNITED STATES,

Friday, May 9, 1902.

The Senate having under consideration the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes—

Mr. PRITCHARD said:

Mr. PRESIDENT: I had not intended to discuss the pending measure until after I read the speech of my colleague [Mr. SIMMONS], which was delivered in the Senate a few days ago, and it is not my purpose at this time to discuss it at any great length.

As I understand the matter, there is but one issue raised by the measure which is now pending before this body. The bill now being considered is entitled "A bill temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes." The only question presented to us in the consideration of this matter is the question of

administration. The question as to whether we own the Philippine Islands and as to whether we are to retain them has already been settled, and we are now called upon to decide as to whether we shall adopt the bill brought in by a majority of the committee or the proposition submitted by the minority.

Mr. President, I am satisfied that a majority of the people whom I have the honor in part to represent are heartily in favor of the adoption of the proposition brought in by the majority of the committee. Not only is this the case, but I believe that a majority of the Southern people to-day, regardless of party affiliations, are in favor of adopting the pending measure. In this connection I desire to call attention to the following editorial, which was published in the Charlotte Observer, of my State, one of the leading Democratic papers in the South, in discussing the speech of my colleague.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from North Carolina yield to his colleague?

Mr. PRITCHARD. Certainly.

Mr. SIMMONS. I understood the Senator to say that he proposed to read an article from the Charlotte Observer.

Mr. PRITCHARD. Yes.

Mr. SIMMONS. And I understood him to say that that is one of the leading Democratic papers in the South.

Mr. PRITCHARD. That is what I said.

Mr. SIMMONS. I should like to ask the Senator if he does not know the fact that in the last Presidential election the Charlotte Observer opposed the election of Mr. William J. Bryan, the Democratic candidate for the Presidency?

Mr. PRITCHARD. The Charlotte Observer did oppose the election of Mr. Bryan at the last election, but it did so on the ground that Mr. Bryan was in favor of the free and unlimited coinage of silver, and that alone, and a number of Democrats in my State were in accord with the paper with respect to that subject.

Now, I desire to read what the Charlotte Observer in its editorial of recent date has to say about this matter.

It is to be inferred from the Associated Press synopsis of it that the speech of our junior Senator Monday in opposition to the Philippine government bill was a very strong one. We can not subscribe to his proposition that these islands should at this time be turned over to their inhabitants. We are there, and it is not clear how, regarding all the interests concerned, we are now to get out; but apart from this there is nothing in the speech that can be fairly objected to.

Mr. President, I trust that my colleague will not object to what the Charlotte Observer has to say in regard to his speech, which I concede was a very good one under the circumstances.

I also desire to call attention to the following statement from the Vicksburg Herald, published in the State of Mississippi, which is also a leading Democratic paper, and which I presume supported Mr. Bryan at the last election:

The Philippine question has resolved itself into terms that need not be misunderstood and can not be avoided. It is no longer a question of possession and retention, but merely a question of administration.

Mr. SIMMONS. If my colleague will permit me, before he leaves that part of the discussion I should like to ask him just one other question.

The PRESIDING OFFICER. Does the Senator from North Carolina yield?

Mr. PRITCHARD. Certainly.

Mr. SIMMONS. In view of the fact that my colleague has stated that in his opinion a majority of the Democrats of North Carolina and of the South are in favor of imperialism, I ask him whether he can name any other Democratic paper in North Carolina, outside of the Charlotte Observer, which is in favor of the Republican policy of imperialism in the Philippine Islands?

Mr. PRITCHARD. Mr. President, I have not said that the majority of the Democrats of North Carolina are in favor of imperialism.

Mr. SIMMONS. I thought you said so.

Mr. PRITCHARD. I know of no one in that State who favors imperialism, but I do know that a majority of the business men of North Carolina are in favor of industrial expansion, and they are in favor of the Republican policy with respect to the Philippine question.

Mr. McLAURIN of Mississippi. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Mississippi?

Mr. PRITCHARD. With pleasure.

Mr. McLAURIN of Mississippi. Will the Senator allow me to make a suggestion in reference to the Vicksburg Herald?

Mr. PRITCHARD. Certainly.

Mr. McLAURIN of Mississippi. That paper did not support the Democratic ticket in 1900.

Mr. PRITCHARD. I am delighted to hear it. It certainly showed good judgment in not doing so.

Mr. McLAURIN of Mississippi. The Senator made a statement, as I understood just now, that that paper did support, or he understood that that paper had supported that ticket. I only wanted to show to the Senator that his information was incorrect.

Mr. PRITCHARD. I will say to my distinguished friend that I presumed that that paper supported Mr. Bryan, as they usually vote Democratic in his State when they vote at all.

Mr. McLAURIN of Mississippi. Mr. President, I will suggest that shows good judgment.

Mr. PRITCHARD. On that point I beg leave to differ with my distinguished friend.

Now, Mr. President, the one proposition that is submitted to us is as to whether we will carry out in good faith the principles set forth in the Paris treaty and the moral obligation that the American people assumed when that treaty was ratified. If we adopt the proposition which is submitted by the minority, we absolutely abandon the Philippine Islands. We turn over the class of people residing in those islands who have been friendly to the American people to the tender mercies of Aguinaldo and those who have followed him in opposition to the American Government. I can not understand how any American citizen can for one moment entertain such an idea with respect to this question. We have been opposed by a majority of our Democratic friends at every stage of the proceedings since this proposition was first brought before the Senate.

The war with Spain, at the beginning, was not desired by the Republican party. The Republican party until the very last moment deferred action, hoping that by diplomatic intercourse with the Government of Spain we could secure the freedom of the Cubans, and thereby avoid bloodshed and the enormous expenditure of money incident to any war we might have with Spain. But after our illustrious President had exhausted all peaceful means to bring about a satisfactory solution of the question, then it was that the Republican party, with that courage and patriotism which has always characterized its course, inaugurated that which proved to be the most successful war in modern times. As a result, absolute good faith in every respect has been observed. We have given to the Cubans the independence which we assured them that they should have, and we likewise propose to establish and maintain a stable form of government in the Philippine Islands, in accordance with the provisions contained in the Paris treaty, which was ratified by the votes of Senators representing both political parties in this country.

Mr. President, I am at a loss to know why so much irrelevant matter has been lugged into this discussion. My distinguished friend from the State of Tennessee [Mr. CARMACK] consumed an hour and a half on yesterday in a discussion as to whether Aguinaldo was excusable for the killing of Luna, or whether he was guilty of murder. I can not understand what bearing the question of Aguinaldo's treatment of Luna can have upon the proposition which is now pending before the Senate. I am also at a loss to know what effect it can have upon this subject to investigate the alleged cruelties on the part of American soldiers in the Philippine Islands, in so far as this measure is concerned. That there ought to be an investigation, prompt and speedy, and that every guilty man ought to be punished, no one will deny; but I insist that these propositions ought to be dissociated from the measure which we are now discussing, and that we ought to consider this measure on a higher plane, and consider it purely as a question of administration.

I noticed in the newspapers this morning an interview with a distinguished officer of the Navy, Admiral Remey, who has just arrived from the Philippine Islands. Among other things he says:

Concerning general conditions in the islands, General Chaffee told me before I left that things were progressing satisfactorily—slowly but surely—and that pacification was only a matter of time. Talk of the withdrawal of the United States from the Philippines is based on an inaccurate and incomplete knowledge of conditions out there. This country could not withdraw. Chaos would be the result. My observations have convinced me that the natives are not capable of self-government yet. They need a guiding hand, and now that we have undertaken the task we can not, for the sake of humanity, withdraw until the work is completed.

Mr. President, here is an officer of the Navy, who is presumed to have no political opinions one way or the other, who tells us that those islands are practically pacified. He tells us that it would be a fatal mistake to withdraw the Government forces at this time; that for us to turn those islands over to the Filipinos would mean utter chaos and a worse condition of affairs than existed there before Admiral Dewey compelled the surrender of Manila.

My colleague [Mr. SIMMONS] the other day, in discussing this question, said that he was satisfied that no good could come to the South from the policy which was pursued by the Republican party with respect to this question. Mr. President, I have some figures here, which I propose to submit to the Senate, with respect to our trade relations with the Philippine Islands.

From the ports of Norfolk and Portsmouth, Va., the exports from the United States to the Philippines in 1899 amounted to $70,336, and in 1900 the exports amounted to $118,173, showing an increase of $47,837 within a period of one year from this South Atlantic port.

In 1899 the total exports from the United States to the Philippine Islands amounted to only the sum of $404,193, whereas in 1900 it amounted to $2,640,449, showing a net increase of $2,236,256 in one year.

Let us see from what source the Philippine Islands obtained their cotton goods. I have examined with great care the importation of cotton and cotton goods to the Philippine Islands from all countries, both manufactured and unmanufactured cotton, for the twelve months ending June, 1901. I find that the total importation of cotton and cotton goods to those islands for the period named amounted to $9,510,307. Of this total the United States furnished the small amount of $127,325. These figures are surprising but true. Those islands imported $9,382,982 worth of cotton and cotton goods from countries other than the United States in 1901. Is it not reasonable to suppose that when our commerce with those islands is firmly established, as it will surely be at an early day, that the South will furnish the greater part of this $9,382,982 worth of cotton and cotton goods that has heretofore been furnished by other countries?

The point I make is that if we retain the Philippine Islands, as we shall do, the Southern States will be able to control the greater part of the $9,510,307 worth of importations into that country. Not only that, but it is fair to assume that once we establish friendly relations and commercial intercourse with the people of those islands the importation of our cotton goods into that section of the world will more than treble, and the South will be the chief beneficiary thereof. So I can not understand how any Southern man, representing a section of country where cotton is grown and manufactured, can afford to vote against a proposition which has for its object, incidentally, the extension of our cotton markets in foreign countries, or at least in the direction of the Orient, as well as into the Philippine Islands.

My colleague also contended that our trade with China did not amount to anything. I desire to call his attention to the following facts with respect to our cotton trade in China.

Mr. DUBOIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Idaho?

Mr. PRITCHARD. Certainly.

Mr. DUBOIS. I do not want to disturb the Senator from North Carolina in his argument, which is very interesting——

Mr. PRITCHARD. It is no disturbance.

Mr. DUBOIS. But I should like to ask him if cotton is a drug in the market, or have you not a sale for all the cotton you raise?

Mr. PRITCHARD. Cotton to some extent has heretofore been a drug in the foreign market. Now that we have resumed friendly relations with China and increased our trade with other countries, there is a very good demand for cotton.

Mr. DUBOIS. Then without the Chinese trade and the Oriental trade there would be no demand for the cotton of the South, as I understand the Senator?

Mr. PRITCHARD. I do not propose to say that, but I do say the demand would not be so great, and consequently the price would not be so good. That is all.

I want to submit some figures that are very significant.

During the year 1890, just preceding the Boxer troubles, and before the exports to China from this country were shut off, within the single month of July there were exported to China 15,519,945 yards of domestic cottons, valued at $871,000, but within less than ninety days after the trouble began this export demand dwindled down to only 390,000 yards, valued at only $25,375, and still kept down to this nominal figure until July, 1901, when, the reaction having come, and the markets of China having been thrown open, the exports for the single month of July of that year aggregated 33,988,783 yards, valued at $1,709,605. It gravitated around these figures from that time on until it crawled up, in January, 1902, to the very encouraging figures of 37,672,467 yards, valued at $1,773,585. It is estimated that for the current fiscal year our exports of manufactured cottons will probably exceed in value $30,000,000.

These statements within themselves are sufficient to warrant me in the assertion that those of us who live in the South can not afford under any circumstances to give our sanction to any policy which undertakes to permit these islands to pass from under our control as a nation. Being in the gateway to the Orient is not the only feature which renders them desirable, but when we come to consider the possibilities of our future trade with the people of those islands, there is every reason why we should give our hearty support to the policy advocated by the Republican party with respect to them.

Mr. President, the trouble with the otton grower in the past has been that there has not been sufficient demand for his product. I remember that under Democratic rule in 1893 5 cents was the highest price that we received for our cotton, and we were delighted to sell it at that price. Nearly all the cotton growers, as well as the manufacturers, of North Carolina and the other Southern States were almost bankrupt during the four years of Democratic rule with which we had to contend during Mr. Cleveland's last Administration, but since the Republican party has come into power, since we have restored public confidence, since we have adopted the policy of industrial expansion, and since, by diplomatic relations, we have extended our trade into the Orient, there is, as my distinguished friend says, an increasing demand for our raw cotton as well as our cotton fabrics.

Mr. SIMMONS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to his colleague?

Mr. PRITCHARD. Certainly.

Mr. SIMMONS. I understand the Senator from North Carolina to say that during the Democratic Administration the trouble was that there was no demand for our cotton, and therefore the prevailing prices were low.

Mr. PRITCHARD. I did not say that.

Mr. SIMMONS. Now, I desire to ask the Senator if it is not a fact that during the whole of Mr. Cleveland's last term did not we export to Europe and to other countries about two-thirds of the entire raw cotton crop of the South, and if there was not in those countries a ready demand for our cotton crop?

Mr. PRITCHARD. My colleague misquotes me. I said there was no price for cotton or anything else under Democratic rule in North Carolina. I am sure my colleague will bear me out in that statement.

Mr. BEVERIDGE. Will the Senator permit me?

Mr. PRITCHARD. Certainly.

Mr. BEVERIDGE. I was interested in the question just asked by the Senator's colleague [Mr. SIMMONS], and also in the question asked by the Senator from Idaho [Mr. DUBOIS], whose questions are always fruitful of suggestion; and I should like to ask the Senator from North Carolina if it is not true that the cotton-manufacturing industries of the South are continually increasing in number and in producing capacity, and therefore whether it is not true that it is absolutely necessary to constantly find new markets corresponding to the increase of production?

Mr. PRITCHARD. My distinguished friend has stated the question exceedingly well.

Mr. CLAY. Will the Senator permit me to ask a question?

Mr. PRITCHARD. Certainly.

Mr. CLAY. I agree with the Senator that it is very essential to have new markets for our cotton, our cotton goods, and all our manufactured products, but I ask the Senator, is it essential to finding new markets that we should own all those countries? I ask the Senator, if his position be correct, would it not be better for us to go and buy China, or take it by force, and buy all the other countries we possibly could get? Is it essential to own a country in order to trade with its people? Is not all that is necessary for us to do to secure trade to furnish manufactured products more cheaply than any other nation and to be on friendly commercial relations with all the nations of the world?

Mr. PRITCHARD. I know of no one who contemplates purchasing all of the countries with which we propose to trade. Certainly, the Republican party has not offered any such proposition.

Mr. CLAY. I understand the Senator to take the position that, in order to trade with the people of the Philippine Islands, we must own those islands and govern them. What I mean to ask is simply this, That if we had retained the friendship of the people of the Philippine Islands—as we once had it before we ratified the treaty, and for a short while after we ratified the treaty—is it not true that in all probability we should have had more trade with the people of the Philippine Islands then we shall have by incurring their hatred and their ill will?

Mr. PRITCHARD. Mr. President, my distinguished friend forgets the fact that when we ratified the treaty of Paris, for which, I believe, he voted——

Mr. CLAY. I did.

Mr. PRITCHARD. That we assumed certain moral obligations which we as a nation are compelled to carry out. So that leaves out entirely the question which my distinguished friend has raised. It is not a question as to the ownership of the Philippine Islands. It is not a question as to their retention, but it is a question as to whether we shall give the inhabitants of those islands a stable form of government. That is all there is of it.

Mr. CLAY. I beg to say to the Senator that a ratification of the treaty of peace did not mean, under the circumstances, that we should retain the Philippine Islands and that we were to govern them. There is quite a difference. I voted in favor of the ratification of the peace treaty, because I desired peace and

because I believed we could deal with the people of the Philippine Islands, when the sovereignty of Spain was done away with, better in a state of peace than we could in a state of war, and I believed that the American people would have the patriotism to deal with them fairly and to deal with them justly and eventually give to them a government of their own.

Mr. PRITCHARD. My distinguished friend is too good a lawyer to undertake to say that by the ratification of the treaty with Spain we did not take title to the Philippine Islands.

Mr. CLAY. I did not say that. I have never questioned that we had title to the Philippine Islands. I believe we have a legal and a valid title to the Philippine Islands; but I want to say that I believe, as a matter of justice and as a matter of right, we ought to deal with those people, a foreign race, not adapted to American institutions, fairly and justly, and that we ought to give to them such a government as they desire, to be administered by their own people.

Mr. PRITCHARD. Mr. President, my friend knows full well that if we should relinquish jurisdiction over those islands we could not deal with them one way or the other. I am satisfied, as I said before, that if we do relinquish jurisdiction over them we shall have chaos throughout the islands.

Mr. CLAY. Does the Senator mean to say——

The PRESIDENT pro tempore. The Senator will please not to interrupt without first obtaining permission of the Senator who is on the floor.

Mr. CLAY. I beg pardon of the Chair. The Chair is right.

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Georgia?

Mr. PRITCHARD. Certainly.

Mr. CLAY. Does the Senator mean to say that by the ratification of the treaty we acquired title to the islands; that we can not dispose of them, and that we are bound to keep them and govern them?

Mr. PRITCHARD. I do not say that; but I say good morals require us to stay there, give them a stable form of government, and also not to relinquish our control of the government of those islands until the people are capable of administering their own affairs in an intelligent manner. I only speak for myself.

Mr. CLAY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Georgia?

Mr. PRITCHARD. Not now. I will yield in a moment. I am only speaking for myself, and I want to say that for one I am in favor of retaining the Philippine Islands permanently.

Mr. CLAY. Then the Senator has answered the question I intended to ask him. The Senator says he is in favor of our staying there until we can give those people a stable government. I was going to ask the Senator how long he thought it would take to give a stable government to the people of those islands and to ask him further if he would be willing to get away after we had given them a stable government.

Mr. PRITCHARD. So far as I am concerned, I am in favor of remaining there permanently. I am only speaking for myself.

Mr. CLAY. I understand the Senator.

Mr. PRITCHARD. I hope that is satisfactory to my friend.

Mr. CLAY. That is all right.

Mr. PRITCHARD. Among other things, my colleague, in attacking the policy pursued by this country with respect to the government to be established in the Philippine Islands, stated that—

> In this country and in every government entitled to be call free it is a fundamental principle that there shall be no taxation without representation. Under this system which we have established in these islands the people have no voice in levying the general tax for the support of the government or in disbursing the proceeds when collected.

My colleague places himself in direct opposition to the policy which was adopted by his party in North Carolina and pursued for about twenty years. In 1868, when the Republicans came into power in North Carolina, they gave to the people of that State a constitution which permitted them to elect every official from governor down to township constable. That constitution was unchanged until 1875, when the Democrats came into power. At that time they changed our constitution so as to permit them to inaugurate a system of county government by which the justices of the peace in the various counties were elected by the legislature. They in turn elected what are known as our county commissioners—officers vested with the jurisdiction of our county affairs. The county commissioners, in turn, appointed the assessors, who assessed the taxes in the various townships. There we had under Democratic rule, which received my colleague's sanction, taxation without representation, and my distinguished friend was never heard to object to it. It is amazingly strange to me that he should have more solicitude for the Filipino who resides 6,000 miles away than he has for the white man who resides in his own State, and that he should want to give to the Filipinos greater privileges than his party, when they were in power, gave to the people of North Carolina.

Mr. SIMMONS. May I interrupt the Senator?

Mr. PRITCHARD. Certainly.

Mr. SIMMONS. The Senator creates the impression by what he has said that in the State of North Carolina, under the system of county government which we had there for twenty years, and which he knows was for the purpose of protecting certain counties in that State against the irresponsibility of the majority of the voters in those counties, there was no representation in the matter of taxation while that system prevailed. As a matter of fact, in North Carolina there has never been a time when those who were entitled to vote—and we have in that State a qualification, as they have in nearly every State in the Union some sort of qualification, upon the suffrage—there has never been a time when those who were entitled to vote did not in some sense, and in a very large sense, participate in the levying of the taxes imposed upon the people.

Under the system, to which the Senator refers, the legislature of North Carolina elected the magistrates, just as I believe had been the case from time immemorial up to the beginning of the new system in North Carolina in 1868, and the magistrates sitting with the county commissioners imposed the taxes; but every voter in the State, who was not disqualified to vote under the suffrage laws of the State, had an opportunity to vote for members of the legislature that elected these magistrates. They levied the taxes, and in that way the voter was consulted, and had a voice in the levying of the taxes.

Now, I want to say——

Mr. PRITCHARD. I did not yield for a speech, Mr. President. I simply yielded for a question.

Mr. SIMMONS. I could not properly answer the question the Senator asked much more briefly than I have done. Having done that, I wish myself to ask the Senator a question.

Mr. PRITCHARD. All right.

Mr. SIMMONS. I understand the Senator approves of the government which has been inaugurated under the auspices of the Republican party in the Philippine Islands, and I understand that he approves of the system of voting which has been adopted there, although he withholds his assent to the system of voting which prevails in my State.

As I understand, Mr. President, in the Philippine Islands the people of those islands are permitted to vote for certain insignificant or minor provincial and municipal officers, and they have a suffrage provision with reference to their voting by which only those who can read and write the English or the Spanish language, or who own $250 worth of property, or who pay $15 a year taxes, can vote. Now, I desire to ask the Senator if he approves of that system of suffrage inaugurated in the Philippine Islands by the Philippine Commission?

Mr. PRITCHARD. Mr. President, the bill proposed by the majority provides, among other things, for a census to be taken of the people residing in the Philippine Islands, and until that census shall have been taken we shall have no information upon which we can base an opinion one way or the other as to the capacity of those people to exercise the right of suffrage. In the meantime we give them the very best government we can under the circumstances.

Now, Mr. President——

Mr. SIMMONS. I should like, Mr. President, to say——

Mr. PRITCHARD. I should rather not be interrupted further.

The PRESIDENT pro tempore. The senior Senator from North Carolina declines to yield.

Mr. PRITCHARD. I decline to yield for the present.

My colleague undertakes to say that we did not have taxation without representation in North Carolina. The county in which I live has about 4,000 voters and we have not elected a Democrat to an important office in that county for the last twenty-five years, and I do not think we will in the next twenty-five years. Now, under the rule inaugurated by the party of my distinguished friend in North Carolina, every official of the character to which he refers in my county was appointed by the legislature, and selected from the party to which my colleague belongs, and the majority of the voters had no voice in the matter one way or the other.

Mr. BEVERIDGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Indiana?

Mr. PRITCHARD. Certainly.

Mr. BEVERIDGE. I do not desire to interrupt the Senator from North Carolina, but a phrase of his colleague's caught my attention, and I, in common with other Senators, I am sure, would like to hear the Senator's explanation of it. The Senator said something about the constitution being designed to protect the people against the irresponsibility of the voters. I am not very familiar with the North Carolina constitution, and I should be glad to hear the Senator explain what his colleague probably

meant by a constitutional measure designed to protect the people against the irresponsibility of the majority of the voters.

Mr. QUARLES. Against themselves.

Mr. PRITCHARD. That is a difficult question to answer. I presume what my colleague intended to say was that we have in North Carolina 97 counties, and of those counties we have 12, I believe, or had at the time to which he referred, wherein the colored people were in the majority. But I want to say that in most of those counties—in fact, in all of them—the majority of the boards of county commissioners were composed of white men. Occasionally a colored man was put on the board. I believe my friend will agree with me that on one or two occasions the Democrats elected or appointed a colored man as a member of the board of county commissioners. On one occasion a Democratic legislature elected quite a number of colored men as justices of the peace.

Mr. SIMMONS. May I interrupt my colleague?

Mr. PRITCHARD. But under our constitution we were permitted to have one form of government in the 12 counties and another form of government in the other counties, and if the Democrats had desired to do so they could have given the people in the counties wherein the colored voters predominate the form of government I have described, and permitted the remainder of the counties to elect their officials by popular vote; but they did not choose to do so.

Mr. BEVERIDGE. That is the irresponsibility?

Mr. PRITCHARD. Yes. But I have not stated the worst feature of the law.

Mr. CULBERSON. Mr. President——

Mr. PRITCHARD. I hope my friend will allow me to complete my sentence.

Mr. CULBERSON. I simply wish to ask a question, suggested by the inquiry of the Senator from Indiana.

Mr. PRITCHARD. In one moment I will yield.

The PRESIDENT pro tempore. The Senator from North Carolina declines to yield.

Mr. PRITCHARD. In addition to the legislature electing the magistrates, and the magistrates in turn electing the county commissioners, it gave the county commissioners the power to appoint poll holders in every township in North Carolina, and those officers who were not responsible to the people one way or the other, exercised that power in an arbitrary manner. Instead of permitting the Republican party in eastern Carolina to select competent, capable, and efficient men to represent them at the polls, the Democratic party, under the policy to which I have referred, in many instances appointed the most incapable and corrupt men they could get to represent the Republican party, and when they did so it generally resulted in the Democratic party carrying what is known as the black belt.

At the last election Mr. Bryan, as candidate for President of the United States, carried the Second district of North Carolina by over 9,000 majority, a district wherein the colored people have a majority; and in fact the great majority which was received by Mr. Bryan at the last election in North Carolina was received in what is known as the black belt of North Carolina. I do not undertake to say they stole those votes, because that would be harsh language; but they either cheated them out of their votes or they voted the Democratic ticket, and I do not know which. My colleague may take either horn of the dilemma, and he will place his party in an inconsistent attitude before the American people.

Mr. CULBERSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Texas?

Mr. PRITCHARD. Certainly.

Mr. CULBERSON. I understood the Senator's colleague to ask him if he indorsed the educational qualifications of voters provided by the Philippine bill, but I did not catch the Senator's answer distinctly. I should like to have it, if he pleases.

Mr. PRITCHARD. I said that I only indorsed the provisions now in the bill as a temporary expedient until we could get such information from the Philippine Islands as would enable us to deal in an intelligent manner with the subject. I am in favor of manhood suffrage. I hope my distinguished friend understands me.

Mr. CULBERSON. You indorse, then, the educational qualifications of voters in the Philippines?

Mr. PRITCHARD. You may take my statement for what it is worth, and make the best you can out of it.

Mr. SPOONER. It is a little better and fairer than the grandfather test.

Mr. PRITCHARD. I think so.

Mr. SIMMONS. I do not know whether my colleague declines to yield to me or not.

Mr. PRITCHARD. I will yield, certainly. I did not want to yield a while ago in the middle of a sentence.

Mr. SIMMONS. My colleague has in the meantime, since he declined to yield, addressed himself to me and discussed several phases of the political situation during the last few years in North Carolina, and if I am permitted to answer him now, I will have to do so otherwise than by merely answering a question.

Mr. PRITCHARD. I did not yield for the purpose of my colleague answering me at this time. The other day when my colleague was addressing the Senate I remained quiet and permitted him to make his statement. My colleague will have ample time to reply to any statement I may make, and I am thoroughly prepared to discuss the questions which I presume he wants to raise, and will gladly do so at any time. But on the present occasion I prefer to proceed and discuss the issue at bar, and that is as to whether we shall give the Philippine Islands the form of government proposed by the majority.

Mr. SIMMONS. Then do I understand that my colleague declines to yield to me at this time?

Mr. PRITCHARD. I decline to yield for the purpose of permitting my colleague to make a speech at this time.

Mr. SIMMONS. Does he decline to yield for the purpose of permitting me to answer the aspersions he has made upon the party in my State which I represent?

Mr. PRITCHARD. I certainly do. If my colleague wishes to ask any question, he may do so, but I will not yield for the purpose of affording him an opportunity to make a speech.

Mr. SIMMONS. Then I will wait until my colleague finishes.

Mr. PRITCHARD. Mr. President, as I understand, the Army of the United States is a nonpartisan organization. It is composed of men who represent all grades of political opinion and all phases of human life. It is the rarest case that an Army officer or a soldier ever exercises the privilege of voting. It does seem to me that it is unjust to undertake to saddle the Republican party with the responsibility for the conduct of any American soldiers in the Philippine Islands. It would be just as unfair for me to attempt to hold the Democratic party of North Carolina or my colleague responsible for many cruelties that were practiced during the recent campaigns in our State. I am sure that the perpetrators of those acts did not receive the sympathy of my colleague. I feel that he would not for one moment sanction the many outrages that were perpetrated by the emissaries of the Democratic party in certain sections of North Carolina at recent elections.

Mr. President, if I were inclined to do so I could give numerous instances where different kinds of cures were administered to Republicans in North Carolina for the purpose of preventing them from exercising the right guaranteed them by the Constitution of the United States. We had not only the killing cure in North Carolina in our campaigns, but we had the whipping cure; we had the red-shirt cure, and we had the sand cure.

In one notable instance a Republican voter was thrown on his face, with his mouth in the sand, and whipped until he agreed that if they would cease beating him he would remain away from the polls on election day.

It would be unfair for me to charge my colleague with responsibility for those outrageous acts. It would be unfair to charge the great bulk of the Democratic party in North Carolina with them, because I do not believe they sanctioned them.

The Democrats of North Carolina in the main are patriotic and conservative, and I can not believe that they sanctioned these measures; but it would be just as fair for me to say they ought to be held responsible for those outrages as it is for our friends on the other side to say that the Republican party shall be held responsible for the alleged misconduct of soldiers in the Philippine Islands.

Has there been any disposition on the part of the Republican party to condone the offenses of soldiers who have acted unbecomingly in the Philippine Islands? Not at all. On the other hand, the President of the United States has taken prompt action with respect to every instance which has been called to his attention, and courts-martial have been organized for the trial and conviction of these people, if they are guilty. Mr. President, they will be tried, and if they are guilty they will be convicted, and if they are convicted I hope they will be punished in such manner as to vindicate the honor of the American people and prove a lesson to evil doers in the future.

I do not care to discuss this matter any further. I do not deem it necessary to do so. The people of North Carolina are happy, prosperous, and contented, and I believe to-day that a majority of the people of that State are not only in favor of industrial expansion but I believe they are in favor of the policies and principles of the Republican party, and if anything like a fair election is held in North Carolina this fall we will carry the State for the Republican party and put her in the position which she ought to occupy as one of the States of the Union.

North Carolina was a Whig State before the war. Our people are protectionists. It is to their interest to advocate the doctrine

of protection. We have the finest water power of any Southern State. We have more undeveloped resources than almost any other State in the Union, and of recent years there has been a constant stream of Northern capital going into our State for the purpose of developing that section. I am here to-day not only to represent the Republican party with respect to national issues but to represent the Democrats of North Carolina who believe in progress, who believe in building up North Carolina and making her what she ought to be.

Civil Government for the Philippine Islands.

SPEECH

OF

HON. FURNIFOLD McL. SIMMONS,

OF NORTH CAROLINA,

IN THE SENATE OF THE UNITED STATES,

Friday, May 2, 1902.

The Senate having under consideration the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes—

Mr. SIMMONS said:

Mr. PRESIDENT: I do not propose now to enter upon a full answer to the speech of my colleague. I shall undertake to do that a little later, when I have had an opportunity to secure data to refute more completely the statements which he has made with reference to my State and the administration of the affairs of that State by the Democratic party.

I wish now to put in the RECORD an emphatic denial of one of the statements just made by my colleague. I understood my colleague to say that under the Republican régime in North Carolina there was a time when there was in several counties, comprising what is known as the black district of the State, a number of negro county commissioners.

Mr. PRITCHARD. I did not say so. I said in one or two instances.

Mr. SIMMONS. The Senator might have said there were a great many negro county commissioners in the black belt of the State under the administration of his party. I understood the Senator also to say that after the Democrats came into power they elected negro commissioners in one of the counties.

Mr. PRITCHARD. I wish to correct my colleague. My colleague evidently misunderstood me.

Mr. SIMMONS. I certainly understood my colleague to say that; and I am very glad he did not say it, because there would not be a particle of foundation in truth for such a statement.

Mr. PRITCHARD. What I did say was that in some of the counties in one or two instances they made combinations with the colored people in which they agreed to elect, and did elect, a colored man as a member of the board of county commissioners.

Mr. SIMMONS. I know of no such instance in North Carolina, and I deny that there is any instance in the history of Democratic rule in North Carolina where the Democratic party ever coalesced or fused with the Republican party, the Populist party, or any part of the colored people of that State, by which a colored man was made a county commissioner.

Mr. PRITCHARD. Will my colleague permit me to interrupt him?

The first coalition movement that was ever had in North Carolina was entered into between the Democrats of Craven and the colored people of that county. At that time they did not elect a commissioner, but I can furnish my friend—I have the record here—with the name of the county wherein the colored man was elected or appointed by the Democratic party?

Mr. SIMMONS. The Senator is inaccurate in that statement. The instance to which he refers was a coalition between a wing of the Democratic party and a wing of the Republican party. There were two tickets and both parties were divided in support of those two tickets.

Mr. PRITCHARD. The wing was the greater portion.

Mr. SIMMONS. Both parties were divided. There were kickers on both sides.

The Senator refers to the system of county government which prevailed in North Carolina under Democratic rule. That system of county government was adopted to remedy the intolerable conditions which existed in the eastern counties, where the colored population largely outnumbered the white population, and where, under Republican administration, they had brought about a condition of things destructive to every interest of society and government. In these counties, where the negroes were in a majority, they controlled county government. The officers elected by them were incompetent and irresponsible, and generally nonproperty holders. These incompetent and irresponsible officers levied the taxes, collected the taxes, and disbursed the taxes, and, as I said, a condition was created in those counties which was intolerable, and, as a remedy, the system of county government, to which the Senator refers, was adopted. When the Republican party came back into power in North Carolina, these same conditions were restored in these eastern counties.

Mr. President, in reply to the suggestion that there has been nothing in the political conditions in North Carolina under Republican government to justify the white people of that State in providing means for protecting themselves against irresponsible majorities in certain sections of the State, and in reply to the statement so often made by Republicans that there was no negro domination in that State, I need only to recite as an illustration the conditions in one county in that section. The conditions there were largely typical. I refer to the county of Craven. In that county, when the Republican party was in power, between 1894 and 1898, a county in which is situated one of the largest cities in the State, whose people are noted for their culture and refinement, many of them possessed of great wealth, in 1898 the party to which my colleague belongs and of which he was at that time the leader, nominated a negro for the legislature, a negro for county treasurer, a negro for register of deeds, and a negro for coroner.

Upon the county ticket proper there were only two white men, the candidate for sheriff and the candidate for clerk of the court; and both of these two white men, at the time they received their nominations for these offices, were required to state in open convention that if elected they would appoint none but negro deputies. The conditions in this county, I say, were typical of those in many other counties in the eastern part of the State. In these counties negro domination was complete, and a condition of things existed against which, I believe, not only the white people of North Carolina and the South, but of any part of this country, would protect themselves, and ought to protect themselves, their property, and their families.

Mr. McCOMAS. Will the Senator from North Carolina allow me?

Mr. SIMMONS. Certainly.

Mr. McCOMAS. In my absence from the Chamber, if the Senator has made any explanation about the sand cure, I will not ask him to repeat it, but if not——

Mr. SIMMONS. I have said nothing about the sand cure.

Mr. McCOMAS. If he has not done so, I am curious to hear what he has to say.

Mr. SIMMONS. I have said nothing about the sand cure and know nothing about it.

Mr. McCOMAS. Can the Senator explain the statement of his colleague in reference to the sand cure?

Mr. SIMMONS. If my colleague made any statement with reference to the sand cure, I did not catch it. My friend, the Senator from Mississippi, was talking to me at the time and it escaped me. I would be glad if the Senator from Maryland would tell me what the sand cure is.

Mr. McCOMAS. I shall be very glad if the Senator from North Carolina [Mr. PRITCHARD] would tell his colleague what his statement was, because I would like to hear his colleague say what he thinks about it.

Mr. SIMMONS. Certainly, I should be very glad if my colleague would tell me what he said about it.

Mr. PRITCHARD. I did not put in any evidence on the subject; but if it is to be a matter of controversy I can do so.

Mr. SIMMONS. I should be very glad to have the Senator from North Carolina tell me what he said with reference to the so-called sand cure. This is the first time I have ever heard anything about the sand cure.

Mr. PRITCHARD. What I said was that, among other things, we had what is known as the sand cure, resorted to in recent campaigns for the purpose of compelling Republicans to vote the Democratic ticket or have their names taken off the books.

Mr. SIMMONS. I will be glad if the Senator will explain to me about the sand cure, because, frankly, it is an expression I have never heard before.

Mr. PRITCHARD. I will do so, with pleasure.

I will call the attention of the Senator to the evidence taken in the case of Dockery *v.* Bellamy, from the Sixth Congressional district of North Carolina, page 150. Neill McLelland, after being duly sworn, among other things, gave the following testimony:

A. They came up and hailed; wanted to know was I at home. I came to the door; "Who is that?" Says, "Come out, Neill; we want to see you." I says, "I am undressed; come in." They says, "No; come out, Neill; we want to see you." "Soon as I get my pants." I started to get my pants. There was some three or four—coming in at the door as I turned away from it—caught hold of me and commenced pulling, and I commenced pulling against them. They outpulled me. They pulled me on out into the field on the road. They said, "Get down here." They just crushed me right down there, and there they beat me and say, "You have been mighty busy around

here, have you not?" I started to answer them, and they buried my face and mouth down in the sand. One beat a while and then another beat a while, saying, "—— —— you, you stay away from the polls!" One stood off a piece and says, "Put it on him, —— —— him." When they got tired of beating me they told me to get up and go on to the house.

This is not the only case. This book is full of such cases—not of the sand cure, for I believe this is the notable instance of the sand cure being administered. In one instance I remember a man was shot down in his house.

Mr. SIMMONS. This is the first time I have ever heard of the sand cure or of the evidence of the witness McLelland. I do not believe there is any truth in that statement. If the indignities to which he refers were offered him, I do not believe they were for political purposes. I have never heard of this case before. I have no doubt the charge in this case is equally unfounded as the charge in the case to which I will presently call the attention of the Senate, and which attained great celebrity in the campaign of 1900 in my State. I have been chairman of the Democratic executive committee in my State during the last six years, and I want to say to the Senate that I know of no instance of personal outrages practiced during that time for political effect or for political ends. I know charges of this sort have been made by irresponsible persons.

I know of but one charge of political outrage in that campaign which has been investigated in the courts of North Carolina, and that was a charge made by a negro named Steptoe—an infamous charge—against some of the best people in North Carolina. This charge was brought into the courts under the auspices of the State Republican executive committee. It was investigated by a member of my colleague's party, then and now one of the associate justices of the supreme court of the State, upon a bench warrant, and after the most thorough and searching investigation this charge, which had been paraded by the chairman of the Republican executive committee and his party associates on the stump and in the newspapers of that party as a monumental outrage on the part of the white people of the State toward the negroes, was dismissed by this judge without requiring the defendants to introduce testimony other than their personal statements.

That is the only time, so far as I have ever known, of any of these alleged charges having been brought into the courts, and that was selected and brought before the courts because it was claimed that the facts were well authenticated.

Mr. PRITCHARD. Will my colleague permit me to ask him a question?

Mr. SIMMONS. Certainly.

Mr. PRITCHARD. Before doing so I wish to say that I stated distinctly a while ago that I knew that these outrages did not meet the sanction of my colleague. I am satisfied he does not want to condone them now. But I ask him if it was not a fact that organized bands of red shirts rode over certain counties of North Carolina during the recent campaign in North Carolina for the purpose of terrorizing the people.

Mr. SIMMONS. I answer my colleague emphatically that, while during the campaign of 1898 there was organized in North Carolina what were known as the red shirts, that organization never had as its object any belligerent purpose toward the voters of North Carolina. It was merely an organization for the purpose of more effectually organizing the Democratic voters of the State. As a matter of fact, there is not on record in North Carolina, and my colleague can not bring a well-authenticated case from that State, where the red shirts were guilty of violence or personal outrage for the purpose of influencing voters.

Mr. PRITCHARD. I should like to ask my colleague one question.

Mr. SIMMONS. Let me finish what I am about to say and then I will yield.

I wish to say, Mr. President, in reference to the evidence that my colleague has just read from the Bellamy case, that after a most thorough and searching investigation in that case, made by a Republican committee of the House of Representatives (and Mr. BELLAMY was elected from a district where the Red Shirts more largely prevailed than elsewhere in North Carolina), I think there was a unanimous report, although I am not absolutely certain about that—there was at least a majority report of this committee in favor of retaining Mr. BELLAMY in his seat in that body, and he was so retained.

Mr. PRITCHARD. I wish to ask my colleague if he did not read the account of the Red Shirt parade published in the Washington Post just a few days before the election, by its special correspondent sent down there for that purpose?

Mr. SIMMONS. No, sir; I did not read the account in the Washington Post.

Mr. PRITCHARD. You did not read it? The Washington Post is pretty generally taken in Raleigh. Most of the people in Raleigh subscribe for it.

Mr. SIMMONS. I never subscribed for it before I came to Washington, although I occasionally read it and regard it as a very fine paper.

Mr. PRITCHARD. If I understand my colleague, he says these Red Shirt organizations were not organized for that purpose. I did not ask him that. I asked him what they did. I ask him if they did not ride over the country and terrorize the people.

Mr. SIMMONS. I state frankly to my colleague and the Senate, and I state it upon my responsibility as a Senator upon this floor, and I state it as the chairman of the Democratic executive committee of my State, that the stories which have been circulated throughout the country with reference to the so-called outrages committed in my State by this Red Shirt organization in 1898 and 1900 are absolutely and utterly without foundation, and I state that I know of no personal outrages committed by that body which could be traced to the organization itself. Now, I do not pretend to say——

Mr. PRITCHARD. Will my colleague——

Mr. SIMMONS. I can not say that individual members who belonged to that organization, just like other individuals of the State of my party or of my colleague's party, or of any other party, may not have committed wrongs; but I say that that organization itself had never in North Carolina, by any responsible party, except for political purposes, been charged with being an unlawful organization. If that organization, Mr. President, was an unlawful association of persons for an unlawful purpose in 1898, I want to ask my colleague will he please explain to the Senate and to the country why at that time, when these alleged outrages were being committed—with three judges of the supreme court belonging to his party, with nearly every judge of the superior court in that State of his party, with his party in control of the judicial branch of the government from chief justice down to constable—indictments were not brought against this organization, or against the individual members of this organization, for this alleged violence, disorderly, and unlawful conduct? I say there is not an instance—not a single, solitary instance—in the judicial history of the State during that campaign or after that campaign where this organization or any member of this organization was ever arraigned before a court of justice charged with a violation of the laws of the State. If there ever was such instance, I do not remember it.

I will now submit to the interruption of my colleague.

Mr. PRITCHARD. I ask my colleague if he does not know that it is a physical impossibility to identify those men who went, at night time, disguised, for the purpose of whipping men, and if also he does not know that it would have been useless to indict those people, the public sentiment being wrought up as it was during the campaign? I ask him if he does not know how difficult it is to secure convictions in political cases like those to which he refers?

Mr. SIMMONS. I understood my colleague just a little while ago to say that this was an unlawful organization, and that, in his judgment, it did not meet the approval of the good people of North Carolina. If that statement be true, then, Mr. President, I ask my colleague why it is that public sentiment was in favor of the organization in that State and so much in sympathy with it that convictions could not be secured in the courts for these alleged outrages and violations committed by it against the law?

Mr. PRITCHARD. I said in the sections where these outrages were committed. I expressly excepted those sections.

Mr. SIMMONS. But my colleague forgets the Federal courts. Not only were there State courts where these people could have been prosecuted if these outrages had been committed as he charges, but if this band of unlawful men were parading the State and committing these diabolical crimes why could they not have been indicted in the Federal courts? There are two Federal judicial districts in North Carolina, both presided over by Republican judges, both partisans before they went upon the bench, both at present residents of the State, and whatever local prejudice may have existed in the State courts against the enforcement of the laws against this organization and the members of it, that prejudice did not exist, as everybody knows, in these Federal courts. Besides, in these courts the juries are drawn by the clerk, and the jury box generally purged so as to largely exclude Democrats and give Republicans preponderance on the juries.

Mr. PRITCHARD. Does my colleague undertake to say that in North Carolina the juries are composed in Federal courts exclusively of Republicans?

Mr. SIMMONS. No; I do not.

Mr. PRITCHARD. Does he not know that it is the rule of the Federal court to select two Democrats and two Republicans from each county? I ask my colleague to answer that question.

Mr. SIMMONS. I practice in the Federal courts, and I have generally found Republicans preponderating upon the juries.

Mr. PRITCHARD. But preponderating is one thing and excluding Democrats is another. My colleague said that Republicans were selected on the juries and Democrats left out.

Mr. SIMMONS. No; I qualified that, Mr. President.

Mr. PRITCHARD. I think that in the past I have practiced in the Federal courts in North Carolina as much as anyone, and my experience has been that the rule of taking a Democrat and a Republican has been scrupulously observed in every court in North Carolina, and I never heard the charge made before.

Mr. SIMMONS. I did not make the charge in the way that my colleague puts it.

Mr. PRITCHARD. The idea of Federal courts having jurisdiction over offenses committed by Red Shirts is something I can not comprehend.

Mr. SIMMONS. Mr. President, it is a well-understood proposition of law that the Federal court has jurisdiction of conspiracies to suppress suffrage in cases of Federal election. I have never heard that proposition questioned before, and it is the gravamen of the charge that the Senator makes against these Red Shirts that they were organized and put into operation for the sole and exclusive purpose of intimidating voters in an election where candidates for Congress and other Federal officers were to be voted for.

Mr. President, I have not said, and I do not say, that all the jurors selected in the Federal courts are partisan. I said that the rule was, and I believe that statement to be true, that Republicans predominate in the juries in those courts.

My colleague attacks the Democratic party on the ground that they did not appoint members of his party as registrars and judges of election or, when it did appoint them to these positions, persons who did not suit his party were appointed. In some of the eastern counties that might have been so, for in some of the eastern counties the Republicans selected by his party for these positions were notoriously unfit. But under the law the Republican party was entitled to representation upon this board, and it was given representation, though in instances such as I have referred to the man selected by the organization of that party may not, and I know was not, chosen for this position.

Mr. PRITCHARD. I ask my friend——

Mr. SIMMONS. I decline to yield until I have finished what I am now saying.

My colleague also charges that in the last election in North Carolina the Democratic registrars were guilty of the most outrageous wrongs and crimes in suppressing the votes of his partisans. As a matter of fact, Mr. President, when that campaign was going on, and after the campaign was closed, my colleague's party caused to be indicted a number of registrars in the Federal courts of the State, and later, for reasons best known to himself (because my colleague is not only the Republican Senator from North Carolina, but he is chairman of the Republican executive committee in that State)—for reasons best known to himself, and without my consent as chairman of the Democratic executive committee, of his own motion, with the acquiescence of the district attorney, my colleague went into the Federal courts where these indictments were pending and voluntarily caused to be withdrawn every one of these charges that had been preferred against these Democratic registrars.

Now, Mr. President, to sum up this matter, wherever these charges, of whatever kind, of outrage and corruption in connection with the campaigns of 1898 and 1900 have been brought before the courts, whether before the State courts or before the Federal courts of my State, they have either been dismissed by the court as groundless or they have been voluntarily withdrawn by those who instituted them. The same is true when these charges have been investigated by Congressional committees, both in the cases of Mr. BELLAMY, from the Sixth district, and Mr. THOMAS, from the Third district, both being districts in which there were Red Shirts. The basis of both these contests were largely the alleged violence and outrages of the Red Shirts, and yet the Republican committee of the House of Representatives, after thorough investigation, after the examination of thousands of witnesses by the contestants in those cases, decided unanimously in one case, and I think unanimously in the other—at least by a large majority—that the grounds of contest were insufficient, and reported in favor of both contestees retaining their seats. Yet, notwithstanding these vindications by the courts, State and Federal—and whatever else may be said of the Federal courts of my State, it is known in North Carolina these courts are dominated by Republican influences, from the judge down to the lowest bailiff—and Congressional committees, they are still repeated and reiterated by my colleague.

It is the natural presumption from these decrees of the courts and these findings of the committees that the other charges of fraud and violence and outrage are as groundless as those that have been thus investigated and decided against the political contention of the Republican party.

Now, Mr. President, I reserve the right, when I get the data to which I referred a little while ago, to make a fuller reply to the remarks of my colleague, if, after examining them, I think they shall need further attention.

I regret very much my colleague has injected this discussion here. I did not invite it. I simply asked my colleague a question with reference to the suffrage clause of the code that the Republican party has adopted in the Philippines. While my colleague declined to give a direct answer to that question, he made it the excuse for entering into a partisan discussion of politics in North Carolina.

I very much desire an answer to the question I asked my colleague with reference to these suffrage laws in the Philippines, and I again ask him if he approves of those laws. I ask him for a direct answer, for it is a question that can be answered yes or no. Do you approve of the suffrage laws which your party, through the Taft Commission, has put in force in the Philippines, by which no one is permitted to vote in the election of certain minor officers which the people are permitted to elect out there unless he can read and write the English or Spanish language, or unless he is the owner of $250 worth of property or unless he pays an annual tax of $15? I hope my colleague will answer categorically whether he approves of these provisions of that law.

Civil Government for the Philippine Islands.

SPEECH
OF
HON. JETER C. PRITCHARD,
OF NORTH CAROLINA,
IN THE SENATE OF THE UNITED STATES,

Friday, May 2, 1902.

The Senate having under consideration the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes—

Mr. PRITCHARD said:

Mr. PRESIDENT: I have answered the following question asked by my colleague about three times, I think:

I very much desire an answer to the question I asked my colleague with reference to these suffrage laws in the Philippines, and I again ask him if he approves of those laws? I ask him for a direct answer, for it is a question that can be answered yes or no. Do you approve of the suffrage laws which your party, through the Taft Commission, has put in force in the Philippines, by which no one is permitted to vote in the election of certain minor officers which the people are permitted to elect out there unless he can read and write the English or Spanish language, or unless he is the owner of $250 worth of property, or unless he pays an annual tax of $15? I hope my colleague will answer categorically whether he approves of these provisions of that law.

I have stated that under existing conditions I favored the provisions of this bill, of course reserving the right to extend the privileges of local self-government to these people after we have taken the census and ascertained their capacity for self-government.

Now, Mr. President, my colleague talks about negro rule in North Carolina. I want to call attention to the following table:

Vote, 1900, Second Congressional district.

County.	Bryan.	McKinley.	White voters.	Colored voters.
Bertie	2,420	1,067	2,137	2,204
Edgecombe	3,009	1,635	2,496	3,493
Greene	1,385	820	1,502	1,185
Halifax	3,990	2,174	2,855	4,394
Lenoir	1,942	1,224	2,594	1,697
Northampton	1,992	1,587	2,181	2,470
Warren	1,573	1,337	1,393	2,441
Wayne	3,104	1,965	4,159	2,785
Wilson	2,816	1,194	3,290	2,066
Total	22,231	13,003	22,607	22,735

Lenoir County gave Mr. Bryan 1,942 votes and McKinley 1,224 votes——

Mr. SIMMONS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield?

Mr. PRITCHARD. I do not desire to be interrupted. I am reading a table now, and it is a very interesting table.

Lenoir County gave Mr. Bryan 1,942 votes and Mr. McKinley 1,224 votes. There are in this county 2,594 white voters and 1,697 colored voters.

Northampton County gave Mr. Bryan 1,992 votes, Mr. McKinley 1,587 votes. There are in Northampton County 2,181 white voters and 2,470 colored voters.

Warren County gave Mr. Bryan 1,573 votes, Mr. McKinley 1,337 votes. Warren County has 1,393 white voters and 2,441 colored voters. Therefore Mr. Bryan received 180 colored votes in Warren County.

Wayne County gave Bryan 3,104 votes, McKinley 1,965. That county has 4,159 white voters and 2,785 colored voters.

Wilson County gave Bryan 2,816 and McKinley 1,194 votes. There are 3,290 white voters and 2,066 colored voters.

Bertie County gave Mr. Bryan 2,420 votes and Mr. McKinley 1,067 votes. There are in Bertie County 2,137 white voters and 2,204 colored voters. Therefore Mr. Bryan received 283 colored votes in Bertie County.

Edgecombe County gave Mr. Bryan 3,009 votes and Mr. McKinley 4,635 votes. Edgecombe County has 2,496 white voters and 3,493 colored voters. Therefore Mr. Bryan received 513 colored votes in this county.

Greene County gave Mr. Bryan 1,385 votes and Mr. McKinley 820. Greene County has 1,502 white voters and 1,185 colored voters.

Halifax County gave Mr. Bryan 3,990 votes and Mr. McKinley 2,147 votes. Halifax has 2,855 white voters and 4,394 colored voters. Therefore Mr. Bryan received 1,135 colored votes.

In other words, Mr. Bryan in a district that has a majority of colored voters, received 9,228 majority.

For argument's sake I have assumed that every white man in the Second Congressional district voted the Democratic ticket at the last election, whereas the truth is that there were something near 3,000 white men in the Second district who voted against Mr. Bryan at the last election. And when we take into account this class of voters it is evident that either a large number of colored people voted the Democratic ticket or their votes were counted for that party.

In the State of North Carolina, at the last election, Mr. Bryan received 24,776 majority, and in what is known as the "black belt" he got 27,000 majority, or, in other words, he received 3,000 more votes in the black belt than the majority which he received in the entire State of North Carolina.

Mr. FAIRBANKS. Please give the total Bryan vote there.

Mr. PRITCHARD. Yes, sir. The total McKinley vote in this district is 13,003; the total Bryan vote is 22,231.

Mr. McCOMAS. The total colored vote is how much?

Mr. PRITCHARD. The total colored vote in this district is 22,735.

Now, Mr. President, I had not intended to enter into a discussion of this phase of the question, but when my colleague sought to raise a question which I understood we had recently settled in North Carolina—to wit, the race question—I deemed it my duty to give the Senate the information which I have in my possession with respect to this matter.

I had not intended to raise this question; but, Mr. President, it is impossible to discuss any question under the sun in North Carolina with a Democrat without having the color line brought into it. You may read to him the Ten Commandments, and he will yell back at you, "Negro." You may ask him how he stands on the tariff, and "negro" is the answer. You may ask him how he stands on the silver question, and he goes back to the negro question. You may ask him how he stands on the Philippine policy, and he always returns to the negro question.

But what I object to is that the Republican party is to be called the negro party of the South, and at the same time our Democratic friends get their largest majorities from the Black Belt. This thing ought to be settled one way or the other. If the colored people vote with them—and I hope that is the case, because I hate to say that they steal any of their votes—if they vote with them they ought to display more gratitude to them and cease their incessant abuse of the colored people. Why, my colleague said in his speech the other day that as a general rule a colored man was not capable of being educated so as to exercise the right of suffrage, and gave it as his opinion that on account of heredity he could not be qualified to vote.

We have in my State many colored people who are highly educated and cultivated. As a general rule the colored people of North Carolina are quiet and conservative. They are not inclined to interfere with the affairs of the white men. They are inclined to go along and attend to their own business. For years and years the Democratic party in eastern North Carolina made overtures to the colored man and did all they could to induce him to vote with them, and to-day the only objection they have to the colored man's voting is that he votes the wrong ticket.

The very moment a colored man votes the Democratic ticket his skin turns white in the estimation of the average Democrat, and they speak of him as being "all right." I remember a notable instance down in the city of Newbern. There was a colored man who organized a league down there in the last campaign. While he was a Republican he was plain "Mr. J. T. York," but after he organized the league the Democratic papers spoke of "Captain York," as having organized a Democratic league down there.

I have always contended that the best possible solution of this question in the South would be a division of the colored vote, and had it not been for the policy which has been pursued by the Democratic party in order to keep the South solid I am of the opinion that years ago the colored men would have divided their votes and we would have been rid of this race question—a question which ought never to have been raised. Had it not been for the action of the Southern Democrats after the close of the war we would never have had the fifteenth amendment.

When the Howard amendment was submitted to the Southern States every Southern State, with the exception, I believe, of Tennessee, rejected it. The Howard amendment simply gave the colored man status as a citizen of the United States, but left the regulation of suffrage entirely to the Southern people.

The greatest mistake that ever was made, Mr. President, was the rejection of this amendment, because, in my opinion, if that amendment had been adopted the colored man would have been enfranchised by the very men who are to-day trying to disfranchise him, because they would have desired the power that his being counted in the Federal enumeration would have given to the Southern States in the electoral college and in the House of Representatives.

I think it was a mistake to enact the fifteenth amendment at the time it was adopted, but it was not done until the Democrats of the South stubbornly refused to receive the proposition which was held out to them by the Republican party in the North. Still we have to suffer for this thing, and it seems that we are to have the question ever with us.

In North Carolina my friend says I counseled and advised that certain election cases be nol prossed. I was appealed to by the conservative, law-abiding Democrats of North Carolina, in the tnterest of law and in the interest of peace, to ask the district atiorney to nol pros these cases, and feeling as I did that I could promote good feeling among our people by doing so, I recommended that they be nol prossed.

But, Mr. President, inasmuch as my colleague has gone into that question, I want to remind him of one other fact. They tried to impeach our judges in North Carolina for purely political purposes, and while the impeachment trial was in progress an emissary representing the Democratic party in North Carolina came to Washington and said to me, "If you will nolle prosse these election cases we will stop the impeachment proceedings in North Carolina." I told the gentleman who bore the message to go back and tell his friends in Raleigh that if those judges had been guilty of improper conduct it was the duty of the legislature to convict them, and that I would not for one moment treat with him on that subject.

Mr. President, after that matter had gone by——

Mr. SIMMONS. May I ask my colleague a question?

The PRESIDENT pro tempore. Does the Senator from North Carolina yield?

Mr. PRITCHARD. Certainly.

Mr. SIMMONS. I will ask the Senator if the gentleman to whom he referred as an emissary of the Democratic party——

Mr. PRITCHARD. He claimed to be; that is all I know.

Mr. SIMMONS. Was not one of the attorneys of the impeached judges?

Mr. PRITCHARD. No, sir; he was not.

Mr. SIMMONS. Will the Senator tell us, then, who he was?

Mr. PRITCHARD. I do not know that I am called upon now to do it, but I can if it becomes necessary.

Mr. SIMMONS. I do not know. That is the reason why I inquired.

Mr. PRITCHARD. It is well understood and nobody in North Carolina questions but that the proposition was made. There can be no question about that. But, Mr. President, when the Democratic legislature was in session I submitted a proposition to them to give us representation on the election boards, and I am glad to say that, upon the advice of my colleague, they did it. Having done that, after having agreed to give us fair elections in the future, in so far as they could, I felt it was my duty to stop all these political prosecutions, and I did so, not because I thought these men ought not to be convicted.

If a bill of indictment could have been sustained under the section under which they were indicted, there is no question about the facts. I had some question in my mind as to whether or not they could have been convicted under the section under which they were indicted, but there was no question about the fact that they refused to register thousands of men who were entitled to vote, and they were indicted for refusing to register those men.

Now, Mr. President, I would not have gone into this other matter, but, inasmuch as my colleague has seen fit to bring in the question of nolle prossing those cases, I want all the facts to go in the RECORD. I am prepared to show that not only one emissary but two came from North Carolina, one a Republican and

the other a Democrat, and asked me to stop those cases and they would stop the impeachment proceeding. It was boldly proclaimed in North Carolina that these judges were to be impeached for the purpose of getting a Democratic bench to pass upon the grandfather's clause referred to by my distinguished friend from Wisconsin [Mr. SPOONER].

I want to say to the credit of the Democratic party in North Carolina that a number of the most prominent Democrats in the legislature opposed and voted against impeachment, and had it not been for the action of these honorable, patriotic gentlemen two Republican judges would have been impeached in our State for no cause whatever except for political purposes.

Civil Government for the Philippine Islands.

SPEECH

OF

HON. FURNIFOLD McL. SIMMONS,

OF NORTH CAROLINA,

IN THE SENATE OF THE UNITED STATES,

Friday, May 2, 1902.

The Senate having under consideration the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes—

Mr. SIMMONS said:

Mr. PRESIDENT: I ask the Senate to bear with me a few moments, that I may reply to the statements of my colleague made in his last remarks submitted to the Senate.

My colleague refers to the impeachment proceedings against the judges of the supreme court in my State. I do not desire to discuss that question further than to say that the statement made by my colleague that the gentlemen who visited him here in Washington for the purpose of compromising these proceedings were not the representatives of the Democratic party, and that no fact is better understood in North Carolina than that fact. Shortly after the visit to which my colleague refers I heard that certain gentlemen, acting on their own motion, had been to see my colleague in Washington and had discussed the question of the settlement of these proceedings with him somewhat in the light in which he puts it. As soon as I heard of this matter, as chairman of the executive committee I publicly repudiated the suggestion, or rather the intimation, that had been made to the effect that those gentlemen had the slightest authority from the Democratic party for making that visit or entering into those negotiations. My understanding has always been that the gentlemen who came here——

Mr. PRITCHARD. If my colleague will permit, I do not intimate that my colleague sent them.

Mr. SIMMONS. I know of no one in authority in the Democratic party in North Carolina who authorized that mission.

Mr. PRITCHARD. I shall have no trouble about proving what I have stated.

Mr. SIMMONS. I have always understood until to-day that those gentlemen were representing the judges who were under impeachment; that they came here in the interest of the judges, and not by authority of the Democratic party. It was probably hoped by them that some adjustment of that kind could be made.

With reference to the counties which my colleague has singled out here to-day in the eastern part of my State, I want to say, so that the country may be in possession of the facts with reference to that matter, that in the counties he mentions, and in other counties similarly situated in eastern North Carolina, there were in office at one time during the control of his party, in 1897 and 1898, about one thousand negroes—postmasters, registers of deeds, deputy sheriffs, constables, school committeemen, justices of the peace, policemen, sanitary officers, etc. In one county there were as many as 87 negro officeholders; in all there were 300 negro magistrates in the State, and I think about eighty-odd negro constables and policemen. These magistrates issued their warrants, not only against white men, but against reputable white women; and these white men and white women were arrested by negro constables and by them dragged for trial before these negro courts. At that time there were in office in that section of the State about twenty-seven negro postmasters, either appointed upon the recommendation of my colleague or of Republican members of the House from my State.

Some of these negro Federal officeholders are still in office in this State, but there are not so many of these negro postmasters in office there now as there once was, for they have been greatly thinned out by being sent to prison for embezzlement and other malfeasance in office by the Republican Federal court in the eastern judicial district in that State. Although my colleague used to be regarded in the State as a very great champion of the colored people while they were permitted to vote and while their votes, added to those of the white Republicans and white Populists, constituted a majority in that State, since the Democrats have come into power and since a part of those colored voters have been disfranchised he has been rapidly turning these negro postmasters out of office, and it is generally understood in North Carolina that he is to make, before he gets through, a clean sweep of them.

Only a few weeks ago there met in the capital city of my State a convention composed of the leading negroes in eastern North Carolina. There were present at that convention 150 of the most influential colored politicians in North Carolina. They discussed to some extent my colleague, and finally passed a resolution, unanimously, I think, condemning my colleague and advising the negroes against sending him back to the Senate again, because, as they charged, he was turning out of office, now that the negro had lost his political power, the same negroes he had put in office when they were the dominant influence in North Carolina.

Mr. President, my colleague is correct. I did state, a few days ago, as he says, and I repeat it here now, that in my judgment, after mature consideration, and with, I think, a pretty thorough knowledge of the negro, both as a citizen and as a voter, I do believe that he is utterly incapable of exercising an intelligent and responsible suffrage, and I believe his lack of capacity in this respect is the result of heredity, and that it can not be removed by education or by training. In my opinion, the greatest mistake that has ever been made in this country was the adoption of the fifteenth amendment, by which the colored man became a voter. The suffrage has done him no good, and it has worked incalculable harm to the country, especially to the South, where he chiefly lives.

In concluding these remarks, Mr. President, I want to say, in North Carolina there is no prejudice against the negro as a man. The white people of the South rather like the negro. He has always lived among them, and they understand him. Aside from politics, there is the friendliest relation between the two races. In the matter of education, we are doing as much in the South for the black man's child as we are for the white man's child. We levy all the taxes for that purpose we are able to pay, and we divide it per capita between the races. Every time we levy a dollar of tax to educate a white man's child we put alongside of it a dollar to educate the black man's child. We furnish them the same accommodations for their insane, for their blind, and for their deaf and dumb as these unfortunates of the white race are given. We make absolutely no discrimination in these great humane and charitable objects of government. But, Mr. President, we are not willing in the South, we are not willing in North Carolina, that the white people shall be governed and controlled by the negro. Negro control, negro government, is to the white man repugnant; he will not submit to it.

My colleague refers to the constitutional amendment recently passed in my State. We have no concealment to make about that. We passed it for the express purpose of excluding from the suffrage these irresponsible negroes. We passed it for the purpose of protecting ourselves against the possibility of negro domination in the future—the possibility of the recurrence of the horrible and unspeakable outrages that resulted from negro domination during the years from 1894 to 1899. Any negro who can read and write can still vote in North Carolina, as he could before that amendment, and we are doing all we can to educate those who can not read and write. Our motive in passing this suffrage amendment was not to harm these irresponsible negroes. The ballot has never helped them. To take it from them will not hurt them. In adopting that amendment we were not actuated by prejudice against the negro, but we were moved by a high desire to preserve and perpetuate the civilization of the white man in that State.

Now, Mr. President, my colleague seems to have acquired a habit of injecting North Carolina politics in every debate in which he participates in this Senate. It is difficult to see the relevancy of the local matters he has injected in the debate on the pending measure. I suppose, however, the argument which my colleague intends to make is that because a negro had his head pushed in the sand and got a whipping down in North Carolina during the campaign of 1900, most probably for insolence, if at all, we are estopped from saying anything about the horrors of the water cure systematically praticed in the Philippine Islands by our Army, and because the Red Shirts scared some negroes down in North Carolina during that campaign our mouths are shut to denounce the infamous order made by General Smith to make the island of Samar a howling wilderness and to kill every male 10 years of age and over in that ill-fated island. If my colleague is satisfied with this logic, I see no reason why his tranquillity should be disturbed.

Rural Free Delivery.

SPEECH

OF

HON. GILBERT N. HAUGEN,

OF IOWA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, March 7, 1902.

The House being in Committee of the Whole, and having under consideration the bill (H. R. 11728) to classify the rural free-delivery service and fix the compensation to employees thereof—

Mr. HAUGEN said:

Mr. CHAIRMAN: In the few moments that I expect to occupy I wish to offer some observations along the line indicated in this bill. First, to that part of the bill which provides that the service of carrying the mail on any mail rural free-delivery route shall be awarded to the lowest bidder.

Mr. Chairman, I am somewhat skeptical of this proposition and reluctant in voting for such a radical change at this time, and fail to see the wisdom of the proposition that has been proposed by this bill, and fail to get the consent of my mind give my support to this proposition. While I have the highest regards for the sound judgment, integrity, and strong desire to do what seems to be for the best interest of this country by the worthy chairman of this committee, yet I can not concur with him in his views upon this proposition or believe it will be for the best interest of the service or the country to make this change. I believe this radical change will prove destructive to the service, and the service which I believe is one of the most important services that has ever been contemplated by the Government; one that has proven beneficial in so many ways; one that is so deserving of encouragement and much desired, I believe, by all the people; a service that has contributed not only in a large degree in the increase of value of farm land, but has given great blessings, conveniences, and benefits to the rural communities, and added much pleasure and happiness to country life, and that has and will give an incentive and encouragement to build up and develop the rural community.

Why this legislation at this time; at a time when we can least afford to cripple it? This service is yet in its infancy, and it has hardly passed the experimental stage. Up to two years ago in my district we did not have a single rural free-delivery service. Now we have 50 in operation, and about 25 more have been inspected, with upward of 50 petitions yet on file not reached. What is true in my district is true in other districts. Less than 50 per cent of the applications from all over the country have not yet been reached. Hundreds, yes, thousands, of petitions filed over a year ago are waiting consideration. The people are getting impatient in waiting for the service, and justly so. Not that I have any complaint to offer.

My district has been treated fairly, having had its proportion of routes established, and more than 50 per cent of the applications on file from my district have been acted upon and favorably reported; nor have I any complaint to offer as to the rules adopted by the Department. They have an established rule to take up the applications in the order of their filing so far as practicable, and a rule which, I understand, has been enforced and which seems absolutely fair. I have received nothing but the most courteous, generous, just, and fair treatment at the hands of Mr. Machen, superintendent of the rural free-delivery service. He is a worthy, obliging, and very excellent gentleman; he is to be commended for his successful management and his efficient service—a service commanding and deserving general approval; but I submit to you in view of the numerous applications on file, the universal demand for the service from all parts of the country, it behooves us at this time, at this critical period, to discuss this matter dispassionately, calmly, quietly, and intelligently, and with a view of improving and extending the service rather than to cripple it.

I fully realize that at first the establishment and operation of this service will cost a great deal of money. It has been estimated by the worthy chairman of this committee that it will cost upward of $50,000,000 to deliver mail to and from all communities, but I firmly believe if an effective and efficient rural free-delivery service is put in effect so as to meet the needs and wants of the people living in the rural districts in this country, operated on sound basis, with the view of giving the best service possible, it will be but a short time when the rural free-delivery service will pay for itself, if not more; but if we inaugurate a system that will prove injurious and ruinous, and thus impair and cripple the service, we can not hope for such results, and I trust it will not be done at this time.

No one will contend that the people living in the rural districts are not entitled to as good and efficient service as those in cities and towns, where they have free delivery. These people contribute as much to the welfare of this Government and country as those in large cities, both in time of peace and days of unpleasantness. They are loyal and law-abiding citizens, intelligent, and deserving just and fair consideration.

There can be no disposition on the part of any member of this House to deprive the people in rural communities of the advantage, conveniences, and blessings given those in the city—that is, so far as is practical and possible. If so, it is our duty to give them the same service; that we enact laws that will encourage the development and growth of this service and to enable the Postmaster-General to select trustworthy men as carriers—men of integrity, character, capacity, competent, capable—that the service may be performed with accuracy, promptness, and dispatch, and not to advertise for the cheapest cart, the lame, blind, the most swayback and oldest mule and the slowest service. Why not leave this matter with the Postmaster-General and trust to the Administration to promulgate and carry out its own regulations, its own rules, its own laws, and its honest enforcement, as they have in the past?

Why apply this contract system to the carriers in the rural free-delivery service? No one has even dreamed of applying this system to any other employee of the Government. No one would think of putting up the post-office service or the service of carrying mail in the cities to the lowest bidder; yet the same personal qualification, aptitude, and efficiency is required of the carriers in the rural free-delivery service as is of country postmasters. As much personal fitness is required of them as postmasters and city carriers. They collect letters, mail matter of all kind, same as the carriers in the city, and in addition they give receipts for letters which are to be registered, receive money for the purchase of money orders, sell postage stamps, and cancel stamps, which are not required of the city carrier. They are paid less for their services. Up to this last month they have been paid only $500 a year.

The city carriers are paid from $600 to $900. The rural carrier must furnish 1 to 3 horses, wagon, and harness; the horses must be fed, the wagon and harness kept in repair, and occasionally a new horse must be bought to take the place of a cripple or dead one. They are subject to more exposure; they travel 25 miles every day of the year except Sundays; rain, storm, or sunshine, good or bad roads, and at the end of the year, after the expenses are paid, there is but little left for their services. Considering the hardship, exposure, personal fitness, aptitude, and efficiency, and number of days required, they are paid less than any employee in the Government. It is proposed that this particular class of employees shall be subject to competitive bidding, which may result in lower salaries, and possibly before we get through with this legislation as to the Post-Office Department you will increase the salaries to a large number of employees who are less deserving and paid much more for their services.

Why inaugurate a system so destructive to the best interest of this Government and people and possibly deal the death blow to the whole system? I have gone through the appropriation bill reported by this committee carefully and failed to find a single reduction recommended by the committee except the discontinuance of the subsidy paid for the mail services from New York to Washington. Six hundred and forty-one thousand dollars is recommended for internal-mail transportation for steamboat routes; $36,260,000 is recommended for internal transportation by railroad routes, which is $1,560,000 in excess of appropriations in 1902; $5,104,960 for railroad and car service post-office carrier service, which is $288,960 more than the appropriation for the current year; $450,000 for inland transportation of mail by electric and cable cars, which is $50,000 more than last year; $2,587,000 for transportation of foreign mails; $6,715,000 inland mail by star route, which is $1,135,000 more than for the current year; Railway Mail Service, $11,282,540, being $907,840 more than appropriated for the current year.

The committee recommends a total appropriation of $137,916,598.75, which is $14,133,910 more than the appropriation for the current year, which amounted to $123,782,688.75. Out of this amount $17,139,800 is appropriated for clerks in post-offices, which is $2,776,100 more than the appropriation for the current fiscal year. Eight hundred and fifty thousand dollars is for promotions, the average salary paid the post-office clerks, being about $900 per annum, having been increased from an average of $700 to $900 in about three years; $11,282,540 is recommended to pay railway clerks, or $907,840 more than last year. Here we have a liberal increase in salary for quite a number of clerks; $17,430,450 for pay of letter carriers in offices already established; $90,000 in new offices; for horse hire, $650,000, and so on until we have the enormous sum of $137,916,598.

I submit to you that if it is the purpose of this House to economize, why strike at a class of employees who are paid less than any class of employees in the service of the Government? Why does not the distinguished gentleman of this committee include the hundred of carriers in his city in California? Not a single suggestion as to that; and I am frank to say that I believe it should not be done. I take it that the main object of all these

carriers is to give the best service and not the cheapest. If the cheapest service is sought, why not let the carrying of the mail across the continent to the lowest bidder. It can be carried by freight at much less cost than it can by a special and fast trains, and you could save enough in this one item to pay the total expense of the rural free-delivery service.

If it is the purpose of this House to adjust salary as to our Government employees, why not begin right here in Washington with our own salaries, for instance? We can better afford to have our salaries reduced than to cut the salary of one who receives one-tenth the salary we do. Why not dispense with some of the dead wood in the different departments? We have been told time and time again in this House that a large number of clerks, at least 20 per cent of them, might be dropped from the pay roll without impairing the service in the various departments. Cut off these four or five thousand of surplus clerks and you will save enough to pay the rural free-delivery expense for the last year.

In view of the experience we have had under the contract system in the star-route service, and in view of the salaries paid the carriers in the rural free-delivery service, and what is required of them; and in view of what is paid other employees, and the way other employees are treated in this bill, it does not seem wise to embark upon this radical change which, I fear, will prove detrimental to the service of the best interest of this Government. This service has been placed under the classified service, and there is and can be no politics in the matter. Every applicant must subject himself to an examination and receives his appointment upon his merits. The examination is to be conducted by the special agent, who examines the routes, and can not be let to any pet friend of the postmasters or members of Congress.

Mr. Chairman, I will not detain the House any longer at this time. I fully appreciate that after a whole week's discussion upon this bill the arguments have been fully exhausted; but in view of the misapprehension on the part of many people relative to this service I ask unanimous consent to print in the RECORD the regulations governing the manner of appointment to the position of carrier in the rural free delivery, approved December 26, 1901, by the Postmaster-General; also extracts from the report of the First Assistant Postmaster-General for the fiscal year ending June 30, 1901—the part relating to the rural free-delivery service; also a detailed statement of the rural free-delivery service in my district as soon as it can be had from the superintendent of the rural free delivery, and the privilege of withholding the proof from the print until the desired data can be obtained.

APPENDIX.

REGULATIONS GOVERNING THE MANNER OF APPOINTMENT TO THE POSITION OF CARRIER IN THE RURAL FREE-DELIVERY SERVICE.

The following regulations governing the manner of appointment to the position of carrier in the rural free-delivery service are hereby approved and promulgated, to become effective from and after February 1, 1902:

1. In pursuance of the provisions of section 3 of the civil-service act the Civil Service Commission shall appoint, after consultation with the Postmaster-General, a board of examiners of not less than three members, who shall be officers or employees of the Post-Office Department, located in Washington, D. C., such board to be known as the central board of examiners for the rural carrier service. All special agents and route inspectors in the rural free-delivery service shall be appointed by the Commission as auxiliary members of such central board of examiners.

2. Whenever a postmaster shall receive notice from a special agent that he will visit his post-office for the purpose of investigating the feasibility of the establishment of a rural free-delivery route from his office, from which the prescribed petitions have been filed, and for the purpose of conducting the examination of persons nominated by the petitioners and any others who desire to compete for the position of carrier on the proposed route, the postmaster shall at once post in a conspicuous place in the public part of his office a copy of such notice and an announcement that he will receive the names of any persons who desire to enter the examination, and in such other ways as may be practicable shall give publicity to such notice and announcement. The postmaster shall notify all applicants of the date of the examination.

3. The special agent, after investigating the feasibility of establishing the route petitioned for, shall, in his capacity as a representative of the Commission, conduct the examination of all applicants for the position of carrier.

4. Whenever a postmaster shall receive notice from the Department of the existence of a vacancy in the position of carrier on an established rural free-delivery route from his office, if there are no eligibles as a result of a former examination for this position, then the postmaster shall at once post the notice of such vacancy and an announcement of an examination for securing eligibles for the same in a conspicuous place in the public part of his office, and in such other ways as may be practicable give publicity to such notice and announcement; and he shall receive the names of any persons desiring to enter the examination. The route inspector who may be directed by the Department to proceed to the post-office for the purpose of conducting the examination shall in advance notify the postmaster of the date of his arrival at the office, and the postmaster shall notify all applicants to appear for the prescribed examination, and the same shall be conducted by the route inspector in his capacity as a representative of the Commission.

5. The examiners will carefully observe the provisions of section 5 of the civil-service act, and under no circumstances shall they give out an application form in advance of an examination; nor shall they disclose any information as to the contents of said form nor permit any person to peruse or copy the same. A violation of this regulation will be considered sufficient cause for the dismissal of the offending examiner.

6. Under the direction of the Commission, the central board of examiners shall have custody of the application forms, which will be numbered consecutively and furnished by the central board as may be required to the special agent or route inspector, who will be charged with the exact number he receives and will be required to account for each form. Forms that are spoiled or mutilated shall be turned in to the central board of examiners.

7. The special agent or route inspector shall personally conduct the examinations and must be constantly present.

8. Applicants shall not be permitted under any circumstances to assist each other in the examination, and an attempt to do so will cause the immediate rejection of both the offending competitors. Political or religious affiliations of applicants shall not be given any consideration whatever, nor shall political indorsements be received or entertained. The merit and the qualifications of the applicant and the good of the service alone shall be considered.

9. The examination as conducted by the special agent or the route inspector shall require only such scholastic ability as may be necessary to enable the applicant to read and write, and shall consist of answering a series of personal questions in the applicant's own handwriting relating, among other things, to his physical condition, his previous experience, training, and occupation, the length of his residence in the community, and his ability to furnish the necessary equipment and to provide a suitable substitute in cases of emergency; the reading of 25 addressed envelops or cards, and such other practical tests as will demonstrate the competitor's ability to actually perform the work required. The examination shall further consist of a careful inquiry and report by the special agent or the route inspector as to each competitor's acquaintance with the patrons of the route and the extent to which he has their confidence, his general characteristics, suitability, and fitness for the position, and his character and reputation; and in any case where the examiner has doubt as to the competitor's character or reputation, he shall not only make inquiry of the persons given as references in the application, but also consult two or more prominent citizens not mentioned by the applicant.

10. After completing the examination the special agent or the route inspector shall at once forward all the papers to the central board of examiners, including a report of the results of his inquiries and observations concerning the competitors and his recommendations as to those best qualified. Subject to the direction of the Commission, the central board shall have permanent custody of such papers.

11. Upon receiving the papers of an examination the central board of examiners shall proceed to rate the same, the rating to be determined by a careful consideration of the qualifications of the competitors as shown by all the papers submitted by the special agent or the route inspector, in accordance with sections 9 and 10 of these regulations. The central board of examiners shall prepare a list containing the names of all those who become eligible as a result of the examination, arranged in the order of their rating, with the highest first: *Provided*, That the names of eligibles who are entitled to preference under the provisions of section 1754 of the Revised Statutes shall be placed at the head of the list in the order of their ratings, if such persons are found to fully possess the business capacity and physical ability necessary to perform the service. After the competitors in any examination have been rated and the list of eligibles has been prepared, the central board of examiners shall furnish a copy of the eligible list to the Post-Office Department and to the Civil Service Commission.

12. For filling a vacancy in the position of carrier the person will be selected for appointment whose name is at the head of the list of eligibles established as the result of examination held for the route on which the vacancy exists: *Provided*, That when selection is to be made for the initial appointment of a carrier on a newly established route one of the persons nominated by the petitioners will be selected if in other respects his qualifications are equal to those of the other eligibles; and when a selection is to be made for filling a vacancy in an established route the person who may have been serving as substitute carrier on the route will be selected if in other respects his qualifications are equal to those of the other eligibles.

13. Applications of persons under 17 or over 55 years of age will not be considered, except in the cases of honorably discharged United States soldiers or sailors of the civil war or of the Spanish-American war and of those entitled to the benefits of section 1754 of the Revised Statutes who are physically able to perform the service required.

14. An applicant will be required to show that he possesses the necessary equipment for the service, namely, suitable horse and wagon or cart, or to satisfy the special agent or route inspector that he will be able to supply such equipment in case he receives appointment.

15. Application shall not be received from a person who is badly crippled or deformed. Application shall not be received from a person who does not live directly on or within the territory to be supplied by the route where the vacancy exists.

16. Application shall not be received from a member of the postmaster's family, especially if other members of his family are already in the Government service, unless there is a lack of a sufficient number of other applicants.

17. A carrier who resigns will not be permitted to discontinue service until his successor is appointed and qualifies.

18. A carrier will be required to furnish a suitable substitute. Whenever a carrier becomes separated from the service the postmaster shall employ the substitute carrier, if there be one at the time, and if not, any suitable person until regular appointment can be made. The appointment of a new carrier shall operate to separate the former substitute from the service, the new carrier to furnish his own substitute as herein provided.

19. A carrier and his substitute will each be required to give bond in the amount of $500.

20. All persons who can comply with the requirements and who desire to enter the examination which may be held for the position of rural carrier on either a route proposed to be established or an established route should so notify the postmaster at the post-office out of which the route may extend.

POST-OFFICE DEPARTMENT.

Approved December 26, 1901.

CH. EMORY SMITH,
Postmaster-General.

UNITED STATES CIVIL SERVICE COMMISSION.

Approved December 27, 1901.
By direction of the Commission:

JOHN R. PROCTER, *President.*

RURAL FREE DELIVERY.

There has been no backward movement in rural free delivery, defined by President McKinley in his last annual message to Congress as the "most striking new development in the continued and rapid growth of the postal service." Its extension has kept pace with the appropriations made by Congress for its introduction and maintenance. The origin and the progressive development of the service may be epitomized as follows:

Fiscal year.	Appropriation.	Services in operation.	Fiscal year.	Appropriation.	Services in operation.
1894	$10,000	[a]	1899	$150,000	391
1895	10,000	[a]	1900	450,000	1,276
1896	10,000	[a]	1901	1,750,000	4,301
1897	40,000	44	1902 (Dec. 2, 1901)	3,500,000	6,009
1898	50,000	148			

[a] Not used.

The sum allowed by this bill, $7,529,400.

Congress appropriated $3,500,000 for the maintenance and extension of rural free delivery for the fiscal year ending June 30, 1902. Orders have been issued by the Department raising the total number of services to be in operation on December 2, 1901, to 6,009. Every State in the Union, except Montana, a mountainous State with few rural settlements, is represented in this aggregation of services, and every Territory, except New Mexico, where two applications for rural free delivery are now under investigation, and Hawaii, which is too new an acquisition to be considered in this connection. Even in our most northern territory of Alaska, within a short distance of the Arctic Circle, an exceptional rural service was operated during the past summer between Nome and Gold River for the accommodation of thousands of miners congregated in that vicinity.

It is estimated that at the end of the present fiscal year rural free delivery will be in successful operation over not less than 8,600 routes. The number of services established in the month of October was 492; the month of November, 482, and for the month of December, 230 new services have been ordered.

There were on file in this office October 15 completed cases calling for 700 routes, only awaiting Department orders assigning a date for their establishment, and there were in the hands of special agents in the field 6,129 petitions for service, as against 2,159 at a corresponding period last year. Thus, though the services started have been more than doubled, the applications received during the same period and remaining unacted upon have increased threefold. The 6,000 routes which will be in operation December 2, 1901, represent just 50 per cent of the total number of applications received to date since the establishment of the first route five years ago. Inasmuch as it has been and is a physical impossibility to establish all the service applied for as rapidly as the people desire, the Department has aimed to make an equitable distribution of the service among the States and Congressional districts on a basis of 50 per cent of the applications filed. The following list, including service effective December 2, 1901, shows the condition of the service record by States:

Percentage of establishment of rural free delivery in the different States.

States and Territories.	Total number of applications filed.	Total number of routes established.	Percentage.
STATES.			
Alabama	119	*43	36
Arkansas	29	14	48
California	113	84	74
Colorado	62	34	55
Connecticut	115	*101	88
Delaware	31	20	64½
Florida	3	1	33⅓
Georgia	476	143	30
Idaho	23	12	52
Illinois	1,236	517	42½
Indiana	831	*454	54
Iowa	1,157	*581	50
Kansas	743	343	46
Kentucky	58	13	22
Louisiana	6	5	83⅓
Maine	130	72	55
Maryland	181	*172	95
Massachusetts	124	61	49
Michigan	835	340	40
Minnesota	436	177	40
Mississippi	25	2	8
Missouri	617	265	43
Montana	7	0	0
Nebraska	397	139	35
Nevada	0	0	0
New Hampshire	90	68	75
New Jersey	71	50	70
New York	687	*387	56
North Carolina	243	31	12½
North Dakota	24	8	33⅓
Ohio	1,209	561	45
Oregon	63	28	44
Pennsylvania	456	*383	84
Rhode Island	19	14	73
South Carolina	207	*103	49
South Dakota	97	42	43
Tennessee	314	*170	54
Texas	223	126	56
Utah	17	7	41
Vermont	73	58	80
Virginia	117	41	35
Washington	34	15	44
West Virginia	63	41	65
Wisconsin	563	280	49
Wyoming	8	4	50
TERRITORIES.			
Arizona	3	2	66
New Mexico	3	0	0
Oklahoma	35	9	26

*Including "county service."

General average for the United States, 46 per cent.

THE ANTAGONISMS ENCOUNTERED.

This brings again into consideration a disturbing factor consequent upon the added service, i. e., the necessary discontinuance of the smaller post-offices, whose function is taken away by the establishment of rural free delivery, and of the star routes which supply them.

These two elements are responsible for the greater part of the protests and complaints which often delay the work of establishment, annoy Representatives in Congress, and embarrass the Department.

It ought to be understood that the greatest care is exercised in all parts of the administrative work to make the rural free-delivery service an improvement upon any mail service which it supplants, and to assure the greatest amount of benefit to the greatest number of people. Occasionally a few individuals may be inconvenienced by the abolition of a small post-office immediately adjacent to their home, but the resulting advantage to the greater number of people accommodated is always in the end found to be ample compensation for the trivial deprivations suffered by the few.

RIVALRIES AS TO TERRITORY.

The work of establishing rural free-delivery service is often seriously retarded by the struggle on the part of individuals and communities to include in their petitions for service territory naturally tributary to other post-offices. Special agents engaged in examining projected routes are instructed to use every effort to adjust such differences in advance of their reports. It happens, however, that such adjustment is not always possible. The aim of rural free delivery being to serve the largest number of patrons with the best service, individual and selfish interests must often be ignored in order to secure this end, and projected routes must be extended, curtailed, or changed to best serve the majority. It is found, as a rule, that the friction which sometimes exists when new routes are first put into operation wears rapidly away as the service becomes known and appreciated, and patrons adjust themselves to the new condition of things.

COUNTY SERVICE.

Reference was made in last year's report to the plan originally tested in Carroll County, Md., of extending the free delivery at one time over an entire county, to the practical exclusion of all other service except such as might be needed to supply distributing points for rural free delivery. Since then the system has been extended to nine other counties, so that the record, including Carroll County, stands as follows:

County and State.	Carriers.	Miles traveled.	Area covered.	Population served.	Houses en route.
			Sq. miles.		
Anderson, S. C	35	808½	694	26,285	5,279
Carroll, Md	49	960	523	27,569	5,545
Delaware, Ind	26	628½	397	17,400	3,480
Fairfield, Conn	54	1,118½	687½	37,024	8,258
Frederick, Md	56	1,168	653	35,997	7,812
Hardin, Iowa	41	1,021½	840	18,065	3,616
Jefferson, Ala	29	579	495	32,215	6,443
Niagara, N. Y	42	937	485	24,836	5,891
Washington, Pa	97	2,008½	1,221½	44,797	8,332
Washington, Tenn	31	729½	521	16,450	3,330
Total	460	9,958½	6,517	280,938	57,986

To this list must be added the county service in Jackson County, Mo., fully investigated and awaiting orders for establishment, which provides for 39 carriers, who will serve a population of 20,520; also a nearly completed county service in Kent County, Del.

In connection with the county service postal wagons, accompanied by postal clerks and having all the facilities of a post-office, have been provided where their use is required, as follows:

Carroll County, Md.—Wagons A, B, C, and D.
Washington County, Pa.—Wagon A.
Frederick County, Md.—Wagons A and B.
Jackson County, Mo.—Wagon A.

The number of fourth-class post-offices and star routes which have been dispensed with in connection with the county services thus established appear in the following statement:

County and State.	Post-offices discontinued.	Star routes discontinued.
Anderson County, S. C	39	10
Carroll County, Md	64	33
Delaware County, Ind	11	6
Fairfield County, Conn	27	17
Frederick County, Md	49	32
Hardin County, Iowa	3	1
Jefferson County, Ala	24	10
Niagara County, N. Y	34	12
Washington County, Pa	53	29
Washington County, Tenn	49	15
Total	353	165

County services have been carefully and gradually inaugurated on the presumption, which now seems indisputable, that rural free delivery must eventually extend over the whole country outside of cities and towns now served by free delivery, unless sparse settlement or impracticable roads render such extension temporarily impossible. The latest experience has shown that where the physical conditions are favorable to the laying out of rural service over a whole county at one time, and the cooperation of the citizens and Representatives in Congress is fully assured, this method of inaugurating service can be made more effective and less liable to disturbance on account of the abolishment of the village-store post-office and star routes than the system of establishing routes on separate petitions.

Every variety of territory and all sorts of conditions as to population and roads have been experimented on in the establishment of the above-named county service.

Steps will soon be taken to completely cover those counties which now have a considerable amount of service, and in which the establishment of a few additional routes and the readjustment of existing services will make the accomplishment of a complete county service comparatively easy. This is now being done in Santa Clara County, Cal., where the local conditions, both as to roads and land divisions, are most favorable to an ideal service.

POSTAL STATIONS.

In county service may be found what are known as rural free-delivery postal stations. They are established at points where it is desired to provide special money-order and registry facilities for patrons residing in a village or hamlet, and to secure a meeting point for rural carriers for the supply and exchange of mails of routes distant from the main distributing offices. A rural station is invariably established in lieu of a post-office, and the compensation paid the clerk in charge fixed at about 25 per cent of the compensation formerly received by the postmaster, but not to exceed $150 a year. In some instances the cost of managing the station is included in the salary of the rural carrier who delivers mail through the village and in the immediate neighborhood. Stations of this kind are subordinate to and supplied from the county seat or main distributing point for the rural free delivery.

The western division, with States added to its territory, has now pending 1,897 cases, as against 566 cases at the corresponding period last year. They are as follows:

State or Territory.	1901.	1900.	State or Territory.	1901	1900.
Arkansas	15	3	North Dakota	16	1
Arizona	1	1	Oklahoma	26	1
California	29	5	Oregon	35	6
Colorado	28	4	South Dakota	55	13
Idaho	12	8	Texas	109	29
Iowa	604	238	Utah	10	3
Kansas	402	148	Washington	20	1
Minnesota	263	63	Wyoming	4	
Montana	7	5			
Nebraska	258	87	Total	1,897	566
New Mexico	3	1			

To facilitate the work of route inspectors, and to insure a full and accurate inspection of the service, a specially prepared form has been provided for their use, which embraces 36 questions bearing upon every phase of the service and the conduct of the carriers. It is used in what are called general inspections, and when properly filled out gives this office a perfect knowledge of the efficiency of service, the condition of the highways, and the conduct and general reputation of the carrier, and enables it, through correspondence, either to correct irregularities disclosed by the inspection or to make suggestions to the postmasters looking to the raising of the service to even a higher standard of efficiency.

Special inspections comprise complaints against carriers, requests for extension or change of route, and changes of schedule. Such cases are invariably made up and jacketed at Washington. In handling requests for changes of routes, route inspectors are especially cautioned not to recommend them simply to comply with the whims or desires of interested parties, but to consider what would be the best service for the greatest number.

CARRIERS' SCHEDULES.

To be really efficient and satisfactory a rural free-delivery service must be performed with regularity and punctuality. Excepting Sundays, it must be performed daily, and, under ordinary weather and road conditions, in such a manner that a patron may know with some degree of certainty at what time every day the carrier will pass his gate or the point at which his box is erected. If he wishes to purchase stamps, register a letter, or transact other business with the carrier, he can do so without wasting time, for he will know just when the carrier will arrive at the box.

RURAL LETTER CARRIERS.

As a class they discharge their onerous duties with great fidelity, frequently under adverse conditions of weather and roads, and the percentage of complaints against them for derelictions of duty is much less than that of the city service. During the fiscal year 33 rural carriers were dismissed from the service, in every instance for a just cause—4 having been arrested for theft of mail. In a total of 1,135 general inspections made between August 1 and October 15, 1901, the inspectors found cause to complain of 29 carriers, the conduct of 2 being reported as bad and 27 as careless or indifferent. Surely this record speaks well for the personnel of the force and shows that the average rural carrier is faithful to his trust. Whether selected from the thinning ranks of the civil-war veterans or from among those who served their country in the Spanish war, whether fresh from the district school or just from behind the plow, he who enters the service of the United States as a rural letter carrier enjoys the esteem and confidence of the people. He is always a welcome visitor, and soon becomes a factor in the everyday life of a rural community.

STATISTICS.

During the year the special agents completed 3,037 routes, so that on July 1, 1901, including service established on that date, 4,301 routes were in operation. The work of the current year will provide for as many more routes, bringing the total up to 8,600 on July 1, 1902. On December 2, 1901, 6,009 will be in existence. (For complete list of rural free-delivery offices, including those to be established December 2, 1901, see Appendix, Tables D and E.)

The number of pieces of mail of all kinds handled during the year was 151,259,160; 175,744 money orders were issued on applications received by rural carriers, and 49,839 letters registered en route.

Four thousand three hundred and one carriers traveled daily an aggregate of 100,299 miles of road, or an average of 23.32 miles per carrier. The total area covered by these routes includes 116,960 square miles, or an average of 27.2 square miles per route. This equals the land area of the New England States, New York, and New Jersey combined.

The cost of maintaining a route for the first year is about $512, including salary of carrier and incidental expenses. At this rate the cost per square mile of territory served is about $18.50. On July 1, 1901, the force of 4,301 rural carriers was serving 2,840,644 people at a fraction over 75 cents per capita, and by December 2 of this year 4,000,000 of our rural population will be enjoying a free delivery of mail.

DISCONTINUANCE OF STAR ROUTES.

In every State into which rural free delivery has been extended during the period covered by this report it has been found practicable to discontinue some star-route or mail-messenger service. With the cooperation of the honorable Second Assistant Postmaster-General these discontinuances have been ordered into effect.

Between November 15, 1900, and November 15, 1901, 1,032 star routes and messenger services were discontinued. These services, if maintained, would require a total annual expenditure, under the terms of the contracts entered into, of $174,404.41. The greater part of this amount, less the month's advance pay which is given the star-route contractors when their contracts are abrogated, has been saved to the contract division of the office of the Second Assistant Postmaster-General, and the cost of maintaining the service has been assumed by rural free delivery.

The total saving in the star-route service superseded by rural free delivery within the twelve months, summarized by States, is as follows:

State.	Number discontinued.	Compensation.	State.	Number discontinued.	Compensation.
Alabama	13	$2,893.07	New Jersey	7	$812.40
Arkansas	2	154.00	New York	78	14,725.92
California	4	602.00	New Hampshire	6	789.77
Colorado	4	731.20	Ohio	90	12,911.34
Connecticut	23	4,649.92	Oregon	1	309.88
Delaware	1	75.00	Oklahoma	1	180.00
Georgia	46	4,888.06	Pennsylvania	72	13,912.55
Indiana	77	11,806.46	Rhode Island	1	200.00
Illinois	66	10,487.77	South Carolina	14	1,831.21
Iowa	87	14,177.55	South Dakota	5	736.43
Idaho	1	229.00	Tennessee	47	5,423.33
Kansas	39	5,379.06	Texas	34	4,438.01
Maryland	48	8,731.17	Utah	2	337.00
Massachusetts	5	1,103.00	Vermont	11	1,566.92
Maine	20	4,281.26	Virginia	8	1,024.30
Michigan	64	10,622.22	Washington	1	427.88
Mississippi	1	49.00	West Virginia	7	1,271.99
Minnesota	37	5,646.87	Wisconsin	19	8,559.47
Missouri	74	12,125.10			
North Carolina	2	421.00	Total		173,404.41
Nebraska	13	3,083.30			

FOURTH-CLASS POST-OFFICES DISCONTINUED.

The fourth-class post-offices discontinued within the same period as the star routes abve referred to, viz, from November 15, 1900, to November 15, 1901, effect a total saving to the Department of $120,221.43. These post-offices have been discontinued by orders issued by the honorable Fourth Assistant Postmaster-General because the service heretofore rendered by them is now performed by rural free-delivery carriers.

Summary of the total number of post-offices discontinued in each State or Territory.

State or Territory.	Number of offices.	Compensation.	State or Territory.	Number of offices.	Compensation.
Alabama	29	$962.58	New Jersey	10	$700.75
Arkansas	2	105.13	New Hampshire	15	1,034.58
California	8	956.28	New York	136	10,641.95
Colorado	3	1,115.17	North Carolina	2	178.91
Connecticut	41	5,169.57	Ohio	154	13,763.21
Delaware	1	29.37	Oklahoma	1	47.07
Georgia	101	2,872.48	Oregon	10	755.11
Indiana	113	6,667.58	Pennsylvania	160	13,261.18
Illinois	64	4,436.85	Rhode Island	3	115.06
Iowa	95	6,505.08	South Carolina	56	1,812.46
Idaho	3	409.16	South Dakota	9	273.19
Kansas	70	3,587.88	Tennessee	154	5,937.62
Kentucky	4	306.96	Texas	38	1,136.73
Louisiana	2	79.58	Utah	2	242.54
Maine	45	3,958.47	Vermont	20	2,052.89
Maryland	72	6,968.83	Virginia	21	1,065.03
Massachusetts	8	2,080.26	Washington	7	1,375.57
Michigan	77	4,952.23	West Virginia	12	873.01
Minnesota	50	3,193.28	Wisconsin	93	5,064.17
Missouri	82	4,514.32	Wyoming	1	41.16
Mississippi	1	6.53			
Montana	2	89.90	Total		120,221.43
Nebraska	20	1,672.75			

INCREASE OF MAIL HANDLED.

Every establishment of service is promptly followed by a phenomenal increase from month to month in the number of pieces of mail delivered and collected by the carrier, and it is remarkable that the increase does not cease after the first few months, but continues with regularity and without any appreciable decrease of rate.

This may be clearly shown by the statement made up from the records of 24 of the post-offices at which rural free delivery was originally established in 1896. (See Appendix, Table E.) The statement includes the years 1900 and 1901. In 1900 the carriers at those offices delivered 1,607,972 pieces of all classes of mail, and collected 250,719 pieces. In 1901 the same carriers delivered 1,934,237 pieces, and collected 305,578 pieces, showing in the number delivered an increase of 326,265 pieces, or 20.16 per cent, and in the number collected an increase of 54,859 pieces, or 27½ per cent.

It must be borne in mind that this remarkable showing is made by offices where the service has been in operation for four or five years, so that the increase for the year 1901 does not represent a "spurt" such as follows the introduction of the service.

The next statement is made up from the records of the Carroll County service, and is for corresponding periods of six months each in the years 1900 and 1901. (See Appendix, Table F.) During the first period the number of pieces delivered reached 780,315 and the pieces collected 218,240, while in the second period the deliveries increased to 1,173,425 and the collections to 308,006. This shows an increase of 393,110 in the number of pieces delivered, or 50.33 per cent, and 89,766 in the number of pieces collected, or 41 per cent. This wonderful record is due to the county system, in operation there for the past eighteen months, which permits of the development of an ideal rural service freely patronized by the people.

Another statement is made up from the records of 50 rural free-delivery offices at which no additional services have been established during the years 1900 and 1901. (See Appendix, Table G.) The summary shows that in 1900 the deliveries aggregated 3,110,640 pieces and the collections 471,495. In 1901 the same offices delivered 4,033,501 and collected 603,244 pieces. The increase in the number of pieces of mail delivered was 922,861, or 29¾ per cent, and of mail collected 131,749, or 28 per cent.

At many points the increase is almost beyond belief. A statement has just been received from the post-office at Owosso, Mich., to the effect that during the month of October just passed carriers 1 and 2 delivered 28,560 and collected 1,772 pieces of mail. The same carriers during the corresponding month last year delivered 10,392 pieces and collected 1,131 pieces—an increase of 175 per cent in the number of pieces delivered and 56 per cent in the number collected.

An important feature disclosed by the foregoing statements is the comparatively large increase in the number of pieces of mail collected from rural routes. This means much more than the larger percentage of increase of mail delivered. The latter includes large numbers of newspapers and periodicals which are mailed at the rate of 1 cent a pound, and on which, it has been repeatedly shown, the service reaps no financial gain. But the collections from rural routes are made up almost entirely of letters and postal cards, first-class matter, from which the postal service derives the bulk of its revenues. The farmer seldom mails a newspaper, and when he does pays postage on it at the rate of 4 cents per pound; he never has occasion to send circulars. His mail usually bears the 2-cent stamp.

Rural free delivery stimulates letter writing. The letter box erected along the rural route is a standing invitation to the farmer to write letters. He does not now hesitate to write, because he knows the letter will be called for at the farm gate and its answer eventually delivered to him at the same spot.

The comparative statements included in this paragraph will suffice, I think, to satisfy the most skeptical that the people are quick to make use of the facilities brought to them through the medium of rural free delivery, and that their appreciation and gratitude for the service are abundantly shown by the liberal manner in which they patronize the service.

EFFECT OF RURAL FREE DELIVERY ON POSTAL REVENUES.

It is not possible to make an exact estimate or statement of the increase of revenues caused by the rural free-delivery service as it is now distributed throughout the country, but a fair understanding of its effect upon the revenues may be obtained by a study of the results produced in counties and localities enjoying a complete rural service. Carroll County, Md., has had a satisfactory rural free-delivery service in operation for about eighteen months. The aggregate revenues of the first three quarters after the service was fully adjusted were $20,489.19, and of the succeeding three quarters, ending September 30, 1901, $22,553.46, an increase of $2,064.27, or a fraction over 10 per cent.

On account of the more recent date of the introduction of rural free delivery in Washington County, Tenn., it is only possible to make a comparison between two periods of six months each. The revenues of this county for the six months just preceding the establishment of rural free delivery were $6,810.25, and for the first six months under the new service $7,312.12, an increase of $502.87, or 7.4 per cent.

In Table I of the appendix will be found a statement showing separately the postal revenues for three years of 35 post-offices with rural free delivery and 35 post-offices without rural free delivery, the towns or villages in each class having about the same population. This statement shows gratifying results in favor of the offices having rural free delivery, where the percentage

of increase of 1900 over 1899 was 10.3 per cent, and that of 1901 over 1900 is 11 per cent. On the other hand, the increase in the 35 towns without rural free delivery was 4.7 per cent for the year 1900 over 1899, and 4.6 per cent for 1901 over 1900.

Frederick County, Md., until recently has had no rural free delivery. Excepting the free-delivery office at Frederick city, the gross revenues of that county for 1900 were $20,984.33. In 1901 the same county yielded a revenue of $21,263.88, an increase of but 1.33 per cent. This county adjoins Carroll County, in which it has just been shown the increase in the revenues since the establishment of rural free delivery has been 10 per cent.

An analysis of the gross postal revenues of the United States for the year 1901, which were $111,631,193.39, shows that $74,295,394.47 came from 866 free-delivery cities. The remaining 3,600 Presidential offices yielded $16,063,251.81, while the 72,479 fourth-class offices produced $18,913,519.21. These amounts show an increase over the preceding year as follows:

Free-delivery offices	$7,519,490.81, or 11.11 per cent
Presidential offices (non free-delivery)	552,265.58, or 3.56 per cent
All fourth-class offices	405,678.46, or 2.19 per cent

It is not surprising that two-thirds of the postal receipts come from the free-delivery cities, in which are concentrated 30,000,000 of our population, and which include the great industrial centers and marts of trade, leaving the other third to be made up by non-free-delivery and fourth-class offices in rural districts, among which are distributed the other 48,000,000 of the population. But why the annual percentage of increase in the revenues of the free-delivery offices should be three times greater than it is in the smaller cities and five times as large as that of the fourth-class offices requires explanation. This is found in the fact that the postal service of our large cities is practically perfect.

Numerous house-to-house deliveries and frequent collections of mail are provided daily. Modern means of transportation are supplied regardless of cost. In short, the postal facilities are not only manifold and adequate, but the people are given ample opportunity to use them, and they use them more and more every year. On the other hand, the smaller cities are without free delivery and lack the facilities that stimulate the use of the mails. Therefore the increase in the revenues of this class of offices is correspondingly small. In strictly rural communities (except where rural free delivery is established) the postal service is still more deficient, and the patrons for whom it is provided are too remote from the post-offices to take advantage of the meager facilities except when some urgent necessity compels them to do so; hence the comparatively low rate of increase in fourth-class offices. It is safe to say that in rural communities it does not exceed 2 per cent annually. Frederick County, Md., demonstrates by actual figures that it is but 1.33 per cent.

These unsatisfactory conditions disappear as rural free delivery, with its attending benefits, reaches out into the country, giving the people equal postal facilities without regard to locality, which has the effect of increasing the revenues at a rate at least equal to that maintained in the free-delivery cities, where during the past five years it has averaged 8 per cent. It may then be reasonably claimed that a general extension of rural free delivery will increase the postal revenues from year to year at such a rate that eventually the service will become self-sustaining. This is no more than was claimed by the friends of free delivery in 1863, when the introduction of that service in our large cities was opposed by those who saw in it a senseless expenditure which would entail upon the future revenues of the service a burden which it was feared they could not bear.

POST-OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER-GENERAL,
OFFICE OF GENERAL SUPERINTENDENT FREE-DELIVERY SYSTEM, DIVISION OF RURAL DELIVERY,
Washington, May 23, 1902.

Hon. GILBERT N. HAUGEN,
House of Representatives, Washington, D. C.

SIR: In compliance with your request of the 22d instant, I herewith send you a detailed statement of the rural free-delivery service in the Fourth Congressional district of Iowa.

Very respectfully,

A. W. MACHEN,
General Superintendent.

Rural free-delivery service in the Fourth Iowa district.

Office.	Number of routes established.	Number of applications pending.	Routes reported— Favorably.	Routes reported— Adversely.
Arlington	3	1		
Bonair		1		
Calmar	2		1	1
Castalia		1		
Charles City			5	
Chester		2		
Clear Lake	5			
Clermont	2			
Cresco	5	2		
Decorah	5	1		
Edgewood		2		
Elgin	3			
Elkader			3	
Elma		2		
Farmersburg		1		
Fayette	4			
Floyd		3		
Fort Atkinson		2		
Frankville		1		
Fredericksburg		1		
Hawkeye	4			
Ionia		1		
Joice		1		
Kensett	1	1		
Lansing		2		
Lawler		3		
Lime Springs		3		
Luana	1	1		
McGregor	3			
McIntyre		1		
Manly		1		
Marble Rock		1		
Mason City	7			
Maynard	1			
Mitchell		1		
Monona		2		
Nashua	1	1		
New Albin		1		
New Hampton	1	2		
Nora Springs	1		3	
Northwood	1	2		
Oelwein	3			
Orchard	1			
Osage	1	4		
Ossian	1	2		1
Otranto Station		1		
Plymouth		1		
Postville	2	2		
Randalia				1
Riceville		4		
Ridgeway		1		
Rockford	5			
Rockwell		1		
Rudd		1		
St. Ansgar		1		
St. Olaf		2		
Strawberry Point			3	
Swaledale		1	1	
Thornton		1		
Volga		1		
Wadena	3			
Wacoma	3	2		
Waukon	1	2		
West Union	3	1		
Total	73	73	16	3

Rural free-delivery service in the Fourth Iowa district—Continued.

Total number of routes established	73
Number of routes reported favorable	16
Number of routes reported adversely	3
Total number of routes inspected	92
Number of applications pending	73
Total applications filed	165

Subsidiary Silver Coinage.

SPEECH
OF
HON. GEORGE SUTHERLAND,
OF UTAH,
IN THE HOUSE OF REPRESENTATIVES,
Wednesday, May 28, 1902,

On the bill (H. R. 12704) to increase the subsidiary silver coinage.

Mr. SUTHERLAND said:

Mr. CHAIRMAN: It is a matter of sincere regret that I am compelled to differ with the distinguished gentleman from Connecticut [Mr. HILL], who is in charge of the pending bill, and for whose great ability and learning upon financial questions I have the utmost respect.

I am not opposed to that provision of the bill which contemplates an increase in the quantity of the subsidiary coin. The officials of the Treasury seem to regard it as necessary, and I have no doubt that it is.

The bill under consideration provides that the silver bullion now in the Treasury shall be used for the purpose of this subsidiary coinage, and provides, further, that when this bullion shall be exhausted, and that as public necessities may demand thereafter, the Secretary of the Treasury is authorized to recoin the existing silver dollars into subsidiary coins. This latter provision I regard as both unnecessary and unwise. The silver dollars are now by law full legal tender for all debts, public and private. They comprise more than one-quarter of all the full legal-tender money in existence in the United States. They have always been maintained at par with gold, even in the dark days between 1892 and 1896, when the business affairs of this country were in a condition of stagnation and financial ruin, and panic spread from one end of the land to the other.

There is not, in my judgment, the slightest danger of the silver dollar going below par the infinitesimal fraction of a cent under any imaginable business conditions so long as they are full legal tender for billions of dollars of private and public debt. It is proposed by this bill to convert this full legal-tender money, which in everything but name is as good as gold, into a class of coins that are not full legal tender, but have only a limited legal-tender quality under the law. To the extent to which this is done, to the extent to which these silver dollars are converted into subsidiary coins, the basic money of the country is contracted.

What is the necessity for this proposed action? The advocates of the bill say that we have in existence more that 500,000,000 of these silver dollars, and we are able to put into circulation less than $100,000,000; that the remainder are held in the vaults of the United States; and they say that it is better to convert this class of silver money, which will not circulate among the people, into a subsidiary coinage which will circulate among them.

Now, Mr. Chairman, the truth about it is that the silver dollars circulate precisely the same as the twenty-dollar gold pieces circulate—that is, in the form of paper certificates redeemable in coin—the silver dollar in the form of certificates redeemable in silver dollars, the gold coin in the shape of gold certificates redeemable in gold coin.

When the gentleman from Iowa [Mr. SMITH], who strongly advocates this bill, was discussing this question, I asked him why it was objectionable to circulate our silver in the form of silver certificates and not objectionable to circulate our gold in the form of gold certificates. He answered me that there was no objection to circulating silver in the form of silver certificates that he knew of. And yet he at once proceeded to advocate the passage of this bill because, in his own language, "the bill provides that the dollars which do not circulate may be taken and coined into money that will circulate."

In one breath it is urged that the silver dollar ought to be converted into something else because it does not circulate, and in the next breath it is admitted that the silver dollar does circulate in the form of silver certificates, and there is no objection to this method of circulation.

Now, Mr. Chairman, it is conceded that if the present stock of silver bullion now in the Treasury is utilized for subsidiary coinage purposes only, it will not be exhausted for at least six and possibly ten years. We are therefore by this legislation attempting to make provision for a condition which will have no existence for many years to come. For at least six years, or possibly ten years, this provision of the bill can have no practical operation or use whatever. Why should we do this? Why tie our hands so many years in advance of any necessity for so doing? "Sufficient unto the day is the evil thereof."

In six years from now, or ten years from now, when the silver bullion shall be exhausted and more subsidiary coin shall be called for it may be exceedingly unwise to provide for the recoinage of the silver dollars for this purpose. It may at that time be perfectly clear that the wise and sensible thing to do is to purchase additional silver for this purpose and leave the existing issue of silver dollars intact.

Let us cross that bridge when we get to it.

I am opposed to a declaration of this kind so long in advance of any practical necessity for it, because it is an unnecessary blow at one of the great and thriving industries of this country. We are producing in the United States about one-third of all the silver of the world. It is a legitimate industry. It is as much entitled to the fostering care of the Republican party, if that care can be extended without injury to the country or to other interests, as any industry in the United States.

The value of silver has already declined to such an extent that many of the mines in the Rocky Mountain region have been forced to close down. Why should we still further discourage it by this declaration, which must be conceded by everybody to be entirely unnecessary now, whatever may be the fact as to the necessity of it some time in the future. If you pass this bill containing this provision it is equivalent to a declaration to the silver producers of the country that the market for coinage purposes in the United States is forever closed to them, and to that extent it is a discouragement to the industry. It is a slap at an industry that is wholly gratuitous and unnecessary, and as such I enter my most earnest protest against it.

Mr. Chairman, there is too much of a disposition among gentlemen who are learned, or think they are learned, upon financial questions to insist that unless their peculiar views prevail ruin will result. The advocates of this bill seem to consider it necessary to get rid of our five hundred and odd millions of silver dollars. They declare that they want only the best money.

The danger arising from the existence of too much poor money is not avoided by a provision which will result in the existence of too little good money. The evils of inflation and contraction of the currency lie at opposite poles of the financial system, but both are equally bad. There is such a thing in athletics as overtraining, so that a man in endeavoring to get rid of his surplus flesh overdoes the business and gets rid of his muscle as well. Let us be careful that we do not make a mistake of an analogous character in finance.

What is the matter with the silver dollar anyway? Is business unsettled because of its existence? Is there any danger of a panic? Is there any menace to the stability of our trade and commerce because of the existence of the silver dollar? Are the people clamoring for its retirement?

Business is good. The laboring man is employed at remunerative wages. The mills and factories are in operation from one end of the country to the other. Peace and plenty are abroad in the land. We hear a great deal about leaving well enough alone. Why not leave well enough alone on the money question? Gentlemen complain that the silver dollar does not circulate. The truth about it is that both gold and silver circulate in specie in the West, but neither circulates east of the Mississippi River. In the West we have become accustomed to the silver dollar and the gold coin, and they are in use everywhere in preference to their paper substitutes. But I will venture to say that there is not a man in this House who has seen any kind of a gold coin since Congress has been in session. And nobody grows delirious about that.

The gentleman from Connecticut [Mr. HILL] and the gentleman from Iowa [Mr. SMITH] draw their salaries from the Sergeant-at-Arms in gold certificates with the utmost calmness. The gold lies month after month in the Treasury and there is no hysterics. The silver dollar obeys exactly the same law, and at once the stability of our financial system is threatened.

If the provision for the conversion of silver dollars into subsidiary coins shall be stricken from the bill, I shall be glad to vote for its remaining provisions, but if not I shall feel constrained, much as I shall regret the necessity of differing with my friends upon this side of the Chamber, to cast my vote against the entire bill.

Reclamation of the Arid Public Lands—It Will Benefit the Whole Country—Involves No Competition With Eastern Agriculture.

SPEECH

OF

HON. FRANCIS G. NEWLANDS,

OF NEVADA,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, May 14, 1902.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes—

Mr. NEWLANDS said:

Mr. CHAIRMAN: The irrigation bill will probably come up for consideration within the next two weeks, and as the session is drawing to a close and sufficient time may not be available for full discussion of this important question, I have concluded, with the permission of the House, to take up this question now and present it as thoroughly as possible, in the hope that my remarks may be generally read and considered before the debate comes on by those of our Eastern members whose minds are in a tentative condition and who desire information.

The West has been for years insisting that some legislation should be inaugurated by Congress looking to the reclamation of the arid public lands owned by the Government, and constituting in some States over 90 per cent of the area. The agitation has progressed slowly because the portion of the country most interested in the question is scantily settled, and has not the influence in national councils which numbers give, and also because it is difficult for those living in the humid States to form any proper conception of the irrigation question, and the Senators and Representatives from States having no direct interest in the question have been slow to acquire the information necessary to bring them to a full realization of its importance.

It is not especially strange that so many of our people should be unfamiliar with the subject. It is one that does not present itself in a practical way in the portion of our country which contains nine-tenths of our entire population, for, although the arid region is of vast extent it is but thinly settled, and must always be so compared with the part of the country in which nature furnishes and distributes an abundance of water for agricultural purposes.

IRRIGATION NOT A NEW QUESTION.

Our legislators seem to regard irrigation as something new, whereas it is as old as time. Agriculture is the most ancient art of which we have any record. It was the beginning of civilization. The first agriculture was accomplished through irrigation. It was commenced, according to scientists who have sought the records of primitive man, under conditions of great aridity, and the civilized cities of the ancients were either on the edge of or in the desert. The earliest civilization of America indelibly stamped its impress on Arizona and New Mexico, where to-day are to be found the remains of the cities and great irrigation works which flourished thousands of years before Columbus discovered America. Almost all the ancient civilizations which history records were based upon irrigation, and irrigation is to-day practiced in more than one-half of the world.

England has expended $300,000,000 in India on irrigation works, which have done much to render more certain the crops of that region. England is to-day expending millions of dollars on the Nile in extending the area of irrigation. Italy and Spain illustrate the practical results of scientific irrigation. A German company is preparing to enter upon the work of restoring cultivation in the plains of Mesopotamia, near the Tigris and the

Euphrates rivers, in which were situated the ancient cities of Babylon and Nineveh, surrounded by the most fruitful cultivation produced by the utilization of the waters of those rivers. Doubtless some barbaric tribe swept down from the north and destroyed or reduced to subjection the civilized peoples occupying them, and, being unaccustomed to agriculture, allowed them gradually to drift back into the desert from which German enterprise is again to rescue them.

The Anglo-Saxon invasion of this country began in the opposite direction. The humid lands were settled first. The Atlantic seaboard was dotted with homes and farms as the axman cut his way into the primeval forest. Later the settlers crossed the Alleghenies and made homes in the fertile Ohio Valley. Next they spread over the vast prairies and alluvial bottoms of the Mississippi valley, converting a broad wilderness into a land of homes carved out by individual effort. This great land-seeking movement went as far west as the one-hundredth meridian. There it was obstructed by the lack of rainfall. In all this settlement of a continent the home builder had found in the main good farming land with sufficient rainfall to grow and mature his crops. He knew nothing of irrigation.

But in western Kansas and Nebraska the rainfall was found to be insufficient for agriculture, and there the great tide of homestead settling was halted until the Anglo-Saxon, realizing that the rivers flowing from the snow-clad peaks of the Rocky Mountains carried vast volumes of water to the seas which if spread over the desert plains would make them fruitful, and beginning again where the forgotten people of thousands of years ago left off, took up the problem of diverting those waters over the arid plains and spreading them upon thirsty land for the purpose of growing crops. As a result, 7,000,000 acres of this arid land are now under irrigation through private enterprise. The limit of this development by individual enterprise has now been nearly reached, although there yet remain great tracts of irrigable public lands.

THE ARID REGION.

The so-called arid region extends from about the one hundredth meridian of longitude to the Pacific coast. Draw a line north and south through the middle of the two Dakotas, Nebraska, Kansas, and Oklahoma, and all to the west of it is either arid or semiarid, the aridity increasing as the Rocky Mountains are approached. The eastern portion of this great region is semiarid, while the narrow fringe along the Pacific seaboard is humid. Within the boundaries named thirteen States and three Territories lie wholly or in part, and, excluding Alaska, they constitute nearly one-half of the superficial area of the Republic. It is estimated that they contain about 600,000,000 acres of vacant public land, of which about 60,000,000 acres may be irrigated if the water supply is properly conserved and distributed. In other words, it is possible in the future to actually reclaim for cultivation in this vast region an area about equal to the area of the two States of Illinois and Iowa. The rest of this vast area can not be cultivated. It will consist largely of mountain ranges and arid plains, for which it will be impossible to obtain sufficient water for irrigation, though they will be useful for grazing.

This region was once called "The Great American Desert." It is mainly mountainous. The Rocky Mountains, the Sierra Nevada, and the other mountain ranges take up a very large proportion of its area. It is impossible anywhere to cultivate by means of rainfall. Grasses adapted to the arid region grow on these plains and mountains and sustain the wandering herds from which most of the beef cattle of the country are recruited. Only valleys and plateaus in their vicinity are level enough for cultivation. The mountainous character of the country would prevent cultivation even were water abundant; but there is only sufficient water for a small part of the level portion of this area. The waters for cultivation must come from the creeks, streams, and rivers which have their sources in the snows of the mountains. These waters must be led away from the streams by lateral canals and ditches, and in order to accomplish this the water must be taken out where damming the river is comparatively easy. The snows which are the source of these creeks, streams, and rivers fall in the winter and melt in the spring and early summer. Most of these snows melt before May, leaving a scanty supply for June, July, and August, the period when the heat is intense, and when the dry air sucks the moisture out of everything, and when moisture is most required for ripening crops.

The first lands taken up in such a region are along the creeks and rivers and in the valleys where water is needed for supply. These lands being overflowed by the spring freshets, would produce wild grasses, which the stockmen would cut for hay, thus tiding over severe winters when the snow covered and concealed the wild grasses of the plains and imperiled the lives of the stock. Then, growing more provident, the stockmen would divert the flood waters by canals over the land not naturally overflowed, and thus increase the hayfields. Then come the mines with their communities of merchants and miners requiring food supplies of every kind. And so the small farmer was developed, who, by diverting canals and ditches, sought to give his land the needed water for cereals, vegetables, and fruits.

From these conditions has come the present irrigation development of the West. The condition of the streams in the period of lowest water was the measure of possible reclamation. The flood waters were of no use, for they were not available when needed for ripening the crops, and it is these flood waters which finally make their way to the ocean or to great lakes in the sink of the desert, like Salt Lake, Humboldt Lake, Walker Lake, and others, that it is proposed to make available for the arid lands now remaining unsettled. To accomplish this requires the broadest generalization, the study of an entire river, with all its tributaries and their subtributaries; the maintenance of an equal and sustained flow of the river during the planting and growing season, and the utilization of every device upon every part of the river necessary to preserve this equal flow. The lands to be benefited may be hundreds of miles away from the location of the stored waters, but these stored waters being above them, not below them, will be on tap, responsive to the demands of intelligent husbandry.

WHAT IS IRRIGATION.

Irrigation is practiced only in arid and semiarid countries where the rainfall is either entirely lacking or is insufficient to raise crops. In our arid region there is a heavy deposit of snow during the winter on the mountains. This snow melting forms streams, which are torrential in the spring and early summer, but dry, or nearly so, later in the season. For irrigation the water is taken out of such streams by canals and ditches and distributed over the land. The difficulty is that the water is abundant when it is least needed and scant when it is necessary to mature the crop. The aim, therefore, is to store in reservoirs the water that runs to waste during the flood season. To do this the various watersheds must be treated in a scientific way. The ground must be accurately surveyed and located so as to store the greatest quantity of water at the most available places. The idea is that the Government should do the primary work of constructing the reservoirs and larger canals, so that the water may be brought within the reach of those who are to settle on the public lands and use it in their reclamation and cultivation.

Storage enables the utilization of a greater amount of the torrential waters in irrigating the arid plains, as the stored waters supplement the torrential waters later on and ripen the crops which would otherwise be burnt by the hot sun. Storage involves the treatment of an entire watershed in a scientific way, regardless of State lines. The problem is to maintain an equal and sustained flow of the streams, so that the torrential waters may be kept from flowing to waste and may be conserved and let into the stream when the natural supply is exceedingly limited. Very large rivers have numerous tributaries, with their sources in the snows of the mountains. The more water there is stored the greater the extent of the torrential waters that can be utilized in irrigation, for storage guarantees the service of water when it is most needed, and settlers can safely take out the torrential waters in the spring and bring larger areas of land under cultivation when they feel assured that the stored waters will come on later in a period of drought, and furnish the crops with the needed moisture.

WHY SHOULD THE GOVERNMENT UNDERTAKE RECLAMATION?

The question is frequently asked, "Why should the Government undertake reclamation?" And the question is generally accompanied by the suggestion that the work should be left to individual enterprise. There are conclusive answers to both the question and the suggestion. First, the limit of individual effort has already been practically reached. Small tracts, favorably located with reference to water supply may continue to be reclaimed by settlers, but nothing in the way of a general system can be successfully inaugurated and carried out by individual effort. Nearly every enterprise of the kind heretofore undertaken has proved a financial loss to the projectors, in fact, has resulted in bankruptcy, although, as shown by the official statements of the Geological Survey, the bankrupt enterprises have created large values and conferred great public benefits. The ill success of these private ventures has been owing mainly to the circumstance that neither individuals nor companies can control both the water supply and the land to be irrigated, which is a prime essential. This the United States Government can do, for it is the owner in fee of the land, and the water can be conserved by it and utilized.

IRRIGATION NECESSARY TO PROMOTE SETTLEMENT OF PUBLIC DOMAIN.

In this latter circumstance we find a second answer to the question why the Government should take hold of the work. The Government owns 600,000,000 acres of arid and semiarid land. It is the Government's duty to open this land to settlement and to do what is necessary to promote settlement, namely, to conserve the

snow and flood waters and to construct such high-line ditches and canals as are necessary to bring the waters of that region within reach of the settlers. The settlers will do the rest. They will actually reclaim the land, and the Government will simply make the waters available. The settlers can not do this work, because it must be conducted on a very large scale. Large capital must be employed and scientific knowledge applied.

A water shed must be treated as an entirety, regardless of State lines, for a river with its tributaries may pass through several States. It has not been, nor should it be, the policy of the Government to grant this land in large tracts to corporations or individuals; that would mean land monopoly in its worst form. In order, therefore, to promote settlement of small tracts for home builders it must itself make the waters of that region available, so that they can be utilized by settlers. The work of conserving the waters and rendering them available for cultivation is a part of the preparation of the public domain for settlement, and is just as essential as their survey and mapping. The States can not do the work, as they have no title to the lands, and if the Government should grant them to the States they would be powerless to operate outside of their State lines. The scientific and comprehensive work of stream control by the States would be impossible. The lands to be reclaimed may be in one State, while the waters which ultimately reach them must be stored at favorable places in an adjoining State.

The Government is a great landholder. Public policy demands that it should part with its lands in small tracts to actual settlers who propose to make homes. The Government simply does the work and makes the expenditure that is necessary to promote settlement. It is not expected that it will actually reclaim the lands.

HOW PAID FOR.

The question as to how this work should be paid for has been a matter of great consideration with the Western men. They realize that there will be some indisposition to appropriate money from the Federal Treasury for the purpose, though there is no reason why, if Government money is to be expended on rivers and harbors to promote navigation, such moneys should not also be spent on rivers to promote irrigation. But the Western men concluded to urge a measure which would simply utilize the receipts from the sales of public lands in the arid region.

So the bill, which is now pending before Congress, provides that the proceeds of the sales of such lands shall go into a special fund in the Treasury, to be called the arid land reclamation fund, and that they shall be expended by the Secretary of the Interior in the construction of storage and irrigation works; and that the lands for which the waters are made available shall be sold to actual settlers in tracts of not less than 40 and not exceeding 160 acres, the price to be so fixed by the Secretary of the Interior as to restore to the fund from the sales of lands granted to settlers the amount expended in each project. The price is to be paid by the settler in ten annual installments, and title does not vest until payment is complete. In this way a revolving fund is created out of the sale of the lands reclaimed, which is applied to new work, and thus, in the end, the arid region will be reclaimed without taxation of the general public. The Secretary of the Interior can make no contract for irrigation work unless the moneys therefor are in the fund. Every guard is thrown around the bill so as to prevent land speculation or land monopoly. The purpose of the bill is to provide homes for actual settlers.

The measure has been framed with a view to meeting the objections urged by some of the Eastern farmers and taxpayers. No money is appropriated directly from the Treasury for the work of reclamation, but merely the proceeds from the disposal of the public lands in the arid and semiarid States. These States, though vast in area, have very small resources. The Government owns from 50 to 90 per cent of their area, and these States, with small population and in some cases burdened with debt, must furnish police protection to the Government land, without any power of drawing revenue directly or indirectly from these lands.

The inhabitants of the Western States contribute their share to the national revenues through the revenue duties and internal-revenue taxes. Few of them have rivers and harbors of such importance as to be improved for navigation, and it is a matter of simple justice to these States to allow the proceeds from the disposal of the lands within their borders to go to works of improvement such as will tend to the upbuilding of these localities.

It is not, however, so much a matter of justice to the States as of business on the part of the Government, the owner of the land. If a great private corporation were in the position of the Government, possessing such a vast estate, it would be considered the height of folly not to take the proceeds from the disposal of portions of the estate to improve the remainder. This is what is now proposed, viz, to take these funds and use them in such a way that the remaining land will have greater value.

It must not be supposed that this money, or the results of its use, are to be given away. On the contrary, the sums taken from the reclamation fund are used in the construction of works the cost of which is to be returned to the Treasury, so that in this respect the proposition is on a far higher plane than that of river and harbor improvement. In the latter case the Government gets back its investment indirectly; but with the reclamation fund, not only are indirect results obtained through general increase of prosperity, but the money itself is to be refunded when the works are completed and in operation.

The population of the United States increases at the rate of 2 per cent a year, and it may be assumed that the demand for agricultural land will increase at least at this rate. The area of agricultural land, taking the country as a whole, can not be increased under irrigation at anything like this rate. If the reclamation fund should be made available, it is estimated that the ratio of increase of tilled area, through the operation of this fund, would not be more than one-tenth of 1 per cent. In other words, the population will increase twenty times as fast as the agricultural lands can increase in extent through this means.

While this increase means very little as far as farm values in the East are concerned, it means very much in the development of civilization in the West. It will bring in a larger population and enable, as before stated, the development of many industries, such as low-grade mining, which are now impracticable. It will do away with the anomalous condition of disproportion between area and population which now exists in some States.

A misconception has arisen in the minds of some persons that under this reclamation bill the Government proposes to irrigate the land and give it away. Nothing can be further from the truth. It is not proposed to actually irrigate the land, but to make it possible for men to provide water and to take up lands, as was done by the pioneers, who found streams available for such uses. These early settlers have come in, taken up the choice spots, and have left great tracts of land surrounding them wholly untouched. Work has proceeded as far as can be carried by individuals and associations. The Government alone, being the great land owner, can go further, store the floods in the mountains, dig tunnels through the hills, and bring out waters into the dry channels, so that the settlers now coming upon the ground can obtain a supply for their ditches, a supply which, however, they must ultimately pay for, returning the cost to the United States. Can any farmer living in the East object to such a course, knowing that he will not be injured, but, on the other hand, the prosperity of the country will be increased, and that he will prosper accordingly?

The reclamation bill provides that the moneys thus set apart for construction shall be used by the Secretary of the Interior for surveying and examining various projects, and for constructing these after he has become assured of their feasibility. He will then set aside the lands which are to be irrigated, and make arrangements with the settlers so that they will ultimately repay the proportional cost of construction. He will not interfere with the local customs or rights which have already accrued, but will act in accordance with these, and the control of the waters will ultimately be vested in the communities benefited. In other words, the working out of this project means no ultimate expense to the Government, and home rule for irrigation in its broadest sense.

WORK NOT PREMATURE.

It is claimed by some that this work is premature, but it must be recollected that the public lands of the United States which are watered from the heavens have nearly all been taken up. The line of settlement has now advanced away beyond the Dakotas and Nebraska and Kansas. The quickness with which Oklahoma was settled up demonstrates this. Besides this, it will take at least fifty years to do the work, as irrigation work is exceedingly slow. We have been for many years disposing of from ten to fifteen million acres of public land annually. It is not probable that we can reclaim and dispose of more than five hundred thousand acres annually in the arid region.

A WORTHLESS CHANGED INTO A VALUABLE ASSET.

The Government would be improving its own property and facilitating disposal and settlement. Under existing conditions the vast area which we are considering is an almost worthless asset. The most of the water runs to waste, and without it the land is of little or no value. Unite the land and the water for agricultural purposes and we will have, within the arid region itself a national domain of great productive capacity. The lands which it is proposed to irrigate can not now be disposed of at any price except in large holdings for stock raising.

According to the estimates of the Geological Survey, it will only be necessary for the Government to provide for the conservation by large works of water sufficient to reclaim about one-third of the total area capable of reclamation which will render possible the gradual reclamation of the remaining two-thirds by means of smaller individual systems. Hence, by simply making general provision for the reclaiming of one-third of these now worthless lands, great value will be imparted to all of them.

Estimates differ greatly as to the probable cost of this work, and it is not easy to get the figures with close accuracy, because the conditions vary so widely, and so much depends upon the completeness with which the work is done. The estimates run all the way from $3.50 to $20 or $25 per acre. Probably the great bulk of the work which it would be necessary for the Government to do would not involve an expense much, if any, in excess of $5 per acre for the lands to be reclaimed thereby, for the Government would only make the waters available. The settlers would, at their own cost, do the work of actual reclamation.

But whatever the cost may be, the plan proposed by the Western friends of irrigation will keep it well within the limits of the reclamation fund to be derived from the sale of the lands and the distribution of the water. No moneys are or will be required except the receipts from land sales in the States and Territories included within the region under consideration. The cost of all reservoirs, canals, and ditches constructed by the Government is to be charged against the lands to be irrigated and paid in annual installments by the settlers before title vests, thus constantly replenishing the fund, and making the enterprise practically self-sustaining.

But in dealing with such a question as this we should look beyond the mere matter of governmental expense, and the direct returns to the Treasury. These are only the preliminary incidents of a scheme of internal improvement which means the creation of almost fabulous national wealth. Since the system of river and harbor improvements was inaugurated, the Government has expended hundreds of millions of dollars on that account. There has not been a cent of direct returns to the Treasury, nor has anything of the kind been expected. The purpose of the expenditure has been the upbuilding of the country through the development of its commerce; and while mistakes doubtless have been made, and some work done of no value, it is not to be doubted that the country has been amply repaid for all that these improvements have cost. The irrigation project stands upon a higher plane of merit, for, as already shown, the measure is to be made directly self-sustaining, while the national benefits to accrue are of a magnitude to almost stagger the imagination.

Let us assume that there are 60,000,000 acres of reclaimable land. This land is scattered through a wide belt extending from the British Columbia line to the Mexican border, presenting almost infinite variety of soil and production. In the South the reclaimed lands would be largely devoted to the raising of fruits and semitropical products. Under such conditions of culture it is generally estimated that a tract of from 20 to 40 acres of land is ample for the support of an average family. Farther north, where grasses and grains are the staple products, 160 acres are considered to be none too much for a family. Taking 80 acres as the average quantity required for a family, the 60,000,000 acres of irrigable land would provide good homes for nearly a million families—say 5,000,000 of people. But there would also be one or two hired men upon each farm, and, with their families, the total number of people directly supported by the farms would be 10,000,000 or 12,000,000, perhaps more. The nonagricultural population indirectly dependent upon the farms might easily double this number, making a total of not less than 25,000,000 of people.

These figures, however, relate merely to the conditions coexistent with the work of reclamation. As the settlements become older, and the lands are more closely and carefully cultivated, smaller areas will suffice for the support of a family, and it is not unreasonable to estimate that the now almost uninhabited arid region will ultimately support a population of from thirty to forty millions of people directly or indirectly dependent upon the reclaimed lands.

Nor need we stop here. There are also areas suitable for grazing purposes, save for the remoteness of water. A general system of irrigation will bring water into closer proximity to these ranges and make these many millions of acres available and valuable for stock-raising purposes. Besides all this would follow the development on other lines, notably in the exploitation of the mineral wealth, which, in almost every form, abounds throughout the whole of that vast territory. Taking everything into consideration, it is entirely within reason to say that if the Government will do the larger work necessary for the reclamation of 20,000,000 acres of these lands, private enterprise can and will then take up the work in detail, with the result that the arid and semiarid region of the country will within half a century become the abode of 50,000,000 of the most prosperous people in the world. When we recall that our population in 1850 was 23,000,000, in 1880 50,000,000, and in 1900 75,000,000, it is not unreasonable to expect that our population will more than double in the next fifty years, and at least half of this increase ought to go to the Western third of our country. Surely a policy which will cost nothing, and which gives reasonable assurance of such results, should commend itself not only to the patriotic enthusiasm of the American people, but to their safer business judgment as well.

IMMEDIATE ACTION NECESSARY.

It is essential that some definite policy should be immediately adopted regarding the public lands, for the reason that by the perversion of the existing land laws the sources of water supply are gradually being monopolized by the owners of cattle herds and the controllers of the great cattle ranges. Their purpose is to obtain the title to the water and by this means to control the land, prevent settlement, and perpetuate the monopoly which they now hold. If the Government does not act promptly it will be difficult for it to move at all. Vested rights at every step will clog the progress of national enterprise. The water will be monopolized and the Government will be without opportunity of securing it for its lands.

The first object of a cattle owner is to obtain the control of water. This he does by securing the entry of title to the public lands along the banks of the stream. He has no interest in the promotion of settlement. The fact is that small homes interfere with his business and their multiplication will ultimately substitute for it a number of independent farmers, having small irrigated tracts on which they will raise the hay necessary to support their small herds during the winter season, when the storms and the wind threaten the lives of the cattle. Irrigation means the multiplication of the small homes and of the small herds and a larger utilization of the great American desert.

This project is by no means experimental. Private enterprise has already irrigated over 7,000,000 acres, and has practically reached its limit, as large works have not been profitable to the investors, although small works have. Since nearly all of the opportunities for small works have been utilized, and there remain only the great enterprises, it results that unless the Government steps in to lend its aid and temporary financial support further progress must cease. The matter has been fully discussed in Congress, and in popular assemblages, and the consensus of opinion among those who appreciate the condition of the West is that the Government can no longer evade its responsibility.

The President in his message says:

> Public opinion throughout the United States has moved steadily toward a just appreciation of the value of forests, whether planted or of natural growth. The great part played by them in the creation and maintenance of the national wealth is now more fully realized than ever before.
>
> Wise forest protection does not mean the withdrawal of forest resources, whether of wood, water, or grass, from contributing their full share to the welfare of the people, but, on the contrary, gives the assurance of larger and more certain supplies. The fundamental idea of forestry is the perpetuation of forests by use. Forest protection is not an end of itself; it is a means to increase and sustain the resources of our country and the industries which depend upon them. The preservation of our forests is an imperative business necessity. We have come to see clearly that whatever destroys the forests, except to make way for agriculture, threatens our well-being.
>
> The forests are natural reservoirs. By restraining the streams in flood and replenishing them in drought they make possible the use of waters otherwise wasted. They prevent the soil from washing, and so protect the storage reservoirs from filling up with silt. Forest conservation is therefore an essential condition of water conservation.
>
> The forests alone can not, however, fully regulate and conserve the waters of the arid region. Great storage works are necessary to equalize the flow of streams and to save the flood waters. Their construction has been conclusively shown to be an undertaking too vast for private effort. Nor can it be best accomplished by the individual States acting alone. Far-reaching interstate problems are involved; and the resources of single States would often be inadequate. It is properly a national function, at least in some of its features. It is as right for the National Government to make the streams and rivers of the arid region useful by engineering works for water storage as to make useful the rivers and harbors of the humid region by engineering works of another kind. The storing of the floods in reservoirs at the headwaters of our rivers is but an enlargement of our present policy of river control, under which levees are built on the lower reaches of the same streams.
>
> The Government should construct and maintain these reservoirs as it does other public works. Where their purpose is to regulate the flow of streams, the water should be turned freely into the channels in the dry season to take the same course under the same laws as the natural flow.
>
> The reclamation of the unsettled arid public lands presents a different problem. Here it is not enough to regulate the flow of streams. The object of the Government is to dispose of the land to settlers who will build homes upon it. To accomplish this object water must be brought within their reach.
>
> The pioneer settlers on the arid public domain chose their homes along streams from which they could themselves divert the water to reclaim their holdings. Such opportunities are practically gone. There remain, however, vast areas of public land which can be made available for homestead settlement, but only by reservoirs and main-line canals impracticable for private enterprise. There irrigation works should be built by the National Government. The lands reclaimed by them should be reserved by the Government for actual settlers, and the cost of construction should, so far as possible, be repaid by the land reclaimed. The distribution of the water, the division of the streams among irrigators, should be left to the settlers themselves, in conformity with State laws and without interference with those laws or with vested rights. The policy of the National Government should be to aid irrigation in the several States and Territories in such manner as will enable the people in the local communities to help themselves and as will stimulate needed reforms in the State laws and regulations governing irrigation.

HAS THE GOVERNMENT THE MACHINERY FOR THIS KIND OF WORK?

The bill intrusts the work of construction to the Interior Department, which will doubtless avail itself of the services of one of its bureaus—the Geological Survey. No one who is familiar with the history of the Geological Survey can contend for a moment that it is not well equipped for this kind of work. It is regarded by Congress as one of the most capable of the scientific bureaus of the Government. It is absolutely free from political

control. It utilizes the services of the most intelligent and capable engineers in the country. It has been engaged for ten years or more, through its engineers, in the study of the various rivers and streams of the arid region, their capacity, their flow, the possibilities of the conservation of their waters, the places where the waters are to be conserved, the engineering questions connected with their diversion, and the construction of reservoirs and high-line ditches, the examination of the topography with a view to ascertaining what lands can be brought within the reach of the waters so conserved. This Bureau has in its consulting department many of the most skillful hydraulic engineers of the West, and is fully equipped now, through long examination and investigation of the question, to enter upon the practical work of construction.

RIVER CONTROL.

The reclamation of that portion of the arid region where rivers are tributary to the Mississippi will do much to maintain the equal and sustained flow of the Mississippi River. The difficulty upon the Mississippi and Missouri rivers is that during the spring and early summer months the flow is torrential, dangerous to the adjoining banks, and threatening the overflow of large areas of land subject to cultivation. Later on the river becomes low—so low as to endanger navigation. Sand bars and obstructions appear. So that the work of river control is a doubtful work, one involving the construction of levees to protect against overflow, and the other involving the dredging of bars and obstructions so as to promote navigation.

Now, it is true that the larger proportion of the torrential flow of the Mississippi River comes from the Ohio and Cumberland rivers. But a large proportion of it also comes from the Missouri River and its tributaries, the Yellowstone and the Platte and other rivers, and a considerable portion also comes from the Arkansas River, which takes its source in the arid region of Colorado. In other words, the snows of Colorado, Utah, Wyoming, and Montana largely contribute to the torrential flow of the Missouri and of the Mississippi rivers, and if the flow of the tributaries should be diminished in spring and increased in the latter part of the summer, the tendency would be to equalize the flow of the Missouri and the Mississippi rivers.

Now, the very purpose of irrigation works will be to prevent the torrential flow of those rivers which take their source in the mountains, and to hold those waters back in great artificial reservoirs so that it can be useful when the period of drouth comes. The result is that the very existence of these great reservoirs will promote the reclamation of vast areas of arid lands, and these lands themselves become storage reservoirs which retard the flow of the water in the great streams. If these arid lands are assured of the flow of the stored waters in July and August the result will be that the torrential waters of the early spring will be led over large areas and thus kept from going down into the Mississippi and the Missouri rivers. These waters, being led over the land, will be gradually absorbed and will seep gradually back to the river bed later on in the season, thus giving a larger flow below, when the water is really needed in the Missouri and Mississippi rivers for the purpose of navigation.

Particular stress must be laid upon the fact that the storage of the torrential waters thus accomplished by leading them over these great plains will be many times as great as that accomplished by the construction of artificial reservoirs, and yet this storage on the plains will not take place unless the artificial storage also is accomplished, simply because unless artificial storage is afforded, the plains, whilst having an abundance of water in the early spring, would have none in the late months of summer, when it is most required.

STATE CESSION.

It is often suggested that the cession of the arid lands to the States would produce the same results as a national system of irrigation, and would relieve the Federal Government of a great work. I insist upon it that the Government has no right to abdicate the great trust imposed upon it by the ownership of 600,000,000 acres of land intended for the homes of unborn millions. It would be cowardly for it to place the obligations connected with such a trust, and such an ownership, upon the individual States. In the first place, experience has demonstrated to us that the States do not providently administer such trusts. They are likely to be administered in the immediate interest of the sparse population there living, and with a view to an immediate realization of benefit, whereas the true view is that they should be administered not in the interest of existing population, but of the vast population that is to come into them through immigration from the Middle, Western, and Eastern States.

No restraints can be placed upon such a grant which will prevent the gradual absorption and monopoly of the lands by the few. In addition to this, no State can properly administer the trust simply because the arid region is composed of thirteen States, and three Territories about to become States, whose boundary lines are absolutely arbitrary and artificial and are not determined by topography or the lay of the country or the control of the watersheds. The unit that should be viewed in this great irrigation enterprise is not the unit of the State, but the unit of the watershed—first, the great river which flows to the ocean; second, the tributaries to this great river; third, the small creeks and streams tributary to those tributaries.

There are few watersheds which are entirely embraced within the lines of a single State. The lands which are to be reclaimed may be hundreds of miles from the place where the waters that are to assist in their reclamation are to be stored. The land to be reclaimed will be in one State, while reservoirs intended for their reclamation will be in another. Unity of interest, unity of ownership, and unity of control are absolutely essential to the carrying out of these great projects, and the Government alone, by reason of its ownership of the whole 600,000,000 acres, and its practical control, through such ownership of each watershed, is competent to deal with the matter in a scientific and comprehensive manner. No State can operate outside of its own boundaries. In the promotion of this great enterprise the land and the water must be united in the same ownership and control. Then when the water is so utilized as to secure its largest use over the land the Government, as the owner of the land, can part with it, assuring to each settler his proportional right to the water diverted and conserved.

The Government might relieve itself of this great trust by transferring all its land to some great private corporation, which could then undertake the reclamation of the land, of which it would be the owner. No private corporation would undertake it without united ownership and control of both land and water. Enterprises intended either for the conservation or the diversion of water, without ownership of the land, have, as a rule, proved unsuccessful. But if the Government should convey its vast domain to a great corporation, no language could describe the contempt which it would deserve, for such a corporation would be administered simply with a view to the profit of its incorporators and not with a view to the general welfare of the entire nation. The imagination would fail to picture the abuses to which such a system of reclamation would lead.

CONSTITUTIONAL POWER.

It is contended by some that the Constitution does not warrant a work of this kind. When we point them to the numerous things which the National Government has done in the past, not expressly authorized in the Constitution, they refer to some of the general powers of the Constitution, such as the interstate commerce power, but they ignore the most general power contained in the Constitution, namely, the power to promote the general welfare. This power, broad, extensive, and almost limitless in its terms, they would contract into a mere glittering generality. Thus, for instance, they contend that the work done on rivers and harbors is for the promotion of interstate and foreign commerce, yet they ignore the fact that the work actually done has gone beyond the requirements of either interstate or foreign commerce, and that for years the Federal Government, on the Mississippi and Missouri rivers, has been engaging simply in the work of preventing the overflow of waters over adjoining lands, the erosion of the banks, and the washing away of the land itself.

The President truly says that the storage of the floods in reservoirs at the head waters of our rivers is but an enlargement of our present policy of river control under which levees are built on the lower reaches of the same streams.

Under the interpretation of these strict constructionists the Government would have no power to organize and maintain an agricultural department, to maintain experimental farms, to support bureaus of animal industry and bureaus for the investigation of the various forms of plant life. Under their contracted construction the Government has no power to organize the geological survey, to make examination of the mineral wealth of the country, to make a survey of the topography of the country. All this work could be done by the States, and yet the National Government has been and is doing it.

If the Government can maintain all these various forms of activity; if it can vote the public moneys to the support of the sufferers at Martinique; if it can display the many varied activities organized by the National Government for the promotion of the intelligence or dissemination of information and the promotion of the general welfare, it can certainly do the work necessary to promote that home building on its public domain which has been, according to the statement of the President, but another name for the upbuilding of the nation. If it can survey public lands; if it can put section posts on public lands; if it can put fences on public lands, it can make the waste waters available for public lands, and whilst this work might also be undertaken by a State, yet a State's lack of ownership of the lands, and its inability to reach out beyond its boundaries for the purpose of conserving the waters of a watershed doing service within its boundaries,

makes State reclamation practically impossible, whilst the ownership of the land by the United States makes it possible for the National Government to join land and water and promote settlement of and create homes in the national domain.

It should be remembered, however, that the objections which might be urged against direct appropriations from the Treasury for the purpose of reclaiming arid lands do not relate to the application of the proceeds of the sales of public lands to this purpose. The Constitution gives the Congress of the United States the right to dispose of the territory of the United States, and this has been uniformly construed to apply to the proceeds of such disposal. Congress has not hesitated to apply the proceeds of the sales of the public lands to the maintenance of agricultural colleges and the schools of the industrial arts. It has not hesitated to grant the lands themselves for the promotion of great railroad enterprises, and for the promotion of the wagon-road enterprises before railroads were inaugurated. It has given to the various States 5 per cent of the proceeds of the sales of such public lands for educational purposes. It is too late now to say that the Government of the United States can not apply the proceeds of the sales of the public lands to any purpose it deems proper. Under these various acts, 245,000,000 acres of land have been given away, and of the proceeds of sales over $33,000,000 have been appropriated and paid over for the purposes above enumerated. It has been the rule of Congress to apply the proceeds of the public lands to any purpose which it might regard as conducive to the general welfare.

These strict constructionists claim that the Government can do indirectly what it can not do directly; that it can grant these lands to the States and put upon them the burden of their reclamation, and limit the grant by conditions intended to promote small settlements and actual home building, but that it can not apply the proceeds of those lands to this purpose, and that it can not create out of such proceeds a trust fund which will enable its officers directly to accomplish the promotion of the general welfare by the upbuilding of the nation, the increase of population, the discouragement of land monopoly, and the promotion of homes for actual settlers, and yet these strict constructionists are the upholders of a policy which enables the Government of the United States to expend $600,000,000 in the subjugation of a people 7,000 miles away and to expend $5,000,000 in the purchase of the friar's land in the Philippines for the purpose of destroying the land monopoly which exists there to-day. It can promote small holdings 7,000 miles away in a land which it has conquered, but it can not promote small holdings in the vast domain which it controls, not simply in its sovereign capacity, but as actual proprietor of the soil.

COMPETITION.

Nor is there any danger of an injurious competition with the existing farms of the East and West. It should be recollected that all the States outside of the original thirteen States were public land States. Since the beginning of this century the Government has disposed of over 1,000,000,000 acres of public lands, and it has thus developed the great States of the South and West.

It might as well be contended that the people of the original thirteen States suffered from Western development as that the 80,000,000 people now occupying this country will suffer from the development of the arid region. The arid region will simply furnish a market for Eastern manufactures and Eastern products. It will not compete with the Eastern or Middle Western farms because in the northern part of the arid region cultivation will be devoted largely to alfalfa, which is very useful in the fattening of cattle, and in the Southern region cultivation will be confined largely to the citrous fruits and other products of a semi-tropical character. You have only to bear in mind that the entire area capable of reclamation does not exceed 60,000,000 acres, and that this area will only equal the area of the two States of Iowa and Illinois.

If a nation of a few million people did not suffer, but on the contrary benefited from the development of Iowa and Illinois, how can it be contended for a moment that a country with 80,000,000 of people can suffer from the development of the arid region.

I am aware that some men who represent farming constituencies are opposed to the opening up of the arid land, but I can not believe that they will adhere to their opposition when they reflect upon the history of this country, whose glory and strength have largely had their source in the development of the Western region.

As there was no reason why settlement should terminate with the western boundary of the thirteen original States, and there was no reason why it should stop at the Ohio, and as there was no reason why it should stop at the Mississippi or the Missouri, there is no reason why it should stop at the edge of the great American desert, which, by the hand of science, can be made a region of great fertility and wealth.

It must be recollected that under irrigation development must necessarily be along very slow and gradual lines. The proceeds of the sales of the public lands in the arid States and Territories now amount to about two and a half million dollars per annum. It is not probable, therefore, that the Government would be able to conserve water for more than 500,000 acres annually at an average cost of $5 per acre. Contrast then this increase of the farming land of the country with the increase that has been made during the past ten years. During those ten years the total area of public lands disposed of has been 112,000,000 acres, distributed as follows:

Statement showing the area of public lands disposed of from July 1, 1891, to June 30, 1901.

	Acres.
1892	13,566,552.55
1893	11,801,686.04
1894	10,377,224.72
1895	8,384,300.18
1896	13,174,070.68
1897	7,753,606.75
1898	8,421,703.73
1899	9,990,623.03
1900	13,391,464.87
1901	15,453,449.28
Total	112,294,681.88

All of this land, which has entered into competition with the Eastern farmers, has been humid land, and yet the development of these farms has vastly increased the wealth of the country. Under this irrigation law, assuming that the proceeds of the sales of the public lands reach only $2,500,000 annually, we will be able in ten years to dispose of only about 5,000,000 acres, or about a one twenty-second part of the area disposed of in the last ten years. It should be remembered that the cost of each project is to be reimbursed to the reclamation fund by making each settler pay his proportionate part of the cost in ten annual installments and before he receives his title. The question therefore of the irrigation development will depend upon the sales of the land. If the lands be sold it will indicate that there is a demand for them, and the money will be forthcoming for new irrigation work. If the lands do not sell, it will be an evidence that there is no need of pushing faster the irrigation development.

DEMAND GREATER THAN SUPPLY.

The fact is that the demand for public lands is now greater than the supply. Heretofore the settlers in the Far West have usually come from the States immediately to the east of them. The sons of Ohio and Indiana settlers have settled in Iowa, Kansas, and Nebraska, and the sons of Kansas and Nebraska settlers are now going still farther in the West. Owing to the exhaustion of the lands in the humid area, these farmers' sons are now proceeding to Canada and taking up farms. Secretary Wilson, in a recent address, stated that the sons of Iowa farmers were now moving to Canada for the purpose of getting cheaper lands. It is estimated that during the last six months 10,000 men have gone to Canada for this purpose, and the report of the Canadian commissioner on immigration states that it is confidently expected that 100,000 American settlers will take up farms during this year in Canada. We are thus losing the brawn and the muscle which ought to be utilized in building up and extending this great country.

While we are promoting immigration from the southern parts of Europe we are losing the sons of our own people, who, finding the area of settlement in our own country contracted, are now placing themselves under a foreign jurisdiction.

NO COMPETITION WITH EASTERN FARM PRODUCTS.

The people of the West are not looking to competition with the farm products of the East. The products of the 7,000,000 acres of the Eastern land now under irrigation do not lower the price of the Eastern farm crops. The things which California sends to the Atlantic seaboard are luxuries. She could not possibly ship her wheat over the long haul across the country and compete with the wheat that passes through the New York market. She sends, instead, oranges, lemons, fine raisins, fancy prunes, fruits, wines, etc. The market which California finds for those products in New York State is a distinct gain to the New York farmer. These products of irrigation are purchased by the wealthier class, and the money goes back to California from whence it immediately comes back to New York again to be expended for the staple articles which California buys from the East—farming implements, cotton and woolen fabrics, and all the manufactured goods which are made in New York factories. Those factories furnish a market for the products of the New York farmer.

It is an incontrovertible fact that the prosperity of the West causes a reflex agricultural prosperity in the agriculture of the East. Suppose the 600,000,000 acres of arid land west of the one hundredth meridian and the industries which have arisen in connection therewith should be suddenly wiped from the face of the earth. What would be the result? Disaster would follow in many an Eastern community because thousands of farms and factories depend upon the orders of their Western customers. Those factories employ hands, and those hands, when employed, live well and spend well. They create a demand for great amounts of farm products. To bring the illustration still further,

does anyone contend that the Atlantic States would be benefited if the whole country west of the Alleghenies were effaced from the map? The cases are parallel. One part of the country is the complement of the other, and the prosperity of one section will not retard but will help all the others.

Especially would the Atlantic States be helped by the development of the Pacific slope, for the Western States would buy from the East, while at the same time they would bring great sums of money into the country from their own sales of produce to the Orient.

As far as staple products are concerned, such as corn, wheat, and the other cereals, a condition of stability has been reached in this country. The great farming areas of the United States are for the most part under plow, and further development will not notably change the conditions as regards the price or amount of those crops. It is a mistaken idea to suppose that the development of irrigation will injuriously influence the farmers already owning lands, for even under the most liberal assistance of the Government the area of the irrigated land must increase with comparative slowness, and the crops raised on this land will be different in character and find a different market from the staple crops elsewhere. In short, the injurious effect which some farmers fear are now a part of the history of the past, and the reclamation of the vacant public lands will benefit rather than injure the Eastern farmers.

Another feature of this question is that the irrigation of the West will to some extent relieve the congested conditions of some of the sections of the East. Mr. Thomas F. Walsh, the president of the National Irrigation Association, touched on this point in a recent article in the National Magazine. He said:

It must be borne in mind that the benefits to come from the opening up of this arid land to homeseekers are not so much for the people of the West as for those of the East. The great multitude who will seize the opportunities will come from the East. They are now working in the congested cities and want the chance to get a home of their own where they can be independent; or they are farmers' boys growing to manhood, who want the same chance, still farther West, that their fathers had in the earlier days when land was easy to get in the great Mississippi Valley; or they are tenant farmers, longing to own the land they cultivate. It is these men from the East who will make the new homes in the West and get the first benefits. The next benefit will go to the Eastern manufacturer who will furnish all that is needed to establish those homes.

In a recent speech Secretary Wilson, of the Department of Agriculture, in speaking of the settling of the middle West, said:

The Eastern manufacturer got such a market as is not to be found anywhere else in the world, outside of the Mississippi Valley, and the prosperity of the Eastern manufacturer has in turn brought prosperity to the Eastern farmer.

Whatever temporary detriment the opening up of the rich lands of the Mississippi Valley to agriculture caused the Eastern farmer has been wholly overcome and overbalanced by the benefit which the Eastern farmer has received from the establishment of the great manufacturing industries of the East.

We have gone on developing the West as far as the one-hundredth meridian. Last year we sold $950,000,000 worth of American farm products in foreign countries, and we are developing a market for our products in Asia which will absorb the whole surplus of farm products from the West, no matter how many additional acres of arid lands we may reclaim and cultivate. The products of the western lands will simply increase the great aggregate of wealth which the American farmer is bringing back to this country for our agricultural exports.

I am in favor of having more homes out in the West. Uncle Sam has a great deal of land and a great deal of water out there. That land is arid, and the water which would make it productive is running to waste. It would wet some of those great mountain valleys and plains, and build more homes, and make more markets.

You must not alarm our Eastern brethren by trying to do everything all at once. This great work will take time. It will take many years to wet all that dry land, but we ought to begin now and go along carefully each year until the task is done.

You will not get many dams built or neighborhoods started before the Eastern business men will have their traveling men out there to sell goods. They will find it is a grand thing to have people out there to buy from them.

Col. Hiram M. Chittenden, an officer of the United States Engineer Corps, who has made a careful study of the irrigation question, in a recent article in the North American Review, speaks of the effects of Western reclamation on the Eastern States. He says:

Government construction of reservoirs is opposed by the Eastern farmer on the ground that under such a policy he would be taxed in the interest of competitors in his own line of business. Of all the plausible economic fallacies that find lodgment in the public mind, this has, perhaps, the feeblest foundation. It is like that other argument which one hears nearly every day, that the invention of machinery restricts the field of labor.

Although it has been proven over and over again that mechanical invention, by increasing wealth, has made possible the employment of labor on a scale that would be utterly impossible without it, still the advent of every new machine is condemned in many quarters as a new invasion of the rights of labor. So in the case here considered.

The permanent establishment in the Western country of a large and vigorous population would stimulate markets of all kinds in the East far more than it would depress any by reason of competition. Its agricultural products would be largely consumed at home. If perchance certain products can be raised on these irrigated lands of better quality than elsewhere, is not the country as a whole the gainer by having them raised there? Does anyone believe it would promote the general welfare to drive from the markets the fruits of southern California, or the potatoes and melons of Colorado?

It is one of the chief advantages of this great nation, where no custom-houses restrict the free interchange of commodities between States, that every community can enjoy what is best in every other community, and the whole country work together with a maximum of economy in promoting the public good. The agricultural interests of the East and the narrow and provincial statesmanship which occasionally echo their contention in this matter should stand on higher ground. The upbuilding of the West will promote rather than injure their prosperity.

The President sums up the situation accurately, to my belief, in that part of his message in which he says:

The reclamation and settlement of the arid lands will enrich every portion of our country, just as the settlement of the Ohio and Mississippi valleys brought prosperity to the Atlantic States. The increased demand for manufactured articles will stimulate industrial production, while wider home markets and the trade of Asia will consume the larger food supplies and effectually prevent Western competition with Eastern agriculture. Indeed, the products of irrigation will be consumed chiefly in upbuilding local centers of mining and other industries, which would otherwise not come into existence at all. Our people as a whole will profit, for successful home making is but another name for the upbuilding of the nation.

The Orange Judd Farmer, the leading agricultural paper of the country, in the issue of October 13, 1900, thus disposes of the narrow view that the opening of the arid West would injure the Eastern farmer:

"The cost and the limitations of irrigation are such that the new population in the arid West must increase in a gradual and substantial manner, occupied with supplying their own necessities and having comparatively little surplus to ship to the Eastern States. The bogy of 'Western competition' is without a sound basis. The people of the arid West would increase the home market for the manufactures of the Central and Eastern States enough to increase their demand for farm products more than sufficient to offset whatever produce might be shipped from the now arid lands."

A comprehensive view of this subject in all its phases leads inevitably to the conclusion that the Government can do nothing better for the interests of the whole country than to embark upon a proper system for conserving and distributing the water supply of the arid region.

Some have taken the ground that it is a narrow and selfish policy that would retard the development of the West, even if it should be at the expense of the East, and that even local and personal loss should be waived aside in favor of the national benefit and increase of wealth to the country which would result were national irrigation to become a fact. I do not know that I quite subscribe to this view. I believe that if a man sees an evil coming which is going to destroy him, even though it is going to benefit somebody else, he has the right to attempt to stop it, for self-preservation is the first law of nature.

But I believe that certainly no such condition here exists. Were I a farmer in an Eastern State, I should have no fear in seeing the policy of national irrigation put into operation; on the contrary, I should look forward with confidence to receiving a share of good results indirectly myself, and I believe that careful study and thought will convince any man of the correctness of this position. The East will get its general share of the prosperity of the West, and the more activity there is in the West the more stimulation will be felt in the East, while at the same time the two will not be, in any sense, competitors.

But few people realize the wonderful future which lies in store for the country and its citizens when all the waste waters and the waste lands shall have been utilized to their full extent; when the vast resources of the West, at present almost untouched, shall have been well developed and the great ore bodies of the Rocky Mountains, mined as the miniature hills of the Alleghenies have been and are to-day, and when our ships shall traverse every sea, carrying our manufactures and food products to every country, so that we shall control the trade of the world.

The policy of the Eastern citizen of the United States who would stop the development of the West is not so much one of selfishness as of shortsightedness, arising from a misconception of the true conditions and the facts. No sacrifice will be necessary to carry out a great national plan which will make fertile the waste places of the West. The benefit will be national—truly and magnificently national, and no one will be a sufferer by reason of its execution.

THE SURPLUS FOOD PRODUCTS OF THE PACIFIC SLOPE WILL GO TO ASIA.

The food products of the Western irrigated region will not be rushed upon the Eastern markets, because of the high price of transportation. The great hope of the transcontinental railroads, which serve the arid region, is that they can stimulate production in that region for the purpose of supplying the oriental markets. In a recent interview Mr. James J. Hill, the president of the Great Northern Railway, spoke of the undeveloped trade of the Orient as follows:

The 76,000,000 people of the United States are supported more or less directly by the trade with Europe and Africa with their 400,000,000 of population. On the other hand, there are a thousand million people off our western coast with whom we should trade, and yet we have only 3,000,000 on the Pacific slope to reach out for it. To develop this trade national irrigation is necessary, which will build up an agricultural community on the Pacific slope. * * *

The execution of this work—

is the one thing needed to give to the United States the domination of the Pacific Ocean commerce and the supremacy of the world's trade. Without it progress will be slow, because unless there is abundant supply of food products always available at shipping ports it will be impossible to insure full cargoes and quick dispatch to the vessels of large capacity, which alone can be profitably employed in the trade. Every business interest which hopes to benefit by participation in the trade of the Pacific Ocean must be in favor of the reclamation of the great mountain valleys for the occupation of agricultural workers. If successful in the advocacy of this public improvement full rewards will come in the shape of new markets in the Orient, and it will be found additionally that the settlement of the Western mountain region has developed a local market richer in natural resources than any other portion of the earth's surface.

There, where the soil under irrigation will grow the best quality and greatest quantity of all the grains except corn, all the grasses and fruits,

the ground is seamed with deposits of gold, silver, copper, lead, iron, and coal. There is the largest supply of standing timber, and petroleum and natural gas abound. Under the influence of the dry atmosphere and constant sunshine good health prevails, and the melted snow in falling to the sea level creates a water power available for electric heat, light, and motor service equivalent in energy to the combustion of 300,000,000 tons of coal per annum.

People regard with amazement the present rapid growth of wealth in the United States, but this will be comparative poverty when, with 20,000,000 people on the Pacific slope engaged in raising food and manufacturing flour for the Orient, we can dispatch large freighters daily from each of the Pacific ports loaded with the manufactured goods of the Eastern factories, the cotton of the South, and the food products of the mountain valleys. Then a river of wealth will be turned into the United States which will put to shame the visions of the wildest dreamers.

The agricultural products of the Pacific slope can not come into competition with the farmers of the Middle West. On the contrary, the section will open a large market for corn and hog products not producible there. The storage of the water in mountain reservoirs will reduce the flood level of the lower rivers and measurably relieve the cotton and sugar estates from the dangers of overflow.

The mining which, among other things, Mr. Hill speaks of is indeed one of the comparatively undeveloped resources of the great West. Although wealth untold has been taken from the mountain region, there are millions of tons of ore lying throughout the arid region which are not sufficiently high grade to warrant their working at the present high cost of living in the regions where they are situated. It costs too much to work them. But with irrigation, which would mean cheaper living for man and beast, and with cheaper transportation, which always follows an agricultural development, these mines could be worked with profit and produce a stream of gold, silver, copper, and other metals beyond the dreams of avarice.

In speaking of the Asiatic trade as connected with American irrigation, in his report of the Trans-Mississippi Congress last year Mr. William M. Bunker, of the San Francisco Chamber of Commerce, who has recently returned from the Orient, said:

My personal experience in Asiatic countries enabled me to view the irrigation issue from a new standpoint. At the request of several delegates I gave my ideas in resolutions that were unanimously adopted. In these resolutions I associated irrigation with the possibilities of Asiatic trade. While in China, Japan, and Siberia I was struck with the fact that the people of those countries must depend more and more on the United States for food stuffs. Japan is a very little larger than Montana, and yet has a population about half that of the United States. All the available ground in Japan is tilled. China, one-third larger than the United States, has six times our population. The policy of the Russian Government is of necessity to increase the Russian population of eastern Siberia, although the area of tillable soil in that vast region is comparatively limited. Up to this time the eastern Siberians have been unable to meet the demand for food stuffs in their own market, and after a personal inspection of the country I have no hesitation in saying that the larger the population of eastern Siberia the greater will be the demand from that region for food products of other countries.

I have quoted freely from the message of the President, whose familiarity and sympathy with Western problems is nowhere more clearly shown than in his strong presentation of the claims of forestry and irrigation to the consideration of Congress.

With the permission of the House I shall add as an appendix quotations from Secretary of Agriculture Wilson, Secretary of the Interior Hitchcock, Mr. Bunker, of the San Francisco Chamber of Commerce, and Mr. Chadwick, of the Chicago Board of Trade, on this subject.

GENERAL MILES ON "OUR UNWATERED EMPIRE."

I shall also add as an appendix to my remarks an article written by General Miles over twelve years ago, and published in the North American Review of March, 1890, upon the subject of "Our unwatered empire." This article, broad, comprehensive, and statesmanlike, covers all the phases of the irrigation question, and presents every consideration that should appeal to enlightened legislation. No speech in the Senate or in the House could present the question in a more intelligent, thorough, and attractive way, and I shall republish this not only because it presents the views of a man of distinction who, not content with prominence in the art of war, has also trained himself in the arts of peace and in those great constructive policies which mean the upbuilding of a nation, but also because this article, printed in 1890, indicates that the question was thoroughly understood twelve years ago; that as nothing can now be added to the argument then presented, so nothing can be added twelve or twenty years hence, and that a great question which has received the careful consideration of able minds for so long a period, has received the sanction of boards of trade and chambers of commerce throughout the land, and the approval of the three great political parties in the last campaign, can no longer wait for action. The time is now.

APPENDIX A.

OUR UNWATERED EMPIRE.

By Brig. Gen. Nelson A. Miles.

[From the North American Review of March, 1890.]

Those pioneers of American civilization who had the fortitude and enterprise to cross the Atlantic and plant their colonies upon the inhospitable shores of this continent in order that they might be free from the tyranny of monarchical governments and better exercise the rights and privileges of independent life; who for generations contended against a savage foe, felling the forest, clearing and cultivating the fields to obtain sustenance for themselves and their families, and who early established institutions of learning for the benefit of all classes, and eventually inaugurated and established a most perfect system of government, must of necessity have had within themselves the heroic elements of character which have made people great and preeminent in all ages of the world.

Possibly if there is one moral influence that has contributed more to the success of that people during the past three hundred years than any other, or which will warrant their prosperity and perpetuity in the future, it is the home life of the settlers of this country. Nothing could be more beautiful and sacred than the traditions, memories, and influences that are embraced in that one word home; and immeasurably is this the fact when it is blessed with the assurance of independence and competence which characterize the homes of our country. Loyalty to American institutions is assured by the bonds of citizenship, and the actual ownership of that blessed portion of earth, however humble it may be, that can be called an American home. The simplicity and purity of such a life is one of the glories of our country. The free air of heaven inspires pure thoughts and noble actions, industry without avarice, luxury without intemperance, economy blended with charity and generosity; and it is these associations and surroundings that have contributed to our physical and moral worth as a people and a nation.

In contradistinction is that unfortunate class of people who have sought this country either for a place of refuge or an asylum, crowding our cities and towns, inhabiting the alleys, breathing foul air, and living upon limited and unwholesome food, their idea of life contaminated even beneath its natural sphere by the associations and influences constantly before them and surrounding them. Hence, any measure that our Government can adopt that will, in the main, promote the general good of the people, by which the true American character and spirit can be sustained and encouraged, is indeed worthy of careful consideration.

As we review the acts of our Government for the public good, prominent among which appear the improvements to our great natural water courses and harbors for the welfare and benefit of commerce, and the interchange of products of our country for those of others, although there may have been unwise discrimination used in such appropriations, yet, in the main, they have undoubtedly been of national benefit. The homestead act, by which the vast public domain has been surveyed and subdivided into small tracts and placed within the reach of an industrious people, is, perhaps, the most judicious single act of which our Government can boast. Next in importance may be mentioned the preemption act, similar in effect and with results as far-reaching and beneficial. The timber-culture act is another, and one of more benefit than most people realize, for the rapid destruction of our forests must in a few years produce a timber famine if it is not counteracted by the cultivation of forests; and as these are developed the disastrous effects of drought, tornadoes, and cyclones will be diminished.

Another commendable act of the Government has been the appropriation of vast tracts of our public domain to the establishment in each State and Territory of agricultural colleges, by which most useful knowledge has been disseminated to every portion of the United States. Last, but not least, has been the aid given by the Government in the way of land subsidies for the construction of the great transcontinental railways, by which the nation's loyalty and unity are bound by iron bands, and the people of one section are enabled to communicate readily with those of another, not to mention the benefits that have been assured to the commercial interests of the country; and while these methods have been criticised, and in some respects condemned as injudicious, it must be remembered that the country at large has been greatly benefited. The price of every alternate section of land held by the Government was immediately doubled, and the Government realized $2.50 per acre instead of $1.25 cents for every acre sold; and the value of such lands was increased fully 100 per cent over what it would have been had they remained remote from any means of communication.

In view of the fact that there are vast areas of public domain still remaining unoccupied, which seem to require an intelligent and judicious system of improvement by the Government in order that the best results may be obtained in their settlement, and in order to prevent a small percentage of the people from taking possession of the water courses and holding them exclusively for their own benefit, thereby shutting out all others from the occupation of a much larger portion and practically controlling the use of hundreds of acres of public land where they are entitled to one, it might be well for the Government to inaugurate some system by which these lands may be utilized and colonized for the benefit of the home builders who constitute our best population.

There is another view of this matter which should not fail to be duly considered. Within the last few years we have witnessed the terrible results occasioned by drought, and half crops have been reported throughout many of the States and Territories. We have also noticed that this has resulted in a very large percentage of land in several of the States and Territories referred to, being placed under very heavy mortgages; and should this impending evil continue for a series of years, no one can anticipate what may follow. That good results can be produced by a scientific and judicious control of the water courses of the Western country is a fact so well established that it does not require argument. We may have reached that period in which attention should be drawn to this important subject, and it is not surprising that the question of water storage and irrigating works in the arid regions of our Western country has been engrossing the attention of the people of the United States, especially the citizens residing west of the one hundredth meridian more in the past few years than ever before.

While the people of nearly every State and Territory west of that meridian have carefully considered the question, and their legislators have enacted laws bearing upon it, the Federal Government but recently took up the matter by act of Congress authorizing the investigation of this subject to ascertain to what extent the arid regions of the United States can be benefited by irrigation. It stipulated that $100,000 be appropriated for topographical surveys for the fiscal year ending June 30, 1889, or any part thereof, to be used by the very able Director of the Geological Survey, Major Powell, with the approval of the Secretary of the Interior, for the purpose of ascertaining the feasibility of providing reservoirs of water with a view to establishing a system of irrigation of the lands in question, and Major Powell was directed to make his report to Congress at as early a date as was practicable. Upon his report and the recommendations of the Secretary of the Interior, the $100,000 was supplemented by an additional appropriation of $250,000 during the last session of Congress, by the passage of an act for the further investigation of the arid region. A committee of Senators was appointed to visit the arid regions of the different Western States and Territories the past summer. It completed its work of investigation; was on the road some fifty days, traveling in that time about 12,000 miles, and taking the testimony of hundreds of witnesses.

These were the first Federal steps toward the utilization of what is commonly called desert land. The bill reserves all lands that may hereafter be designated for reservoirs and ditches, and the lands to be reclaimed by irrigation for such reservoirs, from the date of the passage of the act; and provides that the President may from time to time remove any of the reservations made by the bill, and, in his discretion, by proclamation, open any portion of all of the lands reserved by the provision to settlement under the homestead laws. This, however, should be modified so as to fix the price of such lands, improved by the General Government, as will compensate it for the expense of such improvement. The sums appropriated, it is hoped, are but the commencement of necessary appropriations for irrigating purposes,

as they will scarcely cover the amount requisite for preliminary investigation, without in the least considering the vastness and exent of the work to follow. The engineers employed in the work are required to measure the various streams and sources of water supply, select sites for reservoirs and other hydraulic works necessary for storage and utilization of water, make maps of arable lands surveyed, and furnish full information for the use of Congress in considering further legislation on the subject. They are at present engaged in their investigations and surveys.

The Japanese have practiced this improved system of agriculture for thousands of years, although their country is blessed with as much rainfall as the fertile valleys of the eastern slope of our continent. They viewed the matter in its most practical light, using reservoirs and catchment basins for the storage of water when it was at flood, thus preventing destruction to growing crops, and diffusing the water so stored to the lowlands by a regular flow in periods of drought. Even the Chinese have been able, by careful, intelligent, and patient husbandry, to retain the fertility of their soil for thousands of years.

The natives of India, by their system of wells, tanks, and reservoirs, have contended against the calamities of nature for ages. They store the water brought by the monsoon, and husband it for use throughout the whole year. In some of the districts they have formed large artificial lakes by obstructing the rivers in the valleys at the most available points. The English Government has spent millions of pounds sterling in furthering the interests of the cultivators of the soil in India by making permanent channels, which carry off the water, secured by means of dams, at all seasons of the year, and by obstructing the bases of the valleys so as to form immense reservoirs; conducting the water from them over the fields by means of canals, from which the Government derives a valuable revenue, and by which the droughts, formerly so frequent and fatal, causing famine and disease, have to a great extent been obviated.

Not only have these judicious measures benefited the 250,000,000 of people of that country, but their prosperity has seriously affected the market of the American farmer. Although irrigation in India has been maintained for generations, the English Government saw the necessity of improved works, and right liberally has it appropriated funds for the various improvements. The outcome of it has been the increased number of square miles now under cultivation, in excess of what was cultivated before the improvements were projected, results mainly from the utilization of land formerly devastated by drought and flood. In a great portion of India the population depend entirely upon irrigation.

The Spaniards and Mexicans in the southwestern Territories and in southern California, many years before that part of the country came into the possession of the United States, brought the much-needed source of life to their lands generally from small streams by their system of acequias and zanjas. There are to this day in the Salt River Valley of Arizona what appear to be the remains of an immense system of canals, which no doubt existed a thousand years before Columbus discovered America, and aided in the production of enough vegetation to sustain a population many times the number at present in that Territory. The engineers of to-day are running the lines of their channels along the water routes of that prehistoric race.

This has been a prominent question in the history of all the Western States and Territories, and by being brought to the attention of the general public the necessities and usefulness of irrigation may in time be extended to all needed parts of the country. In some parts of the country the system would prevent the desolating effects of drought, and in others, by the use of reservoirs and dams for storing the waters, the disastrous floods that almost periodically destroy growing crops and injure routes of travel and commerce would be rendered less frequent and destructive. The small amount of work necessary for making lands bordering on a live stream proof against any drought occurring in any part of this country is remarkable; and it is even more remarkable to witness with what passiveness the agriculturist sees his crops withering, blasted for want of water almost every summer in the different parts of our country, when the remedy is so near at hand. There is not a piece of land sold in the West in regard to which the judicious purchaser does not look well into the question of how many inches of irrigable water goes with the land, as it is the most important factor to be considered. The water right, the number of miner's inches that can be used, and the cost price per foot per acre are all matters to be considered.

History teaches us that irrigation is the oldest and surest method of intelligent agriculture. It was understood in the earliest days of semicivilized races, and practiced in Egypt, Persia, and Assyria ages before the Christian era. The richest and most productive regions of the earth have been cultivated for thousands of years in this manner. The valley of the Nile, various parts of Europe, and a great portion of India have always depended upon it for the product of their soil. Some portions of Egypt which the Nile did not irrigate were watered by canals, filled by taking to them the waters of that great river, and the people were impressed with the necessity of keeping these canals free and unobstructed and always filled with living water.

The following resolution was presented in the platform of one of the political parties in a Western State some time ago as an important measure:

"*Resolved*, That the waters of the State belong to the land they irrigate, and we favor and will aid in maintaining a broad and comprehensive system of irrigation that looks to the benefit of the irrigator as primary to the assumed rights of the riparian and appropriator; a system controlled by the Government, free to all, under the control of no class of persons, and established and maintained by a revenue derived from those whom the system will benefit. We believe the water is the property of the people, and that it should be so used as to secure the greatest good to the greatest number of people."

The Government of our country has an important mission to perform, now that it has once taken charge of the work, and it is presumed that it will continue until a time when the whole irrigation system will be under its control, with one simple law governing it alike in all States and Territories. Otherwise, there is danger of confusion and clashing of interests. As to whether it will be taken charge of by the Federal Government remains to be seen. The enormous amount of money required to place the desert lands in a productive state would have to be furnished by the Government, as it would be impossible for the States and Territories to complete such a system as is in contemplation; and the funds expended should, by a well-matured and comprehensive plan, revert again to the Treasury of the General Government from the sale of its lands thus improved.

The people of California interested in irrigation, at the State Irrigation Convention in 1887, presented the following propositions in the form of amendments to the State constitution:

"First. The declaration that every natural stream and water source is public property.

"Second. That the appropriation for beneficial uses of any such stream must be made under legislative enactment.

"Third. That all water so appropriated in the State is declared to be a public use.

"Fourth. Rates and rents for use are to be fixed by public authority, but must not exceed 7 per cent on capital actually expended in constructing irrigating works."

The legistature of Wyoming Territory has adopted the water legislation of the State of Colorado, which is considered the best in use by any of the States and Territories. The subject has been discussed at length in the various reports by the governors of different Western States and Territories, and all the Western States have fostered and cared for irrigating enterprises; and their citizens have invested millions of dollars, the revenue from which makes it a very profitable investment and benefits the people and the country adjacent to the plant.

Now let us consider the area of the region wherein the surveys are to be made. The area of our country consists, according to the records of the Agricultural Department and other sources, of 1,500,000 square miles of arable land, and an equal amount equally divided in pasture land and in mountain and timber, Alaska not being included in the estimate. Of the arable land it requires a little over 300,000 square miles to produce all our grain, hay, cotton, sugar, rice, and vegetables. The extent of the territory west of the one hundredth meridian is estimated at 1,300,000 square miles, of which over one-fifth will not admit of cultivation, owing to its rugged, mountainous character, while the remaining area requires only water to make it serviceable for either agriculture or pasturage. Of the million square miles that can be made productive, it is estimated that 150,000 can be redeemed, being equal in area to one-half of the land cultivated in the United States. It will be seen at a glance what a vast population the land in question will be able to support, and the immense benefit that will in time accrue to the Government and the people.

The precipitation of water in the mountainous portions of the arid belt averages about 20 inches yearly, although in parts, in some years, as much as 75 inches have fallen, causing floods in the streams, frequently creating destruction in the arable low lands, and the most of it disappearing in the sandy wastes; where the average rainfall is scarcely 5 inches. The lesser amount falling on low desert lands and the greater in the mountains, the plan for obstructing the mountain valleys or canyons, wherever it can be done to advantage and at small cost, should in all cases be pursued to completion. Where natural catchment basins exist—and there are any number of them in the mountains—the Government should reserve them for future irrigation purposes.

Private enterprises, mindful of the advantages and large returns for money invested and the indifference shown by the Federal Government, have taken up many important sites for reservoirs which drain areas many square miles in extent, and control the water for vast districts. On the surface of the arid regions it is estimated that about 15 inches of water falls annually, most of which can be utilized for the 1,000,000 acres estimated to be productive for pasturage and cultivation, by the use of reservoirs, canals, and artesian wells. As over four-fifths of the 1,000,000 square miles can only be used for pasturage for the immense herds that now roam the valleys and mesas, this will require very little water when compared with the land to be cultivated. Nearly all of the arid region embraces arable lands favorable for agriculture in all its phases, from the cultivation of the products of the north temperate zone to those of the Tropics.

Where irrigation is used in the North the season for watering is generally not longer than three months, but in the South it embraces at least eight or nine months of the year. As much water is used at a time as would result from a day's severe rain. A practical knowledge is requisite, as too much water is liable to produce more injury than benefit. While the irrigated farms are larger generally in Colorado and Utah, in southern California, 20 acres is as much as one family can well care for when devoted to the cultivation of vines, fruits, and alfalfa.

That eminent journalist, statesman, and scholar, Sir Edwin Arnold, recently passing through the continent, made this observation:

"Nothing has struck me more in my visit to America than the slope of your Sierras. Your orchards and vineyards were a revelation to me. You will be the winegrowers of the world. Then, in your sagebrush plateaus you only need irrigation to make them fruitful. The land I saw in Nevada is almost exactly like what I saw in India and Arabia, which has been made so productive."

Dividing the area to be reported upon by the Geological Survey into three divisions, the first would embrace the land whose eastern limit would be near the one hundredth meridian and its western bordering the foothills of the Rocky Mountains, near the one hundred and fifth meridian, while its extent would each from the Rio Grande in Texas to the Canadian boundary. The second division would have its eastern limit near the one hundred and fifth meridian and its western boundary the Sierra Nevada and Cascade ranges of mountains. Much of this division is a mountainous country. The streams of the west find their sources near the summits of the mountain peaks covered with eternal snow, and derive their main supply from the rains and snow that fall within the great basin through which they course to the sea; and it is on this vast mountain region that the low lands and foothills will have to depend for the water to make them beautiful in the garb of nature. Its canyons can be formed into great catch basins for retaining the rains in their season, while natural lakes are numerous throughout its length.

The State of California, blessed with prosperity derived from its irrigating works, comprises most of the last division, and it is fast being populated with an intelligent class of agriculturists, brought thither mainly through the richness of the soil, the public enterprise and success of irrigating works, and the assured prosperity of the country. The changes wrought in places in California which not long ago were considered valueless have been indeed wonderful. Where once it was thought nothing but sagebrush and cactus would grow, the land has been cleared, ditches have been formed, trees planted, crops cultivated, and the land placed in a higher state of cultivation than many favored localities of the Eastern and Southern States. In ten years villages and cities have sprung up where before coyotes starved.

In fact it is impossible for one to conceive how much a country supposed to be utterly worthless can be benefited by the use of water, unless he has seen such effects. To pass from the hot, arid regions into the fertile valleys of California is as gladdening to the eyes of the beholder as the sight of an oasis is to the traveler in the desert. To see the countless acres of trees with their ripening fruit (for some kind of fruit is always in season in that region), the unlimited acres of grapes, fields of wheat, barley, and alfalfa, and everything breathing life and health, is to see the blessed use of water, husbanded and cared for and appreciated in all its worth. From land valued at less than $1 per acre it has increased through the medium of improvements of land adjoining, and the benefit of a sure supply of water, until 1 acre is worth as much as 100 would have been had not the systems of irrigation been established. No part of this country has attained such success in irrigation as this. The practice of it has spread from this part of the country to all parts of California, Arizona, Utah, Colorado, and other States and Territories. Without irrigation, except in certain moist lands, these beautiful valleys and lowlands would once more revert to desert wastes.

It is a well-known fact that after land has become thoroughly cultivated by irrigation less water is required; and it is safe to assert that thousands of acres of so-called desert land may become adapted for agricultural purposes without the continued help of irrigation. Immediately following the establishment of an irrigation district, after the canals with their lateral ditches have been completed and the cultivation of crops has commenced, the planting of trees should be encouraged.

The eucalyptus variety is mostly planted in California, and the cottonwood in Arizona and New Mexico. The former is of very rapid growth, and as a wind-break and a protection to crops it is used extensively, although it is

very exhausting to the soil. Coincident with irrigation should be tree planting, which would in a short time not only change the appearance of the country, but supply the wood which is necessary for fuel. It would hardly be possible to estimate the value of trees in their usefulness toward reclaiming arid lands, and too much can not be said in urging the profuse planting of them. In fact it would be well for the Government, in selling land reclaimed by it through the irrigation works to be established, to make it compulsory on the purchaser to plant a portion of his acreage in forest trees. They would only require thorough irrigation during the first year, less the second, very little the third, and none at all thereafter. Tree culture, especially the planting of trees indigenous to the country, should by all means be encouraged.

As we review the past we notice the action of the unscrupulous and the insatiable following in the wake or hanging upon the flanks, and very often seen in a position far in advance of any humane progressive measure which may be adopted for the benefit of mankind or to promote the welfare of a worthy people. It is wonderful how difficult it has been to ward off the schemes of these avaricious creatures; and in a measure of this kind, which has in view the welfare of the entire people, safeguards can not be too strongly applied to protect it from such contaminating influences. It is a fact to be regretted that many of our most commendable measures, whether municipal, State, or national, which have given us avenues of commerce, works of art, and many improvements for the public good, whether patriotic, humane, or beneficent, have been embarrassed and contaminated by the touch of these creatures, and the purpose of the designer has often been marred and debased by the contact of those who see nothing in any public or progressive measure other than the opportunity to gratify their craven and selfish desires.

Moreover, it should be distinctly understood that there are hundreds of square miles of public domain where it would be utter folly to spend more money than the amount necessary to ascertain the fact of their worthlessness. Dangers of this kind should be avoided, and the Government should systematically improve what property it possesses worthy of such expenditure and divide it up in such a manner that it can be cultivated by an industrious, enterprising, and intelligent people who build for themselves and their posterity homes that will adorn and beautify any State or Territory, thus encouraging and sustaining the true spirit and character of American citizens, and promoting the general welfare of our entire country. As we can point to the past with just feelings of pride, it is hoped that our future may be as bright, prosperous, and progressive.

APPENDIX B.

IRRIGATION CREATES HOME MARKETS.

Hon. James Wilson, Secretary of Agriculture.

[Extract from a speech delivered December 23, 1901.]

If we take note of what is in men's minds at the present time, we find that public discussion turns more upon markets than on any other one proposition in planning for our national prosperity. The policy of the United States for the last forty years has been to build up home markets, not only for our manufacturers, but for our farmers as well. We have built up our manufacturers in order that we might have home markets for our farmers, and also to encourage everything that could permanently live and prosper within the United States through the diversification of our industries.

Changes are coming about gradually. When I was a boy, forty-six years ago, I went to Iowa. It was a new country in those days, and there was no homestead law, so we bought our land. Our friends, the farmers of the East, were somewhat alarmed as to what the result might be. But those friends in the East built railroads out to us, and overtook us with the railroads, and sometimes went farther West with them than we had gone, and waited for us to come, and the result in regard to the marketing of Eastern farm products was, in some cases, unsatisfactory to the Eastern farmer. But the Eastern manufacturer got such a market as is not to be found anywhere else in the world outside of the Mississippi Valley. And the prosperity of the Eastern manufacturers has, in turn, brought prosperity to the Eastern farmer.

Whatever temporary detriment the opening up of the rich lands of the Mississippi Valley to agriculture caused the Eastern farmer has been wholly overcome and overbalanced by the benefit which the Eastern farmer has received from the establishment of the great manufacturing industries of the East.

We have gone on developing the West as far as the one hundredth meridian. Last year we sold $350,000,000 worth of American farm products in foreign countries, and we are developing a market for our products in Asia, which will absorb the whole surplus of farm products from the West, no matter how many additional acres of arid land we may reclaim and cultivate. The product of the Western lands will simply increase the great aggregate of wealth which the American farmer is bringing back to this country for our agricultural exports.

The immigration in those early days of which I have spoken was of homeseekers. People who came from foreign countries in those days wanted farms, and they got them, and they built up the Northwest. A change has come—a most undesirable change. The homeseekers who want farms are not coming to such an extent as they did in those early days. The man is coming to this country to live in the cities and work in the factories, and the admonition is forced upon us that the United States of America in its population is becoming somewhat out of balance as regards the town and the country. The cities are growing in proportion faster than the country.

There is danger in this, as all recognize. We should do everything we can to promote the growth of a rural population, by opening up opportunities for people to get homes on the land, and training them to till it, so they will know how to get their living from the ground. Everything we can do and that which the Department of Agriculture is doing to make conditions of rural life more pleasant and prosperous, tends to correct this growing evil of too many people in our cities and too few in the country. A prominent question to-day in the minds of a great many people is a desire for foreign markets. But we must never forget that the best market is the home market, both for the farmer and the manufacturer. The Mississippi Valley is worth to the manufacturers of the United States, as a market, more than all the rest of the world put together, because those people all have good incomes and they spend their money.

I am in favor of having more homes out in the West. Uncle Sam has a great deal of land and a great deal of water out there. That land is arid, and the water which would make it productive is running to waste. I would wet some of those great mountain valleys and plains, and build more homes, and make more markets.

The population of this country is out of proportion. Only about one-tenth of it is in the western half of the country. It would be a good thing for all sections to more nearly equalize the growing population of the United States. I would dam some of those rivers and streams, and spread the water out over the land in Uncle Sam's valleys and establish new fruit ranches and new farms to grow the new kinds of wheat we are producing, so we could send more flour to Asia; also new farms to grow sugar beets, so we could grow more of our sugar in this country, and start new mines and make all sorts of new demands in these new Western communities, and make new markets for all our Eastern manufacturers. The Eastern manufacturer will sell in the West, but the Western farmer will not sell in the East, except fruits and things like that which will not compete with the Eastern farmer.

In 1900 we sold $840,000,000 worth of farm products to the outside world, and we brought back just half of that. We paid $420,000,000 in 1900 for things we can not grow in the United States. The Department of Agriculture is at work to get those things grown in the United States, so as to make more homes for our own people, give more work to our own people, make better wages for them, and make more markets for us here at home that will stay with us forever.

We can grow over $200,000,000 worth a year of farm products in the United States more than we are growing now. We will produce that $200,000,000 worth of things that grow in the fields that we have heretofore been importing right on our own American farms, and we will increase the American home market as all you can do with foreign countries throughout the world would not increase it. We can do it quicker and better by far if this great arid region out West is reclaimed and made productive.

That is the development of the United States that I want to see. And I want to say to you, gentlemen, that I have all the confidence in the world that you will move along conservative lines. You must not alarm our Eastern brethren by trying to do everything all at once. This great work will take time. It will take many years to wet all that dry land, but we ought to begin now and go along carefully each year until the task is done.

You will not get many dams built or neighborhoods started before the Eastern business men will have their traveling men out there to sell goods. They will find it is a grand thing to have people out there to buy from them. It will make such a purchasing force there as the world never saw before. Stop for a moment and think what our home market is to-day. The whole world wants to get into the United States to sell things, but our home market is for ourselves first, to develop it to the fullest extent.

APPENDIX C.

DEMANDS OF THE ORIENT—THE MUTUAL DEPENDENCE OF IRRIGATION AND THE FAR EASTERN TRADE—GREAT ACTIVITY ON THE PACIFIC COAST.

[Remarks of William M. Bunker before the United States House of Representatives Committee on Irrigation of Arid Lands.]

MR. CHAIRMAN AND GENTLEMEN OF THE COMMITTEE: The mutual dependence of irrigation and the oriental trade is a fertile theme. As commissioner of the Chamber of Commerce of San Francisco, I studied the trade conditions of the Orient, inspected the farming lands of eastern Siberia, followed the trans-Siberian railway route from Vladivostock to St. Petersburg, and learned the probable influence of that 6,600 miles of railway on Pacific coast trade and products.

It had been assumed by many political economists and writers that the railway would develop vast areas of wheat land in eastern Siberia, and that wheat from that section would injure, if not wholly ruin, the oriental market for our cereals. In the forests of Siberia, especially those bordering the Amur River and its tributaries, many publicists saw an equally deplorable menace to the lumber interests of the Pacific coast. My mission was to procure and present the facts bearing on these great interests, to mirror the situation and prospects, through an independent investigation, and make the proper predictions.

THE DARK SIDE OF SIBERIAN FARMING.

Eastern Siberia has an area of 132,000 square miles, a population of 1,328,150, and comprises mountains, plains, and river valleys. The Altai mountain region, west of the Yenisei River, the former granary of Siberia, is 3,000 miles from Vladivostok and its products do not figure in the Russian market for Pacific coast cereals. There are many reasons aside from the long haul that prevent the cereals of this granary from competing with those shipped from the Pacific coast. The Siberians are poor farmers, and the seasons are uncertain. A fine crop in one section of the fertile region of eastern Siberia is almost always accompanied by a famine in another. The current season illustrates the situation. In this Altai granary the failure of the crop induced a famine of appalling proportions. Nearly 8,000 cases of typhus-hunger and scurvy were reported. As the peasants were finally forced to eat their seed grain, no spring crops have been sown. In a slightly lesser degree the same uncertainty of harvest results marks farming in the arable portions of Siberia, nearer the Asiatic coast, and therefore more likely to affect the Asiatic market for Pacific coast cereals. The grain lands in the eastern part of eastern Siberia consist, for the most part, of two plateaus; the larger one, near Blagovestchensk, on the Amur River, is 500 miles square, and the other, lying between that city and Vladivostok, is 200 miles square. These figures are liberal approximations.

WHY EASTERN SIBERIA CAN NOT COMPETE WITH PACIFIC COAST WHEAT.

The wasteful system of farming has lessened the available farming area. Certain land is sown every year without interruption and without manure. After six or eight crops have been raised from the field and its growing power exhausted, fresh land is sown. Spring wheat, spring rye, oats, buckwheat, and a small amount of barley, maize, and millet represent the grain products. The grain, especially the wheat, is of inferior quality, and the percentage of starch is small. The Siberian flour is far less nutritious than that imported from the Pacific coast. California wheat sown in Siberia yields the inferior Siberian grain. The climate is at fault. The dry, small, and shriveled Siberian wheat seeded in California yields California wheat. In the opinion of experts this clearly shows the fault is with the Siberian climate. The winters in the Amur river region are practically snowless and the temperature is very low. Under favoring conditions and with a larger cultivated area eastern Siberia can not, in my judgment, impair in an appreciable degree the Asiatic market for Pacific coast cereals. The discriminating tariff on flour in retaliation for our countervailing duty on sugar has inured to the disadvantage of our flour market in Asiatic Russia. The other portions of Asia are as available as ever, and no cereal product of Siberia will ever interfere with their demand for American flour. This fact is important when we reflect that the increasing tonnage of the Pacific Ocean will furnish larger and cheaper shipping facilities for our oriental trade. Our interest is in the Siberian cereal yield as a factor in the oriental trade problem rather than in the details of farming. And yet the details are necessarily a part of the exhibit. They furnish the facts through which we reach a verdict.

THE MISLEADING WILD FLOWERS.

When I passed up the Amur and Shilka rivers the landings were marked by piles of sacked flour from Washington, Oregon, and California. The bread on sale was made of mixed American and Siberian flour. The popular idea that Siberia, especially eastern Siberia, is a fertile belt, and with intelligent farming will yield a vast amount of wheat, is as far from the truth as the previous popular idea that Siberia is a block of ice on which convicts, police, and polar bears struggle for the mastery. In summer the banks of the Amur

and tributary rivers are dotted with wild flowers, grasses grow lush, and the traveler sees signs of surpassing fertility. The signs are more apparent than real. There is no clearly defined spring, the summer season is short, no friendly blanket of snow wraps the land in winter, and the climatic conditions that favor wild flowers are not necessarily friendly to wheat.

LARGE FORESTS OF SMALL TREES.

The encyclopedic articles on the timber resources of Siberia are misleading in that they teach the reader to think Siberia abounds in large trees. The forests of that country are as vast as the authorities state, and for days and nights the traveler rides on the railway through a dense growth of firs, pines, and birches. The trees are slender, as a rule, and in that portion of Siberia east of Lake Baikal nearly all the trunks are about the right size for use in building log houses. There is no longer a superabundance of lumber along the Amur River and its tributaries. The fuel demands of the steamers on this river system have exhausted the timber within easy reach of the river; and in this, as in other parts of eastern Siberia, forest conservation is rigorously enforced. The largest single shipment of lumber ever made from the Puget Sound was for Vladivostock.

HOW PACIFIC COAST TRADE WITH THE ORIENT HAS BEEN HANDICAPPED.

In invading the Asiatic market the United States has been under great disadvantage. The proximity of the Pacific coast to the Orient has been more than offset by the superior shipping facilities enjoyed by European nations. Under the changed and changing conditions of ocean transportation this superiority must speedily disappear. In 1899, 63 per cent of the total annual trade of China was with the British, and, although Great Britain could not show the same relative gain in Chinese trade that was credited to the United States, that country could partially console itself with the knowledge that 61 per cent of the tonnage entering Chinese ports flew the British flag. European domination of Chinese trade has all along been due in a great measure to a shipping advantage that is about to pass away.

THE AMERICAN TRADE STAKE IN THE ORIENT.

As illustrating the trade stake of this nation in oriental countries, it may be said that our exports to the Orient have grown from $40,000,000 in 1891 to $115,000,000 in 1901; this while the total exports of the United States increased only 50 per cent. Our imports from oriental countries increased during the same time from $105,000,000 to $162,000,000 while the total imports were increasing only 10 per cent.

TREMENDOUS EXPANSION OF PACIFIC COAST COMMERCE.

While American exports to the Orient reached $115,000,000 in 1901, the exports of breadstuffs, hay, and dairy products from Puget Sound ports, from San Francisco, and from San Diego and Willamette, during the fiscal year ending June 30, 1901, as given by the Bureau of Statistics, Treasury Department, formed only a small portion of the grand total. As recapitulated the statistical showing is as follows:

Countries to which exported and ports from which exported.	Breadstuffs.	Hay.	Dairy products.
Chinese Empire:			
Puget Sound	$88,250	$28,359	$26,359
San Francisco	191,551	85,871	73,778
Willamette	55,363	13	.....
Total	335,164	114,243	100,137
China, Russian:			
Puget Sound	231,464	.....	15,598
Asiatic Russia:			
Puget Sound	361,887	260	15,400
San Francisco	14,042	40	4,763
Willamette	237,060	.....	880
Total	612,959	300	21,043
British East Indies:			
Puget Sound	1,500	.....	.....
San Francisco	4,391	.....	651
Willamette	2,526	.....	.....
Total	6,417	.....	651
Hongkong:			
Puget Sound	1,405,590	.....	30
San Francisco	1,414,485	.....	24,306
San Diego	4,760	.....	.....
Willamette	1,151,614	102	31
Total	3,976,449	102	24,367
Japan:			
Puget Sound	624,408	9,621	38,366
San Francisco	247,446	4,919	104,545
San Diego	88	.....	.....
Willamette	233,594	.....	.....
Total	1,105,536	14,540	142,911
Korea:			
Puget Sound	802	.....	1,155
San Francisco	6,340	.....	2,814
Total	7,142	.....	3,969
Philippine Islands:			
Puget Sound	549,444	286,365	2,202
San Francisco	14,028	.....	14,350
Willamette	5,695	37,629	.....
Total	569,167	323,994	16,552
Total oriental countries	6,846,298	453,179	325,228

The exports thus statistically reported are of the class that would mainly represent the yield of the arid-land region under the influence of irrigation. In this class should also be included an output of the fruits especially adapted to canning and curing.

The exports of breadstuffs, hay, and dairy products from the Pacific coast to oriental countries in the fiscal year ending June 30, 1901, had a total value of $7,624,705.

ORIENTAL DEMAND FOR PACIFIC COAST FOOD STUFFS.

It has been the custom to appraise the oriental trade from an Atlantic Coast point of view. With the annexation of the Hawaiian Islands, the acquisition of the Philippine Islands, and the increased maritime activity on the Pacific as a result of annexation, expansion, civilization, and industrial development, Pacific Ocean commerce can only be comprehensively viewed from Pacific coast points. The demand for shipping facilities on the Pacific has swamped the resources of every transportation company. No one can foretell the growth of Pacific coast commerce in the next few years.

Among the steamers to enter the Pacific coast-Orient trade this year are the following:

	Tons.	
2 Pacific mail liners	12,000 12,000	24,000
2 J. J. Hill steamers	20,000 20,000	40,000
2 Kidder-Peabody	10,000 10,000	20,000
Grand total		84,000

These six steamers will carry about 575,000 tons of freight in a year. Other large steamers are being transferred from the Atlantic to the Pacific. These are simply a few of the active and tangible signs of commercial expansion on the Pacific, signs that compel the attention of thinking Americans, signs that must convince every searching student that Pacific-coast domination of oriental trade is no longer a dream, and that one of the features of this trade will be a great oriental market for Pacific coast food stuffs.

THE NATURAL OUTLET FOR ARID-LAND PRODUCTS.

To-day Pacific coast flour and dairy products are shipped to China and Japan in immense quantities, and largely to Siberia and other Asiatic countries, and the demand for our food stuffs steadily increases. Slowly but surely flour is displacing rice in parts of China. Given favoring freight rates, the small reduction which increased shipping tonnage and cheaper operating expenses absolutely insures, and the Pacific coast will control the oriental market for cereals, canned and dried fruits, and other food stuffs.

The Orient will absorb the products of the irrigated lands and those of all other Pacific coast lands within easy reach of tide water. This new market will obviate Pacific coast competition with the farm products of the East and Middle West. It may be assumed that this thought, the idea that these food stuffs will furnish a reliable freight, impelled the Pacific Ocean transportation companies to build their new steamers of from 10,000 to 20,000 tons. These companies realize that no matter what changes may be in store for the commerce comprehending silks, teas, and other oriental products, the oriental demand for food stuffs will endure for all time, and appreciation of American flour, fruits, and dairy products will increase with use.

The Orient is the natural outlet for the surplus farm products of the arid region for all time to come. The Orientals can not increase their food-producing resources to any great extent. China and Japan take all the rice Korea can spare, and such is the demand from those countries that several times Korea has had to prohibit the exportation of rice. It is well known that under the most favorable circumstances there are famines in portions of China every year. The traveler in Japan is struck with the fact that the soil of that country is tilled to the final limit of production. For the reasons given, and because of the growing popularity of our food stuffs in the Orient, I maintain, first, that the oriental market will easily absorb our food-product surplus; and, second, that the greater the agricultural surplus available for export to the Orient, the better and cheaper will our shipping facilities become.

THE INTEREST OF THE STEAMSHIP COMPANIES.

The transportation companies have a natural and selfish interest in promoting an agricultural surplus on the Pacific coast. The export of American farm products to the Orient has been retarded by inadequate shipping facilities. About $1,000,000,000 worth of American farm products are sold in foreign countries annually. The proportion sold in the Orient is absurdly small and for the stated cause, namely, inadequate shipping facilities. Now that oriental custom is being continuously and systematically solicited, now that it is about to be dealt with as we deal with the custom of Europe, we shall have results as surprising to the average citizen and as gratifying to the nation as those attending our European trade.

Facilities unused might as well not exist. The great transportation companies of the Pacific are not increasing the tonnage of their fleets on speculative lines. These companies know past and present conditions and are in position to fairly gauge the future. They know that irrespective of what may be termed the goods phase of oriental trade there is an assured traffic in American food stuffs that will with slight stimulation reach enormous and highly profitable proportions. This fact is already admitted by James J. Hill and others prominent in railway and shipping circles. Another and equally patent fact is the inability of Pacific coast producers to meet the oriental demand for American food stuffs without conferring a reflex advantage on the farmers and manufacturers of the East and middle West. Not only will the Orient absorb the surplus food stuffs of the Pacific coast and thus lessen Pacific coast competition with Eastern producers, but the increase in the farming area, through the irrigation of arid wastes, will create a larger demand for agricultural implements and other mechanical products of the Eastern manufacturing belt.

FUEL OIL CHEAPENING PACIFIC OCEAN TRANSPORTATION.

I have referred to the increasing shipping facilities of the Pacific Ocean as a prime factor in the solution of the Asiatic trade problem, in so far as that problem relates to the Pacific coast. In this connection permit me to point to the sudden cheapening of fuel for steam purposes as a result of fuel oil developments in California. In 1901 California yielded 4,329,952 barrels of fuel oil. In 1902 the yield was 8,742,500 barrels. The yield would have been still larger had the railway companies met the transportation demands, a difficulty which within a few months has been obviated by transportation concessions and increased equipment. A pipe line from the oil fields to San Francisco Bay will soon lead to a largely increased production of fuel oil.

The figures of comparison between coal and oil fuel realized in recent practice in the British navy and reported by the admiralty were that 2 tons weight of oil were equivalent to 3 tons weight of coal, and 36 cubic feet of oil to 67 cubic feet of coal as usually stored in a ship's bunkers. The saving of stokers was considerable. In some instances a stoker's and trimmer's crew of 32 was now represented by a fireman's crew of 8 hands, whose duty was mainly cleaning and helping the engineers with their greasing. The greatest commercial gain was the increase of weight and space available for freight. If 3 tons of coal were taken as equal to 2 tons of oil fuel, there was a gain in weight of, say, 1,000 tons in the freight of a first-class Atlantic steamer, and a gain of nearly the whole of the bunker space, which, subject to drawbacks

of nonstorage in the hot parts, would be available for measurement freight. Allowing for these, and assuming the storage of the whole of the fuel in the double bottom and peaks, there would be a gain approaching 100,000 cubic feet of measurement made available for freight in such a vessel. The gain from substituting the new fuel in vessels of less steam power proportionate to the size would be correspondingly reduced, but it might be fairly estimated for most ships that 25 per cent of the space now occupied by coal-bunker storage could be utilized for cargo by the transfer of the fuel in a liquid form to the double bottom and other parts not now of any direct use. The cleanliness of oiling instead of coaling passenger ships and the saving of detention at ports of call were obvious advantages.

WHY THE FAR WEST FARM SURPLUS MUST GO TO THE ORIENT.

The figures in favor of fuel oil were presented to the British Institution of Naval Architects by Sir Fortescue Flannery, M. P. They support my claim that several contributing causes will inevitably bring about such a reduction of freight rates between the Pacific coast and oriental ports as will permit the profitable shipment of our cheapest and commonest food stuffs to oriental ports, and thus enable Pacific coast producers, those near the shore and those well back on the irrigated lands, to market in the Orient every pound of surplus food stuffs they can possibly grow. For reasons that will suggest themselves to the most casual observer, the farm products for the Orient must be produced on the Pacific coast, and within easy reach of tide water. These products form a freight that will not bear the cost of overland transportation.

The final influence of fuel oil on oriental trade is partially indicated by the following statement from Dr. C. T. Deane, secretary of the California Petroleum Miners' Association, and an authority on fuel oil and its uses:

"The United States transport *Meade* uses 80 tons of coal per day to make an average of 11 knots, for which the Government pays $8.50 per ton. Allowing for sixty days' steaming to Manila and return, it requires 4,800 tons of coal, costing $41,000. If she used oil she would burn 19,200 barrels, or 2,955 tons. Allowing four barrels of oil to equal one ton of coal, this would cost, at $1 per barrel, $19,200, saving in fuel alone $21,800. The same transport employs 38 men as stokers and coal passers; these would be reduced to 12, saving the wages of 28 men, not counting loss of time, dirt, etc., in placing fuel on the ship."

The Pacific Ocean steamers are rapidly displacing coal with oil. The resulting economy of operation will enable the transportation companies to carry Pacific Ocean products to the Orient at reduced rates, and thus encourage the shipment of food stuffs to China, Japan, and other oriental countries. There is no chance for a shortage of fuel oil. The several fields are only partially developed; the yield is steadily increasing, and hardly a week passes without fresh announcements of the use, or intended use, of oil in place of coal on Pacific Ocean steamers.

A SAMPLE PACIFIC COAST CARGO FOR THE ORIENT.

A timely and instructive illustration of Pacific coast cargoes for the Orient, showing the variety of one of these cargoes and also the oriental demand for Pacific coast farm products, happens to be available for present use. Under a traffic agreement between the Toyo Kisen Kaisha, Pacific Mail, and Occidental and Oriental companies (providing for direct and regular steamship communication between San Francisco and Manila), the steamer *Nippon Maru* sailed from San Francisco on the 9th of May, with a general merchandise cargo, valued at $168,440, manifested and destined as follows: For Japan, $79,007; Philippine Islands, $71,495; China, $12,713; Korea, $1,463; East Indies, $2,815; Vladivostock, $910; Siam, $37. The principal shipments were as follows: To Japan, 399,186 pounds compressed cotton, 73 packages asphaltum, 137 cases canned goods, 606 packages groceries and provisions, 55 packages hardware, 240 pounds lard, 2 bales leather, 1 package machinery, 2,120 pigs lead, 2 packages agricultural implements, 175 packages bicycles and sundries, 250 sacks cement, 4 packages electrical goods, 1 case firearms, 9 packages rubber goods, 10,015 pounds tan bark, 983 gallons wine, 18 cases whisky, 3 cases salmon, 2 bundles paper.

To the Philippine Islands—1,500 barrels flour, 1,850 casks bottled beer, 2,479 cases canned goods, 1,500 pounds coffee, 22 bales dry goods, 321 packages groceries and provisions, 69 packages hardware, 87 pigs lead, 200 cases mineral water, 10,960 pounds beans, 2,000 pounds codfish, 1,860 pounds cheese, 555 pounds dried fruits, 100 cases blackberry brandy, 49 packages drugs, 39 packages electrical goods, 8 packages machinery, 9 packages bicycles and sundries, 11 cases hats, 15,200 pounds ham and bacon, 11 packages leather, 7,600 pounds lard, 25 cases nails, 10,146 pounds dried pease, 2 packages paints and oils, 43 cases rubber goods, 1,650 pounds seeds, 1,000 cases salmon, 98 boxes type, 103 cases whisky, 15 cases potash, 21 coils rope, 31 packages boots and shoes, 400 pounds starch, 25 boxes soap, 45 packages stationery, 960 gallons spirits, 200 cases and 28 gallons whisky.

To China—1,203 barrels flour, 113 cases canned goods, 500 pounds dried fruits, 500 packages groceries and provisions, 20 packages hardware, 588 pigs lead, 516 pounds hams and bacon, 3 packages fresh fruits, 1,058 pounds cheese, 200 casks bottled beer, 5,800 pounds pearl barley, 3 boxes soap, 14,770 pounds seaweed, 35 sacks sea shells.

To Korea—5 packages groceries and provisions, 13 packages hardware, 1 bale dry goods, 64 cases whisky.

To Vladivostock—38 packages groceries and provisions, 11 packages machinery, 2 packages hardware.

To Siam—9 packages groceries and provisions.

To Java—105 cases canned goods, 80 cases salmon.

To Pedang—25 cases canned fruits.

To Penang—200 cases salmon.

To Singapore—45 cases canned goods, 305 cases salmon, 3 packages groceries and provisions.

To India—36 cases canned goods.

The steamer also carried $154,030 as treasure en route to China, of which $73,800 was silver bullion, $80,105 Mexican dollars, and $125 gold coin.

The food stuffs in the manifest may be accepted as an average showing of this class of freight in Pacific coast cargoes for the Orient. These food stuffs include flour; canned, dried, and fresh fruits; cheese; barley; dried pease, and unclassified products shipped as provisions. It should be borne in mind that the food stuff figures in the manifest represent one feature of only one of the many cargoes sent from the Pacific coast to the Orient every month.

THE INEVITABLE CONCLUSIONS.

The currents of air and water that so often facilitate trade and commerce have their complement in the commercial drift originating in conditions that may have been years in maturing or may have suddenly and almost unexpectedly appeared in the ocean of commerce. The developing oriental trade of to-day is merely the fulfillment of predictions following the admission of California into the Union. At various times in the last thirty years visits of oriental embassies have directed public attention to the possibilities and probabilities of American trade with the Orient, and this trade has seemed to have been viewed from every possible point. While trade prophets have often emphasized the advantages of oriental trade, and shown that at some time more or less remote the Pacific coast would be a great beneficiary of that trade, its tremendous certainties have only recently been silhouetted on the horizon. And with these certainties, which are due in part to new economies in transportation, to a better appreciation of irrigation values, and to the industrial progress of the nation, it has become apparent that the eastern as well as the Pacific coast States have a new interest in the oriental trade.

It is clear that the United States is likely to control the carrying tonnage of the Pacific; that the United States will have the share of oriental trade its favoring proximity and varying resources demand, and that the irrigation and development of the arid lands is necessarily a prime factor in solving the oriental trade problem. The great commercial drift toward the Orient will sweep in that direction the surplus food product of the Pacific coast. As the Pacific coast gains population and progress the Eastern States will correspondingly benefit. Under these new conditions, the strides in Pacific Ocean commerce, as shown by fact and figure, the assured oriental demand for Pacific coast products, and the resulting enlargement of the Pacific coast market for Eastern goods, I am satisfied the irrigation of the arid lands wil help the whole country, and that every section, North, South, East, and West, has a common interest in the adoption of a broad and national irrigation policy.

APPENDIX D.

[From the annual report of Secretary Hitchcock, of the Interior Department, for 1901.]

IRRIGATION.

In my report for last year attention was called to the importance of providing, through wise administration, for the creation of homes for millions of people upon the arid but fertile public lands. This matter is being given increased attention by the public press and by writers upon the subject, and at the last session of Congress hearings were held by the Committees on Public Lands and on Irrigation of Arid Lands of the House of Representatives.

Briefly stated, the results of the examinations of the extent to which arid lands can be reclaimed by irrigation, made by the committees of Congress, show that while one-third of the United States is still vacant there are relatively few localities where homes can now be made. This is not because the soil is barren or infertile, but on account of the difficulty of securing an adequate water supply. There is water to be had, but this water is mainly in large rivers, from which it can be taken only by great structures, or the supply comes in sudden floods and can not be utilized until great reservoirs have been built. It is impossible for a laboring man or an association of settlers to build these great works.

The pioneer coming to the arid region found many small streams from which water could be taken out upon agricultural land. He was able, through his own efforts, to irrigate a small farm and to make a home. These easily available waters have been taken, and a man can no longer secure a foothold, although there still remain 600,000,000 acres of vacant land. It is possible, by water storage, and by building diversion works from great rivers, to bring water to points where such men can utilize it and can enjoy opportunities similar to those had by the earlier settlers. Unless this is done much of the country must remain barren, and thousands of men and women eager to become independent citizens must remain as wanderers or tenants of others.

Enough work has been done by private capital to demonstrate the fact that water conservation and the diversion of large rivers is practicable, but, like many other works of great public importance, it can not be made a source of profit. The works of reclamation already constructed have, as a rule, been unprofitable, and capitalists are no longer seeking opportunities for reclaiming desert land when the probabilities are against their receiving an adequate compensation for the risk and labor involved.

The argument has been presented that if the Government will not make it possible to bring water to these lands they should be turned over to the States, but the majority of citizens who have studied the subject are opposed to such action, on the ground that the vacant public lands are the heritage of the people of the United States and should be held for the creation of homes, and not made a subject of speculation, as has almost invariably been the case with lands donated to the States. The whole trend of enlightened public sentiment is in favor of an expansion of industries and commerce internally through wise action by the National Government rather than attempting to get rid of the duties and opportunities of ownership by giving away this valuable property.

Two distinct conditions are to be clearly distinguished in the problem of water conservation for the development of the West. On the one hand there are localities where the agricultural lands along the rivers have been brought under irrigation and there is a demand for water to an extent far exceeding the supply, and where all of the flood water, though stored, would not suffice to satisfy the demands of the lands now partly tilled. The other contrasting condition is where there still remain vast bodies of public land for which water can be provided by means of reservoirs or by diversion from large rivers whose flow can not be used. Here the construction of works of reclamation in no way affects lands now in private ownership. Between these two extremes are all varieties of intermediate conditions, but these may be arbitrarily classed with one or the other.

In the first case reservoirs, if constructed, must be treated in the same way in which other public works having to do with rivers and harbors are managed. The water conserved should be used to increase the flow of the stream during the season of drought, regulating the volume so that it can be utilized to the best of advantage, according to the laws and customs prevailing in the locality. This is comparable to the conditions where the outlet of a harbor has been improved without reference to the benefits to the owners of the docks around the shores.

Under the other condition, where there are unappropriated waters flowing to waste which can be brought within reach of public land, it is possible to make provisions such that the Government can be reimbursed for its expenditure. The lands to be benefited by such works should be reserved for homestead entry only in small tracts, each being subject to the payment, before the title is finally passed, of a sum equivalent to the cost of storing and conserving the water, such payment to be made, if desired, in installments extending over a number of years.

Water should be brought to the point where the settlers can, with their own labor or by cooperation, construct ditches and laterals to reclaim the desert land. The conditions in this case would be comparable to opening a rich tract of land hitherto reserved. The moment the Government throws down the desert barriers or announces its purpose of so doing by making possible the obtaining of water, there will be an eager rush on the part of home seekers. With the requirement of actual settlement and cultivation, to be followed by the payment of the cost of storing water, the speculative element will be eliminated, leaving the ground free to bona fide settlers.

It is safe to predict, from the recent struggles for homes upon the public domain, that if it should be determined that the San Carlos dam, for example, is to be built by the Government, every acre of vacant land to be supplied with water would be immediately taken in small tracts by men who would not only cultivate the ground when water is had, but in the meantime would be available as laborers in the construction of the works, and

would ultimately refund to the Government the cost of the undertaking. In this manner thousands of the best class of citizens in the country would be permanently located in prosperous homes upon what is now a desert waste.

It has been estimated that the western half of the United States would sustain a population as great as that of the whole country at present if the waters now unutilized were saved and employed in irrigating the ground.

The first step in water conservation has been taken by Congress in giving authority for setting aside great areas of wooded land, largely for the beneficial influence which they exert upon the water supply. This should be followed by the construction, within the forest reserves, and elsewhere when practicable, of substantial dams impounding flood and waste waters.

Underground waters may be had in some localities where it is not practicable to irrigate the surface by means of stored water. The conditions favorable for artesian wells are believed to exist in a number of desert areas, and it is probable that important sources of supply can be had by artesian wells. The Division of Hydrography has begun the systematic study of some of these places, and has prepared maps showing the depth beneath the surface of the water-bearing rocks. Such maps are invaluable in the development of the country. These can be prepared for the edges of the artesian basins, where the rocks are partly upturned, but far out from the mountains it is necessary to sink test wells. If these are properly located, after thorough study of all the surrounding conditions, it may be possible to settle the question of artesian supplies and definitely outline the underground condition for hundreds of square miles of public land. Only by obtaining such information can the value of this and the practicability of settlement be made known. It is highly important, therefore, that a few such deep wells be drilled by the Government upon desert land for the purpose of demonstrating the possibility of reclamation. When it has been proved that water can be had, even at considerable depths, settlement will follow.

There is no function within the power of the Government higher than that of making possible the creation of prosperous homes. In his speech at Minneapolis, Mr. Roosevelt said: "Throughout our history the success of the homemaker has been but another name for the upbuilding of the nation." The remaining public lands are the heritage of the nation and should be held for homes, being reserved for actual settlers under the homestead act. The area to be taken by any one man should be reduced so that when water has been conserved by the Government the homestead shall, in certain parts of the country, be limited to 80 or even 40 acres.

The investigations of the Government experts have shown that, for example, in Arizona, where high-class fruits are cultivated, a family of five can obtain a good living upon 40 acres, or even 20. In the colder parts of the arid region, where forage crops are largely raised, the area may be made 160 acres.

The water for irrigation should be distributed in conformity with the laws of the State and without interference with any vested rights which have already accrued.

Where reservoirs or main-line canals are built by the National Government to furnish water for the public lands, the administration should proceed in harmony with the State laws, as would be the case with any other large landowner—State and Nation cooperating to accomplish a result of far-reaching benefit to both.

The expansion of our interior trade and commerce, through the settlement of the arid lands and the increase of population in the West, would benefit every class and section of our country in the same way that the settlement of the Ohio and Mississippi valleys has brought prosperity and wealth to the States east of the Alleghanies. The settlement of the vast arid region still farther to the west would benefit the whole eastern half of the United States by creating new home markets for Eastern merchants, Southern cotton growers, and all manufacturers. It would enormously increase local traffic, and would tend to relieve the congestion of our great centers of population, creating opportunities which would go far to allay social discontent. It would promote industrial stability by giving to every man who wanted it a home on the land. The rush for lands in Oklahoma testifies that there are a multitude of our people who will make great sacrifices to secure such homes.

There need be no fear of competition of Western products with Eastern agriculture, since the Asiatic markets now opened will absorb the surplus of the Western farms. The character of these is also such that the staple crops of the East can not now go to the remote West, nor those of the West come East, excepting in the case of semitropic and dried fruits.

The investigations which have been carried on demonstrate that, looking at the matter from all sides, there is no one question now before the people of the United States of greater importance than the conservation of the water supply and the reclamation of the arid lands of the West, and their settlement by men who will actually build homes and create communities. The appreciation of this condition is shown by the fact that both the great political parties inserted in their platforms articles calling attention to the necessity of national aid for the creation of homes on the public domain.

APPENDIX E.

[From the New York Evening Post.]

HOT WINDS OF AGRICULTURAL STATES HELD TO ORIGINATE IN ARID LANDS.

WASHINGTON, *April 24*.—William H. Chadwick, chairman of the transportation committee of the Chicago Board of Trade, has written a letter to Representative NEWLANDS, of Nevada, presenting new reasons why the pending irrigation bill should be passed. Mr. Chadwick holds that the States lying east and northeast of the arid-land States suffer enormous loss as a result of the burning heat coming from the arid quarters. He says;

"In behalf of many interests which will suggest themselves to you from my official position, I wish to call your attention to an argument in favor of the bill now in the House. The districts which compose the 'arid lands,' by reason of the intense dry heat there produced, and which, through the eastward movement of all atmospheric conditions across the continent, are, and always have been, a menace to all that great agricultural country lying to the east and northeast of the section in question, notably Texas, Oklahoma, Kansas, Missouri, Illinois, Iowa, South Dakota, Indiana, and Ohio. The tremendous losses experienced within the past twelve months by the farmer, the live-stock interests, the merchant, and common carriers, are fresh in our minds—a veritable calamity.

"The great loss entailed through the partial failure of the corn crop and enforced substitution on a large scale of other grain—wheat, rye, oats, etc., to supply the deficiency thereby caused, resulted in the curtailment of exports to such an extent as to be not only extraordinary, but in some instances, as with corn, sensational.

"The effects in the Eastern, or consuming States, are noticeable, and scarcely any part of the Union has been unaffected by the conditions produced by the scorching winds which, originating only in the arid region, blasted the crops over a large and important part of the country.

"We, who are directly affected by such misfortunes, desire to earnestly second the endeavor to remove the constant menace to prosperity in such a wide scope of territory, and ask for legislation to that end."

Naval Appropriation Bill.

SPEECH

OF

HON. JOSEPH T. JOHNSON,

OF SOUTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, May 14, 1902.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes—

Mr. JOHNSON said:

Mr. CHAIRMAN: My knowledge of war ships being limited, I prefer to talk about the merchant ships. I shall therefore avail myself of the present opportunity to submit some observations against what is known as the ship-subsidy bill. The passage of this measure is advocated by some because less than 9 per cent of our imports and exports is carried in American ships which fly the American flag. The remedy for this stagnant and unsatisfactory condition of the American merchant marine, we are assured, is for the Government to subsidize American-built ships.

At the risk of being called an "old fogy" I protest against such legislation. I deny that we have the right, under our oaths of office and under the Constitution of the United States, to vote away millions of the people's money as a gift to any set of men. In taking this position I do not mean to be understood as being opposed to the upbuilding of an American merchant marine. I would like to see American ships with the Stars and Stripes at the masthead, manned with American sailors, on all the seas and in all the harbors of the world. I want all men to prosper; I want all industries to prosper; but I do not want any man or any business or any country to prosper at the expense of right and truth.

In this era of money making too many questions are discussed from the standpoint of profit rather than from the standpoint of right. The Constitution of the United States, the Declaration of Independence, and the principles of the fathers of the Republic are sneered at in some quarters and lightly brushed aside. Some of us who still believe in them are characterized as worshipers of dead heroes and the advocates of obsolete principles. It is said by our critics that the fathers of the Republic were wise in their day and generation, but the country has grown and expanded in population, territory, and business, and the old principles and policies must give way to enlightened, progressive statesmanship. I believe that the Ten Commandments are as binding on you and me as they were on Moses and the children of Israel. The Proverbs of Solomon are as wise and wholesome to the youth of to-day as they were to the young men of Jerusalem. The Sermon on the Mount, the essence of all truth, is as applicable to us as it was to the fishermen of Galilee. Truth and right do not change with increasing population and expanding commerce. Self-evident truths of one hundred and twenty-five years ago are self-evident now. Inalienable rights in the days of Thomas Jefferson are inalienable still, and will so remain till the end of time. The Supreme Court said that "to lay with one hand the power of the Government on the property of the citizen, and with the other to bestow it on favored individuals, to aid private enterprises and build up private fortunes, is none the less a robbery because it is done under the forms of the law and is called taxation." Justice Sharswood said:

> Legislation either to benefit or burden particular classes, under the idea that it is good for the State at large, infringes upon the natural and guaranteed right of acquiring, possessing, and protecting property subject to the fair and equal contribution to the just and necessary expenses of government in the exercise of its proper and legitimate functions.

The government which assumes the office of controlling and directing the lawful industry of the citizen into the channel it may deem to be best assumes what does not legitimately belong to it. These propositions are so clear and self-evident as to make the conclusion inevitable that it is wrong and not within the province of Congress to vote millions of the people's hard-earned dollars to shipowners, thus imposing burdens upon all the people for the benefit of a small class, under the assumption that the country at large will be benefited by the success and prosperity of the favored few.

In the argument on this measure we are constantly told that Great Britain and other countries, by resorting to subsidies, have built up a great ocean-carrying business, and have outstripped us in the race. In the first place, as I shall subsequently show, this statement is not true. In the second place, if it were true, it would not follow that we can or ought to adopt a like policy. The government of Great Britain is founded upon the idea that some men are born with the divine right to rule their fellow-men, and that the masses ought to support the classes in luxury and

ease. With us no such doctrine obtains. Every true man is as good as a king, and every true woman is a queen. There are with us no nobles by birth, but the land is full of men and women who have been ennobled by sacrifices and adversity. It is not, however, necessary to pursue this line of thought further. Let us return to the proposition of fact. Does Great Britain, whose ships carry more than half of the ocean freight of the world, subsidize her ships? The great tramp steamships that fly the British flag and are seen on all the seas and in all the harbors do not now receive, and never have received, one penny of bounty in any form from the English Government. The truth of this statement is so easily accessible to every man who cares to investigate the question, that it is incomprehensible to me why men of intelligence should constantly repeat that Great Britain's success in her ocean carrying trade is due to subsidies. Great Britain does pay certain lines of fast steamships liberally for carrying the mails, but she does not pay her ships as liberally as we pay our ships for carrying our mails. Great Britain pays fast steamships so much per pound for carrying the mail. The United States Government pays fast American ships a large amount whether they carry any mail or not. Last year England paid, all told, for foreign mail amounting to 24,000,000 pounds, $4,500,000. The United States paid for 9,198,853 pounds of mails $2,000,000. If liberal payments for carrying the mails are subsidies, we are already, and have been for many years, subsidizing ships. As we pay more for carrying mail than Great Britain, it would follow, if the arguments of the advocates of this measure are sound, that we should have a better merchant marine than Great Britain.

One of the stock arguments heretofore advanced in favor of this measure is that the people of the United States are paying out annually in ocean freights the vast sum of $200,000,000, which goes into the pockets of foreign shipowners. This allegation is based upon the assumption that foreigners own all ships that are operated under foreign flags. If upon investigation it turns out to be a fact that American citizens own and operate many vessels under foreign flags and get the benefits of the freight, then the argument that the American people are sending into foreign countries more than $200,000,000 every year to pay the owners of foreign ships falls to the ground. In 1901 Mr. Morgan purchased the Leyland Line of steamers. This line comprises many ships and is worth many millions of dollars. It is operated under a foreign flag, however. All the freights paid that line by the American people, as well as by the people of all countries of the globe, find their way to New York. Within the past few weeks practically all the great trans-Atlantic lines of steamers have been purchased by Mr. Morgan and his associates. These various lines will continue to operate under the flag of foreign countries, yet they are owned by citizens of the United States. Nominally they will maintain their separate existence, but in reality they are controlled by one man, and there will be no competition. In this day of consolidations and combinations I do not see what hope can be held out that by subsidizing American-built ships we would have competition in freight. Even if an independent company should undertake to build and operate ships in competition with the Morgan lines, the new company would be absorbed by the combination or driven to the wall and bought in. Of the 185,000 miles of railway in the United States, 120,000 miles are consolidated into five great companies. Under the idea of "community of interests," these lines are run practically without competition and are controlled by the same men. The Morgan lines of steamers and the great railways of this country are operated in sympathy with one another, without competition, and men under the most liberal bounties could not operate steamship lines in competition with the Morgan lines. The Morgan lines could make the water rate merely nominal in order to crush out attempted competition, and then recoup themselves by terminal charges and railway rates to the interior.

It is insisted that this bill is in the interest of the American laborer. We are told that the rate of wages paid on our ships exceeds the rates paid by other countries and that this subsidy is for the benefit of the sailors and not for the owners of the vessels. It will be observed that all the facts, as well as common sense, prove that the rate of the port and not the flag of the ship controls the wages. American ships can get seamen and laborers at Hongkong or any other port in the world where they can get them cheapest. However anxious the Republican party may be to protect manufacturers, it manifests a willingness to have free trade in seamen for the benefit of shipowners. Only a little while ago the representatives of steamship lines were protesting against a law that would prohibit them from employing Chinese sailors, the cheapest labor on earth, and their protest was respected by the Republicans in Congress.

I have no doubt the same men, or many of them, who were so anxious to preserve the right to employ Chinese sailors, advocate the passage of this vicious measure for the benefit, as they allege, of the American sailor. When the shipping bill is under consideration, the American sailor receives high praise and eloquent pleas; but when the Chinese-exclusion bill is before us, we are assured most positively that no American can stand the heat on a voyage from the Pacific to the Far East. There are and can be, they tell us, no American sailors on these lines. If that be true, there can be few American sailors on the seas, because all ships going to South America, Central America, Australia, Africa, and Asia, and most of the ports of the world, must pass through these climates, which we are told an American sailor can not endure. It is a case of "now you see it, and now you don't." They want the privilege of employing Chinese sailors because Americans can not stand the heat; they want the subsidy for the benefit of the American sailor.

One of the vicious parts of this measure is that the subsidy is given to ships now in existence, and yet the excuse offered in support of the bill is that we must encourage the building of ships in American shipyards. I respectfully suggest that instead of giving millions of dollars to ships now in existence the better way to secure the building of additional ships would be to give the bounty to ships hereafter to be built. I suspect that if the bounty proposed should be withheld from ships now on the seas and under our flag, strong influences pressing for this legislation would be withdrawn. Whatever might be said in favor of extending bounties to ships hereafter to be built, on the plea that such bounties would insure the building of additional ships and thereby increase our merchant marine, no such claim can be made in favor of subsidizing ships that we already have. If the ships now flying our flag are making money, what legal, constitutional, or moral right have we to give them millions of the people's money in order that their owners may receive still larger profits? On the contrary, if the owners of American ships are running them at a loss, why should the American Congress vote them millions of the people's money to save them from loss? We have never been in the habit of making good the losses of the thousands of men who have engaged in merchandising, manufacturing, and farming at a loss. Do you answer that the whole country would be incidentally benefited by having strong, prosperous steamship lines? Then I reply that the whole country would be equally benefited by the success and prosperity of its merchants or its farmers.

If the shipping bill should pass both Houses of Congress and become law, the American Navigation Company, with its four great ocean greyhounds, would receive the sum of about $1,700,000 each year from the Treasury of the United States. All the logic and all the eloquence of the ages can not convince the men in this country who live by the sweat of their faces that it is right to bestow the people's money with such a lavish hand upon the millionaires who own these ships.

We are told that it costs more to build ships in this country than it does in other countries. Why should it? Our raw material is cheaper than in any other country on earth. Our workingmen, while receiving more wages per day than the workingmen in other countries, turn out more and better work for a dollar than the laboring men of any other country on the face of the earth. The steel trust sells steel, which is the principal material in modern ships, in all the countries of the Old World. If the steel trust can ship steel across the ocean and sell it in competition with the steel plants of the Old World, the American shipbuilder ought to get it at European prices, less the freight, because he is favored above all other classes in this country in this respect. There is free trade for him. He can import free of duty steel, iron, and lumber, and all material that he intends to use, and does use, in the building of ships. It follows, therefore, that the shipbuilder is in a position to buy his material abroad whenever the home manufacturers undertake to demand higher prices than foreigners are willing to take.

It is suggested that all other countries pay subsidies, and as they have outstripped us in the ocean carrying business, the remedy is for us to pay subsidies. It is not true that all other countries pay subsidies, and it does not follow that the payment of subsidies is the cause of their outstripping us in the race of ocean freight carrying. There is, however, one thing that every nation on the face of the earth except the United States does, and that is this: They allow their citizens to buy ships anywhere on the face of the globe and sail them under their own flag. May this one thing not be the cause of our poor showing in this respect? An Englishman, a German, a Frenchman, an Italian, or a Russian can go into any shipyard in the world and buy his ship and take it home and place over it the flag of his own country. An American citizen is denied that privilege. If for any reason when he goes to buy a ship he finds it cheaper in some other part of the world than he finds it at home, and he wishes to buy where he can do the best, he has that right. But he will be compelled, as long as he owns the ship, to operate it under a foreign flag.

We are urged to pass this bill in order that in time of war we can use the subsidized ships as auxiliary cruisers. That means if we will give the owners millions of dollars each year in time of peace we will have the privilege in time of war of engaging in a game of "stand and deliver," with the Government as the victim. In other words, when the Government needs the ships

she can get them—by paying prices that would startle and shock our consciences. The Government in time of war can get these ships for precisely the same price—and that is an exorbitant one—whether they are subsidized or not. During the Spanish-American war, which lasted about three months, the Government pressed into service the *St. Paul*, the *St. Louis*, the *New York*, and the *Paris*, at a cost to the Government of $2,864,835. We had been paying these ships extravagant prices for carrying the mails for a good many years, and when the emergency came we did not get them one cent cheaper than we could have gotten them if we had not been so liberal in all these years.

There is another bad feature of this measure that I wish to refer to, and that is the enormous bounty provided for these magnificent passenger ships. The farmers and the laboring men of this country are told that they should submit to this taxation for the benefit of the shipowners, because, they say, it will ultimately result in cheaper freight rates on their products which find a market on the other side of the seas; and yet these great bounties are provided for the ships that transport across the seas not the farmers' products but the millionaires, who farm the farmers.

These subsidies are said in one breath to be necessary to equalize the cost of construction and operation of American-built ships with that of the ships of other countries; in the next breath we are assured that this bounty will reduce freight rates. If it takes the bounties to equalize the cost of construction and operation, then the very moment the freight rates are reduced the equality will be destroyed. These statements can not both be true. I do not believe that either of them is true.

In conclusion, Mr. Chairman, let me say that we ought to preach and practice here and everywhere the doctrine that every dollar in the Treasury belongs to the people. We have no right use one dollar of it except to defray the necessary expenses of the Government. We should neither take from the rich and give to the poor, nor take from the poor and give to the rich, but let every man enjoy the fruits of his own labors. If we are guided by that principle in our votes here, we will not pass the ship subsidy bill.

Civil Government for the Philippine Islands.

SPEECH
OF
HON. ALBERT J. BEVERIDGE,
OF INDIANA,

IN THE SENATE OF THE UNITED STATES,

Tuesday, June 3, 1902.

The Senate having under consideration the bill (S. 2235) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes—

Mr. BEVERIDGE said:

Mr. PRESIDENT: The honorable Senator who has just taken his seat [Mr. MCLAURIN of Mississippi] has stated that those of us who favor the bill have charged the opposition with slandering the Army, and that that charge is false.

Mr. President, why has that charge been made? It is because exceptional instances of the conduct of soldiers and officers have been taken out of the usual and general action and attitude of our forces and have been presented to the Senate and the country as though they were the customary conduct of the American Army.

I had not intended, Mr. President, to occupy the attention of the Senate any more upon this question, but upon looking over the RECORD this morning and finding there repeated what I have seen so often before—excerpts from the testimony of witnesses before the committee as to exceptional instances of harsh measures, from which was carefully excluded the testimony as to the general conduct of the war—it seems proper and right and just not only to the Army, not only to the policy of the Government, but to the American people, that the testimony as to the ordinary and habitual conduct of American soldiers from the very inception of hostilities to the present time should be presented to the country.

Mr. President, I do not think that the mere assertion of Senators will be controlling or convincing. But certainly the words of those who have been upon the ground and who have studied the question and who have observed conditions there ought to carry greater weight than those who bring their observations merely from their prejudices and their imaginations.

I.—CONDUCT OF OUR ARMY.

Therefore, Mr. President, starting out with the report of the Commission which was headed by President Schurman, I will take from that report written by him a statement, made at the very beginning of this affair, as to the conduct of our Army. President Schurman, who is now assailing this very policy, said, with reference to the conduct of our forces in the Philippines:

FIRST REPORT OF SCHURMAN COMMISSION AS TO CONDUCT OF ARMY TOWARD FILIPINOS.

The Commission is not willing to close this statement without paying just tribute to our sailors and soldiers. The presence of Admiral Dewey as a member of this body makes it unfitting to dwell on his personal achievements, but he joins with us in eulogy of his comrades. We were fortunate in witnessing some of the many brave deeds of our soldiers. All that skill, courage, and patient endurance can do has been done in the Philippines.

Attention of Senators in opposition is called to what Professor Schurman says immediately following. It appears that this attack on our Army is not new. But those who assailed our uniform when Schurman wrote are even now forgotten, and in their fate there is prophecy and warning. Says Schurman:

We are aware that there are those who have seen fit to accuse our troops of desecrating churches, murdering prisoners, and committing unmentionable crimes. To those who derive satisfaction from seizing on isolated occurrences—regrettable, indeed, but incident to every war—and making them the basis of sweeping accusations, this Commission has nothing to say. Still less do we feel called upon to answer idle tales without foundation in fact. But for the satisfaction of those who have found it difficult to understand why the transporting of American citizens across the Pacific Ocean should change their nature, we are glad to express the belief that *a war was never more humanely conducted. Insurgents wounded were repeatedly succored on the field by our men at the risk of their lives.*

Those who had a chance for life were taken to Manila and tenderly cared for in our hospitals. If churches were occupied, it was only as a military necessity, and frequently after their use as forts by the insurgents had made it necessary to train our artillery upon them. Prisoners were taken whenever opportunity offered, often only to be set at liberty after being disarmed and fed.

If it be said that this is a statement made at the inception of the war, let us turn to the statement of Governor Taft, who has spent two years there, and delivers the following in his recent testimony as his final judgment and conclusion; and no man has had better opportunity to witness the effect of kind or brutal treatment of natives than Taft. Governor Taft says:

TESTIMONY OF GOVERNOR TAFT AS TO CONDUCT OF ARMY TOWARD FILIPINOS.

COMPASSION OF AMERICAN FORCES.

After a good deal of study about the matter—and although I have never been prejudiced in favor of the military branch, for when the civil and military branches are exercising concurrent jurisdiction there is some inevitable friction—*I desire to say that it is my deliberate judgment that there never was a war conducted, whether against inferior races or not, in which there were more compassion and more restraint and more generosity, assuming that there was a war at all, than there has been in the Philippine Islands.* Now, I say that without having been in the war at all, having only been at Manila, where reports were constantly coming in and where I was talking with officers of the Army, and knew what the general orders were and what the general policy was.

The CHAIRMAN. You also talked with a great many Filipinos and insurgent leaders, I suppose?

Governor TAFT. I have.

And Governor Taft had traveled nearly all over the islands organizing civil government when he made that statement.

Mr. President, I desire to follow that by the testimony of General MacArthur, who commanded our troops, and by two orders introduced by General MacArthur in his testimony, as showing the spirit of our military operations.

TESTIMONY OF GENERAL MACARTHUR AS TO CONDUCT OF ARMY TOWARD FILIPINOS.

General MACARTHUR. I would like to say this—I thought I had made a note of it: That, in my judgment, from an intimate knowledge of military operations of the islands, from the operations against the Spanish in Manila, until I left the islands on the 4th of July, 1901, *I doubt if any war—either international or civil, any war on earth—has been conducted with as much humanity, with as much careful consideration, with as much self-restraint, in view of the character of our adversary, as have been the American operations in the Philippine Archipelago.*

The CHAIRMAN. In that connection, General, there have been a great many stories and statements in regard to cruelties practiced by our soldiers upon hostile inhabitants of the Philippine Islands. What have you to say in regard to that, as to the general directions of yourself and the other officers in command, as to the general conduct of the soldiers?

General MACARTHUR. The standards of course are established by general orders and by advisory memoranda and by the reviews of courts-martial. They are on a high ideal plane. There have been in the neighborhood, I think, of 125,000 men and soldiers in the islands. Some of those men have committed excesses under the provocation of hardship. That is not mentioned as an excuse, but as a cause. Wherever any violations of the laws of war have been detected the remedy has been instantly applied. It was my own purpose to promulgate views in orders, by personal admonition, and by punitive action; but of course in conducting war all of the ferocity of humanity is brought to the surface, and in individual instances excesses have been committed.

AMERICAN CHARACTER NOT "TRANSFORMED."

But to say that the Army commit excesses, or that excesses were encouraged, of course is to say that the character of Americans in the Philippines is immediately transformed by the question of latitude and longitude, which is not the fact. Individual men have committed individual outrages; but when we compare the conditions that exist in the Philippines to-day in that respect with what have existed in all modern wars between civilized states *the comparison is absolutely in favor of the self-restraint and high discipline of the American soldier.*

The CHAIRMAN. Where excesses were brought to your knowledge were they punished?

General MACARTHUR. Absolutely. It was my effort to get that idea permeated through the Army—that we were representing the highest stage of civilization and that our military movements and moves should comport therewith; that they must be such as to meet with the approbation of public opinion at home.

Senator BEVERIDGE. The general conduct of our soldiers and officers there, irrespective of orders from headquarters, was in the direction of kindness, mercy, and humanity, was it?

General MACARTHUR. Absolutely, sir.

Senator BEVERIDGE. Instead of the reverse?

"BEARING OF OUR ARMY SUPERB."

General MACARTHUR. *The bearing of our Army as a whole was simply superb.*

Senator BEVERIDGE. There were wards in our hospitals in Manila and elsewhere which were devoted to Filipino sick and wounded, were there not?

General MACARTHUR. Yes.

Senator BEVERIDGE. And what were the facts about Filipino sick and wounded in our hospitals being attended by our physicians and nurses?

General MACARTHUR. They were treated the same as our own people. A wounded enemy is a guest. A prisoner is a guest. That is the doctrine of military courtesy. The moment an unarmed man comes into your possession he is entitled to the hospitality of friendship, and they always receive it.

Senator BEVERIDGE. That was the spirit in which they were treated?

General MACARTHUR. That was the spirit in which they were treated.

Senator BEVERIDGE. And what is the fact about that being the case not only in Manila, in the general hospital there, but also as you progressed over the island, in the temporary hospitals you established?

General MACARTHUR. *That was so everywhere; not only by orders, but so by reason of the spontaneous generosity of our soldiers, who have uniformly displayed that kindness which is characteristic of American soldiers.*

PRIVATE SOLDIERS AS TEACHERS.

Senator BEVERIDGE. One more question. What is the fact, General, about the efforts of our officers and soldiers detailed from the ranks to establish schools in the towns possibly even before civilized government began and while it was under military control?

General MACARTHUR. *Soldiers were detailed in many instances; where no teachers were available we always put soldiers in.*

Senator BEVERIDGE. What was the efficiency and zeal of soldiers detailed from the ranks as teachers?

General MACARTHUR. Good, I would say. In that connection I would like to say something in behalf of the Filipinos. That was one of their first-expressed wishes. Whenever we entered a town one of their first-expressed wishes was that schools might be established. Of course that was responded to instantly by us,

Senator BEVERIDGE. By the military authorities?

General MACARTHUR. By the military authorities.

The CHAIRMAN. That, you say, was one of their first requests?

General MACARTHUR. Yes. And they show a great deal of ability in the minor administration of townships, in getting together school material, and getting the children into the schools.

EDUCATION BEGAN BY ARMY.

Senator BEVERIDGE. So that the work of education by Americans began before the civil administration, under the military control?

General MACARTHUR. It began instantly.

Senator BEVERIDGE. And as you passed forward with your troops you followed with your soldiers detailed as teachers?

General MACARTHUR. Wherever it was necessary, and it occurred in very many instances. That educational question was one of the easy and pleasant subjects of administration. The Filipinos wanted it, and we were eager to give it, and we came together on that issue immediately. It was the focus in which originated a great deal of good will, and which is spreading over the island still in that same form.

Senator BEVERIDGE. When your arms passed on and insurrection no longer existed in any particular locality or district, what is the fact about the people returning to their fields and homes and transacting the business and labors of everyday life in peace and freedom?

General MACARTHUR. They returned in large numbers.

Senator BEVERIDGE. And went to work?

General MACARTHUR. In fact, whenever I invited them to come back they always did. Came back and went to work.

Senator BEVERIDGE. And went to work?

General MACARTHUR. Yes. That was noticeably so in the towns northeast of Manila immediately after the first outbreak. They of course had been misinformed and were apprehensive, and when we entered the town they all fled; but on our invitation they always returned.

Senator BEVERIDGE. What is the fact about their having fled and about the insurrection itself having been aided and maintained by false reports of its leaders concerning us—our methods and purposes?

General MACARTHUR. That obtained to a very great extent; not only the Filipinos, but the Spaniards had——

Senator CARMACK. What was the character of those false reports?

General MACARTHUR (continuing). Talked of our peculiarities and stated many things that were not true, and the people were very apprehensive until they came in contact with us.

Senator BEVERIDGE. And then they found this to be untrue and returned to their homes and industries?

General MACARTHUR. Yes.

ORDERS OF GENERAL MACARTHUR AS TO TREATMENT OF FILIPINOS BY AMERICANS, INTRODUCED BY GENERAL MACARTHUR AS A SAMPLE AND ILLUSTRATION OF SPIRIT OF ORDERS.

FIELD ORDERS, } HEADQUARTERS SECOND DIVISION,
No. 2. } EIGHTH ARMY CORPS,
Malolos, P. I., April 2, 1899.

1. Many of the citizens of Malolos and other towns in the vicinity desire to return to their abandoned houses within the lines of the army.

The interests of the United States will be subserved by encouraging this disposition on the part of the natives in every way consistent with military interests.

All officers and soldiers are therefore urged to contribute to the end in view by considerate and kind treatment of these people, who are now part of and under the protection of the United States.

The controlling insurgent authorities have persistently represented the American soldiers as turbulent, undisciplined, and given to gross and licentious excesses upon helpless people.

In order to eradicate the effects of such mendacious misrepresentations, it is especially necessary that all concerned should sedulously abstain from practices in any way calculated to annoy or engender the feelings of timidity or mistrust.

Unarmed natives will be permitted to enter our lines at all times during the day, with a view to the resumption of their usual avocations and occupancy of their houses.

By command of Major-General MacArthur.

That was published and circulated as generally as possible, and the consequence was that thousands, tens of thousands, perhaps fifty thousand people, returned to different towns on the line of the railroad between Malolos and Manila.

Subsequently, in preparing for the advance from Malolos, the order of battle was issued on the 22d of April. [Reading:]

"The seventh paragraph of that order is to this effect:

"7. The purpose of the United States in these islands is beneficent. It is, therefore, one of the most important duties of American soldiers to assist in establishing friendly relations with the natives by kind and considerate treatment in all matters arising from personal contact. To exasperate individuals or to burn or loot unprotected or abandoned houses or property is not only criminal in itself, but tends to impede the policy of the United States and to defeat the very purpose which the Army is here to accomplish. All concerned are accordingly strictly charged to practice becoming self-restraint in the premises, and it is made the special duty of all officers to prevent thoughtless and ignorant men from indulging in any of the practices enumerated and to take necessary action to insure adequate punishment, as prescribed by the Articles of War, in the event of overt acts being committed by any member of the command, either during the contemplated actions against Calumpit or thereafter throughout the campaign."

I follow that by the testimony of General Hughes and by the testimony of General Otis upon this point, and by the testimony of Professor Barrows, not belonging to the Army, but who had carefully been well over the island of Luzon in the interest of our educational establishment:

TESTIMONY OF GENERAL HUGHES AS TO CONDUCT OF ARMY TOWARD FILIPINOS.

Senator BEVERIDGE. With reference to the line of inquiry just completed by Senator PATTERSON, I wish to ask you one or two questions, throwing light, perhaps, on the other side of the question. It is true, is it not, that the Americans established in Manila quite early and maintained there as long as necessary a hospital where Filipino wounded and sick, etc., could receive the attention of American surgeons and physicians, medicines, and other care, precisely like the American troops?

General HUGHES. My recollection is that one section of the general hospital was set aside for Filipinos, *where they received the same care and treatment that were given to our own people.* The one great trouble they had with them, though, was that their curiosity would compel them to push their fingers into the wounds and tear them open, and the surgeons said they had a very difficult time keeping the wounds in healthy condition.

Senator BEVERIDGE. But it was an instance which was uniformly repeated in various phases of practical kindness on the part of the Americans to the Filipinos?

CARE OF WOUNDED FILIPINOS.

General HUGHES. It was the case at all times. *The wounded were cared for just as you would care for civilized wounded.* In order to let them know that this was the case, I took great pains after they were cured to send out men who had lost an arm or a leg over the lines, in order that all fear of being made prisoners might be allayed, and instances of resistance to the death might cease.

Senator BEVERIDGE. What have you to say, from your experience, about the kindness and consideration shown by the American authorities and troops to the Filipinos who were soldiers or otherwise, relating instances, if you care to, or making your statement general, as you please?

General HUGHES. I have no hesitation in saying that, so far as I know, the same consideration was shown the Filipino when he was captured or wounded that was given to our own people when captured or wounded in the civil war. We have carried them by our carriers for miles; we have carried them two days to get them where they could get hospital treatment;

General HUGHES. *I have no hesitation in saying that, so far as I know, the same consideration was shown the Filipino when he was captured or wounded that was given to our own people when captured or wounded in the civil war. We have carried them by our carriers for miles; we have carried them two days to get them where they could get hospital treatment; we have carried them for a day to get them to a hospital.* I remember one case in Antique where the man was shot through the head, and I asked the officer what he intended to do with him. He said, "I am going to put him in the hospital." Said I, "He will run away unless you watch him." Sure enough, inside of forty-eight hours that man got up and ran away.

TESTIMONY OF GENERAL OTIS AS TO CONDUCT OF ARMY TOWARD FILIPINOS.

Senator BEVERIDGE. Now, will you tell the committee what the fact is about the cruelty toward the natives, prisoners or otherwise, of American officers and soldiers; as to whether cruelty by American officers and soldiers was practiced upon the people, or even upon prisoners, or whether, on the contrary, kindness and consideration was practiced by our troops toward them?

General OTIS. *The greatest kindness.* I investigated myself, and through inspectors appointed by me, every statement of harsh treatment that I heard of while in the islands. In some cases the investigation was pursued for weeks.

Senator BEVERIDGE. What is the fact about your having established, General, in Manila and elsewhere, if such was the case, hospital wards devoted to wounded Filipinos, and what care was taken of the Filipino sick and wounded, in comparison to the care taken of the American sick and wounded?

General OTIS. We put the sick and wounded in our own hospitals. When our own hospitals were filled, we hired the hospitals of the friars within the walled town. They were all taken care of. We hired doctors when we did not have sufficient medical assistance of our own. We hired Filipino doctors and Spanish doctors and looked after the sick and wounded of the Filipinos, and they received every care possible. In fact, one of the commissions, one of Aguinaldo's commissions, came in while we had a great many of the Filipinos in the hospital, and I invited the members of the commission to go around and visit all their sick and wounded throughout the city; and they did so, and came back and expressed themselves as greatly gratified.

Senator PROCTOR. You do not think, General, on the whole, that the character of the American Army, so far as common humanity is concerned, has changed entirely in a year or two's service over there, I judge?

General OTIS. No, sir. *We were laughed at by the Spaniards and by Europeans for the humanity we exercised.*

TESTIMONY OF PROFESSOR BARROWS AS TO EFFECT OF CONDUCT OF ARMY TOWARD FILIPINOS.

Senator DIETRICH. In your travels through the island of Luzon, did you find any evidence that American soldiers had perpetrated any cruelties or used methods of uncivilized warfare upon natives, especially the water cure?

Mr. BARROWS. I found very little evidence of it. I think I have met two persons whose word I would trust who professed to have seen the water cure administered. It did not injure the natives.

Senator DIETRICH. By whom was it perpetrated?

Mr. BARROWS. I think by small scouting parties.

Senator DIETRICH. Macabebes?

Mr. BARROWS. Usually a company of native scouts with perhaps a few soldiers along.

Not only this, Mr. President, but there also appeared before our committee many soldiers and two or three officers in addition to the general officers. The testimony of these men, all of whom I believe testified to the water cure, was that the general conduct of our officers and soldiers was humane, kindly, considerate, and compassionate, not only to the Filipino prisoners taken in war, but to the Filipinos themselves. I ask leave to print it without

reading. I have taken only that portion of the testimony as to the usual and general conduct of the Army officers, because that is the only standard for just judgment and because the portions of testimony relating to the exceptions have been repeatedly presented already.

The testimony referred to is as follows:

TESTIMONY OF CAPT. FRED MCDONALD AS TO USUAL CONDUCT OF AMERICAN OFFICERS AND SOLDIERS TOWARD FILIPINOS.

Questions by Senator DUBOIS:

Q. So far as you heard or knew there never was but one case of water cure over there, and that was the one at Igbaras?

A. So far as I knew; yes, sir. My men had explicit orders to treat natives with the greatest care—to be more than particular. I will show the committee to-morrow an order issued in relation to it—an official document. I was very careful to treat all prisoners with kindness. I might illustrate, if I am not taking up the committee's time.

The CHAIRMAN. We will be glad to hear you.

A. (Continued.) A case of an insurgent officer whose picture I have here. He was the commanding officer of the insurgent forces where I was in command of the American forces. His name was Clavira. His wife was sick in one of my towns, some 10 miles away from my station. I was informed of that fact, and *I sent my doctor with orders for him to go to the town of Guimbal and treat the wife of this insurgent officer.* He, you understand, was in active operation against the American troops. He did so, and while he was unable to do much for the woman he called on her twice. My sergeant and hospital steward at that station kept track of the case, and the woman eventually recovered.

We have any number of times taken sick insurgent prisoners to our hospital; we have treated the native police when they have been wounded. The cases of kindness by men under my command and by other officers were too numerous to mention.

The CHAIRMAN. That inscription on the back of this photograph that you showed me is to the effect that he gave it to you?

The WITNESS. Yes; and I received photographs from other insurgent officers. Here is a photograph of another insurgent officer who commanded a column. He went away out of his way to surrender to our station, when he had been ordered to proceed to Jaro, for the reason that he believed the officers and troops in my district were very, very fair and always treated his troops with kindness. All these officers called on us later and thanked us for different kindnesses we had shown their men.

"LIKE FATHERS TO CHILDREN."

By Senator BEVERIDGE:

Q. On that point, Captain, what was the general and ordinary course of conduct of the American officers and soldiers toward the people themselves who were not prisoners, and the people peaceably at work in their fields and homes, as to kindness and consideration?

A. *More like father and children; we always treated them with extreme kindness.*

Q. And the soldiers?

A. And the soldiers the same way.

Q. What orders did the soldiers have as to their treatment of the people?

A. To treat them exactly as they would citizens or natives at home. If a peaceable native was interfered with in his occupation in any way the case was investigated and the soldier who offended was put in the guardhouse; he was punished.

Q. Speaking of native prisoners, what was the treatment the prisoners you observed received at the hands of the American officers and men?

A. Exactly the same treatment that any prisoners would receive. They received, for instance, the same food that our soldiers received.

Q. If they were sick or wounded?

A. If they were sick or wounded they were sent to the hospitals and treated in the hospitals.

Q. By what physicians?

A. The American physicians.

Q. And if nursed, by what nurses?

A. By American Hospital Corps men.

Q. Now, about rations. You have some rations issued to men. I assume that no member of the committee wants any great volume of these ration reports. You may put in such as you want to, and eliminate such as you want to.

RATIONS ISSUED TO INSURGENT PRISONERS.

Q. There are some I have picked out at random while you have been testifying on other matters. I have looked over some of these while you have been testifying on other points. Here is one—ration No. 419. I find in a period of two weeks, from the 16th of December to the 31st of December, that the squad of prisoners provided for during that time was 26; that during this period for these 26 prisoners there were issued rations as follows: 126 rations of bacon, 169 fresh beef, 124 salmon, 419 rice, 419 coffee, 419 sugar, 419 vinegar, 419 soap, 419 salt. This was to the native prisoners, as I understand it?

A. *Entirely for their use; yes, sir.*

Q. I have made a very hurried, rough calculation here and I find that that means for each week each man had 3½ of fresh beef, each Filipino prisoner; each one had 2 of bacon, 2 of salmon, 8 of rice, 8 of coffee, 8 of sugar, 8 of vinegar, 8 of soap, 8 of salt. I wish you would look at that ration return and see if that general summary of food issued to these prisoners is correct.

A. (After examination.) Yes, sir; the figures on the back of this return were made by Lieut. W. H. Plummer, commissary officer.

Q. There are 26 of those men there, are there not?

A. Twenty-six prisoners on that day.

Q. I see there you issued them soap.

A. Yes, sir.

Q. You may explain that—but I suppose that the soap was issued precisely as it would be to the American soldiers?

A. Yes; it was.

Q. I perceive here the item of coffee and also the item of sugar. I assume that that also is accounted for by the fact that it was merely the issuing of rations to the prisoners precisely as to our soldiers?

A. Exactly as to our soldiers, according to the order covering that.

Q. Now, merely to illustrate this great bundle of stuff you have here—these were taken out at random—I find that on ration return No. 526, 29 native prisoners were served between December 1 and December 15, a period of two weeks, with 158 rations of bacon, 210 fresh beef, and 158 rations of salmon, 526 rations of rice, 526 rations of coffee, 526 rations of sugar, 526 rations of vinegar, 526 rations of soap, and 526 rations of salt. A rough calculation makes that something more than 2½ for each man a week of salmon, more that 7½ each of fresh beef, 18 of rice, coffee, sugar, vinegar, soap, and salt. Examine that ration return and please say if that is substantially correct, and if that is also accounted for by the issuance of the same rations as to American soldiers?

A. (After examination.) The statements you have made are correct as shown on this return.

Q. *So it appears on this ration return, which you say is correct, that we issued the Filipino prisoners fresh beef?*

A. *We did; yes, sir.*

Q. *We issued them coffee and sugar?*

A. *Yes, sir.*

Q. *Vinegar and soap?*

A. *Yes, sir.*

Q. *As well as the other items?*

A. *Yes, sir.*

Q. *Not only gave them rice, which was their habitual food, but these other items which are given to the soldiers of the American Army?*

A. *Yes, sir.*

Mr. BEVERIDGE. When, Mr. President, in any war, civilized or uncivilized, ancient or modern, were such rations issued prisoners and such treatment given them? Here, now, is the testimony of private soldiers who testified to the water cure:

TESTIMONY OF ISADORE H. DUBE AS TO ORDINARY CONDUCT OF AMERICAN OFFICERS AND SOLDIERS TOWARD FILIPINOS.

Questions by Senator BEVERIDGE:

Q. One of your last answers was, as I heard it, that when we entered a town we were received by the natives; that the natives accepted American authority and did everything they could for us. How long were you in the Philippines?

A. I was in the Philippines in the United States service about sixteen or seventeen months.

Q. During which time you were in what islands or provinces?

A. I was on the island of Panay.

Q. You were under General Hughes, then?

A. Yes, sir.

Q. During your service in aiding in the suppression of the insurrection you have or have not seen prisoners taken by us?

A. Yes, sir; I have.

Q. When we took Filipino prisoners, what was the treatment that they received from our officers and soldiers as respects kindness and care and attention?

GIVEN "SUCH FOOD AS THEY WANTED."

A. They were treated as prisoners of war and fed as such. They were given good, substantial food, according to their demands.

Q. That is, such food as they liked?

A. Such food as they wanted, such food as they were accustomed to. They were worked, and in my judgment they were treated as prisoners of war should be treated.

Q. And when they were sick or wounded, what was the attention they received in reference to medical attention?

A. They were treated and taken care of by American surgeons, and taken into the American hospital.

Q. And if nursed at all, by what nurses?

A. By American nurses.

Q. Now, continuing that same line, connecting it with your answer about the way we were received, what was the general treatment of the people who were peaceably inclined and that worked; what was the general treatment of the Filipino people by our officers and men with respect to kindness and consideration?

A. The treatment, I think, was all right—was good enough—the treatment that was authorized by the American officers.

"BE AN EXAMPLE OF AMERICANISM."

Q. What did you understand General Hughes's orders and the orders of the other American officers to be with reference to the conduct of soldiers toward the people?

A. *It was to treat them—the sympathizers—with kindness and to be an example of what Americanism was.*

Q. And did you do that?

A. Yes, sir.

Q. And did your comrades do that also?

A. As far as I know. Well, that is, my own comrades in my company; that is all I am supposed to know about it.

TESTIMONY OF GROVER FLINT AS TO USUAL CONDUCT OF AMERICAN OFFICERS AND SOLDIERS TOWARD FILIPINOS.

Questions by Senator BEVERIDGE:

Q. How long did you say you were in the service there—about a year and a half?

A. Yes.

Q. Did you ever observe in your service Filipino prisoners after they had been taken by us?

A. I have seen some in the guardhouse; yes; and some in the hospitals.

Q. You found them in the hospital?

A. Yes, sir.

FILIPINOS PRISONERS TREATED AS WELL AS OUR OWN.

Q. You may state what the facts are as to the care and attention they received in the hospitals as compared with the attention and care our own soldiers received.

A. I think it was usually quite good, as far as that goes. I never saw anything——

Q. What did you observe——

Senator CULBERSON. Let him finish his answer.

Q. (Continuing.) During your service as to the care and kindness manifested to the Filipino prisoners by American officers?

A. *I think it was most excellent.*

Q. That was the usual course, with reference to the Filipino prisoners?

A. Yes, sir; I think it was.

Q. And with reference to Filipino people engaged in peaceable pursuits—what was the conduct of the American officers and men toward them?

A. *I think it was as kind as you could make it in every case—that is, I never saw any other spirit.*

Q. You spoke about the guardhouse a moment ago. I want to ask you whether the Filipinos in the guardhouse were treated any differently from our own men in the guardhouse?

A. They were fed differently; that is all.

Q. That is, were they fed the food to which they were accustomed?

A. Yes, sir; the food to which they were accustomed, but they were treated the same as our men otherwise.

Q. The same as American prisoners in the guardhouse?

A. Yes, sir.

Q. You saw no distinction?

A. No, sir.

Q. Except in the case of food?

A. Yes; they were on a different ration. They did not like our ration.

Q. That is the reason they were given the different ration?

A. Yes, sir.

TESTIMONY OF D. J. EVANS AS TO THE USUAL CONDUCT OF AMERICAN OFFICERS AND SOLDIERS TOWARD FILIPINOS.

Questions by Senator BEVERIDGE:

Q. How long did you serve altogether in the Philippine Islands?
A. Very nearly two years.
Q. During that time you were in what part of the archipelago?
A. I was in the island of Luzon, from Manila to—do you want——
Q. Just generally. And during this time what is the fact as to your having observed any number of prisoners taken by our troops?
A. I have seen a great number of prisoners; yes, sir.
Q. Tell the committee what the fact is as to the treatment of those prisoners by American officers and men, as to kindness and consideration or the reverse.
A. The majority of the prisoners, until the time I went north, if they were taken and had arms they would be kept a few days and their arms would be taken away and then probably they would be paroled or released.

PRISONERS PREFERRED TO REMAIN WITH US.

Q. During the time they were in our custody what is the fact as to the food given them?
A. They were fed, and if there was any work to be done they had to do it; but they were treated, up to this time the water cure commenced, as well as they could be. *Some of the Filipino prisoners actually preferred to remain in the American lines, prisoners, than to be among their own people.*
Q. And the sick and wounded among them?
A. They were given hospital treatment.
Q. The same as our men?
A. Yes, sir. In the front of their hospital, I believe, there were two wards.
Q. You speak of their hospital. Do you refer to the hospital in Manila?
A. Yes, sir.
Q. That was given up entirely to the Filipino sick and wounded?
A. Yes, sir.
Q. And what physicians attended them?
A. Our physicians and our nurses.
Q. Our nurses also?
A. Yes, sir.
Q. What is the fact as to the treatment of these prisoners, and sick and wounded being given the same as to our sick and wounded?
A. I could not see any difference, except probably the rations would not be the same. The Filipinos themselves would prefer rice.
Q. They would prefer rice?
A. Yes, sir.
Q. They were given what they preferred?
A. Yes, sir.
Q. Do you understand that to be the reason why there was any difference in the rations given to our own soldiers and to the Filipino prisoners?
A. That is the only reason I can give.
Q. They being used to it?
A. Yes, sir.
Q. Yes; what is your observation as to the treatment of the people engaged in peaceable pursuits, as to kindness and consideration, or the reverse, from the American officers and the men?
A. They were never molested if they seemed to be peaceable natives. They would not be molested unless they showed some signs of hostility of some kind, and if they did, if we struck a part of the island where the natives were hostile and they would fire on our soldiers or even cut the telegraph lines, the result would be that their barrios would probably be burned.

PEOPLE RETURNED TO THEIR FIELDS.

Q. After our troops had passed over a district, what is the fact as to the people returning to the fields and engaging in the business of tilling the soil, returning to their homes after peace had been established?
A. As far as I could see we would not much more than get through a town until you would see the natives coming back from the hills, carrying little white flags on sticks. As we struck a town we could not see a native hardly, but when we got 200 or 300 or 500 yards beyond the town we could see them coming in with these white flags.
Q. And what is the fact as to their going to work in the fields after peace had been established?
A. They were continually working in the fields, and they would come back.
Q. What did you understand the orders from the officers and the commanding generals to be as to the conduct of American officers and soldiers toward peaceably disposed people engaged in peaceable work; as to kindness or the reverse?
A. We never had any orders to molest any of them who were peaceably inclined, none whatever.
Q. And you say that sick and wounded Filipinos had the same treatment as our own people?
A. That was the First Reserve Hospital in Manila; yes. I never observed them in any other hospital. I spoke of that because I had seen it.
Q. You say that upon our approach—that is, in the first advance—when we would come to a town, people would depart?
A. Yes, sir.
Q. After we would leave the town they would return?
A. Yes, sir.
Q. Then, when you came back again you found them at work in the fields. Is that correct?
A. Yes, sir.
Q. Now, then, when you returned, did or did they not run away, as in the first instance?
A. I had in mind the town of Taytay. When we approached that town we approached them under a line of fire, and we drove the natives from the town.
Q. That was on a Sunday?
A. I believe it was.
Q. I remember that very well. But what I am driving at is this: After our column had passed and peace had been established, and you returned and found the people at work in their fields, then did they run away again as in the first instance?
A. No, sir; they stayed right in their town.

PEOPLE LOST FEAR OF US.

Q. They appeared to have lost all fear or misunderstanding of us?
A. It appeared so; yes, sir.
Q. When did you leave there?
A. I left there the latter part of January, 1901.
Q. What were the last prisoners you saw in our custody? Did you see any the last month of your stay there?
A. I was in the hospital at Dagupan, and there was one prisoner brought there that our company had captured. They opened fire on our company at a place called Moncada, and we captured one man who had been shot a couple of times or three times.
Q. And you saw him?
A. I saw him when they brought him to the hospital. He was taken to our hospital, and then he was taken to another hospital called Lingayen, or something like that.
Q. What treatment was he given?
A. I did not see.
Q. You simply saw that he was taken to the hospital?
A. Yes, sir.
Q. So far as you know then and observed, there was no difference in the treatment of prisoners taken in battle or otherwise, at the end of your service, than there was at the beginning of it; that is to say, our treatment of prisoners—sick, wounded, or otherwise—was what as to kindness?
A. They were always fed, and if there was extra work to be done they did it as a rule.
Q. Did you observe any cruelty practiced upon the prisoners?
A. The prisoners we had captured?
Q. Yes.
A. No, sir; none that I can think of.

TESTIMONY OF JANUARIUS MANNING AS TO THE USUAL CONDUCT OF AMERICAN OFFICERS AND SOLDIERS TOWARD FILIPINOS.

Questions by Senator BEVERIDGE:

Q. How long were you in the service in the islands altogether?
A. Over a year; somewhere about a year and five months.
Q. During that time you observed prisoners taken from time to time?
A. Yes; a lot of prisoners.
Q. Will you state what the treatment of those prisoners was from our officers and men with reference to kindness and care and consideration, or the reverse?
A. Well, I never saw them ill-used; they always got enough to eat.
Q. What kind of food?
A. They got rice and meat.
Q. Was that the food they preferred?
A. Rice is what they generally live on. We gave them meat with it and hardtack.
Q. When they were sick and wounded what attention was given to them?
A. They would be given medical treatment.
Q. By whom?
A. By the Army surgeon.
Q. By the same surgeon that attended our soldiers?
A. Yes, sir.
Q. And where hospital treatment was required what occurred then?
A. Well, I have seen them take the prisoners up from the guardhouse and put them in the hospital.

SAME HOSPITAL OUR OWN MEN OCCUPIED.

Q. The same hospital that our soldiers occupied?
A. Yes, sir.
Q. And if nursing was required, who did the nursing?
A. The attendants in the hospital.
Q. *The same attendants that did the nursing to our soldiers?*
A. Yes, sir.
Q. General Hughes was in command at Panay, was he not?
A. Yes, sir.
Q. He was your commanding officer?
A. Yes, sir.
Q. What did you understand to be the directions and desires of Genera Hughes and your other superior officers as to the treatment which should be given by you and other soldiers to the people in general who were peaceably inclined, as to care and kindness and consideration, or the reverse?
A. *The orders were to treat everyone right; to treat them kindly.*
Q. Did you obey those orders?
A. Yes, sir.
Q. Was that the rule also with your comrades?
A. Yes, sir.
Q. So that the general treatment of the Filipino people engaged in peaceful pursuits by American soldiers and officers was kind, courteous, and considerate—or was it the reverse?
A. Yes; I would say it was.
Senator BEVERIDGE. That is, you mean——
Senator CULBERSON. Let him answer the question.
Senator BEVERIDGE. I want him to answer it. I put it in the alternative.
(The question was repeated by the stenographer.)
A. (Continued.) I would not say it was the reverse; I would say it was kind.

TESTIMONY OF CAPT. JESSE LEE HALL AS TO USUAL CONDUCT OF AMERICAN OFFICERS AND SOLDIERS TOWARD FILIPINOS.

Questions by the CHAIRMAN:

Q. Did you hear of any cruelties being inflicted by Filipinos on our men?
A. Yes; I heard that, of course. That ceased a great deal after we got so many prisoners. When we first went out there if a man got cut off they would do him. Many cruelties were inflicted, and especially in the Signal Corps.
Q. You say that ceased?
A. I say there was less of that toward the last.
Q. After we had——
A. There were a great many of the prominent men in our possession, but at the beginning we heard a great deal of that. When the game first started men were caught out and some of them boloed to death and hacked up.

By Senator CULBERSON:

Q. Did any of that occur in your command?
A. One of my men is all that occurred in my command. That was at Santa Cruz. He disappeared from the face of the earth, and afterwards we found some remains which were supposed to be his.
Q. Was he a Macabebe?
A. A Macabebe; yes.

By Senator DIETRICH:

Q. Up in these mountains there were usually what they called ladrones?
A. Yes, sir; ladrones.

"FED THEM AND LET THEM GO."

Q. And perhaps it was the ladrones and the outlaws that that order pertained to?
A. As I said, there was nothing left there but the bushwhackers and ladrones. I think the resistance to the organized army over there had ended. While there was an organized army, and we were following it from place to place, there was nothing of that sort. In fact prisoners were turned loose; we let them go, and we treated them like we would treat children. It was as if we would spank them and let them go.

By Senator BEVERIDGE:

Q. On that point, and on the point several times mentioned of the prisoners taken, what was the treatment by the American soldiers and officers of the prisoners of war which we took, as to kindness and consideration toward them?

A. *Well, we fed them and let them go.* We paroled them, as a usual thing. We took good care of them and dressed their wounds if they were wounded.

Q. And if they were sick?

A. They got as good treatment as our own men received.

Q. From our own physicians and surgeons?

A. Yes; by our own physicians and surgeons. If I ever took a man as a guide, under the directions of General Schwan, I always paid him; and we always paid for chickens and everything else we got. *Every horse we took I know was paid for.* I would always give a receipt, if I could find the owner, and commissions came around afterwards to settle up.

Q. Where you took a horse you gave a receipt and a commission settled for it?

A. The quartermaster would settle, although sometimes the owners were gone and we could not find the owners, you know.

INSTRUCTED TO IMPRESS FILIPINOS WITH OUR DECENCY.

Q. You spoke a moment ago about the understanding you had there as to the policy of our officers and men toward the people, as to kindness, and, as you said, you made up to them.

A. *That was the endeavor, to impress them with the idea of our decency and with the good conduct of American soldiers and American people, to give them the right idea of it.*

Q. Pursuing that and enlarging on the question of Senator LODGE, what was the general conduct of our officers and men toward Filipino people who were not engaged in hostilities, as to kindness and consideration?

A. They were kind to them. The idea was to impress them with the fact that there was no animosity existing as far as we were concerned.

Q. Were you with Lawton in May, 1899?

A. No; I reached him——

Q. You were not with him at San Isidro?

A. No; he was in San Isidro first; I did not get there until fall. That country had to be reoccupied. We fell back from there and we had to go out and go all over the same country again.

Q. When you left, that portion of the country had been pacified, had it not?

A. Apparently so. The telegraph lines were undisturbed there for three or four months.

Q. Were you over that country before you left?

A. Yes; I was up at Calumpit and Tarlac.

Q. That Bagbag district?

A. Yes; up the Bagbag River.

Q. Did you observe the people had returned to their homes and were at work in the fields?

A. Yes, sir.

Q. Were they peaceful and undisturbed under our authority?

A. Yes, sir.

MUNICIPAL GOVERNMENT AND SCHOOLS ESTABLISHED BY MILITARY AUTHORITIES.

Q. Captain, did you make any observation concerning the establishment of a civil government after we would occupy a place, such as Malolos or anything of the kind, or the establishment of schools by the military authorities?

A. I only saw the schools; there was no government except the military government; we had not gotten to the experiment of putting in any of the natives.

Q. I do not mean that; I mean the establishment of civil government under General Otis's orders?

A. Yes, sir.

Q. That is, municipal government?

A. Municipal government; yes.

Q. That was done by the military authorities immediately after occupation?

A. Yes, sir.

Q. And were schools established by the military authorities?

A. Not in all the places.

Q. In some of them?

A. In some of them; yes, sir.

Q. *And they were taught by soldiers detailed for that purpose?*

A. *Yes, sir.*

Q. That is, we would occupy a place and establish a municipal government, establish a school, and detail a private soldier to teach it?

A. Yes, sir.

TESTIMONY OF MR. RICHARD V. HUGHES AS TO THE USUAL CONDUCT OF AMERICAN OFFICERS AND SOLDIERS TOWARD FILIPINOS.

Questions by Senator BEVERIDGE:

Q. And how long were you in the island?

A. About a year.

Q. What portion of the islands?

A. Southern Luzon, in Batangas and Laguna provinces.

Q. Who was in command?

A. Lieutenant Merchant.

Q. I mean who was the general in command of that division?

A. I forget his name now.

Q. Did you during your service observe any number of prisoners taken by our forces?

A. Yes, sir.

Q. Will you state to the committee what treatment they received at the hands of the American men, as to kindness and consideration?

A. As to which?

"TREATED JUST AS GOOD AS AMERICAN PRISONERS."

Q. As to kindness and consideration, or the reverse?

A. We took some prisoners at Magdalena, and while they were in confinement at Magdalena *they were treated just as good as American prisoners.*

Q. And as to the food given them; whether abundant or not?

A. It was abundant of its kind, and was the regular ration, consisting of rice, bacon, and hardtack.

Q. The same as the American troops received?

A. No; we received beef once or twice a week and potatoes.

Q. The rice was the food——

A. The principal food which they got.

Q. That was the food to which they were accustomed?

A. Yes, sir.

Q. And which they preferred. Yes or no.

A. Yes; they preferred rice.

Q. When they were ill or wounded, what care was given them by the American authorities?

A. The doctor, Dr. Stoeckele, of North Eighth street, Philadelphia, attended them, not only as prisoners, but in the barrio.

Q. So not only the prisoners, but the people themselves received attention from American physicans?

A. He was the only physician, though, that I knew to do such a thing as that.

SAME TREATMENT IN HOSPITALS.

Q. In the hospitals where you have been, either as a patient or as an observer, what was the fact as to the treatment of the Filipinos in those hospitals; what kind of treatment did they receive in comparison to that received by our own men?

A. Just the same treatment.

Q. From American officers and from American nurses?

A. Yes, sir.

Q. Now, with reference to the treatment of people who were peaceably at work, from American officers and men—what was that, as to kindness and consideration, or the reverse?

A. They never molested them, to my knowledge.

Q. What was your understanding, as a soldier, of the general conduct which was expected from you by the commanding officer of your division with reference to the treatment of people who were peaceably disposed, who were at work?

A. I treated them the same as I would and did treat any persons that I knew—with kindness, with courtesy, in every respect. Whenever I found that they were in any way wrong I would arrest them and notify my commanding officer.

Q. And your comrades, the same or not?

A. The same, as far as I could see.

Q. So that the general treatment of the people by American soldiers and officers was as you have described your own treatment of them as being?

A. Yes, sir.

TESTIMONY OF LE ROY E. HALLOCK AS TO THE USUAL CONDUCT OF AMERICAN OFFICERS AND SOLDIERS TOWARD FILIPINOS.

Questions by Senator BEVERIDGE:

Q. Then, your entire service in the Philippines was how long?

A. About seventeen months, I think.

Q. During that time where were you most of the time?

A. At Leon.

Q. Is that in Panay?

A. Yes, sir.

Q. While General Hughes was in command there?

A. Yes, sir.

Q. Now, aside from the application of the water cure to these men under the circumstances you have told of, what was the general conduct of American officers and soldiers toward the people, as to kindness or otherwise?

Senator PATTERSON. He has said that where they were friendly it was good.

Q. (Continuing.) Where they were friendly?

A. I should say they treated them very well.

Q. And you observed during your period of service there prisoners in addition to these thirty that were brought in in these three conflicts?

A. Yes, sir.

Q. And when those prisoners had been captured what was their treatment by American officers and soldiers as to kindness and care, and as to the food they were given and places they were put?

A. They were put in the guardhouse and made to do some little work. They always had plenty of rice to eat, and hard-tack they gave them sometimes, and coffee.

Q. That was substantially the same rations as our own men received, except as to rice, was it not?

A. Yes, sir.

Q. Did they prefer the rice to our kind of food? Is that the usual food of the natives?

A. That is the food they used; yes.

Q. What is your understanding, Mr. Hallock, as to what your officers and the commanding general, General Hughes, expected of soldiers in their treatment and intercourse with the friendly natives?

A. To use them well.

Q. And you followed those orders?

A. I did; yes, sir.

Q. And of course your comrades the same?

A. Yes, sir.

TESTIMONY OF WILLIAM LEWIS SMITH AS TO THE USUAL CONDUCT OF AMERICAN OFFICERS AND SOLDIERS TOWARD FILIPINOS.

Questions by Senator BEVERIDGE:

Q. How long did you serve there?

A. We arrived there the 30th of October, 1899, and left there the 4th of March, 1901.

Q. So you were there practically two years?

A. About eighteen months on the islands.

Q. You were there in Iloilo part of the time?

A. We were there about a month; not over that.

Q. You were in Manila part of the time?

A. No, sir; I was never in Manila at all.

Q. Did you go about the hospitals in Iloilo?

A. Yes, sir.

Q. Did you observe Filipino prisoners, wounded or sick, attended to in our hospital by our surgeons and nurses?

A. I did not. I was not there at the time when any Filipino prisoners were in there. I was not there any great length of time anyway.

Q. Did you observe any kind treatment upon the part of the officers and soldiers during the service of your enlistment or your service there?

A. To the natives?

Q. Toward native prisoners?

A. I do not think they treated the native prisoners in our quarters in regard to sleeping quarters very well. We had about forty of them at the time——

Q. Did you know General Hughes?

Senator RAWLINS. Let us have an answer.

A. (Continued.) At the time Igbaras was burned we took about forty of them there, and they were made to sleep on the ground in the basement of the building.

ON THE GROUND OR ON MATS.

Senator BEVERIDGE:

Q. Really, on the ground.

A. Yes, sir. We had two places to keep them. We had to build one place; one place was where we locked our own prisoners, in case we had any, and we turned that over; and after that was full they lay on the ground, except for such mats as were brought them by their own people. Otherwise they had nothing to lie on.

Q. And their own people were permitted to bring in mats and other comforts?
A. Yes; food.

By Senator McComas:

Q. How did you treat them?
A. When I came in contact with them—well, if I took them out and worked them I was pretty careful to keep them at work and see that they did not get away.
Q. Did you treat them humanely and kindly?
A. I did not treat them unkindly. I kept them at work all the time.
Q. So far as you were concerned, you endeavored to treat the prisoners humanely?
A. Yes, sir. They treated me well and I treated them the same.

PRISONERS TREATED WELL.

Q. How did those about you treat them?
A. They treated them well.
Q. That is the extent of your own observation, is it not?
A. That is the extent of my observations, so far as I saw.
Q. Were the Filipino prisoners that you described as sleeping where our soldiers who were also under surveillance slept, as on some mats on the ground, fed abundantly by our authorities?
A. They were fed from our rations—yes.
Q. The same food that the American soldiers were fed?
A. Yes.
Q. They were not beaten or struck or abused, were they?
A. No, sir; I did not see them beaten or struck.
Q. And the men under your charge you merely kept at work?
A. Yes, sir.
Q. As you would keep any other men at work whom you supervised?
A. Yes, sir; and I looked out that they did not escape.
Q. If the prisoners got sick they were attended by the American physicians?
A. Yes, sir; they were.
Q. And they received the same medicine that our soldiers received?
A. They did at that time, quite a number of them.

SAME FOOD AND MEDICINES.

By Senator Beveridge:

Q. So far as you observed, they had the same treatment that our soldiers had?
A. Yes, sir.
Q. The same food and medical attendance?
A. Yes, sir; they were taken to the hospitals. I have taken them there myself, and they would be given medicine.
Q. So that the Filipino prisoners had the same food and the same medicine and the same attendance, so far as you observed, that our soldiers had?
A. They did not have the same rations; they were provided by the Government, but were not the same rations that we had.
Q. I understood you to say that they had the same rations; that they were fed out of the same rations.
A. That was a mistake of mine, then. It was issued by the Government, drawn from our commissary, but not the same class of rations that we had.
Q. It was plentiful and good food?
A. Yes.
Q. Food that they were used to?
A. Yes; it consisted more of rice, and the like of that, and they preferred it to our meats.
Q. In other words, they got the food that they preferred?
A. Yes, sir.
Q. And that is the only respect in which there was any difference in respect of food——
A. Yes, sir.
Q. (Continuing.) Between the treatment given them and the treatment of our own soldiers?
A. Yes, sir.

II.—RECONCENTRATION.

Along this general subject we have heard a great deal of assertion and a great deal of rather violent rhetoric upon the question of reconcentration camps. It is said that we have established reconcentration camps in the Philippines and there was associated with the word "reconcentration" the policy of Weyler in Cuba. The effort has been made to impress the American people with the fact that we were pursuing that same policy in the Philippines.

Mr. President, the testimony of those who were on the ground refutes that. I therefore present the testimony of Governor Taft, a portion of an interview of Mr. Johnson, introduced by General Hughes in giving his testimony, the testimony of General Hughes himself, the testimony of Professor Barrows, and the testimony of Colonel Wagner, who was appointed to investigate these camps, and others, and I ask that they be printed without reading.

The testimony referred to is as follows:

Governor Taft. The order of General Bell has been published since I left the Philippines.

GENERAL BELL'S ORDER.

Senator Culberson. I have here a copy of the order, published in the Washington Star of January 20. There is a copy not only of the general order of General Bell's in reference to concentration, but a copy of his special instructions to subordinate commanders on the subject.
Governor Taft. I will read it, if you desire me to comment on it. I have not read it.
Senator Culberson. You have not read it?
Governor Taft. No, sir.
Senator Culberson. I simply wanted to ask if you entertain the same opinion with reference to the character of the war after reading this order of Bell's that you expressed a few moments ago? [This reference is to the statement of Governor Taft already given above.]

PRESENT RESISTANCE TO AMERICAN AUTHORITY "A CRIME AGAINST CIVILIZATION."

Governor Taft. I have no doubt I should, for this reason: War has been ended in all these islands except in Batangas and Samar. *That which remains is a crime against civilization.* It is a crime against the Filipino people to keep up that war under the circumstances, and those engaged in it have worn out the right to any treatment but that which is severe and within the laws of war.

Senator Patterson. Do you mean by that statement that the army fighting for independence has become so small by captures, by battles, by surrenders, that those who remain fighting for independence are guilty of a crime? Is it a crime because the prospective independence is more remote now than it was two or three years ago?
Governor Taft. It is a crime because it is subjecting their own people, in whose interests they profess to be carrying on the war, to the greatest privation and suffering.
Senator Patterson. At the hands of the American Army?
Governor Taft. The people who are not in those provinces at all. They are keeping them back from earning a living. They are keeping them back from their ordinary vocations. In the very province of Batangas itself the great majority desire peace, and are only held there because of the system of terrorism of which I speak. Now, I say that warfare which depends upon terrorism and murder is a crime. That is all I have to say.
Senator Patterson. Is it because in your opinion the independence of the Philippine Islands has become hopeless that those who are contending for it are guilty of crime?
Governor Taft. I think independence for the time has become hopeless.
Senator Patterson. And therefore those who are fighting for it are guilty of a crime?
Governor Taft. They are guilty of a crime in the method which they seek to attain it.

Interview of A. Burlingame Johnson as to Concentration Camps (Reproduced from Newspaper and Introduced by General Hughes in Course of His Testimony).

"AS TO CONCENTRATION.

"I know it as it is practiced there. It is a misnomer to call it a policy of concentration, because the world has learned to put a significant meaning to that word. The policy as practiced in the Philippines has no element of cruelty in it. It is simply an order to the inhabitants of a particular locality to move from one portion to another, and there they reside and carry on their operations and business. If the locality into which they have moved does not afford them ample support, the United States Government provides them with food and shelter. *The people are pleased with it, because they are permitted to lead an easier life—much easier than at home.* There is no element of punishment or deprivation. They are simply requested to come into a certain district."

They are moved out of danger, then, for their own benefit?

"Exactly; because those who are inclined to favor the Americans are assailed by the ladrones or the rebels, and unless they came within the lines of the American Army they would be compelled to pay tribute to the insurgents. These people largely accept this concentration, as it is practiced, as a relief instead of a punishment. It is a relief from a punishment inflicted upon them by the insurgents, with whom they have no sympathy."

Testimony of General Hughes on Reconcentration.

Senator Culberson. You asked to introduce into the record a statement from Mr. A. B. Johnson. Do you indorse his statement in that paper that the policy of concentration pursued by General Bell is not intended as a matter of punishment?
General Hughes. It certainly is not intended as a matter of punishment. It is probably intended to put them out of harm's way in part, and to keep them out of mischief in the other. There is no idea of punishment in it. That is not the intention.
Senator Culberson. Do you indorse the statement of Mr. Johnson that it is intended for the good of these people that they should be concentrated within a certain limit, and that unless they shall so concentrate there their property shall be absolutely destroyed? Do you regard that order as in the interest of those people rather than in the interest of their subjugation by the United States authorities?
General Hughes. It is to their interests in this way—that if we can separate the insurrectos, of whom there are but few, from the peaceable citizens, the finishing up of the contract will be very short, and they can go back and live perfectly contented and happy. It is to stop these few guns from disturbing the whole community.
Now, I will give you an instance. A miserable beggar had a revolver and six cartridges. He disturbed a whole district until they caught him. They caught him with his gun on. There was not a good cartridge in it. Every cartridge in it had been tried and failed, and yet with that one revolver he kept the whole district in a state of terror.
Senator Culberson. Do you understand that the military authorities of the United States provide provisions and sustenance for the Filipinos after they are concentrated?
General Hughes. I do not know anything about it.

Testimony of Professor Barrows on Reconcentration.

Senator Beveridge. You were pretty well over the island of Luzon, as I judge from your answers to questions, particularly in those provinces going northward from Manila to the north portion of the island. Did you observe in the prosecution of your work the operation at any point of the reconcentration policy, of which so much has been said? If you did, tell the committee what it was with reference to its cruelty or the reverse. Describe it.
Mr. Barrows. I was in one province which was reconcentrado, and I think I visited all but one town in the province. I think the matter has been very greatly misunderstood. In this case the population was in no sense confined within barriers inimical to its well-being. There was no barbed-wire fence business at all. They were simply required to dwell and to work along a great cultivated stretch which made up the arable land of the province, within a certain distance of a military road that traversed it. They had to stay there. They could not go out to the mountains. They could not take to the woods. Of course within those limits they could pass, and pass for miles; harvest their rice; fish; do anything they wanted to do; but they must stay in the territory capable of patrol by the military forces.
Senator Beveridge. But within those limits their personal action was free?
Mr. Barrows. Yes, sir.
Senator Dietrich. There was no starvation?
Mr. Barrows. No, sir; that was impossible.
Senator Beveridge. Did you observe any cruelties in those lines?
Mr. Barrows. None whatever.
Senator Beveridge. It is just as you have described it?
Mr. Barrows. Yes, sir. For example, after the rice was cut they had to bring it in the vicinity of this military road and stack it there and thrash it there and harvest it there. They could not do as they had been doing—stack it way out in the country where the insurgents could come in and carry it off. It was simply a measure adopted to prevent the contribution to the insurgent cause of supplies and the rendering to it of assistance in many ways by a population that was supposedly and professedly peaceful.

BEST CONDITIONS WHERE MILITARY AUTHORITY PREVAILS.

Senator BEVERIDGE. There is another question in this connection. I want to ask you if it is not true that the provinces in which you described the conditions as being so favorable and excellent are the provinces over which our military operations were most thorough when they were being carried on there?

Mr. BARROWS. Yes; that is the case, as in Bulacan and Pampanga and Bataan, and these are the provinces which are now the most quiet.

Senator BEVERIDGE. Where the military operations conducted under Wheaton and Bell and others were very thorough; and those are the provinces in which peace and quiet and the establishment of the ordinary occupations of civilized life now exist in the satisfactory manner you have described?

Mr. BARROWS. *They are the provinces where the most progress has been made and is now making.* Samar, I understand, never had any active operations until lately.

Senator BEVERIDGE. So the effect of the military operations in these provinces was not bad, as I understand it, but good; and, so far as you were able to observe, you may state whether any feelings of bitterness or hatred engendered by the war were manifesting themselves among the people in the provinces through which you traveled.

MANNER OF CONDUCTING WAR.

Mr. BARROWS. Of course, I do not wish to assent to the proposition that war is a good thing.

Senator BEVERIDGE. No; I understand that.

Mr. BARROWS. But where you have war existing, it is, I think, better to go ahead and pursue it rigorously and finish it and bring in the people who are out, induce them to surrender, and get it over with as fast as possible.

TESTIMONY OF COL. ARTHUR L. WAGNER, ASSISTANT ADJUTANT-GENERAL, UNITED STATES ARMY, ON AMERICAN RECONCENTRATION IN THE PHILIPPINES.

The CHAIRMAN. Have you just returned from the Philippine Islands?

Colonel WAGNER. I left the Philippine Islands on the 31st of March and landed at San Francisco on the 27th of April.

The CHAIRMAN. How long were you in the Philippine Islands?

Colonel WAGNER. Nearly two years and a half.

The CHAIRMAN. You made a report before leaving there on the concentration camps?

Colonel WAGNER. Yes, sir.

Senator BEVERIDGE (acting chairman). You may proceed and state your observations concerning concentration camps that you examined.

PEOPLE SURPRISINGLY CONTENTED.

Colonel WAGNER. In compliance with verbal orders of the commanding general of the Department of North Philippines I proceeded from Manila on the gunboat *Napindan* to Calamba; sent overland to Santo Tomas and Tanauan. There was a concentration camp of natives at each of these places. The camp at Santo Tomas had about 8,000 natives. It was about 2 miles long by a mile wide. The natives in this camp were assembled according to the barrios from which they came, all the people from a given barrio being on the same street, thus assuring neighbors being together and keeping up the community as nearly as possible as it existed in ordinary times. I made careful inquiries of the officers on duty at Santo Tomas and also made inquiries from the natives that were in the camp. I could find no evidences of want, and *the people seemed to be surprisingly contented.* The streets were clean, they were scrupulously neat; care was taken to guard against fire, and the sanitary conditions of the camp seemed to be carefully looked after.

Senator BEVERIDGE. You speak of the streets. What did they live in?

Colonel WAGNER. They lived in huts which they had themselves constructed, of the nature of what we would usually call nipa shacks.

Senator BEVERIDGE. That is the same character of buildings as those which they lived in in their barrios?

MEDICAL ATTENTION IN CAMPS.

Colonel WAGNER. Practically the same, excepting that they were smaller. The medical officer stationed at Santo Tomas had general charge of the native camp. Under him there was a native doctor, or practicante, in each barrio. The food supply had not run short, and to the best of my recollection they had a supply that would have lasted until the 1st of May.

Senator BEVERIDGE. Perhaps to facilitate that at this point you spoke of sanitary conditions. Who supervised and directed the sanitation of the camp?

Colonel WAGNER. The medical officer on duty at Santo Tomas, under the general direction of the commanding officer at that station.

Senator BEVERIDGE. Was the sanitation of the camp as good as the sanitation of the barrios from which the people came?

Colonel WAGNER. I have no hesitation in saying that it was much better, because there was a medical officer in this case to give the matter his attention daily, whereas in the ordinary barrios people lived more as they pleased.

FOOD SUPPLIES.

Senator BEVERIDGE. Concerning food supplies, what was your observation in regard to that?

Colonel WAGNER. There seemed to be no immediate danger of want. The food supply at Santo Tomas was sufficient, to the best of my recollection, to last until the 1st of May; at any rate, until the date set forth in my report.

Senator BEVERIDGE. In what did it consist?

Colonel WAGNER. It consisted mainly of palay.

Senator BEVERIDGE. It is the native food?

Colonel WAGNER. It is the native food.

Senator BEVERIDGE. It is the kind of food they were accustomed to in their barrios?

Colonel WAGNER. It is.

The CHAIRMAN. What is palay?

Colonel WAGNER. It is unhusked rice. There were also a number of chickens in the different camps, although the chickens were becoming somewhat scarce. Many of the people in moving to these camps had left their chickens at their homes, and in some cases they were going wild, but there were a great many pigs.

Senator BEVERIDGE. Were the pigs killed and eaten by the natives?

Colonel WAGNER. They are killed and eaten by the natives; they were available for food.

"COMPLETE PERSONAL LIBERTY" IN THE CAMPS.

Senator BEVERIDGE. Concerning the liberty of the people within these so-called reconcentration camps, what have you to state about that, as to their personal freedom?

Colonel WAGNER. They were given complete personal liberty within the limits of what is known as the dead line, which varies in distance from 300 yards to 800 yards from the camp.

Senator BEVERIDGE. From the camp outside of the lines?

Colonel WAGNER. Outside the lines. They were allowed within those limits to go and come as they saw fit. They were required to retire to their quarters at 8 o'clock in the evening. They were allowed to go out beyond the dead line, provided they obtained passes from the commanding officer, and they were also allowed to go out beyond the dead line, accompanied by troops, for the purpose of hunting up supplies and palay.

OCCUPATION OF THE PEOPLE IN THE CAMPS.

Senator BEVERIDGE. What was the occupation of people within these large areas, called reconcentration camps?

Colonel WAGNER. The occupation of the women was practically the same as it was at their ordinary homes. As far as the men were concerned, if not engaged in parties hunting for these caches of rice, they had practically nothing to do, excepting those who were herding cattle. They were allowed, however, to cultivate the ground within the limits of the dead line, and also under the protection of military force to cultivate ground beyond these limits.

Natives were sent out under protection of troops to gather any standing crops that were still out; that is, crops that could be used for food. But how far this cultivation in either case was carried I do not know from my own observation.

Senator DIETRICH. Colonel, you used the words "military force." You meant by that more military protection, did you not, both to see that they did not get away, and again, that those that were there would be protected against the ladrones and insurgents who undertook, in many cases, to murder and torture friendly Filipinos?

Colonel WAGNER. Yes, sir; I would state, moreover, that this protection was further necessary for the reason that these ladrones in the islands were living on the communities and towns. They obtained their rice and their money from the towns.

CAMPS A PROTECTION TO FRIENDLY FILIPINOS.

Senator DIETRICH. And so these concentration camps were a protection to the friendly Filipinos themselves and for their benefit, really, more than for the benefit of the United States Army?

Colonel WAGNER. The purpose was twofold: First, to protect these people, who had been compelled by the ladrones to contribute food and money and who were constantly complaining to our authorities about the impositions to which they were subjected by these hostile people. Another reason was that we might get these people into these camps, where we could be sure of feeding them and at the same time sweeping up all the food supplies in the rest of the country, in order that these ladrones in the hills might be starved out.

Senator DIETRICH. But all these people in the islands would go out and gather their food and their belongings and bring them into these camps, and there they had absolute protection against everybody else?

Colonel WAGNER. *They were duly warned beforehand to bring all their property into these camps, and to come in themselves, and they were all informed that they would there be protected.*

RESULT OF "RECONCENTRATION."

Senator MCCOMAS. What has been the result in reference to these ladrones or insurrectos, or whatever they were?

Colonel WAGNER. The result has been this, according to my own observation: Last July I rode through the region mentioned from Calamba over to Batangas, and thence west to Balayan, through the region which we are considering. The condition of our military forces there might be compared with that of a blind giant. The troops were more than able to annihilate, to completely smash anything that could be brought against them in the shape of military force on the part of the insurgents; but it was almost impossible to get any information in regard to those people. The natives were afraid to give us any information because if they did they were boloed. There were instances known of natives being boloed in the market place in open day, where the deed was witnessed by hundreds of people. It was impossible to get anybody to testify in regard to the perpetrators.

Senator BEVERIDGE. Because of fear?

Colonel WAGNER. Because of fear. These ladrones would send in their agents to collect money from the people. They had a regular scale of taxation. They would charge certain people a certain amount and certain other people a certain other amount, and these people were compelled to pay through fear of assassination. We could give them no protection from anything of that sort. It became absolutely necessary, then, to separate our friends from our enemies, to put the one class where we could protect them from these ladrones and keep them in a position such that we knew everything outside of the limits was an enemy. In that case we could operate fully against——

Senator DIETRICH. Colonel, right there, then, this line that you term a dead line around these concentration camps was as much a line to serve notice upon these ladrones and these insurgents who would undertake to do violence to these people—that is, it was a dead line for those outside as much as it was a dead line for those inside, not to let those that were within escape?

Colonel WAGNER. It was, for the reason it was possible to observe everybody coming into as well as everybody going out of the camp. If a stranger came into the camp, he would be required to give an account of himself. Moreover, if this stranger was an assassin or a collector, it was a very easy matter for the headman of the barrio in the camp to report the matter to the commanding officer, and the man could be seized at once.

Senator MCCOMAS. You started to say how it was before this measure was adopted, and then you were going on to say how it was afterwards.

Colonel WAGNER. I was going to say the result has been that Malvar, who before could not be caught, who practically was invisible, was at last run down and surrendered. The result is that these hostile parties have disappeared from the provinces of Batangas and Laguna, and I understand that those provinces are to revert to civil government on the 4th of July.

PEOPLE NOW RETURNED TO THEIR HOMES.

Senator MCCOMAS. Then these people will go back to their homes?

Colonel WAGNER. They have already gone back.

Senator MCCOMAS. When did they go back?

Colonel WAGNER. They went back soon after I left the Philippines.

Senator BEVERIDGE. After Malvar was captured?

Colonel WAGNER. I think so.

Senator MCCOMAS. Then there are no more of these camps?

Colonel WAGNER. I understand not.

Senator MCCOMAS. The incident has been closed?

Colonel WAGNER. So I understand.

Senator DIETRICH. Then the result has been that by bringing all these people within these concentration camps, where they could bring their food supplies, and thereby take it away from the insurgents and ladrones, and also where they would be protected from this levy of money that was made upon them by insurgents and ladrones, you think it would have the effect of stopping this cruel warfare that is going on much sooner than otherwise would have been the case; and it has otherwise protected the lives and property of the natives?

Colonel WAGNER. I do; I think so. Moreover, I would say that I do not see how we could have stamped out the trouble there otherwise. It was a

very embarrassing situation. As I have said, the island was practically in the possession of a blind giant; strong, but unable to see where to strike.

SO-CALLED "DEAD LINE" A LIFE LINE.

Senator BEVERIDGE. Referring to what you have said about people being boloed in the market places of their towns, would you say that this so-called dead line was in reality for them a life line?

Colonel WAGNER. In that respect it was.

Senator BEVERIDGE. Did the people themselves who were peaceably disposed object to coming in to the reconcentration camps? You spoke of their content.

Colonel WAGNER. Whether there was objection or not, I could not say from my own knowledge; I can only state the conditions that I saw there.

Senator BEVERIDGE. And the condition of content you speak of——

Colonel WAGNER. I would state also that that condition of content was a condition of the poor people rather than of the wealthy. As I stated in my report, it was a matter of much greater hardship to the wealthy than to the poor. When this rice that was cached was seized, a loss fell on the wealthy people who owned the rice. Generally half of the rice found was given to the native who discovered it; so that he was so much better off. The rich man suffered accordingly. The rich were the people who had been sustaining the war. Moreover, there is a very strong caste feeling among the natives, and I was informed that it was very distasteful to the people of the upper class to be crowded into the same barrio with the poor people.

Senator BEVERIDGE. Were you in Cuba?

Colonel WAGNER. I was.

WEYLER'S CAMPS COMPARED TO OURS.

Senator BEVERIDGE. Do you know anything about the Weyler concentration camps in Cuba?

Colonel WAGNER. I do not; my service in Cuba was limited to service during the Santiago campaign.

Senator BEVERIDGE. Do you know what was reported concerning those concentration camps?

Colonel WAGNER. I do.

Senator BEVERIDGE. And what is generally understood concerning those concentration camps?

Colonel WAGNER. I do.

Senator BEVERIDGE. What have you to say as to any similarity or dissimilarity between the so-called reconcentration camps of the Americans in the Philippine Islands and the reconcentration camps of Weyler in Cuba? Were they alike or unlike, or what was the comparative condition?

Colonel WAGNER. As near as I can determine, there is only one point of similarity between the two, namely, the people were brought within a certain region and compelled to stay there.

Senator BEVERIDGE. *What were the points of dissimilarity?*

Colonel WAGNER. *The points of dissimilarity were that the Spaniards starved the people they brought in and we fed them.*

Senator BEVERIDGE. And as to medical care and sanitation?

Colonel WAGNER. I have been unable to learn that the Spaniards gave any medical care to the reconcentrados at all.

Senator BEVERIDGE. And you have said we did?

Colonel WAGNER. Yes, sir.

Senator BEVERIDGE. It is your understanding of the Weyler reconcentration camps, is it not, that not only was sanitation neglected, but conditions of hideous filthiness and disease were encouraged; that is the popular understanding of it?

Colonel WAGNER. That is the popular understanding of it. Personally I know nothing about the Spanish——

Senator BEVERIDGE. I understand. What I am trying to drive at now is the comparison of those camps down there with ours—a comparison between our camps and the popular understanding of what the Weyler camps were.

WEYLER'S AND OUR RECONCENTRATION CAMPS IS COMPARISON OF "MERCY WITH CRUELTY."

Colonel WAGNER. There is no similarity at all. Comparing these camps of ours with the Spanish camps would simply be comparing mercy with cruelty.

Senator BEVERIDGE. I understand that these camps were in the province of Batangas.

Colonel WAGNER. Batangas and Laguna de Bay.

Senator BEVERIDGE. That is where the last remnants of the insurrection were at the time rife and where the operation of ladrones was and has been most active?

Colonel WAGNER. It was.

Senator BEVERIDGE. Those provinces, I believe, Colonel, are mountainous, are they not?

Colonel WAGNER. They are.

Senator BEVERIDGE. And well fitted for the operations of the ladrones?

Colonel WAGNER. Admirably so.

THESE PROVINCES IMMEMORIAL HAUNTS OF ROBBERS.

Senator BEVERIDGE. As a matter of fact, from time immemorial robber bands making robbery, stealing carabao, and the property of the people—their provisions—have had their fastnesses in these mountains, have they not?

Colonel WAGNER. They have, in those mountains, although in other parts of the islands also.

Senator BEVERIDGE. I understand, but I am speaking of these particular places now. Is it your understanding that those ladrones and robber bands have now been wiped away?

Colonel WAGNER. In those provinces; yes, sir.

Senator BEVERIDGE. That is what I am asking about, these provinces; and the people have all returned to their homes and fields?

Colonel WAGNER. So I am informed.

Senator MCCOMAS. If it be true that the insurrectos and also the robber bands have been wiped out in Laguna de Bay and Batangas and the people have been quieted in Samar, where is there now any insurrectionary force?

Colonel WAGNER. In regard to the island of Samar, I can not state, sir; I know nothing about that of my own knowledge; nothing further than what I read in official reports or in the newspapers.

Senator MCCOMAS. From your knowledge and information, where is there now any insurrectionary force in the Philippines?

Colonel WAGNER. There is no insurrectionary force worthy of the name. There may be small bodies of ladrones, and there doubtless are, in many parts of the islands.

Senator BEVERIDGE. That has always been the case.

Colonel WAGNER. That has always been the case.

Senator CULBERSON. Do you know of any other places which were burned than those mentioned?

Colonel WAGNER. I do not recall any now. There may have been others—there doubtless were—but those are the only two I remember.

Mr. BEVERIDGE. Mr. President, to sum up this testimony upon the question of reconcentration camps, it shows that they were probably the most humane devices that have ever been put in practice in the history of warfare. Compared with the war between France and Germany, compared with any war of ancient or modern times either in a civilized or uncivilized country, history presents no record of a war conducted with such humanity, with such compassion, and with such consideration for the people with whom we are dealing as does this war. Even if we should come to our own regrettable and fratricidal conflict, the practices that obtained in the treatment of prisoners are, Mr. President, not to be compared with what we have done in our reconcentration camps in the Philippines. Andersonville and Libby contrasted with the reconcentration camps in the Philippines present all the difference between midnight and noonday.

III.—EFFECT OF OUR ADMINISTRATION ON THE PEOPLE.

Now, Mr. President, what has been the result of this policy? What has been the effect of our vigorous military policy to insurgents and the treatment given to prisoners and peaceful people? What effect on the natives has this combined firmness and rigorous pursuit of armed foes, with our compassion, and kindness, and consideration of our Army to Filipino prisoners and people—our nurses to nurse them, and our doctors to attend them, and our medicines to cure them—what effect has all this had on the people? Governor Taft, Professor Barrows, and others have testified as to the feeling they found toward us and our Government among the people. But it is even better shown by the reports of the governors of the provinces. I have made a condensation of the reports of the governors of provinces, eliminating unnecessary detail, as some of them are very voluminous, but reaching these particular points; and upon these particular points, I believe, most of them are complete.

The reports referred to are as follows:

REPORTS OF PROVINCIAL GOVERNORS AND OTHERS ON GENERAL CONDITIONS IN PROVINCES IN WHICH THERE IS NO INSURRECTION.

PROVINCE OF ILOCOS NORTE.

LAOAG, ILOCOS NORTE, *December 17, 1901.*

CIVIL GOVERNOR, *Manila:*

The people of this province are humble, very timid, and obedient. The law is complied with in a peaceful manner. Violations of law so far occurred only through deceit and impositions on part of people of other provinces.

AGBAYANI, *Governor.*

PROVINCE OF RIZAL.

PASIG, RIZAL, *December 18, 1901.*

FERGUSSON, *Secretary, Manila:*

In almost all the towns the justice courts are already in operation. The court of first instance has been established since July 11, 1901. Peace in Rizal is complete. All inhabitants are in favor of the civil government and devoted to American sovereignty. Highwaymen, who formerly operated in various places in Morong, have been driven out. The census is almost completed, and, from present information, the number of persons estimated at 140,000. Municipal autonomy is executed with sufficient force.

Means to establish the land tax progressing satisfactorily, and it is not likely that it will offer any particular difficulty in the completion. Provincial accounts which showed in the months of July and August the province was in debt have shown a balance of $3,833.77 gold on December 1, 1901, after payment to the municipalities the portion due to them. Suffrage, according to municipal code, has been exercised satisfactorily. Agriculture, industry, and trade suffer the decay incident in the whole archipelago consequent upon the war and other causes. The scarcity of cattle for the purpose of draft is very noticeable as a result of the epidemic of epizootia. It will be necessary to establish a farmers' bank at once. Floods and locusts have caused much loss this year in the rice harvest. The province lacks proper public buildings. *General state of the roads demands much expense for repairs, but the peace and disposition of the province give promise of progressive prosperity.*

FLORES, *Governor.*

PROVINCE OF PAMPANGA.

OFFICE OF THE GOVERNOR,
Bacolor, P. I., December 17, 1901.

Hon. L. E. WRIGHT,
Acting Civil Governor of the Philippine Islands, Manila, P. I.

* * * * * * *

At the present time this province is in the most peaceable condition. Many of the natives are highly educated, and since the introduction of the public schools under the United States Government a great improvement is noticed among the lower classes.

The finances of the province, as shown by the report of the provincial treasurer, show a balance in hand of over $26,000 United States currency, with outstanding indebtedness of less than $3,000 United States currency.

Roads and bridges throughout the province are in fairly good condition, *and work in same is being pushed as rapidly as possible.*

The few remaining malefactors and bandits in this province are being constantly traced and captured by the insular police. I believe that this province is in better condition than ever before, and under the present system of government will continue to improve, as affording an opportunity and inspiration to develop its resources.

Very respectfully,

C. JOVEN,
Governor Province of Pampanga.

PROVINCE OF BULACAN.

OFFICE OF THE GOVERNOR,
Malolos, Bulacan, P. I., December 18, 1901.

The province of Bulacan, under my charge, presents, politically considered, a sublime idea of its sincere gratitude and loyalty to the Government of the United States of America in the Philippine Archipelago.

I am justified in this statement by that very revolutionary spirit shown by the province in past times, and the readiness with which the inhabitants recognized the laudable intentions of the Government of the great North American nation in regard to this country and the urgent need for becoming thoroughly penetrated with the transcendent importance of peace, being convinced that only under peace can the welfare and uplifting of the Philippines under American rule be effected.

In fact, scarcely a month had passed by since the establishment of civil

rule in this province *under the most liberal laws yet known in this country* when the most bitter of the revolutionary chiefs still in the mountains of Angat, Norzagary, and San Miguel de Mayumo, like the ex-Colonels Tecson and Morales and ex-General Torres, presented themselves before the authorities and took the oath of fealty and allegiance to American sovereignty.

From that time the province of Bulacan has been enjoying an unbroken peace, and its inhabitants, contented beyond measure with the establishment of civil rule in the Philippines, are doing all they can to strengthen that peace as a necessary basis for their happiness, thus showing their appreciation of the Government which now so wisely rules the destinies of this country.

In view of the facts above set forth, I do not hesitate to assure the stability of the peace now enjoyed by this province, *which gladly places in the hands of the great and noble North American nation the future of these islands.*

The local governments organized under the new municipal code are being carried on with a fair regularity, and the pueblos *are extremely contented* with the personality, liberty, and responsibility of their municipos, as in all democratic countries.

Briefly summing up, the province of Bulacan recognizes unconditionally the American sovereignty, and its provincial and local governments and its courts of justice are all exercising their functions without any trouble whatever.

JOSE SERAPIO,
Provincial Governor of Bulacan.

PROVINCE OF UNION.

SAN FERNANDO, *December 17, 1901.*

EXECUTIVE SECRETARY, *Manila:*

* * * The province is perfectly peaceful, and this condition has existed for over a year. *People are all at work in the fields and at their various professions.* Civil government is accepted on every side, and there is no possible reason to think that they will ever change in this feeling under the present form of government. The treasurer reports that each municipality will close the present year with a balance on hand and without a debt unpaid. The provincial treasury will have on hand approximately $10,000 gold, $6,000 of which will be appropriations for roads, bridges, buildings, etc.

Three large bridges are under course of construction, several thousand cubic feet of stone and soil are being placed on the road where needed, and a great deal planned by this department. Everything looks very bright for the new year, and not only myself but all the provincial officers are very sanguine as to our future. January 1 will see complete reorganization of municipal police. They will be uniformed alike throughout, thoroughly equipped, and perfectly efficient. The organization of the interprovincial mail service is working on schedule time cards. There are no ladrones in Union at present, and we believe we can keep them out.

ORTEGA, *Governor.*

PROVINCE OF ISABELA.

ILAGAN, ISABELA, *December 20, 1901.*

EXECUTIVE SECRETARY, *Manila:*

* * * *Province without single improved road, substantial bridge, or permanent public building.* All municipalities, except Ilagan and Tumina, without substantial balance in treasury. * * * No armed insurgents heard of in this province for six months. * * * Cagayan Valley completely tranquilized; no escorts now used by civil officers.

Municipal police require 100 revolvers, 3,000 cartridges, to arm force organized. Constabulary not yet organized fully nor ready for service. * * * *Troops recently evacuated six cities. Police and citizens on guard each night.* No disorder or crime yet reported. No post-office in province. Salaries denied by director posts. Need light-draft steamer for mail and transfer of police to quell disturbances in province. Nine cities without American teachers. Education not appreciated. No financial assistance for police or schools from insular government. Only industry cultivation tobacco; should have others. Friction between tobacco planters and tenants. People friendly to American Government. Province safe and quiet as any State of Union.

JOHNSTON,
Captain, Sixth Infantry, Governor.

PROVINCE OF ILOSCOS SUR.

OFFICE OF THE PROVINCIAL GOVERNOR,
Vigan, December 16, 1901.

Honorable CIVIL GOVERNOR OF THE PHILIPPINES.

SIR: * * * Since the surrender of the nationalistic general Tinio, with all his forces, who was carrying on the insurrection in this province, and of Father Aglipay, also with all his men, in that of Ilocos Norte, in the month of May last, this province under my command has been completely pacified, and from that time until the present all the pueblos have enjoyed the tranquillity and personal security of normal times before the outbreak of the insurrection against Spain.

As a consequence of this pacification, the natives, as well as the Americans, military and civil, inhabitants of this province, can now visit all the pueblos with entire freedom and safety without any fear whatever of even malefactors and road agents, which, fortunately, do not exist in this province. All the people are peacefully following their customary avocations to the extent that *no one any longer remembers the war*, save through the newspaper reports of engagements and skirmishes taking place in the provinces of Laguna and Batangas and others in the southern islands.

Very respectfully,

M. CRISOLOGO,
Provincial Governor.

PROVINCE OF AMBOS CAMARINES.

NUEVA CACERES, CAMARINES SUR, *December 19, 1901.*

EXECUTIVE SECRETARY, *Manila:*

* * * * * * *

Population about 250,000; 32 organized towns; authority been requested to organize remainder of former towns; province in perfect state of pacification. Two small bands insurgents surrendered last September; since then no insurgent or hostile element in province. This condition is permanent so far as people of province concerned. No doubt sentiment is for continued peace and confidence intentions American Government. *Travel on all roads and to most distant interior points perfectly safe. I recently spent two nights in interior town with my family, unguarded, where a year ago company of soldiers would have been necessary.* Crime rare, and scarcely any trouble from ladrones. Only trouble in this line from occasional depredations by mountain tribes, which can be stopped by additions to armament of police.

Military force been greatly reduced, and towns formerly occupied by large garrisons now have but small detachments or abandoned entirely. Further reductions can be made, and recommend that it be done and troops taken from all towns, and, if kept in province, be placed in quarters outside towns. Some complaint of arbitrary acts by military, such as arresting persons on suspicion without cause, ordering people about, and retaining property where needed and desired for use by owner. Some military commanders at outside places apparently not advised of existing laws as to authority of civil government and courts. Fair interest shown in recent municipal elections; no party lines except that candidates supposed to hold "Nationalista" views were defeated by large majority. *Thirty-two American teachers in province, covering 17 towns.* Good attendance and interest in schools. *Night schools for adults well attended*, and desire to learn English everywhere evident. *Twenty more teachers needed.*

Province has suffered heavily by loss from plague, but notwithstanding this rice crop yield is more than double that of last year. Recent heavy rain floods have seriously damaged this year's crops. Hemp districts prosperous and absorbing laborers from rice districts. People are industrious and working hard to repair damage from war, etc. *Am advising more diversified farming*, and expect good results. Commerce and trade active, and said to be *much more so than ever in Spanish time.* Much building in larger towns; INCREASING DEMAND FOR AMERICAN GOODS. While writing above, General Grant informs me that he has recommended the withdrawal of eight companies of troops from this province, and expects soon to recommend withdrawal of eight more.

JAMES ROSS,
Governor Ambos Camarines.

PROVINCE OF TARLAC.

TARLAC, TARLAC, P. I., *December 16, 1901.*

EXECUTIVE SECRETARY FOR THE PHILIPPINE ISLANDS,
Manila, P. I.:

* * * * * * *

There has been no interruption of the peace of the province since its organization under the provincial government act. The Philippine constabulary made several arrests in Moneada the first days of November for secretly meeting and conspiring to attack the troops. *The trial is now in progress.* * * * I was well received in towns in that part of the province recently visited, and expressions of desire for peace were numerous and seemingly earnest and sincere. I think this desire prevails.

Crimes of robbery, rape, homicide, larceny, and falsification have been committed, or at least alleged, and the perpetrators arrested by either the municipal police or the Philippine constabulary, both of which are working satisfactorily. There are not enough judges of first instance. The remark frequently made that there should be a judge continuously holding court here is true, in my opinion. Prisoners have to wait too long for trial.

The provincial government act and municipal code are working well. The amendments made from time to time have been timely and acceptable.

The crops are good this year.

Taxes are collected without difficulty, and the income exceeds expenditures thus far.

The supervisors of the various provinces interested have met to consider defense against river inundation.

WALLIS O. CLARK,
Captain, Twelfth Infantry, Provincial Governor.

PROVINCE OF ALBAY.

ALBAY, P. I., *December 9, 1901.*

Hon. WILLIAM H. TAFT,
Governor of the Philippine Archipelago, Manila, P. I.:

* * * A few days after the establishment of civil government here General Belarmino presented himself with his entire force, *and from that time to the present the peace of the province has not been disturbed.* * * * A few Tagalo leaders came into the province recently from Manila with the hope of renewing trouble in this province, but the people were so thoroughly opposed to any further disturbances of the peace that there was not the slightest trouble in apprehending them before they were able to accomplish anything. These leaders were at once apprehended by the constabulary, and are now confined in the prison of the province.

The constabulary have been and are doing excellent work, and their services have been highly commended upon by military officers of this province. Both the military and civil officers are in perfect accord, there being no friction whatever. *I am informed by the leading citizens that there was never a time in the history of the province when it was in so prosperous a condition as it is at present.* Every man in the province who desires to work has plenty to do, and it is very seldom one sees a beggar on the streets. The wages at present being paid in this province are greater than they have ever been, the average laborer making from 1 to 3 pesos per day. * * *

Highways, buildings, and bridges are being put in repair and built as rapidly as the material and labor can be had to construct them. The cities of Albay and Daraga, which were formerly destroyed by the insurgents, are being rebuilt as rapidly as it is possible to secure material for their reconstruction. The reconstruction of these towns is not delayed through any lack of finance, but through scarcity of material. If a million feet of lumber was landed in Legaspi I believe the entire amount could be sold in less than thirty days, which would be purchased by the inhabitants of the two towns above mentioned for the reconstruction of their homes and places of business.

Some idea of the enormous business being done here at present can be had from the fact that *in the town of Legaspi alone over $1,000,000 change hands every thirty days.* Business here is very much hampered through the lack of banking facilities, and all clearances are made through the banks at Manila. These great sums of money are brought down by the steamships, for which they charge three-fourths of 1 per cent for transportation; these sums are again returned to Manila at the same rate. With a bank at Legaspi you can readily understand how these clearances could be made here, and the sum of transportation alone would be good interest for an institution of that sort. Money loans in this province all the way from 10 to 20 per cent.

The organization of the provincial government is practically completed. * * * Justices of peace have been commissioned and the notaries appointed, and the court of first instance has held its first session.

Schools have been organized in all pueblos and a greater part of the barrios. The nineteen leading pueblos in the province now have American instructors, and the progress they are making is exceptionally gratifying.

Personally I have found the work of reconstruction extremely interesting.

* * * * * * *

Very truly, yours,

A. U. BETTS,
Provincial Governor.

PROVINCE OF ILOILO.

ILOILO, P. I., *December 20, 1901.*

To the CIVIL GOVERNOR OF THE PHILIPPINE ISLANDS, *Manila.*

SIR: * * * That as regards peace and order it may be asserted that this province of Iloilo has no cause to envy any other province in the archipelago. The civil rule established here has satisfied the people and completed the work of pacification commenced by the military government. It may be asserted that the people, convinced of the advantages of this rule, *have forgotten all the past in order to think only of their advancement materially, morally, and politically.*

Highway robbery, which is the sequence to every war and famine, far from taking hold in this province, is decreasing, thanks to the active prosecution

of which it is the object on the part of the constabulary, who are doing very good service. It is to be hoped that, assailed on every side, the people of evil life will disappear. * * *

MARTIN DELGADO,
Provincial Governor.

PROVINCE OF CAVITE.

MENDEZ NUÑEZ, *December 17, 1901.*

Hon. LUKE E. WRIGHT,
Acting Civil Governor of the Philippine Islands, Manila:

* * * * * * *

During the trip I have been making up to date to the mountain towns of this province of Cavite, organizing municipalities, I feel that I ought to entertain no doubt of the desire for peace entertained by all its inhabitants.

In this trip I have taken steps to bring about the surrender of some small armed groups, the wake, as it were, of the revolutionary forces already surrendered, which, though they still continue under arms, have no political color, and the proof of this is that they devote themselves solely to holding up native traders to get their money. And from the steps I have taken I am in hopes that within a few days all these small armed parties, that are nothing more than highwaymen, will present themselves with all their arms.

I can also assure you of the peace and order in my province, and that the civil authorities, with the constabulary forces, will be sufficient to maintain and preserve them.

* * * * * * *

I have the honor to be, very respectfully,

MARIANO TRIAS,
Provincial Governor.

PROVINCE OF ZAMBALES.

IBA, ZAMBALES, P. I., *December 16, 1901.*

Hon. Mr. WRIGHT,
Acting Civil Governor of these islands:

* * * Ever since the ex-Nationalistic General Mascardo surrendered, there is no repetition of these sad events, and the whole province, as though by magic, is animated to make up with interest their losses by devoting themselves with greater energy and ardor than heretofore to labor, not only because it has returned to its normal and peaceful life, but also by reason of the content and enthusiasm it feels through the implanting of the civil rule and the establishment of several schools for the teaching of the English tongue in many pueblos of the province. The whole of the latter may now be traveled without any personal or material risk whatever, and without the protection of an armed force. *So true is this that the inhabitants of the pueblo of Macabebe, province of Pampanga, who, it is well known, are hated by the Nationalists, come and go from that province to this one freely, without anything happening to them on the road,* carrying to and selling in the different pueblos and barrios, as they did during the former domination, their native cloths, made in different places. The children of both sexes as never before devote themselves with ardor, application, and profit to the study of the English language.

Respectfully,

POTENCIANO LESACA,
Provincial Governor.

PROVINCE OF PANGASINAN.

LINGAYEN, *December 17, 1901.*

The ACTING CIVIL GOVERNOR OF THE PHILIPPINES.

* * * Since civil régime has been established the inhabitants enjoy perfect tranquillity and comfort, and their conditions are growing better each day under the new régime.

Peace is so well established that it never has been disturbed in the slightest. * * *

Very respectfully,

P. SISON,
Provincial Governor.

PROVINCE OF SORSOGON.

* * * * * * *

I personally have just returned from an overland trip, visiting all of the towns south of Sorsogon and passing through the wildest and roughest part of the country. *The trip was made without a guard* and in all the towns and barrios the spirit of the people seemed to be the best. * * * I can now begin to see some results of our work and instruction in this direction, and the municipal officers and some of the more intelligent of the people are beginning to realize that they have a further responsibility to their country and the government than remaining passively inactive and watching the Americans put down uprisings.

I believe I can state with confidence that the civil government is working as well as could be expected, and that the general conditions are good and that with a few modifications of the laws, looking to a stricter watch over the people, keeping the restless at work, and preventing the scattering and isolation of families in the remote portions of the mountains *where they become little better than savages,* that the province of Sorsogon will rapidly develop and will remain peaceful. Then, when roads are built and communication between all the towns is made easy, the ignorance of the people, which is pitiable, will disappear.

All things considered, the general conditions are all that can be expected.

Very respectfully,

J. G. LIVINGSTON,
Provincial Governor.

PROVINCE OF BATAN.

BALANGA, P. I., *December 16, 1901.*

The CIVIL GOVERNOR, *Manila, P. I.*

SIR: I have the honor to state that I have recently made an inspection of and visited all the towns in this province, and find the people entirely in accord with the government as established and expressing freely and unanimously their appreciation and approval of the forms of the government—municipal, provincial, and insular—now existing. The local governments of the municipalties are conducted in an intelligent, judicious, and praiseworthy manner. * * * The financial accounts are in a healthy condition; all the towns are accumulating money in the treasuries, some having $3,000 at the end of last month on hand, with the intention of building schoolhouses first and other public improvements next. Ordinances are prepared in precise and legal language, clearly expressing the meaning without superfluous words, which is a decided contrast and improvement over former methods of devoting several pages of writing when four lines would be sufficient.

English is being taught in all the towns of the province. The public schools are encouraged and aided by the people and the officials, with one exception, the attendance being larger than the limited number of teachers can instruct with best results.

In my opnion this province is free from any taint of insurrection and will always remain so. It has been without the aid of the military for many months, there being no garrison in the province, except one company at Mariveles, placed there on account of government property and port, and not for the preservation of the peace, as this town is entirely cut off by the mountains from the rest of the province, the province being controlled by 75 men of the insular constabulary, armed with only 30 revolvers and 30 carbines, and the municipal police of the different towns, very poorly armed. At the head of this force there are only two Americans, inspectors of constabulary, yet so well has the work been done that there is not an uncaptured ladrone in the province.

Land is being generally cultivated with good yields; farms and town improvements are constantly being made, and the people rapidly recovering from the losses from the wars.

Very respectfully,

J. H. GOLDMAN,
Provincial Governor.

PROVINCE OF NUEVA ECIJA.

The people of the pueblos display considerable interest in their local governments, *but the ignorance of the first principles of self-government is surprising.* Much tme and patience will be necessary, with constant instruction, before at all satisfactory results are obtained.

* * * * * * *

Very respectfully,

J. F. KREPS,
Provincial Governor.

PROVINCE OF LEYTE.

SIR: I have the honor to report that the peace conditions of this province are fairly satisfactory. * * * Prior to the first of this month there were twenty towns in this province garrisoned by American troops, but within the past two weeks nine of these towns have been evacuated, withdrawing 310 men. These towns are now protected by the constabulary and the municipal police.

Out of 50 towns in the province, 44 have been organized under the municipal code and are exhibiting very gratifying results in the management of their municipal affairs. The remaining 6 received orders to hold elections on the first Tuesday in this month, so I presume that all of them are now organized, but the returns have not yet reached this office.

* * * * * * *

That the great majority of the people are happy and contented with their present condition is evidenced by the renewed activity displayed in all branches of industry. Agricultural, commercial, and manufacturing industries are taking on new life throughout the province, while the people are rebuilding their towns and homes, *and are erecting, in many instances, substantial and comfortable buildings, instead of nipa shacks.*

One of the most gratifying and, to my mind, one of the most encouraging indications as demonstrating their appreciation of our institutions, as well as the popularity of the same, is the intense interest manifested among the masses to acquire a knowledge of the English language. During the current year the municipalities in this province have expended about 10,000 pesos in the construction and equipment of schoolhouses, which I think is quite a good showing for newly organized towns just recovering from the effects of a two or three years' war.

* * * * * * *

There are at present 36 American teachers on duty in the province, all of whom are doing excellent work. It affords me much pleasure to report that, with but one or two exceptions, there has been absolutely no friction between the padres and the schools, while quite a number of the padres have exhibited a desire to learn our language.

J. H. GRANT, *Governor.*

Mr. BEVERIDGE. At this point, Mr. President, I introduce the report of the division superintendent of instruction for Leyte, one of the most backward provinces, as an example of our general work:

REPORT OF SUPERINTENDENT OF EDUCATION OF LEYTE AND SAMAR.

DEPARTMENT OF PUBLIC INSTRUCTION,
DIVISION OF LEYTE AND SAMAR,
Tacloban, P. I., ——— —, —.

The division superintendent arrived at official headquarters June 14, 1901. Civil government in Leyte was then and one-half months old. Dependence on military transportation and expected transfers of troops delayed the preliminary examination of the field until July 3. Between that date and July 13 a circuit of the island was made and 14 prominent coast towns visited. Prior to that educational rallies had been held, with good results, in the capital and nearest large towns. The first conviction prompted by this survey was that educational work would be most economically begun by giving it a home in at least eight of the towns visited, through the construction and furnishing of a model schoolhouse and American teacher's residence. These would at once show the exalted estimate put upon education by States people; would serve as an object lesson to other towns, and immediately equip the towns in which they were placed. Events have justified this conviction. Existing schools were found badly situated, ill constructed, in ruinous and filthy state, and almost destitute of equipment. Native teachers were poorly paid, and therefore hard to find, and of scanty education at the best. The women had rarely been beyond the confines of their own town, and knew less than many of their pupils.

In remedying external conditions, empty treasuries, sluggish officials, indifferent workmen, fear of outlaws, and lack of sawmills are occasions of delay which tax ingenuity and patience. For this island 1 teacher came with the superintendent; 3 were received in July, 1 in August, 32 in September, 1 in October, and 2 in December. Losses, 1 by desertion, 1 by dismissal, 2 by transfer. Present force, 36. Of these, 23 are college graduates and the others have had a high-school and normal training. Most have had experience in teaching, many in supervising, and there are many specialists. Farmers, dairymen, carpenters, blacksmiths, civil engineers, electricians, machinists, physicians, experts in chemistry and microscopy are included among them, giving promise of social development in many directions.

They are all happily at work in day schools, and several are instructing night classes. And the genuine teacher of patient, helpful spirit is endearing himself to children and parents and contributing to their contentment under American rule. The work is not frictionless as has been hinted.

The American teachers in Leyte are distributed in 16 towns. Of these, 3 contain buildings of masonry, 8 have wooden buildings, and in two instances new ones; the schools of the remaining 5 are held in leased dwellings or warehouses. Except in the capital, the furniture provided by the municipalities thus far is of simple character, and the supply is scanty. Only in remote and rude country districts in the States could a parallel be found. The Filipino child, whose natural perceptions are quicker than those of the American child of the same age, because he is nearer the savage (who depends for safety and subsistence on the alertness of his eye and ear), is as susceptible as his white brother to attractive surroundings; and, with his native indisposition to effort, should have clean, neat, suitably furnished rooms to win him to the love of methodical study. Until there are such, the wisest and best-trained American teacher will find use for his utmost fertility in invention.

B. B. SHERMAN,
Division Superintendent of Schools.

Mr. BEVERIDGE. As an example of what we are doing toward the physical regeneration of the islands—roads, bridges, and the like—I submit the report of supervisor (civil engineer), province of Leyte:

TACLOBAN, P. I., *December 19, 1901.*

Hon. J. H. GRANT,
Governor, Tacloban, P. I.:

* * * * * * *

On my arrival in September there was already under contract an addition to the provincial building, at a price of $3,750 United States currency; a Government pier, at a price of $2,875 United States currency; a stable, at a price of $450 United States currency; a balcony around the present provincial building, at a price of $1,637.50.

Work has been carried on under all these contracts. * * * The buildings have been constructed in a substantial manner, of woods of a superior group, with iron roofs, etc. The pier has an approach with concrete sidewalks, will have a shed over the landing platform, and is well built throughout. It will afford landing and storage facilities for Government vessels—two things much needed at the present time. It is also intended to use the roof as a source of water supply for vessels, there being none available at this time.

Under act 244 of the Commission there has been purchased, at a price of $5,515 United States currency, a piece of land to be used as a plaza and park, and those buildings already constructed by the province stand upon this property. The prisoners are kept employed in constructing and repairing the roads and in grading on this tract, and considerable progress has been made in its development.

In regard to roads and bridges: In October I personally inspected the coast roads leading from Tacloban to Palo, Tanauen and Tolosa to Dulag, and the interior roads extending from Tanauen through Dagmi and Burauen to Dulag. The coast road above mentioned is in fair condition and passable for wagons, etc. The interior road, however, is practically impassable for anything except carabao, carabao carts, and horses, never having been properly shaped, graded, or drained.

In November I visited the larger towns on the south and west coasts, and found that the conditions there were much as outlined above—the coast roads fair and the interior roads very bad.

In general the roads of the province can be reconstructed with the materials to be found conveniently near, but timber for the bridges is hard to obtain on account of the lack of facilities for getting it out, all sawing, etc., having to be performed by hand. However, a steam sawmill is being set up at Tacloban, and when it is in shape will be of great assistance.

It is intended to first open these roads leading from the coast towns into the interior, in order to afford an outlet at the earliest possible time for the large quantities of hemp and other products. By thus opening up trade it is hoped to increase the revenues of the province for use on those roads of less commercial importance. * * *

* * * The roads newly constructed, and others where practicable, will be divided for maintenance into sections, with a laborer in charge of each. Most of the work to date has been preparatory, consisting of the purchase of tools, the inspection of various roads, a study of their conditions, and the means available for bettering them, as an aid in forming an intelligent opinion as to where the money available could be spent to the best advantage. I have found the officials and people of the towns interested in and anxious for good roads and bridges and other improvements, and willing to aid in any manner within their power, and I am confident that the province will have their hearty cooperation and support.

Respectfully submitted.

S. B. PATTERSON,
Provincial Supervisor of Leyte, P. I.

Now, let us resume the reports of governors.

PROVINCE OF CAPIZ.

CAPIZ, PANAY, P. I., *December 20, 1901.*

TO THE ACTING CIVIL GOVERNOR PHILIPPINE ISLANDS,
Manila:

* * * * * * *

By the month of September * * * the pueblos began to recover their normal condition, and now all evidence of their misfortune has disappeared. That which contributed to the prompt recovery was the present state of tranquillity and prosperity and the relatively large crop of rice. The northern monsoon has cleared the province of the fevers, and the loan of $25,000 gold from the central treasury has given work to hundreds of men. Trade is little by little returning to what it was during its best times, and the exportation of bags for sugar, vulgarly known as "bayones," in five months *has reached the figure of 1,000,000, which figure has very rarely been reached in the history of the province.* The ports of Capiz and Calubo, before disheartened, are now visited every week by several steamers from Manila and Iloilo.

So pronounced is the public spirit for the preservation of order and the maintenance of civil institutions that at the beginning of October last, shortly after the unhappy event at Balangiga, island of Samar, some bad patriots with perverse intentions spread the rumor that 40 revolutionists, well armed with rifles, from Samar, had disembarked, and that on the 1st of November the bolomen were going to cut the throats of all the Americans and Americanistas. These rumors found echo in the military, who took every kind of precautions, despite the fact that from reports received by this government the whole thing was false and intended only to alarm the people and see if the pueblos would become disturbed. The result was that all the pueblos unanimously were vigilant in their desire to maintain peace and disposed to sacrifice themselves in the interests of order, as was reported by the presidentes of the pueblos in reply to recommendations made by this government.

Very respectfully,

S. JUGO VIDAL,
Provincial Governor.

PROVINCE OF ABRA.

BANGUED, ABRA, *December 17, 1901.*

EXECUTIVE SECRETARY, *Manila:*

Following is synopsis of report forwarded to-day by mail: "Assumed command Abra March 27. The insurrection at that time being very active, *drastic measures were necessary*, in consequence of which the surrender of all under arms was accomplished before May 1. Since then peace has reigned throughout the province. Civil government was established September 1, since which time we have been busy reorganizing the several pueblos. *All men are hard at work planting and building. No ladrones;* very slight breaches of the peace. *Safe for all to travel anywhere.* Province is poor and needs assistance, money for roads being the first requirement. Industrial schools recommended; also sawmills, gristmills, etc. Schools in prosperous condition; the people seem contented and happy, and will remain so unless some hothead for personal reasons inaugurates strife. The people of Abra are a class of themselves."

BOWEN, *Provincial Governor.*

BOAC, MARINDUQUE, *December 25, 1901—4.45 p. m.*

CIVIL GOVERNOR, *Manila:*

Replying to your telegram 18th, received this date; letters as per request have been mailed. Marinduque is enjoying peace, happiness, and prosperity, so that American army officers and civilians travel through the province alone and unarmed, as they would in their own country. Marinduque is engaged in peaceful avocations, and sincerely loves America and has faith and confidence in the future.

PARAS, *Governor.*

8.05 A. M., DECEMBER 26.

TAGUEGARAO, CAGAYAN,
December 21, 1901—8.10 a. m.

CIVIL GOVERNOR, *Manila:*

Peaceable condition of province is general and thoroughly established, which can be understood by contemplating the enthusiastic reception made to me at all towns where I hold municipal elections. People are very favorable to establishment of civil government and very obedient to the United States.

_____,
Provincial Governor.

12.55 p. m.

MASBATE, ISLAND OF MASBATE, P. I.,
December 16, 1901.

Hon. LUKE E. WRIGHT,
Vice-Governor Philippine Archipelago, Manila, P. I.:

* * * * * * *

The province of Masbate is in a perfect state of peace. No crime of any character has been committed within its border for many months. The people are all hard at work trying to improve their condition. The police absolutely cover the territory and know all that is going on. Their reports are most encouraging.

* * * * * * *

Very respectfully,

GEORGE LANDER, *Supervisor,*

REPORT OF A DIVISION SUPERINTENDENT OF SCHOOLS.

MASBATE, ISLAND OF MASBATE, P. I.,
December 16, 1901.

Hon. LUKE E. WRIGHT,
Vice-Governor Philippine Archipelago, Manila, P. I.:

* * * * * * *

During the past thirty days, in the fulfillment of my duties as division superintendent of public schools, I have made a tour of the islands of Masbate and Ticao.

As an escort on the island of Ticao, I had with me 2 natives, members of the Philippine constabulary, and visited nearly every pueblo and barrio on the island, and found every place in a peaceful and fairly prosperous condition, so far as I could observe in the limited time at my disposal.

On the island of Ticao there are 4 American teachers, one of whom rides every day, without escort, a distance of 8 miles and return.

On the island of Masbate, as an escort, there accompanied me Mr. Joe Federle, a fourth-class inspector of the Philippine constabulary, and 4 natives. During this tour we encircled the entire island. Work in the development of natural resources seems to be at somewhat of a standstill, although in the southern part of Ticao and Masbate many hemp and cocoanut trees have been recently planted. Some considerable number were to be seen working, cutting timber.

On the island of Masbate there are 8 American teachers. The only two posts where American troops are stationed are at Masbate and Cataingan, in the south. The teachers, without exception, express themselves as feeling perfectly secure without the presence of even another American soldier or civilian in the towns.

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Respectfully submitted.

H. G. SQUIER,
Division Superintendent of Schools.

REPORT OF CHIEF OF CONSTABULARY.

HEADQUARTERS PHILIPPINE CONSTABULARY,
Manila, December 15, 1901.

To the SECRETARY OF COMMERCE AND POLICE,
Manila, P. I.

* * * * * * *

On December 15 the constabulary had in round numbers 2,500 men. The great care exercised in recruiting this force accounts for the fact that this number is not larger, but it is indeed worthy of remark that up to the present time only two men have been lost by desertion.

* * * * * * *

From reports received from various parts of the islands there can be no question but that the better class of people are extremely tired of the struggle and ardently desire peace. *The recently enacted sedition law has had a potent value in bringing evil doers to a realizing sense of their allegiance to law and order.* It demonstrates to these people the forcefulness of civil government, enables the constabulary to reap the rewards of its labors, and gives to the insular judiciary ample opportunity to prove the great importance of its work in this period of reconstruction.

As our knowledge of the Filipinos and the islands is daily increasing, the danger of future uprisings and disorders is daily diminishing. With the system of acquiring information now possessed by the insular government, it is possible to destroy any seditious measures in their earliest stages once the present insurrection be suppressed and all guns surrendered or captured. Excusable ignorance of the situation in the past is responsible for what now remains of the insurrection. Our good intentions were often misconstrued for weakness, and it is a fact that the generous concessions made by the Government have at times been prejudicial to the desired ends.

* * * * * * *

As a proof of the improvement in the general situation the following is submitted:

DIMINUTION OF TROOPS.

On July 1, 1901, the Army was holding in the island of Luzon 420 posts with 36,274 troops: December 1, 1901, there were 293 posts held by 25,808 troops, a diminution of 30 per cent in posts and 29 per cent in troops in a period of five months. In the entire archipelago there were 491 posts and 49,937 troops on

July 1, 1901, and 372 posts with 37,340 troops December 15 of the same year. Excepting in Batangas, Laguna, and Samar, the number of military stations is being continually diminished. For example, orders have just been issued abolishing 7 military posts in the province of Leyte.

From the latest returns the constabulary is stationed at 71 posts in Luzon, with 1,778 men. In the entire archipelago there are, so far, 94 constabulary posts, with a total of 2,417 men. This number will be doubled within the next three months, and the number of posts will likewise be greatly increased.

* * * * * * *

Very respectfully,

HENRY T. ALLEN,
Chief Philippine Constabulary.

PROVINCE OF ILOCOS NORTE.

OFFICE OF THE GOVERNOR OF ILOCOS NORTE,
Lasag, P. I., December 16, 1901.

Report of Aguedo Agbayani, provincial governor.

1. The people of the province of Ilocos Norte are in general humble and extremely obedient and timid. By their humble character they are very submissive, and their obedience makes them execute without hesitation all orders when they know that they proceed from the constituted authorities, in view of the compliance with the laws. As a consequence of these natural tendencies the character of the people is essentially peaceful.

2. If certain cases have been seen in the province which seem to contradict the peaceful dispositions of the inhabitants, it is due to their small, or lack of, education and instruction, which prevents them from understanding the frauds and impositions practiced on them by people from other provinces, or to their lack of courage and extremely humble character, which prevents them from refusing to submit to their impositions.

AGUEDO AGBAYANI, *Governor.*

PROVINCE OF MARINDUQUE.

BOAC, MARINDUQUE, P. I., *December 20, 1901.*

Mr. WILLIAM H. TAFT,
Governor Philippine Islands, Manila, P. I.:

* * * * * * *

Frankly, the man or men who have spent ten days on this island and are not positive that the sores of war and dissatisfaction against the United States Government have all passed away and that there exists, instead, a feeling of confidence, admiration, and regard, as well as peace, business activity, and general prosperity, are seeing "spooks," ignorant of the true conditions, and wholly unable to read or comprehend the unmistakable evidence which is abundantly shown in every pueblo and barrio.

"SOUND OF HAMMER AND SAW."

My wife remarked the other day that she had never heard the sound of hammer and saw to such an extent as in Boac during the last few weeks. What is true of Boac is equally true of each of the other five municipalities.

Enlargement of tiendas, improvement of casas, erecting new ones, business, and an occasional fiesta is the order of the day.

Public schools, for both boys and girls, are in full blast, and every day I see, passing my office window, hundreds of bright and happy children, who frequently bid me "Good afternoon, Señor Tesorero."

As for the "common people," they are and have been since my arrival busily engaged in their different lines of agriculture and the gathering of hemp, an extraordinary amount of which has been exported from these ports in the last three months. On all roads are daily seen lines of pack ponies and carabao sleds loaded not as of yore with insurgent chow and ammunition, but with large bundles of beautiful white hemp for the Manila market, which, when disposed of, places the pesos in the pockets of the poorer classes.

When I meet them on the roads or see them at work in the rice fields, while on my rounds, I make it a point to say a pleasant word to each and inquire as to their health and condition, and I am glad to say I have found the families of most all of them happy, contented, and prosperous.

Taxes of all kinds—industrial, urbana, and cedula—are paid good naturedly and without complaint.

In fact, on Marinduque Old Glory waves over an island of peace, happiness, and prosperity, whose inhabitants are crowned with the blessings of Almighty God.

GOVERNOR ORGANIZING A CLUB FOR YOUNG MEN.

I am at present engaged in organizing a club for the advancement and amusement of the young men. The object is to instruct them in new American outdoor sports, such as baseball, tennis, football, etc., with the hope that by giving them many other kinds of pleasant games we will be able to gradually wean them from the cockpits and monte tables, as I firmly believe that many a young Filipino drifts into these places to spend his idle moments and satisfy his desire for pleasure simply because there is no nobler style of amusement open to him. The organization will be perfected in each municipality and friendly competition between the different towns will be fostered and encouraged. As yet this is in its infancy. but it will be full grown by the time you return; and I hope it will result beneficially to the youth of Marinduque, as well as set an example which can be advantageously followed by the young of other provinces.

Respectfully,

AMZI B. KELLY,
Provincial Treasurer, Boac, Marinduque, P. I.

PROVINCE OF ORIENTAL NEGROS.

[Translated report.]

OFFICE OF THE GOVERNOR OF ORIENTAL NEGROS,
Dumaguete, Negros, December 19, 1901.

The honorable CIVIL GOVERNOR OF THE PHILIPPINES,
Manila:

* * * * * * *

In spite of the difficulties experienced at first by the provincial treasury, to-day the financial status is as follows:

	Gold.
Assets	$45,441.59
Liabilities	27,708.66
Balance	17,732.93

HYGIENIC LIVING ONLY WHERE MILITARY ARE.

* * * * * * *

In spite of the different orders issued from this office requesting the municipal presidents to give particular attention to the question of hygiene, I have noted in my visits that the only pueblos attending to the rules of hygienic living *are those where a military detachment is stationed.* The lack of cleanly habits and the complete indifference of the municipalities to the public health have resulted in some pueblos of the north becoming subject to chronic attacks of smallpox, causing an appreciable havoc among the population; and this in spite of the efficacious and disinterested cooperation of the army doctor and his assistants, who, in the months of April, May, and June, worked energetically in the vaccination of the inhabitants in the infested districts. Due perhaps to the poor quality of the vaccine virus, it has not been possible to eradicate altogether the epidemic, a few cases still reporting from the pueblos of Bais and Jimalalno.

NATIVE LACK OF INTELLIGENCE.

* * * * * * *

Of the 24 presidents who are now at the head of the municipalities, only 10 have shown during the current term of office aptitude for the discharge of their duties. These have shown themselves earnest citizens of the American sovereignty, and have contributed in no small degree to the maintenance of public order. The others have shown a desire to perform their duties, but owing to their lack of intelligence they are obliged to act under the direction of their secretaries, or of some petty lawyer of the place, who as a rule, in this province, are apt to be very poor advisers; and they have placed some of the presidents in a questionable position in regard to the American sovereignty. Some of these presidents have learned only to write their names, so as to be able to sign, and are qualified electors on account of their social position.

* * * * * * *

The selection of justices of the peace for the different municipalities has been a very difficult task. In the majority of the pueblos of this province there are no fit persons available for the discharge of the duties of this office. Those who are fit for the post are usually in such a precarious position financially that they need all their time to attend to their private affairs in order to support themselves and their families, for what they would get from the fees of the court as justices of the peace is not enough to meet their daily wants. A justice has to keep at least one clerk, and the fees of the court are scarcely sufficient to pay the salary of this clerk and the cost of office supplies. For this reason the filling of the offices has been difficult.

I am compelled to state that most of the shortcomings of the justices have been due rather to ignorance than to bad faith. In every case attention has been called to the fault committed, and in my visits I have instructed them in the duties of their office, and have urged upon them the need for integrity in all their dealings as a means of gaining the confidence of the people

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DEMETRIO LARENA,
Provincial Governor.

PROVINCE OF ANTIQUE.

PROVINCIAL GOVERNMENT OF ANTIQUE,
GOVERNOR'S OFFICE,
San Jose de Buenavista, Panay, P. I., December 19, 1901.

CIVIL GOVERNOR PHILIPPINE ISLANDS, *Manila, P. I.:*

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The peace of the province has remained undisturbed since the surrender of Fullon in March last. Not a hostile shot has been fired at an American since that date, and on my recent tour of inspection there were practically no complaints against the municipal officers. *Everywhere the people expressed themselves as satisfied with the present rule.* These expressions seemed to be genuine, and there was no sullenness to indicate a mental reservation.

ELECTIONS PASSED OFF QUIETLY.

The recent elections passed off quietly, and the laws governing elections were very generally complied with. Municipal governments throughout the province are in operation, and their records on my recent inspection were much better kept than on my previous visit. Courts are established and are beginning to work. Justices of the peace are more or less ignorant of the law as yet, but seem anxious to learn. We recently distributed copies of the code of civil procedure, and I have no doubt the result will be beneficial.

The roads of the province are in much need of repair, they having been neglected for several years. A start has been made on their improvement. Several bridges are now being constructed—eight in all having been provided for—largely from the fund appropriated by the Civil Commission.

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The province has been comparatively free from the operation of ladrones, although they have twice appeared and stolen carabao, which were recovered before they could be gotten out of the province. On the last raid the ladrones killed two men in the pueblo of San Remigio. The organization of the constabulary in the province is nearing completion, and it is thought that they will be able to so thoroughly police the province that detachments of American troops can soon be withdrawn from outlying points.

Schools are generally established, and marked progress is being made. On the whole I feel justified in reporting most favorably as to peace and general condition of the province of Antique.

Very respectfully,

W. A. HOLBROOK,
Captain, Fifth U. S. Cavalry, Civil Governor.

PROVINCE OF MASBATE.

OFFICE OF THE GOVERNOR OF MASBATE,
Masbate, December 23, 1901.

The honorable ACTING CIVIL GOVERNOR OF THE PHILIPPINES:

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Perfect peace is enjoyed in the whole province, and the inhabitants are displaying an unusual activity in the fisheries, agricultural work, and timber cutting, the latter constituting their principal resource, as well as that of the municipal and provincial governments; it also furnishes an occupation to the needy classes, which helps considerably to preserve tranquillity and good order in the pueblos.

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BONIFACIO SERRANO, *Governor.*

MINDORO.

BAGUIO, *December 26, 1901.*

FERGUSSON, *Executive Secretary, Manila:*

* * * Everything peaceful in this province. Just returned from tour over end province; myself and Spanish secretary only white men in the party; no danger; conditions promising; sentiments favorable to American.

WILLIAM F. PACK, *Governor.*

PROVINCE OF CAGAYAN.

PROVINCIAL GOVERNMENT OF CAGAYAN,
Tuguegarao, December 18, 1901.

The honorable CIVIL GOVERNOR OF THE PHILIPPINES:

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The municipal elections which have just been held have allowed me to appreciate the general enthusiasm of the inhabitants of the province, except in the pueblos of the Bataan Islands, which can not be reached during the present season, for the establishment of civil régime and provincial governments. I was splendidly received in all the municipalities which I visited as the representative of the Government, for the purpose of organizing the pueblos under the municipal code.

DESIRE TO LEARN ENGLISH.

A sincere proof of the affection and the good will of the people toward the constituted government is their desire to learn English. In the municipalities which have American teachers the schools are assiduously visited by children and grown-up people, not only of the pueblo, but of the neighboring pueblos which have no American teachers, and the latter are begging the superintendent of instruction to provide such teachers.

Such is the general state of peace and tranquillity in the province. The inhabitants are busy with their usual occupations, which are mostly agricultural, although for the present the latter are not very active and the hopes are small, not so much on account of the destruction of the cattle and the carabaos by the rinderpest as of the inundations of the rivers, which have destroyed plantations of tobacco that had already been several times renewed.

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Very respectfully,

M. GONZAGA, *Governor.*

Mr. President, the commanding general referred to in the next report is General Bell.

REPORT OF THE PROVINCIAL GOVERNOR OF ABRA.

BANGUED, ABRA, LUZON, P. I., *December 16, 1901.*

* * * * * * *

On March 27 I assumed command of the province under orders from Brig. Gen. J. Franklin Bell, U. S. Army, commanding first district of northern Luzon. My report for March, rendered April 1, will show the conditions at that time, viz:

AFTER SURRENDER PEOPLE WENT TO WORK.

Immediately after the surrender the people went to work planting. As there was general suffering for food the commanding general issued rice and salt in suitable quantities, sufficient to prevent starvation; *he also went about from place to place, and in this way caused a feeling of confidence and good fellowship*, which feeling has continued until the present time.

The men of the province are hard at work planting and building. Peace and quiet reigns throughout all sections.

INDUSTRIAL SCHOOLS AND ROADS.

This is a small province, having but 48,000 inhabitants all told, but the people are of a superior class and desire American rule and American ways. The province is poor, but there is no reason why it should not become rich and prosperous. *We need industrial schools, and especially men to teach the proper method of curing tobacco*, which is and will be the wealth of the province; *we need sawmills, gristmills, brick machines, and men to run them;* with them wealth will flow to us. Roads must be made. The only entrance into Abra is by river; a main road must be built up the river and roads from Pidigan to Pilar and Villavieja, and from Bangued to Tayun, Bucay, and San Jose; also Bangued to San Gregorio and La Paz. These roads will be the main arteries, and until they are built there can be but little commerce and traffic. Money spent in Abra will be money well invested.

SCHOOLS IN THE PROVINCE.

I must not close without reference to the schools and the interest taken in them. In Bangued we have 2 male American teachers and 2 female, besides 3 native teachers. In Pidigan we have only 1 male and 1 female American and 2 native teachers. In Tayum, 1 male American and 2 natives; in Bucay and Dolores, same as Tayum. The other towns have native teachers. Americans are requested by all the towns and by two of the Tinguiane barrios. Report of Mr. Chapman, the first American teacher in Abra, is inclosed.

In conclusion, I will say that in my opinion Abra is thoroughly pacified. The people are content, comparatively prosperous and happy. The general conditions are good, and I believe will remain so until some hot-head springs up, who, for personal reasons and private ends, may attempt to stir up strife.

No people are perfect, but these people of Abra approach it as far as lies in their power.

Very respectfully,

WM. H. C. BOWEN,
Major, Fifth Infantry, Provincial Governor.

The CIVIL GOVERNOR,
Malacaanan, Manila, P. I.

REPORT OF SUPERINTENDENT OF SCHOOLS IN THE PROVINCE OF ABRA.

BANGUED, ABRA, P. I., *December 16, 1901.*

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When I was sent here by the educational department in April of this year I found myself to be the first American teacher upon the field. *Soldiers had been detailed as teachers at the various towns in the province where detachments were stationed*, but owing to the fact that active service was compelled to be carried on against the insurgent forces, then also active in this part, troops were kept constantly moving from place to place, which, notwithstanding the untiring efforts on the part of the military authorities, prevented in some cases what might be described as being visible accomplishments; however, it must be admitted that it was by such means that the base was formed from which the present progressive state has grown.

GENERAL BELL'S ENTHUSIASM FOR EDUCATION.

Without an exception every schoolhouse was practically without furniture and some with no floor and such a roof as would allow the rain to saturate almost the entire interior. But having on hand a considerable sum of money collected as fines from various criminals and desiring to spend it for some good purpose, *General Bell, with his vivacious enthusiam for education as well as whatever might be for the general welfare of the people, sent* Captain Heard, Third U. S. Cavalry, to make a thorough inspection of the schools in this province, requesting him to especially report upon the dimensions of each building, in order that he might know how much sheet iron would be required to roof them. This being acquired, the order was made to the States, from which the material is at present arriving.

In Bangued, during the time of the insurrection, many of the best buildings were burned. No building, other than what was then the presidencia, could be secured for use as a hospital; thus the president's office was transferred to one of the schoolrooms, and the two smallest of the four rooms were occupied by private persons, leaving me with but one room for school purposes. Alone in this room I continued for six months to perform the very difficult task of imparting a knowledge of the English language to about 200 native children. At the end of this time I was reenforced by eight American teachers in this province, three of whom were retained in this pueblo, the remaining five being distributed among the other most important towns of the province.

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At first the people seemed to look upon the school as a thing of very little importance; and except in the larger towns, such as Manila, Iloilo, etc., fit only for the smaller ones to learn to read and write, and many were astonished when they learned that geography, history, arithmetic, and such other studies were going to be used in what they called "escuelas primarias," and that night schools would be opened for adults. But with patience, little by little, the curtain has been drawn until now a dawn of the real scene has no doubt become visible to many of them.

School books and supplies have been greatly needed throughout the province, and more especially since the arrival of the teachers. But for the first time we have recently been furnished with a list of same by the department, from which we can select and order such as we need.

I have been teaching for eight months, during which time two young men of my room, owing to their efficiency in the English language, have been appointed teachers in English; and at the end of the school year I expect to be able to recommend at least four more for such positions.

Bangued is a healthy place and beautifully situated for a high school, and, in my opinion, for the good of the province, it would be a step in the right direction to establish one here within the coming year.

Very respectfully,

W. E. CHAPMAN.

The CIVIL GOVERNOR OF ABRA,
Bangued, P. I.

REPORT OF THE GOVERNOR OF OCCIDENTAL NEGROS.

PROVINCIAL GOVERNMENT OF OCCIDENTAL NEGROS,
Bacolod, December 19, 1901.

Hon. CIVIL GOVERNOR OF THE PHILIPPINES:

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ESTABLISHMENT OF CIVIL GOVERNMENT.

Civil government was established nine months ago, and although this is a short period in which to appreciate the character of a political epoch, one feels already among the people the first signs of an era of contentment and love for a régime which had been so long desired, which can not fail to lay for the future the stable foundations of a radical and deeply autonomous constitution.

If, while war was raging in other provinces, its contagious blasts were hardly felt here before they were extinguished by the prudence of the wise governors of Negros, and, above all, by the opinion of the people, which has shown unanimously that it is opposed to an irreconcilable policy; if, during the most critical moments of the revolution, Negros was considered by natives and foreigners as a paradise of tranquillity, it is useless to describe its present situation under the auspices of civil régime, which has always been the object of the wishes of all the inhabitants, who have never been induced to wander from the road which they have so happily followed. The only atmosphere here is one of peace, and hearts only beat for the prosperity of the province.

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CONDITION OF PUBLIC ROADS.

The public roads are in a very bad condition, except in some few places. They have to cross 75 big and small rivers, with very few bridges, which can hardly resist the floods during the rainy season, so that communications are difficult. From Cadiz to San Carlos, 80 kilometers, there is only a trail, which is not cared for, and is dangerous in certain parts. From the latter pueblo there are a good many roads going south, which in some parts can only be used by foot passengers and cattle, and in others only during the dry season; there are about 40 kilometers of roads in good condition.

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PUBLIC INSTRUCTION.

Public instruction is received with attention and enthusiasm by the people. As this branch is under the direction of the department of public instruction of Manila, I will only mention in this report the praiseworthy desire on the part of the inhabitants to acquire education, and to assimilate American ideas and customs. The classes of English are well attended, and Occidental Negros has sent more of its sons than any other province in the Visayas to the colleges and universities of the United States, thanks to the decided protection of the first military governor here, the always well-remembered General Smith.

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ROBBER BANDS.

Small bands of robbers who declare they are revolutionists are to be found in the north of the province. They are composed of men of ill repute, and others who have been coerced through fear, gathered together and organized by two or three evil doers, who, fugitives from or tired of the war in other provinces, have sought refuge and rest in the forests of this island. Having to live and being suspicious of becoming law-abiding, or preferring a criminal life, they have remained in the mountains, where they have got together a few followers who wear insurgent insignia. With these they make their forays whenever they can do so with impunity, and, like the Babaylanes, kill those who fall into their hands, or force them to join them and pay a certain contribution.

Finally, the mere marauders limit themselves to robbing in bands, without attempting to hide behind any pretensions whatever.

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God grant that the agriculture of Occidental Negros—the center of all her vital forces—may soon recover from its state of prostration, and guide the province to prosperity, which is the fervent wish of all her sons. Its irradiations would then be impressed upon all the social and economic movements of the province, by removing want from the public treasuries, and permitting them to communicate a powerful impulse to the progress of the pueblos. Then, when domestic tranquillity and public order are assured, agriculture is prosperous, commercial activity increases, industry grows, schools improve, and education becomes general, the inhabitants of Occidental Negros will bless eternally the sovereignty of the United States, which conducted them along the path of their progress and their liberties.

S. LOCSIN,
Provincial Governor of Occidental Negros.

REPORT OF THE GOVERNOR OF CEBU, JANUARY, 1902.

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Pessimists prognosticated a fiasco. They opined that, given the sympathy shown by the pueblos to the revolutionary cause, the majority of them would have nothing to do with the new régime. But they were mistaken. In my visit to the island of Bantayan and in the south and opposite coast of the island I was received with enthusiasm, and as a consequence the establishment of municipal rule was also received with enthusiasm.

Upon coming into contact with the pueblos I became convinced that all or the majority of them were tired of the war and of the abuses and vexations to which they were subjected by the insurgents; *that they were anxious for peace, and submitted to the exigencies of the revolutionists only through fear.* I believe that if they had had some means of defense or had enjoyed some kind of protection, as for example that of a small detachment, it is

possible that many of them would have followed the example of Argao' Sibonga, Naga, and others; that is, they would have had no relations whatever with the insurgents.

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ESTABLISHMENT OF SCHOOLS IN CEBU.

The municipality of Cebu has established three schools in San Nicolas: One for boys, with a teacher and 1 assistant, in the central portion of the city, with an average attendance of 74 pupils; another for girls, with 46 pupils, in charge of a teacher (female), in the same city; and another, also for girls, in an outlying district, under the charge of a female teacher. There are 10 police officers to maintain order in San Nicolas.

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REPAIRED ROADS.

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The conditions of the province would be immensely improved if all the roads in very bad coudition were repaired, but the provincial government has not yet sufficient funds to do this. The opening of wagon roads from one coast to another would bring benefits to both agriculture and commerce. It is partly due to the difficulty of transportation that Iloilo is the market for all the sugar of the opposite coast.

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Such are the conditions of the province of Cebu. Absolute peace everywhere; nearly all the pueblos organized; bad condition of the roads, streets, squares, wharves, bridges, and wagonways; the pueblos impoverished by the war, the rinderpest, and the locust plague; the smallpox and leprosy causing havoc with the public health; many pueblos without public buildings and a deficient mail service. The steps which, in the opinion of the writer, are best calculated to improve the conditions of the province have been detailed above.

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JULIO LLORENTE,
Governor, Province of Cebu.

REPORT OF THE GOVERNOR OF MASBATE.

JANUARY 10, 1902.

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Peace is so completely established in the province that there is not so much as a gang of robbers in the whole territory. The provincial government and the municipalities are doing their work with regularity, and the people are deeply thankful for the benefits derived from the civil régime.

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All the pueblos of the province are suffering from different sorts of fever, and the death rate is unusually heavy.

The exploitations of the forestry products are the life of the province, and commerce is prosperous as compared with former years.

In the pueblos which have teachers the study of English is progressing. The people have a strong desire to learn the language, and it will be necessary to send teachers to all the pueblos; there are only 6 teachers for 17 pueblos.

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BONIFACIO SERRANO,
Provincial Governor.

REPORT OF THE GOVERNOR OF SORSOGON.

PROVINCE OF SORSOGON, PHILIPPINE ISLANDS,
OFFICE OF THE GOVERNOR,
Sorsogon, January 11, 1902.

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The roads throughout the province are in a very bad condition, due to no repair work of any consequence having been done for three or four years, and to the incessant rains of this locality during nearly the entire year. I very strongly recommend that all persons (males and able-bodied) be required, for the coming year at least, to do at least one day's work per month on the public roads, same as prevailed in Spanish times.

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AN IDLE PEOPLE.

The existing price of hemp in this province is so high that an industrious man earns, if he works well, $4 to $5 Mexican per day. The result is not satisfactory, as the wants of the native are few, *and having earned a few dollars he declines to work again until the money is gone*, consequently about two-thirds of the population is always idle—a condition most undesirable.

The natives of this section are pacific and desire to live in peace, but they are not industrious and it is impossible to secure labor for public or private works under $1.50 to $2 per day, and even at that rate but little can be procured. The labor question is a very serious one, and unless some means are found to induce the native to work, labor will eventually have to be imported.

Generally speaking, and aside from the idleness of the people, the province is in excellent condition and the civil government appears to be working well. The intelligent portion of the population, I believe, is in entire sympathy with it.

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J. G. LIVINGSTON, *Governor.*

REPORT OF THE GOVERNOR OF ILOCOS NORTE, LUZON.

Annual report of Agueda Agbayani, governor of the province of Ilocos Norte, Luzon.

LAOAG, *January 11, 1902.*

SIR: As it was to be hoped, the establishment of the provincial government, with its provincial board, and the municipal governments, with their municipal councils, have been and are most favorably received by all the inhabitants, although they were far from knowing, when they intrusted to their municipal governments the absolute management of the pueblos, that such municipal governments must be composed of competent and intelligent men, worthy of the honor which is done them, and capable of performing the duties of their office, as the most powerful element for obtaining the prosperity and the happiness of the pueblos is now intelligence and not force.

POPULAR ELECTIONS CRITICIZED.

Popular election, which is an excellent system in civilized countries, where the rights of election and of vote are well known, where liberty is well understood, and the necessity for intelligence, and not force, recognized by the citizens, is rather premature in this province, where what happens is just the opposite. I will not say that popular election is a bad system in this province; on the contrary, it is excellent for the people to learn its advantages as soon as possible; *but for this purpose it would be better not to allow the people, for some time to come at least, to elect the municipal officials, such as the president and vice-president*, who ought to be appointed after proper investigation of their character, their capacity, and their legal competency, although the municipal councilors might be elected by popular vote as a trial and for the instruction of the people. My opinion is in favor of the adoption of legislative measures in that regard.

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AGUEDO AGBAYANI,
Provincial Governor.

REPORT OF THE GOVERNOR OF ZAMBALES.

Annual report of Potenciano Lesaca, governor of the province of Zambales.

IBA, *January 13, 1902.*

When the civil régime was organized in this province under the happy auspices of the honorable Civil Commission, it could not be established in better conditions, and a most grateful impression was produced in the province which, thanks to the concessions already granted at that time to the people of the archipelago by the Civil Commission, could not do less than to foresee, in the new régime, the realization of its legitimate aspirations after a period which may be longer or shorter, according to circumstances. And the hopes of the inhabitants are the better founded when they see the favorable change which has been made in all the branches of the public administration after only a few months of civil government.

They see with the greatest satisfaction that the funds which they contribute, in the measure of their forces, toward the payment of the public expenses are never diverted from their legitimate object, and are convinced that the law in all its rigor would be applied to any official who would fail to comply with his duty in that regard.

They remark that, luckily for the province, the provincial officials are no longer what they used to be in former times, in consequence of the traditional system or for their own profit, when they were real despots, who tyrannized the unfortunate inhabitants, disposing of their persons and of their property in an arbitrary and cruel manner, *whereas the new officials simply work for the happiness and the welfare of the province, and faithfully perform the duties of their respective offices.*

They are truly happy to see that the courts of justice have been reorganized, with the peculiarity that they are now a sure and efficacious guaranty that the law shall be duly complied with and the property and the other individual rights respected, because justice is administered with good faith, rectitude, and impartiality, and is no longer, as in former times, an open market, in which, with incredible and scandalous cynicism, justice was bartered like merchandise and sold to the highest bidder.

This explains how, notwithstanding the financial crisis through which the inhabitants have passed and are still passing, and the loss of all, or of the greater part of their property in consequence of the war, and of the ravages of the rinderpest, there has never been the slightest trouble in the collection of the different contributions and taxes, which have always been punctually and exactly paid.

POTENCIANO LESACA,
Provincial Governor.

ANNUAL REPORT OF THE PROVINCIAL GOVERNOR OF AMBOS CAMARINES.

NUEVA CACERES, *January 14, 1902.*

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I have during the period covered by this report made official visits to all the organized municipalities except a few, for which time and means of transportation have not yet sufficed. I am now making arrangements to continue the semiannual tour required by law, and expect to complete the same before the end of this month. In all towns visited I have found the local officials performing their duties in an honest and satisfactory manner, and no complaints of any importance have been received against any municipal officer.

Absolute peace prevails in all sections. It is certain that there is not an armed insurgent within the borders of the province, and the people are loyally supporting the government. During my recent official visits I have traveled to all parts of the province, and, accompanied by my family, have visited the most remote places unarmed and unguarded in perfect security, meeting with nothing but kindness, courtesy, and hospitality everywhere. *Travel on all roads is safe* and crime is rare. Some trouble has been experienced by people in remote barrios from depredations by mountain tribes, but these have not been of a serious nature, and will be entirely prevented as soon as the municipal police in the vicinity of the mountains are sufficiently armed and equipped.

It has for some time been evident to me, and the opinion has been strengthened by my recent tours of this province, that the people of Ambos Camarines are for permanent peace and have full confidence in the civil government now in force in the archipelago. *Very little is said in this locality as to the desire of the people as to the future form of government, the unanimous sentiment appearing to be to await the progress of events with full confidence* in the honor and justice of the American Government and people, believing that the future will be properly provided for and that their rights and interests will be safely guarded. I am sure that this view of the situation is shared by all fair and impartial observers; and I consider it unfortunate that there are many officers of the military establishment who are apparently not in sympathy with the existing order of affairs, and who seem to regard the present attitude of the people with suspicion, and claim to expect treachery and bad faith from persons who are honestly striving to the best of their powers to repair the damage wrought by the late insurrection, and who now clearly see that their interests and those of the country and the people generally can be served only with the maintenance of absolute peace and by keeping faith with our Government.

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SCHOOLS.

A good start has been made in educational work. During the period covered by this report *32 American teachers have arrived in the province and are now conducting public schools in 17 towns.* The district superintendent informs me that he has reported fully to the general superintendent of public instruction concerning the affairs of his department. In all towns visited I have observed that where American teachers are engaged in work the schools are well attended. Night schools for adults also attract many, and a desire to learn English is everywhere evident.

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FINANCES.

The province is in good financial condition, and the affairs of this department are admirably administered by Treasurer Braden and his efficient corps of assistants. The total receipts from all sources during the year ended December 31, 1901, including the loan of $2,500 under act No. 134, amounted to $44,907.53. Total disbursements, including repayment of said loan, amounted to $31,988.47½, leaving a balance on hand, unappropriated, in provincial treasury December 31, of $12,919.05½. These figures do not include the sum of $25,000 which was borrowed from the insular government under

the provisions of act No. 196, for the purpose of building and repairing roads. Out of this fund $1,021.25 had been expended December 31, and the additional amount of $10,000 appropriated. The reports of the supervisor will give the details of the expenditure of this fund and the work accomplished. I can state, however, that the work is progressing in a very satisfactory manner, and *full value for the money expended is being secured in the shape of better roads*; but after the funds arising from the loan are exhausted much necessary road and bridge work will still remain to be done, for which purpose I believe the provincial treasury will be able to supply the funds as required.

The provincial board endeavors to conduct the affairs of the province in the most economic manner possible, and I believe they have succeeded as well as could be expected. Compared with the cost of governing a community of equal population in the United States the expenses of this province during the past year seem very small, indeed.

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All officials are performing their duties in an honest, faithful, and intelligent manner, and if this province has not been specially favored in the matter of native officials, then the others are indeed to be congratulated. All these men have displayed in their work the most commendable zeal, ability, and integrity, and I have had at all times their active assistance and most unqualified support. * * *

I am, very respectfully,

JAMES ROSS.

The CIVIL GOVERNOR OF THE PHILIPPINE ISLANDS,
Manila, P. I.

Mr. President, the strongest testimony on the result of American local administration in these islands is the financial condition of the provinces. I present a statement of this, which is the most eloquent tribute which could be paid to American management. It must be remembered that this financial situation exists, immediately following the suppression of insurrection and military occupation, and is the result of American control.

Balance in hands of provincial treasurers December 31, 1901, as shown by their accounts.

[United States currency.]

Province.	Amount in treasury.	Amount of loans by insular government included in this balance.
Abra	$501.02	----------
Albay	25,065.07	$2,500.00
Ambos Camarines	38,886.91	25,000.00
Bataan	3,015.58	2,500.00
Batangas	12,329.78	2,500.00
Bohol	16,521.23	2,500.00
Bulacan	8,973.24	----------
Iloilo	16,850.04	----------
Ilocos Norte	8,431.12	2,500.00
Ilocos Sur	10,347.94	2,500.00
Isabela	----------	2,500.00
Leyte	16,075.45	----------
Marinduque	1,122.75	2,500.00
Masbate	1,051.66	2,500.00
Occidental Negros	20,143.67	----------
Oriental Negros	17,742.23	----------
Pampanga	18,249.55	2,500.00
Rizal	2,880.35	2,500.00
Sorsogon	12,875.02	2,500.00
Surigao	4,311.20	2,000.00
Tarlac	10,110.76	----------
Tayabas	11,424.27	----------
Union	8,397.98	2,500.00
Zambales	5,749.33	2,500.00
December 16, 1901.		
Nueva Ecija	1,128.98	2,000.00
November 30, 1901.		
Antique	3,225.56	2,500.00
Cagayan	8,810.28	----------
Capiz	28,304.77	27,500.00
Cavite	4,838.89	2,500.00
Cebu	19,307.43	2,500.00
Misamis	3,116.43	2,500.00
Pangasinan	21,013.98	2,500.00
Romblon	2,745.43	----------
Total	364,515.02	104,000.00

In the foregoing statements the amounts due municipalities are deducted, only the amounts due the provinces being stated. In addition to the amounts given there are yet due to nearly all of the provinces refunds from the insular treasury on account of internal revenue and forestry collections made prior to the date of organization. These refunds are being made as rapidly as the respective amounts are ascertained.

Mr. President, we can not expect that these financial balances in the treasuries of the provinces will continue. Necessary improvements indicated by reports of the governors will take every cent now in the treasury and much more; but the above showing is conclusive as to the efficiency of our administration.

PETITIONS OF NATIVES THAT AMERICAN OFFICERS AND SOLDIERS REMAIN.

It is asserted that the natives are hostile to the continuance of our troops in their towns. This would be naturally so even among ourselves. But such has been the conduct of our officers and men that it does not appear to be true among the Filipinos. Proof of this are petitions from all over the islands that the officers and soldiers in various towns may be kept there. I herewith submit some of these petitions as an illustration of expression of natives on this subject:

DAVAO, MINDANAO, *January 25, 1901.*

SIR: We, the undersigned members of the municipal council of Davao, by ourselves and in the name of the municipality, do hereby request and state the following:

Having initiated in this district the means that lead to a better system of government, especially the municipality which we represent, we believe that for its continuation the commander of this district, Maj. Hunter Liggett, is indispensable, because he is the initiator of the said system, knows the country and circumstances of the inhabitants, and also has conscientiously studied their necessities.

Major Liggett is well liked and a very popular person in this town, especially among the savages who inhabit the woods. *He has impressed in the hearts of all the well meaning of the benevolent American nation in such a manner that the inhabitants fraternize with the Americans, and to-day they are very sorry when they learned that the soldiers were soon to be relieved.*

The opening of the roads, the formation of the municipal council, and the arranging of the numerous races of people that dwell in this district naturally need a commander as just, strict, and of the knowledge of Major Liggett.

It is unnecessary to remind you that while the work taken up by the Americans here remains unfinished it is necessary that white troops should remain here for its protection, and we hope that you will intercede for us to the proper authorities that the soldiers who are going to leave be replaced by others of equality; that is to say, whites and no others; these being preferable for their impartiality, which is necessary to exercise in a town of inferior races like these.

We earnestly request that you may consider what we have stated, as by doing so this town will grow and we will love the nation whose starry flag shelters to-day the town of Davao.

We remain, your true servants,

THE MUNICIPAL COUNCIL,
D. SNARO, *Presidente.*
TOMAS MONTEVERDE, *Vice-Presidente.*
T. PALMA GIL, *Recorder.*
JORJE SAAVEDRA, *Councilman.*

DINALUPIJAN, *June 22, 1901.*

SIR: The undersigned, being friends of peace and tranquillity, which they would like to see remain with the town in which they were born, beg to ask you that if it should be considered necessary to keep a garrison in this town that the commanding officer of the same may always be Capt. Clarence S. Nettles, who is at present in command of the garrison here, and who, besides showing remarkable talents, *has always been as kind to us as a father to his family.* All his acts were prompted by kindness, impartiality, and justice, and at all times he has been anxious to further the moral and material improvement of this town. For this reason he has gained the love and the esteem of all the residents, who are always anxious to obey and respect the orders issued by the established government.

Your obedient servants,

RAYMUNDO PAYUNO,
Municipal Presidente, etc.

MILITARY GOVERNOR OF THESE ISLANDS.

CABUYAO, *August 6, 1901.*

Petition of presidente and 48 prominent citizens of Cabuyao for retention on duty there of First Lieut. H. Clay Evans, acting commissary, it being feared his promotion will take him from their midst. He has gained through his efforts in cleaning and improving the town, providing band music, etc., and by his just treatment the plaudits of the natives

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Honorable MAJOR-GENERAL OF THE PHILIPPINE ISLANDS, MANILA:

The inhabitants of the town of Bongabon, province of Nueva Ecija, the undersigned, with due respect before you, present themselves and depose: That there are rumors from the public that the commanding officer, Capt. A. A. Cabanniss, and his troops are going to be transferred to Humingen before the beginning of the rainy season, on account of the difficulties of rationing and clothing them, and that they will be relieved by a company of Ilocano soldiers.

For this reason the people of the town before you depose: That since the arrival at this town of the said captain, on November 11, 1900, last, and up to this date, *he has been in perfect harmony with the people of the town and the people with him* through his wise methods of ruling and the fine discipline of his men: *besides, he knows how to punish with justice anyone who commits any crime.* This is proof that he performed his duty with impartiality, and for this reason this town has greatly progressed in the short time of his presence here. *He established public schools in the town as well as in the barrios, had the streets cleaned, and repaired the houses, and his orders were well obeyed.*

PULILAN, PROVINCE OF BULACAN,
January 21, 1901.

The MAJOR-GENERAL COMMANDING THE PHILIPPINE ISLANDS:

The municipal officers of Pulilan, in the name and in behalf of the citizens of the same, with due respect, say:

Learning with regret that the soldiers that garrison this pueblo are to be moved to another point, while deferring with the greatest respect to your orders, we should fail in our loyalty unless we represented to you the necessity of these troops remaining here.

The officers now stationed in this pueblo, by their blameless conduct and uncommon amiability, *have merited, without soliciting it, the approbation and good will of the people, and their departure is the cause of great surprise as well as pain.* We also desire to represent that this pueblo is of great extent, and the officers now here are familiar with the country, and by their ability, notwithstanding the small number of soldiers, have been able to frustrate the intentions of those who wish to disturb the tranquillity of the neighborhood, supplying by their diligence, ability, and valor the small number of soldiers. These officers have already great confidence in their power to defend us from the attacks of those outside. We pray that it will not be necessary to remove these officers, in view of the critical situation in which we find ourselves and the peculiar state of this pueblo.

LUCAS DIZON, *Presidente* (16 others).

HERMOSA, *June 21, 1901.*

Major-General WHEATON,
Commanding General, Department Northern Luzon, Manila, P. I.:

We, the undersigned feminine citizens of Llana Hermosa (Bataan), with due respect, before your honor depose: That in view of the reliable news that

we have heard concerning our captain, commanding officer, and lieutenant of this post, that they will be transferred to another place; for this reason we beg to remind your honor that since the arrival here in this town of the said officers they put themselves to work at once without any loss of time on behalf of the pacification of the town under their control till their desired end was obtained.

Therefore we humbly request you, if you should think proper, to permit the said commanding officers to still remain in this town for the benefit of its citizens, and also in order that the agricultural work of the unfortunate farmers may continue. (Signed by the presidente, Mariano Nuguic, and 17 others.)

VILLASIS, *August 4, 1901.*

The GENERAL COMMANDING THIRD DISTRICT,
Department of Northern Luzon.

HONORABLE SIR: The undersigned, the president, the municipal council, and principal inhabitants of Villasis, representing the whole town, present themselves with due respect and state: That with great satisfaction the town authorities have been able to arrest certain persons, members of that illicit association which raised up the town of Cabaruan, and they wish to call your attention to the fact that should it prove true that the military detachment is to be removed, the town will be subject to the revenge of the friends of those who have been arrested and who are now prisoners. This is the more probable, considering the reduced number of the local police and the system of armament.

We therefore wish to request that our town may be garrisoned by one company, if possible.

(Thirty-one signatures follow.)

BINAN, LAGUNA PROVINCE, P. I., *September 25, 1901.*

Since Captain Hunter has had command of the forces in this town, peace reigns, and the neighborhood enjoys an enviable tranquillity at the same time that it enjoys the benefits of civil government.

Such are the motives that move the inhabitants of Binan to ask that Captain Hunter be not now relieved from this garrison, and we do not doubt that the military governor will take them into account before confirming the announced relief.

Very respectfully, ——— ———.

(Follow signatures of president, vice-president, and counselors.)

General CHAFFEE,
Military Governor of the Philippine Islands.

APALIT, PROVINCE OF PAMPANGA, P. I.,
October 7, 1900.

First. That Captain Butler and Lieutenant Pond have captured the guns that were used by the ladrones that pillaged in the immediate vicinity of this pueblo, and at the same time the principal organizers of the bands of brigands or thieves were apprehended by these officers, whose activities obtained the extinguishment of the actions of the bandits and assassins that frequently entered the barrios and places at some distance from the pueblo, and at this time the inhabitants enjoy tranquillity and freedom from injury consequent, without doubt, upon the brilliant services of these untiring and active officers.

Second. That these gentlemen have learned to obtain the good will of the inhabitants of the pueblo, have attended with justice to the smallest complaints that have been presented to them, have given good example to the troops that they command, correcting with rectitude whatever abuses their subordinates may have committed, and have never permitted the natives under their jurisdiction to be injured by anyone, defending them with all the rigor of the law.

Third. These officers, especially Lieutenant Pond, in his capacity as provost judge of the pueblo, took the most energetic interest in the pueblo, with the purpose of increasing the energies of the pueblo for its benefit, establishing primary education in all the barrios, and at the instance of Captain Butler there has been erected a public school for both sexes, paid for by the wealthier and other inhabitants, in which matter these officers have been of the greatest direct benefit to the common well-being of the pueblo.

We therefore beg that because of the strong reasons on which we base our petition that Captain Butler, First Lieutenant Pond, and all their company be continued as the garrison of Apalit.

MACARIO ARUEDO.
(And 15 others.)

ALIAGA, *March 20, 1901.*

His Excellency the GOVERNOR-GENERAL:

The undersigned, alcalde, treasurer, and municipal counselors of the pueblo of Aliaga, have the honor to say that they have heard that Lieut. Frank A. Jernigan, commanding the detachment here, was to be transferred to another post. As he has always treated the people right, etc., we have the honor to request that he be allowed to remain here.

(The signatures follow.)

Considering the great benefits to this pueblo that followed the rapid pacification of the country, we earnestly supplicate that in view of the foregoing that Capt. Robert Alexander be permitted to continue his valuable services to the pueblo for the complete pacification of the same and the prosperity of this province.

ELEGIO RICALVE, *Municipal Presidente.*
(And 65 others.)

GUINAN, SAMAR, *December 15, 1901.*

SIR: We, the undersigned, presidente and municipal counselors of this pueblo, in the name of and representing the people thereof, respectfully state a profound regret is being caused in the people in the notice that is beginning to spread concerning the departure of Company H, First United States Infantry, now stationed here.

We most earnestly beg you to suspend the transfer of this company and that it be permitted to remain in this pueblo. It is skilled in the military operations in these parts, and has our entire confidence in being energetic and observing, *and from the highest officer to the last private has so conducted itself as to merit our regard for their efforts and labors.*

APOLINARIO MALABASAY.
(And 21 others.)

[Translation.]

BULACAN, *January 3, 1902.*

To the United States military governor in the Philippines:

The undersigned, members of the municipal council of Bulacan, state that they have heard a rumor that the American garrison stationed in their town is soon to be relieved, and desire to state that Provost-Marshal Day has won the esteem of everybody by his fine qualities, the discipline which he maintained among his command, *his energetic work in pursuing evil doers, and his activity in the construction of seven bridges, embankments, and other public works.*

The undersigned respectfully request that their loyal town be not deprived of such a good and popular officer.

CARLOS MORELOS, ETC.

MANILA, P. I., *January, 7, 1901.*

Major-General BATES,
Commanding Department of Southern Luzon:

The subscribers, the alcalde and municipal counselors of the pueblo of Pateros, province of Manila, most respectfully state—

That it has come to our knowledge that the company stationed at Taguig, commanded by Captain Parke, will be relieved during this week to be stationed in another pueblo, we most respectfully supplicate that if convenient the order referred to be suspended, not only because of its being of disadvantage to the inhabitants, but also that *Captain Parke is very kind to the people* and knows them very well.

NAZARIO TAASON.
(And 9 others.)

PUEBLO OF LOBOE, PROVINCE OF BATANGAS, P. I.,
August 15, 1901.

The COMMANDING OFFICER, *Batangas, P. I.:*

The undersigned, members of the municipal committee, the parish priest, and other inhabitants of the same pueblo, with greatest consideration and respect, present to you and say:

That as peaceful inhabitants and lovers of complete tranquillity, not only of this pueblo, but of all the Philippine Archipelago, we most earnestly pray that you will be pleased to remain permanently in this pueblo, the present garrison, for because of them we enjoy this tranquillity.

PABLO DIZON,
Parish Priest.
(And 10 others.)

ZAMBOANGA, *April 26, 1900.*

The MAJOR-GENERAL,
First Delegate of the American Government on the Archipelago:

The mayors, justices of the peace, persons of signification, and landowners of this province, by themselves and representation of the towns administered by them, to you, with the greatest submission and respect, expose: That having had notice that the colonel military governor of this town has been relieved by the commander of troops of occupation of the office so honorably fulfilled by him, and in view of his worthy behavior toward the people *because of the works done by him in so short a space of time*, as well as because of his affable and familiar manners, we humbly request of you to deign reorder him back to this town to take charge again of the office he was so efficaciously fulfilling.

Grace which we do not doubt to reach of the magnanimous heart of you whose life may God keep many years for the good of America and this archipelago.

I. MIDEL, *Presidente.*
DATO MANDI.
(And the 4 mayors, the 4 justices of the peace, 50 principals.)

GENERALS CHAFFEE AND BELL.

Much has been said, Mr. President, concerning General Bell, a man whom I personally know, a man who is my friend. I almost felt false to my friend, when I heard the unworthy attacks upon him, that I did not answer them instantly. But I believed that his own brilliant record would be his best defense, for, Mr. President, General Bell is one of the noblest officers who ever honored the American uniform.

I can not turn at the moment to the correct report, but what I was about to read was a statement of the governor of a province and superintendent of instruction there that General Bell, to use his language, "with his vivacious enthusiasm for the education" of the people, had personally attended to it in addition to his military duties.

Yes, here it is. The governor of Abra speaks of the harsh measures he advised General Bell to take. General Bell followed his advice. The insurrection was suppressed. Thereafter the governor went through the province practically without escort. Then what followed? Let the American superintendent of education for that province tell:

Without an exception every schoolhouse was practically without furniture and some with no floor and such a roof as would allow the rain to saturate almost the entire interior. But having on hand a considerable sum of money collected as fines from various criminals, and desiring to spend it for some good purpose, *General Bell, with his vivacious enthusiasm for education as well as whatever might be for the general welfare of the people*, sent Captain Heard, Third United States Cavalry, to make a thorough inspection of the schools in this province, requesting him to especially report upon the dimensions of each building, in order that he might know how much sheet iron would be required to roof them. This being acquired, the order was made to the States, from which the material is at present arriving.

General Bell is no exception. Whoever has toiled and fought and suffered to suppress this insurrection, which Governor Taft declares is "a crime against civilization," has been incessantly assailed on this floor. The commanding general, General Chaffee, with whose friendship I am honored, also has been the focus of this fire. But it has only served to bring into bolder relief the character and career of this superb soldier. Since boyhood he has served the flag. He fought to save the Union. Daily for years thereafter he risked his life protecting our ever broadening frontier. And now he gives his final energies to upbuilding American sovereignty over the outposts of our dominions beyond the sea. He is all that a soldier and gentleman should be. He is one of the great administrators developed by our new duties and responsibilities. Ever brave, ever calm, ever gentle, ever just,

and, above all, ever loyal, Chaffee is a pride to the Republic, and Chaffee is as firmly intrenched in the hearts of the American people as his place in history is secure.

IV.—FILIPINO SELF-GOVERNMENT AND EFFECT OF AMERICAN WITHDRAWAL.

Mr. President, is it to be argued from these reports of the conditions in the Philippine Islands that every one of them (except the report of Major Gardener, which is left out for the reason that it has been presented by other Senators, and for other reasons, which make it most unfair that it should be offered at all), showing that the conditions there are satisfactory to a degree that is almost beyond belief—is it to be argued from that that those people are therefore capable of self-government?

Mr. President, I have always observed that the people who remain in their offices and studies and see visions and dream dreams and formulate theories upon them are not as apt to be correct in their statements as those who go upon the ground and examine the actual conditions for themselves. Therefore I present the beginning of the report of the Schurman Commission, written by Professor Schurman himself, at a time when he was taking part in this grand and noble work, and at a time when he himself was one of the active and constructive agents of this movement of advancing civilization. It is more valuable than what he says in his present altered attitude. He who now says that he is a believer in the capacity of the Philippine people for self-government; he who now declares that American authority should be withdrawn, officially said to the American people when he was fresh from the Philippines that—

FIRST REPORT OF SCHURMAN COMMISSION ON CAPACITY OF FILIPINOS FOR SELF-GOVERNMENT AND EFFECT OF AMERICAN WITHDRAWAL.

The most striking and perhaps the most significant fact in the entire situation is the multiplicity of tribes inhabiting the archipelago, the diversity of their languages (which are mutually unintelligible), and the multifarious phases of civilization—ranging all the way from the highest to the lowest—exhibited by the natives of the several provinces and islands. In spite of the general use of the Spanish language by the educated classes and the considerable similarity of economic and social conditions prevalent in Luzon and the Visayan Islands, the masses of the people are without a common speech and they lack the sentiment of nationality. The Filipinos are not a nation, but a variegated assemblage of different tribes and peoples, and their loyalty is still of the tribal type.

Their lack of education and political experience, combined with their racial and linguistic diversities, disqualify them, in spite of their mental gifts and domestic virtues, to undertake the task of governing the archipelago at the present time. *The most that can be expected of them is to cooperate with the Americans in the administration of general affairs, from Manila as a center, and to undertake, subject to American control or guidance (as may be found necessary), the administration of provincial and municipal affairs.* Fortunately, there are educated Filipinos, though they do not constitute a large proportion of the entire population, and their support and services will be of incalculable value in inaugurating and maintaining the new government. As education advances and experience ripens, the natives may be intrusted with a larger and more independent share of government—self-government, as the American ideal, being constantly kept in view as the goal. In this way American sovereignty over the archipelago will prove a great political boon to the people.

And listen to the following final conclusion of Professor Schurman. No orator in the heat of campaign has put the sad effect of American withdrawal in such fervid and ultimate terms as did Schurman, when fresh from the field. He says:

Should our power by any fatality be withdrawn, the Commission believe that the government of the Philippines would speedily lapse into anarchy, which would excuse, if it did not necessitate, the intervention of other powers and the eventual division of the islands among them. Only through American occupation, therefore, is the idea of a free, self-governing, and united Philippine commonwealth at all conceivable. And the indispensable need from the Filipino point of view of maintaining American sovereignty over the archipelago is recognized by all intelligent Filipinos and even by those insurgents who desire an American protectorate. The latter, it is true, would take the revenues and leave us the responsibilities. *Nevertheless, they recognize the indubitable fact that the Filipinos can not stand alone.* Thus the welfare of the Filipinos coincides with the dictates of national honor in forbidding our abandonment of the archipelago. We can not from any point of view escape the responsibilities of government which our sovereignty entails; and the Commission is strongly persuaded that the performance of our national duty will prove the greatest blessing to the peoples of the Philippine Islands.

DIARY OF AGUINALDO'S STAFF OFFICER.

Those who claim that the Filipinos are a single people are confronted with this extract from the diary of a member of Aguinaldo's staff, written during Aguinaldo's last flight. They had reached a point in the Igorrote country on December 16, and the writer of this diary, speaking of the situation, says:

Our situation here in Banane is very dangerous, because not only are enemies the Americans who are in front of us and behind us, but the very Igorrotes who surround us, including those of Banane, are also our enemies, only waiting for the opportunity to cut off our heads, just as happened to Captain Villareal's soldiers, who, sent on in advance to the settlements, were attacked by the Igorrotes of Pagayapaig, and as a result we had to lament the loss of three guns captured by the Igorrotes, besides three soldiers and a woman wounded.

Following that, I desire to present the testimony of Governor Taft, the testimony of General MacArthur, the testimony of General Hughes, the testimony of Professor Barrows, and of others, who have exhaustively examined the situation upon the spot. These are not reports of a three weeks' holiday trip, as was the case of Officer Sargent, upon whose testimony all of the eloquent argument of the senior Senator from Massachusetts [Mr. HOAR] was based. No, these are the mature and deliberate statements of men who have studied the conditions at first hand, not for weeks, but for months and for years. Moreover, some of these, like Governor Taft, went there opposed to the policy of the Government, and, after having examined the policy in its effect upon those people, returned to this country its most earnest and valuable supporters.

TESTIMONY OF GOVERNOR TAFT AS TO CAPACITY OF FILIPINOS FOR SELF-GOVERNMENT AND EFFECT OF AMERICAN WITHDRAWAL.

Senator CARMACK. You made a close and careful study of the conditions in the islands and the character of the people. I wish to ask you what is your opinion of the proposal that the Philippine Islands shall be made an integral part of the United States—leaving out for the present the question of statehood—giving them equal constitutional rights, and full rights of citizenship to the people. What is your opinion of that proposal?

Governor TAFT. I had expected to treat of that subject generally, but I have no objection to answering the question now.

The condition of the people of the Philippine Islands to-day is such that *the extension of the constitutional restrictions which apply in a State would very much interfere with the establishment of a stable and successful government.*

A government ought to be established under American guidance which shall form a stable government, by which and under which the Filipinos shall gradually improve their knowledge of what is individual liberty and what is a constitutional government, and subsequently the time will come when the United States and the Filipino people together can agree upon what their relations shall be.

Whether a colony—I mean a quasi-independent colony, as Australia and Canada are to England—an independent state, or a State of the Union, is a question so far in the future, dependent upon the success of the operation of the stable government, that I have not myself reached a conclusion on the subject.

QUESTION OF STATEHOOD.

Senator CARMACK. You think, then, it is an open question whether the people of the Philippine Islands—islands populated with eight or ten million Asiatics—should be admitted to the full rights of American citizenship or whether or not an archipelago so populated should be admitted to statehood in the Union? You think it is an open question?

Governor TAFT. I think it is a question that I would not answer two or three generations before it will arise. I think the great evil to-day is the discussion of something that is utterly impossible of settlement to-day. The thing the Filipino people need to-day is a stable government under the guidance of American control, teaching them what individual liberty is and training them to a knowledge of self-government, and when they have that, the question of what relations shall then exist between the islands and this country may be settled between them and the citizens of the United States.

But to attempt to decide in advance something that it is utterly impossible wisely to decide now, it seems to me, with deference to those who differ with me, very unreasonable.

Senator CARMACK. I was speaking of it from the standpoint of the people of the United States, as to whether you thought it was a question of possibility——

Governor TAFT. *What the people of the United States may think, or what they ought to think, fifty or a hundred years from now I do not venture to say.*

Senator PATTERSON. It is a century problem?

Governor TAFT. *It is quite possible, as we say in our report, that it may take a generation, or two generations;* but no matter how long it is, it is in my judgment the duty of the United States to continue a government there which shall teach those people individual liberty, which shall lift them up to a point of civilization of which I believe they are capable, and which shall make them rise to call the name of the United States blessed.

I have thought over this subject a great deal; we have become intensely interested in the problem, and of course motives, the charge of which we can not avoid, are given to us in reaching such a conclusion; but if I ever was convinced of anything in my life it is that the problem which the United States there has is a great problem worthy of its solution, and which, when solved by establishing a stable government there under the guidance of American control, will redound to the honor and the benefit of this country, and I am proud to have to do with that work.

Senator CARMACK. You say the great trouble in all this matter has been that we are thinking about what may happen a generation or two generations from now. If the possession of the Philippine Islands by the United States involves the possibility of an archipelago 7,000 miles away, inhabited by people of an Asiatic race, becoming a State of the Union fifty or a hundred years from now, do you not think it is a question which deserves consideration now? Do you not think we ought to consider what may happen fifty years from now?

Governor TAFT. *No, sir; and I will say why. Nothing that can to-day be said to the Filipino people in the nature of a promise as to the form of government which may take place, after an established stable government shall be formed, could be otherwise than misleading to them and confusing in establishing that government.*

It would at once begin the agitation among those who desire that separation to have that separation, because, in their opinion, they are fitted for it at once. It would drive away from the support of the stable government that conservative element who are strongly in favor of American guidance and control, because they would anticipate an early change.

They would think they would early be left without the support which the presence of the American Government necessarily gives, and the promise of something in the future, instead of helping to establish, would render unstable any government which was attempted to be established.

EFFECT OF COLONIAL ESTABLISHMENT.

Senator PATTERSON. Then this statement by the Federal party, of which three members of the United States Commission are active members, is false?

"To make of the Philippines a colony of the United States or to grant independence to the Philippines would be to hand the islands over to disorder and to anarchy, to destruction and to chaos."

Governor TAFT. True as of what date?

Senator PATTERSON. As of the date of the petition?

Governor TAFT. True as of now. It is just as true as gospel.

Senator PATTERSON. It is just as true as gospel that to make the Philippines a colony of the United States is to hand the islands over to disorder and to anarchy——

Governor TAFT. No.

Senator PATTERSON. To destruction and chaos?

Governor TAFT. No.

Senator PATTERSON. That is exactly what this party states to the Congress of the United States.

Governor TAFT. *To give them independence now, it is true.*

* * * * * * *

Governor TAFT. I doubt if the people can establish a stable government I assume that this is without the aid of American guidance and control. If it is with the aid of American guidance and control, then the time taken must be *indefinitely in the future.*

Senator MCCOMAS. Generations, probably?

Governor TAFT. Yes, sir.

Senator MCCOMAS. That was to be my next question—how many years we must continue to occupy and govern the archipelago until the people had established a stable government. You have said many generations.

Governor TAFT. Yes, sir; I think if it means what it may be inferred to mean, it means that the generals of the insurrecto forces shall call together a number of delegates and shall go through the form of making a government, and then when that government has its offices filled, at once the transfer of sovereignty shall take place.

There would result after that—it might last six months, it might last a year, but there would result anarchy and interference with the rights of individuals and interference with the rights of vested interests in which foreign governments are concerned, which would require the United States at once to step back and begin over the work which it had been doing, and it would find itself where it was two years ago.

EXPERIENCE OF THE AGUINALDO GOVERNMENT.

I make that statement, first, on the experience of the Aguinaldo government. For eight months Aguinaldo had a government in Luzon. It consisted of the congress at Malolos, the members of which were appointed by him, many of them distinguished lawyers and educated men, from Manila largely.

Thereupon he appointed governors for various provinces, and the outrages that were committed by those governors in the conduct of government and the collection of taxes, the corruption which existed through the territory over which he had control, leave no doubt as to what the result would be, that a similar government would be established—and I assume that is what this substitute means—within a short period of time, and would be followed by the withdrawal of American sovereignty.

Secondly, the local control which the educated people of each province have over the ignorant people there would enable disappointed politicians in any particular province to set up a little force by itself, and that inevitably, in the course of one or two years, would produce the state of anarchy of which I have spoken.

The CHAIRMAN. Do you think, in this connection, we having withdrawn and a state of anarchy having arisen, it would probably lead to the partition of the islands among other powers?

Governor TAFT. Of course that is a question——

The CHAIRMAN. It is a mere question of opinion.

INTEREST FOREIGNERS TAKE IN THE ISLANDS.

Governor TAFT. It is a question of opinion as to the interest which foreigners take in the islands. They are called among foreigners whom I know in Manila the gems of the Orient. The interest that Japan has taken in the islands the records of the military department will show. The interest that other governments would take in the islands may be judged of by reference to the foreign capital invested there. The Germans have a great deal of capital. The English have a good deal.

Senator MCCOMAS. You have comprehended in your answer other questions which I had contemplated asking. Could we in any way, at any time, in your opinion, obtain sufficient guaranties for the safety of the inhabitants who have adhered to the United States?

Governor TAFT. I think it would be exceedingly difficult. If I may be permitted——

EFFECT OF AMERICAN WITHDRAWAL.

Senator MCCOMAS. What would happen to them if we withdrew in this fashion?

Governor TAFT. *The personal hostility between leading Filipinos at times has been so great as to lead to bloody measures. How far they would be carried here I have no idea. That is conjectural.*

I should like to say, if I may, although I had not expected to come to this part of the discussion now, that it is a very logical and reasonable proposition on its face to say, will not the insurrection come to an end; will not there be general peace and tranquillity if you promise to give these people independence when they shall be fitted for it? That proposition, put in that way, seems to have a great deal of force.

Practically the effect of such a promise would be exactly the opposite from that which the argument presupposes. The promise to give them independence when they are fit for it would be accepted by them as a promise to give them independence certainly during the lifetime of the present generation. It would at once bring into a discussion of every issue the question whether now were not the people ready for independence. It would drive out capital; prevent capital from coming there; and upon the investment of capital, the building of railroads, the enlargement of vision of the Filipino people much of our hope of progress must depend.

In addition to that, by reason of the constant agitation as to the granting of this independence in a year or two years or three years or a decade, it would at once discourage the sincere efforts of the educated Filipinos who are with us to-day in building up a stable government. For these reasons I think such a promise as that would be a great mistake.

Senator MCCOMAS. If we later, according to the proposition you have in your hand, leave the control and sovereignty to the inhabitants, to which tribes could we safely intrust it, and would not we for many years necessarily continue a de facto sovereignty as does England over Egypt or Austria over Bosnia? Could you, in deciding the question of leaving the sovereignty of the islands, determine now, from your several years' experience there, to which inhabitants you would leave it, with their rivalries and confusions of tongues?

Governor TAFT. Of course, if you left the islands to anybody you would leave them, I assume, to some sort of a committee or parliament, appointed or selected, who would be dominated probably by those whose violent methods have continued the guerrilla warfare; and that such a body could be created by proclamation within a reasonable time I have no doubt. *But that it would not constitute a stable government, that it would give rise to anarchy and division between the tribes and between individuals of power and force, I have no doubt.*

EFFECT OF A GOVERNMENT OF THE TAGALOGS.

Senator MCCOMAS. What would be the effect of such a government of the Tagalogs over the other tribes and people there in respect of the inhabitants themselves?

Governor TAFT. It would probably lead to a division between the Visayans and the Tagalogs, as disappointed officeholders or persons disappointed in the policy agreed upon by Manila might lead them on.

IMPOSSIBLE FOR FILIPINOS TO GOVERN MOROS.

The CHAIRMAN. Would the Moros submit to such government?

Governor TAFT. So far as the Moros are concerned they are entirely out of this question. It is utterly impossible for the Filipinos to govern the Moros.

HOW MOROS COULD BE GOVERNED.

Senator CARMACK. Would it be possible for us to govern them?

Governor TAFT. It is possible for us to govern them as we govern the Indian tribes. They are nowhere near so amenable to education, to complete self-government by way of partial self-government, as are the Christian Filipinos. The Moros have no desire for popular government. They are arranged in tribes, real tribes as distinguished from the linguistic tribes of Christian Filipinos. They are arranged in real tribes, in the sense that every Moro is under a dato's control, and he does not desire to be governed except through a dato.

Senator MCCOMAS. A clan?

Governor TAFT. By way of a clan.

Senator RAWLINS. You think it would be unsafe to accord them independence at present?

Governor TAFT. Yes, sir.

Senator RAWLINS. Because they have not the habit of self-government.

Governor TAFT. Yes, sir.

Senator RAWLINS. The Filipinos, desiring some definitive policy declared with reference to them, if we fail to do that and proceed to deal with them and legislate for them as if they were a dependent colony, to be treated like other subject colonies, would it not be a constant source of trouble?

WHAT THE FILIPINOS DESIRE.

Governor TAFT. I think not, if you show by your legislation, as I hope you may, that you are really extending to them the means of self-government. What they desire definitively, as I understand it, is a declaration that Congress expects to establish a civil government, and to say what kind of a civil government it is. They also point out that they would like to know where the Filipinos stand with reference to the rights under the Constitution and with reference to the United States in the relation of the islands to the United States.

I think it would be well to reiterate, in a law like this, the rights set forth in the President's instructions to the Commission, which include everything secured by the bill of rights except the right to bear arms and the right to a trial by jury. I see no objection—although, of course, it follows without such a statement, because of the relation that the treaty establishes—to a declaration that the citizens or residents of those islands, owing allegiance to the United States, shall have the same protection with respect to foreign countries that a citizen of the United States has.

OBJECTION TO EXTENDING CONSTITUTIONAL RIGHTS TO FILIPINOS.

My objection to extending those personal rights contained in the Constitution is chiefly based on the fact that I do not think they are ready for trial by jury. I do not think that, educated in an entirely different system of law and having the defects which I have already pointed out, they are ready for trial by jury, and then I do not think that the Filipinos themselves would ask to have the right to bear arms. The right to bear arms conferred upon a people in which ladronism is so chronic would lead to oppression of the Filipinos, and the Filipinos would be the last to desire to have it. If there is in the law a declaration of the rights I have mentioned, I should think it would help us.

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EFFECT UPON THE FILIPINOS OF CESSATION OF AGITATION HERE.

Senator BEVERIDGE. What would be the effect upon the people and conditions there if agitation here upon this question should cease, or any encouragement to those in insurrection should cease, and the people of the islands should be given to understand that just such a government as you describe, and just such a course of action as you have indicated, will be firmly and unalterably pursued?

MEANING OF TERM "INDEPENDENCE" TO FILIPINOS.

Senator ALLISON. There are Filipino people, and I suppose very intelligent people, from what I hear, who want independence. Do they mean by "independence" that they shall establish there a government of their own, which shall be responsible for domestic tranquillity and also take care of all their relations with the governments of the world, and that they shall be cut loose entirely from the friendship and protection of the United States? Is that the kind of independence they are talking about, or is it an independence that shall rest upon some stronger power to help them maintain themselves? I should like to know just what is the idea of the intelligent people and also of the other 90 per cent when they talk about independence.

Governor TAFT. It is very difficult to answer that question with exactness. The term "independence," when used by the insurgents, was supposed to indicate something very good, without any definition of what it was; so that many of the troops, as Professor Worcester tells me, for I am not myself an authority on that question, in cheering said "dependencia" instead of "independencia." On the other hand, there are intelligent people who use the expression "independence" in an oratorical way without having thought out what the giving of it involves.

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Senator ALLISON. You said, in response to questions by Mr. Rawlins and Mr. Culberson, that you do not regard the people as now prepared for independence?

Governor TAFT. I do not.

Senator ALLISON. When you speak of that, do you mean that they are not prepared to maintain a national government of their own, without any control by any other nation, strong or weak?

Governor TAFT. I do.

Senator ALLISON. Or do you mean also that they are not able to protect domestic order throughout the islands by means of their own government, whatever it may be, without the aid of some other government?

Governor TAFT. *I mean both. I mean that they are neither able to maintain a national government which would be stable, nor are they able to maintain a government, looking at it from the domestic point of view, which would be stable enough to protect life and property.*

WHAT THE COMMISSION IS PREPARING THE FILIPINOS FOR.

Senator ALLISON. Now, is it for that kind of a government that you are preparing them? Are you preparing them so that that alternative may at some time be presented to them, or the other alternative of which Mr. Rawlins speaks?

Governor TAFT. We are preparing them, or we hope we are preparing them, for a government in which the rights of the minority will be respected under the rule of the majority, an idea, permit me to say, which as yet obtains in the minds of a very few of them. We hope to prepare them for a condition where they will be able to maintain a stable government to protect life, liberty, and property, and if they desire ultimately—it is in the distant future—to maintain a national government of their own.

Senator ALLISON. If they want it?

Governor TAFT. If they desire it.

Senator BEVERIDGE. You are preparing them for the best of which they may be found capable?

Governor TAFT. That is what we are trying to do.

EFFECT OF TURNING OVER THE GOVERNMENT TO NATIVE LEADERS.

Governor TAFT. I wish to impress the fact, that were the government turned over to those who profess to be the leaders in the insurrection to-day, among the irreconcilables or intransigentes, though not in arms, *the idea of civil liberty would be the last idea which would be practically carried into effect.*

Senator ALLISON. That is, liberty regulated by law?

Governor TAFT. Yes, sir.

Senator ALLISON. Established by law?

Governor TAFT. *Yes, sir. The tendency of all governments under them would be toward absolutism*, an oligarchy which would mean that the presidente of the village would control absolutely the village; the governor would control the province, and the head of the government would control the governors. The idea of elevation and protection to that indifferent mass of 90 per cent would be possibly professed, but would fall far short of actual realization; and, therefore, offering to them independence now is offering to them—that is, to 90 per cent of the people to whom I have referred—a condition of things which would be as far from enjoyment of free institutions as it is possible to imagine.

TESTIMONY OF GENERAL MACARTHUR ON CAPACITY OF FILIPINOS FOR SELF-GOVERNMENT AND EFFECT OF AMERICAN WITHDRAWAL.

Questions by Senator BEVERIDGE. What, in your judgment, would be the effect if a Filipino government of any kind were established, American authority and sovereignty entirely withdrawn, and they left to themselves?

AMERICAN WITHDRAWAL MEANS "ABSOLUTE CHAOS."

General MACARTHUR. *To answer that briefly and concisely, I should say absolute chaos.* I should like, however, at the next session, to elaborate my views. I should like to explain how I reach that conclusion, briefly.

* * * * * * *

The Filipino people certainly have rudimentary republican ideas and aspirations, and are therefore in an essentially plastic condition, which, under the tuitionary control of the United States, in my opinion, would admit of rapid molding of the body politic into a consistent, self-supporting commonwealth. On the other hand, while the existence of elementary republicanism is apparent to the sympathetic investigator, it is equally apparent that even the most advanced thinkers among the Filipinos have no conception whatever of the practical mechanical methods whereby the results they are all anxious to attain can be successfully accomplished.

"FAILURE OF REPUBLICANISM IN THE EAST IF WE WITHDRAW."

American withdrawal from the islands, therefore, would, in my opinion, result in permanent failure of republicanism in the East and the devastation of the archipelago by internecine and fratricidal war, which would continue indefinitely until suppressed by some external force. That such force would be applied there can be no doubt.

The incalculable and indescribable value of the archipelago, strategically and commercially, has attracted the attention of constructive statesmen throughout the world. Many nations are looking in that direction with longing eyes. The islands in case of our withdrawal would unquestionably become the theater of gigantic political and warlike operations. The inevitable collision which would result from such an American policy could not be confined. It would resound on all the shores of the Pacific and affect the commerce of the world. It would bring the powers of the world face to face and prematurely initiate a struggle for supremacy in the East from the consequence of which America could only protect herself by participation in the general conflict which would result directly from her own efforts to escape from the pressure of circumstances which are carrying her to a magnificent destiny. We would thus not only sacrifice the Filipino people, but would bring upon ourselves staggering responsibilities, in respect of which the present problems in the Philippines would appear as mere child's play.

In the belief that history never goes backward, a broad generalization is reached to the effect that enlightened self-interest, sound economy, and pure morals agree in their judgments, and corroborate each other, and suggest that we must retain the archipelago as a tuitionary annex; that there we must plant our institutions; there we must contest for commercial power, and perhaps combat for political supremacy.

To overcome the inherent difficulties of the situation will, of course, require the most profound efforts of constructive statesmanship, but the event of introducing our civilization, our institutions, and our commerce into Asia is fraught with such gigantic consequences that it is calculated to fix the attention of the most careless observer and to warm the fancy of the most indifferent.

That is the general basis upon which I reach the conclusion that chaos would result in the Philippine Islands if we left them.

AGUINALDO SAID IMPOSSIBLE FOR FILIPINOS TO ESTABLISH INDEPENDENCE.

General MACARTHUR. I might say in that connection of self-government that in one of the last interviews I had with Aguinaldo—and my intercourse with him was exceedingly agreeable and very much to his credit—he told me that he was satisfied that he had been misinformed as to the character of the American people and the purpose of the American Government, and *that he was also satisfied that it would be impossible at this stage of their evolution for his own people to establish a stable, independent government.* Now, that is entitled to just as much credence as gentlemen choose to give it. It was a voluntary statement on Aguinaldo's part, however.

TESTIMONY OF GENERAL HUGHES AS TO CAPACITY OF FILIPINOS FOR SELF-GOVERNMENT AND EFFECT OF AMERICAN WITHDRAWAL.

VISAYANS' CAPACITY FOR CIVIL GOVERNMENT.

The CHAIRMAN. What do you think of their capacity for civil government?

General HUGHES. My personal opinion is that it will be a long time before they are qualified to run a civil government of their own. I understand your question to relate purely to the Visayans?

The CHAIRMAN. That is what I mean.

General HUGHES. *I should say not inside of two generations.* The people have no earthly idea of equity. They simply know their own wishes, and they have no regard for the wishes of others.

The CHAIRMAN. If left to themselves what sort of government, in your opinion, would they establish?

General HUGHES. They would try, undoubtedly, to establish a republic of some kind, and they would do it. The ordinary Tao of the Visayans is one of the most gullible creatures the world contains. He will believe anything he is told by his acknowledged superior, no difference how absurd the statement is, and there is the great strength that their leaders have over them—the enormous lies that are published to them as to their plans and what is going to take place. They gull them right along.

The latest I got hold of from Lukban to his people was that a German fleet would be in those waters at such a date to blow the Americans out, and that they would then secure their independence. That was the last one I heard.

VISAYAN CONCEPTION OF INDEPENDENCE.

Senator CULBERSON. Do you mean by that to suggest that the Visayans desire independence?

General HUGHES. These people of whom I speak—the Taos—do not know what independence means. *They probably think it is something to eat. They have no more idea what it means than a shepherd dog.*

"WE WILL TAKE OFF HIS HEAD."

The CHAIRMAN. Are they pretty generally hostile, or are there among them many friendly to us?

General HUGHES. You will find a very great deal of good will in all the provinces where absolute peace has been established.

The CHAIRMAN. Do you think if they were left to themselves they would submit to a Tagalo government in Luzon?

General HUGHES. I think probably they would submit for a while, until some of their leaders did not get what they wanted. Then they would probably take the course as to which one of their great advocates remarked on one occasion. They were discussing what could be done as a republic, and he and his friends had their ideas, and they said they would do so and so. A man who was discussing the matter with them suggested that there might be a good deal of opposition to that. "*No,*" *said he,* "*if anybody opposes it we will take off his head. That is all.*"

The CHAIRMAN. You think the tendency would be to break up into separate republics?

General HUGHES. I do not think it would live long enough to break up into different republics. I think the islands would be taken possession of by somebody else.

The CHAIRMAN. You think the islands would be taken possession of by some other power?

General HUGHES. Yes, sir.

TESTIMONY OF PROFESSOR BARROWS AS TO CAPACITY OF FILIPINOS FOR SELF-GOVERNMENT AND EFFECT OF AMERICAN WITHDRAWAL.

Senator BEVERIDGE. Just one other question, and then I shall have no more. I have been impressed by your clearly acute observations of these people and their conditions, and that, too, from a favorable point of view to them. What have you to say about the present or the immediately near capacity of those people for self-government, as that term is understood in America? Are they capable of such at the present time?

Mr. BARROWS. That is the whole question, I suppose, Senator. I would say this, in speaking upon it for a moment or two, I think the last twenty-five or thirty years in the Philippine Islands, which are the years that have seen the introduction of the Filipino to superior education and to superior advantages, have been very encouraging as revealing his aptitude and intelligence.

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But this, of course, is to be remembered, that political self-control and political experience sufficient to govern a great population, and including a great number of tribes lower than the Christianized Filipino is himself, is about the last thing that a man or a race attains. I look forward with some confidence to a time in the near future when the Filipino will be making researches in science and will be making contributions along different lines, much as the Japanese are. * * *

Now, Mr. President, to call the attention of opposition Senators to Professor Barrows's conclusion. He continues:

But I do not see any immediate prospect, and I never expect to live to see the day when he can govern.

Senator BEVERIDGE. Just a question cognate to that. What would you say would be the result on the islands and the people themselves if a system of self-government was put upon them and they were left to themselves?

Senator ALLISON. Do you mean locally or nationally?

Senator BEVERIDGE. Locally or nationally.

The CHAIRMAN. The whole thing.

Senator DIETRICH. With absolute independence.

Senator BEVERIDGE. What would be the effect of that? You may couple it, if you please, with the proposition upon our part that as to the external world we will protect them; I mean to say by our navies, etc. What would be the effect upon the people of the islands?

EFFECT OF AMERICAN ABANDONMENT OF ISLANDS.

Mr. BARROWS. The Filipino has no tribal allegiance, no chieftains, no customs of adherence to that kind of thing upon which to fall back. The only political experience he has is that of the management of these little municipalities, his little locality; and for all we can see, if we should retire the islands would simply break up into little bits of groups. A little leader would start up here, and another there, and another here, and the people would fall back in their political grade. They would lapse downward.

Senator BEVERIDGE. What would be the effect upon their social and industrial conditions?

Mr. BARROWS. Their culture would have to sink with it.

Senator BEVERIDGE. Retrograde?

Mr. BARROWS. Retrograde.

Senator BEVERIDGE. What would be the industrial conditions as the result of such action?

Mr. BARROWS. It would interfere with commerce. It would destroy everything except small native bartering.

Senator BEVERIDGE. I understand you to say that you never expect to live to see the day when the Filipinos would be capable, as a people, of self-government, as we understand it. Is that understanding of your answer correct?

The CHAIRMAN. Do you mean internationally?

FILIPINO NOT BORN WHO CAN GOVERN.

Mr. BARROWS. *I do not think the Filipino is yet born who will control, to say nothing of governing justly, the Philippine Islands.*

That, Mr. President, from as friendly a man to the Filipinos as can be found, is conclusive, is it not? Yet Senators talk of independence, self-government, legislatures, and the like.

TESTIMONY OF GENERAL OTIS AS TO CAPACITY OF FILIPINOS FOR SELF-GOVERNMENT AND EFFECT OF AMERICAN WITHDRAWAL.

Senator BEVERIDGE. What have you to say as to the capacity of those people as a whole, if left to themselves, for self-government?

General OTIS. They are not fitted for self-government.

Senator BEVERIDGE. How soon will they be, General?

General OTIS. I could not answer that question. It depends upon education.

Senator BEVERIDGE. A considerable length of time, you think?

General OTIS. In the case of several of their officers who surrendered their troops—one very able man, especially, expressed himself in this way. He said: "I know that we are not ready for self-government. It has been a failure."

Senator BEVERIDGE. I will ask you, General, what your opinion is as to the conditions that would result if the American authority were withdrawn and the islands were turned over to the natives.

"ANARCHY OR A MILITARY DESPOTISM."

General OTIS. *It would be anarchy or a military despotism, and they all understand it.* There is not a Filipino or anybody else over there who desires self-government.

When Mabini came in I said to him, "You know the United States is essential to the welfare and integrity of the island." He said, "I know it." I said, "What are you fighting for?" He replied, "We are fighting in order to make the best terms possible."

Aguinaldo himself never wanted self-government without outside protection. You understand that they know very well that other nations would divide up those islands if we let them go. We had long conferences before the war broke out. General Torres, a very able man, who was at the head of Aguinaldo's commission, was one of those with whom we were in conference; but all they said was this: They wanted the protection of the United States, and they wanted to control the internal affairs of the island, and they would turn over to us the custom-houses in payment for the protection which we would give them on the outside.

TESTIMONY OF CAPT. LEE WRIGHT HALL AS TO CAPACITY OF FILIPINOS FOR SELF-GOVERNMENT AND EFFECT OF AMERICAN WITHDRAWAL.

Questions by the CHAIRMAN:

Q. What, in your judgment, would be the effect of our leaving the islands to themselves?

A. I don't know what would be the effect. Unless somebody took them up, there is no telling what would come. *It would be chaos, that is all.*

Q. Chaos unless somebody took possession?

A. Yes; which they would do.

STATEMENT OF DR. HAZLETT, REPRESENTING WOMAN'S CHRISTIAN TEMPERANCE UNION, AS TO CAPACITY OF FILIPINOS FOR SELF-GOVERNMENT AND EFFECT OF AMERICAN WITHDRAWAL.

WASHINGTON, D. C., *April 21, 1902.*

The CHAIRMAN. I have some papers here from the War Department. They send a copy of a report from Mr. Lester Hazlett, who was sent out by the Woman's Christian Temperance Union. * * *

A VIEW OF THE MORAL CONDITIONS EXISTING IN THE PHILIPPINES.

[By A. Lester Hazlett, A. M., Ph. D.]

I went to the islands an ardent antiexpansionist; I returned a firm believer in the policy of the Administration. I frankly confess that I had a wrong idea of conditions in the archipelago. I believed the people ready for self-government; now I know that while some of them are, the great mass of the people are not capable of it; but they will be, and that, perhaps, before a generation shall have passed. The Filipino is fully as bright as the Japanese. They learn quickly, and are extremely anxious to acquire. God has given us a wonderful opportunity, for which I am sure He will hold us strictly accountable. To refuse to accept this heaven-bestowed privilege to elevate to a like plane with ourselves a people ready to learn and anxious to secure all that is requisite for the building of a nation is to prove unworthy of so high an honor.

I went to Manila with the thought that Admiral Dewey should have sailed away after the destruction of the Spanish fleet, but am now convinced that future generations of Americans, and Filipinos as well, will arise to bless and honor him because he did not.

PROTECTORATE IMPOSSIBLE.

A protectorate could not have fulfilled the end of our responsibility, and to dispose of the islands at this time, by sale or otherwise, would be not only ignoble, but to prove unworthy of the trust reposed in us by the God of nations. I desire to be understood as saying that I do not believe the Filipino is ready for absolute self-government. The form of civil government that has recently been inaugurated, in which leading men of that people are employed in bearing a part of the burden, is making a good impression. When I speak of the Filipino as incapable of self-government, I speak of the people as a whole. I have had the pleasure of meeting and have been entertained by the best people of the islands—those who have received the highest culture.

But, ah! how few in the midst of the swarming thousands are those who think clearly and are intelligent, even to a degree. Those who are superior form but an insignificant minority; the mass of the people have been kept in ignorance; they do not even know the meaning of "independentia." *At least 6,000,000 of the people are but children*, who must sit at our feet and learn those lessons of self-government which I believe, more than any other nation, we are capable of imparting. I have faith in my country; I am sure we will not leave this interesting people to war among themselves or fall an easy prey to designing demagogues, but will give them such a form of government as shall be commensurate with their needs and fitness to receive.

WILL IT PAY?

Will it pay to hold the Philippines? We have no right to ask that question in the attempt to solve so great a problem, for this is not a matter of dollars with the American people, but one of justice. We can not now desert them and be guiltless. Anarchy would immediately result. *By our present course we will have saved a people from themselves; in this case, their own worst enemy.*

But it will pay to retain the islands from a mercenary standpoint. *In the years to come they will reimburse us many times over.* The natural resources are wonderful. I have seen veritable gold mines on top of the earth in the immense forests of precious woods; here are large bodies of ore—gold, silver, iron, copper, etc., and cropping out of the ground near Cavite, and also close to the sea in southern Luzon may be seen veins of coal of fair quality, at least sufficiently good for smelting purposes. The rubber industry of the southern group is waiting to be developed into vast possibilities, some of the finest rubber in the world being found there.

It has been argued that in our expansion we will expose ourselves to that national death that overtook the Roman Empire. The Scriptures assert that "it is given unto men once to die." This may just as truly be said of nations; we shall hardly escape the general fate of other peoples. *The nations that were not aggressive have just as surely perished as has that wonderfully aggressive state whose seat of power was beside the Tiber;* but she has also enriched the world, while they have not; she has, after all, made life more tolerable for man.

Her institutions of art and literature, her code of civil jurisprudence have made her to be honored and remembered. So that it is better that we take our place in the forepart of the twentieth century onward movement for the elevating and strengthening of the weak and the advancement of a higher, truer civilization, so that, departing in God's own time, we shall leave behind us a name "to have lived."

I also present the testimony of Bishop James Thoburn, of the Methodist Episcopal Church, who spent forty-five years in the Orient and fifteen years among the Malays of the Straits Settlements, and made two visits to the Philippine Islands.

TESTIMONY OF BISHOP JAMES THOBURN, OF THE METHODIST EPISCOPAL CHURCH, AS TO CAPACITY OF FILIPINOS FOR SELF-GOVERNMENT AND EFFECT OF AMERICAN WITHDRAWAL.

Questions by the CHAIRMAN. Bishop Thoburn, the committee have asked you to be kind enough to come before them, as they heard you have been in the Philippine Islands. Is that true?

Bishop THOBURN. Yes; I have been there.

The CHAIRMAN. And when were you there?

Bishop THOBURN. I might say I have charge of a mission, and am superintendent of a mission at Singapore. That is the headquarters of the mission. I go there once a year.

Senator BEVERIDGE. You are bishop of a Methodist Church?

Bishop THOBURN. For India and Malaisia; yes. But I have been in the Philippine Islands myself only twice—the first time in March, 1898, and the second time in March, 1900. At that time I could only go into the immediate vicinity of Manila. We were not allowed to go out into the islands.

The CHAIRMAN. That was while the war was still in progress?

Bishop THOBURN. Yes.

The CHAIRMAN. There were very few provinces pacified then?

Bishop THOBURN. But there is a government prohibition, and we are not allowed to go out even at our own risk, because the authorities did not want us to make trouble for them.

The CHAIRMAN. How long were you in Manila at that time?

Bishop THOBURN. Two weeks.

The CHAIRMAN. Did you make any inquiries as to the state of affairs there, and the condition of the natives, and so on?

Bishop THOBURN. Certainly, as far as I could.

The CHAIRMAN. Would you kindly state to the committee what your impressions are and the result of your inquiry?

Bishop THOBURN. In what special direction?

The CHAIRMAN. In any direction, as what it is best for us to do there; what the capacity of the natives for self-government seems to be; anything in that direction.

"WE CAN NOT LEAVE."

Bishop THOBURN. I certainly think that we find ourselves there very unexpectedly and that we can not leave.

Senator DUBOIS. If you will pardon me, would it not be better for the Bishop to tell what he knows from observation as to the intelligence and moral capacity of the natives?

The CHAIRMAN. Certainly; any line that is desirable.

Bishop THOBURN If you will give me questions, I will be very glad to answer them.

Senator DUBOIS. I would like to have your judgment as to the moral and intellectual capacity of the natives.

Bishop THOBURN. The natives are very much, in many respects, like our American Indians, it strikes me. They have no cohesion whatever among themselves. Wherever I meet the Malays I find they live to themselves; they go off into tribes and clans, and the biggest man is called a sultan, and his jurisdiction is limited.

The CHAIRMAN. You are familiar with the Malays of the Straits Settlements?

Bishop THOBURN. Of the Malay Peninsula; yes, sir. I have been up and down the peninsula. They are bright fellows, but I should say not profound. They learn a thing on the surface very readily. I am afraid they are a treacherous people.

Senator DUBOIS. I do not want to disturb you at all, but you compared them a moment ago with the North American Indians.

Bishop THOBURN. In that one respect.

Senator DUBOIS. In that they went——

Senator BEVERIDGE. In that they lack cohesion.

Senator DUBOIS. They went off in tribes and clans, and some one is the head of the tribe. In respect to their intellectual capacity, would that comparison with the North American Indian still hold?

Bishop THOBURN. They are bright fellows.

Senator DUBOIS. Would the comparison with the North American Indian still hold?

Bishop THOBURN. They are brighter than the North American Indians.

Senator BEVERIDGE. Your comparison with the North American Indian was with reference to their lack of cohesion?

Bishop THOBURN. Yes, sir.

"THIRTY-SIX DIFFERENT LANGUAGES."

The CHAIRMAN. They are of the same race of the Malays of the peninsula, are they not?

Bishop THOBURN. They are known to one of our missionaries who has looked the matter up. He has found 36 different languages, and each language represents a tribe or is called a little state, and these people are undoubtedly Malays belonging to the general family. Their straight hair shows that, and many of their features and their language.

The CHAIRMAN. Of the same stock?

Bishop THOBURN. Of the same stock. I had this man look this up carefully, and he gave me a great list of words which are identical in those different languages.

Senator BEVERIDGE. You are familiar with the Malays in those different settlements?

Bishop THOBURN. Yes.

Senator BEVERIDGE. You have examined those questions and have gone among them for years?

Bishop THOBURN. Yes, and I have known them for forty years. There is a settlement of them in Calcutta.

Senator BEVERIDGE. From your decades of experience with the Malays of the different states and your two trips to the Philippines and the ethnological status which you have had prosecuted you identify these people as all of the same general family?

Bishop THOBURN. I do.

NOT CAPABLE OF SELF-GOVERNMENT.

Senator BEVERIDGE. What, Bishop, is your opinion as to the capacity of the Malay for self-government in the large or general sense?

Bishop THOBURN. *Well, I think he is very defective in that point; indeed, very defective.*

Senator BEVERIDGE. Do you attribute that to the point in which you compared him to the American Indian, to wit, the lack of cohesion?

Bishop THOBURN. Largely that; and he is a restless man. I ought to say the Malays are in three different classes: There are the agriculturists, and the business men—the traders—and the seafaring men, including the fishermen. These seafaring men have been pirates from time immemorial. In fact, in my day the English have sent an expedition against them on account of there being piracy off the coast of the peninsula. This roving nature is deep in that class of them, and they dominate the agriculturists, who are quieter men.

Senator BEVERIDGE. Is piracy now wiped out?
Bishop THOBURN. It is wiped out there, but it is not wiped out, I believe, in the big island of Mindanao.
Senator BEVERIDGE. Is it wiped out in the Straits Settlements?
Bishop THOBURN. Completely.
Senator BEVERIDGE. And it has existed there within your time?
Bishop THOBURN. It has existed there within my time; yes.

HISTORY OF MALAYS IN STRAITS SETTLEMENTS.

Senator BEVERIDGE. As a matter of history it is true, is it not, that piracy was very rife in the Straits Settlements about sixty years ago?
Bishop THOBURN. Certainly.
Senator BEVERIDGE. Singapore is not much older than sixty years, is it not, as a city——
Bishop THOBURN. *It is a new town, and was founded, almost in opposition to the wishes of the English Government, by people who saw that that was the only way to settle that country.*
Senator BEVERIDGE. *And it is now a flourishing place?*
Bishop THOBURN. *It is the most flourishing in that part of the world.*
Senator BEVERIDGE. *And you say piracy has been wiped out during your time?*
Bishop THOBURN. *Yes.*
Senator BEVERIDGE. *And a state of peace and prosperity exists?*
Bishop THOBURN. *It is the most prosperous region in the East.*
Senator BEVERIDGE. Do people submit to the English domination there?
Bishop THOBURN. Absolutely.
Senator BEVERIDGE. And there is no difficulty?
Bishop THOBURN. There is no difficulty.
Senator BEVERIDGE. At first there was sharp fighting?
Bishop THOBURN. Yes; they had to take several regiments there from Calcutta. They took them there in 1875.
Senator BEVERIDGE. There is nothing there of that kind now?
Bishop THOBURN. No, sir.
Senator BEVERIDGE. The number of soldiers with which England holds the Straits Settlements in Singapore is comparativly small now?
Bishop THOBURN. Yes; the soldiers are held not on account of the Malays, but on account of the European governments. That is a key to the situation.
Senator BEVERIDGE. You say piracy has not been entirely exterminated in the island of Mindanao?
Bishop THOBURN. As a matter of information, yes.
Senator BEVERIDGE. And you know it has existed in the islands within the lifetime of men now living?
Bishop THOBURN. I have no doubt it exists where there is no military power to restrain them now.

A CRIME TO ATTEMPT WITHDRAWAL.

Senator BEVERIDGE. What would you say would be the result in the Philippines if a native government was set up there and American authority and power were withdrawn?
Bishop THOBURN. Over the whole of the islands?
Senator BEVERIDGE. Yes.
Bishop THOBURN. *I think it would be a crime to attempt it. It would bring an awful state of things on the whole islands, because it would throw them into utter anarchy.*
Senator BEVERIDGE. What would you say, from your point of view, in your field of labor over there, which includes Malaisia, is the duty of the American Government in reference to continued occupation and government of the Philippine Archipelago?
Bishop THOBURN. Well, we are there, and I think we ought to do our duty the best we can—if you will allow me to speak as a missionary, I would say—in the field God has put us. We did not seek it.
Senator BEVERIDGE. You think it is the duty of the American Government to continue?
Bishop THOBURN. I certainly do. I think it would be assuming a very grave responsibility to lift our hand from that place. I think it would put back the civilization of the big island of Mindanao two hundred years for us to let them go to their own ways.

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I have been in the East for forty-three years. I have been going there since 1885—to Singapore and Penang and what we call the Straits Settlements, which include the Malay Peninsula. I have been there a great deal and been among the Malay people a great deal.

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Senator CULBERSON. Coming back to my question, I would like you to be kind enough if you would give me your views about it—whether you believe the American people ought to absorb and take into the body politic of the American Government a race incapable of self-government.

"NOT IN TEN OR FIFTY YEARS."

Bishop THOBURN. If you mean by that they ought to take them in as I am in, so that when I come here I become a citizen and a voting citizen, I should say no; but if you take them in in the other sense, I would say yes.
Senator CULBERSON. The other sense is that they would be held as a subject race?
Bishop THOBURN. *A subject race under fixed rights that are assured to them.*
Senator CULBERSON. Do you believe that the American Constitution ought to be extended over the Philippines?

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Bishop THOBURN. You mean in the sense——
Senator CULBERSON. I mean in the broad sense; the Constitution, with its benefits.
Bishop THOBURN. According to my meaning they have already done it. We are ready to defend the Filipinos against the world now.
Senator CULBERSON. Do you think that is all there is in the Constitution for them, that we shall defend them against the world?
Bishop THOBURN. No, sir; I think we ought to help them in every way and teach them how to govern themselves, and in order to do that we have a very great task before us. *But we can not do it in ten years, nor in fifty years.* In the history of the world you will not find that any nation has ever been developed at that rate. But I think that is the mission that Providence has given us.

AMERICANS NOW "GOING TOO FAST."

Senator BEVERIDGE. What do you think about the progress we have already made?
Bishop THOBURN. *We are going too fast; if anything, we are going too fast. We are not going too slow, that is certain.*
Senator CULBERSON. You do not believe, I think you said, that we ought to take the Filipino people into our Government as you are in it; in other words, they ought to be held as a subject race?
Bishop THOBURN. I do not like your term "subject race." A protected race, I would say.
Senator CULBERSON. A protected race. You think, then, we ought to establish a protectorate over the Philippines?
Bishop THOBURN. I like the word "protectorate."
Senator CULBERSON. Not constitute that country an integral part of the United States or the people a part of the citizenship of the United States, but simply extend an American protectorate over those people?
Bishop THOBURN. That is my idea, although I might define it a little differently.
The CHAIRMAN. What do you mean by a protectorate?
Bishop THOBURN. A protectorate in the sense—I am a Britisher to some extent, having lived over there so long—in the sense we use it in the English possessions.
Senator BEVERIDGE. In the administration of the government?
Bishop THOBURN. In the administration of the government.
Senator CULBERSON. You want the United States to adopt the English policy in governing the Malay people?
Bishop THOBURN. *I would have them adopt the spirit of the English policy and according to American ideals. I should have them do it a little better, perhaps.* But I think, if you will allow me to say it, that that is the tendency of the world to-day; that all outlying uncivilized or half-civilized countries are going to come under English jurisdiction within the next one hundred years.
Senator BEVERIDGE. Or American jurisdiction?
Bishop THOBURN. Or American jurisdiction.
Senator CULBERSON. Passing from the matter of government to another phase of the question, do you believe the Filipinos are equal as a race to the American people—the Anglo-Saxons?
Bishop THOBURN. Do you mean in capacity or in rights?
Senator CULBERSON. I mean in capacity.
Bishop THOBURN. No; they are not.
Senator CULBERSON. In intellectual and moral capacity?
Bishop THOBURN. No; they are not.

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Senator BEVERIDGE. You said fifty years a minute ago; that we could not do it in fifty years.

THREE GENERATIONS BEFORE FILIPINOS CAN GOVERN THEMSELVES.

Bishop THOBURN. *I should say three generations; that three generations might be able to do it.* But, in the first place, the present generation will never get rid of their old instincts and ideals; the second generation will be educated half and half; they will still have a great deal of the old ideal—that is, I am taking it as things have gone in the past—and the third generation will be altogether new.
Senator BEVERIDGE. They may be ready for business?
Bishop THOBURN. Ready for business.
Senator CULBERSON. How many years will that be?
Bishop THOBURN. *Seventy-five years at least.* A generation is supposed to be thirty-three years. Out there it is shorter.

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Bishop THOBURN. *The present generation in India do not know that the English Government was engaged in conquest. They have never seen war. We have in India 300,000,000 people living in absolute peace. They have not had an opportunity of seeing war for forty-five years.*
Senator BEVERIDGE. *And is not this—this long period you speak of—the first time in the history of India that that has been so?*
Bishop THOBURN. *Yes; that is something worth studying.*

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FILIPINO FEELING NOW MORE FRIENDLY THAN BEFORE WAR.

Senator CARMACK. Very well; I am done with it. I want to ask you this question: Do you think the people of the Philippine Islands are better disposed now to receive mission work from the United States than they were at the end of the war with Spain?
Bishop THOBURN. I think they are.
Senator CARMACK. You think their temper and disposition more favorable to the reception of Christian missions at the hands of the United States than at the close of the Spanish war?
Bishop THOBURN. I think so, undoubtedly.
Senator CARMACK. You think they feel more kindly to the American people now than they did before this American war began?
Bishop THOBURN. I think so.
Senator CARMACK. You think that at the time when the power of Spain was first broken, when the Americans, say, first landed in Manila or when they destroyed the Spanish fleet, do you think the feelings of the Filipinos at that time were less kindly toward the Americans than they are to-day?
Bishop THOBURN. I certainly do.
Senator CARMACK. You think that the people there now are very kindly disposed toward Americans?
Bishop THOBURN. I can only judge from what we see in our mission work. We can not furnish preachers enough to preach to the audiences who wish to hear our preaching; we can not half meet the demand. When I was there at first it would have been difficult to have collected an audience of 100. Now we are preaching to 12,000 people in Manila and vicinity every Sunday. Then in the provinces outside we can not meet the demand at all; nor can we meet the demands for schools.

FILIPINO MASSES—"QUIETNESS AND PEACE."

Senator CARMACK. You think, then, the opinion, if it prevails anywhere, that the overwhelming majority of the people of the Philippine Islands are at heart hostile to the people of the United States is a mistaken notion?
Bishop THOBURN. Yes; I think it is, among the quiet people.
Senator CARMACK. Do you think that the large majority of the people are really intensely loyal to the Government of the United States?
Bishop THOBURN. I do not know that I would say intensely loyal; that is a pretty strong phrase.
Senator CARMACK. Entirely content, then?
Bishop THOBURN. *I was about to say that I think they want quietness and above all things peace, and they are thankful to have it come in this shape. I do not know whether they have thought out the problem much about the future. I am speaking of the rank and file of the people.*
Senator DUBOIS. When you speak, Bishop, of your preaching to 12,000 every Sunday, I think you said——
Bishop THOBURN. Yes; that is, the audiences average that.
Senator DUBOIS. Does that include the missionaries of all denominations, or simply your own?
Bishop THOBURN. Simply our own.
Senator DUBOIS. Just the Methodist?
Bishop THOBURN. Yes, sir.
Senator BEVERIDGE. In Manila?
Bishop THOBURN. And vicinity.
Senator DUBOIS. I did not know whether he meant just his own church.
Bishop THOBURN. My own church. There are three or four missions there.

PEOPLE WANT PEACE.

Senator CARMACK. You think, then, the temper of the majority of the people in Manila is toward quietude; that there is no deep-seated feeling of hostility toward the United States?
Bishop THOBURN. If so, it is very successfully concealed. *I think what they want is quietness—peace. They want to get settled in their work.*

Senator CARMACK. Do you regard them as a treacherous people or otherwise—a people that profess to be friendly when they are really hostile?

Bishop THOBURN. I do not like to speak broadly in reply to that question, but I am afraid I will have to say I do.

Senator CARMACK. Speaking of the broad principle, I believe you said that you do not think it would be wise for us to incorporate the Filipinos into the body of our citizenship.

Bishop THOBURN. I have hesitated over that question a good deal to know exactly what you mean by that. That is, in the sense to say I am in the citizenship, I do not think it would be.

Senator CARMACK. You think they should be governed as a dependency, somewhat after the Crown colonies of Great Britain?

Bishop THOBURN. Speaking broadly, I do.

Senator CARMACK. Do you think the Filipinos will be satisfied with that form of government?

Bishop THOBURN. Provided you hold out before them continually and practically the idea they are going to have broader privileges as time passes.

Senator CARMACK. What do you mean by broader privileges? Do you believe they will be satisfied with a vague and indefinite statement as to broader privileges?

Bishop THOBURN. I would give them a larger share in the government. *I think you have gone a little too fast.*

INDEPENDENCE MEANS CIVIL WAR—WHAT AGUINALDO SAID.

Senator MCCOMAS. I would like to ask you one question. I want to read you from page 2017 of the testimony in this committee an extract from the diary of Dr. Villa, who was chief of staff to Aguinaldo. In this diary, under March 2, 1900, he says this:

"After luncheon and during the hour of rest the honorable president"—

That is Aguinaldo—

"had a conversation with B. and V. about our situation and the present war against the Americans, saying that even though greater sufferings should come than those we now have, he would endure and accept them with pleasure until the realization of the independence of our country. *He fears there will be a civil war afterwards.*"

I want to know from you whether you agree in that opinion of Aguinaldo and in the fear that there would be a civil war, as he indicates, after the independence to which he aspires.

Bishop THOBURN. *I am very sure there would be a civil war if independence is given them.*

Senator MCCOMAS. And if he had succeeded, would there or would there not have been a civil war, as he feared, in the Philippines?

Bishop THOBURN. I think so.

Senator MCCOMAS. Not only a civil war in Luzon, but in all the main islands?

Bishop THOBURN. *All over the islands.*

Senator MCCOMAS. Not easily ended, and the people not easily pacified?

Bishop THOBURN. No.

Senator CARMACK. I will ask you if you do not think there were grave apprehensions of a civil war in the United States immediately following the Revolutionary war?

Bishop THOBURN. There may have been.

Senator BEVERIDGE. There was grave danger, and it was only prevented by the peculiar cohesive qualities of our people.

On the line on which Senator CARMACK was questioning you, I think you stated yesterday that you have considerable personal familiarity with India?

Bishop THOBURN. Yes; I have.

Senator BEVERIDGE. Would you, as a person interested in civilization, be willing to see England withdraw from India?

Bishop THOBURN. I should be very sorry.

IF ENGLAND SHOULD WITHDRAW FROM INDIA.

Senator BEVERIDGE. What do you think, Bishop, would occur if England were to withdraw from India, and all other control except the chiefs, the people themselves, withdrawn, and they left to themselves?

Bishop THOBURN. We would have a state of chaos.

Senator BEVERIDGE. Are you familiar with the Straits Settlements?

Bishop THOBURN. Very.

Senator BEVERIDGE. Would you be willing, as a person interested in civilization, to see England withdraw from Singapore and the Straits?

Bishop THOBURN. I should be extremely sorry.

Senator BEVERIDGE. I think you testified yesterday that under England's control of the Malay Straits Settlements there is industry, prosperity, and law and order?

Bishop THOBURN. Perfectly.

Senator BEVERIDGE. The city of Singapore is a great and flourishing port, is it not?

Bishop THOBURN. It is one of the most wonderful cities in the world.

Senator BEVERIDGE. The commerce of the world converges there, does it not?

Bishop THOBURN. Every European vessel going to China must pass it.

Senator BEVERIDGE. It is one of the great commercial focusing points of the world?

Bishop THOBURN. If I may use the expression, it is the great nerve center of commerce.

SINGAPORE A JUNGLE SEVENTY YEARS AGO.

Senator BEVERIDGE. *Not more than sixty or seventy years ago the island where Singapore now stands was a jungle, and the Malay Straits Settlements, now peaceful, were infested by pirates, were they not?*

Bishop THOBURN. *Pirates and tigers.*

Senator BEVERIDGE. You have been in Hongkong?

Bishop THOBURN. Yes.

Senator BEVERIDGE. What kind of a city is Hongkong?

Bishop THOBURN. It is a hustling city.

Senator BEVERIDGE. Is it substantial?

Bishop THOBURN. It is a substantial, prosperous, rich, and thriving city.

Senator BEVERIDGE. Personal rights in the sense of the individual liberty of people being protected, Chinese and others, exists there?

Bishop THOBURN. Certainly.

Senator BEVERIDGE. In the highest form?

GOVERNMENT OF HONGKONG.

Bishop THOBURN. *In the highest form. There is more protection to a poor man there than in Chicago.*

Senator BEVERIDGE. Are the courts open to all, Chinese included?

Bishop THOBURN. Everybody.

Senator BEVERIDGE. And schools there are attended by Chinese children?

Bishop THOBURN. Yes; attended by Chinese, and I have employed some of the graduates.

Senator BEVERIDGE. Would you state, if you know, the condition of the rocky mountain on which Hongkong stands, less than two generations ago?

Bishop THOBURN. That I could not say.

Senator BEVERIDGE. You do not know about its history?

Bishop THOBURN. No.

Senator BEVERIDGE. I can state for the benefit of the Senator from Texas—if the Senator reads books I can certainly make statements—that the place where this English city now stands was a barren mountain with a miserable little Chinese fishing village at its base.

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Senator BEVERIDGE. You spoke yesterday of the question of self-government, that a lack of cohesion was one of their characteristics.

Bishop THOBURN. Yes, sir.

Senator BEVERIDGE. That lack of cohesion is common everywhere among them?

Bishop THOBURN. Yes.

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Senator CARMACK. You say that personal rights are more secure in Hongkong than in the city of Chicago, you think?

Bishop THOBURN. I think so.

Senator CARMACK. Is that due, do you think, to the government?

Bishop THOBURN. I think it is due largely to the fact that the government is not only not like the government of Chicago, but they have a stronger arm.

Senator CARMACK. Do you think the difference in the security of personal rights in Chicago and Hongkong is due to the difference in the form of government?

Bishop THOBURN. I say it is due to the difference in the administrators of the government.

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Senator BEVERIDGE. In answer to Senator CARMACK you speak of the difference, that there was something of the stronger hand there.

Bishop THOBURN. Yes.

Senator BEVERIDGE. That strong hand is exercised impartially and promptly for the administration of justice to the humblest and poorest, is it not?

Bishop THOBURN. I think it is.

Senator DIETRICH. Is it your understanding that Aguinaldo and his followers, who were almost exclusively Tagalos, were the Tagalos who were very bitter against the Catholic Church?

Bishop THOBURN. Were they the ones?

Senator DIETRICH. Yes.

Bishop THOBURN. They were bitter, but they are not by any means the only ones.

Senator DIETRICH. Do you believe that Aguinaldo and that portion of the Tagalo tribe could have subjugated the Macabebes, the Visayans, the Pampangans, the Moros, and all the balance of the islands?

Senator BEVERIDGE. And the Igorrotes?

Senator DIETRICH. And the Igorrotes, to his rule, and could have made out of them an independent, prosperous republic or country?

AGUINALDO COULD NOT HAVE ESTABLISHED INDEPENDENCE.

Bishop THOBURN. No. I expressed myself yesterday on that. He certainly could not have done it.

Senator DIETRICH. He certainly would have had to fight the power of the Catholic Church.

Bishop THOBURN. Yes; and he would have had to take up all these different races that have been named, and he would have commenced with the Macabebes. I do not say that Aguinaldo himself meant that, but it would have been inevitable.

Senator DIETRICH. It would have been impossible for him, under that situation, you believe, to have brought about an independent government?

Bishop THOBURN. Utterly impossible.

Senator CULBERSON. I ask this from your statement made yesterday that you think the Government of the United States ought to hold the Philippines. Do you believe that a whole people like the Filipinos ought to be subjugated by another government than their own without their consent, by force?

Bishop THOBURN. It depends upon circumstances.

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Senator CULBERSON. I ask if the fundamental doctrine of the church is not moral suasion rather than physical force in accomplishing any purpose?

Bishop THOBURN. In reference to Christian work, undoubtedly it is moral suasion; but the doctrine of the Bible, as I understand it, is that we ought to uphold the civil government, and your question applies to the civil government, which the responsibility of the church can never assume.

"WE ALWAYS UPHOLD THE CIVIL GOVERNMENT."

Senator CULBERSON. *You think it would be the duty of the church to uphold the civil government regardless of the justice of the acts to perform?*

Bishop THOBURN. *Certainly; it is our duty always to be obedient to the powers that be, to pay our taxes like other people, pray for the President or the King, or whoever is in authority. We always uphold the civil government.*

Senator CULBERSON. Does that necessarily mean that you should indorse the government?

Bishop THOBURN. No; that does not make us responsible; it does not belong to us at all; it belongs to the civil authorities.

Senator CULBERSON. I will ask you then, aside from your sacred calling, if you believe as a citizen that a whole people like the Filipinos should be subjected to a different government than that which they desire, without their consent and by force?

Bishop THOBURN. *We have acted on the theory for a hundred years, with regard to the American Indians, that no matter what they wish or what government they desire we will hold them by force.*

Senator CULBERSON. You think we ought to apply the doctrine which we have applied to the Indian to the Filipino?

Bishop THOBURN. There is a stronger claim in the case of the Filipinos. They have fallen to us by what we call the fortunes of war, and we have a responsibility that we can not shake off without incurring a liability to greater evils, as I explained yesterday.

This is not all. These are Americans; and it might be said that they are partial witnesses. I have here the testimony of two witnesses who are not partial, one of them a man who has spent eight or ten years in these islands, and who first gave to the world any authentic information concerning the characteristics of the Philippine people. That is Mr. John Foreman in his book entitled "The Philippine Islands." I desire to print excerpts from that book, giving his judgment at the beginning of this difficulty as to the quality, character, and characteristics, good and bad, of those people.

V.—FOREIGN TESTIMONY ON FILIPINO CHARACTER AND THE SITUATION.

EXTRACTS FROM "THE PHILIPPINE ISLANDS."

[By John Foreman.]

Several writers have essayed to correctly depict the Philippine native character, but with only partial success. Dealing with such an anomalism, the most eminent physiognomists would surely differ in their speculations

regarding the Philippine native of the present day. That Catonian figure, with placid countenance and solemn gravity of feature, would readily deceive anyone as to the true mental organism within.

The late parish priest of Alaminos, in Batangas province—a Spanish Franciscan friar, who spent half his life in the colony—left a brief manuscript essay on the native character. I have read it. In his opinion, the native is an incomprehensible phenomenon, the mainspring of whose line of thought and the guiding motive of whose actions have never yet been, and perhaps never will be, discovered. A native will serve a master satisfactorily for years, and then suddenly abscond, or commit some such hideous crime as conniving with a brigand band to murder the family and pillage the house.

"GENEROSITY REGARDED AS WEAKNESS."

He is fond of gambling, profligate, lavish in his promises, but lache in the extreme as to their fulfillment. He will never come frankly and openly forward to make a clean breast of a fault committed or even a pardonable accident, but will hide it until it is found out. *In common with many other non-European races, an act of generosity or a voluntary concession of justice is regarded as a sign of weakness.* Hence it is that the experienced European is often compelled to be more harsh than his own nature dictates.

"GIVE AN INCH, HE WILL TAKE AN ELL."

Even the best class of natives neither appreciate, nor feel grateful for, nor even seem to understand a spontaneous gift. Apparently, they only comprehend the favor when one yields to their asking. The lowest classes never give to each other, unsolicited, a cent's worth. *If an European makes voluntary gratuities to the natives he is considered a fool; they entertain a contempt for him, which develops into intolerable impertinence.* The saying "Give him an inch and he will take an ell" can truly be applied to the Filipinos. They are void of all feeling of magnanimity, and do not understand chivalry toward the weak or the fallen foe.

FILIPINOS CAN COPY BUT NOT INVENT.

The Filipino, like most Orientals, is a good imitator, but having no initiative genius he is not efficient in anything. If you give him a model he will copy it any number of times, but you can not get him to make two copies so much alike that the one is undistinguishable from the other. He has no attachment for any occupation in particular. To-day he will be at the plow; to-morrow a coachman, a collector of accounts, a valet, a sailor, and so on; or he will suddenly renounce social trammels in pursuit of lawless vagabondage. I once traveled with a Colonel Marques, acting governor of Cebu, whose valet was an ex-law student.

The native is indolent in the extreme, and never tired of sitting still, gazing at nothing in particular. If familiarity be permitted with a native, there is no limit to his audacity. The Tagalog is docile, but keenly resents an injustice.

NATIVE IS SUPERSTITIOUS.

Native superstition and facile credulity are easily imposed upon. A report emitted in jest or in earnest travels with alarming rapidity, and the consequences have not unfrequently been serious. He rarely sees a joke, and still more rarely makes one. He never reveals anger, but he will with the most profound calmness avenge himself, awaiting patiently the opportunity to use his bohie knife with effect. Mutilation of a vanquished enemy is common among these islanders.

FILLIPINO "AVERSE TO SOCIAL ORDER."

The native is so contumacious to all bidding, so averse to social order, that he can only be ruled by coercion or by the demonstration of force. Men and women alike find exaggerated enjoyment in litigation, which may keep up for years. *Among themselves they are tyrannical.* They have no real sentiment, honor, or magnanimity, and apart from their hospitality, in which they (especially the Tagalogs) far excel the European, all their actions appear to be only guided by fear or interest or both.

FILIPINO HAS MANY OTHER EXCELLENT QUALITIES.

But the Filipino has many excellent qualities which go far to make amends for his shortcomings. He is patient and forbearing in the extreme, remarkably sober, plodding, anxious only about providing for his immediate wants, and seldom feels the canker of ambitious thoughts. In his person and his dwelling he may serve as a pattern of cleanliness to all other races in the tropical East. *He has little thought beyond the morrow, and therefore he never racks his brains about events of the far future in the political world or any other sphere.* He indifferently leaves everything to happen as it may, with surprising resignation.

The Tagalog in particular has a genial, sociable nature. The native, in general, will go without food for many hours at a time without grumbling; and fish, rice, betel nut, and tobacco are his chief wants. He is never long in a great dilemma. If his hut is about to fall, he makes it fast with bamboo and rattan cane. If a vehicle breaks down, a harness snaps, or his canoe leaks or upsets, he has always his remedy at hand. He bears misfortune of all kinds with the greatest indifference and without the least apparent emotion. *Under the eye of his master he is the most tractable of all beings.* He never, like the Chinese, insists upon doing things his own way, but tries to do just as he is told, whether it be right or wrong.

A native enters your service as a coachman, and if you wish him to paddle a boat, cook a meal, fix a lock, or do any other kind of labor possible to him, he is quite agreeable. He knows the duties of no occupation with efficiency, and he is perfectly willing to be a "jack-at-all-trades." Another good feature is that he rarely, if ever, repudiates a debt, although he may never pay it. So long as he gets his food and fair treatment, and his stipulated wages paid in advance, he is content to act as a general utility man. If not pressed too hard he will follow his superior like a faithful dog. *If treated with kindness, according to European notions, he is lost.* Lodging he will find for himself. The native never looks ahead; he is never anxious about the future; *but, if left to himself, he will do all sorts of imprudent things, from sheer want of reflection on the consequences, when, as he puts it, "his head is hot" from excitement due to any cause.*

FILIPINOS HAVE NO IDEA OF ORGANIZATION.

The native has no idea of organization on a large scale, hence a successful revolution is not possible if confined to the pure indigenous population *unaided by others, such as creoles and foreigners.* He is brave, and fears no consequences when with or against his equals, or if led by his superiors, but a conviction of superiority—moral or physical—in the adversary depresses him. An excess of audacity calms and overawes him rather than irritates him.

MUSICIANS, BUT NOT COMPOSERS.

The native has an inherent passion for music. Musicians are to be found in every village, and even among the poorest classes. There was scarcely a parish without its orchestra, and this natural taste was laudably encouraged by the priests. *There are no native composers—they are but imitators.* There is an absence of sentimental feeling in the execution of set music (which is all European), and this is the only drawback to their becoming fine instrumentalists. For the same reason classical music is very little in vogue among Philippine people, who prefer dance pieces and ballad accompaniments. In fact, a native musical performance is so void of soul and true conception of harmony that at a feast it is not an uncommon thing to hear three bands playing close to each other at the same time; and the mob assembled seemed to enjoy the confusion of the melody. There are no Philippine vocalists of repute.

SUPERSTITION—"ANTING-ANTING."

The most ignorant classes superstitiously believe that certain persons are possessed of a diabolical influence called *anting-anting*, which preserves them from all harm. They believe that the body of a man so affected is even refractory to the effects of bullet or steel. Brigands are often captured wearing medallions of the Virgin Mary or the saints as a device of the *anting-anting*. In Maragondon, Cavite Province, the son of a friend of mine was enabled to go into any remote places with impunity, because he was generally supposed to be possessed of this charm. Some highwaymen, too, have a curious notion that they can escape punishment for a crime committed in Easter week, because the thief on the cross was pardoned his sins.

MARAUDERS HAUNTS—PIRATES.

Within a half day's journey from Manila there are several well-known marauders, haunts, such as San Mateo, Imus, Silan, Indan, the mouths of the Hagonoy River, which empties itself into the bay, etc. In 1881 I was the only European among 20 to 25 passengers in a canoe going to Balanga, on the west shore of Manila Bay, when about midday a canoe, painted black and without the usual outriggers, bore down upon us, and suddenly two gunshots were fired, while we were called upon to surrender. The pirates numbered 8; they had their faces bedaubed white and their canoe ballasted with stones. There was great commotion in our craft; the men shouted and the women got into a heap over me, reciting Ave Marias, and calling upon all the saints to succor them.

Just as I extricated myself and looked out from under the palm-leaf awning, the pirates flung a stone which severely cut our pilot's face. They came very close, brandishing knives, but our crew managed to keep them from boarding us by pushing off their canoe with the paddles.

When the enemy came within range of my revolver, one of their party, who was standing up waving a bohie knife, suddenly collapsed into a heap. This seemed to discourage the rest, who gave up the pursuit, and we went on to Balanga.

I follow the extracts from Mr. Foreman's book with testimony upon that subject from a foreign and impartial observer, perhaps the very greatest oriental authority in the world—Mr. Archibald Colquhoun. Mr. Colquhoun has spent years in the Orient and written many books on oriental subjects. He was British commissioner to Burma, correspondent of the London Times at Pekin, and is concededly better informed than any other living man on Eastern character, government, and conditions. The book from which these extracts are taken is just out of press and is the latest and most authoritative statement of Philippine conditions by an impartial observer.

[Extracts from "The Mastery of the Pacific," by Archibald Colquhoun.]

In all discussions as to Filipino character it is this point to which everything is focused, the capacity for self-government, for that signifies many qualities, and on it practically hangs the future of the race. Masses of evidence have been collected on the subject, much of it very contradictory, and it is difficult to decide where doctors disagree. *But if one considers the different races which have been blended in these islands, and, while remembering their recognized racial characteristics*, makes due allowances for the modifications produced by so great an admixture of blood, we shall be able to account for many contradictions. *It is important always to remember that the people of the Philippines are not homogeneous; but, while there are wide differences of speech and disposition in the inhabitants of many of the islands, a very large proportion are permeated with a Malay element.* Such islands, indeed, are populated with almost pure Malays. Of the other native races, the Indonesian tribes are found in the mountains, whither they had been driven by the advancing tide of Malays; and the Negritos, the original inhabitants, are an inconsiderable and vanishing race, of no political importance.

CHARACTERISTICS OF MALAYS—"NO MALAY NATION."

What, then, are the characteristics and possibilities of the Malays, as shown hitherto in their relations with Europeans?

* * * * * * *

Other deficiencies in their mental and moral equipment are a lack of organizing power. *No Malay nation has ever emerged from the hordes of that race which have spread over the islands of the Pacific.* Wherever they are found they have certain marked characteristics, and of these the most remarkable is their lack of that spirit which goes to form a homogeneous people—to weld them together. The Malay is always provincial; more, he rarely rises outside the interests of his own town or village. He is never honest, as we count that virtue, never truthful, and never industrious or persevering. This is his dark side, but it is with that we are concerned. The two points which are most inimical to progress are, as already indicated, *the lack of unity and the lack of persistence.* The Malay is the laziest of Orientals, and the Filipino is the least lazy of Malays. The Malay, in short, is a creature of limitations.

FILIPINOS SO "HETEROGENEOUS AS TO DEFY ANALYSIS."

On this stock has been grafted many shoots, and the result in the Philippines is a population so heterogeneous as almost to defy analysis, since it is impossible to trace the infinite gradations of color, or to decide in what proportion the half-caste blood is mixed. The principal elements in this mixture are Spanish and Chinese. The Chinese mestizos, or half-breeds, have the reputation of being amongst the most brainy and also the most *difficile* of the natives, and a very large proportion of the insurgents belonged to this class. The Chinese character is so involved and so impossible to generalize that it is difficult to suggest the possible modifications it would make on the Malay; but when we remember the strong conservatism of the Chinese, and their intense superstition, we can not be surprised at the prominence of these two qualities in the Filipino descendants.

Some of the traditions current in the Philippines—for instance, the idea that mines could not be opened without the application to the "veins" of an unguent composed of old women's eyes, and a report, as late as 1830, that children were seized that their blood might water the gold and silver mines of Spain, a report which occasioned considerable disturbances—these are characteristically Chinese. The Chinese indifference to human suffering and cheap estimate of human life have also made their mark, being only exaggerated forms of ideas common to all Orientals. The artistic and creative qualities of the Chinese are those which have left least impression, for reasons to be suggested later on.

FILIPINO "GLIBNESS."

The Spaniards have, of course, exercised a double influence, not only that of intermarriage, but through their position as the governing and civilizing element. The faults and peculiarities of Latin races are exaggerated and

burlesqued, and a thin veneer of Western culture is spread over the passions and emotions of these Orientals. The Filipinos have in particular assimilated certain qualities which appeal to their sense of color—to their love of show. The glibness of the delegates who attended the United States commissions was remarkable, when one considered that in many cases they were drawn from humble pueblos—mere villages—and that their education must have been of the most elementary character.

These wordy speeches, when translated or put into cold print, contained but the smallest degree of matter, but their delivery and the promptness of replies to questions are characteristic of the eloquent, wordy, frothy Latin races, among whom every lounger at the village hostelry is at once an orator and a politician—great in words, but not in deeds, for his patriotism seldom gets beyond the taking stage. Whatever may be lacking in the new government, there will inevitably be plenty of discussion.

BAD INFLUENCE OF SPAIN ON MALAY CHARACTER.

It is the well-known tendency of the Latin races to be "intoxicated with the exuberance of their own verbosity," and when their dangerous facility of speech is transmitted to a people who have, by reason of their race and history, even less mental ballast, it is to be feared that with increased liberty will arise a class of windy politicians whose influence will be inimical to peace and tranquillity, since a grievance is necessary to point their periods.

The intellectual subtlety of the Latin has also been curiously grafted onto the simplicity—which is not stupidity—of the Malay. The result is a peculiar leaning toward abstract ideas, a love of the purely theoretical side of learning, with a corresponding inability to apply those theories, which are to them things apart from real life—things they have learned or read, and not evolved from life itself.

FILIPINOS "WOULDN'T KNOW 'INDIVIDUAL RIGHTS' IF THEY MET HIM IN THE STREET."

They begin with the abstract and fail to work down to the concrete, instead of taking the concrete, and so, through circles of thought, reaching the abstract. Their knowledge of rhetoric, logic, and philosophy is of little use to them, therefore; and even as an intellectual exercise it fails of its purpose, because it has no sure end or aim.

A witty American, who, being a fluent Spanish scholar, had conversed with hundreds of the better educated Filipinos, said of them: "They will write you essays on individual rights until you are tired, *but if they met Individual Rights in the street they wouldn't know him from Adam.* This is the inevitable result of Spanish influence. No race is less fit to amalgamate with or govern such people as the Filipinos than a decadent Latin one, whose shallows have a brilliance attractive to a child-like, color-loving race; whose faults are principally the result of a lack of mental and moral rigidity, therefore equally congenial to people who know nothing of discipline; and whose virtues are the result of a long period of civilization and culture, and can not be acquired ready-made by even the quickest and most adaptive of natives.

It is curious that the chief glory of Spain, her preeminence in painting and sculpture, has found no echo in these islands; but the fact emphasizes what has been said as to the predominance of the Malay element. The Malays have not produced artists in any of the countries to which they have spread, and though at times they produce pretty decorative work, it has little individuality and is usually copied from Chinese, Hindoos, or whatever race has come in contact with them. Despite the wonderful carvings of the Hindoo temples in Java, where the Malays reached their highest point of indigenous civilization, there is no such thing as native carving to be seen in that island. They had not even the desire to emulate what their Hindoo conquerers had done.

THE MALAY HAS NO CREATIVE ABILITY.

The artistic element in Spanish civilization seems to have been incommunicable, at any rate so far as creation is concerned. This want of originality is so marked a feature of Filipino character that it is as though we ran our heads against a dead wall in Malay characteristics. The Malay has no creative ability. Ages ago he evolved his idea of a house, and that house can be seen now in any of the islands to which he has penetrated—*always the same.* The sameness of his musical instruments, his ornaments, his weapons, is remarkable, especially when we consider the wide range of Malay invasion and the lack of communication between the different islands over which that invasion spread.

The modifications induced in the race by a variety of climate and conditions have not affected the elemental characteristics of the Malay at all, and of these the most striking is the lack of initiative, the absence of that quality which marks certain men out and makes them heroes and leaders. The Malay race, it has been said with a good deal of justice, has only produced one man whose ability deserves, and has acquired, a world-wide celebrity—Rizal. The insurgent leaders, especially Aguinaldo, have acquired notoriety, but not fame. This state of affairs can not be wholly fortuitous, nor can it be attributed to deficiencies of opportunity or to unfavorable circumstances, since these were ever the hotbed of genius. We are compelled to acknowledge the limitations of the Malay, and to suspect that wherever his race is predominant it will be rare indeed to find an individual triumphing over these trammels.

To this universal mediocrity is no doubt due the very slight degree of civilization ever attained by the Malays without outside influence, and also their political inefficiency. *Great intellectual or moral achievements may require for their consummation a certain preparedness on the part of the majority of the people they affect, but all such need to be initiated by some master mind.* Luther had been compared to the match that fired the mine, but without him who can doubt that the Reformation would have been delayed and might have been stultified?

The occidental races are rich in individuals of superior power, courage, and attainments. Anglo-Saxons, in particular, owe the luster of their history largely to the great deeds of single men, often private individuals—not so the Orientals. There have been heroes in the past, but most belong to the age of myth, and for many centuries China, one of the greatest and most civilized of oriental countries, has been waiting in vain for a God-sent leader.

There are few, even among the Filipinos themselves, who really deny the elementary propositions set forth, but there are a great many, including a number of Americans, who believe that education will remedy these characteristic defects in Filipino evolution.

CAN EDUCATION REMEDY THE DEFECTS?

The question is, whether this power of initiative, which involves not only ability, courage, and frequently self-devotion, but also a peculiar tenacity of purpose, is a quality that can be inculcated, or whether it is innate. We can not argue from previous experience, for nowhere are the conditions precisely similar; but it must be remembered that one of the chief ingredients in the character of men who have made history is their independence of outside conditions. * * * This is, of course, no argument against the best and highest education—*only a warning that we must not expect too much from it.*

OUR "GREAT EXPERIMENT."

The United States have resolved to make a great experiment in the Philippines. * * * To fit that coming generation for its future, education of the most advanced and up-to-date type is to be introduced into the islands at one coup, and by the salutary effects of training, the evil tendencies of the Filipino race—half hereditary, half the results of misgovernment—are to be reduced to a minimum.

A BEAUTIFUL THEORY.

It is a beautiful theory and a beautiful scheme, but unfortunately it involves an entire subversion of the laws of nature. To educate a nation is a grand and noble aim, BUT IT CAN NOT BE ACCOMPLISHED IN ONE GENERATION OR EVEN IN TWO. And here the task is complicated by the fact that THE FILIPINOS ARE NOT A NATION. "The United States," said a prominent American, "has fought her way through centuries of progress toward the goal of universal suffrage and democratic government," but he forgot to add that long before the United States began that fight the ancestors of Americans were *struggling slowly but surely through the mists of bygone ages toward freedom and liberty of thought and action.*

It is the results of these centuries of struggle and progress that they propose to thrust at once ready-made on the half-fledged Filipino.

THE FILIPINO "A HALF-CIVILIZED CHILD."

If the little brown brother were altogether simple and amenable the danger would be less, though still considerable; but he is neither. He is a half-civilized, clever, irresponsible child who has warped ideas as to right and wrong. IF UNNATURALLY STIMULATED HE MAY GROW UP INTO A FRANKENSTEIN.

The proper education of the Filipino, if not unduly hurried, will prove in the long run an untold benefit to the race. *Those, however, who initiate it can not hope to live to see its happiest effects.* In mere knowledge a very few years will probably make an enormous difference and will turn the mass of Filipinos, who have hitherto learned little more than the catechism, into a horde of precocious youngsters with all the text-book facts at their finger tips. *But true education which affects the character, which teaches a man to think for himself, to discern between true and untrue, to seek in everything the highest—the education, in fact, of a nation up to the standards of true citizenship*—THIS CAN NOT BE CRAMMED IN A FEW YEARS.

THE FILIPINO HAS SO MUCH TO UNLEARN.

The Filipinos labor under one tremendous disadvantage—they have so much to unlearn. The system under which they have lived for nearly three centuries has confirmed them in habits of mind which can not be eradicated at once. Nominally, fairly good provision was made for primary instruction, but, like many others, it was never carried into force. The proportion was something like 1 teacher to each 4,000, and there were no proper schoolhouses, no furniture, no text-books. The schools met in the teacher's house, or sometimes even in the stables or coach house of the conventos, and the teachers, wretchedly paid and badly treated, were often quite unfit for their tasks.

OUR EDUCATIONAL WORK.

From all this to a modern scientific, practical education is a long step, but the United States are sparing neither time nor money, and the reforms instituted are to be drastic and instantaneous. School-teachers of both sexes are being brought from the States, and normal colleges for training native teachers in modern methods established, for the first essential is to provide a staff of thoroughly competent assistants. Education will, of course, be entirely nonreligious and will be as practicable as possible, while special schools for technical training will be established. Attendance at primary schools will be compulsory between the ages of 6 and 12. Ultimately it is hoped to affiliate the colleges with those of the United States, and then the whole scheme of education will be complete and thorough.

"NO FILIPINO TONGUE AS THERE IS NO FILIPINO NATION."

The Filipino showed from the first the greatest desire to benefit by the more enlightened instruction given in the schools, frequently by military schoolmasters, after the American occupation, and the night schools opened in Manila have been crowded by men and women anxious to learn the English language. The intention is to make this the school language and ultimately the universal medium throughout the islands. This is a most important step and one fraught with many consequences, and it is to be hoped that its first result will be to bind the Filipinos more closely together. Hitherto, although Spanish was nominally to be learned in all the schools, *many of the country people could speak nothing but their own dialect, which in many cases was unintelligible to those dwelling in the next island.*

The measure is certain, however, to meet with a great deal of criticism in various quarters, but those who decry it can not suggest any other language which could with equal advantage be made a universal medium, and they can not deny that some such medium is absolutely necessary. THERE IS NO FILIPINO TONGUE AS THERE IS NO FILIPINO NATION, and as the aim of all well-wishers of the little brown brothers is to break down the barriers that have hitherto hedged them in and weld them into an organized and civilized nation, it must be conceded that in spreading the great lingua franca already spoken all over the East to the remotest corner of the archipelago, the United States are conferring upon them a strong weapon and a useful tool.

OUR DANGER IS OUR "DESIRE TO HAVE EVERYTHING DONE RATHER SOONER THAN IMMEDIATELY."

It is an ungracious task to find fault with a scheme so generous as that of the United States for the education of the Filipinos. The writer is inclined to think that they themselves are largely attracted to the United States by the prospect of these educational advantages, and that they will take every opportunity of profiting by them. The Filipinos are not at all apathetic or stupid, and they are as eager as children to try a new method or hear fresh ideas. *The danger lies in their cleverness and sharpness, and in the desire of the Americans to have everything done rather sooner than immediately.*

"GO SLOW! DON'T HURRY!"

With the spread of education it will be necessary to open certain posts to Filipinos, *which must be done with extreme caution; but, indeed, the writer finds throughout this dissertation that he is constantly obliged to reiterate that warning:* GO SLOW! DON'T HURRY! *Let things work out gradually. It is the best advice that can be given,* FOR THERE IS NO SHORT CUT TO SUCCESS.

FILIPINO RELIGIOUS CONCEPTIONS.

The Filipino's Christianity is a thing about which his best friends disagree. Some say it is deep and sincere, others that it is a mere matter of outward show and superstition.

* * * * * * *

A great many old pagan beliefs and customs are said to survive, even after centuries of Christianity, and these have a hold on the people that their religion could never obtain.

"AMERICAN PRIESTS ARE SAINTS."

It remains to be seen what can be effected by the personal influence and example of disinterested men, for much, both in the erroneous conceptions and indifference of the Filipinos, was owing to the defects of the old system of religious teaching and to the tyranny of the friars. *The people have been much struck already with the conduct of the American priests* who accompanied

the Army. "That is a saint—no priest," they said of one. "*He goes to any one who sends for him, ministers to sick and dying and asks no fee.*" The poor Filipino might certainly be forgiven if he failed to appreciate the ethical side of religion when he knew that the man who was for him the mouthpiece of the Christian's God would mulct him to the last penny for every rite performed. When marriage, baptism, and burial were made opportunities for extortion, it must have been difficult to realize their spiritual significance.

The sudden break between church and state will inevitably affect the Filipino deeply, and many thoughtful people are inclined to believe that, suddenly released from all religious trammels save those he voluntarily assumes, he will relapse into a state of heathenism. *The well-known tendency of the Malay is to revert—to return to his former state.*

BRITISH REGENERATION OF SARAWAK.

The Malay states, before the advent of the British, *were split up into innumerable tribes, many at war with each other, and there was neither peace nor safety in the land. Tyranny and corruption were rife.* Practically the same state of affairs existed in the Philippines when the Spaniards landed, and has continued in the Moro islands until the present day. The chief Malay states of Borneo (Brunei and Sarawak) afford an interesting illustration of what happened in a native-governed state, even when aided by foreign advice, and in a state with a white ruler, absolute and beneficent.

The former, originally the seat of all power in Borneo, to which it gave its name, is now effete, corrupt, with no influence; to quote the forcible words of one who knows it well (Hugh Clifford), it "smells of decay." *Sarawak, on the contrary,* since the time when the noble and courageous James Brooke first took it in hand; with no particular liking for the job, but simply because he felt that he—perhaps he alone—could rescue the people from their condition of warfare, feuds, and barbarism, *has become a model state.* Modern education, agricultural improvements, and all the blessings of peace and prosperity have been assured to its people, and the country is financially as well as politically flourishing.

WE HAVE "ACCOMPLISHED MUCH ALREADY."

It will be seen that the United States are only on the threshold of the difficulties that await them in their new phase of oriental expansion. There seems to be a somewhat general impression in Great Britain, and in English-speaking communities abroad, that Americans have hitherto met with little success in dealing with the Philippines. With this view the writer can not agree. There have been plenty of mistakes, but when we consider the circumstances under which the United States have embarked on the undertaking—the novelty, the absence of any special machinery, and the peculiar local conditions—it must be allowed by an impartial critic that much has already been accomplished. The man on the spot, particularly, has acquitted himself on the whole very well, and whatever there has been of failure has been chiefly due to the politicians and sentimentalists at home. The revival of the insurrection which took place in the autumn of 1901 was largely due to the demand that troops should be sent home and the Philippines made over (theoretically) to peaceful self-government.

ORIENTAL STUDENTS "HAVE MISGIVINGS."

Those who know the Filipinos best, those who, like the writer, have had experience of Orientals and how to deal with them, have considerable misgivings as to the result of this great experiment of self-government unless kept under due guidance and check. If we were to judge the Filipinos merely by professions, by phrases, by words, much might be expected from them, but our anticipations of the future must be based on their essential character and the performances of the past. Jealousies, intrigues, corruption, the ingrained conviction that every officeholder is justified in squeezing all he can—the man who did not would, in their opinion, have something uncanny about him—these are not promising features of the experiment. *It will take them some time to believe that the Americans, or anyone, can be honest, for they had seen nothing else in their Spanish officials but squeezing to the utmost limit.*

"THE NEEDFUL THING."

The needful thing is a firm, consistent policy to be framed and carried through by the men on the spot, who are, at all events, aware of the difficulties in the path. It would have been far better to have from the outset a definite system of control. When the civil government was being discussed and explained in the various islands, *there was a tendency to defer too much (outwardly) to the opinion of local Filipinos. It would have been better to say frankly, once for all: We have come to give you the government we think best for you, a government that will be just and liberal, but a government that must be obeyed.*

"KEEP A TIGHT HOLD."

Let America make up her mind broadly as to her future relations to the archipelago, and then let her put her faith in the men who have already devoted so much of their time to the problem. To send another commission would be merely to increase the number of smatterers. The best authority on the Philippines at present can be little more, but he knows something, and he is improving every day he spends in the islands.

In Judge Taft America has a man thoroughly capable of facing the situation if supported from home. He can not perform miracles, and he is bound to make mistakes, but he is open to conviction, and that is an important thing. *If given anything like a free hand, and not bothered and harassed by Congressmen or reports from politicians who have taken a run out to Manila and found mares' nests, he will do very well.* The IDEAL TREATMENT, ONE WHICH WOULD HAVE SAVED TROUBLE, EXPENSE, AND FAILURE, WOULD HAVE BEEN A TEMPORARY MILITARY GOVERNMENT GRADUALLY MERGING INTO PURELY CIVIL ADMINISTRATION. This is apparently judged out of the question, owing to the sentimental objections of the electorate in the States, which is so anxious not to hurt the feelings of the "little brown brother." This being the case, and a system having been inaugurated of quasi independence, the advice of an onlooker who has seen a good deal of government in oriental countries is to interfere as litle as possible with the customs, prejudices, and religion of the Filipinos, AND TO KEEP A TIGHT HOLD.

"AVOID ANY SIGN OF CHANGE."

The selection of the first governor-general has been a fortunate one. Judge Taft, who has won golden opinions from every side, is peculiarly the stamp of man to deal successfully with the Philippines. To recall such a man, even for the purpose of consulting him, seems to be a most unwise step, for the chief thing to impress the Filipino, and—what is more important—the chief means of evolving order out of chaos, of making the Philippines a prosperous country, IS TO AVOID ANY SIGN OF CHANGE, *and especially of interference with the man at the helm;* swapping horses while you are crossing the stream is always false policy.

VI.—SUMMARY.

Thus, Mr. President, we see as to the lines of debate upon which the opposition to the bill have conducted their attacks:

First, as to the misconduct of the Army, it is false;

Second, that the contention that the situation in the provinces is serously disturbed is false;

Third, that the assertion that the people are a consolidated people capable of self-government is not true;

And, finally, I have submitted the testimony of two impartial foreign observers, one made at the beginning and the other at the close of our connection with the Philippine Islands, up to the present time, upon what really are the characteristics of those people and their capacity for self-government, and as to what would be the effect of our withdrawal.

ENGLAND IN INDIA.

Mr. President, I wish to conclude this testimony by inserting an extract from an article by Bishop Hurst, of the Methodist Episcopal Church of this country, upon the work of England in India. I do this because during the course of the discussion there has been considerable reference to the work of England in India, and it has been asserted here upon the floor of the Senate that that work has been ruinous to the people of that country, instead of being, as it has been, beneficial, helpful, and uplifting.

[Bishop John F. Hurst, LL.D., in the Chautauquan, January, 1890, on "What England Has Done for India."]

English rule over India is not a case of hard conquest and commercial advantage. We think of Clive's terrible deeds and Burke's pictures of the crimes of Warren Hastings. We go still further back and reflect on the vicious parts of the policy of the East India Company during its long history. But there is a broader view, which we are compelled to take, if we would justly compare the India of to-day with what it was two centuries and a half ago.

BRITISH RULE HAS PRODUCED "INCALCULABLE ADVANTAGES."

Even after discounting the wrongdoing of every English officer and administrator in India, and the connivance of the Government at idolatrous practices, there still remain incalculable advantages to the country, which must be placed to the credit and honor of the Anglo-Saxon in India. These advantages can not be attributed to the natural development of the natives, to the pressure of European ideas, and to the general force of our modern civilization. *They are the direct result of the conquest of the country by England and of her subsequent rule over it.* * * * The old causes of internal separation are constantly disappearing. The Indian is beginning to feel, for the first time, that he is not the member of a tribe but of a race; that he is not a soldier in sept, but a rightful man of the broad soil; that he is not the slave of a rajah, but the citizen of a nation.

CRIME RAPIDLY DECREASING.

Crime is now rapidly decreasing. * * * *All India is now a neighborhood.* The arrival of the Peninsular and Oriental steamer is anticipated almost to an hour. The Europeans all over the country know about when to expect their mail from friends at home. Quick transportation is now the rule. * * *

NATIVE RULERS HAD NO THOUGHT FOR THE MILLIONS.

Sanitary measures have been adopted. Before the English supremacy there was no attention paid to the laws of health. The rulers and nobles had vast wealth, and could live with all the comforts which they might choose. *For the life of the millions there seems to have been no thought.* * * * When the English entered upon the rule of the country *they looked after the sanitary condition of the humblest, and the increased longevity is the proof of the success of their efforts.*

The sanitary department is one of the distinct parts of the administration of the government. A sanitary commissioner is attached to each local government, and under him are several grades of medical officers. Above all these there is a general sanitary commissioner connected with the general government, and to him sanitary report must come from all parts of the empire. * * *

The English, when they found themselves permanent occupants and rulers of the country, had to deal with a great mass of people whose chief occupation had been to find rice enough to keep themselves alive. The national life being one of warfare and perpetual alarm, and but scanty efforts being made even during the splendid reign of the Moguls toward popular education, it could not be expected that any intelligent care could be bestowed on the treatment of disease. *Whenever a plague invaded the country it had to run its race.* The people were at its mercy. Many thousands were swept away by it. * * *

DEVELOPMENT OF INDUSTRY.

In order to mitigate the ravages of fever the Government has taken special pains to introduce quinine throughout the country. * * * Many of the early industries which existed when England took possession of the country have been developed within the last few decades to remarkable proportions. The cotton of India being found inferior to that of the United States, the Government has introduced American cotton plants and American laborers, and already India is becoming one of the great cotton-producing countries of the world. She is rapidly learning the art of converting the fiber into woven fabric. * * *

The development of the natural resources of India by the English has been remarkable. *Millions of arable acreage have been added to the productive power of the soil.* * * * The earth itself has been penetrated and been made to yield its hidden wealth for the enrichment of the masses.

IMPOSSIBLE TO ENUMERATE ADVANTAGES.

But it is impossible to enumerate all the direct and much more the indirect advantages which have accrued to India from English rule and administration, compared with her distinguished and helpless condition at the beginning of the last century.

England has never achieved grander victories at Waterloo or Quebec than those which belong to her quiet and peaceful administration of India.

Mr. President, I have nothing more to say. I have witnessed this debate with profound interest. I do not think the broader considerations involved in this policy of American advance have been comprehensively discussed. This is no new movement in which we are engaged. It is as old as our steady progress toward national power—yes, as old as the varying movements of civilization itself. You gentlemen can not stop it; we can not stop it; the Administration can not stop it; all of us could not stop it. It is a movement of a people. We are placed where we

are by elemental considerations and conditions. The Pacific is on our west.

The Republic has the greatest Pacific coast line of any power, and only four or five thousand miles away is Asia, the cradle of the race. Every student in this or in any other country, of present conditions or approaching conditions, knows that the next great world drama will be upon the waters of the Pacific and upon Asia's ancient shores. It is a play of human forces which springs from the elements of an inevitable situation.

Mr. President, the mastery of that great ocean in the future is to be ours. This is not the dream of this day only. It has been the vision of every great statesman, of every great scientist who has ever given any attention to the subject. It was the dream of William H. Seward, of Lewis Cass, of the far-seeing Humboldt. That dream will come true. The mastery of that great ocean, with the advancement of civilization which it involves, will be ours. To oppose this movement is as if a babe were to paddle against the pouring currents of the Gulf Stream; and in the eyes of history it will be just as ridiculous.

In the long sweep and historical survey of this large business, considerations appear of almost infinite consequence. Even the practical and immediate questions are of serious moment. One question is whether in the near future the door of China shall be opened or closed—whether that Empire shall be partitioned or whether it shall not be partitioned. Whichever policy prevails, the United States must dominate that vast circumstance. But how? Certainly not by retreat from the very position of control and command. Everybody knows that if we had not had our troops in the Philippines when we did, and so had not been able to throw our forces into Pekin when we did, the actual partition of that great Empire would have been an accomplished fact, not only in substance, but in name.

As the owner of the Philippines we can keep the Orient's door open to our merchants and producers, even if those doors should be closed to others, and this, too, by negotiation instead of war. If it is decided that our interests require the open door for all nations equally, again the possession of this archipelago is a factor of determining power to that end.

If it is to proceed, then we should control it. If it is not to proceed, we also must control it. Our prestige is involved. It is a national, an ethnical, a world movement in which we are swept along. No party and no administration can or should prevent it. Senators in opposition may debate against this policy, but the master debater who will continuously answer them is Events.

Subsidiary Silver Coinage.

SPEECH

OF

HON. EZEKIEL S. CANDLER, JR.,

OF MISSISSIPPI,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, May 29, 1902.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 12704) to increase the subsidiary silver coinage—

Mr. CANDLER said:

Mr. CHAIRMAN: This bill under consideration is as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized to coin the silver bullion in the Treasury purchased under the act of July 14, 1890, into such denominations of subsidiary silver coin as he may deem necessary to meet public requirements, and thereafter, as public necessities may demand, to recoin silver dollars into subsidiary coin; and so much of any act as fixes a limit to the aggregate of subsidiary silver coin outstanding, and so much of any act as directs the coinage of any portion of the bullion purchased under the act of July 14, 1890, into standard silver dollars, is hereby repealed.

If enacted into law, it is its purpose to attempt thereby to drive the last nail into the coffin lid of silver. Its author, my distinguished friend from Connecticut [Mr. HILL], states frankly that the object of this measure is to stop the coinage of silver dollars and to prevent silver being in any sense of the word redemption money, and to further and more strongly fasten upon this country the single gold standard, and in order to effectually do so this bill provides for the repeal of the law authorizing the coinage of silver dollars and to coin the bullion now in the Treasury only into small coins—subsidiary coins—and when the bullion is exhausted, then to recoin the present silver dollars into subsidiary coins. It is boldly asserted by Mr. HILL, its author, and the gold-standard advocates and the gold-standard press, that this should be done and that this bill ought to pass because it would greatly strengthen the gold standard and fix it upon this country so strongly as to render it practically impossible for those who believe in silver coinage to break its tightening bands and again restore silver to its constitutional right of free coinage at the mints of this Republic.

On its face this seems to be at a glance a harmless little bill; but upon reflection and study it is one far reaching in its consequence and results. My friend, in seeking to have this bill enacted into law, aspires to become the priest to perform the last sad rites at the final destruction, death, and burial of silver—the greatest friend the plain people of this country have ever had in a circulating medium. It has always been the money of the people, and they love it, and though they have made a heroic fight to maintain it and to keep it, it does look as if the money sharks and the bondholders and those who believe in a contracted currency are about to triumph over the people and retire the "dollar of our dads."

Some people say and profess to believe that the silver question is settled. I do not believe "anything is ever settled until it is settled right," and I do not believe the silver question will ever be settled right until silver is again given the same and equal rights of free coinage with gold at the mints of this country, and I am going to "stand in the last ditch," fighting for its full and free restoration and rehabilitation, just as it existed prior to the passage of the law which demonetized it in 1873. I am for free coinage of both silver and gold as provided in the Constitution, because I honestly and sincerely believe it is for the best interest of the country and for the good of all the people. We had it continuously and uninterruptedly from the time of the opening of our first mint, in 1792, up to 1873, and it never bankrupted the country or destroyed the Republic, and we would have had it until to-day had the matter been left all the time to the untrammeled will of the masses of the people.

The people of this great country are by tradition and in principle bimetallists. The bondholders, the money sharks, and the money lenders are monometallists, and are crying aloud for a contracted money system and for the gold standard. I assert—and I challenge successful contradiction—that we have never had in this country free and unlimited or limited coinage of silver but what values of property have increased, and every stab that silver has received has been quickly followed by decreasing and falling prices.

Why? Because when you increase the circulating medium, or in other words, when you give the people more money they get better prices for their property, and when you decrease the volume of money and contract the currency the purchasing power of money is greater and it takes more property to buy money and you necessarily have falling and lower prices. When there is plenty of money in circulation property is higher and money is cheaper, and the people can get more money for their products; but when money is scarce money is dearer and it takes more property to buy it, and hence property gets cheaper. My State is an agricultural State and the people of my district, in a large measure, are farmers, who earn their living by the "sweat of the brow," who toil from early morn till the stars appear in the evening to produce something to sell, and they want the free coinage of silver and the free coinage of gold and the United States greenback currency and the silver and gold certificates; in fact, they favor all the kinds of money upon which "Uncle Sam" will place his "hand and seal" and by his stamp stand sponsor for its value, except national-bank notes.

They do not believe in them, because they believe the Government ought to issue the paper money for the people and not pay to national banks 2 per cent interest on the bonds, which are the basis of their circulation, and only charge them one-half of 1 per cent on their circulation, and thus virtually pay the national banks 1½ per cent to issue paper money which the Government has the power to issue and ought to issue itself. In other words, they do not believe the Government should delegate to national banks the issuance of the paper money for the country, and especially so when the banks receive a premium for doing so.

I want to see the day come when this Government will go entirely out of the banking business and only do that which it ought to do under the provisions of the Constitution—provide the people with gold and silver through the medium of the free coinage of each, and then such other money redeemable in gold or silver, either at the option of the Government, as will meet their convenience and the increase in population and the consequent demands of increased business. When that time comes, then you will have prosperity among the masses of the people and not until then. This bill in so many words provides that—

So much of any act as directs the coinage of any portion of the bullion purchased under the act of July 14, 1890, into standard silver dollars, is hereby repealed.

If enacted into law that would leave us without a vestige of law authorizing the coinage of a single silver dollar and put us

absolutely on a monometallic gold basis. It is bad enough now, and I appeal to the majority in this House not to further shackle the people by taking away from them the last letter and line of silver legislation. Leave them at least this small crumb, if no more. You are flush now with the increase in gold production, but what guaranty have you that it will continue? The history of the world shows that silver and gold for over four hundred years have about kept even pace, the one with the other. Sometimes one and sometimes the other has pressed ahead in production, but they have during all these years kept practically together, like twin sisters, beautifully serving the people.

I believe that the great Giver of all good gifts hath ordained that they shall serve the people and therefore has thus permitted and directed their production from the earth in practically equal quantities through the ages now passed and gone, and I believe the time will yet come when silver will be restored to its constitutional status and that He will continue to supply these two metals in practically equal quantities in the years yet to come. In proof of the above I give a detailed statement of the "Production of gold and silver in the world" since the discovery of America in 1492 up to and including the year 1900, taken from the report of the Director of the Mint for 1901.

Production of gold and silver in the world since the discovery of America.

Period.	Gold.			
	Annual average for period.		Total for period.	
	Fine ounces.	Value.	Fine ounces.	Value.
1493-1520	186,470	$3,855,000	5,221,160	$107,931,000
1521-1544	230,194	4,759,000	5,524,656	114,205,000
1545-1560	273,596	5,656,000	4,377,544	90,492,000
1561-1580	219,906	4,546,000	4,398,120	90,917,000
1581-1600	237,267	4,905,000	4,745,340	98,095,000
1601-1620	273,918	5,662,000	5,478,360	113,248,000
1621-1640	266,845	5,516,000	5,336,900	110,324,000
1641-1660	281,955	5,828,000	5,639,110	116,571,000
1661-1680	297,709	6,154,000	5,954,180	123,084,000
1681-1700	346,095	7,154,000	6,921,895	143,088,000
1701-1720	412,163	8,520,000	8,243,260	170,403,000
1721-1740	613,422	12,681,000	12,268,440	253,611,000
1741-1760	791,211	16,356,000	15,824,230	327,116,000
1761-1780	665,666	13,761,000	13,313,315	275,211,000
1781-1800	571,948	11,823,000	11,438,970	236,464,000
1801-1810	571,563	11,815,000	5,715,627	118,152,000
1811-1820	367,957	7,606,000	3,679,568	76,063,000
1821-1830	457,044	9,448,000	4,570,444	94,479,000
1831-1840	652,291	13,484,000	6,522,913	134,841,000
1841-1850	1,760,502	36,393,000	17,605,018	363,928,000
1851-1855	6,410,324	132,513,000	32,051,621	662,566,000
1856-1860	6,486,262	134,083,000	32,431,312	670,415,000
1861-1865	5,949,582	122,989,000	29,747,913	614,944,000
1866-1870	6,270,086	129,614,000	31,350,430	648,071,000
1871-1875	5,591,014	115,577,000	27,955,068	577,883,000
1876-1880	5,543,110	114,586,000	27,715,550	572,931,000
1881-1885	4,794,755	99,116,000	23,973,773	495,582,000
1886-1890	5,461,282	112,895,000	27,306,411	564,474,000
1891-1895	7,882,565	162,947,000	39,412,823	814,736,000
1896	9,783,914	202,251,600	9,783,914	202,251,600
1897	11,420,068	236,073,700	11,420,068	236,073,700
1898	13,877,806	286,879,700	13,877,806	286,879,700
1899	14,859,285	307,168,800	14,859,285	307,168,800
1900	12,366,319	255,634,500	12,366,319	255,634,500
Total			487,031,343	10,067,833,300

Period.	Silver.			
	Annual average for period.		Total for period.	
	Fine ounces.	Coining value.	Fine ounces.	Coining value.
1493-1520	1,511,050	$1,954,000	42,309,400	$54,703,000
1521-1544	2,899,930	3,740,000	69,598,320	89,986,000
1545-1560	10,017,940	12,952,000	160,287,040	207,240,000
1561-1580	9,628,925	12,450,000	192,578,500	248,990,000
1581-1600	13,467,635	17,413,000	269,352,700	348,254,000
1601-1620	13,596,235	17,579,000	271,924,700	351,579,000
1621-1640	12,654,240	16,361,000	253,084,800	327,221,000
1641-1660	11,776,545	15,226,000	235,530,900	304,525,000
1661-1680	10,834,550	14,008,000	216,691,000	280,166,000
1681-1700	10,992,085	14,212,000	219,841,700	284,240,000
1701-1720	11,432,540	14,781,000	228,650,800	295,629,000
1721-1740	13,863,080	17,924,000	277,261,600	358,480,000
1741-1760	17,140,612	22,162,000	342,812,235	443,232,000
1761-1780	20,985,591	27,133,000	419,711,820	542,658,000
1781-1800	28,261,779	36,540,000	565,235,580	730,810,000
1801-1810	28,746,922	37,168,000	287,469,225	371,677,000
1811-1820	17,385,755	22,479,000	173,857,555	224,780,000
1821-1830	14,807,004	19,144,000	148,070,040	191,444,000
1831-1840	19,175,867	24,793,000	191,758,675	247,930,000
1841-1850	25,090,342	32,440,000	250,903,422	324,400,000
1851-1855	28,488,597	36,824,000	142,442,986	184,169,000
1856-1860	29,095,428	37,618,000	145,477,142	188,092,000
1861-1865	35,401,972	45,772,000	177,009,862	228,861,000
1866-1870	43,051,583	55,663,000	215,257,914	278,313,000
1871-1875	63,317,014	81,864,000	316,585,069	409,322,000
1876-1880	78,775,002	101,851,000	393,878,009	509,256,000
1881-1885	92,003,944	118,955,000	460,019,722	594,773,000

Production of gold and silver in the world, etc.—Continued.

Period.	Silver—Continued.			
	Annual average for period.		Total for period.	
	Fine ounces.	Coining value.	Fine ounces.	Coining value.
1886-1890	108,911,431	$140,815,000	544,557,155	$704,074,000
1891-1895	157,581,331	203,742,000	787,906,656	1,018,708,000
1896	157,061,370	203,069,200	157,061,370	203,069,200
1897	160,421,082	207,413,000	160,421,082	207,413,000
1898	169,055,253	218,576,800	169,055,253	218,576,800
1899	167,577,533	216,665,700	167,577,533	216,665,700
1900	172,838,870	223,468,200	172,838,870	223,468,200
Total			8,827,018,635	11,412,704,900

The official statistics show that the production of these metals in 408 years in coinage value has been for gold $10,067,833,300 and for silver $11,412,704,900. Is it not a most remarkable fact that they have during all the years remained practically together?

Another wonderful fact is revealed when you examine the commercial ratio of silver and gold. I call your attention to the statistics on that point from 1687 up to and including the year 1900, also taken from Report of Director of the Mint for 1901.

Commercial ratio of silver to gold each year since 1687.

Years.	Ratio.	Years.	Ratio.	Years.	Ratio.	Years.	Ratio.	Years.	Ratio.	Years.	Ratio.
1687	14.94	1723	15.20	1759	14.15	1795	15.55	1831	15.72	1867	15.57
1688	14.94	1724	15.11	1760	14.14	1796	15.65	1832	15.73	1868	15.59
1689	15.02	1725	15.11	1761	14.54	1797	15.41	1833	15.93	1869	15.60
1690	15.02	1726	15.15	1762	15.27	1798	15.59	1834	15.73	1870	15.57
1691	14.98	1727	15.24	1763	14.99	1799	15.74	1835	15.80	1871	15.57
1692	14.92	1728	15.11	1764	14.70	1800	15.68	1836	15.72	1872	15.63
1693	14.83	1729	14.92	1765	14.83	1801	15.46	1837	15.83	1873	15.93
1694	14.87	1730	14.81	1766	14.80	1802	15.26	1838	15.85	1874	16.16
1695	15.02	1731	14.94	1767	14.85	1803	15.41	1839	15.62	1875	16.64
1696	15.00	1732	15.03	1768	14.80	1804	15.41	1840	15.62	1876	17.75
1697	15.20	1733	15.18	1769	14.72	1805	15.79	1841	15.70	1877	17.20
1698	15.07	1734	15.39	1770	14.62	1806	15.52	1842	15.87	1878	17.92
1699	14.94	1735	15.41	1771	14.66	1807	15.43	1843	15.96	1879	18.39
1700	14.81	1736	15.18	1772	14.52	1808	16.08	1844	15.85	1880	18.05
1701	15.07	1737	15.02	1773	14.62	1809	15.96	1845	15.92	1881	18.25
1702	15.52	1738	14.91	1774	14.62	1810	15.77	1846	15.90	1882	18.20
1703	15.17	1739	14.91	1775	14.72	1811	15.53	1847	15.80	1883	18.64
1704	15.22	1740	14.94	1776	14.55	1812	16.11	1848	15.85	1884	18.61
1705	15.11	1741	14.92	1777	14.54	1813	16.25	1849	15.78	1885	19.41
1706	15.27	1742	14.85	1778	14.68	1814	15.04	1850	15.70	1886	20.78
1707	15.44	1743	14.85	1779	14.80	1815	15.26	1851	15.46	1887	21.10
1708	15.41	1744	14.87	1780	14.72	1816	15.28	1852	15.59	1888	22.00
1709	15.31	1745	14.98	1781	14.78	1817	15.11	1853	15.33	1889	22.10
1710	15.22	1746	15.13	1782	14.42	1818	15.35	1854	15.33	1890	19.75
1711	15.29	1747	15.26	1783	14.48	1819	15.33	1855	15.38	1891	20.92
1712	15.31	1748	15.11	1784	14.70	1820	15.62	1856	15.38	1892	23.72
1713	15.24	1749	14.80	1785	14.92	1821	15.95	1857	15.27	1893	26.49
1714	15.13	1750	14.55	1786	14.96	1822	15.80	1858	15.38	1894	32.56
1715	15.11	1751	14.39	1787	14.92	1823	15.84	1859	15.19	1895	31.60
1716	15.09	1752	14.54	1788	14.65	1824	15.82	1860	15.29	1896	30.59
1717	15.13	1753	14.54	1789	14.75	1825	15.70	1861	15.50	1897	34.20
1718	15.11	1754	14.48	1790	15.04	1826	15.76	1862	15.35	1898	35.03
1719	15.09	1755	14.68	1791	15.05	1827	15.74	1863	15.37	1899	34.36
1720	15.04	1756	14.94	1792	15.17	1828	15.78	1864	15.37	1900	33.33
1721	15.05	1757	14.87	1793	15.00	1829	15.78	1865	15.44		
1722	15.17	1758	14.85	1794	15.37	1830	15.82	1866	15.43		

These statistics conclusively show that the commercial ratio between gold and silver was, practically speaking, the same up to 1873, and was actually under the coinage ratio in 1873, the date of the demonetization of silver. Since that date, and only since that date, has its commercial value exceeded very much its coinage value. The fact is that the silver dollar, when silver was demonetized, was worth 3 per cent premium, and it has never been at a discount, and if let alone or restored to free coinage would never go to a discount. But one of the reasons given why we should not have the free coinage of silver is that silver dollars might go to a discount. They have stood the test of ages, the storms and the tempests and the panics, and have never gone to a discount, and there is nothing now to fear in that direction. Why?

The reason they can never go to a discount is because they can be applied to so many uses. They can be utilized according to law for the payment of all dues to the National Government, which aggregate over $700,000,000 per annum; of all State, county, and city taxes, which aggregate more than $500,000,000 each year; of the $10,000,000,000 of notes and bonds payable in lawful money; of the $8,000,000,000 of deposits payable by banks; of the $6,000,000,000 of thirty, sixty, and ninety day paper payable to banks; of the $10,000,000,000 to $15,000,000,000 of thirty, sixty, and ninety day accounts always outstanding; of premiums upon life-insurance policies, which aggregate $350,000,000 each year; of losses by life and fire insurance companies, which amount to over $300,000,000 per annum; of installments upon shares in building associations,

which equal nearly $500,000,000; of amounts due on contracts for construction of buildings, railroads, ships, canals, and other improvements in the United States, aggregating at least several billions of dollars.

Who would part with a silver dollar at a discount when it could be applied to so many purposes at par? All of these uses constitute demands which, according to the Gresham law, would fall upon silver dollars alone and would make it absolutely impossible for them to go to a discount. These demands are so enormous compared to the amount of silver money in existence, and the fact that they are continually increasing and that such demands will always command the use of all available silver money will forever prevent any possibility of them going to a discount. No greater truth, in my judgment, was ever uttered upon this floor than that expressed by Mr. Carlisle in his famous speech of February 27, 1878, when he said:

I know that the world's stock of the precious metals is none too large, and I see no reason to apprehend that it will ever become so. Mankind will be fortunate, indeed, if the annual production of gold and silver coin shall keep pace with the annual increase of population, commerce, and industry. According to my view of the subject, the conspiracy which seems to have been formed here and in Europe to destroy by legislation and otherwise from three-sevenths to one-half of the metallic money of the world is the most gigantic crime of this or any other age.

The consummation of such a scheme would ultimately entail more misery upon the human race than all the wars, pestilences, and famines that ever occurred in the history of the world. The absolute and instantaneous destruction of half the entire movable property of the world, including houses, ships, railroads, and all other appliances for carrying on commerce, while it would be felt more sensibly at the moment, would not produce anything like the prolonged distress and disorganization of society that must inevitably result from the permanent annihilation of one-half of the metallic money in the world. With an ample currency an industrious and frugal people will speedily rebuild their works of internal improvement and repair losses of property, but no amount of industry or economy on the part of the people can create money. When the Government creates it or authorizes it the citizen may acquire it, but he can do nothing more.

I am in favor of every practicable and constitutional measure that will have a tendency to defeat or retard the perpetration of this great crime.

This bill under consideration if passed would be the climax and the "consummation of the scheme" to permanently strike down and destroy the silver dollar and place us absolutely, unequivocally, and solely on a monometallic basis and make gold stand sponsor for all the money of every kind at the Treasury.

The debts of the world, which in the aggregate are perfectly enormous, have largely been contracted and based on being paid in gold and silver, both or either, to be used on a perfect equality as to coinage and full legal-tender power. The change to gold alone is a gross breach of contract. The monetary revolution of 1873 was intended to deny to the debtor this legal right, and the legislation of March 14, 1900, was based on the further discarding of silver, and this bill under consideration now proposes the absolute destruction of the silver dollar. So step by step have the enemies of silver proceeded, and this step farther they desire now to take.

I warn you to consider well, and investigate earnestly and sincerely before you take it. Measure the consequences and results before you act. The legislation of 1873 was a monstrous piece of injustice, but many of those most prominent in enacting that financial law of 1873 afterwards stood up in their places in Congress and frankly acknowledged their ignorance and neglect, and did something in 1878 and 1890 which they thought would be effective to relieve us of the mischief. But here we have another effort in Congress to ignore the experiences of 1873–1878 and 1890, and enact a law which would put the climax on the law of 1873.

To those who are willing to give but little special attention to the range of average prices for a long series of years I know of nothing that can give more information with less study than the Sauerbeck table of prices, of which I annex the following condensed abstract, in which is considered the average prices of 45 of the leading articles of commerce, such as cereals, meat, sugar, tea, coffee, and textile goods, and some other articles:

Year.	Price.	Year.	Price.	Year.	Price.	Year.	Price.
1846	89	1860	99	1874	102	1888	70
1847	95	1861	98	1875	96	1889	72
1848	78	1862	101	1876	95	1890	72
1849	74	1863	103	1877	94	1891	72
1850	77	1864	105	1878	87	1892	68
1851	75	1865	101	1879	83	1893	68
1852	78	1866	102	1880	88	1894	63
1853	95	1867	100	1881	85	1895	62
1854	102	1868	99	1882	84	1896	61
1855	101	1869	98	1883	82	1897	62
1856	101	1870	96	1884	76	1898	64
1857	105	1871	100	1885	72	1899	68
1858	91	1872	109	1886	69	1900	75
1859	94	1873	111	1887	68	1901	70

NOTE.—Average for eleven years 1867–1877 is 100.

Please note the year 1873, which records the average price at 111, and compare it with 1896 at 61. This is a fall of 50 points, or over 45 per cent.

If such legislation as the bill under consideration is enacted into law, it will greatly increase the demand for gold, and the demand will become greater than the supply, and falling prices will necessarily follow, with all the consequent distressing results. How much money of all kinds is there in the world to-day? On pages 42 and 43 of the report of the Director of the Mint for 1901 I find a table showing the stocks of money in the world, and by that table there is to-day:

Gold	$4,906,700,000
Silver	3,841,100,000
Paper	3,033,400,000
Total	11,781,200,000

It is estimated that there are 1,332,500,000 people in the world. Therefore the per capita in gold would be $3.71; in silver, $2.90, and in paper, $2.29; total per capita, $8.90. The debts of the world are approximately $31,000,000,000, and there is in round numbers only $4,000,000,000 in gold in the world. Stop the coinage of silver dollars and make gold the only redemption money and you virtually make all debts payable in gold. A statement recently issued by the Treasury Bureau of Statistics shows that the national debts of the world have increased in a little over a century as follows:

1793	$2,433,250,000
1820	7,299,750,000
1848	8,419,045,000
1862	13,382,875,000
1872	22,410,232,000
1882	26,249,901,000
1901	31,493,749,000

Within the lifetime of men of middle age these debts have tripled. They amount to nearly eight times as much as the entire stock of gold money in the world. When the world owes thirty-one billions of dollars, and the nations make it all payable in gold and there is only $4,000,000,000 in gold with which to pay it, how will the world ever pay its debts? In the United States to-day there is:

Gold	$1,110,800,000
Silver	655,800,000
Paper	428,400,000
Total	2,195,000,000

The total debts of the Government, the States, counties, municipalities, and citizens run up into several billion dollars. Make gold the only redemption money and you virtually make all debts in the United States payable in gold. When the debts amount to several billions and you make it payable in gold and you only have $1,000,000,000 in gold to pay with, how are these debts to be paid? There is in the United States only per capita $14.41 in gold, $8.51 in silver, and $5.56 in paper. Instead of contracting the currency, let us increase the volume of the money of the people. I favor more money, more subsidiary coinage.

I would cheerfully vote for the gentleman's bill if it was as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized to coin the silver bullion in the Treasury purchased under the act of July 14, 1890, into standard silver dollars and such denominations of subsidiary silver coin as he may deem necessary to meet public requirements, the same to be full legal tender for payment of all debts, public and private; and so much of any act as limits the aggregate of subsidiary coin outstanding is hereby repealed.

That, if enacted into law, would increase to some extent the volume of money, and hence I would gladly vote for it if it stopped there. But I am intensely opposed to the pending bill because it does not stop there, but provides further "to recoin silver dollars into subsidiary coin," and to repeal the "act which directs the coinage of any portion of the bullion purchased under the act of July 14, 1890, into standard silver dollars." This latter part of the bill would stop the coinage of silver dollars and contract the money of the people, and hence I oppose it.

Instead of striking another blow to silver and contracting the currency by the retirement of the silver dollars I appeal to you to restore it to its right of free coinage at the mint, and increase the volume of money by coining more silver dollars and more small coins. Instead of making it subservient to gold, put it back equal with gold. Why should this, the greatest silver-producing country in the world, strike another blow at one of its greatest resources? As it is impossible for silver dollars to go to a discount why stop absolutely the coinage of the silver dollar, and probably produce a period of falling prices, with attendant panics and consequent distress? You boast of great prosperity. I deny that we have great prosperity among the masses. Out of the 12,000,000 families in America, the income of 4,000,000 of them is not exceeding $400 each per year, and the incomes of many families are much less than that, and the incomes of nearly 80 per cent of the entire number are less than $1,000 per year. Does that look like great prosperity among the people? [Applause.]

It is true that the steel trust made clear $56,000,000 during its first year's business, and that Pierpont Morgan received $11,000,000

for his services in financiering its business, and it is further true that the beef trust and the other great trusts are reaping rich harvests and grinding and oppressing the people and accumulating vast fortunes and making it harder for small business enterprises and individual citizens to succeed in business; but the boasted prosperity under Republican administration and Republican policies is confined to the money lenders, the Wall street plutocrats, the great trusts, the bloated corporations, the bondholders, the favored classes, and the favored few, and there is no great prosperity among the masses of the people. [Great applause.]

I am against trusts, and I hope the day will come when the Representatives of the American people will rise in their manhood and integrity and strike the trusts and the monopolies a deathblow and give the individual citizen a fair chance in the "race for life." You Republicans have the majority, and you have the power to do it now. Will you exercise it? I appeal to every Representative on this floor, regardless of political affiliation, to oppose this proposed legislation, which proposes the repeal of the last line of law authorizing the coinage of the silver dollar, and goes further and proposes the melting down of the present silver dollars into bullion and the recoinage of them into subsidiary coins—proposes a gold-dollar money trust.

Rise above partisan feeling, and do that which will build up rather than destroy. [Applause.] Let us defeat this bill, and then let us come to the further relief of the people by amending the interstate-commerce law so that the Interstate Commerce Commissioners can enforce their orders, decrees, and judgments; and then they can protect the people from unjust discriminations and burdensome and oppressive freight rates imposed and enforced by the gigantic railroad trusts and combines and monopolies; and let us take steps to prevent these railroad trusts from gobbling up all competing lines and from destroying all competition and from fixing rates to suit themselves, regardless of the rights of the people. These great railroad combines, by their system of rebates and schemes in the interest of the great trusts and monopolies, are helping to build up the other trusts along with themselves, and the trusts are crushing out individual efforts and small business enterprises and oppressing the masses of the people.

You Republicans now have absolute control of every branch of the Government, and you have the power to correct all this. Will you do it or will you even help us to do it? I appeal to the membership of this House to increase rather than decrease the people's money, and to reduce the unrighteous and burdensome taxation now in force by a just revision and reduction of the tariff taxes, and to take the hands of the trusts from the throats of the people by placing all trust-made articles on the free list, and to make it impossible, by amending the interstate-commerce law, for the great railroad combines to disregard and trample under foot the rights of the people, and pass a law forbidding them buying up interstate competing lines or the stock of such competing lines, and the dawn of a brighter day will appear in this great country.

We can do it if you Republicans will help us, and we ought to do it, and I plead that it be done in the interest of the people. They are long suffering and forbearing, but when aroused they know their rights and they will demand them, and woe to the man or party who denies them relief. As a plain, old-fashioned Jeffersonian Democrat and humble representative of the people, I present these momentous questions to you and beg your candid consideration, reminding you that to the people you must give an account for your disposition of them. [Applause.]

On February 26 I introduced a bill in this House to amend, and, in my judgment, greatly strengthen and make effective, the Sherman antitrust law, and which, if passed, would give a citizen the right, without consulting the Attorney-General of the United States, to bring suits for the suppression of trusts. That law, after defining a trust and making it unlawful to make any contract or combination or to enter into a conspiracy in restraint of trade or commerce, and after making it unlawful to monopolize or to attempt to monopolize or combine, or conspire with another to monopolize or combine, any part of the trade or commerce among the several States or with foreign nations, and after declaring all such contracts to be illegal and void, provides in section 4 of that act:

> The several circuit courts of the United States are hereby invested with jurisdiction to prevent and restrain violations of this act, and it shall be the duty of the several district attorneys of the United States in their respective districts, under the direction of the Attorney-General, to institute proceedings in equity to prevent and restrain such violations.

Now, my bill proposes to amend that section as follows:

> *Be it enacted, etc.*, That section 4 of an act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890, be amended by adding after the word "violations," in the sixth line of said section, the words "or any citizen or citizens of the United States or the Territories or the District of Columbia may institute proceedings in equity to prevent and restrain such violations, and in case said proceedings so instituted shall be carried to a successful conclusion a reasonable attorney's fee shall be allowed by the court, to be taxed as part of the costs, and said citizen or citizens so instituting said proceedings and carrying same to a successful conclusion shall recover all costs, including said reasonable attorney's fee."

Now, if this bill should pass and become a law that section in the Sherman antitrust law as amended would then read as follows:

> The several circuit courts of the United States are hereby invested with jurisdiction to prevent and restrain violations of this act, and it shall be the duty of the several district attorneys of the United States, in their respective districts, under the direction of the Attorney-General, to institute proceedings in equity to prevent and restrain such violations, or any citizen or citizens of the United States or the Territories or the District of Columbia may institute proceedings in equity to prevent and restrain such violations, and in case said proceedings so instituted shall be carried to a successful conclusion a reasonable attorney's fee shall be allowed by the court, to be taxed as part of the costs, and said citizen or citizens so instituting said proceedings and carrying same to a successful conclusion shall recover all costs, including said reasonable attorney's fee.

You will readily see that if my bill should become the law the arbitrary and sole power now vested by the law in the Attorney-General to direct when any suit should be brought to enforce this antitrust law would no longer exist, but in addition to that power any citizen who desired could put the machinery of the law provided for the suppression of trusts into motion, and if he carried it to a successful conclusion he would not only suppress the trust but recover all costs, including a reasonable attorney's fee. He would not only do the public a great service, but be made whole by recovering all costs and his attorney's fee. As the law stands now it is practically inoperative because the Attorney-General has directed few suits to be brought, and no suit can be brought unless he first directs it.

I am opposed to this one-man power. It is contrary to the fundamental principles of our Government. Pass my bill and vest this power in the people, where it rightly and justly belongs. If you do that, when a suit is directed to be brought to suppress a trust, you will not find Pierpont Morgan and a few trust magnates running to the people in the dead hours of the night or in the daytime, either, for that matter, to get the suit stopped, like, it is said, they recently ran to President Roosevelt in the nighttime, when the people were asleep, to get him to revoke an order which, it is alleged, he gave to the Attorney-General to bring suit to prevent the forming of a great railroad combine in the West, because Morgan and his crowd would have no hopes of controlling the people, and I am glad that in this instance they failed to control President Roosevelt.

I appeal to the committee to report this bill, for if passed it will give the people themselves the right to enforce this law for the suppression of trusts and combines and monopolies, and I say to you that it is the people we are here to serve, and it is their interest we should guard and protect, and by the help and grace of God I am going to stand by them and uphold their banner to the fullest extent of my ability, and it is in their interest I have introduced this proposed amendment, and I plead for its report and passage. I am opposed to the "money trust" proposed by the bill now under consideration, and I appeal to you to defeat it, and I also appeal to you to give the people relief from the other great trusts which, in my judgment, threaten this Republic and our free institutions. [Applause.]

As the Representatives of the American people the trusts deserve and should receive no consideration at our hands. They grant the people no quarter, and they should be granted none by the people's representatives. They are selling their goods cheaper to foreigners than to home folks. They are therefore more considerate of and kinder to foreigners than to Americans. To prove the truth of this assertion I give the prices—domestic and foreign—of a few articles in daily use by almost every farmer, as follows:

Articles.	Domestic price.	Foreign price.
Cultivators	$11.00	$8.40
Plows	14.00	12.60
Axes ..... per dozen	8.25	7.20
Kettles	1.40	.85
Wire nails ..... per 100 pounds	2.25	1.35
Table knives ..... per gross	15.00	12.00
Horseshoe nails ..... per pound	.17	.14
Barbed wire ..... per 100 pounds	3.00	2.00
Rivets ..... do	10.00	5.55

I could give the prices of almost numberless other articles showing the same discrimination in favor of the foreigner. How long will our people stand this condition of affairs? Will you give the people relief or continue to favor the trusts? I leave the question with you, and may the God of justice and the right drive it into your consciences until you do awaken to a full sense of your responsibility, and give the people the relief needed and so richly deserved by them. [Prolonged applause.]

Philippine Problem.

Filipinos want Independence—What They have done in Peace and War—American and Foreign Authorities Quoted—Negros Native Government—Officers and Laws of, Recognized by Americans—An Interview with Buencamino and Others—Why We Purchased the Louisiana Territory—Its Population 59,998 in 1806.

President Jefferson's advice: "Kindly separated by nature and a wide ocean from the exterminating havoc of one-quarter of the globe, too high-minded to endure the degradation of the others, possessing a chosen country, with room enough for our descendants to the thousandth and thousandth generation, etc.—with all these blessings, what more is necessary to make us a happy and prosperous people?" (Inaugural address, 1801.)

"Separated by a wide ocean from the nations of Europe and from the political interests which entangle them, we should be most unwise were we to cast away the blessings of the position in which nature has placed us, the opportunities she has endowed us with of pursuing, at a distance from foreign contention, the paths of industry, peace, and happiness, of cultivating general friendship, and of bringing collisions of interest to the empirage of reason rather than of force." (Message to Congress October 17, 1806.)

SPEECH

OF

HON. JOHN W. GAINES,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, January 21, 1902.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 9315) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other purposes—

Mr. GAINES of Tennessee said:

Mr. CHAIRMAN: For years, indeed for centuries, Spain governed the people of the Philippine Islands not only with an iron but with a corrupt hand. Not content to rule them as a people with tyrannical and oppressive laws, permitting only those who lived, or rather whom Spain allowed to live there, to survive practically for the sole purpose of supporting the Government and not themselves and the Government, we are not surprised that finally the natives in 1896 rebelled and resolved to fight to the death for liberty and for home.

The natives wanted taxes reduced, state divorced from church, general amnesty, home rule, and "a representative in the Spanish Cortes or congress," says Mr. Murat Halstead, having had (says Sawyer) a representative from 1810 to 1814 and from 1820 to 1823, and procuradores from 1834 to 1837.

These reforms had been time and again in late years promised, but never granted in fact. The people stood this colonial tyranny as long as they could, and in 1896 rose in arms, and, as Frederick H. Sawyer (often quoted by the War Department) said, "30,000 were killed," and they were forced to retreat, as they did, to the mountains, continuing their struggle.

The Spanish authorities saw that the end of such a war would be prolonged and distressing, and though in the utmost bad faith on the part of Spain, as subsequent events demonstrated, a treaty was entered into on December 14, 1897, known as the Biacnabato Pact, wherein it was agreed by Rivera, representing Spain, and Aguinaldo, for the natives, that all these reforms would be immediately granted.

Aguinaldo and his associates, in the utmost good faith, kept the conditions of this treaty, but Spain did not; Rivera returning to Spain and repudiating the whole arrangement, and Spanish tyranny continued as before.

Aguinaldo and the insurgents agreed to surrender all or a certain number of their guns, which was done; that Aguinaldo and his immediate associates should leave the archipelago, and they went to Singapore; that Aguinaldo and his associates should be paid, and they were paid, an indemnity of $400,000 cash in silver, the total promised being $800,000 silver.

Before accepting this money they agreed that they would accept and keep it as a "trust fund," to be preserved as a "war fund" to renew the war against Spain in the Philippines if the conditions of this treaty were not executed as promised, and if they were kept, to use the fund in caring for the widows and orphans of the insurgents who had been killed during their recent war with Spain (1896).

Aguinaldo and his associates went to Singapore, and Frederick H. Sawyer, an Englishman and an old resident of Manila, in sympathy with the Americans who wants us to hold these islands permanently, in his invaluable work entitled "The Inhabitants of the Philippine Islands," published in 1900, at page 106 says:

They (Aguinaldo and his associates) lived in a quiet and economical way (in Singapore) upon their own resources. They did not divide the indemnity, nor convert it to their own use, but kept it as a war fund in case of need.

Mr. Sawyer further says:

No reforms were ever granted and things in Luzon went on in the same old way.

MR. HALSTEAD DEFENDS AGUINALDO.

Mr. Murat Halstead, a leading Republican, who states he was "War correspondent in America and Europe, historian of the Philippine expedition, a friend of President McKinley" in his book entitled "Story of the Philippines" (1898), who went, he says, to the Philippine Islands to make a "personal observation" to get and got the "truth," at pages 94 and 124 of his book speaks of "the very honorable position taken by Aguinaldo" in reference to preserving and properly using this $400,000.

He states that—

Aguinaldo claimed that the money was a trust fund and was to remain on deposit (in bank in Hongkong, where he had put it) until it was seen whether or not the Spaniards would carry out their promised reforms, and if they failed to do so it was to be used to defray the expenses of a new insurrection.

No steps had been taken to introduce the reforms; more than 2,000 insurgents who had been deported to Fernando Po and other places are still in confinement, and Aguinaldo is now using the money to carry on the operations of the present insurrection.

When Admiral Dewey sent for Aguinaldo and brought him down to Cavite on May 9, 1898, Aguinaldo (who had prearranged to do so with Dewey's representatives, Consuls Pratt, Williams, and Lieutenant Brumby, at Singapore and Hongkong) immediately began to engage the Spanish forces, cooperating with the American forces then in Manila Bay.

HALSTEAD TELLS HOW AGUINALDO USED THE MONEY.

Aguinaldo used this $400,000 to buy vessels and munitions of war to reengage the Spanish forces, or, to quote the words of Mr. Murat Halstead, "Aguinaldo is now using the money to carry on the operations of the present insurrection."

The testimony found in Senate Document No. 62 shows that many American officials corroborate Mr. Halstead's statement.

Gen. J. F. Bell, August 29, 1898, as this document No. 62 shows, says:

Aguinaldo—honest, sincere, and poor, not educated, but a natural leader of men, with considerable shrewdness and ability—thoroughly trustworthy and capable of self-government—

With others whom General Bell names.

And yet it is still stated by some of the highest and lowest in the land that Aguinaldo sold out his country for gold.

BELIEF OF THE FILIPINOS REGARDLESS OF ACTUAL PROMISES OF INDEPENDENCE.

Whether our officials agreed in words or not to give the people of this country their independence, or whether they by act led the people of this archipelago to believe that such a promise had been made, or they by cooperating with us, as they did, understood that thereby they would achieve their independence, the fact remains beyond all successful refutation that they believed in 1898, and an overwhelming majority of them now believe, such a promise was made by word or wrought by act, or both, and they, as a mass, are irritated that independence is now denied them and may never be within their grasp.

It seems to me that our American officials have placed an estoppal on our Republic to deny these people at least ultimate independence.

The fact is official that right under Dewey's guns (and necessarily within his knowledge) within four days after Aguinaldo arrived at Cavite—that is, on May 24, 1898—Aguinaldo issued three proclamations, all looking toward, if not immediate, certainly ultimate, independence of these people; and Dewey permitted all these acts and cabled all the facts promptly to the authorities at Washington.

It is also an official fact that on July 1, 1898, Aguinaldo issued a proclamation proclaiming the Philippine republic, which proclamation in part reads as follows:

1. The independence of the Philippines shall be proclaimed.
2. A republic shall be established, with a government designed by General Aguinaldo and approved by the admiral and general commanding the United States forces.
3. The government will recognize the temporary intervention of commissioners designated for the purpose by the United States.
4. The American protectorate shall be recognized on the same conditions as arranged for Cuba.

Congress had declared that Cuba is and of a right should be free and independent. Hence it was natural for our officers to think they were doing right to promise or lead these people to believe they would be given their independence.

General Anderson, at the head of our land forces, and Admiral Dewey undoubtedly cooperated with the native forces against the "common enemy," the Spanish forces. Dewey says he "advised" Aguinaldo (Bureau Nav. Rpt., 1898, pp. 103-106). The natives wanted their independence and we wanted Cuba's independence. Spain was the enemy of both ambitions.

Neither General Anderson nor Admiral Dewey had practically any trouble with the Filipinos until General Merritt came, and what did he do? He says he smashed the whole programme.

GENERAL MERRITT SMASHES GENERAL ANDERSON'S AND ADMIRAL DEWEY'S PLANS.

At pages 366, 367, Senate Document No. 62, General Merritt says:

I do not know that the Commission will be interested in that. It is correspondence between General Anderson and Aguinaldo, and relates largely to Aguinaldo's growing views. The whole correspondence was deprecated by Admiral Dewey before I got there, and I suppressed the whole thing after I arrived, because it was not the wish of the Government to make any promises to the insurgents or act in any way with them.

General Merritt smashed everything that Dewey and Anderson, first in command and first land officer to get to the Philippines, had done, and his language just quoted shows that "promises" had been made by Dewey or Anderson, or both, and that they had been acting with the natives in fighting the Spanish forces.

At page 501, Senate Document No. 62, Senator FRYE asked General Whittier this question:

Were they (insurgent army) of material assistance to us?
General WHITTIER. Very great.

At page 489, Senate Document No. 62, October 14, 1898, Commander Bradford, United States Navy, was asked this question by Senator FRYE:

Suppose the United States in the progress of that war found the leader of the Philippine rebellion an exile from his country in Hongkong, and sent for him and brought him to the island in an American ship, and then furnished him 4,000 or 5,000 stands of arms, and allowed him to purchase as many more stands of arms in Hongkong, and accepted his aid in conquering Luzon, what kind of a nation, in the eyes of the world, would we appear to be to surrender Aguinaldo and his insurgents to Spain, to be dealt with as they please?

Commander BRADFORD. We become responsible for everything he has done; he is our ally, and we are bound to protect him.

And yet General Merritt went right over to the Philippines and smashed all the plans of General Anderson and Admiral Dewey, whereby Aguinaldo and the natives were to be protected, as we intended to protect and have protected Cuba. The natives had agreed to this and this was all they wanted.

And we could have as easily provided in the treaty with Spain for the independence of the Philippines as we did for the independence of Cuba and treated the two exactly alike; but we did not do it, and it seems now we do not propose to do it.

At page 370 of Senate Document 62 we read:

Mr. FRYE. I was going to inquire whether it would not be possible to get natives to enlist and whether Aguinaldo could not be given a command.
General MERRITT. Perfectly so; perfectly.

But General Merritt did not do this and General Otis, who succeeded him, contrary to the suggestion of Admiral Dewey, refused to do so.

Dewey wanted to give "some" recognition to the insurgents as General Smith had done in Negros. He cabled on "December 7, 1898" to President McKinley to say to—

the inhabitants that it is our intention to interfere as little in the internal affairs of the Philippines as possible. That as they develop their capabilities of government their powers and privileges will be increased. That [this] the spirit of unrest; that a force of several regiments raised from among the best insurgent troops and officered by the best of their leaders would do much to disarm opposition. (General Otis, Annual Report, 1899, p. 138.)

But no snch proclamation was issued and no native troops were thus employed. No recognition given them. Dewey's advice not followed.

General Whittier, at page 508, Senate Document 62, on this point, states:

I believe it will be an easy matter to secure the loyalty and fidelity of the natives, with the maintenance by us of a small and very quickly decreasing army. It we attempt the unwise thing of ignoring the natives, an army of 50,000 men will be none to small, including the exploration and absolute control of the southern islands and government of the whole of all of them.

Enlisting the natives, and giving them what is very small food and pay compared with our allowances, will make a good army of any size we wish, easily subdue any hostile tribes, open all the country, and reduce our present force of 20,000, to 10,000 men. I am confident in a very short time, to very much less.

Yet Generals Merritt and Otis demanded "unconditional surrender" before they would make or propose to make any concessions to these, "our allies," who had given "very great" assistance to us from the very start, says General Whittier.

The Schurman Commission Report (vol. 1, p. 10) states:

The gentlemen (emissaries of native army) suggested (May 19, 1899) to us that it would be very disagreeable to the army (native) to have to lay down their arms before anything could be done, and they inquired whether an arrangement could be made by which we could take over the Filipino army into our military service.

On page 8 this report states "that they were not fighting for the sovereignty of the islands, but for the honor of the army," quoting Arguelles, a distinguished native and representative of Aguinaldo who now holds high office by American appointment.

"Dewey says this insurgent army has been humane "and progress wonderful." Having been "our allies," rendering "very great" assistance to us, conducting a most civilized warfare, they felt "unconditional surrender" dishonored them, and Generals Merritt and Otis refused to yield, and bloodshed down to this date has followed.

In August, 1899, General Otis reported that "the mass of the people were intoxicated with the cry for independence and self-government."

With such a history as this, are we surprised, Mr. Chairman, that the natives in the Philippine Islands, with but few exceptions, feel that we are not treating them fairly, in that we have determined, or rather the Republican party is determined, to deny these people their independence and hold them permanently as a colony?

There are quite a number of Filipinos who are in civil office under the present government by American appointment. They are acquiescing, and so state promptly, as a rule, when you talk with them; but when you talk with them as I did and get into their confidence they will say to you that they want their own country, want their own flag, want to make their own laws, and do not want the Americans to remain there. [Applause on the Democratic side.]

Mr. KAHN. Will the gentleman yield to me for a question?

Mr. GAINES of Tennessee. I will.

Mr. KAHN. Can you give the names of any one of those officials?

Mr. GAINES of Tennessee. If the Republican officials will unlock the mouths of the Army and Navy, I will give the gentleman so many that he will tire in counting them. Unlock their mouths, as some of them did to me, and you will find that what I say is absolutely true. The gentleman knows that members of the Army and Navy are not permitted to talk on such matters for publication, and hence I withhold their names, while some of the natives said, "If you use my name I fear that some trouble may follow me."

Mr. KAHN. If the gentleman will permit me, I will state that I spoke with many of these Filipinos and the Filipinos who did not occupy positions, and they told me that they favored the occupation of the islands by this country, and they were satisfied that when the ignorant Filipinos understood the Government of the people of the United States as well as they did they would be better and more loyal Americans and dare to lay down their lives for the flag than many of the Americans in this country. [Applause on the Republican side.]

Mr. GAINES of Tennessee. Will the gentleman now give me the names of any of those gentlemen?

Mr. KAHN. Yes, sir. Mr. Fabin, one of the leaders of the Federal party.

Mr. GAINES of Tennessee. Oh, yes; he had been taught into the idea. The Americans over there are teaching him and the members of his party, the "Federal party," to believe that the American people are going to admit the Philippines as a State of this Union; and that is one reason why this party spoke in that way.

Mr. KAHN. They have never been promised that they would be given autonomy.

Mr. GAINES of Tennessee. They were promised it.

Mr. KAHN. They are willing to take their chances, believing in the justness and honesty of the American people to give them the greatest measure of self-government as soon as they are able to assimilate it.

Mr. GAINES of Tennessee. Why did you not say so? Every time your party has spoken about it it has said that the intention is to hold them; and not only that, but hold them outside the Constitution—hold them as colonists, the very thing against which our fathers rebelled and said they would die rather than to submit longer.

HOLDING FILIPINOS AS COLONISTS.

Holding onto them as colonists! Sir, your party dare not and none of you dare say in the Philippine Islands that you propose to hold these people as colonists. No, sir; you dare not tell them the whole truth.

Mr. Chairman, I asked quite a number of Filipinos—and I hope my friend from California will not leave the House—I asked them: "What does your Federal party want?" "We want," said they, "to be admitted as a State into the Union." They say: "Inasmuch as the Constitution follows the flag, and as the Constitution says that Congress shall have the right to admit new States into the Union, you can not keep us out of the Union, and you are obliged to make us a State right away."

I did not make any wounds in the Philippine Islands. I did not tell them what the Supreme Court had said—that the Constitution does not follow the flag—overruling Judge Marshall and his associates, Justice Tawney and his associates, and overruling President Polk and his successors down to when President McKinley turned from his "plain duty," with the result that we now have the right to practically do what we please in the Philippine Islands.

As I say, I made no wounds. I opened no old ones.

I told no Filipino the decisions that the Supreme Court had made in the Porto Rico cases, finding as the majority of the court did for the first time in our history that colonies have a

place in our form of government, and that we can still hold a subject people.

CHINESE EXCLUSION.

Ah, Mr. Chairman, the gentleman from California [Mr. KAHN] would have this Congress exclude the Chinese from California, and I dare say the first speech he makes will demonstrate it. Is that true? [After a pause.] Will the gentleman deny that I state his position? This should be done, but properly. But why does the gentleman want this done, Mr. Chairman? It is to protect his people and the society of his magnificient and hospitable State, California. What are some of the facts in point?

The Chinese come there voluntarily and stay only a short while to earn a few dollars and then go back home to China; they take even their dead back to China for burial. They hurt no one in working, so far as I know, and they soon collect a little money and then leave the United States.

FORCIBLE ANNEXATION.

But the gentleman from California [Mr. KAHN] stands here, the mouthpiece, the aider, and abetter of the party that has reached out 10,000 miles away into the Pacific Ocean and has dragged under the American flag 10,000,000 of brown people, who do not want to come here to make money or anything else, nor to stay under our dominion permanently, in the Philippine Islands. He would have them, although Chinese in a measure, permanently under the flag, because he says "there is money in it." "Consistency, thou art a jewel."

When the gentleman's neighbors came a few days ago to see me in San Francisco, and asked me whether I would vote to exclude the Chinamen or not, I said: "How is it that you ask me that question? Why is it your own members of Congress have reached out to annex Hawaii against the will of that people; and how is it that they have reached out 10,000 miles into the Pacific and impressed 10,000,000 of people against their will, who do not want to come here and labor, who do not want to come here at all, or be held there permanently under the American flag?" "Hold them forever and a day," says the gentleman from Illinois [Mr. CANNON].

Now, if my distinguished friend from California [Mr. KAHN] will tell me that this is consistency when he addresses the House upon this or any other question, I will be gratified.

How does this party undertake to avoid the Philippines sending their products to the United States? The Supreme Court by a vote of 5 to 4 say that we can levy any kind of a tax we choose upon the products from the Philippine Islands or products from United States to the Philippine Islands. Indeed, levy any kind of a tax on their exports whether they come here or go elsewhere.

HOW THE PHILIPPINE TARIFF LAW IS INTENDED TO WORK.

Let us see for a moment how that works. The policy of the Republican party, and of the annexationist as well, whether Republican or Democrat, is to unload all of the American products possible upon the Filipinos and keep just as much of their product out of this country as possible.

How do the Republicans propose to do this? Mr. Chairman, they have succeeded thus far most admirably. They drove through the House the other day a most infamous tariff measure, as un-American as anything that ever passed this body. How will it operate?

I will try and explain to the gentleman from California the modus operandi. They tax our people for everything we send to the Philippine Islands, you may call it an export tax or an import tax, as you please. Then they tax the Filipino and make him pay a tax for everything that he sends out of the Philippine Islands before he can get it out, and then before he can get it into the United States, through our ports of entry, he must pay another tax.

That is not only taxation without representation, but double taxation without representation.

That is a more unjust tax than any of our American colonies were ever subjected to by England; it is double taxation without representation. Now, what else? How is it going to work to "work out" our way? I call attention of my Democratic brethren to the way this measure is to operate.

THE QUESTION ANSWERED, HOW CAN WE UNLOAD OUR AMERICAN PRODUCTS ON THE FILIPINOS AND AT THE SAME TIME EXCLUDE ALL THEIR PRODUCTS FROM AMERICAN MARKETS?

The Filipino will say: "I will get around paying that import tax in the United States in this way: I will not send my products to the United States, but I will pay one export tax to get my products out of the islands, and then I will turn around and send them to the 'free' ports of Europe, and thus avoid the import I would have to pay to get my products into the United States."

So we unload all possible of our products upon the Filipinos and pay an import tax to the Philippine government to do so, while the Filipino, before he will pay a double tax, simply pays his export tax and sends his products to the "free" ports of Europe.

That is equality; that is justice; that is Americanism; that is dealing with the Filipinos according to the utterances of the lamented McKinley.

At a great Methodist meeting in the East President McKinley said: "The American flag does not change its meaning in the Tropics; it means the same thing in the Tropics as in the Temperate Zone;" yet, Mr. Chairman, we find exactly the opposite is true now. It means in the United States uniform taxation and representation. In the Philippines it means "taxation without representation;" but it means more—double taxation "without representation." It does not carry with it the right to trial by jury under this new construction.

All this un-Americanism attaches to the flag abroad for the first time in the history of this country, and sooner or later it may mean the same thing at home.

Who taketh another's freedom his liberty is also lost.

DEMOCRATS HAVE EXPANDED THE LIMITS OF THE REPUBLIC—THEY NEVER TIED COLONIES TO THE UNION.

It is said the Democrats have always been expansionists. That is true. But what did we expand? We expanded the limits of the Republic and on this side of the world, and made the territory a "part of the United States" by the treaties in acquiring the Louisiana, Florida, and the Mexican territory, and the Constitution followed the flag.

TARIFF LAWS UNDER PRESIDENT POLK'S ADMINISTRATION.

Take, if you please, the Administration of President James K. Polk, and what did he proclaim and enforce as the law? He said the Constitution followed the flag, and with that flag and that Constitution went "uniformity of taxation" "throughout the United States."

THE LAW AS PRONOUNCED BY PRESIDENT POLK.

As early as 1846 our military and navy officials had taken the Territory of California, and in giving these officials instructions as to the rights of the inhabitants thereof, President Polk said:

The inhabitants of the California Territory are as much entitled to the protection of our Constitution and laws as citizens in any other portion of the Union.

But the Republicans, the latter-day expansionists, say this was all wrong and not the law, and that the very opposite of this Democratic construction of the law of the land is true.

President Polk, December 4, 1848, to Congress said: "The inhabitants (of California) by the transfer of their country have become entitled to the benefits of our laws and Constitution," and he directed the Secretary of War to say:

But the Government de facto (that is, the Government existing after the termination of the war with Mexico) can, of course, exercise no powers inconsistent with the provisions of the Constitution of the United States, which is the supreme law of the States and Territories of our Union. For this reason no import duties can be levied in California on articles the growth, the produce, or manufacture of any State or Territory of the United States, and no such duties can be imposed in any part of the Union on the productions of California, nor can duties be charged on such foreign productions as have already paid duties in any part of the United States.

This letter was to Colonel Mason, commander in charge in California, October 9, 1848.

OUR TREATY WITH MEXICO WAS RATIFIED OCTOBER 30, 1848.

On October 7, 1848, President Polk directed Mr. Secretary Buchanan to say that—

This Government de facto will of course exercise no power inconsistent with the provisions of the Constitution of the United States, which is the supreme law of the land. For this reason no import duties can be levied in California on articles of growth, produce, or the manufacture of the United States, as no such duties can be imposed in any other part of the Union on the productions of California, nor can new duties be charged in California upon such foreign productions as have already paid duties in any of our ports of entry, for the obvious reason that California is within the territory of the United States.

On the same day Mr. Secretary Walker said officially:

By the Constitution of the United States is declared that all treaties made or which shall be made under the authority of the United States shall be the supreme law of the land. "By the treaty with Mexico, California is annexed to the Republic, and the Constitution of the United States is extended over that territory in full force throughout its limits."

He had already said upon the exchange of ratification of our treaty with Mexico, California "became part of the American Union."

President Andrew Johnson and his Cabinet established free trade with Alaska as soon as we acquired that land.

The law as thus pronounced by President Polk was squarely upheld in the unanimous opinions of the Supreme Court of the United States, and the law as thus pronounced by these two great authorities has been uniformly followed as the law down to the present fatal and mischievous era of Republican expansion—not of the limits of the Republic—but by tieing on, as by a string, colonies and dependent inhabitants, whom we will tax and rule as we please, the rule of uniform taxation pronounced and upheld by President Polk being overturned and abandoned.

LEARNED FILIPINOS.

We have Filipinos in the Philippines, and I challenge anyone to successfully dispute the fact, who have written municipal and

territorial laws adopted by the Taft Commission; written by ex-insurgents now members of the supreme court, trial justices, attorneys-general, governors—men who were in Aguinaldo's cabinet—some of whom took part in the insurgent army and fought until they were without rations, without guns, without ammunition, without a country.

Mr. KAHN. Did the chief justices or any of the associate justices of the supreme court there say that they were opposed to the American administration?

Mr. GAINES of Tennessee. I never asked that question. I did not have the pleasure of meeting the chief justice except at Governor Taft's—at the governor's public reception.

Mr. KAHN. I did.

Mr. GAINES of Tennessee. But I do not suppose that he does, for he seems to be the "whole thing" over there. He started out with Spain, then went over to and counseled Aguinaldo when we took him back to the Philippine Islands, and then he turned again and joined the American side. He is an able lawyer, I think.

He has written many of the laws of that island, before and since Governor Taft went there, subject to the approval of our military authorities and Governor Taft. But they were approved and became law. Chief Justice Arellano, with four other "eminent Filipinos," as the Schurman Commission called them, framed in three or four days a "national constitution for the Philippine Islands" at the request of this Commission, and that body spoke of it in the highest terms. It reserved all power substantially to the native government except that given the President of the United States to appoint a governor-general, coupled with the power to convene the local congress in extra session. Article I provided:

> The government of the Philippine Islands is republican, federal, representative, and responsible.

This was in the nature of a compromise measure, and yet we see it was almost "independence."

But Arelano is not the only man of ability and distinction there. The islands have many of such distinguished men, and the Schurman Commission say so and that they compare favorably with any other people.

The following-named persons were members of the native or Malolos congress in the Philippine Islands:

MALOLOS CONGRESS,

Señores diputados que componen la asamblea nacional que decreto la constitucion politica del estado.

Señor Aguedo Velarde.	Señor José Salamanca.
Señor Alberto Barreto.	Señor José R. Infante.
Señor Ambrosio Rianzares Bautista.	Señor José F. Oliveros.
Señor Antonio Luna.	Señor José Tuason.
Señor Antonio Feliciano.	Señor José Santiago.
Señor Arcadio del Rosario.	Señor José M. de la Vina.
Señor Ariston Bautista.	Señor José M. Lerna.
Señor Ariston Gella.	Señor José Albert.
Señor Arsenio Cruz Herrera.	Señor José Coronel.
Señor Basilio Teodoro.	Señor José Alejandrino.
Señor Benito Legarda.	Señor José Fernandez.
Señor Ceferino de Leon.	Señor José Luna.
Señor Domingo Samson.	Señor Juan Nepomuceno.
Señor Esteban de la Rama.	Señor Juan Manday.
Señor Felipe Buencamino.	Señor Juan Tuason.
Señor Felix Bautista.	Señor Justo Lucban.
Señor Felipe Calderon.	Señor Leon Apacible.
Señor Felix Ferrer Pascual.	Señor Leon Guerrero.
Señor Fernando Cannon.	Señor Lorenzo del Rosario.
Señor Graciano Cordero.	Señor Lucas Gonzalez Maninang.
Señor Gregorio Aguilera.	Señor Manuel Xerez Burgos.
Señor Gregorio Aglipay.	Señor Manuel Gomez Martinez.
Señor Higino Benitez.	Señor Marcial Calleja.
Señor Hipolito Magsalin.	Señor Marciano V. del Rosario.
Señor Hugo Ilagan.	Señor Mariano Abella.
Señor Ignacio Villamor.	Señor Mariano Lopez.
Señor Isidoro Torres.	Señor Mariano Crisostomo.
Señor Isidro Paredes.	Señor Martin Garcia.
Señor Javier Gonzalez Salvador.	Señor Mateo Gutierrez Uvaldo.
Señor Joaquin Gonzalez.	Señor Mateo del Rosario.
Señor José Basa.	Señor Melecio Figueroa.
Señor Mena Crisologo.	Señor Simplicio del Rosario.
Señor Miguel Zaragoza.	Señor Sofio Alandi.
Señor Narciso Hidalgo Resurreccion.	Señor Sotero Laurel.
Señor Pablo Ocampo.	Señor Telesforo Chuidian.
Señor Pablo Tecson Roque.	Señor Teodoro Sandico.
Señor Patricio Bailon.	Señor Teodoro Gonzalez.
Señor Pedro A. Paterno.	Señor Tomas Arejola.
Señor Perfecto Gabriel.	Señor Tomas G. del Rosario.
Señor Pio del Pilar.	Señor Trinidad H. Pardo de Tavera.
Señor Raymundo Alindada.	Señor Vicente Fox.
Señor Ricardo Paras.	Señor Vicente Guzman Pagulayan.
Señor Salvidor V. del Rosario.	Señor Vicente del Prado.
Señor Santiago Barcelona.	Señor Vicente Somozo.
Señor Santiago Icasiano.	Señor Vito Belarmino.
Señor Sebastian de Castro.	

Last fall we had about 5,000 natives who were heads of departments, governors, judges of the supreme court, trial courts, attorneys-general, mayors, sheriffs, constables, clerks, notaries public, and in addition to this the natives are cashiers of banks, artists, teachers, lawyers, mechanics, and so on. The natives are filling every class of positions that exist in the Philippine Islands, and they are filling them well (except the positions filled by Governor Taft and our Philippine Commissioners), and they are appointed to these public positions by Governor Taft and the authorities under him, and yet we have given them no jury laws and do not intend to do so, although in Negros when they framed their constitution they called for jury rights.

JURY RIGHTS DENIED TO AMERICANS AND NATIVES IN THE PHILIPPINE ISLANDS.

Both Americans and natives in the Philippines are indicted without a grand jury; they are convicted without a jury; they are indicted and tried by one man!

Mr. Chairman, this denial of jury rights, mind you, is the fixed and, the Republicans contend, necessary and inevitable policy and law that must be pursued and maintained in these islands.

Years and years ago the Supreme Court of the United States, in unanimous opinions time and again rendered, declared that it was no longer "an open question" that the right of trial by jury was a right that the people in our Territories had under the law of the land. And yet the Republicans are pursuing a policy in the Philippines which denies even our Americans while in the Philippine Islands jury rights in case of trial for their property or their lives.

JURY RIGHTS DENIED IN HAWAII.

Now I will come a little nearer to the home of my friend from California. On my return from the Philippine Islands we came by Hawaii. We found there Republican judges holding that the law prohibiting slavery did not apply to the Hawaiian Islands. Does the gentleman dispute that?

Mr. KAHN. I am not familiar with affairs in that country.

Mr. GAINES of Tennessee. Oh, the gentleman is not familiar with the iniquity of his party. That is what is the matter with him. [Laughter.] I guess he thinks it is too much of a job to keep up with all the wrongs his party has done, and I do not blame him. Sir, it is very easy to keep up with, but hard to prevent, the perversion of the American Constitution at this day and time. But what I state is a fact, and one of the judges who wrote or joined in the opinion denying jury rights to the inhabitants of Hawaii, including Americans, is still a member of the supreme bench of that island, and by his side, as an associate justice, is a Portuguese who united in thus denying this protection of the American Constitution to these people.

Thank God, there is one judge on that bench who dissents from these opinions and holds that the Constitution follows the flag; that a jury there means a jury of twelve good and lawful men; that a return made must not be by a majority, but by the twelve jurors—"no more, no less"—and that when indictments are found they must be by a grand jury, and not by one man; and this judge is from the State of Indiana—a young man, a Democrat. [Applause.]

These opinions are all published and are accessible in the public libraries here.

Mr. Chairman, the gentleman from California talks about the incapability of the Filipinos to do this, that, and the other—a mere opinion, I may add. It is not my purpose now to discuss this feature of the question. I will later. But I will talk about facts that are recorded in official history. I want to tell the gentleman and this House something pertinent that should interest them.

NATIVE GOVERNMENT OF NEGROS—ITS LAWS RECOGNIZED.

In the island of Negros "on November 6, 1898," the natives there routed the Spanish forces, permitted them to leave the island with their private property, the Spaniards turning over all the public property to the natives, who "then and there established," to use the words of General Smith, later governor of the island:

> They elected their own officers—a president, a congress, and a president of the Negros congress and other officers—and made their own laws and executed them down to March, 1899, when they raised the American flag.

And, Mr. Chairman, let me tell my good friend from California, who has been interrogating me, that the Federal officials who went to these islands and found that they were so capable of doing thus for themselves, that our officials absolutely executed the laws of the island of Negros, including the law that repealed some of the most infamous of the Spanish laws which had operated in that island. Does the gentleman from California dispute that statement?

Mr. KAHN. Yes; I do dispute it.

Mr. GAINES of Tennessee. Well, that simply shows that the gentleman does not know what he is talking about, nor has he read the Army or other official reports upon the subject.

Mr. KAHN. I am sorry to see that the gentleman from Tennessee does not appear to know what he is talking about.

Mr. GAINES of Tennessee. That is another error. I will state my proposition again, so that there can be no misunderstanding, and I challenge a successful contradiction. I say that these laws were recognized in this island—the repeal of an old infamous Spanish tax law—and the man who did it was general and governor and now Judge Smith, from the State of California, from

which the gentleman from California [Mr. KAHN] hails. I repeat that he recognized the repeal of certain of these old infamous Spanish laws of the island of Negros, and I defy successful contradiction.

Mr. KAHN. I would like to ask the gentleman from Tennessee if it is a fact that Judge Smith was instrumental in bringing about the adoption of that constitution, and did not he say so to the gentleman from Tennessee in my own presence?

Mr. GAINES of Tennessee. That is correct; but that was after the Americans got control there.

Mr. KAHN. But the question is, Did not he so admit, and did not he say so in your presence?

Mr. GAINES of Tennessee. I have stated exactly the position taken by him——

Mr. KAHN. But did he not say that they had no constitution, and say that in my presence before you?

Mr. GAINES of Tennessee. But I disputed the fact. I disputed it then in his presence, and I dispute it now.

Mr. KAHN. But that is not the question. Did he not state the fact to you in my presence?

Mr. GAINES of Tennessee. He did, and I disputed it then and, I repeat, I dispute it now. I went to the department and got the report, which goes to show that my position was a correct one and that I had made a statement which was entirely in accordance with the facts.

But I will tell the gentleman from California exactly what they did. They made their own laws and they made their own constitution. They repealed these old Spanish tax laws, and when Judge Smith was there and considered the matter he recognized the government of the island of Negros; he recognized their laws, their officers, and their constitution, and he executed the law repealing the old infamous Spanish tax law and another separating state from church. Will the gentleman dispute that? Now, I state that as a matter of fact, and it is stated by Judge Smith in letters to the military authorities at Manila and to the Taft Commissioners, I think.

I will insert, in extending my remarks, parts of the official authorities I rely on to prove my statements in reference to Negros. Of course if they are erroneous, then I am in error.

THE GOVERNMENT OF NEGROS.

The government of the island of Negros, organized November 6, 1898, was conducted by the native officials without "outside intervention" down to March, 1899, when the American flag was raised, and even after that the native officials were retained in office and the native government and laws enacted by it continued, and as they were changed it was done by the voice and consent of the people.

As soon as the Spaniards surrendered to the people of Negros they set up a government "there and then, November 6, 1898," says General Smith.

They elected all necessary officers, repealed certain odious Spanish laws, and General Smith (Senate Doc. No. 190, p. 257) says:

Under these circumstances it would have somewhat affected the good relations then existing between us and these people to have restored that which their provisional government had modified or abrogated previous to our coming.

He was alluding here to the modified tax and other new laws the new government had enacted. The old laws were not "restored;" their new laws not "abrogated." In other words, General Smith took up the government just as it was and continued it, and this is what he intended to do, so he got along splendidly with these people, and he says so.

THE PEOPLE OF NEGROS HAD A CONSTITUTION IN 1898.

Now, then, the next question that I desire to answer for the information of the House and the gentleman from California [Mr. KAHN] particularly is, Did the people of Negros have a constitution before the Americans went there?

NATIVE GOVERNMENT OF NEGROS HAD A CONSTITUTION

I say that the question asked of Maj. Frank S. Bourns (of General Green's staff, who was at the battle of Manila City) by Professor Worcester, while Dr. Bourns was testifying before the Schurman Commission July 29, 1899, clearly shows that the Schurman Philippine Commissioners and Dr. Bourns then knew that they did have a constitution before the Americans went there in March, 1899, and in proof of this I submit the question asked Dr. Bourns by the Schurman Commission on July 29, 1899, as follows:

Q. I want to get from your testimony a statement of the reason for our superseding the expression of the will of those people, as stated in their congress and constitution, by this constitution and form of government which have been adopted and given to the island. (2 vol. Schurman Com. Rept., 357.)

A. They were working for a change in the personnel of their government. They said they wanted to have a new element, so as to have their other men in.

I say that this clearly shows that my statement is true—that these people had a constitution before the Americans went there.

Another question was put to Dr. Bourns by the Schurman Commissioners that further discloses the fact, to wit:

Q. The main thing for us to find out, Doctor—I understand that afterwards they made a start after they had been up here—now, what I want to find out practically is how that thing worked and whether it was wise for the major-general to *supersede* that rather curious government they got up and which, of course, could not be put in force except by act of Congress, by his recent order, which, I suppose, you are familiar with. Take your own way of describing events.

A. They asked for American intervention, and they got more than they wanted. They returned and organized their government, retaining the same officers, I think, they had previously elected in the government.

Some time in February or March, 1899, this Negros government sent four commissioners to ask General Otis to send troops there to protect them against the Tagalogs, and they were sent. Dr. Bourns gives the names of two of the commissioners. He says:

The four men of the commission were Mr. Lacson, the president of Negros; Mr. Luzuriaga, the president of the congress, and two younger men.

All this testimony can be found in the second volume of the report of the Schurman Commission, at pages 356 and 357.

AN OBJECT LESSON.

I wish here, Mr. Chairman, to direct special attention to this fact: That the American authorities on assuming control of the people of Negros, in March, 1899, did not knock down or destroy the existing native government of Negros, but continued it as it stood, as the natives had made it, on and after November 6, 1898. Down to this date—March, 1899—they had run it "without outside intervention," to use General Smith's language.

General Smith continued in office the native officials whom the people had elected, and when he undertook to change the laws the people had a full voice in the change. These people called their congress together and as a congress they acted and made their laws as they had done previous to the advent of the American authorities, the only difference being after the Americans took charge that their legislation was subject to the veto of the military governor, General Smith.

IT WAS NOT SO BEFORE.

This wise and conciliatory policy was pursued and the rich fruits were manifest, and the result was that General Smith got along splendidly and satisfactorily with these people.

Indeed, General Smith, in testifying before the Taft Commission at a later day, in response to a question put to him by Professor Worcester:

What has been your experience with their central legislative body? What sort of work does it do as a matter of fact?

General Smith replied:

The men of the advisory council are not men who understand the artificial drafting of laws. They understand what is for the benefit of the country, but when it comes to putting it into words and sentences they find some difficulty in accomplishing their purpose; not more so, however, than our own legislators, I think. (See page 238, Senate Document No. 190, Fifth-sixth Congress, second session.)

General Smith further states in this same document, page 238:

The civil government prior to our coming decreed the separation of church and state.

Judge IDE. That is a law they enacted themselves.

General SMITH. Yes, sir; they have decreed the separation of church and state.

That is in keeping with our own Constitution and laws, and shows that these people were versed in our laws and institutions, for General Smith states here that prior to his "coming" the civil government had separated by law the church from the state. And I may add that this law was not abrogated by General Smith. It was continued. It was recognized as law, and good law. Yet the gentleman from California denies this fact.

I will prove that the old officials were continued in office and that church and state were separated by law by Señor Luzuriaga, who was president of the Negros congress, spoken of in the highest terms by General Smith, and afterwards appointed to the supreme bench or as governor of some province by our officials in the Philippines.

I read now from volume 2 of the report of the Schurman Philippine Commission the testimony of Luzuriaga before that Commission September 11, 1899. In response to a pertinent question, Luzuriaga answered:

Since the revolution against the Spanish and until the present time I have held the position of president of the congress of the island.

Q. Have you held any position under the American Government?

A. When we accepted the American sovereignty I continued holding the office which I had under the revolution. (P. 414.)

Here, then, is a recognition and a perpetuation of the old officers and the new government created by the natives "November 6, 1898."

Again, on page 420, we find this testimony:

Do the people understand that under our form of government all religions would be equal and there would be no preference given to anybody on account of any religious belief?

A. Yes, sir; we understand that, and when the revolution broke out we proclaimed liberty of sects and adopted the same system which you have.

I think that I have now shown that every statement I have made in reference to the island of Negros is true, if these official records are true; that is, that in November, 1898, the natives crushed the Spaniards, created a government of their own, elected officers, repealed old laws and enacted new ones, and that when General Smith went there in March, 1899, he recognized the native government, the new laws as good law, and continued the old officials.

GENERAL SMITH'S POLICY.

Why did General Smith do this? At page 257 of Senate Document No. 190, Fifty-sixth Congress, second session, he says:

As hereinbefore stated, a provisional government was already in operation when American troops arrived. That government had been ruling from November 6, 1898, until the following March without any exterior or interior intervention whatever. Under a promise given the people preliminary to the rising, the government's first act was to abolish or radically modify all Spanish taxes.

Now, then, he answers my question; under these circumstances it would have somewhat affected the good relations then existing between us and the people to have restored that which their provisional government had abrogated or modified prior to our coming.

In other words, what he did was to prevent the destruction of existing friendly feeling, and he succeeded—had practically no trouble.

General Smith did in Negros with the native government exactly what General Otis refused to do with the Malolos government. The latter refused to recognize that government or its officials in any way for any purpose whatever. Had he acted as General Smith did there would have been no bloodshed in the Philippine Islands.

I will here insert the interesting and instructive account given by General Smith in two official communications—one to the military governor of the Philippine Islands, which I will first insert, and then his testimony before the Taft Commission, July, 1900, all showing the history of the government of Negros from November 6, 1898, before the Americans went there, March, 1899, and down to July, 1900.

GENERAL SMITH'S REPORT ON NATIVE GOVERNMENT OF NEGROS.

In the report to the acting adjutant-general of the Philippine Islands of the military governor of the Philippine Islands on civil affairs, found in the Annual Report of the War Department (House Document No. 2), at page 249, we find that Brig. Gen. James H. Smith, United States Volunteers, commanding, in a letter addressed to the acting adjutant-general, department of Visayas, Iloilo, Panay, dated Bacolod, Negros, July 25, 1900, after stating that the inhabitants of Negros had probably been the most conservative under Spanish dominion, said:

Nevertheless, on the 6th of November, 1898, conservatism ceased to be laudable, and the Negrenos, taking advantage of Spain's preoccupation with other matters, rose against their old-time rulers, overpowered many of the Spanish garrisons, compelled the surrender of others, and finally forced a capitulation from the local governor under the terms of which the Spanish flag was lowered on the island, the public property was turned over to the provisional government then and there established, and the military and civil officials of Spain, minus their arms, were permitted to leave the island with their private belongings.

The overturning of the existing order was wholly accomplished without intervention from Luzon or assistance from Panay. So the Spanish flag ceased to fly in Negros, and the people who had been the playthings of the centuries found themselves, for the time at least, sudden masters of the pomp and circumstance of power.

Yet no act of cruelty or wantonness spoiled the victors' triumph or cursed their new-found liberty. Useless sacrifice of life there was none; neither did pillaging or looting find countenance or sanction. In fact, everything was done with such moderation and deliberation that if it did not induce the love of the fallen foe it compelled his respect.

On page 250 General Smith continues:

The provisional government therefore continued to act for itself and to administer the affairs of the island without outside intervention or assistance until the Americans took Iloilo, about the 12th of February, 1899, when the provisional government of Negros at once raised the American flag and sent a commission to wait on General Miller, the commanding officer in Panay, with a request for troops to protect them against the Tagalogs, who had threatened to land and punish them for their adherence to the United States.

On page 252 General Smith continues:

In good report and bad report, however, the officials of the provincial government stuck to the colors raised by themselves and tranquilly continued their work of drafting a constitution, which was finally completed in June, 1899, and sent by the military governor of the Philippines to Washington.

Notice that General Smith says that "these people continued their work of drafting a constitution, which was completed in June, 1899."

Just about the time General Smith says "the draft of the proposed constitution was forwarded the citizens became impatient to exercise some of the privileges incident to a government of the people and clamored for an election." What did General Smith then do? He says:

In this contingency, and pending the consideration of the proposed organic law which had been presented for approval, order No. 30, office military governor, July 22, 1899, was issued to meet the situation.

Under this order General Smith says the people proceeded to elect new officers, and did so without any trouble following in holding the election.

So, then, down to July 22, 1899, we presume, as I will show the fact was, the existing Negros government, officers and laws, continued. Unquestionably this is true from November 6, 1898, to March, 1899, "without outside intervention."

On page 253, General Smith continues:

The oath of allegiance to the United States was duly taken by the newly elected and appointed officials, and the new provisional government assumed office on the 6th of November, 1899, the anniversary of the overthrow of the Spanish. Since that time this government has practically had charge of the civil administration, subject only to the veto power exercised by the local military governor.

On page 254 General Smith says:

The civil governor came into the office handicapped with the doubts of a considerable number of his fellow-citizens as to his ability to fill the place. He was not considered by many of his cultivated countrymen as the best representative of the able Filipino type, but his faithful work, his industry, and, more than all, his evident desire to make his people happier have overcome much of the prejudice against him, and I think all will concede that so far his administration has been creditably successful.

It will be seen that General Smith says that the administration of the civil governor, although he came into office handicapped, "has been creditably successful."

On page 257 General Smith proves the truth of my statements—that is, that before the Americans went to Negros these people had a government and repealed certain Spanish laws, and that General Smith recognized and did not abrogate or modify the laws which the Negros government had enacted:

As hereinbefore stated, a provisional government was already in operation when American troops arrived. That government had been ruling from November 6, 1898, until the following March without any exterior intervention whatever. Under a promise given the people preliminary to the rising, the government's first act almost was to abolish or radically modify all Spanish taxes. This action was only tentative, of course. It was hurried, and its effects could not be otherwise than imperfect and unequal. But if tentative, imperfect, and unequal, the modified tax was recognized to be and was in fact far less oppressive than that which had theretofore prevailed.

Under these circumstances it would have somewhat affected the good relations then existing between us and the people to have restored that which their provisional government had abrogated or modified prior to our coming.

Moreover, it would have given ground for the opinion that the condition of the native was in no wise to be ameliorated or improved by the change of sovereigns. Of course the fact that upon occupying the island a provisional government was found administering local affairs did not debar the United States from removing such a government; neither did it prevent the imposition and collection of the old Spanish contributions.

It simply introduced the question of whether under existing conditions and considering all the circumstances it would be policy to enforce a hateful tax against the island whose friendly feeling the new sovereign was anxious to cultivate and retain. The provisional government understood and so declared in its proposed constitution that the United States would at least collect all customs imposts, all stamp taxes (sello y timbre), and all other taxes on commerce and industrial products which might be necessary to provide for the common defense, to promote the general welfare, and to pay all obligations incurred to the sovereign power, but I do not think that it was expected that the necessary revenue for such purposes would be secured by enforcing the unmodified Spanish taxes and imposts.

Read on page 259 what General Smith states, and I may add that he acted wisely when he conceded to these people a certain amount of local self-government; and we have already seen that he did not abrogate some of the laws which this new native government had enacted. General Smith says that, "pending action on the constitution which she proposed for herself, a certain measure of local self-government was conceded to her by military authority."

GEN. JAMES SMITH BEFORE THE TAFT COMMISSION JULY, 1900.

[Senate Document No. 190, Fifty-sixth Congress, second session.]

Professor WORCESTER. How is the municipal government working, as a matter of fact? Are they getting sufficient funds for carrying on the affairs of the town comfortably?

General SMITH. Yes, sir; this year the government has been supported since the 6th day of November down to the present time.

* * * * * * *

General SMITH. The civil government, prior to our coming, decreed the separation of church and state.

Judge IDE. That is the law they enacted themselves?

General SMITH. Yes, sir; they have decreed the separation of church and state.

Professor WORCESTER. What has been your experience with their central legislative body—what sort of work does it do, as a matter of fact?

General SMITH. The men of the advisory council are not men who understand the artificial drafting of laws. They understand what is for the benefit of the country, but when it comes to putting it into words and sentences, they find some difficulty in accomplishing their purpose; not more so, however, than our own legislators, I think.

Judge TAFT. Are they orators? Do they talk much?

General SMITH. They do not talk so much, but sometimes they talk with a good deal of force. They get into squabbles among themselves.

Judge TAFT. Are they politicians?

General SMITH. Yes.

Judge TAFT. Are they as much politicians as the Tagalogs?

General SMITH. I think it is in the entire race—diplomacy and political manipulation.

Judge TAFT. You said the other day that you thought the Visayan had a much more reliable character than the Tagalog.

General SMITH. That is my opinion, although I may be doing an injustice to the Tagalog because I lived here at the time of high tension between the two peoples; we were in actual hostilities and our experience with the Tagalogs had been such as to produce strong prejudice. My experience with the Visayans has been to the contrary, In nineteen months I never had but two men break their word of honor; men kept their word even where they were to come back for punishment after being allowed to visit their homes.

Judge TAFT. What kind of courts do you have in Negros?

General SMITH. We have a court there that is composed of men in whom

I have the most complete confidence as to learning and as to honesty. But there is but little judicial material. In case of death or disability it would be hard to fill a vacancy in the court.

Judge TAFT. That is, you have got all in that court that can be found in the islands. What do you think would be the effect of appointing American judges?

General SMITH. I would approve of a mixture.

Judge TAFT. That is, you would prefer not to have a rule as to American judges?

General SMITH. Yes, sir.

Judge IDE. How many courts of first instance are there in the island of Negros?

General SMITH. There are three judges that are assigned to districts—the district of the north, of the south, and the oriental district. The oriental district comprises all of Oriental Negros, or what was formerly the province of Oriental Negros.

Judge IDE. How many provinces are there in the island?

General SMITH. Two original provinces—Oriental Negros and the province of Occidental Negros. The last has been divided into two judicial districts or departments. The court sits in banc for the purpose of hearing appeals.

Judge IDE. Are those judges all natives?

General SMITH. Yes.

Judge TAFT. What are their names?

General SMITH. Estanislao Yusay.

Judge TAFT. Is he a full-blooded Visayan?

General SMITH. I think he is of mixed blood. Vecentes Hilado, Vicente Jocson.

Professor WORCESTER. What is Luzuriaga doing down there now?

General SMITH. He is auditor of the island.

Professor WORCESTER. What sort of an official does he make?

General SMITH. He is one of the ablest men in the islands. He is an able man; he understands finance.

Judge TAFT. What kind of a department governor would he make?

General SMITH. According to my idea, a splendid one.

Professor WORCESTER. Is he showing himself to be an honest man?

General SMITH. In this administration, perfectly so.

Professor WORCESTER. Has he any back history that is against him?

General SMITH. It is said he has.

Professor WORCESTER. It is pretty hard to find a man that has not.

General SMITH. I think that he bore the same relation to the Spanish officials as other men did in the islands. I judge that both from what has been charged against him and from what I know myself. Under the Spanish administration, as far as Negros was concerned, to procure right and justice there was only one way of doing it, and from that habit many were probably led to procuring injustice in the same way.

Judge TAFT. When kissing comes by favor, why——

General SMITH. So far as my connection with him is concerned, he has been scrupulously honest, to the dividing of a cent. He has made an excellent auditor. I do not think that in my own country there could be found an auditor that was more careful and more painstaking in investigating accounts and refusing payment unless it was absolutely clear, from the letter of the law, that payment should be made—that is, if they failed to get into their laws what they intended, that did not cut any figure with him. He did just exactly what the law said—nothing more nor less.

Judge IDE. Is he the auditor for the whole island?

General SMITH. Yes, sir; for all insular expenses.

Professor WORCESTER. Who is your civil governor?

General SMITH. Melecio Severino.

Professor WORCESTER. What sort of a man is he?

General SMITH. Melecio Severino and his whole family belonged originally to what is known as the Insurgent party; in fact, two of his nephews were concerned in the first rising in Negros, and they have been anxiously sought for ever since. He was elected by the popular vote—by 28 votes plurality.

Judge TAFT. What did the vote run up to?

General SMITH. Five thousand on less than a week's registration. I think there were fully 15,000 or 20,000 votes on the island; that is, with the educational and property qualifications. Severino, during his term of office as governor, has acted consistently. He has been energetic; he has worked hard for the people and he has tried to save the poor people from oppression and abuses wherever he could. He has visited nearly all the towns, not once, but oftener, as occasion demanded, and I am perfectly satisfied with his administrative capacity.

Professor WORCESTER. Have you any other men down there of Luzuriaga's caliber?

General SMITH. Leandro Locson, secretary of the interior, a true patriot and an able, honest man. Juan Araneta, secretary of agriculture, who has the method of the dictator; but in all my experience with him I found him to be perfectly honest and perfectly straightforward and very industrious and energetic. Agostin Montella, the treasurer; Demetrio Larena, secretary of public instruction, and Dromcid Mapa are also very good men.

Professor WORCESTER. The Araneta family is a very influential family there?

General SMITH. Yes, sir; but as a family it is more influential in Iloilo.

Professor WORCESTER. Is Juan Araneta the man that was head of the military department there under the provisional government?

General SMITH. Yes, sir.

Professor WORCESTER. He carried a bolo on both shoulders for a while?

General SMITH. No; he was one of the two men that I absolutely relied on, and I have never found fault with. In the beginning I relied upon two men absolutely and implicitly; one of them was Araneta. Even when letters were placed in my hands purporting to be signed by Araneta (and of a highly revolutionary character), I still retained my confidence in him, and I was always glad that I did, because I soon discovered that the letters had been written by the very insurgents who had gone out from Salay. Salay was the seat of the first disturbance, and they cut the telegraph wire after we arrived and said that they would not raise the flag. Araneta sent them word that unless they raised the flag and restored the telegraph wire by the next morning he would reduce the town to ashes. Well, it is needless to say they restored the wire, and there was no friction.

Judge TAFT. If you wanted to bring one of them up here to assist the central government, which one should you take?

General SMITH. If it is for legislative duty, I should take Luzuriaga.

Judge TAFT. This proposition has been made: That the form of government ultimately should be a mixed form like that of Porto Rico, in which there should be a popular assembly, one branch of legislative power, and a legislative council to be appointed by the governor, consisting half of Filipinos and half of Americans. Now, suppose you wished to get a Visayan representative for the legislative council, would you take Luzuriaga?

General SMITH. As the best all-round man, yes.

Professor WORCESTER. Do you know personally anything about Mapa, over at Iloilo?

General SMITH. Yes, sir; he is not a resident of Negros.

Professor WORCESTER. I know he is not a resident, but I did not know but what you might have some knowledge of him personally.

General SMITH. I have.

Professor WORCESTER. What is your impression of him?

General SMITH. Next to Arellano, I consider him the ablest man in the islands.

Judge TAFT. He has been a bit doubtful in his allegiance?

General SMITH. He is a man of honor, I think. There is no question that even to-day he is simply submitting to the inevitable and that he still believes in independence for his people. But I believe him to be honest in his opinions. He is a man of lofty ideas, of lofty sentiments; of course his education and all that sort of thing would lead him to hope for, nay, to believe in, the practicability of nationality for the people. By his own elevated station, as an able and learned man, he judges of the capabilities and natural abilities of all his countrymen.

Judge TAFT. Is he a practical man?

General SMITH. He is a practical lawyer. How far he may be practical in adopting legislation for executive or administrative purposes, I can not say; but he is a practical lawyer, and, next to Arellano, I consider him the ablest lawyer in the islands.

Judge TAFT. He would be a good man for the supreme court?

General SMITH. Unquestionably.

Judge TAFT. Didn't the military governor offer him a position through Arelano?

Professor WORCESTER. I don't know. Arelano told us he had been in negotiations with him.

Judge TAFT. Is he a man of wealth?

General SMITH. He was. He was a man of independent position, and I think he is yet.

Professor WORCESTER. Do you know the record of Melessa? The old man is unquestionably a man of great and very powerful influence, but I believe he aids the insurgent cause, as far as it may be safe, and that his whole heart is with the insurrectionary movement. I don't think he looks on it as a lost cause.

Judge TAFT. That is, the father?

General SMITH. I don't know whether he is the father or not. I believe he is, however.

Professor WORCESTER. It is the father. I know there is a father who had property.

General SMITH. He is immensely wealthy. My judgment upon the Melessas should not be given any great amount of weight, because I have not been thrown into intimate enough contact with them, and I have learned that it is very unsafe to take rumors, statements, or apparently creditable evidence, without actual experience with the men themselves. I had very little experience with old man Melessa.

Judge TAFT. How much experience have you had with Mapa?

General SMITH. I have met him now and then socially and had opportunity to talk with him.

General WRIGHT. Do you speak Spanish?

General SMITH. Enough to get along. I was finally able to dispense with an interpreter except in matters which required delicacy. I was able to get along with them all and understand what they said, and they seemed to understand me.

Professor WORCESTER. Did you have any trouble in finding honest officials?

General SMITH. It is the weak spot and will be the weak spot in all these municipal governments. When you get a man that is ready and able, why, he don't have much respect for honest methods. At least, that was the experience we have had with many presidentes.

General SMITH. Yes, sir.

Professor WORCESTER. Do they raise among themselves any special taxes? Do they have anything corresponding with the old road tax?

General SMITH. No, sir; there is the cedula tax, which corresponds to our poll tax, and also the patente tax, which corresponds to our license tax. There are no taxes especially collected for road purposes. Once collected, the money is set apart for specific purposes by appropriation bills.

Professor WORCESTER. Now, these cedula taxes are usually industrial taxes?

General SMITH. The patente tax and some of the pueblo taxes (such as the tax on tuba, on fish, corals, etc.) are essentially industrial taxes. Just before I left a land tax was adopted in Negros, but the tax on land was so disproportionate to what it should have been that I returned it to the advisory council without approval and recommending that the tax on land be increased.

Judge TAFT. How much did they impose?

General SMITH. They imposed, I think, about $2 on a thousand. No; it was even less than that. I estimated that, under the proposed law, the whole tax would be about $30,000 on a total valuation of the island of $30,000,000. I therefore returned the bill disapproved.

Judge TAFT. It was an ad valorem tax?

General SMITH. Yes, sir.

Judge IDE. Did you control their legislation?

General SMITH. By veto.

Judge IDE. I mean otherwise. Did you practically control it?

General SMITH. No, sir.

Professor WORCESTER. Did you have occasion to use the veto with a good deal of frequency?

General SMITH. I used it sparingly at first. In cases where I saw there would be no substantial injury done to the public I sometimes approved defective laws, at the same time pointing out the defect. When the operation of such laws disclosed the defects, as prophesied, a certain amount of respect was given my forecasts and I was enabled to use the veto power more vigorously. Where any injury was likely to ensue to the public I always used the veto privilege unhesitatingly. I think probably I vetoed about one-third of the number of bills presented for approval.

Gambling was a pet vice and had reached huge proportions, yet when their attention was called to it in a message gambling was at once prohibited under a penalty of at least $500 fine; even the sale of playing cards is forbidden.

Judge TAFT. How did it work?

General SMITH. It has repressed gambling. They may gamble on the sly in private houses, but gambling as a public vice has ceased to exist. They discussed very soberly the question of licensing gambling and limiting it to certain days, but they finally came to the conclusion to prohibit it altogether.

Professor MOSES. You are aware, of course, that the moral effect of a defeat of the will of the Government will be very great?

General SMITH. The moral effect would be very great. There is still in the hearts of the people, and will linger for years to come, a certain amount of hostility to the American Government and to its representative. For many years to come men who are under a cloud with the Government, or who are charged with political offenses or even with crimes perpetrated in the interests of politics, will have considerable popular support. Three

hundred years of arbitrary power and severity have stripped the jail of odium, and the man who wears chains has the popular sympathy.

The people are as sensitive as children—I was going to say as sensitive as women—to anything that offends. Anyone who offends their dignity or their self-love immediately loses his influence. The educated people and the people of means understand to a nicety the little amenities that go to make life pleasant, and a person who does not respect them finds himself unappreciated. Even punishment leaves no rancor if the conventionalities are observed and the delinquent is fairly treated and impartially heard.

Judge TAFT. Is rape at all common among them?

General SMITH. No; very rare. Rape is a rare crime, so far as I can see.

General WRIGHT. No necessity for it.

Judge TAFT. Have any of the soldiers married the Visayan women?

General WRIGHT. I think one has.

Judge TAFT. I suppose they live with them, a great many of them?

General SMITH. If so, it is done secretly. The higher class of Filipinos, of course, won't tolerate immorality among their women. Immoral women are tabooed. They are about as strict among the higher classes as we are.

Mr. Chairman, the gentleman from California by his inquiries has diverted me from what I intended to discuss. I stated that these people did not understand what we were going to do with them. I repeat that assertion now.

I say that as late as July 31, 1900, Governor Taft, in taking the testimony of Santiaga Paya, corroborates my statement. (See Senate Doc. No. 190, p. 60, Fifty-sixth Congress, second session.) Governor Taft asked Paya this question:

Is not one trouble among the people a doubt as to the policy the Americans are going to pursue to retain control of these islands?

A. Partly that; but in a greater way the lies that are told in the provinces. Out there the idea prevails that Aguinaldo's forces are going to succeed. They tell of battles in which 100 Americans are killed, and the people believe that. Here in Manila the half-educated people of the capital believe that the Government will give them independence.

Paya lived in Manila.

If the "half educated" in Manila believe we are going to give them independence, then the half educated outside of Manila must have the same belief. In other words, only the educated believe we will not give them independence, and I believe the "half educated" are in the majority; but I will show in a moment the "educated," at least "intelligent Filipino," want "ultimate independence."

We can get at the definition of the term "half educated," used by Paya by reading the testimony of the "Archbishop of Manila," found in this same Senate Document 190, page 102, in which he says:

The Filipino population, leaving out, of course, those who are in a semi-savage state in the forest, is about 7,000,000. The so-called educated element does not amount to 6,000. That excludes, of course, those who know only how to read and write, and includes only those who have had a college education, those who have taken a secondary course, and those who are in the professions.

Then the college graduates and the post graduates of colleges are the educated class, and they do not amount to more than 6,000, says the archbishop.

Then the half educated, to which Paya alludes, are those who know "how to read and write," while the educated class are the collegiate graduates.

I was informed, as I believe I have stated, that there were last fall over 5,000 natives in the employ of the civil government, and by appointment of American officials, of course.

So that the archbishop was mistaken when he said that there were not 6,000 educated natives in the island, because we must know that to be an employee of the Government of the United States in the Philippines one must be able to do something more than simply "read and write," and I refer to this so that we may get the practical definition of the term "half educated," as used by Paya, and the "educated."

Turn now again to the first volume of the report of the Schurman Philippine Commission and we find this language at page 83, under the heading "Governmental reforms desired by Filipinos:"

That ultimate independence is the aspiration and goal of the intelligent Filipinos.

This is the "intelligent" class. I will insert the entire quotation pertinent:

They need the tutelage and protection of the United States.

For what purpose, however? The Commission answers this question:

They need it in order that in due time they may, in their opinion, become self-governing and independent; for it would be a misrepresentation of facts not to report that ultimate independence—independence after an undefined period of American training—is the aspiration and goal of the intelligent Filipinos who to-day so strenuously oppose the suggestion of independence at the present time.

This Schurman report is signed by Messrs. Schurman, Dewey, Denby, and Worcester, and is dated January 31, 1900. They were appointed in January, 1899. General Otis, though one of the commissioners, did not sign this report.

Paya says the "half educated"—that is, those who can read and write—in the city of Manila, which rule would apply throughout the archipelago, want immediate independence, while the "intelligent Filipinos" want ultimate independence. Then both the half educated and educated want independence, differing only in the time it is given them.

Now, then, in the face of this official testimony, showing these people want their independence, the policy of the Administration is to hold them as dependents, as colonists, by a military or semi-military government. "A military government is not a republican form of government," says our Supreme Court.

Clearly, then, we are now holding, and it is proposed to hold permanently, these people as dependents without giving them their independence now, or now promising them to give them "ultimate independence," which even the intelligent want. Are we not standing temporarily and arranging to stand permanently over an angry volcano that will continue to daily threaten the peace if not the life of not only our Republic, but this our Philippine colony?

A WISE SUGGESTION.

The Schurman Commission, at page 82, in speaking of Governmental reforms desired by Filipinos, said:

The subject is one of the most vital significance, for the United States can succeed in governing the Philippines only by understanding the character and circumstances of the people, and realizing sympathetically their aspirations and ideals. A government to stand must be firmly rooted in the needs, interests, judgment, and devotion of the people, and this support is secured by the adaptation of government to the character and possibilities of the governed—what they are, what they have it in them to become, what they want, and, not least, what they think they are entitled to have and enjoy.

Most of the natives who are in the employ of the government are members of the Federal party. They want statehood and they have been led to believe, by American officials in the Philippines, that Congress will admit this colony and at an early date, as a State of the American Union.

We might class the members of this Federal party, at least, as some of the "intelligent Filipinos." If they can not get this statehood then they want "ultimate independence."

This the president of the Federal party stated to me in an interview taken in shorthand and committed to writing, which I have. Other members so expressed themselves.

Shall we, then, give these people their independence regardless of whether we promised them independence by word or act or both; give it to them as a matter of policy, justice, right, and law? If we do this we clear our skirts of being out for conquest, and we perpetuate in practice the humane principles upon which our own Republic was created and that to this day has preserved our Government as a Republic of, for, and by the people.

If we will do this—promise them now their ultimate independence, and keep that promise, whether it is actually done in the near or distant future—bloodshed will cease and peace will come in that country and in this, and those people will join us in welcoming the happy event. [Applause.]

Mr. KAHN. Will the gentleman yield for another question?

The CHAIRMAN. Does the gentleman yield to his colleague from California?

Mr. GAINES of Tennessee. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has twenty-two minutes remaining.

Mr. GAINES of Tennessee. Yes; I yield.

The CHAIRMAN. The gentleman from Tennessee yields to his colleague from California.

Mr. KAHN. Did anybody in the Philippine Islands tell you that the Americans had promised the natives independence?

Mr. GAINES of Tennessee. Why, my dear sir, I have 20 pounds of manuscript going to prove it.

Mr. KAHN. I ask the gentleman to mention the name of one native who told him that.

Mr. GAINES of Tennessee. Unlock the mouths of the military men over there.

Mr. KAHN. You spoke of natives.

Mr. GAINES of Tennessee. Unlock the mouths of the men there and I will. Does the gentleman suppose I am going to divulge the names of any men who gave me information in confidence and who said to me, "If I take any part in giving this testimony and my name is found out my head will go off," or "I will be given trouble in some way?"

I will give the gentleman some names, however, later in the session, when I get to the discussion of that branch of the case, but I will now refer the gentleman to a number of authorities open to the public.

Go read Welch's book, The Other Man's Country, or the Filipino Martyrs, by Richard Brinsley Sheridan, a London lawyer who was over there at or about the time of the battle of Manila Bay. Go read Murat Halstead's book, A Story of the Philippines. He was there shortly after the battle of Manila Bay.

Mr. Welch and Mr. Halstead are both distinguished Republicans, while Mr. Sheridan wants us to hold the Philippine Islands permanently and went there in sympathy with the American authorities, but now arraigns our treatment of the natives and says he states facts well supported by good authority in defense of his position.

Then the gentleman from California should read Senate Document No. 62. That contains much matter alluded to by these different authors.

And then I hope, if not before, the gentleman will tell us all, not simply a part, but all of the facts and circumstances surrounding and touching upon conditions in the Philippines which came to his eye or ears while in the Philippine Islands. So far the gentleman has contented himself with saying nothing.

But I desire now to discuss another subject, that is, the reasons why we purchased the Louisiana territory.

JEFFERSON CONGRATULATED THE AMERICAN PEOPLE THAT OUR GOVERNMENT WAS "BY NATURE AND A WIDE OCEAN" SEPARATED FROM THE OLD WORLD.

President Jefferson on two separate and distinct occasions officially congratulated the American people that our Republic was separated by nature and a wide ocean from the Old World.

In his inaugural address March 4, 1801, President Jefferson said:

Let us, then, with courage and confidence pursue our own Federal and republican principles, our attachment to Union and representative Government.

BY NATURE AND A WIDE OCEAN.

Kindly separated by nature and a wide ocean from the exterminating havoc of one quarter of the globe, too high minded to endure the degradations of the others, possessing a chosen country, with room enough for our descendants to the thousandth and thousandth generation, etc., etc.—with all these blessings, what more is necessary to make us a happy and prosperous people?

Again President Jefferson, after we had acquired the Louisiana territory in the spring of 1803, in his third annual address October 17, 1803, said:

Separated by a wide ocean from the nations of Europe and from the political interests which entangle them together, with productions and wants which render our commerce and friendship useful to them and theirs to us, it can not be the interest of any to assail us nor ours to disturb them.

MOST UNWISE INDEED TO CHANGE OUR NATURAL POSITION.

We should be most unwise indeed were we to cast away the singular blessings of the position in which nature has placed us, the opportunity she has endowed us with of pursuing, at a distance from foreign contention, the paths of industry, peace, and happiness, of cultivating general friendship and of bringing collision of interest to the umpirage of reason rather than of force.

Before and after we acquired the Louisiana territory we find President Jefferson congratulating the American people and the American Congress that we and our Republic were "by nature and a wide ocean" separated from the nations of the Old World, at the same time in the strongest language urging us to remain thus, for he says:

We should be most unwise were we to cast away the singular blessing of the position in which nature has placed us, the opportunity she has endowed us with of pursuing, at a distance from foreign contentions, the paths of industry, peace, and happiness.

And yet the expansionists, the imperialists, allude to President Jefferson approving the purchase of the Louisiana Territory as an authority and precedent for purchasing and permanently retaining the Philippine Islands.

The Louisiana Territory was on this side of the world and adjoined our Republic. The Philippine Islands are on the other side of the world in an ocean of militarism, immediately connected with the war powers of Europe, Asia, and Africa.

Jefferson taught the American people to keep this Republic on this side of the world, and his mouthpiece, Senator Breckenridge, scouted at the idea of this Republic ever spreading its jurisdiction permanently into the Old World.

Louisiana Territory was purchased to avoid war with Spain, France, and England, and restore peace amongst American citizens in the Mississippi Valley and reinstate our right of deposit at Orleans.

The Philippine Islands are situated 7,000 miles away from our Republic and are inhabited with about ten million people composed of a mixture of almost every brown race in the world.

The Territory of Louisiana was located on this side of the world adjoining our Republic, just across the Mississippi River, and by the census of 1806 contained only 52,998 souls, composed of Americans, Germans, Spaniards, French, English, Irish, some free negroes, and negro slaves, a mere handful of inhabitants compared to the Philippine Islands.

Governor Claiborne, then of Louisiana, in an official communication to the Secretary of State, stated:

In 1806 the census of the inhabitants of this (Louisiana) Territory was taken, and I believe with great accuracy. There were 52,998 souls, of which 23,574 were slaves and 3,355 free people of color, leaving a white population of 26,069; of these at least 13,500 were natives of Louisiana, for the most part descendents of the French: about 3,500 natives of the United States, and the residue Europeans generally, including the native French, Spaniards, English, German, and Irish. (Executive Journal p. 82, vol. 4; Gayarre History of Louisiana, p. 212.)

President Jefferson did not fear making these inhabitants citizens of the United States, and they became citizens; nor did he fear the admission of this Territory later on as States to the American Union, and many States have been made of it. So the treaty provided for both the citizenship of these inhabitants and the admission of this Territory to statehood.

Do we not fear making the Filipinos citizens of the United States? We do. Do we ever intend making the Philippine Islands a State of the United States? The Democrats do not. They are to be held, if held at all, as dependents—political slaves—and the archipelago as a colony or a dependency—conditions which our forefathers fought and died to destroy.

LOUISIANA TERRITORY PURCHASED TO AVOID WAR.

The Louisiana Territory was purchased to avoid war. Minister Livingston was only authorized to treat for the island of Orleans. He had to buy the whole territory to get any. I will now show by historical facts that it was the purpose of President Jefferson to prevent war and to exclude, as much as possible, Spain and France from territorial possessions adjoining our Republic that he urged the purchase of the Louisiana Territory.

We did not acquire the Louisiana country, as Mr. Livingston said, for the "purpose of extending our territory." It was done to avoid war with Spain, and possibly France, and prevent England from attacking France at New Orleans, Spain having in 1803 secretly ceded this territory to France, and now France was in the act of war with England.

In 1795 Spain, by a treaty, gave our people the right to deposit, load, unload, and sell their produce at the port of Orleans, on the island of Orleans, within this territory, and the free access and use of the Mississippi River. Without notice or cause Spanish officials suspended these rights in 1802, while Spanish subjects were murdering our people, throwing some in jail without trial, burning our ships, and destroying our commerce. It was contended these wrongs were just causes for war against Spain and the forcible taking possession of the Island of Orleans and restoring and protecting these suspended treaty rights, and our people, even at the expense of war, demanded immediate restoration and indemnification for depredations, while a prompt declaration of war, much discussed in Congress, was deferred, awaiting the result of Jefferson's efforts to acquire the island of Orleans and our former river rights. Jefferson saw war was inevitable if he failed, and he promptly appointed Mr. Livingston and Mr. Monroe to negotiate with France for a part—not the whole—of this Louisiana Territory.

In February, 1803, President Jefferson wrote Mr. Livingston this:

We must know at once whether we can acquire New Orleans or not. We are satisfied that nothing else will secure us from a war at no distant period.

But we had to take the whole of the territory or none.

Our commissioners reported to Mr. Madison, Secretary of State, that at the very beginning of negotiations "France had decided to offer to the United States the whole of Louisiana and not a part of it." We found as we advanced in the negotiations that M. Marbois was absolutely restricted to the disposition of the whole; that he would treat for no less portion, and, of course, that it was useless to urge it.

We had to treat for the whole or jeopardize, if not abandon, the hope of acquiring any part. On that we did not long hesitate, but proceeded to treat for the whole. They had already stated in the same letter:

An acquisition of so great an extent was, we well know, not contemplated by our appointment; but we were persuaded that the circumstances and considerations which induced us to make it will justify us in the measure to our Government and country.

This letter, dated May 13, 1803, conveyed the treaty with France ceding this territory to the United States (dated April 30, 1803), and we took possession in December of that year.

Mr. Madison, congratulating our commissioners on purchasing, said:

The whole of Louisiana, although the western part of it was not embraced by your powers, but you are justified by the solid reasons you give for it. I am charged by the President to express to you his entire approbation of so doing.

Some of the "solid reasons" our commissioners assigned for purchasing the "whole" were: The complete and uninterrupted use of the Mississippi River, the separation from foreign adjoining powers, and on this point, in language clear, forceful, and to this day pertinent, they said:

We separate ourselves in a great measure from the European world and its concerns, especially its wars and intrigues; we make, in fine, a great stride to real and substantial independence.

Additional "solid reasons" were, however, given in these words:

A divided jurisdiction over the river might beget jealousy, discontent, and dissensions, which the wisest policy on our part could not prevent or control. With a train of colonial governments established along the western bank, from the entrance of the river far into the interior, under the command of military men, it would be difficult to preserve that state of things which would be necessary to the peace and tranquillity of our country. A single act of a capricious, unfriendly, or unprincipled subaltern might wound our best interests, violate our most unquestionable rights, and involve us in war.

But by this acquisition, which comprises within our limits this great river,

with all the streams that empty into it, from their sources to the ocean, the apprehension of these disasters is banished for ages from the United States. We adjust by it the only remaining known cause of variance with this very powerful nation; we anticipate the discontent of the great rival of France, who would probably have been wounded at any stipulation of a permanent nature which favored the latter, and which it would have been difficult to avoid if she retained the right bank.

"We separate ourselves in a great measure from the European world," etc., as above quoted.

These were all "solid reasons," and exploit the policy of this Republic from 1803 down to and excluding the present Administration. In brief, we bought our peace from Spain, France, and England. We divorced ourselves from the powerful and belligerent nations—Spain and France and England—then practically at war. We restored our rights at the port of Orleans, in the Mississippi River, and had complete jurisdiction to the Gulf of Mexico.

It thus clearly appears that the controlling reasons for the acquisition of the Louisiana Territory was to separate ourselves "from the European world and its concerns," whereas now the controlling reason for the acquirement and permanent holding of Asiatic territory is to embroil ourselves with its wars and intrigues against which every President from Washington down to and excluding President McKinley has warned us, and which former administrations and American people have constantly kept in view, enunciating at an early day the Monroe doctrine, the law of self-defense, and vigorously enforcing it without the cost of a cent or the loss of a drop of blood that I recall. Already our armies have been allied with European armies and have fought under the command of European generals.

What next? The purchase of Louisiana was to get rid of these people, their entanglements and intrigues. It therefore bears no kind of analogy to and furnishes not the remotest precedent for Asiatic acquisitions or McKinley expansion. Are the people of this country ready to make this kind of expansion policy the fixed expansion policy of this Republic, or will they recoil to the expansion policy of Jefferson, Monroe, and Polk, and expand our Republic over adjacent territory and under the protection and within the limitations of our Constitution?

I will insert as part of my remarks the letter of our Ministers Livingston and Monroe to Mr. Secretary Madison, clearly setting forth the reasons why they exceeded their authority and treated for the whole of the Louisiana Territory:

Messrs. Livingston and Monroe to Mr. Secretary Madison.

PARIS, *May 13, 1803.*

SIR: We have the pleasure to transmit to you by M. Diriex a treaty which we have concluded with the French Republic for the purchase and cession of Louisiana. The negotiation of this important object was committed on the part of France to M. Marbois, minister of the treasury, whose conduct therein has already received the sanction of his Government, as appears by the ratification of the first consul, which we have the pleasure to forward to you.

An acquisition of so great an extent was, we well know, not contemplated by our appointment; but we are persuaded that the circumstances and considerations which induced us to make it will justify us in a measure to our Government and country.

Before the negotiation commenced we were apprised that the First Consul had decided to offer to the United States, by sale, the whole of Louisiana, and not a part of it. We found, in the outset, that this information was correct, so that we had to decide as a previous question whether we would treat for the whole or jeopardize, if not abandon, the hope of acquiring any part. On that point we did not long hesitate, but proceeded to treat for the whole. We were persuaded that by so doing it might be possible, if more desirable, to conclude eventually a treaty for a part, since, being thus possessed of the subject, it might be easy in discussion, at least, to lead from a view of the whole to that of a part, and with some advantages peculiar to a negotiation on so great a scale. By treating for the whole, whereby we should be enabled to ascertain the idea which was entertained by this Government of its value, we should also be able to form some estimate of that which was affixed to the value of its parts.

It was, too, probable that a less sum would be asked for the whole, if sold entire to a single purchaser, a friendly power, who was able to pay for it and whom it might be disposed to accommodate at the present juncture, than if it should be sold in parcels either to several powers or companies of individuals. It was equally so, if this Government should be finally prevailed on to sell us a part, that some regard would be paid in the price asked for it to that which was demanded for the whole; lastly, by treating for the whole, whereby the attention of this Government would be drawn to the United States, as the sole purchasers, we might prevent the interference of other powers, as also that of individuals, who might prove equally injurious in regard to the price asked for it, whether we acquired the whole or any part of the territory. We found, however, as we advanced in the negotiation, that M. Marbois was absolutely restricted to the disposition of the whole; that he would treat for no less portion, and of course that it was useless to urge it. On mature consideration, therefore, we finally concluded a treaty on the best terms we could obtain for the whole.

By this measure we have sought to carry into effect, to the utmost of our power, the wise and benevolent policy of our Government, on the principles laid down in our instructions. The possession of the left bank of the river, had it been attainable alone, would, it is true, have accomplished much in that respect, but it is equally true that it would have left much still to accomplish. By it our people would have had an outlet to the ocean in which no power would have a right to disturb them. But while the other bank remained in the possession of a foreign power, circumstances might occur to make the neighborhood of such power highly injurious to us in many of our most important concerns. A divided jurisdiction over the river might beget jealousies, discontents, and dissensions which the wisest policy on our part could not prevent or control. With a train of colonial governments established along the western bank, from the entrance of the river far into the interior, under the command of military men, it would be difficult to preserve that state of things which would be necessary to the peace and tranquillity of our country.

A single act of a capricious, unfriendly, or unprincipled subaltern might wound our best interests, violate our most unquestionable rights, and involve us in war. But by this acquisition, which comprises within our limits this great river and all the streams that empty into it, from their sources to the ocean, the apprehension of these disasters is banished for ages from the United States. We adjust by it the only remaining known cause of variance with this very powerful nation; we anticipate the discontent of the great rival of France, who would probably have been wounded at any stipulation of a permanent nature which favored the latter, and which it would have been difficult to avoid had she retained the right bank.

We cease to have a motive of urgency, at least, for inclining to one power to avert the unjust pressure of another. We separate ourselves, in a great measure, from the European world and its concerns, especially its wars and intrigues. We make, in fine, a great stride to real and substantial independence the good effect whereof will, we trust, be felt essentially and extensively in all our foreign and domestic relations. Without exciting the apprehension of any power, we take a more imposing attitude with respect to all. The bond of our Union will be strengthened and its movements become more harmonious by the increased parity of interests which it will communicate to the several parts which compose it.

In deliberating on this subject in a financial view we were strongly impressed with the idea that while we had only right of deposit, or, indeed, while the right bank remained in the possession of a foreign power, it was always to be expected that we should, at some time or other, be involved in war on questions resulting from that cause. We were well satisfied that any war would cost us more than is hereby stipulated to be given for this territory; that none could produce a more favorable result; while it might, especially in the present disturbed state of the world, prove the ruin of our affairs.

There were other considerations which, though of minor importance, had, nevertheless, their due weight in our decision of this great question. If France, or any other power holding the right bank of the river, imposed lighter duties than comported with the revenue system of the United States, supposing even that we had acquired the left bank, all the supplies destined for our extensive and populous settlements on the other side would be smuggled in through that channel, and our revenue thereby considerably diminished. Should such power open offices for the sale of lands on the western bank, our population might be drained to the advantage of such power, the price of our lands be diminished and their sale be prevented. But by the possession of both banks these evils are averted.

The terms on which we have made this acquisition, when compared with the objects obtained by it, will, we flatter ourselves, be deemed advantageous to our country. We have stipulated, as you will see by the treaty and convention, that the United States shall pay to the French Government 60,000,000 francs in stock, bearing an interest of 6 per cent, and a sum not exceeding twenty more to our citizens, in discharge of the debts due to them by France under the convention of 1800; and also to exempt the manufactures, productions, and vessels of France and Spain in the direct trade from those countries, respectively, in the ports of the ceded territory, from foreign duties for the term of twelve years. The stock is to be created irredeemable for fifteen years, and discharged afterwards in three equal annual installments. The interest on it is to be paid in Europe, and the principal, in case this Government thinks proper to sell it, disposed of in such manner as will be most conducive to the credit of the American funds. The debts due to our citizens are to be discharged by drafts on the Treasury. We omit a more minute view of the stipulations of these instruments, since, as you will possess them, it is unnecessary.

Louisiana was acquired of Spain by France in exchange for Tuscany, which latter is settled by treaty on the son-in-law of the King of Spain, with the title of King of Etruria, and was estimated in the exchange, in consideration of its revenue, at 100,000,000 francs. The first consul thought he had made an advantageous bargain in that exchange, as appears by the high idea which he entertained of its value, as shown on many occasions. Louisiana was the territory which he promised in his proclamation at the peace as an asylum to those who had become unfortunate by the Revolution, and which he spoke of as vast and fertile. When he made up his mind to offer the cession of it to the United States it was contemplated to ask for it one hundred millions, exclusive of the debts they owed to our citizens, which they proposed we should also pay, with a perpetual exemption from foreign duties on the manufactures, productions, and vessels of France and Spain in the ports of the ceded territory.

From that demand, however (in respect to the sum), he receded, under the deliberations of his own cabinet; for the first proposition which M. Marbois made to us was that we should pay eighty millions—sixty of which in cash, the balance to our citizens, the whole in one year in Paris, with a perpetual exemption from foreign duties as above. The modification in the mode of payment (that is by stock, for from the quantum he never would depart) and the limitation of the term of the duties to twelve years, with the proviso annexed to it, which was introduced into the treaty, with every other change from his project, was the effect of negotiation and accommodation, in which we experienced, on his part and that of his Government, a promptitude and candor which were highly grateful to us.

In estimating the real value of this country to the United States a variety of considerations occur, all of which merit due attention. Of these we have already noticed many of a general nature, to which, however, it may be difficult to fix a precise value. Others present themselves of a nature more definite, to which it will be more practicable to fix some standard. By possessing both banks the whole revenue or duty on imports will accrue to the United States, which must be considerable. The value of the exports, we have understood, was last year $4,000,000. If a portion only of the imports pass through that channel (as under our Government we presume they will) the amount of the revenue will be considerable. This will annually increase in proportion as the population and productions in that quarter do. The value of the lands in the province of Louisiana (amounting to some hundred millions of acres of the best quality and in the best climate) is perhaps incalculable. From either of these sources it is not doubted that the sum stipulated may be raised in time to discharge the debt.

We hope to be able to forward you herewith the order of this Government for the delivery of the possession of the ceded territory to the United States, or to communicate its arrangements for that purpose, as also its views relative to the sale of the stock, since it is understood that their intention is to sell it. It has been intimated to us that the house of Baring, in London, connected with that of Hope, in Holland, will take the whole at their risk, at the current price in England, on a commission to be agreed on, paying to France a stipulated sum by the month. Their object is said to be, exclusive of that of making profit by it, to keep up the credit of our stock, they being much interested in it. Considering the great capital of these houses, it is presumable that they would be able to comply with any engagement they might make to that effect. And it can not be doubted that it would be more advantageous to us that the whole should be thus disposed of than remain in the hands of France, who, under the pressure of difficulties, might have it less in her power to preserve or regard our credit in the disposition of it. We shall communicate with M. Marbois fully on this subject and apprise you of the result.

We received some days past a letter from Mr. King, in which he says that, in case of war, which he deemed inevitable, the British Government contemplated taking possession of the island of New Orleans. He desired information to be communicated to that Government whether it had been ceded to the United States, as he presumed a knowledge thereof would prevent the measure. We gave an immediate reply to this letter, in which we informed him that the whole of Louisiana had been ceded to the United States, which he was at liberty to communicate to the British Government. We likewise made the same communication to Lord Whitforth, the British ambassador here, who expressed himself to be well satisfied with the event.

These countries—France and England—have been on the point of rupture for some time past. At present the prospect of an accommodation is more remote, as the English ambassador left Paris at 10 o'clock last night. Still, some hope of it is entertained by some persons in power here. This nation is desirous of peace, and it is believed that its Government is similarly disposed.

Permit us to express an earnest wish that the President and Senate may decide, with the least possible delay, on the treaty and conventions which we have concluded and have the pleasure to transmit to you. If it is the sense of our Government to ratify them, the sooner that fact is known to this Government the better its effect will be.

The list of the debts due by France to American citizens not being yet prepared, owing to M. Marbois's absence to-day from Paris, and the previous delays of the offices in which the evidences were, can not be sent by this conveyance. In consequence we retain the original of the convention to which it should be annexed, and send a copy of it. We shall forward in a day or two the original. By the list it may be inferred that the debts amount to a greater sum than they really do. They will be subject, according to the convention, to the revision of our board, by whom it is expected they will be reduced considerably. We have full confidence that, including the interest, they will not exceed the sum of 20,000,000 francs, which is much to be desired, as in that case all our citizens whose claims are entitled to the support of our Government will be provided for and paid by it. You will observe that in the mode adopted considerable indulgence is given to our treasury. The whole sum is to be paid there and under delays which will free it from embarrassment.

We have the honor to be, sir, your obedient servants,

R. R. LIVINGSTON.
JAMES MONROE.

AN IGNORANT APPLICATION.

And yet this great Louisiana acquisition is cited as a precedent for the Philippine Islands acquisition! The cases are not at all parallel. There is no comparison. One was to avoid war and the other, I believe, an unnecessary incident for "settling" a war already at an end. We could easily have said to Spain, "You must give freedom to the Filipino people," or we could have provided that we would do so. We could have done that as easily as not to have done so.

But this matter is in the past. The question is, What are you going to do? Do you propose to stay there permanently? Do you propose to do the thing that Senator Breckenridge said would ruin our Republic and prompt the American people sooner or later to "call for a king?"

Yet, in the face of all this wise counsel of President Jefferson we hear the thunder of words from the lips of the distinguished gentleman from Illinois [Mr. CANNON] that this Government will stay in the Philippine Islands "forever and a day."

The idea of this Republic ever being extended to the other side of the world was, in 1803, in the course of the debates on the Louisiana purchase, suggested as barely possible, but denounced as so extreme a case that it did not merit serious refutation.

This question was asked:

Could we not incorporate into the Union some foreign nation containing 10,000,000 inhabitants, Africa, for instance, and thereby destroy our Government?

WILL "CALL FOR A KING."

Senator John Breckenridge, representing the Administration in the Senate, after thus shaping the question, in reply thereto made this absolutely marvelous statement:

Certainly the thing would be possible if Congress would do it and the people consent to it. But it is supposing so extreme a case and so barely possible that it does not merit serious refutation.

It is also possible, and equally probable, that republicanism may itself one day or other become unfashionable, for I believe it is not without its enemies now, and that the people of America may call for a king.

Ah, gentleman, the people of America will "call for a king"—when? "When republicanism becomes unfashionable." When we do the very thing that is so unrepublican and un-American that the suggestion that we could possibly do it was not even thought worthy of "serious consideration" in 1803—that is, we would begin to destroy this Republic, prepare to "call for a king," or have a President by name, armed with the powers of a king, when we take our flag permanently to the old world!

Mr. Chairman, the power vested in the President by the Spooner amendment is, as a distinguished Republican gentleman has said, and as I say myself, greater than is vested in the Czar of Russia or King of England to-day. All military, civil, and judicial power necessary to control the Philippine Islands and to make all the laws necessary for that purpose, fill all the offices, and repeal all the laws is vested in the President of the United States and such person or persons as he may nominate.

Mr. Chairman, I was delighted when the lamented McKinley came out so promptly and said he would not accept a third nomination for the Presidency of the United States. And yet in spite of that declaration three distinguished men of this country said that they intended to nominate Mr. McKinley anyhow or tender him the nomination. But, Mr. Chairman, President McKinley knew that the American people from the days of Washington down to now have looked upon the third-term idea as the first step toward perpetuity in the Presidential chair, or the "call for a king."

It is a remarkable coincident, however, that just as we had acquired the Philippine Islands in Asia, with "10,000,000 inhabitants," an act which in 1803 was associated with the people of this country calling for a king to rule them, that three great Republican leaders were urging the President of the United States, Mr. McKinley, a kind-hearted, genial, and good man, to run for a third term, to perpetuate himself in the office of President of the United States.

Mr. Chairman, whither are we tending? In the origin of our Government the Constitution was made to control States and Territories then held, with the right to acquire territory for the purpose, I may add, of forming States. And every Supreme Court decision from the beginning of this Government down to the present time, when this question has been passed upon, has declared that we have acquired and that we hold our territory for the single purpose of making future States of this Union. I cite the case of Shively *v.* Bowlby (169 U. S. Reports) and the Morris case, where that decision is affirmed, and the cases which the first decision cites and reaffirms.

Yet we have gone so far toward a "call for a king" that we have crossed to the other side of the world and tied to our Republic ten millions of people, and against their will, perhaps to permanently hold them—for what? Not for the purpose of making citizens, not for the purpose of making States, not for the purpose of making them our equals in law or otherwise, but to exploit their country, to fill our fat pocketbooks and our overflowing Treasury with tax money wrung from these people.

I asked Dr. Albert, the president of the Federal party, "If we do not make the Philippine Islands a State of the Union, what do you want?" The reply was, "Then we want our independence." I said, "Suppose we hold you as a colony?" Another gentleman whom I addressed also said: "If you do that, then there will be another revolution here; there will be bloodshed." And one of these natives and leaders went so far as to say, "I will pick up my family and go to the State of California."

I presume it is only fair for me to warn my distinguished friend from California [Mr. KAHN] that he had better put up his fences against such men, and I give him and his a fair warning. That is the way one of those men talks, who is a great politician in the Philippine Islands, Mr. Buencamino, a lawyer, politician, and capitalist. A distinguished physician, Dr. José Albert, a man who can speak four or five languages, a man who was very much of a gentleman and was very bright, in substance said: "We want statehood. We want no colonies, and our people will not permit themselves to be held again as colonies."

And the most remarkable thing was he said, "We do not want any carpetbag government." I said to him, "Where did you get the word 'carpetbag?'" "Why," said he, "I got it from reading the history of the southern part of the United States." I am quoting in substance what these natives said to me. I have their language written.

But what else, Mr. Chairman? I would have confined myself to the discussion of this item but for this diversion. This is but an entering wedge, this proposition for the establishment of a military post at Manila. This is to be a permanent improvement, to cost $500,000, I believe. We are to purchase, I understand, by way of settlement, what is known as the friar lands, which will cost about $7,500,000, I am told. We are to be called on to improve the port at Cavite, to enlarge the naval station there. We are to be called upon to build an arsenal at Subig Bay, to improve the harbor and make that a military post, because there is a splendid harbor there.

Where, Mr. Chairman, is this to end? I serve notice on you that these requests are all ready to be made.

If they have not yet been filed through official sources they are already matured across the water. I know that. Here is this matter at Manila; here is this matter at Cavite; here is this at Subig Bay; and there is an immense wall which in all probability we shall have to finish at Manila city, so that our vessels may go in and out in safety in that very angry bay. Remember the 50,000 pension claims alone that have been filed up to January 2 as the result of the Spanish war.

Here is a regular Philippine army of 25,000 or more that must be maintained in the Philippine Islands permanently, which will cost more per soldier per year than $1,280. Then we must have a regular Philippine navy to plow through these Asiatic waters all the time. Both the army and navy must remain there in time of war as well as peace, just as here at home.

Mr. Chairman, would it not be better, before all these immense permanent improvements are made, costing untold millions of dollars, that the American people should decide at the ballot box what they have not decided, to wit, that we propose to hold the

people of the Philippine Islands as colonists and that archipelago as a colony of the United States at all hazards and at all costs of blood and money? May the wisdom of our people and their love of our own Republic save us from such an un-Republican, un-Democratic, un-American judgment and consummation. [Applause.]

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. GAINES of Tennessee. Mr. Chairman, I would like to have the privilege of extending my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

APPENDIX.

No. 1.

Interview between Congressman Gaines and Señor Don Felipe Buencamino, in October, 1901, at Manila.

[Interpreted by Walter H. Fergusson.]

Señor Buencamino was asked concerning the early history of the Philippines, and said that previous to the coming of the Spaniards the people of China and Japan had always been trying to take charge of the Philippines and make slaves of the people; that they had always prepared to fight them and to protect their homes, their families, their honor, their rights, and their property; that they had in their language the word "liberty," and that its definition was the protection of life, honor, family, home, and property.

In answer to inquiry Señor Buencamino stated: I am familiar with the Constitution of the United States; the way I came to read it was that at the time I was a political prisoner here I got hold of an American almanac in which was the Constitution of the United States, and with the aid of a soldier who was on guard, and who had a slight knowledge of Spanish, I was able to understand it and to make a translation. Having seen and read of those grand principles which it contained, and which were in accordance with our rights and desires, I changed my mode of thinking and abandoned the insurrecto cause and really became an American at heart.

Therefore my conversion was principally due to having studied the American Constitution through the courtesy of the soldiers who attended me while I was in jail. The soldiers had orders from General Otis to give me three small loaves of bread for each meal—morning, noon, and night. When the soldiers gave me my ration I could only eat one of the loaves and would return the other two. Notwithstanding this the guard would leave the remaining loaves, saying that I might get hungry later on. This detail proved to me that it was an action of sentiment on the part of the soldier; that although he carried out his orders, he showed it was an act of sentiment. I have seen the same thing demonstrated by all Americans.

[Señor Buencamino here repeated from memory with an expression of feeling shown in his voice the preamble to the Constitution of the United States, and said:]

I saw from that preamble that it was one of the noblest documents ever written by man; that I had never seen in any laws or constitutions of European powers sentiments so noble as those expressed in that. In none of those documents had I ever seen the expression "rights of liberty." These were details which had convinced me that they should surrender themselves to the Americans.

This is where the European politicians err in not properly separating the rights of liberty and the wrongs of liberty, not properly defining liberty. Therefore the development of liberty in Europe has caused a great deal of bloodshed, while the development of liberty in the United States has caused but little bloodshed. In a little over one hundred years the United States has multiplied itself at a tremendously greater rate than any European nation, because all Europeans of different races who go to the United States read and understand the preamble of the Constitution of the United States and fall in love with it.

Q. Was the almanac that you read written in English?

A. It was.

Q. What was the name of the almanac?

A. It was the World Almanac.

Señor Buencamino was here given a pamphlet containing the preamble of the Constitution of the United States, written in Spanish and English, and asked to find the preamble of the Constitution in English. He turned to the preamble promptly and read it in English.

Q. When were you imprisoned and where, and who put you there?

A. I was captured at a pueblo called Calarnan. I had in my charge the mother and son of Aguinaldo, and we were all captured together. As I had worked so much for the war, I expected that very morning to be shot. Major Cronin, of the Thirty-third Volunteer Infantry, captured me. Far from desiring to shoot me, he treated me with a great deal of consideration and a great deal of distinction and very humanely. After traveling a day and a half the Major put us in the hands of Lieutenant-Colonel Brereton, who suicided shortly afterwards. After another day's travel we were turned over to General Wheaton. My clothes were very ragged, having been traveling through the forest. General Wheaton presented me with a pair of pants and a coat. They did not belong to the General, but to one of his English interpreters. One of General Wheaton's aids brought me to Manila on the 25th day of November, 1899.

Q. When did you get out of prison, and by whose orders?

A. I was five months in jail and was completely secluded—incommunicado—no one being placed in the same cell. I was very well treated in the prison, but very much alone. I was let out on the 16th of April, 1900, by the order of General Otis. General Otis called me and asked me why I did not recognize the sovereignty of the United States. I answered that the only foreign sovereignty that the Filipinos had ever recognized was that of Spain; that even to them they could not be subjects; that though they were killed they would not give up to it.

Q. Would you have suffered death before you would again have become subject to Spain?

A. Yes.

Q. On what condition did General Otis give you your freedom?

A. After recognizing the sovereignty of the United States. After asking General Otis and being assured by him that the preamble of the Constitution of the United States applied and followed the flag, then I recognized American sovereignty. I was assured both by General Otis and General MacArthur that the preamble of the Constitution of the United States followed the flag. According to my way of thinking it is applied here to-day, because when they take the oath of loyalty they recognize the sovereignty of the United States in these islands.

Q. Have you taken that oath?

A. Yes.

Q. Before you were let out of jail or after?

A. Before.

Q. Did any of the American officers make any promises as to the independence of the islands?

A. Yes. Some of the promulgated laws state this.

Q. Did the military officers themselves promise you the independence of the islands?

A. Following the taking of Manila General Merritt made such a proclamation as that.

Q. Was it published?

A. Yes.

Q. The same thing was repeated by all the commanding generals afterwards?

A. Lately the civil governor has ratified it. The proof of it is that it is in the oath of loyalty that they have here.

Q. Where were you when Manila was taken? Where was it that you read General Merritt's proclamation?

A. I was in Cavite at the time of the taking of Manila. On the following day, the 14th, I came over here as the representative of General Aguinaldo to have a conversation with General Merritt on the following points: First of all, General Merritt asked for the evacuation of the Filipino troops that were in Ermita, Tondo, and Santa Cruz. Secondly, General Merritt asked that the waterworks be turned over to him. Thirdly, he asked that General Aguinaldo surrender all arms to him. By order of General Aguinaldo, I told General Merritt that he could not comply with any of his requests until the promises had been realized which Admiral Dewey made to General Aguinaldo. General Merritt asked me what promise Admiral Dewey had made, and I answered that it was a promise assuring the liberty of the Filipinos. General Merritt answered that he (Merritt) was not authorized to treat upon that point.

Q. Did General Merritt say that Dewey was not authorized to treat upon that subject?

A. He said nothing upon that point.

Q. What did Admiral Dewey promise Aguinaldo?

A. Admiral Dewey promised Aguinaldo the assurance of the independence of the Filipinos.

Q. Who was present when the conversation was held between Admiral Dewey and Aguinaldo? Were you present at any time when Aguinaldo and Admiral Dewey were talking on any subject?

A. No.

Q. Do you know who was present?

A. Only Aguinaldo's interpreter, Marti.

Q. Where is Marti now?

A. He is in Hongkong, being a member of the insurrecto board at that point.

Q. Did I understand you to say that when General Merritt made these requests of you as the representative of Aguinaldo you declined to accept his conditions because of the promises made by Admiral Dewey to Aguinaldo?

A. Yes.

Q. You then left General Merritt?

A. I did.

Q. He made no effort to arrest you?

A. No.

Q. What, then, caused the insurgents to take up a line of action or warfare against the United States?

A. The hate of foreign sovereignty and the lack of knowledge of what American sovereignty would be. Had Governor Taft or any diplomat come here with General Merritt there would have been no war—absolutely none.

Q. If the promises of Admiral Dewey—if he made any promises—had been kept, or if promises had been made by some representative of the Government here at that time of a like nature, and a complete definition of what American sovereignty means, and the Constitution and customs of the United States fully explained to the insurgent forces, would there have been a revolution against the United States, or, in other words, would the insurgents have laid down their arms?

A. Yes; they would have surrendered. They did lay down their arms.

Q. Would you yourself have surrendered, as requested by General Merritt?

A. Yes.

Q. Were the Filipino people throughout the islands informed of what Aguinaldo claimed Admiral Dewey had promised him?

A. Yes.

Q. Can you explain why it is, now after Governor Taft, good and great and strong man as he is, is at the head of the government, administering laws which the Commission thinks are right and just—why it is that the insurgents continue to fight in different portions of the islands and the people do not submit?

A. Batangas is the heart of the war against America, as Cavite was the heart of the war against Spain. From Batangas come Felipe Agoncillo, Mabini, Sixto Lopez, Igalacono, and Apacieble, all of whom are, as I might express it, separatists and lovers of absolute independence of the Filipinos. Three of these gentlemen are abroad, another in Guam. These are the men who are keeping up the insurrection in Batangas. Lukban, who is operating in Samar, is only a subordinate of Malvar, and if Malvar should surrender Lukban would also surrender. Therefore we have come to the worst point of the illness. This warfare that is going on in Batangas is not a warfare of force, but a warfare of ideas, as I have always expressed my opinion to the American authorities here. Therefore I believe for humanity's sake they should fight idea with idea, and not force by force, in Batangas.

Q. What idea is it that they have?

A. The idea of absolute independence.

Q. Are these people informed of the so-called promises of Admiral Dewey to Aguinaldo?

A. Yes.

Q. Is the knowledge of that all over the island; and if so, when did it get over the islands?

A. In May, June, and July of 1898 that knowledge was diffused all through the islands. The greater part of the inabitants of the islands, with the exception of some of the inhabitants of Samar and Batangas, believe that Aguinaldo has deceived them, and I personally believe the same thing, because Admiral Dewey, representing, as he did represent, a nation so great as the United States, and with the glory that he had just attained, had nothing to prompt him to deceive Aguinaldo.

I believe that Aguinaldo had more necessity to deceive the people in order to bring them in arms against the Americans. I say this because I was really the second in rank of Aguinaldo's council after Mabini. In Tarlac I asked him for the documents of the conversation he had with Admiral Dewey in order to guard them and file them, but he told me frankly that none existed; that all the promises that were made were merely verbal.

Q. What portion of the insurgents now in the field are ladrones?

A. In Batangas and Samar there must be somewhere about 6,000 rifles, and, given the number of honorable generals who have surrendered, the greater part of the rifles which they had are now in the hands of men without any conscience whatever. Sometimes these people fight for the sake of robbery and loot, and sometimes out of patriotism. All of the most honorable generals that were under Malvar, Catibac, Calao, Martin, Cabrera, and Casteltor,

have surrendered. Those who now remain in the field are practically unknown or of no importance. They are really appointed for the time being for the lack of having others.

Q. Did the Filipinos as they would read these proclamations, the proclamation of General Merritt, and get and read the Constitution of the United States and the Declaration of Independence, did they become more angry at the United States or were they disposed to surrender and give in to the sovereignty of the United States?

A. At the time of General Merritt's proclamation there were no circulars or anything in regard to the Constitution of the United States. It was unknown. I published the Constitution of the United States at the time I founded the Federal party. General MacArthur furnished me with 400 copies of the Constitution, which were translated into the Spanish language in Washington, and I distributed them all through the islands among the 400 committees of the Federal party. Since that time the pacification has been very rapid.

Q. Does reading the Constitution of the United States pacify these people or make them madder?

A. On the contrary, it pacifies them. From the 23d of December, before General Chaffee came here, until the 1st of June of this year, 24 generals and more than 30,000 insurrectos have surrendered. As the Federal party published the Constitution of the United States the Civil Commission practically demonstrated what was contained in it. It traveled through the different provinces, establishing municipalities and also establishing provincial governments.

Q. I show you a copy of a pamphlet printed in Spanish and English, containing the history of the United States, the Constitution of the United States, and the Declaration of Independence, published under the direction of General MacArthur, major-general of the United States Army. Is this the publication that you distributed among these people?

A. Merely the Constitution of the United States, printed and translated in Washington. If you would be kind enough to present me with a few copies of this pamphlet, I would be very grateful.

Q. I never saw this publication until a few days ago, and I will give you these; but I was informed that many of them had been distributed by the War Department throughout the islands. I show you another publication, dated 1899, in Spanish, containing only the Constitution and its amendments. Is this the document you distributed?

A. That is the one.

Q. That was published by the Government Printing Office at Washington in 1899. What effect had the speeches in Congress that quoted the Constitution of the United States and the Declaration of Independence on these people? Did it tend to pacify them or not?

A. If you will have a little patience I would like to tell you something about this. I want to tell you some truths. They may be bitter truths, but I feel obliged to do this.

Q. Unload.

A. Some of the speeches made by the Democrats in Congress have had a very bad effect here, for the reason that we have understood the following from these speeches. If we have misunderstood, I wish you would rectify the misunderstanding. The Democrats maintain the abandonment of the Philippine Islands by the United States; they state it is a danger to the United States to hold them, which abandonment would result in the Filipino people falling into the hands of the Chinese, the Japanese, the English, or the Germans.

Therefore I tell it from my heart and very frankly that we feel as though we have a great grievance against the Democrats of the United States when they express these sentiments. Dr. Washburn here is a witness to the fact that when some of the Democrats came here I felt as though I could not meet them on account of that feeling that I had formed.

Q. What Democrats came?

A. I mean when your party arrived. I hope you will not feel hurt at all because I speak the truth to you.

Q. What party do I belong to?

A. According to the newspapers you belong to the Democratic party. I do not know. I have seen in the papers here that the Filipinos were very much insulted by Congressman WEEKS.

Q. I think they have a right to be. I don't think that the Filipino people are savages and I never did think so, and regardless of whether Mr. WEEKS is right or wrong in his conclusions it was very impolitic and unfortunate for the authorities here for him to express himself as he did, and I regret it myself.

A. Thank you.

Q. A great many have spoken to me, the Americans here as well as Filipinos, the Americans themselves regretting it, and for the reasons I have stated. Now, the Democrats in Congress and out of it believe that the Constitution follows the flag and that the Filipinos, when the treaty made at Paris became a law of the United States, that the people of the Philippine Islands, and Porto Rico as well, were entitled to have and did have the full protection of this Constitution which you have read. Do not the Filipinos want the protection of the American Constitution?

A. In the perusal of the Constitution it divides into two parts. The first part, which is the preamble, constitutes the American national soul. The second part consists in the external political rights. In order to apply this Constitution to the Philippines one should know that Roman principle "Distingue tempora et concordabis jura."

Q. Do the Filipinos want the protection of the American Constitution or not?

A. We must not apply it all at once, only for one reason, and that reason is the 11,000 miles that separate the Philippines from America. That factor alone will cause to be made a modification of the Constitution, of the application of the Constitution here in the Philippines. [Señor Buencamino here took a copy of the Constitution of the United States and referred to Article IV, section 3.]

Q. What do you want to say about that?

A. (Señor Buencamino now read paragraphs 1 and 2 of this section with reference to admitting new States and Territories.) By these rights and practical precepts of the Constitution I understand that first of all the preamble of the Constitution should be applied to the Philippines. Second, to educate the country in the English language and in American methods, the same as a soldier is trained in the handling of a gun, and after a certain time, when we are sure that the majority of the Filipinos can speak English and are familiar with American methods, then the Constitution in full can be applied to them, in the same way in which a general turns over a rifle to a soldier when he has learned that the soldier is fully trained in the management of it.

Otherwise those political rights would be the same as a gun in the hands of an untrained soldier, and instead of conferring the rights of liberty would have the contrary effect. There is no one in this country who can love these islands as I do. Through that love of my country I desire all of the rights of liberty and not the dangers of liberty. This, of course, refers to the interior of the nation. In so far as the protection of the archipelago on the outside, I ask for the full protection which the Constitution of the United States gives, so that the Filipinos can present themselves to the Japanese, the French, or one of any nationality as American citizens.

The greatest evil in the islands to-day is that the commerce, the industries, and the agricultural life are in the hands of foreigners—the Germans and the English—and it is this point that I desire the Congress of the United States to become familiar with and to act upon. As for the political rights of the Filipinos for the present, of course that is more of a visionary character and is not so material. It will be so until the Filipinos know how to speak English and are familiar with American methods. There is nothing further to state on that point.

Q. Do the Filipinos want to be citizens of the United States or colonists governed by the United States?

A. They want to be citizens—they want to be a Territory and afterwards become a State of the United States.

Q. Is that what you expect and the people now expect?

A. Yes.

Q. What has led you to believe that the Philippines will become a State of the Union and that the inhabitants thereof will become citizens of the United States?

A. The preamble of the Constitution. It can never become a colony. That signifies separation, and the preamble says it shall be a union; therefore it could never become a colony. If the United States is here, as I believe it is, therefore it can not do anything against the preamble of the Constitution, because it would be against its own soul. If Congress makes this a colony, then you will see the revolution return. Personally, I would leave the country and go to San Francisco with my sons, who are at school there. I would never return to the Philippines.

Q. The people of the Philippine Islands, then, do not want to be colonists?

A. They have a most horrible and terrible hatred against making this a colony, from the top of their heads to the bottom of their feet. You have no conception of what the Filipino people have suffered by being colonists.

Q. I have read all the history that I could find about the horrible mistreatment that these people have undergone for years and years and years. I deeply regret it, and sympathize with them all the more that they have undergone this torture. I think theSpaniards are born monsters and oppressors and I have no love in my heart for them and I am glad that they have been driven out of the islands.

I voted for the war in Congress to drive them out of Cuba, and I am glad that they are driven out of here, and I would do it again under the same circumstances. Is it a good policy for the United States to bring teachers here to teach English, build up the schoolhouses, build up the court-houses and other public buildings generally, and bring about peace in the islands? Is that a good policy? Is it a good policy, after the Government of the United States finds that the people here have become sufficiently educated and capable of making their own laws—of self-government, in other words—after they have become strong enough to have a strong army and a good navy, for the Government of the United States to give these people their independence rather than hold them as a colony?

A. I have formed a conception of the meaning of the word liberty which is not only the protection of interior security but also exterior security. There is a new factor in the life of this, the extreme Orient, which we should never overlook or forget in the study of this question which you have now submitted, which is the policy of expansion of all the European nations. When I contemplate that France and Germany, which are such enemies at home and in their own countries, are so friendly here, that England and Russia, which are such enemies in their own country, are so friendly in this country, I tremble at the idea of seeing the Philippines alone and independent.

It is absolutely necessary that the Philippines should be more powerful than the combined strength of these four ambitious powers in order to have the interior and the exterior security to give the necessary basis for the independence of the islands. We should not overlook the fact that the English have now some claims here for damages that they received during the war. The Germans have also similar claims, and the French. If the Philippines were left unprotected they would be divided up among the powers. Therefore, so far as the exterior, the full application of the Constitution should be put into effect, but not the interior.

Q. Do you think the laws of France, England, Germany, and all these oriental countries have been oppressive, more or less, that they are not as good laws as those of the Republic of the United States?

A. They necessarily have to be oppressive.

Q. Would you have the Government of the United States to become an expansion republic, hold colonies, and cease to be simply what it has been heretofore, a republic, or would you have it go on as it has been ever since it has been a republic?

A. In regard to that point I do not consider that I have sufficient knowledge to express an opinion. As it is a fact that the United States are here, I desire them to remain here. The question to me is whether the United States can retire with honor or not, knowing full well that if she does retire the Philippines would be at the mercy of the different powers.

Q. Do you think that the Philippine Islands will never be capable of independence and self-government?

A. Of course, whenever they become sufficiently powerful to withstand the attacks of the European nations.

Q. When they become in that condition, do you and your people want independence of the islands or to be held as a colony of the United States?

A. That is a mysterious point in the future that I think no one is able to solve yet. I can cite, for instance, California, which is a very rich State, and will never wish to separate from the Union.

Q. California is not a colony, but a State.

A. Of course when the Philippines become a State they will never desire to be separated.

Q. But suppose you were never to become a State of the United States, and do not become a State of the United States, do you want to remain as a colony of the United States?

A. No. From that moment there would be another revolution. I can assure you and the Congress of the United States that if this was made a colony an insurrection would take place at once. In order not to be part of that revolution, from that moment I will leave the islands for the United States.

Q. I do not want, I have never voted in Congress, and I never will vote in Congress, to hold these people as a colony; but as soon as they are capable of self-government, and I find that fact, I shall vote, and so will the Democrats, to give them independence rather than to hold them as a colony. Does that policy satisfy you or not?

A. As I have already stated, in order to be independent we must come to that state when we can resist those four powers.

Q. How does this policy suit you and your people? To educate the people, set them up in their schools, their churches, their court-houses, get every thing working smoothly, then after we have done this we will say to them, "You are strong enough to stand alone as a nation among the world, and you are entitled to your independence, and we will give it to you." Does that policy satisfy you and your people or not?

A. No. That would not work, because those that are impatient will think possibly they can get to that state in five or ten years. It is very doubtful if we will reach that state.

Q. How long will it be before you are able to stand alone and have your own government?

A. Whenever all war is over in the world, whenever Germany is no more, whenever the Filipinos have so much strength and force as to be able to face Japan, then we will be able to stand alone. Only then.

Q. Then, when all the world quits going to war, and the nations of the world love each other, then the Philippine Islands will be able to stand alone. Is that what you mean?

A. No, not exactly what I mean. Whenever England and Germany get to be weak nations like Spain is to-day, and when the Philippines are strong enough to face Japan, then I think they will be able to have their independence.

Q. Then, when the Filipino people are capable of maintaining their independence, they want it?

A. Naturally.

Q. And that is what you expect?

A. At present we can not hope for that. Possibly in a hundred years.

Q. Why do you think it will take so long for you to be able to maintain your independence?

A. Due to the European interests that are here now. It takes centuries to wipe out an empire like the Roman, the Spanish, or English empires.

Q. The thirteen American States contained about three and a half million people when they declared their independence. You now have 10,000,000 people in these islands. What makes you think that it will take so much longer for your people, although they may be weaker naturally than the Americans, to be able to assert or, at least, receive their independence and maintain it than the Americans?

A. For the reasons given in that phrase, "Distingue tempora et concordabis jura." Had the European nations the rapid means of making warfare that they possess to-day at the time the thirteen original States existed, then the United States could not have gained their independence. England has a squadron here, also Germany and Japan.

Q. Your idea is that you are afraid that if given your independence, even when you are capable of being independent and maintaining your independence according to American standards, you are afraid that foreign nations will gobble you up?

A. That is evident. If they will swallow China, which has more than 400,000,000 people, is it not a fact that they would do the same here?

Q. The American Government has been to China, too, and that question has not been settled as to whether it will be swallowed or not. You want the American Government to hold on to the Philippines for all time to come to prevent foreign countries from gobbling these islands up?

A. Yes; and in addition to that, I wish that the Filipinos would be American citizens, or could be. I see no reason why they should not be American citizens. Russians, Englishmen, and others go to America and are admitted as American citizens, and I see no reason why the Filipinos should not also become American citizens.

Q. Do you believe that you are an American citizen now?

A. In the sense of the preamble of the Constitution of the United States I think I am, because no one could do me any injustice. The United States is protecting me and no one could disturb the security of my home, the United States defends it; no one can take away my individual rights of liberty and other personal rights, because I am protected by the United States.

Q. Do you want free access to the United States? Do you want the right to go to the United States when you get ready and the right to free markets in the United States from these islands, taking the produce of the islands to the United States to be entered free?

A. This question that you have brought to me is one that should be taken into account before deciding it—the fact of the great distance of 11,000 miles between the Philippines and America.

Q. Between all the States and Territories that you see on that map [a map of the United States hanging on the wall] the people have the right to free access, to go from one State and Territory to others. Now, then, what effect would it have on your people to say to them, "You shan't bring your produce to the United States free, but must pay a tariff?"

A. Absolutely no effect whatever. Commercial expansion obeys no political question at all except in a tariff war.

Q. Do you think it is right to tax produce from the Philippine Islands that wants to come into the United States and not tax that that wants to come in from Alaska and Porto Rico?

A. At the present time there is no remedy but to accept the tariff here to-day.

Q. Is it right to make flesh of Porto Rico and bone of the Philippines?

A. No; that is an error, and that is why I want to make an explanation. The economic life of the Philippines to-day depends entirely upon that tariff. Commerce is paralyzed. There is nothing else that brings in revenue at present. The only means at present for getting an income is through the imports. The military government, after being here three years, has left $20,000,000, an amount which the Spanish Government has not left in over three hundred years, and the reason of that is on account of the tariff.

That is the reason why I said that the factor of the distance of 11,000 miles from the United States to the Philippines should be taken into account in considering this question. There will be very few goods imported from the United States here, and there will be very few goods leave the United States for this country, but from Japan, from Germany, and from other countries there will always be great imports to this country.

Q. What makes you think there will be very few imports from the United States to the Philippine Islands?

A. Due to the distance; that immense distance.

Q. How close are Japan and China to this place?

A. So close that we are always in the same sphere.

Q. Do those countries and the other near foreign countries furnish all the supplies and the imports that the people of the islands here need?

A. Practically all.

Q. Do you want the Chinese let into the islands?

A. That is inevitable.

Q. You want the Chinese turned in then?

A. Not only the Chinese, but all other races, the same as the United States has permitted heretofore.

Q. The United States has excluded the Chinese. They can not come in there now.

A. At present so, but not before.

Q. Would it be a good thing to let them come into the islands or keep them out?

A. Admit them. The reason for that is because we have only 22 inhabitants to each square kilometer (a little less than a mile—3 miles equals 5 kilometers). There is no race in the world that fulfills the precept of God as to multiplying and growing like the Chinese. The Philippines need at least 200 inhabitants to the square kilometer.

Q. How old are you?

A. Fifty years old.

Q. What is your business?

A. I am a lawyer by profession.

Q. What business have you now?

A. In addition to being a lawyer and practicing law, I possess a number of farms and small properties.

Q. What position do you occupy with the Government here?

A. Member of the civil-service board.

Q. How many members on that board?

A. Three.

Q. Who?

A. Dr. Washburn, Mr. Pepperman, and myself.

Q. What salary are you receiving now as such commissioner?

A. Five hundred and eighty-three Mexican dollars per month.

Q. Are the other commissioners receiving the same amount?

A. Yes.

Q. I have been told by those who said they saw the act, and I have read it in history, that when Aguinaldo was stationed here in Cavite he flew the Filipino flag in the Manila Bay on his vessels. Is that true or not?

A. Yes.

Q. Was any objection made to it?

A. There was an objection from the French squadron.

Q. Who did the French squadron make the objection to?

A. To Admiral Dewey.

Q. What did Admiral Dewey do about it?

A. The objection was raised over the fact that the Filipinos took a Spanish vessel belonging to a tobacco company here. The majority of stock is held by French people in that company.

Q. What did Dewey do or say about it?

A. When the French consul went to Dewey with his explanation, Dewey wrote to Aguinaldo to arrange the matter. Aguinaldo still preserves the letter. I was put in charge of arranging the affair and therefore am familiar and can give you full particulars.

Q. I have been informed that Admiral Dewey saluted Aguinaldo's flag. Is that true or not?

A. The American soldiers saluted the Filipino flag. A Filipino boat had a conflict with a German boat and they asked for help from Admiral Dewey, who gave them aid.

Q. That was the fight in Subig Bay? Say yes or no; and tell me whether or not Admiral Dewey or any of his officers saluted the Filipino flag.

A. Yes. I myself, being on Aguinaldo's boat, as he passed they would salute Admiral Dewey and he would salute in turn.

Q. Were the relations between Aguinaldo and Admiral Dewey friendly up to the time he left there?

A. The relations were friendly to such an extent that had Admiral Dewey not been taken away he would have prevented all the trouble—everything. Aguinaldo wept the day Admiral Dewey left. As a parting gift, Aguinaldo presented Admiral Dewey with his most treasured jewels, a souvenir which he had, which was a dagger mounted with diamonds.

Q. What did Admiral Dewey do or say when he presented him with this gift?

A. He thanked him very much, and advised him to be guided by General Otis in everything that he did.

Q. What makes you think if Admiral Dewey had remained here there would have been no trouble?

A. By the departure of Admiral Dewey Aguinaldo understood that General Otis would deceive him.

Q. What made Aguinaldo believe that General Otis was going to deceive him?

A. He said that he had never had any relations with General Otis and did not know him, because he was very friendly with Admiral Dewey and when he left he thought that General Otis was going to deceive him.

Q. The relations, then, of Admiral Dewey and the Filipino leaders and all were very friendly during the stay of Admiral Dewey in Manila?

A. Yes.

Q. Do you remember the time the Filipino was killed out here when the battle began at the Santa Cruz bridge?

A. Yes.

Q. What caused that to occur?

A. The Filipino troops were in Ermita, Malate, Tondo, and Santa Cruz, and facing them were the American troops. The question arose whether they were friends or enemies, but I have been informed that both Aguinaldo and General Otis had given orders that no shots should be fired between the Filipinos and Americans. It appears that this soldier who passed by the American troops made some bad gestures toward the American flag. Some hot-headed American officer gave the order to kill him and it was done. That is the conclusion we came to from the best information we could get.

Q. What was the reason why Aguinaldo did not declare war at that time?

A. A great many of his generals urged him to begin war at once, using as an argument that at that time there were only 9,000 American soldiers here, whereas there were 10,000 Filipinos.

Q. Why did he not begin then?

A. Because Aguinaldo always hoped to have a better understanding with the Americans. All the good intentions of Aguinaldo toward the Americans were lost on the night of the 4th of February, 1899. Before that time I can take oath that Aguinaldo's intentions were the very best toward America.

Q. Where was Aguinaldo when this shot was fired?

A. In Malolos.

Q. How far from this bridge?

A. Thirty-six miles.

Q. Had the Filipino soldiers or the American soldiers, or either, been going backward and forward over this bridge previous to this shot?

A. Yes.

Q. How came they to do that?

A. Because they were very friendly in Cavite.

Q. Was this the first time that a shot had been fired by an American at a Filipino or by a Filipino at an American because they had gone across this bridge, or not?

A. There was another affair of that kind in Cavite before this. It was the other way, though—some Filipinos killed an American soldier.

Q. How long before this?

A. In June.

Q. How far from the city limits of Manila was this bridge where the shot was fired?

A. About 2 miles.[a]

Q. Did the limits of Manila city go out to Santa Cruz Bridge or did they stop 2 miles from there?

A. It is within the city.

Q. Do you mean that Santa Cruz Bridge, at the time this shot was fired, was within the limits of Manila city or not?

A. It is within the limits.

Q. When was it brought within the limits?

A. A long time ago; in the time of the Spaniards.

Q. I am much obliged to you for this unexpected pleasure of meeting you, and very glad to get this information from you.

[a] After this answer was given, the interpreter, Mr. Ferguson, had a conversation with Buencamino in Spanish or some language which I did not understand, and then I asked the question again, "Did the limits, etc.?" and Mr. B. changed his answer, as shown.—JOHN W. GAINES.

A. I am the one who is glad to have this interview, as it affords me an opportunity to judge of the Congress of the United States. I wish you would ask your Democratic members not to abandon the Philippines to the Japanese, the English, or the Germans.

Q. That never was proposed. You have been misinformed, and that is a slander on the Democratic party, of which I am a member.

A. I told you before that I had to tell some bitter truths.

Q. It has given me great pleasure to hear you. Did you ever read any speeches of Mr. McKinley; did you ever hear Mr. McKinley say that forcible annexation was criminal aggression? [Interrupting, Buencamino said "yes."] I do not believe in that and the Democratic party does not and never did and never will. Where did you get your opinion of the Democratic party?

A. I get 15 or 20 American newspapers in every mail.

Q. Give me the names of some of the papers.

A. New York Tribune, Evening Post, New York Times, San Francisco Chronicle, and two Boston papers.

Q. All said that the Democratic party wanted to run off and leave the islands?

A. I have seen that in the Democratic platform, which asked for the abandonment of the Philippines because the islands were a danger to the United States.

Q. Did you ever read the speeches of Senator HOAR?

A. He is better fitted, and has divined the conditions in the Philippines better than any other man.

Q. His speeches better define the conditions, possibilities, etc., of the Philippines than any other speeches?

A. The best of all.

Q. You are willing and your people are willing to stand by Senator HOAR and what Senator HOAR wants, and that is what you want and your people want, and nothing else will satisfy you?

A. Yes.

Q. Did you ever read the speech of Mr. LITTLEFIELD of Maine?

A. I did not read it, but have heard of it.

Q. What did you hear about LITTLEFIELD'S speech?

A. I do not remember very well, but think I have been told that Mr. LITTLEFIELD expressed the opinion that the Constitution follows the flag.

Q. You believe that, and it is what the Filipino people want?

A. They do not only want that, but they understand it to be a fact.

Q. Have you ever read the Declaration of Independence?

A. Yes; I have read it thirty times.

Q. What do you think of it? Pick out some portion you would like to read to me showing your sentiments.

A. After reading it thirty times it is all sacred to me.

Q. What do you think of this: "We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness?"

A. That accords with the sentiments of my heart.

Q. Now, then, you believe in the Declaration of Independence and the Constitution of the United States, and your people want the full benefit of those instruments?

A. Yes.

Q. And nothing else short of that will satisfy your people?

A. Yes.

Q. What per cent of the Filipinos in Manila can read and write?

A. It can be said that there are more Filipinos who can read and write in the archipelago than Spaniards.

Q. I want to find out what per cent of the Filipinos can read and write here in Manila.

A. In Manila alone? I can assure you that there are 50 per cent in Manila but not all in the Spanish language, but in different dialects.

Q. Where were you educated?

A. Here in Manila. [He is a full-blood Filipino. E. O. Johnson.]

Q. What per cent of the Filipinos can read and write in Luzon?

A. Twenty-five per cent, and in all the Visayas about the same, but in their own dialects, because the friars desired them to read about religious matters.

Q. But they can read and write in their own dialects?

A. Yes.

Q. What per cent of the Filipinos in the Philippine Islands can read and write?

A. Twenty-five per cent.

Q. What per cent in the island of Jolo can read and write?

A. I have always understood that Mindanao is excluded in speaking of the Philippines.

Q. Do you believe in slavery?

A. No.

Q. Does slavery still exist in these islands?

A. No. During Spanish times, yes.

Q. Are you not mistaken about that? I saw some in Jolo a few days ago, and they were in the schoolroom at that.

A. As I told you, I always understand in talking, and whenever I speak about the Philippine Islands that I exclude Jolo.

Q. Do you know that there is slavery in Jolo?

A. Yes.

Q. No question about that?

A. No. That is one of the difficult questions here.

Q. They have a harem down there, I am informed.

A. Yes.

Q. That is part of the religion of that island?

A. That is right.

Q. Slavery is part of their religion, too?

A. Yes.

Q. What per cent of the people of Jolo can read and write?

A. In Jolo the greater part of the people can read and write, but it is in Arabic.

Q. When I found this slave boy in school I asked his history, and found that he had been sold six times, and his owner was then trying to make another sale. I called the attention of the military authorities to it immediately, and I was informed that slavery was still going on on the Sultan side of Jolo.

A. That is one of the greatest questions in the Philippine problem.

Q. I was reared down South, where they had slaves before I was born, but I never saw one until I came to the Philippine Islands. I am in favor of the Constitution of the United States, which prohibits that. Have people in other parts of the islands read the Declaration of Independence and the Constitution of the United States?

A. At present, yes. It is very well published now.

Q. Through the document sent out by the officers of the United States?

A. No. They were distributed through the islands by the committees of the Federal party. Of course I do not know about what the military authorities have distributed.

Q. As a matter of fact, they have distributed 50,000 copies in the islands, as I am officially informed to-day.

I again thank you for your courtesy and the information you have given me.

E. O. JOHNSON, *Stenographer.*

I certify that the above as interlined is correct.

E. O. JOHNSON.

No. 2.

ON BOARD U. S. ARMY TRANSPORT SHERIDAN,
Nagasaki Harbor, October 27, 1901.

Interview between M. H. Hollingsworth, of Jacksboro, Tenn., late regimental quartermaster-sergeant, Fourth Tennessee Volunteers, later second lieutenant, Twenty-ninth Infantry, United States Volunteers, and Mr. John W. Gaines.

[L. E. Appleby, stenographer.]

I was in the secret service of the police department of Manila for nearly a year past. The Filipinos want independence. They are waiting now to see what Congress will do for them. That is what they tell me and I have talked with a great many. I have lived with a Filipino family in Manila since I first came there; that is, at their residence, Lorenzo Rosario; he was formerly chief quartermaster to Aguinaldo and surrendered in 1898 to General Otis and took the oath of allegiance.

He has said to me often that he would never have done so if he had seen any chance of the Filipinos gaining their independence by conquering the United States. He has intimated to me that the American Government broke faith with the Filipinos with reference to their independence, but would not come out and say this in so many words, but the effect of what he did say was to that effect. Many Filipinos have said to me that Dewey's plan was when he crushed the Spanish fleet in Manila Bay to leave the islands under the control of Aguinaldo and his government, but the Spaniards prevailed on him to remain to prevent the Filipinos from murdering them, which they believed they would do.

The Filipinos further said to me that Dewey brought Aguinaldo to Manila, which he did, from Hongkong on our own vessel, the *McCullough;* he unloaded him at Cavite, gave him a large number of arms, 25,000 arms I am told, new and old, including cannon. The Spaniards had armed a large number of native Filipinos and had them in their ranks and were preparing them to oppose the advance of the Americans, and that after Aguinaldo came to Cavite these native soldiers, thus armed, deserted the Spanish ranks and went over and joined Aguinaldo and the American forces, who were approaching at that time up about Pasay; and when the fight began between the American and Spanish forces, instead of these natives that the Spaniards had armed firing on the Americans, they fired right back into the Spanish troops. The Spaniards gave in and surrendered.

When the Spaniards returned to Spain they took all their papers with them, and we could never get hold of any of them—that is, the papers touching upon the surrender and its negotiations.

Rosario, with whom I boarded, was a member of the Malolos congress. At the battle of Caloocan he saw there was no chance to whip the Americans and he came in and gave up to General Otis. The Filipinos had organized a government all over the Philippines, except in Manila, and they were working satisfactorily under them. Aguinaldo had taken every Spanish post outside of Manila; he had crushed them up to this place.

I never heard of Aguinaldo and his forces committing any depredations in the city of Manila on the day of or after the fall of Manila City. I have been all over the territory where his forces bivouacked on the day of the battle and after the battle of Manila City until they were forced back by the Americans.

Q. If the Filipinos were given their independence, or if Congress would even now promise them their independence, would they lay down their arms and become peaceful?

A. That is all they want. I have heard them talk of it often and often.

Q. Do you think the failure of Congress to do this is the cause of the continued warfare over there against the Americans?

A. Yes; they have talked to me about that, too. You can get more information in Manila than you can out in the provinces. The headquarters of the friends of the insurrectos is in Manila and always has been. Everything mostly that they get to carry on the war is furnished them by allies in Manila. There is more insurrectionary feeling in Manila than any place else, according to my information and my impression and my judgment. It is not as visible to the naked eye as where they are fighting, but, nevertheless, it is there, and it would not surprise me to hear of an insurrection in Manila before the end of six months. I have been in several provinces—Laguna, Morong, Marinduque, Cavite, Launion, and Romblon.

Q. What per cent of the people in Manila city can read and write English?

A. I will say about 1 per cent. There are a lot of French, Spanish, and German who speak English. Of the Filipinos about one-half per cent speak English.

Q. How many can read and write Spanish?

A. Thirty-three and one-third per cent.

Q. What per cent can read and write their own dialect?

A. About 25 per cent. I have not thought about this particular question before. In the provinces more can read and write the native dialect than in Manila. In the provinces you strike a better class; they are more like the farmers in the United States. About 33⅓ per cent in the provinces can read and write their own dialect.

Q. Do the Filipinos like the Americans?

A. Down in their hearts I don't think they do. Outward appearance seems favorable, but it is only skin deep. They want us to protect them, but they would like to have their independence with the protectorate of America.

Q. Do you find any leading men, men of education, in Manila or out in the provinces?

A. You find a great many in Manila and a great many out in the provinces, very smart men, educated in the best schools of Manila, Singapore, Colombo, Hongkong, and in the schools of Europe, and they are all leading citizens in their community. All these people take side with the insurrectos. They have talked to me a great deal about our laws and customs, Constitution, Declaration of Independence, and the principles of our Government, and also about the separation of church and state; they can't understand it. They want the church and state separated over there, but they don't understand what the effect will be because they have been run so long by the church.

The friars by their oppressive, outrageous, and slanderous conduct started this trouble over there. If you owed a friar anything and didn't pay it promptly he would double it every year. If he wanted your property and you didn't sell it to him at his price he would have you put in prison and take it anyhow, and if he wanted to cohabit with any member of your family from your wife down he would force the husband and father to permit this, which has caused intense and justly rebellious feeling of the Filipinos toward the Spaniards, who permitted the friars to commit these outrages; in fact,

Spain has governed the Philippine Islands through the friars, and they have done as they pleased.

The most attractive women and enlightened men are the daughters and sons of friars by just such unlawful and indecent relations with the wives and daughters of the Filipinos. This is so in 90 per cent of this class of Filipinos that you will meet.

Q. Can we withdraw the military from the Philippine Islands?

A. No, sir; and retain the islands.

Q. How much military must we keep there?

A. There are about 40,000 troops there now. There was at one time 60,000, and there never was too many. If Congress says to these people that we propose to give them ultimately their independence with or without a protectorate, we can withdraw one-half, I think, inside of three years, and by that time, or before, we may be able to withdraw all of them, but we have got to promise them that to do so, and they have got to have their confidence in us restored. We certainly have not got their confidence now; there is no question about that.

Q. If Congress had declared at the beginning that we did not propose or want to hold on to these islands permanently, but that we would ultimately give them their independence, would there have been, do you think, a clash between the insurgent forces and our authority in the Philippine Islands?

A. No; there would not. They were promised that by Dewey, and he went back on the promise; that is my information, and those people surely believed it, and I believe it myself from all I have read and heard on the subject.

Aguinaldo or any of the Filipinos have never asked for a cent of pensions, claims, or otherwise for their services which they rendered us when we were fighting the Spaniards, which is one of the many things which goes to show me that independence was promised them by Dewey, and he led them to believe that, and they acted under that belief, and we certainly got the benefit of their services when we needed them. If we intend to keep those islands without making any concessions along these lines of independence and local self-government, there is one thing certain, we have got not only to keep the army we have in the Philippines, but to increase it, and also to increase the Navy to patrol the waters.

Q. Are the Philippine Islands capable of supporting this army and navy?

A. Not for ten years to come. They have no cattle, no hogs, and no horses, and no agricultural implements. They import about 3,000,000 bushels of rice from China. They have not the facilities to transport their products to the market. They have no saw mills, etc., to work with to put their timber on the market, and thousands of them have been killed. Some of the towns to-day have 66 per cent less population in them than they had in 1896. I know that because I organized several pueblos in the provinces of La Union and Romblon, and I investigated their conditions. I have a census which I took in organizing the government and schools, showing the population in 1898 and 1900. Maj. Cabell Minor, United States volunteer surgeon, assisted me in these organizations.

Q. What are the capabilities of the Filipinos in learning English and being enlightened?

A. They are very bright and quick to learn English. The adults are slow to learn. They are poor laborers.

Q. Is this a white man's country?

A. No.

Q. Can the white laborer work in the cornfields of that country?

A. He can work, but he won't live long.

Q. Why?

A. He is not acclimated to the atmosphere.

Q. Did you see any Spaniards working in the cornfields?

A. No; nor in the rice fields, either.

Q. How does it affect the white women?

A. It ruins them. They can not remain there more than five or six months. It gives them heart trouble and they fade away very fast, and even the men fade away. I feel 50 per cent better to-day at Nagasaki than I did two weeks ago in Manila. My flesh is hard and I feel more vigorous. The Army, from the officers down to the privates, are continually asking for leaves of absence to get into a cold climate or to go back to the States on account of their health; they generally go back to the States. Every transport is crowded with sick soldiers and Americans returning. There are more than 350 sick soldiers who left Manila, and now there are over 400, besides 20 insane soldiers aboard.

Q. Does that climate affect Americans mentally?

A. They lose their ambition mentally and physically. He wants sleep in the afternoons, and that grows on him. Before American occupation the Spanish merchants informed me that they never opened their doors from 12 to 3 in the afternoon, but now the most of them do, but it is on account of the rush in trade. The majority of them even close their stores now.

Q. Does or not permanently holding the Philippines strengthen the United States from a military standpoint?

A. No; it does not.

Q. Why?

A. Because if any of the foreign powers were to fall out with us they would strike us in the Philippines; very reasonable, just as we struck the Spaniards there. We could have gone and struck the mainland of Spain, but we struck the Philippines because it was a weak place. If we remain there we must make the Philippine Islands just as impregnable as any part of the United States, because our sovereignty is there, and to crush it there is just as bad as to crush it in the United States.

We run the risk of being captured there and then if we don't appease the Filipinos by giving them what they want, they will strike us in the back or any other way they can. Already they have said to me that the reason we locked so many of them up at one time and deported so many to Guam was because we were afraid some other nation would strike us, and they (the Filipinos) would unite with them. They have said this to me time and again.

As I said to you to-day, they knew they practically had their independence before Manila City fell, as they had conquered all the outposts in the Philippines, driven them all in, and had the Spaniards practically starved to death; had their government established in 5 miles of Manila, in Cavite Province, and the people were satisfied with it and loyal to Aguinaldo and his policy, and they stated to me that they were satisfied. They had the Spaniards in a hole and in six months would have accomplished their desires, and now that they haven't got their independence and we haven't said that we were going to give it to them they feel sore and disappointed.

Q. What do you think of the conditions in the Sulu Archipelago?

A. My information is absolutely reliable that we may have war with the Moros before we reach San Francisco. We are going to have trouble sure with those people if concessions are not granted that they have asked for, which I do not believe will be granted. I do not believe they will ever give up to our laws and customs. Before they will surrender they will fight to their death, and we will have to exterminate them or make concessions which will be inconsistent with our policy.

I have talked to Filipino soldiers who were in the Spanish army down there, and they have told me that one Moro will attack a regiment and will kill three or four men before he can be killed. It is their religion that when they kill one man when they die they go direct to heaven. Part of their religion is to have slaves and harems, and they will never surrender them short of their lives. My idea is that we had better give them up and let them go. They will not give up slavery nor their harems, and we can not stand them, and they will not submit to our laws and customs, and they must do so, as there is nothing else left for them to do unless we exterminate them.

Q. Will it do to use the native soldier as a part of our Army?

A. There are two parts of the Filipinos. One portion will do and the other will not. Those who opposed the Spaniards and who were led by Aguinaldo will not do for us. Those who remained true to the Spaniards until their downfall will do if well selected. The former are largely in the majority.

Q. What makes you think that?

A. Because those who were loyal to Spain have been loyal to us, and they are composed of Macabebes and a very few Tagalogs. The Macabebes fight their neighbors and everybody else, because all the natives are opposed to them because they took sides with the Spaniards.

Q. Are there not other tribes that would make good soldiers?

A. Yes, there are; the Ilocanas and Visayans and a few scattered Tagalogs, if they are commanded by good American officers.

Q. Is it not common repute, however, that these native tribes, and particularly the Macabebes, commit various outrages upon the people and upon the women in acting as soldiers?

A. That is their reputation, and various charges have been filed against them for raping the women, murdering, and robbing. They have to be controlled absolutely along these lines with great vigilance. We must give them great credit for what they have done for us.

Mr. HOLLINGSWORTH. The Filipinos are great gamblers from the time they leave the cradle to the time they hit the grave. They will gamble by moonlight.

Q. What proportion of the land is owned by the masses?

A. Not over 15 per cent. The balance is held by the United States and the friars. Not the church, but the friars.

Q. Are the Filipinos as a race easily controlled; if so, by what means are they the easiest reached?

A. The Filipino is the easiest person controlled that I ever came in contact with by giving him honest, just, and upright treatment; treating him as you would your brother or a good neighbor, paying him what you owe him, showing him any courtesy that you would have him show you, and he will do anything he can for you. This has been my experience with them, and I have seen a great many in and out of Manila. I have been in the Secret Service for nearly a year in Manila.

I enlisted in the Spanish-American war as a private, and was mustered out as regimental quartermaster-sergeant, and served later in the Twenty-ninth Infantry, United States Volunteers, as a second lieutenant, and was offered various positions under the civil government in the Philippines, but I declined them all.

Q. Are you familiar with San Juan bridge, where Grayson shot the Filipino on February 4, 1899?

A. I am; I have been over it several times, both day and night.

Q. How far was it at that time from the limits of Manila city?

A. Not over a mile and a half. Efforts are being made now to include it in the city limits. The officials are working on a map that will include it in the limits.

Q. Were you in Cuba during the Spanish-American war?

A. Yes; I was in the city of Trinidad.

Q. How long?

A. I was in Trinidad four or five months. There is no question but what the Filipino is far superior mentally, morally, and physically to the Cuban.

No. 3.

Interview I had with Joseph G. Garcia, a young Spaniard in the employ as the interpreter of the United States Army, on board the *Sheridan:*

"I was born in Cadiz, south Spain. I am 17 years old. I am an orphan. I came to Manila August 16, 1896. I can speak, read, and write English, which I have learned some little in Manila. Most of it I learned in the Fourth Infantry, United States Army, as interpreter of Spanish and Tagalog. I was employed by the United States Government April 1, 1900, and have been ever since. I began to work for the Fourth Infantry April 1, 1900.

"I have been interpreter for Colonel Baldwin and am now on my way to California to go to school. I have talked to General Trias and other leading Filipinos. General Trias said (and all the others) that the Filipinos wanted, and still want, the same freedom and rights the Americans have; that they expected them. I am satisfied that is what they want. I saw the battle of Manila Bay and city both. I am convinced if independence was given or promised the Filipinos, they would be peaceful. About 45 per cent can read and write Spanish and Tagalog in Cavite Province.

"I have been nearly all over that province of about 120,000 people. Governor Trias is governor by appointment of Governor Taft, and, as far as I can see, he is a good man, all right. He is an educated man of the Manila schools. He had to surrender. He was very sick when he surrendered. His army had nothing to eat and he was surrounded by the United States troops. He told me that he and his soldiers were almost starved. He had 125 soldiers, including him, and 117 rifles. There were 2 colonels also of this number. At least 8,000 native soldiers in the Spanish army at Manila, who left the Spanish army, took their arms and went over to Aguinaldo when he came to Manila.

"The insurgent forces aided the Americans to fight the battle of Manila City. When these native soldiers left the Spanish army there remained about 3,000 native soldiers who could not get away to join Aguinaldo—those who did were on the outskirts of the city and got away. The others could not. The Spanish soldiers in Manila could not escape into the country or mountains as the American army approached, but they could not do so because the insurgent army was on the outskirts of the city and they were afraid to go out.

"They were short of water and food, and had been so for thirty-seven days. They were shut off from all outside communication and could get nothing by land or sea. By surrounding the Spanish army this way the Filipinos were of great service to the American Army—Dewey cut off by sea and Aguinaldo off by land all supplies. The Spanish army could not have held out much longer under these conditions. They had nothing to eat, practically, and Aguinaldo had cut off the water.

"I was in the city all the time. I had an uncle in Manila, and my aunt sent me to live with him.

"Up to this battle the United States forces and Aguinaldo were friendly. He and his forces were excluded from Manila by American forces when the surrender was made to the American Army. They did come to Ermita and Malate. I heard of no depredations they committed. I lived out there before and after this battle of Manila, city and bay. I think I would have heard of any wrongs they committed if they had existed. I live right out in the same place and neighborhood that they were in. I saw them when they went out of the city five days or about after the city fell.

"I am going to try and work my way through school in California. If I

can't I will come back to the Philippines with Colonel Baldwin. I have come in contact with many Filipinos in the islands. I was paid $25 gold and subsistence as interpreter."

Colonel Baldwin introduced this bright little Spaniard to me in the Colonel's office and said that he was bright and honest as anybody, and he was going to try to have him educated in California. I wrote the young man's words down just as he spoke them, and he impressed me as he had Colonel Baldwin, who knew him well.

The young man said he was not a friend of the Filipinos, and while they wanted their independence, as stated, that they ought not have it.

No. 4.

An interview I had with a doctor major in the United States Army, written by his own pen:

I arrived in the Philippines June, 1899, and I have been on duty on the transports and at the different posts in the islands. I was also in China during the trouble there. From what I have read and observed, this is not a place a white man can thrive in by working in the open sun. He may live in the shade. He can not work on the farm.

I have noticed very many men strong and robust, of temperate habits, teamsters and soldiers, who managed to get along, but they soon broke down and gave in, as they could not stand the climate. The women seem to suffer more than the men and they fade away. They become anæmic, and, as in all tropical climates, their menses are irregular and the flow very large and increases, and childbirth is very distressing. That is the history in English colonies.

The figures reported in the States and out here are very misleading as to the percentage of soldiers who are sick. They are not purposely to mislead, but in effect they do. Many soldiers are carried on the duty list who are sick, and they will not go on the sick list because in this climate they did not improve so much when on the sick list—I mean they would not improve enough to induce them to leave the duty list to go on the sick list—and they could not go home unless their cases became chronic or until their time was up, so that they lag along on the duty list until they become sick, and rather than go on the sick list they remain for duty until their time is up and they are sent home. In a very sick or chronic condition they send the soldiers to the United States.

The death rate reported from the Philippines is misleading; for instance, those that actually die in the Philippines are recorded as dying there of course, but those who take sick and are sent to the States, some of whom die on the way and may die after arriving in the States, of course the Philippine climate is often the cause of both deaths; that is those in the United States and the Philippines. The official reports as of the deaths in the Philippines may show all right comparatively speaking, but when you combine those who actually die in the Philippine Islands and those dying after being sent to the United States of diseases contracted in the Philippine Islands the total shows quite a different condition of things when we read about it.

I have never been able to get at the number of deaths in the Philippine Islands plus those who die in the United States, owing to the diseases contracted in the Philippine Islands, nor have I been able to ascertain the number of deaths of soldiers in the States that contracted their diseases in the Philippine Islands. You must combine those who die in the Philippine Islands, or those who were taken sick while in the Philippine Islands who die, in order to get at the number of deaths caused by the Philippine Islands climate, and that is the way to get at it. It would be hard to get, and I have never seen an official statement showing the number of deaths in the States of soldiers who have been to the Philippine Islands and went home sick or were taken sick after they started and die plus the number of deaths in the Philippine Islands.

Men are doing duty in the Philippine Islands every day who in the States would not be permitted to leave the hospital on a pass; that I know from actual observation. They are short of men, and the soldiers realize that and avoid going on sick list. The conditions and surroundings are such in the Philippine Islands as to cause insanity to a certain extent. They are isolated away from civilization. Bad food, circumstances more or less distressing, is enough of itself to cause insanity, and it does do it.

Add to that the climate and the heat and the general depressing effects of the Tropics, and you have what produces insanity in the Philippine Islands. I am informed that when they return to the States many improve.

NO LOVE FOR AMERICANS.

Filipinos don't like the Americans. They say they can not see any difference in the fight they have been making for their independence and the fight that American colonists made for their independence. Many of them have talked to me along these lines. There are a few merchants and property owners around Manila and some of the larger towns who profess friendship for the Americans for personal reasons. At least, many say so, because it is to their interest to protect their property; but the masses of the Filipinos want independence.

I don't think anything else will satisfy them. If independence had been given them at the beginning when we took Manila city we would probably had no trouble with them, and if Congress would now pass a law declaring that at a future date their independence would be given it would be a great stimulus toward having absolute peace in the islands, and I believe that all warlike deportment of the Philippine Islands would end.

The trouble is they don't understand what we want to do with them or what we are going to do with them, and they never have understood it. They lack confidence in our work. They have been deceived so long and so often that they look upon all white men the same. Their idea is that we propose to make all that we can out of the country and go away, and many of them have asked me why it is that the Americans came here and soon returned to the States. They say that it shows that the Americans don't care anything for them or their country, but they merely go there to make money and then leave. They have asked me why I didn't bring my wife and family there, and also why others did not bring their families there; and think it strange that we want the country and do not care to live there.

The death rate among children is very high, but of course the birth rate is also high, as it is in all tropical countries, which make up for the high death rate.

The Filipino feels that there are enough learned and educated men in their ranks to hold office and make their laws and execute them. In the smaller towns the lesser fry can manage the affairs; in other words, they have enough ability in their own ranks to run their country in a manner satisfactory to themselves.

Taking our management of the Indians in America and comparing it with the way that the Spaniards have governed the Philippine Islands, I believe the results are better than the Spaniards have been given credit for. They have built their cities and they have built up a certain amount of trade, and they have built schools. Until 1896 the white man could travel anywhere in the islands with impunity. Of course, now and then there were certain ladrones who would attack them, the same as in America.

The Filipinos won't talk to any Army officer much, and I have only been able to get information from them upon which I base these statements as I would get more or less in their confidence. I have seen and talked with a great many in the different provinces in which I have been. I have been in Manila, Batangas, and the Camarines, in and about Nueva Caceras, where there are a great many insurrectos, but now the neighborhood in and about Nueva Caceras has been practically pacified.

BRUTALITY.

I have not seen with my own eyes any brutality visited upon the Filipinos by the American soldiers, but I have sat for hours and listened to experiences related by officers and soldiers who told of punishment that they had seen visited on the Filipinos that I did not believe any white man would visit upon any human being, and certainly not an American soldier; but, being protected by their uniform, they have done so.

This brutality is the exception and not the rule, and has been deemed absolutely necessary by our troops, yet it is deplorable that we have to resort to such means to accomplish our ends; possibly I am a poor judge, being a civilian. I have rather admired the Filipinos for refusing to turn traitor upon his neighbor or comrades, and I have heard officers express the same sentiments. I have heard men speak admiringly of the Filipino for so doing, admiring his pluck and grit. The way they have stuck to their neighbor in this would do credit to any white man, and I have heard many of them say so.

MUTUAL BRUTALITY.

The Filipinos have mistreated our soldiers, in some instances shockingly so, but I have not thought that the American soldier should condescend to their plan of punishment as a retaliatory measure. I don't think we ever did so with the Indians. We have killed their soldiers in open battle and have captured and executed them, but this is not the kind of punishment I speak of; that is legitimate warfare. It is brutality I speak of, and that has made the Filipinos revengeful. If this brutality had been eliminated it would have been better. I don't believe two wrongs make a right.

These people are entirely capable of governing themselves in a way that is entirely suitable to themselves. There is no question about that. But to say they are capable of the civilized Government that we have at this date in the United States is going too far for them—too much for them to grasp at this moment. We have had to work for over two hundred years to get to our present status as American citizens.

These people are capable of running their government, creating one and running it to suit themselves, and one with which they would be entirely satisfied. They have a great many very able men in their ranks, educated lawyers, doctors, etc.

The Spanish friars are very much disliked wherever I have heard them spoken of, and the people, as a rule, are against them. The Filipinos love their own padres and the padres sympathize with the Filipinos, very naturally.

I can not see any possible benefit that our Government will derive from holding onto these islands permanently, but do see the opportunity of being involved with other powers, and I think the very fact of having these possessions so far from home would be the cause of internal discord at home and troubles with foreign powers. I think something should be done to get rid of the islands. You can not arm and trust the native, as he will use these arms against you in case of foreign war in hope of gaining his independence. We will have to keep an immense army and navy to defend the sovereignty of the United States, which of course would be conducted, in the first place, in the Philippine Islands.

Instead of the Philippine Islands strengthening the United States militarily, it weakens her and increases our expenses far beyond any possible hope of benefits. It weakens our Monroe doctrine, if it doesn't destroy it. It opens up a way for them to attack the Monroe doctrine, and they are now talking about it, and they have a perfect right to do so.

Naval stations would accomplish all needed without the islands. The Army officer is not in favor of the islands, though many youngsters who were recently commissioned are, and they are the least able to judge with their limited experience.

The possibility of the future commercial value of the Philippine Islands does not warrant the jeopardizing our national welfare, especially in a country as young as ours.

No. 5.

An interview I had with a leading Army official:

Q. How long did you serve in Cuba and how long in the Philippine Islands in the United States Army?

A. I was in Cuba during the Santiago campaign and in the Philippine Islands for over two years.

Q. Which of the two peoples, the Cubans or the Filipinos, are the superior race?

A. I think the Filipinos are very superior in intelligence and education to the Cubans.

Q. How about morals?

A. They are superior in morals also.

Q. Are the women moral in the Philippine Islands?

A. They are, I believe.

Q. Whatever the immoralities are, they are confined almost, if not entirely, to the other brown races?

A. Yes. To the Chinos and to what are known as the Mestizas and Japanese.

Q. Did you ever see a drunken Filipino?

A. I think during the entire time I was in the Philippine Islands I never saw but one Filipino under the influence of an intoxicating drink.

Q. Do you know what he drank?

A. Some of the officers had some wine and delegated this Filipino to carry it, and he drank some.

Q. Are the Filipinos quick and ambitious to learn?

A. They are.

Q. Aren't the children very bright?

A. Yes; I consider them so.

Q. What per cent can read and write their native dialects?

A. About 90 per cent of the population are civilized, and I believe all of the children have learned to read and write their native language, and generally before the age of 10 years.

Q. Does that apply to the adults too?

A. Of course if the children learn, the adults already know.

Q. Do they have newspapers and other periodicals?

A. They did until our occupation. I have in my possession copies of periodicals published in Tagalic and Spanish, and these periodicals I speak of are of a very educative nature. They discuss such subjects as geography, physics, and nearly all branches that are taught in the schools, and give definitions, etc., which are very educative in their nature.

Q. Do they discuss politics any?

A. They discuss politics, religion, and nearly all branches of science. In brief, excluding the savages—and they are back in the mountains—nearly all, or quite all of the Filipinos can read and write, and do read and write their native dialects, and their newspapers are many and they are ably

edited. I could not say that they were many, but I think had a pretty good circulation.

Q. They were all suppressed by American occupation?

A. I could not say that they were suppressed by American occupation, but they were discontinued owing to the unsettled state of affairs.

Q. Did you ever see anything about the American Constitution or the Declaration of Independence or American laws in these papers.

A. I don't know that I have.

Q. You don't remember?

A. No; not perfectly. I have seen the American Constitution more or less discussed in what is called the "Republica" in the early days of our occupation of the islands, and they discussed our American institutions to some extent.

Q. Are the Filipinos people of refinement and decorous in their attentions to guests?

A. Very.

Q. And they expect and demand the same of one who is their guest?

A. Yes.

Q. Are they quick to resent an insult or oppression?

A. I have not known them to show any great resentment, but I do believe they are very sensitive.

Q. In other words, you mean that they expect to be treated deferentially?

A. Yes; and when treated otherwise they resent it.

Q. Did you distribute or did you see distributed any copies of the Constitution or Declaration of Independence in the islands?

A. There was an order published in which, as I remember it, the Declaration or Constitution, I don't remember which, was translated into Tagalog and Spanish and sent out to the Army. I don't remember to what extent it was distributed to the natives. Personally I had no opportunity to distribute them.

Q. It was translated into Spanish and Tagalic and it was either the Constitution or the Declaration of Independence.

A. I think it was the Constitution only.

Q. What effect did the distribution of the Constitution or Declaration have on these people?

A. Well, I don't know that it had any effect. I could not say. It is hard to judge.

Q. Did they ever talk to you about it?

A. No.

Q. What part of the islands were you in?

A. I campaigned various parts of Luzon and visited some of the other islands, Cebu and Samar, and some of the smaller islands that I don't remember the names of. We just went with the launch while lying in Cebu and Samar—in the vicinity of these two islands, however.

Q. You are familiar with these two islands and the people?

A. Well, I could not say. You can't get familiar in a week or so, you know.

Q. Well, you remained in the islands three years?

A. Oh, you mean the Philippine people?

Q. You think you are familiar with the Philippine people?

A. Yes; I do. I speak the Tagalic language sufficiently well to get along in conversation with them.

Q. Do you speak Spanish?

A. Well, yes; enough to get along; enough to converse with the Spanish.

Q. Do these people like to be called savages and Corabis?

A. I don't consider them savages.

Q. Do they resent being criticised as savages?

A. Yes.

Q. It is very offensive to them?

A. Yes.

Q. Did you ever hear of them being called Corabis?

A. I have heard them called all sorts of names, niggers, etc.

Q. Do they resent that?

A. Well, I said a while ago I had never seen them show any great resentment. They feel it very much.

Q. Are they superior to our negroes?

A. I consider them so.

Q. They are superior mentally and morally?

A. Yes; I consider them so.

Q. Are they not ambitious to be something as individuals, and something as a people?

A. Yes.

Q. They are superior to the Chinamen?

A. Far superior to them.

Q. Will it weaken us or strengthen us to permanently hold the Philippine Islands, from a military standpoint?

A. From a military standpoint I should say that it would weaken us.

Q. Why so?

A. Because it necessitates our having a large portion of our Regular Army in the Philippine Islands, where they won't be available in case of emergency, or an attack upon our country.

Q. Do you mean an attack upon this side of the world between the Atlantic and Pacific?

A. Yes; that is what I meant to say. The powers at which we would probably be at war would be European powers, and if it was defensive warfare we would not have the men immediately available for defense.

Q. You mean that we could not quickly defend the Philippine Islands if we were attacked there and we could not defend with the soldiers there the mainland of the United States?

Q. Yes; it divides our army, where they could neither be supported promptly or support others promptly.

Q. By remaining in the Philippine Islands are we more likely to get into complications than if we did not remain there?

A. Well, I could not say that.

Q. Are we not nearer to them?

A. Nearer to who?

Q. To the European powers.

A. No; I could not say that we are.

Q. How far away from China are we?

A. From San Francisco about 7,000 miles.

Q. How far is it from the Philippine Islands to China?

A. About three or four days' run.

Q. How did the troops hold out in their health in the fighting in China?

A. Well, I was not in China at the time of the fighting.

Q. How does the climate affect the white man in the Philippine Islands? In short, is it a white man's country or not?

A. I will say this: I was in Manila very little. I was out in the provinces most of the time with native troops. I heard a great deal of complaint in Manila among the troops about the climate. I had 14 American officers under me. Two of these had to return to America for their health, and 2 others were considerably affected by the climate. My health was excellent; but I had already had the yellow fever in Cuba, and was rather an immune from other fevers. However, speaking personally, I think if a white man was there and took good care of himself and had a change now and then to a colder climate, say, Japan, I do not see why he should not have good health. I consider the islands to a great extent free from the epidemics which generally occur in that region of the world.

Q. Is Manila a healthier place than in the provinces?

A. I should consider Manila a very unhealthy locality. It is low and does not have sufficient drainage.

Q. Must we have a standing army in the Philippine Islands?

A. If we hold them as colonies—that is, without giving them all the rights of American citizenship, it will necessitate keeping a large standing army there continually.

Q. Do they object being held as colonies and not making them citizens?

A. I understand that is what they are fighting for—to be citizens.

Q. Will you explain what you heard them say about this?

A. I believe their object in the insurrection was either to secure independence or to secure all the rights and privileges of a free people; that is, with the sovereignty vested in the United States for that matter; but what I mean by a free people, as our American citizens are free, and I believe that those who have voluntarily surrendered have either done so for their own personal interests or they have been persuaded that it is our intention to eventually give them those rights and privileges that I have spoken of; that is, either give them independence or incorporate them as part of our people.

Q. You mean incorporate them as a State?

A. I mean as a part of our people. Maybe a Territory, but the Constitution is to be extended to them.

Q. Then these people, according to your observation and experience among them, rebelled because they desired their independence, or all the privileges of American citizenship, or a free people, that we have—that is, to be made into a State of the United States or one of the Territories of the United States, and enjoy all the privileges of American citizenship under our Constitution, and those who have voluntarily surrendered have done so for their own personal interest, hope of office, or something, or they believe that ultimately they will be given their independence or made a free people. This would apply to the officers of rank, the leaders?

A. The leaders have in the main been given high offices, a great many have been, but what per cent I do not know. Lukebarn, one of their most prominent members, was ex-governor of Cavite; also Buencamino, Alejandrino, Paterno, and others of that class, were given offices.

Q. You have, of course, talked with many Filipinos, and from the impressions you got from them is what you base your opinion upon?

A. Yes.

Q. If we do not give these people their independence, or make them a Territory or a State of the Union, giving them all the rights that we enjoy, you state that we will have to have a standing army there? How large?

A. Sufficiently large to enforce the military governor.

Q. Your opinion is that if we do not give them all the rights we enjoy we must hold them at the point of the sword?

A. Yes.

Q. We have educated these people in the way of fighting and in the art of war, have we not?

A. They are very quick to observe, and I believe will profit by our methods if the opportunity presents itself. Of course if we get all their arms away from them and they can not get any more, they may then quit fighting us. In other words, they may see the hopelessness of their cause and quit until a better opportunity is presented.

Q. Your idea is then that until they are given the rights and privileges that you have alluded to that they are going to keep up actual war if they have arms, and if not they will wait for an opportunity to start it again?

A. They will keep up as long as they think they have any chance.

Q. Suppose, then, they lay down their arms, is it your idea they will seek a good opportunity to get those rights and privileges that you allude to? Are you familiar with the proclamation that was issued by Aguinaldo on July 1, 1898?

A. I have read it, but have forgotten the details of it.

Q. Let me refresh your memory. I read from John D. Ford's (of the United States Navy) book called "An American Cruiser in the East," at page 501. You will find it also in Sawyer's book and in Halstead's book. Is this the one you allude to?

"1. The independence of the Philippines shall be proclaimed.

"2. A republic shall be established with a government designated by General Aguinaldo and approved by the admiral and general commanding the United States forces.

"3. The government will recognize the temporary intervention of commissioners designated for the present by the United States.

"4. The American protectorate shall be recognized on the same conditions as arranged for Cuba.

"5. The Philippine ports shall be opened free for the universal commerce of the world.

"6. Precautionary measures shall be adopted against Chinese immigration, so as to regulate the competition with the work of the natives.

"7. The corrupt judicial system at present existing shall be reformed, intrusting at the commencement the administration of justice to competent European legal officials.

"8. The complete liberty of association, as likewise that of the press, shall be declared.

"9. There shall be a general religious toleration, but measures shall be adopted for the abolition and expulsion of the religious communities who with an iron hand have heretofore demoralized the actual civil administration.

"10. Measures conducive to the working, development, and prospects of the natural resources of the country shall be adopted.

"11. The development of the public wealth shall be facilitated, together with the opening up of roads and railways.

"12. The existing obstacles to the forming of commercial enterprises and investment of foreign capital shall be suppressed.

"13. The new government will keep the public order, and will be obliged to prevent every act of reprisal against the Spaniards.

"14. The Spanish official element shall be removed to some other safe and healthy island until the opportunity is presented for them to return to Spain."

A. I have in my papers a copy of his proclamation, but it has been some time since I have read it, and I could not say whether this is it or not.

Q. You see that the very first sentence is that independence will be proclaimed?

A. Yes.

Q. What do you think we should do with the Philippine Islands?

A. As an American citizen, I think it is our duty to give them all the rights and privileges of a free people, either as a part of our Republic, or we should give them an independent government and should prevent that government against encroachments from foreign powers until such time as they are able to protect themselves.

Q. If we would do this now, or if we would promise this by a statute, not by simple words or proclamations, do you not believe that these people would at once become reconciled and contented and lay down their arms and wait until we would redeem our promise?

A. I do; and I believe that within a very short time any American would be able to travel without escort through any portion of the islands without

danger except from the savage tribes and from the ladrones and Tulusanes, who recognize no law.

Q. Do you not believe that if the United States had said to these people at the beginning—that is, before the clash between our forces and the insurgents—that we are going to give you independence as quick as you are able to maintain it, that they would have been content and we would have had no clash with them?

A. Yes; by giving them some definite statement, as you could by a statute or law, I do.

Q. Have they ever understood over there really what we were going to do with them, and has not that been one of our troubles?

A. I have never understood myself; I don't see how they could.

Q. Well, has not that been one of our troubles?

A. Yes; they have never known what was going to be the ultimate disposition of them. And what they feared was that they would become slaves or vassals, and they wanted freedom, and this is what they want now.

Q. If they had an army and a navy and a suitable government set up for them through our kind offices, they to have a voice in framing this government, how long would it be before they would be capable of maintaining their independence, and with the strength and dignity that is characteristic of the other brown races of the world?

A. They have immense resources and in a few years would be able to equip an army and build a navy that would put them on a defensive footing equal to Japan.

Q. Haven't they many leading learned men who are capable of ruling and controlling that government in a way entirely acceptable to them and to us?

A. I believe that to be the case. I have no doubt about it. They have a great many learned men there.

Q. And haven't these men been identified immediately in framing and making the laws and forming even the young government we have over there in that country?

A. Well, to just what an extent they have had a voice in that I do not know, but I know there are a great many of them who are holding office under our government; they occupy places in the supreme court, and they are governors of provinces, but to what extent they have had a voice in framing the laws I do not know.

Q. Did they not have a government that they had framed and we executed under what is known as the Aguinaldo government?

A. They had a government which was framed by themselves, and I believe acceptable under the conditions that existed and to the extent that it had been perfected.

Q. It was operating all right so far as you were able to learn?

A. So far as I was able to know, it was. Of course, it was in its mere infancy.

Q. As an infant government it was operating all right and was satisfactory?

A. It seemed to have the unanimous approval of the people at that time.

Q. And that was just when they had gotten out of the struggle of 1896 and 1897 and were going into a struggle with us, and that government was operating acceptably to the masses of the people?

A. Yes.

Q. Have you ever examined what form of government they had?

A. Well, not critically I have not. I have read their papers, their political organ, The Republica, which was full of patriotic articles. The people seem to be striving toward progression.

Q. Don't you think the start they made was a very remarkable start, and what they accomplished was equally remarkable?

A. I think it was sufficient to demonstrate their ability to establish a suitable and permanent government.

Q. Even without our assistance?

A. Without our assistance, other than in preventing the invasion of the Philippines by other powers.

Q. The Americans did not aid in the establishment of the government we are talking of?

A. No; without any assistance whatever, so far as the establishment of the government was concerned, it being understood that we would defend them against invasion by the powers, as they are weak.

Q. Are you familiar with the Negros government?

A. No.

Q. You don't know about them establishing a government down there?

A. No.

Q. Are you familiar with the relations that existed between Dewey and Aguinaldo?

A. Nothing more than newspaper comment.

Q. Have you ever heard the people over there talk about the promises Dewey made or our men made to Aguinaldo?

A. No.

Q. Were you there when the first shot was fired at San Juan bridge?

A. No, I was not; and the first shot was fired on the — day of January, in which a Filipino officer was killed.

Q. The first shot of the war was fired on the 4th of February, but I understand there were conflicts between our outposts previous to that, and that on one occasion firing took place in which a Filipino officer was killed.

Q. This was the one that was killed, as you state, in January?

A. I think the date of it was about the middle of January.

Q. Do you know the cause of this first shot on the 4th of February?

A. No. It was evidently the intention of the Filipinos to make an attack upon our forces on that date.

Q. What makes you think so?

A. From a telegram that I captured a short time ago, about a year ago, dated 9 o'clock, February 4, from Fernandes Gray, which, translated, was, in substance, as follows. The telegram was translated at Santa Anna at 9 o'clock, February 4. "Telegram transmitted Malolos received. General Ricarta not here. We are of the opinion that if we open fire the Americans will attack. We await instructions from Malolos."

Q. Have you that telegram?

A. No; it was turned in with the other papers to the War Department.

Q. Where and when?

A. In May, 1901, at Manila.

Q. This telegram was dated February 4, 9 a. m. or p. m.? You are certain it was 9 a. m.?

A. Of course I am giving this all from memory.

Q. And was written by whom?

A. It was among the papers of Fernandes Gray, who was an insurgent officer in the command of Pio del Piloro, but I am not positive.

Q. And was addressed to who?

A. As I remember, it was addressed to the secretary of war at Malolos.

Q. Malolos was then the seat of government of the Philippines?

A. Yes.

Q. Do you think it was the intention of Aguinaldo to have war against the Americans at this time?

A. I think it was the intention of the leaders of the Filipinos to secure independence and, believing that their purposes were in danger, caused the conflict at that time.

Q. As I understand your answer, and if I do not understand it correctly explain it, is that at this time, and as it had been all the time previous, these people wanted to secure their independence, and conditions had gotten to where it looked at this time as though they were not going to do it, and it was their intention to have independence peaceably, and if not, to fight for it.

A. Yes; that is my impression.

Q. Do you know where Aguinaldo was when this 4th of February shot was fired?

A. He was at Malolos.

Q. And he stated to me that he was playing on the piano at the time the telegram came to him notifying him of the first shot, and that he paid no attention to the first telegram, and not until he got the second telegram did he pay any attention to it, thinking it was a joke someone was playing on him, and then he went down to the telegraph office to find out something about it, but the lines were all cut and he could not communicate because the lines were all disconnected, and next morning he sent two lawyers into Manila to find out about it, and they were not allowed to go through our forces.

He stated to me that it was not his purpose to have war with us, and in reply to a question I asked him, did he want to fight the United States, he laughed, as much as to say, "I should say not," and in substance said, "Who does want to fight the United States?" That was his way of answering. If at this time Major-General Otis had been conciliatory, or if the American Congress had said—and of course that means by statute or by a resolution having the power of a statute—that we don't want any conflict with you, we don't want to hold you permanently, and as quick as we can turn you loose we will give you independence, after having set you up in your government here, given you a suitable form of government, we will turn you loose, and, if necessary, protect you from foreign nations for a certain number of years, do you think we would have had a clash with them?

I believe you have already said we would not. You do not think we would have had any clash; and if we would do that now, you think it would end the trouble over there; and you are perfectly firm and fixed in that opinion, and you base this opinion on what you have seen and heard and know about the people?

Q. Do you know anything about the abuses of our people by the Filipinos or the abuse of the Filipinos by our people?

A. In a conflict between two forces there are bound to be always breaches of discipline. I do not believe any abuses have been countenanced by the Filipino government, and certainly not on the part of our men by our military authorities.

Q. In other words, the lawlessness has been without the authority of either the Filipino or the American forces and has been by that gang of people who follow in the wake of an army or precede it and for their own personal gain or spite have recklessly punished people promiscuously. What has been the rule with reference to the treatment of our soldiers by the Filipinos, excluding this lawless gang?

A. I believe their treatment has been very considerate. Haven't you heard of our prisoners being fed at the Filipino officer's table and treated as kindly and considerately as they had means and power to do, and our men did the same thing? The case of Captain Roberts not being accustomed to Filipino diet or cooking, and Colonel Tecson sent down into one of the towns and secured a cook that could cook American fashion for Captain Roberts.

Q. I have heard of this. Where is Captain Roberts now?

A. I don't know where he is, but I have frequently heard that men who were with them stated on their release that they had been well treated.

Q. And this is the rule that has obtained with the regular Filipino army?

A. They are very hospitable, and are disposed to treat everybody dependent upon their hospitality with every consideration.

Q. What makes the Maccabebes so antagonistic to the other Filipinos?

A. This antagonism to the Maccabebes and the Tagalogs is not, as generally supposed, a hereditary feud between them previous to the insurrection of the Filipinos against the Spanish rule. In 1896 the Spanish Government had organized, I think, 10 regiments of native troops. In these 10 regiments 2 regiments were Maccabebes.

There were other regiments of Tagalogs, Ilocanos, Visayan, and others; that at the beginning of the insurrection against Spain the Maccabebe regiments were under the command of General Blanco, who was an able officer, had been educated in European schools and was a man of high influence among the Maccabebes, who, with other prominent Maccabebes, believed the time was not ripe for setting up an independent Philippine government or successfully conducting a war for independence.

They therefore declined to take any part in the insurrection, while the other regiments of native troops joined the insurrection. This state of affairs of course necessitated fighting among the native troops that had remained loyal to Spain and the troops that had revolted.

Q. So the Maccabebes wanted to remain Spanish subjects and the Filipinos wanted certain wholesome reforms?

A. As I stated the Maccabebes did not think the time was ripe when they could conduct a war for independence successfully.

Point Judith Pond, Rhode Island—River and Harbor Appropriation Bill.

SPEECH

OF

HON. ADIN B. CAPRON,

OF RHODE ISLAND.

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, June 3, 1902,

On the conference report on the bill (H. R. 12346) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. CAPRON said:

Mr. CHAIRMAN: I desire to thank my friend the chairman of the Committee on Rivers and Harbors [Mr. BURTON] for the amendment offered by him to this bill providing for a resurvey of Point Judith Pond, Rhode Island, with a view to ascertaining whether it is desirable to enlarge the entrance to said pond from the ocean, and also to thank him for his patient indulgence of me in my efforts to secure further recognition of this project by the Government.

This is, by comparison with the great projects in the pending bill, a small matter, but to the people of the locality in which the proposed improvement is sought to be made it is important. I therefore wish to place upon record a brief chronological history of the project and the reasons which prompted the action proposed at this time, notwithstanding the locality has been reported by Government engineers as unworthy of improvement.

The Chief of Engineers, in his report of July 17, 1895, said:

Point Judith Pond is a triangular-shaped inland lake of an area of about 1,800 acres, lying about a mile westward of Point Judith, at the southern extremity of the Narragansett shore of Rhode Island, and having a depth of from 3 to 10 feet. The pond is separated from the ocean on the south by a sand and gravel beach of about 1,000 to 3,800 feet in width, intersected at the southwestern corner of the pond by a shallow breachway connecting the pond with the ocean. The original entrance to this pond was formerly about a mile east of its present position, and is reported to have been completely closed up by a severe storm.

Examinations and surveys of this pond were made by General Warren in 1873, Major Livermore in 1888, Captain Bixby in 1892, and Lieutenant Harts in 1895, all of whom reported adversely upon the plan to open the former entrance to the pond.

By direction of the Secretary of War in 1895 further action was delayed until the subject could again be considered by Congress. Therefore, until now no action has been taken, and the appropriations of $7,500 made in 1892 and $2,500 made in 1894 remain unexpended, except that $518.38 was used for surveys, leaving a balance of $9,841.62.

All action heretofore has been taken with a view to opening the former entrance to the pond. What is now desired is that the opening be made through the present entrance, as shown by the correspondence which I shall incorporate with my remarks.

Toward making this improvement the town of South Kingstown, R. I., in which Point Judith Pond is located, has appropriated $13,000, which, together with the unexpended appropriations made by Congress and an additional appropriation of $15,000, a total of about $37,000, will, it is thought, effect the desired improvement.

The Committee on Rivers and Harbors has accorded this project greater attention and consideration than its seeming unimportance would warrant, and it was evidently the purpose of that committee in the last and in the present Congress to provide that the former unexpended appropriations be paid back into the Treasury. But the fact that the people of South Kingstown had sufficient faith in the practicability of making a breachway at the present entrance to the pond to make a liberal appropriation with which to prosecute the work no doubt induced the committee to agree to the amendment offered by my friend [Mr. BURTON] for a resurvey as the greatest concession that could be granted at this time in view of the former adverse reports of engineers.

I again thank my friend and the committee for their courtesy to me and for their painstaking consideration of this project.

I desire to append the following letters and report of a hearing before the Committee on Rivers and Harbors in relation to this subject:

PEACE DALE, R. I., *January 20, 1902.*

Hon. A. B. CAPRON,
House of Representatives, Washington, D. C.

DEAR SIR: We are counting upon your active assistance toward an appropriation for Point Judith Pond. You are familiar with some of the details of this work. It has been talked about in a general way for many years; but the people of the town have taken it up more strongly of late than ever before, and have shown their sincerity by appropriating $13,000 for surveys and the work of opening a permanent breachway.

The committee have contracted for a canal 5,300 feet long, 75 feet wide on the bottom, and 6 feet deep, extending from deep water in the pond to within a few feet of the ocean, but they have not money enough to build the necessary protecting jetties outside and revet the canal banks, as should be done for a few hundred feet back. We think this is a proper subject for Government activity, and ask that the appropriation of $10,000 made in 1892 and 1894, less the amount already expended for surveys, net $9,481.62, be made available, and that an additional sum of $15,000 be added.

The present location for the breachway is better in many respects than any that has been suggested in the past. It is shorter, more thoroughly protected, and is the natural position for an outlet to this pond.

Maj. D. W. Lockwood, of the Corps of United States Engineers, reporting August 12, 1897, on the general question of opening Point Judith Pond into the ocean, said: "An entrance to be of any service to navigation should have a width of 300 feet with a central depth of 8 feet. This passageway would require revetting where it crosses the marsh and beach, and the channel into the ocean beyond the shore line would require protecting by jetties of riprap stone, the west one being made sand tight."

The cost of making such an opening 300 feet in width and continuing it 150 feet wide to the deep water in the pond would be $22,000, based on the contract price for the work which is now under way. The two jetties, extending one on the west side into 9 feet of water, and one on the east into 7 feet, as suggested by Major Lockwood, and recommended by Mr. F. W. Hodgdon, would be about $15,000, a total of $37,000. Deducting from this amount the $13,000 appropriated by the town leaves $24,000 wanted. Of this amount $9,481.62 has already been voted as above. In order to make this available, however, it will be necessary to change the phraseology of the act to make it read "improving the present entrance instead of the former entrance."

Maj. G. W. Goethals looked over the plan in a preliminary way, and promised to come and see the location later. He saw no objection to the scheme as outlined, but of course would give no definite opinion at present. The line of canal, the position of the jetties, and the general construction has been suggested after careful examination by Mr. F. W. Hodgdon, of Boston, who is the engineer of the land and harbor commissioners of Massachusetts, and has made a number of very successful breachways and channels into the salt ponds on the sandy coast of that State.

We would call your attention to the fact that from Wickford to Stonington, upon 40 miles of coast line of Washington County, no outlay has ever been made by the United States Government for a permanent landing. This breachway when completed would be at a central point on the shore of southern Rhode Island, and would benefit the towns of South Kingstown, Narragansett, and Charlestown, and therefore the whole State.

Hoping that you will aid us in this matter,

Yours, truly,

WM. C. CLARKE,
WM. C. GREENE,
CARDER H. TUCKER,
Committee for the Town of South Kingstown.

HOUSE OF REPRESENTATIVES,
Washington, D. C., January 22, 1902.

WILLIAM C. CLARKE, Esq.,
Chairman Committee for Town of South Kingstown, R. I.,
Peacedale, R. I.

DEAR SIR: Your favor of the 20th instant, together with a number of letters from other citizens of South Kingstown, regarding the need of an appropriation to aid in completing the breach way from Point Judith Pond to the ocean, is received.

For no other river and harbor project have I labored so strenuously since coming to Congress as for this, but I find the Committee on Rivers and Harbors firmly set against it for the reason, as alleged, that it is not possible to make the pond available for the uses of commerce or as an inner harbor of refuge without a vast and unwarranted expenditure. This opinion has been fixed by the reports of various engineers and by oral hearings when the engineers have appeared before the committee.

I have hitherto labored and shall continue to labor with the committee, and wish it were possible for you to furnish me with some new argument which might appeal to the mind of the committee. The chairman, Mr. BURTON, a close friend of mine, says that the improvement is of purely local value, and not in the interest of commerce or shipping.

I am stating the facts, without gloss, that you may understand the nature and extent of the opposition.

Very truly, yours,

A. B. CAPRON, *M. C.*

HOUSE OF REPRESENTATIVES,
Washington, D. C., January 23, 1902.

Hon. THEODORE E. BURTON,
Chairman Committee on Rivers and Harbors,
House of Representatives.

MY DEAR Mr. BURTON: Referring to our conversation of yesterday with reference to the Point Judith Pond breachway, when I brought to your attention an illustrated newspaper article on the subject, I beg to inclose said article for your further consideration, together with several communications on the subject which fairly state local conditions and sentiment with respect to the project. These letters are but a few of many I have received recently.

I will regard it as a great favor if you will kindly consider the matter further in the light of the local efforts that are under way to improve the breach way.

Very truly, yours,

A. B. CAPRON.

NARRAGANSETT PIER, R. I., *January 25, 1902.*

Hon. ADIN B. CAPRON,
House of Representatives, Washington, D. C.

DEAR SIR: Your letter of the 22d in reply to letter of the 20th to you in relation to obtaining an appropriation for the establishment of a permanent breachway into Point Judith Pond has been received, and I note your request for the furnishing of some "new arguments which might appeal to the mind of the committee."

This I will do, premising them with the statement that facts in relation to this matter, obtained by our committee, are just as stubborn and more truthful and convincing now, as to the feasibility of improving the present breachway, than those set forth by engineers against improving the old or former entrance.

Firstly. We are not expending our money on the former entrance, but at a different, shorter place, where a straight line or run can be made by vessels for about 5 miles to Wakefield and where the channel or canal we have gotten about half completed comes into the deep and broad expanse of water in the pond.

Secondly. We are doing this work under a contract, and the contractor expresses himself as perfectly satisfied with his terms, price, etc., for the dredging of the canal; so we know the number of cubic yards to be moved; we have made and possess complete surveys, plats, etc.

Thirdly. We are basing our requests for aid by the Government as to the practicability of this work on the opinion of Mr. Frank W. Hodgdon, civil engineer, of Boston, who is engineer for the board of land and harbor commissioners of Massachusetts, and who has had experience in opening many of the salt ponds along the sandy coast of that State.

Fourthly. We base our statements as to the amount of money required to complete this project to the width of 150 feet into deep water in the pond on our contract, and to build the jetties outside and revet the sides of the canal on bids for the work in our hands, contractors to give bonds for completion, etc.

Fifthly. The total expenditure complete would require the sum of $37,000, and deducting the amount appropriated by the town of South Kingstown leaves balance required of $24,000.

Sixthly. I assert that no Government engineer has ever made a survey of the location of our channel and present breachway, which, at this time of writing, is at its mouth 100 feet wide, straight, and 10 feet deep; and further, that no Government engineer has any record of soundings made in the sand where our canal has been dug, while we have positive knowledge of all details thereof.

Seventhly. Our plans have been shown to Major Goethals, the United States engineer in charge at Newport, who stated that the plan looked feasible and that he would come over and look at it.

Your allusion to the "reports of various engineers and by oral hearings where the engineers have appeared before the committee," prompts me to say that all reports made had in view the opening or improving the former entrance to the pond, meaning the old breachway existing prior to a gale and extraordinary tidal wave in September, 1815, and which location since the building of the harbor of refuge has become impracticable, and their estimates, surveys, etc., of that locality are wholly useless in this project, as they are one-half mile from the present breachway, on which our work is being done.

Mr. BURTON, chairman of the Committee on Rivers and Harbors, says, to quote you, "That the improvement is of purely local value." Well, I respectfully ask if he or you can name any appropriation which was not local? Treat it with all the ingeniousness of a master of the English language, and it still means pertaining to a place, or to a limited portion of space, limited or confined to a spot or definite district. What, I ask, have the numerous appropriations made for the Pawcatuck River by the Government, secured

by Hon. James M. Pendleton, Hon. Nathan F. Dixon, and Nathan F. Dixon, jr., and by Hon. Warren O. Arnold been, except local? Years ago the Pawcatuck River was narrow, only 5 miles long, and could only be ascended by small boats, and its statistics of commerce when those appropriations were first made were no greater than ours, if as large.

Again, your friend states that this project is not in the interests of commerce or shipping. Upon this statement I answer that in 1887 the carefully computed statistics of commerce of South Kingstown were as follows:

Domestic imports of merchandise, town of South Kingstown, 1887.

Articles.	Tons.	Value.
3,000,000 shingles	900	$120,000
4,000,000 feet lumber	50,000	869,000
1,000,000 brick	2,000	90,000
10,000 tons coal	10,000	57,000
200 tons phosphate	200	7,000
2,200 barrels cement	300	3,000
100 tons hay and straw	100	1,000
100 tons nails and hardware	100	10,000
125,000 bushels grain	1,750	65,000
500 cords wood	900	2,700
20,000 tons fertilizer	20,000	30,000
15,000 tons miscellaneous	15,000	350,000
1,175,000 pounds wool	587	411,250
Total	101,837	2,015,950

EXPORTS.

Manufactured woolens	$800,000
Farm products, etc	200,000
Total	1,000,000

For 1901 the estimated amount and value of imports of articles enumerated are 100,000 tons, valued at $3,500,000, and of exports, $2,000,000.

Furthermore, a fact to be noted is that 1,200 acres of the bottom of this pond are natural oyster grounds, and the simplest and cheapest shipment of oysters is by water, and with a breachway as asked for, the major portion of this item would be transported by vessels.

In 1892 the town of South Kingstown voted to exempt from taxation for the term of twelve years every firm or corporation which might locate for manufacturing purposes, but notwithstanding many parties have examined this locality, the lack of water transportation for coal, lumber, building materials, and manufactured products is the sole drawback, and they have failed to locate.

Finally, we are not asking for appropriations for the former entrance to the Pond, and the language of the act of 1894 making the appropriation should be changed to improving the present entrance, and in the interests of commerce for this portion of Washington County we ask that the old sum or balance of about $9,500 be retained, and the modest sum of $15,000 be added thereto, thus invigorating this part of the State and aiding this town, which is earnestly striving to be a worthy portion of the district you have the honor to represent in Congress.

Yours, very truly, WM. C. CLARKE.

P. S.—I wish to add that about the time of the securing the aggregate appropriation of $10,000 from Congress in 1892 and 1894 the town councils of every one of the seven towns of Washington County memorialized Congress in behalf of this object, and those papers should be on file.

NOTE.—The papers above referred to were found in the files of the House and were referred to and considered by the Committee on Rivers and Harbors.

WASHINGTON, D. C., *January 28, 1902.*

WILLIAM C. CLARKE, Esq.,
Narragansett Pier, R. I.

MY DEAR SIR: I am in receipt of your favor of the 25th instant, which I have read carefully, and will refer to Chairman BURTON for the consideration of the Committee on Rivers and Harbors. The committee are about to proceed to formulate the bill. On Friday last I appeared before the committee and urgently appealed for favorable action upon the Point Judith breachway project. Previously I had placed in the hands of Chairman BURTON your former communication and other letters upon the subject, all of which he assured me would be given due consideration by the committee. During the hearing of my argument it was pointed out by the chairman what he had referred to in private conversations—that engineers had successively reported the locality unworthy of improvement, and that for that reason the amounts heretofore appropriated had not been expended.

I granted the accuracy of the statement, but called attention to the efforts being made on the part of the town of South Kingstown to improve the present breachway, and that it was hardly reasonable to suppose that the town would involve expense for a project if its feasibility were questioned by those who are familiar with local conditions. I strongly urged the application of the appropriations heretofore made and further liberal treatment by the Government in view of the local activity and interest being displayed, which apparently had the effect of removing to some extent the opposition which the adverse reports of engineers had engendered, and to cause the chairman to suggest that perhaps it would be well to authorize a new examination and survey to determine the practicability of improving the present breachway. So that, as matters stand, it appears that the committee will at least make provision for a new examination; and to me, understanding as I do the opposition that has been manifested toward taking any sort of action other than adverse, it will be a distinct victory if we are merely able to cause the project to be further investigated by the Government.

Having confidence in the judgment of those who declare the improvement practicable we can not fear but that the result of a new examination will be favorable, particularly as it seems that Major Goethals, the local engineer, so far as he has expressed himself, thinks the proposition feasible.

To my mind, your letter just received furnishes excellent arguments in favor of the project, and I am very glad, indeed, that I have them to present to Mr. BURTON, just as the committee are on the point of formulating the bill and while my statements are fresh in their minds.

I am not altogether satisfied with the prospect of a new examination and shall continue to labor for the appropriation, accepting the former as inevitable only after it appears that it is impossible to get more at this session.

The former petitions on the subject, to which you refer, are in the files of the House, and I will have them placed before the committee.

Reassuring you of my deeply interested labors in behalf of the proposed improvement of the breachway, I am, very sincerely,

A. B. CAPRON.

WASHINGTON, D. C., *January 28, 1902.*

Hon. THEODORE E. BURTON,
Chairman Committee on Rivers and Harbors, House of Representatives.

MY DEAR MR. BURTON: I inclose for your further information in regard to the Point Judith Pond breachway, Rhode Island, a letter from Mr. William C. Clarke, chairman of the committee for the town of South Kingstown, R. I. I would call your particular attention to the fact, which he emphasizes, that it is the present breachway, and not the former entrance, which it is proposed to improve.

Yours, very truly, A. B. CAPRON.

COMMITTEE ON RIVERS AND HARBORS,
HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., March 18, 1902.

Hon. A. B. CAPRON,
House of Representatives, City.

MY DEAR SIR: I have been giving the greater part of an hour this evening to examining the confusing mass of correspondence relating to Point Judith Pond. I have prepared the inclosed provision. Is this satisfactory?

It is not altogether clear what is wanted. I am really very reluctant to insert this provision, and do not want to do so unless you insist upon it and think it desirable. All the reports have been extremely unfavorable to this project.

Very respectfully, yours, T. E. BURTON.

Statement of Hon. Adin B. Capron before the Committee on Rivers and Harbors, House of Representatives, January 25, 1902.

Mr. CAPRON. Mr. Chairman: A number of years ago an appropriation of $10,000 was granted by Congress to make a breachway from Point Judith Harbor of Refuge into Point Judith Pond, Rhode Island, with the idea that it would become an inner harbor of refuge of value for the fishing fleet, which is of considerable importance in that locality. The breachway is at this point [indicating on map]. Many years ago there was a tremendous storm and the breachway was filled up with sand. Of course in a short time the water behind it broke through, and there is a great area in Point Judith Pond, an enormous pond, and this appropriation was made to create there a place affording anchorage for the fishing craft; and a survey was made, and Major Lockwood, then engineer for that section, was not favorable to the dredging.

The town of South Kingstown, realizing the importance of the improvement and finding that the entrance to the pond was getting blocked more and more, has this year appropriated $13,000 and has got a dredge now at work there dredging through this breachway. It is felt in that community and along there that the completing of the Point Judith breakwater, upon which $1,250,000 has already been expended, will prevent in a great measure sand drifts which are caused by the easterly and southeasterly winds, and also do much to stop the blocking up of the entrance which Major Lockwood felt was a great obstacle. With the appropriation hitherto made and with the amount now desired, the entrance when once opened will make accessible and navigable this tremendous area from the breakwater up to Wakefield. Then railroads from Wakefield open up communication to many villages with a prospect of bringing in larger commerce there. I believe it would be a great improvement and that the conception of it was a true one. Eventually, if this improvement is made, it will permit not only the assembling of fishing craft, but little additions will be made from time to time, so that finally vessels of the lighter draft, such as carry coal along our coast, will be able to go in there. Our people feel very strongly that the amounts heretofore appropriated may be expended, and that an additional appropriation be made at this time.

The CHAIRMAN. How much was the amount?

Mr. CAPRON. Ten thousand dollars; and a little of it expended for surveys. That small appropriation, it seems to me, you can well afford to leave in there and allow it to be expended for the purpose for which it was originally intended.

Mr. MCCULLOCH. Was this million-dollar breakwater here made to protect that harbor?

Mr. CAPRON. No, sir. Point Judith is a harbor of refuge. It was the most dangerous point on the whole coast all the way from Maine to Florida almost, and terrible wrecks have happened there by the fifties and hundreds. Considering the drift of the wind at Block Island I do not think there is another place like it. All the shipping goes up the coast through that way because it is protected from the ocean, and then past Montauk, and with an easterly wind it drifts over on this Point Judith where the breakwater to which you refer is undergoing construction.

There has already been expended for this breakwater about $1,250,000, and it is estimated by the engineer that $440,000 will be required to complete it. Point Judith Pond breachway is, however, a separate and distinct project from that.

The CHAIRMAN. The trouble about Point Judith Pond is this: That if there is any project in the United States that the engineers have reported against it is this. We have to rely on the Government engineers for expert information, and they have four or five times taken this up. There was General Warren; Major Livermore was another. Bixby, Lockwood, and every one of them has sent in such a decided, radical report that the committee has felt justified in cutting it out.

Mr. CAPRON. I believe Major Livermore did report against it, but I think a close and careful survey of Point Judith Pond was made during the incumbency of Major Lockwood, and I believe he thought that it would be of distinct value if the breachway was not liable to fill up with sand.

The CHAIRMAN. The engineers say the only result is a small increase of its local commerce and a large increase in the value of its real estate; perhaps a small increase of its local commerce, so local in its nature that the expense thereof should not be borne by the United States. That is the report by Captain Hart, in addition to the others made.

Mr. CAPRON. As I remember, Major Livermore in his report went back to the time of that great storm. That storm was so tremendous that it threw up sand dunes 30 feet high. It is true that the successive storms did fill up the old breachway; but it is supposed and expected that the breakwater of the harbor of refuge, which is now nearly completed, will prevent that. This [indicating] is the part they ask to be completed. You see, when it filled in here it threw up great sand dunes, and the water took care of itself by making another cut.

The CHAIRMAN. This $10,000 is appropriated——

Mr. CAPRON. To make a breach there. Now, the town of South Kingstown has appropriated $13,000 and has a dredge at work there, and if that $10,000 could be given them they could put in piling, and that would scour this out. The town is so poor that it really can not make an additional appropriation. You have filed with you a letter from Mr. William C. Clarke, chairman of the committee for the town of South Kingstown, R. I., and several other gentlemen, more minutely describing from the ground there what the present condition is and what is desired.

The CHAIRMAN. I think the best that would be possible down there would be to order another resurvey. I do not see how we could absolutely disregard

these reports, all of the same tenor and all so unfavorable. If anything is done there it will certainly cost more than $10,000.

Mr. CAPRON. They feel very certain that a resurvey will show present conditions, as developed by what the town has done, which will justify the completion of the town's work. I would hope that so much as is necessary, before the former appropriations are covered back into the Treasury, would be applied to a resurvey, believing that I would then be able to come before the committee with a survey demonstrating its value and utility.

The CHAIRMAN. How much of a channel would you suppose that $30,000 would afford?

Mr. CAPRON. A channel 100 feet wide, permitting a vessel of 10 feet draft to enter.

The CHAIRMAN. At high or low tide?

Mr. CAPRON. At mean tide, as we figure it. Of course at very low tide, and when the wind is adverse, it might be lower.

The CHAIRMAN. Of course you can see that we are anxious to get rid of all these projects.

Mr. CAPRON. I understand that, but I believe that the matter is worthy of a resurvey, based upon the fact of the new conditions.

The CHAIRMAN. Based upon the action of the town, they having shown some improvement there.

The committee then adjourned.

ACTION OF THE HOUSE, MARCH 19, 1902.

Mr. BURTON. Mr. Chairman, I desire to offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

"Page 7, after line 6, insert:

"'Said board shall also make an examination of Point Judith Pond with a view to ascertaining whether it is desirable to enlarge the entrance to said pond from the ocean, and if such enlargement is, upon examination, found to be desirable, an estimate of the cost thereof shall be made. The expense of such examination, as well as of the survey, if made, shall be paid from the unexpended balance remaining to the credit of the former entrance to Point Judith Pond.'"

Mr. BURTON. Mr. Chairman, this amendment is to meet a very perplexing situation. Last year we inserted in the bill a provision covering back into the Treasury the amount remaining on hand for the entrance of Point Judith Pond. Representations have been made by citizens in that locality that a possibile improvement could be made which would be of very considerable value, and they desire that the money on hand be diverted for that purpose; that is, to make an opening in a different place from the one that formerly existed. The committee thought the best solution of the matter, in view of the fact that a board of engineers will make several examinations in that neighborhood, was to include with their other duties an examination of the entrance to this pond. I will say further that there are some adverse reports upon the old improvement of a former entrance which are quite decisive in their terms. The committee hesitated somewhat about inserting it, but it seemed only fair, in view of the unexpended balance, to make the examination. If there are no further remarks upon the amendment, I ask for a vote.

The question was taken; and the amendment was agreed to.

FINAL ACTION.

The bill as finally agreed upon in conference and in both Houses of Congress contained the provision for a survey of Point Judith Pond substantially as originally agreed to by the House.

Government in the Philippine Islands—Can the Filipinos Govern Themselves?

SPEECH

OF

HON. HENRY D. GREEN,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, March 12, 1902.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 11354) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1903—

Mr. GREEN of Pennsylvania said:

Mr. CHAIRMAN: The stormy debate on the subject of the construction of a Pacific cable by this country waged by the gentleman from Michigan [Mr. CORLISS] and the gentleman from Alabama [Mr. RICHARDSON] seems to have cleared the atmosphere, and I will take advantage of the calm which usually succeeds such a storm by asking the attention of the House to an examination of the Philippine Islands from a governmental standpoint.

In a former speech I discussed the Philippine problem from a commercial standpoint, and promised on some future occasion to dwell with more detail upon the government as it is now being carried on there and give some facts from which the members of this body could judge to what extent the Filipino is fitted for self-government.

The purpose had in mind in discussing the question first from a commercial standpoint was because I believed the only honest reason ever given for the United States acquiring an interest in this archipelago, whether by treaty, by purchase, or the forcible subjugation of its people, was that the islands would pay.

This idea was strengthened by the blunt and very frank statement of one of the majority's leaders that "We will keep them as long as they are profitable."

That there exists a vague impression and hope in the minds of many of our citizens that they can be made profitable, and by giving them up to the native people, who were during the war with Spain our valued allies and friends and to whom in our hearts we feel they belong, this country would be giving up a great prize and a useful and valuable acquisition, can not be denied.

To remove this suspicion if possible I dwelt upon the real facts as personal examination disclosed them to me, and gave frankly the reasons for my conclusions. To that multitude of our citizens who after giving the subject some intelligent study frankly admit that it would have been far better if Admiral Dewey after sinking the Spanish fleet had sailed away and left the inhabitants to solve the problem of government, and that it was a mistake in our ever attempting to establish our sovereignty over these islands and their people, I address my remarks.

These people ask the very natural and practical question, "We have them; now what are we going to do with them?" I will try to answer this question, and in doing so will not discuss the subject from a Republican or Democratic point of view, but from an American standpoint.

It is much to be deplored that the rights and liberties, the lives and property of over 8,000,000 people should be made the football of partisan politics by a free, liberty-loving, rich and prosperous, busy and progressive nation located on the other side of the world over 10,000 miles away.

The longer this question is discussed by Congress the more partisan prejudice, bias, and bitterness are injected, and for this reason I beg of you to look at it with dry eyes and consider it in an impartial spirit.

Be governed in your conclusions by a sense of justice and fair play, and, if possible, of generosity. The Presidential election is too far off to warrant unfair action, and long before that time arrives the light of truth will be turned on and the clouds and mist of falsehood dispelled.

It is well at this time to bear in mind that trite and true saying of the immortal Lincoln, "You can fool all the people sometimes and some people all the time, but you can not fool all the people all the time." The American people can be relied upon to get at the bottom of the question, and when they do they will act justly to the Filipino and be fair to the taxpayer of this country. If wrong has been done, it will be righted. I have this faith in my countrymen.

Much has been said pro and con about the people of these unfortunate islands being capable of maintaining a stable and responsible government, under which the lives and property of native and foreigner living there would be safe and justice administered.

The earliest official statement was made by Admiral Dewey in his dispatch to the Secretary of the Navy, dated June 27, 1898. He said:

> In my opinion, these people are far superior in their intelligence and more capable of self-government than the natives of Cuba, and I am familiar with both races.

This was a naval officer's private opinion, formed early, it is true, and is accompanied with no statement of facts, circumstances, or reasons showing how his conclusions were reached.

Some time after this, about the middle of October, two naval officers belonging to Dewey's fleet (Paymaster W. B. Wilcox and Cadet L. R. Sargent) made an extended tour over North Luzon, and returning to Manila November 20, 1898, made a detailed report of what they saw.

During the period of their travels Aguinaldo, as president of the insurgent republic, had control of the whole island of Luzon, was obeyed as the controlling power, and was directing the government, general and local.

The Philippine congress was in session at Malolos and did not adjourn until December 26, over a month after their return. This report as then made I believe to be absolutely true, and advise every student of this problem to read it carefully, as it was made before the treaty of Paris was signed—before the American arms were turned against the insurgents, their former allies, and before any partisanship had been injected into this question.

These officers, in their report, pay a high tribute to the Tagal people, who occupy in great part the island of Luzon, the largest and most important of the Philippine group, and dominate that country.

FILIPINOS NOT SAVAGES.

There seem to be many people in the United States, and among them men and women who pretend to some education, who believe these islands are inhabited by barbarous and savage people only. The fact is, the savage in the Philippines bears to the main population in numbers and influence about the same relative position as the red men of the States do to the main body of our citizens.

In discussing the subject of government, they need not be considered. They are the Negritos and Igorotes—few in numbers—inhabiting the mountain fastnesses, rarely coming in contact with the real natives. Many of these savage people are inoffensive and in the main peaceable.

So far as I have been able to observe, under military rule the American officer and private too often treated all the natives as savages, and sometimes with far greater severity than the hostile brave on the war path was treated in our bloodiest Indian wars. That many of them regarded the only good Filipino as a dead Filipino is no fiction, and it is no wonder they were often treated accordingly. But that is another story.

TAGALS, VISAYAS, AND MOROS.

Before taking up the report of Wilcox and Sargent, let me say that the people of these islands may for all practical purposes be divided into three groups—the Tagals, inhabiting Luzon; the Visayas, inhabiting Samar, Leyte, Panay, Negros, Cebu, Romblon, Bohol, Sibuyan, all the small islands of the middle archipelago, and a portion of the seacoast of Mindanao; and last the Moros, who inhabit the mainland of Mindanao, the Sulu group, and Palawan, as well as numerous small islands of the southern portion of the archipelago.

The Tagals and Visayas are Christians, and much alike.

The Moros are Mohammedan Malays, and radically different from the former.

I have seen and moved among the people of these three divisions in their homes, and have formed some strong opinions of their abilities and characteristics. I doubt whether the Moros can be ruled by the same character of government as the Tagals and Visayas, and I am certain that none of the peoples of the Philippines will ever be fitted to become desirable citizens of this Republic.

WILCOX AND SARGENT'S STATEMENTS.

Now, let us take up the statements of Wilcox and Sargent, which may be taken as giving a correct picture of the Tagal people in their towns and villages outside of Manila and its environments, as they lived in the inland country, often far away from the trading centers. I will quote briefly sufficient to give a correct general idea:

In no country have I been treated with more kindly hospitality. In all the towns the best the Filipinos had was given us, and not a cent would be accepted as payment.

Speaking of the inhabitants of Alcola, Pangasinan Province:

A large number of the inhabitants gathered about us from curiosity. Some of the men were dressed conventionally, with shirts hanging loosely outside their trousers, but the more important element wore neat fitting military blouses, hats, and shoes. The women wore the Tagalo costume—light-colored cloth draped from hips down to below their knees, with white petticoat shown beneath, and loose, white blouse with low neck and short sleeves. The people were very respectful and polite and offered the hospitality of their homes.

Of Rosales, province of Nueva Ecija:

We were visited by official representatives from the "Presidente Local," who extended a most cordial welcome and hearty invitation to come into town and enjoy better comfort and conveniences. I learned it was the invariable custom for strangers on entering the place to call upon the Presidente immediately.

The officials regretted we had stopped on the outskirts of the town and seemed fearful lest the discomforts we experienced might reflect upon their hospitality. The officials were neatly attired in military dress, with the distinguishing insignia of rank—a cane with gold head and red tassel for the presidente and with silver head and green tassel for the others. Their manners were polite, and I found their conversation agreeable and friendly.

I carried 500 Mexican dollars in a saddle bag on a horse, and to the credit of the inhabitants of all the provinces I traveled through it was as safe as in any bank.

In every town my entertainment was given without pay, which I more fully appreciated from the fact that the people gave me their best, regretting it was not better, while I knew the conditions were such that they had very little for themselves.

Of Puncan, same province:

I shall never forget the welcome of the local official of Puncan, how he offered all he had for our comfort.

Speaking of Carranglan, same province:

All through this town, almost in every house, people were thrashing rice in the customary way. A man had perched himself on a high seat and on a guitar played a tune with a rythm to suit the lifting and dropping of the thrashing flail. Nothing was left undone by the presidente local and his under officials to furnish the choicest food the town was capable of producing, and to his credit and that of his assistants it was extremely good, and given without any charge.

Of Aritao, province of Nueva Viscaya:

The presidente local, an elderly man of pleasing manners, received us with kindlier hospitality, if possible, than any of the preceding representatives of Aguinaldo's government. He and his official household were most assiduous in their attentions; supplied us with sweetmeats, excellent coffee, and cigars. The local band gave us a serenade.

It appeared to me here that the local government was fairly well organized and working successfully.

Of Bambang, same province:

Soon the village dignitaries made their calls, mostly young men of inquiring minds and absorbing natures. One was a school-teacher and a most interesting man, whose chief aim in life was to gain more knowledge. The egotism and self-sufficiency of the younger element were apparent.

Of Bayombong, the chief town of Nueva Viscaya province:

We were invited to the home of Señor Arista, a gentleman in every sense, well educated, a lawyer, and principal member of the junta. He was one of the finest type of the Filipino man. His house was well furnished, he had a good library of rare books, a drawing-room decorated with artistic taste, a dining room supplied with choice linen and the best of china, and a garden filled with beautiful flowers—even a Jersey cow.

Of Ilagan, the capital of Isabela province, noted for its fine tobacco:

Our arrival was welcomed by manifestations of the warmest hospitality. We were taken to the house of the acting presidente, a man of wealth. The principal officials made calls and were followed by many of their wives, finely dressed in gowns of silk and pina that would have excited the envy of the women of our country. A lady played on the piano, and the Filipino national hymn was sung by a small boy and the whole company joined in the chorus.

Several fiestas were held in our honor. The first was a baile (evening dance), at which the social set were present and the local band produced its choicest selections. The hall was decorated. A good dinner preceded the dance. The hall was filled with attractively dressed women in silks and pina. The men were attired in low-cut black coats, white linnen shirts, collars, and ties, some wearing patent-leather shoes.

I felt a regret at not having my dress suit with me to be more in keeping with my surroundings. My partner, the daughter of our host, waltzed exquisitely. Her costume was pina silk, with long train embroidered in flowers, a waist of delicate pink, white kid slippers and gloves. She wore large and beautiful diamonds. Other women challenged my admiration when I considered that this locality was deep in the interior of a country where taste and culture was supposed to be unknown.

At midnight supper was spread. Some fifty young ladies were seated at the table, whose furnishings were in good form in every respect.

One evening a play at the theater was arranged. The actors were ameteurs. It was put on the stage in proper costumes and commendably acted, with music interspersed.

A steam launch was sent to take us down the Rio Grande de Cagayan to Aparri.

APARRI.

Aparri, with a population of 20,000, has many handsome houses. News had been received from Hongkong papers that the Senators of the United States favored the independence of the islands, with an American protectorate. Colonel Tirano considered the information sufficiently reliable to justify him in regarding Philippine independence assured and warfare in the island at an end.

He proceeded to relinquish the military command he held over the provinces and to place this power in the hands of a civil officer elected by the people. On the day following our arrival the ceremony occurred which solemnizes the transfer of authority in the province of Cagayan.

The presidentes locales of all the towns in the province were present at the ceremony. The elected officer, called Jefe Provincial, thanked the disciplined military forces and their colonel for the service rendered the province and assured them that the work they had begun would be perpetuated by the people, when every man, woman, and child stood ready to take up arms and defend their newly won liberty and resist with the last drop of blood the attempt of any nation whatever to bring them back to their former state of dependence.

He was followed by the three officers who constituted the provincial government, the heads of the three departments of justice, police, and internal revenue. Every town in this province has the same organization.

VIGAN, PROVINCE OF ILOCOS SUR.

The general appearance is that of a prosperous town, with important commercial transactions. We were quartered at the Palacio with 18 military officers, all very young, as is usual in the Filipino army. They were inquisitive, but pleasant enough and willing to render any assistance. The natives are most temperate, althougn a sort of liquor—cana dulce—is manufactured there in large quantities and shipped, mostly to Manila.

SANTA MARIA, SAME PROVINCE.

I noticed at this place, as in others, how well dressed the people were. One never sees a man, however humble, in tattered, torn, or shabby clothes.

CANDON.

Candon is a handsome town, symmetrically laid out, and, after Vigan, was the finest we had visited.

BANGAN, LA UNION PROVINCE.

One could not but notice the industry of the women almost ceaselessly at work weaving cotton in their thatched cottages surrounded by natural flowers. They are rigidly loyal and devoted to their homes and families and do a full share of the work in a cheerful and always pleasant, natural manner.

SAN FERNANDO, UNION PROVINCE.

The men were attired in neat white shirts, collars, ties, black coats, and trousers. A number of young women had bright, attractive-looking faces and comely, graceful manners.

I have given these detailed pictures of this country at the risk of being tiresome, but I believe it always best to give facts and circumstances when possible and leave people to either draw their own conclusions or at least be able to judge of the correctness of the conclusions advanced.

The route taken by these travelers was over 600 miles in length, and may be said to have been almost entirely through the backwoods country of Luzon. It extended through seven large provinces—Pangasinan, Nueva Ecija, Nueva Vizcaya, Isabela, Cagayan, Ilocos Sur, and La Union—important and characteristic districts.

The only sure way of forming a fair opinion as to whether people can govern themselves and what kind of a government is most suitable for them is to know the people. This is always shown by their cities and towns, churches and schools, the habits and occupations of the individuals, their manners and customs, their officials and organization of their home governments.

WESTERN LUZON.

Having last fall personally traveled sufficiently far to obtain a general idea of the people through the provinces of Pangasinan, Tarlac, Pampanga, Bulacan, Manila, La Laguna, and the two Camarines, I will, after giving a brief summary of the conclusions reached by Wilcox and Sargent, proceed to give a short description of facts coming under my personal observation in these provinces.

Comparing the statements above detailed and the conclusions of these naval officers with personal observations and conclusions personally formed, I believe their conclusions to be, in the

main, sound and reliable for all present purposes. There is sufficient homogeneity among the people of Luzon to be controlled by one government.

To summarize the situation as these wide-awake, intelligent American naval officers view it, I give some of these inferences and opinions, as they bear directly on the question of government:

I know of no other country where a stranger can travel hundreds of miles and be entertained by the very best the country produces, where it is offered freely and cheerfully and with apologies for not having something better, and not permitted to pay a cent in return. This, too, in a land devastated by a revolution that had begun nearly three years previously. It is an example of generosity and goodness of heart I have never met with before in my wanderings in various countries of the world, where it has been my keenest enjoyment to travel on untrodden paths far away from the busy turmoil and unceasing activity of a city's throng.

As I progressed farther into the unbeaten tracks we were surrounded by a greater part of the men, women, and children of the near-by population, always respectful, smiling, and with suave and gentle manners.

In spite of a dark exterior one can easily fathom a manifestation of like or dislike on the face of a Filipino man or woman, and I do not remember having ever seen in the expression of the dark-brown eyes of the female population other than the kindly suavity of their gentle nature.

It is amazing to see how well these natives can read and write when their limited opportunities for learning are considered. Large numbers of them have at one time or other been attached to some official post, so that when their oppressors were overthrown they were prepared to supplant them in office, and in many instances they conducted the affairs of state with a greater degree of efficiency than was displayed by their Spanish predecessors.

At this time the United States had not yet announced its policy with regard to the Philippines. The treaty of peace was being negotiated. In the meantime the native population, taking matters into their own hands, had declared their independence from all foreign jurisdiction and had set up a provisional government with Aguinaldo at its head.

It can not be denied that in a region occupied by many millions of inhabitants for nearly six months it stood alone between anarchy and order.

The Philippine officers, both military and civil, that we met in all the provinces, with very few exceptions, were men of intelligent appearance and conversation. The same is true of all those men who form the upper class in each town. They have great respect and admiration for learning, and many men of importance told me the first use the public revenues would be put to after the danger from war was over was to start good schools in every village. The poorer class are ignorant on most subjects, but a large percentage of them can read and write. In the provinces of eastern Luzon which we visited there appears to be no friction between the civil and military.

As to the question of independence at that time among the civil and military officers and the leading townspeople, the desire was universal. "On one point they seemed united, viz, that whatever our Government did for them it had gained no right to annex them."

The railroad—for there is but one in the archipelago—traverses the provinces of Bulacan, Pampanga, Tarlac, and Pangasinan, which districts, with that of Manila, contain one-third of the total population of Luzon. My observations were limited to places along its line.

I stopped at a number of places for a few minutes, but for longer periods at San Fernando, Pampanga Province, Tarlac, in province of same name, and at Dagupan, province of Pangasinan, all large places and at the time occupied by the United States troops.

Although the military, from the highest commissioned officer to the private, constantly referred to the native people as "damned niggers," and were highly incensed at the fact that the civil government, whose authority had at that time superseded theirs, had appointed some of the principal citizens to the high civil offices in these provinces instead of hanging them, as they claimed they deserved, I could not help being struck with the bright, intelligent faces of many of the people we met, noticeable even in the children. The dignity and courteous manners and evident superiority of the principal citizens impressed me. That many had brains and education was apparent. The towns were well laid out and the houses comfortable. The finest structures were occupied by United States officers, and if the people who occupied them previously could be judged by the elegance of the interiors, they certainly belonged of right to the upper crust of society, as our people call it.

Elegant hardwood furniture, dark polished floors, and doors and windows carved and gilded, ornamental woodwork; on the walls and ceiling frescoes and decorations of all kinds. Some houses had ballrooms. The owners must have lived before the war like princes.

Everywhere it was admitted that the children attended school regularly whenever opportunity was given them, and learned quickly, and were ambitious and bright and well behaved. The people were well clad and modest, and went to and fro with a minding-their-own-business air. I never saw a drunken or disorderly native, and they have the reputation of being, with few exceptions, temperate, polite, and well behaved. They are passionately fond of music and dancing, are often artistic and sentimental.

Great gamblers, very fond of cock fighting and games of chance; pleasure loving, but sometimes vain and vindictive. Our soldiers say they are irritated easily, treacherous, and superstitious.

Everywhere they had all the appearance of being devout Christians.

I believe them to be easily governed and appreciative of kindness.

DAGUPAN.

At Dagupan I visited a wealthy boat builder at his home. He certainly had a well-ordered house and well-behaved family, and a modest wife. Champagne was not good enough for us. What would have become of our party had we accepted all of this man's pressing hospitality I fear to contemplate.

A TAGALO LADY.

On the second day after my arrival in those islands our party visited Santa Cruz, in Laguna Province. I had never spoken to a native woman, and after dinner at a small hotel kept by a Chino, left the quasi hotel and crossed the street to a very humble shack, where, on the ground floor, cigars and cigarettes were sold. A very neat and quite pretty native woman stood behind the window sill, used as a counter.

In my very best Spanish I priced her wares. Imagine my surprise, when she replied in a very sweet voice, "Excuse me, sir; I speak English." With pride she informed me that her sisters, and her nieces, and cousins, also spoke English. I bought cigars and cigarettes, and offered her a cigarette, when to my astonishment she said, "I never smoke, nor do my sisters, nieces, or cousins." Begging her pardon, I asked how that happened, pleading that it seemed to be a common practice among the Filipino women. Her answer was, "Not among the better classes." More inquisitive than polite, I asked why she had not acquired the habit, and she very sweetly informed me that her father did not approve of his daughters smoking, as he considered it unladylike, and added the statement, "We always obey our parents."

This girl was a full-blooded Tagalo. Was I not right in changing my mind about the Filipino being a savage and not fit to govern himself? I introduced Senator BACON and Representatives MERCER and JACK and DE ARMOND to the young woman, and during the conversation she informed us that the American military bands "played good music, but rarely played well." When asked whether she played and sung she without hesitation said she did, and when requested to sing for us she said if we would step into the ground-floor room adjoining the store she would play and sing. Her replies were frank, modest, and gracious, with no egotism or false modesty. We entered the room and in a few minutes her niece, a girl of 10, and her cousin, a girl of about 8, came in with harp and violin.

TAGALOG SINGING.

The cousin began with, to our utter astonishment, a song of the civil war which I had not heard for ten years, John Brown's Body Lies Moldering in the Grave. The niece followed with Marching Through Georgia—in as good English as I have ever heard—to our amusement and the edification of the Senator from Georgia; and my little Filipino acquaintance, and I hope friend, in the clearest and sweetest voice sang that most difficult of American patriotic songs, the Star-Spangled Banner. She, at my request, also sang a Spanish madrigal and a Tagalo national air in as fine style as I have ever heard anyone sing.

When our party left next day the Army ambulance loaded up before the hotel, and in the presence of our party and the garrison officers, with perfect modesty and good taste she gave me her little brown hand and in farewell said: "I so sorry my good friend leaves; I hope he always be well." Have you ever received a more gracious or graceful parting? Never will I forget that pretty little brown-skinned Tagalo lady, and I will cherish her memory always.

I often wonder whether these are the kind of people whose homes we have burned and lives we have taken—whose fathers and mothers and loved ones we have dishonored, mangled, and tortured in our cruel and bloody struggle to establish and maintain the doctrine of imperialism, to the falsification of our boasted motto of liberty and independence, the dishonor of the flag of the free, and the disgrace of our Christian teachings.

NUEVA CACERES, CAMARINES PROVINCE.

September 21 and 22, 1901, our party spent in Nueva Caceres, the capital of the Camarines Province. Governor Ross, an American, was the civil governor there, and I was one of his guests during my stay. There had been no fighting in this neighborhood and one saw the natives at their best. The province is rich, and many wealthy families reside here. The secretary of the civil government is a Filipino and we were entertained at his home. Rarely have I eaten a better dinner; and he has a large family, as his wife's unmarried sisters reside with him. It was impossible not to feel that we were among intelligent and educated people. They had particularly fine manners, which seems to be the rule among families of the better classes of these people.

They are called Vicols. The second day of our stay a banquet was given in our honor. The principal officers of the civil government as well as all the presidentes of the provinces were present, and many officers of the Army, giving us a very good opportunity of forming an estimate of the character of the men controlling the local governments. While I could converse with but a few

who spoke English, I was satisfied that they were a substantial, dignified lot of men, whose good common sense and practical ideas were stamped upon their features.

A number of the Filipinos present addressed us in Spanish; some of them were very earnest and eloquent. Several of the best speakers were lawyers, and after they had finished no doubt was left in my mind of their ability, intelligence, and education. They strongly impressed upon us the universal desire of the Tagalo for independence or the right of carrying on his own government, as well as the fact that under the guidance of such intelligent leaders self-government was perfectly feasible.

If they were fair specimens of the upper classes of the country, the assertion that the Filipino is not able to carry on a substantial government is absolutely false. I talked with them about the administration of the laws, about schools, municipal government, the resources of the provinces, and the policy of the United States, and was surprised at their direct and intelligent answers and questions.

It must not be forgotten that all the places mentioned heretofore are scattered over Luzon, with practically no communication with each other, and oftentimes not even telegraphic communication with Manila—isolated communities who receive the news of the world's happenings long after they occur.

Add to this Manila, a city of 300,000 people, as large or larger than Washington, where the culture, education, and refinement and wealth of the country are gathered together. Is it at all reasonable that the people of Luzon by themselves are not capable of maintaining a first-rate government and that the broad statement to the contrary can not be and is not true?

Speaking at the banquet at Nueva Caceres, in response to an invitation to reply, I made the statement that from what I had seen and heard of the Filipinos in Luzon I felt satisfied that, following the genius and spirit of American institutions, they could be expected to maintain a government which would not only be a credit to their people but an example to the nations of the Orient. To-day I believe I spoke the truth.

THE VISAYAS.

This race, while second in importance, is the most numerous, and its people are very much like the natives of Luzon. They were converted to Christianity by the earliest Spanish priests and have remained Christians for three hundred years.

They are said to be in appearance more like the Malays of Java, Sumatra, and the Malacca Peninsula, but at this time I think the difference in general appearance between them and the Tagals would require an expert to detect it.

Owing to the location, they are better watermen than the Tagalo, and are expert fishermen. As soldiers they are considered superior, owing to the fact that for many years they have had constant contentions with the warlike Moros, who are their neighbors on the southern side. They raise their own food, consisting mainly of rice, fish, and fruit, and their towns and villages are largely located on the seacoasts. The women of many of the islands are expert weavers, using the hand loom entirely and making the celebrated pina and hoosic cloth; also mats and cotton and hemp cloth.

They are less temperate and tractable than the people of Luzon, nor do I consider them as intelligent. There are in their midst a very considerable number of educated men and women, and the common people seem to have a primary education as a rule. The two largest cities next to Manila—Iloilo, on Panay, and Cebu, on Cebu—are their chief commercial towns, and there you find a very considerable number of the most intelligent people, who are frequently quite wealthy, as considerable of the hemp, sugar, and copra exported come from this country. Their local governments are simple and do not differ from those of Luzon. I have visited their two principal cities and have met the people living on the outskirts. I have visited Catbalogan, on Samar, which is considered and appeared to be the most rugged of these islands, and the people usually take after the country.

From all I saw and heard the children are exceedingly bright and easily taught. They are ambitious and anxious to learn, especially the English language. The grown people also show the same anxiety, and you can please them no better than give them the English words for objects they point out. Spanish never was spoken to any great extent by the common people; they used the native dialect, which, like the Tagalog, was written as well as spoken. On the whole, while they seem to have as vigorous intellects as the Tagalo, they are of rougher grain and lack much of the refinement which one finds so generally prevalent among the better classes of Luzon. There can be no doubt about it that the same character of government found most suitable for the Tagalo will fit the requirements of the Visaya.

In speaking of the mental powers of the native Christian people of these islands, two facts stand out in bold relief. First, there are a very considerable number of highly educated people among them. Second, the children are admitted by all to have active minds, acquire easily, are ambitious to learn, and industrious. Their rapid progress is by American school-teachers considered remarkable.

When we examine into the reasons for finding so many cultured men, we find that it was a universal practice for those families who could afford it to educate their children, both male and female. That gave them a standing in their communities and maintained the family importance. The schools of Manila were first resorted to, and when these were exhausted and the students trained they were often sent abroad to complete their education.

You will find quite a number of Filipinos who have studied and hold degrees from the most celebrated of the German universities—Berlin, Leipzig, Heidelberg, Göttingen—and a far greater number who have studied in the universities of Spain. These men returning filled the professional ranks, and you find in Manila a considerable number of natives who are leading lawyers and physicians and professors in the educational institutions there. Secondary education has by no means been as much neglected as most people have been led to suppose. The history of educational institutions show this.

San José was built about 1610, and as early as 1622 the King of Spain was informed that this seminary for grammatical, philosophical, and theological students was being administered in Manila. The College of Santo Tomas, of Manila, was founded in 1619, and was elevated to a university by a bull of Pope Innocent X, at the instance of King Philip IV, in 1645.

So we find educational institutions, not only of a primary character, but those teaching secondary or higher branches, in existence and operation in the Philippines before the universities of Harvard and Yale in the United States had been founded, and long before the American occupation the Municipal Atheneum and College of San Juan de Letran were successfully filling the field of secondary education there. While the white man was establishing colonies, killing the aborigines, and conquering the country now embraced in the States of our Union, the missionaries of the Roman Catholic Church were converting to Christianity, civilizing, and educating the natives of the Philippine Islands.

For three centuries this has been going on, and the results are perfectly apparent to anyone not blind sojourning among these people. The old saying, "There are none so blind as those who will not see," alone explains many of the false and misleading statements circulated about the Filipinos.

In the later days there can be no doubt that through the agents of Spain and certain individuals among some branches of the Spanish friars injustice, tyranny, and greed, and sometimes immorality, have cast a blight over these people.

But for the first two hundred years, from 1600 to 1800, it can not be contended this was the case. During the formative and a large portion of the developing periods the rule of the agents of Spain and of the Roman Catholic Church was exceptionally honest, earnest, and beneficent. Under it people who were savages were converted to Christianity, morality was instilled into the minds and hearts of the inhabitants, agriculture and the arts of civilized and enlightened peoples were introduced and encouraged. Cities and towns were built everywhere, and in every one of these municipalities, small or large, churches were built and schools carried on.

A very careful writer who spent some fourteen years in the Philippines and made the country, the people, and their history a study asserts as a fact that the Augustinian order alone, from their entrance into this country before 1600 up to 1892, founded no less than 242 cities and towns. And the history of the country will disclose that the Roman Catholic religious orders have largely contributed to the conversion of these native people to Christianity and have at the same time contributed to their education and enlightenment. And it is not at all fair to say that all the troubles and suffering and discontent are traceable to them as a source.

This is not true. On the contrary, their influence has, in the main, been beneficial. The Philippines have been, through the work of their men, brought very far forward on the road to civilization and enlightenment, and no country in the Torrid Zone, and peopled by natives, can now or before the American occupation could compare with the Philippines. When we consider the people of our own country we must not forget the fact that the United States is located in the Temperate Zone; nor the very important fact that our population is not a native population. We have driven the natives out, practically exterminated them, not developed, educated, and transformed them into an enlightened nation.

We are of the stock of the nations of the white race, up to the present time acknowledged to be—both in military prowess and in mental equipment, as shown by its educational progress as well as its inventive ability; by its organizing powers; by everything that has raised man from savagery to modern advancement—the superior of the races of the world.

Our progenitors have come from the countries of Europe, where the developing processes have been going on for many centuries. As the years rolled by they have become more active, and it would not be reasonable or natural were we to expect to find in the mixed and heterogeneous races of the Philippine Archipelago our equals.

To me the wonder is, from what I have seen and heard and read, that they, beset with the obstacles we know that they have had to contend with, are as far advanced as we find them to-day. Through three hundred years this growth has extended, slowly at first, but quite rapidly during the last century.

Before the so-called beneficent American despotism was reared in these lands we find a cable connecting its capital with Hongkong and the civilized world and an internal telegraph system extending to all the important towns of its largest island, Luzon. We find a well-equipped railroad extending from Manila to Dagupan, about 125 miles in length; mail and passenger steamers reaching the important towns of the archipelago; tramways and electric lights, and an exceedingly substantial, adequate, and well-constructed water-supply plant in the capital city. Lighthouses are maintained along the important water channels and wharves and docks in many of its more important harbors.

Sometimes one wonders how at this late day, after the Philippine question has been so much examined and discussed, it was possible for men interested in its solution to hold such widely different opinions on the subject of their ability to maintain a substantial government or even to govern themselves under popular institutions. There can be no doubt about it that much has been done to manufacture the sentiment of their want of capacity. Practically the whole body of officials and employees of the civil government broadly assert the proposition.

Their testimony, we must not forget, may be, and no doubt to a great extent is, based upon personal interest, for there are very many fat positions and well-paid berths under the control and in the gift of the commissioners, and many of these people are getting more good hard dollars than they have ever received or earned at home. It is human nature to hold on to a good thing even at the cost of holding biased views or circulating a little fiction. With this class of men the longer we hold these islands and the more progress the people make the less ability they will develop for self-government. It is so easy for men to get the idea that their particular individual services are so valuable and necessary that should they give up the world would come to a sudden termination.

Opposed to all these opinions and statements is the pregnant fact—fact, I say—that the Philippine commissioners have always been able to find natives capable of filling any position from justice of the supreme court down to policeman. In fact, they point with pride to the fact that they have appointed so many of the native people to positions both high and low. And they deserve great credit, in my mind, for pursuing this policy, for the places belong to these people.

Nor is it any the less natural that many Army officers should add their statements to the negative side of this question. This strife which has been vainly sought to be dignified as a war has furnished to every man of the old officers opportunities for promotion and increased compensation, and to nearly all the new ones a coveted place in the ranks of the Regular Army. The only drawbacks they see are due to increased liability to sickness and death occasioned by climatic conditions and the prevalence of contagious diseases. The larger number are willing to take their chances of these until they are ordered back across the broad Pacific to "God's country."

When I visited Manila and other principal places where our troops were stationed in considerable quantities one became promptly acquainted with the fact that there was a marked difference of opinion existing between the military and the civil authorities as to how the country should be run. From general to private the military openly and savagely criticised the Commission for not following the strenuous policy they considered as the only one calculated to bring about peace and order.

Their proposition was that only by fear and a rule of terror could the population be controlled. The policy of the civil authorities was denominated weak and foolish. To them the native was a nigger—treacherous, cowardly, dishonest, in no way responsive to kind treatment. When the commissioners started the experiment of organizing a native police for the maintenance of order in Manila and in other important places, its utter failure was loudly predicted. When the Commission asserted that it had been their experience that these employees had been faithful and that an extension of the system would be beneficial, it was strongly denied, and another insurrection was predicted. Events up to this time show the commissioners were correct and the military wrong.

With these views generally held by the military it is easy to see why not much dependence can be placed upon their statements that these people are not capable of self-government.

Again, in September and October of last year the commissioners were loudly denounced by the military because they had appointed so many of the educated Filipinos to important positions and were contemplating the appointment of more. They claimed the men should be hung for what they had done while in command of the native forces instead of being rewarded with fat positions.

They seemed to be utterly oblivious to the fact that during the war of the rebellion the ablest and most intelligent men of both the North and South, and especially of the South, were in the ranks of one or the other of the contending armies.

I am satisfied that the more pacific policy of the Commission after it was once started did more to pacify the country than the strennous policy of the military. It is the only policy by which peace there can be maintained by any government we institute. The bullet, bayonet, and water-cure policy did more to prevent reconciliation and to create hate, antipathy, and distrust to everything American than any other policy that could have been pursued. The Filipino found us to be even worse than the Spaniard had taught him to believe us to be.

Another circumstance always appealed to me to be a very strong argument that these people were capable of self-government, and of a very high form of government, and that is the fact that when a scheme of government was planned it was, in many of its important details, modeled after our own, which I regard as the highest type of government in the world.

If it is safe to intrust the people with the local or municipal governments, why are they not fitted to manage the general government?

During the time since a civil government has been proclaimed and local organizations formed under it in how few instances has the general government been obliged to interfere.

When Judge Taft and General Wright were selected to head the Philippine Commission, no mistake was made in the selection. We put our best foot forward. They were not only well equipped by education, but were men of cool judgment, nerve, firmness, as well as honest, just, and kind-hearted.

I do not believe in trusting any man or men with absolute power, but men of this type abuse it the least. I tremble at the thought of the result had we sent men who were selfish, bigoted, quick tempered, or vindictive. And what had they been venal or strenuous?

The ordinary men whom we so often elect as chief magistrates of our cities and sometimes of our Territories and States would have made a sad failure.

The Filipino has no guaranty that should we adopt the policy of permanent occupation he will not get some good specimens of the average American politician, trained to run a machine government for all there is in it. He has just cause to fear that such appointment will often be made.

A fair criticism of the government as now carried on in the Philippines is that its object seems to be to make the Filipino fit the government, and not the government fit the Filipino.

It is fundamentally a despotism with republican trimmings. Not more of a despotism, I hear you say, than that of your own native State of Pennsylvania. You may be right, but some of us hope in the near future to break the shackles of machine despotism and relieve our proud Commonwealth from political slavery. We hope the time is near at hand. And we would not that the Filipino should be obliged to live under conditions which have ceased to arouse comment among the majority of our people. And then we must always admit that it is self-imposed.

We know the people of these islands have for three centuries been accustomed to be governed. We know that Aguinaldo's government of six months preceding the war was a success, and that there was no disorder or anything savoring of anarchy. We know that the people of these islands are united as they have never been before and are anxious to try the experiment of governing themselves.

Why not give them a chance and promise them ultimate liberty and freedom? We know or ought to know that the maintaining our sovereignty over them will bring nothing but trouble, adverse criticism, and immense expense to the people of the United States. We know the policy of holding colonial possessions will strain the very fabric of our free popular government and republican institutions. We know that in war with foreign countries it will be impossible to defend this isolated territory. We know or ought to know that it is calculated to arouse China to be a more progressive nation and enter into competition with us for the control of the world's commerce.

We know it will only add to our troubles by attaching and annexing eight or ten million of colored people, with whom we can not with benefit mix. We know we have trouble enough at home in our effort to govern our own people. Why not, instead of aspiring to be an imperial world power, extending its dominion over alien races in all parts of the world, turn our attention to uplifting our own citizens and follow the motto "America for Americans?"

National Parks in California.

SPEECH

OF

HON. JAMES C. NEEDHAM,

OF CALIFORNIA,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, May 28, 1902.

The House having under consideration the bill (H. R. 14511) to authorize the relinquishment to the United States of patented lands and claims, etc.—

Mr. NEEDHAM said:

Mr. SPEAKER: I ask unanimous consent for the present consideration of the bill (H. R. 14511).

The Clerk read the bill, as follows:

Be it enacted, etc., That in cases in which a tract of land covered by an unperfected bona fide claim or by a patent is included within the limits of the Sequoia National Park, set aside by act of Congress approved September 25, 1890, and the Yosemite and General Grant National parks, set aside by act of Congress approved October 1, 1890, the settler or owner thereof may, if he desires to do so, relinquish the tract to the Government and secure other land, outside of said parks, in accordance with the provisions of the law relating to the subject of such relinquishment of lands in the forest reservations created under section 24 of the act of Congress approved March 3, 1891.

Mr. RICHARDSON of Tennessee. Mr. Speaker, reserving the right to object, I want some explanation of this bill.

Mr. NEEDHAM. Mr. Speaker, this bill is unanimously reported from the Committee on Public Lands. It was prepared by the Secretary of the Interior in accordance with his last annual report, pages 154 and 155. It provides that the owners of patented lands in the national parks in California may relinquish their lands to the Government and go upon the public domain and take in lieu thereof other land open to settlement. It creates no expense to the Government and has been recommended repeatedly by different Secretaries of the Interior and by superintendents of these parks, and was prepared by the Interior Department and unanimously reported from our committee.

Mr. SHAFROTH. Is it necessary in order that the national parks shall be properly carried on that private owners should be out of them?

Mr. NEEDHAM. That is the object of the bill, for the better administration of the parks.

Mr. RICHARDSON of Tennessee. How much is involved in it?

Mr. NEEDHAM. Something like 55,000 acres are held in private ownership in these parks.

Mr. SHAFROTH. But the whole of those 55,000 acres will not be exchanged; only a portion.

Mr. NEEDHAM. This is simply a privilege extended to these owners; there is nothing compulsory in it; it is simply a privilege of which they may avail themselves if they desire to do so.

Mr. LACEY. The limitation is precisely the same as in the case of forest reserves.

Mr. NEEDHAM. Exactly; this simply extends the law, so far as relinquishments are concerned, to the national parks.

Mr. MADDOX. Have the owners already cut the timber off the land?

Mr. NEEDHAM. No, sir; not to any great extent.

Mr. LACEY. Very little of the timber has been cut in these national parks.

Mr. MADDOX. Have not the parties who own this land cut the timber off?

Mr. LACEY. I think that very few of them have done so, for the reason that the lands are so inaccessible. They are away up in the heart of the Sierra Nevada Mountains.

Mr. SHAFROTH. Let me state that the same provision exists now under the general law as to forest reserves; and we have a great number of forest reserves, including many millions of acres. The national parks ought to be, and in fact are, on a better basis than the reserves; yet by reason of the fact that the law with relation to forest reserves has not been extended to the national parks we have private ownership now in the national parks, which should not exist there.

Mr. MADDOX. Let me state my reason for asking the question. I saw a report here the other day from the Secretary of the Interior in regard to one of these parks. It stated that some parties had gone into some of these parks and cut all of the timber off, and now they want to exchange that land with the Government and go out and locate on other timber lands in order to get the timber from those also. I simply wanted to know whether that was the fact in this instance.

Mr. NEEDHAM. I do not think that condition of things is as prevalent in the parks as in the forest reserves.

Mr. SHAFROTH. A number of applications have been made for land in forest reserves for purposes of that character. But I am opposed to any such policy. It is wrong for the Government to exchange in this way good land for bad.

Mr. FINLEY. Is it not a fact that the holdings by private parties in this national park are comparatively small and are isolated, and that the parties wish to get out of the park and to take lands on the public domain elsewhere, the result of which will be beneficial not only to the Government from having its national park as a unit, but also beneficial to these private parties? The arrangement will be mutually beneficial.

Mr. NEEDHAM. That is approximately the situation. This legislation is recommended by the Secretary of the Interior.

Mr. FINLEY. The results of such a policy, I understand, will be beneficial both to the Government and to the private parties.

Mr. CANNON. How much land is held in these parks by private individuals?

Mr. NEEDHAM. About 55,000 acres.

Mr. CANNON. I believe there are two small parks, which are close together.

Mr. NEEDHAM. Yes, sir. This applies to the three national parks in the State of California.

Mr. CANNON. Does it provide for the purchase, or for the issue of lieu scrip?

Mr. NEEDHAM. Neither. It simply provides that these parties shall relinquish their claims to the Government and go upon the public domain and take other lands which are open to settlement. This is the same legislation which was before the gentleman's committee in connection with a proposed appropriation, and the committee advised this course.

Mr. LACEY. This bill embraces the same limitation which was put in the appropriation bill. It applies to nonmineral, surveyed land, open to settlement.

Mr. CANNON. Then lieu scrip can not be issued.

Mr. LACEY. No scrip is to be issued. An exchange is to be made. The owners of land in the forest reserves or in this park will convey their land with an abstract of title to the Government and then locate on surveyed, nonmineral public lands, open to settlement elsewhere.

Mr. MCRAE. Just as in the case of a forest reserve.

Mr. LACEY. Precisely the same as a forest reserve.

Mr. RICHARDSON of Tennessee. Who superintends that exchange?

Mr. LACEY. The exchange is effected through the Land Office.

Mr. GAINES of Tennessee. Why do they want to make the exchange?

Mr. LACEY. I will state that these parties inside who have located lands find themselves now, by virtue of the fact that the land has been placed in perpetual reservation, in such a position so that there can be no new neighbors, schoolhouses, churches, or other conveniences. In other words, settlement has been stopped, and they want to get out alongside of people where the land is open to settlement.

Mr. MCRAE. I suggest to the gentleman from Iowa [Mr. LACEY] that the purpose of the Government is to get control of the park.

Mr. NEEDHAM. Now, Mr. Speaker, I desire to extend somewhat my remarks upon this bill.

The Sequoia National Park was created by an act of Congress approved September 25, 1890. The Yosemite and General Grant national parks were created in one act which was approved October 1, 1890.

The amount of land held in private ownership in the General Grant National Park is only 160 acres; the amount in the Sequoia National Park is about 972.87 acres of patented land and one claim of 40 acres, while the amount in the Yosemite National Park is between 54,000 and 55,000 acres.

Since the establishment of these parks there has been designated annually a superintendent to take charge of the Sequoia and General Grant national parks, and another superintendent to have charge of the Yosemite National Park.

RECOMMENDATIONS AS TO SEQUOIA AND GENERAL GRANT PARKS.

In 1891 the acting superintendent of the Sequoia and General Grant national parks made no recommendation as to the disposition of private holdings within these parks, neither was any recommendation made by the Secretary of the Interior.

In 1892 the acting superintendent reported as follows:

In my opinion all the land in the Sequoia Park owned by individuals should be purchased by the Government. There is not a great amount of such land, and no one person owns enough to make him wish to keep it or improve it now that the park is established. The amount that can be used for agricultural purposes is very small and is so situated that it will probably never improve in value. The resident proprietor of one of these tracts is remote from neighbors and good roads; he is surrounded on all sides by the park and can not enlarge his possessions and can not get sufficient pasturage for his domestic stock if they increase in number.

Some of the cattlemen, as Mr. Tharpe and Mr. Dean, own several tracts of land apiece. These tracts are from 40 to 160 acres in area and were purchased as "State swamp" or "School lands." They generally contain a few acres of meadow land that is more or less boggy after the snow melts in the spring, and remains so in spots during the summer. The men who own these lands complain that they are unjustly deprived of the use of them for their cattle and receive no money or other lands as a recompense. The reason

for their exclusion is that if the cattle are placed there they will range over miles of park territory instead of remaining on these few acres of private land. The meadows are not fenced in, with the exception of the Wolverton Meadow, and do not furnish grass enough to support the cattle if they were fenced. The owners say that the land is not worth fencing, and as they expect that the Government will purchase the land eventually they do not care to take the trouble or time to put up fences. The Giant Forest has a quantity of meadow land claimed by individuals, one of them being Mr. Tharpe, who has been in the habit of using it all. The camp of the detachment in the Giant Forest is on land that he claims, and as it is not fenced we are keeping his cattle so far from it that it is of no use to him, while our own horses and mules are feeding on it. So far as cattlemen who own such lands are concerned, the condition of affairs promotes the growth of grievances.

The same year the Secretary of the Interior in his annual report recommended as follows:

It is recommended that all individual holdings of land in Sequoia Park should be purchased by the Government because of the isolated location of these lands, the unavailability of the same for private purposes by reason of the inability of owners to purchase adjacent tracts or to use present holdings for grazing or agricultural purposes.

In 1893 the Secretary of the Interior made no recommendation, but the acting superintendent recommended as follows:

That the claims of all parties to land within the park be settled without delay.

In 1894 the Secretary of the Interior makes no specific recommendation, but quotes, evidently with approval, the recommendation of the acting superintendent that all claims within the parks be settled.

In 1895 the acting superintendent again recommends that all claims within these parks be settled, and the Secretary of the Interior recommends that all claims with the parks be investigated and settled.

The same recommendations are practically made by the Secretary of the Interior and the acting superintendent for the various fiscal years down to the present time.

RECOMMENDATIONS AS TO YOSEMITE NATIONAL PARK.

The recommendations of the various superintendents of this park since its establishment, and also of the Secretary of the Interior, are well illustrated by extracts from the reports of the Secretary of the Interior for the years 1896, 1897, 1898, and 1899, which are as follows:

PRIVATE LANDS IN YOSEMITE PARK.

The attention of Congress is called to the necessity for the acquirement of the title by the Government to all private lands within the boundaries of the reservation; this matter has been urged by every acting superintendent of the park since its establishment, and is again reiterated, for so long as settlers own land in the park and live thereon trespass on the park lands can not be prevented. (Secretary's report, 1896.)

Much of the land in the park is owned by individuals, the title thereto having been acquired before or soon after the establishment of the park. The Government should, it is stated, own all the land inside the park, and none should be given over to private use except for the purpose named in the act reserving the land now included in the Yosemite National Park. The prompt purchase by the Government of all patented lands within the park will be to the benefit of the United States and to that of most of the owners of such lands. (Secretary's report, 1897.)

SEQUOIA, YOSEMITE, AND GENERAL GRANT NATIONAL PARKS.

In the several annual reports of my predecessors, as well as in that submitted by me to you for the last fiscal year, the fact that there are numerous private holdings on these reservations was adverted to. The aggregate acreage of these lands in which the Government has wholly parted with its title may be stated, approximately, to be 55,064.02, and that in which title has not fully passed from the United States to be 367.975 acres, divided as follows: In the Yosemite National Park, 53,931.15 acres of patented lands and three claims embracing 327.975 acres on which patents have not yet issued; in the Sequoia National Park, 972.87 acres of patented lands and one claim of 40 acres on which patent has not yet issued; and in the General Grant National Park, 160 acres of patented lands.

The right of owners, transferees, or lessees of such lands to the use thereof for lawful purposes has always been recognized by the Department, and there has been practically no interference in the use of such property except where it was desired to cut timber therefrom or graze sheep or cattle thereon. In such cases it was first required that the metes and bounds of such lands be properly marked and defined, so that it might be easily determined whether the lands from which timber was cut or on which stock grazed was within the limits of patented lands or on the reservation lands. Furthermore, that in removing timber from the reservations or taking animals to and from patented lands, it must be done under the supervision of the acting superintendent of the park, and over the roads and trails within the park.

Although this requirement is a reasonable one, it has been found to be extremely difficult of enforcement. Persons controlling these patented tracts have leased the same to stockmen, well knowing the conditions upon which their use would be permitted by the Government. The latter, whether with the knowledge of the Departmental regulations or not, have taken their herds to these patented lands. These depredators have caused much trouble, and the greater part of the time of the park force has been taken up in ascertaining the location of herds within the parks and their subsequent ejectment if found roaming on the reservation lands.

As long as these private interests are permitted to remain within these reserves just so long will there be trouble and annoyance to this Department in their protection. Some provision should therefore be made at an early day looking to the extinguishment of these holdings, in order that the reserves may be, as an entirety, the property of the Government, as in that way alone are they susceptible of being satisfactorily protected. To that end, therefore, I have to recommend that so much of the act of Congress approved June 4, 1897 (30 Stats., 36), as permits the relinquishment by owners of tracts of land in the several forest reservations, and the selection in lieu thereof of vacant lands in other localities which are open to settlement be extended to these parks. (Secretary's report, 1898.)

The superintendent recommends that owners of patented lands should be bought out by the Government, thus removing one great source of destruction and trouble within the park limits.

Then follows a quotation from a previous report relative to lieu lands; then the Secretary says:

Concurring in his conclusions in the premises, I earnestly recommend favorable legislation in the matter by Congress, provided the exchange of land can be made on an equitable basis. (Secretary's Report, 1899.)

The recommendations in the reports of the Secretary for the years 1900 and 1901 contain nothing new, previous recommendations as to purchase of private land and legislation as to lieu lands being renewed.

Now, Mr. Speaker, it will be seen that there has been almost constant agitation ever since the establishment of these parks looking toward the extinction of private holdings. My two immediate predecessors, Mr. Bowers and Mr. Castle, both introduced bills providing for the appointment of a commission for the appraisement of these holdings with a view to their purchase by the Government. During my first term in Congress I introduced a bill of this character also, but nothing has ever come of any of these bills. At the beginning of the present session, on December 18 last, I introduced the bill H. R. 7216, providing for the purchase of these holdings and their revesting in the United States.

The Yosemite National Park is situated in the district of my colleague [Mr. WOODS], while the Sequoia and General Grant are in my district. Mr. Woods and myself have used every endeavor to get legislation looking toward the purchase of these holdings. We appeared before the Appropriations Committee and argued for the insertion of an item in the sundry civil bill authorizing the Secretary of the Interior to enter into negotiations looking toward the purchase of these park lands, but this committee was unalterably opposed to such a procedure, some of the members even going so far as to hold that Congress has no authority to appropriate money for such a purpose.

Now, Mr. Speaker, the situation of many of the owners of these private holdings is most unfortunate. They took up these lands in good faith, and ever since they have paid taxes to the county in which the land is situated, and to the State of California. Congress by an exercise of its legislative power established these parks and thus prevented further settlement or development within their boundaries. Some relief should be granted to these settlers. I believe that the Government should purchase these claims, or at least those that can be obtained at reasonable figures.

I consented most reluctantly to introduce the present bill and did so only after I was convinced that it was impossible to obtain anything better at the present session of Congress. The present bill was prepared by the Secretary of the Interior in accordance with his last annual report, pages 154 and 155, and was forwarded to me by the Secretary of the Interior under date of May 16. The bill proposes to extend as a privilege to those having lands in the national parks in California the same rights that are now enjoyed by those similarly situated in forest reserves. The equities are much stronger in behalf of those living in our national parks than those similarly situated in forest reserves. The bill does not create any scrip, and it has been uniformly held by the Department that the right of lieu selection applies only to surveyed nonmineral land.

I desire to say, Mr. Speaker, that the national parks in the State of California have received very scant consideration at the hands of Congress, and I wish to submit some comparisons in regard to appropriations granted to our various national parks:

Yellowstone National Park:	
Heretofore appropriated	$968,872
Carried in present sundry civil bill	755,400
Total	1,724,272
Chickamauga and Chattanooga:	
Heretofore appropriated	1,351,600
Pending sundry civil bill	50,000
Total	1,401,600
Shiloh:	
Heretofore appropriated	405,000
Pending sundry civil bill	40,000
Total	445,000
Gettysburg:	
Heretofore appropriated	425,920
Pending sundry civil bill	75,000
Total	500,920
Vicksburg:	
Heretofore appropriated	165,000
Pending sundry civil bill	100,000
Total	265,000

Now, Mr. Speaker, Congress has heretofore appropriated for the Yosemite National Park only $16,000, and the present sundry civil bill grants to this magnificent park only $6,000.

When I was elected to Congress there had never been appropriated a dollar to either the General Grant or the Sequoia national parks. During the last two sessions at each session there has been

appropriated to the General Grant $2,500 and to the Sequoia $10,000, and the present sundry civil bill carries the same amount, making total, provided these items in the pending sundry civil bill remain unchanged, for General Grant $12,500 and for Sequoia $30,000.

Now, if the present bill, even though it does not go any further than the House, will serve to call to the attention of Congress the urgent necessity of granting adequate relief to the owners of private lands in these parks, I feel that something will have been accomplished. I am not at all satisfied with the bill under consideration for the reason that I do not believe that it is a measure of adequate relief. I believe that Congress should purchase these holdings, and I am satisfied in my own mind that Congress has the power to do so. I am not willing, however, Mr. Speaker, that this session of Congress should adjourn without passing some legislation upon this subject. I do not believe that the present bill can in any way be abused, as there are no mandatory provisions in the bill, and the holdings of the Department have been such as to minimize the difficulties under which we suffered for some time after the creation of the right of lieu selection as applicable to forest reserves.

The present bill will extend a privilege which no doubt some at least of these holders will avail themselves of. All of the parks in question are situated more than 20 miles from any railroad line, and consequently the subject of railroad land grants can not enter into the question.

While I am not at all satisfied with the present bill, because I do not believe that it is an adequate measure of relief for those affected, yet I feel compelled from a sense of duty to a large number of constituents who are directly interested to get the best legislation possible for them.

I desire to say that in view of the munificent manner in which Congress has treated all national parks outside of the State of California, that I shall insist, so far as I am able, while I am a member of this body, on more generous treatment of the national parks of our State.

The Efficiency of the Militia.

SPEECH
OF
HON. CHARLES DICK,
OF OHIO,
IN THE HOUSE OF REPRESENTATIVES,

Monday, June 30, 1902,

On the bill (H. R. 11654) to promote the efficiency of the militia, and for other purposes.

Mr. DICK said:

Mr. SPEAKER: In submitting this bill as the chairman of your Committee on the Militia I desire to express high appreciation of the earnest cooperation of the members of the committee in its preparation. From the very first there has been entire unanimity of feeling in the desire to prepare a bill which would be acceptable to all interests involved, and would result in greatly improving the efficiency of the National Guard as the second line of the country's defense in time of war. With this spirit animating every member of the committee, there was no difficulty in harmonizing differences of opinion. The one object sought has been kept clearly in view and the members of the committee have worked earnestly and faithfully to that end. Many conferences have been had between members of the committee and the Secretary of War and the heads of the various bureaus of the War Department and the representatives of the National Guard.

The approval of the Secretary of War is set forth in the following communication:

WAR DEPARTMENT, *Washington, March 18, 1902.*

SIR: I have to acknowledge the receipt of a copy of House bill No. 11654. It is the object of the bill, as indicated by its title, to promote the efficiency of the militia. I have examined the measure with great care, and approve the wise and patriotic endeavors of the committee to frame an enactment which seems to me well calculated to accomplish the purpose set forth in its title.

The bill, which has been exhaustively considered in committee and which meets the approval of those most directly interested in the development of the constitutional militia, makes reasonable and proper provision: (1) For the ordinary training and discipline of the militia as a force belonging, in time of peace, to the several States; (2) for its special employment by the General Government as a part of the constitutional military forces in time of war or public danger, such use being made the subject of special statutory limitations in respect to time, place, and occasion of its employment; (3) for its acceptance by the United States, in the form of complete organizations, as a part of any volunteer forces that may be authorized to be raised and embodied in the event of war, and (4) for the volunteer service of its individual members, with preferential rights of appointment and enlistment, in any volunteer forces that may be authorized by Congress, in an emergency of war, in excess of or in addition to the organizations of militia which may tender their services as such, under the authority of their respective States.

With a view to secure that uniformity of instruction which can only be attained by an entire uniformity of armament and equipment, I approve of the gratuitous issue of small arms of the latest and most approved types in exchange for the arms of obsolete patterns with which the militia of the several States are now armed and equipped.

It is believed that the operation of sections 23 and 24 will be especially beneficial as measures of preparation for national defense. Section 23 undertakes to provide for the preparation of a register of persons whose ability to exercise command in the line or to render corresponding services in the staff has already been established by the test of actual military experience. The capacity of those candidates whose military education or previous service in the Army or militia entitles them to consideration is required to be tested by an examination conducted by a competent military board, which is required to certify its opinion as to the fitness of such candidates for appointment in the volunteer forces. The immediate result of such certification is to place all candidates who have obtained certificates in a class from which officers of any volunteer forces which may be authorized by Congress in pursuance of section 24 are required to be selected.

In section 24 the attempt has been made to remedy a defect which is inherent in the voluntary system of recruiting, which has been hitherto relied upon by the United States as a means of maintaining its military establishment in time of peace. It is the purpose of this section to utilize the services of those who have served at least one term of enlistment in the regular or militia forces by the establishment of a national volunteer reserve. The force so designated is to be composed of men of considerable military experience who are to be embodied, in time of peace, for occasional brief tours of duty, not exceeding ten days in length, and whose services are to be utilized in time of war only when the volunteer forces authorized by Congress exceed in number the organized commands of militia who may enlist in bodies, in pursuance of section 6, act of April 20, 1898.

In conclusion, I venture to express the hope that the carefully prepared clauses of the bill, which provide for a larger measure of cooperation on the part of the War Department than has hitherto been regarded as practicable, will operate to bring about that close and intimate contact between the several branches of the constitutional military establishment which is so necessary to their mutual and harmonious development.

Very respectfully,

ELIHU ROOT,
Secretary of War.

HON. CHARLES DICK,
Chairman Committee on the Militia, House of Representatives.

The present law governing the militia has been on the statute books for one hundred and ten years and has long since been inoperative and obsolete.

The Constitution gives to Congress the power (Art. I, sec. 8)—

To provide for organizing, arming, and disciplining the militia and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress.

For over one hundred years Congress has made no adequate provision for organizing, arming, and disciplining the militia, and the matter has been left entirely in the hands of the States and Territories. It is true that Congress has made annual appropriations for the purpose of aiding in the support of the militia of the States and Territories, and the Fifty-sixth Congress increased this annual appropriation from $400,000 to $1,000,000.

This annual appropriation has been available for the issue of arms, ordnance stores, quartermaster stores, and camp equipage, but otherwise the United States has assumed no control or supervision over its expenditure. The principal expense of maintaining and supporting the organized militia of the States and Territories has been borne by the States and Territories themselves, and while these troops are generally known and described as the National Guard, they are in no proper sense a national guard, but are strictly State militia, and are not subject to supervision and control by the War Department. It was believed that these State troops would be promptly available for national defense in case of an emergency. The experience of the country during the war with Spain showed that these expectations were not fully realized.

The following extracts from chiefs of the bureaus, made to the Secretary of War in 1898, are pertinent:

[Extracts from reports, 1898.]

INSPECTOR-GENERAL UNITED STATES ARMY.

Recent experiences have shown that our militia system could advantageously be reconstructed and a more intimate relation established between it and the National Government.

The great number of volunteer regiments moving to the centers of concentration without arms or uniforms, and the subsequent difficulties in meeting their needs promptly, suggest the establishment of reserve or supply depots at convenient points, in order that each State on call can put its quota in the field in condition for service, at least as far as arms and equipments go.

To secure better cohesion between the National Guard and Regulars and the greatest efficiency of the troops in the field, funds should be provided for combined encampments and periodical military maneuvers and experimental mobilization in times of peace, as is customary with all first-class European powers. One of the most serious defects noted during the Spanish-American war was the inexperience and utter disregard for the most elementary principles of military life in large camps.

SURGEON-GENERAL UNITED STATES ARMY.

Considerations of domestic economy and sanitation in the companies and regiments were not given proper attention, and men who were being taught to meet the enemy in battle succumbed to the hardships and unsanitary conditions of life in their camps of instruction.

CHIEF OF ORDNANCE UNITED STATES ARMY.

When the first call for volunteers from the States for the war with Spain was made it was decided to take as many of the regiments of the National Guard as possible, already armed and equipped by the States. * * * The supposition was that * * * the State troops, being already armed and equipped, would be ready for immediate service. This was based on the supposition that the arms and equipments were in good condition—an expectation not generally realized during the war. It is probable that the troops would have been ready for service as quickly by being equipped anew.

As these troops (volunteer, first call) were mainly from the National Guard of the different States, it was understood that they were well equipped, * * * which supposition was not realized.

In addition to the failure of the National Government to exercise its power to organize, arm, and discipline the militia, and to make the various State troops a national guard in fact as well as in name, the following causes also operated to prevent the successful operation of the existing militia law:

1. The several clauses of the general law never became fully operative, as their execution depended upon State legislation which was never obtained.

2. The terms of the statute were too sweeping, and the attempt to include all able-bodied males of military age was practically impossible of execution; the statute not being applicable to a smaller or more restricted class, was thus rendered inoperative.

3. The organization prescribed having been fixed in the original statute soon became obsolete and failed to furnish a uniform standard of composition for the militia embodied from time to time by the legislatures of the several States. The modifications brought in by the legislation of 1862 are now completely at variance with those prescribed by law for corresponding organizations in the Army of the United States.

The Presidents of the United States, from Washington down to the present time, have recognized the inadequacy and inefficiency of legislation on the subject of the militia, and have repeatedly recommended the repeal of the old law and the substitution of something practical. Almost without exception they have recognized that the main support and defense of the country in time of danger must rest upon its volunteer forces, and have repeatedly called the attention of Congress to the necessity of making proper provision for organizing, arming, and disciplining the militia.

The following are extracts from messages of Presidents relative to the militia:

[Extracts from messages of Presidents relative to the militia.]

PRESIDENT WASHINGTON, 1789.

Along with this object (the preservation of peace and tranquillity on the frontiers) I am induced to suggest another, with the national importance and necessity of which I am deeply impressed; I mean some uniform and effective system for the militia of the United States. It is unnecessary to offer arguments in recommendation of a measure on which the honor, safety, and well-being of our country so evidently and so essentially depend; but it may not be amiss to observe that I am particularly anxious it should receive as early attention as circumstances will admit, because it is now in our power to avail ourselves of the military knowledge disseminated throughout the several States by means of the many well-instructed officers and soldiers of the late Army, a resource which is daily diminishing by death and other causes. To suffer this peculiar advantage to pass away unimproved would be to neglect an opportunity. * * *

PRESIDENT WASHINGTON, 1790.

Among the many interesting objects which will engage your attention, that of providing for the common defense will merit particular regard. To be prepared for war is one of the most efficient means of preserving peace.

A free people ought not only to be armed, but disciplined, to which end a uniform and well-digested plan is requisite.

PRESIDENT WASHINGTON, 1791.

The first (militia) is certainly an object of primary importance, whether viewed in reference to the national security, to the satisfaction of the community, or to the preservation of order.

PRESIDENT WASHINGTON, 1793.

They are incapable of abuse in the hands of the militia, who ought to possess a pride in being the depository of the force of the Republic, and may be trained to a degree of energy equal to every military exigency of the United States. But it is an inquiry which can not be too solemnly pursued, whether the act more effectually to provide for the national defense by establishing a uniform militia throughout the United States has organized them so as to produce their full effect; whether your own experience in the several States has not detected some imperfections in the scheme, and whether a material feature in an improvement of it ought not to be to afford an opportunity for the study of those branches of the military art which can scarcely ever be attained by practice alone.

PRESIDENT WASHINGTON, 1794.

The devising and establishing of a well-regulated militia would be a genuine source of legislative honor and a perfect title to public gratitude. I therefore entertain a hope that the present session will not pass without carrying to its full energy the power of organizing, arming, and disciplining the militia, and thus providing, in the language of the Constitution, for calling them forth to execute the laws of the Union, suppress insurrections, and repel invasions.

PRESIDENT WASHINGTON, 1795.

With the review of our Army Establishment is naturally connected that of the militia. It will merit inquiry what imperfections in the existing plan further experience may have unfolded. The subject is of so much moment, in my estimation, as to excite a constant solicitude that the consideration of it may be renewed until the greatest attainable perfection shall be accomplished. Time is wearing away some advantages for forwarding the object, while none better deserves the persevering attention of the public councils.

PRESIDENT JEFFERSON, 1801.

These considerations render important that we should, at every session, continue to amend the defects which from time to time show themselves in the laws for regulating the Militia, until they are sufficiently perfect. Nor should we now, or at any time, separate until we can say we have done everything for the militia which we could do were an enemy at our door.

PRESIDENT JEFFERSON, 1802.

Considering that our regular troops are employed for local purposes, and that the militia is our general reliance for great and sudden emergencies, you will doubtless think this institution worthy of a review, and give it those improvements of which you find it susceptible.

PRESIDENT JEFFERSON, 1804.

Should any improvement occur in the militia system, that will be always seasonable.

PRESIDENT JEFFERSON, 1805.

I can not, then, but earnestly recommend to your early consideration the expediency of so modifying our militia system as, by a separation of the more active part from that which is less so, we may draw from it, when necessary, an efficient corps for real and active service, and to be called to it in regular rotation.

PRESIDENT JEFFERSON, 1806.

A militia so organized that its effective portions can be called to any point in the Union, or volunteers instead of them, to serve a sufficient time, are means which may always be ready yet never preying on our resources until actually called into use. They will maintain the public interests while a more permanent force shall be in course of preparation. But much will depend on the promptitude with which these means can be brought into activity.

PRESIDENT JEFFERSON, 1808.

For a people who are free, and who mean to remain so, a well-organized and armed militia is their best security. It is therefore incumbent on us at every meeting to revise the condition of the militia, and to ask ourselves if it is prepared to repel a powerful enemy at every point of our territories exposed to invasion. Some of the States have paid a laudable attention to this subject; but every degree of neglect is to be found among others. Congress alone has power to produce a uniform state of preparation in this great organ of defense; the interest which they so deeply feel in their own and their country's security will present this as among the most important objects of their deliberation.

PRESIDENT MADISON, 1809.

Whatever may be the course of your deliberations on the subject of our military establishments, I should fail in my duty in not recommending to your serious attention the importance of giving to our militia, the great bulwark of our security and resource of our power, an organization the best adapted to eventual situations for which the United States ought to be prepared.

PRESIDENT MADISON, 1810.

These preparations for arming the militia having thus far provided for one of the objects contemplated by the power vested in Congress with respect to that great bulwark of the public safety, it is for their consideration whether further provisions are not requisite for the other contemplated objects of organization and discipline. To give to this great mass of physical and moral force the efficiency which it merits, and is capable of receiving, it is indispensable that they should be instructed and practiced in the rules by which they are to be governed. Toward an accomplishment of this important work I recommend for the consideration of Congress the expediency of instituting a system which shall in the first instance call into the field, at the public expense and for a given time, certain portions of the commissioned and noncommissioned officers. The instruction and discipline thus acquired would gradually diffuse through the entire body of the militia that practical knowledge and promptitude for active service which are the great ends to be pursued. Experience has left no doubt either of the necessity or of the efficacy of competent military skill in those portions of an army in fitting it for the final duties which it may have to perform.

PRESIDENT MADISON, 1812.

A revision of the militia laws, for the purpose of rendering them more systematic and better adapting them to emergencies of war, is at this time particularly desirable.

PRESIDENT MADISON, 1813.

The militia being always to be regarded as the great bulwark of defense and security for free States, and the Constitution having wisely committed to the national authority a use of that force, as the best provision against an unsafe military establishment, as well as a resource peculiarly adapted to a country having the extent and the exposure of the United States, I recommend to Congress a revision of the militia laws for the purpose of securing more effectually the services of all detachments called into the employment and placed under the Government of the United States.

PRESIDENT MADISON, 1814.

I earnestly renew at the same time a recommendation of such changes in the system of the militia as by classing and disciplining for the most prompt and active service the portions most capable of it will give to that great resource for the public safety all the required energy and efficiency.

PRESIDENT MADISON, 1815.

And I can not press too much on the attention of Congress such a classification and organization of the militia as will most effectually render it the safeguard of a free State. If experience has shown in the recent splendid achievements of militia the value of this resource for public defense, it has shown also the importance of that skill in the use of arms, and that familiarity with the essential rules of discipline which can not be expected from the regulations now in force. With this subject is intimately connected the necessity of accommodating the laws, in every respect, to the great object of enabling the political authority of the Union to employ promptly and effectually the physical power of the Union in the cases designated by the Constitution.

PRESIDENT MADISON, 1816.

An efficient militia is authorized and contemplated by the Constitution and required by the spirit and safety of free government. The present organization of our militia is universally regarded as less efficient than it ought to be made, and no organization can be better calculated to give to it its due force than a classification which will assign the foremost place in the defense of the country to that portion of its citizens whose activity and animation best enable them to rally to its standard. Besides the consideration that a time of peace is the time when the change can be made with the most convenience and equity, it will now be aided by the experience of a recent war, in which the militia bore so interesting a part.

PRESIDENT MONROE, 1817.

An improvement in the organization and discipline of the militia is one of the great objects which claims the unremitted attention of Congress.

PRESIDENT MONROE, 1822.

I have to add that in proportion as our regular force is small should the instruction and discipline of the militia, the great resource on which we rely, be pushed to the utmost extent that circumstances will admit.

PRESIDENT MONROE, 1823.

As the defense and even the liberties of the country must depend in times of imminent danger on the militia, it is of the highest importance that it be well organized, armed, and disciplined throughout the Union.

PRESIDENT ADAMS, 1825.

The organization of the militia is yet more indispensable to the liberties of the country. It is only by an effective militia that we can at once enjoy the repose of peace and bid defiance to foreign aggression; it is by the militia

that we are constituted an armed nation, standing in perpetual panoply of defense in the presence of all the other nations of the earth. To this end it would be necessary so to shape its organization as to give it a more united and active energy. There are laws for establishing a uniform militia throughout the United States and for arming and equipping its whole body. But it is a body of dislocated members, without the vigor of unity, and having little of uniformity but the name. To infuse into this most important institution the power of which it is susceptible, and to make it available for the defense of the Union at the shortest notice and at the smallest expense of time, of life, and of treasure, are among the benefits to be expected from the persevering deliberations of Congress.

PRESIDENT ADAMS, 1826.

The occasion was thought favorable for consulting the same board, aided by the results of a correspondence with the governors of the several States and Territories and other citizens of intelligence and experience, upon the acknowledged defective condition of our militia system, and of the improvements of which it is susceptible. The report of the board upon this subject is also submitted for your consideration.

PRESIDENT JACKSON, 1832.

If in asserting rights or in repelling wrongs war should come upon us, our regular force should be increased to an extent proportioned to an emergency, and our present small army is a nucleus around which such force could be formed and embodied. But for purposes of defense, under ordinary circumstances, we must rely upon the electors of the country. Those by whom, and for whom, the Government was instituted and is supported will constitute its protection in the hour of danger, as they do its check in the hour of safety.

But it is obvious that the militia system is imperfect. Much time is lost, much unnecessary expense incurred, and much public property wasted under the present arrangement. Little useful knowledge is gained by the musters and drills now established, and the whole subject evidently requires a thorough examination. Whether a plan of classification, remedying these defects and providing for a system of instruction, might not be adopted, is submitted to the consideration of Congress. The Constitution has vested in the General Government an independent authority upon the subject of the militia which renders its action essential to the establishment or improvement of the system, and I recommend the matter to your consideration, in the conviction that the state of this important arm of the public defense requires your attention.

PRESIDENT JACKSON, 1835.

Occurrences to which we, as well as other nations, are liable, both in our internal and external relations, point to the necessity of an efficient organization of the militia. I am again induced by the importance of the subject to bring it to your attention. To suppress domestic violence, and to repel foreign invasion, should these calamities overtake us, we must rely in the first instance upon the great body of the community whose will has instituted and whose power must support the Government.

PRESIDENT JACKSON, 1836.

In this connection it is also proper to remind you that the defects in our present militia system are every day rendered more apparant. The duty of making further provision by law for organizing, arming, and disciplining this armed defense has been so repeatedly presented to Congress, by myself and my predecessors, that I deem it sufficient on this occasion to refer to the last annual message and to former Executive communications in which the subject has been discussed.

PRESIDENT VAN BUREN, 1837.

It is not, however, compatible with the interests of the people to maintain, in time of peace, a regular force adequate to the defense of our extensive frontiers. In periods of danger and alarm we must rely principally upon a well-organized militia, and some general arrangement that will render this description of force more efficient has long been a subject of anxious solicitude. It was recommended to the First Congress by General Washington, and has since been frequently brought to your notice, and recently its importance strongly urged by my immediate predecessor. The provision in the Constitution that renders it necessary to adopt a uniform system of organization for the militia throughout the United States presents an insurmountable obstacle to an effective arrangement by the classification heretofore proposed, and I invite your attention to the plan which will be submitted by the Secretary of War, for the organization of volunteer corps, and the instruction of the militia officers, as more simple and practicable, if not equally advantageous as a general arrangement of the whole militia of the United States.

PRESIDENT VAN BUREN, 1838.

I would again call your attention to the subjects connected with and essential to the military defenses of the country, which were submitted to you at the last session, but which were not acted upon, as is supposed, for want of time. The most important of them is the organization of the militia on the maritime and inland frontiers. This measure is deemed important, as it is believed that it will furnish an effective volunteer force in aid of the Regular Army, and may form the basis for a general system of organization for the entire militia of the United States.

PRESIDENT VAN BUREN, 1839.

The present condition of the defenses of our principal seaports and navy-yards, as represented by the accompanying report of the Secretary of War, calls for the early and serious attention of Congress, and, as connecting itself intimately with this subject, I can not recommend too strongly to your consideration the plan submitted by that officer for the organization of the militia of the United States

PRESIDENT TYLER, 1843.

In all cases of emergency the reliance of the country is properly placed in the militia of the several States, and it may well deserve the consideration of Congress whether a new and more perfect organization might not be introduced, looking mainly to the volunteer companies of the Union for the present, and of easy application to the great body of the militia in time of war.

PRESIDENT LINCOLN, 1861.

The recommendation of the Secretary (of War) for the organization of the militia on a uniform basis is a subject of vital importance to the future safety of the country and is commended to the serious attention of Congress.

PRESIDENT HAYES, 1880.

Attention is asked to the necessity of providing by legislation for organizing, arming, and disciplining the active militia of the country, and liberal appropriations are recommended in this behalf.

PRESIDENT ARTHUR, 1882 AND 1883.

I invite the attention of Congress to the propriety of making more adequate provision for arming and equipping the militia.

From the reports of these (United States Army) officers I am induced to believe that the encouragement of the State militia organizations by the National Government would be followed by very gratifying results, and would afford it in sudden emergencies the aid of a large body of volunteers educated in the performance of military duties.

PRESIDENT HARRISON, 1890.

The encouragement that has been extended to the militia of the States should be continued and enlarged. These military organizations constitute in a large sense the Army of the United States, while about five-sixths of the annual cost of their maintenance is defrayed by the States.

PRESIDENT CLEVELAND, 1896.

The appropriations for its (organized militia) support by the several States approximate $2,800,000 annually, and $400,000 is contributed by the General Government. Investigation shows these troops to be usually well drilled and inspired with much military interest, but in many instances they are so deficient in proper arms and equipment that a sudden call to active duty would find them inadequately prepared for field service. I therefore recommend that prompt measures be taken to remedy this condition, and that every encouragement be given to this deserving body of unpaid voluntary citizen soldiers, upon whose assistance we must largely rely in time of trouble.

PRESIDENT ROOSEVELT, 1901.

Our militia law is obsolete and worthless. The organization and armament of the National Guard of the several States * * * should be made identical with those provided for the regular forces. The obligations and duties of the guard in time of war should be carefully defined. * * * It is utterly impossible in the excitement and haste of impending war to do this satisfactorily if the arrangements have not been made long beforehand.

HISTORY OF THE MILITIA LAW.

On July 18, 1775, the Continental Congress passed a series of resolutions recommending "to the inhabitants of all the United English Colonies in North America that all able-bodied, effective men between 16 and 50 years of age in each colony immediately form themselves into regular companies of militia." One of these resolutions is particularly suggestive, as it contains the germ of the volunteer system which has now grown to such proportions that we have been led to recommend its recognition, and is as follows:

That one-fourth part of the militia in every colony be selected for minutemen, of such persons as are willing to enter into the necessary service, * * * and as these minutemen may eventually be called to action before the whole body of the militia are sufficiently trained, it is recommended that a more particular and diligent attention be paid to their instruction in military discipline.

On the formation of the Federal Government one of the earliest acts of the first House of Representatives, in 1789, was the appointment of a committee to prepare a bill to organize the militia. The session adjourned before the committee made a report, but at the following session, in 1790, General Knox, Secretary of War, submitted his celebrated plan for organizing the militia, accompanying it by a letter of transmittal, which is remarkable for its terse, striking, and strong arguments. His plan, in brief, was that every boy, on arriving at the age of 18 years, should be enrolled in the cadet corps of militia and be obliged to serve in camp of instruction thirty days in each of first two years and ten days the third year, and that no person arriving at the age of 21 years should be entitled to exercise the rights of a citizen unless he could produce his certificate of having so served. All citizens between 21 and 45 years of age were to be enrolled in the main corps of militia and be obliged to drill four days in each year, and between 45 and 60 years of age to be enrolled in the reserve corps, which should be assembled twice in each year for inspection of arms. Under his plan the General Government was to furnish uniform, arms, equipments, and bear all the expenses of the camps of instruction.

The features of General Knox's plan were embodied in a bill by a committee of the House of Representatives, and the subject was discussed through the two succeeding sessions until all of its original features were changed or modified, and the act of May 8, 1792, finally agreed upon and enacted. As this is the law still in force, we reserve a detailed explanation of its provisions, and simply state here that its main feature is that every citizen between 18 and 45 years of age shall be enrolled in the militia and shall arm and equip himself at his individual expense. This law was found to be so crude and inadequate that it became the subject of criticism immediately after its passage, and of efforts to amend it which have continued to the present time. As well expressed by Washington, after the attempt was made to put it in practical operation, it "exhibited such striking defects as could not have been supplied but by the zeal of our citizens;" and in his annual messages to each succeeding session of Congress, during his two terms of office, he urged that the evident defects of the law be remedied.

In the session succeeding the enactment of the law an effort was made to repeal the provision requiring every citizen to arm himself. In the next following session, in 1794, a bill was reported by a committee of the House of Representatives to organize a "select corps" of militia, to be armed and equipped by the General Government, and paid for service in annual camps of instruction. Different propositions, having in view these two changes in the militia system, were discussed in successive sessions until 1798, when the threatened condition of our relations with France culminated in the formation of a provisional army

and other warlike preparations that temporarily suspended consideration of the militia system.

Our troubles with France having been amicably settled, the militia question again assumed prominence, and Jefferson in his annual messages to Congress, importuned them to take some action. It was chiefly through his earnest efforts that the law of April 23, 1808 (section 1661, Revised Statutes), was passed, making a permanent appropriation of $200,000 a year to provide arms and equipments for the militia. Somewhat curiously, however, the requirement of the old law that every citizen should arm and equip himself was not repealed, and still remains the statute.

As the country was rapidly increasing in population the uselessness of requiring active militia duty from the whole body of citizens became more apparent, and was felt to be an unnecessary burden. Jefferson, in his annual message in 1805, recommended that the militia be classified according to ages, and thought that those from 18 to 26 years of age would form a sufficiently large body to be subjected to any duty in time of peace.

This proposition was taken up by Congress, and in various forms was the subject of debate in successive sessions, until the war of 1812 put an end to the discussion without any result having been reached.

Madison was almost as urgent in his appeals to Congress to amend the militia law as Jefferson had been. In his annual message in 1810 he advanced a new proposition in the suggestion that the commissioned and noncommissioned officers of the militia should be assembled in annual camps of instruction at the expense of the General Government; and in his last annual message, in 1816, he earnestly recommended a reorganization of the militia, and classifying them according to age.

Prompted by the recommendation of Madison, the Fourteenth Congress, in 1816, directed the Secretary of War to prepare and report a plan for the organization of the militia. Secretary of War Graham reported to the following session, recommending that the militia be divided into three classes according to age, and that the two younger classes be required to assemble annually in camps of instruction and be armed, equipped, and subsisted at the expense of the General Government. This report was referred to a committee of which General Harrison (then a Representative from Ohio) was chairman. Harrison took a deep interest in the subject, and presented a careful report. He deemed it essential that the whole body of the people should be instructed in military matters, and for this purpose recommended that military instruction be made a branch of education in every school in the country. Believing that it would entail too great an expenditure of time and money to subject the whole enrolled militia to drill and military training, he revived the propositions first made by President Madison, and recommended that the officers and sergeants be assembled annually in camps of instruction, be paid for their time, and be thoroughly drilled and instructed at the expense of the General Government, which he estimated would amount to about one and a half million dollars a year. Harrison continued the agitation of the subject while he remained in Congress, and made reports in 1818 and 1819 urging action.

Various bills and propositions were introduced and discussed from 1819 to 1825, most of them, however, agreeing in classifying the militia so that only a small portion of it should be subject to any duty in time of peace, and that this portion should be maintained at the expense of the General Government.

In 1825 Secretary of War Barbour addressed a circular letter to the governors of all the States and to many citizens most prominent in military and civil life, setting forth that it had long been apparent that some change in the militia law was necessary, and asking their views on the subject. He then convened a board composed of some of the most distinguished officers of the Army and militia for the purpose of considering the question, and submitted to them the voluminous correspondence that had resulted from his circular letter.

It is worthy of note that the president of this board was Winfield Scott, then a major-general in the Army, and that Zachary Taylor, then a lieutenant-colonel of artillery, was one of the members. The militia were represented on the board by General Cadwalader, of Pennsylvania; General Sumner, of Massachusetts, and General Daniel, of North Carolina.

The report of this board (S. Docs., second session Nineteenth Congress, vol. 1), together with all the papers and correspondence connected with it, was transmitted to Congress by the President. The board reported that they considered the primary defects of the militia law to be in the excess of numbers which it held to service. They recommended that a select corps of militia be formed, to consist in each State of one brigade for every Congressional Representative, and that the officers of this select militia be assembled in camps of instruction ten days in each year, and be paid by the General Government for their time and traveling expenses. They also recommended that the office of adjutant-general of militia be created, and that, on the application of State executives, the United States should furnish officers to instruct the annual camps.

From 1826 to 1835 the unanimity of opinion as to the absolute necessity of some change in the militia law was only equaled by the diversity of opinion as to what that change should be, and resulted in unproductive discussions of numerous bills and propositions that were submitted.

In 1835 President Jackson, in his annual message, urged Congress, in his usual forcible style, to give their attention to the subject, and, among other things, recommended that volunteer organizations be encouraged and inducements held out for their formation. The Secretary of War (General Cass), in his annual report, gave his views on the subject, and represented the necessity of some legislation. Urgent effort was made in Congress to secure agreement to some plan, but without success.

In 1840 Secretary of War Poinsett submitted a plan to Congress. Apparently despairing of securing agreement to any plan that simply changed and perpetuated the existing system, he proposed a radical reform that stretched the constitutional powers of the General Government to such an extent as to cause opposition to it on that ground. His plan was to divide the militia into three classes—the active, reserve, and mass. The active militia to consist of 100,000 men, apportioned to the respective States, and each State to be required to keep its quota filled at all times, either by voluntary enlistment or draft. One-fourth of the active militia to go out of service annually and be enrolled in the reserve corps. The mass of the militia not to be subject to any duty in time of peace. He proposed that Congress should by law authorize the President to order the active militia into the service and pay of the United States for thirty days in each year for the purpose of placing them in camps of instruction.

This appears to have been the last decided attempt to save the decaying system from dissolution, with the exception of an effort in 1846, when a bill was reported to remedy the excess of number of the militia by limiting the enrollment in time of peace to those between 21 and 30 years of age, who should be formed into a legion of active militia in each State, the officers of which should serve annually in camps of instruction at the expense of the General Government.

The militia system, by this time, was virtually dead; during the many years devoted to debating a remedy for its defects it had gradually sunk, until it no longer existed except on the statute book. In the meantime, in all the States, by a process of "natural selection," there had sprung up volunteer organizations of militia, and the States, by fostering and encouraging them, had supplied the deficiencies of the general law. These volunteer organizations made possible and gave efficiency to that splendid body of volunteers whose soldierly qualities and deeds of valor in the Mexican war gave such renown to our arms.

After that war still greater interest was manifested in the volunteer militia; the States devoted to them the meager supply of arms and equipments obtained annually from the General Government, which in many instances they supplemented by large appropriations of their own, and the volunteer militia continued to increase in numbers and efficiency until the breaking out of the "war of the rebellion." Of that fearful struggle it is safe to say that the magnificent armies which were so quickly formed on both sides were only made possible by the fact that the efforts of regularly educated officers in drilling and disciplining them were supplemented by those who had received a partial military training in the volunteer militia.

Just before the war, in 1860, an earnest effort was made in the House of Representatives to increase the annual appropriation for furnishing arms and equipments to the militia. In urging the measure, Mr. Vallandigham reviewed the militia system and spoke of the volunteer system replacing it, asserting that they would "in time become the National Guard of America."

After the close of the "war of the rebellion" another most decided effort was made, both in the House and Senate, to reorganize the militia, or rather to create a new militia system, and several bills for that purpose were introduced in the Thirty-ninth Congress. Although none of these bills were passed, they contained provisions that are interesting and suggestive, and some that went to the extreme limit, if they did not go beyond the constitutional power of Congress in the premises. It was, however, a purpose common to all the bills to form an active volunteer militia, and that seemed to be accepted as the true solution of the militia question.

Every nation maintains some form of militia as a reserve to its standing army, and the smaller the standing army the greater the necessity that the militia be thoroughly organized and efficiently trained. Under our form of government the militia has two distinct functions: For the States, separately, it is their reserve police force for the preservation of order, the support of civil authority, and the enforcement of law; for the States,

collectively, it was intended by the Constitution to be a military force trained to be a reserve or support to the Regular Army in sudden emergencies, and a school of instruction in which the youth of the country should receive a sufficient amount of military instruction to enable the country to raise efficient volunteer armies when needed.

These two distinct objects of the militia are skillfully provided for in the Constitution, which delegates to Congress the power "to provide for organizing, arming, and disciplining the militia," and reserves to the States the appointment of the officers and the authority to train the militia, but this latter reservation is carefully limited by the proviso that they shall train them "according to the discipline prescribed by Congress."

The wisdom of the men who founded our Government, and the necessity of carrying out their theories by maintaining an efficient militia is clearly demonstrated by the condition of our country to-day. Rich, prosperous, devoted to agriculture, manufactures, and commerce, we apparently have no danger threatening us. But in case of threatened danger, foreign or domestic, the small body of regular troops we could summon to our defense would be wholly inadequate, and the mass of patriotic citizens that might volunteer for defense would simply become victims of ignorant zeal, and their lives and treasure be wasted. It is wise, and it is necessary to the future security of our country, that we maintain such an efficient militia force that it will be counted as a material element in our means of national defense, and thereby secure us against attack.

The first enactment of Congress in furtherance of its constitutional power over the militia—an act to provide for calling forth the militia to execute the laws of the Union, to suppress insurrections, and repel invasions—received executive approval on May 2, 1792 (1 Stats., 264). It had been found necessary on three occasions, within the two years immediately following the establishment of the Government under the Constitution, to authorize the President to call forth a portion of the militia, but in none of the enactments to that end had a method of calling it forth been pointed out or provided for, and it was for that reason that the statute regulating the calling forth of the militia preceded, in order of time, the legislation of Congress in respect to its organization and discipline. This failure to legislate had not been due to a want of initiative on the part of the executive branch of the Government, which had prepared and submitted to the First Congress a plan for the organization of the militia, which will presently be described; and it was not until the first session of the Second Congress was approaching its end that that question received favorable action at the hands of Congress in the form of "An act more effectually to provide for the national defense by establishing a uniform militia throughout the United States," which was approved on May 8, 1792 (1 Stats., 272).

A scheme for the "arrangement of the militia" was submitted to the First Congress, during its first session, by the Secretary of War (General Knox), but without legislative result. A modified form of the same project was formally transmitted to the Senate by President Washington on January 21, 1790, and will be found in Volume XII of the American State Papers (Volume I, Military Affairs, pp. 6–13). Some traces of this plan are to be found in the organization clauses of the general militia law of 1792, but, aside from this, it can hardly be said to have received serious legislative consideration.

The Knox project contemplated the organization of one or more legions in each State; each legion or division to have a numerical strength of 153 commissioned officers and 2,880 enlisted men, and to be composed of 2 brigades of infantry of 2 regiments each, and of 2 companies of riflemen, a battalion of artillery of 4 companies, and a squadron of cavalry of 2 companies, which were to be under the immediate control of the legionary or division commander.

The infantry regiments were to be composed of two battalions of eight companies each, and the company, of all arms of service, consisted of six sections of 12 men each, the section being the fundamental unit of the legionary organization. The number of legions, or divisions, to be maintained in any State depended upon the number of its able-bodied male population, and the male population of the United States of military age was estimated by General Knox, at the date of the project in 1790, to consist of 325,000 men. From this computation slaves and exempts were excluded. Assuming the entire body of the militia, as subsequently described in section 1 of the act of May 8, 1792, to consist of 325,000 men, General Knox made the following arrangement into corps or classes: The first class to constitute the advanced corps, ages 18, 19, and 20, 32,500; the second class to constitute the main corps, ages 21 to 45, 211,250; the third class to constitute the reserve corps, ages 46 to 60, 81,250; making an aggregate of 325,000, which would constitute nearly 110 legions, or divisions, of 3,033 men each.

The following table shows the composition of the legion:

The legion.

	Commissioned officers.	Enlisted men.	Total.
Legionary staff	5	.....	5
Two brigades	4	.....	4
Four regiments of infantry	24	2,400	2,424
Two companies of riflemen	6	150	156
Four battalions of artillery, four companies	12	600	612
One squadron of cavalry, two companies	6	150	156
Total	57	3,300	3,357

General Knox's project contemplated the progressive organization of the legions, beginning with a force of 10,000 men, or three legions, for the first year, to which three legions of 10,000 men were to be added on each succeeding year. The legions first embodied were to consist of young men of the advanced corps of the ages of 17, 18, and 19 years, those of 17 and 18 being required to take part in the annual camps of instruction, which were to be maintained for thirty days. At the age of 20 but ten days' service was to be required, and this was to be rendered during the last ten days of the annual encampment. The legions of the main corps were eventually to be composed of men who had passed through the course of instruction prescribed for the advanced corps.

The Knox project is less specific in respect to the detailed organization of the main and reserve corps. It is apparent that much less was expected, in point of efficiency, from those portions of the militia, although their organization into legions was contemplated—apparently under State auspices; but their training was not carefully provided for, and the contributions of the General Government for their support were intended to be casual and occasional, including expenditures much less considerable in amount than was appropriated for the advanced corps. The main and reserve corps were to "practice the exercises and maneuvers" for four days only in each year; the regiments were to be assembled annually, but the legions were only required to be mobilized once in three years. The reserve corps was to be assembled twice annually for an inspection of arms. As no provision was made for the cost of arms or equipments, it is presumed that they were to be furnished by the individual members of the militia in accordance with the existing practice.

The estimated expense of carrying the plan into effect for the first three years was as follows: Cost of clothing, subsistence, etc., for 10,000 men, including pay of officers, first year, $225,670; cost of same for 20,000 men (10,000 additional), second year, $346,340; cost of same for 30,000 men (20,000 additional) for the third year, and the annual cost thereafter of camps of instruction, $390,440, or, in round numbers, $400,000 per annum.

The revenues of the United States from the date of the organization of the Government under the Constitution to December 31, 1792, were $11,017,460.84, and the project of General Knox contemplated an annual expenditure of 3.7 per cent of the entire Federal revenue in the maintenance of the militia. The revenues of the United States for the fiscal year ending June 30, 1887, when the appropriation for arming and equipping the militia actually reached $400,000, amounted to $371,403,278; 0.001 per cent of which was expended by the Federal Government as its contribution to the support of the militia.

If the present annual revenue of the United States from all sources be estimated at $500,000,000, an appropriation of 3.7 per cent for militia purposes would require the expenditure of $18,500,000 per annum.

General Knox's project is worthy of attention for several reasons:

First. On account of the expense involved, as indicating the importance attached to the matter of military preparation by Generals Knox and Washington.

Second. By reason of the implied participation of the Federal Government in the training of the militia, as is indicated by its proposition to charge itself with the entire expenses of the annual encampments.

Third. The attempt to form a national militia force which could be safely relied on in time of war, by passing a portion of the able-bodied male population through an annual course of military instruction at an age when such instruction was likely to be most effective and profitable. This project preceded by nearly twenty years the corresponding attempt of the Government of Prussia, under Scharnhorst and Stein, to form an army on similar lines to resist the aggressions of the Emperor Napoleon.

Fourth. The failure to provide the armament of the militia at the expense of the public; while clothing, subsistence, the pay of the commissioned officers, and the incidental expenses of the

annual encampment was made a charge against the United States, the expense of furnishing small arms was required to be borne by the individual members of the militia.

Fifth. Were it possible to carry it into effect to-day, upon a larger scale, and with some modifications, suggested by the military experience gained by the General Government during the last century, it would probably solve the problem of an efficient national militia.

No immediate action was taken by Congress on General Knox's plan for the organization of the militia, and there is no indication in the state papers that the matter received serious legislative attention at any time. Subsequent Executive recommendations having in view a general modification of the militia laws were without legislative result.[a]

THE GENERAL MILITIA LAW OF 1792.

The pressure of the Indian war in progress in the Northwest Territory at the time of the adoption of the Constitution made it necessary for Congress to undertake a permanent organization of the militia. Hildreth speaks of this as "a very difficult subject, as well on account of the conflicting claims to authority on the part of the States and the General Government, as by reason of obstacles to be encountered in establishing any system that should produce an effective force."[b] The emergency was met near the close of the first session of the Second Congress by the enactment of a statute regulating the militia of the United States. "The act as passed still remains, in spite of numerous attempts to amend it, the basis of the militia system of the United States; though very much modified as to its local operation by State laws on the same subject."[c]

The original enactment on this subject was the act of May 8, 1792 (1 Stats., 271), and is embodied, with some modifications, presently to be discussed, in the revision of the statutes in 1874, as Title XVI, sections 1625 to 1661 of the Revised Statutes.

THE BASIS OF ENROLLMENT.

The original enactment[d] contemplated the establishment of militia districts in the several States composing the Union; in each of these a company of militia was to be maintained, which was to be under the supervision of a captain; the territorial area composing such district being indefinitely described in the statute as "the bounds of his company." It is fair to presume that the districts so created were more exactly described in the legislation of the several States in respect to their militia, adopted subsequently to the enactment of the general militia law; but such enactments were not general, and legislative interest in militia matters languished until, in the first quarter of the nineteenth century, it became practically obsolete as a part of the constitutional military establishment.

The first section of the act of May 8, 1792, assuming the existence of the company district above described, makes every able-bodied male citizen of the respective States, resident therein, who is of the age of 18 years and under the age of 45 years, a member of the "enrolled," as distinguished from the "embodied," militia; a distinction which will be presently explained. The same section provided for the enrollment, which was to be made by the captain; and the second section specifically described the persons or classes of persons who are exempted from enrollment. It is only necessary to observe in respect to the foregoing provision for enrollment that it has been obsolete in fact for nearly a century, and is entirely impracticable at the present time, if for no other reason, because it makes a demand upon the citizen for military service which is, in some respects, considerably more extensive than any which prevails in the continental states of Europe, where military forces are raised by conscription; for where a system of conscription exists a considerable portion of the able-bodied male population, by drawing fortunate numbers, escape military service, which would have been impossible under a rigorous enforcement of the enrollment clauses of the legislation of 1792, the operation of which would have called into the militia service the entire able-bodied male population of the United States.

ORGANIZATION.

Section 3 of the act of May 8, 1792, prescribed a general organization of the militia. Each regiment was to consist of two battalions of five companies each. A regiment of two battalions was to have a colonel, lieutenant-colonel, one major, and one chaplain. An adequate regimental staff was also provided. A separate battalion was commanded by a major who was not assisted by either a commissioned or noncommissioned staff. The company of infantry, which was the fundamental unit of the organization, was composed of 1 captain, 1 lieutenant, 1 ensign, 4 sergeants, 4 corporals, 2 musicians, and 64 privates. Each battalion was to have one company of "grenadiers, light infantry, or riflemen," and it is not quite clear whether this company was to be in addition to or to be formed out of the five by selection or otherwise. The context would indicate, however, that the latter course was contemplated in the formation of the special company above described. A company of artillery was authorized for each division, and was to be composed of 1 captain, 2 lieutenants, 4 sergeants, 4 corporals, 6 gunners, 6 bombadiers, 2 musicians, and 64 privates. A "troop of horse" was composed of 1 captain, 2 lieutenants, 1 cornet, 4 sergeants, 4 corporals, 1 saddler, 1 farrier, 1 trumpeter, and 64 privates. During the war of the rebellion the organization of the militia was modified by the act of July 17, 1862 (12 Stats., 597), which provided a ten-company organization for the infantry regiment, and required companies of cavalry and artillery to be organized "as in the regular service." This statute is still in force.

The tactical organization of the militia of the several States was provided for in section 3 of the act of May 8, 1792 (sec. 1630, Rev. Stat.), by a general requirement that the militia of each State "shall be arranged into divisions, brigades, regiments, battalions, and companies, as the legislature of the State may direct." Each brigade was to consist of four regiments, but the composition of the division was not expressly provided; and the divisions, brigades, and regiments were to be numbered at their formation, the numbering being of record in the adjutant-general's office of the State; and "when in the field, or in service in the State, each division, brigade, and regiment shall respectively take rank according to its number."

The third section also provided the number, rank, and duties of the general and staff officers necessary to the command and administration of the tactical organization therein provided for. The act of March 2, 1803 (2 Stats., 207), made further provision for the general staff of the militia forces. The organization prescribed for the militia in the act of May 8, 1792, underwent some modification in the act of July 17, 1862 (12 Stats., 598), which prescribed a regiment of infantry of ten companies; fixed the proportions of artillery and cavalry at one company of each arm for each ten-company regiment of infantry, and established a uniform organization for divisions and brigades. This enactment, which is embodied in sections 1645–1647 of the Revised Statutes, is still in force.

ARMAMENT AND EQUIPMENT.

In considering the several sections of the act which provides for the armament and equipment of the militia it is necessary to remember that the militia during and immediately succeeding the war of the Revolution was a trained force composed to an appreciable extent of men skilled in the use of firearms and accustomed to military operations. As a considerable portion of the able-bodied males of militia age possessed firearms and were fully accustomed to their use in 1792, it was only necessary, in the enactment of that year, to verify the fact of such possession on the part of those who were required by statute to render service in the militia and to secure such uniformity in type and caliber of firearms as was possible under the peculiar circumstances of the case. The clauses of the statute which relate to the arms, ammunition, and equipment, therefore, placed the burden of providing them upon the individual; but in consideration thereof it was provided that "all arms, ammunition, and accouterments so provided and required shall be held exempted from all suits, distresses, executions, or sales, for debt of for the payment of taxes."

Section 2 of the act of March 2, 1803 (2 Stats., 207), contains a requirement, in aid of the act of May 8, 1792, to the effect that—

> Every citizen duly enrolled in the militia shall be constantly provided with arms, accouterments, and ammunition, agreeably to the direction of said act, from and after he shall be notified of his enrollment; and any notice or warning to the citizens so enrolled to attend a company, battalion, or regimental muster, or training, which shall be according to the laws of the State in which it is given for that purpose, shall be deemed a legal notice of his enrollment.

The possibility of war with France in the last decade of the eighteenth century led to some revision of view on the part of Congress in respect to the efficiency of the militia and the uniformity and completeness of its armament, which is reflected in the act of July 6, 1798 (1 Stats., 576), which authorized the manufacture of a limited number of firearms for sale to the States for the use of their militia. The enactment required—

> That there shall be provided, at the charge and expense of the Government of the United States, 30,000 stand of arms, which shall be deposited, by order of the President of the United States, at suitable places, for the purpose of being sold to the governments of the respective States, or the militia thereof, under such regulations, and at such prices, as the President of the United States shall prescribe.
>
> That the President of the United States be, and he is hereby, authorized to cause all or any part of the arms herein directed to be provided and deposited for sale, which shall at any time remain unsold, to be delivered to the militia, when called into the service of the United States, proper receipts and security being given for the return of the same.

The sum of $400,000 was appropriated to carry the statute into effect. An earlier statute (secs. 11 and 12 of the act of May 28, 1798; 1 Stats., 558), authorized the loan of field pieces to militia

[a] Messages and Papers of the Presidents, Vol. I, pp. 71, 238, 240, 329, 519, 538; Vol. II, *ibid.*, 303, 603.
[b] Hildreth, History of the United States, Vol. IV, p. 310.
[c] Ibid.
[d] Act of May 8, 1792 (1 Stat. at Large, 272).

organizations established by law, and of field artillery, arms, and accouterments to any portion of the militia which may be called forth and engaged in the actual service of the United States. The new policy culminated in the act of April 23, 1808 (2 Stats., 490), which made an annual appropriation of $200,000 for the armament and equipment of the entire body of the militia, which was made permanent by the act of April 29, 1816 (3 Stats., 320). This annual appropriation remained at $200,000 for seventy-nine years, when it was increased to $400,000 annually by the act of February 12, 1887 (24 Stats., 401), and to $1,000,000 by the act of June 6, 1900 (31 Stats., 662).

ACCOUNTABILITY FOR PROPERTY.

The act of July 6, 1798 (1 Stats., 576), passed in contemplation of the war with France, authorized the President to sell arms to the several States for the use of their militia, and any arms remaining unsold were, by the same authority, to be issued to the militia "when called into the service of the United States, proper receipts and security being given for the return of the same."

The act of April 23, 1808, and that of April 26, 1816, made a permanent annual appropriation for arming and equipping the whole body of the militia, but contained no provisions respecting the accountability for the arms, ammunition, equipments, and other articles of war material furnished to the several States for the use of their militia forces, and it was not until the annual appropriation had been increased to $400,000 that the matter was brought to the attention of Congress; as a consequence a clause was inserted in the act of February 12, 1887, which fixed the right of property in all articles supplied to the militia in the Government of the United States, and prescribed a system of accountability which is calculated to insure their care and preservation, and also to regulate their final disposition when, by the incidents of service, they have become obsolete or unserviceable.

BASIS OF DISTRIBUTION.

It having become the policy of the United States to gradually arm the entire body of the militia, it became necessary to establish some uniform rule of distribution, and such a rule was provided in section 3 of the act of April 23, 1808, which contained the requirement:

> That all the arms procured in virtue of this act shall be transmitted to the several States composing this Union and Territories thereof, to each State and Territory, respectively, in proportion to the number of the effective militia in each State and Territory, and by each State and Territory to be distributed to the militia in such State and Territory, under such rules and regulations as shall be by law prescribed by the legislature of each State and Territory.

What constituted the "effective" militia is not easy at this distance of time to determine. Assuming the term to have been used in the sense in which it was then understood, it would seem to have included such portion of the able-bodied male citizens of the several States between the ages of 18 and 45 as were subject to enrollment, and were presumed to have been enrolled in conformity to the act of May 8, 1792, and this constituted the basis of distribution until 1855, when the apportionment was changed by a provision requiring:

> That the annual distribution of arms to the several States under the act approved April 23, 1808, entitled "An act making provisions for arming and equipping the whole body of the militia of the United States," shall be hereafter made according to the number of their Representatives and Senators in Congress, respectively; and that arms be distributed to the Territories and the District of Columbia in such quantities and under such regulations as the President, in his discretion, may prescribe: *Provided*, That the Secretary of War shall first equalize, as far as practicable, the number of arms heretofore distributed and now in possession of the several States, so that each State which has received less than its pro rata share shall receive a number sufficient to make an equal pro rata proportion for all the States, according to the present number of their Representatives and Senators in Congress, respectively. (Sec. 7 of the act of March 3, 1855; 10 Stats., 635.)

This enactment continued in force for about thirty-two years, when it was replaced by section 2 of the act of February 12, 1887 (24 Stats., 401), which provided, in addition to the apportionment upon the basis of representative districts:

> That no State shall be entitled to the benefits of the appropriation apportioned to it unless the number of its regularly enlisted, organized, and uniformed active militia shall be at least 100 men for each Senator and Representative to which such State is entitled in the Congress of the United States. And the amount of said appropriation which is thus determined not to be available shall be covered back into the Treasury.

The present distribution is regulated by the foregoing enactment.

CALLING FORTH THE MILITIA.

The Constitution (Art. I, sec. 8, par. 14) authorizes the militia to be employed "to execute the laws of the Union, suppress insurrections, and repel invasions." The first legislation under this clause of the Constitution was that contained in the act of May 2, 1792 (1 Stats., 264), which authorized the President to call forth the militia in the following cases:

First. Whenever the United States shall be invaded, or be in imminent danger of invasion from any foreign nation or Indian tribe, it shall be lawful for the President of the United States to call forth such number of the militia of the State or States most convenient to the place of danger or scene of action as he may judge necessary to repel such invasion, and to issue his orders for that purpose to such officer or officers of the militia as he shall think proper.

Second. In case of insurrection in any State, against the government thereof, it shall be lawful for the President of the United States, on application of the legislature of such State, or of the executive (when the legislature can not be convened), to call forth such number of the militia of any other State or States as may be applied for, or as he may judge sufficient to suppress such insurrection.

Third. Whenever the laws of the United States shall be opposed, or the execution thereof obstructed, in any State, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings * * * it shall be lawful for the President of the United States to call forth the militia of such State to suppress such combinations, and to cause the laws to be duly enforced.

In the last case above cited (where the laws of the United States shall be opposed or the execution thereof obstructed) the statute provided that—

> If the militia of the State, where such combinations may happen, shall refuse or be insufficient to suppress the same, it shall be lawful for the President, if the legislature of the United States be not in session, to call forth and employ such numbers of the militia of any other State or States most convenient thereto, as may be necessary, and the use of the militia, so to be called forth, may be continued, if necessary, until the expiration of thirty days after the commencement of the ensuing session.

This enactment was to continue in force for two years and "from thence to the end of the next session of Congress thereafter, and no longer." (Sec. 10, act of May 2, 1792; 1 Stats., 264.)

Before the act of May 2, 1792, had expired by its own limitation, the matter was again taken up by the legislature, and just before the close of the last session of the Second Congress, the old enactment was replaced by the act of February 28, 1795 (1 Stats., 424), which, with some modifications, still regulates the calling forth of the constitutional militia, and was embodied in the revision as sections 1642 to 1660 and 5297 to 5300 of the Revised Statutes. The new statute vested less discretionary power in the Executive than did the enactment which it replaced, and was similarly defective in that it did not prescribe, in express terms, the method to be followed by the President in calling forth the militia. The need of such a requirement was apparent, as Governor Mifflin of Pennsylvania, when requested by the Federal Government, in July, 1794, to call forth the State militia to assist in the restoration of order in western Pennsylvania—the theater of the whisky insurrection—had declined to do so, and had thus drawn attention to one of the obvious defects of the original statute.[a]

This enactment gave rise to the leading cases of Houston *v.* Moore (5 Wheaton, 1), and Martin *v.* Mott (12 Wheaton, 19). In the former case the constitutionality of the statute was affirmed by the Supreme Court, and in the latter it was decided that the President was the exclusive judge of the existence of an emergency justifying the calling forth of the militia in the cases specified in the Constitution.

It will be observed that the acts of 1792 and 1795 contemplated two methods of calling forth the militia: One, suggested by the relative situation and powers of the two political sovereignties, but not expressly prescribed in either enactment, presumes that the call would be first addressed to the executive authority of the State; the other authorized the President to order particular organizations of the militia into the Federal service. Although the first, or normal method, has failed on several occasions of emergency, I can find no instance in which the second method has been resorted to. On this point the court, in the case of Houston *v.* Moore,[b] says:

> The method of calling forth the militia by requisition, is, it is believed, the only one hitherto resorted to in any instance. Being partially dependent upon the integrity of the States, the General Government has hitherto been satisfied to rest wholly on that integrity, and, except in a very few instances, has never been disappointed. The compulsory power has been in its practice held in reserve, as only intended for use when the other shall fail. Historically it is known that the act of 1795 was passed with a view to a state of things then existing in the interior of Pennsylvania, when it became probable that the President of the United States would have to exert the authority of the General Government immediately on detached portions of the officers or militia of the Union, to aid in the execution of the laws of the United States. And the instances may still occur in which the exercise of that power may become necessary for the same purpose. But, whenever bodies of militia have been called forth for the purposes of general defense, it is believed that in no instance has it been done otherwise than by requisition, the only mode practiced toward the States from the commencement of the Revolution to the present day.

TERM OF SERVICE.

In the earlier enactments in respect to the Federal employment of the militia, the period of compulsory service was fixed at three

[a] During the war of 1812 the governors of Massachusetts, Connecticut, and Rhode Island expressly declined to honor the call of the President for detachments of their respective militia. (12 American State Papers, vol. 1, Military Affairs, pp. 321-326, 604-623.)

[b] For a form of requisition upon the executive of a State for a quota of its militia, see letter from the Secretary of War to the governor of Pennsylvania; 5 Wheaton, page 28, note *a*.

months in any one year, and the completion of such a period of service entitled a member of the militia to exemption from active service save "in due rotation with every other able-bodied man of the same rank in the battalion to which he belongs." (Sec. 4, act of February 28, 1795; 1 Stats., 424.) This period was extended to six months by section 2 of the act of March 3, 1839 (5 Stats., 355), and to sixty days after the commencement of the next regular session of Congress, by section 3 of the act of July 29, 1861 (12 Stats., 281), and to nine months by the act of July 17, 1862 (ibid., 597), which is the existing law.

PENAL CLAUSES.

The authority to order forth the militia presumes the existence of a power to compel execution of the order. As the field of operation of such an order is included in the debatable ground lying between the Federal and State jurisdictions, and partly covered by both, conflicts would be likely to arise were it attempted to cover it by legislation originating with either sovereignty. Section 5 of the act of February 28, 1795 (1 Stats., 424), the Federal enactment on the subject, provides:

> That every officer, noncommissioned officer, or private of the militia who shall fail to obey the orders of the President of the United States, in any of the cases before recited, shall forfeit a sum not exceeding one year's pay, and not less than one month's pay, to be determined and adjudged by a court-martial; and such officer shall, moreover, be liable to be cashiered by sentence of a court-martial, and be incapacitated from holding a commission in the militia for a term not exceeding twelve months, at the discretion of the said court; and such noncommissioned officers and privates shall be liable to be imprisoned, by a like sentence, on failure of the payment of fines adjudged against them for one calendar month for every $5 of such fine.

The leading case of Martin *v.* Mott (12 Wheaton, 19), already alluded to, grew out of an attempted enforcement of this section, and that of Houston *v.* Moore (5 Wheaton, 1) out of a corresponding attempt in the case of an enactment of the Pennsylvania legislature in its support. A report submitted to Congress by the Comptroller of the Treasury on October 30, 1820, shows that 9,945 persons were fined under the provisions of this section in sums aggregating $483,685.41 for neglect of duty in failing to render service in the militia during the war of 1812 (12 American State Papers, vol. 2, Military Affairs, pp. 314–319), to which should be added $15,377 subsequently reported as collected in Virginia. An incomplete report of the expenses of the court-martial convened for the purpose of imposing fines for the year above mentioned shows that $97,194.14 were disbursed on that account during that period. In New York the fines collected amounted to $243,609.41, and the cost of collection was $55,428.49, about 20 per cent. In Pennsylvania $15,377 was collected at a cost of $41,531.77. Regarded, therefore, as a practicable method of enforcing obedience to the President's orders calling forth the militia, this portion of the enactment must be looked upon as a failure.

TRAINING AND DISCIPLINE.

The clauses of the Constitution which deal with the militia vest in the General Government two important powers: One to call it forth in the event of the existence of one of the emergencies described in that instrument, and the other to provide for its organization and discipline. The term "discipline," as used in the Constitution, in describing one of the powers of Congress in respect to the militia, has been interpreted to extend no further than to prescribe methods that were to be used by the State authorities in the training and instruction of the militia—this, probably, with a view to secure uniformity in instruction.

In the enactment of 1794 the organization of the militia is provided for—very imperfectly, indeed, when judged by the standard of a century ago, obsolete, ineffective, and in some respects grotesquely absurd when compared with the system of to-day. The power to discipline the militia, also vested in Congress, was exercised in the same enactment by a requirement that the rules of discipline framed by Baron Steuben, and approved and established by a resolution of Congress, dated March 29, 1779, and which had been examined and subjected to some modification by General Washington prior to their submission to Congress, should be "the rules of discipline to be observed by the militia throughout the United States." (Sec. 7 of the act of May 8, 1792; 1 Stats., 272.)

This section was repealed and the Steuben drill regulations were displaced by the system devised by Maj. Gen. Winfield Scott by the act of May 12, 1820 (3 Stats., 582), which directed that—

> The system of discipline and field exercises, which is and shall be ordered to be observed by the Regular Army of the United States, in the different corps of infantry, artillery, and riflemen, shall also be observed by the militia, in the exercise and discipline of the said corps, respectively, throughout the United States.

This enactment is still in force.

MODIFICATIONS OF THE GENERAL MILITIA LAW.

The general militia law has been in existence for a little more than a century; during the greater part of that time it has been in some respects inoperative, and in others substantially obsolete. As a measure of national defense it failed signally in 1812; it was not resorted to during the wars with Mexico in 1846, or with Spain in 1898; and its enforcement was attempted, with more than doubtful advantage, during the war of the rebellion.

It is but just to say, however, that the prompt response of the militia of the loyal States to the call of President Lincoln saved the Capital in 1861, and enabled the Government to occupy and hold a number of important places and lines of communication and supply at the outbreak of the civil war, some of which would have passed into the military possession of the enemy had there been no such force in existence. But when it was attempted to employ the militia in active field operations it failed as signally in 1861 as it did in 1812. This failure is due in part to the clauses of the Constitution upon which the law is based, and in part to the political forces of whose antagonistic operation the constitutional requirements, and the subsequent legislation in furtherance thereof, are the records of a compromise. Apart from the question of divided constitutional authority, the particular causes of failure may be stated as follows:

1. The organization clauses of the general law never became fully operative, as their execution depended upon State legislation which was never obtained.

2. There can be no efficient military organization in time of peace which is not composed of persons uniformly armed and equipped. The provision of the general law requiring each member of the enrolled militia to furnish his own arms and accouterments was impossible of execution from the first, and tended to bring the whole militia into disrepute as a body of nondescripts.

3. The terms of the statute were too sweeping, and the attempt to include all able-bodied males of military age was practically impossible of execution, and the statute not being applicable to a smaller or more restricted class, was thus rendered inoperative.

Prior to the year 1810 six plans had been submitted for the better organization of the militia, some of which had originated with the Executive, and others with Congress, but none of them had been able to obtain legislative approval. Between 1794 and 1819, five reports were submitted by committees of Congress opposing any alteration whatever in the existing militia law. From 1812 until 1890, a period of nearly three-quarters of a century, save for the meager legislation of 1862, the enactment of which was due to the emergencies of the civil war, all efforts to modify or improve the militia system seem to have been abandoned. In recent years attention has again been drawn to the defects of the system. The legislative department of the Government has shown an interest in the matter by increasing the annual appropriation for armament and equipment to $1,000,000; the War Department has done much, but not enough, to assist in its development and instruction; in some of the States very considerable sums of money have been expended, especially in the construction of armories and the establishment of encampments, with a view to foster its development and increase its efficiency. In so far as the contribution of the General Government is concerned, it can only be stated that while it has done all that could be expected of it under the Constitutional limitations which restrict its participation in the training of the militia, it has not done enough to secure results of serious or practical importance.

Having regard to the divided control over the militia forces, which is established in the Constitution and has clearly operated to prevent anything like unity in their development, the question is? What is the least that can be done that will contribute, in some degree, to the efficiency of the militia forces under the present system? From this point of view the following suggestions are submitted:

1. The organization of the militia should conform to that of the Regular Army.

2. In return for the material assistance furnished by the United States, in the way of providing arms, equipment, and military stores, there should be such inspection, by officers of the War Department, as will assure the Secretary of War that the several organizations assisted conform to the requirements of section 2 of the act of February 12, 1887 (24 Stat. L., 401).

3. The obsolete sections of the general militia law should be repealed. (Secs. 1626, 1627, 1628, 1632, 1635, 1639–1641, 1645–1647, 1649–1660, Rev. Stat.)

4. Those portions of the law which continue to have operative force (secs. 1625, 1630, 1631, 1634, 1636–1638, Rev. Stat.) should be revised and brought up to date.

FEDERAL AID IN SUPPORT OF THE MILITIA.

This subject has already been alluded to. The first direct aid furnished by the United States in support of the militia will be found in the act of April 23, 1808 (2 Stat. L., 490), which is embodied with subsequent modifications in section 1661 of the Revised Statutes. By the legislation of 1808, $200,000 was appropriated for the armament and equipment of the whole body of the militia,

and this sum was increased to $400,000 by the act of February 12, 1887 (24 Stat. L., 401), and to $1,000,000 by the act of June 6, 1900 (31 Stat. L., 662). By the operation of the foregoing enactments the following sums have been appropriated:

Act of April 23, 1808, from 1808–1887	$15,800,000
Act of February 12, 1887, from 1888–1900	5,200,000
Act of June 6, 1900, from 1901–1902	2,000,000
Total	23,000,000

This aggregate does not include transfers of artillery, small arms, ammunition, and military stores of considerable value which have been made to the States and Territories in pursuance of authority conferred by Congress for that purpose.

The lesson to be learned is that its future policy should be such as to make it reasonably certain that expenditures should hereafter be conditioned or made to depend upon such return, in the way of improved organization and increased efficiency, as will be calculated to justify its liberality in the matter of appropriation.

The returns of the adjutants-general of the several States, of the militia thereof, received at the office of the Adjutant-General of the Army, for the year 1901, show the organized strength of the militia to be as follows:

Organized strength of militia.

States and Territories.	Organized strength.									Number of men available for military duty (unorganized).
	Commissioned officers.					Enlisted men.				
	Generals.	General staff.	Regimental, field, and staff.	Company.	Total.	Non-commissioned officers.	Musicians.	Privates.	Total.	Aggregate.
Alabama:										
General and general staff	1	23			24					24
Cavalry			7	17	24	60		105	165	189
Light batteries			7	12	19	51		101	152	171
Infantry			35	118	153	441		1,603	2,044	2,197
Total	1	23	49	147	220	552		1,809	2,361	2,581	65,000
Arkansas:										
Generals and general staff	3	24			27					27
Cavalry			1	6	7	18	2	80	100	107
Infantry			20	72	92	248		1,168	1,416	1,508
Total	3	24	21	78	126	266	2	1,248	1,516	1,642	250,000
California:										
Generals and general staff	4	45			49	6			6	55
Cavalry				14	14	50	6	154	210	224
Artillery (heavy)			5	12	17	52	28	179	259	276
Infantry			86	128	214	576	180	1,781	2,537	2,751
Signal Corps				5	5	21	2	66	89	94
Hospital and ambulance corps						16		56	72	72
Total	4	45	91	159	299	721	216	2,236	3,173	3,472	226,814
Colorado:										
General and general staff	1	9			10					10
Cavalry			1	10	11	25	3	108	136	147
Light battery				1	1	11	2	33	46	47
Infantry			12	38	50	117	19	657	793	843
Signal Corps				1	1	10			10	11
Hospital and ambulance corps			1	4	5	4		16	20	25
Total	1	9	14	54	78	167	24	814	1,005	1,083	68,579
Connecticut:										
Generals and general staff	3	8			11	5			5	16
Cavalry				3	3	12	2	41	55	58
Light battery				5	5	16	2	58	76	81
Machine-gun battery				5	5	16	1	18	35	40
Infantry			56	110	166	506	167	1,544	2,217	2,383
Signal Corps				4	4	13		24	37	41
Total	3	8	56	127	194	568	172	1,685	2,425	2,619	110,511
Delaware:										
General staff		1 3			13					13
Infantry			9	20	29	74	10	242	326	355
Total		13	9	20	42	74	10	242	326	368	41,500
Florida:										
General staff		7			7					7
Light batteries			4	5	9	15	3	67	85	94
Infantry			37	51	88	337	49	877	1,263	1,351
Total		7	41	56	104	352	52	944	1,348	1,452	186,000
Georgia:										
General staff		13			13					13
Cavalry			16	38	54	102		404	506	560
Artillery (heavy)			5	12	17	44		163	207	224
Light battery			2	11	13	30		116	146	159
Infantry			77	164	241	717	60	2,772	3,549	3,790
Hospital and ambulance corps						10		11	21	21
Total		13	100	225	338	903	60	3,466	4,429	4,767	325,000
Idaho:										
General staff		7			7					7
Infantry				24	24	91	16	530	637	661
Total		7		24	31	91	16	530	637	668	41,783
Illinois:										
Generals and general staff	3	33			36					36
Engineers				4	4	12	2	63	77	81
Cavalry			10	19	29	77	43	248	368	397
Light batteries			4	11	15	49	5	138	192	207
Infantry			95	249	344	1,020	395	4,274	5,689	6,033
Signal corps				4	4	14	2	64	80	84
Hospital and ambulance corps			38		38	22		96	118	153
Total	3	33	147	287	470	1,194	447	4,884	6,524	6,994	750,000

Organized strength of militia—Continued.

States and Territories.	Organized strength.									Number of men available for military duty (unorganized).
	Commissioned officers.					Enlisted men.				
	Generals.	General staff.	Regimental, field, and staff.	Company.	Total.	Non-commissioned officers.	Musicians.	Privates.	Total.	Aggregate.
Indiana:										
General and general staff	1	13			14					14
Light batteries			5	12	17	50	28	127	205	222
Infantry			54	99	153	385	124	1,460	1,969	2,122
Signal corps				1	1	1		15	16	17
Hospital and ambulance corps				1	1	2		30	32	33
Total	1	13	59	113	186	438	152	1,632	2,222	2,408	500,000
Iowa:										
General staff		26			26					26
Engineers						8		8	16	16
Infantry			48	144	192	608	192	1,516	2,316	2,508
Signal corps						12		28	40	40
Hospital and ambulance corps						16		24	40	40
Total		26	48	144	218	644	192	1,576	2,412	2,630	315,808
Kansas:										
General and general staff	1	4			5					5
Light batteries			4	6	10	17	4	60	81	91
Infantry			31	69	100	249	29	837	1,115	1,215
Total	1	4	35	75	115	266	33	897	1,196	1,311	100,000
Kentucky:										
General staff		7			7					7
Light battery			4	9	13	23	2	134	159	172
Infantry			21	78	99	286	19	1,194	1,499	1,598
Total		7	25	87	119	309	21	1,328	1,658	1,777	550,000
Louisiana:										
General and general staff	1	11			12					12
Cavalry			1	3	4	17	1	48	66	70
Light batteries			16	44	60	165	49	442	656	716
Infantry			10	38	48	168	20	451	639	687
Signal corps			1	3	4	8		21	29	33
Total	1	11	28	88	128	358	70	962	1,390	1,518	135,000
Maine:										
General staff		6			6					6
Infantry			31	69	100	318	94	712	1,124	1,224
Signal corps				1	1	5		11	16	17
Hospital and ambulance corps				1	1	4		12	16	17
Total		6	31	71	108	327	94	735	1,156	1,264	104,268
Maryland:										
General and general staff	1	9			10	6			6	16
Cavalry				3	3	13	1	41	55	58
Infantry			42	84	126	397	64	1,383	1,844	1,970
Signal corps								10	10	10
Total	1	9	42	87	139	416	65	1,434	1,915	2,054	210,000
Massachusetts:										
Generals and general staff	2	20			22	14	2		16	38
Cavalry			9	9	18	51	7	180	238	256
Artillery (heavy)			17	36	53	147	28	542	717	770
Light batteries			7	12	19	62	6	183	251	270
Infantry			96	169	265	802	38	2,565	3,405	3,670
Signal corps				2	2	14		39	53	55
Hospital and ambulance corps				3	3	19		38	57	60
Total	2	20	129	231	382	1,109	81	3,547	4,737	5,119	468,649
Michigan:										
General and general staff	1	16			17	1			1	18
Infantry			56	122	178	593	151	2,166	2,910	3,088
Total	1	16	56	122	195	594	151	2,166	2,911	3,106	280.000
Minnesota:										
General and general staff	1	8			9					9
Engineers				3	3	10	2	49	61	64
Light batteries			3	8	11	28	5	105	138	149
Infantry			36	74	110	306	117	1,167	1,590	1,700
Total	1	8	39	85	133	344	124	1,321	1,789	1,922	195,000
Mississippi:										
General and general staff	1	18			19					19
Cavalry			6	6	12	16		64	80	92
Artillery (heavy)			5	15	20	40		160	200	220
Infantry			30	72	102	172		768	940	1,042
Total	1	18	41	93	153	228		992	1,220	1,373	263,880
Missouri:										
General and general staff	1	8			9					9
Light battery				4	4	4	2	67	73	77
Infantry			55	125	180	333	156	1,858	2,347	2,527
Hospital and ambulance corps								64	64	64
Total	1	8	55	129	193	337	158	1,989	2,484	2,677	390,000

Organized strength of militia—Continued.

States and Territories.	Organized strength.									Number of men available for military duty (unorganized).
	Commissioned officers.					Enlisted men.				
	Generals.	General staff.	Regimental, field, and staff.	Company.	Total.	Non-commissioned officers.	Musicians.	Privates.	Total.	Aggregate.	
Montana:											
General staff		6			6					6	
Light battery				3	3	12		30	42	45	
Infantry				15	15	71		203	274	289	
Total		6		18	24	83		233	316	340	30,000
Nebraska:											
General and general staff	1	5			6					6	
Cavalry			1	3	4	10	1	32	43	47	
Light battery			1	3	4	8	2	52	62	66	
Infantry			23	74	97	215	77	1,087	1,379	1,476	
Total	1	5	25	80	111	233	80	1,171	1,484	1,595	111,925
Nevada:											
General staff		4			4					4	
Infantry			1	6	7	16		111	127	134	
Total		4	1	6	11	16		111	127	138	6,100
New Hampshire:											
General and general staff	1	9			10	5			5	15	
Cavalry				3	3	12	2	50	64	67	
Light battery				4	4	15	2	58	75	79	
Infantry			21	72	93	201	44	828	1,070	1,163	
Signal Corps						1		8	9	9	
Hospital and ambulance corps						1		8	9	9	
Total	1	9	21	79	110	235	48	949	1,232	1,342	34,000
New Jersey:											
Generals and general staff	2	47			49	6			6	55	
Cavalry			2	6	8	31		76	107	115	
Machine-gun battery			2	6	8	29	2	101	132	140	
Infantry			65	140	205	708	246	2,515	3,469	3,674	
Signal Corps				3	3	14		37	51	54	
Total	2	47	69	155	273	788	248	2,729	3,765	4,038	385,273
New York:											
Generals and general staff	4	58			62					62	
Cavalry			9	13	22	68	7	247	322	344	
Artillery (heavy)			18	31	49	151	45	737	933	982	
Light batteries			4	19	23	67	6	281	354	377	
Infantry			265	429	694	2,013	465	9,030	11,508	12,202	
Signal Corps			3	6	9	42		128	170	179	
Hospital and ambulance corps						44		220	264	264	
Total	4	58	299	498	859	2,385	523	10,643	13,551	14,410	800,000
North Carolina:											
General staff		17			17					17	
Light battery				3	3	11		44	55	58	
Infantry			48	108	156	420	42	1,167	1,629	1,785	
Total		17	48	111	176	431	42	1,211	1,684	1,860	270,000
North Dakota:											
General staff		10			10					10	
Cavalry			4	3	7	16	3	30	49	56	
Light battery				3	3	12	2	49	63	66	
Infantry			12	39	51	151	50	334	535	586	
Total		10	16	45	71	179	55	413	647	718	48,000
Ohio:											
Generals and general staff	3	25			28					28	
Engineers			4	7	11	45	2	153	200	211	
Cavalry			2	3	5	16	1	46	63	68	
Light batteries			3	15	18	56	7	148	211	229	
Infantry			112	236	348	1,080	89	3,914	5,083	5,431	
Signal corps				6	6			28	28	34	
Total	3	25	121	267	416	1,197	99	4,289	5,585	6,001	650,000
Oregon:											
General and general staff	1	22			23					23	
Cavalry				6	6	26	2	86	114	120	
Light battery				4	4	18	2	52	72	76	
Infantry			21	50	71	213	60	692	965	1,036	
Hospital and ambulance corps						2		23	25	25	
Total	1	22	21	60	104	259	64	853	1,176	1,280	53,898
Pennsylvania:											
Generals and general staff	4	47			51					51	
Cavalry			5	12	17	60	8	151	219	236	
Light batteries			5	11	16	48	6	130	184	200	
Infantry			184	432	616	1,995	291	5,954	8,240	8,856	
Total	4	47	194	455	700	2,103	305	6,235	8,643	9,343	912,450
Rhode Island:											
General and general staff	1	21			22					22	
Cavalry			6	6	12	21	2	71	94	106	
Artillery (heavy)			29	12	41	68	13	196	277	318	
Light battery				4	4	15	2	38	55	59	
Machine-gun battery				3	3	15	2	33	50	53	

Organized strength of militia—Continued.

States and Territories.	Organized strength.									Number of men available for military duty (unorganized.)
	Commissioned officers.					Enlisted men.				
	Generals.	General staff.	Regimental, field, and staff.	Company.	Total.	Non-commissioned officers.	Musicians.	Privates.	Total.	Aggregate.
Rhode Island—Continued.										
Infantry			24	47	71	183	33	520	736	807
Signal corps						1		2	3	3
Hospital corps				2	2	6		37	43	45
Total	1	21	59	74	155	309	52	897	1,258	1,413	67,000
South Carolina:										
General staff		11			11					11
Cavalry			9	39	48	156	26	634	816	864
Artillery (heavy)				5	5	22		70	92	97
Infantry			27	261	288	348	64	1,357	1,769	2,057
Total		11	36	305	352	526	90	2,061	2,677	3,029	100,000
South Dakota:										
General staff		10			10					10
Cavalry			4	9	13	22	3	81	106	119
Infantry			18	54	72	164	27	557	748	820
Total		10	22	63	95	186	30	638	854	949	50,000
Tennessee:										
General staff		5			5					5
Infantry			20	66	86	220		993	1,213	1,299
Total		5	20	66	91	220		993	1,213	1,304	160,000
Texas:										
Generals and general staff	3	33			36					36
Cavalry			5	9	14	34	5	125	164	178
Light batteries			4	7	11	25	3	114	142	153
Infantry			56	129	185	500	166	1,799	2,465	2,650
Signal corps				5	5	18		40	58	63
Total	3	33	65	150	251	577	174	2,078	2,829	3,080	400,000
Utah:										
General and general staff	1	6			7					7
Cavalry				2	2	4	2	26	32	34
Light battery				4	4	16	2	53	71	75
Infantry			5	22	27	70	11	265	346	373
Signal corps				3	3	20			20	23
Hospital and ambulance corps						3		11	14	14
Total	1	6	5	31	43	113	15	355	483	526	28,023
Vermont:										
General staff		5			5					5
Infantry			19	36	55	124	24	552	700	755
Hospital and ambulance corps						4		12	16	16
Total		5	19	36	60	128	24	564	716	776	46,500
Virginia:										
General staff		2			2					2
Cavalry			1	3	4	15	2	48	65	69
Light batteries			8	12	20	44	6	122	172	192
Infantry			29	91	120	399	115	1,434	1,948	2,068
Total		2	38	106	146	458	123	1,604	2,185	2,331	295,340
Washington:										
General staff		8			8					8
Cavalry				3	3	12	2	41	55	58
Infantry			21	39	60	156	26	650	832	892
Total		8	21	42	71	168	28	691	887	958	149,586
West Virginia:										
General and general staff	1	23			24					24
Infantry			36	49	85	140	72	634	846	931
Signal corps				3	3	3	2	14	19	22
Hospital corps						4		14	18	18
Total	1	23	36	52	112	147	74	662	883	995	125,000
Wisconsin:										
General staff		9			9					9
Cavalry			1	3	4	14	2	35	51	55
Light battery			1	4	5	21	2	29	52	57
Infantry			57	120	177	480	161	1,834	2,475	2,652
Total		9	59	127	195	515	165	1,898	2,578	2,773	372,102
Wyoming:										
General staff		5			5					5
Cavalry				3	3	11	1	42	54	57
Infantry			1	17	18	50	7	186	243	261
Total		5	1	20	26	61	8	228	297	323	8,500
Aggregate State militia	47	716	2,312	5,348	8,423	21,575	4,387	77,942	103,904	115,749	10,681,489
TERRITORIES.										
Alaska:										
General staff										
Infantry (unorganized)										
Total										

Organized strength of militia—Continued.

States and Territories.	Organized strength.										Number of men available for military duty (unorganized).
	Commissioned officers.					Enlisted men.				Aggregate.	
	Generals.	General staff.	Regimental, field, and staff.	Company.	Total.	Non-commissioned officers.	Musicians.	Privates.	Total.		
Arizona:											
General staff		6			6	1			1	7	
Infantry			11	25	36	76	10	248	334	370	
Signal Corps						1		5	6	6	
Total		6	11	25	42	78	10	253	341	383	15,000
New Mexico:											
General staff		3			3					3	
Cavalry			5	4	9	9	16	93	118	127	
Machine-gun battery				1	1	2		8	10	11	
Infantry			15	21	36	74	30	309	413	449	
Signal Corps				1	1	5	1	15	21	22	
Total		3	20	27	50	90	47	425	562	612	38,779
Oklahoma:											
General staff		7			7					7	
Cavalry				3	3			35	35	38	
Infantry			13	37	50	4	11	516	531	581	
Total		7	13	40	60	4	11	551	566	626	50,000
Hawaii:											
General staff		7			7					7	
Infantry			12	27	39	78	14	403	495	534	
Total		7	12	27	46	78	14	403	495	541	8,000
Aggregate Territorial militia		23	56	119	198	250	82	1,632	1,964	2,162	111,779
District of Columbia:											
General and general staff	1	13			14	9			9	23	
Engineers				1	1	3		17	20	21	
Infantry			47	66	113	217		842	1,059	1,172	
Signal corps				1	1	3		17	20	21	
Hospital and ambulance corps				1	1	4		18	22	23	
Total	1	13	47	69	130	236		894	1,130	1,260	52,000
Grand aggregate	48	752	2,415	5,536	8,751	22,061	4,469	80,468	106,998	115,749	10,845,268

RECAPITULATION.

Generals and general staff	48	752			800	53	2		55	855	
Engineers			4	15	19	78	6	290	374	393	
Cavalry			105	261	366	978	150	3,422	4,550	4,916	
Artillery (heavy)			79	123	202	524	114	2,047	2,685	2,887	
Light batteries			82	236	318	889	150	2,831	3,870	4,188	
Machine-gun batteries			2	15	17	62	5	160	227	244	
Infantry			2,100	4,825	6,925	19,110	4,035	70,456	93,601	100,526	
Signal corps			4	49	53	206	7	572	785	838	
Hospital and ambulance corps			39	12	51	161		690	851	902	
Grand aggregate	48	752	2,415	5,536	8,751	22,061	4,469	80,468	106,998	115,749	10,845,268

Your committee has endeavored to provide a plan as simple and practical as possible to place the militia of the country upon an adequate and satisfactory footing, so that in time of danger it would be immediately available for national defense. The committee believes that that end can be accomplished without changing, or attempting to change, the long-established relations between the General Government and the States, and with that end in view that such legislation as is recommended should be in substantial conformity to the following conditions:

1. The obsolete and inoperative sections of the general militia law should be repealed.

2. Those portions of the original statute which continue to have operative force should be brought into conformity with existing military conditions.

3. The organization and discipline of the militia should, for the sake of uniformity of instruction, conform to that prevailing in the Army.

4. The cooperation of the Federal Government should be so regulated as to make it reasonably certain that its expenditures for the maintenance and armament of the militia should hereafter be conditioned or made to depend upon such return, in the way of improved organization and increased efficiency, as will be calculated to justify its liberality in the matter of appropriations.

THE GENERAL MILITIA LAW OF 1792.

The original enactment on this subject was the act of May 8, 1792 (1 Stat., 271), and is embodied, with some modifications presently to be discussed, in the revision of the statutes in 1874 as Title XVI, sections 1625 to 1661, of the Revised Statutes.

The sections of the proposed enactment will be discussed in the order in which they are recommended for adoption.

SEC. 1. That the militia shall consist of every able-bodied male citizen of the respective States, Territories, and the District of Columbia, and every able-bodied male of foreign birth who has declared his intention to become a citizen, who is more than 18 and less than 45 years of age, and shall be divided into three classes—the organized militia, to be known as the National Guard of the State, Territory, or District of Columbia, or by such other designations as may be given them by the laws of the respective States or Territories, the National Volunteer Reserve as provided in this act, and the remainder to be known as the Reserve Militia.

This section prescribes the basis of enrollment, conforming in that regard to the corresponding definition of the obligation of citizens, and of aliens who have declared their intention to become such, which is embodied in the act of April 22, 1898.

The original enactment contemplated the establishment of militia districts in the several States composing the Union. In each of these a company of militia was to be maintained, which was to be under the supervision of a captain, the territorial area composing such district being indefinitely described in the statute as "the bounds of his company." It is fair to presume that the districts so created were more exactly described in the legislation of the several States in respect to their militia, adopted subsequently to the enactment of the general militia law, but such enactments were not general, and legislative interest in militia matters languished until, in the first quarter of the nineteenth century, it became practically obsolete as a part of the constitutional military establishment.

The first section of the act of May 8, 1792, assuming the existence of the company district above described, makes every able-bodied male citizen of the respective States resident therein who is of the age of 18 years and under the age of 45 years a member of the "enrolled," as distinguished from the "embodied," militia, a distinction which will be presently explained. The same section provided for the enrollment, which was to be made by the captain, and the second section specifically described the persons or classes of persons who are exempted from enrollment. It is

only necessary to observe in respect to the foregoing provision for enrollment that it has been obsolete, in fact, for nearly a century, and is entirely impractical at the present time, if for no other reason, because it makes a demand upon the citizen for military service which is, in some respects, considerably more extensive than any which prevails in the continental states of Europe, where military forces are raised by conscription; for where a system of conscription exists a considerable portion of the able-bodied male population, by drawing fortunate numbers, escape military service, which would have been impossible under a rigorous enforcement of the enrollment clauses of the legislation of 1792, the operation of which would have called into the militia service the entire able-bodied male population of the United States.

The National Volunteer Reserve provided for is a new subject of proposed legislation, and we believe it is warranted for strategic purposes.

History shows that within the one hundred and seventy-one years from 1700 to 1871, inclusive, less than ten instances have occurred in which declarations of war have preceded hostilities; on the other hand, one hundred and seven cases are recorded in which hostilities have been begun by Europe or by the United States of America without previous declaration of war.

HISTORICAL EXTRACTS SHOWING WHERE HOSTILITIES BEGAN WITHOUT DECLARATIONS OF WAR.

The year 1700 opened with profound peace, yet on March 12, without public declaration of war, 40,000 Saxons under General Fleming swept down before Riga, then belonging to Sweden.

In the month of December, 1700, French troops arrived by night and took possession of the strongest places in Spanish Flanders.

On July 28, 1701, Marshal Catinat, with a French corps d'armée took possession of the Alpine passes and descended into Lombardy.

During the early part of the winter of 1701 Prince Eugene seized, without declaration of war, Canneto and other places in the territories of Guastalla, Parma, and Modena.

Throughout 1701 a naval war was carried on by England and Holland against France, but a formal declaration of war was not declared for several months after hostilities had been carried on.

In 1708 the Pope of Rome attacked by surprise a body of German imperial troops and ordered them cut to pieces with great barbarity; also,

In 1708 the English fleet suddenly appeared at Civita Vecchia and by surprise dictated terms to the Pope.

In 1714 the Turks by sudden invasion seized from Venice the Morea, without declaration of war.

In 1715 England, in peace, seized Swedish provinces.

In August, 1717, during peace, a fleet of war vessels carrying 9,000 men left Barcelona secretly for Sardinia. Cagliari, the capital, was surrendered to the Spaniards.

In 1719 Spain secretly prepared an expedition and seized Messina and the greater part of Sicily.

The first case in the eighteenth century when declaration preceded war was in 1719, when France and England joined in war against Spain.

In 1726, without declaration of war, a British squadron under Admiral Hosin was sent to the West Indies and blockaded Porte Bello.

In 1727 Spain, at peace with England, laid siege to Gibraltar from February 11 to November 23.

In 1733 Russia invaded Poland without a declaration of war.

In 1739 reprisals preceded war between Spain and England. War was declared by England October, 1739.

In 1740 the first Silesian war.

In 1741 naval fights between France and England without declaration of war.

In 1742, without declaration of war, Naples, by action of an English admiral, forced to become neutral.

On June 27, 1743, the battle of Dettingen was fought; at which time no declaration of war had been made, nor was it made until March 20, 1744, when France declared war against England.

On August 9, 1744, Saxony and Bohemia were invaded by Frederick without declaration of war.

In 1747 sudden invasion of Holland by the French, in which the French secured all the advantages of sudden attack.

In 1754 France and England put forth hostile claims in America without declaration of war or notice. Fighting commenced between English and Virginia troops on the one hand and French on the other.

On May 17, 1756, England declared war on France.

In August, 1756, Frederick the Great suddenly invaded Saxony with 75,000 men. He did not publish a declaration until after crossing the frontier.

In 1759 the Dutch commenced hostilities in India against the English without proclamation of war.

In June, 1770, 1,700 Spanish soldiers and mariners with 5 frigates and a train of artillery and ordnance stores arrived at Port Egmont, when only 2 sloops of war and a miserable blockhouse with 4 guns constituted all the means of defense. Articles of capitulation were immediately concluded.

In 1777 Austrian troops numbering many thousands entered lower Bavaria and seized every important place, no declaration of war having been previously declared.

On February 6, 1778, France signed secretly a treaty with Franklin, engaging to give assistance to the American colonies. France did not then declare war upon England.

In 1779 Spain joined France in a war against England.

On April 21, 1784, Austria sent a detachment of troops into Dutch territories and took possession of Fort Lillo.

On December 20, 1787, before the declaration of war was issued, Austria sent 6 regiments into Turkey for the purpose of surprising the Turkish fortress Belgrade. Declaration of war was not declared until July 10, 1788.

In July, 1789, a Spanish frigate of 26 guns captured two English vessels and seized a settlement.

On April 20, 1792, France declared war against the Empire of Germany.

On September 28, 1792, the French Republic surprised Nice, Montalbon, and Ville Franche, in the Kingdom of Sardinia, during peace.

In the same year, without declaration of war, the French Republic ordered invasion of neutral Switzerland.

On July 1, 1793, France declared war upon England, Spain, and the Netherlands.

In 1795 England seized Dutch colonies, capturing the island of Ceylon without fighting, no declaration of war having previously been made.

In 1796 the French republican army, without declaration of war, seized forts and territories of the States of the Church, Naples, Tuscany, Parma, Modena, etc.

On January 28, 1798, France suddenly invaded Switzerland. Naples moved against France, and France took possession of Navarra, Suza, and Coni. No declaration of war was made in any instance.

On September 5, 1800, Russia seized two British ships in Russian ports and sent their crews prisoners into the interior without declaration of war.

On July 14, 1801, reprisals were ordered by the English cabinet. All Swedish, Denmark and Russian vessels in English ports were seized and a large English fleet under Sir Hyde Parker was dispatched to the Baltic, although there was no declaration of war.

On March 20 the Swedish inland steamer *Bartholomew*, wholly unprepared for any defense, surrendered at the first summons to a force of three regiments of foot and a detactment of artillery under Lieutenant-General Trigge and a squadron under Rear-Admiral Duckworth.

In 1802 Napoleon sent a force of 20,000 men into friendly Switzerland and seized by surprise Soleure, Zurich, and Berne.

On November 23, 1806, the Russian army, during negotiations and after full concessions, suddenly invaded Moldavia and seized Chotsim, Bender, and Jassi.

In 1806 England sent an expedition against Curaçoa; her fleet suddenly entered the harbor, and Fort Amsterdam was assaulted and captured.

On March 6, 1807, England sent an expedition, during negotiations, into Egypt, and on the 21st of March the governor of Alexandria accepted terms of capitulation.

In 1807 the English man-of-war *Leopard*, 52 guns, demanded of the *Chesapeake*, an American frigate cruising off Virginia, the requisition of some English deserters on board the *Chesapeake*. The American captain denied the right of search, whereupon the *Leopard* fired a broadside, killing and wounding several Americans in time of peace.

In 1812 Napoleon, by sudden attack on troops of Kowno, declared war with Russia.

On June 18, 1812, the United States declared war against Great Britain. During the month of April previous, however, a general embargo was laid by Congress upon all vessels in the harbors of the United States for seventy days.

In 1815, Murat, King of Naples, attacked Austria without notice.

In 1816 Portugal invaded the Spanish possessions on the River Plata without explanation or previous declaration.

In 1818 the United States, during peace with Spain, seized Pensacola and St. Marks.

In 1821 the United States seized a French ship during time of peace.

In 1826 the King of Spain carried on hostilities against Portugal with willful falsehood without declaring war, but professing friendship.

During the same year England, without declaration of war on Spain, dispatched troops to fight the Spaniards.

In 1827 the Turkish fleet was destroyed by Russia, England, and France, without warning of war.

In 1828 the Russo-Turkish war occurred. Hostilities on both sides preceded declaration of war.

In the same year France sent an expedition against the Turks in Greece and captured five fortresses.

In 1831, without declaration of war, Russia fired into, sank, and captured Greek ships and joined in a formal attack upon Poros.

During this same year a French admiral carried off the whole Portuguese fleet and converted reprisals into war. And the King of Holland pressed his troops into Belgium and in nine days crushed the Belgian forces.

On February 22, 1832, France sent a squadron with troops and captured Ancona, by sudden surprise, during absolute peace between France and Rome.

In 1834 the Spanish army, without notice, crossed the Portuguese frontier and, by a forced march, surprised and defeated the force under Don Carlos.

In 1835 the inhabitants of Texas raised the standard of revolt against the Mexican Government, and declared themselves independent.

During the year 1838 an invasion of Canada took place under circumstances described in the United States Congress as such "That the people were at war while their Governments were at peace."

On the 17th of April, 1840, the British ships of war in the vicinity of Naples commenced hostilities and captured a number of Neapolitan vessels, and an embargo was laid on all ports of Malta that bore the Sicilian flag.

In 1844 hostilities by France against Morocco commenced by Prince de Joinville on not receiving a satisfactory answer to an ultimatum.

On May 13, 1846, the Congress of the United States passed a resolution that, by virtue of the constitutional authority vested in them, declared that a state of war existed between the Republic of Mexico and the United States. The President in his message recited many and various acts of hostilities prior to any declaration of war.

In 1847 a revolutionary junta had been established in Portugal and was carrying on a war against the Queen. The war having dragged on for some time, England, France, and Spain agreed to interfere, but no declaration of war was made.

In 1848 the Italian insurrectionary war broke out; the King of Piedmont at once joined his armies to those of the Italians, and the war, from its nature, was carried on without any formal notice.

On April 25, 1849, the French General Oudinot entered citidel Civitá Vecchia. The Roman Assembly protested in the name of God and the people against this unexpected invasion. A short time after there followed the siege and capture of Rome.

In 1850 and 1851 the United States waged the "unofficial" war against Cuba.

In 1853 and 1854 the Crimean war was waged. Hostilities preceded war as follows: The Russian Government seized the Danubian Principalities.

On May 31 the order for the passage of the Pruth was passed.

On June 2, before it was known in London, orders were sent to English and French admirals to move up the Besike Bay.

On October 22 the English and French fleet, under orders from London and Paris, entered the Dardanelles in express breach of treaty of 1841.

On October 23 Turkey declared war upon Russia and crossed the Danube to expel the Russians.

In 1859, France and Italy against Austria. The Austrian Government alleged that the actual commencement of this war was on both sides (as between France and Austria), declared to be due to prior hostile acts, not words.

On May 5, 1860, Garibaldi sailed from Genoa with 2,000 troops to wrest Sicily from the King of Naples.

In 1863 war between Austria and Prussia on one side and Denmark on the other virtually commenced by the occupation of Holstein and Lauenburg by the troops of the two great powers.

In 1870, the war between France and Germany, the declaration of war clearly preceded war.

These facts prove the necessity of a wise people being prepared for any emergency. While at present there may be no probability

of any foreign power waging war against the United States, yet, as an intelligent nation, we should not in our repose of security lose sight of the possibilities of such an event. Great Britain, if uninterrupted, could place within forty days an army of 100,000 men in the midst of the greatest wheat-producing section of our country.

In addition to the wheat fields, the lumber regions, and the ore beds of the Northwest, the entire output of which would be controlled by the presence of an army of occupation moving from Winnipeg south into the United States, and thus cutting the Northern Pacific Railroad, Great Britain would, by means of her light-draft gunboats, have control of the Great Lakes, and thus have an uninterrupted water communication, except when the ice of winter prevented, between the left wing of the army of occupation of the Northwest, resting at Duluth, and the right wing of the army of the Northeast, with its right resting probably on Lake Erie.

This army would be composed of the troops of the home garrisons in the United Kingdom and Ireland and of levies from Bermuda and Jamaica and all the militia and volunteers of Canada. Great Britain constantly keeps in her squadron which is at Bermuda or Halifax, or between these two points, from four to five fine gunboats of such a draft as will allow them to pass through the St. Lawrence system of canals into Lake Ontario, and by the Welland Canal into Lake Erie. These vessels, without infraction of treaty, and indeed probably without our knowledge, can pass so far up the St. Lawrence that the time required for them to enter and cross Ontario and pass through the Welland Canal into Lake Erie must be estimated in hours rather than days. Once there, and even if we succeeded in successfully disputing the passage through the Detroit River and Lake St. Clair into Lake Huron, there would nevertheless lie at their mercy the cities of Buffalo, Dunkirk, Erie, Cleveland, Toledo, Sandusky, and other cities and villages on the south shore of Lake Erie.

Treaty stipulations prevent our having a fleet on the lakes, and to-day in that region the antiquated and obsolete man-of-war (?) *Michigan* not unfitly represents the majesty of our naval power.

Is there any way to prevent the mobilization of this great army and the passage of these vessels. The answer can not be given positively in a word. There is if we have an efficient militia system, there is not if we have not; for our skeleton of an army, numbering less than 65,000 men, scattered from one end of this great country to the other, and from the North to the South, and a large proportion of it serving in the Philippines, Porto Rico, and Hawaii, forms nothing more than a picket guard to sound the alarm. The St. Lawrence canals are all upon the far side of the St. Lawrence from us, with one exception, which is the Beauharnois (called in the local tongue "Barnway"). This, it is true, lies upon our side of the river, although, of course, upon Canadian soil, but its exposed position in case of war is as well known to England and Canada as ourselves; and consequently a canal to replace it has been projected on the other side of the St. Lawrence; surveys have been made and probably work upon it has already been begun. Still, a bold and efficient force under a dashing leader might reach some of the St. Lawrence canals in time to cripple them; but the natural movement would be upon the Welland. With an effective force of militia such as we should have the Welland Canal can be seized and held, the movement of troops upon the St. Lawrence can be checked, and before the thirty-six days, to which allusion has been made in the first part of this report, have passed, the line of the Canadian Pacific Railroad can be in our possession. But that these things should be possible, it is essential that the United States should be able to mobilize a force of 100,000 men in not less than forty-eight hours.

We can have millions if we can spare the time to raise, equip, drill, and discipline volunteers, but time is exactly the element which the wary enemy will not allow us, and therefore our only safeguard lies in a militia which can give us an effective "first line" of 100,000 men in forty-eight hours. It is not reasonable to suppose that for this short notice we can obtain more than 75 per cent of the paper force; and therefore while our militia should be 200,000 men, it is absolutely unsafe for it to be less than 150,000. But to have a force of this size more money is needed. The States already appropriate more for the militia than the United States. It is a popular delusion that the money which is annually appropriated by the United States for arming and equipping the militia is money given to the militia. The law states that this money is appropriated for the purpose of "providing" arms, etc. That is to say, the United States appropriates this money and with it buys or manufactures war material, which material, instead of being placed in storehouses, is intrusted to the National Guard of the States or Territories; and while some of it of course is, of necessity, worn-out in the drilling and disciplining of this reserve of volunteers, all of it that is serviceable—to quote the language of the law—"shall remain the property of the United States," and in the event of need, can be and will be utilized by the United States in arming and equipping its troops. The money thus appropriated should, therefore, be looked upon not only as money expended for the benefit of the militia, but as funds provided for the very necessary purpose of preparing a reserve stock of war material for use in emergencies.

Reference has been made to how important an element time is. The following is quoted from a lecture delivered by Capt. D. M. Taylor, Ordnance Department, United States Army, at San Francisco in 1885:

With the introduction of steam, electricity, and arms of presision, the "pomp and circumstance of glorious war" went out, and with them departed the dignified slowness which characterized military operations of the period when combatants took their time about wars, and their duration was from seven to thirty years. Modern wars are short and sharp. In this connection the following dates are instructive:

Year.	War.	Declared.	Decisive battle.	Days.
1859	France and Austria	May 3	Solferino, June 24	52
1864	Dano-German	Jan. 16	Fall of Duppel, Apr. 18	93
1866	Austro-Prussian	June 16	Sadowa, July 3	17
1866	Austro-Italian	June 20	Lissa, July 20	30
1870	Franco-German	July 15	Sedan, Sept. 2	49

So that we see in many instances the fate of war has been decided and its decisive battles fought in fewer days from the declaration of war than is needed in shipbuilding England to prepare the plans and let the bids for one class of unarmored vessels.

The sections replaced by section 1 of the bill are 1625, 1626, 1627, and 1628, which provide that—

SEC. 1625. Every able-bodied male citizen of the respective States, resident therein, who is of the age of 18 years, and under the age of 45 years, shall be enrolled in the militia.

SEC. 1626. It shall be the duty of every captain or commanding officer of a company to enroll every such citizen residing within the bounds of his company, and all those who may, from time to time, arrive at the age of 18 years, or who, being of the age of 18 years, and under the age of 45 years, come to reside within his bounds.

SEC. 1627. Each captain or commanding officer shall, without delay, notify every such citizen of his enrollment by a proper noncommissioned officer of his company, who may prove the notice. And any notice or warning to a citizen enrolled to attend a company, battalion, or regimental muster, which is according to the laws of the State in which it is given for that purpose, shall be deemed a legal notice of his enrollment.

SEC. 1628. Every citizen shall, after notice of his enrollment, be constantly provided with a good musket or firelock, of a bore sufficient for balls of the eighteenth part of a pound, a sufficient bayonet and belt, two spare flints, and a knapsack, a pouch with a box therein to contain not less than twenty-four cartridges, suited to the bore of his musket or firelock, each cartridge to contain a proper quantity of powder and ball; or with a good rifle, knapsack, shot pouch, and powderhorn, 20 balls suited to the bore of his rifle, and a quarter of a pound of powder, and shall appear so armed, accoutered, and provided when called out to exercise or into service, except that when called out on company days to exercise only he may appear without knapsack; and all arms, ammunition, and accouterments so provided and required shall be held exempted from all suits, distresses, executions, or sales for debt or for the payment of taxes. Each commissioned officer shall be armed with a sword or hanger and spontoon.

SEC. 2. That the Vice-President of the United States, the officers, judicial and executive, of the Government of the United States, the members and officers of each House of Congress, persons in the military or naval service of the United States, all custom-house officers, with their clerks, postmasters and persons employed by the United States in the transmission of the mail, ferrymen employed at any ferry on a post road, inspectors of exports, artificers and workmen employed in the armories and arsenals of the United States, pilots, mariners actually employed in the sea service of any citizen or merchant within the United States, and all persons who are now exempted by the laws of the respective States or Territories shall be exempted from militia duty, without regard to age.

The old clause of exemption is reenacted without substantial change as section 2 of the proposed enactment.

The foregoing section replaces section 1629, Revised Statutes, which provides that—

SEC. 1629. The Vice-President of the United States; the officers, judicial and executive, of the Government of the United States; the members of both Houses of Congress and their respective officers; all custom-house officers, with their clerks; all postmasters and persons employed in the transportation of the mail; all ferrymen employed at any ferry on post roads; all inspectors of exports; all artificers and workmen employed in the armories and arsenals of the United States; all pilots; all mariners actually employed in the sea service of any citizen or merchant within the United States; and all persons who now are or may hereafter be exempted by the laws of the respective States shall be exempted from militia duty, notwithstanding their being above the age of 18 and under the age of 45 years.

SEC. 3. That the regularly enlisted, organized, and uniformed active militia in the several States and Territories and the District of Columbia who have heretofore participated or shall hereafter participate in the apportionment of the annual appropriation provided by section 1661 of the Revised Statutes of the United States, as amended, whether known and designated as National Guard, militia, or otherwise, shall constitute the organized militia. The organization, armament, and discipline of the organized militia in the several States and Territories and in the District of Columbia shall be the same as that which is now or may hereafter be prescribed for the Regular and Volunteer Armies of the United States within five years from the date of the approval of this act: *Provided*, That the President of the United States, in time of peace, may by order fix the minimum number of enlisted men in each company, troop, battery, signal corps, engineer corps, and hospital corps.

And provided further, That any corps of artillery, cavalry, and infantry existing in any State at the passage of the act of May 8, 1792, which by the laws, customs, or usages of the said State have been in continuous existence since the passage of said act under its provisions and under the provisions of section 232 and sections 1625 to 1660, both inclusive, of Title 16 of the Revised Statutes of the United States relating to the militia, shall be allowed to retain their accustomed privileges, subject, nevertheless, to all other duties required by law in like manner as the other militia.

This section provides an elastic organization for the embodied militia conforming to the present composition of similar troops in the Army, and changing in the future as Congress may see fit from time to time to make changes in the composition of the corresponding organizations in the Regular Army.

The objects of the provision that "the organization, armament, and discipline of the organized militia * * * shall be the same as that which is * * * prescribed * * * for the Regular and Volunteer Armies of the United States" are twofold.

First, that in time of peace there shall be uniformity of instruction; and second, in time of war organization shall be identical, to avoid confusion.

While at the time of entry into the service of the United States interpretation of the requirement relating to organization might be strict, in time of peace it might properly be liberal, when not interfering with the true intent of the provision.

Thus, while in time of peace a company, troop, battery, battalion, or regiment of infantry or cavalry might, as a necessity of instruction or administration, have assigned or detailed to it extra officers to perform the duties of extra lieutenants, battalion adjutants and quartermasters, inspectors of small arms practice, assistant surgeons, etc., these officers, unless subsequently provided for in the Regular and Volunteer service, would be relieved from duty at the time of entry into the United States service of the organization to which attached, but might conveniently fill vacancies in line or staff at such time or fill other offices of usefulness in the service.

In spite of tradition, the fact remains that all necessities, tactical and administrative, are best met in all cases by requirements of three battalions of four companies each. It is not unreasonable to assume that with the increased public appreciation of the importance of the organized militia under the new law, the necessary increase of companies and recruiting would follow. While a regiment of ten companies might be considered as untactical (except under Upton's discarded tactics), even in the regular service a regiment might properly be left at eight companies pending recruitment to a full regiment or as a ten-company regiment divided into three battalions, two to consist of three companies only.

In case of separate companies of infantry or troops of cavalry, if the organization is similar to that of the corresponding body in the regular service, and conditions are inconvenient to attach them to a battalion, squadron, or regiment existing, it would not appear to be violating section 3 that such company or troop should remain unattached until a larger unit should be created.

As to special numerical or other designation, there appears to be nothing in the new law to conflict with present nomenclature. When forming part of a battalion or squadron or regiment, the present designations might still be preserved.

In cases of existing bodies of engineers or artillery, organized as regiments, conceding the necessity of such organizations for administrative and instruction purposes, this organization does not differ from the regular army organization, except in name, which is not important. If the same number of companies of the Regular Artillery or Engineer Corps were assembled permanently at one post, they might properly be commanded and administered by detailed field and staff officers and noncommissioned staff, as is the case of National Guard heavy artillery and engineer regiments. In the event of entry into the United States service, if as coast artillery or engineers, neither of these organizations would be brigaded, but split up as the necessities of the service should determine. Therefore, no change except in the matter of the detail of extra officers need be contemplated in such organizations.

Uniformity of organization, or at least to an extent that will insure uniform instruction in time of peace and absolute uniformity on entry into the United States service, may well be considered the very essence of the new bill, and any variation or qualification of the terms of section 3 which would open the door to a perpetuation of the lack of uniformity now prevailing would be most injurious to the service. In comparison, the inconvenience involved on the part of the different States in conforming to the spirit and letter of the new law would be very slight.

This section also requires that the "armament" and "discipline" shall conform to "that which is now or may hereafter be prescribed by law for the Regular and Volunteer armies of the United States." The requirements as to a uniform armament needs no explanation. The provision requiring uniformity in discipline replaces a similar requirement of the law of 1792, which provided that—

SEC. 1637. The system of discipline and field exercise which is ordered to be observed in the different corps of infantry, artillery, and riflemen of the Regular Army shall also be observed in such corps, respectively, of the militia.

From an examination of section 1637 it will be seen that the term "discipline," as used in the section proposed for adoption, relates to the tactics or drill regulations of the different arms or corps, and such other books and manuals as are provided for the instruction of troops; the purpose being to secure uniformity in training in the militia of the several States, and at the same time to reserve to the States and Territories, respectively, the duty of training or disciplining their militia in accordance with the methods prescribed by Congress, or by the President under its authority and direction.

Section 3 of the act of May 8, 1792, prescribed a general organization of the militia. Each regiment was to consist of 2 battalions of 5 companies each. A regiment of 2 battalions was to have a colonel, lieutenant-colonel, 1 major, and 1 chaplain. An adequate regimental staff was also provided. A separate battalion was commanded by a major who was not assisted by either a commissioned or noncommissioned staff. The company of infantry, which was the fundamental unit of the organization, was composed of 1 captain, 1 lieutenant, 1 ensign, 4 sergeants, 4 corporals, 2 musicians, and 64 privates. Each battalion was to have 1 company of "grenadiers, light infantry, or riflemen," and it is not quite clear whether this company was to be in addition to or to be formed out of the 5 by selection or otherwise. The context would indicate, however, that the latter course was contemplated in the formation of the special company above described.

A company of artillery was authorized for each division, and was to be composed of 1 captain, 2 lieutenants, 4 sergeants, 4 corporals, 6 gunners, 6 bombadiers, 2 musicians, and 64 privates. A "troop of horse" was composed of 1 captain, 2 lieutenants, 1 cornet, 4 sergeants, 4 corporals, 1 saddler, 1 farrier, 1 trumpeter, and 64 privates. During the war of the rebellion the organization of the militia was modified by the act of July 17, 1862 (12 Stats., 597), which provided a ten-company organization for the infantry regiment, and required companies of cavalry and artillery to be organized "as in the regular service." This statute is still in force.

The tactical organization of the militia of the several States into brigades and divisions was provided for in section 3 of the act of May 8, 1792 (sec. 1630, Rev. Stat.), by a general requirement that the militia of each State "shall be arranged into divisions, brigades, regiments, batallions, and companies, as the legislature of the State may direct." Each brigade was to consist of four regiments, but the composition of the division was not expressly provided; and the divisions, brigades, and regiments were to be numbered at their formation, the numbering being of record in the adjutant-general's office of the State; and "when in the field, or in service in the State, each division, brigade, and regiment shall respectively take rank according to its number."

The third section also prescribed the number, rank, and duties of the general and staff officers necessary to the command and administration of the tactical organizations therein provided for. The act of March 2, 1803 (2 Stats., 207), made further provision for the general staff of the militia forces. The organization prescribed for the militia in the act of May 8, 1792, underwent some modification in the act of July 17, 1862 (12 Stats., 598), which prescribed a regiment of infantry of ten companies, fixed the proportions of artillery and cavalry at one company of each arm for each ten-company regiment of infantry, and established a uniform organization for divisions and brigades. This enactment, which is embodied in sections 1645–1647 of the Revised Statutes, is still in force.

Section 3 of the bill replaces sections 1630, 1631, 1632, 1633, 1637, 1641, 1645, 1646, and 1647 of the Revised Statutes, which are as follows:

SEC. 1630. The militia of each State shall be arranged into divisions, brigades, regiments, battalions, and companies, as the legislature of the State may direct. Each brigade may consist of 4 regiments, each regiment of 2 battalions, each battalion of 5 companies, each company of 64 privates. Each division, brigade, and regiment shall be numbered at the formation thereof, and a record of such numbers shall be made in the adjutant-general's office of the State. When in the field, or in service in the State, each division, brigade, and regiment shall, respectively, take rank according to its number, reckoning the first or lowest number highest in rank.

SEC. 1631. The militia shall be officered by the respective States as follows: To the militia of each State, 1 quartermaster-general; to each division, 1 major-general, 2 aides-de-camp with the rank of major, 1 division inspector with the rank of lieutenant-colonel, and 1 division quartermaster with the rank of major; to each brigade, 1 brigadier-general, 1 brigade inspector, to serve also as brigade major, with the rank of major, 1 quartermaster of brigade with the rank of captain, and 1 aid-de-camp with the rank of captain; to each regiment of 2 battalions, 1 colonel, 1 lieutenant-colonel, 1 major, and 1 chaplain; to only 1 battalion a major, who shall command the same; to each company, 1 captain, 1 lieutenant, 1 ensign, 4 sergeants, 4 corporals, 1 drummer, and 1 fifer or bugler. And there shall be a regimental staff, to consist of 1 adjutant and 1 quartermaster, to rank as lieutenants, 1 paymaster, 1 surgeon, 1 surgeon's mate, 1 sergeant-major, 1 drummer, and 1 fife-major.

SEC. 1632. There shall be formed for each battalion at least 1 company of grenadiers, light infantry, or riflemen, and for each division at least 1 company of artillery and 1 troop of horse. For each company of artillery there shall be 1 captain, 2 lieutenants, 4 sergeants, 4 corporals, 6 gunners, 6 bombardiers, 1 drummer, and 1 fifer. The officers shall be armed with a sword or hanger, a fusee, bayonet, and belt, with a cartridge box to contain 12 cartridges; and each private shall furnish himself with all the equipments of a private in the infantry, until proper ordnance and field artillery is

provided. For each troop of horse there shall be 1 captain, 2 lieutenants, 1 cornet, 4 sergeants, 4 corporals, 1 saddler, 1 farrier, and 1 trumpeter. The commissioned officers shall furnish themselves good horses of at least fourteen hands and a half high, and shall be armed with a sword and a pair of pistols, the hostlers to be covered with bearskin caps. Each dragoon shall furnish himself with a serviceable horse at least fourteen hands and a half high, a good saddle, bridle, mail-pillion, and valise, hostlers, and a breast-plate and crupper, a pair of boots and spurs, a pair of pistols, a saber, and a cartridge box to contain 12 cartridges for pistols. Each company of artillery and troop of horse shall be formed of volunteers from the brigade, at the discretion of the commander in chief of the State, not exceeding one company of each to a regiment, nor more in number than one-eleventh part of the infantry, and shall be uniformly clothed in regimentals, to be furnished at their own expense, the color and fashion to be determined by the brigadier commanding the brigade to which they belong.

SEC. 1633. Each battalion and regiment shall be provided with the State and regimental colors by the field officers, and each company with a drum and fife or bugle horn by the commissioned officers of the company, in such manner as the legislature of the respective States may direct.

SEC. 1637. The system of discipline and field exercise which is ordered to be observed in the different corps of infantry, artillery, and riflemen of the Regular Army shall also be observed in such corps, respectively, of the militia.

SEC. 1641. All corps of artillery, cavalry, and infantry now existing in any State which, by any law, custom, or usage thereof, have not been incorporated with the militia, or are not governed by the general regulations thereof, shall be allowed to retain their accustomed privileges, subject, nevertheless, to all other duties required by law in like manner as the other militia.

SEC. 1645. The militia, when called into actual service, shall be organized as prescribed in the two following sections:

SEC. 1646. They shall be formed by the President into regiments of infantry, with the exception of such numbers for cavalry and artillery as he may direct, not to exceed the proportion of one company of each of those arms to every regiment of infantry, and to be organized as in the regular service.

Each regiment of infantry shall have 1 colonel, 1 lieutenant-colonel, 1 major, 1 adjutant (a lieutenant), 1 quartermaster (a lieutenant), 1 surgeon, and 2 assistant surgeons, 1 sergeant-major, 1 regimental quartermaster-sergeant, 1 regimental commissary-sergeant, 1 hospital steward, and 2 principal musicians, and shall be composed of 10 companies, each company to consist of 1 captain, 1 first lieutenant, 1 second lieutenant, 1 first sergeant, 4 sergeants, 8 corporals, 2 musicians, 1 wagoner, and from 64 to 82 privates.

SEC. 1647. They shall be further organized into divisions of 3 or more brigades each, and each division shall have a major-general, 3 aids-de-camp, and 1 assistant adjutant-general with the rank of major. Each brigade shall be composed of 4 or more regiments and shall have 1 brigadier-general, 2 aids-de-camp, 1 assistant adjutant-general with the rank of captain, 1 surgeon, 1 assistant quartermaster, 1 commissary of subsistence, and 16 musicians as a band.

The concluding paragraph of this section applies to certain military organizations which have been in continuous existence since 1792, and continues the provisions of sections 10 and 11 of the original militia act of May 8, 1792, allowing them to retain their accustomed privileges. The list is a brief one, and includes three organizations in Massachusetts, two in Connecticut, three in Rhode Island, the City Troop in Philadelphia) which antedates the revolution and has served in every war the United States has had), and possibly two or three in the South, perhaps one each in Virginia, South Carolina, and Georgia. The history of these commands is very interesting.

Of the Massachusetts organizations, the one located in Boston, now officially known as the First Corps of Cadets of the Massachusetts Volunteer Militia, is the successor of a company chartered in 1741, by the commission of Col. Benjamin Pollard, of Boston, in the English province of the Massachusetts Bay.

The commission of Colonel Pollard contains the authority for raising and commanding the company, and the said commission is still in possesion of the present corps.

The company had a continuous and useful existence as a military company, whose special duty it was to act as the bodyguard of the governor of the province, until, in 1774, Lieut. Col. John Hancock (the first signer of the Declaration of Independence), then its commander, was dismissed by Governor Gage because of his Revolutionary sentiments, the letter of dismissal being still in possession of the present corps. It was practically disbanded by the dismissal of Colonel Hancock, and holding sentiments in accord with his own, refused to serve further under the English governor, and did not come together again until after the siege of Boston. The company was reorganized after the British evacuated Boston, and served in 1778 with the forces of the Revolutionary Army in Rhode Island. Colonel Hancock was chosen colonel, and the letter apprising him of his selection is still in possession of the present corps; but Colonel Hancock, being then President of the Continental Congress, could not take actual command, and the next officer in rank performed that duty.

At the time of the peace of 1783 the company, in common with all the military bodies of the colonies then becoming States, was not actively employed. In 1785, however, measures were taken for a reorganization, and the State of Massachusetts has officially recognized August 9, 1786, as the date of the actual and active reorganization, although the company, under officers commissioned a few days before, did not make its first parade as State troops, under officers duly commissioned, until October 19, 1786. Since the last-mentioned date the company, now for many years extended into a battalion of four companies, has had a continuous and useful existence, retaining its distinctive function as in 1741 and in 1786 of acting as bodyguard to his excellency the governor of Massachusetts. The law under which the said reorganization was effected was passed by the State of Massachusetts in 1785, and consequently, when the militia law, known as the act of May 8, 1792, was passed by the General Government the Independent Corps of Cadets, as it was then designated, had been in existence nearly seven years.

The General Government in framing the law of May 8, 1792, recognized and provided for the continuance of the corps in its special functions by the enactment of two sections of said law, which law also protected two other military bodies then and now existing in Massachusetts with unbroken records, viz, the Ancient and Honorable Artillery Company of Boston, dating from 1638, and the Second Corps of Cadets, of Salem, Mass., the latter dating from 1786, and similar to the first corps of cadets. These two corps of cadets have, since their organization, possessed peculiar privileges, which were in 1854 investigated and approved by a committee of the Massachusetts legislature.

The adjutant-general's report of 1853 makes the following reference to the special privileges of these companies:

The two companies of cadets attached to the first and second divisions are peculiar in their organizations. They were chartered under a resolve passed in 1785 authorizing the raising of cadet companies. At that time each company of artillery and infantry had but three commissioned officers; cadet companies have since 1803 been entitled to five. Within a few years every company has been allowed that number. The commissioned officers of the company in the first division organized October 18, 1786, are as follows: One captain, with the rank of lieutenant-colonel; one lieutenant and one ensign, each with the rank of ensign; one adjutant, with the rank of captain, and one surgeon. The commissioned officers in the company attached to the second division, organized July 10, 1786, are one captain, one captain-lieutenant, and one ensign. In the former company there are not so many commissioned officers for drill as other companies are now allowed, although the officers have extra rank. The latter company has one commissioned officer of a lower grade than any other company.

Under the provisions of the act passed by Congress May 8, 1792, these companies are permitted to retain their accustomed privileges. Being divisionary companies, not connected with any brigade or regiment, each of them is to all intents and purposes a battalion, maneuvering and drilling as such. Under this peculiar organization both of these companies have attained a high degree of efficiency.

In all the legislation passed by the Commonwealth of Massachusetts relating to the militia, enrolled or active, especial care has been taken to provide for the continuance of the organizations and privileges of the three military bodies before mentioned, viz, the First and Second Corps of Cadets and the Ancient and Honorable Artillery Company, and that great care seems to have been taken to carry out not only the letter but the spirit of the United States law of 1792.

The First Corps, as a school, having up to that time seldom more than a hundred members, furnished to the Union Army in the civil war no less than 179 men, nearly all of whom were commissioned officers. The record of the Second Corps in the civil war was an honorable one.

The First Corps has acquired a considerable property, which, although devoted to public uses, is, and will continue to be, private property. A camp ground at Hingham has been provided at a cost of $30,000 or more, and an armory in Boston at a cost exceeding $450,000. These properties are used for none other than military purposes. The armory in Boston, besides holding the corps property, is the repository of the libraries of the Military Historical Society of Massachusetts and the Massachusetts Commandery of the Loyal Legion of the United States. The collections of these societies are in many respects priceless.

Unless this corps is allowed to continue to hold the position and privileges it has enjoyed since 1786, it can not retain and support the property it owns and dedicates to public use; nor can it continue its own scheme of military instruction, now conducted in a manner that would be impossible were the corps to lose its identity.

Neither the Cadet Corps nor the Ancient and Honorable Artillery Company were a part of the enrolled militia, and the ancients never joined the volunteer militia, whereas the two cadet corps did, and inspection reports have always rated them very high.

SEC. 4. That whenever the United States is invaded or in danger of invasion from any foreign nation, or of rebellion against the authority of the Government of the United States, or the President is unable with the other forces at his command to execute the laws of the Union in any part thereof, it shall be lawful for the President to call forth, for a period not exceeding nine months, such number of the militia of the State or of the States or Territories or of the District of Columbia as he may deem necessary to repel such invasion, suppress such rebellion, or to enable him to execute such laws, and to issue his orders for that purpose to such officers of the militia as he may think proper.

This section, which has undergone no material change in revision, replaces section 1642 of the Revised Statutes, which provides that:

SEC. 1642. Whenever the United States are invaded, or are in imminent danger of invasion from any foreign nation or Indian tribe, or of rebellion against the authority of the Government of the United States, it shall be lawful for the President to call forth such number of the militia of the State or States most convenient to the place of danger or scene of action as he may deem necessary to repel such invasion or to suppress such rebellion, and to issue his orders for that purpose to such officers of the militia as he may think proper.

SEC. 5. That whenever the President calls forth the militia of any State or Territory or of the District of Columbia to be employed in the service of the

United States, he may specify in his call the period for which such service is required, not exceeding nine months, and the militia so called forth shall continue to serve during the term so specified, unless sooner discharged by order of the President.

An able statement of the reasons why the militia can not be taken out of the United States for the purposes of war is to be found in Ordronaux's Constitutional Legislation, page 501, from subhead "Calling out the militia and its government" to the subhead "Jurisdiction over ceded places," page 506.

CALLING OUT THE MILITIA AND ITS GOVERNMENT.

The Constitution distinctly enumerates the three exclusive purposes for which the militia may be called into the service of the United States. These purposes are: First, to execute the laws of Union; second, to suppress insurrection, and, third, to repel invasions.

These three occasions, representing necessities of a strictly domestic character, plainly indicate that the services required of the militia can be rendered only upon the soil of the United States or of its Territories. Under these circumstances they still remain the militia of their several States, although temporarily in the service of the United States as the superior power constitutionally invoked "to execute the laws of the Union, to suppress insurrection, and to repel invasions." In the history of this provision of the Constitution there is nothing indicating that it was even contemplated that such troops should be employed for purposes of offensive warfare outside the limits of the United States. And it is but just to infer that the enumerations of the specific occasions on which alone the militia can be called into the service of the General Government was intended as a distinct limitation upon their employment. (Kneedler *v.* Lane, 45 Penn., 238; Martin *v.* Mott, 12 Wheat., 19; Houston *v.* Moore, 5 ibid., I.)

Being the ministers of the law to enforce its demands, they can only be summoned by the lawmaking power to act within the extent of its jurisdiction and in the manner prescribed by the Constitution. They can not, consequently, be used to invade the territory of a neighboring country or to enforce any public rights abroad. While serving as State militia they do not lose their distinctive character beyond becoming the militia of the United States for the time being.

It was the hereditary fear of standing armies as a menace to liberty in time of peace which led the framers of the Constitution to provide that the militia should always remain a militia of the States.[a]

It was never designed to be a militia of the United States, nor under the control of the President, except when called into actual service under some one of the above-enumerated contingencies. Nor was he even to be allowed to do so at his arbitrary pleasure, but only after the necessity for so doing had been recognized and approved by Congress.

Remember always [says Mr. Webster] that the great principle of the Constitution on that subject is that the militia is the militia of the States, and not of the General Government, and being thus the militia of the States, there is no part of the Constitution worded with greater care and with a more scrupulous jealousy than that which grants and limits the power of Congress over it. (Works, vol. 2, p. 95.)

Speaking likewise on this question of the government of the militia, the justices of the supreme judicial court of Massachusetts, in their opinion upon the subject, say that—

Were it otherwise, were the General and State governments to have their own militia, the results would have been that there would be within the bosom of each State a large embodied military force not by its organization amenable to the laws or subject to the orders of the State government, and also a similar force on which the General Government would have no right to call for aid to repel invasion, suppress insurrection, or execute the laws—a state of things not only rendering each, to a great extent, inefficient and powerless, but also entirely destructive of that harmony and union which were intended to characterize the combined action of both governments. (80 Mass. R., 614.)

The militia of the States, restricted to domestic purposes alone, are to be distinguished, therefore, from the Army proper of the United States, which, whether in the form of regular troops or volunteers, may be used to invade a foreign country as well as to repel the attack of foreign enemies. The invasion of Mexico in 1846 and of Canada during the war of 1812 with Great Britain are notable instances of this kind. Although in the latter case some militia did participate in the battles of Chippewa and Niagara on Canadian soil, a portion claimed their constitutional rights and refused to cross the frontier. (Hildreth's Hist. of the U. S., vol. 3, p. 358.)

Guilty as they may have been of flagrant insubordination, it is doubtful whether any military court could have vindicated its jurisdiction in punishing this disobedience of an unlawful command.

From 1792 (act of May 8, 1792, 1 Stat. L., 271) to 1862 (act of July 17, 1862, 12 Stat. L., 597) none but free white male citizens could be lawfully enrolled in the militia of any of the States. By the latter act "all able-bodied male citizens between the ages of 18 and 45" are included, and it is further enacted that "the militia when so called into service shall be organized in the mode prescribed by law for volunteers." As a fact, during our civil war the State regiments, whether raised by draft or voluntary enlistments, retained the name of their several States with their appropriate numbers, and they were called "volunteers" to distinguish them from troops of the Regular Army.

By the confiscation act of July 17, 1862 (12 Stat. L., 592), the President was authorized to enlist persons of African descent into the Army for the suppression of the rebellion. This was the initiation of colored soldiers into our Army, and led to the permanent organization of negro regiments.

The power to call out the militia and the power to govern them authorizes the passage of laws to enforce the call by the infliction of suitable penalties and the erection of courts for the trial of offenders. This Congress has done in the various acts passed between 1792 and 1862 giving to the President the authority to call forth the militia and to provide for their government when in active service. (Rev. Stats. U. S., Title XVI.)

In respect to their control the power of the State and General Government over the militia are concurrent in this sense, that the powers of the State governments antedating the Constitution and not having been prohibited by that instrument, still remain with the States until a necessity arises calling for the exercise of the superior authority of the General Government over the same subject. (Houston *v.* Moore, 5 Wheat., 1.)

Then the State authority (except in the matter of training and officering them according to the discipline prescribed by Congress) becomes subordinated to that of the President as commander in chief of all our forces. Whenever, therefore, any body of the militia has entered into the service of the United States its authority over them is exclusive and paramount.

As to the command of the militia, the State alone is authorized to provide its officers, but when it has passed into the service of the United States the President, as commander in chief, may exercise his command over them either through Regular Army officers or through the officers of the militia themselves. Until such troops have actually been mustered into this service they are not amenable to the Articles of War prescribed by the General Government and can not be punished for disobedience to them. The militia called into the public service are still the militia of the States until organized in the manner prescribed by Congress. (Mills *v.* Martin, 19 Johns., 7; Houston *v.* Moore, 5 Wheat., 20; Vanderhyden *v.* Young, 11 Johns., 150.)

The Revised Statutes of the United States (Title XVI) have reenacted the act of 1792, with all its obsolete military terms and references to weapons long since relegated to the museums of military antiquities. Much of this scheme of organization is in the light of modern science not only faulty but, under present and accepted rules of formation, wholly impracticable. Our highest military authority, whose statements should receive the serious attention of Congress, has pointed this out most forcibly in a recent publication. (Our Army and Militia, by Gen. W. T. Sherman, in North American Review for August, 1890.)

This section replaces section 1648 of the Revised Statutes without other change than is believed to be necessary in order to bring the requirement up to date.

SEC. 1648. Whenever the President calls forth the militia of the States, to be employed in the service of the United States, he may specify in his call the period for which such service will be required, not exceeding nine months; and the militia so called shall be mustered in and continue to serve during the terms so specified, unless sooner discharged by command of the President.

In the earlier enactments in respect to the Federal employment of the militia the period of compulsory service was fixed at three months in any one year, and the completion of such a period of service entitled a member of the militia to exemption from active service, save "in due rotation with every other able-bodied man of the same rank in the battalion to which he belongs." (Sec. 4, act of February 28, 1795; 1 Stats., 424.) This period was extended to six months by section 2 of the act of March 3, 1839 (5 Stats., 355), and to sixty days after the commencement of the next regular session of Congress by section 3 of the act of July 29, 1861 (12 Stats., 281), and to nine months by the act of July 17, 1862 (ibid., 597), which is the existing law.

SEC. 6. That when the militia of more than one State is called into the actual service of the United States by the President he may, in his discretion apportion them among such States or Territories or to the District of Columbia according to representative population.

This section replaces section 1643 of the Revised Statutes. It differs from that section only in that it is not mandatory, but vests

[a] Charles II by his own authority kept on foot a body of 5,000 troops in time of peace, and James II increased the number to 30,000, who were paid out of his civil list. This it was which gave rise to the revolution of 1688 and to the insertion in the Bill of Rights of the clause that "raising and keeping a standing army within the Kingdom in time of peace, unless with the consent of Parliament, is against law." (1 William and Mary, 1689.) The complaint that George III had done so in the colonies is one of the grievances set forth in our Declaration of Independence. (Federalist, No. 26; Macaulay's Hist., chap. 23; Hallam's Const. Hist., chap. 25.)

a discretion in the President in respect to the apportionment of quotas where the militia of more than one State is called into the service of the United States. Section 1643 provided that—

When the militia of more than one State is called into the actual service of the United States by the President he shall apportion them among such States according to representative population.

SEC. 7. That every officer and enlisted man of the militia called into the service of the United States in the manner hereinbefore prescribed shall be held to be in such service from the date of the publication of such call; and any officer or man who shall refuse or neglect to obey such call shall be subject to trial by court-martial, and shall be punished as such court-martial may direct.

The authority to order forth the militia presupposes the power to enforce compliance with the order, and to make such authority effective it must be accompanied with the power to punish for a disobedience of such order from the moment a call is made. The only effective means to enforce such authority is by court-martial. Section 5 of the act of February 28, 1795 (1 Stats., 424), the Federal enactment on the subject, provided—

That every officer, noncommissioned officer, or private of the militia, who shall fail to obey the orders of the President of the United States in any of the cases above recited, shall forfeit a sum not exceeding one year's pay and not less than one month's pay, to be determined and adjudged by a court-martial; and such officer shall, moreover, be liable to be cashiered by sentence of a court-martial, and be incapacitated from holding a commission in the militia for a term not exceeding twelve months, at the discretion of the said court; and such noncommissioned officers and privates shall be liable to be imprisoned, by a like sentence, on failure of the payment of fines adjudged against them, for one calendar month for every $5 of such fine.

The leading case of Martin *v.* Mott (12 Wheaton, 19) grew out of an attempted enforcement of this section, and that of Houston *v.* Moore (5 Wheaton, 1) out of a corresponding attempt in the case of an enactment of the Pennsylvania legislature in its support. A report submitted to Congress by the Comptroller of the Treasury on October 30, 1820, shows that 9,945 persons were fined under the provisions of this section in sums aggregating $483,685.41 for neglect of duty in failing to render service in the militia during the war of 1812 (12 American State Papers, vol. 2, Military Affairs, pp. 314–319), to which should be added $15,377 subsequently reported as collected in Virginia. An incomplete report of the expenses of the courts-martial convened for the purpose of imposing fines for the year above mentioned shows that $97,194.14 were disbursed on that account during that period. In New York the fines collected amounted to $243,609.41, and the cost of collection was $55,428.49, about 20 per cent. In Pennsylvania $15,377 was collected, at a cost of $41,531.77. Regarded, therefore, as a practicable method of enforcing obedience to the President's orders calling forth the militia, this portion of the enactment must be looked upon as a complete failure.

This section, in the opinion of your committee, replaces sections 1649, 1659, and 1660 of the Revised Statutes, which provide:

SEC. 1649. Every officer, noncommissioned officer, or private of the militia who fails to obey the orders of the President when he calls out the militia into the actual service of the United States shall forfeit of his pay a sum not exceeding one year's pay and not less than one month's pay, to be determined and adjudged by a court-martial; and such officer shall be liable to be cashiered by a sentence of a court-martial, and be incapacitated from holding a commission in the militia for a term not exceeding twelve months; and such noncommissioned officer and private shall be liable to imprisonment, by a like sentence, on failure to pay the fines adjudged against him, for one calendar month for every $25 of such fine.

SEC. 1659. All fines assessed under the provisions of law concerning the militia or volunteer corps when called into the actual service of the United States shall be certified by the presiding officer of the court-martial before whom they are assessed to the marshal of the district in which the delinquent resides, or to one of his deputies, and to the Comptroller of the Treasury, who shall record the certificate in a book to be kept for that purpose. The marshal or his deputy shall forthwith proceed to levy the fines, with costs, by distress and sale of the goods and chattels of the delinquent, which cost and manner of proceeding, with respect to the sale of the goods distrained, shall be agreeable to the laws of the State in which the same may be in other cases of distress. And where any noncommissioned officer or private is adjudged to suffer imprisonment, there being no goods or chattels to be found whereof to levy the fines, the marshal of the district or his deputy shall commit such delinquent to jail during the term for which he is so adjudged to imprisonment or until the fine is paid, in the same manner as other persons condemned to fine and imprisonment at the suit of the United States may be committed.

SEC. 1660. That the marshal shall pay all fines collected by him or his deputy under the authority of the preceding section into the Treasury of the United States within two months after he has received the same, deducting 5 per cent for his compensation; and in case of failure it shall be the duty of the Comptroller of the Treasury to give notice to the district attorney of the United States, who shall proceed against the marshal in the district court, by attachment, for the recovery of the same.

The experience of the United States for nearly three-quarters of a century has been that in an ordinary emergency of war neither inducements nor penalties are necessary in order to induce or compel citizens to perform the duty required of them as members of the militia forces in time of public danger. As the remedy for a failure to respond to the call of the President as prescribed in the sections above cited failed completely upon the only occasion in our history in which it was resorted to, your committee can not do otherwise than to recommend its repeal.

SEC. 8. That courts-martial for the trial of officers or men of the militia when in the service of the United States shall be composed of militia officers only.

In this section the committee recognizes and continues in operation a rule which has prevailed without interruption since the adoption of the Articles of War by the Continental Congress, in 1776, and which was embodied in its present form in the general militia law of 1792. It has seemed to your committee a wise precaution to embody in the new section a declaration that while such courts shall be composed exclusively of militia officers they shall not of necessity be from the same State as the accused.

SEC. 9. That the militia, when called into the actual service of the United States, shall be subject to the same rules and articles of war as the regular troops of the United States.

This section, which has been reenacted without change, replaces section 1644 of the Revised Statutes, which provides that—

SEC. 1644. The militia, when called into the actual service of the United States, for the suppression of the rebellion against and resistance to the laws of the United States, shall be subject to the same rules and articles of war as the regular troops of the United States.

SEC. 10. That the militia, when called into the actual service of the United States, shall, during their time of service, be entitled to the same pay and allowances as are or may be provided by law for the Regular Army.

The provisions of the general militia law in respect to the pay and allowance of the militia when called into the service of the United States are in some respects not only obsolete but inoperative. Your committee has therefore retained the wholesome requirement of section 1650 of the Revised Statutes, which places troops of the militia upon practically the same footing as those of the regular establishment in all matters relating to pay, rations, clothing, travel allowances, and other emoluments. The section recommended for retention reenacts section 1650 and replaces the inoperative provisions of sections 1653 and 1655, which required that—

SEC. 1653. The officers of all mounted companies in the militia called into the service of the United States shall each be entitled to receive forage, or money in lieu thereof, for two horses, when they actually keep private servants, and for one horse when without private servants, and 40 cents per day shall be allowed for the use and risk of each horse, except horses killed in battle or dying of wounds received in battle. Each noncommissioned officer, musician, artificer, and private of such mounted companies shall be entitled to receive forage in kind for one horse, with 40 cents per day for the use and risk thereof, except horses killed in battle or dying of wounds received in battle, and 25 cents per day in lieu of forage and subsistence when the same is furnished by himself, or 12½ cents per day for either, as the case may be.

SEC. 1655. When the militia in the military service of the United States are employed on the Western frontiers, there shall be allowed 2 ounces of flour or bread and 2 ounces of beef or pork, in addition to each of their rations, and half a pint of salt in addition to every hundred of their rations.

SEC. 11. That when the militia is called into the actual service of the United States, or any portion of the militia is accepted under the provisions of this act, their pay and allowances shall commence from the day of their appearing at the place of company rendezvous. But this provision shall not be construed to authorize any species of expenditure previous to arriving at such places of rendezvous which is not provided by existing law to be paid after their arrival at such places of rendezvous.

The experience gained from the mobilization of militia forces in 1861 and 1898 shows that the duty of the Federal Government to maintain and support militia which it calls into its service should become operative as to each company when it assembles at its company rendezvous in obedience to the call of the President, and all expenses subsequently incurred for pay, subsistence, and transportation constitute a proper charge against the Federal Government.

The proposed section replaces sections 1651, 1652, and 1654 of the Revised Statutes, which provide—

SEC. 1651. Whenever the militia is called into the actual service of the United States their pay shall be deemed to commence from the day of their appearing at the place of battalion, regimental, or brigade rendezvous.

SEC. 1652. The officers, noncommissioned officers, musicians, artificers, and privates shall be entitled to one day's pay, subsistence, and allowances for every 20 miles' travel from their places of residence to the place of general rendezvous, and from the place of discharge back to their residence.

SEC. 1654. The expenses incurred by marching the militia of any State or Territory to their place of rendezvous, in pursuance of a requisition of the President, or of a call made by the authority of any State or Territory, and approved by him, shall be adjusted and paid in like manner as the expenses incurred after their arrival at such place of rendezvous, on the requisition of the President; but this provision does not authorize any species of expenditure, previous to arriving at the place of rendezvous, which is not provided by existing laws to be paid for after their arrival at such place of rendezvous.

SEC. 12. There shall be appointed in each State, Territory, and the District of Columbia an adjutant-general, who shall perform such duties as may be prescribed by the laws of such State, Territory, and District, respectively, and make returns to the Secretary of War, at such times and in such form as he shall from time to time prescribe, of the strength of the organized militia, and also make such reports as may from time to time be required by the Secretary of War. That the Secretary of War shall, with his annual report of each year, transmit to Congress an abstract of the returns and reports of the adjutants-general of the States, Territories, and the District of Columbia, with such observations thereon as he may deem necessary for the information of Congress.

As the office of adjutant-general is created by the State government, this section places that office under the control of the governor and legislature of the State, whose agent he is and to whom he is responsible for the correct performance of the functions imposed upon him by law. In addition to the duties attached to the office by authority of the State, this section contains the provision of existing law which requires returns of strength of the enlisted organized and uniformed active militia to be rendered to the War Department, annually, by that office.

Section 232 of the Revised Statutes requires the Secretary of

War to transmit to Congress, on or before the first Monday in February of each year, an abstract of the returns of the adjutants-general of the several States. In the section as proposed, this return is to accompany the annual report of the Secretary to Congress. This change is believed to be in the direction of promptness in the transaction of public business, and the operation of the enactment will be to cause the report to be rendered about two months earlier than is the case at present.

Section 12 replaces sections 232, 1634, 1635, 1636, and 1640 of the Revised Statutes, which provide that—

SEC. 232. The Secretary of War shall lay before Congress, on or before the first Monday in February of each year, an abstract of the returns of the adjutants-general of the several States of the militia thereof.

SEC. 1634. There shall be appointed in each State an adjutant-general, whose duty it shall be to distribute all orders from the commander in chief of the State to the several corps; to attend all musters when the commander in chief of the State reviews the militia, or any part thereof; to obey all orders from him relative to carrying into execution and perfecting the system of military discipline established by law; to furnish blank forms of returns that may be required, and to explain the principles on which they should be made; to receive from the several officers of the different corps throughout the State returns of the militia under their command, and to make proper abstracts from such returns, and lay the same annually before the commander in chief of the State.

SEC. 1635. The several officers of the divisions, brigades, regiments, and battalions shall report, in their returns of the corps under their command, the actual condition of their arms, accouterments, and ammunition, their delinquencies, and every other particular relating to the general advancement of good order and discipline, and shall make the same in the usual manner.

SEC. 1636. It shall be the duty of the adjutant-general in each State to make return of the militia of the State, with their arms, accouterments, and ammunition, agreeably to the provisions of law, to the President of the United States, annually, on or before the first Monday in January; and it shall be the duty of the Secretary of War from time to time to give such directions to the adjutants-general of the militia as may, in his opinion, be necessary to produce a uniformity in such returns.

SEC. 1640. It shall be the duty of the brigade inspector to attend the regimental and battalion meetings of the militia composing the several brigades during the time when they are under arms, to inspect their arms, ammunition, and accouterments; to superintend their exercise and maneuvers, and to introduce throughout the brigade the system of military discipline prescribed by law, and such orders as they receive from the commander in chief of the State.

SEC. 13. That the Secretary of War is hereby authorized to issue, on the requisitions of the governors of the several States and Territories, or of the commanding general of the militia of the District of Columbia, such number of the United States standard service magazine arms, with bayonets, bayonet scabbards, gun slings, belts, and such other necessary accouterments and equipments as are required for the Army of the United States, for arming all of the organized militia in said States and Territories and District of Columbia, without charging the cost or value thereof, or any which have been issued since December 1, 1901, or any expense connected therewith, against the allotment to said State, Territory, or District of Columbia, out of the annual appropriation provided by section 1661 of the Revised Statutes, as amended, or requiring payment therefor, and to exchange, without receiving any money credit therefor, ammunition, or parts thereof, suitable to the new arms, round for round, for corresponding ammunition suitable to the old arms, theretofore issued to said State, Territory, or District by the United States: *Provided*, That said rifles and carbines and other property shall be receipted for and shall remain the property of the United States and be annually accounted for by the governors of the States and Territories as now required by law, and that each State and Territory, and District shall, on receipt of the new arms, turn in to the Ordnance Department of the United States Army, without receiving any money credit therefor, and without expense for transportation, all United States rifles and carbines now in its possession.

To provide means to carry into effect the provisions of this section, the necessary money to cover the cost of exchanging or issuing the new arms, accouterments, equipments, and ammunition to be exchanged or issued hereunder is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

The requirement of the Constitution which confers upon Congress the power to prescribe the discipline of the militia forces, and vests in the States the right to instruct them in conformity to the system of drill and discipline so prescribed by Congress, has for its purpose to secure substantial uniformity in drill and instruction as between the Army and the militia. That there should be such uniformity in discipline it is absolutely necessary that there should be a corresponding uniformity in armament and equipment. In other words, the systems of drill and target practice for the Army and militia can not be uniform unless the arms and equipments are the same for both forces. This principle was recognized in the act of February 24, 1897 (29 Stats., 592), which authorized the issue of the Springfield breech-loading rifle to the whole body of the militia in exchange for the diverse types of small arms which were then in use by the militia of the several States. A similar exchange is contemplated in this section, and for the same purpose, viz, of introducing uniformity of instruction throughout the constitutional militia establishment. The advantage which will result to the United States in the way of increased efficiency in the militia forces is a sufficient consideration and warrants the exchange being made on the same basis as was prescribed in the legislation of 1897.

SEC. 14. That whenever it shall appear by the report of inspections, which it shall be the duty of the Secretary of War to cause to be made at least once in each year by officers detailed by him for that purpose, that the organized militia of a State or Territory or of the District of Columbia is sufficiently armed, uniformed, and equipped for active duty in the field, the Secretary of War is authorized, on the requisition of the governor of such State or Territory, to pay to the quartermaster-general thereof, or to such other officer of the militia of said State as the said governor may designate and appoint for the purpose, so much of its allotment out of the said annual appropriation under section 1661 of the Revised Statutes as amended as shall be necessary for the payment, subsistence, and transportation of such portion of said organized militia as shall engage in actual field or camp service for instruction, and the officers and enlisted men of such militia while so engaged shall be entitled to the same pay, subsistence, and transportation or travel allowances as officers and enlisted men of corresponding grades of the Regular Army are or may hereafter be entitled by law, and the officer so designated and appointed shall be regarded as a disbursing officer of the United States, and shall render his accounts through the War Department to the proper accounting officers of the Treasury for settlement, and he shall be required to give good and sufficient bonds to the United States, in such sums as the Secretary of War may direct, faithfully to account for the safe-keeping and payment of the public moneys so intrusted to him for disbursement.

It is contemplated in this section to extend the participation of the United States Government in the training of the militia by authorizing the transfer to the States of any sum remaining to their respective credits out of the allotments accruing to them under the operation of section 1661 of the Revised Statutes, as amended by the act of February 12, 1887 (24 Stats., 401); the sums so paid are to be used for the training of the organized militia in camp duty and field service. With a view to secure the end contemplated in the original enactment, of providing for the armament and equipment of the whole body of the militia, such payments are conditioned upon an inspection, to be made under the authority and direction of the Secretary of War, with a view to ascertain whether the militia of the State is fully equipped for field service. When that condition has been fulfilled to the satisfaction of the Secretary of War, any sums remaining to the credit of the State may be paid over to an officer designated by the governor, who in virtue of such designation becomes, for the purpose of receiving and distributing such funds, a disbursing officer of the United States, giving bond, as such, for the safe-keeping and faithful distribution of the moneys intrusted to him for the purpose above mentioned.

Under the present law the sum of $1,000,000 is annually appropriated for the purpose of providing arms, ordnance stores, quartermaster stores, and camp equipage for issue to the militia.

Said appropriation is apportioned among the several States and Territories, under the direction of the Secretary of War, according to the number of Senators and Representatives to which each State, respectively, is entitled in the Congress of the United States, and to the Territories and District of Columbia such proportion and under such regulations as the President may prescribe. No State, however, is entitled to the benefits of the appropriation apportioned to it unless the number of its regularly enlisted, organized, and uniformed active militia is at least 100 men for each Senator and Representative to which such State is entitled in the Congress of the United States. The amount of this appropriation which is thus determined not to be available is covered back into the Treasury.

The apportionment under this act is as follows:

Apportionment to each State and Territory.

State or Territory.	Representation.	Amount.
Alabama	11	$23,366.00
Arkansas	8	16,993.46
California	9	19,117.64
Colorado	4	8,496.73
Connecticut	6	12,745.08
Delaware	3	6,372.53
Florida	4	8,496.73
Georgia	13	27,614.37
Idaho	3	6,372.53
Illinois	24	50,980.40
Indiana	15	31,862.73
Iowa	13	27,614.37
Kansas	10	21,241.82
Kentucky	13	27,614.37
Louisiana	8	16,993.46
Maine	6	12,745.08
Maryland	8	16,993.46
Massachusetts	15	31,862.73
Michigan	14	29,728.55
Minnesota	9	19,117.64
Mississippi	9	19,117.64
Missouri	17	36,111.11
Montana	3	6,372.53
Nebraska	8	16,993.46
Nevada	3	6,372.53
New Hampshire	4	8,496.73
New Jersey	10	21,241.82
New York	36	76,470.59
North Carolina	11	23,366.00
North Dakota	3	6,372.53
Ohio	23	48,856.20
Oregon	4	8,496.73
Pennsylvania	32	67,973.86
Rhode Island	4	8,496.73
South Carolina	9	19,117.64
South Dakota	4	8,496.73
Tennessee	12	25,490.20
Texas	15	31,862.73
Utah	3	6,372.53
Vermont	4	8,496.73
Virginia	12	25,490.20

Apportionment to each State and Territory—Continued.

State or Territory.	Representation.	Amount.
Washington	4	$3,496.73
West Virginia	6	12,745.08
Wisconsin	12	25,490.20
Wyoming	3	6,372.53
Arizona	0	5,683.60
District of Columbia	0	17,218.15
New Mexico	0	5,516.44
Oklahoma	0	7,072.37
Alaska	0	
Porto Rico	0	10,000.00
Hawaii	0	5,000.00
Total	447	1,000,000.00

The following memorandum shows the status of the several States and Territories in account with the United States under the laws for arming and equipping the militia during the fiscal year ending June 30, 1901, the last report available:

ALABAMA.

1900. July 1.	By balance to credit of the State		$3.09
13.	By apportionment for fiscal year 1901		23,366.00
	Total		23,369.09
1901. June 30.	To requisitions for quartermaster stores during the year	$9,907.29	
30.	To requisitions for ordnance stores during the year	7,177.79	
			17,085.08
30.	By balance to credit of the State		6,284.01

ARKANSAS.

1900. July 1.	By balance to credit of the State		$12,040.77
13.	By apportionment for the fiscal year 1901		16,993.46
	Total		29,034.23
1901. June 30.	To requisitions for quartermaster stores during the year	$1,680.98	
30.	To requisitions for ordnance stores during the year	260.82	
			1,941.80
30.	By balance to credit of the State		27,092.43

CALIFORNIA.

1900. July 1.	By balance to credit of the State		$156.19
13.	By apportionment for fiscal year 1901		19,117.64
	Total		19,273.83
1901. June 30.	To requisitions for quartermaster stores during the year	$11,799.86	
30.	To requisitions for ordnance stores during the year	8,781.30	
	Total requisitions		20,581.16
30.	To credit of State		19,273.83
30.	To balance due United States (overdrawn)		1,307.33

COLORADO.

1900. July 1.	By balance to credit of the State		$525.89
13.	By apportionment for fiscal year 1901		8,496.73
	Total		9,022.62
1901. June 30.	To requisitions for quartermaster stores during the year	$5,979.03	
30.	To requisitions for ordnance stores during the year	2,022.94	
			8,001.97
30.	By balance to credit of the State		1,020.65

CONNECTICUT.

1900. July 1.	By balance to credit of the State		$2,068.47
13.	By apportionment for fiscal year 1901		12,745.08
	Total		14,783.55
1901. June 30.	To requisitions for quartermaster stores during the year	$4,788.94	
30.	To requisitions for ordnance stores during the year	144.00	
			4,932.94
	By balance to credit of the State		9,850.61

DELAWARE.

1900. July 1.	By balance to credit of the State		$162.15
13.	By apportionment for the fiscal year 1901		6,372.53
	Total		6,534.68
1901. June 30.	To requisitions for ordnance stores during the year	$2,222.90	
30.	To requisitions for quartermaster stores during the year	3,045.44	
			5,268.34
	By balance to credit of the State		1,266.34

FLORIDA.

1901. July 1.	By balance to credit of the State		$91.96
13.	By apportionment for the fiscal year 1901		8,496.73
	Total		8,588.69
1901. June 30.	To requisitions for quartermaster stores during the year	$5,197.90	
30.	To requisitions for ordnance stores during the year	2,802.54	
			8,000.44
	By balance to credit of the State		588.25

GEORGIA.

1900. July 1.	By apportionment for fiscal year 1901		$27,614.37
1.	To amount overdrawn on fiscal year 1900	$48.40	
1901. June 30.	To requisitions for quartermaster stores during the year	9,149.01	
30.	To requisitions for ordnance stores during the year	12,213.50	
			21,410.91
	By balance to credit of the State		6,203.46

IDAHO.

1900. July 1.	By balance to credit of the State		$72.75
13.	By apportionment for fiscal year 1901		6,372.53
	Total		6,445.28
1901. June 30.	To requisitions for quartermaster stores during the year		1,587.05
	By balance to credit of the State		4,858.23

ILLINOIS.

1900. July 1.	By balance to credit of the State		$13,488.88
13.	By apportionment for fiscal year 1801		50,980.40
	Total		64,469.28
1901. June 30.	To requisitions for ordnance stores during the year	$24,660.46	
30.	To requisitions for quartermaster stores during the year	5,151.01	
			29,811.47
	By balance to credit of the State		34,657.81

INDIANA.

1900. July 1.	By balance to credit of the State		$13,559.21
13.	By apportionment for fiscal year 1901		31,862.73
	Total		45,421.94
1901. June 30.	To requisitions for ordnance stores during the year	$10,255.07	
30.	To requisitions for quartermaster stores during the year	6,621.27	
			16,876.34
	By balance to credit of the State		28,545.60

IOWA.

1900. July 1.	By balance to the credit of the State		$3,637.79
13.	By apportionment for fiscal year 1901		27,614.37
	Total		31,252.16
1901. June 30.	To requisitions for ordnance stores during the year	$4,413.02	
30.	To requisitions for quartermaster stores during the year	2,333.30	
			6,746.32
	By balance to credit of the State		24,505.84

KANSAS.

1900. July 1.	By balance to credit of the State		$430.39
13.	By apportionment for fiscal year 1901		21,241.81
	Total		21,672.21
1901. June 30.	To requisitions for ordnance stores during the year	$15,698.38	
30.	To requisitions for quartermaster stores during the year	4,701.62	
			20,400.00
	By balance to credit of the State		1,272.21

KENTUCKY.

1900. July 1.	By balance to credit of the State		$8,910.54
13.	By apportionment for fiscal year 1901		27,614.37
	Total		36,524.91
1901. June 30.	To requisitions for quartermaster stores during the year	$24,830.36	
30.	To requisitions for ordnance stores during the year	3,816.00	
			28,646.36
	By balance to credit of the State		7,878.55

LOUISIANA.

1900.			
July 1.	By balance to credit of the State		$56.78
13.	By apportionment for fiscal year 1901		16,993.46
	Total		17,050.24
1901.			
June 30.	To requisitions for quartermaster stores during the year	$8,144.14	
30.	To requisitions for ordnance stores during the year	2,562.47	
			10,706.61
	By balance to credit of the State		6,343.63

MAINE.

1900.			
July 1.	By balance to credit of the State		$101.72
13.	By apportionment for fiscal year 1901		12,745.08
	Total		12,846.80
1901.			
June 30.	To requisitions for ordnance stores during the year	$6,901.48	
30.	To requisitions for quartermaster stores during the year	2,595.70	
			9,497.18
	By balance to credit of the State		3,349.62

MARYLAND.

1900.			
July 1.	By balance to credit of the State		$1,107.31
13.	By apportionment for fiscal year 1901		16,993.46
	Total		18,100.77
1901.			
June 30.	To requisitions for ordnance stores during the year	$8,773.39	
30.	To requisitions for quartermaster stores during the year	8,958.88	
			17,732.27
	By balance to credit of the State		368.50

MASSACHUSETTS.

1900.			
July 1.	By balance to credit of the State		$2,693.34
13.	By apportionment for the fiscal year 1901		31,862.73
	Total		34,556.07
1901.			
June 30.	To requisitions for ordnance stores during the year	$2,323.39	
30.	To requisitions for quartermaster stores during the year	12,397.29	
			14,720.68
	By balance to credit of the State		19,835.39

MICHIGAN.

1900.			
July 1.	By balance to credit of State		$4,613.99
13.	By apportionment for the fiscal year 1901		29,728.55
	Total		34,342.54
1901.			
June 30.	To requisitions for ordnance stores during the year	$15,793.10	
30.	To requisitions for quartermaster stores during the year	16,568.92	
			32,362.02
	By balance to credit of the State		1,980.52

MINNESOTA.

1900.			
July 1.	By balance to credit of State		$5.62
13.	By apportionment for fiscal year 1901		19,117.64
	Total		19,123.26
1901.			
June 30.	To requisitions for ordnance stores during the year	$3,286.92	
30.	To requisitions for quartermaster stores during the year	12,952.62	
			16,239.54
	By balance to credit of the State		2,883.72

MISSISSIPPI.

1900.			
July 1.	By balance to credit of the State		$2,339.61
13.	By apportionment for the fiscal year 1901		19,117.64
	Total		21,457.25
1901.			
June 30.	To requisitions for ordnance stores during the year	$2,719.56	
30.	To requisitions for quartermaster stores during the year	6,133.32	
			8,852.88
	By balance to credit of the State		12,604.37

MISSOURI.

1900.			
July 1.	By balance to credit of the State		$673.34
13.	By apportionment for the fiscal year 1901		36,111.11
	Total		36,784.45
1901.			
June 30.	To requisitions for quartermaster stores for the year	$24,468.71	
30.	To requisitions for ordnance stores for the year	5,044.64	
			$29,513.35
	By balance to credit of the State		7,271.10

MONTANA.

1900.			
July 1.	By balance to credit of the State		$5,656.97
13.	By apportionment for the fiscal year 1901		6,372.53
1901.			
June 30.	By balance to credit of the State		12,029.50

NEW YORK.

1900.			
July 1.	By balance to credit of the State		$17,321.37
13.	By apportionment for fiscal year 1901		76,470.59
	Total		93,791.96
1901.			
June 30.	To requisitions for ordnance stores during the year	$45,238.41	
30.	To requisitions for quartermaster stores during the year	1,828.08	
			47,066.49
30.	By balance to credit of the State		46,725.47

NEBRASKA.

1900.			
July 1.	By balance to credit of the State		$1,074.09
13.	By apportionment for the fiscal year 1901		16,993.46
	Total		18,067.55
1901.			
June 30.	To requisitions for quartermaster stores during the year	$9,836.46	
30.	To requisitions for ordnance stores during the year	31.00	
			9,867.46
30.	By balance to credit of the State		8,200.09

NEVADA.

1900.			
July 1.	By balance to credit of the State		$5,375.38
13.	By apportionment for the fiscal year 1901		6,372.52
1901.			
June 30.	By balance to credit of the State		11,747.90

NEW HAMPSHIRE.

1900.			
July 1.	By balance to credit of the State		$26.33
13.	By apportionment for the fiscal year 1901		8,496.73
	Total		8,523.06
1901.			
June 30.	To requisitions for ordinance stores during the year	$3,881.81	
30.	To requisitions for quartermaster stores during the year	2,657.93	
			6,539.74
30.	By balance to credit of the State		1,983.32

NEW JERSEY.

1900.			
July 1.	By balance to credit of the State		$33.94
13.	By apportionment for the fiscal year 1901		21,241.82
	Total		21,275.76
1901.			
June 30.	To requisitions for ordnance stores during the year	$6,013.32	
30.	To requisitions for quartermaster stores during the year	169.91	
			6,183.23
30.	By balance to credit of the State		15,092.53

NORTH CAROLINA.

1900.			
July 1.	By balance to credit of the States		$62.82
13.	By apportionment of the fiscal year 1901		23,366.00
	Total		23,428.82
1901.			
June 30.	To requisitions for quartermaster stores during the year	$16,706.22	
30.	To requisitions for ordnance stores during the year	6,588.53	
			23,294.75
30.	By balance to credit of the State		134.07

NORTH DAKOTA.

1900.			
July 1.	By balance to credit of the State		$360.06
13.	By apportionment for the fiscal year 1901		6,372.53
	Total		6,732.59
1901.			
June 30.	To requisitions for quartermaster stores during the year	$5,587.01	
30.	To requisitions for ordnance stores during the year	1,159.13	
	Total requisitions	6,746.14	
	Total credit of State	6,732.59	
30.	To balance due United States (overdrawn)	13.55	

OHIO.

1900.			
July 1.	By balance to credit of the State		$1,924.82
13.	By apportionment for the fiscal year 1901		48,858.20
	Total		50,781.02
1901.			
June 30.	To requisitions for ordnance stores during the year	$29,020.24	
30.	To requisitions for quartermaster stores during the year	21,091.25	
			50,111.49
30.	By balance to credit of the State		669.53

OREGON.

1900.			
July 1.	By balance to credit of the State		$1,080.38
13.	By apportionment for the fiscal year 1901		8,496.73
	Total		9,577.11
1901.			
June 30.	To requisitions for ordnance stores during the year	$4,423.03	
30.	To requisitions for quartermaster stores during the year	3,230.82	
			7,763.85
30.	By balance to credit of the State		1,923.26

PENNSYLVANIA.

1900.			
July 1.	By balance to credit of the State		$30,508.71
13.	By apportionment for the fiscal year 1901		67,973.86
	Total		98,482.27
1901.			
June 30.	To requisitions for ordnance stores during the year	$43,171.73	
30.	To requisitions for quartermaster stores during the year	544.80	
			43,716.53
30.	By balance to credit of the State		54,766.04

RHODE ISLAND.

1900.			
July 1.	By balance to credit of the State		$6,951.38
13.	By apportionment for the fiscal year 1901		8,496.73
	Total		15,448.11

SOUTH CAROLINA.

1900.			
July 1.	By balance to credit of the State		$1,614.17
13.	By apportionment for the fiscal year 1901		19,117.64
	Total		20,731.81
1901.			
June 30.	To requisitions for quartermaster stores during the year	$10,496.33	
30.	To requisitions for ordnance stores during the year	6,247.44	
			16,743.77
30.	By balance to credit of the State		3,988.04

SOUTH DAKOTA.

1900.			
July 1.	By balance to credit of the State		$377.67
13.	By apportionment for the fiscal year 1901		8,496.73
	Total		8,874.40
1901.			
June 30.	To requisitions for quartermaster stores during the year		1,876.73
30.	By balance to credit of the State		6,997.67

TENNESSEE.

1900.			
July 1.	By balance to credit of the State		$1,115.94
13.	By apportionment for the fiscal year 1901		25,490.20
	Total		26,606.14
1901.			
June 30.	To requisitions for quartermaster stores during the year		16,382.14
30.	By balance to credit of the State		10,224.00

TEXAS.

1900.			
July 1.	By balance to credit of the State		$1,534.26
13.	By apportionment for the fiscal year 1901		31,862.72
	Total		33,396.98
1901.			
June 30.	To requisitions for quartermaster stores during the year	$23,064.64	
30.	To requisitions for ordnance stores during the year	10,330.86	
			33,395.50
30.	By balance to credit of the State		1.48

UTAH.

1900.			
July 1.	By balance to credit of the State		$29.00
13.	By apportionment for the fiscal year 1901		6,372.53
	Total		6,401.53
1901.			
June 30.	To requisitions for ordnance stores during the year	$1,492.30	
30.	To requisitions for quartermaster stores during the year	4,377.21	
			5,869.51
30.	By balance to credit of the State		532.02

VERMONT.

1900.			
July 1.	By balance to credit of the State		$1,899.12
13.	By apportionment for the fiscal year 1901		8,496.73
	Total		10,395.85
1901.			
June 30.	To requisitions for quartermaster stores during the year	$5,827.44	
30.	To requisitions for ordnance stores during the year	4,143.44	
			9,970.88
30.	By balance to credit of the State		424.97

VIRGINIA.

1900.			
July 1.	By balance to credit of the State		$2,505.62
13.	By apportionment for the fiscal year 1901		25,490.20
	Total		27,995.82
1901.			
June 30.	To requisitions for quartermaster stores during the year	$17,219.94	
30.	To requisitions for ordnance stores during the year	6,306.15	
			23,526.09
30.	By balance to credit of the State		4,469.73

WASHINGTON.

1900.			
July 1.	By balance to credit of the State		$732.16
13.	By apportionment for the fiscal year 1901		8,496.73
	Total		9,228.89
1901.			
June 30.	To requisitions for quartermaster stores during the year	$4,649.21	
30.	To requisitions for ordnance stores during the year	2,444.68	
			7,093.89
30.	By balance to credit of the State		2,135.00

WEST VIRGINIA.

1900.			
July 1.	By balance to credit of the State		$1,137.53
13.	By apportionment for the fiscal year 1901		12,745.08
	Total		13,882.61
1901.			
June 30.	To requisitions for quartermaster stores during the year	$8,451.84	
30.	To requisitions for ordnance stores during the year	1,345.55	
			9,797.39
30.	By balance to credit of the State		4,085.22

WISCONSIN.

1900.			
July 1.	By balance to credit of the State		$892.52
13.	By apportionment for the fiscal year 1901		25,490.20
			26,382.72
1901.			
June 30.	To requisitions for quartermaster stores during the year	$16,188.45	
30.	To requisitions for ordnance stores during the year	8,433.33	
			24,621.78
30.	By balance to credit of the State		1,760.94

WYOMING.

1900.			
July 1.	By balance to credit of the State		$288.13
13.	By apportionment for the fiscal year 1901		6,372.54
	Total		6,660.67
1901.			
June 30.	To requisitions for quartermaster stores during the year	$2,264.92	
30.	To requisitions for ordnance stores during the year	3,706.74	
			5,971.66
30.	By balance to credit of the State		689.01

ARIZONA TERRITORY.

1900.			
July 1.	By balance to credit		$1,645.76
13.	By apportionment for the fiscal year 1901		5,683.60
	Total		7,329.36
1901.			
June 30.	To requisitions for quartermaster stores during the year	$407.59	
30.	To requisitions for ordnance stores during the year	440.20	
			847.79
30.	By balance to credit		6,481.57

DISTRICT OF COLUMBIA.

1900.			
July 1.	By balance to credit		$0.01
13.	By apportionment for fiscal year 1901		17,218.15
	Total		17,218.16
1901.			
June 30.	To requisitions for quartermaster stores during the year	$9,283.86	
30.	To requisitions for ordnance stores during the year	6,889.86	
			16,173.72
30.	By balance to credit		1,044.44

	HAWAII.		
1901. Jan. 15.	By apportionment for the fiscal year 1901		$5,000.00
	NEW MEXICO TERRITORY.		
1900. July 1.	By balance to credit of Territory		$27.53
13.	By apportionment for the fiscal year 1901		5,516.44
	Total		5,543.97
1901. June 30.	To requisitions for ordnance stores during the year	$2,228.31	
30.	To requisitions for quartermaster stores during the year	600.00	
			2,828.31
30.	By balance to credit		2,715.66
	OKLAHOMA TERRITORY.		
1900. July 1.	By balance to credit of the Territory		$16.20
13.	By apportionment for the fiscal year 1901		7,072.37
	Total		7,088.57
1901. June 30.	To requisitions for quartermaster stores during the year	$4,355.68	
30.	To requisitions for ordnance stores during the year	2,487.03	
			6,842.71
30.	By balance to credit of the Territory		245.86
	PORTO RICO.		
1901. Jan. 15.	By apportionment for the fiscal year 1901		$10,000.00
Apr. 18.	To requisition for ordnance stores		935.00
June 30.	By balance to credit		9,065.00

Many of the States have large credits under the annual apportionment of Congress, credits which in some cases are unavailable because it can only be drawn in arms and stores, with which the States may be fully supplied. Under the terms of the new bill this balance can be used to pay for annual encampments, field maneuvers, target practice, and other military exercises necessary for the training of the National Guard.

That the United States should make provision for training the National Guard in the field, in encampments and practice marches, is only too apparent.

I desire to submit in this connection a statement of the comparative cost of maintenance of the organized militia by the States and the National Government. Only approximate figures can be given, for the reason that the various State appropriations which are known are supplemented in many States by county and town allowances, the amount of which can not be accurately learned. However, I presume, the following calculations are fairly illustrative.

For purposes of comparison I have grouped the 45 States geographically, have omitted Territories and the District of Columbia, and have used the figures of active militia and State appropriations for 1897, those being the latest accessible at the moment, and have been little subsequently varied. These are combined with the present United States annual appropriation, increased in 1900 from $400,000 to $1,000,000, allotted to the States, etc., in proportion to Congressional representation.

Group of 10 Eastern States.—Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, and Delaware.

Group of 14 Southern States.—Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Kentucky, Tennessee, and Arkansas.

Group of 12 Middle Western States.—Ohio, Indiana, Illinois, Minnesota, Wisconsin, Michigan, Iowa, Missouri, Kansas, Nebraska, North Dakota, and South Dakota.

Group of 9 Western States.—Montana, Idaho, Wyoming, Colorado, Nevada, Utah, Washington, Oregon, and California.

	10 Eastern States.	14 Southern States.	12 Middle Western States.	9 Western States.	Total.
Organized militia, 1897	39,771	30,763	31,245	9,574	111,353
State appropriations, 1897	$1,454,400	$201,600	$776,000	$241,250	$2,673,250
United States appropriation	$259,000	$300,157	$333,377	$78,250	$970,784
Total appropriation	$1,713,400	$501,757	$1,109,377	$319,500	$3,644,034
State appropriation per head of organized militia	$36.56	$6.55	$24.83	$25.19	*$23.28
United States appropriation per head of organized militia	$6.46	$9.75	$10.66	$8.18	*$8.76
Total appropriation per head of organized militia	$43.02	$16.30	$35.49	$33.37	*$32.04
Population, census 1900	21,231,430	23,269,683	26,333,004	3,773,108	74,607,225
State appropriation per head of population	$0.068	$0.0086	$0.029	$0.064	*$0.0424

*Average.

It will be noted that the appropriations of the States average per man $23.28, and of the United States $8.76, or slightly more than one-third of that of the States, the total appropriation per man being $32.04, which is less than 5 cents per head per annum of population defended. The cost of maintenance of the volunteer organizations of Great Britain was, prior to the South African war, $4,000,000 per annum; about 12 cents per head of population defended.

The figures show that in the group of 14 Southern States the State appropriations are less than one-quarter of the average State appropriations per head of organized militia in the other States, and that the allotment of the annual United States appropriation to these States is 50 per cent greater than the State appropriations. In the 10 Eastern States the States appropriate more than five times the amount of the United States allotment; in the 12 Middle Western States, more than twice as much; in the 9 Western States, more than three times. The small appropriations of the Southern States is accounted for by the circumstance that they have to provide homes and care for disabled ex-Confederate soldiers, widows, and children. While we may not sympathize with the "lost cause" as a cause, it would be unworthy the brave Southern men of this generation who so gallantly rallied round the flag in the war with Spain and in the Philippines if they did otherwise.

Outside of the Eastern States and a few others in which the men are transported, subsisted, and paid out of appropriations during camp and field service, there has been little, if any, of that most essential duty performed. Particularly in the Southern States, in the rare cases when field practice is had, the men have received no pay. Transportation and subsistence have been furnished by means of private and local subscriptions. All of this is provided for in the legislation under consideration.

With a view to assimilate the conditions of such field or camp service to those prevailing in the Army, it is provided that the pay, subsistence, and transportation of the militia forces undergoing such instruction shall be the same as are allowed to the troops of the United States under the same circumstances.

SEC. 15. That the Secretary of War is hereby authorized to provide for participation by any part of the organized militia of any State or Territory on the request of the governor thereof in the encampment, maneuvers, and field instruction of any part of the Regular Army at or near any military post or camp or lake or seacoast defenses of the United States. In such case the organized militia so participating shall receive the same pay, subsistence, and transportation as is provided by law for the officers and men of the Regular Army, to be paid out of the appropriation for the pay, subsistence, and transportation of the Army: *Provided*, That the command of such military post or camp and of the officers and troops of the United States there stationed shall remain with the regular commander of the post without regard to the rank of the commanding or other officers of the militia temporarily so encamped within its limits or in its vicinity.

It is the purpose of this section not only to invite but to authorize the participation of the organized militia in the encampments and maneuvers of the Regular Army, and to provide for the expense of such participation out of the annual appropriation for the support of the Army. The extent of such participation is vested, by the terms of the enactment, in the Secretary of War, whose duty it will be to submit estimates of cost to Congress with his annual estimates for the support of the military establishment. In this way the authority of Congress to regulate the matter is assured by the control which it exercises through its annual grants of money in appropriations for the maintenance of the military establishment.

SEC. 16. That whenever any officer of the organized militia shall, upon recommendation of the governor of any State or Territory, or of the general commanding the District of Columbia, and when authorized by the President, attend and pursue a regular course of study at any military school or college of the United States, such officer shall receive from the annual appropriation for the support of the Army the same traveling allowances and quarters, or commutation of quarters, to which an officer of the Regular Army would be entitled if attending such school or college under orders from proper military authority, and shall also receive commutation of subsistence at the rate of $1 per day while in actual attendance upon the course of instruction.

It is the purpose of this section to assist officers of the militia who desire to obtain educational advantages afforded by the service schools. The extent of the assistance extended is slight, when measured by a financial standard, and extends only to the allowances of quarters in kind, or to commutation therefor, to a moderate allowance for subsistence, and to the travel allowances to which officers of the Army would be entitled under the same circumstances.

SEC. 17. That the annual appropriation made by section 1661, Revised Statutes, as amended, shall be available for the purpose of providing for issue to the organized militia any stores and supplies or publications which are supplied to the Army by any staff department. Any State, Territory, or the District of Columbia may, with the approval of the Secretary of War, purchase for cash from the War Department, for the use of its militia, stores, supplies, material of war, or military publications, such as are furnished to the Army, in addition to those issued under the provisions of this act, at the price at which they are listed for issue to the Army, with the cost of transportation added, and funds received from such sales shall be credited to the appropriations to which they belong and shall not be covered into the Treasury, but shall be available until expended to replace therewith the supplies sold to the States and Territories and to the District of Columbia in the manner herein provided.

The permanent annual appropriation which is carried by section 1661 of the Revised Statutes, as amended by the act of June 6, 1900 (31 Stat., 662), now authorizes the issue of ordnance, quartermasters' stores, and camp equipage for the use of the militia. It is the purpose of this section to extend these issues so as to include all stores, supplies, or publications which are now or may hereafter be issued or supplied to the Army by any branch of the War Department. The second clause modifies and replaces the authority to sell stores, supplies, etc., to the several States for the use of their militia, which was embodied in section 3 of the act of February 24, 1897 (29 Stat., 592).

SEC. 18. That each State or Territory furnished with material of war under the provisions of this or former acts of Congress shall, during the year next preceding each annual allotment of funds, in accordance with section 1661 of the Revised Statutes as amended, have required every company, troop, and battery in its organized militia not excused by the governor of such State or Territory to participate in practice marches or go into camp of instruction at least five consecutive days, and to assemble for drill and instruction at company, battalion, or regimental armories or rendezvous or for target practice not less than 24 times, and shall also have required during such year an inspection of each such company, troop, and battery to be made by an officer of such militia or an officer of the Regular Army.

With a view to secure such an amount of training on the part of the States as will be calculated to warrant the expenditure of the public money in support of the militia, this section provides for a certain number of drills and a certain amount of instruction in field service and target practice in the several organizations of the militia in order to entile them to the benefits of the allotments of funds provided for by section 1661 of the Revised Statutes, as amended by the acts of February 12, 1887 (24 Stat., 401), and June 6, 1900 (31 Stat., 662). It also requires that the work of instruction above provided for shall be verified by appropriate inspections under the authority of the governors of the States and the Secretary of War, representing, respectively, the State and Federal authority.

SEC. 19. That upon the application of the governor of any State or Territory furnished with material of war under the provisions of this act or former laws of Congress, the Secretary of War may detail one or more officers of the Army to attend any encampment of the organized militia, and to give such instruction and information to the officers and men assembled in such camp as may be requested by the governor. Such officer or officers shall immediately make a report of such encampment to the Secretary of War, who shall furnish a copy thereof to the governor of the State or Territory.

It is the purpose of this section to still further increase the participation of the War Department in the practical instruction of the militia forces by authorizing the Secretary of War to detail officers of the Army to attend the annual encampments of the State militia for the purpose of assisting in the instruction of the troops and of reporting the results to the Secretary of War. That the troops undergoing instruction shall receive the full benefit of such participation, it is required that full copies of such reports shall be furnished to the governors of the respective States for the use of the officers of their militia.

SEC. 20. That upon application of the governor of any State or Territory furnished with material of war under the provisions of this act or former laws of Congress, the Secretary of War may, in his discretion, detail one or more officers of the Army to report to the governor of such State or Territory for duty in connection with the organized militia. All such assignments may be revoked at the request of the governor of such State or Territory or at the pleasure of the Secretary of War.

In the section last above cited provision was made for the cooperation of officers of the Army in the annual encampments of the militia forces. It is the purpose of this section to provide for an extension of such cooperation during the armory drill season by authorizing the detail of officers of the Army for duty with the militia. Such details are to be made by the Secretary of War, upon the request of the governors of the respective States, and provision is made in the enactment for the termination of said details upon request by the same authority.

SEC. 21. That the troops of the militia encamped at any military post or camp of the United States may be furnished such amounts of ammunition for instruction in firing and target practice as may be prescribed by the Secretary of War, and such instruction in firing shall be carried on under the direction of an officer selected for that purpose by the proper military commander.

This section is in furtherance of the purpose which is embodied in sections 15, 19, and 20, which have already been explained. It authorizes the expenditure of a limited amount of ammunition for the instruction in target practice of any organizations of the militia while encamped, for the purposes of instruction, at a military post of the United States. It also authorizes the use of the target range and other facilities for target practice, and permits the detail of an officer of the Army to supervise the instruction.

SE . 22. That when any officer, noncommissioned officer, or private of the militia or of the National Volunteer Reserve is disabled by reason of wounds or disabilities received or incurred in the service of the United States he shall be entitled to all the benefits of the pension laws existing at the time of his service, and in case such officer, noncommissioned officer, or private dies in the service of the United States or in returning to his place of residence after being mustered out of such service, or at any time, in consequence of wounds or disabilities received in such service, his widow and children, if any, shall be entitled to all the benefits of such pension laws.

It is the purpose of this section to insure a pensionable status to the officers and enlisted men of the militia when called into the military service of the United States in pursuance of a proclamation of the President. This section replaces the obsolete provisions of sections 1639, 1656, and 1657 of the Revised Statutes.

SEC. 1639. If any person, whether officer or soldier, belonging to the militia of any State, and called out into the service of the United States, be wounded or disabled while in actual service, he shall be taken care of and provided for at the public expense.

SEC. 1656. When any officer, noncommissioned officer, artificer, or private of the militia or volunteer corps dies in the service of the United States, or in returning to his place of residence after being mustered out of service, or at any time, in consequence of wounds received in service, and leaves a widow, or if no widow, a child or children under 16 years of age, such widow, or if no widow, such child or children, shall be entitled to receive half the monthly pay to which the deceased was entitled at the time of his death, during the term of five years; and in the case of death or intermarriage of such widow before the expiration of five years, the half pay for the remainder of the time shall go to the child or children of the decedent; and the Secretary of the Interior shall adopt such forms of evidence in application under this section as the President may prescribe.

SEC. 1657. The volunteers or militia who have been received into the service of the United States to suppress Indian depredations in Florida shall be entitled to all the benefits which are conferred on persons wounded or otherwise disabled in the service of the United States.

SEC. 23. That for the purpose of securing a list of persons specially qualified to hold commissions in any volunteer force which may hereafter be called for and organized under the authority of Congress, other than a force composed of organized militia, the Secretary of War is authorized from time to time to convene boards of officers at suitable and convenient army posts in different parts of the United States, who shall examine as to their qualifications for the command of troops or for the performance of staff duties all applicants who shall have served in the Regular Army of the United States, in any of the volunteer forces of the United States, or in the organized militia of any State or Territory or District of Columbia, or who, being citizens of the United States, shall have attended or pursued a regular course of instruction in any military school or college of the United States Army, or shall have graduated from any educational institution to which an officer of the Army or Navy has been detailed as superintendent or professor pursuant to law, after having creditably pursued the course of military instruction therein provided. Such examinations shall be under rules and regulations prescribed by the Secretary of War, and shall be especially directed to ascertain the practical capacity of the applicant.

The record of previous service of the applicant shall be considered as a part of the examination. Upon the conclusion of each examination the board shall certify to the War Department its judgment as to the fitness of the applicant, stating the office, if any, which it deems him qualified to fill, and, upon approval by the President, the names of the persons certified to be qualified shall be inscribed in a register to be kept in the War Department for that purpose. The persons so certified and registered shall, subject to a physical examination at the time, constitute the eligible class for commissions pursuant to such certificates in any volunteer force hereafter called for and organized under the authority of Congress, other than a force composed of organized militia, and the President may authorize persons from this class to attend and pursue a regular course of study at any military school or college of the United States and to receive from the annual appropriation for the support of the Army the same allowances and commutations as provided in this act for officers of the organized militia: *Provided*, That no person shall be entitled to receive a commission as a second lieutenant after he shall have passed the age of 30; as first lieutenant after he shall have passed the age of 35; as captain after he shall have passed the age of 40; as major after he shall have passed the age of 45; as lieutenant-colonel after he shall have passed the age of 50, or as colonel after he shall have passed the age of 55: *And provided further*, That such appointments shall be distributed proportionately, as near as may be, among the various States contributing such volunteer force: *And provided*, That the appointments in this section provided for shall not be deemed to include appointments to any office in any company, troop, battery, battalion, or regiment of the organized militia which volunteers as a body or the officers of which are appointed by the governor of a State or Territory.

It has been attempted in this section to provide for the preparation of a register of persons whose capacity to exercise command in the line or to perform staff duties has been proved by the test of actual military service. To entitle an individual to register he must have served in the regular or volunteer forces, or in the organized militia of a State or Territory, or must have graduated from the war college or from one of the regular service schools, or from a college or military school maintained in part by a grant of lands from the United States, at which an officer of the Army or Navy has been detailed as superintendent or as professor of military science, in pursuance of the authority conferred by sections 1225 and 1260 of the Revised Statutes, as amended by the act of November 2, 1893 (27/7).

To ascertain the capacity of such candidates for registration as have conformed to the conditions above set forth in respect to military or academic training, it is provided that boards of examination shall be convened, from time to time, by the Secretary of War, before which the candidates will be permitted to appear with a view to determine their fitness for registration. The examinations prescribed in the section are intended and required to be so conducted as to ascertain and test the practical capacity of the candidate for the performance of duty as a commissioned officer. To still further restrict the theoretical tendency of the examinations herein contemplated, it is expressly required that the record of service of the applicant shall be considered a part of the examination. A rigid physical examination is also provided for. Having regard to the practical efficiency and military capacity of the applicant as thus determined, the board is required to certify its opinion as to the office which he is qualified to fill in the military service, and upon approval of such certification by the President the applicant's name is to be recorded at the War Department in a register kept for that purpose.

Persons so registered become entitled, in consequence of such registration, to membership in a class from which appointments are required to be made in any volunteer force which may hereafter be raised by authority of Congress, save in an organization of the active militia which volunteers in a body or the officers of which are appointed by the governor of a State. Certain age limitations are imposed, the operation of which will be to remove from the register the names of persons recommended for appointment upon reaching the ages assigned to their respective grades of rank in the military service. An equitable distribution of appointments upon a territorial basis is also provided for.

SEC. 24. That for the purpose of providing a reserve force of trained men which shall be ready for immediate service whenever called for and organized under authority of Congress, the Secretary of War is authorized to apportion among the several States and Territories and enroll not exceeding 100,000 men, who shall have served in the Regular or Volunteer armies of the United States or in the organized militia. Such reserve force shall be designated as the National Volunteer Reserve, and when called forth by the President shall serve wherever ordered, within or without the territory of the United States. Such enrollment shall in each case continue for a period of five years, but in the event they shall be called into the service of the United States, other than for the purpose of drill, inspection, and instruction, they shall be entitled to be discharged at the close of the war or after nine months' service. The persons so enrolled shall report for drill, inspection, and instruction at such times and places to be specified and under rules and regulations to be prescribed by the Secretary of War, and each person so reporting shall, during the time of such service, be subject, as far as practicable, to the regulations and discipline governing the military establishment, and shall be entitled to the same pay and allowances as are or may be provided by law for the Army of the United States, to be paid out of the appropriation for the pay of the Army; but in time of peace, except in case of threatened invasion, said National Volunteer Reserve shall not be required to perform military duty to exceed ten days in any one year.

Whenever a volunteer force shall be called for by authority of Congress, and the members of any companies, troops, batteries, battalions, or regiments of the organized militia shall enlist in the Volunteer Army in bodies, such companies, troops, batteries, battalions, or regiments shall be received as the first organizations of such volunteer force. Whenever a volunteer force shall be called for by authority of Congress exceeding in number the companies, troops, batteries, battalions, and regiments of the organized militia which shall enlist in bodies pursuant to the provisions of section 6 of the act entitled "An act to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes," approved April 22, 1898, the persons so enrolled as a reserve force of trained men, or so many thereof as shall be required, shall be organized in the manner provided for the organization of the volunteer force by section 12 of the act entitled "An act for increasing the efficiency of the Army of the United States, and for other purposes," approved March 2, 1899.

Provided, That the President of the United States, in time of peace, may by order fix the minimum number of enlisted men in each company, troop, battery, signal corps, engineer corps, and hospital corps: *Provided further*, That no person shall belong to both organizations at the same time.

The sections referred to above are as follows:

[Act of 1898, ch. 187, Fifty-fifth Congress, second session.]

SEC. 6. That the Volunteer Army and the militia of the States when called into the service of the United States shall be organized under and shall be subject to the laws, orders, and regulations governing the Regular Army: *Provided*, That each regiment of the Volunteer Army shall have one surgeon, two assistant surgeons, and one chaplain, and that all the regimental and company officers shall be appointed by the governors of the States in which their respective organizations are raised: *Provided further*, That when the members of any company, troop, battery, battalion, or regiment of the organized militia of any State shall enlist in the Volunteer Army in a body as such company, troop, battery, battalion, or regiment the regimental, company, troop, battery, and battalion officers in service with the militia organization thus enlisting may be appointed by the governors of the States and Territories, and shall, when so appointed, be officers of corresponding grades in the same organization when it shall have been received into the service of the United States as a part of the Volunteer Army: *Provided further*, That the President may authorize the Secretary of War to organize companies, troops, battalions, or regiments, possessing special qualifications, from the nation at large, not to exceed 3,000 men, under such rules and regulations, including the appointment of the officers thereof, as may be prescribed by the Secretary of War.

[Act of 1899, ch. 352, Fifty-fifth Congress, third session.]

SEC. 12. That to meet the present exigencies of the military service the President is hereby authorized to maintain the Regular Army at a strength of not exceeding 65,000 enlisted men, to be distributed amongst the several branches of the service, including the Signal Corps, according to the needs of each, and raise a force of not more than 35,000 volunteers to be recruited as he may determine from the country at large, or from the localities where their services are needed, without restriction as to citizenship or educational qualifications, and to organize the same into not more than twenty-seven regiments organized as are infantry regiments of war strength in the Regular Army, and three regiments to be composed of men of special qualifications in horsemanship and marksmanship, to be organized as cavalry for service mounted or dismounted: *Provided*, That each regiment shall have one surgeon with the rank of major; two assistant surgeons, one of whom shall have the rank of captain and one that of first lieutenant, and three hospital stewards: *Provided further*, That such increased regular and volunteer force shall continue in service only during the necessity therefor, and not later than July 1, 1901.

All that is undertaken by section 24 of the bill is to provide who shall constitute the national volunteer reserve. They do not become a part of the standing Army of the United States. All that could be done would be, under the direction of the Secretary of War, to provide for their organization, drill, inspection, instruction, and give authority in time of threatened war to call them out; and upon declaration of war by Congress, to make them a part of the volunteer force of the United States.

It is a defect of the voluntary system by means of which the military establishment of the United States is habitually maintained in time of peace that no provision has been made to retain the services of its discharged soldiers in some organization of volunteer reserves. It is therefore proposed in this section to keep in touch with, and, in case of emergency, to utilize the services of men who have received a military training, either in the Regular or Volunteer Army or in the organized militia. To entitle an individual to enrollment in the reserve force created by this section, he must have served at least one enlistment in the regular or volunteer establishment or a corresponding term in the organized militia of a State or Territory.

With a view to verify the enrollment and provide for an occasional brief course of training and instruction, it is proposed to embody the reserve forces provided for in this section and to assemble or mobilize them from time to time as funds for that purpose are provided by Congress. In the event of war, if the volunteer forces authorized by Congress exceed in strength the regiments, battalions, troops, or other commands of organized militia who shall enlist in bodies, in pursuance of section 6, act of April 22, 1898, the reserve forces herein provided for may be accepted by the President in organizations conforming to the requirements of section 12 of the act of March 2, 1899.

The Secretary of War approves and explains the provisions of section 24 in the following letter:

WAR DEPARTMENT, *Washington, June 13, 1902.*

MY DEAR SIR: I thank you for your letter of June 7 relating to clause of the Dick bill which has reference to the so-called reserve force of 100,000 men, and saying that there is an impression in some States that the enrollment of such a reserve force would be inimical to the best interests of the National Guard.

I think such an impression must necessarily be founded upon a misunderstanding as to the true meaning and effect of the bill. The proposed enrollment of not exceeding 100,000 veterans, who have been graduated from the Regular Army, the Volunteers, and the National Guard, is carefully subordinated by the bill to the National Guard itself, which has a preference of liberal treatment in peace and opportunity in war definitely secured to it by the bill.

The National Guard is practically made a first reserve so far as it elects to become so, while the proposed enrollment of veterans practically takes the place of a second or volunteer reserve, to be called into service only when any other volunteer organization would be called into service, and the great effect produced being that after the Regular Army and after the National Guard we shall have a volunteer force, the first regiments of which are composed of experienced and trained soldiers who have seen service and have then gone back to civil life.

As we have a three years' term of enlistment in the Regular Army, approximately one-third of the 66,000 go out each year on the expiration of their enrollment. After making allowance for reenlistment, nearly 20,000 a year will be regularly going back into civil life. We want to keep track of those young men and be able to call them out instantly whenever war comes and have the first volunteer regiments composed of them and of the young men who have seen service and graduated from the volunteer regiments of the war with Spain, and who have seen service in the National Guard and have graduated from that.

Until war comes we will simply keep track of these men by enrollment. When the war comes they will be organized and put into the field ready for immediate service while the other volunteer regiments are being trained. There is no doubt that by this expedient we will save months of valuable time in the organization of a very considerable force, but so far as the National Guard is concerned it will make no difference, because under the bill the National Guard organizations come first.

I am very glad to be assured by your letter of your belief in the bill, and I assure you that your valuable support for its provisions is appreciated. I am confident that when it is enacted and put into force the organization and regulation of the citizen soldiery, upon whom our country must in the main rely in all future wars, will be far more efficient than it has ever been before, and that it will give to the United States at a minimum of expense a defensive power greater than could be obtained by the expenditure of millions of dollars annually in maintaining a larger standing army, and I am also confident that it will greatly promote the practical importance, the dignity, and efficiency of the National Guard throughout the United States.

Sincerely, yours,

ELIHU ROOT, *Secretary of War.*

HON. CHARLES DICK,
Chairman Committee on the Militia, House of Representatives.

SEC. 25. That all the volunteer forces of the United States called for by authority of Congress shall, except as hereinbefore provided, be organized in the manner provided by the act entitled "An act to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes," approved April 22, 1898.

The act referred to in this section reads as follows:

Be it enacted, etc., That all able-bodied male citizens of the United States, and persons of foreign birth who shall have declared their intention to become citizens of the United States under and in pursuance of the laws thereof, between the ages of 18 and 45 years, are hereby declared to constitute the national forces, and, with such exceptions and under such conditions as may be prescribed by law, shall be liable to perform military duty in the service of the United States.

SEC. 2. That the organized and active land forces of the United States shall consist of the Army of the United States and of the militia of the several States when called into the service of the United States: *Provided*, That in time of war the Army shall consist of two branches, which shall be designated, respectively, as the Regular Army and the Volunteer Army of the United States.

SEC. 3. That the Regular Army is the permanent military establishment, which is maintained both in peace and war according to law.

SEC. 4. That the Volunteer Army shall be maintained only during the existence of war, or while war is imminent, and shall be raised and organized, as in this act provided, only after Congress has or shall have authorized the President to raise such a force or to call into the actual service of the United States the militia of the several States: *Provided*, That all enlistments for the Volunteer Army shall be for the term of two years, unless sooner terminated, and that all officers and men composing said army shall be discharged from the service of the United States when the purposes for which they were called into service shall have been accomplished, or on the conclusion of hostilities.

SEC. 5. That when it becomes necessary to raise a volunteer army the President shall issue his proclamation stating the number of men desired,

within such limits as may be fixed by law, and the Secretary of War shall prescribe such rules and regulations, not inconsistent with the terms of this act, as may in his judgment be necessary for the purpose of examining, organizing, and receiving into service the men called for: *Provided*, That all men received into service in the Volunteer Army shall, as far as practicable, be taken from the several States and Territories and the District of Columbia and the Indian Territory in proportion to their population. And any company, troop, battalion, or regiment from the Indian Territory shall be formed and organized under such rules and regulations as shall be prescribed by the Secretary of War.

SEC. 6. That the Volunteer Army and the militia of the States, when called into the service of the United States, shall be organized under, and shall be subject to, the laws, orders, and regulations governing the Regular Army: *Provided*, That each regiment of the Volunteer Army shall have one surgeon, two assistant surgeons, and one chaplain, and that all the regimental and company officers shall be appointed by the governor of the States in which their respective organizations are raised: *Provided further*, That when the members of any company, troop, battery, battalion, or regiment of the organized militia of any State shall enlist in the Volunteer Army in a body, as such company, troop, battery, battalion, or regiment, the regimental company, troop, battery, and battalion officers in service with the militia organization thus enlisting may be appointed by the governors of the States and Territories, and shall when so appointed be officers of corresponding grades in the same organization when it shall have been received into the service of the United States as a part of the Volunteer Army: *Provided further*, That the President may authorize the Secretary of War to organize companies, troops, battalions, or regiments possessing special qualifications, from the nation at large, not to exceed 3,000 men, under such rules and regulations, including the appointment of the officers therefor, as may be prescribed by the Secretary of War.

SEC. 7. That all organizations of the Volunteer Army shall be so recruited from time to time as to maintain them as near to their maximum strength as the President may deem necessary, and no new organization shall be accepted into service from any State unless the organizations already in service from such State are as near to their maximum strength of officers and enlisted men as the President may deem necessary.

SEC. 8. That all returns and muster rolls of organizations of the Volunteer Army and of militia organizations while in the service of the United States shall be rendered to the Adjutant-General of the Army, and upon the disbandment of such organizations the records pertaining to them shall be transferred to and filed in the Record and Pension Office of the War Department. And regimental and all other medical officers serving with volunteer troops in the field or elsewhere shall keep a daily record of all soldiers reported sick or wounded, as shown by the morning calls or reports, and shall deposit such reports, with other reports provided for in this section, with the Record and Pension Office as provided herein, for other reports, returns, and muster rolls.

SEC. 9. That in time of war, or when war is imminent, the troops in the service of the United States, whether belonging to the Regular or Volunteer Army or to the milita, shall be organized, as far as practicable, into divisions of three brigades, each brigade to be composed of three or more regiments; and whenever three or more divisions are assembled in the same army the President is authorized to organize them into army corps, each corps to consist of not more than three divisions.

SEC. 10. That the staff of the commander of an army corps shall consist of 1 assistant adjutant-general, 1 chief engineer, 1 inspector-general, 1 chief quartermaster, 1 chief commissary of subsistence, 1 judge-advocate, and 1 chief surgeon, who shall have, respectively, the rank of lieutenant-colonel; and 1 assistant adjutant-general, who shall have the rank of captain, and the aids-de-camp authorized by law. The staff of the commander of a division shall consist of 1 assistant adjutant-general, 1 engineer officer, 1 inspector-general, 1 chief quartermaster, 1 chief commissary of subsistence, and 1 chief surgeon, who shall have, respectively, the rank of major, and the aids-de-camp authorized by law. The staff of a commander of a brigade shall consist of 1 assistant adjutant-general, 1 assistant quartermaster, and 1 commissary of subsistence, each with the rank of captain, 1 surgeon, and the aids-de-camp authorized by law.

The staff officers herein authorized for the corps, division, and brigade commanders may be appointed by the President, by and with the advice and consent of the Senate, as officers of the Volunteer Army, or may be assigned by him, in his discretion, from officers of the Regular Army or the Volunteer Army, or of the militia in the service of the United States: *Provided*, That when relieved from such staff service said appointments or assignments shall terminate.

SEC. 11. That the President is hereby authorized to appoint in the Volunteer Army, by and with the advice and consent of the Senate, not exceeding one major-general for each organized army corps and division, and one brigadier-general for each brigade, and any officer so selected and appointed from the Regular Army shall be entitled to retain his rank therein: *Provided*, That each general officer of the Volunteer Army shall be entitled to the number of aids-de-camp authorized for an officer of like grade in the Regular Army.

SEC. 12. That all officers and enlisted men of the Volunteer Army, and of the militia of the States when in the service of the United States, shall be in all respects on the same footing as to pay, allowances, and pensions as that of officers and enlisted men of corresponding grades in the Regular Army.

SEC. 13. That the governor of any State or Territory may, with the consent of the President, appoint officers of the Regular Army in the grades of field officers in organizations of the Volunteer Army, and officers thus appointed shall be entitled to retain their rank in the Regular Army: *Provided*, That not more than one officer of the Regular Army shall hold a commission in any one regiment of the Volunteer Army at the same time.

SEC. 14. That the general commanding a separate department or a detached army is authorized to appoint from time to time military boards of not less than three nor more than five volunteer officers of the Volunteer Army to examine into the capacity, qualifications, conduct, and efficiency of any commissioned officer of said army within his command: *Provided*, That each member of the board shall be superior in rank to the officer whose qualifications are to be inquired into: *And provided further*, That if the report of such a board is adverse to the continuance of any officer, and the report be approved by the President, such officer shall be discharged from service in the Volunteer Army, at the discretion of the President, with one month's pay and allowances.

SEC. 15. That all acts and parts of acts inconsistent with the provisions hereof be, and the same are hereby, repealed.

SEC. 26. That sections 1625 to 1660, both included, of title 16 of the Revised Statutes, and section 232 thereof, relating to the militia, are hereby repealed.

SEC. 27. That this act shall take effect upon the date of its approval.

Congress has never yet exercised, in time of peace, its constitutional authority to organize, equip, and discipline the militia. The time now seems ripe for such action. Public sentiment demands some efficient and modern legislation on the subject. The Executive is interested and friendly. The War Department is anxious to assist in improving the condition of the country's militia.

The bill, in the final form in which it is presented, has the approval of the Secretary of War, as appears from his letter. It has the support of the organized militia of the country, as expressed in numerous letters received by many members of Congress, and its provisions, so far as then agreed upon, were approved by the Interstate National Guard Association at its last meeting in this city. Furthermore, it is the unanimous report of the Committee on Militia.

Our first line of defense will always consist of the Regular Army, a small, compact, and highly disciplined body of officers and men, ready at any moment for service of all kinds. There has always been in this country, and always will be, a strong prejudice against a large standing army, and while that prejudice is unfounded and while there never need be any fear that our standing army will be used as an engine of oppression or as a means to overturn the Republic and establish a military despotism, yet it should always be the policy of the country to restrict the size of the standing army to the smallest limits compatible with our actual necessities. Our present standing army is considerably below the maximum of men authorized by law, and only recently the President has directed a further reduction in the force of over 10,000 men. When that reduction is accomplished the Regular Army will consist, in round numbers, of 60,000 men. This force is scattered from the Atlantic to the Pacific, and from the Canadian frontier to the Rio Grande. A large proportion will always be engaged in manning the coast defenses of the nation and can not be diverted for any other purpose. At least one-third of the Army is engaged in the Philippines, and that condition of affairs may continue for some time to come.

The Indian problem has been solved and conditions in our outlying possessions are rapidly growing better, so that there is no prospect of any further increase in the standing army, certainly not for years to come. If we could count on conditions of perpetual and universal peace, if that millennium had arrived of which the poet sang, then it would be unnecessary to make any other provision for national defense. Despite peace conferences, however, and talk of arbitration, human nature remains the same. Wars are certain to occur again, and the nation would be very derelict if it made no further provision for self-protection. The best way to secure peace is to be prepared for war. The surest way to prevent other nations from infringing upon our rights and interests and transgressing upon our territory is to be so prepared that we can take immediate and effective steps to punish any violation of our national interests.

The consideration of prime importance in maintaining a high degree of military efficiency is a state of preparation which will admit of striking immediate blows at an enemy, of being prepared on very brief notice for manning our frontiers with a strong and effective force. Modern wars are short, sharp, and decisive. They are not often preceded by formal declaration of war; nor is there time after war has once begun to arm, equip, discipline, and perfect a large force. A statement before me shows that from 1700 to 1871, a period of one hundred and seventy-one years, there are 107 cases recorded in which hostilities were begun in Europe and the United States without previous declaration of war. In the same period there are less than 10 instances in which declaration of war preceded the firing of the first hostile shot.

Wars are now generally decided in a shorter space of time than was necessary to prepare our volunteer forces for effective service during the war with Spain. In the war between France and Austria in 1859, the battle of Solferino decided the contest in fifty-two days. In the war between Germany and Denmark in 1864, the contest was practically over in ninety-three days. The battle of Sadowa determined the result of the Austro-Prussian war in 1866 in seventeen days after hostilities began. The conflict between Austria and Italy in 1866 was settled by the battle at Lissa in thirty days after the outbreak of hostilities. The Franco-Prussian war saw its decisive contest at Sedan, which fell in forty-nine days. The war with Spain was practically over in one hundred days. These instances show conclusively that to wage war successfully a nation must be prepared immediately to take the field with a force adequate for the first emergency. Our contest with Spain was not a fair test of the conditions of modern war. Spain was a third-rate power, without a large standing army, and afforded practically no test of what our experience would be should we ever unfortunately become engaged with a first-class military power.

The military resources of this country are practically unlimited. Its reserve powers are tremendous, perhaps the largest in the world. It may safely be said that within the boundaries of the United States there are between ten and twelve millions of men able to perform military service. Our financial resources exceed those of any other nation. No other nation can turn out as many arms and accouterments, uniforms, and other equipment, in the

same length of time as the United States. We are safe in saying that no nation could hope to overrun the United States and subdue the entire country, but of what avail are all these magnificent resources of men and material unless they are ready for immediate use in time for the supreme crisis? If a hostile army could land on our shores and capture even a few of our seaboard cities, the damage caused would be much greater than the expense of maintaining an adequate second line of defense.

The safety of the country in time of danger must depend upon the volunteer soldiers. It is the volunteer soldier who has fought the great battles of the country, and our reliance must ever be on that branch of the service. In the days of our forefathers, when every man was a good rifle shot, when the danger of Indian uprisings forced every man to be an expert in the use of firearms, when there were no telegraph lines and no cables, when means of communication were slow, and the length of a trip across the Atlantic Ocean was counted by weeks instead of days, there was not the necessity for maintaining our volunteer forces in a high degree of efficiency. Modern conditions have changed all this. Comparatively few men are trained to-day in the use of the rifle.

The United States and Europe are in closer contact to-day than were Washington and Philadelphia one hundred years ago, and a foreign army could be mobilized and transported across the Atlantic in a few weeks. The various States and Territories maintain their own local military organizations, but they are national in name only, and the process of converting them into national forces is slow and tedious. Their armament and equipment vary. Scarcely any two of them have the same organization. Some State troops go into camps of instruction every year; some every other year; some do not go at all. The States which give adequate instruction in rifle practice are very few. Before the war with Spain it was very generally taken for granted that in most of the States the National Guard was fully armed and equipped and ready for active service. Not only did the public generally believe this, but many Army officers of high rank testified to the same effect. How utterly mistaken were all these flattering opinions our war with Spain quickly exposed.

During every generation since our Government was established the country has been engaged in war. Every such war has given most valuable information, based upon the teachings of stern experience, but not yet has the country been wise enough to take advantage of the education thus acquired and make provision for the future. During the first year of his Administration as President of the United States, General Washington, in a message to the Senate, referred to the militia as follows:

"Along with this object (the preservation of peace and tranquillity on the frontiers) I am induced to suggest another, with the national importance and necessity of which I am deeply impressed. I mean some uniform and effective system for the militia of the United States. * * * I am particularly anxious it should receive as early attention as circumstances will admit, because it is now in our power to avail ourselves of the military knowledge disseminated throughout the several States by means of many well-instructed officers and soldiers of the late war, a resource which is daily diminishing by death and other causes. To suffer this peculiar advantage to pass away unimproved would be to neglect an opportunity.

In 1792 a militia law was finally adopted, and the same law is still on the statute books, but has long since been obsolete and inoperative. So primitive and out of date are the weapons referred to in that law that some of them could not be found to-day outside of the walls of museums of military antiquities. This law was largely a failure because it required the enrollment of all persons fitted for military duty between the ages of 18 and 45. The law left practically everything to the States, and gave Congress no authority over the matter. All that Congress has done or could do for the militia has been to make annual appropriations, which have gradually been increased from $200,000 a year to $1,000,000, which is the amount that has been appropriated since 1900. This annual appropriation has been used for the issuing of arms, quartermaster stores, and camp equipage, but the United States has had practically no control or supervision over the expenditure. The experience of two wars with England and of the Mexican war has taught the country little of the necessity for better preparation for hostilities.

When the civil war broke out, had President Lincoln had a regular army of 40,000 men which he could have put into the field at once, it is quite likely the war would have been ended in a very brief space of time. Both sides in that gigantic contest were forced to rely upon volunteer soldiers, who required so much time to be made fit for the field that the contest was thereby unduly prolonged, and the country since then has been paying for the consequences in the way of unnecessary millions of public debt. General Miles testified after the war with Spain that if the country had had an effective force of 60,000 men at the outbreak of that trouble, we could have saved the expense of calling out nearly 225,000 men, the size of the volunteer army, and all the trouble and enormous expense we had in equipping an irregular and unprepared force, which had not been to war at all, but remained in camp. The volunteer forces called out during the late war were hardly ready to take the field under conditions of actual conflict until after the war was practically over.

There is no reason why the country should not have a well-organized, equipped, and disciplined volunteer army which could be mobilized ready for action within forty-eight hours after it was called for by the President. The war with Spain showed for the fourth or fifth time the weakness of the country in the matter of its volunteer forces. The last time we gained this experience it was during a conflict with a weak power. The next time the country is called upon to manifest its military strength it may have a foeman much more worthy of our power. It is not likely when that event occurs that we will be given one hundred days in which to prepare our volunteer forces for the field.

It has been stated upon good authority that the small but highly disciplined force from the Regular Army which went to Cuba under command of General Shafter was an army of marksmen, if not sharpshooters. This means that at ranges from 200 to 1,000 yards every soldier could hit an enemy once out of every two or three shots. On the other hand, of the men composing the volunteer forces organized for that war it is not likely that one-half of them had ever fired a military rifle. President Roosevelt in his first message to Congress declared:

Nowadays the most valuable fighting man and the most difficult to perfect is the rifleman.

The soldier may be perfect in discipline and drill, able to care for himself in all emergencies, but if upon the field of battle he is unable to maintain an effective fire, his services are worse than useless. A perfect soldier must be a perfect marksman. Modern battles are no longer covered by a pall of smoke. In the combats of two recent wars just ended the firing lines became duels between individuals.

The only way to bring our National Guard up to a high state of efficiency is to pass a Federal law which will make them in fact as well as in name a national guard, and which will insure their uniform equipment and drill. They should be armed and equipped just as the Regular Army is armed and equipped, and they should have the same discipline and instruction, so far as possible, in the limited time that can be given for that purpose. State troops should go to camp under conditions as nearly as possible approximating those of actual war. State troops and regular troops should be camped together, so that the former may have the benefit of the experience and skill of the latter.

The volunteer should bunk as the regular bunks, should live on the same ration, and should prepare his meals just as the regular prepares them under service conditions. Volunteer soldiers should be trained in carrying the same accouterments that they would carry in actual warfare. The Government should make liberal appropriations for target practice. Aiming and pointing drills should be given to all volunteers, and they should all be given an opportunity every year of firing on the ranges. Depots should be established for reserves of arms and equipments, and these should be so distributed throughout the country that there need be no delay in equipping a volunteer force when called for duty.

This subject has been considered of sufficient importance to have the attention of nearly every President from Washington to Roosevelt. A great many of them have referred to it in their annual messages, but the country has gone on in fancied security, indifferent to the lessons of experience.

This measure, which has passed the House and is now pending in the Senate, it is believed will correct this evil. It has the approval of the President and the Secretary of War, and of the National Guard of the different States and Territories. It will add very little to the present expense, but will within a short time give us a highly trained and efficient volunteer force, ready to take the field at once. It will be directly subject to the call of the President, but will be officered as now by the governors of the States. The men will be physically examined before admission to the ranks, thus insuring sound bodies, a condition which has not prevailed heretofore.

Officers will be examined as to physical and mental qualifications, and the standard will be uniform throughout the country. Those not fit to serve will not retain their commissions. Inefficient officers will be weeded out. Those who are ambitious and fit to make good officers will be afforded opportunities for improvement and making themselves qualified to serve by being permitted to go to Regular Army schools for instruction, and while there their expenses will be paid.

Annual inspections by officers of the Regular Army will test the efficiency of the guard, and the pro rata allotment due each State from the annual appropriations of Congress will be given to those States whose national guard is sufficiently armed, uniformed, and equipped for active duty in the field.

The present National Guard of the States and Territories aggregates about 115,000 officers and men. With liberal appropriations by Congress, and a system of Federal control and instruction, the

States also will be induced to accord more liberal treatment, and this force will in a short time doubtless reach 200,000. Of this number it is believed at least 150,000 would respond to a call for duty. This would be amply sufficient under all contingencies which may reasonably be expected for the second line of defense, and would give the country breathing time within which to organize and equip its vast unorganized military resources.

With a volunteer force of this number, so equipped and disciplined that it could take the field at once, it would be possible to even further reduce the size of our Regular Army. It would be a body which would inspire the respect of other nations and make them hesitate to wantonly attack us. The country would be far better prepared for war, while at a minimum of expense we would be able to secure to the country a maximum of our military strength in times of great emergency.

The country has awaited such a measure for years. It seems to have been left to the Fifty-seventh Congress to accomplish what President Washington urged in 1794, when he said, "The devising and establishing of a well-regulated militia would be a genuine source of legislative honor and a perfect title to public gratitude."

The Efficiency of the Militia.

SPEECH

OF

HON. HENRY BRISTOW,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Monday, June 30, 1902,

On the bill (H. R. 11654) to promote the efficiency of the militia, and for other purposes.

Mr. BRISTOW said:

Mr. SPEAKER: The chairman of the Committee on Militia, who, I desire to say, deserves great credit for the complete manner in which he has covered the subject under discussion, and who has explained very thoroughly and in detail the merits of the bill and the necessity for its passage, leaves but little for me to add to what has already been said by him and others in your hearing. Requests favoring the passage of the bill have been so numerous from my city, from persons thoroughly competent to judge of its merits, that I am impelled to say a few words in its favor.

One of the objects provided for in this bill is to give the organized militia in the various States a military standing, which has been impossible for it to attain in the past. By the provisions of this act it would become an organization thoroughly effective in cases of great emergency. The effect would be to make general the discipline which in the past has only existed in isolated regiments in the National Guards, whose members have assumed voluntarily the cost of modern arms and equipments in uniformity with the Regular Army.

History records many instances where thoroughly equipped militia regiments have rendered incalculable service on occasions of great emergencies. I will cite only one instance, based on personal experience. On the morning of April 21, 1861, in response to the President's first call for troops, the members of the Seventh New York National Guard received orders to report at their armory in the afternoon prepared for any service. At 4 o'clock the same day the regiment left New York for the nation's capital with 1,000 men in its ranks. In consequence of the riots in Baltimore the regiment was compelled to go to Annapolis by water, and from there by forced marches to Washington, and within three days from time of departure occupied this very Chamber as barracks.

I recall vividly the face and form of our martyred President, Abraham Lincoln, as he, from the Speaker's desk, extended the nations thanks to the regiments who so promptly responded to the call, and thus saving the nation's capital. This regiment was only a militia regiment, but one which maintained, as a matter of pride, and voluntarily assumed strict military duties in time of peace in order to be prepared for war, or any duty which they might be called upon to perform.

As a result of this self-assumed strict military training and discipline, between seven and eight hundred of its members served as officers during the civil war, and all of them acquitted themselves with distinction, some of whom made national reputations. Many incidents of this character have emphasized the urgency of this measure in the minds of those interested in the effort to make the militia more effective, as provided for in the various sections of this bill. You will notice that the bill provides for a uniformity in arms and equipments; also that provision is made for practice in field and coast defense, and that in other and various ways provision is made to bring the organized militia to a high standard of efficiency.

FORT GREENE MONUMENT.

The people of New York, from the old city of Brooklyn, which I have the honor to represent in part, are especially gratified by the action of Congress in making an appropriation to build a monument at Fort Greene to the memory of the Revolutionary martyrs who sacrificed their lives in the British prison ships. This matter has been before Congress for many years, advocated year after year by our late lamented member and patriotic citizen, Hon. Amos Cummings. This meritorious request Congress has granted and it is a matter of regret that he, the most eloquent of its advocates, should have died before this appropriation was granted. But the people of Brooklyn appreciate the passage of the act by Congress and feel gratified that this epoch in the history of the Revolutionary war is at last to be marked by a monument which will inspire the patriotism of all future generations.

BUILDING SHIPS IN NAVY-YARDS.

Before exhausting the short time at my disposal, I desire to express my personal gratification at the victory obtained by the conference committee of the House in influencing the Senate to withdraw its opposition, and accept the House proposition to build at least one battle ship in one of our Government yards. This is to be a test as to whether the United States Government can build ships as well and as cheaply as by private contract. To the honorable Secretary of the Navy is left the selection of the yard. Naturally, I feel that he should select the yard located at Brooklyn, N. Y. It must be conceded that it is the best equipped yard in the country. It not only possesses every facility, but it has already demonstrated its ability in the past. It will be a source of deep regret to the people of the city of New York if they should be deprived of the honor of building one of our great war ships in that city.

Civil Government for the Philippine Islands.

SPEECH

OF

HON. EDWARD W. CARMACK,

OF TENNESSEE,

IN THE SENATE OF THE UNITED STATES,

Saturday, May 31, 1902.

The Senate having under consideration the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes—

Mr. CARMACK said:

Mr. PRESIDENT: It is not my intention to-night to traverse again the field of this debate. It has been a long debate, and practically every aspect of the question has been considered. It may seem to some that there has been a great waste of time in prolonging a debate whose conclusion was foregone, whose end was foreknown and predetermined from the beginning, and where the body whose judgment was invoked was as unyielding as adamant to any force of fact or argument that could be thrown against it.

For myself, it was not until within the closing days of the debate that I yielded the hope that some of the worst provisions of this bill would be purged away. I have surrendered that hope, but I do not regret the length of this debate. I believe that it has been an instructive and informing debate to the American people, who at last must decide this question. It may have been without influence or effect so far as this Senate or this Congress is concerned; but this is a vast country, Mr. President, with 75,000,000 people, and the great and enduring purpose of the nation, transmitted from generation to generation, can not be defeated by anything that may be done by a body of men, however great and distinguished, under one roof, in one room.

I believe I speak the sentiments and feelings of my Democratic associates when I say that we feel more confident of the strength and righteousness and of the ultimate triumph of the principles for which we contend at the close than we did at the beginning of this debate.

As I have indicated, it is not my purpose to attempt to-night a systematic discussion of the questions involved in this bill, and my remarks, addressed as they are to various arguments and objections that have been presented upon the other side, must necessarily be somewhat lacking in cohesiveness.

I have listened with great interest, as I always do, to the brilliant speech of the Senator from Wisconsin [Mr. SPOONER], who divides with the Senator from Ohio [Mr. FORAKER] the honor of playing the part of devil's advocate in this debate—a part for which they are as well fitted in intellect as they are ill suited in

character. Let me say here that I regard it as a great and significant concession to a growing body of public sentiment that these two Senators, both of whom cling to the hope that the Republican party may yet be brought to the Democratic position on this question, have been put forward to bear the brunt of the debate upon the other side of the Chamber.

It is a significant concession to public opinion that we no longer hear the argument of greed and avarice and the hunger for other men's possessions openly and defiantly proclaimed. It is a fact of some consequence that certain Senators, members of the very committee that drafted this bill, who used to cry from the house tops their argument for war and conquest, have been required to hold their peace in this debate. I can not help thinking that something has been yielded and something gained when the President of the United States no longer talks of seizing "points of vantage" and no longer defends our Philippine venture by glorifying England's despotic rule over subject races and her bloody march to empire across the bodies and through the blood of slaughtered people. It may not signify any change of heart or of purpose, but it shows a realization of the fact that the public conscience is awake, and it shows that the authors of this policy begin to understand that they can not justify "criminal aggression" by pointing to the profits of the crime. It is a cheering sign that the sober second thought has come, that the better nature of the American people is again in the ascendant, when the party responsible for a buccaneering war is compelled to veil the grossness of its designs.

It has been said that hypocrisy is the homage which vice pays to virtue. I would not apply that maxim to the speech or the conduct of any Senator on this floor, and least of all to the Senator from Wisconsin [Mr. SPOONER], who I believe is acting as conscientiously as any man can who feels that he is compelled to support his party for his country's sake, even when his party is opposed to the welfare of his country. I would not say of the Senator from Wisconsin [Mr. SPOONER] that he "to party gave up what was meant for mankind," though in doing so I should place him in very distinguished company. But, sir, the maxim I have quoted has occurred to me again and again when I have heard Senators prostituting the language of liberty to the ends of tyranny, the sentiments of humanity misapplied to deeds of slaughter, and a vulgar expedition of blood and plunder exalted as a mission of Christian civilization.

The Senator from Wisconsin [Mr. SPOONER] took me sharply to task when, in answer to his question, I expressed my opinion that our war of aggression in the Philippines was inspired by no higher motive than the motive of gain; that it was a war for the purpose of seizing the lands and possessing the property of another people. He insisted that only benevolent and altruistic motives have governed the conduct of the Administration and the party in power in their dealings with the Philippines. Mr. President, if I have mistaken the object of those who launched the country upon this policy it is because the chief actors in the bloody business have mistaken their own. The cry that went up from the newspapers after the battle of Manila Bay for the annexation of the Philippines was, with a few exceptions, simply the voice of greed. If humanity was not absolutely silent in this business, its voice was drowned in the general clamor of political and commercial freebooters.

It has been claimed that the Philippines were suddenly and unexpectedly thrust upon us; that they came to us as one of the accidents of war, and that we were compelled to assume a burden and responsibility we did not seek. It is one of the advantages of a government prosecuting a war that it controls in large measure the sources of information, and this pretense for a long time could not be successfully denied. We now know that there was no accident in this business. The late Secretary of War, General Alger, in his book, declares that the determination to send an army of occupation to the Philippines was made before Dewey's victory in Manila Bay.

A few days after that battle General Merritt, who had been appointed commander of the forces in the Philippines, demanded an increase of his force in order to conquer the Philippine Islands on the express ground that we should have to encounter the "intense hatred" of the natives. Thus, sir, at the very time when the Philippine army was waging successful war against Spain and fighting our battles against our enemies we were planning a war of conquest against the Filipinos themselves. General Merritt, at least, did not seem to have any illusions upon this question. He knew that the seizure of the Philippines involved a bloody and destructive war against the Filipinos, and he so informed his Government. At that time the Filipinos themselves did not dream of a conflict with the United States. The fact stands out, sir, from this record that the Government of the United States from the very first had determined upon a conquest of the Philippine Islands and a war with the Filipino people.

I have heretofore called attention to the telegram sent from the War Department by direction of the President to Admiral Dewey inquiring about the resources of the various islands and asking which was the best for us to take from a commercial and strategic point of view. There was not one word of inquiry with respect to the wishes, the feelings, the aspirations, or the character of the people. There was not one word to indicate the slightest interest in their welfare. The original plan, as shown in that telegram and as was notorious at the time, was to seize one of the islands—the best one, whichever that might be—and leave all the others to the bloody mercy of Spain.

How much altruistic sentiment, how much unselfishness, how much love for the Filipino was there in that? And when it was afterwards decided to take all of the islands instead of one, I beg leave to doubt whether any higher motives had come into play. Sir, it is a significant fact that before we had come into the possession of the city of Manila an expert geologist and mineralogist was sent there by our Government with General Otis to report on the natural resources of the country. Senators want it understood that the only question that vexed the mind of the Administration was whether the dictates of mercy and humanity demanded that we should take unto ourselves the Philippine Islands. Upon that question it desired the opinion of an expert mineralogist.

Mr. President, from the very beginning of this Philippine business the only thought was to drive a profitable, hard bargain with Spain, without any thought for the welfare of the Filipinos; and while other sentiments, foolish and mistaken, yet having a higher inspiration, have since come into play, the motive of greed has been the dominant incentive throughout. Take that away, and all the support of this policy would crumble in an hour. It is crumbling now, because many of its advocates have begun to realize that it is a profligate and unprofitable venture. The American people are not squandering their blood and treasure in order to force their civilization upon an unwilling people 7,000 miles from our shores. No American statesman would have had the hardihood to advocate such a venture upon such grounds alone.

The distinguished Senator from Maine [Mr. FRYE] who presides over this body was one of the commissioners who negotiated the treaty of annexation. It may be that no selfish thought or purpose was in his mind when he drove that bargain with Spain, but he certainly came home filled with visions and dreams of the vast wealth we should gain by the acquisition of the Philippine Archipelago. He may have negotiated the treaty on the ground that it would be a good thing for the Filipinos, but he defended the subjugation of that people upon the ground that it would be money in our own pockets.

Mr. Denby, a member of Mr. McKinley's first Philippine Commission, openly declared that the only question was whether or not it would be a profitable business for us, and if it would not they might cut each other's throats, for all we cared. I am glad that he has since seen another and a purer light, and is now in favor of independence for the Philippines. I have already referred to similar expressions used by Republican Senators on the floor of this Chamber when the treaty was in debate. I have quoted at length from the campaign book of the Republican party of 1900, defending the general policy of conquest and colonial empire, and I referred to the speeches of President Roosevelt on the same line. I will not characterize the altruistic professions now made by Senators on the other side of the Chamber, but I remember that a distinguished ex-Senator from Colorado, Mr. Wolcott, who presided over the national Republican convention of 1900, said before that body: "We make no hypocritical pretense of being interested in the Philippines solely for the welfare of the Filipinos."

Mr. Shaw, the distinguished Secretary of the Treasury, said in a recent speech that we went to the Philippines because "we were masters of our own markets and were reaching out for new ones." Mr. Shaw has not been long enough in Washington to acquire the art of clothing imperialistic designs in republican or humanitarian garb. He speaks his thoughts with the reckless candor of the prairies. He scoffs and jeers and jibes at the suggestions that we are doing all this for unselfish reasons. "We are killing these Filipinos because there is money in the business"—this in plain words is the meaning of Mr. Shaw's confession. If he had been longer in contact with the Administration he probably would not have said it.

I repeat it, sir; it means something that such expressions have become so rare. It means something that the voice of greed has been shamed or awed into silence and that the very opponents of imperialism on the other side have been put forward to defend and excuse the acts of imperialism.

Mr. President, this debate has been prolific in virtuous reasons for a wicked policy. When men have determined to do a wrong thing, when they have committed themselves to a course of unrighteousness, they must find some excuse that will serve as a fig leaf to hide the vulgar nakedness of their misdeeds. Good men sometimes persuade even their own consciences with plausible

sophistries that it is right to do wrong. How can you justify a war to destroy the liberties of a people who but lately were your friends and your allies in war?

Why, says the Senator from Alabama [Mr. MORGAN], these people are not really fighting for liberty; they are simply the savage tools of a lot of wicked conspirators in Hongkong. I have no doubt that the Senator from Alabama has persuaded himself of the truth of his statement, and yet, Mr. President, that is the time-worn and time-dishonored plea of despotism. It has been the excuse for conquest and subjugation and robbery and murder the wide world over. When George III entered upon his war with the American colonies he said that his real object was to secure to the Americans their liberty, which they had exchanged for anarchy and the arbitrary tyranny of their chiefs. Whenever a nation or a government or a party has undertaken to destroy the liberties of another people it has always begun by defaming the character of its victims.

The people of the Philippines are not fighting for liberty, says the Senator from Alabama. What are they fighting for? The testimony of the leading supporters of this Administration is to the effect that the whole people are united in their enthusiasm for independence. General MacArthur says that the people of the entire archipelago, not simply the Tagalos, not simply the Visayans, but all the people of all the islands, except the handful of Mohammedan Moros, are united against us, and that the perfect cooperation they give to the insurgents can only be accounted for upon the theory that they are united in sympathy. The testimony of Otis, of Chaffee, of Smith, and of Bell is all to the same effect.

The Federal party, comprising all the Filipinos friendly to the United States, in a statement which the Philippine Commission embodies in its report, bore witness to the fact of the absolute unity of sentiment among the Filipinos for independence until that sentiment was modified by the promise of statehood in the Union. According to the statement of these friendly Filipinos, now holding office under the United States, the people there prefer death itself to being governed as a colonial dependency—to the kind of government provided in this bill. Perhaps the Senator from Alabama has sources of knowledge denied to all of these witnesses, but if so he has neglected to reveal them.

These people, sir, have endured calamities almost unparalleled in the history of modern warfare. Fire and sword and famine and torture have united to make their land a howling wilderness, has swept them by the thousands and tens of thousands and hundreds of thousands from the face of the earth. The Senator from Alabama can not see in this any evidence that the people are devoted to the cause of liberty; he can not see in it any evidence that they long for freedom. It only seems to him that the people are suffering all these horrors and perishing by the hundreds of thousands because a junta in Hongkong has commanded them to suffer and to perish. That may appear reasonable to the Senator from Alabama, but I believe that the opinions of MacArthur and Otis and Chaffee and Bell and of the native members of the Philippine Commission are better grounded in knowledge, as well as more consistent with reason and the fundamental facts of human nature than the unsupported opinion of the Senator from Alabama.

The Senator from Wisconsin [Mr. SPOONER] finds another excuse for our course in the plea that the people are not fit for freedom; and he descants at length upon the diversity of languages and the multiplicity of tribes. Mr. President, there has been an immense amount of exaggeration in this matter. I will here state, upon excellent authority, what I believe to be the real truth.

About 90 per cent, or from 90 to 95 per cent, of the population of the entire archipelago are of a common racial origin. They are the inhabitants of Luzon, Masbate, the Visayan Islands, and the coasts of Mindanao. They have not only a common racical descent, but they have a common religion, and it is the Christian religion. The great multiplicity of languages of which we have heard amounts to seven dialects, six of them being modifications of the Tagal and very similar to it. Professor Marre, in his "Tagalog Grammar," a work of great authority, says that there are no important differences in the various idioms spoken in the Philippines. That fact is shown in a statement by Sixto Lopez, giving a list of words common in the Tagal and Visayan dialects, which are the most widely spoken in the islands.

Mr. President, such arguments as these may serve as excuses, but they can not serve as reasons. The little Republic of Switzerland to-day contains three distinct races, speaking three distinct languages, but all united in a common love of liberty and of the Republic. Mexico is peaceful and prosperous, yet her people speak many languages. The close of the Revolutionary war found far less cohesion among the people of the thirteen independent sovereignties than there is among the people of the Philippine Islands.

When the Senator says that the Filipinos are not one people I call his attention to the statement of General MacArthur, in his annual report of 1900, in which he discusses the absolute unity of the Filipinos in their opposition to the United States. He says that the success of their system of war depends upon "almost complete unity of action of the entire native population;" and, he adds, "that such unity is a fact is too obvious to admit of discussion." He tells us furthermore that intimidation can not account for the "united and apparently spontaneous action of several millions of people."

So entirely does the Filipino organization depend upon the unity of the people that "one traitor in each town would effectually destroy such a complex organization." "These remarks," he says, "apply with equal force to the entire archipelago," except to the little group of Mohammedan Moros and the inhabitants of the Jolo Archipelago. Now, sir, here is the fact stated by the military governor in the Philippines that the entire people of the entire archipelago are absolutely united in sympathy and sentiment—so closely united and so perfect in their cooperation that they can successfully maintain an organization which would be utterly destroyed by a single traitor in each town. How is such an organization maintained? How are we to account for this "complete unity" of action and sentiment? General MacArthur tells us that "the adhesive principle comes from ethnological homogeneity."

What does it take to make "one people" if complete unity of sentiment having its origin in racial sympathy does not? General MacArthur tells us that the whole people of all the islands, without any regard whatever for tribal differences and distinctions, are banded together by the consciousness of a common blood and a common race. Sir, Senators may make the most of the trifling dialectal differences among the Filipinos, but this is one people, inspired by a common love of liberty, a common desire for independence. General MacArthur in his testimony before the committee told us that the spirit of liberty had long since penetrated the archipelago and had been stirring the minds and hearts of the people. That spirit is strong enough to unify a people far more diverse than the people of the Philippine Islands, and this war, if it has done nothing else that is good, has obliterated all hatreds and prejudices in a common struggle for liberty and independence.

The Senator from Wisconsin asks us to believe that his party will deal generously with the Filipinos. That the Senator himself would be both just and generous to the Filipinos, if he could have his way, I have no doubt; but it does not seem to me, sir, that it is at all impertinent or unreasonable to ask for some authoritative statement with respect to our future dealings with the Philippine Islands.

The Senator from Wisconsin says that he himself has not changed his opinion—he is as much opposed as he ever was to the permanent retention of the Philippine Islands. That is what the Senator says, but he is careful to add that he only speaks for himself. Who now will speak for the Administration? Who will speak for the Republican party? Who will speak for the Government of the United States? The President of the United States said the other day, in classic and felicitous phrase, that the flag had been "put" and that it should "stay put."

The junior Senator from Ohio [Mr. HANNA] a short time since assembled in convention and adopted a platform in which he declared that the flag had been raised in the Philippine Islands and that it should remain there. What is the true Republican doctrine? Is it the principle laid down by the Senator from Wisconsin [Mr. SPOONER] and the senior Senator from Ohio [Mr. FORAKER], or is it the principle laid down by the President of the United States and the junior Senator from Ohio [Mr. HANNA]? You say that we are criticising you. You say that we are embarrassing you. You say that we are putting obstacles in your path. We are simply demanding of you that you shall take the American people into your confidence and tell them what you intend to do.

The Senator from Wisconsin [Mr. SPOONER] said at one time that he would give no answer to a man who held a revolver at his breast. Like Falstaff of old, he would render no reason upon compulsion, and I suspect that he was like Falstaff in another respect—that he found it easier to frame an excuse than to give a reason.

It has always seemed to me that it smacked a little of the mock heroic for this mighty nation to draw itself up to its full height and call the nations of the earth to witness that it would not be coerced or intimidated by Aguinaldo and his bolomen. If we had been dealing with a great and powerful nation, we might have stood upon our dignity; but if there is any nation upon earth that could afford to be patient and magnanimous with even the faults and follies of a puny adversary, that nation is the United States of America. Magnanimity is the privilege of greatness.

Happy indeed is the nation whose power is so manifest and so preeminent that it may be patient and considerate without seeming to be weak. It was not necessary for us to proclaim to the world that we were not afraid of Aguinaldo, and we could well have afforded to put aside such silly and contemptible pride if we

could have saved thereby all this effusion of blood and destruction of human life. That, sir, we could have done. The Senator argues that the Filipinos were bent upon war. I said in a former speech that if the Vest amendment or the Bacon resolution had been adopted there would have been no war. The Senator insists that Aguinaldo and his people were so puffed up with vanity and insolence that they would have driven us into war anyhow.

Mr. President, this is simply incredible. As General Otis and General Hughes have testified, the Filipinos begged "for some tangible concession from the United States Government—one which they could present to the people and which might serve to allay the excitement." General Otis said that nothing could be done, because he could make no sacrifice of any of the attributes of sovereignty by the United States. So far from being truculent and insolent they were begging and pleading for some assurance upon which they could base a promise to their people.

They could get nothing but vague promises that went hand in hand with a demand for submission to the absolute, uncontrolled, and despotic power of the United States. The war began with a battle which General Otis himself admits to have been accidentally provoked and not to have been intended by the Filipino leaders. The evidence of General Otis at the time was to this effect, and also that Aguinaldo sought even then to stop the war, but that Otis declined. The Senator now denies that any such thing occurred, but General Otis himself at the time reported: "Aguinaldo applies for cessation of hostilities and conference. Have declined to answer."

But, sir, it is not worth while to talk of the actual outbreak of hostilities. The war began long before the 4th of February. The proclamation of President McKinley assuming to extend the sovereignty of the United States over the entire archipelago and declaring his purpose to compel the submission of the people by force of arms, if need be, was a declaration of war for the destruction of the liberty and independence of the people of the Philippine Islands. Assuming that the people had a right to fight for their independence, they had a right to begin hostilities the moment that proclamation was issued.

It used to be regarded as a matter of some importance and the question was seriously discussed as to who fired the first shot at the battle of Lexington. History has simply decided that the question is not worth deciding. The war began when George III and the British Parliament began their aggressions upon the liberties of the American people. The war in the Philippines began when we definitely proclaimed to a people in arms for independence that they should be the serfs and vassals of the American Government.

It seems to me that if it had not been predetermined to subjugate the Filipinos we should never have had the revolver "leveled at our breast," and would not have had this excuse for doing what we had already determined to do.

But, Mr. President, whatever plausibility there may once have been in the Senator's plea it has passed and gone forever. Our triumph is complete.

Surely we have slaughtered enough and burned enough and "pacified" enough to satisfy our dignity. We can afford now without any sacrifice of that dignity to tell the American people and the Filipinos alike what we intend to do.

The Senator from Wisconsin will not yield to compulsion. He will make no answer to the man who comes at him with a drawn pistol. But, Mr. President, the people whose memorial lies upon the table of this Senate, the people whose humble petition is before you begging you to make known your intentions, have not come with a loaded pistol. They are not the enemies of your Government. Three of them are members of your Philippine Commission. They are your recognized friends, the avowed supporters of your sovereignty in the Philippine Islands. If the Senator will make no answer to the man with the drawn pistol, I ask if his pride will sufficiently unbend to take note of the man who presents his petition humbly and on bended knee?

What answer will you make to your sworn and faithful friends in the Philippine Islands? The men there who have stood by you, who have helped to fight your battles, and who, as Governor Taft testifies, have done more to pacify the country than all your officers and all your soldiers have done—these men are here begging you to tell them what is to be their fate and what is to be the attitude of this Government toward their country and their people. Do they deserve an answer? They tell you that if you shall determine to hold their country simply as a colonial dependency, as a conquered province, it means endless war for the United States and chaos and ruin for the Philippine Islands. Knowing the sentiments and feelings and aspirations of their own people, they give you this warning and make this appeal. It is not a loaded pistol in the hands of an enemy, but an humble petition in the hands of a friend, that is leveled at the heart of the Senator from Wisconsin. I yet hope that it will not miss its mark.

But, sir, there are others who have a right to know. The American people are even more deeply and vitally concerned, if possible, than the people of the Philippine Islands. The memorial addressed to you by the Federal party, which comprises the organized friends of American sovereignty in the Philippines, and which is headed by the three native members of the Philippine Commission, sets forth what they expect and desire from the United States. Their aspirations are also plainly and unequivocally set out in the report of the Philippine Commission for the year 1901. This report sets out the principles of the Federal party, which embrace full constitutional rights, American citizenship, to be followed by statehood in the American Union. That is what they desire, that is what they expect, and that is what they ask in the memorial that lies on your table.

Now, sir, we put the question to you, not in the name of the despised Filipinos, but in the name of the American people, do you contemplate the incorporation of eight or ten million Malays into your citizenship? Do you contemplate the admission of an Asiatic archipelago to statehood in the Union? Do you contemplate the addition of 50 or 60 Malay members to the Congress of the United States? I asked Governor Taft whether or not he favored such a proposition, and he said that it was a question which at this time he was not ready to answer. Hon. Luke E. Wright, acting governor of the Philippines in the absence of Governor Taft, seems to be a little more explicit.

Governor Taft still hesitates and is in doubt, but Mr. Wright made a statement in a public address to the Federal party in which he fully indorsed that party's principles and declared that they were in harmony with the intentions of this Government. As I have already shown, the avowed purposes of that party embraced full citizenship for the Filipino people to be followed by statehood in the Union. This address was published in a Manila newspaper and I regret that it is among some papers which I have temporarily mislaid. I will hereafter insert it in the RECORD.

Mr. President, I know Governor Wright. He is a man of great ability and high character, and he is a man who speaks with deliberation and who measures his words. When he said in that address that the Federal party correctly interpreted the intentions of this Government, when he held out to them the promise of American citizenship and the hope of statehood in the American Union, I do not believe his words were intended simply to deceive. He spoke what he believed to be the thought of the Administration and the party in power as well as his own.

Thus, sir, we have the two leading members of the Philippine Commission either hesitating upon or supporting the policy of incorporating 10,000,000 Malays into the body of our citizenship and admitting their country into this Union. We have all the friendly Filipinos organized into a political party demanding that this shall be done. You can not ignore a question that comes to you in this shape. We ask you, and we challenge you to answer. Do you intend to do it? I have offered an amendment to this bill declaring against statehood for the Philippines.

I questioned the Senator from Massachusetts [Mr. LODGE] upon that proposition, and he finally said that he would answer the question when he addressed the Senate in his own time. He has addressed the Senate, and has failed to answer. He and his associates will have yet another opportunity when they come to vote upon the amendment, and I call upon them to answer then the question the Senator from Massachusetts [Mr. LODGE] has declined to answer, Do you intend to clothe the people of the Philippines with full rights of American citizenship and admit them to statehood in the American Union? You may evade it when the question is put to you, but you must answer "yes" or "no" when you come to vote.

Mr. President, the Filipino rebellion against Spanish tyranny antedated our war with Spain. Before we began our war to free Cuba the people of the Philippines were struggling to free themselves. The Senator from Wisconsin [Mr. SPOONER] seems to think that he has found an excuse for subjugation when he says that the Filipinos at that time did not demand absolute independence. I think the Senator is mistaken. The official statements of Consul Williams, at Manila, and of Consul-General Pratt, at Singapore, show that he is mistaken. "A republic is organized here as in Cuba." Such was the language of Consul Williams with respect to the status of the Philippine insurrection before the outbreak of the Spanish-American war. Aguinaldo had proclaimed a republic, and while it had gone down in defeat he had wrung important concessions and honorable terms from his adversaries.

The Senator created considerable merriment by his ridicule of this Philippine republic. Sir, republics have frequently been the object of ridicule, and I want to remind the Senator that this Republic, even after its victory over the greatest power of the world, was the object of ridicule and contempt by all the nations of the earth. Where could you find a more ridiculous spectacle than that of a republic whose congress fled from the seat of government after vainly appealing to the local authorities for protection

from a local mob? The history of his own country should have taught the Senator from Wisconsin [Mr. SPOONER] to beware how he sneers at the beginnings of a republic.

It may be true, sir, that at first the Filipinos were willing to accept something less than independence, but they were in arms against the tyranny of Spain and they demanded a larger measure of political freedom. Experience shows that when a people rise in arms against tyranny, when the spirit of liberty begins to struggle against its chain, no half-way measure will satisfy its desires. The American colonies would have accepted much less than independence at first; indeed, they demanded much less than independence; but as the idea grew, as the desire for liberty took hold on the minds of the people, their aspirations broadened and expanded until they found perfect expression in the Declaration of Independence.

General MacArthur says that for many years the democratic idea had been growing in the Philippines. General Funston says that whenever Spain made a concession of local self-government to a Filipino community, it invariably resulted in the growth and agitation of a sentiment for independence. He warns this country that like concessions by us will be followed by like results. I am inclined to think that he is right. The Philippine Commission, in the enactment of its sedition laws, has recognized this one fact of human nature. If you would keep down the spirit of human liberty, you must bind it so that it can not move and gag it so that it can not speak.

But, Mr. President, whatever may have been the aspirations of the Filipinos in the beginning, it is established beyond all intelligent doubt that at the time we entered into cooperation with them they were fighting for independence, and we knew they were fighting for independence. They did not seek our aid—we sought theirs. Their inclination was to conduct independent operations, believing that they could thereby more quickly secure a recognition of their independence, and distrusting the intentions of the United States. We thought that such independent operations would be embarrassing to us, and therefore we sought their cooperation. We begged them to join their arms with ours, with a full knowledge that they were fighting for independence.

I ask the question here, and I challenge an answer from any Senator upon the other side of the Chamber: Is it true or is it not true that when our movement against Spain in the Philippines was projected Aguinaldo and his associates were planning an insurrectionary movement of their own with a view to securing the independence of their country? Is that true or not? I say it is true. I challenge any Senator upon the other side of the Chamber to deny it.

Then I ask this question: Is it true or is it not true that the American consul-general at Singapore, Mr. Pratt, sought out Aguinaldo, dissuaded him from conducting independent operations, and persuaded him to cooperate with the American forces? I say that it is true, and I challenge any Senator upon the other side of the Chamber to deny it.

At that conference was it distinctly declared by Aguinaldo and his associates and understood by Consul-General Pratt that the Filipinos were cooperating with us for no other purpose except to secure the absolute independence of the Philippine Islands? I assert that this is true, and I challenge any Senator upon the other side of the Chamber to deny it.

Is it true that the Filipino leaders openly and publicly proclaimed that the Philippine people would be given independence as a reward for supporting the arms of the United States? Was the Government at Washington officially informed of this fact? And is it true that there was never one word or act proceeding from this Government indicating a contrary purpose? I assert that all this is true, and I challenge any Senator upon the other side of the Chamber to deny it. I assert that it was not until after we had the full benefit of the Filipino arms that we gave them any reason to suspect that we intended to seize their country.

Is it true or not that Aguinaldo was carried on an American vessel to the Philippines and was aided and encouraged by us to organize an army for the avowed purpose of fighting for the independence of his country? I assert that this is true, and I challenge any Senator upon the other side of the Chamber to deny it.

Is it true or is it not true that upon his arrival there he issued a proclamation calling upon the people to rally to his standard, and telling them that the Americans were there to help them achieve their independence? Was that proclamation duly transmitted to the Government at Washington and was it allowed to pass without protest or denial on the part of this Government or any of its officers in the Philippine Islands? I assert that all this is true, and I challenge any Senator upon the other side of the Chamber to deny it.

Was it enthusiasm for independence and a firm belief that they were to secure it that brought that army around the standard of Aguinaldo, or was it simply a desire to become the slaves of a new and unknown master?

Sir, there is no room for doubt upon this question. The Administration's own witnesses tell us of the almost fanatical enthusiasm which the idea of independence had awakened in the Filipino minds. Mr. Barrett, late minister to Siam, one of the strongest imperialists in the country, tells of how the idea went abroad that the Americans were to make them a free and independent people, and brought them by the thousands to Aguinaldo's standard. Our military officers unite in their testimony that Aguinaldo's army rendered us great and important service. They were fighting and shedding their blood, as they believed, for liberty.

The Senator from Wisconsin [Mr. SPOONER] in attempting to show that there was no great love for us among the Filipinos says that Aguinaldo was compelled to appeal to them not to unite their arms with Spain against this country. I have no doubt this is true. They had no particular love for us, for they knew nothing of us. But I ask Senators to consider the significance of this statement. While they had been in arms against Spanish tyranny, the Senator from Wisconsin [Mr. SPOONER] tells us that as between Spain and the United States, as a mere choice of masters, they preferred Spain. Her rule had been harsh and cruel, but they preferred to bear those ills they had rather than fly to others that they knew not of. That was their feeling in the beginning. By what means did Aguinaldo persuade them to rally with such unanimity and enthusiasm to the standard of the United States? Simply by telling them that we would make them an independent people. Upon no other promise could this aid have been secured.

Mr. President, I assert that our conduct toward the Filipinos was equivalent to a pledge of independence. We sought their cooperation with a full knowledge that they were fighting for independence. We helped them to organize an army for the avowed purpose of fighting for independence. We knew that the belief was universal among the people that independence was to be the reward of their cooperation with us. After they had fought and shed their blood and had driven the last Spanish soldier from every foot of ground except the city of Manila, after Spanish resistance in the Philippines had been destroyed by their aid, and after their military services were no longer needed, then we turned upon them with scorn and contempt.

Mr. President, I have some old-fashioned notions; I may not be in accord with what is called the spirit of the age; but I believe that a nation's honor is a priceless heritage, and I do not believe that a coaling station in some distant sea is worth as much to any country as the right to be trusted when it has given its word.

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Indiana?

Mr. CARMACK. Certainly.

Mr. BEVERIDGE. Does the Senator think that this country gave its word——

Mr. CARMACK. Yes, sir.

Mr. BEVERIDGE. And then violated it?

Mr. CARMACK. Yes.

Mr. BEVERIDGE. When did it give its word and to whom? I understood the Senator to say that no notice was taken of all this.

Mr. CARMACK. Oh, well, the Senator from Indiana is pleading the statute of frauds.

Mr. BEVERIDGE. I can not hear what the Senator from Tennessee says.

Mr. CARMACK. The Senator is pleading that there was no written promise. He is trying to hide the Government of the United States behind a technicality. I think the conduct of the United States as I have stated it constitutes an obligation that is binding upon its honor and upon its conscience.

Mr. BEVERIDGE. Then, Mr. President, the Senator admits that this country gave no word as he says, and then violated it.

Mr. CARMACK. I admit that it did not make an affidavit, if that will satisfy the Senator.

Mr. BEVERIDGE. If the Senator is satisfied with that reply, I am certain the majority are.

Mr. CARMACK. I am entirely satisfied, Mr. President.

Mr. BEVERIDGE. Then we are all agreed.

Mr. CARMACK. Mr. President, I have spoken of the eagerness of Senators to justify their own conduct by blackening the character of the Filipinos. This eagerness in some cases has been so great as to override discretion. For instance, the Senator from Wisconsin characterizes Aguinaldo's army, which our own officers admit to have rendered us very great service, as a horde of robbers. That army, sir, came to our aid and fought our battles. Does it lie in our mouths to defame them? This army took the field in answer to our appeal; it fought and bled and suffered in our cause. In return, we call it an army of thieves. Is this the measure of gratitude and of appreciation the Filipinos are to expect from us in return for loyal and faithful service?

Mr. President, it is amazing to me that Senators who profess such sensitive regard for the honor of the American Army and American officers should in their eagerness to discredit the Filipinos seek to put an indelible stain upon the honor of one of the greatest heroes in all our history. Who called that army of thieves into existence? Who helped to arm and organize it and put it in the field? Admiral Dewey brought Aguinaldo to the Philippines and helped him to organize that army. At that time there was not an American soldier in the islands to check or restrain it. The country was filled with Spanish noncombatants, including women and children, who were absolutely at the mercy of the Filipino forces.

If under such circumstances Admiral Dewey helped to arm and organize a horde of savage cutthroats, outlaws, and professional robbers, and turned them loose upon the country, he outrageously violated the rules of civilized warfare, and he disgraced his rank and his uniform. More than that, the Government and the Administration that consented to his act must share his infamy. The Senator does not seem to understand that in making this charge he is accusing his own Government, his own party, his own country. I trust, sir, that the future historian will not take one of his chapters from the speech of the Senator from Wisconsin [Mr. SPOONER], and say that this country organized an army of robbers and cutthroats and turned them loose to work their own sweet will upon helpless communities. That army, sir, whatever it was, was our army, and if the Senator from Wisconsin can make good his charge, he will only succeed in convicting his own Government of an act of infamy.

The answer to the Senator's charge is that he is mistaken. It is the only answer that can save the nation's honor. The acts of that army prove that he is mistaken. They overran the whole country. They captured thousands of prisoners, including a number of Spanish ladies. They held many towns. The testimony from both Spanish and American sources is universal that they dealt kindly with their prisoners. It is shown by the reports of our own officers that they did not rob nor loot nor plunder. The Senator says they wanted to enter Manila simply to loot it. Did they loot any of the other places they held? When the entire island of Luzon, except Manila, was in their hands, did we hear of any stories of plunder and pillage? Our own officers show that nothing of the kind occurred. Did they loot Iloilo? When General Miller was threatening to bombard that place the foreign residents assured him that the Filipino forces then in possession were orderly and well conducted, and that they gave to the citizens all the protection they could desire.

Oh, Mr. President, it is easy to make charges against men who are the victims of your own wrongs. It is necessary to blacken their character in order to clear your own. When our Republican friends were casting about for some excuse that would serve them in a court of conscience they held a very different language from that now uttered by the Senator from Wisconsin [Mr. SPOONER]. When the distinguished presiding officer of this body was a member of the Peace Commission he seemed to be as eager to prove the great services rendered by Aguinaldo and his army as the Senator now is to prove that that army was an aggregation of thieves. "He [Aguinaldo] was our ally and we are bound to protect him." Such was the answer made by Commander Bradford to a carefully prepared question put to him by Mr. FRYE, for the evident purpose of eliciting just such an answer.

Our military officers were brought before the Commission to prove how great and valuable were the services of Aguinaldo and his army. The kindness and generosity of the Filipinos in their dealing with Spanish prisoners was clearly set forth. The argument then was that the Filipinos were such a noble people, had rendered such effective service to American arms, were so deserving of our love and gratitude, that we must not leave them to the mercy of Spain; but the very moment they made it plain that they would insist on their original demand for independence, that they would not be satisfied with a change of masters, the Republican leaders turned upon them and denounced them as a race of savages who had no rights that a white man was bound to respect.

Mr. President, it can not be denied that we are becoming accustomed to tolerate things that would once have shocked the nation's conscience. I was forcibly struck by one remark of the Senator from Wisconsin [Mr. SPOONER]. He said he had opposed the annexation of Hawaii as the "first long step." I think he was wise in his generation. I think his characterization of that act was pregnant with meaning. It is the "first step" that costs. A step aside from the path of duty, whether long or short, is a perilous step for a nation. A wrong once committed must have its advocates and defenders, and if persisted in it becomes a precedent for the future. The Senator's own present attitude illustrates the danger of the first wrong step. He strenuously resisted that first step. He reluctantly consented to the second. He will probably be found leading the third.

Captain Mahan, describing the effect of territorial conquest, says that "England is gorged with land; her statesmen are weary of looking after it, and of the insistence with which one advance compels another." Probably that was in the mind of the Senator from Wisconsin when he spoke of the danger of taking the first long step. Once cultivate in the minds of the people an appetite for territorial acquisition and it becomes as uncontrollable as the appetite of a drunkard. We were first urged to annex Hawaii because it would give us the control we desired of the Pacific. Then the very possession of Hawaii became an argument for the annexation of the Philippine Islands; and some of our insatiable annexationists have already suggested that we should take a "slice" of China.

Sir, shall we turn back now while we may, or shall we go on until, like Macbeth, we are "in blood stepped in so far returning were as tedious as go o'er."

The Senator from Indiana [Mr. BEVERIDGE] says that the nation "will not beat a retreat." That sounds fine, it sounds brave, but is it a retreat to turn from a wrong path and go back to the right? If so, it is a brave man's retreat, of which only cowards need be afraid. There is neither heroism, nor wisdom, nor statesmanship in refusing to "retreat" from the bog to the highway.

The Senator from Iowa [Mr. DOLLIVER] admits that our Philippine problem is a "burden too grievous to be borne;" but so long as the Democratic party expresses a like opinion he scorns to lay the burden down. The Senator can not entirely control the operations of his mind, but he can control his conduct. Even though the one may be in sympathy with the policy of the Democratic party, he is determined that the other shall not be. Is party prejudice stronger than a love for the Republic? I say to-night with all the sincerity of my soul that I should be delighted to see the triumph of the principles for which I contend though it should defeat the Democratic party. To me the party to which I belong is but a means and an instrument for promoting the welfare of the Republic, and I would not for its sake or through prejudice against any other party lay upon this Republic a "burden too grievous to be borne."

Mr. President, the burden we are bearing in the Philippine Islands is indeed a burden "too grievous to be borne," for it is a burden of guilt and a burden of shame. Senators on this side of the Chamber have felt constrained to deal freely and fully with the conduct of the war we have been waging in that unhappy country, and Senators upon the other side have sought to break the force of it by charging us with assailing the honor of the American Army. The Senator from Alabama [Mr. MORGAN] says that the Army "resents" what the Senator himself seems to consider the officious intermeddling of Senators in affairs that do not concern them.

In the view of the Senator from Alabama [Mr. MORGAN] it is no business of Congress to have or express an opinion with respect to torture and massacre and the murder of little children, provided it is done by the military authorities. The Senator tells us that the Army is more representative of the American people than the Congress of the United States. Mr. President, if I held this view I should agree with the Senator from Alabama, and I should say that we not only had no right to express our opinion as to the conduct of a military officer, but that we should surrender to the military arm of the Government the right to make and administer its laws.

It seems to me, sir, that we have proceeded very far in the path of imperialism and of militarism when the Army is openly exalted above the civil authority and held to be exempt from criticism or correction by the people or those chosen to represent them. It may be true that in the degenerate days of Rome the Roman army represented all that was left of Roman virtue, but I do not believe that we have yet fallen on such degenerate days. It was but a short time since that in another Republic some who cried out against a great national wrong were met with the counter cry that they were defaming the army; but the men who brought Dreyfus back from Devils Island did more for the honor of France than his persecutors did for the honor of the French army.

I do not know, sir, to what extent this "resentment" prevails. It may be true that there are men in the Army who resent any pretensions of the civil authorities to meddle with military affairs. If so, I for one resent such arrogance, and I think it is time such officers and some other people should learn that the Army belongs to the Republic and that the Republic does not exist for the sake of the Army. I am ready to give all proper honor to those who hold commissions in the Army of the United States, but it ought to be understood once for all that the American uniform can not honor the man who disgraces the uniform. I am not ready to agree with the Senator from Alabama [Mr. MORGAN] that the man who wears the epaulets of an Army officer represents a majesty greater than the majesty of the law.

It has been charged that we are defaming the Army when we

are simply dealing with the natural and inevitable consequences of the policy you have adopted. It is charged that we are doing this in order to discredit the Administration. If we were really assailing the Army we should be defending the Administration and its policy. If these atrocities are due simply to the innate depravity and ferocity of the American soldiers, then the Admisistration is not to blame, its policy is not to blame, and the Republican party is not to blame; but if, on the other hand, in spite of the fact that American soldiers are merciful and humane the war in the Philippines has become a war of almost unexampled cruelty, a war almost of extermination, then the fact is not due to the cruelty of the American soldiers but to the nature of the task they are set to perform.

And that, sir, is the charge we make. We have not denounced our American soldiers in the Philippine Islands. We have simply denounced the cruel and wicked policy that sent them there. Ah, Mr. President, the authors of this policy have a much harder task to perform than that of defending the honor of the American Army. It is the task of defending their own. The Army is doing what it was sent to do. It was sent to subjugate a people who prefer death to subjugation. It was a bloody and a cruel task and it required bloody, and cruel work. Upon the authors of this war of criminal aggression must rest the guilt; every drop of blood that has been shed is upon their hands and all great Neptune's ocean will not wash them clean.

The men who say that we are defaming the American Army are simply trying to drag the debate down to the level of their own controversial faculties. It is not easy to meet the real facts and the real issue, but to say that one is slandering the American Army is a charge that any fool can utter and any parrot can be taught to repeat. I say that the man who, here or elsewhere, seeks to excuse torture, the massacre of a whole people, the murder of little children, has very little respect for the honor of the American Army, and he has none at all for his own. Why should we not be allowed to criticise General Smith for a brutal and inhuman order? Smith himself would not hesitate one moment to hang a common soldier if he disobeyed his commands. Why may we not express our opinion of Smith when he violates all the rules of civilized warfare, and does it, as he himself admits, against the wishes and feelings of his soldiers?

Mr. President, I am glad that the feeling shown by certain Senators here does not entirely represent public sentiment, even among Republicans. The late Postmaster-General, Mr. Smith, published an article a few days ago, which I regret that I have mislaid, in which he dealt with this question and in which he said that Republican Senators had made a great mistake in not promptly denouncing these infamies which have been perpetrated by Smith and other officers in the Philippine Islands, and he said that they had given a great advantage to their Democratic opponents by permitting them to take the lead upon that question.

Mr. President, it does seem to me that the question of cruelty, the question of torture, the question of slaughtering the people of a whole province, is not a question that should be partisan at all, and there would have been nothing partisan in it if Senators upon the other side of the Chamber had united with us in denouncing it instead of standing up to denounce the men who protested against it.

We are not the only people in this country who do not admire General Smith. His critics are not confined to the Democratic party. Many Republican newspapers from one end of this country to the other, and I say it to their honor, have united in denouncing his order as one of the most brutal and inhuman ever issued in the history of the world.

The New York Tribune said:

> Herod was more merciful. He killed only the children, leaving the parents to live.

The Philadelphia Press, whose owner is the late Postmaster-General, said:

> It is almost incredible that an American officer of any rank could have issued an order so shameful, inhuman, and barbarous, and it calls for instant rebuke, repudiation, and condemnation. We say this before hearing or considering his defense, for no defense can excuse such an order of ruthless and indiscriminate destruction.

The Kansas City Journal said:

> The civilized people of the United States can contemplate such proceedings only with feelings of horror.

The St. Paul Press said:

> General Smith's instant dismissal from the service he has disgraced, by the Government he has disobeyed, will be an inadequate atonement for the dishonor he has brought upon the American name.

Mr. President, it would have been better for all concerned, better for the honor of the American people and of the Government of the United States, if there had not been one voice raised upon the floor of the United States Senate to palliate or excuse this ruthless, brutal and inhuman order of General Smith.

The Senator from Wisconsin [Mr. SPOONER] complains of the partisan spirit shown by the minority in the investigation, and has represented us as advertising for witnesses who will testify to torture, with a declaration that no others need apply. If the Senator had possessed any information whatever with respect to the work of the committee he could not have made a statement so utterly unfair. It is not true that the Democrats of the committee have sought to confine this investigation to the revelation of tortures and similar outrages in the Philippines.

The Senator might have heard the Senator from Massachusetts [Mr. LODGE] declare on the floor that every witness that had been examined before the committee had been summoned at the instance of the minority, except Governor Taft and Professor Barrows; and as a matter of fact Governor Taft himself was the first witness suggested from the Democratic side. We called for Governor Taft, for General Otis, for General MacArthur, for General Hughes, for Admiral Dewey, for General Anderson, and other witnesses of like character, all in sympathy with the Administration and its policy.

Again and again has the Senator and others on that side of the Chamber flaunted in our face the testimony of the very witnesses who were summoned to testify at our instance. We sought to bring before the committee every man who had a knowledge of affairs in the Philippines, and the very first names we suggested were those of leading Army officers and civil appointees of the Administration; and yet, sir, the Senator says that we have sought for no testimony except as to outrages and cruelties.

There has been no partisanship upon our side in this matter. It has been upon the other. We have not advertised for witnesses to outrages in the Philippines. These stories, sir, had been current and notorious for two or three years. They had been published broadcast in every newspaper in the country. Does the Senator say that they should not have been investigated? Does he say they should have been passed in silence? Sir, there would have been no appearance of partisanship in the investigation of these outrages if there had been no partisanship in the attempt to whitewash and suppress them. We have put honorable and truthful witnesses upon the stand who have testified to undisputed facts. There is only one witness upon these matters whose testimony has been called in question. The sin, therefore, which we have committed, if sin there be, is in letting the truth be known.

Indeed, Senators upon the other side have seemed to regard it as a crime to reveal the truth as to what is being done in the Philippine Islands. A distinguished gentleman of honorable character from the State of Massachusetts sent to the committee the name of Mr. Grover Flint with a request that he be summoned as a witness. Mr. Flint came before the committee and told a story of the most terrible tortures inflicted upon a large number of Filipinos who had done no wrong—tortures prolonged in some cases to the point of death. The Senator from Massachusetts [Mr. LODGE] bore witness in his speech to the high character and standing of Mr. Flint, but he emptied the vials of his wrath and scorn upon the head of the gentlemen who had informed the committee of this witness. To the Senator from Massachusetts it seemed an unpatriotic act for a citizen to give to a committee charged with an important investigation the name of an honorable and truthful witness who possessed important information. It is unpatriotic to reveal the truth, and it is patriotic to conceal it—that seems to be the theory upon which some gentlemen are proceeding. We believe that it is our duty to get all the truth.

Mr. President, it is important to know just what Senators mean when they say we are assailing the Army. The Senator from Massachusetts [Mr. LODGE] admits that we are not assailing the private soldiers; he has even taunted us with the accusation that we dare not do it. He said we had confined our attacks to the commanding officers because, as he intimated, we were afraid of the soldier vote. It is a fair retort to say that it is a regard for this same soldier vote that prompts the accusation that we are assailing the Army. I care nothing, sir, for the imputations of the Senator from Massachusetts with respect to our motives. I am only concerned for the statement of fact. The Senator did say that we had not attacked the private soldiers, but have only assailed certain American officers. When Senators, therefore, say that we have assailed the Army we know what they mean. The leading officers constitute the "Army."

Mr. President, in every speech I have made upon this question I have distinctly asserted again and again that the great body of American soldiers were not involved in these acts of cruelty and atrocity; that where they did so act they were driven to it against their own inclinations, and by the command of the higher officers. I wish here to put into the RECORD an extract from my previous speech upon this question:

> Mr. President, the Senator is attempting to shift the responsibility from the commanders to the soldiers. It is not true that these atrocities have been due to rage or to lust for vengeance on the part of the American soldier. I say, as I said the other day, that against their own will they have been driven to it by the orders of their commanding officers.

I referred to a signed letter of General Smith, in which he spoke of his difficulty in overcoming the kindly feelings of his officers and soldiers toward the Filipinos. The cordial relations between soldiers and natives was one of the great difficulties he encountered in the execution of what he himself called his "fire and sword policy."

Mr. President, it has been no pleasure to us to dwell upon these scenes; but it is a duty which must be performed if we would save the nation from an indelible stain. The present time may close its eyes to the hideous spectacle and stop its ears to the cry of mercy, but history will see and hear and tell the truth. It is our hope that passing events may not go into history until something has been done to relieve the nation of the shame and dishonor that is being put upon its record.

These revelations have their proper place in this debate because they are the natural and inevitable developments of the policy of subjugation and conquest.

I have before referred to the testimony of the Federal party, the recognized friends of our sovereignty, that the whole people were united in a bitter and irreconcilable hatred of colonial rule—the hatred described by them as being so strong that even after their armies were dispersed and all hope was gone the people preferred the peace of death and the grave to the peace of submission to the yoke of a foreign government.

Mr. President, in a conflict where the war cry of death or submission is met by the war cry of liberty or death, hostilities must inevitably proceed to the last limits of fury and ferocity. Where the element of race hatred is added to the natural hatred engendered by a war of subjugation there will be bloody deeds and bloody reprisals. When we exhibit the horrors that have been enacted in the Philippines, we simply give the American people a picture of imperialism at work.

Mr. President. I have dealt in general terms with some of the cruelties and tortures that have been inflicted in the Philippine Islands. I wish to put a few extracts in the testimony on this question into the RECORD.

Lieut. Grover Flint, of the Thirty-fifth Infantry, a grandson of the famous late Dr. Austin Flint, a son-in-law of the no less famous late John Fiske, and a graduate of Harvard University, served for about a year and a half in the Philippines—from November, 1899, to April, 1901. He testified before the Senate committee that he was present in May, 1900, when the water torture was administered to about 20 different men by the Macabebe scouts and men of his own regiment. The Macabebe scouts were under a sergeant, a regular American soldier who was on detail duty, and the American officer in command of the forces at the time, one Major Geary, was cognizant of what was going on, but made no apparent effort to stop these atrocities.

The witness testified that he saw men thrown down and heard their groans; that he saw one man who he thought was going to die after receiving this torture, and that he had indirect evidence that one man did die. He also saw the teeth of two old men knocked out by the device which was forced into their mouths during the administration of the torture to hold their jaws apart. He told the committee how the torture is administered, in these words:

> A man is thrown down on his back, and three or four men sit or stand on his arms and legs and hold him down, and either a gun barrel or a rifle barrel or a carbine barrel or a stick as big as a belaying pin (that is, with an inch circumference) is simply thrust into his jaws and his jaws are thrust back, and, if possible, a wooden log or stone is put under his neck so he can be held firmly. His jaws are forced open as a gag. In the case of very old men, I have seen their teeth fall out—I mean when it was done a little roughly.
>
> He is simply held down and then water is poured onto his face, down his throat and nose from a jar, and that is kept up until the man gives some sign of giving in or becomes unconscious; and when he becomes unconscious he is simply rolled aside and he is allowed to come to. I know that in a great many cases, in almost every case, the men have been a little roughly handled. They were rolled aside rudely, so that water was expelled. A man suffers tremendously, there is no doubt about that. His suffering must be that of a man who is drowning, but who can not drown.

The witness said that he had even seen a foot placed upon the victim's stomach as a means of forcing the water out; that he had witnessed the administration of this form of torture to fully 20 men one morning, and that fully 30 had been tortured at the same place and by the same men the night before, making 50 men in all upon whom he knew that this barbarous atrocity had been inflicted by men serving under the American flag in the Philippine Islands, and at that one place. But he testified to having witnessed the administration of the torture to 15 men on another occasion, north of San Miguel, about January, 1901.

The professed object of these tortures was to compel men to give up their arms, but in this latter case no arms were procured and none were asked for. In the language of the witness, it was done simply as a matter of "routine." A number of the natives subjected to this torture had no arms of any kind to surrender and no information they could impart, and these were the ones who suffered most.

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Indiana?

Mr. BEVERIDGE. Is the Senator through with his reference to the testimony of Flint?

Mr. CARMACK. Yes; I am about through.

Mr. BEVERIDGE. I was going to ask the Senator why he did not refer to that portion of the testimony of Flint with reference to the usual and ordinary conduct of the American officers and soldiers toward the Filipinos, which he testified was uniformly kind and considerate?

Mr. CARMACK. Well, Mr. President, I had already said that myself.

Mr. BEVERIDGE. Why did the Senator mention one portion of his testimony and not mention the other and more important portion of his testimony?

Mr. CARMACK. Mr. President, I am dealing with evils that ought to be stopped. I am not trying to put an end to kindness.

Mr. BEVERIDGE. Is that the reason why the Senator did not mention it?

Mr. CARMACK. I am not trying to stop kind treatment——

Mr. BEVERIDGE. Is that the reason why the Senator did not mention the kind treatment of American officers and soldiers, which has been, according to the testimony of all witnesses, the usual and ordinary course?

Mr. CARMACK. Mr. President, I have said that myself. I did not say that Mr. Flint had said that or that any other particular witness had said it. I say it myself, as my own conclusions from all the testimony of all the witnesses.

Mr. BEVERIDGE. Mr. President——

Mr. CARMACK. But there is no use in my dwelling upon the conceded fact that as a general rule the treatment of Filipinos by officers and soldiers is kindly. I have said that again and again. I am dwelling upon the things I want stopped, and that is cruelty and torture in the Philippine Islands.

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Indiana?

Mr. CARMACK. Certainly.

Mr. BEVERIDGE. I do not want to interrupt the Senator, but I should like to ask him if he thinks the fact that he mentions it himself relieves him of the necessity of referring to the testimony of a witness? If that is so, the Senator has mentioned innumerable times the cruelty of our officers and soldiers. Why, then, does he refer to the testimony of Mr. Flint upon that point and not upon the other point?

Mr. CARMACK. Mr. President, there is absolutely no issue between us on that point at all.

Mr. BEVERIDGE. In other words, why does the Senator refer to the testimony of a witness concerning the exceptions, which are the cruelty testimony, and not to the general course and ordinary conduct of American officers and men? Why does he pick out the exceptional cruelty and neglect referred to in the witness's testimony and not refer to his testimony as to the general kindness of American officers and men?

Mr. CARMACK. Both the Senator from Indiana and myself are agreed upon the fact that the majority of American officers and soldiers are kindly and humane in their dealings with the Filipinos. While these things are exceptional in the sense that they are perpetrated by a comparatively small number of soldiers, they have yet prevailed to a very considerable extent and to a sufficient extent to deserve the attention of the American people and the American Congress, and it is our duty to demand that they shall cease. It has been denied by authority that any of these things have occurred, and it is necessary to prove that they have occurred in order to enforce our demand that they shall be stopped. I did not go at length into Mr. Flint's testimony, but said that I would insert extracts from it in the RECORD; if there is any particular part of it the Senator would like to have in, if he will indicate it I will insert it in the RECORD.

Mr. BEVERIDGE. No; I am perfectly willing that the Senator shall put anything in the RECORD he pleases without reading and that he may make such selections as he thinks will sustain his contention. I shall not do as a Senator did this morning when I made a similar request, object to the presentation of testimony of witnesses taken before the committee that is proper or pertinent. The Senator called attention to exceptional outrages, but did not call attention to the general consideration and kindness and courtesy and care, unexampled, I believe, even in the history of civilized warfare, which American officers and soldiers have shown to the Philippine people and prisoners, which is testified to by every witness who has testified upon that point.

Mr. CARMACK. Mr. President, the Senator from Indiana——

Mr. BEVERIDGE. I am perfectly willing that the Senator shall control whatever he wishes to put in the RECORD without objection from me.

Mr. CARMACK. My friend from Indiana is an adroit and

clever debater, but he might descant for a week upon the virtues of the American Army and he might prove to the satisfaction of everybody in the world—and I have no doubt he could do that—that an overwhelming majority of the officers and soldiers in the Philippines are kindly and humane, but that would not be any excuse for Smith. [Laughter.]

Mr. BEVERIDGE. Mr. President, I do not wish to interrupt the Senator.

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Indiana?

Mr. CARMACK. Certainly.

Mr. BEVERIDGE. But, Mr. President, it is a good deal of a reply to the attempt to paint the entire American Army, men and officers, as being of the type which the Senator describes, to get the Senator to confess that the reverse is true as to a great majority of the American officers and men. That, Mr. President, is the point. The point is that the Senator has attempted to cast upon the whole military establishment of the Philippines the stigma of his picture of General Smith, and I do not know whether it is an accurate one or not. I did not want to interrupt the Senator a moment ago, but the Senator referred to the order of General Smith. That order he could not produce, and it has not yet been produced, and we do not know whether such an order has been issued or not. It is worth while to show some respect to a man who has spent nearly forty years of his life in defense of his country's flag.

Mr. CARMACK. Mr. President, it may suit the Senator's purpose to say that he has got me to "confess" that a majority of the officers and men are not cruel, but as a matter of fact I have asserted that plainly, distinctly, and unequivocally in every speech I have made. I have repeated that assertion to-night. I had a controversy with the Senator from Iowa [Mr. DOLLIVER] upon the very point that where the soldiers did participate in these outrages it was forced upon them by their superior officers. There never was an army that did not contain enough bad men to spread death and terror and desolation in their path if not kept under proper restraint. What difference does it make, so far as its effect upon the people is concerned, that a majority of the soldiers did not sympathize with the policy of torture and extermination? How many men does it take to burn a village, or a hundred villages? How many does it take to torture unarmed noncombatants? How many does it take to make a "howling wilderness?" No matter how many there were who did not approve of these things, there were enough to do them.

But, sir, to return to the story of these tortures. To illustrate the recklessness with which the water torture was inflicted, here is a case of a guide who had been impressed into the service of the American forces and who had guided them correctly, but when they reached the place the insurgents they were looking for had fled. They knocked the guide down and tortured him until they finally became convinced that he was acting in perfect honesty and good faith.

Sergt. Charles S. Riley, Sergt. Edward J. Davis, and Private William Lewis Smith, of the Twenty-sixth Infantry Volunteers, corroborate each other's testimony before the Senate committee in giving the details of the administration of this horrible torture upon the presidente of Igbaras, Iloilo Province, Panay Island, on November 27, 1900, and the two policemen who were tortured at the same time, and to the burning of the town of Igbaras (containing some 10,000 or 12,000 inhabitants) on the strength of the supposed "confessions" which were wrung from these outraged victims on that occasion, without provocation and in the presence of American officers, who superintended its administration. Private Smith admitted that he set fire to some of the town himself, and that the administration of this water torture was so common that there was a regular "water detail."

Now, sir, as to the provocation for this torture, Private Smith was asked if there had not been a number of murders of American soldiers. He answered: "Not in our district. We never had a soldier injured in our district until after that time; but in other districts they did." In answer to further questions he said that the soldiers condemned these outrages and thought it "very cruel treatment." "I never saw a man killed or injured until after the burning of Igbaras. We occupied five towns, and we had anywhere from 10 to 18 men in each town." Sergeant Davis, who testified to the same facts regarding the water cure and to the burning of this town, declared that they had no trouble with the people, and that they had shown no unfriendliness to the American Army. He also said there was a regular "water detail"—men designated for the special duty of administering this water torture. Yet this whole town of 10,000 inhabitants was burned to the ground after the presidente and police had been subjected to torture.

Sergts. Leroy E. Hallock and Januarius Manning, of the Twenty-sixth Infantry Volunteers, tell substantially the same story about the torturing of some ten or twelve men at Leon, Panay Island, on August 21 and 23, 1900, forcing from such men a confession of their complicity in the "confessed" murder of Private O'Hearn, and in consequence of this alleged confession (thus wrung from them under duress) five or six were shot, one was released, and the others escaped. Sergeant Hallock says that Sergeant Manning ordered the administration of the torture to these men, and Sergeant Manning admits it.

Sergeant Hallock testified that he knew of the burning of as many as a half dozen towns, ranging from 3,000 to 8,000 inhabitants, one of them being the town of Tubungan, about halfway from Leon to Igbaras. These two witnesses differ as to the number shot and the number who escaped—Hallock saying that five or six were shot, one was released, and the others escaped, while Manning says that nine were shot and two escaped. Manning also testified to having seen at least a half dozen barrios, or towns, burned during the summer of 1900, but he could not give their respective names.

Corpl. Daniel J. Evans, of the Twelfth Infantry Volunteers, testified to having seen the water torture administered to a man in the Ilocano Province, at Ilocos Norte, Luzon Island, about August, 1900. This was a most ferocious case, according to the witness. Here is the way he describes it:

> The first thing, one of the Americans—I mean one of the scouts for the Americans—grabbed one of the men by the head and jerked his head back, and then they took a tomato can and poured water down his throat until he could hold no more; and during this time one of the natives had a rattan whip about as large as my finger, and he struck him on the face and on the bare back, and every time they would strike him it would raise a large welt, and some blood would come. And when this native could hold no more water, then they forced a gag into his mouth; they stood him up and tied his hands behind him; they stood him up against a post and fastened him so he could not move.
>
> Then one man, an American soldier, Frank Koehler, who was over 6 feet tall and who was very strong too, struck this native in the pit of the stomach as hard as he could strike him, just as rapidly as he could. It seemed as if he did not get tired of striking him with his clenched fist. He struck him right in the pit of the stomach, and it made the native very sick. They kept that operation up for quite a time, and finally I thought the fellow was about to die.

There was no apparent effort to conceal what was going on, and the commanding officer, Capt. Robert K. Evans, was not over 200 yards away at the time, and, according to this witness, this water-torture practice "has been the talk of almost the whole Army. They do not try to conceal it." The witness could have witnessed other cases of torture if he had desired to do so, and he himself knew of about five barrios being burned. These barrios were villages, and as many as 24 men, women, and children would live in one house together.

Sergt. Isadore H. Dube, of the Twenty-sixth Infantry Volunteers, after being advised by the committee that he would be compelled to disclose the names of any officers who were implicated in administering the water torture, very reluctantly made this statement:

> I was on guard. I don't remember the date nor the month. I was in command of Jaro, Panay, P. I., and some natives were confined in the guardhouse by order of Captain Glenn, who is now, I believe, a major. I think he was judge-advocate of the Department of the Visayas; and I was sent with this native—I don't remember the native's name—to bring him over to Lieutenant Conger's house, which was in that town. I did so. I brought the native over, and Lieutenant Conger and Captain Glenn and two or three privates of the Eighteenth Infantry administered the water cure to this native. I don't know for what cause; but the native appeared to me to be sort of a wealthy and intelligent native—he had some education.

The witness also told of a woman prisoner being confined in one big room for over three weeks with fourteen or fifteen male prisoners without any possibility of personal privacy. The witness also saw several dwelling houses burned in January, 1900, on Panay Island, as well as great quantities of rice destroyed.

Sergt. Richard V. Hughes, of Company H, Eighth Regular Infantry, told the committee about the administration of the water torture to a native, by order of Lieutenant Merchant, about 6 miles from Magdalena, in Laguna Province, on September 26, 1901. Lieutenant Merchant ordered Private Haler to strike the native and knock him down, and Private Haler did so. The native had no arms and had committed no wrong of any kind, but because he could not or did not give the information demanded of him he was knocked down a second time by order of Lieutenant Merchant. The witness also testified to having seen a guide first whipped severely with the branch of a tree by two privates, in obedience to the orders of Lieutenant Merchant, and then tortured unmercifully with the water cure, in obedience to the orders of the same officer.

The witness saw three houses, occupied by women—one of them a cripple, who was utterly helpless—burned by order of Lieutenant Merchant. Everything in the houses were burned, and the cripple woman was left upon the bare ground. She could not walk; she had to crawl upon her hands and knees. This witness also testified to something quite oriental in the conduct of this same officer, Lieutenant Merchant—that he compelled prisoners of war to act as a pack team in carrying his wife some 7 miles over pretty rough road, from Santa Cruz to Magdelena. This witness

also saw several villages burned outside of Nacarlan, about the 21st or 22d day of May, 1901, and he had heard of many other towns and barrios being burned, but had not seen any others himself.

Then we have the report of the inspector-general and of Generals Wheaton and MacArthur as to the terrible outrages perpetrated by the Macabebes employed in the military service of the United States. It was only by accident, so to speak, that the facts reached General MacArthur, a humane and chivalrous gentleman. There are about 1,500 of these Macabebe savages under American officers. The story as revealed in this report is one of rapine, plunder, rape, and murder. The report shows further that the officers commanding these savages exercised no effective restraint upon them, and when they broke loose in a saturnalia of crime, pillaging a town, beating and killing men, and ravishing women, these officers made no effort to punish, but tried to deny and conceal the fact. General Wheaton, in his report, says that "these Malay savages will always be liable to commit crime alike disgraceful to our service and an outrage upon humanity;" but as they are the only natives friendly to the United States, we must continue to employ them, in spite of the fact, as General Wheaton himself declares, that they will "rob and ravish whenever they have the opportunity." Mr. President, I do not arraign our generals in the Philippines, but I denounce any policy that makes it necessary for us to employ murderers, robbers, and ravishers against any people.

We have also a story set forth by Governor Livingston, of the province of Sorsogon, which has few parallels for cold-blooded atrocity. In this case the governor says that he delayed reporting the facts because the military authorities had justified the acts in question and he desired to make a thorough investigation. The facts revealed in his investigation were that the presidente of a town, an upright and intelligent man, with a policeman in the same town, were taken out into the woods, compelled to dig their own graves, and then shot, having, however, previously been tortured. The governor reports that the charge against this presidente was false and that he was faithful and loyal to the United States.

It has been claimed that these atrocities have been inflicted by way of retaliation. I wonder if the Senator from Massachusetts has ever paused to consider what this defense may lead to in his own country. We have had some terrible scenes in the South, and you have had some in the North, where a whole community, driven to madness, has risen up to execute lawless vengeance for some awful crime. The Senator from Mississippi [Mr. McLAURIN] detailed one especially horrible in its circumstances a few days ago. And yet, sir, the people of that community, as the Senator said, were satisfied to wreak their vengeance upon the criminal himself.

But suppose, sir, in some of these communities the people should be driven to such a pitch of madness that they should not only wreak their vengeance upon the criminal, but upon all the members of his race indiscriminately. Suppose that should be done. Then, sir, they would have a right to expect that the distinguished Senator from Massachusetts would be their apologist and defender. He seemed to think it quite natural that men in the Philippines, because some of their comrades have been murdered, should seize upon innocent people, having no connection whatever with the crime, and subject them to torture, or should lay waste a whole province and destroy a whole people from 10 years old upward. That seemed to the Senator from Massachusetts as a natural act of vengeance.

The apologists for lynching in the South, I have no doubt, will be glad to hear from the Senator from Massachusetts. I am not and never have been of that number. I have never sought to uphold mob law. I have never been a defender of the practice of executing lawless vengeance upon any criminal, no matter how black might be his crime.

We have had, sir, a terrible problem to deal with in my part of the country, and it is an unfortunate thing that while some of us are doing our very best to create a public sentiment that will be effective in putting an end to lynching and to mob law the distinguished Senator from Massachusetts should lend the weight of his great and distinguished name to excuse it.

The Senator from Massachusetts set forth a long and bloody chapter of terrible deeds committed by the Filipinos, and tried to make it appear that whatever wrongs had been perpetrated upon the Filipinos had been for retaliation or revenge. Mr. President, the law of retaliation is a recognized rule of warfare, and its limits are strictly defined. The very order which defines the law of retaliation absolutely forbids the use of torture to extract confessions. These tortures were applied for the purpose of forcing confessions, of securing information, and the surrender of arms. There was no pretense of retaliation in it. People have been tortured who had neither arms nor information, and who had done no wrong. It has been shown by the testimony of witnesses before the committee that the soldiers themselves were opposed to these outrages. It has been shown that throughout an entire district occupied by American troops there had not been a single offense committed against American soldiers until after the water torture and town burning began. So I say there is no retaliation whatever in the business.

Some days ago I denied the statement made upon the other side that these cruelties were inflicted by the American soldiers out of the feeling of hatred or revenge for the murder of their comrades. I declared, on the contrary, that the friendliness of the soldiers toward the natives was the subject of complaint and that they had to be almost scourged to this bloody and atrocious work. There has been an effort to lighten the responsibility of Smith for what took place in Samar by saying that the soldiers had been maddened by the Balangiga massacre. I have already dealt with that affair, which was the act of the inhabitants of a single community taking a horrible revenge for acts of tyranny and oppression inflicted upon themselves. General Smith himself bears witness that the private soldiers had no sympathy with his bloody and remorseless policy.

I wish to call attention to a letter over his own signature in the Manila Critic, speaking of the conditions in Samar:

> It did not take long before it was quite patent to any observer that only the "fire-and-sword" policy could succeed in bringing these people to understand that they must come under the absolute and complete control of the United States. The inhabitants are all our enemies, and those who live near the garrisons do so only to give assistance to the armed ones in the mountains. And it seems almost impossible to impress this fact upon our officers and soldiers, who have the love for the "little brown brothers" ingrafted in their natures.

And so on.

> Little or nothing has been done, owing to a feeling of security and confidence which had been engendered by officers who loved the "little brown brother" and imagined the natives were angels and only needed wings to make them perfect.

That, sir, was the feeling among the soldiers and the subordinate officers toward the Filipinos. It was Smith himself who was constantly attempting to destroy the feelings of friendship and confidence that existed between the soldiers and the natives and driving them to deeds of cruelty.

Our reconcentrado policy in the Philippines has been defended as gentle and humane. I have no doubt that there are some camps that are conducted on humane principles, but the Senator from Georgia [Mr. BACON] read a letter a few days ago from an officer in the Philippines that gave a horrible description of this concentration business. He did not give the name of the officer, but he vouched for him as a man of high character, thoroughly trustworthy, a graduate of West Point. It is a significant fact, sir, that men like the Senator from Georgia [Mr. BACON] and the Senator from Massachusetts [Mr. HOAR] have information from Army officers for whose character they can vouch, but whose names they dare not divulge. We know that officers in the Army do not like to give information that would be unpleasant to their superior officers or to the Administration; but when the Senator from Georgia [Mr. BACON] vouches for the character of any man I do not believe that any Senator in this Chamber will have any doubt whatever as to the integrity of that witness.

Here is an order given by General Smith in November, 1901, in which he says:

> He desires to announce to all the influential natives of the district, and especially to those in the island of Samar, that up to and including the 10th day of November, 1901, those who desire to establish the fact that they are friendly to the American Government can do so in any one of the following ways:
>
> First. By giving information as to the location of any guns used for the purpose of insurrection.
>
> Second. By giving information as to the whereabouts of persons in insurrection.
>
> Third. By inducing persons in insurrection to present themselves with their rifles or other arms to the nearest American official.
>
> They can not establish the fact of their friendship by protestations of any kind.
>
> Those who fail to avail themselves of the opportunity presented will be regarded as distinctly unfriendly to the American Government, and will be treated accordingly.

Mr. President, there are three distinct methods by which the people of that district are to be allowed to prove that they are friendly to the United States. They are to give information as to guns, information as to the whereabouts of persons in insurrection, or induce persons in insurrection to present themselves with their rifles or other arms to the nearest American official, and they must do that within ten days. If within that time these men are not able to give information as to where any insurgents are secreted or where any of their arms are hidden, and if they are not able to induce any of them to surrender, then, as we are further informed, they are to be banished to the island of Guam, their wives and their children are to be driven into the mountains, and their houses and the whole town in which they live are to be burned to the ground. That is mercy and humanity!

Here, sir, is a description of the process of establishing a concentration camp, by the Manila News, a paper entirely in sympathy with the practice and with the military authorities:

The transport *Lawton* returned yesterday afternoon from a two weeks' cruise, touching at Catbalogan, Cebu, Perang-Perang, and Davao. On her outward passage she took 200 Ilocano scouts for the Samar service.

On the arrival of the *Lawton* at Catbalogan Brigadier-General Smith had been in Samar about ten days, and his strong policy was already making itself felt. He had already ordered all natives to present themselves in certain of the coast towns, saying that those *who were found outside would be shot and no questions asked. The time limit had expired when the Lawton reached Catbalogan, and General Smith was as good as his word.* His policy of reconcentration is said to be the most effective thing of the kind ever seen in these islands under any flag. All suspects, including Spaniards and half-breeds, were rounded up in big stockades and kept under guard. Among these were numerous presidentes of some towns on the western coast of Samar, who assisted in smuggling rill to the insurrectos. A number of these rascals were gathered in and made to give up the proceeds of their traffic, amounting to thousands of dollars, which were confiscated.

General Bell issues the same kind of an order, in which he declares that all the people of influence, all the wealthy people, and especially all the priests, are to be regarded as enemies of the United States. The priests are to be regarded as worse than anybody else, worse than the armed insurgents. If there is the slightest ground of suspicion against these people, whether there is proof enough to convict them or not, they are to be arrested; and, finally, if they can not find any ground of suspicion against them, they must arrest them anyhow, because it is said, "If you arrest a man and put him in jail, sometimes you can get evidence against him when you could not get it against him if he were free." So men are arrested and put in jail not because there is any proof against them, but because there is not; and in the meanwhile the common people are to be arrested for trivial offenses and put in jail and held there on the promise of freedom if they will testify against the rich people. Whom could you not convict under such practices as these?

Mr. President, I have no doubt that there were many horrible atrocities perpetrated by the Filipinos; perpetrated, some by insurgents, some by mere outlaws and robbers and ladrones in the Philippine Islands; but, sir, when we find cruelties perpetrated under the command of American officers, cruelties not perpetrated for the purpose of retaliation, but perpetrated in cold blood, for the purpose of extorting information and as a mere system of warfare, we have no right to say that the Filipinos were the first to begin this business.

Mr. President, we have only been hearing one side of this business. We have refused to hear the other side. I want to call attention to the fact that from the very beginning of hostilities there has been a deliberate conspiracy of suppression and falsification with respect to everything that has occurred in the Philippine Islands. I have shown heretofore that the censorship there was conducted simply and solely upon the principle of suppressing everything that might hurt the Republican party. Those were the express orders given to the censor. Under those orders he excluded an item of news with reference to the currency on the ground that it would encourage the silver men in the United States and that his orders were to "let nothing go that would hurt the Administration."

The representative of the Associated Press, after he came back to this country, made a statement with respect to this very matter. We remember that during the early part of the hostilities many stories became current here in the newspapers of the mutilation of the bodies of American soldiers by the Filipino insurgents. After this correspondent returned he made a statement in which he said that the first mutilation of the dead was perpetrated by some miscreants from the American Army, and that there never had been a case of mutilation by the Filipinos until after this occurred. All this was excluded. It could not get past the Administration censor there. The effort from the very beginning was to do everything, to publish everything, that could excite hatred and loathing and distrust on the part of the American people toward the people of the Philippine Islands.

That policy has been responsible for the whole business, and to-day the War Department has been engaged in looking up every outrage, every crime perpetrated by Filipinos against Americans, and it has been just as busy in suppressing everything in the way of outrage upon the Filipinos themselves.

General MacArthur testified that the Filipinos by nature are a gentle, a kindly, and a generous people. The first Philippine Commission in one of their reports declared that the natives of the Philippine Islands are a gentle race, kindly, docile, and normally obedient to authority. Governor Taft says that they are gentle and kindly until their ferocity is aroused by war. Well, Mr. President, a great many people are gentle and kindly until their ferocity is aroused by war.

It is admitted that Aguinaldo dealt kindly and gently with the Spanish prisoners. It is admitted that he dealt kindly with American prisoners. The savagery and brutality began when the people were driven to the last ditch, when they were fighting with the fury and ferocity of despair. Who would answer for the mercifulness of the American people if we could imagine them making their last stand for liberty against a powerful invader? Sir, I want to call attention to the fact that the very last act and order of Aguinaldo as commander of the Philippine forces was to give bread to starving Americans and to command that they should be kindly treated.

The story of that transaction, as related by the heroic Funston, presents a contrast that should bring the blush of shame to every American cheek. Funston's party, disguised as a body of Filipinos with some captured Americans, were exhausted and starving. They sent to Aguinaldo for food, and he sent them food, with orders to treat the American prisoners well. In his speech before the Lotus Club General Funston tells of all this, and then presents his own conduct in vivid contrast. He tells how they rushed upon Aguinaldo and his body guard and fired upon them. One of Aguinaldo's officers, wounded in the shoulder, jumped into the river, but Funston's valiant Macabebes "fished him out and kicked him all the way up the bank and asked him how he liked it." A wounded man, Mr. President; a prisoner of war; a man who had just given them bread when they were starving. They kicked this wounded prisoner and asked him how he liked it; and as Funston related this humorous incident the overfed degenerates of the Lotus Club patted their fat hands together and laughed with delight. "Give them food; treat them well"—it was the despised Filipino who said that. "They kicked him up the bank and asked him how he liked it"—it was a general in the American Army who said that.

Mr. President, the gravamen of the accusation in this matter is that there has been no real effort on the part of the Administration or on the part of the War Department to put an end to these atrocities.

I spoke the other day with respect to the inadequacy of the punishments inflicted for these crimes. I declared that there had been practically no punishment whatever for torture in the Philippine Islands. The Senator from Iowa [Mr. DOLLIVER] sharply contradicted my statement and presented a list of punishments for other offenses. I have here a table that was sent to our committee from the War Department, the memorandum showing trials of officers, enlisted men, and camp followers for offenses of cruelty against natives in the Philippines and for violations of the laws of war.

Here is Second Lieut. William M. Capp, Sixth Artillery, charged with the offense of firing into a town and looting it, and the punishment of Lieutenant Capp for firing recklessly into that town and looting it was a reprimand.

Here is Lieut. Bissell Thomas, Thirty-fifth Volunteer Infantry, who was charged with assaulting prisoners and cruelty. The cruelty in this case amounted "almost to acute torture." He was fined $300 and received a reprimand.

Here is the case of Second Lieut. Francis J. Ellison, Thirtieth Volunteer Infantry, for looting and encouraging the same, and his punishment was a reprimand.

Capt. Isaiah H. Baker, of the Forty-sixth Volunteer Infantry, who was charged with permitting looting, received a reprimand.

Capt. George W. Brandle, Twenty-seventh Volunteer Infantry, charged with torture by causing natives to be hung by the neck for ten seconds—reprimand.

Second Lieut. Alvin S. Perkins, Twenty-seventh Volunteer Infantry, charged with torture by causing natives to be hung by the neck for ten seconds—reprimand.

Mr. RAWLINS. Will the Senator permit me?

Mr. CARMACK. Certainly.

Mr. RAWLINS. The Senator will notice that even that punishment was inflicted about two years ago, in 1900, and he will notice that since 1900 not even a reprimand has been inflicted upon any person for putting people to torture.

Mr. CARMACK. That is what I was going to say. Those were the punishments for torture. Up to that time they did mildly reprimand people for hanging and torturing prisoners of war. They did, up to two years ago, reprimand them; and one man, who probably kept the prisoners hanging a little too long, was fined $300; but they have abandoned all that. There is not a single case upon the record of any man, officer or soldier, having been punished for inflicting the water torture; there is no evidence that any effort whatever has been made to put an end to it, and the facts in regard to this matter have been notorious for the last three years; they have been published broadcast through the press of the country from one end of it to the other, and they have been again and again brought to the attention of the War Department with request for investigation.

Mr. President, we have had some so-called investigations based upon letters from soldiers in the Philippines that had been published in the United States. These investigations were ordered by the War Department and conducted by Army officers in the Philippine Islands. I said with respect to these investigations

that their only object was to wring from the soldiers a retraction of their statements and that such had been the result of every such investigation. A great wave of horror swept over the other side of the Chamber and a deep and shuddering groan went up when I made the statement. Some Senators on the other side seemed to think that I had made a wild and rash and reckless accusation.

Mr. President, I did not speak rashly or recklessly, and I say now, with all the deliberation and gravity that should accompany such a statement, that every such investigation has been a farce and a fraud, and that the only end in view has been to obtain by some means a withdrawal of the charge by the soldier who made it. The distinguished Senator from Massachusetts [Mr. HOAR] said in the course of his speech "that you will never get officers or soldiers in the standing Army, as a rule, to give testimony which they think will be disagreeable to their superiors or to the War Department." And the Senator subsequently put a very pertinent and very significant question when he asked: "When Theodore Roosevelt, an officer of volunteers, told his story about the canned beef and the military supplies, and every officer in the Regular Army, who knew the facts just as he did, contradicted him in the investigation, does he believe that Theodore Roosevelt or the officers of the Regular Army told the truth?"

If a man should answer that question in such a way as not to reflect upon the honor of the President of the United States, some people might say that he was reflecting upon the honor of the American Army. It seems a hard thing to say, sir, that you can not get officers and men in the Regular Army to give testimony that would be displeasing to the War Department, and yet I believe that every Senator in this Chamber is conscious of the fact that the Senator from Massachusetts [Mr. HOAR] has correctly stated the case. How does it happen that he and other Senators have declared that they have statements from Army officers for whose character they can vouch, but whose names they are not at liberty to divulge? What influence is operating upon these officers except the apprehension that by telling what they know they might incur the displeasure of the powers that be?

For several years, sir, letters have been published broadcast through the press of the country, letters from soldiers who claim to be eyewitnesses of the scenes described, telling of some very horrible things in the Philippine Islands. It was a reflection upon the Administration and upon the War Department in particular if such things had occurred. The revelations were recognized and resented as a reflection upon the Administration; but the special attention of the War Department was directed to them so persistently that it finally undertook an investigation. The result of that investigation was sent to Congress by the Secretary of War. He had inquiry made as to certain very grave charges made in the letters of soldiers, and he summarized the result by a statement that in every case the story was shown to be either false or grossly exaggerated.

In a previous investigation of a statement made by Sergeant Riley—of which case I shall have something more to say—after reciting that Riley had made a retraction, and that the officers of his regiment had united in saying that there was no truth in his statements, the Secretary added that this had been the "invariable result" of every investigation made by the War Department of "sensational" letters written by soldiers in the Philippines. In none of the cases did they find that the truth had been told. In every case they obtained a retraction. If they failed to obtain a retraction in any case, they failed to report the fact. Some of these retractions were not very complete, as when a soldier who had told of how they had killed wounded Filipinos with the butts of their guns admitted that his statement was "exaggerated;" but it seemed to satisfy the War Department, and they let it go at that. They did not find one single case of torture or other outrage committed upon the Filipinos. Retraction—retraction—retraction—that was the entire result of the War Department's investigation.

Then a committee appointed by the Senate took up the matter. A majority of the committee is entirely in sympathy with the Administration. Very little of its time has been devoted to investigating these atrocities. It is 10,000 miles from the scene. It could call only such witnesses as it could find in the United States, for it has refused to call any others. Yet, sir, this imperfect investigation, conducted under such embarrassing circumstances, has revealed numbers of cases of torture practiced upon unarmed and helpless people, upon peaceful noncombatants, of an organized system of torture; practiced as a recognized means of warfare for the purpose of obtaining information or confession; practiced upon people against whom there were no grounds of suspicion, and practiced, as has been shown, upon people who were without information, upon people who were innocent, and upon people who were faithful and friendly.

We have proved the wholesale burning of towns and villages as a regular practice, leaving women and children without food or shelter; upon the principle openly avowed by General Hughes that the best way to punish the men was to inflict misery and suffering upon the women and children. The desolation of whole provinces, an order for the extermination of a whole people, the massacre of little children, such are the facts that have come to light since this investigation began; and there are a number of witnesses yet to be examined, and we are yet on the very edge of this investigation.

Contrast, sir, the results of this imperfect and embarrassed investigation with that conducted by the War Department. That Department is thoroughly equipped for a complete investigation. All the officers in the Philippines, there at the very scene, are at its command and under its control. Yet when it comes to report the result of its inquiry it says in substance: We have not found a single case of torture, we have not found a single case of cruelty, we have not heard of the burning of a single town. Every story of this kind that we have investigated is absolutely false. Every time we have started on an investigation we have "invariably" come back with a retraction.

I wish to call the attention of the Senate to one very significant fact. These letters and statements of outrages have come, some of them, from soldiers who are still in the Philippines, and some from soldiers who have returned to the United States. The Senate committee has of necessity confined its investigation to stories given out by soldiers who have come home, who have served out their time, and are no longer in the Army. The War Department has confined its investigation to the letters of soldiers who are still in the Philippines. The significant fact to which I wish to direct attention is that with one exception every story investigated by the Senate committee is found to be absolutely true, while every investigation conducted by the War Department has resulted in a retraction.

As the Secretary of War says, this has been the "invariable result." The entire committee, without exception, admits that the statements of the witnesses before it are truthful and correct. How does it happen that in every case where the story was told by a returned soldier it is proven and admitted to be an honest and truthful statement, while in every case where the soldier is still in the Philippines it is denied and retracted? If there were cases in which the Department failed to secure denials and retractions, those cases were not reported. Mr. President, the conclusion is irresistible that the investigations of the War Department were conducted for no other purpose than to secure retraction from soldiers by whom the charges were made.

Mr. President, I have referred to the case of Sergeant Riley. That was the one case where the Department undertook to deal with the statement of a soldier who was no longer in the service. Sergeant Riley's letter, written from the Philippines and detailing cases of outrage and torture, had been published in the United States, and it had been brought to the attention of the War Department with a request for investigation. Sergeant Riley was examined at San Francisco upon his return from the Philippines by an officer instructed to perform that duty by the Secretary of War. The matter was discussed in the public press, and finally, more than a year ago, the Secretary of War made a statement as follows:

> The Department has looked into this matter, with the result that the officers of Sergeant Riley's regiment, including the major commanding his battalion, the captain of his company, and Sergeant Riley himself, assert positively that no officers or soldiers of the regiment took part in any water-cure proceedings or other threats against the natives on the occasion in question. This has been the invariable result of the investigations that have repeatedly been made as to the foundation for sensational stories sent home by soldiers n letters to their relatives.

Now, sir, this statement given out by the War Department was intended to create the impression that Sergeant Riley had made a full retraction. I do not doubt that the Secretary of War believed it to be such. As a matter of fact, it is simply a statement that he had not seen these things done by members of his regiment. But Sergeant Riley's letter did not say that it had been done by his regiment, but that he had seen it done by members of another command. When he was brought before our committee, he told the whole story. The officer who saw him at San Francisco upon his return asked him whether he had seen the water torture inflicted by members of his own regiment, and he said that he had not, but had seen it inflicted by others.

The officer, in making his report to the War Department, deliberately omitted the latter statement. Sergeant Riley told the whole story of the infliction of torture as he had seen it, and other witnesses corroborated his story, until finally the majority of the committee said that it was useless to call other witnesses. They admitted the absolute accuracy of every statement he had made. When the majority made this admission, they admitted not only the truth of Sergeant Riley's statements as to the water torture, but that the so-called investigation made by an Army officer under instruction from the War Department was dishonestly conducted and untruthfully reported. Now, sir, I can understand how the Department might have been deceived, but if

it really wanted an honest investigation and a truthful report, how does it happen that no punishment, not even a reprimand, has been administered to the officer who admittedly made a dishonest investigation and an untruthful report?

Mr. President, there have been some very singular things about these investigations. There was a charge made involving Major Metcalf in the killing of prisoners of war. Statements and affidavits were made by soldiers and officers who claimed to be eyewitnesses of the deed. A private by the name of Huskey, being called upon, made an affidavit to the effect that he saw Metcalf kill the prisoners, and afterwards stubbornly persisted in this statement when questioned by Metcalf himself. A Lieutenant Fergusson, in a signed statement, declared that he heard a shot, and, turning around, saw a Filipino prisoner fall to the ground and Major Metcalf standing over him with a smoking pistol, and he believed that Metcalf killed him. Both of these witnesses subsequently retracted their statements. Yet both of them were allowed to remain in the Army, and one of them is still there as a commissioned officer. Now, sir, the thing that is incomprehensible to me is that men who, by their own confessions, have given false and perjured affidavits, charging their superior officers with an infamous crime, should be allowed to wear the uniform and to hold commissions in the Army of the United States. Why does not some man who makes a specialty of protecting the honor of the Army demand their discharge?

Captain Bishop was also involved in this charge of killing prisoners. A private by the name of Branner had written a letter that was published in the United States, in which he spoke of having seen prisoners killed by order of Captain Bishop at the battle of Caloocan. The matter gained considerable notoriety through the press and an investigation was made by Insp. Gen. John S. Mallory. His report is set forth at length in the hearings before the Philippine Committee, beginning at page 1428. It recites the testimony of a number of witnesses, several of whom testified that Bishop gave the order directly for the killing of these particular prisoners, and that the order had passed down the line that no prisoners were to be taken.

That the prisoners were in fact murdered was admitted, and a private by the name of Putnam testified that he was one of the squad that killed them under orders. In summing up the evidence in the case, the Inspector-General said that the evidence as to whether Captain Bishop was personally present and ordered the killing of the prisoners was "conflicting, his assertions in the negative being at variance with statements alleged under oath to have been made by him on previous occasions." Brenner in the meanwhile had retracted his statement to the extent of saying that he had not witnessed the killing of the prisoners, but had heard the statement from Bishop himself.

Now, sir, what was the upshot of this investigation? When the report of the facts reached Asst. Adjt. Gen. Thomas H. Barry, he ignored all the evidence implicating Bishop, the officer, and recommended that Private Putnam, who admitted that he had helped to do the killing under orders, be tried by court-martial. But when this came to the attention of Judge-Advocate E. H. Crowder he saw that this would make trouble, and so he made the following recommendation:

> The offense of Private Putnam, if he has committed one, is manslaughter. His only defense would be a lawful order of his superior officer. If put on trial, it is probable that facts would develop implicating many others. I doubt the propriety of his trial, and am of the opinion that considerations of public policy, sufficiently grave to silence every other demand, require that no further action be taken in this case.

Crowder recommends that no action be taken against Putnam on the express ground that his defense would be that he had orders from his superior officer and that the trial would develop facts implicating many others. Thus, sir, the investigation was hushed up for the very reason that it would bring some ugly facts to light if it were prosecuted.

The recommendation of Judge-Advocate Crowder was then passed on to General Otis, who made his indorsement as follows:

> I doubt the wisdom of a court-martial in this case, as it would give the insurgent authorities a knowledge of what was taking place, and they would assert positively that our troops had practiced inhumanities, whether the charge should be proven or not, as they would use it as an excuse to defend their own barbarities; and it is not thought that this charge is very grievous under the circumstances then existing, since it was very early in the war and the patience of the men was under great strain. Nothing of the kind has happened of late.

They did not mind hanging or shooting the poor devil of a private, but to punish him would involve the conduct of his superior officers. It was all right to hang the poor volunteer, but be careful how you sully the honor of the "Army" by exposing the criminal conduct of a regular officer!

This is how the "invariable results" which the War Department flaunts in our face are secured.

How many more of such things are hidden among the arcana imperii of the War Department? We have had a few of them brought out by accident where the manifest intention has been to suppress and conceal them. How many more are yet to be revealed?

These things show us, sir, the spirit and the purpose of the investigations made by the War Department. The attitude of the military authorities has been one of pronounced hostility to any real investigation, and yet, sir, we have been told that we should leave the investigation of all these matters to the Army officers themselves, under the instructions of the War Department. When the General of the Army made a very mild statement about the severity of our measures in the Philippines the Secretary of War turned upon him with a bitter and stinging rebuke.

Major Gardener made a report as civil governor of Tayabas Province in which he severely criticised the conduct of officers in that province. The report was suppressed, and when it came to light in spite of the War Department, an investigation was ordered to be conducted by the persons accused, to determine whether or not they were guilty. The order from the War Department to General Chaffee contained the distinct statement that Major Gardener's report cast reflections "not only upon officers of the Army, but the general conduct of affairs and the military branch of the Government." In other words, Chaffee was ordered to enter upon that investigation with a distinct forewarning that if it sustained Gardener's statement it would be regarded as a reflection upon the Administration, upon the War Department, and upon Chaffee himself. It is not at all surprising that the very next thing we heard was a complaint from Major Gardener, a gallant and honorable soldier, that the so-called investigation had become a persecution of himself. Who does not know that we should have served the cause of truth if Major Gardener had been permitted to come and testify before the committee?

Mr. President, some remarkable lines of defense have been adopted for this policy. One, as I have indicated, has been to suppress the truth and deny it. Another has been to bring in review all the bloody pages and diabolical deeds of history to brighten by contrast or justify by precedent the wrongs and outrages perpetrated in the Philippine Islands. The Senator from Massachusetts [Mr. LODGE] recited the cruelties of Nero and Attila the Hun, and then came on down the bloody track to the story of the Ku Klux Klan and the lynching of negroes. I judge from the President's address on yesterday that this last will be the main ground of defense.

When Senators upon the other side of the Chamber began to wave the bloody shirt again, I confess I mistook their object. I thought they were trying to revive the old spirit of sectional hate. I understand their purpose a little better now. They used to make a specialty of Southern outrages in order to hold up to execration the Democratic South. They are doing the same thing now in order to find precedents for the course and conduct of the Republican party. "You are lynching negroes in the South. We are lynching them in the Philippine Islands. You let us alone and we will let you alone." That seems to be the real significance of the argument; and there is a little implication that if we do not stop talking about affairs in the Philippines they will make trouble for us in the South.

As I have said before, I have never been an apologist for mob law, but if I could find any excuse whatever for executing lawless vengeance upon a particular criminal for a particular crime, I could not find in that any excuse whatever for inflicting torture or murder upon an absolutely innocent person for no other reason than that he belongs to the same race to which the criminal belongs. The President and his party have made themselves apologists for lynching to no purpose whatever. It has no bearing upon the question of our policy in the Philippine Islands. We went to the Philippines, 10,000 miles away, in order to subjugate a people and possess their country. What relation is there between cruelties that have been perpetrated in a war which we deliberately provoked and the lynching of a negro ravisher in Mississippi or Louisiana?

The President evidently wants it understood that this is simply the same old rebel yell; that the sons of the men who used to vilify Lincoln and Grant are now speaking disrespectfully of the great and magnanimous Smith. But, Mr. President, how does that affect the real question? Does any man deny Smith's barbarous order? Does any man defend it? Does any man deny the use of torture upon helpless noncombatants? In what way does it meet these just and truthful accusations to say that Lincoln and Grant were falsely accused?

Mr. President, the defense, brought down to its last analysis, is that the cruelties perpetrated in the Philippines are an inevitable part of such a war. That is true, sir, in a measure; but while it may serve to palliate or excuse the acts of officers and soldiers, it is no excuse whatever for those who sent them forth upon this bloody and remorseless war. You may account for a great deal of suffering and ruin and desolation by the plea that "War is hell;" but surely that is no answer to the question, "Why have you sent the hell of war upon a people who only asked you to let them alone?" You knew that a war for the subjugation of another race must inevitably become sooner or later a most cruel and ferocious war.

In May, 1898, at a time when the Filipinos regarded us as their best friends, Gen. Wesley Merritt warned you that as a result of attempting to seize the Philippines the majority of the people would "regard us with intense hatred, born of race and religion." You can not wash your hands of responsibility by saying that such wars are always bloody. There was no need for this war. You entered upon it in order to destroy the liberties of the people who had done you no harm, who had committed no offense, unless to love liberty is a crime.

And what, sir, do you gain? You are wasting thousands of lives and hundreds of millions of dollars upon a war that is as barren of profit or advantage as it is of honor. The Senator from Wisconsin [Mr. SPOONER], in his able speech on the ratification of the treaty, showed that from a military standpoint the islands would be a source of weakness instead of strength. He said:

Permanent dominion over the Philippines by the United States as a part of this country means to me an endless and vast burden upon the industries of our people. We would be as sacredly bound to protect that distant people living under our flag in a part of our territory as we would the people living on the coast of Maine or the people living around Boston Harbor.

In the event of war the most distant outpost where our flag could be found would be the point of first attack, and we would be obliged, in my judgment, to maintain a navy adequate to protect the millions of people in the Philippines, 7,000 miles away, Hawaii, and our Atlantic and Pacific coasts. If our Navy were not adequate to all that, our ships being sent far away, our home coasts would be unprotected. This would involve an awful increase of taxation.

Admiral Sampson expressed the same idea when he said that possession of our new territory would increase by 100 per cent our dangers of a foreign war. The Senator also told the plain truth with respect to the supposed commercial profits of this venture when he said in the same speech:

It is insisted that we must have permanent territorial expansion in order to extend our trade. Mr. President, I do not think so. I have been strongly inclined to think that in the long run, with all the embarrassments and complications and dangers it will bring upon our people, it will retard rather than develop the foreign trade of the United States. We have been growing rapidly in our trade without territorial expansion. To acquire distant, nonassimilable peoples in order, through permanent dominion, to force our trade upon them seems to me to be the poorest imaginable national policy. How far will that be carried? We want the trade of the world, and we intend to have our share of it. Are we, therefore, to obtain it by carrying this doctrine of expansion to the uttermost parts of the earth? If territorial expansion means national trade, if it be necessary to national trade, where are we to stop?

I think, Mr. President, the trade of the world will go where its interest leads it in the long run, and the best avant-courier of civilization is a merchant ship carrying the products of civilization and teaching the wants of civilization.

Such, sir, is the policy upon which you have entered. It will be no help, it will be an embarrassment, to our commerce. It will impose a heavy burden of taxes upon the people. It will bring us into constant danger of conflict with foreign powers as well as of insurrection in the Philippines themselves. It will be of no benefit whatever to anybody except to a few carpetbag adventurers, who will go there to exploit the country and to misgovern the people, thereby inciting future insurrections to be put down at the cost of the blood and treasure of the American people.

Mr. President, sooner or later we must come face to face with the real consequences of this policy. It is the part of wisdom to face them and consider them now.

APPENDIX.

CONTAINING EXCERPTS FROM THE EVIDENCE, BOTH OFFICIAL DOCUMENTS AND TESTIMONY, BEFORE SENATE COMMITTEE, WITH RESPECT TO THE CHARGES OF CRUELTIES ALLEGED TO HAVE BEEN PERPETRATED IN THE PHILIPPINE ISLANDS.

[Proceedings Senate Committee on Philippines, pp. 71, 75.]

Governor Taft admits that if these charges of cruelty are true they form the basis of proper charges against the management of the Army; and he then admits that the charges are true; but he only supposes that some of the perpetrators have been punished by the American authorities in the archipelago.

Senator PATTERSON. Several of the Senators have suggested getting information from you as to the use of the so-called water cure in securing surrenders of guns. That seems to be in direct connection with what you are now discussing.

Governor TAFT. I had intended to speak of the charges of torture which were made from time to time, and have been made in letters written from the Philippines by soldiers and others, and which would be made, if they were true, the basis for proper charges against the management of the Army.

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What I am trying to do is to state what seemed to us to be the explanation of these cruelties—that cruelties have been inflicted; that people have been shot when they ought not to have been; that there have been in individual instances of water cure, that torture which I believe involves pouring water down the throat so that the man swells and gets the impression that he is going to be suffocated and then tells what he knows, which was a frequent treatment under the Spaniards, I am told—all these things are true.

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The CHAIRMAN. Do you know of any case where men were punished for cruelty or oppression of Filipinos?

Governor TAFT. I suppose there were.

[Proceedings Senate Committee on Philippines, pp. 884-885.]

Major Cornelius Gardener, Thirteenth United States Infantry, in his report of December 16, 1901, as governor of the province of Tayabas, admits that such cruelties and outrages have been committed and points out some of the results. * * *

Of late, by reason of the conduct of the troops, such as the extensive burning of barrios in trying to lay waste the country so that the insurgents can not occupy it, the torturing of natives by so-called "water-cure" and other methods in order to obtain information, the harsh treatment of natives generally, and the failure of inexperienced, lately appointed lieutenants commanding posts to distinguish between those who are friendly and those unfriendly and treating every native as if he were, whether or no, an insurrecto at heart, this favorable sentiment above referred to is being fast destroyed and a deep hatred toward us engendered. If these things need be done they had best be done by native troops, so that the people of the United States will not be credited therewith.

Almost without exception soldiers, and also many officers, refer to the natives in their presence as "niggers," and the natives are beginning to understand what the word "nigger" means.

The course now being pursued in this province, and in the provinces of Batangas, Laguna, and Samar, is in my opinion sowing the seeds for a perpetual revolution, or at least preparing the people of these provinces to rise up in revolution against us hereafter whenever a good opportunity offers. Under present conditions the political situation in this province is slowly retrograding, and the American sentiment is decreasing and we are daily making permanent enemies.

In the course above referred to, troops make no distinction often between the property of those natives who are insurgents or insurgent sympathizers and the property of those who heretofore have risked their lives by being loyal to the United States and giving us information against their countrymen in arms. Often every house in a barrio is burned.

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The attitude of the Army, thereby meaning most of its officers and soldiers, is, however, decidedly hostile to the provincial and municipal government in this province and to civil government in these islands in general. In Manila especially it is intensely so, even among the higher officers. The work of the Commission in the establishment of provincial governments is ridiculed, even in presence of the natives. It is openly stated that the Army should remain in charge for the next twenty years. Outrages committed by officers and soldiers against natives in an organized municipality and province, when reported by the presidente or governor to the military authorities, are often not punished. This, in my opinion, is unfortunate, because loyal natives begin to fear that local self-government promised them will not last long, and that any slight disturbance in a province may at any time be made the pretext to again place it under military rule, and this is just the thing the insurgents at heart most desire.

It has been stated that a Filipino or any Oriental does not appreciate just or kindly treatment, and that he considers it an evidence of weakness, and that severe and harsh measures are the only ones that are permanently effective with Filipinos. I have found that just and kind treatment, uniform and continued, is the only way by which these people can be made permanently our friends and satisfied with United States sovereignty.

Having been stationed six years on the Rio Grande, I am well acquainted with the natives of the State of Tamaulipas, Mexico, and while stationed in the province of Santa Clara, Cuba, I visited every town in that province, and was able to observe the intelligence and education there. I believe that the people of Tayabas Province are in every way superior in education, intelligence, morals, and civilization to the people of Tamaulipas or Santa Clara.

As an officer of the Army, I regret that my duty as civil governor of this province impels me to state the attitude of the majority of my fellow-officers toward civil government in these islands and its effect upon the people, but I feel that the interests of the Government involved and the future of these people, for whose welfare we are responsible, are of such vast importance that I ought to report things as I see and know them, in order that my civil superiors may be able intelligently to order what the situation demands.

Very respectfully, your obedient servant,

CORNELIUS GARDENER,
Major, Thirteenth Infantry, United States Army, Provincial Governor.

ASSAULTS, EXTORTIONS, RAPES, AND ATTEMPTS AT RAPE COMMITTED BY MACABEBE TROOPS UNDER AMERICAN AUTHORITY IN MONTALBAN, AND REFLECTED IN OFFICIAL REPORTS AND IN ACCOMPANYING AND TRANSMITTING PAPERS.

[Proceedings, Senate Committee on the Philippines, pp. 1755, 1757, 1758, 1761.]

EXTRACTS FROM REPORT OF MAJ. FRANK B. M'KENNA, INSPECTOR-GENERAL, UNITED STATES VOLUNTEERS.

MANILA, P. I., *March 5, 1901.*

* * * A great many more witnesses were anxious to be heard, but I ascertained that their testimony was generally of the same character as the above, and consisted of assaults, extortions, rape, and attempted rape, but in no cases except those mentioned could the assailants be identified, but all stated positively they were Macabebe soldiers.

Among other witnesses, seven young women from Montalban appeared before me at San Mateo, and said they were afraid to return to their homes in Montalban; that upon the arrival of the Macabebe soldiers propositions were made to them, which they declined; unless they consented, they were told they would be killed and the houses of their families burned. They were afraid to complain, and in fright fled to San Mateo. * * *

Capt. F. H. Cameron, Philippine Cavalry, commanding officer at Montalban, believes that the greater part of the complaints on the part of the people are fabricated, by reason of their intense hatred for his soldiers and because on the night of February 25 a number of the friends and relatives of the principal people were found among the alleged insurgent recruits discovered. There may be something in this, but I hardly think it would cause over 300 families to leave town, as the presidente of San Mateo declared to me was the case. Moreover, the witnesses that I examined impressed me for the most part with their earnestness, and on some were still visible the bruises of alleged assault. At least 200 people desired to make complaints, and I examined over 50, until I found that the evidence was merely cumulative. There can be no doubt, whatever the cause, that the utmost dislike and hatred is felt on the part of the people toward the present Macabebe garrison at Montalban. It probably had its origin in the fierce tribal rancor that exists between Tagalo and Macabebe, but has unquestionably been largely increased by the conduct of the soldiers themselves, and unless the sternest discipline is imposed upon these native troops by the American officers their usefulness as a pacifying agent for the United States in the vicinity of Montalban or San Mateo is gone.

* * * * * * * *

In conclusion, I find, if the almost unanimous testimony of the natives is to be considered, that the Macabebe garrison at Montalban has committed numerous outrages against them; that these acts of violence commenced almost with the arrival of the Macabebes and occurred at intervals until the night of February 25, when on that night they must have indulged themselves in a saturnalia, almost, of rapine and violence under the guise of looking for insurgents; that the responsibility for the acts on the night of February 25

belongs to First Lieut. Dennis P. Quinlin; that the subsequent responsibility for not making searching investigation and bringing to punishment the guilty is due to Captain Cameron, Philippine Cavalry.

The sternest discipline should henceforth be imposed upon the Macabebe soldiers to prevent repetition of the acts that have been related.

Capt. Duncan Henderson, Forty-second Infantry, United States Volunteers, commanding San Mateo, being duly sworn, states that he knows from his own knowledge nothing of the reported acts of aggression of the Macabebes, but that it is his firm belief that the people are afraid of them on account of their many acts of robbery and violence. He has known the people about here for some time, and believes their statements in this respect. In the last week he reports that the presidente of San Mateo told him that between 200 and 300 families had left Montalban and are now residing in San Mateo, Mariquina, or Manila. He states that if some investigation had not been made into the constant reports that he heard of acts of violence toward the people in the post of the Macabebes he deemed it his duty to report the matter to the district commander.

[Proceedings Senate committee, p. 1753, accompanying above reports.]

HEADQUARTERS DEPARTMENT NORTHERN LUZON,
Manila, March 14, 1901.

* * * I do not agree with the district commander in the opinion that these crimes are the result of the bitter feeling between Macabebes and Tagalos. All native troops, when they can escape the immediate control of their officers, are liable to commit murders, and many will rob and ravish whenever they will have the opportunity.

The squadron of Philippine Cavalry was sent to Montalban, San Mateo, and vicinity to replace the Twenty-seventh Infantry, United States Volunteers, when withdrawn to be sent home for muster out. No other troops were available for duty there. The necessity of affairs here oblige us to employ native troops, and these Malay savages will always be liable to commit crime alike disgraceful to our service and an outrage upon humanity. All engaged in the crimes related in these reports will be punished to the full extent of military law, after due trial and conviction.

In this connection I desire to call attention to the necessity for the greatest care and caution in the organization of native troops. We can rely in some measure upon the loyalty of the Macabebes. There are, so far as I know, no other tribes that would not be liable to turn against us whenever they imagined that there was any prospect of successful treachery or treason.

LOYD WHEATON,
Brigadier-General, Commanding.

[Proceedings Senate committee, p. 1750—Transmitting above reports.]

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., March 16, 1901.

SIR: The accompanying record is submitted as indicating the difficulties in disciplining native troops and suggesting that the organization thereof, as provided by recent law, should be conducted under very conservative restrictions and very careful administrative control. The employment of a large number of natives has been absolutely necessary in order to relieve the volunteers and return them to the United States in time. The Macabebes, as far as loyalty to the United States is concerned, are absolutely reliable. I therefore authorized the employment of 1,500 as an emergency measure of temporary nature to tide over the transitory period, well knowing at the time that we were taking considerable risk as to their getting out of hand and committing excesses.

In spite of every precaution the deplorable incidents occurred which are narrated in accompanying papers, and all that is left for us to do in the premises is to apply punitive remedies, which will be done without mercy to the guilty parties. * * *

Very respectfully,

ARTHUR MACARTHUR,
Major-General, U. S. A., Commanding.

The ADJUTANT-GENERAL UNITED STATES ARMY,
Washington, D. C.

THE MAYOR OF A TOWN AND A POLICEMAN WERE ARRESTED, TORTURED AND REQUIRED TO DIG THEIR OWN GRAVES, AND THEY WERE THEN SHOT AND PUT INTO THE GRAVES WHICH THEY HAD BEEN REQUIRED TO DIG FOR THEMSELVES.

[Extracts from the official report of J. G. Livingston, governor of the province of Sorsogon. Proceedings Senate Committee on Philippines, pp. 2825-2828.]

PROVINCE OF SORSOGON, P. I.,
OFFICE OF THE GOVERNOR,
Sorsogon, January 7, 1902.

The EXECUTIVE SECRETARY,
UNITED STATES PHILIPPINE COMMISSION, *Manila, P. I.*

SIR: I have the honor to report that Ysidro Gallanosa, presidente of the town of Santa Magdalena (Busainga), province of Sorsogon, was shot and killed by a detachment of Company I, Fifteenth Infantry, on November 7, 1901, under the following circumstances so far as known:

For several months previous to the date above the province had been considerably disturbed by a movement of the ignorant mountain people, who had organized themselves to resist the Government. Santa Magdalena is a small isolated town in the southeastern corner of the province. It had never been garrisoned, and the people had never felt the protection of troops nor come into contact with Americans. The presidente was an intelligent man, having property interests in his town, and I believe was endeavoring to do all in his power to rebuild it after its destruction during the insurrection about a year ago.

The leader of the adjoining town of Matnog had been asking the Commission that Magdalena be reunited with it as a barrio, as formerly, which movement was naturally resisted by Magdalena, and the presidente of the latter was doing all in his power to keep his town in good condition, as he had been told that his conduct and that of his town would decide whether Magdalena would remain as it was, independent, or return to Matnog as a barrio. I state this to show that he probably knew and realized that it was of vital interest to him not to act in any way contrary or hostile to the existing government. For the purpose of consulting with me on the above matter he came to Sorsogon in the latter part of September, and while here the disturbed portion of the province was pretty well patrolled by the military, and officers and soldiers passing through Magdalena did not meet the presidente, he being here.

At the regular quarterly assembly of the presidentes at the capital in October I brought to their attention the conditions existing at the time, and explained to them that they themselves were largely to blame, endeavoring to impress upon them that if they ever wanted the province to advance, or if they cared to live in peace and tranquillity they would have to take matters into their own hands and work for the public good, and that to their efforts would be largely due what might be accomplished in this direction. * * * I appointed a committee of seven prominent men from the towns involved and directed them to take such action themselves as they thought best toward capturing the leaders, which they did, bringing in later nearly all the leaders.

One of this committee, Francisco Frivaldo, of Magdalena, after a day in the mountains looking for bad men, November 5, returned in the evening with several prisoners and a lot of anting anting papers, and on arrival went straight to the presidente's house to report. During the presidente's absence in Sorsogon the town had been temporarily garrisoned by a detachment of Company L, Fifteenth Infantry, commanded by a corporal, and while the presidente was examining the prisoners and papers just brought in the corporal and some of the detachment entered, and on seeing the papers concluded the presidente was an insurgent and arrested him and all present, later taking them to Matnog, to Lieut. F. W. Harker, Fifteenth Infantry, commanding the company. Lieutenant Harker does not understand Spanish and I do not think any of his men have a sufficient knowledge of the language to interpret well. * * *

The next day the presidente and Gamit were taken out in the woods and hung up until their feet were nearly off the ground, and were asked if they would "talk;" to which they replied that they would, naturally. They were returned to Matnog, where the secretary was again questioned by Lieutenant Harker as to the conduct and character of the presidente. * * * He was returned to the jail, and later he, with the presidente and Ciriaco Funes, a policeman of Magdalena, were again taken to the hills, being compelled to carry a rope, a pick, and a spade, and on reaching a certain spot the presidente was put to work digging what would appear to be a grave. Then the presidente was bound and shot in the back. The secretary states he saw all of this himself, and also saw the policeman bound in the same way and a little later heard shots, which he presumed were fired at the policeman, as he was also killed. The only eyewitness to the murder, therefore, was the secretary, other than the soldiers. I inclose herewith the sworn statements of Gamit and Francisco Frivaldo, which I believe to be in the main points true.

* * * * * * *

This matter was not officially reported at the time by me, as I thought it best to await a reply to my requests to the military authorities for the results of their investigation, they claiming at the time that the arrest and subsequent killing were justifiable, and I considered it best to have both sides of the question when the case was reported.

Upon careful consideration of the whole question, from my knowledge of the conditions existing at the time and from my personal knowledge of those most directly concerned, I am forced to the opinion that the original arrest of these men was absolutely unwarranted, possibly due to malinterpretation and overzealousness on the part of the corporal; that the two prisoners killed did not attempt to escape, and that their killing was murder.

Very respectfully,

J. G. LIVINGSTON, *Governor.*

ADMINISTRATION OF THE WATER TORTURE, THE BURNING OF TOWNS AND BARRIOS, SHOOTING PRISONERS OF WAR AND OTHER OUTRAGES COMMITTED BY AMERICAN TROOPS, AS BROUGHT OUT IN TESTIMONY BEFORE SENATE COMMITTEE ON PHILIPPINE AFFAIRS.

[Proceedings Senate Committee on Philippines, pp. 1527-1538.]

TESTIMONY OF CHARLES S. RILEY.

(Sworn by the chairman.)

By the CHAIRMAN:

Q. Are you now in the Army of the United States?
A. No, sir; I am not.
Q. You have been in the Army?
A. Yes.
Q. What regiment?
A. I was in the First Connecticut in 1898 for six months, and afterwards in the Twenty-sixth Infantry Volunteers for twenty-two months.
Q. While you were in the Twenty-sixth Volunteer Infantry were you in the Philippine Islands?
A. Yes, sir.
Q. During the whole period of your service?
A. For eighteen months.

By Senator RAWLINS:

Q. You have given your place of residence, I believe.
A. Northampton, Mass.
Q. When did you arrive in the Philippine Islands?
A. October 30, 1899. That is, we arrived in the harbor of Manila on the 25th and we arrived at outstation October 30.
Q. And when did you arrive in San Francisco?
A. April 20, 1901.
Q. During your service in the Philippine Islands what position in the Army did you hold?
A. I held all the positions from private to first sergeant. I was discharged as the first sergeant of the company.
Q. During your service there did you witness what is generally known as the water cure?
A. I did.
Q. When and where?
A. On November 27, 1900, in the town of Igbaras, Iloilo Province, Panay Island.
Q. Was your company stationed at Igbaras?
A. One detachment of 15 men garrisoned the town.
Q. And what building did you occupy?
A. It was known as the convent, the convent in connection with the church. It was a convent or a school.
Q. Did you occupy the first floor or the second floor?
A. We occupied the entire building.
Q. How was the second story reached?
A. By stone steps.
Q. You may state whether or not there was a corridor at the head of the stairway.
A. There was a corridor on the right, and then we went through another corridor into the room we called our squad room, known as the quarters of the soldiers.
Q. Did you arrive there the morning of the 27th?
A. Yes, sir; at daylight.
Q. Who were with you at the time you arrived there?
A. There were from 12 to 14 men of Company M, Twenty-sixth Infantry, and about 40 men of the Eighteenth United States Infantry, a mounted detachment known as the Gordon Scouts.
Q. Did you pass that morning into the upper floor of this building?
A. Yes, sir.
Q. What soldiers and officers were there?
A. Taking all the men, there must have been about 40 of the Twenty-sixth and about an equal number of the Eighteenth Infantry, regulars, about 40 of each.
Q. About 80 men in all?
A. Yes.

Q. Who commanded your company?
A. Captain McDonald, of the Twenty-sixth Infantry—Capt. Fred McDonald.
Q. What other officers connected with the regulars?
A. Captain Glenn, captain, Twenty-fifth United States Infantry, judge-advocate Department Visayas, commanded the forces, consisting of detachments of Eighteenth United States Infantry and the Twenty-sixth United States Infantry Volunteers.
Q. Was he judge-advocate under General Hughes?
A. Yes; that was General Hughes's department. Then there was Lieutenant Conger, commanding the scouts, and the contract surgeon, Lyons.
Q. Did you pass up the stairway into the corridor above that morning, into the main hall?
A. Yes.
Q. And as you passed up, you may state what you saw.
A. I saw the presidente standing in the——
Q. Whom do you mean by the presidente?
A. The head official of the town.
Q. The town of Igbaras?
A. Yes, sir.
Q. A Filipino?
A. Yes, sir.
Q. How old was he?
A. I should judge that he was a man of about 40 or 45 years.
Q. When you saw him, what was his condition?
A. He was stripped to the waist; he had nothing on but a pair of white trousers, and his hands were tied behind him.
Q. Do you remember who had charge of him?
A. Captain Glenn stood there beside him and one or two men were tying him.
Q. You may state whether or not there was a water tank in the upper corridor.
A. Just at the head of the stairs on the right there was a large galvanized-iron tank, holding probably 100 gallons, about 2 barrels. That was on a raised platform, about 10 or 12 inches, I should think, and there was a faucet on the tank. It was the tank we used for catching rainwater for drinking purposes.
Q. As you passed up, did you pass through the corridor into the hall?
A. Yes; directly through the hall into the squad room.
Q. And you may state whether or not soldiers were passing up and down.
A. Yes, sir; men were congregated around the door, and they were passing back and forth from downstairs upstairs and from upstairs downstairs.
Q. You first saw the presidente under the condition you describe, with his hands being tied behind him?
A. Yes.
Q. What else did you observe being done with him?
A. He was then taken and placed under the tank, and the faucet was opened and a stream of water was forced down or allowed to run down his throat; his throat was held so he could not prevent swallowing the water, so that he had to allow the water to run into his stomach.
Q. What connection was there between the faucet and his mouth?
A. There was no connection; he was directly under the faucet.
Q. Directly under the faucet?
A. Directly under the faucet and with his mouth held wide open.
Q. Was anything done besides forcing his mouth open and allowing the water to run down?
A. When he was filled with water it was forced out of him by pressing a foot on his stomach or else with their hands.
Q. How long was his mouth held open?
A. That I could not state exactly, whether it was by pressing the cheek or throat. Some say that it was the throat, but I could not state positively as to that, as to exactly how they held his mouth open.
Q. About how long was that continued?
A. I should say from five to fifteen minutes.
Q. During the process what officers were present, if anybody?
A. Lieutenant Conger was present practically all the time. Captain Glenn walked back and forth from one room to the other, and went in there two or three times. Lieutenant Conger was in command of water detail; it was under his supervision.
Q. You may state whether or not there was any Filipino interpreter present.
A. There was a native interpreter that stood directly over this man—the presidente—as he lay on the floor.
Q. Did you observe whether the interpreter communicated with this presidente?
A. He did at different times. He practically kept talking to him all the time, kept saying some one word which I should judge meant "confess" or "answer."
Q. Could you understand what was said?
A. No, sir; I could not understand the native tongue at all.
Q. At the conclusion, what then was done?
A. After he was willing to answer he was allowed to partly sit up, and kind of rolled on his side, and then he answered the questions put to him by the officer through the interpreter.
Q. You say they pushed the water out of him. How was that done—what was the process?
A. I did not see the water forced from him. Some said it was forced by the hand, and others by placing the foot on the stomach; I didn't see the water forced from him.
Q. After he got up what did you next see?
A. It was after he gave all the desired information. He was then untied and allowed to dress, and taken downstairs in front of the quarters.
Q. Where did they take him?
A. They took him downstairs outside the building, and he stood in front of the building, waiting for his horse. He was to guide the expedition up into the mountains.
Q. While standing on the sidewalk what took place?
A. More information was sought for; and as he refused to answer, a second treatment was ordered.
Q. Where were you at that time?
A. I was in front of the building at the time, on the sidewalk.
Q. In front?
A. Yes; on the stone walk. They started to take him inside the building, and Captain Glenn said, "Don't take him inside. Right here is good enough." One of the men of the Eighteenth Infantry went to his saddle and took a syringe from the saddlebag, and another man was sent for a can of water, what we call a kerosene can, holding about 5 gallons. He brought this can of water down from upstairs, and then a syringe was inserted, one end in the water and the other end in his mouth. This time he was not bound, but he was held by four or five men and the water was forced into his mouth from the can, through the syringe.

By Senator BURROWS:

Q. Was this another party?
A. No; this was the same man. The syringe did not seem to have the desired effect, and the doctor ordered a second one. The man got a second syringe, and that was inserted in his nose. Then the doctor ordered some salt, and a handful of salt was procured and thrown into the water. Two syringes were then in operation. The interpreter stood over him in the meantime asking for this second information that was desired. Finally he gave in and gave the information that they sought, and then he was allowed to rise.
Q. May I ask the name of the doctor?
A. Dr. Lyons, the contract surgeon.
Q. An American?
A. Yes, sir.

By Senator RAWLINS:

Q. Was it Captain Glenn who said not to take him in?
A. Captain Glenn.
Q. How long did the second infliction of this torture continue?
A. About the same as the first; from about five to fifteen minutes. I could not tell you the exact time.
Q. How many men held this Filipino down when the first torture was inflicted?
A. About four men; one to each arm and one to each leg.
Q. Was this same interpreter present at the second infliction of the torture?
A. Yes; he was.
Q. What did he do?
A. He stood over him asking him—the same language used before until he was willing to confess, and then they stopped the water. As soon as he made a sign, or as soon as he answered that he would confess, he was allowed to get up.
Q. Do you know what information they obtained from him?
A. The question asked, the information they sought for, was as to whether runners or messengers had been sent out notifying the insurgents of our arrival; and not giving a satisfactory answer, or he refusing to answer, he was given this treatment; and then he acknowledged that he had done so, and as we entered the lower gate one of his police went out at the upper gate notifying the insurgents that reenforcements were in the town, to be on the watch.
Q. First Lieutenant Conger and Captain Glenn were of the Regular Army?
A. Captain Glenn and Lieutenant Conger; yes, sir.
Q. Captain McDonald and the men with you were of the volunteers?
A. Yes, sir.
Q. You went on an expedition, did you, after that?
A. Yes, sir; the entire force that came there, except those who garrisoned the town, went on the expedition to the mountains.
Q. Did you yourself ever witness any other infliction of the water cure?
A. I did not.
Q. Did you have any conversation with the regulars who were present on that occasion?
A. They talked freely as to other treatments that had been given by them other times previous to that.
Q. How large a town was this village of Igbaras?
A. I do not know how many acres it covered.
Q. I do not mean how many acres, but about how many houses?
A. From 400 to 500 native shacks or bamboo houses.
Q. How long were you there after your arrival that morning?
A. We were there until about 8 o'clock the next morning. We were in the immediate vicinity of the mountains back of the town. We left there between 8 and 8.30 the next morning.
Q. What was done with the town?
A. After returning from the mountains the town was burned that night.
Q. By whose order?
A. By order of Captain Glenn.
Q. How many houses were destroyed?
A. Practically the entire town, with the exception of the church, the quarters of the soldiers, and about twenty or thirty houses in the lower section of the town.
Q. How were those houses occupied?
A. They were occupied by native families.
Q. Men, women, and children?
A. Men, women, and children; yes, sir.
Q. Do you know what reason, if any, was assigned for burning the town?
A. On account of the condition of affairs exposed by the treatment.
Senator BEVERIDGE. How was that?
A. It was burned on account of the exposition of the affairs in the morning, the information received from the presidente, from the officials, and the town was burned in consequence.

[Proceedings, Senate Committee on the Philippines, pp. 1538 to 1547.]

TESTIMONY OF WILLIAM LEWIS SMITH.

(Sworn by the chairman.)

By Senator RAWLINS:

Q. Were you at Igbaras, Iloilo Province, island of Panay, on or about the 27th of November, 1900?
A. Yes, sir.
Q. What regiment were you connected with?
A. Twenty-sixth Volunteer Infantry.
Q. How long had you been in the service at that time?
A. Since July 17, 1899.
Q. Where is your home?
A. Athol, Mass.
Q. You may state whether or not you witnessed what is known as the water cure.
A. I did, sir.
Q. And where did you see it?
A. At the town of Igbaras.
Q. On what day?
A. November 27, 1900.
Q. Upon whom was it inflicted?
A. Upon the presidente of the town and two native police.
Q. Did you observe it inflicted more than once?
A. I saw part of it at one time and the whole of it the second time.
Q. Describe what you saw on the first occasion.
A. We arrived at the town about daylight in the morning. It was just breaking day. There was an outpost put all over the town, so that no people could leave town by the gates, and we proceeded to quarters. A detachment of our company was stationed there. The company that we joined was commanded by Lieutenant Conger, of the Eighteenth Infantry, known as Gordon's Scouts. We proceeded to quarters, and I was one of a detail that was sent out to ask the presidente to come over to the quarters. On the way we met him and proceeded to the house of the padre, the priest of the town, to get him. He was not at home.
The presidente went along over to the quarters. When I got back to the quarters, the boys were sitting around, and I went upstairs, and the first that I saw of the presidente was that he was stripped. He had nothing on

but his pants. His shirt and coat were off, and his hands were tied behind him, and Lieutenant Conger stood over him, and also a contract doctor by the name of Dr. Lyons, and as we stopped there they proceeded to give him what is known as the water cure. It was given from a large tank. I should say the tank held—well—a hundred gallons, anyway. I do not know whether it was full at the time, but the tank would hold about that—two barrels of water I should think, surely. He was thrown on his back, and these four or five men, known as the water detail of these Gordon Scouts, held him down. Water was administered by the opening of the faucet. We could not get close enough to see exactly how it was done, because if we would congregate there at all the officers would tell us to pass on. We had to go upstairs to get into our squad room, and if we would congregate there they would tell us to pass on. We would go back and forth and see it at times.

The second time I saw it after he had confessed what they wanted—I do not know whether he confessed or not, I only saw a part of that—but downstairs they asked him through an interpreter, they all stood over him at the time, and they asked him if he sent any word out to the insurgents when the troops arrived in town. One of the native police in the meantime disclosed that he had, that he had sent him personally, so in order to get that from him Lieutenant Conger called for the water detail. This time it was given by means of a syringe. Two men went out to their saddlebags and obtained two syringes, large bulbs, a common syringe, about 2 feet of common hose pipe, I should think, on either end. One was inserted in his mouth and the other up his nose. We could all stand by there and see that. When this doctor said to get a pail of water, and they started into the building with him, Captain Glenn was there, and he said, "No, this is good enough right here on the outside." So we all had a chance to witness it that time; and as the water did not seem to have the desired effect, the doctor stood over him and said to get a cup of salt. One of the men went upstairs and procured a cup of salt and it was thrown into the water, and the interpreter stood there all the time, and after he had had it some time he did disclose what they wanted, and he said he was willing to guide us out there. We went out and stayed the greater part of the day, but did not see anything of the insurgents. That is what I saw of the water cure.

Q. What became of that town?

A. It was burned about 8 o'clock, under orders of Captain Glenn. Lieutenant Conger started out with his men—that is, the Eighteenth Infantry—to burn part of the town. Captain McDonald, of the Twenty-sixth, took his men and went to the lower end of the town. We started burning after they started burning at the other end, in order to give the natives time to get out before their buildings were burned.

Senator DUBOIS. Did you personally do any of the burning?

The WITNESS. Yes; I did set fire to some buildings.

By Senator RAWLINS:

Q. How were those occupied?

A. By native men, women, and children alike. Nearly all of the buildings were bamboo and nipa, and all you have to do is to light this nipa roof and it is gone in a short time.

Q. What became of the furniture and household effects?

A. They do not have a great deal of furniture or household effects. They sleep on the floor. Only the better class there have beds. They sleep on the floor as a rule. Of course what few tables and benches they had were destroyed. They only had time to save the clothes that they wore at the time.

Q. Was any discrimination made as to whose buildings should be burned and whose not?

A. The church was to be saved and the quarters occupied by our men, and five large buildings that were not made of this bamboo construction but were made of wood—good buildings. They were to be saved for the occupancy of the women and children after the rest of the town was burned.

Q. You have already stated, I think, that this water cure was inflicted by Lieutenant Conger of the regulars, by scouts under his command?

A. Yes, sir. The way he had of ordering it done was, "Water detail;" that is all I heard him say. The men went on then and did the rest of it. The men stood over, as did Captain Glenn and Dr. Lyons, and witnessed it both times.

Q. After the town was burned and after you returned the presidente what became of him?

A. He was taken to Iloilo for trial; I don't know what his sentence was.

Q. How old a man was he?

A. He was a man 45 or 50 years old, I should think; 45 years old, anyway

By the CHAIRMAN:

Q. This was the only case you witnessed?

A. The only case I witnessed; the only case I saw with my own eyes.

Q. Were there any other applications of the water cure by men of your regiment that you know of?

A. No, sir.

Q. This is the statement of your colonel:

"Major Cook, Captain McDonald, and Sergeant Riley state that no officers or soldiers of this regiment took part in the so-called water-cure proceedings or other threats against the natives on the occasion stated."

A. At Igbaras they did not, otherwise than burn the town. They had nothing to do with the water cure.

Q. That related to water cure, of course?

A. Yes, sir.

Q. Your own regiment was not guilty at all?

A. Not that I know of; our company, at least, was not.

By Senator BURROWS:

Q. I did not understand clearly by whose orders this village was burned.

A. Captain Glenn; he was at that time judge-advocate of the island, under General Hughes.

Q. What was the population of the town?

A. I should say 25,000; a good many people, often 12 or 14, live in one of these little shacks. I may estimate it high, but I have heard it estimated as a population of 25,000.

By the CHAIRMAN:

Q. Is it as much of a town as Athol?

A. I should think so.

Q. That is a good ways from 25,000.

A. But they live differently there. They live 12 or 14 people in the house.

Senator BURROWS. I want to ask you——

A. (Continued.) I do not think there are quite as many as that in the town itself. It was estimated as 25,000, but that includes all of the barrios; and only part of the barrios were burned. We burned everything we passed going to the mountains. The town is estimated on the map to be 25,000.

The CHAIRMAN. It is a sort of a township, like they have in Massachusetts?

The WITNESS. Yes.

Senator BEVERIDGE. You mean the township contains in all about 25,000?

The WITNESS. Yes; that is what I mean.

The CHAIRMAN. It is like our townships in Massachusetts, comprising a large area?

The WITNESS. Yes, sir.

By Senator BURROWS:

Q. Then I will ask you the population of the village, not of the township.

A. At least 10,000.

Q. You say children are very numerous there?

A. Yes, sir.

Q. What time of the evening was this village fired?

A. Between the hours of 8 and 8.30.

Q. Notice was given, of course, before that time to the inhabitants of the town?

A. Notice was given in this way: When Lieutenant Conger and his men started to the upper end of the town, they warned the people in that end that they were going to burn the whole town. Notice was not given before that.

Q. They commenced at one end——

A. They commenced at one end, and that gave the people a chance to get out.

Q. How did they notify them?

A. By four or five interpreters.

Q. Did they go along crying out?

A. Yes, sir.

Q. Is that the way they did, or did they go into the houses and warn the people?

A. They cried out.

Q. That would give an opportunity for the women and children to get out?

A. Yes, sir.

Q. The fire burned very rapidly, did it not?

A. Yes, sir; by 12 o'clock the town was entirely destroyed.

Q. It was fired between 8 and 9 o'clock, and by 12 o'clock it was entirely wiped out?

A. Yes, sir; it was smoldering, but not a building was left that could be occupied, except those I mentioned were saved.

By Senator DIETRICH:

Q. There had been a great many assaults upon American soldiers; American soldiers had been murdered in a great many ways?

A. Not in our district. We never had a soldier injured in our district (until after that time); but in other districts they did.

Q. Did you condemn at the time this water cure?

A. Yes, sir.

Q. Did other soldiers condemn it?

A. Yes, sir; they thought it was very cruel treatment.

By the CHAIRMAN:

Q. Did you remain there until the conclusion of your service?

A. No; I was mustered out in San Francisco.

Q. I mean after this period.

A. Yes; I remained there from November 27 until March 4.

Q. Of the following year?

A. The following year; yes, sir.

By Senator RAWLINS:

Q. How long had you been there prior to November 27?

A. Since October 30, 1899.

Q. And you had been at Igbaras or in that vicinity about a year?

A. Yes, sir.

Q. And during that time you say there had been none of the American soldiers killed?

A. No one. I never saw a man killed or injured in our company until after the burning of Igbaras. We occupied five towns, and we had anywhere from ten to eighteen men in each town.

* * * * * * *

Q. Did you see the water cure administered to the police?

A. Yes, sir.

Q. When?

A. In the evening, under the tank, as they took the presidente the first time.

Senator BURROWS. What is that?

The WITNESS. In the evening they administered it to two of the police. They gave them the water cure under this large tank as they did to the presidente the first time, without the means of the syringe.

Senator RAWLINS. Who did that?

The WITNESS. The water detail, Lieutenant Conger and this Dr. Lyons. Captain Glenn was not there in the evening at that time. This was before the burning of the town. It was about 7 o'clock. We got to Igbaras about 5 o'clock, and this was about 7 o'clock.

By Senator CULBERSON:

Q. When they administered the water cure by means of the syringe, how many applications of the syringe were necessary in order to fill the men up with water?

A. It usually took about three, or four, or five minutes. They never stopped at all; they do not take it out at all; they keep it up, but they watch the man, and I noticed the doctor touched his heart once in a while. I noticed that.

Q. The doctor would watch the process?

A. Yes, sir.

Q. To see what effect it was going to have upon the man's heart?

A. Yes, sir.

Q. And you say they administered the water also through the nose?

A. Yes; one syringe up the nose and the other in the mouth.

By Senator BURROWS:

Q. What was this water cure administered to these two policemen for?

A. They swore that the whole police force of the town of Igbaras had sworn allegiance to the presidente any time they were called to take arms against the American troops in the town.

Q. They swore to that—when?

A. That evening.

Q. Before the water cure was administered?

A. No, sir; afterwards.

Q. Is it your understanding that this water cure was administered as an infliction upon these people because outrages had been perpetrated on our troops in other localities?

A. I do not understand it so.

Senator RAWLINS. It was administered for the purpose of compelling information.

The WITNESS. It was for the purpose of compelling information; yes.

[Proceedings, Senate Committee on Philippines, pp. 1726-1736.]

TESTIMONY OF EDWARD J. DAVIS.

Sworn by the chairman.

By the CHAIRMAN:

Q. You have been in the Army of the United States?

A. Yes, sir.

Q. In what regiment?
A. Twenty-sixth United States Volunteers.
Q. And what was your rank?
A. Sergeant.

By Senator RAWLINS:

Q. Mr. Davis, when did you enlist in the Army?
A. I enlisted the 15th of July, 1899.
Q. What time did you arrive in the Philippines?
A. October 3, 1899.
The CHAIRMAN. What is your residence, if I may ask?
The WITNESS. Greenfield, Mass.

By Senator RAWLINS:

Q. I ask you how long you resided in Greenfield?
A. Going on fourteen years.
Q. Were you at Igbaras on or about the 27th of November, 1900?
A. Yes, sir.
Q. Were you acquainted with Sergeant Riley?
A. Yes, sir.
Q. Of Northampton, Mass.?
A. Yes, sir.
Q. Are you acquainted with William L. Smith?
A. Yes, sir.
Q. When did you first arrive at Igbaras?
A. I had charge of that detachment at Igbaras; I do not remember the date I went over there. I was in Igbaras myself about seven months, and I had charge of the detachment there, a detachment of 15 men.
Q. Fifteen men were under you?
A. Yes, sir.
Q. You had been there how long prior to the 27th of November.
A. I had been there going on seven months.
Q. About how large a town was Igbaras?
A. I should say it had about 10,000 inhabitants.
Q. Were there any regulars there at your station?
A. No. sir.
Q. Did any arrive on or about the 27th of November?
A. Yes, sir.
Q. How many?
A. Well, I should judge that there were 75 or more; I can not state the exact number.
Q. Who were the officers in command?
A. Captain Glenn was in command, Lieutenant Conger was in command of the scouts, and Dr. Lyons was there; he was the contract surgeon.
Q. What time did they arrive?
A. It was just daybreak.
Q. Was it about the 27th of November, 1900?
A. Yes, sir; it was somewhere about that.
Q. You may state whether or not the presidente or mayor of Igbaras was taken into custody that day.
A. He was.
Q. And where was he brought?
A. He was brought to the convent. I went for him myself.
Q. By whose order was he arrested?
A. Orders from Captain Glenn.
Q. Where did you take him?
A. I took him to the convent.
Q. After he arrived there about what time in the morning was it?
A. It was about 7 o'clock, I should judge.
Q. After he was taken there what was done with him?
A. He was taken out into a big hall in the convent there, his clothes were all taken off, his hands were tied behind him, and he was asked for information in regard to runners being sent up into the mountains; asked if the scouts had arrived there. He would not give this information, so they took him to this water tank. It was a tank holding about a hundred gallons of water. They held him under the faucet and he was made to take this water into his mouth at the command of Captain Glenn.
Q. How many men were engaged in that operation?
A. There were two.
Q. What process did they resort to?
The CHAIRMAN. Were they men of your regiment?
The WITNESS. No, sir; they were the Eighteenth Regulars.

By Senator RAWLINS:

Q. How was his mouth kept open?
A. It was kept open with a stick; but I can not describe just how the stick was, because they had their hands over his mouth most of the time.
Q. And after he was filled up with water, what else was done with him?
A. After they filled him up with water he swelled way up and then these two soldiers would roll the water out of him. They had an interpreter over him, and they asked him if he would tell what information they were after. He told some, and then after they released him and he had walked away and they were going out in the mountains somewhere, and they got downstairs, they wanted further information out of him in regard to these runners going out into the mountains, and he would not give it. So they took him down right there and they took a syringe and squirted water up his nostrils. He would not give the information then and they put salt in the water. Then he was willing to tell.
Q. Was he thrown down the last time?
A. Yes, sir; his clothes were not taken off, but he was thrown down on the outside of the convent.
Q. On his back?
A. Yes, sir.
Q. Who administered the cure the last time?
A. Dr. Lyons.
Q. Who was Dr. Lyons?
A. He was a contract doctor.
Q. State whether Captain Glenn was present at that time.
A. He was; and Lieutenant Conger was present.
Q. How many men held him?
A. Two men, the same as when he took the water cure upstairs.
Q. About how long was this continued, how long was he kept bound?
A. When he was under the tank of water he was kept there as much as five or ten minutes. They filled him clear up, and it would swell his stomach until all through here would be good and hard [indicating], and then they would roll him, would roll the water out of him.
Q. What was that process?
A. They took their fists like that [indicating].
Q. On his stomach?
A. Yes, sir.
Q. His body was not rolled over?
A. No, sir.
Q. But they would double up their fists in the way you indicated?
A. Yes; they would double up their fists and water would squirt out of his mouth.
Q. What, if any, manifestation of pain did he show?
A. He screeched terribly and his eyes were all bloodshot from, I suppose, taking the water.
Q. Was the same process gone through with on the sidewalk below?
A. Yes, sir.
Q. Both times?
A. Yes, sir.
Q. How old a man was he?
A. The presidente was, I should judge, a man of 40 years of age.
Q. Sergeant Davis, you had been there how many months prior to this time; how long had you been at this town?
A. I should judge about seven months.
Q. Had you had any trouble there?
A. No, sir; we had no trouble there at all.
Q. Had any attack been made on your troops?
A. No, sir.
Q. Any American soldiers killed or wounded?
A. No, sir.
Q. Had any of the inhabitants, as far as you know, given any offense?
A. No, sir.
Q. And by whose command did you go out and arrest presidente?
A. Captain Glenn's order.
Q. What position, if any, did Captain Glenn hold on General Hughes's staff?
A. He was judge-advocate of the Department of Visayas in Iloilo.
Q. What was the nearest point, during the time you were stationed there, at which there was any trouble prior to the 27th of November, at the time of this occurrence?
A. We never had any trouble. There was some trouble in one town some miles away.
Q. You say there were about 10,000 people in this town of Igbaras?
A. Yes, sir; the town was burned——
Q. How soon was it burned?
A. After the column went up into the mountains, and about half an hour after they returned the town was burned.
Q. Do you know by whose order it was burned?
A. By order of Captain Glenn.
Q. Were any of the houses left unburned?
A. Yes, sir; there were, I should judge, 15 houses left in the town.
Q. Out of about how many houses altogether?
A. I do not know. I could not tell you.
Q. Were there any other villages in the neighborhood of Igbaras burned at that time?
A. Yes, sir.
Q. How many?
A. One; a town called Tigbauan.
Q. How large a town was that?
A. It was a town of probably 12,000 or more. It had more inhabitants than Igbaras.
Q. How far distant from Igbaras was it?
A. Ten miles, I should say, over the mountains; I could not tell for sure.
Q. You know it was burned?
A. Yes, sir.
Q. Do you know whether there had been any disturbance at that town?
A. No, sir; there had not been.
Q. How long did you remain in the islands?
A. I remained there until our departure home.
Q. How many men were present on each of these occasions and witnessed this torture?
A. Do you mean taking the whole?
Q. Yes; for instance, the one that occurred in the corridor or the hall—upstairs, as I understand it.
A. There were perhaps 15 or 20 men. They were up and down there all the time.
Q. How many down on the sidewalk?
A. I could not say, for I was upstairs. I was going up and down several times attending to the guard and giving orders and went in and out.
Q. You were acting under command of Captain Glenn?
A. Yes, sir.
Q. You saw the occurrence downstairs; you saw them proceeding with it, as I understand it?
A. Yes, sir.
Q. Do you know where General Hughes was at that time?
A. No, sir; I do not. I believe he was in Iloilo.
Q. How far is Iloilo away from there?
A. About 30 miles from Igbaras.
Q. Did your company, the volunteers, take any part in this?
A. No, sir.
Q. What do you know, if anything, about a water detail connected with the regulars, under the command of Captain Glenn?
A. That was these two men that gave the water cure, what they called the water detail, as regards to tying their hands behind them and stripping them and putting them under the tank and holding them. That is what they called the "water detail."
Q. Did you talk with those regulars as to whether this had been done before?
A. Yes, sir.
Q. What did they say about it?
A. They said they had, that is all; they did not say where, and I did not ask them.
Q. Do you know whether this was inflicted afterwards?
A. I do not think so. He left our town that day.
Q. Do you know where he went?
A. He went to Iloilo.
Q. Captain Glenn?
A. Yes.
Q. That was the headquarters of General Hughes?
A. Yes, sir.

[Proceedings Senate Committee on Philippines, pp. 1765 to 1784.]

TESTIMONY OF GROVER FLINT.

Sworn by the chairman.

By the CHAIRMAN:

Q. You served in the Army in the Philippines?
A. I did, sir.
Q. And you held a commission there?
A. I did; as first lieutenant of the Thirty-fifth Infantry.
Q. How long were you there?
A. I was there somewhat over a year and a half; that is, from November, 1899, until my regiment moved home, in April, 1901.
Q. Where were you stationed during that time?
A. For a greater part of that time at Baliuag, Luzon.
Senator DIETRICH. What province is that in?
The WITNESS. Bulacan Province.

By the CHAIRMAN:

Q. That is up in the center?

A. It is the third largest town in the province; it is after Malolos and Bulacan.

Q. Is that one of the Igorroti provinces?

A. Oh, no; it is Tagalo.

Q. I called you here because Mr. Herbert Welch informed the committee that you would be able to testify as to the cruelties practiced on the natives by our troops. Now, if you have any statement to make in regard to that the committee will hear it.

A. I can only answer any specific question on that point.

Q. Were you present on any occasion when the "water cure" or any other torture was inflicted upon the Filipinos?

A. Yes, sir.

Q. When was that?

A. It was early in May; I do not remember the exact date, because I did not keep a diary at the time.

Q. Early in May, 1900?

A. Yes, sir; my company with another company from Baliuag. These two companies were part of the force that made a clearing up of the Candaba Swamp, which lay to the left of the Rio Grande, between us and Pampanga Province. There were supposed to be a great many arms concealed there. We moved out, and we had an advance guard of Macabebe scouts. The small hamlets that lay in our path were surrounded, and the Macabebes corralled these men and put them through this ordeal, and gathered a great many guns thereby.

Q. What men were they?

A. I do not know who was in command.

Q. The Macabebe scouts took these men prisoners?

A. As the towns were approached a little skeleton cordon was thrown out. In some cases our companies moved out and formed it. The Macabebes would then enter the houses and pull out these men and talk with them and take them down to the well and put them through this test, and then the men would go off and get the guns. That was the thing that I saw at that time on that special evening.

Q. They tortured them, you say, to get knowledge of the guns, where the guns were concealed?

A. Yes, sir.

Q. Was this done entirely by the Macabebe scouts?

A. On that evening it was done entirely by the Macabebe scouts, but on the following morning we kept on our march, and we collected all the countrymen in the barrios, and a little farther along——

By Senator BEVERIDGE:

Q. Just a moment before you go any further. Did you get the guns?

A. Yes, sir.

Q. After the application of the test you got the guns?

A. Yes, sir.

Q. Go ahead.

A. Of course I could not testify as to the number; I was in the background. On the following day this thing was repeated and our men took quite a little part in it, apparently as volunteers. They were not ordered to do so, I know that.

By the CHAIRMAN:

Q. They were not ordered to do so?

A. No.

Q. They were men of your regiment?

A. Yes; men of my regiment.

Q. Was any effort made to prevent it by the officer?

A. Not the slightest.

Q. Did you witness any specific case?

A. I witnessed some twenty specific cases.

Senator PATTERSON. What was that, Lieutenant?

The WITNESS. I witnessed quite a number of cases, because I was acting as a sort of an aid to the officer in command of our two companies, Major Geary. The Macabebes who were detailed with us were not under a commissioned officer at this time. They were with us and they were under a sergeant.

The CHAIRMAN. Was he a Macabebe?

The WITNESS. He was a white man. He was an American.

Senator BURROWS. Was he in the United States service?

The WITNESS. Yes; he was a regular soldier, but detailed. I do not remember his name, sir. And I saw this being done, and I told Major Geary. I went over and said to Major Geary that no commissioned officer seemed to be in charge there or seemed to be observing it, and that I would stay there for a while if he wished me to. He said: "All right, if you want to." So in that way I happened to see this performed on about, I would say, something over 20 men. This was on the second morning. The things that I had witnessed the night before I had witnessed only casually here and there. I was not what you might call a spectator.

The CHAIRMAN. Did the men subjected to this torture die?

The WITNESS. I never saw a man die. But I saw a man who I thought was going to die once, and I had indirect evidence that a man had died in another case; but nothing that I could testify to.

By Senator CULBERSON:

Q. You stated the night before you only casually saw it, and then you were going on to state what you saw in the morning.

A. In the morning I actually witnessed it. I saw men thrown down and heard their groans and that sort of thing.

Q. Please tell the committee what you actually saw.

A. That is, you want me to describe one individual case of a man being put through the water cure?

Q. Yes; I would like you to do that, sir.

A. Very good, sir. A man is thrown down on his back and three or four men sit or stand on his arms and legs and hold him down, and either a gun barrel or a rifle barrel or a carbine barrel or a stick as big as a belaying pin—that is, with an inch circumference——

Senator BEVERIDGE. As big in its diameter?

A. (Continued.) Yes; is simply thrust into his jaws and his jaws are thrust back, and, if possible, a wooden log or stone is put under his head——

Senator PATTERSON. Under his head or neck?

A. (Continued.) Under his neck, so he can be held firmly.

Senator BURROWS. His jaws are forced open, you say? How do you mean, crosswise?

The WITNESS. Yes, sir; as a gag. In the case of very old men I have seen their teeth fall out—I mean when it was done a little roughly. He is simply held down, and then water is poured onto his face, down his throat and nose, from a jar, and that is kept up until the man gives some sign of giving in or becomes unconscious, and when he becomes unconscious he is simply rolled aside and he is allowed to come to. That is as near a description as I think I can give. All the cases were alike I saw on that occasion.

By Senator CULBERSON:

Q. Is the water allowed to remain in the man or is it any way expelled from him, by any method?

A. Well, I know that in a great many cases, in almost every case, the men have been a little roughly handled; they were rolled aside rudely, so that water was expelled. A man suffers tremendously; there is no doubt about it. His suffering must be that of a man who is drowning, but who can not drown.

Q. Did you ever see a man place his foot on a man's stomach to force the water out?

A. Yes, sir; but I can not think of any special case at this moment. I was trying to be as accurate as I possibly could.

The CHAIRMAN. When this was being done by our troops, did you attempt to stop it?

The WITNESS. No; I did not, because I had no right to. These troops were traveling through the country with definite orders. I do not know from whom the orders came or anything about that; but I simply made myself a witness, to check anything very much beyond the line. You understand what I mean. I simply thought while that thing was going on a commissioned officer ought to be there who could be responsible in some way for anything that might happen.

The CHAIRMAN. Do you mean these men of your regiment were acting under orders?

The WITNESS. No; the men did not. They simply assisted the Macabebe scouts in this. They simply volunteered their assistance.

By Senator BURROWS:

Q. Whom were the Macabebe scouts acting under?

A. They were under a sergeant whose name I do not know, but they moved through that country under orders from their headquarters.

Q. From whom?

A. From their headquarters.

Q. I would like to know the name of the officer under whose orders they were acting.

A. I think the only officer who could have given any orders of that kind was General Grant.

By Senator DIETRICH:

Q. You say you were there to stop excesses?

A. Yes, sir.

Q. Where would you draw the line?

A. Anything that seemed to be actually killing him or hurting him or more than ordinarily rough.

Q. You were the ranking officer present?

A. Yes; but I went to my major and said, "Does it not appear to you, sir, that some commissioned officer should be here while this thing is going on?" and he said, "You can be, if you want to."

Senator BEVERIDGE. Major Gary, was it not?

The WITNESS. Yes, sir.

By Senator PATTERSON:

Q. Where was your major?

A. Sitting about 60 yards away.

Q. Then the major accompanied the companies out on this work?

A. Yes; he was in command of our two companies of white troops; the volunteer infantry.

Q. And quite conversant with what was going on?

A. Yes; absolutely.

By the CHAIRMAN:

Q. Did he give orders that it should be done?

A. No, sir. These men were working on their own orders and instructions. Our attitude was entirely passive, you understand.

Q. That is the attitude of the officers and men of your regiment?

A. Yes; except these men whom I have said volunteered the assistance of this thing.

By Senator PATTERSON:

Q. Under whose orders were the Macabebes?

A. That I do not know.

Q. Were they subject to the orders of the major?

A. They certainly were, because he commanded the column.

Q. And the Macabebes constituted a part of that force?

A. They constituted a part of that force.

Q. And you all went out together?

A. Exactly.

Q. Did you continue together?

A. We continued together for something like twenty-four hours.

Q. That was during that time that these things occurred?

A. Yes, sir.

By Senator BURROWS:

Q. In this case where you say the water cure was administered to some twenty persons, I want to ask you what offense these people had committed?

A. They were supposed to be insurrectos. I did not at the time know enough of the language to understand the conversation between them and the Macabebes, who were putting them through this ordeal. All I know is that they would take a man and throw him down and work on him for a while, and then he would run off and get a gun or a bolo.

Q. The man who had been tortured?

A. Yes.

Q. He would go and arm himself?

A. No; he would go and get a gun and deliver it.

Q. Then this was done, as I understand you, for the purpose of compelling these people to surrender weapons, to disarm that portion of the country?

A. Exactly.

Q. I wanted to find out what it was done for——

A. (Continuing.) And the effect was immediate.

By Senator PATTERSON:

Q. About how many were subjected to this torture the first night?

A. I could not say. I should rather think—well, the only answer I could give would be a guess.

Q. Give your best judgment.

A. According to my best judgment, I should think about 30 were put through it the first evening, because it kept on for a long time until daybreak. I should say 20 the next morning under my personal observation.

Q. What was the name of the village in which this torture was inflicted that night, if you know?

A. It was a little barrio; it was not what you might call a village.

Q. About how many houses?

A. I think about a hundred houses. I have it on my map that I drew, but I can not remember the name of it now.

Q. And those upon whom the torture was inflicted were apparently residents or citizens occupying that little barrio?

A. They were.

Q. They did not appear to be soldiers, but were simply residents living in those little places—that is what they appeared to be?

A. It is impossible—well, of course, I understand your question, but it is not a fair question, because none of them appeared to be soldiers. I mean it

is absolutely impossible to judge from the appearance of a native whether he is a soldier or not.

Q. Were there women and children in those barrios as well as men?

A. There were.

Q. They were occupied by families?

A. Yes. They were to all intents and purposes country people—peasants, or whatever you want to call them.

Q. To all intents and purposes they were peaceable barrios or villages?

A. Yes.

Q. Now, from certain men did they succeed in getting guns?

A. I don't know about that, because I don't know the number except by offhand hearsay—

Q. But you understood when you started out that this was a method to be adopted to get the guns?

A. Well, when I started out I didn't understand anything about it. I was simply a soldier, and was following orders. I did not know anything, and did not want to.

Q. And when they reached these places this was the process they adopted apparently as a matter of course?

A. Yes; and it struck me very forcibly, because it was the first time I ever saw it done.

The CHAIRMAN. Did you see it done on any other occasion?

A. Yes; once up north of San Miguel.

Senator CULBERSON. On how many people was it done there?

The WITNESS. I think about 15 men were put through on that occasion.

Senator BEVERIDGE. Did they get the guns there?

The WITNESS. No; they did not get any guns at all.

Senator MCCOMAS. Fix the date if you can.

The WITNESS. I can not do that.

Senator CULBERSON. What place was it?

The WITNESS. I can not do that, because I was only using my own memory. It was very early in January——

The CHAIRMAN. 1901?

The WITNESS. 1901; and simply one of our ordinary routine scouts from San Miguel de Mayuma.

By Senator CULBERSON:

You stated a while ago that in one of the cases you thought a man was going to die?

A. Yes, sir.

Q. Did you see that yourself?

A. I saw that he was entirely unconscious, and I simply saw the Hospital Corps men working on him, and they had his feet wrapped up in blankets and were apparently trying to save him. That is all I know about his case.

Q. Where was that?

A. On the trip I mentioned first.

Q. What month and year was that, if you remember?

A. That was in May.

Q. 1901?

A. Yes, sir.

By the CHAIRMAN:

Q. In 1900, was it not?

A. 1900; I beg your pardon.

Q. In this second case were they American troops?

A. Yes, sir.

Q. Of your regiment?

A. Yes, sir.

Q. Who was in command?

A. The officer in command of the party was Captain Ruggles. He took no interest in this thing whatever; it was left to the second lieutenant, who——

Senator CULBERSON. What was his name?

The WITNESS. His name was Lieutenant Hard.

By Senator CARMACK:

Q. You say in the first case the men who had been put through the torture would go and get a gun or a bolo?

A. Yes, sir.

Q. Do you remember in what proportion they surrendered guns and what proportion were bolos?

A. Almost every man seemed to have a bolo. Of course in a great many cases the men were led off——

Q. If they could not get a gun they got a bolo?

A. Yes. I don't know just how many guns we got, because they did not come under my observation at all; I did not count them; I had other things to do; but I understood that our column collected about 50 guns. These guns would be reported as captured.

The CHAIRMAN. Did you suggest to Major Geary or Captain Ruggles to stop this thing?

The WITNESS. No, sir.

By Senator BURROWS:

Q. In this last instance, where there were 15 subjected to this treatment, you say you secured no arms of any kind?

A. No; we did not.

Q. Was any inquiry made before the torture was inflicted as to whether or not they had arms?

A. I do not know. No; they seemed to be put through as a matter of routine.

By Senator BURROWS:

Q. You spoke about their being thrown on the ground. You do not mean to say that they threw them down, do you? They laid them on their backs gently, did they not?

A. That was simply a matter of the men.

Q. I want to know what you saw; whether they requested them to lie down or took them by force, as you said?

A. I have seen a man thrown down; yes.

Q. How?

A. I have seen a man seized and thrown down; grasped by the neck or simply thrown down; that is all.

Q. Did any of them resist that you saw?

A. Yes; but of course those men are not very powerful.

Q. What was done in a case where a man resisted?

A. They would simply be held tighter, that is all.

Q. You mean when they resisted being thrown?

A. Yes; they were simply thrown down in those few instances that I have described.

Senator PATTERSON. Give us some idea of the amount of water they would force into them.

The WITNESS. I can not give you any idea of that at all. Of course, a man being held down and water being poured into him constantly, one could not have much idea of the amount he could actually retain.

But, of course, the torture was in checking the breath and rather inducing strangulation, I should think. It did not seem to be anything that really permanently hurt these people at all.

By Senator MCCOMAS:

Q. And when they would get up and they would go out and get their guns, would they run or walk?

A. What I mean to say is that in the case of the men I described first, who were put through this by the Macabebes, the Macabebes would whisper in their ear and ask them, ask each man, "Where is your gun?"—"Sa andur barril?"—to that effect, and they would have a somewhat pleading tone, and then finally the man would give some sign that he had yielded, and then he would be allowed to get up and two of them would run off with him to his house or little bamboo thicket, and they would come back with a gun or bolo or some ammunition.

Q. He would be able to get up and run with these two men, would he, directly after this treatment?

A. He would, unless he was put through a very hard siege.

What I mean to say is that some men would yield almost instantly and would not be put through as brutal methods as I have described, while other men would have more courage, or, perhaps, would be more ignorant, and they would be put through the stage where they were unconscious or almost drowned.

Q. Did that happen to a few or many of these men?

A. A rather small proportion, because by far the greater part, I should say probably two-thirds, of the people I saw did not get this severest treatment. In those cases it did not get to the point of great brutality. They simply would get up and run off and get their guns; and other men fought it out and would not yield until they had been subjected to severe treatment, and there was one man who absolutely refused.

Senator DIETRICH. You think it was the men who were the most ignorant who resisted the hardest, and those who seemed more intelligent yielded quickly and did not receive such harsh treatment?

The WITNESS. No; I think the men who were more courageous or perhaps did not have any guns suffered the most. By ignorant I mean that they did not really know anything to tell us.

Senator CARMACK. You say you saw one man who never did yield?

The WITNESS. One man was pointed out to me as being an alleged insurgent lieutenant, and he was pointed out as being absolutely unyielding.

Senator MCCOMAS. You did not see that?

The WITNESS. I saw his condition. They had worked pretty hard on him. He was pointed out simply as being a most gallant man——

Senator CARMACK. He was pointed out as what?

The WITNESS. A man of great courage; that he had been absolutely unyielding and had simply defied us; that is all.

Senator BEVERIDGE. When this man was pointed out, what condition was he in?

The WITNESS. He was almost fainting. I did not see him worked upon, but I simply saw him being led around, and I think Major Geary sent word not to have anything to do with that man any more. I mean to let him pass; not to bother him any more; to let him go.

Senator CULBERSON. What do you mean by being led around?

A. He had to be assisted.

By Senator PATTERSON:

Q. You say in the case of this particular man the major gave orders not to punish him any more?

A. Yes, he did; I am morally sure of that. Wait a minute—yes, I heard him say to the sergeant, "Let that man go."

Q. After they had punished him to the extent you have suggested?

A. Yes. Of course I do not wish for a moment to testify that I saw this man—I simply saw his condition; did not see the efforts expended in his case.

Q. You say that in the cases of old men their teeth were knocked out?

A. Yes; I saw that in one or two cases.

Q. On account of the gag?

A. Yes; it was thrust in pretty roughly in that instance.

Q. When they got this gun barrel or stick in a man's mouth, how did they hold that there?

A. Two men would get on either side of him.

Q. And hold it in?

A. Simply hold it down, and a half dozen men would sit over a man.

Q. What is your business?

A. I am writing. I am independent to a certain extent. I am now writing a biography of my father-in-law, the late John Fisk.

By Senator CULBERSON:

Q. Where do you reside?

A. In Cambridge, Mass.

Q. Are you a native of that State?

A. No; I am a New Yorker by birth.

Q. Are you a son of Dr Austin Flint?

A. No; a grandson of the late Dr. Austin Flint.

By Senator CARMACK:

Q. Referring to the occasion of that water cure administered when Major Geary was there; this was done with his knowledge and, as I understand it, you did not feel that you had any authority to stop the application of the water cure, Major Geary being your superior officer?

A. That is correct.

Q. In witnessing it you did not feel that you had any authority whatever to stop the application of the water cure, if I understand you, but you simply exercised your judgment and prevented its going to the length where it was liable to produce death or where it was used upon prisoners who, in your opinion, did not know, did not have any knowledge, and could not give any information; you exercised your judgment in regard to that, as I understand it? Is that correct?

A. Yes, sir.

Senator MCCOMAS. What was your answer to that?

The WITNESS. It was yes.

The CHAIRMAN. I have one more question to ask. You made a suggestion to Major Geary, as I understand it, that there ought to be a commissioned officer present?

A. I did.

Q. And he assented and let you go?

A. Yes, sir.

Q. Now, was there any objection to your making a similar suggestion to him as to stopping it, having made the first suggestion?

A. Yes, sir; inasmuch as it had been going on all the night before, and furthermore, that I was a subaltern.

Q. But the point I want to get at is this, that you made one suggestion, that there ought to be a commissioned officer there. Why was it not proper to make another suggestion, if you saw fit to do so?

A. Because to suggest that there was any impropriety in that would have been a suggestion against our very presence in that country. We went out in that country, as I understood it, without knowing anything about the orders, to get guns, that is all.

By Senator DIETRICH:

Q. You state that the reason that you did not stop some of those cruelties was because Major Geary was present?

A. Yes, sir.
Q. Then why did you ask him that you should be detailed to be present if he was already present?
A. When I said that he was present I meant he was 60 or 80 yards away—simply at what he called his headquarters under a tree, where his horse and saddle were. This thing took place at a well which was a little distance away, and I went to the well to be personally present.
Q. He was not present there?
A. No; he kept away. He did not like to see it at all, I know.
Q. And that put you in command by the well?
A. Yes, sir; by the well.

By Senator BURROWS:

Q. I presume I am asking a question that has been asked, but I want to know about it. Were these men who administered this water cure under the command of Major Geary?
A. Yes; they were.
Q. They were under his command?
A. That is, he was the ranking officer.
Q. They were subject to his orders?
A. They were subject to his orders and they were under his earshot, almost. Yes; he was the ranking officer of the whole column.

By Senator CULBERSON:

Q. When did you enlist in the Thirty-fifth Regiment?
A. I think the date of my acceptance was August 3.
Q. 1900?
A. 1899.
Q. How long did you serve in the Philippines?
A. About a year and a half or a little over.
Q. How many engagements or battles were you in?
A. Only under gun fire once.
Q. And you got the wound that you have spoken about?
A. Yes, sir; I mean what we really call gun fire.
Senator PATTERSON. Where were you educated?
The WITNESS. Harvard University.

[Proceedings, Senate Committee on Philippines, pp. 1969 to 1985.]

TESTIMONY OF LEROY E. HALLOCK.

(Sworn by the chairman.)

By the CHAIRMAN:

Q. You were in the Army?
A. Yes, sir.
Q. In what regiment?
A. Twenty-sixth Volunteers.
Q. In what company?
A. Company I.
Q. What rank did you hold?
A. Sergeant.
Q. When were you mustered out?
A. On May 13, 1901.
Q. How long were you in the Philippine Islands?
A. I arrived there October 27, 1899, and left there March 6, 1901.
Senator CULBERSON. Where do you reside, Mr. Hallock?
The WITNESS. Boston, Mass.

By the CHAIRMAN:

Q. Did you enlist from Massachusetts?
A. Yes, sir.
Q. At Framingham?
A. At Worcester.
Q. Were you living at Worcester at that time?
A. No, sir.
Q. Where was your regiment stationed during the period you were in the Philippine Islands?
A. The first three months I was stationed at Iloilo. After that the headquarters of the company was Leon, Panay.
Q. Did you see any cases of water cure or torture applied to the natives?
A. Yes, sir.
Q. Where?
A. At Leon.
Q. State the circumstances, please.
A. There were about ten or a dozen natives captured that were thought to be implicated in the murder of one of the members of our company.
Q. O'Hearn?
A. Yes, sir.
Q. It was stated in one of the reports that he was roasted over a slow fire and then hacked to death with bolos.
A. That is the confession of the natives; yes.
Q. And these men were captured who were believed to have had something to do with that?
A. Yes, sir.
Q. Now you may go on and state the circumstances.
A. What led to the capture of these natives, it was reported that Captain Glenn or some soldiers under his orders gave the water cure to a native and he confessed and told who the others were that took part in the killing of O'Hearn, and these members of our company captured these natives and gave them the water cure, and they confessed it.
Q. Who inflicted this punishment upon the natives?
A. The members of Company I.
Q. Were they ordered to do so?
A. Yes, sir.
Q. Who ordered them to do so?
A. The first sergeant.
Q. Who was the first sergeant?
A. Januarius Manning.
Q. Do you know him?
A. Yes, sir.
Q. Is he now a resident of Boston?
A. Yes, sir.
Q. You saw the water cure inflicted?
A. Yes, sir.
Q. Did you take part in it?
A. No, sir.

By Senator RAWLINS:

Q. Who was in command of this company at that time?
A. Alexander Gregg.
Q. How many troops were at Leon at the time this occurred?
A. About half of the company, I should say.
Q. Was Captain Gregg there at the time?
A. Yes, sir; he was there at the quarters.
Q. How far from the quarters was this torture inflicted?
A. Less than a hundred yards.
Q. Did all the command know about it at the time?
A. Yes, sir.
Q. Captain Gregg knew about it?
A. I do not know how he could help knowing it.
Q. You say that a member of your company had been reported killed?
A. Yes, sir.
Q. That information, I understand you to say, was derived from Captain Glenn?
A. I think a detail of our company was out looking for O'Hearn, and they made a detail under Captain Glenn, and they got some native and gave him the water cure and he confessed and gave the others away and told who took part in it.
Q. That was, as you nnderstand it, the result of the application of this torture; as a result of that torture some native, to relieve himself, stated he had taken part in the killing of this soldier?
A. Yes, sir.
Q. I am asking if that was not what was reported to you; that, as a result of this torture, this native stated he had participated in this killing?
A. Yes, sir.
Q. And named about a dozen other natives?
A. Yes, sir.
Q. And these twelve who were also reported by Captain Glenn to have been named by this native after the water cure had been given to him, where did they live?
A. In the vicinity of 5 or 6 miles from our quarters.
Q. And upon that information they were arrested?
A. Yes, sir.
Q. And brought to Leon?
A. Yes, sir.
Q. And they were taken out and the water torture applied to each of them?
A. Yes, sir.
Q. You may state whether it was given to them more than once.
A. It was given to them on two different days; it was given to them on August 21, 1900, and on August 23, 1900, to the best of my recollection.
Q. And what was the purpose of subjecting them to the torture?
A. To see if they had participated in the murder of O'Hearn.
Q. The first day they did not get all the information they desired—was that it?
A. Yes, sir.
Q. And so the torture was repeated the following day?
A. Yes, sir.
Q. And on the following day, as I understand you, these persons who were subjected to this torture confessed that they participated in the killing of the soldier?
A. On the 21st and 23d of August.
The CHAIRMAN. Was this 1900?
The WITNESS. Yes, sir.

By Senator RAWLINS:

Q. What was the effect upon these natives of giving this water cure?
A. They would swell up—their stomach would swell up pretty large—and I have seen blood come from their mouth after they had been given a good deal of it.
Q. And on the second day, do you know what information they gave; how was it obtained?
A. No, sir; only that they confessed to having had a part in it.
Q. Was the communication from these prisoners subjected to this torture given through an interpreter?
A. Yes, sir.
Q. A native interpreter?
A. Yes, sir.
Q. You could not understand what they said, I suppose?
A. I could understand some of it.
Q. Can you give anything that any one of these men subjected to this torture said; what their language was?
A. No, sir.
Q. Did the company detailed to subject these men to this torture get any information the first day from these 12 men, or any of them?
A. The first day they gave them the water treatment?
Q. Yes.
A. Yes, sir.
Q. Do you know what information they got the first day?
A. It was in regard to the killing of O'Hearn. There were 12 of them that were given this water treatment, and I do not think they got through with all of them on the first day, and they finished it on the second day, the 23d of August.

By Senator ALLISON:

Q. That is, they did not repeat it on those that had taken it the day before?
A. Yes, sir; some of them.
Q. On some of them they repeated it?
A. Yes, sir.

By Senator RAWLINS:

Q. What was done with these 12 men after they had been subjected to the water cure?
A. They were confined there in the guardhouse. Some of them escaped and some of them were killed while trying to escape.
Q. How many of them were shot to your knowledge?
A. I should say five or six.
Q. You know of five or six of them having been shot?
A. Yes, sir.
Q. How soon after the infliction of the water torture?
A. I could not state the exact time. It was before we left there.
Q. About how long?
A. I should say some of them were shot within four or five months.
Q. Where were those men confined?
A. At the guardhouse, in quarters at Leon.
Q. Can you describe that guardhouse?
A. It was a room about 20 or 25 feet by 25 feet, with iron bars at the windows; there was one window and two doors entering the room. The doors were kept locked by means of a padlock, and there were iron bars at the window.
Q. How many soldiers stood guard?
A. At the guardhouse?
Q. Yes.
A. This guardhouse was at the guard quarters and the sergeant or corporal who was in command of the guard was stationed at the door all the time, and then there was the number one sentry who stood right in front of the quarters, and at night he stood at the door. So there were one or two there all the time, besides the door being locked.
Q. And how near were the soldiers stationed to the guardhouse?
A. The soldiers' quarters were right above on the next floor, upstairs.
Q. In the same building upstairs?

A. Yes, sir.
Q. How many soldiers were there?
A. It varies. I should say from 30 to 50 all the time.
Q. How many prisoners were kept in this guardhouse—natives, I mean?
A. Some of the time there were ten or a dozen and sometimes as high as eighteen, I should say.
Q. Do you remember the occasion when any of these particular natives who had been subjected to the torture tried to escape?
A. I could not give the date, but I remember times they did.
Q. Did they succeed in getting out of the building?
A. It was not when they were in the building they tried to escape; it was while they were working down at the river, taking a bath.
Q. Who had them in charge at that time?
A. Sentries.
Q. How many altogether were shot at that time?
Senator BEVERIDGE. Five or six were shot while antempting to escape; although I have no objection to his repeating it.

By Senator RAWLINS:

Q. These attempted, you say, to escape; how many of those were killed?
A. I do not know what time you mean.
Q. As I understood you, on some occasion after this torture was inflicted some of these native prisoners while out from the guardhouse attempted to escape, and some of them were killed. I want to know, if you know, how many were killed at that time?
A. There was one occasion, one night, somewhere about 5 or 6 o'clock, that they were taken down to the river for a bath. I think there were five or six of them. They tried to get away while down there and one of them was shot and three or four escaped. Then on another occasion they were out working and there were four shot at that time while trying to escape.
Q. Did all these prisoners escape that were confined?
A. No, sir.
Q. How many of them were killed altogether?
A. I can not give the exact number. Five or six.
Q. Were all killed who did not escape?
A. I think so. There may have been one that was given his freedom. I won't say for sure. It seems to me there was one who was let go.
Q. With the exception of one all escaped or were killed?
A. Yes, sir.
Q. Are you sure as to whether that one was given his freedom or not?
A. Yes, sir.
Q. While you were there were there any villages burned?
A. Yes, sir.
Q. How many?
A. I was only present at the time one was burned; but I have known of as many as half a dozen being burned.
Q. How large were these villages?
A. The one that I witnessed being burned I should say was three or four thousand people; that that many people lived there.
Q. How large were the others that you know of having been burned?
A. There was a town about 8 miles from Leon which was burned. I think there were eight or ten thousand people there.
The CHAIRMAN. Was that Igbarras?
The WITNESS. No, sir. The name of that town was Tubungan; that is about half way from Leon to Igbarras.
Senator RAWLINS. What others were there that you know of? You have named two, I think, one of 3,000 and one of 8,000.

By Senator BEVERIDGE:

Q. Do you know of these towns being burned simply by hearsay?
A. I witnessed one of them?
Q. But the others; do you know of their being burned simply by hearsay?
A. I know of their being burned by the members of the company talking about them.

By Senator RAWLINS:

Q. I will ask the witness this: You observed the flames in the distance, did you?
A. The smoke; not the flames.
Q. And you saw the smoke of the villages that you did not see being burned?
A. I saw smoke from this town of Tubungan when that was burned.
Q. Have you been over the ground where these towns were that you learned were burned? Have you been over that ground since they were burned?
A. Yes, sir.
Q. And what have you observed there at those towns; were they left or were they burned?
A. They appeared to be deserted; everything was burned, houses and shacks, with the exception, perhaps, of a few on the outside of the town, on the roads or trails, that would not be burned, that were close to the town.
Q. I will ask you—you have been around in that vicinity and you had occasion from time to time to visit around while you were stationed at Leon and Panay—what, if any, towns were left unburned?
A. The town of Tigbaüan, the town of Oton, the town of Alimodian, the town of San Miguel, the town of Arevalo, and a good many smaller barrios.
Q. And how many towns were burned; that is, towns you know by having learned that the towns were burned and afterwards having been over the ground and seen that they were burned?
A. There was only one that I was a witness to.
Q. But you know the others by reputation, and you say that you had occasion to visit them afterwards, as I understand it, and saw that they had been burned?
A. Tubungan is the only large town that I know of. If we were out on a march over the mountains if we found any evidence of insurgents being there we burned the small barrios as we went along.
Senator BEVERIDGE. Did I understand you to say after having been there that you personally know of these six towns you mentioned having been burned?
The CHAIRMAN. Those were the six towns not burned that he mentioned.

By Senator RAWLINS:

Q. What became of these people who inhabited these towns that were burned?
A. I think they went into other towns. They didn't build up the towns at all.
Q. They did not attempt to rebuild the towns?
A. Not to my knowledge.
Q. Do you know whether or not they were permitted to rebuild these towns that were destroyed?
A. I could not say.
Q. Do you know of any attempt on the part of the natives to rebuild any town that was destroyed?
A. No, sir.
Q. Did you know of any natives around Leon who were begging for food?
A. Yes, sir. They have a market day there in those towns once a week, and on that day a good many beggars would be around.
Q. You may state to what extent the burning went in the case of these towns that were burned—whether it extended to food and household articles and things of that description.
A. Yes, sir.
Q. Did it so extend?
A. The one that I witnessed being burned, they did not have time to get anything out to speak of; they might have had time to get what valuables they had out, but they did not have time to move their furniture or food.

By Senator ALLISON:

Q. You only witnessed the burning of one town?
A. Yes, sir.
Q. And that was done rapidly?
A. Yes, sir.

By Senator RAWLINS:

Q. This burning you have described and the infliction of the water torture—you may state whether or not it was a matter of common repute among the soldiers with whom you came in contact that those things were practiced.
The WITNESS. It was reported that if the soldiers wanted to get any information out of the natives they gave them the water cure, and in any town where there was any evidence of being insurgents the town was burned.

By Senator RAWLINS:

Q. Then, as I understand it, that was a matter of common repute; the inflicting of this water torture and the burning of these towns was a matter of common repute?
Senator ALLISON. If you understand it, you do not understand it from the witness.
Senator RAWLINS. I asked the witness whether or not it was a matter of common repute, and he said it was reported among the soldiers that whenever they wanted to get information they applied the water torture, and when they obtained the information and they found that a town contained insurgents they burned the town. Let it rest at that.
Senator ALLISON. I think that is right.

By Senator RAWLINS:

Q. Now, I want to recur. Whom did you ever hear say that this soldier—I believe he was a member of your company?
A. Yes, sir.
Q. Whom did you hear say that that soldier was burned to death?
A. That is what these natives confessed to.
Q. Have you no other source of information except the confessions of these men who were subjected to this torture?
A. What the natives confessed to is the only information we had.
Q. What the natives confessed to is the only information you had. Did they confess to that before or after the infliction of the torture?
A. After. After we had found his bones—the bones of O'Hearn.
Q. You found the bones of what you understood to be this missing member of your company?
A. Yes, sir.
Q. Where were they found, or do you know—were you present?
A. I was not present when the bones were found.
Q. You do not know, then, of your own knowledge, in what condition the bones were when found?
A. Only by hearsay.
Q. Do you know whether those remains were brought to Leon?
A. The bones were brought to Leon.
Q. Did you see them after they came there?
A. Yes, sir.
Q. Was there anything left except the mere skeleton?
A. Only pieces of bone, the head and different parts of the skeleton.
Q. What was their condition?
A. They were all in small pieces; the head was the largest piece, the piece that seemed to be the most intact.
Senator CULBERSON. How did you know that skeleton was the skeleton of the deceased soldier?
The WITNESS. The surgeon who was stationed at the quarters said that he was very sure it was O'Hearn's body by a front tooth being missing.

By Senator RAWLINS:

Q. The only means of identification was the absence of one front tooth; is that it?
A. Yes, sir; and the testimony which the natives gave that there was where they buried the bones.
Q. As I understand it, you had obtained the remains before the torture—or afterwards?
A. This native that was given the water cure first by Captain Glenn, as I heard, testified where the bones were, and they took the bones up and got the rest of the natives who testified that they had taken part.
Q. They had discovered the remains before they inflicted the torture on these 12 men?
Senator BEVERIDGE. He did not say anything of the kind. This witness is attempting to testify very clearly.

By Senator RAWLINS:

Q. I am not insisting upon the form of the question. What I want to know is, whether or not the remains had been discovered before the torture was inflicted upon these 12 men; that is what I want to know.
A. I am positive the bones were brought in the same night that the men were brought into the quarters.
Q. Then it was before the infliction of the tortures?
A. Upon these 12 men, yes.
Q. That is what I wanted to arrive at. Therefore, these 12 men who were subjected to the torture did not give the information which led to the discovery of these remains or these bones?
A. The native to whom Captain Glenn gave the water cure, as testified a while ago, told who the other ones were that took part in it.
Senator BEVERIDGE. So that the discovery of the bones was the result of the water cure first administered to this one man.

By Senator RAWLINS:

Q. That you have no information about it except by hearsay, as I understand it; that is, what the others told you?
A. What the members of the company talked about and told to each other.
Q. All you know about it is what the others told you?
A. I was not a witness to it.
Q. How many men of your company had been killed during the entire time you were stationed at Leon in Panay—you were there all the time?
A. Yes, sir; on the island of Panay.
Q. How many men were killed?
A. Two men.
Q. Two men altogether?
A. Yes, sir.

Q. How many natives were killed during the same time by American soldiers?
A. I could not state the number.
Q. About how many?
A. It would be very hard for me to tell.
Q. Give us a general idea, if you can.
A. Well, if we got into a skirmish we could not tell how many men were killed or wounded.
Q. Were there a good many killed?
A. There were more killed than there were Americans.
Q. How many do you know of yourself having been killed?
A. Do you mean altogether in the fights we had there?
Q. Yes.
A. That the regiment participated in?
Q. That your company participated in—yes; the regiment.
A. In the neighborhood of 200 or 300, I should say, for a guess.
Q. How many fights did you yourself participate in?
A. Three, I think, sir.
Q. And in those 3 fights how many natives were killed?
A. In the neighborhood of 200, I should say.
Q. How many Americans were killed in those 3 fights?
A. I should say 20.

Senator BEVERIDGE. What means have you of knowing how many Filipinos were killed?

The WITNESS. The only means I have is the official report.

By Senator BEVERIDGE:

Q. The official reports?
A. Yes, sir. I only say this; that I guess that number.
Q. Then you are not attempting to quote official reports; you are making your estimate?
A. Yes, sir.

By Senator RAWLINS:

Q. How many wounded, Mr. Hallock, in those fights?
A. I could not say.
Q. Apart from the information that was derived from natives as a result of torture, do you know how this soldier met with his death?
A. The only information we had was what we got from the natives; what the natives confessed.
Q. The circumstances, therefore, of his death, what led to it, or how it occurred, all you know about it is what you have stated, that obtained from the natives as a result of application of torture?
A. Yes, sir.

By the CHAIRMAN:

Q. Did you witness any other cases of water cure?
A. No, sir.
Q. These were the only cases that you saw?
A. Yes, sir.
Q. Did the natives confess that O'Hearn was burned before he was murdered?
A. They confessed—perhaps I had better tell you the story of his capture and everything.
Q. Yes; tell the whole story.
A. O'Hearn, in company with two other soldiers from our company, was sent to Iloilo after the mail, I think, and when they arrived back within about five or six miles of the company, or where the company was stationed, they were ambushed by about 100 insurgents, and two of them were captured. O'Hearn made a break to get away. This was on June 30, 1900. He made a break to get to the quarters, or at least we thought he did, and fell in, as we supposed, with friendly natives. They captured him, and on the next day, July 1, he was tied to a tree at 7 o'clock in the morning, and was tortured by cutting with bolos and by slow fire until 5 o'clock at night. So the natives confessed.
Q. The natives confessed to that?
A. Yes, sir.
Q. When they applied the water cure to these natives in order to get their confession, did you know that he had been tortured before being killed?
A. No, sir; we did not know anything about it. The confession was gotten from the natives by means of the water cure.
Q. But did they ask them whether he was burned or whether he was murdered?
A. They asked him through the interpreter how they killed him.
Q. And they confessed to the statement which you have just made?
A. Yes, sir.
Q. These men were subjected to the water cure in order to extort this confession. Did they die under the water cure?
A. No, sir.
Q. Were any of them executed subsequently for it?
A. Before given the water cure?
Q. I mean after they confessed, were any of them taken out and shot?
A. No, sir.
Q. They were simply confined in prison?
A. Yes, sir.
Q. What was the general attitude of the soldiers toward the natives? I mean toward the friendly natives among whom you lived. How did they treat them in ordinary life?
A. They treated them very well if they thought they were friends.

Senator PATTERSON. When I use the word torture I mean the water cure. Did they commence the torture of this man, the first man, for some definite purpose?
A. I don't know.

The CHAIRMAN. You have testified you were not present at the torture of the first man?

The WITNESS. Yes, sir.

By Senator PATTERSON:

Q. Do you know whether this man denied any knowledge of the missing soldier before they applied the water torture to him?
A. I could not say, sir.
Q. Were you present when the water torture was applied to the other twelve?
A. I was present in most cases.
Q. Do you know whether, before it was applied, they had denied any knowledge of the affair?
A. I think they did deny it.
Q. Were they given to understand what they were to confess to to avoid the water torture?
A. Yes, sir.
Q. What was it they were given to understand they were to confess to?
A. They were given the water cure and then asked questions through this interpreter what they knew about the killing of O'Hearn.
Q. They could not very well have known that they were charged with participating in the killing of O'Hearn unless they were told so, could they?
A. I don't see how they could.
Q. If they had not denied having knowledge of the killing of O'Hearn, they would not have applied the water torture, would they?
A. They applied the water cure to see what they did know about it.
Q. And if they had not denied knowing anything about it, would they have applied the water torture?
A. No, sir.
Q. If they had persisted in knowing nothing about the killing of O'Hearn, do you know how many times the water torture would have been applied?
A. I do not.
Q. They were relieved from further torture when they stated that they knew about the killing of O'Hearn; is that when they were relieved from the water torture?
A. Yes, sir.
Q. The means of identification, as stated before, was simply the loss of a tooth, a missing tooth?
A. The loss of a tooth and what the natives told, that they confessed where they buried him.
Q. I understand that; but independent of what the natives said, it was simply the loss of a tooth?
A. Yes, sir.
Q. These natives that underwent this torture were kept in the prison about five or six months?
A. Before they were given the water cure?
Q. No; after they were given the water cure.
A. I could not state exactly the time; I should say from three to seven or eight months.
Q. Were they ever brought to trial?
A. I do not think they were, sir.
Q. There was never any court-martial over the affair at all that you have any knowledge of?
A. There were some officers came up from headquarters, from Iloilo, and they had a hearing over at the officers' quarters at one time.
Q. Had a what?
A. Had a hearing about it.
Q. When was that?
A. I could not state the time; it was some time after the water cure was given to them.
Q. Then, what did you mean when, in response to a question, you said these Filipinos had never been brought to a trial?
A. They never had, to my knowledge.
Q. You say, then, the Filipinos were never brought to a trial, but you say something of some officers coming up from Iloilo and some proceedings. What was that?
A. I could not say. It was reported that it was something with reference to these prisoners.
Q. Simply the officers by themselves?
A. Yes, sir.
Q. Do you know why it was, if these natives confessed to the killing and the torture of O'Hearn, and the officers of the company or the regiment believed they had the correct men, that they were not tried and executed for the murder?
A. I could not say.

By Senator CULBERSON:

Q. You have testified, I believe, that five or six of these men were killed in attempting to escape?
A. Yes, sir.
Q. Do you know whether or not their effort to escape was encouraged by the American officers and soldiers?
A. I do not know, sir.
Q. What I wanted to find out was whether it was a bona fide effort on their part to escape, or whether they were ever encouraged to make the effort for the purpose of affording an opportunity to shoot them. How was that?
A. All that I know is that it was reported that they were killed while trying to escape.

By Senator BURROWS:

Q. I am not clear in my own mind about one thing. You said there were 12 of these men placed in the guardhouse after the water cure had been administered to them?
A. Yes, sir.
Q. Do you know of your own knowledge—not from hearsay, but from your own knowledge—what became of them?
A. I saw four of them after they had been shot by the sentries while trying to escape.
Q. You saw four bodies out of the twelve after they had been shot?
A. Yes, sir.
Q. They were shot while attempting to escape?
A. Yes, sir.
Q. What do you know about the others, of your own knowledge?
A. I did not see the other men.
Q. There were eight others?
A. Some of them escaped, and I think there was one more shot.
Q. Of the eight some of them escaped, and you think one more was shot. Did you see the shooting?
A. No, sir.
Q. Then what makes you think one man was shot aside from the four. Did you so understand it?
A. I saw them when they were taken down to the river and heard the reports, and they came back and the sentries said they shot this man.
Q. Why did they shoot him?
A. He attempted to escape.
Q. So the five, while attempting to escape while under guard, were shot?
A. Yes, sir.
Q. And you saw the bodies of four?
A. Yes, sir.
Q. What became of the other seven—were they released?
A. I think the rest of them got away, with the exception of one, and I think he was released.
Q. One released and the balance escaped?
A. Yes, sir.

Senator DUBOIS. One released and five shot and six escaped?

Senator BURROWS. Yes; that is as he states it.

[Proceedings, Senate Committee on Philippines, pp. 2060 to 2069.]

TESTIMONY OF D. J. EVANS.

(Sworn by the chairman.)

By the CHAIRMAN:

Q. Give your full name.
A. Daniel J. Evans.
Q. And you have been in the Army?
A. Six years.
Q. In the regulars?
A. Yes, sir.

Q. In what regiment?
A. My first enlistment was in the First Cavalry, for three years; my second enlistment, two years and seven months in the Twelfth Infantry, and transferred to the artillery stationed at Honolulu.
Q. Are you a resident of Kansas?
A. Yes, sir.
Q. Concordia, Kans., I believe?
A. Yes, sir.
Q. Were you born in Canada?
A. Yes, sir.
Q. And Concordia is your home?
A. Yes, sir.
Q. And did you serve in the Philippines?
A. Yes, sir; for two years.
Q. From when; when did you go there?
A. I got there in April, 1899, and left about the 1st of February, 1901.
Q. Where did you serve during that time; what part of the islands?
A. The island of Luzon.
Q. What was your rank?
A. Private, at the time of enlistment.
Q. And your rank at the time of your discharge?
A. Corporal.
Q. You received an honorable discharge, did you?
A. Yes, sir.
Q. The committee would like to hear from you in regard to the conduct of the war, and whether you were the witness of any cruelties inflicted upon the natives in the Philippine Islands; and if so, under what circumstances.
A. The case I had reference to was where they gave the water cure to a native in the Ilicano Province at Ilocos Norte.
Q. That is in the extreme northern part of Luzon?
A. Yes, sir. There were two native scouts that were with the American forces. They went out and brought in a couple of insurgents. They were known to be insurgents by their own confession, and, besides that, they had the mark that most insurgents in that part of the country carry; it is a little brand on the left breast, generally inflicted with a nail or head of a cartridge, heated. They tried to find out from this native——
Q. What kind of a brand did you say it was?
A. A small brand put on with a nail head or cartridge.
Senator BEVERIDGE. A scar on the flesh?
The WITNESS. Yes, sir.
They tried to get him to tell where the rest of the insurgents were at that time. We knew about where they were, but we did not know how to get at them. They were in the hills, and it happened that there was only one path that could get to them, and we did not get to them that time. They refused to tell this one path and they commenced this so-called "water cure." The first thing one of the Americans—I mean one of the scouts for the Americans—grabbed one of the men by the head and jerked his head back, and then they took a tomato can and poured water down his throat until he could hold no more, and during this time one of the natives had a rattan whip, about as large as my finger, and he struck him on the face and on the bare back, and every time they would strike him it would raise a large welt, and some blood would come. And when this native could hold no more water, then they forced a gag into his mouth; they stood him up and tied his hands behind him; they stood him up against a post and fastened him so he could not move. Then one man, an American soldier, who was over 6 feet tall, and who was very strong, too, struck this native in the pit of the stomach as hard as he could strike him, just as rapidly as he could. It seemed as if he didn't get tired of striking him.

By Senator ALLISON:

Q. With his hand?
A. With his clenched fist. He struck him right in the pit of the stomach, and it made the native very sick. They kept that operation up for quite a time, and finally I thought the fellow was about to die, but I don't believe he was as bad as that, because finally he told them he would tell, and from that on he was taken away, and I saw no more of him.
Q. Did he tell?
A. I believe he did, because I didn't hear of any more water cure inflicted on him.

By Senator RAWLINS:

Q. How many were present then?
A. This was an expedition. There were thirty, I think, of our company. We were not at our station at that time; we were on a little expedition down south, and I should think out of the thirty—I should judge that there were about fifteen of our men present, maybe twenty; and out of G Company, of our own regiment, that is the town they were stationed at—there were a greater number of them present.
Q. How many American soldiers altogether were there present?
A. I can safely say there were 50.
Q. Who was in command of them?
A. Capt. Robert K. Evans.
Q. Was he present at the time the water cure was inflicted?
A. He did not see it; no, sir.
Q. What, if any, officer was present?
A. This is a subject that I have debated on, and I can not arrive at a conclusion. It was either Lieutenant Drum or Lieutenant Aloe; and I prefer to think it was Lieutenant Aloe, for the simple reason that our lieutenants were transferred about that time. Lieutenant Drum was promoted from second lieutenant to first lieutenant and transferred to the Twenty-fourth Infantry, and about that time we got Lieutenant Aloe; and which of those two was on that expedition I can not say for certain.
Q. Where was the commander? How far distant from where this business was performed?
A. The captain in charge?
Q. Yes.
A. He was not over 200 yards away.
Senator BURROWS. Captain Evans, you mean?
The WITNESS. Yes, sir.

By Senator RAWLINS:

Q. Was there any effort to conceal it?
A. Not in the least.
Q. Was it a matter of common knowledge?
A. Yes, sir; it has been the talk of almost the whole Army. They do not try to conceal it.
Q. How long has that been the case?
A. Well, it has been practiced, to my knowledge, from along in July, 1900, until the time I left the islands; and, of course, after that time I know nothing about it. I left the islands about February, 1901.
Q. When did this particular case occur?
A. It was about the month of August, 1900. I have not the dates accurate, but it was about that time.

By the Chairman:

Q. Did you witness any other cases?
A. No, sir; I could have witnessed others, but I did not.
Q. Was this man taken by the native scouts?
A. Yes, sir; he was taken by a couple of native scouts.
Senator ALLISON. What do you mean by native scouts?
The WITNESS. They were scouts—they reconnoitered through the country and gained information for the American soldiers.

By Senator BURROWS:

Q. I wanted to ask you if at the time of the administration of this water cure any United States officer was in command of the squad?
A. There was an officer present at the time that this water cure was given, and, as I have said, it was about the time that our lieutenants were transferred, and I would not be positive which it was.
Q. Will you give the name of the lieutenant that you think it was?
A. I think it was Lieutenant Aloe,
Q. Of what company and of what regiment?
A. At the time he was first lieutenant of E Company, Twelfth Infantry.
Q. Was this water cure administered by his directions?
A. I do not know that it was.
Q. Do you know that it was done at the command of any officer?
A. I do not.

By Senator ALLISON:

Q. You spoke of this large man that was using his fist on a prisoner?
A. Yes, sir.
Q. How many times do you suppose he used his fist in that way?
A. I think it would be safe to say that he struck him at least forty times right in the pit of the stomach.
Senator CARMACK. What was that; I did not understand it?
Senator BURROWS. That this man who had been filled with water was hit by a big, strong man; that a strong, large fellow came up and struck him in the pit of the stomach.

By Senator BURROWS:

Q. Did he each time during the infliction of these blows go back and run to get force in his blows?
A. I do not believe I said he ran; he would step back and then strike.
Q. And apparently with great force?
A. Yes; harder than I could strike.
Q. And what officer was present when that was being done?
A. As I said, I believe it was Lieutenant Aloe.
Q. Where is Lieutenant Aloe?
A. I do not know, sir. He was put on staff duty after I left the regiment, and from there I do not know where he went.
The CHAIRMAN. What man was it you said did the striking?
The WITNESS. A man by the name of Frank Koehler.

By Senator BURROWS:

Q. Of what company?
A. The same as mine, the Twelfth Infantry.
Q. Do you know where he is now?
A. I was told he lived in Cincinnati.
Q. He has been discharged from the service, has he?
A. Yes, sir.
Q. Now give me his full name.
A. Frank Koehler.
Q. Spell it.
A. F-r-a-n-k K-o-e-h-l-e-r.
Q. And you think he is in Cincinnati?
A. I think he is.
The CHAIRMAN. Was he a sergeant?
The WITNESS. No, sir; he was a private.

By Senator ALLISON:

Q. This was done under the direction of these native scouts, or who did this work; was it part of the American soldiery, or was it simply these scouts?
A. It was part of each; it was this man Koehler and two native scouts.
Q. They were the ones that did the business?
A. Yes, sir.

By Senator RAWLINS:

Q. Was there any effort on the part of any officer there to prevent this being done?
A. No, sir; none that I saw.
Q. You say it must have been ordered by some officers. Why did you say so?
A. I believe the question was asked me if it was ordered, and I said I did not know.
Q. But you started to say it must have been. Those men that were there were under command of officers, were they not?
A. Yes, sir.
Q. And officers were present?
A. I think it was this Lieutenant Aloe that was present, as I stated before.

By Senator BURROWS:

Q. But the two scouts and this large man were the only ones that participated in the infliction of this water cure?
A. Yes, sir.

By Senator RAWLINS:

Q. You stated you saw natives coming out of the hills with little white flags of truce. What did they do with them?
A. We never molested them. We let them go about their business. On returning we would find them coming back.
Senator RAWLINS. Certain towns were burned?
The WITNESS. Yes; some barrios.
Q. How many towns were burned, if you remember?
A. I know of about five myself being burned.
Q. How large were those towns?
A. They would be what we call barrios, villages.
Q. About how many inhabitants did they contain?
A. I could not make much of an estimate on the inhabitants; there were a great many natives lived in one house, and so it would be a guess to try to tell how many there were altogether.
Q. About how many would be in a house?
A. I have seen as high as 24 in one small house.
Q. When these villages were burned, what became of the inhabitants?
A. They would go out and hide for a while, and then, I suppose, build another one.
Senator ALLISON. What was the character of these houses?
The WITNESS. Bamboo.

[Proceedings Senate Committee on Philippines, pp. 2236 to 2242.]

TESTIMONY OF MR. RICHARD V. HUGHES.

(Sworn by the Chairman.)

By the CHAIRMAN:

Q. You live in Philadelphia, I believe?
A. Yes, sir.

Q. That is your home?
A. That is my home.
Q. And you have been in the Army?
A. Yes, sir; for three years.
Q. In one of the volunteer regiments?
A. In the Regular Army.
Q. In what capacity?
A. I was a private at enlistment and a sergeant on discharge.
Q. In what regiment did you serve?
A. In Company H, Eighth Infantry.
Q. Have you served in the Philippine Islands?
A. Yes, sir.
Q. How long were you there?
A. I was there from October, 1900, until October, 1901.
Q. About a year?
A. About a year.
Q. Where else did you serve?
A. In Cuba, from December, 1898, until July, 1900.

By Senator CARMACK:

Q. What is your business now?
A. I am a representative of a life-insurance company.
Q. I do not remember very clearly what I read in regard to your statement, Mr. Hughes. While you were in the Philippines, did you observe any application of what is known as the "water cure?"
A. Yes, sir; one occasion.
Q. (Continuing.) Or any excesses or brutalities in connection with it? Just relate the whole circumstances in your own way.
A. It was in September, I think it was the 26th of September, if I remember rightly, on a Thursday, 1901. We left Magdelena, in Laguna Province, with a detachment of Company H, under command of Lieutenant Merchant, to capture some rifles supposed to be in a cuartel about 6 miles distant, and also some insurrectos. We arrived there early in the morning and found the bird had flown, as generally was the case. Lieutenant Merchant seemed provoked that the insurrecto leader he hoped to find had gotten away and that we could get no information, and he had a private (Private Haler, who, I believe, resides in Pittsburg) strike this native and knock him down.
Q. Who was this, an insurrecto?
A. An insurrecto they captured at the barrio there.

By the CHAIRMAN:

Q. Who was he?
A. A native Filipino; whether he was an insurrecto or not I can not say He had no arms.
Q. He was knocked down?
A. Yes, sir; by this Private Haler, under orders of Lieutenant Merchant. He then could not give any further information in regard to the wherabouts of this insurrecto leader, and he was knocked down the second time, and after that Lieutenant Merchant saw he could not get any information from him, and he proceeded to the cuartel, which is about ten minutes' walk farther. The guide we took with us from Magdelena told us we would find the arms and the soldiers in that place. As was usually the case, when we got there they had also gone. Lieutenant Merchant was under the impression that this guide was prevaricating, and he lectured him and had him whipped with a branch of a tree. He was whipped by two natives which we took from the post at Magdelena. He also had the water cure administered to him.

As I have said, that case of water cure was the only one I ever witnessed, and, to my mind, while those people are very barbarous, and savage to a certain extent, I do not think we ought to resort to that ourselves. But the statement made in the Philadelphia Times is a little in error, inasmuch as it said that I had said they stripped the native, which was not true; the reporter got that a little wrong. They simply had him remain on the ground—in fact, made him sit down—and they pushed him back and forced this water down his mouth, keeping his mouth open with a stick. He was allowed to get up again, but he could not give any further information. This was the place the insurrectos were at the time, where he was leading Lieutenant Merchant, and Lieutenant Merchant had him whipped again by this native guide, and also had some more water poured down his mouth, to such an extent that he was unable to walk; he was very weak. We remained there for about an hour to allow this man to recuperate, as it were. At that place, at that cuartel, there were three additional houses, occupied by some women, and one of the women was a cripple. On leaving there Lieutenant Merchant had these houses burned, and of course these women had to get out, and he left this cripple woman there without any house, and everything they had was burned.

Q. Was it your impression from what you saw in regard to this guide that he was acting honestly?
A. Yes, sir; he was caught by a detachment, I think a detachment from Company K, and brought into Magdalena, and he gave this information to Lieutenant Merchant, and, as I say, he was supposed to lead us out there to capture those people. He said they were there. He said that he had been there with them the day they were there, and he was sent out there to get some rice for them. On his way back again the detachment of Company K captured him and brought him to Magdalena, and then, as I have stated, we took him out there in order to capture these people; but we were unfortunate; we were unable to get them.

By Senator ALLISON:

Q. How much of a detachment was that?
A. About 35 men.
Q. Thirty-five men from your company?
A. Yes, sir.

By the CHAIRMAN:

Q. Did you see any other cases of water cure?
A. That was the only one I ever witnessed. I knew of several others from hearsay, but I never witnessed any others myself.
Q. What was the general character of the treatment of the natives by the soldiers?
A. In our command they did not treat them harshly at all. In that case they would whip the man, because he had no further information to give them, and you can very readily see that you can tell whether a man is telling the truth or not.

By Senator ALLISON:

Q. How much of a stick was this?
A. A whip about 3 feet long; a thin limb of a tree.
Q. What sort of a tree?
A. I could not tell you.
Q. Simply a switch, was it?
A. Yes, sir; a branch. It was enough to be applied by giving it the power of a man back of it.
Q. He felt it, you think?
A. Oh, yes; because he whimpered and his knees were bent.

By Senator CULBERSON:

Q. What was the character of the stick they knocked him down with?
A. They knocked him down with the man's fist; that is, Private Haler's; they did not knock him down with a stick.
Q. They knocked him down two different times, you said?
A. Yes, sir.
The CHAIRMAN. The man knocked down was not the same man that they hit with a switch?
The WITNESS. No, sir.
Senator CULBERSON. Was the man knocked down the same man they gave the water cure to?
The WITNESS. No, sir.
Senator CARMACK. No; it was a different man.
The WITNESS. He was a guide they administered the water cure to.

By Senator CULBERSON:

Q. You said you had not seen any other water cure administered, although you had heard of others. Did you see any other harsh treatment of Filipinos?
A. No; with the exception of utilizing prisoners to carry an officer's wife 7 miles over muddy roads.
Q. How is that?
A. They carried an officer's wife 7 miles—from Santa Cruz to Magdelena.
Q. How did the natives carry her?
A. A kind of a chair was constructed with bamboo poles, and relays of natives—I think 3 in front and 3 in the back—no, 12 altogether, 3 on each side.
Q. Constituting a sort of a pack team?
A. Somewhat of a pack team. He and Mrs. Merchant and his mother, I believe, came from Santa Cruz up to Magdelena, and they were carried up that way.
Q. How far is that?
A. About 7 miles; using the men, of course, to guard them; that is natural; and also using the native police and the soldiers to guard them from Santa Cruz to Magdelena.
Q. Did you witness any other incident in which the natives were used as pack horses?
A. No, sir; that is the only one.
Senator RAWLINS. Where is Santa Cruz?
The WITNESS. On the Pasig River, about 87 miles from Manila, in Laguna Province, in Southern Luzon.
Senator ALLISON. Was this a mountainous road?
The WITNESS. No, sir; it was rough, but not mountainous at all.

By Senator CULBERSON:

Q. You spoke of certain houses being burned there by order of Lieutenant Merchant?
A. Yes, sir.
Q. How many were burned?
A. Four, if I remember correctly.
Q. Were they the dwelling houses of the people, or what character of houses were they?
A. They were dwelling houses, bamboo shacks, as we called them, made out of bamboo. One of them was the cuartel in which these soldiers resided.
Q. I did not catch what you said about one of these native women. My recollection is that you said one of them was a cripple.
A. Yes; one of them was a cripple; she was unable to walk. It looked to me as if she was paralyzed. She was asleep in the shack at the time we entered the cuartel. We call them a cuartel—nothing but bamboo shacks. She was asleep, and Lieutenant Merchant ordered the houses burned, and ejected her from the house, leaving her to sleep on the ground.
Q. How was she taken out of the house?
A. There was another woman with her, and this other woman helped her down the bamboo steps, probably two or three steps from the ground. Those houses rest on bamboo sticks, 2 or 3 feet from the ground.
Q. She was able to walk, was she?—A. On her hands and knees; she navigated that way.
Q. Where was she left by Lieutenant Merchant?
A. On the ground, say 10 feet away from the house, after it was burned.
Q. Was there any furniture or contents of the house taken out before it was burned?
A. Cooking utensils, and they removed their bedding. It simply consists of a blanket or a light quilt, or perhaps a sheet sometimes. I do not remember exactly what it was, but I remember as to the kitchen utensils being removed—dippers and earthenware, and I think there was a bag of rice removed also. But there was not a house around there within, say, a mile and a half.
Senator RAWLINS. That is, the nearest house was about a mile and a half away?
The WITNESS. Yes, sir.

By Senator CULBERSON:

Q. What is the last you saw of this crippled woman?
A. She was in the bushes right back of the house, where it was burned down. We left her there and marched on.
Q. Who gave the order to burn the house?
A. Lieutenant Merchant.
Q. Who gave the order to administer the water cure?
A. Lieutenant Merchant.
Q. And where is he now?
A. I believe he is deceased; I understand so.
The CHAIRMAN. Did he die in the Philippines?
The WITNESS. I think so; I think he died of dysentery; I believe he was promoted to be captain of the Fifth Infantry.

By Senator CULBERSON:

Q. Do you know of any other houses or barrios or towns being burned by American soldiers?
A. Yes, sir.
Q. State all you saw.
A. I do not remember in what barrio it was; it was outside of Nacarlan; it was some time about the 21st or 22d of May. That was after the attack on Nacarlan, which happened on the 19th of May. That was under Captain Stamper.
Q. Where is he?
A. I believe he is now commissary of the Ninth Infantry.
Q. When was that?
A. That was on the 19th of May, 1901.
Senator ALLISON. What is a barrio?
The WITNESS. Two or three bamboo shacks set up together; may be in a radius of 200 or 300 yards. They call that a barrio.

By Senator CULBERSON:

Q. You said that barrio was burned?
A. Not the whole barrio; there were about three houses, as we passed along there, that were set fire to.
Q. By whose order?
A. By order of Captain Stamper.

Senator ALLISON. Where is he?
The WITNESS. In Santa Cruz, I believe; when I left there he was.

By Senator CULBERSON:

Q. Do you know of any other houses or barrios or town being burned?
A. That is all I have witnessed. I have heard of others being burned, but I have never seen them, and of course I can only say what I have seen.
Q. Did you pass any other barrios or towns or villages that had been burned?
A. Yes, sir; several from Santo Tomas to Magdalena. Who burnt them I can not say. They may have been burned by the insurrectos themselves, because they did that. As this guide said, the native there, the American troops would come to a barrio and take the natives into the guardhouse and keep them perhaps three months, and then let them go; and then the insurrectos would come along and gather them in, and if they did not go with the insurrectos they killed them; so the natives were between two fires.

By Senator RAWLINS:

Q. Was the American Army able to afford protection to those people who took the oath of allegiance or not?
A. Yes, sir; they were in Magdalena.
Q. But you say that they were frequently between two fires?
A. That was away out in the barrios. We could not give them protection away out there; it was absolutely impossible to do so.
Q. And those people suffered, as I understand you, both from the insurrectos and from the American forces?
A. That is, inasmuch as the Americans would gather in a whole barrio, they would probably have some information that they might not give, and they would go in and gather in a whole barrio and keep them two or three months and then let them go again, or if any information came in again that there were any insurrectos there they would repeat that.
Q. What do you mean by taking them in—making them prisoners?
A. Yes, sir; making them prisoners, and if they did not have any charge against them they would set them at liberty.

[Proceedings Senate Committee on Philippines, pp. 2243-2251.]

TESTIMONY OF ISADORE H. DUBE.

Sworn by the chairman.

By the CHAIRMAN:

Q. What is your name?
A. Isadore H. Dube.
Q. Where do you live?
A. In Watertown, Mass.
Q. Have you always lived there?
A. No, sir.
Q. When did you come there to live?
A. I came there in January to live.
Q. In January of this year?
A. January of 1902; yes, sir.
Q. Are you a native of Massachusetts?
A. Yes, sir.
Q. You have always lived in the State?
A. Yes, sir.
Q. You were in the Army?
A. Yes, sir.
Q. In what regiment?
A. Twenty-sixth Infantry, United States Volunteers.
Q. What was your rank?
A. Sergeant.
Q. And you have been in the Philippines?
A. Yes, sir.
Q. How long did you serve there?
A. I was in the Philippines as a soldier about sixteen or seventeen months, and I was in Manila on the metropolitan police force for four months.
Q. Have you witnessed any cases of water cure or other torture applied to Filipinos?
A. Yes, sir.
Q. Will you state to the committee what they were and the circumstances?
A. Am I compelled by the committee to give any of the names of the officers who administered the cure to natives?
Q. Certainly.
A. I was on guard. I don't remember the date nor the month. I was in command at Jaro, Panay, P. I., and some natives were confined in the guardhouse by order of Captain Glenn, who is now, I believe, a major. I think he was judge-advocate of the Department of the Visayas; and I was sent with this native—I don't remember the native's name—to bring him over to Lieutenant Congor's house, which was in that town. I did so. I brought the native over, and Lieutenant Congor and Captain Glenn and two or three privates of the Eighteenth Infantry administered the water cure to this native, I don't know for what cause; but the native appeared to me to be sort of a wealthy and intelligent native—he had some education. I do not think that was necessary; I do not know, of course, what the circumstances were.
Q. You do not know why it was administered?
A. I do not know why it was administered to him.
Q. Is that the only case you saw?
A. That is the only case of water cure.

By Senator CULBERSON:

Q. Did you see any other punishment inflicted on Filipinos besides the water cure?
A. Yes, sir.
Q. State what it was.
A. There was a native woman—I was in command of the guard, and there were about fourteen or fifteen male prisoners in a back room which we used as a cell, and a woman was ordered to be confined among those prisoners, a native woman, and I believe the post commander was Major Anderson, first lieutenant of cavalry. I asked the post commander where this woman was to be confined. He says, "Why, right in with the other prisoners." There was nothing but one room, and I believe she was kept in there for over three weeks. I believe this was by order of Major Glenn.
Q. I asked you to state any other character of punishment that was inflicted within your knowledge on any Filipino. Do you regard what you have stated as a punishment, the woman being confined there?
A. Yes, sir; I think that was a punishment that was uncalled for, totally uncalled for.

By the CHAIRMAN:

Q. Was it intended as a punishment?
A. It was a woman that was confined there and could have been confined elsewhere.
Q. Were you told it was done as a punishment?
A. No, sir. I do not see what else it could be.
Q. That is your inference, then?
A. Yes, sir.
Q. Was there any feeling between your regiment and the Eighteenth Infantry?
A. None at all, that I know of.
Q. They were very friendly, were they?
A. Very friendly, as any other regiment.

By Senator PATTERSON:

Q. What was the age of this woman?
A. Well, I don't know what her age was; I should judge about 40 years old.
Q. And what prisoners were they—native prisoners?
A. They were native prisoners, varying from 15 to 40 years of age.
Q. And you state she was confined with them for about three weeks?
A. Yes, sir.

By Senator CULBERSON:

Q. If this woman was submitted to any indignity by being placed in that confinement with the men you can state it, if you know of it?
A. No, I do not; only that this woman had to do her necessary duties of life right in there with the men. I also know of another case where some of the Eighteenth Infantry men—of course, the Eighteenth Infantry men in the post where I was were only men of Lieutenant Congor's mounted scouts, and I think that Lieutenant Congor had a roving commission, and they did practically anything they wanted to. * * *
Q. Can you state any other indignity, punishment, or cruelty inflicted on Filipinos by American soldiers or officers?
A. No, sir.
Q. Did you see any property of Filipinos destroyed?
A. Yes, sir.
Q. What character of property?
A. Houses.
Q. State to the committee now what you saw.
A. I don't know whether this was right or not; but I was on an expedition from the 1st day of January, 1900, for eight days, and we went through the island of Panay and several houses were burned, dwellings, and so forth, and I do not know whether it was necessary or not. Of course I was not in command.
Q. What was the character of the houses; were they dwellings?
A. They were bamboo houses, and a great quantity of rice was burned also.
Q. Were those houses the dwelling houses of the people?
A. Yes, sir.
Q. State if you saw any other burnings or destruction of property.
A. No, sir.

By Senator CULBERSON:

Q. Were you wounded while you were in the service?
A. No, sir.
Q. I believe you stated that you only saw the water cure administered once?
A. Yes, sir.
Q. Please state how they administered it, what the effect was, and all about it.
A. Captain Glenn ordered some men—three or four men of the Eighteenth Infantry—to give that man the water cure. I didn't know what the water cure was. They put cartridges across his mouth, and the native bit the soft part of the cartridges through; so they put a bar of iron across his mouth—I believe it was a little piece of gas pipe—and they poured water into him. There was a pail there and there was a hose. I don't know whether the hose was used or not, but the pail was used. They pressed on his stomach with their hands; and they got some information from him; I don't know what the information was.
Q. What effect did the water cure have on the native?
A. I didn't see him afterwards.
Q. What effect did it seem to have on him at the time?
A. He was a dark-complexioned native and he turned very white; he turned pale as though he was a picture of death.
Senator BEVERIDGE. As though he was sick at the stomach?
A. Yes, sir.
Senator CULBERSON. Were there any indications of pain; and if so, what were they?
The WITNESS. The native could not stand on his feet; they had to take him up.

By Senator PATTERSON:

Q. You speak of his biting the cartridge. What do you mean by that?
A. Have you ever seen a Krag-Jörgensen cartridge?
Senator PATTERSON. No.
A. (Continued.) There is a soft part to it where the powder is and the native squeezed through it with his teeth.
Q. And that allowed his jaws to close?
A. Yes, sir.

[Proceedings Senate Committee on Philippines, pp, 2251-2259.]

TESTIMONY OF JANUARIUS MANNING.

Sworn by the chairman.

By the CHAIRMAN:

Q. What is your name?
A. Januarius Manning.
Q. You are a resident of where?
A. Boston.
Q. Charlestown?
A. Yes, sir; Charlestown.
Q. Have you always lived there?
A. No, sir.
Q. You are a native of Massachusetts?
A. No, sir.
Q. When did you come to Boston?
A. I came to Boston in 1825.
Q. What State are you a native of?
A. I am a Canadian by birth.
Q. You were in the United States Army?
A. Yes, sir.
Q. In what regiment?
A. First in the Twentieth United States Infantry and afterwards in the Twenty-sixth Infantry Volunteers.
Q. You served in the Regular Army first?
A. Yes, sir.
Q. The full term of three years?
A. No, sir; first in the Spanish-American war.
Q. And then you enlisted in the Twenty-sixth Infantry?
A. Yes, sir.

Q. And what rank did you hold?
A. I was first sergeant during the Philippine campaign.
Q. How long were you in the Philippine Islands?
A. We got into Manila Bay on the 24th of October, 1899, and we left on the 8th of March, 1901.
Q. During that time of service what part of the Philippine Islands were you in?
A. In the island of Panay, province of Iloilo.
Q. In General Hughes's division?
A. Yes, sir.
Q. Were you a witness while you were there to any cruelty or torture of the natives, any application of the water cure?
A. Yes, sir; I saw the water cure.
Q. State when and where and under what circumstances.
A. The first time I saw it was on the 20th of August, 1900.
Q. Where?
A. In the town of Leon, Panay.
Q. You may state the circumstances, why it was administered, and to whom.
A. They were prisoners, captured for the murder of Private O'Hearn, belonging to Company I. They were captured the day before, and to get them to tell what they knew about the murder they had to give them the water cure.
Q. Who gave it to them?
A. Well, members of the company.
Q. Were you engaged in it?
A. Well, I was there. I didn't give it myself; I directed the men to do it.
Q. You directed men to do it; that is, you were a sergeant?
A. Yes, sir.
Q. And you directed the men under your command to administer the water cure? Did you receive any orders from anyone to do that?
A. Yes, sir; the commanding officer.
Q. Who was the commanding officer?
A. Captain Gregg.
Q. He ordered you to give the water cure to those natives; who ordered the men out?
A. He ordered the natives taken out, and he told me to go out and see that they were not abused; to see that they did not get too much.
Q. Did he order you to give them the water cure?
A. I would not swear to that.

By Senator CULBERSON:

Q. Did the captain understand what you were going to do with these people?
A. Yes, sir.
Q. How do you know he understood it?
A. Well, when I came down he had ordered the men out. I don't know what orders he had given, but he told me to go out; that they were going to give them the water cure, and to see that the men did not abuse the prisoners.

By Senator PATTERSON:

Q. Go on and describe it.
A. The men would be laid down and the water cure would be administered.
Q. How? Give us one instance, going through the particulars of some one instance that you have in mind.
A. Take any one of the men—take the leader, for instance—he was laid down on his back, held down; a few men would hold him and something would be put in his mouth to keep his mouth open, and the water would be poured in.
Q. What did they put in his mouth to keep it open, and how did they keep it there?
A. A stick, generally; a small stick would be put in his mouth to keep it open; a little piece of stick, so he could not close it up. Then the water would be poured down, and when he would breathe, of course he would have to take in the water.
Q. How much water would be poured down?
A. I don't know how much. Sometimes it would take a good deal before they would talk, and other times it would not take very much.
Q. Whom did you have there for them to talk to?
A. We had a native, a man that was an interpreter there, who spoke the Filipino language.
Q. Had the remains of the person that was supposed to be Private O'Hearn been found?
A. Yes, sir; the body was recovered on the 19th—the day before.
Q. What was the purpose of taking these men out to give them the water cure?
A. Those men were supposed to be the men who had murdered O'Hearn.
Q. And for what purpose was the water cure inflicted?
A. They were supposed to be the murderers, but we had no direct proof that they were the murderers; we only supposed they were at the time.
Q. And how did you suppose that the water cure would enlighten you on that subject?
A. When we brought them in and put them under oath, they knew nothing at all about it; but the ringleader, the day before, the time his body was recovered, admitted that he had helped to murder him, and he implicated ten or eleven more men.
Q. The ringleader had had the water cure applied to him the day before?
A. So I understand; I was not there.
Q. And then he gave the names of ten or eleven others?
A. Yes, sir.
Q. And you had the testimony of one man against ten or eleven others?
A. Yes, sir.
Q. That being the case, what did you proceed with these ten or eleven others for; what was the purpose?
A. We did not consider the testimony of one man, a self-confessed murderer, would be sufficient to convict the other men, and we wanted to get more evidence.
Q. How did you expect to get more evidence?
A. After the application of the water cure they did tell. They first told on the other men and afterwards they implicated themselves.
Q. How did the water cure get them to implicate themselves, that is what I want to know; how did that induce them to do it?
A. I don't know just what effect it would have on them, but they told.
Q. Was it supposed that the pain and suffering of the application would induce them to tell; was that the theory?
A. Well, I never studied it out; but it seemed to have that effect.
Senator BEVERIDGE. Or the fright?
The WITNESS. I don't know just what it was. They seemed to be pretty much afraid of it after one application.

By Senator PATTERSON:

Q. Did you give these men more than one application?
A. Some of them.
Q. How many?
A. Well, I remember three; there were three brothers.
Q. Why did you give them more than one application?
A. After we gave them some they would not tell on themselves or anyone else.
Q. They denied having any knowledge after the first time?
A. Yes, sir.
Q. And was it the next day you gave it to them again or the same day?
A. I believe it was two days afterwards.
Q. You gave it to them again two days afterwards?
A. Yes, sir.
Senator BEVERIDGE. But in the meantime they had been told on by others?
The WITNESS. Yes, sir.

By Senator PATTERSON:

Q. By the others that the water cure had been applied to?
A. Yes, sir.
Q. And when you applied it to them the second day they stated they had been connected with it?
A. Yes, sir.

By Senator DIETRICH:

Q. This Filipino who first confessed to the murder and torture of O'Hearn also gave the information where the bones could be found, did he not?
A. The first man that gave information was the presidente of the town of San Miguel. He gave the information to the Gordon Scouts; that was a detachment of mounted infantry from the Eighteenth. And then they telegraphed up to the captain to meet them out there the next day near this town. So the captain took a detachment out and they got O'Hearn's body—that is, they got the bones under the roots of a tree in a little hole, and took them in—and they took in, I guess, about somewhere between 15 and 20 prisoners from the barrio of Tauag.
Q. There never was any doubt in your mind, and, so far as you know, in the minds of other Americans present, but what these men that received the water cure were responsible and really did murder and burn O'Hearn, was there?
A. No, sir.

By Senator CULBERSON:

Q. Why were they not executed then?
A. Those men tried to escape before they were sent down to department headquarters. Two of them did escape, and, I believe, nine were shot in an attempt to escape.
Q. How long was it after they were arrested before they tried to escape?
A. I don't remember that. The first man that tried to escape was the ringleader.
Q. Was he killed?
A. Yes; he was killed.
Q. One witness testified the other day that they were in prison five or six months. How is that?
A. I don't think they were there that long.
Q. Well, how long were they in prison before they attempted to escape?
A. If I remember right, I don't think this ringleader was there more than four or five weeks, and the rest of them I don't think were there more than two or three months.
Q. None of them were ever tried, were they?
A. No, sir; none of them were tried.

By Senator RAWLINS:

Q. You mentioned that as the first case of seeing the water cure administered; what other cases do you remember about?
A. The first time I saw it was on that day. I think that was the 20th, and I think it was on the 22d we gave it to some more.

By Senator PATTERSON:

Q. You say the first information of the death of O'Hearn was given by the presidente of the town?
A. Yes, sir.
Q. Did he come in and voluntarily tell about it?
A. No, sir.
Q. How about that, then?
A. It was secured by Lieutenant Conger, who commanded those scouts.
Q. Was the water cure applied to the presidente?
A. I heard it was, but I don't know.
Q. How many of these prisoners did you say escaped?
A. Two escaped and nine were killed.
Q. Those are the men who were charged with the killing of O'Hearn and who had confessed under the pressure of the water cure?
A. And the other prisoners we had were released. We were holding those to send down to department headquarters.
Q. Which other prisoners do you refer to?
A. I think there were somewhere between 15 and 20 brought in the first day, and we only held 11 altogether.
Senator PATTERSON. Of the 11, 9 were killed, and what became of the other 2?
The WITNESS. They escaped; we never captured them again.

By Senator CULBERSON:

Q. Did you ever see any barrios or towns burned over there?
A. Yes, sir; I have seen barrios burned.
Q. Where and when? Tell the committee fully about it.
A. I can not remember the date. I saw most of them in the summer of 1900.
Q. State where it was and how many of them were burned.
A. Oh, I have seen a half dozen or so barrios burned.
Q. How many houses would that include; how many houses in each barrio?
A. Various sizes; from 15 to 30, generally.
Q. You have seen, then, as I understand you, a half dozen barrios burned, with 15 to 30 houses in each barrio?
A. Yes, sir.
Q. What was the character of the houses that were burned; were they dwelling houses or business houses?
A. Dwelling houses.
Q. What became of the people?
A. The women and children who occupied those houses—well, only one barrio, I believe, I saw occupied, and they got out; and the other barrios burned were barrios deserted, and they were supposed to be quarters for the insurgents. That is why they were destroyed. They were within the insurgent lines altogether, or what is supposed to be the insurgent lines. Then I saw a few barrios burned, or know of them being burned, that were burned by the natives themselves—that is, by those bands of ladrones or insurgents or whatever they were.
Q. Did the officers of your command generally know that the water cure was being administered when testimony was desired?

A. I don't know. That is, I have never seen any case of water cure given except the times I have stated, and the officers at that time knew it.
Q. Who was the commanding officer at that time?
A. Captain Gregg.
Q. Do you know whether he reported that to headquarters?
A. I don't know.
Q. You say the adjutant came there to look into it?
A. Yes, sir; Lieutenant Avery, acting adjutant at the time.
Q. Who commanded the Twenty-sixth?
A. At that time Major Anderson.
Q. What did the adjutant find out when he came there? Did he find out that the water cure had been administered to those Filipinos and that they had confessed to this murder?
A. I don't know whether he found out that the water cure had been given to them or not; but he seemed to be satisfied that they were the murderers.
Q. Satisfied from what; what satisfied him?
A. Talking to the men themselves. He brought an interpreter from Iloilo with him.
Q. You do not know whether the men and officers there advised him or informed him that the water cure had been administered or not?
A. No, sir; I do not know.

[Proceedings Senate Committee on Philippines, pp. 2284 to 2310.]

TESTIMONY OF WILLIAM J. GIBBS.

Sworn by the chairman.

By the CHAIRMAN:

Q. You live in Springfield?
A. Yes, sir.
Q. You have served in the Army?
A. Yes, sir.
Q. In what regiment?
A. Company C, Ninth Infantry.
Q. In the Regular Army?
A. Yes, sir; in the Regular Army.
Q. When were you discharged?
A. I was supposed to be discharged February 2 [referring to memorandum].
Q. Of this year?
A. Yes, sir.
Q. Did you receive an honorable discharge?
A. Yes, sir. [Referring to memorandum.] This is the 20th of March.
Q. You had served in the Philippine Islands?
A. Yes, sir.
Q. How long?
A. I served there about three years.
Q. Did you have service in Samar?
A. Yes, sir.
Q. Were you present at the massacre at Balangiga?
A. Yes, sir: I am one of the survivors.
Q. Well, the committee would be glad to hear any statement you have to make.
Senator BURROWS. Tell us the story in full, now.
The WITNESS. When we first left Manila to go to Balangiga, Samar, the captain was somewhat afraid to go to this place in the nighttime, so he waited until morning. After landing he called the officials together and told them he came there to establish peace and to keep out the surrounding bands of robbers.
Q. What was the captain's name?
A. Captain Connell. He told them he wanted them to be peaceable, and if they were not he was all ready and prepared to fight. Things went on in a way that was somewhat strange to a soldier; that is, the natives did not seem to associate with the soldiers the same as they did in the northern provinces, and the soldiers began to think there was something strange. Then the officer, Captain Connell, wanted to have things cleaned up around the town, and he went to work and issued a proclamation to have all of the natives appear the next morning and clean out the town. The natives appeared to be somewhat reluctant in regard to that. They turned out, but they did not work very hard, and then the next morning they refused to come at all. So he went to work and sent the men, each man to a shack, and forced them to come out, and had a guard placed over the men while they were working in the hot sun. He had two Sibley tents, and confined at one time as many as 90 of the natives in two Sibley tents.
Senator BEVERIDGE. What cleaning up did they do?
The WITNESS. Cleaning up the underbrush and the rubbish from under the shacks—under their own shacks as well as ours.

By Senator DUBOIS:

Q. Did he go out and get natives indiscriminately?
A. Yes, sir.
Q. He went out and got everybody and made them go to work?
A. Yes, sir.
Senator BEVERIDGE. Nobody that did not live in the town?
The WITNESS. No, sir. They put the 90 natives in the two Sibley tents, which only held about 16 soldiers; they could not lie down; they had to stand up. There was not room enough to lie down. They stayed there for two or three days. In the morning Captain Connell would line the natives up and would issue them bolos for the purpose of cutting down the underbrush. That is what they used.
The CHAIRMAN. Is it a different bolo from the fighting bolo?
The WITNESS. A different bolo from the fighting bolo, yes, sir; but that morning they used the working bolo in place of the fighting bolo; in case of emergency they used that.
Senator BURROWS. You mean lining up those that were in the Sibley tents.
The WITNESS. Yes, sir; and the sergeant was the one that issued bolos to them by order of the company commander, and then all the men went to their breakfast. There was no order to take their arms any place they went, unless they went——

By Senator HALE:

Q. They were our men?
A. Yes, sir.
Q. The troops?
A. Yes, sir. The troops were not ordered to take their arms unless they went 400 yards from camp. So they went to breakfast that morning without their arms, every man. There was one man left behind, who was unable to get up from his bed.
Q. Tell me the strength of the American forces that landed there.
A. Seventy-two.
Q. Go on.
A. While the men were at breakfast, defenseless, those natives were lying in wait with their bolos, standing up right alongside of us, 30 feet from us, waiting for us to get through our breakfast, so that they could be guarded by us at their work. Everything appeared to be all right, when all of a sudden the native chief of police, who was supposed to be managing the affairs of the natives, while at work, came over and started to pass some flattering remarks in regard to the food, etc., and all of a sudden he let out a yell, and when he did they spread out in all directions and cut the men down at the table and cut the guards down. Of course, I could not see exactly what was done. I was very close to my own quarters and I got up there just as quick as I could. I could just see things at a glance.

By the CHAIRMAN:

Q. Was there any apparent signal given to the natives?
A. No more than that yell. Some say that the bells were tolled, but I did not hear them. I did not hear anything but that yell.
Q. Did they attack all the quarters?
A. Yes, sir; all the quarters.

By Senator HALE:

Q. How many were there of the Filipinos?
A. There were about 75 that were in the Sibley tents, and the 90 that had been in the Sibley tents before had been let go. They were let go to their homes, and the chief of police the day previous brought those other 75 in, and they were put right in the Sibley tents. So in all there must have been about 150 right in the town of Balangiga, and on the outside there were more; how many more I do not know, but it seemed to me there were about 400.
Q. How many engaged in this attack that you describe at the breakfast?
A. They came from all sides, from the woods, from the Sibley tents, and from the shacks.
Q. Had all of these others, the 90 that had been sent off, been given these knives the same as the 75 that were lined up?
A. They all had them in their houses; they took them with them.
Q. You said the sergeant furnished them?
A. He did. There were so many in the shack, and he divided them among the natives.
Q. That had been done with the 90 before, as well as the 75 that morning?
A. Yes, sir; everybody was furnished with a bolo.
Senator BURROWS. To cut down this underbrush?
The WITNESS. Yes; and when the natives would go home they would take the bolos with them, because that was the only thing they had to use in gathering cocoanuts and to chop their wood and to work with.

By Senator HALE:

Q. How did you get away?
A. I was sitting there close to my quarters. We had a little table among ourselves, mostly noncommissioned officers of the quarters we were in, and we had a kind of a little mess of our own, and at the time this happened, of course, we were the farthest away from the natives, and I happened to be on guard, and I got up into our quarters quick and got a gun. I had my belt on, and as soon as I got the rifle, of course, I was pretty near safe then. But I was cut twice in doing so, before I reached the gun—going up the steps I was cut twice.
Senator RAWLINS. Where were you cut?
The WITNESS. In the cheek bone and in the ankle.
Q. You and other soldiers got into the quarters and there made a stand?
A. And there we made a stand; yes, sir. The shack was full of natives when we got in there, and they were hacking a couple of men up, and this Corporal Burke happened to get hold of a revolver, and he grabbed hold of one fellow and started to shoot him in the head, and as soon as they heard the firing they started to try to jump out of the window. I caught another fellow and got a gun away from him, and I shot him, and I shot two or three more, and that fixed that shack; and then we got on the outside and started to shoot the natives that were getting out of the orderly room.
Senator HALE. You say "we." How many of you were there then?
The WITNESS. About three of us—Private Clark, Corporal Burke, and myself.
Q. Were most of them killed at the table?
A. A majority were killed.
Q. Why didn't they get away?
A. They couldn't get away. There was a board for a seat and they had to stick their legs under the table, and in order to get up, they had a little difficulty. They tried to get up, and in some cases you could see where they got their knees halfway out; you could see where their knees were lodged.
Q. Did the force come up back of them?
A. They came back and front too. The natives that were lined up with their bolos in front of the Sibley tents came from the front, but the others came from the back kitchen, right from the woods.

By Senator PATTERSON:

Q. Is Balangiga a town or a village?
A. A village; yes, sir.
Q. About how many people were living there?
A. They say there were 2,000.
Q. How close was the camp pitched, your quarters, to the town?
A. Right in the town. We occupied the main building of the town, right in the center of the town, and the natives just surrounded us.
Q. Did the soldiers occupy the buildings, the main buildings?
A. They occupied the main buildings and three others.
Senator HALE. For quarters?
The WITNESS. For quarters, and the officers occupied the convent, or part of the convent.
The CHAIRMAN. What officers were killed?
The WITNESS. Captain Connell and Lieutenant Bumpus and Major Griswold, the surgeon.

By Senator PATTERSON:

Q. How many Sibley tents were there?
A. Two.
Q. When did Captain Connell commence this cleaning up of brush that you speak of?
A. Just as soon as he arrived there, or the next day.
Q. And when did he order out the first men, the first of the Filipinos?
A. He ordered them out the next day.
Q. And how many came the first day?
A. Well, about half; that was, perhaps, about 50 men. You see a great many of those men were so old they could not work. None were taken but the men who were able to work.
Q. There were about 50 men came out under the first order?
A. Yes, sir.
Q. And they did not appear to work very willingly?
A. No, sir.
Q. And then when did he send to their houses or shacks to get them out in greater numbers; how soon after the first day?
A. Two days afterwards.
Q. And how many came out or were brought out at that time?
A. Everybody was brought out that was able to work, every man. There were about 90.
Q. Old men and young men?
A. Yes, sir.
Q. What ages were included, would you think, as to the youngest and oldest?

A. The youngest was perhaps about 13.
Q. And the oldest?
A. And the oldest was about 45.
Q. You say the Sibley tents were large enough for about 16 men?
A. Yes, sir.
Q. But they had about 45 in each tent?
A. Yes, sir.
Senator HALE. What was the weather?
The WITNESS. The weather was damp, and of course it was the rainy season at that time and it was very unpleasant all right for the natives, and they started to complain about it. They even wanted a little matting to put on the inside of the tent, to keep them from the dampness, from the ground, but he would not allow that at all.

By Senator PATTERSON:

Q. So that was about 45 men in the tent, and under those conditions?
A. Yes, sir.
Q. And that continued for about four days? Then what occurred?
A. Well——

By Senator BURROWS:

Q. May I ask a question right there? I understood you to say that they were compelled to stand up. Did you mean to say that?
A. No, sir; I meant to say they could not lie down. They had to stand on their haunches.
Q. They could not lie down flat?
A. No, sir.

By Senator PATTERSON:

Q. That is the way they passed the night?
A. Yes, sir.
Q. Then did an interval occur before there was more of that work done?
A. The men were allowed to go home after that and appear in the morning, and they did so, although they worked reluctantly all the while; but still he didn't put them in Sibley tents. He allowed them to go home, and they came and worked all day, and then they planned this massacre, I suppose. The chief of the police came to the captain and says——
Q. I haven't come to that yet. Did they resume, after these four days you have spoken of, the putting of the men in the tents at night at any time before the massacre?
A. Yes, sir.
Q. When?
A. They resumed it after the men had come from the mountains—the other men, the men that belonged to some other village.
Q. And that was about how long after the first four days that they were kept as you have described?
A. I can not exactly say, but it was about a week before the massacre that those men were confined, those prisoners from the mountains—they were supposed to be—were confined in the Sibley tents.
Q. How many of these men about a week before the massacre were confined in the Sibley tents?
A. Seventy-five.
Q. For how many nights were they confined in the Sibley tents?
A. From that time, from about a week, up until the time of the massacre.
Q. Had they been confined in the Sibley tents the night before the morning of the massacre?
A. Yes, sir.
Q. There were about 75, then, of these men from the mountains confined in the Sibley tents for a week before the massacre occurred?
A. Yes, sir; I should say a week.
Q. Were they compelled to sleep and pass the night in the same way that the others had been compelled to?
A. Yes; just the same.
Q. What was the character of the weather then?
A. It was the rainy season all the time and it rained more or less during the day.
Q. What accommodations were given to the men in the tents at night?
A. The accommodations that was given to them were just the same as the ones that belonged to the town had had.
Q. I mean was there any matting given them?
A. No matting at all.
Q. (Continuing.) To protect them from the wet ground or anything of that kind?
A. No, sir.
Senator HALE. Was it an ordinary Sibley tent?
A. The ordinary Sibley tent; yes, sir.

By Senator PATTERSON:

Q. Of what age were these 75 men that you speak of?
A. I guess they ranged about the same.
Q. Now, had bolos been given to the first 90?
A. Yes, sir.
Q. They had taken those bolos to their homes?
A. Yes, sir.
Q. And additional bolos were given to these latter 75 men?
A. What was left, yes, sir, were given to the 75; they were all supplied.
Q. Did these men complain of their treatment?
A. Yes, sir.
Q. Did their complaint do any good?
A. They would only make complaints to the soldiers; they were afraid to make them to the officers.
Q. And the soldiers could not relieve them?
A. Some would sympathize with them and others just the opposite.
Q. How far was the place at which you went to breakfast from the buildings where the soldiers were quartered?
A. Some places were 30 feet and others 20 feet—that many yards, I should say.
Q. So the permanent quarters and your meal house, where you took your meals, were approximately together?
A. Yes, sir.
Q. Twenty-five or thirty feet apart?
A. Yes, sir.
Q. Were you one of the two men left on guard?
A. I was one of the men left on guard; yes, sir.
Q. And all of the company but the two men on guard were engaged in taking breakfast?
A. Yes, sir.
Q. Now, the 75 men who were engaged in doing this work were in ranks, you say?
A. In ranks; yes, sir.
Q. How did they come to be in ranks?
A. They were lined up just the same as the men would line up in the morning; just as the soldiers would line up in the morning.
Q. These were brought from the tents?
A. Brought from the tents and took their places in ranks, the same as soldiers.
Q. Were they engaged in doing anything at the time they were thus lined up in ranks?
A. No, sir; they had just finished their breakfast. Their breakfast was brought to them by the natives of the town.
Q. The natives in the town brought their breakfast to them?
A. Yes, sir.
Q. Is that the way they had been fed right along?
A. All the while; yes, sir. We didn't give them anything.
Q. What length of time were they required to work?
A. From 7 o'clock in the morning until 5 o'clock at night.
Q. When noontime came how did they get their noonday meal?
A. They would be brought in under guard to the Sibley tents, and they would line up in ranks there and the women would bring them food.
Q. And at night would they be marched under guard to the Sibley tents?
A. Yes, sir.
Q. And then were they guarded while they were in the Sibley tents?
A. Yes, sir.
Q. By armed soldiers?
A. Yes, sir.
Senator HALE. Did women bring them their suppers?
The WITNESS. Yes; they brought them the three meals each day.

By Senator PATTERSON:

Q. Had any American troops occupied this town before?
A. No, sir.
Q. You say that when they first went to a town that Captain Connell notified them that they came there for peaceful purposes, but if they were not peaceable then they were ready to fight?
A. Yes, sir.
Q. But the day after the company got there this treatment of the men of the village commenced?
A. Of the natives; yes, sir.
Q. And the Filipinos, commencing with the men in that way, did not seem to be friendly?
A. No, sir.
Q. Had you any opportunity before this method of treatment had been commenced to discover whether they would be friendly or not?
A. Well, they did not appear to be friendly from the very first time we landed there until we were massacred.
Q. You said yesterday that you had not seen the water cure administered, but you had seen the water brought in.
A. Yes, sir.
Q. What did you know that indicated, that the water cure was being administered to soldiers?
Senator BEVERIDGE. Do you speak of the water cure in Samar?
The WITNESS. Yes, sir.

By Senator PATTERSON:

Q. What did you know that made you come to the conclusion that it was being administered to the Filipinos?
A. I have seen the men brought down to the place where I know it was going to be administered.

By the CHAIRMAN:

Q. Was this at Balangiga?
A. No, sir; at Catbalogan.
Q. Before you went to Balangiga?
A. No; after the massacre.

By Senator PATTERSON:

Q. Go ahead.
A. Some of my comrades and myself have tried to peep in the windows and see what was going on. We could hear a good many things.
Q. What did you hear?
A. We heard moans from the men which I expect were getting the water cure, and then we could see a kind of a sickly expression on a man's face after coming out.
Q. Did you see them carrying in water?
A. Yes, sir.
Q. Before you heard the moans and before they came out?
A. Yes, sir.
Q. What do you know of the results?
A. One man died in Catbalogan.
Q. Who was that?
A. I don't know.
Q. How do you know he died?
A. I was on guard and heard he died. I was on guard the next day, and heard he died the day afterwards.
Q. Was it generally reported in your company that this man had died?
A. It was generally reported among the soldiers.
Q. Did you see the man which the report related to?
A. No, sir; but I saw his funeral.
Q. And it was generally understood that he died as the result of the water cure?
A. Yes, sir.
Q. How frequently did you see evidences of the administration of the water cure such as you have described, the carrying in of water, and things of that kind?
A. Three times.
Q. Was it commonly reported or understood that the administration of the water cure was usual or common?
A. Yes, sir.

By the CHAIRMAN:

Q. Who were the soldiers engaged in these cases of water cure that you believe were administered?
A. Usually the interpreters and the American scouts.
Q. Who were the American scouts?
A. Men that had been discharged from the service and reenlisted as American scouts.
Q. Were they regulars?
A. No, sir. They were regulars previous to their being scouts, or some of them were.
Q. Were some of them volunteers?
A. I believe so.
Q. Were any of the men in your regiment engaged in it?
A. I could not say.

By Senator PATTERSON:

Q. Were those men brought in to where your regiment was by these scouts?
A. Well, in Catbalogan I did not see any scouts. What I saw there was the interpreter, who was supposed to be the one administering the water cure——
Q. This was right within the lines, was it, where the officers and soldiers were?

A. This place in Catbalogan was right in the officers' quarters—in the rear of the officers' quarters.

Q. What was the character of the water they used for this purpose, and where did they get it?

A. Dirty water was preferable to the cleanest water.

Q. What do you mean by that?

A. They would go to the shore and take a tin pan and dish up sand with water, with the salt water, and if that could not be found they would get something else that was dirty.

Q. Did you hear the question discussed or talked about as to why they used any particular kind of water?

A. Simply to inflict a more severe punishment upon them. That was the reason they got the dirty water.

Q. And why they mixed sand with the water?

A. Yes, sir.

Q. Speaking of this woman who was assaulted, some statement was made——

The CHAIRMAN. Was alleged to have been assaulted.

Q. (Continuing.) Who said she was assaulted, something was said about lack of chasity among the women there. What, if anything, do you know of the chasity of the Filipino women, as you saw them?

A. Filipino women are very virtuous.

Q. How do you gather that, from general information or what?

A. General information and also what I have seen myself.

Q. Is there prostitution among them?

A. Yes, sir.

Q. Have you any knowledge as to how the chastity of the Filipino women, from your observation, knowledge, and conversation, compares with American towns and localities?

A. I think the Filipino women in the towns of the Philippines are more pure than they are in towns of the United States of the same population.

Q. Why do you say that?

A. Because they appear to be that way to me in the small towns.

RECORDS OF COURTS-MARTIAL IN THE PHILIPPINE ISLANDS.

[From the New York Evening Post, June 16.]

To the Editor of the Evening Post.

SIR: The records of courts-martial in the Philippines bring out two facts with terrible distinctness:

(1) The frequency of atrocious crimes against the persons of Filipino men and women by our soldiers; and

(2) The demoralization among the officers who have served on some of these tribunals, as evidenced in their findings and sentences.

Let me give a few examples from the official lists of hundreds of cases which have recently been printed by the Senate Committee on the Philippines:

Julius Arnold, a member of Company M, Twenty-fifth Infantry, was convicted of murdering a Filipino woman by shooting her with a pistol in January, 1900, and sentenced to imprisonment for life. The reviewing authority remarked that he should have been hanged.

Lieut. Bissell Thomas was convicted of using violence to native prisoners and striking one of them who lay helpless on the floor and was bleeding at the nose and mouth. Sentenced to be fined $300 and reprimanded. The reviewing authority said that the conduct of this officer could not be too much deplored nor too emphatically denounced. But he was retained, perforce, in the service. Who had real respect for the "uniform"—the members of the court-martial, who passed such an inadequate sentence, or the reviewing authority, who expressed his indignation at the cowardly and astrocious crime? According to Administration Senators, he should be arrested for "slandering the Army."

Capt. George Brandle and Lieut. Alvin S. Perkins were tried for torturing prisoners, "entitled to protection," by causing them to be hung by the neck with a rope for ten seconds, more or less, thus inflicting wounds and great bodily pain.

There is an old French phrase, "Stupid as a soldier," but it will scarcely be believed that the court-martial who tried these officers substituted for the words "great bodily pain," which were in the specifications, the words "mental anguish," and then found the accused guilty in each case, and sentenced them "to be reprimanded by the reviewing authority!" who fortunately happened to be General MacArthur. It did not seem to that gallant and distinguished officer that when helpless prisoners were strung up by the neck with a rope and left to hang with their whole weight for "ten seconds, more or less," they suffered only "mental anguish," and so, when he issued the reprimand, it bore as severely on the court-martial as on the convicted officers.

He told these military judges that the evidence before them required "a finding of guilty on each of the specifications as laid, without the exceptions and substitutions made by the court," and then he said to the convicted torturers that the assault they had committed was "not only criminal in itself under the laws of war, but in remote consequences well calculated to defeat a carefully considered policy and to inflict permanent injury upon essential interests of the nation."

"The purpose of the United States in these islands," said General MacArthur, "is to introduce and plant republican institutions, based upon the beneficent principles of the Constitution," and those cruelties (he said) had "inflicted incalculable injury upon the interests of the country," and "cast an unwarranted aspersion upon the reputation of the United States Army for sentiments of honor and humanity." But he could not set aside the sentences, and so these officers, like the other convicted assailant of helpless prisoners, were retained in the service, which they had all alike dishonored, as a result of the conspicuous moral or mental incapacity of the courts-martial that had tried them.

General Lawton said, in as many words, in reviewing the proceedings of another court-martial, that the members of it, by passing an entirely inadequate sentence upon convicted looters, had virtually made themselves participants in that abominable and unsoldierly crime.

Our people do not seem to realize what this demoralization means. No so-called anti-imperialist, in demanding that charges against our soldiers should be thoroughly examined and that the strictest discipline should be maintained, has asserted or suggested any such demoralization among the officers of our army in the Philippines as appears from these strictures made by General Lawton and General MacArthur, or in General Chaffee's comments on the acquittal of Waller and Day. What must General Chaffee have thought of the enormity of Major Waller's orders when he censured Lieutenant Day for not disobeying them?

Another commissioned officer was sentenced by one of these preposterous courts to be merely "reprimanded" for causing, without sufficient provocation, shots to be fired from a gunboat on "peaceable natives."

The reviewing authority indignantly declared that ignorance of general orders was no defense in such a case; that "the accused, having been convicted of offenses among the most serious and flagrant known to the rules and laws of war, should have been adjudged a sentence commensurate with his guilt, as established by the evidence." We have come, indeed, to an appalling pass in our subjugation of the Philippines—call it "plain duty," "benevolent assimilation," "providential mission," or any other or blasphemous phrase—when the military judges are in such sympathy with such crimes that they practically give immunity to the criminals, the commanding generals being our authority for this statement.

But the worst feature of the official list to which I have referred is the prevalence of crimes against the persons of women and mere children, and the growing inadequacy of the punishment, on conviction, since the late President commuted the sentences and spared the lives of so many of the convicted offenders.

Benjamin Stanley was convicted and sentenced to be hanged by court-martial for rape, committed in April, 1899, but the President commuted the sentence to twenty years' imprisonment at hard labor—which some other amiable statesman may some day shorten or terminate altogether on the petition of the prisoner's fellow-citizens.

Frank Miller was sentenced to be hanged for rape committed in October, 1899, and again the President deprived the gallows of its prey.

A few months later "Willie Wilson" was sentenced to death for murdering a native woman, and again the President took the properest kind of work out of the hangman's hands, and disheartened the courts-martial, who, it will be noticed, were proceeding bravely in maintaining discipline among the enlisted men.

In May, 1901, Charles Hose was convicted of rape and sentenced, not to be hanged, but to be imprisoned for thirty years, and the penalty was reduced—not by the President this time, but by the reviewing authority—to confinement at hard labor for five years.

In the same month Ernest A. O'Neil was convicted of rape and sentenced to imprisonment for thirty years, which was also reduced by the reviewing authority to confinement at hard labor for five years.

A few months later (July, 1901) James A. Darling was convicted of "felonious assault upon a native woman, with intent to commit rape," and was let off with twelve years' imprisonment, which was afterwards reduced to seven.

Den Wallace was convicted of shooting at two prisoners, not in his charge, with an intent to kill them, and was sentenced to imprisonment for one year.

John Janke was convicted of making insulting propositions to a native woman and trying to intimidate her, and was fined $60 (afterwards reduced to $40) and six months' imprisonment (afterwards reduced to four) and, worse than all, was retained in the service of the United States.

But for robbing natives of money and jewelry, in company with other soldiers of ours, Sylvanus Cobb was dishonorably discharged and sentenced to five years' imprisonment. He assisted, however, in the apprehension of his fellow-thieves, gave evidence against them at their trial, and his imprisonment was reduced to three months.

Roscoe F. Goodfrey "did assault a native woman 70 years old, July, 1901," and was fined $10, imprisoned one month, and retained in the military service of "this great and glorious Republic."

But Jeff Grisby forfeited his pay and allowances and was dishonorably discharged for "taking five chickens from a native by force, and giving for them $1 Mexican without his consent."

Henry Bruce was convicted of assaulting two natives "one a young girl," for which he was fined $20, imprisoned two months, and retained in the service of the United States. What do our patriotic editors and Christian ministers think of this "libel on the uniform."

Edward M. Boodie was convicted of the "murder of a native boy by shooting him with a pistol, November, 1900," and sentenced to imprisonment for life—following the President's commutation of Willie Wilson's sentence (supra).

James F. Caffrey, in the same month, was convicted of the same crime—"murder of a native boy"—and sentenced to the same punishment. In each of these cases the reviewing authority remarked that this was "a crime of peculiar atrocity that might be viewed with horror by the most debased savage."

For "assault and battery upon three natives, and firing revolver into house of native women, etc., June, 1900, John L. Souther was fined $80, and retained in the service without any other punishment. Of this the reviewing authority said: "Sentence inadequate."

John Allen, convicted of "murdering a native by shooting him with a carbine, January, 1901," was sentenced to twenty years' imprisonment. The reviewing authority makes the significant remark on the murder and the punishment in this case: "Due to lax conditions of discipline among the scouts; sentence inadequate."

Elmer W. Placy, convicted of "assaults upon native man and woman without provocation," was retained in the service of the United States and let off with a fine of $60 and six months' imprisonment.

William Harvey, convicted of "raping native woman, aged 60, throwing her to the floor, and bruising her, February, 1901," sentenced to ten years' imprisonment. This was "going" President McKinley ten years "better."

Frederick A. Washington, convicted of "entering a native's house and assaulting a native woman, March, 1902," was fined $20, imprisoned two months, and retained in the service.

Lieut. Preston Brown, charged with murdering "an unarmed, unresisting native Filipino, name unknown, a prisoner of war in his charge," convicted of manslaughter and sentenced to be dismissed from the service of the United States and confined at hard labor for five years, had his sentence commuted to a reduction of 50 files and one-half his pay for nine months, and he was thereupon released from arrest and restored to duty by Theodore Roosevelt, President of the United States. This officer's friends are, of course, trying to have his punishment entirely remitted.

Robert Porter, who was sentenced by court-martial to be hanged, and whose life was saved by President McKinley early in our work of "benevolent assimilation," had not only been convicted of rape, but also of committing an assault with a pistol upon a Filipino, and of breaking into another native's house, and escaping, after his arrest, from the guard.

William Scarborough, who was also saved from the gallows by President McKinley, had not only been convicted of rape, but of "entering the houses of peaceable Filipino residents and terrifying men and women and children by discharging his rifle into and around their houses."

George Danphoffer, whose life was saved by President McKinley, had not only been convicted of rape on a married woman in presence of her daughter, but of breaking into the houses of natives and robbing them on different occasions.

Peter McBennett, whom President McKinley saved from the gallows, was not only convicted of rape, but also of standing guard while two other soldiers broke into the store of a native at night and robbed him of his goods. He was also convicted of breaking into the house of another native at night and robbing him of money.

These horrible crimes are but a few of the hundreds that are tabulated in small type on pages 2073-2096, and continued more in detail on pages 2097-2118 of the printed record of the testimony now being taken by the Senate Committee on the Philippines.

Some of these official records of the outrages upon native women and mere children by our soldiers are too horrible to print.

In regard to one of the latest cases, in which Henry Croxton was convicted

of "making indecent proposals to a native woman and shooting and killing a native man who came to her assistance, at San Marcelino, P. I., November 16, 1901," the sentence (it surely must be misreported) was "three months and $30"—as to which the reviewing authority says, "finding of not guilty of murder disapproved." A murder for such a cause is terrible enough, but not nearly so terrible in its significance or consequences as the demoralization of the officers who could pass such an inadequate sentence. They might as well have murdered native men themselves for defending the persons of native women from the most horrible of outrages.

There are other cases which show that orders against looting are not sustained by public sentiment among the officers. (See p. 2117.)

I will mention but two cases more in which, while justice was done, the reports of such deliberate and devilish cruelty must inevitably have spread far and wide and fired many a Filipino heart (just as these earlier outrages on their women must have done) to take dire revenge whenever opportunity offered:

Harry Cline, who was employed as a teamster, "rode out into the country some 3 miles on a bicycle, where he saw four small native boys gathering grass. With no other apparent motive than natural depravity, he proceeded to shoot these boys with his revolver, severely wounding three and killing the fourth." He was hanged at Manila on the 20th of last September.

In regard to the murder of a Filipino woman, after an attempt upon her chastity, by Julius Arnold, a musician of the Twenty-fifth Infantry, who was sentenced to imprisonment for life, the reviewing authority remarked (p. 2114):

"The evidence set forth in the record shows that the accused murdered and killed a native woman at Magalang, P. I., January 15, 1900. The testimony fails to show any just excuse for his action, or anything that would serve as a basis for mitigation, although during the trial he was defended by able counsel.

"The murdered woman was a virtuous married woman, and after offering her the grossest insult that a man can offer a chaste woman, he killed her, and by his vile act left a nursing infant motherless, when his plain duty, as shown by the honorable uniform he wore, required him to protect his victim.

"In the opinion of the reviewing authority, the sentence should have been 'death,' and the court manifested undeserved leniency. Subject to the above remarks, the sentence is approved and will be duly executed."

These, as I have said, are but a few of hundreds of similar crimes committed by our soldiers in the Philippines, attested by the records of courts-martial, and in many cases so inadequately punished as to justify the strictures which we have cited from the reviewing authorities.

A long list of outrages of similar kinds, committed on a single occasion by the savage Macabebes whom we have armed against our Christian "subjects" in the Philippines, is printed on pages 1750-1765 of the same record, with the evidence and the report of the inspector-general (Major McKenna), who was ordered to make an investigation on the spot. Further reference to these atrocities would be justified by the comments made upon Major McKenna's report by Generals MacArthur and Wheaton, on account of the light they shed on the danger of employing such auxiliaries, and on the utter inadequacy of our own forces, and the real condition of affairs, from a military point of view, in the archipelago. But the purpose of this letter is to invite attention to the evidence furnished in the official records of courts-martial on the moral deterioration of our army in the Philippines. Knowledge of the disease in this case should be half the cure.

CRAMMOND KENNEDY.

WASHINGTON, D. C., *June 4.*

The Trusts and Corporations, in Addition to Plundering the People, are Debauching Politics, Controlling Party Machinery, through the Agency of Hired Political Emissaries, Controlling Legislation, Selecting the Judges of our Courts, and Undermining the Foundation of Public Order and Representative Government.

SPEECH

OF

HON. CHARLES F. COCHRAN,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

Friday, April 25, 1902.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 13895) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1903—

Mr. COCHRAN said:

Mr. CHAIRMAN: In many respects the discussion of the Cuban tariff bill was of advantage to the country. For instance, in the course of the debate the House and our constituents were positively assured over and over again that there exists in the United States at least one trust. I recall a number of very elaborate speeches that have been made in this Chamber since I became a member, which plainly indicated that eminent gentlemen on the other side of the House have heretofore doubted the existence of trusts—that is, combinations effected by the consolidation of, or an agreement between, rival factories and rival interests, having for their purpose the monopoly of the production and distribution and the control of the prices of commodities essential to the daily consumption of the country.

The gentlemen who made these speeches can remain in doubt on this subject no longer. Scores of statesmen have here confessed that the sugar trust exists. The chairman of the Ways and Means Committee [Mr. PAYNE] repeatedly referred to the sugar trust in a way so easy and natural that nobody who heard him doubts that he knows the trust is one of the tariff-fed industries so dear to Republican statesmanship. The gentleman from Ohio [Mr. GROSVENOR] referred to the sugar trust in his usual forcible way. So did the gentleman from Minnesota [Mr. TAWNEY] and the gentleman from Michigan [Mr. WM. ALDEN SMITH]. Indeed, without a single exception the Republicans who participated in that debate referred to the sugar trust as an existing institution. So at last it seems to be definitely understood by the members of this body—even by the Republican leaders—that there is at least one trust in the United States.

It was also asserted by the orators who took part in the discussion that this trust possesses great power. It was argued with much force—in fact, I think it was proven conclusively—that the trust has such a firm grip on the country that it has power to obviate the natural results of Congressional enactments. If so, it can snap its fingers at laws and lawmakers. It was said that reducing the tariff on raw sugar 20 per cent would not help the Cuban sugar planters or the consumers of the United States; that the trust would reduce the price of raw sugar pro tanto and would not reduce the price of refined sugar, and that thus it would rake into its coffers all the benefits of a statute devised for the benefit of the Cubans and the increase of our commerce with the island.

It was pointed out that the sugar trust, being the only buyer, had power to fix the price of raw sugar, and that it would do it, Congressional enactments or no Congressional enactments. It was said also that the consumer of sugar would receive no benefit from the law, because the sugar trust, if not the only producer of the finished product, holds such mastery of the finished product that it controls its price, absolutely, and that it would continue to fix the price. If this is true, then as long as the Dingley tariff props up the throne of the sugar kings, although lower tariffs may give it cheaper raw material, the trust will continue to plunder consumers.

Here, then, we have the admitted facts: There is a sugar trust. It monopolizes the production and distribution of an article of prime necessity, without which subsistence is practically impossible. Its mastery of the traffic is so absolute that it can override and overrule the natural effects of legislation. It can subvert the law of supply and demand, paying what it pleases for raw sugar and charging whatever it pleases for the refined product. And finally it seems to be equally well settled that the only way to get rid of the trust is to repeal the differetial tariff of 15 per cent on refined sugar and compel the trust to meet foreign competition.

So the sugar trust is the creature of protection. There is no longer any doubt about that.

Mr. Chairman, is it not undeniable that other monopolies, equally exacting and equally pernicious, control other industries with an equally masterful hand? Take, for instance, everything that enters into a farmer's fence—barbed wire and all kinds of fencing wire, nails, staples. The arbitrary advance in prices in recent years tells the whole story. Upon these products of another protected trust prices in the United States have been doubled. Meantime, in other parts of the world there has occurred no corresponding advance in prices.

The American farmer buys of a trust which fixes the output, fixes the price, and fixes the terms upon which fencing wire can be bought. The same is true of nails, lumber, salt, and all the great staple commodities. Every one of these monopolies is protected by the Dingley tariff, which effectually bars out foreign competition.

With the Dingley bill on the statute books all that is necessary is a combination between the American producers of a protected commodity and the consumer of trust-made goods is helpless.

Mr. HENRY C. SMITH. Will the gentleman yield for a question?

Mr. COCHRAN. Yes; certainly.

Mr. HENRY C. SMITH. Do you want to find a fence company that is outside of the trust and lives in defiance of it?

Mr. COCHRAN. I want to find a fence company that sells below the trust schedule, in competition with trust prices.

Mr. HENRY C. SMITH. Well, you come to Adrian, Mich., my home, and I will show you the Page Woven Wire Fence Company, which defied the trust, went down to Monessen, Pa., bought its own iron and coal and stands absolutely above and beyond the trust, and I invite you to come to Adrian, Mich., and to buy some fence not made by the trust. [Applause on the Republican side.]

Mr. COCHRAN. And I invite your attention to the fact that this very Adrian fence company is quoting prices a great deal higher than prevailed five years ago—trust prices—the prices charged by the trust.

Mr. HENRY C. SMITH. The gentleman is entirely mistaken.

Mr. COCHRAN. I am not mistaken, because I am the man that tried to buy the fence. [Laughter and applause.]

Mr. HENRY C. SMITH. One other question. We make some difference when we sell to a man on credit.

Mr. COCHRAN. That is about such an answer as I would expect from a Michigan beet-sugar statesman. Everything

manufactured of iron and steel in this country is now sold at prices arbitrarily fixed by monopoly, and these prices are enormously higher than the prices prevailing before the enactment of the Dingley law. I do not say that every factory in the United States is owned by the steel trust, but I do say that the trust dominates the price of steel and iron products; that instead of cheapening these products to the consumer it has advanced prices.

I suppose it will not be denied that we have also a railroad trust, a combination of railroads called by various names, but still it is a combination having for its purpose the prevention of competition. In this connection I direct the attention of the gentlemen on this floor and of the country to this anamolous condition. The Harriman-Hill-Morgan scheme of railroad consolidation was carried on with the greatest publicity. That lawlessness was thus tolerated shows all too plainly the sympathy of those high in authority for these gigantic schemes of our millionaire stockjobbers. Not the least impediment was placed in their way. With a Federal antitrust law on the statute books and antitrust laws in nearly all the States, with Presidents, Cabinet officials, Senators, Congressmen, governors, legislators, jurists, and public prosecutors eloquently inveighing against trusts, these gigantic, unlawful combinations have made no effort to conceal the time, place, and manner of their organization, nor have the men who formed them had the least fear that the public authorities would interfere. What means the supine indifference thus displayed by the servants of the people?

Mr. Chairman, the history of a single legislative enactment and of the attitude of the Congress toward a single tribunal instituted for the correction of these evils tells the whole story.

I refer to the interstate-commerce law, and the fact that by failure to amend it the Congress has allowed it to remain impotent for more than a decade. When the interstate-commerce law was passed, the people believed and had a right to believe that the Commission was clothed with certain plenary powers, and would exercise a potential influence in preventing abuses by the great common carriers of the country. The illusion was short lived, for promptly the Supreme Court of the United States declared that it had not the powers which seemingly had been conferred upon it by the statute.

Now, mark the history of this statute and the Interstate Commission from that day until this. Year after year in its annual report the Interstate Commerce Commission has called attention to its want of power, and requested amendments obviating the effect of this Supreme Court decision and clothing it with authority to perform the duties imposed by the statute creating it—authority which the Congress intended to confer at the time of its creation. Why has this law remained unamended throughout all these years? There never has been a day during all the years that have elapsed since the Interstate Commerce Commission was emasculated by the Supreme Court when, had you polled the individual members of the House of Representatives, each of them would not have said:

Yes; the interstate-commerce law needs amendment. The Interstate Commerce Commission is powerless. It can interpose no effective restraint upon corporations. It has no potent power to protect the people.

Strange, passing strange, is the fact that notwithstanding this unanimity, the law remains unamended!

Individually the people's representatives have for fourteen years been in favor of its amendment, yet collectively they have not acted.

Mr. Chairman, is there any relation between the fact that the general solicitor, the company lawyer at the county seat, and the lobbyists who look after politics and legislatures at State capitals are generally active in the manipulation of primaries and caucuses and conventions, and the failure of the American Congress to amend this law?

Where, if not in the activity of the salaried corporation politician, shall we seek an explanation of the power exercised by the corporations over legislatures and governments? In Republican States the corporation lobby is Republican. In Democratic States it is Democratic. Everywhere it seeks to prohibit and prevent remedial legislation, such as is needed to render useful the interstate-commerce law.

When in his prime and actively engaged in the management of his vast Western interests, Jay Gould was asked by a St. Louis reporter whether he was a Democrat or a Republican. His reply was:

In Iowa I am a Republican, in Missouri a Democrat, and everywhere I am for Jay Gould.

Like master, like man. It is hardly a mere coincidence that in Republican States our Jay Goulds have Republican representatives perched on the front seats among the Republican party managers, while in Democratic States the lobbyist is found prominent in the councils of the Democracy.

Is there any connection between these indisputable facts and the impunity with which the captains of industry engage in lawlessness?

When the party exchequer is depleted, and it becomes necessary to raise means with which to grease the political machinery, the hat is passed and the trusts contribute to Republicans and Democrats alike. In national politics the Republicans fare best, because they are in the saddle; but until 1896 and 1900, it is said that the minority was not wholly neglected. The national Republican organization is in the hands of the partisans, employees, managers, and owners of the trusts and combines. In the States the same influences train with the dominant party. They are "Republicans in Iowa, Democrats in Missouri."

Mr. Chairman, I have felt that somebody should speak the truth concerning this matter. The trusts, syndicates, and corporations are poisoning the very fountain head of good government by controlling the machinery of political parties, and I declare here and now that the American people may hope for no relief from lawmakers, cabinets, courts, or tribunals until there shall be created a public sentiment which will compel an eternal divorcement between the managers and committeemen of party organizations and the corporation lobby and professional corporation politicians.

Mr. Chairman, I know that ridicule is frequently resorted to in attempts to reply to observations such as I am making. Frequently skillful debaters have succeeded in thus silencing criticism of the methods introduced into party management by salaried agents of "the business interests." But the fact remains that as long as party primaries, mass meetings, caucuses, and conventions are manipulated by the corporation lobby we may expect the trusts to flourish and tribunals devised for their control and statutes enacted for their suppression to be ineffective.

A wonderful statesman appeared upon the horizon of American politics a year or two ago. He hailed from the great State of Indiana and promptly took upon himself the task of leading the propaganda in favor of the trust régime. In the Senate and at the capital of his State he has declared that trusts are good or bad as they are conducted on right or wrong lines. He forgot to mention a trust that has fallen into the former category or one that does not belong to the latter. His sentiments have been echoed on this floor. Others older than he, here and elsewhere throughout the country, and many of the great newspapers and magazines have taken up the same cry. A little later ethical objections to disturbing the monopolies will be heard.

The stocks and bonds of the great steel syndicate have all been placed on the market and sold. J. Pierpont Morgan and his associates have pocketed their profits and these stocks and bonds now form part of the assets of individuals and estates. Later the insurance companies and probably some of the savings banks will be loaded up. Then it will be said that these stocks and bonds are in the hands of innocent purchasers whose holdings are so large that to assail the trusts would be a shock to the business interests as well as the robbery of investors. And finally whoever dares to assail the trusts will be denounced as a crank and a demand for the suppression of the trusts will be denounced as an assault upon the financial structure at its very foundation.

If the process of railroad consolidation goes on until one or two companies hold the highways of the country and the diffusion of the corporation shares among thousands of holders, it will be easy to find arguments against interfering with a monopoly which will control absolutely the development and business of the continent. Every step in the direction of this monopoly is a violation of State and Federal laws and of the common law. Yet the stockjobbers go on, seemingly fearless of statutes, prosecutors, and courts.

I notice that the Louisville and Nashville, one of the great railroads of the country, has gone the way of the Burlington and the Great Northern and other Western properties that were merged in the first consolidation. It is stated that the Southern Railroad is to control it. The amazing statement is made that capitalists in London and in New York have organized a corporation to take over the ocean carrying traffic as well as that upon the land.

Mr. Chairman and gentlemen of the House of Representatives, again I inquire: Is there any relation between the fact that the great corporations are powerful helpers in politics and contributors to the campaign fund and the further fact that Presidents have reached the point where they choose Attorneys-General from legal representatives of the great combines and corporations and the district attorneys throughout the United States from the same source? Further, I challenge attention to the fact that upon the woolsack and wearing the ermine of the Federal judiciary are numerous ex-solicitors for corporations chosen from the same circle.

Now, one of two things is true. Either these men are placed in those positions because their education, environment, and sympathies are opposed to anticombination legislation or they are

placed there on account of their great capacity as lawyers and jurists. The country is wondering whether it is in order that their former employer may be exempt from the lash of the law or on account of the fact that they have demonstrated great capacity by their service in the private walks of life.

Taking the facts as they are, what do you think, gentlemen, at the bottom of your hearts, tends to induce these selections?

The Attorney-General has just now moved against the beef trust. He has just discovered the beef trust. He has just now discovered that traffic in the meat products of this country is monopolized by half a dozen men. This is a new discovery I suppose! Amazing discovery! How do you suppose he made it? I wonder if he suspects that other trusts, far worse, are levying exactions upon the people equally galling? I wonder whether he has ever even thought of proceeding against the billion-dollar steel trust?

Oh, no, Mr. Chairman. The prosecution of the beef trust, forced upon the Administration by a clamor growing out of temporary conditions, will degenerate into a farce.

And there is no danger that the other trusts—those having headquarters in Mr. Morgan's countingroom—will be seriously assailed.

I know that it is said that he who criticises the Federal judiciary is a disturber of the peace and an enemy of good order. Yet I state what everybody knows to be true when I charge, as I now do upon my responsibility as a representative of the people, that were a Federal judge to drop dead in the streets of Washington to-day before his widow had dried her tears the lobbyists and general solicitors of the corporations and syndicates would put their heads together, pick out his successor, and he would be appointed. Gentlemen, every one of you know that I speak the truth.

It sounds well to say we must respect the courts, but it seems to me that it is our duty to try to make the Federal courts respectable. It is easy to say that to criticise a judge of a court is to be an enemy of order, but the fact remains that the influence of special interests in politics, by controlling the selection of our judicial officers, is doing more to break down respect for the judiciary than all others combined.

I spoke a little while ago about the recent formation of great railroad combinations. I did not mean to convey the impression that this is the first railroad trust the country has known. Of course we had combinations before. How have these combinations been organized? Secretly? Have the great financiers sought to conceal the facts? By no means. Unlawful combinations affecting all the business interests and every locality and shipper in the country have been formed publicly, at meetings of the presidents, general managers, freight agents, and passenger agents of railroads, held with open doors in the parlors of the great hotels. Newspaper reporters have been invited to be present, and the people, as well as the Attorney-General, have had notice of it the next morning at the breakfast table.

The truculence of Presidents, Cabinets, judges, and public prosecutors under such circumstances has led the great millionaire lawbreakers to treat all statutes affecting them as void and of no effect. I see an interview is reported in one of the papers in which a great New York financier says that when the Hill-Harriman syndicate began operations the millionaires had no right to expect a law which by common consent had become obsolete—a dead letter upon the statute book—would be resurrected and enforced.

Mr. Chairman, he spoke the truth. Laws against monopoly have remained upon the statute books so long unheeded and unenforced that the mere suggestion that an effort is to be made to enforce them has the appearance of the resurrection of the dead.

Why is the law a dead letter on the statute book? Ah, gentlemen, when we recollect that corporation solicitors are charged with the duty of punishing corporation Presidents, we have no right to expect anything else.

Even more significant is the zeal with which laws useful to monopoly are enforced. Why, even the interstate-commerce law is not so bad after all. I call attention to the fact that after the Debs strike in Chicago half a dozen brakemen and baggagemen were arrested in proceedings under a section of this statute and sentenced to serve a considerable period of imprisonment for contempt of court. A law fitting the offense of the strikers was found in a law intended for the punishment of the managers of the railroads!

Furthermore, at the very time the attorneys of the railroad companies, with the authority of the district attorney, were prosecuting the brakemen for contempt, at one of the hotels in Chicago the general freight agents of the railroads were publicly making a compact to fix freight rates! If the judge on the bench and the district attorney had been as anxious to prevent a combination against the interests of the people as he was to punish the recalcitrant brakemen and baggagemen, possibly some law could have been found to prevent the freight agents from entering into an unlawful combination.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. COCHRAN. I would like ten minutes more.

Mr. LAMB. I will yield to the gentleman ten minutes.

Mr. COCHRAN. We are not left wholly in the dark as to the extent of the wrongs resulting from the abuses and lawlessness practiced by the managers of the great railroads. In Counselmen's case, involving the rebates granted to the great packers of Chicago by the railroads, an old-fashioned judge presided during the investigation by the grand jury. Books, documents, and other papers bearing on the rebates were desired as evidence against the persons accused, and the custodians of the papers appeared and interposed the plea that they did not desire to testify for fear they would criminate themselves.

Judge Griswold overruled this plea and compelled them to testify. It was discovered, without great difficulty, that in a single year rebates aggregating many thousands of dollars had been, in fact, allowed by a single corporation—the Nickel Plate Railroad, running from Chicago to Buffalo. The discoveries made in the course of this examination justified the belief, then expressed by the newspapers, that in the same year the aggregate sum of the rebates allowed to the same shippers by all the railroads reached up into millions.

Is it strange that we have no packing houses in small towns? Here is an explanation of the fact that this great industry is confined to four or five places in the United States. It is because the railroads will not, and do not, afford the same facilities for packers at competing points, and so competition is impossible. Here, gentlemen, is found the secret of the power of the beef trust.

Mr. Chairman, I have not discussed this subject from the standpoint of a partisan. It is a subject which demands the attention of patriotic men of all parties. In every county seat, in every judicial circuit, in every Congressional district, in every State in this Union the paid political agents of corporations have identified themselves with the managers of political party machinery, and are influential in proportion to the importance of the railroads they represent. In some parts of this country their opposition is fatal—everywhere their support is effective.

We should be honest with one another on this subject. There is not a Congressman here who does not know that I am speaking the truth. It is the power of the lobby in politics that has given to special interests supreme influence in the affairs of government. Is it any wonder that the public service is largely composed of colorless, timid, timeserving wards, or the hired political agents of these corporations? Who has not seen in legislative bodies, State and national, the colorless man against whom no direliction can be charged, yet who would shudder at the thought of antagonizing the political bosses who are paid by the corporations to superintend political caucuses and manipulate political committees?

The colorless statesman is in the majority in some localities. He is a very convenient kind of gentleman to have in State legislatures. He is respectable. He is known as a very conservative man. From the ranks of the colorless frequently come lawmakers, governors, and occasionally a President. Next to the colorless statesman, the favorite of the lobby is the impractical reformer, whose "gumption" is so limited that he could not do anything if he would—harmless and impotent, because incapable of effective work. And last, but not least, is the wriggling and squirming special agent of special interests, who at critical junctures throws off the disguise and espouses openly the cause of his masters.

I claim no exemption of my State or my party from the evils I have here denounced. I appeal to you as Americans, not as Democrats or Republicans, to say whether you are willing that this mastery of political machinery, this mastery of the destiny of the greatest Government the world ever knew, shall remain in unclean hands.

Parliamentary rules, binding although not enforcible, prohibit that I should specialize in my remarks; but I will say that we have witnessed in the august Senate of the United States during the last thirty years a gradual encroachment of a class dangerous to free institutions. It is notorious that in some of the States Senatorships are bought and sold just as the produce on the market place is bought and sold. What does it mean?

I do not charge responsibility upon the Republican party or upon any particular party. Is there anybody here who doubts the fact that one State in the Union is at this time unrepresented in the United States Senate because a bargain can not be struck for the purchase of a Senatorship in that State? Does anyone believe that the title to other Senatorships is clear from the brand of the dollar mark?

It is said that a source of danger to this country is the lower order of voters—the "rabble," as they are called. I challenge

attention to the fact that when enormous sums of money are expended in overthrowing the free expression of the public will through the medium of the ballot box it can not be done unless the enterprise of buying offices is capitalized somewhere in uppertendom; and here again the corporation manager makes his appearance as an enemy of good government and pure politics. The overgrown campaign fund is not the contribution of the slums. It is placed in the hands of political boodlers by the corporations. [Loud applause on the Democratic side.]

Mr. Chairman, I hope the time will come, and speedily, when the gentlemen on the other side of the Chamber will ponder more seriously upon the danger which menaces government and politics and look less complacently upon political management which relies chiefly upon the campaign fund contributed by the trusts and corporations who are in control of political party machinery in a majority of the States.

In addition to plundering the people, these vast combinations are debauching politics, controlling party caucuses and conventions through the agency of hired emissaries, dictating legislation through the evil influence of hired lobbyists, selecting the judges of our courts and undermining the foundations of public order and representative government. [Loud applause on the Democratic side.]

The Efficiency of the Militia.

SPEECH

OF

HON. WILLIAM L. STARK,

OF NEBRASKA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, June 30, 1902,

On the bill (H. R. 11654) to promote the efficiency of the militia, and for other purposes.

Mr. STARK said:

Mr. SPEAKER: Early in the session there were two bills introduced and referred to the Committee on Militia, both seeking to promote the efficiency of the militia. They were carefully considered, and on February 21, 1902, by instruction of the committee, Mr. DICK, the chairman, introduced this bill, and the other bills were laid on the table. This bill was further considered until March 20, 1902, when it was unanimously reported with amendments. A copy of the bill, together with the report thereon, was mailed to every governor, adjutant-general, and field officer of the organized militia throughout the States and Territories, and a request made for any suggestion that might be deemed proper in the premises. Copies were also furnished in great numbers to the press of the country, and invitation given to make comment.

In response to these invitations a large number of replies were received, and nearly all of them were commendatory. The practical question arises, How much appropriation does the bill carry? and responding thereto will say that the only money appropriated from the Treasury is in section 13, which provides for the Government paying the expense of exchanging the arms now in use by the militia for the standard service magazine arm, commonly called the Krag-Jörgensen, and is estimated at $10,500 for packing, cartage, and freight charges. Your committee is informed that the Government now has on hand about 300,000 magazine arms not in use, and it is submitted that it is preferable to have the arms in the hands of the militia rather than have them kept in stock in some supply depot of the United States. After this one exchange is made, any further requisition for arms will be charged against the State or Territorial allotment of the general militia appropriation, which is the annual appropriation of $1,000,000 made by section 1661, Revised Statutes, as amended.

This bill provides in several sections for charges against that appropriation which have not been heretofore authorized, but does not increase that amount at all. It authorizes an appropriation for the National Volunteer Reserve, whenever the Congress of the United States desires to make the same from the annual appropriation for the support of the Army, and, unlike the appropriation for the maintenance of the militia, must be acted upon at every session of Congress. The militia, under our form of government, is the military force of the State and may be called forth by an act of Congress, and in certain specified cases, by the President of the United States, to become a part of the military force of the nation. By reason of its dual obligation, it should be supported in part by the State and in part by the nation. The first direct aid by way of money appropriation furnished by the United States in support of the militia will be found in the act of April 23, 1808, which received the executive approval of Thomas Jefferson, then President of the United States. The provision was for $200,000 annually, and continued until February 12, 1887, when it was increased to $400,000 annually, and by the act of June 6, 1900, to $1,000,000. By the operation of the foregoing enactments the following sums have been appropriated:

Act of April 23, 1808, from 1808 to 1887	$15,800,000
Act of February 12, 1887, from 1888 to 1900	5,200,000
Act of June 6, 1900, from 1901 to 1902	2,000,000
Total	23,000,000

For a number of years the States have appropriated nearly $3,000,000 annually for the support of the militia, or about seven dollars to every one dollar appropriated by the United States, and since the act of June 6, 1900, nearly three dollars to every one dollar appropriated by the United States.

One of the most intelligent gentlemen who appeared before the committee was Col. Edward E. Britton, of New York, whose statement is as follows:

EXHIBIT A.

186 REMSEN STREET, BROOKLYN, N. Y., *May 16, 1902.*

Hon. WILLIAM L. STARK,
Committee on the Militia, House of Representatives, Washington, D. C.

MY DEAR SIR: In compliance with your request that I submit a statement of the comparative cost of maintenance of the organized militia by the States and the National Government, I beg to say that only approximate figures can be given, for the reason that the various State appropriations, which are known, are supplemented in many States by county and town allowances, the amount of which can not be accurately learned. However, I presume the following calculations are fairly illustrative.

For purposes of comparison I have grouped the 45 States geographically, have omitted Territories and the District of Columbia, and have used the figures of active militia and State appropriations for 1897, those being the latest accessible at the moment and have been little subsequently varied. These are combined with the present United States annual appropriation, increased under your bill of 1900 from $400,000 to $1,000,000, allotted to the States, etc., in proportion to Congressional representation.

Group of 10 Eastern States.—Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, and Delaware.

Group of 14 Southern States.—Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Kentucky, Tennessee, and Arkansas.

Group of 12 Middle Western States.—Ohio, Indiana, Illinois, Minnesota, Wisconsin, Michigan, Iowa, Missouri, Kansas, Nebraska, North Dakota, and South Dakota.

Group of 9 Western States.—Montana, Idaho, Wyoming, Colorado, Nevada, Utah, Washington, Oregon, and California.

	10 Eastern States.	14 Southern States.	12 Middle Western States.	9 Western States.	Total.
Organized militia, 1897	39,771	30,763	31,245	9,574	111,353
State appropriations, 1897	$1,454,400	$201,600	$776,000	$241,250	$2,673,250
United States appropriation	$259,000	$300,157	$333,377	$78,250	$970,784
Total appropriation	$1,713,400	$501,757	$1,109,377	$319,500	$3,644,034
State appropriation per head of organized militia	$36.56	$6.55	$24.83	$25.19	*$23.28
United States appropriation per head of organized militia	$6.46	$9.75	$10.66	$8.18	*$8.76
Total appropriation per head of organized militia	$43.02	$16.30	$35.49	$33.37	*$32.04
Population, census 1900	21,231,430	23,269,683	26,333,004	3,773,108	74,607,225
State appropriation per head of population	$0.068	$0.0086	$0.029	$0.064	$0.0424

*Average.

It will be noted that the appropriations of the States average per man $23.28, and of the United States $8.76, or slightly more than one-third of that of the States, the total appropriation per man being $32.04, which is less than 5 cents per head per annum of population defended. The cost of maintenance of the volunteer organizations of Great Britain was, prior to the South African war, $4,000,000 per annum—about 12 cents per head of population defended.

The figures show that in the group of 14 Southern States the State appropriations are less than one-quarter of the average State appropriations per head of organized militia in the other States, and that the allotment of the annual United States appropriations to these States is 50 per cent greater than the State appropriations. In the 10 Eastern States the States appropriate more than five times the amount of the United States allotment; in the 12 Middle Western States more than twice as much; in the 9 Western States more than three times. The small appropriations of the Southern States is accounted for by the circumstance that they have to provide homes and care for disabled ex-Confederate soldiers, widows, and children. While we may not sympathize with the "lost cause" as a cause, it would be unworthy the brave Southern men of this generation, who so gallantly rallied round the flag in the war with Spain and in the Philippines, if they did otherwise.

Outside of the Eastern States and a few others in which the men are transported, subsisted, and paid out of appropriations during camp and field service, there has been little, if any, of that most essential duty performed. Particularly in the Southern States, in the rare cases when field practice is had, the men have received no pay. Transportation and subsistence have been furnished by means of private and local subscriptions. All of this is provided for in the legislation under consideration.

I will take advantage of this opportunity to invite your attention to the following: The cost of the United States Army for the fiscal year ending June 30, 1897, was upward of $23,600,000, including only expenditures directly chargeable to maintenance of the military establishment, which was then

about 23,900 officers and men present for duty. That is at the rate of $1,000 per man per annum. On a peace basis the present increased establishment would cost about $700 per man per annum, so that 10,000 regulars cost yearly $7,000,000.

It is surely a fact that one-half that amount distributed annually among the States and properly applied, as it would be under the new proposed law, would make a very well-trained and efficient organized militia of 100,000 men, who would be in times of peace at least as valuable to the country as 10,000 regulars. These latter would in ten years cost $70,000,000. In that time, allowing 10 per cent per annum of discharges, the country would have 20,000 trained regulars. For half the money, allowing 20 per cent of discharges per annum from the organized militia, the country would have 300,000 trained militiamen, or for an equal expenditure, 600,000 trained militiamen. The above figures are based on the cost of maintenance of the best equipped, drilled, and instructed National Guard to be found in any State.

I thank you most heartily for your kind reference to my prize essay of the Military Service Institution of the United States, of 1899, on "In what way can the National Guard be modified so as to make it an effective reserve to the Regular Army in both war and peace?" As you say, I presume it is authoritative, the board of award having consisted of President Theodore Roosevelt, then governor of New York; Maj. Gen. Thomas H. Ruger, United States Army, and Maj. Gen. Joseph W. Plume, National Guard, New Jersey. It was especially gratifying as being the only gold medal ever awarded outside the Regular Army.

Permit me to congratulate your committee, with all my heart, on having brought out a bill which has met with the general approval of the Executive, the War Department, and the military authorities of 50 States and Territories. The country has awaited such a measure for one hundred and ten years. It has been left to your committee and to the Fifty-seventh Congress to fulfill the prophecy of President Washington in 1794: "The devising and establishing of a well-regulated militia would be a genuine source of legislative honor and a perfect title to public gratitude."

Very respectfully,

EDWARD E. BRITTON,
Chairman Executive Committee Interstate National Guard Association.

After a great deal of consideration by the committee as to some method that would more fairly divide the cost of maintenance of the militia force between the Government and the several States and Territories, it reached the conclusion that the States should have full and complete control of their militia force and a separate class of militia should be authorized to be maintained by the Government of the United States if Congress desired to make the necessary appropriation annually. The provisions in that behalf are in sections 23 and 24 of this bill. The Constitution provides for appropriations for the support of the Army and Navy. It further provides for organizing, arming, and disciplining the militia, thus authorizing an appropriation for the common defense. All that is undertaken by sections 23 and 24 of this bill is to provide who shall constitute the national volunteer reserve. They do not become a part of the standing army of the United States. All that could be done would be, under the direction of the Secretary of War, to provide for their organization, drill, inspection, instruction, and give authority in time of threatened war to call them out; and upon declaration of war by Congress to make them a part of the volunteer force of the United States.

The greatest care has been taken in framing this measure that there be no innovation on the rights of the States or the appointment of the officers for their organized militia. I affirm here and now that the States and Territories have every right under the provisions of this bill that they have heretofore enjoyed, together with additional privileges. Under the terms of the bill, before the militia can be called forth, the President must use the other forces at his command. The period of their service can not exceed nine months. Their pay shall commence from the day of their appearing at the place of company rendezvous. They shall be armed with a standard service magazine arm instead of with the Springfield rifle. Their officers may attend and pursue a regular course of study at any military school or college of the United States, and such officers shall receive from the annual appropriation for the support of the Army travel allowance, quarters, and $1 a day for "board and washing." They shall be made fit not only in the art of war but in military hygiene and sanitary regulations, so that when our boys are called to the colors they will have skilled commanders in time of conflict and experts to look after their health and welfare when in camp. As to the advantage to the enlisted man in having a Krag-Jörgensen rifle, I submit the following letter from Gen. George B. Davis:

EXHIBIT B.

WAR DEPARTMENT,
OFFICE OF THE JUDGE-ADVOCATE-GENERAL,
Washington, June 3, 1902.

MY DEAR MAJOR STARK: I have obtained from the Chief of Ordnance the data upon the subject of the magazine rifle now in use in the Army, with which it is proposed to supply the National Guard, and send it to you for your information; and I remain,

Faithfully, yours,

GEO. B. DAVIS,
Judge-Advocate-General.

Hon. WILLIAM L. STARK, M. C.,
House of Representatives.

ADVANTAGES OF THE KRAG-JÖRGENSEN UNITED STATES MAGAZINE RIFLE OVER THE CALIBER .45 SPRINGFIELD RIFLE.

1. Breech mechanism.—The Krag-Jörgensen has the bolt system of breech closure, which renders it superior as a single loader in ease of manipulation, facility of loading, and rapidity of fire to an arm of the block system, like the Springfield, and it has the additional advantage of a magazine, which can be held in reserve while single fire is delivered, magazine fire being available at any moment.

2. Weight of ammunition.—One hundred rounds metallic cartridges for the caliber .30 Krag-Jörgensen rifle, 6 pounds 5 ounces; 100 rounds metallic cartridges for caliber .45 Springfield rifle, 11 pounds.

It is thus seen that, due to the lightness of ammunition, nearly double the amount of ammunition for the Krag-Jörgensen rifle can be carried by the soldier.

3. Character of ammunition.—The ammunition for the Krag-Jörgensen being smokeless, this rifle has the great advantage over the Springfield of not exposing the position of the troops using it and attracting the fire of the enemy. The breech mechanism of the Springfield rifle, caliber .45, was designed for black-powder ammunition, and the efforts to procure a proper smokeless-powder cartridge for it were not successful.

4. Muzzle velocity.—The muzzle velocity of the Krag-Jörgensen rifle is 2,000 feet per second; that of the Springfield rifle 1,315 feet per second. The maximum range of the Krag-Jörgensen is 4,000 yards. The maximum range of the Springfield, caliber .45, is 3,500 yards. The trajectory of the Krag-Jörgensen rifle is very much flatter than that of the Springfield for all ranges, resulting in increased accuracy. For a 500-yard range the greatest height of trajectory above the ground is 4.12 feet for the Krag-Jörgensen rifle, and for the Springfield, caliber .45, for the same range it is 8.4 feet. The total danger space within which a foot soldier would be hit at this range is 181.56 yards for the Krag-Jörgensen and only 66 yards for the Springfield.

5. Penetration.—The penetration of the bullet of the Krag-Jörgensen rifle into white pine at a distance of 500 yards is 19.85 inches. The penetration of the Springfield rifle at the same distance is 10.6 inches. The energy of recoil (kick) of the Krag-Jörgensen rifle is less than one-half of that of the Springfield.

The small-caliber, jacketed bullet of the Krag-Jörgensen rifle, while disabling, does not produce a cruel wound like that of the caliber .45 Springfield, soft bullet.

To the end that the enlisted man may become proficient in the use of that arm, it is provided in section 21 that ammunition shall be furnished and an officer shall be selected to instruct in firing and target practice.

The cost of the National Volunteer Reserve would first be submitted in the estimates from the War Department to Congress, then considered and recommended by the Committee on Military Affairs, then voted on by both branches of Congress, and then receive Executive approval; and this whole proceeding would have to be gone through for each annual appropriation for the support of the Army. By way of an estimate I submit the following letter from Gen. George B. Davis, Judge-Advocate-General:

EXHIBIT C.

WAR DEPARTMENT,
OFFICE OF THE JUDGE-ADVOCATE-GENERAL,
Washington, April 4, 1902.

Hon. WILLIAM L. STARK, M. C.,
House of Representatives.

MY DEAR MAJOR: I beg to acknowledge the receipt of your favor of the 2d instant. As to the cost of assembling the National Volunteer Reserve, I should say that its approximate cost per man would be as follows:

Subsistence	$2.50
Pay	4.50
Other allowances	3.00
Transportation	10.00

making a total of $20 per man for a period of ten days' service. I do not imagine that it has been contemplated to embody in any one year the entire reserve. The number to be called out each year would depend upon circumstances which would be pointed out to the proper Appropriation Committee, by the War Department, when its plans for any particular year have been prepared and decided upon; and I remain,

Faithfully, yours,

GEO. B. DAVIS,
Judge-Advocate General.

Mr. HAY, a member of the Committee on Military Affairs, who has given much study to the expense of maintaining our present military establishment, has just declared that to keep one soldier in the Philippine Islands costs $1,500 per year. A regiment of infantry in the regular establishment consists of 838 officers and men. For the purposes of an estimate and so that it can be easily solved by mental arithmetic, we will consider a regiment as having 800 officers and men. Taking the minimum figures of maintaining the soldiers per capita in time of peace and all within our borders as $700 per soldier, we have an annual expenditure for just one regiment of $560,000. I do not wish to be understood as taking issue with Mr. HAY'S statement—all of us know him to be a very honorable gentleman, having special knowledge on this subject. My object is to call attention, by the most conservative estimate possible, to the immense expense of a standing army.

It is a matter of history and common knowledge that the volunteer citizen soldiers have been the "fighting men" in the wars of this Government. By that statement I do not mean to criticise the valor of the regular establishment, but heretofore their number has been so few in comparison with the volunteers that they could be but a small factor in the conflict. During the war with Spain the organized militia responded at once to the President's call and served with credit to themselves and honor to the State and nation.

The argument was made in Congress that provision should be made for a United States volunteer force to take the place of the State volunteer force, for the reasons that the organized militia were not uniformly armed and equipped in the different States nor with the Regular Army.

The organizations of the militia in the different States were unlike, and none of them strictly conformed to that of the Regular Army. I am not discussing whether these reasons were of sufficient weight to warrant the Congress of the United States to increase the Regular Army to 65,000 enlisted men and to authorize

the raising of a force of not more than 35,000 volunteers, to be recruited from the country at large. The thought that I desire to impress on you all is, that is what Congress did. By the enactment of this law of March 2, 1899, the State volunteer organization passed away and a national volunteer organization, recruited from the country at large, took its place.

This bill meets every argument that was made for setting aside the State volunteer organization, for it provides:

First. That the organization of the militia shall conform to that of the Regular Army.

Second. That the organized militia shall be uniformly armed, equipped, and furnished with the same class of military stores as the Regular Army; that they shall be inspected by officers of the War Department, who shall make a report as to organizing, arming, and disciplining the militia to the Secretary of War, who shall furnish a copy thereof to the governor of the State or Territory, to the end that there may be uniformity.

Third. This bill repeals the obsolete sections of the general militia law, which are sections 1626, 1627, 1628, 1632, 1635, 1639, 1641, 1645, 1647, 1649, and 1660. We have amended and brought up to date, to the best of our ability, those sections of the Revised Statutes affecting the militia which should continue to have operative force, namely, sections 1625, 1630, 1631, 1634, 1636, and 1638, and added provisions for the National Volunteer Reserve.

It is the unanimous opinion of the committee that, with this bill enacted into law, the volunteers at large must go and in their place we will have a State volunteer organization, as the First Nebraska National Volunteer Reserve.

We will have outside of the Regular Army a National Guard and a volunteer organization that will be made up among the respective States and Territories, and when called into the service of the United States will bear in its official title notice of the fact that it is a trustee of the courage, loyalty, patriotism, and devotion of a State or Territory toward this Union of ours. It is a matter for congratulation that this measure is in complete accord with the Democratic platform adopted at Kansas City in 1900, one plank of which is as follows:

In time of danger the volunteer soldier is his country's best defender. The National Guard of the United States should ever be cherished in the patriotic hearts of a free people. Such organizations are ever an element of strength and safety. For the first time in our history, and coeval with the Philippine conquest, has there been a wholesale departure from our time-honored and approved system of volunteer organization. We denounce it as un-American, undemocratic, and unrepublican, and as a subversion of the ancient and fixed principles of a free people.

The Republican party had no declaration upon this subject in their national platform of 1900, but to the end that the truth of history may be conserved I deem it proper to say that the Committee on Militia, by whom this bill is reported, is made up of 8 Republicans, 4 Democrats, and 1 People's Independent—and that one is the gentleman now submitting these remarks—and they are unanimous in support of this measure. They considered this bill, without reference to partisanship, as patriots endeavoring to reach the highest possible standard for the good of this God-blessed country of ours. All the way through in the preparation of this bill and its report it was, How can we best work and best agree?

Over and above all other considerations is this: What shall the policy of this Government be? Shall it be to have a great standing Army, or shall it have a small Army and a large body of citizen soldiers, equipped, trained, and ready to meet every foe? Speaking for myself, I am absolutely committed to the latter policy. To my mind our institutions are the best served by having a small Regular Army as a nucleus, garrison duty, and the first line of defense; then for the support to be first called out, the organized militia, commonly called the "National Guard;" then, for the third line, the national volunteer reserve, that, under the provisions of this bill, have seen military service and are trained in the art of war. Then comes the reserve militia, which includes all the able-bodied men between the ages of 18 and 45.

I think every good citizen will agree to the wish that conditions were such that we needed no armed force whatever. Unhappily such conditions do not obtain. To meet the vices of greed, selfishness, and brutality that appear to be moving forces in the world at this time, a government that expects to endure must have a physical force that will resist invasion and preserve the public peace, and that force should be made up of the citizen soldier instead of the professional. I have great confidence in that force which moves the American people which we commonly call "public opinion," and when it appears to the people that we have a sufficient armed, equipped, and trained body of citizen soldiers to maintain our liberties, public opinion will demand, and its voice will be heard, that a great Regular Army become a thing of the past and cease to eat up our substance.

APPENDIX.

EXHIBIT D.

[House Document No. 252, Fifty-seventh Congress, first session.]

MILITIA FORCE OF THE UNITED STATES.

Letter from the Secretary of War, transmitting the militia returns of the United States.

February 3, 1902, referred to the Committee on Militia and ordered to be printed.

WAR DEPARTMENT,
Washington, February 3, 1902.

SIR: As required by section 232, Revised Statutes, I have the honor to transmit herewith an abstract of the returns of the adjutants-general of the several States of the militia thereof, received at the office of the Adjutant-General of the Army, for the year 1901.

Very respectfully,

ELIHU ROOT, *Secretary of War.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

Organized strength of militia.

States and Territories.	Organized strength.									Number of men available for military duty (unorganized).
	Commissioned officers.					Enlisted men.				
	Generals.	General staff.	Regimental, field, and staff.	Company.	Total.	Noncommissioned officers.	Musicians.	Privates.	Total.	Aggregate.
Alabama:										
General and general staff	1	23			24					24
Cavalry			7	17	24	60		105	165	189
Light batteries			7	12	19	51		101	152	171
Infantry			35	118	153	441		1,603	2,044	2,197
Total	1	23	49	147	220	552		1,809	2,361	2,581	65,000
Arkansas:										
Generals and general staff	3	24			27					27
Cavalry			1	6	7	18	2	80	100	107
Infantry			20	72	92	248		1,168	1,416	1,508
Total	3	24	21	78	126	266	2	1,248	1,516	1,642	250,000
California:										
Generals and general staff	4	45			49	6			6	55
Cavalry				14	14	50	6	154	210	224
Artillery (heavy)			5	12	17	52	28	179	259	276
Infantry			86	128	214	576	180	1,781	2,537	2,751
Signal corps				5	5	21	2	66	89	94
Hospital and ambulance corps						16		56	72	72
Total	4	45	91	159	299	721	216	2,236	3,173	3,472	226,814
Colorado:										
General and general staff	1	9			10					10
Cavalry			1	10	11	25	3	108	136	147
Light battery				1	1	11	2	33	46	47
Infantry			12	38	50	117	19	657	793	843
Signal corps				1	1	10			10	11
Hospital and ambulance corps			1	4	5	4		16	20	25
Total	1	9	14	54	78	167	24	814	1,005	1,083	68,579

Organized strength of militia—Continued.

States and Territories.	Organized strength.									Number of men available for military duty (unorganized).
	Commissioned officers.					Enlisted men.				
	Generals.	General staff.	Regimental, field, and staff.	Company.	Total.	Noncommissioned officers.	Musicians.	Privates.	Total.	Aggregate.
Connecticut:										
Generals and general staff	3	8			11	5			5	16
Cavalry				3	3	12	2	41	55	58
Light battery				5	5	16	2	58	76	81
Machine-gun battery				5	5	16	1	18	35	40
Infantry			56	110	166	506	167	1,544	2,217	2,383
Signal corps				4	4	13		24	37	41
Total	3	8	56	127	194	568	172	1,685	2,425	2,619	110,511
Delaware:										
General staff		13			13					13
Infantry			9	20	29	74	10	242	326	355
Total		13	9	20	42	74	10	242	326	368	41,500
Florida:										
General staff		7			7					7
Light batteries			4	5	9	15	3	67	85	94
Infantry			37	51	88	337	49	877	1,263	1,351
Total		7	41	56	104	352	52	944	1,348	1,452	186,000
Georgia:										
General staff		13			13					13
Cavalry			16	38	54	102		404	506	560
Artillery (heavy)			5	12	17	44		163	207	224
Light battery			2	11	13	30		116	146	159
Infantry			77	164	241	717	60	2,772	3,549	3,790
Hospital and ambulance corps						10		11	21	21
Total		13	100	225	338	903	60	3,466	4,429	4,767	325,000
Idaho:										
General staff		7			7					7
Infantry				24	24	91	16	530	637	661
Total		7		24	31	91	16	530	637	668	41,783
Illinois:										
Generals and general staff	3	33			36					36
Engineers				4	4	12	2	63	77	81
Cavalry			10	19	29	77	43	248	368	397
Light batteries			4	11	15	49	5	138	192	207
Infantry			95	249	344	1,020	395	4,274	5,689	6,033
Signal corps				4	4	14	2	64	80	84
Hospital and ambulance corps			38		38	22		96	118	156
Total	3	33	147	287	470	1,194	447	4,884	6,524	6,994	750,000
Indiana:										
General and general staff	1	13			14					14
Light batteries			5	12	17	50	28	127	205	222
Infantry			54	99	153	385	124	1,460	1,969	2,122
Signal corps				1	1	1		15	16	17
Hospital and ambulance corps				1	1	2		30	32	33
Total	1	13	59	113	186	438	152	1,632	2,222	2,408	500,000
Iowa:										
General staff		26			26					26
Engineers						8		8	16	16
Infantry			48	144	192	608	192	1,516	2,316	2,508
Signal corps						12		28	40	40
Hospital and ambulance corps						16		24	40	40
Total		26	48	144	218	644	192	1,576	2,412	2,630	315,808
Kansas:										
General and general staff	1	4			5					5
Light batteries			4	6	10	17	4	60	81	91
Infantry			31	69	100	249	29	837	1,115	1,215
Total	1	4	35	75	115	266	33	897	1,196	1,311	100,000
Kentucky:										
General staff		7			7					7
Light battery			4	9	13	23	2	134	159	172
Infantry			21	78	99	286	19	1,194	1,499	1,598
Total		7	25	87	119	309	21	1,328	1,658	1,777	550,000
Louisiana:										
General and general staff	1	11			12					12
Cavalry			1	3	4	17	1	48	66	70
Light batteries			16	44	60	165	49	442	656	716
Infantry			10	38	48	168	20	451	639	687
Signal corps			1	3	4	8		21	29	33
Total	1	11	28	88	128	358	70	962	1,390	1,518	135,000
Maine:										
General staff		6			6					6
Infantry			31	69	100	318	94	712	1,124	1,224
Signal corps				1	1	5		11	16	17
Hospital and ambulance corps				1	1	4		12	16	17
Total		6	31	71	108	327	94	735	1,156	1,264	104,268

Organized strength of militia—Continued.

States and Territories.	Organized strength.									Number of men available for military duty (unorganized).
	Commissioned officers.					Enlisted men.				
	Generals.	General staff.	Regimental, field, and staff.	Company.	Total.	Noncommissioned officers.	Musicians.	Privates.	Total.	Aggregate.	
Maryland:											
General and general staff	1	9			10	6			6	16	
Cavalry				3	3	13	1	41	55	58	
Infantry			42	84	126	397	64	1,383	1,844	1,970	
Signal corps								10	10	10	
Total	1	9	42	87	139	416	65	1,434	1,915	2,054	210,000
Massachusetts:											
Generals and general staff	2	20			22	14	2		16	38	
Cavalry			9	9	18	51	7	180	238	256	
Artillery (heavy)			17	36	53	147	28	542	717	770	
Light batteries			7	12	19	62	6	183	251	270	
Infantry			96	169	265	802	38	2,565	3,405	3,670	
Signal corps				2	2	14		39	53	55	
Hospital and ambulance corps				3	3	19		38	57	60	
Total	2	20	129	231	382	1,109	81	3,547	4,737	5,119	468,649
Michigan:											
General and general staff	1	16			17	1			1	18	
Infantry			56	122	178	593	151	2,166	2,910	3,088	
Total	1	16	56	122	195	594	151	2,166	2,911	3,106	280,000
Minnesota:											
General and general staff	1	8			9					9	
Engineers				3	3	10	2	49	61	64	
Light batteries			3	8	11	28	5	105	138	149	
Infantry			36	74	110	306	117	1,167	1,590	1,700	
Total	1	8	39	85	133	344	124	1,321	1,789	1,922	195,000
Mississippi:											
General and general staff	1	18			19					19	
Cavalry			6	6	12	16		64	80	92	
Artillery (heavy)			5	15	20	40		160	200	220	
Infantry			30	72	102	172		768	940	1,042	
Total	1	18	41	93	153	228		992	1,220	1,373	263,880
Missouri:											
General and general staff	1	8			9					9	
Light battery				4	4	4	2	67	73	77	
Infantry			55	125	180	333	156	1,858	2,347	2,527	
Hospital and ambulance corps								64	64	64	
Total	1	8	55	129	193	337	158	1,989	2,484	2,677	390,000
Montana:											
General staff		6			6					6	
Light battery				3	3	12		30	42	45	
Infantry				15	15	71		203	274	289	
Total		6		18	24	83		233	316	340	30,000
Nebraska:											
General and general staff	1	5			6					6	
Cavalry			1	3	4	10	1	32	43	47	
Light battery			1	3	4	8	2	52	62	66	
Infantry			23	74	97	215	77	1,087	1,379	1,476	
Total	1	5	25	80	111	233	80	1,171	1,484	1,595	111,925
Nevada:											
General staff		4			4					4	
Infantry			1	6	7	16		111	127	134	
Total		4	1	6	11	16		111	127	138	6,100
New Hampshire:											
General and general staff	1	9			10	5			5	15	
Cavalry				3	3	12	2	50	64	67	
Light battery				4	4	15	2	58	75	79	
Infantry			21	72	93	201	44	825	1,070	1,163	
Signal corps						1		8	9	9	
Hospital and ambulance corps						1		8	9	9	
Total	1	9	21	79	110	235	48	949	1,232	1,342	34,000
New Jersey:											
Generals and general staff	2	47			49	6			6	55	
Cavalry			2	6	8	31		76	107	115	
Machine-gun battery			2	6	8	29	2	101	132	140	
Infantry			65	140	205	708	246	2,515	3,469	3,674	
Signal corps				3	3	14		37	51	54	
Total	2	47	69	155	273	788	248	2,729	3,765	4,038	385,273
New York:											
Generals and general staff	4	58			62					62	
Cavalry			9	13	22	68	7	247	322	344	
Artillery (heavy)			18	31	49	151	45	737	933	982	
Light batteries			4	19	23	67	6	281	354	377	
Infantry			265	429	694	2,013	465	9,030	11,508	12,202	
Signal corps			3	6	9	42		128	170	179	
Hospital and ambulance corps						44		220	264	264	
Total	4	58	299	498	859	2,385	523	10,643	13,551	14,410	800,000

Organized strength of militia—Continued.

States and Territories.	Organized strength.										Number of men available for military duty (unorganized).
	Commissioned officers.					Enlisted men.				Aggregate.	
	Generals.	General staff.	Regimental, field, and staff.	Company.	Total.	Noncommissioned officers.	Musicians.	Privates.	Total.		
North Carolina:											
General staff		17			17					17	
Light battery				3	3	11		44	55	58	
Infantry			48	108	156	420	42	1,167	1,629	1,785	
Total		17	48	111	176	431	42	1,211	1,684	1,860	270,000
North Dakota:											
General staff		10			10					10	
Cavalry			4	3	7	16	3	30	49	56	
Light battery				3	3	12	2	49	63	66	
Infantry			12	39	51	151	50	334	535	586	
Total		10	16	45	71	179	55	413	647	718	48,000
Ohio:											
Generals and general staff	3	25			28					28	
Engineers			4	7	11	45	2	153	200	211	
Cavalry			2	3	5	16	1	46	63	68	
Light batteries			3	15	18	56	7	148	211	229	
Infantry			112	236	348	1,080	89	3,914	5,083	5,431	
Signal corps				6	6			28	28	34	
Total	3	25	121	267	416	1,197	99	4,289	5,585	6,001	650,000
Oregon:											
General and general staff	1	22			23					23	
Cavalry				6	6	26	2	86	114	120	
Light battery				4	4	18	2	52	72	76	
Infantry			21	50	71	213	60	692	965	1,036	
Hospital and ambulance corps						2		23	25	25	
Total	1	22	21	60	104	259	64	853	1,176	1,280	53,898
Pennsylvania:											
Generals and general staff	4	47			51					51	
Cavalry			5	12	17	60	8	151	219	236	
Light batteries			5	11	16	48	6	130	184	200	
Infantry			184	432	616	1,995	291	5,954	8,340	8,856	
Total	4	47	194	455	700	2,103	305	6,235	8,643	9,343	912,450
Rhode Island:											
General and general staff	1	21			22					22	
Cavalry			6	6	12	21	2	71	94	106	
Artillery (heavy)			29	12	41	68	13	196	277	318	
Light battery				4	4	15	2	38	55	59	
Machine-gun battery				3	3	15	2	33	50	53	
Infantry			24	47	71	183	33	520	736	807	
Signal corps						1		2	3	3	
Hospital corps				2	2	6		37	43	45	
Total	1	21	59	74	155	309	52	897	1,258	1,413	67,000
South Carolina:											
General staff		11			11					11	
Cavalry			9	39	48	156	26	634	816	864	
Artillery (heavy)				5	5	22		70	92	97	
Infantry			27	261	288	348	64	1,357	1,769	2,057	
Total		11	36	305	352	526	90	2,061	2,677	3,029	100,000
South Dakota:											
General staff		10			10					10	
Cavalry			4	9	13	22	3	81	106	119	
Infantry			18	54	72	164	27	557	748	820	
Total		10	22	63	95	186	30	638	854	949	50,000
Tennessee:											
General staff		5			5					5	
Infantry			20	66	86	220		993	1,213	1,299	
Total		5	20	66	91	220		993	1,213	1,304	160,000
Texas:											
Generals and general staff	3	33			36					36	
Cavalry			5	9	14	34	5	125	164	178	
Light batteries			4	7	11	25	3	114	142	153	
Infantry			56	129	185	500	166	1,799	2,465	2,650	
Signal corps				5	5	18		40	58	63	
Total	3	33	65	150	251	577	174	2,078	2,829	3,080	400,000
Utah:											
General and general staff	1	6			7					7	
Cavalry				2	2	4	2	26	32	34	
Light battery				4	4	16	2	53	71	75	
Infantry			5	22	27	70	11	265	346	373	
Signal corps				3	3	20			20	23	
Hospital and ambulance corps						3		11	14	14	
Total	1	6	5	31	43	113	15	355	483	526	28,023
Vermont:											
General staff		5			5					5	
Infantry			19	36	55	124	24	552	700	755	
Hospital and ambulance corps						4		12	16	16	
Total		5	19	36	60	128	24	564	716	776	46,500
Virginia:											
General staff		2			2					2	
Cavalry			1	3	4	15	2	48	65	69	
Light batteries			8	12	20	44	6	122	172	192	
Infantry			29	91	120	399	115	1,434	1,948	2,068	
Total		2	38	106	146	458	123	1,604	2,185	2,331	295,340

Organized strength of militia—Continued.

States and Territories.	Organized strength.									Number of men available for military duty (unorganized).
	Commissioned officers.					Enlisted men.				
	Generals.	General staff.	Regimental, field, and staff.	Company.	Total.	Non-commissioned officers.	Musicians.	Privates.	Total.	Aggregate.
Washington:										
General staff		8			8					8
Cavalry				3	3	12	2	41	55	58
Infantry			21	39	60	156	26	650	832	892
Total		8	21	42	71	168	28	691	887	958
										149,586
West Virgina:										
General and general staff	1	23			24					24
Infantry			36	49	85	140	72	634	846	931
Signal corps				3	3	3	2	14	19	22
Hospital corps						4		14	18	18
Total	1	23	36	52	112	147	74	682	883	995
										125,000
Wisconsin:										
General staff		9			9					9
Cavalry			1	3	4	14	2	35	51	55
Light battery			1	4	5	21	2	29	52	57
Infantry			57	120	177	480	161	1,834	2,475	2,652
Total		9	59	127	195	515	165	1,898	2,578	2,773
										372,102
Wyoming:										
General staff		5			5					5
Cavalry				3	3	11	1	42	54	57
Infantry			1	17	18	50	7	186	243	261
Total		5	1	20	26	61	8	228	297	323
										8,500
Aggregate State militia	47	716	2,312	5,348	8,423	21,575	4,387	77,942	103,904	115,749
										10,681,489
TERRITORIES.										
Alaska:										
General staff										
Infantry (unorganized)										
Total										
Arizona:										
General staff		6			6	1			1	7
Infantry			11	25	36	76	10	248	334	370
Signal corps						1		5	6	6
Total		6	11	25	42	78	10	253	341	383
										15,000
New Mexico:										
General staff		3			3					3
Cavalry			5	4	9	9	16	93	118	127
Machine-gun battery				1	1	2		8	10	11
Infantry			15	21	36	74	30	309	413	449
Signal corps				1	1	5	1	15	21	22
Total		3	20	27	50	90	47	425	562	612
										38,779
Oklahoma:										
General staff		7			7					7
Cavalry				3	3			35	35	38
Infantry			13	37	50	4	11	516	531	581
Total		7	13	40	60	4	11	551	566	626
										50,000
Hawaii:										
General staff		7			7					7
Infantry			12	27	39	78	14	403	495	534
Total		7	12	27	46	78	14	403	495	541
										8,000
Aggregate Territorial militia		23	56	119	198	250	82	1,632	1,934	2,162
										111,779
District of Columbia:										
General and general staff	1	13			14	9			9	23
Engineers				1	1	3		17	20	21
Infantry			47	66	113	217		842	1,059	1,172
Signal corps				1	1	3		17	20	21
Hospital and ambulance corps				1	1	4		18	22	23
Total	1	13	47	69	130	236		894	1,130	1,260
										52,000
Grand aggregate	48	752	2,415	5,536	8,751	22,061	4,469	80,468	106,998	115,749
										10,845,268

RECAPITULATION.

Generals and general staff	48	752			800	53	2		55	855
Engineers			4	15	19	78	6	290	374	393
Cavalry			105	261	366	978	150	3,422	4,550	4,916
Artillery (heavy)			79	123	202	524	114	2,047	2,685	2,887
Light batteries			82	236	318	889	150	2,831	3,870	4,188
Machine-gun batteries			2	15	17	62	5	160	227	244
Infantry			2,100	4,825	6,925	19,110	4,035	70,456	93,601	100,526
Signal corps			4	49	53	206	7	572	785	838
Hospital and ambulance corps			39	12	51	161		690	851	902
Grand aggregate	48	752	2,415	5,536	8,751	22,061	4,469	80,468	106,998	115,749
										10,845,268

H. C. CORBIN,
Adjutant-General, Major-General, U. S. A.

ADJUTANT-GENERAL'S OFFICE,
Washington, D. C., February 3, 1902.

EXHIBIT E.

[Circular.]

WAR DEPARTMENT, *Washington, August 27, 1901.*

The following acts of Congress, amending section 1661, Revised Statutes, making annual appropriation to provide arms and equipments for the militia, the latest regulations respecting the distribution of the arms and equipments therein provided for, and the apportionment of the militia appropriation for the fiscal year ending June 30, 1902, are published for the information of all concerned:

* * * * * * *

SECTION 1661, REVISED STATUTES, AS AMENDED BY ACTS OF FEBRUARY 12, 1887, AND JUNE 6, 1900.

Be it enacted, etc., That section 1661 of the Revised Statutes be, and the same is hereby, amended and reenacted so as to read as follows:

"SECTION 1. That the sum of $1,000,000 is hereby annually appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the purpose of providing arms, ordnance stores, quartermaster stores, and camp equipage for issue to the militia. (So amended by act of June 6, 1900, 31 Stats., 662.)

"SEC. 2. That said appropriation be apportioned among the several States and Territories under the direction of the Secretary of War, according to the number of Senators and Representatives to which each State respectively is entitled in the Congress of the United States, and to the Territories and District of Columbia such proportion and under such regulations as the President may prescribe: *Provided, however*, That no State shall be entitled to the appropriation apportioned to it unless the number of its regularly enlisted, organized, and uniformed active militia shall be at least 100 men for each Senator and Representative to which such State is entitled in the Congress of the United States. And the amount of said appropriation which is thus determined not to be available shall be covered back into the Treasury.

"SEC. 3. That the purchase or manufacture of arms, ordnance stores, quartermaster's stores, and camp equipage for the militia under the provisions of this act shall be made under the direction of the Secretary of War, as such arms, ordnance, and quartermaster's stores and camp equipage are now manufactured or otherwise provided for the use of the Regular Army, and they shall be receipted for and shall remain the property of the United States, and be annually accounted for by the governors of the States and Territories, for which purpose the Secretary of War shall prescribe and supply the necessary blanks and make such regulations as he may deem necessary to protect the interests of the United States.

"SEC. 4. That all arms, equipments, ordnance stores, or tents which may become unserviceable or unsuitable shall be examined by a board of officers of the militia, and its report shall be forwarded by the governor of the State or Territory direct to the Secretary of War, who shall direct what disposition, by sale or otherwise, shall be made of them; and, if sold, the proceeds of such shall be covered into the Treasury of the United States."—Became a law February 12, 1887, without the President's approval (1 Sup. Rev. Stats., 537).

MILITIA REGULATIONS AND APPORTIONMENT.

WAR DEPARTMENT, *Washington, August 27, 1901.*

By direction of the President of the United States, the following regulations are prescribed for the distribution of arms, ordnance stores, quartermaster's stores, and camp equipage to the States, Territories, and the District of Columbia, and the appropriation for the fiscal year ending June 30, 1902, is apportioned among the several States, Territories, and the District of Columbia as follows:

REGULATIONS.

1. The appropriation made by section 1661, Revised Statutes, as amended by the acts of February 12, 1887, and June 6, 1900, will be apportioned among the several States and credited to them on the books of the War Department in accordance with said acts, except such portion as may be allotted to the Territories and the District of Columbia; but the allotment to any State will not be available for use until a satisfactory return has been made to the Secretary of War showing that the State has the number of "regularly enlisted, organized, and uniformed active militia" specified in section 2 of said act of February 12, 1887.

2. Arms, ordnance stores, quartermaster stores, and camp equipage will be issued on requisitions made direct to the Secretary of War by the governors of the States and Territories and by the senior general of the militia of the District of Columbia present for duty. Returns shall be made annually by the senior general of the District militia in the manner required by sections 3 and 4 of the said act of February 12, 1887, in the case of States and Territories.

3. It is forbidden to make issues to States, Territories, or the District of Columbia in excess of the amount to their credit under the provisions of section 1661, Revised Statutes, as amended by the acts quoted above.

4. When a requisition is received at the War Department, the Ordnance Department and the Quartermaster's Department will be required to give the money value of the stores called for, and the War Department will determine and order which of said stores, number and character, shall be issued and will so advise the Chief of Ordnance and Quartermaster-General.

5. All the public property issued under the provisions of said acts shall be accounted for under the same regulations that now govern the accountability for public property in the Army, and the Chief of Ordnance and the Quartermaster-General will furnish the governors of the several States and Territories and the senior general of the District militia the necessary blank forms for making the required returns of the public property issued under the provisions of said acts, and said annual returns shall be made on the 31st of December of each year, and shall be sent to the War Department for examination and settlement.

6. The Chief of Ordnance and the Quartermaster-General will issue the necessary instructions for the safekeeping, preservation, and accountability of all public property issued.

7. The examination of the unserviceable or unsuitable public property provided for in section 4 of said act of February 12, 1887, shall be made at least annually and the proceedings of the board of officers of the militia will show in detail opposite each article on the inspection report in what respect the property is unserviceable or unsuitable, and will also indicate in each case the disposition recommended by the board of inspection; and should the board recommend sale of the property, the recommendation will state whether by auction or by inviting bids from dealers or others likely to purchase such articles, stating reasons; and in the case of any public property rendered unserviceable through causes other than the ordinary incidents of service, the board will investigate and report the causes and recommend to the Secretary of War the necessary action as to personal responsibility for the damages in each case.

8. The order of the Secretary of War directing the sale of condemned property will indicate the method of advertisement, which will generally be by means of circulars posted in public places and sent by mail to dealers and others likely to purchase, but if advertisement in newspapers is indicated the provisions of A. R. 579-585 apply, and request for special authority to advertise must be made upon prescribed forms, designating the newspapers in which advertisement is desired.

9. The net proceeds of a sale of condemned property, after deducting necessary and reasonable expenses of advertising and auctioneer's fee, will be deposited by the governor, or by the senior general of the district militia, in a United States depository to the credit of the Treasurer of the United States. If received from sales of condemned quartermaster's supplies the funds must be deposited as "Miscellaneous receipts on account of proceeds of Government property;" if from sales of condemned ordnance stores the deposit must be made on account of "Sales of condemned ordnance stores."

10. Immediately after a sale of condemned property an itemized report will be made by the governor, or by the senior general of the District militia, to the chief of the bureau to which the property pertains, showing date and place of sale, quantity and kind of articles sold, prices obtained, names of purchasers, expenses of sale, and gross and net proceeds, and accompanied by a copy of the order authorizing the sale and receipted vouchers for expenses of sale. The report to the Quartermaster-General will be made on Form No. 94, Quartermaster's Department, "Account of sales at auction;" that to the Chief of Ordnance on Form No. 8, Ordnance Department, "Abstract of sales," in duplicate.

11. Any regulations established hitherto which in any way conflict with these are hereby revoked.

APPORTIONMENT.

State.	Representation.	Amount.
Alabama	11	$23,366.00
Arkansas	8	16,993.46
California	9	19,117.64
Colorado	4	8,496.73
Connecticut	6	12,745.08
Delaware	3	6,372.53
Florida	4	8,496.73
Georgia	13	27,614.37
Idaho	3	6,372.53
Illinois	24	50,980.40
Indiana	15	31,862.73
Iowa	13	27,614.37
Kansas	10	21,241.82
Kentucky	13	27,614.37
Louisiana	8	16,993.46
Maine	6	12,745.08
Maryland	8	16,993.46
Massachusetts	15	31,862.73
Michigan	14	29,728.55
Minnesota	9	19,117.64
Mississippi	9	19,117.64
Missouri	17	36,111.11
Montana	3	6,372.53
Nebraska	8	16,993.46
Nevada	3	6,372.53
New Hampshire	4	8,496.73
New Jersey	10	21,241.82
New York	36	76,470.59
North Carolina	11	23,366.00
North Dakota	3	6,372.53
Ohio	23	48,856.20
Oregon	4	8,496.73
Pennsylvania	32	67,973.86
Rhode Island	4	8,496.73
South Carolina	9	19,117.64
South Dakota	4	8,496.73
Tennessee	12	25,490.20
Texas	15	31,862.73
Utah	3	6,372.53
Vermont	4	8,496.73
Virginia	12	25,490.20
Washington	4	8,496.73
West Virginia	6	12,745.08
Wisconsin	12	25,490.20
Wyoming	3	6,372.53
Arizona	0	5,683.60
District of Columbia	0	17,218.15
New Mexico	0	5,516.44
Oklahoma	0	7,072.37
Alaska	0	
Porto Rico	0	10,000.00
Hawaii	0	5,000.00
Total	447	1,000,000.00

ELIHU ROOT, *Secretary of War.*

The following act of Congress, approved February 24, 1897, is also published for the information of those concerned:

"An act authorizing the Secretary of War to issue Springfield rifles to each State and Territory for the National Guards thereof, in exchange for other rifles now held.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of War is hereby authorized to issue to the governors of the several States and Territories such number of Springfield breech-loading rifles, caliber 0.45 of an inch, as are now required for arming all of the regularly organized armed and equipped militia (generally known as the National Guard) of each State and Territory that are not already supplied with this arm: *Provided*, That each State or Territory be required on the receipt of the new arms to turn into the Ordnance Department, United States Army (without receiving any money credit therefor), an equal number of the arms now in its possession, except its Springfield rifles, caliber 0.45 of an inch.

"SEC. 2. That each State and Territory shall hereafter make an annual return to the Secretary of War of all the arms issued to them under this or any former act of Congress as provided for in the act of February, 1887, making a permanent annual appropriation for arming and equipping the militia.

"SEC. 3. That any State or Territory may, in addition to the stores and supplies issued under the provisions of this act and the act of February, 1887, purchase for the use of its National Guard or reserve militia, at regulation prices for cash at place of sale, such stores and supplies from any department of the Army as, in the opinion of the Secretary of War, can be spared."

By order of the Secretary of War:

JOHN C. SCOFIELD, *Chief Clerk.*

EXHIBIT F.

GENERAL ORDERS, No. 155.

HEADQUARTERS OF THE ARMY, ADJUTANT-GENERAL'S OFFICE, *Washington, November 27, 1901.*

The following order has been received from the War Department:

WAR DEPARTMENT, *November 27, 1901.*

With a view to maintaining the high standard of instruction and general training of the officers of the Army and for the establishment of a coherent plan by which the work may be made progressive, the Secretary of War directs that the following general scheme be announced for the information and guidance of all concerned:

THE SYSTEM OF INSTRUCTION.

There shall be besides the Military Academy at West Point the following schools for the instruction of officers of the Army:

1. At each military post an officers' school for elementary instruction in theory and practice.

2. Special service schools—

(*a*) The artillery school at Fort Monroe, Va.

(*b*) The engineer school of application, Washington Barracks, D. C.

(*c*) The school of submarine defense, Fort Totten, N. Y.

(*d*) The school of application for cavalry and field artillery at Fort Riley, Kans.

(*e*) The Army medical school, Washington, D. C.

3. A general service and staff college at Fort Leavenworth, Kans.

4. A war college for the most advanced instruction at Washington Barracks, D. C.

The war college shall be under the immediate direction of a board of five officers detailed from the Army at large and the following ex officio members:

The Chief of Engineers.

The Chief of Artillery.

The Superintendent of the Military Academy.

The commanding officer of the General Service and Staff College.

The War College Board shall exercise general supervision and inspection of all the different schools above enumerated, and shall be charged with the duty of maintaining through them a complete system of military education, in which each separate school shall perform its proper part. Such officers as shall be requisite to assist the board in performing its duties will be detailed from time to time for that purpose. It should be kept constantly in mind that the object and ultimate aim of all this preparatory work is to train officers to command men in war. Theory must not, therefore, be allowed to displace practical application.

The officers' schools at military posts and the General Service and Staff College will be open for instruction to officers of the National Guard of the several States, to former officers of volunteers, and to graduates of military schools and colleges which have had officers of the Army as instructors.

The special service schools will be open to officers of the National Guard and former officers of volunteers who shall furnish evidence to the War Department of such preliminary education as to enable them to benefit by the courses of instruction.

The college staff at the General Service and Staff College, Fort Leavenworth, will make report for the information of the Secretary of War of qualifications of officers of the National Guard, ex-volunteers, and graduates of military schools and colleges who shall have attended the college or shall apply for examination, and shall further certify whether or not they are qualified for service as officers of volunteers, specifying the character of service, whether line or staff, for which they are specially qualified. A special register of the names of persons so reported as qualified will be kept in the War Department.

A register shall also be kept in the War Department in which shall be entered the names of officers of the Regular Army below the grade of colonel, as follows:

(*a*) Officers who have heretofore exhibited superior capacity, application, and devoiton to duty, the names to be selected by a board of officers to be convened for that purpose.

(*b*) Officers who shall be reported as doing specially meritorious work in the above-mentioned schools other than the officers' schools at posts.

(*c*) Officers who at any time specially distinguish themselves by exceptionally meritorious service.

It will be the aim of the Department to make this register the basis of selection for details as staff officers, military attachés, and for special service requiring a high degree of professional capacity.

OFFICERS' SCHOOLS AT POSTS.

5. No officer of the line shall be excused from the work connected with the officers' school at any post, except under such circumstances as would exempt him from any other duty. The commanding officer, subject to the usual supervision of the department commander, shall have immediate charge of the instruction, which, to secure uniformity, will be regulated by special instructions issued by the War Department. These instructions may be changed from time to time as experience may develop the necessity therefor.

Systematic recitation will be required ordinarily only from officers of the grade of first and second lieutenant in administration, drill regulations, manual of guard duty, small arms firing regulations, troops in campaign, minor tactics, military law, field engineering, military topography and sketching, international law, hippology (for cavalry and field artillery), a general knowledge of methods, materials, and implements essential to coast defense (for coast artillery).

All captains of the line of less than ten years' service, except those possessing diplomas as graduates of the Infantry and Cavalry School at Fort Leavenworth, Kans., or the Artillery School at Fort Monroe, Va., will be required to qualify in the course herein prescribed.

Every officer will be required to fit himself thoroughly for the responsible duties of his grade, and to that end commanding officers will afford ample opportunities to each one taking the course to familiarize himself practically with post and company administration, the duties of quartermaster, commissary of subsistence, ordnance officer, etc. To that end, officers will in turn be assigned to duty as assistants to the post staff officers for such periods as the commanding officer may deem necessary to acquaint them with the various duties.

Thoroughness should be the guiding principle in this instruction, which is intended to be carried on from year to year. No more will be undertaken than can be thoroughly completed during the school season.

At the close of each school season every commanding officer will appoint a board of competent officers to examine each officer as to his proficiency in the subjects completed during the course. Whenever a board certifies to the proficiency of an officer in any subject and the proceedings are approved by the commanding officer a statement to that effect shall be entered in the post records, a copy of which shall be furnished to the officer concerned and which shall entitle him thereafter to be excused from further recitation in that particular subject.

Whenever the number of officers in any garrison is so small that a sufficient number can not be secured to conduct the examinations of officers who have pursued any portion of the course laid down for their instruction, the examinations will be deferred until opportunity occurs for ordering them to appear before a proper board. Department commanders are authorized to order officers to adjacent posts for the purpose of examination, or to order specially qualified officers from adjacent posts to complete the number required for an examining board, which shall in all cases consist of three members. Those officers who exhibit the most aptitude and intelligence in the course pursued will be reported to their respective regimental or corps commanders with a view to their detail at the General Service and Staff College at Fort Leavenworth, Kans., for further instruction.

Those who fail to acquire a proper degree of efficiency in any subject will be required to repeat the course, and in the event of a second failure special report will be made by the commanding officer with a view to its consideration by the board which may be thereafter designated to examine the officer as to his fitness for promotion.

THE GENERAL SERVICE AND STAFF COLLEGE.

6. The Infantry and Cavalry School at Fort Leavenworth, Kans., shall be enlarged and developed into a General Service and Staff College and shall be a school of instruction for all arms of the service, the designation of which shall be "The General Service and Staff College," and to which shall be sent officers, preferably of the grade of lieutenant, who have been recommended for proficiency attained in the officers' schools conducted in the various posts. The college will be opened September 1, 1902, and for the present the instruction will be limited to a period of one year, and such additional time as may be necessary to complete the annual maneuvers which it is contemplated shall be carried out each autumn conjointly with such garrisons as may be assembled for the purpose. The permanent garrison for the General Service and Staff College will consist of 4 companies of engineers, 4 troops of cavalry, 3 batteries of field artillery, 12 companies of infantry, a band, Signal Corps detachment, Hospital Corps detachment, post noncommissioned staff, and such field officers, instructors, and student officers, in addition to those belonging to the organizations serving at the post, as may be ordered from time to time.

In order that the accommodations of the post may be utilized to their fullest capacity in the immediate future for student officers, instructors will as far as practicable be detailed from officers on duty with troops composing the garrison. In order that these details may not unduly deplete the quota of officers necessary for duty with organizations at the posts, officers pertaining thereto who are on detached service may be relieved or transferred, so that as nearly as possible a full complement may be present at all times. Officers possessing special qualifications as instructors will be detailed as heretofore.

Upon the conclusion of the annual examinations the college staff will recommend such student officers as have especially distinguished themselves for further instruction in the War College. Such recommendations will make mention of any special qualifications or attainments of individual officers.

A board of officers will be convened prior to the date fixed for opening the college to establish a theoretical and practical course to be pursued, and thereafter the college staff will make recommendations for such amendments or changes from time to time as experience may dictate as desirable.

THE ARMY WAR COLLEGE.

7. A college is hereby established for an advanced course of professional study for Army officers, to be known as the Army War College. Such buildings and grounds as may be available and necessary will be assigned to its use on the reservation at Washington Barracks, D. C.

The executive head of the college will be an officer of the Army, not below the grade of field officer, who will be known as the president of the Army War College, and will preside over the War College Board. A course of instruction embracing the higher branches of professional study will be arranged by the board, and this board will also prepare and submit for the approval of the Secretary of War such regulations for the government of the college as it shall deem necessary.

The officers to be detailed to pursue the course at the War College will be of two classes:

(*a*) Those who have been recommended as distinguished graduates of the General Service and Staff College.

(*b*) Such field officers and captains as may be specially designated by the War Department for instruction.

It is intended that the officers who have uniformly shown the greatest interest and most proficiency in the theoretical and practical courses prescribed for the officers' schools at posts, the General Service and Staff College, and the War College shall have high consideration of the War Department, with a view to the utilization of their abilities as military attachés, or on special missions abroad, and for the higher duties of general staff work.

SERVICE SCHOOLS.

8. The Artillery School at Fort Monroe, Va., the School of Application for Cavalry and Field Artillery at Fort Riley, Kans., the Engineer School of Application at Washington Barracks, D. C., and the School of Submarine Defense, Fort Totten, N. Y., will be conducted under special regulations promulgated from time to time for their government.

No detail to any of the above-mentioned schools or boards shall continue more than four years, nor shall any officer be permitted to pass from one school to another without an intervening tour of service with troops proportionate to the period of his previous school service.

Careful study and consideration of what has been accomplished in the past and what appears to be desirable for the future leads to the conclusion that the system of training for officers should begin with a course at each post and thence to the General Service and Staff College, from which the distinguished graduates should be sent for the higher instruction contemplated in the Army War College. Especial attention will be paid to the record made by individuals at each step of this progressive course, in order that those most deserving shall be given further opportunity for perfecting themselves in the profession of arms, and in order that the nation may have at all times at its disposal a highly trained body of officers and may know who they are.

It will require time and experience to bring the details of this progressive scheme to perfection, but the Secretary of War indulges the hope that the hearty sympathy and cooperation of all officers of the Army will be enlisted, to the end that full success may be attained.

ELIHU ROOT, *Secretary of War.*

By command of Lieutenant-General Miles:

H. C. CORBIN,
Adjutant-General, Major-General, United States Army.

EXHIBIT G.

[House Report No. 1094, Fifty-seventh Congress, first session.]

EFFICIENCY OF THE MILITIA.

The Committee on Militia, to whom was referred House bill 11654, recommend the passage of the same with amendments.

In submitting this bill and report, the chairman of the committee desires

to express his high appreciation of the earnest cooperation of the members of the committee in their preparation. From the very first there has been entire unanimity of feeling in the desire to prepare a bill which would be acceptable to all interests involved, and would result in greatly improving the efficiency of the National Guard as the second line of the country's defense in time of war. With this spirit animating every member of the committee, there was no difficulty in harmonizing differences of opinion. The one object sought has been kept clearly in view and the members of the committee have worked earnestly and faithfully to that end. Many conferences have been had between members of the committee and the Secretary of War and the heads of the various bureaus of the War Department and representatives of the National Guard.

The approval of the Secretary of War is set forth in the following communication:

"WAR DEPARTMENT, *Washington, March 18, 1902.*

"SIR: I have to acknowledge the receipt of a copy of House bill No. 11654. It is the object of the bill, as indicated by its title, to promote the efficiency of the militia. I have examined the measure with great care, and approve the wise and patriotic endeavors of the committee to frame an enactment which seems to me well calculated to accomplish the purpose set forth in its title.

"The bill, which has been exhaustively considered in committee and which meets the approval of those most directly interested in the development of the constitutional militia, makes reasonable and proper provision: (1) For the ordinary training and discipline of the militia as a force belonging, in time of peace, to the several States; (2) for its special employment by the General Government as a part of the constitutional military forces in time of war or public danger, such use being made the subject of special statutory limitations in respect to time, place, and occasion of its employment; (3) for its acceptance by the United States, in the form of complete organizations, as a part of any volunteer forces that may be authorized to be raised and embodied in the event of war, and (4) for the volunteer service of its individual members, with preferential rights of appointment and enlistment in any volunteer forces that may be authorized by Congress, in an emergency of war, in excess of or in addition to the organizations of militia which may tender their services as such, under the authority of their respective States.

"With a view to secure that uniformity of instruction which can only be attained by an entire uniformity of armament and equipment, I approve of the gratuitous issue of small arms of the latest and most approved types in exchange for the arms of obsolete patterns with which the militia of the several States is now armed and equipped.

"It is believed that the operation of sections 23 and 24 will be especially beneficial as measures of preparation for national defense. Section 23 undertakes to provide for the preparation of a register of persons whose ability to exercise command in the line or to render corresponding services in the staff has already been established by the test of actual military experience. The capacity of those candidates whose military education or previous service in the Army or militia entitles them to consideration is required to be tested by an examination conducted by a competent military board, which is required to certify its opinion as to the fitness of such candidates for appointment in the volunteer forces. The immediate result of such certificate is to place all candidates who have obtained certificates in a class from which officers of any volunteer forces which may be authorized by Congress in pursuance of section 24 are required to be selected.

"In section 24 the attempt has been made to remedy a defect which is inherent in the voluntary system of recruiting, which has been hitherto relied upon by the United States as a means of maintaining its military establishment in time of peace. It is the purpose of this section to utilize the services of those who have served at least one term of enlistment in the regular or militia forces by the establishment of a national volunteer reserve. The force so designated is to be composed of men of considerable military experience who are to be embodied, in time of peace, for occasional brief tours of duty, not exceeding ten days in length, and whose services are to be utilized in time of war only when the volunteer forces authorized by Congress exceed in number the organized commands of militia who may enlist in bodies, in pursuance of section 6, act of April 20, 1898.

"In conclusion, I venture to express the hope that the carefully prepared clauses of the bill, which provide for a larger measure of cooperation on the part of the War Department than has hitherto been regarded as practicable, will operate to bring about that close and intimate contact between the several branches of the constitutional military establishment which is so necessary to their mutual and harmonious development.

"Very respectfully,

"ELIHU ROOT, *Secretary of War.*

"Hon. CHARLES DICK,
"*Chairman Committee on the Militia, House of Representatives.*"

The present law governing the militia has been on the statute books for one hundred and ten years and has long since been inoperative and obsolete.

The Constitution gives to Congress the power (art. I, sec. 8)—

"To provide for organizing, arming, and disciplining the militia and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress."

For over one hundred years Congress has made no adequate provision for organizing, arming, and disciplining the militia, and the matter has been left entirely in the hands of the States and Territories. It is true that Congress has made annual appropriations for the purpose of aiding in the support of the militia of the States and Territories, and the Fifty-sixth Congress increased this annual appropriation from $400,000 to $1,000,000. This annual appropriation has been available for the issue of arms, ordnance stores, quartermaster stores, and camp equipage, but otherwise the United States has assumed no control or supervision over its expenditure. The principal expense of maintaining and supporting the organized militia of the States and Territories has been borne by the States and Territories themselves, and while these troops are generally known and described as the National Guard, they are in no proper sense a national guard, but are strictly State militia, and are not subject to the call of the President nor to supervision and control by the War Department. It was fondly believed that these State troops would be promptly available for national defense in case of an emergency. The experience of the country during the war with Spain showed that these expectations were not fully realized.

The following extracts from chiefs of the bureaus, made to the Secretary of War in 1898, are pertinent:

[Extracts from reports, 1898.]

"INSPECTOR-GENERAL UNITED STATES ARMY.

"Recent experiences have shown that our militia system could advantageously be reconstructed and a more intimate relation established between it and the National Government.

"The great number of volunteer regiments moving to the centers of concentration without arms or uniforms, and the subsequent difficulties in meeting their needs promptly, suggest the establishment of reserve or supply depots at convenient points in order that each State on call can put its quota in the field in condition for service, at least as far as arms and equipments go.

"To secure better cohesion between the National Guard and Regulars and the greatest efficiency of the troops in the field, funds should be provided for combined encampments and periodical military maneuvers and experimental mobilization in times of peace, as is customary with all first-class European powers. One of the most serious defects noted during the Spanish-American war was the inexperience and utter disregard for the most elementary principles of military life in large camps.

"SURGEON-GENERAL UNITED STATES ARMY.

"Considerations of domestic economy and sanitation in the companies and regiments were not given proper attention, and men who were being taught to meet the enemy in battle succumbed to the hardships and unsanitary conditions of life in their camps of instruction.

"CHIEF OF ORDNANCE UNITED STATES ARMY.

"When the first call for volunteers from the States for the war with Spain was made it was decided to take as many of the regiments of the National Guard as possible, already armed and equipped by the States. * * * The supposition was that * * * the State troops, being already armed and equipped, would be ready for immediate service. This was based on the supposition that the arms and equipments were in good condition, an expectation not generally realized during the war. It is probable that the troops would have been ready for service as quickly by being equipped anew.

"As these troops (volunteer, first call) were mainly from the National Guard of the different States, it was understood that they were well equipped, * * * which supposition was not realized."

In addition to the failure of the National Government to exercise its power to organize, arm, and discipline the militia, and to make the various State troops a national guard in fact as well as in name, the following causes also operated to prevent the successful operation of the existing militia law:

1. The several clauses of the general law never became fully operative, as their execution depended upon State legislation which was never obtained.

2. The terms of the statute were too sweeping, and the attempt to include all able-bodied males of military age was practically impossible of execution. The statute not being applicable to a smaller or more restricted class, was thus rendered inoperative.

3. The organization prescribed having been fixed in the original statute, soon became obsolete and failed to furnish a uniform standard of composition for the militia embodied from time to time by the legislatures of the several States. The modifications brought in by the legislation of 1862 are now completely at variance with those prescribed by law for corresponding organizations in the Army of the United States.

The Presidents of the United States, from Washington down to the present time, have recognized the inadequacy and inefficiency of legislation on the subject of the militia, and have repeatedly recommended the repeal of the old law and the substitution of something practical. Almost without exception they have recognized that the main support and defense of the country in time of danger must rest upon its volunteer forces, and have repeatedly called the attention of Congress to the necessity of making proper provision for organizing, arming, and disciplining the militia.

The following are extracts from messages of Presidents relative to the militia:

[Extracts from messages of Presidents relative to the militia.]

"PRESIDENT WASHINGTON, 1789.

"Along with this object (the preservation of peace and tranquillity on the frontiers) I am induced to suggest another, with the national importance and necessity of which I am deeply impressed; I mean some uniform and effective system for the militia of the United States. It is unnecessary to offer arguments in recommendation of a measure on which the honor, safety, and well-being of our country so evidently and so essentially depend; but it may not be amiss to observe that I am particularly anxious it should receive as early attention as circumstances will admit, because it is now in our power to avail ourselves of the military knowledge disseminated throughout the several States by means of the many well-instructed officers and soldiers of the late Army, a resource which is daily diminishing by death and other causes. To suffer this peculiar advantage to pass away unimproved would be to neglect an opportunity. * * *

"PRESIDENT WASHINGTON, 1790.

"Among the many interesting objects which will engage your attention, that of providing for the common defense will merit particular regard. To be prepared for war is one of the most efficient means of preserving peace.

"A free people ought not only to be armed, but disciplined, to which end a uniform and well-digested plan is requisite.

"PRESIDENT WASHINGTON, 1791.

"The first (militia) is certainly an object of primary importance, whether viewed in reference to the national security, to the satisfaction of the community, or to the preservation of order.

"PRESIDENT WASHINGTON, 1793.

"They are incapable of abuse in the hands of the militia, who ought to possess a pride in being the depository of the force of the Republic, and may be trained to a degree of energy equal to every military exigency of the United States. But it is an inquiry which can not be too solemnly pursued, whether the act more effectually to provide for the national defense by establishing a uniform militia throughout the United States has organized them so as to produce their full effect; whether your own experience in the several States has not detected some imperfections in the scheme, and whether a material feature in an improvement of it ought not to be to afford an opportunity for the study of those branches of the military art which can scarcely ever be attained by practice alone.

"PRESIDENT WASHINGTON, 1794.

"The devising and establishing of a well-regulated militia would be a genuine source of legislative honor and a perfect title to public gratitude. I therefore entertain a hope that the present session will not pass without carrying to its full energy the power of organizing, arming, and disciplining the militia, and thus providing, in the language of the Constitution, for calling them forth to execute the laws of the Union, suppress insurrections, and repel invasions.

"PRESIDENT WASHINGTON, 1795.

"With the review of our Army establishment is naturally connected that of the militia. It will merit inquiry what imperfections in the existing plan further experience may have unfolded. The subject is of so much moment, in my estimation, as to excite a constant solicitude that the consideration of it may be renewed until the greatest attainable perfection shall be accomplished. Time is wearing away some advantages for forwarding the object, while none better deserves the persevering attention of the public councils.

"PRESIDENT JEFFERSON, 1801.

"These considerations render important that we should, at every session, continue to amend the defects which from time to time show themselves in

the laws for regulating the militia, until they are sufficiently perfect. Nor should we now, or at any time, separate until we can say we have done everything for the militia which we could do were an enemy at our door.

"PRESIDENT JEFFERSON, 1802.

"Considering that our regular troops are employed for local purposes, and that the militia is our general reliance for great and sudden emergencies, you will doubtless think this institution worthy of a review, and give it those improvements of which you find it susceptible.

"PRESIDENT JEFFERSON, 1804.

"Should any improvement occur in the militia system, that will be always seasonable.

"PRESIDENT JEFFERSON, 1805.

"I can not, then, but earnestly recommend to your early consideration the expediency of so modifying our militia system as, by a separation of the more active part from that which is less so, we may draw from it, when necessary, an efficient corps for real and active service, and to be called to it in regular rotation.

"PRESIDENT JEFFERSON, 1806.

"A militia so organized that its effective portions can be called to any point in the Union, or volunteers instead of them, to serve a sufficient time, are means which may always be ready, yet never preying on our resources until actually called into use. They will maintain the public interests while a more permanent force shall be in course of preparation. But much will depend on the promptitude with which these means can be brought into activity.

"PRESIDENT JEFFERSON, 1808.

"For a people who are free, and who mean to remain so, a well organized and armed militia is their best security. It is therefore incumbent on us at every meeting to revise the condition of the militia and to ask ourselves if it is prepared to repel a powerful enemy at every point of our territories exposed to invasion. Some of the States have paid a laudable attention to this subject; but every degree of neglect is to be found among others. Congress alone has power to produce a uniform state of preparation in this great organ of defense; the interest which they so deeply feel in their own and their country's security will present this as among the most important objects of their deliberation.

"PRESIDENT MADISON, 1809.

"Whatever may be the course of your deliberations on the subject of our military establishments, I should fail in my duty in not recommending to your serious attention the importance of giving to our militia, the great bulwark of our security and resource of our power, an organization the best adapted to eventual situations for which the United States ought to be prepared.

"PRESIDENT MADISON, 1810.

"These preparations for arming the militia having thus far provided for one of the objects contemplated by the power vested in Congress with respect to that great bulwark of the public safety, it is for their consideration whether further provisions are not requisite for the other contemplated objects of organization and discipline. To give to this great mass of physical and moral force the efficiency which it merits and is capable of receiving, it is indispensable that they should be instructed and practiced in the rules by which they are to be governed. Toward an accomplishment of this important work I recommend for the consideration of Congress the expediency of instituting a system which shall in the first instance call into the field, at the public expense and for a given time, certain portions of the commissioned and noncommissioned officers. The instruction and discipline thus acquired would gradually diffuse through the entire body of the militia that practical knowledge and promptitude for active service which are the great ends to be pursued. Experience has left no doubt either of the necessity or of the efficacy of competent military skill in those portions of an army in fitting it for the final duties which it may have to perform.

"PRESIDENT MADISON, 1812.

"A revision of the militia laws, for the purpose of rendering them more systematic and better adapting them to emergencies of war, is at this time particularly desirable.

"PRESIDENT MADISON, 1813.

"The militia being always to be regarded as the great bulwark of defense and security for free States, and the Constitution having wisely committed to the national authority a use of that force, as the best provision against an unsafe military establishment, as well as a resource peculiarly adapted to a country having the extent and the exposure of the United States, I recommend to Congress a revision of the militia laws for the purpose of securing more effectually the services of all detachments called into the employment and placed under the Government of the United States.

"PRESIDENT MADISON, 1814.

"I earnestly renew at the same time a recommendation of such changes in the system of the militia as by classing and disciplining for the most prompt and active service the portions most capable of it will give to that great resource for the public safety all the required energy and efficiency.

"PRESIDENT MADISON, 1815.

"And I can not press too much on the attention of Congress such a classification and organization of the militia as will most effectually render it the safeguard of a free State. If experience has shown in the recent splendid achievements of militia the value of this resource for public defense, it has shown also the importance of that skill in the use of arms, and that familiarity with the essential rules of discipline which can not be expected from the regulations now in force. With this subject is intimately connected the necessity of accommodating the laws, in every respect, to the great object of enabling the political authority of the Union to employ promptly and effectually the physical power of the Union in the cases designated by the Constitution.

"PRESIDENT MADISON, 1816.

"An efficient militia is authorized and contemplated by the Constitution and required by the spirit and safety of free government. The present organization of our militia is universally regarded as less efficient than it ought to be made, and no organization can be better calculated to give to it its due force than a classification which will assign the foremost place in the defense of the country to that portion of its citizens whose activity and animation best enable them to rally to its standard. Besides the consideration that a time of peace is the time when the change can be made with the most convenience and equity, it will now be aided by the experience of a recent war, in which the militia bore so interesting a part.

"PRESIDENT MONROE, 1817.

"An improvement in the organization and discipline of the militia is one of the great objects which claims the unremitted attention of Congress.

"PRESIDENT MONROE, 1822.

"I have to add that in proportion as our regular force is small should the instruction and discipline of the militia, the great resource on which we rely, be pushed to the utmost extent that circumstances will admit.

"PRESIDENT MONROE, 1823.

"As the defense and even the liberties of the country must depend in times of imminent danger on the militia, it is of the highest importance that it be well organized, armed, and disciplined throughout the Union.

"PRESIDENT ADAMS, 1825.

"The organization of the militia is yet more indispensable to the liberties of the country. It is only by an effective militia that we can at once enjoy the repose of peace and bid defiance to foreign aggression; it is by the militia that we are constituted an armed nation, standing in perpetual panoply of defense in the presence of all the other nations of the earth. To this end it would be necessary so to shape its organization as to give it a more united and active energy. There are laws for establishing a uniform militia throughout the United States and for arming and equipping its whole body. But it is a body of dislocated members, without the vigor of unity, and having little of uniformity but the name. To infuse into this most important institution the power of which it is susceptible, and to make it available for the defense of the Union at the shortest notice and at the smallest expense of time, of life, and of treasure, are among the benefits to be expected from the persevering deliberations of Congress.

"PRESIDENT ADAMS, 1826.

"The occasion was thought favorable for consulting the same board, aided by the results of a correspondence with the governors of the several States and Territories and other citizens of intelligence and experience, upon the acknowledged defective condition of our militia system and of the improvements of which it is susceptible. The report of the board upon this subject is also submitted for your consideration.

"PRESIDENT JACKSON, 1832.

"If in asserting rights or in repelling wrongs war should come upon us, our regular force should be increased to an extent proportioned to an emergency, and our present small Army is a nucleus around which such force could be formed and embodied. But for purposes of defense, under ordinary circumstances, we must rely upon the electors of the country. Those by whom and for whom the Government was instituted and is supported will constitute its protection in the hour of danger, as they do its check in the hour of safety.

"But it is obvious that the militia system is imperfect. Much time is lost, much unnecessary expense incurred, and much public property wasted under the present arrangement. Little useful knowledge is gained by the musters and drills now established, and the whole subject evidently requires a thorough examination. Whether a plan of classification remedying these defects and providing for a system of instruction might not be adopted is submitted to the consideration of Congress. The Constitution has vested in the General Government an independent authority upon the subject of the militia which renders its action essential to the establishment or improvement of the system, and I recommend the matter to your consideration, in the conviction that the state of this important arm of the public defense requires your attention.

"PRESIDENT JACKSON, 1835.

"Occurrences to which we, as well as other nations, are liable, both in our internal and external relations, point to the necessity of an efficient organization of the militia. I am again induced by the importance of the subject to bring it to your attention. To suppress domestic violence, and to repel foreign invasion, should these calamities overtake us, we must rely in the first instance upon the great body of the community whose will has instituted and whose power must support the Government.

"PRESIDENT JACKSON, 1836.

"In this connection it is also proper to remind you that the defects in our present militia system are every day rendered more apparent. The duty of making further provision by law for organizing, arming, and disciplining this armed defense has been so repeatedly presented to Congress, by myself and my predecessors, that I deem it sufficient on this occasion to refer to the last annual message and to former Executive communications in which the subject has been discussed.

"PRESIDENT VAN BUREN, 1837.

"It is not, however, compatible with the interests of the people to maintain, in time of peace, a regular force adequate to the defense of our extensive frontiers. In periods of danger and alarm we must rely principally upon a well-organized militia, and some general arrangement that will render this description of force more efficient has long been a subject of anxious solicitude. It was recommended to the first Congress by General Washington, and has since been frequently brought to your notice, and recently its importance strongly urged by my immediate predecessor. The provision in the Constitution that renders it necessary to adopt a uniform system of organization for the militia throughout the United States presents an insurmountable obstacle to an effective arrangement by the classification heretofore proposed, and I invite your attention to the plan which will be submitted by the Secretary of War, for the organization of volunteer corps and the instruction of the militia officers, as more simple and practicable, if not equally advantageous as a general arrangement of the whole militia of the United States.

"PRESIDENT VAN BUREN, 1838.

"I would again call your attention to the subjects connected with and essential to the military defenses of the country, which were submitted to you at the last session, but which were not acted upon, as is supposed, for want of time. The most important of them is the organization of the militia on the maritime and inland frontiers. This measure is deemed important, as it is believed that it will furnish an effective volunteer force in aid of the Regular Army, and may form the basis for a general system of organization for the entire militia of the United States.

"PRESIDENT VAN BUREN, 1839.

"The present condition of the defenses of our principal seaports and navy-yards, as represented by the accompanying report of the Secretary of War, calls for the early and serious attention of Congress, and, as connecting itself intimately with this subject, I can not recommend too strongly to your consideration the plan submitted by that officer for the organization of the militia of the United States.

"PRESIDENT TYLER, 1843.

"In all cases of emergency the reliance of the country is properly placed in the militia of the several States, and it may well deserve the consideration of Congress whether a new and more perfect organization might not be introduced, looking mainly to the volunteer companies of the Union for the present and of easy application to the great body of the militia in time of war.

"PRESIDENT LINCOLN, 1861.

"The recommendation of the Secretary (of War) for the organization of the militia on a uniform basis is a subject of vital importance to the future safety of the country, and is commended to the serious attention of Congress.

"PRESIDENT HAYES, 1880.

"Attention is asked to the necessity of providing by legislation for organizing, arming, and disciplining the active militia of the country, and liberal appropriations are recommended in this behalf.

"PRESIDENT ARTHUR, 1882 AND 1883.

"I invite the attention of Congress to the propriety of making more adequate provision for arming and equipping the militia.

"From the reports of these (United States Army) officers I am induced to believe that the encouragement of the State militia organizations by the National Government would be followed by very gratifying results and would afford it in sudden emergencies the aid of a large body of volunteers educated in the performance of military duties.

"PRESIDENT HARRISON, 1890.

"The encouragement that has been extended to the militia of the States should be continued and enlarged. These military organizations constitute in a large sense the Army of the United States, while about five-sixths of the annual cost of their maintenance is defrayed by the States.

"PRESIDENT CLEVELAND, 1896.

"The appropriations for its (organized militia) support by the several States approximate $2,800,000 annually, and $400,000 is contributed by the General Government. Investigation shows these troops to be usually well drilled and inspired with much military interest, but in many instances they are so deficient in proper arms and equipment that a sudden call to active duty would find them inadequately prepared for field service. I therefore recommend that prompt measures be taken to remedy this condition and that every encouragement be given to this deserving body of unpaid voluntary citizen soldiers, upon whose assistance we must largely rely in time of trouble.

"PRESIDENT ROOSEVELT, 1901.

"Our militia law is obsolete and worthless. The organization and armament of our National Guard of the several States * * * should be made identical with those provided for the regular forces. The obligations and duties of the guard in time of war should be carefully defined. * * * It is utterly impossible in the excitement and haste of impending war to do this satisfactorily if the arrangements have not been made long beforehand.

"* * * the State troops, being already armed and equipped, would be ready for immediate service. This was based on the supposition that the arms and equipments were in good condition, an expectation not generally realized during the war. It is probable that the troops would have been ready for service as quickly by being equipped anew.

"As these troops (volunteer, first call) were mainly from the National Guards of the different States, it was understood that they were well equipped, * * * which supposition was not realized."

Your committee has endeavored to provide a plan as simple and practical as possible to place the militia of the country upon an adequate and satisfactory footing, so that in time of danger it would be immediately available for national defense. The committee believes that that end can be accomplished without changing, or attempting to change, the long established relations between the General Government and the States, and with that end in view that such legislation as is recommended should be in substantial conformity to the following conditions:

1. The obsolete and inoperative sections of the general militia law should be repealed.
2. Those portions of the original statute which continue to have operative force should be brought into conformity with existing military conditions.
3. The organization and discipline of the militia should, for the sake of uniformity of instruction, comform to that prevailing in the Army.
4. The cooperation of the Federal Government should be so regulated as to make it reasonably certain that its expenditures for the maintenance and armament of the militia should hereafter be conditioned or made to depend upon such return, in the way of improved organization and increased efficiency, as will be calculated to justify its liberality in the matter of appropriations.

THE GENERAL MILITIA LAW OF 1792.

The original enactment on this subject was the act of May 8, 1792 (1 Stat., 271), and is embodied, with some modifications presently to be discussed, in the revision of the statutes in 1874 as Title XVI, sections 1625 to 1661, of the Revised Statutes.

The sections of the proposed enactment will be discussed in the order in which they are recommended for adoption.

"*Be it enacted, etc.*, SECTION 1. That the militia shall consist of every able-bodied male citizen of the respective States, Territories, and the District of Columbia, and every able-bodied male of foreign birth who has declared his intention to become a citizen, who is more than 18 and less than 45 years of age, and shall be divided into three classes—the organized militia, to be known as the National Guard of the State, Territory, or District of Columbia, or by such other designations as may be given them by the laws of the respective States or Territories, the National Volunteer Reserve as provided in this act, and the remainder to be known as the Reserve Militia."

This section prescribes the basis of enrollment, conforming in that regard to the corresponding definition of the obligation of citizens, and of aliens who have declared their intention to become such, which is embodied in the act of April 22, 1898.

The original enactment contemplated the establishment of militia districts in the several States composing the Union. In each of these a company of militia was to be maintained, which was to be under the supervision of a captain, the territorial area composing such district being indefinitely described in the statute as "the bounds of his company." It is fair to presume that the districts so created were more exactly described in the legislation of the several States in respect to their militia, adopted subsequently to the enactment of the general militia law, but such enactments were not general, and legislative interest in militia matters languished until, in the first quarter of the nineteenth century, it became practically obsolete as a part of the constitutional military establishment.

The first section of the act of May 8, 1792, assuming the existence of the company district above described, makes every able-bodied male citizen of the respective States resident therein who is of the age of 18 years and under the age of 45 years a member of the "enrolled" as distinguished from the "embodied" militia—a distinction which will be presently explained. The same section provided for the enrollment, which was to be made by the captain, and the second section specifically described the persons or classes of persons who are exempted from enrollment. It is only necessary to observe in respect to the foregoing provision for enrollment that it has been obsolete, in fact, for nearly a century; and is entirely impracticable at the present time, if for no other reason because it makes a demand upon the citizen for military service which is, in some respects, considerably more extensive than any which prevails in the continental states of Europe, where military forces are raised by conscription; for where a system of conscription exists a considerable portion of the able-bodied male population, by drawing fortunate numbers, escape military service, which would have been impossible under a rigorous enforcement of the enrollment clauses of the legislation of 1792, the operation of which would have called into the militia service the entire able-bodied male population of the United States.

The national volunteer reserve provided for is a new subject of proposed legislation, and we believe it is warranted for strategic purposes.

History shows that within the one hundred and seventy-one years from 1700 to 1871, inclusive, less than ten instances have occurred in which declarations of war have preceded hostilities. On the other hand, 107 cases are recorded in which hostilities have been begun by Europe or by the United States of America without previous declaration of war.

"HISTORICAL EXTRACTS SHOWING WHERE HOSTILITIES BEGAN WITHOUT DECLARATIONS OF WAR.

"The year 1700 opened with profound peace, yet on March 12, without public declaration of war, 40,000 Saxons under General Fleming swept down before Riga, then belonging to Sweden.

"In the month of December, 1700, French troops arrived by night and took possession of the strongest places in Spanish Flanders.

"On July 28, 1701, Marshal Catinat, with a French corps d'armée, took possession of the Alpine passes and descended into Lombardy.

"During the early part of the winter of 1701 Prince Eugene seized, without declaration of war, Canneto and other places in the territories of Guastalla, Parma, and Modena.

"Throughout 1701 a naval war was carried on by England and Holland against France, but a formal declaration of war was not declared for several months after hostilities had been carried on.

"In 1708 the Pope of Rome attacked by surprise a body of German imperial troops and ordered them cut to pieces with great barbarity; also,

"In 1708 the English fleet suddenly appeared at Civita Vecchia and by surprise dictated terms to the Pope.

"In 1714 the Turks by sudden invasion seized from Venice the Morea without declaration of war.

"In 1715 England in peace seized Swedish provinces.

"In August, 1717, during peace, a fleet of war vessels carrying 9,000 men left Barcelona secretly for Sardinia. Cagliari, the capital, was surrendered to the Spaniards.

"In 1719 Spain secretly prepared an expedition and seized Messina and the greater part of Sicily.

"The first case in the eighteenth century when declaration preceded war was in 1719, when France and England joined in war against Spain.

"In 1726, without declaration of war, a British squadron under Admiral Hosin was sent to the West Indies and blockaded Porto Bello.

"In 1727 Spain, at peace with England, laid siege to Gibraltar from February 11 to November 23.

"In 1733 Russia invaded Poland without a declaration of war.

"In 1739 reprisals preceded war between Spain and England. War was declared by England October, 1739.

"1740, the first Silesian war.

"1741, naval fights between France and England without declaration of war.

"1742, without declaration of war, Naples, by action of an English admiral, forced to become neutral.

"On June 27, 1743, the battle of Dettingen was fought, at which time no declaration of war had been made, nor was it made until March 20, 1744, when France declared war against England.

"On August 9, 1744, Saxony and Bohemia were invaded by Frederick without declaration of war.

"In 1747, sudden invasion of Holland by the French, in which the French secured all the advantages of sudden attack.

"In 1754, France and England put forth hostile claims in America without declaration of war or notice. Fighting commenced between English and Virginia troops on the one hand and French on the other.

"On May 17, 1756, England declared war on France.

"In August, 1756, Frederick the Great suddenly invaded Saxony with 75,000 men. He did not publish a declaration until after crossing the frontier.

"In 1759, the Dutch commenced hostilities in India against the English without proclamation of war.

"In June, 1770, 1,700 Spanish soldiers and mariners with five frigates and a train of artillery and ordnance stores arrived at Port Egmont, when only two sloops of war and a miserable blockhouse with four guns constituted all the means of defense. Articles of capitulation were immediately concluded.

"In 1777 Austrian troops numbering many thousands entered lower Bavaria and seized every important place, no declaration of war having been previously declared.

"On February 6, 1778, France signed secretly a treaty with Franklin, engaging to give assistance to the American colonies. France did not then declare war upon England.

"In 1779 Spain joined France in a war against England.

"On April 21, 1784, Austria sent a detachment of troops into Dutch territories and took possession of Fort Lillo.

"On December 20, 1787, before the declaration of war was issued, Austria sent six regiments into Turkey for the purpose of surprising the Turkish fortress Belgrade. Declaration of war was not declared until July 10, 1788.

"In July, 1789, a Spanish frigate of 26 guns captured two English vessels and seized a settlement.

"On April 20, 1792, France declared war against the Empire of Germany.

"On September 28, 1792, the French Republic surprised Nice, Montalbon, and Ville Franche, in the Kingdom of Sardinia, during peace.

"In the same year, without declaration of war, the French Republic ordered invasion of neutral Switzerland.

"On July 1, 1793, France declared war upon England, Spain, and the Netherlands.

"In 1795 England seized Dutch colonies, capturing the island of Ceylon without fighting, no declaration of war having previously been made.

"In 1796 the French republican army, without declaration of war, seized forts and territories of the States of the Church, Naples, Tuscany, Parma, Modena, etc.

"On January 23, 1798, France suddenly invaded Switzerland. Naples moved against France, and France took possession of Navarra, Suza, and Coni. No declaration of war was made in any instance.

"On September 5, 1800, Russia seized two British ships in Russian ports and sent their crews prisoners into the interior without declaration of war.

"On July 14, 1801, reprisals were ordered by the English cabinet. All Swedish, Danish, and Russian vessels in English ports were seized and a

large English fleet under Sir Hyde Parker was dispatched to the Baltic, although there was no declaration of war.

"On March 20 the Swedish inland steamer *Bartholomew*, wholly unprepared for any defense, surrendered at the first summons to a force of three regiments of foot and a detachment of artillery under Lieutenant-General Trigge and a squadron under Rear-Admiral Duckworth.

"In 1802 Napoleon sent a force of 20,000 men into friendly Switzerland and seized by surprise Soleure, Zurich, and Berne.

"On November 23, 1806, the Russian army, during negotiations and after full concessions, suddenly invaded Moldavia and seized Chotsim, Bender, and Jassi.

"In 1806 England sent an expedition against Curaçoa; her fleet suddenly entered the harbor, and Fort Amsterdam was assaulted and captured.

"On March 6, 1807, England sent an expedition, during negotiations, into Egypt, and on the 21st of March the governor of Alexandria accepted terms of capitulation.

"In 1807 the English man-of-mar *Leopard*, 52 guns, demanded of the *Chesapeake*, an American frigate cruising off Virginia, the requisition of some English deserters on board the *Chesapeake*. The American captain denied the right of search, whereupon the *Leopard* fired a broadside, killing and wounding several Americans in time of peace.

"In 1812 Napoleon by sudden attack on troops of Kowno declared war with Russia.

"On June 18, 1812, the United States declared war against Great Britain. During the month of April previous, however, a general embargo was laid by Congress upon all vessels in the harbors of the United States for seventy days.

"In 1815 Murat, King of Naples, attacked Austria without notice.

"In 1816 Portugal invaded the Spanish possessions on the river Plate without explanation or previous declaration.

"In 1818 the United States, during peace with Spain, seized Pensacola and St. Marks.

"In 1821 the United States seized a French ship during time of peace.

"In 1826 the King of Spain carried on hostilities against Portugal with willful falsehood without declaring war, but professing friendship.

"During the same year England, without declaration of war on Spain, dispatched troops to fight the Spaniards.

"In 1827 the Turkish fleet was destroyed by Russia, England, and France without warning of war.

"In 1828 the Russo-Turkish war occurred. Hostilities on both sides preceded declaration of war.

"In the same year France sent an expedition against the Turks in Greece and captured five fortresses.

"In 1831, without declaration of war, Russia fired into, sank, and captured Greek ships and joined in a formal attack upon Poros.

"During this same year a French admiral carried off the whole Portuguese fleet and converted reprisals into war. And the King of Holland pressed his troops into Belgium and in nine days crushed the Belgian forces.

"On February 22, 1832, France sent a squadron with troops and captured Ancona by sudden surprise during absolute peace between France and Rome.

"In 1834 the Spanish army, without notice, crossed the Portuguese frontier and, by a forced march, surprised and defeated the force under Don Carlos.

"In 1835 the inhabitants of Texas raised the standard of revolt against the Mexican Government, and declared themselves independent.

"During the year 1838 an invasion of Canada took place under circumstances described in the United States Congress as such 'That the people were at war while their Governments were at peace.'

"On the 17th of April, 1840, the British ships of war in the vicinity of Naples commenced hostilities and captured a number of Neapolitan vessels, and an embargo was laid on all ports of Malta that bore the Sicilian flag.

"In 1844 hostilities by France against Morocco commenced by Prince de Joinville on not receiving a satisfactory answer to an ultimatum.

"On May 13, 1846, the Congress of the United States passed a resolution that, by virtue of the constitutional authority vested in them, declared that a state of war existed between the Republic of Mexico and the United States. The President in his message recited many and various acts of hostilities prior to any declaration of war.

"In 1847 a revolutionary junta had been established in Portugal and was carrying on a war against the Queen. The war having dragged on for some time, England, France, and Spain agreed to interfere, but no declaration of war was made.

"In 1848 the Italian insurrectionary war broke out; the King of Piedmont at once joined his armies to those of the Italians, and the war, from its nature, was carried on without any formal notice.

"On April 25, 1849, the French General Oudinot entered citadel Civitá Vecchia. The Roman Assembly protested in the name of God and the people against this unexpected invasion. A short time after there followed the siege and capture of Rome.

"In 1850 and 1851 the United States waged the "unofficial" war against Cuba.

"In 1853 and 1854 the Crimean war was waged. Hostilities preceded war as follows: The Russian Government seized the Danubian Principalities.

"On May 31 the order for the passage of the Pruth was passed.

"On June 2, before it was known in London, orders were sent to English and French admirals to move up the Besike Bay.

"On October 22 the English and French fleet, under orders from London and Paris, entered the Dardanelles in express breach of treaty of 1841.

"On October 23 Turkey declared war upon Russia and crossed the Danube to expel the Russians.

"In 1859, France and Italy against Austria. The Austrian Government alleged that the actual commencement of this war was on both sides (as between France and Austria) declared to be due to prior hostile acts, not words.

"On May 5, 1860, Garibaldi sailed from Genoa with 2,000 troops to wrest Sicily from the King of Naples.

"In 1863 war between Austria and Prussia on one side and Denmark on the other virtually commenced by the occupation of Holstein and Lauenburg by the troops of the two great powers.

"In 1870, the war between France and Germany, the declaration of war clearly preceded war."

These facts prove the necessity of a wise people being prepared for any emergency. While at present there may be no probability of any foreign power waging war against the United States, yet, as an intelligent nation, we should not in our repose of security lose sight of the possibilities of such an event. Great Britain, if uninterrupted, could place within forty days an army of 100,000 men in the midst of the greatest wheat-producing section of our country.

In addition to the wheat fields, the lumber regions and the ore beds of the Northwest, the entire output of which would be controlled by the presence of an army of occupation moving from Winnipeg south into the United States, and thus cutting the Northern Pacific Railroad, Great Britain would, by means of her light-draft gunboats, have control of the Great Lakes and thus have an uninterrupted water communication, except when the ice of winter prevented, between the left wing of the army of occupation of the Northwest, resting at Duluth, and the right wing of the army of the Northeast, with its right resting probably on Lake Erie.

This army would be composed of the troops of the home garrisons in the United Kingdom and Ireland and of levies from Bermuda and Jamaica and all the militia and volunteers of Canada. Great Britain constantly keeps in her squadron, which is at Bermuda or Halifax, or between these two points, from four to five fine gunboats of such a draft as will allow them to pass through the St. Lawrence system of canals into Lake Ontario, and by the Welland Canal into Lake Erie. These vessels, without infraction of treaty, and indeed probably without our knowledge, can pass so far up the St. Lawrence that the time required for them to enter and cross Ontario and pass through the Welland Canal into Lake Erie must be estimated in hours rather than days. Once there, and even if we succeeded in successfully disputing the passage through the Detroit River and Lake St. Clair into Lake Huron, there would nevertheless lie at their mercy the cities of Buffalo, Dunkirk, Erie, Cleveland, Toledo, Sandusky, and other cities and villages on the south shore of Lake Erie.

Treaty stipulations prevent our having a fleet on the lakes, and to-day in that region the antiquated and obsolete man-of-war (?) *Michigan* not unfitly represents the majesty of our naval power.

Is there any way to prevent the mobilization of this great army and the passage of these vessels? The answer can not be given positively in a word. There is if we have an efficient militia system; there is not if we have not; for our skeleton of an army, numbering less than 65,000 men, scattered from one end of this great country to the other, and from the North to the South, and a large proportion of it serving in the Philippines, Porto Rico, and Hawaii, forms nothing more than a picked guard to sound the alarm. The St. Lawrence canals are all upon the far side of the St. Lawrence from us, with one exception, which is the Beauharnois (called in the local tongue "Barnway").

This, it is true, lies upon our side of the river, although, of course, upon Canadian soil, but its exposed position in case of war is as well known to England and Canada as ourselves, and consequently a canal to replace it has been projected on the other side of the St. Lawrence; surveys have been made, and probably work upon it has already been begun. Still, a bold and efficient force under a dashing leader might reach some of the St. Lawrence canals in time to cripple them; but the natural movement would be upon the Welland. With an effective force of militia such as we should have the Welland Canal can be seized and held, the movement of troops upon the St. Lawrence can be checked, and before the thirty-six days, to which allusion has been made in the first part of this report, have passed the line of the Canadian Pacific Railroad can be in our possession. But that these things should be possible, it is essential that the United States should be able to mobilize a force of 100,000 men in not less than forty-eight hours.

We can have millions if we can spare the time to raise, equip, drill, and discipline volunteers, but time is exactly the element which the wary enemy will not allow us, and therefore our only safeguard lies in a militia which can give us an effective "first line" of 100,000 men in forty-eight hours. It is not reasonable to suppose that for this short notice we can obtain more than 75 per cent of the paper force; and, therefore, while our militia should be 200,000 men, it is absolutely unsafe for it to be less than 150,000. But to have a force of this size more money is needed. The States already appropriate more for the militia than the United States. It is a popular delusion that the money which is annually appropriated by the United States for arming and equipping the militia is money given to the militia.

The law states that this money is appropriated for the purpose of "providing" arms, etc. That is to say, the United States appropriates this money and with it buys or manufactures war material, which material, instead of being placed in storehouses, is intrusted to the National Guard of the States and Territories; and while some of it of course is, of necessity, worn-out in the drilling and disciplining of this reserve of volunteers, all of it that is serviceable—to quote the language of the law—"shall remain the property of the United States," and in the event of need, can be and will be utilized by the United States in arming and equipping its troops. The money thus appropriated should therefore be looked upon not only as money expended for the benefit of the militia, but as funds provided for the very necessary purpose of preparing a reserve stock of war material for use in emergencies.

Reference has been made to how important an element time is. The following is quoted from a lecture delivered by Capt. D. M. Taylor, Ordnance Department, United States Army, at San Francisco in 1885:

"With the introduction of steam, electricity, and arms of precision, the 'pomp and circumstance of glorious war' went out, and with them departed the dignified slowness which characterized military operations of the period when combatants took their time about wars, and their duration was from seven to thirty years. Modern wars are short and sharp. In this connection the following dates are instructive:

Year.	War.	Declared.	Decisive battle.	Days.
1859	France and Austria	May 3	Solferino, June 24	52
1864	Dano-German	Jan. 16	Fall of Duppel, Apr. 18	93
1866	Austro-Prussian	June 16	Sadowa, July 3	17
1866	Austro-Italian	June 20	Lissa, July 20	30
1870	Franco-German	July 15	Sedan, Sept. 2	49

"So that we see in many instances the fate of war has been decided and its decisive battles fought in fewer days from the declaration of war than is needed in shipbuilding England to prepare the plans and let the bids for one class of unarmored vessels."

The Constitution provides for appropriations for the support of the Army and Navy. It further provides for organizing, arming, and disciplining the militia, thus authorizing an appropriation for the common defense.

All that is undertaken by section 24 of the bill is to provide who shall constitute the national volunteer reserve. They do not become a part of the standing Army of the United States. All that could be done would be, under the direction of the Secretary of War, to provide for their organization, drill, inspection, instruction, and give authority in time of threatened war to call them out, and upon declaration of war by Congress to make them a part of the volunteer force of the United States.

This section provides an elastic organization for the embodied militia conforming to the present composition of similar troops in the Army, and changing in the future as Congress may see fit from time to time to make changes in the composition of the corresponding organizations in the Regular Army.

The objects of the provision that "the organization, armament, and discipline of the organized militia * * * shall be the same as that which is * * * prescribed * * * for the Regular and Volunteer Armies of the United States" are twofold.

First, that in time of peace there shall be uniformity of instruction, and second, in time of war organization shall be identical, to avoid confusion.

While at the time of entry into the service of the United States interpretation of the requirement relating to organization might be strict, in time of peace it might properly be liberal, when not interfering with the true intent of the provision.

Thus, while in time of peace a company, troop, battery, battalion, or regiment of infantry or cavalry might, as a necessity of instruction or administration, have assigned or detailed to it extra officers to perform the duties of extra lieutenants, battalion adjutants, and quartermasters, inspectors of small-arms practice, assistant surgeons, etc., these officers, unless subsequently provided for in the regular and volunteer service, would be relieved from duty at the time of entry into the United States service of the organization to which attached, but might conveniently fill vacancies in line or staff at such time or fill other offices of usefulness in the service.

In spite of tradition, the fact remains that all necessities, tactical and administrative, are best met in all cases by requirements of three battalions of four companies each. It is not unreasonable to assume that with the increased public appreciation of the importance of the organized militia under the new law, the necessary increase of companies and recruiting would follow. While a regiment of ten companies might be considered as untactical (except under Upton's discarded tactics), even in the regular service a regiment might properly be left at eight companies pending recruitment to a full regiment or as a ten-company regiment divided into three battalions, two to consist of three companies only.

In case of separate companies of infantry or troops of cavalry, if the organization is similar to that of the corresponding body in the regular service, and conditions are inconvenient to attach them to a battalion, squadron, or regiment existing, it would not appear to be violating section 3 that such company or troop should remain unattached until a larger unit should be created.

As to special numerical or other designation, there appears to be nothing in the new law to conflict with present nomenclature. When forming part of a battalion or squadron or regiment, the present designations might still be preserved.

In cases of existing bodies of engineers or artillery, organized as regiments, conceding the necessity of such organizations for administrative and instruction purposes, this organization does not differ from the Regular Army organization, except in name, which is not important. If the same number of companies of the Regular Artillery or Engineer Corps were assembled permanently at one post they might properly be commanded and administered by detailed field and staff officers and noncommissioned staff, as is the case of National Guard heavy artillery and engineer regiments. In the event of entry into the United States service, if as coast artillery or engineers, neither of these organizations would be brigaded, but split up as the necessities of the service should determine. Therefore no change except in the matter of the detail of extra officers need be contemplated in such organizations.

Uniformity of organization, or at least to an extent that will insure uniform instruction in time of peace and absolute uniformity on entry into the United States service, may well be considered the very essence of the new bill, and any variation or qualification of the terms of section 3 which would open the door to a perpetuation of the lack of uniformity now prevailing would be most injurious to the service. In comparison, the inconvenience involved on the part of the different States in conforming to the spirit and letter of the new law would be very slight.

This section also requires that the "armament" and "discipline" shall conform to "that which is now or may hereafter be prescribed by law for the Regular and Volunteer armies of the United States." The requirements as to a uniform armament needs no explanation. The provision requiring uniformity in discipline replaces a similar requirement of the law of 1792, which provided that:

"SEC. 1637. The system of discipline and field exercise which is ordered to be observed in the different corps of infantry, artillery, and riflemen of the Regular Army shall also be observed in such corps, respectively, of the militia."

From an examination of section 1637 it will be seen that the term "discipline," as used in the section proposed for adoption, relates to the tactics or drill regulations of the different arms or corps, and such other books and manuals as are provided for the instruction of troops, the purpose being to secure uniformity in training in the militia of the several States and at the same time to reserve to the States and Territories, respectively, the duty of training or disciplining their militia in accordance with the methods prescribed by Congress, or by the President under its authority and direction.

Section 3 of the act of May 8, 1792, prescribed a general organization of the militia. Each regiment was to consist of 2 battalions of 5 companies each. A regiment of 2 battalions was to have a colonel, lieutenant-colonel, 1 major, and 1 chaplain. An adequate regimental staff was also provided. A separate battalion was commanded by a major, who was not assisted by either a commissioned or noncommissioned staff. The company of infantry, which was the fundamental unit of the organization, was composed of 1 captain, 1 lieutenant, 1 ensign, 4 sergeants, 4 corporals, 2 musicians, and 64 privates. Each battalion was to have 1 company of "grenadiers, light infantry, or riflemen," and it is not quite clear whether this company was to be in addition to or to be formed out of the 5 by selection or otherwise.

The context would indicate, however, that the latter course was contemplated in the formation of the special company above described. A company of artillery was authorized for each division, and was to be composed of 1 captain, 2 lieutenants, 4 sergeants, 4 corporals, 6 gunners, 6 bombadiers, 2 musicians, and 64 privates. A "troop of horse" was composed of 1 captain, 2 lieutenants, 1 cornet, 4 sergeants, 4 corporals, 1 saddler, 1 farrier, 1 trumpeter, and 64 privates. During the war of the rebellion the organization of the militia was modified by the act of July 17, 1862 (12 Stats., 597), which provided a ten-company organization for the infantry regiment, and required companies of cavalry and artillery to be organized "as in the regular service." This statute is still in force.

The tactical organization of the militia of the several States into brigades and divisions was provided for in section 3 of the act of May 8, 1792 (sec. 1630, Rev. Stat.), by a general requirement that the militia of each State "shall be arranged into divisions, brigades, regiments, battalions, and companies, as the legislature of the State may direct." Each brigade was to consist of four regiments, but the composition of the division was not expressly provided; and the divisions, brigades, and regiments were to be numbered at their formation, the numbering being of record in the adjutant-general's office of the State; and "when in the field or in service in the State each division, brigade, and regiment shall respectively take rank according to its number."

The third section also prescribed the number, rank, and duties of the general and staff officers necessary to the command and administration of the tactical organizations therein provided for. The act of March 2, 1803 (2 Stats., 207), made further provision for the general staff of the militia forces. The organization prescribed for the militia in the act of May 8, 1792, underwent some modification in the act of July 17, 1862 (12 Stats., 598), which prescribed a regiment of infantry of ten companies, fixed the proportions of artillery and cavalry at one company of each arm for each ten-company regiment of infantry, and established a uniform organization for divisions and brigades. This enactment, which is embodied in sections 1645-1647 of the Revised Statutes, is still in force.

An able statement of the reasons why the militia can not be taken out of the United States for the purposes of war is to be found in Ordronaux's Constitutional Legislation, page 501, from subhead "Calling out the militia and its government" to the subhead "Jurisdiction over ceded places," page 506:

"CALLING OUT THE MILITIA AND ITS GOVERNMENT.

"The Constitution distinctly enumerates the three exclusive purposes for which the militia may be called into the service of the United States. These purposes are: First, to execute the laws of the Union; second, to suppress insurrection, and third, to repel invasions.

"These three occasions, representing necessities of a strictly domestic character, plainly indicate that the services required of the militia can be rendered only upon the soil of the United States or of its Territories. Under these circumstances they still remain the militia of their several States, although temporarily in the service of the United States as the superior power constitutionally invoked 'to execute the laws of the Union, to suppress insurrection, and to repel invasions.' In the history of this provision of the Constitution there is nothing indicating that it was even contemplated that such troops should be employed for purposes of offensive warfare outside the limits of the United States. And it is but just to infer that the enumerations of the specific occasions on which alone the militia can be called into the service of the General Government was intended as a distinct limitation upon their employment. (Kneedler *v.* Lane, 45 Penn., 238; Martin *v.* Mott, 12 Wheat., 19; Houston *v.* Moore, 5 ibid., I.)

"Being the ministers of the law to enforce its commands, they can only be summoned by the lawmaking power to act within the extent of its jurisdiction and in the manner prescribed by the Constitution. They can not, consequently, be used to invade the territory of a neighboring country, or to enforce any public rights abroad. While serving as State militia they do not lose their distinctive character beyond becoming the militia of the United States for the time being.

"It was the hereditary fear of standing armies, as a menace to liberty in time of peace, which led the framers of the Constitution to provide that the militia should always remain a militia of the States.[a]

"It was never designed to be a militia of the United States, nor under the control of the President, except when called into actual service under some one of the above-enumerated contingencies. Nor was he even to be allowed to do so at his arbitrary pleasure, but only after the necessity for so doing had been recognized and approved by Congress.

"'Remember always [says Mr. Webster] that the great principle of the Constitution on that subject is that the militia is the militia of the States, and not of the General Government, and being thus the militia of the States, there is no part of the Constitution worded with greater care and with a more scrupulous jealousy than that which grants and limits the power of Congress over it.' (Works, vol. 2, p. 95.)

"Speaking likewise on this question of the government of the militia, the justices of the supreme judicial court of Massachusetts in their opinion upon the subject say that:

"'Were it otherwise, were the General and State governments to have their own militia, the results would have been that there would be, within the bosom of each State, a large embodied military force, not by its organization amenable to the laws, or subject to the orders of the State government; and also a similar force, on which the General Government would have no right to call for aid to repel invasion, suppress insurrection, or execute the laws; a state of things not only rendering each to a great extent inefficient and powerless, but also entirely destructive of that harmony and union which were intended to characterize the combined action of both governments.' (80 Mass. R., 614.)

"The militia of the States, restricted to domestic purposes alone, are to be distinguished, therefore, from the Army proper of the United States, which, whether in the form of regular troops or volunteers, may be used to invade a foreign country as well as to repel the attack of foreign enemies. The invasion of Mexico in 1846 and of Canada during the war of 1812 with Great Britain are notable instances of this kind. Although in the latter case some militia did participate in the battles of Chippewa and Niagara on Canadian soil, a portion claimed their constitutional rights and refused to cross the frontier. (Hildreth's Hist. of the U. S., vol. 3, p. 358.)

"Guilty as they may have been of flagrant insubordination, it is doubtful whether any military court could have vindicated its jurisdiction in punishing this disobedience of an unlawful command.

"From 1792 (act of May 8, 1792, 1 Stat. L., 271) to 1862 (act of July 17, 1862, 12 Stat. L., 597) none but free white male citizens could be lawfully enrolled in the militia of any of the States. By the latter act 'all able-bodied male citizens between the ages of 18 and 45' are included, and it is further enacted that 'the militia when so called into service shall be organized in the mode prescribed by law for volunteers.' As a fact, during our civil war the State regiments, whether raised by draft or voluntary enlistments, retained the name of their several States with their appropriate numbers, and they were called 'volunteers' to distinguish them from troops of the Regular Army.

"By the confiscation act of July 17, 1862 (12 Stat. L., 592), the President was authorized to enlist persons of African descent into the Army for the suppression of the rebellion. This was the initiation of colored soldiers into our Army, and led to the permanent organization of negro regiments.

"The power to call out the militia and the power to govern them authorizes the passage of laws to enforce the call by the infliction of suitable penalties and the erection of courts for the trial of offenders. This Congress has done in the various acts passed between 1792 and 1862 giving to the President the authority to call forth the militia and to provide for their government when in active service. (Rev. Stats. U. S., Title XVI.)

"In respect to their control the power of the State and General Government over the militia are concurrent in this sense, that the powers of the State governments antedating the Constitution, and not having been prohibited by that instrument, still remain with the States until a necessity arises calling for the exercise of the superior authority of the General Government over the same subject. (Houston *v.* Moore, 5 Wheat., 1.)

"Then the State authority (except in the matter of training and officering them according to the discipline prescribed by Congress) becomes subordinated to that of the President as commander in chief of all our forces. When-

[a] Charles II, by his own authority, kept on foot a body of 5,000 troops in time of peace, and James II increased the number to 30,000, who were paid out of his civil list. This it was which gave rise to the revolution of 1688 and to the insertion in the Bill of Rights of the clause that "raising and keeping a standing army within the Kingdom in time of peace, unless with the consent of Parliament, is against law. (1 William and Mary, 1689.) The complaint that George III had done so in the colonies is one of the grievances set forth in our Declaration of Independence. (Federalist, No. 26; Macaulay's Hist., chap. 23; Hallam's Const. Hist., chap. 25.)

ever, therefore, any body of the militia has entered into the service of the United States its authority over them is exclusive and paramount.

"As to the command of the militia, the State alone is authorized to provide its officers, but when it has passed into the service of the United States the President as commander in chief may exercise his command over them either through Regular Army officers or through the officers of the militia themselves. Until such troops have actually been mustered into this service they are not amenable to the Articles of War prescribed by the General Government, and can not be punished for disobedience to them. The militia called into the public service are still the militia of the States until organized in the manner prescribed by Congress. (Mills *v.* Martin, 19 Johns., 7; Houston *v.* Moore, 5 Wheat., 20; Vanderhyden *v.* Young, 11 Johns., 150.)"

The Revised Statutes of the United States (Title XVI) have reenacted the act of 1792, with all its obsolete military terms and references to weapons long since relegated to the museums of military antiquities. Much of this scheme of organization is in the light of modern science not only faulty but, under present and accepted rules of formation, wholly impracticable. Our highest military authority has pointed this out most forcibly in a recent publication, whose statements should receive the serious attention of Congress. (Our Army and Militia, by Gen. W. T. Sherman, in North American Review for August, 1890.)

This section replaces section 1648 of the Revised Statutes without other change than is believed to be necessary in order to bring the requirement up to date.

"SEC. 1648. Whenever the President calls forth the militia of the States, to be employed in the service of the United States, he may specify in his call the period for which such service will be required, not exceeding nine months, and the militia so called shall be mustered in and continue to serve during the terms so specified, unless sooner discharged by command of the President."

In the earlier enactments in respect to the Federal employment of the militia the period of compulsory service was fixed at three months in any one year, and the completion of such a period of service entitled a member of the militia to exemption from active service, save "in due rotation with every other able-bodied man of the same rank in the battalion to which he belongs." (Sec. 4, act of February 28, 1795; 1 Stats., 424.) This period was extended to six months by section 2 of the act of March 3, 1839 (5 Stats., 355), and to sixty days after the commencement of the next regular session of Congress by section 3 of the act of July 29, 1861 (12 Stats., 281), and to nine months by the act of July 17, 1862 (ibid., 597), which is the existing law.

"SEC. 6. That when the militia of more than one State is called into the actual service of the United States by the President he may, in his discretion, apportion them among such States or Territories or to the District of Columbia according to representative population."

This section replaces section 1643 of the Revised Statutes. It differs from that section only in that it is not mandatory, but vests a discretion in the President in respect to the apportionment of quotas where the militia of more than one State is called into the service of the United States. Section 1643 provided that:

"SEC. 1643. When the militia of more than one State is called into the actual service of the United States by the President he shall apportion them among such States according to representative population."

"SEC. 7. That every officer and enlisted man of the militia called into the service of the United States in the manner hereinbefore prescribed shall be held to be in such service from the date of the publication of such call; and any officer or man who shall refuse or neglect to obey such call shall be subject to trial by court-martial, and shall be punished as such court-martial may direct."

The authority to order forth the militia presupposes the power to enforce compliance with the order, and to make such authority effective it must be accompanied with the power to punish for a disobedience of such order from the moment a call is made. The only effective means to enforce such authority is by court-martial. Section 5 of the act of February 28, 1795 (1 Stats., 424), the Federal enactment on the subject, provided—

"That every officer, noncommissioned officer, or private of the militia who shall fail to obey the orders of the President of the United States in any of the cases above recited, shall forfeit a sum not exceeding one year's pay and not less than one month's pay, to be determined and adjudged by a court-martial: and such officer shall, moreover, be liable to be cashiered by sentence of a court-martial, and be incapacitated from holding a commission in the militia for a term not exceeding twelve months, at the discretion of the said court; and such noncommissioned officers and privates shall be liable to be imprisoned, by a like sentence, on failure of the payment of fines adjuged against them, for one calendar month for every $5 of such fine."

The leading case of Martin *v.* Mott (12 Wheaton, 19) grew out of an attempted enforcement of this section, and that of Houston *v.* Moore (5 Wheaton, 1) out of a corresponding attempt in the case of an enactment of the Pennsylvania legislature in its support. A report submitted to Congress by the Comptroller of the Treasury on October 30, 1820, shows that 9,945 persons were fined under the provisions of this section in sums aggregating $483,685.41 for neglect of duty in failing to render service in the militia during the war of 1812 (12 American State Papers, vol. 2, Military Affairs, pp. 314–319), to which should be added $15,377 subsequently reported as collected in Virginia. An incomplete report of the expenses of the courts-martial convened for the purpose of imposing fines for the year above mentioned shows that $97,194.14 were disbursed on that account during that period. In New York the fines collected amount to $243,609.41 and the cost of collection was $55,428.49, about 20 per cent. In Pennsylvania $15,877 was collected, at a cost of $41,531.77. Regarded, therefore, as a practicable method of enforcing obedience to the President's orders calling forth the militia, this portion of the enactment must be looked upon as a complete failure.

The experience of the United States for nearly three-quarters of a century has been that in an ordinary emergency of war neither inducements nor penalties are necessary in order to induce or compel citizens to perform the duty required of them as members of the militia forces in time of public danger. As the remedy for a failure to respond to the call of the President, as prescribed in the sections above cited, failed completely upon the only occasion in our history in which it was resorted to, your committee can not do otherwise than to recommend its repeal.

"SEC. 8. That courts-martial for the trial of officers or men of the militia when in the service of the United States shall be composed of militia officers only; but such officers need not be residents of the same State or Territory as the accused."

In this section the committee recognizes and continues in operation a rule which has prevailed without interruption since the adoption of the Articles of War by the Continental Congress, in 1776, and which was embodied in its present form in the general militia law of 1792. It has seemed to your committee a wise precaution to embody in the new section a declaration that while such courts shall be composed exclusively of militia officers they shall not of necessity be from the same State as the accused.

"SEC. 9. That the militia, when called into the actual service of the United States, shall be subject to the same Rules and Articles of War as the regular troops of the United States."

This section, which has been reenacted without change, replaces section 1644 of the Revised Statutes, which provides that—

"SEC. 1644. The militia, when called into the actual service of the United States for the suppression of the rebellion against and resistance to the laws of the United States, shall be subject to the same Rules and Articles of War as the regular troops of the United States."

"SEC. 10. That the militia, when called into the actual service of the United States, shall, during their time of service, be entitled to the same pay and allowances as are or may be provided by law for the Regular Army."

The provisions of the general militia law in respect to the pay and allowance of the militia when called into the service of the United States are in some respects not only obsolete, but inoperative. Your committee has therefore retained the wholesome requirement of section 1650 of the Revised Statutes, which places troops of the militia upon practically the same footing as those of the regular establishment in all matters relating to pay, rations, clothing, travel allowances, and other emoluments.

The experience gained from the mobilization of militia forces in 1861 and 1898 shows that the duty of the Federal Government to maintain and support militia which it calls into its service should become operative as to each company when it assembles at its company rendezvous in obedience to the call of the President, and all expenses subsequently incurred for pay, subsistence, and transportation constitute a proper charge against the Federal Government.

The proposed section replaces sections 1651, 1652, and 1654 of the Revised Statutes, which provide:

"SEC. 12. That the adjutant-general of each State, Territory, and the District of Columbia shall perform such duties as may be prescribed by the laws of such State, Territory, and District, respectively, and make returns to the Secretary of War, at such times and in such form as he shall from time to time prescribe, of the strength of the organized militia, and also make such reports as may from time to time be required by the Secretary of War. That the Secretary of War shall, with his annual report of each year, transmit to Congress an abstract of the returns and reports of the adjutants-general of the States, Territories, and the District of Columbia, with such observations thereon as he may deem necessary for the information of Congress."

As the office of adjutant-general is created by the State government, this section places that office under the control of the governor and legislature of the State, whose agent he is and to whom he is responsible for the correct performance of the functions imposed upon him by law. In addition to the duties attached to the office by authority of the State, this section contains the provision of existing law which requires returns of strength of the enlisted organized and uniformed active militia to be rendered to the War Department annually by that office.

Section 232 of the Revised Statutes requires the Secretary of War to transmit to Congress, on or before the first Monday in February of each year, an abstract of the returns of the adjutants-general of the several States. In the section as proposed, this return is to accompany the annual report of the Secretary to Congress. This change is believed to be in the direction of promptness in the transaction of public business, and the operation of the enactment will be to cause the report to be rendered about two months earlier than is the case at present.

Section 12 replaces sections 232, 1634, 1635, 1636, and 1640 of the Revised Statutes, which provide that—

"SEC. 232. The Secretary of War shall lay before Congress, on or before the first Monday in February of each year, an abstract of the returns of the adjutants-general of the several States of the militia thereof.

"SEC. 1634. There shall be appointed in each State an adjutant-general, whose duty it shall be to distribute all orders from the commander in chief of the State to the several corps; to attend all musters when the commander in chief of the State reviews the militia, or any part thereof; to obey all orders from him relative to carrying into execution and perfecting the system of military discipline established by law; to furnish blank forms of returns that may be required, and to explain the principles on which they should be made; to receive from the several officers of the different corps throughout the State returns of the militia under their command, and to make proper abstracts from such returns, and lay the same annually before the commander in chief of the State.

"SEC. 1635. The several officers of the divisions, brigades, regiments, and battalions shall report, in their returns of the corps under their command, the actual condition of their arms, accouterments, and ammunition, their delinquencies, and every other particular relating to the general advancement of good order and dicipline, and shall make the same in the usual manner.

"SEC. 1636. It shall be the duty of the adjutant-general in each State to make return of the militia of the State, with their arms, accouterments, and ammunition, agreeably to the provisions of law, to the President of the United States, annually, on or before the first Monday in January; and it shall be the duty of the Secretary of War from time to time to give such directions to the adjutants-general of the militia as may, in his opinion, be necessary to produce a uniformity in such returns.

"SEC. 1640. It shall be the duty of the brigade inspector to attend the regimental and battalion meetings of the militia composing the several brigades during the time when they are under arms, to inspect their arms, ammunition, and accouterments; to superintend their exercise and maneuvers, and to introduce throughout the brigade the system of military discipline prescribed by law, and such orders as they receive from the commander in chief of the State.

"SEC. 13. That the Secretary of War is hereby authorized to issue, on the requisitions of the governors of the several States and Territories, or of the commanding general of the militia of the District of Columbia, such number of the United States standard service magazine arms, with bayonets, bayonet scabbards, gun slings, belts, and such other necessary accouterments and equipments as are required for the Army of the United States, for arming all of the organized militia in said States and Territories and District of Columbia, without charging the cost or value thereof, or any which have been issued since December 1, 1901, or any expense connected therewith, against the allotment to said State, Territory, or District of Columbia, out of the annual appropriation provided by section 1661 of the Revised Statutes as amended, or requiring payment therefor, and to exchange, without receiving any money credit therefor, ammunition, or parts thereof, suitable to the new arms, round for round, for corresponding ammunition suitable to the old arms, theretofore issued to said State, Territory, or District by the United States: *Provided*, That said rifles and carbines and other property shall be receipted for and shall remain the property of the United States and be annually accounted for by the governors of the States and Territories as now required by law, and that each State and Territory, and District shall, on receipt of the new arms, turn in to the Ordnance Department of the United States Army, without receiving any money credit therefor, and without expense for transportation, all United States rifles and carbines now in its possession.

"To provide means to carry into effect the provisions of this section, the necessary money to cover the cost of or issuing the new arms, accouterments, equipments, and ammunition to be exchanged or issued hereunder is hereby appropriated out of any moneys in the Treasury not otherwise appropriated."

The requirement of the Constitution which confers upon Congress the power to prescribe the discipline of the militia forces, and vests in the States the right to instruct them in conformity to the system of drill and discipline so prescribed by Congress, has for its purpose to secure substantial uniformity in drill and instruction as between the Army and the militia. That there should be such uniformity in discipline it is absolutely necessary that there should be a corresponding uniformity in armament and equipment.

In other words, the systems of drill and target practice for the Army and militia can not be uniform unless the arms and equipments are the same for both forces. This principle was recognized in the act of February 24, 1897 (29 Stats., 592), which authorized the issue of the Springfield breech-loading rifle to the whole body of the militia in exchange for the diverse types of small arms which were then in use by the militia of the several States. A similar exchange is contemplated in this section, and for the same purpose, viz, of introducing uniformity of instruction throughout the constitutional militia establishment. The advantage which will result to the United States in the way of increased efficiency in the militia forces is a sufficient consideration and warrants the exchange being made on the same basis as was prescribed in the legislation of 1897.

"SEC. 14. That whenever it shall appear by the report of inspections, which it shall be the duty of the Secretary of War to cause to be made at least once in each year by officers detailed by him for that purpose, that the organized militia of a State or Territory or of the District of Columbia is sufficiently armed, uniformed, and equipped for active duty in the field, the Secretary of War is authorized, on the requisition of the governor of such State or Territory, to pay to the quartermaster-general thereof, or to such other officer of the militia of said State as the said governor may designate and appoint for the purpose, so much of its allotment out of the said annual appropriation under section 1661 of the Revised Statutes as amended as shall be necessary for the payment, subsistence, and transportation of such portion of said organized militia as shall engage in actual field or camp service for instruction, and the officers and enlisted men of such militia while so engaged shall be entitled to the same pay, subsistence, and transportation or travel allowances as officers and enlisted men of corresponding grades of the Regular Army are or may hereafter be entitled by law, and the officer so designated and appointed shall be regarded as a disbursing officer of the United States, and shall render his accounts through the War Department to the proper accounting officers of the Treasury for settlement, and he shall be required to give good and sufficient bonds to the United States, in such sums as the Secretary of War may direct, faithfully to account for the safe-keeping and payment of the public moneys so intrusted to him for disbursement."

It is contemplated in this section to extend the participation of the United States Government in the training of the milita by authorizing the transfer to the States of any sum remaining to their respective credits out of the allotments accruing to them under the operation of section 1661 of the Revised Statutes, as amended by the act of February 12, 1887 (24 Stats., 401). The sums so paid are to be used for the training of the organized militia in camp duty and field service. With a view to secure the end contemplated in the original enactment, of providing for the armament and equipment of the whole body of the militia, such payments are conditioned upon an inspection, to be made under the authority and direction of the Secretary of War, with a view to ascertain whether the militia of the State is fully equipped for field service. When that condition has been fulfilled to the satisfaction of the Secretary of War, any sums remaining to the credit of the State may be paid over to an officer designated by the governor, who in virtue of such designation becomes, for the purpose of receiving and distributing such funds, a disbursing officer of the United States, giving bond, as such, for the safe-keeping and faithful distribution of the moneys intrusted to him for the purpose above mentioned.

With a view to assimilate the conditions of such field or camp service to those prevailing in the Army, it is provided that the pay, subsistence, and transportation of the militia forces undergoing such instruction shall be the same as are allowed to the troops of the United States under the same circumstances.

"SEC. 15. That the Secretary of War is hereby authorized to provide for participation by any part of the organized militia of any State or Territory on the request of the governor thereof in the encampment, maneuvers, and field instruction of any part of the Regular Army at or near any military post or camp or lake or seacoast defenses of the United States. In such case the organized militia so participating shall receive the same pay, subsistence, and transportation as is provided by law for the officers and men of the Regular Army, to be paid out of the appropriation for the pay, subsistence, and transportation of the Army: *Provided*, That the command of such military post or camp and of the officers and troops of the United States there stationed shall remain with the regular commander of the post without regard to the rank of the commanding or other officers of the militia temporarily so encamped within its limits or in its vicinity."

It is the purpose of this section not only to invite, but to authorize, the participation of the organized militia in the encampments and maneuvers of the Regular Army and to provide for the expense of such participation out of the annual appropriation for the support of the Army. The extent of such participation is vested by the terms of the enactment in the Secretary of War, whose duty it will be to submit estimates of cost to Congress with his annual estimates for the support of the military establishment. In this way the authority of Congress to regulate the matter is assured by the control which it exercises through its annual grants of money in appropriations for the maintenance of the military establishment.

"SEC. 16. That whenever any officer of the organized militia shall, upon recommendation of the governor of any State or Territory, or of the general commanding the District of Columbia, and when authorized by the President, attend and pursue a regular course of study at any military school or college of the United States such officer shall receive from the annual appropriation for the support of the Army the same travel allowances and quarters, or commutation of quarters, to which an officer of the Regular Army would be entitled if attending such school or college under orders from proper military authority; and shall also receive commutation of subsistence at the rate of $1 per day while in actual attendance upon the course of instruction."

It is the purpose of this section to assist officers of the militia who desire to obtain educational advantages afforded by the service schools. The extent of the assistance extended is slight, when measured by a financial standard, and extends only to the allowances of quarters in kind, or to commutation therefor, to a moderate allowance for subsistence and to the travel allowances to which officers of the Army would be entitled under the same circumstances.

"SEC. 17. That the annual appropriation made by section 1661, Revised Statutes, as amended, shall be available for the purpose of providing for issue to the organized militia any stores and supplies or publications which are supplied to the Army by any staff department. Any State, Territory, or the District of Columbia may, with the approval of the Secretary of War, purchase for cash from the War Department, for the use of its militia, stores, supplies, material of war, or military publications, such as are furnished to the Army, in addition to those issued under the provisions of this act, at the price at which they are listed for issue to the Army, with the cost of transportation added, and funds received from such sales shall be credited to the appropriations to which they belong and shall not be covered into the Treasury, but shall be available until expended to replace therewith the supplies sold to the States and Territories and to the District of Columbia in the manner herein provided."

The permanent annual appropriation which is carried by section 1661 of the Revised Statutes, as amended by the act of June 6, 1900 (31 Stat., 662), now authorizes the issue of ordnance, quartermaster stores, and camp equipage for the use of the militia. It is the purpose of this section to extend these issues so as to include all stores, supplies, or publications which are now or may hereafter be issued or supplied to the Army by any branch of the War Department. The second clause modifies and replaces the authority to sell stores, supplies, etc., to the several States for the use of their militia, which was embodied in section 3 of the act of February 24, 1897 (29 Stat., 592).

"SEC. 18. That each State or Territory furnished with material of war under the provisions of this or former acts of Congress shall during the year next preceding each annual allotment of funds, in accordance with section 1661 of the Revised Statutes as amended, have required every company, troop, and battery in its organized militia not excused by the governor of such State or Territory to participate in practice marches or go into camp of instruction at least five consecutive days, and to assemble for drill and instruction at company, battalion, or regimental armories or rendezvous or for target practice not less than 24 times, and shall also have required during such year an inspection of each such company, troop, and battery to be made by an officer of such militia or an officer of the Regular Army."

With a view to secure such an amount of training on the part of the States as will be calculated to warrant the expenditure of the public money in support of the militia, this section provides for a certain number of drills and a certain amount of instruction in field service and target practice in the several organizations of the militia in order to entitle them to the benefits of the allotments of funds provided for by section 1661 of the Revised Statutes, as amended by the acts of February 12, 1887 (24 Stat., 401), and June 6, 1900 (31 Stat., 662). It also requires that the work of instruction above provided for shall be verified by appropriate inspections under the authority of the governors of the States and the Secretary of War, representing, respectively, the State and Federal authority.

"SEC. 19. That upon the application of the governor of any State or Territory furnished with material of war under the provisions of this act or former laws of Congress, the Secretary of War may detail one or more officers of the Army to attend any encampment of the organized militia, and to give such instruction and information to the officers and men assembled in such camp as may be requested by the governor. Such officer or officers shall immediately make a report of such encampment to the Secretary of War, who shall furnish a copy thereof to the governor of the State or Territory."

It is the purpose of this section to still further increase the participation of the War Department in the practical instruction of the militia forces by authorizing the Secretary of War to detail officers of the Army to attend the annual encampments of the State militia, for the purpose of assisting in the instruction of the troops and of reporting the results to the Secretary of War. That the troops undergoing instruction shall receive the full benefit of such participation it is required that full copies of such reports shall be furnished to the governors of the respective States for the use of the officers of their militia.

"SEC. 20. That upon application of the governor of any State or Territory furnished with material of war under the provisions of this act or former laws of Congress, the Secretary of War may, in his discretion, detail one or more officers of the Army to report to the governor of such State or Territory for duty in connection with the organized militia. All such assignments may be revoked at the request of the governor of such State or Territory or at the pleasure of the Secretary of War."

In the section last above cited provision was made for the cooperation of officers of the Army in the annual encampments of the militia forces. It is the purpose of this section to provide for an extension of such cooperation during the armory drill season by authorizing the detail of officers of the Army for duty with the militia. Such details are to be made by the Secretary of War, upon the request of the governors of the respective States, and provision is made in the enactment for the termination of said details upon request by the same authority.

"SEC. 21. That the troops of the militia encamped at any military post or camp of the United States may be furnished such amounts of ammunition for instruction in firing and target practice as may be prescribed by the Secretary of War, and such instruction in firing shall be carried on under the direction of an officer selected for that purpose by the proper military commander."

This section is in furtherance of the purpose which is embodied in sections 15, 19, and 20, which have already been explained. It authorizes the expenditure of a limited amount of ammunition for the instruction in target practice of any organizations of the militia while encamped, for the purposes of instruction, at a military post of the United States. It also authorizes the use of the target range and other facilities for target practice, and permits the detail of an officer of the Army to supervise the instruction.

"SEC. 22. That when any officer, noncommissioned officer, or private of the militia or of the National Volunteer Reserve is disabled by reason of wounds or disabilities received or incurred in the service of the United States he shall be entitled to all the benefits of the pension laws existing at the time of his service, and in case such officer, noncommissioned officer, or private dies in the service of the United States or in returning to his place of residence after being mustered out of such service, or at any time, in consequence of wounds or disabilities received in such service, his widow and children, if any, shall be entitled to all the benefits of such pension laws."

It is the purpose of this section to insure a pensionable status to the officers and enlisted men of the militia when called into the military service of the United States in pursuance of a proclamation of the President. This section replaces the obsolete provisions of sections 1639, 1656, and 1657 of the Revised Statutes.

"SEC. 1639. If any person, whether officer or soldier, belonging to the militia of any State, and called out into the service of the United States, be wounded or disabled while in actual service, he shall be taken care of and provided for at the public expense.

"SEC. 1656. When any officer, noncommissioned officer, artificer, or private of the militia or volunteer corps dies in the service of the United States, or in returning to his place of residence after being mustered out of service, or at any time, in consequence of wounds received in service, and leaves a widow, or if no widow, a child or children under 16 years of age, such widow, or if no widow, such child or children, shall be entitled to receive half the monthly pay to which the deceased was entitled at the time of his death, during the term of five years, and in the case of death or intermarriage of such widow before the expiration of five years, the half pay for the remainder of the time shall go to the child or children of the decedent; and the Secretary of the Interior shall adopt such forms of evidence in application under this section as the President may prescribe.

"SEC. 1657. The volunteers or militia who have been received into the service of the United States to suppress Indian depredations in Florida shall be entitled to all the benefits which are conferred on persons wounded or otherwise disabled in the service of the United States.

"SEC. 23. That for the purpose of securing a list of persons specially qualified to hold commissions in any volunteer force which may hereafter be called for and organized under the authority of Congress, other than a force composed of organized militia, the Secretary of War is authorized from time to time to convene boards of officers at suitable and convenient Army posts in different parts of the United States, who shall examine as to their qualifications for the command of troops or for the performance of staff duties all applicants who shall have served in the Regular Army of the United States, in any of the volunteer forces of the United States, or in the organized militia of any State or Territory or District of Columbia, or who, being citizens of the United States, shall have attended or pursued a regular course of instruction in any military school or college of the United States Army, or shall have graduated from any educational institution to which an officer of the Army or Navy has been detailed as superintendent or professor pursuant to law, after having creditably pursued the course of military instruction therein provided. Such examinations shall be under rules and regulations prescribed by the Secretary of War, and shall be especially directed to ascertain the practical capacity of the applicant. The record of previous service of the applicant shall be considered as a part of the examination.

"Upon the conclusion of each examination the board shall certify to the War Department its judgment as to the fitness of the applicant, stating the office, if any, which it deems him qualified to fill, and, upon approval by the President, the names of the persons certified to be qualified shall be inscribed in a register to be kept in the War Department for that purpose. The persons so certified and registered shall, subject to a physical examination at the time, constitute the eligible class for commissions pursuant to such certificates in any volunteer force hereafter called for and organized under the authority of Congress, other than a force composed of organized militia: *Provided*, That no person shall be entitled to receive a commission as a second lieutenant after he shall have passed the age of 30; as first lieutenant after he shall have passed the age of 35; as captain after he shall have passed the age of 40; as major after he shall have passed the age of 45; as lieutenant-colonel after he shall have passed the age of 50, or as colonel after he shall have passed the age of 55: *And provided further*, That such appointments shall be distributed proportionately, as near as may be, among the various States contributing such volunteer force: *And provided*, That the appointments in this section provided for shall not be deemed to include appointments to any office in any company, troop, battery, battalion, or regiment of the organized militia which volunteers as a body and the officers of which are appointed by the governor of a State or Territory."

It has been attempted in this section to provide for the preparation of a register of persons whose capacity to exercise command in the line or to perform staff duties has been proved by the test of actual military service. To entitle an individual to register he must have served in the regular or volunteer forces, or in the organized militia of a State or Territory, or must have graduated from the war college or from one of the regular service schools, or from a college or military school maintained in part by a grant of lands from the United States, at which an officer of the Army or Navy has been detailed as superintendent or as professor of military science, in pursuance of the authority conferred by sections 1225 and 1260 of the Revised Statutes, as amended by the act of November 2, 1893 (27/7).

To ascertain the capacity of such candidates for registration as have conformed to the conditions above set forth in respect to military or academic training, it is provided that boards of examination shall be convened from time to time by the Secretary of War, before which the candidates will be permitted to appear with a view to determine their fitness for registration. The examinations prescribed in the section are intended and required to be so conducted as to ascertain and test the practical capacity of the candidate for the performance of duty as a commissioned officer. To still further restrict the theoretical tendency of the examinations herein contemplated, it is expressly required that the record of service of the applicant shall be considered a part of the examination. A rigid physical examination is also provided for. Having regard to the practical efficiency and military capacity of the applicant as thus determined, the board is required to certify its opinion as to the office which he is qualified to fill in the military service, and upon approval of such certification by the President the applicant's name is to be recorded at the War Department in a register kept for that purpose.

Persons so registered become entitled, in consequence of such registration, to membership in a class from which appointments are required to be made in any volunteer force which may hereafter be raised by authority of Congress, save in an organization of the active militia which volunteers in a body or the officers of which are appointed by the governor of a State. Certain age limitations are imposed, the operation of which will be to remove from the register the names of persons recommended for appointment upon reaching the ages assigned to their respective grades of rank in the military service. An equitable distribution of appointments upon a territorial basis is also provided for.

"SEC. 24. That for the purpose of providing a reserve force of trained men which shall be ready for immediate service whenever called for and organized under authority of Congress, the Secretary of War is authorized to enroll not exceeding 100,000 men, who shall have served in the Regular or Volunteer armies of the United States or in the organized militia. Such reserve force shall be designated as the National Volunteer Reserve, and when called forth by the President shall serve wherever ordered, within or without the territory of the United States. Such enrollment shall in each case continue for a period of five years, but in the event they shall be called into the service of the United States, other than for the purpose of drill, inspection, and instruction, they shall be entitled to be discharged at the close of the war or after nine months' service. The persons so enrolled shall report for drill, inspection, and instruction at such times and places to be specified and under rules and regulations to be prescribed by the Secretary of War, and each person so reporting shall, during the time of such service, be subject, as far as practicable, to the regulations and discipline governing the military establishment, and shall be entitled to the same pay and allowances as are or may be provided by law for the Army of the United States, to be paid out of the appropriation for the pay of the Army; but in time of peace, except in case of threatened invasion, said National Volunteer Reserve shall not be required to perform military duty to exceed ten days in any one year.

"Whenever a volunteer force shall be called for by authority of Congress, and the members of any companies, troops, batteries, battalions, or regiments of the organized militia shall enlist in the Volunteer Army in bodies, such companies, troops, batteries, battalions, or regiments shall be received as the first organizations of such volunteer force. Whenever a volunteer force shall be called for by authority of Congress exceeding in number the companies, troops, batteries, battalions, and regiments of the organized militia which shall enlist in bodies pursuant to the provisions of section 6 of the act entitled 'An act to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes,' approved April 22, 1898, the persons so enrolled as a reserve force of trained men, or so many thereof as shall be required, shall be organized in the manner provided for the organization of the volunteer force by section 12 of the act entitled 'An act for increasing the efficiency of the Army of the United States, and for other purposes,' approved March 2, 1899.

[Act of 1898, chapter 187, Fifty-fifth Congress, second session.]

"SEC. 6. That the Volunteer Army and the militia of the States when called into the service of the United States shall be organized under and shall be subject to the laws, orders, and regulations governing the Regular Army: *Provided*, That each regiment of the Volunteer Army shall have one surgeon, two assistant surgeons, and one chaplain, and that all the regimental and company officers shall be appointed by the governors of the States in which their respective organizations are raised: *Provided further*, That when the members of any company, troop, battery, battalion, or regiment of the organized militia of any State shall enlist in the Volunteer Army in a body as such company, troop, battery, battalion, or regiment the regimental, company, troop, battery, and battalion officers in service with the militia organization thus enlisting may be appointed by the governors of the States and Territories, and shall, when so appointed, be officers of corresponding grades in the same organization when it shall have been received into the service of the United States as a part of the Volunteer Army: *Provided further*, That the President may authorize the Secretary of War to organize companies, troops, battalions, or regiments, possessing special qualifications, from the nation at large, not to exceed 3,000 men, under such rules and regulations, including the appointment of the officers thereof, as may be prescribed by the Secretary of War.

[Act of 1899, chapter 352, Fifty-fifth Congress, third session.]

"SEC. 12. That to meet the present exigencies of the military service the President is hereby authorized to maintain the Regular Army at a strength of not exceeding 65,000 enlisted men, to be distributed amongst the several branches of the service, including the Signal Corps, according to the needs of each, and raise a force of not more than 35,000 volunteers to be recruited as he may determine from the country at large, or from the localities where their services are needed, without restriction as to citizenship or educational qualifications, and to organize the same into not more than 27 regiments organized as are infantry regiments of war strength in the Regular Army, and three regiments to be composed of men of special qualification in horsemanship and marksmanship, to be organized as cavalry for service mounted or dismounted: *Provided*, That each regiment shall have one surgeon with the rank of major; two assistant surgeons, one of whom shall have the rank of captain and one that of first lieutenant, and three hospital stewards: *Provided further*, That such increased regular and volunteer force shall continue in service only during the necessity therefor, and not later than July 1, 1901.

"*Provided*, That the President of the United States, in time of peace, may by order fix the minimum number of enlisted men in each company, troop, battery, signal corps, engineer corps, and hospital corps: *Provided further*, That no person shall belong to both organizations at the same time."

It is a defect of the voluntary system by means of which the military establishment of the United States is habitually maintained in time of peace that no provision has been made to retain the services of its discharged soldiers in some organization of volunteer reserves. It is therefore proposed in this section to keep in touch with and, in case of emergency, to utilize the services of men who have received a military training, either in the Regular or Volunteer Army or in the organized militia. To entitle an individual to enrollment in the reserve force created by this section, he must have served at least one enlistment in the regular or volunteer establishment or a corresponding term in the organized militia of a State or Territory.

With a view to verify the enrollment and provide for an occasional brief course of training and instruction, it is proposed to embody the reserve forces provided for in this section and to assemble or mobilize them from time to time as funds for that purpose are provided by Congress. In the event of war, if the volunteer forces authorized by Congress exceed in strength the regiments, battalions, troops, or other commands of organized militia who shall enlist in bodies in pursuance of section 6, act of April 22, 1898, the reserve forces herein provided for may be accepted by the President in organizations conforming to the requirements of section 12 of the act of March 2, 1899.

"SEC. 25. That all the volunteer forces of the United States called for by authority of Congress shall, except as hereinbefore provided, be organized in the manner provided by the act entitled 'An act to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes,' approved April 22, 1898, as follows:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That all able-bodied male citizens of the United States, and persons of foreign birth who shall have declared their intention to become citizens of the United States under and in pursuance of the laws thereof, between the ages of 18 and 45 years, are hereby declared to constitute the national forces, and, with such exceptions and under such conditions as may be prescribed by law, shall be liable to perform military duty in the service of the United States.

"SEC. 2. That the organized and active land forces of the United States shall consist of the Army of the United States and of the militia of the several States when called into the service of the United States: *Provided*, That in time of war the Army shall consist of two branches, which shall be designated, respectively, as the Regular Army and the Volunteer Army of the United States.

"SEC. 3. That the Regular Army is the permanent military establishment, which is maintained both in peace and war according to law.

"SEC. 4. That the Volunteer Army shall be maintained only during the existence of war, or while war is imminent, and shall be raised and organized, as in this act provided, only after Congress has or shall have authorized the President to raise such a force or to call into the actual service of the United States the militia of the several States: *Provided*, That all enlistments for the Volunteer Army shall be for the term of two years, unless sooner terminated, and that all officers and men composing said army shall be discharged from the service of the United States when the purposes for which they were called into service shall have been accomplished, or on the conclusion of hostilities.

"SEC. 5. That when it becomes necessary to raise a volunteer army the President shall issue his proclamation stating the number of men desired, within such limits as may be fixed by law, and the Secretary of War shall prescribe such rules and regulations, not inconsistent with the terms of this act, as may in his judgment be necessary for the purpose of examining, organizing, and receiving into service the men called for: *Provided*, That all men received into service in the Volunteer Army shall, as far as practicable, be taken from the several States and Territories and the District of Columbia and the Indian Territory in proportion to their population. And any company, troop, battalion, or regiment from the Indian Territory shall be formed and organized under such rules and regulations as shall be prescribed by the Secretary of War.

"SEC. 6. That the Volunteer Army and the militia of the States when called into the service of the United States shall be organized under, and

shall be subject to, the laws, orders, and regulations governing the Regular Army: *Provided*, That each regiment of the Volunteer Army shall have one surgeon, two assistant surgeons, and one chaplain, and that all the regimental and company officers shall be appointed by the governor of the States in which their respective organizations are raised: *Provided further*, That when the members of any company, troop, battery, battalion, or regiment of the organized militia of any State shall enlist in the Volunteer Army in a body, as such company, troop, battery, battalion, or regiment, the regimental company, troop, battery, and battalion officers in service with the militia organization thus enlisting may be appointed by the governors of the States and Territories, and shall when so appointed be officers of corresponding grades in the same organization when it shall have been received into the service of the United States as a part of the Volunteer Army: *Provided further*, That the President may authorize the Secretary of War to organize companies, troops, battalions, or regiments possessing special qualifications, from the nation at large, not to exceed 3,000 men, under such rules and regulations, including the appointment of the officers therefor, as may be prescribed by the Secretary of War.

"SEC. 7. That all organizations of the Volunteer Army shall be so recruited from time to time as to maintain them as near to their maximum strength as the President may deem necessary, and no new organization shall be accepted into service from any State unless the organizations already in service from such State are as near to their maximum strength of officers and enlisted men as the President may deem necessary.

"SEC. 8. That all returns and muster rolls of organizations of the Volunteer Army and of militia organizations while in the service of the United States shall be rendered to the Adjutant-General of the Army, and upon the disbandment of such organizations the records pertaining to them shall be transferred to and filed in the Record and Pension Office of the War Department; and regimental and all other medical officers serving with volunteer troops in the field or elsewhere shall keep a daily record of all soldiers reported sick or wounded, as shown by the morning calls or reports, and shall deposit such reports, with other reports provided for in this section, with the Record and Pension Office, as provided herein for other reports, returns, and muster rolls.

"SEC. 9. That in time of war, or when war is imminent, the troops in the service of the United States, whether belonging to the Regular or Volunteer Army or to the militia, shall be organized, as far as practicable, into divisions of three brigades, each brigade to be composed of three or more regiments; and whenever three or more divisions are assembled in the same army the President is authorized to organize them into army corps, each corps to consist of not more than three divisions.

"SEC. 10. That the staff of the commander of an army corps shall consist of 1 assistant adjutant-general, 1 chief engineer, 1 inspector-general, 1 chief quartermaster, 1 chief commissary of subsistence, 1 judge-advocate, and 1 chief surgeon, who shall have, respectively, the rank of lieutenant-colonel; 1 assistant adjutant-general, who shall have the rank of captain, and the aids-de-camp authorized by law. The staff of the commander of a division shall consist of 1 assistant adjutant-general, 1 engineer officer, 1 inspector-general, 1 chief quartermaster, 1 chief commissary of subsistence, and 1 chief surgeon, who shall have, respectively, the rank of major, and the aids-de-camp authorized by law. The staff of the commander of a brigade shall consist of 1 assistant adjutant-general, 1 assistant quartermaster, and 1 commissary of subsistence, each with the rank of captain, 1 surgeon, and the aids-de-camp authorized by law. The staff officers herein authorized for the corps, division, and brigade commanders may be appointed by the President, by and with the advice and consent of the Senate, as officers of the Volunteer Army, or may be assigned by him, in his discretion, from officers of the Regular Army or the Volunteer Army, or of the militia in the service of the United States: *Provided*, That when relieved from such staff service said appointments or assignments shall terminate.

"SEC. 11. That the President is hereby authorized to appoint in the Volunteer Army, by and with the advice and consent of the Senate, not exceeding one major-general for each organized army corps and division, and one brigadier-general for each brigade, and any officer so selected and appointed from the Regular Army shall be entitled to retain his rank therein: *Provided*, That each general officer of the Volunteer Army shall be entitled to the number of aids-de-camp authorized for an officer of like grade in the Regular Army.

"SEC. 12. That all officers and enlisted men of the Volunteer Army, and of the militia of the States when in the service of the United States, shall be in all respects on the same footing as to pay, allowances, and pensions as that of officers and enlisted men of corresponding grades in the Regular Army.

"SEC. 13. That the governor of any State or Territory may, with the consent of the President, appoint officers of the Regular Army in the grades of field officers in organizations of the Volunteer Army, and officers thus appointed shall be entitled to retain their rank in the Regular Army: *Provided*, That not more than one officer of the Regular Army shall hold a commission in any one regiment of the Volunteer Army at the same time.

"SEC. 14. That the general commanding a separate department or a detached army is authorized to appoint from time to time military boards of not less than three nor more than five volunteer officers of the Volunteer Army to examine into the capacity, qualifications, conduct, and efficiency of any commissioned officer of said army within his command: *Provided*, That each member of the board shall be superior in rank to the officer whose qualifications are to be inquired into: *And provided further*, That if the report of such a board is adverse to the continuance of any officer, and the report be approved by the President, such officer shall be discharged from service in the Volunteer Army, at the discretion of the President, with one month's pay and allowances.

"SEC. 15. That all acts and parts of acts inconsistent with the provisions hereof be, and the same are hereby, repealed.

"SEC. 26. That sections 1625 to 1660, both included, of title 16 of the Revised Statutes, and section 232 thereof, relating to the militia, are hereby repealed.

"SEC. 27. That this act shall take effect upon the date of its approval."

The foregoing report accompanies House bill 11654, "to promote the efficiency of the militia, and for other purposes," and aims to set forth the objects and purposes of the bill, explains its several sections in detail, and gives an historical résumé of Federal legislation on the subject of the militia. Arguments and historical data are presented showing the necessity for a well organized, equipped, and disciplined militia. Congress has never yet exercised, in time of peace, its constitutional authority to organize, equip, and discipline the militia. The time now seems ripe for such action. Public sentiment demands some efficient and modern legislation on the subject. The Executive is interested and friendly. The War Department is anxious to assist in improving the condition of the country's militia.

The bill, in the final form in which it is presented, has the approval of the Secretary of War, as appears from his letter printed above. It has the support of the organized militia of the country, as expressed in numerous letters received by many members of Congress, and its provisions, so far as then agreed upon, were approved by the Interstate National Guard Association at its last meeting in this city. Furthermore, it is the unanimous report of the Committee on Militia.

A Business Congress.

SPEECH
OF
HON. JOSEPH W. BABCOCK,
OF WISCONSIN,
IN THE HOUSE OF REPRESENTATIVES,

Thursday, June 26, 1902.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes—

Mr. BABCOCK said:

Mr. CHAIRMAN: Under the leave granted I desire to extend my remarks and have printed a statement now in preparation, which will appear in the Washington Times at an early day.

[The Washington Times, Frank A. Munsey, July 4, 1902, publication office, Tenth and D streets.]

RÉSUMÉ OF WHAT CONGRESS ACCOMPLISHED IN ONE HUNDRED AND FIFTY DAYS—MORE MEASURES REPORTED AND DISPOSED OF THAN DURING ANY TERM—1,484 BILLS PASSED IN ALL—THIS SESSION OF CONGRESS WORKED ELEVEN MORE DAYS THAN THE PRECEDING LONG SESSION—PRESIDENTIAL VETOES—OMNIBUS CLAIMS BILLS.

In the brief speech which he made just before the House adjourned last Tuesday, Speaker HENDERSON declared that no Congress since the adoption of the Constitution had transacted so much business in the same length of time as had the first session of the Fifty-seventh Congress.

This declaration is amply borne out by the statement which has been prepared under the direction of Maj. Alexander McDowell, the clerk of the House of Representatives, by Mr. F. H. Wakefield, the tally clerk, assisted by Mr. A. A. Richards, who have made a very careful and exhaustive analysis of the work done and compiled a most comprehensive statement.

In the first session of the Fifty-seventh Congress there were 15,363 bills introduced in the House, while in the two years of the Fifty-sixth Congress there were only 14,339 bills introduced. Yet the number of bills introduced in the Fifty-sixth Congress was greater than in any prior Congress.

COMPARISON WITH LAST CONGRESS.

In comparing the first session of the Fifty-seventh Congress with the first session of prior Congresses, it appears that the House was in session one hundred and fifty days and adjourned thirty-three days, while in the Fifty-sixth Congress the House was in session one hundred and thirty-nine days and adjourned over only eight days. The House in the eleven extra days of the Fifty-seventh Congress more than kept up with the average amount of work per day.

During the first session of the Fifty-seventh Congress there were 2,750 reports made as against 2,105 in the first session of the Fifty-sixth Congress, the greatest amount ever made in the long session of any prior Congress; and 1,484 bills became laws as against 1,159 in the first session of the Fifty-sixth Congress, which far exceeded any of its predecessors in this respect.

Of the 15,369 bills and resolutions introduced in the House, 11,300 were referred to four committees—6,544 to the Invalid Pensions Committee, 2,503 to War Claims, 2,349 to the Committee on Military Affairs, and 904 to the Committee on Claims.

Of the 2,750 reports made, five committees made 2,073 reports, apportioned as follows: Invalid Pensions, 1,349; Pensions, 228; Military Affairs, 183; Claims, 168; and War Claims, 145.

The detailed statement of House work is as follows:

Calendar.	Bills reported.	Bills passed.	Bills undisposed of.
Union	308	152	156
House	231	180	51
Private	2,008	1,599	409
Totals	2,547	1,931	616

Of the bills reported, 2,044 were House bills and resolutions, and 706 were Senate acts and resolutions. Of the bills left undisposed of, 616, there were 452 which originated in the House and 164 of Senate origin. Carried on the Calendar of the House as disposed of, the allotment is as follows: House bills 108, Senate 48, on the Union Calendar; House 45, Senate 6, on the House Calendar, and House 299, and Senate 110, on the Private Calendar.

There were 203 reports which passed without reaching the Calendar.

All told, the House disposed of 2,334 House and Senate bills and resolutions, 1,767 of the House and 567 of the Senate. Of the 1,767 House bills, adverse reports were made on 84; the enacting clause was stricken out of 6; 26 were laid on the table; 155 became public acts; 775 became private acts; 72 were simple resolutions; 5 were vetoed by the President; 382 were private bills (381 pension bills), and 24 other private bills were passed by the House, and not acted on by the Senate, and 61 were public bills passed by the House and not acted on by the Senate.

The Senate passed and sent to the House for its concurrence 1,156 bills and resolutions. The House passed 23 by taking them from the Speaker's table, without reference to committees; 1,132 were referred to committees, 706 of which were reported back to the House by the committees, leaving 427 Senate bills in the committees of the House unacted upon, as against a total of 443 House bills unacted upon by the Senate.

The 706 Senate bills reported by the House committees, and the 23 Senate bills taken from the Speaker's table were disposed of by the House, as follows: Killed by adverse reports, 7; laid upon the table, 1; became public acts, 143; became private acts, 410; vetoed by the President, 2; passed by the House but left in conference, 4; left on the calendars of the House undisposed of, 184.

Of the 1,484 laws passed at the first session of the Fifty-seventh Congress, which were approved by the President, 913 originated in the House and 553 in the Senate. Of these 1,484 laws, 299 were public and 1,185 private. Of the 299 public laws, 156 originated in the House and 143 in the Senate. Of the 1,185 private laws, 775 originated in the House and 410 in the Senate.

The omnibus claims bill, indexed for the first time, shows more than 850 items, the public buildings and grounds bill 191 items, and the river and harbor bill 599 items.

A COMPARATIVE STATEMENT.

The following is a comparative statement of the work of the Fifty-second to the Fifty-seventh Congress:

Congresses.	Reports made.	Number of days.	Bills introduced.	Public laws.	Private laws.	Total laws.	Pages of Journal.
Fifty-second [a]	1,535	251	10,337	237	200	437	.....
Fifty-third [b]	995	337	9,076	307	134	441	.....
Fifty-fourth [c]	2,105	223	10,639	223	270	493	613
Fifty-fifth [d]	1,465	175	10,547	279	444	723	705
Fifty-sixth [e]	2,006	139	12,220	279	880	1,159	719
Fifty-seventh [f]	2,750	150	15,960	299	1,185	1,484	.....

[a] Reckoned for the entire first session of the Congress.
[b] Including the extra session.
[c] For the entire first session.
[d] To June 1, only.
[e] To adjournment, June 7, 1900.
[f] To adjournment, July 1, 1902.

In the Fifty-second Congress there were 5,040 pages of the CONGRESSIONAL RECORD; in the Fifty-third, 5,744 pages; Fifty-fourth, 6,137 pages; Fifty-fifth, 5,546 pages; Fifty-sixth, 7,765 pages, and Fifty-seventh, 8,414 pages.

In the Fifty-sixth Congress 42 resolutions, 197 public bills, and 729 private bills were signed by the President and became laws; total, 968.

The Fifty-seventh Congress—A Distinctively Business Congress—Outline Review of its Important Legislation—Enactments Wise, Patriotic, and Beneficial—Appropriations for the Government Service Ample, Economical, and Carefully Considered—War Taxes Repealed—Isthmian Canal Projected—Civil Government Authorized in the Philippines—Chinese Exclusion Continued.

REMARKS

OF

HON. JOSEPH G. CANNON,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Monday, June 30, 1902.

The House having under consideration the conference report on the bill (H. R. 15108) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other purposes—

Mr. CANNON said:

Mr. SPEAKER: We have now under consideration the final action touching the last of the general appropriation bills for this session, and with the consent of the House I will take advantage of the opportunity presented to offer a few remarks respecting the the work that has been accomplished, with special reference to appropriations.

This has been distinctively a business session of Congress. It closes with more important legislation to its credit than any session of Congress for several decades. It has passed more public acts and more private acts than any Congress that ever assembled in the history of the Republic. And if I may be permitted the remark, one of the claims upon which it merits popular distinction is the legislation which, after mature consideration, it has seen fit not to enact. Notable among the important enactments which it has passed are—

An act to repeal war-revenue taxation;

An act providing for the construction of an isthmian canal;

An act continuing in force the laws heretofore passed for the exclusion of Chinese laborers;

An act making oleomargarine and other imitation dairy products subject to the laws of any State or Territory into which they are transported and imposing a revenue tax thereon;

An act providing a civil government for the Philippines;

An act to provide revenue for the Philippines;

An act to promote the efficiency of the Revenue-Cutter Service;

An act providing for the extension of charters of national banks;

An act appropriating receipts from sales of public lands to the construction of irrigation works for the reclamation of arid lands;

An act to provide for a permanent Census Office;

An act for the relief of owners of property taken by the military forces of the United States; and

An act for the relief of bona fide settlers in forest reserves.

In addition to these separate acts, important and beneficial legislation is contained in several of the general appropriation acts; for example, in the Post-Office act are provisions for the permanent organization and effective administration of the rural free-delivery service.

The appropriations of the session, in my judgment, compare favorably with those made at any previous session of Congress, and in their every detail they will stand successfully the test of the most searching examination by fair-minded and intelligent men who believe in wise, prudent, and sufficient provision for every proper function of government of our great, growing, and progressive country.

Before entering upon a detailed discussion of the subject of appropriations made at this session, I want to call attention to the fact that, in accordance with the promises of the Republican party, and because of the sufficiency of our revenues from normal sources under a wise and prudent Administration, we have removed practically the last of the taxes imposed for the prosecution of the war with Spain and for the resultant expenses incident thereto.

It is estimated that, under the legislation enacted at this session, taxes have been repealed aggregating $72,500,000 per annum—a larger reduction of taxes than was ever before made at any session of Congress. This appreciable relief in the burden of taxes is additional to the reduction of $41,000,000 made at the last session of Congress, which closed on March 4, 1901.

I will print as a part of my remarks a table giving a chronological history of the appropriation bills passed at this session. An analysis of this table shows that the total estimated expenditures forecast by the Executive Departments aggregated $776,348,318.47; that the total appropriations made, exclusive of $50,130,000 toward an Isthmian Canal, aggregate $750,063,837. The table also gives a succinct history of all of the bills in their various stages of enactment, from estimates as submitted therefor until their final approval by the President.

The great increase in population and the phenomenal expansion of commercial and industrial interests throughout the country are of themselves sufficient to explain the necessity of this apparent increase. But a casual examination of the totals of the regular appropriation acts in comparison with those passed at the last session affords an even better explanation.

The Agricultural bill, prepared and reported by the Committee on Agriculture, presided over by Hon. JAMES W. WADSWORTH, of New York, who has had many years of distinguished service on that committee, both as a minority member and as chairman, provides for the expenditures of the Department of Agriculture—a Department which represents and fosters the greatest of all our industries. That bill shows an increase of $626,540.

The Army appropriation bill shows a reduction of $24,203,912.69. This fact in itself is a source of genuine satisfaction, and will meet the approval of the people. That bill has been prepared and formulated by the Committee on Military Affairs, under the able leadership of Hon. JOHN A. T. HULL of Iowa, a veteran soldier himself, accomplished in the science of war and familiar with all military matters. This agreeable result has been made possible by the wise administration of the War Department, the total number of men in the Army having been reduced since June 30 last from 77,287 to 66,497 men. As soon as law and order are fully restored in the Philippines the Army will be further reduced to the minimum provided by law, namely, 59,674 men.

The diplomatic and consular appropriation bill, prepared under the supervision of my honored colleague, Hon. R. R. HITT, of Illinois, whose ripe experience and comprehensive knowledge respecting our diplomatic service and the foreign relations of the Government are invaluable, exhibits an increase of $108,496.93.

The District of Columbia bill shows an increase of only $45,257.03. In this connection it is proper to call attention to the fact that with the increasing needs and the rapid development of the national capital it has been found necessary and proper to pass legislation imposing moderate taxes on personal property, which for many years has borne no burden of taxation whatever in the District of Columbia.

The fortification bill shows a reduction of $65,056. The very large expenditures made for our seacoast defenses in the period immediately preceding and during the war with Spain rendered it possible and proper that the recent and current appropriations for those objects should be held substantially at what they were last year; and in my judgment they will require no material increase for some years to come.

The Indian appropriation bill, under the skillful management of my friend from New York, Hon. JAMES S. SHERMAN, chairman of the Committee on Indian Affairs, shows a creditable reduction of $603,568.51, due mainly to the exclusion from the bill of objects not directly connected with the Indian service.

The legislative, executive, and judicial bill shows an increase of $803,412.65. This bill provides for the personal machinery of administering the Government through the Executive Departments at Washington. With the marked growth in every branch of industry the Government at Washington must keep pace. The

largest increase for personal services, it is significant to note, occurs in the Post-Office Department and in the Patent Office.

The Military Academy bill, prepared by the Committee on Military Affairs, shows an increase of $1,854,670.74. This is due chiefly not to an increase of scope or of ordinary expenses at the West Point institution, but to the necessity of reconstructing, enlarging, and building additional structures that have become imperatively necessary by the lapse of time and the increase in the number of cadets appointed under the law.

The naval bill shows an increase of $577,172.13. For many years following the civil war the Navy was greatly neglected. Its reconstruction began about twenty years ago, under the Administration of President Arthur. When the Spanish war came on, the weakness of this arm of our public defense was made painfully apparent to the people, and the Government was compelled to go into the markets of the world to buy ships.

The bill just enacted was framed under the supervision of my friend and colleague from Illinois, Hon. GEORGE EDMUND FOSS, young, vigorous, and well equipped, who in this as well as in the last Congress has earned the country's praise for his intelligent and well-directed efforts for the upbuilding of the Navy. The bill provides for two first-class battle ships, two first-class armored cruisers, and two gunboats. It also makes ample appropriations to begin their construction and to continue the construction of the ships previously authorized.

The pension appropriation bill shows on its face a reduction of $5,403,000. This is not the result of efforts at severe economy, nor is it a source of congratulation. It emphasizes the fact that the only enemy before whom the American soldier retreats is the Grim Reaper himself, who is now rapidly decimating the ranks of the Union veterans of the war of the rebellion.

The post-office appropriation bill, compiled under the argus eye of Hon. EUGENE F. LOUD, the safe and conservative chairman of the Committee on the Post-Office and Post-Roads, shows an unusual increase of $14,633,910. But it simply marks the growth and prosperity of the country as evidenced through the operations of the Post-Office Department, which, under the Administrations of President McKinley and of President Roosevelt, have been conducted with progressiveness, economy, and business-like methods.

No river and harbor bill was enacted by the last Congress—leaving unprovided with original appropriations authorized a longer period than we have had before in many years. The sum directly appropriated by the bill of this session amounts to $26,727,442, which in itself is a sheer increase over the appropriations made at the last session, and more than offsets the increase of the total appropriations made by this session, exclusive of the sum for the Isthmian Canal. In addition to the appropriations directly made by the river and harbor bill, contracts are authorized involving future appropriations by the next session and future Congresses amounting to $38,336,160.

On this point it is not inappropriate to observe that under the the present practice, which has proven wise, effective, and economical, the continuing-contract system inaugurated in the Fifty-first Congress under the guidance of Hon. Thomas J. Henderson, then and for many years previously my colleague, and a most useful Representative from the State of Illinois, has been followed and applied by Congress to river and harbor and many other classes of public works, resulting in great economy in expenditures as well as great expedition and dispatch in the consummation of public works.

The authorizations under this bill and those for public buildings, together with the very large sum which has been authorized toward the construction of the Isthmian Canal, will require appropriations in great or large degree for many years to come. They are not here treated as a part of the outright appropriations, for the very sufficient reason that when they are met hereafter they will be charged and carried, in the Congressional and Treasury statements, as appropriations. To consider them as outright appropriations now would but duplicate the figures.

I may add that the distinguished chairman of the Committee on Rivers and Harbors, Hon. THEODORE E. BURTON, of Ohio, accomplished and scholarly as we all know him to be, well merits the confidence reposed in him by the House and the country for the zeal and discriminating earnestness with which he has superintended the labors of his committee at this and past sessions in the preparation of the great measures for public improvements of national necessity and importance.

The sundry civil bill, the "omnium-gatherem" vehicle which carries provision for every conceivable phase of the public expenditures of the National Government not specifically cared for in the other bills, shows a reduction of $1,670,549.08 below the amount carried by the act of last year. Notwithstanding this appreciable reduction in the sum total, the bill carries many matters that are new for next year, notably:

For new public buildings, authorized at this session, to be constructed in the chief cities and towns of the United States, in order properly to care for the public service within their precincts, $4,995,450.

It also provides increased sums for many objects that have peculiar demands upon the nation's bounty; for example:

The National Home, and the Homes in States, for Disabled Volunteer Soldiers, are increased from $4,024,144 to $4,673,869, or $649,825.

For artificial limbs for soldiers, the appropriation is increased from $125,000 to $514,000, or $389,000; and

The appropriation for providing the simple headstones that mark the last resting places of the soldier dead of the Union has been doubled in this bill.

For deficiencies an aggregate sum of $28,039,911.42 is appropriated, being an increase over the deficiencies appropriated for last year of $12,122,464.48. These deficiencies include sums for a variety of purposes that could not be foreseen in order to be provided for at the last session, and could not be avoided when they presented themselves during this session. Among them is included an item of $500,000 "for the proper shelter and protection of officers and enlisted men of the Army of the United States lawfully on duty in the Philippine Islands, to be expended in the discretion of the President."

On the occasion of its consideration in the House on January 24 last, a yea-and-nay vote was demanded and taken. Every Democrat, save seven, recorded himself in opposition; no Republican member voted against it. It was on that occasion that the late Amos J. Cummings, a Democratic member from New York, when taunted by his party colleagues and told to sit down, exclaimed:

> When I refuse to vote to protect the lives of American soldiers, I hope I may be paralyzed.

In addition to this appropriation, which was attended by such dramatic scenes and utterances in the House, the several deficiency bills carried unusual amounts for many other objects that were eminently proper, and which could not, in the patriotic performance of our duty, have been avoided by the majority in control of this Congress, namely:

For refunding to States moneys expended in raising troops to suppress the war of the rebellion, and which were determined by the Supreme Court of the United States to be due and owing to the several States, amounting to $4,272,239.33.

For constructing the new branch of the National Home for Disabled Volunteer Soldiers in Tennessee, $350,000.

For miscellaneous objects, including $1,662,117.57 for payment of claims that had been adjudicated under findings of the Court of Claims, and otherwise demonstrated to be fair and just, the appropriations are $5,390,018.67 less than those made for similar objects at the last session. In this connection I will mention the fact that among the other miscellaneous acts of the session was one establishing a National Sanitarium of the National Home for Disabled Volunteer Soldiers, at Hot Springs, in South Dakota, and appropriating therefor $170,000.

The permanent annual appropriations are diminished, according to the estimates of the Treasury Department, $437,000. The whole sum carried as permanent annual appropriations, $123,921,220, includes $54,000,000 to meet the requirements of the sinking fund.

For many years past the surplus moneys in the Treasury have been devoted, in the exercise of the discretion lodged in the Secretary of the Treasury, to the extinguishment of the public debt to an extent far in excess of the requirements of the sinking fund, and under the law it is a mere matter of discretion with the Secretary how much shall be devoted to that purpose, depending chiefly as it does upon what surplus revenues are realized. Under these permanent appropriations is also included the sum of $27,500,000 for interest on the public debt.

It is not inappropriate here to advert to the fact that the expenditures for the past two fiscal years, 1900 and 1901, show that during that period there has been applied to the sinking fund more than $113,000,000, a sum greater than the law actually requires, and which exceeds the whole amount applied to the extinguishment of the public debt during all of the nine fiscal years from 1891 to 1899, inclusive.

During the four years of President Cleveland's last Administration, from 1893 to 1896, inclusive, only $13,400,047.98 was applied to the payment of the public debt, while during the same period that Administration issued bonds to the extent of $262,315,400 in order to raise money wherewith to pay current expenses and maintain the public credit.

The statement which I have submitted shows at the conclusion of the column of appropriations made at this session an appropriation of $50,130,000 for the isthmian canal. This sum, for manifest and, as I believe, satisfactory reasons, has not been included in the footing, nor have I taken it into consideration in any of the comparisons made with or deductions drawn from the appropriations of this or other sessions of Congress, or in connection with the questions of revenue or expenditures that I have adverted to.

The enterprise in itself is more than a national one. If successfully prosecuted it will materially affect the commercial prosperity

of the whole civilized world: but chiefly and in an immeasurable degree our own country, from the standpoint of commercial supremacy as well as of public defense, will be the greatest beneficiary. The project is one that is demanded by practically the whole body of our people, and in no sense is it a partisan measure. The appropriations and the contract authorizations embodied in this act are conditional and depend in large degree upon the exercise of the President's discretion.

If the Panama route is not accepted by the President $40,000,000 of the whole sum appropriated will cease to be available, and no part of it will be expended. In that event only $10,130,000 will be expended under authority of the act, and its expenditure will doubtless extend over several years, owing to the delays that will be inevitable in the inauguration and prosecution of the actual work of construction. For these reasons I conceive it improbable that anyone would insist upon the use of these figures for purposes of partisan comparison.

A further analysis of the table which I submit shows that the appropriations made in the regular annual bills, for ordinary expenses of the Government payable during the fiscal year 1903, aggregate $595,502,705.58, which, together with the sums carried under permanent appropriations, and exclusive of the amount required by the sinking fund, makes a total of $665,423,925.50. In the nature of things, and in the light of past experience, this entire sum will never be expended, but will probably be reduced in the neighborhood of 10 per cent. The revenues of the Government, as now estimated, on the basis of the revenue-reduction legislation enacted at this session, amount to $639,520,630.

The appropriations for 1899, including postal service and sinking fund, and the large sums required at the beginning of the war with Spain, amounted to $893,231,615.55, while the actual expenditures reached only $700,124,837.50, or $193,106,778.05 in sum total, and more than 21½ per cent, less than the appropriations.

Again, the appropriations for 1900, including postal service, sinking-fund requirements, and appropriations incident to the war with Spain, amounted to $674,981,022.29. The actual expenditures thereunder reached only $646,612,927.06, or $28,368,095.23 in sum total, and 4 1/10 per cent, less than the appropriation.

Similarly, the appropriations for 1901, including postal service, sinking-fund requirements, and amounts incident to the war with Spain, amounted to $710,150,862.88, while the total expenditures thereunder reached only $678,073,237.27, or $32.077,625.61 in sum total, and 4½ per cent, less than the appropriations.

The figures I give with reference to appropriations and expenditures, and the disparity between them, are taken from the statements of appropriations made by Congress, and from reports of the Secretary of the Treasury, combining from the latter the amounts stated as total expenditures, amounts applied to the sinking fund, and amounts paid from postal revenues.

It will be seen by these figures that, applying the average percentage of disparity for the past three years between appropriations and expenditures actually incurred (and the actual per cent for 1903 will, I believe, be as great), the expenditures to be made under the appropriations of this session will not exceed $600,000,000, or a sum approximating $40,000,000 less than the revenues which we expect to derive under the revenue laws as revised by this Congress.

Chronological history of appropriation bills, first session of the Fifty-seventh Congress; estimates and appropriations for the fiscal year 1902-3, and appropriations for the fiscal year 1901-2.

[Prepared by the clerks to the Committees on Appropriations of the Senate and House of Representatives.]

Title.	Estimates, 1903.	Reported to the House.		Passed the House.		Reported to the Senate.		Passed the Senate.		Law, 1902-3.	Law, 1901-2.
		Date.	Amount.	Date.	Amount.	Date.	Amount.	Date.	Amount.	Amount.	Amount.
Agriculture	$5,509,540.00	Apr. 21	$5,159,070.00	Apr. 30	$5,114,540.00	May 10	$5,249,680.00	May 13	$5,249,680.00	$5,208,960.00	$4,582,420.00
Army	99,289,982.03	Mar. 20	90,880,136.41	Mar. 27	90,880,136.41	Mar. 7	92,385,136.41	May 12	92,385,136.41	91,530,136.41	115,734,049.10
Diplomatic and Consular	2,098,578.76	Feb. 18	1,933,078.76	Feb. 28	1,929,828.76	May 6	1,962,385.69	Mar. 7	1,964,025.69	1,957,925.69	1,849,428.76
District of Columbia *a*	7,826,016.00	Apr. 26	7,867,054.97	May 2	7,897,210.97	June 13	9,848,673.97	June 14	9,894,373.97	8,547,526.97	8,502,269.94
Fortification	16,399,308.60	Apr. 3	6,562,455.00	Apr. 19	6,562,455.00	May 10	7,946,481.00	May 15	7,946,481.00	7,298,955.00	7,364,011.00
Indian	7,124,271.09	Feb. 14	8,636,625.69	Feb. 21	8,675,129.06	Apr. 1	9,621,519.36	Apr. 5	9,488,219.36	9,143,902.58	9,747,471.09
Legislative, etc	25,023,533.16	Feb. 5	25,175,569.90	Feb. 7	25,174,669.90	Mar. 4	25,490,195.50	Mar. 5	25,490,545.50	25,398,381.50	24,594,968.85
Military Academy	898,812.42	Apr. 15	3,627,324.42	Apr. 22	2,627,324.42	May 16	2,627,324.42	June 5	2,627,324.42	2,627,324.42	772,653.68
Navy	98,910,984.63	Apr. 28	77,659,386.63	May 19	77,619,963.13	June 3	78,166,838.13	June 10	79,351,238.13	78,678,963.13	78,101,791.00
Pension	139,846,480.00	Jan. 10	139,842,230.00	Jan. 15	139,842,230.00	Jan. 20	139,842,230.00	Feb. 7	139,842,230.00	139,842,230.00	145,245,230.00
Post-Office *b*	134,731,576.00	Feb. 14	137,916,598.75	Mar. 14	137,916,598.75	Apr. 8	138,466,757.35	Apr. 15	138,466,757.35	138,416,598.75	123,782,688.75
River and harbor	*c*23,123,300.00	Mar. 10	24,219,107.00	Mar. 21	24,219,107.00	Apr. 11	28,910,942.00	Apr. 21	29,045,942.00	*d* 26,726,442.00	(*e*)
Sundry civil	*f*57,604,715.78	Mar. 28	49,323,895.73	Apr. 2	49,813,695.73	Apr. 16	52,719,943.13	May 5	56,361,904.13	*g* 60,125,359.13	*h* 61,795,908.21
Total	618,927,098.47		578,802,533.26		578,272,859.13		593,237,806.96		598,113,857.96	595,502,705.58	582,072,890.38
Urgent deficiency	30,000,000.00	Jan. 18	16,704,230.54	Jan. 24	17,076,470.54	Feb. 3	20,239,620.83	Feb. 5	20,255,176.83	20,383,866.83	15,917,446.94
Additional urgent deficiency		Apr. 3	192,737.39	Apr. 4	200,567.39	Apr. 5	200,567.39	Apr. 5	200,567.39	200,567.39	
Do			66,200.00	Apr. 14	66,200.00	Apr. 15	66,200.00	Apr. 15	75,200.00	75,200.00	
Do		May 20	81,000.00	May 20	81,000.00	May 23	178,500.00	May 23	178,500.00	178,500.00	
Deficiency, 1902, and prior years		June 14	4,951,317.33	June 18	4,951,384.31	June 25	8,426,910.80	June 26	8,575,122.69	7,201,777.20	
Total	648,927,098.47		600,798,018.52		600,648,481.37		622,343,605.98		627,398,424.87	623,542,617.00	597,990,337.32
Miscellaneous	*i*3,500,000.00									2,600,000.00	7,990,018.67
Total, regular annual appropriations	652,427,098.47									626,142,617.00	605,980,355.99
Permanent annual appropriations	123,921,220.00									123,921,220.00	*k* 124,358,220.00
Grand total, regular and permanent appropriations	776,348,318.47									*l* 750,063,837.00	*m* 730,338,575.99
By the Isthmian canal act										50,130,000.00	

Amount of estimated revenues for fiscal year 1903	$507,500,000.00
Amount of estimated postal revenues for fiscal year 1903	132,020,630.00
Total estimated revenues for fiscal year 1903	639,520,630.00

a One-half of the amounts for the District of Columbia payable by the United States, except amounts for the water department (estimated for 1903 at $326,016), which are payable from the revenues of the water department.

b Includes all expenses of the postal service payable from postal revenues and out of the Treasury.

c This amount is exclusive of $5,489,377.50 to meet contracts authorized by law for river and harbor improvements included in the sundry civil estimates for 1903.

d In addition to this amount the sum of $5,768,757.50 is appropriated in the sundry civil act to carry out contracts authorized by law for river and harbor improvements for 1903, making in all $32,495,199.50 for rivers and harbors for 1903.

e No river and harbor bill passed for 1902, but the sum of $7,046,623 is appropriated in the sundry civil act to carry out contracts authorized by law for river and harbor improvements for 1902.

f This amount includes $5,489,377.50 to meet contracts authorized by law for river and harbor improvements for 1903.

g This amount includes $5,768,757.50 to carry out contracts authorized by law for river and harbor improvements for 1903.

h This amount includes $7,046,623 to carry out contracts authorized by law for river and harbor improvements for 1902.

i This amount is approximated.

k This is the amount submitted by the Secretary of the Treasury in the annual estimates for the fiscal year 1902, the exact amount appropriated not being ascertainable until two years after the close of the fiscal year.

l In addition to this amount, contracts are authorized to be entered into, subject to future appropriations by Congress, as follows: By the District of Columbia act, $2,118,405; by the naval act, $18,306,000; by the sundry civil act, $616,000; by the Military Academy act, $3,500,000; by the river and harbor act, $98,336,160; by the urgent deficiency act, $550,000; by the public buildings act, $15,946,650, and by the isthmian canal act, $180,000,000; in all, $259,373,215.

m In addition to this amount, contracts are authorized to be entered into, subject to future appropriations by Congress, as follows: By the District of Columbia act, $498,500; by the naval act, $1,384,640; by the sundry civil act, $82,500; by the act of March 3, 1901 (public buildings act), $2,259,000; in all, $4,224,640.

A Billion-Dollar Session of Congress—Its Appropriations, under Republican Auspices, Double those of the Last Session of a Democratic Congress.

REMARKS

OF

HON. LEONIDAS F. LIVINGSTON,

OF GEORGIA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, June 30, 1902.

The House having under consideration the conference report on the bill (H. R. 15108) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other purposes—

Mr. LIVINGSTON said:

Mr. SPEAKER: The direct appropriations made at this session of Congress, including the Isthmian Canal appropriation, reach the astounding aggregate of $800,193,837. To this sum should be added the further amount of $259,373,215 to include contracts authorized to be entered into in addition to the specific appropriations which are made. These contract authorizations are in the nature of promissory notes of the Government, issued by this session of Congress, to be met and liquidated in the future, and constitute as much a part of the appropriations chargeable to this session as are the specific appropriations made, and which are to be expended, not at once, but throughout the coming fiscal year.

The two sums aggregate $1,059,577,052. The direct appropriations in themselves are so near a billion dollars that it is not difficult to imagine the time near at hand when, if the Republican party is to be continued in control of the Government, we are to have in direct cash appropriations, to say nothing of contract authorizations that mortgage the revenues of the country indefinitely for the future, "billion-dollar sessions of Congress" instead of "billion-dollar Congresses," of which that party first gave the country an example.

The appropriations, including authorized contracts, of this session exceed those, including contracts, of the last session by $270,798,102.01.

The enormity of the sum total of appropriations and contracts made this session can best be appreciated by contrasting it with the total appropriations made and contracts authorized at the last session of the Fifty-third Congress, for the fiscal year 1896. That Congress was Democratic in both branches, and the Government was administered by Mr. Cleveland. It therefore affords fair ground for the purposes of comparison. The difference between the total of each amounts to the startling sum of $540,881,767.34, or more than as much again as it required to conduct the affairs of Government under a Democratic Congress and Executive.

Analyzed in detail, the direct appropriations, without regard to contract obligations to be met by future Congresses, made at this session for the fiscal year 1903, show increases over those, including contracts, for 1896, as follows:

The Agricultural bill shows an increase of $1,905,210.

The Army bill shows an increase of $68,277,528.32, a sum four times greater than were the appropriations for the support of the military establishment for the fiscal year 1896.

The diplomatic and consular act shows an increase of $383,466.93.

The District of Columbia act shows an increase of $2,802,083.72.

The fortification bill shows an increase of $5,394,397.50.

The Indian bill shows an increase of $381,151.34.

The legislative, executive, and judicial bill shows an increase of $3,506,663.42.

The Military Academy bill shows an increase of $2,163,062.76.

The naval bill shows an increase of $49,262,717.82, and in the aggregate it is more than double the amount that was required to maintain the naval establishment in 1896.

The pension appropriation bill, alone of the whole category, exhibits a reduction, which amounts to $1,539,340. I commend this crumb of economy to the thoughtful consideration of the Union soldiers of the country.

The post-office bill shows the enormous increase of $48,870,600.89.

No river and harbor bill was passed for 1896, while the bill for this year reaches the great sum of $26,726,442 in direct appropriations, and authorizes contracts in addition thereto to the amount of $38,336,160, making in all $65,062,602 chargeable to this session of Congress.

The sundry civil bill shows an increase of $13,557,198.73.

For deficiencies there is an increase of $18,054,536.60.

For miscellaneous appropriations, other than those carried in the general appropriation bills, an increase of $2,302,332.63 appears.

Under permanent appropriations, which include the sinking fund and interest on the public debt, there is an increase of $10,847,263.68.

It can not be demonstrated by any process of logic or arithmetic that this enormous growth in public expenditures within the brief period of less than seven years is attributable to the natural growth of the country, the increase of population, or to the expansion of commercial interests.

There is now in the Treasury a surplus of more than $200,000,000, accumulated as the result of an onerous protective-tariff policy and undue taxes levied to prosecute the war with Spain.

Instead of applying this surplus to that great enterprise, the construction of the isthmian canal, this Congress has seen fit to authorize an issue of bonds in order to raise money for that purpose, implying by this action that this $200,000,000, wrung from the people, instead of being applied to this most worthy public object, is to be left in the Treasury, a prey for jobbing enterprises at the next session of Congress.

The total appropriations, including contracts, and amounting, as I have shown, to $1,059,577,052, exceed the revenues, estimated for the next fiscal year at $639,520,630, by $420,056,422.

I submit, and will have printed as a part of my remarks, a statement which shows the appropriations made for the fiscal year 1896, at the last session of the Fifty-third Congress, controlled in both branches, as I said before, by a Democratic majority, and with a Democratic Administration of the Government; also the appropriations made by the Fifty-sixth Congress and by the present session of the Fifty-seventh Congress, covering the fiscal years 1901, 1902, and 1903, with the Republican party in control of Congress and the Executive.

The careful scrutiny of these figures will afford much food for thought, and will lead all intelligent men to contemplate with manifest disapproval the reckless and extravagant methods of the Republican party as compared with the economical and prudent administration of the Government by the Democratic party.

Statement of appropriations made at the last session of the Fifty-third Congress for the fiscal year 1896, and by the Fifty-sixth Congress and the first session of the Fifty-seventh Congress for the fiscal years 1901, 1902, and 1903.

	Fifty-third Congress, last session, for fiscal year 1896.	Fifty-sixth Congress.		Fifty-seventh Congress, first session, for fiscal year 1903.
		First session, for fiscal year 1901.	Second session, for fiscal year 1902.	
Agriculture	$3,303,750.00	$4,023,500.00	$4,582,420.00	$5,208,960.00
Army	23,252,608.09	114,220,095.55	115,734,049.10	91,530,136.41
Diplomatic and consular	1,574,458.76	1,771,168.76	1,849,428.76	1,957,925.69
District of Columbia	5,745,443.25	7,577,369.31	8,502,269.94	8,547,526.97
Fortifications	1,904,557.50	7,383,628.00	7,364,011.00	7,298,955.00
Indian	8,762,751.24	8,197,989.24	9,747,471.09	9,143,902.58
Legislative, etc.	21,891,718.08	24,175,652.53	24,594,968.85	25,398,381.50
Military Academy	464,261.66	674,306.67	772,653.68	2,627,324.42
Navy	29,416,245.31	65,140,916.67	78,101,791.00	78,678,963.13
Pension	141,381,570.00	145,245,230.00	145,245,230.00	139,842,230.00
Post-Office	89,545,997.86	113,658,238.75	123,782,688.75	138,416,598.75
River and harbor		560,000.00		26,726,442.00
Sundry civil	46,568,160.40	65,319,915.45	61,795,908.21	60,125,359.13
Deficiencies	9,825,374.82	15,688,330.61	15,917,446.94	28,039,911.42
Miscellaneous	297,667.37	3,802,301.34	7,990,018.67	2,600,000.00
Total, regular annual appropriations	383,931,564.34	577,438,642.88	605,980,355.99	626,142,617.00
Permanent annual appropriations	113,073,956.32	132,712,220.00	124,358,220.00	123,921,220.00
Isthmian Canal				50,130,000.00
Grand total, regular and permanent annual appropriations	497,008,520.66	710,150,862.88	730,338,575.99	800,193,837.00
Contracts authorized	21,686,764.00	4,224,640.00	58,440,374.00	259,373,215.00
Total, including contracts	518,695,284.66	714,375,502.88	788,778,949.99	1,059,577,052.00

Army Appropriation Bill.

SPEECH

OF

HON. JOHN W. GAINES,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 25, 1902.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 12804) making appropriations for the support of the Army for the fiscal year ending June 30, 1903—

Mr. GAINES of Tennessee said:

Mr. CHAIRMAN: I have not had an opportunity to read either the report on this bill or the bill itself. The bill, however, carries an appropriation for the maintenance of the Army in the United States and the colonies. I desire to ask the chairman of the committee how much this bill carries in the aggregate?

Mr. HULL. The total appropriation of the bill is $90,000,000, in round numbers.

Mr. GAINES of Tennessee. How much was the appropriation in the last bill?

Mr. HULL. One hundred and thirteen millions in the bill, and then there was a deficiency of four or five millions, making a total of one hundred and eighteen millions, in round numbers.

Mr. GAINES of Tennessee. How much of this appropriation will go for the maintenance of the army in the Philippine Islands?

Mr. HULL. That is not figured out in the bill; that is according to how many troops are kept there.

Mr. GAINES of Tennessee. How many troops will we keep there?

Mr. HULL. The Secretary of War estimates about 35,000.

Mr. GAINES of Tennessee. What is the average number we retain in the Philippines now?

Mr. HULL. Thirty thousand from the United States and 5,000 Filipino troops or scouts.

Mr. GAINES of Tennessee. Mr. Chairman, the Report of the Secretary of War for the year 1900, at pages 141 and 142, states that it costs $1,280.85 to equip and maintain each American soldier for twelve months, excluding the cost of armament and fortification. At this rate the 30,000 American soldiers whom we keep permanently in the Philippine Islands will cost the taxpayers of the United States annually $38,425,500. The native scout is paid, I believe, half price, which would add $3,200,000 more, making a total annual cost of 35,000 soldiers in the Philippine Islands of $41,625,500.

I will insert here the table from which I have quoted, taken from the war report of 1900, pages 141 and 142, for it is very instructive:

Fiscal year.	Average number enlisted men.	Average per enlisted man under the following figures.			Approximate average from these figures.
		War Department ledgers.	Annual reports.	Treasury statements.	
1896	25,159	$886.52	$1,071.26	$957.15	$971.66
1897	25,331	880.97	1,036.04	887.11	934.71
1898	50,783	1,170.46	1,218.68	1,088.62	1,159.26
1899	162,224	1,595.80	1,140.71	1,194.54	1,310.35
1900	96,674	1,017.73	.....	1,011.61	1,014.66
Average	72,034	1,280.85	1,139.05	1,092.30	1,173.85

The following table shows the averages for two years of peace (1896 and 1897) and two years of war (1899 and 1900):

	Average per enlisted man under the following figures.			Approximate average from these figures.
	War Department ledgers.	Annual reports.	Treasury statements.	
Peace	$882.86	$1,053.57	$922.03	$953.12
War	1,379.95	1,140.71	1,126.23	1,226.28
Increase	497.09	87.14	204.20	273.16
Per cent	56.3	8.3	22.1	28.7

The American soldier is enlisted now to remain in the Philippines not over two years, because of the climate there. This "endless-chain policy" is adopted from this necessity. Thousands of our soldiers are returned to the United States before the term of enlistment expires, to regain their health if possible, while large numbers die from disease in the Philippines and others are killed in action or by accident. Thus vacancies are created in the ranks which must be immediately supplied by fresh American troops. Hence, it seems to me we must prepare and keep a standing army ready and waiting in the United States for the sole purpose of supplying these vacancies and to ultimately take the place of and succeed the 30,000 troops already in action in the Philippine Islands.

It seems to me that of necessity the keeping of this second 30,000 troops standing waiting to succeed their comrades from time to time in the Philippine Islands necessarily follows. Surely there must be, if not 30,000, a large number of soldiers kept waiting to be sent from time to time to the Philippine Islands, and finally to be sent there not only in time to succeed to the places of their comrades, but they must be sent there and be at their post of duty before the two years' term of enlistment has expired. Thus it seems inevitable that we must keep two standing armies at the same time, one in the Philippines and one in the United States. The Republican party is responsible for all this, and seems determined to hold the Philippines permanently as a colony and the inhabitants thereof as subjects, and it is plain that we can not do this except at the point of the sword.

In addition to the expense for soldiers to thus operate in the Philippine Islands, we must incur an additional expense of equipping and maintaining and keeping constantly a Philippine navy in the Philippine waters. This the Administration insists is necessary in order to police these waters and defend the American establishment there and protect our subjects.

I am thoroughly convinced that if the Republican policy obtains of holding these islands as a colony and the inhabitants there as subjects, we must do so at the point of the sword. This, the Democrats contend, can be avoided, and honorably, if Congress will now declare by resolution or statute its purpose to give the Filipinos their independence, reserving coaling stations and the like for this Government, which the Filipinos will gladly concede.

I am supported in this opinion by leading writers and Army officials and high privates who are familiar with these people, their feeling toward us, their ambitions and conditions generally. I talked with many Army and several Navy officials, many privates in our Army, and a number of American citizens on my recent trip to the Philippines, and several leading Army officials since my return.

Before the war with Spain these people were fighting for their independence. Surely they would not fight for or accept less. They demanded independence of Spain, and they were led to believe, and believing, they cooperated with the American forces against the common enemy, Spain, that they were to be given their independence, after our successful prosecution of the war with Spain.

It is my firm belief that they want independence and will never be satisfied without it; that whatever of peace there is in the Philippines that "peace" is but "skin deep and not from the heart," to use the language of many American citizens and military officials, including high privates, with whom I freely conversed in the Philippines, on my return home, and since.

I desire now to read from General Otis and then from several interviews had with them touching upon this question and kindred subjects.

As early as August, 1899, General Otis, in his report, at page 272, said:

> The mass of the people were intoxicated with the cry for independence and self-government, which the reflecting classes now realize is impossible until true political education is more generally diffused. The political conditions which will follow armed resistance demand the most serious attention of our eminent statesmen, and Congressional action can not be too much accelerated.

I read now from a stenographic report of an interview I had with a distinguished Army officer who had served in Cuba and for more than two years in the Philippine Islands.

I asked him:

Q. Must we have a standing army in the Philippine Islands?

A. If we hold them as colonies—that is, without giving them all the rights of American citizenship—it will necessitate keeping a large standing army there continually.

Q. Do they object to being held as colonies without making them citizens?

A. I understand that is what they are fighting for—to be citizens.

Q. Will you explain what you heard them say about this?

A. I believe their object in the insurrection was either to secure independence or to secure all the rights and privileges of a free people; that is, with the sovereignty vested in the United States, for that matter; but what I mean by a free people, as our American citizens are free, and I believe that those who have voluntarily surrendered have either done so for their own personal interests or they have been persuaded that it is our intention to eventually give them those rights and privileges that I have spoken of; that is, either give them independence or incorporate them as a part of our people.

Q. Your opinion is that if we don't give them all the rights we enjoy we must hold them at the point of the sword?

A. Yes.

Q. We have educated these people in the way of fighting and in the art of war, have we not?

A. They are very quick to observe and I believe will profit by our methods if the opportunity presents itself. Of course, if we get all their arms away from them, and they can not get any more, they may then quit fighting us.

In other words, they may see the hopelessness of their cause and quit until a better opportunity is presented.

Q. Your idea is, then, that until they are given the rights and privileges that you have alluded to, that they are going to keep up actual war if they have arms, and if not they will wait for an opportunity to start it again?

A. They will keep up as long as they think they have any chance.

Q. Suppose, then, they lay down their arms, is it your idea that they will seek a good opportunity to get these rights and privileges you allude to?

A. Yes.

Q. Are you familiar with the proclamation issued by Aguinaldo on July 1, 1898?

A. I have read it, but have forgotten the details of it.

Q. Let me refresh your memory. I read from Commodore John D. Ford, of the United States Navy, in his book entitled, "An American Cruiser in the East," at page 501:

1. The independence of the Philippines shall be proclaimed.

2. A republic shall be established, with a government designated by General Aguinaldo and approved by the admiral and general commanding the United States forces.

3. The government will recognize the temporary intervention of commissioners designated for the present by the United States.

4. The American protectorate shall be recognized on the same conditions as arranged for Cuba.

5. The Philippine ports shall be opened free for the universal commerce of the world.

6. Precautionary measures shall be adopted against Chinese immigration, so as to regulate the competition with the work of the natives.

7. The corrupt judicial system at present existing shall be reformed, intrusting at the commencement the administration of justice to competent European legal officials.

8. The complete liberty of association, as likewise that of the press, shall be declared.

9. There shall be a general religious toleration, but measures shall be adopted for the abolition and expulsion of the religious communities who with an iron hand have hitherto demoralized the actual civil administration.

10. Measures conducive to the working, development, and prospects of the natural resources of the country shall be adopted.

11. The development of the public wealth shall be facilitated, together with the opening up of roads and railways.

12. The existing obstacles to the forming of commercial enterprises and investment of foreign capital shall be suppressed.

13. The new government will keep the public order, and will be obliged to prevent every act of reprisal against the Spaniards.

14. The Spanish official element shall be removed to some other safe and healthy island until the opportunity is presented for them to return to Spain.

A. I have in my papers a copy of his proclamation, but it has been some time since I have read it and I could not say whether this is it or not.

Q. You see that the very first sentence is that independence will be proclaimed.

A. Yes.

Q. What do you think we should do with the Philippine Islands?

A. As an American citizen, I think it is our duty to give them all the rights and privileges of a free people, either as a part of our Republic, or we should give them an independent government and should protect that government against encroachments from foreign powers until such time as they are able to protect themselves.

Q. If we would do this now, or if we would promise this by a statute, not by simple words or proclamations, do you not believe that these people would at once become reconciled and contented and lay down their arms and wait until we would redeem our promise?

A. I do; and I believe that within a very short time any American would be able to travel without escort through any portion of the islands without danger, except from the savage tribes and from the Ladrones and Tulusanes, who recognize no law.

Q. Do you not believe that if the United States had said to these people at the beginning—that is, before the clash between our forces and the insurgents—that we are going to give you independence as quick as you are able to maintain it that they would have been content and we would have had no clash with them?

A. Yes; by giving them some definite statement, as you could by a statute or law, I do.

Q. Have they ever understood over there really what we were going to do with them, and hasn't that been one of our troubles?

A. I have never understood myself. I don't see how they could.

Q. Well, hasn't that been one of our troubles?

A. Yes. They have never known what was going to be the ultimate disposition of them, and what they feared was that they would become slaves or vassals, and they wanted freedom, and this is what they want now.

Q. If they had an army and a navy and a suitable government set up for them through our kind offices, they to have a voice in framing this government, how long would it be before they would be capable of maintaining their independence, and with the strength and dignity that is characteristic of the other brown races of the world?

A. They have immense resources, and in a few years would be able to equip an army and build a navy that would put them on a defensive footing equal to Japan.

Q. Haven't they many leading learned men who are capable of ruling and controlling that government in a way entirely acceptable to them and to us?

A. I believe that to be the case. I have no doubt about it. They have a great many learned men there.

Q. And haven't these men been identified immediately in framing and making the laws and forming even the young government we have over there in that country?

A. Well, to just what extent they have had a voice in that I do not know, but I know there are a great many of them who are holding office under our government; they occupy places in the supreme court and they are governors of provinces, but to what extent they have had a voice in framing the laws I do not know.

Q. Did they not have a government that they had framed and we executed under what is known as the Aguinaldo government?

A. They had a government which was framed by themselves, and I believe acceptable under the conditions that existed and to the extent that it had been perfected.

Q. It was operating all right so far as you were able to learn?

A. So far as I was able to know, it was. Of course it was in its mere infancy.

Q. As an infant government it was operating all right and was satisfactory?

A. It seemed to have the unanimous approval of the people at that time.

Q. And that was just when they had gotten out of the struggle of 1896 and 1897 and were going into a struggle with us, and that government was operating acceptably to the masses of the people?

A. Yes.

Q. Have you ever examined what form of government they had?

A. Well, not critically; I have not. I have read their papers, their political organ, the Republica, which was full of patriotic articles. The people seem to be striving toward progression.

Q. Don't you think the start they made was a very remarkable start, and what they accomplished was equally remarkable?

A. I think it was sufficient to demonstrate their ability to establish a suitable and permanent government.

Q. Even without our assistance?

A. Without our assistance other than in preventing the invasion of the Philippines by other powers.

Q. The Americans did not aid in the establishment of the government we are talking of?

A. No; without any assistance whatever so far as the establishment of the government was concerned, it being understood that we would defend them against invasion by the powers, as they are weak.

Q. Are you familiar with the Negros government?

A. No.

Q. Do you think it was the intention of Aguinaldo to have war against the Americans at this time?

A. I think it was the intention of the leaders of the Filipinos to secure independence, and believing that their purposes were in danger, caused the conflict at that time.

Q. As I understand your answer—and if I do not understand it correctly, explain it—it is that at this time, and as it had been all the time previous, these people wanted to secure their independence, and conditions had gotten to where it looked at this time as though they were not going to do it, and it was their intention to have independence peaceably, and if not, to fight for it?

A. Yes; that is my impression.

Q. Do you know anything about the abuses of our people by the Filipinos or the abuse of the Filipinos by our people?

A. In a conflict between two forces there are bound to be always breaches of discipline. I do not believe any abuses have been countenanced by the Filipino government, and certainly not on the part of our men by our military authorities.

Q. In other words, the lawlessness has been without the authority of either the Filipino or the American forces, and has been by that gang of people who follow in the wake of an army or precede it and for their own personal gain or spite have recklessly punished people promiscuously. What has been the rule with reference to the treatment of our soldiers by the Filipinos, excluding this lawless gang?

A. I believe that their treatment has been very considerate. Haven't you heard of our prisoners being fed at the Filipino officer's table and treated as kindly and considerately as they had means and power to do, and our men did the same thing—the case of Captain Roberts, not being accustomed to Filipino diet or cooking, and Colonel Tecson sent down into one of the towns and secured a cook that could cook American fashion for Captain Roberts?

Q. I have heard of this. Where is Captain Roberts now?

A. I don't know where he is, but I have frequently heard that men who were with them stated on their release that they had been well treated.

Q. And this is the rule that has obtained with the regular Filipino army?

A. They are very hospitable and are disposed to treat everybody dependent upon their hospitality with every consideration.

I regret that I have not time to read the entire interview.

I have quite a number of such interviews from leading American citizens and Army and Navy men, as well as from some of the "privates."

Mr. SIBLEY. Will the gentleman permit an interruption?

Mr. GAINES of Tennessee. Certainly; always from my friend from Pennsylvania.

Mr. SIBLEY. What is the name of the officer with whom you had this interview?

Mr. GAINES of Tennessee. I prefer not to give his name, and by his request.

Mr. Chairman, I read now from another American Army officer. I will give the name to my friend from Pennsylvania [Mr. SIBLEY], because I have his permission. It is N. H. Hollingsworth, of Jacksboro, Tenn., late regimental quartermaster-sergeant Fourth Tennessee Volunteers, late second lieutenant of the Twenty-ninth Infantry, United States Volunteers. I read from the stenographic report:

I was in the secret service of the police department of Manila for nearly a year past (and of course came in contact with thousands of people). The Filipinos want independence. They are waiting now to see what Congress will do for them. That is what they tell me, and I have talked with a great many. I have lived with a Filipino family in Manila since I first came there—that is, at their residence, Lorenzo Rosario (I think now he is in high office in the Philippine Islands. He was formerly chief quartermaster to Aguinaldo, and surrendered in 1898 to General Otis and took the oath of allegiance. He has said to me often he would never have done so if he had seen any chance of the Filipinos gaining their independence by conquering the United States.

And so on.

Q. If the Filipinos were given their independence, or if Congress would now promise them their independence, would they lay down their arms and become peaceful?

A. That is all they want. I have heard them talk of it often and often.

Q. Do you think the failure of Congress to do this is the cause of the continued warfare there against the Americans?

A. Yes, they have talked to me about that, too. You can get more information in Manila than you can in the provinces.

This is a very intelligent interview. I do not know anything about the gentleman's politics. I presume he is a Republican. He comes from East Tennessee.

Q. If Congress had declared at the beginning that we did not propose or want to hold these islands permanently, but that we would ultimately give them their independence, would there have been, do you think, a clash between the insurgent forces and our authority in the Philippine Islands?

A. No; there would not.

I want to state further that this gentleman is a high Mason, and is a man of intelligence, who returned from the Philippine Islands voluntarily. He is a man of sobriety, a man that would impress you not only because of what he knows, but because of his charming personality.

He continues:

A. They were promised that by Dewey, and he went back on the promise. That is my information, and these people surely believe it and I believe it myself from all I have heard or read on the subject.

Neither Aguinaldo nor any of the Filipinos have ever asked for a cent for their services which they rendered us when we were fighting the Spaniards, and this is one of the many things going to show that independence was promised them by Dewey, and he led them to believe that and they acted under that belief, and we certainly got the benefit of their services when we needed them. If we intend to keep these islands without making any concessions along the line of independence and local self-government, there is one thing certain—we have not only got to keep the army we have in the Philippine Islands, but to increase it, and also increase the navy to patrol the waters.

Q. Are the Philippine Islands capable of supporting this army and navy?

A. No, and will not be for ten years. They have no cattle, no hogs, no agricultural implements.

And so on.

Then he speaks about a question of climate, saying it is no white man's country.

Q. Are the Filipinos, as a race, easily controlled? If so, by what means are they easiest reached?

A. The Filipino is the easiest person to control that I ever came in contact with, by giving him honest justice and upright treatment; treating him as you would your brother or good neighbor, paying him what you owe him and showing him any courtesy you would have him show you, and he will do anything he can for you. That has been my experience with them, and I have seen a great many in and out of Manila. I have been in the secret service for nearly a year in Manila. I enlisted in the Spanish war as a private and was mustered out as a quartermaster; was offered positions under the civil government in the Philippine Islands, but I declined them all.

I will next read from a stenographic report of an interview I had with a most reputable and efficient Army officer, who has served throughout the Spanish and Philippine war and is now serving in the Regular Army. This Army officer, in addition to supporting the position I have taken, amongst other important things briefly stated that the Philippine Islands "is not a white man's country," that the "white man can not work in the sun there," and "the women can not stand the climate at all," but can remain a short while probably with impunity, and then "they must go to a cool climate;" that "this climate weakens the people mentally and physically" and that "white children can not develop there," and that "there are many people in these islands to-day who are conservative, educated, and civilized enough to exercise with judgment the functions of self-government." He approves putting ex-insurgents into high positions, as we are doing in the Philippines, and says:

Most heartily I approve that policy, and there are many others who could be put in similar positions, and that if Congress had promised these people their independence that they would have been satisfied, and that they wanted self-government and would be satisfied with that.

I will read:

Q. Have the Filipinos or any of their leaders ever talked to you about why they are now fighting or the reason for the clash between the insurgent forces and our Army?

A. The original break, you mean?

Q. Yes.

A. Yes, sir. I have talked with many leading Filipinos. In their conversations with me they have generally taken it for granted that I would deny any definite promises or encouragement on the part of any of the United States officers to the Filipino leaders that the islands should, under American rule, receive their political independence; but they also assumed, and this assumption was general, that their leaders had either directly or indirectly received such assurance or encouragement, and certain it is that all the leaders with whom I have ever talked believed that such independence would come soon after the expulsion of the Spaniards.

Q. Do you mean to say that the Filipino believes that the American authorities, that is, Dewey in person or Dewey by and through our consuls acting under the directions of Dewey, promised Aguinaldo, as the leader and representative of the Filipino people, that the American Government would give the people of those islands their independence if Aguinaldo and the Filipino people would join with our Army in crushing Spanish sovereignty in the Philippine Islands?

A. No; I do not mean that. I mean that, however the impression arose, the impression still existed, that they would receive their independence after the expulsion of the Spaniards. I do not know how this impression was made upon the general Filipino mind; I know that it existed and that when they did not receive such independence they felt very much embittered against the Americans. I think that they still believe that they were deceived by the Americans. I do not know whether the impression was made by Americans or whether it was made by the leaders of the Filipinos. The people themselves can not tell where they got it; the people themselves can not tell who started the proposition or made this statement that they would receive their independence after the expulsion of the Spaniards; it was a general belief; it was undoubtedly spread by their leaders, on what authority I am totally ignorant.

Q. If a promise was made you do not know who made it; but the fact is that the people believe that it was promised?

A. The people believe it was promised.

Q. And promised by the Government of the United States; but as to who made the promise you do not know?

A. I do not know. The Filipinos with whom I have talked could give no more than the general belief on the subject.

Q. Do just a few, or a majority, or all the people believe that independence was promised them?

A. Practically all the leading people that I ever talked with believed that independence was somehow and by some persons promised the Filipinos.

Q. Did you ever talk with any of them about American institutions and the American Constitution or the Declaration of Independence, or have they talked with you; and if so, what did they say?

A. I have talked with two or three intelligent Filipinos on that subject. I have not talked much with them, because it was beyond my province. The two or three that I did talk with seemed to have a pretty fair knowledge of American history and the establishment of American liberty and independence through George Washington.

Q. Did they ever quote George Washington on you?

A. They have, and referred to his history.

Q. Ever quote the Declaration of Independence on you or talk about it?

A. I do not remember that, but they have discussed the Declaration of Independence with me and have asserted that they were fighting for no more than we were fighting for, and that I should not condemn them for things which my own fathers did here in the American Revolution.

Q. Do you remember any particular thing that they said about George Washington?

A. No; I do not. My first discussion with any Filipino on that subject decided me not to pursue the subject very far with any others afterwards.

Q. You say you did not talk much with the Filipinos on the subject of American history and institutions and liberty. Why did you abstain if they undertook to talk with you?

A. Because the similarity of conditions between their resistance to the United States Government and the American Revolution against the English was such that I could not argue the question with them and I quit.

Q. Did you ever see a copy of the American Constitution or the Declaration of Independence in the Philippine Islands?

A. Yes. I had that read in front of my soldiers on the Fourth of July and also to the people, or on Washington's birthday, I have forgotten which.

Q. Was it read in English or Tagalog or Spanish or in the local dialect?

A. It was read in such a way as to enable the people to understand it. It was probably read in Spanish and translated in Tagalog.

Q. How did the people take it?

A. They generally accepted such things with acclamation, but I never could bring myself to believe that they really meant their acclamations, because, first, they have been practically enslaved for three or four hundred years and they have learned to dissimulate their feelings as their only means of self-defense and, second, because of their subsequent conduct in allowing their young men to organize themselves and operate as guerrillas right in our own garrison towns.

Q. Well, do you mean to say that they applauded the words of the Declaration of Independence or the Constitution, or that they applauded the raising of the American flag where you were, or what did they applaud?

A. They applauded, apparently, both the action of the United States Government and the flag. At one of the principal towns in Luzon the presidente presented a silk battle flag to one of the battalions of my regiment, yet that town was full of insurgents, and I have no doubt that some of the insurgents contributed money to make the flag. It is essentially a vice of people who have long been suppressed to lie and deceive. The Filipinos do this because they do not desire to be known as insurgents or as not accepting the Government of the United States, yet at heart they do not, and when they have an opportunity they secretly aid the insurgents and encourage their young men to resist.

Q. Then their acclamation was only sound and not from the heart?

A. I considered it so.

Q. Is the peace condition, or the so-called peace condition, in the Philippine Islands skin deep or from the heart?

A. At present it is but skin deep, but these people are undoubtedly now in an observant mood. After they have been much beaten they are willing to see what the Government of the United States will do. They can not longer fight as an organization; that would mean extermination; the great bulk of them are now looking to see what the Government of the United States will give them. If the Government of the United States will give the Filipinos a simple, democratic, honest administration of government free of forms and circumlocutions; if it will give them an efficient constabulary and a judiciary who can not be bought off, and if they can observe the workings of this government, and this constabulary, and this judiciary for eighteen months, in my opinion peace will be permanently established, because these people are not revolutionary.

Q. Would the Filipinos further resist us if they were able to do so?

A. Beyond a doubt.

Q. Do they love the Americans?

A. No.

Q. Do they want their independence?

A. Yes.

Q. Have they ever talked to you about that?

A. Oh, yes.

Q. That is what they have been fighting for?

A. That is what they fought for.

Q. They would fight now if they thought they could whip us?

A. Beyond a doubt.

Q. Have these people understood what the American Government proposed to do for them in the Philippine Islands?

A. No, sir.

Q. Have you heard them say so or say anything about that?

A. I have not heard them express themselves beyond the first cause of the outbreak, but I know from much talk with them that they do not comprehend what the Government now proposes to them, or are just beginning to do so.

Several members of Congress had conversations with Aguinaldo who went with me to the Philippine Islands. The first time I called I did not have a stenographer with me, but the second time I did, and my interview with Aguinaldo was reported stenographically. Aguinaldo is studying and can speak some English, but talks Spanish and Tagalog well. I asked (through an interpreter) this question:

What did you expect to have done with the Philippine people when you united with the American forces to drive the Spaniards from these islands?

And Aguinaldo replied:

I expected the independence promised; not only mine, but the Philippine people.

Q. After this clash (of February 4, 1899) between your army and the American forces, suppose Congress had promised to give independence to your people as soon as you are capable of maintaining it, would it have stopped the war?

A. If they had given us a good, stable, liberal government this would not have happened.

Q. If Congress would now promise that, would it not stop all war in the islands?

A. I think so. And in conclusion Aguinaldo said, "I only hope for happiness for my country, and I would not have opened these issues had you not asked me the question. I have no more to say but the hope for the liberty of my country."

We should not lose sight of the fact that it is now undisputed that on July 1, 1898, Aguinaldo "proclaimed the Philippine republic," and the proclamation he then issued declared:

First. The independence of the Philippines shall be proclaimed.

Second. A republican government shall be established with a government

designated by General Aguinaldo and approved by the admiral and general commanding the United States forces.

Third. The government will recognize the temporary intervention of the commissioners designated for the present by the United States. The American protectorate shall be recognized on the same condition as recommended for Cuba.

And so on.

Here, then, is the establishment of the Philippine republic and a proclamation declaring its independence, which Dewey permitted when he could have prevented it.

Previous to this date Aguinaldo had issued many proclamations and operated, to use the language of Dewey, "under the protection of our guns."

Yet you will find some people who say that the Filipinos never wanted and do not now want their independence. This is a mistake. They wanted it in 1896 and 1897, when 30,000 of them were killed fighting the Spanish soldiers on Philippine soil. They wanted independence when Dewey brought Aguinaldo to Cavite, May 19, 1898; they wanted independence when they agreed to cooperate and did cooperate with the American forces and did fight Spain on Philippine soil, and they wanted independence when they fought the American Army in the Philippines, and they are fighting for independence now, and they still want their independence.

Consul Wildman cabled the department at Washington that these people expected their independence, and he impressed on the department that they could not be treated as we had treated the American Indians. Later on General Anderson and Admiral Dewey cabled the President that the Filipinos wanted independence, and here we see in this proclamation of July 1 the establishment of a Philippine republic and a declaration proclaiming its independence, and this, as well as everything else that Aguinaldo and his associates did, was done at Cavite within a few yards of Dewey's guns, and, of course, right before Dewey's eyes, and Dewey stood by and permitted all this, with full authority to act offensively and defensively. Dewey stood by armed with the power to make and enforce his orders, and if he did not direct and assist Aguinaldo in everything he did, and Dewey confesses to have assisted him in many things, Dewey at least permitted Aguinaldo to do everything which he (Aguinaldo) did, and everything which Aguinaldo did tended directly or indirectly toward at least the ultimate independence of the Filipinos, and the Filipinos acted under this belief, fighting on land and sea, at times by the side of our own men, cooperating with our own Navy, and with the knowledge and consent of Admiral Dewey and the officers under him.

I would not do Admiral Dewey the slightest injustice; I am a faithful admirer of his; but what I am stating is not so much what Dewey "said," but what he "did" and knowingly permitted others to do—his acts, not his words—when he could have prevented them doing anything if he had so desired. The American people should know the facts. The whole truth is all that I want, and the American people are entitled to at least that much.

The day after Aguinaldo was captured the Washington press reports Admiral Dewey as saying that the whole truth of his relations with Aguinaldo had never been written. I hope that he will promptly reveal it, in justice to himself and in deference to the American Republic, to which he owes entire allegiance. What I say now and what I repeat is that if Dewey did not in person or if he did not permit officers under his control for him to make a promise of independence to these people or form an alliance for that purpose, Dewey or his officers, or both, led these people to believe that such a promise or alliance had been made, and the Filipinos acted accordingly. In brief, Dewey, by what he did and by what he failed to do and by what he permitted the Filipinos to do, led the Filipinos to believe that such a promise or alliance was made.

Mr. SIBLEY. Does not Dewey contradict that statement of fact?

Mr. GAINES of Tennessee. Dewey denies that he made any promise or alliance; but I think he does so arguendo, and among other things he says that everything he did or had done was done "within the spirit of his instructions" from Washington, and while thus acting Dewey led those people to believe he had made a promise of or formed an alliance for their independence.

I did not propose to discuss this phase of the Philippine question. It has arisen, you must see, incidentally. My desire has been to show that these people want and have always wanted their independence and that if Congress will now promise independence to them that peace in these islands will soon follow.

But I will stop here to read from a book entitled "The Filipino Martyrs; A Story of the Crime of February 4, 1899, by an Eye Witness, Richard Brinsley Sheridan, Barrister at Law, Inner Temple, London." I am reading now from the title-page of Mr. Sheridan's book. I have quoted his own language, and you see he himself says that he was an eyewitness. Mr. Sheridan is an Englishman. He wants the United States to hold the Philippine Islands permanently. He went to the Philippines prejudiced in our favor. He was there at the beginning of the operations of Dewey, and he says we have greatly wronged the Filipinos. I will now read the part that is pertinent to the Dewey-Aguinaldo cooperation as follows:

It has been stated, and is daily alleged in the American press, that no promises were made, that no pledges were given by Dewey and his representatives to General Aguinaldo. How, then, was it that Aguinaldo was at Manila; taken to the Philippines by the Americans in one of their own ships; at their own urgent request; armed by them; Spanish prisoners taken at the battle of Manila Bay delivered into their hands by Dewey; quartered at Cavite; permitted a flag which was saluted by their admiral—Dewey; authorized and encouraged to make war upon the Spaniards; to take prisoners; supported at Subig and the town handed over to them by the Americans? How came these and other things to be allowed if Aguinaldo and his forces were not the allies of the American Government.

It is inconceivable that Aguinaldo, who had been fighting the Spaniards for Philippine independence, would have returned to the islands and there have raised his standard in the American cause if the promises made were only to reap a worse servitude than that inflicted by Spain.

If the American representatives had informed Aguinaldo that it was America's intention to subjugate or exterminate the Filipino race after they had assisted America in her conquest of Spain in the Pacific, is it possible or is it probable that Aguinaldo would have conducted his victorious compaign, sacrificing the lives of many of his best citizens and friends in order to aid a policy which threatened the destruction of his proposed republic and the hopes of his independence.

Arrangements were come to, as I have shown, whereby the Filipinos were to become free, and I can not believe that Admiral Dewey, who is a man of honor and integrity, will stand by longer and witness the oppression and destruction of the Filipino race.

I will not comment on this; I have not time. At some future day I will gladly discuss this question with any member of the House and take this quotation from Sheridan as our text. I will add in conclusion on this point, that there can be no reasonable doubt now but that Dewey permitted and directed certain American officers to receive Aguinaldo at Hongkong and advise with him before he was brought to Cavite by order of Admiral Dewey.

Mr. SIBLEY. Did you ascertain who these people were?

Mr. GAINES of Tennessee. Consul-General Wildman was one and Lieutenant Brumby, of the *Olympia* (Dewey's flagship), was another so Edwin Wildman, the assistant consul-general at Hongkong, states in his recent book entitled "Aguinaldo."

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. SULZER. I yield ten minutes more to the gentleman.

Mr. GAINES of Tennessee. Many Army officials and privates often stated to me that the "so-called peace conditions in the Philippines is only skin deep, and not from the heart" of the inhabitants there. One of the leading Army officials was asked by one of my colleagues this: "Have the Filipinos become reconciled to American rule?" and the prompt reply was, "No; they still have hell in their hearts." I see some evidence from the New York Times of yesterday that this is a correct statement of the real feelings of the Filipinos toward the Americans. I will read the headlines:

Fighting in Mindanao—Two hundred Moros attack a Signal Corps detachment—Americans lose one man and their transportation.

The Times does not state the cause of this conflict, but I presume the Signal Corps was interfering with some local custom of the natives and the Moros objected, sword in hand. The Moros object to the Government of the United States interfering with their customs. They cling to these.

While in Mindanao and Jolo I talked with leading Moros and foreigners who were living there—all Mohammedans. The Moros are all Mohammedans. The Filipinos proper are all Catholics.

I talked with Dato Mandi, second in authority to the Sultan of Sulu, and several other leaders, and they said to me:

All the Moros want is to be let alone in their old customs and ways. If you touch them, if you undertake to break down these customs and laws, do away with slavery and harems, you will see the bloodiest conflict between the Moros and Americans you ever heard of.

The Moros do not care what the Government of the United States does as to outside or international matters, but whatever you do, don't interfere with the local customs of these people. As to ourselves, we feel friendly toward and are the friends of the Government of the United States, but we are stating to you exactly what the conditions are and how these people feel.

And I take it for granted that our Signal Corps must have undertaken to interfere with their customs, either officially or as individuals, and brought on this conflict.

So far, I do not understand that the Government of the United States has made or dares to attempt to make a change in any of the laws or customs of these people, and possibly for the very reasons I have given, for, as a fact, they still have slavery and harems there. I saw slaves myself—the first I ever saw, and the last, I hope.

The Sultan still has his harem, "which is a part of the religion of the Moros," as I was informed. We have had enough trouble trying to exterminate polygamy right here at our doors, but we will have a herculean task on our hands to try to exterminate it in the Philippine Islands, 10,000 miles away, among Mohammedans.

The Sultan of Sulu and his distinguished cabinet are now paid a large sum of money annually by the United States to run the

government in local matters, and in their way, practically, in the Philippine Islands. He still believes he is supreme in authority. An example going to show this has recently occurred. This Sultan has sold one of the islands in the Philippine Islands within the jurisdiction of the United States for $25,000 and put the money in his pocket, and he now, as it were, shakes his fist in the face of the authorities of the United States in the Philippines, in this the exercise of one of his supposed "sovereign rights." He communicated this transaction to Governor Taft a short while before I left Manila, defying Governor Taft and denying his right to interfere. Governor Taft said to me he intended to "move on the Sultan in the course of the next six months," but he has not done so, nor has his successor, Vice-Governor Wright, although he is a man of ability and great courage, who served four years as a gallant soldier in the Confederate Army.

We are confronted, then, as to this particular portion of the island with three propositions: First, to give or not to give the people in the Philippine Islands ultimately their independence, in which event we will leave behind us these islands, their inhabitants, and their customs; second, hold to them permanently and continue these un-American and disgraceful customs; or, third, we must hold to them and exterminate their customs, wading through a bloody conflict to do it, at the expense of many lives and much treasure.

Some of the customs of the Moros, you can see, are a disgrace to American society and to our flag which floats there to-day.

If the inhabitants of the Philippine Islands were given their independence, they would then be ruled by brown men, to whom these customs are not so obnoxious; indeed, they are what can be termed "brown man's customs."

If given their independence, they can continue or discontinue them, just as they please. Of course, if we give them their independence we leave them and their customs on the other side of the world, where I hope they will stay and where they want to stay, with the Americans on this side.

Mr. PARKER. Does the gentleman think that that circumstance—the attack of the Moros on our Signal Corps—that these people are entitled to a free and independent government?

Mr. GAINES of Tennessee. Let me state to the gentleman that when you speak of the Filipinos as Moros you insult the Filipinos. These people living in Mindanao are Mohammedans. They are perfectly willing——

Mr. PARKER. Will the gentleman permit me to ask whether he makes the same distinction?

Mr. GAINES of Tennessee. Why, sir, I am compelled to make it. Every historian——

Mr. PARKER. Then I understand the gentleman to concede that universal free government ought not to be introduced into the Philippines?

Mr. GAINES of Tennessee. I do not contend that we should now give the inhabitants of the Philippines their independence; but I do say that we should now promise to do so, and keep that promise. If we do that, I believe we will have no further bloodshed in these islands—by the people, at least, as a people. Of course, there may be, as always follows in every country after a war, more or less wrongdoing by individuals. And I further say that if in the beginning Congress had said to these people in the Philippines that ultimately we intend to give you your independence, there would not have been any conflict between the inhabitants there and the American authorities.

These interruptions have diverted and delayed me in discussing another subject of a kindred nature.

It will be remembered that the Republican party in the campaign of 1900 said to the Democrats: "You should cease talking about the Constitution; you should cease talking about the Declaration of Independence; you should cease talking about the government by the consent of the governed; you should cease talking about the spirit of 1776; you should cease saying the Constitution follows the flag; you should not indorse the Declaration of Independence and the Constitution in your party platform; you should cease making speeches in Congress and on the hustings on these subjects, because," they said, "you incite the Filipinos to fight our troops in the Philippine Islands that much harder."

The Democrats were advised by the Republicans that we should abandon the discussion of the Declaration of Independence and the Constitution, because even talking about them perpetuated war in the Philippine Islands, they said.

But lo and behold, Mr. Chairman, to my great astonishment and amazement, when I arrived in the Philippine Islands last summer what did I discover? An old and distinguished Army officer of the United States, with his face red with indignation and fire flashing from his eyes, said to me: "GAINES, now what do you suppose? This damned government up here at Manila is distributing the Declaration of Independence and Constitution all over these islands, printed in English and Spanish—a damned incendiary document, sir."

Surprised that the Republicans should have sent such a document to the Philippine Islands, I said, "Are you joking?" "No, sir," the veteran sharply replied; "I have some now up yonder at my office." I said, "Will you not go with me now and get a copy?" "No," he replied; "I must go off on the boat now immediately," which he did, "but I will mail you a copy when I return if you want it." He did so, and here is the copy. You can see it, gentlemen, for yourselves. It was mailed under his frank, and I have the cover here with his name and high rank on it. I received it at Manila, and immediately wrote on it with my pen these letters, "D. M., Inc. D. C.—damned incendiary document," so that I could not possibly fail to recollect the exact language of the grizzly veteran.

On returning to the boat I informed several of my colleagues of this conversation, and they said, "Why, GAINES, you are mistaken about that. Your informant meant that the Filipino government had printed and distributed the document," and I could not convince them that the veteran meant the United States Government operating from Manila had distributed this document instead of the Filipino government. But I was right.

On arriving at Manila I received from the old veteran a copy of this "damned incendiary document," which I hold in my hands, and at the library in Manila I procured several others and was officially informed by the librarian in person and by written statements that "on August 18, 1899, the War Department at Washington published and had sent 15,000 copies of the Constitution, which were received at Manila by General Otis October 26, 1899."

The librarian further stated they were distributed in the Philippine Islands. Mr. Ferguson, secretary of the Taft Commission, said to me that "this was the first official information that these people had of our institutions." Many articles were written on this document as a basis—one in particular by Buencamino, now on the civil-service board. It was also, I think, printed in Tagalog. Thousands were sent all over the island.

The title-page of this copy reads as follows:

Estados Unidos de America con los articulos en adición y enmyenda a la misma.

Division de aduanas y negocios insulares, Departamento de Guerra, agosto de 1899.

This was printed at the "Government Printing Office at Washington, August, 1899," and was received in "Manila August 26, 1899."

There were 50,000 copies of the document containing the Declaration and Constitution combined with a brief history of the United States, which this veteran called "A damned incendiary document," that were ordered by General MacArthur August 15, 1900, sent to the Philippine Islands, and received at Manila May 15, 1901. General MacArthur got in a hurry, cabled for them, and repeated his cable urging that this document be sent to Manila as quickly as possible. The librarian gave me a written statement showing all these facts.

In this "damned incendiary document" there is a brief history of the United States, and amongst other things is shown that we have acquired territory for the purpose of making "future States for the American Union," and had done so. Not a word is said that we had acquired the Philippines or Porto Rico to hold them as colonies and the inhabitants thereof as subjects. That is kept in the dark.

So it turned out that my colleagues were wrong in their construction of the old veteran's language, and instead of the "damned Government up here at Manila" being the "Filipino government" that was distributing this document, he meant the American Government was the "damned Government" doing the work.

Mr. SIBLEY. Mr. Chairman, I trust we understood that my friend is not using this language? That this is not language of his own initiating, but that it is a quotation.

Mr. GAINES of Tennessee. Of course, everybody who knows me knows that.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SULZER. I yield ten minutes more to the gentleman from Tennessee.

Mr. GAINES of Tennessee. The title-page of this "damned incendiary document" reads as follows:

History of the United States of America. Constitution of the United States of America, with amendments. Declaration of Independence. Map of the United States of America. Published under the direction of Arthur MacArthur, major-general, U. S. A., military governor of the Philippine Islands.

Historia de los Estados Unidos de América. Constitución de los Estados Unidos de América, con enmiendas. Declaración de Independencia. Mapa de los Estados Unidos de América. Publicado bajo la dirección de Arthur MacArthur, mayor-general del ejército de los E. U., gobernador-general de las Islas Filipinas.

Strange, indeed, that the War Department at Washington should have sent these documents in 1899 (and ordered more in 1900) to these islands if speeches based upon the Constitution and the Declaration of the United States incited the Filipinos to more

furiously fight our American soldiers. It seems to me that natives reading the Declaration and the Constitution in their native dialect would be more easily and indelibly impressed with the inalienable rights of mankind than by a Democratic speech based upon the Constitution and Declaration, or the Democratic platform indorsing the principles of the Declaration and the Constitution.

I confess I felt indignant, and do yet, that the Administration and its party and party press should have denounced the Democratic party for standing by the Constitution and Declaration of Independence under these circumstances, while war was going on in the Philippine Islands, and at the same time the Administration, the great War Department and Army officials, should be secretly, so far as I know, for I never heard of these documents until I arrived in the Philippine Islands, be distributing these "damned incendiary documents," the very thing that better teaches the human mind than any other document short of the Bible the natural rights of man, whether he is a white or a brown human being.

So we see, Mr. Chairman, beyond any doubt, while the Democrats were being traduced for standing by the Constitution, the bulwark of American liberty; for standing by the Declaration of Independence, our political bible; for exploiting all these sacred instruments teach, that the Democrats might more surely and better preserve the purity, integrity, and life of our own Republic; while we were being denounced as traitors and as inciting the people in the Philippine Islands to execute with renewed vigor their war against American arms, the Republican Administration, through its great war machinery, was at the same time scattering broadcast over the Philippine Islands, under military orders, thousands of copies of the American Constitution and Declaration of Independence, instruments, if you please, which have inspired more human hearts to fight for life, liberty, and the pursuit of happiness than any other political instrument ever issued by the pen of man.

Under such circumstances I say that the deportment of the Administration and its party associates if not cowardly, was at least sneaking, unjust, and unfair, not only to the Democratic members of Congress, brother lawmakers of the Republicans, but to the 6,000,000 voters of this Republic who in the face of such arraignment and vituperation by their votes stood, not only by the standard bearer of the Democratic party in 1900, but by our immortal Constitution, the Declaration of Independence, and the traditions of our Republic.

To show you that the love of liberty, the love of independence, the love of country, and that the Filipino loves all these, pardon me for alluding to some experiences that I had while in the Philippine Islands that are particularly pertinent to the question I am now discussing.

I was in the city of Manila looking through an American book store to get some home papers and reading matter, and I saw two boyish-looking Filipinos in their clean white suits standing side by side engaged in reading a paper—The Commoner—and it happened that I was reading the same paper, having read previously many others.

Surprised, of course, at the Filipino reading this paper, and really more surprised to see it in the Philippines at all, I immediately turned and asked them, "What are you doing, reading that kind of a paper?" to which one of them replied in English, "We like to read it. It is a good paper; it teaches a good doctrine. We take it at the club up here." I asked him what club, and he said, "The Filipino Club." He pointed to an editorial comment in the Commoner of August 23, 1901, entitled "A Forgotten Truth," based on a quotation from a speech of Congressman McKinley at Shawneetown, Ill. The Filipino said, "Here, read this; what President McKinley said once." I did read it, as follows:

> Human rights and constitutional privileges must not be forgotten in our race for wealth, for commercial supremacy. The government of the people must be by the people, and not by a few of the people. It must be by the consent of the governed and of all the governed. Power, it must not be forgotten, which is secured by wrong or usurpation, is soon dethroned. We have no right in law or morals to usurp that which belongs to another, whether it be property or power.

I then asked the young man if he had read the American Constitution or Declaration. "Oh, yes," he said, "we read that in magazines and in American school histories which we have up at the club, and in newspapers."

The proprietor of the news stand said: "We sell a great many magazines from America and school histories containing the Declaration and Constitution to the Filipinos, and the Filipino Club up here subscribes for them regularly. We sold them a copy of Barnes's History of the United States, which contains the Constitution and Declaration," handing me a copy, which is a text-book in the American schools in the Philippines, I was informed. The Filipino took the book from my hands and turned to the Declaration and Constitution and said: "This is what the Filipinos like," pointing out and marking with a pencil this: "That to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed." He wrote his name and age, 22, in the history in English, as did his one-eyed, pock-marked Filipino companion, who could write, but could not speak English.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES of Tennessee. Will the gentleman from New York yield me a little more time?

Mr. SULZER. My time has expired.

Mr. HULL. I will yield the gentleman more time. How much time do you want? I do not like to see a gentleman cut right off in the middle of a speech of this kind.

Mr. GAINES of Tennessee. Only a few minutes more, and I can finish.

Mr. HULL. Well, I will yield the gentleman ten minutes.

Mr. GAINES of Tennessee. I thank my Republican friend very much.

These boys walked away with the bookseller, but in a moment the latter returned and said to me: "They want to know your name; but I did not give it to them. They asked me if your name was Mr. WEEKS." The gentleman from Michigan [Mr. WEEKS] had a few days before, through the newspapers, stated that the Filipinos were savages with a little veneer of civilization, and the Filipinos did not like it much, and hence they were particularly curious to see the gentleman from Michigan [Mr. WEEKS]. I said to the bookseller, "Tell them my name if you choose," which he did not do. And I said, "Young men, my name is GAINES, a member of Congress from the United States, and I want to say to you here that I do not believe you Filipinos are a lot of savages, even if my friend WEEKS does say you are, with a little veneer of civilization. On the contrary, I think thousands of you Filipinos are capable of making your own laws, and I am in favor of giving you a chance to do it."

With this they seemed to be much pleased and turned and left the store, and the bookseller gave me the history from which these boys had read parts of the Constitution and Declaration of Independence, and with which you must see this horrible, wicked Filipino was familiar; not only so with this book, but familiar, and understandingly so, with the utterances of President McKinley, who at Shawneetown and in this House, if you please, denounced those who controlled people without the consent of that people, denounced criminal aggression and the destruction of human rights and constitutional privileges, which was being done, I believe, at this very time in the Philippines by American arms.

On another occasion at Santa Cruz I called at the residence of one of the leading Filipinos, a man of wealth, a farmer, who could speak some English, and I was informed by the soldier boy at whose request I called (and by one of my neighbors, an army official, before whom this farmer had taken the oath of allegiance) that he was one of the best men in the island. After a long conversation, in which he showed remarkable familiarity with the entire history of all the troubles his people had confronted, the history of the Americans, the American Constitution and laws, under which, by the way, he said, 'we could not have colonies,' I wound up the conversation by asking him, "How do you and the Filipinos feel over conditions here?" He hesitated a moment, his face grew pale, and with his voice quivering and low he said:

"We feel mighty bad. We are not Spanish citizens any more; we are not Filipino citizens; we are not American citizens. What are we?—no country, no flag, no nothing," turning his face at the same time toward the floor. I did not want to make or reopen any wounds during my stay in the Philippine Islands, which I would possibly have done if I had replied to his pathetic question, so I immediately said good night, and the soldier and myself left. The Filipino, picking up his lamp that illuminated his beautifully furnished parlor, walked with us down to the bottom of the long flight of steps, where he said, "Good night, gentlemen."

The soldier and I parted at the gate, and as I wandered along through the dark, in the quiet of the deserted streets, deeply touched by what the Filipino had said to me, I asked myself this question, "Is there any man, savage or civilized, in any country, who does not love his native land?" and thought of these words:

> Breathes there a man with soul so dead,
> Who never to himself hath said,
> This is my own, my native land?—

and I answered my question, at least to myself, satisfactorily—there is none; there should be none.

Now, Mr. Chairman, it is perfect folly for us to try to crush out of those people the natural spark of liberty which is in all their hearts. And certainly after they have read in the books that we have sent there, in the thousands of copies of the Constitution and of the Declaration of Independence, in the number of histories that we have sent there, and many that were there before we were there—the number of newspapers, and they have newspapers all over the island printed in their own dialect, in which all these matters are discussed—I want to say, Mr. Chairman, it

is utter folly on the part of the American Government to undertake to crush out that God-given love of liberty that lives and should live in the heart of every American and every man that lives under the American flag.

Mr. Chairman, I have thought it right to avail myself of this unexpected opportunity to address the committee on these important questions—to show them one of the things that has made it so hard for us to control the Filipino, and that is because he loves liberty and independence and wants Congress to give him this boon.

If Congress will act in the proper spirit, peace will come. If Congress had so acted in the past, peace would have come long before this. We ought to give them a government over there, and then as quickly as possible give them their independence, and say so now and then live up to this promise. [Applause.]

Hypocrisy of the Republican Party in its Attitude Toward the Trusts.

SPEECH

OF

HON. DUDLEY G. WOOTEN,

OF TEXAS,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, June 21, 1902.

Having obtained unanimous consent of the House to submit certain remarks on the bill (H. R. 14947) to amend "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890—

Mr. WOOTEN said:

Mr. SPEAKER: This bill proposes to amend what is known as the Sherman anti-trust law so as to strengthen its provisions, enlarge its scope, make more certain its application, and adapt it more nearly to the corrupt devices and subtle methods of the modern corporate monopoly. Its main features consist in a better definition of trusts, monopolies, and combinations in restraint of trade and competition, more onerous penalties against such criminal conspiracies, and the prohibition, under severe punishment, of the transportation of all articles and commodities manufactured or controlled by trusts from one State or Territory to another, or to and from foreign countries.

It is intended to cure certain alleged defects in the existing statute and to destroy the power of the trusts by destroying their capacity to engage in interstate commerce. Nobody supposes that under the present organization of this House this measure will ever emerge from the Judiciary Committee, to which it was referred, or that the dominant majority which now controls Congress will ever seriously entertain any proposition to amplify or to strengthen and enforce the laws against those huge monoplies which it has fostered by its own policies and practices and to whose substantial aid it owes its elevation to power. Therefore all discussion of the subject here and at this time must be of a theoretical character and can be only valuable for its educational influence upon the country at large. Unfortunately, that is true of nearly every one of the great problems that demand solution at the hands of Congress, and for the solution of which the people of the United States are waiting with an anxiety that will sooner or later assert itself in angry and emphatic condemnation of the party responsible for the delays and difficulties placed in the way of necessary and beneficent legislation.

It has now been twelve years since the so-called Sherman law against trusts was enacted. Its benefits, if any were ever contemplated by it, have not been realized. In fact, if we were to judge of its operation and influence by the practical results of these twelve years, the act should have been entitled "An act to encourage monopoly, to promote the organization of trusts, and to strengthen the power of corporate conspiracies in restraint of trade and competition." Whether due to the law or to its administration, those have been the abundant and alarming consequences of the country's experience during the period of its existence on the statute books.

In 1890, when this act was passed, the total capitalization represented by what are known as "trusts" in the United States did not reach $2,000,000,000; to-day they represent in bonds and stock over $10,000,000,000, exclusive of some 4,000 minor concerns engaged in various forms of combination to fix and control prices, exclusive of what are known as "natural monopolies," such as railroads, street railways, express, telegraph, gas, electric light, power, telephone, and other companies managing public utilities, and exclusive of the thousands of smaller firms, companies, and associations whose business methods have all the vicious features and seek all the unlawful ends that are avowedly and openly sought by the mammoth syndicates whose gigantic tyranny over commerce and industry has made their names familiar to every citizen of the Republic.

If the wealth wrapped up in all of these subsidiary enterprises which really constitute a part of the capitalized monopoly of the country was computed, it would add ten billions more of dollars to the ten billions actually recognized as being in the hands of the vast incorporations that are overshadowing every line of life and labor by their tremendous despotism. For instance, there are considerably more than a billion dollars invested in the street railways of the country, or represented therein by bonds and stocks.

The telegraph and telephone companies represent a half a billion more. The express companies and gas companies embrace as much capital as the street railways, and so on through all the departments of industry and every avenue of human employment. And, then, the great steam railroads of the United States represent an aggregate of $12,000,000,000 in stocks and bonds. Thus we have, either in the form of the actual trust combination or conspiracy, or in the form of practical monopoly and restraint of competition, a total capital, real and fictitious, and entering necessarily into the financial and economic life of the country, of $30,000,000,000, which is double the amount of all the money—gold, silver, and currency—in the whole world.

These figures seem incredible, and they are, in fact, beyond the capacity of man to comprehend as real, but they are based on the careful computations and calculations of the best statisticians of the times. They may serve to give some idea—though not a tangible conception—of the enormous accumulation of wealth and the amazing power of concentrated capital under the manipulations of shrewd, selfish, and unscrupulous men. The world has never known anything to compare with it. The fabulous wealth of oriental princes and ancient monarchs was pitiful in contrast with this immense and monumental aggregation of riches. Pliny and Suetonius, Gibbon and Merivale, in all their splendid and seductive pictures of Roman and Grecian luxury and magnificence, never dreamed of such limitless opportunities for the despotic profligacy and pomp of gold as are embodied in thirty billions of concentrated capital, organized into a perfect scheme of monopoly and privilege, protected by governmental patronage and immunity, and controlled by a few favorites of governmental bounty.

Is it to be wondered that the same consequences that have always and everywhere followed upon such conditions should now attend and threaten this régime of lawless wealth in our own Republic? Can any man say that plutocracy is a phantasm of political prejudice and a mere scarecrow of partisan rivalry, in view of the actual facts presented by these statistics? In every age and every clime such abnormal and irrational accumulations of riches and the power that riches bring, in the hands of a few men or of irresponsible corporations, have produced the same results—beggary, discontent, nonemployment of the masses, resentment against constituted authority, political corruption, maladministration of government, the growth of militarism as a conservative or a restraining force, imperial expansion as a vent for ambitious greed or a pretext for avaricious conquest, tyranny over conquered peoples and abuse of domestic rights and equality, lawlessness, rebellion, anarchy, and ruin.

These are the logical, the legitimate, the inevitable fruits of such a system, wherever inaugurated, however conducted, and whenever pursued to its perfection. This is the age-long and universal verdict of history; more than that, it is the just judgment of a righteous Providence upon an unjust, an unnatural, and an oppressive perversion of the normal functions of government and the rational relations of men in a free and enlightened society. I heard a gentleman here the other day seeking to justify the imperial policy of the Republican party in its dealings with the Philippine Islands, and to warrant the infamous system of colonial servitude sought to be imposed upon those alien races in their struggle for freedom, declare that this Government is doing these things in obedience to Divine guidance, that "We are being led on by the hand of an infinite God."

There seems to be no limit to the hypocrisy and the pietistic cant of the Republican party under its present infatuated love for imperial and commercial glory. It invades the sacred precincts of the grave and masquerades in the borrowed cerements of dead and buried Presidents, in order to conceal its iniquities and condone its perfidies. It converts every debate into an elegiac upon Lincoln and McKinley, at the same time violating the principles of the one and abandoning the policies of the other. Macaulay said that there was nothing more ridiculous than the British public in one of its periodical spasms of morality, and I can conceive of nothing more nauseating than the Republican party in one of its fantastical fits of hypocritical grief over some dead leader whose memory it seeks to prostitute for partisan ends, but whose genuine virtues it neither inherits nor imitates. But the height of

its canting pharisaism was reached by the gentleman from Illinois [Mr. REEVES] when he blasphemously sought to invoke the authority of God Almighty for the justification of Republican despotism and barbarity in the Philippines. I will readily admit that nothing short of Infinitude can comprehend the depth and desperation of Republican wickedness and nothing less than Divinity can estimate its crimes or forgive its career, but in no other sense can I imagine an infinite God as in any way cognizant of the Republican party.

This unprecedented and dangerous amassing of money and power in the hands of the corporations and syndicates as trust conspiracies has brought and can bring no result but disaster and destruction to our institutions, our happiness, and our integrity as a nation. We are being constantly reminded of the prosperity that attends such enormous commercial and industrial development, and the trust is said to be the evolution of the highest form of organized enterprise and trade ingenuity. That is the academic view, the view of the magnate in his private office, of the banker in his directors' meeting, of the college professor in his class room, of the political essayist in his cloister, of the railroad president and the shipowner in their luxurious travels and their *cunning* plans for greater power. But it is not the view of the political philosopher who has studied the canons of healthy national life, nor of the philanthrophist who loves his race, nor of the statesman who esteems the free and equal rights of all the people as the prime purpose of all organized governments. Nor is it the view of the toiling millions of men and women who seek livelihood and gather hope from honest labor and modest surroundings—that great majority of mankind, "the common people," whom Abraham Lincoln said the Lord must have loved so much because he made so many of them.

Freedom of trade, full and fair competition in business, equal opportunities to live and labor and grow prosperous, absolute impartiality of the Government in its relations to every citizen and to every interest in the community—in short, that political, social, and economic status so well summarized in the maxim of "equal rights to all and special privileges to none"—these are the just objects of good government honestly administered. They have been the immemorial doctrines of English and American law, canonized in the precedents of parliamentary and judicial decisions, sanctified by civil and political revolutions instigated and conducted to maintain them, and embedded in the whole fabric of our institutions, our history, and our jurisprudence. So long as these principles retain force and these traditions govern the American mind, the combination or conspiracy that seeks to destroy competition, to restrain trade, to raise or lower prices of products or labor without regard to the normal laws of supply and demand, will be denounced by public opinion, declared unlawful by the courts, and punished as criminal by the power of the Government. Whenever it is otherwise, and whenever any responsible political party attempts to deny or to nullify these doctrines, then we may accept it as certain that the time has come to change existing conditions and to repudiate the agencies that have brought them about.

I do not suppose that any member of this House will undertake to defend the trusts; certainly no political party in this country has had the hardihood to announce its advocacy of their organization, methods, and consequences. On the contrary, all sects and creeds of partisan influence are asserting hostility to them and claiming credit for having inaugurated the warfare against them. The Republican party, particularly, has been very noisy of late in proclaiming its opposition to these unlawful associations, and to listen to some of the things that are being said by the conventions, newspapers, and campaign orators of the party in power, one would imagine that it has never had any other mission but to break up the trusts, and that "the hand of an infinite God" was leading it surely to victory against these vast and despotic aggregations of moneyed might.

For the past two months conventions of Republican politicians in various sections of the country have boasted of the devotion of their party to the rights of the people against the exactions and burdens of the trusts, and have impudently asserted their purpose to prosecute and punish these unlawful conspiracies against trade. Cabinet officers have abandoned their posts of duty at the capital and traveled long distances to harrangue listening multitudes upon the virtues and vigor of the present Administration in its hostility to the corporate monopolies whose greed and tyranny are despoiling and degrading every resource and hope of honest industry and lawful aspiration. We are told that the Sherman antitrust act was the product of Republican providence and patriotism, framed by the wisdom and enforced by the courage of Republican statesmen, and that the people owe a debt of gratitude to the party that was the pioneer and is the representative of antitrust legislation and procedures.

A more shocking and shameful exhibition of falsehood, hypocrisy, and cowardice never confronted the world than the attitude of the Republican party toward the trusts for the past fifteen years, and its mendacity, deceit, and complaisance toward these criminal conspiracies are to-day one of the most astonishing and disgraceful symptoms of political corruption and decadence. There is not on record a single instance in which that party or its officials have instituted and conducted to successful results any case against the trusts. For twelve years this Sherman law has been in force, and yet not a monopoly has been suppressed, not a conspiracy has been broken up, not an offender has been punished.

The courts have time and again declared that the law is sufficient to accomplish the purposes of its enactment if honestly and vigorously administered. They have decided in several leading cases that the enforcement of this statute is wholly dependent upon the action of the Attorney-General of the United States, because private individuals can not originate and conduct prosecutions under it. The courts have even gone further and held that the statute is not necessary to the proper prosecution and punishment of these unlawful combinations, as the Federal courts, in the exercise of their general equity jurisdiction and power, can suppress these conspiracies against trade and competition upon the highest grounds of public policy and commercial morality, independent of express statutory authority.

If the law was weak or defective, it could long since have been amended and strengthened, but not a single effort has been made toward that end by the half dozen Republican Congresses assembled during the period of its existence. The history of that party has been a consistent record of thinly concealed friendship for the trusts and their representatives, of purposeless indifference to the repeated protests and petitions of the people who are being robbed and oppressed, and of persistent and perverse duplicity and cowardice in dealing with the whole subject.

I have here a carefully prepared statement of the various cases that have arisen under the Sherman antitrust act, which I desire to incorporate in these remarks. It is complete and accurate and presents a significant catalogue of inefficiency, stupidity, and official complicity with the trusts that can be explained on no other hypothesis than that the power of these great associations of wealth has paralyzed the Government and prostituted the Department of Justice. The following are the cases that have been instituted or decided since 1890, under the Sherman law:

Suits under the antitrust act of 1890 and suits in which the act has been cited or considered by the courts, chronologically arranged.

(1) United States *v.* Jellico Coal Company (43 F. R., 898; 45 F. R., 422). Suit under section 4 of act. Injunction issued. (Tennessee.)
(2) American Buscuit Company *v.* Klotz (44 F. R., 721). Petition for receiver. (Louisiana.)
(3) United States *v.* Greenhut (50 F. R., 469). Indictment under sections 1 and 2. Whisky trust. (Massachusetts.)
(4) In re Corning (51 F. R., 205). Indictment. Hearing on petition for removal. (Ohio.)
(5) In re Terrell (51 F. R., 213). Indictment. Petition for writ of habeas corpus. (New York.)
(6) Bishop *v.* American Preserves Company (51 F. R., 272), suit under section 7 of the act. (Illinois.)
(7) In re Greene (52 F. R., 104), indictment. Note Judge Jackson's opinion (Ohio.)
(8) United States *v.* Nelson (52 F. R., 646), indictment. (Minnesota.)
(9) United States *v.* Trans-Missouri Freight Association (53 F. R., 440; 58 F. R., 58; 166 U. S., 290), March, 1897. Note Judge Shiras's dissenting opinion in court of appeals decision and quoted with approval by Justice Peckham. (Kansas.)
(10) Blindell *v.* Hagan (54 F. R., 40), suit under section 4 can be brought only by United States. (Louisiana.)
(11) United States *v.* Workingmen's Council (54 F. R., 994; 57 F. R., 85); suit under section 4. (Louisiana.)
(12) Waterhouse *v.* Comer (55 F. R., 149), rule 12 of the Brotherhood of Locomotive Engineers declared unlawful. (Georgia.)
(13) United States *v.* Patterson (55 F. R., 605; 59 F. R., 280), note the epitome of brief, by Elihu Root. Indictment. (Massachusetts.)
(14) Dueber Company *v.* Howard Company (55 F. R., 851; 63 F. R., 637), suit under section 7. Note opinion of Judge Wallace. (New York.)
(15) United States *v.* Knight Company (60 F. R., 306; App. C., 934; 156 U. S., 1). In this suit the Government neglected to secure evidence of a restraint of interstate commerce, and consequently failed. Note in particular Justice Harlan's dissenting opinion. (Pennsylvania.)
(16) Farmers' L. & T. Co. *v.* N. P. R. R. Co. (60 F. R., 803), note Judge Jenkins's comments on the act. (Wisconsin.)
(17) Thomas *v.* Cincinnati Railway Company (62 F. R., 803), note Judge Taft's comments. (Ohio.)
(18) In re Grand Jury (62 F. R., 840), charge to grand jury by Judge Morrow. (California.)
(19) United States *vs.* Alger (62 F. R., 824), suit under section 4. (Indiana.)
(20) United States *vs.* Elliott (62 F. R., 801; 64 F. R., 27), suit under section 4. (Missouri.)
(21) United States *vs.* Debs (64 F. R., 210; 64 F. R., 724; 158 U. S., 564), in re Debs, suit under section 4 by direction of Attorney-General Olney. Note Judge Woods's opinion upon the scope of the antitrust act. The Supreme Court decision was based upon "broader ground" than the antitrust act. (Illinois.)
(22) Pidcock *vs.* Harrington et al. (64 F. R., 821), private suit under section 4 not authorized. (New York.)
(23) United States *vs.* Cassidy (67 F. R., 698), indictment. (California.)
(24) Lowenstein *vs.* Evans (69 F. R., 908), suit under section 7. (South Carolina.)
(25) Prescott, etc., *vs.* Atchison Railroad Company (73 F. R., 438), note Judge Lacombe's remarks on scope of act. (New York.)
(26) The Charles E. Wiswell case (74 F. R., 802; 86 F. R., 671). (New York.)
(27) United States *vs.* Joint Traffic Association (76 F. R., 895; 171 U. S., 505). The institution of this suit by Attorney-General Harmon was due to the persistent efforts of Hon. W. E. Chandler. See Senate Document No. 39, Fifty-fourth Congress. (New York.)
(28) Greer, Mills & Co. *vs.* Stoller et al. (77 F. R., 1, 1897).
(29) United States *vs.* Addyston Pipe and Steel Company (78 F. R., 712;

circuit court of appeals, 85 F. R., 271; United States Supreme Court decision December 4, 1899). Suit under section 4. Note the remarkable decision by Judge Taft of the circuit court of appeals stating the common-law doctrine.

(30) United States *vs.* Anderson et al., June 7, 1897. Circuit court of Missouri, and certified up from the circuit court of appeals. Anderson et al. *vs.* United States (171 U. S., 604, 1898). Suit under section 4.

(31) United States *v.* Hopkins (82 F. R., 529); Hopkins *v.* United States Supreme Court decision (171 U. S., 578). Suit under section 4.

(32) Minnesota Tribune Company *v.* Associated Press (83 F. R., 350, 1897). (See bottom of page 357.) (Minnesota.)

(33) United States *v.* Coal Dealers' Association (85 F. R., 252). Suit under section 4. This suit was instituted by Attorney-General McKenna, and, it is reported, only after grest pressure. (California.)

(34) Gulf Goast and Santa Fe Railway Company *v.* Miami Steamship Company (86 F. R., 407). Suit under section 4 by private person not authorized. (Texas.)

(35) Indiana Express Company *v.* United States Express Company et al. (88 F. R., 659). Suit under section 4 by private person not authorized. (Indiana.)

(36) Sun Publishing Company *v.* Associated Press. Suit under section 7 commenced December 8, 1897. Bill in equity filed at the same time. (New York.)

(37) United States *v.* Officers of Knights of Labor, etc. (1898). Indictment. Demurrer overruled on authority of certain common-law decisions. (District of Columbia.)

(38) United States *v.* Coal Companies. Fifteen coal companies indicted at Cincinnati, Ohio, February 11, 1899. (Ohio.)

(39) Lowry et al. *v.* Tile, Grate, and Mantel Association of California. (F. R., February 20, 1900.) Suit under section 7. Demurrer overruled. (California.)

(40) Inter Ocean Publishing Company *v.* Associated Press. Before the circuit court of the State of Illinois. Judge Waterman in his opinion declared certain by-laws of the Associated Press to be in restraint of trade and violating the antitrust act. See the decision of the supreme court of Illinois, published in the Inter Ocean February 20, 1900, in which it was held that certain by-laws of the Associated Press were in restraint of trade. (Illinois).

It appears that Attorney-General Miller instituted four suits under section 4 of the act; Attorneys-General Olney and Harmon commenced six suits, three of them being against workingmen on the occasion of the Chicago strike, and one as the result of the persistent efforts of Senator Chandler (see Senate Document No. 39, Fifty-fourth Congress). As far as can be learned, Attorney-General McKenna directed two suits to be brought—United States *v.* Anderson et al. and the case of United States *v.* Coal Dealers' Association—and Attorney-General Griggs has not directed the institution of a single suit.

Six or seven suits have been commenced under section 7 of the act, and there have been indictments returned by at least ten separate grand juries. Laboring men have been indicted in at least five cases; coal companies in three cases, and a cash-register combine was prosecuted in the district of Massachusetts.

It is a noteworthy fact that United States District Attorney MacFarlane testified before the Senate Committee on Interstate Commerce, December, 1896, regarding the difficulty he encountered in finding judges who were not disqualified for trying the case of The United States *v.* The Joint Traffic Association. Of the eight Federal judges, circuit and district, in the jurisdiction where the suit was brought, only one, Judge Wheeler, was found qualified.

In the fall of 1901 certain parties were indicted in Mississippi for combining and conspiring to monopolize interstate trade in cotton-seed oil.

An attempt was made in the spring of 1902, in Louisiana, to criminally prosecute the beef trust, as shown by the following telegram to the Washington Times:

BEEF TRUST WINS—GRAND JURY DISMISSES GOVERNMENT SUIT IN NEW ORLEANS.

NEW ORLEANS, *June 11, 1902.*

The United States Government's suit against the beef trust here was practically abandoned to-day and the grand jury dismissed. The failure was brought about by the refusal of the agents of the trust to answer for fear of incriminating themselves.

Judge Parlange decided that they might be sent down for contempt. Refusing to answer the questions proposed, but armed with the habeas corpus and the decision of the United States court in Mississippi in the similar cotton-seed oil case, they persisted in their refusal, when the case was abandoned.

The Department at Washington held that it was better policy to allow the proceedings now under way at Chicago to culminate before showing its hands at New Orleans.

Under date of June 20, 1902, it was announced that the Federal grand jury at Atlanta, Ga., had returned a joint indictment against certain railroad corporations and individuals for violating the Federal antitrust law. The railroads indicted are the Southern Railway, Seaboard Air Line, Atlanta and West Point, Western and Atlantic, and Georgia Railroad and Banking Company. The individuals are Second Vice-President W. W. Finley and General Freight Agent E. A. Neal, of the Southern Railway; President and General Manager Charles A. Wickersham and Traffic Manager R. E. Lutz, of the Atlanta and West Point; Traffic Manager H. F. Smith and Division Freight Agent J. A. Sams, of the Western and Atlantic; R. 1. Cheatham, acting general freight agent of the Seaboard Air Line; S. E. Magill and E. O. Pritchard, of the Georgia Railway, and S. F. Parrott, chairman of the Southeastern Freight Association.

On March 10, 1902, a suit under section 4 of the act was commenced in Minnesota entitled "United States *v.* The Northern Securities Company, the Great Northern Railway Company, the Northern Pacific Railway Company, et al."

On May 10, 1902, was filed in Chicago, Ill., the suit entitled "The United States *v.* Swift & Co. and others."

The investigation of the foregoing cases discloses a remarkable state of affairs. In none of the cases was any practical remedy afforded against the criminal defendants—the trust monopolies attempted to be suppressed and punished—although the opinions of the judges in nearly every case pointed out clearly the proper procedure, called attention to the failure of the Government through its prosecuting officers to present the law and facts as could have been done, and plainly intimated in several instances the apparent indifference of the Department of Justice to its duties and rights in the premises. No one can read the history of these cases, especially the more important decisions, without coming to the conclusion that the Government did not institute the suits in good faith, did not prosecute them with vigor or intelligence, and in fact never intended to do more than appease public sentiment by a mere collusive litigation and a sham display of official zeal. That has been the record in the past, and we have no reason to believe that it will be better in the future, but quite the contrary, as I will show later on by the facts as they have transpired in the last nine months.

It is also a notable and nauseating feature of this judicial history that not one of the Attorneys-General has seemed in the slightest degree to feel his responsibility or to appreciate his duty to the people and to the laws he was sworn to enforce. And why should we expect it, when we consider the personal and professional relations of the Attorneys-General who have been charged with the enforcement of this law? The leopard will not change his spots, nor can a corporation lawyer come fresh from his lifelong devotion to a class of criminal clients and be expected to use his official power in the prosecution of those to whom he owes his professional success and distinction and to whose employment he intends to return as soon as his brief official life has ended. It is not necessary to believe that the heads of our Department of Justice were purposely selected because of their friendliness to the syndicates and trusts, although every circumstance and the uniform custom would seem to conclusively warrant that belief.

The stubborn and suggestive fact remains to be accounted for that for the past twelve or fifteen years, with but one or two exceptions, the Attorneys-General of the United States have been appointed from the ranks of the corporation counsel of the country; that they have been men whose whole experience, training, mental bias, professional prejudices, and judicial temperament have been acquired and molded in the school of the trusts, syndicates, and corporate monopolies, and that in nearly every instance they have gone immediately back to their corporation clients as soon as they doffed the gown of office. No man can put off and on at will the garment of his intellectual and moral habitudes, and if these men were not selected for the purpose of serving and protecting the trusts, they were chosen in plain and flagrant violation of the common rules of decency and fairness and the customary canons of prudence and consistency.

Attorney-General Griggs was known to be the counsel for one of the worst trusts in the country at the time he was appointed. He came from the State that has acquired an infamous identity with every form of corrupt and lawless monopoly; and it is also known that his selection was due to the influence of Vice-President Hobart, who acted, even after his elevation to the Vice-Presidency, as one of the three arbitrators of the Joint Traffic Association, which was declared to be an illegal and criminal conspiracy against trade by the Supreme Court of the United States and dissolved for that reason. In a hearing before the Interstate Commerce Commission it was made the subject of a severe denunciation by one of that Commission that the Vice-President of the United States should have maintained that compromising position during his incumbency of the next to the highest office in the Government. He it was who secured Griggs's appointment, and the selection justified the partiality of the trusts for their own lawyers. During his entire official term Attorney-General Griggs never instituted or authorized a single prosecution against the trusts, although it was a period of the most shameless activity and exploitation by the great corporations organized in his own State and under his very eyes. And he had hardly stepped out of the Department of Justice to give place to the present Attorney-General, another corporation lawyer, before he appeared in court as the counsel for the trusts.

The sovereign State of Minnesota, alarmed and oppressed by one of the monster railroad combinations of the age, made a motion in the Supreme Court of the United States for leave to file a bill in equity to enjoin and dissolve that syndicate, and the State of Washington did likewise. The late Attorney-General at once appeared as attorney for the defendant criminals and resisted these motions filed, not by discontented individuals, but by sovereign Commonwealths in the Union, seeking to protect their people and trade against disastrous monopolies. A little later in this year, responding to the universal clamor of the country and to the necessities of an approaching Congressional campaign, the present Attorney-General instituted a suit against the Northern Securities Company, and at once the late Attorney-General Griggs appeared at the bar of the court and filed the answer and defense of the same infamous syndicate that had defied the law during his own administration of the office, but which he had generously spared in order to profitably serve.

These are damaging facts that can not be wiped out, and they furnish a chapter of official servility to corporate power and a drama of Republican hypocrisy that give the lie to all the pretended zeal of the recent campaign crusade against one or two of the trusts. The record of the present Attorney-General is not less reprehensible, both for his antecedent relations and for his official partiality to his former clients and friends. He went directly from the employ of the armor-plate trust and the Carnegie Steel Company into the Department of Justice. He has persistently refused to recognize the notorious criminality of these combinations and their allied interests, and has treated with scorn and contemptuous indifference the repeated petitions of those who have sought to enlist his action against well-known violators of the statutes and of the plain principles of public policy and commercial justice.

His conduct has been what might have been expected from his former associations, and no doubt his future career will parallel that of his predecessor in a ready return to the service of those whom he now patronizes and protects. The history of his indifference and neglect to perform the sworn duties of his office will more clearly appear from the documents that I shall submit with these remarks and which abundantly establish the duplicity and deceit of the present Administration's attitude toward the real iniquity of the trusts.

It may be insisted that the conduct of the Attorney-General's office under Democratic rule from 1893 to 1897 was not different to that of the Republican party under Harrison, McKinley, and Roosevelt. That is unfortunately true to a certain degree and with certain qualifications. I do not recognize Democratic responsibility for the second Cleveland Administration, beyond the fact that the party must be held accountable for its own mistake in elevating to place and power a man who surrendered all its principles, prostituted all its policies, and signalized his term of office by destroying its organization, disgracing its pledges, debauching its doctrines, and enthroning in its councils the creed of plutocratic privilege in place of the immemorial faith of Democratic equality and popular rights.

And I may be permitted to say that a reorganization of the Democratic party under the auspices or the influence of the men who dishonored its history and disrupted its integrity during that period will only insure the continued inefficiency of its efforts and the gradual destruction of its hold upon the confidence and support of the great masses of the American people. It is a fact that should be considered by all who advocate or tolerate the proposition of restoring to positions of prominence and power in Democratic councils the men who controlled its official life in the second Cleveland Administration, that whatever of disaster and disintegration has come about in the later career of the Democratic party is directly due to Clevelandism and the Cleveland policies.

We have heard a great deal about "Bryanism" and its baleful influence upon old-time Democracy. Men are continually decrying the effects that are supposed to have resulted from the controlling power of the great Nebraskan's genius and eloquence during the last two campaigns, and we are asked to believe that his prominence in Democratic affairs has been synonymous and coextensive with Democratic defeat. Those who heed such statements and lend credence to such arguments must be strangely oblivious to the actual facts of political history in this country for the past ten years. Let me remind them of a few significant transactions in Democratic party experience in recent times.

It is not probable and perhaps not desirable that Mr. Bryan should again lead the Democratic party in the next national campaign, but it is certainly not possible and would be grossly inconsistent if not criminal for the party to submit itself to the leadership and control of Mr. Cleveland, or any of those who stand for the Clevelandism of 1893 to 1897. I assert it as a fact not susceptible of dispute that the first symptoms of Democratic disintegration and weakness arose as the direct result of Mr. Cleveland's apostasy in 1893 and 1894. The party was disrupted, defeated, and humiliated by him and his coadjutors two years before Mr. Bryan was heard of or thought of as a Presidential candidate or a potential factor in its counsels.

In 1892, despite the fact that there were five opposing tickets in the field, representing every phase of political and social opinion, the Democracy swept into power by immense majorities, elected a President and both Houses of Congress, and for the first time in thirty years was in complete control of the Federal Government. No party ever came into place under more favorable auspices or with greater enthusiasm. But in two years the conduct of the President and his chief advisers had alienated the Democratic support of Congress, disgusted the oldest and wisest leaders of the party, fomented irreconcilable strife inside the party organization, and fanned into flame an opposing public sentiment that split the democracy in twain two years later, and drove it from power under the most disastrous circumstances and at a time fatal to the fortunes of the Republic.

It is doubtful if any set of men ever accomplished more of political ruin and national injury than did the Cleveland régime in the short space of two years. To that period of party disaffection and disloyalty we owe all the misfortunes and maladministration of Republican domination since 1896. To it we owe the supremacy in subsequent years of imperialism, plutocracy, militarism, the sinister creed of colonialism, and the budding heresies of monarchical and aristocratic prerogatives in official life.

In 1894 New York went Republican by an overwhelming majority against the man who now aspires to an unnatural alliance with Grover Cleveland in the attempt to rehabilitate the party they helped to wreck. New Jersey, Maryland, and West Virginia joined the column of Democratic dissent and Republican triumph; in the Northwest those who had coalesced with the Cleveland policies—Vilas, Dickinson, and that coterie of Administration supporters—were repudiated, and the Fifty-fourth Congress was elected with a Republican majority of 144 in the House, in contrast with a Democratic majority of 92 in the Fifty-third Congress, and an exact reversal of majorities in the Senate. In my own State, the impregnable stronghold of Democracy for more than fifty years, a Democratic governor was only elected by the enforced aid of negro votes, and in his own county, the chief commercial center and the banner Democratic county of the State, he was defeated by the Populist candidate.

That was the result of two years of Clevelandism, two years before the despised Nebraskan assumed the leadership of the party. With this universal demoralization and dismay in Democratic ranks, with a divided party and an intestine faction giving open aid and encouragement to the opposition, with every trust, corporation, bank, metropolitan newspaper, academic propaganda, and literary bureau in the Union arrayed against him, William J. Bryan polled the largest vote for the Presidency any man had ever polled to be defeated—and no honest man will ever believe that he was honestly defeated—in the memorable campaign of 1896. When I hear men decry and ridicule "Bryanism," and even some Democrats join in the belittling scandal, I blush for their ignorance of the actual facts of political history and their incapacity to give just honor to one of the most heroic and historic figures in the annals of that age-long struggle for equality of citizenship and the rights of man to which the Democratic party of this Union is pledged by a hundred years of incessant labor and loyal devotion.

So that on the whole I am disposed to regard the second Cleveland Administration as an interregnum in Democratic history or as a connecting link in Republican evolution. But this much may and ought to be said in excuse or explanation of the failure of the Department of Justice to prosecute the trusts at that time. It was an experimental stage in the development of these combinations and of the legislation intended to suppress them. They had not assumed such proportions nor challenged such attention as they have done in later years.

At that period the several States were seeking to solve the problem by statutes directed against these conspiracies, and the country was just beginning to understand something of the vast and increasing evils of this systematic interference with the commerce, industry, and prosperity of the whole Union. It was probably thought that the States might deal with the question satisfactorily and successfully, and hence the Federal authorities were perhaps warranted in waiting the results of State action. But it can not be denied that the Attorney-Generals of that time were recruited from the same class of corporation counsel that have had a monopoly on the position for so long that it would be a novelty to find in that office a man who was the attorney of the people of the United States and not an apologist and advocate of the trusts.

But the growth and power of corporate monopoly took on such decided and dangerous aspects after the election of the Republican candidates in 1896 that the entire country was aroused to the necessity of investigating its methods and restraining its operations. Unprecedented activity and arrogant assertion on the part of the trusts marked the years 1898 and 1899, as their open insolence and defiant tyranny have signalized the Republican victory of 1900. The managers of those associated industrial and commercial robberies seem to well understand that they may expect only sympathy and toleration from the party whose favor they have purchased by campaign contributions and from which they have taken hostages of immunity by every device of political corruption.

So widespread and earnest became the interest and alarm excited by the limitless despotism of the trust conspiracies that a nonpartisan organization, so called, the Chicago Civic Federation, called a national conference on trusts at Chicago in September, 1899, which was largely attended by delegates from the several States, by college professors, political essayists, labor and commercial orders, public men, and a few farmers. It was a unique assembly, and its proceedings were interesting if not practically productive of good. The most noticeable feature of the discussions was the almost uniform hostility of the academic and college class of thinkers to any attempt to suppress or control the trusts.

These learned gentlemen evinced that same unfriendly spirit

toward the rights of the people and the reforms that seek popular relief that has always characterized the scholastic element in all ages and everywhere. History demonstrates nothing more conclusively than that the academic spirit is a constant factor of opposition and reluctance in the great movements for political, social, and economic good. It imagines that it has a monopoly of wisdom, a trust on knowledge, and a close corporation of patriotism and virtue. The last man on earth to extend sympathy or aid to any feasible movement in the interest of the masses and the amelioration of commercial and industrial conditions is the average college professor, especially if he be that mysterious philanthropist—a political economist or a student of sociology.

The historic attitude—more emphatic to-day and in this country than ever before or anywhere else—of the scholastic segment of our population is one of dogmatic and doctrinal indifference to the wrongs of the masses of the people and a servile sycophancy toward the ruling forces of wealth and privilege. I do not believe that a more dangerous and insidious form of the plutocratic and monopolistic influence exists in this country than is to be found in our leading colleges and universities, particularly those under private control. By degrees they have been subsidized and brought into service by the great trust magnates who have with such apparent liberality and generosity endowed them as seminaries of corporation ideas and centers of the moneyed conception of culture and civilization.

It is now the fashion for every great multimillionaire to found a college or patronize a university, both as a contribution to the conscience fund and as a means of controlling what are called the "leaders of thought" and the exponents of scholastic statesmanship. The result is that every one of the old and influential seats of learning is to-day the pliant tool and serviceable propaganda of the plutocratic and imperialistic theory of government and politics. To this may be added the tremendous power of the metropolitan press and the select circle of literary periodicals, of which there is not one that does not cater to the interests and propagate the influence of the trusts, the corporations, and the mercenary instincts of Republican policy.

These combined forces made themselves felt at the Chicago conference of 1899, with the result that the only practical achievement of that meeting was the creation, on the outside, of what is to-day in this country the only active and organized force in opposition to the growth and despotism of commercial and industrial trusts. The American Antitrust League was conceived and put in operation at that meeting. It has been and is now chiefly maintained and conducted by the representatives of the great labor unions and working classes of the Republic—the men who do the work and bear the burdens of our economic and industrial system, who understand from practical experience and daily observation the real effects of corporate combinations in restraint of trade, labor, and honest competition, and who are themselves the conspicuous victims of this lawless and insolent scheme of monopoly and greed.

It was my pleasure and privilege to have participated in the organization of the American Antitrust League and to have been honored by election to its first executive committee. I regret not to have been able to contribute more to its success and efforts in behalf of law, justice, and equality, and I am therefore only too glad of the opportunity here and now to exhibit something of the great work this association of humble citizens and toiling wage-earners are doing and trying to do toward enforcing the laws of the land against those giant commercial and industrial conspiracies that find their first and most helpless prey in the laboring men of the country.

I also feel it my duty and my privilege to show by the written record that these people have been treated with contempt, indifference, and actual hostility by the President and the Department of Justice when they have presented to these Republican officials incontestable proofs of the present and past operation of the most flagrant trust criminals under the Sherman Act and under the plain principles of equity jurisdiction over immoral contracts and conspiracies in contravention of public policy. The record is one of consistent and deliberate contempt for the law on the part of the Republican Administration, and demonstrates the hypocrisy and perfidy of that party in its professed desire to suppress and punish the trusts.

To begin with the case as it was instituted by the American Antitrust League, I quote from the Antitrust Bulletin, published by the League in this city, in the issue for August, 1901, as follows:

At a meeting of Local League No. 1 of the American Antitrust League, held at Washington, D. C., August 3, 1901, the following resolution was unanimously adopted:

"*Resolved*, That this league appoint a committee to act in cooperation with similar committees which may be appointed by other organizations for the purpose of bringing about the civil and criminal prosecution of the United States Steel Corporation and other trusts by the Attorney-General of the United States and the attorneys-general of the various States, for violation of the antitrust laws of the United States and of the several States."

The following gentlemen were appointed a committee to take charge of the matter on behalf of the league: H. B. Martin, C. T. Bride, C. F. Sudwarth, H. J. Schulteis, Capt. J. A. Collins.

On Thursday evening, August 8, 1901, the matter was brought to the attention of District Assembly 66, Knights of Labor, Washington, D. C., by the delegates of Local Assembly 2672, and the same resolution was unanimously adopted by District Assembly 66, Knights of Labor, and the following gentlemen appointed to represent District Assembly 66 on the joint committee: Thomas P. O'Dea, William L. Dewart, John T. Doyle, J. F. O'Meara, Thomas Sheehan.

The joint committee met on Saturday evening, August 10, 1901, at 1229 Pennsylvania avenue, and elected H. B. Martin chairman and William L. Dewart secretary of the joint committee. The chairman and secretary were instructed to send out the following letter, which we herewith reprint.

Pursuant to this action the committee thus appointed addressed to the Attorney-General this letter, which was followed by his reply, both of which were published in the papers at the time:

[From Washington Times, August 20, 1901.]

LETTER OF THE JOINT COMMITTEE—ATTORNEY-GENERAL KNOX ASKED FOR INFORMATION REGARDING THE TRUSTS.

At a joint meeting of the committees representing the American Antitrust League and of District Assembly No. 66, Knights of Labor, held last night, the chairman and secretary were instructed to address the following communication to Philander C. Knox, Attorney-General of the United States:

JOINT COMMITTEE AMERICAN ANTITRUST LEAGUE
AND DISTRICT ASSEMBLY NO. 66, KNIGHTS OF LABOR,
FOR THE CIVIL AND CRIMINAL PROSECUTION OF
THE UNITED STATES STEEL TRUST AND OTHERS,
Washington, D. C., August 19, 1901.

Hon. P. C. KNOX, *Attorney-General United States.*

SIR: We have the honor to request that you afford us all the information that you are possessed of or can obtain concerning an agreement or agreements made between the constituent companies and individuals who organized the United States Steel Corporation, commonly known as the Steel Trust.

The trust or syndicate agreement which we especially desire is the one which President C. M. Schwab, of the United States Steel Corporation, refused to furnish to the United States Industrial Commission when on the witness stand before that body.

Our request is founded upon information and belief that at the time that this contract or contracts was or were made you were in some way officially connected with the Carnegie Steel Company, which institution is one of the principal companies in the United States Steel Corporation. As this information is doubtless in your possession or conveniently at hand, you will greatly oblige this committee by giving us the substance thereof in your own language, or, if possible, a copy thereof.

This request is to cover any other contracts of a similar kind with which you are acquainted or which you can obtain for us. Our object is to prevent the failure of justice in certain legal proceedings which we contemplate in the near future.

Hoping that you will find it convenient to comply with this request, we remain,

Very respectfully, yours, H. B. MARTIN, *Chairman.*
WILLIAM L. DEWART, *Secretary.*

[From Washington Times of August 21.]

ATTORNEY-GENERAL KNOX'S REPLY TO THE COMMITTEE'S LETTER.

Attorney-General Knox late yesterday afternoon addressed a lengthy letter to the joint committee of the American Antitrust League and District Assembly, No. 66, Knights of Labor, in reply to the communication from those two organizations last Monday. In that letter Mr. Knox was asked for information concerning the agreement made between the various companies which organized the United States Steel Corporation, known as the steel trust.

The Attorney-General's letter is as follows:

OFFICE OF THE ATTORNEY-GENERAL,
Washington, D. C., August 20, 1901.

Mr. H. B. MARTIN,
Chairman Joint Committee American Antitrust League, etc., City.

SIR: I have the honor to acknowledge the receipt of your letter of August 19, 1901, in which you request me to obtain for you certain information with reference to certain alleged "agreement or agreements made between the constituent companies and individuals who organized the United States Steel Corporation." You ask me to afford you all the information that I may "possess or can obtain," and you specifically refer to an alleged "trust or syndicate agreement," which you state the president of the United States Steel Corporation, Mr. C. M. Schwab, "refused to furnish to the United States Industrial Commission when on the witness stand before that body;" and you further state that your request for information is to be understood as covering "any other contracts of a similar kind with which you are acquainted or which you can obtain for us."

You also state that your request for information is "founded upon information and belief that at the time this contract, or these contracts, was or were made," that I was "in some way officially connected with the Carnegie Steel Company," and you therefore assume that the information which you request must be in my "possession or conveniently at hand." I am, therefore, requested to give you the substance, or, if possible, a copy thereof.

Primarily, permit me to say that your request is founded upon an erroneous assumption. I do not know who the individuals are who organized the United States Steel Corporation. If they are the persons usually named in the newspapers as the promoters of that organization, with the single exception of Mr. C. M. Schwab, I do not know, never saw, and was never in any way connected with any one of them. I never heard of any agreement between them and the constituent members of the Steel Corporation.

Neither at the time of the formation of the United States Steel Corporation nor at any time was I officially connected with the Carnegie Steel Company. I was formerly one of its legal advisers in the conduct of its manufacturing business, but was never consulted with reference to the formation of the United States Steel Company, nor in relation to the sale to that company of the shares of stock held by the stockholders of the Carnegie Company.

I have never seen the papers or agreements to which you refer, nor have I been informed of their contents. I have no knowledge whatever of their existence, terms, or scope. I am thus specific, as I desire to cover both the spirit and the letter of your inquiry.

I may say, moreover, that I have no access to the agreement or papers to which you refer. I know nothing of the one to which you especially refer, and do not even know that such an agreement is in existence. The information which you request, therefore, is not in my possession or "conveniently at hand," as you assume, and it is therefore impossible for me to comply with any of the requests set forth in your letter. All this information you could at any time have acquired through the usual method of direct personal inquiry,

thereby avoiding the doubtful propriety of addressing me through the medium of an open letter which you concurrently delivered to the press.

Whether, if such papers were accessible to me, it would be my duty to obtain them and furnish them for use in legal proceedings to which you are a party, and the nature of which you do not explain, is a question which I do not care at this time to discuss.

If I may regard the letter as addressed to me officially, I will say:

If this Department is under obligations to furnish information to prospective litigants in undisclosed proceedings, its responsibilities and labors are necessarily greater than they have ever been imagined from the time of its formation. Indeed, as there are generally two parties to every controversy, it would be difficult to discharge such alleged duty to both parties in view of conflicting interests. This Department was not called into being to furnish information to private litigants. Its duty and its object is to enforce the Federal statutes as interpreted by the courts wherever there is probable cause for believing that they have been violated.

Very respectfully,

P. C. KNOX, *Attorney-General.*

The palpable evasion, the contemptible cowardice and chicanery of the Attorney-General's reply, as just quoted, were so plain and so damaging to his official sincerity and candor that not a leading newspaper in the country but commented upon it most critically and disparagingly. Anyone who runs may read between and in the lines of this communication his absolute unwillingness to enforce the law and his corrupt complaisance toward the known violators of the law, because, presumably, they were his recent clients and his prospective friends. It is a document of such disingenuous and dishonest tone and temper as to render it certain, in the minds of all impartial judges, that no antitrust suit will ever be instituted by the present Attorney-General except under the compulsion of necessity, and when instituted will never be prosecuted in good faith nor with reasonable official honor and intelligence.

But the Antitrust League was not dismayed, though somewhat disheartened, by their first encounter with the new corporation counsel of the Government. Griggs had been bad enough, but they thought possibly Knox might be better, because he could hardly be worse. So they immediately endeavored to comply with his Jesuistic suggestions as to presenting "probable cause" for the prosecutions they had asked. On September 6, 1901, the following communications were transmitted to the Department of Justice by the committee of the League:

PETITION TO ATTORNEY-GENERAL KNOX.

WASHINGTON, D. C., *September 6, 1901.*

Hon. PHILANDER C. KNOX,
Attorney-General of the United States, Washington, D. C.

SIR: In response to your communication of August 20, 1901, in which you say the duty of your Department and its "object is to enforce the Federal statutes as interpreted by the courts wherever there is probable cause for believing that they have been violated," we herewith hand you the inclosed petition, in which the "probable cause" demanded is set forth for your action.

Very respectfully, yours,

H. B. MARTIN, *Chairman.*
WILLIAM L. DEWART, *Secretary,*
Joint Committee American Antitrust League and District Assembly 66, Knights of Labor.

Hon. PHILANDER C. KNOX,
Attorney-General of the United States:

1. Your petitioners would respectfully show that the American Antitrust League is an organization nonpartisan in its character, numerous in its membership in various parts of the United States, having for its object, among other things, to secure the enforcement of the existing State and Federal statutes against trusts and monopolies, and furnish such evidence of the violation of such statutes to the officers whose duties are to enforce these laws, and to cooperate with such prosecuting officers of the various States and the United States for the enforcement of these laws; and that District Assembly 66, Knights of Labor, is also a nonpartisan body, engaged in various trades and crafts within the District of Columbia, whose object is to protect the rights and interests of the wage-working wealth producers from unlawful aggressions and encroachments on the part of great combinations of capital, whether in the form of a trust or otherwise. The said District Assembly 66 is also associated with various other branches of organized labor throughout the United States.

2. Your petitioners would show that the United States Steel Corporation seems to your petitioners to exist, subsist, and persist in violation of law, and that its principals, agents, promoters, and managers are a combination who conspire to restrain—and they do restrain—and monopolize and attempt to monopolize trade and commerce between the States and Territories and the District of Columbia and in the Territories and in the District of Columbia and with foreign nations.

3. Your petitioners further say that at various times prior to February 23, 1901, certain alien capitalists, aided by American coconspirators, among whom are and were Andrew Carnegie; J. P. Morgan & Co., American agents of the house of Rothschild; Charles C. Cluff, William J. Curtis, Charles MacVeagh, John D. Rockefeller, Charles M. Schwab, Henry C. Frick, and others, did, under the alleged protection of the State of New Jersey, in violation of the Constitution and laws of the United States, enter into the following unlawful

"ARRANGEMENT."

In violation of the "antitrust law," as it is commonly called, which was enacted July 2, 1890, the interstate-commerce law of 1887, and the act to reduce taxation and provide revenue for the Government, and other purposes, which became a law in 1894, the coconspirators made an "arrangement," contract, combination, and conspiracy in restraint of trade and commerce among the States and with foreign nations, attempted to monopolize and combined and conspired together and with other persons to monopolize a very great part of the trade and commerce among the several States and with foreign nations, and made a contract, agreement, and combination in the form of a trust and otherwise and a conspiracy in restraint of trade and commerce among the States and in a Territory and Territories of the United States and in the District of Columbia, and in restraint of trade and commerce between one Territory and another, one State and another, and with the District of Columbia and foreign nations; that the syndicated conspiracy includes certain American capitalists who unite and combine with the European capitalists to share with them the spoliation of the people of the United States, based upon the "acquisition of the holdings of the said Andrew Carnegie" and the stock and bonds of the Carnegie Company, and the stocks and bonds of the following companies, to wit:

Of the Federal Steel Company, of the American Steel and Wire Company of New Jersey, of the National Tube Company, of the American Tin Plate Company, of the National Steel Company, of the American Steel Hoop Company, and of the American Sheet Steel Company, which, on his oath before the United States Industrial Commission, the said Charles M. Schwab deposed to be a "consolidation" of artificial and other persons in the shape of the United States Steel Corporation by agreement between it and the abovenamed seven constituent companies, to none and to neither of which does the incorporating certificate grant such a right to consolidate. The said "consolidation," therefore, being illegal, and the said United States Steel Corporation being, therefore, nonexistent by law and subject to the dissolution by a court having jurisdiction; and that the conspirators agreed that whenever by the consummation of the proposed "arrangement" the amount of dividends shall cease to be substantially increased the greater stability of investment will be assured by "necessarily increasing the prices of manufactured products," all of which facts appear in the prospectus of the syndicate managers, J. P. Morgan & Co., dated March 2, 1901, as Exhibit 1, on page 455 of a public document entitled "Testimony, Trusts and Industrial Combinations," herewith filed as part of Exhibit A, for reference, and also in Exhibit 2 of said document, which is a copy of the amended certificate of incorporation of the United States Steel Corporation, as the other part of Exhibit A, in which the said State of New Jersey, excepting herself from the operation of said law by forbidding the corporation to operate or maintain railroads and canals within her own borders, assumes to give eminent domain to the corporation everywhere else in the country except in New Jersey, and further subjects a greater part of the metal and mineral products in the United States and Territories, and manganese (and imported metaloid), and every transport thereof by land and water to the corporation and its extension and "business," contrary to the Constitution and laws of the United States and of each of them, and contrary to "public policy," private rights, and the stability of the Republic of America.

4. As is further shown by the testimony of President Charles M. Schwab, of the United States Steel Corporation, delivered before the United States Industrial Commission May 11, 1901, reported on page 465 of their "Testimony, Trusts and Industrial Combinations," where he states, in reply to the following question by Commissioner Farquhar:

Q. What have you to say to the public expression that the United States Steel Corporation controls 80 per cent of the whole manufactured product of this country?

A. (Interrupting.) Seventy per cent.

And on page 455, same sworn testimony, in answer to a question by Commissioner Phillips:

Q. Can you give the per cent of the Carnegie Works?

A. Well, I could figure it out. I know the Carnegie people exported 70 per cent of all the steel exported, but I could not give you the tons, etc.

And on page 470, in answer to a question by Commissioner Litchman:

Q. I understood you to say that the United States Steel Corporation controls about 80 per cent of the ore of the United States?

A. Well, I would modify that some if I said the United States; I think I made a mistake; I would say it controls about 80 per cent of the ores in the Northwest, which are those most largely used; in fact, nearly altogether used for steel products in the United States, etc.

And continuing on page 471, in answer to a question by Commissioner Harris, as follows:

Q. In transportation of your raw materials, do you own your own roads and steamboats?

A. We own all of our steamboats—not quite all—and we own all our railroads; the constituent companies own their railroads from the mines to the lakes, and we own one railroad from the lakes to the manufactories.

Q. You practically control the transportation of your raw materials, then?

A. On the lakes; yes.

5. Your petitioners respectfully submit that in view of the fact that the Carnegie Company is only one of the constituent companies of the United States Steel Corporation, that President Schwab's testimony, which is hereinbefore quoted, is almost conclusive evidence that the aforesaid steel trust is monopolizing, or attempting to monopolize, a part of the trade or commerce among the several States and with foreign nations.

6. And your petitioners further respectfully show that there are certain other combinations and conspiracies, in the form of trusts and otherwise, who are monopolizing, attempting to monopolize, combining and conspiring to monopolize part of the trade and commerce, and combining, contracting, and conspiring in restraint of trade and commerce among the several States and Territories and the District of Columbia, and with foreign nations; and that among those who have and are thus conspiring, as aforesaid, in the form of trusts and otherwise, are the armor-plate trust or combination, which has been for some years past composed of the Carnegie Steel Company and the Bethlehem Steel Company.

7. And your petitioners further show that the said armor-plate trust and its constituent members and its managers have combined and conspired not only to monopolize the trade, commerce in armor plate among the several States and Territories and the District of Columbia and with foreign nations, but it and its constituent members and managers thereof, among whom are the aforesaid Andrew Carnegie, Charles M. Schwab, Henry C. Frick, and others, have conspired and combined to so monopolize the commerce in armor plate among the several States and with foreign nations that they have been able to and did extort from the people and Government of the United States such an exorbitant price from the National Government and the people of the United States that they sold armor plate which cost less than $200 per ton to the said Government of the United States for the sum of $520 per ton.

8. And your petitioners further show that the said Carnegie Company and the said Bethlehem Company, who combined and conspired to form the said armor-plate trust, conspiracy, or combine, are now combined in violation of law of the United States into the hands of one combination, and they are the same combination which now controls the United States Steel Corporation, and that they are still monopolizing the trade and commerce in armor plate and still charging the Government the aforesaid exhorbitant prices as a result of their being able to monopolize the trade and commerce in armor plate.

9. And we herewith submit the following from the official report of Hon. Hilary A. Herbert, Secretary of the Navy, for the year 1897:

"My impression is that there is and has been for some time at the least a friendly understanding among armor contractors both in Europe and America as to the prices to be charged for armor. This impression, I find, prevails abroad, certainly among some of the persons who have inquired into the subject.

* * * "These natural promptings to such a combination are mentioned only as persuasive to show, when taken in connection with what follows, and that a world-wide combination or understanding does exist.

* * * "An inspection of the prices paid, as shown by the diagram before referred to, will indicate what is not denied, that the Carnegie and Bethlehem companies agreed with each other as to prices. They have divided the contracts of this Government between themselves, each bidding lower than the other for one-half of the armor required at any time by the Government.

* * * "In 1895 Russia was in the market for harveyed nickel armor.

The Bethlehem and Carnegie companies in the United States were then both well established and neither had sufficient orders from this Government to employ its plant continuously. There was sharp competition for the order from Russia, and the Bethlehem Company secured the contract for manufacturing armor for one ship at the very low price of $249 per ton, this armor to be both nickeled and harveyed and to be delivered in Russia, the company agreeing at the same time to manufacture the armor for two other ships, if required, at the same price. The Russian Government afterwards did require for the other two ships, and taken altogether the armor for the three amounted to about 1,400 tons.

* * * "I am informed upon authority which I believe to be good that about or perhaps before the time of the last contract of the Bethlehem Company with Russia there was a meeting in Paris of the representatives of the principal, if not all, of the armor manufacturers of Europe and America.

* * * "These facts seem to lead to the conclusion that there is at least a friendly understanding or agreement among the principal armor manufacturers of the world that prices shall be maintained at or about a certain level.

* * * "In June, 1896, a board of officers, consisting of Lieuts. Karl Rohrer, Kossuth Niles, and A. A. Ackerman, was assembled with instructions to make a careful estimate of the actual cost in labor and material for the manufacture of armor now being provided for our battle ships. The board submitted a report on July 3, 1896.

* * * "The Department is inclined to give the greater weight to the estimated cost formed by the board, and it is believed to be just to both the manufacturers and to the Government to take average of the estimates to be $185.38 for single-forged and $197.78 for reforged armor."

10. And your petitioners further respectfully show that in addition the aforesaid violators of the United States Statutes against trusts and monopolies, part of the aforesaid individuals, including John D. Rockefeller and others and the Standard Oil Company, among the managers, directors, and officers of which are John D. Rockefeller, H. M. Flagler, H. H. Rogers, John D. Archbold, William Rockefeller, and others, who have combined, contracted, and conspired together under the name of the Standard Oil Company, the Home Oil Company, the National Transit Company, and otherwise, to monopolize and restrain the trade and commerce among the States and Territories and the District of Columbia and foreign nations in crude and refined petroleum and its by-products.

11. And your petitioners further show that the anthracite coal combine and its members, among whom are the aforesaid J. P. Morgan, William Rockefeller, and others, have combined and conspired together to restrain and to monopolize the trade and commerce among the several States and Territories and the District of Columbia and with foreign nations in anthracite coal.

12. And your petitioners further respectfully show that the aforesaid J. P. Morgan & Co., the American agents of Rothschild, John D. Rockefeller and William Rockefeller, also William K. Vanderbilt, James J. Hill, E. H. Harriman, George J. Gould, Russell Sage, A. J. Cassatt, and numerous railroad corporations, their owners, managers, and directors, including the Delaware, Lackawanna and Western, the New York Central Railroad, the New York, New Haven and Hartford Railroad, the Pennsylvania Company, or Pennsylvania Railroad Company, the Chicago and Northwestern Railroad Company, the Chesapeake and Ohio Railroad Company, the Missouri Pacific Railroad Company, the Union Pacific Railroad Company, the Southern Pacific Railroad Company, the Atchison, Topeka and Santa Fe Railroad Company, the Northern Pacific Railroad Company, the Great Northern Railroad Company, the Southern Railroad Company, the Louisville and Nashville Railroad Company, the Wabash Railway Company and the Erie Railway Company, the Boston and Albany Railroad Company, and numerous others, and their principal stockholders, directors, and managers and officers, and certain bankers, including the firm of J. P. Morgan & Co., the National City Bank of New York, Kuhn, Loeb & Co., the First National Bank of New York, and the First National Bank of Chicago, and others, have conspired and combined to restrain and monopolize the railroad trade and commerce among the several States and Territories and the District of Columbia of the United States and with foreign nations.

13. As evidence of the existence of the said combination of railroads, and as further evidence of the existence of a conspiracy entered into by the aforesaid railroad managers, stockholders, and manipulators, for the purpose of monopolizing and restraining the railroad trade and commerce among the several States and Territories and the District of Columbia, of the United States, and with foreign nations, your petitioners submit herewith, and make a part hereof, two sentences from the opinion handed down by Judge Hazel, sitting in equity in the case of the Lackawanna Railroad against 61 ticket scalpers, in which case the aforesaid railroad company prayed the United States court at Buffalo to restrain and inhibit the defendant ticket scalpers from dealing in Pan-American excursion tickets. Judge Hazel threw the case out of court, his decision that the aforesaid railroad company was not entitled to the protection of the laws being based upon the reasons in the following two sentences from his opinion:

"It appears that the complainant is a party to a combination which is engaged in pooling railroad rates and in fixing fares in order to avoid competition between the several lines constituting the association known and distinguished as the Trunk Line Association.

"Can the aid of a Federal tribunal be invoked to protect the complainant in the issuance of a ticket which is the culmination as well as the evidence of an agreement between railroad corporations specifically forbidden by an act of Congress which has been sustained by the Supreme Court of the United States?"

Judge Hazel, thus decided that, sitting in equity, he could do nothing for a complainant who "does not come into court with clean hands."

Your petitioners further represent that the decision of Judge Hazel, of the United States court at Buffalo, as above quoted, certifies that a document was produced in his court which was the culmination as well as the evidence of an agreement between the railroad corporations, specifically forbidden by an act of Congress which has been sustained by the Supreme Court of the United States.

And we submit that this evidence produced in Judge Hazel's court is ample and sufficient evidence and "probable cause" on which the Attorney-General may institute proceedings under the statute.

14. Your petitioners would further show unto your honor that numerous other trusts exist than those herein mentioned; that they can furnish evidence of the existence of such other trusts if necessary; that their existence is so open and notorious to the minds of the people of the United States that it seems unnecessary and would lengthen this petition to furnish more specific evidence at this time; that this other evidence will be furnished, if requested, by the Attorney-General; that the existence of the trusts is admitted by the public editorials and articles in every leading newspaper in the United States; that during the last session of Congress their existence was admitted by the declaration of every member of Congress who addressed himself to the subject; and that an act was passed by the House of Representatives which purported to further restrict their operations in the United States, as is evidenced by a copy filed herewith and for identification, marked "Exhibit B."

The existence of these dangerous combinations is further proven by facts known to all men that in the platforms of the Republican, Democratic, and Populist parties adopted at their last national convention they all recognized the existence of these illegal combinations and vigorously denounced them.

It therefore being thus stated by men of all parties, by the executive and legislative departments of the Government, and having been recognized by the judicial department of the Government in various opinions rendered by the Supreme Court, and also having been recognized by a large number of States in their constitutions by incorporating clauses therein denouncing these monopolies, trusts, and combinations and providing laws for inflicting upon them civil and penal punishment.

15. Your petitioners would further show unto your honor that, even though it should be denied that these combinations exist, or that they are now violating the law enacted by Congress, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," that it is the duty of the Attorney-General to prevent and restrain a contemplated violation of the said law whenever and wherever there is probable cause for instituting such proceedings as are provided for by said section 4 of the aforesaid act, which reads as follows:

"The several circuit courts of the United States are hereby invested with jurisdiction to prevent and restrain violations of this act; and it shall be the duty of the several district attorneys of the United States, in their respective districts, under the direction of the Attorney-General, to institute proceedings in equity to prevent and restrain such violations. Such proceedings may be by way of petition setting forth the case and praying that such violation shall be enjoined or otherwise prohibited. When the parties complained of shall have been duly notified of such petition, the court shall proceed, as soon as may be, to the hearing and determination of the case; and pending such petition and before final decree, the court may at any time make such temporary restraining order or prohibition as shall be deemed just in the premises."

16. Your petitioners further respectfully represent unto your honor that they will cheerfully furnish evidence now in their possession, and gladly assist you by furnishing you, through their organizations, whatever information and aid you may desire from them.

Your petitioners therefore pray that you either institute yourself, in the proper courts, prosecutions against these violators of the law, or that you may authorize in the various districts of the United States your subordinates, the respective district attorneys in these districts, to at once commence prosecution for the past violations of this law in their respective districts, and at the same time instruct them at once to file before the various courts of the United States petitions such as are provided for by the terms of said law in equity, to restrain and prevent impending and future violations of this law.

That these and all other and general proceedings may be taken against the aforesaid trusts, combinations, as to you may seem meet, your petitioners in duty bound will ever pray, etc.

H. B. MARTIN, *Chairman*,
WILLIAM L. DEWART, *Secretary*,
Joint Committee American Antitrust League and District Assembly 66, Knights of Labor.

F. S. Monnett, of Ohio; A. A. Lipscomp, of District of Columbia; R. S. Tharin, of District of Columbia; L. R. Via, of West Virginia, counsel for petitioners.

OFFICE OF L. C. STRIDER, JUSTICE OF THE PEACE,
Washington, D. C.

Henry B. Martin, who being first duly sworn, says that he has read the foregoing petition or heard the same read, and that the grounds of belief therein stated as probable cause for the proceedings of the Attorney-General against the persons of all kinds therein mentioned and accused are clearly, in his opinion, good and sufficient to furnish ample grounds for the prosecution of the accused, as in duty bound under the Attorney-General's direction, by such assistant or district attorney as may be lawful and right.

HENRY B. MARTIN.

Subscribed and sworn to before me this 6th day of September, 1901.
[SEAL.] L. C. STRIDER, *Justice of the Peace.*

On September 11, 1901, the joint committee received the following reply from Attorney-General Knox:

OFFICE OF THE ATTORNEY-GENERAL,
Washington, D. C., September 11, 1901.

H. B. MARTIN AND OTHERS,
1229 Pennsylvania avenue, Washington, D. C.

SIRS: I have your letter of September 6, inclosing a copy of what is properly known as the "Sherman antitrust act," a copy of the testimony of Mr. Charles M. Schwab before the Industrial Commission, and a petition addressed to me requesting legal proceedings to be taken against the trusts and combinations referred to therein. I will examine these papers with care at as early a date as is possible, and communicate to you my conclusions.

Very respectfully, yours,

P. C. KNOX, *Attorney-General.*

To this last petition showing "probable cause" for the institution of prosecutions against the several criminal conspiracies named no response was ever received by the Antitrust League or its committee. Becoming satisfied that the Attorney-General would not respond to their petition and protest before mentioned, the committee then resorted to the President of the United States, to whom it is so often and boastingly asserted is committed the enforcement of the laws of the Union. The following correspondence with the President explains itself:

THE AMERICAN ANTITRUST LEAGUE, NATIONAL OFFICE,
1229 PENNSYLVANIA AVENUE, SECOND FLOOR,
Washington, D. C., November 25, 190-.

Hon. THEODORE ROOSEVELT,
President, White House, Washington, D. C.

SIR: I am instructed by the joint committee of the American Antitrust League and District Assembly 66, Knights of Labor, to address to you a letter of inquiry, asking you to name a date within the next five days when you could give our committee an opportunity to present to you in person certain facts in reference to violations of Federal law by certain great trusts, and also with reference to a certain petition of complaint against these trusts which we filed with the Attorney-General of the United States some two months ago.

It is of great importance that we should have the opportunity to present this matter to you on or before November 29.

Earnestly hoping that in the pressure of your many other duties you will be able to find time to grant us this request, I am,

Very respectfully, yours,

H. B. MARTIN,
Chairman Joint Committee the American Antitrust League and District Assembly 66, Knights of Labor.

WHITE HOUSE,
Washington, November 26, 1901.

MY DEAR SIR: In reply to your letter of the 25th instant, I would state that the President has expressed a desire to have matters of the kind to which you refer submitted to him in writing. This is because of the great pressure upon his time which renders it impossible for him to receive all of those who wish to call upon him.

Assuring you that I shall be glad to see that anything you may decide to forward is given prompt attention, believe me,

Very truly, yours,

GEO. B. CORTELYOU,
Secretary to the President.

Mr. H. B. MARTIN,
National Secretary, etc., 1229 Pennsylvania avenue, Washington, D. C.

THE AMERICAN ANTITRUST LEAGUE, NATIONAL OFFICE,
1229 PENNSYLVANIA AVENUE, SECOND FLOOR,
Washington, D. C., November 30, 1901.

Hon. THEODORE ROOSEVELT,
President, White House, Washington, D. C.

SIR: Your letter of 26th instant, per George B. Cortelyou, secretary to the President, at hand. Pursuant to the suggestion contained therein, we herewith submit to you the documents relating to the petition of the joint committee of the American Antitrust League and District Assembly 66, Knights of Labor, to Attorney-General Knox, in which we laid before that officer the "probable cause" asked for by him as a basis of instituting proceedings against five of the great trusts who are operating in violation of the Federal statute of July, 1890.

We desire to call your attention also to the fact that we not only submitted "probable cause" for prosecution, but also positive proof of the violations of the Federal statute against trusts by at least two combines, viz, the armor-plate trust and the railroad combine, which latter succeeded the Joint Traffic Association and continued the illegal practices of that trust after it was ordered dissolved by the Supreme Court of the United States in 1898.

Recent events in connection with the organization of a railroad trust known as "The Northern Securities Company" by the same offenders who were enumerated in our petition to Attorney-General Knox, dated September 6, 1901, have aroused the indignation of the people of five of the great Northwestern States to such an extent that the governors of States are calling special sessions of legislatures to take action to prevent the consummation of this conspiracy against the public welfare.

The course of Attorney-General Knox in neglecting or refusing to take action against the parties of whose guilt proofs were submitted to him in our petition and his failure to keep the promise made in his letter of September 11 to take action and render a decision as to "his conclusions at the earliest possible date," make it our duty to call your attention to his culpable inactivity in these matters.

The neglect on the part of Attorney-General Knox to enforce the law of 1890 against trusts and combinations has resulted in such grave injury to the interests of the people of the United States that we deem it our duty to bring to your notice these facts, in order to secure that prompt and necessary action which the emergency demands.

Very respectfully,

H. B. MARTIN, *Chairman,*
WILLIAM L. DEWART, *Secretary,*
Joint Committee American Antitrust League and District Assembly 66, Knights of Labor.

WHITE HOUSE,
Washington, December 2, 1901.

MY DEAR SIR: I beg to acknowledge the receipt of your letter of November 30, with inclosures, and to state that by direction of the President it has been brought to the attention of the Attorney-General.

Very truly, yours,

GEO. B. CORTELYOU,
Secretary to the President.

Mr. H. B. MARTIN,
Chairman, etc.,
1229 Pennsylvania avenue, second floor, Washington, D. C.

Thus the President was furnished with all the information and sufficient information upon which to have authorized or instructed proper procedure by the Department of Justice, but neither he nor the Attorney-General deigned to take notice of the plain and positive facts submitted to them.

Congress met in December, 1901, and the name of Philander C. Knox was sent to the Senate of the United States as the appointee of President Roosevelt for the position of Attorney-General. Knowing his antecedents and associations, fully persuaded that his attitude toward the trusts was that of a friend at court, a former employee and prospective counsel for these criminal companies, and with the recent action of this man Knox toward their respectful and ample petition for relief at the hands of his Department smarting in their minds, the representatives of the American Antitrust League felt that it would be an outrage upon the public and a disgrace to the Government for his appointment to be confirmed.

They accordingly went to work to acquaint the Senators with the facts as here stated and to demand an investigation of the surroundings and relations of Mr. Knox, which, in their opinion, disqualified him to represent the people of the United States in the great battle between the trusts and the law. Many personal conferences were held with Senators, and, as an example of the character of protests that were lodged against that confirmation, the following letter to the senior Senator from Massachusetts is presented, showing the good faith of these committeemen of the Antitrust League:

THE AMERICAN ANTITRUST LEAGUE, NATIONAL OFFICE,
1229 PENNSYLVANIA AVENUE, SECOND FLOOR.
Washington, D. C., December 10, 1901.

Hon. GEORGE F. HOAR,
Chairman Senate Committee on the Judiciary.

SIR: Referring to the conversation we had with you yesterday, in which you stated that P. C. Knox, acting Attorney-General of the United States, had informed you that he "had notified our committee that he would take up our cases right away after the meeting of Congress," we beg to inform you that our committee has never received any such notice whatever in any form from Mr. Knox.

We further call your attention to the fact that the charges against Mr. Knox, which we have filed with the Senate, not only refer to his dereliction of duty in the cases which we filed with him, but also bear upon his antecedents and his admitted intimate relations and his collusion with the criminal practice of the armor-plate trust, which institution, we are informed by members of the Senate, robbed the Government of millions of dollars annually during the time that Mr. Knox was their associate and adviser.

We submit that the record of such a man should be thoroughly investigated before he is confirmed in the office of Attorney-General, where one of his principal duties will be to prosecute those great criminals whom he admits were his former friends and employees.

Very respectfully, yours,

H. B. MARTIN, *Chairman,*
WILLIAM L. DEWART, *Secretary,*
Joint Committee American Antitrust League and District Assembly 66, Knights of Labor.

Pending the confirmation the committee addressed the following communication to the Senate:

WASHINGTON, D. C., *January 29, 1902.*

To the honorable the Senate of the United States, Washington, D. C.

GENTLEMEN: At a meeting of the joint committee of the American Antitrust League and District Assembly No. 66, Knights of Labor, held on Monday, January 27, 1902, the following resolutions were unanimously adopted and directed to be presented to the Senate of the United States:

Whereas on four separate occasions, viz, August 20, 1901, September 11, 1901, November 25, 1901, and January 23, 1902, covering a period of over five months, the joint committee of the American Antitrust League and District Assembly 66 of the Knights of Labor did urge upon the attention of Attorney-General P. C. Knox complaints and evidence of violations of the laws of the United States against trusts and monopolies and conspiracies in restraint of trade; and

Whereas, despite the assurance given us in his letter of September 11, 1901, by said Attorney-General P. C. Knox that he would "examine these papers with care at as early a date as is possible and communicate to you my conclusions," nevertheless five months have passed and we have not yet received his promised conclusions as to these complaints of violations of law on the part of the unlawful trusts enumerated in our petition, viz: The United States Steel Corporation, the Standard Oil Company, the armor-plate trust, the railroad combine, the anthracite-coal trust, and the Northern Securites Company; and

Whereas, during the five months which have elapsed since we first made our complaint to Attorney-General P. C. Knox of these violations of the Federal statutes against trusts, numerous other and flagrant violations of the law of the United States have been committed by the same offenders charged in our petition and complaint to the Department of Justice; and

Whereas these gross violations of law are well known not only to us, but to the public, and especially to the said Attorney-General P. C. Knox and other officials of the Department of Justice; and

Whereas great and irreparable injury to the welfare and interests of the people of the United States and grave scandal and disgrace to a department of the Government results from this apparent collusion between the officials of the Department of Justice and the great trust criminals; and

Whereas it is a well-known and scandalous fact that the predecessor of P. C. Knox in the Attorney-General's office, John W. Griggs, went from the service of the coal trust to the head of the Department of Justice, and that during his term of four years in that office he permitted the laws of the United States to be trampled under foot by the criminal trusts, and when he left the Attorney-General's office it was to publicly reenter the service of the railroad combine and other trusts, and on this very day, January 27, 1902, said ex-Attorney-General Griggs appeared before the Supreme Court of the United States as the servant of the Northern Securities Company, a branch of the railroad trust now being tried on charges preferred by a sovereign State; and

Whereas the equally scandalous condition now exists that P. C. Knox, the present Attorney-General, went into the Department of Justice directly from the service of the criminal armor-plate trust and the Carnegie Steel Company, the main factor in the steel trust, and that he, like his predecessor Griggs, has persistently neglected and refused to perform the sworn duties of his office as regards the prosecution of trusts, combines, and monopolies operating in open violation of the law; and

Whereas the Attorney-General is the sole officer of the United States who is clothed with authority to prosecute these trust-law breakers: Therefore,

Resolved, That the attention of the Senate and House of Representatives and of the President of the United States is hereby called to this condition of affairs now prevailing and to the palpable appearance of illicit relations existing between the Attorney-General of the United States and the most dangerous class of lawbreakers now at large in this Republic; and

Resolved, That we, the joint committee of the American Antitrust League and District Assembly 66 of the Knights of Labor, hereby call upon the Senate, the House of Representatives, and the President of the United States to at once institute a searching and thorough investigation of the Department of Justice and the official conduct of that Department by Attorney-General P. C. Knox.

Respectfully submitted.

H. B. MARTIN, *Chairman,*
WILLIAM L. DEWART, *Secretary,*
Joint Committee of the American Antitrust League and District Assembly 66, Knights of Labor.

Contemporaneously with these interviews with individual Senators, despairing of any relief or attention without radical methods, this joint committee filed specific charges and objections against the confirmation of Mr. Knox, embodying therein the facts here stated. That protest has already been printed as part of the Senate proceedings, and it is not necessary to repeat it here.

Attorney-General Knox was confirmed as the chief law officer of the Government, notwithstanding that all his prior relations and his recent conduct had conclusively demonstrated that he would never prosecute any one of the great trusts with fidelity, zeal, or official vigor.

Meanwhile, becoming convinced that this Attorney-General would not investigate or prosecute any of the five combines that had been first mentioned to him and whose criminality was established beyond a reasonable doubt, because of his professional

and personal friendship for them, the Antitrust League prepared and presented to him a complete exhibition of the lawless character of another extensive and injurious trust, formed thirty-six years ago, and which is operated for the express purpose of paralyzing the Patent Office of the United States and robbing inventors of the benefit of their devices and improvements in railroad appliances and construction.

The Eastern Railroad Association was formed about 1866, and its constitution and by-laws show that its purpose is to control all inventions and patents that may be taken out under the laws of the United States, and to guarantee to the various railroads belonging to the association immunity in the use of any invention or appliance recommended by the association. In other words, this trust proposes and has for thirty-six years proposed to control all useful improvements and inventions affecting railroad operation, and to maintain all suits necessary to assert its monopoly. It is a combine to defeat the constitutional rights of the patentees of valuable inventions, and to establish for the benefit of its members a bureau of barratry and maintenance to defend its unlawful objects.

For instance, if a man obtains a patent upon some useful and necessary railroad appliance, no railroad belonging to this Eastern Railroad Association will adopt it unless it is recommended by the association. If the inventor and patentee happens to be a poor man, unable to defend his rights by law, this monopoly will take and use his patented invention among the members of the association, and if suits should arise for infringement or unlawful use of another man's invention, this association agrees to defend the suit, pay the costs, and protect the infringer.

That is the exact case of the man Tubman, whose name appears in the documents that I shall submit directly. What more iniquitous and unlawful combination could be conceived than one intended to control the value and use of patentable inventions, to practically quarantine the United States Patent Office, and to defend the violations of the patent laws by members of the combination?

That is precisely the purpose of this Eastern Railroad Association, and for the past thirty-six years, with increasing power and a vast sweep of railroad connections, it has impoverished honest inventors, protected piracy of patented inventions, maintained and defended suits for the purpose of insuring its members in the unlawful use of other men's property, and demoralized the whole field of useful invention and ingenuity in railroad development.

Failing to secure any favorable action by the Attorney-General in suppressing the monstrous trusts with which he was personally and professionally connected, the antitrust people filed a mass of convincing documents against this Eastern Railroad Association with President Roosevelt on December 21, 1901, which the President referred to the Attorney-General.

Those documents I here submit in full, because they are valuable in themselves as an exhaustive presentation of the law, and because they show conclusively that the present Administration does not intend to suppress or punish any unlawful trust or conspiracy against trade so long as the Attorney-General has clients among them, and so long as the Republican party lives and thrives by their substantial support in all its campaigns and elections.

The following are the documents presented by the joint committee of the American Antitrust League to the President and Attorney-General of the United States, and which to this date have not received even a respectful hearing:

EXHIBIT A.

THE EASTERN RAILROAD ASSOCIATION.

This association is a combination, voluntarily formed under a secret written agreement, of nearly all railroad corporations in the fifteen Atlantic coast States to secure by unity of action arbitrary control over all patented inventions applicable for use on railroads. It is without doubt the oldest illegal trust in the United States. It was formed in 1866 and has successfully pursued its iniquity for some thirty-five years.

The association's annual reports from 1867 to 1883 are on file in the United States Patent Office library, but since 1883, which is approximately the date of the present agitation against unlawful combinations, no reports have been allowed to reach the public.

Its membership in 1868 embraced 57 railroad corporations in Maryland, Pennsylvania, New York, and in the New England States. In 1883 the membership had increased to include 255 railroad corporations. The present membership is not actually known, inasmuch as the affairs of the association since 1883 have been kept secret. However, it is believed that the membership now includes at least 600 or 700 railroad corporations.

The headquarters of the combine was originally at Springfield, Mass.; afterwards, in 1878, at the Boston and Lowell station in Boston; then, in 1880, at the Grand Central Station in New York; and finally a permanent base of operations was established at Washington, D. C., the association, in 1886, purchasing for $25,000 the premises No. 614 F street NW., to be held "in trust for the sole use and benefit of the members of a certain association known as the Eastern Railroad Association."

On reference to the "Memorandum of deed in trust" (see Exhibit H), it will be seen that the conveyance was made to three members of the executive committee of the association and in a form which "has ever been held most sacred in equity." The building which is now the headquarters of the association contains large fireproof vaults with combination locks and within which are guarded the secret archives.

The railroad corporation members prior to December 4, 1878, operated under a written agreement, called a constitution, adopted February, 1867, a copy of which is not available. On the above date an amended constitution was adopted. (See Exhibit I.) This latter constitution was revised some time prior to 1887. (See Exhibit F.)

It will be seen on reference to the constitution that all the affairs of the association are turned over to and managed by nine governors called an executive committee. The names of the committee and the officers of the association have been published from time to time in the Travelers' Official Guide. In the Guide for June, 1902, the following list of the officials is given:

"*Eastern Railroad Association.*—General offices—614 F street NW., Washington, D. C. Hon. W. D. Bishop, president, Bridgeport, Conn.; Theodore N. Ely, vice-president, Philadelphia, Pa.; Albert A. Folsom, treasurer, Boston, Mass.; Robert J. Fisher, general counsel, Washington, D. C.; John J. Harrower, secretary, Washington, D. C."

Executive committee: William D. Bishop, New York, New Haven and Hartford Railroad Company; Theodore N. Ely, Pennsylvania Railroad Company; Henry F. Kenney, Philadelphia, Wilmington and Baltimore Railroad Company; John R. Kenly, Atlantic Coast Line Railroad Company; Samuel E. Williamson, New York Central and Hudson River Railroad Company; Frank S. Gannon, Southern Railway Company; F. D. Casanave, Baltimore and Ohio Railroad Company; John J. Turner, Pennsylvania Company; William G. Besler, Central Railroad Company of New Jersey.

The meaning and force of certain articles in the amended constitution were explained to the 53 corporation members in the twelfth annual report of the president, Exhibit D, and reveals the true nature and character of the association.

Litigation is asserted to be the association's most important business. It is stated that section 4 of the constitution is "tyrannical," and deprives "members of the liberty of individual and independent action in the settlement of claims;" that members are forbidden to settle claims independently of the permission of the executive committee, for "the money thus paid enables the party making the unjust claim to prosecute other members, which in most cases he would otherwise be unable to do;" that the members of "the association must act as a unit," and that "it is believed that this unity of action has been the true cause of our success heretofore."

In fact, this report furnishes conclusive evidence that the association was at the time, as it is now, a criminal conspiracy at common law. In State *v.* Burnham (15 N. H., 396, 1840) Judge Gilcrist said:

"Combinations against law or against individuals are always dangerous to the public peace and to public security. But the law by no means intends to exclude society from the benefits of united effort for legitimate purposes and such as promote the well-being of individuals or the public. It uses the word "conspiracy" in its bad sense. An act may be innocent without being indictable where the isolated acts of an individual are not so injurious to society as to require the intervention of the law. But when innocent acts are committed by members in furtherance of a common object, and with the advantage and strength which determination and union impart to them, they assume the grave importance of a conspiracy, and the peace and order of society require their repression."

"The general principle on which the crime of conspiracy is founded is this, that the confederacy of several persons to effect any injurious object creates such a new and additional power to cause injury as requires criminal restraint, although none would be necessary were the same thing proposed or even attempted to be done by any person singly." (7 Rep. Crim. Law Com., 1843, p. 90.)

"The concentrated energy of several combined wills operating simultaneously and by concert upon any one individual is dangerous even to the cautious and circumspect. It is therefore the business of the law to protect individuals from such conspiracies. All combinations in society to effect an evil purpose are dangerous, and when their object and purpose are to cheat an individual, by whatever means, they are obnoxious to the criminal law." (Twitchell *v.* Comm., 9 Pa. St., R. 211.)

"I take it, then, a combination is criminal wherever the act to be done has a necessary tendency to prejudice the public or to oppress individuals by unjustly subjecting them to the power of confederates and giving effect to the purposes of the latter, whether of extortion or mischief." (Judge Gibson, Comm. *v.* Carlisle, Brightly's Rep., Pa. 36, 1821.)

"An association may be formed, the declared objects of which are innocent and laudable, and yet they may have secret articles or an agreement communicated only to the members by which they are banded together for purposes injurious to the peace of society; such would undoubtedly be a criminal conspiracy on proof of the fact, however meritorious and praiseworthy the declared objects might be." (Comm. *v.* Hunt, 4 Metcalf, 1845.)

Some time between 1878 and 1887 a further change in the constitution, as above stated, was made (Exhibit F), and in accordance with which the association has since carried on its business and exploited inventors and owners of patents.

The real purpose of the combination can be ascertained from an inspection of Articles V, VI, and VII of the constitution.

From section 1, Article V, it appears that an inventor or owner of a patent can not deal directly with any member of the association. He must deal with the executive committee, persons who never wish to purchase. The executive committee determines the validity of the patent and the expediency of contesting the claim, and the railroad corporation directly interested is deprived of individual freedom of action.

Under section 2, the executive committee arbitrarily fix the basis of settlement, if fixed at all. The individual member interested has no voice in the matter.

Under section 3, the individual member sued can not settle a claim or defend the suit. The executive committee manage the suit, and corporation members in no way interested are compelled to contribute aid.

Under section 4 each member is deprived of the right of individual opinion and freedom of action.

Under section 5 the individual member is forced to accept the judgment of the executive committee when "for the best interests of the association," whatever may be the interests of the individual member. If a claim is settled the inventor receives pay from those not using the invention. The sole condition of settlement is that such settlement is cheaper for the association than "carrying on the litigation."

Article VI fixes the penalty for violating the agreement.

Article VII authorizes the unlawful "maintenance" of suits where a majority of the members are not directly or indirectly interested and where no member of the association is a legal defendant of record.

These articles provide for the suppression of competition between the corporate members in the purchase of licenses and interests in letters patent, and restrict freedom in the settlement of claims for the infringement of patents; and also for the fixing of the price by the executive committee when any interest in a patent may be purchased or any claim is to be settled, provided "such settlement or purchase can be effected at less expense to the association than the cost of carrying on the litigation."

Under its constitution and by-laws the association exists in violation of the antitrust act. The facts and law showing this to be true are fully set forth in a "statement" filed in 1900 with the Attorney-General of the United States and which accompanied a request that he direct a suit in equity to be instituted under section 4 of the act to restrain and enjoin the association. A copy of the "statement" and certain exhibits, as well as the reply of Attorney-General Griggs defending the association are herewith submitted. (Exhibits B and I.)

The principal business of the association under and outside of its unlawful

constitution and by-laws appears to embrace, first, reports upon patents, and, second, litigation.

Reports upon patents are prepared by the general counsel and a slip attached stating that they are of "no effect or binding on the association until approved by the executive committee." All applications for information by a corporate member must be made through an authorized person named by the board of directors of the corporation. The reports on the validity of patents are preserved in secret, and the inventors or owners of the patents and the general public as well never learn their substance unless accidentally. Inasmuch as there is no competition and that the reports are generally made to railroad officials unfamiliar with the art and the patent laws, and hence incompetent to criticise, it is maintained with truth that the said reports are as a rule superficial and arbitrary. Several reports have been seen which disclosed great ignorance of the particular arts and which prevented the introduction of very desirable safety devices upon railroads.

However incomplete, arbitrary, capricious, and unjust these reports may be, the association members are in practice bound to adopt and follow them. Any official who should ignore the report would be dismissed from service. By these secret reports it is within the power of the association to destroy the property right in a patent created by the Government, or to give value to a worthless or invalid patent if some one on the inside is adequately remunerated.

It is obviously against public policy for a combination of corporations, each exercising a public office, affected with a public use, and performing the function of the government, to agree and covenant that they will be bound by secret decisions and reports relative to the validity or invalidity of patents for such appliances as are discovered and invented from time to time, and are adapted for cheapening, hastening, and rendering safer the transportation of freight and passengers on railroads.

Litigation is another and the most important business in which the association is engaged. (See Exhibit D.) According to one of the association's reports, it had in its treasury in 1882 the sum of $50,028.98. Of this amount immediately available for litigation and corrupt uses, $33,655 was invested in convertible bonds and stock and $10,000 loaned on call. A much larger sum is now doubtless immediately available for "running down a poor inventor with an invalid patent," who has the audacity to bring suit against a corporation member. The members of the association are domiciled in four judicial circuits. An owner of a patent commences suit in equity against a railroad corporation member in a certain district. The general counsel of the association appears for the defendant and unlawfully maintains the suit, the other corporate members of the association refusing to lawfully intervene, so they may not be bound by any judgment rendered within that district.

When the complainant takes his proofs he must pay his witnesses and railroad fares. The general counsel travels to the place of examination on a railroad pass, cross-examines the witnesses at great length to increase the per diem charges of the witness for his services and to increase the cost of printing the testimony by the complainant. When the general counsel takes testimony for the defense he rides on a pass and secures witnesses free, who also travel on passes, from among railroad employees, who are always willing to testify as instructed. The testimony may be taken in any part of the country which will entail the greatest possible expense for the complainant in railroad fares.

The general counsel secures perjurous testimony, manufactured evidence, and avails himself of all means, honest or dishonest, to defeat the suit. When the case comes on to be heard it may be before a Federal judge who has a railroad pass in his pocket. Then comes a series of appeals. Should the complainant be successful he can but seldom prove profits or damages as the association has by its ingeniously contrived constitution prevented the establishment of a license fee. Upon application for an injunction in another judicial circuit against a railroad corporation which had participated in the defense, the general counsel will again appear and assert new defenses and allege a different claim or demand and the case must be tried anew.

Without entering into details it is a truthful statement of fact to say that the ordinary citizen is absolutely precluded from prosecuting in any Federal court a suit against a railroad corporation for infringing a patent with any hope of success.

The association is above citation in any court of justice, and in fact possesses a power superior to that exercised by any circuit court of the United States. In the annual report for 1882 the president says:

"The association has so increased in strength and usefulness that it may be likened in one respect to a judicial authority or tribunal, to which all interested can apply for advice respecting patented inventions in any way relating to railroads, and with the assurance that the advice given, if followed, will be supported and sustained with all the combined force and power of our membership."

In closing the thirteenth annual report, 1879, the general counsel uttered this boast:

"It appears to be the fact that during the whole period of thirteen years, during which the association has been in existence, no suit defended by it has resulted in a judgment against a member on appeal to the highest court; and that while some claims have been settled after suit was brought, no member defended by the association has yet, by process of law under execution, attachment, or otherwise, been compelled to pay anything on account of infringement of letters patent."

For thirty-five years this association has stripped owners of patents and inventors of their property as effectively and completely as the uncircumcised Philistines of old stripped Saul on Mount Gilboa. As stated by the Scientific American March 12, 1892: "Legislation is certainly needed to put a stop to combinations like the Eastern Association for the express purpose of nullifying the privileges granted to inventors by Congress."

[Extracts from the association's annual reports.]

In the first report it is stated that persons who claim damages for the infringement of their patents are "cormorants."

In the third report it is said that the usefulness of the association is becoming apparent. Members enjoy freedom from applications of "patent agents." Our relations to the Western Railroad Association, of Chicago, are such as to secure to each party the full benefit of investigations conducted at the expense of the other.

Fourth report: That under the quiet influence of our own and the Western Railroad Association the business of dealing in railroad patents is fast becoming legitimate and respectable. Owners of patents making claims against railroads are aptly denominated "patent sharks."

Sixth report: That after six years, of all the suits brought against members of the association only one has been pressed to trial, and in that case the defendant was successful, "and a fraudulent claim was permanently overthrown." Referring to certain attempts to secure extensions of patents from Congress, it is stated that "the poor inventor was employed to stand around as a figurehead and recite his misfortunes to members of Congress for the purpose of eliciting sympathy." "It is deemed a part of prudence for the association to be properly represented at Washington during the session of Congress to watch the speculators in these defunct patents and report their earliest appearance."

Seventh report: That the association saves to the companies many hundreds of thousands of dollars annually. That during the seven years' experience of the association only three cases have actually been heard by the courts.

Eighth report: "The executive committee presents its eighth annual report with a feeling of lively satisfaction at the success which continues to attend the organization."

Ninth report: "The kindly relations hitherto existing between the executive committee of this and the Western Railroad Association are still maintained."

Eleventh report: "It has been thought advisable to accept of a low compromise rate offered by the owners of one or two patents whose claims have upon investigation been found to be valid." Data is given of 20 suits defended by the association.

Thirteenth report: It is stated that attention is called to a bill before Congress providing for a commission, appointed by the President of the United States, to examine patented improvements applicable to railroads, with power to decide which of such improvements shall be used and the amount to be paid to the owner. "But the provisions of the bill were so manifestly unconstitutional I did not think it necessary to appear as a remonstrant."

Fifteenth report: "The association can no longer be said to be an experiment. With fifteen years' experience and the resulting accumulation of valuable records and tangible assets in the form of invested securities shown by the reports of the counsel and secretary and the treasurer, it must be admitted to be an established institution, and that it has proved a success far exceeding the expectations of its founders."

"It has fully subserved the object which was intended to be accomplished, and has so increased in strength and usefulness that now it may be likened in one aspect to a judicial authority or tribunal, to which all interested can apply for advice respecting patented inventions in any way relating to railroads, and with the assurance that the advice given, if followed, will be supported and sustained with all the combined force and power of our membership.

"All are apt to be blind when their own interests are concerned, but it is worthy of remark, and a subject of congratulation, that whatever may be the individual interests of our members here we meet as a brotherhood, on a common level, for a common purpose, and without respect to persons or individuals, whatever may be their circumstances or pretensions.

"It may be proper to remind you that the association makes use of no legal power or authority against its members; we are bound by no other ties than those of honor and mutual benefit. There has been some discussion as to the desirability of our acquiring the powers of a corporation. Your committee has not so far discovered any necessity for making such a radical change in the organization of the association."

H. B. MARTIN.
National Secretary.
F. E. STEBBINS,
Of Counsel American Antitrust League.

EXHIBIT B.

In re The Eastern Railroad Association.

STATEMENT ACCOMPANYING A REQUEST, FILED WITH THE ATTORNEY-GENERAL, THAT SUIT IN EQUITY BE INSTITUTED AGAINST THE EASTERN RAILROAD ASSOCIATION.

"In an effort to avoid the condemnation of the law, shelter has been sought under what has ever been held most sacred in equity, a trust, a thing over which equity, to prevent fraud, has asserted and exercised an exclusive jurisdiction. The same combinations to prevent competition, condemned already by the law, are attempted to be worked out at the footstool of the chancellor, concealed in the form there most favored. It is like the outlaw grasping the horns of the altar for security, but, unlike him, it conceals its guilt and demands protection, protesting its innocence while pursuing its iniquity. The act is the culmination of corporate insolence and deceit." (Ray, Contractual Limitations, under the head of "Corporate combinations to prevent fair competition.")

STATEMENT.

The agreement of the Eastern Railroad Association set forth in its constitution and by-laws, and its doings in accordance therewith, constitute violations of the "Act to protect trade and commerce against unlawful restraints and monopolies." (26 Stat. L., chapter 647.)

I.

The constitution of the Eastern Railroad Association is a contract in restraint of trade or commerce among the several States.

THE AGREEMENT.

Prior to the 4th day of December, 1878, 53 railroad corporations, chartered under the laws of and doing business in 15 separate States—to wit, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, and South Carolina—had entered into an agreement by which they constituted themselves an association to be known as the Eastern Railroad Association. On December 4, 1878, "after due discussion and deliberation," and at a special meeting of the association, an amended constitution was adopted. (Exhibit D.)

Under date of March 24, 1879, the president of the association made the twelfth annual report to the railroad corporation members, and therein called "particular attention" to, and explained the meaning of, certain provisions of the amended constitution.

During the year 1883 the railroad corporation members to the agreement numbered 255, and operated over 19,198 miles of track in 15 States. (Exhibit E; Report in Patent Office Library.)

In 1894 and at the present time, as far as can be learned, the membership of the association embraces some 700 railroad corporations, having 34,000 miles of track and $2,820,000,000 capital.

About 1887 the members of the association adopted a revised constitution, which each railroad company signed and by which it agreed to be bound. (Exhibit F.)

Article I of the constitution recites the purpose of the association, to wit: "While having for its general purpose the promotion of railway interests, its leading object shall be the protection of its members against unjust claims made for patented inventions."

By Article II the members agree that any railroad company approved by the executive committee and subscribing to the articles and contributing to the expense of the association may become a member. Each company is to be represented by a duly authorized person.

By Article III the members agree that the affairs of the association shall be turned over to and managed by nine governors, called the executive committee, who shall be elected each year by the representatives of the railroad corporations at the annual meeting of the association, held in the city of New York. (By-laws, Article I.) That the executive committee shall elect a president, vice-president, and treasurer, selected from among themselves, and shall also elect a general counsel and secretary, and that the officers shall be the officers of the association. That the committee shall have power to elect

other officers and employees, to appoint legal counsel, fix salaries and compensation for themselves and other employees, to prescribe the duties of all officers, agents, and employees, and to make by-laws for its own government.

By Article IV the members agree that annual meetings of the association shall be held; that special meetings shall be called at the request of two members of the executive committee and upon written request of the representatives of not less than five companies; that each company shall be entitled to one vote.

By Article V the members agree that the executive committee shall determine the validity or invalidity of any patent submitted for examination by any railroad corporation member; that the executive committee shall determine the expediency of contesting any claim for compensation made upon any railroad corporation member for the use of a patented invention which it has appropriated; that should the executive committee conclude (1) that a patent is valid or (2) that it is inexpedient to contest a claim for compensation made against one of the railroad members of the association, it shall be the duty of said executive committee, at the request of an associate member to (1) negotiate for the use of the patent or (2) for a settlement of the claim of compensation; that if the railroad member declines to accept the terms fixed by the executive committee for the use of the patent the association will not be responsible for the defense of any suit against such member.

That if the railroad member declines to accept the basis of settlement fixed by the executive committee when claim for compensation is made for the use of an invention, the association will not thereafter be responsible for the expense of litigation growing out of the case. That when the owner of a patent brings suit at law or in equity against a railroad member for infringing his patent adjudged invalid by the executive committee, said member shall report the suit to the secretary, and the executive committee shall manage the same thereafter at the expense of the association. That when the owner of a patent brings suit at law or in equity against a railroad member for the use of a patent which the executive committee has reported upon as valid and for the use of which the executive committee has also fixed the price, accepted by the railroad member but not by the owner of the patent, the said railroad member shall report the suit to the secretary and the executive committee shall thereafter manage the defense at the expense of the association.

That no member shall settle a suit or claim against it after being advised that a similar suit or claim is in charge of the association for defense against another member, except with the consent of the general counsel and president of the association. That when the executive committee decide it inadvisable to assume or continue the expense of litigation arising out of a report which it has adopted, it may so notify the member against which suit has been brought. But the executive committee may compromise or settle the claim for compensation made by the owner of the patent or purchase a license for the member at the expense of the association: *Provided*, The settlement or purchase can be effected at less expense to the association than the cost of carrying on the litigation.

By Article VI the members agree: That expulsion shall be the penalty when any member willfully violates "these articles."

By Article VII the members agree: That the executive committee shall confer with the officers of similar associations in the United States relative to the settlement of patent claims and the trial of patent cases; meaning by "similar associations" especially the Western Railroad Association, which embraces some 81 railroad corporations distributed among the Western States. (See Exhibit V.) Travelers' Official Guide. And that they will contribute from the trust fund to maintain the defense of suits.

By Article VIII the members agree: That they shall be assessed annually according to mileage and gross receipts "for any expenses incurred or hereafter to be incurred" in behalf of the association; and that payment of the assessments shall be enforced under penalty.

By Article IX the members agree: That any company may withdraw from the association by giving notice in writing.

The provisions recited in the by-laws and standing resolutions of the association are intended to aid in carrying out and making effective the agreement set forth in the constitution.

It should be noted that Article V of the constitution of 1887 is substantially identical with Article VI of the constitution of 1878, and that the explanation of said Article VI by the president of the association in the twelfth annual report (Exhibit II) applies to Article V of the constitution of 1887. The explanation is as follows and reveals the true purpose and object of the agreement:

Your committee, however, think it proper here to refer to some of the provisions of the constitution as amended.

Particular attention is called to Article VI, which is designed to regulate the action of all concerned when a claim is made for the use of a patented invention and said claim is submitted to the association for action.

Section 1 of this article makes it the duty of the executive committee to negotiate with an inventor or patentee whose claim it is considered inexpedient to contest; but attention is drawn to the fact that the committee must first be requested to do so by a member. In this respect the section differs from section 3 of Article VII of the old constitution. Section 2 is substantially the same as section 4 of Article VII of the old constitution; but it will be observed that if a member fails to acknowledge receipt of notice sent by the committee for fifteen days after its date, the terms of settlement proposed shall be considered as accepted by such member.

Attention is also called to section 3 of this article, as by its terms the members, in order to avail themselves of the services of the association for defense or in settlement of claims, must notify the secretary of any suit or claim brought against them. And if any member has previously declined, or shall subsequently decline, the basis of settlement recommended by the executive committee, the association will not be responsible for any expenses for litigation such member may incur.

Section 4 prohibits any member settling any suit or claim brought against it, after being advised by the secretary that a similar suit or claim is in charge of the association for defense in behalf of any of its members, without the consent of the secretary, indorsed by the president.

This provision of the Constitution may appear tyrannical, and it does to a certain extent deprive members of the liberty of individual and independent action in the settlement of claims; but the subject has been well considered, and the rule is believed to be essential to the successful carrying out of the main object of the association, to wit, the protection of its members against unjust claims made for patented inventions.

One member may find it expedient to settle a claim under special inducements; but the money thus paid enables the party making the unjust claim to prosecute other members, which in most cases he would otherwise be unable to do. Again, the weaker members of the association might be unduly influenced in the settlement of such claims when they learned that a more powerful member had found it expedient to settle.

Such methods of influencing the settlement of claims are well known to those engaged in the manipulation of fraudulent patent claims, and, if allowed to prevail, the influence and salutary effect of the association would be destroyed. To obtain the best results, the members of the association must act as a unit, and it is believed that this unity of action has been the true cause of our success heretofore.

As further revealing the association's estimate of the character of its agreement, as embodied in its constitution, the following extracts from the president's annual report,[a] March 9, 1882, are reproduced, to wit:

The association "has so increased in strength and usefulness that now it may be likened in one respect to a judicial authority or tribunal,[b] to which all interested can apply for advice respecting patented inventions in any way relating to railroads, and with the assurance that the advice given, if followed, will be supported and sustained with all the combined force and power of our membership."

There has been some discussion as to the desirability of our acquiring the powers of a corporation. Your committee has not so far discovered any necessity for making such a radical change in the organization of the association.

THE ANTITRUST LAW.

An act to protect trade and commerce against unlawful restraints and monopolies.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is hereby declared to be illegal. Every person who shall make any such contract or engage in any such combination or conspiracy, shall be deemed guilty of a misdemeanor and, on conviction thereof, shall be punished by fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

SEC. 2. Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons, to monopolize any part of the trade or commerce among the several States, or with foreign nations, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

SEC. 3. Every contract, combination in form of trust or otherwise, or conspiracy, in restraint of trade or commerce in any Territory of the United States or the District of Columbia, or in restraint of trade or commerce between any such Territory and another, or between any such Territory or Territories and any State or States or the District of Columbia, or with foreign nations, or between the District of Columbia and any State or States or foreign nations, is hereby declared illegal. Every person who shall make any such contract or engage in any such combination or conspiracy shall be deemed guilty of a misdemeanor, and, or conviction thereof, shall be punished by fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

SEC. 4. The several circuit courts of the United States are hereby invested with jurisdiction to prevent and restrain violations of this act; and it shall be the duty of the several district attorneys of the United States, in their respective districts, under the direction of the Attorney-General, to institute proceedings in equity to prevent and restrain such violations. Such proceedings may be by way of petition setting forth the case and praying that such violation shall be enjoined or otherwise prohibited. When the parties complained of shall have been duly notified of such petition the court shall proceed, as soon as may be, to the hearing and determination of the case; and pending such petition and before final decree, the court may at any time make such temporary restraining order or prohibition as shall be deemed just in the premises.

SEC. 5. Whenever it shall appear to the court before which any proceeding under section four of this act may be pending, that the ends of justice require that other parties should be brought before the court, the court may cause them to be summoned, whether they reside in the district in which the court is held or not; and subpœnas to that end may be served in any district by the marshal thereof.

SEC. 6. Any property owned under any contract or by any combination, or pursuant to any conspiracy (and being the subject thereof) mentioned in section one of this act, and being in the course of transportation from one State to another, or to a foreign country, shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for the forfeiture, seizure, and condemnation of property imported into the United States contrary to law.

SEC. 7. Any person who shall be injured in his business or property by any other person or corporation by reason of anything forbidden or declared to be unlawful by this act, may sue therefor in any circuit court of the United States in the district in which the defendant resides or is found, without respect to the amount in controversy, and shall recover three fold the damages by him sustained, and the costs of suit, including a reasonable attorney's fee.

SEC. 8. That the word "person," or "persons," wherever used in this act shall be deemed to include corporations and associations existing under or authorized by the laws of either the United States, the laws of any of the Territories, the laws of any State, or the laws of any foreign country.

Approved, July 2, 1890.

ARGUMENT.

Section 1 of the antitrust act states:

"Every contract * * * in restraint of trade or commerce among the several States * * * is hereby declared to be illegal."

The law assumes that trade and commerce among the several States shall be free, and that this freedom shall extend to all persons, natural as well as artificial, and also embrace all subjects-matter, whether corporeal or incorporeal, which can be bought, sold, or exchanged.

Chief Justice Fuller, in United States *v.* Knight (156 U. S., 11), said:

"The Constitution does not provide that interstate commerce shall be free, but, by the grant of this exclusive power to regulate it, it was left free except as Congress might impose restraints."

No limitation has ever been fixed by the Supreme Court to the phrase "commerce among the States." Its narrowest definition at least embraces "the conduct of individuals" "in buying and selling or barter."

On argument in Gibbon *v.* Ogden (9 Wheaton) it was claimed that navigation was not included within the meaning of the term; and the court remarked, at page 190:

"The mind can scarcely conceive of a system for regulating commerce (between the States) which shall * * * be confined to prescribing rules for the conduct of individuals in the actual employment of buying and selling or of barter."

Other deliverances on the subject are as follows:

"Commerce is undoubtedly traffic. But it is also something more; it is intercourse." (Gibbon *v.* Ogden, 9 Wheat., 181.)

"Sale is the object of importation, and it is an essential element of commerce." (Brown *v.* Maryland, 12 Wheat., 419.)

"Commerce is intercourse; one of its most ordinary ingredients is traffic." (Brown *v.* Maryland, 12 Wheat., 446.)

"Commerce is a term of the largest import. It comprehends intercourse for the purpose of trade in any and all of its forms, including the transportation, purchase, sale, and exchange of commodities between the citizens

[a] On file in the United States Patent Office library.

[b] It is not within the power of individuals or corporations to create judicial tribunals for the final and conclusive settlement of controversies. (102 Ind., 262, 1885.)

of our country and the citizens of other countries, and between the citizens of different States." (Welton *v.* State of Missouri, 1 Otto, 275.)

"Commerce with foreign countries and among the States, strictly considered, consists in intercourse and traffic, including in these terms navigation and the transportation and transit of persons and property, as well as the purchase, sale, and exchange of commodities." (County of Mobile *v.* Kimball, 102 U. S., 702.)

"The negotiation of sales of goods which are in another State, for the purpose of introducing them into the State in which the negotiation is made, is interstate commerce." (Robbins *v.* Shelby Taxing District, 120 U. S., 497.) (1886.)

"While the completely internal commerce of a State is reserved to the State itself, because never surrendered to the General Government, commerce, the regulation of which is committed by the Constitution to Congress, comprehends traffic, navigation, and every species of commercial intercourse or trade between the United States, among the several States and the Indian tribes." (Interstate Commerce Commission *v.* Brimson, 154 U. S., 447.) (1894.)

"Definitions as to what constitutes interstate commerce are not easily given, so that they shall clearly define the full meaning of the term. We know from the cases decided in this court that it is a term of very large significance. It comprehends, as it is said, intercourse for the purpose of trade in any and all its forms, including transportation, sale, purchase, and the exchange of commodities between the citizens of different States." (Justice Peckham in Hopkins *v.* United States, October 24, 1898, 171 U. S., 597.)

(See United States *v.* Addyston Pipe and Steel Company, 54 U. S., App. 723 et seq. Supreme Court decision December 4, 1899, 175 U. S., 211.)

From the above definitions it may be said that the transfer by a person domiciled in one State to a person domiciled in another State of any interest in a patent by assignment, grant, or license, or negotiations preliminary or preparatory to such transfer, constitute trade or commerce among the several States.

The Congress by positive enactment has declared that there shall be freedom of trade or commerce in patents for inventions and interests therein throughout the United States. Section 4898, Revised Statutes of the United States, reads:

"Every patent or any interest therein shall be assignable in law by an instrument in writing; and the patentee or his assigns or legal representatives may, in like manner, grant and convey an exclusive right under his patent to the whole or any specified part of the United States."

There are three classes of persons in whom the patentee can vest an interest of some kind in the patent. They are an assignee, a grantee of an exclusive sectional right, and a licensee. (Potter *v.* Holland, 4 Blatchford, 406.)

The courts have repeatedly affirmed the existence of a free and open market for patent property throughout the United States. Justice Davis, of the Supreme Court of the United States, in ex parte Robinson, 2 Biss., 309 (1870), a case arising under an act of the State of Indiana "regulating the sale of patent rights," said:

"The property in inventions exists by virtue of the laws of Congress, and no State has a right to interfere with its enjoyment or to annex conditions to the grant. If the patentee complies with the laws of Congress on the subject, he has a right to go into the open market anywhere within the United States and sell his property."

It has repeatedly been held that the acts of State legislatures which attempt to direct the manner in which patent rights shall be sold in the States are void. (See Helm *v.* Bank, 43 Indiana, 167; Robinson on Patents, section 46, note 4, and section 1242.)

In Holiday *v.* Hunt (70 Illinois, 113) the court recognized that the purchase and sale of a patent right constituted "traffic," and remarked of the State law:

"It is a marked discrimination against the traffic in patent rights, which can not fail to seriously prejudice and impair the rights of patentees and their assignees."

A State can not impose a license tax upon the sale of a patent. (State *v.* Butler, 3 Lea., 222.) (1879.)

An act respecting foreign corporations and their agents does not apply to an agent selling patented inventions. (Grove & Baker Sewing Machine Company *v.* Butler, 53 Ind., 454 (1876); Shock *v.* Singer Company, 61 Ind., 520.) (1878.)

The necessary effect of the agreement entered into by the railroad corporations, members of the Eastern Railroad Association, is the restraint of trade or commerce in patent property among the several States.

In United States *v.* The Trans-Missouri Freight Association (166 U. S., p. 241) Justice Peckham, referring to the agreement there under consideration, said:

"The question is one of law in regard to the meaning and effect of the agreement itself. The necessary effect of the agreement is to restrain trade or commerce, no matter what the intent was on the part of those who signed it."

The true meaning of the agreement is to be gathered, according to the well-known rule, from the four corners of the agreement itself. (Judge Chitty in Mills *v.* Dunham, 1 Ch., 580; 1891.)

I do not think an averment is necessary as to what has been done under it (the agreement) or as to any mischief which it has actually produced. We are to consider what may be done under it and what mischief may thus arise. (Lord Campbell in Hilton *v.* Eckersley, 6 E. & B., 65.)

Whether the nature of the combination is injurious is to be determined by a construction of the provisions of the agreement constituting the combination, and not by its effects in actual operation. (Salt Company *v.* Guthrie, 35 Ohio State, 678; Atcheson *v.* Mallon, 43 N. Y., 149 (1870); Richardson *v.* Buhl, 43 N. W., 1102; 77 Mich., 632; Anderson *v.* Jett, 41 Alb. L. J., 104; 89 Ky., 375.)

From the plain terms of the constitution of the Eastern Railroad Association it appears to be the fact that the several hundred railroad corporations, members thereof, have entered into a mutual contract and agreement one with another whereby they have voluntarily abolished competition among themselves in the negotiations for the purchase of any interest in patents for inventions; that for securing "unity of action" they have handed over to a committee of nine persons, called the executive committee, all control over all their business relating to the purchase of patent rights and licenses; that each and every of them has surrendered its liberty of individual and independent action in dealing with inventors and owners of patents; and especially in negotiating settlements of claims made for the use of patented inventions; that they have delegated and surrendered to the said executive committee the power of fixing the price or prices to be paid for the use of any patented invention, and the price in payment for any unlawful appropriation of a patented invention, and the price to be paid for a license to use any patented invention, and the price to be paid for any patent or assignment thereof (assuming that in any case they intend to pay anything at all), and have bound themselves by penalties to abide by the articles of agreement and the decisions of the executive committee.

The several hundred railroad corporations, members of the association, and parties to the agreement, are organized under the laws of fifteen or more States. The owner of a patent domiciled in any of the States is, under the agreement, debarred from negotiating with any one of the railroad corporation members for the sale of an interest in a patent, or for the settlement of any claim for compensation against any railroad member that has infringed a patent.

As between an individual patentee or owner of a patent and the corporation members of 14 States the negotiations involve trade or commerce among the States.

In Hammerstein *v.* Parsons (38 Mo. App., 333) (1889) the court remarked:

"The constitution and by-laws of an association constitute a contract between the members."

It can not be gainsaid that the constitution and by-laws of the Eastern Railroad Association constitute a contract in restraint of trade or commerce among the several States, and thus violate section I of the anti-trust act.

Had the agreement as set forth in the association constitution given the executive committee power only to report on the validity or invalidity of a patent, and then left such railroad company to its own individual and independent judgment as to whether it would purchase a license, or settle for an infringement, or defend any suit brought against it, the agreement would perhaps not be illegal. But had the agreement been so limited it would have been useless. If each company should be allowed to act independently in dealing with owners of patents the whole agreement might as well be rescinded. The president in explaining the provisions of the constitution (Exhibit D) reveals the real nature and essential purpose of the agreement when he says:

"To obtain the best results the members of the association must act as a unit, and it is believed that this unity of action has been the true cause of our success heretofore."

Justice Peckham in United States *v.* The Joint Traffic Association (171 U. S., 505), referring to an analogous agreement, said:

"If one company is allowed, while remaining a member of the association, to fix its own rates and be guided by them, it is plain that as to that company the agreement might as well be rescinded. This result was never contemplated."

The defense in the joint traffic case endeavored to differentiate the agreement there involved from that in the trans-Missouri case by asserting that in the former the rates were made by the several companies and in the latter by the association. Both agreements were held to be violations of the antitrust act.

The conditions imposed upon railroad members by Section V of the constitution, aside from the provision of the remaining sections, render the agreement unlawful. In the Inter-Ocean Publishing Company *v.* The Associated Press (184 Ill., 438), 1900, the supreme court of Illinois decided that—

"The restrictions attempted to be imposed by the Associated Press through its contracts and by-laws upon the rights of members to purchase news from other agencies which such corporation may declare to be antagonistic are null and void as tending to create monopoly and restrict competition." (See Exhibit IX.)

II.

The combination and confederacy of the railroad corporations composing the association to oppose individual patentees and owners of patents in the negotiations of interests in their property, and the agreement of said corporations to use certain unlawful means set forth in their constitution in so opposing, as well as their unlawful acts in pursuance thereof, constitute the association a conspiracy in restraint of trade or commerce among the several States.

By the first section of the antitrust law not only are contracts in restraint of trade which impose binding obligations upon parties to the agreement not to compete illegal, but also conspiracies in restraint of trade, which cover a well-known class of cases where the confederacy proposes or attempts to prevent others from freely carrying on their trade.

The Congress intended to embrace within the statutory prohibition all conspiracies which would be illegal at common law. Illustrations of such cases are: Commonwealth *v.* Carlyle (Br. Rep., 36), where a combination of employers conspired to depress the wages of journeymen, and in respect to which Judge Gibson remarked:

"An association is criminal when its object is to depress the price of labor (commodity) below what it would bring if it were left without artificial excitement, by either masters or journeymen, to take its chances in the market" (p. 42).

Mogul Steam Company *v.* McGregor, Grow & Co. (appeal cases, 25). (See Judge Taft's remarks on this decision (54 U. S. App., 211). People *v.* Everest (51 Hunn., 19). Wright, Criminal Comspiracy, pp. 144–181; American and English Encyclopedia of Law, Vol. IV, p. 608; First Edition Stephen's History of Criminal Law; Ray, Contractual Limitations.)

First. The combination under the constitution and by-laws constitutes the conspiracy though nothing be done in pursuance thereof. In Woodworth *v.* Sherman and same *v.* Cheever and 18 others, 3 Story 172 (1844), Justice Story, who at that time had served thirty-five years on the bench, remarked during the course of the case:

"That he observed that the bills contained a charge of an actual combination to resist the patent. That it was a question of much importance what would be the legal effect of such a combination. That he did not intend to express any opinion on this part of the case, but that in a former case he had occasion to declare that it seemed to approach very near, if it did not actually reach, a criminal conspiracy. That in many cases it was lawful for individuals to do what could not lawfully be done by a combination. That an individual patentee might successfully resist an individual, but it was much more difficult to resist the combined force of a great number of persons united to oppose a patent."

An inspection of the agreement will disclose that the associated railroad companies, organized under the laws of 15 States, have conspired together for the purpose of restraining individual owners of patents, domiciled in the several States, from freely negotiating sales of interests in their patents and from collecting compensation from any member of the association who has appropriated a patented invention.

Second. The agreement by the association to use unlawful means in opposing owners of patents in their attempts to negotiate interests in their property constitutes the association a criminal conspiracy.

A conspiracy has been defined as:

"A combination of two or more persons by concerted action to accomplish a criminal or unlawful purpose, or some purpose not in itself criminal or unlawful, by criminal or unlawful means." (Pettibone *v.* United States, 13 Supreme Court Reporter, 542, (1893.)

The unlawful means which the association agrees to use are: (1) The unlawful maintenance of suits brought against any one of its members (Art. V, Secs. 3 and 5, Art. VII). (2) The boycott. The members of the association agree by Article V not to individually negotiate with the owner of a patent for an interest therein and not to settle a suit or claim when a similar suit or claim against another member is being maintained by the association, for, as the president of the association said in the twelfth annual report: "The money thus paid enables the party making the unjust claim to prosecute other members, which in most cases he would be otherwise unable to do." He further remarked that "this unity of action has been the true cause of our success heretofore."

Third. The acts of the association, its res gestæ, through a series of years in opposing individual patentees and owners of patents, prove the association

to be a permanent conspiracy in restraint of trade or commerce among the several States.

The methods and means, unlawful under the common law and by statute, employed by the association, embrace:[a]

(1) The unlawful maintenance of suits and without legal intervention. (See article "Intervention," A. and E. Enc. of Pleading and Practice, Vol. XI, p. 494.)

(2) Impeding, obstructing, and defeating the due course of justice. (Sec. 5407, R. S., U. S.)

(3) Manufactured evidence.

(4) Perjury. (Sec. 5392, R. S., U. S.)

(5) Subornation of perjury. (Secs. 5396, 5440, R. S., U. S.)

(6) Oppression. (Sec. 5508, R. S., U. S.)

The association violates, and has violated, the first section of the antitrust act within the meaning of the conspiracy clause thereof.

III.

The members of the association have combined and conspired to monopolize part of the trade or commerce among the several States appertaining to the purchase and sale of interests in patents, and have consequently violated section 2 of the act.

By the agreement, as set forth in the constitution, the members turn over to the executive committee of nine governors the sole control of all purchasing of licenses from owners of patents, the settlements of claims made against individual members of the association for the appropriation of patented inventions, and the maintenance of all suits. In the Twelfth Annual Report (Exhibit D) the president states that "this unity of action has been the true cause of our success heretofore."

By suppressing competition among the members and delegating to the executive committee the power to fix prices, the sole buying by the corporation members in 15 States and the selling by the individual owners of patents domiciled in the several States, Territories, and District of Columbia is effectively controlled, and a monopoly of part of the commerce or trade among the several States or Territories is established.

Had not the main purpose of the association been the creation and acquiring of a monopoly, the constitution would have provided that after the executive committee had reported upon the validity or invalidity of a patent, each member should be left free to exercise its own individual and independent judgment as to the advisability of purchasing an interest in or license under the patent or settling a claim made for the use of an invention. Deprive the association of the power of compelling or agreeing upon "unity of action," and it would fall to pieces immediately.

It may be further asserted that under the provisions of Article VII of the constitution the attempt is made to further extend the monopoly to all the trade or commerce in patent rights in all the States which may be carried on, or attempted to be carried on, between railroad corporations and owners of patents for inventions.

But it is immaterial whether an attempt is made to monopolize the whole or any part of trade or commerce among the States. In United States *v.* Knight Company (156 U. S., 16) Chief Justice Fuller said:

"Again, all the authorities agree that in order to vitiate a contract or combination it is not essential that the results should be a complete monopoly. It is sufficient if it really tends to that end and to deprive the public of the advantages which flow from free competition."

Combining or conspiring to monopolize trade or commerce among the several States may be defined as a conspiracy of two or more persons by concerted action to acquire the sole, or an excessive, power to control trade or commerce among the several States which others have the legal right to engage in independently.

Tested by this definition, the association has violated section 2 of the antitrust act.

As the headquarters of the association are in the District of Columbia, it might be shown that it violates section 3 of the act. It is at least within the jurisdiction of the supreme court of the District of Columbia, and that court is authorized by section 4 to apply the third section to corporations (see section 8) doing business within the District of Columbia and bound by contract or conspiring to restrain trade locally in the District of Columbia, or between the District of Columbia and any State or Territory.

THE SCOPE OF THE ANTITRUST ACT.

Six decisions only have thus far been rendered by the Supreme Court in cases under the act, to wit: United States *v.* E. C. Knight Company, 156 U. S., 1; United States *v.* Trans-Missouri Freight Association, 166 U. S., 290; United States *v.* The Joint Traffic Association, 171 U. S., 505 (decided October 24, 1898); Hopkins et al. *v.* United States, 171 U. S., 578; Anderson et al. *v.* United States, 171 U. S., 604; Addyston Pipe and Steel Co. et al. *v.* United States, 175 U. S., 211.

It was decided in United States *v.* E. C. Knight Company that the act did not apply to "monopolies in manufacture even of a necessary of life," but to "monopolies in restraint of interstate or international trade or commerce."

The Chief Justice remarked in that case:

"What the law struck at was combinations, contracts, and conspiracies to monopolize trade and commerce among the several States or with foreign nations; but the contracts and acts of defendants related exclusively to the acquisition of the Philadelphia refineries and the business of sugar refining in Pennsylvania, and bore no direct relation to commerce between the several States or with foreign nations."

In this suit the Government neglected to secure evidence of a restraint of interstate commerce, and consequently failed.

In the United States *v.* Trans-Missouri Freight Association it was held:

That the antitrust act applied to railroad companies.

That the true meaning and intent of the statute was that it should apply, and did apply, to "every contract, combination in the form of trust or otherwise, or conspiracy in restraint of trade or commerce among the several States," irrespective of whether the contract, combination, etc., was in reasonable or unreasonable restraint of trade or commerce.

"While the statute prohibits all combinations in the form of trusts or otherwise, the limitation is not confined to that form alone. All combinations which are in restraint of trade or commerce are prohibited, whether in the form of trusts or in any other form whatever. We think, after a careful examination, that the statute covers, and was intended to cover, common carriers by railroad." (326.)

"We are of opinion that the language used in the title refers to and includes, and was intended to include, those restraints and monopolies which are made unlawful in the body of the statute." (327.)

"Contracts in restraint of trade have been known and spoken of for hundreds of years, both in England and in this country, and the term includes all kinds of those restraints, which, in fact, restrain or may restrain trade." (328.)

"When, therefore, the body of an act pronounces as illegal every combination or contract in restraint of trade or commerce among the several States, etc., the plain and ordinary meaning of such language is not limited to that kind of contract alone, which is in unreasonable restraint of trade, but all contracts are included in such language, and no exception or limitation can be added without placing in the act that which has been omitted by Congress." (328.)

"Why should not a railroad company be included in general legislation aimed at the prevention of that kind of agreement, made in restraint of trade, which may exist in all companies, which is substantially of the same nature wherever found, and which tends very much toward the same results, whether put in practice by a trading and manufacturing or by a railroad company." (322)

"It is entirely appropriate, generally, to subject corporations or persons engaged in trading or manufacturing to different rules from those applicable to railroads in their transportation business, but when the evil to be remedied is similar in both kinds of corporations, such as contracts which are unquestionably in restraint of trade, we see no reason why similar rules should not be promulgated in regard to both, and both be covered in the same statute by general language sufficiently broad to include them both." (324)

In The United States *v.* The Joint Traffic Association, it was held:

That the differences between the provisions contained in the Trans-Missouri and Joint Traffic agreements were not of a material and fundamental nature: and that the decision in the former case was a precedent for the latter. That the act was constitutional. That the decision of the Trans-Missouri case was not erroneous.

In Hopkins et al. *v.* The United States, it was held:

That certain rules and regulations of a live-stock exchange "are not agreements affecting interstate commerce, within the meaning of the antitrust law, having no direct or necessary relation to such commerce."

It appears from this decision that the members after they entered into such association "still continued their individual business in full competition with each other and that the association itself, as an association, does no business whatever."

Justice Peckham here remarked:

"The contract condemned by the statute is one whose direct and immediate effect is a restraint upon that kind of trade or commerce which is interstate.

"There must be some direct and immediate effect upon interstate commerce in order to come within the act."

In Anderson et al *v.* United States it was held—

"That an association of dealers who buy and sell cattle in competition with each other in a particular market, where it is open to all similar dealers, and where no attempt is made to control prices or the number of cattle bought, nor in any manner to prevent full competition between its members, is not in violation of the antitrust act, although the members are engaged in interstate commerce."

In Addyston Pipe and Steel Company *v.* United States it was held—

"That a combination and conspiracy among six companies in regard to the manufacture and sale of cast-iron pipe, by which they agreed that there should be no competition between themselves in some 36 States and Territories and by which prices were to be fixed for each contract by the association, was in violation of antitrust act."

From these decisions it is apparent—

That any agreement (whether contract, combination, in the form of trust or otherwise, or conspiracy) in direct restraint of trade or commerce among the several States is illegal.

That the act is not restricted to any particular subject-matter of the buying or selling or trade or commerce among the several States.

That, further, the act is not limited in its application to any particular persons, natural or artificial, who may enter into any agreement to restrain trade or commerce among the several States.

The decision of the court of appeals for the fifth circuit in United States *v.* Addyston Pipe and Steel Company (54 U. S. App., 723) is especially noteworthy in positively disclosing that the scope of the antitrust act is not restricted to contracts, combinations, or conspiracies to restrain the transportation or delivery of the corpus (iron pipe) from one State to another, but extends to contracts, combinations, etc., in restraint of negotiations and sales which precede delivery of the corpus across State lines (or not). Sections 4 and 5 of the act confer jurisdiction over and power of reaching persons, companies, and corporations who have entered into agreements or combinations to hinder, interrupt, restrain, or in any way prevent full, free, and unrestricted negotiations or sales preliminary to the delivery of the corpus.

Section 6 reaches the corpus when it is in process of transportation, provided the corpus is of such a character or nature that it can be seized.

It is worth while here to observe that by the construction of the antitrust act in the trans-Missouri and joint traffic cases it is not necessary to prove that an agreement actually restrains trade in practice or in operation to render it violative of the act. The defense of the joint traffic case attempted to show the opposite, and instanced in support of its view a State statute of New York (1830), and cited three cases tried under the act, to wit, People *v.* Fisher, 14 Wend., 9; Hooker *v.* Vandewater, 4 Denio, 347; Stanton *v.* Allen, 5 Denio, 434.

Under section 4, moreover, courts of equity have jurisdiction and power to issue injunctions for the purpose of and which may result in restraining the commission of crime. United States *v.* Trans-Missouri Freight Association; United States *v.* Joint Traffic Association; Ellenbecker *v.* Plymouth County, 134 U. S., 31; United States *v.* Alger, 62 F. R., 824; United States *v.* Elliott, 64 F. R., 27; United States *v.* Debs, 64 F. R., 724. In fact, this act seems to revive, in a measure, the ancient criminal jurisdiction of the court of chancery. See Spence's Equity Jurisdiction of Court of Chancery, Vol. I, page 684.

PATENTS FOR INVENTIONS ARE PROPERTY AND FORM THE SUBJECT-MATTER OF TRADE OR COMMERCE AMONG THE STATES.

(I) Patents are property.

"An invention secured by patent is property, and as such entitled to protection as other property." (Cammemyer *v.* Newton, 94 U. S., 225.)

"Patents when rightfully issued are property, and are surrounded by the same rights and sanctions which attend all other property." (Densmore *v.* Scofield, 102 U. S., 375.)

"By the laws of the United States the rights of a party under a patent are his private property." (Brown *v.* Duchesne, 19 Howard, 197.)

"The Government has no more power to appropriate a man's property invested in a patent than it has to take his property invested in real estate." (Solomon *v.* United States, 137 U. S., 346.)

"The power, therefore, to issue a patent for an invention and the authority to issue an instrument for a grant of land emanate from the same source, and * * * are of the same nature, character, and validity." (United States *v.* A. B. T. Co., 128 U. S., 358-359.)

Robinson on Patents, section 752 et seq.

The distinction between a patent for an invention and the physical thing, as machine, article of manufacture, etc., which embodies the invention set forth in the patent should not be overlooked.

In Webber *v.* Virginia (103 U. S., 349) the court clearly distinguished between "the right to an invention or discovery—the incorporeal right—which the State can not interfere with," and the "tangible property," which is subject to the tax laws of the State.

"The purchase of an implement or machine for the purpose of using it in the ordinary pursuits of life stands on different ground from the purchase of

[a] Statement of facts under oath now on file in the office of the Attorney-General support there charges.

the right of making and using the article." (Bloomer *v.* McQuewan, 14 Howard, 539.)

"There is manifest distinction between the right of property in the patent, which carries with it the power on the part of the patentee to assign it, and the right to sell the property resulting from the invention or patent." (11 Bush., 311 Ky. See also Welch *v.* Phelps, 14 Nebr., 134, where many cases are cited. Robinson on Patents, section 45, note 4, and section 1242.)

(II) Patents are not, properly speaking, monopolies.

Inventions were not recognized as property at common law. The Crown undertook to secure the exclusive right by patent, the same instrument as was used to create a monopoly. Thus the English courts fell into the habit of calling a patent a monopoly—one allowed and not forbidden by the Statute of 21 James I. The unreflecting confounded and still confound the word and the thing.

"Now patents (for inventions) are not monopolies, as the counsel have well said, because a monopoly is that which segregates that which was common before and gives it to one person or to a class for use and profit." (Singer *v.* Walmsley, 1 Fish., 363; Seymour *v.* Osborne, 11 Wall., 516.)

(III) Patents form the subject-matter of trade or commerce among the several States.

Section 4898, Revised Statutes of the United States, reads:

"Every patent or any interest therein shall be assignable in law by an instrument in writing, and the patentee or his assigns or legal representatives may in like manner grant and convey an exclusive right under his patent to the whole or any specified part of the United States."

A judgment debtor may be compelled to execute and deliver an assignment of an interest in a patent to a receiver. (Ager *v.* Murray, 105 U. S., 126.)

If the patentee complies with the laws of Congress on the subject, he has the right to go into the open market anywhere within the United States and sell his property. (Justice Davis, of the Supreme Court of the United States, in ex parte Robinson, 2 Biss., 309.)

Property can not be defined without enumerating seizure, use, and alienation. (Wynehamer *v.* People, 13 N. Y., 396, where the entire subject is exhaustively discussed.)

See also section 5045, Revised Statutes of the United States.

CONTRACTS, COMBINATIONS, OR CONSPIRACIES TO LOWER PRICES IN NO WISE DIFFER IN CHARACTER FROM SIMILAR CONTRACTS, ETC., TO RAISE PRICES WHEN THE PURPOSE IS THE SAME.

Lieber, in his Political Ethics, volume 2, book 4, chapter 37, has briefly and intelligently discussed this subject.

See also Commonwealth *v.* Carlyle (Br. Rep., 36), where it is stated that "a combination of employers to depress the wages of journeymen below what they would be if there were no recurrence to artificial means by either side is criminal."

People *v.* Fisher (14 Wendell, 1): "Combinations and conferences to enhance or reduce the price of labor or of any articles of trade or commerce are injurious."

Moore *v.* Bennet (29 N. E., 888): "To stifle or prevent competition, and thereby enhance or diminish prices to a point above or below what they would have been if left to the influence of unrestricted competition," is unlawful.

In United States *v.* Knight Company (156 U. S.) Chief Justice Fuller, at page 16, remarked:

"Contracts, combinations, or conspiracies to control domestic enterprise in manufacture, agriculture, mining, production in all its forms, or to raise or lower prices or wages, might undoubtedly tend to restrain external as well as domestic trade." * * *

Wharton's Criminal Law, tenth edition (1896), section 1365:

"To prejudice the public or government generally, as, for instance, by unduly elevating or depressing the prices of wages or toll or of any merchantable commodity."

Section 1370:

"To suppress competition at public auction."

(Comm. *v.* Haines, 15 Phila. Rep., 363; Huntzinger *v.* Connecticut, 10 Weekly Notes, Pa., 98; Texas Standard Oil Company *v.* Ardoue, 83 Tex., 650; Journeymen Tailors Case, 8 Mod., 10; Comm. *v.* Hunt, 4 Metcalf, 111; The Queen *v.* Rowlands, 17 Q. Bench, 671; Hilton *v.* Eckersley, 6 Ellis & B., 47.)

In the statutes of Great Britain and Ireland, Volume I, page 64 (31 Edw. III), is found a law relating to merchants who by covin do abate the price of wools.

In Leiber Assissarum (27 Edw. III, 138) is specified, among other conspiracies to be investigated, that of—

"Merchants who by alliance and covin among themselves in any year put a certain price on wools which are to be sold in the country, so that none of them will buy, or otherwise pass in the purchase of wools beyond the certain price which they themselves have ordained, to the great impoverishment of the people."

(See Statutes at Large, 7 and 8 Victoria (vol. 84), chap. 24, Section IV.)

Senator HOAR, who aided in formulating the antitrust act, gives the following definition of a trust:

"I understand that a trust, technically and legally, means the case of having one or more persons commit to others or to a combination of others their business or the control of their business or the management of some portion of their business, such as the selling portion or the fixing the price or the hiring of labor, with the understanding that these powers are to be exercised by the corporation or combination to whom it is committed in a manner to operate for the benefit of the persons committing to them that power ordinarily by the depression or putting up of prices." CONGRESSIONAL RECORD, June 28, 1897.

A contract, combination, or conspiracy in restraint of trade among the States, which lowers prices of whatever is to be purchased, undoubtedly violates the antitrust act; and further, any contract, combination, or conspiracy to lower prices in the District of Columbia, and thus restrain local trade, violates section 3 of the act.

THE RELATION OF QUASI-PUBLIC CORPORATIONS TO THE ANTITRUST LAW.

This subject is fully discussed in United States *v.* Trans-Missouri Freight Association (166 U. S.), where numerous authorities are cited and the conclusion reached that:

"The business which the railroads do is of such a public nature that it may well be doubted, to say the least, whether any contract which imposes any restraint upon its business would not be prejudicial to the public interest."

That "while, in the absence of a statute prohibiting them, contracts of private individuals or corporations touching upon restraint in trade must be unreasonable in their nature to be held void, different considerations obtain in the case of public corporations like those of railroads," etc.

See Inter-Ocean Publishing Company *v.* The Associated Press (184 Ill. Rep., 438) (1900) (Exhibit IX), and also note that the by-laws of the Associated Press—declared to be illegal—are identical in force with several articles of the Eastern Railroad Association constitution.

A railroad corporation performs the function of the State (Olcott *v.* The Supervisors, 16 Wall., 678), and all its property is a trust fund for the sovereign power which created it. The incidental interests and profits of individuals are accidents, both in theory and in practice (Talcott *v.* Township of Pine Grove, 1 Flippin, 144) (1872).

In People *v.* Chicago Gas Trust Company it was said:

"Whatever tends to prevent competition between those engaged in a public employment or business impressed with a public character is opposed to public policy, and therefore unlawful."

The Constitution (Art. I, sec. 8, clause 8) empowers Congress to promote the progress of the useful arts by securing, for limited times, to inventors the exclusive right to their discoveries, and the Congress has repeatedly enacted laws to that end.

Patents for inventions are granted under the authority of the Constitution for the promotion of a Federal purpose. (Board of assessors of Brooklyn *v.* Edison Ill. Co., 156 N. Y., 417, 1898.)

The Congress also passed an act approved March 2, 1893, "to promote the safety of employees and travelers on railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes, and their locomotives with driving-wheel brakes, and for other purposes."

In a message recommending this legislation, President Harrison said:

"It is a reproach to our civilization that any class of American workmen should, in the pursuit of a useful and necessary vocation, be subjected to peril of life and limb as great as that of a soldier in time of war."

Yet there exist two combinations of railroad corporations, one of them embracing practically all the companies in the 15 Atlantic Coast States and the other 81 corporations, each bound together under a written agreement, entered into voluntarily by each corporation, to "act as a unit" not only in subverting and negativing the laws enacted to promote the progress of the useful arts, but also in delaying and obstructing the enforcement of the act approved March 2, 1893.

The restriction of the introduction of patented inventions by anyone is against public policy and the public interests, and especially reprehensible when practiced by a public corporation, or a combination of 700 public corporations.

Agreements between common carriers, whether by land or by water, whereby a company covenants not to use such inventions and appliances as are discovered or invented from time to time, and are adapted to cheapening, hastening, and rendering safer the transportation of freight and passengers, are against the most obvious public policy. (Wiggins Ferry Company *v.* Chicago and Alton Railroad, 5 Mo. App., 347.)

In Hopkins *v.* Oxley Stave Company (28 C. C. App., 83 F. R., 912) the court remarked, in the course of its decision:

"Another object of the conspiracy, which was no less harmful, was to deprive the public at large of the advantages to be derived from the use of an invention."

The common law will not permit individuals or corporations to legally place themselves in a position by contract where they are required to do or not to do a particular thing, when the thing to be done or omitted is in any degree injurious to the public. (W. Va. Trans. Co. *v.* Ohio R. P. L. Co., 22 W. Va., 617; W. U. Teleg. Co. *v.* Am. U. P. Co., 65 Ga., 160; Watson *v.* Harlem and N. Y. Nav. Co., 52 How., Pr. 348. See Ray Contractual Limitations, p. 206; Partial restriction of trade not permissible by corporations; and p. 261, Corporate Combinations to Prevent Fair Competition. Beach, Trust and Monopolies.)

By reason of the influence of the Eastern and Western Railroad Associations innumerable old methods and devices are now in use on railroads which, had competition not been suppressed, would long ago have been cast aside and replaced by improved methods and life and labor saving devices.

FREE COMPETITION IS THE GENERAL PUBLIC POLICY OF THE BODY POLITIC OR NATION.

"Competition, free and unrestricted, is the general rule which governs all the ordinary business pursuits and transactions of life." (United States *v.* Trans-Missouri Freight Association, quoting Judge Shiras, 166 U. S., 337.)

"The public policy of the Government is to be found in its statutes, and where they have not directly spoken, then in the decisions of the courts and the constant practice of the Government officials; but where the law-making power speaks upon a subject, over which it has constitutional power to legislate, public policy in such case is what the statute enacts." (United States *v.* Trans-Missouri Freight Association, 166 U. S., 340.)

The entire body of the laws of the United States may be subdivided into—

(1) The Constitution, treaties, and statutes of the United States.
(2) The constitutions and statutes of the several States.
(3) The common law as interpreted by the Federal courts.
(4) The common law as interpreted by the State courts.

The first constitutes supreme national law, and the third and fourth subsidiary national law. A United States court, when the law governing a case is common law, follows its own judgment in the interpretation to be placed upon the law, and not the interpretation of a State court, and the State courts thereafter follow such interpretation. In this way the common law has, in fact, acquired the character of a national system and is kept substantially uniform.

To determine the public policy of the nation relative to free competition, it is only necessary to consult (1) the Constitution, treaties, and Federal statutes, and decisions of United States courts in cases arising under the same; and (2) the decisions of the Federal courts and State courts in cases at common law.

I. The Constitution empowers the Congress only to interfere at all with free competition (other than purely local within a State) in what may properly be called industrial or commercial pursuits. Thus far the coining of money (Article I, section 8, clause 5) and the postal business (clause 7) have been completely monopolized, but in connection with the latter, section 3950, Revised Statutes, requires free competition in making contracts for carrying the mails. The power, under clause 3, to regulate (not monopolize) commerce has been exercised mainly in the direction of preserving freedom of interstate trade and commerce. Note the interstate-commerce law, and in particular section 5, which forbids "pooling" by common carriers, and the anti-trust act.

Whatever industrial or commercial enterprises may in the future be conducted on a limited scale or be monopolized by the General Government under the authority of Article I, section 8, clauses 1 and 18, it is a fact that so far the power has for the most part been held in abeyance. The decisions of the United States courts in cases involving the construction of the Constitution or arising under the statutes have ever been in the line of preserving and promoting commercial freedom and free competition.

NOTE.—The Interstate Commerce Commission *v.* Railway Company (167 U. S., 479), where it was held that the Commission has no power to prescribe traffic rates for common carriers "to evolve as it were out of its own consciousness the satisfactory solution of the difficult problem of just and reasonable rates for all the various roads in the country." United States *v.* Trans-Missouri Freight Association; United States *v.* Joint Traffic Association.

In Chicago and Northwestern Railway Company *v.* Osborne (52 Fed. Rep.) Justice Brewer said:

"Congress has not attempted to require that tariffs on all roads be uniform, nor has it attempted to place a limit in figures beyond which no

company may go in its charges. The laws of business and competition have as yet been deemed sufficient restraint in that direction."

Nearly all States have legislated against the consolidation of competing lines of railroads. In a case arising under a State law (Pearsall *v.* Great Northern Railway Company, 161 U. S., 646) Justice Brown remarked:

"Whether the consolidation of competing lines will necessarily result in an increase of rates or whether such consolidation has generally resulted in a detriment to the public is beside the question. Whether it has that effect or not, it certainly puts it in the power of the consolidated corporation to give it that effect; in short, puts the public at the mercy of the corporation. There is and has been for the past three hundred years, both in England and in this country, a popular prejudice against monopolies in general, which has found expression in innumerable acts of legislation. We can not say that such prejudice is not well founded. It is a matter on which the legislature is entitled to pass judgment. There are, moreover, thought to be other dangers to the moral sense of the community incident to such aggregations of wealth, which, though indirect, are even more insidious in their influence, and such as has awakened feelings of hostility which have not failed to find expression in legislative acts."

In Van Patten *v.* Chicago, Milwaukee and St. Paul Railway (81 F. R., 545) the judge said that "the controlling element in regulating prices, values, and rates in general commercial and manufacturing business of the country" is "self-interest controlled by free competition."

"The fact that Congress has not legislated upon the subject of interstate commerce is equivalent to the declaration that it shall remain free and untrammeled." (Welton *v.* Missouri, 91 U. S., 275; In re Debs, 158 U. S., 564.)

"Again, all the authorities agree that in order to vitiate a contract or combination it is not essential that its results should be a complete monopoly; it is sufficient if it really tends to that end and to deprive the public of the advantages which flow from free competition." (United States *v.* Knight Company, 156 U. S., 16.)

II. The decisions of the Federal and State courts in suits involving the interpretation of the common law have almost without exception condemned all agreements the main objects of which were the restraint or destruction of free competition. Those who before the courts and in the public press have denounced "free competition self-destructive" have been able to support their contentions by about six decisions, to wit: [a] (1) Perkins *v.* Lyman, 9 Mass., 522 (1813); (2) Kellog *v.* Larkin, 3 Pinney, 123 (1851); (3) Schrainka *v.* Scharringhausen, 8 Mo. App., 522 (1880); (4) Leslie *v.* Lorrilard, 110 N. Y., 519 (1888); (5) Manchester and Lawrence Railroad *v.* Concord Railroad, 20 Atlantic R., 393 (1890); (6) National Company *v.* Hospital Company, 45 Minn., 275.

These decisions, however, have but little weight when carefully studied. They are only minor and temporary reverse currents which have lost their way in the general onward flow of the main stream.

Free competition is to fix prices in all cases except where the nature of the business renders it inoperative and creates a "virtual monopoly," and there the "police power" may be exercised (subject, however, to the provisions of the fifth and fourteenth amendments to the Constitution) in establishing "reasonable rates" or charges. (Granger cases, 94 U. S.; Munn *v.* Illinois, 94 U. S., 113; Railway Company *v.* Minnesota, 134 U. S., 418; Smyth *v.* Ames, 169 U. S., 466; Budd *v.* New York, 143 U. S., 517; Spring Valley Water Works *v.* Schlotter, 110 U. S., 247.)

As confirmatory of the proposition expressed, there may be here introduced the testimony of two eminent jurists:

"The advantages of unrestricted competition are apparent to the public in industrial life all about us, and while in some kinds of business this is sharp, yet selfishness is sufficiently active and sufficiently intelligent to prevent its becoming ruinous." (Judge T. M. Cooley in Railway Review, January 8, 1887.)

"As long as the principle of competition by private contract is recognized by our social philosophy as regulative of industrial relations, the law has done all it can when, as with us, it breaks down the cast of hereditary privileges, sweeps away the law of primogeniture, and establishes that equality of opportunity which secures to every individual all that he can, according to his capacity, achieve and acquire for himself and his without infringing upon the equal right of his neighbor. The law can do no more than, as an impartial judge, keep a free and fair field, clear from all obstruction, and let the winner win." (Justice Matthews in New York Independent, July 10, 1879.)

As a summary of the benefits of free competition see the remarkable article in Lalor's Cyclopedia of Political Science, Vol. I, page 642, written by the eminent economist, Coquelin:

"We would not," it is remarked, "have the reader imagine that in what we have just said our object was to defend industrial or commercial competition against the puerile attacks which have so frequently been made on it. It has always seemed to us as ill-becoming economists to stoop to defend such a principle; it is too entirely inherent in the primary conditions of social life; it is at the same time too great, too elevated, too holy, and in its general application too far above the attempt of the pigmies who threaten it, to need any defense. We do not defend the sun, although it sometimes burns the earth, which it should only illuminate and warm; neither is there any need to defend competition, which is to the industrial world what the sun is to the physical world. Competition was not born in 1789; it was born in the very cradle of human society, which it has led step by step, from its state of primitive barbarity, to the point of civilization which it has now reached."

It may be truthfully stated that where competition is free no person, natural or artificial, can gain an advantage over others except by rendering more effective and efficient service to the community in quality, quantity, or time, or in some of these combined, unless resort be had to force or fraud.

The Eastern Railroad Association has, by its "combined force and power" and by fraud, for more than twenty-five years oppressed and robbed inventors and owners of patents. Since July 2, 1890, it has existed and pursued its iniquity, in violation of the anti-trust act. It is unquestionably the duty of the Attorney-General, as directed by section 4 of the act, to instruct the proper district attorney forthwith to file a petition in equity praying that further violations of the law be enjoined and prohibited.

THE ATTORNEY-GENERAL, INDEPENDENT OF HIS POWER AND DUTY AS SPECIFIED UNDER SECTION 4 OF THE ANTI-TRUST ACT AND REPRESENTING THE GOVERNMENT OF THE UNITED STATES, HAS AUTHORITY TO AND SHOULD INSTITUTE SUIT IN EQUITY FOR THE PURPOSE OF RESTRAINING THE EASTERN RAILROAD ASSOCIATION.

The United States can assert its prerogative of parens patriæ and enter suit in its own courts in behalf of the public when there is an interference with the exercise of any exclusive power or function granted by the Constitution and over which the Congress by positive enactments has assumed control. (In re Debs, 158 U. S., 599; United States *v.* American Bell Telephone Company, 159 U. S., 670.)

The legislative branch of the Government vested with power and authority granted by Article I, section 8, paragraph 8, of the Constitution has enacted certain patent laws.

Patent rights are granted under the Federal Constitution and necessarily for the promotion of a Federal purpose. (Grant *v.* Raymond, 6 Peters, 218, 241; Ames *v.* Howard, 1 Sumner, 482; Blanchard *v.* Sprague, 3 Sumner, 535.)

In People ex rel Edison Illuminating Company *v.* The Assessors (156 N. Y. R., 417), the court remarked:

"The next step is that patent rights being created under the Federal Constitution and laws for a Federal purpose, the States are without the right to interfere with them."

A State has no power to obstruct or impose conditions upon or to interfere with the sale of State, county, or town rights or individual licenses under a United States patent. (Ex parte Robinson, 2 Biss., 209; Holliday *v.* Hunt, 70 Ill., 109; Helm *v.* First National Bank, 43 Ind., 167; Patterson *v.* Kentucky, 97 U. S., 501; Webber *v.* Virginia, 103 U. S., 304, etc.)

Regarding an interference with interstate commerce the Supreme Court, in re Debs (158 U. S., 564), expressed itself as follows:

"If a State with its recognized power of sovereignty is impotent to obstruct interstate commerce, can it be that any mere voluntary association of individuals within the limit of that State has a power which the State itself does not possess?"

By parity of reasoning a voluntary association of railroad corporations in 15 States has no lawful authority to erect a "judicial tribunal" for the determination of all questions "respecting patented inventions in any way relating to railroads." (See p. 10.)

The executive branch of the Government must guard the Constitution and enforce the laws. The President "shall take care that the laws be faithfully executed." (Constitution, Article II, section 3.)

By act of Congress certain Executive Departments have been created to aid the President in the performance of his duties and to act by his authority.

The circuit courts, a part of the judicial branch of the Government, have jurisdiction of actions to which the United States is a party (18 U. S. Stat., 470, act March 3, 1875), and can exercise their equity jurisdiction at the suit of the Attorney-General, to prohibit acts which interfere with any subject-matter over which Congress, by power granted, has assumed control, and to restrain or annul obstructions interposed by private persons or corporations in the way of the full and free exercise of privileges lawfully granted by said legislative branch of the Government. (In re Debs, 158 U. S., 599; United States *v.* A. B. T. Co., 128 U. S., 359.)

Justice Brewer, in re Debs, summed up the conclusions of the court in a case involving an interference with interstate commerce by a voluntary association. Substituting for the clauses thereof relating to commerce among the States those relating to the promotion of useful arts by patents for inventions, the decision reads:

"Summing up our conclusions, we hold that the Government of the United States is one having jurisdiction over every foot of soil within its territory, and acting directly upon each citizen; that while it is a government of enumerated powers, it has within the limits of those powers all the attributes of sovereignty; that to it is committed power 'to promote the progress of science and useful arts by securing for limited time to * * * inventors the exclusive right to their * * * discoveries;' 'that the powers thus conferred upon the National Government are not dormant, but have been assumed and put into practical exercise by the legislation of Congress; that in the exercise of those powers it is competent to remove all obstructions,' 'natural or artificial,' to the progress of science and useful arts and to the free exercise by every citizen of the privileges guaranteed under the patent laws; that while it may be competent for the Government (through the executive branch and in the use of the entire executive power of the nation) to forcibly remove all such obstructions, it is equally within its competency to appeal to the civil courts for an inquiry and determination as to the existence and character of any alleged obstructions, and if such are found to exist, or threaten to occur, to invoke the powers of those courts to remove or restrain such obstructions; that the jurisdiction of such courts to interfere in such matters by injunction is one recognized from ancient times and by indubitable authority; that such jurisdiction is not ousted by the fact that the obstructions are accompanied by or consist of acts in themselves violations of the criminal law; that the proceeding by injunction is of a civil character."

And the court further stated that its decision in this case rested upon "broader ground" than the anti-trust act.

See the following authorities:

The United States may bring an injunction bill, in the proper circuit court, to protect improvements which she is making under the authority of Congress in navigable waters from injury which will be caused by works of internal improvement within State limits and by State authority. (United States *v.* City of Duluth et al., 1 Dillon, 469 (1870).)

According to the principles of equity, as recognized in the courts of the United States, a State can obtain relief by a bill in equity filed by the attorney-general of the State. (Coosaw Mining Company *v.* South Carolina, 144 U. S., 564 (1892), citing United States *v.* Gear, 3 Howard, 120, and City of Georgetown *v.* Alexandria Canal Company, 12 Peters, 91.)

When a corporate excess of power tends to the public injury or to defeat public policy, it may be restrained in equity at the suit of the Attorney-General. (Stockton *v.* Central Railroad Company, 50 N. J. Eq. Rep., 52 (1892).)

"Remedies against corporations—bill by Attorney-General to prevent corporations from entering into agreements and combinations to prevent competition or monopolize trade, or for continuing in, or carrying out, such agreements and combinations." (Note to People *v.* Milk Exchange, page 485 of American Railroad and Corporation Reports, Volume XI.)

"When the managing body are doing or about to do an ultra vires act of such a nature as to produce public mischief, the Attorney-General, as the representative of the public and of the Government, may maintain an equitable suit for preventive relief." (Pomeroy, Equity Jurisprudence, sec. 1093. See also the last paragraph of the decision, United States *v.* Trans-Missouri Freight Association, 166 U. S., 290.)

The unlawful agreement relating to patents for inventions entered into by the railroad corporations of the 15 Atlantic Coast States under the style of the Eastern Railroad Association, and the many unlawful acts of the association in enforcing its unlawful agreement are fully set forth in the foregoing statement and accompanying exhibits.

The Attorney-General should, independent of his duty as designated in the antitrust act, direct the filing of a civil information in equity in the proper United States circuit court praying for an injunction to issue restraining the Eastern Railroad Association and for a dissolution of the unlawful trust combination and conspiracy.

F. E. STEBBINS.

EXHIBIT C.

Constitution and by-laws of the Eastern Railroad Association, adopted December 4, 1878.

CONSTITUTION.

ARTICLE I.

This association shall be called "The Eastern Railroad Association." While having for its general purpose the promotion of the railway interests, its leading object shall be the protection of its members against unjust claims made for patented inventions.

[a] Ex parte Koehler, 21 Am. and English Rid. Cas., 57. But pooling is now forbidden by the interstate-commerce act.

ARTICLE II.

This association shall be composed of railroad companies of New England, and any others, at the discretion of the executive committee, subscribing to the articles and contributing to the expenses of the association, each company to be represented by a duly authorized person.

ARTICLE III.

SECTION 1. The affairs of the association shall be managed by an executive committee of nine members, who shall be elected every year at the annual meeting of the association. They shall submit at each annual meeting of the association a report of the operations of the past year and of its financial condition, and any member of said committee, ceasing to be the representative of the company for which he is appointed, shall cease to be a member of said committee.

SEC. 2. Said committee shall organize by the election of a chairman, secretary, and treasurer—the chairman and treasurer to be selected from its own members—who shall also be president, secretary, and treasurer of the association. A majority shall constitute a quorum for the transaction of business. They shall also appoint such standing committees as they may deem requisite.

SEC. 3. Said committee shall provide a suitable place for the general office of the association, where all models, books, papers, and documents may be deposited for safe keeping.

SEC. 4. Said committee shall have power to elect such other officers and employees and appoint such legal counsel as may be necessary for the interests of the association, and fix their compensation; shall fill vacancies in its membership and make by-laws for its own government.

SEC. 5. Meetings of the executive committee may be called at any time by the chairman, or shall be when requested by any two members of the committee.

ARTICLE IV.

SECTION 1. The annual meeting of the association for the election of the executive committee and for the transaction of other business shall be held on the second Wednesday in May, at such hour and place as may be designated by the executive committee, and the fiscal year of the association shall terminate on the 31st of December.

SEC. 2. Special meetings of the association shall be called by the president, upon the request of two members of the executive committee, or at the written request of the representatives of not less than five companies.

SEC. 3. The representatives of ten companies shall constitute a quorum at all meetings of this association. Each company shall be entitled to one vote.

ARTICLE V.

SECTION 1. It shall be the duty of the president to preside at all meetings of the association. In the absence of the president a president pro tempore may be appointed. The presiding officer shall name or appoint all special committees, unless otherwise ordered by the association, and the president shall be ex officio a member of all committees.

SEC. 2. The secretary shall keep the minutes of the association, have charge of the models, archives, and property not belonging to the finances of the association; he shall give his time exclusively to its service,and receive therefor such salary as the executive committee may fix.

He shall notify each company of any meeting of the association, by written or printed notice, at least ten days before such meeting. He shall answer all inquiries from members of the association relative to patent matters, and furnish them with written information regarding patents or patent claims that may be in possessien of the executive committee. He shall also perform such duties in examining the validity of patents, and preparing cases for defense before the courts, and such other duties as the executive committee may direct. And, in order that this association may become more extended in its usefulness, it shall be the duty of the secretary to collect information relative to American railway operating, and distribute the same as may be directed by the executive committee.

SEC. 3. The treasurer shall collect all assessments as made by the executive committee, and disburse all the moneys of the association, under the direction of the executive committee, to whom he shall report as often as required, and at the annual meetings of the association shall submit a statement showing its financial condition, with a detailed exhibit of the receipts and expenditures of the past year.

ARTICLE VI.

SECTION 1. Whenever, in the opinion of the executive committee, a patent submitted for examination by any member is valid, or whenever it is deemed inexpedient to contest any claim made upon a member of the association for the use of a patented invention, it shall be the duty of said committee, at the request of any of the associate members, to negotiate either for the use of said patent, or for a settlement of the claim preferred, and when effected, to report the same to each associate member for acceptance.

SEC. 2. If any member declines accepting the basis of settlement so offered (and a failure to acknowledge receipt of said notice for fifteen days after its date shall be deemed an assent to the terms thereof), the association shall not be responsible for the defense of any suit, or for the expenses of any litigation against that company, and growing out of that case, incurred subsequent to date of said notice.

SEC. 3. Whenever a suit is brought against any member of the association for infringing upon a patent reported upon as invalid, or whenever a claim is made against any member for the use of a patent reported upon as valid, and for which a basis of settlement has been agreed upon as aforesaid, it shall be the duty of that member to make report of such suit or claim to the secretary, and thereafter the said committee shall manage the same at the expense of the association: *Provided*, The member so reporting has not previously declined, or shall not subsequently decline, such basis of settlement as has been, or may be recommended by the executive committee.

SEC. 4. Members of the association shall not settle any suit or claim against them after being advised by the secretary that a similar suit or claim is in charge of the association for defense in behalf of any of its members, without the consent of the secretary, indorsed by the president.

ARTICLE VII.

Any member willfully violating these articles may be striken from the roll of membership by a vote of two-thirds of the members present, at any annual or special meeting, provided due notice of such proposed action shall be given in the call of said meeting.

ARTICLE VIII.

The chairman of the executive committee shall confer with the officers of similar railroad associations in the United States in relation to the settlement of patent claims and the trial of patent cases, and said committee may, if they deem it advisable, contribute from the funds of the association to aid in the defense of any patent case the issue of which involves the interests of the members of the association.

ARTICLE IX.

The executive committee shall have the power, and it shall be their duty, from time to time, as often as they judge the interests of the association require, to make assessments upon members of the association, one-half, as nearly as practicable, in proportion to their gross receipts for the fiscal year preceding the making of the assessment, and one-half in proportion to the length of their roads, for any expenses already incurred or hereafter to be incurred, which, in the opinion of the committee, should be borne by this association; and each of the companies, members of said association, does hereby severally agree with the treasurer of said association when said assessment is made to pay him the sum so assessed upon it, and that said treasurer may maintain an action in his own name against each of said companies severally for the assessment as aforesaid made upon it.

ARTICLE X.

Any company may withdraw from this association by giving notice in writing to the secretary, provided such company shall nevertheless be liable for its proportion of the expenses of the association for the fiscal year ending December 31 next ensuing.

ARTICLE XI.

This constitution may be altered or amended by a vote of two-thirds of the members present at any regular or special meeting, provided due notice of said proposed alteration or amendment shall have been given in notice for said meeting.

BY-LAWS.

ARTICLE I.

The annual meeting of the association and the election of an executive committee shall be held in the city of New York, and the stated meetings of the executive committee shall be held on the second Wednesdays of the months of March, May, September, and December, in each year, at such place and hour as the committee may from time to time designate; special meetings of the executive committee shall be called in the same manner as provided in constitution for the meetings of the association.

ARTICLE II.

The general office of the association shall be located, until further action by this committee, at Boston, Mass.

ARTICLE III.

The executive committee shall, at their first meeting after election, organize by electing from their own number a chairman and a treasurer. a secretary and general agent, not members of the committee, and also a finance committee, to be composed of three members of the executive committee. All elective officers shall serve for the ensuing year, or until their successors be elected.

ARTICLE IV.

Five members of the committee shall constitute a quorum for the transaction of business, which shall be in the following order:

1. Minutes of the last meeting read.
2. Report of treasurer.
3. List of applications made since last meeting.
4. Report of secretary.
5. Miscellaneous business.
6. Unfinished business.
7. New business.

ARTICLE V.

SECTION 1. The finance committee shall have charge of the finances of the association, and shall authorize all investments, and annually audit the accounts of the treasurer.

SEC. 2. The chairman shall preside at all meetings of the executive committee, preserve order and regular debate, according to parliamentary rules, and appoint all committees, unless otherwise ordered by the committee. In the absence of the chairman, a chairman pro tempore may be appointed. The chairman shall be ex officio a member of all committees.

SEC. 3. The secretary shall have charge of the models, books, papers, and documents of the executive committee, and of the association, excepting those in charge of the treasurer; and no original paper or report shall be taken from the office without the consent of the executive committee; he shall be present at all meetings of the executive committee, take minutes of the proceedings and record the same in a suitable book for that purpose. He shall notify the members of all regular and special meetings at least ten days prior to each meeting, and shall answer all inquiries from members of the association, relative to patent matters, by furnishing such important information as may be in possession of the committee; make such examinations and investigations and collect such information and testimony as may be necessary for the proper action of the executive committee, or for conducting a suit in the interests of the association; he shall report at each stated meeting a list of applications submitted since the last meeting, and make such reports thereon as have been prepared, and may send to members applying therefor any report that has been prepared for the action of the executive committee, but not submitted, with the understanding that said report is of no effect unless approved by the said committee. He shall, whenever the necessity for outside counsel may arise, submit to the executive committee the names of parties to be engaged, and the rates at which such services may be obtained; but no engagement therefor shall be binding unless approved by the president. He shall prepare and submit to the executive committee, at its stated meeting in March of each year, a report of the operations of the association for the past year, showing the applications made, from whom and date of report thereon, and also the status of any suits that may be in progress.

He shall, by and with the consent of the committee, appoint a clerk to perform such duties connected with the association as he may direct.

SEC. 4. The treasurer shall keep a regular set of books, containing the accounts of the association and of all the funds that may pass through his hands, and keep a separate account as treasurer at such bank or banks as the executive committee may approve. He shall make a report, at each stated meeting of the executive committee, of his receipts and disbursements, in such form as the said committee may direct, and at the stated meeting in March shall submit a general statement of the financial condition of the association and a detailed statement of receipts and expenditures of the past fiscal year, duly audited by the financial committee. All payments shall be made by orders on the treasurer, audited by the secretary and approved by the president.

SEC. 5. The general agent shall, under the supervision and direction of the secretary, investigate and report on all patent questions, as submitted by members of the association, and in contested cases shall prepare for defense. He shall note application for new patents and the extension of old ones. He shall furnish such information through the secretary as will enable the executive committee to reply to the inquiries of correspondents touching patent matters and to act intelligently in adjusting patent claims.

ARTICLE VI.

No alteration or amendment shall be made in these by-laws until presented at a stated meeting and adopted at a subsequent meeting by a majority of the whole committee.

EXHIBIT D.

Twelfth annual report of the executive committee of the Eastern Railroad Association to the members, 1878-79.

Membership.—Ashuelot; Baltimore and Ohio; Boston and Albany; Boston, Concord and Montreal; Boston, Clinton, Fitchburg and New Bedford; Boston, Lowell and Nashua; Boston and Maine; Boston and Providence; Catasauqua and Fogelsville; Central (of New Jersey); Central, Vermont; Cheshire; Concord, Manchester and Lawrence; Connecticut River; Connecticut Western; Danbury and Norwalk; Delaware and Hudson Canal Company; Eastern; Fitchburg; Housatonic; Lehigh Valley; Long Island; Maine Central; Naugatuck; New York Central and Hudson River; New York, New Haven and Hartford; New Haven and Northampton; New London Northern; New York and New England; North Pennsylvania; Northern Central; Northern (New Hampshire); Northeastern (of South Carolina); Norwich and Worcester; Ogdensburg and Lake Champlain; Old Colony; Passumpsic; Pennsylvania; Philadelphia and Baltimore Central; Philadelphia and Reading; Philadelphia, Wilmington and Baltimore; Providence and Worcester; Providence, Warren and Bristol; Raleigh and Gaston; Richmond, Fredericksburg and Potomac; Richmond and Petersburg; Seaboard and Roanoke, Stonington and Providence; Troy and Boston; Vermont Valley; Wilmington, Columbia and Augusta; Wilmington and Weldon; Worcester and Nashua.

Executive committee.—Strickland Kneass, assistant to president Pennsylvania Railroad Company; J. B. Winslow, agent Boston and Lowell Railroad Company; Frank Thomson, general manager Pennsylvania Railroad Company; J. N. DuBarry, representing Northern Central Railroad Company; E. D. Worcester, secretary New York Central and Hudson River Railroad Company; William D. Bishop, director New York, New Haven and Hudson River Railroad Company; James Moore, general superintendent Central (of New Jersey) Railroad Company; A. A. Folsom, general superintendent Boston and Providence Railroad Company; D. L. Harris, president Connecticut River Railroad Company.

Officers.—President, Strickland Kneass, Philadelphia, Pa.; Treasurer, A. A. Folsom, Boston, Mass.; Secretary, A. McCallum, Boston, Mass.; Secretary's Office, Room No. 15, Boston and Lowell Passenger Station, Boston, Mass.

REPORT.

OFFICE OF THE EASTERN RAILROAD ASSOCIATION,
Boston, Mass., March 24, 1879.

To the Members of the Eastern Railroad Association:

GENTLEMEN: In submitting this the twelfth annual report, your committee congratulates the members on the continued prosperity of the association. On referring to the reports of the Secretary and Treasurer herewith, it will be seen, from the details of the business transactions therein set forth, that the association has proved of increased usefulness to its members, while financially its condition is very satisfactory.

Your committee also congratulates the members on the successful results of the litigation assumed by the association on their behalf, as noted in that part of the Secretary's report devoted to this the most important branch of the business of the association. In view of the results obtained in this respect your committee is fully impressed with the conviction that very large sums of money have been saved to the members, and to railroads generally, by the determined and persistent opposition made to what was believed to be "unjust claims for patented inventions." In this regard it must be a matter of great satisfaction to the members to know that no case which has been opposed by the association has yet been decided against them on final adjudication to the Supreme Court of the United States.

Since the last annual meeting several important changes have occured which call for particular notice.

With much regret your committee accepted the resignation of Messrs. Isaac Hinckley as president, D. L. Harris as secretary, and John B. Winslow as treasurer. The resignation of these gentlemen, who so long and so ably filled their responsible positions, is felt to be a great loss; but we have the satisfaction of knowing that, while unable longer to continue the active duties of their former positions, they still take a deep interest in the welfare of the association, and continue to aid in its administration by their valuable counsel.

We have also to note the resignation of S. M. Whipple, esq., who has heretofore acted as expert and general agent of the association, to investigate and report on patent claims, and to prepare for defense in contested cases.

Under the new constitution such services require to be performed under supervision of the secretary, and form part of his duties. It is therefore believed that, with the addition to the clerical force of the secretary's office already made, the office of expert and general agent as heretofore existing may be dispensed with. Several important changes have been effected by the amended constitution, which, after due discussion and deliberation, was adopted at the special meeting of the association on the 4th day of December, 1878.

Copies of the amended constitution, and also of the by-laws, were forwarded to the members, and their representatives have doubtless made themselves familiar with the same.

Your committee, however, think it proper here to refer to some of the provisions of the constitution as amended.

Particular attention is called to Article VI, which is designed to regulate the action of all concerned when a claim is made for the use of a patented invention and said claim is submitted to the association for action.

Section 1 of this article makes it the duty of the executive committee to negotiate with an inventor or patentee whose claim it is considered inexpedient to contest; but attention is drawn to the fact that the committee must first be requested to do so by a member. In this respect the section differs from section 3 of Article VII of the old constitution.

Section 2 is substantially the same as section 4 of Article VII of the old constitution; but it will be observed that if a member fails to acknowledge receipt of notice sent by the committee for fifteen days after its date, the terms of settlement proposed shall be considered as accepted by such member.

Attention is also called to section 3 of this article, as by its terms the members, in order to avail themselves of the services of the association for defense, or in settlement of claims, must notify the secretary of any suit or claim brought against them. And if any member has previously declined, or shall subsequently decline, the basis of settlement recommended by the executive committee, the association will not be responsible for any expenses for litigation such member may incur.

Section 4 prohibits any member settling any suit or claim brought against it, after being advised by the secretary that a similar suit or claim is in charge of the association for defense in behalf of any of its members, without the consent of the secretary, indorsed by the president.

This provision of the constitution may appear tyrannical, and it does to a certain extent deprive members of the liberty of individual and independent action in the settlement of claims; but the subject has been well considered, and the rule is believed to be essential to the successful carrying out of the main object of the association, to wit, the protection of its members against unjust claims made for patented inventions.

One member may find it expedient to settle a claim under special inducements; but the money thus paid enables the party making the unjust claim to prosecute other members, which in most cases he would otherwise be unable to do. Again, the weaker members of the association might be unduly influenced in the settlement of such claims when they learned that a more powerful member had found it expedient to settle.

Such methods of influencing the settlement of claims are well known to those engaged in the manipulation of fraudulent patent claims, and, if allowed to prevail, the influence and salutary effect of the association would be destroyed. To obtain the best results, the members of the association must act as a unit, and it is believed that this unity of action has been the true cause of our success heretofore.

Your committee also think it proper to direct attention to the fact that by the amended constitution the duties and responsibilities of the secretary's office have been increased (see section 2, Article V). One of the objects sought to be attained by extending the duties of the secretary so as to include the management of litigated cases was economy. Heretofore the executive committee, as a matter of necessity, had to employ counsel whenever suits were brought against any of the members and pay whatever bills were presented without full knowledge of the actual services rendered. As a remedy for this unsatisfactory state of affairs it was thought advisable to employ as secretary an attorney having experience in the practice of the patent law and who could, if necessary, practice in any of the United States courts having jurisdiction in patent cases. For particulars respecting the present method of carrying on the business of the association, we refer to the accompanying report of the secretary.

On referring to said report it will also be found that the secretary is prepared to furnish information respecting several subjects not specially inquired of, but of general interest to the members, such as the early histories of the "electric telegraph," "power brakes," "sleeping cars," etc.; but as the regular duties of his office have proved onerous, it is not to be expected that he can give much attention to the collection of such general information. It is therefore suggested that when anything of interest in this connection comes to the knowledge of any members, the same be communicated to the secretary, so that, under the direction of your committee, he may be enabled to distribute such information to the other members.

We also call attention to the suggestions of the secretary as to the formation of a scientific library by voluntary donations of spare books by the members, to which end your committee have appropriated a limited amount to secure a complete set of the drawings of patents relating to railroads, and such reports on patent cases as will materially aid in carrying out the objects of the association, as well as to the importance of collecting models with a view to the formation of a museum of inventions. Your attention is particularly called to the means suggested to prevent the grant of fraudulent patents.

Recent developments show that our members can not be too careful, when taking a license, to see that the language of the agreement or license affords them proper protection in the use of the patented invention for which the license is given; and in this connection the following suggestions may be acceptable:

1. Be sure that the party who gives the license has a legal title to the patent. This can be ascertained by making application to the Commissioner of Patents for a certified abstract of the assignments of the particular patent for which the license is to be given.

2. Be sure that the license covers the right to use the invention, any improvements thereon which the inventor may have made and patented, or for which patents may hereafter be obtained by the inventor or his assignees.

3. Be sure that the license covers the right to use the patented device, not only on your own roads, but on any roads and branches which may be leased, or otherwise connected therewith, during the life of the patent or patents.

4. Be sure that the license covers the right to use the patented device during the entire period for which letters patent are or may be granted or extended, including any reissue of the same.

Attention is respectfully called to the resolutions adopted at the meeting of your committee, December 4, 1878, a printed copy of which was sent to the members at that time. Said resolutions are to the effect that the association can not, under the constitution, undertake to defend the members against claims for infringement of letters patent until said claims have been examined and reported on by the executive committee; so that when suits are brought previous to such examination and report, the expenses incurred in defending the suit must be borne by the individual members sued, unless said suit, upon examination, be accepted by the executive committee, in which case all expenses will be assumed by the association.

This does not prohibit the secretary from giving all the information on the subject at issue which may be in his possession, or from rendering aid in the proper defense of such suit prior to the action of your committee. Such services are at all times available to the members, but anything that may be done or any expense that may be incurred is subject to the approval of the executive committee.

On referring to the report of the treasurer it will be found that the account up to December 31, 1878, stands as follows:

Balance from preceding year	$17,958.44
Collections under assessments	17,819.85
Collection of interest	430.00
Total	33,238.29
Less expenditures	15,678.21
Balance	20,560.08

Respectfully submitted.
By order of the executive committee.

STRICKLAND KNEASS, *President.*

EXHIBIT E.

Membership of the Eastern Railroad Association for the year ending March, 1883.

	Miles.
Allegheny Valley and branches	259
Baltimore and Ohio and branches, also 18 other railroad corporations	1,495
Boston and Albany and branches, also 4 other railroad corporations	372
Boston, Concord and Montreal and branches, also 2 railroad corporations	166
Boston and Lowell, also 6 railroad corporations	197
Boston and Maine and branches, also 6 railroad corporations	606
Boston and Providence and branches, also 1 railroad corporation	67
Boston, Barre and Gardener and branches	37
Camden and Atlantic and branches, also 1 railroad corporation	70
Carolina Central and branches	241
Catasauqua and Fogelsville and branches	25
Central Railroad of New Jersey, also 2 railroad corporations	545
Central Vermont Railroad, also 5 railroad corporations	353
Cheshire Railroad, also 2 railroad corporations	80
Connecticut and Passimpsic, also 1 railroad corporation	147
Concord Railroad, also 4 railroad corporations	142
Connecticut Railroad, also 1 railroad corporation	80
Concord and Claremont, also 1 railroad corporation	71

	Miles.
Danbury and Norwalk	37
Delaware and Hudson Canal and Railroad, also 10 railroad corporations	588
Eastern Railroad, also 7 railroad corporations	283
Fitchburg Railroad, also 1 railroad corporation	151
Housatonic Railroad, also 4 railroad corporations	123
Hartford and Connecticut Western, also 2 railroad corporations	105
Lehigh Valley Railroad, also 2 railroad corporations	316
Long Island Railroad, also 11 railroad corporations	325
Manchester and Lawrence, also 1 railroad corporation	26
Maine Central, also 3 railroad corporations	470
Naugatuck Railroad, also 1 railroad corporation	66
New York Central and Hudson River Railroad, also 2 railroad corporations	1,118
New York, New Haven and Hartford Railroad, also 2 railroad corporations	203
New York, Philadelphia and Baltimore, also 2 railroad corporations	82
New Haven and Northampton, also 1 railroad corporation	137
New London Northern, also 1 railroad corporation	121
New York and Lake Erie, also 5 railroad corporations	452
Northern Central, also 5 railroad corporations	343
Northern (N. H.), also one railroad corporation	100
Northeastern Railroad, also 5 railroad corporations	102
Ogdensburg and Lake Champlain	118
Old Colony, and 2 railroad corporations	477
Pennsylvania, also 23 railroad corporations	2,401
Pennsylvania Company, also 7 railroad corporations	864
Pittsburg, Cincinnati and St. Louis Railroad, also 7 railroad corporations	1,507
Philadelphia and Reading, also 2 railroad corporations	847
Philadelphia, Wilmington and Baltimore, also 8 railroad corporations	383
Pennsylvania and New York canal and railroad, also 1 railroad corporation	95
Portland and Ogdensburg	94
Providence and Worcester, also 3 railroad corporations	66
Petersburg	63
Providence, Warren and Bristol	15
Raleigh and Gaston, also 1 railroad corporation	196
Richmond, Fredericksburg and Potomac, also 2 railroad corporations	82
Richmond and Allegheny, also 2 railroad corporations	265
Rome, Watertown and Ogdensburg, and 2 railroad corporations	265
Seaboard and Roanoke	80
Sullivan Company	26
Troy and Boston, also 2 railroad corporations	46
Vermont Valley	24
West Jersey, also 4 railroad corporations	163
Wilmington, Columbia and Augusta	192
Wilmington and Weldon	198
Worcester and Nashua, also 1 railroad corporation	95
	19,198

Two hundred and fifty-five corporations.

EXHIBIT F.

Constitution and by-laws of the Eastern Railroad Association.

CONSTITUTION.

ARTICLE I.

This association shall be called "The Eastern Railroad Association." While having for its general purpose the promotion of the railway interests, its leading object shall be the protection of its members against unjust claims made for patented inventions.

ARTICLE II.

This association shall be composed of railroad companies of New England and any others, at the discretion of the executive committee, subscribing to the articles and contributing to the expenses of the association. Each company to be represented by a duly authorized person; but no railroad company whose earnings are mainly derived from the transportation of passengers upon an elevated railroad within the limits of a city shall be admitted as a member of the association, except upon such terms and conditions as may be prescribed by the executive committee.

ARTICLE III.

SECTION 1. The affairs of the association shall be managed by an executive committee of nine members, who shall be elected every year at the annual meeting of the association. They shall submit at each annual meeting of the association a report of the operations of the past year and of its financial condition, and any member of said committee, ceasing to be the representative of the company for which he is appointed, shall cease to be a member of said committee; and in all cases where a member of the executive committee is absent from two consecutive stated meetings of said committee, unless such absence is caused by sickness or absence from the country, it shall be equivalent to a resignation of said member, and it shall be the duty of the executive committee to fill the vacancy thus created at the next stated meeting following.

SEC. 2. Said committee shall organize by the election of a president, vice-president, general counsel, secretary and treasurer (the president, vice-president, and treasurer to be selected from its own members) who shall also be president, vice-president, general counsel, secretary and treasurer of the association. A majority shall constitute a quorum for the transaction of business. They shall also appoint such standing committees as they may deem requisite.

SEC. 3. Said committee shall provide a suitable place for the general office of the association, where all models, books, papers, and documents may be deposited for safe-keeping.

SEC. 4. Said committee shall have power to elect such other officers and employees, and appoint such legal counsel, as may be necessary for the interests of the association, and fix salaries and compensation, and prescribe the duties of all officers, agents, and employees; shall fill vacancies in its membership, and make by-laws for its own government.

SEC. 5. Meetings of the executive committee may be called at any time by the president, or shall be when requested by any two members of the committee.

ARTICLE IV.

SECTION 1. The annual meeting of the association for the election of the executive committee and for the transaction of other business shall be held on the second Wednesday in May, at such hour and place as may be designated by the executive committee, and the fiscal year of the association shall terminate on the 31st of December.

SEC. 2. Special meetings of the association shall be called by the president upon the request of two members of the executive committee, or at the written request of the representatives of not less than five companies. Notice of any meeting of the association shall be given by a written or printed notice directed to each member, and deposited in the post-office at least ten days prior to the day of such meeting.

SEC. 3. The representatives of ten companies shall constitute a quorum at all meetings of this association. Each company shall be entitled to one vote.

ARTICLE V.

SECTION 1. Whenever, in the opinion of the executive committee, a patent submitted for examination by any member is valid, or whenever it is deemed inexpedient to contest any claim made upon a member of the association for the use of a patented invention, it shall be the duty of said committee, at the request of any of the associate members, to negotiate either for the use of said patent, or for a settlement of the claim preferred, and, when effected, to report the same to each associate member for acceptance.

SEC. 2. If any member declines accepting the basis of settlement so offered (and a failure to acknowledge receipt of said notice for fifteen days after its date shall be deemed an assent to the terms thereof), the association shall not be responsible for the defense of any suit or for the expenses of any litigation against that company, and growing out of that case, incurred subsequent to date of said notice.

SEC. 3. Whenever a suit is brought against any member of the association for infringing upon a patent reported upon as invalid, or whenever a claim is made against any member for the use of a patent reported upon as valid, and for which a basis of settlement has been agreed upon as aforesaid, it shall be the duty of that member to make a report of such suit or claim to the secretary, and thereafter the said committee shall manage the same at the expense of the association, provided the member so reporting has not previously declined, or shall not subsequently decline, such basis of settlement as has been or may be recommended by the executive committee.

SEC. 4. Members of the association shall not settle any suit or claim against them after being advised by the general counsel that a similar suit or claim is in charge of the association for defense in behalf of any of its members without the consent of the general counsel, indorsed by the president.

SEC. 5. Whenever the executive committee shall adopt a report relating to a patent, and shall not deem it for the best interests of the association to assume or continue the expenses of litigation growing out of such report, it may at its discretion so notify the member to whom such report is made, and the association shall not hereafter be at any legal or other expense on account thereof; but said committee may compromise and settle the claim, or purchase a license for such member at the expense of the association: *Provided*, That in the opinion of said committee such settlement or purchase can be effected at less expense to the association than the cost of carrying on the litigation in behalf of such member.

ARTICLE VI.

Any member willfully violating these articles may be stricken from the roll of membership by a vote of two-thirds of the members present at any annual or special meeting, provided due notice of such proposed action shall be given in the call of said meeting.

ARTICLE VII.

The president of the executive committee shall confer with the officers of similar railroad associations in the United States in relation to the settlement of patent claims and the trial of patent cases, and said committee may, if they deem it advisable, contribute from the funds of the association to aid in the defense of any patent case the issue of which involves the interests of the members of the association.

ARTICLE VIII.

The executive committee shall have the power, and it shall be their duty from time to time, as often as they judge the interests of the association require, to make assessments upon members of the association, one-half, as nearly as practicable, in proportion to their gross receipts for the fiscal year preceding the making of the assessment, and one-half in proportion to the length of their roads, for any expenses already incurred or hereafter to be incurred, which, in the opinion of the committee, should be borne by this association. If any company shall neglect to make the proper returns called for by the treasurer after assessment is made, or neglect to pay the treasurer the sum assesssd upon it before the 31st day of December thereafter occurring, it shall be deemed to be in default and shall not be entitled to the privileges of membership, and if it shall fail to pay the sum assessed upon it within three months after notice of default from the treasurer, it shall thereupon cease to be a member of the association.

ARTICLE IX.

Any company may withdraw from this association by giving notice in writing to the secretary, provided such company shall, nevertheless, be liable for its proportion of the expenses of the association for the fiscal year ending December 31 next ensuing.

ARTICLE X.

This constitution may be altered or amended by a vote of two-thirds of the members present at any regular or special meeting, provided due notice of said proposed alteration or amendment shall have been given in notice for said meeting.

BY-LAWS.

ARTICLE I.

The annual meeting of the association and the election of an executive committee shall be held in the city of New York, and the stated meetings of the executive committee shall be held on the second Thursday of the months of March, September, and December and on the second Wednesday of the month of May in each year, at such place and hour as the committee may from time to time designate. Special meetings of the executive committee shall be called in the same manner as provided in the constitution for the meetings of the association.

ARTICLE II.

The general office of the association shall be located, until further action by this committee, at Washington, D. C.

ARTICLE III.

The executive committee shall, at its first meeting after election, organize by election from its own number a president, vice-president and treasurer; a secretary and general counsel, not members of the committee, and also a finance committee, to be composed of three members of the executive committee. All elective officers shall serve for the ensuing year, or until their successors be elected.

ARTICLE IV.

Five members of the committee shall constitute a quorum for the transaction of business, which shall be in the following order:

1. Minutes of the last meeting read.
2. Report of treasurer.
3. List of applications for membership made since last meeting.
4. Report of general counsel.
5. Other business.
6. Reports on patents, etc.

ARTICLE V.

SECTION 1. It shall be the duty of the president or vice-president to preside at all meetings of the association. In the absence of the president or vice-president, a president pro tem. may be appointed. The presiding officer shall name or appoint all special committees, unless otherwise ordered by the association, and the president shall be ex-officio a member of all committees.

SEC. 2. The vice-president, when called upon, shall assist the president in the performance of his duties, and during the absence or at the request of the president, shall officiate in his place.

SEC. 3. The general counsel shall give his time exclusively to the service of the association, and receive therefor such salary as the executive committee may fix. He shall make all required examinations and reports as to scope and validity of letters patent and questions of infringement of same, and prepare cases for defense before the courts. He shall answer all inquiries from members of the association relative to patent matters, and furnish them with written information regarding patents or patent claims that may be in the possession of the executive committee. He shall keep the minutes of the meetings of the association and of the executive committee; shall have charge of the office, models, archives, and property not pertaining to the investments or finances of the association, and perform such other duties as the executive committee may direct.

SEC. 4. The secretary shall give his time exclusively to the service of the association, and receive therefor such salary as the executive committee may fix. He shall keep the books of the association, excepting those in charge of the treasurer; shall notify the members and the executive committee of all meetings of their respective bodies. He shall have charge of the rooms of the office building in the city of Washington, D. C., not occupied by the association, rent same, collect the rents, and account to the treasurer therefor. He shall assist the general counsel, and perform such duties as may be designated by him, and, in the absence of the general counsel he shall take charge of the office, models, archives, and property not belonging to the finances of the association, and perform such other duties as the executive committee may direct.

SEC. 5. The treasurer shall collect all assessments as made by the executive committee, and disburse all the moneys of the association, under the direction of the executive committee. He shall keep a regular set of books containing the accounts of the association, and of all the funds that may pass through his hands, and keep a separate account as treasurer at such bank or banks as the executive committee may approve. He shall make report at each stated meeting of the executive committee of his receipts and disbursements in such form as the said committee may direct, and at the stated meeting in March shall submit a general statement of the financial condition of the association, and a detailed statement of receipts and expenditures of the past fiscal year, duly audited by the finance committee. All payments shall be made by orders of the treasurer, audited by the secretary, and approved by the president.

ARTICLE VI.

No alteration or amendment shall be made in these by-laws until presented at a stated meeting and adopted at a subsequent meeting by a majority of the whole committee.

STANDING RESOLUTIONS.

Resolved, That the secretary be instructed that in making reports to members, as directed by section 3, article 5, of the by-laws, previous to being submitted to the executive committee, he append thereto a printed notice to the effect that said reports are of no effect or binding upon the association until approved by the executive committee.

Adopted March 12, 1879.

Resolved, That the Secretary be instructed to notify all railroad companies, members of this association, that hereafter all applications from such company asking for information from the association in regard to any patent device must be made through the president, vice-president, general manager, or superintendent of such company, or such officer or agent of said company as may be thereto specially authorized by resolution of the board of directors of said company.

Adopted March 10, 1880.

Resolved, That the executive committee be authorized to fix upon and establish an entrance fee that shall be chargeable to all companies desiring to connect themselves with the Eastern Railroad Association after this date, said entrance fee being intended to cover the proportional interest in funds of the association now invested.

Adopted at annual meeting, May 11, 1881.

Resolved, That it is not thought advisable for the association to introduce or, as an association, advocate legislation in Congress; but its members should promote any bill that may be offered to amend the patent laws so as to require the patentee or owner of a patent to give notice of any claim for infringement, and to commence suit thereon within a reasonable time after such notice is given.

Adopted December 14, 1881.

Resolved, That this association will, through its general counsel, furnish to any of its members any information it may be able to give in relation to the legal construction, effect, and bearing of any license or assignment made by the inventor or owner of any patent to one of the members; but, inasmuch as such licenses and assignments have been drawn or accepted by the officers or counsel of such members without action by or consultation with this association, the association can not properly take charge of or assume the expense of any litigation growing out of or connected with such licenses or assignments.

Adopted December 15, 1881.

Resolved, That the secretary notify all persons applying to the association for the privilege of making oral argument before the executive committee relating to patents that such privilege can not be granted, but that the executive committee will receive and consider any argument in writing that may be presented to it.

Adopted December 13, 1883.

Resolved, That in all future patent suits against members of this association the secretary be, and is hereby, instructed to require from the plaintiffs bonds or security for the costs, when such security can be legally demanded.

Adopted March 13, 1884.

In the matter of reports called for by members respecting inventions for which applications for patents are pending in the Patent Office,

On motion, it was—

Voted, That the general counsel be directed to notify the members making such inquiries that the association can not, consistently with its constitution and by-laws, give any advice or express any opinion in regard to any invention for which application for letters patent has been made and is pending in the Patent Office.

Adopted May 12, 1886.

Resolved, That the office of general counsel and secretary, created by resolution adopted May 12, 1880, be discontinued, and that the offices of a general counsel and a secretary be created in accordance with amendments to by-laws.

EXHIBIT G.

The following extracts from the technical journals represent the consensus of public opinion regarding the character of said Eastern Railroad Association, to wit:

[From the Railroad Car Journal, December, 1892.]

RIGHTS OF PATENTEES AND INVENTORS.

We have several times previously given space in this journal to the publication of the circumstances and proceedings in the suit of W. K. Tubman against the Wason Manufacturing Company for infringement of his patent. We have given unusual prominence to the case for the reason that it has brought up a much wider issue than the mere damage sustained by the owner of the patent—an issue of vital interest to inventors or owners of patented railroad appliances.

It would appear from the testimony that Tubman in his suit encounters a more formidable opponent than the actual defendants. He claims that the Eastern Railroad Association is maintaining the defense with the object of defeating his claim, and that with such an organization in existence, pursuing the methods it does, a poor inventor can not possibly hope to maintain his rights to a patented device which the association chooses to advise its members to use without the payment of royalty. The testimony, which we print in another column, of Mr. Andrew McCallum, the counsel of the association, can not be regarded as in any way rebutting the serious charges made against the association by Tubman. We quite fail to see why the proceedings of the Eastern Railroad Association should not be made public. The owner of a patent should certainly be entitled to learn the substance of the association's report to its members upon his invention; for railroads are becoming notorious by reason of the frequency with which they appropriate the ideas of inventors without compensation. The testimony in Tubman's case will be read with interest by inventors or owners of patents on railroad devices.

[From the World's Progress, March, 1892.]

APPROPRIATING PATENTS.

In another article in this issue we have discussed briefly the exercise of a practically assumed right by the Government to appropriate to its own use, without compensation, any patented article or invention it may please to want. That form of appropriation will have attention, and then will be duly regulated by law, just as soon as the abuse becomes so common as to produce public outcry. The sole reason why this law has not been made is that the number of those harmed is comparatively small. So far as the need in equity and justice for such a law is concerned, it seems to be commonly admitted that it is now urgent.

But there is another form of this appropriation which is more common, and consequently more aggravating. It is where a rich and powerful corporation deliberately takes and uses a patented device or invention and then says, coolly and impudently, to the patentee: "Help yourself, if you can." Then the issue so made is almost invariably governed by the length of the purse, and in the end the single-handed inventor finds himself outwinded by the long delays he can not prevent and the large expenses he is forced to pay to carry on his suit. We have now in mind a particular form of this organization that is accustomed to use any patented invention in the line of its business that it pleases to appropriate. We refer to the railroad associations, of which there is one at the East and one at the West. Ostensibly these associations are for self-protection against causeless litigation and the annoyance of importunate and unreasonable inventors. So far as this protective idea goes, the motive of these associations is very proper; but when these associations go further and assume the right to appropriate any invention it wishes to use, and thus force the inventor into the courts to endeavor to get redress, these associations are all wrong.

The consequence is that the single-handed inventor rarely wins in any such suit. It must be said, in justice to these associations, that they allege that they always pay for the use of any and all really new and valuable improvements. But this assertion is hotly denied by the body of inventors who have, as they assert, been ruthlessly defrauded of their rights.

It seems to us that some law can be framed that will secure justice to both parties; that, on the one hand, will enable the inventor to contest his rights with some show of a fair trial, and, on the other, protect the parties who do not wish to be causelessly annoyed by every inventor who is willing, properly or improperly, to invoke the aid of the law. Under the new patent law in Germany, a wanton infringement is made a criminal act. We do not say this is the way to deal in this country with the matter, but it is one way, and the existence of that law proves that the abuse of which we now write has already begun to attract deliberate attention. The attention of the House Committee on Patents has been called to the matter and an earnest attempt made to secure some legislation by Congress to prevent the alleged abuses.

[From the Scientific American, March 12, 1892.]

Legislation is certainly needed to put a stop to combinations formed like the Eastern Association for the express purpose of nullifying the privileges granted to inventors by Congress.

[From Locomotive Engineering for November, 1892. Angus Sinclair, editor, 912 Temple court, New York.]

PROPERTY RIGHTS IN PATENTS.

A decision was rendered last month by the United States Court of Appeals in a suit brought by the Edison Electric Light Company against the United States Electric Light Company, that is of interest to many people who are not in any way concerned in proprietary rights in electrical appliances. Edison was the original inventor of the incandescent lamp, where light is produced by the electric current passing through a resisting medium inclosed in a vacuum. Several parties imitated this invention, and have been selling incandescent lamps which seemed to avoid the Edison patents. The court has now decided that every known form of incandescent lamp, and every possible form of this lamp, infringes the Edison patents.

This means practically that when an inventor secures a foundation patent for any device, the imitations which obtain the same results by different mechanical arrangements are infringements. The decision is a little more emphatic than several others previously made of the same tenor. The well-known decision on the Richardson safety-valve patents was substantially the same as that now rendered concerning electric lights.

This decision ought to be of direct interest to many railroad companies, for there is no class using mechanical appliances more given to patronizing articles that are notoriously pirated imitations of patents. The great variety of functions demanded of railway machinery presents an unparalleled field for inventive genius, and it is industriously cultivated. But no sooner does an inventor produce an appliance or improvement which promises to be in demand than there is a host of imitators doing their best to produce something which will do the same functions and avoid infringing the original patent. The principal work done by the mechanical engineers employed by some railroad companies is the designing of forms of patented articles which shall perform the functions of the original without incurring the liability to pay royalty. This is a small, mean business, and is nothing more than dishonesty; for it is stealing a man's ideas and dressing them so that their identity may be disguised.

The plain decisions of the courts ought to discourage this sort of industry. The only reason why railroad companies are not paying royalties on numerous patents that they are using illegitimately is the delay and expense that must be incurred in lawsuits for infringements of patents. Law's delays are so notoriously tedious in patent suits, that those who have been injured patiently suffer wrong rather than engage in the long and expensive fight. We have recently heard of a movement among men of means to purchase the originals of patents that have been largely imitated by railroad companies. Should this be done, some of the companies are likely to have to pay

damages that will put the money paid to settle the Tanner brake suits far into the shade.[a]

That in the years 1877 and 1878 the said Eastern Railroad Association, in combination with a similar association in the West, endeavored to secure legislation in Congress which would enable the members of the association to appropriate patented inventions without being compelled to pay for them. The following selections from "Arguments before the Committees on Patents, Forty-fifth Congress, second session, Miscellaneous Document No. 50," represent the views of many reputable patent attorneys and others regarding the railroad combination to appropriate patent property, to wit:

W. C. Dodge, esq., Washington, D. C.:

"On the part of the railroads it is a demand that they shall be allowed to appropriate any invention they please, and then to have the law so changed as practically to prevent their being compelled to pay for them" (p. 69).

"Or, which of these public-spirited railroad companies, now asking you to change the patent laws for their special benefit, would invest their capital in building their roads if, when built, the dividends were to go into other pockets than their own?" (p. 70).

"That resolution was introduced by a member whose firm had been made to pay quite an amount in damages for the use of a patented invention which they had appropriated without leave or license of the owner; and it is a striking coincidence that this movement to change our laws was inaugurated by the railroad combination, who, as they tell you, have in like manner been mulcted in heavy damages for a similar appropriation of patented inventions, and which the owners would gladly have sold or licensed them to use for far less than the sum awarded by the courts. As proof of this it is stated that the owner of the swage block patent, for the use of which these companies complain they have been made to pay an exorbitant price—over $100,000—offered to let the same company have the use of his patent for its whole term for $1,000, which they agreed to pay, but when the papers were to be executed the company insisted on the party taking pay in the bonds of the company, worth only 90 cents on the dollar, and because the owner of the patent refused to be thus swindled out of one-tenth of the price agreed upon they refused to complete the arrangement, and told him they would use it in spite of him, and he might help himself if he could. I submit that it does not become parties who have acted thus to now come here crying like a whipped schoolboy and ask Congress to change the law simply to relieve them from the consequences of their own willful violation of the law" (p. 72).

J. J. Storrow, esq., counsel for the Bell Telephone Company:

"There will be cases undoubtedly where defendants will willfully infringe patents. Nay, there will be cases where rich defendants will band themselves together and say to the patentee unless he will sell his invention to them at a price agreeable to them, that they will drag him for ten years through the courts at an expense which is a flea bite to them, but ruinous to him" (p. 135).

W. W. Hubbell:

"These railroad companies infringed a patent beyond all question, and they knew the inventor was poor and could not bring suits all over the United States against these different railroad companies, and they have taken a rule upon him for security for costs, and he, in his inability to furnish it, has been barred and thrown out of court. This was done over here in Baltimore. The Baltimore and Ohio Railroad Company did that to my knowledge, where they infringed a patent" (p. 163). (See standing resolution No. 7 in constitution.)

G. H. Christy, esq., counsel for Westinghouse Air Brake Company:

"I think, further, that it is a dangerous remedy to put into the hands of a wrongdoer, particularly if he is a wealthy party or corporation, and I use the word corporation not in any ill sense, for it is one of the most honest and legitimate ways of carrying on business; but it is especially dangerous to give the power to seventy or eighty wealthy corporations to pounce down on an inventor and snatch from him all his just rights, as was the case with Goodyear, and reduce him to absolute beggary; and as was the case with Pullman when he was jacking up houses in Chicago; or as with Westinghouse, who was not able to pay me his first fee for his first caveat.

"Now, if it is good to put in the hands of an associated power representing such a consolidated amount of wealth, and with the unscrupulous character for which railroads are noted (I speak of it only as an entity, and not in regard to its officers)—I say it is a very dangerous thing to put such a grant of power into the hands of such an organization in order that they may sit down on and squelch an inventor without any money to fight them. Now, then, if I have got seventy or eighty railroad companies at the back of me with their capital and their employees, it is a very singular circumstance if I can not cook up some testimony among them.[b] I do not say that Brother Raymond would, but I do not know who his successor might be. It is putting a dangerous remedy in the hands of a most dangerous class—the wealthy part of our country, who want to use an invention without paying for it" (pp. 254, 255).

Hon. Elisha Foote, ex-Commissioner of Patents:

"You might as well do directly what this section does indirectly, and pass an act that every railroad which is not making profits or dividends shall have the privilege of taking any patents they please with impunity; and, if you make the thing entirely consistent and rational, you should also say that they may enter upon anyone's land and cut their ties, and go into rolling mills and take their rails, or any other property they choose to take, and they shall have them without responsibility to anybody.

"Take the case of this Westinghouse brake, which, I understand, the patentee manufactures himself and puts onto cars at a very reasonable price. Now, suppose any of these Chicago railroads, making no money, should think it desirable for them to take and use this brake without paying anything for it. This section would undoubtedly authorize them to do so without any compensation, and they could grab any amount of property with impunity" (p. 413).

"What chance would the poor inventor have against these powerful corporations? None but a very wealthy person could enter into such a controversy. The roads would not need the other provisions of the bill. This would enable them to take and use any patent they please with impunity, and no one would dare to sue them" (p. 415).

"Suppose any of these wealthy corporations should call upon a poor inventor to commence a suit against them, and to encounter a big railroad combination with all their able and learned counsel in heir employ? It would be impracticable; he would have to give up his patent" (p. 418).

Albert H. Walker, esq., author Walker on Patents:

"Now suppose the Baltimore and Ohio Railroad Company see the wonderful invention, and think that is a good thing, and a good deal cheaper than coal, and say: 'We will proceed to infringe Mr. Vance's patent, and we will fight him ten or fifteen years, if he sues us, with the probable result of his exhausting his means before he gets a decree.' Such a course of defiant infringement is, in many cases, the deliberate purpose of railroad men. It was the avowed practice of H. E. Sargent, the superintendent for many years of the Michigan Central Railroad, and one of the members of the Western Railroad Association. He has avowed it as his universal principle never to pay anything voluntarily to a patentee. He says: 'Whenever our attention is called to a patent of value, we use it, and in a few cases we are made to pay, by plucky inventors; but, in the aggregate, we pay much less than if we took licenses at first.' I admit the railroad companies do not generally avow such a plan of action, but I know they entertain such ideas" (p. 396).

7. That the substance of the following article, which correctly sets forth the character, objects, and methods of the Eastern Railroad Association, was published in the Railway Age in 1891, to wit:

The Eastern Railroad Association should be broken up, because:

1. It is a secret society, with a secret constitution and by-laws, organized, not like most voluntary associations, for charity or mutual assistance in times of sickness, poverty, or distress, nor for moral or intellectual culture, nor for the promotion of science or the arts, nor for the advancement of man's estate, but, judged by its actions for many years, for the spoliation of the property of inventors. It has no charter. It does not report annually to any commonwealth. Its right to exercise its franchises is a usurpation. It is not based upon any contract with the people of any State. It is an irresponsible body. It is organized selfishness.

2. It is a permanent conspiracy, inasmuch as its constitution requires unity of action by all its members in opposing individual patentees, and this whether each member (railroad) is directly interested or not in the particular controversy. It is well-established law that a combination to attain an end, even lawful in itself, constitutes a conspiracy when such combination subjects the individual to its combined and concentrated power.

3. The members of the association intermeddle in what is none of their business. The precepts of international law do not allow a disinterested nation to intermeddle in a contest between two other nations. Our National Government can not intermeddle with the local affairs of a State. The man who interferes with his neighbors' quarrels receives no sympathy if he gets his head broken. Boys in their sports cry: "Hands off!" "Fair play!" The courts have well-defined rules as to when and how interested parties may intervene in suits. But this association will not ask leave to intervene.

4. The association violates Section VIII, article 8, of the Constitution of the United States: "To promote the progress of science and useful arts by securing for limited times to * * * inventors the exclusive right to their * * * discoveries."

Mr. W. S. Huntington, in the National Car Builder some time ago, speaking of the Eastern and Western Railroad Associations, remarked: "The inventors are now practically in their power." "Many inventors who had labored to improve railway appliances abandoned the field and exercised their ingenuity in other directions, where there were fewer obstacles."

5. It is a trust; the most powerful and wealthy trust in the United States—the Standard Oil is an infant beside of it—more powerful than any that has had being since the enactment of Statute 21, James I, abolishing monopolies. This statute has been called the Magna Charta for British industries, and may equally be called the same for American, inasmuch as it established legitimate competition. "This statute," Hume said, "contained a noble principle and secured to every subject unlimited freedom of action, provided he did no injury to others nor violated statute law." This association closes the market against inventors and owners of patents, and prevents free competition.

6. It interferes with the administration of justice in the courts. Its methods are somewhat as follows: If a railroad wishes to use a patented invention, the matter is referred to the general counsel of the association. He investigates and sees what is most expedient to do. He ascertains whether the owner of the patent is a poor man, without means to bring a suit, or a wealthy and influential citizen; whether it is cheaper to pay a small license fee or to appropriate the invention and fight the owner through the court of last resort. If appropriated and the owner brings suit against the railroad infringer, the entire strength and means of the association are brought to bear to crush him, so as to terrify other patentees from bringing suit for the spoliation of their property, and every member of the association joins in the defense against him, whether using the invention or not. It closes the market against the patentee by the first report on his patent. Its constitution forbids any member paying anything to the owner, because such payment would serve to establish a measure of damages should the owner ultimately win his suit. In one of the association's reports the president exhorts the members to "act as a unit," and says: "This unity of action has been the true cause of our success heretofore." Its general counsel in 1879 boasted that the association had never been compelled to pay anything for infringement of letters patent. The seal of the United States on a patent has no significance in its eyes. The little building 614 F street, is bigger than the United States Patent Office.

All suits against any member of the association are defended by its general counsel, who travels on passes while taking evidence and at all other times in defending the suit, and he avails himself of every means within his power per fas per nefas to defeat the suit. Delays, obstructions, manufactured evidence, appeals, and all sorts of trickery are resorted to as occasion demands.

If the complainant is finally successful he can seldom prove "profits" or "damages," and as his patent has generally expired before a final judgment is secured, an injunction will not issue. The complainant has been to great expense and trouble and, after having won his suit, can not collect a cent. It is "more expedient" and cheaper to pay costs than to take licenses in the first instance.[a]

The following boast was made by the association's general counsel, A. McCallum, in closing the thirteenth annual report to the members of the association, to wit: "It appears to be the fact that during the whole period of thirteen years, during which the association has been in existence, no suit defended by it has resulted in a judgment against a member on appeal to the highest court; and that while some claims have been settled after suit was brought, no member (railroad) defended by the association has yet, by process of law, under execution, attachment, or otherwise, been compelled to pay anything on account of infringement of Letters Patent."

EXHIBIT H.

[Memorandum. Alexander T. Britton et ux. Mary, William C. McIntire et ux. Frances B., to William D. Bishop, of Bridgeport, Conn.; Theodore N. Ely, of Altoona, Pa.; Albert A. Folsom, of Boston, Mass. Deed in trust, dated June 18, 1886. Recorded June 26, 1886.]

Consideration, $25,000.

Parts of lots 17 and 18, in square 456.

Beginning on the north line of said lot 18, distant 49 feet west of the northeast corner thereot on F street, and run thence south 159 feet 1½ inches to a

[a] In the Tanner brake suit the railroad associations manufactured evidence which was of such an outrageous character that even the counsel of the Western Association discarded it. A. H. Walker, esq., of Hartford, Conn., author of "Walker on Patents," can give particulars. The Supreme Ruler only knows how much of the testimony in this case was "cooked up."

[b] In 1889 the Association "*reissued*" a patent, with an added drawing, from its office on F street, in Washington. The reissue was then introduced in evidence for the purpose of securing a narrow construction of a patent claim.

[a] The theory of the association regarding patent property is somewhat analogous to that held by the defendant in Campbell Printing Press and Manufacturing Company *v.* Manhattan Railway Company, 60 O. G., 894, decided March 9, 1892.

public alley, thence west 24 feet 4½ inches, thence north 159 feet 1½ inches to north line of lot 17, and thence east 24 feet 4½ inches to the beginning.

To hold unto the only use and benefit of parties of second part, their heirs, and to the survivors and survivor of them and the heirs and assigns of the survivor.

In and upon the following trusts:

First. In trust for the sole use and benefit of the members of a certain association known as the Eastern Railroad Association,

Second. The said parties of the second part, or any of them, shall at any and all times and from time to time convey the same land and premises, or any part thereof, to such person or persons to such uses and purposes and in such quantity or quality of estate or estates, whether in fee simple absolute or by way of trust or mortgage as the executive committee of said association shall name, limit, or appoint, such limitations or appointments to be deemed sufficiently evidenced by the signature of the secretary for the time being of said association affixed to the instrument of conveyance, and on any conveyance or conveyances being made as aforesaid the grantee or grantees in any such conveyance or conveyances shall take the title, discharged from all responsibility on the part of the grantee or grantees to see to or account for the due application of the purchase money, or any part thereof.

General warranty to parties of second part.

Recorded in Liber 1189, folio 253.

EXHIBIT I.

Letters from Whitney, Olney, and Griggs.

DEPARTMENT OF JUSTICE,
Washington, D. C., August 23, 1893.

WILLIAM K. TUBMAN, Esq., *Baltimore, Md.*

SIR: Your petition of August 18 in relation to the Eastern Railroad Association has received careful attention.

The facts stated in your petition, so far as material to the relief asked, are that you are bringing suit in the Federal courts in Connecticut and Pennsylvania, respectively, against two railroad companies for infringement of letters patent for an improvement in railway car windows; that these suits are being defended in the name of the defendant corporations by the Eastern Railroad Association; that one of the objects of this association is to combine all the railroad companies of this part of the country for the purpose of dealing with patentees, it being provided by the constitution of the association that negotiations with patentees should be carried on by the executive committee of the association; that no royalties should be paid, except with the consent of the executive committee, and that all suits for infringements should be defended by the association.

Your claim is that this combination is a violation of the antitrust law of July 2, 1890, and you ask me to direct the United States attorneys for the districts in which the suits are pending immediately "to institute proceedings in equity to restrain the Eastern Railroad Association from continuing in force against yourself the provisions of its constitution above referred to."

The antitrust law provides that every "contract, or combination in the form of a trust or otherwise, or conspiracy in retraint of trade or commerce among the several States or with foreign nations" is illegal, and that every "person who shall monopolize or attempt to monopolize, or combine or conspire with any other person or persons to monopolize, any part of the trade or commerce among the several States or with foreign nations" is guilty of a misdemeanor. I do not think that the combination you refer to comes within the purview of the act.

A patentee is the owner of a monopoly of the right for seventeen years to the sole manufacture, use, and sale of the article which he has invented. In this instance the article invented is one that can only be used by railway companies. You are the only producer and they are the only consumers. You allege that all the possible consumers of the article in a certain territory combine against the sole producer for the purpose of preventing its price being raised above the figure which they are willing to pay. It may be that this combination abuses its power, and, as you aver, either reduces the royalty to a grossly inadequate figure or violates the patentee's rights altogether, relying upon its ability to tire him out in litigation. These evils, however, are not those which the antitrust law was enacted to remedy, and their redress must be found elsewhere. I do not think that a combination of present consumers of a given commodity effects a restraint or a monopoly of trade or commerce within the meaning of the act.

Moreover, I do not perceive that you can not obtain, by proceedings in your own name, whatever remedy, if any, could be afforded by the suit you ask to be brought. It has been the opinion of this Department that the right of a person injured to sue for violation of the act of 1890 is not to be regarded as denied because, by the express terms of the statute, the United States may initiate an equivalent proceeding. General considerations of public policy require that private parties with ample remedies for the redress of their alleged wrongs in their own hands are not to be encouraged to expect Governmental interposition in their behalf. For these reasons the prayer of your petition must be denied.

Respectfully,

EDWARD B. WHITNEY,
Acting Attorney-General.

DEPARTMENT OF JUSTICE,
Washington, D. C., December 11, 1893.

WILLIAM K. TUBMAN, Esq.,
Baltimore, Md.

SIR: Your communication of November 27, asking a reconsideration of your petition for the bringing of suit against the Eastern Railroad Association, under the anti-trust law act of 1890, has received careful examination. I am unable to perceive, however, that the matter was not properly disposed of by the Acting Attorney-General in his letter of August 23 last.

The remarks of Congressmen quoted by you as to the depression of prices by middlemen in order that they may obtain an undue share of the profit between producer and consumer do not apply to combinations of the consumers themselves to obtain a reduction of prices. You do not refer to any authorities holding such combinations to be illegal in case of purely private sales: nor have I been able to find any.

Nor do I think that my refusal to direct suit in the name of the Government precludes you from relief. I am aware that the late Judge Billings decided last winter in a case in Louisiana that a private person could not sue for relief under section 4 of the act. His opinion, however, contains no reasons for the decision, and it does not appeal to my judgment, and I do not think that his decision alone should be controlling in a matter of so great magnitude. The Department of Justice has but a limited appropriation for maintenance of suits, and it has never been considered that the Attorney-General should commence suit except with the belief that he had a fair prospect of winning it. I do not think that Congress intended to conclude by the Attorney-General's opinion parties believing themselves to be injured.

In your communication you charge that officers of the Eastern Railroad Association are guilty of various acts which are crimes independent of the antitrust law. If you are possessed of evidence which will establish such crimes, it should be submitted to the district attorney for the proper district.

In acting upon your communications it has been assumed that you are the owner of a lawful patent which has been infringed by the railroad companies, although a Federal court has decided that you have no rights in the premises, a decision which might be held to dispose of your application.

Respectfully,

RICHARD OLNEY,
Attorney-General.

DEPARTMENT OF JUSTICE,
Washington, D. C., May 23, 1900.

F. E. STEBBINS, *Washington, D. C.*

SIR: In the matter of the application of William K. Tubman, requesting me to institute proceedings under the act of July 2, 1890, commonly known as the antitrust law, against the Eastern Railroad Association, having waited a reasonable time for Hon. J. M. Wilson to appear, I must infer from his failure to appear that he does not care to add anything to the argument you have submitted, and I therefore proceed to dispose of the matter.

The complaint is that a large number of railroad companies have formed this association for the purpose of advising its members with respect to the purchase or use of railway patent rights and of assisting them in the defense of claims for the infringement of such patents. It is urged that patent rights are the subject of interstate commerce and that the association constitutes a combination in restraint of trade or commerce among the several States.

The same application has been twice made to the Department and twice denied, first by Acting Attorney-General Whitney, in a carefully considered communication under date of August 23, 1893, and afterwards by Attorney-General Olney, in his letter of December 11, 1893.

In addition to the considerations mentioned by them, the following are in point:

A patent right is essentially a monopoly. The patentee is granted the exclusive right, for a term of years, to make, use, or vend the patented article. This right is absolutely within his control. He may omit to use it himself and refuse to permit anybody else to use it. He may permit one person to use it and without assigning any reason refuse to permit another to do so. He may sell the right in parcels, giving one person license to use the patent in one place and another license to use it elsewhere.

Such being the nature of a patent right, may not the association complained of be considered as a reasonable and fair arrangement for the mutual benefit and protection of railroads in transactions relating to patents? Before a railroad company can safely purchase a patent right or use an invention, it must be assured that the patent is valid and its use will not operate as an infringement. So, too, if a claim for infringement is made, the company has a right before paying it to make a full investigation, and may do this individually or through others. In what way does it unlawfully interfere with the rights of the patentee for the railroads to create a board of experts which shall be furnished with all the information they have respecting patents, and to which shall be referred for investigation and report all questions relating to patents? A man who offers a patent for sale does not enter the open field of competition. If his patent is valid there can be no competition.

The patent is a monopoly which no person can lawfully infringe, and which he can refuse to sell at all or sell for what he pleases. There is no competition to fix a reasonable price for patent rights. The patentee may demand a thousand or a million dollars. It is worth what he can get for it. If it is infringed, he has his remedy in the courts. If he makes a claim for damages because of infringement he can not object to the person or corporation threatened seeking advice and information from any source before paying or resisting it.

Another thing to be considered is, that to provide the safest service and to secure the best results railroads must be built and equipped in a uniform manner throughout the United States. Passengers and employees are alike interested in this, and Congress has recognized the need by requiring automatic couplers and other safeguards on interstate railroads. For these reasons a patented appliance for use on railroads may be of general concern, in which event one railroad can not safely adopt it without consulting the others. This of itself makes the creation of an association with a board of experts, to which patents may be referred for investigation and report, of exceptional propriety and benefit.

The application must therefore be denied.

Respectfully,

JOHN W. GRIGGS, *Attorney-General.*

This letter was written by Solicitor-General Richards and signed by Griggs, who prepared the answer to the bill in equity in the case of United States *v.* The Northern Securities Company et al.

EXHIBIT K.

OPINION OF WILLIAM E. CHANDLER, MARCH 24, 1902.

A combination of all or a large number of railroads to contest patents on all articles required for railroad use, in which each railroad agrees not to settle with any patentee without the consent of a committee of the combination, nor while any claim is pending against any other member of the combination, and by which the combination agrees to defend all suits against each railroad and to pay the expenses of such defense and pay any judgments which may be recovered, is an illegal conspiracy in restraint of trade under the act of Congress of July 2, 1890 (26 Stats., 209).

The object is to enable the combination to control and fix the prices to be paid as royalties upon all inventions, and does not allow each railroad to make its own settlements with the patentees. It is a conspiracy to get lower prices for what the combination buys, as contradistinguished from a conspiracy to get higher prices for what a combination produces and sells; and both are obnoxious to the law against monopolies.

Patents are property created by express national law. A patented article has attached to it a special value growing out of the patent. Congress having decided that it is for the public good that inventive genius shall be stimulated by patent monopolies, all patents and all patented articles are proper subjects of trade and commerce, and as such are protected by all the laws which protect other merchandise. If it is desirable that they shall exist, it is desirable that there shall be unhindered trade therein, and such trade can not be lawfully lessened by combinations and conspiracies to diminish the value thereof through lawsuits, to fix the prices which shall be paid therefor, and to otherwise prevent free traffic therein.

The railroads can no more combine to fix low prices which they shall pay than an association of patentees can combine to fix high prices which they shall charge.

The fact that the patentees are for a limited period legal monopolists gives no right to the railroads to establish an illegal combination to limit the monopolies. Congress can abolish patents; the railroads can not.

All the above propositions seem clear and not doubtful. The facts in the case of the Eastern Railroad Association are all of record in their own books and reports, and are too plain to need recital. The association is formed expressly for the purpose above supposed, and for no other purpose. To be sure, it is stated that its object is only to resist illegal patents, but that recital does not change the avowed purpose to allow no patents to be settled

for by any one member of the association except with the assent of a committee of all the railroads, and to defend any claims against any member and to pay the expenses and the judgment, if any is recovered. The Joint Traffic Association contended that its object was not to fix and maintain unreasonable rates, but only rates which should be reasonable. The subterfuge did not avail with the Supreme Court, and the subterfuge that the open combination of all the railroads to control the settlement for all patents is only intended to apply to illegal patents will be equally worthless.

It is difficult to believe that an illegal combination so plain and evident should have existed during all these thirty years last passed. It can not be doubted that the President and the Attorney-General, when they know the facts, will act with as much promptness and vigor as they have in the case of the Northern Securities Company, where the facts and the law are not so clear and plain as in the present case, because in the first the purpose is not stated in words, while in the latter it is openly and expressly avowed.

The foregoing opinion is given in full view of the letter of Acting-Attorney-General E. B. Whitney, of August 23, 1893, and the letter of Attorney-General Olney of December 11, 1893. Those gentlemen were members of Mr. Cleveland's Administration, and, like Attorney-General Judson Harmon, were doubtless influenced in their opinion by their close relations to their President, of whom Mr. William J. Bryan, on March 21, 1902, spoke as follows:

"For four years he stood between the people and reform; for four years he made the White House the rendezvous of cunning and crafty representatives of predatory wealth; for four years the corporations and syndicates controlled his Administration."

Insensibly to themselves, perhaps, Mr. Whitney and Mr. Olney were controlled by surroundings like these, and Messrs. McKenna and Griggs mistakenly refused to reverse the decisions of their predecessors, doubtless overcome by the lingering malaria of the late Administration. But there is no such atmosphere now in the White House or in the Department of Justice. President Roosevelt and Attorney-General Knox are the friends of the people and reform, and not representatives of predatory wealth, and it is impossible that they should not suppress a combination so evidently illegal as that of the Eastern Railroad Association.

WM. E. CHANDLER.

EXHIBIT L.

OPINION OF UNITED STATES SENATOR TURNER.

UNITED STATES SENATE CHAMBER,
Washington, D. C., May 17, 1902.

H. B. MARTIN, Esq.,
Secretary Antitrust League, Washington, D. C.

DEAR SIR: From the papers submitted to me it apears that the Eastern Railroad Association is a trust formed by several hundred railway companies operating east of the Mississippi River, whereby each company contributes to a fund controlled by trustees, engages to be bound by the action of the trustees, and to do nothing whatever in the matters committed to the said trustees; and under and by virtue of the trust agreement the fund thus created is to be used by the trustees—

First. To investigate concerning the validity and utility of all patents granted for improvements and devices to be used in connection with the operation of the railways.

Second. To defend all suits brought by patentees against railways, members of the trust, for using any such improvements and devices.

Third. To compromise such suits when, in the opinion of the trustees, the patent is valid, provided the sum paid by the way of compromise be not more than it would cost to litigate the suits.

Fourth. When patent rights are found to be both valid and useful, to negotiate and purchase the same for the benefit of the members of the trust, and upon such terms as the trustees may determine.

The companies agree that they will not negotiate or deal with patentees either in the matter of purchase or by way of compromise for illegal use, but that all such negotiations and dealings shall be by the trustees. The effect of the agreement is far reaching, as a moment's reflection will readily show, upon the value of the property of patentees and upon their ability to vend the same throughout the several States covered by the agreement. The patentees, as to all such States, are reduced to the necessity of dealing with a single purchaser. This purchaser is armed with a large fund to fight in the courts all patents which it can not purchase on its own terms. It is an impudent bully which takes any property that it pleases upon such terms as it pleases, and is armed with a club to beat its victims to death if they decline to submit.

Since the trust is interstate in its scope and operations, has for its object the restraint of trade in patent rights, is created by contract, has taken and maintained the trust form, and is, moreover, a criminal conspiracy at common law, thus presenting all the features denounced by section 1 of the act of July 2, 1890, it necessarily follows that it is illegal if, first, a patent right is property which may be said to enter into and form a part of trade and commerce; and, second, if a combination to lower the value of property entering into interstate commerce is as much "in restraint of trade," within the meaning of the act of 1890, as a combination to raise the value of such property would be.

It does not require either profound consideration or an extended examination of authorities to see that the question of correctness of both the foregoing subjunctive propositions must be answered in the affirmative.

First. A patent right is property. It is created by statute, and the freedom of vending it in all the States is declared by statute. The fact that it is incorporeal in character and intangible does not change its character as property. Justice Davis of the Supreme Court of the United States, in ex parte Robinson 2, Biss. 309, uses the following language concerning the character of patents and the free right to vend them within the United States:

"The property in inventions exists by virtue of the laws of Congress, and no State has a right to interfere with its enjoyment or to annex conditions to the grant. If the patentee complies with the laws of Congress on the subject he has the right to go into the open market anywhere within the United States and sell his property."

Inventions secured by patents have been specifically declared to be property by the Supreme Court of the United States in the following cases: Brown *v.* Duchesne, 19 Howard, 197; Cammeyer *v.* Newton, 94 U. S., 225; Densmore *v.* Schofield, 102 U. S., 375; Soloman *v.* United States, 137 U. S., 346.

Being property and the right to freely vend them in the several States being secured by statute, why are not patented inventions as much within the spirit and purpose of the act of 1890 as any other species of property? It is impossible to conceive of any reason why they are not. There is no such reason. Indeed, as to many tangible articles of property covered by patents, the patented idea involved in and connected with them constitutes a great part of their value, and in some instances the greater part. The protection which the law carries for such articles against combinations in restraint of trade therein is a protection for both the value of the articles considered simply as manufactured articles, and the value of the patent right which inheres in and belcngs to them. We see, then, that the law does include within its purview the patent right when connected with tangible, physical property, and it is impossible to conceive why it should not be taken to include the patent right when disconnected with the tangible, physical property.

Second. Is it not a combination to lower the value of property entering into interstate commerce "in restraint of trade" within the meaning of the act of 1890? The evil most in the public mind at the time of the passage of that act was the existence of trust combinations formed to increase the price of manufactured articles, but that combinations might be formed for the opposite purpose could not have escaped the intelligence of Congress, and that combinations and conspiracies had existed in the past for that purpose, and constituted indictable crimes at common law, was well known to the members of both Houses. The terms of the act are general. They are "every contract, etc., in restraint of trade or commerce among the several States," etc. Since it is as much in restraint of trade to depress the value of articles of property as it is to enhance them, and indeed more so, and since the history of the law showed that conspiracies for the first purpose were as likely to occur as conspiracies for the second, and that they were equally as injurious as the second kind, it is impossible, in view of the broad and comprehensive language employed, to conclude that Congress did not have both kinds of contracts and conspiracies in view.

It is true that only contracts and conspiracies of the second kind have been before the courts since the passage of the act of 1890, but that is no argument against the view here taken. The law has been in force a comparatively short time and it requires much time for cases involving every phase of any law to arise and be adjudicated. It may be observed, however, of these cases, which have been adjudicated, that the reasoning on which the judgments proceeded was as applicable to the one case as to the other, and that in none of the opinions is there the most remote suggestion that the law was not intended to cover both classes of cases. Can anyone doubt that if all the grain dealers in the United States should enter into a combination to commit the purchase of all corn bought in the United States to the hands of one firm or corporation, thereby compelling the farmers whose necessities compel them to sell, to sell at any price this firm or corporation might fix, that such combination would be declared to be in restraint of trade and commerce within the meaning of the act of 1890? If such a combination would be in restraint of trade and commerce, then this combination is in restraint of trade and commerce. The only difference in the two cases is one of degree in the number of individuals affected and the public injury inflicted.

These considerations do not appear to have occurred to Acting Attorney-General Whitney, Attorney-General Olney, or Attorney-General Griggs when they declined to intervene against this trust combination at the request of Mr. Tubman. Mr. Whitney contents himself with declaring that he did not think a "combination of present consumers of a given commodity effects a restraint or a monopoly of trade or commerce within the meaning of the act." Why such a combination does not have such an effect he does not undertake to show, unless his general statement that a patentee is the owner of a monopoly and that the railroads are the sole consumers and the patentee the sole producer, can be taken as a reason in favor of his contention. The considerations stated by him appear to be entirely foreign to his conclusion. The latter is a complete *non sequitur*.

Attorney-General Olney does not discuss the questions involved at all, and it is evident that he gave them only perfunctory consideration, if he gave them any consideration. Attorney-General Griggs evidently did not see the features of this combination which enabled it to kill competition and to control at will the prices to be paid inventors for their patented inventions. He speaks of it as if its sole purpose was to keep in touch with new inventions affecting railway business and to examine and report concerning their validity, utility, and value. He does make one statement which bears on the subjects I have been discussing, but it is nothing but a bare statement, and, morever, it is palpably incorrect. He says "if his patent is valid there can be no competition." There can be competition between railways for the purchase of valuable railway patents. Suppose there was only one line of railroad from the Atlantic to the Pacific coast having the right to use the Westinghouse air brake, would not that line of railway have a great advantage over its competitors in the matter of passenger traffic, and if such a patent right were put up for sale for the exclusive use of two or more competing lines of railways, would there not be keen competition for its purchase? If the free right to vend patented inventions were not broken down and destroyed by this combination, there would be such inventions for which rival lines of railways would compete.

I have not thought it necessary to quote from the contract by which the Eastern Railroad Association was formed. That contract and the constitution and by-laws of the association made to carry it out, shows its objects and purposes to be what I have stated. If I have committed an error it is in understatements rather than overstatements. Neither have I deemed it necessary to quote from, or refer to, the several cases construing and applying the act of 1890. They are too well known to the profession to require more than the mention I have made of them.

In conclusion I think that the question of the character of this association may well be again submitted to the Attorney-General for examination, and for the action of the Department after such examination, with the confident hope and expectation that that examination will induce a different opinion, and cause different action to be taken from that reached and taken when the matter was before under consideration in the Department of Justice.

Very respectfully,

GEO. TURNER.

EXHIBIT M.

Circuit court of the United States, district of Massachusetts. In equity. No. 2471. William K. Tubman *v.* Wason Manufacturing Company. Affidavit of John J. Harrower. Filed February 10, 1894.

I, John J. Harrower, of Washington, in the District of Columbia, make oath and say that I am secretary of the Eastern Railroad Association, whose office is at 614 F street NW., in said Washington; that Robert J. Fisher, counsel of said association, has directed me to appear on his behalf for the purpose of having forwarded to him for use in a cause in equity now pending in the circuit court of the United States for the eastern district of Pennsylvania, brought by the same complainant, Tubman, against the Pennsylvania Railroad Company (the said Eastern Railroad Association having carried on the defense in both of said causes on behalf of the defendants therein), certain exhibits, being models introduced as evidence by said defendant per said association, entitled in the printed record of this cause as follows: Defendants' Exhibit, "Defendants' car;" defendants' Exhibit, "Roberts's car;" which said models are now in the custody of the clerk of this court.

JNO. J. HARROWER.

Sworn to before me this 10th day of February, A. D. 1894.

ALEX. H. TROWBRIDGE,
Clerk United States Circuit Court, Massachusetts District.

I respectfully request that the said exhibits be forwarded by the clerk of this court to Robert J. Fisher, esq., counsel for the said Eastern Railroad Association, on the condition that they be carefully preserved in their present condition so that they can be returned to the custody of the clerk of this court whenever an order of court may be made requiring such return.

Very respectfully,

JNO. J. HARROWER.

ORDER.

[February 10, 1894.]

Colt, J. Ordered that said exhibits be delivered as prayed for, subject to the further condition that they be kept or used in the said court of Pennsylvania, subject to the order for return to this court.

By the court: ALEX. H. TROWBRIDGE, *Clerk.*

FEBRUARY 10, 1894.

Models forwarded to Robert J. Fisher, esq., per Adams Express.

Hearing no further from the President or the Department of Justice, the following correspondence occurred, which closes the chapter of this consistent refusal upon the part of the Administration to act upon the plain facts presented:

THE AMERICAN ANTITRUST LEAGUE, NATIONAL OFFICE,
1229 PENNSYLVANIA AVENUE, SECOND FLOOR,
Washington, D. C., April 3, 1902.

Hon. GEORGE B. CORTELYOU,
Secretary to the President.

SIR: You will doubtless remember that on March 26 we placed in your hands an opinion by the Hon. William E. Chandler relative to the violation of the Federal antitrust law by the Eastern Railroad Association, and requested that the same be delivered to the President.

On December 21, 1901, we submitted to the President in person and filed certain printed documents and papers, among them being a copy of the associations' unlawful agreement and a "statement" relating to the legal aspects of the same, and the President promised that he would give the matter careful consideration and call the attention of the honorable Attorney-General to it. Since the above date we have not received any communication from either the President or the Attorney-General relating thereunto.

We would be pleased to have the opportunity of discussing this matter with the President in person if you can make arrangements for us to do so.

Respectfully, yours,

H. B. MARTIN, *Chairman,*
F. E. STEBBINS, *of Counsel,*
Joint Committee Antitrust League and D. A. 66, Knights of Labor.

EXHIBIT N.

WASHINGTON, D. C., *May 27, 1902.*

Hon. THEODORE ROOSEVELT,
President of the United States.

SIR: On December 21, 1901, the undersigned placed in your hands certain evidence in the form of papers and documents showing that the Eastern Railroad Association, a voluntary combination of nearly all railroad corporations in the fifteen Atlantic coast States, exists and pursues its iniquity in violation of the Federal antitrust law. You received the papers and stated that you would give the matter careful consideration and call the attention of the Attorney-General to it.

On January 23, 1902, we addressed a communication to the honorable Attorney-General, asking what action, if any, had been taken in the matter. Thus far the Attorney-General has failed to make any reply whatsoever.

On March 26, 1902, we placed in the hands of your secretary, Mr. G. B. Cortelyou, to deliver to you in person, a legal opinion by the Hon. William E. Chandler to the effect that the Eastern Railroad Association was an "illegal conspiracy," Mr. Chandler having carefully examined a substantial duplicate of the evidence filed with you on December 21, 1901.

On April 3, 1902, we addressed a letter to Mr. Cortelyou relative to the disposition made of Mr. Chandler's opinion and expressed the desire for a personal interview with the President, and in reply received the following letter from your secretary:

WHITE HOUSE,
Washington, April 5, 1902.

MY DEAR SIR: I have your letter of the 3d instant, and in reply would say that your previous communication was by the President's direction brought to the attention of the Attorney-General on March 27. I would suggest that you communicate with Mr. Knox on the subject.

Very truly, yours,

GEO. B. CORTELYOU,
Secretary to the President.

Mr. H. B. MARTIN,
American Antitrust League,
1229 Pennsylvania avenue, Washington, D. C.

On May 21, 1902, we called at the Department of Justice and was told by the secretary to the Attorney-General that he was at the White House and that we could call up the Attorney-General's office by telephone at 2 o'clock p. m., and arrange for an interview. Upon leaving we gave the secretary a copy of a legal opinion, prepared with great care by the Hon. George Turner, showing that the Eastern Railroad Association was an illegal trust, and requested the secretary to hand the same to the Hon. Attorney-General. At 2 o'clock Mr. Martin communicated with the secretary by telephone as agreed and was informed that "the Attorney-General will not be able to take up the case." Mr. Martin replied: "Will not take up the case at all?" and the secretary responded: "He says he will not be able to take it up at all."

Mr. Martin: "We called to see him at the suggestion of the President." The Secretary: "He says he will not be able to take it up at all." On the morning of May 22, Mr. Martin received through the mail, and in a Department of Justice envelope, the copy of the opinion by Hon. George Turner, delivered to the Secretary on the previous day, and which was the sole paper inclosed in the envelope. The postmark indicated that the opinion had been returned very soon after its delivery to the Attorney-General's secretary.

Believing in the law, "the very least as feeling her care, and the greatest as not exempted from her power," and that it should not be suspended and the courts closed, we again request consideration of our petition and that the Attorney-General be directed to institute suit in equity against the Eastern Railroad Association.

Among the papers filed with you on December 21, 1901, is a true copy of the constitution and by-laws of the association, which alone is ample ground for a suit. The decisions in United States *v.* The Trans-Missouri Freight Association, and United States *v.* The Joint Traffic Association, were rendered solely upon the agreements themselves. We will at any time furnish the Attorney-General with the original copy of the Eastern Railroad Association's agreement and proofs of its authenticity, and submit additional evidence of the Association's unlawful and criminal acts and doings. The opinions of Hon. William E. Chandler and Hon. GEORGE TURNER should not be disregarded, as they embody the views of most eminent publicists, gentlemen learned in the law, both of them "too wise to be deceived, and too good to do wrong." The Hon. GEORGE F. HOAR has also verbally expressed the opinion that the Eastern Railroad Association violates the anti-trust act, and it is believed he will reiterate his belief if solicited so to do. The late Hon. Jeremiah Wilson, some two years ago reviewed all the evidences submitted by us on December 21, 1901, and repeatedly in person visited the Department of Justice for the purpose of soliciting the Attorney-General to bring suit.

We submit this communication with the confident belief that, if you once fully understand the nature and character of the Eastern Railroad Association you will direct proper action to be taken by the Department of Justice.

In an article written by yourself and published in the Cosmopolitan, November, 1895, "Taking the New York police out of politics," are statements which apply to the enforcement of the antitrust law:

"Our enforcement of the Sunday excise law caused most disturbance. Up to the time we took office no official had ever made a serious and consistent effort to enforce the law. Almost all men of much experience insisted that the law could not be enforced. After carefully considering the matter, however, we came to the conclusion that it could be enforced, and that in any event we had no alternative save to try and enforce it if we wished to retain our self-respect or obey our oaths of office.

"We stood on the principle that the law should be honestly and fairly enforced while it remained on the statute books.

"It is a lamentable thing when the people and the public officials grow to think that laws should only be enforced as far as the officers of the law think that public opinion demands their enforcement. It is such a belief that inevitably leads to lynching, white capping, and all kindred forms of outrage."

In view of all the foregoing facts in this case we are compelled to appeal to you, Mr. President, to take the steps necessary in this emergency to compel your immediate subordinate, the Attorney-General, to proceed at once to enforce the Federal antitrust law against the Eastern Railroad Association. This case has been for months before the Attorney-General, and we believe that further delay can only be subversive of justice.

Respectfully submitted.

H. B. MARTIN,
Chairman,
F. E. STEBBINS,
of Counsel,
Joint Committee American Antitrust League and District Assembly 66 Knights of Labor.

These documents and this presentation of an actual transaction with the heads of Republican authority under the present régime are given at length to demonstrate the utter perfidy of that party in its dealings with the trusts, and its flagrant hypocrisy in pretending to seek their suppression and punishment. Nothing can be expected of an Administration that conditions its action upon a prudent regard for those "business interests" that are dependent upon corporate corruption and trust ascendancy.

The President in his message last December clearly announced that his opposition to trusts and monopolies was tempered by his regard for their stability and influence in the political world.

Everybody knows that the tariff is the promoter of trusts, and that to-day the protected industries are selling their goods cheaper abroad than at home.

The exact and exhaustive facts of the situation are very difficult to obtain, owing to the sinister methods of the great trust manufacturers and dealers. They shroud their business in mystery, keep their prices secret except from those who are to profit by the iniquity of their discriminations, and in every way they evade an honest publicity in the conduct of their affairs. Enough, however, is known to give some idea of the systematic manner in which these tariff-protected combinations are robbing the people of this country and amassing the wealth that gives them such enormous power in business and politics. It is the tariff that enables them to maintain their immense monopolies, because it shuts off competition and delivers the markets at home and abroad into their control.

It is a fact not disputed, but the details of which are being kept back from the public, that some of these great manufacturing trusts, secure in the immunity that the protection of a Republican high tariff gives, have been shipping goods to Hawaii, as to a foreign country, at such low rates, as compared with the domestic prices, that the goods are reshipped to San Francisco and sold in the American market at lower rates than the home products are selling for in this country. This is but one of many instances of the infamous results of our tariff system and of the monopolies it has built up.

I have procured from Mr. Byron Holt, whose repute and reliability as a statistician upon these subjects are too thoroughly established to be doubted, the following partial table showing the comparative prices at which the same articles manufactured in the United States by the same manufacturers are sold at home and abroad. These figures are taken from the latest price lists issued by the great wholesale manufacturing concerns that enjoy the highest protection of the tariff and have perfected the highest despotism of the trusts:

Articles.	Domestic price.	Foreign price.
Typewriters	$100.00	$55.00
Wire nails, per keg	2.25	1.30
Wire rope (coil), per 100 pounds	16.00	5.00
Lead, per 100 pounds	4.00	2.00
Shovels, per dozen	7.50	5.80
Axle grease, per pound	.08	.04
Washboards, per dozen	3.00	1.70
Meat choppers	2.70	1.50
Sewing machines	40.00	17.00
Tin plate, per box	4.19	3.19
Barb wire, per 100 pounds	3.00	2.20
Alarm clocks	.60	.30
Lawn mowers	4.25	2.75
Fruit jars (Mason's), per dozen	.80	.55
Sugar, per pound	.04½	.026

The articles thus mentioned are among those of most common and necessary use, and these figures disclose the startling fact

that the same manufacturer makes these goods, pays the freight on them to foreign countries, and sells them there at prices ranging from 50 per cent to 300 per cent lower than he sells the same articles to our own people. Does anybody doubt that the protective duties imposed under the Dingley bill and previous measures of Republican legislation have produced this monstrous condition of things, or that the great trusts of the country find their origin, support, and strength in the tariff burden that is laid upon our own industry and our own people for the benefit of the foreigner and the enrichment of the monopolist? Does anyone now dare to quote, even under the sacred sanction of a martyred President's memory, that absurd declaration that "The foreigner pays the tax"?

And it seems that even these outrageous discriminations against the American consumer are not enough. It is known for a certainty that a number of the huge manufacturing trusts have a secret price list for their foreign customers, making special discounts lower than the rates just quoted. Reputable gentlemen are now offering large rewards for copies of these secret documents, and no doubt they will succeed before long in getting at the truth of the matter.

The disastrous effects of these conditions are being daily seen in the disturbed and disordered state of the industrial and social world around us. Until the tariff and the trusts began their grinding tyranny upon the masses of the people, and especially upon the poorer and laboring classes, labor strikes and lockouts were unknown, the boycott was a thing of theoretical terror, and the terrible crises through which we are being compelled to pass periodically, because of the strife between labor and capital, were undreamed of. But the onerous restrictions, unjust burdens, and constantly increasing hardships, brought about by the great power and merciless greed of the trust combinations, are bringing the country to face a growing spirit of discontent and social friction that bodes no good to our peace and prosperity.

The necessaries of life have been so enormously and unreasonably increased in price by the operations of monopoly that the cost of living has reached a point beyond the reach of the average wage-earner. It costs more to live comfortably and rear his family than the laboring man can earn at the current wages paid by the great commercial and industrial concerns that control the labor market. These vast manufacturing, mining, and trading corporations are robbing the people by their unconscionable and unnatural methods, they are daily raising the prices of the things that the poor man must eat and wear and use, and at the same time they are unwilling to pay him enough to enable him to meet the exigencies brought about by their own conduct. Such a condition must inevitably prove ruinous to both parties in the great struggle.

In a very recent address, John Mitchell, the president of the United Mine Workers of America, presented the strongest possible case in favor of better wages being granted to miners by the railroad coal barons. He showed by the actual figures that the average wages of miners are only $1.42 per day, and that they are only employed about two hundred days or less in each year; so that they earn annually less than $300. President Mitchell then says:

Such pay may supply a living on a par with some classes of European laborers, but who will say that it is sufficient to support American citizens or educate and properly maintain their families? True it is that a 10 per cent increase in wages was granted by the coal operators as a strike concession two years ago, but it is also true that a large portion of that 10 per cent was paid back to the companies to buy the suppression of an old powder grievance. Moreover, according to reliable commercial agencies, the cost of living has increased, particularly in the purchase of food stuffs, from 30 to 40 per cent, so that the purchasing power of a miner's wages is less now than before the strike of 1900.

These remarks and the argument contained in them apply to all wage-earners, because the same conditions and necessities confront them all in this country. The cost of living in the United States was greater on May 1, 1902, than ever recorded in the history of the Republic. A comparative estimate of present and past conditions may be arrived at by inspecting the following figures taken from Dun's Review, which show the average prices of 350 articles of consumption at the dates named, with due allowance for the relative importance of each:

	Jan. 1, 1890.	July 1, 1897.	Jan. 1, 1900.	May 1, 1902.
Breadstuffs	$13,765	$10,587	$13,254	$19,954
Meats	7,620	7,529	7,258	10,474
Dairy and garden	12,675	8,714	13,702	14,737
Other food	9,935	7,887	9,256	8,742
Clothing	14,845	13,808	17,484	15,527
Metals	16,240	11,642	18,085	15,702
Miscellaneous	15,111	12,288	16,312	16,654
Total	90,191	72,455	95,295	102,289

The totals show that the cost of living was 6 per cent greater in 1900 than in 1890, 31 per cent greater in 1900 than in 1897, and 41 per cent greater in May, 1902, than in 1897.

And yet we are told that the tariff is an unmitigated blessing; that there are no trusts or that they are only the natural results of economic evolution; and that we must "let well enough alone."

There is at least one mammoth monopoly that has not been disturbed by the Republican party and yet has been officially declared to be a lawless and odious combination of corporate power too dangerous to be brought into close contact with the Government.

A few months ago Andrew Carnegie offered to give $10,000,000 in the stocks of the United States Steel Corporation to found a great national university; but the President and his advisers decided that the money was tainted with trust affiliations and could not be accepted as a donation to the Government. If the concern was too disreputable to be redeemed even by such a munificent contribution to the conscience fund, certainly it deserves the attention of the President and the Attorney-General under the Sherman antitrust law. But it is folly and madness to expect any such action to be taken by any Republican administration as will endanger the partnership of mutual profit now and for years past existing between that party and the corporation monopolies.

The campaign orators of the Republican party are boasting continually of the high prices of commodities as an evidence of prosperity. A greater economic delusion was never indulged in, so far as the laboring man is concerned. High prices mean low wages, unless indeed the wages are correspondingly increased. Men do not eat or wear their wages; they eat and wear and use the things their wages buy, and if the prices of the necessaries of life rise without a relative rise in the labor wage, it means want, poverty, and revolt among the working classes.

Since 1897 the trusts, protected by the tariff, have advanced prices more than 40 per cent, while they have reduced wages more than 30 per cent. Strikes and lockouts and boycotts will not remove this deplorable condition. It can only be remedied by abolishing the political, industrial, and commercial policy under which it has grown up. That can be done, but not by the Republican party.

No trust will be destroyed or disturbed while the tariff stands, and the extent of Republican hypocrisy upon this subject can only be estimated by contemplating the proposition of a protective tariff in conjunction with a war against trusts.

The two things are so inconsistent that even the "business interests" of the country can hardly be credulous enough to accept the anomaly. The Republican party owes its present supremacy to the corrupt and privileged monopolies of the country, which it has alternately fostered by its patronage and plundered by its politics. It will never willingly abandon the policy that has promoted its power and pandered to its profligacy.

Its officials, high and low, are too much indebted to the trusts and too sensible of their obligations to ever enforce the laws that would cancel the mutual partnership of crime and corruption. The pending prosecutions against the beef trust and the Northern Securities Company are mere campaign subterfuges, intended to deceive the people, so often beguiled by similar shams in the past, but which will be easily discontinued as soon as the crisis has passed.

There is but one remedy for trust conspiracy and corporate monopoly. The tariff, which is but another name for Government monopoly, must be abolished. the equal rights of every interest in the community and every factor in national prosperity must be asserted and maintained, and the constitutional standard of justice and freedom in commercial transactions must be regained and established.

These things the Republican party will never accomplish, because it can not. Its very existence and perpetuity depend upon the preservation of that system of moneyed monopoly which its policies and practices have founded and fostered. When it pretends to act in any other capacity than as the promoter of trusts and the protector of monopolies, it stands convicted of rank hypocrisy and perfidious ingratitude.

Monument to Pulaski.

SPEECH

OF

HON. THEODORE E. BURTON,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, July 1, 1902,

On the bill (H. R. 16) to provide for the erection of a bronze equestrian statue to the memory of the late Brig. Gen. Count Casimir Pulaski, at Washington, D. C.

Mr. BURTON said:

Mr. SPEAKER: The passage of this bill is in fulfillment of the action of the Continental Congress in 1779, one hundred and twenty-three years ago, in voting for a monument for Count Pulaski when his life work was fresh in the public memory. Actuated by sympathy for the struggling colonists, many men of rank and ability

crossed the sea to aid in the great struggle for liberty—Lafayette, Rochambeau, Kosciusko, Steuben, De Kalb, Pulaski, Conway. No great cause ever called to its assistance more distinguished or more devoted friends. Pulaski and De Kalb gave up their lives in the struggle. Of the others, Lafayette and Rochambeau lived to ripe old age and continued active in the affairs of their own country, Lafayette being prominent even so late as the revolution of 1830.

There is a glamour of romance as well as unswerving devotion to liberty in the career of Pulaski. He belonged to one of the old families of Podolia, in the southern part of Poland. He, with his father and brothers, joined in making up the confederacy of Bar, seeking greater freedom for their country and relief from foreign influence. In this great cause his father and brothers were slain, he himself was outlawed, and a price was set upon his head. His brave, restless spirit sought activity in other lands, first in Turkey and France, and later, by the advice of Franklin, he came to this country in 1777. He was every inch a soldier. Although barely understanding the English language, he was so efficient in the battle of Brandywine that General Washington recommended him to Congress for a commission as a brigadier-general in these words:

This gentleman has been, like us, engaged in defending the liberty and independence of his country, and has sacrificed his fortune to his zeal for these objects. He derives from hence a title to our respect that ought to operate in his favor as far as the good of the service will permit.

This recommendation was adopted, and he was appointed brigadier-general on the 15th of September, 1777, when less than thirty years of age. Always brave and active, he was particularly efficient as a commander of cavalry, and in this arm of the service displayed especial skill on trying occasions. Every State, from Pennsylvania to Georgia, became the theater of his activity. If criticism could be made upon his tactics it was because he was too daring, and never faltered for fear of defeat.

This brave man gave up his life for American independence in the autumn of 1779, when only 31 years of age. He died as the result of a mortal wound received in the attack on Savannah. His resting place is not in the soil of the Old World or of the New, for he was buried at sea, a fitting close to a stormy career, the leading characteristics of which were his fearlessness in battle and devotion to liberty. When he had received his mortal wound and his life blood was ebbing away, he did not ask for the cup of cold water with which the dying soldier desires to slake his thirst, nor for the conveying of messages to friends in distant lands, but his last thoughts were of battle, and his last words, uttered with the feebleness of approaching death, were, "Follow my lancers, to whom I have given my order of attack."

In death, as in life, his spirit was brave and unflinching. In this capital city of Washington, with its monuments of art, which are not so much expressions of the artistic sense as reminders of great deeds and of the conflicts and triumphs of freedom, it is fitting that at the corner of the most prominent square a monument should be erected to this brave man, an exile from his unhappy native land, who crossed the sea to fight in the cause of liberty.

Chinese-Exclusion Bill.

SPEECH

OF

HON. CHARLES F. COCHRAN,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, April 5, 1902.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 13061) to prohibit the coming into and to regulate the residence within the United States, its Territories, and all territory under its jurisdiction, and the District of Columbia, of Chinese and persons of Chinese descent—

Mr. COCHRAN said:

Mr. CHAIRMAN: I am in favor of admitting to our shores and to full fellowship in the Republic every immigrant, no matter from whence he comes, who desires to become an American citizen and is capable of appreciating what it means to become an American citizen. No matter how poor he may be, regardless of his nationality, the immigrant who reveres the great Republic because here all men are equal before the law, and who in casting his lot with us turns his back upon the monarchical institutions of the Old World, and, seeking citizenship and a home under the American flag, is capable of appreciating the beneficence of our institutions, should be welcomed.

I am opposed to making this country the dumping ground for the slums and purlieus of the Old World. I am opposed to tolerating the continuance of the importation of pauper laborers who come to our country unaccompanied by their families, secure employment, remain one, two, three, or more years, accumulate a few hundred dollars, and then return to their homes abroad.

I am opposed to admitting immigrants who neither know nor care anything about our institutions, who care nothing about citizenship, who are wholly indifferent as to whether the Republic shall live or die, because wholly incapable of comprehending its glorious history or lofty purposes.

The man who appreciates the great boon of American citizenship will not be long in adopting American ways. The man who cherishes American ideals will not be long in imbibing the aspirations of Americans. The laborer who, renouncing allegiance to a king, rejoices in the thought that he has thereby asserted the dignity of a freeman will not be a menace to the welfare of his fellows. Their desires will be his desires, their hopes his hopes; and though he may come to us penniless, self-respect, the lever without which there can be no advancement, will speedily lift him to the level of his new environment.

Mr. Chairman, entertaining these views, I am and have been from the very inception of the discussion of the matter, unalterably opposed to admitting Chinese immigrants into the United States. I regard the interference of the Western powers with the affairs of China as unwise, impolitic. I believe that in the long run it will prove disastrous. I believe the Chinese have a right to control their own country and affairs in their own way. I know that the recent interference of Western powers in Chinese affairs is contrary to the advice of many eminent statesmen and diplomats, who have regarded the very questions raised by this interference as pregnant with danger to the whole world.

Mr. Chairman, the great Napoleon summarized this view when he advised the Western world to let China sleep. This advice has not been taken, and at last what has for a century been called by diplomatists, statesmen, and writers "the Eastern question," is forced upon the attention of mankind. And, Mr. Chairman, I believe that the purpose aimed at by those responsible for this, the most astounding blunder of the ages, can not possibly be accomplished. Western nations are seeking a field for profitable commerce in China, when the apparent truth is that China, developed on the lines they propose, would be their most formidable competitor.

In our own country and at the great trade centers of Europe tradesmen and statesmen are busy with schemes for the development of the resources of oriental countries. We are told that China is to be modernized. The United States and Germany have played, and will continue to play, a conspicuous part in this programme. Russia has broken through the wall of Chinese prejudice and leads the procession of Western nations in the assault upon the exclusiveness which long ago found expression in the construction of the wall of stone which for centuries isolated China from the outside world.

It is said that Europe and the United States are to find in China a market for the surplus productions of their industrial hives, and it is this proposal that I desire to briefly discuss.

I appreciate the fact that this country occupies a position in reference to Chinese trade which no other country does. We may reasonably expect a large increase in our exports to China; we may expect to furnish a very large amount of raw material to China. China needs large quantities of certain commodities of which we have a surplus. Of course in oriental countries the most important of all industries is the manufacture of cotton goods, and every step in the direction of developing oriental cotton production on modern lines will create a market for American cotton. It is only a little more than a hundred years since the oriental countries practically monopolized the production of cotton fabrics. It is less than one hundred and fifty years since the weavers of Manchester advertised the production of an imitation of Indian calico; but they made this imitation out of wool.

Until the invention of the modern loom and the cotton gin and the application of steam power the production of cotton goods on a large scale was unknown outside of the Orient. At a more recent date Western nations began the production of the finer textiles. So true is it that the Eastern countries have been the largest producers of textiles of all kinds that even during the period of he development of modern weaving and introduction of machinery the aggregate production in the Orient vastly exceeded the productions of the Western World. Bearing this in mind, is it not apparent that to modernize the Orient is to develop powerful commercial rivals instead of consumers of the surplus productions of our shops and factories?

One of the consequences of the exploitation of British capital in India has been a revival, in a large measure, of cotton manufacturing in India, the result of which appears most conspicuously in the exchanges between the great Empire and other oriental countries. I have not looked at recent figures. Five years ago, in a single year, the export of cotton yarns from India to Asiatic countries increased 101,000,000 pounds. Within the space

of one decade more cotton mills were erected in India, China, and Japan than in all the countries of Europe, including Great Britain.

Is it not apparent that when we talk about developing trade with China we must bear in mind that international traffic can only be increased by increased reciprocal exchange of commodities? If we are to send our products to Chinese markets we must receive in exchange for them a corresponding amount of Chinese products. Is it true that we want to enormously extend our trade in China? If so, we must enormously increase Chinese imports. We must lower the tariff on Chinese goods. Until we do this China can not send her goods here and we can not send our products to China.

Is it true that Germany desires to increase her traffic with China? If the dreams of the German Emperor are to be realized, Germany must consume large quantities of Chinese goods. Otherwise, how will the Chinese pay for goods imported from Germany? The Chinese have no gold with which to pay for imported goods. The Chinese have no raw materials to exchange for goods imported from America or Europe. The Chinese are handiworkers. Where are they to find a market for their wares? If nowhere, how are they to pay for the surplus products of the whole world?

Mr. Chairman, the only countries that may reasonably expect a largely increased trade in China are the United States and Russia. A constantly increasing quantity of American cotton will go there, and when Siberia shall be considerably developed Russian food products will be exchanged for Chinese manufactures on a constantly expanding scale. But in these directions the increase can never reach proportions sufficient to realize the extravagant hopes of those who regard China as the future market for surplus European and American productions.

It has been said over and over again that we must take our share of the responsibility of dealing with China. Why not let China alone? The Chinese are not quarrelsome; they are not disposed to interfere with foreign countries. Do you want to trade with them? They are willing. Open the markets of the world to China, and her goods will be found everywhere.

And it is not true that in order to admit Chinese goods we must admit Chinese merchants. How many distinctively Dutch merchants are here? How many distinctively German merchants are here? I mean as aliens who remain in the country for the purposes of commerce? International exchanges are not necessarily carried on in that manner.

Mr. CLARK. Before the gentleman leaves that point, I want to ask him one question. Is it not true that this European influence forced modern civilization upon Japan in the hope of having an immense trade, and for a few years they did have a large trade; but the Japanese developed so that they not only supplied their own wants, but have become exporters of the same articles produced by the fellows who forced civilization on them?

Mr. COCHRAN. That is absolutely true, and it will finally be true as to the Chinese. As a result of the ingenuity and adaptiveness of the orientals we should realize that our arts and manufactures can be duplicated by them bodily in a short time.

So true is this, that one of the difficulties the Chinese Government has met with in attempting to use paper devices representing money has been that all such devices have been instantly counterfeited by the natives.

In all the oriental countries adaptativeness to skillful handiwork is hereditary. The transmission of qualities through the ages has made them almost naturally weavers and spinners and deft workers in all the ways that man's hands may toil.

Mr. PALMER. May I interrupt the gentleman?

Mr. COCHRAN. Yes.

Mr. PALMER. The gentleman's remedy is to take the tariff off Chinese and Japanese goods?

Mr. COCHRAN. No; it is not. I am opposed to that. I am trying to prove that in the line of manufactures it is absurd to suppose that we can establish a larger trade with China. While I have favored and do favor now more liberal commercial relations with the countries of the Western World and only such tariff taxes as will insure sufficient revenues for our country, because they stand ready to exchange their surplus products for ours, I confess that when I face the industrial situation in the Orient and contemplate the application of modern methods there I find no basis for theories or opinions such as apply to our relations with Europe, and I therefore am in favor of excluding oriental laborers absolutely and minimizing importations from oriental countries.

Mr. PALMER. What is the gentleman in favor of, a tariff on Chinese or Japanese goods, or not?

Mr. COCHRAN. I am opposed to admitting the Japanese and Chinese laborers to this country. I am in favor of tariff laws which would measurably exclude their products.

Mr. PALMER. What is the gentleman in favor of now?

Mr. COCHRAN. The dream of the empire builders has not been realized in China. If it ever shall be, I will favor the exclusion of Chinese goods from our markets. But foreign capital has not built factories there, or sent Chinese goods, made by modern methods, into the markets of the world. The effort of the stock jobber to build factories in China, to be operated by laborers who work for 8 and 12 cents a day, has not yet succeeded.

Mr. PALMER. Do you think that is an answer to my question? Is that all the answer you have?

Mr. COCHRAN. What was your question?

Mr. PALMER. My question was, Whether you are in favor of removing the tariff from Japanese and Chinese goods?

Mr. COCHRAN. I would not modify any existing tariffs for the purpose of adding to our imports from Asiatic countries.

Now, as to Chinese immigration. In 1869 we began the "developing" business in this country. We were anxious to "develop" things. We did so, and have been in the "development" business ever since. What have become of the things we have "developed?" Who owns them? What does "development" as a term in stock jobbery mean? When used in reference to China, the Philippine Islands, and other outlying countries, what does it mean? It means larceny pure and simple. Everything "developed" in the stockjobbers' plan in this country has been made the basis of extortion and the enrichment of speculators. The same is to be done in China. How is this business carried on here? A coal mine is discovered somewhere, and at first it seems to be a great blessing to the public. If utilized in the interest of the neighborhood in which it is discovered, it would be a great blessing.

The law may prohibit the ownership of the coal mine by the common carrier that serves the neighborhood. What of it? Laws are not allowed to stand in the way of its development on the lines of the stockjobber. The owner of land on which the coal is located sells at a good price. The owners of the railroad are the purchasers and become the owners of the coal mine. If it suits their purposes, the coal mine will be operated, but the price of coal will not be affected. Coal will be no cheaper to the people of the neighborhood than it was before. Thirty miles away from the mine coal will continue to cost just as much as if brought from some mine 300 miles away, discovered a century before.

Every step in what has been called "modern development" has been characterized by the appropriation of the natural resources of this country by gentlemen living thousands of miles from the scene of the development, who in the capacity of absentee landlords have thereafter levied an unnatural and unjust tribute upon the natural and rightful owners of the resource appropriated. This is what the stockjobbers propose to do in China, and they call it progress. I call it robbery.

Mr. Chairman, all that China asks is exemption from outside interference. Is this unreasonable? We do not want the Chinese to come here. Let us concede to China the right to exclude aliens from their country. If we are to admit Chinese laborers, we must do it with the knowledge that they will come in great numbers and finally preponderate in the labor market. Under the iron law, the wages of unskilled labor sink to the lowest level compatible with the health of the laborer. In such a field the Chinaman is the fittest and would survive. As wages decline the standard of living and the standard of self-respect must decline. The demand of the labor unions that the Chinese be excluded rests upon this one proposition: The competition of American labor with Chinese labor means that the American laborer must sink to the level of the Chinese laborer.

[Here the hammer fell.]

Mr. HITT. I yield the gentleman five minutes more.

Mr. COCHRAN. It is pertinent to inquire what special peculiarity distinguishes the Chinese laborer from all other immigrants.

The incoming Chinese have no families. They come as mere sojourners. The Chinaman does not come here intending to remain. He takes pains to make arrangements for the shipment of his bones back to China in case of death. He comes here solely for the purpose of obtaining employment at wages very much higher than he could receive in his own country, stays for a limited time, lays by a snug sum, and then returns. During his stay in the country he lives on next to nothing, and so can work for low wages and yet save most of his earnings.

My distinguished colleague [Mr. CLARK] made so plain the basis of objections which exist in the public mind to the admission of the Chinese that little can be added to it. He mentioned the living expenses of a Chinaman. Go over to New York and visit Mott street. As you go through other tenement-house regions you will see pallid faces and withered limbs, and the very stamp of death upon the faces of many of the unfortunates who breathe the pestilential atmosphere of cellars and garrets. Not so on Mott street. There you will see the burly Chinaman in far worse quarters, with every evidence of virility, strength, and the capacity to work.

Go into their dives, in the cellars—for many of them live in cellars—and you will see numerous bunks ranged on the walls as you would place shelves in a library—a bunk for each Chinaman. The rent paid by the most humble American laborer in New York, small as it is, would provide a habitation for half a dozen of these Chinamen. With no families to support, no expenses except the maintenance of these terrible places in which they live, they thrive where white laborers would starve, and grow fat in an atmosphere that would be fatal to their white competitors.

Mr. CLARK. If you will permit me, I will give you a minute for the time that I take up, but I wish to call attention to this book of evidence that was taken here in this Chinese business. It shows that in an investigation in San Francisco, in a cellar that was 10 by 15 feet, there were found 3 Chinamen making cigars, and benches for 15 more. That is, there were 18 Chinamen working in one room that was 10 by 15 feet square. That illustrates just exactly the same idea that the gentleman is on.

Mr. COCHRAN. And that is true wherever the Chinaman lives. Now, then, I want to institute a comparison between the majority report here and the minority report. What objection have you to the minority report? Is it too stringent? Do you want an exclusion act which will exclude the Chinese? As I understand it, the bill brought in here by the minority interposes only such safeguards as experience has shown to be necessary under existing legislation.

For my part, I believe that the expectancy of life of the youngest Chinaman now on this continent should be adopted as a basis of a law declaring that any Chinaman born here or elsewhere found in this country at the expiration of a stated term shall be sent out of the country. And while I have not time to go into it extensively, I desire to say and go on record for one that there are other classes coming to this country by thousands who ought to be halted at the shores of Europe by American consuls and made to show a good bill of health before they set sail for America. [Applause.]

Immigrants who come here as steerage passengers, with no intention of remaining, who leave their wives and children in Europe, are hustled into the immigrant station at New York and thence into box cars and shipped into mining camps, to remain long enough to lay by a few hundred dollars and then return to their own country, should not be admitted to our shores. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Post-Office Appropriation Bill.

"And ye shall know the truth, and the truth shall make you free"—Governor Taft's testimony on who killed General Luna answered—Aguinaldo's statement—And the Filipinos—What they are, have done, and can do.

SPEECH

OF

HON. JOHN W. GAINES,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, March 13, 1902.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 11354) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1903—

Mr. GAINES of Tennessee said:

Mr. CHAIRMAN: The American people are entitled to know the truth, and the whole truth, relating to the Philippine Islands, that they may intelligently instruct their representatives in Congress, and Congress itself, having to deal with and settle all the vital questions growing out of the occupation of these islands by American authority, should not be content with less than the entire truth and the very fullest information relating to the islands themselves, the people, their characteristics and habits, their capabilities and aspirations, that justice may be done.

If the inhabitants of these islands or their leaders are naturally good, or naturally bad people, this fact, or the facts and the evidence going to prove them, should be laid before Congress in clear and unmistakable words.

Every nation has its heroes and its leaders, and we very often form opinions of a people or a nation by reading about or knowing personally their heroes and leaders.

Reflecting the judgment and wishes of the American people, Congress, through the insular committees of the two Houses, is hearing testimony from parties who have visited the Philippine Islands, for the purpose of elucidating all questions that pertain to this archipelago, and I sincerely trust that Congress will continue its investigations until at least sufficient light is thrown upon the entire subject to satisfy the American people as to the entire situation in this archipelago.

We have opposed by force, arms, and legislation the people of the Philippines and their leaders, and just in proportion as we learn what kind of people they are and the conditions there, in the same measure we learn how great or small our task is and how we should meet it.

It is the duty, then, of Congress, confessedly, and those in authority, as well as the witnesses who testify on the subject, when they speak about conditions in the Philippine Islands, to faithfully exploit all the facts within their knowledge that no injustice may be done.

No man should be condemned under the American flag without a fair and impartial trial under the law of the land. The person accused should have a speedy and impartial trial—allowed to face his accuser with his witnesses, and, if he chooses, testify in his own behalf.

No other kind of a trial will satisfy the American conscience or should satisfy the American Congress, and it is our duty to see that such rights are accorded the accused if arraigned under American laws.

Mr. Chairman, there is one leader in the Philippine Islands who is loved to this hour and respected by the Philippine people, and he is being tried, not according to American law nor in a way that will satisfy or should satisfy the American conscience. I allude, of course, to Aguinaldo. With his voice hushed and his hands tied, his feet shackled, imprisoned, and 10,000 miles away from Washington City, he is accused of a crime in his absence, and with no one even to read the omitted portions of the testimony bearing upon the act. This is not right. It is not just. We will not be benefited by this. In the long run it will rebound and hurt us.

Then let us open the books and if this leader is convicted before the American people of a crime, then at least let it be said that all the evidence was in and heard before he was convicted and condemned.

Governor Taft in his testimony a few days ago before the Insular Committee of the Senate stated that he had been informed by General Funston that he (General Funston) had been informed by Aguinaldo that he (Aguinaldo) "directed Luna's killing." Luna was a brother-in-law of Aguinaldo and was a distinguished Filipino general of the Ilocano family.

The testimony taken in 1899 by and before the Schurman Commission, appointed by President McKinley, of Colonel Zialcita, a Filipino cavalry officer, shows that General Luna insulted the guard at Aguinaldo's headquarters, and that General Luna and his companion seized the guard, and in the struggle (thus provoked by General Luna) both Luna and his companion were killed.

This testimony, I think, bears the construction that Luna provoked the assault and was killed. Aguinaldo may have planned to have Luna killed, but I do not believe his plan was executed. Luna met his death by an unexpected assault brought on by himself, as shown by the testimony of Zialcita, found in Volume II of the Schurman Commission Report, which I will now read as follows:

1. Q. Will you be kind enough to give us an account of the killing of General Luna?

A. I told everything that I saw and that I knew about to a representative of El Progresso. That interview tells all I know.

2. Q. Will you be kind enough to repeat that for our benefit?

A. I saw his death, but the occasion of his death I only know from rumor.

3. Q. Where were you?

A. I was in a house where I was waiting, in the plaza, where the convent and the government headquarters and the church are, and commanded a view of the whole place. They say that Luna went up to ask for Aguinaldo, with Francisco Ramon, to visit Aguinaldo. Not finding him there, he became angry and insulted the guard, and when the guard wanted to seize him and his companion, they thought the man was half crazy and immediately began shooting, and the guard returned the fire.

4. Q. Did the guard fire on him?

A. All of them. They wanted to take him, but he had saber and revolver to defend himself, and they could not do anything else.

5. Q. Was he killed by bullets, knives, or bayonets?

A. By knives, and probably by bullet wounds, too, for there were three or four discharges, and so I can not say whether entirely by bolos or bullets.

6. Q. What was the effect of this killing of General Luna there?

A. I could not say exactly. At first the people were much surprised, but afterwards they said it was better so, because he was very cruel. He killed a great many of his own soldiers and officers and was a great tyrant.

7. Q. Aguinaldo did not come back when he heard of the death of Luna?

A. That I could not say, whether he was told of it or whether he returned. I did not see his return up to the time I came away.

8. Q. We have heard his death might have been planned by Aguinaldo on account of jealousy between Luna and himself. Did you hear any such stories?

A. I could not say whether it is true or not, because I did not make any investigation. It was not my business, which was simply to find out the condition of affairs. I heard bad news here in Manila, and went out to see if it were true; but the people did not talk freely to me, because the greater part of the people were unknown to me.

I leave this official testimony, taken by American authorities, of Tialcita, whom I have never heard of being impeached and whose testimony seemed to satisfy the Commission (as they took

no other testimony on this point), that Aguinaldo did not kill or plan to have killed Luna.

I will now read the testimony of two other witnesses, both of whom acquit Aguinaldo, in their opinion, of this crime.

Mr. Albert Sonnischen, an American soldier, was a prisoner in the Philippine Islands, and in his book entitled "Ten Months Captive Among the Filipinos" (1901), at pages 242–244, says:

Shortly before I had listened to rumors of Luna's assassination by Aguinaldo's orders circulating among the Spaniards—

It seems the Spaniards started this story—

and now I requested the young lieutenant (Villimor), whom I certainly put down as a sympathizer with the Ilocano general (Luna), for the particulars and his opinion of the murder.

"No, no," he (Villimor) protested, "Aguinaldo is not responsible for Luna's death. I happen to know the true details of personal friends of mine, also Ilocanos, who were in Cabanatuan at the time the crime was committed."

Then follows a description of the harsh characteristics of Luna and an account of the manner of the killing. I omit this now, but will read the conclusion:

"We, as Ilocanos, have lost a good deal of sympathy for the cause since then, but none of us have ever accused Aguinaldo of being the cause of Antonio Luna's death."

In the last paragraph Mr. Sonnischen, the American soldier and author, who had been a prisoner amongst these people, gives his opinion as follows:

Such was Villimor's account of Luna's assassination, which agrees in all particulars with what has since been told me by other Filipinos, both Tagalogs and Ilocanos. Never have I heard Aguinaldo blamed for that crime.

Thus speaks an American soldier and author after ten months' captivity in these islands, and his book has been printed for more than a year, and yet nothing is heard of the testimony of Zialcita or of Mr. Sonnischen, taken before Insular Committee of either House.

As stated before, Aguinaldo may have planned to kill Luna, but from this testimony the time and manner in which Luna was killed this was not the time and not the manner in which he intended to execute his crime or have it executed, nor can I see from this testimony that the killing occurred otherwise than as a result of a personal difficulty provoked by Luna.

I will here insert the entire article on this point, as given by Mr. Sonnischen in his book:

Shortly before I had listened to rumors of Luna's assassination by Aguinaldo's orders circulating among the Spaniards, and now I requested the young lieutenant, whom I certainly put down as a sympathizer with the Ilocano general, for the particulars and his opinion of the murder.

"No, no," he protested; "Aguinaldo is not responsible for Luna's death. I happen to know the true details of the whole affair from personal friends of mine, also Ilocanos, who were in Cabanatuan at the time the crime was committed.

"Luna, you must know, while a man of rare abilities, was harsh to his inferiors and altogether a strict disciplinarian. An officer or soldier who shirked his duty or showed cowardice on the battlefield could expect no mercy from him, and on several occasions he had culprits executed or otherwise severely punished for such offenses. This severity, combined with the fact of his being an Ilocano, caused a certain faction of young Tagalog officers to entertain a deadly hatred of him, as many of them had already felt the weight of his iron hand.

"One evening, at Cabanatuan, and while that place just then formed the temporary headquarters of Aguinaldo and his staff, Luna called upon the president for a consultation in the convent. With him was Col. Francisco Roman, his chief of staff and warm personal friend.* It was this officer who on February 24 last led that disastrous night attack on Manila from the bay, wherein his whole force nearly became annihilated, he barely escaping with his own life.

"At this meeting Aguinaldo and Luna had an altercation about some subject on which they held diverse opinions, but other officers present say that it amounted to no more than a friendly argument. Shortly after this Luna and Roman departed to return to their quarters. Hardly had they passed the convent door when several shots rang out. The two friends were found lying side by side, Luna with his empty revolver in one hand, Roman grasping the hilt of his broken sword, both dead. About them lay three of the assassins, also dead. Two had been shot by Luna's revolver, the third had been run through by Roman's sword.

"We, as Ilocanos, have lost a good deal of sympathy for the cause since then, but none of us have ever accused Aguinaldo of being the cause of Antonio Luna's death."

Such was Villamor's account of Luna's assassination, which agrees in all principal parts with what has since been told me by other Filipinos, both Tagalogs and Ilocanos. Never have I heard Aguinaldo blamed for that crime.

From all that I can see and read, all three of these witnesses—Zialcita, Villamor, and Mr. Sonnischen—were the friends of Luna and not friendly toward Aguinaldo, yet they acquit Aguinaldo of having planned to or having killed Luna.

Mr. Chairman, when I read the testimony of Governor Taft, and more recently a reiteration of it by General Funston at a banquet in New York, I said to myself that it is very strange that nowadays and for some weeks before the clash of February 4, 1899, at San Juan Bridge, between our forces and the native army, we can hear nothing good of Aguinaldo, whereas before this clash and from a time previous even to the taking of Aguinaldo to the Philippine Islands at the urgent invitation of Admiral Dewey, there were so many complimentary high-sounding words of praise for him by American officials of the Army, Navy, and our consuls and war correspondents.

Let us see what the names of some of these officials are. Who were they who spoke in such high terms of Aguinaldo and the Filipino people?

I recall just now the names of Admiral Dewey, Consuls Wildman, Pratt, Williams, Generals Merritt, Whittier, Anderson, Green, Bell, Commodore John D. Ford, ex-Minister John Barrett, Lieutenant-Commander Calkins, Lieutenant Hazard, who aided in the capture of Aguinaldo, Mr. Murat Halstead, a leading Republican, Richard Brinsley Sheridan (barrister, London), an "eye-witness," and others.

Under the rule granted me to extend my remarks, I here insert a copy of a True Review of the Philippine Rebellion, by Aguinaldo, published September 23, 1899. A copy in Spanish of this document was sent me after my return from the Philippines by an American citizen who had served in Cuba and the Philippine war and is now a high official in the Philippines. Through the kindness of an Army officer it has been translated from Spanish into English. To every one who desires to read all the evidence before he comes to any conclusion of the cause of the Philippine troubles, both before and since the advent of American authority in that country, should carefully read this and then the various authorities that I shall allude to in the course of my remarks. The document in question reads as follows:

TRUE REVIEW OF THE PHILIPPINE REVOLUTION

[By Don Emilio Aguinaldo y Famy, president of the Philippine republic. Reprint by order of Sr. A. Guevara, superior military chief ad interim. In the Camarines, the "Bicol Press," Nueva Caceres, 1899.]

To the civilized nations, and especially to the great North American Republic, is dedicated this humble work, to the end that they may know the international events which have occurred and continue to occur in the Philippines from three years ago up to the present time, and to the end that they may know and be convinced of the justice that is with the Philippine cause. The author offers also herein his homage of respect and admiration to the wisdom and the power of other nations, whom he salutes in the name of the Philippine nation with a full heart.

THE AUTHOR.

I. THE REVOLUTION OF 1896.

Spain ruled the Philippines for more than three and a half centuries, during which time abuses of the friars and of administration exhausted the patience of the natives, forcing them from the 26th to the 31st of August, 1896, to throw off so heavy a yoke and begin the revolution in the provinces of Manila and Cavite.

In those glorious days rose Balintawak, Santa Mesa, Kalookan, Kawit, Noveleta, and San Francisco de Malabon, proclaiming the independence of the Philippines. They were followed in five days by all the other towns of the province of Cavite without the existence of any previous agreement to execute the movement, drawn, without doubt, by the noble example of the former.

As to the province of Cavite, there did indeed circulate there orders, in writing, for the uprising, signed by Don Augustin Rieta, Don Candido Tirona, and myself, lieutenants of the revolutionary troops. Yet there was no assurance that they were attended to, or even received, as, in fact, one of these orders fell into the hands of the Spaniard, Don Fernando Parga, military and political governor of the province, who reported it to Captain-General Don Ramon Blanco y Erenas, who immediately ordered the revolutionists to be attacked.

Providence, which had without doubt indicated the hour of Filipino emancipation, protected the revolutionists, because only thus can it be explained how men armed with only clubs and knives, without discipline and without organization, could conquer Spanish forces of regulars in the rude combats of Bakoor, Imus, and Noveleta, even to capturing numerous rifles. This obliged Captain-General Blanco to suspend operations and try to suppress the revolution by the policy of attraction under pretext that he did not like to be "slaughtering" Filipinos.

The Government of Madrid, not approving this kind of policy on the part of General Blanco, sent Lieut. Gen. Don Camilo Polavieja to relieve him of his charge, and sent also at the same time regular troops of the Spanish peninsula forces. Polavieja, with 16,000 men armed with mausers and a battery of cannons, attacked the revolutionists with energy. He scarcely, however, reconquered half of the province of Cavite, and then fell sick and gave up his charge in April of 1897.

Don Camilo Polavieja having been relieved by Capt. Gen. Don Fernando Primo de Rivera, this old warrior in person pursued the revolutionists with as much firmness as humanity, succeeded in reconquering all of the province of Cavite, and drove the revolutionists into the mountains. Then I took up my headquarters in the steep and unknown mountain of Biak-na-bato, where I established the republican government of the Philippines in the end of May, 1897.

II. TREATY OF PEACE OF BIAK-NA-BATO.

Don Pedro Alejandro Paterno was several times in Biak-na-bato to propose peace, which, after five months and long deliberations stood arranged and signed on the 14th of December, 1897, upon the following bases:

1. That I was free to live abroad with the companions who might wish to follow me, and, having fixed my residence in Hongkong, in this place was to be paid to me the 800,000 pesos indemnity in three payments, 400,000 upon the receipt of all the arms there were in Biak-na-bato, 200,000 when the number of arms surrendered should reach 800, and the last 200,000 when that number should be completed to 1,000 arms, and after the receipt of the cash the Te Deum to be sung in the cathedral of Manila by way of thanks. The second fortnight of February was fixed upon as the maximum limit for the delivery of the arms.

2. The money was all to be delivered to me in person, I being in full liberty with my companions and other revolutionists.

3. Before the evacuation of Biak-na-bato by the Filipino revolutionists, Captain-General Primo de Rivera should send me two generals of the Spanish army, who should remain as hostages until I and my companions should reach Hongkong and the first payment of 400,000 pesos indemnity should be received.

4. It was also agreed to suppress the religious corporations of the islands and to establish autonomy in political order and administration, although, at the request of Gen. Primo de Rivera, these extreme terms were not committed to writing, he alleging that it was very humiliating for the Spanish Government to do so, whose fulfillment thereof, however, he guaranteed upon his honor as a gentleman and a soldier.

Gen. Primo de Rivera delivered the first payment of 400,000 pesos while the two generals yet remained as hostages.

We, the revolutionists, fulfilled our part with the surrender of arms, which exceeded 1,000, as is known to all the world from its having been published in the Manila papers. But the aforesaid captain-general failed to comply with the other conditions—the suppression of the friars and executing the reforms agreed upon; however, the Te Deum was sung. This caused me and my companions profound sadness, a sadness which turned into desperation upon the receipt of a letter from Lieut. Col. Don Miguel Primo de Rivera, nephew and private secretary of the said general, advising me that my companions and I might not yet return to Manila.

Was this a just proceeding upon the part of the representative of the Government of Spain? Let honorable consciences answer.

III. NEGOTIATIONS.

I had not long to remain with my companions in so critical a situation, because in March of 1898 there presented himself to me the name of commander of the North American vessel of war, *Petrel*, soliciting a conference by direction of Admiral Dewey.

Several were had with the said commander on the nights of the 16th of March to the 6th of April, he soliciting me to return to the Philippines to renew the war of independence against the Spaniards, and offering the aid of the United States in case this nation declared war against Spain. Then I asked the commander of the *Petrel* what the United States would concede to the Philippines, to which the commander answered that the United States were a great and rich nation, and did not need colonies.

I laid before the commander the propriety of putting the agreement in writing, to which he replied that he would lay it before Admiral Dewey

These conferences were interrupted on the 5th of April by the receipt of letters from Isabelo Artacho and his attorney, demanding of me 200,000 pesos of the indemnity as the part which he ought to receive as secretary of the interior, which he had been in the Filipino government of Biaknabato, threatening to hale me before the tribunals of Hongkong if I did not yield to his demand.

Although it does not pertain strictly to the matter in hand, I will state here that Isabelo Artacho reached Biaknabato and entered the camp of the revolution the 21st of September, 1897, and was named secretary in the first part of November, when the peace proposed and worked out by Don Pedro Alejandro Paterno was almost agreed upon, as is proven by the fact that on the 14th of the following December it was signed. See, then, the unjust and unmeasured ambition of Artacho in claiming 200,000 pesos for the few days' service that he rendered the revolution.

Besides, it had been agreed between all of us revolutionists in Biaknabato that in case the Spaniards did not carry out their agreement the money proceeding from the indemnity should not be divided, but should be destined for the purchase of arms to renew the war.

Artacho then was working as a spy, an agent of Gen. Primo de Rivera, attempting to annihilate the revolution, stripping it of its most powerful element, money. And so the matter was considered by all the revolutionists, they agreeing together that I should leave Hongkong immediately, avoiding the demand of Artacho, in order that the rest might have an opportunity to meet this new danger against our holy ideals, and they obtained this opportunity in fact. Artacho agreed to withdraw his demand by means of a transaction.

In fulfillment of this agreement I secretly left Hongkong the 7th of April, embarking on the *Taisan*, and passing by Saigon I went and stopped in the greatest retirement at Singapore, arriving at this port on the *Eridan* the 21st of the month. There I was entertained in the house of a countryman of ours. Such was the cause of the interruption of the most important conferences with Admiral Dewey, begun by the commander of the *Petrel*.

But "man proposes and God disposes," a proverb which on this occasion was fulfilled in all its parts, because notwithstanding the incognito which I preserved on the voyage, at 4 in the afternoon of the day of my arrival at Singapore there presented himself in the house where I was being entertained an Englishman, who, with great secrecy, said that the consul of the United States at that post, Mr. Pratt, desired to confer with Don Emilio Aguinaldo, to which reply was given that in that house no such Aguinaldo was known, for so it had been agreed to reply to everybody.

But the Englishman having repeatedly returned, declaring with insistence that it was no use to deny Aguinaldo's presence, because Consul Pratt had received notice from Admiral Dewey of my journey to Singapore, then I yielded to the interview with the said consul, which took place with the greatest secrecy, from 9 to 12, on the night of the 22d of April, 1898, in a retired part of the city, Mr. Pratt declaring to me as soon as he saw me that war between the United States and Spain had been officially declared the preceding day.

In the interview alluded to, Consul Pratt declared to me that the Spaniards not having fulfilled their part of the treaty of Biaknabato the Filipinos had the right to continue anew their interrupted revolution, persuading me to renew the war against Spain, and assuring me that America would give the greatest advantage to the Filipino.

Then I asked the consul what advantages the United States would concede to the Philippines, I indicating at that very time the propriety of putting the agreement in writing; to which the consul replied that he would by telegram lay that matter before Mr. Dewey, who was the commander of the expedition against the Philippines and had ample powers from President McKinley.

On the following day between 10 and 12 in the morning the conference was renewed, Consul Pratt declaring that Admiral Dewey had replied concerning my desires that the United States would at least recognize the independence of the Philippines under a naval protectorate, and that there was no necessity to put the agreement in writing, because the words of Admiral Dewey and the American consul were sacred and would be fulfilled, not being like those of the Spaniards; and he added, finally, that the Government of North America was a most honorable, just, and powerful Government.

I being as desirous as Admiral Dewey and the North American consul to reach the Philippines and renew the holy enterprise to reconquer our independence from the yoke of the Spaniards, I took advantage of the providential occasion which these representatives of the United States offered me, and giving complete credit to their honorable promises, I replied to the insistent solicitation of Mr. Pratt that he might immediately count on my return to arouse en masse the Filipino people against the Spaniards under the sacred ideals above mentioned, provided I could take with me arms to distribute to the patriots, offering him to do all that was possible to obtain the surrender of the Spaniards and the capture of Manila in a siege of two weeks if I could count upon a battery of 12 cannons.

The consul replied that he would aid me to send the expedition, with arms, as I had planned in Hongkong; then that he would telegraph immediately to Admiral Dewey the agreement, in order that on his part he might render aid to the said expedition.

On the 25th day of April the last conference closed in the American consulate, where I had been invited by Mr. Pratt, who, on seeing me, said that he had received telegrams from Admiral Dewey charging him to ask me to go immediately on the first steamer to Hongkong to join the Admiral, who was there with his squadron in Mirs Bay, a port of China, to which I replied affirmatively, ordering immediately my aids to go and engage passage and to prepare our journey under different names in order to maintain ourselves incognito on the journey, as we did coming from Hongkong to Singapore.

On the 26th I returned to take leave of Consul Pratt to embark on the steamer *Malaca*. The consul, after having said to me that before entering the port of Hongkong a launch of the Admiral would come out to take us secretly to the North American squadron—a secrecy which pleased me also in order to avoid publicity in my acts—suggested to me then that I should name him as representative of the Philippines in the United States in order to accomplish promptly the official recognition of our independence.

I answered that as soon as the Filipino government should be formed I would propose him for the charge which he desired, although I considered it an insignificant recompense for his assistance; then, in case of not having the fortune to secure independence, I would name him for a high post in the custom-house, besides giving also mercantile advantages, and sharing the expenses of war which the consul asked for his Government at Washington, since to all that has been set forth the Filipinos beforehand agree as a just proof of gratitude.

Then I went away with my aids, Señors Pilar and Leyva, to Hongkong on the steamer *Malaca*, in which port we arrived at 2 on the morning of the 1st of May without any launch coming out to meet us. On the invitation of the consul of that colony, Mr. Wildman, I went to the consulate and from 9 to 11 of the night of the same day of my arrival I conferred with him. He told me that Admiral Dewey had gone away to Manila without waiting for me, because he had received peremptory orders from his Government to attack the Spanish squadron, leaving a message that he should send for me by a gunboat. In that conference I talked with the consul concerning the expedition of arms which I had in project and we agreed that the said consul and the Filipino, Señor Teodoro Sandico, should take charge of the expedition, I leaving on the same night, in the power of the said gentlemen, 50,000 pesos on deposit.

A steam launch was obtainable for 15,000 pesos, and contract was made for the purchase of 2,000 guns at $7 a piece, and 200,000 cartridges at $33.50 per 1,000.

At the end of the week, the 7th of May, the American gunboat *McCulloch* arrived from Manila, bringing notice of the victory of Admiral Dewey over the Spanish squadron, but it brought no orders to take me to Manila, and at 9 at night I had a conference with the consul at his invitation.

The 15th of the same month the *McCulloch* returned again and brought the order to carry me to Manila with my companions. Having been immediately notified of the embarkation by Consul Wildman and at 10 o'clock at night of the 16th, at the city hall of Hongkong, being accompanied by the consul and the commander of the gunboat and by Mr. Barrett, ex-secretary of the American embassy of the Kingdom of Siam, we went in an American launch to the Chinese port of Kowloon, where lay that gunboat. Mr. Barrett, on taking leave, offered to visit me in the Philippines, and later kept his promise in Cavite and Malolos.

Consul Wildman charged me that as soon as I should arrive in the Philippines to establish the Filipino government under a dictatorial form and said that he would try by all means possible to send soon the expedition of arms, which in fact he did. (Note that after having received this first consignment of arms, pleased and trusting more and more in the sincerity and good faith of Consul Wildman, I charged him to send another consignment, remitting to him $67,000 as a deposit for the expenses of the second consignment. But Mr. Wildman did not fulfill this last charge, kept that sum which, according to my information, he refuses to return.)

The *McCulloch* leaving at 11 o'clock in the morning of the 7th of May for the Philippines, we came to anchor between 12 and 1 in the afternoon of May 19 in the waters of Cavite and immediately the launch of the Admiral, with his adjutant and private secretary, came to take me to the *Olympia*, where I was received with my adjutant, Señor Leyva, with the honors of a general by a section of marines.[a]

The Admiral received me in a saloon, and after salutes of courtesy I asked him if all the telegrams which he had sent to the consul of Singapore, Mr. Pratt, relative to me were true; he answering me affirmatively and adding that the United States had come to the Philippines to protect its natives and free them from the yoke of Spain.

He said, besides that, America was rich in lands and money and did not need colonies. He concluded by assuring me that I must have no doubt concerning the recognition of Philippine independence on the part of the United States. And immediately he asked me if I could raise up the people against the Spaniards and make a rapid campaign.

I answered that events would prove it, but that until the arrival of the consignment of arms which had been intrusted to Consul Wildman in one of the ports of China I could do nothing, since without arms each victory would cost many lives of brave and daring Filipino revolutionists. The Admiral offered to send a steamer to hurry up the consignment of arms, apart from the orders which he had given Consul Wildman, and he placed immediately at my disposition all the cannons which were in the vessels of the Spanish squadron and 62 Mauser rifles with many cartridges, which were on the *Petrel* and came from Corregidor.

I then expressed to him my profound gratitude for the generous aid which the United States was giving to the Filipino people, as also my admiration for the greatness and goodness of the American people. I explained to him also that before I left Hongkong the Filipino colony had had a meeting, in which they had discussed the possibility that, after having conquered the Spaniards, the Filipinos might have a war with the Americans because of the latter's possible refusal to recognize our independence, and that the Americans would be sure to win, because they would find us tired, without munitions of war, and worn-out in the war against the Spaniards, and I asked him at the same time to pardon my frankness.

The Admiral replied that he was delighted with my sincerity and believed that Filipinos and Americans ought to treat among themselves, like allies and friends, expressing clearly all doubts for the most perfect understanding between both parties, adding that, as he had already declared, the United States would recognize the independence of the Filipino people, guaranteed by the honorable word of the Americans, of greater efficacy than documents that can be left unfulfilled when it is desired to do so, as happened with the written agreement with the Spaniards, and he advised me to make immediately a national Filipino flag, offering to do anything in his power to recognize and protect it before the other nations represented by the different squadrons lying in the bay; though he said that we ought to conquer the power of the Spaniards before unfurling [verb "hondear" here used probably should read "ondear," to wave or unfurl] that banner, in order that the act might be more honorable in the sight of all the world and, above all, of the United States; and in order that when Filipino vessels bearing their national flag should pass before foreign squadrons they might inspire respect and esteem.

[a] One of our United States Army officers in Manila said to me he had talked to one of these marines and he told him that by orders given these marines saluted Aguinaldo.—J. W. G.

I thanked the Admiral anew for his good advice and generous offers, making him understand that if the sacrifice of my own life to honor the Admiral before the United States should be necessary I was ready to sacrifice it.

I added that with such conditions I could assure him that all the Filipino people would unite in the revolution to shake off the yoke of Spain, though some few might fail for lack of arms or personal profits.

Thus ended the first conference with Admiral Dewey, to whom I announced that I would take up my quarters in the office of the commander of marine in the arsenal at Cavite.

THE REVOLUTION OF 1898.

I returned to the *McCulloch* to order the discharge of the equipage and the materials of war which she brought, having had occasion to meet in the waters of Cavite various revolutionists of Bataan, to whom I gave two folders that contained orders of uprising for that province and Zambales.

Before landing at the arsenal I met also several boats full of revolutionists of Kawit, my native town, who told me that they had for two weeks been expecting my arrival, which had been announced by the Americans themselves. I felt no little joy at seeing my countrymen and relatives, old companions of the daring campaign of 1896 to 1897. I improved the opportunity to deliver to them the other orders of the uprising, scarcely stopping in the office of the commander of marines in the arsenal at 4 in the afternoon. I continued all that night with my companions writing more and more orders and circulars to the same end. Since, without explaining how or in what manner, there came pouring in from all parts messengers asking news of my arrival, at the same time the password for the uprising against the Spaniards.

God without doubt had designated that moment for the overthrow of the Spanish power in the Philippines, because my unexpected arrival could not have been saluted nor known with the rapidity and publicity that those facts demonstrated.

Seventy-two volunteers of San Roque and Caridad, armed with Remingtons and Mausers, organized by the Spaniards, presented themselves the following day and put themselves unconditionally under my orders. At first the American forces were alarmed by the arrival of these volunteers, and by precaution took positions to defend the entrance to the arsenal; but being informed of the matter I went down to see the volunteers, and gave them orders to guard the post of Dalagican to prevent the entrance of the Spanish troops, which, according to recent notice, were attempting it.

Learning what had occurred, the Americans became tranquil, and, giving the corresponding watchword to all the American force, the commander of the *Petrel* was ordered to deliver to me the 62 guns and ammunition of war offered by the Admiral, which was done. Then, in a little while, at about 10 o'clock in the morning, the launches of the *Petrel* brought and disembarked in the dike of the arsenal the armament referred to. This was immediately distributed to those who had presented themselves, because by thousands they came, begging a place in the ranks of the revolution and a gun to go to the advanced posts.

On the night of that day—the 20th of May—the old revolutionary chief, Señor Luciano San Miguel, to-day brigadier-general, presented himself to me to receive orders, which were given him, for the uprising of the provinces of Manila, Laguna, Batangas, Tayabas, Bulakan, Morong, Pampanga, Tarlak, Nueva Ecija, and others of the north of Luzon, and he went forth that very night to execute them.

The 21st, 22d, 23d, and rest of that month was continued the inpour of revolutionists who presented themselves to take part in the movement, so that I had to leave the arsenal and go to another house in Cavite in order to leave quiet the marines who garrisoned the arsenal.

V. THE DICTATORIAL GOVERNMENT.

On the 24th the dictatorial government was established by circulating a proclamation which I subscribed as chief of that government. Copies of this document were handed to Admiral Dewey and through him to the foreign consuls in Manila, although communication had been cut with the city. In a few days the dictatorial government was moved to the house where the old civil government of the Spaniards had been in Cavite, because the great crowd of persons who flowed hither from all parts overflowed the private house where we had formerly been. Here I received the pleasant notice of the arrival of the consignment of arms which were disembarked in the very dike of the arsenal under the gunboat *Petrel*, 1,999 rifles and 200,000 cartridges, with other munitions.

I immediately sent a committee to thank Admiral Dewey for the prompt arrival of the expedition, thanks to his action, informing him at the same time that the 31st of May had been fixed upon to commence the operation. The Admiral sent his secretary to congratulate me, as also my government, for the animation and activity that were noted in favor of the campaign, and he declared to me at the same time that he believed the day fixed upon too near to begin the uprising, and that I ought to put it off to a more distant day in order that the revolutionary troops might be better organized. I answered him by his secretary that the Admiral might feel easy, because everything was prepared and the Filipinos anxious to shake off and free themselves from the yoke of the Spaniards, and that this took the place of discipline, as time would prove. I thanked him, nevertheless, for his good counsel.

I immediately ordered the distribution to the various provinces of the arms received, sending some to the revolutionists of Kawit, which were introduced in the night of the 27th of May into the village of Alapang.

VI. THE FIRST TRIUMPHS.

On the following day, the 28th of May, 1898, at the hour of the delivery of the arms to the people of Kawit in that town, a column of more than 270 Spanish marines presented themselves, having been sent by the Spanish general, Señor Peña, in pursuit of the said arms.

There was had the first combat of the Filipino revolution of 1898, which we may call a continuation of the campaign of 1896 to 1897. The combat lasted from 10 in the morning until 3 in the afternoon, and through lack of ammunition the Spaniards surrendered with all their arms to the Filipino revolutionists, who entered Cavite with the prisoners. I seized upon this glorious occasion to bring out and unfurl the national flag, which was saluted by an immense multitude with acclamations of delirious joy and great hurrahs for Philippine independence and for the generosity of the United States, the act being witnessed by various officials and marines of the American squadron, who demonstrated clearly their sympathy with the cause of the Filipinos by taking part in their natural jubilee.

This glorious triumph was the prelude to continued victories; since, on the 31st day of May, the date fixed for the general uprising, the whole islands rose like one man to shake off the power of Spain.

The second triumph was in Binakayan, in a place called Polvorin, where a Spanish detachment composed of 250 men were attacked by revolutionists and surrendered in a few hours for lack of ammunition.

I again took occasion of this victory to display our national flag from the top of the barracks of Polvorin, which was on the seashore, in order that the holy sign of our liberty and independence might be seen and looked upon by all the war vessels which, representing all the greatest and most civilized nations of the world, were lying congregated in the bay, observing the providential events taking place in the Philippines after more than three hundred and fifty years of Spanish domination.

Scarcely an hour had passed when another banner of ours was seen waving on the tower of the church of Bacoor, which was also upon the seashore. It was a sign of a new triumph of the revolutionists against the Spanish troops that garrisoned that town, composed of some 300 men, who likewise for lack of ammunition surrendered to the revolutionary army.

And so the revolution went on from triumph to triumph, the Filipino people proving thus their power and resolution to free themselves from every foreign yoke, to live independent, as I had already affirmed to Admiral Dewey. Upon these things this gentleman and his chiefs and the American officials warmly congratulated me and the Filipino army for these undeniable triumphs, attested, as they were, by a great number of prisoners arriving from all parts of Luzon in Cavite.

VII. THE FILIPINO FLAG.

The 1st day of September I ordered that on all Filipino ships should be displayed our flag, which was complied with in the first place by the marines of our small fleet, composed of some eight Spanish steam launches and five other vessels of greater tonnage, called *Taaleño*, *Balayan*, *Taal*, *Bulusan*, and *Purissima Concepcion*, given to the Filipino government by their respective masters. These were immediately prepared in our arsenal to receive cannon, and we gave them 8 and 9 centimeter pieces, which were taken from the Spanish ships of the squadron.

Oh, how beautiful and gallant is our flag unfurled in the air from the masts of our ships upon the very waters of the bay of Manila, alternating with the ensigns of other great nations before whose ships ours came and went, bearing the recent sign of liberty and independence! How respected and admired as borne among the legitimate triumphant echoes of the proud Filipino army after it had received the surrenders of the regular forces of the Spanish Government!

The heart dilates with joy, the soul swells with pride, and patriotism is cheered at so great a contemplation!

At the end of the month of June I visited Admiral Dewey, who, after having complimented me for the rapid triumphs of the Filipino revolution, declared to me that the German and French admirals had asked him why he had consented to the Filipinos using a flag not recognized upon their ships, and that to this question he had replied that with his knowledge and consent the Filipinos were using that flag; besides, by their valor and resolution in war against the Spaniards they deserved henceforth to use that right.

I then broke into demonstrations of lively gratitude before so valorous and decided protection on the part of the admiral, and I immediately ordered that the Filipino fleet should carry troops to the other provinces of Luzon and the isles of the south to carry on the war against the Spaniards that garrisoned them.

VIII. THE EXPEDITION TO THE VISAYAS.

This expedition was made with much good luck, our steamers returning without accident after having left the troops at the points agreed upon. But the *Bulusan*, which went to Masbate to pick up the column of Colonel Mariano Riego de Dios and carry it to Samar, was sighted by the Spanish gunboats *Elcano* and *Uranus*, the first of which attacked the *Bulusan* and sunk it in those waters, not, however, without the Spanish ship having been made to suffer considerable damage by our troops. The crew of the *Bulusan* was fortunately saved by swimming to the shore.

IX. THE STEAMER COMPANIA DE FILIPINAS.

In a short time the Spanish steamer *Compania de Filipinas* presented itself in Cavite, having been seized by the revolutionists in the waters of Aparri. Immediately it was provided with artillery and sent with troops to Olongapo, but it was necessary to order another of our gunboats to bring her back, by request of Admiral Dewey, in order to settle the claim made by the French consul for that vessel. The Admiral, having been informed that the *Compania de Filipinas* had been seized under the Spanish flag, abstained from entering further into the matter and returned the claim to the French consul, declaring that he and his forces had nothing to do with the matter.

Thus ended this incident, which demonstrates clearly the recognition and protection which Admiral Dewey gave to the Filipino revolution.

The *Filipinas*, for so the steamer in question was thenceforth called, continued her journey to Olongapo, and upon her return brought the troops to liberate from the power of Spain the provinces of the valley of Cagayan and the Batanes Islands. This vessel, which again changed name and is now called *Luzon*, went aground in the Cagayan from an accident to its machinery.

In all the expeditions our vessels before setting sail saluted the *Olympia* as the flagship, thereby fulfilling the duty of international courtesy, our salutes being answered with like demonstrations of friendship.

X. THE PROCLAMATION OF INDEPENDENCE.

The dictatorial government prepared the proclamation of Filipino independence in the town of Kawit for the 12th of June. In fact I sent a commission to acquaint the Admiral with it, inviting him at the same time to be present at the act, which took place with all solemnity. The admiral sent his secretary to excuse me,[a] alleging that it was mail day.

At the end of the month of June the Spanish gunboat *Leyte* fled for Manila from the rivers of Macabebe, where she had been besieged by the forces of General Torres. She carried a part of the troops and volunteers which the Filipino Colonel Don Eugenio Blanco commanded; but having been seen by an American cruiser, she voluntarily surrendered. Admiral Dewey delivered to me all the prisoners and all the arms except the steamer, but later claimed the return of the prisoners after the capitulation of Manila

On the 4th of July the first military expedition of the United States arrived under command of General Anderson and was lodged in the arsenal of Cavite. This worthy general visited me in the office of the Filipino government in Cavite, a matter of etiquette which I returned immediately, and which is performed in all cases between two friendly and allied chiefs. In our conferences General Anderson solemnly ratified to me the promises of Admiral Dewey, affirming upon his word of honor that America has not come to the Philippines either to make war upon its natives or to conquer our territory, but indeed only to liberate the Filipino people from the oppressive Government of Spain.

A little before the arrival of this military expedition and of those which afterwards came with General Merritt, Admiral Dewey sent his secretary to the dictatorial government asking my permission to put the American troops in Tumbo and Maytubig, places of Parañaque and Pasay. To all of this the dictatorial government acceded, owing to the honorable promises of Admiral Dewey above set forth.

In the same month of July, the Admiral came to Cavite, accompanied by General Anderson, and after salutes of courtesy, said to me, "You have seen confirmed all that I have said to you and promised." "How beautiful your flag is. It has a triangle and resembles that of Cuba. Will you give me one as a memento when I return to America?"

I answered that I was convinced (or satisfied) by his honorable word, and there was no need to extend in writing the things agreed upon, and that as far as the flag was concerned he might count upon it as though it were already in his possession.

[a] "His absence" first translation.—J. W. G.

Dewey continued: "Writings are not fulfilled where there is no honor, which occurred with what you agreed upon with the Spaniards, who fell short in what had been written and signed. Trust in my word, because I answer for it, that the United States will recognize the independence of the country. But I recommend to you to observe for the present much secrecy in all that we have spoken of and agreed upon. And, besides, I beg you to have patience if our soldiers trample upon some Filipino, since as volunteers they are as yet without discipline."

I answered the Admiral that I would remember his recommendation about reserve, and that as concerned the abuses of the soldiers proper orders had already been given in that matter, giving at the same time like notice to the Admiral with respect to our soldiers.

XI. THE SPANISH COMMISSION.

The Admiral, changing suddenly the course of the conversation, asked me why the inhabitants of Manila do not rise as those of the provinces have done? Can it be true that they accept autonomy offered by General Augustin with the assembly of representatives? Can it be true, as he had heard, that a commission of Filipinos had left Manila to propose the acceptance of that autonomy and to recognize you as general, as also your companions?

I answered that the people of Manila are not rising because they have no arms, and because, as merchants and proprietors which they are, they fear to rise lest the Spaniards should get possession of their riches and burn and destroy; in consequence of which they apparently accept autonomy for the purpose of deception. But I told him that I trusted that all the Filipinos of Manila were partisans in our independence, as would be proven the day Manila should be taken by our troops. Then I believed that the inhabitants of Manila will celebrate with us the independence of the Philippines, making new demonstrations of adherence to our government.

I told him also that it was true that there had come a mixed commission in the name of General Augustin and of Archbishop Nozaleda, which commission had declared to me that it was forced to come by the Spaniards, but that it had demonstrated their adherence to our cause. The individuals of the commission explained to me that the Spaniards had recommended to them to say that they came of their own motion, without being sent and without being led thereto by the Spanish authorities, pretending to be faithful representatives of all the people of Manila, and that they should assure me that, provided autonomy should be accepted, General Augustin and Archbishop Nozaleda would recognize me and my companions as generals, giving me a million pesos, the indemnity not received from the treaty of Biakna-bato, and besides, great gratifications and salaries in the assembly of representatives; that to these promises the commissioners themselves gave no credit, although some advised that the money be accepted to get it out of the Spanish Government treasury and as a contribution of the Filipinos. The commissioners concluded by assuring me that they would rise in Manila if they were furnished arms, and that the best thing that I could do was to attack Manila at the places which they designated as the weak points defended by Spanish detachments easy to surround.

I thanked the commission for their sincerity and frankness and told them that they might withdraw in security, and that they should tell those who had sent them that they had not been received for the lack of credentials, and that although they should have had these credentials, according to what they had seen and heard from other revolutionists, Don Emilio Aguinaldo would not have accepted their propositions of autonomy because the Filipino people had sufficient intelligence to govern themselves and were tired of being martyred by the abuses of a foreign power; wherefore they desired no more than their independence, and so the Spaniards might prepare to defend their sovereignty, because the Filipino army would attack them hard and continuously until they took Manila.

I also charged the commissioners to say to Nozaleda that he was abusing much his high office, conduct contrary to the precepts of the high pontiff; that if he did not mend his ways he should see me the day he least expected, and see me prepared to bring to light things that would fill him with shame; and that he knew that, together with Augustin, he had commissioned four Germans and five Frenchmen who, in disguise, were to assassinate me, in the mistaken hope, without doubt, that I being dead the Filipino people would submit tranquilly to the sovereignty of Spain—a most egregious error, because if I had been assassinated the Filipino people would have continued with greater warmth the revolution. Other men would have arisen like me to avenge my death.

And finally I recommended to the commissioners that they tell the inhabitants of Manila to go on about their business, to be tranquil concerning our Government, whose line of conduct was rectitude and justice, since we had no friars to corrupt those civic virtues which the Filipino government is trying to show before the eyes of all nations. Then that they should go on with their business and not try to come out from Manila to this camp, where there were fewer resources, and because there were already too many people who were serving the Government and in the Army. If we lacked anything, it was arms.

The commission asked me what conditions the United States would impose and what advantages they would give the Filipino people; to which I replied that it was difficult to answer this question in view of the promise I had made to keep silent concerning the terms of the agreement, and I limited myself to inviting their attention to the acts of sovereignty which our dictatorial government was exercising, especially in the waters of the bay.

These words made much impression on the Admiral, even to the extent of causing him to interrupt the translation of my words by the interpreter, Señor Leyva, and he interpolated me, saying, "Why have you revealed our secret? Do you mean to say that you are not fulfilling our agreement as to silence?" I answered him that no revelation had been made of the secret relating to him and the consul. The Admiral, thanking me for my reserve, took leave with General Anderson, not without requesting me to suspend for the time being the attack upon Manila, because they were studying a plan to take with his forces the walled city, leaving the taking of the suburbs to ours. He charged me, nevertheless, to study for my part the other plan to combine it with his, to all of which I agreed.

XII. NEW AMERICAN TROOPS.

In a short time American troops arrived, and with them General Merritt. The secretary of the Admiral, with two chiefs, presented himself to the dictatorial government to ask permission to occupy our trenches at Maytubig from the seacoast to the high road, where they joined with the Filipino troops that occupied Pasay and Singalong. To this I acceded also, owing to the solemnly repeated promises of the Admiral and natural hopes born of them concerning the support and recognition of our independence.

Ten days after the occupation of Maytubig by the American forces the Spaniards, who were in front, fortified in the Polvorin of San Antonio Abad, learning of it, during the night surprised the American outposts, which, being weak, had no more time than to leap out of bed and double back upon their center, abandoning their rifles and six cannons.[a]

[a] This was read to me by an Army officer who said these statements were true, one of his [my] officers so informing me [him], who was present when it occurred.—J. W. G.

The uproar being heard by our troops, they immediately hastened to the aid of their friends and allies, putting the Spaniards to flight and recapturing the guns and cannon, which were returned to the Americans by the law of good friendship.[b]

General Noriel opposed this return, alleging that the arms did not belong to the Americans now, since the Filipino forces took them from the Spaniards; but I did not listen to this reasoning of my general, but, in terms, ordered the return of the arms to the Americans, thereby clearly and evidently demonstrating the sincere friendship of the Filipinos.

These guns and cannons, with much ammunition, were thereupon returned to those who were then our allies, although General Noriel and his troops had captured them at the cost of the lives of many companions.[a] A short time afterwards more American reenforcements arrived, and again Admiral Dewey, through his secretary, asked for more trenches for his army, alleging that those which had already been given were not sufficient, and I gave them the line of trenches up nearly to Pasay.

XIII.—THE 13TH OF AUGUST.

The 13th of August arrived, when I noted a general movement of attack against Manila on the part of the American squadron and of the land forces under command of General Anderson in Paranaque.

Immediately I ordered my troops to attack along the whole line. Gen. Pio del Pilar succeeded in entering by Sampalok and attacked the Spanish troops that were defending the suspension bridge. These fell back toward the bridge of Spain. The column of our Gen. Gregorio H. del Pilar took the suburb of Pretil, Tondo, Divisoria, and Paseo de Azcarraga, to the north of Manila; and the column of General Noriel, in the direction of Pasay, took the suburbs of Singalong and Pako, following the American column and flanking the Spanish forces that defended the line of San Antonio Abad.

When this was seen by the Spanish chiefs, they ordered their troops to retire toward the walled city, whereupon the American forces that occupied the trenches in front entered without firing a shot, through the suburbs of Malate and Ermita. But there they encountered the troops of General Noriel, who had taken possession of the suburbs named, and established his quarters in the convent of Malate and Ermita, in the buildings of the old exposition of the Philippines, in the normal school, and in the house of Señor Perez in Pako. In Santa Ana, eastern part of Manila, General Ricarte, aided by the troops of General Pio del Pilar, succeeded in cutting off five columns of Spaniards.

XIV. THE FIRST CLOUDS.

Our men saw the American forces disembark upon the beach of the Luneta and the promenade of Santa Lucia, and the attention of all was attracted by the fact that the Spanish soldiers who were on the city wall did not fire upon these troops—a mystery which at nightfall was explained by the news of the capitulation of the town, made by General Señor Jaudenas to the American general, Mr. Merritt, a capitulation which the American generals had kept secret in violation of the agreement with Admiral Dewey concerning the formation of plans to attack and take Manila with the two armies, American and Filipino, together and in combination.

This inexplicable conduct of the American leaders was made more evident by the telegrams which General Anderson on the aforesaid day, the 13th, directed to me from Maytubig, asking me to order our troops not to enter Manila. This request was denied, because it was contrary to the agreement and to the high limits of the revolutionary government, which, after undergoing the immense labor of besieging Manila two months and a half and sacrificing thousands of lives and tens of thousands of material interests, could not surely have done so with any other object than that of capturing Manila and the Spanish garrison that defended the town with firmness and tenacity.

But General Merritt, tenacious of his proposition, asked me now, not through the Admiral, but through Major Bell, to withdraw my troops from the suburbs to prevent danger of conflicts, which are ever to be feared in a double military occupation, and also thereby avoid for the American troops ridicule. And he offered in his three letters to negotiate after his plans had been carried out, to which I acceded, but not right away and all at once, but to withdraw our troops gradually to the blockhouses, that all the inhabitants of Manila might be witnesses of our military deeds and of such pregnant conduct with our American allies.

Up till then and up to the date when the Americans openly began hostilities against us I had entertained in my soul deeply founded hopes that the American chiefs would cause their agreements, orally had with the chiefs of the Filipino revolution, to stand with their own Government, notwithstanding the signs to the contrary that were noted in their conduct, above all, in that of Admiral Dewey, who, without any reason whatever, one day in October, seized all our vessels and launches. When I was informed of this strange proceeding from the seat of government, which was then in Malolos, I sent a committee to General Otis to treat about the matter, who sent it on to the Admiral recommended. But they were not received by the Admiral, notwithstanding General Otis's recommendation.

Notwithstanding this conduct of the American leaders, so contrary to all agreements and arrangements above referred to, I continued observing toward them the same friendly attitude, sending a commission which went to take leave of General Merritt when he went away to Paris. After the General had given thanks for this act, he was kind enough to declare to our commissioners that he would defend the Filipinos in the United States. I also sent to Admiral Dewey a dagger, with its scabbard all of silver, and a cane of the finest wood, with a gold head worked by the best Filipino silversmith, remembrances of affection and old friendship, which the Admiral accepted, thus and to a certain extent consoling my afflicted spirits and the spirit of all those Filipinos composing the revolutionary government, and renewing in all our hearts the flattering and deceptive hopes of an arrangement with Admiral Dewey.

XV. FALSE HOPES.

But such hopes disappeared when notice was received that Mr. Dewey had been working and was thus working against the revolutionary government by the order of His Excellency Mr. McKinley, who, controlled by the imperialist party, had decided to annex the Philippines, yielding, perhaps, to the ambition to exploit the immense natural riches that our virgin soil concealed.

This notice fell like a flash of lightning in the camp of the revolution. Some cursed the hour and the day that we had orally treated with the Americans; others censured the fact that we had yielded the suburbs. The greater part advised to send a commission to General Otis to draw out frank declarations upon the situation and to block out a treaty of friendship, if the United States would recognize our independence, or to break out into actual hostilities if this was refused.

In such a grave situation I advised moderation and prudence to all, as I still had hope in the justice and rectitude of the Congress of the United States, believing that it would not approve the tendencies of the imperialistic party, but would listen to the voice of Admiral Dewey, who, as the high representative of America in these islands, concerted and arranged with me and the Filipino people to recognize our independence.

[b] Corroborated by Richard Brinsley Sheridan, barrister at law, Inner Temple, London, "an eye-witness," in his book The Filipino Martyrs, p. 63.

In no other way in fact was so grave an affair to be looked upon, since if America intrusted to Admiral Dewey the honor of its arms in so foreign a land, well also might the Filipinos trust in the honorable promises of such a perfect gentleman and brave sailor, feeling sure that the great and noble American people would not abandon and expose to ridicule the illustrious conqueror of the Spanish squadron.

I was further induced to this judgment by the circumstance no less evident and notorious that the other American leaders who arrived after the celebrated victories of Admiral Dewey—Generals Merritt, Anderson, and Otis—proclaimed to the Filipino people that America came not to conquer territory, but to free their inhabitants from the oppression of Spanish sovereignty.

It would be, therefore, to expose also the honor of these chiefs to universal ridicule should the United States fail to stand by their official and public conduct, but annex the islands by conquest.

XVI. THE AMERICAN COMMISSION.

With such wise and well-founded reflections I continued to calm the minds of my revolutionist companions until the official notice arrived that the Government of Washington, on the motion of Admiral Dewey, had arranged for the coming of a civil commission to come to an understanding with the Filipinos in order to reach an agreement about the definite government of the islands.

Joy and satisfaction again sprang up in the minds of all Filipino revolutionists, and I then arranged to name a commission that should receive the American Commissioners and at the same time gave strict orders to all to keep in the greatest harmony with the Americans, to tolerate and to pass over the abuses and aggressions of the soldiery, since it would be bad for the Commission which was expected to find us at outs with the American forces.

But the abuses of the Americans were becoming in many cases intolerable. In the market of Arroceros, under pretense of being "only in play," they killed a woman and a child, causing indignation on the part of all the multitude that filled the place.

My aids who had passes to enter Manila, armed and in uniform, were annoyed with repeated detentions by all guards that they passed, by which it was clearly seen that it was the intention to provoke them with public ridicule.

And while all these annoyances were being given our men the American leaders and officers who entered our camp were treated with deference and kindness.

In Lacoste street an American watchman shot a little child 7 years old because the latter had taken a banana from a Chinaman.

Searches of houses were as annoying as in the time of the Spaniards and the American outposts invaded our lines, provoking our sentinels. In short, it would be to make this writing too long should I relate one after another the abuses and aggressions committed by the American soldiery in those days of general anxiety.

Abuses seemed to have been ordered, or at least officially tolerated, with the evident intention of provoking us to a struggle. Our spirits were greatly provoked, but the Filipino government, which had assumed the responsibility of the acts of its people, by prudent orders continually repeated, tried to preserve peace, advising all who suffered by aggression to bear with patience and forbearance until the arrival of the civil commission.

XVII. IMPOLITIC ACTS.

In this wretched and critical situation, and before the arrival of the much-desired American Civil Commission, it occurred to General Otis, military governor of the American forces, to put in effect two most impolitic acts—one, the order to search our telegraph office in Sagunto street in Tondo, closing up the machinery, and detaining the official, Señor Reyna, in the fortress of Santiago under pretext that he was conspiring against the Americans.

How and why was Señor Reyna conspiring? Would it not have been sufficient for the Filipino government to have given the order to attack for our whole 8,000 men to have entered into an immediate struggle with the forces of the United States? Was it necessary to conspire when this power was in our hands? And above all, was a telegraph operator to mix himself up in affairs of war when an army existed to whom that duty belonged?

The intention to annoy and directly ridicule the Filipino government in order to provoke it to a struggle is thus seen. It is to be noted that this act was not done by the soldiery but by General Otis himself, whose imperialistic policy was not pleased by the arrival of the Civil Commission and much less that that Commission should find the Philippines in a state of peace, because it was evident to the General, as to all the world, that the Filipinos would have come to an understanding and friendly settlement with the Commission had this Commission arrived and found a state of peace.

The Filipinos would have received this Commission with demonstrations of true affection and complete adhesion as the honorable agents of great America. The Commissioners could have gone through all of our provinces plainly seeing and observing order and tranquillity in all our territory. It would have seen the fields worked and sown. It would have examined our constitution and public administration with perfect tranquility, and would have felt and enjoyed that ineffable enchantment of our oriental manner, a mixture of abandon and kindness, of warmth and coldness, of confidence and suspicion, which marks our relations with strangers, with a thousand agreeable colors.

Ah! but neither General Otis nor the imperialists desired them to take such a journey. It was better for their criminal intentions that the American commissioners should find the desolation of war in the Philippines, and should, from the very moment of their arrival, smell the fetid odor of American and Filipino corpses blended. It was better for their plans that the gentleman, Mr. Schurman, president of the Commission, should not be able to go out from Manila, but should be limited only to hearing the few Filipinos who, led by reasons of money, were partisans of the imperialists.

It was better that the Commission should look at the Filipino problem through flames, through the whistling of balls, and through the shadows of all unchained passion in order that it might not form any exact judgment or idea of the proper and natural terms of the problem. Ah! it was better, in short, that the Commission should return discouraged at not having obtained peace, and should blame me and the other Filipinos, when I and all the Filipino people desired that this peace should be made yesterday, before this, but worthy and honorable peace for the United States and the Filipino republic, to the end that it be sincere and perpetual.

The other impolitic act committed by General Otis was the publication of the proclamation of the 4th of January, establishing in the name of President McKinley American sovereignty in these islands, with threats of ruin, death, and desolation to everyone who would not recognize it.

I, Emilio Aguinaldo, humble servant of all, but president of the Filipino republic, charged, however, with watching over the liberties and the independence of the people who have chosen me for this elevated and thorny charge, distrusted for the first time the honor of the Americans, and understood from thenceforth that this proclamation of General Otis had passed all the limits of prudence, and that there was no remedy except to resist with arms such an unjust and unexpected proceeding on the part of the leader of the friendly army.

I protested then against this proclamation, threatening also to begin hostilities immediately, since the whole people were shouting "treason," declaring with foundation that the announced Civil Commission which had been asked for by Admiral Dewey was a farce, and that what General Otis had pretended was only to entertain us in order to bring reenforcements and more reenforcements from the United States, in order to crush at a single blow our new and ill-armed army.

But General Otis acted for one time with diplomacy, and wrote to me, by conduct of his secretary, Mr. Carmen, a letter inviting the Filipino government to send a commission to come to an understanding with another one, of Americans, about a friendly arrangement between both parties. Although I did not trust in the sincerity of the friendly propositions of the General, whose decided intention to prevent the commission from finding a state of peace was already proven, I nevertheless yielded to his invitations, as much because I saw it officially confirmed, by order of the 5th of January, given by the General, as in order to demonstrate before the whole world my evident desires to preserve peace and friendship with the United States, solemly agreed upon with Admiral Dewey.

XVIII. THE MIXED COMMISSION.

The conferences of the commission composed of Americans and Filipinos were held in Manila from the 11th to the 31st of January. They showed with clearness the desires of our people to be recognized as an independent nation.

They set forth with frankness the complaints of the Filipino people against the abuses and aggressions of the soldiery, and they were heard attentively and kindly by the American commissioners.

The latter replied that they were without power to recognize the Filipino government, but that their mission was limited to hearing and gathering the wishes of our people, and transmitting them faithfully to the Government at Washington, which alone could decide definitely the matter. These conferences were thus concluded in the greatest harmony, auguring better and more definite days of peace until the date when Mr. McKinley should answer General Otis's telegrams transmitting our desires with favorable recommendation, as was said by the American commissioners.

XIX. OUTBREAK OF HOSTILITIES.

And when I, the governor, the congress, and the entire people were awaiting so desired a reply, yielding for the most part to the most flattering impressions, the fatal day, the 4th of February, came, on the night of which the American forces suddenly attacked all our lines. These lines were certainly almost abandoned, because, as it was Saturday, the eve of a feast day, our generals and some other of our noted leaders had asked permission to go home to their respective families.

Gen. Don Panteleon Garcia was the only one who at that critical moment was at his post of Maypajo, north of Manila, since Generals Noriel, Rizal, and Ricarte and Colonels San Miguel, Calles, and others were out of camp enjoying their permissions to be absent.

General Otis, according to true information, telegraphed to Washington that the Filipinos had been the aggressors against the American army. President McKinley read the telegram before the Senate, which was discussing the ratification of the treaty of Paris of December 10, 1898, in so far as it related to the annexation of the Philippines, and he obtained by this criminal means the approval of the whole treaty only by 3 votes, which were given under protest in doing so in consideration of the state of war in the islands.

So singular a comedy could not last long, because we Filipinos never were the aggressors against the American forces, to whom we had sworn friendship, and in whose power we expected to find the protection necessary to obtain from other nations the official recognition of our independence.

The doubt of the first few moments was great, but it soon yielded to the serene grave rays of the light of truth.

When sensible persons considered the acts of Mr. McKinley in sending troops and more troops to Manila after making the armistice and even after peace with Spain; when they reflected that he had gone on delaying to send the civil commission to arrange a treaty of friendship with the Filipinos; when they knew the facts that preceded my alliance with Admiral Dewey, prepared and arranged by Consuls Pratt and Wildman, of Singapore and Hongkong; when they fully understood the true state of things in the Philippines the 4th of February; when they knew that the Filipinos were expecting the reply of Mr. McKinley to General Otis's telegram communicating the peaceful desires of the Filipino people to live as an independent nation; when, finally, they fixed their attention on the terms of the treaty of Paris, whose approval in so far as related to the annexation of the Philippines was greeted with shouts of jubilee and satisfaction by the imperialist party, directed by Mr. McKinley, then they opened their eyes to the light of truth and perceived clearly the low, egotistic, and inhuman policy which Mr. McKinley had followed with us Filipinos, pitilessly sacrificing to his immoderate ambition the honor of Admiral Dewey by exposing this worthy gentleman and illustrious conqueror of the Spanish squadron to universal ridicule, because no other deduction is possible from the fact that about the middle of May, 1898, the *McCulloch*, a war vessel of the United States, brought me with my revolutionary companions from Hongkong, by direction of the Admiral, and is to-day devoted to bombarding the ports and cities of the revolution, whose principle is liberty and independence.

The facts related are recent and ought to be kept still fresh in the memory of all.

Those who in May of 1898 admired the valor of Admiral Dewey's marines and the humane sentiments of that illustrious leader, who lent visible support to an oppressed people in order that they might be free and independent, can surely never harmonize the present inhuman war with those elevated and honorable sentiments.

I will pass over the cruelties with which from the outbreak of hostilities General Otis treated the Filipinos, secretly shooting many who would not sign the writing begging autonomy. I will say nothing of the abuses of power which the American soldiers committed against the innocent and defenseless citizens of Manila, shooting children and women for looking out at the balconies, leveling houses at midnight, breaking open boxes and drawers and carrying away money, jewels, and whatever objects of value they found; breaking chairs, tables, and looking-glasses which they could not carry off, because, in brief, they are the consequences of war, though not of civilized war; but what I will not pass over is the inhuman conduct of General Otis toward the Filipino army, when, in order to arrange a treaty of peace with the civil commission presided over by Mr. Schurman, I three times sent a messenger asking the suspension of hostilities.

General Otis refused so just and prudent a request, and replied that he would not suspend hostilities until the Filipino army had laid down their arms.*

What? Did that army deserve no consideration on the part of General Otis and the American forces? Had the important services rendered by the Filipino army to the American in the past war against the Spaniards been forgotten? Had General Otis forgotten the favor which the Filipino army

*No suspendia hostilidades mientras el ejercito Filipino no depusesiera las armas.

showed him when it gave up to him and his forces the suburbs and the blockhouses which it had taken with so many sacrifices? Why did General Otis impose for peace so humiliating condition upon an army which, together with the American Army, had poured out its blood, and whose bravery and heroism had been lauded by Admiral Dewey and other American leaders?

This inexplicable conduct on the part of General Otis, evidently contrary to all laws of international right and military honor, is proof most eloquent of his decided intention to render useless Mr. Schurman's pacific mission. What peace can be arranged to the thunder of cannon and the hiss of bullets? What kind of proceeding has General Brooke been carrying on and is now carrying on in Cuba? Do not the Cubans continue to bear their arms while at the same time they are treating of peace and the future of that island? And are we, peradventure, less worthy than those revolutionists of liberty and independence?

Oh, beloved Philippines! Blame your riches and your beauty for the great misfortune that is falling upon your faithful sons! You have awakened the ambition of the imperialists and expansionists of North America, and both have sunk their sharp claws into your entrails! Beloved mother, sweet mother! We are here to defend your liberty and independence to death! We do not want war; on the contrary, we desire peace; but peace that will not color your cheek nor stain with shame nor blush your brow; and we swear to you and promise that America, with all her power and riches, shall perhaps be able to annihilate us, killing us all, but enslave us, never!

No, no; it was not this humiliation which I arranged in Singapore with the American consul, Mr. Pratt. Such was not the agreement which I stipulated with Mr. Wildman, consul at Hongkong. It is not, finally, the submission of my beloved country to a new foreign yoke which Admiral Dewey promised me.

Certain it is that the three have abandoned me and forgotten that I was sought by them and brought from my banishment and deportation; forgotten, also, that none of the three had solicited my services for American sovereignty, paying the expenses of the Filipino revolution, for which, evidently, they have sought and brought me to your beloved breast.

If there is, as I believe, a God, root and fountain of all justice, one an eternal judge of international contentions, He will not long delay, sweet mother, to save you from the claws of your unjust enemies. I believe it as I believe in the honor of Admiral Dewey. I expect it, as I rely upon the rectitude of the great people of the United States, where, if there are ambitious imperialists, there exist also valiant circles of defenders of the humane doctrine of the immortal Monroe, Franklin, and Washington, unless the race of virtuous citizens, glorious founders of the actual greatness of the North American Republic, has decreased so much that their beneficent and legitimate influence is overridden by the powerful ambitions of expansionists. In this unhappy case, is it not better to die than be slaves?

O reasonable American people, deep is the admiration produced in all the Filipino people and their new army by the valor of all your soldiers and leaders. Too weak are we before such Titans of the ambitious Cæsarist policy of your present governor to resist their brave onset. Our means are scarce; but we will continue in this unjust struggle, bloody and unequal, not from love of war, because we hate it, but to defend our undeniable rights to liberty and independence, so dearly bought, and our territory, threatened by the ambition of a party that is trying to subjugate us.

Pitiable is the war! Horrible its carnage! Unhappy Filipinos are perishing in the furor of its combats, leaving mothers, widows, and sons. North America may perhaps be able to shut her eyes upon the misfortunes she is heaping on us, but what her people will not undoubtedly consent to is the continued sacrifice of her sons, the weeping of mothers, widows, and sons for the mere caprice of sustaining a war contrary to her honorable traditions proclaimed by Washington and Jefferson.

Turn, then, O North American people, to your legendary liberties; raise your hands to your hearts and tell me, would it please you if, in the course of events, North America should find herself in the situation of a weak and oppressed people, and the Philippine nation, free and powerful, at war with your oppressors, should solicit your aid and promise to free you from so grievous a yoke and then, after conquering your enemy with your aid, should subjugate you and deny you that liberty?

Civilized people, honorable inhabitants of the United States, to whose high and right consideration I submit this unhappy paper, here you have the providential facts that brought forth the Filipino republic, whose existence has been unjustly denied, and a nation of whom, though unworthy, God has made me the principal agent.

The truth hereof rests in the word of the president of this republic and in the honor of a whole people of 8,000,000 souls, who for more than three years have borne the sacrifice of lives and property of their heroic sons to obtain the just recognition of her natural rights of liberty and independence.

If you will grant me the honor to receive and to read this writing, and judge it then impartially, declaring solemnly on which side are justice and right, then I shall remain eternally grateful.

Your respectful servant,

EMILIO AGUINALDO.

TARLAC, *September 23, 1899.*

John D. Ford, fleet engineer of the Pacific coast of the United States Navy, in his book entitled "An American Cruiser in the East," pages 491 and 500, says:

On the 20th of May Aguinaldo, the native insurgent leader, with members of his staff, arrived at Cavite and immediately began to assemble his followers, since which time these brave people have captured nearly all the Spanish strongholds in the province of Cavite, taken thousands of prisoners, and armed themselves by their captures. They have worked their way to the outposts of Manila and control all the country about it.

Aguinaldo's native forces moved into old Cavite, the adjoining towns, and closer to Manila, to make room for our troops, who soon fraternized with their native auxiliaries. The natives regard our people as their liberators from Spanish cruelty and oppression, and do everything in their power to help on the good cause.

U. S. S. BALTIMORE,
Manila, August 18, 1898.

As soon as the Spanish fleet had been annihilated the insurgents began to assemble about Cavite, and on May 20 General Aguinaldo and staff arrived from Hongkong and began operations against the Spaniards on the land side. The people of the neighboring provinces were soon under arms, and the investment of Manila was begun. Captures of small detachments of Spanish troops were of almost daily occurrence, and the arms and ammunition captured in this way supplied the insurgents with the means of continuing the warfare.

Many of the insurgents were armed with machetes, spears, axes, or bows and arrows, and their commissary was of the poorest kind—a handful or two of rice, a few eggs, and an occasional fowl, which were contributed by friends of their cause, was about the extent of it; and on this fare they made long, weary marches, built earthworks, burrowed trenches, and fought a hand-to-hand fight with their enemy right up to the Malate fort and magazine.

The insurgents soon had the neighboring provinces in their possession, and invested Manila on the land side, and a struggle for the possession of the magazine and Fort Malate went on day and night with varying success.

Mr. Ford then says:

The insurgents held many meetings in the church at old Cavite, and on July 1 General Aguinaldo proclaimed the republic of the Philippines with the following declaration:

1. The independence of the Philippines shall be proclaimed.
2. A republic shall be established, with a government designated by General Aguinaldo and approved by the admiral and general commanding the United States forces.
3. The government will recognize the temporary intervention of commissioners designated for the present by the United States.
4. The American protectorate shall be recognized on the same conditions as arranged for Cuba.
5. The Philippine ports shall be opened free for the universal commerce of the world.
6. Precautionary measures shall be adopted against Chinese immigration, so as to regulate the competition with the work of the natives.
7. The corrupt judicial system at present existing shall be reformed, intrusting at the commencement the administration of justice to competent European legal officials.
8. The complete liberty of association, as likewise that of the press, shall be declared.
9. There shall be a general religious toleration, but measures shall be adopted for the abolition and expulsion of the religious communities who, with an iron hand, have hitherto demoralized the actual civil administration.
10. Measures conducive to the working, development, and prospects of the natural resources of the country shall be adopted.
11. The development of the public wealth shall be facilitated, together with the opening up of roads and railways.
12. The existing obstacles to the forming of commercial enterprises and investment of foreign capital shall be suppressed.
13. The new government will keep the public order and will be obliged to prevent every act of reprisal against the Spaniards.
14. The Spanish official element shall be removed to some other safe and healthy island until the opportunity is presented for them to return to Spain.

On July 25 Major-General Wesley Merritt arrived on the transport *Newport*, and assumed command of the United States land forces.

In a recent interview published in the Baltimore Sun Commodore John D. Ford stated:

The fellows we deal with out there are not ignorant savages, * * * but an intelligent, liberty-loving people, full of courage and determination. They have the intellect and stamina to govern themselves, and have done it for three hundred years, although under the rule of Spain. They were the bookkeepers, the assessors, and managed the entire machinery of government. * * * They have a good government now which they are operating successfully, and preserve law and order.

Mr. Sargent, sent out by Admiral Dewey to investigate the people and country, states:

"Throughout the island a thirst for knowledge is manifested and an extravagant respect for those who possess it. The heroes of these people are not heroes of war, but of science and invention. Without rival, the American who is best known by reputation in Luzon is Mr. Edison, and any native with the slightest pretension to education whom you may question on the subject will take delight in reciting a list of his achievements."

And Gen. Charles King, who served in the Philippine Islands, in a telegram to the Milwaukee Journal, stated:

"The capability of the Filipinos for self-government can not be doubted. Such men as Arellano, Aguinaldo, and many others whom I might name are highly educated. Nine-tenths of the people can read and write, and all are skilled artisans in one way or another. They are industrious, frugal, temperate, and, if given a fair start, could look out for themselves infinitely better than our people imagine. In my opinion, they rank far higher than the Cubans or the uneducated negroes, to whom we have given the right of suffrage. There is no culture, excepting among the higher classes, of course, but there is fair education everywhere, and many people have ability. The men in power whom I met are gentlemen, many of them scholars, educated abroad, polished in manners, perfect in courtesy, broad minded, and ripe in judgment. There is no reason in the world why the people should not have the self-government which they so passionately desire, so far as their individual ability to carry it on goes."

Now, Mr. Chairman, I have here a great number of interviews with American officials, soldiers, and citizens bearing upon the feeling that predominates amongst the Filipinos as to the Americans, but of course I have not time to go into that now. I want you to hear me, or rather others, on Aguinaldo and the Filipinos.

General Merritt said, when he went over to Paris to testify before the Paris Commission:

The Filipinos impressed me very favorably.

This is published in the newspapers over there, and is found in a book entitled "The Filipino Martyrs," written by Richard Brinsley Sheridan, who was, he says, "an eye-witness" to the proceedings and conditions of the things there in 1898, and saw the advent of the American arms in the Philippine Islands, and remained there for some time. He is a "barrister of London," a man of repute, and writes well. He wants us to hold the Philippine Islands, but criticises the way we have been treating the Filipinos and the way we have conducted that war, being, as he himself states, a victim of some very discourteous and inexcusable and thoroughly offensive treatment by some of our American people, although the confessed friend of the United States. He is wholly disinterested in this matter. General Merritt said:

The Filipinos impressed me very favorably. I think a great injustice has been done the native population. I have found the Filipinos susceptible to good treatment, and I am certain they would always prove grateful in return for fair dealing. They are much superior in general points of character to the natives of kindred people in any other parts of the world. They are more capable of self-government than, I think, the Cubans are. They are considered to be good Catholics. They have lawyers, and doctors, and men of kindred professions who stand well in the community and bear favorable comparison with those of other countries. They are dignified, courteous, and reserved.

Certainly the members of the Fifty-sixth, if not the present,

Congress are familiar with Senate Document No. 62. It contains President McKinley's message transmitting the Paris treaty, many official papers and much evidence submitted to the Paris treaty commissioners and has been much quoted from in the discussion of this insular question.

Instead of reading from that document I will content myself with reading from the splendidly prepared and brief article bearing upon this subject printed in the Washington Post last year by Rebecca J. Taylor. This author bases this article upon quotations from Senate Document No. 62 and General Otis's report. The quotations are correctly made. I will read the article:

AGUINALDO AGAIN—TRIBUTES TO THE LATE INSURGENT LEADER ARE FOUND IN OFFICIAL DOCUMENTS.

EDITOR POST: Mr. W. C. Dodge has undertaken to tell wide-awake Americans the tale of Aguinaldo's "treachery;" how he sold out to the Spaniards and then went back upon his bargain, a story long since exploded by historians and the official records. I would apologize to the public for presenting such stale facts did I not believe that every repetition of the libel should be disproved.

According to the historians, the Spaniards, by the treaty of Biac-na-Bato, agreed to enact certain reforms and grant Filipinos certain privileges demanded, upon condition that the latter should lay down their arms and the leaders quit the islands during the armistice agreed upon, to give the Spaniards opportunity to conclude the reforms.

Under the terms of the treaty, Spain also agreed to pay a certain sum of money to the leaders and others "whose property had been destroyed or confiscated, and to the Filipino widows and orphans as an indemnity for loss consequent to war."

Of this indemnity only $400,000 was received by the leaders. Concerning this, in his testimony before the Paris Peace Commission, General Greene stated as follows:

"The money was deposited in banks at Hongkong, and a lawsuit arose between Aguinaldo and one of his subordinate chiefs, which is interesting because of the very honorable position taken by Aguinaldo. Artacho sued for a division of the money according to rank. Aguinaldo claimed that the money was a trust fund and was to remain on deposit until it was seen whether the Spaniards would carry out their promised reforms, and if they failed to do so it was to be used to defray the expenses of the new insurrection." (Senate Doc. 62.)

This is corroborated by Mr. Halstead.

Consul-General Pratt, in one of his reports to the State Department, submits a statement of the case as follows: "The Spanish Government, imagining itself secure, desisted from carrying out promised reforms. The Filipinos refused to be made dupes of, and have taken up arms again." (Senate Doc. 62.)

Consul Williams reported to the State Department as follows, May 24, 1898: "To-day I executed a power of attorney whereby General Aguinaldo releases to his attorney in fact $400,000, now in bank at Hongkong, to pay for 3,000 stands of arms bought there and expected here." (Senate Doc. 62.)

July 18, 1898, Consul-General Wildman reported to the State Department: "There has been a sytematic attempt to blacken the name of Aguinaldo and his cabinet. * * * It has been said that they sold their country for gold, but this has been conclusively disproved." (Senate Doc. 62.)

As for Aguinaldo's so-called treachery toward us, it is also a well-established fact that he declined the overtures alike of Spaniards, Germans, and French.

This is corroborated by Mr. Halstead.

As opposed to the wholesale abuse of your correspondent of the great Philippine leader, I submit the following official views:

June 2, 1898, Consul-General Pratt reported: "No close observer of what has transpired in the Philippines the past four years could have failed to recognize that General Aguinaldo enjoyed, above all others, the confidence of the Filipino insurgents, and the respect alike of Spanish and foreigners, all of whom vouch for his high sense of justice and honor. (Senate Doc. 62.)

Mr. Halstead shows that Aguinaldo had acted with conspicuous honesty as to this $400,000.

Again, the same official speaks of the "brilliant achievements" of the "distinguished leader, Gen. Emilio Aguinaldo, cooperating on land with the Americans at sea." (Senate Doc. 62.)

July 18, 1898, Consul-General Wildman reported: "Aguinaldo, Agoncillo, and Sandico are all men who would be leaders in their separate departments in any country." And again he writes to Aguinaldo: "You have certainly fulfilled nobly all the promises I made on your behalf to Admiral Dewey."

General Bell, when testifying before the Paris commission, spoke of Aguinaldo as "honest, sincere, and a natural leader of men. * * * A very popular man, highly respected by all." (Senate Document No. 62.)

And, finally, General Otis reported of Aguinaldo as follows, just before the breaking out of hostilities: "He was hailed from Europe as the savior of his country, and as the first of 'the generous and noble Tagalo people,' and was assured of 'the sympathy of all liberal and noble nations.'" (Otis's Report, p. 94.)

REBECCA J. TAYLOR.

In speaking of Aguinaldo, Lieutenant-Commander Calkins says:

He has never been convicted for corruption or cruelty. His treatment of Spanish prisoners was humane and even generous compared with that which Spain has given her rebels in any civil contest of the nineteenth century. In July, 1898, many prisoners captured by the American forces were placed in his custody.

One thousand three hundred Spanish soldiers were captured, as Dewey says, by Aguinaldo, but he was assisted by two of Dewey's ships, but the soldiers were turned over by Dewey to Aguinaldo and by him kept as prisoners of war.

General Whittier says of the Filipinos:

Their conduct to their Spanish prisoners has been deserving of the praise of all the world. With the hatred of priests and Spaniards, fairly held on account of conditions before narrated, and with every justification to a savage mind of the most brutal revenge, I have heard of no instance of torture, murder, or brutality since we have been in the country.

General Whittier further states:

The military operations and conduct of the insurgents has been most reditable. Positions taken and the movement of troops show great ability on the part of some leaders. His forces (Aguinaldo's) went around the city, taking the waterworks and the north point of the city and running up the city. At that time they occupied a portion of Manila.

General Whittier, before the Peace Commission, when asked: "Were they (the Filipinos) of material assistance to us?" answered "Very great. I think if they (the Spaniards) had not had this experience of having been driven back into the city (by the natives, of course) and the water cut off, so that even Jaubenes said he could not remove his noncombatants, the Government would have insisted upon his making a fight, and he would have made a very good one, for his position was strong, if they had any fight in them at all. But every place had been taken from them by the Filipinos, who managed their advances and occupation of the country in an able manner."

Lieutenant Hazard, one of the American officers who aided in the capture of Aguinaldo and saw a great deal of him, said to me in a written interview:

Aguinaldo told me he paid no attention to the first telegram to him at Malolos (February 4), which told him of this bridge affair—that is, the night the first shot was fired at San Juan Bridge. He mashed it (the telegram) in his hand and continued to turn music for a lady playing on the piano. That when he got the second message, a short while after the first, he called some of his staff officers and went to the telegraph office and remained there the balance of the night. The Filipino congress had met this day (February 4) to see if trouble between the two armies could not be prevented.

Aguinaldo and Luna opposed war. They were in the minority. Nothing was decided on as to when war was to begin, but they decided it would come sooner or later. They were as much surprised that it occurred this night (February 4) as we were ourselves. Aguinaldo said to me he did not want war, but peace, and I believe he is honest in that. His former record as a soldier had been good. He was brave and patriotic. Mentally he is a mediocre. He is to his people conscientious, honest, and faithful, and he has made honest efforts to serve his people. I do not think there is anything low or mean or designing in the man. I have great respect for him as a Filipino. He is a very manly fellow. His conduct after his capture won for him a high place in my heart. He has been used by bad men for bad purposes, like many men are sometimes. Aguinaldo had a pistol on him all night the first night after we captured him, and the next day he voluntarily came up and turned over his pistol to General Funston. I speak Spanish.

Here then is an American officer, a man of courage, intelligence, and a splendid young man, who struggled to capture Aguinaldo and after he did so came in close contact with him, and he thus relates this conversation and the impressions which Aguinaldo made on him.

Mr. John Barrett was in Manila soon after the battle of Manila Bay. In an article published in the Review of Reviews, entitled "The truth of the Philippine situation," he thus speaks of the Filipinos and Aguinaldo during the early days of our undertaking there.

You will notice that he states that with the Filipino army was a "Red Cross Association, at theh ead of which was Aguinaldo's mother and wife." I will read in part what Mr. Barrett says, as follows:

After his arrival at Cavite he organized with wonderful rapidity a provisional government, and in a short time had an army which was capturing Spanish outposts with the frequency of trained regulars. Within thirty days after his arrival he had taken 2,000 Spanish prisoners and had practically gained control of all the country of Luzon outside of Manila, leaving that city to our mercy. During the latter part of May, and all of June, his relations with our forces were most agreeable; there was a perfect understanding between Dewey and himself.

No matter what estimate may be made of Aguinaldo's personal character, there is no reason why credit should not be given for what he actually did. Coming to Manila at nearly the same time I did, I witnessed the beginning as well as the development of his authority. The impression of the people was that Aguinaldo had arrived to establish an independent government and that the Americans would assist him. From one end of Luzon to the other spread the report that Aguinaldo had returned to his home under the protection of our ships, who were at war with Spain and would give them freedom and independence at once. Before he had been in Cavite a month he had more soldiers than he could arm, and contributions of money, with unlimited amounts of rice and other raw food supplies brought in by the people for the support of his army.

THE NATIVE ARMY.

The army, however, of Aguinaldo was the marvel of his achievements. He had over 20 regiments of comparatively well-organized, well-drilled, and well-dressed soldiers, carrying rifles and ammunition. I saw many of these regiments executing not only regimental but battalion and company drills with a precision that astonished me. Certainly, as far as dress was concerned, the comparison with the uniform of our soldiers was favorable to the Filipinos. They were officered largely, except in the higher positions, with young men who were ambitious to win honors, and were not merely show fighters.

The people in all the different towns took great pride in this army. Nearly every family had a father, son, or cousin in it. Wherever they went they aroused enthusiasm for the Filipino cause. The impression made upon the inhabitants of the interior by such displays can be readily appreciated. Aguinaldo and his principal lieutenant also made frequent visits to the principal towns, and were received with the same earnestness that we show in greeting a successful President.

RED CROSS ASSOCIATION.

Along with the army there was a Red Cross Association, at the head of which were Aguinaldo's mother and wife. There were quartermaster and commissariat departments, which were well equipped in view of the lack of experience of the men in charge.

KIND OF PEOPLE WE WERE FIGHTING.

The American who thinks for a moment that we were fighting or have been fighting a disorganized force labors under great error. It would be difficult to imagine the army of any European country being in better shape to fight us than that of Aguinaldo at the time of the outbreak on February 4, with the conditions of climate and country favoring them.

On page 96 Mr. Murat Halstead says:

Aguinaldo and his party have a congress. It might be an approved beginning of the Territorial legislature, and the insurgent general might be the presiding officer. There would be abundant reason for the auspicious exercise of all his rights in the public service.

Had President McKinley followed this advice of his "friend" the tension that existed between our forces and those of the native government would have been relieved and bloodshed avoided; peace had in a short while. Our authorities in the Philippines demanded unconditional surrender, and these people thought they were entitled to more kindly consideration—something short, at least, of unconditional humiliation.

They said: "We have been your allies. Our leaders returned here at the request of Admiral Dewey to cooperate with him against the common enemy, and we have done so. We have kept the faith. We have done in part what we agreed to do and will finish our agreement if you will let us. We have fought side by side with your soldiers. We have recaptured your guns from the enemy and turned them back to you. You agreed to give us the same rights you gave Cuba and protect us until these rights are had, and you have not done so, and if you did not make this agreement you have led us to believe, and what we have done thus far has been prompted by the belief, that you did promise to give us the same rights that you agreed to concede or give Cuba," and so on; and thus they reason.

But I will not stop here to discuss the mooted question as to whether our officials promised the Filipinos independence or not. If they did not, they led the Filipinos to believe they had, and the Filipinos cooperated with our forces laboring under that belief.

But let us see now what kind of a congress the Filipinos had.

HOW THE FILIPINO CONGRESS RANKED—BARRETT.

What does our ex-minister to Siam, Mr. John Barrett, say on that?

The government which was organized by Aguinaldo at Cavite, and continued first at Bacoor and later at Malolos, developed into a much more elaborate affair than its most ardent supporters had originally expected. By the middle of October, 1898, he had assembled at Malolos a congress of 100 men, who would compare in behavior, manner, dress, and education with the average men of the better classes of other Asiatic nations, possibly including the Japanese.

These men, whose sessions I repeatedly attended, conducted themselves with great decorum and showed a knowledge of debate and parliamentary law that would not compare unfavorably with the Japanese Parliament. The executive portion of the government was made up of a ministry of bright men, who seemed to understand their respective positions. Each general division was subdivided with reference to practical work. There was a large force of under-secretaries and clerks, who appeared to be kept very busy with routine work.

MR. MURAT HALSTEAD, "WAR CORRESPONDENT IN AMERICA AND EUROPE, HISTORIAN OF THE PHILIPPINE EXPEDITION, A FRIEND OF PRESIDENT M'KINLEY."

Mr. Halstead, a Republican, in his Story of the Philippines, published in 1898, states that he was "a friend of President McKinley, war correspondent in America and Europe, and historian of the Philippine expedition," and in his preface states that "the purpose of the writer of the pages herewith presented has been to offer, in popular form, the truth touching the Philippine Islands."

So we will expect in reading this book to get the "truth" touching the Philippine Islands. He states that he "made the trip from New York to Manila to have the benefit of personal observation in preparing a history for the people."

He further states: "I have had such advantages in the assurance of the authenticity of the information set forth in the chapters following that I am permitted to name those it was my good fortune to consult with instructive results, and in making the acknowledgments due." He says he was diligent in his "investigations" and "improved an uncommon opportunity to fit myself to serve the country."

He then gives the names of the persons whom it was his "good fortune to consult with instructive results," as follows:

Generals Merritt, Otis, and Green, Admiral Dewey, Major Bell, "General Aguinaldo, the leader of the insurgents of his race in Luzon," the Archbishop of Manila, "and, I may add, the commissioner (Agoncilla) of the organized people of the Philippines, dispatched to Washington accompanying General Green; and of the citizens of Manila of high character and conductors of business enterprises with plants in the community, whose destiny is in the hands of strangers."

HALSTEAD "FAITHFUL TO THE FACTS."

This volume seems to me to be justified, and I have no further claim to offer that it is meritorious than that it is faithful to facts and true to the country in advocacy of the continued expansion of the Republic, whose field is the world.

We then find that Mr. Halstead was the "official war correspondent and historian of the Philippine expedition;" that he was early on the ground, and as he says (p. 15), "with the authorization of the military authorities I shall go to the Philippine Islands with General Merritt"—to do what? To make a "personal observation" and get the "truth," as he said.

On page 87 Mr. Halstead states:

The American priests had informed him (archbishop of Manila) that I was a friend of long standing of McKinley, and he again enjoined that I should declare his sentiments to the President.

Mr. Halstead, at another page of his book, states that he was a close "friend" of President McKinley.

He says he had a long personal interview with Aguinaldo in company with Major Bell; that "General Aguinaldo was neither remote nor inaccessible." On page 54 he describes Aguinaldo's personal appearance and speaks of his very "accomplished interpreter, who speaks English with facility and confessed to be a fine Latin scholar."

FILIPINO INDEPENDENCE PARAMOUNT.

Mr. Halstead here shows that independence was the paramount issue with Aguinaldo and—

It is to be remarked that while Aguinaldo was not a man of high education, he has as associates in his labors for Philippine independence a considerable number of scholarly men. My first point in talking with Aguinaldo was that the people of the Philippines ought to be strongly represented in Paris; and of the reasons briefly presented, the foremost was that they sought independence and should be heard before the Commission by which their fate would be declared for the present, so far as it could be by a tribunal whose work was subject to revision.

It will thus be seen that Mr. Halstead himself states that the "foremost" subject with the Filipinos at this time was independence—that they "sought independence."

At page 55 Mr. Halstead states that Aguinaldo thought it was too late to send a commissioner to Paris, "that the conference would be opened September 15." Halstead advised Aguinaldo to send a commissioner to see the Paris commissioners. Mr. Halstead then suggested that he had time to send the commissioner, that the Philippine problem would not be "speedily" settled, and suggested vessels upon which a quick passage could be made, and that his "commissioners could go by Washington and see the President on their way to Paris;" "that it was certainly not too late to act."

He further states "that Aguinaldo said that the man he wanted to act as commissioner was in Hongkong, whereupon Mr. Halstead agreed that, as he was going to China, he would take instructions to the future commissioner, and that he would telegraph the President that the Philippine commissioners were on the way," if he desired.

These suggestions were received as "if they were agreeable and esteemed of value." So we see the active part taken here by the "friend of President McKinley," which fact, Mr. Halstead for the second time states (p. 54) and the good reason why Mr. Halstead wanted a Philippine commissioner to appear before the the Paris Commission.

He was there on the ground communicating with the leaders, and as they "sought independence," he deemed it highly necessary and proper for this commissioner to go to Paris at once by way of Washington, and Mr. Halstead aided in every way he could to further the appointment by Aguinaldo, and the sending of this commissioner to Paris to represent the Filipinos and their cause.

On page 55 Mr. Halstead states that—

The conversation turned at this point—that is, after they had settled on sending a commissioner to Paris by way of Washington—to the future government of the Philippines, and I inquired what would be satisfactory to the General (Aguinaldo), and got, of course, the answer, Philippine independence.

"OF COURSE PHILIPPINE INDEPENDENCE!"

So we find again, on page 55 of this book, that General Aguinaldo wanted "Philippine independence." Bear in mind, now, that Mr. Halstead went to the Philippine Islands to get, and got, the "truth." Mr. Halstead says he addressed Aguinaldo as dictator of his people. He had the executive word to say.

On page 57, Mr. Halstead says that Aguinaldo made "several inquiries to the effect"—"what had the insurgents got for what they had done in the capture of Manila. Were they not treated by the Americans with indifference?"

This question was answered by Major Bell, who said:

The Americans were in the Philippines, not as politicians, but as soldiers, and a double military authority was not possible—two generals of equal power in one city under martial law. There must be one master and no discussion. The United States could take no secondary attitute or position. They would treat the insurgents with great consideration, but of necessity we were exclusively responsible for carrying out the conditions of the capitulation.

Here the conversation was cut short by the interpreter, and Aguinaldo made no reply to Major Bell's statement. Mr. Halstead further states that the insurgents by removing their capital 40 miles away from Manila proved that they have come to an understanding; that the United States are not in the Philippines for their health entirely or purely in the interest of universal benevolence. This proved to Mr. Halstead that Aguinaldo understood

what Major Bell's one-man military power in the Philippines meant.

On page 61 we find that General Merritt had held the ship that was to take him to Hongkong on the way to Paris, and that Mr. Halstead telegraphed the fact to Aguinaldo, that he might send a commissioner to the United States and Paris. Aguinaldo, he states, seized the opportunity vigorously to send this commissioner and appointed Agoncillo. He then states that—

When the committee (from the insurgent chieftains) saw General Merritt, he was taking leave of Admiral Dewey, and that General Merritt had not heard of that movement until that moment, the question being entirely new, invited the opinion of the Admiral, who said there was certainly no objection, and, on the contrary, it would be very well to permit the passage of the deputation to Hongkong and of the commissioner appointed from that city to Washington. General Merritt then gave the order and the journey began.

General Green—

Mr. Halstead says—

who could read and translate Spanish, treated the committee to Hongkong with marked courtesy, and thence the commissioner and his secretary from Hongkong to San Francisco on his way to Washington and Paris. Sixto Lopez was the secretary to Agoncillo.

Mr. Halstead then states that he called to Agoncillo's attention some newspaper stories that the Germans had formed an alliance, offensive and defensive, with the Aguinaldo government, and Mr. Halstead asked him what he thought of it. He said emphatically that it was "nothing not true; nothing at all," and he laughed at the comic idea.

Bear in mind that Mr. Halstead states in the preface to his book that was to "offer" to the people "the truth touching the people of the Philippine Islands;" that he went in person to get, and in person got, the truth and wrote it in "the pages herewith presented."

"VERY HONORABLE POSITION TAKEN BY AGUINALDO," SAYS HALSTEAD.

On pages 94 and 124 of his book he entirely acquits Aguinaldo of the oft-repeated charge of having sold out his country for gold.

Mr. Halstead says, in speaking of this matter, it "is interesting on account of the very honorable position taken by Aguinaldo."

On page 124 Mr. Halstead says on this money transaction:

INSURGENT CIVIL ADMINISTRATION.

In August, 1896, an insurrection broke out in Cavite, under the leadership of Emilio Aguinaldo, and soon spread to other provinces on both sides of Manila. It continued with varying successes on both sides, and the trial and execution of numerous insurgents, until December, 1897, when the Governor General Primo de Rivera entered into a written agreement with Aguinaldo, the substance of the document—which is in the possession of Señor Felipe Agoncillo, who accompanies me to Washington—being attached hereto, and marked "A." In brief, it required that Aguinaldo and the other insurgent leaders should leave the country, the government agreeing to pay them $800,000 in silver, and promising to introduce numerous reforms, including representation in the Spanish Cortes, freedom of the press, amnesty for all insurgents, and the expulsion or secularization of the monastic orders.

"Aguinaldo and his associates went to Hongkong and Singapore. A portion of the money, $400,000, was deposited in banks at Hongkong and a lawsuit soon arose between Aguinaldo and one of his subordinate chiefs named Articho, which is interesting on account of the very honorable position taken by Aguinaldo.

"Articho sued for a division of the money among the insurgents according to rank. Aguinaldo claimed that the money was a trust fund and was to remain on deposit until it was seen whether or not the Spaniards would carry out their promised reforms, and if they failed to do so it was to be used to defray the expenses of a new insurrection. The suit was settled out of court by paying Articho $5,000."

No steps had been taken to introduce the reforms; more than 2,000 insurgents who had been deported to Fernando Po and other places are still in confinement, and Aguinaldo is now using the money to carry on the operations of the present insurrection.

AGUINALDO ACTUALLY USED THE $400,000 TO CARRY ON THE WAR AGAINST SPAIN.

And Aguinaldo is now using the money to carry on the operations of the present insurrection.

This is what Mr. Halstead says, who went in person to the Philippine Islands to get, and says he did get, "the truth." It seems to me, in the face of this testimony, the slander that he sold out his country for money should be by all fair-minded people hushed.

On page 94 Mr. Halstead speaks of this money transaction and again acquits Aguinaldo of having sold out his country or having been himself bought. Mr. Halstead says:

Of course it was claimed by the enemies of Aguinaldo that he was bought and paid for, but he had maintained the fund, though there were those professors of rebellion who made claims to a share of the money.

I have already shown that Mr. Halstead says that Aguinaldo "is now using the money to carry on the operations of the present insurrection."

I will insert here what Mr. Halstead says at length on the subject:

We desire to speak with respect of the General, for he has shown in trying times under strong temptations the presence in his character of personal integrity in public matters, and reference is made to his refusal to consent to the division among insurgents, alleged to be leaders, of the money paid by the Spaniards for the disarmament of the rebels, when two years ago there was an agreement upon the terms of a truce. This money transaction has been referred to as the sale of their cause by Aguinaldo and his associates, as if they, as individuals, had pocketed the usufruct of the bargain.

The money was paid by Spain as an earnest of her sincerity, the captain-general representing the force and good faith of the Kingdom in granting reforms to the Filipinos. On condition of insurgent disarmament the people of the islands were to be allowed representation in the Spanish Cortes, the orders of the church were to be removed from relations to the government that were offensive to the people. There was a long list of articles of specification of the reforms that were to be granted, the usual liberality of words of promise always bestowed by Spain upon her colonists.

The representatives of Spain denied nothing that was asked; and to give weight to the programme of concessions there was paid in the hands of Aguinaldo, through a transaction between banks in Manila and Hongkong, $400,000, the first installment of $800,000 agreed upon. The Spaniards probably understood that they were bribing the insurgents and paying a moderate sum to cheaply end the war, and it did not cost the authorities of Spain anything, for they exacted the money from the Manila Bank of Spain and still owe the bank.

Aguinaldo's understanding acted upon was different. He accepted the money as a war fund, and has held and defended it for the purchase of arms and resumed hostilities when all promises of reform were broken and nothing whatever done beyond the robbery of the bank to bribe the rebel chiefs, which was the Spanish translation.

Of course it was claimed by the enemies of Aguinaldo that he was bought and paid for, but he had maintained the fund, though there were those professors of rebellion who made claims to a share of the money. The second installment of the money that the rebels were to have been paid is yet an obligation not lifted, and the hostilities were revived as soon as the craft of the Spanish negotiators in promising everything because they meant to do nothing became obvious.

Turn now to page 63 of Mr. Halstead's book and we find additional evidence, "the most complete, authoritative, and careful that exists in vindication of Aguinaldo and his relations with Admiral Dewey."

Mr. Halstead says:

Señor Agoncillo, the commissioner of the Philippine insurgents at Paris, made in conversation on the steamer *Chile*, in crossing the Pacific Ocean from Nagasaki to San Francisco, this statement in vindication of Aguinaldo:

IT IS THE MOST COMPLETE, AUTHORITATIVE, AND CAREFUL THAT EXISTS OF THE RELATIONS BETWEEN ADMIRAL DEWEY AND THE INSURGENT LEADER—BRIEF NOTES BY SEÑOR AGONCILLO.

On the same day that Admiral Dewey arrived at Hongkong Señor Aguinaldo was in Singapore, whither he had gone from Hongkong, and Mr. Pratt, United States consul-general, under instructions from the said Admiral, held a conference with him, in which it was agreed that Señor Aguinaldo and other revolutionary chiefs in cooperation with the American squadron should return to take up arms against the Spanish Government of the Philippines, the sole and most laudable desire of the Washington Government being to concede to the Philippine people absolute independence as soon as the victory against the Spanish arms should be obtained.

By virtue of this argument Señor Aguinaldo proceeded by the first steamer to Hongkong for the express purpose of embarking on the *Olympia* and going to Manila; but this intention of his was not realized, because the American squadron left Hongkong the day previous to his arrival, Admiral Dewey having received from his Government an order to proceed immediately to Manila. This is what Mr. Wildman, United States consul-general in Hongkong, said to Señor Aguinaldo in the interview which took place between them.

A few days after the Spanish squadron had been destroyed in the Bay of Manila by the American squadron, the latter obtaining a most glorious triumph, which deserved the fullest congratulation and praise of the Philippine public, the *McCulloch* arrived at Hongkong and her commander said to Señor Aguinaldo that Admiral Dewey needed him (le necesitaba) in Manila, and that he brought an order to take him on board said transport, as well as other revolutionary chiefs, whose number should be determined by Señor Aguinaldo; and in fact he and 17 chiefs went to Cavite on the *McCulloch*.

Señor Aguinaldo began his campaign against the Spaniards the very day that he received the 1,902 Mauser guns and 200,000 cartridges which came from Hongkong. The first victory which he obtained from the Spaniards was the surrender or capitulation of the Spanish general, Señor Pena, who was the military governor of Cavite, had his headquarters in the town of San Francisco de Malabon, and his force was composed of 1,500 soldiers, including volunteers.

The revolutionary army, in six days' operations, succeeded in getting possession of the Spanish detachments stationed in the villages of Bakoor, Imus, Benakayan, Novelete, Santa Cruz de Malabon, Rosario, and Cavite Viejo.

On June the 9th, last, the whole province of Cavite was under the control of the provisional revolutionary government, including many Spanish prisoners and friars, 7,000 guns, great quantities of ammunition, and some cannon.

At the same time that the province of Cavite was being conquered, other revolutionary chiefs were carrying on campaigns in Batangas, Laguna, Tayabas, Nueva Ecija, Bulacan, Batangas, Pampanga, and Morong, which were under the control of the revolutionary army by June 12, and such progress was made by the Philippine revolution in the few days of campaign against the Spaniards that by August 3 last it held under conquest 15 important provinces of the island of Luzon. These provinces are being governed by laws emanating from the provisional revolutionary government, and in all of them perfect order and complete tranquillity reign.

It is to be noted that the Spanish Government has sent to Señor Aguinaldo various emissaries, who invited him to make common cause with Spain against the United States, promising him that the Government of the Spanish nation would concede to him anything he might ask for the Philippine people. But Señor Aguinaldo has invariably replied to these emissaries that it was too late, and that he could not consider any proposition from the Spanish Government, however beneficial it might be to the Philippines, because he had already pledged his word of honor in favor of certain representatives of the Government at Washington. In view of this positive resolution of Señor Aguinaldo, there began forthwith the intrigues of the Spanish enemy directed against the life of Señor Aguinaldo.

PEACE CONVENTION OF DECEMBER, 1896.

Señor Aguinaldo, in his own name and in that of the other chiefs and subordinates, obligated himself to lay down their arms, which, according to an inventory, were to be turned over to the Spanish Government, thus terminating the revolution. His excellency the governor and Captain-General Don Fernando Primo de Rivera, as the representative of His Majesty's Government in the Philippines, obligated himself on his side (1) to grant a general amnesty to all those under charges or sentenced for the crime of rebellion and sedition and other crimes of that category; (2) to introduce into the Philippines all reforms necessary for correcting in an effective and absolute

manner the evils which had for so many years oppressed the country in political and administrative affairs, and (3) an indemnity of $800,000, payable at the following dates:

A letter of credit of the Spanish-Filipino Bank for $400,000 against the Hongkong and Shanghai Bank in Hongkong was to be delivered to Aguinaldo on the same day that he could leave Biakvabato, where he had established his headquarters, and should embark on the steamer furnished by the Spanish Government (this letter of credit was, in point of fact, delivered); $200,000 was to be paid to Señor Aguinaldo as soon as the revolutionary general, Señor Ricarte, should receive his telegram ordering him to give up his arms, with an inventory thereof, to the commissioner designated by his excellency the governer and Captain-General Don Fernando Primo de Rivera, and the remaining $200,000 should be due and payable when the peace should be a fact, and it should be understood that peace was a fact when the Te Duem should be sung by order of his excellency the governor and captain-general of the Philippines.

Señor Aguinaldo complied in every respect, so far as he was concerned, with the peace agreement. But the Spanish Government did not observe a similar conduct, and this has been deplored and is still deeply deplored by the Philippine people. The general amnesty which was promised has remained completely a dead letter. Many Filipinos are still to be found in Fernando Po, and in various military prisons in Spain, suffering the grievous consequences of the punishment inflicted upon them unjustly and the inclemencies of the climate, to which they are not accustomed. Some of these unfortunates who succeeded in getting out of these prisons and that exile are living in beggary in Spain, without the Government furnishing them the necessary means to enable them to return to the Philippines.

In vain has the Philippine public waited for the reforms also promised. After the celebration of the compact of June and the disposition of the arms of the revolutionists the governor-general again began to inflict on the defenseless natives of the country arbitrary arrest and execution without judicial proceedings solely on the ground that they were merely suspected of being secessionists, proceedings which do not indisputably conform to the laws and Christian sentiments.

In the matter of reforms the religious orders again began to obtain from the Spanish Government their former and absolute power. Thus Spain pays so dearly for her fatal errors in her own destiny.

In exchange for the loftiness of mind with which Señor Aguinaldo has rigidly carried out the terms of the peace agreement, General Primo de Rivera had the cynicism to state in the congress of his nation that he had promised no reform to Señor Aguinaldo and his army, but that he had only given them a piece of bread that they might be able to maintain themselves abroad. This was reechoed in the foreign press, and Señor Aguinaldo was accused in the Spanish press with having allowed himself to be bought with a handful of gold; selling out his country at the same time. There were published, moreover, in those Spanish periodicals caricatures of Señor Aguinaldo, which profoundly wounded his honor and his patriotism.

Señor Aguinaldo and the other revolutionists who resided in Hongkong agreed not to take out one cent of the $400,000 deposited in the chartered bank and the Hongkong and Shanghai bank, the only amount which Señor Aguinaldo received from the Spanish Government on account of the stipulated indemnity, but to use it for arms to carry on another revolution in the Philippines in case the Spanish Government should fail to carry out the peace agreement, at least in so far as it refers to general amnesty and reforms.

All the above-named revolutionists, Señor Aguinaldo setting the example, resolved to deny themselves every kind of comfort during their stay in Hongkong, living in the most modest style, for the purpose of preventing a reduction by one single cent of the above-named sum of $400,000, which they set aside exclusively for the benefit of their country.

LAWSUIT BETWEEN DON J. ARTACHO AND DON E. AGUINALDO.

Señor Artacho, induced by the father solicitor of the Dominicans and the consul-general of Spain, filed in the courts of that colony a summons against E. Aguinaldo, asking for a division of the above-mentioned $400,000 between those revolutionary chiefs who resided in Hongkong. Artacho and three others, who joined the revolution in its last days and rendered little service to it, were the only ones who desired a division of the money; whereas forty-seven revolutionists, many of whom were most distinguished chiefs, were opposed to it, supporting the resolution which Señor Aguinaldo had previously taken in regard to it.

Señor Aguinaldo, in order to avoid all scandal, did everything possible to avoid appearing in court answering the summons of Artacho, who, realizing that his conduct had made himself hated by all Filipinos, agreed in a friendly manner to withdraw his suit, receiving in exchange $5,000. In this way were frustrated the intrigues of the solicitor of the Dominican order and the Spanish consul, who endeavored at any cost to destroy the $400,000 by dividing it up.

Artacho is now on trial before a judicial court on charges preferred by various revolutionists for offenses which can be proved. He has no influence in the revolutionary party.

We thus see the "intimate friend of President McKinley," the "war historian of our Philippine expedition," a leading Republican. Mr. Halstead, who in person investigated this mattter, returns and writes his book, in which he says he states "the truth," and in doing so clearly shows that Aguinaldo took a most "honorable position," to use Mr. Halstead's words, in reference to this money, and used it to renew and prosecute the revolution against Spain in the Philippine Islands by purchasing munitions of war, and that in so doing he aided the Americans in the easy subjugation of the Spanish forces when Manila city was reduced. So, if not directly, the American Government was indirectly aided by the very "honorable" disposition which Aguinaldo made of this money.

On page 124 Mr. Halstead says:

On the 24th of April Aguinaldo met the United States consul and others at Singapore and offered to begin a new insurrection in conjunction with the operations of the United States Navy at Manila. This was telegraphed to Admiral Dewey, and by his consent, or at his request, Aguinaldo left Singapore for Hongkong on April 26, and when the *McCulloch* went to Hongkong, early in May, to carry the news of Admiral Dewey's victory, it took Aguinaldo and 17 other revolutionary chiefs on board and brought them to Manila Bay.

They soon after landed at Cavite, and the Admiral allowed them to take such guns, ammunition, and stores as he did not require for himself. With these and some other arms which he had brought from Hongkong, Aguinaldo armed his followers, who rapidly assembled at Cavite, and in a few weeks he began moving against the Spaniards. Part of them surrendered, giving him more arms, and the others retreated to Manila.

Soon after, two ships, which were the private property of Señor Agoncillo and other insurgent sympathizers, were converted into cruisers and sent with insurgent troops to Subig Bay and other places to capture provinces outside of Manila. They were very successful, the native militia in Spanish service capitulating with their arms in nearly every case without serious resistance.

In leaving this last subject I may state that these ships were subsequently taken away from the insurgent forces by American arms and by order of Admiral Dewey.

Aguinaldo was reared on a farm. His father, I believe, was a farmer. Aguinaldo had been a "schoolmaster" and a "municipal captain" in the province of Cavite, says Mr. Halstead, and further—

Aguinaldo is not devoid of ability and he is surrounded by clever writers. But the educated and intelligent Filipinos of Manila say that not only is he lacking in the ability to be at the head of affairs, but if an election for president was held he would not even be a candidate.

He is a successful leader of insurgents; has the confidence of young men in country districts, prides himself on his military ability, and if a republic could be established the post he would probably choose for himself would be general in chief of the army. But after that is done they fully realize that they must have the support of some strong nation for many years before they will be in a position to manage their own affairs alone. The nation to which they all turn is America, and their ideal is a Philippine republic under American protection, such as they have heard is to be granted to Cuba.

Protection such as they had heard we were giving Cuba. What protection did we give Cuba? Protect them against Spain? Protection until they established a stable government of their own making. With what else? With a declaration by the American Congress, signed by the President, that Cuba is and of a right should be free and independent. So, if Mr. Halstead is correct in saying the Filipinos wanted what Cuba was receiving at our hands, then they wanted and expected assistance against Spain and independence and protection until a government was set up for them.

Mr. Halstead is supported in this contention by Commodore Ford, who was aboard the *Baltimore* at the battle of Manila Bay, who, with other leading writers on the "Philippines," states that Aguinaldo proclaimed as early as July 1, 1898, "The Republic of the Philippines," with the following declaration:

1. The independence of the Philippines shall be proclaimed.
2. A republic shall be established with a government designated by General Aguinaldo and approved by the admiral and general commanding the United States forces.
3. The government will recognize the temporary intervention of commissioners designated for the purpose by the United States.
4. The American protectorate shall be recognized on the same conditions as arranged for Cuba.

It should be remembered that everything that Aguinaldo did was under the observation, at least, of Dewey, if not by his direct order. Dewey cabled to Washington that he had "advised" Aguinaldo, and so he did. Whatever he did was practically in sight of Dewey's guns, certainly within their reach. Dewey then permitted and acquiesced in what he did. He even turned over Spanish prisoners to Aguinaldo which Aguinaldo said Dewey captured in Subig Bay, but which Dewey says Aguinaldo captured. They numbered several hundred. They were held as prisoners of war by Aguinaldo.

Mr. Halstead gives briefly some of the various proclamations issued by Aguinaldo, which Dewey at least permitted to be done. Mr. Halstead begins chapter 6, page 69, of his book with a statement of the contents thereof, as follows:

THE PROCLAMATIONS OF GENERAL AGUINALDO.

June 16, 1898, establishing dictatorial government.
June 20, 1898, instructions for elections.
June 23, 1898, establishing revolutionary government.
June 23, 1898, message to foreign powers.
June 27, 1898, instructions concerning details.
July 23, 1898, letter from Señor Aguinaldo to General Anderson.
August 1, 1898, resolutions of revolutionary chiefs asking for recognition.
August 6, 1898, message to foreign powers asking for recognition.

Aguinaldo arrived at Cavite May 19, 1898. He was received by Dewey's representatives and carried aboard the *Olympia*, consulting there with Dewey for about an hour and a half; then he left the ship and proceeded, by issuing certain instruments, to announce his arrival and his intentions to renew war against Spain.

On May 24, five days after his arrival, he issued three proclamations. Consul-General Wildman states that he (Wildman) had "outlined" one proclamation for him before he left Hongkong, and from the description Wildman gives of it (to conduct honorable warfare), this must be the one:

FILIPINOS: The great North American nation, the cradle of genuine liberty, and therefore the friend of our people, oppressed and enslaved by the tyranny and despotism of its rulers, has come to us manifesting a protection as decisive as it is undoubtedly disinterested toward our inhabitants, considering us as sufficiently civilized and capable of governing for ourselves our unfortunate country. In order to maintain this high estimate granted us by the generous North American nation we should abominate all those deeds which tend to lower this opinion, which are pillage, theft, and all sorts of crimes relating to persons or property, with the purpose of avoiding international conflicts during the period of our campaign.

I decree as follows:

ARTICLE I. The lives and property of all foreigners, Chinese being included in this denomination, shall be respected, as well as that of all Spaniards who neither directly nor indirectly contribute to carry on war against us.

ARTICLE II. Enemies who lay down their arms must also be respected in like manner.

ARTICLE III. All hospitals and ambulances must likewise be respected as well as all persons and goods found therein, including the staff on duty, unless they manifest hostility.

ARTICLE IV. Those who disobey what is prescribed in these preceding articles shall be tried by summary process and put to death if the said disobedience has resulted in murder, robbery, or rape.

Given in Cavite the 24th of May, 1898.

EMILIO AGUINALDO.

Mr. Wildman says that the proclamation which he had "outlined" for him was one compelling an honorable warfare to be conducted by the natives. Surely this proclamation calls for nothing else. It states also that the "North American Nation," as represented there, of course, by Admiral Dewey, who had complete control—the power to compel obedience—permitted this to be done, "considering us (the natives) as sufficiently civilized and capable of governing for ourselves our unfortunate country."

Here Dewey and others permitted in five days after Aguinaldo arrived at Cavite (and possibly some before this) the issuance of this proclamation making this statement—that is, the capacity of the natives for self-government and a determination to fight Spain for their independence.

In another proclamation of May 24, Aguinaldo states:

FILIPINOS: This dictatorial government proposes to begin within a few days our military operations, etc.

In another proclamation, of May 24, he states that—

He had returned to resume operations against Spain, assisted by the advice of eminent persons until these islands are completely conquered and able to form a constitutional convention and to elect a president and a cabinet, in whose favor I will duly resign the authority.

Then Aguinaldo was not to perpetuate himself as a ruler, but in a democratic way agreed to "resign" his authority to his successor nominated by the people.

June 27 Dewey cabled to Secretary Long that Aguinaldo's success "has been wonderful." "Have advised frequently to conduct the war humanely, which he has done invariably."

Wildman said it was necessary for Aguinaldo to set up a "dictatorial government" at once, which Dewey permitted him to do. Surely Dewey would not have allowed all this, when he could have prevented it, if he had not thought well of Aguinaldo.

Gen. J. F. Bell, August 29, 1898, in a letter (Senate Document No. 62) to General Merritt, then in command at Manila, in describing the "principal leaders" of the Philippines, begun first with Aguinaldo, of whom General Bell says:

Aguinaldo—honest, sincere, and poor, not well educated, but a natural leader of men, with considerable shrewdness and ability. He has the power of creating among people confidence in himself and is undoubtedly a very popular man, highly respected by all; but there are better educated and richer natives who do not think he has sufficient education or experience to be a suitable president. He was a "little governor" of a small town in one of the provinces. It is also said that he was a school-teacher, but I have been unable to verify this assertion.

General Bell says the Filipinos are "unfit for self-government." However, he says:

There are a number of Filipinos whom I have met, among them General Aguinaldo and a few of his leaders, whom I believe thoroughly trustworthy and fully capable of self-government, and the main reliance for small official positions and many larger ones would be upon people who know no standard of government other than that the Spaniards have furnished. * * * Aguinaldo has many adjutants, most of whom are young, smart, and well educated. * * * There is not a particle of doubt but what Aguinaldo and his leaders will resist any attempt of any government to reorganize a colonial government here. They are especially bitter toward the Spaniards, but equally determined not to submit any longer to being a colony of any other government.

General Bell then refers to a long list of "educated and honest" Filipinos, among whom I note: Arelano, Trias, Bara, Ramar, Escamilla, Malabini, Agoncilla, Sandico, Dios, Ricati, Garcia, Pila, Estrella, Mascardo, Gregorio del Pilar, Noriel, Montenegro, Arevela.

In speaking of Aguinaldo's adjutants, he says:

Nearly all the adjutants of all the generals belong to the Jeunesse Doree Filipino, in whom insurrectionary ideas seem to breed spontaneously. They are all bright, ambitious, and well educated.

This remarkable statement of General Bell is found in Senate Document 62, pages 381, 382, and 383.

And yet the Filipino is denounced as uneducated and dishonest from one end of this country to another by those who want to exploit their country and hold them as subjects and their native land as a colony. And all this in the face of the fact that these people loyally kept faith with us in fighting the Spaniards in the Philippines until, as I believe, the American authorities provoked an irritation and ill feeling until finally a clash came.

I say that it is a burning shame that we can not at even this day do these people justice, that we find no virtue in them, that we denounce them from the White House, through the War Department and its great multitude of offices, and through a party press, and partisan members of Congress as being unfit for anything but murder, treachery, and treason.

As for me, I shall try, and have ever here and elsewhere, to do them justice, and in doing so I feel that I am doing my full duty as a member of this House, believing nothing short of it is in keeping with the great Republic we represent, whose statesmen have always paraded the policy of "equal and exact justice to all," and I have made this effort and others to try to bring indisputable facts, found, in the main, in our own official records, before the people of this country, that the people may demand of their lawmakers that they act, in passing laws to govern these people, with the facts, and as near the whole truth as possible before them.

These people are no longer foreigners to this country. By the treaty of Paris and by the judgment of the Supreme Court of the United States the Philippine Islands are within the jurisdiction of the United States and subject to the laws of this country, and we should meet them and treat them not as outcasts or as natives in a "foreign country," but at least with a degree of charity, kindness, and consideration that we should show and have shown even to those who are beyond the jurisdiction of the United States, which we have not done.

Cuban Commerce—The Relation of Reciprocity with Cuba to the Commercial Embargo Laid Upon the People of the Philippines by the United States—Protection and the Trusts.

SPEECH

OF

HON. CHARLES F. COCHRAN,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, April 16, 1902.

The House being in Committee of the Whole on the state of the Union and having under consideration the bill (H. R. 12765) to provide reciprocal trade relations with Cuba—

Mr. COCHRAN said:

Mr. CHAIRMAN: The discussion of the pending measure can not fail to produce a deep and lasting impression upon American public sentiment. The bill proposes a reduction of 20 per cent of the tariff imposed on Cuban products, including raw sugar, by the Dingley tariff law, the reduction to become effective only upon condition that the Cuban Government grant a similar reduction of the Cuban tariff upon American goods.

The arguments made in favor of the bill are simple and easily understood. It is urged that Cuba must depend upon our markets, and that the Dingley tariff tax on sugar, added to the actual cost of production, not only absorbs all the profits of the planter, but entails upon him an actual loss, and that, therefore, unless this concession be made, irretrievable ruin and bankruptcy must be the fate of the people of the infant Republic.

In my opinion this is not a serious exaggeration of the facts.

In opposition to the bill two arguments have been made. The producers of beet sugar contend that the passage of the measure will be followed by such a reduction in the price of sugar as will injure that industry and insist that the American Sugar Refining Company, known as the sugar trust, and not the Cuban planters, would pocket the profits arising from the proposed reduction of the tariff.

Others have fully discussed this phase of the question, and so I pass to another ground of opposition to the bill which, on account of its relation to the material interests of our vassals in Asia, is of grave importance. The productiveness of Cuba's soil has been made to do service as an argument against the proposed arrangement. It is said that if we open our markets to the planters of the island, Cuba will in the near future produce enough sugar to supply the American market and at prices so low that our beet-sugar producers can not compete with the islanders and will therefore be driven out of the business.

Inasmuch as the Philippine Islands are equally well adapted to sugar culture, this argument applies to them with equal force. Hence, inseparable from this discussion is the reflection that it has a direct bearing upon the future of our vassal dependencies in the Far East. Their most valuable export products are precisely the same as those of Cuba—tobacco and sugar.

Their capabilities are equally as great as those of Cuba. If we are to bar these products out of our markets upon the ground that their great productiveness render them dangerous rivals, what is to become of them. They are not at liberty to make commercial treaties with other countries. They are our vassals. The United States, with 75,000,000 of the most enterprising and intelligent people in the world, find it necessary to enact high tariff laws and maintain an expensive consular service in foreign countries

for the purpose of closely watching and guarding our commercial interests abroad. In addition to protective tariffs which enable our trusts to monopolize the home market, we seek reciprocal trade contracts with foreign countries. If this great country must do these things to safeguard its commerce—if not even the people of our dependencies are to be allowed to market their wares in the United States—what, I say, is to become of them? They may not do as we are doing, go to other countries and seek reciprocal trade relations. We have tied their hands. We have set the bounds within which they must move. We define the orbit within which they must revolve. They can not vary from it.

If we dare not permit the islanders to sell their products in our markets, why do we insist on holding possession of their country? Of what value is their productiveness if we dare not use their products? During three years of discussion of the subject the imperialists have urged that because the islands are rich—that is, highly productive—therefore the retention of sovereignty over them will be of great material benefit to the United States. How are we to be benefited by their productiveness if we bar their products out of this country or offset the results of the fertility of their soil by superimposing exorbitant tariff taxes upon their sugar and tobacco, thereby robbing their planters of the advantages accruing from natural advantages and depriving American consumers of the advantage of lower prices for prime necessaries of life?

What a commentary upon the whole system of protection! Cuba and the Philippines, with greater productive capacity than any similar area of the world—one an American island lying at our doors and inevitably destined to become finally a part of our country, the other a vassal dependency—are denied access to our markets on the theory that the richness of their soil renders them dangerous to American commerce!

Gentlemen, again I inquire what is to become of the Cubans and Filipinos?

Suppose every Filipino now in arms should throw down his gun, seize a hoe, cultivate a field, and raise a crop of sugar cane. Where would the poor devils find a market for their sugar? Suppose they should raise a crop of tobacco. Where would they find a market for it? The tobacco growers of Connecticut and Pennsylvania, and some of the other States, would bristle with the declaration that if we allow it to come into our market it will destroy their business.

I do not agree with gentlemen who have argued that necessarily what has come to be known as reciprocity is a Republican doctrine. A proposal for reciprocal trade between this country and another upon terms mutually beneficial involves commonsense principles and should be settled on its merits.

The platform of 1892 has been cited. Does it say that reciprocity is necessarily un-Democratic? It does not. It denounces the sham reciprocity as proposed and acted upon by Republicans. The reciprocity treaties which called forth this denunciation were without exception with countries that export agricultural products and were entered into for the sole benefit of the protected manufacturers who were selling their wares to South Americans at prices lower than were demanded from American consumers. Instead of trade agreements with European countries, the treaties entered into while the McKinley bill was in force were with the rivals of American farmers. This was justly denounced by the Democratic national platform of 1892 as sham reciprocity.

Aside from the fact that our relations with Cuba must necessarily be most intimate, this criticism of reciprocity treaties with such countries as the Argentine Republic are not applicable to the proposed arrangement with Cuba. The Cubans have heretofore been liberal patrons of the American farmer, and have never been his competitor. Cuba will consume whatever American products she can pay for with her own products. She will consume American goods, including manufactured goods and products of our farms, up to the measure of her producing capacity, always provided that she be permitted to exchange one for the other. If we are unwilling to make the exchange, or hamper exchanges, our trade with Cuba will be correspondingly depressed.

My understanding of the Democratic position on the tariff is that the tariff taxes should be imposed solely for the purpose of raising revenues to defray the expenses of the Government, and, moreover, that they should be imposed in such a way as to impair as little as possible the flow of commerce between this country and other countries. My understanding of the Republican position on the tariff is that some tariff taxes should be imposed for the purpose of raising revenues and others for the purpose of obstructing as much as possible the flow of trade between this country and other countries. Hence, we have a tariff law which imposns heavy duties upon goods actually imported, and in some of its schedules imposes duties so high as to wholly prevent imports. This is protection run mad.

It is well to keep constantly in mind the circumstances under which the pending bill is brought to our attention. It is said that at the present price of raw sugar the American tariff is prohibitive; that is, that the Cubans can not produce sugar and market it here except at a loss. Therefore we are asked to reduce the tariff on raw sugar, the theory of the author and friends of the bill being that the result of this measure will be a corresponding increase in the profits of the Cuban planters.

This latter proposition seems plausible, but it is stoutly denied by the beet-sugar statesmen. They insist that the benefits, if the bill be passed, will go to the sugar trust. What sugar trust do they refer to? There are two in this country soon to be merged into one. The Oxnard trust makes sugar out of beets. The American Sugar Refining Company refines imported raw sugar. I predict that before this time next year the whole business will be consolidated. A few days ago there appeared in the newspapers the annual statement of the Oxnard sugar trust. I have not the figures in hand, but I think I can state them. This beet-sugar trust has outstanding five millions of preferred stock and fifteen millions of common stock. Common stock is a significant phrase. Fifteen millions of water; that is what it means.

According to the statement published last year, the earnings were sufficient to devote $300,000 to the extension of the plants, besides paying dividends on the preferred stock. Of course princely salaries were paid to the promoters and officers who have charge of this infant industry. I noticed also that interest to the amount of $225,000 was paid out of the earnings. Probably this was on borrowed money used in the construction of the plants. If so, probably the preferred stock, as well as the common, represents only wind. At par it would be sufficient, possibly, to satisfy the present aspirations of the promoters. Later, when American consumers of sugar shall have been plucked sufficiently to pay dividends on the $15,000,000 of common stock, it will be worth par. A pretty healthy infant!

And I am told that this beet-sugar industry must be fed with taxes or it can not live. I deny it. The watered stocks, and not the farmers who grow beets, are clamoring for and receiving the benefits of this sugar tariff. What are the facts about the growing of sugar beets in this country? Have we better soil than Germany or Austria? Most assuredly. Every acre in Europe that is devoted to the cultivation of the sugar beet must be regularly enriched with fertilizers year after year. Every inch of it is tilled in what is called the "intense" way of farm culture. How is it that, notwithstanding all this, sugar growing is profitable over there? It is easily explained.

In Germany, Austria, Russia, and France whole families work in the fields—men, women, and children. They cultivate their beet fields as our farmers do the little garden that furnishes vegetables for their tables. We may not soon expect to see farming carried on in this way in America in this generation or the next. The average American farmer will not grow a crop that must be thus attended. Yet I believe that in some parts of the country sugar beets will be extensively grown, and that beet-sugar manufacturing will be profitably carried on without a protective tariff.

In advertisements and circulars sent out to induce subscriptions for the stock of beet-sugar companies it has been said that acre for acre our land produces a larger quantity of sugar beets of better quality than is produced anywhere else in the world. If this be true, then the only question remaining is whether we can manufacture the sugar at as small cost as our foreign competitors. In applied machinery we lead the world. We are supplying foreign countries with machines of all kinds, and in this field, as in others, can outdo all competitors.

But, Mr. Chairman, even if I could be brought to believe that without the help of a high protective tariff the beet-sugar industry can not be profitably followed in this country I would not favor the imposition of taxes for the purpose of making the industry profitable. I am a Democrat. I contend that no industry should be quartered upon the taxpayers of the country. For every farmer that cultivates an acre of sugar beets there are a thousand farmers who market their produce at prices sometimes profitable and sometimes unprofitable and who buy sugar. Protectionists would increase the burdens of the thousand to the end that one may try the experiment of growing sugar beets. It is the old story. I have no patience with it. For myself, I solemnly declare that if this beet-sugar infant can not live without being fed on taxes, I am in favor of strangling it in its crib.

Protection subjects the consumer to monopoly and compels him to pay not only an unfair share of the taxes imposed to support the Government, but still heavier taxes for the benefit of trusts and corporations. At the ports of entry the taxgatherer collects a given rate on each pound or dollar's worth of product that comes into the country. In the countingrooms of the protected trusts other taxgatherers collect four or five dollars for every dollar collected by the Government. And who will say that I am not authorized to say that the trusts are in fact the sole beneficiaries of this system of taxation?

The gentleman from Colorado [Mr. BELL] says that the sugar industries of Colorado are menaced by the approach of the Havemeyers. He says that agents are now negotiating for the purchase of the Colorado beet-sugar factories and that this means that the sugar trust seeks to monopolize the industry. Gentlemen, history is repeating itself. I recall other industries which in my boyhood flourished in every business center in the Missouri Valley. Nearly thirty years ago linseed-oil mills were in operation in half a dozen cities in Missouri, Kansas, and Nebraska. We had also a number of extensive glucose factories. These industries were profitable.

Much of the corn produced in the immediate neighborhood of the glucose factories was sold to them at prices slightly higher than could be obtained by shipping it. Farmers cultivated flax, and the flaxseed crop came along in June and furnished the farmers with money with which to harvest other crops. These factories were long ago absorbed by the trusts and closed. The sugar trust swooped down on the glucose mills and the Standard Oil Company closed the linseed-oil mills. In every city on the Missouri River silent mills and factories, with crumbling smokestacks, attest the fact that in fields monopolized and controlled by tax-fed monopolies the hope of developing neighborhood industries upon any plan or in any way is out of the question.

Mr. WEEKS. Will the gentleman allow me a question?

Mr. COCHRAN. If I can have my time extended.

Mr. WEEKS. Would the gentleman like to see the smokestacks of all the beet-sugar factories of the country ranged alongside the smokestacks that the gentleman has just described?

Mr. COCHRAN. No, sir; I would not. But what does the gentleman mean by propounding that question? The gentleman from Colorado [Mr. BELL] has just told him that the Havemeyers are now out in Colorado with the intention of buying up the sugar-beet factories. Does he think they will operate them? Does he know of any case where a local industry absorbed by a trust has been operated?

Mr. WEEKS. That is the question. Does the gentleman want to encourage the Havemeyers to put to sleep our beet-sugar factories?

Mr. COCHRAN. No, sir. May I inquire when did gentlemen on the other side discover that there are really trusts in this country? Heretofore the speakers and writers of the Republican party have not been disposed to admit that trusts are an unmixed evil. In fact they have grudgingly admitted that these great combinations are "trusts." They have insisted that they are the necessary outgrowth of modern business development. Gentlemen, now that you have discovered that there is at least one trust in the United States, and that it is a menace to your local industries as well as a robber of the thousands of consumers who sent you here, let me urge you to look about you and see if there are not other monopolies equally injurious. The sugar trust has a surplus fund of $25,000,000. This is its war fund. It is sufficiently powerful to crush all rivals, and if the beet-sugar industry ever becomes a dangerous rival it will be crushed or absorbed by the Havemeyer corporation.

Mr. Chairman, I desire the prosperity of all forms of industry. I hope and believe that the beet-sugar factories will thrive, but I do not want a single farthing of taxes imposed on the people of Missouri for the enrichment of the owners of any private enterprise. We are willing to pay taxes for the support of the Government. We are not willing to pay taxes to support Mr. Oxnard's $15,000,000 of watered stocks.

I have been amazed at the complacency with which Republican Representatives of Western farmer constituencies on this floor view the rapacity of the trusts which are preying upon our people. They know that between the date of the enactment of the Dingley law and this hour the wire and nails and other commodities that enter into the construction of the farmers' fence have been doubled in price in the home market, while they are sold abroad at only a small advance on former prices. They know that the same is true of other prime necessities on which we levy prohibitive tariff taxes. Ask them whether the tariff ought to be repealed as to these trust-made goods, so as to prevent the pillage of the farmers who sent them to Congress, and they will tell you, "Oh, well, I would vote to take it off." But they see their party in this House dominated by Eastern influence, and sit here supinely while licensed plunder of their constituents goes on.

Mr. Chairman, is your protective system based upon the theory of the fathers of protection? Does it foster only industries which, on account of the superiority of processes abroad or the greater skill of foreign labor or the cheapness of foreign labor, can not thrive here, imposing only such tariff as will build up those industries? No. This was the plea upon which the system was imposed upon the country, but now the claim is boldly made that the great trusts are so useful to the country that sound public policy requires the exclusion of foreign competition, to the end that trusts may be formed as auxiliaries of our struggle for supremacy in foreign markets.

Meantime, all the mineral and oil deposits, as well as all our industries, are being monopolized by the Standard Oil crowd, and also the great trunk line railroads which distribute their products throughout the country. All competitors are destroyed and the people are compelled to pay trust prices for nearly everything essential to their comfort and the improvement of their houses and homes. They have control of the mills, factories, railroads, street railroads, waterworks, street-lighting plants, quarries, zinc and lead mines, coal mines, salt deposits, and forests, from Maine to California and from British Columbia to the Gulf of Mexico.

You can not name a single natural deposit calculated to bless a Western Commonwealth or community that is not to-day in the ownership of an Eastern combine or corporation which has watered its stock to fabulous values, and is compelling consumers to pay prices correspondingly enhanced, so that instead of making such natural resources a blessing to the neighborhood they become a source of constant drain upon its resources and a means of constant robbery of its people.

Now we come to the proposition that agriculture is on its knees begging that we grant the Oxnard beet-sugar trust protection. I say "the Oxnard sugar trust" advisedly; for I can see no difference between an aspiring infant trust, with fifteen millions of watered stocks, and one which sits enthroned to-day in New York, as dominant in American politics as any of the other great commercial combines with which the country is cursed.

Mr. DARRAGH. The gentleman, as I understand, is arguing in favor of a reduction of the tariff on raw sugar. Would not a reduction of that tariff or free trade in the product benefit the sugar trust?

Mr. COCHRAN. I will make myself clear enough on this subject to be understood. There may be on the tariff list some rate low enough so that I would not vote to reduce it. But my impression is that if you should work from now till the end of the session and bring in three bills a day you could not strike any item in the schedules of your tariff bill that I would not vote to reduce.

Mr. DARRAGH. Does the gentleman think that the sugar trust would object to free raw sugar in this country?

Mr. COCHRAN. I would put raw sugar on the free list, if I could not strike at the sugar trust in any other way.

Mr. DARRAGH. Then, you are willing to hit the sugar trust in that way?

Mr. COCHRAN. I would hit it in any way.

The CHAIRMAN. The time of the gentleman from Missouri [Mr. COCHRAN] has expired.

Mr. COCHRAN. I ask for ten minutes additional.

There was no objection.

Mr. COCHRAN. Mr. Chairman, at this time the question is not what I would do in reference to raw sugar. The other side of the House will have an opportunity, I think, before this matter ends to say whether it will take the differential off refined sugar. It rests with the Republicans, who profess to favor removing the tariff from goods controlled by monopolies, to say whether the differential on refined sugar shall be taken off or not. And after all that is the principal advantage conferred upon the sugar trust by existing tariff laws.

Now, a few words as to the general question that comes up in connection with this bill. I said a little while ago I did not believe that a single element in the problem warranted the statement that the sugar-beet industry needs protection any more than any other farming industry.

If you are going to legislate in the interest of industries that do not return large profits, adopt the German practice and pay a bounty on export wheat and corn. Why single out the sugar beet? Until crop failures in foreign countries for three or four years successively gave us unusual prices in foreign markets, no branch of agriculture could be sure of a paying crop, and yet nobody seriously proposed a Government bounty on farm products. Corporations with watered stocks begin manufacturing sugar out of beets, and for the first time we hear that protection is essential to the salvation of the farmer. But the rake off goes to the manufacturer and not to the farmer who cultivates the beets.

Mr. DARRAGH. May I ask you a question at this time?

Mr. COCHRAN. Yes, sir.

Mr. DARRAGH. Do you know of any country where sugar beets are raised successfully without a bounty or tariff?

Mr. COCHRAN. Probably there is none. I am not prepared to name any such country.

Mr. DARRAGH. If you know of any country such as that, please name it.

Mr. COCHRAN. I do not know of a country where a bounty is paid on sugar manufactured for home consumption. Do you? I know that in some of the foreign countries a bounty is paid on sugar that is exported. Do you know of any country where it is paid for sugar used for home consumption?

Mr. SMITH of Kentucky. Do not ask such perplexing questions.

Mr. DARRAGH. Germany.

Mr. COCHRAN. No; only an export bounty is paid in Germany.

Mr. DARRAGH. There is an import duty also.

Mr. COCHRAN. Probably; but a duty is a tax imposed on foreign sugar and not a bounty paid to a domestic producer. But I suppose the gentleman is aware that all foreign countries are preparing to drop the bounty on sugar. Germany is turning here and there to get rid of the embarrassment created by it. So are her neighbors. Only a few days ago a congress of representatives of bounty-paying countries in Europe assembled at Vienna to devise some way of readjusting their business upon a rational basis.

If bounties are to feed industries, let all be fed alike. Very frequently the corn crop is sold at a loss to the producer. I recall a year in which tenant farmers from one end of the Western corn-producing belt to the other begged their landlords to take the entire crop for the rent. Overproduction was said to be the cause; but in that same year soup houses administered to the wants of the working people from one end of the country to the other.

In average years the margin of profit made by the farmers who cultivate the staple crops, and who are the mainstay of the business world, is very small. Make it larger by a bounty. If the fact that the beet is sold to a manufacturing corporation to be converted into sugar entitles the product to consideration, why, wheat is made into flour, and corn into meal. Why not pay a bounty on flour and meal?

Mr. Chairman, the world approaches a crisis in the policy of trade restrictions. Reprisals are being made, and in the end retaliatory measures, devised for the purpose of neutralizing just such measures as the Dingley bill, will surely compel their abandonment.

Furthermore, if each country shall conclude to bar out, to a large extent, the products of all others, we may expect to witness a readjustment all over the world. Countries now heavy importers of wheat, corn, and meat products will resume agricultural pursuits long ago measurably abandoned. To bar out imports must, in the long run, cut down exports. If the commercial conditions you would fix should obtain for a lengthy period, the poverty of foreign countries would compel them to cease purchasing our surplus farm produce. We can not hope to send out of the country more in value than we are willing to receive.

And do not imagine that any of the foreign countries are compelled to continue purchasing our food products on the enormous scale that has prevailed during the past thirty years. England, our best customer could surely produce food sufficient for her wants. Belgium has 285 people to the square mile and England not half of that, and yet Belgium exports annually $5,000,000 in food products more than she imports. The British Islands, by the tillage of all the arable lands of the country, could produce food stuffs for export. The United States, more than any country in the world, should cultivate conditions which will enable us to exchange our surplus for the surplus of other countries.

In conclusion, your protective theory is wrong, because it assumes that somehow a country may prevent an equilibrium of its exchanges with foreign countries. Limit your exports to a thousand dollars abroad and you import only $1,000 worth of foreign goods. Limit your imports to $1,000 and you can only export $1,000 worth of your commodities. This proposition does not hold good as to the transactions of a single year or of a decade, but in the long run there must be approximate equality of exchanges.

Mr. Chairman, the clamor of Mr. Oxnard and his associates for protection for the sugar beet will not bear investigation. It is the watered stocks of the corporations, and not the farmers, that reap the benefits conferred by the Dingley bill.

Mr. DARRAGH. Does the gentleman claim that there is any beet-sugar factory in the United States, or in Michigan at any rate, that has any watered stock?

Mr. COCHRAN. Do you claim there is none in Mr. Oxnard's company?

Mr. DARRAGH. I do not know anything about Mr. Oxnard's company.

Mr. COCHRAN. If you do not know anything about that company you do not know much about the true inwardness of the beet-sugar industry.

Mr. DARRAGH. In the State of Michigan there are 13 factories, and there is not one dollar of watered stock in any of them.

Mr. COCHRAN. I will not say that I should like to live in Michigan; were I in the final resting place of the saints and could get back to Missouri, I would want to get back there; but you are living in a very blessed State, if in Michigan they do not water corporation stocks. I will say to the gentleman that the Oxnard company has $25,000,000 of capitalization, and there is no pretense that it has one-third of $25,000,000 in property. Go on feeding this infant on taxes and its $15,000,000 of watered stocks will gradually approach par, and this will only be history repeating itself.

All through the years of my boyhood, and up to the meridian of life, I heard the plaintive story of the steel producers and iron producers of this country. For years the tariff controversy turned on the price of steel rails here and in foreign countries. There was a great discrepancy. Tariff reformers contended that the steel and iron mills were making inordinate profits; they retorted that they were living from hand to mouth, and that without high protective taxes they would be driven out of business. Carnegie, that great humanitarian who now lies awake o' nights studying ways to give away his money, and others who waxed exceedingly fat along about that time, satisfied the Committee on Ways and Means of the House of Representatives that our infant steel industries, now grown into the billion-dollar steel trust, would go into bankruptcy and ruin if they did not receive protection. We all know the result.

Had Andrew Carnegie, instead of acquiring a fortune of approaching $200,000,000 in the space of thirty years, accumulated only a million and left $199,000,000 of his stupendous fortune in the pockets of the people, the country would be better off. Now, every man who buys a pound of nails or a rod of barbed wire, every man who buys any article of iron or steel used in the construction of a house, is helping to pay dividends on the outrageous overcapitalization of a monopoly composed of the industries thus fostered at the expense of a plundered country.

Mr. Chairman, I would gladly vote to put sugar on the free list.

In repealing the Spanish-war taxes we took the tariff off of many things that should be taxed. Why did you not reduce the price of sugar—an article consumed in every household in the country?

Mr. LESSLER. Did you vote for that bill?

Mr. COCHRAN. I have had no opportunity to vote for a bill embodying my views or the views of the minority on this subject. I will ask you a question. Did you or anybody on your side of the House propose a reduction of the taxes upon any necessary of life when the Cuban-war taxes were repealed? Have you given anybody an opportunity to vote upon any such bill? [Applause on the Democratic side.]

[Here the hammer fell.]

Is the Right of Petition Denied?—Labor—Immigration.

SPEECH

OF

HON. JAMES M. ROBINSON,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, June 30, 1902.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 12199) to regulate the immigration of aliens into the United States—

Mr. ROBINSON of Indiana said:

Mr. CHAIRMAN: Is the right of petition denied to the citizen? This is a pertinent inquiry at the close of this first session of the Fifty-seventh Congress. Never before did a Congress receive petitions so numerous and so numerously signed. Nine-tenths of these were prayers for labor legislation and legislation affecting laboring men.

Within this class can be mentioned the act effecting Chinese exclusion, the act restricting the immigration of undesirable immigrants, the letter-carriers' act, the act providing eight hours on Government work, the act for overtime, and the act for the construction of ships in the Government navy-yards.

Petitions on these subjects of legislation contain several million of signatures. The petitions from New York and Brooklyn alone have 325,000 names appended, and the letter-carriers' petition is said to have a million and a quarter of names.

The Constitution accords the people the right to petition Congress for a redress of grievances, and these millions of American citizens availed themselves of the right under the Constitution, but nothing has been molded into law to show that the Republican party has listened to or heard their prayers.

With the power in their hands, and charged, as they rightfully are, with the duty and responsibility on them, the party in power has ignored these appeals by inaction in some instances and by positive adverse enactment in others, and utterly failed to give

any measure of thought and consideration to these many petitions bearing upon important matters of legislation.

Mr. Samuel Gompers, president of the American Federation of Labor, in a signed article that appeared in the Washington Times of June 10, 1902, discusses the Chinese law and incidentally refers to the power that controls, diverts, and turns away labor legislation. It reads:

The United States Congress has passed and the President has signed a bill enacting into law what purports to be a measure for the exclusion of Chinese laborers from the mainland of the United States and its possessions. In point of fact the entire measure is as defective, deceptive, and inefficient to accomplish the desired purpose as such a piece of patchwork, of which the present law is composed, well can be.

Realizing that the exclusion law of the ten years just terminated, and which is now superseded by the law just enacted, was spread over a series of acts, treaty stipulations, court decisions, and Treasury regulations which required vast research in order to ascertain the exact status of any tangible features, the American Federation of Labor representatives, together with the representatives of the California Chinese-exclusion convention, drafted a bill, which was a codification of all these various laws, treaties, decisions, and Treasury regulations into a comprehensive measure, so that if it had been enacted it would have presented to the Government officials, as well as any student or ordinary citizen of this or any other country, a comprehensive law that anyone might run and read.

But the solons of our Congress decreed otherwise, and they have imposed upon the country a law which, unless remedied soon by further legislation rectifying the wrong and the shortcomings, or by the voluntary acquiescence of China, as well as other foreign countries, or the interpretation and the administration of its provisions by the judicial and administrative officers of the country, will open the mainland of the United States to the dangers of an overwhelming horde of Chinese laborers and coolies.

Under the old law Chinese or persons of Chinese descent were excluded from the United States no matter from whence they came. Under the law just passed they can be excluded only when such exclusion shall be "consistent with treaty obligations."

In no way does the law designate that the exclusion shall be consistent with treaty obligations with China, and hence, while the provision is made that they shall be excluded if they come from China to the United States, or from China to the Philippine Islands, there is no provision of law against Chinese going to Hongkong, which is under the British Government, or from China to Mexico, and coming from either of these places into the United States.

In view of the treaties between the United States and the Governments of Great Britain and Mexico, providing for free and unlimited coming and going of their citizens and subjects to and from the United States, and with the well-known desire on the part of Chinese laborers to come to our country and compete with American workmen, and this desire fostered and encouraged by the shipping and transportation companies, as well as the purpose of the Chinese Six Companies and a large number of American employers who constantly harp upon the idea of introducing into the United States a horde of cheap laborers, it is not difficult to understand the danger which threatens and confronts the workers of our country.

Then, again, there is a direct invitation to China to give notice six months before December 7, 1904, that the treaty between it and the Government of the United States shall terminate on the date named, and, inasmuch as the present law pretends to exclude Chinese only when it shall be "consistent with treaty obligations," upon termination of the treaty there will be neither statute, law, nor treaty provision which in any way will deny Chinese coolies and laborers coming direct from China into the mainland of the United States.

It is admitted by all that the treaty of 1868, granting free and unrestricted immigration of Chinese, whether laborers or others, into the United States, was not abrogated, but simply suspended by subsequent treaty stipulations, and that it will come into full force and effect upon the termination of the present treaty, unless another specifically providing otherwise shall be negotiated and ratified in the meantime.

Scarcely was the ink dry enacting the present law when it was incidentally attacked in the interest of the Chinese. A Chinaman sought admission into the United States, claiming allegiance to Mexico, and offered to place bond for his return. Our Government officials evaded rendering a decision upon the Chinaman's right to enter the United States from Mexico by declaring that he had no right to come in under bond. Thus the main question is undecided, but that it soon will have to be decided no one seriously disputes.

Taking the entire law as it stands, it is a menace to not only the workers of the United States, but to our Republic and to our civilization, and, unless rectified by timely legislation at this session of Congress, the entire responsibility for the injury to our people will rest upon the heads of the managers of the legislation in our Congress—a responsibility which the workmen and the people generally of our country will not fail to appreciate and repay in every lawful and honorable way within the power of American manhood and American citizenship.

The Republican members of the House of Representatives, remembering the ruse of the last session of the Fifty-sixth Congress—the confessed political makeshift legislation on trusts, providing for the amendment of the Constitution to control them, which was not afterwards heard of in Congress—have followed in their footsteps of that session in this Congress, and have permitted to pass through the House of Representatives certain measures which will never be heard of again after the election.

Evidence is multiplying that it is not the intention of the Republican leaders to pass these bills through the Senate to give relief; and if at all, only after the elimination of all the provisions designed for the protection of labor. In this class are the immigration and the eight-hour bills.

The Republican Senate, against the universal protests of the laboring masses, passed the ship-subsidy bill, which is designed to grant its annual millions to the shipping trust while labor is overlooked and injured by a provision in the Chinese-exclusion act permitting the employment of Chinese seamen to take the place of the higher priced American seamen.

Thus the ship-subsidy bill provides for the payment from the taxation of the people of millions each year to promote and encourage an enterprise that employs cooly labor to man its ships to the exclusion of American labor. This unpopular bill only awaits the result of the elections to be passed through the House of Representatives if the Republicans be successful.

These are but instances of the power exerted against labor while it waits and waits for a consideration at the hands of Congress and while its petitions remain unanswered.

The party in power has not listened to the appeals of labor to have war ships, cruisers, and gunboats built in the United States navy-yards, but does listen to the shipbuilding trust and in opposition to the wishes of the country, as repeatedly expressed by their representatives; and controlling legislation on the subject, as the ship trust does, labor must be satisfied with the construction of but a single battle ship in the great navy-yards of the United States.

Is the ship trust entitled to more consideration than the voice of labor, more favored legislation than the working man?

The labor bills presented for consideration and indorsed by these millions in petitions, were, at the behest of powerful shipping interests, cast aside and bills of their own selection and liking took the time of Congress and were adopted.

Why not hear the petitions of the people?

Truly it can be said, surely it should be said in the language of Mr. Gompers:

Unless rectified by timely legislation at this session of Congress, the entire responsibility for the injury to our people will rest upon the heads of the managers of the legislation in our Congress, a responsibility which the workmen and the people generally of our country will not fail to appreciate and repay in every lawful and honorable way within the power of American manhood and American citizenship.

With this evidence of neglect and inattention to petitions. With this inaction on matters of vital legislation. With this array of facts and delinquencies it is time for labor to rise and cast off this party of promises and roseate professions but of utter lack of performance.

Isthmian Canal.

SPEECH
OF
HON. DORSEY W. SHACKLEFORD,
OF MISSOURI,
IN THE HOUSE OF REPRESENTATIVES,

Wednesday, January 8, 1902.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 3110) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans—

Mr. SHACKLEFORD said:

Mr. CHAIRMAN: I have always favored a canal connecting the Atlantic and Pacific oceans, but I have always regarded such an enterprise as an American affair, with which European powers are precluded from meddling by the terms of the Monroe doctrine.

When the Nicaraguan Canal bill passed this House in the last Congress there was then pending in the Senate the Hay-Pauncefote treaty, which it was generally thought would be ratified. This treaty recognized the right of Great Britain to dictate the terms upon which we might construct this great American waterway, and denied to us the right to fortify and defend it after we had constructed it. There were, I believe, 19 Democrats voting against the bill, 12 of whom were from Missouri, I among the number.

We voted against the bill, not through opposition to the canal, but because the canal provided for was not an American canal. We believed more strongly in the principles of the Monroe doctrine than we did the necessity for the canal. We felt that Congress was presenting the United States to the world in a sorry plight when by the terms of our legislation it was confessed that she could not deal with a purely American affair without the consent of Great Britain.

We believed the United States should construct the canal, but that she should do it without European dictation, and that when completed it should be owned, controlled, fortified, and defended by the United States. Entertaining these views, it is with pleasure that I recur to having cast my vote against the bill.

I believe that bill was a reflection upon the paramountcy of this Government in cis-Atlantic affairs. The objectionable treaty was not ratified, and a modified one was substituted for it, whereby the United States may fortify and defend any canal she may construct. We may therefore consider the pending bill upon its merits.

The first question, then, is what route shall be selected. I do not believe the question of route has received as much attention as it should, and I very much fear the route proposed in this bill is not the best. I favor the selection of a route which will give us an ocean-level canal. It would cost more than the estimate of this bill, but we are financially able to construct it and the greatness of the achievement and its benefit to our commerce would justify the expenditure.

Geographically I do not believe that either Nicaragua or Panama is the best route for this country. My personal opinion is that Tehuantepec is the best route for us, and I believe Captain Eads's proposed ship railway is the most feasible plan yet sug gested for transporting ships from one ocean to the other.

But it will not do to stop to cavil about routes. Any route is better than none. If we should wait till all agreed on a route, we should never have a canal. Therefore we must come to some determination and commence construction. We must take either the Panama or Nicaragua route.

I have always had a prejudice against the Panama project, but this has resulted from the scandals connected with the management of the affairs of the Panama Company, rather than any physical defects of the route. The same mismanagement of the Nicaragua route would have resulted in the same scandals. Hence such scandals could be no argument against either route.

A commission composed of men of the highest character and attainments has been sent to examine both routes, and its report is before us. From a perusal of this report we are driven to the conclusion that the Panama is the best route.

The superiority of either route over the other is not enough to warrant any delay. I shall therefore at the proper time offer an amendment giving to the President power in the alternative to select either route. If the amendment is adopted the President can, with the aid of the Commission, select the best route, and without delay enter into negotiations for the land upon which to construct it. Surely we may trust the President to make an honest selection.

I am very firm in my belief that Panama is the better route, but either is better than neither, and if my amendment shall be defeated I shall vote for the bill as it has been reported, in favor of Nicaragua. The people whom I represent want the canal and want it without delay.

Mr. BARTHOLDT. Will the gentleman allow a question?

Mr. SHACKLEFORD. I will.

Mr. BARTHOLDT. You have just stated that you are in favor of this bill whether it is amended or not. If that be true, why did you and your Democratic colleagues from Missouri oppose the bill in last Congress?

Mr. SHACKLEFORD. Because in the last Congress the bill was passed to the tune of "God save the Queen," while now it is passing under the sweeter notes of "Hail Columbia." [Applause.] We believed the canal was a necessity, but we believed the maintenance of the Monroe doctrine was a greater necessity. We were not willing to suffer dictation from Great Britain or any other European monarchy.

Mr. BARTHOLDT. On that proposition I thoroughly agree with my colleague.

Mr. SHACKLEFORD. If you agreed with me you should have voted with me.

Mr. BARTHOLDT. Wait a moment. I want to ask the gentleman whether the legislation now proposed here, and for which the gentleman proposes to vote, is not the same as was pending last session?

Mr. SHACKLEFORD. No. I commend to the gentleman the reading of the last bill and the treaty under which it was proposed to pass it, as compared with the bill now pending and the treaty now in force.

Mr. BARTHOLDT. This bill is word for word as the previous bill.

Mr. SHACKLEFORD. The gentleman is mistaken. This bill does not deny us the right to fortify and defend the canal when we have made it.

Mr. Chairman, I have no doubt in my mind but the Panama is the better route. The Commission has so reported. Let us, then, give the President power to choose with the advice of the Commission. It will occasion no delay. It will hasten action. If he is allowed some latitude in selecting the route, he can the more easily negotiate for the territory upon which to construct the waterway. We should lose no advantage in the choice of routes. The enterprise is a gigantic one, costing millions and millions of dollars. We should have the best route and upon the best terms.

But whatever route we select, let the work be commenced and pushed to a speedy completion. This international waterway would extend our commerce and influence and through all the ages testify to the enterprise, power, and wisdom of the American people.

Equestrian Statue to Memory of Baron Steuben.

SPEECH

OF

HON. JAMES A. HEMENWAY,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, June 13, 1902.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (S. 3057) appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the irrigation of arid lands—

Mr. HEMENWAY said:

Mr. CHAIRMAN: As the representative of a large number of German-American citizens, I am pleased to know that the great service of Baron Steuben in the struggle of the American colonies for independence is to be recognized by the erection of an equestrian statue to his memory at the city of Washington.

The country is indebted to the energy of Hon. RICHARD BARTHOLDT for securing the passage of the bill providing for this statue through the House of Representatives, as it is indebted to him for his eminent service as a member of the Congress of the United States for many years.

In the report submitted to Congress, Representative Bartholdt says:

There is reason, perhaps, for the failure of historians to accord a fitting position to Steuben in the record of the struggle of the American colonies for independence, however regrettable the fact may be to the impartial student of the man's worth and work. Readers of history are attracted to the part played by men who lead battalions in stirring charges, to the heroes in action on the battlefields, just as the patrons of a theater applaud the star, unmindful, if not ignorant, of the importance of the work of the stage manager, who has furnished the settings for the play, arranged the scenic effects, and made the actor's triumph possible.

Steuben was the stage manager, as it were, in the presentation of the Revolutionary war drama, and his work has been forgotten in the applause and admiration of the incomparable genius of Washington and the dash and daring of other leaders in the field whose efforts resulted in brilliant feats of arms and the achievement of American independence. Baron Steuben worked behind the scenes. He took over the ragged tatterdemalions of Washington at Valley Forge and in the face of almost insuperable obstacles worked them into an army that did yeoman service on so many fields later. It was Steuben who took in charge the raw material, the undisciplined recruits, and developed an army which for efficiency has challenged the admiration of the world.

It is not, however, my intention to go into the history of the life of Baron Steuben, but only to refer briefly to same.

He left Europe, where he had won hard-earned distinction and fame and where he had a sufficient competence, and came to this country and immediately addressed the following communication to Congress:

HONORABLE GENTLEMEN: The honor of serving a nation engaged in defending its rights and liberties was the motive that brought me to this continent. I ask neither riches nor titles. I am come here from the remotest end of Germany, at my own expense, and have given up honorable and lucrative rank. I have made no condition with your deputies in France, nor shall I make any with you. My only ambition is to serve you as a volunteer, to deserve the confidence of your general-in-chief, and to follow him in all his operations, as I have done during seven campaigns with the King of Prussia. Two and twenty years spent in such a school seem to give me a right of thinking myself among the number of experienced officers, and if I am possessed of the acquirements in the art of war they will be much more prized by me if I can employ them in the service of a republic such as I hope to soon see America. I should willingly purchase at the expense of my blood the honor of having my name enrolled among those of the defenders of your liberty. Your gracious acceptance will be sufficient for me, and I ask no other favor than to be received among your officers. I venture to hope that you will grant this, my request, and that you will be so good as to send me your orders to Boston, where I shall await them and take suitable measures in accordance.

He also addressed to General Washington the following:

SIR: The inclosed copy of a letter, the original of which I shall have the honor to present to Your Excellency, will inform you of the motives that brought me over to this land. I shall only add to it that the object of my greatest ambition is to render the country all the service in my power, and to deserve the title of a citizen of America by fighting for the cause of your liberty. If the distinguished ranks in which I have served in Europe should be an obstacle, I had rather serve under Your Excellency as a volunteer than to be an object of discontent to such deserving officers as have already distinguished themselves among you. Such being the sentiments I have always professed, I dare hope that the respectable Congress of the United States of America will accept my services. I could say, moreover, were it not for the fear of offending your modesty, that Your Excellency is the only person under whom, after having served the King of Prussia, I could wish to follow a profession to the study of which I have wholly devoted myself. I intend to go to Boston in a few days, where I shall present my letters to Mr. Hancock, member of Congress, and there I shall await Your Excellency's orders.

At Boston, Steuben was entertained by John Hancock, who had just retired from the Presidency of the Congress, and here, after waiting five weeks, he received Washington's answer to his letter. It advised him to report at once to Congress, then sitting at York, Pa., since it belonged exclusively to that body to enter into negotiations with him.

Congress, through its President, Mr. Laurens, accepted his generous proposition and directed him to report to General Washington at Valley Forge. Here Steuben began a work the value of which can scarcely be overestimated.

In a letter to Gen. John Sullivan, dated at Valley Forge, April 8, 1778, A. Scammel thus comments on the work of Baron Steuben and its influence:

Baron Steuben sets us a truly noble example. He has undertaken the discipline of the Army, and shows himself to be a perfect master of it, not only in the grand maneuvers, but in the most minute details. To see a gentleman dignified with a lieutenant-general's commission from the great Prussian monarch condescend with a grace peculiar to himself to take under his direction a squad of ten or twelve men in the capacity of drill-sergeant, commands the admiration of both officers and men and causes them to improve exceedingly fast under his instructions.

Speaking of his work at this time, William North, who was his aid-de-camp, and therefore familiar with the subject, says in his biographical sketch of Steuben:

Certainly it was a brave attempt. Without understanding a word of the English language, to think of bringing men, born free and joined together to preserve their freedom, into strict subjection, to obey without a word, a look, the mandates of a master—that master once their equal, or, possibly, beneath them. * * * It was a brave attempt, which nothing but virtue or high-raised hopes of glory could have supported. * * *

From the commencement of instruction no time, no pains, no fatigue were thought too great in pursuit of this great object. Through the whole of each campaign, when troops were to maneuver, and that was almost every day, the baron rose at 3 o'clock. While his servant dressed his hair, he smoked a single pipe and drank one cup of coffee; was on horseback at sunrise, and, with or without his suite, galloped to the parade. There was no waiting for a tardy aid-de-camp, and those who followed wished they had not slept. Nor was there need of chiding; when duty was neglected or military etiquette infringed, the baron's look was quite sufficient.

On the 30th of April, 1778, about six weeks after Steuben had commenced his active duties, Washington made the following report to Congress:

The extensive ill consequences arising from a want of uniformity in discipline and maneuvers throughout the Army have long occasioned me to wish for the establishment of a well-organized inspectorship, and the concurrence of Congress in the same views has induced me to set on foot a temporary institution, which, from the success which has hitherto attended it, gives me the most flattering expectations. * * *

Baron Steuben's length of service in the first military school of Europe, and his former rank, pointed him out as a person peculiarly qualified to be at the head of this department. This appeared the least exceptionable way of introducing him into the Army, and the one that would give him the most ready opportunity of displaying his talent. I therefore proposed to him to undertake the office of Inspector-General, which he agreed to do with the greatest cheerfulness, and has performed the duties of it with a zeal and intelligence equal to our wishes. * * *

I should do injustice if I were to be longer silent with regard to the merits of Baron Steuben. His knowledge of his profession, added to the zeal which he has displayed since he began upon the functions of his office, leads me to consider him an acquisition to the service, and to recommend him to the attention of Congress.

The "recommendation" of Washington was that Steuben be made Inspector-General of the American Army with the rank of major-general. The recommendation of Washington was followed by Congress, and by act of May 5, 1778, Steuben was created a major-general and assigned to the duties of Inspector-General of the Army.

The last act of General Washington before resigning his commission as Commander in Chief of the American Army was to write an appreciative letter to Baron Steuben, as follows:

ANNAPOLIS, *December 23, 1783.*

MY DEAR BARON: Although I have taken frequent opportunities, both in public and in private, of acknowledging your great zeal, attention, and abilities in performing the functions of your office, yet I wish to make use of this last moment of my public life to signify in the strongest terms my entire approbation of your conduct, and to express my sense of the obligations the public is under to you for your faithful and meritorious service.

I beg you will be convinced, my dear sir, that I should rejoice if it could ever be in my power to serve you more especially than by expressions of regard and affection; but, in the meantime, I am persuaded you will not be displeased with this farewell token of my sincere friendship and esteem for you.

This is the last letter I shall write while I continue in the service of my country. The hour of my resignation is fixed at 12 to-day, after which I shall become a private citizen on the banks of the Potomac, where I shall be glad to embrace you and testify the great esteem and consideration with which I am, my dear baron, etc.

On March 24, 1784, Steuben gave in his resignation, which Congress accepted on April 15, with the following resolution:

Resolved, That the thanks of the United States, in Congress assembled, be given to Baron Steuben for the great zeal and abilities he has discovered in the discharge of the several duties of his office; that a gold-hilted sword be presented to him, as a mark of the high sense Congress entertain of his character and service, and that the superintendent of finance take order for procuring the same.

Baron Steuben was only one of that sturdy, honest type of Germans who left the fatherland to become an American citizen. And loyal citizens they have been both in time of war and in time of peace.

They have responded to the call of their country in three wars—the Revolutionary war, the great war between the States, and the Spanish-American war—and in each of these wars their names have been recorded on the roll of honor of their country.

And in time of peace they have been successful in every avocation in life—in the professions, on the farm, in the factory, at the compass—and they have delighted the world with their music.

And in politics, not wedded to any particular party, but always conservative and voting for what they believe is to the interest of the Government, they have in the past by their votes prevented radical changes in legislation and Government policies that would have resulted in bringing distress to their country.

To the German-American citizens this country of ours is greatly indebted for its wonderful progress and for the fact that this day our beloved flag floats over the most prosperous and happy people on earth.

Civil Government for the Philippine Islands.

SPEECH

OF

HON. D. E. FINLEY,

OF SOUTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, June 30, 1902.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (S. 2235) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes—

Mr. FINLEY said:

Mr. CHAIRMAN: With probably one exception, the American people are more divided on the question of the final disposition of the Philippine Islands than they have been on any other question within the past fifty years, the issues leading up to the civil war being the exception that I speak of. These issues involve the race question, and say what you will, when the Philippine question is considered in its last analysis, this is the main question with a large number of the American people. No doubt this proposition will be contested by many. Whether I am correct in stating the question or not, it is evident that the American people are divided, and since the conclusion of peace between Spain and the United States nearly four years ago, the Republican party, through the Administration and a majority of the members of the party, have contended that it is not only best for this country in the matter of trade and commerce, and from an international standpoint, but that it is also best for the people of the Philippine Islands that the United States hold and exercise sovereignty over this people.

As an argument why that should be done, the Republican Administration has insisted, first, that the United States has become a world power; second, that by retaining the Philippine Islands we would derive great benefits and profits in the way of trade and commerce; and, third, that it would be for the civilization and uplifting of the Filipino people, and that we can hold them in subjection without being restrained by the limitations of the Constitution of the United States.

The Republican party, in carrying out this policy of innovation and departure from the history and practice of this country prior to the Spanish-American war, has taken possession of the Philippine Islands by armed force, made war upon the people of those islands, and claimed the right to hold them in subjection as colonies, and to rule the country without being restrained, as is evidenced by the bill under consideration.

The Democratic position, on the other hand, is correctly set forth in the Democratic platform of 1900.

This declaration has recently been reaffirmed by the Democratic convention in my State, as follows:

We hold with the United States Supreme Court that the Declaration of Independence is the spirit of our Government, of which the Constitution is the form and letter.

We declare again that all governments instituted among men derive their just powers from the consent of the governed; that any government not based upon the consent of the governed is a tyranny, and that to impose upon any people the government of force is to substitute a method of imperialism for those of a republic. We hold that the Constitution follows the flag, and denounce the doctrine that an Executive or Congress, deriving their existence and their powers from the Constitution, can exercise lawful authority beyond it or in violation of it. We assert that no nation can long endure half republic and half empire, and we warn the American people that imperialism abroad will lead quickly and inevitably to despotism at home.

We condemn and denounce the Philippine policy of the present Administration. It has involved the Republic in an unnecessary war, sacrificed the lives of many of our noblest sons, and placed the United States, previously known and applauded throughout the world as the champion of freedom, in the false and un-American position of crushing with military force the efforts of our former allies to achieve liberty and self-government. The Filipinos can not be citizens without endangering our civilization; they can not be subjects without imperiling our form of government; and as we are not willing to surrender our civilization to convert the Republic into an empire,

we favor an immediate declaration of the nation's purpose to give the Filipinos, first, a stable form of government; second, independence; and third, protection from outside interference.

We are not opposed to territorial expansion when it takes in desirable territory which can be erected into States in the Union, and whose people are willing and free to become American citizens. We favor expansion by every peaceful and legitimate means. But we are unalterably opposed to the seizing or purchasing of distant islands to be governed outside the Constitution, and whose people can never become citizens. We are in favor of extending the Republic's influence among the nations, but believe that influence should be extended not by force and violence, but through the persuasive power of a high and honorable example. The burning issue of imperialism growing out of the Spanish war involves the very existence of the Republic and the destruction of our free institutions. We regard it as the paramount issue of the campaign.

The position of the Democratic party is embodied in a practical way in the views of the minority of the Insular Committee and the substitute bill presented by them in their report.

I am one of those who believe in adhering to the letter and spirit of the Constitution of the United States. The Republican party does not believe in this doctrine. On the contrary, it holds to the doctrine of opportunism, and in practice fits the Constitution to exigencies as they arise. I do not propose to go into an extended discussion of this phase of the question. During the past four years this has been repeatedly done on the hustings, in the halls of Congress, and in the courts. What I have to say is directed to the practical, rather than to the academic, side of the question.

In all our previous acquisitions of territory we have secured sections of country contiguous or adjacent and which were, practically speaking, in an unsettled state, awaiting only the extension of American sovereignty—the coming of American emigrants to settle the country and pave the way for its admission into the Union as sovereign States. This was the case with Florida, and all of the territory now included in the States and Territories west of the Mississippi River were acquired in this way by Democratic Administrations, carrying out the Democratic policy of expansion. But at no time has the Democratic party advocated or practiced expansion when to do so would bring in foreign territory, such as the Philippine Islands, inhabited by an alien and inferior race, unfit ever to become citizens of the United States.

We have the race question to contend with in the United States. Of the 80,000,000 people in this country 10 per cent or, in round numbers, 8,000,000 are of the colored race.

In the Philippine Islands we will have the race question intensified a thousandfold more than here. There the proportion of whites to the colored population must always remain very small, for the reason that on account of the tropical situation of the country and climatic conditions it is impossible for a white man to live there and perform manual labor to any extent. History teaches that where in any country there are more races than one, one of these races will be dominant and rule. The history of civilization shows that where these conditions exist and the white race enters into the equation it will rule.

The Democratic party does not slander and abuse the Army or wish to see its efforts crowned with failure; the Army is our Army, and whatever criticism has been made against cruel and barbarous acts in the conduct of the war in the Philippine Islands (and there have been cruel and barbarous acts committed in the conduct of the war) is directed to the individuals ordering the commission of these acts, or those who have of their own accord committed them. The Army, as such, is not responsible for the acts mentioned, but only the individuals voluntarily engaged.

When war is unavoidable, acts of cruelty and inhumanity will sometimes occur, and there should be no unnecessary war, to the end that the commission of such acts be limited as much as possible. It may be said that under the circumstances the United States Government is compelled to assert its authority. If this be admitted, it does not follow that we are compelled to follow the course we are pursuing. I have listened very attentively to the debate, with a view to ascertaining the ultimate purpose and intention of the Republican party with respect to the Philippine Islands and their people. The title of the bill under consideration is:

An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

Judging from the title of the bill, the government of the islands under it is to be temporary, and it also appears from the title that the Republican party has other purposes in view than to provide a temporary civil government for the Philippine Islands. Judging the purposes of the Republican party from the utterances of its members on this floor, it appears that they are divided somewhat as to the final disposition of our oriental possessions. A few of them have stated that they are unwilling to hold the people in subjection longer than the time when they are capable of self-government; others have failed to state their view on this question, while a number of others have boldly avowed themselves in favor of permanent retention.

But perhaps it is not well to decide the question as to what is the intention of the Republican party as to the future of the Philippine Archipelago by the statements of the Republican politicians in debating the question. In a general way it may be stated that the first section of the bill under consideration ratifies the executive orders of the President in the matter of governing the Philippine Islands, and provides for a continuance of this course under certain conditions. Sections 4 and 5 relate to the judiciary and section 6 provides that appeals may be taken from the supreme court of the Philippine Islands to the Supreme Court of the United States. In civil actions the amount in controversy must be $25,000 or more. There is no provision for an appeal to the Supreme Court of the United States in any case involving life or liberty, or where the amount in controversy is less than $25,000.

Section 7 provides for a legislature consisting of two houses, one of these to be the Philippine Commission, the members of which are appointed by the President of the United States, and the other to be known as the Philippine assembly, the members of which are to be elected whenever, in the words of the bill, "a condition of general and complete peace shall have been established and the fact shall be certified to the President by the Commission." Whether or not this much-to-be-hoped-for state of affairs will ever be reached in the Philippine Islands I have reason to doubt. There is no record of any such peace in the Philippine Islands within the past one hundred years, and I am inclined to believe there will be none for many years to come.

Section 8 provides for the election by the people of the Philippine Islands of two resident commissioners or delegates to the Government of the United States at the same time the legislative assembly is elected.

Section 11 constitutes the Filipino people a corporation or body politic under the style of "the people of the Philippine Islands."

Section 12 gives all residents of the islands owning allegiance to the United States protection in respect to their relations with foreign governments.

Sections 13 and 14 relate to franchises, privileges, and concessions, and give to the Philippine Commission authority to grant charters, authority to provide the means to exploit fully the Philippine Islands in all matters, including the right to acquire and hold real estate.

The words "and for other purposes" in the title of the bill, when considered in connection with the bill, throw some light on the purposes and intentions of its framers.

An examination of the first 23 sections of the House bill shows that for the present and for many years to come the only government there in the Philippine Islands will be an arbitrary one of the imperial order.

Sections 24 to 49, inclusive, provide for the acquisition and exploitation of timber lands, mineral lands, and mineral rights.

The timber in the Philippine Islands is rare and valuable; minerals are abundant. The bill provides a way for acquiring all public utilities in the Philippine Islands, including railroads, telephone and telegraph lines, electric-light lines, timber, and minerals, and affords an opportunity for peculation and plunder unequaled in the history of the world within the past fifty years, unless it be the "reconstruction" period in the South, beginning with 1868, when the Southern States were left to the tender mercies of the carpetbaggers, scalawags, and the poor benighted and deluded negroes.

Sections 50 to 57, inclusive, provide a generous, if not extravagant, provision for the issue of municipal bonds. This, as the history and issue of municipal bonds even in civilized countries show, amounts to mortgaging posterity.

Sections 58 to 75, inclusive, provide for a coinage system, and in this is included a provision for the coinage of silver at the rate, as I remember it, of 27½ to 1. What form the bill will take when it is finally enacted into law I do not know, but such is the provision in the bill at this time.

Sections 76 and 77 provide a wild-cat banking system, with authority to issue notes for circulation.

So much for the efforts of the Republican party along the line of imperialism.

The minority members of the Insular Committee, in their report and draft of a bill which they recommend be substituted for that under consideration, state the Democratic position. The report and essential parts of the bill are:

VIEWS OF THE MINORITY.

The undersigned members of the Committee on Insular Affairs, to which was referred House bill (No. 13445) entitled "A bill temporarily to provide for the administration of civil affairs in the Philippine Islands, and for other purposes," are constrained by what they regard as a just and proper sense of public duty to withhold their assent from the report accompanying said bill.

The subject with which this bill deals is one of momentous importance. It concerns the lives, liberties, and property of 10,000,000 Filipinos and the integrity and good faith of the American Republic.

The chief question involved is whether, under the guise of the forms of civil government, a policy unjust and cruel to the people of the Philippine

Islands, and injurious and dishonoring to American citizenship, shall be indefinitely, if not perpetually, continued, or that there shall be substituted in its stead a more righteous and humane policy, the intent and purpose of which is to confer upon that people within the shortest practicable period, and upon certain reasonable and proper terms and concessions, an autonomous system of free self-government, based upon the principle of an independence, modified as to their foreign affairs, which modified independence, after the lapse of a reasonable period (affording that practical training and actual experience in the art of self-government so necessary to fit them for its ultimate exercise and full enjoyment) shall eventuate into an unqualified and absolute independence.

To hold the Filipinos in a condition of subjection to and dependence upon the Government of the United States, in the opinion of the minority members of this committee, is violative of the declaration solemnly made by the Congress of the United States at the incipiency of the war with Spain, is repugnant to the principles upon which the American Republic was founded, and incompatible with a system of free government based upon the consent of the governed, and must, if indefinitely persisted in, result in the subversion of the liberties and the destruction of the free institutions of the American people.

Believing, therefore, that this bill is vicious in principle, bad in its details, unjust, inexpedient, and, from the view point of either the inhabitants of the Philippines or the American people, absolutely indefensible, the minority file herewith, and as more fully embodying their views, the draft of a bill which they recommend shall be substituted for and in the place of that presented with the report of the committee.

Recognizing that three centuries of Spanish dominion have destroyed all self-government in the Philippine Islands, and that its people at this time are unprepared for its exercise, the theory upon which this substitute measure is framed is that there should be conferred upon them for a period of eight years the largest possible share in the government of themselves and in the conduct of their affairs consistent with our safety and best interests and our duty and obligations to the nations of the world, in order to fit them for that absolute independence and self-government to which the minority believe them entitled.

Such a course as this involves a protectorate on the part of the United States of only eight years, and will, it is confidently believed, demonstrate that the Filipinos are capable of self-government and result in a firmly established and stable government for them.

W. A. JONES.
JOHN W. MADDOX.
J. R. WILLIAMS.
R. L. HENRY.
JNO. S. WILLIAMS.
M. R. PATTERSON.

A bill to establish a stable and autonomous government in the Philippines, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:

Whereas, the people of the United States, in order to establish justice and sure tranquillity in the Philippines, and to provide for the defense and promote the welfare of the people of the islands, and to secure the blessings of liberty to them and to their posterity, do ordain and establish this act of Congress as a constitution for the Philippine Islands:

SECTION 1. That the provisions of this act, and the name, "The Philippines," as used in this act, shall apply to and include the Philippine Islands ceded to the United States Government by treaty of peace concluded between the United States and Spain on the 11th day of April, 1899, the boundaries of which are set forth in Article III of said treaty, and also any other islands belonging to said archipelago, not included within said boundaries, and now territory of the United States.

SEC. 2. That on and after the 4th day of July, 1903, and for eight years thereafter, the qualified independence of the Philippines, under the terms and conditions herein prescribed, and under a government established in accordance with the provisions of this act, and on and after July 4, 1911, the full and complete independence of the said Philippines shall be and is hereby acknowledged.

SEC. 3. That the terms and conditions precedent under which this acknowledgment is made, and after compliance with which on the part of the government and the people of the Philippines, the said acknowledgment takes place, are as follows:

First. That there shall be on the 4th day of July, 1903, neither war nor insurrection existing within said Philippines, nor any organized armed opposition to the temporary sovereignty of the United States.

Second. That the United States are to have and retain control, ownership, and complete sovereignty over such land and harborage waters as are actually necessary for three coaling stations and two naval stations, and convenient terminal points for submarine cables, to be situated at such places and within such boundaries as shall be selected and designated by a commission sitting on behalf of the United States of America, composed of the President of the United States, the Secretary of State thereof, and the Secretary of the Navy thereof.

Third. That the government of the Philippines, established in accordance with the provisions of this act, shall assume and carry into effect the treaty obligations of the United States with the Kingdom of Spain.

Fourth. That the government of the Philippines, established in accordance with the provisions of this act, shall, by legislative act and by treaty, guarantee that no higher tax shall ever be levied upon the property, merchandise, or business of citizens of the United States resident in or doing business in the Philippines than shall be at the same time levied upon like goods, wares, merchandise, or business of the citizens of the Philippines.

Fifth. That the government of the Philippines, established in accordance with the provisions of this act, shall, by legislative act and by treaty, guarantee to American citizens for all time freedom of access to and of travel in the Philippines for purposes of business or for missionary purposes, and shall throw around such citizens of the United States coming to or traveling or residing in the Philippines the same legal protection and advantages as shall be furnished to the citizens of the Philippines.

SEC. 4. That the government, in accordance with the provisions of this act, shall be known as the "Republic of the Philippines."

The Democratic party proposes to treat the Philippine Islands as we have treated Cuba. It is urged that the Filipinos are incapable of self-government. I agree that they are not as capable, according to our standard, as we are. I am convinced also that they will never be, but we have Admiral Dewey's statement for it that they are more capable than the Cubans. We have given the Cubans a stable form of government and independence, and have what is, or soon will be, a monopoly of their trade. Why not treat the Filipinos in the same way? With a declaration that such is our policy, in my judgment the Philippine question would be settled in a much shorter time than the Cuban question was settled. While Cuba is now costing us nothing, at present and for years to come the Philippine Islands will cost the United States for the support of the troops necessary there from $25,000,000 to $40,000,000 annually. While it is given out by the Administration that the cost of the war in the islands up to this time is about $172,000,000, yet well-informed people are convinced that they have cost us more than $300,000,000.

Along the line of showing what the cost of imperialism is to the country, I will quote some figures showing the expenditures for the National Government for the years—

1860	$63,130,598.39
1876	258,459,797.33
1886	242,483,138.50
1893	383,477,954.49
1897	365,774,159.57
1899	605,072,179.85
1901	509,967,353.15

Regular and permanent appropriations made by this session, as stated by Hon. L. F. LIVINGSTON, the minority member of the Committee on Appropriations, amount to $300,193,837; contracts authorized, $259,373,215.

We have seen our expenditures increased by more than 100 per cent since Clevelend's last administration. But our friends, the Republicans, tell us that when the actual and authorized appropriations for a single session of Congress exceed a billion of dollars that this is made necessary because we are a world power, and when pressed for the reasons why we are a world power they answer: "Oh! on account of the war with Spain and the acquisition of the Philippine Islands;" or, stated in another way, it would be that on account of the war with Spain we acquired the Philippine Islands, and on account of this acquisition we became a world power, and because we have become a world power our total annual appropriations exceed $1,000,000,000 annually. Does it pay? Let us calculate.

Money for the support of the Government must come out of the pockets of the people of the United States. The total trade of the Philippine Islands is little more than $30,000,000 annually. Of this the United States has a beggarly $5,000,000, or about that amount.

By the treaty of peace between the United States and Spain the latter country for ten years from that date is to have the same tariff rate and trade advantages with the Philippine Islands that the people of the United States have.

In addition to this, the Administration was, and probably now is, committed to the policy of the open door with the nations of the world with respect to the trade in the Philippine Islands.

I invite the attention of my Republican friends and the country to the following table of imports into the Philippine Islands for the year 1900.

Let us look at the imports for this year, the first year after the treaty of peace with Spain in which a comparison can fairly be made between the trade with the United States and that of other leading countries.

Country.	Amount.	Increase (+) or decrease(−).	Per cent.
United States	$2,153,198	+$801,344	59
Great Britain	5,576,931	+2,337,865	72
Germany	1,631,816	+708,941	77
France	978,095	+686,057	235
Spain	1,989,235	−714,101	26

Now that the Philippine Islands are a part of our territory, the probability is that many of its people will emigrate to the United States. These people are an inferior race, and in time no doubt will prove as obnoxious and as objectionable as the Chinese. When that time arrives, probably not in the near future, but at some time, they will attempt to invade the field of labor in our factories and our mills, and it will be found, as it has been demonstrated, that this field is only broad enough for the white laborer. And particularly is this true of the cotton mills in the South, which to-day manufacture 42 per cent of all the cotton manufactured in the United States, and whose abundant success has been phenomenal during the past twenty years.

This success is attributable more than anything else to the fact that our cotton-mill operatives are, as a class, educated, law-abiding, and among our best citizens. I have no fears that the field of labor will be at once invaded by people from the Philippine Islands. It is a matter of time, and I apprehend that the race issue will in the end prove to be the most serious phase of the Philippine question. If we are to expand and acquire more territory, the most desirable to acquire is Canada and British America.

Efficiency of the Militia.

SPEECH

OF

HON. CYRUS A. SULLOWAY,

OF NEW HAMPSHIRE,

IN THE HOUSE OF REPRESENTATIVES,

Monday, June 30, 1902,

On the bill (H. R. 11654) to promote the efficiency of the militia, and for other purposes.

Mr. SULLOWAY said:

Mr. SPEAKER: Availing myself of the opportunity to print, I submit the following statement on the subject of pensions, showing what has been done during this session and what was done in former Congresses:

The first session of the Fifty-seventh Congress, now drawing to a close, has been an extremely busy one in the Committee on Invalid Pensions, and the largest number of bills, both public and private, that were ever sent to committee in the history of Congress have been referred to this committee. There are various reasons for this, the two chief ones being, however, the unsatisfactory administration of affairs in the Pension Bureau during the four years past and the fact that a great many of the veterans of the civil war—or, to be exact, 107,000, in round numbers—who were drawing pensions under the general law were induced, under a misapprehension, to apply under the act of June 27, 1890, and as old age and infirmities creep upon them they find that the $12 per month which they are drawing under the act of June 27, 1890, is wholly inadequate to provide for themselves the necessaries of life, and as a result, unless they secure aid from Congress, many of them would be obliged to find homes in almshouses.

As stated above many of these men were formerly drawing pensions under the general law, and had they remained there until to-day they would have been entitled to a much larger pension than can be allowed under the act of June 27, 1890. Another class of cases which appeal to all, and which have engrossed the attention of the committee, and for whom a large number of bills have been passed, come right along in this same line. They are a class of men who are drawing $12 per month under the act of June 27, 1890, and who have since become totally blind or paralyzed and require the aid and attendance of another person. This class of cases has been raised from $12 to $24 or $30 per month. It has been the aim of the committee to place all these cases on an equal and just rating, and as a result the committee reported and there passed the House of Representatives on June 16, as an amendment to the "maimed soldiers act," giving all veterans of this class who had a year's service a rating of $30 per month where they are so disabled as to require the aid and attendance of another person. It is the opinion of your committee that the passage of this will reduce to a large extent the passage of private acts by Congress, and at the same time bring needed relief to a most worthy class of veterans, many of whom can trace their disabilities to the service, and who but for technicalities in the law, and the fact that many of their witnesses who, if living, could prove their claims, would be entitled to a rating of from $50 to $72 under the general law.

Statement of work of the House Committee on Invalid Pensions up to and including June 27, 1902.

PRIVATE BILLS INTRODUCED AND REFERRED TO THAT COMMITTEE.

First session Fifty-seventh Congress, up to June 27, 1902:	
House bills	6,348
Senate bills	433
Total number of bills	6,781

There were referred to that committee in the—

Fifty-sixth Congress, private bills	5,817
Fifty-fifth Congress, private bills	3,883
Fifty-fourth Congress, private bills	2,690
Fifty-second Congress, private bills	2,101

BILLS REPORTED BY THE COMMITTEE IN THE FIRST SESSION, FIFTY-SEVENTH CONGRESS.

Up to and including June 27, 1902:	
House bills	953
Senate bills	392
Total	1,345

Of this number there were passed in the House 901 House bills and 339 Senate bills; total, 1,240; and there are now remaining on the Calendar 52 House bills and 53 Senate bills, all reported by this committee; total, 1,345.

The Committee on Pensions of the House reported 228 private bills (its own and Senate bills combined), 226 of which passed the House and 2 of which are still on the Calendar, so that the total number of private pension bills reported to the House in the first session of the Fifty-seventh Congress amounts to 1,573.

Number of special acts passed in prior Congresses.

In the Forty-ninth Congress	856
In the Fiftieth Congress	1,015
In the Fifty-first Congress	1,385
In the Fifty-second Congress	217
In the Fifty-third Congress	119
In the Fifty-fourth Congress	378
In the Fifty-fifth Congress	694
In the Fifty-sixth Congress	1,391
In the Fifty-seventh Congress, first session, approvals	892
Before President for approval up to June 27, 1902	213
Total	1,105

GENERAL LEGISLATION.

Senate bill 4850, granting an increase of pension to those who lost limbs in the service of the United States, was reported to the House with an amendment, and another amendment was added increasing the pension of those entitled to the maximum rating under the act of June 27, 1890, to $30 per month in cases where the soldier requires the frequent and periodical aid and attendance of another person, provided his service during the war of the rebellion was for one year or more.

This bill was passed by the House on June 16, 1902, and is now before the Senate for concurrence.

Senate resolution No. 8, repealing section 4716, Revised Statutes, as to disloyalty in claims under the act of June 27, 1890, was also reported to the House, with an amendment, so that the Union soldier who rendered two terms of service and was honorably discharged from the last term of service only may also have title under the act of June 27, 1890.

This bill is now on the House Calendar.

House bill 9324, construing the act of March 3, 1879, as to the filing of claims by children under 16 years of age, also reported by this committee, is on the House Calendar.

House bill 12141, amending the act of March 3, 1901, relative to remarried widows, passed the House June 16, 1902, and is now before the Senate.

Senate bill 1359, increasing the pension for total deafness from $30 to $40 per month, has been reported to the House and is now on the House Calendar.

Amendment of Bankruptcy Law.

SPEECH

OF

HON. SAMUEL L. POWERS,

OF MASSACHUSETTS,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, June 17, 1902.

The House having under consideration the bill (H. R. 13679) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898—

Mr. POWERS of Massachusetts said:

Mr. SPEAKER: I have been somewhat surprised to-day to notice that the sentiment in favor of the repeal of the bankruptcy law comes very largely from the other side of the House. When we look into the history of bankruptcy legislation we find that the bankruptcy clause in the Constitution originated in the State of South Carolina and was put in largely through the instrumentality of Pinckney and Rutledge, of that State. Later on it was strongly advocated by Senator Hayne, who at that time was one of the idols of the South in the United States Senate. It had the support of the Bayards, of Delaware, for generations in the halls of Congress, and they supported it because they said it was necessary in a commercial country to have a uniform bankruptcy law. I desire to call the attention of my friends on the other side of the House to the language of James A. Bayard as long ago as 1799, when the first bankruptcy law was under consideration, in which he used these words:

The necessity of a bankruptcy law results wherever a nation is in any considerable degree commercial. No commercial people can well be governed without it. Wherever there is extensive commerce extensive credit must necessarily be given.

Later on, in the year 1803, he said:

The commercial world can not exist without such an act. Its necessity arises from the nature of trade, and does not belong to other classes of citizens. It is founded on the principle that commerce is built on great credits, and great credits produce great debts.

As late as 1824 Daniel Webster, then representing the State of Massachusetts, referred to the 24 different and clashing systems such as we then had in this country. To-day, without any bankruptcy act, we would have 45 different and clashing systems; and to undertake to say that a country with 80,000,000 people, a commercial people possessing property amounting to $90,000,000,000, with the great lines of transportation established throughout the

length and breadth of the land, so that the merchant in Massachusetts trades with the merchant in Texas, so that the merchant in Alabama trades also with the merchant in New England, to say that such a country shall have 45 different systems of distribution and administration of property of debtors in the different States simply means that you can not have a commercial system for the administration of the estates of debtors. It seems to me that the Speaker of this House, when we were considering the present bankruptcy law, put the case very strongly when he said, using his language exactly as it appeared in the CONGRESSIONAL RECORD:

Ought the United States to be classed hereafter with England, Germany, France, and their associates, having bankruptcy laws, or continue in the class with China?

There is not to-day a single great commercial nation on the face of the globe that has not a uniform system of bankruptcy.

Mr. CLAYTON. May I interrupt the gentleman?

Mr. POWERS of Massachusetts. Certainly.

Mr. CLAYTON. Have England and France the dual system of government that we have—that is, separate State governments performing nearly all the functions of government and a Federal Government with limited and delegated powers?

Mr. LANHAM. With express authority, however, to establish uniform bankruptcy laws.

Mr. POWERS of Massachusetts. I do not think the question of government has anything to do with it. England is a great commercial nation, and she has had a bankruptcy law for more than a century. France is a great commercial people, and she has a bankruptcy law. The United States is a great commercial nation, and she ought to have the bankruptcy law amended as provided in the bill that we have before us.

Mr. CLAYTON. May I interrupt the gentleman to say that our system of government is essentially different from Great Britain and France, and that what may be proper there may not be proper here, and that our people are quite capable in the States to administer the estates both of dead men and live men?

Mr. POWERS of Massachusetts. Commerce is the same the world over.

All the leading nations of the world have had for many years upon their statute books laws on the subject of bankruptcy. Nearly four centuries ago England adopted a uniform system of bankruptcy, which has remained in force up to the present time. For more than four centuries France has continued a bankruptcy law, and though both England and France have from time to time amended their statutes upon bankruptcy, they have never throughout these centuries repealed the act, and, so far as I am able to learn, there has never been a sentiment in either of these countries in favor of such repeal. The Empire of Germany enacted a bankruptcy law twenty-five years ago which has been continuously in force since that time, and Russia has had a bankruptcy law in force for nearly a century.

The policy of this country with reference to bankruptcy legislation has been a shifting one, but, in my opinion, it is now upon a permanent basis, and there is no strong sentiment in any part of this country in favor of the repeal of the bankruptcy law.

We have had four bankruptcy laws enacted by Congress, the first in 1800, second in 1841, third in 1867, and the fourth in 1898. The laws prior to 1898 appear to have been enacted largely on account of financial calamities, and in no case were they perfected with care before enactment. The theory upon which the early laws were enacted appears to have been an erroneous one. They were enacted apparently for the simple purpose of giving relief to debtors who were hopelessly bankrupt. The act of 1898 was based upon an entirely different theory, and was largely in accord with the sentiment which led to the enactment of the bankruptcy laws of England and France. To my mind it was never the purpose of the framers of the Constitution to vest in Congress power to "establish uniform laws upon the subject of bankruptcy throughout the United States" for the sole purpose of giving relief to distressed debtors. The framers of the Constitution had in view the necessity of uniform laws upon the subject of bankruptcy as necessary and essential to the growth and development of a commercial people.

The bankruptcy clause in the Constitution was largely due to the influence of Rutledge and the Pinckneys of South Carolina, all of whom had been educated in England in boyhood, and had more or less knowledge of the working of the bankruptcy law in that country. The two Pinckneys were representatives in the constitutional convention, and in the discussions of that famous convention showed an intimate knowledge of the workings of the bankruptcy laws under the English system.

It is also worthy of note, inasmuch as most of the sentiment in favor of the repeal of the present bankruptcy law comes from representatives of Southern States, that nearly all of the great statesmen of the South who have represented that section of the country in Congress have favored the enactment of a bankruptcy law. To start with, you have the two Pinckneys from South Carolina, who sat as delegates in the constitutional convention, and also Mr. Rutledge, afterwards Chief Justice; James Madison, of Virginia; James Pinckney, of Maryland; John Rutledge, jr., of South Carolina; Senator Hayne, of South Carolina; Senator Berrien, of Georgia; Henry Clay, of Kentucky; James A. Bayard, of Delaware, a State which was formerly classed with the Southern States; and John Marshall, of Virginia, afterwards Chief Justice.

To my mind these statesmen from the South took the correct view of the object and purpose of bankruptcy legislation. They were also ably supported by many of the illustrious statesmen of the North, the Commonwealth of Massachusetts furnishing as advocates of a uniform system of bankruptcy Rufus Choate, John Quincy Adams, Daniel Webster, Harrison Gray Otis, Samuel Sewell, Caleb Cushing, and Robert C. Winthrop; and Massachusetts has been conspicuously in favor of bankruptcy legislation, not because she favors a bill simply for the relief of poor debtors, but because, as a commercial State, she regards some system of uniform bankruptcy as absolutely essential to the prosperity of the country.

Now, what is the real purpose of a bankruptcy law? It certainly is not confined to furnishing relief to the debtor alone. The commerce of every nation is built up of great credits, and, as has been very properly said, "Great credits produce great debts." It is said that more than 90 per cent of traders ultimately fail, and have to compromise or settle with their creditors. The commercial world well knows that the great majority of men engaged in commerce sooner or later will meet with reverses, and that their assets must of necessity be distributed among their debtors.

As long ago as 1799 James A. Bayard, then a Representative from Delaware in Congress, said, "The necessity of a bankrupt law results wherever a nation is in any considerable degree commercial. No commercial people can be well governed without it. Wherever there is an extensive commerce, extensive credits must be necessarily given;" and in 1803, Mr. Bayard, speaking on the same subject, which was bankruptcy, said, "The commercial world can not exist without such an act. Its necessity arises from the nature of trade, and does not belong to other classes of citizens. It is founded on the principle that commerce is built on great credits; and great credits produce great debts. Owing to the risks arising from these and other circumstances, the most diligent and honorable merchant may be ruined without committing any fault. Not so as to the other classes of citizens; either the cultivators of the soil, the mechanics, or those who follow a liberal profession. They live on the profits of their labor, not on profits derived from credit. These circumstances make a bankrupt law necessary to the merchants. The insolvent law is an ample provision for others." And he argued that he considered it absolutely essential that there should be one uniform rule coextensive with the Union, so that the merchant in one State should fully understand the laws of every State in which he was called upon to do business.

Daniel Webster in 1824 referred to the State insolvency laws then in existence as "twenty-four different and clashing systems," and said that he was fully of the opinion that in a country like ours, so commercial, with so many States interlinked by commercial relations, that bankruptcy laws ought to be uniform through all the States and of course established under the authority of the National Government. Now, the foundation principle of the bankruptcy law is the administration and the distribution of the property of the bankrupt and incidentally the relief of the debtor. If a debtor is embarrassed and can not continue in business, of course everyone will agree that his property should be distributed among his creditors upon some equitable basis.

While there may be certain debts that should be treated as preferred debts, the great bulk of the property should be distributed pro rata among the creditors. More than that, in a country as commercial as is this the law for the distribution of the bankrupt's estate should be uniform in all parts of the Union. Prior to the enactment of the present bankruptcy law in 1898, nearly every State of the Union had what is known as insolvency laws, and there were no two States where the law was identical. In many of the States the debtor was permitted, acting within the provisions of the law, to prefer relatives and such other creditors as he saw fit to designate. In some States there existed no insolvency law, and the first creditor who obtained an attachment of the debtor's property secured his entire claim, and the creditor who came last received nothing. In other words, we had what Mr. Webster described—45 "different and clashing systems," where the domestic creditor had a great advantage over the foreign creditor.

Now, the practical effect of that system was greatly to restrict commercial credit. The merchant in Massachusetts, for instance, would hesitate to sell goods to the trader residing in a State where they had no bankruptcy or insolvency law which permitted the home creditors to make attachments of the property

to the exclusion of the foreign creditor, or to the trader residing in a State the laws of which permitted him to make preference in favor of his own relatives and certain favored creditors residing in that State. So that the practical effect of the State insolvent law was to greatly restrict credit and also to render business upon credit far more hazardous than it would be where a uniform system of bankruptcy was in force.

The very fact that the United States is a Union composed of 45 States renders it particularly important that there should be a uniform system for the distribution of the estates of the bankrupt. In other words, our system renders it possible for the different States to enact laws so unlike as to greatly interfere with commerce between the different States, which is carried on upon credit. The commercial interests of this country fully understand the importance of continuing in force a bankrupt law, and if the present bankruptcy law were amended as recommended by the Committee on Judiciary, it would be not only entirely satisfactory to the great commercial interests of this country, but would be a law that would be absolutely just both to the creditor and the debtor. The argument that a bankruptcy law is intended as an oppression to the debtor is without foundation. The very fact that the great proportion of bankruptcy petitions are voluntary is conclusive proof that the debtor avails himself of the advantages of the law for his own relief.

In the absence of some national law it is impossible for a debtor to obtain relief from all his creditors unless they reside within the State where the debtor resides. If they reside outside of the State they are not affected by the debtor's discharge. Under the provisions of the present law the debtor's discharge, if he should be an honest debtor, relieves him of all his debts wherever in the United States his creditors may reside. So that the present law operates not only to make an equitable distribution of the assets, but also to furnish a proper and adequate relief to the bankrupt.

We have, however, reached that stage in commercial progress where the bankruptcy law becomes absolutely necessary, not alone for the relief of the debtor, but for the equitable distribution of the assets among his creditors; and it would certainly be most remarkable if this nation, which to-day must fairly be regarded as the most important of the commercial nations of the world, should be willing to dispense with a system which is so absolutely necessary for the commercial prosperity of our people.

In the last sixty years the American people have constructed and are now operating 180,000 miles of railroad—enough in length to reach around the globe more than seven times. They have invested in this gigantic system nearly twelve billions of dollars, or about one-eighth of the entire property of the country. This railway system has brought the people into commercial relations with each other and the freight rates have reached that point where it is possible for the manufacturer and the merchant in any one State to compete with the manufacturer and the merchant in any other State, The very fact that it costs less than three-fourths of one cent to move a ton of freight one mile renders it possible to carry on competition at long distances. The result of this great transportation system has been to build up a tremendous interstate commerce between the different parts of the country and this commerce has rendered it absolutely necessary to do business on large credit.

Now, the merchant in New England is perfectly willing to trade with the merchant in the South and in the West, provided there is some uniform system for the distribution of the estate of the debtor in case he meets with reverses in business and his estate has to be distributed.

State lines ought not to change commercial conditions, and particularly conditions which of necessity must affect the question of credit. I do not believe that there is to-day any strong sentiment in any State in this Union in favor of the repeal of the present law.

Mr. James Monroe Olmstead, a learned and distinguished member of the Boston bar, in a very able article entitled "Bankruptcy as a commercial regulation," which appeared recently in the Harvard Law Review, very pertinently says that—

> There would seem to be as much sense in asking for a repeal of the interstate-commerce law, patent laws, and postal law, all of which are authorized by the same section of the Constitution, which provides for "uniform laws on the subject of bankruptcies throughout the United States." Certainly bankruptcy legislation vitally affects the interests of the commercial and debtor and creditor classes quite as much as any of these other subjects, which do not appear to invite constant attack. If, however, the administrative or distributive function of the law is made prominent, permanency and stability—both jewels in legislation—will be the result, and thus the objects of the framers of the Constitution in securing uniformity throughout the nation in this branch of commerce will be always realized.

In the Fifty-third Congress, while the Torrey bill, so called, was under discussion, Representative Dingley, of Maine, speaking in advocacy of the enactment of some bankruptcy law uses the following language:

> In the early history of this country, before interstate commerce had been developed to the extent that it has within recent years, before the construction of railroads and telegraphs and the growth of the intimate business relations now existing between every part of this country, which makes Texas commercially as near to New York and New York as near to San Francisco as Philadelphia was to Pittsburg seventy-five years ago, we can see in the development of the means of communication a reason, a necessity for national bankruptcy legislation that did not exist fifty or seventy-five years ago. We have become a great nation commercially as well as politically. Every part of this country is commercially linked with every other part. The merchant in New England is dealing every day with the merchant in New Orleans and Galveston. The merchant in St. Paul is selling to and purchasing from the merchant of Boston every day. State lines have been broken down, commercially, in the progress of this nation.

There can be no question but that the time has passed for any serious consideration of the repeal of all bankruptcy legislation. The time has come when the commercial interest of this country insists upon some national uniform bankruptcy law. More than 90 per cent of the merchants, manufacturers, and professional men of the country who have expressed themselves upon this subject favor the continuance of some bankruptcy law. The amendments which have been submitted by the committee have met with the cordial approval of all business men. The only question that is now before us, Mr. Speaker, is the question whether the present law will be repealed or whether the present law shall continue in force and be amended to meet the wishes of the business community. The American people demand the continuation of bankruptcy law and demand its amendment in the manner recommended by the committee. If the present law be so amended, I have no question but that it will remain in force permanently, and that our people will have the same views of the necessity and importance of a national law on this subject as has been taken by the great commercial nations of England and France.

To allow the present law to be repealed and the reinstatement of the insolvency laws of the different States would be decidedly a step backward, and one that would be directly in opposition to the sentiment of the business interests of this country. The law is not in any way opposed to what is popularly known as State rights. When the States were admitted into the Union they came in under a Constitution which authorized Congress to "establish uniform laws upon the subject of bankruptcy throughout the United States." In other words, when they accepted the Constitution they had reason to suppose that Congress would exercise the authority vested in it by the Constitution and establish a uniform system of bankruptcy.

It has been urged upon the floor to-day that the continuance of this law interferes with the rights of the several States. Certainly the States when they came into the Union must have assumed that the question of regulating bankruptcy would be exercised by the nation and not by the States. The State has no right to enact bankruptcy or insolvency laws except when Congress has failed to exercise the authority vested in it by the Constitution. State lines ought not to be commercial lines. While they are political lines they ought not to interfere with the commercial relations of the people. As years go on we shall take a far broader view of this question, and we shall ultimately all of us reach the conclusion that commerce will be better promoted by uniform national laws than by State laws which conflict with each other.

Civil Government for the Philippine Islands.

SPEECH

OF

HON. HENRY ALLEN COOPER,

OF WISCONSIN,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, June 19, 1902.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes—

Mr. COOPER of Wisconsin said:

Mr. CHAIRMAN: The cession of the Philippine Islands to the United States was one of the events which mark the beginning of a new era in the history of mankind. However considered, it is in its every aspect and relation of momentous, world-wide significance. It has at once and inevitably brought the United States forward as one of the commanding figures in the arena of world politics. We led the diplomacy of the world in China in a recent crisis in international affairs, and we had that signal opportunity, we rendered that great service to humanity, because the fortunes of war had given us possession of the Philippine Archipelago.

Upon its purely commercial side, the fact that the United States of America, with its unrivaled industrial power and possibilities, is now located at the very gateway of the Orient must enter into every consideration of the great question of trade supremacy in

Asia, a portion of the earth which discerning minds everywhere perceive is to be the scene of the world's commercial conflicts in the future. And it would not be difficult for one who, from this point of view, has given thought to the possibilities of the situation to occupy more time than can be accorded him in this debate in a discussion of the effects which the possession of the archipelago by the United States may reasonably be expected to have in the coming world-struggle to conquer the markets of the East. For when these wonderfully fertile islands have felt the full effect of modern methods, when railroads have been constructed and highways built; when, with the development of their rich resources. trade shall revive from its long sleep, and the people be busy, prosperous, and happy, as busy and prosperous people always are; when in the fullness of time—and the time will not be long—Manila shall become a city of half a million or three-quarters of a million of people, with its great harbor perfected so that it may accommodate the shipping of the world certain to seek it; then, unquestionably, the possession of these islands by the United States will be a source of inestimable advantage to the nation in its efforts to extend trade and commerce in the Orient.

But, sir, to look upon the cession of the Philippines as a mere commercial transaction, however broad and comprehensive in scope, which may result in financial profit to the United States, is, after all, to take a selfish and belittling view of a great opportunity. For, Mr. Chairman, it is an opportunity, a transcendent opportunity, far above and beyond any mere struggle for trade. We must, we do justify our entry into world politics and our attitude toward the archipelago and its inhabitants upon broader, higher ground than that the islands will help us to get more dollars in Asia. Duty is not mercenary. We are in the Philippines, sir, to discharge a duty, a duty which we owe to ourselves, to the people of the archipelago, and to the cause of civil liberty everywhere throughout the earth. We are in the islands, and, despite all harsh utterances to the contrary—there have been many of these of late—we are there for no other purpose than to set wider the bounds of freedom, to secure liberty and opportunity and all the benefits of the best of modern civilizations for a downtrodden race to whom, through hopeless centuries, these blessings have been denied, and in the place of an ancient, decrepit monarchy and the divine right of kings to establish the invincible young republic and the inalienable rights of man. [Loud applause.]

This is the high, the sacred mission, which, in the course of human events and under the providence of God, the United States is called upon to perform. On distant shores, in the immediate presence—at the very door—of oriental despotism, and under circumstances so conspicuous and commanding that our work and its results shall forever be seen of men, this Republic is laying the foundations for a new order of things. No other event, sir, since the nation-saving civil war, so brings to mind and justifies the prophetic saying of the great Scotchman: "The world is all so changed; so much that seemed vigorous has sunk decrepit, so much that was not is beginning to be! What sounds are these, new in our centuries? Behold democracy announcing that she is born and will envelop the whole world!"

Heretofore, Mr. Chairman, our occupation of the Philippine Archipelago has been purely military, under the direction of the President of the United States as Commander in Chief of the Army and Navy. The ratification of the treaty did not change the status. Our occupation continued to be military after that event as it was before. Now Congress is about to assume control and enact general legislation for the islands. At the outset, we are confronted by two questions: First, what can we do?—a question of law. Second, what ought we to do?—a question of policy, or of constructive legislation; or, it may be said, of constructive statesmanship.

The first question, What can we do? involves an interpretation of the treaty of Paris. Under and subject to the Constitution, the treaty has become the "supreme law of the land." Manifestly, then, the first and most important question concerning this "supreme law" is as to how to interpret it. The treaty contains a provision not known to any other treaty to which the United States has been a party—a provision which reserves to Congress the authority to determine the political status and civil rights of the native inhabitants of the ceded territory. This provision, new to the politics of the United States, aroused a serious conflict of opinion, in which the people and the press, irrespective of previous party affiliations, took sides. The question finally resolved itself into this: Does the Constitution, of its own force, extend to the ceded territory? Fortunately, Mr. Chairman, the Constitution itself provides for a court where this gravely important question could be taken for authoritative decision. In that court this question has been heard, and answered in opinions which awakened a profound interest among our own people, and attracted the attention of the civilized world.

Much has been said and written in denunciation of these opinions. I am not here to criticise nor to indulge in fulsome eulogy of the Supreme Court of the United States, nor to say that it is always the duty of the citizens of this Republic to accord to its decisions their unreasoning approval. That court is not infallible. Its members are human. But, sir, it is a noble tribunal. No other court has ever had such power; no other court could have proven more worthy of the sacred trust. During all the generations of its existence it has had the deep-seated respect and confidence of the people; and to-day, in its personnel, in the high character of the justices, and in their devotion to public duty, the people believe it to be worthy of its honorable traditions. [Applause.]

That court in the case of De Lima against Bidwell decided only one proposition, viz, that upon the ratification of the treaty the ceded territory ceased to be "foreign" within the meaning of the Dingley Act, which provides for a tariff on all goods coming to the United States from "foreign" countries. That decision is of importance in relation to one provision of the pending bill. In Downes *v.* Bidwell the court decided that the Constitution did not of its own force extend to the islands ceded by the treaty of Paris; that these islands did not become a part of the United States within the meaning of the clause of the Constitution which requires uniformity in tariffs, duties, and excises; and that in legislating for the islands, Congress is bound only by the express prohibitions of the Constitution and by those implied prohibitions or fundamental limitations in favor of personal rights which are formulated in the Constitution, or are to be inferred from the nature of our Government and its institutions.

Mr. Chairman, from the bill presented by the minority I assume that our opponents have abandoned their former views concerning the constitutional question, and that we are all now in accord as to what, under the Constitution and the treaty, Congress can lawfully do—that is, what legislation it may lawfully enact—for the Philippines. I assume this because the minority propose that the United States shall surrender all title to the islands and abandon them to their inhabitants. Heretofore our opponents have steadfastly maintained that the Constitution is in full force and effect in the Philippines. But, sir, if the Constitution be in full force and effect in the islands we can not surrender our title and abandon them, except compelled to do so by force of arms.

Gentlemen upon the other side can not successfully urge that the disposing clause of the Constitution will suffice to relieve them of this dilemma. I refer to the clause which gives to Congress the power "to dispose of and to make all needful rules and regulations respecting the territory and other property" of the United States. This precise point has received attention in the Supreme Court. In Downes against Bidwell, Mr. Justice White—who upon this particular proposition undoubtedly voices the opinions of at least eight of the nine justices—says:

> In view, however, of the relations of the Territories to the Government of the United States at the time of the adoption of the Constitution and the solemn pledge then existing that they should forever "remain a part of the confederacy of the United States of America," I can not resist the belief that *the theory that the disposing clause relates as well to a relinquishment or cession of sovereignty as to a mere transfer of rights of property is altogether erroneous.* * * * The argument is that citizenship of the United States is precarious and fleeting, subject to be sold at any moment like any other property. * * * It is impossible for me to say at one and the same time that territory is an integral part of the United States protected by the Constitution, and yet the safeguards, privileges, rights, and immunities which arise from this situation are so ephemeral in their character that by a mere act of sale they may be destroyed. * * * *If the treaty with Spain incorporated all the territory ceded into the United States, it resulted that the millions of people to whom that treaty related were * * * indissolubly made a part of our common country.*
>
> Undoubtedly the thought that under the Constitution power to dispose of people and territory, and thus to annihilate the rights of American citizens, was contrary to the conception of the Constitution entertained by Washington and Jefferson.

It is therefore evident that gentlemen upon the other side must either change their former views and agree with the court as to the law, or abandon their bill.

But as of course the minority bill is not to be abandoned, I am justified in assuming that both majority and minority are in accord upon the law and upon the question of what Congress can do and that in legislating for the Philippines we are bound only by the prohibitions and limitations which I have before mentioned.

This brings us to the second question, What ought Congress to do?—a question of practical sense, good judgment, sound policy.

Mr. Chairman, to the candid investigator of the problem of the Philippines it is plainly apparent that mere partisanship can have but little rightful place in its discussion. A glance at the record makes this clear. Therefore, before beginning the discussion of the pending bill, I invite attention to the record of events leading up to the present situation. I shall make this review as brief as possible, but I deem it important, for it will not only conduce to a frame of mind proper to the consideration of this transcendently important question, but by refreshing our recollection of what has been done we shall be the better prepared to determine what we ought now to do.

The treaty of peace between the United States and Spain was signed at Paris on the 10th of December, 1898, and soon thereafter sent by the President to the Senate for ratification. No member of the House has forgotten the long and arduous struggle which ensued. Nor was the contest confined to the Senate. Everywhere throughout the country it raged. People and press, irrespective of party, took sides. Opponents of the treaty denounced it and denounced the Republican Administration which negotiated it, as a hundred years before other men had heaped denunciation upon Thomas Jefferson and the Democratic Administration which negotiated the treaty by which we acquired the territory of Louisiana. A century before, men had vehemently declared that the territory of Louisiana was a mere trackless wilderness, inhabited only by wild beasts and wilder savages; that it must remain a home for beasts and savages for untold generations, and that a treaty which proposed to annex such a territory to the Republic of the United States was "unconstitutional," "improvident," "dangerous," "wicked."

Possibly the members of the House can think of some of the other adjectives which were hurled at that treaty. [Laughter.] Just as in 1867, other men, equally sincere but equally mistaken, declared that another wise and far-seeing statesman, William H. Seward, was guilty of a shameful proposal to squander the public moneys for the purchase of a mere barren desert of rock and ice, unfit for human habitation or for any other civilized purpose, when he negotiated the treaty by which we acquired the rich Territory of Alaska. So, while this treaty of Paris was pending, men said that the Philippine Islands were a mere tropical jungle, where white men could not and would not wish to live. Yesterday I talked with a white man who with his wife has for two years been residing in Mindanao. He said that he had never suffered so much from the climate anywhere as he had in Washington within the last two weeks and that he wanted to get back as quickly as possible. [Laughter.] He has friends who were born in the Philippines and who have lived there all their lives.

Here is a dispatch from General Chaffee to the War Department, which I find in the Washington Post. It is under date of May 12. General Chaffee, in speaking of the lake country in the island of Mindanao, says:

> The lake country is beautiful and more suitable for the occupancy of Americans than any other part of the archipelago; *elevation, soil, and climate perfect, comparing favorably with any valley of the Alleghenies.*

The opponents of the treaty also said that if we accepted these islands they would be a source of endless expense to the United States—always an unbearable burden upon the public Treasury. How facts can annihilate theories! The Taft Commission in their last report to the War Department set forth that after paying all expenses of the insular government and making considerable appropriations for purely naval and military purposes, after paying for the insular police, after appropriating $1,000,000 in gold to help along the improvement of Manila Harbor, after appropriating $1,000,000 in gold to build highways—they still had in the insular treasury available for appropriation more than $5,000,000, gold values.

In order that I may be exact about this—to satisfy those who are so solicitous lest it may cost us something to do our duty, and to relieve them of all anxiety—I will read from the report of the Taft Commission. After reciting the fact that they have appropriated these $2,000,000 and more in gold for the purposes I have specified, they say:

> At the date of this report, September 30, 1901, there is in the treasury, available for appropriation, the sum of $5,106,518.46, gold values.

Mark this, if gentlemen are afraid that it will cost us something—

> Meanwhile all the expenses of the insular government have been met and very large appropriations have been made out of the insular treasury during that period for purely military and naval purposes.

After making these expenditures for military and naval purposes there is still a working balance. Observe the next statement:

> It is only a reasonable and conservative statement to say that *under any proper management of the finances of the islands the revenues will be at all times sufficient to meet all ordinary expenses of good administration and to make considerable appropriations for large general improvements and the erection of public works.*

That is not all. I ask careful attention to what follows:

> In the ordinary current expenses of the island we include for the purposes of the statement now made the establishment and maintenance of an efficient police system for the preservation of good order and of necessary means of communication between the islands for the transportation of mails and public officials and revenue-customs inspection. *There is no reason why the Government of the United States should ever be called upon to contribute toward the support of the insular government, and within a comparatively few years after the complete restoration of good order, it is entirely reasonable to anticipate that the revenues in the islands will be sufficient to pay all the expenses incurred for troops, native or American, and insular police sufficient to maintain good order throughout the whole archipelago.*

That is on page 111 of the last report of the Philippine Commission.

Mr. COCHRAN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield to the gentleman from Missouri?

Mr. COOPER of Wisconsin. I do.

Mr. COCHRAN. I would ask the gentleman if that would not be applying precisely the system applied by Great Britain in India?

Mr. COOPER of Wisconsin. What? For the islands to pay their own expenses as they go along? I think it would. I do not see the relevancy of the question.

Mr. COCHRAN. It is simply to show that we are acting precisely as England does in its establishment of colonial governments——

Mr. COOPER of Wisconsin. Oh, that is a non sequitur. I was simply replying to the assertion that the islands would always be a financial burden to this Government, and I read from this report to prove that they will be entirely self-supporting. Now, the gentleman goes into the general subject of England's colonial governments.

Mr. SHAFROTH. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield to the gentleman from Colorado?

Mr. COOPER of Wisconsin. Yes; I yield.

Mr. SHAFROTH. Is there any claim that the insular government has paid any material part of the expenses of the soldiers in the Philippine Islands?

Mr. COOPER of Wisconsin. They have paid $1,000,000 in gold toward highway construction carried on under military supervision. They appropriated that sum out of the insular treasury, and some of the highways were constructed largely for the benefit of the Army.

Mr. SHAFROTH. Has the gentleman got the figures as to how much during the last fiscal year?

Mr. COOPER of Wisconsin. And we are also substituting native police for the military with this insular fund all the time.

Mr. SHAFROTH. Has the gentleman the figures as to how much the United States Army has cost over there out of the Treasury of the United States? When the gentleman is talking about the islands paying, it seems to me the total cost ought to be taken into consideration.

Mr. STEELE. I would ask the gentleman from Colorado what the cost of the Army is in Colorado? [Laughter.]

Mr. SHAFROTH. We do not need any army there.

Mr. KAHN. Mr. Chairman, if the gentleman will permit, I will state that the Navy Department has some 14 small gunboats that were paid for out of the insular funds, and the Quartermaster's Department has a large fleet of tugs and launches which were paid for also out of these funds.

Mr. COOPER of Wisconsin. Mr. Chairman, the gentlemen on the other side evidently do not comprehend the purport of the statement made by the Commission which I have just read. The Commission do not say that they are paying the present expenses of the army for the suppression of rebellion—nothing of the sort, but they say: "*There is no reason why the Government of the United States should ever be called upon to contribute toward the support of the insular government, and within a comparatively few years after the complete restoration of good order it is entirely reasonable to anticipate that the revenues of the island will be sufficient to pay all expenses incurred for troops, native or American, and insular police sufficient to maintain good order throughout the whole archipelago.*"

Mr. COCHRAN. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. COOPER of Wisconsin. Mr. Chairman, this is a voluminous subject, and a voluminous bill, and I want to get through as quickly as possible so as to permit other members to speak. The gentleman can get his time upon the other side.

I have just been informed by the gentleman from Connecticut [Mr. HILL] that on June 15 the insular treasury contained over eleven millions in various kinds of money, or nearly $6,000,000 in gold values.

Mr. Chairman, the opponents of the treaty said also that come what might those islands never should be accepted by the United States; the treaty must not be confirmed. On the other hand, the friends of the treaty declared that it ought to be, must be ratified for reasons which made the path of duty clear. First, the United States must never consent that Spain retain the possession of the islands—she must give them up. Second, the United States must never consent that Spain shall cede them to Russia or China or to any other power. Third, the Filipinos can not themselves maintain free self-government, and to relinquish the islands to their inhabitants would mean simply bloodshed, civil war, anarchy, and their early seizure and partition by the powers.

Therefore, because as a matter of right the United States could not permit Spain to retain the islands, because as a matter of right we could not permit Spain to cede them to any other country, and

because the Filipinos could not govern themselves, there was but one alternative, but one right thing to do, and the United States was bound by every consideration of honor and of duty—duty to itself, to other nations, to the people of the Philippines, and to the cause of humanity around the world—to ratify the treaty and accept the cession of the archipelago. [Applause on the Republican side.] Here was the issue over which the contest raged.

Mr. THAYER. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Wisconsin yield?

Mr. COOPER of Wisconsin. I do.

Mr. THAYER. I should like to ask the gentleman how it has been demonstrated that that people are unable to control and govern themselves?

Mr. COOPER of Wisconsin. I shall demonstrate it by the unanimous testimony of witnesses who, I think, are competent to testify.

Mr. THAYER. Soldiers?

Mr. COOPER of Wisconsin. Not at all; by civilians, and by no one more than by Mr. Schurman, whom you will undoubtedly quote.

Mr. PAYNE. Soldiers are not incompetent witnesses.

Mr. COOPER of Wisconsin. Soldiers are not incompetent witnesses.

Mr. TAWNEY. Only in the estimation of Democrats, that is all.

Mr. COOPER of Wisconsin, No; I will not say that.

Mr. Chairman, I have stated the issue over which the contest occurred. For weeks the result hung wavering. Finally, as it approached its culmination, with the result still in grave doubt, the then recognized leader of the Democratic party came to this city of Washington, and, precipitating himself into the midst of the conflict, rallied his party associates to the support of the treaty. His efforts were most effective, and, at last, on February 6, 1899, the treaty was saved, but saved by a very narrow margin and saved only by the aid of Democratic votes. Distinguished Senatorial opponents of ratification, men of both parties, have repeatedly and publicly declared—and their statements are not doubted, I apprehend, by any person familiar with the circumstances—that but for the arduous efforts of the Democratic leader the treaty would have been rejected.

These well-known facts are in themselves interesting and instructive; but, Mr. Chairman, they derive their chief significance from the further fact that after these arduous and successful labors of the Democratic leader to ratify the treaty, to annex the Philippines, and to expand the United States, the national Democratic party, with full knowledge of all these things, set the seal of approval upon his annexation and expansion record by renominating him as their candidate for the Presidency, and, as the newspapers said, with unanimity and amid great enthusiasm. [Applause on the Republican side.]

Mr. BALL of Texas and Mr. THAYER rose.

The CHAIRMAN. Does the gentleman yield?

Mr. COOPER of Wisconsin. Well, if the gentlemen desire to dispute this statement of facts, I will yield; but if they wish to indulge in a general line of comment, I object.

Mr. THAYER. I am not here to defend the gentleman to whom the gentleman from Wisconsin refers. He is amply able to defend himself; but I want to ask the gentleman if it was not generally tacitly understood that when that treaty was ratified the Filipinos were to be treated as we were treating the Cubans?

Mr. COOPER of Wisconsin. Mr. Chairman, what was tacitly understood by men who did not put themselves upon record in an authoritative way at that time does not enter into this question. The only question is as to what are the inevitable consequences of a treaty ratified by both parties, as the record shows. [Applause on the Republican side.]

Mr. Chairman, how is it possible justly to attribute the inevitable results, the complications, the perplexities resulting from a treaty thus ratified by the votes of men of both parties, solely to the Republican party, and why has it been deemed necessary to attempt to drag this great business of our island possessions down to the level of mere partisan politics? Both parties voted to begin the war; both parties voted to ratify the treaty which ended it. Both parties voted to appropriate $20,000,000 out of the National Treasury to meet one of the stipulations of the treaty. Both parties voted to raise money to support armies to enforce American sovereignty upon American soil in the Philippines [applause on the Republican side]—made American soil by that treaty. Both parties are in honor bound as Americans to assume their share of the responsibility for the obligations which the treaty imposes.

Mr. SHAFROTH. Will the gentleman yield to a question there?

Mr. COOPER of Wisconsin. Yes, sir.

Mr. SHAFROTH. Did not President McKinley in the message that accompanied the treaty, which was sent to the Senate, use, in substance, these words:

Do not let us discuss the question now. After the ratification of the treaty is the time to discuss what disposition we shall make of the Philippine Islands.

Mr. COOPER of Wisconsin. I do not know, but I think that is sound, and I am disposed to indorse it if President McKinley said it.

Mr. DALZELL. What of it?

Mr. OLMSTED. That is what we are doing now.

Mr. COOPER of Wisconsin. That is what we are doing now. The treaty has been ratified.

Mr. SHAFROTH. Yes; but you object to a discussion of the question of giving them independence, or what disposition shall be made of the Philippine Islands.

Mr. COOPER of Wisconsin. This is not a Republican problem, this is not a Democratic problem, this is a great national problem, which concerns all of our people everywhere, and vitally concerns the good name and fame of this Republic now and forever. [Applause on the Republican side.] A national problem which for its proper solution demands that it be considered in a national spirit—a spirit which recognizes the magnitude of the task and its essential nobility, and looks not to any mere party advantage, but only to the welfare and happiness of the Filipino people and to the maintenance, inviolate, of the national honor. [Loud applause.] And yet, sir——

Mr. VANDIVER. Will the gentleman yield to a question?

Mr. COOPER of Wisconsin. I am glad to yield, with a qualification.

Mr. VANDIVER. Then in the interest of fairness—I am sure the gentleman does not wish to be unfair—when he says that both parties ratified the treaty, would it not be fair to connect along with that statement another statement as to how many of each party in the Senate ratified that treaty. And furthermore, in connection with that, the further question, that while it may be true that in the Senate a number of Democrats voted with the Republicans to ratify the treaty, it was done with the understanding that a resolution then pending in the Senate was to be considered, and sufficient pledges were supposed to have already been made to pass it, pledging this country to treat the people of those islands as they were to treat Cuba.

Mr. COOPER of Wisconsin. As to the proportion of the Democracy who contributed to the support of this treaty, I should say about 90 per cent, because William J. Bryan was in favor of it, and because the Democracy nominated him as their candidate for President after they knew that he had used his great influence to secure its ratification.

Mr. VANDIVER. When you say Democrats voted to ratify the treaty, it seems to me reasonable to expect and to require you to show the fact, and where the Democratic party ratified that treaty. Did not the majority of the Democrats in the Senate vote against it?

Mr. COOPER of Wisconsin. Mr. Chairman——

Mr. VANDIVER. Answer the question.

Mr. COOPER of Wisconsin. Yes; I think so. I said by the aid of Democratic votes. The Democratic party ratified it when they made Mr. Bryan their candidate for the Presidency, and when the Democrats of this House voted the $20,000,000.

Mr. VANDIVER. I beg the gentleman's pardon. I did not vote for it. They did not all vote for it.

Mr. OLMSTED. What proportion did not?

Mr. VANDIVER. I am one of those who did not vote for it.

Mr. COOPER of Wisconsin. Mr. Chairman, I am compelled to decline to yield further.

Mr. VANDIVER. Well, then, let the gentleman be fair in his statement.

The CHAIRMAN. The gentleman declines to yield.

Mr. COOPER of Wisconsin. Notwithstanding these indisputable facts, Mr. Chairman, from the day on which the treaty was ratified our whole policy in the Philippines has been the object of the most relentless, violent, virulent, partisan attack. Every day we are told that but for Republican sins of omission and commission we should to-day have no island problems to agitate the public mind, and the ship of state would be sailing on tranquil seas. Every day we are told that our whole policy in the Philippine Archipelago is in flagrant violation of every principle of liberty, "unjust and cruel" to the people of the islands, and "injurious and dishonoring" to American citizenship. That is practically what the minority of the Committee on Insular Affairs report that they believe. A "policy"—not an isolated instance of cruelty here and there, but a "policy"—a Republican "policy," deliberately entered upon, unjust, cruel. and dishonoring to American citizenship.

Sir, these charges demand attention. They constitute a fierce indictment. What is there to justify them? Our policy in the

Philippine Islands was inaugurated by William McKinley. From its inception to the month of September last he was directly responsible for it. Was William McKinley the author of a policy of cruelty dishonoring to his countrymen? Will history try him upon that indictment and write "guilty" opposite his name? Is that to be its judgment upon the most important work in the life of the man who of all the men of his generation was the best beloved? [Applause.] Is the name of William McKinley to be stricken from the pantheon of great Americans and enrolled among the names of the despoilers of liberty—the enemies of mankind? What man believes it? And yet it must be true if these charges against our "policy" in the Philippines be true. What man believes it? What man believes it who knew him in this life? What man believes it who ever looked into his noble countenance, illumined as always it was by the consciousness of duty performed? [Loud applause.] What man believes it, now that William McKinley has gone to his long home?

Sir, what is this policy? Let us see what justification there may be for the attacks upon it.

Mr. VANDIVER. Will the gentleman yield for another question?

Mr. COOPER of Wisconsin. I beg the gentleman to excuse me. I must decline to yield further. I have not the time to do so.

What is there to justify these attacks upon our Philippine policy? As I have said, when the treaty of Paris was signed our military forces were occupying the islands under the direction of the President as Commander in Chief of the Army and Navy, and until Congress should act, it was his sworn duty to maintain absolute control of affairs in the archipelago. He did not usurp this authority. It was forced upon the President by the Constitution and the laws. He could not evade the tremendous power and responsibility. He was compelled to assume both the power and the responsibility and to do his duty. He did not fail. Here, sir, we touch upon our policy in the Philippines, in the directions which the President gave to the commander of our military forces:

The military commander of the United States is enjoined to make known to the inhabitants of the Philippine Islands that in succeeding to the sovereignty of Spain, in severing the political relations of the inhabitants and in establishing a new political power, the authority of the United States is to be exerted for the securing of the persons and property of the people of the islands, and for the confirmation of all their private rights and relations. It will be the duty of the commander of the forces of occupation to announce and proclaim in the most public manner, that we come not as invaders or conquerors, but as friends, to protect the natives in their homes, in their employments, and in their personal and religious rights.

President McKinley was not content to rest with these instructions to our military commander. He was intent on superseding, without needless delay, the arbitrary processes of military government by the milder methods of civil administration. He felt, as he himself said, that the treaty committed the Filipinos to the generous sympathies, the guiding hand, the uplifting education, "not of their American masters, but of their American emancipators," and he sought without delay to extend these blessings. Accordingly, in January, 1899, while the treaty was still pending in the Senate, he appointed the first Philippine Commission, in order, as he declared, promptly to secure an effective and generous protection of life and property to the inhabitants.

What, under the circumstances, would any President of any party have done?

Is fault found with the personnel of that Commission? Schurman, the president of a great college; Dewey, an illustrious officer of the Navy; Otis, a distinguished officer of the Army; Worcester and Denby, civilians of high attainments and of wide experience in public affairs? No blame can attach to their appointment.

The President gave instructions to the Schurman Commission, which are found on page 185 of their report. I shall read only an extract from them, but will incorporate other portions in the RECORD.

In the performance of this duty, the commissioners are enjoined to meet at the earliest possible day in the city of Manila and to announce, by a public proclamation, their presence and the mission intrusted to them, carefully setting forth that, while the military government already proclaimed is to be maintained and continued so long as necessity may require, efforts will be made to alleviate the burden of taxation, to establish industrial and commercial prosperity, and to provide for the safety of persons and of property by such means as may be found conducive to these ends.

* * * It is my desire that * * * the commissioners exercise due respect for all the ideals, customs, and institutions of the tribes which compose the population, emphasizing upon all occasions the just and beneficent intentions of the Government of the United States.

The President then expresses the hope that the commissioners may be received in a manner due to them as "bearers of the good will, protection, and the richest blessings of a liberating rather than a conquering nation."

Mr. Chairman, is fault found with these instructions? What instructions would a Democratic President have given? What policy would he have inaugurated?

We wish to know at what point in this record of honorable endeavor and honorable achievement these charges are supposed to find their justification. [Applause.] At what exact point? That Commission made a study of the islands and their inhabitants and submitted their report—an admirable document—to the President. I will not take time to read much from it, but I desire to read a little of what they said, particularly because of the position taken by our friends on the other side.

The Commission say on page 175:

Deplorable as war is, the one in which we are engaged was unavoidable by us. We were attacked by a bold, adventurous, and enthusiastic army. No alternative was left to us except ignominious retreat. It is not to be conceived of that any American would have sanctioned the surrender of Manila to the insurgents. Our obligations to other nations and to the friendly Filipinos and to ourselves and our flag demanded that force should be met by force. *Whatever the future of the Philippines may be, there is no course open to us now except the prosecution of the war until the insurgents are reduced to submission.* The Commission is of the opinion that there has been no time since the destruction of the Spanish squadron by Admiral Dewey when it was possible to withdraw our forces from the islands either with honor to ourselves or with safety to the inhabitants.

Should our power by any fatality—

fatality is a strong word, gentlemen. "Fatality" means that this was and is a matter of life or death. And, sir, it was and is a matter of life or death to the welfare of the Filipino people—

should our power by any fatality be withdrawn, the Commission believe that the government of the Philippines would speedily lapse into anarchy, which would excuse if it did not necessitate the intervention of other powers and the eventual division of the islands among them. *Only through American occupation, therefore, is the idea of a free, self-governing, and united Philippine commonwealth at all conceivable.* And the indispensable need from the Filipino point of view of maintaining American sovereignty over the archipelago is recognized by all intelligent Filipinos, and even by those insurgents who desire an American protectorate. The latter, it is true, would take the revenues and leave us the responsibilities. *Nevertheless, they recognize the indubitable fact that the Filipinos can not stand alone.*

Here, from competent witnesses, we have an answer to the question as to whether the Filipinos can govern themselves.

Thus the situation of the Filipinos coincides with the dictates of national honor in forbidding our abandonment of the archipelago. We can not from any point of view escape the responsibilities of government which our sovereignty entails; and the Commission is strongly persuaded that the performance of our national duty will prove the greatest blessing to the people of the Philippine Islands.

[Applause.]

Mr. JONES of Virginia. As a matter of fact, I want to ask the gentleman——

The CHAIRMAN. Does the gentleman from Wisconsin yield?

Mr. COOPER of Wisconsin. This is the only time that I can yield.

Mr. JONES of Virginia. I want to ask the gentleman whether he meant to say that Professor Schurman was on the ground at the time the war commenced——

Mr. COOPER of Wisconsin. No; I did not say that; but before the report was written he had been on the ground and had seen numbers of witnesses—hundreds of them.

Mr. JONES of Virginia. I believe your expression was that the statement was made by a witness who was upon the ground at the time.

Mr. COOPER of Wisconsin. I said he knew the facts and had been on the ground. That is what I meant to say. Everybody understands that he was not on the ground at the time referred to, but shortly after.

Mr. THAYER. Is it not true that Admiral Dewey stated that the Filipinos are more competent for self-government than the Cubans?

The CHAIRMAN. Does the gentleman from Wisconsin yield?

Mr. COOPER of Wisconsin. Mr. Chairman, our opponents declare that we are responsible for the origin of the war. I am not going to stop to discuss that; I do not deem it to be really germane at this time. We all deeply regret that the war began; we all rejoice that it is ended. For, sir, as a war it is ended. The flames of insurrection have died away. Here and there at remote and widely scattered places—as I see this morning is the case in Mindanao—there may be an occasional snapping among the embers of revolt, but the war as a war is over.

Mr. THAYER rose.

Mr. COOPER of Wisconsin. I am compelled to decline to yield.

Mr. THAYER. You have 40,000 troops there.

Mr. COOPER of Wisconsin. In view of the misstatement just made, unintentionally, of course, I will say that we have not 40,000 troops there.

Mr. THAYER. How many?

Mr. COOPER of Wisconsin. Twenty-three thousand, and that number is at once to be reduced to 18,000. Orders for the reduction have been issued. But that is a minor error in view of some other misstatements that have been made in discussing this question. It is a matter of only about one-half. At one time two years ago our forces in the islands numbered within a few hundred of 70,000.

Mr. Chairman, the war as a war is ended. Its origin is therefore

not of the first importance at this time. While it might be interesting to enter upon an analysis of the various causes by which it was precipitated, or of the events out of which it developed, there are other things connected with the Philippine problem, the consideration of which to-day will, in a broad and patriotic sense, be found far more profitable for us and for the people of the islands.

Our duty is not merely to mourn because the war came, not merely to grieve over the irrevocable past, and with each recurring political campaign to raise our voices in lamentation because events gone beyond recall were not ordered as we think that they ought to have been. Our duty is with the present and with facts as they are. Our duty is to examine with care and candor the circumstances and conditions of to-day, and those probable to develop in the future, and then, with such ability as we may command, enact laws to meet them. But, inasmuch as these charges concerning the origin of the war are being constantly reiterated, I desire briefly to notice the testimony relating to them. It is conflicting and voluminous, but, as is usual in such cases, there are a few vitally important portions of the evidence by which an intelligent and honest juror can interpret all of the rest and thus reach a conclusion as to the truth. I want to notice one or two of these. The first is a dispatch of Admiral Dewey sent six or seven months before the treaty was ratified, five months before the treaty was signed, weeks before even the protocol was agreed upon, before anybody knew what the terms of peace were to be, while we were actively engaged in the war with Spain:

July 26, 1898—

Remember the date. The war broke out February 4, 1899. This is dated July 26, 1898.

Merritt—

General Merritt had been ordered to the Philippines to take command of the land forces—

Merritt arrived yesterday. Situation is most critical at Manila. The Spanish may surrender at any moment. Merritt's most difficult problem will be how to deal with the insurgents under Aguinaldo—

He had only been back there about two months—

who have become aggressive and even threatening toward our army.

Threatening us while we were fighting Spain! They had abundant opportunity in the ensuing seven months to get prepared to fight, had they not? The testimony of Mr. Felipe Buencamino on this point is very significant. Mr. Buencamino was at one time secretary of state under Aguinaldo. I read from the testimony taken before the Committee on Insular Affairs:

The CHAIRMAN. Where were you at the time of the fighting, or when the war, so called, began, on the 4th of February, 1899?—

Mr. BUENCAMINO. In Malolos.

The CHAIRMAN. How far from the scene of conflict?

Mr. BUENCAMINO. Thirty-six miles.

The CHAIRMAN. Prior to the outbreak at that time you were secretary of state of Aguinaldo's cabinet?

Mr. BUENCAMINO. I was not at that time secretary of state, but director of justice in the army. Mabini was at that time secretary of state.

The CHAIRMAN. Do you know whether prior to that outbreak there had been preparations made by the insurgents themselves for the beginning of hostilities?

Mr. BUENCAMINO. There had been preparations made.

The CHAIRMAN. For how long a time prior to that outbreak had the preparations been in progress?

Mr. BUENCAMINO. Since October, 1898. At that time they received a telegram from Agoncillo, from Washington, stating that he had not been received by President McKinley as the representative of the Philippine government and that we should make preparations for war.

The CHAIRMAN. Of what did those preparations consist?

Mr. BUENCAMINO. The preparations were to organize the army through General Luna; organize volunteer corps in Manila in order to assist the insurgents the day of the breaking out of hostilities, and in order to get the American forces between two fires.

The CHAIRMAN. Were the preparations in Manila secret?

Mr. BUENCAMINO. Yes; they were secret.

The CHAIRMAN. What was the intention of the insurgents after those preparations were completed; what did they intend to do?

Mr. BUENCAMINO. The Philippine government established by Aguinaldo at Malolos was established because Aguinaldo had promised that the United States would recognize their independence, giving in evidence the statement of Admiral Dewey—

Of course we all know that Admiral Dewey has long since repeatedly denied that statement—

and we all gathered around Aguinaldo under the hope of obtaining the realization of that promise, and in order to obtain a confirmation of this proclamation to us from the lips of President McKinley himself we sent Agoncillo to Washington, and as this telegram was sent from Washington saying that we would be deceived, preparations for war were at once begun, having lost confidence in the Americans on account of the error committed by Aguinaldo in stating that the promise had been made by Admiral Dewey of recognizing the Philippine independence by the United States.

The CHAIRMAN. The Filipinos have understood since that Admiral Dewey has denied that statement?

Mr. BUENCAMINO. At that time Aguinaldo was their idol and they had great faith in him, as he was the only one who had relations with Admiral Dewey; they thought he was telling the truth.

The CHAIRMAN. Is it not a fact that the only one of the Filipino leaders who had personal dealings with Admiral Dewey was Aguinaldo?

Mr. BUENCAMINO. Yes, sir; he was the only one.

The CHAIRMAN. And no one else among the Filipino leaders pretended that he knew anything of this alleged promise of Admiral Dewey except Aguinaldo?

Mr. BUENCAMINO. General Alexandrino has also said this, that he was on a transport with Admiral Dewey, coming with his squadron from Hongkong to Manila.

The CHAIRMAN. The Filipinos now understand that Admiral Dewey denies that statement, and that Admiral Dewey in his report says he obeyed the instructions of President McKinley not to make any such promise or alliance?

Mr. BUENCAMINO. They know that now.

The CHAIRMAN. Do you know how the hostilities began on the night of the 4th of February?

Mr. BUENCAMINO. I know, because I was charged by General Aguinaldo to prepare the necessary papers showing the manner of the breaking out of hostilities.

The CHAIRMAN. Just describe that as you understand it.

Mr. BUENCAMINO. On the 4th of February the towns of Santa Ana and San Juan del Monte were under the command of General Ricarte and Colonel San Miguel. On this day those two commanders abandoned their posts and went to a ball, leaving a major by the name of Gray, about 26 years of age, very young and without experience, in command of about 1,800 troops. They extended along the eastern part of the outskirts of Manila and were about half a mile distant from the American troops. We took the deposition of this major, who said that about 9 o'clock p. m. the sergeant of the guard came to his headquarters and told him that a party of American troops desired to cross their lines or were attempting to cross their lines, which was opposed by the Philippine guards. At this time a shot was heard; that he could not say for certain whether the shot came from the American command or from the men under his command, but he ran to the place from which the shot appeared to come, and seeing the American troops in a belligerent attitude gave an order to fire. That is the way the hostilities began.

The CHAIRMAN. The major gave the order to fire upon the American troops?

Mr. BUENCAMINO. Yes, sir; he gave the first order to fire upon the American troops.

The CHAIRMAN. *Then the beginning of hostilities was premature?*

Mr. BUENCAMINO. *On our part it was premature, because three engineering corps and four cavalry troops had still to be organized.*

The CHAIRMAN. *If the engineering corps and the cavalry troops had been afterwards organized, what was the intention of the insurgents under Aguinaldo?*

Mr. BUENCAMINO. *The intention was to attack the Americans.*

Remember Dewey's dispatch of the previous July.

The CHAIRMAN. So then the opening of hostilities was simply premature. The hostilities were to be begun by Aguinaldo, anyway, a little later?

Mr. BUENCAMINO. Yes, sir. The basis of this was a lack of confidence in the Americans.

What kind of a "republic" had Aguinaldo established? I am amazed that men of candor, and many of them, I think, are men of candor, will persist in asserting that we destroyed a "republic."

Mr. GILBERT. What would they have been fighting for if we had promised them independence?

Mr. COOPER of Wisconsin. Prior to that insurrection the Filipinos had never demanded independence. Rizal, the greatest of that people—and if any man is entitled to be called the Washington of the Filipinos, he is the man—in his books and other writings expressly made his demand for reforms on the basis of a continued union with Spain. A few minutes ago I declined to yield.

Mr. GILBERT. Oh, I beg the gentleman's pardon. I did not know that he had.

Mr. COOPER of Wisconsin. Mr. Chairman, Aguinaldo was in China on the 1st of May, when Dewey sunk the ships. He came back nineteen days after that event, and the preposterous statement is made that between the 19th of May and the 26th of July—two months—they had elections throughout an archipelago which it takes weeks merely to traverse, got out notices for an election to establish a "republic," had such an election, the first of its kind in all their history, in a country where there are over 70 dialects—20 in one island—and where, as is the uncontradicted testimony, people speaking one dialect can not understand those 20 miles away speaking another dialect! Yet, in that very short time they had a republic established, with Aguinaldo at the head of it! And it is charged that we destroyed it! Let us see what kind of a "republic" it was.

Mr. WILLIAMS of Mississippi. Mr. Chairman——

Mr. COOPER of Wisconsin. Mr. Chairman, I am again compelled to decline to yield. The testimony of Mr. Buencamino is that General Luna was in charge of the secret conspiracy in the city of Manila. Luna was the lieutenant-general of the Filipino army. I read from the testimony:

Aguinaldo objected to many of his orders, and that was the reason for the differences between them. Two bands were then formed within the Philippine army, one for General Luna and the other for General Aguinaldo.

Remember that this was a "republic!"

Then he says that Luna went out with a lot of troops looking for another officer, and finally Aguinaldo took 4,000 troops and went over to Luna's house; and the witness adds that it has always been a mystery, but it so happened that on the same day, at practically the same hour, Luna was 75 miles away with his bodyguard at Aguinaldo's house, calling upon Aguinaldo. [Laughter.] Luna was killed at the door of Aguinaldo's house, with Aguinaldo's wife and mother upstairs.

What was the effect of that assassination?

Everybody lost confidence in this insurrection by this occurrence. It can be said that from that time the insurrection had morally died and since that time I have felt that we could never be independent unless we had an independence such as some small State.

* * * * * * * *

Mr. OLMSTED. Is it not apparent from the fact that he was accompanied

only by his staff, that General Luna's visit to Aguinaldo's house was not hostile?

Mr. BUENCAMINO. Yes, sir; it appears to be.

Mr. OLMSTED. Has any explanation been given of the fact that he did meet his death in Aguinaldo's house?

Mr. BUENCAMINO. Nothing at all.

Mr. OLMSTED. Has any attempt been made to learn of the reason of his being put to death?

Mr. BUENCAMINO. Nothing, to my knowledge. *I do not know if Aguinaldo made any investigation, but at that time there was such secrecy that none of us could speak a word about it, fearing that we would suffer the same fate, and for that reason the Philippine insurrection morally died; there was no more confidence in anybody.*

Very important testimony bearing upon this question of Aguinaldo's "republic" is given by the Schurman Commission in its report. Soon after the insurrection began Aguinaldo sent two emissaries, with whom the Commission had long interviews.

The Commission say (p. 7):

They (the emissaries) were told that, after a careful consideration and study, *it was the opinion of the Commission that the Filipino people were not capable of independent self-government, and that independence, for which some of them said they were fighting, was, in the opinion of the Commission, an ideal at present impossible, not only because of their unfitness for it, but because of their inability to preserve it among the nations if it were granted.*

Arguelles said they were beginning to realize this fact; that moreover no nation had been willing to recognize them as independent or as belligerent, and thereupon *he stated that he was authorized to say, on behalf of Aguinaldo, that they were not fighting for the sovereignty of the island, but for the honor of the army.* Being asked, "You accept, then, the sovereignty of the United States?" he replied, "Yes; we do." Being asked if he was duly authorized to make that statement also, he replied that he was.

Here were Aguinaldo's emissaries admitting that they were fighting not for independence, for they knew that they could not maintain it, but "for the honor of the army." If they had been promised independence by Admiral Dewey, himself a member of the Commission to whom they were speaking, it is unaccountable that they should have made this admission.

On page 172 of the same report Admiral Dewey says:

No alliance of any kind was entered into with Aguinaldo, nor was any promise of independence made to him then or at any other time.

Mr. Buencamino has prepared a statement of great importance concerning Aguinaldo's "republic" and the Malolos congress, which I will not stop to read. I will print it in the RECORD as an appendix to my remarks.

Finally, as to the origin of the war, the Schurman Commission say (p. 175):

Deplorable as war is, the one in which we are engaged was unavoidable by us. We were attacked by a bold, adventurous, and enthusiastic army. No alternative was left us except ignominious retreat.

Mr. Chairman, another of these charges is that our soldiers in the Philippines have been guilty of cruelty. Grant that in exceptional instances this charge may be true, yet it is also unquestionably true that on the whole the conduct of the war on our part has been humane and even generous. It is also absolutely true that these acts of inhumanity, if any, were not in pursuance of the policy of this Government, but in direct violation of its whole purpose and spirit. They are such acts, if any there have been, as seem inevitably to follow in the wake of war, however righteous. Deplorable as they are, severely as they must be condemned and punished, nevertheless, Mr. Chairman, it is not well to attempt unduly to exaggerate their character and importance.

In discussing them, we must not lose all sense of proportion. We must not permit these instances of wrongdoing to blind us to the noble, the beneficent work done in the islands by our military and civil officers, nor make us unable to see the great tide of civilization and freedom setting toward the archipelago. [Applause on the Republican side.] Men are wont to magnify such occurrences. Some of this exaggeration is attributable to mere partisanship—to what Daniel Webster called the "headlong and plunging spirit of party devotion"—some of it to an improper sense of proportion. Mr. Chairman, we sent officers to Cuba and they became embezzlers. Is it therefore to be said that the whole policy of this Government in Cuba was a policy of embezzlement?

Mr. WILLIAMS of Mississippi. Mr. Chairman, may I ask——

Mr. COOPER of Wisconsin. I am compelled to decline to yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. COOPER of Wisconsin. I have already yielded as I think quite liberally. I know and highly respect the gentleman from Mississippi, and would be very glad to accommodate him, but I must, to use a common expression, "draw the line" now, in order that I may complete my remarks and give others an opportunity to speak. The gentleman will have abundant opportunity, and I know that we shall all listen with great pleasure to his speech, because ever since our acquaintance began here I have deemed him one of the ablest debaters in the House.

But to return to these charges of cruelty. Mr. Chairman, if 5 physicians or 50 physicians break the law or violate the ethics of their calling, we do not therefore denounce the whole medical profession. If 5 priests or ministers or 50 priests or ministers disregard the tenets of their faith and the laws of their country, we do not therefore denounce the church itself, nor heap maledictions upon the whole system of Christianity. The American people, without distinction of party, denounce whatever may have been done in violation of the laws of war, and demand the prompt and rigorous punishment of the guilty; but earnest as is their demand for justice, deep as is their sorrow and indignation if wrongful acts have been committed, they, nevertheless, see clearly the true proportion of things, and they do not despair. These exceptional instances of cruelty—unfortunate, deplorable as they are—this or that lapse from duty, none of these, nor all of them combined, can suffice truly to characterize the policy of this Government as a policy of cruelty. Men are prone to gaze upon details and defects, to the forgetting of their true proportions.

Some men can think so long and feel so bad about George Washington's profanity at the battle of Monmouth as entirely to forget the glorious, the stupendous total of his life. So every day we see persons who are willing, even anxious, to exaggerate these unfortunate incidents in the Philippines, and utterly to overlook the successful establishment there of local self-government in 37 provinces and 800 municipalities; to forget the system of universal education, the separation of church and state, the lightening of the burden of taxation, and the blessed feeling of security and confidence and contentment coming like a benediction everywhere into the hearts of this long distracted people. [Applause on the Republican side.]

No intelligent mind has ever thought that there would be no mistakes by Americans in the Philippines, no local failures, no individual wrongdoing. On the contrary, thoughtful men have expected these things and brave men are not to be disheartened by them. For, sir, they know that though these mishappenings may retard the accomplishment of the Government's policy, nevertheless they are in no sense a part of the policy itself. The American people know that if, alas, it be true that a few soldiers have forgotten the duty which they owe to their country, disregarded the policy of their Government, violated the letter and spirit of their instructions, shocked the feelings of their countrymen and brought dishonor upon themselves, they have not brought—they can not bring—dishonor upon the American Army; they have not brought—they can not bring—dishonor upon the Administration of William McKinley, nor upon the Administration of Theodore Roosevelt, now and always striving to the utmost to do its duty, its whole duty, and nothing but its duty in the Philippines, and honorably, gloriously succeeding. [Applause on the Republican side.]

The American people know that if, alas, it be true that these soldiers have brought dishonor upon themselves, they have not tarnished the good name and fame of Merritt, and Otis, and MacArthur, and Chaffee, nor heaped aught of obloquy upon the memory of Lawton [applause] and Logan and their heroic comrades, the "unreturning brave" who have poured out their life-blood to consecrate the Philippines to freedom. [Applause on the Republican side.]

Mr. Chairman, another of these charges is that we are imperialists. In the Washington Post of yesterday I observed that a State convention had formally resolved (a member of the House was there, and he also formally resolved) that our Philippine policy is "imperialism." The House knows how they say that word, "imperialism," and follow it with, "Your liberties and the liberties of your fellow-citizens are in danger! The Republican party is trampling on the Constitution of your country, the palladium of your liberties!" Right there they get great applause. [Laughter.] You can always secure applause from our Democratic friends when you tell them that you think there is something the matter with their palladium. [Laughter.]

I read this morning in a newspaper a quotation from another paper calling the President "The man on horseback," and intimating that our liberties are in danger also from that source. It is not the first time that a President has been characterized in language akin to that. They say that we are establishing a government in these islands without the "consent of the governed;" then they become alarmed and resolve that we ought not to do it. This is not the first time that we have heard the cry of "imperialism" and "consent of the governed" in this country.

On June 28, 1864, in the Congress of the United States a man arose and said—I quote from the Globe, volume 35, part 4, page 3298—

Great God, a free American citizen—

He was thinking of Vallandigham—

A free American citizen arrested by telegraph—a telegraphic dispatch from the seat of the Emperor at the other end of the Avenue!

Remember who was the "Emperor" in the White House on that day.

In the same year (1864) a great political party adopted a national platform containing this:

Resolved, That under the pretense of military necessity or war power higher than the Constitution, *the Constitution itself has been disregarded in every part, and public liberty and private rights alike trodden down.*

I think that is the correct accent. [Laughter.]

Resolved, That the administrative usurpation of extraordinary and dangerous powers not granted by the Constitution—

That also has a familiar sound.

Is calculated to prevent—

What—

the perpetuation of a government deriving its just powers *from the consent of the governed.*

[Laughter.]

Who was the "Emperor at the other end of the Avenue?" Who was he? A man who was the embodiment of all the holiest aspirations of the New World. A man who by his greatness and his goodness, his love, his charity, his magnanimity, his consecration, rescued this nation from destruction, and saved liberty to the world, and dying, left a memory upon which his countrymen and the friends of human rights everywhere throughout the earth will never cease to call down the benedictions of heaven—the emancipator of a race—Freedom's apostle and her martyr—Abraham Lincoln. [Loud and long continued applause.]

Yet a great party declared that he was a tyrant dangerous to the liberties of the people. Is there anywhere on earth to-day a man willing to indorse that sentiment? No, Mr. Chairman, our friends on the other side do not approve it, nobody in the world approves it now. I simply cite it as an instance to show how easy it is for patriotic and sincere men in times of high party excitement to make charges against political opponents which the facts subsequently do not justify.

Mr. Chairman, this is not the only time our friends have been frightened. They had another alarming attack of "imperialism" only four years later. Only four years later they were profoundly impressed by the idea that Freedom was in danger and called for her sons. Let me read from their platform of 1868:

We arraign—

Usually, you know, when they think of us they "view with alarm." [Laughter.] But this time they "arraign."

We arraign the radical party for its disregard of right and the unparalleled oppression and tyranny which have marked its course.

This picture is all in high lights.

Under its repeated assaults the pillars of the Government are rocking on their base.

[Laughter.]

My baseball friends will observe that the "pillars" are all on one base.

Pillars are rocking on their base.

Somebody ought to get out. [Laughter]. Mark what follows:

And should it succeed in November next—

That is, in November, 1868—

and elect its President we will meet as a subject and conquered people.

[Laughter.]

This is sad. [Laughter.]

We will meet as a subject and conquered people amid the ruins of liberty and the scattered fragments of the Constitution.

[Great laughter and applause on the Republican side.]

I desire in all sincerity to ask if anybody ever heard of anything more terrible than that? [Laughter.] There have been some most remarkable things in party platforms in the United States. Men of all parties have indulged in some strange, weird utterances; but I give it as my opinion, after mature, deliberate, prayerful consideration, that this plank in the platform of 1868 is entitled to first place for unique, picturesque, masterful—asininity: [Great laughter and applause on the Republican side.]

A subject and conquered people amid the ruins of liberty and the scattered fragments of the Constitution!

Everything, everything going straight to irretrievable destruction—back to the "reign of Chaos and old Night!" Despite this dreadful warning and prophecy, the American people persisted in their headlong course, elected that candidate and inaugurated him President, and that is the reason—members of the House may never have known it before—but that is the reason why ever since that time we have been "a subject and conquered people," groping around "amid the ruins of liberty," and stubbing our toes on "the scattered fragments of the Constitution." [Great laughter and applause.]

What man was it who, in that year, made a great political party go about whispering through white lips and chattering teeth, "Ruins of liberty!" "Scattered fragments of the Constitution!" Who was he? His name springs unbidden from every tongue. He was the silent man of Belmont and Donelson and Shiloh and Vicksburg and the Wilderness and Appomattox, the marvelous story of whose marvelous life the world knows by heart, from his lowly cradle amid the forest trees of Ohio to the cottage on the heights of Mount MacGregor, whence, at the summons of the only conquerer he ever knew, his great soul went forth to meet his God. [Loud applause.]

The thunder of his guns has rolled away into the silence of the ages, and now from his tomb on the banks of the Hudson there comes a voice like a low-breathed prayer continually appealing to all of his countrymen—"Let us have peace; let us have peace." [Applause.]

And yet they declared that to elect Grant meant ruin to the liberties of the people; that he was a tyrant who, like the conquerors of old, would "wade through slaughter to a throne, and shut the gates of mercy on mankind." Is there to-day anywhere on earth a man willing to indorse that sentiment?

Mr. Chairman, after the return of the Schurman Commission to the United States the next important step in the development of our Philippine policy was the appointment by President McKinley, in the spring of 1900, of the Taft Civil Commission, composed of William H. Taft, of Ohio; Luke I. Wright, of Tennessee; Dean C. Worcester, of Michigan; Henry C. Ide, of Vermont, and Bernard Moses, of California. I shall not stop to read the instructions given to this Commission. The House and the people became acquainted with these during the campaign of 1900. Nor shall I elaborate upon the really great work which it has done in the islands.

Between November of 1900 and April of the present year the Commission enacted 347 laws, or nearly one law for every three days. Among these are the municipal and provincial codes, each of which has more than 300 sections, and the code of civil procedure, which comprises more than 700 articles. The Commission has visited every portion of the archipelago; it has established civil government in 37 provinces and in 800 municipalities. These municipalities are autonomous, as that word is understood when applied to municipalities in the United States. The people elect their own officers and within limitations established by law fix their salaries; they measure their own taxes.

These provincial and municipal governments are proving most successful and also most useful in teaching the people self-government. Schools have been established, now attended by 200,000 children. Business is reviving, and everywhere there is a general rapidly improving condition among the people. All of these facts have of late been so frequently brought to the attention of the House that I will not further discuss them at this time. In this connection I will only add that no critic of our Philippine policy can, in justice, find fault with the personnel of the Taft Commission, with the instructions given it, or with the arduous and splendid work which it has done in the archipelago.

Mr. Chairman, I come now to the bills presented, repectively, by the majority and the minority of the Committee on Insular Affairs. The minority measure proposes that in four years the United States shall leave the islands; that regardless of what the situation may then be, and without regard to future consequences, the islands shall be abandoned to their inhabitants. As to this proposition of the minority, nothing else can be so effective as are the respective statements of the members of the Schurman Commission and of the Taft Commission. The Schurman Commission in their report (p. 103) say:

It is impossible, even approximately, to fix a time for the withdrawal of American sovereignty over the archipelago, as no one can foresee when the diverse peoples of the Philippine Islands may be molded together into a nationality capable of exercising all of the functions of independent self-government. They are certainly incapable of such a work to-day; whether in one or more generations they can be trained to it only the future can disclose. If American sovereignty over the archipelago should ever be relinquished, if all American authority should ever cease and determine, then the United States should renounce all obligations to foreign nations for the good conduct of the Filipinos.

The Commission evidently had in mind the obligations to other nations assumed by the United States in the treaty of Paris.

The Commission continues:

Undoubtedly, the raising of the American flag in the Philippine Islands has entailed great responsibility upon us; but to guarantee external protection while renouncing internal dominion, is no way of escaping from them; on the contrary, *while you pull down the flag, you only pile up difficulties.*

I commend this language of the Schurman Commission to all real friends of the Filipino people.

Governor Taft—than whom there is no person more competent to speak on this subject—gave most convincing testimony before the Senate committee respecting the proposition for the United States to abandon the islands. I will not stop to read his statement, but will insert it in my remarks at this point.

Governor TAFT. *I think the great evil to-day is the discussion of something that is utterly impossible of settlement to-day.* The thing the Filipino people need to-day is a stable government under the guidance of American control, teaching them what individual liberty is and training them to a knowledge of self-government, and when they have that, the question of what relations shall then exist between the islands and this country may be settled between them and the citizens of the United States.

But to attempt to decide in advance something that it is utterly impossible wisely to decide now, it seems to me, with deference to those who differ with me, very unreasonable.

* * * * * * *

Governor TAFT. It is quite possible, as we say in our report, that it may take a generation, or two generations; but no matter how long it is, it is, in my judgment, the duty of the United States to continue a government there which shall teach those people individual liberty, which shall lift them to a

point of civilization of which I believe they are capable, and which shall make them rise to call the name of the United States blessed.

I have thought over this subject a great deal; we have become intensely interested in the problem, and of course motives, the charge of which we can not avoid, are given to us in reaching such a conclusion; but if I ever was convinced of anything in my life it is that the problem which the United States there has is a great problem worthy of its solution, and which, when solved by establishing a stable government there under the guidance of American control, will redound to the honor and the benefit of this country, and I am proud to have to do with that work.

* * * * * * *

Governor TAFT. Nothing that can to-day be said to the Filipino people in the nature of a promise as to the form of government which may take place after an established stable government shall be formed could be otherwise than misleading to them and confusing in establishing that government.

It would at once begin the agitation among those who desire that separation to have that separation, because, in their opinion, they are fitted for it at once. It would drive away from the support of the stable government that conservative element who are strongly in favor of American guidance and control, because they would anticipate an early change.

They would think they would early be left without the support which the presence of the American Government necessarily gives, and the promise of something in the future, instead of helping to establish, would render unstable any government which was attempted to be established.

* * * * * * *

My proposition is that it is the duty of the United States to establish there a government suited to the present possibilities of the people, which shall gradually change, conferring more and more right upon the people to govern themselves, thus educating them in self-government, until their knowledge of government, their knowledge of individual liberty shall be such that further action may be taken either by giving them statehood or by making them a quasi-independent government like Canada and Australia, or, if they desire it, by independence.

My point, and the point I insist upon, if I may be pardoned for using that expression, is that the discussion to-day of independence, of statehood, of a colonial form of government, in the sense of a permanent relation of colony to mother country, is altogether aside from the questions which are now presented.

Those are, and those concern, the establishment of a firm and stable government in which the Filipino people shall learn self-government by exercising it partially.

* * * * * * *

Senator MCCOMAS. What would happen to them if we withdrew in this fashion?

Governor TAFT. *The personal hostility between leading Filipinos at times has been so great as to lead to bloody measures. How far they would be carried here I have no idea. That is conjectural.*

I should like to say, if I may, although I had not expected to come to this part of the discussion now, that it is a very logical and reasonable proposition on its face to say, Will not the insurrection come to an end; will not there be general peace and tranquillity if you promise to give these people independence when they shall be fitted for it? That proposition, put in that way, seems to have a great deal of force.

Practically the effect of such a promise would be exactly the opposite from that which the argument presupposes. The promise to give them independence when they are fit for it would be accepted by them as a promise to give them independence certainly during the lifetime of the present generation. *It would at once bring into a discussion of every issue the question whether now were not the people ready for independence.* It would drive out capital; prevent capital from coming there; and upon the investment of capital, the building of railroads, the enlargement of vision of the Filipino people, much of our hope of progress must depend.

In addition to that, by reason of the constant agitation as to the granting of this independence in a year or two years or three years or a decade, it would at once discourage the sincere efforts of the educated Filipinos who are with us to-day in building up a stable government. For those reasons I think that such a promise as that would be a great mistake.

Senator MCCOMAS. Could you, in deciding the question of leaving the sovereignty of the islands, determine now, from your several years' experience there, to which inhabitants you would leave it, with their rivalries and confusions of tongues?

Governor TAFT. Of course, if you left the islands to anybody you would leave them, I assume, to some sort of a committee or parliament, appointed or selected, who would be dominated probably by those whose violent methods have continued the guerrilla warfare; and that such a body could be created by proclamation within a reasonable time I have no doubt. *But that it would not constitute a stable government, that it would give rise to anarchy and division between the tribes and between individuals of power and force, I have no doubt.*

Mr. Chairman, there is another most important witness, one abundantly well qualified to testify on this abandonment proposition. I refer to Felipe Buencamino. At this point in my printed remarks I shall insert an extract from the testimony which he gave before the Committee on Insular Affairs. I hope that every member of the House will read it, because it sets forth very clearly the inevitable results which would follow our withdrawal from the archipelago.

Mr. BUENCAMINO. Self-government, according to my sad experience, not in theory, belongs only to people and nations who can inspire their neighbors with respect and consideration, because international life has become so closely united with national life that the distance between America and France, for example, may be compared to the distance between that gentleman and myself. Electricity and steam have cut down all distances, and consequently all countries are neighbors. The Philippines are now surrounded by the following countries:

On the Chinese Sea by China, Japan, England, and France, and if Russia continues, it will be nearer the Philippines than America, because there will only be a distance of twelve days between Port Arthur and Manila. On the south there is Australia, which is a rising nation. Then there are the Philippines themselves. We have British subjects, French subjects, and German subjects, who represent a capital of many millions of dollars. In the State Department here there are claims from the British Government for indemnity for damages caused with regard to a railroad in Manila. There are also claims of the German, Belgian, and Swiss Governments for damages incurred in Iloilo with regard to the bombardment of that town by the American squadron.

If the American Government should now abandon us and give us our own government, all these claims would go to the Philippines, probably each one backed up by a squadron. Let it be supposed that Aguinaldo established a free government under a system of independence, and he would have a conflict with any of the hundreds of these natives, because he has no idea of what the international responsibility would be. *Then we would have been an international conflict. Thus he would go on until we would extinguish ourselves forever, and we would suffer the fate of Samoa or of China. For all these reasons I have deduced the inadvisability of our being independent.*

This testimony, in the aggregate, disposes of the proposition of the minority that in four years we withdraw from the islands and abandon them to their inhabitants.

Before beginning a discussion of the provisions of the pending bill reported by the majority of the Committee on Insular Affairs, it is important to have a knowledge of the size of the territory in the Philippines which we have acquired and for which we propose to legislate. Mr. Chairman, if you were to take the northeast corner of the area which we secured by the treaty and put if at the intersection of latitude 45° north and 75° east, near Ogdensburg, N. Y.; then follow that degree of longitude to its point of intersection with latitude 28° north, in the ocean near Palatka, Fla.; then follow that parallel of latitude to the point where it intersects longitude 84° east, near Apalachicola, Fla.; then follow that degree of longitude north, passing immediately west of the west boundary of Ohio to the intersection of longitude 84° east and latitude 45° north, near Mackinaw, Mich.; then follow along latitude 45° north to the place of beginning, near Ogdensburg, N. Y., this would give a correct idea of the extent of territory included within the boundary lines of the Philippine Archipelago.

This, of course, includes land and water. The land area is larger than New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, and New Jersey combined. It is larger than New Jersey, Pennsylvania, and New York combined. The area of the archipelago is by several thousand square miles larger than the British Isles. It is nearly as large as Prussia, and ten times the size of the Netherlands. The whole area which I have described, from Ogdensburg around, includes the State of Pennsylvania, a large portion of the State of New York, a portion of New Jersey, all of Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, northern Florida, a large part of Kentucky and of Tennessee, all of Ohio, a large part of Michigan, and nearly all of the territory of Ontario, in Canada.

I shall not discuss separately each provision of the bill at this time, for as to many of its features there will be no contention here. Detailed discussion upon these may be reserved for the five-minute debate upon the bill by sections.

The bill differs in certain important features from the one which came to us from the Senate. The Committee on Insular Affairs, after a careful study of the Senate measure, which in many respects is a good one, and after much deliberation, concluded that it would be wise to introduce the House bill as a substitute amendment.

Nothing in the bill is of greater importance than the provision for a legislature. There is entire misapprehension in certain quarters as to the purport of this provision. It does not provide that the people of the Philippines shall immediately proceed to elect a legislature. We propose that before there is any election there must be general and complete peace in the provinces not inhabited by Moro or pagan tribes, which fact the Commission shall certify to the President.

That then the President, being satisfied of this, shall so certify to the Commission, and that the Commission shall thereupon proceed to take a census; and that when such census is completed, the Commission shall then take steps to carry out the provisions for an election by the people of the Philippines of a popular assembly to constitute the lower house of the Philippine legislature, of which the upper house is to be the Philippine Commission. So that the establishment of a legislature can not take place for a considerable time in the future. As I have said, the people of the Philippines are at present to elect only the lower house, just as the people of Porto Rico do to-day.

Here I am reminded that when the legislation for Porto Rico was pending, many gentlemen, with much of distrust in voice and manner, said to me that it would be a serious mistake for us to allow the people of that island to elect the lower house of their legislature. These fears, however, have all proven groundless, as the Porto Rican legislature has been a complete success, and to-day no one would suggest the doing away with it. But every day men say: "We must not give the Filipinos an elective lower house—it would be wrong to do it." Sir, it would be wrong for us not to do it.

Mr. Chairman, whether we keep or whether we relinquish the Philippine Islands, our duty is to instruct their people in the principles and practice of self-government. President McKinley recognized this duty very early. He was willing to allow the Filipino people to elect a lower house. This is evidenced by his telegram to the Schurman Commission which I will read:

MAY 5, 1899.

SCHURMAN, *Manila:*

You are authorized to propose that under the military power of the President, pending action of Congress, government of the Philippine Islands shall consist of a governor-general appointed by the President; cabinet appointed

by the governor-general; and *general advisory council elected by the people;* the qualifications of electors to be carefully considered and determined; and the governor-general to have an absolute veto.

The Schurman Commission also recognized this duty, and in their report recommended that these people be allowed to elect a lower house:

From the very outset—

This was the report of such men as Schurman, Dewey, Otis, Worcester, and Denby—

From the very outset it will be safe and desirable, in the opinion of the Commission, to extend to the Filipinos larger liberties of self-government than Jefferson approved of for the inhabitants of Louisiana * * * the Commission believes that *the people of these regions, under suitable property and educational qualifications, should be permitted to elect at least the members of the lower branch of the territorial legislature.*

After speaking of the horror which the Filipinos have for military government, because there has been instilled into their minds by the tyranny of Spain the feeling that military government is always cruel, the Commission continue:

The changes suggested in the Jeffersonian scheme of government for Louisiana, in the light of the ideals formulated by prominent and progressive Filipinos—that is, an elected lower house with an upper house half elected and half nominated—would practically convert the scheme into *a territorial government of the first class. And this, after due consideration of circumstances and conditions in the Philippines, is what the Commission earnestly recommends.*

Thus we have President McKinley and the Schurman Commission in favor of substantially the provision in the pending bill for a legislature.

Then we have the Taft Commission urging this policy with even more earnestness. That Commission is an admirable body of men. Fortunate indeed is the nation which can send such men on such a mission. Before reading from their report I ask gentlemen to remember what manner of man it is at the head of that Commission. Mr. Chairman, I have met many persons of distinction—not a few whose names have gone to the uttermost parts of the earth; but I give it as my opinion—and I do not wish to indulge in superlatives—that I have never met a rarer combination of intellect and conscience, of strength, gentleness, power, tact, and sound judgment, than is William H. Taft. [Loud applause.]

This Commission say:

It is perhaps right that we should express our views as to the wisest course for Congress to take at the coming session. We think that if Congress were to give the present government the benefit of Congressional authority to continue under the limitations which it now has by virtue of the President's instructions until January 1, 1904.

They desired the present form of government to continue until 1904; but we have changed that so as to make the establishing of the new government to depend upon a condition of general and complete peace.

This would probably give time enough to form a complete government as a going concern, and at the end of that time provision might well be made for a change in the form of government, so that it should consist of the civil governor, of a legislative council, and of a popular assembly chosen by a limited electorate. * * * The legislative council, to consist of Americans and Filipinos, should be created by appointment of the President. * * * *The popular assembly should * * * be elected from districts to be determined after a census of the islands.* * * *

We believe that this system would satisfy the Filipino people, because it would give them an opportunity to take part in the government through an electorate, and it would form a place in which public discussion could be effectively had. * * * What the Filipino people desire is a definite knowledge of the intention of Congress with respect to this country, and a passage of a law such as the one here indicated would place before them within a definite period the opportunity for that which they wish—a popular assembly. * * * We further recommend that by the act establishing the government above recommended provision be made for the selection after January 1, 1904, by a joint vote of the popular assembly and the executive council, of two delegates to represent the interests of these islands and the Filipino people before Congress and the Executive at Washington. * * * This is something which the Filipino people have very much at heart. We believe that such representation would be useful both to these islands and to the United States.

Every day we hear men declare that the people of the Philippines are "pirates," "barbarians," "savages," "incapable of true civilization." This has been said by a very prominent gentleman within the last two days. Newspapers of prominence—I do not refer to any published in this city—newspapers of prominence have repeatedly indorsed this view.

Mr. Chairman, I am not here to join in this cry so often heard that the Filipino people are "pirates," "savages," incapable of civilization. Such broad generalizations are always unwarranted. Leckie, in his history of religion in Europe, says that a majority of the harsh judgments of the world are attributable to a lack of imagination in those who utter them. He means, in other words, that they are unable to put themselves in the place of those whom they condemn.

Before we say that the Filipino people are barbarians and savages whose future is hopeless we should remember their past and not forget how largely human beings are the product of environment. Our own country affords abundant proof of this in the story of some of the immigrants who have come to our shores. With many good immigrants we have received many who were ignorant and depraved—ignorant and depraved, gentlemen, not from choice, but because of their surroundings and the laws under which they had been compelled to live. In their old homes they and their children were doomed to have their intellects dulled and moral natures perverted by lives of enforced squalor and degradation. Here we witness a wondrous transformation. Under the stimulus of American ideals and opportunities these poor immigrants become useful, honorable members of society, and their children indistinguishable from the descendants of the Pilgrims.

The Filipino people are largely the product of their environment, as we are of ours. Think of their history! For three hundred hopeless years they had seen Spanish officials treat office merely as a means by which to rob a helpless people. For three hundred years they had lived under a government which deliberately kept the masses of the people in ignorance, which deliberately sought to close to them every avenue of political or social preferment; a government under which it was well-nigh useless for a man even to attempt to acquire property, because his accumulations furnished only so much more of temptation and opportunity for the rapacity of government officials; a government which punished even the most respectful protest against its infamous exactions with banishment or death; a government under which the Filipinos had seen their friends, relatives, and neighbors who had dared to speak or write against the wrongs heaped upon them suddenly disappear, and the places which had once known them know them no more, forever; a government which did not hesitate, treacherously, to violate its solemn agreement made to end a rebellion into which its cruelties had driven these poor but desperate people; a government whose whole record in the Philippines is one almost uninterrupted story of conscienceless avarice, deceit, and tyranny.

For long and weary generations this oppression had lain heavy on the hearts of the Filipino people. Do you wonder that they are suspicious? Now that we have come to take the place of those formerly in authority, why should we expect their doubts to change to faith instantly, at the mere sight of us?

What the Filipinos think, what they feel, what they do, are only the natural results of what they have undergone. Yet, sir, despite this environment, this deprivation, this wrong, and contumely and outrage, this unfortunate race has given to the world not a few examples of intellectual and moral worth—men of height of mind and power of character.

Governor Taft, himself a distinguished lawyer and judge, said, in his testimony before the Committee on Insular Affairs, that the supreme court of the Philippine Islands will compare favorably with that of any State in the Union; and yet, of its seven members, three, including Arellano, the chief justice, are native Filipinos. These people have afforded other evidences of their claims to our sympathy and respectful consideration.

It has been said that if American institutions had done nothing else than furnish to the world the character of George Washington, "that alone would entitle them to the respect of mankind." So, sir, I say to all those who denounce the Filipinos indiscriminately as barbarians and savages, without possibility of a civilized future, that this despised race proved itself entitled to their respect and to the respect of mankind when it furnished to the world the character of José Rizal.

To understand the possibilities of that people, every American called upon to legislate for them should know the history of Rizal. He was born in the Philippines in 1861 of almost pure Tagalo blood. At 13 years of age he wrote a drama in verse, which was performed with success in Manila. In that city he captured all of the prizes at the Jesuit college. He had been educated by a Jesuit priest, and was himself all his life an ardent Catholic; but though he captured the prizes and showed such genius, he was an "Indian," and caste drove him away. He went from Manila to the University of Madrid. Here he took the degrees of doctor of philosophy and of doctor of medicine. He went to Germany, to France, and to England, becoming an adept in the language and the literature of those countries. He went to Austria, and in Vienna acquired skill and fame as an oculist. He wrote letters in behalf of his country, never advocating the independence of his people, but always asking for reforms. Then he went to China and from there volunteered to go to the Philippines in order, as he wrote, to "help heal the wounds reopened by the recent injustices." This was in 1891, when he was 30 years of age. He would go and help them if he could be promised immunity. He closes his letter to the governor general in this way:

I shall at least be conscious of having done all in my power while seeking the good of my country to preserve her union to Spain through a stable policy based upon justice and community of interests.

Under promise of protection he went to Manila. The promise was broken. He was arrested and banished to the island of Mindanao. There, says his biographer, he "helped the people in their schools, taught them agriculture, and treated their sick

(the poor without charge)." They all learned to love him. He was visited by people from abroad because of his skill as an oculist. One gentleman came to him from Hongkong with a foster child, the daughter of an Irish sergeant. Her name was Josephine Bracken, and Rizal, the banished patriot, and this girl became engaged to be married.

When the rebellion in Cuba broke out in 1895 he knew that his life was in danger, and to save it volunteered to go to Cuba as a surgeon in the Spanish army. The governor-general of the Philippines sent him a letter of recommendation, and with it he went to Spain. He was arrested immediately upon his arrival, put in prison, sent back to Manila, and tried for treason, though absolutely innocent, as the facts have since abundantly established. The witnesses who testified against him have, since our occupation, sworn that their evidence was wrung from them by torture. He was condemned to be shot the next day at dawn. On the day of his condemnation he was married to Josephine Bracken. She spent that night on her knees outside the prison walls. He received the ministrations of his church. In the morning, perfectly calm, he said, "What is death to me? I have sown; others are left to reap." Then he was shot.

On the night before his death he wrote a poem. I will read it, that the House may know what were the "last thoughts" of this "pirate," this "barbarian," this "savage" of a race "incapable of civilization!"

MY LAST THOUGHT.

Land I adore, farewell! thou land of the southern sun's choosing!
Pearl of the Orient seas! our forfeited Garden of Eden!
Joyous, I yield up for thee my sad life, and were it far brighter,
Young, rose-strewn, for thee and thy happiness still would I give it.
Far afield, in the din and rush of maddening battle,
Others have laid down their lives, nor wavered, nor paused in the giving.
What matters way or place—the cyprus, the lily, the laurel,
Gibbet or open field, the sword or inglorious torture—
When 'tis the hearth and the country that call for the life's immolation?

Dawn's faint lights bar the east, she smiles through the cowl of the darkness,
Just as I die. * * *

* * * * * * *

Vision I followed from far, desire that spurred on and consumed me!
Greeting! my parting soul cries, and greeting again! O my country!
Beautiful is it to fall, that the vision may rise to fulfillment,
Giving my life for thy life, and breathing thine air in the death throe;
Sweet to eternally sleep in thy lap, O land of enchantment!

If in the deep rich grass that covers my rest in thy bosom,
Some day thou seest upspring a lowly, tremulous blossom,
Lay there thy lips, 'tis my soul. * * *

* * * * * * *

And if at eventide a soul for my tranquil sleep prayeth,
Pray thou, too, O my fatherland! for my peaceful reposing;
Pray for those who go down to death through unspeakable torments;
Pray for those who remain to suffer torture in prison;
Pray for the bitter grief of our mothers, our widows, our orphans;
Oh, pray, too, for thyself, on the way to thy final redemption.

When our still dwelling place wraps night's dusky mantle about her,
Leaving the dead alone with the dead, to watch till the morning,
Break not our rest, and seek not to lay death's mystery open.
If now and then thou shouldst hear the string of a lute or a zithern,
Mine is the hand, dear country, and mine is the voice that is singing.

When my tomb, that all have forgot, no cross nor stone marketh,
There let the laborer guide his plow, there cleave the earth open.
So shall my ashes at last be one with thy hills and thy valleys.
Little 'twill matter, then, my country, that thou shouldst forget me!
I shall be air in thy streets, and I shall be space in thy meadows.
I shall be vibrant speech in thine ears, shall be fragrance and color,
Light and shout, and loved song, forever repeating my message.

Idolized fatherland, thou crown and deep of my sorrows,
Lovely Philippine isles, once again adieu! I am leaving
All with thee—my friends, my love. Where I go are no tyrants;
There one dies not for the cause of his faith, there God is the ruler.

Farewell, father and mother and brothers, dear friends of the fireside!
Thankful ye should be for me that I rest at the end of the long day.
Farewell, sweet, from the stranger's land, my joy and my comrade!
Farewell, dear ones, farewell! To die is to rest from our labors.

[Applause.]

Pirates! Barbarians! Savages! Incapable of civilization! How many of the civilized, Caucasian slanderers of his race, could ever be capable of thoughts like these, which on that awful night, as he sat alone amidst silence unbroken save by the rustling of the black plumes of the death angel at his side, poured from the soul of the martyred Filipino? Search the long and bloody roll of the world's martyred dead, and where—on what soil, under what sky—did Tyranny ever claim a nobler victim?

Sir, the future is not without hope for a people which, from the midst of such an environment, has furnished to the world a character so lofty and so pure as that of José Rizal.

Mr. Chairman, Governor Taft has given testimony before the Insular Committee as to the character and capacity of these people, which every member of the House should read. I regret that time prevents my reading it now. Governor Taft is also an earnest advocate of an elective lower house of a Filipino legislature. He has written me more than once on this subject. Here is a letter, written at Cincinnati on the eve of his departure for Rome:

CINCINNATI, OHIO, *May 13, 1902.*

MY DEAR MR. COOPER: I write to urge upon you that you use your influence with your committee and with your fellow Republicans in the House to insist upon that part of your bill for the government of the Philippine Islands which provides that after a census shall be taken the Commission shall have power and it shall be its duty to divide the Christian Filipino provinces into districts and call a general election for the selection of members of a popular assembly, and the further feature which provides that two delegates may be elected by that popular assembly and the Commission to come to Washington and represent the Filipino people before the Executive Departments and on the floor of the House.

I know that there are some members of our party that are fearful that this gives too great power to an electorate, many of whom were lately in insurrection, but we are convinced from our knowledge of the Filipino people that they will accept this extension of a share in the government as showing a desire on the part of the American people to elevate them and give them as large a measure of self-government as is possible. The qualification of voters will exclude the great mass of uneducated and ignorant Filipinos, and we feel confident that the delegates who would be elected would be friendly to the present government. The provision that the appropriations shall not fail because of any obstruction in the popular assembly will prevent its being made an instrument for choking the government. The Filipino people earnestly desire the popular assembly. It will be the means of educating them in self-government and will not, I believe, expose us to the danger which some members of our party fear.

I should very much regret having to go back to Manila without such a provision. We have studied the provision with great care and have deliberately reached the conclusion stated in our recommendation upon this point. What the Filipino people most desire are expressions of confidence and friendship from the American people, and compliance with the recommendations made by the Commission in this regard they would accept in that spirit.

You can use this letter in any way that you see fit.

Thanking you sincerely for your assistance and cooperation, and expressing to you the high appreciation that I have of the debt that the Filipino people owe to you for your energy and hard work in this matter, believe me, my dear Mr. COOPER,

Warmly and sincerely, yours,

WM. H. TAFT.

Hon. HENRY A. COOPER,
House of Representatives, Washington, D. C.

Mr. CRUMPACKER. Will my colleague allow me to ask him if the provision for the legislature applies to the archipelago or only to the Christian provinces?

Mr. COOPER of Wisconsin. I am obliged to the gentleman from Indiana for calling my attention to that provision. It does not apply to Mindanao. It applies only to the provinces not inhabited by Moros or other non-Christian tribes.

Mr. HILL. Will the gentleman kindly state the qualification of the franchise?

Mr. COOPER of Wisconsin. The existing law in regard to municipal electors applies. The elector must be 23 years of age. He must be able to speak, read, and write either the Spanish or the English language, or have held an office under the Spanish administration, or pay a tax amounting to $15 in gold, equivalent to 30 pesos, or own real property of the gold value of $250. Either of these qualifications will suffice. These are the qualifications recommended by the Commission.

Mr. Chairman, it is being said that we propose to open these islands to exploitation. Nothing could be further from the truth. Every right-minded man is opposed to their exploitation, and the bill proposes nothing of that kind. The franchise restrictions are stronger than those of the respective States in the American Union. They are very stringent, being practically those of the law in Porto Rico, which have proven so successful there. The gentleman from Virginia [Mr. JONES], to whose intelligence and high sense of justice I am glad to testify, has been in Porto Rico. He informed me that while there he was told by the officials of the island that their franchise law was an excellent statute, and that it had saved the island from exploitation. It came originally from the House. The original Porto Rican act which came from the Senate did not contain it, and it was put on as an amendment to another bill by the House.

This provision of the pending bill will prevent the exploitation of the Philippine Islands. A paper which was handed to me this morning says that one corporation can be organized and another corporation can be organized and a dozen corporations organized by the same people, and thus they will be enabled to exploit the islands. That is a mistake. The law expressly and absolutely prohibits any man from being connected with two corporations which are engaged in agriculture in the islands.

Mr. JONES of Virginia. I know my friend and colleague on the committee did not intend to misrepresent me when he made the statement just now as to what I said about the franchise law in Porto Rico. The gentleman, I am sure, will remember, that the point we were discussing was this: There was an effort made on the part of a certain party, promoters, through their legal representatives, who were very anxious to secure an amendment in the law. The law as I remember—I do not pretend to quote it accurately—provided that any franchise granted should be subject to alteration, repeal, or amendment by the Congress of the United States. This party of promoters desired that part of the law should be repealed. They did not want these franchises

subject to repeal by the Congress of the United States. They said that if the provision was left in there it would be impossible to secure capital to go down there to build the railroads that they wanted to build, that the people they represented would not supply capital if this provision was not repealed.

The committee refused to listen to that, and the impression was made on the committee that our governor down there and the council favored this change. When I visited Porto Rico I was informed by Governor Hunt that, on the contrary, the matter had been brought before the council and the council had entered an order disapproving of any change, which he read to me and which I spoke about to my friend the chairman of the committee when I returned. I also asked Governor Hunt in the future to send the orders of that sort to the Insular Committee or the chairman of the Insular Committee so that the committee might be informed about things that we were going into before Congress. That was the matter that I spoke of. I had no knowledge whether the people down there approved of the franchise law which we had passed or not. I do not remember now that anything was said on the subject; possibly it may have been discussed.

Mr. COOPER of Wisconsin. The gentleman from Virginia will recall the fact that he told me of his conversation with the officials of the Porto Rican government and that they did not want the franchise restrictions amended.

Mr. JONES of Virginia. In the respect that I have spoken of.

Mr. COOPER of Wisconsin. I asked him if the law was satisfactory, and the gentleman told me it was entirely so and had saved the island from exploitation.

Mr. JONES of Virginia. I heard no objection, but I was referring to matters as far as that part of the law was concerned, that the law limited the holding of agricultural land to 500 acres by corporations. I think we stood together on the proposition that 500 acres was enough for an agricultural corporation to hold, and I think it has practically, to a great extent, saved exploitation of the island by large corporations.

Mr. COOPER of Wisconsin. The bill provides that there shall be no stock watering, and that no stock shall be issued except for actual cash, or for property at a fair valuation equal to the par value of the stock issued. There shall be no stock or bond dividends, and in the case of public service corporations the law provides for the effective regulation of the charges thereof and for official inspection and regulation of their books and accounts, and for the payment of a reasonable percentage of the gross earnings into the treasury of the island or the province or the municipality within which the franchise is granted and exercised. No corporation shall be authorized to buy or sell real estate, or be permitted to own or hold real estate except such as may be necessary to enable it to carry on its business.

Mr. MARTIN. Mr. Chairman, may I ask the gentleman a question?

Mr. COOPER of Wisconsin. Certainly.

Mr. MARTIN. Referring to the legislative provision, about what proportion of the province, what proportion of the Filipino people will be included in the legislative provisions?

Mr. COOPER of Wisconsin. About 15 per cent.

Mr. MARTIN. Fifteen per cent of the provinces or 15 per cent of the people?

Mr. COOPER of Wisconsin. It will take all of the Christian provinces, about 34 or 37, and about 6,000,000 people—all of the people, practically, except the Moro and pagan tribes.

Mr. PEARRE. May I ask the gentleman a question?

Mr. COOPER of Wisconsin. I will yield to the gentleman.

Mr. PEARRE. In how many of these provinces that will be represented in the legislative assembly do they speak a common language?

Mr. COOPER of Wisconsin. The dialects number about 70 in the archipelago—20 of these are in Luzon. In every province there are intelligent people, educated people, who speak the Spanish language, and that at present will be the common tongue. There will be found men in every province who speak the Spanish language and who can be elected to the popular assembly, so that there need be no trouble in that respect. The Schurman Commission touch upon this point, and I will print what they say in the appendix to my remarks.

Mr. PEARRE. The law does not provide that the electors shall be able to speak the Spanish language.

Mr. COOPER of Wisconsin. They would not send a man to the assembly who could not hold communication with the other members of the lower house, and they will elect some one of their number who can speak the Spanish language.

There are important provisions of the bill which relate to the coinage. The Senate provided for unlimited free coinage of silver, but the House Committee on Insular Affairs did not believe in establishing the free coinage of silver in the United States, or the Philippine Islands, or in any place subject to our jurisdiction. [Applause.] We do not believe in taking a system which we opposed and decried in the United States and putting it upon a people unable to help themselves. [Applause.] We do not believe that the business of the Philippines should be longer harassed by being obliged to pay large tolls to the banks for the privilege of trading with the rest of the world. We tried to get rid of that abuse in this country and we succeeded. We hope to accomplish a similar result in these islands. The House bill provides for the establishment of a gold standard. The gold dollar of the United States is to be the unit of value.

They have now several kinds of money. There are, first, the Spanish pesos. They are a token coin which have floated at par for many years with the Mexican dollar, although intrinsically the latter is worth much more. The residue of their coin is practically all Mexican silver dollars. The aggregate of the pesos and Mexican dollars is about $40,000,000—$20,000,000 gold valuation. They have bank currency issued by one of their banks of quite large capital.

The plan proposed in the pending bill has been called the "Conant scheme," after Mr. Charles Conant, a financial expert and gold-standard advocate of international fame, although it was not originally proposed by him. The term "scheme" has a sinister sound when applied to finance, and is here improperly applied, because this is not the "scheme" of anybody. It was originally proposed in its essential features by the Taft Commission in its first report two years ago.

The Government of the United States through Secretary Gage, in selecting a representative to go to the Philippines, chose Mr. Conant, one of the greatest advocates of the gold standard in the United States, a gentleman whose name as a financial expert, as I have said, is known throughout the world. He went to the archipelago somewhat prejudiced in favor of the immediate introduction of American money. I so infer from what he has told me. When he arrived there he observed the differences in dialects—the time it requires to go from island to island and from province to province—the difficulty of communicating between the various parts of the islands—the state of nervous tension prevailing among the people, and that the first of all things to be established must be confidence—freedom from irritation. Therefore he coincides entirely with the views of the Philippine Commission in recommending this coinage plan. He advocates it with great ability in his report to the Secretary of War.

First, the standard is to be the United States gold dollar. Then there is to be a distinctive Filipino coin called the peso, which is to be of exactly the same weight as two of our half dollars. It is to be practically of the same weight as the French 5-franc piece. This peso is to be a legal tender. It is to be slightly depreciated in bullion value; that is, there is to be such an amount of silver put into it as to make it a token coin. The amount of these coins issued is to be regulated by the Government. There is not to be free coinage. The theory is—and such has been the experience of India with her rupees, as stated by various witnesses, among them Mr. Roberts, the Director of our Mint, who supports this plan—that the peso will be kept at par because of its limited coinage and because it will be received for public dues and for debts public and private. The peso will be a legal tender for 50 cents, gold. It will be .835 fine, the same fineness as that of the subsidiary coinage of the Latin Union. It is to be divided into 100 parts, each called a centavo and equivalent in value to one-half of one of our cents.

The bill provides that the peso must be maintained at parity with gold. To effect this, six powers are to be conferred upon the Philippine government. In the first place, at the option of the government, gold is to be exchanged for silver. In the second place, silver is to be exchanged for gold, the option being left with the government as it is with the Bank of France, to pay gold or not, when gold is demanded. These six powers which are conferred upon the Philippine government to keep this coin at parity with gold are similar to the provisions of the law of 1900, empowering the United States Treasury to keep silver at a par with gold. The other four powers conferred upon the Philippine government for this purpose are:

Third. Sell drafts on its deposits in the United States at a reasonable rate, not exceeding the usual cost of exchange.

Fourth. Transfer any form of money from the current funds of said government to the currency reserve fund.

Fifth. Issue temporary certificates of indebtedness, bearing interest at a reasonable rate, payable at periods of three months or more, but not later than one year, from the date of issue, which shall be in the denominations of $50 or 100 pesos, or some multiple of such sum, and shall be redeemable in gold coin of the United States or in lawful money of said islands, according to the terms of issue prescribed by the government of said islands; but the amount of such certificates outstanding at any one time shall not exceed $5,000,000.

Sixth. Buy gold coin or bullion at a cost not exceeding reasonable charges for its importation into said islands.

Mr. Roberts, the Director of the Mint, in his testimony before our committee, said that in India the rupee—gold value about 19

cents, exchangeable value about 30 cents, or approximately that—is circulated practically upon this plan. In other words, our plan here is identical with the one pursued in reference to the rupee in India which has proven an entire success. Instead of there being a drain of gold in that country as was at first feared, the treasury there was filled with gold and they had difficulty in knowing just what to do with it, as their official reports show. The Director of the Mint presented one of those reports before the Committee on Insular Affairs. As against the plan proposed by the bill, there are three alternative propositions: First, to continue the use of the Mexican dollars; that is, to continue an abuse—to continue the use of money coined in Mexico—a foreign country with unlimited free coinage, a system which now operates in the Philippines as a constant burden upon importers and exporters, who have to adjust their prices to the constant fluctuations of exchange. Second, the Senate plan, to adopt a coin of the same weight and fineness as the Mexican dollar, to be coined in the islands, but to have no fixed relation to gold.

This is the free coinage of silver—in effect another trade dollar. I presume that other members of the House—I know that other members of the Insular Committee—have had poured in upon them letters from financiers, business men, all over the United States, protesting against the recoinage in this country or elsewhere under our authority of the old trade dollar which has once proven so great a failure.

The third alternative proposition is at once to introduce the American system of money complete. The objections to this are forcibly stated in the report of the Taft Commission.

On page 100 they say:

It is not desirable, in our opinion, to attempt to introduce American gold currency at the present time as the exclusive money of the Philippines. Such a course would produce serious disturbances in prices and wages. Quiet is what they wish here above all things. Substantially all the benefits anticipated from the introduction of American gold money can be obtained for the commerce of the United States and that of other gold-standard countries by establishing a definite relationship between the present silver coins and the American gold dollar.

They then proceed to elaborate upon this point. The Director of the Mint, Mr. Roberts, in his testimony before the Committee on Insular Affairs, said (p. 3):

By reducing the fineness from 0.900 to 0.835 the value is reduced without at the same time reducing the size of the coin.

That is one of the reasons why the Commission, Mr. Conant, Professor Hollander, and Mr. Roberts all feel that we ought not to adopt the American currency. They appreciate the importance of not changing the size of the coin and also at the same time the importance of fixing its value firmly with regard to gold.

By reducing the fineness from 0.900 to 0.835 the value is reduced without at the same time reducing the size of the coin. The value is so reduced that no ordinary fluctuation in the value of silver is likely to send the coin above its legal par and thus crowd it out of circulation.

The CHAIRMAN. Such a plan will insure its retention in the Philippines?

Mr. ROBERTS. Yes.

Again, on page 4 he says:

It is precisely what they have done in India. It is exactly the system of India. They have practically no gold circulation in India. The money of ordinary retail use is the rupee, just as it always was, but it is held at a fixed value to the English sovereign.

We propose to hold the Philippine peso at a fixed value to the United States gold dollar.

Professor Hollander, who was in Porto Rico when we made the substitution there of American money, says that if it were to be done again there would be considerable changes in the plan then pursued; that while now all the difficulties have worked out, and while he would not say that the plan adopted in Porto Rico was a failure, but nevertheless the circumstances in the Philippines are so different that he would not advise the immediate arbitrary introduction of American money into the archipelago. Porto Rico is a little island, a parallelogram, approximately 90 by 40 miles. In the Philippines we have an archipelago 1,000 miles or more long, with many varieties of dialect and tribe. One can go over Porto Rico in a day; it would take a month even to traverse the Philippines.

Professor Hollander, a financial expert of high standing in this country and in Europe, says (I read from page 8 of his testimony) in answer to the question I put to him:

So, then, you think that the plan proposed (the plan in the bill) is entirely feasible; that is, the establishment of an American gold dollar as the standard of value with a silver coinage limited in quantity, which shall be received for public dues; that the demand for it will keep it at par with gold, and that that has been the experience of other countries mentioned in this report?

That is my opinion.

Would you think in a country in such a disturbed condition recently as the Philippines, where the restoration of confidence in the executive and government is of prime importance, that it would be advisable at once to force the American coinage system?

Unhesitatingly I should say no; it would be inadvisable.

That being the condition of the Philippines, then you would be opposed to the immediate introduction of the American system of coinage in the Philippines?

Yes.

On this point Governor Taft, in his testimony quoted in the report accompanying this bill, says—I read from the report, page 6:

I am very certain that to attempt to adopt as a whole the coinage of the United States in those islands would be productive of nothing but disaster.

Mr. Conant also gave exceptionally strong and effective testimony in support of the plan proposed by the bill and in opposition to the immediate introduction of the American coinage system. The Committee on Insular Affairs deemed it their duty to retain this plan in the bill. We hope that the Committee of the Whole will stand by it.

The bill contains provisions to regulate mining. I can only glance at one or two of these. The claim unit is a hectare in extent—practically 2½ acres. Where lands contain metalliferous ores an individual is limited to 8 and a corporation to 16 claims.

Mr. HILL. I would ask the gentleman why he does not adopt the views of his experts and the Commission in regard to banking if he appreciates their opinions so highly on the coinage question?

Mr. COOPER of Wisconsin. Because the testimony is not so unanimous and strong on that point. I could make further explanation if permitted to divulge some of the secrets of one of the meetings of the Committee on Insular Affairs.

Mr. TAWNEY. Perhaps the gentleman from Illinois [Mr. CANNON] could answer.

Mr. COOPER of Wisconsin. Yes; and at the proper time the gentleman from Connecticut will have abundant opportunity to propound that interrogatory where it will receive an answer.

Where lands contain coal, petroleum, stone, or similar minerals, an individual is limited to 64 and a corporation to 128 claims. Placer claims are limited to 8 for an individual and 64 for a corporation.

The bill contains a bill of rights and legislative limitations. The bill of rights is complete, except that there is no provision for a jury system, and none permitting the people to bear arms. The jury system is not provided for because the Committee on Insular Affairs are convinced that it is impracticable in these islands at the present time. Governor Taft's testimony on this point is convincing, and I will print it in the appendix to my remarks.

One of the subdivisions of the bill of rights provides that neither slavery nor involuntary servitude, except as a punishment for crime, of which the party shall have been duly convicted, shall exist in the islands.

An important provision of the bill relates to the lands of the friars. The Filipinos are a Catholic people, ardently devoted to their church, yet for many generations they have been determined enemies of the Spanish friars in their midst, although followers of the same religious faith. In his testimony before the Committee on Insular Affairs Governor Taft was most forcible in asserting that the welfare of the Filipino people demands the prompt and thorough eradication of the whole friar controversy. The trouble between the Filipinos and the Spanish friars (there has been no trouble with the Jesuits, nor with any except Spanish friars) is not at all religious, but, on the contrary, is wholly political.

It is believed that an amicable adjustment of the controversy can be effected by which the titles to these lands can be purchased by the Philippine government at a fair valuation, and with substantial justice to all interested. The bill authorizes the Philippine government to acquire the lands by purchase, or by the exercise of the right of eminent domain, and to sell bonds and apply the money thus received in payment for the property. The amount involved is variously estimated at from three to seven millions of dollars. This is not in the slightest degree an attack upon any church or upon any religion, but simply an endeavor to remove the source of an animosity which has become dangerous to the peace and prosperity of the islands. The situation is summarized in the report accompanying the bill, an extract from which I will print in connection with my remarks.

Another provision of the bill authorizes the Philippine government, by general legislation, to provide for the granting of agricultural lands, under rigid restrictions, to actual occupants and settlers, and to corporations. This is in the nature of a homestead law, and each such grant, whether to an individual or to a corporation, is to be conditioned upon actual and continued occupancy, improvement, and cultivation of the premises sold for a period of not less than five years, during which time the purchaser or grantee can not alienate or encumber either the land or the title.

I can not stop now to analyze the other features of the bill. I have of necessity presented the subject cursorily, because of the many provisions of the bill, its numerous details, and the impossibility of covering them all thoroughly in the time which I am permitted to occupy.

The bill is presented by the Committee on Insular Affairs as affording a satisfactory solution of the immediate problem which confronts us in the Philippines.

Whether we succeed or fail in these islands, we are engaged in a business the result of which will profoundly and forever affect the prestige and influence of this Republic, and so, in its ultimate consequences, the welfare of the whole human race. We should remember what we are. The United States of America is to-day at the highest point in its career. Never before has it stood forth in the presence of the world in such majestic plenitude of power—76,000,000 people without a master, occupying the sublimest position among the nations of the earth—free and invincible. Like a city that is set upon a hill, our work can not be hidden. If we fail in the Philippines, our failure will be seen of all the world, and seen forever.

But we shall not fail. The nation, which in the awful days of 1861 to 1865, wrought and fought through gloom and disaster to enduring success, will not fail now to carry to a triumphant consummation its lesser task in the Philippine Archipelago. [Applause on the Republican side.] We will fill that land with schoolhouses. We will sever church from state, and each shall be the stronger and the better for the separation. We will establish justice and make its administration pure. We will plant firmly the principles of free government and fix forever all of the priceless guaranties of civil and religious liberty. We will emancipate a race from the thraldom of centuries and lead them in the pathway of the world's highest civilization. And then, when in after years the current of transforming, vitalizing influences has made the Philippine Islands the home of contentment, the abode of industry, and of all the arts of peace, we who are permitted to participate in this initial legislation will look back, with hearts filled with grateful, honorable pride, to this hour, and say, "Thank God, we—we, also—bore a part in the glorious work of a people's redemption." [Prolonged applause.]

APPENDIX.

BILL OF RIGHTS AND LEGISLATIVE LIMITATIONS.

SEC. 10. That no law shall be enacted in said islands which shall deprive any person of life, liberty, or property without due process of law, or deny to any person therein the equal protection of the laws.

That no money shall be paid out of the treasury except in pursuance of an appropriation by law.

That in all criminal prosecutions the accused shall enjoy the right to be heard by himself and counsel, to demand the nature and cause of the accusation against him, to have a speedy and public trial, to meet the witnesses face to face, and to have compulsory process to compel the attendance of witnesses in his behalf.

That no person shall be held to answer for a criminal offense without due process of law; and no person for the same offense shall be twice put in jeopardy of punishment, nor shall be compelled in any criminal case to be a witness against himself.

That all persons shall, before conviction, be bailable by sufficient sureties, except for capital offenses, when the proof is evident or the presumption great.

That no law impairing the obligation of contracts shall be enacted by the legislature.

That the rule of taxation in said islands shall be uniform.

That no person shall be imprisoned for debt arising out of or founded on contract, express or implied.

That the privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

That no ex post facto law or bill of attainder shall be enacted.

That no private or local bill which may be enacted into law shall embrace more than one subject, and that subject shall be expressed in the title of the bill.

That no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or things to be seized.

That all money collected on any tax levied or assessed for a special purpose shall be treated as a special fund in the treasury and paid out for such purpose only.

That no law granting a title of nobility shall be enacted, and that no person holding any office of profit or trust in said islands shall, without the consent of the Congress of the United States, accept of any present, emolument, office, or title of any kind whatever from any king, queen, prince, or foreign State.

That excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

That the right to be secure against unreasonable searches and seizures shall not be violated.

That neither slavery, nor involuntary servitude except as a punishment for crime whereof the party shall have been duly convicted, shall exist in said islands.

That no law shall be passed abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and petition the Government for a redress of grievances.

That no law shall be made respecting an establishment of religion or prohibiting the free exercise thereof, and that the free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed.

A JURY SYSTEM IN THE PHILIPPINES AT PRESENT IMPRACTICABLE.

[Testimony of Governor Taft before the Committee on Insular Affairs, p. 37.]

The question was put to me in the Senate committee why we did not provide a jury system in the procedure act, and the query was made whether if we extended to such an eligible list the qualifications to vote, it would not also be proper to constitute that same eligible list for a jury system and provide juries. That I conceive is a fair question, and ought to be frankly answered. To begin with, they never have had a jury system in the islands. No layman has ever taken any part in the administration of justice. The eligible list would include many who, while sufficiently educated to speak or write Spanish, would still be lacking in the elements that are necessary to make a safe jury system.

The example of the Spanish method of conducting government, the environment to which the people have been subjected, make it impossible for men included in that class of the less educated to act impartially as judges. The difficulty with that people is that they are not now so constituted that in any case they could give their unbiased judgment. The danger of corruption in such a system would be so great that we became convinced that it was most unwise to extend that system at this time. We have provided in a way a system of assessors, two assessors to be selected, much as a struck jury is selected in this country, who are to sit with the judge. That we have made as the beginning of an ultimate jury system, but at present we are convinced that even limiting the selection of jurors to those having the qualifications to vote would lead to abuses such that no desire to conform to the American Constitution would justify it. The administration of justice in Spanish times was so perverted, even with educated men on the bench, that to hope that a casual selection from the whole list of qualified voters would secure an honest, a just, and impartial tribunal would be to hope against what the facts require us to know.

STATEMENT BY FELIPE BUENCAMINO—DATA RELATING TO THE MALOLOS CONGRESS AND AGUINALDO'S "REPUBLIC."

1. Emelio Aguinaldo proclaimed himself dictator on May 24, 1898, for the purpose of establishing a military government in the city of Cavite, *which, with the generous assistance of America, would liberate the Filipinos from the yoke of the Spanish Government.* (The underlined words are the same as those used by Aguinaldo in his decree—proclamation of said date.)

2. Aguinaldo took as his sole counselor Apolinario Mabini, an eminent attorney, but paralyzed in the lower part of his body, and, in addition, a philosophical dreamer. Mabini, the following June, prepared regulations for the election of municipal and provincial councilors, and also for the election of municipal and provincial presidents and representatives for a future congress; and in view of the fact that many of our provinces were not as yet in communication with the government at Cavite, he added thereto a clause authorizing the dictator, Aguinaldo, to appoint representatives for such provinces as were not in communication with the said government.

I was one of those appointed, and the number of provinces whose representatives were appointed are the following:

Isabela, Nueva Vizcaya, Bataan Islands, Mindoro, Romblon, Masbate y Ticao, Marinduque, Carolinas Marianas Islands, Paraguas Islands, Jolo, Mindanao, Capiz, Antique, Iloilo, Cebu, Leyte, Samar, Bohol, Surigao, Misamis, Dapitan, and four of Manila, which at that time was a province, and no elections could be held in Manila because it was occupied by the American army. The remaining provinces of Luzon had representatives in the congress who were elected, but the electors were only the municipal councilors. The suffrage, therefore, was very limited. (Dictated by Felipe Buencamino.)

CHARACTERISTICS OF THE FILIPINO PEOPLE.

[Extract from Report of Schurman Commission, p. 119.]

The Filipinos themselves are of unusually promising material. They possess admirable domestic and personal virtues, and though they are uncontrollable when such elemental passions as jealousy, revenge, or resentment are once aroused, most of them—practically all of the civilized inhabitants of Luzon and the Visayas—are naturally and normally peaceful, docile, and deferential to constituted authority. On the suppression of the insurrection the great majority of them will be found to be good, law-abiding citizens. * * * The educated Filipinos, though constituting a minority, are far more numerous than is generally supposed, and are scattered all over the archipelago, and the Commission desires to bear the strongest testimony to the high range of their intelligence, and not only to their intellectual training, but also to their social refinement, as well as to the grace and charm of their personal character.

These educated Filipinos, in a word, are the equals of the men one meets in similar vocations—law, medicine, business, etc.—in Europe or America. It is scarcely an exaggeration to say that these picked Filipinos will be of infinite value to the United States in the work of establishing and maintaining civil government throughout the archipelago. As leaders of the people they must be the chief agents in securing their people's loyal obedience to the new government, to which, therefore, the dictates of policy, as well as plain common sense and justice, require us to secure their own cordial attachment. And it has been a leading motive with the Commission in devising a form of government for the Philippines to frame one which, to the utmost extent possible, shall satisfy the views and aspirations of educated Filipinos. They believe that the Territorial system herein set forth will accomplish that object, and this is a fifth and most important reason for their conviction that the administration of the government will, in the proper hands, not be attended with insuperable or even extraordinary difficulties.

FRIARS' LANDS.

[Extract from Report.]

In his testimoney before the Committee on Insular Affairs, Governor Taft said:

"It is difficult to say that in the islands there is any public opinion on any issue, such as we understand that expression here, except with respect to the friars. On that one issue substantially all the people are in accord. * * * No country of that size, educated or uneducated, was ever so unanimous as the Filipino people are with respect to the issue of the friars. * * *

"It is not whether the friars are justly charged with various offenses and interpositions in civil matters to the detriment of the people. The important fact is that all the people believe it, and prejudice, even if unfounded, if deep seated, every student of politics knows must be regarded as a fact. It is not to be moved out of your way by saying 'it is unreasonable.' It exists, and because it exists the position of the Commission, without looking into the merits of it, was that in every way possible we ought to avoid the dangers of disturbances which such a deep prejudice would be sure to cause."

Your committee has no desire to enter into the merits of this controversy. It is sufficient for the purpose of the proposed legislation that the animosity exists, that it is deep seated and widespread, that it has heretofore resulted in uprisings of the Filipino people, in bloodshed and civil war, and that it still is an element dangerous to the peace and prosperity of the islands.

Oleomargarine Bill.

The validity [of the tax] can not be determined by the money returns. This rule has been applied when the levy produced no returns whatever. (Cooley's Principles of Constitutional Law, page 56.)

SPEECH

OF

HON. JOHN W. GAINES,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

Monday, February 10, 1902.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 9206) to make oleomargarine and other imitation dairy products subject to the laws of the State or Territory into which they are transported, and to change the tax on oleomargarine—

Mr. GAINES of Tennessee said:

Mr. CHAIRMAN: Congress has the power granted it by the Federal Constitution to regulate commerce between the States, Indian tribes, and foreign nations.

Under this power, as construed by the Supreme Court in many decisions, and especially in the recent Addyston Pipe Trust case, which arose in Chattanooga, Tenn., instituted and first prosecuted under a Democratic Administration and by Democratic officers, clearly states and holds that Congress has the power under this commerce clause to "prohibit"—the word "prohibit" is used by the court—the transmission of objectionable interstate commerce or the making or executing of objectionable interstate commerce contracts, that case being one to destroy and prohibit objectionable interstate trust combines and contracts.

That combine or trust was crushed in this, a civil case, and those in the combine punished by a criminal prosecution, two suits having been in this instituted and prosecuted, to wit, one to criminally prosecute and the other to enjoin and crush this unholy combine or trust.

Thus we see the far-reaching effect and great good that arises from the vigorous prosecution of the law based upon this commerce clause of the Federal Constitution.

Now, then, if objectionable interstate commerce or interstate combines or contracts can be thus successfully dealt with, why should not Congress without further delay pass a law invoking the power of this commerce clause and say that oleo shall not be shipped from one State to another, or that oleo branded as butter shall not be shipped from one State to another, or that oleo colored as butter shall not be shipped from one State to another, or that oleo colored as butter and branded or not branded as oleo shall not be shipped from one State to another?

If such a law was passed—and it would clearly be legal under these decisions—why should not Congress invoke at once the crushing power of a statute based upon this commerce clause, giving the people the right to indict offenders just as in other criminal cases?

A bill could be passed to do any one of the things I have suggested, and I believe that under these decisions (and I am following the opinions of the Supreme Court of the United States in thus exploiting the law) such a bill we could promptly enact into law. It would meet with little objection, I believe.

Of course, to prohibit the transmission of oleo branded as oleo and sold as oleo might meet with objections, and not without reason, for it is said that pure oleo is as healthful as butter, and it is one of the great industries of the country, which being true, such an industry should not be crushed, it seems to me; but should be when colored as butter or branded as butter and sold as butter, this being a deliberate, premeditated, and outrageous fraud on the farmers' cow butter, whether it is white butter or yellow butter, for in either case such butter is butter and comes from cows' milk. It is nature's butter, and, regardless of its color or quality, it is still butter in fact and law, while oleo is not nature's butter and is not butter in fact or law.

When oleo is sold as butter, it is a fraud on the maker and user of butter. Cows' butter is a product ancient in use and one of the needs of the family from the time the infant can eat, and even before, throughout life.

By thus destroying the cow-butter interests of the country we reduce the number of cows, and this in turn reduces the amount of cows' milk and butter and beef as well—all necessaries—and that, too, when there is no necessity for such an outrage upon the farmers' business and the people's rights.

When our children are sick or well, indeed, from the very time they are brought into this world, in health or in sickness, they are obliged to have milk from the mother's breast or from the cow.

In allowing this oleo fraud to thus crush the butter interest we deny mankind not only butter, but milk, which you see is, has always been, and must ever remain an absolute necessity for the maintenance of mankind from the time God breathes life into the infant until he becomes too weak, too near death, to swallow it.

Simply because a very small portion of cotton-seed oil that is made from the products of the South is used in the manufacture of oleomargarine, must I vote to defeat this bill? Although objectionable, as I say, in some respects, yet I hope these objections may be removed by amendment later on in the House or Senate. I am asked to do something that I can not and will not do.

My judgment rebels against it, and my conscience will not permit me to rest easy if I take sides with such a fraud upon the farmer and mankind generally, and I shall not do it.

It is immaterial to me that any expert, from an ex-governor down to those gifted in the X-ray business, say to me this, that, and the other. I have listened to them and I have listened to what has been said pro and con on this bill, but it only strengthens me in my determination to see that equal and exact justice is meted out as near as can be and to protect God's gift, the milch cow, the companion of God's child in every fireside in the land.

It is not my purpose to unnecessarily restrain the business of dealing in honest oleo—not at all. That would not be just; but to protect the honest oleo business and restrain the dishonest oleo business is my purpose. I intend to do so as near as I can.

I know, born and reared in the country, where I lived beyond my majority, that to sell oleo as butter when in fact, and, indeed, in law, it is not butter, when oleo is one thing and butter is another, is a fraud on the buyer and a fraud on the person who makes cow butter—the farmer. When a man sells to me oleo as butter, when I call for butter and that man knows it is oleo, he not only commits a willful fraud on me, but he willfully lies, and the law should prevent, as near as the law can, both the fraud and the falsehood. [Applause.]

The law has said what oleomargarine, the work of man, is and shall be. Nature has said what cow butter is, and the law, following the definition that nature has given butter, says what cow butter is and shall be. That is right. The law can say to what standard butter shall be before it shall be offered for sale, for even in the course of nature nature gives different standards of butter.

I have the right, and so has every man, woman, and child in this country, by all rules of morality, when I go to my prescriptionist and ask him for quinine to expect that he shall not give me flour, or, if you please, strychnine, and yet quinine and strychnine and flour are all healthful when taken in the proper quantities. I have, and so has every man, woman, and child in this country, by the same rule of morality, to expect when I go to my grocer and ask him to sell me butter that he shall not knowingly sell me oleomargarine.

On the other hand, every man, woman, and child has the right to be sold oleo when they call for it, and not cow butter.

Again, if the oleo manufacturer or if the oleo retail or wholesale merchant sells oleo as oleo, they are required to pay one-fourth of a cent tax, which will raise enough money to police oleo and execute the law. On the contrary, when they manufacture or sell oleo as butter, or color it as butter and sell it as butter, by their own act, by this their own deliberate, willful, and premeditated fraud, the law says they must pay a tax of 10 cents per pound.

This 10-cent tax does not apply or operate on any individual unless that individual colors or sells oleo as butter. In other words, if he makes oleo and sells it as oleo, not colored like butter, he does not have to pay the 10 cents per pound tax about which we have heard so much in this debate.

Mr. RICHARDSON of Alabama. Will the gentleman allow me to ask him a question?

Mr. GAINES of Tennessee. Certainly.

Mr. RICHARDSON of Alabama. Do not you think it is a fraud or a misrepresentation and deceit to pay a tax of 10 cents when you do not expect to realize any revenue from it at all?

Mr. GAINES of Tennessee. If that be true, that is no excuse for the failure to prevent this "fraud," nor would that incident invalidate the law, and the books so declare.

Mr. RICHARDSON of Alabama. You do not want it as revenue?

Mr. GAINES of Tennessee. Why not? The revenue would then come from taxing a fraud or a fraudulent business. This bill is not satisfactory to me in all its provisions. If we do not succeed in amending it here in the House I shall hope that the Senate will amend and perfect it.

Mr. RICHARDSON of Alabama. Answer my question.

Mr. GAINES of Tennessee. I will do so if the gentleman will just wait. This 10-cent tax does not apply to a human being unless he undertakes to perpetrate a fraud—that is, palm off on our people as butter that which is not butter, when they do not call for oleo and do not want it, but call for and want butter. In

other words, when the manufacturer of oleo or the retail or wholesale merchant undertakes to perpetrate this fraud in this manner, when they undertake to visit upon the people of this country this fraud in this way, then, with his eyes wide open, with a full knowledge of the law that when he does so he must pay a 10-cent tax per pound, such parties visit upon themselves the wrath of the law, to wit, they must pay the 10-cent tax if they obey the law.

Mr. RICHARDSON of Alabama. You have not answered the question.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES of Tennessee. I would like to have time to answer the gentleman's question. I ask unanimous consent for five minutes longer.

Mr. HENRY of Connecticut. I yield to the gentleman five minutes.

The CHAIRMAN. The gentleman from Connecticut yields five minutes more to the gentleman.

Mr. RICHARDSON of Alabama. Then is it not a misrepresentation that no man can deny when you advocate a bill here which imposes a tax of 10 cents when you do not expect to realize 1 cent of revenue? Is not that misrepresentation and fraud?

Mr. GAINES of Tennessee. I hope the gentleman will let me answer his questions one at a time. But we may; I hope we will not. That would be proof that this fraudulent business has been abandoned. You say we do not want this 10-cent tax as a revenue and that we do not expect to realize any revenue from it at all. But do not tax laws sometimes fail to produce revenue? For my part I hope there will not be one cent derived from it. Our people are already taxed all they can stand—certainly in time of peace. We can stand and have stood every kind of taxation in time of war. But why do I say that I hope there will not be one cent of revenue from this 10-cent tax provision?

Because I hope that no man in this country after the passage of this law will undertake to perpetrate this fraud upon the people. It is only when the fraud is perpetrated that the law applies; then this tax has to be paid; then the law says it shall be paid. If this imitation butter, this fraud, is not imposed on the country, then of course not one cent of revenue will come from this provision, which I hope will be the case. The provision only operates when the fraud is imposed on the people.

Mr. RICHARDSON of Alabama It is suppression by law.

Mr. GAINES of Tennessee. But suppose it is. Can not Congress levy a high or a low tax on a fraudulent act or business? What does it suppress? A fraud, an outrage on the cow butter maker as well as the people who want to buy cow butter and pay their cow butter price for the article which proves to be on the table oleo, and not cow butter. Does the gentleman object to suppressing a vice?

What right have you or any other man to make a living by perpetrating frauds? It is a fraud, and the gentleman knows it. Then, will you tell me what right you have, or any other man has, to engage in the business, earn a livelihood by selling a fraud to or perpetrating frauds on your neighbors and on the country at large?

Mr. RICHARDSON of Alabama. Where is the revenue to come from?

Mr. GAINES of Tennessee. Why, of course the revenue from the 10-cent provision will come from the man who is engaged in perpetrating frauds on his neighbors and on the people in this country by selling them imitation butter, or oleo that is not butter. Not one cent of revenue will come unless such a fraud is imposed on the people, and hence I hope that not one cent of revenue will be derived from this 10-cent clause, because in such an event we are convinced that none of this oleo fraud is sold to the community, at least if it is the fact is not reported to the officers of the law.

Mr. RICHARDSON of Alabama. Does not the 10 per cent legalize it?

Mr. GAINES of Tennessee. Not any more than if we had no law. If we had no law on the subject there would be nothing in the world to prevent the person committing the fraud from going right along unmolested in this fraudulent business.

You may repeal all the statutes, National and State, on the subject, and this fraud can be carried on. There would be no law to prevent it, and then the gentleman has already stated that the 10-cent tax is "a suppression by law." If that is true, no one will perpetrate this fraud. This nefarious business of selling oleo will be thus suppressed—the fraudulent act prevented. And what objection has any gentleman, well founded, to suppressing a fraud?

Who has the right to make a living by committing frauds? Law is made to promote good morals, to promote a healthy growth of public sentiment; and to permit this oleo imitation butter to be sold as cow butter, either without any law or by permission of any law, encourages bad morals, dishonesty, and misrepresentation, which neither good society nor the law should permit.

Unless the law takes this fraud in hand, what relief have the people? Suits for damages and injunctions are inadequate, and if not there would be a multiplicity of suits, if any were brought by people who had been imposed upon in the sale of this imitation butter. The courts would be crowded with such litigation if the victims of this fraud were to undertake to prevent it or to recover damages. There would be no end to the suits. Such litigation would be a nuisance to the balance of the litigants in any court.

So to prevent this multiplicity of suits the States have stepped in and undertaken to restrain or prohibit this fraud, and now the Federal Government has said: We need revenue to run the Government. We will tax this fraud 10 cents a pound and that which is not a fraud one-fourth cent per pound.

But, the gentleman says, we need no revenue. We have just reduced the tariff. That is true. We have just reduced it and I voted for it, and so did every Democrat in the House. But would it not be a more just tariff law to tax vice than virtue; to tax wrong than right; to liberate virtue and tax vice?

This bill proposes to lay 10 cents tax on the wrong, not the right. To sell oleo as butter is wrong. It is a vice, and the party committing the act must pay 10 cents for each pound. Thus we restrict the vice. The incidental effect of the tax is to "restrict," and that is what the Supreme Court of the United States says is the moral effect of a license law. Then I ask what do we restrict? We restrict vice, we restrict wrong, we restrict the evil and give the virtuous, the righteous efforts of man the right of way; the honest man a better chance in his long, tedious journey to make an honest living by the sweat of his face.

In addition to this, do not you know it would require a more strenuous police effort to execute the law and prosecute the offenders who undertake to commit a fraud than one who does not?

Here is a man who sells oleo as oleo and we levy one-fourth per cent tax to execute the provisions of the law which the oleo men want themselves, it is said here in the committee. But here is a set of men with millions behind them who are engaged in selling this fraud, carrying on this fraudulent business. The provision of the law that applies to this fraudulent act levies a tax of 10 cents per pound, so that if the millions who are engaged in this oleo fraud, the thousands of persons who are engaged in making it and selling it, insist on selling this fraud, then in such an event there will be presumptively a large enough revenue coming from this nefarious business (taxed 10 cents per pound) to more vigorously prosecute the law than by a smaller tax.

In addition to this there may be many who are not reporting the sale of this oleo as butter, and a vigorous police watch must be kept, for a man who will deliberately perpetrate a fraud on his neighbor and on the country at large is a man that will require more watching than a man engaged in honest oleo business, that is, making and selling oleo as oleo.

I am not here to defend the levying of taxes to destroy moral rights or business, nor do I favor the levying of a tax to destroy an immoral business. I prefer, as I stated in the beginning, that this olio fraud be prohibited outright under the commerce clause. Such an act would aid the State to execute their respective oleo laws, Congress yielding back, if you please, to the States the right, as we have in other similar matters, the power to take charge of and control the "original package" before it has become local commerce or local property.

With the interstate power invoked, as I have suggested, with the State laws executed, Congress yielding to the States the right to take charge of the original package and control it, just as though the oleo was made or the contract for it within the State, this fraudulent business would disappear.

You will then have the trouble between interstate business and State business well in hand. But there is no such bill here proposed.

I have hoped for such a bill from the Interstate Commerce Committee. I know there are able lawyers there. That committee is controlled by Republican members, they being in the majority. This House is controlled by a Republican majority and therefore I can not hope for—though I have since I have been in Congress—such a bill from that committee on this vital question along the lines I have suggested, but they have failed to report such a bill; and now the question that confronts me is, Shall we permit this fraudulent business to continue and destroy the farmers' business, destroy his butter making—which means the destruction of his dairy, and the destruction of the dairy means less cow butter and less cow milk, both of which are absolute necessaries of life—simply because I can not get exactly the kind of law enacted I think is best? No; and I can not and will not stand by here and permit it, when it can be prevented by the pending measure. The Constitution gives no man the right to perpetrate a fraud.

This Bill, with Others Pending on the Calendar, Foreshadows the Ultimate Purpose of the Republican Tinkers, Who Propose a Financial System in which Gold is to be the Only Legal Tender and National-Bank Notes the Only Paper Money—No Other Country on the Earth has ever Dreamed of Establishing a System so Preposterous and Dangerous.

SPEECH

OF

HON. CHARLES F. COCHRAN,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, May 28, 1902.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 12704) to increase the subsidiary silver coinage—

Mr. COCHRAN said:

Mr. CHAIRMAN: I was not astonished to hear the gentleman from Connecticut [Mr. HILL] say, when he took the floor against this amendment, that it is a proposal to array the United States against the experience of the entire civilized world. A speech by the gentleman from Connecticut on financial questions which did not include this statement, coupled with the solemn assurance that only by following the path pointed out by him may we avoid this catastrophe and observe the ways of civilization, would be such a novelty that nobody expects it to occur. [Laughter on the Democratic side.]

How we would keep ourselves in line with civilization, progress, wisdom, knowledge, science—everything that makes statesmanship complete—without the gentleman from Connecticut to continually assure us that he holds the lamp which lights this pathway is beyond my comprehension. [Laughter.] But, Mr. Chairman, a few of us will reserve the right to believe that it is possible for even the gentleman from Connecticut to err as to what are the lessons of civilization in reference to the question under discussion.

I deny that human experience has ever proved anywhere at any time the wisdom of keeping in circulation in any country a single farthing of money that could not be used by the citizen in discharging any debt or obligation owing by him to his government, in the form of taxes, or to his neighbor in discharge of indebtedness.

And, Mr. Chairman, I digress right here from discussion of the matter in hand sufficiently to observe that of all the unwise measures engrafted upon our financial policy during the past thirty-five years, what is called the gold-contract clause of the coinage laws has been the most mischievous. I contend that every dollar of money placed in circulation, whether gold, silver, or paper, should be fabricated by the Government, and that no private corporation should exercise the sovereign power to issue money. I believe that every dollar placed in circulation should have equal legal-tender power, and that no private interest should have a right to subvert the general law of legal tender by private contract, thus striking down the legal-tender laws as to any particular form of currency.

The amendment proposed by the gentleman from Nevada declares that all coins of the United States shall be received as full legal tender for all debts, public and private. Without going any further into the discussion than sufficiently to show the error into which the gentleman from Connecticut [Mr. HILL] has fallen, I say to him that he can not name in all the history of the world at any time or place a country which has or has ever had the monetary system which the Republican financial tinkers propose to fasten on the United States.

What country is there where gold and nonlegal-tender bank notes are the only currency in existence? Pass this bill, destroy the legal-tender power of silver, and retire the greenbacks—and bills aiming at all these results have been approved by the committees and are now on our Calendar—and you would have in the last analysis a financial system with gold and bank notes as the only money and gold the only legal tender for debts. You propose to retire the Treasury notes, coin the silver dollars into subsidiary coin, and give to national banks alone power to issue paper money.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHAFROTH. Mr. Chairman, I ask that the time of the gentleman be extended.

The CHAIRMAN. For how long?

Mr. SHAFROTH. I ask that enough time be allowed him that he may conclude his remarks.

Mr. HILL. Oh, no, Mr. Chairman, I object to that. I will consent to ten minutes.

Mr. SHAFROTH. Then I ask that the time of the gentleman be extended for twenty minutes.

The CHAIRMAN. The gentleman from Colorado asks that the time of the gentleman from Missouri be extended twenty minutes. Is there objection?

Mr. HILL. I object.

The CHAIRMAN. Objection is made.

Mr. SHAFROTH. Then I ask unanimous consent that fifteen minutes be allowed.

Mr. HILL. Mr. Chairman, I ask that the same privilege be extended to the gentleman from Missouri that was extended to the gentleman from Iowa [Mr. SMITH].

Mr. COCHRAN. I do not want anything as a courtesy. If an extension of time is not granted to me as the right of a Representative, I do not want it.

Mr. SHAFROTH. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended for fifteen minutes.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent that the time of the gentleman from Missouri be extended fifteen minutes. Is there objection?

Mr. HANBURY. Mr. Chairman, I object.

The CHAIRMAN. Objection is made.

Mr. SHAFROTH. Then I ask unanimous consent that the time of the gentleman be extended ten minutes.

The CHAIRMAN. Unanimous consent is asked that the time of the gentleman be extended ten minutes. Is there objection?

There was no objection.

Mr. COCHRAN. Mr. Chairman, I do not wonder that the gentlemen on the other side shrink from the discussion of this question. They say it has all been thrashed out. They say this, and all other questions pertaining to our finances have been effectually settled. What party has ever declared that its purpose is to retire the greenbacks? What party has ever declared its purpose to melt down the silver dollars? When have the people had an opportunity to pass upon the proposal to give to private banking corporations full control of the volume of paper currency?

The Republicans in this House are trying to fasten upon this country a financial system unheard of before in all the world. I deny that the platforms or the public utterances of Republican statesmen have avowed this purpose. You would make gold the only legal-tender money of the country. What country has such a system now? What country ever had such a system? Is there a country on earth to-day where gold is the only legal-tender money? Is there a country to-day where gold is the only money that may be used as bank reserves? Why, even the advocates of the gold standard in England have never dreamed of such a system.

The Bank of England notes are full legal tender for all debts and are available for reserves, just as our greenbacks are. The notes of the Bank of France and of the imperial banks of Germany and Austria are a legal tender and form the reserves of provincial banks and private bankers, just as our greenbacks are a legal tender and available for bank reserves. In this country and nowhere else under the sun the money merchants find statesmen who are willing to place upon the statute books laws which would impose upon their countrymen the harsh basis of specie payments.

Mr. Chairman, this proposal comes during a period of inflated credits and rising prices. It may not be possible to draw public attention to the danger that lurks in it, but who that recalls the bitter days of periods of liquidation and depression can contemplate the possibility of consummating this wretched scheme without the gravest apprehension. Certainly in a period of stringency, with creditors clamoring for their dues, bank credits grudgingly extended, and debtors in despair, it would not be proposed as a remedy.

Mr. Chairman, it was to be expected that this bill would be brought in here under a rule limiting the discussion to two or three hours. The Republican tinkers do not care to have the measures they propose forced upon public consideration by Congressional debates. If they could be induced to do so, we could well afford to submit the matter to the people upon the case made by the Republican orators of this body. We have listened to one speech in addition to the oracular utterances of my friend from Connecticut [Mr. HILL], in support of this bill. What a raking of the rubbish heaps of Republican campaign oratory it was! I never have heard nor have I ever read a Republican speech of the orthodox sort on this question which from start to finish did not palpably misrepresent facts and statistics, pervert all known and accepted economic theories, and ride rough-shod over every precept of history.

Take the speech of the gentleman from Iowa [Mr. SMITH], who, after the performance of the gentleman from Connecticut, gallantly brought up the rear. He began with the old, threadbare story that the idea of coining the silver dollar was totally absurd, because it was impossible to get it in circulation; and when I asked him if silver dollars were not effectively in circulation

through the medium of silver certificates representing them and rendering them effective as the money of the country, he declined to answer that question because, he said, it had been answered two or three times before. It never has been answered. It is absolutely unanswerable. Like gold, silver circulates in the form of its paper representatives. If you would cease the coinage of silver because the silver dollar does not actually circulate, then stop the coinage of gold, for it never did circulate, and never will.

Republicans here and on the hustings and through the medium of the press say, "Would you carry around twenty, thirty, or forty silver dollars in your pocket, if you had a debt of twenty, thirty, or forty dollars to pay?" Certainly not. You would carry the silver certificates that represent the twenty, thirty, or forty silver dollars, and that is precisely what every business man in the country does do and has been doing for nearly twenty years. Would you carry twenty, thirty, forty or a hundred gold dollars around if you had that much gold to-day? Certainly not. You would carry the paper representative of gold dollars. Specie in the modern financial system is represented by paper symbols, which perform the active office of specie in the arteries of trade.

Ignorant beyond reclamation is the man who does not know this, impudent beyond description is the lawmaker who denies it, yet every speech attempting the impossible task of the defense of Republican quackery in finance begins with this old homily, which even the school children penetrate and regard as a mask for ignorance or something worse in every man who attempts it. In the enlightened part of the country which I have the honor to in part represent a speech containing this statement made by the gentleman from Iowa would send everybody home but the janitor, and put him to sleep. [Applause and laughter.]

The gentleman from Iowa [Mr. SMITH] may say that the silver dollars will not circulate when talking to Republican Congressmen. He would be perfectly safe in saying it in the neighborhood of Wall street or down among the shopkeepers and manufacturers of New England, who, without knowing what the term means, only know that they want "sound money;" but he would not pretend to say it in the county where he lives, for fear some old farmer in homespun would arise on one of the back benches and proceed to skin him and tan his hide. I do not blame him for doing it in the company he is in, for he sits very close to the distinguished gentleman from Connecticut [Mr. HILL]. [Laughter.]

The gentleman from Connecticut says we are on the eve of a great glut of gold. He thinks the danger confronting the world now is too much gold, that it may result in inflation. Is there a glut of gold in Russia, where since 1895 they have lost $145,000,000 of their gold stock and suffered a depreciation in the value of all kinds of property of from 40 to 80 per cent? Is there a glut of gold in Germany, where, during the same period, the stock has increased just a little, or in England, where half a billion of bonds have been sold for gold—a part of them in the United States—resulting in an increase of $90,000,000 as a war fund, or in Italy or Austria, countries that have been on a paper basis since the beginning of the century?

Where is this glut of gold? Lately I had prepared by the Treasury Department for my own information a table showing the transfer of gold balances between nations during the last ten years—a period of unprecedented gold production. This table hardly shows that there is danger of a glut of gold or justifies all this boasting about the increase in the world's money supply through the increased production of gold. It shows that the United States have gained between four and five hundred million dollars.

But how much has all the rest of the world gained? What has been the increase in the amount held in the depositories of the Old World during the past ten years? I put this question to Secretary Gage one morning, when I asked him to have a table prepared showing the balances in depositories in Europe in each of the years succeeding 1893 down to 1902, and he expressed the opinion that the table would show that it had been very large. The table was prepared and it shows that in ten years all Europe combined, including Great Britain, has added barely $62,000,000 to the store of gold held in banks and depositories. What do you argue from this? Do you know that if at this time we were to give to each of the civilized countries of Europe two-thirds of the amount of gold per capita which the United States now has, that the $400,000,000 production you speak of so boastfully would be several years in accomplishing the replenishment?

It is not true that the recent large production of gold has increased the supply of specie in an unprecedented degree. The period of the greatest specie inundation of civilized countries known to the world was in Europe between 1860 and 1875. At that time Russia was strictly on a paper basis and had not begun the accumulation of the gold fund which afterwards in 1896 had reached a total of nearly a billion dollars. Hence, the product of the Russian gold mines went to Europe.

The California and Australian mines had been enormously productive for over ten years prior to 1862, and the accumulations from this source in the United States went to Europe, to be added to the largely increased store which had accumulated there between 1849 and 1862. From 1862 until in the seventies, when we begun the accumulation of a specie redemption fund, this country used only paper money. And so, between 1862 and say 1875, there was piled up in countries having an aggregate population of a little over 100,000,000 the specie of the whole western world. Unquestionably it was this glut of specie that contributed to the forward strides of Great Britain and the tremendous vitality and recuperative power of France, which, notwithstanding half a dozen of revolutions and the catastrophe of Sedan, maintained her proud position as one of the wealthiest of the great commercial powers. It was this that rehabilitated Germany and made the Empire possible.

Mr. Chairman, I submit that it is no exaggeration to say that in the period I have mentioned, through the operation of the causes I have set forth, European countries experienced a glut of gold exceeding the approaching glut which seems to excite apprehension in the mind of the gentleman from Connecticut, but the glut of thirty-five years ago did not enable either Austria or even Russia, with her vast gold mines, to escape a paper basis, and notwithstanding the present glut of gold Austria still remains on a paper basis, and had not economic error crept into her administration Russia would still be on a paper basis instead of experiencing the throes of the most serious financial crisis the world has known.

Let me console the gentleman from Connecticut with the assurance that there is no danger of a glut of gold. Go on expanding credits, watering stocks, and selling bonds and mortgages on property overvalued for the purpose of speculation by the promoters of trusts and combinations. Pile the pyramid of credit sky high, and deplete the base of legal-tender money upon which it rests by retiring the greenbacks and putting the silver dollars in the melting pot. Make gold the only legal tender for debts, and when the catastrophe, which all this mad tinkering invites, shall come the fear of a glut of gold will vanish, and my friend from Connecticut will suffer no longer the harrowing fear that too much money is about to ruin the country.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTLETT. I ask unanimous consent that the time of the gentleman may be extended.

Mr. LACEY. I want to speak in regard to this amendment.

Mr. BARTLETT. The gentleman from Missouri is a member of the committee.

Mr. LACEY. Does the gentleman desire further time?

Mr. COCHRAN. I do; but I am not very particular about it.

Mr. LACEY. I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. Unanimous consent is asked that the time of the gentleman from Missouri may be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. COCHRAN. In conclusion, I desire to point out the significance of statistics submitted to the House at a former session, when the Overstreet banking bill was under consideration. Between 1849 and 1870 the output of the Australian and California gold mines was the largest which up to that time the world had ever known. In his speech in support of his banking bill, the gentleman from Indiana [Mr. OVERSTREET] used, as an argument in favor of the gold standard, a table showing the production of gold through the ages. It is a table familiar to all of us. It shows the estimated stock of the world in 1492 and the production and stock on hand from year to year thereafter. It shows, also, the amount of gold in use as money from year to year. This table shows that all the gold produced throughout the ages prior to 1862 has disappeared. It shows that at the time Mr. OVERSTREET presented the statistics to the House there was in use as money in all the world less gold than the mines have produced since 1862.

I have not looked at the statistics recently, but I hazard the assertion that even the exaggerated statistics published in our mint reports and other statistical works do not show that there is in use as money in the world to-day as much gold as the mines have produced since 1860. Here we have a basis upon which to estimate the amount of gold consumed in the arts and for the various other uses which divert it from use as money. Since only the product of the mines during the past forty years is now in use as money then it follows that between 1850 and 1902 the world consumed in uses other than monetary all the gold in existence in 1849, plus the gross product of the mines up to 1862.

It should be borne in mind that this enormous consumption of gold in the arts and in uses other than monetary occurred during a period when the world was far less given to luxury than in this age of multimillionaires.

Mr. Chairman, I deny that the large increase in gold production

results necessarily in a corresponding permanent increase in the world's supply of gold money. In periods like the present, when business is under high pressure and everything goes on swimmingly, the encroachments of the arts and manufactures upon the gold supply is enormous. Therefore it is easy to make a mistake in estimating the increase in the stock of gold money occasioned by increased production.

While gold is not used by all the people of the world as money, it is used by all people as an ornament, and the more barbarous the people the more desirable is gold as an ornament.

If the extravagant figures used by the gentleman from Connecticut are to be accepted as true, four hundred millions in gold was produced by the mines last year. Coin every dollar of it into money and divide it among the gold-standard countries of the world, and it would add less than 75 cents per capita to their stock of money. This is not a serious glut of gold after all. The fact is that in ten years the world's stock of gold has not been increased more than $600,000,000.

Who thought, when the Australian and California mines were so productive that all European States except France demonetized gold as a base material on the ground that it was about to become so plentiful that it would be no longer suitable for money, that within thirty years the world's trade would be stagnant for the want of specie and half the civilized nations doing business on paper? Who thought then that in 1902 the world's stock of gold money would be less than the product of the mines for the forty preceding years? The product of the mines for twenty years succeeding the discoveries of forty years ago in Australia and California in relation to the commerce of the world, in relation to the volume of business and credits, was far greater than the production of recent years.

The CHAIRMAN. The time of the gentleman has expired.

The Republican Party Stands for Prosperity and Progress—The Democratic Party Stands for Hard Times and Old Times—Bravery and Patriotism of our Soldiers in the Philippine Islands—Democratic Attacks on Them Unwarranted and Unpatriotic.

SPEECH

OF

HON. HENRY R. GIBSON,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

Monday, June 23, 1902.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes—

Mr. GIBSON said:

Mr. CHAIRMAN: The Republican party took possession of this country in 1861, and its first great work was the preservation of the Union. This it did after four years of the most tremendous, the most bloody, and the most expensive war ever waged in the history of the world. It was Greek against Greek, American against American, hero against hero, from start to finish.

The war ended, the Union preserved, the Constitution strengthened, the nation perfected, then began in our country under Republican rule the most extraordinary era of development ever known by any nation in any period of time.

Our population has increased to 80,000,000, not counting the people of Porto Rico and the Philippines; and these 80,000,000 the freest, the best educated, the most progressive, the most prosperous, and the most wealthy in all the world.

Our railroads, telegraphs, and telephones cover the whole land from ocean to ocean with a marvelous network of rails and wires, so that it is possible to travel to any point, with comfort and often with pleasure, at the average rate of 20 miles an hour; and if you wish to send a message to a friend 100 or 1,000 miles away, you can send it and get an answer sooner than you can write a letter and get an answer from a neighbor 1 mile away; and in many cases you can talk with your friend by telephone, miles away, as though he stood by your side.

REPUBLICAN PROSPERITY.

We have speedy and frequent postal facilities whereby we can send letters thousands of miles for 2 cents, can get a paper every day containing not only the news of our neighborhood but the great news of yesterday over the whole world; and through the rural free-delivery now being extended into the farming districts, inside of five years more almost every farmer will have his mail delivered at his door every day.

Schools and school facilities are better and nearer than ever before known in the history of the world. Academies, colleges, and universities are in reach of all, and at rates far less than ever before. Great newspapers gather the news in every nation and lay it before us every morning, so that we are kept in touch with all mankind and know what is going on in all lands. There are to-day at least a dozen newspapers any one of which publishes more pages of printed matter in a week than all the newspapers of the United States combined printed fifty years ago. Books of all sorts are published so cheaply as to be in reach of all, and the amount of literature—political, religious, and educational—circulated gratuitously is so great as to reach every family. The means of education and the sources of information have never before been so numerous and so near at hand as now.

The wealth of the nation is stupendous beyond all precedent. The amount of capital invested for the accommodation of the public looms up into the thousands of millions. The many great cities, filled with mighty and imposing structures, are marvelous to behold. The public utilities, gas and electric lights, street cars, telephones, water in every house, streets paved, public parks, all combine to make our cities marvels of comfort, convenience, economy, and pleasure, not dreamed of even fifty years ago. The immense steamships, like floating palaces, crossing the oceans at a speed of over 20 miles an hour, and telegraph cables thousands of miles long running under the sea and binding continent to continent, tend to annihilate the mighty wastes of water and bring all nations face to face. And in all of these stupendous advances the United States, under the government of the Republican party, has taken and kept the lead, easily first among the foremost, admittedly mightiest among the mighty.

DEMOCRATIC CONTRARINESS.

For the last forty years, while all of these wonderful improvements were being made, while under the guidance of the Republican party, our nation has become the leader and wonder of the world, while liberty has been secured to all, even the humblest, while blessings have been multiplying on every hand, while education has been made the rule and not the exception in every neighborhood, while law and order have guarded every home as the cherubim guarded the Eden of old, while such was our progress and such our growth and such our good fortune, the Democratic party has gone along with us finding fault with all that we have done, predicting evil results from all of our actions, praying for the old times of slavery and ox carts, grieving when the sun shone, the rains fell, and the crops flourished, lamenting when the buds of beneficence burst forth into blossoms of joy and bore fruits of blessedness—yes, this Democratic party, happy only when calamity threatened, smiling only when pestilence struck our cities, contented only when drought or floods destroyed our crops, glad only when foreign complications portended national trouble, rejoicing only when labor strikes stopped the wheels of commerce and closed the doors of the factory, this Democratic party, like a foul and black bird of evil, has flapped over our heads as the grand procession of prosperity moved along, croaking its lamentations and trying to tear our flag with its beak or befoul its folds with its slime.

And yet this Democratic party, notwithstanding its crimes, notwithstanding its incapacities, notwithstanding the incoherences and absurdities of its platforms, notwithstanding the nonfulfillment of its promises and prophecies, this Democratic party is again asking the votes of patriotic, liberty-loving, and self-respecting American voters.

We tried the Democratic party in 1892, and what was the result? Hard times, bankruptcy, poverty, starvation; the cities full of paupers looking for soup houses to eat in, and the country full of tramps looking for places to die in. Three millions of laborers out of work, the Administration compelled to borrow hundreds of millions of dollars to prevent the Government from going into bankruptcy; and distress, despondency, and destitution written on almost every face in almost every household in the whole land.

BRYAN ON CLEVELAND.

Do you want any more of this Democracy? God forbid. When Grover Cleveland was last nominated and elected the Democrats swore by Thomas Jefferson and all their other gods that he was the best man in the world and would do the right thing all the time. Now, what sort of a President did Cleveland make? I will call William Jennings Bryan as a witness. On this very day Bryan has given to the world the following statement about Cleveland and his Administration:

He (Cleveland) secured his nomination in 1892 by a secret bargain with the financiers; his committee collected from the corporations and spent the largest campaign fund the party ever had; he filled his Cabinet with corporation agents and placed railroad attorneys on the United States bench to look after the interests of their former clients. He turned the Treasury over to a Wall street syndicate, and the financial member of his official family went from Washington to become the private attorney of the man who forced (?) the Treasury Department to sell him Government bonds at 105 and then resold them at 117. He tried to prevent the adoption of the income-tax provision, he refused to sign the only tariff-reform measure passed since the war, and while thundering against the trusts in his message, did even less than Knox has done to interfere with their high-handed methods.

Such is the picture Bryan, the present apostle of Democracy,

draws of Cleveland, the last preceding apostle of Democracy; and Mr. Cleveland draws a picture of Bryan almost as black. Behold how these brethren love one another!

The Democratic party, Mr. Chairman, seems to have no faith in the future greatness of our country. On the contrary, the Republican party has an unwavering faith in our country. We believe it has a great destiny. Some still, small voice seems to tell us that we are destined to give laws to all the world, not necessarily by the power of the sword and the bullet, but by the force of our good example, by the blessedness of our institutions, by the superiority of our civilization, and by our devotion to the rights of men. We believe we have duties to perform, and that wherever any people by choice, by conquest, or by purchase, comes within the circle of our influence it is our duty to confer upon them as much of our civilization and as many of our institutions as they are capable of utilizing.

DEMOCRACY THE INCARNATION OF ANTAGONISM.

And now, you Democrats, after denouncing McKinley and the Republican party for ruling the Philippines with military law, and after protesting that civil law and self-rule should be given the people of those islands—after filling the debates here and the newspapers and the whole land with your outcries against the Army and government by the Army, strange to say, here is the Democratic party in this House fighting, step by step, every section of the pending bill, which is designed to give the Philippines the very sort of government this same Democratic party has been so long and so vociferously demanding should be given them.

The fact is, Mr. Chairman, the Democratic party has done so much opposing it has acquired a habit and heredity of opposition. It is the very incarnation of antagonism. This spirit has existed all along the ages. It encouraged Eve to eat the forbidden fruit. It prompted Cain to kill Abel. It scoffed at the warnings of Noah. It rebelled against Moses in the wilderness. It opposed the crossing of the Jordan by Joshua. It criticised King David and encouraged Absalom to fight his own father. It preferred Barabbas to Jesus. It tried to prevent Columbus discovering America. It stirred up strife against Washington. It belittled Abraham Lincoln. It villified Grant. It abused McKinley. What then can we expect, Mr. Chairman, of the Democratic party except opposition, antagonism, criticism, abuse, villification, misrepresentation, and slander?

Mr. Chairman, in discussing the questions relating to the Philippine Islands we should rise above the low plane of partisan politics and endeavor to think, speak, and act like statesmen. We should deal with these islands and their inhabitants not as though we were mere Democrats or Republicans, but as Americans, as patriots, as men who remember our country's past and who have faith in our country's future.

PREVIOUS TERRITORIAL ACQUISITIONS.

In dealing with the Philippine Islands we are not treading a trackless wilderness or sailing an uncharted sea. We have abundant precedents. In our brief existence as a nation—for one hundred and twenty-seven years is but a brief existence for a nation—we have made many territorial acquisitions; and I maintain that we have never made any that was more honorable, more regular, or more legal than the acquisition of the Philippine Islands. While the Louisiana purchase is ordinarily considered our first acquisition, and is our first acquisition as a nation, it is not our first acquisition as a people. The people of the United States, you may say, began to exist as a people in 1754, in the month of June, when the Congress of the American colonies met at Albany in that year, wherein it was agreed that we would make common cause and fight as one people, for the country between the Allegheny Mountains and the Mississippi River, then held by the French and Indians. That struggle we kept up for the period of ten years, first and last, and we were victorious. George Washington commanded the first expedition that ever was started by the American people in their career of expansion.

When England acknowledged our independence as a nation she, at the same time, recognized our title to this region that between 1753 and 1763 we conquered from France, then called New France, constituting the whole of that magnificent domain between the Allegheny Mountains and the Mississippi River. This territory thus conceded to us was no part of the original thirteen States. The territory between Pennsylvania and the Mississippi River was no part of Pennsylvania. The country between Virginia and the Mississippi and between North Carolina and the Mississippi and between Georgia and the Mississippi was no part of the thirteen original colonies, though some of it was claimed by them.

THE LOUISIANA PURCHASE.

It was a territory that belonged to all; it was a part of the national domain, separate and distinct from the thirteen colonies themselves, and was acquired by them all in a joint war, first with France and last with England. When the territory, out of which has since been carved the States of Ohio, Indiana, Illinois, Michigan, Wisconsin, Kentucky, Tennessee, Alabama, and Mississippi, was ceded to us by England she had no valid title to it, was not in possession of any considerable part of it. It was occupied by Indians. So that the title we acquired depended entirely upon treaty, treaty with a nation that had no considerable possession, treaty with a nation whose only title was derived from France, another nation that had no considerable possession.

Our second acquisition was the Oregon country. Our third acquisition was the Louisiana territory, comprising the whole of that vast region between the Mississippi River and the Rocky Mountains, out of which we have carved the States of Iowa, Minnesota, North Dakota, South Dakota, Montana, Wyoming, Nebraska, Kansas, a portion of Colorado, Missouri, Arkansas, and Louisiana, and the Territory of Oklahoma and the Indian Territory. What sort of title did we acquire to the Louisiana Territory? We acquired all the title that France had. But what sort of a title did France have? She had no title except at the mouth of the Mississippi. She did not have possession of 1 square mile out of 10,000. It was occupied by Indians. The great proportion of the territory no Frenchman had ever seen. A very large proportion of it they had never heard of, and it became necessary for President Jefferson to send an expedition under Lewis and Clarke to find out where in the world that Louisiana country ended, anyhow.

So all the title we got to that vast region between the Mississippi River and the Rocky Mountains was the French title, a title based upon nothing in the world except that some Frenchmen had sailed down the Mississippi River and had builded a sort of city at New Orleans.

There is another thing about the French title. France had no title in equity to the Louisiana country. She had recently acquired it from Spain by a secret treaty which required her to transfer it back to Spain when a convenient opportunity arose, and Spain never consented to the sale to us. So all we got was the naked legal title of France to the Louisiana country, and we paid $15,000,000 for it, for better or for worse. When the question of limits came up nobody knew where the boundaries were, and Napoleon himself remarked that it would be well enough to leave the limits indefinite, his secret purpose being to involve the United States in a quarrel with England over the question of boundary.

FLORIDA, TEXAS, AND CALIFORNIA.

The fourth territory we acquired was the territory of Florida. Spain had some sort of title to a portion of that, a very small section up in the north. Jackson had gone down there in 1817 and practically conquered the country; but we gave it up, and to settle the trouble we agreed to pay Spain $5,000,000 for the territory. That was a title based upon purchase exclusively, only a part of the country being in possession of Spain, nineteen-twentieths of it being owned by Indians. It took a war of seventeen years, which cost us more than $100,000,000 and between 5,000 and 10,000 American lives, to drive out these Indians—the Seminoles, Creeks, and Cherokees and escaped negroes. And when we did drive them out and conquer them it was the result of several monstrous acts of treachery on our part, compared with which the capture of Aguinaldo was a marvel of honor and chivalry. Our fifth acquisition was Texas, which came voluntarily into our Union, being already peopled and governed by men born and raised in the United States.

Our sixth acquisition was California and New Mexico. We conquered that country first. Then our title was recognized by treaty, and then we paid $15,000,000 besides. This was a sort of threefold title, the best title down to that time we had ever obtained to any of our acquisitions—a title based, first, on conquest; second, on treaty, and, third, on purchase.

Our seventh acquisition was the Gadsden purchase, sometimes called Arizona. That was based exclusively on purchase. The eighth acquisition was Alaska, based exclusively upon purchase. The ninth was the Hawaiian Islands; and Porto Rico and the Philippine Islands are the tenth.

Now, Mr. Chairman, what sort of title have we to the Philippine Islands? We have exactly the same sort of title to the Philippine Islands that we have to New Mexico and California—first, conquest; second, treaty, and third, purchase. It is said that we did not go into the war with Spain for the purpose of acquiring the Philippine Islands. That is true, Mr. Chairman. When the lightning breaks forth you can not tell which way the bolt will fly. So when war breaks forth you can not tell what the result will be.

In 1846 a Democratic Administration went to war with Mexico to defend the soil of Texas, then American territory; but in a short time we find General Taylor invading Mexico and fighting at Monterey and Buena Vista. Then we find General Scott bombarding Vera Cruz, a thousand miles from Texas, and battling his way for 300 miles over many obstacles to the capital of the Montezumas; and this, mark you, in a war ostensibly to defend

the soil of Texas, a thousand miles from the City of Mexico. Then there was a third American army that invaded California, on the other side of the continent; and when the war ended we took from Mexico all that great region now covered by California, Nevada, Utah, New Mexico, and Arizona. And yet, mind you, the Democrats just went to war to protect the soil of Texas, and went without any authority from Congress. General Taylor was ordered by President Polk to cross the Rio Grande and invade the soil of Mexico while Congress was not in session.

THE DEMOCRACY AND THE CONSTITUTION.

And yet, to hear some gentlemen on the other side of this House talk here upon the floor you would think that when the Democratic party was in power, before it or any of its leaders took any step, they got down on their knees and said their prayers to the Constitution of the United States. And when the Democratic Administration conquered and annexed and paid for all this great region, did they consult the inhabitants? Did they get their consent to be bought and governed? What, then, became of their present objections to a people "alien in race, language, and religion?" What, then, did they say when charged with "imperialism?" The people we found in New Mexico and California when Kearney and Doniphan went there, when Fremont raised our flag over the city of Monterey and wiped out the forces of Generals Castro and Pico in 1846, were just as "diverse from us in race, language, and religion" as are the inhabitants of the Philippine Islands to-day.

But, Mr. Chairman, that was under a Democratic Administration, and whatever is done under a Democratic Administration you know is right. It reminds me of a story of a little girl who was maintaining that a certain thing was so, and her little playmate said it was not so. The first little girl said: "It is so, for my mother says it is so, and what my mother says is so, is so, even if it ain't so." And so whatever these Democrats do is all right and strictly in accordance with the Constitution, whether constitutional or not. The fact that Democrats do it makes it constitutional. They always follow the path of constitutional precedent and never vary the millionth part of a hair's breadth from the Constitution as construed by Thomas Jefferson, a man that a great many Democrats believe made the Constitution, when he had nothing in the world to do with it, and was not even on this side of the Atlantic when it was made. By the way, Thomas Jefferson was the first man in all our history that ever violated the Constitution, according to his construction, and violated it knowingly, designedly, and avowedly. That was when he signed the treaty whereby we acquired the Territory of Louisiana. Jefferson, you know, maintained that Congress and the President could not do anything unless there was plain authority for it written on the face of the Constitution, and there was no such authority to purchase territory from another nation.

THOMAS JEFFERSON THE FIRST IMPERIALIST.

I have heard it said that when he signed the treaty with France whereby we acquired Louisiana, Jefferson turned around to those who were about him and asked, "Did you hear anything crack?" [Laughter.] "No," they answered, astonished at the remark, and asked, "What was it?" Jefferson replied, "The Constitution of the United States." Yes, the Constitution, according to his construction of it, like the veil of the Temple, was rent in twain when he signed that treaty; and he called upon Congress to amend the Constitution and ratify what he had done and forgive him for this sin upon the pledge that he would do it no more. [Laughter.]

This mighty act of imperialism was done by Thomas Jefferson, the father of the Democratic party. But I think it very likely if he were here to-day and heard these Democratic speeches against "imperialism," he would not recognize his own progeny, and if he did he would disown them. Some of these Democrats say that we bought these Filipinos at $2 a head when we paid $20,000,000 to Spain. Well, if we did, did not you Democrats in 1848——

Mr. BARTLETT. Will the gentleman permit me to ask him a question?

Mr. GIBSON. Yes, if it is pertinent.

Mr. BARTLETT. Yes, it is pertinent to the point that you are speaking of. The first person to whom I ever heard that attributed was ex-Speaker Thomas B. Reed. He was the first man that said we bought them at $2 apiece.

Mr. GIBSON. Oh, yes, you Democrats always claim that Republicans say this or do that, and then you go around repeating what you say they have said or have done. I do not know what you would do in a campaign if it was not for what you claim Republicans have said or have done. I understand you delight to circulate some of our speeches in your campaigns.

Mr. GAINES of Tennessee. The hardest task is to circulate some of the gentleman's from Knoxville.

PEOPLE PURCHASED BY DEMOCRATIC PRESIDENTS.

Mr. GIBSON. Some of you Democrats say that we paid Spain $2 apiece for the Filipinos when we paid the twenty millions to Spain. Well, if we did it, gentlemen, did not you Democrats in 1848 pay $50 a head for the 300,000 Greasers you bought in New Mexico and California when you paid fifteen millions to the Mexican Government? I say as between the Greaser and the Filipino I believe I would prefer the Filipino; and yet you paid twenty-five times more a head for them than we did for the Filipinos; and what is a little singular about that, these Greasers are nearly all Democrats. I suppose they think they ought to belong to the Democratic party, inasmuch as the Democratic party bought them! Yes; the Democrats bought the Greasers and paid the price, and, stamping the insignia of American citizenship upon their brows, said they were all right; and of course as Democrats did it, they were all right. You want to admit them into the Union as one of the States, and yet you are complaining at us for acquiring the people of the Philippine Islands.

And when the Democratic President, Andrew Johnson, bought Alaska for seven and a fifth millions——

Mr. BARTLETT. Do you charge Andrew Johnson to us?

Mr. GIBSON. Of course I charge him to you. He never was anything else but a Democrat. Never was. You do not believe that because a Democrat became a Union man he ceased to be a Democrat?

Mr. BARTLETT. Oh, no.

Mr. GIBSON. All that Andrew Johnson was in contradistinction with the other Democrats of the South was that he stood by his country and stood by the Union; and the Republicans, out of gratitude for his manhood and his patriotism and his boldness and his integrity joined him with Abraham Lincoln upon their Presidential ticket. But that did not make a Republican of him. He never claimed to be a Republican and the Republicans never claimed him to be such. Your speakers in campaigns for the last thirty years have gone all over my district and all over Tennessee making the claim that every square inch of the territory of the United States had been acquired under Democratic Administrations, claiming that Alaska had been acquired by a Democratic Administration; and you are the first intelligent Democrat I have ever heard contend that Johnson was not a Democrat, or that Alaska was not acquired under a Democratic President. And Johnson paid $150 a head for the Alaskans, and no questions asked.

DEMOCRATS GOT NO CONSENT FROM THE GOVERNED.

When you in 1803, under your first President, Thomas Jefferson, bought Louisiana and paid $15,000,000 for it, did you Democrats then ask the consent of the people? Did you ask the consent of the Greasers of New Mexico and California when you bought them? Did you ask the consent of the people of the Territory of Louisiana? Did you ask the consent of the Sioux and the Sacs and Foxes, the Winnebagoes, the Kiowas, the Comanches, and all those other Indians living west of the Mississippi? And let me say of them, they were just as good men as are the Filipinos, just as good, just as brave, just as noble, just as fond of liberty, just as devoted to their country, and having as much right to the soil as these people of the Philippine Islands. And yet Thomas Jefferson, the founder and apostle of the Democratic party, never asked a man of the million he bought whether he was willing to be bought and to be governed by the United States; but just dumped the whole lot into his game bag as though they had no rights he was bound to respect. And yet they were "aliens in race, language, and religion." Was there no "imperialism" in all this?

Yes; Thomas Jefferson, the author of the Declaration of Independence, the father of the Democratic party, the be-all and end-all of all that is good and noble, grand, patriotic, and wise, according to the Democratic creed, never thought of such a thing as asking the consent of the people of that great territory between the Mississippi River and the Rocky Mountains when he bought them from the French at $15 a head. I would like to have seen some Democrat of that day go to Thomas Jefferson and say to him: "Mr. Jefferson, what about the consent of the governed?" Jefferson would not have answered. But he would have given him a look which would have signified that that was an occasion when silence was golden and speech was silver, and worth only about 30 cents. [Laughter.]

And suppose somebody had then gone to Mr. Jefferson and asked him about "imperialism." And what sort of a government did Thomas Jefferson give to the people of Louisiana? He sent a military governor there and an army, and notified them to come to time, and he gave that military governor supreme authority. Mr. Chairman, the first governor of my State of Tennessee, when it was the territory south of the Ohio River, was William Blount, appointed by George Washington, and he made the first laws of the territories south of the Ohio River—made

them solitary and alone. In the law books of Tennessee they appear as ordinances of William Blount.

And the government set up by Thomas Jefferson to the Northwest Territory was practically a military government. But when the people were allowed to be represented, it was only in one branch; the other branch was composed of men appointed by the President of the United States, exactly as the bill now pending provides for the government of the Philippine Islands, except that the government proposed by the committee bill is more liberal than the government for the Northwest Territory devised by Thomas Jefferson.

DEMOCRATIC MILITARY GOVERNMENT.

Mr. GAINES of Tennessee. Will the gentleman allow me an interruption?

Mr. GIBSON. Yes; but only for a short time.

Mr. GAINES of Tennessee. Does not the distinguished lawyer know that the ordinances that controlled that Territory provided for jury trials and the Philippine Island bill does not provide for it, and you do not propose to give it to them?

Mr. GIBSON. Does the gentleman maintain that a Filipino is the equal of an American citizen?

Mr. GAINES of Tennessee. I maintain that the Americans in the Philippine Islands are entitled to jury trial, and if the Filipinos are under American government they ought to have it, too.

Mr. GIBSON. I will have to have the gentleman from Tennessee [Mr. GAINES] gagged. [Laughter.]

Yes: when Thomas Jefferson bought Louisiana, there were prophets of evil, just as there are now, who declared that the purchase was a crime against our country; that nothing but calamity would be the result; that the Mississippi was the irrevocable western boundary of our country, and that when it was crossed the Union was dissolved.

But now look across the Mississippi. Behold the great States of Louisiana, Arkansas, Missouri, Iowa, Minnesota, Nebraska, Kansas, North Dakota, South Dakota, Wyoming, and Montana, all carved out of the Louisiana purchase, and yet not quite one hundred years gone by since we bought that imperial domain.

Who now sneers at Jefferson for paying $15 a head for a million savages in a savage land, the nearest part of which was then a month's journey from the Potomac?

And when James K. Polk conquered and then bought California and New Mexico, what a furious storm of opposition broke forth in our politics—just such a storm as rages now. It was charged that we had robbed Mexico without provocation or a shadow of justification. The region was declared to be a trackless waste of sand unfit for human habitation, and that the people who lived there were so low in the scale of humanity as to be unworthy of the name of men. And yet, "aliens in race and religion" as they were, and too ignoble to be called men, Polk's Administration paid $50 a head for them, and made Americans of them besides.

But now look at New Mexico, Arizona, Nevada, Utah, and California, and tell me what American now regrets that James K. Polk acquired that country? Who now sneers at him for paying $50 a head for the Greasers and Indians living there? Who complains that he bought them without their consent? Who denounces him for introducting into our citizenship "a people alien in race and religion?" Who remembers that Polk was charged with "imperialism?"

THE PURCHASE OF ALASKA.

Even Alaska, that Territory that used to be the butt of our ridicule, that supposed region of eternal snow, unhabitable and inaccessible, that domain where the Frost King was supposed to exercise universal and invincible sway, what now about Alaska? Presto, change! It has been transfigured. It is an El Dorado. Thousands and tens of thousands of Americans are flocking thither. The streams are found to be sanded with gold, the mountains stored with coal, the ridges and hills are covered with timber, and millions of acres of land responsive to cultivation.

And where now is the patriotic American who now thinks that Andrew Johnson and William H. Seward made a mistake in acquiring Alaska? What has become of the gibers, the lampooners, and the calumniators? What has become of the men who denounced Johnson and Seward for paying $150 a head for a bargain counter lot of human rubbish? What is now being said about governing them without their consent? The giber gibes no more. The lampooner has gone way back and sat down. The calumniator denies that he ever said it. [Laughter.]

One of the ludicrous features of the present situation is that most of the men who now oppose the acquisition of the Philippines are either the descendants of the very men who favored the acquisition of Louisiana, Texas, and California or are the inhabitants of the regions acquired; and the men who are now charging "imperialism" upon the Republicans are the descendants of the men who in 1803 and 1848 were themselves charged with being imperialists! Such are some of the ironies of fate.

Twenty-five years from now, when the Philippines will be happy, prosperous, and mighty, rejoicing in their American civilization, and glorying in their devotion to the American flag, the philosophic historian, looking over the debates of this and the last Congress, will have no trouble in finding out that the opposition to the retention of the Philippines is nothing but politics; and he will say that if the Democrats had been in power when the Philippines were acquired they would have boasted of the acquisition, and would have declared that the purchase of the Philippines was a worthy companion piece to the purchase of Louisiana.

And no doubt, if the Democratic party should then be surviving, they will point with pride to the fact that they favored the war and their candidate for the Presidency, William Jennings Bryan, caused to be ratified the treaty whereby the Philippines were acquired.

Oh, but we are told the Philippines are different from Louisiana, California, and Alaska. Yes, and in 1803 we were told that the Louisiana country was different from the Atlantic States, and in 1848 we were told that New Mexico and California were different from Louisiana, and in 1867 we were told that Alaska was different from California.

THE PHILIPPINE ISLANDS NEVER TO BE SURRENDERED.

Mr. Chairman, it takes all sorts of people to make a world, and it takes all sorts of lands to make a great country. In our country we have Europeans, Africans, Asiatics, and islanders of all the oceans. We need the products of all peoples and of all lands, and when Providence drops into our lap such a grand country as these Philippine Islands I will not be one of those who spurn the gift. There was a day when we could have run Oregon up to Alaska, and this same Democratic party swore by all their gods in 1846 that they would have it or fight, but they backed down; and England got the country between Oregon and Alaska, and we have been grieving about it ever since. It may yet cost us a bloody and expensive war to reclaim what was once in our hands.

So, if we should give up the Philippines, other nations would at once step in and take them. The moment it became known that we proposed to abandon the Philippines, that very moment the fleets of England, France, Germany, and Japan would set sail for those islands to seize them and hold them forever. And the day our flag was hauled down in the Philippine Islands would be the day when history would mark the beginning of the downfall of the United States.

But, Mr. Chairman, that day will never come. Never, by the heroic spirits of Jefferson, Jackson, Polk, Johnson, and McKinley, through whose inspiration and statesmanship our country has expanded to her present gigantic dimensions. We went to Louisiana in 1803 to stay, and there we are to-day. We raised our flag in Florida in 1819, and there it floats to-day. We annexed Texas in 1847, and it is annexed to-day. We acquired New Mexico and California in 1848, and they are ours to-day. We purchased Alaska in 1867, and we hold it to-day. Yes, we hold them all to-day, and we propose to hold them all and hold them forever. And so we propose to hold the Philippines, and hold them forever.

We are not a people who take steps backward. "Forward!" has been our battle cry from the time the Pilgrim Fathers set sail for America down to the present day. We have sailed forward across the Atlantic; we have marched forward to the Alleghenies, thence to the Mississippi River, thence to the Rocky Mountains, thence to the Pacific Ocean, thence to the Philippines, and as we have marched forward we have planted our flag, we have opened our Bible, we have built our schoolhouses, we have established our civilization, and disseminated the blessings of free institutions and progressive ideas.

THE TRUMPET OF DESTINY.

"Forward!" it is and "Forward!" must it ever be. We are not a crawfish race, nor were our fathers before us, nor will our children be after us; and that is a false and spurious type of Americanism that seeks to build Ne Plus Ultras and discovers Ultima Thules. Our race has not degenerated into a brood of cowards that imagine monsters in their pathway and fear to go forward and farther. We fear no Zamzummim or Anakim and are not to be terrified by rumors of giants in our pathway. We ourselves are the giants that others fear, and than us there are no greater anywhere.

In 1607, standing on the shores of Europe, Destiny blew her trumpet and pointed toward the west, and hundreds of thousands of the choicest people of Europe, feeling the impulse of fate, crossed the Atlantic Ocean and settled on the shores of North America. In 1753, standing on the Allegheny Mountains and still pointing toward the west, Destiny again sounded her trumpet, and the descendants of the men who crossed the Atlantic, headed by George Washington, crossed the Allegheny Mountains and drove the French out of the country east of the Mississippi River. In 1775, unfurling at Philadelphia the Stars and Stripes, Destiny again blew her bugle, and a new and mighty nation, shouting

the battle cry of freedom, uprose on the North American continent, the sons of those who had crossed the mountains and conquered the French, and the grandsons of those who had crossed the ocean and conquered the Indians. In 1803, Destiny again sounded her trumpet, and Thomas Jefferson, the first imperialist, ordered the Stars and Stripes to cross the Mississippi, and extended our sovereignty from the Mississippi River to the Rocky Mountains.

In 1845, the trumpet of Destiny again stirred the spirit of our country, and under the orders of James K. Polk, the second great imperialist, instigated by Andrew Jackson, another great imperialist, American soldiers entered the State of Texas, crossed the Rio Grande, and marched thence to the Pacific Ocean, and there our flag and sovereignty rested until 1898, when above the roar of battle and the thunder of conflict the thrilling tones of Destiny's bugle sounded in our ears, and William McKinley, out last great imperialist, sent our flag across the Pacific Ocean and had it planted on the other side of the world, and made the Philippine Islands a part of our mighty Republic.

Where Jefferson planted our flag in 1803, on the western side of the Mississippi, there it still floats, supreme, in spite of the prophecies of evil and the threats of opposition that saluted its unfurling. Where Polk planted our flag in 1846, on the shores of the Pacific, there it is still triumphant and unquestioned, notwithstanding the fiery invectives of the malcontents and the forecasts of fatalities to result.

OUR FLAG NOT TO BE HAULED DOWN.

Where McKinley planted our flag in 1898 in the Philippine Islands there it floats to-day, victorious and invincible, and the prophecies of calamity and the maledictions of the malcontents of the present day will be as unavailing as were such prophecies and maledictions in the days of Jefferson, Jackson, and Polk. There will be no retreat from the Philippines, Mr. Chairman. You may as well talk of retreating from the Mississippi River and the Rocky Mountains. You may as well talk of retreating from the Rio Grande and the Pacific Ocean. We are in the Philippine Islands to stay, and to stay forever. [Applause.]

But we are told that it is costing money to keep our flag afloat in the Philippine Islands. Yes; but did we not pay out many millions to keep our flag afloat in Florida as against the Seminoles and Creeks? And did we not pay out hundreds and hundreds of millions to keep our flag afloat in the Louisiana country? Indeed, Mr. Chairman, for every American killed in the Philippines it is safe to say that there have been more than a hundred killed west of the Mississippi River, and for every dollar spent in the Philippines to assert American supremacy more than a hundred have been spent in the Louisiana territory. And when we were battling with the Indians in Florida and the Louisiana country we were small in population and poor in purse compared with what we are to-day.

When we were waging our wars against the Indians many men with weak hearts were begging us to let the Indians hold the country. Some of us forget the awful battles we had with the Indians from the days of Washington to the present. They forget the defeat of Braddock, the defeat of St. Clair, the massacre at the river Raisin, the butchery at Fort Mimms, the destruction of Major Dade's command by the Seminoles, and the many awful massacres in the country west of the Mississippi.

Yes, thousands and tens of thousands of American men, women, and children have been killed first and last by the Indians while we were struggling to assert the titles we got from England, France, Spain, and Mexico, and hundreds of millions of money have been spent in keeping our flag afloat; but we never turned our backs upon any of the territory thus acquired, we never lowered our flag over a single square inch of it. The white-livered men who favored the policy of surrender are all dead, and are all forgotten. If they left any sons those sons have never been heard to boast of their cowardly fathers. And now, in this year, 1902, we have the grand satisfaction of knowing that great has been our success, and that a policy of surrender would have destroyed our country and blasted our future. A great destiny does not go hand in hand with cowardice and disloyalty.

THE DEMOCRACY OF JACKSON.

If Democratic editors and Democratic campaign orators want to find some lurid specimens of sulphurous invective, I commend to their attention the political assaults upon General Jackson for invading Florida in 1818, then Spanish territory, capturing the Spanish forts there, arbitrarily hanging Indian chiefs taken by artifice, seizing British subjects and summarily putting them to death, and in other ways showing that General Sherman's definition of war, while not found in the dictionaries, is often proved to be true. But Jackson was defended by the Democrats of those days, and the people of the United States afterwards elected him President. He was the first President elected as a Democrat.

What a difference between the Democracy of Andrew Jackson and the Democracy of William Jennings Bryan! The Jackson Democrats had backbone and patriotism and stood up for their country and the flag. The Bryan Democrats stand up for the enemies of their country and want its flag pulled down. Oh, for one hour of brave Old Hickory! How he would drive Bryan and his Populistic followers into their cyclone cellars! If Bryan and his fellow-Democrats, so called, had their choice between a visit from the devil and one from Andrew Jackson, they would prefer the devil every time. The difference between the Democrats of Bryan's day and the Democrats of Jackson's day is as wide as the distance between the rich man and Lazarus in the parable.

And a great hullabaloo has been raised over what these Democrats call "the atrocities" perpetrated by our soldiers in the Philippine Islands. Some red-handed murderers have been shot, it is said; some traitors have had water pumped down their throats to make them confess their crimes, we are told; some shanties made of poles have been burned, it is charged, and, worst of all, a cockpit was destroyed! And because of these alleged "atrocities," such an awful hullabaloo is raised that a foreigner listening to Democratic speeches would think that the whole American Army in the Philippine Islands were outlaws and villains, cutthroats and scoundrels of the blackest breed.

What an awful slander upon our constituents are these Democratic charges against our army in the Philippines! The men composing this army have gone out of our midst, the sons of our best citizens, well raised and well educated, brave, patriotic, enthusiastic and adventurous, the flower of our young manhood, the pride our country; and I boldly maintain that no army ever raised in any nation and at any time has ever had so large a proportion of honorable, well-educated, law-abiding, truth-loving, and crime-hating men as can be found in our Philippine army.

THE ATROCITIES OF WAR.

Speaking of these alleged "atrocities," none of which I admit, but which, if true, were no doubt justified by the circumstances, I call attention to the history of war among all nations. King Henry V, summoning the city of Harfleur to surrender, cried out:

> If I begin the battery once again,
> I will not leave the half-achieved Harfleur,
> Till in her ashes she lie buried.
> The gates of mercy shall be all shut up;
> And the flesh'd soldier, rough and hard of heart,
> In liberty of bloody hand shall range
> With conscience wide as hell, mowing like grass
> Your fresh fair virgins, and your flowering infants.

Mr. Chairman, if you peer into the details of warfare here in North America since its discovery by Columbus, you will find many atrocities by the English, and the French, and the Spanish, and even by the Americans. I remember when I was a boy reading about the Huguenots settling in South Carolina, French Protestants, and how an army of Spaniards found them and captured and hung every one of them, and put a placard over their heads, saying: "We do this not as unto Frenchmen, but as unto heretics."

And after a while another Huguenot expedition came along and found the bodies of their comrades suspended on gibbets. They captured the Spanish forces and hung every Spaniard and put this placard over their heads: "We do this not as unto Spaniards, but as unto traitors, robbers, and murderers."

Now, that is the way war was conducted in the early settlement of our country. Atrocity is one of the features incident to war—one of its most horrible and heartless incidents. These incidents Christianity has mitigated, but not abolished. Witness the retaliatory massacres of the Indians by the English. Witness the ravages by the British troops committed upon our people during the Revolutionary war. Witness the thousands of Americans done to death by the English in their prison ships at Brooklyn, a monument to whom we voted the other day. Witness the deeds of vengeance and retaliation perpetrated by royalists and patriots in North and South Carolina during the war of the Revolution. Witness the tens of thousands of Union soldiers starved to death in Confederate prison pens, and the deeds of atrocity and barbarity perpetrated by the Confederates in East Tennessee during the war of the rebellion.

ATROCITIES ON EAST TENNESSEANS.

East Tennessee was loyal to the Union; nine out of every ten men and women there were loyal to the flag. The Confederate Government sent their armies into that section to exterminate the Union people. They arrested hundreds and thousands of men merely because they were Unionists. They confined them in filthy and over-crowded dungeons and prison pens, fed them on poor and scanty food, so that many of them died of starvation and disease. The Confederates hunted the Union men in the forests and in the mountains, confiscated their cattle and horses, their crops and their provisions, burned down their houses, maltreated their families, hung many of the men and shot more, and filled that beautiful and loyal land with devastation, mourning, and death. Burning homes, new-made graves, weeping widows, and

wailing orphans marked the tracks of the Confederate soldiers all over East Tennessee in those dark and cruel and bloody days. Hon. N. G. Taylor, an ex-member of this House and the father of Robert L. and Alfred A. Taylor, ex-members of this House, estimated that from "2,500 to 3,000 noncombatants were massacred in East Tennessee for their Union sentiments."

Do you ask me why I call up these cases of horror. I call them up to show you Democrats, who are abusing our soldiers for a few alleged cruelties in the Philippine Islands, that cruelty is one of the incidents of war; and that we ourselves, in our war among ourselves, Christians and Americans as we are, committed and had committed against us far greater atrocities than any you Democrats charge upon our soldiers in the Philippine Islands, and that these alleged Philippine atrocities are far less than those the fathers of some of you Democrats perpetrated upon the loyal men and women of East Tennessee during the war of the rebellion, with this difference against you: The cruelties alleged in the Philippines were committed against people of a different race and different institutions and different religion, whereas the atrocities perpetrated by your fathers upon the people of East Tennessee were perpetrated upon men and women and children of their own race, of their own religion, and of their own institutions, and what is more, oftentimes upon their own kinsfolk, and for no cause except that the men thus imprisoned, maltreated, and murdered were true to their country and faithful to its flag.

For every outrage and atrocity charged upon our soldiers in the Philippine Islands a score of worse ones can be produced perpetrated by the Confederate soldiers, their aiders and abettors, upon the Union men and women of East Tennessee during the rebellion.

Oh, Mr. Chairman, cruelty and atrocity are concomitants of war, and, ordinarily, a patriotic man will draw the veil over them as Shem and Japhet covered the nakedness of their father. I do not admire that brand of patriotism that takes pleasure in holding up the alleged cruelties of our soldiers in the Philippines, and has no pleasure in telling of their deeds of valor, endurance, and devotion.

HISTORIES OF THESE ATROCITIES.

Mr. GAINES of Tennessee rose.

The CHAIRMAN. Does the gentleman from Tennessee [Mr. GIBSON] yield for a question?

Mr. GIBSON. Briefly; yes.

Mr. GAINES of Tennessee. My colleague will pardon me for interrupting him; I dislike very much to do so; but I must say I have never heard of those "atrocities" to which he refers. In justice to the people of Tennessee, who have honored both of us, will he please give names and dates and tell us about the tortures and outrages of those people of our State who have honored us and our predecessors——

Mr. GIBSON. I do not yield for a speech, but for a question. You will find the particulars in the Sketches of Secession, by Parson William G. Brownlow; you will find them in the Loyal Mountaineers of Tennessee, by Rev. Dr. Thomas W. Humes; you will find them in East Tennessee and the Civil War, by ex-Chancellor O. P. Temple, all three of which books you can get from the Congressional Library, and I hope you will get them and read them. The stories they tell are as terrible as the awful tragedies in Fox's Book of Martyrs. It is one stream of blood, barbarity, burning, and brigandage from one end of those three volumes to the other. It is estimated that no less than 2,500 loyal men of East Tennessee were butchered by the cohorts of the Confederacy, sent there——

Mr. GAINES of Tennessee. How were they butchered?

Mr. GIBSON. Sent there under such men as Wood, Leadbetter, and Ashby.

Mr. GAINES of Tennessee. How were they butchered?

Mr. GIBSON. By being shot down on their farms and on the roadside; butchered by being shot or hung in the mountains, or hung up along the railroads so that the people traveling on the cars might see their hanging bodies and beware of the fate of a Union man; butchered by being starved to death in prison pens.

Mr. GAINES of Tennessee. What time of the war was that?

Mr. GIBSON. I commend to my colleague from Middle Tennessee that he read Parson Brownlow's book; I commend to him the reading of the Loyal Mountaineers of Tennessee, by Dr. Humes——

Mr. GAINES of Tennessee. From what I know of that book there is nobody except the angels in hell that would enjoy reading it very much, or even be guilty of quoting it.

Mr. GIBSON. I would also enjoin upon him the reading of East Tennessee and the Civil War, by ex-Chancellor O. P. Temple. There he will find what sort of treatment was meted out in those days to the loyal men and women of East Tennessee.

Now, Mr. Chairman, I do not bring these things up for the purpose of recalling the terrible scenes of those awful days, but to show how atrocities are the incidents of our own wars, and how ill it becomes the sons and the grandsons of the men who perpetrated these outrages from 1861 to 1865 now to be here in this House bewailing the burning of a shanty or a chicken coop by our soldiers in the Philippine Islands. [Laughter on the Republican side.]

DEMOCRATIC ATTACKS ON OUR SOLDIERS.

Have any soldiers of the United States been waylaid and captured and put to death with the awfulest tortures? Yes; but these Democrats say nothing about them. They overlook every perfidity, every atrocity, every barbarity, every savagery, every murder, and every massacre perpetrated by the Filipinos; but if any American soldier is guilty of some inhumanity, no matter what the provocation or excuse, these Democrats at once denounce that soldier as a scoundrel and a villain, a vicious cutthroat and shameless ruffian, unworthy of the uniform he wears, and hold him up to the scorn and contempt of the world, and call down upon him the maledictions of mankind.

These Democratic Congressmen talk against our soldiers as though these soldiers were foreigners, fighting under a foreign flag, and fighting our friends. These Democrats seem to forget that these soldiers are our soldiers, are American soldiers, are our own fellow-citizens, and our own constituents, fighting under our own flag and fighting our enemies. It will not do, Mr. Chairman, to call our soldiers brutes, ruffians, outlaws, and murderers. Such charges are as false as ever were invented by the malignant tongue of slander, and the men who make them dare not repeat them anywhere on the stump. The people of the United States love their soldiers, respect, admire, and honor them, and any political party that undertakes to abuse, slander, and vilify our soldiers will find on election day that they do not understand the temper of the American people.

I predict, Mr. Chairman, that the Democratic party will soon hear from the people, and will soon find out that their attacks on our soldiers will prove to be boomerangs; and I will not be surprised when the next campaign opens to hear Democratic orators praising our soldiers and swearing that they have always been the friends of our soldiers. But the record is made up. Their speeches are all in print, their editorials have all been published, and the Democratic party will be confronted with the damning evidences and proofs of their venomous, mendacious, and unpatriotic assaults upon our gallant and devoted soldiers while campaigning in the Philipipnes in defense of our sovereignty and in support of our cause. It is a hard task to uphold the flag and honor of our country in time of war.

A SOLDIER'S BURDENS.

The soldier has many trials, many troubles, many hardships, many discouragements, many crosses to bear. It strengthens his heart to know that his country is praying for him. It smooths his path to hear the voices of approbation coming from his home. It thrills his soul to learn that his people regard him as a hero and a patriot.

Imagine, Mr. Chairman, the feelings of the American soldier worn out by the march, suffering with thirst and hunger, and weakened by the wounds of battle, in the mountains of Luzon, 10,000 miles from his home, reading the speech of a Democratic Congressman abusing the United States Government for having an army in the Philippine Islands, denouncing the cause for which that army is fighting, belittling the officers in command of it, and charging or insinuating that the soldiers are ruffians, cutthroats, and murderers, and unworthy of the respect of mankind.

Mr. Chairman, I denounce these attacks upon our soldiers as uncharitable, unwarranted, indefensible, slanderous, unpardonable, unpatriotic, and treasonable; they discourage our soldiers and encourage our enemies; they prolong the war in the Philippines; they cost us millions of dollars and thousands of precious and patriotic lives, all for no purpose except to enable the Democratic party to make a hullabaloo over the Philippine Islands to deceive the people. Shame on such politics!

I charge, Mr. Chairman, that if the Democratic party had rallied around our flag in the Philippine Islands, as they should have done, the war there would have been ended years ago, millions of money spent in it would now be in our Treasury, hundreds of American soldiers, now in their graves, would be at home honored and useful citizens, and many a widow would be a happy wife and many an orphan child would be playing in the sight of a proud father. Oh, Democracy, Democracy, what crimes and treasons lie at your door!

If you love your country and its cause and its flag, if you love and honor our soldiers fighting for our country and our flag 10,000 miles away, on the farthest side of the world, come out and say so, and act and vote so. On this issue, he who dallies is a dastard, and he who doubts is damned. The American people will never

indorse any party that tries to bring disgrace upon our soldiers in time of war. That has been proved many times.

DEMOCRACY'S KIND OF CHARITY.

To hear some of these Southern Democrats denounce our Government and our Army for what they are pleased to brand as their tyrannies toward the Filipinos, to hear them declare that our flag stands for liberty and just treatment wherever it floats, and that under our Constitution every man is a free man and a brother and entitled to equal rights and privileges, and to hear them plead for self-government in the Philippine Islands, one would never suspect that these same Democratic Congressmen represent a constituency who practically deny to the black men in their midst almost every political right of citizenship, the right to vote, the right to hold office, and the right to have a voice in the making of the laws by which they are governed.

To hear these Southern Democrats plead for the yellow-skinned men of the Philippine Islands one would think that they would be even more quick to plead for the black-skinned men of America; for the yellow-skinned men live 10,000 miles away, while the black-skinned men live in their own neighborhood.

And yet these same "oppressed" Filipinos have far more actual rights, privileges, and liberties under Republican rule than have these negroes under Democratic rule.

This being so, Mr. Chairman, I sometimes wonder whether these Southern Democrats, who are such friends of the Filipinos, who live 10,000 miles away, and such enemies of the negroes, who live in their very midst—I sometimes wonder whether these Democrats are really sincere, and whether they ever realize the glaring absurdity and grotesque inconsistency of their words in favor of the Filipinos and their actions toward the negroes. As I have said here on a former occasion, the charity of these Southern Democrats is of a very peculiar and extraordinary variety. Ordinarily charity is said to begin at home, but the charity of these Democrats begins 10,000 miles away from home and comes to an end at home. So I am afraid their charity is as sounding brass or a tinkling cymbal—mere sound and fury, signifying nothing—vox, et præterea nihil!

SOLDIERING IN THE PHILIPPINES.

Mr. Chairman, the duties of a soldier in time of war call on him for constant displays of endurance, heroism, and devotion; but our soldiers in the Philippine Islands have had obstacles to overcome, trials to withstand, dangers to confront, privations to endure, diseases to suffer, and deaths to meet unlike those ever encountered by our soldiers before. They are serving in a tropical climate, in a country full of jungles and marshes and largely without roads; they are surrounded on every side by treacherous enemies of a different race, whose language is unknown and whose customs are strange. These enemies have massacred many of our soldiers; these enemies have proved traitors in so many cases but little confidence can be reposed in them; these enemies resort to multitudes of artifices and intrigues.

In such a country, among such a people, under such circumstances, Mr. Chairman, it is not strange if some extreme methods have been resorted to; it is only strange that more have not been employed.

Far be it from me to judge an American soldier thus situated by those nice rules of propriety that govern a modern debating society or a progressive Sunday school. No general of any army, of any nation, of any age of the world, ever carried on a war in accordance with the rules of propriety promulgated by the Sunday schools, and it is safe to say that while wars exist, while men are made as they now are, soldiers who expect to conquer a hostile army will often be forced to resort to measures that in times of peace would be unwarranted and unnecessary.

And the man who takes pleasure in abusing our Army because of some seeming cruelties committed under trying circumstances and prompted by the exigencies of the situation is not the man I would pick out for a patriot, and not a man I would risk with the welfare of my country in a day of trial and danger.

REPUBLICAN POLICY VINDICATED.

But, Mr. Chairman, everything will work out well in the Philippines, just as the purchase of Louisiana worked out well, just as the acquisition of Florida worked out well, just as the acquisition of California and New Mexico worked out well, and just as the acquisition of Alaska worked out well. Fifty years from now, when the Philippine Islands are blooming like the rose; when there are ten or fifteen millions of people there, quiet and happy and contented and prosperous under the American flag; when the men that are now deriding our actions and vilifying our Government and abusing our soldiers are in their graves, another and a more patriotic generation will arise in this country and will deny here in this House that their ancestors ever antagonized the acquisition of the Philippine Islands, just as you will not find anybody to-day who will admit that his father or grandfather opposed the acquisition of Louisiana, or of Florida, or of Texas, or of New Mexico, or of California, or even of Alaska.

The Republican party will carry everything on smoothly and rightfully and along constitutional lines, and will bring things out all right in the end; and in conclusion, I will say, Mr. Chairman, that the flag that McKinley planted in the Philippine Islands is planted there to stay, and it will stay with the consent of the people of those islands; it will stay with our consent; it will stay with the hearty approbation and the good wishes of mankind the wide world over. It will stay as the outpost of a higher and nobler civilization, as the emblem of a better and firmer liberty, as the beacon of a grander and purer Christianity, as a sign of deliverance to the islands of the sea, and as an evidence that the American nation has taken one farther and long step toward the dominion of the world. [Applause on the Republican side.]

The Oleomargarine Bill.

SPEECH

OF

HON. CHARLES L. BARTLETT,

OF GEORGIA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, February 11, 1902.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 9206) to make oleomargarine and other imitation dairy products subject to the laws of the State or Territory into which they are transported, and to change the tax on oleomargarine—

Mr. BARTLETT said:

Mr. CHAIRMAN: I am opposed to this bill in every section of it, and if I could, I would strike out the first section as it has been amended. I do not grant that the Congress of the United States has the power to enact the first section, which declares that the State shall get permission from Congress in order to enforce within their own borders their own police regulations with reference to health. We have it. We have this power in spite of Congress by the right which we got when the Constitution was adopted, and the rights we reserved to ourselves when we entered into that compact with the Government. I do not stand upon my own opinion with reference to this. I am sustained by the solemn judgment of the Supreme Court of the United States in dealing with this question, in which they declare that the States of this Union, even with reference to oleomargarine and butter, even with reference to the coloring of oleomargarine in the imitation of butter, have the absolute right to regulate its sale, even though the oleomargarine and the substance colored in imitation of butter may be conveyed into a State from an adjoining State.

Further than that, I do not grant that the Congress of the United States has the power to say that a State within its own borders shall not manufacture and sell to its own citizens what it may declare to be the policy of that State through its legislature. More than that, Mr. Chairman, we have here an effort on the part of Congress to enact a law the purpose of which is to destroy a manufacture, not of a noxious or injurious food, not a food that the consumer has resolved that he does not desire to buy. I venture to say, Mr. Chairman, that of the many protests with which this Congress has been afflicted very few have come from those who purchase or consume either butter or oleomargarine. The whole cry for relief has come not from people who buy, not from people who consume, not from people whom it is pretended that this measure is for the interest and protection of, but in behalf of the people who have worked up, who have canvassed the various Congressional districts of this Union all over the country, and inaugurated an attempt to encourage the sentiment in behalf, not of the honest farmer, not in behalf of the thrifty housewife who makes the butter and sends it to the market, but it is in behalf of the dairymen, in behalf of the people who are now acting in conjunction with the trusts for the purpose of aiding this legislation and for the purpose of enriching themselves, and for the purpose of driving out of the markets of this country a wholesome and legitimate product of industry.

So, Mr. Chairman, my chief objection to this bill is that under the Constitution of the United States, as it has been construed by the Supreme Court of the United States, there exists already within the separate States the power to do that which shall protect our people from fraud or imposition in the matter of oleomargarine. So far as my own State is concerned, it has already enacted laws to forbid the manufacture and sale of substances in imitation of cheese or butter which are not sold for what they are in fact. And I stand here to say that the great Southern

State that I represent needs no assistance from Congress, needs no additional aid from the General Government to enforce its laws and punish those who violate them. More than that, Mr. Chairman, I deny the right and power of Congress, under pretense of raising revenue, to strike down a proper and legitimate industry existing in my State.

I believe, Mr. Chairman, that the Government which slips out of the ranks of the ordinary articles of consumption to select and lay under disproportionate burdens a particular one, because it is a comfort, pleasing to the taste, or necessary to the health, and will therefore be bought, is in that particular a tyranny.

Suppression of Train Robberies.

SPEECH

OF

HON. ARIOSTO A. WILEY,

OF ALABAMA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, June 17, 1902,

On the bill (H. R. 11412) for the suppression of train robberies in the Territories of the United States and other places, and for other purposes.

Mr. WILEY said:

Mr. CHAIRMAN: It can not be denied that train robbing and wrecking, ofttimes accompanied by loss of life, have become so alarmingly frequent in this country within the past ten years that the grave and serious problem now confronts us. What is the most efficacious method of stopping this crime? The arming of train crews and the use by railway and express companies of so-called burglar-proof cars and safes have all proven of but little value or potency either as a means of prevention or suppression. It is manifest, therefore, that the most simple and effective way of resisting and checking, if not preventing, this growing evil is to have national legislation enacted on the subject. The people throughout the whole country have become alarmed and aroused. They realize the fact that the State tribunals as a general proposition are powerless either to prevent or punish these robberies. It will require national legislation to have a deterrent effect or influence on this diabolical class of criminals. Prosecution of these outlaws in the United States courts, with the comprehensive and powerful machinery of the Government behind them, will strike them with terror and do much toward the accomplishment of a purpose so ardently desired by the law-abiding and peace-loving people of the American Union.

The newspapers generally throughout the country—the influential, fearless, and aggressive leaders of public thought—have given earnest consideration to this important subject, with the result that there is to-day everywhere throughout our borders, from Maine to California, from ocean to ocean, from the Great Lakes of the North to the Gulf of Mexico, an almost universal demand that Congress shall immediately adopt some adequate measure of relief. Our leading Southern newspapers, with scarcely an exception, are urging Congress to take prompt action and to confer on the Federal courts jurisdiction and authority, concurrent with the State tribunals, to apprehend, try, and punish these desperadoes and cutthroats.

The late lamented Wade Hampton, a distinguished citizen and soldier of the Republic, for many years United States Senator from South Carolina, and the Commissioner of Railroads under the Cleveland Administration, in the December number, 1894, of the North American Review, under the head of "Brigandage on our railroads," used this emphatic language:

> The epidemic of train robbery seems to be spreading over the whole country, and no section appears to be safe from the attacks of the lawless desperadoes who commit this crime, and who, in many instances, add to their atrocities the crime of murder. Recently, in the near vicinity of the national capital, one of the most daring and most successful of these robberies was committed, and, but for the intelligent investigation of the detectives, the perpetrators would have escaped. In this alarming condition of affairs any suggestion which, while calling attention to it, proposes any remedy may deserve the attention of the authorities and of the public.
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> Every citizen is interested in the effort to break up this fearful crime, and especially those whose business or pleasure calls them to travel on the railroads. Nor is it alone the duty of the citizens to devote all aid in their power to prevent this crime and punish the criminals, but it behooves the General Government to take active and decisive steps in the same direction. That the Government has authority to do this I think is perfectly clear. No one will deny that it is the duty of the Government to protect the lives and property of its citizens, to see that the transportation of the mails is unobstructed, and to guard against all violence that jeopardizes any of these objects. This being the case, it certainly is the duty of the Government to take prompt and active measures to put a stop to these cowardly and murderous crimes, perpetrated by thieves and assassins.

The declaration of this gifted and brilliant gentleman comes to us like a voice from the grave. It is a bugle call to the discharge of a patriotic duty.

I wish to say to my Southern Democratic friends on this side of the Chamber, some of whom are opposed to this measure manifestly through a misapprehension of its provisions, that whenever and wherever Gen. Wade Hampton, of the Old Palmetto State, has pointed the way you and I can afford to follow. A gentleman of dignity and honor, of truth and courage, of learning and integrity, he was known throughout the Union for his long and consistent devotion to the principles of Jeffersonian Democracy, and was recognized everywhere as an able and eloquent advocate of State sovereignty, home rule, and local self-government; a gentleman who was par inter pares among those whom the gifts of genius have placed in the front rank of Southern men; a gentleman who, by his varied accomplishments, as well as by his intimate acquaintance with the Constitution and laws of his country, presented to the world a magnificent type of what the Southern statesman, the solid foundation surmounted with the Corinthian column, was before the old romance had been dissipated and the spontaneous impulse had departed from Southern life in the disruption of Southern institutions.

> A tall man, sun crowned, who lived above the fog,
> In public duty and in private thinking.

No one who knew him or his antecedents ever doubted his wisdom or patriotism. He wore upon his brow the dignity and glory of kingly power. Above his head waved the white plume of a dauntless heroism. His stand was always on the side of law and order, for vested rights and social security. Having deliberately reached the conclusion that the State courts are well-nigh powerless to prevent these robberies and to bring these marauders to swift and condign punishment, he had the manhood and the courage not only to declare that fact, but also to recommend that Congress, which alone has power to legislate in respect to interstate commerce or to regulate the same, should not hesitate to confer upon the Federal courts, concurrently with the State courts, ample jurisdiction to arrest, try, and punish these devils in human shape.

The following is the record of train robberies in the United States for the past ten years:

1890	12	1899	15
1891	16	1900	29
1892	16		
1893	33	Total number of trains "held up" during eleven years	290
1894	34	Total number of people killed	95
1895	49	Total number of people injured (shot)	98
1896	28		
1897	30		
1898	28		

RECORD FOR 1900.

Number of train "hold-ups"	29
Number of stage robberies	8
Number of passengers and trainmen killed	2
Number of passengers and trainmen shot	10
Number of robbers killed	5
Number of robbers shot	2

I have not been able to obtain any statistics for the year 1901, but am advised that there was no diminution of this species of lawlessness. Even during the present year, 1902, a passenger train was "held up" and robbed near Charleston, S. C., where a great international and industrial exposition was being conducted; and within the past three or four months, almost under the shadow of this Capitol, near Quantico, a daring attempt was made to plunder an express car.

The statistics which I have just read show that during the past ten years a train robbery has occurred every eleven days on an average, and about 10 persons are murdered in every given year. This is an appalling state of affairs, and worthy the serious consideration of this House.

It is to be seen that these offenses, so destructive to life and property, are of increasing frequency. The vast extent of our country, comprising many States, some of which are sparsely populated, and which are penetrated by railroads carrying interstate traffic and the mails, makes it difficult either to capture or to bring to justice this class of robbers. State officials are not so well equipped for the apprehension of these depredators upon the country's commerce as are the marshals of the United States Moreover, these creedless, Christless banditti, by escaping across border lines from one State to another, can easily baffle and defeat the efforts of sheriffs and their posses to arrest them.

The passage of the pending measure would not interfere in any wise or manner with the jurisdiction of the State courts over the crimes described therein, because they are all punishable at the common law. To pass the bill will, in my judgment, give increased security to life and property, and will largely contribute to the

suppression of these cruel and inhuman crimes against the civilization of this enlightened age.

"The knight of the road," who, crouching by the wayside, springs from his hiding place as some unsuspecting victim passes by, and, with a drawn dagger in hand, glittering in the light of the moon, demands his purse or his life, is no more a felon, worthy of death, than the outlaw who wrecks a train, robs the mail, rifles the pockets of passengers, and burglarizes an express car.

The train wrecker in every instance is an assassin at heart. The atrocious scoundrel who will loot a defenseless passenger would not hesitate to kill a sleeping victim without a word of warning. He is not only a red-handed murderer but a black-hearted poltroon, and ought not to receive any consideration of mercy or indulgence either at the bar of public opinion or in the halls of Congress. There is no reason why a railway marauder, the most odious, in my opinion, of all criminals, should not be put upon the same level and be punished just as severely as the ancient robber of the king's highway. Romance has woven a charm about the names of Dick Turpin, Captain Hawk, Paul Clifford, Rob Roy, and many other bandits of the Old World, who live in song and story. They are pictured as worthy of the poet's pen and minstrel's lay. In roseate colors they are represented vividly as being brave, generous, and magnanimous; as ever ready to defend the weak and confront the strong; but as they "held no law in awe, they perished by the law." They were angels of heavenly light in comparison with the train robbers of recent years, like Jesse James, Rube Burroughs, and those of that ilk.

Some gentlemen, however, seem to manifest a peculiar, indefinable, inexpressible, and incomprehensible sort of sympathy for these incarnate demons who kill passengers, wreck trains, and pillage express cars. They show their sympathy by objecting to any and all efforts which seek to confer upon the United States courts, concurrently with the State tribunals, jurisdiction to try these heinous offenses, even where the person robbed or murdered is a passenger traveling from one State to another or where the matter of freight or commerce involved in the railway carriage is a shipment or consignment interstate in its character, and that, too, when every lawyer or well-informed man knows that the Constitution of the United States confers ample and exclusive authority upon Congress to legislate in respect to subjects of this nature.

Congress alone has the right or power "to regulate commerce with foreign nations, among the several States, and with the Indian tribes."

The reason why our forefathers conferred this exclusive authority upon Congress is most interestingly set forth by Chief Justice Marshall in the celebrated case of Brown *v.* The State of Maryland, reported in 12 Wheaton, page 445. He discussed this subject very ably and elaborately, and in delivering the unanimous opinion of the court used the following language:

> The degraded state of commerce previous to the adoption of the Constitution can scarcely be forgotten. It was regulated by foreign nations with a single view to their own interests; and our disunited efforts to counteract their restriction were rendered nugatory by want of combination. To construe this power so as to impair its efficacy would tend to defeat an object in the attainment of which the American people took, and justly took, that strong interest which comes from a full conviction of its necessity. The power to regulate commerce among the States is coextensive with the subject on which it acts, and can not be stopped at the external boundary of a State, but must enter its interior. * * *
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> It has been observed that the powers remaining with a State may be so exercised as to come in conflict with those vested in Congress. When this happens, that which is not supreme must yield to that which is supreme. This great and universal truth is inseparable from the nature of things, and the Constitution has applied it to the often interfering powers of the General and State governments as a vital principle of perpetual operation.

The bill now under consideration expressly limits the jurisdiction of the Federal courts to the trial of robberies against railway trains engaged in carrying interstate commerce or operated within the Territories of the United States.

The favorable report of the Judiciary Committee, accompanying this bill, presents a clean-cut statement of this great and growing evil and the reasons for enacting legislation to suppress the same. It was prepared by the distinguished gentleman from California [Mr. KAHN]. I read it for the information and consideration of the House:

> The Committee on the Judiciary, to whom was referred the bill (H. R. 11412) for the suppression of train robberies in the Territories of the United States and other places, and for other purposes, submit the following report:
>
> The purport of this bill is to give the United States authorities jurisdiction in all cases of train robberies where the trains are engaged in interstate commerce or are operated within a Territory or district of the United States. The crime of train robbery has been for many years on the increase. While it is true that most of the States have passed legislation imposing heavy penalties upon those who are convicted for the commission of this offense, experience has demonstrated the fact that such legislation has been for the most part entirely inadequate and ineffective.
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> To commit a train robbery requires no skill, but it does require a certain amount of courage and daring—qualities that often appeal to the vicious, ignorant, and depraved elements in a community. And thus it has happened in many localities that the offenders in such cases have been given protection and shelter when closely pursued by the officers of the law. As a rule the crime is committed in an isolated and sparsely settled locality, where pursuit and capture are dependent largely upon the efforts of volunteer posses, the latter being frequently stimulated by the offers of reward. Indeed, in many cases the size of the reward gauges the zeal of the pursuers. But it invariably happens that before the railroad and express companies can have offered a reward, considerable time elapses, and so by the time the posse is organized the robbers have had ample opportunity to cover up their tracks, and pursuit is futile.
>
> We are frequently accustomed to sneer at the impotent efforts of countries like Spain, Italy, Turkey, and Greece to break up the institution known as brigandage, but this system of robbery and often attendant murder is no more atrocious than is the crime of train robbery, and this great Government of ours should certainly afford the traveler on a railroad train, so far as security to his life and property is concerned, as great a measure of protection as we would expect the countries aforesaid to give to travelers along their roads and highways.
>
> We feel satisfied that the enactment of this bill into law will afford the necessary relief to railroad passengers and their property, and we therefore recommend its passage—

with certain amendments, etc.

Carlyle in his quaint way tells us that "Governing is man's highest work well done." The great object of government is to reconcile and recompense every disadvantage by some counter balance of good.

I ask the plain, sensible, practical question, Is there any valid or sufficient reason why this bill should not become a law? The railroads and express companies pay handsomely in the way of taxes for their protection. The Government ought, therefore, to make adequate provision for the capture of these highwaymen as it does in cases of mail robbery. Under present conditions, as pointed out in the committee's report, the greatest difficulty is encountered in securing the cooperation of the State constabularies in pursuing and capturing these marauders. Officers are human, and it is but natural that they should consult their own interests. They do not hold dangerous and responsible trusts for the sake of their health, but for pecuniary profit and gain. They generally wait, therefore, for large rewards, which they know will be offered, before trying to apprehend these desperate thieves. The burden falls heavily upon railroad and express companies, corporations having interstate relations, and I submit they ought to have the assistance in such cases of all means and instrumentalities at the command of the national authorities, such as United States marshals and their deputies and detective force, and, if necessary, of the Government's Secret Service Bureau also.

We would soon find, in my opinion, a great diminution in the matter of railroad "hold-ups" and express robberies, and, at the same time, the oppressive responsibility of affording protection to human life and personal property would fall where it rightly belongs, upon the Government and not upon private individuals and corporations.

Railroads, by reason of their cheapness and fleetness, have almost entirely superseded water transportation, and are to-day the great medium of commercial intercourse. Whenever and wherever the tracks of a railroad are put down upon the earth, there has begun to be laid a foundation for social security, general happiness, and the improvement and progress of our race. They pay their legitimate share of taxes to the Government and are entitled to its protection. Express companies also pay their legitimate share of taxes to the Government and are likewise entitled to its protection. Articles intrusted to express agencies for transportation can not be regarded as mere merchandise in the possession of an individual. Ofttimes such articles are more important and valuable than the mails themselves, and ought to be just as sacred in the eyes of the law; and precisely the same protection which the Government throws about the mails should be extended to all matters intrusted to the care and safe-keeping of express companies. In such cases, therefore, there is neither fairness nor justice in requiring the onus of prosecuting train robbers to fall upon either railroad or express companies.

In this connection I read, as a part of my remarks, an able editorial on this subject from the Savannah Morning News. It expresses the sentiment of the Southern people in regard to this question.

> The bill that is pending before the Judiciary Committee of the House, giving the United States authorities the same jurisdiction in cases of train robbers, where passengers and express companies are robbed, as they have in cases where the mails are robbed, is a good one, and should receive the approval of Congress at an early day. It seems to us that Congress should be prompt to take steps to check the crime of train robbery. It is a crime that is calculated to bring the nation into disrepute in foreign countries. It is not at all complimentary to have it said in Europe that it is no safer to travel in the United States than it is in Bulgaria; that train robbers are as bad as brigands. There ought to be a vigorous effort to put a stop to train robbing, and the only way a concerted effort can be made in that direction is for the General Government to take hold of the matter. It is worthy of notice that it is seldom that the mails are disturbed by train robbers nowadays. That is because the robbers are afraid to disturb the mails. They know that the Government has unlimited means at its command, and that

it will spare no expense to arrest and punish them. Pass the pending bill and a long step will have been taken in the direction of putting a stop to train robberies.

My only objection to this bill is that it is too narrow in its operations. Its provisions should embrace every case of robbery committed against person or property where the train is carrying the United States mail, whether within the limits of State sovereignty or between and across different State lines. For instance, would any good lawyer contend that the Congress could not constitutionally confer upon the United States courts jurisdiction to try and punish an offender who stole from a boy the horse upon which he was riding and carrying the mail, and thereby prevented its prompt delivery, simply because he did not rob the mail itself and because the animal was being used within the limits of a State and had not traveled across State lines?

In my opinion, therefore, the ends of justice would have been better subserved by a short bill, entitled "A bill to protect railroad trains conveying United States mails, persons, and property," providing in the first section—

That any person who shall maliciously rob, obstruct, or retard the passage of any railroad train upon which the United States mail is carried, and persons and property thereon, shall for every such offense be imprisoned at hard labor for not less than ten years.

And providing further in the second section—

That any person intentionally obstructing or retarding the passage of any railroad train upon which the United States mail is carried, and persons and property thereon, by any means whatever, with intent to rob the same, or any person traveling thereon, and, in consequence thereof, any such person traveling thereon is killed, shall be guilty of murder, and suffer the death penalty or be imprisoned at hard labor for life, in the discretion of the jury trying the same.

There can be no doubt that such a bill would be upheld as constitutional.

It is provided by the Constitution that Congress shall have power to provide for the common defense and general welfare of the United States. How it shall provide for the common defense and general welfare is not specified. The Supreme Court of the United States decided the national-bank act to be constitutional on the ground that Congress alone was the judge of the necessity of such an act. Under this "general-welfare" clause of the Constitution large powers are vested in Congress, and measures will generally be upheld as constitutional where in the judgment of a majority of this body they are needful, either for the common defense or the general welfare.

In practice Congress has been very liberal in the construction of its powers. It not only supports the Army and Navy, but the military and naval academies in which to educate young men especially for that service. It not only builds forts, but improves rivers and harbors so that they can be better navigated. It has passed the oleomargarine bills to prevent a discrimination against pure butter, and similar measures looking to the health and morals of the people, saying, in many instances even, what we shall eat and drink and wherewithal we shall be clothed. It has indorsed, and continues to indorse, the notes of national banks, in order to give them value, to the extent of hundreds of millions of dollars. It not only builds post-roads, but guarantees the bonds of railroad companies for millions of dollars to aid in constructing railways, on the ground that they may in time be needed for carrying troops. It has given subsidies to ships and railways, as well as bounties to sugar, made both from cane and beet.

A few years ago, upon the report of failure of crops in Oklahoma, it voted rations for the needy boomers, while at the same time it was engaged in constructing proper defenses against future overflows of the Mississippi River. It has laid out magnificent national parks and maintains soldier's homes and burying grounds. It has passed bills to require railroads to use safety appliances for coupling cars; to tax State bank money out of existence; to purchase lands, build warehouses, stock and care for whisky; to purchase Alaska; to donate millions of acres of the public domain to corporations; to appropriate money to fire and flood sufferers; to send expeditions to the North Pole; to lend and give money to industrial expositions and world fairs; to grant pensions to soldiers and their wives, and to make pecuniary outlays in many other instances where no provision is made therefor by any express warrant in the Constitution.

All this remarkable character of legislation (some of which I have never approved) is predicated upon nothing more nor less than the implied powers of Congress, and was enacted under what is known as the "general welfare" clause of the Constitution. Congress is the sole judge as to when and where and how these implied powers shall be invoked under this "general welfare" clause. In the light of these facts, surely no liberal-minded gentleman ought to object to a measure intended for the protection of the traveling public, and calculated to redound to the general welfare of the people, on the ground that the same is not justified by the organic law of the land, particularly where express and exclusive authority is vested in Congress under the Constitution to legislate in respect to such matters. Almost any and every thing intended for the common defense and general welfare lies within the province of Congress to be enacted for the benefit of the people.

In the great case of McCullough *v.* The State of Maryland, reported in 4 Wheaton, page 316, the question was whether or not Congress had the power to incorporate a bank. And it was held that Congress had the constitutional authority to establish a banking corporation, not in the exercise of a distinct sovereign power or end of government, but as a means of carrying into effect other powers which are sovereign.

Chief Justice Marshall, in the magnificent opinion which he delivered in that case, declared, among other things, the following great truths, to wit:

The Government of the Union is a government of the people. It emanates from them; its powers are granted by them, and are to be exercised directly on them and for their benefit.

While the powers not delegated to the United States nor prohibited to the States are reserved to the States or to the people, there is nothing in the Constitution which requires that everything granted shall be expressly and minutely described.

A constitution, to contain an accurate detail of all the subdivisions of which its great powers will admit and of all the means by which they may be carried into execution, would partake of the prolixity of a legal code, and could scarcely be embraced by the human mind. It would probably never be understood by the public. Its nature, therefore, requires that only its great outlines should be marked, its important objects designated, and the minor ingredients which compose those objects be deduced from the nature of the objects themselves.

Provision is made, in a constitution intended to endure for ages to come, and, consequently, to be adapted to the various crises of human affairs. To have prescribed the means by which government should, in all future time, execute its powers, would have been to change entirely the character of the instrument and give to it the properties of a legal code. It would have been an unwise attempt to provide by immutable rules for exigencies which, if foreseen at all, must have been seen dimly, and which can be best provided for as they occur.

What a grand and glorious judicial character was John Marshall, "the oracle of American law," not of Virginia alone, but the universal favorite and favored son of this splendid Republic of free, separate, independent, and sovereign States! With a mental vision as clear and strong as the eagle's brilliant eye while gazing upon the fierce splendors of the noonday sun, he foresaw and has outlined for all time to come, as no other man before or since his day has ever essayed to do, the dual yet distinct capabilities and potentialities of both State and Federal governments, acting together, jointly and severally, beautifully and harmoniously, without jar or friction, each seeking the greatest good to the greatest number, and neither abating one jot or tittle of the lawful authority belonging to the other or resulting legitimately from the combined action of both.

The extracts which I have just read, in the McCullough case, from the pen of that eminent jurist, demonstrate that it was an impossibility for the framers of the Constitution to have incorporated in its provisions all of the incidental powers of government, and hence that Congress in the exercise of these incidental and implied powers can rightfully enact almost any law which it judges to be useful or necessary for the common defense or general welfare of the "people" in the broadest and most comprehensive sense or meaning that may be applied to that term.

We are therefore "sticking in the bark" and giving to the Constitution a construction so narrow and technical as to render its provisions nugatory whenever we seek to deny to Congress the power to enact beneficent laws which will punish any person, no matter when or where, who commits a robbery in any State or Territory of the Union, against either person or property, while being transported anywhere on any railway train or car engaged at the time in carrying the mails of the United States.

While I think the train-robbery epidemic requires heroic treatment, and that, for this reason, the pending bill neither extends its provisions far enough, nor is sufficiently drastic to entirely extirpate the dreadful disease, I will not attempt to amend the same, but shall be content to support the measure in the shape in which it comes to this House from the Judiciary Committee, upon the principle that part of a loaf is better than none at all.

In conclusion, I desire to add to my remarks this emphatic declaration, that we ought not to temporize any longer with this atrocious evil, but should authorize the prompt expenditure of as many dollars in the National Treasury as may be necessary to protect the transportation of the mail trains of the country, as well as those carrying interstate passengers and commerce, in order to secure the humblest citizen of the Union in his pursuit of happiness and in the enjoyment of life, liberty, and property. This can only be done effectually by the exercise of the strong arm of constituted authority on the part of the National Government, by conferring concurrent jurisdiction on the courts of the United States to hunt down, capture, and bring to merited punishment these ugly-visaged Molochs of crime, by striking down forever these incarnate demons from hell—the modern-day train robbers, indigenous to American soil, the product of our glorious twentieth century American civilization.

Cuban Reciprocity Bill.

SPEECH

OF

HON. JOSEPH H. GAINES,

OF WEST VIRGINIA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, April 17, 1902.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 12765) to provide for reciprocal trade relations with Cuba—

Mr. GAINES of West Virginia said:

Mr. CHAIRMAN: It is with a great deal of reluctance that I take a position on this question, or on any other, different from the leadership of my party on the Ways and Means Committee. I am impelled to this course, Mr. Chairman, solely because of my intense conviction that the proposed measure is wrong, and because, in my opinion, there is no occasion for it. It inaugurates a policy which seems to me to be vicious, and which will return in future times to plague us; and the proposition, as I look at it, is unrepublican.

In the first place, the Cubans begin their freedom and their independence under auspices more propitious than any other country or any other people ever began their separate existence. When our forefathers achieved the independence of this country they had no protecting arm to guarantee a continuance of their independence, much less to assure them of stable conditions at home. We did not even, Mr. Chairman, have a model by which to form our system of government. We had no friends abroad; we had troubles at home; we had a disorganized finance; we had a deplorable condition of trade and commerce, such as Cuba does not experience to-day. But there was no proposition to relieve this country. It had to work out its own salvation; and in the interest of continuing that form of government developed the strong American manhood and the spirit of independence that have been the characteristics of this country and of the greatest service to it ever since. It seems to me, since we have done so much for Cuba, since we have poured out American blood and American money to achieve her independence, that the best service we could render to her now is to leave her alone to develop her own manhood and develop her own spirit of independence, and become something like this country, if she can.

Mr. Chairman, we are told because of the Platt amendment we owe some kind of duty to Cuba. What did the Platt amendment accomplish? What are its promises and provisions? It seems to me that it simply secures to this country protectiou from the necessity of going to war at some future time on account of Cuba in order to maintain the integrity of the Monroe doctrine. We simply say to Cuba that it shall not, by selling itself to some foreign country, put us to the necessity of a still greater war than that by which we achieved her independence to protect our own rights and to maintain one of our well-settled national policies. It determines not that this country always must and will go down into that country to secure and guarantee stable domestic conditions in Cuba, but that we may do so if it should at any time become our duty, either from the standpoint of humanity, or to protect the rights of American citizens living there, or to preserve ourselves from foreign complications and even war by reason of their misconduct. In other words, the Platt amendment is not in any way a limitation upon Cuban independence, but simply a protection to our own country from foreign troubles which might be brought upon us by Cuba.

The provisions of the Platt amendment, by virtue of which it is claimed that we owe a duty to Cuba higher than our duty to our own people and more important than the policy of protection, are the first, second, third, and fifth sections, which are as follows:

I.

That the government of Cuba shall never enter into any treaty or other compact with any foreign power or powers which will impair or tend to impair the independence of Cuba, nor in any manner authorize or permit any foreign power or powers to obtain by colonization or for military or naval purposes, or otherwise, lodgment in or control over any portion of said island.

II.

That said government shall not assume or contract any public debt, to pay the interest upon which, and to make reasoable sinking-fund provision for the ultimate discharge of which, the ordinary revenues of the island, after defraying the current expenses of government, shall be inadequate.

III.

That the government of Cuba consents that the United States may exercise the right to intervene for the preservation of Cuban independence, the maintenance of a government adequate for the protection of life, property, and individual liberty, and for discharging the obligations with respect to Cuba imposed by the treaty of Paris on the United States, now to be assumed and undertaken by the government of Cuba.

V.

That the government of Cuba will execute, and, as far as necessary, extend, the plans already devised, or other plans to be mutually agreed upon, for the sanitation of the cities of the island, to the end that a recurrence of epidemic and infectious diseases may be prevented, thereby assuring protection to the people and commerce of Cuba as well as to the commerce of the Southern ports of the United States and the people residing therein.

The first section provides that the Cuban Government shall not sign away Cuban independence to any other nation or permit any other nation to obtain lodgment in or control over any portion of the island; and the second section provides that no such obligation shall be incurred as would justify a foreign nation in taking by force such lodgment in or control over any portion of the island in order to collect a debt. The two sections form a complete whole and secure Cuba and ourselves against the control of the island, in whole or in part, by any European nation. It is asserting and defending the Monroe doctrine by treaty with Cuba rather than by war with some one of the great European powers. It is a wise and statesmanlike provision, and one which it would have been the height of folly on our part not to insist upon.

The third section prevents similar complications with foreign countries which would come about if the Cubans should so far deny the rights of life, liberty, or property to the citizens of foreign countries as to justify or require the intervention on the part of such countries by military force for the protection of such rights. It is also a necessary provision under the treaty of Paris; and the failure to insert it would have been a violation of the treaty conditions which we ourselves imposed at the close of the Spanish war upon an absolutely helpless foe.

To illustrate the operation of these three clauses, suppose that the Cuban Government, through corruption, temporary necessity, or any other motive, should determine to place Cuba under the protection of England, France, or Germany, or the joint protectorate of all three, or that Cuba should contract a debt to any or all of these countries and it should become long past due and no effort should be made to pay it, or suppose the Cuban Government should unjustly imprison citizens of these countries, what would the United States do?

Would it abandon the Monroe doctrine and permit Cuba—situated as it is, just off our shores—to fall again into the control of European powers, or would it go to war for Cuban independence a second time? Will anybody say that we should have permitted Cuba to put us in a position where we must either abandon the Monroe doctrine or assert it by war against strong foreign powers, backed as they would be under the conditions supposed by a strong claim that justice and right were on their side? Or will anybody claim that it was not our right and duty to provide, as we have provided by the fifth section of the Platt amendment, that New Orleans and our whole Southern country should not be again scourged with yellow fever by reason of a relapse on the part of Cuba into unsanitary conditions after the American army of occupation had cleaned the island?

There is not a proposition in the Platt amendment which is not necessary to guarantee Cuban independence and the protection of our own rights. No obligation can rest upon us to Cuba for freeing them and guaranteeing their independence, and no obligation can rest upon us to anybody for taking care of the rights and interests and dignity of the United States, and for preserving, as far as possible, our own people from the probability of foreign war, with the attendant horrors and demoralization necessarily incident to war.

The proposition for Cuban reciprocity is this: To give a reduction of duty upon all Cuban products coming into this country in return for a reduction upon American products going to Cuba. The proposed bill fixes this duty at 20 per cent, and has the peculiar misfortune to satisfy nobody. The Cubans say it will do them no good, and the Western farmers, who have been induced by our tariff laws to engage in the production of sugar beets, say it will do them harm. And Republicans generally see in it an abandonment of the principle of protection and a perversion of the doctrine of reciprocity. Reduced to its last analysis the proposition amounts to this: It is offering an inducement to a foreign people to come into our own market and compete with our own people in a product with which we can, under proper protection, supply our own demand. It makes no difference that the foreign nation is one with which we have a large sympathy. That does not alter the principle in the least. If the foreign country is one to which we ought to give money it should come from the Treasury of the United States, and should be borne by the whole people, and should not be collected from one article and be borne alone by the people who are engaged in the production of that article.

The bill proposes to give up a part of our duties in order to stimulate competition by the producers of Cuban cane sugar with the producers of American cane sugar and beet sugar. That this is not protection needs no further argument to a protectionist.

Is it Republican reciprocity? The doctrine of reciprocity as contained in Republican platforms was made a live political issue in 1890 by Mr. Blaine in an open letter to Senator FRYE, in which he said:

If we now give away the duty on sugar (as we have already given away the duties on coffee, hides, and rubber) and get nothing in exchange which shall be profitable to the farm or the factory in the United States, what shall be our justification for this policy?

The three articles he mentions were by the McKinley bill placed upon the free list. By removing the duty entirely we were giving up the revenue which had before that time come into the Treasury of the United States from the importation of these articles. The Republican idea of a tariff is that when the revenue is no longer needed, which is derived from a tariff on an article not produced in our own country in sufficient quantities to supply our own demand, the tariff should be removed entirely, and the article placed on the free list. One who believes in a tariff for revenue only would not do this, but a protectionist could not possibly pursue any other course.

Mr. Blaine with great shrewdness noticed the fact that when we were giving up the old war tariff on an article like coffee, which we do not produce, we might use it as a lever to negotiate a desirable treaty with foreign countries interested in selling us the article. The proposition is perfectly simple. We were giving away something which others were anxious to buy. This, Mr. Blaine said, was not statesmanship. It did not "open up a market for another pound of American pork or barrel of American flour." He suggested the policy of reciprocity, which under these conditions and by this reasoning was the policy of securing reciprocal concessions from interested foreign nations in return for placing upon the free list those articles which are not fit subjects for the application of the protective policy.

Senator Sherman in a speech delivered at Columbus, Ohio, in 1891, defined reciprocity in this language:

Granting to foreign nations the reciprocal rights of free importation into our ports of articles we can not produce in return for the free introduction into their ports of articles of American production.

McKinley in an inaugural address defined reciprocity to be "granting concessions to the products of other lands that we need and can not produce ourselves." And in his Buffalo speech he said this:

If perchance some of our tariffs are no longer needed for revenue or to encourage and protect our industries at home, why should they not be employed to extend and promote our markets abroad?

The reciprocity plank in the Republican platform for 1890 read:

We favor the associated policy of reciprocity, so directed as to open our markets on favorable terms for what we do not ourselves produce, in return for free foreign markets.

That the articles which should enter this country under reciprocity treaties should be those upon the free list, and therefore those which we can not ourselves produce, was distinctly recognized by President Harrison in his second annual message, dated December 1, 1890, in which he said:

The reciprocity clause of the tariff act wisely and effectly opens the way to secure a large reciprocal trade in exchange for the free admission to our ports of certain products.

That Republican reciprocity means the using those articles which should be on the free list as a basis of commercial negotiations, and means nothing but that, was evidently the idea of Blaine, Sherman, Harrison, and McKinley. Thus understood, we were correct when we said that reciprocity was not antagonistic to the doctrine of protection, but on the contrary could only have its existence under that policy. Thus understood, the sentence so often repeated, "Reciprocity is the hand-maid of protection" was true. Under any other conception of the extent and limitations of reciprocity that statement would not be true. A policy of selecting certain American industries, and stimulating foreign competition with those industries in this country for the purpose of aiding certain other American industries is not reciprocity but discrimination. There is wanting only the bad intent to make such a policy resemble conspiracy.

I have endeavored to show that the proposed measure is not consistent with the policy of protection and reciprocity. That it would violate the pledges of the Republican party made in the last campaign is clear to my mind. On this point I content myself with reading the following extract from the Republican campaign text-book of 1900:

In the Republican campaign text-book for 1900, issued by the Republican National Committee and used by its stump speakers throughout the land, four pages are devoted to the question of beet sugar versus cane sugar. The following are some of the sentences:

"No subject interests the farmers of the United States more than that of the possibility of their being able to supply the $100,000,000 worth of sugar which our people consume annually, and some facts which have recently been presented showing the rapid growth in the percentage which beets are now supplying of the world's sugar shows that they are fully justified in their ambition.

"The farmers of the country have been encouraged by the Republican party in their ambition to produce the sugar of the country. The experience of other nations and of other parts of the temperate zone has shown that sugar can be produced from beets in great quantities and at very small cost and can successfully compete with cane sugar under the most favorable circumstances. Under the stimulus given to the beet-sugar production by Republican legislation, beet-sugar factories sprang up all over the United States, and the production of beet sugar has already reached large proportions and is increasing with wonderful rapidity.

That this statement in the text-book of 1900 was a just statement of the Republican position on the subject of protection to the sugar industry is apparent from the following declaration contained in the platform of 1896:

We condemn the present Administration for not keeping faith with the sugar producers of this country. The Republican party favors such protection as will lead to the production on American soil of all the sugar which the American people use, and for which they pay other countries more than $100,000,000 annually.

But, Mr. Chairman, I might be willing to waive my views on this subject to the extent of some relief to Cuba if it appeared to me from the facts that Cuba needed relief. But while it has been confidently asserted time and again on the floor of this House that Cuba was in distress the evidence taken before the Ways and Means Committee in the hearings on this subject and the evidence contained in Government reports do not disclose any such condition. Mr. Placé, of Cuba, appeared before the Ways and Means Committee in favor of reciprocity. On page 87 he gives the following evidence:

Mr. TAWNEY. At the present time, outside of Habana, there is no labor that is idle or unemployed?

Mr. PLACÉ. No, sir; the Central Railroad of Cuba will take anyone who wants work.

Col. Tasker H. Bliss, collector of the port, Habana, appeared for the reduction, and said:

I have not spoken of distress except to deny that any existed so far as I knew. It is a long time since I have seen anyone begging on the streets, or anyone who wanted work who was not at work at good wages.

Mr. Mendoza, a Cuban planter, the owner of 25,000 to 27,000 acres of land, with over 10,000 under cultivation, testified not only that the island was cleaned and made healthy and that American occupation had put them in better condition than they were ever before, but that the laboring classes are now generally employed in Cuba at good wages. He says that there is plenty of work for the laboring man in Cuba to-day.

The following statement, taken from page 2652 of the Summary of Commerce and Finance for January, 1902, by O. P. Austin, Chief of the Bureau of Statistics, shows the general condition of labor on the sugar plantations or "colonias" in Cuba:

Mr. P. M. Beal, manager of the Guabairo Colonia, in his statement before Hon. Robert P. Porter, gave some interesting data regarding labor conditions on the sugar estates. The following information is part of his statement:

SALARIES.

Average salaries paid by this colonia during normal times—that is, previous to the insurrection—were about as follows:

ALL THE YEAR.

[Salaries per month, in gold, and maintenance.]

Administration	$166.66	Assistant	$20.00
Servant	30.00	Hostler	20.00
Overseer	85.00	Assistant	15.00
Second overseer	35.00	Pumping water	6.00
Steward and bookkeeper	50.00	Cook	30.00
Assistant	25.00	Assistant	25.00
Carpenter	35.00	Night watchman	20.00
Montero	25.00	Mounted field guard	$25.00 and 30.00

DURING CROP TIME.

Mounted field guard	$25.00	Assistant	$23.00
Timekeeper	20.00	Foreman, with stevedores	28.00
Waiter for operatives' table	15.00	Cartman	23.00
Vegetable gardener	20.00	Plowman	23.00
Bueyero (teamster)	22.00	Cane cutters	21.00
Assistant	16.00 and 12.00	Cane lifters	15.00
Foreman with cartman	30.00	Cane loaders (stevedores)	21.00

During the summer months salaries for field labor averaged about $17 per month.

Cost for maintaining labor averaged about $7.50 per month in gold; cost for maintaining overseers, foremen, carpenters, cooks, stewards, guards, etc., amounted to about $12 per month.

RATIONS.

Rations for each man per day were as follows: Clear beef, 1 pound, or its equivalent in tasajo salt fish; rice, 1 pound, or its equivalent in beans, pease, macaroni, etc.; lard, 2 ounces; coffee, 1 ounce; sugar, 2 ounces; bread, 6 ounces, or, instead of bread, sweet potatoes, plantains, or melanga; sweet oil, bacon, salt, and spices sufficient to season the food. During the winter months cabbage, tomatoes, and turnips are being served every day without regard to rations.

RULES AND REGULATIONS.

When a laborer enters his name on the pay roll he receives his machete or hoe, tin plate, tin dipper and spoon, and same are charged to him and are credited when returned.

Timekeeper makes his rounds twice every day.

Away from the batey smoking is strictly prohibited, and the penalty is immediate dismissal.

Salaries are paid any day between 11 a. m. and 1 p. m., Sundays excepted, to those who desire the money.

Except in case of sickness, meals are charged to those who are not at work.

To the sick such medicines as we have are given free. The most prominent of these is quinine.

If a man remains in the barracon sick for more than two days, he is sent to his home or to a hospital. If it is an injury received in the service of the colonia, he is cared for until able to work again.

The bell tolls at 4 a. m. for the people to get up; at break of day, after having drunk a cup of coffee, they go to the field; at 11 o'clock they return to

breakfast; at 1 o'clock they again go to the field; at 6 o'clock they come in to dinner, and at 8 o'clock the bell sounds silence. After that absolute silence is enforced. The negro is fond of his music and dancing. This is permitted at seasonable hours, and sometimes the overseer gives special permission to prolong their amusements beyond the usual hour.

Gambling is prohibited, but the prohibition can not be successfully enforced.

In the dry season, at midday, when the people are in the batey, sentinels are stationed on the hills to give timely warning of cane fires.

Armed guards patrol the fields by day and guard the cattle at night. This applies in time of peace.

When farm laborers receive from $25 to $30 per month; when in addition to that they get board and lodging and medical attendance, and when they are paid at 12 o'clock on any day they demand what is due them; and when in addition to that the testimony of all the witnesses who appeared before the Ways and Means Committee seeking a reduction of our duties is that everybody in Cuba who wants work can get it, then I insist that no such extraordinary condition exists as will justify extraordinary relief and a departure from the principles of republicanism.

Even if an industrial depression already exists in Cuba it would not be our business to relieve it. Industrial depressions have from time to time existed in our own country, but we have not appropriated our revenues directly or indirectly to relieve them. Shall we do for Cuba what we can not for our own people?

It has been indicated in the literature with which Congress has been flooded on this subject that unless we do something for the Cubans which will give them financial assistance they will not keep the peace, but will have riot and disorder in that country. I do not believe it. I believe it to be a slander on the Cuban people. For if this is true they are not capable of self-government, and we did wrong when we intervened in their behalf against Spain, and a still worse thing when we gave them their independence. I repeat it: A people who will threaten a benefactor to revolutionize unless the benefactor gives them money are not worthy of self-government, and can not long maintain their independence or even their liberties.

So far as I am concerned, Mr. Chairman, I shall vote to amend this measure by adding a reduction of the differential on refined sugar, and whether that carries or not I shall then vote against the whole proposition. In my judgment it will be an unhappy day when we enter upon a policy of hiring the Cubans or anybody else not to revolutionize.

But, Mr. Chairman, the whole subject of Cuban reciprocity has had a degree of importance attached to it to which it is not justly entitled. We have hammered down the amount of proposed reduction to such an extent that if the bill should pass, while it would disturb, it would not destroy this important farming interest of the Western States. Perhaps the most threatening feature in the whole discussion is the disposition which has been manifested by some gentlemen representing Eastern constituencies to look with complacency on the proposition to reduce the tariff on articles which enter into the manufacture of their finished products. I know that tariff laws need revision from time to time by their own terms and by the theory of protection, but, so far as I am concerned, when we start upon this revision, I do not propose to give my vote to begin it on articles in which the farmers of the country are mainly interested.

I want to say to gentlemen, and especially to the gentleman from Massachusetts and the gentleman from Pennsylvania who spoke the other day, that whenever we have restored prosperity to this country by protection—when the people have been prosperous, and when the end of that prosperity and of Republican rule began to come—it has always, in my brief observation, come through the selfishness of the manufacturing interests, which, having protection for themselves, begin to have the avaricious dream of how happy their condition would be if they could have all the protection, and get all the articles they use in their manufactures free.

I want to say to gentlemen who represent here manufacturing sections, that they can not have protection continued unless they are willing to have protection go all around. It must go to the coal and lumber of West Virginia, as well as the steel and the iron of the East, And I am prepared, so far as I am concerned, to keep it in favor of the beet-sugar industries of the West, as well as on the manufactured products of the East. [Applause.]

It is in the very nature of protective-tariff schedules leading to increased home production, better machinery, and better methods of production, and a cheaper price to the consumer that they should tend toward the necessity of their own revision. I do not think the time for a revision of the Dingley law has yet come. I do not think the time for tinkering ever will come. But when the time for revision comes the revision must be by the friends of the law, and with an eye single to the glory of our own country and the prosperity of our own people, and absolutely unconfused by sentimental considerations for the people of any other country.

We have never abandoned protection as a policy without disaster. We have never returned to that policy without renewed prosperity. Under the banner of protection the country is safe, and under that banner the Republican party is safe. Protection is the life blood of the great Republican heart. It returns from time to time to that great heart to be purified, and is again sent out to warm with the rich glow of prosperity the remotest parts of the body politic—even as the blood of the human body returns to the heart to sustain that life which in turn gives it its vital power. And this reciprocal action is after all the most important reciprocity. This is the reciprocity which has brought happiness and plenty to the people, dignity and power to the Republic.

Rural Free-Delivery Service.

SPEECH
OF
HON. CHARLES L. BARTLETT,
OF GEORGIA,
IN THE HOUSE OF REPRESENTATIVES,

Monday, March 10, 1902.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 11728) to classify the rural free-delivery service and fix the compensation to employees thereof—

Mr. BARTLETT said:

Mr. CHAIRMAN: I shall not vote for this bill as it has been reported by the committee. I shall vote against the proposition contained in the bill to put carriers upon the contract system. I can not say what I desire to say with reference to this matter in the short space of time that I must occupy under the rules. I desire, however, before I take my seat, to call the attention of this House and to call the attention of the country to something that occurred here on this floor this afternoon. It was at the time when we had up the amendment proposed by the gentleman from Tennessee [Mr. PADGETT], proposed at a time when argument was not permissable under the rule. That amendment provided that ex-Confederate soldiers should occupy the same position that ex-Union soldiers do with reference to applications for carriers.

For myself I deprecate the fact that the amendment was offered, because we do not ask for the ex-Confederate soldier anything that we do not ask for our other citizens. This, however, is not the fact to which I wish to call attention. It is to the fact that the gentleman from Ohio [Mr. BROMWELL] offered as an amendment to the amendment offered by the gentleman from Tennessee, the words "and colored men," and that was voted for in this House, and there were found in this House 59 people who voted for it—voted for an amendment which proposed to put the man whose skin happened to be black high above both the Union soldier and every other man in the districts of this country. In other words, we saw the remarkable spectacle of the gentleman from Ohio [Mr. BROMWELL] endeavoring to have enacted in a law, and that effort sustained by 59 members on that side of the House, that if if a man's skin was colored or black he should have a privilege which no white citizen, no ex-Union soldier was entitled to under the law.

It is a significant fact that out of all these several thousand rural routes that have been established, out of all the colored people in the North, there has not been one appointed, and of the rural routes established in the district of the gentleman from Ohio, I apprehend he has not recommended to be appointed a single colored man.

Now, I want the country; I want the Union soldiers to understand, and I want the white Republicans in the gentleman's district, and all the North and the East and the South and the West to understand that the gentleman from Ohio [Mr. BROMWELL] endeavored to pass as a law, to write it upon the statue books, that a colored man was to be preferred East, West, North as well as South, over the ex-Union soldier and over his white constituency everywhere. That was the proposition and that is the proposition that 59 members on that side voted to sustain.

Now, Mr. Chairman, I can not properly discuss, in the time allowed, the propositions that are here to be discussed. In the last twenty years we have increased the annual expenditure for the carrying of mail on the railroads some $28,000,000. Whereas twenty years ago it was only nine or ten millions, it is now nearly $39,000,000. I represent a district composed of large cities and large towns and farmers and country people, but by no vote of mine will I endeavor to turn back this great advantage, this great boon which our people have received in the extension of rural free delivery.

The CHAIRMAN. The time of the gentleman has expired.

Bronze Statue of Count Casimir Pulaski.

SPEECH

OF

HON. JAMES R. MANN,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, June 25, 1902,

On the bill (S. 2235) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

Mr. MANN said:

Mr. CHAIRMAN: I wish to call the attention of the Congress to a bill which is now pending in this House. I refer to the bill introduced by my Republican friend the gentleman from Indiana [Mr. BRICK] to provide for the erection of a bronze equestrian statue to the memory of the late Gen. Count Casimir Pulaski in this beautiful national city of Washington.

I could not submit to stoop before the sovereigns of Europe, so I came to hazard all for the freedom of America, and desirous of passing the rest of my life in a country truly free and before settling as a citizen to fight for liberty.

Mr. Chairman, the above is a copy of a letter written by Casimir Pulaski, dated Charleston, August 19, 1779, addressed to the Continental Congress, and read before that body October 1, 1779.

It was the intention of Pulaski to become an American citizen. He loved our country, its flag, and its people, and it was his declared purpose to spend the remainder of his days here after the independence of our country was achieved, a cause for which he had sacrificed his home and his fortune, and for which he finally gave his life.

I avail myself of this opportunity to recount some of the glorious achievements of this true hero of liberty during the downfall of Poland and the dark days of the American revolution.

Reared in a country surrounded by perfidious allies, who afterwards became her declared enemies, sired, as he was, by one of the most intrepid soldiers the world has ever seen, a man filled with a profound love of liberty, possessing an inborn abhorrence for governmental perfidy and greedy conquest, it is no great wonder that young Pulaski grasped eagerly the first opportunity to assist in checking the march of crime that was then being waged by Russia, Austria, and Prussia against his native land—a crime so considerable and relentless as to shock even the sensibilities of the bloodthirsty soldiers engaged in that awful war of extermination and dismemberment. No fouler blot stains the pages of history. Never before and never since have a civilized people waged a war so impure, unfair, and dishonest.

It was on the 29th day of February, 1768, when a little party of valorous Polish gentlemen met at Barr, at the instigation of the elder Pulaski, and signed the famous "secret compact," their object being to free their country from foreign influence. There were but eight persons all told at this meeting—the senior Pulaski, young Casimir, his two brothers, a cousin, the famous Krasinski, and two others.

The compact being signed, these men were ordered by the elder Pulaski to go in different directions, organize among the loyal Polanders such forces as they could, and march against, and if possible repel, the advancing forces of the three powerful nations determined upon the complete dismemberment of a country already suffering from internal strife, for Poland, Mr. Chairman, was at this time divided against herself.

In a very short time young Casimir found himself at the head of a considerable force of men, and then for four long years this young officer became the very terror of the invading armies. His intrepidity, his daring charges with a few hundred troops against an entire army, and his bold, brave, and ever-vigilant conduct when in battle won for him the unstinted praise and applause of all Europe.

His banishment from his native land because of the false charge of conspiracy against the life of the King, for which he had been sentenced to death, is one of the saddest pages of history, and fills all lovers of justice with astonishment and indignation.

Pulaski found himself in France about the time of the signing of the Declaration of Independence by the American Congress, and having read of the great sufferings of the American people, he at once determined to offer his genius, his experience, and his sword in defense of a people struggling to free themselves from a condition of oppression and wrong, such as he had so long fought to lift from the shoulders of his countrymen.

Accordingly, he presented himself to Dr. Franklin, our minister at Paris, who wrote to Washington as follows:

Count Pulaski, of Poland, an officer famous throughout Europe for his bravery and conduct in defense of the liberties of his country against the three great invading powers of Russia, Austria, and Prussia, will have the honor of delivering this into your hands.

The court here encouraged and promoted his voyage from an opinion that he may be highly useful in our service.

Again, in another letter he says:

Count Pulaski is esteemed one of the greatest officers in Europe.

Armed with these letters, Pulaski sailed at once for Philadelphia, arriving there in the summer of 1777.

He immediately enlisted as a volunteer, and by his daring, boldness, and splendid knowledge of all things military he soon won the sincere admiration of Washington and the other officers of the Army with whom he was associated.

During the early part of the war the Army was composed entirely of infantry. Cavalry was an unknown and untried method of warfare, except as it had been observed in the English army. It is said, and no doubt truthfully said, that our Army faced an approaching regiment of cavalry with fear and trembling, but that they were resolute enough when they met infantry.

Regular cavalry, I repeat, was unknown to our forces until Pulaski put in an appearance. His experience in Poland had been almost entirely with cavalry, and he longed for greater services in that capacity.

He laid his plans before Washington, who, without hesitation, having full confidence in the judgment of the brave Pole, acquiesced in the scheme, and upon the organization of the new Army at the end of the campaign, provisions were made for four regiments of cavalry. These regiments were filled up without difficulty, and the command of them offered to Pulaski, subject to the will of Congress. In his letter to Congress Washington said:

This gentleman has been, like us, engaged in defending the liberty and independence of his country, and has sacrificed his fortune to his zeal for those objects. He derives from hence a title to our respect that ought to operate in his favor as far as the good of the service will permit.

The battle of Brandywine was fought before Congress had taken any action on the recommendation of Washington concerning the appointment of Pulaski to the command of the cavalry.

This was his first battle on American soil, and his daring knew no bound. During the close of the engagement he conceived the idea that he could, if given command of Washington's bodyguard, render services of greater value than he could possibly give in the ranks.

He communicated his scheme to Washington, who readily consented, and then at the head of that small guard, 30 horse, all told, he executed one of the most daring charges ever recorded in the annals of warfare. His conduct so pleased Washington that he was given the further privilege of collecting as many of the scattered troops as he could, to use according to his own judgment and discretion. He did this promptly and completely, and with the troops so collected made such a determined stand before the enemy as to render the retreat of our Army easy of accomplishment.

His courage and excellent demeanor in this one battle won for him the praise of the entire world.

Soon after this event, Congress, at Washington's earnest solicitation, bestowed upon him the rank of brigadier-general, and he was given command of the cavalry.

His almost miraculous achievements at the head of the cavalry, his bravery and his quick foresight, together with his unerring judgment in the campaigns of Washington, made his services almost invaluable, and his successes were so marked and the compliments showered upon him so numerous and sincere that a certain jealousy was aroused in the breasts of some of our officers, who could not bear to have a foreigner who could scarcely speak our language the subject of such unusual praise. The murmurings of discontent among these officers became greater and greater, as did the achievements of Pulaski. At one time, stung to the quick by the animosities his intrepidity had aroused, he was on the verge of tendering his resignation and returning to Europe, when he received the following letter from Washington, which is self-explanatory:

I assure you that I have a high sense of your merit and services and the principles that influenced the part you have taken in the affairs of this country. The disinterested and unremitted zeal which you have manifested in the services give you a title to the esteem of the citizens of America and has assured you mine.

This letter, so full of praise for Pulaski, had the effect of causing him to reconsider his determination, and he remained the constant, brave, disinterested follower of Washington, who loved and honored him for his genius, for his courage, and for his upright persevering devotion to duty, and for his unbiased zeal for everything honorable and right.

He distinguished himself in every battle in which he participated. His lion-like courage made him the idol of his followers. His command when proceeding to give battle was "Follow me!"—not "Charge!"

Mr. Chairman, Pulaski did not live to enjoy the blessings of liberty he so dearly loved. His spirit took its flight heavenward just at the time when the sunlight of freedom was beginning to cast its warm bright rays through the dark and heavy clouds of oppression, which had overwhelmed the American colonies for so many years.

He received his death wound at the battle of Savannah, Ga., October 9, 1779, while making one of his famous charges against the enemy at the head of the combined American and French cavalry forces.

He was tenderly carried from the field and taken aboard the United States brig *Wasp*, and died at sea two days later. His body was buried at sea, and funeral services were held at Charleston afterwards.

A monument was erected to his memory by the patriotic citizens of Savannah, Lafayette laying the corner stone in 1824. on the occasion of his visit to this country.

Mr. Chairman, there live in the city of Chicago, which I have the honor in part to represent, many Polish-American citizens. They are a law-abiding, patriotic, God-fearing, peaceful people, who love their adopted country.

They, as all liberty-loving people, revere the name of Pulaski. To them his name is the synonym of bravery.

They fully understand that the name of Pulaski will outlive any statue erected to his memory, and while they believe, as I most firmly believe, that his services in the cause of American freedom fully justify the erection by our Government of a suitable statue to his memory, and while they would regard such action as a just recognition of the services of one of their countrymen, they well understand that so long as liberty is loved, so long as the American Republic lasts, so long as the praises of the revolutionary patriots are sung, the name of Count Casimir Pulaski will shine with ever increasing brightness.

Mr. Chairman, I am heartily in favor of the passage of the bill, and hope it will be considered and passed without opposition.

The Republican party has ever been the true friend and lover of liberty. It has given to the world more great leaders in the cause of liberty than any other cause or movement. It has spread liberty wherever its influence has reached. It is now spreading liberty in the Philippines and elsewhere. It has proven its devotion to liberty by its acts. I call upon you to give one more proof of our love of liberty by this tribute to the memory of Count Pulaski, and I have no doubt that this bill will be passed either in the few remaining days of this session or certainly at the beginning of the next session of the present Congress. [Applause.]

The Fifty-seventh Congress Reaches High-Water Mark in Appropriations—A Distinctly Profligate Congress—Appropriations Run $100,000,000 Beyond the Necessary Requirements of Economically Administered Government—More than $800,000,000 Appropriated Outright and the Solemn Pledge of the Government Given to the Payment of $260,000,000 More.

REMARKS

OF

HON. M. E. BENTON,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

Monday, June 30, 1902,

On the conference report on the bill (H. R. 15108) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other purposes.

Mr. BENTON said:

Mr. SPEAKER: In the closing hours of this eventful first session of the Fifty-seventh Congress I feel that as a member of the great Committee on Appropriations I would be remiss in my duty to my colleagues and the country if I failed to call attention to the immense sum of the people's money which this Congress has appropriated.

The chairman of appropriations is an able and honest man. He has for seven months stood in the breach and fought with lion-like courage the hungry demands of his party administration. But he has been overborne in the battle. His great fight for economy was laughed to scorn and he and we face the awful fact of a single session of Congress passing the billion-dollar mark. The gentleman from Illinois is a partisan Republican. And though he sweat "drops of blood" in his efforts to stem the tide of profligate extravagance of his party, he now with acrobatic agility comes up smiling in defense of his party, with the declaration (in which he does not believe), "The appropriations of the session, in my judgment, compare favorably with those made at any previous session of Congress."

It is stated as a defense of the Republican party that "practically the last of the taxes imposed for the prosecution of the war with Spain have been removed." But I call the attention of the country to the fact that this legislation was deferred till we had piled up over $200,000,000 in the Treasury of idle money, and that we are still bound for $200,000,000 of bonds issued to carry on that war. It is true that during the last two sessions of Congress relief has been given in the repeal of Spanish war taxes; yet with prudent and economical administration the whole of such taxes could have been removed and a large decrease could have been made in the Dingley tariff.

The population of the country shows no phenomenal increase; the commercial interests of the country furnish no adequate reason for swelling expenditures. The Administration claims that the Philippine war is over; that the Army has been seriously decreased. We are at peace. Yet the appropriations for the coming fiscal year are increased by $20,000,000, and the promissory notes of the Government are given for $260,000,000 more. I shall print, appended as a part of my remarks, a table of appropriations for this session and for several previous Congresses.

Your attention has been called, gentlemen, to certain legislation of Congress which has been enacted by the majority, and it is paraded as being virtuous. This legislation comprises the repeal of part of the Spanish war taxes. A Panama canal lawsuit has been given us instead of the Nicaragua canal route, which this House passed and the people want; a Philippine government bill has been passed which does not give civil government to those unfortunate people. No voice is given the people of the archipelago in their legislation. Why? Because the bill provides a native legislature with restrictive powers only, and when a census is made after two years of peace, and then when convenient after such census.

True to its party history, the majority have passed a bill extending and enlarging the power of national banks, which the people have not asked. A permanent Census Bureau has been made to provide places for a regiment of officeholders. But this great Republican party, parading its "full dinner pail" (with strikes and lockouts in every section of the country), has failed and refused to provide legislation to stifle trusts, has declined to meet the demand of the people for a revised tariff, preferring to expend in needless and wasteful appropriations the taxes wrung from the people.

The very able and accomplished chairman of appropriations shakes hands with himself and the chairmen of the other great committees on the skill and cuteness with which they have shoveled out the cash, and congratulates them and his party on the profound (?) statesmanship of the majority in Congress to reach high-water mark in appropriations. But we hear no word from a Republican leader on this floor telling the plain truth that your party refused to pass a bill giving relief to the Cubans. And why? Because you are in full partnership with the trusts, and you did not want to relieve the people by taking off the differential on refined sugar, thus cheapening it to the consumer.

I assert here and now that this Government has not for thirty-seven years burdened the taxpayers of the country with appropriations equal to the first session of the Fifty-seventh Congress. The chairman of our committee, with all his acumen, can not get away from the hard, cold fact that his party has appropriated and pledged the solemn faith of this Government to the expenditure of more than a billion of dollars at one single session of this Congress. His old-fashioned notions of economy, of Government integrity, have been torn to tatters by the performances of this Congress.

We are an industrial people. Farming, mining, manufacturing, and merchandising are our chief pursuits. We are at peace with the world. Our flag is given entry to all the ports of the world. We produce from $500,000,000 to $900,000,000 to sell to other people more than we buy of foreigners. Every civilized people on earth are fully impressed with the tremendous strength of this Government as a world power. No power in the world wants other than friendly relations with us, yet our Army is to cost us for the coming fiscal year $100,000,000, and a naval bill of $78,678,943 is passed.

We have authorized the building of battle ships to cost $18,306,000 and $12,000,000 more to armor and equip them for sea service. Only one government on the earth to-day is as well equipped for sea service in war (and that a very friendly power) as we, yet we burden the taxpayers with $30,000,000 for new war vessels. All this on top of $80,000,000 worth of vessels in process of construction. We appropriate outright $2,627,324.42 for the Military Academy and prepare to follow it with $4,000,000 more.

This Congress appropriates $4,272,239.33 to reimburse certain Northern States for interest on expenditures during the civil war, despite the fact that the auditing officers of the Government refuse to concede these claims. More, this is done without fair, free, full, or any consideration in committee. Plain, unvarnished words are necessary here, Mr. Speaker. Juggling with figures shall not be permitted to conceal truth. The cold facts are that we have appropriated $800,195,000 in cash, and have further pledged the Government in a way that will be considered between business men as our promissory note for $260,000,000 more, and which must be met and will be met at further sessions of Congress.

The Democrats are attacked because we refused to vote for $500,000 for permanent barracks in the Philippines. Why? Because we know it is only the beginning of an immense sum yet to be expended in elaborate fortification in these islands, and because we stand for the principle that we should not permanently hold these

islands in colonial vassalage. Our duty to ourselves, to the people in those islands, and to the world demands that we declare the only true and honest American policy of helping the people there to establish a stable government and leave them to its enjoyment.

We are in name a Republic. The Democratic party holds to the fundamental ideas on which our Government was founded, that all people should decide for themselves what kind of government they want. We do not want to stay permanently in the Philippines. We are for helping to reestablish government in those islands, for we have destroyed what they had. You, Mr. Speaker, and your party have persistently declined to declare any policy.

Your intention is to make sport of liberty in the Philippines and enrich corporations by giving free hand to looters in those islands, and you take refuge when we attack your unholy purposes in the bold and false declaration that we are the enemies of the Army and the flag. We stand for the glory of our country, but we stand also for the perpetuity of free government here among our own people, and we believe that colonial government in the Philippines means in the near future curtailment of our own liberties. One of the bills to become a law at the next session of Congress is a militia bill, already passed this House, which ultimately carries $123,000,000 of appropriations from our Treasury and destroys the sovereignty of the States.

A bill is held up in this House (already passed the Senate) known as "the ship subsidy." You hold back this bill till after the elections this fall, but you will pass it and take out of the pockets of the people $190,000,000 without constitutional authority, but in line with the policy of the Republican party to feed private corporations from the Federal Treasury at the expense of the taxpayers.

A reasonable sum for rivers and harbors, for court-houses and post-offices is just and honest. A fair and free pension bill will be indorsed by the people. Liberal (not niggardly) appropriations to sustain the Army, the Navy, the courts, and the general civil service of the Government is not complained of by Democrats. We do not want to starve the public service. But you have created 460 new and unnecessary officials and have needlessly increased the pay of 500 others.

You have, without moral or legal obligation, appropriated $660,000 to reimburse private corporations for losses in holding expositions. Where the United States was held for nothing you give $500,000 to Buffalo and $160,000 to Charleston. It was a pure gift from the Federal Treasury.

The mouthpiece of your party, Mr. Speaker, argues that if the Panama route for a canal is not accepted that $40,000,000 will be covered back into the Treasury. Not so, Mr. Speaker. If we find, as we believe, a valid title can not be had for Panama, we must build at Nicaragua, for which $180,000,000 is to be provided, and which will not pay half its cost. The American people are for an isthmian canal. They are for the Nicaraguan route. The great transcontinental railroads do not want any canal. Power enough was exercised to switch the Congress from the route the people want to one not wanted; to one that will force a six-days haul by ship (even if established), thus helping the railroads.

I call your attention to the enormous deficiencies for this session, aggregating $28,039,911.42, overlapping appropriations for like purposes more than $12,000,000. Twelve years ago when the Republican Congress passed the billion-dollar mark in appropriations by $30,000,000 the people rose in their might and with a cat o' nine tails scourged that party from the political temple. To-day the country is confronted with appropriations for one session of Congress going beyond the wicked Fifty-first Congress and proposing to spend at one session $20,000,000 more than during the whole of the Fifty-first Congress.

Are we a two billion dollar country? Will the taxpayers stand idly by and see this party squander twice as much money as they did twelve years ago? If the Republican party have returned a majority in the Fifty-eighth Congress, they will have the right to believe that the people of these United States do not care for profligacy. They will take it as an indorsement of needless extravagance.

The actual cash outlay is already $24,000,000 more than is estimated to be raised by taxation, to say nothing of $260,000,000 for which we are mortgaged. It is idle to say that some of this money may be covered back into the Treasury. It is always reappropriated. The only hope is to return to first principles. Whatever the sins of the Democratic party, it has never run riot with the people's money. "Economy in the public expenses" is a cardinal doctrine of our party. I appeal to the middle classes. The small banker, the retail merchant, the miner, the mechanic, and the farmer to look at these figures and go to the polls, and by their ballots call a halt in this colossal extravagance.

A statement of appropriations made during the Fiftieth, Fifty-first, Fifty-second, Fifty-third, Fifty-fourth, Fifty-fifth, and Fifty-sixth Congresses, and the first session of the Fifty-seventh Congress for the fiscal year 1903, in which it will be seen that, notwithstanding the Fifty-sixth Congress paid for a war, neither of its sessions came within $270,000,000 of the present session, is as follows:

Title.	Fiftieth Congress (Democratic).		Fifty-first Congress (Republican).	
	Appropriations, 1889.	Appropriations, 1890.	Appropriations, 1891.	Appropriations, 1892.
Agricultural	$1,716,010.00	$1,669,770.00	$1,799,100.00	$3,028,153.50
Army	24,471,300.00	24,316,615.73	24,206,471.79	24,613,529.19
Diplomatic and consular	1,428,465.00	1,980,025.00	1,710,815.00	1,656,925.00
District of Columbia	5,046,410.32	5,682,409.91	5,769,544.15	5,597,125.17
Fortifications	3,972,000.00	1,233,594.00	4,232,935.00	3,774,803.00
Indian	8,263,700.79	8,077,453.39	7,262,016.02	16,386,284.86
Legislative, etc	20,758,178.07	20,843,615.81	21,030,752.75	22,027,674.75
Military Academy	315,043.81	902,766.69	435,296.11	402,064.64
Navy	19,942,835.35	21,692,510.27	24,136,035.53	32,541,654.78
Pension (including deficiencies therefor)	85,258,700.00	89,758,700.00	123,779,368.35	164,550,383.34
Post-Office	60,860,233.74	66,605,344.28	72,226,698.99	77,907,222.61
River and harbor (including amounts in sundry civil, deficiency, and special acts)	22,397,616.90		25,136,295.00	2,951,200.00
Sundry civil (exclusive of amounts for rivers and harbors)	$26,320,804.84	$25,297,341.65	$29,738,282.22	$35,459,163.99
Deficiencies (exclusive of amounts for pensions and rivers and harbors)	16,063,383.26	8,330,518.30	13,295,541.61	8,364,148.62
Total	296,814,682.08	276,390,665.03	354,759,152.52	399,260,333.45
Miscellaneous	10,170,862.55	10,255,795.29	7,010,905.27	3,271,531.10
Total regular annual appropriations	306,985,544.63	286,646,460.32	361,770,057.79	402,531,864.55
Permanent annual appropriations	101,638,512.74	98,875,907.29	147,598,288.07	111,892,154.94
Grand total	408,624,057.37	385,522,367.61	509,368,345.86	514,424,019.49
Total appropriations by Congresses	794,146,424.98		1,023,792,365.35	

Title.	Fifty-second Congress (Democratic).		Fifty-third Congress (Democratic).	
	Appropriations, 1893.	Appropriations, 1894.	Appropriations, 1895.	Appropriations, 1896.
Agricultural	$3,232,995.50	$3,323,500.00	$3,223,623.06	$3,303,750.00
Army	24,308,499.82	24,225,639.78	23,592,884.68	23,252,608.09
Diplomatic and consular	1,604,045.00	1,557,445.00	1,563,918.76	1,574,458.76
District of Columbia	5,317,973.27	5,413,223.91	5,545,678.57	5,745,443.25
Fortifications	2,734,276.00	2,210,055.00	2,427,004.00	1,904,557.50
Indian	7,664,047.84	7,854,240.38	10,659,565.16	8,762,751.24
Legislative, etc	21,900,132.97	21,865,802.81	21,305,583.29	21,891,718.08
Military Academy	428,917.33	432,556.12	406,535.08	464,261.66
Navy	23,543,385.00	22,104,061.38	25,327,126.72	29,416,245.31
Pension (including deficiencies therefor)	154,411,682.00	180,681,074.85	151,581,570.00	141,381,570.00
Post-Office	80,331,276.73	84,004,314.22	87,236,599.55	89,545,997.86
River and harbor (including amounts in sundry civil, deficiency, and special acts)	21,968,218.00	14,166,153.00	20,043,180.00	11,462,115.00
Sundry civil (exclusive of amounts for rivers and harbors)	26,851,076.93	27,550,158.15	25,853,775.55	35,106,045.40
Deficiencies (exclusive of amounts for pensions and rivers and harbors)	8,230,859.50	8,127,361.51	11,811,004.06	9,825,374.82
Total	382,527,385.89	403,515,586.11	390,578,048.48	383,636,896.97
Miscellaneous	3,208,922.82	520,499.18	577,956.55	297,667.37
Total regular annual appropriations	385,736,308.71	404,036,085.29	391,156,005.03	383,934,564.34
Permanent annual appropriations	77,948,076.49	75,896,581.79	68,769,173.59	73,153,780.38
Grand total	463,684,385.20	479,932,667.08	459,925,178.62	457,088,344.72
Total appropriations by Congresses	943,617,052.28		917,013,523.34	

Title.	Fifty-fourth Congress (Republican).		Fifty-fifth Congress (Republican).	
	Appropriations, 1897.	Appropriations, 1898.	Appropriations, 1899.	Appropriations, 1900.
Agricultural	$3,255,532.00	$3,182,902.00	$3,509,202.00	$3,726,022.00
Army	23,278,402.73	23,129,344.30	23,193,392.00	80,430,204.06
Diplomatic and consular	1,642,558.76	1,695,308.76	1,752,208.76	1,714,533.76
District of Columbia	5,900,319.48	6,186,991.06	6,426,880.07	6,834,535.77
Fortifications	7,377,888.00	9,517,141.00	9,377,494.00	4,909,902.00
Indian	7,390,496.79	7,674,120.89	7,673,854.90	7,504,775.81

Title.	Fifty-fourth Congress (Republican).		Fifty-fifth Congress (Republican).	
	Appropriations, 1889.	Appropriations, 1890.	Appropriations, 1891.	Appropriations, 1892.
Legislative, etc	21,519,324.71	21,690,766.90	21,625,846.65	23,410,840.79
Military Academy	449,525.61	479,572.83	458,689.23	575,774.47
Navy	30,562,660.95	33,003,234.19	56,098,783.68	48,099,969.58
Pension (including deficiencies therefor)	141,328,580.00	141,263,880.00	149,304,702.46	145,233,830.00
Post-Office	92,571,564.22	95,665,338.75	99,222,300.75	105,634,138.75
River and harbor (including amounts in sundry civil, deficiency, and special acts)	16,244,147.00	20,832,412.91	14,627,449.56	25,110,038.94
Sundry civil (exclusive of amounts for rivers and harbors)	29,812,113.19	34,490,370.47	34,222,762.70	39,467,733.86
Deficiencies (exclusive of amounts for pensions and rivers and harbors)	15,041,911.07	9,096,417.34	341,341,517.50	24,905,912.26
Total	396,375,024.51	407,907,801.40	768,835,084.26	517,558,212.05
Miscellaneous	416,010.06	749,057.90	6,560,311.29	28,744,590.24
Total regular annual appropriations	396,791,034.57	408,656,859.30	775,395,395.55	546,302,802.29
Permanent annual appropriations	72,702,975.84	76,345,185.42	117,836,220.00	128,678,220.00
Grand total	469,494,010.41	485,002,044.72	893,231,615.55	674,981,022.29
Total appropriations by Congresses	954,496,055.13		1,568,212,637.84	

Title.	Fifty-sixth Congress.		Fifty-seventh Congress, first session, for fiscal year 1903.
	First session, for fiscal year 1901.	Second session for fiscal year 1902.	
Agricultural	$4,023,500.00	$4,582,420.00	$5,208,960.00
Army	114,220,095.55	115,734,049.10	91,590,136.41
Diplomatic and consular	1,771,168.76	1,849,428.76	1,957,925.69
District of Columbia	7,577,389.31	8,502,269.94	8,547,526.97
Fortifications	7,383,628.00	7,364,011.00	7,298,955.00
Indian	8,197,989.24	9,747,471.09	9,143,902.58
Legislative, etc	24,175,652.53	24,594,968.85	25,398,381.50
Military Academy	674,306.67	772,653.68	2,627,324.42
Navy	65,140,916.67	78,101,791.00	78,678,963.13
Pension	145,245,230.00	145,245,230.00	139,842,230.00
Post-Office	113,658,238.75	123,782,688.75	138,416,598.70
River and harbor	560,000.00		26,726,442.05
Sundry civil	65,319,915.45	61,795,908.21	60,125,359.13
Deficiencies	15,688,330.61	15,917,446.94	28,039,911.42
Miscellaneous	3,802,301.34	7,990,018.67	2,600,000.00
Total, regular annual appropriations	577,438,642.88	605,980,355.90	626,142,617.00
Permanent annual appropriations	132,712,220.00	124,358,220.00	123,921,220.00
Isthmian Canal			50,130,000.00
Grand total, regular and permanent annual appropriations	710,150,862.88	730,338,575.99	800,193,837.00
Contracts authorized	4,224,640.00	58,440,374.00	259,373,215.00
Total, including contracts	714,375,502.88	788,778,949.99	1,059,577,052.00
Total appropriations by Congress	1,503,154,452.87		

Rural Free Delivery.

SPEECH

OF

HON. J. H. DAVIDSON,

OF WISCONSIN,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, March 8, 1902.

The House being in Committee of the Whole, and having under consideration the bill (H. R. 11728) to classify the rural free-delivery service and fix the compensation of employees thereof—

Mr. DAVIDSON said:

Mr. CHAIRMAN: The pending proposition proposes to place under the contract system the carriers on rural mail routes. For years we have had the contract system in the carrying of mails on what are known as "star routes." This system has never been particularly successful on star routes, and there are many reasons why, in my judgment, it would not be a proper system to establish on rural routes. Under the star-route system the carrier receives a locked pouch at one office and simply carries it to the next office. He has no key to the pouch, does not open it or handle the mail in any way. His responsibilities therefore are very light. We all know of instances where, by reason of the letting of star routes to the lowest bidder, persons have contracted for the carrying of mail at such a ridiculously low price that they could not properly equip themselves for the performance of their duties.

Very often the horses and wagons used on these routes are a disgrace to the community and to the country. Carriers on rural mail routes have all the responsibilities of ordinary postmasters. They handle all the mail which is distributed or collected on their route. They sell stamps, register letters, take orders for money orders, and deliver pension vouchers. In short, all kinds and descriptions of mail matter pass through their hands. These men therefore must be men of good character and education. They must be selected with care and with due regard for their fitness and ability for the performance of their duties. These positions are now under the civil service. They are not political jobs to be distributed as political favors, but they are to be filled by competent, capable men. Their compensation should be sufficient to enable them to maintain a suitable conveyance, good horses, a wagon especially built for the purpose, and then the carrier should have enough left after paying expenses to compensate him for the services performed and the responsibilities borne. When this system was first established the salary was $400 per year. It was then increased to $500, and now it is $600 per year. This is equal to $50 per month, and when it is remembered that a carrier is obliged to work every day, Sundays excepted; is obliged to invest in at least two good horses, because one horse will not stand a daily drive every week day in the year of 25 miles; is obliged to buy feed for his team and keep his outfit in repair, the amount is not too large. I for one would be glad to see the salary increased to $750 per year.

I think a rural mail carrier working every week day in the year ought to receive at least $50 per month net for his services, and if the salary was fixed at $750 he could do that and have an allowance of $150 to cover expenses.

The rural mail service has come to stay. This is a Republican institution, fostered and cared for by Republican Administrations. The first movement made for the establishment of rural mail service in the United States was under the Administration of Benjamin Harrison. Later, under the Cleveland Administration, an appropriation was made to continue the experiment, but the Postmaster-General refused to spend the money, probably because he did not believe the people residing in the rural districts had any rights which he or a Democratic Administration were bound to respect.

As soon as another Republican Administration came into power, steps were immediately taken to develop and extend this system. The result is, as shown by the last report of the Postmaster-General, there are now in operation over 6,000 routes distributed throughout 44 different States and serving 2,840,644 people.

Last year the appropriation for this work was over a million dollars in excess of the previous appropriation. This year I have no doubt the appropriation of last year will be more than doubled, because the people everywhere are demanding the extension of this system. And why should they not demand it? If it is proper to employ carriers to distribute the mail to people residing in the cities, why should not those in the country districts have their mail delivered also? The great agricultural sections have always been the backbone of the country. These sections can always be relied upon when the country's honor is at stake or the country's flag is in danger. They can always be relied upon to contribute of their means for the support of the National Treasury. By reason of their residence in sections remote from the center of population they have not been able to enjoy directly the benefits which come from appropriations made for general public improvements. Why, I ask you, should we not be reasonably liberal in providing for the extension of a service which does directly benefit the people living in these sections? As the country has become developed and the roads improved there has come this growing demand for rural mail service. It is a demand which must be met, a demand which ought to be met, and I believe no appropriations which we will make at this session of Congress will be of greater benefit to a larger number of people than will the appropriation for the extension of the rural mail service.

This system has not yet become perfect. Defects exist which must and will be from time to time overcome. One regulation of the present system, which I have no doubt was entered into by the officials of the Department with the best of intentions and for the purpose of improving the service, is, in my judgment, a defective one. I refer to the regulations which provide that the boxes erected upon rural mail routes must be of some one of 14 varieties which have been approved by the Post-Office Department. In justice, however, to the officials of that Department, it should be borne in mind that when rural routes were

first established patrons were permitted to erect any kind of an old box, and the mail was deposited therein. Some would put up tin boxes, but most of them would use wooden boxes, old cracker boxes or starch boxes or anything which might be handy, and very often the mail deposited therein was exposed to the elements and became damaged. To cure this defect the Department organized a commission to investigate the subject, to examine the boxes manufactured by different firms in the United States, and to recommend some kind of box as appropriate for this service. The result was that out of some 60 or 70 samples submitted the commission selected 14 different varieties, manufactured by different firms, and approved of the same.

Now, while it is true that the use of these boxes has worked an improvement in the mail service, yet it has actually given a monopoly to these 14 firms to manufacture all the mail boxes to be used on all the rural routes in the United States. When you consider the thousands of routes that will be established in the next few years and the hundreds of thousands of patrons thereof who will be purchasers of boxes, it can readily be understood what advantage these 14 firms have over others who might desire to engage in the same work. I believe, therefore, that this regulation should be changed. It seems to me if the Department would simply provide specifications for a box which would be suitable for this service and designate in the specifications not only the dimensions of the box and the general form in which it should be made, but the quality and kind of material to be used in its construction, and then furnish these specifications to any tinsmith, hardware merchant, or manufacturer who desired to engage in the manufacture of these boxes, competition would be stimulated and patrons of rural routes would be able to obtain their boxes at less cost than they now do. Every tinsmith in a town where a rural route was to be established could, if he so desired, secure a copy of these specifications and manufacture the boxes to be used on the routes in that vicinity. All this would tend to not only improve the service, but stimulate harmony and good feeling among those interested therein.

There are some sections of our country where this system can not be properly established; where the roads are not in good condition and the country is not sufficiently settled to justify the expenditure. To these sections the benefits of the system will come in time. Those residing therein must bear in mind that they have a duty to perform; that they can not simply petition the Post-Office Department for the establishment of a rural mail route and then quietly sit down and fold their hands and do nothing and expect the mail route to be established and the mail delivered at their door without further effort on their part. In my judgment, no one thing has done so much for the advancement of the "good roads" cause in the United States as has the establishment of the rural mail service. Let it be generally understood, let it be positively understood, that rural routes will not be established unless the people interested therein and who are to receive the benefits thereof will put the roads in such a condition that a carrier will have no difficulty at any season of the year in traveling over them at such a rate of speed as will enable him to cover his route in a reasonable length of time.

The present practice in establishing routes is to locate them on some main highway extending out from the post-office into the country a distance of 10 or 12 miles and returning on another highway perhaps 2 miles distant from the first. While this accommodates the people who live on the main roads, it does not as well accommodate those who may happen to live on the cross roads. Some of the people are obliged to place their boxes at the corners, sometimes a half mile or even a mile from their house. Everyone is particularly anxious to have any letters or other mail matter which may come to him properly and carefully handled, and it is with a good deal of reluctance that any person will place a box a mile or so from his house and provide for having his mail placed therein for fear some one may tamper with the box and destroy or steal the mail. This objection can not be obviated under the present system, but the establishment of the county system in those sections where it can be properly done will overcome all these objections. The county system is, in my judgment, the ideal system for the rural mail service. This system when established is intended to give to every farmer and to every person living at any distance from an established post-office his mail at his own gate. This means the extension of the mail service so that the mail can be carried from central distributing points in the county to each remote corner of the county and upon every cross road as well as main highway, so that each person will enjoy a benefit equal to his neighbor and all be placed on an equal and just footing.

I have the utmost confidence in the ability of the Postmaster-General and those under him to extend and promote this system in such a manner as will merit the approbation of every loyal American citizen. These men who have developed this system are entitled to a great deal of credit. They have labored patiently and earnestly and given thorough study to a subject which to all of us was entirely new. Let us uphold and assist them. Let us strengthen their hands; let us appropriate reasonable sums of money and place the same at their disposal so that they may go forward with this work to the end that the people may have the benefit thereof.

The passage of the bill now before us means a step backward; it means demoralization to the system and discouragement to those who have done so much for its establishment. I mean no disrespect to the committee which has reported this measure, but I do believe that it would be a mistake to adopt the contract system. We can not afford to make any mistake. We do know that the present system enables the Department to get good men for this service. We know that good men are needed in the work, and to get good men we must be willing to pay a reasonable compensation for their services. If these positions are to be let to the lowest bidder, irresponsible men, men of bad character and habits, or lacking in education or ability to properly equip themselves for their duties, might secure the contracts.

The experiment is, therefore, too dangerous. We can not afford to make it. Let us defeat this measure; let us continue the present system, and with good men as carriers, good men directing them, and with a Republican Administration back of them there will be no question about the future of the rural mail service. It will be one of the permanent institutions of our country; it will bring blessings to the rural sections; it will keep in touch all parts of our splendid country and will advance the cause of education; it will upbuild humanity; it will encourage and sustain those engaged in agricultural pursuits.

I believe in the rural mail service; I want to see it extended until a network of routes shall be established so that every American home, no matter how remote from a city or town, and every American family, no matter how isolated, will be reached by this service.

With these views on this subject, and believing that to put the carriers under the contract system would be a step backward in this enterprise, I shall vote against the pending bill. [Applause.]

Grazing Privileges on the Public Lands for Homesteaders and Small Landholders—Pastoral Homesteads.

SPEECH

OF

HON. JOHN F. LACEY,

OF IOWA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, June 13, 1902,

On the bill (S. 3057) appropriating the receipts from the sale and disposal of the public lands in certain States and Territories to the construction of irrigation works for the irrigation of arid land.

Mr. LACEY said:

Mr. CHAIRMAN: "All flesh is grass and all the goodliness thereof as a flower of the field." Isaiah xl, 6. "The grass withereth, the flower fadeth because the spirit of the Lord bloweth upon it; surely the people is grass." Isaiah xl, 7. Man's existence depends almost wholly, either directly or indirectly, upon the grasses in their various forms. Voltaire's saying is often quoted: "Whoever makes two blades of grass to grow where only one grew before renders a service to the state," and this statement is no more true than that the public policy which makes one blade of grass grow where two grew before should be reversed.

We have now 600,000,000 acres of the public domain, without taking into account the Territory of Alaska. Of this vast region a very large portion is only suitable for pasturage, 46,000,000 acres have been set apart as forest reserves, 5,300,000 acres as national parks, a large area is embraced within the limits of mountain ranges above the timber line—but after all there remains an empire which is suitable only for pasturage. While a considerable area is yet to be put under cultivation by proper systems of irrigation, the land that would only be fit for grass would still amount to hundreds of millions of acres. How to utilize this best for our great and growing population is a problem well worthy of the consideration of the Congress of the United States. It is one, too, that is full of difficulty.

Prejudices are to be encountered, abuses have to be corrected, and it is high time that the people who are living in this great territory should seriously take the subject under consideration. They have begun to do so, but yet there is much difference of opinion as to what remedy, if any, should be adopted and applied. The purpose of my remarks to-day is to discuss the best attainable remedy for present evils—the best possible under existing circumstances—and I think I fully realize the difficulty of

framing a law dealing with this question. The home is the base of everything, and if we start reforms on this subject with the home as the foundation the structure will be safe.

In examining this question and preparing a bill upon it the home seeker and actual settler is the man for whom we should exercise our first concern. The actual settler is the strength of a new State. The nomadic herder who drifts with his flocks from State to State, paying taxes nowhere and having no care for the future of the State, should be accorded no rights which will conflict with the local interests of the community or which will deter the actual settlers from taking up permanent homes.

The protection of the forests has no longer much opposition. By saving the forests we preserve the streams. The benefits of the restoration of the herbage of the plains are more direct. Grazing is even more important than irrigation. The nakedness of the plains should be clothed with grass and the mountains with trees.

In reading the early history of the United States, especially of the far West, the mention of abundance of grasses suitable for grazing will always strike the attention of the reader. It is interesting to take the story of Lewis and Clarke's expedition, or the journals of the pathfinder, General Frémont, in his journey across the continent in the earlier days, and follow their descriptions of the abundance of animal life supported by the native grasses in the arid regions of the far West. This teeming life of the great plains was supported in the winter by the hay cured by the dry winds upon the native stalks.

There are in the grass family about four thousand species, from the greatest of all—the bamboo—100 feet high, down to the short buffalo grass of the arid plains. In this numerous family of plants is found the food of nearly all the animals which support the life of man. Civilized man draws his life and strength either directly or indirectly from the grasses of the field. The native grasses of America are amongst the most valuable known to mankind. When Timothy Herd discovered in the marshes of New England, and introduced to his neighboring farmers the native plant that long bore his name, now familiarly shortened into plain "timothy," he conferred a blessing not only upon New England but upon the whole American people.

The variety of these valuable grasses upon the Western plains has been steadily decreasing since the country has been opened to settlement. In the settled portions of the East the intelligence of man has improved the pasturage, whilst the natural herbage of the far West has been neglected because there was no one to care for it.

There has always been a fascination in the maxim of "free grass," and the fear of monopoly in the hands of the large cattle owners has arrayed many of the settlers, if not the most of them, in the grazing States, against any proposition whatever for the leasing or private control in any way of any portion of the grazing lands.

The legislature of the State of Montana has by resolutions expressed itself against any leasing proposition. The small landowner and the homesteader have looked with just apprehension upon any scheme which would enable the great cattle companies to fence in large tracts of the national domain and exclude the poor settler from enjoying the wild products of the public lands. This condition has existed for many years. There is a diversity of opinion upon the subject as to the extent to which the native pasturage has deteriorated, but the fact of its great decline is not disputed. That deterioration has been reasonably estimated amounting to the destruction of more than a million acres of grass land each year, and its conversion into a desert condition.

The homesteaders in western Kansas and other localities have taken up claims where it is impossible for them by cultivation to make a living for themselves and their families because of lack of rainfall. In taking these claims, however, they have plowed up considerable portions of the valuable native grasses, and while nominally improving the land, they in fact have injured it, because upon much of this land there is no product of any kind that can take the place of the native grasses and at the same time be a safe and reliable crop in usual dry seasons. Many of the ranges—in fact, most of them—have been heavily and persistently overstocked. Many varieties of the grasses are annuals, and in the fierce competition among the herders not a sufficient quantity of grass is permitted to go to seed to renew the plants.

The House Committee on the Public Lands has had this matter before them for many years. Personally I have realized the necessity for doing something toward the restoration of the natural pasturage, but in considering this matter I have always found myself confronted with the difficulty that the small settler and homesteader would probably be crowded to the wall under such system unless it should be guarded with exceeding care.

The State of Texas has for many years leased its grazing lands. The change from free grazing to the leasing system was attended with violence and bloodshed in that State, but public sentiment has steadily grown in favor of the leasing system, until the people there are practically unanimous in their commendation of the law. The only criticism there is that the leasing of the land in very large tracts has retarded the settlement of some parts of the State.

Experience, however, in Texas has shown that the leased tracts have produced an increased amount of grass, and that the land is capable of sustaining a much larger number of cattle under the leasing system than under the old method of free grazing. The reason for this is very evident. Where there is a proprietary interest in the pasturage, the owner will endeavor to manage it in such a way as to increase the product. On the other hand, where the range is free to all, with no proprietary rights in the future, each cattle and sheep owner endeavors to get all the grass he can without any reference to the future.

The annual grasses are eaten before going to seed, and the pasture of next year is not considered. A wise farmer would not feed his seed corn to his flocks, and the seed of many of these grasses is equally as necessary. I believe there ought to be a remedy for this, and after many years' service upon the Public Lands Committee I have thought it my duty to attempt to prepare a bill which I believe will overcome or minimize the evil to which I have referred and at the same time avoid the other evil of monopolization of the range. I have therefore prepared a bill that I believe will be just, by limiting the leasing rights in comparatively small tracts to the homesteaders and resident landowners only.

The bill provides for leasing only the arid and semiarid land which is not capable of irrigation, the leases to run only for a term of five years and be limited to 3,200 acres to any one person; they shall not be assignable or transferable and shall only be made to homestead settlers or actual freeholders whose lands are in the vicinity of the grazing lands to be leased. Where there is not sufficient land to supply the necessary amount for the various applicants, the same to be prorated, the annual rental to be 1, 2, 3, 4, 5, or 6 cents an acre, according to the grade of the land, the land being classified by the Department of the Interior for that purpose. The large landholder may also lease land, but the maximum of 3,200 acres applies to all alike. Corporations are not privileged to lease under this bill. The land remains open to mineral, homestead, or other lawful entry, and when entered the lease is to be canceled. Streams and watering places are not to be included in any of these leases, and the right of way through leased lands to and from watering places is reserved to other lessees.

The bill provides that the law shall be put in force in any State or Territory only by proclamation at the request of the State or Territorial legislature. This will prevent the operation of the act in such States and Territories as do not desire its benefits. It also provides that the net receipts of the leases shall be used for irrigation works in the State or Territory where collected.

From this brief statement of the scope of the bill it will be seen that for a very small rental the homesteaders and small landowners will be able to utilize their property by obtaining grazing rights which it will be to their interest to protect. The total amount of grazing lands in the country will be exactly the same after these leases are made as before, but the small settler, and large settler as well, will thus be able, upon a limited amount of the public domain, to protect the grass from improvident and destructive grazing. They will be able by shifting their cattle from one part to another to allow the depleted range to become restored, and the certainty that they will get the benefit of the increased production will induce them to care for the pasture with a view to its preservation.

There is only one experiment involved in this bill, and that is the attempt to limit its operation to the homesteader and the small landowner alone. This will work no hardship upon the large cattle owners, because the remaining land will still be open to free range, and the owners of the large herds can also subdivide their stock and let portions of the same out to graze upon the leased lands. It would result in a new impetus to homestead settlement, for settlers would locate homesteads in order to have the benefit of the appurtenant leasehold right who could not afford to make the attempt to live on 160 acres of land in a locality where the great sheep and cattle owners would consume all of the surrounding pasturage.

Many of the arid States are already trying the experiment of leasing State lands on their own account, and although these leases have not been in existence very long, the results in some of the States would indicate that the leased State range is already very much better than the public land in the same locality that has been subject to free and indiscriminate grazing.

The subdivision and exercise of proper care in the management of this immense area of pasture land is even more important in my judgment than the question of irrigation, for nearly all of

the arid lands can be made to produce pasture, while comparatively a very small portion can ever be used successfully in raising irrigated crops. The leases not being transferable, the amount of each lease being limited, the range would be preserved and at the same time protected from monopoly.

It is proposed in the bill that corporations shall not be permitted to lease. The reason for this is evident. A corporation is not a settler and has no family or home. Corporations can be created without number, and if leases were open to corporations under this bill they could readily locate tracts of 320 acres without settlement and then take leasehold privileges of 3,200 acres each appurtenant to their holdings, and effectually prevent the settlement of large areas that under this bill would become the home of ranchers. Under existing laws homesteads in the public lands are provided for farmers; this bill will open up the way for pastoral homesteads in a region where ordinary cultivation is not practicable.

I believe if this bill should be enacted into law it would be followed by very considerable increase in population in all the arid States, because we would have practically a new form of homesteader—a homestead settler who would take land because of its appurtenant rights, feeling confident that upon his homestead and leasehold lands he could be sure of a living for himself and family.

If I am right in my suggestion that intelligent and prudent management would increase the grass product, then it follows that more cattle could be supported upon the same amount of land than under the present entire lack of care, system, and method.

In Oregon the wheat farmer raises a wonderful quantity of grain to the acre; but the good farmer there only raises two crops in three years or one crop in two years and gives his land the benefit of a year's summer fallow. The Hebrews recognized that the land, as well as man, must have periods of rest. Pastures, too, must have rest from time to time or they will become worthless. A lessee will consider his own self-interest in the care of the grazing lands that he may control, and by shifting his cattle from time to time will allow the restoration of the native grasses. Regions where the herbage was once very rich have become desolate. Under proper care they can be again restored.

The grass of the land is the life of the land. Grass is the healer that covers the scars of nature. Grass makes all the difference between a desert and a meadow. The pastures of the West are of the first importance to the whole people of the United States. I earnestly plead for their care and restoration.

The bill which I submit to the consideration of the country is as follows:

A bill (H. R. 14108) to grant grazing privileges to homestead settlers and holders of small farms in the arid and semiarid land region, and for other purposes.

Be it enacted, etc., That the purposes of this act are to give to homestead settlers and holders of small farms the opportunity, in the arid region, to improve, use, and protect the grass upon the public domain in the vicinity of their holdings, so as to prevent the further deterioration and the monopolization of the range by the owners of large herds of live stock; and the rules and regulations to be made and promulgated by the Secretary of the Interior under this act shall be made with reference to its purposes as defined in this section.

SEC. 2. That so much of the arid and semiarid public lands not capable of irrigation as may be necessary for the purposes of this act may be leased for stock-grazing purposes, subject to the right of homestead, mineral, and other lawful entry under existing laws. Said leases shall be made under such rules and regulations as may be prescribed by the Secretary of the Interior and for the purposes of and subject to the limitations of this act.

SEC. 3. That all leases shall run for a period not exceeding five years. Such leases shall be limited to an area of not exceeding 3,200 acres to any one person, and such leases shall not be assignable or transferable, but in case of the death of the lessee shall inure to the benefit of the estate or legal representatives of such lessee. Such leases shall only be made to actual homestead settlers or to freeholders whose lands are in the vicinity of the lands to be leased by them. And the holder of a homestead prior to patent may obtain a lease for not exceeding ten times the area of land included in his said homestead, and the owner of lands in freehold may in like manner and under like restrictions acquire a lease for ten times the amount of his said freehold, but in no event to include more than 3,200 acres for any one lessee under this act.

SEC. 4. That during the continuance of any lease made under this act the lessee may fence the leased land or protect the same from trespass in any other lawful method.

SEC. 5. That no corporation shall be entitled to any lease under the provisions of this act.

SEC. 6. That where there are two or more persons eligible to acquire leases under this act who may desire leases upon the same land, and there is not enough public land in such locality to supply the said applicants, then such lands shall be apportioned among such applicants under rules and regulations to be prescribed by the Secretary of the Interior.

SEC. 7. That the lands to be leased under this act shall be classified and graded by the Secretary of the Interior into six classes, and the annual rental shall be 1, 2, 3, 4, 5, or 6 cents an acre, according to class or grade, payable at such times and in such manner as may be prescribed by the said Secretary. The proceeds of such leases shall be paid into the Treasury of the United States.

SEC. 8. That nothing in this act shall prevent the lessees or other persons and corporations from the privilege of grazing their stock upon the public lands not included in such leases.

SEC. 9. That nothing in this act shall apply to or change existing law as to forest or other reservations: *Provided*, That the Secretary of the Interior, under rules and regulations to be made and promulgated by him, may make and collect such charge per capita as he may determine for each horse, sheep, or other animal which he may permit to graze within the forest reservations.

SEC. 10. That when any mineral, homestead or other lawful entry is made upon leased land the lease shall be canceled thereon under rules and regulations to be provided by the Secretary of the Interior.

SEC. 11. That in leasing under this act the regulations shall provide for the reservation of watering places and streams where practicable, so as to render the same accessible from the leased lands in the vicinity; and such regulations shall also provide for the necessary right of way across other leased public lands in order to enable any lessee to have access with his stock to and from the lands leased by him.

SEC. 12. That leases may be renewed for further terms: *Provided*, That in renewing such leases the right to prorate by other applicants under section 6 shall be applicable.

SEC. 13. That this act shall take effect from and after its passage, but shall not be put in operation in any State or Territory until proclamation shall have been made by the President to that effect, which proclamation shall be separately issued as to each State and Territory: *Provided*, That no such proclamation shall issue as to any State or Territory until the legislature of such State or Territory shall by resolution request such action.

SEC. 14. That the net receipts after payment of the expenses of administration, arising from the leases under this act, shall be set apart as an irrigation fund to be expended in the State or Territory in which the same shall be collected.

Eulogy on Death of Hon. Peter J. Otey.

REMARKS

OF

HON. DAVID H. MERCER,

OF NEBRASKA,

IN THE HOUSE OF REPRESENTATIVES,

Sunday, June 29, 1902.

Resolved, That as a mark of respect to the Hon. PETER J. OTEY, late a member of this House from the State of Virginia, and in pursuance of the order of the House heretofore made, the business of the House be now suspended to enable his associates to pay fitting tribute to his high character and distinguished services.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That as an additional mark of respect at the conclusion of these exercises the House do adjourn.

Resolved, That the Clerk be, and he is hereby, instructed to send a copy of these resolutions to the family of the deceased.

Mr. MERCER said:

Mr. SPEAKER: My presence here to-day is because of the friendship and respect I had for the deceased during his service in Congress, and until a few moments ago I had no intention of adding words to those so fittingly contributed by my colleagues as additional evidence of my love and respect for him and for his memory.

Mr. OTEY was an associate of mine on the Committee on District of Columbia, and during the years we served together I found him in daily attendance at committee meetings, ever mindful of the interests of his constituents and his country. He examined very carefully all bills referred to him for consideration, and in the hearings before the committee and in the discussions of measures brought before us for action he exhibited a deep knowledge, and his advice and suggestions were valuable and instructive.

On the floor of the House he was a unique character, especially in debate. He very seldom occupied the attention of the members by speech, but when he did his associates were prepared for an entertainment both amusing and instructive. His wit was refreshing. We always enjoyed it, even when it turned against Republicans, collectively or individually. In the closing days of Congress Mr. OTEY was a prominent figure in songs and jollification, and none of us will ever forget his rendition of "Dixie," one of his favorite songs. The Southern accent, the gesticulations, and the dance steps made his rendition of "Dixie" inimitable.

Otey was always young. Age in years never made him old in his associations. He loved children and always entered into their sports as one of them. He never forgot that he was at one time a boy, and he was full of excuses for the pranks of youth. The young men and women of his acquaintance found in him a companion and a friend, and were never chagrined by severe censorship on his part. Thus he obtained their confidence and officiated as their advisor, leading them into paths of rectitude and wisdom, rather than along the highways of recklessness and failure.

Mr. OTEY was a patriot. Although he and six of his brothers joined the Southern Confederacy and fought bravely and persistently for the stars and bars, when that unfortunate war came to a close he became a better American citizen than ever before, and in spite of the wounds and ailments received by him as a soldier in the Confederate army he was ever ready to fight for the Stars and Stripes.

Of late years Major Otey realized that he would leave this earth upon a sudden call. Only a few days before his death he

and I attended a banquet in Baltimore and he then informed me that his heart was bothering him and he was obliged to be very careful in his diet and comportment. That night at the banquet table he spoke as one realizing his near approach to another world. His words were eloquent, full of feeling, and left a most intense impression upon his auditors.

He referred to the boys in blue and gray who had gone before him, told of their patriotism and loyalty, and rejoiced that peace now reigned in the Republic, and that his eternal prayer was that never again should the country be embroiled in civil strife. He congratulated himself that he was at peace with all mankind. The announcement of his death was a sudden shock to his many friends as well as to his family, but it was only another reminder that none of us are here permanently and that we should be prepared at all times to receive a summons from the Great Master. Our friend is gone, but the world is better because he lived in it.

Civil Government for the Philippine Islands.

SPEECH

OF

HON. CHARLES N. FOWLER,

OF NEW JERSEY,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, June 26, 1902.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes—

Mr. FOWLER said:

Mr. CHAIRMAN: I am fully aware that this measure will be reported back to the House as it came into this committee, and yet I desire to here and now register my protest against one of its provisions and to express the hope that when the bill comes from the conference it will be immeasurably improved by the omission of the sections with reference to banking.

Should an intelligent and careful student of our monetary history set out to draw a measure containing those propositions—I will not dignify them by calling them principles—which have with the greatest degree of certainty led to disaster, he would, undoubtedly, produce this identical scheme of banking.

The most remarkable thing to me is how the committee could have helped avoiding it, unless perchance it was placed here as an antidote to something worse, even as deadly poisons are sometimes used as antidotes to still more deadly diseases.

If, therefore, happily, by chance or design, this vicious scheme shall have the effect of destroying the still more vicious scheme of the free coinage of silver contained in the Senate bill, we shall have escaped two unspeakable evils—the Scylla and Charybdis of Philippine legislation.

If I desired to call down upon the Philippine Islands the curse of curses, I should doom them to the silver standard, with the free coinage of silver. If I desired to raise a certain and complete bar to all progress and prosperity, I should subject them to the schemes and chicane of the bullion brokers, whose limit is measured by the last farthing of profit.

The free-coinage scheme contained in the Senate bill gives the lie to three of the most notable and glorious educational campaigns in American history, and reverses by legislative enactment three deliberate judgments rendered by the American people at the polls.

Instead of a brave advance, it is a cowardly retreat. May God grant that no such humiliating spectacle shall ever be charged to the Republican party, whose progress in monetary reform has been slow, but always onward and upward, and never backward and downward.

The coinage provisions of the House bill, though not without criticism, look in the right direction and are incomparably preferable to those in the Senate measure, which must prove, if enacted, an everlasting scourge and withering blight to that struggling people.

If American civilization is to be the salvation of the Filipino, you will lift him further and faster by the adoption of American money than by any other force.

It will teach him the lessons of the flag, and impress upon him the power and glory of the Republic, while the theoretical instruction of the schools is making comparatively slow progress; for through no American coin will he be filched of his legitimate gain.

Establish in the Philippine Islands the gold standard—the standard of the whole commercial world—thus placing them beyond a daily bullion tribute to the money changers, and you will start the Filipino on the sure road to a perfect confidence in the American people and in the justice and honor of our Government.

That French writer, indeed, spoke the truth when he said:

"The finances touch everything, help everything, and conclude everything. They are in the State what blood is in the human body. If it circulates, it carries along with it motion and life; if it stops, it paralyzes and death supervenes. Good organization, good administration, a good condition of the finances exert, therefore, imperiously, everywhere and always, a positive, healthful, and vivifying action upon the government of a country and the prosperity of its people."

How important, then, that we give to the Filipinos the best we have, not the worst we could conjure up were our purpose to undo and ruin them.

But let no man suppose that even the best we have can not be greatly improved, and indeed it must be, if we are to take the preeminent place in the financial world we are in all other respects entitled to occupy.

Good as many of our people think our financial system is, if indeed we have any financial system at all, and proud of it as some of us in our ignorance pretend to be, it is wholly unworthy of our intelligence, inadequate to our needs and unsuited to the commercial conquest of the world upon which we have entered.

Mr. Chairman, regarding this a most fit occasion to point out how we should adjust our finances and improve our banking and currency conditions if we would win grandly and hold our place permanently, I shall beg the indulgence of the committee while I lay before it those changes which I deem important, indeed essential, would we escape our annual currency panics, eliminate a perpetual fear felt by everyone, secure a banking system coordinated to the needs of our time, and place our standard of value beyond question or cavil.

In the United States Senate, on March 18, 1834, Daniel Webster said:

"Credit is the vital air of the system of modern commerce. It has done more, a thousand times, to enrich nations than all the mines of the world. It has excited labor, stimulated manufactures, pushed commerce over every sea, and brought every nation, every kingdom, and every small tribe among the races of men to be known to all the rest. It has raised armies, equipped navies, and, triumphing over the gross power of mere numbers, it has established national superiority on the foundations of intelligence, wealth, and well-directed industry. Credit is to money what money is to articles of merchandise."

If these words were true in 1834, how much fuller they are of meaning to-day.

The total clearings of the whole country last year were one hundred and eighteen and one-half thousand millions, or $118,500,000,000. Those of New York City alone were more than $77,000,000,000, and only 4½ per cent of them were paid in cash, while the clearings during five hours on May 10 were more than $598,000,000.

Such gigantic transactions in credit call for a solid and enduring foundation, a foundation about which men have no occasion to think, rather than a foundation about which they never cease to think, and that with the greatest solicitude and profoundest apprehensions.

Again, the clearings of 1901 were $32,000,000,000 or nearly 40 40 per cent greater than the clearings of 1900. Our clearings were $73,000,000,000, or nearly 150 per cent more in 1901 than they were in 1894, only seven years before, when they were $45,500,000,000.

Have we a currency system that automatically adjusts itself to these widely varying needs? Let the experience of every autumn answer.

The commercial transactions of to-day are in the millions, where yesterday they were measured by the thousands. Are our financial institutions suited to these marvelously changed conditions?

Our trade now encircles the globe, and our foreign transactions approach $2,500,000,000.

Should not American banking, under the ægis of the Government, follow every commercial missionary as he exploits the markets of the world for the products of American labor?

Mr. Chairman, never was there greater need than we now have of a financial system, built upon principles as unvarying and immutable as the law of gravitation.

Eighty millions of the most intelligent, ambitious, and productive people in the world, converting their talent and toil into $18,000,000,000 of products every year, which, in their swift and ceaseless changing from mine and mill and from forest and farm to the ever increasing wants of a grandly advancing nation, send the exchanges bounding beyond the $100,000,000,000 mark, are

entitled to, need, and must have something more and other than tentative monetary conditions, subject every two years to a party vote, and dependent almost every hour on the caprice or fancy of a Secretary of the Treasury.

The infinite and almost immeasurable commerce of this country should be grounded upon and anchored to the world's standard of value, and yet not a single transaction, however small or however great, of the countless trades involved in the whole $118,000,000,000 of exchanges must now be proved in gold coin. Indeed, nowhere does gold bear a direct compulsory relation to the business of the country.

The currency tools of smaller trade, as well as those of the larger commerce, should spring into being with each transaction and return to their source upon the completion of their mission.

These instruments of trade should always be equal to the needs of business, and always as good as gold, because convertible into gold upon the demand of the holder.

The banks of the country should prove the soundness of their credits by daily gold-coin redemptions.

Our banking system should be such as to make every dollar of money or credit available at the point where most needed, and that without charge or discount, if we are to have a mechanism of the highest utility, greatest economy, undoubted stability, and the most perfect efficiency.

In 1800, when our population was 5,308,483, our money in circulation was $26,500,000, or $4.99 per capita. The per capita circulation gradually increased throughout the century, from decade to decade and from period to period, being $6.96 in 1820, $10.91 in 1840, $13.85 in 1860, $19.41 in 1880, $22.82 in 1890, $26.94 in 1900, and to-day it stands at $29.

Generally speaking, I assume that the amount of money in circulation among the people has fairly represented their needs at the respective periods, although there have been times of redundancy alternating with scarcity, owing to conditions which led to unfortunate legislation or to unwise legislation which itself developed unfortunate conditions.

In 1800 the people led a plain, frugal, and practically an independent life; each family, in the great majority of cases, producing all it ate, wore, and used, and, therefore, the need of money was slight indeed.

To-day the life of the average American citizen is one of complex and interdependent relationships; no one producing what he himself eats, wears, and uses, but selling his product for cash with which to buy the things he needs.

Not until 1860 did the factory system make its appearance, but since then it has completely changed the order of things. The transformation is going on to-day at an amazing pace, and we are sweeping on, confounding the whole civilized world with our achievements.

In 1800 we were 5,000,000 of distinctively agricultural people, limited to a narrow strip of land fringing and fretting the Atlantic. To-day we are nearly 80,000,000 of as distinctively a manufacturing and commercial people, the products of our shops going to the ends of the earth, and the world being our field of action.

At home, from raw material to finished product, we buy and sell in amounts annually aggregating nearly two hundred billions; while our exchanges for commodities alone with the outside world approach the two and one-half billion mark.

With what equipment in our financial arrangements and banking facilities are we carrying on our own gigantic mechanism of production, as we throw down the gauntlet of commercial supremacy throughout the world to all comers?

Have we taken the last caution that will protect us against the destructive violence of overproduction and its consequent reaction?

Are we prepared to measure swords with our competitors when the last ditch is reached and the contest is reduced to a hand-to-hand fight?

Let us see.

To-day our per capita circulation is $28. No one can tell whether under the operation of wise economic laws it ought to be greater or less than that amount. But since it has gradually increased throughout a century we are bound to assume in all discussions of the matter that the amount is normal and certainly should not be less.

The measure reported by the Banking and Currency Committee has been drafted with the distinct purpose of meeting certain dangerous conditions springing out of the war legislation of the sixties and the political legislation afterwards, by which both the Republican and Democratic parties alike were trying to do something for silver.

No one before the civil war and subsequent to the adoption of Constitution had ever suggested the issue of fiat money. It was not even thought of during the war of 1812. The United States notes were born of an actual or supposed necessity; even those defending the issue at the time declaring that only the jeopardy of the life of the nation could justify them, and that their early retirement should follow.

The national bank note system which we have had for nearly forty years was constructed with a view of making a market for United States bonds at a time when it was extremely difficult for the Government to dispose of its securities.

When silver began to fall in price and there came to be a large profit in free coinage by the Government, wisdom and patriotism gave way to cupidity, ignorance, and political cowardice, and by main strength we forced into our monetary system more than $600,000,000 of legal-tender silver, of which to-day more than $350,000,000 are governmental fiat as distinctly and certainly as are the $346,000,000 of United States notes which went forth with the apology of necessity stamped upon them and bearing the solemn pledge that with that necessity their existence should end.

In 1878 our population was 49,598,000 and our per capita circulation was $15.32. On April 1, 1902, our population was 78,777,000 and our per capita circulation was $28.59, making a total increase in the money in circulation of $1,433,415,564.

The national bank note circulation in 1879 (see Appendix A) was $313,786,342, and on February 25, 1902, it was $314,439,680, resulting in an increase of only $652,338 in bank notes during a period of nearly twenty-five years. The gold increase amounted to $857,653,828, and the increase of silver amounted to $527,547,429 in standard silver dollars; while the balance of about fifty millions was in subsidiary coin and Treasury notes. Practically, then, this great increase of more than $1,400,000,000 was in gold and silver, there having been no increase in paper currency worth considering in this connection.

The average increase in our population during the last five years has been more than 1,600,000 each year. Since our present per capita circulation approximates $30, there must be in the succeeding years an annual increase in our circulation of about $50,000,000 if we are to maintain our present average circulation. From what source shall it come? (See Appendix C.)

Will our present system of finance (if indeed you can dignify it by calling it a system) automatically bring into use the requisite amount of money to meet the constantly growing needs of our people? If it will not, to what legislative legerdemain are we to resort in the future to provide the legitimate requirements of trade, the currency tools with which to perform our vast commercial work?

Before we proceed to inquire into the source of any addition to our money supply in the future, let us fix three facts clearly in our minds:

First. That our per capita circulation has increased from $15.32 in 1878 to $29 to-day, or has nearly doubled.

Second. That the average increase since 1878 has been $60,000,000 per annum.

Third. That this whole amount, to all intents and purposes, has been in gold and silver alone.

As already pointed out, to maintain our present average will call for an increase of at least $50,000,000 in circulation every year, which is $10,000,000 less per year than the average increase of the last twenty-four years.

Whenever any bank, finding that it is maintaining its circulation at an actual loss, proceeds to retire its notes and quit that part of its business because it is unprofitable, the Secretary of the Treasury, fearing the dangers of a currency panic, with patriotic impulse, honest intent, and evidently determined purpose to prevent the harm necessarily incident to an unnatural contraction of the currency, such as is now going on by the retirement of national-bank notes up to the maximum limit allowed by law of $3,000,000, feels compelled either to blackmail the banks into a retention of their circulation by threatening to withdraw Government deposits, or to bribe them, on the other hand, with promises of Government deposits.

Under the present pressure and in the light of prospective needs shall we proceed to purchase $600,000,000 more of silver? Shall we buy one dollar more of it? Shall we reverse the positive and overwhelming verdicts of 1896 and 1900? Even the silver Democrat will not ask for a reconsideration in 1904. Free silver, with all the changes rung upon it and the infinite differentiations and marvelous subtleties practiced upon it, is now ancient history, for the entire world has adopted the gold standard.

Shall we return to the dream of perpetual motion in money making and set the wood-pulp mills to grinding and the cylinder presses to humming the sickening song of ready-made success, only to come again to a rude awakening and find ourselves once more in sackcloth and ashes? (See Appendix E.)

Have the terrors of 1893, the last horror of fiatism, been so soon forgotten?

When coinage became a governmental function the subtle sin of debasement was practiced by kings, robbing their subjects under the cover of seigniorage.

From the time when Solon so reduced the silver in the drachma

that 133 pieces were only equal to 100 of the older coin, down through the Greek, Roman, English, French, German, and all other debasements, the penalties paid have been certain, uniform, and full of bitter experience.

But the debasement of a coin is only a pilfering, pocket-picking business compared to paper fiatism, which is open brigandage.

Make haste to recall the story of fiatism during the reign of Louis XV under the inspiration of the lawless John Law, and look off into the boundless and bottomless pit of misery and suffering indescribable into which the French Republic plunged through the revolution of 1789.

Anyone who has ever read the history of our own colonial times, noting well the varied attempts to make something out of nothing, and with a charitable extenuation for financial experiments, considering the heroic struggles under insurmountable difficulties, may feel inclined to approve, in such instances, at least, the old axiom, "necessity knows no law," but must, at the same time, be impressed with the fact that natural law recognizes no excuses or palliating circumstances. Her penalties are imposed with an unerring and inexorable hand. Her exactions are requited only when the last sin is blotted out and the last infraction is mended.

So, with hearts filled with gratitude, every thought clothed with pride and every word crowned with splendid encomiums upon the achievements of the immortal patriots of the sixties who saved the Republic and made the nation, let us take our stand to-day where they stood, when, only, as they declared, to save the life of the nation, they capitalized the governmental will and sent forth its fiat as a legal tender, carrying the solemn promise to the recipient that when the rainbow of peace appeared in the heavens and the showers of prosperity again visited the land the plighted faith of the nation should be redeemed.

Nearly forty years have come and gone with their splendid harvests, and the annual tithe has not yet been set apart to keep that plighted faith, because of Republican and Democratic party-cowardice.

Is there a man in this broad land to-day who would, if he could, increase the $346,000,000 of United States notes to $350,000,000; increase them, indeed, to the extent of a single dollar? If so, let him give a single reason for the issuance of that single fiat dollar that will not apply equally as well to the issuance of a thousand, a million, a billion, and so on to infinity itself.

No; we will not add a single greenback to the nation's fiat pledge which is already gangrened with the cowardly fear that the people would not approve of any act to redeem and keep their honor unsullied.

If we could only appreciate the American character and take it for what it is really worth, instead of basing our action upon what we fear it may be, the public welfare would be better conserved and more highly advanced. Let us remember that the American character is sound at the core and stands for intelligence, honesty, and courage.

Would to God that we could more fully comprehend this fact, this saving grace of the nation, and that we were more in the habit of linking our fortunes to an overwhelming sense of public duty rather than an overweening anxiety for personal and temporary party success! We are too tenacious of what we fear or suspect or possibly think the people want, and have too little respect for convictions, of which we ought to know they would approve, if we were only frank and brave enough to courageously appeal to them.

That we shall have no more of legal-tender silver, or any other silver for more than a half century, there is no possible doubt.

That we shall not add a solitary fiat paper dollar to the $346,000,000 now in circulation, everyone knows.

Then, from whence must come the annual increase of $50,000,000 to keep pace with our growing population?

It must be made up either of gold or of bank notes.

Can we confidently and reliably depend upon gold to meet our increased requirements for the tools of trade so long as the present financial situation continues?

There are very many who erroneously suppose two things:

First. That because we produce a vast quantity of gold we shall have enough to meet our own requirements, shipping away only what we do not want.

Second. That if the balance of trade happens to be largely in our favor we shall have sufficient gold for all our needs.

With reference to the first proposition, viz, that the production of a quantity of gold far in excess of our needs will insure our required supply, let it be distinctly understood that this will have no more effect upon the actual supply of gold for our monetary purposes than an amount of corn, beef, wheat, cotton, iron, or manufactured goods of the same commercial value would have.

From 1860 to 1879 we produced $879,350,000 of gold, but we had in the country in 1879 only $20,000,000 of gold. Nay more, we are supposed to have had in circulation in the United States in 1860, $200,000,000 of gold coin; but this, too, had disappeared before 1879; and therefore, there went out of the United States in the eighteen years between 1860 to 1879, all told, gold amounting to more than a billion dollars. (See Appendix F.)

Again, from 1880 to 1896 we produced $700,753,000 of gold; but we retained of this amount only $247,736,758. Therefore, it is clear that other factors than production determine the destination of gold.

Equally fallacious and misguiding is the other proposition that a large and favorable balance of trade will insure a gold supply.

From 1879 down to April 1, 1902, inclusive, our exports have exceeded our imports by $4,844,130,228, and our gold production has amounted during the same period to $995,083,000, and yet our accumulation of gold has only reached the sum of $879,350,000.

If both propositions were correct, our accumulated stock of gold ought to be $5,839,213,228, but it lacks five billions of such amount.

For authoritative information I desire to call your attention to the following communication from the Bureau of Statistics:

"TREASURY DEPARTMENT,
"BUREAU OF STATISTICS,
"*Washington, May 8, 1902.*

"SIR: In response to your request, I have to inform you that during the period from June 30, 1878, to March 31, 1902, inclusive, the total value of imports of merchandise was $17,170,746,499, and of exports of merchandise $22,014,876,827, showing an excess of exports over imports of merchandise of $4,844,130,228.

"According to the figures of the Director of the Mint, the total product of gold from mines in the United States during calendar years has been as follows:

From 1879 to 1900, inclusive	$914,898,000
1901 (estimate)	80,185,000
Total	995,083,000

"To the inclosed sheet of imports and exports since 1790, I have added figures of the first nine months of the fiscal year 1902, and brought the totals down to date.

"Very respectfully,

"J. N. WHITNEY,
"*Acting Chief of Bureau.*

"Hon. CHARLES N. FOWLER,
"*House of Representatives, Washington, D. C.*"

In confirmation of the assertion that the production of gold and favorable trade balances do not even suggest how much gold a country is accumulating, I desire to call the attention of the committee to the following facts:

"The Reichsbank of Germany had gold and silver combined in 1877 amounting only to $106,262,000. In 1886 its gold alone amounted to $91,630,000, and in 1895 reached $167,695,000; but for the past four years the amount has stood steadily at about $135,000,000, although the deposits and note issues combined have increased from $379,643,000 to $488,392,000.

"It should be observed in this connection that the Reichsbank of Germany has increased its gold by purchase as it has needed it, and precisely as it has purchased any other commodity for which it had use. This is evident from the fact that Germany does not produce any gold worth mentioning; her production for the years 1898, 1899, and 1900 aggregating only $73,600, while her imports of merchandise have exceeded her exports, since 1872, by $4,857,813,000.

"The Bank of England, which holds the commercial reserves of Great Britain, had $93,397,868 of gold in 1870, and has $192,082,770 to-day; yet England produces no gold to speak of, her production for the years 1898, 1899, and 1900 aggregating only $6,600, while her imports of merchandise have exceeded her exports, since 1870, by $26,864,715,152.

"From this statement of fact we are compelled to conclude that the Bank of England treats gold like any other commodity, buying just so much as and no more than its constantly increasing commercial credits require.

"The Bank of France, which furnishes the reserve for all the commercial credits of France, had of gold and silver combined in 1870 only $218,225,100, and in 1881, when the two metals were first separated in its accounts, had $116,688,500 in gold and $235,363,500 in silver; but to-day the amount of gold on hand is $465,168,600, and of silver $213,438,700.

"It is to be observed here, as in the case of Germany and Great Britain, that France, too, must purchase gold like any other commercial commodity, taking only as much as the obligations of the Bank of France require as a reserve to assure public confidence and to guarantee the credit business of France; for France produces no gold whatever, and her imports of merchandise since 1870 have exceeded her exports by $4,347,325,000.

"This vast accumulation of gold by three great commercial

nations, which produce no gold to speak of, and notwithstanding adverse merchandise balances amounting in the aggregate, during the last thirty-one years, to $36,069,853,152, would seem to be proof absolute that the banking interests of a country will amply protect all commercial credit if there are no unwise laws to interfere with their natural functions." (See Appendix H, Appendix I, and Appendix J.)

"There are," says Macleod, "three great economic quantities, products, bullion, and debts, all seeking to be exchanged, all flowing from where they are cheaper to where they are dearer."

He asserts that there are seven causes for the transmission of bullion:

"1. The balance of payments to be made to or by it (speaking of England).

"2. By the state of the foreign exchanges.

"3. By the state of the currency.

"4. By remittances made to this country, as the commercial center of the world, to meet payments due to other countries.

"5. By the political security of this and neighboring countries.

"6. By the state of the money market or the comparative rates of interest in this and neighboring countries.

"7. By the free and prohibitive commercial tariffs of this and foreign countries, as they permit or forbid our manufactures to be imported into them."

Again he says: "It used to be the common delusion of mercantile men that gold was only sent to pay a balance arising from the sale of goods, and that it must cease of itself whenever these payments were made. But this is a profound delusion."

"The exact balance of exchange between the United States and foreign countries is not easily determined, and this has made it difficult to judge of the real reasons controlling the movements of gold to and from this country. The great excess of exportations of products and manufactures during the past four or five years would appear to indicate that the general balance was in favor of the United States. But that there must be other causes at work to change, or at least to mask, the usual consequences is evident from the very erratic gold movements." (The Bankers' Magazine, June, 1902, p. 794.)

Certainly, enough evidence has been here adduced to demonstrate beyond the point of doubt or cavil that gold is a mere commodity in the world's commerce, like wheat, corn, beef, pork, cotton, and iron; and yet, in a single sense, it is unlike any one of these in the following respect:

It is the one commodity that is accepted in exchange for any other commodity anywhere in the world; and, therefore, all nations upon the gold standard are customers for this commodity up to the limit that will supply their commercial credits with a proper reserve, if their credit merchants or banking power are responsible for the creation and protection of that reserve; otherwise the entire mass of gold may disappear and the commercial credits be left without ample protection, if not, indeed, without any protection whatever.

It may be assumed, without any fear of successful contradiction, that the United States is absolutely without a natural and responsible guardian of an adequate reserve for our commercial credits. Indeed, a step further may be taken and the assertion confidently made that there is not, economically speaking, a commercial reserve in the United States at all.

On the other hand, there is no doubt that there is now more gold in the United States than would be required to constitute such a commercial reserve. But this fact would not protect us against a panic this fall, this summer, or even next week, if, for some unforeseen reason, a startling or considerable amount of gold should be taken away from us.

The same subtle powers and unseen and unknowable forces that kept and brought only $879,350,000 gold here from 1879 to 1902, notwithstanding the facts that the production of gold in the United States for that period amounted to $995,083,000 and the balance of trade in our favor for the same years was $4,844,130,228, may silently but surely take away $500,000,000 more, or all we have, simply because there is no self-interested and legally required power to protect and prevent, when the draft comes.

Is the American memory so short that it does not recall that we had $332,351,306 of gold in the Treasury in September, 1888, and yet were compelled to put into that seemingly bottomless pit $294,164,290.79 more by February, 1896; making a total of $626,515,596 of gold coin that practically went into and out of the Treasury by compulsion during the short space of seven years?

In the light of this experience, is there much ground for jubilation over the fact that there is in the Treasury to-day gold amounting to nearly $600,000,000; when we recall the fact that we do not have the slightest control over its movements and that a still larger amount proved as evanescent and as elusive as a midsummer dream, between the years of 1889 and 1896?

With all our superabundant gold and matchless prosperity, it is certain that we are living, nay, slumbering, in a fool's paradise, and may, at almost any moment, be suddenly and rudely awakened; because our financial system is only a fair-weather craft, wholly unsuited to carry, in a violent commercial storm, the vast sail of credit it now seems to so steadily sustain on the unruffled sea.

Although we added $857,653,828 in gold to our money supply, from 1879 to April 1, 1902, can anyone say with intelligent assurance that we shall add as much, or any, indeed, in the next twenty years?

We must not forget that American ambition and American enterprise now girdle the earth. The control of the shipping interests of all Europe has been transferred to New York. We shall hold the securities, upon which we must pay in consumable commodities, in gold, or partly in each.

Americans, too, are tunneling London in every direction for miles around, building trolleys in the Holy Land, railroads in China, and yearly expending hundreds of millions in other countries, all to be paid for in gold or its equivalent in consumable commodities.

Instead, therefore, of adding a single dollar to our money supply from our production of gold or the favorable balance of trade, vast as it is, we may even lose what gold we have at any moment, and the Government again be forced to enter the market for a few hundred millions, using, as the proper agent to buy it, the credit merchants, who ought to be compelled by law to furnish sufficient gold to test and prove at every nightfall the character of their credits.

However, as the law now stands, while gold may be added to our present money supply in the future, we may also lose all that we have at present unless the Government shall buy more.

Having pointed out that no part of our yearly requirement of $50,000,000 will be supplied by purchases of silver or by fiat issues, and that we may have less gold instead of more, it remains to inquire how such requirement shall be supplied.

A single source remains, and that is the natural one, namely, the banks. How, then, shall the banks supply this needed currency?

There are three systems, all equally safe, and each one has its advocates. None but an absolutely safe currency will be considered, for none other will do.

So long, however, as the demand obligations of the Government continue outstanding, these three systems are equally dangerous to the credit of the nation. The United States notes being retired, for no other course will be sane and safe, we may proceed untrammeled to test the various systems of bank notes, the only legitimate source of currency remaining to us, and determine, if we may, the comparative economy and utility of each. In all three systems the bank notes are redeemed upon demand in gold coin.

They are the gold-coin note, the bond-secured note, and the credit-note systems.

First, allow me to call your attention to the gold certificate or gold-coin note system, of which the Bank of England is the only representative, although we ourselves issue gold certificates both at the United States Treasury and at some of our clearing houses.

Since there is no law in this country compelling banks to redeem any of their obligations in gold coin, and, therefore, no possibility of a commercial reserve in gold coin, we can not have a gold-coin bank note, although we may have and use gold certificates, which are merely warehouse receipts, and, therefore, only obtainable so long as the gold happens to remain in this country.

Unlike our Government, which has no relation to business or commerce, neither receiving deposits nor lending money, the Bank of England is charged with the responsibility of keeping sufficient gold in England to prove an adequate commercial reserve for all her credits. To this end the bank manipulates and fixes the rates of interest, and is the controlling factor in the exchange markets of London, where the transactions of the entire world are cleared and settled.

Under present conditions, therefore, it is clear that we can not have a gold-coin note similar to that of the Bank of England even if we preferred it.

Second. We must choose then between a bond-secured note, of which our present bank note is the only illustration in the world, except in the Transvaal, and a credit note, which is the bank note of every other civilized country.

But can we retain the present bond-secured note even if we desired to do so? Let us see.

Only a few days ago the Hon. Leslie M. Shaw, Secretary of the Treasury, said: "This bond system must soon come to an end." Did he speak advisedly?

For six months the banks have been retiring their circulation as fast as the law permitted. Why? Because it was unprofitable to hold the bonds which have been deposited to secure the notes.

It is not a question with the banks whether our present notes

are needed in the business of the country, but whether it will pay them to continue to speculate in the bonds.

In other words, ours is a bond-speculating system and not a currency system. That this should be so is most natural, for it was created during the civil war for the express purpose of making a market for Government bonds, and a speculation in bonds it has ever since continued to be.

From 1881 to 1890, during a period of only nine years, while business was expanding in all directions, the banks contracted their note circulation from $320,200,060 to $122,928,084, or $200,000,000, simply because it was unprofitable to hold the bonds.

Again, from 1899 to 1901 the banks expanded their note circulation from $290,345,567 to $323,863,597 simply because they saw a good speculation in the new 2 per cent bonds, which have since risen to $110, at which price the banks are now selling out to realize their profits.

But no one can justly criticise a bank for selling its bonds and taking its profits, for to hold them means a continual loss.

When you are informed that the amount of national-bank notes redeemed at the United States Treasury last year was $147,487,000, or about one-half of all those outstanding, and that notes remain in the vault of the bank issuing them a portion of the time, you must reach the conclusion that all of our national-bank circulation is not out all of the time, if, indeed, on the average it is out more than half the time, in which event there is a constant loss to the banks to hold the bonds now deposited with the Government to secure circulation.

If we assume that the notes of any bank are kept out only half the time, or half the notes are kept out all the time, there is a loss of more than 1 per cent on every issue of bonds, the twos, the threes, the fours, the fives, in the locality where money is loaning for 4 per cent; there is a loss to the bank of more than 2 per cent on every issue of bonds in the locality where money is loaning for 6 per cent; there is a loss to the bank of more than 3 per cent on every issue of bonds in the locality where money is loaning for 8 per cent; there is a loss to the bank of more than 4 per cent on every issue of bonds in the locality where money is loaning for 10 per cent.[a]

On the other hand, even if you assume that all the notes are kept in circulation all the time, which can not be done, the highest possible profit the bank can obtain on any of the issues of bonds is seventy-nine one-hundredths of 1 per cent; while on several of the issues in localities where money loans for 6, 8, and 10 per cent the banks suffer an actual loss, and in one instance the loss exceeds 1 per cent.[b]

From this it is perfectly clear that the banks will continue to contract their circulation as fast as the law permits until each of them has the legal minimum, which, on September 30, 1901, aggregated $102,329,191.

Now, mark this, that if the national banks are compelled by law to keep more than $100,000,000 of their capital in Government bonds, upon which the income is only about 1½ per cent, on account of the premium paid, they must lose the difference between 1.6 per cent on $100,000,000, or $1,600,000, and the local rate; so that their net loss on the average rate of 6 per cent will be $3,400,000, which, directly or indirectly, must be borne by the people.

This thought naturally and necessarily brings us to consider the useless expense of any currency system that requires the deposit of bonds, such as our system, or the deposit of gold coin, such as that of the bank of England.

If three borrowers of equal and absolutely unquestioned standing visit the same bank to borrow a thousand dollars each, and the bank, after receiving their promissory notes, hands over to one a national-bank note secured by Government bonds and to another gold coin, it is evident that the bank thus far has in each case parted with $1,000 of actual property, as it has paid more than $1,000 for the bonds securing the bank notes and could have only obtained possession of the gold coin by exchanging $1,000 worth of property for it.

But the bank must charge something for the risk, or for insuring the credit of the borrowers, and something to pay its expenses in transacting the business.

Suppose the rate of interest charged to be 6 per cent, when we analyze it and separate it into its constituent elements we shall find three distinct and characteristic sources of cost:

First, the capital, equal to	4
Second, insurance of credit	1.5
Third, transaction of business	.5
Making a total of	6

Now, it is clear that if we eliminate the cost of capital, we should save two-thirds of the total cost to the borrowers, or 4 per cent, and they would then be entitled to have their loans for 2 instead of 6 per cent, which, under the circumstances, was perfectly reasonable.

To the third borrower, in exchange for his promissory note of $1,000, the bank delivers its credit notes, and by so doing only lends its credit, which is well known, and will be accepted by anyone, thus answering every commercial or business purpose of the gold coin or the bank note secured by Government bonds.

But, in the case of the credit notes, since the bank has parted with no actual capital, its legitimate charge would be limited to the insurance of the loan and the cost of transacting the business, or 2 instead of 6 per cent.

This is the reason why money, to use the ordinary phrase, becomes cheap in localities where deposits are large. Generally speaking, nine-tenths, or 90 per cent, of all deposits are in some form of credit, being checks or drafts, and, therefore, do not involve actual money, for the use of which an extra charge must always be made.

Being driven as we are, then, to bank notes as the only sure and reliable source for the necessary currency or tools with which to do our commercial work, do we want to make those tools as expensive as possible or as cheap as possible?

France, with a population of 38,500,000, has more than $800,000,000 of bank notes in circulation. Shall we, with nearly 80,000,000 of people, or more than twice the population of France, need less than a thousand millions in the near future?

Shall we want a United States bond-secured bank note, even if it is possible, as it is not? Let us see.

On the 29th day of June, 1901, at the close of our fiscal year, we learn from the report of the Comptroller of the Currency that the loans of all the various banking institutions of the country amounted to $6,491,630,743.

If we had one thousand million, or one billion, of bank notes in circulation it would require an investment of capital, at present prices of the 2 per cent bonds, of $1,100,000,000, which must be taken from the channels of trade and to that extent lessen the basis of credit.

It would not merely lessen the loanable funds to the extent of $1,100,000,000, but, taking the reserves of the national banks held at the end of the last fiscal year, which were 26.71 per cent, as a basis, it would restrict loans or deprive the people of credit aggregating nearly as much as all our present loans, or four times $1,100,000,000, or $4,400,000,000.

What effect would this additional credit of more than four thousand million have upon the rate of interest throughout the United States? Let the advocate of a bond-secured bank note answer.

If we shall hereafter demonstrate that the credit note we propose in the bill reported by the Banking and Currency Committee is absolutely safe, aye, protected with an insurance fund that will guard it for more than a thousand years against any possible loss—that it is the bank currency of the civilized world and has always proved itself safe when tried and perfectly adapted to the needs of trade under all conditions—it must be admitted that a bond-secured currency system is a most useless waste of capital, as it is a most expensive and burdensome mechanism for the transaction of business.

As well might we have constructed the Brooklyn Bridge of silver when steel was not only much cheaper, but incomparably better for many reasons.

As well might we construct the telegraph wires of gold instead of copper, which is not only vastly cheaper, but incomparably better for many reasons.

A bond security for bank notes is not only an unnecessary and wasteful use of capital, but it has never aided in the slightest degree in lowering the rates of interest, and has never been responsive to the ever-varying needs of trade.

Then why should anyone, as soon as he realizes that our national banks are disposing of their United States bonds as fast as the law permits and retiring their circulation, have the hardihood to suggest that the banks be authorized to deposit other bonds to secure circulation?

What bonds? What State bonds, what city bonds, what railroad bonds, what water bonds, what gas bonds, what electric-light bonds? What shall be the limit in this direction?

Let no man smile at this invoice, for it is in entire harmony with the legislation of that period when the so-called free-banking, or bond-secured, circulation held high carnival, and we had the age of wild-cat banking, and all the "red-dog" and "yellow-dog" money we ever knew was born of the bond-securing scheme.

Here, as in everything else, fear is born of ignorance and prejudices; it refuses to listen to the voice of experience, and shuts its eyes to the practice of nearly every civilized nation on this globe—certainly of all that we should be inclined to follow.

Upon us, whose duty it is to investigate, rests the responsibility for all this waste of capital and for the tragic calamities of the people growing out of our vicious system; for in no instance in

[a] See page 35 of report appended.
[b] See page 34 of report appended.

all our history has an appeal for right thinking and rectitude of conduct been made to the people in vain.

They are intelligent, honest, and earnest, and are entitled to something more on our part than self-seeking and cowardly evasion of that duty which commands us to have convictions grounded upon truth.

Therefore, I submit, in all candor, that, when it is demonstrated, beyond the least peradventure, that the system of currency proposed is absolutely safe, that it has stood the test of two hundred years, has never failed when invoked to respond to the commercial needs of the people, and is the only currency which has invariably and universally throughout two centuries proved itself the fit tool of trade and the specific remedy of currency panic; no man, I say, no man, whatever a craven politician may do, no *man* has a right to hesitate for fear lest his constituents may not understand.

It is for him to lead the way; for him to point out the pitfalls; for him to protect against the hidden dangers, the ever recurring evils, growing out of false principles and unsound methods.

In 1695 the Bank of Scotland came into existence, and from that day to this the bank notes of Scotland have found as ready acceptance as our gold certificates now do.

No holder of a Scotch bank note, during all that time, has ever lost a dollar, and there have been but three bank failures in the more than two hundred years that have come and gone; while in the United States, since our national-bank system was organized thirty-nine years ago but one-fifth of the time the Scotch system has been in operation, 404 national banks have failed and probably as many other banks organized under State laws.

Can any conscientious thinker compare these figures and continue indifferent to the vast interests of the 5,000,000 depositors who have claims against the banks aggregating $8,619,285,110?

It should not be forgotten that the three bank failures in Scotland, those of the Ayr, the Western, and the City of Scotland banks, were all due to extremely bad or dishonest management and not to any fault of the system.

During the reactionary period in English banking, which resulted in the passage of the English bank act of 1844, certain limitations were also imposed upon the Scotch banks, the most important one being that by which their outstanding circulation, amounting to $15,000,000, should not be exceeded unless the banks held coin equal to such excess.

The failures of the Western Bank, in 1857, and the City of Glasgow Bank, in 1878, reduced the circulation, which had been fixed at $15,000,000, to about $13,000,000. The act of April 21, 1879, relieved the stockholders from unlimited liability except as to outstanding notes. For these notes there is still an unlimited liability.

Another important fact, that should not be overlooked in this connection, is that the coin reserves against deposits amount to more than $135,000,000, and, therefore, the right of note issue reaches the considerable sum of $148,783,430, although the actual note issue is only $40,435,110. Now, it is perfectly clear that, although the right of issue is practically unlimited, yet the current daily redemptions keep the notes coordinated and limited to business precisely as checks and drafts represent actual transactions.

The all-important truth, that must be indellibly and everlastingly impressed upon the mind, is that a true bank note does not differ from the ordinary check in the slightest degree. Both are forms of credit.

Mr. Chairman, I hope I may be pardoned if I seem to be prolix in demonstrating this truth by illustrations.

If a man of unlimited means and unquestioned credit secures a loan of $1,000 at a bank, he may use the proceeds in one of several ways.

First. He may take a draft on London or on some distant city in the United States.

Second. He may ask the bank to place the thousand dollars to his credit, and obtain a pass book to prove it and a check book to use it. In the course of time he will exhaust his credit by issuing checks, which will in turn be presented by those receiving them.

Third. He may ask as before to have the thousand dollars placed to his credit, and call for the pass book and check book. But before leaving the bank, suppose he should draw ten checks of $100 each, payable to bearer, and, stepping to the cashier's desk, request him to certify them, as he desired to pay them to certain people who did not know him, although they were well acquainted with the cashier and had perfect confidence in the bank.

A single new element has entered into the transaction, viz, the fact that the person who draws the checks is not known in the community, and therefore a guarantee of his checks by the bank is necessary in order to make them acceptable and give them currency in the community.

Fourth. The same borrower may say, "Give me credit upon the books for $1,000," call for his pass book and check book, and, again drawing ten checks, present them to the cashier and ask him to exchange them for ten of the bank's credit notes of $100 each.

Under a rightly constituted banking system this would be done without hesitation, for the bank is in precisely the same position as to its liabilities whether it has guaranteed ten checks of $100 each or has outstanding ten of its own notes of the same amount; and the persons who accept the certified checks are in identically the same position as those who hold the bank's notes.

I submit, therefore, that there is not the slightest difference in the checks delivered to the drawee, the certified checks of the cashier, and the bank notes delivered in exchange for the checks.

Alexander Hamilton, with the unerring instinct of a financial genius, stated the underlying principle clearly and well when he said:

"Every loan which a bank makes is, in its first shape, a credit given to the borrower on its books, the amount of which it stands ready to pay, either in its own notes or in gold or silver, at his option. But in a large number of cases no actual payment is made in either. The borrower, frequently by a check or order, transfers his credit to some other person to whom he has a payment to make, who, in his turn, is as often content with a similar credit, because he is satisfied that he can whenever he pleases either convert it into cash or pass it to some other hand as an equivalent for it. And in this manner the credit keeps circulating, performing in every stage the office of money, till it is extinguished by a discount with some other person who has a payment to make to the bank to an equal or greater amount. Thus large sums are lent and paid, frequently through a variety of hands, without the intervention of a single piece of coin."

Though these words were uttered more than a hundred years ago, with what prophetic vision did Hamilton anticipate the practice of our own time, more than 90 per cent of our vast transactions being in some form of credit and less than 4 per cent in actual coin.

If the convenience of the people, in any locality or line of business such as that of the farmer or the manufacturer, prefers the bank note to the deposit and check, the bank note ought to be provided for all those whose credit entitle them to the favor of the bank.

The true bank note is not real money any more than a check is real money; each should entitle the holder to the amount it calls for in gold coin.

The great achievements of the Scotch system of credit notes is exceedingly well stated by Mr. Charles A. Conant in these words:

"1. It has provided Scotland with an elastic currency adapted to the condition of her industries and adequate in volume to their changing needs.

"2. It has enabled the people to carry on numerous commercial and agricultural transactions for which they could not have found the necessary quantity of coin, and has economized the locking up of capital in the precious metals.

"3. It has made the use of notes of small denominations familiar and popular, and has taught the people the distinction between bank notes as the representatives of credit and the precious metals as the measures of value.

"4. It has brought into active use the available savings and capital of the country.

"5. It has afforded an opportunity for entering upon business to thousands of poor but honest men and enabled them to lay the foundation of a comfortable home and in many cases of a fortune.

"6. It has convinced the people so conclusively of the value and safety of the banking currency system that no serious panic has ever lasted beyond a few days or has ever affected any of the banks except those which were justly the subject of distrust." (Conant's History of Modern Banks of Issue, p. 155.)

Standing out even more conspicuously as a representative of a pure credit system, the Bank of France surpasses in some respects even the Scotch banks, since certain trammels have been thrown around the latter in the name of safeguards, because, forsooth, the English banks had disastrous experiences due to unwise laws.

In 1803, when the charter of the Bank of France was under consideration for renewal, Napoleon, with his own hand, inserted in the draft of the bill these prerequisites for note issues:

"The notes shall be covered either by coin held by the bank, or by notes secured by collateral, or by notes signed by three responsible persons."

That is the law to-day with regard to its note issues. Nothing could be in more perfect consonance with sound banking. Nothing could be a truer and safer basis for a credit currency or for a credit at a bank against which to draw checks.

There is nothing in the law of France requiring the banks to carry any particular reserve; but experience has taught the managers of the Bank of France that a certain reserve is essential to insure confidence and protect the credit of the institution.

But the vast reserve of gold carried by the Bank of France is not a reserve to protect the notes as distinguished from the other

liabilities of the bank, but to protect them in common with all the other obligations.

If anyone supposes that the Bank of France carries $465,168,666, or more than 50 per cent of its notes, to protect its notes alone, he is laboring under a profound delusion, and his dream is rendered ridiculous when he is reminded of the fact that if the bank holds all this sum as a note reserve it has made no provision whatever for the protection of its other demand obligations, amounting to more than $200,000,000.

As well might we say that the banks of Scotland are carrying $135,000,000 of gold coin to protect their $40,000,000 of notes, and not to protect their other demand obligations, amounting to more than $600,000,000.

Let it be distinctly understood, once for all, that it requires just the same reserve to protect $100,000 of deposits, subject to check, as it does to protect $100,000 of credit notes; and that there is not the slightest difference between them as liabilities, both being current accounts and payable upon demand *in legal tender* should the creditor so require.

In France both the note holder and the depositor stand upon identically the same footing, neither being protected more than the other by a guaranty fund or a prior lien. Although the notes of the Bank of France amount to $814,441,268, or more than five times the deposits, which amount to only $157,377,340, the Frenchman has as much confidence in his note as any American has in our bank note, or any Englishman in a Bank of England note.

The note of the Bank of France, however, is the purest kind of a credit note. It rests entirely upon the credit of the Bank of France and is protected only by its general assets. It has always been a practically unlimited issue, because the limit has always been far above the requirements of trade, being to-day fixed by law at one thousand millions, while the actual issue is only $814,000,000.

In 1903 one hundred years will have expired since Napoleon prescribed the basis of this ideal credit note, which has done so much to give France the lowest interest rate in the world, thus proving that while she has had the cheapest tool with which to do her commercial work, that tool has been as good as the best in the world.

The Bank of France has a capital of $35,000,000, and carries a reserve of $465,168,000 gold.

This capital and gold reserve are, first, to protect all the liabilities of the bank—the current accounts, deposits, and notes; second, to guarantee the parity of gold and silver, and in that way the stability of the monetary system of France, and, third, to establish a commercial reserve for the protection of all French credits.

The Reichsbank, or Imperial Bank of Germany, was created in 1875 out of the Bank of Prussia, which had existed since 1765.

This bank is obliged to hold in its vaults, as security for the amount of its bank notes in actual circulation at any time, one-third in current German gold, government certificates, or in bullion or foreign coin (the pound fine being reckoned at $348), and the balance in discounted notes which bear a maturity of three months at the longest, and on which the names of three or at least two persons, known to be responsible, stand as indorsers. When the circulation exceeds the metallic reserve by the arbitrary amount of $112,500,000, a tax of 5 per cent is imposed.

No bond or guarantee fund stands between the note holder and possible loss. In case of the liquidation of the bank the note holder and the depositor stand on the same footing.

Here is a true credit currency, with a basis and a relation to the deposit identical with that of the Bank of France to all intents and purposes, the only essential difference being in the nominal limit upon notes of the Bank of France and the 5 per cent tax imposed, under certain conditions, upon notes of the Imperial Bank of Germany.

Throughout the year of 1900 the metallic reserve averaged 71.77 of the note issue and 49.48 of the total obligations of the bank, consisting of current accounts, deposits, and notes.

The entire capital of $37,500,000, with a surplus of $10,125,000 and a metallic reserve of $140,000,000, not only serves the purpose of protecting the bank's own liabilities, but is considered as the commercial reserve of German credits; therefore he who assumes that the entire metallic reserve is intended to protect the notes of the bank utterly misapprehends its purpose, for if the law made no requirement whatever, the reserve would not be a single mark less. Laws more powerful than written statutes control the motives and policies of the managers.

While neither bonds nor gold coin are set apart to specially protect the bank notes, does any American suppose that the German people hesitate to take them, or do not accept them with all the assurance he may possess when boasting of the American bank note?

Crossing the Atlantic, let us review the history of credit notes in our own country; and we shall find that during a period of seventy years, wherever tried, credit notes proved themselves the only perfect instrument of modern trade, whose cornerstone is credit.

In the very morning of our national life our experience began with a true credit currency issued under the charter of the first United States bank, granted February 25, 1791. The act was drawn by Alexander Hamilton and signed by George Washington.

This bank could "establish offices wherever they shall think fit in the United States for the purpose of discount and deposit only;" and the act further provided that "the total amount of the debt which the said corporation shall at any time owe, whether by bond, bill, or *note*, or other contract, shall not exceed the sum of $10,000.000" (which was the amount of its capital), "over and above the moneys then actually deposited in the bank for safe keeping."

The right of note issue, then, by the terms of the act was measured by the capital; and yet in 1811 the balance sheet showed only $5,037,125 of notes out, although the bank had the right to issue $10,000,000.

First bank of United States—statement of condition, January, 1811.

RESOURCES.

Loans and discounts	$14,578,294
United States 6 per cent stock	2,750,000
Other United States indebtedness	57,046
Due from other banks	894,145
Real estate	500,653
Notes of other banks on hand	393,341
Specie	5,009,567
Total	24,183,046

LIABILITIES.

Capital stock	$10,000,000
Undivided surplus	509,678
Circulating notes outstanding	5,037,125
Individual deposits	5,900,423
United States deposits	1,929,999
Due to other banks	624,348
Unpaid drafts outstanding	171,473
Total	24,183,046

At the end of twenty years there were only eight branches, located at New Orleans, Savannah, Washington, Charleston, Norfolk, Baltimore, New York, and Boston, together with the home office at Philadelphia, although they could "establish offices wherever they shall think best."

The curse of unreasoning partisanship was abroad in the land then as now, and a renewal of the charter was defeated in the House by a single vote, the motion to postpone indefinitely being carried by 65 to 64. The vote in the Senate was a tie, and the question was decided by George Clinton, Vice-President, voting against it.

Every note of the bank had been equal to coin in all parts of the United States, and when it was liquidated the shareholders received $434 per share, or a premium of $34, the par being $400.

In his message of December 5, 1815, James Madison urged a second United States bank as the proper instrumentality by which we should again resume specie payments, and immediately his Secretary of the Treasury, Mr. Dallas, submitted a detailed plan.

The second United States bank, with a capital of $35,000,000, was chartered by act of April 10, 1816, which contained these words:

"The total amount of debts which the corporation shall at any time owe, whether by bond, bill, or note, or other contract, over and above the debt or debts due for money deposited in the bank, shall not exceed the sum of $35,000,000."

Thus it will be seen that the issue of notes was limited to the amount of the capital, and by the act they were redeemable in coin. The directors were authorized to establish branches.

When the partisan rage of Jackson over the Portsmouth branch appointment had obscured every public consideration, the work of destruction began, which resulted in tearing down an institution of great usefulness, and setting back the evolution of a sound system of banking and currency for nearly a century.

For, evade it as we may to-day, the time will come when the underlying principles of that institution will be incorporated into the laws of the land, and every bank will be compelled to redeem its obligations in gold coin. Then the banks will take their place among the financial institutions of the world, and their notes will once more be accepted throughout all the civilized parts of the earth.

In 1829 Jackson assumed the duties of the Presidential office. James Parton, his eulogistic biographer, in speaking of the United States Bank at this time, says:

"Its capital was thirty-five millions. The public money deposited in its vaults averaged six or seven millions; its private deposits, six millions more; its circulation, twelve millions; its discounts, more than forty millions a year; its annual profits, more than three millions. There were 25 branches in the cities and towns of the Union. * * * In every county of the Union, in every nation on the globe were stockholders of the United States Bank. One-fifth of its stock was owned by foreigners, one-fourth of its stock was owned by women, orphans, and the trustees of charity funds, so high, so unquestioned was its credit.

Its bank notes were as good as gold in every part of the country. From Maine to Georgia, from Georgia to Astoria, a man could travel and pass these notes at every point without discount. Nay, in Sweden, Paris, Rome, Cairo, Calcutta, St. Petersburg, the notes of the Bank of the United States were worth a fraction more or less than their value at home, according to the current rate of exchange. They could usually be sold at a premium at the remotest commercial centers. It was not uncommon for the stock of the bank to be sold at a premium of 40 per cent. The directors of the bank were 25 in number, of whom 5 were appointed by the President. The bank and its branches received and disbursed the entire revenues of the nation."

Principal items of resources and liabilities of the Bank of the United States from 1817 to 1840.

RESOURCES.

Year.	Loans and discounts.	Stocks.	Real estate.	Banking houses.
1817	$3,485,195	$4,829,234		
1818	41,181,750	9,475,952		$175,201
1819	35,786,263	7,391,823		433,808
1820	31,401,158	7,192,980		1,296,626
1821	30,965,199	9,155,855		1,886,724
1822	28,061,169	13,318,951	$563,480	1,855,946
1823	30,736,432	11,618,552	626,674	1,950,764
1824	33,432,084	10,874,014	1,302,551	1,871,635
1825	31,812,617	18,422,627	1,495,150	1,852,935
1826	32,424,021	18,303,501	1,848,354	1,792,870
1827	30,937,866	17,764,359	2,039,226	1,678,192
1828	33,682,905	17,624,859	2,295,401	1,634,200
1829	39,219,602	16,099,099	2,345,539	1,557,356
1830	40,663,805	11,610,230	2,886,397	1,444,801
1831	44,032,057	8,674,681	2,629,125	1,344,761
1832	66,226,707	2,200	2,136,525	1,159,637
1833	61,695,913		1,855,169	1,181,071
1834	54,911,461		1,741,407	1,189,125
1835	51,808,739		1,760,632	1,218,896
1836	59,252,445		1,486,561	967,404
1837	57,393,709		816,855	420,244
1838	45,256,571	14,862,108	1,061,663	443,109
1839	41,618,637	17,957,497	1,054,523	424,382
1840	36,839,593	16,316,419	1,228,690	610,504

Year.	Due by European bankers.	Due from State banks.	Notes of State banks.	Specie.
1817		$8,848,315	$587,201	$1,724,109
1818	$1,033,682	1,203,894	1,837,254	2,515,949
1819	621,667	2,624,797	1,877,909	2,666,696
1820	261,548	2,727,080	1,443,166	3,392,755
1821	83,548	1,178,197	677,022	7,643,140
1822	1,107,637	1,717,723	917,629	4,761,299
1823	24,599	1,407,573	766,248	4,424,874
1824	1,434,000	1,287,808	705,173	5,813,694
1825	24,178	2,130,035	1,056,224	6,746,952
1826	421,524	747,375	1,114,831	3,960,158
1827	460,686	1,683,510	1,068,483	6,457,161
1828	356,740		1,447,386	6,170,045
1829	482,240	1,723,297	1,293,578	6,098,138
1830	1,590,553	1,199,458	1,465,047	7,608,076
1831	2,383,331		1,494,506	10,808,047
1832	91,668	3,944,849	2,171,676	7,038,023
1833	3,106,833	3,688,143	2,292,655	8,951,847
1834	1,801,669	3,058,870	1,982,640	10,039,237
1835	1,922,498	4,609,973	1,506,200	15,708,369
1836	73,171	4,088,005	1,736,491	8,417,988
1837		2,284,598	1,206,754	2,638,449
1838		3,657,261	866,597	3,770,842
1839		5,833,000	1,791,580	4,153,607
1840		7,469,422	1,383,686	1,469,674

LIABILITIES.

Year.	Circulation.	Deposits.	Due to State banks.	Due to bankers and others in Europe.	Other liabilities.	Capital.
1817	$1,911,200	$11,233,021				$35,000,000
1818	8,359,448	12,279,207		$1,357,778		35,000,000
1819	6,503,750	5,792,869		1,434,022		35,000,000
1820	3,589,481	6,568,794		2,053,650		35,000,000
1821	4,567,053	7,884,985		2,053,074		35,000,000
1822	5,578,782	8,075,152		2,040,000		35,000,000
1823	4,361,058	7,622,340		1,252,710		35,000,000
1824	4,647,077	13,701,936		1,020,000		35,000,000
1825	6,068,394	12,033,364		2,407,282		35,000,000
1826	9,474,987	11,214,640		251,494		35,000,000
1827	8,549,409	14,320,186		280,056		35,000,000
1828	9,355,677	14,497,330	$1,697,401	1,467,806		35,000,000
1829	11,901,055	17,061,918		1,447,748		35,000,000
1830	12,224,145	16,045,782				35,000,000
1831	16,251,267	17,297,041	734,900			35,000,000
1832	21,255,724	22,761,434	1,951,103			35,000,000
1833	17,518,217	20,347,749	2,091,891			35,000,000
1834	19,208,379	10,888,555	1,522,124			35,000,000
1835	17,339,797	11,756,965	3,119,172			35,000,000
1836	23,076,422	5,061,456	2,690,694			35,000,000
1837	11,447,908	2,352,409	2,284,598	6,926,364		35,000,000
1838	6,768,067	2,616,713	4,957,291	12,492,034	$7,987,434	35,000,000
1839	5,982,621	6,779,394	3,061,895	12,770,000	9,260,351	35,000,000
1840	6,695,861	3,338,521	4,155,966	4,971,619	8,119,468	35,000,000

The bank notes of this institution were pure credit notes, and yet were good for their face in gold not only at every point within our borders, but at every commercial center the whole world round. Can you say as much for the national-bank notes to-day?

The Bank of Virginia was chartered January 13, 1804, with a capital of $1,500,000, the shares being apportioned as follows: Three thousand five hundred to Richmond, 3,000 to Norfolk, 2,250 to Petersburg, 1,000 to Fredericksburg, 525 to Winchester, 450 to Staunton, and 525 to Lynchburg.

"The bank was well managed and was highly successful. Its notes, all payable in gold, had wide circulation and were at only one-quarter of 1 per cent discount in New York." (Knox's History of Banking, p. 528.)

Again, the Farmers' Bank was chartered by Virginia February 12, 1812, with $2,000,000 capital, and had branches at all the above places except Richmond and Staunton.

One after another, six branches were established by the same State, and were, indeed, great institutions, holding the complete confidence of the people.

"The law provided that the total amount of the paper circulation of these banks should never exceed five times the amount of the coin in possession and actually the property of the bank. If the coin of the bank was reduced below one-fifth its circulation it was required to stop all discounts until the ratio was restored. As a matter of fact, some of the banks issued as high as 8 to 1. These banks were subject to inspection by committees of the legislature, and sometimes examinations did occur. They were made the occasion of a dinner in the directors' rooms, and the figures were discussed over the champagne.

"The banks at such times kept their coin reserve up by keeping the discounts down. It is reported that at such periods drafts drawn on New York were placed in a safe to make up the balance and called 'coin.' Be that as it may, there is no case on record where a bank of circulation and deposit failed, and it is claimed by those acquainted with the banking of that day that no one ever lost a dollar by a Virginia bank note previous to 1861, and they were at a discount of only one-quarter of 1 per cent in New York." (Knox's History of Banking, p. 531.)

"One of the branches of the Farmers' Bank of Virginia was located at Blacksburg, a small village of two or three hundred inhabitants in Montgomery County, which is a blue-grass grazing region of country as fine as any in the world. This branch had a capital of $60,000 and a surplus of $50,000; that is, it had $110,000 of resources. But it had out its notes to the amount of $146,274, and it kept in its vaults only $29,555 of specie against these notes. With capital, surplus, and notes it had, therefore, $256,000, but its deposits were but $7,042. It had out loans, however, amounting to $227,000, which, added to the coin on hand, about balanced its resources.

"Now this trifling deposit account had a deep meaning. It means that the farmers around, who borrowed the bank's money, did not take their loans in the form of credits on which they checked. It means that they took the bank's notes and put them in their pockets and carried them home and paid them out to their neighbor, and as everybody had confidence in the bank, whose managers were the leading people of the community, nobody ever thought of going to the bank and demanding redemption of their notes in coin, so that once out they remained out indefinitely and circulated around among the people, performing the function of money as well as the purest of gold dollars. The result was that they could so multiply their capital that they could afford to charge very low rates of interest, and the people generally had an abundance of money at most reasonable rates." (Address of William L. Royall, before the Convention of the American Bankers' Association, 1898.)

The legislature of Kentucky, in the session of 1833–34, granted a charter to the Bank of Kentucky, with $5,000,000 of capital and the privilege of six branches. Charters were also granted to the Northern Bank of Kentucky, with a capital of $3,000,000, and the Bank of Louisville, with a capital of $5,000,000, each institution having the power or right to issue notes to double the amount of their capital.

While the Northern Bank of Kentucky liquidated in 1898 and the Bank of Louisville was merged into the Southern National Bank in 1899, the Bank of Kentucky had in the latter year a capital of $1,645,000 and a surplus of $1,103,000, giving indubitable proof that no one had ever suffered because of its branches or power of note issue. And there it stands to-day, occupying the building it purchased from the United States Bank, a monument to the sound principles upon which it was founded.

It may be most fittingly observed before passing that when in May, 1837, the blighting wave of suspension swept from New York across the country, these three banks of Kentucky held $1,900,000 in specie against $3,300,000 of notes in circulation—an

object lesson for those who may possibly fear that banks can not obtain sufficient coin to-day to protect the notes they are permitted to issue.

In 1858–59 the general assembly of the State of North Carolina chartered "The Bank of North Carolina," with a capital of $2,500,000, the power to have branches, and the right to issue its notes in double the amount of its capital, but not to exceed three times the specie on hand.

Branches were established at Wilmington, Fayetteville, Tarboro, Windsor, Milton, Charlotte, and Morganton.

In November, 1859, the statement showed that the bank held $683,842 in gold and only $13,148 in silver, or a ratio of 52 to 1. On October 20, 1860, the circulation was $1,311,301 and the specie $490,714, or a little more than $3 in specie for every dollar in circulation.

In 1859 the Bank of Cape Fear held $481,550 in specie, against $1,922,309 of circulation. The Bank of Wilmington held $66,462 in specie, against $498,642 of circulation. The Bank of Fayetteville held $61,104 in specie, against $233,375 of circulation.

What a splendid exhibition this array of figures furnishes of the right principles of banking! I hope that every banker in the United States and every layman who is compelled to borrow or is inclined to think about the subject of finance may read the charter and the by-laws of the Bank of North Carolina and fully understand the profound meaning of the above figures in the light of the times and circumstances.

The very year that Jackson made his violent attack upon the United States Bank the legislature of New York passed what is known as "the safety-fund act," which became a law April 2, 1829.

By that act the banks were required to pay into a safety fund, to be held by the comptroller and treasurer, a tax on the capital stock at the rate of one-half per cent per annum, until the amount paid in was equal to 3 per cent of the capital. They could issue notes to double the amount of their capital, while their loans could not exceed two and one-half times their capital.

From 1829 to 1841, notwithstanding the panic of 1837, no bank which had been organized under this law failed. The chancellor of the State, in construing the statute, unfortunately held that the safety fund, which was only intended by the author of the plan to protect the note holder, was applicable also to the other debts of the banks.

The Commissioners, commenting upon the decision, said:

"This peculiar feature of the law does not seem to have been generally understood either by the public at large or even by those engaged in the business of banking, and great doubt is entertained in regard either to its justice or its expediency. * * * The safety-fund act was primarily designed to secure bank-note holders, and not depositors or other creditors."

The Hon. Millard Fillmore, Comptroller in 1848, stated in his report of December 30:

"It is therefore apparent that the safety fund would have provided an ample indemnity to the bill holder, had it not been applied to the payment of other debts of the bank than those due for circulation."

But the notes issued under this safety-fund system of New York were of a purely credit character, and would have proved safe beyond any peradventure but for a misinterpretation or miscarriage of the law.[a]

The black shadow cast upon the commerce of the country by the persistent attacks of President Jackson upon the United States Bank projected itself over the Alleghenies and upon the fertile plains of the Mississippi Valley; and not until 1834 did Indiana take the first intelligent step forward by incorporating "The State Bank of Indiana."

The Bank of Indiana, which became a model, was chartered with a capital of $1,600,000, and the State was divided into 10 districts, afterwards increased to 17, there being a branch of the bank in each.

Under its charter the bank could receive deposits, buy and sell gold, silver, bullion, and foreign coins, discount commercial paper, and issue bills payable to bearer—a true credit note. A forfeiture of 12½ per cent was imposed upon all notes not redeemed in coin.

[a] The system did not meet with the success that the principle would seem to warrant, and this was chiefly due to the attempt to make all the debts of the insolvent banks chargeable to it. The heaviest failures took place before the change was made in the law by which the circulating notes alone were redeemed from the safety fund. The history of the fund from 1829 to 1866, a period of nearly forty years, indicates that if, from the first, the contributions of the incorporated banks had been applied to redeeming the notes of the insolvent institutions they would have been ample for the purpose, and would have made the circulation of the safety-fund banks more secure than that of the banks under the free-banking system. (Knox's History of Banking, p. 412.)

State Bank of Indiana.

	1835.	1840.	1845.	1850.	1855.
RESOURCES.					
Loans and discounts	$1,434,790	$2,912,619	$1,830,181	$1,709,935	$1,024,648
Bills of exchange	376,175	704,628	1,197,435	2,414,951	3,654,132
Real estate, etc	19,510	204,805	348,169	364,233	177,825
Due from other banks	759,660	335,505	638,699	598,014	929,425
Notes of other banks	572,073	195,724	84,188	355,535	292,736
Other securities		1,092,963	663,133	224,842	238,203
Specie	797,811	1,022,963	1,079,368	1,197,880	1,223,199
LIABILITIES.					
Capital stock	1,199,778	2,690,000	2,878,894	2,082,950	2,150,107
Surplus	170,000	275,839	375,239	750,678	1,228,301
Public deposits	1,124,007	79,227			
Individual deposits	379,543	309,248	359,205	556,432	599,177
Due other banks	23,415	154,423	45,656	112,175	120,666
Circulation	1,534,020	2,835,902	3,667,495	3,548,267	3,397,251

The institution was hardly under way when the panic of 1837 broke upon the country. The New York banks suspending compelled the Indiana bank to follow in order that it could protect itself. John Jay Knox says:

"No bank in the country stood higher than did the State Bank of Indiana during the panic. In all the Western and Southern States its notes commanded a premium, and in the East were taken at a small discount. * * * Its loans were made in small amounts and scattered all over the entire State, thus affording the greatest possible measure of relief."

Great as was the success of this splendid institution, the Jacksonian Democrats, coming into power, at once began an assault upon it precisely as their leader had laid the ax to the roots of the United States Bank.

The Indiana Democrats failed to destroy the Bank of Indiana, but succeeded in passing a general banking law permitting banks to be established upon filing with the auditor of the State the bonds or other evidences of debt of the Federal Government or of any of the States as security for the notes to be issued.

The State of Indiana itself went into the business of issuing notes, and even plank-road companies issued them. The Indiana State notes could be had for 60 cents on the dollar, and were called "red dog." The plank-road notes and others of similar value were called "blue pup."

The Bank of the State of Indiana, organized in 1855 with twenty branches to take the place of the Indiana State Bank, maintained the same high standard as its predecessor, going through the panic of 1857 without suspension, although every private bank in the State, except two at Indianapolis and one at Fort Wayne, went down.

Bank of the State of Indiana.

	1858.	1859.	1860.	1862.	1864.[a]
RESOURCES.					
Loans and exchange	$5,154,548	$6,213,659	$7,790,315	$3,857,428	$4,118,653
Real estate, etc	257,035	316,930	263,949	241,210	169,315
Due from other banks	982,731	716,631	1,152,119	1,342,104	763,209
Other securities				407,218	930,839
Bills of other banks[b]	338,189	264,964	217,429	1,233,122	1,258,501
Specie	1,685,894	1,411,500	1,917,368	3,472,369	1,417,957
LIABILITIES.					
Capital stock	2,486,259	2,988,431	3,323,850	3,354,200	2,775,000
Surplus	348,382	553,259	738,905	1,005,852	1,345,663
Due other banks	146,750	81,663	45,991	260,000	91,241
Deposits	983,468	834,188	1,186,870	2,033,795	2,755,688
Circulation	4,502,348	4,303,286	5,753,610	4,975,332	1,501,865

[a] Before the reports of 1864 were made most of the branches had been converted into national banks, and others were preparing for the conversion. All but three became national banks.

[b] Includes United States notes.

On February 24, 1845, the legislature of Ohio passed a bank act, under which the Ohio State Bank was organized with the right to establish branches and to issue notes. Each branch was required to deposit 10 per cent of the amount of its circulation to create a safety fund to redeem the notes of any branch that might fail. In 1846 there were 17 branches; in 1848, 25 branches; in 1848, 38 branches, and in 1850, 39 branches.

The note issues were of a purely credit character, and were proportioned to the capital as follows: For the first $100,000 of capital there might be $200,000 of notes; for the second $100,000 of capital, $150,000 of notes; for the third $100,000 of capital, $125,000

of notes; for the fourth $100,000 of capital, $100,000 of notes, and for each additional $100,000 of capital, $75,000 of notes.

The evident purpose of the act was to give the people a uniform and sound currency, and the plan succeeded admirably. "The State Bank of Ohio was regarded as one of the soundest in the country." [a]

The essence of the act was in the requirement that the notes issued by the respective branches should be redeemed in gold or silver coin, the lawful currency of the United States, and in the insurance given of this result by a reserve equal to 30 per cent, of which at least one-half should be gold or silver and the balance equivalent to gold or silver coin.

In the fatal 1837 the Bank of the State of Missouri was established, with five branches, located at Lexington, Fayette, Palmyra, Cape Girardeau, and Springfield, and with authority to issue its credit notes without limit if it maintained a coin reserve of 33⅓ per cent. Its capital was $3,450,000, one-half of which was owned by the State.

This was the only bank in the South or West that did not even temporarily suspend specie payments. Its credit notes were always and constantly redeemed on demand in specie. Indeed, so good were these credit notes that they were preferred to specie in New Mexico, Utah, and on the Pacific coast; and a gang of counterfeiters, taking advantage of their high standing, struck off imitations of them in large quantities.

And yet the issues of the bank never equaled the maximum limit of three times the coin held; the amount in circulation in 1856 being only $2,200,000, while the coin in the vaults was $1,140,000, although it was the only incorporated bank at that time doing a regular banking business in the State.

In 1842 the State of Louisiana passed a bank act, which, though erring in one or two particulars, was nevertheless almost ideal, and under it "the State, in 1860, stood fourth in banking capital and held more specie than any other State except one." [a]

No limit was placed upon the amount of credit notes the banks could issue and no security was specially pledged for their redemption. The virtue and real substance of the act was in requiring a coin reserve of 33⅓ per cent of all liabilities, deposits as well as notes, and confining the loans outside of capital to paper running for ninety days or less.

Not a single bank organized under this law suspended specie payment during the panic of 1857, [a] and all were conforming to the requirements of redemption when General Butler marched down the streets of New Orleans.

Iowa, in the morning of her statehood, was opposed to banking as a business, her first constitution providing "that the general assembly shall provide for the organization of all other corporations except with banking privileges, the creation of which is prohibited."

The constitution also provided that "The general assembly shall prohibit by law any person or persons, association, company, or corporation from exercising the privilege of banking or creating paper to circulate as money," the penalty for each offense being one year in the county jail and a fine.

But during the intervening years down to 1857, when the new constitution was framed, Iowa had suffered so severely from *the bond-secured circulation* of Illinois in particular, known as "wild-cat," "red-dog," and "yellow-dog" money, that provision was incorporated permitting the legislature to create corporations with banking powers, subject, however, to a vote of the electors, and also to establish a State bank with branches, founded on actual specie basis.

It was provided that the branches should be mutually responsible for each other's notes; that the stockholders should be liable for an additional amount equal to their stock; that the bank could issue pure credit notes for double the amount of the paid-up capital; that in case of insolvency the bill holder should have a prior lien over other creditors, and that specie redemption must be maintained.

To secure this solvency beyond peradventure each branch was required to deposit with the State bank either coin, United States stocks, or interest-bearing State stocks at their market value in New York, but in no case above par. This deposit was known as "the safety fund" to redeem the notes of the branches in case any of them failed to do so. In addition, each branch must have on hand an amount of coin equal to 25 per cent of its notes outstanding and deposits held.

Here are all the prerequisites of a well-nigh perfect banking system; and the result proved the soundness of the plan.

"The notes were so good," an Iowa member of this House remarked the other day, "that they would not stay at home."

When the national banking system was established in 1865 and the 10 per cent tax on circulation was imposed the life was choked out of one of the most perfect banking systems that had ever existed; and every note of the $1,439,764 outstanding on January 2, 1865, was redeemed without the loss of a single cent to the holders.

State Bank of Iowa, statement January 2, 1865.

ASSETS.

Location of branches.	Safety funds.	Specie.	Notes of other banks.	Due from other banks.	Loans and discounts.	United States and State bonds.	Other items.
Burlington	$35,500	$77,526	$243,654	$139,525	$470,432	$19,100	$3,454
Council Bluffs	68,000	6,333	25,520	64,148	59,664	1,824	11,192
Davenport	25,000	3,284	217,401	58,147	166,490	54,600	11,376
Des Moines	19,500	36,731	66,646	4,735	173,894	10,000	1,986
Dubuque	36,305	71,806	102,817	84,345	427,823	115,956	20,408
Fort Madison	19,000	16,674	38,433	7,577	60,272	3,588	20,021
Iowa City	13,000	8,775	112,415	37,153	123,823	27,881	2,818
Keokuk	20,000	38,288	71,835	41,353	169,030	40,278	2,871
Lyons City	12,500	33,678	47,487	68,223	88,037	8,200	5,227
Maquoketa	7,700	15,543	46,747	27,200	30,603	1,687	4,221
McGregor	7,000	4,934	8,007	.....	58,981	1,050	84
Mount Pleasant	12,000	23,526	123,446	13,383	175,677	31,237	10,933
Muscatine	11,000	19,754	73,373	55,000	158,955	7,022	16,094
Oskaloosa	12,000	22,270	31,006	21,029	108,734	.....	6,833
Washington	10,400	10,674	91,688	45,686	192,877	38,700	5,260
Total	308,905	389,802	1,300,481	668,511	2,468,362	361,182	122,844

LIABILITIES.

Location of branches.	Capital.	Circulation.	Due other banks.	Due to depositors.	Other items.	Total liabilities.
Burlington	$150,000	$236,940	$1,235	$552,177	$18,810	$989,193
Council Bluffs	50,000	97,904	113	57,135	31,530	236,683
Davenport	60,000	1,785	5,454	452,751	16,308	536,299
Des Moines	78,000	140,035	1,404	83,369	10,684	313,493
Dubuque	150,000	283,837	9,148	361,474	55,005	859,465
Fort Madison	77,000	68,886	187	19,493	.....	165,566
Iowa City	70,000	32,276	479	214,772	13,348	330,875
Keokuk	80,000	132,477	1,233	156,232	13,773	383,717
Lyons City	50,000	86,586	1,501	111,758	11,509	261,355
Maquoketa	25,000	30,640	46	73,339	4,679	133,705
McGregor	50,000	19,484	296	4,009	6,268	80,058
Mount Pleasant	50,000	90,390	1,616	212,738	35,569	390,314
Muscatine	58,200	64,390	12,069	199,816	6,722	341,199
Oskaloosa	50,000	81,131	.....	64,355	6,388	201,875
Washington	50,000	43,003	110	288,037	15,136	396,286
Total	1,048,200	1,439,764	34,929	2,851,462	245,735	5,620,091

During all this varied experience in the West and South, there was a most conspicuous illustration of a true credit currency in process, demonstrating and proving every principle involved in adapting it to our 12,000 banks, state and national, should the former desire to come into the system. I refer to the Suffolk system of New England.

Here were six States, with laws varying in each, and portions of them far more remote from Boston where the Suffolk bank was located than any part of the United States is from any other part to-day, so far as business relations and convenience are concerned.

There were no railroads, telegraph lines, or long-distance telephones. Indeed, almost every essential to anything like a sound system of banking, as observed from the standpoint of to-day, was wanting. There was no law requiring a uniform reserve. There was no law requiring coin redemption. There was no law requiring a bona fide capital. There was no check upon the amount of notes any bank might issue if dishonestly inclined.

There were, in 1848, 306 banks deriving their authority from the six States, and 159 of them did not possess an average capital of $100,000; nor was the average capital outside of Boston more than $160,000, and including that city it was not more than $206,000.

By 1860 there were 504 banks. There are only 515 national banks to-day in the same States. Can any fair-minded, impartial man deny that the conditions to-day are vastly in favor of better results? One law for all, a bona fide capital, a required reserve, a system of redemption established by law, notes furnished by the Government, and a common national supervision all unite to compel the admission that any system that could prove its adequacy under such adverse conditions from 1840 to 1860 would certainly approximate perfection to-day.

Nowhere in the whole range of banking experience have so many things been demonstrated beyond cavil which the student of this subject wants to know.

To all intents and purposes the possible issues were without limit, the actual circulation in 1840 being only 23 per cent of that permitted, in 1850 only 40 per cent, and in 1860 only 36 per cent.

[a] Horace White.

During every year from 1840 to 1860, except one, the note issues were greater, and usually nearly double, than the deposits, illustrating with what certainty such a system adapted itself to the ever-varying needs of the people who were fortunate enough to have it, and how it invariably, with peculiar fitness, met the needs of the rural districts, where currency, and not checks, was especially required.

The States of New Hampshire and Vermont had bank capital amounting to $8,150,000 in 1850 and notes outstanding amounting to $7,300,000, while Boston, with $32,700,000 of capital, had out only $7,500,000 of notes.

CONTEMPORARY COMMENTS OF OFFICIAL REPORTS ON THE SYSTEM.

"The currency of this State is of the first order and can not be improved, being equal to gold and silver. This is strong language, we admit, yet perfectly true, for every bill holder can on demand convert his bills into coin." (Connecticut Bank Commissioners' Report, 1841.)

"If there was no check upon circulation there might be some danger, but the frequent redemptions at the Suffolk Bank and the rapid communications between different parts of the country will prevent any greater circulation than the natural business wants of the country will sustain. * * * Indeed, this system of par redemption seems to be a most perfect regulator upon all the New England banks. It would seem somewhat surprising that something has not been adopted in other parts of the country that should produce the same beneficial results." (Connecticut Bank Commissioners' Report, 1848.)

"We believe there is not a more sound and safe currency in existence than that furnished by the banks in this State. We know of no better system of banking than ours." (Connecticut Bank Commissioners' Report, 1849.)

"The bills of any country bank, redeemed at par in any commercial city, will always be current throughout the extent of region whose business channels flow to that city. Hence New England money is worth more in the cities of New York and Philadelphia than the bills of their own country banks. Vermont bills have uniformly borne a premium in the Eastern cities without loss, while bills of their own States are at a heavy discount." (Vermont Bank Commission's Report, 1852.)

"The 'Suffolk system,' though not recognized in our banking law, has proved to be the great safeguard to the public. Whatever objections may exist to this 'system' in theory, its practical operation is to keep the circulation of our banks within the bounds of safety. No sound bank can have any well-founded reason for refusing to redeem its bills in Boston, and a bank that is not sound can not long do business under that system and ceases to be in good credit when it is 'thrown out at the Suffolk.'" (Maine Commissioners' Report, December 31, 1857.)

"It is by no means wonderful that a system which has stood the test of time and struck its roots so deep as to have become incorporated with and formed a part of our banking system should be abandoned with hesitation for one which is new and untried." (Maine Bank Commissioner's Report, 1865.)

"The charters of the banks have been renewed. If the laws by which they are constituted the agents of the people to provide a currency, and by which their faithfulness in the discharge of such agency is secured, remain unchanged, there is every reason to believe that the currency of Massachusetts will be for the next twenty years what it has been for the twenty years past, as perfect as any in existence, as perfect as in the nature of things it can be. No reasonable man, no practical man, no man who is not bound hand and foot in the fetters of mere theory, can desire for the people a currency better adapted to meet all the circumstances of a business community than that which has been furnished by the banks of Massachusetts for the last quarter of a century. (James B. Congdon, cashier Merchants' Bank, New Bedford, in memorial to governor of Massachusetts, 1851.)

"The anomalous feature of the case is that the well-secured bond-protected bank issues of New York are at a greater discount at this point than the apparently unsecured circulation of New England, including places hundreds of miles off, and inaccessible, in a measure, for compulsory redemption. * * *

"We said that the Massachusetts currency was apparently unsecured. In reality, their bank paper is well secured. The experience of the last fifteen years has demonstrated that the losses from bank issues in the State of New York are four or five times greater than in Massachusetts. The system of the latter is better than our own." (New York Courier and Enquirer, 1854.)

"The State parts with these objects of her care and solicitude with many regrets, but with a just pride in their career, inspired by the belief that their capital has been highly instrumental in promoting the prosperity of the State, and that they have furnished as good a paper currency, based on individual credit, as any part of the country has ever enjoyed." (Massachusetts Banking Report, 1865.)

When the soundness of this system is tested by a comparison with the national system of to-day the result more than justifies the assertion that the former was incomparably the better; for, when you compare the conditions during the twenty years from 1840 to 1860 with those of the past thirty years, all must admit that argument is futile and the conclusion inevitable.

Mark this, that while a tax of one-eighth of 1 per cent on all the notes in circulation would have paid all the notes of failed banks from 1840 to 1860, it would have taken a tax of one-fifth of 1 per cent on all notes out to pay the notes of the failed national banks.

Nor is this all. The Suffolk system greatly lowered the rates of interest and thereby advanced the welfare of labor and brought a larger return to the producers through New England.

"It has been impossible for the banks of discount to find use for all their means in discounting good paper, and some, having the largest capital, have reduced the rate of interest, in a few instances, to 5, 4, and even 3 per cent." (Connecticut Bank Commissioners' Report, 1844.)

If the rate of 3 per cent was allowed in 1844,[a] what ought it to be to-day with our vastly increased capital in the banking business? But the fact is that we have the most expensive banking system in the world, which, if persisted in, may drive us from the coveted fields of the world's commerce.

It only now remains for me to call the attention of the House to one other instance before concluding my remarks upon the advantages and importance of adopting a system of credit currency, and that is the banking system of Canada, where the law provides for a guaranty fund of 5 per cent and also makes the note a first lien upon the assets of the bank.

Those of our people who live along the Canadian border and can see our own system working to such great disadvantage as compared with that of Canada are compelled to wonder why we, too, do not adopt the natural tool of commerce rather than keep a relic of the war which some of us hold good—yes, the best—either because we have determined that we will not see, or because, though we may see, we fear we shall not be able to convince others.

The currency of the Canadian banks rises and falls with the needs of that country from year to year, from season to season, from month to month, and from day to day.

Can any man say that our currency reflects in its amount the demands of business? Must not everyone who has given the matter even a superficial thought confess that it is much or little according to the speculation in bonds, causing inflation half the time and panics the other half?

From this array of facts, I submit that every quality claimed for a credit currency has been demonstrated, proved, and substantiated.

First. That it is sound; and, upon this point, I submit the fact that it is the currency of France, Germany, Scotland, Belgium, Holland, Canada, Australia, and was the currency of the first and second United States Banks, the Bank of Indiana, the Bank of Ohio, the Bank of Iowa, all the banks of the State of Louisiana under the act of 1842, and all the banks of New England, 504 in number, from 1840 to 1860.

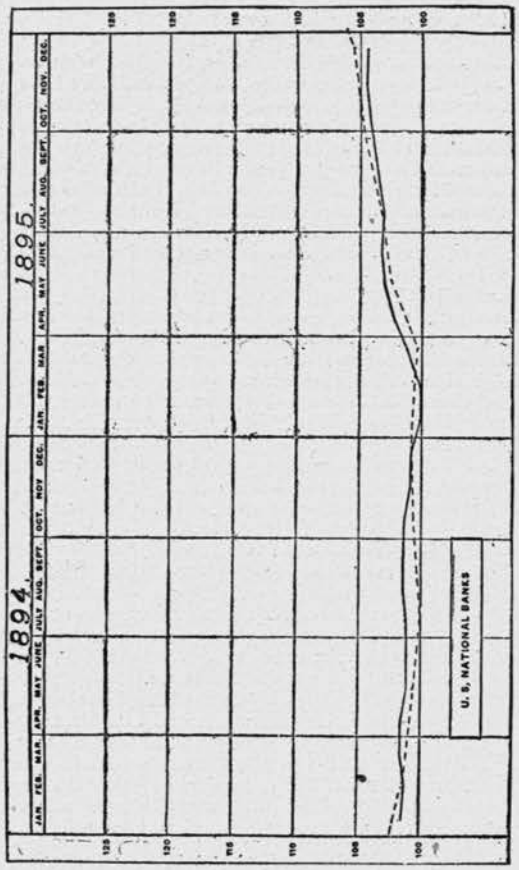
Nay more, I here and now challenge any member of this House to cite a single instance in American history where a single word or term of opprobrium or derision was ever used in relation to any true credit currency. On the other hand, I assert that all the wild-cat, yellow-dog, blue-pup, and every other kind of dog money, to which allusion is constantly made, was issued under conditions entirely different from those imposed in this bill, and that a careful and thorough investigation will disclose the fact that practically all of the so-called "dog" money was put out under the guise of State notes or bond-secured money, the bonds being United States bonds or stocks, the bonds or stocks of the several States with the addition, now and then, of other securities such as railroad bonds, as provided in the law of Wisconsin.

Let no man from this day forth, who cares for his reputation as a student of this question, try to link any of the opprobrious terms, including the word "dog," with the credit currency of our own or any other country; because whenever and wherever a true credit currency has been issued, in accordance with the provisions of this bill, it has been as good as gold or the coin of the realm, or the Government where issued.

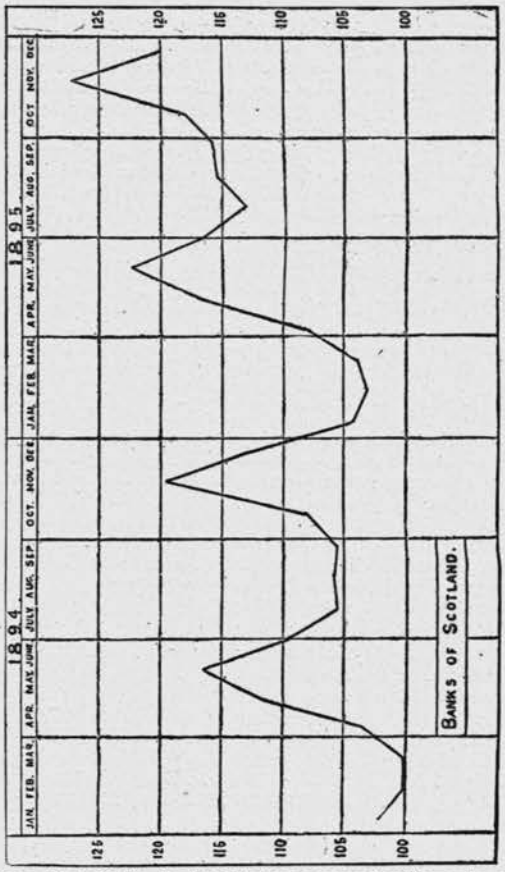
Has it adjusted itself to the ever varying needs of trade? Let us see.

The following diagrams show that a true credit currency, invariably, and without an exception, even to prove the rule, and with a mathematical certainty adapts itself to the demands of trade.

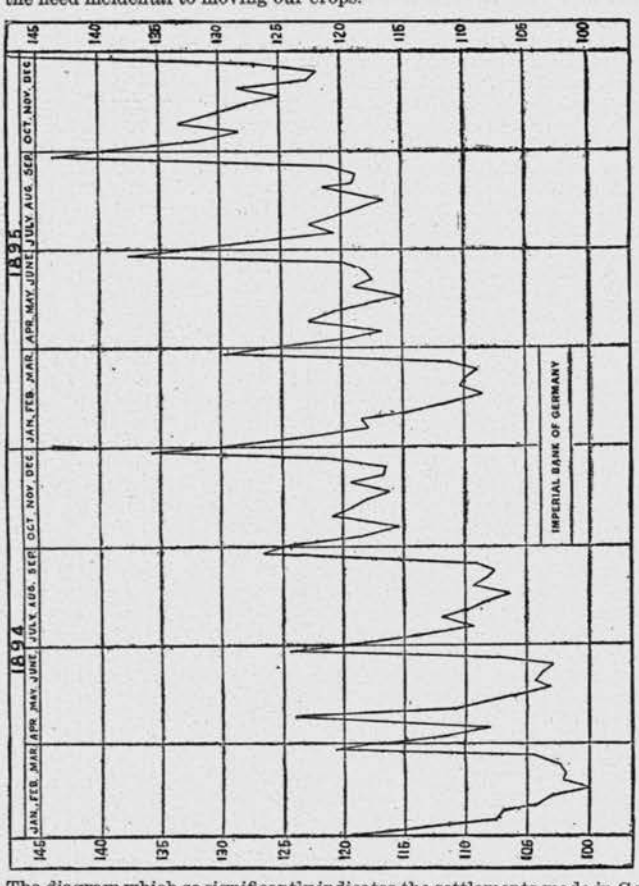
[a] For full detailed information on the Suffolk system, see Appendix A, p. 529.



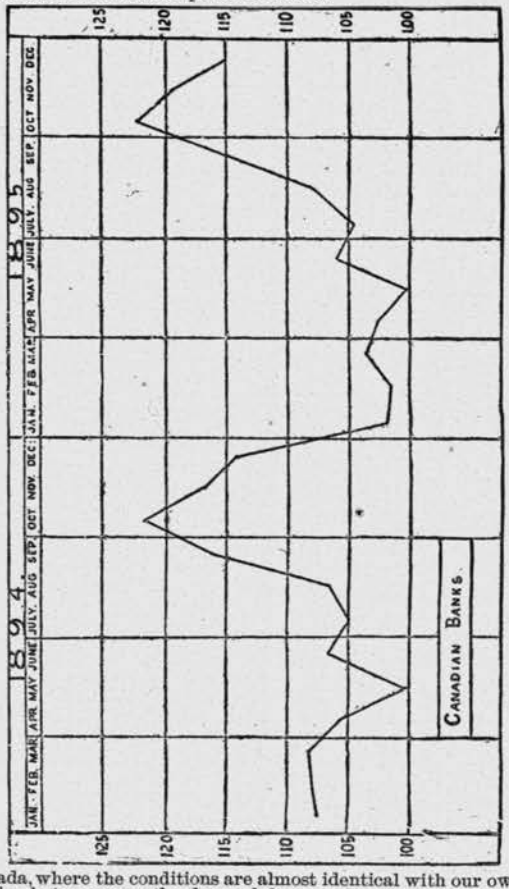
It will be observed that during the entire period of two years there were no seasonal changes in the currency. If we had had a true credit currency August, September, and October would have shown a great increase because of the need incidental to moving our crops.



It has been the habit in Scotland to have general settlements on the first days of May and November, a fact that is graphically demonstrated by the preceding diagram, which indicates unerringly the exact amount of notes needed in those months as compared to others.



The diagram which so significantly indicates the settlements made in Germany every three months is in bold contrast to that reflecting the currency condition of our national banks.



In Canada, where the conditions are almost identical with our own, we observe with what accuracy the demand for notes to move the crops is registered, rising highest about October 15, and then gradually falling to the lowest point about May, when the least is doing in that agricultural country.

If anything could be added to increase the force of these illustrations, the following comparison, between what bank issues might have been and what they actually were, will supply it:

Country.	Possible issue.	Actual issue.
France	$1,000,000,000	$814,000,000
Germany	464,906,250	332,486,435
Scotland	148,000,000	40,000,000
First United States Bank	10,000,000	5,000,000
Second United States Bank	35,000,000	23,000,000
Bank of Indiana	6,600,000	4,900,000
Bank of Iowa	2,096,000	1,400,000
New England Suffolk system	123,000,000	44,000,000
Canadian banks	65,000,000	54,000,000

From this comparison of the possible and the actual issues, in every instance, every fair-minded and reasoning man must conclude that a natural and perfect relation must exist between a true credit currency and the work it is called upon to perform.

The average life of a true credit note is in bold contrast with that of our present national-bank note.

	Days.
The note of the Scotch banking system remains out	18
The note of the Canadian banking system remains out	30
The note of the New England (Suffolk) banking system remained out	45
The note of the National-banking system remains out	730

Or more than two years, which is about the time the paper itself lasts; when it must be returned of necessity for renewal.

The frequent redemptions of the credit notes reflect their relations to business transactions, while the redemption of the national-bank notes reflects little more than the life of the paper upon which they are printed.

That a credit note is just as economic in its use as a deposit, which is received to be loaned out, no one will deny, making the nominal allowance for the cost of the note and its redemption.

Recalling these facts, then—

First. That, owing to our constantly increasing population, constantly expanding business, and constantly contracting currency, provision must be made for about $100,000,000 annually;

Second. That this increase can not be silver in any form, for we shall not purchase another ounce of bullion, and that under present conditions we have no assurance of getting more gold—indeed, we may even lose what we now have at any moment—and that it would be unnecessarily expensive, even if we could rely upon an adequate supply;

Third. That our present bond-secured currency, while safe, is just as expensive as gold, bears no relation whatever to business needs, being a bond-speculation scheme pure and simple, and is now being retired at the rate of $3,000,000 per month, the maximum allowed by law, and that, too, in the very teeth of rapidly expanding business and increasing population.

Fourth. That the true credit currency, protected as provided in the measure reported by the Banking and Currency Committee, being as good as gold itself, adapts itself always and under all circumstances to the ever-varying needs of the people, and is as economical as a sound credit can be in any form.

A single conclusion alone is left as the result of this searching and exhaustive examination of present conditions, and running back for more than two hundred years, and that is that we need and must and will have sooner or later credit currency protected by a proper reserve and redeemable on demand in gold coin.

BRANCH BANKING.

The counterpart of a credit currency, and the most efficient machinery by which the borrowers can utilize its significant advantages, is a system of branch banks.

It will be apparent to everyone, after a moment's reflection, that if a bank at St. Louis had branches at Kansas City, Denver, and San Francisco on the west, at St. Paul and Duluth on the north, at Memphis and New Orleans on the south, at Cincinnati, Indianapolis, Pittsburg, Philadelphia, and Boston on the east, at the mere expense of a few telegrams sent at night, credit could be transferred from any one of these cities to any other, so that the loanable funds of the whole country would soon reach a sea level of interest rates and would rise and fall like the tides of the ocean, and every dollar would find its way every day, if indeed not every hour of every day, the whole year round, to the very spot where it could be of the most use—that is, could be most helpful and efficient in doing the commercial work of the country.

We should have a system of banking and currency that would keep all of our banking capital working everywhere all the time at the rate of 3 per cent, instead of working in one locality a part of the time at 24 per cent, and in another locality a part of the time at 16 per cent, and in another locality a part of the time at 12 per cent, and in another locality a part of the time at 6 per cent, and in another locality a part of the time at 3 and 4 per cent; and all the balance of the time, when the banks in the respective localities can not filch their 24, 16, 12, 10, 8, and 6 per cent, lying rotting and festering in the great money centers, breeding speculation, inducing panics, and leading to inevitable disaster.

This constant accumulation of unused capital makes it possible for speculators and gamblers to borrow at 1 per cent on call, when the call rate should invariably be higher than the commercial or time rate, a condition that would certainly follow if we had a system of branch banks which would bring to every city, village, and locality throughout the length and breadth of this land one uniform rate of interest during the entire year, and that not to exceed 3 per cent.

This is not a mere theory and experiment. Every civilized nation in the world, except our own, has such a system, and the call rates at London, Paris, and Berlin are, generally speaking, always higher than the commercial or time rates, just the reverse of what we find in New York, our money center.

An investigation by James H. Eckels, Comptroller of the Currency in 1896, disclosed the fact that the following countries have branch banking: Argentina, Austria-Hungary, Belgium, Brazil, Bolivia, Canada, Chile, China, Colombia, Costa Rica, Denmark, Ecuador, Egypt, France, Germany, Greece, Guatemala, Haiti, India, Japan, Mexico, the Netherlands, Newfoundland, Nicaragua, Paraguay, Persia, Peru, Portugal, Roumania, Russia, Salvador, Sweden, Switzerland, Turkey, the United Kingdom, Uruguay, and Venezuela.

Nor is branch banking confined to foreign countries, but 23 out of the 45 States permit it; that is, 9 expressly provide for it, while 14 are silent or do not prohibit it.

The 9 are Arkansas, California, Delaware, Kentucky, Michigan, North Carolina, Nevada, South Carolina, and Wisconsin.

The 14 are Arizona, Idaho, Illinois, Kansas, Louisiana, Maryland, Montana, New Mexico, Ohio, Oregon, Tennessee, Utah, Virginia, and Washington.

Nor has there ever been a time, from the foundation of the Government down to this hour, when branch banking has not been carried on in some form or other and to some extent in some part of the United States.

From 1791, when the first United States bank was organized, down to the time of the civil war it was under the system of branch banking that the safest and most satisfactory banking was done, excepting, possibly, the Suffolk system of New England alone.

By a resolution passed by the bankers of Kansas, in convention assembled, we receive the startling information that branch banking is un-American, unpatriotic, and unbusinesslike."

It is to be hoped that the gentlemen there assembled were far better bankers than historians. The charter of the first United States bank was drawn by Alexander Hamilton and signed by George Washington. But it may be retorted that Hamilton and Washington were not Americans.

This first United States Bank which they organized had branches at Boston, New York, Baltimore, Norfolk, Charleston, Savannah, Washington, and New Orleans. It was most successful in every respect, Senator Crawford, from Georgia, remarking, when a renewal of the charter was pending before the Senate:

"Sir, we have the experience of twenty years for our guide. During that lapse of years your finances have been, through the agency of this bank, skillfully managed. During this period the improvement of the country and the prosperity of the nation have been rapidly progressing. Why, then, should we, at this perilous and momentous crisis, abandon a well-tried system, faulty, perhaps, in detail, but sound in its fundamental principles? Does the pride of opinion revolt at the idea of acquiescing in the system of your political opponents? Come, and with me sacrifice your pride and political resentments at the shrine of practical good. Let them be a propitiary sacrifice for the promotion of the public welfare, the savor of which will ascend to heaven and be there recorded as a lasting—an everlasting—evidence of your devotion to the happiness of your country."

The establishment of the second United States Bank was urged by James Madison; its charter was prepared by Mr. Dallas, his secretary, and Madison signed the bill. But James Madison, who was the most efficient instrumentality in constructing our Constitution and securing its adoption, was *not an American.*

Subsequently, when the question was raised in the case of McCullough *vs.* State of Maryland et al., that this same United States Bank was un-American because unconstitutional, Chief Justice John Marshall said:

"After the most deliberate consideration, it is the unanimous and decided opinion of this court that the act to incorporate the Bank of the United States is a law made in pursuance of the Constitution, and is a part of the supreme law of the land.

"The branches, proceeding from the same stock, and being

conducive to the complete accomplishment of the object, are equally constitutional."

But John Marshall, the great interpreter and expounder of the Constitution, *was not an American*, you know.

This second United States Bank had 25 branches in 1830, located in many cities throughout the United States, whose populations were small, indeed.

It is perfectly evident from the size of those cities and their geographical locations that the remotest frontiers of well-settled communities were fortunate in having branches of this wonderful institution, whose pure credit notes were selling at a premium at every commercial center in the world.

Now, mark this, the law limited the rate at which the bank could loan to 6 per cent; and yet, under this limitation, in 1830 the bank had successfully established, one after another, 25 branches; some of them upon the extreme frontier and in small country towns of no more than 2,000 and 3,000 people; and yet the residents of these villages, planted in the very wilderness, had the advantage of the same rates of interest that the citizens of New York, Philadelphia, and Boston had.

The very first bank acts of Virginia, November 23 and December 23, 1792, authorized branches; and December 10, 1795, a special act was passed authorizing the president and directors of the United States Bank to establish offices of discount and deposit in the Commonwealth.

Then immediately followed that golden age of banking in Virginia, the first charter granted being that of the Bank of Virginia, on January 13, 1804, and subsequently five other banks being incorporated, all of them establishing branches.

The six mother banks had branches at the places designated, as follows:

The Bank of Virginia, at Norfolk, Petersburg, Fredericksburg, Portsmouth, Lynchburg, Buchanan, Danville, Charleston, and Union (the latter two places being now in West Virginia).

The Farmers' Bank, at Norfolk, Petersburg, Fredericksburg, Lynchburg, Winchester, Danville, Farmville, Charlottesville, Wytheville, Alexandria, Louisburg, and Blacksburg.

The Exchange Bank, at Petersburg, Clarksville, Alexandria, Abingdon, Salem, Weston, Lynchburg, and Richmond.

The Bank of the Valley, at Romney, Charleston, Leesburg, Staunton, Christiansburg, and Moorefield.

The Northwestern Bank, at Wheeling (now West Virginia), Wellsburg, Parkersburg, and Jeffersonville.

The Merchants and Mechanics' Bank (of Wheeling), at Morgantown and Mount Pleasant.

But old Virginia, you must remember, is the mother of Presidents, and *must be American*.

The general assembly of Tennessee, in November, 1807, established the Nashville Bank, which, by one of its statements, discloses the existence of six branches.

In 1838 the legislature of Tennessee chartered the Bank of Tennessee, which had branches at Athens, Clarksville, Columbus, Knoxville, Memphis, Murfreesboro, Rogersville, Shelbyville, Somerville, Trenton, and Sparta.

The State Bank of Indiana was chartered in 1834, with the power to establish ten branches, which number was afterwards increased to seventeen.

The Bank of the State of Missouri was chartered in 1837, with the right to have branches at five different cities: Lexington, Fayette, Palmyra, Cape Girardeau, and Springfield. The population of St. Louis was 11,500, and that of the entire State only 310,000.

In 1848 the Bank of the State of Georgia, with a capital of $1,500,000, had branches at Augusta, Eatonton, Athens, Washington, and Greensboro, with agencies at Macon and Griffin, while its home office was at Savannah, then the financial center of the State. Other banks located at the same center and also had branches.

The law by which the State Bank of Ohio was incorporated was passed in 1845, and by 1850 it had 37 branches.

On March 20, 1858, the legislature of Iowa passed a law incorporating the State Bank of Iowa, and authorizing it to have 30 branches, and many were established and flourished under the law, Knox stating that "to the branch banks of Iowa was largely due the prompt response of the State to the call of President Lincoln to put down the rebellion in 1861."

And, finally, it must not be forgotten that the national-bank act recognizes the principle of branch banking by providing that any bank having branches—indeed, any number of them—may come into the system and maintain the branches, although the conditions imposed are burdensome and ruinous.

Again, while the right to establish branches is denied to any existing national bank, we permit any foreign bank, organized anywhere, in any country on earth, to come here and establish its branches wherever it pleases. To-day these foreign banks are doing business in every one of our great money centers.

In the light of these facts it will hardly be contended that branch banking is un-American.

Nor will any sensible man who cares for his reputation try in a serious vein to demonstrate that branch banking is unpatriotic and treasonable in principle.

When we recall the fact that anyone engaged in any other legitimate line of business can go whithersoever he will and establish branches and agencies for the purpose of extending his trade, is it not strange that one who is engaged in buying and selling credits can not do the same thing?

Why should banking be singled out as the only business that must be shackled, fettered, and limited in the United States when it enjoys greater freedom in all other countries than any other line of commerce, if a comparison can be instituted at all?

Indeed, the Bank of France is compelled to establish a branch in every political subdivision or department of the Republic.

If we could be made to believe that every invention or device that would save expense and facilitate production is unbusinesslike, then we might conclude that branch banking is also unbusinesslike.

All will admit, I think, that any system of banking that will level the rates of interest will level the high rates down to the low rates, and will not even tend to raise the lower rates; therefore I assert that the adoption of a principle that will certainly equalize the rates of interest throughout the United States will give to every part of the country a rate as low as the lowest, or 4 per cent, at least—that being the rate of Boston, Brooklyn, and Cincinnati.

Nay, more. It would inevitably follow from innumerable and vast economies that our rate would approximate 3 per cent.

The Bank of France has branches or places of business in every department or political subdivision; and the rate throughout the length and breadth of the French Republic to-day is 2½ per cent to every borrower, from the man who wants $50 to the man who asks for and is entitled to $500,000.

So in Germany the rates for the Empire are made at the branches of the Reichsbank, which are to be found at 330 places, scattered throughout the country.

That the principle has been established and proved by these two illustrations any opponent might in fairness deny, since it may be rejoined that these are the only banks of issue and numerous branches in their respective countries, and that hence they have comparatively little competition.

In England there are several significant points of difference. The Bank of England, with a capital of $72,500,000 and a reserve of $15,000,000, is substantially the only bank of issue; but it only has 11 branches; while the other joint-stock banks, numbering 77, with a capital of $233,588,725 and a surplus of $165,515,845, have in England and Wales 3,836 branches.

But here, too, the rates of interest are uniform, and do not vary 1 per cent, being almost invariably lower throughout the country than the rate of the Bank of England, which is the regulator of the gold movement as well as a banking institution.

Our struggle to-day for free banking privileges in the United States is not the first attempt to give the borrowing public the advantages of the low rates prevailing at the commercial centers.

John Francis, in his History of the Bank of England, says: "The extension of the branches of the Bank of England was not viewed with favor by the country bankers. * * * They had previously charged 5 per cent discount, and in some places even an extra percentage as commission; the branches, by performing the same business at 4 per cent, had reduced these profits and compelled them to lower their terms."

However, here again our unwilling listener and too willing objector may complain of the presence of a central bank, as though it could possibly have a controlling influence upon the commercial rate, when its assets or loanable funds are only $500,000,000 of the $4,000,000,000, or one-eighth the amount of the other joint-stock banks doing a distinctive English or local business; for, in addition to those joint-stock banks of a purely local character, there are located in London 30 colonial joint-stock banks, having a capital amounting to $175,000,000, a surplus of $50,000,000, and total assets aggregating more than $1,300,000,000.

But there is no central or controlling bank in Scotland, and yet the 10 Scotch banks, with an aggregate capital of $46,000,000, a surplus of $34,000,000, and assets amounting to $688,000,000, through their 1,078 branches, touching every nook and corner of the Scottish domain, are lending money everywhere at identically the same rate of interest.

Again, it may be retorted, but with less and less of reason as we shall soon see, that conditions are different in Scotland. For one thing, that it is an old country, and that what might work perfectly well in an old and densely populated country would not do at all for a new and sparsely populated one.

Visit Australia, if you will, and there, throughout a vast extent

more sparsely settled than any part of the United States to-day, you can not find a variation in the rate to exceed 2 per cent.

Coming, too, to the Atlantic coast, you may start at Prince Edward Island, or the smallest fishing hamlet of Newfoundland, and go to the northernmost line of habitation on Hudson Bay, the lumbering camps along the streams upon whose bosoms the forests float, the mining fields just opening their wealth, or the salmon runs on the distant Pacific, and at each and every place you will find a branch of one of the 35 banks of Canada, lending money at a rate of interest not exceeding 2 per cent per annum more than in Montreal, the financial center of the Dominion, where there is no controlling or government institution, but 34 independent, joint-stock banks, with an aggregate capital of $68,596,166, a surplus of $37,364,708, and assets amounting to $499,091,985, loaned to the people through 747 branches.

Of this now almost perfect system of banking, Mr. B. E. Walker, manager of the Canadian Bank of Commerce of Toronto, said at the Congress of Bankers in Chicago in 1893:

"In Canada * * * capital marches automatically across the continent to find the borrower, and the extra interest obtained scarcely pays the loss of time it would take to send it so far were the machinery not so perfect."

To this peculiarly striking parallel our never failing objector has already been heard to say:

"Oh, those people differ widely from us. They are slower, more conservative, and while branch banking and a credit currency might suit them very well, they would never do for the American people, who are so speculative, restless, impulsive, and violent."

Did it ever occur to him that possibly our faulty system, which every American knows may break down at any moment, is largely the cause of that very speculation and proverbial uneasiness?

Does he not know that every American who thinks realizes that we are sleeping to-day upon a smoldering but living volcano more dangerous than Mount Pelee, and that its fires will only be put out by the retirement of the demand obligations of our Government and the adoption of a true credit currency?

Has he forgotten, or has he never learned, that when the United States Bank was chartered in 1816, the law permitted the establishment of branches and limited the rate of interest to 6 per cent?

Does our objector, who will not be convinced because he has determined not to be, know that under that 6 per cent limitation the United States Bank established and had in 1830 branches at the following cities, whose respective populations at that time were as follows:

Population of certain cities in the United States in 1830.

[From the report of the Fifth Census of the United States.]

Cities.	Population.	Cities.	Population.
Baltimore, Md	80,620	New York, N. Y	197,112
Boston, Mass	61,392	Norfolk, Va	9,814
Buffalo, N. Y	8,668	Philadelphia, Pa	80,462
Burlington, Vt	3,525	Pittsburg, Pa	12,568
Charleston, S. C	30,289	Portland, Me	12,598
Chillicothe, Ohio	2,846	Portsmouth, N. H	8,026
Cincinnati, Ohio	24,831	Providence, R. I	16,833
Fayetteville, N. C	2,868	Richmond, Va	16,060
Hartford, Conn	7,074	St. Louis County, Mo. (including St. Louis)	14,125
Lexington, Ky	6,026	Chatham County, Ga. (including Savannah)	14,127
Louisville, Ky	10,341	Utica, N. Y	8,323
Mobile, Ala	3,194	Washington, D. C	*18,826
Nashville, Tenn	5,566		
Natchez, Miss	2,789		
New Orleans, La. (including suburbs)	45,999		

*Total population in the present Territory of the District of Columbia 30,261.

Does our obstinate and obdurate objector know that these are all American cities and that the people were never better accommodated than then with loanable funds, and that, too, although our whole country was practically a frontier, with every part very remote from every other part, because we had neither telegraph, telephone, nor railway; and yet that no one even then in that primitive time, seventy-five years ago, *paid more than 6 per cent interest wherever there was a branch of the United States bank?*

What a graphic picture this is of what right principles will achieve if we will only permit the people to do their own business in their own way; simply compelling them to so use their corporate rights as to in no way injure others or encroach upon their prerogatives!

To-day no spot where business is done in the United States is so remote as were these branches from each other, when our means of communication and transportation are taken into account; and yet the rate is 4 per cent in Boston and 6 per cent in Vermont, 4 per cent in Brooklyn and averages about 6 per cent in New York State, 5 per cent in Baltimore and more than 7 per cent in South Carolina, 6 per cent in Savannah and 8 per cent in Florida, 5 per cent in Minneapolis and averages about 7 per cent in Minnesota, 4 per cent in Chicago and 6 per cent in Illinois, 5 per cent in St. Louis and 7 per cent in Missouri, 10 per cent in Arkansas and 14 per cent in Oklahoma, 5 per cent in San Francisco and 7 per cent in California, 9 per cent in Oregon and 10 per cent in Washington.

Can any intelligent, candid, patriotic man doubt or hesitate when confronted with these figures? Is he not compelled to admit that there is no way of escape except by the adoption of that principle which has never failed to mobilize the loanable fund and bring uniform rates of interest whenever properly applied?

Or, shall we find, lurking in the morbid imagination of our mental mossback, a horrid fear that we would better bear the gigantic burden of an annual interest account, approaching $200,000,000, rather than to suffer the ills of a money trust?

Very recently I read the pronunciamento of one McAshan, a banker, containing these direful words:

"Branch banking and asset currency is one move in the general direction of usurpation of privileges, concentration of wealth, monopoly of money, and eventually the control of the Government and the pauperizing of the people."

How perfectly easy it is for anyone to rant who does not measure his words, or who does not happen to know anything of the subject about which he may think he is talking!

This malediction sounds so much like the prophecy of a certain W. J. Bryan, who depicted a ruined, devastated, and enslaved country and a pauperized people if the gold standard should be established, that we can assume that McAshan is a devout follower of that now utterly discredited and already almost forgotten peerless leader.

Indeed, if that very leader be still remembered for anything it is because he stated more things about the money question that were not true than anyone living or dead. Nor is it of consequence that he was honest in his delusions, for a fool in office is more dangerous to the public welfare than a knave who knows that he is watched.

If anything should disgust an American citizen it is the assumption that he is very little, if any, above an idiot in comprehension, and that you can scare him by blowing hot air upon his supposed prejudice, which must be the natural outgrowth of a profound ignorance.

It is high time that we should take our citizenship at its true worth, and hold ourselves to a corresponding responsibility when attempting to lead and teach it.

A gold trust; nothing but the vapor of a superheated brain or the fancy of a diseased imagination! And why? Because gold is the poorest kind of property to hold, except as a reserve in a bank to serve as a touchstone to its credits.

Gold will not increase in value, therefore no one wants to hold it as a speculation. Gold earns no interest, therefore no one desires to hold it as an investment. Gold is easily carried away and always quickly disposed of, therefore it is dangerous to keep it in our homes. Indeed, unless one is in the banking business or the jewelry trade he does not want gold at all.

A money trust; the most impossible thing that can be conceived! If there is a helpless individual on the face of the earth it is the banker. He owes, practically, all he possesses.

On every side of him stand private money lenders or their agents from afar. If he makes profits, it is not because he hoards his capital and deposits, but because he lends them out. It is not because he has large capital in the business, but because he has large deposits to lend, and his success as a banker will depend upon his skill in dealing generously with his depositors. While he is prudent in granting credits, mutuality between depositor and banker is essential to signal success.

Again, outside of the national banks, trust companies are springing up everywhere, and savings banks are watching for opportunities to place their rapidly increasing accumulations. Foreign bankers have established themselves in the midst of us, and stand ready to take advantage of every favorable circumstance.

The charters of national banks run for the short period of twenty years only, so that from start to finish they are on their good behavior, and could not hope for a new lease of power if they abused their corporate privileges.

Bankers do not deal much in actual money, but almost entirely, at least in the ratio of 10 to 1, in credit; and credit is as free as air. and as little to be confined or controlled by a trust as the air we breathe.

The commission recently appointed to investigate trusts, so called, at home and abroad, made not a single mention of a banking trust in the world, although everything else is found to be combined somewhere in some country.

Where the banking powers are most exclusive, there the rates are lowest. But let no one suppose that I believe this is so because of the exclusive rights given to some one institution; for I

am convinced that the low rates are due to incidental economies, including a great saving of capital.

France, Germany, Belgium, Holland, England, Scotland, and Canada all have central banks or systems of large banks, but no suggestion of a banking trust has ever been intimated anywhere; on the other hand, competition is keen in every part of the banking world, and nowhere are the rates so high as with us.

May it not be possible that our restrictive laws have compelled our country banks to charge a higher rate of interest by not permitting large institutions to furnish money to the outlying districts at the rates prevailing at the commercial centers, precisely as they do in every civilized country except our own?

If 100 banks in the United States, with an average capital of $10,000,000 each, making a total investment of $1,000,000,000, with the right of note issue and the power to establish branches, could serve the American people far better than 12,000 small institutions, with an aggregate capital of $2,000,000,000, it is evident that the people would save 7 per cent on the extra billion or $70,000,000, as the banks are now earning an average dividend of about that rate.

In other words, every man, woman, and child is being taxed about $1 each every year for the liberty they enjoy of paying tribute to what the bankers call a "home institution," as though this same rule would not apply with equal force to a thousand toher things.

Independent railroad lines limited to each county, with large, splendid railroad offices and a full line of officials, would be a thing to boast of in every town; but freight rates would go up in consequence of such a policy from the lowest charges now attained, one-half a cent for moving 1 ton 1 mile, up, up, up, to possibly a charge of 25 cents for moving 1 ton 1 mile.

The result would be immediately to prevent any export of wheat, corn, pork, beef, cotton, iron, agricultural implements, and a thousand other products we are sending abroad to-day, and thereby bringing a prosperity to our people never before known.

But would these large banks establish branches? Would they lend their credit?

England and Wales have 58,310 square miles of territory, and in this little space the 77 joint stock banks have 3,846 branches; one for every 15 square miles and one for every 8,450 of population.

Scotland has 29,000 square miles of territory, but her 10 joint stock banks have 1,078 branches, providing a bank for every 29 square miles and to every 4,100 of population, surpassing the banking accommodations of any country in the world, all things considered.

But do they lend their credit freely? As well might you ask, will the farmer sell his wheat, corn, and cotton; the storekeeper, his wares; the physician and lawyer, their skill; a mechanic, his labor; the great wholesale merchants, their goods. That is just what the banker is in business for; and, precisely as the big jobbing houses send out their traveling men to drum up business, so the large bank must seek every opportunity to lend its credits, or, to use the better known and usual expression, its money.

Like the jobbing merchant, the banker must make a profit upon the cost of his goods after paying all expenses; but, doing a large business, he can afford to carry it on for a comparatively small profit, and the borrower gets the benefit of it.

A recent investigation made by the Comptroller of the Currency demonstrates that a given number of large banks were conducting their business at an expense of 1½ per cent of the loans, or $1.50 for each $100 loaned out; while 10 banks, with the minimum capital of $25,000 each were conducting their business at an expense of 7½ per cent of the loans, or $7.50 for each $100 loaned out.

Of course, every borrower will at once see that a merchant whose goods cost him only $1.50 per $100, can and will sell them much lower than the merchant who actually pays $7.50 per $100 for identically the same article.

In one breath, the superficial opponent of branch banking asserts that the branch bank will lend the money at so cheap a rate as to drive out the local banks, and at the same time locate itself in the country districts where money is highest, with the express purpose of drawing the money into the center where money is cheapest. His statement of the case carries its own contradiction and refutation.

Merchants sell their goods when and where they can get the best prices for them, with possibly a slight concession to their regular customers who buy year in and year out. So the banker, while lending his money where he can get the best rates, favors the regular commercial borrower as against the occasional chance and speculative customer, especially when this commercial borrower is also a good depositor, for he realizes that unless he meets the wants of the depositor he will lose his deposits, and so his business, which depends upon deposits, must prove unprofitable.

Bankers much prefer constant, reasonable, regular rates to widely varying rates, which indicate unsoundness, and always sacrifice, as they should, speculative borrowers on call to the just claims of the legitimate customer, who remains undisturbed, while the securities of the gambler go to the exchange.

Upon this point we have the clear and conclusive statement of Mr. E. S. Clouston, president of the Canadian Bankers' Association, and manager of the Bank of Montreal, one of the largest banks in the world.

He said, in replying to the old stock objection that branches would be sacrificed in times of panic:

"Mr. Walker's [Hon. Joseph H. Walker] fear that the customers of a country branch are in times of stringency sacrificed to the necessity of the parent institution is also a phantom of his imagination, for the loans of a branch being less liquid, the knowledge of the difficulty of realizing them and the small proportion they bear to the whole amount, leaves them practically undisturbed in the acutest panic, and their only knowledge of a stringency is imparted through the medium of newspaper articles."

Mr. Thomas Fyske, the manager of another large Canadian bank, has expressed himself as follows:

"The contention that in hard times the country districts would suffer because all the money would be wanted at the head offices could only be the case where the management was decidedly bad. A good banker would know well where his business was good and where it was not so good, and he would be too anxious to retain good local business to do anything to injure and so lose it. Competition makes that utterly impossible in this country. There is often more competition at small country places than in metropolitan centers, and the rates are sometimes lower."

Since, then, there is nothing substantial in the superficial observations of the statesman who hopes to remain in public life because he poses as the people's friend, cultivating their fears, nursing their prejudices, and striving to stay a progress which might end his party activities.

Since, too, the declaration of the Kansas City bankers' convention that "branch banking is un-American" is itself un-American, because manifestly untrue.

Since, moreover, patriotism itself demonstrates that branch banking is not "unpatriotic;" for, being founded upon liberty of action, it calls for the same freedom accorded to capital in all other lines of business and especially to the banking capital of all foreign countries.

And since branch banking can not be "unbusinesslike," because all of our borrowers may, through its beneficent privileges, have equal opportunities, under just laws, to secure their loans at rates of interest not exceeding 3 per cent.

I may safely proceed to consider the subject from both a national and an international point of view.

First. The banking interests of our country are not keeping pace with the other great, yes, gigantic, changes that are going on in the commercial world; and if, here and there, some indications are apparent of their efforts to coordinate themselves with the movements of the hour, it will be observed that these attempts are indirect and heavily handicapped by legal restrictions, imposing burdens and expense to be met only by interest charges on our producers.

To-day we have but to look around us and behold the power, effectiveness, and immeasurable advantages of the conservation of forces, the union of elements, the combination of factors, and the almost incomprehensible elimination of manual labor in the evolution of our material civilization.

It is hardly more than yesterday when it took 25 men to do the work of 1 man of to-day in sowing and reaping grain, 35 men to do the work of 1 man in making watches, 242 men to spin the yarn for gingham worsted now spun by 1 employee, 333 men to make the horseshoe nails to-day turned out by a boy, and 44,491 men to produce as many screw posts as the single toiler is making now.

The type-setting machine, under a single hand, takes the place of five men; while the printing press, watched by a single eye, surpasses the product of 16 skillful hands of yesterday.

In thirty minutes 150 tons of ore are lifted from the hold of a ship to the waiting cars.

The 50-pound iron rail has been replaced by the 100-pound steel rail. The single track has demonstrated the need of four tracks. The 30-ton locomotive of miniature proportions has disappeared, and in its stead has come the giant of 80 tons, only in its turn to give way to still more wonderful giants, one weighing 134 tons now being built.

The ships that lay at anchor when yesterday's sun went down were of but 3,000 tons burden; to-day they are fivefold as large; to-morrow, from our great Pacific coast will spring a monster of 21,000 tons, or seven times the size of the playthings tossed upon the waves in 1870.

Soon a mighty fleet of 25 ships, each of 21,000 tons burden, will be plying the waters of the Pacific, carrying from our shores in

each great bottom 2,500 carloads, and distributing every week upon the average 100,000 tons of the products of our farms and factories to the uttermost parts of the earth.

While the law of coordination, unification, and economic operation has made this age the wonder of the ages, and our own country has surpassed all others in marvelous achievements in all other directions, our banking system alone remains a monument of what we were in all things prior to this glorious development of which we boast.

Hardly a single financial or currency law graces our statute books that has been the result of cool, clear, dispassionate calculation and economic reasoning; but nearly all of them have sprung from the necessity of war, political purpose, or the shock incident to some commercial convulsion.

The result is that the banking business of the country is conducted in a most wasteful way, with machinery utterly inadequate to provide for the business at hand, and wholly unsuited to successfully withstand the storms of expanded credits and keep the debtors in safety while contraction rages and panics prey upon prices.

At the very time when banks should be of the greatest assistance our 12,000 integrated, so-called independent banks become the most dependent weaklings and destructive forces in the business organization. Each individual institution, conscious that all its creditors know its weakness, begins the desperate struggle of self-preservation, and ruinous liquidation must follow.

With what truth did George S. Pallain, manager of the Bank of France, say to me:

"In all crises small banks feed on commerce, but great banks feed commerce."

Very recently, Mr. James B. Forgan, president of the First National Bank of Chicago, in addressing the Bankers' Club of Milwaukee, pointed out with what deadly effect this struggle went on in 1893. How, while the balances due from banks, amounting to $409,523,000 in 1892, were reduced by $132,000,000 to $277,469,000 in 1893, yet the cash reserves increased by $22,000,000.

Under like stress of circumstances, what would happen to-day, with more than $800,000,000 due from banks, which "in times of financial distress, instead of standing together in aid of the public, are compelled by the very law of their existence, and by the law of self-preservation, to assume a hostile attitude toward each other?"

Mr. Forgan opened the address just referred to with these pertinent observations:

"In the evolution of the business methods of the country, so aggressive in other lines, what is to be our permanent system of banking? That such a question should remain unanswered in the present stage of our industrial development seems incredible. That it does so remain, however, is evidenced not only by the persistent agitation of the subject, but by the consensus of authoritative opinion in regard to it. We are not satisfied with what we now have.

"The development of a national system of banking in this country has twice been diverted from its natural course. In the first instance by erroneous politics when President Jackson refused to renew the charter of the Bank of the United States, and again, when for the purpose of creating a market for its bonds, the Federal Government established our present national system of isolated banks.

"Had banking, as in the case of other lines of business, been allowed to work out its own destiny untrammeled by politics and free from subordination to Government necessities, a system would ere this have been established which would have made itself felt as a potent factor in the financial affairs of nations. We would also now have a system that would stand together for the public benefit in times of financial distress. As it is to-day we have no banks that will compare in financial strength and power with those of other countries. While actively competing with other nations in the fields of commerce and industry, it must be admitted that in the world's finance we are away behind in the race; nor does our system even satisfactorily provide for our own domestic requirements. The need of coalition among our unit banks is urgent."

Only a few days since I received from one of the leading financiers and first thinkers of England, Sir William Fowler, a letter containing these significant words:

"Nothing in your existing law is more absurd than the prohibition of branches; and I am glad to see how strongly you and others feel about it."

Almost in the same mail I received a letter from Mr. J. Selwyn Tait, now a resident of this country, but for many years a Scotch and English banker, containing this apt sentence:

"There is nothing of such importance to this country as the legalizing of branch banks."

When we note the fact that Mr. Forgan was brought up under the Canadian system, that Sir William Fowler is to-day one of the leading bankers of London, and that Mr. Tait was trained to banking in Scotland, managed six branches in London, and is now a resident here, the observation of these gentlemen ought to have great weight, for they speak with the authority of wide and most successful experience in the very field now under discussion.

We might, if we would, learn a very important lesson from the great bridge now building over the East River between New York and Brooklyn. A single wire with a favoring breeze might float a kite over that waterway. But 8,000 wires bound together into a mighty cable 19 inches thick will, with its four fellows, sustain a gigantic structure 118 feet wide over a single span of 1,600 feet, furnishing a thoroughfare for hundreds and thousands of people to walk or ride, without a thought of its strength or weakness, because it outstrips the comprehension in its ability to sustain the burdens thrown upon it.

This should be the relation of our banking power to our business interests. But, if we are to continue the present restrictions, and by force of law limit their individual operation to a single town, the banks will never get beyond the single wire in strength which with difficulty sustains a single kite even with a favoring wind.

Again, those four mighty cables, containing only 32,000 wires, because combined are vastly stronger than a million or any countless number of wires stretched separately across the same expanse, each barely able to carry its own weight, to say nothing of sustaining and supporting almost immeasurable burdens.

One of the most essential rules to safe banking and sound business is that each individual or corporation shall have but a single account or banking relation, a principle which can find no recognition in our day, because the miniature affairs we call banks in no way correspond to the business of our times.

This is a period of great undertaking, and the young man with business perspective and large comprehension has comparatively little chance to consummate his purposes, because our laws prevent with arbitrary prohibitions the coordination of our banking facilities to our business opportunities and requirements.

At the very threshold of our business necessities we are met by the cry that a large banking capital will be dangerous to our liberties—a mere hobgoblin, born of the seething brain of the demagogue, seeking to prey upon the fear of the people.

The Pennsylvania Railroad has a capital of $202,200,800, and the New York Central a capital of $115,000,000.

Does any sane man think that they are dangerous to the liberties of the people?

These, and twenty other great railway lines, have given us by far the cheapest and incomparably the best passenger service in the world. They have reduced our freight rates to a point one-half that of the lowest of any in the world, being as low as 0.469 of 1 cent, or less than one-half of 1 cent, for carrying 1 ton 1 mile. They are bringing from Minneapolis, the great flour market of the world, to the toilers of New York a loaf of bread for one-sixth of 1 cent.

Oh, what a curse these giant railways have been to the great producing States of the West! Oh, what a curse to the toiling millions of the East, by making it possible for each section to do the very best and most for itself!

The great ship lines, with various amounts of capital reaching $170,000,000, have provided floating homes for travelers—a single ship, costing $3,200,000, carrying 4,850 tons of coal to push its mighty engines of 35,000 horsepower 22 knots per hour, while 600 persons are employed and busy in caring for this little floating world.

But the other day a vessel from New Zealand arrived at Southampton, and from its refrigerated apartments there were taken 77,000 carcasses of sheep, as fresh as the day they left the dock, a month before.

Herds of cattle leave their grazing grounds in the far West, take ship at some seaport on our Atlantic coast, and in a week are turned out to fatten in merry old England, preparatory to the sacrifice.

Since 1870 the ocean freights have fallen and fallen until now they are about one-quarter of what they were then.

Oh, what a curse these gigantic steamship lines have been to the American people! How they have threatened their liberty! How they have enslaved them with opportunities to be industrious, strive, struggle, and win gloriously!

All these things have been made possible only by the conservation of energy in the form of combined capital.

In banking alone are we struggling with a discredited system which bears the horrible scars of at least a score of tragedies of political origin.

Shall we not bring harmony between banking and business; bring strength, confidence, power, and a permanent condition to the National Treasury; bring to an almost limitless trade fit tools with which to do its delicate, intricate, and important work; and last of all so coordinate the broken and fragmentary parts

of our credit device as to insure the preservation of every solvent business, every profitable plan, every worthy purpose, while the contraction of credit may now and then put to the test the commercial soundness of the country?

At the recent meeting of bankers at Kansas City, Mo., already referred to, the following resolution was passed:

"*Resolved*, That the members of this association have carefully listened to the recent discussion of the subject of branch banks, as advocated by the able gentlemen from the East, and combated by some of the ablest and best-known members of this State association and of our neighboring State of Nebraska, and we hereby affirm our unswerving allegiance to that view of the proposition which condemns it in all its forms as being unpatriotic, un-American, unbusinesslike, and as tending to establish a monopoly from the great and honored business of banking in the hands of a few millionaires, to the exclusion of the men of the West, old and young, who have labored so faithfully and well to make our banking system what it is to-day, the best in the known world."

In the opinion of the particular bankers who voted for this resolution (for it must not be forgotten that there was a minority opinion of intelligence, based upon study and thorough investigation), branch banking is *unpatriotic*, *un-American*, and *unbusinesslike*, and would tend to create a monopoly *to the exclusion* of the men of the West, who have *labored so faithfully and well to make our banking system what it is to-day, the best in the world.*

There are four distinct thoughts couched in this pronouncement:

First. Branch banking is unpatriotic. This is more the dogma of a political convention than a bankers' meeting; more of an appeal to a supposed prejudice, based upon supposed ignorance, than an appeal to reason, resting upon a sound public intelligence.

Does it mean anything whatever, or does it have any purpose other than those fulminations we heard in 1896 about destroying the people's money in order that the goldbugs might have a gold trust and corner all the gold, and in that way oppress the people, gradually deprive them of their liberty, and finally enslave them?

What a sad, hard, prison life the American people have had since that memorable economic victory in favor of personal integrity and national honor! How they have been bound hand and foot by the chains and fetters of prosperity!

It is true they have been deprived of their liberty, because surrounded and overwhelmed by opportunities to toil, achieve, and prosper beyond their fondest hopes and highest ambitions.

Patriotism is love of country. Is there no patriotism, no love of country, then, among the people of any other country in the world except our own? Was there no patriotism, no love of country in the United States before the civil war, when the present banking scheme was devised for the express purpose of making a market for United States bonds? Is there no patriotism, no love of country in the 26 States where branch banking is now permitted?

Unpatriotic! Oh, that the bankers who voted for these resolutions were as accurate in their speech as they require their bookkeepers to be with their accounts!

Second, branch banking is un-American. This is some more sickly sentimentality of a political type, uttered in the face of the fact that 23 States now permit branch banking, and that it was the common practice of the country for seventy-five years—many great banking organizations being destroyed by the act creating the present national scheme.

Within a few days I received from a gentleman living in one of the great Missouri River towns not very, very far from Kansas City a letter containing this paragraph:

"Your report does not mention the cumbrous machinery by which the banks in this part of the world get around the lack of provision for branches. The plan may not be general throughout the country. It is this: The managing owners of the national banks form trust companies which own the stock, usually a control, frequently all, in country banks in the small towns. The country banks are usually under State charters. I do not think there is a national bank here which has not such a tail. You can readily see how cumbersome the system is, and that it is necessarily more expensive than even the people who use it realize. It has the additional disadvantage that in a place like this the real managers must keep conversant with three or four or may be five different systems of banking law."

So, if you can believe the contents of this letter, the bankers in the neighborhood of Kansas City are doing right now very *un-American* things.

Some bankers have become particularly conspicuous in their declarations against branch banking, and in so engineering bankers' conventions as to secure hostile resolutions. Prominent among these is Mr. S. H. Burnham, president of the First National Bank, of Lincoln, Nebr.

From the Nebraska State Journal, printed at Lincoln, the following article was recently clipped:

"AN IMPORTANT ALLIANCE—FIRST NATIONAL BANK GAINS BIG CONNECTIONS—LARGE BLOCKS OF STOCK IN THE LINCOLN BANK BOUGHT BY CHICAGO FINANCIAL INSTITUTIONS.

"It developed yesterday that the visit of President S. H. Burnham, of the First National Bank, to Chicago early in the week was connected with a financial transaction of much interest and importance to this city. It is well known that the larger banks of New York and Chicago are forming alliances with the most promising banks in the smaller cities. While President Burnham is strongly opposed to 'branch banking' or any change that will make the local banks mere appendages of the big city institutions, he does believe in an arrangement which will increase the business of all the banks concerned and will be a source of added solidity to those in the smaller cities.

"Mr. Burnham arranged for such an alliance while at Chicago with two of the largest financial institutions there, one of them a leading national bank, the other the Federal Trust and Savings Bank, a concern with a capital and surplus of two and a quarter millions. Both of these concerns bought large blocks of First National stock. The exact amount purchased is not announced, but it is said to be large enough to make the officers of the Chicago concern deeply interested in the growth and success of the First National of Lincoln. The stock acquired was nearly all held in the East. The control of the bank remains in this city. No changes are contemplated in the officers or the manner of doing business except to add T. P. Phillips of the Federal Trust Company to the directory. Mr. Phillips is a large property holder in this part of Nebraska, and is thoroughly conversant with affairs here. He is an uncle of W. C. Phillips, clerk of the district court.

"Mr. Burnham was asked about the sale of the stock yesterday, and confirmed the report. 'It is true,' he said, 'that I have negotiated the sale of two large blocks of stock, mostly the combined holdings of New England parties, to two of the strongest banks in Chicago. This will give us permanent connections that will be of the greatest value to us, and will not change our list of local stockholders or bring about any change in our policy or management. We are now in a chain of independent but allied banks extending clear to New York, and including the very largest and strongest concerns in the country. This bank is just as independent and as much a Lincoln bank as it ever was. The change simply transfers a large amount of the stock from scattered holdings, mostly in New England, to these two great Chicago banks, which will be of immensely more value to us in good times, as well as bad, than the individual stockholders could possibly be. I do not believe anything has occurred for years to give greater prestige to Lincoln banking than the purchase of this stock in Chicago.'

Does not this prove more than I have attempted to show? Does it not prove that Mr. Burnham, although at the head of a very successful bank, evidently feels the need of greater strength? He is conscious that there is something wrong in the present situation, but he is trying to do a right thing in a wrong way.

When a period of contraction comes, as it must in the very nature of things, he will find that instead of having done a wise thing he has in all probability done a very foolish thing, for I doubt not that if all the facts were known it would appear that he has connections not only with stronger banks in the East, but with weaker banks in the West.

His weaker connections will boast of their relation to his bank precisely as he boasts of his relation to the great banks of Chicago and New York. The failure of the smallest of them will be a reflection upon his bank, and he in turn may have to stand the assault of a run, because it will be said, "He must be weak or he would have saved an institution identified with his own."

In other words, this unnatural relation of banks holding stock in other banks will reduce them all to the weakness of the weakest; for no chain is stronger than its weakest link, nor the speed of a fleet faster than its slowest vessel.

Does Mr. Burnham not know that a branch of the First National Bank of Chicago would be vastly stronger in his own town than his bank could be, although it were known that the First National Bank of Chicago was the holder of some of its stock?

It now looks very much as if our country would have to learn the bitter lesson that will certainly be taught by the interdependent scheme of banking combinations now going on; for, while consolidation with half the capital eliminated would result in almost immeasurable strength, stockholding unions must prove disastrous in the highest degree.

But the bankers, doing this kind of business, within the very shadow of that convention, have their counterpart, everywhere, all over this land, and are but the forerunners of a universal practice that is to come, as an unquestioned gold standard came, to benefit and prosper the whole people.

Third. Branch banking is unbusinesslike. I apprehend that

this is purely a personal remark and emanated from their own point of view, that of selfishness; for all business is selfish, and not from any particular concern for the public welfare. Branch banking could not be objectionable to these bankers in any way except that it might interfere with their assumed vested rights, because, forsooth, they are in the business.

Since the rates of interest throughout the United States to all borrowers would be reduced to 3 or 4 per cent, it would seem to be *unbusinesslike* on the part of the bankers in convention assembled at Kansas City to permit branch banking. Did they imagine for a single instant that the cloven foot of this brazen assertion could be concealed from the *borrowing public?*

Do they forget that individualism is the purpose of our Government, and that the largest possible return for labor should be our daily solicitude?

Do they forget that interest rates are a tax upon production, and, therefore, a corresponding deduction from the wages of 20,000,000 toiling Americans?

Do they forget that the average rate of interest throughout the United States to-day is more than 6 per cent, when it ought to be as low as 3 per cent, and that this difference of 3 per cent upon the loans of the people, amounting to $6,000,000,000, means a charge of $10 each upon our 20,000,000 of workers and producers?

Of course it is easy to see that it would be *unbusinesslike* for the bankers to permit a cut of $200,000,000 in the interest they are squeezing from commerce, not because they are unjust or bad men, but because the machinery which the law compels them to use can not be run for less.

They fear the improvements demanded by our age and these progressive times; and this they admit in the fourth proposition contained in their resolutions:

Fourth. Branch banking would create a *monopoly* to the "*exclusion of the men of the West* who have labored so faithfully and well to make our banking system what it is to-day, the best in the world."

No one will be inclined to believe that their opposition was directed against a monopoly *per se*, but rather that it was directed against *their exclusion* from that monopoly, if there was to be one. If they were to have whatever monopoly there was, as they have to-day, they would have no objection to its immediate creation.

But I have already demonstrated that there can be no monopoly of credit if banking were made absolutely free, as everyone who has a dollar to lend is a competitor in the banking business, and all the loanable funds devoted to this department of commerce would be at his command.

The Kansas City bankers evidently are afraid of *being excluded* from the markets, where they are getting 6, 8, 10, 12, 16, and 24 per cent, by competing rivals who will lend money at 3 or 4 per cent, and as a justification of this assumed right, they tell us that through their long and faithful work they have produced the best banking system in the world.

I had supposed that our banking system, if you can call it a system at all, was one of the worst, if indeed not the very worst, in the world; that it had been produced by the laws passed to make a market for United States bonds during the civil war, and that the men engaged in banking under those laws to-day were in it for what they could make out of it.

It had never occurred to me that the bankers looked on their institutions as of a distinctly eleemosynary character, or that, when they were working "faithfully and well" to make every cent they could, they were actually engaged in the work of home missions.

No, Mr. Chairman, the proposition is a simple and plain one. It is a question of personal selfishness, tinctured possibly by a grain of prejudice, a grain of conservatism, and a few grains of pride. It is the battle of the ages, the opposition to progress, the old against the new.

In 1633 Galileo was convicted of heresy, because, after having invented a telescope, magnifying a thousand times, he observed things that convinced him that the world moved and that the sun was the center of the universe.

Arkwright's first mill was set on fire and burned down, and both Cartwright and Hargreaves, as well as Arkwright, drew upon themselves the displeasure of the mob, because of their inventions and improvements in spinning.

It was the common opinion that every machine that could do two men's work threw one man out of employment. In a sense, superficially speaking, that was true, but the grave mistake was in not perceiving that the demand for raw material was so enlarged that a great many more men were furnished with employment.

Thus, through the new methods in spinning, the demand for cotton was so increased that thousands were given work in growing, handling, and transporting it, and in providing for the many other industries springing out of the changed conditions.

Mob after mob attacked the Flemish weavers in England, because they brought many improvements in the art of weaving with them.

In France the mob attempted to drown Marie Jacquard, the inventor of the loom used to this day in weaving silk. They destroyed his machines and burned him in effigy. They drove him from his home at Lyons. But at last the people of Lyons were compelled to turn to this loom as to their salvation, finding that through it their business was increased, not ruined, and establishing that world-wide reputation for exquisite silk goods which has made the name of their city a household word.

Robert Stephenson, when making the first surveys for a railroad in England, had to face the ridicule of the newspapers. The following are a few, among many, of their assertions:

"At the rate of 15 miles an hour, if the engine or any forward part of the train should suddenly stop, the whole would be cracked like nut shells."

"The locomotives would prevent the cows from grazing and the hens from laying."

"There would no longer be any use for horses. The species would become extinguished, and oats and hay would be unsaleable commodities."

These forebodings remind me very much of the resolutions of the bankers at Kansas City to which I have alluded.

When the self-binding harvesters were introduced, a few years ago, they were broken and rendered useless as they stood in the fields. More recently, the typesetters waged a bitter war against the linotype. A thousand other instances could be cited to further illustrate the spirit and temper of the Kansas City resolutions.

However, it is to be observed in the long past that nearly all the evolutionary steps have been in the direction of eliminating hand labor, and that protest has been persistent until quite recently; although, generally speaking, comparatively little opposition has been made in America, where the great intelligence of our mechanics has enabled them to comprehend the uplifting power, ennobling influence, and beneficial effect of inventions, discoveries, and improvements within the scope of their endeavors.

A system of credit currency and the privilege of free branch banking means the elimination of unnecessary machinery and the transfer of much capital from banking to some other business, only to make it all vastly more efficient and profitable.

But the bankers who met at Kansas City do not seem to possess either the intelligence, spirit of progress, or patriotism that together have almost invariably marked the conduct of our mechanics and working people, who, on their part, have approved and accepted the marvelous devices conjured up to multiply their capacity to produce, only to find themselves in turn the best-paid artisans in the world; yes, veritable kings among toilers!

English labor, though slower to appreciate the value of any process of cheapening articles, from which there would result a greatly enlarged market and consequently a much higher order of living and a more than corresponding increase in wages, is now beginning to follow in our footsteps.

In the New York Sun of April 8, 1902, I read the following special cable dispatch:

"William Abraham, who represents the Rhondda Valley division of Glamorganshire in the House of Commons, and who is president of the South Wales Miners' Federation, and treasurer of the International Miners' Congress, again addressed his constituents to-day on the fruits of his recent American tour. He admitted that he had been thoroughly cured of his antimachinery prejudice, and said he was resolved to advocate in the future the use of machinery wherever it was possible as necessary to Great Britain's competition with the world.

"He declared that it was the duty of capitalists to introduce machinery and teach the workers to use it. He himself was prepared to dispel the prejudice against machinery."

The great battle of civilization is for better and better conditions of living for the laboring part of our population, which means higher and higher wages, yet at the same time cheaper and cheaper commodities. It follows, then, that what is most essential in securing this all-important object is constant employment for all of our people.

Last year about every tenth man was employed in the production of commodities which we exported. Can we hold that portion of our foreign market? Must we not make even larger sales if we are to keep all of our people at work all the time?

If we can adopt financial and currency principles that will reduce the interest charge from an average of 6 per cent to an average of 3 per cent, or from $400,000,000 to $200,000,000 annually, we shall achieve something for American labor and American capital of a most substantial character.

If Great Britain, Germany, and other countries that are our competitors in special lines adopt our best machinery, as they are beginning to realize they must do in order to be successful in the

trade of the world, we shall fail in the final trial of the deadly contest for commercial supremacy if compelled to pay double rates for capital and double wages for labor.

We must not lower our level of civilization by reducing American wages. We must compel our competitors to raise theirs to ours. We can not hope that their interest rates will rise to ours. We must lower ours to theirs, and trust, as we measure swords with all comers in the markets of the world, that the intelligent superiority of the American workman will more than make up for the difference of wages paid here and abroad.

BRANCHES ABROAD.

Not only must we secure this banking advantage at home, but we must not subject our trade in other lands to the disadvantage of sending our exchange through foreign channels.

At every point where the business of the world is being carried on, we want American bankers favoring American merchants and protecting American interests. The banker, who controls the bills of lading, can route the goods over American shipping lines. The increment of undeveloped opportunities should be turned American-ward through the use of American capital.

I want to see the time when a bill of exchange drawn on New York will be preferred, the whole globe round, to any in the world; when every tribute paid by an American for the consummation of a commercial transaction will go over the counter of a bank where English is spoken with an American accent.

AN UNEQUIVOCAL AND UNQUESTIONED GOLD STANDARD NECESSARY.

But neither New York nor any other American city can ever become the commercial center of the world until the remotest, aye, the last possible doubt has been removed with regard to the gold standard.

Indeed, not only must our current business be based upon gold, but the continuance of gold as a standard must depend, not upon the cowardice or courage of a Secretary of the Treasury, the caprices of a President, or the temporary policy of a party, but upon the settled policy of the country.

Nor can the gold standard rest alone upon the moral and political conditions of the country; but the remotest possibility of our shifting under any circumstances to a doubtful position must be eliminated by actual conditions, determined by law and universally acquiesced in and practiced by the people.

When merchants in the furthermost parts of the earth dispose of their goods, they will not accept in payment for them a bill of exchange that may or may not be paid in coin that is an absolute equivalent, the recognized, absolute equivalent of gold in every market on the globe.

The merchant in Hongkong may want to use the bill in France, Italy, Austria, Turkey, Russia, Germany, England, South America, or at some other point in the Orient, and, therefore, he, or any man, anywhere on God's footstool, who has a writing in the form of a letter of credit, draft, or bill of exchange, calling for an American dollar, must know that he is entitled to 25.8 grains of gold, nine-tenths fine.

If the "American eagle" is to take the place of the pound sterling in the markets of the world, the American dollar must become the symbol of truth and honesty, and itself be an actual verity.

"At the present moment throughout Europe," says Paul Leroy Beaulieu, "and even in France, prudent people try to have a part of their fortunes in pounds sterling, because it is known that pounds sterling are the only true money; that is to say, money that is not exposed to change by new legal arrangements. It is not known exactly what the dollar will be, or the mark, or even the franc. The whims of legislators may change them in the future, as they have changed them in the past. On the contrary, there is a rooted confidence among men engaged in finance the world over, that the pound sterling will always be a piece of gold of 7 grams and 988 milligrams, 916.66 fine, and that England will never commit the blunder of putting gold and silver on the same footing as money. Thus the pound sterling, all the world through, especially when long contracts are to be made, is not only the money par excellence, it is the only money, and in it alone can be placed almost absolute confidence."

The American dollar must be an unvarying, fixed, and unquestioned quantity of the world's standard of value. Then, and only then, will it become a fit emblem of the strength, power, and glory of the greatest and most potential, political, and moral force in the affairs of mankind.

To-day, wherever the flag floats, you can compel a man, who may have sold you gold bullion of a hundred dollars' value to accept for it 100 slugs of silver weighing 412½ grains, nine-tenths fine, and worth only $39; and he can not by law obtain the value of the gold bullion for the hundred slugs of silver.

Why should not the same creditor who has parted with his gold bullion be compelled to accept 100 slugs of copper, worth $3.90, or 100 slugs of iron, worth 39 cents, or 100 strips of paper worth nothing, the same being irredeemable?

Has the Government any more moral right to compel a man to accept 60 cents of fiat in a silver dollar than a hundred cents of fiat in colored paper?

Does not the same moral law that compels the Government in good faith to redeem its fiat obligation, written on paper, also compel it to redeem its fiat obligation stamped on silver?

Any nation whose commercial honor may be measured in gold, silver, copper, iron, or paper, according to the caprice of the hour, can not hope to become the clearing house of the world.

The complete confidence of business men the earth around can only be secured by retiring the demand obligations of the Government and making every silver dollar as good, under any and all circumstances, as a gold one.

First. The demand obligations of this Government must be retired.

Gold is the one commodity that is now accepted everywhere for everything. Gold is now the only commodity that pays the balance due from one nation to another; that pays all the balances due to all nations from all nations.

Gold, like all other commodities, will also go to the market where it will bring the best price; that is, where its *use* will bring the highest price, for gold is not bought like any other commodity in the world for the purpose of consumption, but for its use alone for monetary purposes, without lessening or destroying appreciably the quantity—thousands of packages being sent from one country to another and back again, the seals remaining unbroken.

It is perfectly clear, therefore, that the price paid for the *use* of gold for monetary purposes, or the rate of interest that can be obtained for it, will determine its destination.

To control the movement of gold, then, those who are compelled to supply gold must have the power to raise and lower the rate of interest; for in the absence of such power its selling price will always be the lowest and the purchase price will always be the highest. This is the exact position or situation in which the United States Treasury is placed, by having to redeem $346,000,000 of United States notes or greenbacks in gold coin.

There is no other place in the world where all the nations can go and get free gold by paying the value, insurance, and freight except the United States Treasury, which in turn must sell Government bonds to replenish its gold and then tax the people to pay them off.

Again, at every sign and signal of danger, arising from a scarcity of currency or a contraction of credit, every bank in the country hoards every dollar of gold it has and hurries to the United States Treasury for more, and so the Government must supply gold for export, for bank reserves, and for personal hoarding.

The weakness of the Government is in the fact that it does not receive deposits and make loans precisely as a banking institution. If it is to continue to supply gold it should do this. But no one at all familiar with Government banking would recommend the adoption of this additional function of receiving deposits and entering the loan market.

The financial history of the world has been punctuated with disastrous experiences along this line, and every other country except the United States has taken warning and paid its demand notes.

Paul Leroy-Beaulieu, in writing of the policy of France after the Franco-Prussian war, said:

"After the disastrous war of 1870–71 France regarded it as the most urgent if not the chief object of its financial policy to absolutely to repay to the Bank of France the advances made to the Government during the war, amounting to 1,500,000,000 francs, or $300,000,000. One of the greatest services rendered to the country at that time by M. Thiers was the energy with which he insisted that this debt must be paid before all others. Yet it bore interest at only 1 per cent per annum, and at that time the French Government was borrowing at 6 per cent on bonds in perpetuity. Nevertheless it was thought, and with reason, that it was far better for the country to discharge this debt at 1 per cent and to get back to a completely normal monetary circulation. M. Thiers secured an appropriation of 200,000,000 francs ($40,000,000) a year for the redemption of this paper. This policy was followed by his successors, and the 1,500,000,000 francs lent to the State by the bank was repaid in successive annual installments by the month of March, 1879—eight years after peace was declared. At this present moment not a trace of that fearful conflict remains in the French monetary system."

There is a strange coincidence in the time and amount between our demand notes still outstanding and those paid off by the French nation, both being about $300,000,000, but a most striking contrast between our present Government rate of 2 per cent and that of France in 1872–1879, which was 6 per cent.

Even little Japan, only just emerging from a feudal system, knew enough to pay off all its demand notes which were issued during its war with China.

The North American Review for May, 1902, contained this paragraph:

"*Currency redemption loan.*—This loan was raised with the object of withdrawing the Government paper money. In 1890 the

amount of Government paper money in circulation was 40,065,256 yen ($20,032,628), of which 32,000,000 yen ($16,000,000) were the notes with denomination over, and 8,065,256 yen ($4,032,628) the notes with denomination below, 1 yen, and 10,000,000 yen ($5,000,000) in silver was held as the reserve for the former. The Government then made a contract with the Bank of Japan, which advanced 22,000,000 yen ($11,000,000), thus making the total reserve 32,000,000 yen ($16,000,000). For the withdrawal of the latter notes the Government provided $500,000 annually in the budget. In this manner the redemption of the Government paper money was consummated. This loan bears no interest and is to be repaid within twenty years, at the option of the Government."

Commenting upon our apparent want of comprehension and proper appreciation of the ever present danger to our continued prosperity, Leroy-Beaulieu said:

"There is much surprise in France and throughout the Continent of Europe that a nation so great, so rapidly growing, and so richly endowed in character and in material resources as the American people should allow its development to be trammeled by frequent and severe crises, and that it should either be unable to discern their causes or lack decision to remove them from its path. The European accustomed to the study of financial phenomena is struck by two facts, peculiar at present to the United States. On the one hand, the issue of an enormous volume of paper money, redeemable in specie, it is true, by the public Treasury; on the other hand, the hesitation shown by the American people in according legal monetary preeminence to gold, and the dreams of bimetallism, national or international, in which they indulge."

In his message of December 6, 1897, President McKinley said:

"With the great resources of the Government, and with the honorable example of the past before us, we ought not to hesitate to enter upon a currency revision which will make our demand obligations less onerous to the Government and relieve our financial laws from ambiguity and doubt. * * *

"I earnestly recommend as soon as the receipts of the Government are quite sufficient to pay all the expenses of the Government, that when any of the United States notes are presented for redemption in gold, and are redeemed in gold, such notes should be kept and set apart and only paid out in exchange for gold. This is an obvious duty. If the holder of the United States note prefers the gold and gets it from the Government he should not receive back from the Government a United States note without paying gold in exchange for it. The reason for this is made all the more apparent when the Government issues an interest-bearing debt to provide gold for the redemption of United States notes—a noninterest-bearing debt. Surely it should not pay them out again except on demand for gold. If they are put out in any other way, they may return again, to be followed by another bond issue to redeem them—another interest-bearing debt to redeem a noninterest-bearing debt."

In his message of December 8, 1898, President McKinley renewed this recommendation, and said:

"In my judgment, the present condition of the Treasury amply justifies the immediate enactment of the legislation recommended one year ago, under which a portion of the gold holdings should be placed in a trust fund from which greenbacks should be redeemed upon presentation, but when once redeemed should not thereafter be paid out except for gold."

In his message of December 5, 1899, President McKinley said:

"In this connection I repeat my former recommendations, that a portion of the gold holdings shall be placed in a trust fund from which greenbacks shall be redeemed upon presentation, but when once redeemed shall not thereafter be paid out except for gold."

Hon. Lyman J. Gage, Secretary of the Treasury, in his annual report of 1901, said:

"Preliminary thereto I want to refer to the greenbacks and the desirability of relieving the Treasury from the responsibility which attaches to their redemption. This responsibility at the present time rests very lightly. It has been, however, a heavy burden in the past and may become in the future a source of public anxiety and financial embarrassment to the Government. Thoughtful men of affairs and financiers have long argued for the refunding of these notes into time obligations, but such arguments have failed to convince the people of the propriety of canceling a debt bearing no interest to create in its stead one equally charged with the burden of interest. If, however, in a modification of the law relating to bank currency the burden of redemption can be equitably transferred from the Treasury to the banks, without interest cost to the Government, then the objection to their retirement can no longer be urged. That this result can be attained there is substantial ground for believing."

President Cleveland, during his second Administration, when the occasion arose, never lost an opportunity of impressing upon Congress the urgent necessity of retiring the demand obligations of the Government. The following extract from his last message, dated December 7, 1896, well illustrates his convictions on this subject:

"The terrible civil war, which shook the foundations of our Government more than thirty years ago, brought in its train the destruction of property, the wasting of our country's substance, and the estrangement of brethren. These are now past and forgotten. Even the distressing loss of life the conflict entailed is but a sacred memory which fosters patriotic sentiment and keeps alive a tender regard for those who nobly died. And yet there remains with us to-day in full strength and activity as an incident of that tremendous struggle a feature of financial necessity not only unsuited to our present circumstances, but manifestly a disturbing menace to business security and an ever-present agent of monetary distress.

"Because we may be enjoying a temporary relief from its depressing influence, this should not lull us into a false security nor lead us to forget the suddenness of past visitations.

"I am more convinced than ever that we can have no assured financial peace and safety until the Government currency obligations upon which gold may be demanded from the Treasury are withdrawn from circulation and canceled."

On October 12, 1895, Hon. John G. Carlisle, then Secretary of the Treasury, uttered these significant words:

"One of the most important questions the people have now to consider is whether they can afford to adhere longer to a system which periodically augments the public debt for the purpose of securing gold to be exchanged for notes, which, when redeemed, are not retired and canceled, but are reissued and put in circulation, to be over and over again presented for redemption. * * *

"Gold can be procured only by sales of bonds or by voluntary exchanges of gold coin for other forms of currency by the banks, and it is scarcely necessary to say that these voluntary exchanges are most difficult to make at the very times when gold is most needed. When bonds are sold in our market, experience has shown that a large part of the gold to pay for them is taken from the Treasury reserve in the first instance, or withdrawn within a short time after the bonds have been paid for and delivered."

It is interesting to note the concurrence with these views of Hon. Hugh McCulloch, who was Secretary of the Treasury just after the close of the civil war.

In his report of 1866, Mr. McCulloch said:

"Prior to the passage of this act (the national-bank act), issues by the Government had been authorized and a large amount of Government notes put into circulation. But there is nothing in the acts authorizing their issue, or in the communications of the Secretary, or in the discussions in Congress to justify the opinion that they were intended to be a permanent circulation. On the contrary, the provision in the law for their conversion into bonds, and the arguments of the advocates of their issue, afford ample evidence that they were regarded as merely temporary, and justifiable only by an emergency which it was supposed nothing else could so adequately meet. Had it been proposed that these notes should be a permanent circulation and take the place of bank notes, there is good reason to suppose that the proposition would have had few if any advocates. * * *

"The policy of contracting the circulation of Government notes should be definitely and unchangeably established, and the process should go on just as rapidly as possible without producing a financial crisis, or seriously embarrassing those branches of industry and trade upon which our revenues are dependent. There is a great adaptability in the business of the United States, and it will easily accommodate itself to any policy which the Government may adopt. That the policy indicated is the true and safe one the Secretary is thoroughly convinced. If it shall not be speedily adopted and rigidly but judiciously enforced, severe financial troubles are in store for us."

That the issuance of the greenbacks, when authorized, was regarded as a temporary expedient, justified only by necessity, and that their retirement was intended to take place upon the restoration of peace, is clearly shown by the record of the Congressional debate, from which I desire to quote the following extracts taken from the speeches of both the advocates and opponents of the measure:

OPINIONS EXPRESSED DURING THE DEBATE IN CONGRESS ON THE ACT OF FEBRUARY 25, 1862, AN ACT TO AUTHORIZE THE ISSUE OF UNITED STATES NOTES—COMMONLY CALLED THE "GREENBACKS."

DEBATE IN THE HOUSE OF REPRESENTATIVES.

E. G. Spaulding, of New York: "The bill before us is a war measure—a measure of necessity and not a choice presented by the Committee of Ways and Means—to meet the most pressing demands upon the Treasury, to sustain the Army and Navy until they can make a vigorous advance upon the traitors and crush out the rebellion. These are extraordinary times, and extraordinary measures must be resorted to in order to save our Government and preserve our nationality. * * * The bill is simple and perspicuous in its terms and easy of execution. It is a Government measure, and the officers of the Government are required to execute its provisions.

"Our Army and Navy must have what is far more valuable to

them than gold and silver. They must have food, clothing, and material of war. Treasury notes, issued by the Government, on the faith of the whole people, will purchase these indispensable articles, and the war can be prosecuted until we can enforce obedience to the Constitution and laws, and an honorable peace be thereby secured. This being accomplished, I will be among the first to agitate a speedy return to specie payments and all measures that are calculated to preserve the honor and dignity of the Government in time of peace."

George H. Pendleton, of Ohio: "I believe that this Government has reached a crisis in its history. I believe that it is approaching a period in the history of its legislation which may determine the question of its continuance. By wisdom, it may overcome the evils of secession; by its great power and resources it may be able to defend itself against those in arms against it; but I firmly believe that it can not maintain itself against the shock of the accumulated and manifold dangers which follow inevitably closely in the wake of an illegal, unsound, and depreciated Government paper currency."

Justin S. Morrill, of Vermont: "The subject of issuing $150,000,000 of paper currency and making it a legal tender by the Government at a bound—the precursor, as I fear, of a prolific brood of promises, no one of which is to be redeemed in the constitutional standard of the country—could not but arrest my attention, and, having strong convictions of the impolicy of the measure, I should feel that I utterly failed to discharge my duty if I did not attempt to find a stronger prop for our country to lean upon than this bill—a measure not blessed by one precedent and damned by all.

"If this paper money is a war measure, it is not waged against the enemy, but one that will make him grin with delight. I would as soon provide Chinese wooden guns for the Army as paper money alone for the Treasury.

"What is it that we most need? Clearly we lack money and wish to inspire our own people with that confidence that will induce them to lend the requisite amount. But the very first step we propose is to destroy whatever of confidence yet remains among those who have a dollar to lend. We proclaim by an engraved advertisement—to be forced into the pockets of every man by the fiat of the Government—that we will hereafter liquidate all our debts with paper only. * * *

"I object to this bill on the ground, as I conceive, of its utter impolicy. I admit that from the contracts entered into, many of which now due, I regret have not been paid promptly as they deserve to be, and from the heavy monthly disbursements to our Army, that the Government can flood the country with even 150,000,000 of paper dollars. But from that moment you would vastly increase the cost of carrying on the war; prices would go up, and the addition we should pile on our national debt would prove that it might have been even wiser to have burned our paper dollars before they were issued. The inflation of the currency would be inevitable. In ordinary times few comprehend the Archimedean leverage of a very few millions added to or subtracted from the currency of a nation actively engaged in the affairs of the world. In the former case it produces a crisis and general bankruptcy, and in the latter it puts every speculator on tiptoe to buy out his neighbor—his horse, his ox, his ass, or anything that by keeping overnight will put money in his purse. Property becomes as volatile as alcohol at boiling heat, and can not be kept within its ancient boundaries. The poor man, accustomed to butcher's meat, and who has not counted tea and coffee as luxuries, suddenly finds their daily use beyond his means. The ecstacy of an inflated currency is enjoyed by the few only, and these are cruelly punished when the gaseous influence subsides. * * *

"By taking the first step in making paper a legal tender we shall sever all connection with any other fountains of supply. We can not retrace our steps, but must go on. No sound man would spontaneously take stock liable by the practices of the Government to be reduced the very next day 10 per cent, or any other per cent, in its value. So that if Congress should have the virtue to wish to cease the further issue of these notes, it would no longer be an open question. But having tested this facile method of paying debts, I fear the stern and honest mode of taxation would be repugnant to many constituencies, and that the doors of the temple of paper money would not soon again be closed."

Roscoe Conkling, of New York: "The whole scheme presupposes that the notes to be emitted will be lepers in the commercial world from the hour they are brought into it; that they will be shunned and condemned by the laws of trade and value. If this is not to be their fate, what is the sense, as was said in the Federal constitutional convention, in attempting to legislate their value up?

"Now, I do not believe that you can legislate up the value of anything any more than I believe you can make generals heroes by legislation. The Continental Congress tried legislating values up, even by resorts to penalties, but the inexorable laws of trade, as independent as the law of gravitation, kept them down. I do believe you can legislate a value down, and that you can do it by attempting to legislate it up. * * *

"When you clothe an individual with the power to give his own checks to pay his debts and supply his wants, when he has nothing with which to pay them, and when you ordain that every man shall receive his check, you have performed for that man the last sad offices of financial humanity; there is nothing left to be done for him; and, if he fails then, he is past resuscitation and past resurrection. So of a government; you may try any other expedient with impunity, and, if it fails, you have remaining a resort to other things; but if you once authorize the issue and compel the acceptance of its own paper, and that proves to be a failure, there is nothing left; the die is cast; the last link is broken. * * *

Thaddeus Stevens, of Pennsylvania: "This bill is a measure of necessity, not of choice. No one would willingly issue paper currency not redeemable on demand and make it a legal tender. It is never desirable to depart from that circulating medium which, by the common consent of civilized nations, forms the standard of value."

DEBATE IN THE SENATE.

Mr. William Pitt Fessenden, of Maine: "With regard to the particular bill now before the Senate, we all know that it was resorted to as a temporary measure, not in the beginning, but in consequence of the necessities of the Treasury, arising from a greater expenditure than the Secretary could have imagined, and arising from the necessary delay with reference to other measures. Can it be said that a measure like the one now pending before the Senate and the country is a measure of a day or an hour? Why, what does it propose? It proposes something utterly unknown in this Government from its foundation; a resort to a measure of doubtful constitutionality, to say the least of it, which has always been denounced as ruinous to the credit of any government which has recourse to it; a measure, too, about which opinions in the community are divided as perhaps they never have been divided upon any other subject; a measure which when it has been tried by other countries, as it often has been, has always proved a disastrous failure."

John Sherman, of Ohio: "I agree that this measure can only be justified on the ground of necessity. I do believe there is a pressing necessity that these demand notes should be made a legal tender if we want to avoid the evils of a depreciated, dishonored paper currency. I do believe we have the constitutional power to pass such a provision, and that the public safety now demands its exercise. * * * It is easy to criticise this bill. I dislike to vote for it. I prefer gold to paper money; but there is no other resort. We must have money or a fractured Government. If Senators can show me how they can raise money except in the way proposed I will join them in denouncing paper money."

James A. Bayard, of Delaware: "It is impolitic and inexpedient as well as unconstitutional. It is a mere temporary expedient. It may give present inflation and present relief for the hour, and a very brief hour indeed, but it will be followed by a weakening of the resources of the Government, a depreciation of its credit, and it will produce nothing but disaster and ruin to the country."

Charles Sumner, of Massachusetts: "Is it necessary to incur all the unquestionable evils of inconvertible paper, forced into circulation by an act of Congress; to suffer the stain upon our national faith; to bear the stigma of a seeming repudiation; to lose for the present that credit which in itself is a treasury, and to teach debtors everywhere that contracts may be varied at the will of the stronger? Surely there is much in these inquiries which may make us pause. If our country were poor or feeble, without population and without resources; if it were already drained by a long war; if the enemy had succeeded in depriving us of the means of livelihood, then we should not even pause. But our country is rich and powerful, with a numerous population busy, honest, and determined, and with unparalleled resources of all kinds—agricultural, mineral, industrial, and commercial. It is yet undrained by the war in which we are engaged; nor has the enemy succeed in depriving us of any of the means of livelihood. It is hard, very hard, to think that such a country, so powerful, so rich, and so beloved, should be compelled to adopt the policy of even questionable propriety."

Mr. President, let us not deceive ourselves. Our Government is sleeping upon the bosom of a veritable volcano, and it can not escape financial earthquakes so long as these United States notes or greenbacks are outstanding.

Shall we offset the constant terror of the American banker, who is always expecting that something awful is about to occur, and the periodic desolation of credit and immeasurable ruin with a plea of ignorance and cowardice? Or shall we, in the very heyday of prosperity, prepare for our unnecessary but ever-recurring shocks, panics, crises, and commercial horrors?

In his last report as Secretary of the Treasury, Hon. Lyman J.

Gage, who has left a deep impress upon the financial history of his time, gave this most salutary advice:

"It would, then, appear that the present is the most propitious hour in all our history, and as favorable a one as we may hope for in the future, to enter upon judicious measures to eliminate such elements of financial weakness as experience has brought into view, and to perfect, if possible, our now imperfect system of currency."

But it may be inquired, "Did we not pass a law in 1900 to overcome these threatened dangers?"

Prior to the passage of the so-called gold-standard law, the Government could, by the process of selling bonds and impounding the United States notes, stop the draft upon the Treasury; but by that law the maximum amount of United States notes that can be held by the Government is only $50,000,000, so that the actual result was to destroy the power of the Government to break the endless chain.

We authorized and instructed the Secretary of the Treasury to maintain the parity of our money, including our silver, with our gold, but gave him no power to do so.

By attempting, or pretending to attempt, to legislate effectively and conclusively upon the question of the standard, we achieved a moral victory, for we demonstrated that we dared to seem to do something, however futile and even worse than futile our action was.

We are to-day, then, barring this new disadvantage, just where we were in 1878, so far as the United States notes are concerned; and have, in addition, what there are remaining of the Treasury notes, about thirty millions, or a total of about $375,000,000, of Government obligations.

Unfortunately, however, since the national-bank notes, now amounting to more than $300,000,000, are redeemable in United States notes, this amount must be added to the Government burden; so that we have about $700,000,000 directly resting upon the Treasury gold, which is now fixed at $150,000,000.

Though our business is expanding every hour, and our credits at the banks have increased from $719,000,000 in 1879, when the reserve was $100,000,000, to $3,000,000,000, our Government reserve has increased only $50,000,000, and this, not by the force of that precaution and experience which always fix from day to day, according to circumstances, the relation between reserves and liabilities, but by the arbitrary force of law.

Indeed, no man can assert that the $150,000,000 in the United States Treasury was ever or is now a legitimate reserve to the commercial credits of the country.

Nor can any man say that there is an economic coin reserve in the banks to protect the commercial credits of the country, for no bank is compelled by law to hold or pay out gold coin for a single obligation.

The result is that the 12,000 banks of the country, conscious of their weakness, and realizing that their depositors are also conscious of the weakness of the banks, rush at the first indication of danger to the Treasury with United States notes and demand gold to increase the already useless hoard which they are not compelled to use under any circumstances; and so the direct and indirect burden resting upon the Treasury gold of $150,000,000 is, first, the United States notes, amounting to $346,000,000; second, the silver in its various forms, amounting to $535,000,000; third, the national-bank notes, amounting to $310,000,000, and fourth, the commercial credits or bank liabilities, amounting to $6,000,000,000, making a total burden direct and indirect of $7,200,000,000, to which the gold in the Treasury is supposed to be a touchstone and a reserve.

And yet, in no sense is it naturally related to any of these huge burdens, except to the United States notes, which in turn transfer to the Treasury the gigantic load it was never intended and is utterly unfitted to carry, being certain in the future, as in the past, to break down at the critical moment and precipitate panic, disaster, and commercial ruin, and sooner or later to bring repudiation and dishonor.

CASH IN THE TREASURY.

In the darkest days of the civil war the credit of the country never received such a blow as threatened it in the first week of February, 1895; and in February, 1896, only a few hours and a very few millions stood between this Government and a commercial tragedy without parallel in human affairs.

And yet nothing has been done down to this very day of a substantial character to avert its recurrence and prevent the overwhelming disaster of a silver or paper basis, which is almost certain to come whenever there is the coincidence of the same forces there in operation with political cowardice in the White House.

Nor should it be overlooked that the very incidents of 1895 and 1896 had been predicted by every intelligent and patriotic investigator and student, and by all the conspicuously able Secretaries of the Treasury holding office since the days of the war that brought the United States notes into existence.

The amount of gold held by the Treasury in June, 1878, was only $128,460,203; but by September, 1888, it reached the highest point before that fatal decline, namely, the magnificent sum of $332,351,306, and this was the condition, practically, when Benjamin Harrison became President, March 4, 1889.

By October, 1890, the amount in the Treasury had declined to $300,000,000; it was $160,000,000 in October, 1893, the net gold balance being only $83,000,000; by the latter part of January, 1894, it approached $50,000,000—just before the first bond sale, which brought $58,660,917 into the Treasury.

Overtrading and unsound speculation, not only throughout the United States but throughout the world, had precipitated "hard times" generally; and Grover Cleveland's attack upon our industrial system was the last blow of demolition to a trembling public confidence which, however, he more than offset later on by the courageous repeal of the Sherman act and his brave defense of the Treasury and the public credit.

Four distinct causes can be discerned if we look closely into the crisis of 1893.

First. The silver legislation of 1878 and 1890, but especially the latter, as the immediate and direct effect was to drive gold out of the country in strict obedience to the Gresham law.

Second. Overtrading, undue and unremunerative speculations, and almost a complete exhaustion of credit.

Third. The unfortunate assault on the industrial system of the country, particularly powerful to do harm at a time when confidence was shaken, capital timid and uncertainty filled the air.

Fourth. The shortage in the revenues, which in a well-ordered financial system would have had no more effect than a surplus on the situation; but, owing to the fact that we were threatened with a silver standard, that gold was mysteriously leaving us, that personal credit was practically exhausted, and that an earnest effort was being made to overturn the industrial system of the country, the want of sufficient revenue became simply an aggravating cause.

Under ordinary circumstances and a properly adjusted system of governmental finance, a shortage of $100,000,000 in our national revenues should have no more effect upon this country than a shortage of $100,000 in the revenues of New York City.

That the Republican contention so often heard on this floor that a lack of revenue produced the disorder is only a superficial observation born of a political imagination rather than of economic reasoning and a knowledge of the subject is demonstrated by the fact that when the great strain came in February, 1895, and the credit of the nation swung in the balance there was a great abundance of money, so-called money, "stuff" such as it was, in the Treasury, there being an available balance December, 1894, of $153,337,579.99, including the gold reserve, which was impaired or depleted by $14,814,515, although by a sale of bonds in the month of November just preceding we had purchased $58,719,710.20 of gold coin, raising thereby the reserve to $104,673,199.01.

In January, 1895, the available cash balance was $144,603,304.19; but of this amount only $44,368,907.27 was free gold, the balance either being in "chips and whetstones," mere "stuff," or might become at any moment.

In the following month more than $65,000,000 of gold was purchased to strengthen the Treasury.

During no month, from February, 1895, down to February, 1896, did the amount of available cash in the Treasury fall below $175,000,000; and when the last bond sale of $100,000,000 was made in February, 1896, the available cash balance was $191,000,000, of which, however, only $40,000,000 was free gold.

The following statement, prepared by Hon. Ellis H. Roberts, Treasurer of the United States, may serve several purposes:

Statement showing the expenditures for the support of the Government, and the surplus or deficiency of revenues for each fiscal year from 1890 to 1902, inclusive.

Fiscal year.	Net expenditures by the Treasury Department.	Expenditures from postal revenues by Post-Office Department.	Total expenditures.	Surplus.	Deficiency.
1890	$318,040,710.66	$60,882,097.92	$378,922,808.58	$85,040,271.97	
1891	365,773,905.35	65,931,785.72	431,705,691.07	26,383,541.96	
1892	345,023,330.58	70,930,475.98	415,953,806.56	9,914,453.66	
1893	383,477,954.49	75,896,933.16	459,374,887.65	2,341,674.29	
1894	367,525,279.83	75,080,479.04	442,605,758.87		$69,803,260.58
1895	356,195,298.29	76,983,128.19	433,178,426.48		42,805,223.18
1896	352,179,446.08	82,499,208.40	434,678,654.48		25,203,245.70
1897	365,774,159.57	82,665,462.73	448,439,622.30		18,052,454.41
1898	443,368,582.80	89,012,618.55	532,381,201.35		38,047,247.60
1899	605,072,179.85	95,021,384.17	700,093,564.02		89,111,559.67
1900	487,713,791.71	102,354,579.29	590,068,371.00	79,527,060.18	
1901	509,967,353.15	111,631,193.39	621,598,546.54	77,717,984.38	
1902	471,209,641.57	116,633,042.00	587,842,683.57	92,195,546.35	

NOTE.—The final figures for the fiscal year 1902 are not yet completed, but the amounts stated above are approximately correct.

OFFICE OF THE TREASURER OF THE UNITED STATES,
Washington, D. C., July 3, 1902.

It will be observed that, although we had been losing gold ever since 1888, there was no deficiency in the revenues until 1894.

In the second place, the deficiency for the three years 1897, 1898, 1899 was $143,000,000, while the deficiency for 1894, 1895, 1896 was only $137,000,000; and yet the larger deficiency of 1897, 1898, 1899 caused no trouble; therefore, we must look deeper and further if we would fathom the causes of the disappearance of gold.

It should be noted that during the seven years 1890–1896 we produced in the United States $275,000,000 of gold, and that our exports exceeded our imports during the same years by $707,819,000.

In other words, taking the gold in the Treasury in 1890, $300,000,000, and the excess of our exports over our imports, together with our gold production, we should have had, outside of some extraordinary influences, $1,275,000 of gold available; and yet there went out of the country, from 1889 to 1896, inclusive, $487,000,000 of gold.

In the light of these facts no sincere and intelligent man will claim that it was lack of revenue that produced our treasury difficulties, nor will he assert that it was due to an adverse balance of trade.

The fact is, we are dealing with far greater and more far-reaching problems than a lack of revenue, adverse balances, and gold production. These are mere trifles compared with a clear understanding of the principles involved and a full comprehension of the forces that drove us to the very brink of repudiation and national dishonor.

The apprehension was world-wide that possibly—possibly, I say—the strain would be so great that the Government, which ought to have absolutely nothing to do with the commerce of the country, of which the gold reserve should be an essential element, might move away from the gold standard and drift out upon the sea of fiatism, or, possibly, be stranded on the shoals of free-silver vagaries.

Not until there was a settled conviction that the last dollar of American credit would be exhausted before the first American dollar should be dishonored, and every influence and power known to the financial world, including the control of exchange, had been invoked, was confidence restored, and apparently certain disaster turned into a golden harvest of unparalleled prosperity.

What happened during the years 1893–1896 may recur at any moment. Do we want to take the chance; have we, the people's representatives, the right to take the chance, of always having a man in the White House of Mr. Cleveland's patriotism and heroic courage?

Should we not, here and now, end all possibility of what might happen under other circumstances?

We have no right to subject the interests, prosperity, and welfare of 80,000,000 of patriotic people who have trusted us to the hellish havoc that might have been and still may be.

Says Mr. McLeod in his Elements of Banking:

"It used to be the dogma of many commercial writers that bullion is only exported to discharge a previous state of indebtedness, and that, consequently, a drain of bullion comes to a natural end when the indebtedness is discharged. But this is a most grievous error. The sufficient difference of profit in possessing bullion at two places *will cause a fabrication of bills for purpose of exporting bullion, without any previous indebtedness; and of course this will continue as long as this possibility of profit exists. Consequently, unless the profit is destroyed, the drain of bullion will not cease. The effectual way of annihilating this profit is by* raising the rate of discount. * * *

"When the rates of discount differ so much as is supposed above, between London and Paris (3 per cent in London and 6 per cent in Paris), persons in London fabricate bills upon their correspondents in Paris for the express purpose of selling them for bullion, which they then remit to Paris, and which they can sell again for 6 per cent. And it is quite evident that this drain will not cease so long as the difference in the rates of discount is maintained. Moreover, merchants in Paris immediately send over their bills to be discounted in London, and have the cash remitted to them. Now, the only way of arresting such a drain is to equalize the rate of discount in the two places. These simple facts are a perfectly conclusive answer to those writers who complain of the variations of the rate of discount by the Bank of England and suppose it is possible to maintain a uniform rate. Consequently at the present day it is the imperative duty of the Bank of England to keep a steady watch upon the rates of discount in neighboring countries and to follow those variations so as to prevent its being profitable to export bullion from this country."

Again, I say, the demand obligations of the Government must be retired, and the burden of furnishing gold for export and to prove and measure all commercial credits daily must be thrown upon the banks.

But it may be asked by an honest inquirer, "Can they procure a sufficient supply for this purpose?" Let us see.

England wants no more gold, and neither does Germany; Russia has about $200,000,000 less now than four years ago, with no apparent desire to greatly increase her holdings, and France has vastly more than she will need if she will prove by a brave and bold policy that there is no possible danger of her going to a silver basis, it being the great quantity of silver in France that requires so much gold.

In our own country to-day there is undoubtedly twice as much gold as there need be, if it were concentrated and brought into a direct and natural relation to our business; but we have it scattered about in different places, and, so far as our commerce is concerned, it is almost a myth, for there is now no power anywhere in the United States to control the movement of the yellow metal.

The $60,000,000 of gold in the general fund of the Government may all be dissipated by appropriations or absorbed because of lack of revenue, while the $356,000,000 in the Issue and Redemption Division, for which certificates have been issued, may be drawn at any time and sent abroad.

The banks, which hold $105,000,000 of gold and $88,000,000 clearing-house gold certificates, may sell it for export, as they are not compelled to use it to redeem any of their obligations, and even if they were they would at once seek the United States Treasury with United States notes to replenish any losses due to exports or redemptions.

What we propose and actually accomplish by the measure reported by the Banking and Currency Committee is to completely relieve the Treasury by compelling the banking institutions to currently redeem their notes in gold coin, and by retiring the United States notes prevent the banks from resorting to the Treasury to supply their needs.

That the $600,000,000 of gold held by the banks under the provisions of this bill, to protect their credits, would make us the strongest of all commercial nations there can be no doubt, although we are helpless to-day with nearly twice that amount, or $1,200,000,000, lying around loose somewhere to float away whenever those mysterious forces are put in motion that have sent out or kept out of the United States more than $5,000,000,000 of this metal since 1879.

The Government holds $150,000,000 in the form of a reserve fund and $356,582,087 in trust for which certificates have been issued. In addition to this it has in the general fund $62,719,962 in gold coin.

On February 25, 1902, the national banks held in gold coin $105,572,676, in addition to $232,279,190 in gold certificates.

The clearing houses held in gold coin, $88,409,000.

Of this $753,283,718 of gold only $150,000,000 are held as a requirement of law, and not a dollar of it outside of that $150,000,000 has the protection of a compulsion, and never can have so long as the Government continues to meet without charge any demands that may be made upon it.

The banking institutions, if compelled to perform the function of redemption, would keep just as much gold as they wanted and needed and no more; and if experience should demonstrate that $600,000,000 was quite sufficient, the country would sell the other $600,000,000 for the things the people need.

Besides being able to spare $600,000,000, or one-half of all we have to-day, the products of the mines of the world, from 1905 to 1915, when it is now estimated that the annual output will at least equal $400,000,000, will amount to as much as all the gold of which we had any knowledge in 1890.

That is, the world will produce more gold in ten years than it produced in four thousand years prior to 1890.

Again, mark this: Down to 1860 there was not a single instance in American history where coin reserves and coin redemptions were required that any serious difficulty was experienced.

The banks of New England, redeeming through the Suffolk Bank of Boston, had no difficulty. The banks of Virginia had no difficulty. The banks of Louisiana had no difficulty. The Bank of Ohio, the Bank of Indiana, the Bank of Iowa, and the United States Bank met this requirement during the first half century of our history.

Therefore we need not fear to-day, with an almost unlimited supply of gold, the telephone and telegraph to call for it, and limited trains and ocean greyhounds to bring it to us when wanted.

GREENBACKS ARE NOT CHEAPER MONEY FOR THE PEOPLE THAN GOLD ITSELF.

This single objection can be invariably heard when the retirement of the greenbacks is urged—that they are cheap money.

There is undoubtedly an impression abroad in the land among the people that it cost them less to get money because the greenback exists. Is this true?

If it should appear and be demonstrated that it costs no more to borrow $100,000 in gold than $100,000 in greenbacks the whole contention that they are cheap money must necessarily fall to the ground.

How did the greenbacks come into existence? When the Government was in financial distress because of the cost of the civil war those in charge of its affairs felt that their necessities justified the issuance of greenbacks, or the compulsory circulation of the Government's credit without interest, and so they made the *debts* of the Government a *legal tender*.

If the Government hired a man for a day or bought a horse or a ship it gave for the day's work, for the horse, for the ship, a writing by which it agreed to pay the person who held the duebill a certain number of dollars. When? As soon as the war was over and the nation was saved.

Has this obligation, which sprang from necessity, and was greatly feared, regretted, and limited to necessity at the time, been redeemed in accordance with the intention of those who gave it birth?

I do not believe it; nor do I believe that the understanding of those who created the greenbacks will be carried out until every one of them has been honored by redemption and glorified by cremation.

These old receipts for goods received and services rendered should be treated precisely as an individual treats a duebill when taken up by payment—that is, canceled.

If the Government has any different moral right than an individual, and that right is clothed with power, then the Government should not pay for anything it purchases, but simply give its receipts and compel the people to accept them for any goods they happen to sell to each other.

Such a policy of arbitrary power would place in circulation more than seven hundred millions of Government receipts the coming year, and so on, for every year, probably, until we could paper our houses with these mementoes of our indescribable misery; precisely as our forefathers did when their receipts and duebills for goods, which they called money, became a shame, a hissing, a by-word, and a curse, leaving only the legacy of a sad recollection in the epigram, "It is not worth a continental."

But will it be replied that the amount is now limited, and, therefore, there is no danger? Limited by what? By the *sovereign will* of the party in power at any given time.

The same sovereign party power that keeps $346,000,000 of greenbacks in circulation under Republican rule could make the amount $700,000,000 under Democratic rule.

Did not the leader of the Democratic party in the House of Representatives introduce an amendment to the bill providing revenues for carrying on the Spanish war, authorizing the Government to issue $50,000,000 of United States notes, and did not that party, practically to a man, vote for it?

No experience in the world's history justifies the continued existence of these notes. No course of reasoning can fix a limit to their amount.

The limit is purely a matter of party caprice. If $346,000,000 were a proper amount in 1878, let some philosopher determine what it should be to-day.

The hesitation of the Republican party to wisely and bravely deal with this question and proceed to retire the United States notes does not differ, except in degree, from the insane folly of the Democratic party that would increase them.

But, on the other hand, the Republican party has partially redeemed its pledges made when the United States notes were first issued.

Under an act passed April 12, 1866, the United States notes, then amounting to $449,000,000, were reduced to $356,000,000; and by an act passed March 18, 1869, known as an act "To strengthen the public credit," the Republican party declared:

"That in order to remove all doubt as to the purpose of the Government to discharge all just obligations to the public creditors, and to settle conflicting questions and interpretations of the laws by virtue of which such obligations have been contracted, it is hereby provided and declared that the faith of the United States is solemnly pledged to the payment in coin of all the obligations of the United States not bearing interest, known as United States notes."

Again, by an act passed January 4, 1875, provision was made for the resumption of specie payments, the same to take effect January 1, 1879, and from that day to this the United States notes have been as good as gold, because redeemable in gold coin, and for the same reason they have been since that date just as expensive to the borrower of money as gold coin itself.

Cheap money may be cheap in two distinct ways or senses:

First. Money, or, more properly speaking, currency, may be cheap because it is comparatively worthless; as the Continental money was cheap when it became worth less than 5 cents on the dollar, or the Confederate money was cheap when it took a wheelbarrow full of it to buy a cow, or the greenbacks were cheap when worth only 40 cents on the dollar; but the experience of the world has proven over and over again that this kind of cheapness is the most expensive kind of cheapness, and that what has seemed to be gained has resulted not only in twofold losses, but in fourfold, twentyfold, and, when the seeming gain has been carried to its logical conclusion and the issues have been practically unlimited, in infinite or total loss, and consequences for which the actual loss was no adequate measure.

Second. Money may be itself as valuable as a commodity as it is as a piece of coin. For example, a $10 gold piece is as valuable when beaten into a ball or cube as when bearing the stamp of the Government. When the borrower obtains such money from the bank he must pay for the use of the property in the metal and also for insuring his credit.

In other words, the borrower must pay for the use of the $100 of gold he obtains and the insurance of his credit in addition. Money of this sort is neither cheap nor economical, and it is the only form of a medium of exchange that is entitled to be called money. All other forms and substitutes should be denominated as currency.

Third. Money, or speaking more properly, currency, may be in the form of a certificate of coin deposited, which is of the full value in bullion of the coin represented, such as a gold certificate. This is neither a cheap nor an economical form of money; for when the borrower obtains from the banker $100 in gold certificates he must pay both for the use of $100 capital and for insuring his credit; and if the banker charges 4 per cent for the capital and 2 per cent for insuring credit it would be reasonable, as he has paid $100 in gold coin, or exchanged property worth $100 in gold coin, for the $100 of gold certificates delivered by him to the borrower.

Fourth. Money, or more properly and accurately speaking, currency, may be a Government obligation other than a gold certificate, but redeemable, nevertheless, by the Government in gold coin, such as our United States notes are to-day and have been since 1879.

Now, it is perfectly clear that no bank can get possession of $100 in United States notes without paying $100 in gold coin for the same, or exchanging property worth $100 in gold coin for them; therefore it follows necessarily that a borrower can not obtain $100 in United States notes from a banker in the form of a loan without paying for the use of the capital and the insurance of his credit.

In other words, from the day of resumption, January 1, 1879, down to this hour greenbacks have been as expensive to the borrowers as gold would have been, and the word "cheap" can in no sense be applied to them. Nor have they been an economical currency, because every dollar of them represents a dollar of capital, and not of credit, while performing the function of currency.

The United States notes or greenbacks, therefore, are neither a cheap nor an economical currency as between the banker and the borrower, but are and have been ever since 1879 as expensive as gold itself would have been.

As distinguished from gold itself, gold-coin certificates, or United States notes, which are redeemable in gold coin, no one of them being cheap or economical, the credit note of a bank, currently redeemed in gold coin, is cheap in the sense that it is economical to the borrower, for when the banker delivers the credit note of his bank to the borrower, he can make as large a profit by charging only 3 per cent interest as he could by charging 6 per cent when delivering gold, gold certificates, or United States notes, all of which have cost him their face in gold coin or its equivalent in some kind of property.

In the one case he is lending only credit and in the other both credit and capital.

Since all national expenses are defrayed by duties or imposts and internal-revenue taxes, the burden borne by each individual citizen in redeeming and canceling $65,000,000 of United States notes would be infinitesimal as compared with what he pays in increased rates of interest where United States notes are delivered to him when making a loan.

Not only have the United States notes been a dear and expensive currency to the borrower, but even more so to the Government itself; the whole $346,000,000 having cost the Government more than 7 per cent per annum since 1879, although our 2 per cent bonds are now selling for $110.

Nothing but a most contemptible fear and most despicable political cowardice can explain our inaction, unless the circumstances be palliated by want of knowledge, which is no justifiable excuse.

Every year, on the average, since 1879 we have redeemed about 90,000,000 of these old receipts for goods had forty years ago, or due bills, called United States notes or greenbacks, having paid them already more than five times, and still they come, calling for their deadly redemption, and yet they are never redeemed.

The following statement, prepared by Hon. Ellis H. Roberts, fully explains what we have done in this direction, and what we may expect in the never-ending future.

If we could apply the same common sense to the affairs of this

Government that a prudent business man would and is compelled to apply to his own affairs these United States notes would be canceled when paid.

TREASURY DEPARTMENT,
OFFICE OF THE TREASURER OF THE UNITED STATES,
Washington, D. C., March 17, 1902.

Statement showing the redemption of United States notes, Treasury notes, silver coin redeemed or exchanged, the national-bank notes outstanding and redeemed by fiscal years from 1879.

Fiscal year.	Redemptions.		Silver coin redeemed or exchanged.	National-bank notes.		
	United States notes.	Treasury notes.		Average outstanding.	Redemptions.	
					Amount.	Per cent.
1879	$64,107,833			$324,244,285	$157,657,000	48.62
1880	81,302,563			339,530,923	61,586,000	18.13
1881	54,545,334			346,314,471	59,650,000	17.22
1882	79,520,424			359,736,050	76,089,000	21.15
1883	109,764,714			359,868,524	102,700,000	28.53
1884	85,948,236			347,746,363	126,152,000	36.27
1885	84,493,153			327,022,283	150,209,000	45.93
1886	63,000,000			314,815,970	130,296,000	41.38
1887	74,068,000			293,742,052	87,690,000	29.85
1888	63,652,000		(a)	265,622,692	99,152,000	37.32
1889	59,450,000		$48,726,649	230,648,247	88,932,000	38.55
1890	78,132,000		47,643,939	196,248,499	70,257,000	35.80
1891	70,792,000	$1,624,000	54,775,783	175,911,373	67,461,000	38.34
1892	66,264,000	8,646,770	56,018,389	172,113,311	69,625,000	40.45
1893	91,116,000	41,759,950	58,472,489	174,735,355	75,845,000	43.40
1894	90,960,000	46,397,000	65,550,976	205,322,804	105,331,000	51.30
1895	74,720,000	50,712,000	57,073,792	207,860,409	86,709,000	41.71
1896	68,924,000	61,564,000	60,820,051	217,133,390	108,261,000	49.85
1897	59,620,000	45,502,000	64,626,098	232,888,449	113,574,000	48.76
1898	54,260,000	43,302,000	58,275,905	228,170,874	97,112,000	42.56
1899	88,404,000	38,401,000	61,697,291	239,287,673	90,838,000	37.96
1900	80,676,000	33,499,280	68,911,547	260,293,746	96,982,000	37.25
1901	91,680,000	28,244,000	76,671,474	339,884,257	147,487,000	43.39
1902 (eight months)	67,600,000	12,437,000	55,953,138	358,775,526	108,194,064	30.16

[a] Not reported previous to 1889.

The following estimate was made by the Chief of the Loan and Currency Division of the Treasury Department:

COST TO THE GOVERNMENT OF MAINTAINING THE GREENBACKS.

Cost of the gold reserve, including liability for principal of bonds sold and interest thereon to their maturity.

Principal of bonds sold for resumption purposes:	
1877 and 1878	$95,500,000
1894	100,000,000
1895	62,315,400
1896	100,000,000
Total principal	357,815,400
Interest at 4 per cent on the average amount of the free gold in the Treasury from January 1, 1879, to January 1, 1895	93,440,000
	451,255,400
Interest from January 1, 1895, to July 1, 1907, on $95,500,000 4 per cent bonds of 1907	47,750,000
Interest from January 1, 1895, to February 1, 1904, on $100,000,000 5 per cent bonds	45,416,666
Interest from February 1, 1895, to February 1, 1925, on $62,315,400 4 per cent bonds	74,778,480
Interest from February 1, 1896, to February 1, 1925, on $100,000,000 4 per cent bonds	116,000,000
Total cost, including liability, except United States notes outstanding	735,200,546
Add amount of United States notes still outstanding	346,681,016
Total cost and liability	1,081,881,562

If the United States notes had been funded on the 1st day of January, 1879, into the thirty-year 4 per cent bonds of 1907, then being sold, the total cost to the Government therefor, including interest from January 1, 1879, to July 1, 1907, would be as follows:

Principal of bonds	$346,681,000
Interest from January 1, 1879, to July 1, 1907	395,216,340
	741,897,340
Difference in favor of converting the United States notes into bonds	339,984,222

Here is a direct loss to the Government of $339,984,222, which ought to be increased by at least $200,000,000 on account of increased rates of interest charged upon loans, because credit currency was not in use.

But these items are infinitesimal, indeed, compared to the commercial ruin and business havoc caused by the existence of the United States notes and the consequent danger to the public credit, which now involves every business in the land, from the little retailer to the gigantic railroad systems and mammoth commercial enterprises.

The United States notes are not a cheap form of currency for the borrowing public, being to-day as expensive as gold itself.

The United States notes threaten our prosperity every hour, precisely as dynamite in a cellar threatens the safety of the building and the life of its inhabitants. The moment of its explosion is only problematical, and the measure of the damages will be determined always by the contents of the building.

So, the extent of our business interests, always increasing, always broadening, always involving a greater and greater number of people, will invariably measure the possible danger when the threatened danger is precipitated and the standard of value imperiled by an assault upon the credit of the nation by the presentation of an endless amount of demand obligations.

I use the word "endless" advisedly, and with more truth and force than was possible before the passage of the act of March 14, 1900, for prior to that time the Government could limit the demand by impounding all the United States notes presented, while to-day, by the terms of that act, the Government can only impound $50,000,000 out of the $346,000,000 when the Secretary of the Treasury is compelled to turn these credit destroyers loose to again prey upon the vitals of commerce, and like vampires suck the life blood of the nation's credit, upon which the entire superstructure of American business enterprise and prosperity depends.

Shall we turn a deaf ear to the voices of all history? Shall we discard the experience of all the world? Shall we treat with a contempt born of ignorance the declared purpose of those great statesmen who reluctantly gave birth to the greenbacks in the hour of the nation's need?

Shall political cowardice overweigh the solemn warning of every President and Secretary of the Treasury from Lincoln to Roosevelt who have been confronted with this always impending and destructive peril?

Shall the awful experience of 1894–1896 teach us no lesson? Shall the ever-lurking suspicion in every banker's mind and the universal fear brooding over the land from ocean to ocean lead us to no solution and courageous action?

EVERY SILVER DOLLAR MUST BE MADE AS GOOD AS GOLD BY ELIMINATING EVERY CIRCUMSTANCE THAT COULD POSSIBLY LEAD TO A DISCRIMINATION AGAINST A DOLLAR BECAUSE IT IS A SILVER DOLLAR.

We are to-day nearly 80,000,000 of the most intelligent people in the world.

Our aggregate wealth at the beginning of the new century was approximately $120,000,000,000.

We turn into the channels of trade every year about $18,000,000,000 of consumable and useable commodities; or about $1,500,000,000 every month; or about $60,000,000 every working day; or about $6,000,000 every busy hour; or about $100,000 every single minute.

We are to-day the most potential political factor on the globe; the directing and controlling force among the nations of the earth.

Can such a nation, in honor or as a matter of prudence, afford to permit one of its dollars, with full legal tender quality, and bearing the superscription "E pluribus unum," with the signet of the Government on the reverse side, to be discredited and dishonored?

Have we purchased our absolution in advance for wholesale dishonor by cunningly appealing to God, in whom we say we trust? God helps those who help themselves. His curses follow those who disobey His laws. Common honesty is His first law.

No man living within the borders of this great Republic should be compelled to receive or accept any dollar, bearing the Government seal, which is not equal to $25\frac{8}{10}$ grains of gold, nine-tenths fine; and so long as this Government refuses to protect the silver dollar with its direct and unqualified pledge, and to throw over it the shield of golden honor, the commercial world will distrust and shun us because we distrust ourselves.

How can we expect others to have absolute confidence in our monetary system when we ourselves withhold it?

Nor will our own people be more charitable than others. So long as a justifiable fear, born of our own cowardly conduct, lingers that possibly, under some circumstances, some Secretary of the Treasury may repudiate the obligations of the Government expressed in its silver currency, so long will the public, upon the slightest provocation, discriminate against that form of our money and turn it into the Treasury, where the burden must ultimately rest, whether we would evade it or no.

Hon. Lyman J. Gage keenly appreciated the folly of our attempt at indirection and our skulking evasion when he said:

"Nothing can rise higher than its source, and if your confidence is not good and you will not take all the responsibilities of the parity between silver and gold, do not expect the public to take the risk. They will decline to do it. Therefore, as long as these conditions exist, silver, when it accumulates at the money centers, will not be held for a time when it may be used and distributed again. The bankers will send it into the avenues of present redemption. The Government might just as well face that redemption at the front door as to delay until it must take it under the revenue laws at the back door."

Mr. Chairman, there are other respects in which changes could be made with great advantage in our financial and currency laws, but I shall content myself with these observations, which have

been confined to principles, conscious that when the people come to realize the great importance of their application to our present conditions we shall have no trouble in harmonizing the various views with regard to method.

The question of present and vital moment is to secure right thinking, the necessary prelude to right doing.

Our Government was founded upon the theory that it existed for the people, in order that they might enjoy life, liberty, and the pursuit of happiness, therefore all municipal organizations necessarily exist for the same end.

Can it be possible that banks, which derive their power and authority from this Government, or from that of any of the States, have any other purpose than the service of the people?

If, then, the very object of their creation is the service of the people, it is a matter of the highest importance that that service be the best possible, and contribute in the utmost degree to their welfare.

Wise laws, however, are essential to the consummation of these ends.

Our banking institutions exist to facilitate and economize in the creation and distribution of the products of labor, and it is not only right but necessary that the Government in turn should facilitate their efforts in the undertaking.

The Government should cease to be a disturbing factor to commerce by unnaturally and unnecessarily withdrawing money that serves as a reserve to deposits, thereby contracting credits fivefold the amount withdrawn.

Since the Government has no power to control the movement of gold, which is the only commodity that can serve as a reliable touchstone to commercial values, it should cease to give it away without charge above its price and should compel the banks to apply this measure to their credits daily, thereby insuring soundness to them and giving permanence to our prosperity.

Since a credit currency is the only tool of trade that has unfailingly proved its perfect adaptability to the needs of business in all countries and under all circumstances, at the lowest cost to the borrower, the American toiler on the farm and in the factory should have the benefit of its advantages in his struggle for supremacy in the markets of the world.

Since this age of ocean greyhounds, of limited freights and almost unlimited passenger trains, of the telegraph, the telephone, and the flight of words through the all-pervading ether has resulted in a concentration of gigantic forces in the material world, eliminating waste at every point, banking organizations, which are expected to carry their credit and facilitate and effect their transactions, must be permitted to coordinate themselves with their demands and suit their strength to the burdens they are compelled to carry.

Reaching across our continent, they must every day draft every idle dollar to do duty where it is most needed at the lowest cost.

Reaching across every ocean and into every land, they must extend a helping hand to American effort and American enterprise wherever the genius and aspirations of the American citizen may lead him.

APPENDIX A.

[House Report No. 1425, Fifty-seventh Congress, first session.]

TO MAINTAIN THE GOLD STANDARD, ETC.

April 5, 1902.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. FOWLER, from the Committee on Banking and Currency, submitted the following report (to accompany H. R. 13363):

PURPOSE OF THE MEASURE.

The purposes of the measure are as follows:

To secure the advantage of long experience, and therefore a higher degree of intelligence and a more permanent policy in the supervision of our vast banking interests.

To protect the national credit against assault through the demand obligations of the Government by completely relieving the Treasury at once of a burden amounting to more than seven hundred millions.

To transfer from the Government to the banks the entire responsibility of providing and protecting the commercial reserve, and to impose upon the banks the burden of furnishing all the gold that may be needed for export or for any other purpose.

To place the Government in a position where its relation and duty to commerce is limited to fixing the standard, establishing a measure of value, furnishing all token money, and providing for a system of paper currency.

To simplify and limit the Government's fiscal operation by confining it to the collection of its revenues and the payment of its expenses, precisely as the several States and all municipalities collect and disburse their revenues.

To provide for a system of paper currency which is absolutely sound, uniform, responsive, always adequate, and perfectly adjusted to our trade everywhere and under all conditions.

To lower and equalize the rates of interest in all parts of the United States, so that the farmer and the manufacturer in our smaller cities and remote sections may be placed upon equal terms with the borrowers in our great commercial centers.

To give to our banking institutions the privilege of establishing themselves anywhere in the United States and its possessions and in all other countries, for the purpose of extending American trade, controlling foreign exchange, and insuring the successful development of our merchant marine.

To wipe the last stain of fiatism from the escutcheon of our nation's commercial honor, and remove the last doubt hanging over our national credit by providing for the redemption in gold coin of all the legal-tender money of the Government, including the silver dollar, as well as the United States and Treasury notes and the subsidiary coins.

That all these purposes are most desirable there is no possible doubt; that their attainment is essential to a complete reform of our financial and currency system everyone who has carefully studied the subject agrees. The accomplishment of any one of them would improve and strengthen the present situation, but each is largely dependent upon the other for its most material advantages, since all are not so closely related and interdependent.

Your committee therefore urges the measure as a symmetrical whole, confident that it will be observed, as we proceed to explain the various sections and advance the reasons for their adoption, that the essence of the measure is in its unity and the completeness of its combined purposes.

DIVISION OF BANKING AND CURRENCY AND BOARD OF CONTROL.

National banks now have a capital of $634,696,505, and a surplus of $266,520,594.87, while their total assets are nearly $6,000,000,000. The measure now submitted to the House provides that, with the consent of the board of control, national banks may establish places of business in our own country and possessions, in South America, in the Orient, in Europe, in any country, in fine, where American enterprise and capital may choose to go.

Considering the importance of these extensions of our banking interests and how dependent business conditions are upon a wise and conservative supervision of these institutions which control the credits of our vast commerce, your committee feels more than justified in recommending a board of control to take the place of the Comptroller of the Currency, whose term of office might end just at a moment of financial disturbance, when ripe experience was most needed and when a novice, born of political favoritism or of some political trade or debt, coming into office would add greatly to the doubts, difficulties, and dangers of the hour.

That any Comptroller, however able, can do much more than fairly fit himself during the present term of five years for a service of real usefulness to his country in the performance of such duties no one will assert who has studied and comprehended all that this important position involves.

On the other hand, the result of this measure will be, when in full operation, that the supervision of our national banking interests, domestic and foreign, will never be without one Comptroller who has served at least eight years, while his first associate will have served at least four years. Such an administration must inspire confidence and insure a steadiness of policy which is most desirable if, indeed, not essential to the best results.

BANKING OPERATIONS UNDER THE MEASURE.

The national banks are to assume the current redemption in gold coin of $130,000,000 of United States notes, and, in turn, will have the privilege of issuing their bank notes without depositing Government bonds to secure the same; but they must pay a comparatively heavy tax on the notes, which they are also required to redeem in gold coin.

The banks are required also to pay 1 per cent interest annually upon all Government deposits held by them.

The banks are required also to deposit with the Government a guaranty fund equal to 5 per cent of the amount of notes taken out for issue.

This 5 per cent fund, the tax upon the bank notes, and the interest upon the Government deposits are all, combined, set aside, and constitute a guaranty and redemption fund—a guaranty fund to protect all bank notes, and a redemption fund to pay off the $130,000,000 United States notes whose current redemption the banks have assumed.

A thorough investigation demonstrates that the whole amount will be paid off in less than twenty-five years. When this has been accomplished the tax upon the bank notes is reduced to a reasonable amount in accordance with its legitimate banking purpose.

BURDEN RESTING ON TREASURY.

The obligations for which the Treasury is directly and indirectly responsible amount to more than $1,200,000,000, consisting of

$346,000,000 of United States notes, $30,000,000 of Treasury notes, $319,000,000 of national-bank notes, and $530,000,000 of silver dollars or the certificates representing them.

The United States notes and the Treasury notes are redeemable upon demand in gold coin; while the national-bank notes, though redeemed by the banks in United States notes, are no less a burden upon the Treasury, since the same United States notes are redeemed by the Treasury in gold coin. Furthermore, the law specifically provides that the Government shall redeem the notes of failed banks in terms making the Government liable for all the national-bank notes at any time outstanding.

While it may be observed that neither a silver dollar nor the certificate outstanding in its stead is redeemable in gold coin, yet, since both are receivable for public dues, they are no less a burden upon the Treasury than they would be if directly redeemable in gold coin. Indeed, the last two Secretaries of the Treasury both declared openly and repeatedly that, if necessary, they would pay out gold coin for silver dollars.

But great as is this direct burden, it is light indeed compared with the indirect obligations growing out of the fact that every demand for gold coming from abroad must sooner or later find its way to the Treasury, and that, moreover, our entire commerce looks to the Government reserve—every bank in time of peril nursing whatever gold it may chance or happen to have and running to the Treasury for more.

The Treasury is completely at the mercy of every assault, because, not being a lender of money, it can not put a price upon the use of gold by fixing a rate of interest high enough to be prohibitive, for the time being, and so protect its reserve.

The result always has been and always will be that in times of stress and credit contraction gold will leave the Treasury until the acting Secretary of the Treasury, balancing commercial necessity on the one side and political expediency on the other, according as he is a patriot or a politician, may or may not act even after incalculable ruin has been wrought.

There are two causes of this ever-threatening danger:

First. The reserve in the Treasury was intended originally to protect only the United States notes, though now, by act of March 14, 1900, it also covers the Treasury notes amounting to $30,000,000.

Second. The reserve in the Treasury is not directly related to the commercial conditions of the country, and was in no way intended to protect them; but since the exporters of gold and the banking interests can lie down on the Treasury and compel it to supply their needs through the various forms of demand obligations at hand, without cost to themselves, our Treasury reserve under the present circumstances has become an actual menace to our national credit, and so long as these conditions exist the business interests of this country can never rest upon a solid and enduring foundation.

No one will claim that the gold in the general fund of the Treasury is a reserve, or can be considered as any part of a reserve, since appropriations may absorb every surpus dollar at the present session of Congress.

Nor will anyone pretend that the gold held by our banks serves as a reserve for our credits in general, as the banks are not required by law to use it as a touchstone of their soundness, but, on the contrary, they hug and hoard it at the approach of every financial storm, increasing it by golden streams which they start flowing from the United States Treasury by means of the outstanding demand obligations of the Government.

That the $150,000,000 of gold in the Treasury can have no direct and natural relation to the nine billions of current commercial credits held by our banks is clear from the fact that, the reserve being fixed in amount by law, does not rise and fall with the quantity of those credits, and can never be responsive to their ever varying needs. By law it is made dependent upon the caprice of the Secretary of the Treasury, a sale of bonds and taxes imposed upon the people.

We want a reserve in immediate touch and directly related to the ebb and flow of commerce; a reserve whose amount will be determined always by the experience of the passing years; equal always to the demands of safety, but never accumulating and piling up in useless millions, yes, useless hundreds of millions. We say useless advisedly; for if five hundred millions of gold properly related to our commercial credits should prove ample, one billion of gold, the amount now subdivided and scattered throughout the land, could mean only a wasteful use of five hundred millions every year.

The Reichsbank of Germany had gold and silver combined in 1877 amounting only to $106,262,000. In 1886 its gold alone amounted to $91,630,000, and in 1895 reached $167,695,000; but for the past four years the amount has stood steadily at about $135,000,000, although the deposits and note issues combined have increased from $379,643,000 to $488,392,000.

It should be observed in this connection that the Reichsbank of Germany has increased its gold by purchase as it has needed it, and precisely as it has purchased any other commodity for which it had use. This is evident from the fact that Germany does not produce any gold worth mentioning, her production for the years 1898, 1899, and 1900 aggregating only $73,600, while her imports of merchandise have exceeded her exports, since 1872, by $4,857,813,000.

The Bank of England, which holds the commercial reserves of Great Britain, had $93,397,868 of gold in 1870, and has $192,082,770 to-day; yet England produces no gold to speak of, her production for the years 1898, 1899, and 1900 aggregating only $6,600, while her imports of merchandise have exceeded her exports, since 1870, by $26,864,715,152.

From this statement of fact we are compelled to conclude that the Bank of England treats gold like any other commodity, buying just so much and no more as its constantly increasing commercial credits require.

The Bank of France, which furnishes the reserve for all the commercial credits of France, had of gold and silver combined in 1870 only $218,225,100, and in 1881, when the two metals were first separated in its accounts, had $116,688,500 in gold and $235,363,500 in silver, but to-day the amount of gold on hand is $465,168,600 and of silver $213,438,700.

First. It is to be observed that the managing director of the Bank of France admitted to two of your committee that a large part of this gold reserve was carried because it was required to maintain so great a body of silver at a parity with gold.

Second. It is to be observed here, as in the case of Germany and Great Britain, that France, too, must purchase gold like any other commercial commodity, taking only as much as the obligations of the Bank of France require as a reserve to assure public confidence and to guarantee the credit business of France, for France produces no gold whatever, and her imports of merchandise since 1870 have exceeded her exports by $4,347,325,000.

This vast accumulation of gold by three great commercial nations, which produce no gold to speak of, and notwithstanding adverse merchandise balances amounting in the aggregate, during the last thirty-one years, to $36,069,853,152, would seem to be proof absolute that the banking interests of a country will amply protect all commercial credit if there are no unwise laws to interfere with their natural functions.

When we recall the achievements of the Bank of England in conducting the Kingdom through all her financial affairs, the splendid and almost miraculous conduct of the French Government through the great difficulties and burdens of the Franco-Prussian war by the Bank of France, the stupendous waste due to governmental operations and a consequent depreciated currency suffered by our own country during the civil war, and the humiliating spectacle in later years of the United States Government hiring for a stipulated sum a syndicate of bankers to come to its rescue and save its credit from utter and everlasting dishonor, we are compelled to admit that our system is wrong.

But Grover Cleveland was a patriot and did his duty, and that act alone should make his name immortal. The shame was in the ignorance or political cowardice, or both, that rendered such a condition possible.

Who was it that protected Great Britain—indeed, the whole world—from the shock of the largest failure in mercantile history, the Baring default? None other than the great credit merchants of London, known as bankers.

Who was it that shielded this country in its splendid and unparalleled sweep of prosperity from a financial cataclysm when William McKinley was struck down and the soul that was the inspiration of our most glorious age was called away? It was the great credit merchants of New York, known as bankers, under the leadership of Frederick D. Tappan.

Your committee has no hesitation whatever in asserting that the gold reserve, which is to always prove and guarantee the soundness of our commercial credits, should not be limited and fixed by law and held under governmental supervision and manipulation, but be an actual part of our trade, a daily touchstone to current credit.

With this in view, the bill provides that the Government shall cease to issue or pay out gold certificates and that this function shall be left to the clearing houses.

RELIEF OF THE TREASURY.

If the national banks will assume the current redemption in gold coin of one hundred and thirty millions of United States notes, and the Government will redeem and cancel one-half of that amount, or sixty-five millions, the whole three hundred and forty-six millions will be completely disposed of; for the remaining one hundred and fifty-one millions of notes will be much more than covered by the one hundred and fifty millions of gold coin in the reserve fund, since it is known that several millions of these notes have been lost or destroyed.

That the national banks will assume, in accordance with the

provisions of the bill, an amount of United States notes equal to 20 per cent of their capital there can be no doubt for two reasons:

First. Contrary to a very general impression, the national banks make no profits worth mentioning from circulating the bank notes now outstanding. Indeed, it is doubtful whether anything whatever is made upon our present note circulation, taken as a whole.

The actuary of the Treasury Department estimates the profits as follows: On 2 per cent bonds, in localities where money loans at 4 per cent the profit is 0.791; where it loans for 6 per cent it is 0.666; where it loans for 8 per cent it is 0.529; where it loans for 10 per cent it is 0.382; and the same is equally true of the threes, fours, and fives, as shown by Appendix A, part 1.

But even these small profits are only obtainable when all the notes are kept out all the time. It is therefore evident that if the notes are kept out only half the time, or that only half the notes are kept out all the time, these profits would wholly disappear and there would be an actual loss instead of a profit to the bank. This conclusion is verified by the estimate of the actuary appended to this report. Can anyone criticise the national banks for retiring their circulation to-day as fast as the law will permit? See Appendix A, part 2.

Upon the notes the banks are to receive under this bill, in consideration of their assuming to redeem in gold coin an amount of United States notes equal to 20 per cent of their capital they will make just as much as they would upon a corresponding amount of deposits less the tax against the notes and the Government charges for preparing the plates and printing them.

Second. Since the United States notes which the banks assume to currently redeem may still be used as reserves, they may reasonably calculate that such notes will circulate but little and the redemption will not be burdensome, as all the gold desired would be obtained through the presentation of national-bank notes, which are to be redeemed in future by the banks in gold coin.

Concurrently as the banks assume the burden of one hundred and thirty millions of the national debt, the Government, which now has in the general fund more than one hundred millions in gold coin and gold certificates, is asked to apply sixty-five millions to the redemption of one-half the amount of United States notes the banks have undertaken to carry.

Would not this be most wise on the part of the Government, when you consider that by paying sixty-five millions of its own demand debt it will relieve itself of the burden of carrying obligations amounting to more than seven hundred millions, and thus escape the constant breaking strain resulting from the maintenance of a reserve, for the vast commercial credits of the country, which was intended to cover only its own demand notes?

To those who may be inclined to oppose the retirement of the United States notes, forsooth, because they are cheap money, notwithstanding the fact that the banks, in taking one hundred and thirty millions of them, are paying nearly two-fifths of them, we desire to submit an estimate of their cost to the Government up to the present time. This calculation was made by the Chief of the Loan and Currency Division of the Treasury Department.

COST TO THE GOVERNMENT OF MAINTAINING THE GREENBACKS.

Cost of the gold reserve, including liability for principal of bonds sold and interest thereon to their maturity.

Principal of bonds sold for resumption purposes:	
1877 and 1878	$95,500,000
1894	100,000,000
1895	65,315,400
1896	100,000,000
Total principal	357,815,400
Interest at 4 per cent on the average amount of the free gold in the Treasury from January 1, 1879, to January 1, 1895	93,440,000
	451,255,400
Interest from January 1, 1895, to July 1, 1907, on $95,500,000 4 per cent bonds of 1907	47,750,000
Interest from January 1, 1895, to February 1, 1904, on $100,000,000 5 per cent bonds	45,416,666
Interest from February 1, 1895, to February 1, 1925, on $62,315,400 4 per cent bonds	74,778,480
Interest from February 1, 1896, to February 1, 1925, on $100,000,000 4 per cent bonds	116,000,000
Total cost, including liability, except United States notes outstanding	735,200,546
Add amount of United States notes still outstanding	346,681,016
Total cost and liability	1,081,881,562

If the United States notes had been funded on the 1st day of January, 1879, into the thirty-year 4 per cent bonds of 1907, then being sold, the total cost to the Government therefor, including interest from January 1, 1879, to July 1, 1907, would be as follows:

Principal of bonds	$346,681,000
Interest from January 1, 1879, to July 1, 1907	395,216,340
	741,897,340
Difference in favor of converting the United States notes into bonds	339,984,222

But this direct loss of $339,984,222 to the Government is as nothing compared with what the people have suffered from the consequent panics and ruinous liquidations growing out of the unfortunate relation of the Treasury to our business interests.

SILVER CURRENCY.

If the silver bullion, now amounting to over thirty millions, be used for subsidiary coin, which is so much needed by the trade of the country, that factor will be eliminated and the number of silver dollars will not be increased.

The total amount of the $5, $2, and $1 bills, and the silver dollars and subsidiary coins now in use by the banks, storekeepers, and people is $595,701,058.

The total amount of silver dollars and silver certificates in circulation was on January 1, 1902, $532,955,428. From this it is clear that if all other $1, $2, and $5 bills are eliminated from our currency system our silver currency represented by the silver dollars and silver certificates will then remain in constant use, being necessary to the daily transactions of the business of the country.

This would be especially true if by law, as now by necessity and indirection, the Government should exchange gold coin for silver dollars, precisely as it does in the case of subsidiary coin.

NATIONAL-BANK NOTES.

To-day the Government is bound by law to currently redeem indirectly in gold coin all national-bank notes, although there is neither justice nor reason in throwing this burden of three hundred and twenty-five millions on the Treasury, since it is the debt of the banks and should be met by them in gold coin, just as the present measure provides.

Your committee confidently asserts that by the consummation of these ends the Treasury will be entirely relieved and that the vast burden, which it is wholly unfitted to carry, will be transferred to the banks, where it belongs naturally and must go, if not to-day, then after still more bitter and disastrous experiences.

CHARACTER OF CREDIT CURRENCY.

A credit currency does not differ in the slightest degree in principle from a deposit subject to check.

A bank which has a capital of $100,000 and deposits amounting to $100,000 subject to check is in identically the same position as a bank with $100,000 capital and $100,000 of its notes out.

Each bank owes exactly $100,000 and may be called upon at any instant to pay the whole of it; but the average banking experience proves that deposits remain in the banks a certain length of time, and that credit notes remain in circulation a certain length of time.

It is upon this average of time that deposits remain unchecked and that credit notes remain in circulation that the banking business of the world is carried on.

Barring the effects of unwise laws, from an economic point of view, the habits or practices of a people determine whether the note issues of banks exceed their deposits or their deposits exceed their note issues.

For more than one hundred and forty years the banks of Scotland did not have a deposit, but their business consisted wholly of exchanging their credit notes, which were well known, for the promissory notes of their customers, which were little known.

About sixty years ago the Scotch people began the practice of making deposits and checking against them. On October 19, 1901, the deposits held by the ten Scotch banks amounted to $536,736,750, while their credit notes were only $40,435,110.

On October 19, 1901, the incorporated banks of England and Wales had deposits amounting to $3,171,731,200, but the entire note circulation was only $153,919,645.

On the other hand, on January 30, 1902, the Bank of France held deposits amounting only to $157,377,340, while its credit notes outstanding amounted to $814,441,268.

Again, on December 31, the Reichsbank of Germany held deposits amounting only to $126,236,457, but had credit notes outstanding amounting to $332,486,435.

On December 31, 1901, the 38 banks of Canada held deposits amounting to $335,740,226, and had credit notes outstanding amounting to only $54,372,788.

In 1840 the 306 banks of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut, with capitals ranging from $25,000 to more than $700,000, held deposits amounting only to $7,943,127, but had credit notes outstanding amounting to $16,461,947.

In 1860 there were in these same New England States 504 banks, which held deposits amounting to $41,208,190, and had credit notes outstanding amounting to $44,653,095.

In the light of this array of historical facts will anyone assert that a true credit currency differs in the slightest degree in principle from deposits subject to check, or that it does not adapt itself to current transactions with the same facility and fluidity that checks and drafts do?

Precisely as deposits subject to check rise and fall every day and every season of the year, so a true credit currency will expand and contract, and, like checks and drafts, always prove just equal to the commercial work to be done.

In verification of this assertion let it be noted that the total possible issue of the institutions cited was more than $2,073,290,480, but in fact was only $1,434,515,072, being, respectively, as follows:

The Scotch banks were entitled to issue $148,783,430 of credit notes, and had only $40,435,110 in circulation.

The Bank of France was entitled to issue $1,000,000,000 of credit notes, and had only $814,441,268 in circulation.

The Bank of England was entitled to issue $272,082,740 of credit notes, and had only $153,912,645 in circulation.

The Reichsbank of Germany was entitled to issue $464,906,250 of credit notes, and had only $332,486,435 in circulation; and in addition to a qualified limit can have any amount subject to a tax of 5 per cent, virtually making the issue unlimited with that condition.

The Canadian banks were entitled to issue $65,154,994 of credit notes, and had only $54,372,788 in circulation.

The New England banks in 1860 were entitled to issue more than their capital of $123,563,066, and had only $44,653,095 in circulation.

It will be observed that not only was the permissive issue of all the institutions combined $638,745,410 greater than the actual issue, but in every individual instance the permissive issue was very much greater than the actual issue.

From this array of facts we are bound to conclude that the same economic law controls the amount of the credit-note issues that determines and limits the amount of checks and drafts against deposits, to wit, the work to be done by the peculiar instrument in each given case.

With a credit-note system the bank notes spring into being precisely as checks and drafts do, to perform some particular transaction, and then, with the same certainty and almost with the same swiftness, return to their creators or issuers for redemption, just as checks and drafts are returned to the authors or drawers to be honored by payment.

With such a system those sections of our country like the Northwest, when harvesting its great wheat crops, or the South, when gathering its 10,000,000 bales of cotton, would always have an ample supply of those peculiar tools or instruments of trade, credit bank notes, which they must have to properly and economically carry on their vast work of production.

Their needs call for the ready and facile credit note, while the great commercial centers of our country by universal practice depend almost entirely upon the check.

With such a system in operation here we should see the same divergence between the different sections of our great country, the cities and rural districts, that there is between the practices of France and Germany on the one hand, where they use comparatively few checks, and England, Scotland, and Canada on the other, where the check so greatly preponderates over the bank note.

The amount of checks, drafts, and credit notes must be equal to the total deposits made up of gold, gold certificates, silver, silver certificates, United States notes, Treasury notes, national-bank notes, indorsed checks, drafts, and rediscounts, and the personal notes of the depositors; and, as we have demonstrated, it is wholly a matter of custom with each individual country or section of a country whether the checks and drafts exceed the credit notes or the credit notes exceed the checks and drafts. It should be noted in this connection that only about 10 per cent of all deposits are in cash, the balance being in some form of credit, which is the soul of modern commerce.

With a currency as directly and perfectly related to the business of our country as are checks and drafts, there can not be such a thing as a currency panic.

Germany has just gone through a commercial depression, but there has not been a suggestion of a currency panic.

France has had no such trouble.

Canada will have no such trouble.

Your committee believe that we should end ours.

SAFETY OF CREDIT CURRENCY.

The certainty that the obligations of any financial institution will be paid is measured by the doubt or certainty that the institution will survive all financial storms; and if the credit notes of a bank are not specially protected by a guaranty fund, or preferred in case of liquidation, the holder of them will stand with the rest of the creditors; no better, no worse.

It ought to be observed that since the credit notes pass by delivery and leave the immediate vicinity of the bank issuing them, performing the quasi function of money and therefore carrying with them a moral and practical compulsion of acceptance, they should not stand upon exactly the same footing as deposits.

It is evident that a note holder residing 1,000 miles away, in some other State than the one in which the bank of issue is located, should be specially protected as against the depositor who lives in the immediate neighborhood of the bank and can, if he chooses, inquire about its soundness from day to day.

Again, public policy demands that the bank notes, which must of necessity perform all the functions of paper currency, should be safe beyond all question or any peradventure.

The credit note holder and the depositor of the Bank of France and the Reichsbank of Germany stand precisely alike, both being general creditors.

Beyond the first $80,000,000, which are based upon British credit, the Bank of England notes represent gold coin.

The forty millions of credit bank notes issued by the 10 banks of Scotland are not preferred in any way whatever, and yet in two hundred years no note holder has ever lost a shilling. It should be noted, however, that up to 1879 there was an unlimited liability attached to bank stock in Scotland.

In Canada, where there are 35 banks doing business, a deposit of 5 per cent of the notes taken out is required and provision made for an extraordinary tax in case of any unusual failures, and the notes are, in addition, made a first lien upon the assets of the respective banks.

This plan has worked admirably and no one has ever lost a dollar. The credit notes of the Canadian banks stand on a par with our national-bank notes in public confidence and in general and unquestioned acceptance.

The wide difference between a great central bank like those of France, Germany, and Great Britain and 12,000 comparatively small ones, some of them having only $25,000 of capital, is thoroughly appreciated by your committee; and we recognize that in providing for their inherent weakness, the inherent guaranty of a great institution must be met and provided for in accordance with the principle of insurance, which is based upon the law of general average.

Life insurance policies amounting to more than $12,000,000,000 rest entirely upon this law of general average.

Last year the fire insurance companies wrote risks amounting to more than $20,000,000,000, relying entirely upon well-known principles applied to the average of losses.

Men in all positions of trust to-day are covered by bonds insuring their fidelity, and every undertaking can find a guarantor for its completion in a given time.

No field of inquiry along this line of investigation furnishes a more complete and comprehensive statement of facts than the records of our national-bank system.

In 1863, the year the national-bank act was passed, 66 banks were organized, with a capital of $7,188,393, and held deposits amounting to $8,497,681.

On February 25, 1902, there were 4,357 national banks, with an aggregate capital of $667,381,231, and individual deposits amounting to $2,982,489.33, with $314,438,680 in notes outstanding.

Many things have been demonstrated by the experiences of the intervening forty years, but nothing more clearly than what would have been a perfectly sound basis for the issuance of an absolutely safe credit currency.

A detailed report furnished your committee by the Comptroller of the Currency, covering every national bank failure from the beginning of the system, discloses the fact that an annual tax of twenty-two one-hundredths of 1 per cent, or a little less than one-quarter of 1 per cent upon the notes outstanding, would have paid in full all the notes of the failed banks.

This investigation discloses, further, the fact that if all the United States bonds which had been deposited to secure the payment of the national-bank notes from the very inception of the system down to 1902 had been lost, and the notes had been a first lien upon the assets of the respective banks, as provided by this bill,[a] a tax of eight one-thousandths of 1 per cent per annum upon the outstanding circulation from year to year would have paid all the notes not paid out of the assets. Indeed, there have been only 30 cases in which the notes would not have been paid in full out of the assets. (See Appendix B.)

Upon such a showing certainly no one will deny that if there had been a guaranty fund of 5 per cent deposited with the Government and an annual tax of one-eighth of 1 per cent per annum imposed, in accordance with the provisions of this act, upon the notes in circulation, the protection to the note holder would have been much more than ample.

Mark this: That if all the United States bonds deposited to secure circulation had been lost the 5 per cent guaranty fund would have been six hundred and twenty-five times as much as the annual tax required to redeem the notes of failed banks. Again,

[a] NOTE.—Our present national-bank notes are a first lien. Not only are the United States bonds to secure them set apart and held for that purpose, but if the bonds should prove insufficient for any reason the notes then become a first lien on the balance of the assets.

the tax of one-eighth of 1 per cent per annum would have been sixteen times larger every year than necessary to insure the payment of the notes.

In other words, under the bill submitted, if the experience of the national banks for the last forty years should repeat itself continuously in the future, it would take six hundred and twenty-five years to exhaust the 5 per cent guaranty fund, if no annual tax whatever was paid upon circulation, and a single tax of one-third of 1 per cent upon the average amount of notes for each year for the next forty years would redeem all the notes of failed banks.

THE SUFFOLK SYSTEM.

But, fortunately for the cause of a scientific bank currency, we are not compelled to rely upon calculations and inferences drawn from the records of the national banking system alone.

From 1840 to 1860 there existed in the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut a perfect system of credit currency, so far as its working features were concerned. It only lacked the insurance principle, which is absolutely essential to a multitude of banks, to place it abreast with the best system of credit currency in the world.

The circumstances under which it developed should not be overlooked.

There were no telegraph lines, no telephones, no railroads.

There were as many different banking laws as States.

The supervision of the banks, such as it was, did not extend beyond State limits.

The banks of the various States obtained their charters from the respective legislatures, and the capital ranged from $25,000 to $700,000 and upward; and while there were only 301 of them in 1840, there were 504 of them in 1860. There are only 555 national banks in the same States to-day.

There were no provisions then, as now, for verifying the capital and protecting the public against fictitious or unpaid capital.

Each bank provided its own notes, getting them from the nearest printing office, or writing them out by hand, if it chose to do so; and there was no protection, as we have to-day, against a fraudulent overissue of circulation.[a]

In 1840 the capital of the 301 banks was $61,142,482. The highest possible issue of notes was $70,323,000, but the actual issue of notes was only $16,570,000.

In 1850 the capital of the 307 banks was $65,443,378. The highest possible issue of notes was $75,533,000, but the actual issue of notes was only $31,709,051.

In 1860 the capital of the 506 banks was $125,315,148. The highest possible issue of notes was $131,310,000, but the actual issue of notes was only $47,539,877.

With this practically unlimited right of note issue, for in no instance during the whole twenty years did the amount of notes in circulation approach the maximum permitted, and with almost a complete absence of those safeguards now regarded as essential—uniform laws, uniform supervision, and uniform currency furnished by the Government—the Suffolk system of daily coin redemption of notes developed a banking system equal in most respects to the best the world has furnished.

It lacked only one element to make it practically perfect, so far as a sound and uniform currency was concerned, viz, the element of insurance by the establishment of a guaranty fund to protect the note holders.

The experience of that twenty years demonstrated the fact that the system was sounder in principle than that of to-day, for, while it would have taken twenty-two one-hundredths of 1 per cent tax per annum from 1863 down to 1902 to protect our present note issues, it would have taken only one-eighth of 1 per cent per annum to protect the note issues of the 504 New England banks from 1840 to 1860.

[a] The maximum limit to circulation was, in the early days of the New England banks, established by the State legislatures in the case of each individual bank and varied widely not only from State to State, but also among the different charters in the same State. The differences between charters granted in the same State had, however, for the most part been done away with before 1840, and between 1840 and 1860 the relation between circulation and capital was fixed in the New England States as represented in the annexed table:

Massachusetts	per cent of capital	125
Vermont, after 1840	do	200
New Hampshire, per cent of capital, less loans on pledge of the bank's stocks		100
Maine, to 1846:		
Banks with a capital of $50,000 or less	per cent of capital	100
Banks with a capital of from $50,000 to $150,000	do	75
Banks with a capital of more than $150,000	do	66⅔
Maine, after 1846	per cent of capital plus specie held	50
Connecticut:		
Before 1855	per cent of capital	150
1855-1858	do	125
After 1858	do	75
Rhode Island:		
Banks with capital of $50,000 or less	do	75
Banks with capital of $50,000 to $120,000	do	65
Banks with capital of $400,000 to $500,000	do	20
Rhode Island, after 1859	do	65

L. CARROLL ROOT.

THE ECONOMY OF A CREDIT CURRENCY OR ITS EFFECT ON INTEREST RATES.

Interest, like taxes, is a necessary evil, and the country wants as little of it as possible, for all interest is a tax on production.

If one system of currency will give to the borrowers, the toilers, the producers of our country lower rates of interest than any other, we should adopt it, because it will promote the general welfare, bringing the greatest good to the greatest number.

At the close of business December 10, 1901, there were deposited with the Government to secure circulation United States bonds amounting to $324,507,180.

It must be apparent that if this vast sum had not been invested in United States bonds the people would have had just that much more to borrow, or the banks just that much more to lend; and so great a sum would, in the nature of things, necessarily lower the rates of interest in the localities from which the bonds came. Again, let it be understood that if this $324,507,180 had not been loaned out directly, but held as a reserve against credit given to the people, the banks could have accommodated the people with loans amounting to at least four times $324,507,180, or $1,298,028,720—a sum nearly equal to one-half of all the loans and discounts of the national banks, the same being $2,818,288,346.45.

What effect it might have upon the price of wheat to add 250,000,000 bushels to the 522,229,505 bushels produced last year the consumers of bread may conjecture.

What effect it would have upon the price of cotton to add 5,000,000 bales to last year's production of 10,425,000 bales let every purchaser of cotton cloth conjecture.

During the whole thirty-nine years from 1863 to 1902 there has been withdrawn from the channels of trade and locked up in the vaults of the Treasury, in the form of United States bonds to secure national-bank notes, an average of $239,875,327 of capital, when it ought to have been serving the purposes of a reserve for more than a billion of credit every year.

If demand and supply control the price, certainly one billion of loanable funds on the market during the past forty years would have greatly affected the price of credit or the rates of interest.

If it be objected that in that event so much capital would not have gone into the banking business, the answer then is that the amount of dividends upon capital would have been correspondingly reduced and the borrower correspondingly benefited.

Not only has the locking up of this vast capital been a heavy burden upon commerce, but the currency produced by the system has been the most expensive possible, and in no sense responsive to the demands of trade.

First. It has been the most expensive kind of currency, because when a national bank exchanges $1,000 of its notes to-day for the $1,000 note of a customer it must charge interest upon $1,000 of capital, and in addition charge a certain sum for insuring the credit of the customer.

If, on the other hand, the bank could exchange its credit notes, which have cost it no more than a corresponding amount of deposits, the borrower would pay only for insuring his credit.

To illustrate: If capital is worth 4 per cent per annum and the average cost of insuring commercial credits is 2 per cent per annum, the rate of interest to the borrower in the former case must necessarily be 6 per cent, while in the latter case it should be only 2 per cent, or limited to the cost of insuring the credit.

Second. Our bond-secured currency has never been responsive to the demands of trade, but controlled absolutely by the profit or loss on the bonds. It was $320,200,069 in 1880, $122,928,084 in 1890, and $200,345,567 in 1899. To-day it is $323,863,597, and though our business is increasing daily, the banks are retiring their notes as fast as the law will permit, viz, at the rate of $3,000,000 per month.

The effect of such a system upon business is most disastrous, because we are constantly passing from an abundance, even a useless surplus, of these tools of commerce at one time to such periods of want of them at another as almost to constantly produce currency panics, a condition which is nothing more than a general fear that there will not be enough currency to carry on the legitimate business of the country.

Such a fear begets a general apprehension, and men who have been doing business on credit are compelled to respond in cash, which, because of our faulty system, has been growing scarcer, its unnatural decrease causing the trouble which a proper currency would absolutely prevent. Then follow acute liquidation, failures, ruin, and devastation of values, not because our people have not property, but because it can not be made available under our present system in times of panics and crises.

We do not want a currency dependent on a speculation in Government bonds and as expensive as the cost of capital and the insurance of credit will make it. We want a currency guaranteed by the six billions of liquid assets in our national banks, upon

which it is a first lien, and as cheap as the insurance alone of credits will make it.

Such was the currency of the Suffolk system from 1840 to 1860, regarding which the Connecticut bank commissioners, in 1844, commented as follows:

"It has been impossible for the banks of discount to find use for all their means in discounting good paper, and some, having the largest capital, have reduced the rate of discount, in a few instances, to 5, 4, and even 3 per cent."

Such, also, is the currency system of France, Germany, Scotland, Canada, and Australia to-day.

A BANK IS A CREDIT MERCHANT, OR A DEALER IN CREDITS.

Precisely as the individual, firm, or corporation that is buying and selling wheat is a grain merchant, or the one buying and selling cotton is a cotton merchant, so the individual banker, firm, or corporation engaged in banking is a credit merchant, or dealer in credits.

Let it be carefully noted that when a deposit of $1,000 is made with a bank, the bank has purchased that credit—or, perhaps, we should say, the use of that credit—of $1,000, and has paid a price for it.

This price may be any one of several things, or all of them put together.

First. Its safe-keeping, or protection against fire and robbery.

Second. The care of it and duty to pay out at any time all or any part of it in money, bank notes, drafts, or bills of exchange.

Third. To give its own credit, which is well known, in exchange for the credit of a customer, which may not be known at all.

Fourth. To allow a rate of interest on such deposit.

A bank having purchased the use of a large amount of credit upon these terms proceeds to sell credits to an amount equal to about three-fourths of all that it has purchased, because experience has proved during the past two hundred years that in all ordinary times, at least, a stock of convertible credits or cash amounting to about 25 per cent of what a bank owes is quite a sufficient supply to meet the demands of those who have sold credits to the bank.

It generally happens that those who sell credits to a bank are its best customers when the bank in turn has credits to sell. The deposits with the bank are made upon faith that it will return them. They are credits sold to the bank, and rest upon confidence. The sale of credits by the bank, or loans made to borrowers by the bank, rests upon confidence, and in the last analysis it is a question purely of confidence resting upon the honor of the borrower, and gives a truer and better expression to our exalted civilization than aught else. The banks of our country are owing the people nearly $9,000,000,000, and the people in turn are owing the banks more than $6,000,000,000, and the guaranty of each is American honor—the first and best asset of this Republic.

A bank is an essential element of our civilization, and the most potential factor in offering opportunities to the aspiring and capable in the neighborhood where it is located.

It collects all the fragments of inheritance, the savings of toil, the profits on production, and the scattered capital into one reservoir, from which men of enterprise and the natural captains of industry can draw to build larger factories, open new fields of employment, broaden the scope of possibility, and brighten the chance of achievement.

In each individual community the banks gather all the golden threads of thrift, and American genius, with the warp of energy, weaves them into the garments of prosperity.

What banks are constantly doing in this way for the people of each individual community they can do equally well for all the different communities and widely separated sections of our whole country, if we will only loose the bands that bind them hand and foot and permit them to engage as freely in their commercial pursuits as do the individuals, firms, and corporations engaged in all other lines of business.

Can anyone justify the limitation imposed to-day upon the right of a bank to have more than one place of business when no such restraint confines the operations of other mercantile pursuits?

Remove this unjust and unwise prohibition, and our banking system will automatically, without cost to the people, transmit the idle capital and unused credits from the sections where they are not temporarily needed to those parts where the demand is urgent and the rates of interest are high. (See Table C in Appendix.)

But it may be asked whether the banks are not doing just this thing to-day? Our answer is yes, to a degree and in a way, but with all the expense to the borrowers of capital—farmers and manufacturers—incident to the commissions of 12,000 middlemen, who are buying and selling the people's debts and making a profit upon every transfer of credit, and to that extent taxing the productive industries of the country and reducing the compensation of labor correspondingly.

It is simply a question for the more than 5,000,000 borrowers and the laborers upon the farms and in the factories, scattered all over this Republic, to decide whether they will buy their credit, or, in other words, borrow their money in the future at the wholesale rates of the great commercial centers, or to continue to pay retail prices, which vary from 2 per cent per annum in one locality to 2 per cent per month in another, averaging all around not less than 6 per cent, when it ought not to exceed 3.

Since the total amount of the commercial debt of the people is $6,491,630,743, as shown by the Comptroller's report, the interest paid by our producers must approach $400,000,000 annually, when, as matter of fact, it ought not to exceed $200,000,000, or an average rate all around of 3 per cent instead of 6.

Loans, capital, deposits, surplus, and undivided profits of each class of banks in geographical divisions, and in the United States on or about June 29, 1901 (from official and unofficial sources).

Location and character.	Number of banks.	Loans.	Capital.	Deposits.	Surplus.	Undivided profits.
United States:						
National banks	4,165	$2,981,053,588	$645,719,099	$3,035,662,506	$274,194,176	$142,545,642
State banks	5,204	1,214,106,759	271,085,198	1,637,564,351	105,627,395	45,188,942
Savings banks	1,007	1,219,740,360	18,681,405	2,518,599,536	185,858,754	30,309,636
Loan and trust companies	403	948,341,238	145,592,586	1,278,202,674	120,705,186	49,050,982
Private banks	2,193	128,388,798	56,963,846	149,256,043	7,079,584	3,760,051
Total	12,972	6,491,630,743	1,138,042,134	8,619,285,110	693,465,095	270,855,253

To your committee it seems obvious that the same course of reasoning that would justify the present prohibition upon banks, confining them in their operations to some one particular city, would compel the complete dismemberment of such great transportation companies as the Pennsylvania and New York Central railroads, for banks are only transportation companies, transmitting, through bills of lading and otherwise, credits which are the titles to the very same property that the railroads are transporting from one section of the country to another.

If by law we could and should cut one of these great trunk lines into as many fragments as there are counties between New York and Chicago, compelling the organization of as many independent lines as there are counties, with a full staff of highly paid officials, what effect would it have upon the present almost inconsequential charge of one-half a cent per ton per mile? Would it then be less than the disastrous and ruinous charge of 10 cents per ton per mile? What effect would such a freight charge have upon the price of cattle, corn, wheat, and cotton? What effect upon the price of the 10,000 manufactured articles which the different sections of our country are daily exchanging with each other as one of the necessary incidents of our complex and interdependent life?

But we should take no such backward step, even if we had the power.

The question is, Shall we not take this upward and onward step, now under consideration, by correspondingly cheapening and equalizing the cost of transporting the vast credit transactions of our country at present passing the $150,000,000,000 mark in a single year? Your committee thinks we should.

To the Hon. Cornelius A. Pugsley, a Democrat, and the Hon. Charles N. Fowler, a Republican, both members of your committee at the present time, Mr. George Pallain, the managing director of the Bank of France, stated last August that at every one of the branches of the Bank of France, located in all parts of the Republic, from the Mediterranean to the English Channel, there being at least one branch in each one of the 87 departments or counties, the rate of interest was absolutely the same. He informed them that the smallest tradesman on the Spanish border,

borrowing but $50; the well-to-do storekeeper of Calais, borrowing $500; the manufacturer of Lyons, borrowing $5,000; and the great merchant of Paris, borrowing $50,000, all paid the same rate of 2½ per cent.

Throughout Germany the rates of interest are practically the same at all of the 316 places where the Reichsbank does business.

Throughout Great Britain the rate varies but little, while in Australia and Canada, new and partially developed though they are, the variation in rates sometimes reaches the trifling difference of 1 and possibly 2 per cent, because of the great distances and expensive conditions.

On the 26th day of March the Hon. Joseph H. Walker, when appearing before your committee, took occasion to repeat some of the superficial, stock statements which are usually put forward by those who are utterly unfamiliar with this subject. He said in part:

"The putting of the local agent of a city bank in a place means that no independent local bank managed by its citizens can be established and maintained in the town, and if one is there it must go out of business.

"In times of stringency, loans or renewals will be refused.

"The customers of the country branch will be sacrificed to the necessity of the parent city bank.

"Our choice must be made between one great United States bank, with 10,000 branches, and 10,000 independent banks united together.

"While any five citizens anywhere who can get together $25,000 as a guaranty of the safety of their operation in banking can form an independent bank, there is no excuse for permitting branch banks."

Mr. Walker's statement in full was submitted for consideration and reply to E. S. Clouston, esq., president of the Canadian Bankers' Association and general manager of the Bank of Montreal, an institution with a capital surplus and undivided profits amounting to $20,000,000—one of the largest corporate banks in the world.

The following is Mr. Clouston's reply in full:

"LETTER FROM E. S. CLOUSTON, ESQ., GENERAL MANAGER OF THE BANK OF MONTREAL AND PRESIDENT OF THE CANADIAN BANKERS' ASSOCIATION.

"MONTREAL, *March 26, 1902.*

"MY DEAR SIR: I am favored with a copy of the views of the Hon. Joseph H. Walker on 'branch banks,' and note your request for specific replies thereto.

"I can only write from the point of view of a Canadian banker, and I am not prepared to say offhand that criticism of mine on Mr. Walker's remarks applies to the condition of affairs in the United States or that the branch-bank system of banking would be successful there, although I confess I should dearly like to make the attempt.

"Mr. Walker says, 'The authorization of branch banks is exceedingly bad economics' and 'still worse statesmanship.' Incidentally, he displays his preference for what he calls 'local independent institutions,' and he fails to find any justification for branch banks, apparently regarding the latter as a menace to the 'free banking system' of the United States. He also doubts the wisdom of permitting powerful city banks to establish branches in places containing a population of only 4,000 or less. The reasons advanced for his condemnation of a branch-bank system, which has been so eminently successful in Great Britain and the Dominion of Canada, are apt to raise a doubt in the minds of those familiar with that system whether he intends them to be taken seriously or whether they are only given with a view to bringing out the views on the opposite side. However, his evident unfamiliarity with the subject must be a sufficient excuse for a brief memorandum on a few points.

"The bank of Montreal has 50 branches established at all the principal points in the Dominion of Canada. The management of these branches is intrusted to officers who have been trained from boyhood in the service of this bank, and by the time they are ripe for the position of manager they should have acquired experience, ability, and a degree of wisdom which keeps them absolutely free from 'political consideration,' which Mr. Walker fears might influence their judgment in the conduct of the bank's business. I may say that, so far as I know, banking in Canada is entirely nonpolitical, and no official of the bank is permitted to take active part in politics, though he is allowed absolute freedom in voting. The chief desire of the country bank manager is to make his branch a source of profit to the parent institution, and as a rule the size and resources of that parent institution enable him to render more financial aid, *at a lower rate of interest*, to enterprises such as Mr. Walker mentions, viz., 'the street railway, the electric-light plants, the new factory, the new town hall, and better roads,' than the small local banks, formed by the few public-spirited citizens, who are more likely to further their own individual enterprises than those of the general community.

"Mr. Walker's fear that the customers of a country branch are in times of stringency sacrified to the necessity of the parent institution is also a phantom of his imagination, for the loans of a branch being less liquid, the knowledge of the difficulty of realizing them and the small proportion they bear to the whole amount leaves them practically undisturbed in the acutest panic, and their only knowledge of a stringency is imparted through the medium of newspaper articles.

"Equally fallacious is the statement that no 'independent local bank' can exist in a town after the establishment in that town of a branch of a larger bank. Many Canadian instances could be cited to prove the contrary, and local banks exist and flourish in the Dominion as next-door neighbors to branches of the largest banks in Canada.

"It is difficult to treat seriously the reference made to the necessity of a choice between one bank with 10,000 branches and 10,000 independent banks. There is no sign in Canada of the absorption by any one great bank of its rivals in business. The whole Dominion is dotted with branches of what Mr. Walker terms 'city banks.' These branches are established in agricultural, mining, ranching, and fishing districts, as well as the center of trade and manufacturing industries, and they all assist in accomplishing the purpose which Mr. Walker states local independent banks are alone qualified to effect. In fact, the branches of Canadian banks are doing the very work which he fears might be prevented were the same system introduced into the United States. They are putting within reach of those with no capital, but energy and enterprise, the capital of the wealthier classes.

"They economize capital. I quote from my annual address as president of the Canadian Bankers' Association:

"'A quarter of a century ago the paid-up capital stock of banks of Canada was $66,800,000. To-day it is $67,480,000, or practically the same amount. In the interval the "rest," or reserve profits, has risen by more than 50 per cent, and now stand at $36,900,000. We have therefore been able to conduct an immensely increased domestic and foreign trade upon a stationary bank capital stock, a result due to the excellence of our banking system, and affording crowning evidence of the adaptability of that system to the requirements of a young and growing country.'

"They equalize the rate of interest, and the establishment of a branch bank in a country town means that the borrower obtains his loans at a rate not much above the city borrower. In outlying districts, owing to difficulties of transport, increased cost of living, inferior security, there is sometimes a difference of 1 or 2 per cent.

"There can be no doubt, also, that to the depositor—a class that the Government aims to protect—the security of the bank with the large capitalization necessary to do the branch-bank business is much greater than the local bank with a petty capital of $25,000 or $50,000.

"At the head office, with larger experience, and freed from local influences and atmosphere, the executive is often better able to judge of the desirability of lending a proposed local enterprise, and, I do not hesitate to say, has frequently been the means of preventing serious losses to the small community by timely advice and warning.

"Much more might be said, but this letter has already run to greater length than I anticipated, and I must apologize for intruding on so much of your time.

"Yours, faithfully,

"E. S. CLOUSTON,
"*General Manager and President*
"*Canadian Bankers' Association.*

"CHAS. N. FOWLER, Esq.,
"*Chairman Committee on Banking and Currency,*
"*House of Representatives United States,*
"*Washington, D. C.*"

Your committee has no hesitation in asserting that sound reason on the one hand and the experience of the world on the other more than justify the proposed amendment to the national-banking law, authorizing national banks to have more than one place of business.

Such is the practice of every civilized country in the world, and many of our States extend the same privilege to their local institutions.

We submit that traditional prejudice and selfishness should give way to reason, experience, and the common interest of the whole people.

INTERNATIONAL BANKING.

Our exports last year were $1,897,755,657 and our imports $822,673,016, making a foreign trade aggregating $2,310,428,573,

which must constantly increase if we are to keep our men and mills working all the time.

We have already attempted to point out where a gain in interest rates could be made, which may, at no distant day, be the determining factor whether we shall increase our foreign trade or be actually driven from the markets of the world because our cost of credit, upon which almost everything is produced, is too high and makes our commodities too dear to successfully compete with our rivals, when the contest becomes fiercer, the strife hotter, and the survival of the fittest is the deadly ultimatum.

Hardly second to this consideration is the importance of having American men and American money engaged in the banking business all around the globe, wherever American goods can be sold, not only to secure a better foothold and advance American interests, but to route the goods over American shipping lines as the bills of lading are passing through American banks.

PUBLIC OR GOVERNMENT DEPOSITS.

If during the next three months the Government should collect twenty-five millions more than it spends, one hundred millions at least of the loans owed by the people to the banks must be paid.

In other words, every dollar to-day tied up in the United States Treasury results in withholding at least $4 of loanable funds from the people.

Your committee is of the opinion that the time has long since passed, if indeed it ever existed, when the operations of the United States Treasury should be a constant menace to the commercial interests, which involve, in a greater or less degree, every day's labor our people have to sell and every dollar they have to invest.

Our practice, through the forms of taxation, of abstracting from the channels of trade a certain portion of the reserve money every twenty-four hours, is a certain and deadly process, which, if pursued, must result in greater and greater contraction and end in disaster.

The relation between the collection and disbursement of the Government moneys and the commercial interests should be as natural and undisturbing as the inflow and outflow of the hundred millions annually required to carry on the government of New York City.

Nor will this problem be completely solved until every dollar the Government controls for its current use shall flow undisturbed in the arteries of trade, and the Government, like every municipality or corporate institution, shall cease to be a disturbing factor in the conduct of the business of the country. Therefore provision is made in the bill for the deposit of all the public moneys above $50,000,000 in the banks, in order that the people may have the use of it.

SUBSIDIARY COINAGE.

In a recent communication, Hon. George E. Roberts, Director of the Mint, made the following observations:

"The facts of the situation briefly stated are that, prior to the passage of the act of March 14, 1900, the total stock of subsidiary coin in the country was limited to $80,000,000, and by that act the limit was raised to $100,000,000. The demand for subsidiary coin during the past two years has been very heavy, and the total stock in the country is now nearly $92,000,000, almost all of which is outside the Treasury in active circulation.

"It seems quite probable that unless this Congress takes some action to again raise the limit, the entire amount authorized will be absorbed before another Congress can act, and the Treasury will be unable to meet the legitimate wants of trade. It is, therefore, of urgent importance that some measure be passed by the Fifty-seventh Congress, and, if practicable, during the present session, to relieve the situation. It scarcely need be said that nothing can be more annoying or embarrassing in business circles than to be unable to make change. There is no gainsaying or arguing against the demand for subsidiary coin. The business men call for it because they want it, and when they call for it are exceedingly annoyed if unable to obtain it. No reason exists why their needs should not be completely supplied, and it is unwise and inconsiderate to neglect the situation and not allow the Treasury to provide for their constantly growing requirements."

This statement discloses the fact that more subsidiary coin is much needed immediately, and every one at all familiar with the situation realizes that we have far too many silver dollars, both for the requirements of trade and the highest degree of confidence in the safety of the Treasury; therefore, your committee would stop the coinage of silver dollars at once, which is going on at the rate 1,500,000 every month, and use the balance of the bullion in the Treasury, which is now represented by Treasury notes outstanding, amounting to $35,247,000, to supply this most urgent demand for subsidiary coin.

Such a course will convert what is worse than useless, an actual burden, indeed a threatening danger, into much-needed tools or means for conveniently carrying on the business of the country.

Your committee would continue to coin from the legal-tender silver dollars all the subsidiary coin that the public will absorb; thus relieving the Treasury on the one hand and greatly benefiting trade on the other.

Caution and prudence suggest this course, and business requirements demand it.

OUR STANDARD MUST BE UNEQUIVOCAL.

In a recent report the Hon. E. J. Hill, of this committee, said, with truth:

"The purpose of the act of March 14, 1900, was to establish the gold standard in the United States, and to that end it made the dollar consisting of 25.8 grains nine-tenths fine the standard unit of value, and declared it to be the duty of the Secretary of the Treasury to maintain all forms of money at parity therewith, but it did not, aside from providing for the redemption of United States notes in gold, prescribe any method by which such parity should be maintained."

In a recent hearing before the Committee on Coinage, Weights, and Measures, the Hon. Lyman J. Gage, then Secretary of the Treasury, described the present situation as follows:

"It seems to me that the question which is involved in this bill is comparatively simple. The law now provides by declaration for the maintenance of the parity between the silver money and the gold money. And there is also an avenue provided which tends to maintain that parity through Government action. That avenue is one provided by the law, too, namely, that silver on the same basis as gold shall be receivable by the Government in the payment of all taxes and customs dues. Therefore, there is a method through which the silver dollars may be kept equivalent in value to the gold dollars.

"Now, because of the present stock of silver money, a large portion of which is absorbed in circulating among the people, the probabilities are that any returning volume of silver toward the centers, which will certainly set in, as Mr. White has described, in the time of dull trade, will find an avenue for practical redemption in this way. Bankers, finding themselves embarrassed, if they do find themselves embarrassed, at the centers with a surplus of silver as compared with gold, will cause it to be paid into the Treasury for excess taxes and customs dues and will retain their gold.

"Now, why will they do that instead of paying gold or silver indiscriminately at such a time? I think the reason that they will make that discrimination is that the Government itself in its legislation seems to avoid the direct responsibility that rests upon it to maintain the parity. All discussions and all statements and all expressions of desire by those who represent the Government to shuffle off upon the community the responsibility for silver affects the public mind with distrust.

"We ought not to be squeamish about meeting the parity in a square, straightforward manner. It is thus discredited more than the facts warrant, and if you ask the people of the United States to have perfect faith in the parity of these two metals and to treat one with all the respect and confidence accorded to the other, then the Government of the United States, that is responsible for the situation as it is, itself must set the example.

"Now, here is an illustration. The act of March 14 was passed. The House bill proposed to make the two metals exchangeable with each other at the Treasury. The Senate amended it. Why? That is the question that every financial man in the United States asks. Why? If you, the Government, are afraid, can you expect us to have more courage than you possess? Do you ask us to have confidence when you yourself will not lay down the basis of confidence? You complain all the time about the wicked money sharks and their discriminations against silver. They can and will answer: Cease to discriminate against it yourselves, and we will no longer discriminate.

"Nothing can rise higher than its source, and if your confidence is not good and you will not take all the responsibilities of the parity between silver and gold, do not expect the public to take the risk. They will decline to do it. Therefore, as long as these conditions exist, silver, when it accumulates at the money centers, will not be held for a time when it may be used and distributed again. The bankers will send it into the avenues of present redemption. The Government might just as well face that redemption at the front door as to delay until it must take it under the revenue laws at the back door."

Your committee herewith submits a statement, prepared by the Hon. Ellis H. Roberts, Treasurer of the United States, showing the revenues of the Government received at subtreasury offices and percentages of the kinds of money deposited, by fiscal years from 1889.

Statement showing the revenues of the Government and kinds of money deposited.

Fiscal year.	Revenues received at subtreasury offices.	Percentages of kinds of money deposited.		
		National bank, United States, and Treasury.	Gold coin and certificates.	Silver coin and certificates.
1889	$246,053,566	17.94	68.61	13.45
1890	251,846,033	16.77	72.32	10.91
1891	238,549,235	22.25	64.05	13.70
1892	191,926,330	54.90	26.86	18.24
1893	217,754,509	64.62	10.20	25.18
1894	157,934,761	36.94	20.28	42.78
1895	165,085,378	52.67	4.79	42.54
1896	173,383,744	52.88	4.09	43.03
1897	193,512,984	52.35	3.09	44.56
1898	194,982,090	52.54	15.69	31.77
1899	231,131,302	15.40	62.34	22.26
1900	259,570,737	12.13	68.64	19.23
1901	268,017,575	18	68.69	13.31
1902 (6 months)	136,589,275	11.76	80.30	7.94

It will be observed that in 1896, when the policy of the Government was in the balance, only 4 per cent of Government duties was paid in gold coin, 43 per cent being paid in silver coin and silver certificates, and the balance, 52 per cent, being paid in national-bank, United States, and Treasury notes; while to-day, the policy of the Government being to maintain the gold standard, 80 per cent of the revenues is paid in gold coin and gold certificates, 11 per cent in national-bank, United States, and Treasury notes, and the balance, or only 7 per cent, in silver and silver certificates.

This comparison of 1896 with 1902 will convince anyone that the Government can not escape its responsibility—even if it desired to do so—without either repealing the law by which it is now compelled to receive as dues its outstanding silver in some form or other or by an act of direct repudiation. These two ways of escape are equally dishonorable, and no one supposes for an instant that the Government will ever resort to either.

Since the Government put this vast bulk of silver—now amounting to $530,000,000—into circulation and received full value for every dollar of it, can anyone say that the Government has any moral right to compel any citizen to take a piece of this money, which is not intrinsically worth its face, in what it has established as the standard of value?

Can anyone, by any course of reasoning, show that the Government, as a matter of good faith and good morals, is bound to redeem a piece of fiat paper, representing no value whatever, such as the United States notes were, and yet is not bound to redeem its own obligation expressed in a silver dollar, for which it has received full value, because, forsooth, what? That it carries a value of 45 cents and the Government can compel the holder to carry the balance of 55 cents; or that the Government is broken and its Treasury is beggared?

Can anyone explain why the Government bound itself to redeem the Treasury notes, whose face value is about 80 cents in gold coin, and refused to honor its obligation of 55 cents in every silver dollar?

Can anyone reconcile the Government's position in undertaking to redeem its silver half, quarter, and 10-cent pieces, its nickels, and even its pennies in gold coin, with its persistent refusal to bravely meet its moral obligation and honor the silver dollar in the same way; especially since this obligation would be a legal one if the Government stood in the position of one of its private citizens, for then the proof would be forthcoming that the silver dollar was issued for actual and full value received?

If there is a government on this globe which would stand for absolute integrity and ideal honor that government is our own, and your committee believes that the time has long since passed when the good faith and possible conduct in a business transaction of the United States should be a subject of discussion and debate at every money center in the world and around every fireside within its own borders.

We do not believe that anyone, anywhere, should be justified in giving expression to that cowardly and evasive sentiment, "Well, it would seem as though the United States intended to maintain all its forms of money at a parity." But we believe that all men, everywhere, should rather give utterance to that courageous sentiment, born of duty and honor, "The United States does redeem every form of its plighted faith in gold coin."

To reduce the possible burden of assuming to pay out gold coin for silver dollars, if indeed not to eliminate it altogether, caution has been taken to absolutely remove the United States notes, amounting to $346,000,000; the national-bank notes, amounting to $325,000,000, and the Treasury notes, amounting to $35,000,000 from the obligations of the Treasury and to limit all the forms of paper currency to denominations of $10 and upward, reserving for the different forms of our silver money the entire field below the denomination of $10.

Your committee is of the opinion that these precautions, together with the fact that every dollar will hereafter be, not by an inference, an argument, or a practice, as good as every other dollar, but in truth the equivalent of 25.8 grains of gold, will forever end the suggestion of discrimination and danger that lurks in governmental cowardice and a studied attempt at evasion.

CONCLUSION.

Your committee is confident that should this measure become a law the following results would be assured:

First. An unequivocal and unquestioned gold standard.

Second. That the commerce of the United States will always have an adequate reserve in that standard.

Third. That the credit of the nation will no longer be threatened, nor the people taxed to protect it against assault.

Fourth. That the credit merchants or bankers will furnish gold for export, if it can be spared from the country, will protect it if it should be needed at home, and will purchase it if it be required to sustain commercial credit.

Fifth. That our paper currency will constantly adjust itself to trade and prove adequate under all circumstances but never redundant.

Sixth. That the rates of interest will be greatly reduced and so equalized throughout the whole country as to give all of our people, the farmer and the manufacturer, the same opportunity, practically, to obtain capital and on equal terms.

Seventh. That our enduring success in competing in the markets of the world will be assured, because we shall have a commercial rate of interest as low as the lowest of any rival.

Eighth. That we shall secure banking relations in all parts of the world, and thus furnish the most important means of building up an American merchant marine.

Ninth. That, all doubt with regard to our standard of value having been removed, we shall secure the complete confidence of all the nations of the earth, which is absolutely essential before we can hope to make New York, instead of London, the exchange market and consequently the commercial center of the world.

[H. R. 13363. Fifty-seventh Congress, first session.]

A bill to maintain the gold standard, provide an elastic currency, equalize the rates of interest throughout the country, and further amend the national-banking laws.

DIVISION OF BANKING AND CURRENCY.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be, and is hereby, created and established in the Treasury Department a division of banking and currency, which shall be in charge of a board consisting of three members, and shall take the place of and shall have, exercise, and enjoy all the powers and authority heretofore lawfully vested in the Comptroller of the Currency, and any other power and authority authorized by this act and shall be known as the board of control of banking and currency.

BOARD OF CONTROL.

The members of said board of control shall be appointed by the President, by and with the advice and consent of the Senate. The term of office shall be for a period of twelve years, except that the terms of the first three members shall be for twelve, eight, and four years, respectively. The member appointed for four years shall be known as the first comptroller and shall preside over the board of control, and the two remaining members shall be known as associate comptrollers, and thereafter that member of the board whose term next expires shall become the first comptroller.

The salary of each member of said board of control shall be $7,500 per annum, which shall be paid out of the taxes collected from the banks upon their note circulation; and the members of said board of control shall be removed only for cause stated in writing.

CURRENT REDEMPTION OF UNITED STATES NOTES.

SEC. 2. That if any national bank shall assume the current redemption, as hereinafter described, of an amount of United States notes equal to 20 per cent of its paid-up capital, it shall have the right, without depositing United States bonds as now provided by law—

TAX ON CIRCULATION.

First. To immediately take out for issue and circulate an amount of bank notes equal to 10 per cent of its paid-up capital, by paying a tax, on the first days of January and July of each year, of one-eighth of 1 per cent upon the average amount of such notes in actual circulation during the preceding six months.

Second. To take out for issue and circulate an amount of bank notes equal to 10 per cent of its paid-up capital at any time after the expiration of one year from the date of the assumption aforesaid; and it shall pay into the Treasury of the United States, on

the 1st days of January and July of each year, a tax of one-eighth of 1 per cent upon the average amount of such notes in actual circulation during the preceding six months.

TAX SHALL NOT BE INCREASED.

The foregoing taxes shall not be increased so long as said bank shall continue to currently redeem said United States notes, but whenever any United States notes the current redemption of which has been assumed by any national banking association shall be finally redeemed, as provided in subdivision 2 of section 11 hereof, such bank shall pay into the United States Treasury, on the 1st days of January and July of each year, a tax of five-eighths of 1 per cent upon the average amount of such notes in actual circulation during the preceding six months which it has been permitted to issue on account of the assumption of the current redemption of the United States notes thus paid, until all the United States notes the current redemption of which has been assumed by all the national banking associations shall have been finally paid, as provided in said subdivision 2 of section 11.

Third. To take out for issue and circulate an amount of bank notes equal to 10 per cent of its paid-up capital at any time after the expiration of two years from the date of the assumption aforesaid: and it shall pay into the Treasury of the United States, on the 1st days of January and July of each year, a tax of five-eighths of 1 per cent upon the average amount of such notes in actual circulation during the preceding six months.

Fourth. To take out for issue and circulate an amount of bank notes equal to 10 per cent of its paid-up capital at any time after the expiration of three years from the date of the assumption aforesaid; and it shall pay into the Treasury of the United States, on the 1st days of January and July of each year, a tax of five-eighths of 1 per cent upon the average amount of such notes in actual circulation during the preceding six months.

Fifth. To take out for issue and circulate an amount of bank notes equal to 10 per cent of its paid-up capital at any time after the expiration of four years from the date of the assumption aforesaid; and it shall pay into the Treasury of the United States, on the 1st days of January and July of each year, a tax of five-eighths of 1 per cent upon the average amount of such notes in actual circulation during the preceding six months.

Sixth. To take out for issue and circulate an amount of bank notes equal to 10 per cent of its paid-up capital at any time after the expiration of five years from the date of the assumption aforesaid; and it shall pay into the Treasury of the United States, on the 1st days of January and July of each year, a tax of five-eighths of 1 per cent upon the average amount of such notes in actual circulation during the preceding six months.

EMERGENCY CIRCULATION.

Seventh. With the approval of the board of control, to take out for issue and circulate an amount of notes equal to 20 per cent of its paid-up capital at any time after the expiration of six years from the date of the assumption aforesaid; but it shall pay into the Treasury of the United States, on the first days of January and July of each year, a tax of 1½ per cent upon the average amount of such notes in actual circulation during the preceding six months.

Eighth. With the approval of the board of control, to take out for issue and circulate an amount of notes equal to 20 per cent of its paid-up capital at any time after the expiration of seven years from the date of the assumption aforesaid; but it shall pay into the Treasury of the United States, on the first days of January and July of each year, a tax of 2½ per cent upon the average amount of such notes in actual circulation during the preceding six months.

FORM OF INDORSEMENT.

The manner and form of the assumption of the current redemption of the United States notes, as aforesaid, shall be as follows: Each note shall bear the indorsement:

"For value received, the National Bank of [city], [State], will currently redeem this note in gold coin until the same has been paid and canceled in accordance with the provisions of law."

Any notes so indorsed shall be a legal tender for all debts, public and private, except duties on imports and interest on the public debt, as heretofore, and upon presentation and demand be redeemed, as now, out of the issue and redemption division, and the bank which has assumed to currently redeem the same shall, immediately upon the demand of the Secretary of the Treasury, transmit to the Treasury an amount of gold coin equal thereto, and when received shall be paid into the issue and redemption division, and the notes shall then be returned to said bank.

SURRENDER OF UNITED STATES NOTES TO THE GOVERNMENT.

Whenever a national bank shall present any United States notes at the United States Treasury for indorsement, as aforesaid, it shall at the same time surrender to the United States Treasury an additional amount of United States notes equal to one-half of the United States notes presented for such indorsement and receive in exchange therefor gold coin; and the United States notes so redeemed shall not be reissued, but shall be canceled and destroyed.

WHEN BANKS SHALL NOT PAY OUT UNITED STATES NOTES.

SEC. 3. That when the national banks of the United States shall have assumed the current redemption of United States notes amounting in the aggregate to $130,000,000, and the United States has redeemed and canceled United States notes amounting to $65,000,000, no national bank shall thereafter pay out any United States notes the current redemption of which has not been assumed by some national bank, but shall return the same to the United States Treasury for redemption, and the Secretary of the Treasury shall redeem the United States notes so returned out of the gold coin in the issue and redemption division of the Treasury, and they shall not be reissued, but shall be canceled and destroyed. But it shall be the duty of the Secretary of the Treasury to maintain the reserve fund at an amount not less than 33⅓ per cent of the United States notes at any time outstanding.

GOVERNMENT SHALL NOT PAY OUT OR ISSUE ANY GOLD CERTIFICATES.

From and after the first presentation for redemption and cancellation of any United States notes in accordance with the provisions of this section, the Secretary of the Treasury shall not pay out or issue any gold certificates.

WHEN OTHER NATIONAL BANKS MAY TAKE OUT CIRCULATION.

SEC. 4. That after the national banks shall have assumed the current redemption of one hundred and thirty millions of United States notes, and the United States shall have redeemed, canceled, and destroyed sixty-five millions of United States notes, in accordance with section 2 of this act, any national bank which has not assumed the current redemption of any United States notes, as hereinbefore provided, may then take out an amount of circulation equal to 10 per cent of its capital, and from year to year thereafter additional amounts of circulation in accordance with the provisions of section 2 of this act; but upon the first 20 per cent of the total circulation to which it is entitled under this act it shall pay into the Treasury of the United States on the first days of January and July of each year five-eighths of 1 per cent upon the average amount of such notes in actual circulation during the preceding six months, and upon all such notes taken out for issue in excess of said 20 per cent the taxes prescribed in section 2 of this act.

GUARANTY FUND.

SEC. 5. That before any national bank shall receive any of the bank notes referred to in this act it shall first deposit in the Treasury of the United States, as a guaranty of the payment thereof, an amount of United States bonds or gold coin, or both, equal to five per cent of the amount of notes so taken out, and such deposit shall be counted as a part of the lawful reserve of said bank. The interest upon said bonds shall be paid to the bank so depositing them, and if said bank shall retire said circulation, or any portion thereof, an amount of bonds or gold coin, or both, equal to 5 per cent of the notes so retired, shall be returned to said bank: *Provided, however*, That if it should be necessary to sell said bonds for the purpose defined in section 11 of this act, the Secretary of the Treasury is hereby authorized to dispose of the same and use the proceeds in accordance with the provisions of law contained in said section.

NOTES SHALL BE FOR $10 OR MULTIPLES THEREOF.

SEC. 6. That all the bank notes taken out for issue in accordance with the provisions of this act shall be furnished by the United States at the expense of the respective banks issuing them, and shall be in denominations of $10 and multiples thereof.

NOTES SHALL BE FIRST LIEN—RECEIVABLE FOR DUES BY THE GOVERNMENT.

SEC. 7. That such notes shall be a first lien upon the assets of the respective banks issuing them, and shall be received upon deposit and for all purposes of debt or liability by every national bank at par and without any charge of whatsoever kind, and such notes shall be receivable for all public dues except duties on imports, and when so received may be paid out again.

UPON DEPOSIT OF LAWFUL MONEY BANK MAY ISSUE AT ONCE.

SEC. 8. That the total amount of circulating notes of all kinds of any national bank may equal, but shall not at any time exceed, the amount of its paid-up capital.

SEC. 9. That any national bank having notes outstanding to secure the payment of which United States bonds have been deposited may, upon the deposit of lawful money for the redemption of said notes, take out for circulation the notes provided for in this act, in the manner and at the times specified, without reference to the limitation of $3,000,000 each month prescribed in section 9 of the act approved July 12, 1882.

DEPOSIT OF PUBLIC MONEYS.

SEC. 10. That the Secretary of the Treasury is hereby authorized, in his discretion, to deposit all the money of the United States in

excess of $50,000,000, except that in the issue and redemption division of the Treasury, in national banks, upon the condition that said banks shall first deposit in the United States Treasury United States bonds equal in amount at par to the sum to be so deposited; and such banks shall, on the first days of January and July of each year, pay interest thereon to the United States at the rate of 1 per cent per annum upon the average balances of the preceding six months, but such banks shall not be required to hold any reserve against such deposits.

GUARANTY AND REDEMPTION FUND.

SEC. 11. That the United States bonds and the gold coin deposited by the banks in accordance with the provisions of section 5 of this act, all the money received for taxes upon all bank-note circulation (except that herein otherwise appropriated), and all the interest upon the deposits of the United States with national banks, when paid into the Treasury, shall be set aside and constitute a fund which shall be designated as the guaranty and redemption fund.

First. A fund to pay the circulating notes of any national bank outstanding at the time of its failure. But the United States Treasury shall recover from the assets of the failed bank an amount equal to its outstanding notes, and the same shall be paid into the guaranty and redemption fund.

Any national bank desiring to go into liquidation shall first pay into the guaranty and redemption fund an amount of gold coin equal to the amount of its notes then outstanding.

If said fund shall for any reason fall below an amount equal to 3 per cent of the total amount of the bank notes taken out in accordance with the provisions of this act, the board of control may impose an extraordinary tax, not exceeding 1 per cent in any one year, upon the amount of the notes at the time outstanding; but such extraordinary tax shall be refunded to the respective banks whenever such repayment shall not reduce said fund below an amount equal to 5 per cent of all the notes outstanding.

Second. A fund the accumulations of which in excess of an amount equal to 10 per cent of all the notes taken out of circulation under the provisions of this act shall be applied to the redemption for cancellation of those United States notes which the banks have assumed to currently redeem; but this redemption shall be in the inverse order of the assumption of their current redemption by the banks: *Provided*, That no such application of said fund shall be made as will reduce the same below $5,000,000.

REDEMPTION OF UNITED STATES NOTES IN CASE OF FAILURE OR LIQUIDATION OF NATIONAL BANK.

SEC. 12. That if any national banking association which has undertaken to currently redeem any United States notes as aforesaid shall fail or liquidate, such United States notes shall be redeemed by the Government out of the issue and redemption division, and shall not be reissued, but shall be canceled and destroyed; but as soon as the amount so paid out can be transferred from the guaranty and redemption fund to the issue and redemption division without reducing the same below an amount equal to 10 per centum of all the bank notes taken out in accordance with the provisions of this act, the same shall be done: *Provided*, That the amount in the guaranty and redemption fund shall in no case be reduced below $5,000,000.

WHEN BANKS SHALL NOT PAY OUT OR HOLD UNITED STATES NOTES.

SEC. 13. That no national bank, after notice in writing has been given that the United States is prepared and desires to redeem any particular United States notes whose current redemption has been assumed by any national bank, shall pay out or hold the same in its reserve, but shall forthwith return them to the Treasury for redemption.

AMOUNT OF TAXES AFTER UNITED STATES NOTES HAVE BEEN REDEEMED.

SEC. 14. That when all of the United States notes whose current redemption was assumed by national banks have been redeemed, canceled, and destroyed, or provision has been made for their redemption by depositing in the issue and redemption division an amount of gold coin equal to the amount of those notes still outstanding, in which case they shall be redeemed out of said fund, and shall not be reissued, but shall be canceled and destroyed, the taxes upon the bank notes taken out for issue in accordance with the provisions of this act shall thereafter be one-eighth of 1 per cent per annum upon the note circulation up to 60 per cent of the capital of the respective banks issuing it, and all the accumulation in said guaranty and redemption fund in excess of said 10 per cent shall be paid into the general fund of the Treasury.

FUND INVESTED IN UNITED STATES BONDS.

The Secretary of the Treasury is hereby authorized, in his discretion, to invest said guaranty and redemption fund invested in United States bonds.

SEC. 15. That the said board of control may grant charters to clearing houses running for twenty years, with such capital and powers to effect clearances between banks, bankers, trust companies, and other financial associations, and to do and perform such other business and service incident to clearing-house business as said board of control may approve.

CLEARING HOUSES MAY ISSUE GOLD CERTIFICATES.

And such clearing houses are hereby authorized to receive deposits of gold coin and to issue certificates therefor in denominations of not less than $20 each. The coin so deposited for or representing the certificates of deposit shall be retained by the respective clearing houses issuing the same for the payment of said certificates on demand. Said certificates shall be receivable for customs, taxes, and all public dues, and when so received may be paid out again; and such certificates when held by any national banking association may be counted as part of its lawful reserve. Such certificates shall be furnished by the Government at the expense of the respective clearing houses issuing them.

PENALTY FOR OVERISSUING GOLD CERTIFICATES.

Any person who shall knowingly issue or in any manner aid or be concerned in the issuance of any such clearing-house gold certificate or certificates when gold coin of the United States to the full amount thereof has not been deposited with such clearing house and remains therewith on deposit and not covered by outstanding clearing-house gold certificates shall be imprisoned at hard labor not less than five years and not more than twenty years.

PENALTY FOR COUNTERFEITING GOLD CERTIFICATES.

Every person who falsely makes, forges, or counterfeits, or causes or procures to be made, forged, or counterfeited, or willingly aids or assists in falsely making, forging, or counterfeiting, any clearing-house gold certificate, or who passes, utters, or publishes, or attempts to pass, utter, or publish, any false, forged, or counterfeited note purporting to be a gold certificate issued by a clearing house, knowing the same to be falsely made, forged, or counterfeited, or who falsely alters or causes or procures to be falsely altered, or willingly aids or assists in falsely altering any such clearing-house gold certificate, or passes, utters, or publishes, or attempts to pass, utter, or publish, as true any falsely altered or spurious clearing-house gold certificate issued or purporting to have been issued under this act, knowing the same to be falsely altered or spurious, shall be imprisoned at hard labor not less than five years nor more than fifteen years and fined not more than $1,000.

CLEARING-HOUSE DISTRICTS.

SEC. 16. That the said board of control shall divide the United States into clearing-house districts and each clearing-house district shall have one clearing-house city for all the bank notes issued by the banks located in said district, and every bank which has taken out circulation for issue in accordance with the provisions of this act shall belong to some particular district, and the notes so taken out shall bear in bold and clear figures the number of the district to which the bank issuing them belongs; but any national banking association may have an agency for the redemption of its bank notes in each of the clearing-house cities.

NOTES REDEEMED IN GOLD COIN, HOW AND WHERE.

SEC. 17. That the bank notes taken out for issue in accordance with the provisions of this act shall be redeemed on demand in gold coin at the home office of the bank issuing them, and if said bank is located outside of a clearing-house city it shall then select a national bank as its agent in the clearing-house city of the district to which it belongs, which shall upon demand redeem said notes in gold coin, or it may make said clearing house its agent for such redemption or for the transaction of any other business, and any money deposited at said clearing house by any national banking association for such purposes may be regarded as a part of its lawful reserve.

NOTES OUTSIDE THEIR OWN DISTRICT.

SEC. 18. That if any national bank shall receive such circulating notes of any other national bank located outside of its own district it shall not pay them out over its own counter, unless the bank of issue has an agency in said district for the redemption of said notes in gold coin, but shall forward them either to some bank in the district to which the notes belong or to the clearing house, or to some bank located in the clearing-house city of its own district, and then they shall be returned to the bank issuing them or to the clearing house or to some bank in the clearing-house city of the district to which the bank issuing them belongs, unless the bank of issue has in said district an agency for the redemption of its notes in gold coin.

WHEN UNITED STATES SHALL CEASE TO REDEEM NATIONAL-BANK NOTES NOW OUTSTANDING.

SEC. 19. That from and after the 1st day of July, 1907, all national-bank notes to secure the payment of which United States bonds have been deposited and which are being redeemed by the

United States Treasury shall be redeemed only at said clearing houses, or at national banks located in clearing-house cities, in accordance with the provisions of this act; and the United States shall not thereafter be held responsible for such redemption except in the case of the failure of any bank issuing them.

PLACES FOR DOING BUSINESS.

SEC. 20. That subdivision second of section 5134 of the Revised Statutes is hereby amended so as to read as follows:

"Second—Location: The places where its banking operations are to be carried on, designating the particular villages, towns, cities, counties, States, Territories, districts, possessions, and foreign countries.

CAPITAL OF $5,000,000 REQUIRED TO ESTABLISH BRANCHES IN FOREIGN COUNTRIES.

"Any national banking association may amend its articles of association with reference to the places where its banking operations are to be carried on upon the unanimous vote of its board of directors by and with the approval of the Board of Control of Banking and Currency: *Provided, however*, That authority to establish branches in the possessions of the United States and in foreign countries shall be given only to banks having a paid-up capital of not less than $5,000,000."

EVERY BANK MUST HAVE AN AGENCY FOR NOTE REDEMPTION WHERE IT HAS A PLACE FOR DOING BUSINESS.

SEC. 21. That every national banking association shall have an agency for the redemption of its notes in gold coin in the clearing-house city of every clearing-house district in which it has a place where its banking operations are carried on, and if there be no such clearing-house district established, then in the chief commercial city of the Territory, possession, or country.

TREASURY BULLION TO BE COINED IN SUBSIDIARY COIN.

SEC. 22. That the Secretary of the Treasury is hereby authorized to coin all the bullion in the Treasury into such denominations of subsidiary silver coin as he may deem necessary to meet public requirements, and thereafter, as public necessities may demand, to recoin silver dollars into subsidiary coin; and so much of any act as fixes a limit to the aggregate of subsidiary silver coin outstanding, and so much of any act as directs the coinage of any portion of the bullion purchased under the act of July 14, 1890, into standard silver dollars is hereby repealed.

SILVER CERTIFICATES MUST BE $5 AND UNDER.

From and after the passage of this act the Secretary of the Treasury shall not deliver to any national bank a note for issue of any lower denomination than $10, and shall not issue any silver certificates of greater denomination than $5, and silver certificates of higher denominations than $5 shall, whenever received at the Treasury or redeemed, be retired or canceled, and certificates of denominations of $5 or less shall be substituted therefor, and he is hereby directed to keep in the issue and redemption division an amount of gold coin equal to 5 per cent of the silver dollars at any time thereafter outstanding, and for that purpose he is authorized to transfer from the general fund to the issue and redemption division any gold coin therein.

PARITY MUST BE MAINTAINED.

The Secretary of the Treasury is hereby directed to maintain at all times at parity with gold the standard silver dollars of the United States; and to that end he is hereby authorized and required, at the demand of the holder, to exchange gold coin for standard silver dollars when presented to the Treasury of the United States in sums of $100 or any multiple thereof; and for the purpose of carrying out this provision the Secretary of the Treasury, when in his judgment there is not sufficient gold coin in the general fund of the Treasury to justify a further use of it for exchange for standard silver dollars, shall be authorized and required to employ any part of the reserve fund of gold coin established by section 2 of the act of March 14, 1900, entitled "An act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes," and the standard silver dollars received in the reserve fund in exchange for gold coin under the provisions of this act shall be held in said reserve and not paid out except in the manner provided in regard to United States notes in said section 2 of the act of March 14, 1900; and all provisions of law for the use and maintenance of said reserve fund relating to United States notes are hereby made applicable to standard silver dollars in said reserve fund.

PENALTY FOR BREACH OF LAW.

SEC. 23. That all powers granted by existing law to the Comptroller of the Currency and Treasurer of the United States in regard to the issue of notes to national banks, the collection of taxes and the infliction of penalties for noncompliance with law are hereby extended to the Board of Control of Banking and Currency in respect to bank notes authorized by this act, so far as such powers are not inconsistent with other provisions of this act; and all judicial processes authorized by existing law in regard to notes issued by national banks are hereby made applicable in regard to the bank notes herein authorized so far as they are not inconsistent with other provisions of this act.

If any national banking association violates any of the provisions of this act in reference to the redemption of United States notes it shall thereby, in the discretion of the Board of Control of Banking and Currency, forfeit all its rights, privileges, and franchises. Such violation shall be determined and adjudged as provided in section 5239 of the Revised Statutes.

SEC. 24. That all laws and parts of laws which are inconsistent with the provisions of this act are hereby repealed.

TABLE A.—*Profit on national-bank note circulation, $100,000 invested, March 15, 1902.*

PART 1.—It is assumed in this table that all the notes taken out are kept in circulation.

[– indicates loss.]

Bonds, par value.	Average circulation, 100 per cent.	Receipts.			Deductions.				Net receipts.	Interest on capital.	Profit on circulation.	
		Interest on circulation.	Interest on bonds.	Gross receipts.	Tax.	Expenses.	Sinking fund.	Total deductions.			Amount.	Per cent.
Money at 4 per cent.		*At 4 per ct.*								*At 4 per ct.*		
2's at 109½	$91,324.00	$3,652.96	$1,826.48	$5,479.44	$456.62	$62.50	$169.04	$688.16	$4,791.38	$4,000.00	$791.38	0.791
3's at 109½	91,533.00	3,661.32	2,745.99	6,407.31	915.33	62.50	1,172.71	2,150.54	4,256.77	4,000.00	256.77	0.257
4's at 113	88,495.00	3,539.80	3,529.80	7,079.60	884.95	62.50	1,963.31	2,910.76	4,168.84	4,000.00	168.84	0.169
U 4's at 139½	71,813.00	2,872.52	2,872.52	5,745.04	718.13	62.50	758.77	1,539.40	4,208.64	4,000.00	205.64	0.206
5's at 106	94,340.00	3,773.60	4,717.00	8,490.60	943.40	62.50	2,921.29	3,927.19	4,506.41	4,000.00	563.41	0.563
Money at 6 per cent.		*At 6 per ct.*								*At 6 per ct.*		
2's at 109½	91,324.00	5,479.44	1,826.48	7,305.92	456.62	62.50	120.72	639.84	6,666.08	6,000.00	666.08	0.666
3's at 109½	91,533.00	5,491.98	2,745.99	8,237.97	915.33	62.50	1,100.09	2,077.92	6,160.05	6,000.00	160.05	0.160
4's at 113	88,495.00	5,309.70	3,539.80	8,849.50	884.95	62.50	1,863.41	2,810.86	6,038.64	6,000.00	38.64	0.039
U 4's at 139½	71,813.00	4,307.78	2,872.52	7,181.30	718.13	62.50	582.13	1,362.76	5,818.54	6,000.00	– 181.46	–0.181
5's at 106	94,340.00	5,660.40	4,717.00	10,377.40	943.40	62.50	2,875.54	3,881.44	6,495.96	6,000.00	495.96	0.496
Money at 8 per cent.		*At 8 per ct.*								*At 8 per ct.*		
2's at 109½	91,324.00	7,305.92	1,826.48	9,132.40	456.62	62.50	34.45	603.57	8,528.83	8,000.00	528.83	0.529
3's at 109½	91,533.00	7,322.64	2,745.99	10,068.63	915.33	62.50	1,031.44	2,009.27	8,059.36	8,000.00	59.36	0.059
4's at 113	88,495.00	7,079.60	3,539.80	10,619.40	884.95	62.50	1,767.62	2,715.07	7,904.33	8,000.00	– 95.67	–0.096
U 4's at 137½	71,813.00	5,745.04	2,872.52	8,617.56	718.13	62.50	440.22	1,220.85	7,396.71	8,000.00	– 603.29	–0.603
5's at 106	94,340.00	7,547.20	4,717.00	12,264.20	943.40	62.50	2,828.23	3,834.13	8,430.07	8,000.00	430.07	0.430
Money at 10 per cent.		*At 10 per ct.*								*At 10 per ct.*		
2's at 109½	91,324.00	9,132.40	1,826.48	10,958.88	456.62	62.50	58.19	577.31	10,381.57	10,000.00	381.57	0.382
3's at 109½	91,533.00	9,153.30	2,745.99	11,899.29	915.33	62.50	965.45	1,943.28	9,956.01	10,000.00	– 43.99	–0.044
4's at 113	88,495.00	8,849.50	3,539.80	12,389.30	844.95	62.50	1,675.89	2,623.34	9,765.96	10,000.00	– 234.04	–0.234
U 4's at 139½	71,813.00	7,181.50	2,872.52	10,053.82	718.13	62.50	328.58	1,109.29	8,944.61	10,000.00	–1,055.39	–1.055
5's at 106	94,340.00	9,434.00	4,717.00	14,151.00	943.40	62.50	2,781.32	3,787.22	10,363.78	10,000.00	363.78	0.364

TABLE A.—*Profit on national-bank note circulation, $100,000 invested, March 15, 1902*—Continued.
PART 2.—It is assumed in this table that only half the notes taken out are kept in circulation.
[— indicates loss.]

Bonds, par value.	Average circulation, 50 per cent.	Receipts.			Deductions.				Net receipts.	Interest on capital.	Loss on circulation.	
		Interest on circulation.	Interest on bonds.	Gross receipts.	Tax.	Expenses.	Sinking fund.	Total deductions.			Amount.	Per cent.
Money at 4 per cent.		*At 4 p. cent.*								*At 4 p. cent.*		
2's at 109½	$45,662.00	$1,826.48	$1,826.48	$3,652.96	$456.62	$62.50	$169.04	$688.16	$2,964.80	$4,000.00	—$1,035.20	—1.035
3's at 109½	45,766.50	1,830.66	2,745.99	4,576.65	915.33	62.50	1,172.71	2,150.54	2,426.11	4,000.00	— 1,573.89	—1.574
4's at 113	44,247.50	1,769.90	3,539.80	5,309.70	884.90	62.50	1,963.31	2,910.76	2,398.94	4,000.00	— 1,601.06	—1.601
U 4's at 139½	35,906.50	1,436.26	2,872.52	4,308.78	718.13	62.50	758.77	1,539.40	2,769.38	4,000.00	— 1,230.62	—1.231
5's at 106	47,170.00	1,886.80	4,717.00	6,603.80	943.40	62.50	2,921.29	3,927.19	2,676.61	4,000.00	— 1,323.39	—1.323
Money at 6 per cent.		*At 6 p. cent.*								*At 6 p. cent.*		
2's at 109½	45,662.00	2,739.72	1,826.48	4,566.20	456.62	62.50	120.72	639.84	3,926.36	6,000.00	— 2,073.64	—2.074
3's at 109½	45,766.50	2,745.99	2,745.99	5,491.98	915.33	62.50	1,100.09	2,007.92	3,414.06	6,000.00	— 2,585.94	—2.586
4's at 113	44,247.50	2,654.85	3,539.80	6,194.65	884.95	62.50	1,863.41	2,810.86	3,383.79	6,000.00	— 2,616.21	—2.616
U 4's at 139½	35,906.50	2,154.39	2,872.52	5,026.91	718.13	62.50	582.13	1,362.76	3,664.15	6,000.00	— 2,335.85	—2.336
5's at 106	47,170.00	2,830.20	4,717.00	7,547.20	493.40	62.50	2,875.54	3,881.44	3,665.76	6,000.00	— 2,334.24	—2.334
Money at 8 per cent.		*At 8 p. cent.*								*At 8 p. cent.*		
2's at 109½	45,662.00	3,652.96	1,826.48	5,479.44	456.62	62.50	84.45	603.57	4,875.87	8,000.00	—3,124.13	—3.124
3's at 109½	45,766.50	3,661.32	2,745.99	6,407.31	915.33	62.50	1,031.44	2,009.27	4,398.04	8,000.00	—3,601.96	—3.602
4's at 113	44,247.50	3,539.80	3,539.80	7,079.60	884.95	62.50	1,767.62	2,715.07	4,364.55	8,000.00	—3,635.47	—3.635
U 4's at 137½	35,906.50	2,872.52	2,872.52	5,745.04	718.13	62.50	440.22	1,220.85	4,524.19	8,000.00	—3,475.81	—3.476
5's at 106	47,170.00	3,773.60	4,717.00	8,490.60	943.40	62.50	2,828.23	3,834.13	4,656.47	8,000.00	—3,343.53	—3.344
Money at 10 per cent.		*At 10 p. cent.*								*At 10 p. cent.*		
2's at 109½	45,662.00	4,566.20	1,826.48	6,392.68	456.62	62.50	58.19	577.31	5,815.37	10,000.00	—4,184.63	—4.185
3's at 109½	45,766.50	4,576.65	2,745.99	7,322.64	915.33	62.50	965.45	1,943.28	5,379.36	10,000.00	—4,620.64	—4.620
4's at 113	44,247.50	4,424.75	3,539.80	7,964.55	884.95	62.50	1,675.89	2,623.34	5,391.21	10,000.00	—4,658.79	—4.659
U 4's at 139½	35,906.50	3,590.65	2,872.52	6,463.17	718.13	62.50	328.58	1,109.21	5,353.96	10,000.00	—4,646.04	—4.646
5's at 106	47,170.00	4,717.00	4,717.00	9,434.00	943.40	62.50	2,781.32	3,787.22	5,646.78	10,000.00	—4,353.22	—4.353

TABLE B.

The number, capital stock, and national-bank notes outstanding (secured by bonds) of active national banks, by years, 1863-1901, inclusive.

The number of insolvent national banks, their capital stock, and national-bank notes outstanding, by years, 1863-1901, inclusive.

Number of insolvent national banks, the affairs of which have been finally closed, their capital stock, amount realized from assets, bonds (at par) held to secure circulation, and national-bank notes outstanding at date of failure, secured by bonds, by years, 1863-1901, inclusive.

Number of insolvent national banks, by years, whose circulating notes outstanding at date of failure were in excess of the amount realized from assets (eliminating bonds and premium), and percentage of such excess to circulation of active banks, by years.

Year.	ACTIVE BANKS.			ALL INSOLVENT NATIONAL BANKS.				INSOLVENT NATIONAL BANKS, THE AFFAIRS OF WHICH HAVE BEEN FINALLY CLOSED.									
	Number of banks.	Capital stock.	National-bank notes outstanding secured by bonds.	Number of failures.	Capital stock.	National-bank notes outstanding at date of failure secured by bonds.	Rate of tax on total national-bank notes each year sufficient to pay national-bank notes of failed banks of that year.	Number of banks.	Capital stock.	Amount realized from assets (dividends + offsets + loans paid after failure).	Par value of bonds held at date of failure.	Total value of assets and bonds.	National-bank notes outstanding secured by bonds.	Number of banks.	Excess circulation over assets (bonds out).	Per cent of circulation, active banks.
1863	66	$7,188,393														
1864	508	86,782,802	$45,260,505													
1865	1,513	393,157,206	171,321,903	1	$50,000	$44,000	.025	1	$50,000	$89,472	$50,000	$139,472	$44,000			
1866	1,644	415,472,369	280,253,818	2	500,000	265,000	.094	2	500,000	336,876	300,000	636,876	265,000	1	$68,721	.025
1867	1,642	420,073,415	293,887,941	7	1,370,000	928,900	.31	7	1,370,000	2,724,831	1,051,700	3,776,531	928,900	3	141,006	.048
1868	1,643	420,634,511	295,769,489	3	210,000	141,800	.947	3	210,000	297,453	160,000	457,453	141,800	1	6,642	.002
1869	1,617	426,399,151	293,593,645	2	300,000	174,700	.059	2	300,000	519,133	207,000	726,133	174,700	1	25,167	.009
1870	1,615	430,399,301	291,798,640													
1871	1,767	458,255,696	315,519,117													
1872	1,916	479,629,174	333,495,027	6	1,806,100	1,388,393	.41	6	1,806,100	3,820,382	1,559,000	5,379,382	1,388,393	1	41,396	.012
1873	1,976	491,072,616	339,081,799	11	3,825,000	2,522,100	.74	11	3,825,000	6,833,474	2,834,500	9,667,974	2,522,100	2	99,894	.029
1874	2,004	493,765,121	333,225,298	3	250,000	230,000	.069	2	200,000	177,203	206,000	383,203	185,000	2	54,451	.016
1875	2,088	504,829,769	318,350,379	5	1,000,000	268,791	.085	5	1,000,000	1,323,854	300,000	1,623,854	268,791	1	37,704	.012
1876	2,089	499,802,232	291,544,020	9	965,000	428,318	.15	9	965,000	1,208,047	510,000	1,718,047	452,900	[a]4	75,230	.026
1877	2,080	479,467,771	291,874,236	10	3,344,000	653,222	.22	10	3,344,000	4,684,748	862,000	5,546,748	653,222	[a]1	20,206	.007
1878	2,053	465,147,436	301,888,092	14	2,612,500	1,323,275	.44	13	1,862,500	3,192,030	831,800	4,023,830	724,885	[a]3	51,792	.017
1879	2,048	454,067,365	313,786,342	8	1,230,000	490,720	.16	8	1,230,000	1,408,549	640,000	2,048,549	490,720	1	5,406	.002
1880	2,090	457,553,985	317,350,036	3	700,000	449,500	.14	3	700,000	897,557	500,000	1,397,557	449,500			
1881	2,132	463,821,985	320,200,069													
1882	2,269	483,104,213	314,721,215	3	1,561,300	999,400	.32	3	1,561,300	4,395,018	1,111,000	5,506,018	999,400			
1883	2,501	509,699,787	310,517,857	2	250,000	106,000	.034	2	250,000	475,169	120,000	595,169	106,000			
1884	2,664	524,271,345	289,775,123	11	1,285,000	699,220	.28	11	1,285,000	6,455,066	793,500	7,248,566	699,220	[a]1	46,747	.016
1885	2,714	527,524,410	268,869,597	4	600,000	221,450	.08	4	600,000	3,338,881	362,500	3,701,381	221,450			
1886	2,852	548,240,730	228,662,610	8	650,000	328,385	.14	8	650,000	1,123,827	415,000	1,538,827	328,385	1	32,525	.014
1887	3,049	578,462,765	167,283,343	8	1,550,000	242,470	.14	7	550,000	750,303	170,000	920,303	152,450	1	10,426	.006
1888	3,140	592,621,656	151,702,809	8	1,900,000	262,080	.17	8	1,900,000	4,055,028	292,500	4,347,528	262,080			
1889	3,290	612,584,095	138,450,600	2	250,000	56,250	.044	2	250,000	679,539	62,500	742,039	56,250			
1890	3,540	650,447,235	122,928,084	9	750,000	165,990	.14	9	750,000	1,075,815	187,500	1,263,315	165,990			
1891	3,677	677,426,870	131,323,301	[a]25	3,622,000	654,095	.49	19	1,847,000	2,114,588	534,500	2,649,088	472,790			
1892	3,773	686,573,015	143,423,298	17	2,450,000	554,070	.39	16	2,400,000	10,748,062	599,250	11,347,312	542,820			
1893	3,781	678,540,388	182,959,725	[b]65	10,935,000	1,849,520	1.01	40	5,760,000	10,498,052	1,171,250	11,669,302	1,041,950	1	17,147	.009
1894	3,755	668,861,847	172,331,978	21	2,770,000	616,860	.36	13	1,525,000	1,583,339	368,800	1,952,139	329,730			
1895	3,712	657,135,498	182,481,610	[a c]36	5,235,020	934,930	.51	22	2,235,020	2,561,474	528,750	3,090,224	477,030	1	3,942	.002
1896	3,676	648,540,325	209,944,019	27	3,805,000	785,595	.37	13	870,000	890,640	218,000	1,108,640	194,650			
1897	3,610	631,488,095	198,920,670	[a]38	5,851,500	1,170,138	.59	21	2,600,000	4,277,276	575,500	4,852,776	505,280	2	17,833	.009
1898	3,585	621,517,895	194,483,765	[a]7	1,200,000	261,700	.13	4	600,000	769,384	237,500	1,006,884	197,360	[a]1	7,130	.004
1899	3,595	605,772,970	200,345,567	12	850,000	212,340	.10	4	350,000	303,063	125,000	428,063	112,500	1	17,650	.009
1900	3,871	630,299,030	283,948,631	6	1,800,000	162,000	.058	1	200,000	2,248,423	50,000	2,298,423	45,000			
1901	4,221	655,341,880	323,863,597	[a]11	1,760,000	1,132,950	.35	1	50,000	58,376	50,000	108,376	50,000			
			9,355,137,754	404	67,237,420	20,723,162		290	43,595,920	85,914,932	17,985,050	103,899,982	15,650,206	30	781,015	.008
Annual average circulation outstanding			239,875,327			[d]531,363	[e].22								[f]20,026	

[a] One bank restored to solvency.
[b] Eleven banks restored to solvency.
[c] Two banks restored to voluntary liquidation.
[d] Annual average amount failed national-bank notes outstanding.
[e] Annual average rate of tax.
[f] Average, thirty-nine years.

TABLE C.—*Amount of loans and discounts; average rates of interest received on same by national and other banks reporting that information on June 30, 1899.*

[From Table No. 65, page 485, Comptroller's Report, 1899.]

States and reserve cities.	National banks.			State and private banks.			Loan and trust companies.			Savings banks.		
	Number of banks reporting.	Amount of loans and discount.	Interest received on loans, etc.	Number of banks reporting.	Amount of loans and discounts.	Interest received on loans, etc.	Number of banks reporting.	Amount of loans and discounts.	Interest received on loans, etc.	Number of banks reporting.	Amount of loans and discounts.	Interest received on loans, etc.
Maine	62	$18,723,939	5.8	1	$81,613	6	9	$2,008,549	5.8	35	$8,936,153	5.5
New Hampshire	40	8,543,652	5.4							33	21,047,352	5
Vermont	36	9,221,528	5.9				12	6,649,607	5.7	18	14,298,974	5.8
Massachusetts	156	79,338,798	5	2	600,977	6.5	12	7,235,969	4.7	117	188,915,035	4.7
Boston	27	120,814,720	4.2				7	26,649,588	3.7	10	67,012,213	4
Rhode Island	42	22,459,605	4.5	1	225,500	6	2	214,158	5	13	12,127,063	5.1
Connecticut	49	28,568,909	5	2	54,079	5.7	4	446,820	5.8	51	58,846,243	4.9
Total New England States	412	287,671,151	4.7	6	962,169	6.3	46	43,204,691	4.3	277	371,183,033	4.7
New York	192	66,814,960	5.7	79	35,235,632	6	10	12,049,228	5.2	46	76,844,420	4.8
New York	33	379,987,402	4.2	8	17,844,060	5	18	129,196,358	4.3	17	162,236,990	4.6
Albany	4	6,674,094	4.7	1	1,107,277	6				5	15,409,958	4.6
Brooklyn	2	5,654,251	4	10	5,207,104	4.8	6	21,286,754	4.1	13	50,897,960	4.8
New Jersey	73	41,434,916	5.1	8	3,696,850	5.5	13	12,257,096	5	18	20,221,054	5
Pennsylvania	260	82,383,044	5.6	39	7,981,199	5.9	21	10,630,811	5.6	17	7,188,205	6.5
Philadelphia	27	95,111,266	4.2	3	14,656,881	3.7	23	33,883,057	4.3	5	57,913,835	3.9
Pittsburg	22	39,783,700	5.5	5	5,612,641	5.4	6	8,582,150	5.2	9	11,320,767	5.8
Delaware	15	4,845,868	5.3				2	1,221,637	5.1	1	470,175	5.2
Maryland	41	9,467,320	5.4	9	787,333	5.6				9	2,292,502	5.9
Baltimore	11	17,679,607	4.9	4	3,612,655	5.1				11	5,624,889	4.8
District of Columbia (Washington)	7	5,246,964	5.3				2	5,656,429	4.6	1	71,016	6
Total Eastern States	687	755,087,392	4.7	166	95,741,632	5.2	101	234,753,500	4.5	152	410,491,721	4.6
Virginia	23	8,672,371	6.1	29	4,286,734	6.4	5	1,455,513	6.3	5	2,168,062	5.8
West Virginia	21	5,837,327	6.5	27	3,327,793	6.4						
North Carolina	11	2,490,542	6.5	22	1,847,637	6.5						
South Carolina	9	2,893,354	7.3	1	100,000	8						
Georgia	15	5,142,496	7.2	33	5,487,776	7.7						
Savannah	1	576,451	6									
Florida	12	2,089,230	8.6	10	620,237	8.1						
Alabama	17	3,723,785	7.9	11	564,485	10.3						
Mississippi	9	1,941,934	8.4	25	2,253,750	9.2				4	387,759	8.5
Louisiana	2	183,786	8	16	874,325	8.8						
New Orleans				3	2,537,973	5						
Texas	90	21,346,376	9.8	19	1,952,465	10.8						
Houston	2	1,630,404	7.8									
Arkansas	3	702,011	10.3	24	1,481,707	9						
Kentucky	41	13,774,234	6.4	43	6,387,902	7.3	3	807,587	7.1			
Louisville	5	5,599,388	5.6	3	2,768,276	6.1						
Tennessee	21	9,792,738	6.2	21	1,135,376	8.3	5	872,028	7.7	3	481,737	7.4
Total Southern States	282	86,396,427	7.4	287	35,626,436	7.4	13	3,135,128	6.9	12	3,037,558	6.4
Ohio	143	42,848,002	6.3	74	9,334,456	6.7				28	8,574,676	6.2
Cincinnati	8	14,105,432	4.2	4	1,582,930	5.9				14	18,856,377	5
Cleveland	10	28,123,355	5.4	3	1,065,764	6.4	3	6,054,623	5.7			
Indiana	78	21,543,379	7.1	95	8,259,851	7.4						
Indianapolis	3	5,326,703	6.1									
Illinois	131	36,919,703	6.3	132	12,527,546	6.3				13	6,039,002	6
Chicago	11	91,297,879	4.4	6	5,149,231	5	3	43,762,332	4.5			
Michigan	51	23,351,790	6.2	78	10,502,564	5.5				43	9,109,387	6.4
Detroit	6	13,968,270	4.9							7	23,473,912	5.5
Wisconsin	52	18,580,796	5.9	136	17,263,937	6.3				5	1,432,096	5.7
Milwaukee	4	20,755,633	4.8									
Minnesota	37	11,496,627	6.8	120	8,221,429	8.2						
St. Paul	4	8,973,228	5.2	2	1,200,472	5.5				1	481,366	5.8
Minneapolis	5	12,962,245	4.9	3	1,138,299	6.5						
Iowa	109	25,862,421	7.1	190	16,273,142	7.7	6	9,186,882	6.6	89	20,180,072	6.2
Des Moines	1	1,139,663	5.7									
Missouri	39	6,452,620	7.4	276	15,956,328	7.9				20	1,783,283	8
St. Louis	5	41,815,314	5.2	6	4,405,912	5.8	3	13,303,794	5.6			
Kansas City	3	13,612,743	6.1	3	682,699	6.9						
St. Joseph	2	2,435,205	6.2	4	4,978,700	6.2						
Total Middle States	702	441,571,010	5.8	1,132	118,563,260	6.8	15	72,307,831	5.6	220	89,927,171	6.1
North Dakota	19	3,604,476	9.7	39	1,233,295	10.9						
South Dakota	19	2,626,375	9	72	2,589,326	10.5						
Nebraska	59	8,465,701	8.7	219	9,970,974	9.6				6	289,093	7.8
Omaha	6	8,185,366	6.9									
Kansas	77	17,780,803	8.5	190	8,768,109	9.7				5	415,000	7.3
Montana	11	5,520,903	10.3	10	1,744,655	10						
Wyoming	8	1,569,994	11.2	11	1,045,691	11.4						
Colorado	20	9,036,782	9.1	17	914,017	10.5						
New Mexico	5	1,932,922	10.9	4	340,945	10.7						
Oklahoma	6	573,566	14.4	25	792,731	16.3				4	340,945	10.7
Indian Territory	11	1,449,663	10.3	7	209,589	10						
Total Western States	241	60,746,551	8.9	594	27,609,332	10.1				15	1,045,038	8.5
Washington	24	6,193,634	10	14	1,731,481	9.7						
Oregon	21	3,083,664	9.2	8	362,420	9.4						
Portland	4	2,942,437	7.5	1	37,000	10						
California	24	9,971,579	7.2	90	20,519,922	7.1	6	5,531,017	5.8	24	13,838,671	7.2
San Francisco	2	6,329,048	5.2	5	16,251,639	6				6	62,282,747	5.9
Idaho	3	385,108	9.6	5	312,541	12						
Utah	8	2,206,812	9	5	579,041	9.6				6	1,323,242	7.9
Nevada	1	300,020	8	1	39,210	12						
Arizona	5	1,244,115	10.4									
Alaska	1	44,017	10									
Total Pacific States	93	32,700,434	7.8	129	38,833,255	7.3	6	5,531,017	5.8	36	77,423,660	6.2
Total United States	2,417	1,664,172,965	5.3	2,314	318,336,084	6.7	181	358,932,167	4.6	712	953,108,181	4.9

APPENDIX B.

Statement of the specie and bank-note circulation of the United States in the years specified from 1800 to 1859, with amount of circulation per capita.

Year.	Number of banks and branches.	Estimated bank notes outstanding.	Estimated specie in United States.	Total money in United States.	Specie in Treasury.	Money in circulation.	Population.	Per capita.
1800		$10,500,000	$17,500,000	$28,000,000	*$1,500,000	$26,500,000	5,308,483	$4.99
1810		28,000,000	30,000,000	58,000,000	*3,000,000	55,000,000	7,239,881	7.60
1820		44,800,000	24,300,000	69,100,000	*2,000,000	67,100,000	9,633,822	6.96
1830		61,000,000	32,100,000	93,100,000	5,755,705	87,344,295	12,866,020	6.69
1831		77,000,000	32,100,000	109,100,000	6,014,540	93,085,460	13,221,000	7.04
1832		91,500,000	30,400,000	121,900,000	4,502,914	117,397,086	13,590,000	8.64
1833		91,500,000	30,650,000	122,150,000	2,011,778	120,138,222	13,974,000	8.60
1834	506	94,839,570	41,000,000	135,839,570	11,702,905	124,136,665	14,373,000	8.64
1835	704	103,692,495	51,000,000	154,692,495	8,892,858	145,799,637	14,786,000	9.86
1836	713	140,301,038	65,000,000	205,301,038	*5,000,000	200,301,038	15,213,000	13.17
1837	788	149,185,890	73,000,000	222,185,890	*5,000,000	217,185,890	15,655,000	13.87
1838	829	116,138,910	87,500,000	203,638,910	*5,000,000	198,638,910	16,112,000	12.33
1839	840	135,170,995	87,000,000	222,170,995	2,466,962	219,704,033	16,584,000	13.26
1840	901	106,968,572	83,000,000	189,968,572	3,663,084	186,305,488	17,069,453	10.91
1841	784	107,290,214	80,000,000	187,290,214	987,345	186,302,869	17,591,000	10.59
1842	692	83,7 4,011	80,000,000	163,734,011	230,484	163,503,527	18,132,000	9.02
1843	691	58,563,608	90,000,000	148,563,608	1,449,472	147,114,136	18,694,000	7.87
1844	696	75,167,646	100,000,000	175,167,646	7,857,380	167,310,266	19,276,000	8.68
1845	707	89,608,711	96,000,000	185,608,711	7,658,306	177,950,405	19,878,000	8.95
1846	707	105,552,427	97,000,000	202,552,427	9,126,439	193,425,988	20,500,000	9.43
1847	715	105,519,766	120,000,000	225,519,766	1,701,251	223,818,515	21,143,000	10.59
1848	751	128,506,091	112,000,000	240,506,091	8,101,353	232,404,738	21,805,000	10.66
1849	782	114,743,415	120,000,000	234,743,415	2,184,964	232,558,451	22,489,000	10.34
1850	824	131,366,526	154,000,000	285,366,526	6,604,544	278,761,982	23,191,876	12.02
1851	879	155,165,251	186,000,000	341,165,251	10,911,646	330,253,605	23,995,000	13.76
1852		171,673,000	204,000,000	375,673,000	14,632,136	361,040,864	24,802,000	14.63
1853		188,181,000	236,000,000	424,181,000	21,942,893	402,238,107	25,615,000	15.80
1854	1,208	204,689,207	241,000,000	445,689,207	20,137,967	425,551,240	26,433,000	16.10
1855	1,307	186,952,223	250,000,000	436,952,223	18,931,976	418,020,247	27,256,000	15.34
1856	1,398	195,747,950	250,000,000	445,747,950	19,901,325	425,846,625	28,083,000	15.16
1857	1,416	214,778,822	260,000,000	474,778,822	17,710,114	457,068,708	28,916,000	15.81
1858	1,422	155,208,344	260,000,000	415,208,344	6,398,316	408,810,028	29,753,000	13.78
1859	1,476	193,306,818	250,000,000	443,306,818	4,339,276	438,967,542	30,596,000	14.35

*Specie in Treasury estimated.

Statement showing the coin and paper circulation of the United States on June 30, from 1860 to 1901, inclusive.

Year.	Coin in United States, including bullion in Treasury.			United States notes and bank notes.	Total stock of money in United States.	Coin, bullion, and paper money in Treasury as assets.	Total money in circulation.	Population.	Money in United States per capita.	Circulation per capita.
	Gold.	Silver.	Total coin.							
1860	No data.	No data.	$235,000,000	$207,102,477	$442,102,477	$6,695,225	$435,407,252	31,443,321	$14.06	$13.85
1861	No data.	No data.	250,000,000	202,005,767	452,005,767	3,600,000	448,405,767	32,064,000	14.09	13.98
1862	$20,000,000	$5,000,000	25,000,000	333,452,079	358,452,079	23,754,335	334,697,744	32,704,000	10.96	10.23
1863	20,000,000	5,000,000	25,000,000	649,867,283	674,867,283	79,473,245	595,394,038	33,565,000	20.23	17.84
1864	20,000,000	5,000,000	25,000,000	680,588,067	705,588,067	35,946,589	669,641,478	34,046,000	20.72	19.67
1865	20,000,000	5,000,000	25,000,000	745,129,755	770,129,755	55,426,760	714,702,995	34,748,000	22.16	20.57
1866	20,000,000	5,000,000	25,000,000	729,327,254	754,327,254	80,830,010	673,488,244	35,469,000	21.27	18.99
1867	20,000,000	5,000,000	25,000,000	703,200,612	728,200,612	66,208,543	661,992,069	36,211,000	20.11	18.28
1868	20,000,000	5,000,000	25,000,000	691,553,578	716,553,578	36,449,917	680,103,661	36,973,000	19.38	18.39
1869	20,000,000	5,000,000	25,000,000	690,351,180	715,351,180	50,898,289	664,452,891	37,756,000	18.95	17.60
1870	20,000,000	5,000,000	25,000,000	697,868,461	722,868,461	47,655,667	675,212,794	38,558,371	18.73	17.50
1871	20,000,000	5,000,000	25,000,000	716,812,174	741,812,174	25,923,169	715,889,005	39,555,000	18.75	18.10
1872	20,000,000	5,000,000	25,000,000	737,721,565	762,721,565	24,412,016	738,309,549	40,596,000	18.70	18.19
1873	20,000,000	5,000,000	25,000,000	749,445,610	774,445,610	22,563,801	751,881,809	41,677,000	18.58	18.04
1874	20,000,000	5,000,000	25,000,000	781,024,781	806,024,781	29,941,750	776,083,031	42,796,000	18.83	18.13
1875	20,000,000	5,000,000	25,000,000	773,273,509	798,273,509	44,171,562	754,101,947	43,951,000	18.16	17.16
1876	20,000,000	32,418,734	52,418,734	738,264,550	790,683,284	63,073,896	727,609,388	45,137,000	17.52	16.12
1877	20,000,000	45,837,506	65,837,506	697,216,341	763,053,847	40,738,964	722,314,883	46,353,000	16.46	15.58
1878	20,000,000	82,047,907	102,047,907	687,743,069	789,790,976	60,658,342	729,132,634	47,598,000	16.59	15.32
1879	245,741,837	111,526,341	357,268,178	676,372,713	1,033,640,891	215,009,698	818,631,193	48,866,000	21.15	16.75
1880	351,841,206	142,522,678	494,363,884	691,186,443	1,185,550,327	212,168,099	973,382,228	50,155,783	23.63	19.41
1881	478,484,538	169,384,144	647,868,682	701,723,691	1,349,592,373	235,354,254	1,114,238,119	51,316,000	26.29	21.71
1882	506,757,715	197,217,124	703,974,839	705,423,050	1,409,397,889	235,107,470	1,174,290,419	52,495,000	26.84	22.37
1883	542,732,063	227,007,985	769,740,048	702,754,297	1,472,494,345	242,188,649	1,230,305,696	53,693,000	27.42	22.91
1884	545,500,797	255,568,142	801,068,939	686,180,899	1,487,249,838	243,323,869	1,243,925,969	54,911,000	27.08	22.65
1885	588,697,036	283,478,787	872,175,823	665,257,727	1,537,433,550	244,864,935	1,292,568,615	56,148,000	27.38	23.02
1886	590,774,461	312,252,843	903,027,304	658,380,470	1,561,407,774	308,707,249	1,252,700,525	57,404,000	27.20	21.82
1887	654,520,325	352,993,566	1,007,513,901	625,898,804	1,633,412,705	315,873,562	1,317,539,143	58,680,000	27.83	22.45
1888	705,818,855	386,572,835	1,092,391,690	599,049,337	1,691,441,027	319,270,157	1,372,170,870	59,974,000	28.20	22.88
1889	680,063,505	420,548,929	1,100,612,434	558,059,979	1,658,672,413	278,310,764	1,380,361,649	61,289,000	27.06	22.52
1890	695,563,029	456,908,609	1,152,471,638	532,651,791	1,685,123,429	255,872,159	1,429,251,270	62,622,250	26.90	22.82
1891	643,582,852	466,373,785	1,112,956,637	564,837,407	1,677,794,044	180,353,337	1,497,440,707	63,947,000	26.23	23.42
1892	664,275,335	466,866,925	1,131,142,260	621,076,937	1,752,219,197	150,872,010	1,601,347,187	65,191,000	26.80	24.56
1893	597,697,685	468,525,672	1,066,223,357	672,585,115	1,738,808,472	142,107,227	1,596,701,245	66,456,000	26.16	24.03
1894	627,203,201	471,665,540	1,098,868,741	706,120,220	1,805,078,961	144,270,253	1,660,808,708	67,740,000	26.64	24.52
1895	636,256,023	478,643,083	1,114,899,106	704,460,451	1,819,359,557	217,391,084	1,601,968,473	69,043,000	26.35	23.20
1896	599,537,964	498,012,226	1,097,610,190	702,364,843	1,799,975,033	293,540,967	1,506,434,066	70,365,000	25.58	21.41
1897	696,239,016	517,541,273	1,213,780,289	692,216,330	1,905,996,619	265,787,100	1,640,209,519	71,704,000	26.58	22.87
1898	861,514,780	536,271,189	1,397,785,969	675,788,473	2,073,574,442	235,714,547	1,837,859,895	73,060,000	28.38	25.15
1899	963,498,384	545,045,354	1,508,543,738	681,550,167	2,190,093,905	286,022,024	1,904,071,881	74,433,000	29.42	25.58
1900	1,034,384,444	572,967,769	1,607,352,213	732,348,460	2,339,700,673	284,549,675	2,055,150,998	76,295,220	30.66	26.94
1901	1,124,639,062	610,222,712	1,734,861,774	748,285,518	2,483,147,292	307,760,015	2,175,387,277	77,754,000	31.93	27.98
1902 (April 1)	1,178,540,790	629,531,249	1,808,072,039	738,120,423	2,546,192,462	294,145,105	2,252,047,357	78,777,000	32.32	28.59

NOTE 1.—Specie payments were suspended from January 1, 1862, to January 1, 1879. During the greater part of that period gold and silver coins were not in circulation except on the Pacific coast, where, it is estimated, the specie circulatien was generally about $25,000,000. This estimated amount is the only coin included in the above statement from 1862 to 1875, inclusive.

NOTE 2.—In 1876 subsidiary silver again came into use, and is included in this statement, beginning with that year.

NOTE 3.—The coinage of standard silver dollars began in 1878, under the act of February 28, 1878.

NOTE 4.—Specie payments were resumed January 1, 1879, and all gold and silver coins, as well as gold and silver bullion in the Treasury, are included in this statement from and after that date.

NOTE 5.—For redemption of outstanding certificates an exact equivalent in amount of the appropriate kinds of money is held in the Treasury, and is not included in the account of money held as assets of the Government.

NOTE 6.—This table represents the circulation of the United States as shown by the revised statements of the Treasury Department for June 30 of each of the years specified.

APPENDIX C.

Number of free white males over 15 years of age in the United States in 1850, engaged in some occupation, by industries in which engaged.

[Compiled from report of United States Census, 1850.]

Agriculture	2,435,282
Domestic and personal services	980,159
Fisheries	11,249
Manufacturing and mechanical industries	1,183,969
Mining	82,290
Professional	159,651
Trade	295,322
Transportation	159,646
Students	42,149
Unknown	22,159
Total	5,371,876

Number of persons in the United States in 1860, engaged in some occupation, by industries in which engaged.

[Compiled from report of United States Census, 1860.]

Agriculture	3,401,222
Domestic and personal services	1,689,558
Fisheries	26,755
Manufacturing and mechanical industries	1,829,872
Mining	158,157
Professional	329,052
Trade	492,120
Transportation	245,949
Students	49,993
Sisters of Charity and nuns	1,493
Unknown	62,872
Total	8,287,043

Number of persons (male and female), 10 years of age and over in the United States in 1870, 1880, 1890, and 1900, engaged in gainful reputable occupations, by industries.

[Compiled from reports of United States Censuses, 1870, 1880, 1890, and 1900.]

Industries.	1870.	1880.	1890.
Agriculture	5,948,561	7,701,144	8,565,926
Domestic and personal service	2,249,015	3,387,192	4,220,812
Fisheries	27,106	41,352	60,162
Manufacturing and mechanical industries	2,484,965	3,508,914	5,234,398
Mining	166,272	249,397	337,248
Professional	309,020	651,652	944,333
Trade	802,751	1,233,519	2,236,961
Transportation	428,233	618,929	1,085,821
Total	12,505,923	17,392,099	22,735,661

Statistics of manufactures in the United States at census periods from 1850 to 1900.

[From United States Census, 1880, Manufactures, pages 6, 7, 8, 9; United States Census, 1890, Manufactures, Part I, page 92; and United States Census, 1900, Bulletin No. 150, page 10.]

Year.	Capital invested.	Value of product.	Officers, firm members, and clerks.	Average number of operatives employed.	Total wages of operatives for the year.	Average wages of operatives per year.
1850	$533,245,351	$1,019,106,616	[a]	[b] 957,059	$236,755,464	$247.38
1860	1,009,855,715	1,885,861,676	[a]	[b] 1,311,246	378,878,966	288.95
1870	[c] 1,876,732,969	[d] 3,393,972,311	[a]	[b] 2,053,996	[e] 621,954,011	[f] 302.80
1880	2,790,272,606	5,369,579,191	[a]	[g] 2,732,595	947,953,795	346.91
1890	6,525,156,486	9,372,437,283	461,009	[c] 4,251,613	[h] 1,891,228,321	[i] 444.83
1900	9,874,664,087	13,040,013,633	970,798	[c] 5,321,087	[j] 2,330,273,021	[k] 437.93

[a] Not reported.
[b] Males above 16 and females above 15.
[c] Gold equivalent of $2,118,208,769 currency reported by census.
[d] Gold equivalent of $4,232,325,442 currency reported by census.
[e] Gold equivalent of $775,584,343 currency reported by census.
[f] Gold equivalent of $377.60 currency.
[g] Men, women, and children.
[h] Not including $391,988,208 paid officers, firm members, and clerks.
[i] Not including income and salaries of officers, firm members, and clerks.
[j] Not including $404,837,591 paid salaried officers and clerks.
[k] Not including salaries of officers and clerks.

Statistics of agriculture in the United States at census periods from 1850 to 1900.

[From United States Census, 1890, Agriculture, pages 84 and 85, and advance figures of United States Census, 1900, Agriculture.]

Year.	Number of farms.	Number of acres in farms.	Capital invested.	Value of farm products in preceding year.
1850	1,449,073	293,560,614	$3,967,343,580	[a]
1860	2,044,077	407,212,538	7,980,493,033	[a]
1870	2,659,985	407,735,041	[b] 9,856,713,450	[c] $1,962,722,042
1880	4,008,907	536,081,835	12,104,001,538	2,212,540,927
1890	4,564,641	623,218,619	15,982,267,689	2,460,107,454
1900	5,739,657	841,201,546	20,514,001,838	4,739,118,752

[a] Not reported.
[b] Gold equivalent of $11,124,958,747 currency reported by census.
[c] Gold equivalent of $2,447,538,658 currency reported by census.

Mr. Powers, in charge of agriculture in the United States census of 1900, states that the values of products given for 1870, 1880, and 1890 are undoubtedly incorrect, and that the figures for 1890 especially fall below the true amount.

Statistics of railroads in the United States from 1830 to 1900.

Year.	Miles of single track.	Number of employees.	Capital invested.
1830	[a] 39.80	[b]	[b]
1840	[a] 2,755.18	[b]	[b]
1850	[a] 8,571.48	[c] 4,831	[d] $296,060,148
1860	[a] 28,919.79	[c] 36,567	[d] 1,151,560,829
1870	[a] 49,168.33	[f] 163,303	[b]
1880	[a] 87,724.08	[g] 418,957	[h] 5,658,914,158
1890	[i] 163,597	[j] 749,301	[k] 9,437,343,420
1900	[i] 193,345.78	[j] 1,017,653	[k] 11,491,094,960

[a] From United States Census, 1890, Transportation by Land, page 6.
[b] Not reported.
[c] From United States Census, 1850, page LXXV.
[d] From United States Census, 1860, Mortality and Miscellaneous Statistics, page 331.
[e] From United States Census, 1860, Population, page 672.
[f] From United States Census, 1870, Population, page 706.
[g] From United States Census, 1880, Transportation, page 13.
[h] From United States Census, 1880, Transportation, page 5.
[i] From Interstate Commerce, Statistics of Railways, 1900, page 15.
[j] From Interstate Commerce, Statistics of Railways, 1900, pages 34 and 35.
[k] From Interstate Commerce, Statistics of Railways, 1900, page 53.

Number of persons (male and female) 10 years of age and over in the United States in 1900 engaged in gainful, reputable occupations, by industries.

Agriculture	10,381,765
Domestic and personal service	5,580,657
Fisheries	68,177
Manufacturing and mechanical industries	6,453,949
Mining and quarrying	563,866
Professional	1,258,739
Trade	3,310,199
Transportation	1,456,765
Total	29,074,117

The figures for 1900 are exclusive of persons in Alaska and the Hawaiian Islands and persons abroad.

APPENDIX D.

Stock of gold and silver coin in the United States.

Year ending June 30—	Gold.	Silver.	
		Standard dollars.	Subsidiary coin.
1878	$205,704,875	$8,573,500	[a] $71,778,828
1879	240,496,003	35,801,000	[a] 76,249,985
1880	308,633,996	63,734,750	[a] 78,862,270
1881	389,452,058	91,372,705	[a] 80,087,061
1882	450,557,490	119,144,780	[a] 80,428,580
1883	486,930,099	147,255,899	[a] 80,930,300
1884	501,307,747	175,355,829	[b] 75,261,528
1885	521,849,941	203,884,381	74,939,820
1886	548,320,031	233,723,296	75,060,937
1887	569,008,065	266,990,117	75,547,799
1888	595,349,897	299,708,790	76,406,376
1889	614,068,360	333,502,650	76,601,836
1890	629,932,449	369,426,466	76,825,305
1891	585,140,050	405,659,268	77,848,700
1892	589,179,550	413,988,735	77,521,478
1893	519,156,102	419,332,450	77,415,123
1894	582,512,083	419,323,208	76,249,925
1895	579,400,907	423,289,219	76,954,434
1896	567,495,088	430,790,041	75,971,507
1897	670,698,914	451,993,742	75,818,339
1898	764,826,198	461,996,522	76,127,610
1899	842,982,733	478,566,231	74,866,552
1900	921,258,733	496,257,190	82,863,742
1901	1,015,433,325	520,624,254	89,822,771
1902 (April 1)	1,063,358,703	536,120,929	93,417,944

[a] Includes trade dollars.
[b] Trade dollars estimated to be in the country, $6,000,000, deducted.

APPENDIX E.

Statement of the gold and silver certificates issued, redeemed, and outstanding at the close of each fiscal year from 1879 to 1902.

Fiscal year.	Gold certificates.			Silver certificates.		
	Issued.	Redeemed.	Outstanding.	Issued.	Redeemed.	Outstanding.
1879	$12,317,400	$41,270,700	$15,413,700	$9,149,590	$8,460,050	$2,539,950
1880		7,409,100	8,004,600	10,018,000	183,680	12,374,270
1881		2,221,680	5,782,920	40,912,000	2,119,740	51,166,530
1882		745,800	5,037,120	24,300,000	9,369,820	65,036,710
1883	86,710,000	9,358,480	82,378,640	35,040,000	12,519,870	88,616,831
1884	41,470,000	25,455,980	98,392,660	52,280,000	20,005,140	120,891,691
1885	63,000,000	21,039,520	140,323,140	40,000,000	20,930,045	139,901,646
1886	1,040,000	10,188,895	131,174,245	4,000,000	28,523,971	115,977,675
1887		9,687,428	121,486,817	51,852,000	22,286,525	145,543,150
1888	85,160,000	64,623,067	142,023,150	105,896,000	21,947,378	229,491,772
1889	79,275,000	67,249,598	154,048,552	73,752,000	40,614,025	232,629,746
1890	49,050,000	45,555,573	157,542,979	94,480,000	55,569,995	301,539,751
1891	63,520,000	68,601,550	152,461,429	84,904,000	71,728,563	314,715,185
1892	70,525,000	66,387,500	156,598,929	109,856,000	92,956,881	331,614,304
1893	13,070,000	76,822,740	92,846,189	109,972,000	110,628,800	330,957,504

Statement of the gold and silver certificates issued, redeemed, etc.—Continued.

Fiscal year.	Gold certificates.			Silver certificates.		
	Issued.	Redeemed.	Outstanding.	Issued.	Redeemed.	Outstanding.
1894	$100,000	$26,558,290	$96,387,899	$130,318,000	$124,127,000	$337,148,504
1895	120,000	18,037,940	48,469,959	115,170,000	123,424,000	328,894,504
1896	4,855,000	10,506,770	42,818,189	154,608,000	140,283,000	342,619,504
1897	10,000	4,046,020	38,782,169	178,432,000	145,572,000	375,479,504
1898	----------	1,362,020	37,420,149	173,620,000	150,543,000	398,556,504
1899	----------	3,122,330	34,297,819	151,360,000	143,831,000	406,085,504
1900	217,325,000	23,825,640	227,797,179	172,116,000	162,186,504	416,015,000
Denomination.						
1901.						
1s	----------	----------	----------	45,288,000	38,154,258	59,255,781
2s	----------	----------	----------	25,464,000	19,803,152	36,499,531
5s	----------	----------	----------	113,420,000	51,716,080	175,708,892
10s	----------	----------	----------	16,680,000	44,135,510	105,601,841
20s	36,960,000	9,064,140	83,392,184	----------	19,087,500	45,824,650
50s	2,900,000	2,712,250	20,577,305	----------	6,973,200	8,818,385
100s	6,400,000	2,992,100	24,563,200	----------	913,300	2,817,920
500s	2,100,000	1,524,000	10,501,500	----------	30,000	83,000
1,000s	3,900,000	1,907,000	33,433,500	----------	1,040,000	304,000
5,000s	5,000,000	1,720,000	28,740,000	----------	----------	----------
10,000s	57,310,000	33,490,000	87,750,000	----------	----------	----------
Total for year	114,570,000	53,409,490	288,957,689	200,852,000	181,853,000	435,014,000
1902 (Apr. 30).						
1s	----------	----------	----------	48,652,000	41,901,304	66,106,476
2s	----------	----------	----------	25,504,000	22,654,626	39,348,906
5s	----------	----------	----------	118,600,000	65,401,630	228,907,262
10s	----------	----------	----------	2,960,000	31,201,830	77,360,011
20s	42,640,000	12,296,500	113,735,684	----------	10,573,960	35,250,690
50s	6,800,000	3,348,000	24,029,305	----------	2,439,650	6,378,735
100s	10,000,000	4,122,600	30,440,600	----------	508,500	2,309,420
500s	4,300,000	1,725,500	13,076,000	----------	9,500	73,500
1,000s	10,300,000	2,605,000	41,128,500	----------	95,000	209,000
5,000s	2,000,000	550,000	30,190,000	----------	----------	----------
10,000s	36,620,000	35,350,000	89,020,000	----------	----------	----------
Total to Apr. 30	112,660,000	59,997,600	341,620,089	195,716,000	174,786,000	455,944,000

OFFICE OF THE TREASURER OF THE UNITED STATES,
May 14, 1902.

APPENDIX F.

Statement of the United States Treasury on the 2d day of January, 1902, of cash in the Treasury, in divisions of issue and redemption.

RESERVE FUND.

Gold coin and bullion in division of redemption	$150,000,000

Trust funds held for the redemption of the notes and certificates for which they are respectively pledged.

DIVISION OF REDEMPTION.		DIVISION OF ISSUE.	
Gold coin	$316,785,089	Gold certificates outstanding.	$316,785,089
Silver dollars	456,087,000	Silver certificates outstanding.	456,087,000
Silver dollars of 1890	52,000	Treasury notes outstanding.	38,596,000
Silver bullion of 1890	38,544,000		
Total	811,468,089	Total	811,468,089

GENERAL FUND.

Gold coin and bullion	$74,012,514.26	
Gold certificates	38,788,020.00	
Standard silver dollars	1,405,631.00	
Silver certificates	6,594,108.00	
Silver bullion	630,183.22	
United States notes	5,514,630.00	
Treasury notes of 1890	156,263.00	
National-bank notes	10,433,449.57	
Subsidiary silver coin	6,914,287.11	
Fractional currency	132.58	
Minor coin	382,691.13	
		$144,831,909.87
In national bank depositaries—		
To credit of the Treasurer of the United States	106,390,363.18	
To credit of disbursing officers	6,263,171.31	
	112,653,534.49	
Awaiting reimbursement:		
Bonds and interest paid	678,188.49	
		113,331,722.98
		258,163,632.85
Liabilities:		
National bank 5 per cent fund	14,382,521.38	
Outstanding checks and drafts	5,438,169.59	
Disbursing officers' balances	55,851,939.59	
Post-Office Department account	7,588,504.61	
Miscellaneous items	3,319,219.05	
		86,560,354.22
Available cash balance		171,603,278.63

Monthly statement of paper currency of each denomination outstanding December 31, 1901.

Denomination.	United States notes.	Treasury notes of 1890.	National-bank notes.	Gold certificates.	Silver certificates.	Total.
One dollar	$2,009,679	$1,521,156	$346,661	----------	$66,152,039	$70,029,535
Two dollars	1,606,842	1,357,819	166,360	----------	40,149,887	43,280,908
Five dollars	40,393,697	12,655,225	58,684,810	----------	209,589,368	321,323,100
Ten dollars	166,480,681	15,913,840	144,226,550	----------	90,579,271	417,200,342
Twenty dollars	63,031,692	5,480,110	105,616,580	$104,088,084	39,570,830	317,787,296
Fifty dollars	11,014,475	78,250	16,646,150	22,634,605	7,246,185	57,619,665
One hundred dollars	20,274,950	836,600	34,444,600	27,557,400	2,478,420	85,591,970
Five hundred dollars	10,299,000	----------	98,500	12,446,500	77,000	22,921,000
One thousand dollars	32,550,000	753,000	25,000	37,898,500	244,000	71,470,500
Five thousand dollars	10,000	----------	----------	29,430,000	----------	29,440,000
Ten thousand dollars	10,000	----------	----------	82,730,000	----------	82,740,000
Fractional parts	----------	----------	34,515	----------	----------	34,515
Total	347,681,016	38,596,000	360,289,726	316,785,089	456,087,000	1,519,438,831
Unknown, destroyed	1,000,000	----------	----------	----------	----------	1,000,000
Net	346,681,016	38,596,000	360,289,726	316,785,089	456,087,000	1,518,438,831

Circulation statement—January 1, 1902.

	General stock of money in the United States.		Held in Treasury as assets of the Government.[a]		Money in circulation.			
	Dec. 1, 1901.	Jan. 1, 1902.	Dec. 1, 1901.	Jan. 1, 1902.	Dec. 1, 1901.	Jan. 1, 1902.	Jan. 1, 1901.	Jan. 1, 1879.
Gold coin (including bullion in Treasury)	$1,171,839,976	$1,176,172,153	$257,539,887	$262,800,534	$632,001,740	$635,374,550	$629,192,578	$96,262,850
Gold certificates[b]	----------	----------	----------	----------	282,208,349	277,997,069	232,787,929	21,189,280
Standard silver dollars	529,171,229	530,732,617	8,108,300	7,999,739	73,210,737	73,239,986	76,182,326	5,790,721
Silver certificates[b]	----------	----------	----------	----------	447,852,192	449,492,892	422,399,403	413,360
Subsidiary silver	91,828,964	91,975,381	7,652,543	6,914,287	84,176,421	85,061,094	83,123,463	67,982,601
Treasury notes of 1890	40,110,000	38,596,000	97,378	156,263	40,012,622	38,439,737	61,230,159	----------
United States notes	346,681,016	346,681,016	7,339,921	5,514,630	339,341,095	341,166,386	334,587,495	277,098,511
Currency certificates, act of June 8, 1872[b]	----------	----------	----------	----------	----------	----------	1,560,000	33,190,000
National-bank notes	359,720,711	360,289,726	8,357,637	10,433,450	351,363,074	349,856,276	332,188,526	314,339,398
Total	2,539,351,896	2,544,446,893	289,095,666	293,818,903	2,250,256,230	2,250,627,990	2,173,251,879	816,266,721

[a] This statement of money held in the Treasury as assets of the Government does not include deposits of public money in national-bank depositories to the credit of the Treasurer of the United States, and amounting to $106,390,363.

[b] For redemption of outstanding certificates an exact equivalent in amount of the appropriate kinds of money is held in the Treasury, and is not included in the account of money held as assets of the Government.

For a full statement of assets see public debt statement.

Population of the United States January 1, 1902, estimated at 78,437,000; circulation per capita, $28.69.

APPENDIX G.—*Statement showing number of banks, capital stock, individual deposits, national-bank notes outstanding, reserve fund in bank, and total liabilities for years 1863 to 1901, inclusive.*

[From reports of condition on or about October 31, 1863-1901, and December 10, 1901, to February 25, 1902.]

Year.	Number of banks.	Capital stock.	Surplus.	Individual deposits.	National-bank notes outstanding.	Reserve fund in bank.							Total liabilities.
						U. S. notes and certificates for U. S. notes.	Gold coin.	Gold certificates.	Gold clearing-house certificates.	Silver coin.	Silver certificates.	Specie not classified.	
1863	66	$7,188,393		$8,497,681								$1,446,607	$16,797,644
1864	508	86,782,802	$2,010,286	122,166,536	$45,260,504							44,801,497	297,108,195
1865	1,513	393,157,206	38,713,380	500,910,873	171,321,903	$189,988,496						18,072,012	1,359,768,074
1866	1,644	415,472,369	53,359,277	564,616,777	280,253,818	205,793,578						9,226,831	1,526,962,804
1867	1,642	420,073,415	66,695,587	540,797,837	293,887,941	157,439,099						12,798,044	1,499,469,060
1868	1,643	420,634,511	77,995,761	580,940,820	295,769,489	156,047,205						13,003,713	1,559,621,773
1869	1,617	426,399,151	86,165,534	511,400,196	293,593,645	129,564,295						23,002,495	1,497,226,604
1870	1,615	430,399,301	94,061,438	501,407,586	291,798,640	122,669,577						18,460,011	1,510,713,236
1871	1,767	458,255,696	101,112,671	600,868,486	315,519,117	134,489,735						13,252,938	1,730,536,899
1872	1,916	479,629,174	110,257,516	613,290,671	333,495,027	118,971,104						10,229,758	1,755,857,098
1873	1,976	491,072,616	120,314,499	622,685,563	339,081,799	113,132,663						19,868,469	1,830,627,845
1874	2,004	493,765,121	128,958,106	669,068,995	333,225,298	122,846,946						21,240,945	1,877,180,942
1875	2,088	504,829,769	134,356,076	664,579,619	318,350,379	125,268,734						8,050,329	1,882,209,307
1876	2,089	499,802,232	132,202,282	651,385,210	291,544,020	113,420,847						21,360,767	1,827,265,367
1877	2,080	479,497,771	122,776,121	616,493,987	291,874,236	100,330,684	$4,869,656	$14,088,460		$3,700,704			1,741,084,663
1878	2,053	466,147,436	116,897,779	620,236,176	301,888,092	97,118,600	9,086,518	16,209,460		5,387,728	$4,900		1,767,279,133
1879	2,048	454,067,365	114,786,528	719,737,568	313,786,242	95,966,696	23,629,718	13,557,520		4,919,343	67,150		1,868,787,428
1880	2,090	457,553,985	120,518,583	873,537,637	317,350,036	64,295,458	47,508,472	7,175,560	$48,167,000	5,330,357	1,165,120		2,105,786,625
1881	2,132	463,821,985	128,140,617	1,070,997,431	320,200,069	59,898,441	58,910,369	5,221,800	43,090,000	5,450,387	1,662,180		2,358,387,391
1882	2,269	483,104,213	131,977,450	1,122,472,682	314,721,215	71,958,517	55,006,663	4,594,300	34,986,000	6,468,215	1,807,600		2,399,833,676
1883	2,501	509,699,787	141,991,789	1,049,437,700	310,517,857	80,642,997	45,807,457	27,012,600	24,750,000	7,594,896	2,653,030		2,372,656,364
1884	2,664	524,271,345	147,055,037	975,243,795	289,775,123	91,244,659	50,876,067	47,217,340	19,092,000	8,092,557	3,331,510		2,279,493,880
1885	2,714	527,524,410	146,624,642	1,102,372,450	268,869,597	88,538,119	65,196,781	72,986,340	25,294,000	9,120,801	2,274,650		2,432,913,002
1886	2,852	548,240,730	157,249,190	1,172,968,308	228,662,610	68,667,322	71,682,807	48,426,920	24,520,000	9,147,317	2,610,652		2,513,854,751
1887	3,049	578,462,765	173,913,440	1,249,477,126	167,283,343	79,941,255	73,782,489	53,961,690	23,981,000	9,398,895	3,961,380		2,620,193,475
1888	3,140	592,621,656	185,520,564	1,350,320,861	151,702,809	90,054,461	70,222,886	79,883,810	10,385,000	10,307,822	7,298,298		2,815,751,341
1889	3,290	612,584,095	197,394,760	1,475,467,560	128,450,600	99,697,093	71,601,530	66,010,950	7,375,000	9,271,907	10,067,062		2,998,290,645
1890	3,540	650,447,235	213,563,895	1,564,845,174	122,928,084	86,759,731	74,664,828	93,335,600	3,469,000	10,810,147	13,629,284		3,141,487,494
1891	3,677	677,426,870	227,576,485	1,588,318,081	131,323,301	113,335,608	84,464,347	60,173,670	7,300,000	11,167,324	20,409,735		3,213,080,271
1892	3,773	686,573,015	238,871,424	1,765,422,983	143,423,298	118,262,945	95,021,953	71,050,180	7,860,000	12,190,795	22,993,451		3,510,094,897
1893	3,781	678,540,338	246,750,781	1,451,124,330	182,959,725	121,729,352	129,740,438	47,522,510	5,080,000	13,975,023	28,385,889		3,109,563,284
1894	3,755	668,861,847	245,197,517	1,728,418,819	172,351,978	165,644,028	125,020,291	37,810,940	34,096,000	11,538,526	28,784,897		3,473,922,055
1895	3,712	657,135,498	246,448,426	1,701,653,521	182,481,610	143,866,685	110,378,360	21,525,930	31,021,000	10,397,841	22,914,180		3,423,629,343
1896	3,676	648,540,325	247,690,074	1,597,891,058	209,944,019	142,334,730	114,921,270	19,706,620	26,096,000	12,027,047	28,057,695		3,263,685,313
1897	3,610	631,488,095	246,345,020	1,853,349,128	198,920,670	149,494,929	118,856,207	17,513,900	59,525,000	11,899,292	31,593,302		3,705,133,707
1898	3,585	621,517,895	247,555,108	2,031,454,540	194,483,765	126,848,300	127,990,556	18,323,870	104,356,000	12,523,782	30,679,950		4,003,511,044
1899	3,595	605,772,970	248,449,234	2,450,725,595	200,345,567	127,754,651	117,082,951	41,389,130	133,140,500	14,500,296	32,458,505		4,650,355,133
1900	3,871	630,299,030	261,874,067	2,508,248,557	283,948,631	147,131,493	103,750,172	115,018,140	93,390,000	15,926,539	45,243,559		5,048,138,499
1901	4,221	655,341,880	279,532,858	2,937,753,233	323,863,597	151,018,751	106,736,761	129,661,580	89,854,000	15,817,181	46,467,349		5,695,347,294
Dec. 10, 1901	4,291	665,340,664	287,170,337	2,964,417,965	319,437,312	151,118,358	105,425,840	113,581,100	84,746,500	17,446,236	48,452,821		5,722,730,635
Feb. 25, 1902	4,357	667,381,231	294,951,786	2,982,489,300	314,438,680	154,682,692	105,572,076	143,870,190	88,409,000	17,953,540	51,277,355		5,843,048,720

APPENDIX H.—*Monetary systems and approximate stocks of money, in the aggregate and per capita, in the principal countries of the world on January 1, 1901.*

Countries.	Monetary standard.	Monetary unit.	Ratio between gold and full legal-tender silver.	Ratio between gold and limited-tender silver.	Population.	Stock of gold.	Stock of silver.			Uncovered paper.	Per capita.			
							Full tender.	Limited tender.	Total.		Gold.	Silver.	Paper.	Total.
United States	Gold	Dollar	1 to 15.98	1 to 14.95	77,100,000	$1,110,800,000	$568,900,000	$86,900,000	$655,800,000	$428,400,000	$14.41	$8.51	$5.56	$28.48
Austria-Hungary	do	Crown		1 to 13.69	47,000,000	[a] 229,400,000		[a] 73,800,000	[a] 73,800,000	[a] 68,100,000	4.88	1.57	1.45	7.90
Belgium	do	Franc	1 to 15½	1 to 14.38	6,700,000	[c] 17,800,000	[b] 30,600,000	[b] 4,400,000	[b] 35,000,000	[c] 94,400,000	2.66	5.22	14.09	21.97
British Empire:														
Australasia	do	Pound sterling.		1 to 14.28	5,300,000	[a] 128,600,000		[a] 6,100,000	[a] 6,100,000		24.26	1.15		25.41
Canada	do	Dollar		1 to 14.28	5,500,000	[a b] 20,000,000		[a] 5,000,000	[a] 5,000,000	[a] 40,500,000	3.63	.90	7.37	11.90
Cape Colony	do	Pound sterling.		1 to 14.28	2,300,000	[b] 37,500,000		[b] 1,000,000	[b] 1,000,000		16.30	.43		16.73
Great Britain	do	do		1 to 14.28	41,400,000	[a] 511,000,000		116,800,000	[a] 116,800,000	[a] 117,600,000	12.34	2.82	2.84	18.00
India	do	Pound sterling and rupee.	1 to 21.90	1 to 21.90	297,000,000	[i] 43,400,000	[a] 469,700,000		[a] 469,700,000	[b] 33,900,000	.15	1.58	.11	1.84
South African Republic.	do	Pound sterling.		1 to 14.28	1,100,000	[b] 29,200,000		[b] 1,200,000	[b] 1,200,000		26.54	1.09		27.63
Bulgaria	do	Lev	1 to 15½	1 to 14.38	3,700,000	[c] 1,200,000	[b] 2,500,000	[b] 2,500,000	[b] 5,000,000	[c] 2,100,000	.32	1.35	.57	2.24
Cuba	do	Peseta	1 to 15½	1 to 14.28	1,600,000	[b] 2,000,000		[b] 1,500,000	[b] 1,500,000		1.25	.93		2.18
Denmark	do	Crown		1 to 14.88	2,400,000	[a] 14,700,000		[a] 5,900,000	[a] 5,900,000	[a] 6,400,000	6.13	2.46	2.66	11.25
Egypt	do	Piaster		1 to 15.68	9,800,000	[b] 30,000,000		[a] 6,400,000	[a] 6,400,000		3.06	.65		3.71
Finland	do	Markkaa		1 to 15.50	2,600,000	[c] 4,100,000		[c] 400,000	[c] 400,000	[c] 9,500,000	1.58	.15	3.66	5.39
France	do	Franc	1 to 15½	1 to 14.38	38,500,000	[a] 810,600,000	[a] 361,900,000	[a] 59,300,000	[a] 421,200,000	[a] 199,200,000	21.05	10.94	5.17	37.16
Germany	do	Mark		1 to 13.95	56,300,000	[b] 721,100,000	[a] 80,800,000	[b] 127,600,000	[b] 208,400,000	[a] 177,400,000	12.81	3.70	3.15	19.66
Greece	do	Drachma	1 to 15½	1 to 14.38	2,400,000	[a] 400,000	[b] 500,000	[b] 1,000,000	[b] 1,500,000	[a] 28,800,000	.17	.62	12.00	12.79
Haiti	do	Gourde	1 to 15½	1 to 14.38	1,000,000	[a] 1,300,000	[b] 1,000,000	[b] 1,500,000	[a] 2,500,000	[a] 3,500,000	1.30	2.50	3.50	7.30
Italy	do	Lira	1 to 15½	1 to 14.38	32,400,000	[a s] 98,000,000	[a] 16,000,000	[a] 27,900,000	[a s] 43,900,000	[a s] 174,900,000	3.02	1.35	5.40	9.77
Japan	do	Yen		1 to 28.75	46,500,000	[a] 41,700,000		[a] 29,100,000	[a] 29,100,000	80,400,000	.90	.62	1.73	3.25
Netherlands	do	Florin	1 to 15⅛	1 to 15.13	5,100,000	[a] 32,900,000	[a] 48,500,000	[a] 3,700,000	[a] 52,200,000	[b] 41,200,000	6.45	10.23	8.08	24.76
Norway	do	Crown		1 to 14.88	2,200,000	[a] 9,800,000		[a] 2,500,000	[a] 2,500,000	[a] 7,800,000	4.45	1.14	3.54	9.13
Portugal	do	Milreis		1 to 14.09	5,300,000	[a] 6,300,000		[a c] 42,600,000	[a c] 42,600,000	[a] 73,600,000	1.19	8.04	13.88	23.11
Roumania	do	Lei	1 to 15½	1 to 14.38	5,900,000	[a] 7,700,000		[a] 900,000	[a] 900,000	[a] 14,100,000	1.31	.15	2.39	3.85
Russia	do	Ruble		1 to 23.24	128,300,000	[a] 724,300,000		[a] 102,500,000	[a] 102,500,000		5.64	.80		6.44
Servia	do	Dinar	1 to 15½	1 to 14.38	2,500,000	[a] 1,300,000		[a] 1,700,000	[a] 1,700,000	[a] 4,000,000	.52	.68	1.60	2.80
South American States.	do	Peso	1 to 15½	1 to 14.38	39,300,000	[a] 72,000,000	[a] 4,000,000	[a] 16,200,000	[a] 20,200,000	[a] 1,130,700,000	1.83	.51	28.77	31.12
Spain	do	Peseta	1 to 15½	1 to 14.38	17,700,000	[a] 79,100,000		[a] 173,700,000	[a] 173,700,000	165,300,000	4.47	9.81	9.34	23.62
Sweden	do	Crown		1 to 14.88	5,100,000	[a] 15,700,000		[a] 6,800,000	[a] 6,800,000	[a] 28,900,000	3.08	1.33	5.67	10.78
Switzerland	do	Franc	1 to 15½	1 to 14.38	3,300,000	[d] 24,000,000		[d] 10,700,000	[d] 10,700,000	[a] 20,500,000	7.27	3.24	6.21	16.72
Turkey	do	Piaster		1 to 15.09	24,500,000	[b] 50,000,000	[b] 30,000,000	[b] 10,000,000	[b] 40,000,000		2.04	1.63		3.67
Central American States.	Silver	Peso			3,500,000	[a] 2,200,000	[b] 5,800,000	[b] 300,000	[a] 6,100,000	[a] 26,100,000	.63	1.74	7.45	9.82
China	do	Tael			357,300,000		[b] 750,000,000		[b] 750,000,000			2.09		2.09
Mexico	do	Peso	1 to 16½	1 to 16½	30,600,000	[b] 8,600,000	[a] 106,000,000		[a] 106,000,000	[a] 54,000,000	.28	3.46	1.76	5.50
Siam	do	Tical			6,300,000	[a] 20,000,000	[a] 193,000,000		[a] 193,000,000	[a] 2,100,000	3.17	30.63		33.80
Straits Settlements. [f]	do	Dollar			5,000,000		[b] 240,000,000	[b] 2,000,000	[b] 242,000,000			48.40		48.40
Total					1,322,500,000	4,906,700,000	2,909,200,000	931,900,000	3,841,100,000	3,033,400,000	3.71	2.90	2.29	8.90

[a] Information furnished through United States representatives. [b] Estimate, Bureau of Mint. [c] L'Economiste European, January 18, 1901. [d] C. Cramer Frey. [e] Except Bolivia and Colombia. [f] Includes Aden, Perim, Ceylon, Hongkong, Lebanan, and Straits Settlements. [g] Official, 1898. [h] Bulletin de Statistique, Paris, January, 1901. [i] Report of head commissioner of paper currency.

APPENDIX I.

Product of gold and silver in the United States from 1792 to 1844, and annually since.

[The estimate for 1792–1873 is by R. W. Raymond, commissioner, and since by Director of the Mint.]

Year.	Gold.	Silver (coining value).	Total.	Year.	Gold.	Silver (coining value).	Total.
April 2, 1792–July 31, 1834	$14,000,000	Insignificant.	$14,000,000	1874	$33,500,000	$37,300,000	$70,800,000
July 31, 1834–December 31, 1844	7,500,000	$250,000	7,750,000	1875	33,400,000	31,700,000	65,100,000
1845	1,008,000	50,000	1,058,000	1876	39,900,000	38,800,000	78,700,000
1846	1,140,000	50,000	1,190,000	1877	46,900,000	39,800,000	86,700,000
1847	889,000	50,000	939,000	1878	51,200,000	45,200,000	96,400,000
1848	10,000,000	50,000	10,050,000	1879	38,900,000	40,800,000	79,700,000
1849	40,000,000	50,000	40,050,000	1880	36,000,000	39,200,000	75,200,000
1850	50,000,000	50,000	50,050,000	1881	34,700,000	43,000,000	77,700,000
1851	55,000,000	50,000	55,050,000	1882	32,500,000	46,800,000	79,300,000
1852	60,000,000	50,000	60,050,000	1883	30,000,000	46,200,000	76,200,000
1853	65,000,000	50,000	65,050,000	1884	30,800,000	84,800,000	79,600,000
1854	60,000,000	50,000	60,050,000	1885	31,800,000	51,600,000	83,400,000
1855	55,000,000	50,000	55,050,000	1886	35,000,000	51,000,000	86,000,000
1856	55,000,000	50,000	55,050,000	1887	33,000,000	53,350,000	86,350,000
1857	55,000,000	50,000	55,050,000	1888	33,175,000	59,195,000	92,370,000
1858	50,000,000	500,000	50,500,000	1889	32,800,000	64,646,000	97,446,000
1859	50,000,000	100,000	50,100,000	1890	32,845,000	70,465,000	103,310,000
1860	46,000,000	150,000	46,150,000	1891	33,175,000	75,417,000	108,592,000
1861	43,000,000	2,000,000	45,000,000	1892	33,000,000	82,101,000	115,101,000
1862	39,200,000	4,500,000	43,700,000	1893	35,955,000	77,576,000	113,531,000
1863	40,000,000	8,500,000	48,500,000	1894	39,500,000	64,000,000	103,500,000
1864	46,100,000	11,000,000	57,100,000	1895	46,610,000	72,051,000	118,661,000
1865	53,225,000	11,250,000	64,475,000	1896	53,088,000	76,069,000	129,157,000
1866	53,500,000	10,000,000	63,500,000	1897	57,363,000	69,637,000	127,000,000
1867	51,725,000	13,500,000	65,225,000	1898	64,463,000	70,384,000	134,847,000
1868	48,000,000	12,000,000	60,000,000	1899	71,053,000	70,807,000	141,860,000
1869	49,500,000	12,000,000	61,500,000	1900	79,171,000	74,533,000	153,704,000
1870	50,000,000	16,000,000	66,000,000	1901 (estimated)	80,185,000		
1871	43,500,000	23,000,000	66,500,000				
1872	36,000,000	28,750,000	64,750,000	Total	2,385,085,000	1,730,331,000	4,115,416,000
1873	36,000,000	35,750,000	71,750,000				

Statement showing the world's production of gold from 1891 to 1900, inclusive, and the increase or decrease for each year.

Year.	World's production of gold.	Increase over preceding year.	Decrease.	Year.	World's production of gold.	Increase over preceding year.	Decrease.
1891	$130,650,000	$11,801,300		1897	$236,073,700	$33,822,100	
1892	146,651,500	16,001,500		1898	286,879,700	50,806,000	
1893	157,494,800	10,843,300		1899	307,168,800	20,289,100	
1894	181,175,000	23,680,800		1900	255,634,500		$51,534,300
1895	198,763,600	17,588,600		1901 (estimated)	265,000,000	9,366,000	
1896	202,251,600	3,488,000					

APPENDIX J.

HISTORICAL TABLE.

Total value of imports and exports into and from the United States, 1790 to 1901.

[NOTE.—Excess of imports in *italics*, excess of exports in bold-face type.]

Fiscal year.[a]	Merchandise.			Specie.		
	Imports.	Exports.	Excess of imports (italics) or exports (bold face).	Imports.		
				Gold.	Silver.	Total.
1790	$23,000,000	$20,205,156	*$2,794,844*			
1791	29,200,000	19,012,041	*10,187,959*			
1792	31,500,000	20,753,098	*10,746,902*			
1793	31,100,000	26,109,572	*4,990,428*			
1794	34,600,000	33,043,725	*1,556,275*			
1795	69,756,268	47,989,872	*21,766,396*			
1796	81,436,164	58,574,625	*22,861,539*			
1797	75,379,406	51,294,710	*24,084,696*			
1798	68,551,700	61,327,411	*7,224,289*			
1799	79,069,148	78,665,522	*403,626*			
1800	91,252,768	70,971,780	*20,280,988*			
1801	111,363,511	93,020,513	*18,342,998*			
1802	76,333,333	71,957,144	*4,376,189*			
1803	64,666,666	55,800,033	*8,866,633*			
1804	85,000,000	77,699,074	*7,300,926*			
1805	120,600,000	95,566,021	*25,033,979*			
1806	129,410,000	101,536,963	*27,873,037*			
1807	138,500,000	108,343,150	*30,156,850*			
1808	56,990,000	22,430,960	*34,559,040*			
1809	59,400,000	52,203,233	*7,196,767*			
1810	85,400,000	66,757,970	*18,642,030*			
1811	53,400,000	61,316,832	**7,916,832**			
1812	77,030,000	38,527,236	*38,502,764*			
1813	22,005,000	27,856,017	**5,851,017**			
1814	12,965,000	6,927,441	*6,037,559*			
1815	113,041,274	52,557,753	*60,483,521*			
1816	147,103,000	81,920,052	*65,182,948*			
1817	99,250,000	87,671,569	*11,578,431*			
1818	121,750,000	93,281,133	*28,468,867*			
1819	87,125,000	70,142,521	*16,982,479*			
1820	74,450,000	69,691,669	*4,758,331*			
1821[b]	54,520,834	54,596,323	**75,489**			$8,064,890
1822	79,871,695	61,350,101	*18,521,594*			3,369,845
1823	72,481,371	68,326,043	*4,155,328*			5,097,896
1824	72,169,172	68,972,105	*3,197,067*			8,378,970
1825	90,189,310	90,738,333	**549,023**			6,150,765
1826	78,093,511	72,890,789	*5,202,722*			6,880,966
1827	71,332,938	74,309,947	**2,977,009**			8,151,130
1828	81,020,083	64,021,210	*16,998,873*			7,489,741
1829	67,088,915	67,434,651	**345,736**			7,403,612
1830	62,720,956	71,670,735	**8,949,779**			8,155,964

[a] Fiscal year ended September 30 prior to 1843; since that date ended June 30.

[b] Specie included with merchandise prior to 1821.

Total value of imports and exports into and from the United States, 1790 to 1901—Continued.

Fiscal year.[a]	Merchandise.			Specie.		
				Imports.		
	Imports.	Exports.	Excess of imports (italics) or exports (bold face).	Gold.	Silver.	Total.
1831	$95,885,179	$72,295,652	*$23,589,527*			$7,305,945
1832	95,121,762	81,520,603	*13,601,159*			5,907,504
1833	101,047,943	87,528,732	*13,519,211*			7,070,368
1834	108,609,700	102,260,215	*6,349,485*			17,911,632
1835	136,764,295	115,215,802	*21,548,493*			13,131,447
1836	176,579,154	124,338,704	*52,240,450*			13,400,881
1837	130,472,803	111,443,127	*19,029,676*			10,516,414
1838	95,970,288	104,978,570	**9,008,282**			17,747,116
1839	156,496,956	112,251,673	*44,245,283*			5,595,176
1840	98,258,706	123,668,932	**25,410,226**			8,882,813
1841	122,957,544	111,817,471	*11,140,073*			4,988,633
1842	96,075,071	99,877,995	**3,802,924**			4,087,016
1843[a]	42,433,464	82,825,689	**40,392,225**			22,320,395
1844	102,604,606	105,745,832	**3,141,226**			5,830,429
1845	113,184,322	106,040,111	*7,144,211*			4,070,242
1846	117,914,065	109,583,248	*8,330,817*			3,777,732
1847	122,424,349	156,741,598	**34,317,249**			24,121,289
1848	148,638,644	138,190,515	*10,448,129*			6,360,284
1849	141,206,199	140,351,172	*855,027*			6,651,210
1850	173,509,526	144,375,726	*29,133,800*			4,628,792
1851	210,771,429	188,915,259	*21,856,170*			5,453,503
1852	207,440,398	166,984,231	*40,456,167*			5,505,044
1853	263,777,265	203,489,282	*60,287,983*			4,201,382
1854	297,803,794	237,043,764	*60,760,030*			6,758,587
1855	257,808,708	218,909,503	*38,899,205*			3,659,812
1856	310,432,310	281,219,423	*29,212,887*			4,207,632
1857	348,428,342	293,823,760	*54,604,582*			12,461,799
1858	263,338,654	272,011,274	**8,672,620**			19,274,496
1859	331,333,341	292,902,051	*38,431,290*			7,434,789
1860	353,616,119	333,576,057	*20,040,062*			8,550,135
1861	289,310,542	219,553,833	*69,756,709*			46,339,611
1862	189,356,677	190,670,501	**1,313,824**			16,415,052
1863	243,335,815	203,964,447	*39,371,368*			9,584,105
1864[b]	316,447,283	158,837,988	*157,609,295*	$11,176,769	$1,938,843	13,115,612
1865	238,745,580	166,029,303	*72,716,277*	6,498,228	3,311,844	9,810,072
1866	434,812,066	348,859,522	*85,952,544*	8,196,261	2,503,831	10,700,092
1867	395,761,096	294,506,141	*101,254,955*	17,024,866	5,045,609	22,070,475
1868	357,436,440	281,952,899	*75,483,541*	8,737,443	5,450,925	14,188,368
1869	417,506,379	286,117,697	*131,388,682*	14,132,568	5,675,308	19,807,876
1870	435,958,408	392,771,768	*43,186,640*	12,056,950	14,362,229	26,419,179
1871	520,223,684	442,820,178	*77,403,506*	6,883,561	14,386,463	21,270,024
1872	626,595,077	444,177,586	*182,417,491*	8,717,458	5,026,231	13,743,689
1873	642,136,210	522,479,922	*119,656,288*	8,682,447	12,798,490	21,480,937
1874	567,406,342	586,283,040	**18,876,698**	19,503,137	8,951,769	28,454,906
1875	533,005,436	513,442,711	*19,562,725*	13,696,793	7,203,924	20,900,717
1876	460,741,190	540,384,671	**79,643,481**	7,992,709	7,943,972	15,936,681
1877	451,323,126	602,475,220	**151,152,094**	26,246,234	14,528,180	40,774,414
1878	437,051,532	694,865,766	**257,814,234**	13,330,215	16,491,099	29,821,314
1879	445,777,775	710,439,441	**264,661,666**	5,624,948	14,671,052	20,296,000
1880	667,954,746	835,638,658	**167,683,912**	80,658,396	12,275,914	93,034,310
1881	642,664,628	902,377,346	**259,712,718**	100,031,259	10,544,238	110,575,497
1882	724,639,574	750,542,257	**25,902,683**	34,377,054	8,095,336	42,472,390
1883	723,180,914	823,839,402	**100,658,488**	17,734,149	10,755,242	28,489,391
1884	667,697,693	740,513,609	**72,815,916**	22,831,317	14,594,945	37,426,262
1885	577,527,329	742,189,755	**164,662,426**	26,691,696	16,550,627	43,242,323
1886	635,436,136	679,524,830	**44,088,694**	20,743,349	17,850,307	38,593,656
1887	692,319,768	716,183,211	**23,863,443**	42,910,601	17,260,191	60,170,792
1888	723,957,114	695,954,507	*28,002,607*	43,934,317	15,403,669	59,337,986
1889	745,131,652	742,401,375	*2,730,277*	10,284,858	18,678,215	28,963,073
1890	789,310,409	857,828,684	**68,518,275**	12,943,342	21,032,984	33,976,326
1891	844,916,196	884,480,810	**39,564,614**	18,222,567	18,026,880	36,259,447
1892	827,402,462	1,030,278,148	**202,875,686**	49,699,454	19,955,086	69,654,540
1893	866,400,922	847,665,194	*18,735,728*	21,174,381	23,193,252	44,367,633
1894	654,994,622	892,140,572	**237,145,950**	72,449,119	13,286,552	85,735,671
1895	731,969,965	807,538,165	**75,568,200**	36,384,760	20,211,179	56,595,939
1896	779,724,674	882,606,938	**102,882,264**	33,525,065	28,777,186	62,302,251
1897	764,730,412	1,050,993,556	**286,263,144**	85,014,780	30,533,227	115,548,007
1898	616,049,654	1,231,482,330	**615,432,676**	120,391,674	30,927,781	151,319,455
1899	697,148,489	1,227,023,302	**529,874,813**	88,954,603	30,675,056	119,629,659
1900	849,941,184	1,394,483,082	**544,541,898**	44,573,184	35,256,302	79,829,486
1901	823,172,165	1,487,764,991	**664,592,826**	66,051,187	36,386,521	102,437,708
Nine months ending March, 1902	678,698,016	1,080,986,664	**402,288,648**	44,572,977	22,431,339	67,004,316
Total	33,028,921,341	36,142,461,024	**3,113,539,683**			2,309,051,489

Fiscal year.[a]	Specie.				Merchandise and specie combined.		
	Exports.			Excess of imports (italics) or exports (bold face).	Total imports.	Total exports.	Excess of imports (italics) or exports (bold face).
	Gold.	Silver.	Total.				
1790					$23,000,000	$20,205,156	*$2,794,844*
1791					29,200,000	19,012,041	*10,187,959*
1792					31,500,000	20,753,098	*10,746,902*
1793					31,100,000	26,109,572	*4,990,428*
1794					34,600,000	33,043,725	*1,556,275*
1795					69,756,268	47,989,872	*21,766,396*
1796					81,436,164	58,574,625	*22,861,539*
1797					75,379,406	51,294,710	*24,084,696*
1798					68,551,700	61,327,411	*7,224,289*
1799					79,069,148	78,665,522	*403,626*
1800					91,252,768	70,971,780	*20,280,988*
1801					111,363,511	93,020,513	*18,342,998*
1802					76,333,333	71,957,144	*4,376,189*
1803					64,686,666	55,800,033	*8,866,633*
1804					85,000,000	77,699,074	*7,300,926*
1805					120,600,000	95,566,021	*25,033,979*
1806					129,410,000	101,536,963	*27,873,037*
1807					138,500,000	108,343,150	*30,156,850*
1808					56,990,000	22,430,960	*34,559,040*
1809					59,400,000	52,203,233	*7,196,767*

[a] Fiscal year ended September 30 prior to 1843; since that date ended June 30.

[b] Gold and silver not separately stated prior to 1864.

Total value of imports and exports into and from the United States, 1790 to 1901—Continued.

Fiscal year.[a]	Specie.				Merchandise and specie combined.		
	Exports.			Excess of imports (italics) or exports (bold face).	Total imports.	Total exports.	Excess of imports (italics) or exports (bold face).
	Gold.	Silver.	Total.				
1810					$85,400,000	$66,757,970	*$18,642,030*
1811					53,400,000	61,316,832	**7,916,832**
1812					77,030,000	38,527,236	*38,502,764*
1813					22,005,000	27,856,017	**5,851,017**
1814					12,965,000	6,927,441	*6,037,559*
1815					113,041,274	52,557,753	*60,483,521*
1816					147,103,000	81,920,052	*65,182,948*
1817					99,250,000	87,671,569	*11,578,431*
1818					121,750,000	93,281,133	*28,468,867*
1819					87,125,000	70,142,521	*16,982,479*
1820					74,454,000	69,691,669	*4,753,331*
1821[b]			$10,478,059	**$2,413,169**	62,585,724	65,074,382	**2,488,658**
1822			10,810,180	**7,440,334**	83,241,541	72,160,281	*11,081,260*
1823			6,372,987	**1,275,091**	77,579,267	74,699,030	*2,880,237*
1824			7,014,552	*1,364,418*	80,548,142	75,986,657	*4,561,485*
1825			8,797,055	**2,646,290**	96,340,075	99,535,388	**3,195,313**
1826			4,704,533	*2,177,403*	84,974,477	77,595,322	*7,379,155*
1827			8,014,880	*136,250*	79,484,068	82,324,827	**2,840,759**
1828			8,243,476	**753,735**	88,509,824	72,264,686	*16,245,138*
1829			4,924,020	*2,479,592*	74,422,527	72,358,671	*2,133,856*
1830			2,178,773	*5,977,191*	70,876,220	73,849,508	**2,972,588**
1831			9,014,931	**1,708,986**	103,191,124	81,310,583	*21,880,541*
1832			5,656,340	*251,164*	101,029,266	87,176,943	*13,852,323*
1833			2,611,701	*4,458,667*	108,118,311	90,140,433	*17,977,878*
1834			2,076,758	*15,834,874*	126,521,332	104,336,973	*22,184,359*
1835			6,477,775	*6,653,672*	149,895,742	121,693,577	*28,202,165*
1836			4,324,336	*9,076,545*	189,980,035	128,663,040	*61,316,995*
1837			5,976,249	*4,540,165*	140,989,217	117,419,376	*23,569,841*
1838			3,508,046	*14,239,070*	113,717,404	108,486,616	*5,230,788*
1839			8,776,743	**3,181,567**	162,092,132	121,028,416	*41,063,716*
1840			8,417,014	*465,799*	107,141,519	132,085,946	**24,944,427**
1841			10,034,332	**5,045,690**	127,946,177	121,851,803	*6,094,374*
1842			4,813,539	**726,523**	100,162,087	104,691,534	**4,529,447**
1843[a]			1,520,791	*20,799,544*	64,753,799	84,346,480	**19,592,681**
1844			5,454,214	*376,215*	108,435,035	111,200,046	**2,765,011**
1845			8,606,495	**4,536,253**	117,254,564	114,646,606	*2,607,958*
1846			3,905,268	**127,536**	121,691,797	113,488,516	*8,203,281*
1847			1,907,024	*22,214,265*	146,545,638	158,648,622	**12,102,984**
1848			15,841,616	**9,481,332**	154,998,228	154,092,131	*906,797*
1849			5,404,648	*1,216,597*	147,857,439	145,755,820	*2,101,619*
1850			7,522,994	**2,894,202**	178,138,318	151,898,720	*26,239,598*
1851			29,472,752	**24,019,249**	216,224,932	218,388,011	**2,163,079**
1852			42,674,135	**37,169,091**	212,945,442	209,658,366	*3,287,076*
1853			27,486,875	**23,285,493**	267,978,647	230,976,157	*37,002,490*
1854			41,281,504	**34,522,917**	304,562,381	278,325,268	*26,237,113*
1855			56,247,343	**52,587,531**	261,468,520	275,156,846	**13,688,326**
1856			45,745,485	**41,537,853**	314,639,942	326,964,908	**12,324,966**
1857			69,136,922	**56,675,123**	360,890,141	362,960,682	**2,070,541**
1858			52,633,147	**33,358,651**	282,613,150	324,644,421	**42,031,271**
1859			63,887,411	**56,452,622**	338,768,130	356,789,462	**18,021,332**
1860			66,546,239	**57,996,104**	362,166,254	400,122,296	**37,956,042**
1861			29,791,080	*16,548,531*	335,650,153	249,344,913	*86,305,240*
1862			36,887,640	**20,472,588**	205,771,729	227,558,141	**21,786,412**
1863			64,156,611	**54,472,506**	252,919,920	268,121,058	**15,201,138**
1864[c]	$100,661,634	$4,734,907	105,396,541	**92,280,929**	329,562,895	264,234,529	*65,328,366*
1865	58,381,033	9,262,193	67,643,226	**57,833,154**	248,555,652	233,672,529	*14,883,123*
1866	71,197,309	14,846,762	86,044,071	**75,343,979**	445,512,158	434,903,593	*10,608,565*
1867	39,026,627	21,841,745	60,868,372	**38,797,897**	417,831,571	355,374,513	*62,457,058*
1868	72,396,344	21,387,758	93,764,102	**79,595,734**	371,624,808	375,737,001	**4,112,193**
1869	36,003,498	21,134,882	57,138,380	**37,330,504**	437,314,255	343,256,077	*94,058,178*
1870	33,635,962	24,519,704	58,155,666	**31,736,487**	462,377,587	450,927,434	*11,450,153*
1871	66,686,208	31,755,780	98,441,988	**77,171,964**	541,493,708	541,262,166	*231,542*
1872	49,548,760	30,328,774	79,877,534	**66,133,845**	640,338,766	524,055,120	*116,283,646*
1873	44,856,715	39,751,859	84,608,574	**63,127,637**	663,617,147	607,088,496	*56,528,651*
1874	34,042,420	32,587,985	66,630,405	**38,175,499**	595,861,248	652,913,445	**57,052,197**
1875	66,980,977	25,151,165	92,132,142	**71,231,425**	553,906,153	605,574,853	**51,668,700**
1876	31,177,050	25,329,252	56,506,302	**40,569,621**	476,677,871	596,890,973	**120,213,102**
1877	26,590,374	29,571,863	56,162,237	**15,387,823**	492,097,540	658,637,457	**166,539,917**
1878	9,204,445	24,535,670	33,740,125	**3,918,811**	466,872,846	728,605,891	**261,733,045**
1879	4,587,614	20,409,827	24,997,441	**4,701,441**	466,073,775	735,436,882	**269,363,107**
1880	3,639,025	13,503,894	17,142,919	*75,891,391*	760,989,056	852,781,577	**91,792,521**
1881	2,565,132	16,841,715	19,406,847	*91,168,650*	753,240,125	921,784,193	**168,544,068**
1882	32,587,880	16,829,599	49,417,479	**6,945,089**	767,111,964	799,959,736	**32,847,772**
1883	11,600,888	20,219,445	31,820,333	**3,330,942**	751,670,305	855,659,735	**103,989,430**
1884	41,081,957	26,051,426	67,133,383	**29,707,121**	705,123,955	807,646,992	**102,523,037**
1885	8,477,892	33,753,633	42,231,525	*1,010,798*	620,769,652	784,421,280	**163,651,628**
1886	42,952,191	29,511,219	72,463,410	**33,869,754**	674,029,792	751,988,240	**77,958,448**
1887	9,701,187	26,296,504	35,997,691	*24,173,101*	752,490,560	752,180,902	*309,658*
1888	18,376,234	28,037,949	46,414,183	*12,923,803*	783,295,100	742,368,690	*40,926,410*
1889	59,952,285	36,689,248	96,641,533	**67,678,460**	774,094,725	839,042,908	**64,948,183**
1890	17,274,491	34,873,929	52,148,420	**18,172,094**	823,286,735	909,977,104	**86,690,369**
1891	86,362,654	22,590,988	108,953,642	**72,694,195**	881,175,643	993,434,452	**112,258,809**
1892	50,195,327	32,810,559	83,005,886	**13,351,346**	897,057,002	1,113,284,034	**216,227,032**
1893	108,680,844	40,737,319	149,418,163	**105,050,530**	910,768,555	997,083,357	**86,314,802**
1894	76,978,061	50,451,265	127,429,326	**41,693,655**	740,730,293	1,019,569,898	**278,839,605**
1895	66,468,481	47,295,286	113,763,767	**57,167,828**	788,565,904	921,301,932	**132,736,028**
1896	112,409,947	60,541,670	172,951,617	**110,649,366**	842,026,925	1,055,558,555	**213,531,630**
1897	40,361,580	61,946,638	102,308,218	*13,239,789*	880,278,419	1,153,301,774	**273,023,355**
1898	15,406,391	55,105,239	70,511,630	*80,807,825*	767,369,109	1,301,993,960	**534,624,851**
1899	37,522,086	56,319,055	93,841,141	*25,788,518*	816,778,148	1,320,864,443	**504,086,295**
1900	48,266,759	56,712,275	104,979,034	**25,149,548**	929,770,670	1,499,462,116	**569,691,446**
1901	53,185,177	64,285,180	117,470,357	**15,032,649**	925,609,873	1,605,235,348	**679,625,475**
Nine months ending March, 1902	43,364,814	38,956,242	82,321,056	*15,316,740*	745,702,332	1,163,307,720	**417,605,388**
Total			3,799,235,169	**1,490,183,680**	35,337,972,830	39,941,696,193	**4,603,723,363**

[a] Fiscal year ended September 30 prior to 1843; since that date ended June 30.
[b] Specie included with merchandise prior to 1821.
[c] Gold and silver not separately stated prior to 1864.

NOTE.—Merchandise and specie are combined in the columns at right of table for the purpose of showing the total inward and outward movement of values by years.

APPENDIX K.

GERMANY.

Excess of imports or exports and condition of the Imperial German Bank.

Year.	Excess of imports or exports.		Condition of the German Imperial Bank.					
	Merchandise only.	Merchandise and specie.	Capital.	Surplus.	Current accounts.	Note issues.	Metallic reserve.	
							Gold.	Silver.
1872	$224,067,000	$231,541,000						
1873	346,108,000	420,864,000						
1874	297,876,000	288,737,000						
1875	246,608,000	241,587,000						
1876	299,509,000	311,233,000				$170,284,000	$106,262,000	
1877	240,813,000	249,548,000				180,214,000	119,562,000	
1878	149,114,000	191,859,000			$35,719,000	166,733,000	108,323,000	
1879	237,474,000	255,036,000	$28,560,000	$3,570,000	46,465,000	162,288,000	126,617,000	
1880	[a]17,555,000	[a]20,528,000	28,560,000	3,681,000	45,115,000	179,880,000	133,675,000	
1881	[a]3,064,000	[a]11,887,000	28,560,000	3,865,000	44,910,000	181,889,000	132,362,000	
1882	[a]14,205,000	[a]18,910,000	28,560,000	4,154,000	41,508,000	183,539,000	130,250,000	
1883	1,781,000	[a]10,497,000	28,560,000	4,507,000	48,465,000	180,847,000	142,831,000	
1884	13,472,000	3,695,000	28,560,000	4,782,000	53,479,000	179,792,000	140,441,000	
1885	18,516,000	17,781,000	28,560,000	5,031,000	55,901,000	179,112,000	138,727,000	
1886	[a]25,421,000	[a]25,351,000	28,560,000	5,279,000	66,678,000	197,350,000	$91,630,000	$73,185,000
1887	[a]5,385,000	[a]321,000	28,560,000	5,420,000	81,728,000	211,494,000	112,122,000	71,567,000
1888	15,990,000	19,933,000	28,560,000	5,636,000	88,315,000	229,020,000	144,775,000	70,091,000
1889	196,237,000	197,692,000	28,560,000	5,789,000	90,077,000	243,022,000	139,087,000	68,163,000
1890	194,923,000	205,472,000	28,560,000	6,098,000	85,056,000	242,467,000	123,546,000	66,902,000
1891	232,121,000	15,375,000	28,560,000	6,751,000	106,986,000	238,997,000	140,372,000	72,138,000
1892	253,327,000	256,302,000	28,560,000	7,090,000	119,750,000	242,052,000	146,608,000	77,350,000
1893	207,012,000	214,081,000	28,560,000	7,140,000	107,679,000	234,389,000	125,307,000	74,708,000
1894	232,455,000	209,763,000	28,560,000	7,140,000	117,174,000	238,091,000	147,465,000	74,565,000
1895	191,059,000	195,644,000	28,560,000	7,140,000	118,892,000	260,751,000	167,695,000	72,804,000
1896	186,124,000	191,383,000	28,560,000	7,140,000	115,254,000	257,872,000	143,276,000	68,782,000
1897	248,882,000	256,660,000	28,560,000	7,140,000	112,192,000	258,398,000	140,801,000	66,402,000
1898	315,131,000	340,128,000	28,560,000	7,140,000	112,969,000	267,653,000	138,825,000	63,356,000
1899	303,699,000	336,822,000	28,560,000	7,140,000	124,882,000	271,737,000	136,326,000	59,857,000
1900	274,707,000	307,113,000	28,560,000	7,140,000	122,035,000	270,978,000	135,827,000	57,667,000
Total excess	4,857,813,000	4,954,755,000						

[a] Excess of exports.

NOTE.—For the years 1879–1900 the data given are averages for the respective years, as published in the "Statistisches Yahrbuch für das Deutsche Reich" and calculated on the basis of the weekly bank statements. Figures for the earlier years relate to the last day of the first week in January.

APPENDIX L.

UNITED KINGDOM.

Table showing the excesses of imports and the condition of the Bank of England during the following years.

Years.[a]	Excess of imports of—		Deposits.	Note circulation.	Notes held in reserve.	Metallic reserve.[b]
	Merchandise.	Merchandise and specie.				
1870	$504,514,922	$555,788,366	$119,983,558	$114,800,735	$47,248,849	$93,397,868
1871	525,333,809	546,649,079	128,217,676	116,601,340	60,767,986	107,895,172
1872	479,038,794	475,495,982	145,250,426	123,477,705	67,391,292	121,185,583
1873	565,112,580	587,985,130	128,402,603	127,035,116	60,334,867	117,044,192
1874	635,199,913	671,820,325	123,949,756	126,115,348	55,195,843	111,262,656
1875	732,281,721	759,709,315	116,372,615	127,940,285	49,974,089	108,201,761
1876	849,277,248	886,218,849	118,859,396	134,432,196	40,163,225	105,087,201
1877	951,532,145	969,592,122	159,421,674	137,736,550	68,364,592	136,252,267
1878	856,124,413	884,038,657	144,739,443	134,344,599	54,251,742	119,268,182
1879	834,410,090	812,856,362	181,476,652	160,789,160	47,156,385	139,420,359
1880	915,724,439	902,896,345	176,284,096	133,351,833	68,812,310	135,035,642
1881	793,239,500	765,797,307	148,433,117	129,200,709	56,120,478	117,414,046
1882	834,857,808	847,661,570	141,313,427	126,222,411	44,849,664	98,605,023
1883	910,483,218	914,425,083	134,174,272	126,008,285	47,385,111	100,337,497
1884	764,006,435	756,127,838	154,078,257	124,631,065	52,728,528	104,542,153
1885	768,191,625	769,296,320	143,629,881	120,343,679	54,606,997	102,688,017
1886	667,382,077	664,535,175	154,092,856	119,749,966	51,872,024	99,690,253
1887	682,838,081	685,967,241	138,422,726	119,015,124	46,728,133	95,334,735
1888	745,066,017	742,350,510	148,408,784	118,173,220	53,915,954	99,320,399
1889	869,653,283	879,279,220	155,246,217	117,667,104	55,974,483	99,617,255
1890	764,824,007	807,571,343	155,251,083	119,307,114	43,642,772	88,302,643
1891	915,904,499	927,404,039	183,481,650	120,046,822	77,912,665	121,745,231
1892	957,323,281	973,961,844	179,349,991	123,180,848	64,198,868	110,737,208
1893	908,054,835	925,846,759	179,116,399	124,723,529	69,070,235	120,332,344
1894	936,898,580	989,291,319	176,405,759	123,575,508	72,476,785	125,623,831
1895	928,528,200	1,001,277,509	219,279,624	124,188,214	111,510,981	164,877,020
1896	981,392,990	950,373,919	292,097,063	126,426,804	166,482,965	221,581,478
1897	1,055,100,999	1,051,460,857	253,228,323	126,650,663	117,676,837	173,218,201
1898	1,154,260,803	1,184,374,705	242,166,773	133,838,483	90,317,374	152,744,836
1899	1,073,272,510	1,120,823,081	239,451,206	134,904,247	87,961,988	150,764,170
1900	1,128,458,620	1,165,156,892	268,421,541	137,848,479	99,213,396	162,336,707
1901	1,176,427,710	1,206,609,743	255,938,968	143,586,083	79,139,023	144,116,531
1902	26,864,715,152	27,352,632,810	254,882,938	142,549,518	104,070,103	170,215,571

[a] The data regarding the condition of the bank relate to the last day of the second week of January in the respective years.
[b] Practically all gold.

NOTE.—The capital of the bank during the entire period was $70,822,000.

APPENDIX M.

FRANCE.

Table showing excesses of imports or exports and the condition of the Bank of France for the following years:

Year.	Excess of imports of—		Private deposits.	Government deposits.	Total deposits.	Note circulation.	Metallic reserve.	
	Merchandise.	Merchandise and specie.					Gold.	Silver.
1870	$12,545,000	$42,460,000	$77,701,800		$77,701,800	$298,049,900	$218,225,100	
1871	133,942,000	25,149,000	73,687,400		73,687,400	400,513,600	106,439,500	
1872	a37,056,000	a27,406,000	57,398,200		57,398,200	463,354,400	140,523,300	
1873	a44,776,000	a30,687,000	38,368,400		38,368,400	551,323,800	147,220,400	
1874	a57,249,000	115,800,000	44,583,000		44,583,000	501,201,700	218,109,300	
1875	a64,848,000	61,760,000	58,768,500		58,768,500	474,992,300	297,432,300	
1876	79,516,000	204,001,000	69,595,800		69,595,800	479,412,000	383,548,900	
1877	45,162,000	149,768,000	91,443,400		91,443,400	480,512,100	423,808,700	
1878	192,228,000	260,743,000	79,303,700		79,303,700	451,427,000	400,031,100	
1879	263,252,000	245,496,000	81,272,300		81,272,300	424,426,300	408,214,300	
1880	302,045,000	288,463,000	79,419,500		79,419,500	444,942,200	381,001,300	
1881	251,479,000	263,445,000	90,362,600	$67,723,700	158,086,300	497,245,200	116,668,500	235,363,500
1882	240,864,000	252,637,000	95,168,300	59,444,000	154,612,300	527,333,900	174,973,800	220,000,700
1883	260,936,000	244,531,000	80,288,000	27,560,400	107,845,400	564,737,300	189,661,100	201,665,700
1884	214,423,000	233,530,000	74,748,900	20,197,300	102,946,200	565,123,300	197,033,700	193,791,300
1885	193,000,000	220,213,000	72,992,600	31,285,300	104,277,900	549,278,000	212,956,200	207,089,000
1886	185,087,000	206,703,000	89,339,700	40,954,600	130,294,300	538,315,600	251,305,300	216,275,800
1887	150,347,000	126,029,000	71,699,500	46,899,000	118,598,500	524,824,900	229,477,000	226,292,500
1888	165,980,000	159,225,000	73,050,500	48,867,600	121,918,100	516,545,200	210,080,500	234,012,500
1889	118,309,000	159,997,000	89,030,900	42,440,700	131,471,600	555,087,300	222,471,100	240,420,100
1890	132,012,000	112,133,000	77,566,700	34,218,900	111,787,600	590,657,200	242,465,900	242,581,700
1891	231,214,000	261,708,000	83,588,300	47,053,400	130,641,700	595,327,800	246,866,300	242,157,100
1892	140,311,000	197,053,000	80,963,500	56,105,100	137,068,600	608,200,900	298,648,200	246,866,300
1893	119,274,000	161,927,000	78,222,900	24,665,400	102,888,300	664,981,500	325,166,400	245,341,600
1894	148,996,000	213,651,000	85,904,300	30,880,000	116,784,300	670,964,500	351,453,000	243,701,100
1895	66,778,000	80,288,000	101,826,800	39,024,600	140,851,400	680,653,100	395,244,700	240,034,100
1896	76,884,000	70,252,000	101,865,400	45,760,300	147,625,700	696,151,000	381,754,000	240,169,200
1897	69,094,000	95,149,000	87,236,000	42,633,700	129,868,700	711,591,000	378,801,100	235,846,000
1898	185,666,000	164,243,000	86,464,000	48,636,000	135,100,000	613,038,500	361,875,000	236,444,300
1899	70,445,000	94,577,000	83,298,800	39,970,300	123,269,100	737,298,600	360,099,400	230,885,900
1900	113,677,000	166,173,000	84,341,000	49,330,800	133,671,800	778,581,300	405,898,300	218,900,600
1901	4,347,325,000	4,984,997,000				794,349,400	465,168,600	213,438,700

aExcess of exports.

NOTE.—The data relative to the condition of the bank are average figures for the years in question.

APPENDIX N.

Statement showing the amounts of money in the United States, in the Treasury and in circulation, on the dates specified.

JULY 1, 1879.

[Population, 48,866,000; circulation per capita, $16.79.]

	General stock of money in United States.	Held in Treasury as assets of the Government.	Amount in circulation.
Gold coin, including bullion in Treasury	$245,741,837	$119,956,655	$110,505,362
Gold certificates			15,279,820
Standard silver dollars	41,276,356	32,825,437	8,033,439
Silver certificates			414,480
Subsidiary silver	70,249,985	8,903,401	61,346,534
United States notes	346,681,016	45,036,904	301,644,112
National-bank notes	329,691,697	8,286,701	321,404,996
Total	1,033,640,891	215,009,098	818,631,793

JULY 1, 1880.

[Population, 50,155,783; circulation per capita, $19.41.]

Gold coin, including bullion in Treasury	$351,841,206	$118,181,527	$225,695,779
Gold certificates			7,963,900
Standard silver dollars	69,660,408	43,760,282	20,110,557
Silver certificates			5,789,599
Subsidiary silver	72,862,270	24,350,482	48,511,788
United States notes	346,681,016	18,785,559	327,895,457
National-bank notes	344,505,427	7,090,249	337,415,178
Total	1,185,550,327	212,168,099	973,382,228

JULY 1, 1881.

[Population, 51,316,000; circulation per capita, $21.71.]

Gold coin, including bullion in Treasury	$478,484,538	$157,412,141	$315,312,877
Gold certificates			5,759,520
Standard silver dollars	95,297,083	26,843,942	29,342,412
Silver certificates			39,110,729
Subsidiary silver	74,087,061	27,247,697	46,839,364
United States notes	346,681,016	18,554,092	328,126,924
National-bank notes	355,042,675	5,296,382	349,746,293
Total	1,349,592,373	235,354,254	1,114,238,119

Statement showing the amounts of money in the United States, etc.—Continued.

JULY 1, 1882.

[Population, 52,495,000; circulation per capita, $22.37.]

	General stock of money in United States.	Held in Treasury as assets of the Government.	Amount in circulation.
Gold coin, including bullion in Treasury	$506,757,715	$143,477,370	$358,251,325
Gold certificates			5,029,020
Standard silver dollars	122,788,544	35,878,634	32,403,820
Silver certificates			54,506,090
Subsidiary silver	74,428,580	28,048,631	46,379,949
United States notes	346,681,016	21,425,589	325,255,427
National-bank notes	358,742,034	6,277,246	352,464,788
Total	1,409,397,889	235,107,470	1,174,290,419

JULY 1, 1883.

[Population, 53,693,000; circulation per capita, $22.91.]

Gold coin, including bullion in Treasury	$542,732,063	$138,271,198	$344,653,495
Gold certificates			59,807,370
Standard silver dollars	152,047,685	43,775,549	35,651,450
Silver certificates			72,620,686
Subsidiary silver	74,960,300	28,486,001	46,474,299
United States notes	346,681,016	23,438,839	323,242,177
National-bank notes	356,073,281	8,217,062	347,856,219
Total	1,472,494,345	242,188,649	1,230,305,696

JULY 1, 1884.

[Population, 54,911,000; circulation per capita, $22.65.]

Gold coin, including bullion in Treasury	$545,500,797	$133,729,954	$340,624,203
Gold certificates			71,146,640
Standard silver dollars	180,306,614	43,189,403	40,690,200
Silver certificates			96,427,011
Subsidiary silver	75,261,528	29,600,720	45,660,808
United States notes	346,681,016	27,993,802	318,687,214
National-bank notes	339,499,883	8,809,990	330,689,893
Total	1,487,249,838	243,323,869	1,243,925,969

Statement showing the amounts of money in the United States, etc.—Continued.

JULY 1, 1885.

[Population, 56,148,000; circulation per capita, $23.02.]

	General stock of money in United States.	Held in Treasury as assets of the Government.	Amount in circulation.
Gold coin, including bullion in Treasury	$588,697,036	$120,298,895	$341,668,411
Gold certificates			126,729,730
Standard silver dollars	208,538,967	67,921,052	39,086,969
Silver certificates			101,530,946
Subsidiary silver	74,939,820	31,236,899	43,702,921
United States notes	346,681,016	15,462,379	331,218,637
National-bank notes	318,576,711	9,945,710	308,631,001
Total	1,537,433,550	244,864,935	1,292,568,615

JULY 1, 1886.

[Population, 57,404,000; circulation per capita, $21.82.]

Gold coin, including bullion in Treasury	$590,774,461	$156,510,511	$358,219,575
Gold certificates			76,044,375
Standard silver dollars	237,191,906	96,407,058	52,668,623
Silver certificates			88,116,225
Subsidiary silver	75,060,937	28,886,947	46,173,990
United States notes	346,681,016	22,868,217	323,812,699
National-bank notes	311,699,454	4,034,416	307,665,038
Total	1,561,407,774	308,707,249	1,252,700,525

JULY 1, 1887.

[Population, 58,680,000; circulation per capita, $22.45.]

Gold coin, including bullion in Treasury	$654,520,335	$186,754,217	$376,540,681
Gold certificates			91,225,437
Standard silver dollars	277,445,767	79,779,029	55,548,721
Silver certificates			142,118,017
Subsidiary silver	75,547,799	26,963,934	48,583,865
United States notes	346,681,016	20,013,797	326,667,219
National-bank notes	279,217,788	2,362,585	276,855,203
Total	1,633,412,705	315,873,562	1,317,539,143

JULY 1, 1888.

[Population, 59,974,000; circulation per capita, $22.88.]

Gold coin, including bullion in Treasury	$705,818,855	$193,610,172	$391,114,033
Gold certificates			121,094,650
Standard silver dollars	310,166,459	53,879,406	55,527,396
Silver certificates			200,759,657
Subsidiary silver	76,406,376	26,044,062	50,362,314
United States notes	346,681,016	38,680,976	308,000,040
National-bank notes	252,368,321	7,055,541	245,312,780
Total	1,691,441,027	319,270,157	1,372,170,870

JULY 1, 1889.

[Population, 61,289,000; circulation per capita, $22.52.]

Gold coin, including bullion in Treasury	$680,063,505	$186,451,708	$376,481,568
Gold certificates			117,130,229
Standard silver dollars	343,947,093	32,334,229	54,457,299
Silver certificates			257,155,565
Subsidiary silver	76,601,836	25,124,672	51,477,164
United States notes	346,681,016	30,241,825	316,439,191
National-bank notes	211,378,963	4,158,330	207,220,633
Total	1,658,672,413	278,310,764	1,380,361,649

JULY 1, 1890.

[Population, 62,622,250; circulation per capita, $22.82.]

Gold coin, including bullion in Treasury	$695,563,029	$190,473,247	$374,258,923
Gold certificates			130,830,859
Standard silver dollars	380,083,304	26,248,317	56,278,749
Silver certificates			297,556,238
Subsidiary silver	76,825,305	22,792,718	54,032,587
United States notes	346,681,016	11,992,039	334,688,977
National-bank notes	185,970,775	4,365,838	181,604,937
Total	1,685,123,429	255,872,159	1,429,251,270

JULY 1, 1891.

[Population, 63,947,000; circulation per capita, $23.42.]

Gold coin, including bullion in Treasury	$646,582,852	$119,200,620	$407,319,163
Gold certificates			120,063,069
Standard silver dollars	388,525,085	22,462,940	58,826,179
Silver certificates			307,235,966
Subsidiary silver	77,848,700	19,629,480	58,219,220
Treasury notes of 1890	50,228,417	9,879,713	40,348,704
United States notes	346,681,016	3,473,656	343,207,360
National-bank notes	167,927,974	5,706,928	162,221,046
Total	1,677,794,044	180,353,337	1,497,440,707

Statement showing the amounts of money in the United States, etc.—Continued.

JULY 1, 1892.

[Population, 65,191,000; circulation per capita, $24.56.]

	General stock of money in United States.	Held in Treasury as assets of the Government.	Amount in circulation.
Gold coin, including bullion in Treasury	$664,275,335	$114,612,892	$408,568,824
Gold certificates			141,036,619
Standard silver dollars	389,345,447	5,834,520	56,817,462
Silver certificates			326,693,465
Subsidiary silver	77,521,478	14,227,774	63,293,704
Treasury notes of 1890	101,712,071	3,453,379	98,258,692
United States notes	346,681,016	7,281,112	309,559,904
Currency certificates, act June 8, 1872[a]			29,840,000
National-bank notes	172,683,850	5,462,333	167,221,517
Total	1,752,219,197	150,872,010	1,601,347,187

[a] Previously currency certificates have been included with United States notes.

JULY 1, 1893.

[Population, 66,456,000; circulation per capita, $24.03.]

Gold coin, including bullion in Treasury	$597,697,685	$96,519,833	$408,535,663
Gold certificates			92,642,189
Standard silver dollars	391,110,549	7,357,028	56,929,673
Silver certificates			326,823,848
Subsidiary silver	77,415,123	11,945,257	65,469,866
Treasury notes of 1890	147,190,227	6,334,613	140,855,614
United States notes	346,681,016	15,906,590	319,059,426
Currency certificates, act June 8, 1872			11,715,000
National-bank notes	178,713,872	4,043,906	174,669,966
Total	1,738,808,472	142,107,227	1,596,701,245

JULY 1, 1894.

[Population, 67,740,000; circulation per capita, $24.52.]

Gold coin, including bullion in Treasury	$627,293,201	$64,976,622	$495,976,730
Gold certificates			63,339,849
Standard silver dollars	395,415,615	15,860,217	52,564,662
Silver certificates			326,990,736
Subsidiary silver	76,249,925	17,738,968	58,510,957
Treasury notes of 1890	152,584,417	17,902,988	134,681,429
United States notes	346,681,016	21,156,414	266,589,602
Currency certificates, act June 8, 1872			58,935,000
National-bank notes	206,854,787	6,635,044	200,219,743
Total	1,805,078,961	144,270,253	1,660,808,708

JULY 1, 1895.

[Population, 69,043,000; circulation per capita, $23.20.]

Gold coin, including bullion in Treasury	$636,256,023	$108,236,753	$479,637,961
Gold certificates			48,381,309
Standard silver dollars	401,688,649	30,079,665	51,986,043
Silver certificates			319,622,941
Subsidiary silver	76,954,434	16,604,420	60,350,014
Treasury notes of 1890	146,088,400	30,145,231	115,943,169
United States notes	346,681,016	27,587,031	263,648,985
Currency certificates, act June 8, 1872			55,445,000
National-bank notes	211,691,035	4,737,984	206,953,051
Total	1,819,359,557	217,391,084	1,601,968,473

JULY 1, 1896.

[Population, 70,365,000; circulation per capita, $21.41.]

Gold coin, including bullion in Treasury	$599,597,964	$102,494,781	$454,905,064
Gold certificates			42,198,119
Standard silver dollars	422,049,719	39,266,624	52,116,904
Silver certificates			330,657,191
Subsidiary silver	75,971,507	15,767,056	60,204,451
Treasury notes of 1890	129,683,280	34,638,033	95,045,247
United States notes	346,681,016	90,541,148	224,249,868
Currency certificates, act June 8, 1872			31,830,000
National-bank notes	226,000,547	10,832,425	215,168,122
Total	1,799,975,033	293,540,067	1,506,434,966

JULY 1, 1897.

[Population, 71,704,000; circulation per capita, $22.87.]

Gold coin, including bullion in Treasury	$696,239,016	$141,363,989	$517,589,688
Gold certificates			37,285,339
Standard silver dollars	441,722,904	31,933,311	51,940,281
Silver certificates			357,849,312
Subsidiary silver	75,818,369	16,201,960	59,616,409
Treasury notes of 1890	114,867,280	31,397,763	83,469,517
United States notes	346,681,016	39,765,394	245,954,622
Currency certificates, act June 8, 1872			60,960,000
National-bank notes	230,668,034	5,123,683	225,544,351
Total	1,905,996,619	265,787,100	1,640,209,519

Statement showing the amounts of money in the United States, etc.—Continued.

JULY 1, 1898.

[Population, 73,060,000; circulation per capita, $25.15.]

	General stock of money in United States.	Held in Treasury as assets of the Government.	Amount in circulation.
Gold coin, including bullion in Treasury	$861,514,780	$167,752,728	$657,950,463
Gold certificates			35,811,589
Standard silver dollars	460,143,579	11,534,103	58,482,966
Silver certificates			390,126,510
Subsidiary silver	76,127,610	12,070,690	64,056,920
Treasury notes of 1890	101,207,280	2,900,843	98,306,437
United States notes	346,681,016	36,548,994	284,569,022
Currency certificates, act June 8, 1872			25,565,000
National-bank notes	227,900,177	4,909,189	222,990,988
Total	2,073,574,442	235,714,547	1,837,859,895

JULY 1, 1899.

[Population, 74,433,000; circulation per capita, $25.58.]

Gold coin, including bullion in Treasury	$963,498,384	$251,104,415	$679,738,050
Gold certificates			32,655,919
Standard silver dollars	470,178,802	6,560,759	61,481,426
Silver certificates			402,136,617
Subsidiary silver	74,866,552	5,800,728	69,065,824
Treasury notes of 1890	93,518,280	956,516	92,561,764
United States notes	346,681,016	18,054,174	308,351,842
Currency certificates, act June 8, 1872			20,275,000
National-bank notes	241,350,871	3,545,422	237,805,439
Total	2,190,093,905	286,022,024	1,904,071,881

JULY 1, 1900.

[Population, 76,295,220; circulation per capita, $26.94.]

Gold coin, including bullion in Treasury	$1,034,384,444	$222,844,953	$610,806,472
Gold certificates			200,733,019
Standard silver dollars	490,104,027	15,749,107	65,889,246
Silver certificates			408,465,574
Subsidiary silver	82,863,742	6,702,754	76,160,988
Treasury notes of 1890	76,027,000	723,058	75,303,942
United States notes	346,681,016	36,548,994	284,569,022
Currency certificates, act June 8, 1872			25,565,000
National-bank notes	362,840,444	9,525,332	290,115,112
Total	2,339,700,673	284,549,675	2,055,150,938

Statement showing the amounts of money in the United States, etc.—Continued.

JULY 1, 1900—continued.

	General stock of money in United States.	Held in Treasury as assets of the Government.	Amount in circulation.
United States notes	$346,681,016	$29,004,471	$313,971,545
Currency certificates, act June 8, 1872			8,705,000
National-bank notes	309,640,444	9,525,332	290,115,112
Total	2,339,700,673	284,549,675	2,055,150,938

JULY 1, 1901.

[Population, 77,754,000; circulation per capita, $27.98.]

Gold coin, including bullion in Treasury	$1,124,639,062	$247,811,938	$629,790,765
Gold certificates			247,033,559
Standard silver dollars	520,399,941	23,835,062	66,021,323
Silver certificates			429,643,556
Subsidiary silver	89,822,771	10,587,557	79,235,214
Treasury notes of 1890	47,783,000	258,462	47,524,538
United States notes	346,681,016	16,635,610	330,045,406
Currency certificates, act June 8, 1872			
National-bank notes	353,821,502	8,631,386	345,190,116
Total	2,483,147,292	307,760,015	2,175,387,277

APRIL 1, 1902.

[Population, 78,777,000; circulation per capita, $28.59.]

Gold coin, including bullion in Treasury	$1,178,540,790	$244,858,050	$635,194,761
Gold certificates			298,487,979
Standard silver dollars	536,113,305	19,351,261	69,179,452
Silver certificates			447,582,592
Subsidiary silver	93,417,944	10,725,509	82,692,435
Treasury notes of 1890	33,963,000	81,881	33,881,119
United States notes	346,681,016	9,987,171	336,693,845
Currency certificates, act June 8, 1872			
National-bank notes	357,476,407	9,141,233	348,335,174
Total	2,546,192,462	294,145,105	2,252,047,357

NOTE.—For redemption of outstanding certificates an exact equivalent in amount of the appropriate kinds of money is held in the Treasury, and is not included in the account of money held as assets of the Government.

APPENDIX O.

TREASURY DEPARTMENT, OFFICE OF THE TREASURER OF THE UNITED STATES,
Washington, D. C., March 22, 1902.

Statement of the assets and demand liabilities of the Treasury, showing the available cash balance at the end of each month from October, 1893, to August, 1896.

[The balance in national bank depositories to the credit of United States disbursing officers is not included in this statement.]

Assets.	October, 1893.	November, 1893.	December, 1893.	January, 1894.	February, 1894.[a]	March, 1894.
Gold:						
Coin	$86,616,898.73	$70,211,506.25	$73,624,284.12	$65,490,319.28	$107,029,805.00	$116,223,428.86
Bullion	96,657,272.53	90,910,621.84	84,679,495.01	77,175,275.09	70,432,992.49	60,232,615.77
Silver:						
Dollars	360,606,732.00	360,906,628.00	361,463,188.00	363,597,057.00	364,758,231.00	365,807,734.00
Subsidiary coin	12,667,195.46	11,418,708.46	11,639,466.53	15,932,847.12	16,594,888.21	17,073,267.51
Bars	126,261,553.41	127,262,267.05	127,207,874.23	127,215,170.89	127,216,956.83	127,220,207.38
Paper:						
United States notes	24,788,987.81	35,412,344.31	44,139,202.22	47,302,190.06	53,070,488.36	56,089,659.69
Treasury notes of 1890	1,916,606.00	2,683,223.00	1,194,884.00	2,315,506.00	11,962,418.00	11,583,462.00
Gold certificates	115,860.00	149,090.00	75,590.00	78,350.00	106,490.00	137,310.00
Silver certificates	7,727,272.00	5,716,507.00	5,038,854.00	6,758,196.00	6,942,257.00	8,755,240.00
Currency certificates	100,000.00	120,000.00	40,000.00	40,000.00		360,000.00
National-bank notes	11,566,766.14	12,808,547.34	12,357,628.44	14,526,887.34	12,640,479.04	10,758,808.64
Other:						
Bonds, interest, etc	3,073,553.07	492,849.28	14,105.17	190,596.46	168,074.99	207,510.81
Minor coin, etc	889,976.76	928,809.34	939,084.39	1,107,362.29	1,226,293.89	1,266,775.73
Deposits in national banks to credit of Treasurer United States	12,817,531.13	12,111,046.89	11,562,375.98	11,767,562.28	11,362,542.06	11,310,770.94
Aggregate	725,806,205.04	731,132,148.76	733,976,032.09	733,497,319.81	783,511,916.87	787,026,791.33
DEMAND LIABILITIES.						
Gold certificates	79,005,169.00	78,312,169.00	77,487,769.00	77,093,769.00	71,042,219.00	70,444,219.00
Silver certificates	333,444,504.00	334,138,504.00	334,584,504.00	336,919,504.00	338,061,504.00	338,202,504.00
Currency certificates	22,425,000.00	33,325,000.00	39,085,000.00	44,975,000.00	47,805,000.00	53,080,000.00
Treasury notes of 1890	152,735,188.00	153,453,629.00	153,160,151.00	153,070,908.00	153,001,184.00	152,900,317.00
National bank 5 per cent fund	7,173,546.78	6,465,957.78	6,817,395.42	6,358,057.18	6,766,973.37	6,984,622.65
Outstanding checks and drafts	5,879,005.13	4,470,492.83	4,253,180.89	3,842,781.23	5,510,342.85	5,039,600.13
Disbursing officers' balances	17,596,882.85	21,804,882.28	23,342,001.83	21,052,173.33	18,620,560.42	21,911,679.74
Agency accounts, etc	5,252,617.43	3,961,896.99	4,870,474.53	6,103,027.18	4,041,768.26	[a]5,513,823.63
Available balance, including the gold reserve	102,294,291.85	95,199,616.88	90,375,555.42	84,082,099.89	138,662,364.97	133,950,025.18
Aggregate	725,806,205.04	731,132,148.76	733,976,032.09	733,497,319.81	783,511,916.87	787,026,791.33

Assets.	April, 1894.	May, 1894.	June, 1894.	July, 1894.	August, 1894.	September, 1894.
Gold:						
Coin	$116,475,990.13	$100,000,110.40	$86,605,122.63	$73,872,012.20	$76,944,532.09	$79,602,339.48
Bullion	53,716,467.50	48,067,706.18	44,612,310.92	47,050,824.21	43,941,337.40	44,063,417.44
Silver:						
Dollars	366,677,908.00	367,380,338.00	368,141,831.00	368,796,668.00	368,991,724.00	366,900,165.00
Subsidiary coin	17,502,119.92	17,582,973.42	17,889,531.49	17,970,260.83	17,720,835.32	16,809,713.27
Bars	127,228,436.88	127,231,643.49	127,267,346.67	127,113,753.47	126,454,771.15	126,104,474.57

[a] United States bonds sold this month, $50,000,000, 5 per cent loan of 1904; amount realized, $58,660,917.63.

Statement of the assets and demand liabilities of the Treasury, showing the available cash balance at the end of each month, etc.—Continued.

Assets.	April, 1894.	May, 1894.	June, 1894.	July, 1894.	August, 1894.	September, 1894.
Paper:						
United States notes	$82,237,327.80	$76,090,927.00	$77,908,644.71	$82,116,791.07	$82,905,912.58	$79,397,535.17
Treasury notes of 1890	11,786,958.00	12,605,052.00	17,722,408.00	22,528,599.00	27,598,929.00	30,113,893.00
Gold certificates	102,770.00	41,650.00	43,490.00	103,470.00	34,730.00	55,260.00
Silver certificates	9,367,524.00	9,702,545.00	10,054,123.00	12,027,766.00	13,492,527.00	9,155,785.00
Currency certificates	140,000.00	120,000.00	300,000.00	260,000.00	720,000.00	550,000.00
National-bank notes	8,750,438.94	7,520,998.34	6,598,893.09	4,895,465.01	5,567,162.11	5,017,747.74
Other:						
Bonds, interest, etc	386,270.50	203,394.87	11,487.80	189,279.51	182,753.12	116,164.47
Minor coin, etc	1,253,062.29	1,251,831.31	1,262,186.77	1,363,151.74	1,423,496.51	1,389,524.68
Deposits in national banks to credit of Treasurer of United States	11,760,949.64	11,930,312.83	12,709,114.23	12,511,184.03	12,382,143.18	11,264,017.62
Aggregate	787,386,223.60	779,729,482.84	771,126,490.31	770,799,225.07	778,370,853.46	770,540,037.44
DEMAND LIABILITIES.						
Gold certificates	70,093,219.00	69,416,199.00	66,387,899.00	66,050,699.00	65,703,699.00	64,845,699.00
Silver certificates	339,673,504.00	339,662,504.00	337,148,504.00	336,519,504.00	338,710,504.00	339,676,504.00
Currency certificates	57,410,000.00	59,370,000.00	59,235,000.00	61,955,000.00	58,785,000.00	56,305,000.00
Treasury notes of 1890	152,813,072.00	152,679,742.00	152,584,417.00	152,447,123.00	152,151,369.00	151,609,267.00
National bank 5 per cent fund	7,030,290.79	7,175,234.22	6,840,303.22	7,232,545.25	7,900,680.50	7,672,478.70
Outstanding checks and drafts	5,523,269.47	5,645,297.84	3,591,760.78	4,348,636.55	4,524,434.36	7,731,142.84
Disbursing officers' balances	25,485,089.49	25,095,313.71	23,802,548.87	19,006,791.80	19,002,020.46	19,136,008.44
Agency accounts, etc	4,259,992.92	2,830,856.22	3,951,621.31	4,173,540.44	4,375,048.87	3,644,218.08
Available balance, including the gold reserve	125,097,785.93	117,854,335.85	117,584,436.13	119,065,352.03	127,148,097.27	119,919,719.38
Aggregate	787,386,223.60	779,729,482.84	771,126,490.31	770,799,225.07	778,370,853.46	770,540,037.44

Assets.	October, 1894.	November, 1894.[a]	December, 1894.	January, 1895.[a]	February, 1895.[b]	March, 1895.
Gold:						
Coin	$81,416,460.73	$118,045,401.95	$91,879,019.91	$51,343,230.07	$94,065,558.32	$88,098,517.42
Bullion	44,197,435.00	46,305,066.06	47,727,334.14	46,010,546.20	44,527,721.82	51,387,978.66
Silver:						
Dollars	365,332,738.00	364,726,543.00	364,537,659.00	366,753,119.00	368,177,389.00	369,009,182.00
Subsidiary coin	15,424,112.90	14,724,391.50	14,483,636.17	15,481,586.18	16,131,144.55	16,577,510.78
Bars	125,261,862.84	125,351,523.00	125,014,161.23	124,852,679.27	124,551,374.21	124,673,186.74
Paper:						
United States notes	66,206,311.08	69,770,527.23	81,919,157.53	89,681,673.30	84,692,758.05	89,745,257.37
Treasury notes of 1890	28,425,172.00	26,404,164.00	28,369,950.00	33,571,316.00	36,455,457.00	28,872,489.00
Gold certificates	53,230.00	751,370.00	58,960.00	337,060.00	80,100.00	84,660.00
Silver certificates	6,569,203.00	5,312,420.00	5,846,720.00	7,329,232.00	7,291,089.00	7,374,748.00
Currency certificates	280,000.00	850,000.00	1,960,000.00	3,620,000.00	430,000.00	740,000.00
National-bank notes	4,970,188.24	4,169,289.49	4,759,972.19	6,333,175.41	5,154,292.61	4,449,893.01
Other:						
Bonds, interest, etc	239,764.94	160,952.25	12,247.92	126,491.87	65,787.52	23,053.46
Minor coin, etc	1,250,777.60	1,169,923.67	1,104,196.42	1,200,485.36	1,245,347.25	1,209,479.57
Deposits in national banks to credit of Treasurer United States	11,057,408.93	11,345,843.67	11,145,088.37	10,982,823.96	11,880,738.65	11,001,976.02
Aggregate	750,687,715.26	789,087,409.82	778,818,102.88	757,623,418.62	794,748,757.98	793,247,932.03
DEMAND LIABILITIES.						
Gold certificates	64,308,349.00	59,677,269.00	53,420,869.00	52,984,869.00	51,587,869.00	48,927,849.00
Silver certificates	337,712,504.00	337,629,504.00	336,924,504.00	333,796,504.00	333,107,504.00	331,121,504.00
Currency certificates	54,325,000.00	57,985,000.00	48,965,000.00	41,245,000.00	37,355,000.00	37,565,000.00
Treasury notes of 1890	151,140,568.00	150,979,070.00	150,823,731.00	150,751,541.00	150,705,157.00	150,330,089.00
National-bank 5 per cent fund	7,720,492.23	7,496,064.07	7,419,589.23	6,988,011.87	7,503,164.91	7,165,190.08
Outstanding checks and drafts	5,053,057.64	4,469,597.41	3,399,502.50	2,912,763.69	4,083,806.59	3,130,199.67
Disbursing officers' balances	19,312,083.97	23,315,929.65	20,711,287.25	19,796,320.61	27,890,567.25	21,429,583.23
Agency accounts, etc	3,775,514.62	3,027,369.79	3,816,039.91	4,545,104.26	4,318,103.11	5,661,255.94
Available balance, including the gold reserve	107,340,145.80	144,507,605.90	153,337,579.99	144,603,304.19	178,197,586.12	187,917,261.11
Aggregate	750,687,715.26	789,087,409.82	778,818,102.88	757,623,418.62	794,748,757.98	793,247,932.03

Assets.	April, 1895.	May, 1895.	June, 1895.	July, 1895.	August, 1895.	September, 1895.
Gold:						
Coin	$89,954,139.71	$94,265,610.58	$99,147,913.69	$94,702,556.53	$89,202,384.18	$86,216,755.95
Bullion	50,044,013.64	53,425,366.95	56,746,017.77	60,651,509.26	60,208,542.03	57,340,755.80
Silver:						
Dollars	369,713,330.00	370,464,649.00	371,306,057.00	371,542,513.00	370,704,376.00	368,142,782.00
Subsidiary coin	16,516,559.48	16,589,443.05	16,552,844.91	16,532,936.17	16,055,742.73	14,882,336.52
Bars	124,583,685.45	124,528,558.54	124,479,848.53	124,670,700.56	124,687,226.04	124,652,495.75
Paper:						
United States notes	79,287,110.99	79,742,948.12	81,571,560.39	75,331,688.72	99,144,262.91	106,316,600.15
Treasury notes of 1890	27,743,971.00	30,089,473.00	30,109,692.00	31,485,899.00	35,058,618.00	36,630,854.00
Gold certificates	63,640.00	102,390.00	88,390.00	219,330.00	209,820.00	103,370.00
Silver certificates	7,699,233.00	6,692,333.00	9,162,752.00	10,577,386.00	7,741,243.00	7,892,667.00
Currency certificates	80,000.00	190,000.00	350,000.00	120,000.00	530,000.00	3,675,000.00
National-bank notes	4,959,624.71	4,899,226.41	4,643,489.31	5,642,487.81	7,600,590.91	6,018,774.63
Other:						
Bonds, interest, etc	109,538.40	54,233.65	14,649.39	237,636.60	74,411.57	36,763.34
Minor coin, etc	1,243,604.75	1,126,109.69	1,119,530.10	1,182,116.32	1,233,122.96	1,233,830.98
Deposits in National banks to credit of Treasurer of United States	11,555,466.85	11,220,822.91	12,053,951.40	11,057,301.47	10,630,443.50	10,516,310.82
Aggregate	783,553,917.98	793,391,200.90	807,346,696.52	803,954,061.44	823,080,783.89	823,632,237.94
DEMAND LIABILITIES.						
Gold certificates	48,814,649.00	48,641,959.00	48,469,959.00	48,336,909.00	49,290,909.00	50,748,909.00
Silver certificates	330,914,504.00	328,245,504.00	328,894,504.00	330,932,504.00	331,513,504.00	338,297,504.00
Currency certificates	37,375,000.00	48,435,000.00	55,755,000.00	57,040,000.00	77,085,000.00	67,515,000.00
Treasury notes of 1890	149,584,471.00	148,044,280.00	146,088,400.00	145,490,280.00	144,495,280.00	143,666,280.00
National bank 5 per cent fund	7,702,280.27	7,908,963.07	7,762,919.85	7,829,015.01	8,571,257.42	7,765,743.45
Outstanding checks and drafts	4,043,380.66	3,219,054.76	1,926,177.63	3,052,360.14	2,876,491.78	3,188,386.23

Statement of the assets and demand liabilities of the Treasury, showing the available cash balance at the end of each month, etc.—Continued.

Assets.	April, 1895.	May, 1895.	June, 1895.	July, 1895.	August, 1895.	September, 1895.
DEMAND LIABILITIES—continued.						
Disbursing officers' balances	$19,412,528.43	$19,527,816.33	$18,557,299.62	$19,929,281.03	$21,883,085.39	$23,292,255.45
Agency accounts, etc	4,889,188.53	3,998,523.27	4,652,282.91	4,194,181.69	3,326,099.81	3,752,796.40
Available balance, including the gold reserve	180,817,916.09	185,370,100.47	195,240,153.51	187,149,530.57	184,039,156.49	185,405,363.41
Aggregate	783,553,917.98	793,391,200.90	807,346,696.52	803,954,061.44	823,080,783.89	823,632,237.94

[a] United States bonds sold this month, $50,000,000 5 per cent loan of 1904; amount realized, $58,719,710.20.
[b] United States bonds sold this month, $62,315,400 4 per cent loan of 1925; amount realized, $65,428,056.89, paid into the Treasury as follows:

In February	$36,827,232.95
In March	10,648,898.41
In April	2,473,407.11
In May	7,604,018.15
In June	7,562,688.00
In August	311,812.27
Total	65,428,056.89

Assets.	October, 1895.	November, 1895.	December, 1895.	January, 1896.	February, 1896.[a]	March, 1896.
Gold:						
Coin	$88,951,326.66	$83,977,079.10	$83,378,392.24	$84,225,418.64	$140,874,514.61	$142,831,046.69
Bullion	54,409,512.26	45,590,866.22	29,820,315.43	15,467,937.93	26,821,483.85	29,054,663.17
Silver:						
Dollars	364,925,217.00	364,528,596.00	364,083,702.00	366,059,953.00	369,273,688.00	371,497,164.00
Subsidiary coin	13,426,420.73	13,032,387.03	12,764,321.05	14,185,736.99	14,820,486.28	15,246,374.04
Bars	124,721,501.14	124,603,758.75	124,612,531.78	124,575,128.69	123,171,285.73	122,187,206.49
Paper:						
United States notes	107,694,735.99	111,768,519.00	115,825,143.00	100,935,176.00	106,222,443.00	114,392,534.00
Treasury notes of 1890	23,565,611.00	24,322,953.00	22,044,511.00	27,103,065.00	30,644,730.00	32,352,314.00
Gold certificates	168,250.00	107,910.00	163,450.00	131,140.00	651,470.00	533,220.00
Silver certificates	8,953,238.00	8,471,611.00	9,625,856.00	14,380,165.00	11,831,561.00	11,293,078.00
Currency certificates	275,000.00	2,800,000.00	2,845,000.00	320,000.00	245,000.00	220,000.00
National-bank notes	6,523,602.28	6,391,746.03	7,063,136.78	10,409,649.58	8,630,537.88	7,110,997.73
Other:						
Bonds, interest, etc	132,255.07	86,169.15	32,079.36	273,750.02	66,329.49	40,388.17
Minor coin, etc	1,124,225.94	1,030,783.31	1,048,728.75	1,081,771.32	1,163,744.24	1,148,966.89
Deposits in national banks to the credit of Treasurer of the United States	10,077,662.19	10,307,023.87	10,475,132.20	10,815,371.00	20,643,896.05	23,102,355.20
Aggregate	807,958,578.26	797,019,407.46	783,782,299.59	770,565,293.17	855,061,110.13	871,060,308.38
DEMAND LIABILITIES.						
Gold certificates	50,585,889.00	50,341,889.00	50,099,889.00	49,978,989.00	44,384,489.00	43,822,469.00
Silver certificates	342,409,504.00	344,327,504.00	345,702,504.00	345,994,504.00	344,377,504.00	348,325,504.00
Currency certificates	57,015,000.00	48,735,000.00	34,450,000.00	29,245,000.00	33,070,000.00	34,680,000.00
Treasury notes of 1890	141,092,280.00	139,583,280.00	137,771,280.00	137,324,280.00	136,719,280.00	136,081,280.00
National-bank 5 per cent fund	8,250,722.82	8,142,980.25	7,835,379.38	7,598,024.18	7,481,930.58	8,155,654.63
Outstanding checks and drafts	2,323,028.84	3,189,812.32	2,834,026.06	2,683,827.41	2,848,525.21	2,938,053.45
Disbursing officers' balances	22,511,553.73	22,327,435.80	21,453,647.01	21,191,595.63	19,354,223.18	19,494,472.75
Agency accounts, etc	3,822,601.39	2,965,118.77	5,598,373.22	4,957,294.68	4,118,151.53	5,921,124.19
Available balance, including the gold reserve	179,947,998.48	177,406,386.62	178,027,200.92	171,591,778.27	262,707,006.65	271,641,748.36
Aggregate	807,958,578.26	797,019,407.46	783,782,299.59	770,565,293.17	855,061,110.13	871,060,308.38

Assets.	April, 1896.	May, 1896.	June, 1896.	July, 1896.	August, 1896.	September, 1896.
Gold:						
Coin	$135,594,838.09	$118,644,283.02	$111,803,339.78	$119,371,283.51	$106,561,113.97	.....
Bullion	32,851,621.22	32,662,859.89	32,217,024.13	30,640,941.22	33,264,086.12	.....
Silver:						
Dollars	374,187,554.00	376,572,499.00	378,614,043.00	379,852,244.00	381,056,160.00	.....
Subsidiary coin	15,459,002.77	15,637,424.37	15,730,976.22	16,004,144.53	15,909,800.97	.....
Bars	120,939,560.19	119,989,914.35	119,053,694.73	118,753,758.42	116,681,739.67	.....
Paper:						
United States notes	109,331,635.00	121,118,261.00	121,229,658.00	109,270,478.00	114,716,282.00	.....
Treasury notes of 1890	32,148,255.00	33,304,774.00	34,465,919.00	34,394,748.00	35,478,756.00	.....
Gold certificates	764,910.00	687,280.00	497,430.00	1,393,710.00	1,618,550.00	.....
Silver certificates	11,578,091.00	10,629,424.00	11,359,995.00	12,375,833.00	11,464,610.00	.....
Currency certificates	365,000.00	240,000.00	150,000.00	610,000.00	830,000.00	.....
National-bank notes	7,587,157.65	10,002,385.00	10,668,619.65	11,963,421.79	13,815,370.29	.....
Other:						
Bonds, interest, etc	107,004.67	143,138.75	21,938.06	115,599.04	168,493.43	.....
Minor coin, etc	1,186,336.52	1,181,754.77	1,235,643.28	1,160,671.99	1,203,868.60	.....
Deposits in national banks to credit of Treasurer United States	22,991,068.30	16,986,226.81	13,088,461.42	12,674,941.55	12,608,187.97	.....
Aggregate	865,092,034.41	857,800,224.97	850,136,742.27	848,551,775.05	845,377,019.02	.....
DEMAND LIABILITIES.						
Gold certificates	43,817,469.00	43,649,189.00	42,818,189.00	40,687,189.00	40,486,189.00	.....
Silver certificates	350,412,504.00	346,942,504.00	342,619,504.00	344,032,504.00	357,204,504.00	.....
Currency certificates	33,295,000.00	33,670,000.00	31,990,000.00	42,150,000.00	39,225,000.00	.....
Treasury notes of 1890	133,069,280.00	131,385,280.00	129,683,280.00	128,343,280.00	126,741,280.00	.....
National-bank 5 per cent fund	8,140,942.75	8,594,931.85	8,247,486.04	8,109,547.22	9,338,755.70	.....
Outstanding checks and drafts	2,819,473.79	2,365,447.13	3,481,077.69	3,617,575.48	3,470,684.99	.....
Disbursing officers' balances	18,343,931.64	19,266,117.85	18,049,918.23	20,857,578.97	21,438,337.51	.....
Agency accounts, etc	5,102,772.49	4,733,544.44	5,815,190.61	4,595,627.98	4,125,867.29	.....
Available balance, including the gold reserve	270,090,660.74	267,193,210.70	267,432,096.70	256,158,472.40	243,346,400.53	.....
Aggregate	865,092,034.41	857,800,224.97	850,136,742.27	848,551,775.05	845,377,019.02	.....

[a] United States bonds sold this month, $100,000,000 4 per cent loan of 1925; amount realized, $111,355,612.07, paid into the Treasury as follows:

During the quarter ended March 31	$106,820,349.66
During the quarter ended June 30	4,535,226.41
Total	111,355,612.07

APPENDIX P.

CLEARINGS.

[From the Commercial and Financial Chronicle, January 11, 1902.]

Very naturally the records of bank clearings for 1901 partake of the character of the business conditions which prevailed in that year. The volume of trade during 1901 was of unsurpassed magnitude. Stock exchange speculation, too, far exceeded that of the most active previous year. At the same time the year was marked by the carrying through of financial undertakings of huge dimensions—the organization, for instance, of the United States Steel Corporation, the purchase by the Hill-Morgan people of the Burlington and Quincy, the acquisition by the Harriman Kuhn, Loeb & Co. interests of the Southern Pacific, etc. Under these circumstances it was inevitable that the totals of clearings should rise to previously unequaled proportions. The extent of the expansion will nevertheless be a surprise, we imagine. It furnishes striking testimony to the phenomenal activity which distinguished this period of twelve months.

It is hardly needful to say that the increase in clearings has been especially marked at this center, where so much of the country's speculation and so many of its financial operations are carried on. Here there had been a falling off the previous year in the aggregate of exchanges as compared with the extraordinary total of 1899—13.4 per cent decrease. For 1901 there is an increase over 1900 of more than 50 per cent. Even outside of New York, however, where the clearings in 1900 had held their own, there is a gain of 16.5 per cent. For the whole country the addition has been 37.5 per cent, which follows a loss of 8.5 per cent in 1900, but a gain of 36.6 per cent in 1899, of 20.2 per cent in 1898, and of 11.7 per cent in 1897.

In amount the 37.5 per cent addition of 1901 represents an increase of over thirty-two thousand million dollars, which figure will probably impress the reader more forcibly than mere words could do. The grand aggregate of the clearings for 1901 is one hundred and eighteen and one-half thousand million dollars, as against eighty-six thousand millions in 1900, ninety-four thousand millions in 1899, sixty-nine thousand millions in 1898, and fifty-seven thousand millions in 1897. It will be observed that the total for 1901 is more than 100 per cent greater than that for 1897, only four years before. As a matter of fact it is almost double the amount of every year preceding 1898, which shows how rapidly the country's activities have been expanding recently. The following is the clearings record back to 1880:

CLEARINGS.

Year.	New York clearings.	Per cent increase (+) or decrease (−).	Clearings outside New York.	Per cent increase (+) or decrease (−).	Total clearings.	Per cent increase (+) or decrease (−).
1901	$79,427,685,842	+50.9	$39,098,148,706	+16.5	$118,525,834,548	+37.5
1900	52,634,201,865	−13.4	33,571,486,818	+ .5	86,205,688,683	− 8.5
1899	60,761,791,901	+44.8	33,416,297,332	+23.9	94,178,089,233	+36.6
1898	41,971,782,437	+25.6	26,959,415,287	+12.6	68,931,197,724	+20.2
1897	33,427,027,471	+15.8	23,894,945,735	+ 6.4	57,321,973,206	+11.7
1896	28,870,775,056	− 3.3	22,463,158,383	− 4.2	51,333,931,439	− 3.7
1895	29,841,796,924	+22.3	23,430,494,490	+10.1	53,272,291,414	+16.6
1894	24,387,807,020	−22	21,157,303,037	− 7.6	45,545,110,059	−15.9
1893	31,261,037,730	−14.7	22,962,270,278	− 9.4	54,223,308,008	−12.5
1892	36,662,469,202	+ 8.6	25,348,638,020	+10.8	62,011,107,222	+ 9.5
1891	33,749,322,212	− 9.9	22,987,037,805	− .8	56,736,360,017	− 6.4
1890	37,458,607,609	+ 4.4	23,165,332,888	+14.2	60,623,940,497	+ 7.9
1889	35,895,104,905	+15.4	20,280,223,091	+10	56,175,327,996	+13.4
1888	31,100,027,521	− 7.1	18,441,607,367	+ 4.3	49,541,634,888	− 3.1
1887	33,474,556,268	− .6	17,672,972,826	+13.2	51,147,529,094	+ 3.8
1886	33,676,829,612	+19.6	15,616,891,606	+17.2	49,293,721,218	+18.9
1885	28,152,201,336	− 9.1	13,321,839,708	+ .8	41,474,041,044	− 6.1
1884	30,985,871,170	−17.2	13,214,113,613	− 7.6	44,199,984,783	−14.6
1883	37,434,300,872	−20.2	14,297,171,924	+ 2.4	51,731,472,796	−15
1882	46,916,955,031	− 5	13,962,286,579	− .9	60,878,241,610	− 4
1881	49,376,882,883	+27.9	14,094,506,361	+23.9	63,471,389,244	+27
1880	38,614,448,223	+32.1	11,375,400,000	+22.4	49,989,848,223	+29.7

The gains extended through every month of the year, there being no month recording a lower total than the corresponding month of 1900, either with or without New York. During the first ten months, when comparison was with diminished figures in 1900, the percentages of increase were very heavy, ranging from 25 to 75 per cent. In November and December, when comparison was with increased totals in 1900 (the reelection of President McKinley having at that time occasioned a revival both of speculation and of business) the percentages of gain were more moderate.

MONTHLY CLEARINGS.

Month.	Clearings, total all.			Clearings outside New York.		
	1901.	1900.	Per cent.	1901.	1900.	Per cent.
January	$10,716,440,805	$7,643,048,256	+40.2	$3,315,325,932	$2,978,468,861	+11.3
February	8,358,808,924	6,432,824,338	+29.8	2,735,214,399	2,486,293,289	+10.0
March	10,003,589,736	7,625,746,597	+31.2	3,116,749,004	2,790,289,267	+11.7
First quarter	29,078,839,465	21,701,619,191	+34.0	9,167,289,335	8,255,051,417	+11.0
April	12,010,428,193	7,472,974,151	+60.7	3,373,539,617	2,758,727,208	+22.4
May	12,825,972,748	7,310,832,515	+75.4	3,500,540,353	2,833,585,455	+23.4
June	10,106,778,513	6,667,616,610	+51.6	3,244,996,258	2,793,408,269	+16.1
Second quarter	34,943,179,454	21,451,423,276	+62.9	10,119,076,228	8,383,720,932	+20.7
Six months	64,021,018,919	43,153,042,467	+48.4	19,286,365,533	16,638,772,349	+15.9
July	9,365,718,354	6,256,080,134	+49.7	3,283,788,320	2,704,365,200	+21.4
August	7,986,144,198	5,707,329,104	+39.9	3,056,595,238	2,523,040,588	+21.1
September	7,966,438,815	5,626,511,148	+41.5	2,919,305,266	2,469,988,514	+18.1
Third quarter	25,318,302,367	17,589,920,386	+43.9	9,259,688,924	7,697,394,302	+20.3
Nine months	89,339,321,286	60,742,962,853	+47.1	28,546,054,457	24,336,166,651	+17.3
October	9,531,613,614	7,621,319,823	+25.1	3,581,096,603	3,045,087,643	+17.6
November	9,848,809,518	8,758,997,164	+12.5	3,480,681,349	3,054,957,751	+14.1
December	9,806,090,130	9,082,408,843	+ 8.0	3,490,316,297	3,135,274,778	+11.3
Fourth quarter	29,186,513,262	25,462,725,830	+14.6	10,552,094,249	9,235,320,167	+13.2
Year	118,525,834,548	86,205,688,683	+37.5	39,098,148,706	33,571,486,818	+16.5

When the different cities are arranged in groups according to their location, a pretty close uniformity is found to exist in the percentages of increase—barring the Middle group, where the inclusion of New York makes the percentage large—namely, 46.4 per cent. For the New England group the increase is 15.5 per cent; for the Middle Western, 16.4 per cent; for the far Western,

11.8 per cent; for the Pacific, 17.7 per cent, and for the Southern, 18.2 per cent.

Here is a table showing the clearings by groups for every quarter of the last five years:

Clearings reported.		First quarter.	Second quarter.	Third quarter.	Fourth quarter.	Total year.
New York	1901	$19,911,550,000	$24,823,103,000	$16,058,614,000	$18,634,419,000	$79,427,686,000
	1900	13,446,568,000	13,067,702,000	9,892,526,000	16,227,406,000	52,634,202,000
	1899	16,143,474,000	15,881,751,000	13,178,774,000	15,557,793,000	60,761,792,000
	1898	10,624,560,000	9,280,198,000	9,902,793,000	12,164,232,000	41,971,783,000
	1897	7,021,588,000	7,126,471,000	9,223,105,000	10,055,863,000	33,427,027,000
Total other Middle	1901	2,279,335,000	2,702,260,000	2,229,867,000	2,485,973,000	9,697,435,000
	1900	2,007,372,000	2,175,027,000	1,880,665,000	2,177,167,000	8,240,231,000
	1899	2,112,341,000	2,146,860,000	1,927,779,000	2,164,291,000	8,351,271,000
	1898	1,528,642,000	1,502,690,000	1,446,219,000	1,680,577,000	6,158,128,000
	1897	1,235,013,000	1,250,015,000	1,384,097,000	1,507,338,000	5,376,453,000
Total New England	1901	1,995,055,000	2,178,406,000	1,887,098,000	2,036,168,000	8,096,727,000
	1900	1,795,091,000	1,732,101,000	1,507,440,000	1,975,971,000	7,010,603,000
	1899	1,965,267,000	2,019,332,000	1,919,739,000	2,104,807,000	8,009,145,000
	1898	1,581,960,000	1,421,211,000	1,442,218,000	1,781,702,000	6,227,091,000
	1897	1,374,075,000	1,422,479,000	1,479,868,000	1,603,103,000	5,879,525,000
Total Middle Western	1901	2,625,157,000	2,912,131,000	2,838,460,000	3,158,876,000	11,534,624,000
	1900	2,438,806,000	2,508,586,000	2,353,761,000	2,607,565,000	9,908,718,000
	1899	2,290,987,000	2,348,000,000	2,285,846,000	2,581,022,000	9,505,855,000
	1898	1,859,305,000	2,029,190,000	1,896,430,000	2,183,941,000	7,907,866,000
	1897	1,420,915,000	1,593,833,000	1,709,788,000	1,974,702,000	6,699,238,000
Total Pacific	1901	433,886,000	439,001,000	495,929,000	574,891,000	1,973,707,000
	1900	376,219,000	402,194,000	423,375,000	475,328,000	1,677,116,000
	1899	327,431,000	362,035,000	406,848,000	452,473,000	1,548,787,000
	1898	299,975,000	303,074,000	290,542,000	350,244,000	1,248,835,000
	1897	215,959,000	237,993,000	287,359,000	336,272,000	1,077,586,000
Total other Western	1901	638,520,000	679,329,000	721,632,000	865,844,000	2,905,385,000
	1900	581,658,000	637,898,000	634,482,000	744,435,000	2,598,473,000
	1899	493,261,000	531,692,000	579,304,000	693,722,000	2,297,979,000
	1898	451,419,000	510,194,000	477,159,000	624,111,000	2,062,883,000
	1897	370,782,000	408,029,000	430,386,000	561,136,000	1,770,333,000
Total Southern	1901	1,193,091,000	1,180,195,000	1,086,642,000	1,430,343,000	4,890,271,000
	1900	1,053,757,000	930,063,000	897,670,000	1,254,856,000	4,136,346,000
	1899	903,233,000	863,339,000	855,422,000	1,081,261,000	3,703,255,000
	1898	867,218,000	760,498,000	716,172,000	981,714,000	3,325,602,000
	1897	756,714,000	697,461,000	706,127,000	931,499,000	3,091,801,000
Total all	1901	29,076,594,000	34,944,425,000	25,318,302,000	29,186,514,000	118,525,835,000
	1900	21,699,481,000	21,453,561,000	17,599,920,000	25,462,727,000	86,205,689,000
	1899	24,235,994,000	24,153,009,000	21,153,712,000	24,635,374,000	94,178,089,000
	1898	17,213,079,000	15,812,055,000	16,110,533,000	19,766,521,000	68,902,188,000
	1897	12,395,046,000	12,736,284,000	15,220,730,000	16,969,913,000	57,321,973,000
Outside New York	1901	9,165,044,000	10,121,322,000	9,259,688,000	10,552,095,000	39,098,149,000
	1900	8,252,913,000	8,385,859,000	7,697,394,000	9,235,321,000	33,571,487,000
	1899	8,092,520,000	8,271,258,000	7,974,938,000	9,077,581,000	33,416,297,000
	1898	6,588,519,000	6,531,857,000	6,207,740,000	7,602,289,000	26,930,405,000
	1897	5,373,458,000	5,609,813,000	5,997,625,000	6,914,050,000	23,894,946,000
Canada	1901	418,988,000	474,108,000	473,787,000	529,786,000	1,896,669,000
	1900	372,411,000	391,958,000	385,348,000	436,572,000	1,586,289,000
	1899	388,348,000	395,913,000	393,450,000	449,611,000	1,627,322,000
	1898	347,987,000	324,696,000	337,202,000	377,697,000	1,387,582,000
	1897	247,780,000	278,785,000	306,794,000	350,693,000	1,184,052,000

In the Chronicle of Saturday, January 4, 1902, we gave a detailed statement showing the figures for the last two years at each city.

There are only four places in the whole country which, for one reason or another, fail to have an increase over 1900. In the following we furnish a four-year comparison of the totals for the leading cities—for December and the full twelve months:

Bank clearings at leading cities.

	December.				Jan. 1 to Dec. 31.			
	1901.	1900.	1899.	1898.	1901.	1900.	1899.	1898.
New York	$6,316,000,000	$5,947,000,000	$5,348,000,000	$4,652,000,000	$79,428,000,000	$52,634,000,000	$60,762,000,000	$41,972,000,000
Boston	560,000,000	593,000,000	609,000,000	557,000,000	7,192,000,000	6,180,000,000	7,086,000,000	5,426,000,000
Chicago	718,000,000	600,000,000	615,000,000	573,000,000	7,756,000,000	6,800,000,000	6,612,000,000	5,517,000,000
Philadelphia	460,000,000	437,000,000	431,000,000	390,000,000	5,475,000,000	4,678,000,000	4,811,000,000	3,672,000,000
St. Louis	225,000,000	164,000,000	152,000,000	141,000,000	2,271,000,000	1,689,000,000	1,638,000,000	1,455,000,000
Pittsburg	173,000,000	144,000,000	127,000,000	92,000,000	2,048,000,000	1,616,000,000	1,528,000,000	975,000,000
Baltimore	97,000,000	100,000,000	99,000,000	98,000,000	1,192,000,000	1,084,000,000	1,210,000,000	940,000,000
San Francisco	105,000,000	93,000,000	88,000,000	72,000,000	1,178,000,000	1,030,000,000	971,000,000	813,000,000
Cincinnati	82,000,000	74,000,000	71,000,000	56,000,000	973,000,000	796,000,000	748,000,000	646,000,000
Kansas City	82,000,000	81,000,000	59,000,000	49,000,000	918,000,000	775,000,000	648,000,000	585,000,000
New Orleans	74,000,000	73,000,000	56,000,000	53,000,000	604,000,000	557,000,000	458,000,000	436,000,000
Louisville	41,000,000	39,000,000	37,000,000	31,000,000	462,000,000	425,000,000	413,000,000	347,000,000
Minneapolis	72,000,000	53,000,000	56,000,000	50,000,000	626,000,000	580,000,000	540,000,000	460,000,000
Cleveland	61,000,000	51,000,000	46,000,000	38,000,000	703,000,000	566,000,000	519,000,000	389,000,000
Detroit	59,000,000	38,000,000	37,000,000	31,000,000	575,000,000	428,000,000	415,000,000	347,000,000
Providence	30,000,000	30,000,000	32,000,000	26,000,000	349,000,000	326,000,000	335,000,000	265,000,000
Milwaukee	31,000,000	26,000,000	27,000,000	25,000,000	328,000,000	298,000,000	287,000,000	262,000,000
Omaha	27,000,000	27,000,000	26,000,000	31,000,000	331,000,000	317,000,000	297,000,000	320,000,000
Buffalo	28,000,000	22,000,000	23,000,000	20,000,000	304,000,000	259,000,000	253,000,000	216,000,000
Columbus	37,000,000	26,000,000	24,000,000	19,000,000	340,000,000	270,000,000	261,000,000	209,000,000
St. Paul	27,000,000	23,000,000	23,000,000	23,000,000	260,000,000	247,000,000	239,000,000	221,000,000
Hartford	12,000,000	10,000,000	12,000,000	10,000,000	136,000,000	126,000,000	136,000,000	124,000,000
Denver	19,000,000	18,000,000	19,000,000	14,000,000	228,000,000	217,000,000	178,000,000	151,000,000
Total	9,336,000,000	8,669,000,000	8,017,000,000	7,051,000,000	113,677,000,000	81,898,000,000	90,345,000,000	65,748,000,000
Other cities	470,000,000	413,000,000	362,000,000	311,000,000	4,849,000,000	4,307,000,000	3,833,000,000	3,183,000,000
Total all	9,806,000,000	9,082,000,000	8,379,000,000	7,362,000,000	118,526,000,000	86,205,000,000	94,178,000,000	68,931,000,000
Outside New York	3,490,000,000	3,135,000,000	3,031,000,000	2,710,000,000	39,098,000,000	33,571,000,000	33,416,000,000	26,959,000,000

On the New York Stock Exchange, as everyone is aware, dealings during the early months were on an unparalleled scale, the speculation eventuating in the May panic. In April the sales on the Stock Exchange aggregated 41,719,086 shares, as against 54,654,096 shares for the full year 1896, and on April 30 all records for a single day were broken in a total of 3,281,226 shares. After that the volume of business fell off, but still remained more than ordinarily large. We subjoin the monthly record for the two years.

Sales of stocks at New York Stock Exchange.

Month.	1901.			1900.		
	Number of shares.	Values.		Number of shares.	Values.	
		Par.	Actual.		Par.	Actual.
January	30,285,055	$2,911,531,850	$2,081,745,275	9,843,716	$946,581,487	$687,243,018
February	21,902,822	2,125,937,450	1,578,947,698	10,195,392	976,723,925	718,677,567
March	27,060,968	2,624,011,150	2,097,984,688	14,446,782	1,409,933,550	1,101,018,407
First quarter	79,248,845	7,661,480,450	5,758,677,661	34,485,890	3,333,238,962	2,506,938,992
April	41,719,086	4,089,407,800	3,515,023,287	14,772,973	1,434,106,700	977,081,461
May	35,292,203	3,440,179,575	2,683,101,469	9,519,473	902,298,900	610,491,418
June	19,795,612	1,930,755,550	1,509,649,867	7,308,687	704,924,650	455,082,364
Second quarter	96,806,901	9,460,342,925	7,707,774,623	31,601,133	3,041,330,250	2,042,655,243
Six months	176,055,746	17,121,823,375	13,466,452,284	66,087,023	6,374,569,212	4,549,594,235
July	16,024,668	1,577,408,450	1,215,378,902	6,230,493	599,842,700	401,407,206
August	10,772,021	1,055,517,350	852,061,498	4,020,654	393,257,750	236,987,469
September	13,990,195	1,380,178,850	1,067,337,661	5,169,966	496,938,600	301,498,746
Third quarter	40,786,884	4,013,104,650	3,114,778,061	15,421,113	1,490,039,050	939,893,421
Nine months	216,842,630	21,134,928,025	16,581,230,345	81,508,136	7,864,608,262	5,489,487,656
October	14,036,082	1,371,786,450	1,049,728,428	10,895,083	1,062,757,300	706,305,917
November	18,314,962	1,748,173,350	1,459,015,487	22,565,396	2,189,731,325	1,477,503,887
December	16,750,985	1,595,101,000	1,341,086,291	23,411,629	2,254,609,225	1,575,987,649
Fourth quarter	49,102,029	4,715,060,800	3,849,830,206	56,872,048	5,507,097,850	3,759,797,453
Year	265,944,659	25,849,988,825	20,431,060,551	138,380,184	13,371,706,112	9,249,285,109

For the twelve months the sales foot up roughly 266,000,000 shares, which is nearly double the total of 138,000,000 for 1900, and compares with 176,000,000 shares for 1899, the previous maximum. In 1897 the sales were only 77,000,000 shares.

Number and value of shares sold at New York Stock Exchange.

Year.	Stocks, shares.[a]	Average price.	Values (approximate).[b]
1901	265,944,659	79.0	$20,431,960,551
1900	138,380,184	69.2	9,249,285,109
1899	176,421,135	78.6	13,429,291,715
1898	112,699,957	72.7	8,187,413,985
1897	77,324,172	67.0	4,973,553,065
1896	54,654,096	65.2	3,329,969,940
1895	66,583,232	60.3	3,808,338,604
1894	49,075,032	64.2	3,094,942,769
1893	80,977,839	60.3	4,550,260,916
1892	85,875,092	63.5	4,874,014,262
1891	69,031,689	57.1	3,812,247,419
1890	71,282,885	60.2	3,977,664,193
1889	72,014,600	61.0	4,059,231,891
1888	65,179,106	62.5	3,539,519,143
1887	84,914,616	61.1	4,508,778,899
1886	100,802,050	65.6	5,885,662,200

[a] The shares of stocks we take from the record kept by the Journal of Commerce for the years 1882 to 1884, inclusive; since 1885 the totals are our own compilation.

[b] The values of sales, except for the year 1882 (figures made up by The Public), are our own compilations.

Number and value of shares sold at New York Stock Exchange—Continued.

Year.	Stocks shares.	Average price.	Values (approximate).
1885	92,538,947	64.1	$5,479,859,840
1884	96,154,971	61.77	5,939,500,000
1883	97,049,909	64.51	6,260,809,961
1882	116,307,271	66.12	7,689,453,436

It remains to add that the bond sales were also of unusual volume, the dealings in railroad and miscellaneous bonds being $994,235,400 for 1901, against $569,159,000 for 1900, $826,711,400 for 1899, $888,747,630 for 1898, $529,843,960 for 1897, and $363,158,820 for 1896.

As to the mercantile exchanges, there are no records for the cotton exchange. Even in the case of the produce exchange no official data are kept. In this last instance, however, we have made up the following from the figures given from day to day in the daily papers, and this ought to furnish a pretty close approximation to the actual result. Notwithstanding the speculative activity which prevailed at times in the grain markets, as a result of the corn-crop shortage, the combined total of spot and option sales for 1901, it will be seen, is only 869,516,075 bushels, as against 1,095,532,330 bushels for 1900 and 824,685,480 bushels for 1899.

Sales of flour, wheat, etc., at New York Produce Exchange.

	Flour.	Wheat.	Corn.	Oats.	Barley and malt.	Rye.	Total.
First quarter:	*Barrels.*	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*
1901	658,800	128,288,000	14,458,000	7,1[illegible]1,000	405,000	86,000	153,342,600
1900	972,840	147,141,000	14,584,000	6,393,800	1,462,000	212,000	174,170,580
1899	1,110,440	155,027,000	18,085,000	4,629,000	240,000	869,000	183,846,980
1898	954,050	215,747,000	26,621,000	7,932,000	956,000	902,000	256,451,225
1897	816,700	200,066,000	14,315,000	7,321,000	1,681,000	1,015,700	228,073,850
Second quarter:							
1901	719,200	200,270,000	23,279,000	6,849,000	32,000	318,000	233,984,400
1900	827,900	257,759,000	35,879,000	7,081,000	794,000	471,000	305,709,550
1899	965,240	223,588,000	33,556,500	9,896,500	818,000	626,000	272,828,580
1898	840,450	339,174,000	43,847,000	12,145,000	360,000	4,256,500	403,564,525
1897	1,203,160	401,239,000	24,943,000	10,601,000	2,012,000	1,866,000	446,075,220
Third quarter:							
1901	702,250	213,899,000	27,176,000	7,712,000	205,000	300,000	252,452,125
1900	795,900	294,301,000	34,986,000	8,126,000	710,000	94,000	341,798,550
1899	941,960	141,655,000	36,164,000	11,612,000	2,560,000	1,331,500	197,561,320
1898	814,275	103,386,000	31,505,000	7,751,000	1,190,000	1,808,000	149,304,237
1897	1,274,150	434,528,000	33,298,000	16,324,000	1,488,000	1,828,000	493,199,675
Fourth quarter:							
1901	557,100	200,470,000	18,035,000	8,156,000	525,000	44,000	229,736,950
1900	751,700	239,768,000	22,893,000	7,280,000	380,000	150,000	273,853,650
1899	963,800	140,175,000	19,853,000	4,199,500	1,735,000	149,000	170,448,600
1898	1,020,800	130,103,000	40,894,000	5,501,000	1,662,000	1,994,000	184,927,600
1897	1,169,590	250,457,000	34,829,000	16,332,000	1,177,000	1,915,000	309,973,155
Total 1901	2,637,350	742,927,000	82,948,000	29,858,000	1,167,000	748,000	869,516,075
Total 1900	3,348,340	938,969,000	108,342,000	28,880,800	3,346,000	927,000	1,095,532,330
Total 1899	3,981,440	660,445,000	107,658,500	30,337,000	5,353,000	2,975,500	824,685,480
Total 1898	3,669,575	788,410,000	142,867,000	33,329,000	4,168,000	8,960,500	994,247,587
Total 1897	4,463,600	1,286,290,000	107,385,000	50,578,000	6,358,000	6,624,700	1,477,321,900

Clearings for forty-eight years.

Fiscal years ending September 30—	Number of members.	Clearings for year.	Average daily clearings.
1854	50	$5,750,455,987.06	$19,104,504.94
1855	48	5,302,912,098.38	17,412,052.27
1856	50	6,906,213,328.47	22,278,107.51
1857	50	8,333,226,718.06	26,968,371.26
1858	46	4,756,664,386.09	15,393,735.88
1859	47	6,448,005,956.01	20,867,333.19
1860	50	7,231,143,056.69	23,401,757.47
1861	50	5,915,742,758.05	19,269,520.33
1862	50	6,871,443,591.20	22,237,681.53
1863	50	14,867,597,848.60	48,428,057.49
1864	49	24,097,196,655.92	77,984,455.20
1865	55	26,032,384,341.89	84,796,040.20
1866	58	28,717,146,914.09	93,541,195.10
1867	58	28,675,159,472.20	93,101,167.11
1868	59	28,484,288,636.92	92,182,163.87
1869	59	37,407,028,986.55	121,451,392.81
1870	61	27,804,539,405.75	90,274,473.59
1871	62	29,300,986,682.21	95,133,673.64
1872	61	33,844,369,568.39	109,884,316.78
1873	59	35,461,052,825.70	115,885,793.58
1874	59	22,855,927,636.26	74,092,573.97
1875	59	25,061,237,902.09	81,869,470.26
1876	59	21,597,274,247.04	70,249,427.51
1877	58	23,289,243,701.09	76,358,176.06
1878	57	22,508,438,441.75	73,785,746.54
1879	59	25,178,770,660.50	82,015,559.70
1880	59	37,182,128,621.09	121,510,224.25
1881	61	48,595,818,212.31	159,232,190.86
1882	62	45,552,846,161.24	151,037,935.38
1883	64	40,293,165,257.65	132,543,306.76
1884	62	34,092,037,337.78	111,043,981.55
1885	64	25,250,791,439.90	82,789,480.18
1886	64	33,374,682,216.48	109,037,568.54
1887	65	34,872,848,785.90	114,337,209.13
1888	64	30,863,686,609.21	101,192,415.11
1889	64	34,796,465,528.87	114,839,820.23
1890	65	37,600,686,571.76	123,074,139.12
1891	64	34,053,698,770.04	111,651,471.39
1892	65	36,279,905,255.59	118,531,781.82
1893	65	34,421,380,869.50	113,978,082.31
1894	66	24,230,145,367.70	79,704,425.55
1895	67	28,264,379,126.23	92,670,095.49
1896	66	29,350,894,883.87	96,252,442.24
1897	66	31,337,760,947.98	103,424,952.62
1898	65	39,853,413,947.74	131,529,418.97
1899	64	57,388,230,771.33	189,961,029.04
1900	64	51,964,588,564.31	170,935,146.61
1901	62	77,020,672,493.65	254,193,638.59
Total		1,360,408,670,557.19	92,582,596.94

Balances paid in money for forty-eight years.

Fiscal years ending September 30—	Number of members.	Balances for year.	Average daily balances.	Balances to clearings.
				Per cent.
1854	50	$297,411,493.69	$988,078.06	5.17
1855	48	289,694,137.14	940,565.38	5.40
1856	50	334,714,489.33	1,079,724.16	4.83
1857	50	365,313,901.69	1,182,245.64	4.39
1858	46	314,238,910.60	1,016,954.40	6.66
1859	47	363,984,682.56	1,177,943.96	5.64
1860	50	380,693,438.37	1,232,017.60	5.26
1861	50	353,383,944.41	1,151,087.77	5.97
1862	50	415,530,331.46	1,344,758.95	6.04
1863	50	677,626,482.61	2,207,252.39	4.55
1864	49	885,719,204.93	2,868,405.19	3.67
1865	55	1,035,765,107.68	3,373,827.71	3.97
1866	58	1,066,135,106.35	3,472,752.79	3.71
1867	58	1,144,963,451.15	3,717,413.80	3.99
1868	59	1,125,455,236.68	3,642,249.95	3.95
1869	59	1,120,518,307.87	3,637,397.10	2.99
1870	61	1,036,484,821.79	3,365,210.46	3.72
1871	62	1,209,721,029.47	3,927,665.68	4.12
1872	61	1,428,582,707.53	4,638,255.54	4.22
1873	59	1,474,508,024.95	4,818,653.67	4.15
1874	59	1,286,753,176.12	4,205,075.73	5.62
1875	59	1,408,608,776.08	4,603,296.65	5.62
1876	50	1,295,042,028.82	4,218,377.94	5.99
1877	58	1,373,986,301.68	4,504,905.90	5.89
1878	57	1,307,843,857.24	4,273,999.53	5.81
1879	59	1,400,111,062.86	4,560,622.35	5.56
1880	59	1,516,538,631.29	4,956,008.60	4.07
1881	61	1,776,018,161.58	5,823,010.36	3.66
1882	62	1,595,000,245.27	5,195,440.54	3.42
1883	64	1,568,983,196.15	5,161,128.93	3.89
1884	62	1,524,930,993.93	4,967,201.93	4.47
1885	64	1,295,355,251.89	4,247,069.59	5.12
1886	64	1,519,565,385.22	4,965,899.95	4.55
1887	65	1,569,626,324.77	5,146,315.82	4.49
1888	64	1,570,198,527.78	5,148,191.89	5.08
1889	64	1,757,637,473.47	5,800,783.74	5.05
1890	65	1,753,040,145.23	5,728,889.36	4.65
1891	64	1,584,635,499.88	5,195,526.21	4.65
1892	65	1,861,500,574.56	6,083,335.18	5.13
1893	65	1,696,207,175.52	5,616,580.05	4.92
1894	66	1,585,241,633.52	5,214,610.63	6.54
1895	67	1,896,574,249.11	6,218,276.55	6.71
1896	66	1,843,289,238.66	6,043,571.27	6.28
1897	66	1,908,901,897.67	6,300,006.26	6.01
1898	65	2,338,529,016.43	7,717,917.54	5.87
1899	64	3,085,971,370.53	10,218,448.24	5.37
1900	64	2,730,441,810.27	8,981,716.48	5.25
1901	62	3,515,037,741.05	11,600,784.62	4.57
Total		64,885,824,657.44	4,415,804.04	4.77

[Extracts from manager's annual report for year ending September 30, 1901.]

Largest daily transactions on record, May 10, 1901:

Exchanges	$598,537,409.64
Balances	23,873,115.92
Total	622,410,525.56
Largest balances March 5, 1901	24,170,338.08

The debit balances were paid in as follows:

United States bearer gold certificates	$393,274,000.00
United States order gold certificates	18,940,000.00
Clearing-house gold certificates	3,094,755,000.00
United States-legal tender certificates	380,000.00
United States legal tenders and change	4,688,741.05
Total	3,515,037,741.05

Transactions of the United States assistant treasurer at New York:

Debit exchanges	$451,733,788.49
Credit exchanges	222,606,869.20
Debit balances	233,551,426.01
Credit balances	4,426,506.72
Excess of debit balances	229,124,919.29

The association is now composed of 43 national banks and 18 State banks. The assistant treasurer United States, at New York, also makes his exchanges at the clearing house.

There are 79 banks and trust companies in the city and vicinity not members of the association which make their exchanges through banks that are members, in accordance with the resolution adopted October 14, 1890.

[Extracts from manager's annual report for year ending September 30, 1901.]

The clearing-house transactions for the year have been as follows:

Exchanges	$77,020,672,493.65
Balances	3,515,037,741.05
Total transactions	80,535,710,234.70

The average daily transactions:

Exchanges	$254,193,638.59
Balances	11,600,784.62
Total	265,793,423.21

Total transactions since organization of clearing house (48 years):

Exchanges	$1,360,408,679,557.19
Balances	64,885,824,657.44
Total	1,425,294,504,214.63
Largest exchanges on any one day during the year (May 10, 1901)	598,537,409.64
Largest balances on any one day during the year (March 5, 1901)	24,170,338.08
Largest transactions on any one day during the year (May 10, 1901)	622,410,525.56
Smallest exchanges on any one day during the year (April 6, 1901)	94,138,035.55
Smallest balances on any one day during the year (August 5, 1901)	4,916,501.96
Smallest transactions on any one day during the year (April 6, 1901)	100,561,343.96

APPENDIX Q.

CREDIT INSTRUMENTS IN BUSINESS.

Previous investigations made of substitutes for money.

It will be interesting and proper in this connection to review briefly the history of previous attempts to determine the amount of credit instruments used in business. The first information of importance published on this subject was that furnished in a report of the committee of the House of Commons on the crisis of 1857. That report contains an analysis of the operations of the banking house of Mr. Slater for 1856, in which he gives the following table,* showing the proportion in which each million of receipts and expenditures were made in money and the various forms of credit:

RECEIPTS.

In bankers' drafts and mercantile bills payable after date.	£533,596	
Checks payable on demand	357,715	
Country bankers' notes	9,627	
		£900,938
Bank of England notes	68,554	
Gold	28,089	
Silver and copper	1,486	
Post-office orders	933	
		99,062
Total		1,000,000

PAYMENTS.

By bills of exchange	302,674	
Checks on London bankers	663,672	
		966,346
Bank of England notes	22,743	
Gold	9,427	
Silver and copper	1,484	
		33,654
Total		1,000,000

This table shows that in the operations of this banking house gold and silver entered to an extent of less than 3 per cent, Bank of England notes to 7 per cent, credit instruments 90 per cent. Of the payments, gold and silver formed 1 per cent, bank notes 2 per cent, credit instruments 97 per cent.

The next data of importance on the subject given to the public were furnished by Sir John Lubbock in his article "Country

*The table is taken from McLeod's Theory and Practice of Banking.

clearing," published in the Journal of the London Statistical Society, September, 1865. The account, as follows, is taken from the report of the Comptroller of the Currency for 1881:

	Pounds sterling.	Per cent.
Clearing	16,346,000	70.8
Checks and bills which did not pass through the clearing house	5,394,000	23.4
Bank notes	1,137,000	4.9
Coin	139,000	.6
Country notes	79,000	.3
Total	23,095,000	100

"It would appear from this that out of £1,000,000 rather more than £700,000 passes through the clearing house. The second account given above, £5,394,000, includes, of course, the transfers made in our own books from the account of one customer to that of another. These amount to £3,603,000, the remainder, £1,791,000, representing the checks and bills on bankers which did not clear.

"In order to ascertain the proportion of payments made in bank notes and coin in town, I have taken the amount, £17,000,000, paid in by our London customers. This was made up as follows:

	Pounds sterling.	Per cent.
Checks and bills on clear in bankers	13,000,000	77.4
Checks and bills on ourselves	1,600,000	9.5
Checks and bills on other bankers	1,400,000	8.3
Bank of England notes	674,470	4.
Country bank notes	9,570	.1
Coin	117,960	.7
Total	16,802,000	100

"The above amount of bank notes, small as it is, must, I think, be still further reduced. All the clearing bankers have accounts at the Bank of England, and as we require notes to supply our till, we draw them from the Bank of England, crediting the bank in our books. Out of the above amount of £674,470, £266,000 were notes drawn by us from the bank to replenish our till, and did not represent the amount paid in by our customers to their credit. On the other hand, we must add the amount of notes paid in for collection, and deduct the loans on security which pass through the different set of books, and which represent the sum of £2,460,686.

"Making these alterations, we find that out of £19,000,000 credit to our town customers, £408,000 consisted of bank notes, £79,000 of country bank notes, and £118,000 of coin.

	Pounds sterling.	Per cent.
Checks and bills	18,395,000	96.8
Bank notes	408,000	2.2
Country notes	79,000	.4
Coin	118,000	.6
Total	19,000,000	100

It has been objected that Sir John Lubbock's statistics do not fairly represent the proportion of payments made in England with ready money, on the ground that his bank did not afford accurate indications of the character of the commercial transactions of all England. The objection, it would seem, is well founded. Certainly the returns did not furnish a sufficient basis for safe conclusions.

Among the returns obtained in the present investigation was a statement from a Chicago banking house of its total transactions for the first six months of 1896, which showed that only twenty-two one-hundredths of 1 per cent of the whole six months' business was in "currency." It would hardly be fair to conclude that the business of all similar houses was performed on an equally small basis of money. Indeed, in no case among the returns of the present investigation is there a similar instance.

The next data on this subject were gathered in this country by the Treasury Department at the request of President Garfield, then in the House of Representatives. In his speech on resumption, November 16, 1877, he stated that when he was chairman of the Committee on Banking and Currency in 1871 he requested the Comptroller of the Currency to secure for him data on the subject from 52 selected banks. He goes on to say:

"I selected three groups; the first was the city banks, the second consisted of banks in cities of the size of Toledo and Dayton in the State of Ohio. In the third group, if I may coin a word, I selected the 'countriest' banks, the smallest that could be found, at points away from railroads and telegraphs. The order was that those banks should analyze all their receipts for six consecutive days, putting into one list all that can be called cash—either coin, greenbacks, bank notes, or coupons—and into the other list all drafts, checks, or commercial bills. What was the result? During those six days $157,000,000 were received over the counters of the 52 banks, and of that amount $19,370,000—12 per cent only—was in cash, and 88 per cent, that vast amount representing every grade of business, was in checks, drafts, and commercial bills."

Following this effort to secure data on the subject was the one made by the Comptroller of the Currency in 1881. On two dates, June 30 and September 17 of that year, he asked the national banks for classified returns of their receipts and payments. As shown by the tables incorporated in this report, returns were received in June from 1,966 of the 2,106 national banks in operation, and for September 17 returns were received from 2,132, being all the national banks in operation at that date. It will be seen by the tables that the gold coin in the returns on the first date amounted to sixty-five hundredths of 1 per cent of the total receipts, and the silver coin to sixteen one-hundredths of 1 per cent; the paper money was 4.6 per cent, and checks and drafts were 91.77 per cent. The Comptroller gives 95.13 per cent as the total percentage of credit instruments used for payments, according to these returns. In this, however, he includes clearing-house certificates. The same thing was done in subsequent reports in 1890 and 1892. Inasmuch, however, as these clearing-house certificates are really certificates of deposit of currency, they can not be properly classed with checks and drafts. They should therefore be left out in figuring the total percentage of credit instruments. On September 17 of the same year gold coin formed 1.38 per cent of the receipts of the national banks; silver coin, seventeen hundredths of 1 per cent; paper, 4.36 per cent; checks and drafts, 91.85 per cent. The Comptroller includes clearing-house certificates again, and so makes the total per cent of credit instruments 94.09. Other totals may be gathered from the tables, which are inserted in the report for the purpose of comparison.

TABLE I.—*Analysis of national-bank receipts, June 30 and September 17, 1881.*

Items.	June 30—1,966 banks.		Sept. 17—2,132 banks.	
	Amount.	Per cent.	Amount.	Per cent.
Checks, drafts, and bills	$261,271,666	91.77	$271,036,525	91.85
Clearing-house certificates	9,582,500	3.36	6,592,337	2.24
Paper money	11,554,747	4.06	13,026,570	4.36
Gold coin	1,864,105	.65	4,078,044	1.38
Silver coin	440,998	.16	500,301	.17
Total	284,714,016	100	295,233,779	100

In his report for 1881 the Comptroller also discusses the use of checks in France, England, Scotland, and Ireland. In France, as is well known, "the use of deposits, bank accounts, and checks is still in its infancy." In the past ten years, however, their use has doubtless increased. The Bank of France for several years made an effort to persuade the public to use them to a larger extent, and offered advantages to those who kept current accounts in the shape of better facilities for "transfer from one place to another free of cost for all sums proceeding from discount operations or the encashment of documents on demand. We have desired to proceed further with this plan, and we have just completed the first arrangement by giving to all those who had current accounts with us, without exception, a means of disposing by open checks of the whole of the sums which stand to their credit. These checks * * * will be delivered gratuitously when they are drawn against the proceeds or discounts of drafts on demand encashed by the bank, and they will be made payable in all our establishments indifferently."[a]

In England banking has reached a high stage of development, and the percentage of credit instruments used in transactions in that country probably runs as high as it does in our own. The London Banker's Magazine for November, 1881, gives data from which the comptroller of the currency in that year reported that the percentage of checks in the receipts of London banks averaged 97.23; in the banks of Edinburg, 86.78; in the banks of Dublin, 89.90, and in the country banks, in 261 places, 72.86.

In the same report of the comptroller is given a table showing the percentage of bank notes, coin, and checks used in the transactions of several English banking houses. In one case 90 per cent of the total receipts consisted of bills and checks, and 97 per cent of the payments were of the same character.

Two banks of Manchester showed 47 per cent, 58 per cent, and 68 per cent of total payments in credit instruments in the years 1859, 1864, and 1872, respectively. In still another case, the transactions of an English banking house for six working days in each

[a] Report of the Bank of France for 1880, as quoted in report of the Comptroller for 1881.

month for a period of seven months in 1878 and 1879 showed 96.5 per cent of the total receipts in credit instruments and 96.9 per cent of the total payments in paper of the same character. The foreign data, however, are small and insignificant when compared with those which have been obtained from investigations in this country.

The subject was investigated again in 1890 and 1892. In the former year, on July 1, checks, drafts, etc., constituted 91.46 per cent of the total receipts of 3,364 banks. In September the percentage for 3,474 banks was 90.3. Tables II and III show the details. If clearing-house certificates are included, the percents are 92.5 and 91.04 for 1890 and 90.61 for 1892.

TABLE II.—*Analysis of national-bank receipts, July 1 and September 17, 1890.*

Items.	July 1—3,364 banks.		Sept. 17—3,474 banks.	
	Amount.	Per cent.	Amount.	Per cent.
Checks, drafts, etc	$189,408,708	44.90	$168,803,756	51.58
Exchange for clearing house	194,290,203	46.06	126,596,873	38.68
Miscellaneous	2,138,022	.50	135,562	.04
		91.46		90.30
Gold coin	3,726,605	.89	3,702,772	1.13
Silver coin	1,352,647	.32	1,399,991	.43
Gold Treasury certificates	6,427,973	1.52	6,159,305	1.88
Silver Treasury certificates	6,442,638	1.53	5,908,714	1.81
Legal-tender notes	7,881,786	1.87	7,665,666	2.34
National-bank notes	5,244,967	1.25	4,371,778	1.34
Legal-tender certificates	520,000	.12	105,000	.03
Clearing-house certificates	4,391,177	1.04	2,428,834	.74
Total	421,824,726	100	327,278,251	100

TABLE III.—*Analysis of national-bank receipts, September 15, 1892.*

[3,473 banks.]

Items.	Amount.	Per cent.
Checks, drafts, etc	$154,959,059	46.79
Exchange for clearing houses	141,873,266	42.83
Miscellaneous	586,367	.18
		89.80
Gold coin	2,907,017	.88
Silver coin	1,372,054	.41
Gold Treasury certificates	3,407,340	1.03
Silver Treasury certificates	6,537,015	1.97
Legal-tender notes	8,531,514	2.58
Treasury notes	2,675,269	.81
National-bank notes	3,454,483	1.04
Legal-tender certificates	2,210,000	.67
Clearing-house certificates	2,691,829	.81
Total	331,205,213	100

The Comptroller notes as a conspicuous change the increase in the percentage of credit instruments returned by country banks from 14.11 per cent in June, 1881, to 25.28 per cent in September, 1892. He summarizes the results as follows:

"The variations in the percentage of the different kinds of money, checks, drafts received, as shown in the statistics for September 15, 1892, do not essentially vary from those of 1890 and 1891. The percentage shows a decrease for each of the three years reported and a corresponding increase in the amount of cash received by the banks over their counters."

A study of the results of the investigations thus far discussed shows that although they are very valuable as throwing light on the extent to which the credit instruments enter into payments for all classes of transactions, they are not satisfactory as a means of determining the percentage of such paper used in the actual trade of the country.

In the first place, the figures obtained show the total receipts of the banks. The receipts of a bank during a given day may be very different from its deposits, inasmuch as the receipts will usually include bills for collection, checks presented for cashing, notes discounted, and various other items which go to swell the total per cent of credit paper. In the second place, the results received furnish no satisfactory means of distinguishing between the credit paper that passed in consequence of speculative transactions and that which represents real trade. Still further, no measures were taken to have the returns classified on the basis of the different classes of business. And, finally, no investigation was made into incidental influences affecting the use of checks.

In consequence of these and other defects the inquiry of 1894 was instituted. This investigation was confined entirely to retail trade. It called for the deposits received by the national banks from certain classes of retail traders insterd of for the total receipts of the banks. The banks were requested to specify the amount of each of the different kinds of money and the amount of checks and other instruments of credit in the deposits of retail grocers, butchers, clothiers, furniture dealers, and fuel dealers. The day selected for securing the data was the settling day nearest the 30th of June. These five classes of retail dealers were selected for the reason that the purchase of their products represents the principal part of the expenses of living of the people at large. Hence, any data received concerning the mode of payment in transactions of this kind it was thought would be valuable as showing the extent to which credit paper actually was used in trade payments. "Settling day" was selected on the supposition that the returns on such a day would be more likely than any other to show the normal volume of trade and the normal volume of checks deposited.

Information was also sought concerning the length of period of credit in retail trade; the length of the wages period; the method of payment of wages, whether by checks or in money, and the extent to which wage checks are cashed by merchants. The purpose of this last was to secure some information whereby correction could be made for the deposit by merchants of pay checks which they had simply cashed instead of receiving in payment for goods. The results of the investigation are given in the general comparative table presented in the present report (Table No. XVI).[a] It appeared from the returns that about 58 per cent of the deposits of the traders concerned was in checks and other instruments of credit, and that from the investigation 50 per cent is a fair average for the amount of credit paper entering into the transactions of the dealers reporting on the date mentioned.

The investigation of 1894, too, was unsatisfactory, for several reasons. In the first place, returns were asked for only a part of retail trade, expenditures in which constitute about 67 per cent of the total expenses of an average family. In the second, the returns came from the national banks only, and in this respect were defective like all previous reports. Still further, there were no figures in existence to permit a comparison to be made with those obtained. And, finally, the reports were for but one day. For this last reason it was thought they were liable to serious error, because the deposits made by the traders on the day in question probably represented sales made throughout the period of credit common to their community, while the money deposits probably did not include payments for all the cash sales made during that period. Some effort has been made in the present investigation to meet this difficulty.

As a result of these obvious difficulties it seemed best to make another investigation on a much larger scale and with more careful attention to the form of the returns. It was desirable to secure comparative data to test the figures previously obtained, and to take advantage of previous experience in order to eliminate sources of error. These sources of error, as has been noted, came principally from the paucity of the returns, the small industrial field covered by them, and the nonclassification of depositors.

THE PRESENT INQUIRY.

In pursuance of these ideas a circular was sent out asking for the necessary information, in the following form:

"TREASURY DEPARTMENT,
"OFFICE OF THE COMPTROLLER OF THE CURRENCY,
"*Washington, D. C., June 15, 1896.*

"The CASHIER,
"_____ *Bank,*
"_____.

"SIR: In 1894, in response to the special request issued by the Comptroller of the Currency, the national banks made reports to this office showing the extent of the use of credit instruments in retail transactions by their customers, the results being shown in the annual report issued from this Bureau in that year. It is now desired for purposes of comparison, and also to increase the fund of information relative to the use of credit instruments, to extend the scope of inquiry to cover not only retail but wholesale transactions, and as well transactions of other depositors in all banks. With this end in view, I inclose herewith a blank form on which you are requested to state, as of the "settling day" in your community nearest to July 1, the amount and character of deposits made in your bank on the day selected by (1) retail dealers, (2) wholesale dealers, and (3) all other depositors. Your attention is also called to the three inquiries following the statement of deposits with respect to "proportion of checks," etc., "payment of wages by checks," and "time of payment of wages."

"Information is also desired respecting the number of your depositors, total deposits in bank, and all actual cash on hand, classified as indicated, at the close of business on the day selected for this and the statement above called for.

"In order to make the investigation as complete as possible, this request has been sent to every banking institution in the United States—national, State, savings, and private banks, and trust companies. These statistics will be of sufficient value, it is believed,

[a] The data received in 1894 have been gone over again since the publication of the Comptroller's report and certain corrections made. These appear in this table. The general average is only slightly changed.

to warrant urging upon you to aid in making them thoroughly complete.

"In making a request for returns from those who are not conducting banks under the national-bank act, it is hoped the responses will be as general and complete as from those who are connected officially with this office. Such courtesy will be greatly appreciated, and the assurance is given that the publication of the information submitted will be confined entirely to a general summary of the returns. The subject is of wide and general interest and will give an amount of statistical information that will be of benefit to the public.

"As the compilation of these returns will involve considerable time and labor, I trust that you will transmit your report to me as promptly as possible after July 1.

"Very respectfully,

"JAMES H. ECKELS,
"*Comptroller.*"

"_____ BANK,
"_____, *July —, 1896.*

"THE COMPTROLLER OF THE CURRENCY,
"*Washington, D. C.*

"SIR: In compliance with your special request, dated June 15, 1896, I append hereto statements showing (A) the amount and character of deposits made in this bank on July —, (1) by retail dealers, (2) by wholesale dealers, and (3) by all other depositors; and (B) number of depositors, total amount of deposits, and cash on hand, classified as indicated.

(A) *Deposits made in this bank on July —, 1896.*

Depositors.	Deposits.				
	Gold coin.	Silver coin.	Paper currency.	Checks, drafts, orders, etc.	Total.
Retail dealers					
Wholesale dealers					
All other depositors					
Total					

"Q. 1. Does the above statement show about the usual proportion of checks, drafts, etc., to total deposits? If not, please indicate how much it differs therefrom.

"A. 1. _____.

"Q. 2. Is it customary in your community to pay wages by checks?

"A. 2. _____.

"Q. 3. Are wages, as a rule, paid weekly or monthly in your community?

"A. 3. _____.

(B) *Total number of depositors, amount of individual deposits, and cash on hand in this bank on July —, classified as indicated.*

Number of depositors
Total deposits $
Cash on hand, viz:
Gold coin
Gold certificates
Silver, dollars
Silver, fractional
Silver certificates
Treasury notes, 1890
United States notes
Currency certificates
National-bank notes
Total cash

Respectfully, yours,

"_____, *Cashier,*
"_____ *Bank,*
"_____."

It is to be noted that the circular called for deposits, not receipts. Obviously the deposits would be less in volume, as has already been stated, than the receipts, but they would represent more accurately the real business transactions of the country. The circular, it will further be noticed, called also for a classification of depositors into "retail dealers," "wholesale dealers," and "all others," together with the usual classification of the deposits. The date selected was the settlement day nearest the 1st of July. A settlement day was selected for reasons already given. Midsummer was chosen merely as a matter of convenience. Further, the circular asked for certain incidental information. It asked whether the percentage returned was an average one, whether wages were usually paid by checks in the community, and what was the length of the wage period. Information on the two latter points is of considerable value in determining whether or not the percentage of checks returned in any given community is due, to a large extent, to these special causes.

Those who are familiar with statistical investigations need not be told that it is quite impossible to prepare a form so phrased as to preclude the likelihood of misinterpretation, or to secure information so accurate as to cover all possible variations in the conditions that it seeks to investigate. It almost seems as if common words were turned into stumbling blocks by the mere fact of being used in a formal way. It is exceedingly difficult to get uniform interpretation of even very simple questions and terms. The present investigation is no exception to this experience. In interpreting the results obtained we must allow for errors due to various causes of this kind.

In the first place, it is difficult in some cases to draw the line between retail merchants and wholesale merchants. Where, for example, some asked: Shall we class the jobber or the lumber merchant? The answer depends upon the community, the extent of the business, and the point of view. Ordinarily the retail merchant is regarded as one who sells directly to consumers; yet there are many dealers who sell both to consumers and to jobbers. One or two Boston banks were unable to classify the returns of some merchants in Faneuil Hall market for this very reason.

Again, in a bank with a very large number of depositors many of them are personally unknown to the officers of the bank. In such a case a proper classification can not be made. The best that could be done under these circumstances was for the bank to return the statistics of deposits of all who were known to be retail dealers. This was done in some cases. The omissions, however, such as they were, can have no effect of any importance on the average results, for the dealers included were, in all likelihood, representative. Moreover, there can not have been many omissions, for the difficulty arose only in a few of the larger cities.

In the next place, the returns, although more complete than any ever before obtained, are, after all, partial. Of the nearly 13,000 banking institutions of all kinds in the country, 5,700 sent replies, of which 5,530 were available. Of these 3,474 were from national banks and the remainder State and private banks, savings banks, and loan and trust companies.

However, allowance can probably be made for any error due to the partial character of the returns. The results as obtained are tabulated hereinafter. There are three sets of tables of totals. The first set consists (1) of the deposits of retail dealers returned by the national banks in each State and Territory; (2) those of wholesale traders returned by the same banks; (3) the deposits of all the other depositors returned by the same banks; (4) the total deposits of all three classes of customers as returned by the same banks. The second set of tables contains the data, similarly arranged, returned by banks other than national. The third set of tables, also consisting of four, presents the total deposits of each class of dealers as returned by all the banks that made replies.

The returns are presented in this detail for several reasons. First, inasmuch as the returns of the previous investigations came from national banks alone, it is desirable to present by themselves the data now received from them for purposes of comparison. Such a comparison will enable it to be determined how far the allowances made at previous times for omissions now supplied were good. In the next place, the presentation of the tables in so great detail will enable it to be distinguished more clearly the real business transactions from those that are purely speculative; and, finally, it will give some information as to the use of the different classes of banks by the people, and the comparative influence of national and other banks in the business transactions of the country.

The tables are as follows:

TABLE IV.—*Retail deposits of 3,474 national banks, July 1, 1896.*

State or Territory.	Number of replies.	Specie.	Currency.	Checks.	Total.	Per cent specie.	Per cent currency.	Per cent checks.
Alabama	22	$8,151	$20,234	$38,366	$66,751	12.2	30.3	57.4
Arizona	5	2,872	2,891	17,306	23,069	12.4	12.5	75
Arkansas	9	3,601	11,462	24,937	40,000	9	28.7	62.3
California	30	64,664	8,315	239,086	312,065	20.7	2.6	76.6
Colorado	40	51,398	120,322	538,628	710,348	7.2	16.8	75.8
Connecticut	77	10,324	175,444	293,431	479,199	2.2	36.6	61.2
Delaware	17	4,610	23,512	46,784	74,906	6.1	31.4	62.4
District of Columbia	12	2,156	60,355	93,185	155,696	1.4	38.7	59.8
Florida	17	10,225	21,995	51,414	83,634	12.2	26.3	61.4
Georgia	24	18,008	27,409	71,081	116,498	15.4	23.5	61
Idaho	10	4,654	3,512	12,061	20,227	23	17.4	59.6
Illinois	212	57,602	412,084	1,062,378	1,532,064	3.8	26.9	69.3
Indiana	105	26,646	119,463	266,037	412,146	6.5	29	64.5
Indian Territory	8	655	2,637	3,681	6,973	9.4	37.8	52.7

TABLE IV.—*Retail deposits of 3,474 national banks, July 1, 1896*—Continued.

State or Territory.	Number of replies.	Specie.	Currency.	Checks.	Total.	Per cent specie.	Per cent currency.	Per cent checks.
Iowa	165	$32,811	$139,040	$285,663	$457,514	7	30.4	62.6
Kansas	105	20,358	51,929	141,911	214,198	9.5	24.2	66.2
Kentucky	67	9,743	45,995	99,974	155,712	6.3	29.5	64.2
Louisiana	20	14,131	30,305	100,492	144,928	9.8	20.9	69.3
Maine	79	5,994	88,070	142,222	236,286	2.5	37.3	61.2
Maryland	67	12,749	172,405	256,573	441,727	2.9	39	58
Massachusetts	254	45,322	638,468	1,451,895	2,165,685	2.1	30.8	67
Michigan	86	17,868	112,375	245,598	375,841	4.7	30	65.3
Minnesota	72	27,989	82,958	276,067	387,014	7.2	21.4	71.3
Mississippi	10	2,474	12,838	16,644	31,956	7.8	40.1	52.1
Missouri	64	32,496	146,026	818,836	997,358	3.3	14.6	82.1
Montana	34	16,787	24,533	111,126	152,446	11	16.1	72.9
Nebraska	105	28,703	62,815	140,698	232,216	12.4	27.1	60.5
Nevada								
New Hampshire	49	3,952	63,956	77,919	145,827	2.7	43.9	53.4
New Jersey	96	19,995	308,724	567,212	895,931	2.2	24.5	63.3
New Mexico	6	1,950	3,976	24,699	30,623	6.4	13	80.6
New York	320	47,861	783,301	2,352,834	3,183,996	1.5	24.6	73.8
North Carolina	22	8,974	22,166	49,757	80,897	11.1	27.4	61.5
North Dakota	26	3,633	19,570	36,376	59,379	6.1	32.6	61.2
Ohio	236	88,757	445,163	964,419	1,498,339	5.9	29.7	64.3
Oklahoma	5	905	3,628	2,664	7,197	12.6	50.4	37
Oregon	32	30,967	4,405	53,205	88,577	24.9	5	60
Pennsylvania	398	97,874	833,983	1,965,663	2,897,520	3.4	28.8	67.8
Rhode Island	57	3,647	115,869	130,216	249,732	1.5	46.4	52.1
South Carolina	12	2,920	6,098	25,469	34,487	8.5	17.7	73.8
South Dakota	29	8,833	18,206	59,589	86,628	10.2	21	68.7
Tennessee	47	14,117	45,057	111,170	170,344	8.3	26.4	65.2
Texas	182	43,063	132,634	265,419	441,122	9.8	30.1	60.1
Utah	9	7,883	2,659	22,484	32,982	23.8	8	68.1
Vermont	47	4,169	49,945	115,913	170,018	2.5	29.4	68.1
Virginia	31	5,908	30,107	57,427	93,442	6.3	32.2	61.5
Washington	39	37,827	22,562	77,877	138,266	27.3	16.3	55.3
West Virginia	30	4,670	25,643	69,216	99,529	4.7	25.8	69.5
Wisconsin	75	19,969	94,330	239,464	353,730	5.6	26.7	67.7
Wyoming	10	3,54	4,350	20,742	28,634	12.4	15.2	72.4
Whole country	3,474	994,32	5,683,524	14,135,808	20,813,659	4.8	27.3	67.9

TABLE V.—*Wholesale deposits of 3,474 national banks, July 1, 1896.*

State or Territory.	Number of replies.	Specie.	Currency.	Checks.	Total.	Per cent specie.	Per cent currency.	Per cent checks.
Alabama	22	$2,720	$6,879	$122,866	$132,465	2.1	5.2	92.7
Arizona	5	175	360	1,205	1,740	10	21	69
Arkansas	9	1,535	4,574	36,647	42,256	3.6	10.7	85.6
California	30	39,875	3,167	439,167	482,209	8.3	.7	91
Colorado	40	8,719	22,177	670,316	701,212	1.2	3.2	95.5
Connecticut	77	2,481	35,681	405,380	443,542	.6	8	91.3
Delaware	17	241	5,352	87,249	92,842	.3	5.8	93.9
District of Columbia	12	1,346	20,649	53,814	75,809	1.8	27.2	70.9
Florida	17	2,529	9,283	83,900	95,712	2.7	9.8	87.4
Georgia	24	7,327	19,004	142,015	168,346	4.3	11.3	84.4
Idaho	10	444	362	8,880	9,686	4.6	3.7	91.6
Illinois	212	14,804	193,493	6,265,381	6,473,681	.2	3	93.8
Indiana	105	9,361	43,330	544,396	597,087	1.5	7.2	91.2
Indian Territory	8		110	161	271		40.6	59.4
Iowa	165	6,795	17,907	293,924	318,626	2.2	5.6	92.1
Kansas	105	3,584	8,187	89,952	101,723	3.5	8.1	88.4
Kentucky	67	2,217	9,766	267,012	278,995	.8	3.5	95.6
Louisiana	20	2,578	32,144	480,891	515,613	.5	6.2	93.3
Maine	79	1,896	19,780	311,853	333,529	.6	5.9	93.5
Maryland	67	3,410	66,541	1,077,451	1,147,402	.3	5.9	93.8
Massachusetts	254	9,588	193,743	4,241,786	4,445,117	.2	4.4	95.4
Michigan	86	11,065	35,318	481,518	527,901	2.1	6.7	91.2
Minnesota	72	6,900	16,942	1,365,185	1,389,027	.5	1.2	98.3
Mississippi	10	576	1,393	28,526	30,495	1.9	4.6	93.5
Missouri	64	13,304	54,490	2,096,868	2,164,662	.6	2.6	96.8
Montana	34	1,200	2,614	30,032	33,846	3.6	7.8	88.6
Nebraska	105	3,004	5,989	160,729	169,722	1.8	3.5	94.7
Nevada								
New Hampshire	49	940	11,889	114,800	127,629	.8	9.3	89.9
New Jersey	96	8,001	116,548	821,809	946,358	.9	12.3	86.8
New Mexico	6	330	537	20,545	21,412	1.5	2.5	95.9
New York	320	15,357	480,011	24,398,702	24,894,070	.6	1.9	97.5
North Carolina	22	3,288	9,540	63,547	76,375	4.3	12.5	83.2
North Dakota	26	50	2,380	21,398	23,828	.2	10	89.8
Ohio	236	21,823	275,053	2,495,142	2,792,018	.8	9.8	89.3
Oklahoma	5	263	1,640	6,791	8,694	3	18.9	78.1
Oregon	32	2,418	325	58,676	61,419	3.9	.5	95.5
Pennsylvania	398	27,492	332,034	4,092,483	4,452,009	.6	7.5	91.9
Rhode Island	57	2,045	32,740	266,318	301,103	.7	10.9	88.4
South Carolina	12	187	1,152	28,138	29,477	.7	3.9	95.4
South Dakota	29	408	1,430	11,441	13,279	3.1	10.7	86.1
Tennessee	47	4,390	24,274	324,227	352,891	1.3	6.9	91.7
Texas	182	8,695	19,519	324,646	352,860	2.5	5.5	92
Utah	9	3,807	2,040	31,670	37,517	10.2	5.4	84.4
Vermont	47	288	5,360	162,958	168,606	.2	3.2	96.6
Virginia	31	760	4,967	73,407	79,134	1	6.2	92.7
Washington	39	12,416	4,464	124,248	141,128	8.8	3.2	88
West Virginia	30	1,351	11,617	70,846	83,814	1.6	13.8	84.6
Wisconsin	75	4,263	30,743	675,588	710,594	.6	4.4	94.9
Wyoming	10	58	606	1,620	2,284	2.5	26.3	71.2
Whole country	3,474	276,304	2,198,007	53,976,104	56,450,415	.5	3.9	95.6

TABLE VI.—*All other deposits of 3,474 national banks, July 1, 1896.*

State or Territory.	Number of replies.	Specie.	Currency.	Checks.	Total.	Per cent specie.	Per cent currency.	Per cent checks.
Alabama	22	$7,598	$31,367	$196,601	$235,566	3.2	13.3	83.4
Arizona	5	2,692	2,752	15,495	20,909	12.7	13.2	74.1
Arkansas	9	3,227	5,750	76,744	85,721	3.7	6.7	89.5
California	30	80,509	12,327	593,542	686,378	11.7	1.8	86.4
Colorado	40	21,408	49,809	944,206	1,015,423	2.1	4.9	92.9
Connecticut	77	5,717	114,742	1,493,346	1,613,805	.4	7.1	92.5
Delaware	17	1,096	9,722	159,366	170,194	.6	5.7	93.6
District of Columbia	12	2,445	107,485	361,155	471,085	.5	22.8	76.6
Florida	17	2,698	9,520	163,632	175,850	1.5	5.4	93
Georgia	24	9,911	21,368	137,253	168,532	5.8	12.7	81.4
Idaho	10	4,116	2,296	34,325	40,737	10.1	5.6	84.2
Illinois	212	40,600	457,236	7,359,910	7,857,746	.5	5.8	93.6
Indiana	105	17,510	121,351	713,077	851,938	2.1	14.2	83.7
Indian Territory	8	681	2,333	18,838	21,902	3.1	10.9	86
Iowa	165	20,317	94,444	626,094	740,855	2.7	12.7	84.5
Kansas	105	14,470	52,777	699,638	721,885	1.9	7.2	90.8
Kentucky	67	8,405	50,655	442,320	501,380	1.7	10.1	88.2
Louisiana	20	9,692	74,507	726,718	810,917	1.2	9.2	89.6
Maine	79	2,088	67,638	656,139	725,865	.3	9.3	90.4
Maryland	67	5,373	181,258	4,537,069	4,723,670	.1	3.8	96
Massachusetts	254	20,760	621,939	17,703,447	18,243,146	.1	3.4	96.4
Michigan	86	9,804	93,127	1,046,952	1,149,883	.9	8.1	91
Minnesota	72	18,763	105,866	1,941,042	2,065,671	.9	5.1	93.9
Mississippi	10	934	4,975	75,047	80,956	1.2	6.1	92.7
Missouri	64	28,821	136,010	1,833,106	1,997,937	1.4	6.8	91.7
Montana	34	15,697	23,820	293,261	332,778	4.7	7.2	88.1
Nebraska	105	37,713	95,600	1,340,629	1,473,942	2.6	6.5	90.9
Nevada								
New Hampshire	49	1,659	53,656	739,623	794,938	.2	6.7	93
New Jersey	96	24,681	249,699	3,562,510	3,836,890	.6	6.5	92.8
New Mexico	6	1,967	4,732	86,566	93,235	2.1	5.1	92.8
New York	320	42,946	1,781,035	87,069,796	88,863,777	.05	2	97.9
North Carolina	22	2,487	21,173	147,007	170,667	1.5	12.4	86.1
North Dakota	26	2,064	11,842	96,517	110,423	1.8	10.7	87.5
Ohio	236	51,212	428,435	3,868,577	4,348,224	1.1	9.9	88.9
Oklahoma	5	406	2,910	23,592	26,908	1.5	10.8	87.6
Oregon	32	29,744	5,135	150,181	185,060	16.1	2.7	81.1
Pennsylvania	398	61,747	804,777	18,007,915	18,874,439	.3	4.2	95.4
Rhode Island	57	3,418	72,907	874,624	950,949	.3	7.6	91.9
South Carolina	12	1,754	7,414	72,770	81,938	2.1	9	88.8
South Dakota	29	3,839	8,285	89,666	101,790	3.8	8.1	88.1
Tennessee	47	10,043	54,084	539,564	603,691	1.6	9	89.4
Texas	182	29,958	82,639	596,674	709,271	4.2	11.6	84.1
Utah	9	7,032	5,727	153,052	165,811	4.2	3.4	92.3
Vermont	47	1,275	30,697	303,285	335,257	.4	9.1	90.4
Virginia	31	4,607	27,644	510,659	542,910	.8	5.1	94.1
Washington	39	29,083	11,646	221,666	262,395	11.1	4.4	84.4
West Virginia	30	2,654	22,049	176,399	201,102	1.3	10.9	87.7
Wisconsin	75	13,887	132,974	989,676	1,136,537	1.2	11.7	87
Wyoming	10	1,886	2,909	16,687	21,482	8.8	13.5	77.6
Whole country	3,474	721,334	6,373,103	162,416,928	169,511,365	.4	3.7	95.8

TABLE VII.—*All deposits of 3,474 national banks, July 1, 1896.*

State or Territory.	Number of replies.	Specie.	Currency.	Checks.	Total.	Per cent specie.	Per cent currency.	Per cent checks.
Alabama	22	$18,469	$58,480	$357,833	$424,782	4.2	13.5	82.3
Arizona	5	5,709	6,003	34,006	45,718	12.5	13.1	74.4
Arkansas	9	8,363	21,786	138,328	168,477	5	12.9	82.1
California	30	185,048	23,809	1,271,795	1,480,652	12.5	1.6	85.9
Colorado[a]	40	81,525	192,308	2,153,150	2,426,983	3.3	7.9	88.8
Connecticut	77	18,522	325,867	2,192,157	2,536,546	.7	12.9	86.4
Delaware	17	5,947	38,596	293,399	337,942	18	11.4	86.8
District of Columbia	12	5,947	188,489	508,154	702,590	.8	26.8	72.3
Florida	17	15,452	40,798	298,946	355,196	4.3	11.5	84.2
Georgia	24	35,246	67,781	350,349	453,376	7.8	14.9	77.3
Idaho[a]	10	11,864	6,920	57,140	75,924	15.6	9.1	75.3
Illinois	212	113,196	1,063,783	14,703,461	15,880,440	.7	6.7	92.6
Indiana	105	53,606	285,713	1,525,958	1,865,277	3	15.2	81.8
Indian Territory	8	1,336	5,130	22,680	29,146	4.6	17.6	77.8
Iowa	165	59,923	251,391	1,205,681	1,516,995	3.9	16.6	79.5
Kansas[a]	105	39,986	125,004	937,490	1,102,480	3.6	11.2	85
Kentucky	67	20,365	106,416	809,306	936,087	2.2	11.5	86.3
Louisiana	20	32,001	144,256	1,308,101	1,484,358	2.1	9.8	88.1
Maine	79	9,978	175,488	1,110,214	1,295,680	.8	13.5	85.6
Maryland[a]	67	22,262	439,429	6,673,839	7,135,530	.3	6.2	93.5
Massachusetts	254	75,670	1,484,150	23,397,128	24,956,948	.3	5.9	93.8
Michigan	86	38,737	240,820	1,774,068	2,053,625	1.9	11.8	86.3
Minnesota	72	53,652	205,766	3,582,294	3,841,712	1.4	5.4	93.2
Mississippi	10	3,984	19,206	120,217	143,407	2.8	13.4	83.8
Missouri	64	74,621	336,526	4,748,810	5,159,957	1.5	6.5	92
Montana	34	33,684	50,967	434,419	519,070	6.5	9.8	83.7
Nebraska[a]	105	69,575	164,989	1,642,178	1,876,742	3.6	8.8	87.6
Nevada								
New Hampshire	49	6,551	129,501	932,342	1,068,394	.6	12.2	87.2
New Jersey	96	52,677	674,971	4,951,531	5,679,179	1	11.9	87.1
New Mexico[a]	6	4,441	9,780	152,751	166,972	2.7	5.9	91.4
New York[a]	320	107,542	3,065,325	115,865,984	119,038,851	.1	2.6	97.3
North Carolina	22	14,749	52,879	260,311	327,939	4.5	16.1	79.3
North Dakota[a]	26	6,207	35,742	159,313	201,262	3.1	17.7	79.2
Ohio[a]	236	165,130	1,180,379	7,836,743	9,182,252	1.8	12.9	85.2
Oklahoma	5	1,574	8,178	33,047	42,799	3.7	29.1	77.2
Oregon	32	63,129	9,855	262,063	335,047	18.8	3	78.2

[a] The sum of these totals is larger than the sum of the corresponding columns in Tables 4, 5, and 6, because in some cases only grand totals were returned by the banks.

TABLE VII.—*All deposits of 3,474 national banks, July 1, 1896*—Continued.

State or Territory.	Number of replies.	Specie.	Currency.	Checks.	Total.	Per cent specie.	Per cent currency.	Per cent checks.
Pennsylvania[a]	398	$187,377	$1,977,019	$24,088,375	$26,252,771	.7	7.5	91.8
Rhode Island	57	9,110	223,516	1,271,158	1,503,784	.6	14	84.5
South Carolina	12	4,861	14,664	126,377	145,902	3.3	10.1	86.6
South Dakota	29	13,080	27,921	160,696	201,697	6.4	13.9	79.7
Tennessee	47	28,550	123,415	974,961	1,126,926	2.5	11	86.5
Texas	182	81,722	234,792	1,186,739	1,503,253	5.5	15.6	78.9
Utah	9	18,678	10,426	207,206	236,310	7.9	4.4	87.7
Vermont	47	5,723	86,002	582,156	673,881	.9	12.8	86.3
Virginia[a]	31	11,716	64,418	649,477	725,611	1.6	8.8	89.6
Washington	39	79,326	38,672	423,791	541,789	14.6	7.2	78.2
West Virginia	30	8,675	59,309	316,461	384,445	2.3	15.4	82.3
Wisconsin	75	38,086	258,047	1,904,728	2,200,861	1.8	11.7	86.5
Wyoming	10	5,486	7,865	39,049	52,400	10.5	15	74.5
Whole country	3,474	2,009,058	14,362,547	234,036,360	250,407,965	.8	5.7	93.4

[a] The sum of these totals is larger than the sum of the corresponding columns in Tables 4, 5, and 6, because in some cases only grand totals were returned by the banks.

TABLE VIII.—*Retail deposits of 2,056 State and other banks, July 1, 1896.*

State or Territory.	Number of replies.	Specie.	Currency.	Checks.	Total.	Per cent specie.	Per cent currency.	Per cent checks.
Alabama	3	$1,450	$1,267	$5,938	$8,655	16.8	14.6	68.6
Arizona								
Arkansas	9	1,117	2,488	6,975	10,580	10.5	23.5	65.9
California	116	204,125	7,189	158,498	369,812	55.2	1.9	42.8
Colorado	12	1,655	2,481	16,289	20,425	8.1	12.2	79.7
Connecticut	45	1,002	15,857	15,016	31,875	3.1	49.7	47.1
Delaware								
District of Columbia	4							
Florida	13	674	1,582	7,850	10,106	6.7	15.7	77.6
Georgia	15	1,287	3,701	10,262	15,250	8.5	24.2	67.2
Idaho	3	35	52	821	908	3.8	5.7	90.4
Illinois	96	9,218	64,965	186,344	260,527	3.5	24.9	71.5
Indiana	53	7,580	26,657	51,039	85,276	8.9	31.2	59.9
Indian Territory								
Iowa	169	13,701	49,999	105,657	169,357	8	29.5	62.5
Kansas	60	4,385	14,465	44,849	63,699	6.9	22.7	70.4
Kentucky	46	9,454	28,753	221,290	259,497	3.7	11.1	85.2
Louisiana	9	2,519	3,824	34,951	41,294	6.1	9.3	84.6
Maine	32	169	6,425	15,333	21,927	2.9	27.2	69.9
Maryland	7	2,323	11,637	32,890	46,850	4.3	25.5	70.2
Massachusetts	106	3,873	63,712	54,967	122,552	3.2	52	44.8
Michigan	84	9,886	67,088	135,865	212,839	4.8	31.4	63.8
Minnesota	84	16,822	44,630	166,584	227,536	11.5	15.3	73.2
Mississippi	7	2,166	1,765	6,235	10,166	18.7	20	61.3
Missouri	213	21,003	100,313	258,826	380,142	5.6	26.3	68.1
Montana	4	2,344	5,384	9,039	16,767	16.7	29.4	53.9
Nebraska	159	10,828	26,753	57,529	95,110	11.2	28.4	60.4
Nevada								
New Hampshire	25	410	9,419	10,086	19,915	4.4	45	50.6
New Jersey	30	868	25,386	55,668	81,922	1.6	30.4	68
New Mexico	3	25	183	309	517	5	35.3	59.7
New York	190	24,343	494,459	1,354,166	1,872,968	1.4	26.3	72.3
North Carolina	4	889	2,825	6,676	10,390	5.8	30	64.2
North Dakota	18	1,045	7,036	11,597	19,679	6.1	35	58.9
Ohio	70	11,539	70,161	154,727	236,427	5	29.6	65.4
Oklahoma	4	267	667	4,223	5,157	5.3	12.9	81.8
Oregon	11	2,596	321	2,153	5,070	51.3	6.3	42.4
Pennsylvania	105	16,608	157,540	402,641	576,789	2.8	27.4	69.8
Rhode Island	17	30	1,141	915	2,086	1.7	54.6	43.7
South Carolina	2	547	520	4,408	5,475	10	9.5	80.5
South Dakota	31	1,824	7,262	9,977	19,063	10.4	36.8	52.8
Tennessee	21	2,554	12,313	21,075	35,942	7.8	33.3	58.9
Texas	11	2,336	5,752	23,106	31,194	6.6	19.3	74.1
Utah	6	1,180	581	10,791	12,552	9.7	4.6	85.7
Vermont	15	282	6,306	20,136	26,724	2.5	22.2	75.3
Virginia	17	2,238	9,770	16,635	28,643	7.3	34.5	58.2
Washington	17	8,527	3,274	15,806	27,607	31	11.7	57.3
West Virginia	7	765	3,848	7,662	12,275	5.7	32	62.3
Wisconsin	97	13,312	62,667	130,680	206,659	6.4	30.4	63.2
Wyoming	3	915	40	419	1,374	67.5	2.1	30.4
Whole country	2,056	420,217	1,432,458	3,866,903	5,719,578	7.4	25	67.6

TABLE IX.—*Wholesale deposits of 2,056 State and other banks, July 1, 1896.*

State or Territory.	Number of replies.	Specie.	Currency.	Checks.	Total.	Per cent specie.	Per cent currency.	Per cent checks.
Alabama	3							
Arizona								
Arkansas	9	$96	$415	$9,625	$10,136	0.9	4	94.9
California	116	62,142	9,697	360,130	431,969	14.3	2.2	83.3
Colorado	12							
Connecticut	45	242	3,392	79,232	82,866	.2	4	95.6
Delaware								
District of Columbia	4							
Florida	13			281	281			
Georgia	15	130	2,292	40,650	43,072	.3	5.3	94.3
Idaho	3							
Illinois	96	3,077	28,106	716,120	747,303	.4	3.7	95.8

TABLE IX.—*Wholesale deposits of 2,056 State and other banks, etc.*—Cont'd.

State or Territory.	Number of replies.	Specie.	Currency.	Checks.	Total.	Per cent specie.	Per cent currency.	Per cent checks.
Indiana	53	$753	$9,231	$113,902	$123,886	.6	7.4	91.9
Indian Territory								
Iowa	169	1,466	5,501	58,230	65,197	2.2	8.4	89.3
Kansas	60	107	726	13,041	13,874	.8	5.3	93.9
Kentucky	46	432	1,784	64,061	66,277	.7	2.7	96.6
Louisiana	9	1,646	5,481	90,724	97,851	1.7	5.6	92.7
Maine	32	13	205	187	405	3.2	50.6	45.1
Maryland	7	10	1,370	16,207	17,587	.1	7.8	92.1
Massachusetts	106	905	6,929	67,520	75,354	1.2	9.1	89.6
Michigan	84	1,453	6,674	138,960	147,087	1	4.5	94.4
Minnesota	84	2,853	10,141	349,521	362,515	.8	2.8	96.4
Mississippi	7	49	125	8,123	8,297	.6	1.5	97.9
Missouri	213	2,086	18,211	563,412	583,709	.4	3.1	96.4
Montana	4							
Nebraska	159	89	230	7,228	7,547	1.2	3	95.7
Nevada								
New Hampshire	25	4	343	2,155	2,502	.2	13.7	86.1
New Jersey	30	207	5,349	55,700	61,256	.3	8.7	90.9
New Mexico	3	80	10	734	854	9.3	1.2	89.4
New York	190	7,671	179,097	2,560,929	2,747,767	.3	6.5	93.2
North Carolina	4	220	726	10,169	11,115	1.9	6.7	91.4
North Dakota	18	80	95	5,028	5,203	1.6	1.8	96.6
Ohio	70	2,728	17,158	148,042	167,928	1.8	10.1	88.1
Oklahoma	4	10	80	189	279	3.7	28.6	67.7
Oregon	11	115			115			
Pennsylvania	105	3,342	40,777	386,757	430,876	.8	9.5	89.7
Rhode Island	17							
South Carolina	2	100	428	518	1,046	9.6	40.9	49.5
South Dakota	31	309	244	2,169	2,722	11.5	8.9	79.6
Tennessee	21	375	8,152	106,759	115,286	.5	6.9	92.6
Texas	11							
Utah	6							
Vermont	15			4,815	4,815			
Virginia	17	1,139	4,017	23,246	28,502	4.3	13.8	81.9
Washington	17	2,952	1,234	27,574	31,790	10.2	3.1	86.7
West Virginia	7	65	536	21,561	22,162	.4	2.4	97.2
Wisconsin	97	1,399	6,703	106,574	114,676	1.1	6	92.9
Wyoming	3							
Whole country	2,056	98,345	375,489	6,160,273	6,634,107	1.7	5.5	92.8

TABLE X.—*All other deposits of 2,056 State and other banks, July 1, 1896.*

State or Territory.	Number of replies.	Specie.	Currency.	Checks.	Total.	Per cent specie.	Per cent currency.	Per cent checks.
Alabama	3	$449	$688	$5,639	$6,776	6.6	10.2	83
Arizona								
Arkansas	9	401	1,324	37,937	39,662	1	3.3	95.6
California	116	550,328	13,780	609,754	1,173,862	46.9	1.2	51.9
Colorado	12	758	1,940	21,039	23,737	3.2	8.2	88.6
Connecticut	45	912	34,930	207,609	243,451	.3	14.3	85.2
Delaware								
District of Columbia	4	316	16,507	70,400	87,223	.3	18.9	80.7
Florida	13	208	692	9,115	10,015	.2	6.9	91
Georgia	15	632	5,636	86,584	92,852	.6	6	93.2
Idaho	3	721	405	2,734	3,860	18.7	10.5	70.8
Illinois	96	12,957	136,391	1,617,488	1,766,836	.7	7.6	91.5
Indiana	53	3,804	28,515	196,957	229,276	1.3	12.6	85.9
Indian Territory								
Iowa	169	11,779	43,251	187,781	242,801	4.9	17.6	77.3
Kansas	60	1,886	9,340	107,342	118,568	1.7	8.4	90.5
Kentucky	46	1,319	9,683	119,006	130,608	1	7.6	91.5
Louisiana	9	254	4,146	38,136	42,586	.6	9.6	89.4
Maine	32	359	21,614	25,094	47,067	.8	4.7	53.3
Maryland	7	82	4,646	2,725	7,453	1.4	60.9	36.5
Massachusetts	106	4,891	206,855	985,074	1,196,820	.4	17.2	82.3
Michigan	84	4,321	60,951	272,851	338,123	1.2	18.1	80.6
Minnesota	84	8,554	29,735	519,800	558,089	1.6	5.3	93.1
Mississippi	7	539	1,217	7,884	9,640	5.6	12.6	81.7
Missouri	213	23,275	135,512	1,410,241	1,572,728	1.6	8.6	89.7
Montana	4	6	851	1,708	2,565	.5	33	66.5
Nebraska	159	4,995	16,227	84,651	105,873	5.1	15	79.9
Nevada								
New Hampshire	25	203	20,370	76,815	97,388	.6	20.6	78.8
New Jersey	30	2,072	71,578	370,788	444,438	.4	16.2	83.4
New Mexico	3	27	85	873	985	2.8	8.6	88.6
New York	190	36,204	912,021	23,734,665	24,682,890	.2	3.8	96
North Carolina	4	413	935	13,313	14,661	2.8	6.4	90.8
North Dakota	18	509	4,755	11,128	16,392	3.2	29	67.8
Ohio	70	10,189	64,574	257,875	332,638	3	19.5	77.5
Oklahoma	4	144	271	553	971	15.8	27.9	57.2
Oregon	11	2,111	192	4,291	6,594	32.7	2.9	64.4
Pennsylvania	105	12,328	150,086	844,428	1,006,842	1.4	14.8	83.8
Rhode Island	17	202	9,415	26,793	36,410	1.4	25	73.6
South Carolina	2	462	457	5,792	6,711	7	6.8	86.3
South Dakota	31	733	2,044	22,627	25,404	3	8	89
Tennessee	21	912	16,165	168,685	185,762	1.2	8.6	90.2
Texas	11	525	14,651	26,495	41,671	.8	35.7	63.5
Utah	6	995	266	7,475	8,736	12	3	85.7
Vermont	15	420	10,202	9,590	20,212	2.6	50	47.4
Virginia	17	2,849	14,031	64,171	81,051	3.7	17.2	79.1
Washington	17	6,867	3,102	37,195	47,164	14.7	6.5	78.8
West Virginia	7	1,355	6,033	22,609	29,997	4.7	20	75.3
Wisconsin	97	7,182	41,250	268,508	316,940	2.4	12.9	84.7
Wyoming	3	180	115	1,902	2,197	8.3	5.2	86.5
Whole country	2,056	723,628	2,127,434	32,605,573	35,456,635	2.1	6	91.9

TABLE XI.—*Total deposits of 2,056 State and other banks, July 1, 1896.*

State or Territory.	Number of replies.	Specie.	Currency.	Checks.	Total.	Per cent specie.	Per cent currency.	Per cent checks.
Alabama	3	$1,899	$1,955	$11,577	$15,431	12.3	12.7	75
Arizona								
Arkansas	9	1,662	4,686	55,191	61,539	2.7	7.7	89.6
California[a]	116	821,893	30,831	1,143,384	1,996,108	41.2	1.5	57.3
Colorado	12	2,558	4,886	44,381	51,825	5	9.4	85.6
Connecticut	45	2,156	54,179	301,857	358,192	.7	15.1	84.2
Delaware								
District of Columbia	4	316	16,507	70,400	87,223	.3	1.9	80.7
Florida	13	882	2,274	17,246	20,402	4.3	11.2	84.5
Georgia	15	2,049	11,629	137,496	151,174	1.4	7.7	90.9
Idaho	3	756	457	3,555	4,768	16	9.5	74.5
Illinois[a]	96	24,905	234,589	2,556,068	2,815,562	.9	8.3	90.8
Indiana	53	12,462	67,231	368,409	448,102	2.8	15	82.2
Indian Territory								
Iowa	169	26,946	101,738	363,424	492,108	5.4	20.7	73.9
Kansas[a]	60	14,516	28,164	174,050	216,730	6.7	13	80.3
Kentucky[a]	46	11,292	40,410	406,619	458,321	2.4	8.9	88.7
Louisiana	9	4,419	13,451	163,861	181,731	2.5	7.4	90.1
Maine	32	541	28,394	40,654	69,589	.8	40.8	58.4
Maryland	7	2,415	17,653	51,822	71,890	3.4	24.6	72
Massachusetts[a]	106	9,950	309,473	2,176,588	2,496,011	.4	12.4	87.2
Michigan[a]	84	15,910	138,801	576,044	730,755	2.2	19	78.8
Minnesota	84	27,818	85,116	1,038,914	1,151,848	2.4	7.4	90.2
Mississippi	7	2,754	3,107	22,242	28,103	9.8	11.1	79.1
Missouri[a]	213	50,021	255,795	2,250,374	2,556,190	2	10	88
Montana	4	2,350	6,235	10,747	19,332	12.2	32.3	55.5
Nebraska[a]	159	15,917	43,384	152,963	212,264	7.5	20.5	72
Nevada	3							
New Hampshire	25	$617	$30,132	$89,056	$119,805	.5	25.2	74.3
New Jersey[a]	30	3,174	107,285	482,645	593,104	.5	18.1	81.4
New Mexico[a]	3	653	910	4,572	6,135	10.7	14.8	74.5
New York[a]	190	77,212	2,079,612	29,395,662	31,552,486	.2	6.8	93
North Carolina	4	1,522	4,486	30,158	36,166	4.2	12.5	83.3
North Dakota	18	1,635	11,886	27,753	41,274	4	28.8	67.2
Ohio	70	24,456	151,893	560,644	736,993	3.3	20.5	76.2
Oklahoma	4	414	963	2,158	3,535	11.7	27.3	61
Oregon	11	4,822	513	6,444	11,779	40.9	4.4	54.7
Pennsylvania	105	259,453	567,882	2,235,507	3,062,842	8.5	18.6	72.9
Rhode Island	17	567	19,262	61,909	81,738	.7	23.6	75.7
South Carolina	2	1,109	1,405	10,718	13,232	8.3	10.7	81
South Dakota	31	2,866	9,550	34,773	47,189	6.1	20.3	73.9
Tennessee	21	3,947	37,019	298,751	339,717	.9	11.2	87.6
Texas[a]	11	2,957	20,718	49,817	73,492	4.1	28.2	67.8
Utah	6	2,175	847	18,266	21,288	10.2	4	85.7
Vermont[a]	15	702	16,508	34,541	51,751	1.4	31.9	66.7
Virginia	17	6,972	31,318	79,826	118,116	5.9	26.6	67.5
Washington	17	18,346	7,640	80,575	106,561	17.2	7.2	75.6
West Virginia	7	2,185	10,417	51,832	64,434	3.4	16.2	80.4
Wisconsin	97	21,893	110,620	505,762	638,275	3.4	17.4	79.2
Wyoming	3	1,095	155	2,321	3,571	30.7	4.3	64.9
Whole country	2,056	1,495,159	4,721,966	46,201,556	52,418,681	2.9	9	88.1

[a] The sum of these totals is larger than the sum of the corresponding columns in Tables VIII, IX, and X, because in some cases only grand totals were returned by the banks.

TABLE XII.—*Total retail deposits of 5,530 banks on July 1, 1896.*

State or Territory.	Number of replies.	Gold coin.	Silver coin.	Specie.	Currency.	Checks.	Total.	Per cent gold.	Per cent silver.	Per cent currency.	Per cent checks.
Alabama	25	$367	$9,234	$9,601	$21,501	$44,304	$75,406	0.5	12.2	28.5	58.7
Arizona	5	2,376	496	2,872	2,891	17,306	23,069	10.3	2.6	12.5	74.9
Arkansas	18	715	4,003	4,718	13,950	31,912	50,580	1.4	7.8	27.6	63
California	146	248,013	32,776	268,789	15,504	397,584	681,877	36.4	4.8	22.7	58.2
Colorado	52	33,245	19,808	53,053	122,803	554,917	730,773	4.5	2.7	16.8	75.9
Connecticut	122	539	10,787	11,326	191,301	308,447	511,074	.1	2.2	37.4	60.3
Delaware	17	147	4,463	4,610	23,512	46,784	74,906	.2	5.9	31.4	62.4
District of Columbia	16	145	2,011	2,156	60,355	93,185	155,696	.1	1.3	38.8	59.8
Florida	30	458	10,441	10,899	23,577	59,264	93,740	.5	11.1	25.1	63.2
Georgia	39	354	18,941	19,295	31,110	81,343	131,748	.3	14.4	23.5	61.7
Idaho	13	3,822	867	4,689	3,564	12,882	21,135	18.2	4.1	16.8	60.8
Illinois	308	11,847	54,973	66,820	477,049	1,248,722	1,792,591	.6	3.1	26.6	69.7
Indiana	158	2,295	31,931	34,226	146,120	317,076	497,422	.5	6.4	29.5	63.5
Indian Territory	8	59	596	655	2,637	3,681	6,973	.9	8.5	37.8	52.7
Iowa	334	17,444	29,068	46,512	189,039	391,320	626,871	2.7	4.6	30.4	62.2
Kansas	165	6,028	18,715	24,743	66,394	186,760	277,897	2.2	6.7	23.8	67.2
Kentucky	113	689	18,508	19,197	74,748	321,264	415,209	.2	4.4	17.9	77.4
Louisiana	29	124	16,526	16,650	34,129	135,443	186,222	.07	8.9	18.3	72.7
Maine	111	266	5,897	6,163	94,495	157,555	258,213	.1	2.2	36.6	61
Maryland	74	396	14,676	15,072	184,042	289,463	488,577	.08	3	37.6	59.3
Massachusetts	360	1,708	47,487	49,195	732,180	1,506,862	2,288,237	.07	2.1	32	65.8
Michigan	170	4,154	23,600	27,754	179,463	381,463	588,680	.7	4	30.5	64.7
Minnesota	156	24,436	19,875	44,311	127,588	442,651	614,550	4	3.2	20.8	72
Mississippi	17	40	4,600	4,640	14,603	22,879	42,122	.1	10.9	34.6	54.3
Missouri	277	13,620	39,879	53,499	246,339	1,077,662	1,377,500	1	2.8	17.9	78.2
Montana	38	12,037	7,094	19,131	29,917	120,165	169,213	7.1	4.1	17.7	71
Nebraska	264	16,257	23,274	39,531	89,568	198,227	327,326	4.9	7.1	27.4	60.5
Nevada	[a]3	270	159	429	35	3,229	3,693	7.4	4.3	.9	87.3
New Hampshire	74	90	4,272	4,362	73,375	88,005	165,742	.5	2.5	44.2	53.2
New Jersey	126	1,297	19,566	20,863	334,110	622,880	977,853	.1	2	34.2	63.7
New Mexico	9	1,395	580	1,975	4,159	25,008	31,142	4.4	1.8	13.4	80.3
New York	510	8,158	64,046	72,204	1,277,760	3,707,000	5,056,964	.2	1.2	25.2	73.3
North Carolina	26	458	9,405	9,863	24,991	56,433	91,287	.5	10.3	27.3	61.8
North Dakota	44	2,735	1,944	4,679	26,406	47,973	79,058	3.4	2.4	33.4	60.7
Ohio	306	20,774	79,522	100,296	515,324	1,119,146	1,734,766	1.2	4.1	30	64.5
Oklahoma	9	325	847	1,172	4,295	6,887	12,354	2.6	6.8	34.8	55.7
Oregon	43	28,102	5,461	33,563	4,726	55,358	93,647	30	5.8	5	59.2
Pennsylvania	503	15,563	98,919	114,482	991,523	2,368,304	3,474,309	.5	2.9	28.3	68.2
Rhode Island	74	205	3,472	3,677	117,010	131,131	251,818	.1	1.4	46.4	52
South Carolina	14	35	3,432	3,467	6,618	29,877	39,962	.1	8.5	16.8	74.6
South Dakota	60	7,360	3,297	10,657	25,468	69,566	105,691	6.9	3.1	24.1	65.8
Tennessee	68	414	16,257	16,671	57,370	132,245	206,286	.2	7.9	27.8	64.1
Texas	193	10,272	35,133	45,405	138,386	288,525	472,316	2.2	7.5	29.3	61
Utah	15	7,018	2,001	9,019	3,240	33,275	45,534	15.4	4.4	7.2	73
Vermont	62	315	4,127	4,442	56,251	136,049	196,742	.2	2.1	28.3	69.2
Virginia	48	234	7,912	8,146	39,877	74,062	122,085	.2	6.5	32.6	60.7
Washington	56	37,435	8,919	46,354	25,836	93,683	165,873	22.6	5.4	15.6	56.4
West Virginia	37	522	4,913	5,435	29,491	76,878	111,804	.5	4.4	26.4	68.7
Wisconsin	172	14,493	18,755	33,248	156,997	370,144	560,389	2.6	3.3	28	66
Wyoming	13	3,260	1,197	4,457	4,390	21,161	30,008	10.9	4	14.6	70.5
Whole country	5,530	562,311	852,662	1,414,973	7,116,017	18,005,940	26,536,930	2.4	3.2	26.7	67.4

[a] One national and two others. It was not thought worth while to give their returns separately.

TABLE XIII.—*Total wholesale deposits of 5,530 banks, July 1, 1896.*

State or Territory.	Number of replies.	Gold coin.	Silver coin.	Specie.	Currency.	Checks.	Total.	Per cent gold.	Per cent silver.	Per cent currency.	Per cent checks.
Alabama	25	$185	$2,535	$2,720	$6,879	$122,866	$132,465	0.14	1.9	5.19	92.7
Arizona	5	145	30	175	360	1,205	1,740	8.3	1.7	20.7	69.2
Arkansas	18	720	911	1,631	4,989	46,272	52,892	1.4	1.7	9.43	87.4
California	146	92,461	9,556	102,017	12,864	799,297	914,178	10.1	1.04	1.41	87.4
Colorado	52	6,638	2,081	8,719	22,177	670,316	701,212	.93	.29	3.2	95.5
Connecticut	122	183	2,540	2,723	39,073	484,612	526,408	.03	.48	7.42	92.06
Delaware	17	5	236	241	5,352	87,249	92,842	.005	.25	5.76	93.9

TABLE XIII.—*Total wholesale deposits of 5,530 banks, July 1, 1896*—Continued.

State or Territory.	Number of replies.	Gold coin.	Silver coin.	Specie.	Currency.	Checks.	Total.	Per cent gold.	Per cent silver.	Per cent currency.	Per cent checks.
District of Columbia	16	----------	$1,346	$1,346	$20,649	$53,814	$75,809	----------	1.8	27.2	70.9
Florida	30	$55	2,474	2,529	9,283	84,181	95,993	.05	2.5	9.67	87.6
Georgia	39	115	7,342	7,457	21,296	182,665	211,418	.05	3.4	10.7	86.4
Idaho	13	350	94	444	362	8,880	9,686	3.6	1	3.74	91.7
Illinois	308	4,848	13,033	17,881	221,602	6,981,501	7,220,984	.1	.2	3.06	96.7
Indiana	158	2,452	7,662	10,114	52,561	658,298	720,973	.3	1.1	7.3	91.3
Indian Territory	8	----------	----------	----------	110	161	271	----------	----------	40.6	59.4
Iowa	334	3,011	5,220	8,261	23,408	352,154	383,823	.08	1.4	6.1	91.7
Kansas	165	1,165	2,526	3,691	8,913	102,993	115,597	1	2.2	7.7	89.1
Kentucky	113	280	2,369	2,649	11,550	331,073	345,272	.1	.7	3.34	95.8
Louisiana	29	20	4,204	4,224	37,625	571,615	613,464	----------	.7	6.1	93.2
Maine	111	73	1,836	1,909	19,985	312,040	333,934	.02	.6	5.98	93.4
Maryland	74	90	3,330	3,420	67,911	1,093,658	1,164,989	----------	.3	5.8	93.9
Massachusetts	360	232	10,261	10,493	200,672	4,309,306	4,520,471	----------	.2	4.43	95.3
Michigan	170	6,170	6,348	12,518	41,992	620,478	674,988	.9	.9	6.22	91.9
Minnesota	156	6,158	3,595	9,753	27,083	1,714,706	1,751,542	.4	.2	1.54	97.9
Mississippi	17	5	620	625	1,518	36,649	38,792	----------	1.6	3.91	94.5
Missouri	277	4,845	10,545	15,390	72,701	2,660,280	2,748,371	.2	.4	2.65	96.8
Montana	38	730	470	1,200	2,614	30,032	33,846	2.2	1.4	7.72	88.7
Nebraska	264	1,670	1,423	3,093	6,219	167,957	177,269	.9	.8	3.51	94.8
Nevada	3	500	60	560	10	3,346	3,916	12.8	1.5	.26	85.4
New Hampshire	74	----------	944	944	12,232	116,955	130,131	----------	.7	9.39	89.9
New Jersey	126	1,030	7,178	8,208	121,897	877,509	1,007,614	.1	.7	12.09	87.08
New Mexico	9	95	315	410	547	21,309	22,266	.4	1.4	2.45	95.7
New York	510	3,874	19,154	23,028	659,108	26,959,701	27,641,837	.01	.1	2.38	97.5
North Carolina	26	75	3,433	3,508	10,266	73,716	87,490	.6	3.4	11.7	84.2
North Dakota	44	80	50	130	2,475	26,426	29,031	.2	.3	8.52	91.02
Ohio	306	6,015	18,536	24,551	292,211	2,643,184	2,959,946	.4	.6	9.87	89.3
Oklahoma	9	10	263	273	1,720	6,980	8,973	.2	2.9	19.1	77.8
Oregon	43	1,905	628	2,533	325	58,676	61,534	3.2	.9	.53	95.3
Pennsylvania	503	4,291	26,543	30,834	372,811	4,479,240	4,882,885	.3	.5	7.63	91.7
Rhode Island	74	90	1,955	2,045	32,740	266,318	303,103	.1	.5	10.8	87.8
South Carolina	14	----------	287	287	1,580	28,656	30,523	----------	.1	5.17	93.9
South Dakota	60	488	229	717	1,674	13,610	16,001	3	.6	10.46	85.05
Tennessee	68	115	4,650	4,765	32,426	430,986	468,177	.1	.9	6.92	92.05
Texas	193	2,165	6,530	8,695	19,519	324,646	352,860	.6	1.9	5.53	92
Utah	15	3,390	417	3,807	2,040	31,670	37,517	8.9	1.3	5.44	84.4
Vermont	62	125	163	288	5,360	167,773	173,421	.1	.2	3.09	96.7
Virginia	48	48	1,851	1,899	8,984	96,753	107,636	.01	1.7	8.34	89.9
Washington	56	12,555	2,813	15,368	5,728	151,822	172,918	7.5	1.4	3.31	87.8
West Virginia	37	175	1,241	1,416	12,153	92,407	105,976	.4	1	11.4	87.2
Wisconsin	172	2,500	3,162	5,662	37,446	782,162	825,270	.3	.5	4.53	94.7
Wyoming	13	40	18	58	606	1,620	2,284	1.6	.8	26.5	70.9
Whole country	5,530	172,202	203,007	375,209	2,573,506	60,139,723	63,088,438	.3	.4	4	95.3

TABLE XIV.—*Total of all other deposits of 5,530 banks, July 1, 1896.*

State or Territory.	Number of replies.	Gold coin.	Silver coin.	Total specie.	Currency.	Checks.	Total.	Per cent gold.	Per cent silver.	Per cent currency.	Per cent checks.
Alabama	25	$240	$7,807	$8,047	$32,055	$202,240	$242,342	0.1	3.2	13.2	83.4
Arizona	5	1,765	897	2,662	2,752	15,495	20,909	8.4	4.3	13.1	74.1
Arkansas	18	1,115	2,513	3,628	7,074	114,681	125,383	.9	2	5.8	91.3
California	146	613,811	17,026	630,837	26,107	1,203,296	1,860,240	33	1	1.4	64.6
Colorado	52	15,938	6,228	22,166	51,749	965,245	1,039,160	1.6	.6	5	92.8
Connecticut	122	604	6,025	6,629	149,672	1,700,955	1,857,256	.03	.3	8	91.6
Delaware	17	50	1,046	1,096	9,732	159,366	170,194	.03	.6	5.7	93.6
District of Columbia	16	40	2,721	2,761	123,992	431,555	558,308	----------	.5	22.2	77.2
Florida	30	10	2,896	2,906	10,212	172,747	185,865	----------	1.6	5.5	92.9
Georgia	39	165	10,378	10,543	27,004	223,837	261,384	.06	4	10.3	85.6
Idaho	13	4,199	638	4,837	2,701	37,059	44,597	9.4	1.5	6.1	83
Illinois	308	9,931	43,626	53,557	593,627	8,977,398	9,624,582	.1	.5	6.2	93.2
Indiana	158	3,438	17,876	21,314	149,866	910,034	1,081,214	.3	1.6	13.9	84.2
Indian Territory	8	520	161	681	2,383	18,838	21,902	2.4	.7	10.9	86
Iowa	334	16,962	15,134	32,096	137,695	813,875	983,666	1.7	1.5	14	82.7
Kansas	165	6,797	9,559	16,356	62,117	767,980	846,453	.8	1.1	7.3	91.8
Kentucky	113	1,558	8,166	9,724	60,338	561,926	631,988	.2	1.3	9.5	88.9
Louisiana	29	164	9,782	9,946	78,653	764,904	853,503	.02	1.1	9.2	89.6
Maine	111	163	2,284	2,447	89,252	681,233	772,932	.02	.3	11.5	88.1
Maryland	74	625	4,830	5,455	185,904	4,539,764	4,731,123	.01	.1	4	95.8
Massachusetts	360	2,353	23,298	25,651	828,794	18,688,521	19,542,966	.01	.1	4.2	95.6
Michigan	170	2,285	11,840	14,125	154,078	1,319,803	1,488,006	.2	.8	10.3	88.6
Minnesota	156	16,476	10,841	27,317	135,601	2,460,842	2,623,760	.6	.4	5.9	93
Mississippi	17	193	1,280	1,473	6,192	82,931	90,596	.2	1.4	6.7	91.6
Missouri	277	6,098	48,998	55,096	271,522	3,244,047	3,570,665	.2	1.4	7.6	90.8
Montana	38	11,804	3,899	15,703	24,671	294,969	335,343	3.5	1.2	7.4	87.9
Nebraska	264	30,248	12,460	42,708	111,827	1,425,280	1,579,815	1.9	.8	7.1	90.2
Nevada	3	945	225	1,170	40	58,206	59,416	1.6	.4	.07	97.9
New Hampshire	74	20	1,842	1,862	74,026	816,438	892,326	----------	.2	8.3	91.5
New Jersey	126	1,571	25,182	26,753	321,277	3,933,298	4,281,328	.03	.6	7.5	91.8
New Mexico	9	1,150	814	1,964	4,817	87,439	94,220	1.2	.9	5.1	92.8
New York	510	14,623	64,527	79,150	2,693,056	110,774,461	113,546,667	.01	.06	2.4	97.5
North Carolina	26	245	2,655	2,900	22,108	160,320	185,328	.1	1.4	11.9	86.5
North Dakota	44	1,740	833	2,573	16,597	107,645	126,815	1.4	.7	13.1	84.8
Ohio	306	17,791	43,610	61,401	493,009	4,126,452	4,680,862	.4	.9	10.5	88.1
Oklahoma	9	105	445	550	3,181	24,148	27,879	.4	1.6	11.4	86.5
Oregon	43	27,819	4,036	31,855	5,327	154,472	191,654	14.5	2.1	2.8	80.5
Pennsylvania	503	14,259	59,816	74,075	954,863	18,852,343	19,881,281	.07	.3	4.8	94.8
Rhode Island	74	390	3,230	3,620	82,322	901,417	987,359	.04	.3	8.4	91.2
South Carolina	14	----------	2,216	2,216	7,871	78,562	88,649	----------	2.5	8.9	88.6
South Dakota	60	2,935	1,637	4,572	10,329	112,293	127,194	2.3	1.3	8.1	88.2
Tennessee	68	120	10,835	10,955	70,249	708,249	789,453	----------	1.4	8.9	89.7
Texas	193	4,899	25,584	30,483	97,290	623,169	750,942	.6	3.4	13	82.9
Utah	15	5,365	2,662	8,027	5,993	160,527	174,547	3.1	1.6	3.5	91.7
Vermont	62	280	1,415	1,695	40,899	312,875	355,469	.01	.4	11.5	88
Virginia	48	122	7,334	7,456	41,675	574,830	623,961	.02	1.1	6.7	92.1
Washington	56	28,079	7,871	35,950	14,748	258,861	309,559	9.1	1.5	4.8	83.6
West Virginia	37	298	3,711	4,009	28,082	199,008	231,099	.1	1.6	12.2	86.1
Wisconsin	172	9,066	12,003	21,069	174,224	1,258,184	1,453,477	.6	.9	12	86.5
Wyoming	13	1,795	271	2,066	3,024	18,589	23,679	7.6	1.1	12.8	78.4
Whole country	5,530	881,189	564,943	1,446,132	8,500,577	195,080,607	205,027,316	.4	.2	4.1	95.1

TABLE XV.—*Grand total of deposits of 5,530 banks, July 1, 1896.*

State or Territory.	Number of replies.	Gold coin.	Silver coin.	Total specie.	Currency.	Checks.	Total.	Per cent gold.	Per cent silver.	Per cent currency.	Per cent checks.
Alabama	25	$792	$19,576	$20,368	$60,435	$369,410	$450,213	1.7	2.8	13.5	82
Arizona	5	4,286	1,423	5,709	6,003	34,006	45,718	9.3	3.2	13.2	74.3
Arkansas	18	2,550	7,475	10,025	26,472	193,519	230,016	1.1	3.3	11.5	84.1
California	146	958,985	47,956	1,006,941	54,640	2,415,179	3,476,760	27	2	1.6	69.4
Colorado	52	55,921	28,162	84,083	197,194	2,197,531	2,478,808	2.2	1.2	8	88.6
Connecticut	122	1,326	19,352	20,678	380,046	2,494,014	2,894,738	.4	.3	13.1	86.2
Delaware	17	202	5,745	5,947	38,596	293,399	337,942	.5	1.3	11.4	86.8
District of Columbia	16	185	6,078	6,263	204,996	578,554	789,813	.2	.6	26	73.2
Florida	30	523	15,811	16,334	43,072	316,192	375,598	1.4	2.9	11.5	84.2
Georgia	39	634	36,661	37,295	79,410	487,845	604,550	1	5.2	13.2	80.6
Idaho	13	10,771	1,849	12,620	7,377	60,695	80,692	13.3	2.3	9.2	75.2
Illinois	308	26,636	121,465	138,101	1,298,372	17,259,529	18,696,002	1.4	5.6	7	92.3
Indiana	158	8,308	57,760	66,068	352,944	1,894,367	2,313,379	.3	2.6	15.3	81.8
Indian Territory	8	579	757	1,336	5,130	22,680	29,146	1.9	2.7	17.7	77.7
Iowa	334	37,447	49,422	86,869	353,129	1,569,105	2,009,103	1.8	2.4	17.5	78
Kansas	165	21,727	32,775	54,502	153,168	1,111,540	1,319,210	1.6	2.6	11.6	84.2
Kentucky	113	2,525	29,132	31,657	146,826	1,215,925	1,394,408	.1	2.2	10.6	87.1
Louisiana	29	1,908	34,512	36,420	157,707	1,471,962	1,666,089	.1	2.1	9.5	88.3
Maine	111	502	10,017	10,519	203,882	1,150,868	1,365,269	.3	.5	15	84.2
Maryland	74	1,111	23,566	24,677	457,082	6,725,661	7,207,420	.1	.3	6.3	93.3
Massachusetts	360	4,303	81,317	85,620	1,793,623	25,573,716	27,452,959	.1	.2	6.5	93.2
Michigan	170	12,009	42,038	54,647	379,621	2,350,112	2,784,380	.4	1.6	13.6	84.4
Minnesota	156	47,155	34,315	81,470	290,882	4,621,208	4,993,560	.9	.9	5.7	92.5
Mississippi	17	238	6,500	6,738	22,313	142,459	171,510	1.3	2.6	13	83.1
Missouri	277	24,763	99,879	124,642	592,321	6,999,184	7,716,147	.3	1.3	7.7	90.7
Montana	38	24,571	11,463	36,034	57,202	445,166	538,402	4.6	2.1	10.6	82.7
Nebraska	264	48,175	37,317	85,492	208,373	1,795,141	2,089,006	2.3	1.8	10	85.9
Nevada	3	7,772	444	8,216	85	101,285	109,586	7	.4	.1	92.5
New Hampshire	74	110	7,058	7,168	159,633	1,021,398	1,188,199	.1	.5	13.5	85.9
New Jersey	126	3,898	51,953	55,851	782,256	5,434,176	6,272,283	.1	.8	12.5	86.6
New Mexico	9	3,125	1,969	5,094	10,690	157,323	173,107	1.8	1.2	6.2	90.8
New York	510	29,902	154,852	184,754	5,144,937	145,261,646	150,391,337	.1	.2	3.4	96.4
North Carolina	26	783	15,493	16,271	57,365	290,469	364,105	.4	4.1	15.8	79.7
North Dakota	44	4,815	3,027	7,842	47,628	187,066	242,536	2	1.2	19.7	77.1
Ohio	306	46,072	143,514	189,586	1,332,272	8,397,387	9,919,245	.5	1.4	13.5	84.6
Oklahoma	9	440	1,548	1,988	9,141	35,205	46,334	.1	4.2	19.7	76
Oregon	43	57,826	10,125	67,951	10,368	268,507	346,826	16.7	3	3	77.3
Pennsylvania	503	258,077	188,753	446,830	2,544,901	26,323,882	29,315,613	.7	.8	8.7	89.8
Rhode Island	74	1,020	8,657	9,677	242,778	1,333,067	1,585,522	.1	.5	15.4	84
South Carolina	14	35	5,935	5,970	16,069	137,095	159,134	.1	3.7	10.1	86.1
South Dakota	60	10,783	5,163	15,946	37,471	195,469	248,886	4.4	2	15.1	78.5
Tennessee	68	649	31,848	32,497	160,434	1,273,712	1,466,643	.1	2.1	11	86.8
Texas	193	17,366	67,313	84,679	255,510	1,236,556	1,576,745	1.2	4.2	16.2	78.4
Utah	15	15,773	5,080	20,853	11,273	225,472	257,598	6.2	1.9	4.4	87.5
Vermont	62	720	5,705	6,425	102,510	616,697	725,632	.1	.8	14.2	84.9
Virginia	48	472	18,216	18,688	95,736	729,303	843,727	.1	2.1	11.4	86.4
Washington	56	78,069	19,603	97,672	46,312	504,366	648,350	12	3.1	7.2	77.7
West Virginia	37	995	9,865	10,860	69,726	368,293	448,879	.3	2.2	15.5	82
Wisconsin	172	26,059	33,920	59,979	368,667	2,410,490	2,839,136	.9	1.2	12.9	85
Wyoming	13	5,095	1,486	6,581	8,020	41,370	55,971	8.8	3	14.3	73.9
Whole country	5,530	1,868,589	1,643,844	3,512,433	19,084,598	280,339,201	302,936,232	.6	.5	6.3	92.5

From the face of the returns the conclusion to be drawn is that 67.4 per cent of the retail trade of the country is transacted by means of credit paper; that 95.3 per cent of the wholesale trade is so carried on; 95.1 per cent of business other than mercantile, and 92.5 per cent of all business.

In retail trade the national banks have 80 per cent of the deposits. The percentage of credit instruments in these deposits varies from 52 in Rhode Island to 87.3 in Nevada.[a] According to the returns of two years ago, South Dakota stood lowest, with 37.6 per cent. It appears from the tables covering retail trade that the per cent of checks shown by the two investigations, in 1894 and 1896, is very nearly the same in Arkansas, Kansas, Maine, Maryland, Montana, and New Mexico, although the percentages for the last two are probably too high; that the present returns give higher percentages for Arizona, California, Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Louisiana, Massachusetts, Michigan, Missouri, Minnesota, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, South Dakota, Tennessee, Utah, Vermont, West Virginia, Wisconsin, and Wyoming, and that in every case but three—Arizona, Delaware, and Wyoming—the number of banks reporting is much larger than in 1894. There seems to be no sufficient explanation of the higher per cent except that, being deduced from a much larger volume of trade, it is more truly representative.

Indiana and Ohio, whose percentages were clearly abnormal in the returns of 1894, take their obviously proper place now with Illinois, Pennsylvania, and other adjoining States. The per cents in the present tables for Wyoming and Arizona are doubtless abnormally high. The deposits reported from Wyoming are $26,000 less than two years ago, although four more banks sent in replies. The deposits reported from Arizona are in all only $23,000 from five banks, as against $77,000 from four banks two years ago. The percentage this time is less than in 1894 for Alabama, Florida, Georgia, Mississippi, Nebraska, New Hampshire, New Mexico, Rhode Island, Texas, Virginia, and Washington; the returns from New Mexico, with two more banks reporting than there were two years ago, show $7,000 less of deposits, and the percentages in both cases, 83.6 and 80.3, are evidently too high. The other changes all seem to place the States concerned in a more probably correct position. The changes one way and the other have affected the average for the whole country by only 8.9 per cent.

The average per cent of credit instruments in the retail deposits is almost identical for the returns of both sets of banks, despite the great disproportion of the total deposits. The national banks yield an average of 67.9; the other banks, an average of 67.3.

The most remarkable difference in the averages of the two sets of tables are in the cases of California and Idaho. The national-bank average for the former is 76.6 per cent, while the average of other banks is only 42.8 per cent. The difference is in the large amount of gold coin evidently in deposits of other State and private banks. A difference of 30.8 per cent exists in the averages for Idaho, but the larger of the averages is clearly too high on account of being based on too few returns. The averages work out practically the same from the two sets of returns for the States of Illinois, Idaho, Michigan, Nebraska, New York, North Carolina, North Dakota, Ohio, Pennsylvania, and Washington. It seems pretty certain that errors due to too few replies in either class of banks are offset by the fullness of the other set in most cases.

The high per cent in States like Missouri and New Mexico does not necessarily mean that checks are so much more largely used there than, for example, in Massachusetts. It probably shows rather that banks are used by a smaller per cent of the population, but by that part of the people which in any community uses checks most. Tne trade by this part of the population is doubtless much larger in proportion to their number than is that transacted by the rest. Hence the per cent, while too large, is probably not so much too large as at first thought might appear.

There are certain points that need to be cleared up, and certain omissions that must be allowed for, before it is certain that the result obtained is accurate.

In the first place, are the checks deposited by the retail dealers received wholly in payment of purchases made by them? Doubtless not. In communities where wages are paid by check, merchants

[a] The returns from Nevada are so small in the aggregate that they are not a safe basis for inference.

are often called on to cash these checks. In so far as their deposits include checks thus cashed, credit instruments would appear to represent too large a proportion of the business receipts of the depositors. But in most cases probably the checks thus cashed by the merchants are presented by customers who carry accounts with them. The amount owed by the owner of the check to the merchant would be deducted from the amount of the check and the balance turned over to him. It is proper enough, therefore, to regard even such checks as representing to a certain extent payments by credit paper. In so far as the checks cashed by merchants are cashed in full, they would make the proportion of checks in their deposits too large if their deposits are assumed to represent the extent of their trade. All things considered, the error due to this cause is probably too insignificant to deserve notice.

The second point to be considered, and one of more importance on its face, is the question whether the proportion of cash and credit paper in bank deposits may be properly regarded as that which exists in actual payments by customers. This has been denied, on the ground that a business man is likely to use part of the cash he receives in the interval between its receipt and the time of its deposit. The answer to this objection, however, is not difficult. The business man who is accustomed to using checks is as likely to give his check for such a payment as to make the payment in cash; moreover, it seems pretty well established that the cash in a tradesman's till is relatively constant, even allowing for such payments.

The next question to consider is, What allowance should be made for deposits in bank from which no replies were received? The correction due to this failure ought not to be difficult. There is no reason to think that the deposits of banks which did not answer would be any different in character from those of the banks which did answer. It has been asserted that the banks from which no answers come in such investigations are those outside of the large cities, and that the average obtained is therefore too high. The returns do not show this to be wholly true.

Many banks in large places, such as Nashville, Tenn., failed to report. The returns of small State and private banks average about the same as others. Even if the assertion were true, however, allowance could be made for the partial nature of the returns by adding for the banks not replying amounts in the proportion of their number to the total number of banks in country districts. As has been said, the total number of banking institutions to which blanks were sent is about 13,000; of the replies received, 5,530 were used. If the banks of the reserve cities are thrown out there will be left 5,005. This is 60 per cent of the whole number of banks outside of those cities; therefore 40 per cent of the country banks did not reply. If to the total deposits reported from the country outside of these cities is added 40 per cent for the nonreplying banks, the aggregate would be $22,600,000. The amount of checks, similarly increased, is $14,000,000. The resulting percentage of checks is 62. This is a variation of only 5.4 per cent from that obtained from the banks actually reporting.

Still further must be considered carefully the question whether the bank deposits are representative of the medium of payment used by all industrial classes. It is certainly true that there are very many people who do not use banks at all. The total number of depositors in the banks from which replies have been received is 5,929,963.[a] How many of these are individuals not in business at all, how many are men of trade, retail or wholesale, and how many are corporations, it is, of course, impossible to say; and of the individuals who are in trade there is no means of ascertaining to a certainty how many carry on their business without receiving checks at all. It is probably true that all industrial classes whose annual income is below $500 or $600 do not use checks to any extent, though this number is being daily lessened by the increased use by them of savings banks. There are four classes of the population who, it has been urged, should be included among the noncheck users, whose trade would materially lower the percentage deduced from the bank returns. They are the negro population in the South, portions of the foreign population in our large cities, all other wage earners of small income, and farmers.

To consider these classes in detail: The nonuse of checks by the negroes is undoubtedly offset to a large extent by the use of store orders and by direct barter. These store orders are used to a considerable extent in the payment of wages in the mining and country districts, especially throughout the South. Moreover, a considerable amount of the commodities consumed by these people is raised on their own plats of ground directly for their own consumption. That portion of their living which is thus supplied creates no additional demand for a medium of exchange. It would not be fair, therefore, to count the total value of the expenditure of the noncheck-using negroes on the side of cash in determining the percentage of credit instruments used in payments in retail trade; for the ultimate question under investigation in this and similar discussions is: What per cent of the demand for a medium of exchange is supplied by credit instruments? Obviously, products which are exchanged by direct barter, or are consumed by their producers, do not enter into the amount of this demand.

As to the second class, the foreign population, it is doubtless true that the suggestion made may apply to such portions of them as have not been used in their home countries to the deposit feature in banking, and therefore unacquainted with payments made by checks. In so far as they are located in the city, their trade would tend to lower the per cent of credit paper. How much it is impossible to say, but certainly not in proportion to their number, because until the commencement of the use of checks by this class the amount of their individual income is usually small, and their number, moreover, is comparatively small. Some data illustrating their habits in the matter of the use of checks are given below in another direction.

These remarks apply also to the third class, the native white wage-earners of small income, somewhat modified, however, by the extent to which checks are used in paying wages. Owing to the probably greater intelligence of this class, to the educational influence of the system of paying wages by check, and to the general character of the individuals in the class, the percentage of checks used is undoubtedly higher than is the case in the second class considered. There is some evidence to show this in some of the detailed accounts of specific places given below, especially as shown in the report from New Brunswick, N. J.

As to the farmers, it is not at all an uncommon supposition that they do not use checks to any considerable extent. This, however, can not by any means be taken for granted. It is learned from bankers, in the East and middle west especially, that checks are used by farmers in making payments to a larger extent than cash. In one town of importance in central Illinois it has happened that in a business of fully $20,000 in one day, carried on with farmers mostly, it was not necessary to open the safe of the bank to take out money at all. In another case it was found that a business of $20,000 by a bank is done on the average with not more than $500 in the till. In running through the balances shown by the books of this particular bank for a considerable period it was shown that the extreme variation of the money in the till was $2,500 for a total business aggregating several hundred thousands. Information received from other sections of the country point to the existence of a similar state of affairs.

There are still other considerations which render it by no means a foregone conclusion that the trade of farmers is carried on to only a small extent by means of checks. With them also, as with other classes mentioned, if the need for checks is small, so, too, especially in the case of the multitude of "small farmers" is the need for money. "Small farmers" produce largely for their own consumption. The influence of the trade of the farmers in swelling the money side of the account is offset by this fact. Still again, a great deal of the farmer's trade in certain sections is done by direct barter. This of course tends to decrease as the country becomes more thickly settled. In the East it probably has practically died out, but it has not done so in very many places in the West and South. The report from New Brunswick, N. J., states: "Time was, and only recently, when farmers had long-standing accounts with the merchants. Now the merchant makes his purchases and pays for them, in most cases, at once. Farmers were formerly accustomed to trade out their produce. Now they receive payment for it and deal with whom they choose."

Upon this same subject reports from many sources show that the habit of paying with checks on the part of farmers is growing, though in all parts of the country not an inconsiderable part of trading on account is still carried on. Farmers are credited on the books of the dealers with the produce which they bring in, and secure their supplies on the basis of this credit. In a single grocery store in the city of Urbana, Ill., it is developed by the report that there are 73 such running accounts, and there are four or five similar stores in the city. All these would reduce the proportion of cash trade and make the percentage of payments in cash smaller.

The fair conclusion from a consideration of all these facts is that not the whole of the trade which is not shown in bank returns can be properly credited to the money side of the account in determining the proportion of checks used in trade; in other words, that the percentage of credit instruments used in retail trade, as shown by the accounts of those tradesmen who use banks, is not larger than the actual percentage by the entire proportion of the trade of those who are not bank users.

Table No. XV shows the grand total results. According to this the per cent of business done by checks, all classes being included, is 92.5. New York State leads the list, with 96.4 per cent. Closely following come Massachusetts and Maryland, with 93.2 and 93.3, respectively, and Nevada and Minnesota, with 92.3 and 92.5.

[a] Omitting, in the case of most of the commercial banks, certificate deposits.

Missouri has 90.7; New Mexico, 90.8. The lowest percentage shown is that of California, 69.4. If the present percentages are compared with those gotten from the total receipts accounted for in the investigation of 1892, we find that, leaving out the reserve cities, they are nearly the same at both times for New Hampshire, Delaware, New York, New Jersey, Pennsylvania, Florida, Indiana, Iowa, Kansas, Michigan, Minnesota, Wisconsin, North Carolina, and Virginia. They are higher for the District of Columbia, Maryland, Louisiana, Mississippi, Missouri, Illinois, Nebraska, Utah, and Idaho.

ULTIMATE CONCLUSION.

What conclusion is finally to be reached as to the true proportion of the demand for an exchange medium which is met by the use of credit instruments? First, the returns for mercantile business must be considered. The average per cent of retail trade transacted by means of credit instruments, it is seen, is 67, according to the face of the returns; that 40 per cent is as low as could in reason be claimed to be correct, and that 55 per cent is, all things considered, probably about accurate.

There seems no reason to think that the per cent of checks shown by the returns for wholesale payments needs to be diminished by any allowances. That per cent is 95. If the returns for retail and wholesale business are combined, 87 is had as the average per cent of the deposits of the merchants of both classes in the form of credit instruments. If the retail business is taken at 40, and weights the per cents of the two classes of trade according to their total returns, we get 79 as the average per cent. If the retail average is taken at 55, the similarly weighted average for both kinds of business is 83. If each kind of business is regarded as of equal importance, the averages are: With retail trade at 40 per cent, 68; with retail trade at 55 per cent, 75.

It is therefore not unreasonable to assume that 75 is a net figure at which to rest as the per cent of both retail and wholesale business which is done by credit-paper exchange.

What influence should the third class of check users have in determining the final proportion of credit instruments in the exchange medium? Some writers argue that the checks due to speculative transactions should be ruled out of the count. "If all these receipts represented legitimate business," wrote the Comptroller in 1881, "the means for merchandising and manufacturing would be most abundant." Speculative transactions occur in the business of wholesale dealers; but the speculation which it is claimed should be thrown out of the calculation is, perhaps, transactions in stocks. The payments, however, for stock transactions can not be regarded otherwise than as constituting a real part of the demand for an exchange medium, and so influence the amount needed; speculative transactions of other kinds exert an influence on prices, and also influence that demand.

The real question of importance is as to the per cent of the total currency demand which is satisfied by means of credit instruments. It would seem, therefore, that in seeking to determine what amount or per cent of money of account is dispensed with because of the use of credit instruments the means of payment in speculative transactions may not be ignored, even when they are purely stock speculations. If, however, they are thrown out, what is left? The Comptroller, in 1881, estimated that of the $165,000,000 checks and drafts received by the banks of New York City on September 17 of that year, three-sevenths represented stock transactions. If even one-half of the total transactions of "all other" depositors, as representing speculations in stocks, is deducted and assume that they are all paid for by checks, $200,000,000 is left for the total business deposits, of which $180,000,000 was in checks. This is 90 per cent.

Heretofore in this report it has been assumed that the figures obtained from retail trade are within $9,000,000 of the total retail business for the day, and that the checks used in performing this business formed about 53 per cent of the whole medium of payment. It has been estimated that the total amount of checks passing through the New York clearing house is about 70 per cent of the whole number drawn. Of course the percentage will be much lower for the country as a whole. If it is assumed that it is 30 per cent for the country as a whole, and there are added to the figures returned by the banks for the various kinds of deposits amounts representing 30 per cent of the returns in checks, after rejecting $100,000,000 for stock transactions, 85 per cent is left as a result. This is probably not far out of the way as representing the per cent of the business of the country which is paid for by means of checks, drafts, and other credit instruments. This method, of course, is arbitrary, but is probably as reliable as any other that could be assumed.

It may safely be concluded, therefore, that at least 80 per cent is a reasonable estimate from all the data presented.

The subject may be looked at in still another way. If it is assumed that the volume of business is constant for a brief period, and if it is supposed that this volume may be taken to represent the total money demand, then the amount of the medium of exchange necessary for the country would be approximately the sum of these quantities: The amount of money actually used to make exchanges in a given period, as a week, divided by the velocity of circulation; the amount of credit instruments used in payments in the same period, divided by their velocity of circulation; the amount of money needed as a reserve for the credit operations. Each one of these is very difficult to determine. The question of the velocity of circulation, especially, is a problem on which there is very little definite information. If, however, satisfactory information were available it would now be less difficult to deal with the "quantity of money" question than ever before.

The general result of this discussion is very strongly to emphasize the importance of the part played by credit instruments of exchange in the economy of the country. It bears out the statement made as a result of the investigation of 1894, as follows:

"The advocates of a large volume of money, not inherently sound money, have used their belief to offset the statement that credit is a more determining cause of prices in modern business than money. The results of the present inquiry, however, are on the whole in the line of the former conclusions as to the importance of credit instruments in payments and exchanges generally, and against the necessity of any additional provisions for simply an increase in the volume of money without taking into consideration the other and more important elements which should characterize our monetary circulation."

APPENDIX R.

The Greenback in Congress.

INTRODUCTION.

In 1861 the Government of the United States faced a great and costly war, with impaired credit and imperfect administrative machinery. The country was divided against itself; the national finances were drifting toward an abyss of deficit and default; a system of State banks, often based upon neither property nor true credit, interfered with any general plan of currency reform; the State bank notes could not be received into the Treasury of the United States, and before the end of the year the banks in the great cities had paid to the Government $150,000,000 in coin (gold), being a great part of their holdings. It was doubted if any further loans could be negotiated with success or advantage to the Government. Nearly $200,000,000 had been borrowed since July, but the loans were the only immediate means of obtaining revenue. The customs were unproductive, and there was no system of internal taxes.

Mr. Chase, the Secretary of the Treasury, submitted his report to Congress in December, 1861. He recommended taxes to produce an income of $100,000,000 a year—a sum large enough in his eyes to require an apology; and further loans, among which was to be a loan without interest from the people. To accomplish this he proposed a Government control over bank issues.

"It has been well questioned by the most eminent statesmen whether a currency of bank notes, issued by local institutions under State laws, is not in fact prohibited by the national Constitution. Such emissions certainly fall within the spirit, if not within the letter, of the constitutional prohibition of the emission of bills of credit by the States, and of the making by them of anything except gold and silver coin a legal tender in payment of debts.

"However this may be, it is too clear to be reasonably disputed that Congress, under its constitutional powers to lay taxes, to regulate commerce, and to regulate the value of coin, possesses ample authority to control the credit circulation which enters so largely into the transactions of commerce and affects in so many ways the value of coin." (Report for 1861, p. 17.)

Two plans for accomplishing the result were laid before Congress by the Secretary: (1) To retire State bank issues by taxing them, and substitute for them United States notes, payable in coin. The advantages would be a loan to the Government without interest and a uniform currency for the people.

"The plan, however, is not without serious inconveniences and hazards. The temptation, especially great in times of pressure and danger, to issue notes without adequate provision for redemption; the ever-present liability to be called on for redemption beyond means, however carefully provided and managed; the hazard of panics, precipitating demands for coin, concentrated on a few points and a single fund; the risk of a depreciated, depreciating, and finally worthless paper money; the immeasurable evils of dishonored public faith and national bankruptcy; all these are possible consequences of the adoption of a system of Government circulation. It may be said, and perhaps truly, that they are less deplorable than those of an irredeemable bank circulation. Without entering into that comparison, the Secretary contents himself with observing that, in his judgment, these possible disasters so far outweigh the probable benefits of the plan

that he feels himself constrained to forbear recommending its adoption."—(Report for 1861, p. 18.)

The second plan was a circulation, based on United States bonds, or an adequate provision of specie, but issued by associations or institutions which must be responsible for its redemption—the outline of what later became the national-bank system.

It will be seen that Mr. Chase deliberately put aside a Government issue of irredeemable notes, and threw his influence in favor of a national banking system, with notes issued under the control of that system. To this view he had come before the report was prepared. Before his recommendations could be acted upon in Congress the banks throughout the country suspended specie payments (December 28), gold went to a premium of 2 to 4 per cent, and the Treasury could no longer count upon coin or notes convertible into coin.

Meanwhile his report had been referred in the House of Representatives to the Committee of Ways and Means, composed of the following members: Thaddeus Stevens, of Pennsylvania, chairman; Justin S. Morrill, of Vermont; John S. Phelps, of Missouri; Elbridge G. Spaulding, of New York; Erastus Corning, of New York; John L. N. Stratton, of New York; Valentine B. Horton, of Ohio; Samuel Hooper, of Massachusetts, and Horace Maynard, of Tennessee. The subcommittee named to consider the subject of loans, currency, and bank scheme were Spaulding, Hooper, and Corning. Under the plea of necessity Spaulding drew a section of a bill providing for an issue of $50,000,000 in Treasury demand notes, to be a "legal tender in payment of all debts, public and private," but afterwards made it an independent measure, and in that form it was laid before the full committee. Morrill, Horton, and Corning were strongly opposed to it. Hooper was active in its favor, and Stevens, after some misgivings, gave it support. Phelps was absent, and the remaining two members were neutral. To support his measure Spaulding obtained from the Attorney-General a colorless opinion, which merely stated that the Constitution had no express prohibition of a legal-tender function, nor in his opinion did it contain an "inferential or argumentative prohibition." A change of one vote—that of Stratton—gave the bill a majority in its favor, and it was reported to the House on January 7—a measure of the Ways and Means Committee, not of the Treasury.

THE FIRST LEGAL TENDER ACT.

On January 7, 1862, Mr. Spalding reported a bill from the Committee on Ways and Means authorizing the issue of $100,000,000 of demand Treasury notes. The bill was read a first and second time by its title, referred to the Committee of the Whole on the state of the Union and ordered to be printed. On the following day, January 8, Mr. William A. Richardson, a Representative from Illinois, introduced the following resolution, which was read, considered, and agreed to:

"*Resolved*, That the Committee on the Judiciary be instructed to inquire into the power of Congress, under the Constitution, to make Treasury notes payable on demand a legal tender, and that they report the result of such inquiry at the earliest practicable day."

The Treasury note measure remained in the Committee on Ways and Means until January 22, when the chairman reported as a substitute a bill authorizing the issue of Treasury notes, and for the redemption or funding thereof, and for funding the floating debt of the United States. On January 28 the debate opened in Committee of the Whole on the state of the Union. The section of the bill relating to the issue of notes was as follows:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That, for temporary purposes, the Secretary of the Treasury be, and he is hereby, authorized to issue, on the credit of the United States, $100,000,000 of United States notes, not bearing interest, payable to bearer at the Treasury of the United States, or at the office of the Assistant Treasurer in the city of New York, at the pleasure of the United States, and of such denominations as he may deem expedient, not less than five dollars each; and such notes, and all other United States notes, payable on demand, not bearing interest, heretofore authorized, shall be receivable for all debts and demands due to the United States, and for all salaries, debts and demands owing by the United States to individuals, corporations, and associations within the United States; and shall also be lawful money and a legal tender in payment of all debts, public and private, within the United States; and any holder of said United States notes depositing any sum not less than fifty dollars, or other than a multiple of fifty, with the Treasurer of the United States, or either of the assistant treasurers, or either of the designated depositories at Cincinnati, or Baltimore, shall receive in exchange therefor duplicate certificates of deposit, one of which may be transmitted to the Secretary of the Treasury, who shall thereupon issue to the holder an equal amount in bonds of the United States, coupon or registered, as may be desired, bearing interest at the rate of six per cent, and redeemable at the pleasure of the Government after twenty years from date, or in sums not less than $2,500, for which, if requested, the Secretary, if he deem it expedient, may issue similar bonds, the principal and interest of which may be expressed in the currency of any foreign country, and payable there. And such United States notes shall be received the same as coin, at their par value, in payment for any bonds that may be hereafter negotiated by the Secretary of the Treasury, and may be reissued from time to time, as the exigencies of the public service may require. There shall be printed on the back of the United States notes, which may be issued under the provisions of this act, the following words: 'The within note is a legal tender in payment of all debts, public and private, and is exchangeable for bonds of the United States bearing six per cent interest.'"

DEBATE IN THE HOUSE OF REPRESENTATIVES.

[Speech of E. G. Spaulding, of New York.]

A MEASURE OF NECESSITY.

Our finances deserve our most serious consideration. The ways and means of carrying on the war should enlist the grave consideration of every gentleman on this floor who desires the preservation of this Government. We were never in greater peril than at this moment. It will require all our best energies to successfully meet the crisis through which we are passing. I am oppressed with the magnitude of the work before us. But I will not, I dare not—I trust we shall not any of us—shrink from the responsibility of performing every duty devolved upon us in this great crisis of our national affairs.

The bill before us is a war measure—a measure of necessity, and not a choice, presented by the Committee of Ways and Means, to meet the most pressing demands upon the Treasury, to sustain the Army and Navy until they can make a vigorous advance upon the traitors and crush out the rebellion. These are extraordinary times, and extraordinary measures must be resorted to in order to save our Government and preserve our nationality. * * * The bill is simple and perspicuous in its terms, and easy of execution. It is a Government measure, and the officers of Government are required to execute its provisions.

By the time the Secretary of the Treasury can get these notes engraved, printed, and signed ready for use, all other available means at his command and in the Treasury will be exhausted. This measure is therefore presented under the highest prerogatives of Government. The army and navy now in service must be paid. They must be supplied with food, clothing, arms, ammunition, and all other material of war, to render them effective in maintaining the Government and putting down the rebellion. Having exhaused other means of sustaining the Government, this measure is brought forward as the best that can be devised, in the present exigency, to relieve the necessities of the Treasury, and I trust it will pass without delay. * * *

The duties received at the different custom-houses, and the taxes levied at the extra session, or that may now be levied, will be wholly inadequate to meet the requirements of the Treasury in the present emergency during the next six months. If you can not borrow the money on the credit of the United States except at ruinous rates of discount, and can not make the new banking system available in time, and can not realize the amount required from your tariff and tax bills, in what mode can the means be obtained and the Government be carried on? It is believed that the only way in which it can be done is by issuing Treasury notes, payable on demand, and making them legal tender in payment of all debts, public and private, and by adequate taxation to be imposed by new bills. This will bring into full exercise all the higher powers of Government under the Constitution. * * *

The power in the Constitution to "lay and collect taxes, duties, imposts, and excises" is general and unlimited. Congress has the power to levy and collect any amount of taxes that may be necessary to preserve its existence and pay all its debts. Government has a claim—a mortgage, in fact—on all this property to that extent. Will Congress do its duty by passing bills to collect these taxes? This is the vital question. Will Congress have the firmness and the courage to impose the necessary taxation to sustain the credit of the Government? Direct taxation, excises, and internal duties are new features within the United States. They will be heavy burdens on the people, but essential to sustain the circulation of demand Treasury notes. * * *

This bill is a necessary means of carrying into execution the powers granted in the Constitution "to raise and support armies," and "to provide and maintain a navy."

THE CONSTITUTIONAL POWER.

The Constitution provides that "all the laws necessary and proper for carrying into execution the foregoing powers" may be passed by Congress.

If the end be legitimate, and within the scope of the Constitution, all the means that are appropriate, which are plainly

adapted to that end, and which are not prohibited, may be constitutionally employed to carry it into effect.

If a certain means to be exercised of any of the powers expressly given by the Constitution through the government of the Union be an appropriate measure, not prohibited by the Constitution, the degree of its necessity is a question of legislative discretion, not of judicial cognizance.

The Government of the United States is not prohibited by the Constitution from issuing Treasury notes on demand and making them a legal tender in payment of all debts within its jurisdiction. The Constitution (Article I, section 10) prohibits the States from making anything but gold and silver coin a legal tender in payment of debts; but this does not at all restrict the sovereign power of the United States. Congress has the power to coin money, "regulate the value thereof, and of foreign coin." Gold and silver by long practice—a practice that has continued for centuries among all nations—has become the legal money of the world in all commercial transactions. Its real intrinsic value is not as great as that fixed upon it by governments. All governments fix the value of gold and silver, and without their government stamp gold and silver would be a simple commodity, like other things having intrinsic value. Some governments fix the value of coin higher, and some lower, just as each for itself chooses to determine. Any other metal or thing that should be stamped and its value regulated by all the governments of the world, would pass equally well in all commercial transactions with gold and silver, although not intrinsically as valuable. Exchequer bills or treasury notes, whose value is fixed by government and stamped as money, would pass as money in payment of debts within the jurisdiction of the government fixing such value.

In regulating the value of "coin"—either foreign or domestic—Congress may provide that gold and silver shall be of no greater value in the payment of debts within the United States than the Treasury notes issued on the credit of this Government, which stamps such coin and fixes its value. These high powers of government have been frequently exercised by Great Britain during her continental wars in making the Bank of England notes receivable for public dues, and virtually in payment of debts, by a suspension of specie payments within the United Kingdom; and other governments of Europe have exercised the same high prerogatives whenever necessary to preserve their existence. But we are not left to this argument alone for constitutional power to issue these demand notes and make them a legal tender in payment of debts, as I will endeavor hereafter to show. * * * The Constitution provides that Congress shall have power to pass "all laws necessary and proper" for carrying into execution all the powers granted to the Government of the United States or any department or officer thereof.

The word "necessary," as used, is not limited by the additional word "proper," but enlarged thereby. * * * Congress may judge of the necessity in the present exigency. It may decide whether it will authorize the Secretary of the Treasury to issue demand Treasury notes, and make them a legal tender in payment of debts, or whether it will put its 6 or 7 per cent bonds on the market at various rates of discount, and raise the money at any sacrifice the money lender may require to meet the pressing demands upon the Treasury. In the one case the Government will be able to pay its debts at fair rates of interest; in the other it must go into the streets shinning for the means, like an individual in failing circumstances, and sure of being used up in the end by the avarice of those who may exact unreasonable terms. The Government needs, and should have in its present peril, the aid and protection of all patriotic citizens.

WHAT SHOULD BE DONE.

But, sir, knowing the power of money, and the disposition there is among men to use it for the acquisition of greater gain, I am unwilling that this Government, with all its immense power and resources, should be left in the hands of any class of men, bankers or money lenders, however respectable and patriotic they may be. The Government is much stronger than any of them. Its capital is much greater. It has control of the bankers' money, and all the brokers' money, and all the property of the thirty millions of people under its jurisdiction. Why, then, should it go into Wall street and State street, Chestnut street, or any other street, begging for money? Their money is not as secure as Government money. All the gold they possess would not carry on the Government for ninety days. They issue only promises to pay, which, if Congress does its duty, are not half as secure as United States Treasury notes based on adequate taxation upon all the property of the country.

Why, then, go into the streets at all to borrow money? I am opposed, in our present extremity, to all shifts of this kind. I prefer to assert the power and dignity of the Government by the issue of its own notes, pledging the faith, the honor, and the property of the whole loyal people of the country to maintain their circulation and provide for their redemption. * * * It is plainly within the scope of the Constitution that the Government should maintain itself, that the Army should be supported, that the Navy should be maintained. The ways and means of doing this are left to Congress to provide. Congress may do this entirely by taxation. It may provide by law to levy and collect taxes enough every year to pay the whole expenses of the war during each current year, and so "pay as we go." It may issue 6 per cent bonds and sell them on the market for what they will bring—even if they will not sell for over 50 cents on the dollar—to raise money to carry on the war.

It may issue Treasury notes, payable on demand, and make them a legal tender in payment of debts. Either one or all of these modes of paying the expenses of the Government is left to the discretion of Congress. Either mode is constitutional, and it is left to the sound discretion of Congress to decide which mode it will adopt, or whether it will adopt a part of each as being the best in the present crisis. * * * Our Army and Navy must have what is far more valuable to them than gold and silver. They must have food, clothing, and the material of war. Treasury notes issued by the Government, on the faith of the whole people, will purchase these indispensable articles, and the war can be prosecuted until we can enforce obedience to the Constitution and laws, and an honorable peace be thereby secured. This being accomplished, I will be among the first to agitate a speedy return to specie payments, and all measures that are calculated to preserve the honor and dignity of the Government in time of peace.

[George H. Pendleton, of Ohio, January 29, 1862.]

A NOVEL MEASURE.

I have examined, Mr. Chairman, with some care, every law authorizing the issue of Treasury notes which has been passed from the foundation of the Government up to this hour, and I find that this bill differs from all of them in several essential particulars. Every other law authorizing the issue of Treasury notes provided that they should bear some rate of interest, whereas these are to bear none; that they should be payable at a fit time prescribed in the note, whereas these are only to be payable at the pleasure of the United States; that the notes thereby authorized should be receivable in payment of public debts only by those who were willing to receive them at par, while these notes are to be received by every public creditor who is not willing to forfeit his right to payment at all. These notes are to be made lawful money, and a legal tender in discharge of all pecuniary obligations, either by the Government or by individuals, a characteristic which has never been given to any note of the United States or any note of the Bank of the United States by any law ever passed. Not only was such a law never passed, but such a law was never voted on, never proposed, never introduced, never recommended by any department of the Government; the measure was never seriously entertained in debate in either branch of Congress.

The report of the Secretary of the Treasury, made at the opening of the session, contains no such recommendation. It is obvious from the comparison which I have drawn between the bill before us and the laws heretofore passed that if this bill shall pass we are about to take a departure from the settled financial policy of the Government. We are about to launch ourselves, with sails all set, upon an ocean of experiment, upon which the wise man who administered the Government before we came into power, warned by the example of other nations, would not permit it even to enter. I believe that this Government has reached a crisis in its history. I believe that it is approaching a period in the history of its legislation which may determine the question of its continuance. By wisdom it may overcome the evils of secession; by its great powers and resources it may be able to defend itself against those in arms against it; but I firmly believe that it can not maintain itself against the shock of the accumulated and manifold dangers which follow inevitably closely in the wake of an illegal, unsound, and depreciated Government paper currency.

The feature of this bill which first strikes every thinking man, even in these days of novelties, is the proposition that these notes shall be made a legal tender in discharge of all pecuniary obligations, as well those which had accrued in virtue of contracts already made as those which are yet to accrue in pursuance of contracts which shall hereafter be made. Do gentlemen appreciate the full import and meaning of that clause? Do they realize the full extent to which it will carry them? Every contract for the payment of money is in legal contemplation a contract for the payment of gold and silver coin. Every promissory note, every bill of exchange, every lease reserving rent, every loan of money reserving interest, every bond issued by this Government, is a contract to which the faith of the obligor is pledged that the amount, whether rent, interest, or principal, shall be paid in the gold and silver coin of the country. Every contract for the performance of some other thing than the payment of money carries with it,

as the penalty of its infraction, that damages shall be assessed, and that these damages shall be paid, even if necessary at the end of an execution, in the gold and silver coin of the country. Every verdict which has been rendered, every judgment which has been entered up, every decree for the payment of money has been made upon that hypothesis. That is the measure of the obligation of the one party and of the right of the other.

The provisions of this bill contemplate impairing the obligation of every contract of that kind, and disturbing the basis upon which every judgment and decree and verdict has been entered. It proposes to say to a party who has entered into a contract, "You shall be discharged from the obligations of that contract by doing something else than that which you have agreed to do." It proposes to say to every party with whom a contract has been made, "Though you are entitled to demand one thing, you shall, perforce, remain satisfied with the doing of another." It proposes to say, "Although you have agreed to pay gold and silver you shall be discharged upon the payment of these notes; although you are entitled to demand gold and silver, you shall rest content with the reception of this paper." It proposes, in one word, to release the one party from the obligation of its contract, and to divest the other party of the right which has been vested in him by that contract. I am sure I need only state the proposition to shock the minds of the legal profession of the country, so thoroughly has it been imbued with the idea of the sanctity of the obligation of contract by those who have taught it the beneficent maxims of constitutional law. * * *

NO CONSTITUTIONAL SUPPORT OF THIS POWER.

A power whose extent was so great as this was worthy to find a place in the express grants of the Constitution. I had expected to hear the gentleman from New York [Mr. Spaulding], in his argument upon this subject yesterday, derive this power from the power to "coin money." I am glad he did not, for I think that no stress of financial difficulties could excite the honest imagination of any gentleman, even though upon the Committee of Ways and Means, to such a degree that he could, even in its wildest flights, fancy this power involved in those words. I expected to hear him derive it from the power "to regulate commerce;" in this I was agreeably disappointed. I know that clause is the stalking-horse which is made to carry almost every conceivable power which any gentleman has thought it desirable at any time that Congress should exercise; and yet I know that Mr. Webster, who attributed to the Government of the United States more power by reason of that clause than any other American statesman of whom I have any knowledge, expressly and upon divers occasions scouted the idea that by virtue of it, or of any other clause in the Constitution, such power was given. I know it is extremely difficult to define with exactitude all the powers which Congress may have by virtue of that provision; but I think it might be left to any fair-minded man to say whether a law, which provides that a certain note issued by the Treasury of the United States shall be a legal tender in discharge of debts already accrued, is a fair and legitimate exercise of a power to regulate the interchange of commodities, and their barter and sale.

The gentleman from New York [Mr. Spaulding], in his argument yesterday, deduced this power from the general powers of the Government. He told us that Congress had power to lay and collect taxes; to raise and support armies; to provide and maintain a navy, and that all power necessary to effectuate these purposes was expressly given by the general grant of the Constitution. If I should admit his statement in the very language in which he has made it, am I not entitled to ask whether he has shown us any legitimate connection between making these notes a legal-tender and the power to raise an army? Might I not ask whether the repudiation of the obligations of the Government to pay its interest is a legitimate means for providing and sustaining a navy? Whether impairing the obligations of contracts between private individuals throughout the country will, in any degree, assist the Government in its great duty of laying and collecting taxes? We had no demonstration of the necessity or propriety of these means to accomplish those ends.

The gentleman spoke quite at large in reference to the sovereign power of the Government. He told us that this power was not prohibited in the Constitution. He told us that in times of great emergency everything may be done except that which is prohibited; and he read an argument from the Attorney-General which concludes as it began, with the proposition that such a power is not prohibited to Congress. I repudiate this whole idea. I think it has no solid foundation in the Constitution. In all its external relations, standing among the nations of the earth, the Government of the United States is sovereign and is invested with all the attributes of sovereignty; but in its relations to its own citizens, in its relations to the States, in its relations to its own constituents, it has no power except that which is granted. It has no original power; its powers are all delegated, and delegated by the terms of the Constitution itself. I repudiate the idea that all the sovereign power which rightfully resides in the nation must necessarily find expression in any department of the Government, whether it be National or State.

I stand upon the provision of the Constitution that all power which is not delegated to the Federal Government is reserved from it, and that all power which is not delegated to it, and thereby reserved from it, resides either in the States or in the people. There are many powers which are denied by the Constitution to the States and yet not delegated to the General Government. They find their proper repository in the people. * * * When I come to examine the powers of Congress, according to the principles of interpretation to which I have said I adhere, I look to the grants of the Constitution. I find no grant of this power in direct terms, or, as I think, by fair implication. It is not an accidental omission; it is not an omission through inadvertency; it was intentionally left out of the Constitution, because it was designed that the power should not reside in the Federal Government. * * * It seems to me that if the language of the Constitution and the weight of authority can settle any proposition, it is that Congress has not the power to do that which it is proposed shall be done by the provisions of this bill.

* * * * * * *

[At this stage of the debate a letter was read from the Secretary of the Treasury urging immediate action on the subject of affording provisions for the expenditures of the Government, containing the following paragraph:]

"The provision making United States notes a legal tender has doubtless been well considered by the committee, and their conclusion needs no support from any observation of mine. I think it my duty, however, to say, that in respect to this provision my reflections have conducted me to the same conclusions they have reached. It is not unknown to them that I have felt, nor do I wish to conceal that I now feel, a great aversion to making anything but coin a legal tender in payment of debts. It has been my anxious wish to avoid the necessity of such legislation. It is, however, at present impossible, in consequence of the large expenditures entailed by the war, and the suspension of the banks, to procure sufficient coin for disbursement; and it has, therefore, become indispensably necessary that we should resort to the issue of United States notes.

"The making them a legal tender might, however, still be avoided if the willingness manifested by the people generally, by the railroad companies, and by the banking institutions, to receive and pay them as money in all transactions were absolutely or practically universal; but, unfortunately, there are some persons and some institutions which refuse to receive and pay them, and whose action tends not merely to the unnecessary depreciation of the notes, but to establish discriminations in business against those who, in this matter, give a cordial support to the Government, and in favor of those who do not. Such discriminations should, if possible, be prevented; and the provision making the notes a legal tender, in a great measure at least, prevents it by putting all citizens in this respect on the same level, both of rights and duties.

"The committee doubtless feel the necessity of accompanying this measure by legislation necessary to secure the highest credit as well as the largest currency of these notes. This security can be found, in my judgment, by proper provisions for funding them in interest-bearing bonds, by well-guarded legislation authorizing banking institutions with circulation based on the bonds in which the notes are funded, and by a judicious system of adequate taxation which will not only create a demand for the notes, but—by securing the prompt payment of interest—raise and sustain the credit of the bonds. Such legislation, it may be hoped, will divest the legal-tender clause of the bill of injurious tendencies, and secure the earliest possible return to a sound currency of coin and promptly convertible notes." * * *

To Mr. Spaulding the Secretary wrote, on February 3:

"I came with reluctance to the conclusion that the legal-tender clause is a necessity; but I come to it decidedly and support it earnestly. I do not hesitate since I have made up my mind. * * * The conclusion I have arrived at has convinced me that it is important to the success of the measure,"

[Justin S. Morrill, of Vermont—February 4, 1862.]

The subject of issuing $150,000,000 of paper currency and making it a legal tender by the Government at a single bound—the precursor, as I fear, of a prolific brood of promises, no one of which is to be redeemed in the constitutional standard of the country—could not but arrest my attention, and having strong convictions of the impolicy of the measure, I should feel that I utterly failed to discharge my duty if I did not attempt to find a stronger prop for our country to lean upon than this bill—a measure not blessed by one sound precedent and damned by all. * * *

If this paper money is a war measure, it is not waged against

the enemy, but one that may well make him grin with delight. I would as soon provide Chinese wooden guns for the Army as paper money alone for the Treasury.

What is it that we most need? Clearly we lack money and wish to inspire our own people with that confidence that will induce them to lend the requisite amount. But the very first step we propose is one to destroy whatever of confidence yet remains among those who have a dollar to lend. We proclaim by an engraved advertisement—to be forced into the pockets of every man by the fiat of the Government—that we will hereafter liquidate all our debts with paper only. With such a stamp on our foreheads it can not be expected that we shall find either patriotism or selfishness hereafter prompting anybody to volunteer to take a single bond more of the United States. Some unhappy contractor may be caught and forced to accept in payment of existing debts the illstarred notes and bonds to be disposed of as fancy stocks for the most they will bring. But profiting by experience, no contractor will be caught the second time without securing an ample margin to enable him to deal at last with the Jews on the Rialto. When the bonds of the same Government can be had, with same rate of interest and the same time to run, for less than 90 cents on the dollar and be paid for in bank paper worth 3½ per cent less than par, it requires a stretch of the imagination to see anybody walking up to our worthy Secretary of the Treasury and tendering 100 cents on the dollar for just the same thing. * * *

It is pretended that as the whole United States are holden for the redemption of these notes they must be good, and will, therefore, pass at par, especially if made a legal tender. Never was a greater fallacy. The United States are abundantly able to meet all the vast exigencies of this war, to pay all liabilities, only put them into the proper form. It can not be done on demand, and it is a fiction to pretend to do so. They must be funded until the means can be accumulated for their redemption. As a mere currency no more of them can be used than enough to fill the demands of commerce. That measure is the extent they will go, and it is clear and well defined. * * * I object to this bill on the ground, as I conceive, of its utter impolicy. I admit that from the contracts entered into—many of which, now due, I regret have not been paid as promptly as they deserve to be—and from the heavy monthly disbursements to our armies, that the Government can flood the country with even $150,000,000 of paper dollars. But from that moment you would vastly increase the cost of carrying on the war; prices would go up, and the addition we should pile upon our national debt would prove that it might have been even wiser to have burned our paper dollars before they were issued. The inflation of the currency would be inevitable. In ordinary times few comprehend the Archimedean leverage of a very few millions added to or subtracted from the currency of a nation actively engaged in the affairs of the world. In the former case it produces a crisis and general bankruptcy, and in the latter it puts every speculator on tiptoe to buy out his neighbor—his horse, his ox, his ass, or anything that by keeping overnight will put money in his purse. Property becomes as volatile as alcohol at boiling heat, and can not be kept within its ancient boundaries. The poor man, accustomed to butchers' meat, and who has not counted tea and coffee as luxuries, suddenly finds their daily use beyond his means. The ecstacy of an inflated currency is enjoyed by the few only, and these are cruelly punished when the gaseous influence subsides. * * *

The question of the constitutionality of this bill, although a grave one, I do not propose to discuss, especially as it will undoubtedly be examined by far abler hands. It will be conceded that the power is nowhere contained in the letter of the Constitution, and that in all our history since the adoption of the Constitution it has never been exercised. It is an inferential or doubtful power, lodged wherever gentlemen may choose to place it, and liable, as I presume this debate will show, to change its lodging place, like members of Congress, at very short notice. I should therefore regret to see such a power, if it exists at all, exercised at this time. The Constitution, in giving Congress the power to levy and collect taxes, gives us ample power, so long as taxable property in the greatest abundance exists, to make loans and protect the public credit. In this great crisis of our country, if we expect to retain the semblance of freedom, if we expect to retain any of the features of a Republican form of government, if we hope ever to see the epaulets stripped from the great host of military officers, now ready to go forth to battle, and their swords laid aside, we must hold every department of the Government and every officer to a strict adherence to the Constitution and the laws. We are the custodians of the destinies of our country, and must not provoke the inquiry, Who shall take us into custody?

The power to "coin money, regulate the value thereof, and of foreign coin," has been exercised often and not too wisely, but it had never been construed to cover the alchemical transmutation of paper into gold and silver. * * * By making paper a legal tender, no more specie will be seen, except through offers of rewards to draw it from its hiding places, until we emerge from our present difficulties, and not for an indefinite period, perhaps, thereafter. The $300,000,000 of specie said to be in the country, though I think there is not quite so much, will be hoarded and remain useless and idle for the rest of the war. I am for keeping this, the vital fluid of commerce, in healthy, active circulation. * * *

The fact in relation to the suspension of specie payments by the Bank of England from 1797 to 1823 are cited to prove the soundness of the policy proposed now of making paper a legal tender. The gentleman from New York [Mr. Spaulding] stated, and others may have done so, that the notes of the Bank of England were made a legal tender at the time referred to. This, I think, is a mistake. The bank was prohibited from paying out specie for them, and they were received and paid out in all business transactions by the bankers of London and others by mutual consent, but they were not made a legal tender. The English Government did not stain their reputation with such an act. * * *

But why did not the gentlemen cite a more recent case, and one exactly in point—that of Austria? Simply because that, as all others recorded in history have been, was a total failure. Austria undertook this process of making forced loans—for it is really nothing less—by making government paper a legal tender, and it proved a miserable failure. Their paper fell (or gold bore a premium, which is the same thing) 40 per cent. The Mexican mode of violent seizure is far more efficient and about equally sound in morals. * * * By taking the first step in making paper a legal tender we shall sever all connection with any other fountains of supply. We can not retrace our steps, but must go on. No sane man would spontaneously take stock liable by the practices of the Government to be reduced the very next day 10 per cent or any other per cent in its value; so that if Congress should have the virtue to wish to cease the further issue of these notes it would no longer be an open question. But, having tested this facile mode of paying debts, I fear the stern and honest mode of taxation would be repugnant to many constituencies, and that the doors of the temple of paper money would not soon again be closed. Gentlemen may think otherwise, but like a certain heroine who—

Said she'd ne'er consent, and consented still,

Congress would consent. If we have not the virtue and power to resist the temptation now, while our reputation is spotless, we shall have still less when the whole country becomes debauched.

Upon one point there can be no dispute. The Constitution expressly declares that Congress shall pass no ex post facto law. Can we pass a law compelling the acceptance of paper in view of standard coin in contracts made one, two, or five years ago? If the coin is only worth 3½ per cent more than paper is it not to that extent an ex post facto law and as much a violation of the Constitution as any law of a State could be "impairing the obligation of contract?" The right to change the standard of coin exists, but the right to create a standard of paper and give no option is a novelty. In the early days of our country it was the custom to make notes for merchantable neat stock in due form, with the addition of "bulls and stags excepted." Hereafter all contracts will need to be made payable in coin, or with the addition of "United States bulls and rags excepted." If the provision making the notes a legal tender should unfortunately pass, it certainly ought in equity to provide that it shall only apply to contracts hereafter made. * * *

I maintain that the bill, as reported by the Committee on Ways and Means, should not pass, because it would infinitely damage the national credit; because it will cut off all other chance of supplies; because it will reduce our standard of legal tender, already sufficiently debased; because it will inflate the currency and increase many fold the cost of the war; because it would slide into the place of proper taxation; because, as a resource, it must ultimately fail and tend to a premature peace; because it is a question of doubtful constitutionality; because it is an ex post facto law, and a breach of the public faith; because it will at once banish all specie from circulation; because it will dampen the ardor of men at home as well as soldiers in the field; because it will degrade us in the estimation of other nations; because it will cripple American labor, and throw at last larger wealth into the hands of the rich, and because there is no necessity calling for such a desperate remedy.

[Roscoe Conkling, of New York.]

I propose to assign my reasons briefly for voting against the attempt by legislation to make paper a legal tender. The proposition is a new one. No precedent can be urged in its favor; no suggestion of the existence of such a power can be found in the legislative history of the country; and I submit to my colleague,

as a lawyer, the proposition that this amounts to affirmative authority of the highest kind against it. Had such a power lurked in the Constitution as construed by those who ordained and administered it, we should find it so recorded. The occasion for resorting to it, or at least referring to it, has, we know, repeatedly arisen, and had such a power existed it would have been recognized and acted on. It is hardly too much to say, therefore, that the uniform and universal judgment of statesmen, jurists, and lawyers has denied the constitutional right of Congress to make paper a legal tender for debts to any extent whatever. But more is claimed here than the right to create a legal tender heretofore unknown. The provision is not confined to transactions in futuro, but is retroactive in its scope. It reaches back and strikes at every existing pecuniary obligation. This is well put by the gentleman from Ohio [Mr. Pendleton], and I concur with him, that substituting anything for gold and silver in payment of debts, and still more of precedent debts, is of very doubtful constitutionality.

A memorandum from the Attorney-General was produced here the other day, and the context in which it was read would indicate that it made something for this bill. I do not so understand it; on the contrary, if the Attorney-General has stated all that he can say in favor of the bill the plain conclusion to be drawn from his opinion is that it has no warrant in the Constitution. He says the Constitution contains no "prohibition." That is not the question. In looking for a power in the Constitution of the United States the point is precisely the reverse. The Constitution of the United States is an instrument of delegated and enumerated powers, and Congress has no powers except those which the Constitution confers. Not so with the legislatures of the States; they have all the residium of legislative power. In looking, therefore, for a power in the constitution of a State, the question usually is, Has it been taken away or forbidden? But in looking at the Federal Constitution the question is: Has the power been given; is it there? Can you put your finger upon it among the grants of the Constitution? If not, if it is not there at all, you have not the power, and there is an end of the whole matter.

But, passing, as I see I must, from the constitutional objections to the bill, it seems to me that its moral imperfections are equally serious. It will, of course, proclaim throughout the country a saturnalia of fraud, a carnival for rogues. Every agent, attorney, treasurer, trustee, guardian, executor, administrator, consignee, commission merchant, and every debtor of a fiduciary character who has received for others money, hard money, worth a hundred cents in the dollar, will forever release himself from liability by buying up for that knavish purpose, at its depreciated value, the spurious currency which we shall have put afloat. Everybody will do it, except those who are more honest than the American Congress advises them to be. Think of savings banks, intrusted with enormous aggregates of the pittances of the poor, the hungry and the homeless, the stranger, the needlewoman, the widow and the orphan, and we are arranging of a robbery of 10 if not of 50 per cent of the entire amount, and that by a contrivance so new as never to have been discovered under the administrations of Monroe, Adams, or James Buchanan.

To reverse the picture. After the act shall have gone into effect honest men undertake transactions based upon the spurious tender at its then value. By and by comes the repeal, and they are driven to ruin in multitudes by the inevitable loss incident to a return to a metallic currency.

I understand there are 40,000 petitioners in both Houses now praying for the passage of a bankrupt law. Provision will have to be made, on a scale of bankruptcy more liberal and gigantic than England ever saw, for the relief of honest people who will be cheated and ruined under the legal-tender system now proposed, if the country tries the experiment and survives it. But, surmounting every legal impediment, and every dictate of conscience involved, viewing it as a mere pecuniary expedient, it seems too precarious and unpromising to deserve the slightest confidence.

The whole scheme presupposes that the notes to be emitted will be lepers in the commercial world from the hour they are brought into it; that they will be shunned and condemned by the laws of trade and value. If this is not to be their fate, what is the sense, as was said in the Federal Constitutional Convention, in attempting to legislate their value up?

Now, I do not believe that you can legislate up the value of anything any more than I believe you can make generals heroes by legislation. The Continental Congress tried legislating values up even by resorts to penalties, but the inexorable laws of trade, as independent as the law of gravitation, kept them down. I do believe you can legislate a value down, and that you can do it by attempting to legislate it up. * * *

The only consideration which weighed with me in favor of this legal-tender scheme was, that the people, the Government having taken the coin from the banks, would be unable to pay their taxes in coin because they could not get it. That is a good suggestion, and all we need to meet is a very simple provision having none of the objections to making paper pay debts indiscriminately. You only want in the bill we pass the old doctrine of recoupment and set off, and then the citizen can pay his tax in Government issues. That is a sound and equitable doctrine. It is as old as the common law of England; as old as the civil law of Rome. It means merely this: If my friend here has my check, which has not been paid, and I have a tax or a debt against him, he may pay that tax or debt with the check, setting off one against the other and settle it. You need no legal tender for that.

But shall it be said that because we all agree that the Treasury notes to be issued should be receivable for taxes we shall go further and hoist flood gates of fraud by making these notes pay debts to the amount of their face, when the bill virtually admits that they will be worth but 90 cents in the dollar on the day the law takes effect? No; and I thank God that the great State of New York, which carries one-fifth of the burdens of the nation, and which has loaned for years to the Government 90 per cent of the money it has borrowed; I thank God that the State of New York has in the popular branch of her legislature set the seal of her disapprobation upon this monstrous proposition by a vote of almost 2 to 1. Such a step, if it should ever be taken by a government, should be taken only when everything else has failed and the last extremity has been reached. It is the last expedient to which kings and nations can resort. When you clothe an individual with the power to give his own checks to pay his debts and supply his wants, when he has nothing with which to pay them, and when you ordain that every man shall receive his check, you have performed for that man the last sad offices of financial humanity; there is nothing left to be done for him; and, if he fails then, he is past resuscitation and past resurrection. So of a government; you may try any other expedient with impunity, and, if it fails, you have remaining a resort to other things; but if you once authorize the issue and compel the acceptance of its own paper, and that proves to be a failure, there is nothing left; the die is cast; the last link is broken. * * *

[William P. Sheffield, of Rhode Island.]

Looking into the Constitution which created a government with limited powers, can we fairly deduce from any of its provisions the power to declare by legislative enactment that demand notes shall be a legal tender? The power is nowhere expressly given. Is it fairly implied from the powers which are given? The Constitution authorizes Congress to borrow money, to coin money, and to regulate its value; and by these means alone I apprehend that it was designed by the powers of the Constitution that we should support our Army; that we should provide and maintain a Navy; in a word, that we should carry on the Government. Congress is given these express powers. * * *

But I did not rise for the purpose of discussing that (constitutional) question. I am opposed to the legal-tender clause in this bill for another reason. In my judgment it is dishonest. That is a sufficient reason to induce me to vote against it. We have contracted with these men, who are the public creditors, and have promised to pay them money, and they had given us their merchandise, or given us their labor, upon the faith of that promise. Who is to trifle with the nation's faith? It seems to me that those men do it who support this bill. We have told these men that we would pay them in money. By this bill it is proposed that we give them paper. They ask us for bread and we give them a stone. * * *

But the legal-tender clause in this bill is the most odious feature of the system. Send out your bills with a declaration upon their face that you have not confidence in their value and who will take them? Yet the very fact that you propose to force them upon the public against the will of the people implies that force is necessary in your judgment to induce the people to take them. Men are so constituted that they do not like to be deprived of their free agency. They are not willing to be forced to do anything, not even that which without force they would be entirely willing to do. Let one or two men in a neighborhood who have the specie wherewith to pay their debts go and sell that specie for a premium and then buy Treasury notes and pay their debts with them, while they pocket the difference between the two values and throw the loss upon their creditors, and you will, by this simple act, raise the sense of justice of a full community against this system; yet who is there that has any knowledge of human affairs that does not know that this will be one of the practical results which will follow the passage of this bill. The ingenuity of man could not, in my poor judgment, have devised a scheme of finance better calculated to injure our country and all of its interests than that which has been presented in the two bills of the Committee of Ways and Means.

[Frederick A. Pike, of Maine. February 5, 1862.]

Upon the clause in this bill, providing that the notes shall be a legal tender, there has been much discussion here and elsewhere. Its importance to the success of the measure can not be overestimated. I regard it as the life of the plan. Strike it out and we are but duplicating an issue of notes already at a discount. It is really the specie clause, and no hard-money man—and I claim to be one—should vote for the issue of these notes without it. Objections have been made that it is unconstitutional—and a word upon that point.

In my judgment any measure of finance now assumes the highest character. The existence of the Government depends upon the successful administration of the finances. Crippled here we are balked everywhere. Upon the consideration of every financial measure there might well present itself anew the same question so fitly put by President Lincoln, in his message to Congress in July: "Is it better to assume powers, the exercise of which shall violate a portion of the Constitution rather than allow the whole to be destroyed?" and the country came to the paradoxical conclusion that it was his duty, as President, to violate the Constitution in order to preserve it. * * *

I have a high respect for the motives of gentlemen who discover so many constitutional objections to contemplated action; but for myself, I have concluded that whatever has a tendency to furnish means to suppress this rebellion, and affords a reasonable probability of hastening the consummation of what all loyal men so much desire, is perfectly constitutional. Nothing but an absolute prohibition would prevent me from adopting a measure which answers these conditions. I will never render to my people as a reason why I voted against such a measure that I deemed it unconstitutional, nor will I assist this Congress in proclaiming to the world and sending down to posterity the lack of constitutional power as a reason for failing to enact any law which will have a tendency to preserve this Union. This is no time for the exercise of thin constitutional pedantry. Let us act boldly and forcibly, and so discharge the high and solemn duty imposed upon us infinitely better than if we shrunk from action under fear of constitutional scruples." * * *

The objection which is supposed to be fatal to the constitutionality of this measure is that it impairs the obligation of contracts. But granting that the prohibition in the Constitution—of State action with reference to contracts—extends to Congress, still the objection has no validity. The legal effect of all contract language is to pay the sums specified therein in legal currency. * * * As to the expediency of making these notes a legal tender I have no doubt. Those who favor the issue of the notes and oppose this clause present this anomalous position. They favor the issue of the notes for $100,000,000 for the purpose of paying creditors to whom that sum is due. They say to our Treasurer: "You will take these notes and pay Government debts with them at par." A Government creditor will be obliged to take these notes or wait, without interest, until that happy period in the future when the Government shall resume the payment of specie in the discharge of its indebtedness.

Thus, then, the Government will pay its creditor $1,000 in bills in full discharge of a debt of $1,000, and still it will not authorize that creditor to pay a debt he owes John Doe, for the same sum, with the same money. In this way it is tacitly acknowledged that the indebtedness of the Government, which represents all property is not so valuable as that of the private citizen who represents but a small fraction of that property. If this be not the meanest kind of bankruptcy, I do not know the meaning of the term. * * * If we can not pay our creditors in gold and silver, let us come as near it as possible. It is not doubted by anybody that making the notes a legal tender will add to their value in the hands of Government creditors. It is a kind of indorsement that can not possibly injure the circulation of the note in any event, even if declared by the courts as of no validity, and will, for a time at least, add considerably to their money value. If not exchangeable for specie, they will come nearer to being of the same value. * * *

[Hendrick B. Wright, of Pennsylvania.]

I have an abiding faith in the honesty, the honor, and the integrity of the American people; and I believe they will not stand idly by, withhold their treasures, or only contribute them grudgingly, when they are to be used in saving the Government. Therefore, I am one of those who do not wish, in this great emergency, to resort to a subterfuge. If we have money, let us bring it into use. I will vote for taxation to the very uttermost limit. The people have means enough in their hands. As the gentleman from Maryland [Mr. Crisfield] said this morning, in his well-timed remarks, if we must resort to a thing of doubtful expediency, let that resort be made as the last act of the drama. Let us not commence at the outstart by attempting to do, in the first place, an unconstitutional act, and in the second place by putting ourselves into positions which will, in my opinion, bring upon the country a worse ruin than the arms of rebels have already brought upon it.

If I were clear in my own mind that Congress had the right and power to make paper money a legal tender with reference to all the transactions of government, even making its application retrospective as well as prospective, I should have no hesitation in casting my vote in favor of this bill. If we are compelled to flood the country with an issue which has no time for redemption, that being at the pleasure of the Government, I would clothe the issue with all the power which the Government has to give it currency. * * * If Congress in its attempt to put this currency upon the country must in the first place trample on the provisions of the Constitution to effect that, and must besides run the risk of what view the Supreme Court may take of the measure, I ask whether it is wise, prudent, and just to incur such risks and hazards. * * * How can I, under the oath which I have taken here to support the Constitution, vote to sustain the principles contained in this bill, namely: That Congress has the power to emit not only bills of credit, but to make these bills of credit a legal tender in all transactions of the Government, and among people everywhere in the country, giving it a retrospective as well as a prospective effect.

It is said that this is among the great powers of the Government. Why, all the powers that this Government has under the Constitution are powers delegated to it by the several States which thus met in convention. There is no such thing in construing the Constitution as inference. There is nothing to be implied. The States that met together in convention clothed Congress with all the powers in express terms that Congress can legitimately exercise under the Constitution. Who doubts that? Who can gainsay that proposition? * * * This bill proposes to throw on the country, according to the terms of the first section, $100,000,000 of Treasury notes, payable at no time, payable nowhere—payable at the pleasure of the Government—and the astounding clause is added that these Treasury notes, payable at no place and at no time, shall be lawful money and a legal tender in payment of all debts, public and private, within the United States. Now, I submit it to this committee as a matter of law, as a correct conclusion from the Constitution itself, that you can not under the Constitution of these United States make anything but gold and silver a legal tender on contract. I come to this conclusion because there is no such written power in the Constitution. I come to it because the members of the convention which framed the Constitution had this very question before them, and decided it by a vote of nine States on the one side to two States on the other.

Now, gentlemen who are in favor of passing this bill must not pretend to say that its provisions accord with the principle, the spirit, or the letter of the Constitution. If they ask us to throw this issue upon the country as a measure of expediency, disregarding the provisions of the Constitution, that is another question; but they must not pretend that they are doing a constitutional act in the emission of bills of credit, because I do not think that under the terms of the Constitution Congress has power even to emit bills of credit, much less to make these bills of credit a legal tender in regard to contracts between private parties or between the Government and the parties with whom it is dealing.

Under the power of Congress to coin money there is certainly no power to emit bills of credit. Under the terms of the Constitution giving to Congress the power to regulate commerce with foreign nations and among the several States, there is certainly no power to emit bills of credit. And under the concluding clause of that section, giving to Congress power to pass all laws that shall be necessary and proper for carrying into execution the foregoing powers, it can not be contained, because the Constitution gives to Congress the power to do only those things which had been enumerated in the foregoing sections.

[Valentine B. Horton, of Ohio.]

I do not expect by anything I shall say to convince any man who has already examined this question; but still I wish to utter my voice of warning against being driven by a supposed and asserted imperious necessity into this measure. It is conceded to be against all the teachings of experience, against all our habits of thinking, against all our sentiments of right, and against all our opinions about political wisdom and prudence.

It has been asserted upon this floor, with the utmost apparent sincerity, that this is a measure not of choice, but of necessity. But that assertion is only reiterated, not proved. Where is the proof that it is a matter of necessity? There may be proofs abundant, but they have not been produced, so far as my knowledge or observation extends. They may exist outside, or they may possibly exist here; but they have not been made apparent, so far as I have been able to discover. * * *

I have said that the necessity for this measure has been asserted

but not proved. Of course, I speak with no disrespect of the speeches which have been made upon this floor; but I have failed to hear any argument that it is necessary. I know perfectly well that the Secretary of the Treasury thinks that it is necessary, and I have the utmost confidence in his ability and zeal. I think he is mistaken. At any rate, whether he is mistaken or not, he has not furnished us with proof of the correctness of his opinion. I think I can give some reasons for my belief that he is mistaken, and until reasons can be given that will overbear these, I think that we ought to conclude that a necessity does not exist for us to blight the fair name of the Government, to impair the public morals, and to set afloat the ship of state in a fog on a sea of bubbles where no human skill can direct or control it, and where ruin is as inevitable as cause is sure to precede effect. The proofs I offer are these: There is no want of money; there is no want of patriotism; there is only one little thing wanted, which, in the phrase of the old story, is "the grand confidence." * * *

[William Kellogg, of Illinois.]

This subject of the issuance of Treasury notes is important in this connection. The proposition directly before the committee at this time is simply this: Whether now we must have money, now that we must have a currency, we shall have a good currency, or a bad currency? The question is in relation to the issuance of these notes; and the great question is whether they shall be made by law of value, whether, in other words, they shall be made a legal tender; whether that provision shall be attached to them by the direction of the legislative department of the Government, or whether we shall fail to make that provision so that the harpies, when they have gorged themselves, may befoul all else of the feast? It is a question whether we shall have a currency that will pass by law and have intrinsic value, by the operation of law in this, that it pledges all the capital of the nation for the ultimate redemption of the notes; whether for that reason we shall have a currency that shall pass from hand to hand, or whether we shall have a currency that shall be placed at the mercy of the banking institutions, of the brokers of the country who will seek to, and doubtless succeed, in its depreciation?

The exigencies of the times require some action upon this subject; but the exigencies of the times do not require me, and never will require me, to vote for a law that is in violation of the Constitution, whether in the shape of this bill or any other bill, for the purpose of carrying on this Government; for when the Congress of the United States itself violates the Constitution, it is mockery to say that we are carrying on a war under the Constitution for the purpose of maintaining the Constitution.

But upon this subject, in looking over the history of the country, in looking through the judicial and legislative judgment in relation to this power, I have satisfied myself that we have fairly the power under the Constitution to make these notes a legal tender; in other words, to give them value by means of legislation, in the manner I have before indicated, in pledging the entire property of the country for their ultimate redemption.

It is said there is no power to make them a legal tender, and that that is not a legitimate way of expressing their value. If gentlemen are sure upon that subject, they would do well to run back a little further and ascertain whether there is any power under the Constitution vested in Congress to issue the notes at all. And I confess the argument of the gentleman from Ohio, Mr. Pendleton, ran back legitimately to that proposition. At least it carried my mind back to that proposition so fairly and certainly that if I found no power to issue these notes I would have voted against this bill. To that my mind has turned with every argument that has been made. I may have been obtuse, but I confess that I have come to the conclusion that we have the constitutional power to issue these notes; and having that constitutional power, we have, as an incident to that power, the power also to make them of value. * * *

I was saying that if we had the power to issue, we have also the power to fix the value of the issues. It is an incident to the power of issuance. It is to carry out in good faith that power. If you do not issue these notes to take the place of money—to represent money—then in God's name do not issue them. Do not give to the people that which they will not understand. Let there be no deception; let the creditors of the Government know whether or not the Government is trying to palm off upon them a spurious, depreciated currency under the guise of money. If we have the right to issue it, and to impress it with the denomination of $5, and pay it out for $5, why not stamp upon its face that it is $5 everywhere? * * * I understand gentlemen all around me to agree that we should make them payable for the indebtedness of the Government. I am certain that I heard the gentleman from Rhode Island [Mr. Sheffield] declare that he was willing to make these notes payable to the creditors of the Government and receivable for Government dues. But he said that it was dishonest to make them a legal tender between individuals.

I was shocked at this declaration. Is it dishonest to make it a legal tender between gentlemen who are at home at their ease, and making money out of our complications and calamities; dishonest to compel them to receive it as currency, and honest to pay your 600,000 soldiers in the same currency? Is it dishonest to make the trafficker, the huckster, the broker, the banker, and speculator take this money for their debts, and honest to pay it to our private soldiers who are fighting for this Government at $13 per month; men who are our peers, our sons, our brothers; men who at this inclement season are undergoing the hardships of the camp and the dangers of the battlefield? Dishonest, it is said, to pay these notes to the banks and compel tnem to receive them at par. Thank God! that there are few of them in Illinois. They have been mostly obliterated, as they ought to be. * * * I say that the policy which makes payment in Treasury notes to the soldier proper and honest, and dishonest to make them a legal tender in payment of private debts, is a policy that I denounce as unjust and indefensible. I denounce and condemn it unless it shall be equally binding upon the citizen at home as the soldier in the field. To the wind with such logic and to the devil with such morals. * * *

Well, now, what is a legal tender? It is the fixed legal value of that which circulates as a medium; and by fixing the legal value of anything which becomes a currency you make it a legal tender. If I owe you $50 I may pay it in that currency to which is affixed a legal value; and when judgment is recovered against me for $50 I can pay it in anything that is by law $50. When you fix the value of coin, of lead, or iron, or copper, and of the alloys in gold and silver, you establish a legal tender, and that is all there is of it; and I say you can do it in a note as well as in coin of any kind. * * *

[Benjamin F. Thomas, of Massachusetts.]

* * * Though the legal question has not been judicially settled, I feel compelled to say that the weight of reason and authority is strongly against the validity of the clause making the Treasury notes legal tender. If the validity of the provision be doubtful even, and it becomes, as it inevitably would, the subject of contest and litigation in the courts, the effect upon the credit of the paper will, in my judgment, be worse than if the tender clause had been wholly omitted.

I have a word or two to add upon the justice of this clause of the bill. To make these notes legal tender for debts, private and public, contracted before the passage of the bill, seems to me a clear breach of good faith. Debts are obligations or promises to pay money, the only money known to the Constitution and the laws, the universal equivalent, having not merely intrinsic value, but being the measure and standard of value. Paper is not money. The draft bill or note is the mere sign; money is the thing signified. Said John Locke: "Men in their bargains contract, not for denominations or sounds, but for the intrinsic value."

This bill changes the condition and practically impairs the obligation of every existing contract to pay money. When the contract to pay money matures, this bill compels the creditor to take for his debt not money, not even paper convertible into money on demand, but the promise of Government to pay at a future day uncertain. It is a perfect answer of the creditor to this proposition to say: "That is not my agreement; a mature debt is not paid by a promise to pay." But further, the faith of the contract is broken because the creditor is not paid in gold or silver, nor in that which is equivalent to gold and silver. He neither gets the coin nor its value in any form; the money, nor the money's worth. * * *

This provision of the bill in the nature of a forced loan is in itself a confession of weakness. It seeks to compel credit for the reason that it does not come spontaneously. It assumes that force is necessary to uphold that which must stand on its own legs or can not stand at all. Credit is faith; is trust; is confidence. If you faithfully keep your promises; if, by taxation, you avail yourselves of all the resources of the country for the salvation of the country; if you keep always in view the end for which this conflict is waged; if, in seeking to enforce the Constitution and the laws, you show a readiness yourselves to obey the Constitution and the laws, you will win credit; you can not command or enforce it. It will follow in the footsteps of rectitude; you can not drive it before you. You may, by this bill, say that paper is money; give the same names to things vitally different. The essential difference will be none the less clearly perceived and strongly felt. It is no want of respect to say to you, you can not change the nature of things.

The friends of this feature of the bill, Mr. Chairman, admit the reluctance with which they assent to it. The only ground of defense is its necessity; that no alternative is left to us. I deeply respect their motives, but I can not see the necessity.

We have spent a great deal of money in this war, and have wasted a great deal. But we are not impoverished. What we

have spent is trivial in comparison to what is left. The amount up to this time will not exceed two years of surplus profit. It is not more than one thirty-second part of our whole property. Not a dollar of tax has been raised, and yet we are talking of national bankruptcy and launching upon a paper currency. I may be very dull, but I can not see the necessity or the wisdom of such a course.

[Albert G. Riddle, of Ohio.]

The quality to be exclusively relied upon to insure the circulation of a paper medium is the never-questioning confidence of a community in the ability and intention of its issuers to pay it. The paper, then, should bear on its face the highest proof of this ability and intention; and no mark or characteristic that would raise a doubt or lead to inquiry should mar it. When paper, whether issued by individuals, corporations, or nations, is once issued, it is subject to precisely the same laws, and under the same circumstances will reach and produce similar results. In these respects no difference can exist.

The name "national currency" may delude. The only possible difference that can exist between paper issued by a nation and that issued by an individual is, a nation can write more evidences of its ability and intention to pay upon its obligations than can an individual. No other difference can exist. The making these notes receivable mutually between the Government and its creditors and debtors, and also a legal tender, does not and can not fall within the evidence of the nation's ability and inclination to pay them; nor can those characteristics in any way add to the stability of this currency or provoke a confidence in the people to receive them.

They are only facilities by which a most dangerous and unhealthy circulation will be stimulated and secured. I am prepared to make these notes receivable for the public dues, which does make them a qualified legal tender, I admit, and gives to those who contend for the main proposition a serious advantage in the argument; but beyond that I will not go. The power to make these notes a legal tender is a constitutional vagabond, and find a lurking place nowhere in our system. The proposition that because the States only were prohibited this power, and therefore we may exercise it, needs no further refutation.

The grounds on which my distinguished colleague [Mr. Bingham] rests this power are most extraordinary. He says that the Constitution has conferred no power upon Congress at all in reference to the subject of legal tender—says nothing at all about it—and therefore we have the power to make paper a legal tender, and money generally. Why, according to him, a man might, with a tin cup of a prescribed pattern, dip up a pint of water from the nearest puddle and make that a legal tender if the Congress should so will. This is beyond the reach of argument. Not only is there no warrant for this power, but its exercise violates the whole spirit of the Constitution. Under that we may in one way impair contract; that is, we may discharge men from the obligation of a contract by a bankrupt law; but that we can do only by an express grant of power. * * *

This quality of legal tender can not add to the stability of this currency, nor will it induce confidence, but the reverse of both. It comes in "a questionable shape," bold, confessing, and shameless, and if a man takes it at all it is not because he wants it, but either because he must have it or because he trusts to this characteristic to get rid of it again. Indeed, one of the arguments used for the incorporation of this provision into this bill is, that the creditors of the Government who must take these notes must have the power to get rid of them again as a matter of justice to them, otherwise they might perish on their hands. The death ought to occur one remove from them. In the name of all commercial sagacity, how long do you expect to keep afloat a currency that thus has to cut its way into market—be shot into men, so to speak?

[James H. Campbell, of Pennsylvania.]

Whatever measure is now or hereafter may become necessary to adopt in order to maintain the Union and perpetuate free government, that will I support. Speak not to me of "objections" and "scruples" and "dangers," of "constitutional objections" and "conservative influences." Sophistry is ever plausible, and opposition to a just and necessary measure generally wears the mask of a "constitutional objection." The highest duty of every member is to maintain the Union—to sustain the Constitution against this causeless and wicked rebellion; and in doing this, let us bear in mind that the Constitution was made for the people—to secure to them and their posterity the blessings of free government. Therefore, with me the final inquiry is, Is this measure necessary to suppress the rebellion? If it is, here am I ready to sustain it. It will be found the Constitution gives ample power to sustain this view.

[Thaddeus Stevens, of Pennsylvania.]

This bill is a measure of necessity, not of choice. No one would willingly issue paper currency not redeemable on demand and make it a legal tender. It is never desirable to depart from that circulating medium which, by the common consent of civilized nations, forms the standard of value. But it is not a fearful measure; and when rendered necessary by exigencies, it ought to produce no alarm. * * *

The power to emit bills of credit and make them a legal tender is nowhere expressly given in the Constitution; but it is known that but few of the acts which government can perform are specified in that instrument. It would require a volume larger than the Pandects of Justinian or the Code Napoleon to make such enumeration, whereas our Constitution has but a few pages. But everything necessary to carry out the granted powers of the Government is not only implied but expressly given to Congress. If nothing could be done by Congress except what is enumerated in the Constitution, the Government could not live a week. * * * The right to emit bills of credit, which the Convention expressly refused to grant as a substantive power, has for fifty years, by the common consent of the nation, been practiced, and is now conceded by every opponent of this bill. With what grace can the concomitant power to make them a legal tender be objected to? * * *

Whenever any law is necessary and proper to carry into execution any delegated power, such law is valid. That necessity need not be absolute, inevitable, and overwhelming; if it be useful, expedient, profitable, the necessity is within the constitutional meaning. Whether such necessity exists is solely for the decision of Congress. Their judgment is absolute and conclusive. If Congress should decide this measure to be necessary to a granted power, no department can rejudge it. The Supreme Court might think the judgment of Congress erroneous, but they could not review it. Now, it is for Congress to determine whether this bill is necessary "to raise and support armies and navies, to borrow money, and provide for the general welfare." They are all granted powers. It is for those who think that it is not "necessary, useful, proper," to propose some better means, and vote against this; if a majority think otherwise, its constitutionality is established.

If constitutional, is it expedient? It is objected by the gentleman from Ohio that the legal-tender clause would depreciate the notes. All admit the necessity of the issue, but some object to their being made money. It is not easy to perceive how notes issued without being made immediately payable in specie can be made any worse by making them a legal tender. And yet that is the whole argument so far as expediency is concerned. Other gentlemen argued that this would impair contracts by making a debt payable in other money than that which existed at the time of the contract, and would so be unconstitutional. Where do gentlemen find any prohibition on Congress against passing laws impairing contracts? There is none, though it would be unjust to do it. But this impairs no contract. All contracts are made not only with a view to present laws, but subject to the future legislation of the country. We have more than once changed the value of coin. * * * Whoever pretended that was unconstitutional? The gentlemen from Vermont [Mr. Morrill] and Ohio [Mr. Pendleton] think it an ex post facto law. It is not wonderful that my distinguished colleague, not being a professional lawyer, should not be aware that the ex post facto laws prohibited by the Constitution refer only to crimes and misdemeanors, and not to civil contracts. The gentleman from Ohio no doubt knew, but forgot it.

The general debate was then closed. A few amendments were offered and a vote was taken on a substitute measure offered by Mr. Horton as one having the sanction of one-half the Committee on Ways and Means. This substitute provided for the issue of $100,000,000 of Treasury notes, bearing interest at the rate of 3.65 per cent per annum, payable in two years after date, such notes being receivable for all public dues, except duties on imports, and for all salaries, debts, and demands owing by the United States to individuals, corporations, and associations within the United States, at the option of such individuals, corporations, and associations. These notes were exchangeable for United States bonds. Upon taking a vote on this substitute measure, it was rejected, 95 to 55. The original measure was then put on its passage and adopted, 93 to 59.

Yeas—Aldrich, Alley, Arnold, Ashley, Babbitt, Goldsmith, F. Bailey, Joseph Baily, Baker, Beeman, Bingham, Francis B. Blair, Jacob B. Blair, Samuel S. Blair, Blake, Buffinton, Birnham, Campbell, Chamberlin, Clark, Colfax, Cutler, Davis, Delano, Delaplaine, Duell, Dunn, Edgerton, Edwards, Ely, Fenton, Fessenden, Fisher, Franchot, Frank, Gooch, Granger, Gurley, Haight, Hale, Hanchett, Harrison, Hickman, Hooper, Hutchins, Julian, Kelley, Francis W. Kellogg, William Kellogg, Killinger, Lansing, Leary, Loomis, McKean, McKnight, McPherson, Marston, Maynard, Mitchell, Moorhead, Ansin P. Morrill, Nugen, Olin, Patton, Timothy G. Phelps, Pike, Price, Alexander H. Rice, John H. Rice, Riddle, James S. Rollins, Sargent, Shanks, Shellabarger, Sherman, Sloan, Spaulding, John B. Steele, Stevens, Trimble, Trowbridge, Upton, Van Horn, Van Valkinburgh, Van Wyck, Werree, Wall, Wallace, Charles W. Walton, Whaley, Albert S. White, Wilson, Windom, Worcester—93.

Nays.—Ancona, Baxter, Biddle, George H. Browne, Cobb, Frederick A. Conkling, Roscoe Conkling, Conway, Corning, Cox, Cravens, Crisfield, Diven, Dunlap, Eliot, English, Goodwin, Grider, Harding, Holman, Horton, Johnson,

Knapp, Law, Lazear, Lovejoy, Mallory, May, Menzes, Justin S. Morrill, Morris, Nixon, Noble, Norton, Odell, Pendleton, Perry, Pomeroy, Porter, Richardson, Robinson, Edward H. Rollins, Sedgwick, Sheffield, Shiel, William G. Steele, Stratton, Benjamin F. Thomas, Francis Thomas, Train, Valandingham, Voorhees, Wadsworth, E. P. Walton, Ward, Webster, Chilton A. White, Wickliffe, Wright—59.

On February 7 Noell wished his vote to be recorded in the affirmative, having been absent at the time the vote was taken, and on the 11th Wood, of New York, wished his vote recorded in the negative.

The geographical distribution of the vote was as follows:

New England States, 16 yeas and 11 nays; Middle States, 38 yeas and 23 nays; Virginia, 3 yeas; Western States and Territories, 37 yeas, 27 nays.

DEBATE IN THE SENATE.

On February 10 the bill, with amendments, was reported to the Senate from the Committee on Finance. The debate was begun two days later by the chairman of that committee, Mr. William Pitt Fessenden, of Maine.

With regard to the particular bill now before the Senate, we all know that it was resorted to as a temporary measure, not in the beginning, but in consequence of the necessities of the Treasury, arising from a greater expenditure than the Secretary could have imagined, and arising from the necessary delay with reference to other measures. Can it be said that a measure like the one now pending before the Senate and the country is a measure of a day or an hour? Why, what does it propose? It proposes something utterly unknown to this Government from its foundation; a resort to a measure of doubtful constitutionality, to say the least of it, which has always been denounced as ruinous to the credit of any government which has recourse to it; a measure, too, about which opinions in the community are divided as perhaps they never have been divided upon any other subject; a measure which when it has been tried by other countries, as it often has been, has always proved a disastrous failure.

I have already said that we have never attempted to resort to such a measure before. We have had a war with England since our Government was formed, and if I am rightly informed, at that day the stocks of the Government went down to 60 per cent, and pay was taken for them in such currency as could be received, itself depreciated; and yet it did not occur as a serious question to the men of that day to put forth, under the Constitution, irredeemable paper, made a legal tender for the payment of debts. To be sure, the country then was poor; it is now rich, comparatively. The country had not then the resources that we have; and perhaps it would have had the more excuse for adopting such a course. I do not urge this as an argument against it at the present time, but only as showing the nature of the measure itself to which it is now proposed to have recourse in order to place the Government in a better position, especially when you observe that everybody who has spoken on this question, I believe without an exception—there may have been one or two—but all the opinions that I have heard expressed agree in this: That only with extreme reluctance, only with fear and trembling as to the consequences, can we have recourse to a measure like this of making our paper a legal tender in the payment of debt. * * *

But the committee thought, in giving this enlarged power to the Secretary at this time (of selling bonds for what they would bring), that it was bound—if this legal tender was to be resorted to, especially if the bill of the House as it stood should be adopted by the Senate, and should become a law—that an assurance should be given to the country that it was not to be resorted to as a policy; that it was what it professes to be, but a temporary measure. The opinions of the Secretary of the Treasury are perfectly well known. He has declared that, in his judgment, it is, and ought to be, but a temporary measure, not to be resorted to as a policy, but simply on this single occasion, because the country is driven to the necessity of resorting to it. I have not heard anybody express a contrary opinion, or, at least, any man who has spoken on the subject in Congress. The chairman of the Committee of Ways and Means, in advocating the measure, declared that it was not contemplated, and he did not believe it would be necessary to issue more than $150,000,000 of Treasury notes made a legal tender, provided by this bill. All the gentlemen who have spoken on the subject, and all pretty much who have written on the subject, except some wild speculators in currency, have declared that as a policy it would be ruinous to any people; and it has been defended, as I have stated, simply and solely upon the ground that it is to be a single measure, standing by itself, and not to be repeated. * * *

I wish now to say something upon the main question of the bill, which I have avoided touching, except incidentally; and that is the clause making these notes a legal tender; for, after all, that is the great question now submitted to the Senate. The Senate will observe that the committee make no recommendations on that subject, except such as may be inferred from the fact that they report it back. They report the bill back retaining the clause, and so far an inference might be drawn that the committee were in favor of it. Under the circumstances of the case in the committee (of which, perhaps, I may speak with propriety, as the committee, as a whole, had no opinion upon the subject, their opinions being so divided) I deem myself at liberty, as I should, perhaps, be under any circumstances, if need be, and if my opinions lead me in that way, to say what I have to say in opposition to that clause. * * *

The ground upon which this clause making these notes a legal tender is put I have already stated. It is put upon the ground of absolute, overwhelming necessity; that the Government has now arrived at that point when it must have funds, and those funds are not to be obtained from ordinary sources, or from any of the expedients to which we have heretofore had recourse, and this new, anomalous, and remarkable provision must be resorted to in order to enable the Government to pay off the debt that it now owes and afford circulation which will be available for other purposes. The question, then, is, Does the necessity exist? * * * Is this measure absolutely indispensable to procure means? If so, as I said before, necessity knows no law.

What are the objections to it? I will state them as briefly as I can. The first is a negative objection. A measure of this kind certainly can not increase confidence in the ability or the integrity of the country. It can make us no better than we are to-day, so far as this foundation of all public credit is concerned.

Next, in my judgment, it is a confession of bankruptcy. We begin and go out to the country with the declaration that we are unable to pay or borrow, at the present time, and such a confession is not calculated to increase our credit.

Again—Say what you will, nobody can deny that it is bad faith. If it be necessary for the salvation of the Government, all considerations of this kind must yield; but to make the best of it is bad faith, and encourages bad morality, both in public and in private. Going to the extent that it does, to say that notes thus issued shall be receivable in payment of all private obligations, however contracted, is in its very essence a wrong, for it compels one man to take from his neighbor, in payment of a debt, that which he would not otherwise receive or be obliged to receive, and what is probably not full payment.

Again—It encourages bad morals, because, if the currency falls (as it is supposed it must; else why defend it by a legal enactment), what is the result? It is that every man who desires to pay off his debts at a discount, no matter what the circumstances are, is able to avail himself of it against the will of his neighbor who honestly contracted to receive something better. My judgment is that anybody who would avail himself of a position and a power of that kind, thus conferred on him by law, has forgotten the principles of right and wrong between man and man, for legal enactments can not make that right between man and man which otherwise would be wrong. I say, therefore, that another objection which has been stated, and of which the force must be admitted, is that it is bad faith.

Again—Necessarily as a resort, in my judgment, it must inflict a stain upon national honor. We owe debts abroad yet. Money has been loaned to this country, and to the people of this country, in good faith. Stocks of our private corporations, stocks of our States and of our cities, are held and owned abroad. We declare that for the interest on all this debt, and the principal, if due, these notes, made a legal tender by act of Congress, at whatever discount they shall stand, shall be receivable. Payment must be enforced, if at all, in the courts of this country, and the courts of this country are bound to recognize the law that we pass. * * *

Again—It necessarily changes the values of all property. It is very well known that all over the world gold and silver are recognized as money, as currency; they are the measure of value. We change it here. What is the result? Inflation, subsequent depression, all the evils which follow from an inflated currency. They can not be avoided; they are inevitable; the consequence is admitted. Although the notes, to be sure, pass precisely at par, gold appreciates, property appreciates—all kinds of property. * * *

Again, a stronger objection than all that I have to this proposition—I am stating the objections which everybody must entertain, because I suppose these facts are palpable—is that the loss is to fall most heavily upon the poor. I believe it never was disputed, it can not be in the light of experience, that those who are injured most by an inflated currency are the laboring man—the poor. The large capitalists can bear it; but there are small capitalists in this county whom it will vastly injure. When you speak of a capitalist, in the common acceptation of the term, you mean a rich man; but every man who is free of debt and earning something, and earning a surplus, is a capitalist; and the greater number of capitalists together make up a great whole, and these are the men who suffer by the disorder of affairs—the poor laborer, in the first place, more than all; small capitalist, if I may so call him, next; and the rich capitalist last of all. Such is the necessary result and consequence always of this system * * *

This is a great crisis truly. Everything depends upon our credit and our ability to meet our wants financially. I have no doubt myself that we shall be able to meet them; and I must confess to the leaning of my opinion that we shall be as well able to meet them without this legal-tender clause, as it is called, as with it; that our paper will be as good and our credit and character much better without it. * * *

[Jacob Collamer, of Vermont.]

It is proposed to try the old experiment again. These notes are to be put in circulation at a discount, as everybody knows; and the very form of the bill concedes it. The bill not only provides for the issuing of notes, but provides that they shall be a tender in payment of debts. If they are to be at par, and are to be kept at par, what occasion is there for the tender clause? It is utterly useless. It goes upon the ground and it includes the implication that they are not to be at par. The bill, as it came from the House of Representatives, in order to give currency to these notes, provided that men should have a right, when they had a quantity of them, to fund them in Government bonds, having twenty years to run, with interest payable in what? In these very notes that they had put in. It was saying to them, "If you will only take these notes, you may fund them in a bond, and take your pay in the notes again." What a financial juggle is that!

That is the form in which it came to us from the other House; but an amendment reported by our committee and adopted by the Senate provides that the interest, at least, shall be payable in money. When I use that term some gentlemen may say that it includes these notes, because we declare that these notes are money, and they think that that declaration makes them money. We know that of old there was a set of men in the world called alchemists, one of whose projects was to discover what they called the philosopher's stone, which would transmute everything into gold, but I believe they never went so far as to suppose that they could make gold out of anything but the baser metals. We propose to make it out of paper, without a particle of metal in the composition.

No; this is aiding and assisting men who happen to owe debts to pay those debts at par with a depreciated paper at the cost and expense of the creditor. That is it, disguise it as much as you please. I call that impairing the obligations of contracts. * * * You do this in the very bill with which you go before the community and ask for credit upon your plighted public faith. * * *

From the extracts which I have read, I deduced the conclusion, first, that such paper, put out without provision for its payment, and undertaken to be coerced upon the community by tender clauses, always, and in all countries, here and elsewhere, not only deteriorates, but I think I may safely say that such paper put out upon such terms and conditions in the history of the world never was paid, and I shall hereafter endeavor to show why in all probability it never will be. My honest opinion is that the Constitution never intended to invest Congress with any such power. On that point I will suggest, first, that if this power was given to Congress it would be perfectly and utterly useless except for purposes of injustice. Suppose there were no debts; suppose all debts were obliterated, and we were now about to raise money to start in our important national concerns, wanting credit, and we had said, in order to get along, that Congress shall have any power to make the paper issued by the United States a tender; and suppose Congress directed an issue of paper and declared that it should be a tender; I ask whether anybody on earth could by that act be compelled to take it? Would not that tender clause be brutum fulmen?

I am going now on the supposition that nobody now has anything due to him. Then, of course, there is nobody to whom you can make a tender. As to taking it for his property, a man is under no obligation to do that. Then a power of that kind given to Congress in the Constitution would be simply and utterly useless; it could have no practical effect. Then, suppose we had debts; what does it do? Would you invest Congress with the power in such a case? It is good for nothing under heaven but to enable people to cheat; Congress gets nothing by it. You put out your paper; it deteriorates, it is at a discount. A man sells his property for whatever price he pleases; and if he knows that he is to get this paper in payment he will put on an artificial price to make up for this deterioration; and then he can tender the paper to his creditor in payment of a debt at its par value, though that creditor may thereby lose 25 per cent of his debt. The obligation of the contract is impaired just that amount by the act of the Government. If that is the only practical use that can be made of a power in Congress to make paper a tender, it seems to me that it does not commend itself very much, nor do I think anybody will be very ready to believe that the convention framed the Constitution on purpose to give this useless power just to enable some men to cheat their creditors. It would require a great deal more than silence to convince me that the convention actually intended to vest such a power as that in Congress for such an unjust purpose; and it can be used for no other purpose. * * *

Where is the power to do this derived from? It is said to be an incidental power, falling within that provision of the Constitution giving Congress authority to make all the laws which are necessary and proper to carry into effect the granted powers. When gentlemen desire to get some latitude and elbow room for action, I know that they are generally exceedingly desirous to get a thing into that category. If you can only get the power into that incidental clause, you have plenty of elasticity. It has so much India rubber in it that you can take just as much elbow room as you want. There is, therefore, in those who desire to magnify their office and their power a very strong inclination to resort to this clause.

It is said to be incidental to a great variety of powers. It is said that Congress has power to raise and support armies—ergo, the incidental power to raise money in this form or any other form for the purpose of supporting armies. So it is said that the Government has power to pay its debts; ergo, we may raise money in this way. The most general pack horse for this incidental power, however, has been the authority given to Congress by the Constitution to regulate commerce, and this power is said to be derived from that. * * *

The Constitution says that Congress may "regulate commerce with foreign nations, and among the several States, and with the Indian tribes." Here is a bill authorizing the issue of Treasury notes and making them a tender in payment of debts. I want to know what that has to do with trade between the States? To my mind that, if it is doing anything, is regulating trade between me and my neighbor in the same State, not regulating trade between separate States, and not regulating foreign trade. It is merely regulating a shaving trade between debtor and creditor. The bill proposes to make these notes a tender to pass as the representative of value in trade between man and man. Under this clause of the Constitution it might be proposed to adopt some measure for a commercial agency or commercial functionary; but if you make paper a tender, as I have before remarked, nobody will be bound to take it in exchange for property. Then it can not be a measure of regulating commerce. It will not regulate it at all.

But I have another idea in relation to all this business of incidental power. What is this measure? A bill to raise money to enable the Treasury to get along. There never can be such a thing as an incidental power in Congress to do a thing where there is an express grant of power for the purpose. If the power is expressly granted, that power only is to be exercised within its own limitations. You can not abandon that express provision and hunt out for yourself some more convenient mode of getting latitudinarian authority by laying it under an incidental power. This is a money measure, nothing more, nothing less. * * * There is an express power granted to Congress to raise money; and it is further to be observed that the Constitution not only gives the power to raise it, but regulates the manner of raising it. There are two modes: One is the levying of taxes in some form under the various generic heads used in the clause, "taxes, duties, imposts, and excises," and the other is the borrowing of money. Most certainly the making of these notes a tender upon debts is not levying taxes, duties, imposts, or excises. Then what is it, for it is a money measure? It is in substance borrowing money. * * *

This operation is not anything like as honest or honorable as a forced loan. If I go for the Government to my colleague and say to him, "I understand you have $1,000 deposited in bank; the Government are in absolute want and we will have it; you understand we must have it; we shall take it, and here is our certificate for the amount; if we are ever able, we will pay you." There is some kind of decency in that kind of robbery; but suppose, instead of that, the Government furnishes me with some of this paper money; I get it at a discount, and I go and pay it over to Mr. Foote upon my debt due to him, and cheat him out of $300; nobody on the face of the earth is ever bound to pay him anything. I should like to know which is the more decent, which is the more just, which is the more honest of these two? If you make a thing worse than absolute, direct robbery, I think you have got it about bad enough in this tender clause.

[Timothy O. Howe, of Wisconsin.]

The Senator from Vermont [Mr. Collamer] has argued with great force and plausibility that the making of these notes a legal tender is unconstitutional, because it is unjust and inequitable. Assuming that the notes of the Government will be depreciated to half their nominal value, he proves conclusively that it would be grossly unjust to enable one who had purchased upon credit when gold and silver were the only legal currency to discharge his debt in a paper worth but 50 per cent as much as specie is. The Constitution, he reminds us, was framed "to establish justice." This, he rightly concludes, is not justice, and therefore he argues the

Constitution will not sanction it. I have not been able to recognize the conclusiveness of this reasoning, and I oppose to it these considerations:

1. Making a tender for a debt does not discharge it. It only stops the accruing of interest upon it. Any creditor who is tendered the notes of his Government if he has no debts of his own to pay, and can not lend them to one who has, and will not lend them to his Government in exchange for its interest-paying stocks, may retain his security until the notes appreciate or coin is again recognized as the legal currency.

2. There is no probability that a currency based upon the resources of a great nation, the whole of which will be demanded once in each year for payment of dues to the Government, and which may be used any time in payment of private dues so long as any private dues exist, and may be loaned to the nation upon interest, even after every individual in the nation has ceased to borrow, will depreciate 50 per cent, or even 5 per cent. No such paper ever did depreciate, and none such, I venture to predict, ever will.

3. But even if it were certain that these notes would depreciate 50 or 75 per cent, it would by no means follow that Congress has not the authority to declare them a tender for debt. The power to degrade or depreciate the currency Congress undoubtedly has. It has that by the clearest terms of the Constitution. It has the power to "coin money and to regulate the value thereof." Those powers are unlimited. * * *

[Henry Wilson, of Massachusetts.]

If the amendment proposed by the Senator from Vermont (to strike out legal-tender clause) is adopted, I shall vote against the whole bill under any and all circumstances, for I conceive that it would be unjust to issue a currency of $150,000,000 of Government paper and impose it upon all persons in the employ of the Government, upon our soldiers in the field, and upon those who have made contracts to supply the armies of the Republic, and do nothing to protect the credit of that currency when in their hands, imposed upon them by our necessities. I should consider such a measure as that unjust, wickedly unjust; and I could not, and I would not, under any circumstances, be guilty of giving a vote of that character. If that amendment should be adopted, I hope every Senator in favor of the legal-tender clause will vote against the bill, and defeat it if possible. I think we owe it to the character of the Senate and the character of the country. * * *

Passing by the question of constitutional power and coming to it simply as a practical question, it is a contest between the brokers and jobbers and money changers on the one side and the people of the United States on the other. I venture to express the opinion that 99 of every 100 of the loyal people of the United States are for this legal-tender clause. I do not believe that there are 1,000 persons in the State I represent who are not in favor of it. The entire business community, with hardly a solitary exception, men who have trusted out in the country in commercial transactions their tens and hundreds of millions, are for the bill with this legal-tender clause. The people in sentiment approach unanimity upon this question. What is true of Massachusetts is, in my judgment, true to a considerable extent of New England, and true to some considerable extent of the Central States and the West. I believe that no measure that can be passed by the Congress of the United States, unless it be a bill to raise revenue to support the credit of the Government, will be received with so much joy as the passage of this bill with the legal-tender clause. On that question I entertain no shadow of doubt. If you pass this bill with the legal tender, the legal tender can not injuriously affect the credit of this currency you propose to circulate. No harm can certainly come of it. * * *

We are told that it will not do to interfere in these private transactions. My opinion is to-day that no class in this country have more interest in this legal-tender clause than the creditor class of the community. You will find that your manufacturers, your merchants, your men who have their hundreds of millions trusted out in all parts of the country, are for this measure, for it is their protection and their interest. You will find that the families of your soldiers, who are to receive a small pittance from the men who are fighting the battles of your country in the field, are in favor of stamping upon these notes the words "legal tender;" so that when that little pittance comes from the field to them, to support them at home, they can use it to pay their necessary debts, and support themselves without having to go through the process of broker shavings. I look upon this contest as a contest between the curbstone brokers, the Jew brokers, the money changers, and the men who speculate in stocks, and the productive, toiling men of the country. I believe the sentiment of the nation approaches unanimity in favor of this legal-tender clause.

[John Sherman, of Ohio.]

The motion of the Senator from Vermont now for the first time presents to the Senate the only question upon which the members of the Committee of Finance had any material difference of opinion, and that is, whether the notes provided for in this bill shall be made a legal tender in payment of public and private debts. * * * I agree that this measure can only be justified on the ground of necessity. I do believe there is a pressing necessity that these demand notes should be made a legal tender if we want to avoid the evils of a depreciated, dishonored paper currency. I do believe we have the constitutional power to pass such a provision, and that the public safety now demands its exercise. * * * It is easy to criticise this bill. I dislike to vote for it. I prefer gold to paper money; but there is no other resort. We must have money or a fractured Government. If Senators can show me how they can raise money except in the way proposed I will join them in denouncing paper money.

I listened with great attention to the remarks made by the Senator from Vermont, but when he got through I should have been glad to have him inform me—if we can not issue these demand notes, what shall we do? Shall we surrender the Government; shall we refuse to pay our soldiers; shall we refuse to pay our contractors? No; you have agreed to pay your debts in money. The chairman of the Committee on Finance gave us a very handsome lecture—a very able discourse upon the importance of preserving the public faith—and he desired to impress upon us—and did impress upon me—the necessity of not affecting the obligation of contracts. We must not in any emergency, under any stress of circumstances, affect the obligation of contracts between private individuals. Did that Senator overlook the first contract, the contract between the Government and the soldier, the Government and the men who feed and clothe your armies? We must pay the soldier in money; we must pay the contractor in money. There is a contract, an obligation between the contractor and the soldier and the Government, that must be observed.

The same obligation of good faith rests upon us to pay every dollar that is due from us to our own creditors, as well as not to impair the obligation of contracts between others. How can you do it? I have shown that you can not do it in gold; I have shown that you ought not to do it in the inflated paper money of the country; how else can you do it? There is no other way, except to issue to your creditor the note of the United States, in such form, with such sanctions, as will enable him to use it as money. If we can believe the testimony of others and the light of reason, the only way we can do this is by stamping them with the same national sanction with which you stamp your gold and silver coin. * * *

If you strike out this tender clause, you do it with the knowledge that these notes will fall dead upon the money market of the world; that they will be refused, as they are now refused by the banks; that they will be a subordinate, disgraced currency that will not pass from hand to hand; that they will have no legal sanction; that any man, whether a Jew broker or any other of the numerous kind of brokers described by the Senator from Massachusetts, may decline to receive them, and thus discredit the obligations of the Government. * * * After all, this is a mere temporary expedient. It is manifest that we must rely upon some other source of obtaining money. We dare not repeat this experiment a second time. * * *

[Edgar Cowan, of Pennsylvania.]

The power claimed for the Government by this bill subverts the Government itself, and makes it destroy that which it was instituted to protect and preserve. What has been its functions heretofore in its proper and harmonious play? And why are we so anxious to perpetuate and save it? Is it because it destroys credit and good faith among men, or is it because it has been almost wholly employed to assert and enforce them? Surely the latter; for at least four-fifths of its labors are performed in achieving what this bill proposes not to do. The Government struggles to make men stand upon their contracts; this bill proposes to discharge a certain class of men from their contracts upon part performance only.

Proceedings in courts are of two kinds: 1. Criminal proceedings, for the punishment of crime. 2. Civil proceedings, to indemnify against worngs and enforce contracts. I think the latter occupies four-fifths of the time of the courts, occupy them to compel the performance of contracts, and preserve the credit of society inviolate in all cases where the honesty of the contracting party is wanting to that end. This bill, however, would set them all to work, not to compel men to keep their faith, but to aid in breaking it.

I have said I was opposed to the plan in the bill, because it was without warrant under the Constitution. I would now say I would oppose it if it was free from that objection, because it is abhorrent to reason, justice, and all my notions of right.

* * * * * * *

I propose now to look for a moment at the effect claimed for this clause upon the notes themselves. It is said it will give them credit. I think the contrary effect will follow. It is a blow

aimed at them in the most vital part, and one better calculated than any other, since it comes from a friendly hand, to do them in this regard most injury. If one of them asserts on its face that it is $5, and that were really true, I should like to know how much truer it is after you have said to everybody, "You shall believe it whether you will or not." Not much, I think; but, on the other hand, the fair inference is in the mind of every man, however stupid, that you yourselves first doubted the validity of it; and that therefore you attempted to give it this quality of paying debts perforce, to compensate it for the lack of essential value. If it were good and valid all people would be glad to get it, as all are ever glad to get money, and the moment you attach to it this character of compulsion you alarm and irritate them, till, like the fat knight in the drama who was anxious to give reasons for his timidity and cowardice, they refuse because of the compulsion. He said if reasons were as plenty as blackberries he would not give one on compulsion. * * *

But it may be said this provision will keep the notes at par, and therefore no disturbance can take place; and this latter would be true if the first were. How is it? Most people have a notion that a note is good just in proportion as it is readily convertible into gold or silver; and I think this can not be supplied by any form of legislation hitherto discovered, and without this capacity in them the law will not help. But that, no doubt, can remain; the experiment has been tried, and with much more vigor than is contemplated here, with none but the most disastrous results. During the French Revolution the assignats issued by the government were backed in every possible shape and form, by every conceivable legal sanction to compel their circulation, still they sunk as rapidly as though they had been left to the operation of the natural law. Even the penalty of death imposed upon all who refused them did not help. God be praised, we have not come to that here yet. This bill does not provide that those who refuse their commodities in exchange for these notes shall incur penalties. How soon it may come none can tell, as it seems to follow in regular sequence.

One thing is certain, if it is not resorted to the people will protect themselves by abolishing all trust and requiring cash down. They may decide that their property is better to keep than to sell for Treasury notes unless they can, at the time of sale, be allowed to fix the true value of them. When that takes place, the value of credit itself as well as Treasury notes will begin to be better understood, and that which is now considered so potent by many will be found of little avail in a contest with the natural laws of trade and the true laws of money.

[James A. Bayard, of Delaware.]

I shall, however, pass over the constitutional argument. I really do not think, from anything I ever heard on the subject, that is worth an argument. The thing is to my mind so palpable a violation of the Federal Constitution that I doubt whether, in any court of justice in this country having a decent regard to its own respectability, you can possibly expect that this bill which you now pass will not, whenever the question is presented judicially, receive its condemnation as unconstitutional and void in this clause. * * *

It may be said that as long as these notes approximate to the value of the coin of the country, gold and silver, individuals, from feelings of patriotism or from any other cause, will be willing to use them as a currency while there is not a redundancy. That may be so, but after a while there will be a conflict, and there is one class of creditors that you can not expect to reach in that way, and that is the class of guardians, trustees, and executors, where men have to receive money in a fiduciary capacity. If they receive as money that which has not the value of money except by arbitrary legislation they may be made to account for it, not now, in a time of excitement, but two, four, ten, fifteen, or twenty years hence, depending upon the expiration of minority or upon the removal of coverture, if the cestui que trust is now a femme couverte. Do you suppose they will not make the legal question in your courts when the tender is made to them of a depreciated currency as a payment of a debt due them as trustees? Of course they will; you can not expect to avoid it. * * * In my judgment, apart from the constitutional objection, which alone would be sufficient to control my vote, upon the ground that you have no power to insert this clause in any law, I can not vote for a bill which embodies it. It is impolitic and inexpedient as well as unconstitutional. It is a mere temporary expedient. It may give present inflation and present relief for the hour, and a very brief hour indeed, but it will be followed by a weakening of the resources of the Government, a depreciation of its credit, and it will produce nothing but disaster and ruin to the country.

[Charles Sumner, of Massachusetts.]

It is difficult to escape the conclusion that if Congress is empowered to issue Treasury notes it may affix to these notes such character as shall seem best and proper, declaring the conditions of their circulation and the dues for which they shall be received. Grant the first power, and the rest must follow. Careful you will be in the exercise of this power; but if you choose to take the responsibility, I do not see what check can be found in the Constitution. * * * I declare that the present proposition, when examined carefully, seems too much like bad faith. I say it seems; I would not speak too strongly. Is there not bad faith toward creditors who are compelled to receive what is due to them in a depreciated currency? Is there not bad faith toward all abroad, who, putting trust in our integrity, national and personal, have sent their money to this country in gold or its equivalent? And, surely, just in proportion as this is so, you can not doubt that we shall suffer alike in character and resources; for what resource is greater to a nation or to an individual than a character for integrity. * * *

Is it necessary to incur all the unquestionable evils of inconvertible paper, forced into circulation by an act of Congress, to suffer the stain upon our national faith, to bear the stigma of a seeming repudiation, to lose for the present that credit which in itself is a treasury, and to teach debtors everywhere that contracts may be varied at the will of the stronger? Surely there is much in these inquiries which may make us pause. If our country were poor or feeble, without population and without resources; if it were already drained by a long war; if the enemy had succeeded in depriving us of the means of livelihood, then we should not even pause. But our country is rich and powerful, with a numerous population, busy, honest, and determined, and with unparalleled resources of all kinds—agricultural, mineral, industrial, and commercial. It is yet undrained by the war in which we are engaged, nor has the enemy succeeded in depriving us of any of the means of livelihood. It is hard, very hard, to think that such a country, so powerful, so rich, and so beloved, should be compelled to adopt the policy of even questionable propriety.

On the amendment to strike out the legal-tender clause the vote stood 22 nays to 17 yeas. The amendment was therefore rejected. Some amendments were made to the bill, and after a short speech by Senator James A. Pearce, of Maryland, against the bill, a vote was taken and passed, 30 yeas to 7 nays. The vote in detail was as follows:

Yeas—Anthony, Rhode Island; Chandler, Michigan; Clark, New Hampshire; Davis, Kentucky; Dickson, Connecticut; Doolittle, Wisconsin; Fessenden, Maine; Foote, Vermont; Foster, Connecticut; Grimes, Iowa; Hale, New Hampshire; Harlan, Iowa; Harris, New York; Henderson, Missouri; Howard, Michigan; Howe, Wisconsin; Lane, Indiana; Latham, California; McDougal, California; Morrill, Maine; Pomeroy, Kansas; Rice, Minnesota; Sherman, Ohio; Sumner, Massachusetts; Teneyck, New Jersey; Trumbull, Illinois; Wade, Ohio; Wilkinson, Minnesota; Wilson, Massachusetts, and Wilson, Missouri.

Nays—Collamer, Vermont; Cowan, Pennsylvania; Kennedy, Maryland; King, New York; Pearce, Maryland; Powell, Kentucky; Salisbury, Delaware.

This measure was approved by the President February 25, 1862. A second issue of $150,000,000 in Treasury notes was authorized by law, July 11, 1862, and a third issue of $150,000,000 was authorized March 3, 1863. Thus, within a period of twelve months notes were authorized to the amount of $450,000.000. The arguments in favor of the second and third issues added nothing to those advanced on the first issue.

APPENDIX S.

[From Sound Currency, December, 1901.]

TWENTY YEARS OF BANK CURRENCY BASED ON GENERAL COMMERCIAL ASSETS.[a]

[By L. Carroll Root.]

Provision for the issue of bank notes without the deposit of bonds as security has been the fundamental idea in most of the recent proposals for a reform of our banking laws. It is very generally recognized that such a currency would be more responsive to commercial needs than is our present national-bank currency. Most of the criticisms which have been brought against it relate to its supposed insecurity; and advocates of the proposed change have been asked to cite instances of the successful operation of such a system under conditions analogous to those prevailing in the United States.

A study of banking history does not furnish many examples of bank-note currency which would be generally regarded as instructive for comparison with the present situation in the United States. It is true that the Bank of France and the Reichsbank of Germany issue notes secured, like their other liabilities, only by their general assets, and that neither of these institutions deposits bonds or offers other special security to noteholders. Both these banks, however, are large institutions, and are more or less subject to state control, and can therefore scarcely be cited as precedents for the thousands of independent banks of the United States.

Again, the 6 banks of Ireland, the 10 Scotch banks. and the 35

[a] I wish to express here my indebtedness to Prof. W. M. Burke and Mr. H. Parker Willis for their valuable cooperation in the preparation of this article.—L. C. R.

Canadian banks issue notes without bond security, But it is objected by the more critical that even in the case of these banks a comparison could scarcely be fairly instituted with the United States. For, in each of the countries referred to, the banking system consists of a few large institutions, with numerous branches, instead of a large number of independent banks.

It appears, then, that the investigator is limited quite narrowly to our own country in the search for examples of banking systems operating under conditions so similar to those which now exist here as to be available as analogous comparisons.

Nowhere, probably, in the whole range of the banking history of the United States can be found a more fruitful subject of study than the currency issued by the State banks of New England in the last two decades before the civil war. It is admitted by all that this currency was elastic and adaptable to commercial needs—consequences which followed from the fact that it was based upon the general commercial assets of the issuing banks.

The relative success attending the New England currency system is particularly instructive because of the similarity between the conditions under which it operated and those which obtain to-day throughout the greater part of the territory covered by the national banking system.

(1) The first important point to be noted in the banking history of these twenty years is the number of the banks engaged in business. At the opening of the period, in 1840, they numbered some 300, and at its close, over 500. Compared with population or with volume of business, this number is large. The population of New England varied, between 1840 and 1860, from 2,200,000 to 3,150,000, from which it appears that there was in operation one bank for every 6,000 or 8,000 inhabitants. Proportionately this is a much larger number than exist at the present day, when the total number of national and State banks and trust companies in the New England States does not average more than one institution to each 7,000 of population.

(2) Secondly, it should be observed that the banks of New England from 1840–1860 were for the most part of low capitalization. Of the 300 banks in existence in 1840, 159 did not possess capitals in excess of $100,000. Taking New England as a whole, the average bank capital was not more than $160,000 outside of Boston, and including that city not more than $206,000.

(3) The territorial distribution of the banks is worthy of attention. They were widely scattered throughout the whole area of the six New England States and were subject to but slight supervision or control.

The following table indicates the distribution of the New England banks, according to size, about 1840:

	$50,000 or less.		Over $50,000 and less than $100,000.		$100,000.		Over $100,000 and less than $300,000.		$300,000 or over.		Total.	
	Number.	Amount.	Number.	Amount.	Number.	Amount.	Number.	Amount.	Number.	Amount.	Number.	Amount.
Maine (January, 1841)	22	$1,099,000	6	$445,000	11	$1,100,000	6	$1,027,500	2	$700,000	47	$4,371,500
New Hampshire (June, 1840)	2	100,000	3	185,000	16	1,600,000	5	652,508	1	300,000	27	2,837,508
Vermont (October, 1839)	6	280,000	8	562,770	2	200,000	2	255,000			18	1,297,770
Massachusetts (October, 1840)					39	3,900,000	42	7,740,000	34	22,110,000	115	33,750,000
Rhode Island (December, 1840)	15	601,480	14	1,006,510	6	600,000	14	2,218,950	13	5,548,275	62	9,975,215
Connecticut (March, 1840)	1	40,000	7	479,580	1	100,000	12	2,233,115	10	6,025,550	31	8,878,245
Total	[a]46	2,120,480	38	2,678,860	75	7,500,000	81	14,147,073	60	34,683,825	300	61,110,238

[a] Of these 46 banks, 7 are of less than $40,000 capital, 3 of them being $25,000 or less.

Statement showing condition of banks in the six New England States for the years 1840–1860, as near to January 1 in each year as may be.

Year.	Number of banks.	Capital.	Circulation.	Deposits.	Due to other banks.[a]	Loans and discounts.	Due from other banks.	Specie.	Notes of other banks.
1840	306	$62,212,311	$16,461,947	$7,943,127	$3,174,180	$80,832,718	$5,883,718	$3,270,838	$2,367,809
1841	299	60,805,718	17,406,407	10,783,948	4,908,263	81,584,545	7,810,599	4,357,311	2,963,410
1842	290	59,542,546	18,106,582	10,340,173	5,215,637	81,769,111	6,999,410	4,353,604	3,136,251
1843	288	58,532,793	14,827,256	9,131,070	4,017,875	76,257,474	5,692,143	3,872,914	2,677,467
1844	270	56,113,451	19,406,979	15,143,932	9,414,703	75,774,234	12,746,274	8,597,775	3,184,919
1845	267	54,548,453	23,362,491	17,532,915	5,956,697	83,802,157	9,408,723	5,789,888	3,376,875
1846	266	55,233,762	26,316,986	17,231,601	6,137,670	89,492,708	8,996,953	4,574,711	4,044,205
1847	267	56,220,224	26,742,517	14,625,398	6,343,520	88,906,063	9,289,696	4,275,200	3,800,790
1848	274	57,909,527	31,574,918	16,220,799	8,478,578	97,453,503	10,401,109	5,520,670	4,431,228
1849	283	59,664,973	25,374,539	12,725,743	5,036,392	92,849,374	6,733,125	4,161,519	3,261,422
1850	300	62,861,393	29,833,015	15,487,144	5,849,508	99,874,402	8,397,447	4,280,988	4,835,194
1851	307	65,521,828	31,793,891	17,207,508	7,502,065	107,815,760	9,528,449	4,614,856	5,213,262
1852	349	69,495,829	38,572,122	21,915,416	8,734,031	122,173,852	11,895,925	4,524,784	7,638,000
1853	363	80,192,703	44,378,844	23,876,166	10,341,742	138,793,766	12,337,931	6,098,444	7,119,166
1854	411	92,769,405	54,839,335	28,777,711	10,823,726	162,850,048	14,652,108	6,799,866	9,728,348
1855	445	103,354,025	49,458,005	29,423,910	9,110,943	168,991,215	14,894,105	6,349,431	7,338,808
1856	495	112,151,077	50,088,971	32,255,039	8,139,334	180,218,629	15,002,415	6,992,746	6,832,780
1857	510	115,621,933	54,946,690	35,118,876	7,455,964	192,347,654	14,523,141	7,383,641	7,528,899
1858	499	118,255,605	36,207,518	27,647,671	6,593,838	171,586,223	12,149,099	6,177,753	6,045,985
1859	499	120,185,431	41,745,911	43,312,232	10,296,332	181,049,755	16,743,496	13,848,201	6,548,981
1860	504	123,563,066	44,653,095	41,208,190	9,247,621	192,848,894	14,220,811	10,058,995	7,073,555

[a] Exclusive of New Hampshire.

From this survey of banking conditions in New England it will be seen that the banks of that region during the period selected for study may very properly be compared with those of the national banking system as it exists to-day. There are present in both cases essentially the same characteristics—wide and uneven distribution of institutions, independence of banks, relatively small capitalization, comparative freedom from Government control. The main difference lies in the fact that in New England these conditions were much intensified and appeared in extremer forms. If anything, therefore, the conditions for successful banking without loss on notes were much less favorable under the New England than they would be under the national-bank system. Consequently, if it can be shown that the so-called New England system was a success and that the losses incurred under it were inconsiderable, an example will be furnished of a relatively safe currency, secured by general assets, issued successfully under American conditions, and there will be good ground for a confident prediction that the history of New England bank currency might be repeated under some system of banking not dependent upon bond deposits for security.

This study of the banking experience of New England during the twenty years before the civil war, therefore, will deal mainly with the character and security of the note currency. The failures which occurred during the period under investigation will be enumerated, the circumstances of each case presented, and an attempt made to ascertain the loss which fell upon the note holders.

FEATURES OF THE NEW ENGLAND BANKING SYSTEM.

At the outset it should be clearly understood that the New England banking system, although in principle and nature a single system, was not homogeneous or uniform. No general act under which charters might be granted to all those complying with specified conditions existed. It was necessary to obtain a special charter in each individual case, although this was usually accomplished without difficulty.

While, however, the charters, as will be seen at a later point, differed much in detail, they were similar and uniform in the important fact that they permitted the issue of note currency without special security of any sort.[a] In most of the States the note holder did not have even a prior lien upon assets. All claims against the property of broken banks stood upon a footing of

[a] In Vermont certain banks were chartered under a safety-fund act passed in 1831. Each bank was required to pay into the State treasury 4½ per cent upon the amount of its capital stock. This fund was to be kept intact by assessments on the banks, but such assessments should not exceed three-fourths of 1 per cent in one year. Not more than half the banks of Vermont, however, ever came within the scope of the safety-fund act, and the act itself was early superseded by other measures.

equality, and note holders were not preferred to depositors and other creditors.[a]

Finally, it deserves to be pointed out that the note issue was large in 1840, and that it increased proportionately faster than the number and capitalization of the banks, growing from $16,461,947 in 1840 to $44,653,095 in 1860.

The systematic character of New England banking as a whole, however, extended no further than to the mere plan upon which the notes were issued. There was no uniformity in any of the actual laws governing banks, either in regard to the relation between circulation and capital, stockholders' liability, or other elements of the system.

RELATION BETWEEN CIRCULATION AND CAPITAL.

The maximum limit to circulation was, in the early days of the New England banks, established by the State legislatures in the case of each individual bank and varied widely not only from from State to State, but also among the different charters in the same State. The differences between charters granted in the same State had, however, for the most part, been done away with before 1840, and between 1840 and 1860 the relation between circulation and capital was fixed in the New England States as represented in the annexed table:

Massachusetts, per cent of capital	125
Vermont, after 1840, per cent of capital	200
New Hampshire, per cent of capital, less loans on pledge of the bank's stock	100
Maine, to 1846:	
Banks with a capital of $50,000 or less, per cent of capital	100
Banks with a capital of from $50,000 to $150,000, per cent of capital	75
Banks with a capital of more than $150,000, per cent of capital	66⅔
Maine, after 1846, per cent of capital, plus specie held	50
Connecticut:	
Before 1855, per cent of capital	150
1855-1858, per cent of capital	125
After 1858, per cent of capital	75
Rhode Island:	
Banks with capital of $50,000 or less, per cent of capital	75
Banks with capital of $50,000 to $120,000, per cent of capital	65
Banks with capital of $400,000 to $500,000, per cent of capital	20
Rhode Island, after 1859, per cent of capital	65

REDEMPTION SYSTEM.

It might seem that variations of this sort would result in great irregularity in the amount of issues in different States, and that in consequence the bank notes in some States might differ radically in the matter of security from those issued in other States. Nevertheless, this did not prove to be the case. As early as 1826 the banks of New England entered into arrangements with the Suffolk Bank of Boston, whereby the Suffolk virtually acted as a clearing house for the notes of all New England banks. It was evidently directly to the interest of each bank to maintain as large an outstanding volume of notes as it could legitimately do. Hence it was the effort of every bank, so far as possible, to pay out its own notes in preference to those of other institutions which might come into its possession.

The notes of its rival were, of course, sent on to Boston for redemption, and this mode of competition for business resulted in an extremely active retirement and reissue of currency. Not less than one-eighth, probably, of the entire volume of note currency in New England passed through the Suffolk Bank each week.[b] Every bank met its own weekly redemptions, so far as possible, by the use of the notes of other banks which had accumulated in the course of the week's business, and thus a regular outflow and inflow was maintained.

This feature of the system affords a most instructive lesson, inasmuch as it shows that it was the very freedom enjoyed in the issue of notes which rendered redemption active; while, on the other hand, the redemption system completely thwarted any efforts on the part of banks to increase their circulation unduly. By regular redemption, they were compelled, if they wished to continue in business, to limit their issues to the amount corresponding to their actual bona fide requirements. These, on account of the numbers of the banks and the consequent competition for customers, were relatively low. The legislative restriction upon circulation, therefore, was ordinarily so much higher than the amount of notes which could be kept outstanding as in itself to have little effect in limiting circulation. The real limitation was that imposed by the necessity of meeting the constant demands for current redemption.

It is true that in some few instances a special effort was made to circulate notes in the Western States, where they would not readily be presented for redemption. These cases, however, were not numerous, and where banks exceeded the legal limit of circulation the legal penalty was enforced. How generally it held true that the circulation of banks was far below the permitted maximum may be seen from the accompanying table, in which the capital and circulation of all New England banks are compared with the permitted maximum. From this comparison it appears that in none of the representative years taken was the aggregate circulation more than 50 per cent of what might have been issued had commercial conditions been such as to call for the maximum circulation. In 1840 the percentage of actual to permitted circulation was about 23 per cent; in 1850, 40 per cent, and in 1860, 36 per cent.

Actual circulation compared with circulation permitted.[a]

State.	Number of banks.	Capital.	Actual circulation.	Circulation permitted.
1840.				
Massachusetts	115	$33,750,000	$9,112,882	$42,187,000
Rhode Island	62	9,880,500	1,719,230	5,000,000
Connecticut	31	8,806,204	2,325,589	13,209,000
Maine	49	4,671,500	1,224,658	3,500,000
New Hampshire	27	2,837,508	1,088,750	2,837,000
Vermont	17	1,196,770	1,099,784	3,590,000
Total	301	61,142,482	16,570,893	70,323,000
1850.				
Massachusetts	126	36,925,050	17,005,826	46,156,000
Rhode Island	63	11,716,337	2,553,865	6,000,000
Connecticut	37	9,152,801	4,888,029	13,729,000
Maine	32	3,248,000	2,654,208	3,050,000
New Hampshire	22	2,203,950	1,751,096	2,203,000
Vermont	27	2,197,240	2,856,027	4,395,000
Total	307	65,443,378	31,709,051	75,533,000
1860.				
Massachusetts	178	66,482,050	25,012,745	83,102,000
Rhode Island	91	20,865,569	3,558,295	13,562,000
Connecticut	74	21,606,997	7,702,436	16,205,000
Maine	68	7,506,890	4,149,718	5,765,000
New Hampshire	51	4,981,000	3,332,010	4,931,000
Vermont	44	3,872,642	3,784,673	7,745,000
Total	506	125,315,148	47,539,877	131,310,000

[a] Report of the Monetary Commission, page 306.

While this redemption system was not legally compulsory, it was practically so, for whenever country banks refused to enter into the Suffolk redemption system they soon found that their notes did not circulate outside their own immediate vicinity. It, therefore, became necessary, after the establishment of the Suffolk Bank with its central redemption system, that country banks which wished to enjoy their proportionate share of circulation should arrange for the redemption of their notes in Boston, though it was by no means an evidence of insolvency when banks refused to enter the Suffolk system, as they were legally bound to redeem only over their own counters.

STOCKHOLDERS' LIABILITY.

Useful as was the actual working of the current redemption system enforced by the Suffolk Bank and its associates, it of course afforded no remedy to creditors of broken banks. It was, in short, precautionary and not remedial. Later banking experience suggests the necessity for some special safeguards to creditors. These, however, are found in New England only in fragmentary and incomplete form during the period now under consideration.

As late as 1849 Massachusetts, whose bank currency was soundest, made the stockholders liable only in case of proven fraud or mismanagement or upon the expiration of a charter, although in the year mentioned the provision for stockholders' liability was extended to all cases of failure irrespective of fraud or mismanagement. Maine, too, had only a law similar to that prevailing in Massachusetts prior to 1849, with the additional provision that in case of the expiration of a charter liability should be limited to two years.

Until the passage of the late law in Massachusetts just referred to it was only in Rhode Island and New Hampshire that an unlimited liability was imposed upon bank stockholders. This was effected in Rhode Island by the act of 1833, which, however, added the limitation "provided that the corporation be first sued and the corporate property be first exhausted in payment of the debts of the corporation." Unlimited liability did not make its appearance in New Hampshire until 1846.

Vermont and Connecticut laid the responsibility for redemption upon the bank officers. In the former State directors were made liable for the debts of their bank should excessive issues take place under their administration. Each director, too, was obliged to give a satisfactory bond, usually $8,000, as a guaranty

[a] In Connecticut the note holder had a first lien on the assets for notes of a smaller denomination than $100. Rhode Island enacted a law in 1837 giving note holders a prior claim on assets.

[b] In some cases the redemption was even more rapid than this. Note, for example, the following from the report of the Connecticut Bank commissioners for 1837:

"We have taken pains to inquire at each bank the average period of the circulation of bills, and find that so rapidly do their bills circulate and return for redemption that, for the six months prior to the 1st of April last, about two-thirds of the bills of the Connecticut banks in circulation were redeemed once in thirty days, and the other third within about forty-five days from the time they were issued."

of the faithful performance of his duties. In Connecticut the directors and cashier were held liable as joint and several debtors should the debts of the institution exceed the amount specified in the charter. No other liability of stockholders seems to have existed.

THE GENERAL CHARACTER OF THE CURRENCY SYSTEM.

The currency system of New England, as it developed along these lines, justly claimed the place of preeminence among the currency systems of the United States.

Because it was based on general commercial assets it was fully responsive to commercial needs. In the rural sections, where the habits of the people called for the employment of a note currency of larger proportional volume than in the cities, we find the local issue of bank notes proportionately greater. For example, in 1855 the banks of the distinctively rural States of New Hampshire and Vermont, with an aggregate capital of $8,150,000, were issuing $7,300,000 of bank notes, while the banks of Boston alone, with $32,700,000 capital, were issuing only $7,500,000 of notes, but were supplementing this by the use of some $15,000,000 of bank deposits—a form of currency even then coming to occupy the first place as bank currency in the larger cities.

LOWER INTEREST RATES.

The result of this extensive use of bank credit in the form of notes was practically to give to the citizens of those States the use of so much additional capital, and thus, by making capital more abundant, to lower the rates of interest. This tendency of the system was so marked as to draw from the Connecticut Bank commissioners in their report for 1844 the comment that—

"It has been impossible for the banks of discount to find use for all their means in discounting good paper; and some having the largest capitals have reduced the rate of discount, in a few instances, to 5, 4, and even 3 per cent."

That this must have been the effect will be apparent by making a single comparison between the facilities for loaning which the system of note issue, based upon general commercial assets, afforded and the facilities which the same banks might have given if their notes had been based upon Government bonds, as at present required.

To use the illustration cited above, the condition of the banks of Vermont and New Hampshire in 1855 was approximately as represented by the following balance sheet:

ASSETS.		LIABILITIES.	
Loans and discounts	$14,750,000	Capital	$8,150,000
Bonds	250,000	Surplus	750,000
Specie	450,000	Circulation	7,300,000
Notes of other banks	300,000	Deposits	1,450,000
Balances due from banks	1,900,000		
Total	17,650,000	Total	17,650,000

To enable these banks to earn 6 per cent upon their capital stock, net earnings of $489,000 would have been required. If the expenses were half as much more, the gross earnings would have had to be $734,000 to permit a 6 per cent dividend on the capital. Assuming that the bonds paid no more than 2 per cent (the present income from Government bonds), the bonds they owned would have furnished only $5,000 of this, leaving $729,000 to be supplied by the interest on the loans, thus necessitating an average interest rate of only 4.8 per cent.

If, on the other hand, the banks had been obliged to invest in an amount of United States bonds equal to their circulation, as the national banks must now do, their condition would have been as follows:

ASSETS.		LIABILITIES.	
Loans and discounts	$7,700,000	Capital	$8,150,000
Bonds	7,300,000	Surplus	750,000
Specie	450,000	Circulation	7,300,000
Notes of other banks	300,000	Deposits	1,450,000
Balances due from banks	1,900,000		
Total	17,650,000	Total	17,650,000

Assuming that the expenses were the same, the amount required to earn a 6 per cent dividend would have been $734,000, as in the other case. In this instance, however, since $7,300,000 is invested in United States bonds, where the net income is only 2 per cent, the amount to be earned by the loans is $588,000, or over 7½ per cent upon the $7,700,000 of loans.

In other words, if our present system of bond-secured currency had been substituted for the system of currency based on general assets which they then had, the inhabitants of these States would have found that the amount of capital seeking investment in local loans was only about half as great as before, while the rate of interest was greatly increased.

UNIVERSAL SATISFACTION WITH THE SYSTEM.

From this comparison it will be easy to see why the borrowing element of the population (and this includes the agricultural interests as well as the mercantile, commercial, and manufacturing interests) were so well satisfied with the New England experience with a system of bank currency based upon general commercial assets. But this feeling of satisfaction with the currency was not confined to borrowers alone, or to any one class; it was almost universal.

Perhaps the general sentiment in this regard can not be better indicated than by citing the following from official reports—the most competent contemporary authorities:

"The currency of this State is of the first order, and can not be improved, being equal to gold and silver. This is strong language, we admit, yet perfectly true; for every billholder can, on demand, convert his bills into coin.

"The banking system in New England (though fraudulent practices with their evil consequences, in a few instances, have been witnessed and can not, perhaps, be effectually guarded against) stands undeniably above any other in the United States; and the world can scarcely show a better system. Stockholders and the public find in the New England banks a safe guaranty for their future interests by referring to the past.

"Were the system perfect it would be needless to discuss the subject; but general opinion is sustained by facts that abuses have been suffered; and the question is, How shall their evils be corrected? In the opinion of your commissioners one important step is that of sustaining and giving greater efficacy to the arrangement for redemption, now known as 'the Suffolk Bank system.' This method has been salutary in its influence, and has tended greatly to produce a healthy state in all our Connecticut and New England banks. By some banks, however, this mode is considered oppressive, and, no doubt, contributions for its support are unduly apportioned. Although imperfect, the system should not be abandoned till a better is provided. The extent of failures that would have occurred, with their disastrous results, but for this conservative and regulating power may be judged of somewhat by contemplating the present state of monetary affairs throughout the South and West. * * *

"Any estate in the southwest part of Connecticut is now given for the bank issues of the opposite point with as much safety and readiness as though it was located at the door of the receiver, the whole being at par at the Suffolk Bank, consequently with every bank redeeming there." (Connecticut Bank Commissioners' Report, 1841.)

"The commissioners, from the evidence they have, can say with entire confidence that all the banks in this State are in a sound and healthy condition, and the currency is of the first order; and when we take into consideration the almost unexampled embarrassed condition of the monetary concerns of this country, growing out of the great revulsion of 1836–37, the immense amount of worthless paper put afloat by chimerical speculation, we may well say that our banks have done well to escape that general insolvency that has visited many of these institutions in several of our sister States." (Connecticut Bank Commissioners' Report, 1845.)

"It may be claimed that by increasing the banking capital greater inducements will be held out for the people to engage in improvident speculations and investments, and greatly endanger the sound and safe operations of business. If there was no check upon circulation there might be some danger. But the frequent redemptions at the Suffolk Bank, and the rapid communications between different parts of the country, will prevent any greater circulation than the natural business wants of the country will sustain. The moment any banks in New England are unable to meet their redemptions at that institution their bills are thrown out, their credit is doubted, and they can do but very little business until they make their credit good again. Indeed, this system of par redemption seems to be a most perfect regulator upon all the New England banks. It would seem somewhat surprising that something has not been adopted in other parts of the country that should produce the same beneficial results. If there was, there would be but little necessity for brokers. The bank note of Ohio might be as good in New York, Boston, or Philadelphia as at the counter from where it issued." (Connecticut Bank Commissioners' Report, 1848.)

"We believe there is not a more sound and safe currency in existence than that furnished by the banks in this State. We know of no better system of banking than ours." (Connecticut Bank Commissioners' Report, 1849.)

"And first, we remark that the currency of the Commonwealth, so far as it depends upon its banking institutions, is in a sound and healthy condition. The banks are, in the main, carrying out the objects for which they were created with fidelity to the public and to stockholders." (Massachusetts Bank Commissioners' Report, 1851.)

"The failure of a bank is always to be regretted, but in this case [the Cochituate Bank] the public will be losers, if at all, to but a small amount. The fact is not a little gratifying that a failure of this kind has not before occurred in Massachusetts for

many years." (Massachusetts Bank Commissioners' Report, 1854.)

"Your commissioners can not refrain from remarking upon the very satisfactory condition presented by the banks of the Commonwealth after the severe commercial crisis through which the community has just passed. Although driven into the suspension of specie payments, through the action of foreign institutions, still they never for a moment lost the confidence of the community as to their soundness, nor did they fail, during the period of alarm, to furnish every accommodation to their customers which could justly be expected. In fact, some of our banks did not suspend at all, not even in form, and, with a large part of them, the suspension was merely nominal; they occurred, as a matter of precaution, in the action of other institutions; but in very few instances was specie positively refused, when called for; on the contrary, the supply appears to have been sufficient for the demand, and, as a general thing, all reasonable requirements were satisfied.

"That this confidence in the strength of our banking institutions was well founded, and also that their efforts in extending every possible aid to their customers were not ill-judged, is fully evinced by their prompt resumption of specie payments and by the comparatively small amount of overdue or suspended paper with which they were burdened. There was reason to apprehend large losses on such paper, but we have been gratified to find it, with few exceptions, so protected that very little is set down in the directors' estimate as even doubtful. We speak of those banks which have been visited by us, situated, for the most part, in the country.

"In this connection we would also remark that the amount of paper in the banks, issued by large manufacturing corporations which have suspended business, is far less than there was reason to fear. This paper is confined to a few institutions, and is not of an amount seriously to affect their soundness or to cripple their business.

"These results can not fail to inspire increased confidence in the banking system of the Commonwealth, as well as in the general ability, prudence, and sagacity which characterize its administration."—(Massachusetts Bank Commissioners' Report, 1858.)

"The banking institutions of the Commonwealth give satisfactory evidence of soundness, and ability to meet the constantly increasing demands of the community for a safe and reliable currency."—(Massachusetts Bank Commissioners' Report, 1859.)

"From a careful examination of the reports of other States, I have no hesitation in saying that the banks in Vermont will bear a favorable comparison with other institutions of the kind throughout the country; and, on review of the whole subject, we may justly flatter ourselves that our banks are as prudently conducted, as sound in their condition, and afford as great facilities to our citizens as those of any other State, and that no portion of the Union enjoys so good a currency as the New England States." * * *

"The bills of any country bank, redeemed at par in any commercial city, will always be current throughout the extent of region whose business channels flow to that city. Hence New England money is worth more in the cities of New York and Philadelphia than the bills of their own country banks. Vermont bills have uniformly borne a premium in Eastern cities without loss, while bills of their own States are at a heavy discount." (Vermont Bank Commission's Report, 1852.)

"Our banks have accomplished their great object of furnishing a sound currency—sound, equal, and uniform, in consequence of its redemption at par, in the great central market of the country (Boston). The bills furnish a most convenient instrument for exchanging the various commodities of commerce and agriculture, and go into wide circulation. * * * The system is admirable, and is, perhaps, without a parallel in the world; it leaves us nothing to desire, so far as an instrument of commerce is needed, within the circle of the Eastern States." (Maine Bank Commissioners' Report, 1842.)

"For the last eight or ten years the value of our paper currency has been more uniform than during any similar period since the foundation of our Government, and there has consequently been greater security in all business operations. This fact goes far to show that our banking system has improved, and that our banks are well managed." (Maine, Annual Report of Governor, May, 1850.)

"The 'Suffolk system,' though not recognized in our banking law, has proved to be the great safeguard to the public. Whatever objections may exist to this 'system' in theory, its practical operation is to keep the circulation of our banks within the bounds of safety. No sound bank can have any well-founded reason for refusing to redeem its bills in Boston, and a bank that is not sound can not long do business under that system and ceases to be in good credit when it is 'thrown out at the Suffolk.'" (Maine Bank Commissioners' Report, December 31, 1857.)

"The Suffolk system (if we may so call that system which has obtained throughout New England), the distinctive characteristic of which was a central point of redemption, has given to New England as sound a currency as was to be found in any part of our country. Bank failures at the North have been rare, and the losses to stockholders or bill holders, when compared with the amount of capital invested, have been very trifling. It is by no means wonderful that a system which has stood the test of time and stuck its roots so deep as to have become incorporated with and formed a part of our banking system should be abandoned with hesitation for one which is new and untried." (Maine Bank Commissioners' Report, 1865.)

"If, during the last twenty years, the period during which the charters now about to expire have existed, a sound currency has been secured, is it the part of wisdom to change the laws and overturn the arrangements by which this result has been produced? The charters of the banks have been renewed. If the laws by which they are constituted the agents of the people to provide a currency, and by which their faithfulness in the discharge of the duties of such agency is secured, remain unchanged, there is every reason to believe that the currency of Massachusetts will be for the next twenty years what it has been for the twenty years past, as perfect as any in existence—as perfect as in the nature of things it can be. No reasonable man, no practical man, no man who is not bound hand and foot in the fetters of mere theory can desire for the people a currency better adapted to meet all the circumstances of a business community than that which has been furnished by the banks of Massachusetts for the last quarter of a century." (James B. Congdon, cashier Merchants' Bank, New Bedford, in memorial to governor of Massachusetts, 1851.)[a]

"The anomalous feature of the case is that the well-secured and bond-protected bank issues of New York are at a greater discount at this point than the apparently unsecured circulation of New England, including places hundreds of miles off and inaccessible, in a measure, for compulsory redemption. * * *

"We said that the Massachusetts currency was apparently unsecured. In reality their bank paper is well secured. The experience of the last fifteen years has demonstrated that the losses from bank issues in the State of New York are four or five times greater than in Massachusetts. The system of the latter is better than our own." (New York Courier and Enquirer, 1854.[b])

In conclusion, the following quotation from a Massachusetts report of 1865 may be permissible, voicing, as it does, sentiments then common to all New England:

"The State parts with these objects of her care and solicitude with many regrets, but with a just pride in their career inspired by the belief that their capital has been highly instrumental in promoting the prosperity of the State, and that they have furnished as good a paper currency, based on individual credit, as any part of the country has ever enjoyed."

APPENDIX T.

STATE BANKING BEFORE THE CIVIL WAR.

[By H. Parker Hollis.]

New England.—Massachusetts, Connecticut, Maine, Vermont, New Hampshire.
Western States.—Indiana, Ohio, Iowa, Wisconsin, Michigan, Illinois.
Southern States.—Louisiana, Kentucky, Tennessee, Mississippi, Virginia, South Carolina, North Carolina, Maryland, Alabama.
Eastern States.—New York, Pennsylvania.

MASSACHUSETTS.

The experience of Massachusetts with a banking system based on commercial assets has become classical. Various banks were established up to 1799, when notes below $5 were prohibited temporarily and the establishment of unincorporated banks was forbidden. In 1803 banks were required to make semiannual returns of condition, and in June 1805, 16 institutions were in operation with an authorized capital of $5,760,000, of which $5,460,000 had been paid in. Only one more bank was chartered from that time until 1811. The currency was inferior, very small notes were in circulation, and specie had nearly disappeared.

In Boston the discount on New England bank notes ranged from 10 to 60 per cent, and in order to overcome the depreciation the legislature in 1810 fixed a penalty of 2 per cent a month, payable by the bank to the note holder, for failure or refusal to redeem notes on presentation. Twenty-one Massachusetts banks existed in 1814. The restrictive legislation and the fact that in 1811 the franchises of practically all the banks had been recast, reducing the amount of circulating notes to 150 per cent of capital, prevented any suspension in Massachusetts, and the maintenance of specie payments enabled the banks to acquire a better standing than that enjoyed by those in other States which had

[a] Bankers' Magazine, vol. 5, p. 997.
[b] Quoted in Bankers' Magazine, vol. 8, p. 747.

suspended. The total number chartered previous to January 1, 1825, was forty-nine, with a capital of $20,800,000. Nine had failed or discontinued business or had never organized. The actual number in operation was forty, with an authorized capital of $14,305,000, of which $13,300,000 had been paid in. In 1825 a further step toward banking control was taken by reducing the amount of the circulating notes to that of the capital.

Real control of the banks, however, began with the law of February 28, 1829, which was to apply to all banks thereafter organized and to those increasing their capital or extending their charters. The law required banks to have 50 per cent of their capital paid in in specie before beginning business. It prohibited loans to shareholders and limited the loans on stock pledges to 50 per cent of the capital. Notes were permitted to issue to 125 per cent of the capital, and debts due to or from any bank, exclusive of deposits, were limited to twice the amount of the capital. Still there were some defects in the banking system. Some banks pursued the plan afterwards followed by certain national banks of borrowing specie for a few days to the amount of half their authorized capital, getting it counted by the bank commissioners, and then returning it to lenders, its place being taken by the notes of the stockholders.

In consequence of the financial difficulties of 1837, a plan for regular official examinations of banks was developed and put into operation, while in 1843 the different institutions were prohibited from paying out over their counters any other notes than their own. Individuals were prohibited from holding more than one-half of the stock of any bank. No person could be the director of more than one bank. Neither debts or credits of any bank could exceed twice the capital stock paid in except for deposits and for debts due to and from other banks. No bank could pay out any note except its own or issue any note directly or indirectly except at its own office, or issue any notes with the understanding that they should be kept out a certain length of time. Banks were forbidden to borrow money to be repaid in anything except specie or their own notes. In case of failures note holders were to be paid first. Fifteen per cent of specie was to be held as a reserve against both circulation and deposit. Whenever any bank stopped payment stockholders were rendered individually liable in proportion to their stock for the redemption of the bank notes.

Thus by successive steps an elaborate system of restrictions on banking was developed. It should be noted, however, that all these restrictions related to the mode of conducting the business of the bank and not to the appropriation of a special kind of security to protect any particular part of the liabilities.

A new departure was taken in 1851, when a free banking law was enacted, under which about seven banks were organized. This system proceeded upon the general plan of the bond-secured New York system. The fact was that the original system of chartered banks had become so thoroughly developed and offered such satisfactory and trustworthy safeguards that no fears were entertained concerning the solvency of the circulating medium and the field was already so well occupied with sound and solvent banks that there was no room for the bond-secured system to get a foothold prior to the civil war.

One thing which should be taken account of in considering the success of New England banking is the system of redemption which was specially developed in these States. In 1818 the so-called Suffolk Bank had been chartered, and after 1826 it turned its attention to receiving and redeeming the notes issued by the New England banks. The directors saw that they could buy the notes of the country banks at a discount and make a profit by sending them home for redemption. This was purely a business matter, and the desire of benevolently sustaining the currency had no part in it. A sort of forced compact with the country banks was entered into by the Suffolk Bank, and the latter agreed to receive the notes of any country bank which would leave with it a permanent deposit of $5,000, together with such further sums as might be required to redeem such of its bills as were taken by the Suffolk.

The country bank was granted the privilege of receiving back its own bills at the same discount at which they had been taken by the Suffolk. Whenever banks would not deposit with the Suffolk, the latter sent home their notes for redemption at par in specie. Thus, out of the mere necessities of the case and the convenience of the business community, there grew up a satisfactory system of redemption under which the notes of banks were kept constantly redeemed at par without interference on the part of the Government. As the system finally developed six other banks associated themselves with the Suffolk Bank and jointly contributed a sum of $300,000 for the purpose of keeping currency constantly redeemed. All the country money received by any of these banks was sent to the Suffolk, and thus the system of redemption was thoroughly established. The amount of permanent deposit required by the Suffolk Bank was reduced to $2,000 as a minimum, and varied in amount with the amount of the capital of the depositing bank.

Banks were not required to maintain this deposit with the Suffolk in order to have that bank and its allied institutions receive their notes at par. What the Suffolk demanded was that they should redeem their notes at some convenient place and many of them consequently maintained a deposit in other Boston banks. The effect, however, was the same. In 1858 a so-called "Bank of Mutual Redemption" was chartered and succeeded in getting most of the business away from the Suffolk, concentrating its attention upon this general problem of redemption. The Suffolk withdrew from the business in November, 1858, leaving it all to the Bank of Mutual Redemption. The currency under this redemption system was undoubtedly the most flexible, soundest, and most satisfactory ever furnished in any part of the United States either before or after the organization of the national banking system and this, too, without any specially deposited security, but merely by virtue of two distinct features—first, a wise and explicit general banking law, and, second, a private method of redemption which was perfectly thorough and unfailing in its operation.

CONNECTICUT.

During the early history of Connecticut and as late as 1836, Connecticut banks issued currency secured only in the same way as all other liabilities. The early charters provided that notes might be issued to an aggregate amount not exceeding 50 per cent over and above the capital stock of the bank and the amount of its deposits. Practically, the issues never even approached the limit thus set. They always enjoyed a good repute and with the exception of one or two failures, the banks were left largely to themselves until 1836. Even in 1814, when a general suspension occurred throughout the country, the banks of Connecticut were able to maintain specie payments.

In 1836, an examination into the condition of the banks was ordered, and it turned out that thirty-one reporting institutions with a total capital of $8,679,307 were maintaining a circulation of $4,094,681, and were carrying deposits of $1,922,743. At the same time the specie on hand amounted to $426,290, while specie funds in New York amounted to $271,271. Balances due from other banks were $374,802 and deposits in other banks were $127,684. At the same time, the discounts of the combined institutions aggregated $13,361,928. The conclusion reached by the examining committee was that "the soundness and solvency of all the banks examined by us is in our judgment unquestionable." Thus, during the first period of banking in Connecticut, the issue of notes based upon commercial security resulted in a thoroughly safe and reliable currency without the intervention of any special deposit of bonds or other pledge.

The same satisfactory condition of the banks was maintained during the years from 1836 to 1842. During this period, a true bank currency was maintained in circulation, redemptions being rapid. The Connecticut banks adhered to the Suffolk system of redemption, and thus their bills were maintained at par, while the rate at which they returned to the issuing institutions was extremely high. During 1836 and 1837 they came back at the the rate of two-thirds of the whole circulation once in thirty days, and one-third once in forty-five days. After the Connecticut banks joined the Suffolk system the ratio of their circulation to their specie improved, and by 1840 stood at approximately 25 per cent. During the first fifty years of banking in Connecticut (ending with 1842) only two failures occurred, notwithstanding that the total number in the United States was about 200.

Business conditions throughout the country led to a period of general inflation during the years 1843 to 1847, but no serious difficulties were encountered in Connecticut, owing largely to the check imposed by the Suffolk system of redemption. In 1852 a demand for a general banking law culminated in the passage of legislation providing for the issue of currency against the deposit of specified public stocks to be made with the treasurer of the State. By 1855, 13 banks, with a capital of $2,948,169, had organized under the new law, while the chartered banks numbered 54, with a capital of $14,197,282. The panic of 1857 put the two systems to a test, but did not demonstrate any superiority on the part of banks organized under the new legislation. Suspension was general for a short time, but it was not long before specie payments were resumed, and the war found the bond-secured notes and the notes of the chartered banks enjoying full and substantially equal credit.

MAINE.

During the early history of Maine, before its organization as a separate State, banking was conducted on very much the same conditions as later in Massachusetts. Thus, the Portland Bank, chartered in 1799 by the general court of Massachusetts, had a capital of $100,000, with permission to increase to $300,000. No special safeguards concerning banking were then in force, and

these were only slowly developed down to 1819, some 12 or 14 banks in all being chartered. These institutions issued notes without special safeguards, redemption being slow. Twelve banks had issued about $581,466 of notes in 1814, and there was only a moderate amount of specie on hand. Yet redemptions had been fairly steady, for $730,561 of notes had been redeemed within six months prior to the returns collected in 1814.

There had been very few failures. From time to time, after the admission of Maine in 1820 as a separate State, restrictions were imposed upon the business of banking. A system of redemption was finally put into operation, the banks being compelled to join the Suffolk system in spite of great unwillingness to do so. The suspension of specie payments by the 55 Maine banks in 1837 was only temporary, and led to a careful revision of the banking law in 1841. Note holders, however, lost but little by the disturbed financial condition. In spite of a brief suspension in 1857, far the larger part of the banks maintained good credit, and when the national banking law was passed there were in the State 69 banks, with $8,008,000 of capital and $6,019,156 of circulation. The experience in Maine was thus substantially similar to that in Massachusetts and Connecticut, and enforced the conclusion that sound and solvent banking was possible without special safeguards for the security of notes by the pledge of a specific part of the bank's assets. It demonstrated conclusively that good banking in the State depended only upon a proper law, governing the general operations of the banks and the development of a satisfactory system of redemption.

VERMONT.

After an early experience with banks more or less unfortunate in character a number of institutions were chartered from 1817 to 1827 without any general law governing their organization. In the several charters they were generally required to pay their notes on demand, the latter being practically limited to about three times their capitalization. A general law was adopted in 1831, and under it all banks chartered in the future were required to contribute to a safety fund 4½ per cent of the amount of their capital stock in six annual installments. In case of failure of any banks, assessments not exceeding three-fourths of 1 per cent a year were to be made by the State treasurer upon the several banks until the fund was made up. No bank was to go into operation until at least one-half the capital was paid in. In 1840, some further regulations were adopted. One-half the capital was required to be paid in in gold or silver before the opening of business.

What amounted to another system of banking was organized in 1842 by the legislation of that date, which provided that banks thereafter chartered might be relieved from contributing to the safety fund if bonds of the directors guaranteeing that they would at all times pay and redeem notes issued by the bank should be executed. In such cases very stringent regulations concerning the payment of the whole of the capital, and concerning loans to directors, stockholders, and others, were introduced. Moreover, this act recognized the Suffolk system of redemption by requiring that a tax of 1 per cent per annum upon capital should be paid by those banks which should not "keep a sufficient deposit of funds in the city of Boston" for the purpose of redeeming their bills at par. About the same time the circulation of all banks was limited by law to twice their paid-up capital. Thus, by 1842, Vermont had practically developed a complete system of banking, and had recognized a regular method of redemption. Under this system of legislation scarcely any failures occurred, and a thoroughly satisfactory currency was supplied to the State.

A free banking act was adopted in 1851, under which banks were allowed to be chartered with capitals of not less than $50,000 and not more than $200,000. These banks could issue notes on a pledge of United States stocks or of specified State stocks deposited with the State treasury. Very few banks organized under this act, but while the law was in existence a considerable number accepted charters under the old legislation, because of the greater confidence shown by the public in those banks which were properly regulated as to their business, even though they had no specially pledged security for their circulation. Down to the time of the civil war the banks of Vermont continued to do business in a sound and satisfactory way, and even the panic of 1857 did not force them to suspend specie payments.

NEW HAMPSHIRE.

The first general control exercised over banking in New Hampshire is found in the act passed June 21, 1814, which required annual reports to be made by the banks. Between 1831 and 1840 various safeguards were added, such as the restriction of loans on pledge of capital stock, and the prohibition of the issue of notes above the amount of capital remaining after loans on stock had been deducted. The provisions were, however, rudimentary and the 21 banks which existed in 1831, and which grew to 26 in 1841, were left pretty generally to their own devices. Some four or five of them failed during these years, owing to reckless banking, but, by 1840, most of them had been driven into the Suffolk system of redemption, which forced them to take care of their notes and tended to keep them in a sound state. Several of them, however, failed during the commercial difficulties from 1837 to 1839, and, of a total number, which had at one time aggregated 28, the number of banks fell off to 17 in 1845.

By a revision of the banking laws in 1842 unchartered banks continued to be prohibited and notes were made payable in specie on demand. Notes below $1 were forbidden and circulation was limited to four-fifths of the capital stock. Failure to pay specie forfeited the charters. Quarterly reports of condition were required, and, in 1857, banks were prohibited from beginning business until their capital had been fully paid. Under the act of 1842, and with the aid of the Suffolk system of redemption, thoroughly sound banking was inaugurated in New Hampshire and continued to persist down to the civil war, no special bond or other security being ever required. The bank statements of the time show only a fair amount of specie on hand in proportion to circulation. Thus, in 1849, the banks held $155,707 in specie against $1,508,608 of notes oustanding. In 1869 they held $255,278, as against $3,271,183, but the main reason why the proportion of the specie was not larger was the extensive redemption of their notes through the Suffolk system and the fact that a considerable amount of their available resources took the form of deposits with other banks.

INDIANA.

The State Bank of Indiana was chartered by an act of the Indiana legislature which became a law on January 28, 1834. This law granted a charter, which created a system of banks to be known as the State Bank of Indiana. The institution was to discontinue active operations January 1, 1857, but might remain in existence for the purpose of winding up its affairs until January 1, 1859. It was to be composed of the State Bank and ten branches, but the ten branches were really for most purposes independent banks, subject to a certain control by the State Bank, and the latter was really nothing more than a board consisting of a president and four members chosen by the legislature, besides one member chosen by each of the ten branches, with restrictive and supervisory functions, but with little power of initiative. The State Bank was to keep an office in Indianapolis, but the banking powers granted were to be exercised "by and through her branches and not otherwise."

The board of directors could limit and control the discounts of any branch after they should reach one and one-fourth times the paid-in capital. For cause, they could suspend a branch, and even close it up entirely if its operations should endanger the interests of the other branches, or if, after one year, it did not pay a profit of 6 per cent on the paid-in capital. They could equalize the public deposits among the branches; they could examine each branch as often as they saw fit (and were required to do so at least once in six months); they could require reports from branches as often as they pleased, and at least monthly they could call on all the branches to make up any deficiency in the assets of an insolvent branch. They could regulate the elections for directors of the branches; they could regulate the dividends of the branches so far as to insure that the capital should not thereby be diminished and that a surplus fund of one-sixteenth the capital should be maintained; they were to keep the plates and print the notes for all the branches, the notes to be signed by the president of the State bank, and they were to fix the number of directors for each branch from ten to thirteen, of which number they were to appoint three.

The branches were to be otherwise free to conduct their business without control from the central board. Each branch was to elect its own board of directors, choose its own officers, and in general manage its own affairs. Whose notes to accept, what kind of security to demand, how much reserve to keep, what terms to exact were to be within the discretion of the local board. The State had a certain control over the bank and was a stockholder to the extent of one-half the capital. Stockholders were liable to the amount of their stock. The entire capital was to be in specie, but there was no compulsory reserve and no preferred claim on the part of note holders. At that time neither the safety fund nor the collateral security system of securing the notes had become familiar.

Specie payments were never to be suspended, under penalty of paying 12 per cent interest on the obligation. Dealing in merchandise or doing anything but a strictly banking business was prohibited; holding real estate, except what was needed in the conduct of the business or had been taken in satisfaction of a debt, was prohibited. No bank notes were to be issued of less denomination than $5. The notes were payable at the branch where they were issued, and were to be signed by the president of the State bank, and the cashier of the branch. Notes were not to exceed in amount twice the paid-in capital. Debts owing to the

bank as a whole were never to exceed twice the capital; debts due by the bank as a whole, exclusive of deposits, were not at any time to exceed the same amount, and debts due to or by any branch, exclusive of deposits, were never to exceed that amount except by permission of the State board.

Under these provisions the bank issued notes and held reserves, as follows:

Date.	Specie.	Circulation.
January 1, 1835	$751,083	$456,065
January 23, 1836	874,340	2,054,050
January 21, 1837	1,254,252	2,261,385
January 20, 1838	1,223,911	2,323,200
January 31, 1839	1,390,298	3,548,139
January 31, 1840	936,521	3,271,019
January 30, 1841	1,115,363	3,154,641
January 31, 1842	1,124,905	3,074,212
January 31, 1843	822,606	2,041,392
January 31, 1844	975,348	2,941,263
January 31, 1845	1,122,219	3,352,507
January 31, 1846	1,033,322	3,963,595
January 30, 1847	1,002,490	3,904,900
January 31, 1848	1,060,782	3,964,085
January 31, 1849	1,182,475	4,008,228
January 31, 1850	1,138,791	4,021,582
January 31, 1851	990,696	4,044,996

It thus appears that throughout the existence of the bank the reserve, although not large, was fairly safe. The percentage of reserve to immediate liabilities never fell below 20. This is less than city banks are now required to keep, but a fairer comparison is to be made with our country banks which are permitted a reserve as low as 15 per cent. Moreover, it would not be unfair to include in the reserves of the Bank of Indiana not merely specie, but at all events some portion of the notes of other banks of which several hundred thousand dollars were ordinarily on hand.

The bank suspended specie payments in 1837–38, resumed again in 1838, partly suspended once more in 1839–1842, and by order of the legislature resumed finally on June 15, 1842. These suspensions were not due, of course, to a bad state of affairs within the bank or to a deficiency of specie. They were the result of the general conditions of panic and depression all over the country, and suspension was merely a measure of prudence adopted upon the recommendation of the State board in order to keep the bank from losing the specie it had accumulated. How good was its real condition was shown by the report of the special examiner appointed by the legislature at the time of the final resumption in 1842. This report showed that despite the collapse of prices so general throughout the country, the condition of affairs was on the whole safe. At the ultimate close of the bank's operations, in fact, the institution proved to be perfectly sound, and it returned to its shareholders a handsome profit.

The special peculiarity of the State Bank of Indiana lies in the fact that it represented a pure bank of issue operating in an agricultural community and making its loans by means of notes rather than deposit accounts. Its experience is peculiarly representative of what might be expected under a system whereby reasonable liberty in the issue of notes could be granted to the country banks of the United States. It should be observed that the maximum circulation mentioned in the above table is $4,044,996, the capital being $1,600,000.

OHIO.

The general bank act of Ohio was enacted March 7, 1842, and provided for regular incorporation, defining the powers of banks, and prohibiting the undertaking of business until all the capital should have been paid in gold or silver. The capital stock was to be examined by the bank commissioners and certified to. The proportion of circulation to capital, and the manner of issuing circulation, was prescribed, as well as a special tax on capital and circulation. The creation of a safety fund was ordered, and rules for the receiving of the notes of other banks, etc., were laid down, while the denomination of notes was carefully regulated. This act was further amended by an act of January 25, 1843.

This act prohibited any person from serving as director in more than one bank at any one time, forbade loans for periods in excess of six months, regulated dividends, defined the duties of directors, required bank examinations by directors at least once in each six months, and made a variety of other innovations. Under this legislation some bank charters were granted, but the most important step was taken in the passage of the act of 1845. That act provided that it should be lawful for any number of persons, not less than five, to form banking associations, the aggregate amount of the capital of all companies under the act being fixed at $6,150,000. The State was divided into twelve districts, in order that the number of banks to be established might be properly distributed, and other regulations were made. The act incorporated the State Bank of Ohio on somewhat the same principles as those followed in the State Bank of Indiana.

A board of five banking commissioners was organized to oversee the banks of the State who, upon organization, were to determine whether they wished to do business as independent banking companies or as branches of the State Bank of Ohio. The State Bank of Ohio was, in fact, merely a system of banks very loosely bound together by the tie of a common oversight and control through the board of five bank commissioners already referred to. No branch of the State bank was to have a capital less than $100,000 and no independent bank less than $50,000. All notes were to be made payable at the office of the branch in gold or silver coin. The ratio of circulation of branches of the State bank was regulated as follows:

"On the first $100,000 or any lesser amount of its capital, not more than twice the amount of such capital; on the second $100,000 or part thereof, not more than one and a half times the amount of capital over $100,000; on the third $100,000 or part thereof, not more than one and a quarter times the capital over $200,000; on the fourth $100,000 or part thereof, not more than once the amount of such capital over $300,000; and on any amount of capital over $400,000, not more than three-fourths of such capital over $400,000."

Each branch was to pay 10 per cent on the amount of this circulation, to create a safety fund, which was to be invested. Branches refusing redemption of notes were to be put in liquidation. In the case of independent banks, a different method of securing the notes was provided. They were to deposit certificates of funded debts, either of Ohio or of the United States, to the amount of their stock, and in case of failure to redeem the notes, the State treasurer was to sell the stock and redeem the outstanding circulation. Examinations were provided for. Each banking company was required to have on hand gold and silver coin, or its equivalent, one-half at least to be gold or silver coin, in the vaults, to an amount equal to at least 30 per cent of the outstanding circulating notes. Loans to any single person or firm were limited, and the paying out of any depreciated notes was forbidden.

Under this legislation a large number of banks, whose charters had expired in 1843, availed themselves of the provisions of the act by becoming branches of the State Bank of Ohio or independent banks under the act. In 1846 there were seventeen branches of the State bank—that is to say, institutions issuing notes under the new law without bond deposits; nine independent banks (institutions with bond deposit), and eight old banks. A sound and uniform currency was provided which was maintained constantly redeemable in coin at par value. The "asset-secured" notes, with no special safeguard except the safety fund behind them, circulated on as favorable terms as the notes of those banks which were secured by a pledge of bonds issued by the State of Ohio or by the United States.

An act to authorize free banking in Ohio was passed by the legislature March 21, 1851. Capital was not to be less than $25,000 nor more than $500,000. Notes were to be issued to the banks by the State auditor and were to be secured by deposits of Ohio or United States bonds. Thirty per cent of the amount of outstanding notes was to be kept on hand in gold or silver or its equivalent. Notes of other banks were to be received at par. Bonds were to be sold to redeem circulation in case of failure to pay gold or silver for the notes when presented.

A number of banks were organized under the provisions of this act and went into operation side by side with the different kinds of banks already existing under the act of 1845 and earlier laws. During the business difficulties from 1854 to 1858 many Ohio banks failed, but it was noticeable that these banks were mostly private institutions not operating under the banking laws of the State. Very few authorized banks actually failed. As Mr. John Jay Knox remarks, "The banks authorized under the laws of 1845 and 1851 were uniformly successful, and furnished a currency to the people not one dollar of which was ever lost to the holder thereof." It thus appears that the history of banking in Ohio shows that safety was quite as readily assured under a free banking system, with notes secured only by the regular commercial assets of the bank aided by a safety fund, as by the bond-deposit system which was later inaugurated. The solvency of the institutions and the soundness of the notes depended not upon the pledging of some portion of the bank's assets as security, but upon the character and administration of the law under which they were operated.

IOWA—THE MINERS BANK OF DUBUQUE.

The act incorporating the Miners Bank of Dubuque was approved November 30, 1836. The capital stock was to be $200,000, in shares of $100 each. One-tenth of each share was to be paid to the commissioners receiving subscriptions at the time the subscriptions were made, and the balance in such installments as the majority of the directors should prescribe. The total amount of all kinds of indebtedness over and above specie deposited was

restricted to three times the sum of the capital stock then subscribed and paid in.

The directors were to be seven in number, and the bank was prohibited from holding land, except when necessary for the convenient transaction of its business, or in case it received such land by bona fide conveyance, in satisfaction of debts previously contracted. No notes were to be issued less than $5, and no notes whatever until $40,000 in coin had been paid in by the stockholders as a part of the stock. The legislature retained power to prohibit in four years from the date of the act the issue of notes below $10. Congress, in amending this act, forbade the bank to issue the notes until one-half the amount of its capital stock was paid in. The privilege of determining whether the capital of the bank should be increased to more than $2,000,000 was not left entirely within the power of the stockholders, the previous consent of Congress being required in case of any increase.

The whole stock of the bank was speedily subscribed and the institution opened its doors October 31, 1837. About two months later it appeared that $100,000 of capital stock had been actually paid in, $41,147 being in specie and the remainder in the notes of New York, Pennsylvania, Illinois, Wisconsin, and Michigan banks. The amount of specie on hand was reported as $42,118. Notes outstanding were $11,435, of which only $2,000 were demand notes, and individual deposits amounted to but $3,043. The bank had always paid specie when demanded at the counter.

Notwithstanding considerable opposition, due to local jealousy, the Miners Bank continued to do business, and the governor of the State was able to report in 1841 that, according to returns furnished by the cashier for a date near the close of 1840, the circulation of the bank was less than $40,000 while the vaults contained more than $45,000. Owing to business depression and the suspension of most of the other banks of the country, the Miners Bank found it convenient to suspend specie payments March 29, 1841. From the resolutions then adopted, it appears that the bank had intended to continue to pay specie and that it would have been entirely convenient for the institution to have redeemed the amount of notes that would ordinarily have been sent in for redemption.

The action of some large banks outside the State in attempting to drain it of specie by excessive presentation of notes had led the Miners' Bank to decide upon suspension. According to a statement of assets and liabilities then prepared, the cash on hand all told, including notes of other banks, amounted to nearly $60,000, of which something over $40,000 was in gold and silver. Notes outstanding were $97,000. During the suspension the notes tended to increase very largely in volume, so much so that on the 1st of January, 1842, it appeared that the notes outstanding amounted to $167,030, while its resources in the form of "due from other banks," notes of other banks, and gold and silver, were less than $130,000.

Specie payments were resumed April 19, 1844, and from that time until the repeal of its charter the bank met all obligations in specie when so desired. During the suspension the notes depreciated considerably, and it was claimed they were bought at a heavy discount by nonresident stockholders. The charter of the Miners' Bank was repealed by an act which became law on the 18th of May, 1846. Trustees were appointed to close the affairs of the bank, and they finally wound up the institution.

The Miners' Bank of Dubuque was a reputable institution which rendered considerable service to the State in the way of loans, and, except during the period of suspension, which was practically forced upon it by the action of the other banks of the country at that time, it always maintained the equality of its notes with specie by redeeming them on demand. It does not appear to have abused the issue privilege in any way, for its circulation was maintained within reasonable limits, and a fair reserve was always kept to secure exchangeability. No bond deposits or other special assignment of assets, designed to afford special security to note holders, was required of the institution.

WISCONSIN—"GEORGE SMITH'S MONEY."

The peculiarity of early banking in Wisconsin is found in the fact that it grew up without any specific banking legislation, and without regulations governing the issue of circulating notes. In 1838 a charter for "The Wisconsin Marine and Fire Insurance Company" was applied for by George Smith and Alexander Mitchell under the laws of Wisconsin. Smith took a copy of the charter of the Chicago Marine and Fire Insurance Company to Wisconsin and got the Territorial legislature to reenact it. The bill became a law February 28, 1839. At this time the Chicago Marine and Fire Insurance Company was issuing certificates of deposit which were circulating as money. The Wisconsin company was organized under the new charter, and within a short time began business with a capital of $225,000.

The charter thus granted contained some peculiar provisions, their chief oddity being that while general banking privileges were denied, certain specific privileges were granted. The charter read in part as follows:

"This corporation may likewise receive money on deposit and loan the same on bottomry respondentia, or other satisfactory security, at such rates of interest as may be done by individuals by the laws of this Territory; may also make insurance upon life or lives, and employ such capital as may belong or accrue to said company in the purchase of public or other stock or in any other moneyed transactions or operations for the sole benefit of the said company, and in general the said company may transact all business usually performed by insurance companies, provided nothing herein contained shall give the said company banking privileges."

Later on the charter provided that if the company should receive on deposit any bank notes and lend them, it should indorse them by the signature of its president and redeem them in specie in case the issuing bank should fail.

Business began on the 13th of August, 1839, and, despite the apparent intention that no notes should be issued under the charter, the directors began immediately to issue certificates of deposit similar to bank notes, and continued this practice until 1852, when the general banking law of the State went into effect. Certificates of deposit amounting to $4,819 had been issued by March, 1840, and the certificates increased until they reached $34,028 on January 10, 1842. They were issued in denominations of $1, $3, $5, and $10, and soon found a wide circulation throughout Wisconsin, Illinois, Iowa, Missouri, and Michigan.

The total amount outstanding was at various dates as follows:

January, 1842	$34,028
April, 1843	52,000
December, 1843	100,000
November, 1845	250,000
July, 1847	300,000
November, 1848	600,000
October, 1849	1,000,000
December, 1851	1,470,225

The certificates were redeemed at par in specie at the parent office in Milwaukee, and at agencies in Chicago, Detroit, Buffalo, Galena, Cincinnati, and St. Louis in New York exchange at the current rate. Several times during the decade 1840–1850 concerted runs were made upon the bank with the avowed intention of breaking it, if possible. The day after Thansgiving, 1849, some Chicago and Detroit bankers who had been collecting the notes for several weeks presented these notes at the main office of the bank in Milwaukee, circulating at the same time a report that specie payments had been suspended. The bank succeeded in redeeming every note without difficulty, and the various attacks on the institution in reality strengthened its position.

When the law of 1852, entitled "An act to authorize banking," was adopted in November, 1852, the Wisconsin Marine and Fire Insurance Company called in its certificates, redeemed them dollar for dollar, and reorganized as a State institution, adding the word "bank" to its title.

The money which had been provided by Smith and his associates was always redeemable and was an elastic currency, there being no limit to the issues except the capacity to redeem. Within this limit all good paper was discounted, the notes issued in exchange being merely the notes of Smith himself, based upon the notes of the community, which in turn represented the sound, commercial assets of that community. It was an elastic currency whose volume was dependent upon the volume of business, redeemable on demand because managed by a competent banker, and which was sound and solvent for the same reason. It did not depend upon legislation for safeguards, yet it enjoyed the full confidence of the community—a confidence which was never disappointed.

MICHIGAN.

Free banks were organized in Michigan under the general banking law of March 15, 1837. This act required that stockholders should place securities in the hands of the auditor-general of the State for the full payment of all debts of the bank, including circulating notes. The securities required to be deposited were either the personal bonds of the stockholders or bonds and mortgages executed by them upon real estate within the State of equal value, exclusive of buildings. Thirty per cent of capital had to be paid in in specie before business could be undertaken.

Under this law banks were started at random almost, and issued great quantities of notes, many of which did not circulate at all, being refused at any rate of discount. It was impossible to secure the redemption of the notes, and the circulation in Michigan shortly became so large that it averaged $125 to each family then in the State. The loans made were mostly to stockholders, who, as a rule, had already mortgaged their only security in order to start a bank. At the beginning of 1839 the bank commissioners estimated that at least a million dollars of notes of insolvent banks were in the hands of individuals. Most of the currency issued in this way became an absolute loss to the holders.

The great difficulty was, as usual, not with the kind of security required for protecting the notes, but the lax way in which the law was enforced. Had the law been strictly lived up to, the deposited securities being carefully valued and the specie regularly paid in, no banks would have existed, because the securities and specie could not have been obtained. The unconstitutionality of the free-banking law was announced by the supreme court of Michigan in 1844. The banks were held to be illegal institutions, their securities void, and the obligations they had undertaken worthless. The result of this sweeping decision was simply to cause the absolute collapse of the whole banking mechanism, throwing the loss chiefly on the note holders of the bank and nullifying their claim upon the securities which had been deposited in the hands of the State auditor. A free-banking law similar to the free-banking law of Indiana, Ohio, Illinois, and New York was adopted in 1858, and under it a considerable number of banks were organized.

Early banking in Michigan thus appears to have been conducted under such extraordinary conditions that no inferences of any sort (contrary to what is often supposed) can be drawn from it.

ILLINOIS.

A bank was chartered at Shawneetown as early as 1813, and was incorporated in 1816 as the Bank of Illinois, beginning business on January 1, 1817. Its capital stock was not to exceed $300,000, one-third of which might be subscribed by the Territory. It was to be permitted to begin business as soon as $50,000 had been subscribed and $10,000 had been paid in. Its liabilities, exclusive of deposits, were not to exceed twice the amount of its paid-up capital. Other banks were incorporated on January 9, 1818. One of these was the Bank of Edwardsville, which was also to have a capital stock of $300,000, one-third to be subscribed by the State.

It was the only reputable institution chartered under that act. It and its predecessor, the Shawneetown bank, succeeded in doing a considerable business, becoming depositories of Federal funds. The Edwardsville bank, however, failed in 1820, after the close of the period of inflation and speculation, which culminated in the crisis of 1819. Its companion bank continued to do business until it was forced to close in 1823. In 1819 the combined circulation of Illinois banks was $52,021, while their specie on hand was $74,715. They had issued and redeemed their notes on demand as required by their charters, which compelled payment of the notes at sight in specie under a penalty of 12 per cent per annum on the notes defaulted from the time of the failure until the obligations were paid.

It thus appears that the first system inaugurated in Illinois was one for banking on commercial assets, with a comparatively free issue of notes. The banks succeeded in managing the issue of notes successfully, as appears from the statement just made concerning the volume of their circulation as compared with the amount of specie on hand. Their failure was due not to the fact that they issued notes secured only by commercial assets, but simply to general bad conditions in the financial world. As Mr. C. H. Garnett says, "these banks had been perhaps as successful and useful to the community as any banking institutions could have been at that time."

In 1821 a bank known as "The President, Directors, and Company of the State Bank of Illinois" was chartered. It was to have a capital of $500,000 for ten years and was to have four branches. Three hundred thousand dollars of notes of denominations not greater than $20 nor less than $1 were to be issued. The notes were to bear interest at the rate of 2 per cent per annum and were payable for salaries of State officers and receivable for all debts due the bank. The bank had no real capital, except the cost of printing the notes, which was appropriated from the State treasury. It goes without saying that the history of the bank thus incorporated was a record of unfortunate experiences and financial difficulties.

In 1835 another act incorporating the "president, directors, and company of the State Bank of Illinois" was passed. The capital was to be $1,500,000, which might be increased by individual subscription by an amount not exceeding $1,000,000 and business might be commenced as soon as $250,000 in specie was subscribed. The State might subscribe $100,000 whenever the legislature thought that the condition of the treasury justified such a step. The bank was to continue twenty-five years. It could issue notes to the extent of two and one-half times its capital stock, exclusive of deposits, and could loan and discount to three times the amount of such stock. In case it should refuse for ten days to redeem any of its notes and specie its charter was to be forfeited, and damages assessed to the holder of the notes at the rate of 10 per cent from the time the notes were presented until they were paid. Notes below $5 were not to be issued.

The fact that some reasonable restrictions had been placed upon the operations of the State bank and that it was to be a real and bona fide institution ought to have resulted in a prosperous career for it, and would undoubtedly have done so had it not allowed itself to be drawn into various forms of bad banking. It became involved in a commercial contest between two rival cities, and had to be helped out by permission to increase its stock. Then under the stimulus of the passion for public improvements the bank again became involved in unwise real-estate loans, and was entangled with the State by the latter's subscribing for a block of shares. In consequence of these various operations the institution finally failed, and its failure was followed by the failure of various other banks, leaving the State flooded with depreciated note currency.

This is the famous Illinois experience with so-called "asset currency," of which so much has been said by those who favor bond security as a protection against unsound banking and overissue of notes. From what has already been said it will be apparent that in the case of the Illinois banks the usual trouble was not the overissue of notes in proportion to their nominal capital, but the fact that this capital never really existed, and that they held little or no specie to back the paper they put out. Of course, it could not be expected that banks which were engaged in real-estate transactions at fictitious values and in promoting foolish schemes of internal improvement could be successful. When they failed, their notes naturally became a loss to their holders, just as in the case of the other liabilities.

It should be remembered, however, that even had they deposited bonds issued by the State in which they were located the notes would have been practically no better than they were under the system actually followed, for at the time when difficulties were worst Illinois bonds were selling on the market for only 14 cents on the dollar. The credit of the bank notes was most of the time considerably superior to that of the State. Moreover, the banks held large quantities of State bonds. It could scarcely have been expected that institutions which went into operation practically without capital or specie should be able to buy United States bonds and do a banking business on legitimate lines vastly superior to the general business of the communities in which they were located.

An act to establish a general system of banking modeled after the New York system was passed by Illinois in 1851. It provided that any number of persons might form a banking association upon depositing with the auditor at least $50,000 of United States stocks on which full interest was annually paid, or Illinois stocks valued at 20 per cent less than they had been sold for in New York for six months previous, no stock to be valued above its par value or its market value at the time of deposit. The persons making the deposit were to receive from the auditor notes of denominations above $1 to an amount equal in value to the stock deposited.

The issue of notes by the auditor in excess of the amount of stocks deposited was forbidden under heavy penalties, and stockholders or creditors to the amount of $3,000 or more might at any time apply to the circuit court for a judicial examination of the bank. The auditor was to deliver to the bankers an amount of deposited stocks equal to the amount of any notes returned to him for cancellation. Notes were redeemable only at the bank where issued. When any bank refused to pay its notes on demand, the auditor was to sell the pledged bonds at auction in New York, and pay the notes, with 12½ per cent interest as damages, from the proceeds. The bank was to be prohibited from exercising further banking privileges; its assets were to be taken by a receiver and applied, first to the redemption of notes, second to the payment of other indebtedness, and third to the payment of stockholders. If the stocks and other effects of the bank were insufficient to redeem its notes, the stockholders were to be liable in their private capacity to the amount of their shares. A board of three commissioners was provided for who were to examine the banks annually and inspect the securities held by the auditor. If any of these had depreciated, additional security was to be required. The officers of each bank were to make quarterly statements of the condition of the bank to the auditor. A bank might go into voluntary liquidation, after redeeming 90 per cent of its notes and depositing specie for the remainder.

Under this law, passed and finally approved at an election in November, 1851, 17 banks were started within a year, with a circulation of $1,351,788. The stocks deposited with the auditor to secure circulation were for the most part bonds issued by local improvement companies. A few bonds of neighboring States were also deposited. In 1854, according to the report of the auditor, the number of banks had increased to 33, two of which had gone into liquidation in a solvent condition, and one, having failed to redeem its notes, had been placed in the hands of a receiver and its securities advertised. The bonds then on deposit were all at par except those of California (estimated at 80 per cent) and those of Illinois (estimated at 50 per cent).

The system of redemption here in vogue was merely that of

redeeming at the home office in specie, leaving the notes to circulate and gain what acceptation they could by being received at other institutions upon such terms as those other banks saw fit to accord them. Under this plan the following note issues were kept in circulation and the following reserve of specie was held to back them:

Specie and circulation of Illinois banks.

Year.	Circulation.	Specie.
1835	$178,810	----------
1836	653,661	----------
1837	1,565,573	----------
1838	1,990,993	----------
1839	3,729,513	----------
1840	3,724,092	----------
1841	4,367,829	----------
1843	2,212,127	----------
1845	1,183,256	----------
1853	1,351,788	----------
1854	2,283,526	$83,592
1856	3,420,985	37,165
1857	5,534,945	19,297
1858	5,238,930	6,433
1859	5,707,048	9,272
1860	8,981,723	59,927
1861	11,011,837	37,920
1862	1,415,076	----------
1863	619,286	55,793

This showing speaks for itself and emphasizes the failure of a mere bond deposit requirement to assure sound banking.

Notwithstanding the requirement to keep bonds on deposit, the system seemed to be able to endure only while commercial prosperity lasted. In fact, whatever success was attained by the banks of Illinois, under the bond-deposit system, came in consequence of the sudden improvement of the business situation about the time that this system went into effect. When the crisis of 1857 came on, the securities deposited began to decline, and it was necessary to call on the banks to put up margins to bring the value of their securities up to par of notes outstanding. This resulted in a refusal on the part of some banks to respond. More went out of business.

The formation of new banks was discouraged and practically ceased. The State had gradually become filled with "wild-cat" money, which came, it is true, largely from other States, but much of which was issued by Illinois banks located in inaccessible places where redemption could not be required. Although locating banks in such places was forbidden by law, it continued and the institutions went on issuing currency. Still in 1860 there were 110 banks organized under the general law, with a circulation outstanding amounting to $11,320,694, while the securities behind it were $11,336,423.

An analysis of the conditions of banking in Illinois during the years just prior to the war shows that the greater measure of success enjoyed by the bond security system, small as it was, was due not to the bonds deposited, but to the greater care exercised in enforcing safeguards which had been worked out in the course of experience with banking during the earlier period.

LOUISIANA.

The Bank of Louisiana was chartered with a capital of $4,000,000, one-half of which was subscribed by the State. The State's subscription was paid by the issue of 5 per cent bonds, authorized at the rate of $100 in bonds for every $83.50 of stock, payable at intervals of from ten to twenty-five years from their date. These were to be sold by the bank for specie. In 1826 the general assembly of Louisiana indicated its dissatisfaction with the methods of controlling the bank and the delay in declaring dividends and insisted upon the declaration of the dividend upon the State stock at least. In 1827 the profits accruing to the State were sufficient to permit $300,931 of the bonds to be called in and paid. In 1844 the State treasury received authority to sell 12,000 shares of the stock of the Bank of Louisiana in order to raise funds to pay the bonds, $1,200,000 falling due in 1844 and 1849. The bank itself purchased the bonds and redeemed them punctually, while the remainder of the State stock was also ordered sold in 1844 in order to meet other bonds which were falling due.

The Union Bank of Louisiana was incorporated in 1832 with a capital of $7,000,000. The institution was established on the same basis as the Union banks of Florida and Mississippi. The subscribers of the stock paid in nothing, but merely gave a mortgage to cover the amount of their subscriptions, the actual capital being derived from the proceeds of $7,000,000 in bonds issued by the State for that purpose. Every stockholder might borrow from the institution one-half the face of his shares and the State had the right to borrow $500,000. Like all such banks, this institution failed, the crash coming in 1842, with assets in such shape that the collection of anything from them was slow and difficult.

The bank known as the Citizens' Bank was also established with the aid of bonds issued by the State, which furnished the actual capital, while stockholders secured their subscriptions by mortgages on real estate. Other similar banks were organized. All these institutions issued notes in considerable amounts, but not sufficient is known concerning them to draw any conclusions as to the wisdom of the policy pursued by them.

Notwithstanding the bad principles upon which these banks were organized, they did not issue notes which, so far as the absolute amount or the amount considered relatively to capital stock are concerned, seem to have been excessive. Thus in 1835 the State Bank of Louisiana had in circulation $751,987 of notes. In 1837 this changed to $841,190; in 1838 to $141,742. In 1839 there were $292,722 of notes outstanding, while the circulation of the Union Bank at the same date was $638,470, and that of the Citizens' Bank $428,450. In 1840 the State Bank had $261,747 of notes outstanding, the Union Bank $964,630, and the Citizens' Bank $308,725.

The experience of the State was in general more favorable in connection with banking than that of most of the other Southern States which allowed themselves to become entangled in the business. Nevertheless the conviction became strong that the State was not a suitable agency to carry on business enterprises of this kind, and this impression prevailed to such an extent that in 1852 the State constitution finally prohibited the further undertaking of banking enterprises by the provision that "the State shall not subscribe for the stock of, nor make a loan to, nor pledge its faith for the benefit of any corporation or joint-stock company created or established for banking purposes." In fact the experience of earlier years was so instructive that when the State in 1842 passed a general bank act the legislation adopted included most of the safeguards which had been worked out in other States and was as thorough and complete a banking law as existed in the country. This general bank act passed in 1842 required a specie reserve equal to one-third of all liabilities to the public. For the other two-thirds of its liabilities an equal amount of ninety-day commercial paper was to be held. Notes were to be paid at maturity, and if not paid the account of the borrower was to be closed. No bank was to pay out the notes of other banks. All banks were to pay their balances to each other in specie at the end of each week, and were not to buy their own shares or lend on their own shares more than 30 per cent of the market value thereof. The bank act allowed some loans to be made on mortgage security, but restricted these loans to the bank's capital. None of the Louisiana banks suspended in the panic of 1857, thus constituting a brilliant exception to the general condition prevailing throughout the country. Notwithstanding the fact that no bond deposit was required and no limit set to the issue of circulating notes, except that arising out of the specie-reserve requirement already referred to, the notes were not overissued, being amply protected by the wise provisions of the law. By 1860 Louisiana stood fourth in banking capital among the different States of the Union and second in specie holdings.

It thus appears that in one sense the experience of Louisiana was analogous to that of the New England States, inasmuch as it resulted in developing a thoroughly sound and satisfactory system of banking under which banks were established and did business in a perfectly safe and conservative way. In fact, the experience of the New England States, Louisiana, South Carolina, and Virginia may alone be taken as establishing conclusively the possibility of conducting a sound and scientific banking system under rigid laws without any special note security.

KENTUCKY.

The Bank of the Commonwealth of the State of Kentucky, with a capital of $2,000,000 and branches in each judicial district, was chartered November 29, 1820. It was authorized to issue notes to one and a half times the amount of its capital, or $3,000,000 in all. The "public faith" was pledged for the redemption of the notes and a guaranty fund was established by setting aside certain State bonds. The notes were not a legal tender, but were payable and receivable for all public debts, dues, and taxes. Loans to single individuals were limited to $2,000.

Notwithstanding the close relationship between the bank and the State, and the fact that the public faith and credit and a certain number of State bonds were pledged for the redemption of circulation, it was not very long before the notes of the bank fell to 62½ cents on the dollar. They reached this figure by March 22, 1822, and continued to fall until they passed at a small fraction of their face value. The bank was considerably hampered by litigation, and it was doubted whether the notes of the institution were not such as are forbidden by that clause of the Constitution of the United States which forbids States to emit bills of credit. Ultimately, although the Supreme Court of the United States held that the notes were not bills of credit of the State, the institution had to be placed in liquidation, and thus the aid extended

by the State did not preserve the bank and its notes from becoming unacceptable to the people.

Another institution, entitled the Bank of Kentucky, with a capital of $5,000,000, was chartered during the legislative session of 1833 to 1834, and, during the same session, the so-called Northern Bank of Kentucky, with a capital of $3,000,000, and the Bank of Louisville, with a capital of $5,000,000, were also chartered. This made $13,000,000 of possible capital in all, but the actual paid-in capital never aggregated more than $9,030,000. The Bank of Kentucky was to have six branches, and $1,000,000 of its capital was to be paid by the State in 5 per cent bonds. One million dollars additional was to be made up from the accumulation of annual dividends.

These banks all shared in the distribution of surplus revenue among the banks of the States, and shared, too, in the depression which followed. They were obliged to suspend specie payments in 1837, notwithstanding that they had $1,900,000 in specie against $3,300,000 of circulating notes outstanding. Most of the banks resumed specie payments, but again suspended in October. Another suspension took place in 1839, but resumption came again in 1842. Thus the institutions went through practically the same vicissitudes as all other banks of the period.

Among the three large banks chartered by the legislature of 1834 the only one still in operation at the present time is the Bank of Kentucky. The Northern Bank of Kentucky went into liquidation a few years ago, and the Bank of Louisville was merged in the Southern National Bank. The circulating notes of the Bank of Kentucky circulated not only throughout the State, but were found in Pittsburg, Wheeling, Cincinnati, and partly throughout Indiana. It constantly appeared that the notes had a tendency to return to the parent bank for redemption in specie or Eastern funds, and this necessitated keeping the resources of the bank in an available condition. It had been provided in section 4 of the charter of the Bank of Kentucky, and by similar regulations in the charters of other banks, that these institutions were not to owe an amount exceeding twice the paid-in capital, exclusive of sums due on deposit.

In May, 1837, the circulation of the principal bank was $2,430,000 and that of the branches $1,505,000. As has been seen, even at the time of suspension the banks of Kentucky combined had about $1,900,000 in specie against $3,000,000 of circulating notes. After the period of suspension and resumption which terminated in 1842 the bank continued to be successful down to the time of the civil war, redeeming its notes on demand and experiencing great prosperity. So conservatively were they managed that none of them were injured even by the crisis of 1857, but all continued to pay specie even after the suspension of the New York banks had taken place.

Thus the experience of Kentucky shows that the institutions of that State without provisions for bond deposit were quite as successful as the generality of banks throughout the United States, the solvency of the institutions and the redeemability of their notes being maintained without special deposits of securities to protect circulation.

TENNESSEE.

Early banking in Tennessee was conducted in the usual way at that early date, i. e., under very slender restrictions. In 1807 the first bank (the Nashville Bank) was established. For some time this institution was successfully carried on and its notes enjoyed a fair degree of credit. Other banks were established from time to time, but in 1819, during the commercial difficulties, had to suspend specie payments. At that time there were outstanding about $898,129 of notes, while specie on hand was $343,884. The suspension of specie payments resulted in a heavy depreciation, while the notes of sound banks outside the State were at a corresponding premium.

In 1811 a bank entitled "The President, Directors, and Company of the Bank of the State of Tennessee" was chartered, the State holding $20,000 out of a total capital of $400,000. By this time the wisdom of some limitation on note issues had been learned, and denominations below $5 were forbidden. From time to time bank failures occurred, and between 1811 and 1830 a total of $2,229,782 of bank capital had either failed or retired from business.

A bank of the State of Tennessee was chartered in 1820. By this time still further restrictive ideas had grown up. The capital was $1,000,000, but notes of not less than $5 nor more than $100, and not exceeding a total of $500,000, were permitted. Branches or agencies were established, and under certain restrictions real estate loans were permitted to be made. The bank was made an official depository, and it might have been expected that it would succeed. Real estate loans, however, seem to have been a source of disastrous weakness in the bank, and owing to these and dishonesty on the part of the cashier the institution was finally abolished in 1832.

These unfortunate experiences led to much sounder ideas on banking, both among members of the legislature and private individuals. It became recognized that restrictive legislation was necessary and that the business of banking must be conducted only on the basis of quick assets, and in a strictly solvent and legitimate way. On these principles the Union Bank of Tennessee was chartered by the legislature October 18, 1832, the capital stock being limited to $3,000,000, of which $500,000 was subscribed by the State. This State subscription was paid, as usual, in State bonds, which were issued to the bank and sold by it. The bank covenanted with the State to pay into the State treasury one-half of 1 per cent a year on its capital stock as a bonus. Notes issued by the bank were to be received by the State in payment of taxes and all debts due. This institution continued in operation until 1865, redeeming its notes regularly until it went into liquidation in that year. Notwithstanding the fact that no special security for its note issues had been required, and notwithstanding that there was no limitation on the amount of notes which could be issued, it was one of the most useful and profitable financial institutions in the country, and its five branches succeeded in meeting the needs of the communities in which they were located in a perfectly satisfactory way.

A third State bank, entitled the Bank of Tennessee, was chartered by act of the legislature January 19, 1838. The faith and credit of the State were pledged to support it, and $2,500,000 of 6 per cent thirty-year State bonds were ordered sold for its benefit at not less than par. Besides these bonds, the capital was to be made up to $5,000,000 from the common school fund, the sales of certain land, and the State's surplus revenue. As a matter of fact, only about $2,073,355 was actually realized for the capital from the different sources already mentioned. Notwithstanding this start, so unfavorable in some respects, the earlier part of the bank's career was fairly successful and profitable. Its notes, like those of the Union Bank and the Planters' Bank of Tennessee, passed current at par throughout the State, and an arrangement was made at Nashville whereby the notes of the Bank of Tennessee and its branches were redeemed at the parent bank in that place. The branches were situated in out of the way places, and at first notes were made payable at these branches, and in discounting paper branch notes were usually paid out, under the supposition that the notes issued would not reach the branches for redemption before the maturity of the paper. In spite of some minor irregularities and unwise policies of this sort, the earlier bank misery was now over for the time, and a prosperous period of sound banking set in and lasted during the decade from 1843–1852. A thorough redemption system was put into operation by several of the banks and resulted in maintaining their notes at par throughout the State.

Unfortunately, this successful condition of affairs was broken in upon by the determination of the legislature to pass a free banking law. This was done during the session of 1851–1852 and far from improving the currency by the issue of notes based upon bonds and presumably more secure than those issued under the former plan, it resulted in a thorough disorganization of the currency and banking system of the State. This law was closely copied from the New York free banking law, but under it a considerable number of banks based on fictitious capital were organized, and an immense redundancy of currency occurred. Gov. Andrew Johnson in 1853 condemned this system of banking on bond deposit, and in his message of 1855–1857 he repeated his suggestions of 1853, with the further recommendation that the Bank of Tennessee should be put into liquidation and its affairs closed as early as possible. The free banking system, with notes based on the deposit of bonds, had its effect in producing the panic of 1857, at which time nearly all the banks of Tennessee suspended specie payment and proceeded to curtail their business until 1861 when war necessities led the legislature to pass a law compelling banks to increase their circulating medium. The circulation of the Bank of Tennessee, which was $1,313,728 in 1861, expanded to $4,710,666 in 1862.

No conclusions concerning the relative advantages of the different modes of banking in vogue in the State of Tennessee can be drawn from the experience during the civil war. Conditions were then so disturbed that it would be absurd to expect any institution to operate successfully, no matter on what system it might be organized. The various banks which continued in existence at the close of the war found themselves operating under new conditions after the war was over, and many of them went into liquidation as a consequence either of losses during the war or of the effect of the national banking system upon them. The period during which any inferences concerning the goodness of the notes can be drawn, of course closes with the opening of the war, and it appears that there was certainly no superiority to be attributed to the bond-secured bank notes of the earlier day. In fact, the wild-cat notes which circulated in Tennessee were practically all of them issued on the basis of bond security.

MISSISSIPPI.

The Bank of Mississippi was chartered by the Territorial legislature December 23, 1809. It had a capital stock of $500,000, $100,000 of which was paid up. The issues of notes were restricted to three times the amount of its capital stock, its control was vested in a board of 13 directors, elected by the stockholders, and the directors were made individually liable for any excess of notes over the prescribed amount. In 1818 it was furthermore provided that there should be 16 directors, that the State should subscribe one-fourth of the capital stock and should appoint 5 of the 16 directors, that the capital should be $300,000, and that the bank should furnish the State with a monthly statement of its condition and allow the governor the right to frequently inspect the books. The notes were made a legal tender and were given a monopoly of circulation. In 1831 the capital amounted to $1,048,500, the notes to $451,040, the deposits to $209,127, and the State debt to the bank to $962,823. Throughout the whole history of the institution the bank had an honorable career, fulfilled its whole duty to the State, redeemed its notes regularly, and finally went into liquidation in a perfectly legitimate way, reimbursing its stockholders and redeeming its notes in full.

During the existence of the Bank of Mississippi and after the expiration of its charter various other institutions were put into operation, some by State aid and others without it. The history and experiences of all these institutions are fragmentary and little can be learned about their work. Banking in Mississippi and in some other parts of the Union was then carried on subject to such loose and general regulations that nothing can be said with accuracy concerning its history, save in the case of certain institutions.

The Mississippi Union Bank, with a capital of $15,500,000 to be raised by loan, was incorporated in 1837. The main features of the charter of the bank were that only citizens of Mississippi and owners of real estate situated in Mississippi were entitled to become stockholders. They were bound to give mortgages on their plantations and real estate and negroes to the amount of their stock, which would entitle them to borrow of the bank one-half the amount of their stock on twelve months' time at 7 per cent, and at the end of twelve months to renew their notes for twelve months longer during the space of eight years, provided they should pay at the end of each renewal all accrued interest and one-eighth of the principal. Two-thirds of the capital of the bank was required to be loaned on mortgages. Books of subscription were to be opened at every county seat in the State, and commissioners were to receive applications and mortgage papers for loans to be deposited with the banks.

To facilitate the bank's obtaining the $15,500,000 loan the faith of the State was pledged for the capital and interest, and it was provided that $15,500,000 of Mississippi State 5 per cent gold bonds, made payable to the order of the Mississippi Union Bank, signed by the governor and countersigned by the treasurer of the State under the seal of the State, should be delivered to the bank. This charter was reenacted in the following legislature (1838), and a supplementary bill was passed requiring the governor of the State, as soon as the books of subscription of the bank were opened, to subscribe for 50,000 shares of the capital stock on behalf of the State, paying for them out of the proceeds of $5,000,000 semi-annual 5 per cent State bonds, which the governor was required to execute and deliver to the bank.

The charter of the bank further provided that the bonds should not be sold at less than par. They were disposed of in the East to Nicholas Biddle, but probably did not bring quite par. Rates of exchange were such, however, that the total amount realized for the bank was more than par, when the proceeds arrived at Jackson, Miss. The bank almost immediately issued $2,450,000 of post notes, payable August 1, 1839, and $3,479,590 due in 1840, and $300,000 demand circulation. Loans were made freely on inadequate security. Another $5,000,000 of State bonds was issued in the summer of 1839 but could not be sold. The post notes of the bank at once went to a discount, and the same occurred in the case of its demand circulation. Eighteen months after it had been launched it had on hand only $4,349 in specie, while its demand liabilities were $3,034,154. The stock eventually became worthless. The notes were not redeemed.

By act of the legislature passed February 20, 1840, all banks were required from and after April 1 of that year to pay specie at their counters for all their notes and liabilities then due of the denomination of $5 and under, and from and after July 1 for those of $10, and after January 1, 1841, to pay specie on all their notes and other liabilities, while it was made the duty of the governor to make proclamation of forfeiture of all banking powers and privileges of those banks failing to pay specie on their notes after those dates. These provisions for redemption resulted in the forfeiture of the charters of nine banks which were unable to live up to the requirements, while seven other banks failed to comply with the requirement for specie payment in all cases and only five were reported as complying. Bank paper circulated at different rates on its merit and in some instances was only worth 2½ cents on the dollar.

The banks of the State continued to have a checkered existence throughout the years prior to the civil war. Very often they had little specie, and their credit was exceedingly poor. It should be remembered, however, that the reason for the difficulties in Mississippi and some other Southern States, of which so much is said by those who complain of the dangers involved in a bank-note currency, lay in the ideas regarding the effect of charters and banking operations, and the ignorance of the proper basis for banking. Thus, in Mississippi there were about as many unchartered as there were chartered banks, while most of them were founded upon real-estate holdings, the idea being that banking methods were chiefly designed to turn real estate into a circulating medium. In those institutions like the Bank of Mississippi, which were carried on upon legitimate lines, none of the tendency to unsoundness and depreciation of currency appeared, in spite of the fact that there were no more special pledges behind the notes of such institutions than there were behind those of the badly managed and badly organized banks.

Maj. R. W. Millsaps, president of the Capital State Bank of Jackson, explains the failure of the early efforts of banking in Mississippi as follows: "The enormous capital authorized, with privileges of emitting two or three dollars in paper to one dollar of paid-up capital, and the payment of capital in stock notes instead of specie, weighed down with onerous obligations to make long loans to the people of one-half or more of their capital at a low rate of interest and subject to renewal, were elements of weakness.

"Throughout all the Union at this time an epidemic prevailed that everybody could be made rich and the country made prosperous by means of paper money. Especially was this the case in the Western and Southwestern States."

VIRGINIA.

The first important system of banking in Virginia was modeled on the old Scotch plan. About half a dozen banks, with numerous branches, were authorized, and the legislation by which they were governed was substantially the basis of the laws on banking subsequently enacted. The Bank of Virginia, which was first to be chartered, in 1804, had a capital stock of $1,500,000. It was to be permitted to hold real estate and other property up to $3,500,000. "The total amount of notes thrown into circulation by the bank, together with the debt, were restricted to $4,500,000 over and above the number then actually deposited in the bank." This was an issue of three for one on the cash capital.

As a matter of fact, the Bank of Virginia and five other banks chartered under the same act and on the same principles seldom issued notes up to the full amount permitted them. They were not allowed to buy any public stock except their own. Their rate of discount was limited to six per cent and they were not permitted to loan money to any State or government except by special act. Moreover, the directors were made liable for any loss due to excess of issues. Their notes were receivable for all payments to the State and all idle public money was deposited with them. The State had subscribed $300,000 to the capital stock of the Bank of Virginia and borrowed it back at 4 per cent. Notes of less than $5 were prohibited.

In the case of all these banks the branches issued their own notes and really became complete independent banks. The notes circulated very widely, and notwithstanding that there were no special securities behind them except the general assets of the bank, and despite the fact that no special reserve was required, they maintained their hold on public confidence and enjoyed a high credit. The character of the operations of the branches may be understood from what was done by one of the branches of the Farmers' Bank of Virginia at Blacksburg.

This branch, with a capital of $60,000 and a surplus of $50,000—in other words, $110,000 of resources—kept notes outstanding to the amount of $146,274 and held only about $30,000 of specie against the notes. It had only $7,042 in deposits. Thus the Blacksburg branch, which was merely a typical example of the kind of banks then operating throughout the State, practically performed the same sort of function as did the State Bank of Indiana. It was a pure bank of issue, operating in a community which required its credit accommodations in the form of currency rather than in that of deposits. The 6 banks operating under special charters had a total of 41 branches.

A new period opened with a general banking law passed March 25, 1837. This was a law for the establishment of banks of issue based upon State bonds or the bonds of improvement companies guaranteed by the State. It also provided for banks of deposit and discount. According to this law, the total amount of the currency of the banks was never to exceed five times the amount of coin on hand, and in case the coin was reduced below one-fifth of

the circulation banks were required to stop discounts until the ratio was restored. Some of these banks actually issued as high as eight to one. Notwithstanding this, there was not a bank failure in Virginia prior to the war that caused the loss of a single dollar upon its notes. The notes were, in fact, at a discount of only one-fourth of 1 per cent in New York.

Under the free-banking act of 1837 bonds of the State, or guaranteed 6 per cent securities, were deposited with the State treasury to the amount of the capital. The bank was then authorized to issue notes to the full amount of stock guaranteed, of any denomination not under $5. The notes were countersigned by the State treasurer and had printed across their face the words "Secured by pledge of State securities." In the charter of the Bank of the Old Dominion, an institution fairly representative of this class of banks, it was provided that there should be a "contingent fund." This was to amount to 5 per cent of the cash capital, and was to be held in the vaults in order to meet any losses on the notes. The free banks were in general well managed and their issues enjoyed a wide circulation and high credit prior to the war.

From 1837 to 1860 about $10,000,000 of notes were, on the average, kept in circulation without loss to the holders. In spite of a brief suspension during the panic of 1857 the banks continued to do business, resuming specie payments in 1858 and redeeming their notes until the war opened. The following statement gives a survey of the resources and liabilities of the banks of Virginia on January 1, 1860:

RESOURCES.		LIABILITIES.	
Loans and discounts	$24,975,792	Capital	$16,005,156
Stocks	3,584,079	Circulation	9,812,197
Real estate	1,019,032	Deposits	7,729,652
Other investments	433,423	Due other banks	1,138,327
Due by other banks	2,756,047	Other liabilities	34,600
Notes of other banks	1,294,093		
Cash items	229,838		
Specie	2,943,652		

SOUTH CAROLINA.

John Jay Knox, speaking of the first experience with banking in South Carolina, says:

"The first era of banking in the new State of South Carolina was in 1792, when the Bank of South Carolina was chartered by the State legislature. * * * Five banks were chartered, viz:

Year.	Title of bank.	Capital.
1792	Bank of South Carolina	$1,000,000
1802	State Bank	1,000,000
1809	Union Bank	1,000,000
1810	Planters and Mechanics' Bank	1,000,000
1812	Bank of the State	5,000,000

"These banks were all located in Charleston, which was at that time the capital of South Carolina. The banks were ably and honestly managed by the best merchants and bankers of Charleston. Of the large amount of money deposited in those banks and the vast issues of currency not a dollar was lost until the civil war of 1861."

"The State bank system in the Southern States before the war," says Mr. Knox, "was popular and as perfect as anything could be outside of national banks. The laws regulating banks in South Carolina gave satisfaction throughout the country, affording as they did a sound currency and ample accommodation to the people. * * * The majority of the banks of South Carolina were located in Charleston. They were banks of issue and were all specie paying."

Some of the South Carolina bank notes, in fact, circulated all over the United States, and even in Europe under certain circumstances. The banking legislation of South Carolina was based entirely upon the principle of note issue secured only by the general commercial assets of the bank, and the success of its system was due solely to the good management enjoyed by the banks from the outset. The ultimate difficulties into which the South Carolina banks fell during the civil war were due to the necessities of the time and the large issue of notes which they were compelled to loan to the Confederate Government.

The Bank of Charleston was chartered in 1834 with a capital of $3,000,000, and succeeded to the business of the branch bank of the United States then about to go out of business. It was not long before the bank was regarded in Europe as one of the foremost institutions in the United States, and by its aid the trade of South Carolina and nearly all of the Southern States was greatly advantaged. At the outset of the civil war the notes of this institution circulated in every one of the States of the Union, and the bank was able to survive the war and pay all of its depositors and note holders in full.

When the war opened there were in all 22 State banks with an aggregate capital of $18,000,000, a circulation of $10,000,000, and deposits of $12,000,000. Not a bank failure had occurred in South Carolina since the close of the Revolutionary war.

NORTH CAROLINA.

The State Bank of North Carolina was established by an act passed in 1810. The capital was $1,600,000, and it was to begin business with one head office and six branch banks. Stock to the amount of $250,000 was reserved for the State itself. Only $200,000 in specie were paid in at the time the bank started in business, yet for a time the institution was prosperous, so much so that during the war of 1812 the notes of North Carolina banks, and among them those of the State bank, bore a premium of 4 per cent in Philadelphia. The general management was bad, and the notes were largely overissued. In 1818 for every dollar of specie on hand the bank had $12 of notes in circulation. A general statement for all the North Carolina banks about June, 1819, shows that although there were $1,640,085 in notes outstanding, only $157,147 of specie was actually on hand in the vaults. The evils of the situation did not lie in the character of the safeguards concerning notes, but in the general laxity of the ideas then existing concerning the payment of capital stock and the conditions under which banks should do business generally.

In 1814 some banks which had previously been chartered by special act had their charters extended, and profiting by the unfortunate experience of the past few years some restrictions were placed by the assembly upon the general business of banking. No notes below $1 were to be issued and a certain amount of taxation was to be levied on stockholders. Whatever wisdom there was in these provisions was, however, offset by other provisions requiring loans to the State and reserving portions of bank stock for the State without any payment in exchange. A somewhat improved condition of affairs, however, set in. All private notes were prohibited and the bills of authorized banks appeared to gain in credit, for during the war of 1812 the notes of the North Carolina banks enjoyed a premium of 4 per cent in Northern cities. They, however, fell off and in some places circulated at 25 per cent discount in 1819 and 1820.

The real difficulties of the situation were explained in a report to the assembly of North Carolina made in 1828. This report finds that most banks in the beginning had failed to require the payment of their capital stock in gold or silver, as provided by the charters, and that they had evaded demands for specie by getting possession of the State legal-tender notes and using them in lieu of coin. In other words, the committee showed that the banking evils of the State were due to doubtful if not dishonest methods of conducting business. So bad was the condition of things as a result of these defective methods that only $157,147 was kept in specie by the combined banks of the State, as against a circulation of $1,640,085.

Various other banks were established from time to time after 1832, among them the Bank of the State of North Carolina, with a capital of $1,500,000, two-fifths of which was reserved for the State. In 1835 the State issued $400,000 of 5 per cent certificates of the denomination of $1,000 each in order to pay for its stock. Banking privileges were bestowed upon various railroad companies and the condition of things did not improve. No special improvement in the State policy toward banking is observable until the Bank of North Carolina was chartered in 1858, with a charter running to January 1, 1890.

The Bank of North Carolina was the successor of the Bank of the State of North Carolina, as the latter had been of the State Bank of North Carolina. It was chartered in 1858–59 with a charter running to 1890. Its capital stock was to be $2,500,000, of which $500,000 was subscribed on behalf of the school fund and $200,000 on behalf of the State university. Only $7,500,000 of real and personal estate could be held by the company. Authority was granted to issue circulating notes not to exceed twice the capital or three times the specie on hand. The notes were to be of $5 and multiples thereof, and were made payable on demand with 12 per cent damages per annum for refusal. The bank was allowed to charge only one-half of 1 per cent per month for discounts. Notes were to be issued at the principal or branch bank where they were made payable, but payments to the bank could be made in notes issued anywhere. Real estate could be held for business and mortgages could be taken to secure previous debts. Branches were established at the outset in seven places. Under these conditions the bank began business, its reserve being principally in gold. On October 20, 1860, it had outstanding $1,311,301 in notes, while specie stood at $490,714. This circulation ran up to $1,673,730 in January 18, 1862, under pressure of the demand from the State treasury, the bank being under obligation to loan to the State, while specie ran down to $517,468. Even in this condition the bank stood as regards soundness at the head of North Carolina banks.

The experience of the State of North Carolina is substantially that of many other States which passed through disastrous exper-

iments with banking. The peculiarity of it is that a longer time was required by this State to work out a sound system of banking. It was not until the establishment of the Bank of North Carolina, just before the civil war, that the State had had sufficient disastrous experience to acquaint it with the dangers of bad banking and the safeguards required by that business. Had not the war come, it is generally agreed by competent contemporary authorities, the next few years after the chartering of the Bank of North Carolina would have seen the State emerge from its unfortunate currency and banking conditions, inasmuch as the new institution was founded upon correct principles which had been worked out in the course of the State's experience or had been copied from other and more successful States.

MARYLAND.

Early banking in Maryland followed closely the form of the Bank of Baltimore, established in 1795 and modeled to a considerable extent upon the charter of the First Bank of the United States. After the subscription of the stock the shareholders were to elect annually a board of fifteen directors, who were to elect one of their number president. When 3,000 shares had been subscribed and $150,000 paid in specie the election of the directors was to take place and operations were to begin when $300,000 had been paid in specie. Each stockholder was entitled to votes decreasing in number proportionately to the increase in shares owned.

Directors must be citizens of the United States, and one-third of them were ineligible for reelection after a year in office. Six hundred shares of stock, amounting to $180,000, were reserved for the State. Only such lands and tenements as were necessary for the transaction of business, etc., were to be held by the corporation, which was permitted to deal only in bills of exchange, promissory notes, gold or silver bullion, or in the sale of the produce of its lands. The maximum rate of interest on loans and discounts was to be 6 per cent. The total amount of debts which the corporation might owe, exclusive of deposits for safe-keeping, might not exceed double the amount of capital actually paid in. No notes less than $5 were to be issued.

In 1790, the Bank of Maryland was established on a very different basis from that of the Bank of Baltimore. Greater privileges were granted, and there were no provisions corresponding to the fundamental articles of the charter of the Bank of Baltimore. Prior to 1812 eleven banks were chartered in Baltimore, six of them starting as private partnerships, although when their charters were later granted their capital stock was distributed by means of subscription. In 1817 charters were required as a preliminary to engaging in banking. In no bank was there any provision that the issue of notes should be specially restricted, except in so far as the condition that the total of the bank's debts should not exceed twice its capital had some effect in this direction.

This limit, however, was so high for those days as to be of little importance, since it very seldom was approached. Perhaps the most important restrictions on banking were those which required personal liability and which confined the business of the banks to strictly banking operations, and demanded that capital should actually be paid in legal money. Another important restriction upon all the banks was found in the fact that the Bank of the United States maintained a branch in Baltimore. This naturally had a tendency to restrict the circulation of State bank notes, because such notes were steadily returned over the counters of the bank which issued them. By this means issues were more or less curtailed and daily exchanges became habitual between the banks.

From 1810 to 1818 occurred a general period of expansion, partly due to the fact that the Bank of the United States had gone out of business and partly to the disturbed financial conditions of the country. During this time occurred a suspension of specie payments in 1814, which, however, was general throughout the country. Resumption occurred on February 20, 1817, at the instance of the second Bank of the United States, which in the meantime had been chartered.

Usually the banks attempted to maintain an amount of cash on hand equal to one-third of their circulation. Though it is impossible to ascertain the exact circulation of bank notes throughout this period, some few returns for selected dates indicate how banking was being done in Maryland. On three such dates returns were as follows:

Year.	Number of banks.	Capital.	Circulation.	Specie.
January 1, 1811	6	$4,895,202	$2,730,000	$850,000
January 1, 1815	17	7,832,002	3,970,000	740,000
January 1, 1816	20	8,406,782	5,615,000	760,000

It thus appears that the specie on hand dwindled very considerably, the percentage of one-third of the outstanding circulation being on the last of the three dates above mentioned only about one-eighth. This, however, as has already been remarked, was due to general conditions throughout the country and not to any peculiarity in the system of banking in Maryland. In that State, as in many others, the notes went to a small discount during the suspension. Early in 1815 this small discount appeared in Baltimore, although the notes had previously stood at par in that city. Some banks failed during this period; but it should be understood what was the cause of the failure. Mr. John Jay Knox states that—

"The bad condition of some of the country banks from 1816 to 1820 may be ascribed to two chief causes: First, their weak organization; and, second, their loans on real estate. Loans had been secured by farmers during the inflation of 1816 to 1817; in 1817 the prices of agricultural products fell and the farmers were unable to meet their obligations. The banks, entering upon a restrictive policy, were anxious to retire as much paper as possible; renewal of loans was refused and in many cases the borrower became bankrupt. Much real estate fell into the hands of the banks, for which at that time the price was low and ready sale could not be found. With their resources locked up in real estate they were unable to meet their cash liabilities and were in almost continual suspension from 1817 to 1820."

It should also be borne in mind that, during this same period, the only failure that occurred in Baltimore was that of the City Bank, which failed in 1819. The system of banking employed in Baltimore was the same as that made use of by the country banks. The only difference lay in the greater use of real estate loans in the country as compared with the city. Then, too, the country bank charters were ordinarily somewhat less strict than they were during an earlier period or than those of the city banks. Very often only one-third or one-fourth of the first installment of the capital had to be paid in specie, and the amount of this first installment varied from one-third to one-half of the capital. Subsequent installments were entirely controlled by the directors, and thus an opportunity was offered for the use of stock notes.

It often happened that even the limitation of debts of the bank to twice the amount of capital paid in was omitted and no limit at all was imposed. Sometimes special acts had authorized the issue of notes of very low denominations. To these several circumstances may be attributed whatever weakness and failure is to be found in the banking system of Maryland. The fact that the system of banking employed was really better than that which prevailed in many other places is apparent from the fact that during the period of reaction and the period of crisis and stringency immediately after 1825, Maryland banks suffered much less than those of other parts of the country. Their entire circulation was then in good credit, none of it being at a discount.

From 1829 to 1836, a considerable banking expansion occurred. The Second Bank of the United States came to its close, being denied a recharter. Seventeen new banks were chartered, and two old ones which had failed in 1821 were revived. Only twelve actually organized. The increase of capital was $4,878,900, or about half as much as that which formerly existed. The new charters required a large quantity of specie to be on hand, this amount varying from the entire amount of the authorized capital to one-fourth of it. The discount of stock notes was forbidden, and numerous other restrictions were put into force. The result was that in 1836, 26 banks in a tolerably sound and solvent condition were in existence. They had a total capital of $19,176,000, of which $15,465,000 had been paid in.

A marked step in advance was taken in 1835, when uniform regulations for banking were introduced. In that year all Baltimore banks were made to conform to the charter of the Merchants' Bank of Baltimore. This charter was given early in 1835, and later banks were merely brought under its provisions. Here the important limitation was introduced that the issues of banks might not exceed the amount of the capital paid in. The total amount of debts, exclusive of issues, was limited to the same amount. Real estate falling into a bank's hands had to be disposed of within five years. The banks could invest in Maryland, Baltimore, and United States bonds. Denominations of bank notes were to be regulated and, in case of suspension of specie payments, interest might be demanded on the notes. In such cases all assets were to be distributed pro rata.

Under these conditions the status of the banks shortly became even sounder than it had been. Such few failures as occurred took place merely on account of recklessnes or bad banking in one form or another. When the crisis in 1837 led to the suspension of the Baltimore, Philadelphia, and New York banks, it appeared that the suspension was purely a protective measure in Maryland, since at the time of suspension the banks had $1 in specie in their vaults for every $3 of notes in circulation, while the ratio of specie to circulation and deposits was as 1 to 8. After resumption, in 1838, a rapid contraction occurred, and

issues fell from $3,400,000 to $2,900,000. Between October, 1839, and January, 1840, discounts declined $2,500,000, or more than one-seventh.

After industrial revival had begun, banking capital in Baltimore was gradually increased and the formation of new banks proceeded gradually from 1843 to 1862. Some savings banks were allowed to issue notes and some old banks were revived or allowed to enlarge their capital. But few failures occurred, although the number of banks was considerable. From 1843 to 1857 the amount of specie in the hands of the banks was always large in proportion to circulation, the condition of all the banks was sound, all redeemed their notes in specie, and no Maryland bank paper was at a discount within the State. A slight discount equivalent to the amount of exchange was to be observed on notes of Baltimore banks offering in New York.

The general situation of the banks may be reviewed in the following table:

Year.	Circulation.	Deposits.	Specie.
1843	$1,743,768	$2,977,174	$2,537,822
1847	2,400,267	3,863,891	2,095,078
1851	3,532,870	5,966,834	2,738,834
1854	4,918,381	8,621,052	3,405,090
1857	5,155,036	9,611,324	3,522,561

A general banking law was passed in 1853 merely representing a codification of laws already in existence.

It may be said that in general, prior to the civil war, the State bank system in Maryland, without any bond security, furnished as good a currency as there was in the United States. Whatever defects there were were due to faulty provisions in the charters, and insufficient restriction on modes of conducting the business.

ALABAMA.

Alabama had an early experience with banking in which two or three institutions unsuccessfully endeavored to carry on the work of furnishing currency without any special restrictions and subject to no clear-cut regulations. The prevalent idea that legislation could create money existed in extreme form in Alabama. By the terms of the constitution it was provided that there might be one State bank, with as many branches as necessary, the State to hold two-fifths of the stock, the rest being owned by citizens. Power was also granted to make provisions under which all banks already in existence might become branches of the State bank.

After various efforts to establish a State bank without specie and without much capital, the State Bank of Alabama was chartered December 20, 1823. Its object was "to provide for the safe and profitable investment of such public funds as may now or hereafter be in the possession of the State, and to secure to the community the benefits as far as may be of an extended and undepreciating currency." The capital was to be provided by the State, largely from the proceeds of various land sales and sales of State bonds. In all, $14,000,000 in State bonds were issued for this purpose, in addition to the proceeds of lands and certain funds belonging to the University of Alabama, in order to provide the capital needed by the State bank and its branches from time to time.

Thus a bank was put into operation based upon bonds and having behind it the entire credit of the State, so that if there were any special virtue in the idea of banking on bond security the history of the State Bank of Alabama ought to have been sufficient exemplification of it. The total amount received by the bank from the State was $15,859,420, but a large part of this sum was the result of stocks issued to keep the bank going during the crisis of 1837. In 1826 the institution had a capital of $253,000; notes outstanding of $273,000; with deposits of $164,000, and discounts amounting to $449,000; specie on hand was $141,000.

Eleven years later, however, in 1837, at a time when the capital had increased to $7,889,886, the notes in circulation had grown to $4,600,000 and its deposits to $6,700,000, but it held only $492,000 in specie. A large part of the assets consisted of bad debts. During the same year it was necessary to issue the $7,500,000 of State bonds already referred to in order to tide the institution over. The charter finally expired January 1, 1845, and the institution went into liquidation, its branches being closed by act of the legislature. The State remained burdened with a debt of $14,000,000 incurred for running the bank, while the schools and university had lost property amounting to a large sum in addition. As a compensation, it should be remembered that during a large part of the life of the bank the people of the State had been relieved of direct taxation.

It is worth while to note why it was that an institution like the State Bank of Alabama, backed up by the credit of the State, should not have been able to do a successful business. The reason is, as usual, found in the methods employed in managing the bank. The charge of the institution was intrusted to a president and 12 directors. Inasmuch, however, as the directors were elected by the general assembly they felt themselves practically obliged to discount the notes of all members of the legislature as well as the notes of those recommended by legislators.

As usual, the claim has been made that the difficulties experienced by the State Bank of Alabama were largely due to its note issues. It is, of course, true that there was no limit to the note-issuing power since the notes were merely to be put out in such sums as the president and directors might deem "most expedient and safe." Statistics, however, show that the amount of notes issued, even under this liberal provision, was never excessive in proportion to capital. One great trouble with the bank's operations in the conduct of its daily business was the tendency to let the specie fall off. As to its solvency, the statistics already quoted show how largely bad debts figured among its assets.

Subsequent to the closing of the State Bank of Alabama various other institutions were chartered, but owing to the relations between the State and the several institutions, as well as to the failure to develop any sound system of restrictive legislation, met usually with but little success.

NEW YORK.

During the first period of banking in New York, extending, say, from 1791 to 1812, there were no failures, although none of the banks were required to pay their notes in specie, circulation was unlimited and unguarded, and the whole business was unrestricted in its methods. When the first bank of the United States retired from business the same experience was passed through in New York as elsewhere. A large field for State banking was opened and the suspension of specie payments in 1814 increased the tendency to expansion. From 1812 to 1829, 24 new banks were chartered and 8 failures occurred.

About 30 bank charters were expected to expire between 1829 and 1833. This was considered, therefore, a good opportunity for inaugurating a new system which might assure protection against the tendency to failure already manifested, as just indicated, and against the other tendencies to unsoundness which were to be noted in other States. Therefore, a plan for a "safety fund," to be established by contributions from the banks and devoted to the payment of the obligations of failed banks, was outlined in the governor's message for 1829, and became a law on April 2 of that year. In cases of failure creditors were to be paid, so far as possible, by the distribution of the assets of the bank in the customary way, after which the comptroller was to meet any deficiency out of the safety fund, which was to be established by contributions from the banks not exceeding one-half of 1 per cent per annum upon their capital stock. This system was very much modified after 1827, and was finally limited so as to apply only to notes and not to deposits. The notes were not to exceed the amount of the capital, and were to be issued only by the comptroller.

The main point to be noted in connection with this system was that the notes were based on the general assets of the bank. Bank commissioners were also appointed to supervise and inspect the several institutions. The contributions to the fund began in 1831. Fifty-two banks were in operation under the safety-fund system in 1832, and there were 12 others outside. There had been a large increase in bank circulation from January 1, 1829, to January 1, 1832, banks outside of New York City and Long Island raising their notes from $4,508,056 in 1829 to $8,622,277 in 1832. In 1835 the number under the safety-fund law was 76, with a capital of $26,231,460, that of other banks in the State being $5,175,000. The circulation of the safety-fund banks was $14,464,023, and they had specie of $5,561,743, and specie funds in city banks amounting to $4,944,877. The safety fund amounted to $400,000. Despite various attacks on the banks and an effort to destroy public confidence in them, and despite, also, the suspension of specie payments by the banks in May, 1837, the working of the safety-fund act up to that year was thoroughly satisfactory.

The free banking law of New York was put into operation in 1837, and some competition arose between the banks chartered under it and the safety-fund institutions. The latter curtailed their loans during 1839 by $15,512,000 and circulation was reduced by $9,000,000. In spite of some friction and some depreciation in bank notes, due to changes in redemption methods, the safety fund was never drawn upon from 1829 to 1841, because no chartered bank became insolvent during those years. When the first bank failure occurred, about the end of 1840, it was found that the safety fund was really applicable to depositors as well as to note holders. This fact gave a fictitious credit to the chartered banks and for a year or two there was reckless expansion of loans as a consequence.

The act passed in 1842 confining the safety fund exclusively to circulating notes really came too late, for within the six months

prior to the passage of this law six banks had failed. Some unwise legislation between 1837 and 1843 tended still further to complicate the condition of the safety fund. As a result of the faulty wording of the original act, which permitted the debts of the insolvent banks to become a charge on the fund, and in consequence, too, of the later legislation, which failed to relieve the dangers of the situation, there was a deficit of $837,806 in 1845. Up to 1846 the total contributions to the fund prior to September 30, 1845, were shown to be $1,885,536, while redemptions of notes amounted to $1,769,922. Thus it is clear that the fund was really an ample security for the circulation of the banks which had failed.

Under the free banking system the institutions organized had been required to put up stocks of the State of New York or real estate mortgages, etc., to an amount nominally equal to the notes they issued. The comptroller of the State, writing in 1846, compared the safety fund and free banking systems, and said:

"In the security of the public under each system our experience in the failure of 10 safety-fund banks and about three times as many free banks proves that the contribution of one-half of 1 per cent annually on the capital of the safety-fund banks has thus far afforded as much protection as the deposits with the comptroller by the free banks of a sum nominally equal to all the bills issued by them. * * *.

"The loss to bill holders on the supposition that all the securities had been stocks of this State and bonds and mortgages would have been over 16 per cent while the actual loss has been nearly 39 per cent. The loss by safety-fund banks to the first holders from delay in payment and consequent depreciation was from 20 to 25 per cent, and there has been a loss of four years' interest to subsequent purchasers, whereas in the case of the free banks the securities were sold and the proceeds paid to the bill holders within a few weeks after the failure of the bank."

One matter that should also be borne in mind is that during the early operation of the safety fund many fraudulent notes were redeemed, owing to the absence of a system of registration, which was afterwards adopted.

The free banking system which was introduced, owing to the complaint that charters were granted to banks through a system of favoritism, was inaugurated as we have seen in 1838. It permitted associations to carry on the business of banking, and to receive and issue circulation upon depositing with the comptroller of the State stocks of the State of New York, or of the United States, or of any State, or bonds and mortgages on improved and productive real estate worth double the amount secured by the mortgage and bearing interest at not less than 6 per cent per annum. If an association refused to redeem its notes, the comptroller warned the managers, and if it continued to refuse for ten days after the warning its securities were sold, and the notes redeemed from the proceeds by the comptroller.

By November, 1840, 71 banks had organized under the free banking law, with a circulation of $5,367,976, secured by State stocks and mortgages amounting to $6,620,580. The friction developed between the free and the chartered banks brought on a slight depreciation of the currency which led to the law of 1840, requiring all banks outside Albany, New York, and Brooklyn to appoint an agent in Albany or New York to redeem their notes at a discount not exceeding one-half of 1 per cent. Free banks were also subjected to inspection, and the securities to be deposited thereafter were limited to those of New York. Thus a system of redemption was elaborated, which produced the same good results as the working out of the Suffolk system in New England.

In spite, however, of all that had been done, 29 banks which had organized under the free banking law had failed, and their securities realized only 74 cents on the dollar of the outstanding note. Some banks were placed in the hands of receivers, and there was a general shock to the confidence of the people in them. Later the system succeeded in getting more thoroughly upon its feet, and in 1848 the number of free banks was 53, while the aggregate circulation was $9,993,762 against deposited securities amounting to $10,640,182. Of these securities, $7,627,092 were stocks of the State of New York, $114,000 those of the United States, $1,514,979 bonds and mortgages.

Here, then, were two systems working side by side, one having its notes protected by a safety fund, the other by specially deposited securities. According to all contemporaneous testimony the contributions of one-half of 1 per cent annually on the capital of the safety-fund banks afforded as much protection as the deposits with the comptroller by the free banks of a sum nominally equal to all the bills issued by them.

In short, the outcome of the safety-fund and free-banking systems showed that there was no reason to prefer the plan of depositing securities with the comptroller to that of requiring protection by means of a safety fund made up from the contributions of the banks at a certain fixed rate per annum. It was clearly demonstrated that the safety of bank notes was dependent solely upon the method of conducting the business of the banks and not upon special securities set apart in order to safeguard them.

PENNSYLVANIA.

There are two periods of banking in Pennsylvania that deserve particular attention. One began very early, about 1782, and lasted until about 1816. During this time various banks were incorporated under special charters, with substantially the same general powers that were allotted to banks in all parts of the Union at this early period. These institutions were permitted to issue notes and do a deposit business. Certain limitations were imposed from time to time upon the methods to be pursued by the banks. For example, stockholders were individually liable at one time for all the debts of their respective institutions, although this provision was shortly after repealed. Further, unincorporated banks were forbidden to receive deposits, discount notes, or issue notes for circulation.

Despite the unsystematic and loose character of the banking regulations of the time, the condition of banks at the opening of the war of 1812 was very satisfactory. In 1812 three of the principal institutions in which the government of the State held stock reported circulation of $2,943,242 and deposits of $2,359,949, against which there was cash in the vaults amounting to $1,722,682. Deducting the notes mutually held by these three institutions, the real outstanding circulation of the combined banks was only $1,867,279, or little more than the cash on hand. Thus up to 1814 a thoroughly satisfactory system of bank currency based on commercial assets and without any extraordinary safeguards, such as the deposit of securities was provided.

In 1814 an act incorporating 41 banks, with an aggregate capital of about $17,000,000, was passed. According to this act the debts of each bank were limited to twice its paid-up capital stock. The rate of discount was limited, holdings of real estate were regulated, and the issue of notes below $5 was prohibited. The banks were required to report regularly. In 1816, 38 banks reported notes in circulation amounting to $8,151,677, and specie on hand of $1,932,321. Deposits were $7,473,823.

Specie payments were suspended during the financial difficulties after the war, and considerable difficulty was experienced in restoring them. It was, in fact, only by the work of the second United States Bank that the institutions were finally driven to resumption. This experience after 1814 occurred under such peculiar circumstances and shaded off in such a way into the sound banking period, which lasted during the life of the second United States Bank, that no inferences can fairly be drawn from it. The United States Bank was, of course, a bank of issue, issuing notes secured like all of its other liabilities, and furnished a sound and thoroughly satisfactory bank currency during the life of its charter.

The second period of banking in Pennsylvania, to which the student of note currency is specially attracted, begins with the act of 1841. This act was intended to relieve a bad condition which had arisen subsequent to the close of the career of the second Bank of the United States as a government instutition. After the destruction of that bank there had been a suspension of specie payments, which were ordered resumed by an act of 1840, under penalty of confiscation of charters. This threatened confiscation was revoked by the act of 1841.

In 1842 the banks were, however, again ordered by law to resume specie payments. Most of them complied, and in 1843 a new era opened with a total capital of $16,868,555. In 1850 the law of banking in Pennsylvania was elaborately codified. Stockholders were given additional liability to the note holders to the amount of all notes issued. Legal means for making this liability effective were also provided. But the most important feature of the act of 1850 was the institution of a system of redemption somewhat resembling the Suffolk bank system. Bank notes were to be kept at par in Philadelphia for the eastern part of the State and for the western at Pittsburg. In case of failure on the part of any institution to live up to these requirements a tax of two-tenths of 1 per cent of outstanding notes was to be paid.

Furthermore, provisions similar to those which subsequently became so familiar regarding the paying out only of the bank's own notes were included. The banks were to pay out no notes except those issued by themselves and redeemable on demand in gold or silver, notes of specie-paying banks of Pennsylvania which might have been taken on deposit or in payment of debts and certain other notes issued in accordance with special provisions of the act of 1841. The idea here was to prevent the banks from assisting in circulating any notes whatever, save those which were known to be of established goodness. Under this legislation the banks generally conducted their business in a satisfactory way down to the panic of 1857, when they, like many other institutions, was obliged to suspend. As is well known, however, the crisis of 1857 was nowhere the result of bad banking, but of bad commercial conditions.

The introduction of a bond-secured currency system did not come until 1860, when an act authorizing the organization of banks permitted to issue notes based upon State bonds was passed. The system was by no means successful, and very few banks were ever incorporated under it. This was largely due to the outbreak of the war and the disturbed financial conditions of the time. No comparison, therefore, can be instituted between banking on bond security and on general commercial assets in Pennsylvania. The interesting characteristic of Pennsylvania banking is that it affords two separate instances in which sound and solvent systems of banking under general laws without special security for notes were developed. In 1859, just about at the close of a second period of State banking just described, the circulation of the 87 Pennsylvania banks then existing amounted to $11,980,480, while the specie held by them was $11,345,536.

Public Building Bill.

SPEECH
OF
HON. MELVILLE BULL,
OF RHODE ISLAND,
IN THE HOUSE OF REPRESENTATIVES,

Tuesday, April 29, 1902,

On the bill (H. R. 14018) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes.

Mr. BULL said:

Mr. SPEAKER: This bill, among other provisions, contains the following section:

SEC. 10. That the Secretary of the Treasury be, and he is hereby, authorized and directed to accept as a donation from the city of Providence, in the State of Rhode Island, a suitable lot of land situated in Exchange place in said city, containing not less than thirty-one thousand square feet of ground, as a site, and to contract for the erection and completion upon said site of a suitable fireproof building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, complete, for the use and accommodation of the United States post-office, court-house, and custom-house and other governmental offices in said city, at a limit of cost for said site and building of one million dollars, hereby fixed.

When said building is completed and occupied by the United States authorities the Secretary of the Treasury is hereby authorized, in his discretion, to sell the present post-office, court-house, and custom-house building and the site thereof, situate at the corner of Weybosset and Custom-House streets, in the city of Providence and State of Rhode Island, at public or private sale, after proper advertisement, on such terms as he may deem to be to the best interests of the United States, to execute a quitclaim deed to the purchaser thereof, and to deposit the proceeds of said sale in the Treasury of the United States as a miscellaneous receipt: *Provided*, That said building and site shall not be sold for any sum less than $300,000.

The Committee on Public Buildings and Grounds, in its report to the House upon the bill, comments upon the foregoing section, as follows:

Section 10: In 1854 the site in Providence, R. I., upon which the post-office building is now located, was purchased for $40,000. The present building was completed in 1857. The total cost of site and building to June 30, 1901, is $328,765.55. The city of Providence offers to donate to the Government as a site for a new building a tract of land in Exchange place, directly opposite a magnificent city hall, and within a stone's throw of a beautiful State capitol building, the site to be donated being worth about $500,000. The postal situation in Providence is bad, very bad, and patient indeed have been the people in that vicinity in waiting until now for relief. The present building and site can be sold, when the new building is completed, for almost as much as they have cost the Government to date.

Mr. Speaker, the section of the bill under consideration which I have read, providing for the erection of a public building in the city of Providence, R. I., will, I most ardently hope, remain in the bill, and be written upon our statute books, as now appears very probable, before the adjournment of the present session of Congress. This provision is the culmination of many years of patient waiting and painstaking effort on the part of the citizens of the city of Providence, and, in fact, of the people in general of the State of Rhode Island, for whatever makes for the good of our metropolis and capital city results beneficially to the entire State. It is therefore to this particular item in the bill that I desire to address myself.

Mr. Speaker, I am heartily in favor of and glad of the chance to vote for this bill, so carefully and diligently framed by the Committee on Public Buildings and Grounds, of which my genial and distinguished friend from Nebraska [Mr. MERCER] is chairman. I am glad to support this bill, not alone because it provides for the erection of a new public building in the city of Providence, which is in the district I have the honor to represent, but because the bill represents the conscientious efforts of that committee to bring in a measure here which could and will command the honest support of both sides of this House. This bill is an innovation in the matter of legislating for the erection of public buildings. In legislative nomenclature it is known as an "omnibus" bill because it carries items for the erection of buildings in many cities and towns throughout the country, and in many other cases increases the limit of cost of buildings heretofore authorized, or provides for the purchase of sites.

Such a bill has never before been considered by the House; hitherto each city demanding a public building was made to take its chances in a single, independent measure, and by that course Congress after Congress failed to recognize the just demands of our populous centers for relief from congested and overcrowded conditions of the postal, revenue, judicial, and other branches of the public business. But the great growth of our country, the increased amount of business transacted incident thereto, in private and in public institutions, and the consequent enlargement of Congressional representation and the increase in the number of legislative propositions submitted, renders it a physical impossibility, if not undesirable, to further legislate by piecemeal for the accommodation of the vast interests of the Government located in our cities and large towns. So it became necessary, if the Government's business is to be properly transacted, to make a departure and bring in one general "omnibus" bill providing for the most urgent and meritorious cases. This method of legislating has been adversely criticised; it has been called "logrolling," a "raid" on the Treasury, and the "danger" of it has been pointed out, mainly by those who failed to be provided for or by those who are ignorant of the merits of each item in the bill.

In reply to such criticisms it seems only necessary to state that every case in the bill was closely scrutinized and most carefully considered. They have been pending here, some of them, for years. Successive committees passed favorably upon them time and again, and one House or the other passed many of them. Take, for example, the case of the city of Providence, with which I am familiar. This is the fourth term in which my colleagues and I have been striving to secure the authority just about to be granted, and prior to my advent here my predecessors labored in the same cause; and I venture the assertion, and I believe the gentleman from Nebraska [Mr. MERCER] will bear me out in it, that of all the cases in this "omnibus" bill there is not one more meritorious than that of Providence. I will not say it is the most meritorious case, for I am as willing to accept the statements of other gentlemen as to the merits of the respective cases in which they are interested as I know they are to accept my statements as to Providence. It is also because of these statements and because of the confidence we all have in the rugged honesty and integrity of our friend [Mr. MERCER] and his associates on the Committee on Public Buildings and Grounds, that I give my hearty support to this bill.

The innovation thus made in the method of legislating for public buildings is in keeping with our progress in methods of doing business, both mercantile and legislative. It is directly in the interest of the people, for it closely affects their relations with the Government in many of its most important branches. There is as much, if not more, justification for it, to my mind, as in legislating in one general bill for the improvement of rivers and harbors. Who would advocate a return to the old system of a separate enactment to improve the rivers and harbors now provided for in the river and harbor appropriation bill? Such a step backward would as effectually put a stop to our commercial growth as would a blockade of our ports. And it is just as necessary that we should make wise, liberal, and periodical provisions for the accommodation of the extensive and varied machinery of the Government service as its needs appear to warrant from time to time.

I do not for a moment urge indiscriminate expenditures for public buildings. I do not think every city or town applying to Congress for a public building should get one, or, on the other hand, that we should deny them to all places as we have done for several Congresses, partly in a spirit of economy amounting to parsimony and partly through our indisposition to consider any one case in preference to others and through fear of letting down the "flood gates" if we took up the subject at all. But there is a safe, conservative middle ground in this matter, as in all things, between the extremes of reckless extravagance and cheese-paring parsimony upon which I think we safely stand in advocacy of the pending bill.

It requires but a glance at the following tables, compiled by the Committee on Public Buildings and Grounds, to show with what discriminating care the committee prepared this bill. The first table shows that the amount involved in the bills considered by the committee aggregated the sum of $66,975,936, while the second table shows the total amount apportioned by the pending bill to be only $17,405,450, a reasonable amount, yet liberal and well distributed.

Bills pending before the committee asking for authorizations amounting to $66,975,936, by States, Territories, and District of Columbia.

Alabama	$298,000	New York	$7,072,300
Arkansas	225,000	North Carolina	550,000
California	3,085,000	North Dakota	200,000
Colorado	1,575,000	Ohio	2,905,000
Connecticut	800,000	Oregon	310,000
Florida	815,000	Pennsylvania	1,828,000
Georgia	1,430,000	Rhode Island	1,625,000
Illinois	1,645,000	South Carolina	550,000
Indiana	1,325,000	South Dakota	475,000
Iowa	1,883,000	Tennessee	890,000
Kansas	300,000	Texas	1,515,000
Kentucky	1,179,000	Utah	200,000
Louisiana	2,090,000	Vermont	350,000
Maine	575,000	Virginia	1,905,000
Maryland	150,000	Washington	2,400,000
Massachusetts	3,776,200	West Virginia	920,000
Michigan	1,815,000	Wisconsin	940,000
Minnesota	575,000	Wyoming	200,000
Mississippi	180,000	New Mexico	100,000
Missouri	1,147,500	Oklahoma	200,000
Montana	475,000	Alaska	50,000
Nebraska	1,070,000	Hawaii	1,200,000
Nevada	60,000	District of Columbia	12,811,936
New Hampshire	200,000		
New Jersey	1,155,000	Total	66,975,936

Statement showing apportionment by States, Territories, and District of Columbia of the authorizations carried in H. R. 11018.

Alabama	$140,000	New Jersey	$315,000
Arkansas	225,000	New York	1,552,250
California	1,050,000	North Carolina	125,000
Colorado	345,000	North Dakota	125,000
Connecticut	325,000	Ohio	991,000
Florida	75,000	Oregon	160,000
Georgia	295,000	Pennsylvania	758,000
Illinois	526,000	Rhode Island	1,000,000
Indiana	550,000	South Carolina	235,000
Iowa	615,500	South Dakota	280,000
Kansas	141,000	Tennessee	350,000
Kentucky	160,000	Texas	500,000
Louisiana	200,000	Utah	125,000
Maine	197,000	Vermont	195,000
Maryland	50,000	Virginia	318,000
Massachusetts	263,200	Washington	270,000
Michigan	342,500	West Virginia	475,000
Minnesota	318,000	Wisconsin	490,000
Mississippi	155,000	Wyoming	100,000
Missouri	678,000	Oklahoma	100,000
Montana	50,000	District of Columbia	1,575,000
Nebraska	525,000		
Nevada	60,000	Total	17,405,450
New Hampshire	80,000		

The expenditures authorized by this bill are in each case the result of deliberate study of the actual necessities of the public service, present and prospective, based upon thoroughly considered estimates, facts, and conditions, ascertained by searching investigations conducted by Treasury Department officials and experts and by members of the Committee on Public Buildings and Grounds, and are to be relied upon to intelligently direct the House in the disposition of the bill before it.

So much for the subject in general. As to the city of Providence in particular, that city has been knocking at the doors of Congress for years asking for decent accommodations for the Government's business there. Her business men and board of trade have petitioned, her newspapers have cried aloud, her officials and those of the State of Rhode Island have sought, and her good citizens generally have prayed for the relief which is only now and at last in sight.

This House has always been the great stumbling block. Either our rules or the condition of the Treasury has intervened as an excuse to prevent action. The Senate has repeatedly passed a bill for the erection of a public building in Providence, and each time it has come here only to die, not of inertia, but of lack of opportunity for consideration, or by being confronted with the stern necessity for retrenchment. Nearly five years ago the chairman of the Committee on Public Buildings and Grounds [Mr. MERCER] and the Supervising Architect of the Treasury Department (Mr. Taylor) told me that they thought Providence was in greater need of a new public building than any other city in the country; and those gentlemen have had that belief fully confirmed by subsequent personal investigations of the conditions there, and have shown by their earnest efforts to cooperate with the Rhode Island delegation to secure an appropriation by Congress that they meant what they said and realized the necessity of complying with our just demands.

Aside from the actual necessity for a public building in Providence we present a preeminently meritorious case. We offer to donate to the General Government a site for the building worth, it is locally estimated, at least $700,000, right in the heart of the city of Providence; it is a model site, with abundant open space to afford the building protection from fire from adjacent buildings, yet within a few minutes' walk of the business portion of the city, municipal and State buildings, and the new union railroad station.

I can not find that another city has been quite so liberal. Smaller cities, notably St. Paul, Minn., and Atlanta, Ga., donated sites, and also the following cities and towns: Austin, Tex.; Bristol, Tenn.; Cairo, Ill.; Chattanooga, Tenn.; Dallas, Tex.; Fort Scott, Kans.; Hartford, Conn.; Jefferson, Tex.; Lincoln, Nebr.; Memphis, Tenn.; Ottumwa, Iowa; Owensboro, Ky.; Lowell, Mass.; Pueblo, Colo.; Saginaw, Mich.; Sedalia, Mo., and Taunton, Mass. But all of these places having less population than Providence, and the original amounts appropriated for the erection of public buildings therein having been smaller, I venture to assert that no city in the United States has made so magnanimous a donation to the Government, and that too, notwithstanding its claims to a new building were recognized as being extremely just. Of the cities of the United States having a population of 150,000 or over, according to the census of 1900, the cost of sites for post-offices and other buildings therein, was as follows:

New York, $600,000; Chicago, $1,300,000; Philadelphia, $1,700,000; St. Louis, $400,000; Boston, $1,300,000; Baltimore, $550,000, Cleveland, $600,000; Buffalo, $45,000; San Francisco, $1,200,000; Cincinnati, $700,000; Pittsburg, $300,000 ($46,176 donated by citizens); Detroit, $400,000; Milwaukee, $400,000; Newark, $350,000; Jersey City, $72,000 (building and site); Louisville, $141,000; Minneapolis, $93,000; Indianapolis, $800,000; Kansas City, $450,000; Rochester, $75,000.

These figures will show at a glance the great liberality of the city of Providence in providing its own site, valued at $700,000. The diagram (see next page) which I will insert in the RECORD with my remarks shows the advantageous position of this site.

The present public building and site in Providence are authorized by this bill to be sold for not less than $300,000, so it will be seen that the limit of cost for the new building—$1,000,000—does not exceed the value of the site donated, together with the amount to be paid for the old building and site; but it is thought, however, that $1,000,000 will prove inadequate for the new building, and that the limit of cost will have to be increased in the future to not less than $1,500,000. The city hall in Providence, which stands at one end of the open square in which the site for the new building is located, was built during a period when low prices for material prevailed, yet its cost was something over $1,000,000, and it covers but 21,000 feet. The new public building will be one-third larger in area and can not be expected to cost less at prevailing prices than the city hall, foot for foot; but our people are only too glad of the start that has been made and are confident that Congress at some future time will see the necessity for a larger appropriation.

The building to be erected in Providence will be for the use and accommodation of the United States post-office, court-house, custom-house, and other governmental offices in that city. In a report from the Committee on Public Buildings and Grounds, submitted in the last Congress, the conditions then existing in the Government offices in Providence were described as follows:

All of the Government offices in that city are located in two small buildings. One, a two-story building acquired by the Government in 1817, is occupied by the appraiser's clerks and also used as a warehouse, and the other building, a three-story structure, is used by the post-office, customs office, district attorney, United States circuit and district court clerks, judges, etc. The latter building was erected in 1854 at a cost of $40,000, and there has been no increase of accommodation since. The business of the post-office suffers to a greater extent by the crowded condition of this building than the other branches of the public service, although all the offices are badly cramped for room.

An inspector of the Post-Office Department reported, on November 11, 1895, relative to the need of establishing carrier stations in order to relieve the crowded condition of the post-office, that by a personal investigation he found the employees very badly cramped for room, and the office probably as overcrowded as any in the United States. "It is so badly crowded," he stated, "that in the city delivery room it has been found necessary to build an elevated platform 12 by 16 feet, on which ten carriers are obliged to work." The lock boxes were reported in very bad shape and the ceiling black and smoky, giving the office a gloomy appearance. Further reports were made to the Department by two inspectors in November, 1896, from which the following is extracted:

"Further action by the Department will be required in addition to authorizing increase of the carrier force, in order to bring about a degree of improvement at the Providence office which is desired. The post-office building is notoriously too small for the proper accommodation of the employees. It is perhaps the most overcrowded of any first-class post-office in the country. It has been necessary to build an elevated platform in the office, on which 15 carriers are obliged to work while routing up their mail, there being no room for their desks on the floor of the office. This platform is not only poorly lighted, but it is a hot and disagreeable place for men to work. If the extra carriers herein recommended should be allowed, it would be a very difficult matter to find a place in the office for them to work."

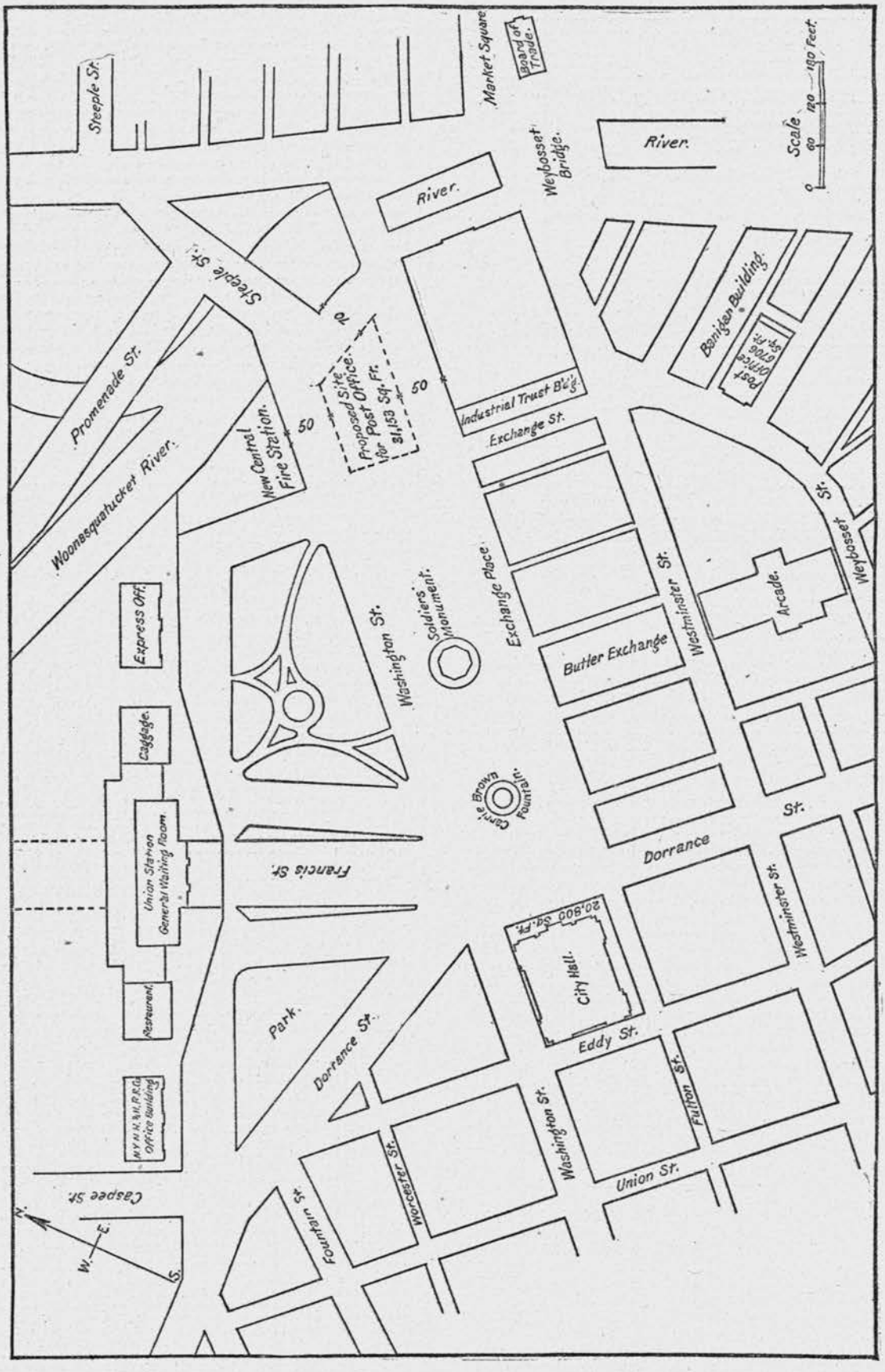
The inspector in charge, under date of December 31, 1897, reported in regard to the furniture that "with the exception of the boxes (which have recently been put in) and the carriers' assorting tables, the furniture and fixtures are antiquated and dilapidated. The letter cases actually have to be tied together to prevent utter collapse."

Some little relief was obtained by the establishment in the fall of 1897 of two carrier stations.

There is no accommodation for the storage of stamped paper. Thousands of dollars' worth of supplies often have to be stored in the lobby allotted to the public, much to the inconvenience of the latter and at a great risk of loss by theft. Insufficient space in the mailing room made it necessary to hang a large number of bags and pouches on the walls. High buildings surround the post-office not over 20 feet away, cutting off the light and making it necessary to burn electric and gas lights day and night at the large annual expense of $4,500 to the Government, to say nothing of the injurious effects produced upon the eyesight of the clerks in the office.

The total area of the present office is 5,824 square feet. The actual working room is less than 3,000 square feet, affording a space of about 5 feet square to each employee, with desks, tables, stands, cases, etc.

Diagram showing site offered to be donated to the Government by the city of Providence, R. I.



More recent information, which accentuates the conditions above described, is contained in the following letter from the postmaster at Providence:

PROVIDENCE POST-OFFICE, OFFICE OF THE POSTMASTER,
Providence, Providence County, R. I., February 5, 1902.

Hon. MELVILLE BULL, M. C.,
Washington, D. C.

MY DEAR SIR: I beg to acknowledge receipt of your communication of 31st ultimo, and in reply to say that I will furnish you with a few facts caused by the lapse of time since the report was printed. It is true that there have been a good many minor changes made in the office since your report was made up, but every foot gained by such changes has been taken up by the addition of more men to perform the increased labor. A "deck," 16 feet by 47 feet, is now being erected at a cost of $1,225, largely for the purpose of storage.

The business of the office is rapidly increasing, as will be shown by the following figures, viz:

The gross receipts for the fiscal year ending June 30, 1901	$419,128.05
The gross receipts for the fiscal year ending June 30, 1898	339,720.48
Increase of gross receipts in four years	79,407.57
The net revenue for fiscal year 1900	239,776.10
The estimated net revenue for fiscal year 1901	260,000.00

Money-order business from January 1, 1901, to December 31, 1901.

	Number of transactions.	Amount.
Main office	153,483	$2,335,204.73
Elmwood station	4,609	69,993.55
North station	3,219	60,975.56
Olneyville station	8,112	134,103.40
27 substations	11,577	85,359.79
Total	181,000	2,685,637.03

The size of the room in which the money-order business of the main office is transacted is about 300 square feet.

The population of the city of Providence, as shown by the United States census of 1900, was 175,597, and to-day the health superintendent estimates it as 180,000.

The fact remains, however, that there are only a little over 5,000 square feet of floor space, including the lobby, which is so crowded at times that it is almost impossible for people to transact their business. The boxes are put in such a crooked shape that men have to wait while others are getting their mail. A few days ago in passing through the lobby I counted 23 persons in line at the stamp window, and 85 all told in the lobby, and during the recent holidays it was so congested as to make it very difficult to do business.

Inclosed herewith I hand you the copy of the report sent me.

Very respectfully,

CLINTON D. SELLEW, *Postmaster.*

There is little difference between the figures submitted by the postmaster and those given in the official report of the Post-Office Department as to the total amount of business transacted in the Providence post-office. The Department's figures for the fiscal year ending June 30, 1901, are as follows:

Gross receipts	$418,836.05
Net revenue	262,069.24

These facts and figures show conclusively the great need of a new building in Providence for the accommodation of its large and rapidly growing postal business, to say nothing of the greater importance of providing more comfortable quarters for the employees engaged in that work, whose health is now being injured and whose lives are in jeopardy in the present building. Modern buildings now surround the present post-office, dwarfing it completely and giving it a squatty appearance. In case of fire in the vicinity it would have meager chance of escape from destruction, as it is hemmed in on all sides.

The new building will also accommodate the Internal-Revenue Service, which is greatly cramped in its present quarters. Rhode Island is in the internal-revenue collection district of Connecticut. The aggregate collections in both States during the fiscal year 1901 were $3,099,988.95, and those for the State of Rhode Island were $1,287,095.61.

The customs service at Providence will find much needed relief in the new building. This service is steadily growing, and with improvements now in progress and those contemplated in the water approaches to Providence, and in the enlargement of its harbor, it is thought that Providence will soon take its rightful place as one of the great seaports of the Atlantic coast. Hitherto the commercial development of Rhode Island and its high standing as a manufacturing center have been achieved and attained by the inherent and indomitable pluck and business perspicacity of its people, combined with their thrift, energy, and enterprise. The State has not enjoyed the advantages of natural resources, and has been handicapped by lack of land and water facilities which might have added to its opportunity for development. In commenting upon these peculiar features of Rhode Island's commercial position, the bulletin of the Twelfth Census devoted to the subject of manufactures in Rhode Island says:

The factors that have contributed to this growth are limited; it must be attributed to the early and successful establishment of the factory system, particularly in the cotton manufacture; to the natural tendency of one industry to stimulate the introduction of other industries; to the abundance of capital, and to the enterprise and skill of the citizens. Rhode Island possesses no natural resources which have materially aided in its development. There is but one railway system of any importance connecting the manufacturing centers of the State with the outside world, thus eliminating the advantages of competition in railroad freight rates. The State has a natural outlet by water in Providence River and Narragansett Bay, making one of the finest harbors on the New England coast, but the lack of proper dockage in Providence Harbor, the natural port for the outlet of the State's products, combined with a too shallow depth of water for ocean traffic, has deprived the manufacturers of any great benefit from geographical location. The coal and raw materials for the factories are transported long distances, and this fact renders more notable the preeminence of the State in certain of the finer products of iron and steel, such as textile and other mill machinery, machine tools, screws, etc.

Since this comment was made Congress, in the river and harbor bill of this session, has provided for the expenditure of $100,000 during the fiscal year 1902 to improve the harbor of Providence in order to increase its anchorage area. This work will continue from now on at a total estimated cost of $600,000, and when completed will provide an increased anchorage area of 171 acres. This improvement, together with the improvement of Narragansett Bay and Providence River, now progressing, should and will increase the ocean and coastwise trade of Providence. But, notwithstanding the disadvantages under which Providence has been placed in the matter of transportation facilities, the amount of revenue collected at the port of Providence during the calendar year 1900 was $324,212.06 as against $224,668.99 for the previous year. The tonnage of the port, as well as of Pawtucket, the interests of which city and Providence are identical, an imaginary line only dividing them, and other interesting statistics are shown in the following report of the harbor master of Providence for 1901:

Report of harbor master, port of Providence, R. I., for the year ending December 31, 1901.

Providence:	
Number of vessels arrived at this port	1,864
Number of oyster-boat trips (estimated)	3,000
Number of steamer trips	7,950
Number of tug-boat trips (estimated)	435
Total Providence	13,249
Pawtucket:	
Number of steamer trips and vessels arrived	1,200
Total Providence and Pawtucket	14,449
Providence freight:	Tons.
Coal	2,000,662
Lumber (22,937,452 feet)	39,924
Laths (12,770,660)	2,554
Shingles (2,708,000)	339
Brick (2,099,331)	4,198
Oil (4,905,000 gallons)	14,426
Oysters (560,000 bushels)	15,555
Miscellaneous	35,032
Steamers' freight	753,329
Total Providence freight	2,866,019
Pawtucket freight	220,000
Total Providence and Pawtucket freight	3,086,019
Providence passengers, by steamers in and out	1,561,210
Pawtucket passengers, by steamers in and out	55,000
Total passengers, Providence and Pawtucket	1,616,210

NOTE.—The above estimates of oyster and tug boat trips are practically correct.

Respectfully submitted.

J. T. P. BUCKLIN, *Harbor Master.*

Gain over previous year, 112,516 tons, 187,756 passengers.

Terms of the United States circuit and district courts are held in Providence. The courts meet in the upper part of the building occupied by the post-office, and there also are located the offices of the United States marshal, district attorney, and clerks. It is a contracted, inaccessible, and undesirable place for such purposes. The dignity and importance of the Government's legal machinery in the State of Rhode Island long since required better and more commodious quarters.

As stated before, the present building in Providence, used by all the Government offices in that city, was erected in 1854. The population of Providence at that time was about 50,000. According to the census of 1900 the population of Providence was 175,597. Estimates place the figures now at 180,000, but it is hardly an exaggeration to state that the true population to-day is 225,000. The city is surrounded by towns, villages, and communities, many of them separated from the city only by imaginary lines, while those adjacent are reached in a few minutes by a splendid electric-car system converging in all directions, thus bringing the people for miles around in close contact with the city and making them to all intents and purposes its citizens. A writer truly described the relative position of Providence as follows:

The geographical position of Providence is such as naturally makes it the converging point for the surrounding country. It lies at the head of navigation on Narragansett Bay, 30 miles from the ocean. The business section is at the confluence of two small rivers, the Mosshasuck and the Woonasquatucket, with the tidal waters of Providence River; but the city extends miles in all directions from this center, covering on the east a high ridge between the Providence River and the Seekonk, the tidal estuary of the Blackstone River; on the north and northwest, spreading out over the low hills which rise from the union of the rivers, while to the west and south the main bulk of the city now stretches. A short distance below the city line, on the south, the Pawtuxet River flows into Narragansett Bay. The valleys of these four rivers, the Mosshasuck, the Woonasquatucket, the Pawtuxet, and the

Blackstone, are dotted with a continuous succession of manufacturing cities, towns, and villages, engaged in the cotton, woolen, and other manufactures, and as every valley, as well as each shore of the bay, has its railroad, all these places are in close communication with Providence, their shipping point and base of operations.

Providence is, therefore, in the truest sense a metropolitan city. It is also cosmopolitan, but it is a distinctively American city, and its people are patriotic to the core. The area of the city of Providence is 18.29 square miles. In 1890 it had a population of 132,146, and stood twenty-fourth in the list of American cities. It grew during the last decade by leaps and bounds, and in 1900 was the twentieth city in point of population in the United States. It ranks second in this respect among the cities of the New England States. It is estimated that should the public building to be erected stand for fifty years, about the age of the present building, the population to be served will be not less than 600,000, and that if the increase in population during the next fifty years equals that of the last fifty years it will be nearer 1,000,000 than 600,000.

Providence itself is not without magnificent and costly local and State buildings. The new statehouse, opened January 1, 1901, erected by the State of Rhode Island at a cost of $3,000,000, is one of the finest buildings of its kind in this country. It is said to have the only marble dome in the world outside of India. This great building is only a short distance from the site of the new Government building. The Providence city hall, erected in 1878 at a cost of $1,000,000, a stately and substantial building, is almost within stone's throw of the site to be donated to the Government. The new union railway station bounds Exchange place on the north and lies just to the left of and between the city hall and statehouse. This is a commodious, well-equipped, and modernly appointed structure of light brick and terra cotta.

The new public building will be just east of this station a short distance, and its convenience in the matter of quick dispatch of mails is at once apparent. The south side of Exchange place is lined with large business houses and office buildings, and in course of erection, between the railway station and the new building site, on the north side of Exchange place is the new central fire station. This building, exclusive of land, will cost in excess of $160,000. Thus it will be seen that in the very heart of Providence in a great open space, much of it reclaimed by the city at enormous cost, will be located, at practically no expense to the Government, a building wherein the Federal business may be transacted with every modern facility at its door. This space will then be surrounded by an imposing statehouse, a handsome municipal home, up-to-date railroad accommodations, fire apparatus housed in unusually fine quarters, blocks of mercantile houses and the realization of hopes entertained for years—a Federal building comporting with the material growth of Providence and with the dignity of the Government's interests located there.

All of these national, State, municipal, and private utilities within sight and easy reach of each other, yet sufficiently separated by open space as not to be endangered in case of fire.

But I have mentioned only a few of the buildings of which Providence may justly boast—those in the business heart of the city. Not far from the new statehouse is the State normal school, another splendid State edifice with spacious surroundings. Then there are the Brown University buildings, the Industrial Trust Company, Union Trust Company, Rhode Island Hospital Trust Company, Public Library, and Banigan buildings, which may be classed as "sky-scrapers;" the Young Men's Christian Association and other association buildings, the home of the Hope Club and other club houses, many handsome church edifices, palatial homes, and less pretentious but substantial business houses and private residences furnish abundant proof of the building progress and stability of the city of Providence. And besides these structures, all completed, or in a few cases nearing completion, the city of Providence authorized expenditures for new schoolhouses, new fire stations and sites in 1900 and 1901, aggregating $455,000.

Providence has 96 school buildings, 26 fire stations, and 7 police stations. The city owns 20 other buildings, including the Board of Trade building, Highway Department buildings, etc. In the first quarter of 1901 the total enrollment of pupils in the schools of Providence was 26,548. The city of Providence owns real estate, public buildings, parks, waterworks, etc., valued at $12,000,000. The valuation of taxable property in Providence for 1901, real and personal, was $192,801,860, upon which taxes were paid amounting to $3,084,829.76. The cost of an improved sewer system up to September 30, 1901, was $8,000,000.

Providence has a public park area of 23,003,983 square feet, valued at $1,501,057. Roger Williams Park, the largest park in the city, contains over 400 acres. This park is the city's popular pleasure ground. No less attractive and beautiful than the park itself is the main approach to it by way of Elmwood boulevard. Another beautiful boulevard is the Blackstone, and also known by this name is a park of about 35 acres, and another park of about the same area—Davis park—of great natural beauty, is convenient to the homes of a large population.

The total indebtedness of Providence in 1901 was $17,321,460.46, or, deducting sinking funds amounting to $3,284,521.32, the total indebtedness was $14,036,939.14, which includes a water debt of $6,000,000. The estimated income of the city for 1901–2 is $3,844,702.76. The city tax rate in 1901 was $14.35 per $1,000. The indebtedness of Providence practically represents the cost of her modern improvements. Since 1891 the bonds of the city have commanded a higher premium than those of any other New England city.

In the matter of street railroad transportation Providence has made marvelous progress. In 1901 the mileage of one company alone was increased 10 miles, making 260 miles of track operated by that company. Other companies made extensions, and during the year 1901 general improvements, such as the construction of new shops, car and power, were made by the street railway companies of Providence, and freight or express service was introduced upon the tracks of the system between Providence and villages throughout the State of Rhode Island. Practically the entire State is now admirably equipped with a splendid system of electric railways, the natural center of this traffic, of course, being the city of Providence. On the line between Providence and Fall River, Mass., electricity has been substituted for steam with excellent results. Altogether, rapid transit facilities in and surrounding Providence, and extending into the adjoining States of Connecticut and Massachusetts, form a system which can not be excelled, if equaled, in any other part of the country.

I have referred to the number of school buildings in Providence and to the number of pupils. The schools are admirably conducted. Brown University is a name synonymous with that of Providence. The mention of one suggests thought of the other. This great seat of learning was founded in 1764. It was in this institution that the first seeds of religious toleration took root. The university has been administered from the beginning in the most broad-minded spirit, and its influence and power have increased steadily until it is now recognized as one of the foremost colleges in this country. The buildings of the university are clustered picturesquely on a high hill overlooking the city from the east.

Friend's School, widely known as an excellent preparatory school, is another important educational establishment in Providence. In addition to a large number of private and parochial schools, the State has two educational institutions located in Providence—the State Normal School and the State Home and School. Of the city schools the most prominent are the English High School, the Classical High School, and the Hope Street High School. Fifteen grammar schools, 68 primary schools, and 24 kindergarten schools complete an educational system from the lowest to the highest branches perfect in every detail.

The libraries of Providence are important educational factors. Chief among them is the Providence Free Public Library, which by excellent management is brought into close relations with the people. This library has a handsome, thoroughly equipped, and modern home. Other libraries are the Franklin Lyceum, Booklovers', Brown University, Olneyville Free Library, Providence Athenaeum, Young Men's and Women's Christian Association, Horticultural Society, Medical Society, State Law, State Library, and others, all of which contribute abundantly to the entertainment, edification, and education of the people.

There are 136 regularly organized religious congregations, missions, etc., in the city of Providence, many of which occupy large and imposing edifices of handsome architectural design.

Providence abounds in a great variety of institutions, such as charitable, benevolent, religious, and secret societies, military and educational organizations and social clubs, numbering in all 483. Many halls, some of them large and costly, accommodate these various institutions. Nineteen national banks are located in Providence, with a total capitalization of $10,525,000. State banks in Providence have a total capital of $741,675. Altogether there are 38 public banking institutions in Providence, besides a number of private banks. The newspapers in the city—daily, weekly, and monthly, including periodicals and magazines—are 34 in number. Seven first-class theaters furnish amusement for the people.

Elsewhere I have incidentally referred to the manufactures of Providence in connection with its commerce. In her manufactures Providence is unique. It is to this branch of industry that she owes her advancement more than to any other. The introduction of the cotton manufacture toward the close of the eighteenth century laid the foundation for other industries which afterwards started in Providence, and which have since grown to large proportions. The manufacture of engines, mill supplies, and machinery followed the extension of the chief industry, and following in their wake came the manufacture of woolens, locomotives, files, jewelry, silverware, screws, and many minor industries, because of the facilities at hand. Thus great industries were established and developed until to-day Providence manufactures everything from a bone collar button to a locomotive.

Providence is the birthplace of the jewelry industry. Silverware is another of its important industries, as are the manufacture of boilers, engines, and files. These several industries are

especially and interestingly treated in the Twelfth Census Bulletin on Manufactures, as follows:

Rhode Island, and especially the city of Providence, has long been prominent in the manufacture of jewelry, which, next to the textiles, is the most important industry in the State. All varieties and grades of jewelry are produced. The industry dates back to the Revolution, but it was the ingenuity of a Providence goldsmith in 1794 which firmly established it in that city. While manufacturers in Newark and New York City were turning out products of pure gold and silver, wrought by hand, Nehemiah Dodge invented a process for "filling" the gold with cheaper materials, and at about the same time applied machinery to the manufacture. The process by which this much cheaper product was obtained soon became known to other manufacturers in the city and was carried across the State line to Attleboro, Mass., a town which now rivals Providence in this industry.

The reputation of Providence in this branch of manufactures attracted a skilled workman in the precious metals from Birmingham, England, in 1846, one Thomas H. Lowe, who improved the filling process, thus further reducing the cost of manufacture. In the year 1812 the jewelry manufactures of the city of Providence were valued at $100,000. In 1856 the product amounted to $2,696,000, while in the present census there are 214 establishments engaged in this industry, with a capital of $8,899,702, and giving employment to 4,877 wage-earners, having a product valued at $13,320,620. During the decade from 1890 to 1900 the capital employed in the industry increased from $6,095,971 to $8,899,702, or 46 per cent; the product from $8,011,067 to $13,320,620, or 63.3 per cent; and wages from $2,110,529 to $3,170,932, or 50.2 per cent. In the census of 1890 it appears that one-fifth of the product of the jewelry industry of the country was manufactured in the city of Providence. The cities next in importance were New York, Newark, and Philadelphia; but nearly as many employees were reported for Providence as for those three cities combined.

Allied to the jewelry manufacture is the manufacture of silverware. It was an apprentice of the founder of the jewelry industry who began the manufacture of silverware in Providence and founded what is now one of the largest establishments in this line of manufacture in the world. The census of 1890 shows that at that time nearly one-half of the silverware manufacturing of the United States was carried on in Rhode Island. There were 8 establishments in the State engaged in this industry in 1900, all located in Providence, with a capital of $5,127,714, an increase over 1890 of $2,125,482, or 70.8 per cent. These establishments give employment to 1,540 wage-earners, to whom $978,198 was paid in wages, and their product was valued at $3,834,408, an increase of $1,324,539 since 1890, or 52.8 per cent.

The refining of gold and silver sweepings is closely dependent upon the two industries just described. Until 1850 the material used in this industry was allowed to go to waste. There are 10 establishments in the State engaged in this industry, all located in Providence, with an invested capital of $505,957, and a product valued at $3,484,454.

The demand for machinery in the textile and jewelry factories of Rhode Island early stimulated the manufacture of machinery, an industry third in importance in the State. During the decade from 1890 to 1900 the capital invested in the foundries and machine shops increased from $11,377,475 to $16,403,935, or 44. 2 per cent; the number of wage-earners, from 6,876 to 8,799, or 28 per cent; the total amount of wages, from $3,813,290 to $4,638,507, or 21.6 per cent; and the value of products, from $10,170,286 to $13,269,086, or 30.5 per cent. Included in this classification is the manufacture of engines and boilers, a specialty for which Providence has a world-wide reputation and in which its preeminence is partly due to the early application of steam to manufacturing in this State. In 1812 and 1814 several factories were equipped with engines brought from Philadelphia, but the great expense of transportation and the increasing demand induced local mechanics to embark in this manufacture with the result that the first engine shop in the State was erected in 1826.

In 1839 the manufacture of files was begun in Providence, but it was to the invention by a local mechanic in 1864 of machinery for this manufacture, that the present importance of this industry in the city is due. The product of the industry in 1900 amounted to $1,033,838.

In Providence there were, in 1900, 1,933 manufacturing establishments, or 46.1 per cent of the entire number located within the State of Rhode Island. Of the wage-earners 42,693, or 44.2 per cent of all in the State, were employed in Providence. These wage-earners formed 24.3 per cent of the entire population of the city and 10 per cent of the population of the State. In 1900 the total amount of wages paid in Providence amounted to $19,998,362, or 48.6 per cent of all wages paid in the State. The value of products, including custom work and repairing for the city during 1900, was $88,168,897, or 47.9 per cent of the total product of the State. I will append to my remarks tables showing the manufactures of Providence by specified industries, according to the census of 1900.

Now, Mr. Speaker, the facts and statistics which I have presented as briefly as possible all go to make up a wonderful record of the natural growth of the city of Providence. They could possibly be elaborated and augmented, but I think I have submitted abundant testimony in support of the long pending and finally recognized claim of Providence for a Federal building commensurate with the city's prominent position among the great cities of America in all things that combine to make our municipalities great.

I can not close without a word of hearty thanks for the untiring, self-sacrificing labors of my friend and colleague [Mr. CAPRON] in behalf of a public building for Providence. During my recent illness he devoted much of his time to the cause, and although himself representing two cities desirous of public buildings, with broad-minded generosity which characterizes him, he recognized the more important and prior claims of our metropolis and permitted not his own interests to interfere with the consummation of our efforts.

Mr. Speaker, I am grateful in the name of a long-suffering people for the belated and anticipated favorable action of this House. The law we are about to pass providing public buildings in certain cities will result in a few years in the filling of a long-felt want in the magnificent city of Providence, and the General Government in the years to come will have a home there in which our own people and the "strangers within our gates" may have a patriotic and just pride.

Manufactures of Providence, R. I., by specified industries, census of 1900.

Manufacturing and mechanical industries.	Number of establishments.	Capital.					Proprietors and firm members.	Salaried officials, clerks, etc.		Average number of wage-earners and total wages.			
										Total.		Men, 16 years and over.	
		Total.	Land.	Buildings.	Machinery, tools, and implements.	Cash and sundries.		Number.	Salaries.	Average number.	Wages.	Average number.	Wages.
All industries	1,933	$83,513,679	$5,576,066	$9,284,019	$21,664,478	$46,989,116	2,145	2,766	$3,239,419	42,693	$19,998,362	31,198	$16,009,629
Awnings, tents, and sails	4	39,300			9,300	30,000	5	5	3,000	44	30,159	29	24,660
Bicycle and tricycle repairing	35	49,302	600	850	21,198	26,654	39	2	870	58	27,600	56	27,215
Bicycles and tricycles	4	24,300	4,000	7,000	7,600	5,700	4	6	3,600	17	6,100	17	6,100
Blacksmithing and wheelwrighting	82	89,921	13,000	16,365	29,740	30,816	89	1	600	142	85,741	142	85,741
Bookbinding and blank book making	6	68,282			35,023	33,259	5	8	6,256	80	32,655	41	21,684
Boots and shoes, custom work and repairing	104	35,091	800	850	14,801	18,640	107	1	676	74	33,154	71	32,689
Bottling	9	90,863	15,300	25,600	23,153	26,810	15	17	9,247	52	26,352	51	26,102
Boxes, fancy and paper	5	105,167	2,000	14,425	39,694	49,048	6	10	7,842	350	105,138	69	32,090
Boxes, wooden, packing	5	104,269		11,000	26,725	66,544	11	1	600	114	51,632	113	50,978
Brass castings and brass finishing	7	143,063	12,000	26,960	21,997	82,106	6	9	9,988	79	22,303	79	22,303
Brass ware	8	50,350	750	3,000	27,600	19,000	12	3	1,950	103	36,470	94	34,400
Bread and other bakery products	78	292,369	65,500	47,726	85,941	93,202	93	107	59,363	354	175,477	319	165,058
Bridges	3	35,681	3,000	1,500	21,500	9,681	4	4	3,328	67	29,568	67	29,568
Brooms and brushes	3	13,200			1,700	11,500	4			38	10,850	13	4,140
Buttons	3	29,116			20,500	8,616	2	4	2,464	28	8,501	19	5,730
Card cutting and designing	3	12,800			8,300	4,500	4	1	300	20	5,764	7	2,910
Carpentering	91	345,183	23,560	37,680	71,415	212,528	101	18	10,512	997	569,018	997	569,018
Carriage and wagon materials	3	5,065			2,865	2,200	3			4	2,448	4	2,448
Carriages and wagons	23	150,278	34,750	32,500	17,751	65,277	26	10	7,885	149	95,773	149	95,773
Clothing, men's, custom work, and repairing	106	299,774	3,100	4,400	17,108	275,166	112	18	16,160	521	255,967	361	212,533
Clothing, women's, dressmaking	73	103,546	11,500	22,500	13,925	55,621	78	4	4,675	322	109,904	32	16,139
Coffee and spice, roasting and grinding	3	36,250			5,650	30,600	4	4	5,000	9	4,332	6	3,432
Confectionery	26	49,647	2,000	7,000	19,625	21,022	31	19	5,707	74	32,088	61	28,349
Cotton goods	9	2,520,864	218,784	576,841	738,679	986,560		33	55,390	1,532	526,970	630	239,620
Cotton small wares	5	1,599,786	213,000	306,475	420,377	659,934	2	20	39,450	1,377	469,615	397	241,198
Dyeing and cleaning	11	8,470	1,000	2,000	4,070	1,400	11	2	576	25	10,528	14	6,840
Dyeing and finishing textiles	5	4,061,771	406,462	888,126	1,413,505	1,353,678	2	86	141,759	1,411	634,533	1,234	588,037
Electrical apparatus and supplies	9	234,864			39,256	195,608	8	11	10,918	127	54,260	115	48,960
Electrical construction and repairs	10	40,979			8,116	32,863	13	11	6,544	61	30,969	60	30,369
Electroplating	11	43,600			17,200	26,400	11	4	2,520	95	40,558	76	36,518
Enameling and enameled goods	19	104,563	2,000	4,500	18,266	79,797	27	14	12,976	387	116,568	186	58,039
Engraving and diesinking	26	40,258			24,775	15,483	29			86	43,716	74	40,754
Engraving, steel, including plate printing	5	52,950	2,500	7,000	34,300	9,150	7	1	1,200	48	27,280	29	20,800
Files	5	962,736	128,535	190,980	214,756	428,465	4	46	57,581	637	284,182	543	254,808
Flavoring extracts	3	7,585		500	1,265	5,820	3	1	626	4	2,500	2	1,500
Food preparations	5	21,106	2,300	2,100	5,483	11,218	6	1	500	41	18,650	20	13,400
Foundry and machine shop products	82	12,638,246	1,423,789	1,953,839	3,590,038	5,670,580	70	400	569,104	6,276	3,368,215	6,176	3,329,672
Fur goods	4	12,780			930	11,850	6	1	800	16	8,854	6	3,300
Furniture, cabinetmaking, repairing, and upholstering	31	154,840	425	6,800	15,390	132,225	30	4	2,832	107	71,130	92	66,212

Manufactures of Providence, R. I., by specified industries, census of 1900—Continued.

Manufacturing and mechanical industries.	Number of establishments.	Capital.					Proprietors and firm members.	Salaried officials, clerks, etc.		Average number of wage-earners and total wages.			
										Total.		Men, 16 years and over.	
		Total.	Land.	Buildings.	Machinery, tools, and implements.	Cash and sundries.		Number.	Salaries.	Average number.	Wages.	Average number.	Wages.
Gas and lamp fixtures	4	$31,600	$800	$5,200	$7,100	$18,500	7	2	$1,440	30	$15,128	25	13,906
Glass, cutting, staining, and ornamenting	6	17,486	.....	.....	5,350	12,136	6	2	1,500	21	14,599	21	14,599
Gold and silver, reducing and refining, not from the ore	10	505,957	36,200	53,800	48,850	367,107	16	22	24,050	70	43,884	70	43,884
Hairwork	5	5,260	.....	.....	335	4,925	6	1	1,150	6	2,777	1	780
Hand knit goods	3	2,000	.....	.....	250	1,750	3	1	800	2	1,150	1	650
Hand stamps	3	9,900	.....	.....	6,700	3,200	3	.....	.....	8	4,038	7	3,696
Hardware	5	167,737	.....	.....	26,300	141,437	4	8	3,568	44	17,040	41	16,140
Hats and caps, not including fur hats and wool hats	4	9,850	.....	.....	2,400	7,450	4	7	5,820	35	14,530	18	9,520
Ivory and bone work	3	34,000	1,250	7,000	12,750	13,000	3	8	3,171	81	31,697	42	22,233
Jewelry	207	8,585,646	29,600	71,147	1,497,732	6,987,167	286	595	577,997	6,977	3,090,447	4,162	2,271,835
Labels and tags	3	30,400	.....	.....	19,500	10,900	2	2	1,350	22	9,470	20	8,958
Liquors, malt	3	1,767,673	96,923	405,828	746,146	518,776	.....	31	50,398	111	80,764	111	80,764
Lock and gun smithing	13	12,595	500	200	7,090	4,865	15	.....	.....	12	6,513	11	6,045
Looking-glass and picture frames	9	30,180	3,500	1,000	2,450	23,230	10	2	1,500	21	8,634	19	8,178
Lumber, planing mill products, including sash, doors, and blinds	10	150,450	7,000	8,500	38,850	96,100	12	7	6,300	157	77,050	157	77,050
Marble and stone work	9	189,970	50,000	23,893	77,015	39,075	10	5	4,845	156	103,376	156	103,376
Masonry, brick and stone	32	693,179	79,700	39,300	170,695	403,484	43	63	48,780	1,846	708,451	1,845	708,351
Mattresses and spring beds	4	31,825	.....	.....	4,545	27,280	5	5	2,888	43	16,811	35	14,618
Millinery, custom work	63	156,831	1,000	2,000	6,526	147,305	72	21	8,706	222	77,524	.....	.....
Mineral and soda waters	11	62,505	4,000	8,500	29,250	20,755	19	10	6,260	37	18,866	37	18,866
Models and patterns	5	7,204	.....	.....	2,891	4,313	5	.....	.....	15	9,576	15	9,576
Monuments and tombstones	8	75,350	28,500	9,400	3,700	33,750	9	2	1,600	44	17,713	44	17,713
Oil, not elsewhere specified	4	63,286	.....	.....	9,038	54,248	6	17	17,081	12	6,152	12	6,152
Oleomargarine	3	702,239	31,494	100,000	77,949	492,856	.....	25	31,626	127	52,796	121	47,856
Optical goods	6	115,349	2,000	2,500	35,572	75,277	5	18	16,752	119	56,347	83	46,271
Painting, house, sign, etc	74	134,559	5,200	5,235	21,427	102,697	84	11	5,106	531	282,715	529	282,015
Paints	4	104,781	5,000	21,800	16,700	61,281	4	13	16,164	18	9,998	17	9,890
Paper goods, not elsewhere specified	3	25,211	.....	.....	12,754	12,457	4	1	1,340	25	6,666	3	1,980
Patent medicines and compounds	14	90,638	10,800	11,700	7,090	61,108	15	4	4,040	44	17,941	21	11,307
Paving and paving materials	8	131,590	11,386	22,300	31,606	66,238	8	9	7,864	151	55,645	151	55,645
Perfumery and cosmetics	3	11,735	2,000	3,880	615	5,260	3	1	2,500	5	1,910	2	1,186
Photography	20	56,054	.....	500	28,204	27,350	23	3	4,176	62	30,697	30	18,381
Photolithographing and photoengraving	3	6,800	.....	.....	3,800	3,000	3	.....	.....	13	7,150	11	6,800
Plastering and stuccowork	6	3,515	.....	.....	675	2,840	8	.....	.....	28	13,979	27	13,829
Plumbers' supplies	3	44,246	400	1,800	15,018	27,028	4	2	2,400	36	17,933	36	17,933
Plumbing, and gas and steam fitting	70	408,305	30,110	17,125	42,721	318,349	81	36	21,153	411	215,811	408	215,420
Printing and publishing, book and job	47	421,297	.....	.....	234,760	186,537	56	48	53,539	446	201,182	320	170,739
Printing and publishing, newspapers and periodicals	12	503,475	150,000	55,000	173,950	124,525	9	16	29,226	247	190,732	239	186,900
Roofing and roofing materials	6	70,868	7,250	7,000	6,183	50,435	7	10	8,535	73	33,654	73	33,654
Rubber and elastic goods	7	1,289,247	38,000	119,858	122,225	1,009,164	1	54	77,757	876	300,308	418	162,600
Saddlery and harness	24	92,504	.....	.....	14,115	78,389	22	18	12,597	60	34,399	60	34,399
Sausage	4	33,000	.....	.....	16,500	16,500	5	9	6,770	26	16,880	26	16,880
Ship and boat building, wooden	3	81,701	500	16,067	38,565	26,539	2	2	2,500	51	37,240	51	37,240
Shirts	4	7,900	.....	.....	1,850	6,050	7	3	2,000	22	7,800	1	520
Shoddy	4	126,250	.....	.....	90,500	35,750	8	2	2,400	61	25,980	60	25,700
Silversmithing	4	371,570	.....	.....	131,929	239,641	4	26	24,444	275	121,444	214	110,159
Silverware	8	5,127,714	125,000	410,000	1,157,116	3,435,598	7	126	146,489	1,540	978,198	1,438	955,721
Slaughtering and meat packing, wholesale	3	252,720	.....	.....	11,500	241,220	3	16	17,636	122	58,024	119	57,188
Stencils and brands	3	5,325	.....	.....	3,600	1,725	3	.....	.....	8	3,730	6	3,424
Tinsmithing, coppersmithing, and sheet-iron working	34	249,330	26,000	21,700	36,783	164,847	39	23	15,761	215	116,274	215	116,274
Tobacco, cigars, and cigarettes	15	57,650	8,800	13,000	8,950	26,900	14	9	8,450	86	24,379	40	11,973
Tools, not elsewhere specified	6	41,890	500	2,500	18,300	20,550	7	3	1,410	44	21,040	43	20,790
Trunks and valises	3	6,350	.....	.....	1,000	5,350	4	1	208	11	6,035	11	6,035
Watch, clock, and jewelry repairing	50	49,280	.....	.....	18,250	31,030	55	5	1,865	60	38,945	57	38,219
Window shades	4	6,550	.....	.....	750	5,800	5	1	750	9	5,350	7	4,650
Wirework, including wire rope and cable	6	44,060	1,900	2,000	14,660	26,100	5	7	5,002	52	19,881	46	18,241
Wood, turned and carved	6	51,200	.....	500	18,750	31,950	6	1	850	28	9,600	28	9,600
Woolen goods	4	2,138,780	353,500	404,000	402,000	979,280	1	27	69,206	715	328,268	447	221,905
Worsted goods	11	19,367,409	968,761	1,661,630	3,929,281	12,807,737	4	131	238,744	7,967	2,813,014	3,573	1,533,564
All other industries	100	13,963,448	867,837	1,549,652	5,104,595	6,441,454	93	407	513,156	4,516	1,994,757	2,976	1,568,764

Manufacturing and mechanical industries.	Average number of wage-earners and total wages—Continued.				Miscellaneous expenses.					Cost of materials used.			Value of products, including custom work and repairing.
	Women, 16 years and over.		Children, under 16 years.		Total.	Rent of works.	Taxes, not including internal revenue.	Rent of offices, interest, etc.	Contract work.	Total.	Principal materials, including mill supplies and freight.	Fuel and rent of power and heat.	
	Average number.	Wages.	Average number.	Wages.									
All industries	9,805	$3,682,472	1,690	$306,261	$5,815,066	$777,303	$329,263	$4,272,396	$436,134	$46,257,130	$45,390,515	$966,615	$88,168,897
Awnings, tents, and sails	15	5,499	.....	.....	2,195	1,334	.....	861	.....	86,814	66,445	369	156,475
Bicycle and tricycle repairing	.....	.....	2	385	10,289	8,080	296	1,923	.....	42,389	41,178	1,211	111,950
Bicycles and tricycles	.....	.....	.....	.....	1,209	496	80	733	.....	23,195	22,750	445	43,382
Blacksmithing and wheelwrighting	.....	.....	.....	.....	15,685	13,851	613	1,221	.....	79,531	74,456	5,075	262,016
Bookbinding and blank-book making	38	10,731	1	24	13,349	3,886	370	9,093	.....	18,538	17,542	1,026	79,562
Boots and shoes, custom work and repairing	3	465	.....	.....	14,813	13,384	27	1,168	234	47,940	46,570	1,370	156,985
Bottling	.....	.....	1	250	8,480	1,620	695	6,165	.....	156,344	155,351	993	247,596
Boxes, fancy and paper	277	72,449	4	600	5,535	3,950	185	1,400	.....	87,196	84,316	2,880	229,324
Boxes, wooden, packing	1	684	.....	.....	7,704	5,282	222	2,220	.....	131,185	128,685	2,500	214,516
Brass castings and brass finishing	.....	.....	.....	.....	9,607	5,435	1,223	2,919	.....	129,889	126,354	3,535	228,927
Brass ware	6	1,560	3	510	4,572	2,444	115	1,813	200	46,708	45,132	1,571	141,650
Bread and other bakery products	33	10,121	2	298	52,208	27,486	1,684	23,038	.....	718,015	699,091	18,924	1,182,090
Bridges	.....	.....	.....	.....	1,050	88	121	841	.....	44,664	43,462	1,202	79,530
Brooms and brushes	24	6,530	1	150	1,256	753	.....	503	.....	14,788	14,242	546	34,960
Buttons	9	2,771	.....	.....	4,393	1,400	.....	2,993	.....	9,040	8,680	360	33,589
Card cutting and designing	7	1,654	6	1,200	1,408	850	12	232	314	7,622	7,352	270	20,782
Carpentering	.....	.....	.....	.....	199,180	12,585	1,087	14,164	171,346	965,237	961,592	3,645	2,047,090
Carriage and wagon materials	.....	.....	.....	.....	1,180	1,084	.....	96	.....	3,050	2,660	390	8,400
Carriages and wagons	.....	.....	.....	.....	19,511	8,288	942	5,281	5,000	70,429	66,595	3,834	257,027
Clothing, men's, custom work, and repairing	152	42,046	8	1,358	60,712	39,812	824	16,869	3,209	296,975	294,416	2,559	793,696

Manufactures of Providence, R. I., by special industries, census of 1900—Continued.

Manufacturing and mechanical industries.	Average number of wage-earners and total wages—Continued.				Miscellaneous expenses.					Cost of materials used.			Value of products, including customs work and repairing.
	Women, 16 years and over.		Children, under 16 years.		Total.	Rent of works.	Taxes, not including internal revenue.	Rent of offices, interest, etc.	Contract work.	Total.	Principal materials, including mill supplies and freight.	Fuel and rent of power and heat.	
	Average number.	Wages.	Average number.	Wages.									
Clothing, women's, dressmaking	289	$93,555	1	$210	$20,250	$15,695	$717	$3,838		$107,427	$106,157	$1,270	$302,134
Coffee and spice, roasting and grinding	3	900			5,920	1,560		4,360		100,769	99,105	1,664	142,211
Confectionery	12	3,545	1	194	11,413	7,609	280	3,524		122,172	120,577	1,595	224,029
Cotton goods	773	261,943	129	25,407	116,770	5,248	14,328	63,012	$34,182	935,146	896,242	38,904	1,954,740
Cotton small wares	928	222,302	52	6,115	115,738	2,082	12,187	100,238	1,231	565,131	529,093	36,038	1,400,099
Dyeing and cleaning	10	3,388	1	300	4,199	2,474	70	1,655		3,598	2,637	961	27,625
Dyeing and finishing textiles	165	44,066	12	2,430	282,083	480	16,412	265,191		814,557	697,118	117,439	2,254,083
Electrical apparatus and supplies	12	5,300			12,887	5,909	125	6,453	400	98,663	96,436	2,227	216,068
Electrical construction and repairs	1	600			14,231	3,646		5,585	5,000	56,421	56,006	415	144,367
Electroplating	5	1,618	14	2,422	5,211	4,189	122	900		55,978	53,923	2,055	149,480
Enameling and enameled goods	167	51,732	34	6,797	13,265	4,684	190	8,391		62,947	57,917	5,030	263,505
Engraving and diesinking	8	2,012	4	950	5,534	4,351	75	1,108		7,445	5,803	1,642	91,859
Engraving, steel, including plate printing	19	6,480			2,627	1,990	144	493		2,470	2,145	325	47,718
Files	94	29,374			56,875	188	3,936	52,751		279,681	260,555	19,126	850,327
Flavoring extracts	2	1,000			846	349	8	489		8,165	8,128	37	16,050
Food preparations	21	5,250			2,089	1,070	133	886		87,443	86,929	514	119,700
Foundry and machine shop products	61	31,031	39	7,512	698,658	45,770	66,591	583,065	3,232	3,809,831	3,658,548	151,283	9,437,251
Fur goods	9	5,450	1	104	6,003	2,182	163	1,158	2,500	8,922	8,774	148	24,580
Furniture, cabinetmaking, repairing, and upholstering	15	4,918			9,052	6,784	269	1,599	400	50,787	49,925	862	157,798
Gas and lamp fixtures	2	754	3	468	6,983	2,750	133	1,100	3,000	22,221	21,113	1,108	59,500
Glass, cutting, staining, and ornamenting					2,598	1,653	35	910		11,729	11,128	601	44,563
Gold and silver, reducing and refining, not from ore					26,625	4,650	2,552	19,423		3,138,355	3,130,004	8,351	3,484,454
Hairwork	5	1,997			1,890	1,620		270		2,950	2,875	75	14,273
Hand knit goods	1	500			2,868	368		300	2,200	4,148	4,148		10,975
Hand stamps	1	312			942	878		64		3,978	3,918	60	12,426
Hardware	3	900			2,401	1,326	8	1,067		69,650	69,245	405	109,156
Hats and caps, not including fur hats and wool hats	16	4,860	1	150	1,548	1,154	82	312		23,299	23,110	189	51,170
Ivory and bone work	39	9,464			1,513	384	116	1,013		39,341	38,512	829	74,718
Jewelry	2,664	785,122	151	33,490	663,230	137,148	10,118	441,519	74,445	5,867,420	5,805,147	62,273	12,719,124
Labels and tags	1	312	1	200	3,556	1,836		1,720		15,040	14,780	260	42,775
Liquors, malt					392,180		8,127	384,053		230,203	204,467	15,736	1,007,662
Lock and gun smithing	1	468			5,209	4,421	133	564	91	6,018	5,404	614	26,374
Looking-glass and pictureframes	2	456			6,058	5,392	10	656		21,278	21,106	172	46,431
Lumber, planing mill products, including sash, doors, and blinds					11,143	8,516	335	2,292		134,202	131,772	2,430	274,588
Marble and stone work					15,237	1,478	1,188	12,271	300	110,958	106,100	4,858	276,788
Masonry, brick and stone			1	100	122,952	3,141	1,286	29,625	88,900	1,537,135	1,530,295	6,840	2,621,409
Mattresses and spring beds	8	2,193			4,730	3,321	57	1,352		57,106	56,591	515	99,840
Millinery, custom work	221	77,394	1	130	50,302	44,425	1,117	4,760		200,353	199,362	991	448,069
Mineral and soda waters					7,877	2,171	277	5,429		33,601	32,459	1,142	88,350
Models and patterns					1,201	1,065	8	128		1,979	1,548	431	20,755
Monuments and tombstones					9,279	425	534	2,820	5,500	25,118	24,494	624	68,837
Oil, not elsewhere specified					16,766	3,180		13,586		127,368	126,723	645	199,545
Oleomargarine	16	4,940			121,912	1,000	1,460	119,452		912,912	906,610	6,302	1,345,133
Optical goods	34	9,634	2	442	11,589	4,248	76	7,265		82,131	81,115	1,016	215,838
Painting, house, sign, etc			2	700	16,882	13,666	81	3,135		130,554	129,751	803	548,672
Paints	1	108			5,688	1,259	313	4,116		106,660	104,777	1,883	166,818
Paper goods, not elsewhere specified	22	4,686			2,416	1,615	32	769		18,792	18,532	260	36,020
Patent medicines and compounds	23	6,634			16,696	4,983	918	10,645	150	57,312	56,827	485	147,739
Paving and paving materials					15,870	172	527	15,171		57,403	54,572	2,831	156,523
Perfumery and cosmetics	3	724			4,358	60	97	4,201		7,577	7,535	42	23,148
Photography	32	12,316			13,451	10,286	24	3,141		29,046	28,497	549	107,167
Photolithographing and photoengraving			2	350	1,400	670		730		2,751	2,555	196	21,000
Plastering and stuccowork			1	150	1,008	956	7	45		3,232	3,155	77	21,650
Plumbers' supplies					7,719	1,700	61	5,958		21,182	20,862	320	60,536
Plumbing, and gas and steam fitting			3	391	37,411	19,594	645	10,872	6,300	380,436	376,675	3,761	831,581
Printing and publishing, book and job	108	27,336	18	3,107	52,091	19,272	336	22,667	9,816	250,706	242,920	7,786	667,328
Printing and publishing, newspapers and periodicals	6	3,474	2	358	91,284	4,819	4,231	73,935	8,299	98,454	93,961	4,493	576,247
Roofing and roofing materials					5,394	900	216	4,078	200	55,336	55,186	150	128,303
Rubber and elastic goods	449	135,967	9	1,741	187,319	14,400	3,001	169,918		1,511,029	1,491,509	19,520	2,269,694
Saddlery and harness					10,828	7,492	32	3,154	150	63,486	62,537	949	145,398
Sausage					3,465	2,810	174	481		104,517	102,741	1,776	145,263
Ship and boat building, wooden					2,867	1,070	353	1,444		20,650	20,355	295	80,904
Shirts	21	7,280			1,345	910		435		13,312	13,102	210	35,630
Shoddy	1	260			18,177	9,320	347	8,510		297,150	287,650	9,500	359,431
Silversmithing	54	10,504	7	781	25,006	6,020	517	18,469		193,557	192,123	1,434	414,782
Silverware	92	20,931	10	1,546	105,514	6,240	7,915	91,359		1,687,883	1,667,394	20,489	3,834,408
Slaughtering and meat packing, wholesale			3	836	30,597	7,668	82	22,847		1,155,026	1,148,601	6,425	1,316,220
Stencils and brands			2	306	1,744	1,250		254	240	1,866	1,750	116	11,000
Tinsmithing, coppersmithing, and sheet-iron working					20,769	10,693	750	6,973	2,353	158,298	155,649	2,649	396,963
Tobacco, cigars, and cigarettes	46	12,406			21,413	2,007	456	18,950		50,899	50,433	466	168,356
Tools, not elsewhere specified			1	250	2,855	1,305	108	1,442		5,322	4,424	898	49,051
Trunks and valises					3,126	2,749	56	321		12,057	11,976	81	27,075
Watch, clock, and jewelry repairing	3	726			20,464	16,912	68	3,384	100	30,938	29,830	1,108	149,731
Window shades	2	700			1,753	1,278		475		8,653	8,637	16	22,774
Wirework, including wire rope and cable	1	728	5	912	3,423	1,340	146	1,437	500	44,644	43,511	1,133	89,465
Wood, turned and carved					2,215	1,354	93	768		52,202	51,280	982	68,280
Woolen goods	244	101,615	24	4,748	45,286		6,247	39,039		1,297,948	1,190,862	17,086	1,772,524
Worsted goods	3,407	1,113,044	987	166,406	830,812	46,100	57,144	727,568		11,087,271	10,881,861	205,410	16,603,252
All other industries [a]	1,402	394,726	138	31,267	895,744	51,506	92,398	745,498	6,342	4,605,301	4,503,572	101,729	9,170,080

[a] Embraces artificial limbs, 1; baking and yeast powders, 1; belting and hose, leather, 2; billiard tables and materials, 1; boot and shoe findings, 2; boot and shoe uppers, 1; boots and shoes, factory product, 2; boots and shoes, rubber, 2; chemicals, 2; cleansing and polishing preparations, 1; clothing, men's, factory product, 1; coffins, burial cases, and undertakers' goods, 1; combs, 1; cordials and sirups, 1; cork, cutting, 1; corsets, 1; cutlery and edge tools, 2; druggists' preparations, not including prescriptions, 2; dye stuffs and extracts, 1; emery wheels, 1; engraving, wood, 2; envelopes, 1; fancy articles, not elsewhere specified, 1; flouring and grist mill products, 2; fruits and vegetables, canning and preserving, 1; fur hats, 2; furniture, factory product, 2; gas, illuminating and heating, 1; gas machines and meters, 1; gloves and mittens, 1; gold and silver, leaf and foil, 2; grease and tallow, 1; hardware, saddlery, 2; hosiery and knit goods, 1; house-furnishing goods, not elsewhere specified, 1; instruments, professional and scientific, 1; iron and steel, forgings, 1; iron and steel, nails and spikes, cut and wrought, including wire nails, 1; ironwork, architectural and ornamental, 2; jewelry and instrument cases, 1; kindling wood, 1; lapidary work, 2; lead, bar, pipe, and sheet, 2; leather goods, 1; leather, tanned, curried, and finished, 2; lithographing and engraving, 1; millinery and lace goods, 1; mucilage and paste, 2; musical instruments and materials, not specified, 1; musical instruments, organs, and materials, 2; paper hanging, 2; pens, fountain and stylographic, 1; pens, gold, 1; pickles, preserves, and sauces, 2; plated and britannia ware; 1; regalia and society banners and emblems, 1; safes and vaults, 1; scales and balances, 1; screws, wood, 1; sewing machine repairing, 1; sewing machines and attachments, 2; silk and silk goods, 2; soap and candles, 2; sporting goods, 1; stamped ware, 1; steam fittings and heating apparatus, 2; stereotyping and electrotyping, 2; surgical appliances, 1; taxidermy, 2; typewriter repairing, 2; upholstering materials, 1; varnish, 1.

The Late Representative J. William Stokes, of South Carolina.

REMARKS

OF

HON. JOHN H. SMALL,

OF NORTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday April 26, 1902.

The House having under consideration the following resolutions:

Resolved, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. J. William Stokes, late a member of the House of Representatives from the State of South Carolina.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a distinguished public servant, the House, at the conclusion of these memorial proceedings, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk be instructed to send a copy of these resolutions to the family of the deceased—

Mr. SMALL said:

Mr. SPEAKER: On this day, when we have come to pay a tribute to the memory of our friend, I believe that my own emotions would receive greater satisfaction if I could visit the new-made grave in his native State and lay thereon a modest wreath and silently recall his virtues and recount our loss and that of his State. Words are so often vain things. They may conceal the emotions or they may express the sincerest sorrow; they may be insincere or they may come as utterances warm and pathetic from the true heart; they may be cold and impassive or warm and impulsive; they may conceal thought or they may be the acme of candor and truth. While it is only natural to approach the bier with reverence and solemnity, and the impulse of every manly heart is to speak nothing but good of the dead, yet undue laudation and the painting of an ideal life are equally to be avoided. How wise and satisfying a course it would be if we should speak of the living nothing that we would be unwilling to speak of the dead. This rule of conduct would not only promote our own happiness, but would remove so many of the rancors, the acerbities, and the disagreeable episodes which so often beset the living, particularly those whose ambitions and activities bring them to the front and keep them in the public eye.

Dr. STOKES, as his colleagues loved to call him, perhaps came near exemplifying this rule in his daily life. I can not recall in my association with him during the Fifty-sixth Congress, and it was my pleasure to be his friend and to some extent his companion, that I ever heard him utter an unkind word about any one. Being a man of culture and information and high mental training, he entertained clear-cut opinions upon public questions and had the courage and the ability to maintain them; but his differences arose from reflection and judgment, and being honest and candid himself he never questioned the motives of those with whom he differed.

The only life worth living is that which is stirred by ambition and which is fortified and promoted by industry. But the object must be worthy and the methods must be honorable. After all the main purpose sought is contentment and happiness. Some follow a mistaken ideal and never reach the goal. Wealth, position, and power do not always bring these two jewels. He who carries sunshine along the pathway, who speaks a kind word of encouragement to the disconsolate, who condoles with sorrow, who remembers the poor, who encourages the struggling, who raises the fallen, who stands by the right because it is right, he it is who has found contentment and happiness and whose life is radiant and beautiful. The man who thus tempers his ambition and curbs his will finds genuine pleasure in suecess and the world rejoices with him in his daily progress.

I believe that Dr. STOKES thus found the true source of happiness. Who of us does not recall his sunny disposition and his cheerful manner. In addition he had that mental equipoise and ready self-control which made him a choice comrade and a valuable ally. His loyalty to his friends was not less conspicuous than his adherence to his convictions.

I shall not dwell upon the varying steps in the career of Dr. STOKES. The adverse conditions of his youth and early manhood, his loving patience and wisdom as a teacher, his political career and promotion in the politics of his native State, his incisive and brave work as an editor, the culmination of his public life in this House, and the example of his daily life as a Christian have been aptly and interestingly portrayed by his worthy successor [Mr. LEVER].

I can not close this imperfect tribute without a reference to our friend in his daily life as the faithful and loyal husband. My acquaintance with the wife was scarcely less intimate than with him as husband. The home and the hearthstone are the basis of a nation's greatness. Marriage is the institution blessed of all and happy are those whose fortunes and aspirations are twined into one loving embrace and who thus tread life's pathway. Charity to the imperfections of the other, loving patience and kindness, loyalty in sickness and in health, loving ministrations one to the other, loyalty and fortitude in adversity, and mutual joy in the hours of prosperity, all crowned with steadfast love—these are the characteristics of a happy union. Nothing is more beautiful to contemplate. Such a marriage is a benediction to all.

I have observed many men in the relation of husband and I may say in all candor that I never observed a more beautiful life in this respect than that of Dr. STOKES. He was tender and considerate in his daily life and never forgot the little attentions and courtesies and thoughtful remembrances which always appeal to the gentle wife and evoke the sweetest emotions. While always the ideal husband, yet when illness came to the partner of his bosom his devotion was unusually constant and to his friends a source of inspiration.

We know that we have lost a friend and his State a valuable representative, but this loss is incomparable to that of the wife. For her I pray that the tender memories of the past may sustain and comfort the sad and lonely days of the future.

A good woman who knew both the husband and the wife has handed me the following quotation, which fittingly describes this beautiful union and the sad parting:

"Sometimes into two hearts great enough to hold it and into two souls where it may forever abide, there comes the Everlasting Love. It is elemental like the fire and the sea, with the depth and the splendor of the surge and the glory of the flame. It makes the world a vast cathedral, in which the two may worship, and where even in the darkness there is the peace which passeth all understanding, because it is of God.

"When the time of parting comes, for there is always that turning in the road, the sadness is not so great because one must go on alone. Life grows beautiful after a time and even wholly sweet, when a man and a woman have so lived and loved and worked together, that death is not good-bye, but rather 'auf wiedersehen.'"

Eulogy on Death of Hon. Peter J. Otey.

REMARKS

OF

HON. THAD. M. MAHON,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Sunday, June 29, 1902.

Resolved, That as a mark of respect to the Hon. PETER J. OTEY, late a member of this House from the State of Virginia, and in pursuance of the order of the House heretofore made, the business of the House be now suspended to enable his associates to pay fitting tribute to his high character and distinguished services.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That as an additional mark of respect at the conclusion of these exercises the House do adjourn.

Resolved, That the Clerk be, and he is hereby, instructed to send a copy of these resolutions to the family of the deceased.

Mr. MAHON said:

Mr. SPEAKER: I can not let pass this opportunity to pay a short tribute to our late associate and my personal friend, PETER JOHNSON OTEY. I became acquainted with him in the early days of the Fifty-fourth Congress, when he first entered this honorable assemblage. Although differing in political faith and having fought on opposite sides in the great conflict between the States, our acquaintance soon ripened into the warmest friendship. I found him at all times to be a loyal friend, true to his country, true to his party, true to his State, true to his friends, and, above everything else, true to himself.

He led a life of simplicity, one free from ostentation. His paramount thought seemed to be his duty to his constituents; and without disparagement to any other member of this House it can be truthfully said that no one devoted more labor and painstaking efforts to the interests of his district than did Major OTEY. Frequently have I seen him working far into the night on the multifarious duties which fall to the lot of a member of Congress. Among his numerous virtues, were I to select one that was preeminent it would be the sacredness with which he regarded the fulfillment of a promise. His word once given could be relied upon implicitly. No matter how trivial the attendant circum-

stance nor how small the detail, his promise invariably resulted in his best efforts toward its accomplishment.

Among his many public acts none will be more conspicuous than the opportunity for relief afforded to suffering soldiers by the establishment of a dental corps in the Army, which, as we all know, was largely brought about by his indefatigable efforts. When he arose to speak on any subject on the floor of this House, he commanded the respectful attention of all. On many occasions his infectious good humor and brilliant flashes of wit have enlivened the usually monotonous proceedings. His wit was not of the kind that hurt or carried with it a sting, for in all his public utterances we have never heard him speak one word derogatory to any man. In his private life even those who knew him best never heard from him of the many acts of kindness which he performed nor of the helping hand which he lent to those in trouble. No one ever appealed to him for assistance and was turned away.

Unselfish, pure in mind, devoted to duty, a loving husband and father, a devoted friend was PETER J. OTEY; surely his epitaph should be "Faithful in all things."

Mr. Speaker, in closing these remarks, I can not refrain from expressing my heartfelt sympathy for his devoted wife, whose untiring help in sunshine and shadow was, as Major OTEY frequently remarked, the secret of his success.

Soldiers' Home in Alabama.

SPEECH

OF

HON. CHARLES W. THOMPSON,

OF ALABAMA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, June 24, 1902,

On the bill (H. R. 14920) to establish a Soldiers' Home in Alabama.

Mr. THOMPSON said:

Mr. SPEAKER: I desire to submit a few brief remarks on the bill I introduced providing for the establishment and maintenance of a Soldiers' Home in the Fifth Alabama district, which I have the honor to represent.

I am well aware that such a proposition as this is calculated to provoke objection and arouse antagonism at first blush, particularly among my Southern brethren. Men do not easily discard their lifelong prejudices and habits of thought. Much opposition has been expressed already on this floor, early in the session, to ideas or sentiments similar to those which I am now advancing. But I am convinced that calm, dispassionate, and mature reflection will eventually cause all good and patriotic American fellow-citizens to adopt the views of those who believe, with Lincoln, with Grant, with McKinley, and with Roosevelt, that we are in very truth a nation of brothers, and that brotherly love should be the impelling force in all our mutual transactions.

I do not hesitate to claim that the grandest, most beautiful, most touching event in the world's history since the Gospel story was told is the reconciliation of the North and the South and the reunion of these United States of America.

For four long and bitter years this country endured the agony of civil strife and fratricidal combat in the greatest, bloodiest, most terrible war on record. I do not need to dwell on the dreadful details of that conflict between the States. The pension rolls, the Soldiers' Homes, the military cemeteries bear daily witness to its awful dimensions. Eloquent witnesses also are the Grand Army of the Republic meetings and such gatherings as that of the Confederate veterans recently at Dallas, Tex., where, under the lead of the gallant General Gordon, there were to be seen marching together once more, shoulder to shoulder, the few remaining thousands of that great army of Southern men who in their youth had faced the Federal shot and shell on a hundred fields.

I am reminded here of what Judge Rice, an able lawyer and jurist of my State, said when the war between the States was first being agitated. He said: "Yes; fight them. We can whip them with pop guns." After the war was over, and our boys came home, battle scarred, halt, and lame, some one said to Judge Rice, "I thought you said we could whip the Yankees with pop guns." "Yes," said the Judge, "I did say so, but the darn rascals would not fight that way."

That war was forty years ago. We see among us here to-day a few of its honored veterans—honored alike, whether they wore the blue or the gray. But to most of us that conflict is only a shadowy memory of childhood or a tradition. To all of us, however, its results are a serious and important reality. Its results have been manifold—some of them sorrowful, some joyful. One of the first sorrowful results was a legacy of mutual distrust and hate between the South and the North. This was perfectly natural at first, and in foreign nations it was a matter of great wonder that the mutual antipathy extended no further than it did. The general expectation abroad was that the country could never again become really reunited: that the recent foes in battle array would remain foes in spirit always. This the foreign powers not only expected, but also ardently desired.

Little did they know the stuff that Americans are made of. Until America taught the world a better lesson it was the invariable rule that the victor took everything and the loser lost everything. That was the rule in the old biblical wars, in the Macedonian, Persian, Greek, and Roman wars, in the War of the Roses, in the wars of Charlemagne, of Frederick the Great, of Peter the Great, of Marlborough, of Napoleon. Never before had there ever been heard or uttered such sentiments as those of Lincoln in his inaugural addresses; never before had a victorious general spoken or acted like Grant at Appomattox. The South fully appreciated the magnanimity which, after the first mistakes of reconstruction were abandoned, the North manifested toward their late foes, a magnanimity never equaled in history except by the similar magnanimity shown by the Southerners in accepting the situation in good faith and uncomplainingly resigning themselves to the loss of all that they had held so dear.

Nevertheless it was long—almost, if not quite, the length of a generation—before the mutual distrust and unfriendliness between the two sections died out. The American character being what it is, reconciliation was bound to come before very long, and now, thanks be to God, it has come.

The great Lincoln was its first advocate and prophet. He always maintained that the Union had never in fact been dissolved and that it must again become in spirit reunited. While almost all others were indulging feelings of the most intense animosity, and while the conflict was still raging, he could say such words as these to all his countrymen, South and North:

> We are not enemies, but friends. We must not be enemies. Though passion may have strained, it must not break our bonds of affection. The mystic chords of memory, stretching from every battlefield and patriot grave to every living heart and hearthstone all over this broad land, will yet swell the chorus of the Union, when again touched, as surely they will be by the better angels of our nature.

"As surely they will be?" Aye, indeed, was not Lincoln a true prophet? For surely they have been.

And again:

> With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in, to bind up the nation's wounds, to care for him who shall have borne the battle and for his widow and his orphan, to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations.

"To bind up the nation's wounds." In Lincoln's mind the "nation" meant the whole country—South as well as North. Nothing is better settled in history than that he intended to treat both sections alike after the war. In his view, the North and the South were brothers who had quarreled, and as soon as possible he wished full fraternal relations to be reestablished. He would have "bound up the wounds" of the Confederate soldier as well as of the Federal soldier. And if that great and good man were alive to-day, I firmly believe he would be the chief and foremost advocate of all measures designed to extend the protecting care of the General Government to all sections alike, and to bring together under the same roof the heroic veteran in blue and the heroic veteran in gray.

Was not Grant almost as much of a prophet? Will the South, will the North, will the world ever forget what he did and said at Appomattox, in the hour of triumph, and before the sun had set on the day of his final victory—how he handed back to Lee his surrendered sword, and told Lee's soldier's to keep their horses because they would need them for the spring plowing; or how, out of the generosity of his heart, he ordered his commissary to issue rations to as many of the Confederates as needed them from the supplies belonging to and furnished by the Federal Government, even though it might put his own troops on short allowance? The keynote of this great soldier's sentiment was not the keynote of Alexander or of Napoleon—his keynote was: "Let us have peace."

Now, in these our later times the prophesies and wishes of these early leaders of the people have found fulfillment. In the course of time another war menaced this country—a war with a foreign country and in behalf of an oppressed neighbor. This was all that was still needed to solidify the reunion of the States. Was it not a joyful, an inspiring sight to see the old boys in blue and old boys in gray, and the sons of both, marching again together as in the days of the wars with England and the Mexican war, keeping step to the music of the Union, no matter whether the band played Yankee Doodle or Dixie? Since the Spanish war this nation has been in very truth a reunited nation, and the

utter failure since then of all partisan attempts to fan the old embers of strife into flame only proves how strong the new bonds of union and affection are. It is all one now, whether we wore the blue or the gray. We both firmly believed we were right and both fought as hard as we could, and both would now fight equally hard, side by side, in defense of the Union, and would die for it with equal willingness.

That being the case, why should there not be established, as a memorial of the national reconciliation, a joint Soldier's Home, applicable to all United States veterans—veterans of the Spanish war, veterans of the civil war, veterans of the Mexican war, and of the Indian wars? Why should the ex-Confederates be excluded from such a home, or why should they refuse to enter such a home? Is this not their country? Did not many of them fight for it in the Spanish war, and would not all of them have gladly done likewise if not incapacitated by age or infirmity? Suppose General Wheeler or Gen. Fitzhugh Lee were reduced to extremities, could they not be sheltered properly by a United States Soldiers' Home as veterans of the Spanish war? But are they not Confederate veterans as well?

In the recent past there have been Presidential utterances of a similar vein, fit to rank with those I have just quoted. Need I explain that I refer to the lamented and beloved President McKinley's remarks on his Southern tour in 1898. Nothing that President McKinley ever said so endeared him to the South and to the whole country, or so clearly proved his true patriotism and his kindly disposition, as the speeches which he made at Atlanta and Montgomery on that tour. Let us recall to mind his eloquent remarks in the auditorium at Atlanta:

Under hostile fire on a foreign soil, fighting in a common cause, the memory of old disagreements has faded into history. From camp and campaign there comes the magic healing which has closed ancient wounds and effaced their scars. For this result every American patriot will forever rejoice. It is no small indemnity for the cost of the war.

This Government has proved itself invincible in the recent war, and out of it has come a nation which will remain indivisible forevermore. No worthier contributions have been made in patriotism and in men than by the people of the Southern States. When at last the opportunity came they were eager to meet it, and with promptness responded to the call of country. Intrusted with the able leadership of men dear to them, who had marched with their fathers under another flag, now fighting under the old flag again, they have gloriously helped to defend its spotless folds and added new luster to its shining stars. That flag has been planted in two hemispheres, and there it remains, the symbol of liberty and law, of peace and progress.

The victory we celebrate is not that of a ruler, a President, or a Congress, but of the people.

And again:

Sectional lines no longer mar the map of the United States. Sectional feeling no longer holds back the love we bear each other. Fraternity is the national anthem, sung by a chorus of forty-five States and our Territories at home and beyond the seas. The Union is once more the common altar of our love and loyalty, our devotion and sacrifice. The old flag again waves over us in peace, with new glories which your sons and ours have this year added to its sacred folds.

What an army of silent sentinels we have, and with what loving care their graves are kept! Every soldier's grave that was made during our unfortunate civil war is a tribute to American valor. And while, when those graves were made, we differed widely about the future of this Government, those differences were long ago settled by the arbitrament of arms; and the time has now come, in the evolution of sentiment and feeling under the providence of God, when in the spirit of fraternity we should share with you in the care of the graves of the Confederate soldiers.

The cordial feeling now happily existing between the North and South prompts this gracious act, and if it needed further justification it is found in the gallant loyalty to the Union and the flag so conspicuously shown in the year just past by the sons and grandsons of these heroic dead.

What a glorious future awaits us if unitedly, wisely, and bravely we face the new problems now pressing upon us, determined to solve them for right and humanity!

Reunited—one country again and one country forever! Proclaim it from the press and the pulpit; teach it in the schools; write it across the skies! The world sees and feels it; it cheers every heart North and South and brightens the life of every American home! Let nothing ever strain it again! At peace with all the world and with each other, what can stand in the pathway of our progress and prosperity?

It was my privilege, in my capacity as a member of the Alabama senate, to be present when President McKinley was received at the capital at Montgomery, and to hear his speech on that occasion. Like all his other Southern speeches, it produced a profound impression and convinced all of his hearers that he was one of the grandest exponents of American statesmanship then living, and an American of the Americans. Among other things he said:

To be welcomed here in the city of Montgomery, the first capital of the Confederate States—warmly and enthusiastically welcomed as the President of the United States, the President of a common country—has filled me and thrilled me with emotion. Once the capital of the Confederacy, now the capital of a great State, one of the indestructible States of an indestructible Union.

The governor says he has nothing to take back. We have nothing to take back for having kept you in the Union. We are glad you did not go out and you are glad you stayed in.

Alabama, like all the States of the Union, North and South, has been loyal to the flag and steadfastly devoted to the American name and to American honor. There never has been in the history of the United States such a demonstration of patriotism, from one end of the country to the other, as in the year just passing: and never has American valor been more brilliantly illustrated in the battle line on shore and on the battle ship at sea than by the soldiers and sailors of the United States.

Upon the field of Antietam President McKinley again alluded to this theme, and said:

Standing here to-day, one reflection only has crowded my mind—the difference between this scene and that of thirty-eight years ago. Then the men who wore the blue and the men who wore the gray greeted each other with shot and shell, and visited death upon their respective ranks. We meet, after all these intervening years, with but one sentiment—that of loyalty to the Government of the United States, love of our flag and our free institutions, and determined, men of the North and men of the South, to make any sacrifice for the honor and perpetuity of the American nation.

It was by such utterances as these, in behalf of the obliteration of sectional distinctions and prejudices, and characterized by such genuine patriotism and overflowing love for the whole country, that President McKinley attained the exalted position in the affection and esteem of his fellow-citizens of all sections and all parties which he enjoyed at the time of his mournful death, and which will pertain to his memory forevermore.

It is also fresh in the memory of all how our present Chief Magistrate, President Roosevelt, happily and worthily expressed similar sentiments at the Charleston banquet, saying:

Around this table I see many men who took part in the great war. The war in which the younger among us here took part was a very little one, because it did not have to be any bigger. But it had one thoroughly good effect; it put the cap on the structure that had been building while we were almost unconscious of it, and it taught us how thoroughly at one we were. When we got through that war it did not make a bit of difference to us whether it was an admiral who came from Vermont, or a lieutenant who came from Alabama, if the man had done his duty in such shape as to make us each feel an even more generous thrill of pride in our common nationality. The debt that we owed him had little to do with the section from which he came.

And again, in his Exposition speech:

With delicate and thoughtful courtesy you originally asked me to come to this exposition on the birthday of Abraham Lincoln. The invitation not only showed a fine generosity and manliness in you, my hosts, but it also emphasized as hardly anything else could have emphasized how completely we are now a united people. The wounds left by the great civil war, incomparably the greatest war of modern times, have healed, and its memories are now priceless heritages of honor alike to the North and to the South. The devotion, the self-sacrifice, the steadfast resolution and lofty daring, the high devotion to the right as each man saw it, whether Northerner or Southerner—all these qualities of the men and women of the early sixties now shine luminous and brilliant before our eyes, while the mists of anger and hatred that once dimmed them have passed away forever.

All of us, North and South, can glory in the valor of the men who wore the gray. Those were iron times, and only iron men could fight to its terrible finish the giant struggle between the hosts of Grant and Lee. To us of the present day, and to our children, and to our children's children, the valiant deeds, the high endeavor and abnegation of self shown in that struggle by those who took part therein will remain forevermore to mark the level to which we in our turn must rise whenever the hour of the nation's need may come.

When four years ago this nation was compelled to face a foreign foe the completeness of the reunion became instantly and strikingly evident. The war was not one which called for the exercise of more than an insignificant fraction of our strength, and the strain put upon us was slight indeed compared with the results. But it was a satisfactory thing to see the way in which the sons of the soldier of the Union and of the soldier of the Confederacy leaped eagerly forward, emulous to show in brotherly rivalry the qualities which had won renown for their fathers, the men of the great war. * * * And now, in closing, I am going to paraphrase something said by Governor Aycock last night. I have dwelt to-day upon the fact that we are united, a reunited people; that we are united and forever one people. The time was when one could not have made that statement with truth; now it can be truthfully said. There was a time when it was necessary to keep saying it, because it was already true, and because the assertion of it made it more true. But the time is at hand, I think the time is come, when it is not necessary to say it again.

Proud of the South? Of course we are proud of the South. Proud of your great deeds? Of course I am proud of your great deeds, for you are my people.

Another evidence of this lofty and noble sentiment, this good fellowship and brotherly esteem, was beautifully and impressively expressed by Representative S. S. BARNEY, of Wisconsin, one of the distinguished members of the "Thompson Congressional party," that recently toured Alabama to study the race question, who said in his speech at Montgomery, the capital of our beloved State:

While passing through your beautiful capitol I saw where your fair women had inclosed in glass cases the old battle-worn and shot-riddled flags which were carried by your brave sons upon the bloody fields of the great war. This is cultivating a proper sentiment and it is right to preserve these silent but convincing witnesses of the heroic valor of the men who fought and died under those tattered folds.

It called to my mind how I had seen in the capitol of my State similar provisions to preserve these silent witnesses of the patriotism and heroic valor of the sons of the Badger State who had fought and died beneath the Stars and Stripes for the preservation of the Union. All of these men fought for what they believed was right, and their valor is entitled to this recognition.

No government can hope to live long which does not cherish the memory of its heroes. As I now look into the faces of these loyal sons and daughters of the State of Alabama and see that starry banner above us and now floating over all the States, the thought comes to me that some time a temple will be built midway between the North and South, and the veterans of that war left will carry all those flags and fold them together and lay them tenderly away as a lasting memento that we are more firmly united than ever before and are bound together by ties of love and friendship light as air but as strong as links of steel.

Now, it is important to understand and recognize the spirit which has animated all these words and deeds of good will thus offered on the part of the North toward the South. The spirit has not been the spirit of condescension, not the spirit of lofty patronage, not the spirit of almsgiving, not even the spirit of mere sympathy; it has been the spirit of true hospitality, both on the part of the North and of the South—the same spirit which makes a friend free of one's house and home, or which prompts a neighbor to help his neighbor over a rough place in his work, sure of receiving a

reciprocal favor when needed. True hospitality, true neighborliness, true fraternal feeling, that is the sentiment animating the hearts of all good Americans, North and South, to-day; and the rise of the resistless tide of this sacred sentiment in all our hearts has forever swept away the old rancorous, bitter sentiments of the dark, dismal past.

What better, what nobler, what more appropriate outward and visible expression of this new national sentiment could there be than the establishment of a National Soldiers' Home for the use of Union and Confederate veterans alike and for the veterans of all our wars, from whatever section of the country they may hail? It would be highly appropriate, it seems to me, that the President of these whole United States should be the one to supervise this matter, through a commission appointed by him, to locate, erect, and maintain such an institution. I remember in this connection that Captain Falkner, formerly of the Confederate Army, has recently offered 100 acres of land in or near Montgomery, Ala., for the establishment of a home for Confederate veterans; and I think that doubtless his innate chivalry and generosity of heart would prompt him to include Union veterans among the beneficiaries of the institution if the idea were called to his attention.

The new reunion between the South and the North has had a striking manifestation, not merely in warlike pursuits alone, but in peaceful pursuits as well. The phenomenal increase of late in the manufacturing industries of the South has been due in part to the combination of Northern men and Northern capital with Southern men and Southern capital. Tens of millions of such capital have lately been invested in new cotton mills and other manufacturing enterprises in the Southern States, the output of which now constitutes the bulk of our national exports to some countries, notably China. In my own State of Alabama I need only specify the very large new cotton manufacturing plants at Cordova, Alabama City, and other places, the immense car works and iron works at Anniston and Birmingham, and such great lumber plants as that at Hollins, Clay County, where, by the way, there are employed several hundred men, including quite a large number of old Union soldiers, who are now drawing pensions from the Government.

I do not need to dwell on these details. They have become familiar to you and to the country through the newspapers, the reports of commercial bodies, and the census bulletins.

Through all these legends of war and peace one central idea, one central sentiment, runs: We are again, thank God, one people, united in heart and in mind and in soul, and in the strength of that unity we can stand up before the nations and defy the world to injure us.

It was only the other day, Mr. Speaker, that this House did a graceful and becoming act in passing unanimously the bill to donate to the State of Alabama two masts taken from Spanish battle ships captured in the recent war by that noble Alabama hero Richmond Pearson Hobson. As explained by my honored colleague from the Montgomery district, the Hon. A. A. WILEY, these masts are intended to be permanently erected in the first capital of the Confederacy—and for what purpose? For no other purpose than to bear aloft and fling to the breeze the flag of the United States in the very place where the Confederate flag was first raised over the official representatives of the Confederate States. Surely that is an inspiring thought—inspiring alike to both sections of the Union. The flag which former generations of Americans followed in former wars and which this generation has followed in the last war is the flag of our common country, the flag of Alabama as well as the flag of Massachusetts, and under its folds the men of the South will henceforth march shoulder to shoulder with the men of the North against the foe. [Applause.]

Another topic, Mr. Speaker, suggests itself to me in this connection. It may be said, with almost if not quite literal truth, of the United States flag now, as it is said of the British flag, that the sun never sets upon it. When the sun is setting in San Francisco it is rising at Manila, and when it is setting at Manila it is at least preparing to rise at Eastport. Yea, our flag floats aloft over the Philippines, and if the policies so ably advocated by that lovable and pure-hearted President, the late lamented McKinley, had been carried out, no one would have just cause to pull down that flag. I quote a few paragraphs from McKinley's memorable speech before the Home Market Club at Boston, February 16, 1899, upon the future of the Philippines:

> Our concern was not for territory or trade or empire, but for the people whose interests and destiny, without our willing it, had been put in our hand. It was with this feeling that from the first day to the last not one word or line went from the Executive in Washington to our military and naval commanders at Manila or to our peace commissioners at Paris that did not put as the sole purpose to be kept in mind, first after the success of our arms and the maintenance of our honor, the welfare and happiness and the rights of the inhabitants of the Philippine Islands.

Are we not going, Mr. Speaker, in the direction of forgetfulness of the Filipinos' rights and of violation of the spirit of this lofty declaration? I quote again:

> Unless Congress shall direct otherwise, it will be the duty of the Executive to possess and hold the Philippines, giving to the people thereof peace and order and beneficent government, affording them every opportunity to prosecute their lawful pursuits, encouraging them in thrift and industry, making them feel and know that we are their friends, not their enemies; that their good is our aim; that their welfare is our welfare, but that neither their aspirations nor ours can be realized until our authority is acknowledged and unquestioned.

Again:

> That the inhabitants of the Philippines will be benefited by this Republic is my unshaken belief. That they will have a kindlier government under our guidance, and that they will be aided in every possible way to be a self-respecting and self-governing people is as true as that the American people love liberty and have an abiding faith in their own Government and in their own institutions. No imperial designs lurk in the American mind. They are alien to American sentiments, thought, and purpose. Our priceless principles undergo no change under a tropical sun. They go with the flag.

I regret that this generous and ennobling policy of the late martyred President has not been followed. Unfortunately, some of our commanders in the Philippines have pursued methods of warfare unnecessarily cruel and barbarous, so that we read about them as under the spell of some hideous dream. By these methods the name of America has succeeded to the deadliest hatred heaped upon Spain. This would not have been true under the McKinley policy. Besides, the civil branch of the government of the islands has been preposterously expensive, extravagant, and inefficient. We have given the Filipinos still further cause for disliking us by arranging to legally rob them by means of an unfair and unjust tariff law. This Philippine tariff has been enacted in opposition to all considerations of moral right and constitutional authority. The Republicans in this case have kept up their time-honored practice in the matter of levying tariff taxes most heavily upon those least able to bear them. They have overridden the Constitution in the case of Porto Rico and in the case of the Philippines. They have been overriding the Constitution over since the party was born. They have even boasted of it as a sort of badge of independence and progress.

But why should they hesitate about such a little thing as the constitutionality of the Philippine tariff act? They have made a great ado about "hauling down the flag" in the Philippines, but they have not in the least scrupled to haul down the Constitution in the Philippines. For my own part, I believe in upholding both the flag and the Constitution in those islands. To the Republicans, in their treatment of the Constitution, may well be applied the stinging rebuke of the poet Holmes to those who many years ago proposed to break up the noble old frigate named *Constitution* and popularly known as *Old Ironsides:*

> Ay, tear her tattered ensign down!
> Long has it waved on high,
> And many an eye has danced to see
> That banner in the sky;
> Beneath it rung the battle shout
> And burst the cannon's roar—
> The meteor of the ocean air
> Shall sweep the clouds no more.
>
> Oh, better that her shattered hulk
> Should sink beneath the wave;
> Her thunders shook the mighty deep,
> And there should be her grave.
> Nail to the mast her holy flag,
> Set every threadbare sail,
> And give her to the god of storms,
> The lightning and the gale!

No, sir; in order to keep the Philippines it is not necessary to kill the women and children and to turn into a howling wilderness all the territory that the Army touches. Nor is it just or right to apply our tariff regulations to a country whose "welfare and happiness and rights" we are pretending to guarantee. Far more kind would it be of us and far better for them if we should enact into law the sentiments expressed in the quotations given above from the Boston speech of the trained legislator and the spotless Executive. The honor of this Government demands that we shall exercise over the islands such control as will best promote their future interest and welfare. Such control is not well illustrated by conflagrations, reconcentrado camps, and the water cure.

But, Mr. Speaker, in condemning these barbarities, I do not condemn our Army as a whole. These unutterable cruelties should be condemned as they should be avoided, but the whole Army should not share in that condemnation. We on this side of the Chamber have as deep and abiding interest in the Army and Navy as have our Republican brethren. It is as much our Army as it is theirs. From the first call to arms in the Spanish war up to this good hour the State which I have the honor in part to represent, and the whole section of country connected in feeling and sentiment with that State, have furnished their full share of soldiers, who have done their full share of fighting. Wherever the flag floats the sons of that section will fight on and ever undaunted in its defense. We on this side of the Chamber

stand ready to defend and uphold the Army, but at the same time we do not claim that the Army, like the king, can do no wrong; and we do not hesitate to denounce the wrong-doing of any soldier or Army officer. Nor do we hold in such righteous reverence any of our public officials that we can not fittingly characterize their misdoings. We honor our flag too much to see it prostituted to unworthy purposes; we would keep untarnished its stainless folds; we would send it forth as an emblem of civilization and of freedom; we would have it bring peace, good-will, and prosperity to the Philippines and to every foot of ground over which it floats. [Applause.]

Capacity of the Filipinos to Govern Themselves—9 Members of Aguinaldo's Cabinet and 28 Members of the Native or Malolos Congress Appointed by American Officials to High Place in the Philippines at Salaries Ranging from $7,500 on Down—6,253 Officers in the Philippines under Civil Service Paid Yearly $3,903,658, with 6,000,000 Christian Filipinos to Foot the Bill—Buencamino and Lopez—Effect of the Climate on the Health of White People in the Philippine Islands.

SPEECH

OF

HON. JOHN W. GAINES,

OF TENNESSEE.

IN THE HOUSE OF REPRESENTATIVES,

Monday, June 23, 1902.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes—

Mr. GAINES of Tennessee said:

Mr. CHAIRMAN: Are people of the Philippine Islands capable of self-government? This is an important question to be decided, the Democrats contending that they are morally and mentally, the Republicans that they are not. Their capability for self-government is immaterial with the Republicans, for they do not propose now, or in the future, to give these people their independence. They are going to hold them outside the Constitution, tied to our Republic as by a string, making their country a dependency on the English style, the inhabitants colonists, as much so as our Revolutionary fathers were before they crushed colonialism and gained their independence—just as the Filipinos have been trying to do for many years.

The Democrats do not want to hold the Philippines permanently, nor the inhabitants as subjects. The Republicans do. The Democrats contend that the Filipinos are mentally and morally capable of self-government at this time, but that because of the ravages of war, disease, and death and all form of government which formerly existed there having been knocked down by American authority, the United States should set them up or aid them in setting up a government acceptable to them, just as was done with Cuba, reserving, if you please, if we so desire, certain coaling stations, etc., which I am satisfied the natives will cede to us without a murmur.

Undoubtedly the Filipinos believe that we promised the same consideration, attention, assistance, and rights which we proposed to give Cuba when we declared war against Spain. This I have heretofore alluded to in speeches already printed in the RECORD. Proof of this is bountiful, but I will content myself in alluding to and quoting in part the proclamation prepared and issued by Aguinaldo from Cavite, his headquarters, in sight of Admiral Dewey and his powerful guns. This instrument was thus promulgated, although Dewey could have summarily interrupted and prohibited this or any proclamation by Aguinaldo. Here are four paragraphs of this proclamation prepared July 1 and issued July 12, 1898, to wit:

1. The independence of the Philippines shall be proclaimed.
2. A republic shall be established, with a government designated by President Aguinaldo and approved by the admiral and general commanding the United States forces.
3. The government will recognize the temporary intervention of commissioners designated for the present by the United States.
4. The American protectorate shall be recognized on the same condition as arranged for Cuba.

Commodore John D. Ford, fleet engineer of the Pacific coast of the United States, in his book entitled An American Cruiser in the East, pages 491 and 500, publishes this at length.

Commodore Ford was on board the *Baltimore* at the battle of Manila Bay. There is no doubt this proclamation was issued at the time, place, manner, and in the form and words just quoted. It is printed in Senate Document No. 62, being forwarded by Admiral Dewey and others to the Department at Washington.

You may say what you please about Aguinaldo and what he did at this time and later. Certainly at this period his cooperation with our American officials in the Philippines is directly chargeable to Admiral Dewey and President McKinley and his Cabinet, who knew all about what was going on, what was being done by this leader. Although armed with full power to have prevented all this, Dewey permitted it certainly, and I believe directed it, because he says, in one of his telegrams to the President, through his Cabinet, in speaking of Aguinaldo and what he was doing, "I have advised."

But it is not my purpose to discuss this question—that is, of promised independence; that I have done, as shown by my speeches of March 13 and March 25, 1902, found in the CONGRESSIONAL RECORD of April 19, at pages 4636 and 4683, respectively.

I wish to confine my remarks to the question of the capabilities of the Filipinos for self-government. I will not cite all the leading Americans who were in Manila when and after Dewey was there; but it seems to me pertinent to refer to Commodore Ford, and Messrs. Sargent and Wilcox sent out by Dewey to investigate the capabilities and conditions of these people, and Gen. Charles King, who was in the Philippine campaign; ex-Minister John Barrett, who visited the Malolos congress while in session, and possibly others.

I will not read all they said, but will insert it as a part of my remarks.

It suffices to say on the question of government that all these gentlemen say they are capable of self-government; that many are able, educated, and refined, and in substance say what Commodore Ford literally says:

COMMODORE FORD'S OPINION.

"They have a good government now, which they are operating successfully, and preserve law and order," while Mr. Barrett says that on his visit in 1898 to this Malolos or native congress he was astonished to see that these congressmen—

Conducted themselves with great decorum, and showed a knowledge of debate and parliamentary law that would not compare unfavorably with the Japanese Parliament.

That the executive portion was made up of bright and able men.

Mr. Barrett, a rank expansionist, said:

The government which was organized by Aguinaldo at Cavite, and continued first at Bacoor and later at Malolos, developed into a much more elaborate affair than its most ardent supporters had originally expected. By the middle of October, 1898, he had assembled at Malolos a congress of 100 men who would compare in behavior, manner, dress, and education with the average men of the better classes of other Asiatic nations, possibly including the Japanese.

These men, whose sessions I repeatedly attended, conducted themselves with great decorum and showed a knowledge of debate and parliamentary law that would not compare unfavorably with the Japanese Parliament. The executive portion of the government was made up of a ministry of bright men, who seemed to understand their respective positions. Each general division was subdivided with reference to practical work. There was a large force of under secretaries and clerks, who appeared to be kept very busy with routine work.

Commodore Ford, in the Baltimore Sun, after his return from the Philippines, said:

The fellows we deal with out there are not ignorant savages, * * * but an intelligent, liberty-loving people, full of courage and determination. They have the intellect and stamina to govern themselves, and have done it for three hundred years, although under the rule of Spain. They were the bookkeepers, the assessors, and managed the entire machinery of government. * * * They have a good government now, which they are operating successfully, and preserve law and order.

Gen. Charles King, who had served a long time in the Philippine campaign, in a telegram to the Milwaukee Journal, said:

The capability of the Filipinos for self-government can not be doubted. Such men as Arellano, Aguinaldo, and many others whom I might name are highly educated. Nine-tenths of the people can read and write, and all are skilled artisans in one way or another. They are industrious, frugal, temperate, and, if given a fair start, could look out for themselves infinitely better than our people imagine. In my opinion, they rank far higher than the Cubans or the uneducated negroes, to whom we have given the right of suffrage. There is no culture, excepting among the higher classes, of course, but there is fair education everywhere, and many people have ability. The men in power whom I met are gentlemen, many of them scholars, educated abroad, polished in manners, perfect in courtesy, broad minded, and ripe in judgment. There is no reason in the world why the people should not have the self-government which they so passionately desire, so far as their individual ability to carry it on goes.

Admiral Dewey sent out two of his officers, Messrs. Wilcox and Sargent, to go through the country on a tour of investigation. They filed a valuable report, which Admiral Dewey said was the most reliable information, and which he forwarded to the authorities at Washington. They speak in the highest terms of the inhabitants, saying that—

On one point they seemed united, namely, that whatever our Government did for them, it had gained no right to annex them.

They summarized the situation in the following language:

I know of no other country where a stranger can travel hundreds of miles and be entertained by the very best the country produces, where it is offered freely and cheerfully and with apologies for not having something better, and not permitted to pay a cent in return. This, too, in a land devastated by a revolution that had begun nearly three years previously. It is an example of generosity and goodness of heart I have never met with before in my wanderings in various countries of the world, where it has been my keenest enjoyment to travel on untrodden paths far away from the busy turmoil and unceasing activity of a city's throng.

As I progressed farther into the unbeaten tracks we were surrounded by a greater part of the men, women, and children of the near-by population, always respectful, smiling, and with suave and gentle manners.

In spite of a dark exterior one can easily fathom a manifestation of like or dislike on the face of a Filipino man or woman, and I do not remember having ever seen in the expression of the dark-brown eyes of the female population other than the kindly suavity of their gentle natures.

It is amazing to see how well these natives can read and write when their

limited opportunities for learning are considered. Large numbers of them have at one time or other been attached to some official post, so that when their oppressors were overthrown they were prepared to supplant them in office, and in many instances they conducted the affairs of state with a greater degree of efficiency than was displayed by their Spanish predecessors.

THEY SET UP A GOVERNMENT OF THEIR OWN.

At this time the United States had not yet announced its policy with regard to the Philippines. The treaty of peace was being negotiated. In the meantime the native population, taking matters into their own hands, had declared their independence from all foreign jurisdiction and had set up a provisional government with Aguinaldo at its head.

THIS GOVERNMENT STOOD BETWEEN THEM AND ANARCHY.

It can not be denied that in a region occupied by many millions of inhabitants for nearly six months it stood alone between anarchy and order.

The Philippine officers, both military and civil, that we met in all the provinces, with very few exceptions, were men of intelligent appearance and conversation. The same is true of all those men who form the upper class in each town. They have great respect and admiration for learning, and many men of importance told me the first use the public revenues would be put to after the danger from war was over was to start good schools in every village. The poorer class are ignorant on most subjects, but a large percentage of them can read and write. In the provinces of eastern Luzon which we visited there appears to be no friction between the civil and military.

As to the question of independence at that time among the civil and military officers and the leading townspeople, the desire was universal. "On one point they seemed united, viz, that whatever our Government did for them it had gained no right to annex them."

Mr. Halstead, a leading Republican, says in his book entitled "The Story of the Philippines," that he went to the Philippines as "war correspondent in America and Europe, historian of the Philippine expedition, a friend of President McKinley," and that he went to prepare to publish a book "herewith presented, to offer in popular form the truth touching the Philippine Islands." He arrived in Manila early in the spring of 1898. At page 96 of his book he says:

Aguinaldo and his party have a congress. It might be an approved beginning of the territorial legislature, and the insurgent general might be the presiding officer. There would be abundant reason for the auspicious exercise of all his rights in the public service.

But this is not the only position discussed that Aguinaldo could fill by American appointment. In the summer of about two years or two and a half years ago, at Cedar Hill, Tenn., I picked up an Indiana paper, I think published at Madison, at all events some place in that State or Illinois. The name of the paper I forget and deeply regret that I have lost it, though I tried to preserve it and since to get a copy, but have failed, but in this paper was a letter from the Hon. Perry Heath, in which he expressed his regrets that he could not attend some entertainment in Indiana or Illinois given in his honor. He distinctly stated in his letter that President McKinley had offered to Aguinaldo a commission in the United States Army and he declined.

But this is not surprising, for he had been spoken of in the highest terms by our military officials in the Philippine Islands, by General Bell, as follows:

Aguinaldo—honest, sincere, and poor, not well educated, but a natural leader of men, with considerable shrewdness and ability. He has the power of creating among people confidence in himself and is undoubtedly a very popular man, highly respected by all; but there are better educated and richer natives who do not think he has sufficient education or experience to be a suitable president. He was a "little governor" of a small town in one of the provinces. It is also said that he was a school-teacher, but I have been unable to verify this assertion.

There are a number of Filipinos whom I have met, among them General Aguinaldo and a few of his leaders, whom I believe thoroughly trustworthy and fully capable of self-government, and the main reliance for small official positions and many larger ones would be upon people who know no standard of government other than that the Spaniards have furnished. * * * Aguinaldo has many adjutants, most of whom are young, smart, and well educated. * * * There is not a particle of doubt but what Aguinaldo and his leaders will resist any attempt of any government to reorganize a colonial government here. They are especially bitter toward the Spaniards, but equally determined not to submit any longer to being a colony of any other government.

Admiral Dewey informed the President that Aguinaldo's success had been remarkable, or to use his exact words, "has been wonderful." "Have advised frequently to conduct war humanely, which he has done invariably." This was cabled to the President June 27, 1898. General Bell's communication was August 29, 1898, as shown by Senate Document No. 62, where both these statements can be found.

MEMBERS OF AGUINALDO'S CABINETS AND OF THE MALOLOS CONGRESS APPOINTED TO HIGH AND LOW RESPONSIBLE PLACES BY GENERALS MERRITT, OTIS, M'ARTHUR, AND THE TAFT COMMISSION.

It is a remarkable fact that a large majority of the members of Aguinaldo's cabinet and between 28 and 31 members of the Malolos congress of the Philippine republic have been appointed to positions in the Philippine Islands by American authority, both military and civil, and these appointments have been approved by Presidents McKinley and Roosevelt; and this very bill now pending proposes to ratify these acts, these appointments, and all that the Taft Commission has done in the Philippine Islands, and of course this bill will pass this House.

From chief justice of the supreme court, from Philippine commissioner, from governorships, from trial judgeships, clear on down to the humblest clerkships in the Philippine Islands, native ex-insurgent Filipinos have been appointed thereto by Governor Taft and the Philippine Commission.

And it is a strange thing to me that this is the case, and at the same time the Republicans charge, without proving it, the Filipinos are incapable of self-government; that they are a lot, with a few exceptions, of "children," "savages," or "liars" to use the words of the gentleman from California [Mr. KAHN]; that they are traitors, treacherous, and base ingrates; and yet when General Merritt and General Otis were there they appointed ex-insurgents and their allies to judgeships, with a majority of the court natives—ex-insurgents—to do what? To administer the law; to say what the law is; to try cases and sweep away the property of natives and Americans alike; to indict natives and Americans alike and without grand jury; to try them with one man acting as court and jury combined without the intervention of any jury. And yet these people are incapable of self government. They are "children" with a few exceptions; they are imps of Satan, unworthy of independence or even the promise of independence.

You can not say we have an American governor at the head and therefore all will be right. You dare not do this, for if you do you convict the American governor of interfering with trials, interfering with the judgment of the court, which can not be done. There can be no outside intervention in trials. The opinion of our courts must be held within the breast of the court and be the opinion of that court until the opinion is delivered. A governor's province is executive and not judicial.

Let me go a step further. I can not dwell longer here. Let us get at the bald-faced official facts, going to show the capabilities of the Filipinos for self-government. Not all, of course, are capable; nor are all in the United States or elsewhere capable of self-government. We deny millions in this country the elective franchise, and do so by law, because unfit even to vote, much less make or execute the law.

MEMBERS OF AGUINALDO'S CABINET APPOINTED TO HIGH POSITIONS BY AMERICAN AUTHORITY.

I will now give briefly a list of some of the members of Aguinaldo's cabinet appointed to office by Generals Merritt, Otis, and MacArthur, and reappointed or continued in office by the Taft Commission or Governor Taft.

Arelano, who has been chief justice of the supreme court of Manila since the administration of General Merritt; salary, $7,500.

He was secretary of state says General Otis, and attorney-general says Vice-Consul Wildman, in Aguinaldo's cabinet, and helped to frame the Malolos government, helped to write the Malolos constitution, and for what? He thought that we were going to give the Filipinos their independence. If not, why did he thus act? He believed it. He construed everything we did here in the United States and that Dewey did in the Philippine Islands as saying that we were going to give them independence. He thought by his act these people were capable of self-government. If not, why did he thus act? And yet he is to be classed among many others who were thus impressed with the promise of independence by act or word as one of the "liars" alluded to by the gentleman from California [Mr. KAHN].

Again, there is Florentina Torres, a member of Aguinaldo's cabinet (secretary or subsecretary), who took sides with the insurgents and native government, but he was appointed attorney-general by General Merritt, who has been continued in office and is now associate justice with Arelano, at a salary of $7,000. He helped to write the Malolos constitution and to set up the Philippine republic.

But these are not all of Aguinaldo's cabinet thus honored.

There is Gregoria Areneta, solicitor-general of Manila; salary, $4,500.

There is Benito Legarda, a member of the Philippine Commission, salary $5,000 a year; then there is Tavera by his side, salary $5,000 a year.

There is Garcia Gonzago, governor of Cagayan Province, first appointed, then elected; salary, $1,800.

There is Ambrosio Flores, governor of Rezal Province; salary, $1,800.

Then there is Jose Coronel, a messenger in Manila in the department of police; salary, $120. These facts are official.

Then there is Mariano Trias, governor of Cavite Province, appointed by Governor Taft and subsequently elected; salary, $1,800.

And I want to say here that Colonel Baldwin told me—Colonel Baldwin is now fighting the Moros, and returned to the United States with our Congressional party, at least part of the way—that he preferred General Trias for governor to any American; that he was honest and intelligent and courageous and was making a fine governor. Yet Trias, he said, fought us as long as he could. Young Garcia, Colonel Baldwin's interpreter, said Trias and his men were nearly starved when he surrendered.

I have here a list of the members of the Malolos congress, heretofore published in the RECORD, and the names of Aguinaldo's cabinet officers; also an official publication from the Division of Insular Affairs, War Department, January 1, 1902, entitled

"Official Register of the Officers and Employees in the Civil Service of the Philippine Islands."

It contains 121 pages, and shows that there are 6,123 officers under the "civil service" in the Philippine Islands, by appointment or election, by the consent of Governor Taft, the Philippine Commission, President McKinley, or President Roosevelt.

6,000 OFFICERS UNDER CIVIL SERVICE IN PHILIPPINES—SALARIES PAID THEM NEARLY $4,000,000.

Think of it, over 6,000 officeholders appointed or elected in these islands before civil government has been set up in all the islands, costing in salaries alone $3,903,658.25 per year, if my additions are correct! We had but few inhabitants under the territory acquired under Democratic Administration—Louisiana—59,998 inhabitants, all told, in 1806, three years after we acquired it; a much smaller number in Florida, about 10,000, and 60,000 in the Mexican territory.

We needed only and appointed only a few judges, governors, and clerks. But here in the Philippines we have 10,000,000 people. The salaries range all the way from $20,000 per annum of Governor Taft down to about $100 to $150 a year, or nearly $4,000,000 per year for salaries alone.

By whom do these ex-insurgents sit? By the side of Taft and Commissioners Worcester and Wright and Ide and Moses. They, Legarda, Tavera, ex-insurgents, ex-members of Aguinaldo's cabinet, ex-members of the Malalos congress, the legislature of the Philippine republic that declared her independence; they thought and so acted in 1898 as to say these people were capable of self-government, of course, under strict suffrage laws we must presume; who thought independence had been promised, and this thought was so impressed upon them by the way Dewey acted and the way President McKinley permitted him to act, that they actually helped to erect the Philippine republic, and it was erected.

Yes, sir; so wise were they they thought this and believed this, or so ignorant were they that they thought this and believed this, they—Legarda, Tavera, Coronel, Arelano, Buencamino, Areneta, Torres, Flores, Trias, members of Aguinaldo's cabinet.

And yet Governor Taft and his associates go right over there and find that they are fit—for what? To say what the law is, and therefore judicial material, and they are made judges; that they are so fit to make laws that they are put on the Philippine Commission and proceed to making laws at high salaries; they are made governors, so fit are they to execute the law and respect their oaths.

Why, my dear sirs, if General Merritt had not shot the Malolos congress to pieces just before the Schurman Commissioners got to Manila in 1899, if General Merritt had not then shot down the Philippine republic, these bodies would have gone to pieces and gone down by thus taking the officers from this Philippine republic and putting them in these high positions.

I was informed by members of the civil service commission, October, 1901, while in Manila, that about 5,000 Filipinos, or natives, were filling positions under the civil government. We are recently informed that there are over 4,000 natives in office under the "civil service," and of course they must be unable to read and write, they must be liars, and thieves, and traitors, and murderers, and treacherous before they can stand this civil-service examination—before they are eligible!

Let us see who Mr. Commissioner Tavera was before and since the advent of American authority in the Philippines.

To the Schurman Commission he said he was a member of cabinet of the governor-general of the Philippine Islands under Spain, and took part in trying to keep down the uprising of the insurgents against Spain. Next we hear of him on the other side, with the insurgents and the United States, and against Spain, and a member, he says, of Aguinaldo's cabinet. He was a member of the Malolos congress. He helped to write the constitution of the Philippine republic, with Calderon, the Rosarios, Arelano, Gonzales, Barito, and Ocampo, all of whom, except Ocampo, hold positions under the present civil government by appointment of Governor Taft or his associates.

The next we hear of Tavera he takes sides with the Americans against the Filipinos, and then later we find him registered as one of the Philippine Commissioners, sitting hard by the side of Taft and Wright and Worcester and Moses—Bernard Moses.

He, too, showed that he believed that by word and act independence had been promised, and that self-government was what the natives wanted, and that they could execute it, so he, too, proceeded to build a Philippine republic, and he now draws an annual salary of $5,000 a year since September 1, 1901.

Mr. BARTLETT. Is that in silver?

Mr. GAINES of Tennessee. No, sir; it is in American gold. Truly it can be said of Tavera that—

He wired in and he wired out,
He left everybody still in doubt,
Whether the snake that made the track
Was going north (where) or coming back.

Doubtless he did this as many others to avoid personal danger. He is a scholarly man, a leader of great reputation at home and abroad.

But I must hurry on. Let me get now to the members of the Malolos congress who have been appointed or elected, and now hold, according to this Official Register, position in the Philippine Islands. Here is the list I have prepared:

Name.	Date appointed.	Salary.	Office held.
A. Bautista	Mar. 14, 1900	$3,000	Commissioner of police.
A. C. Herera	Aug. 7, 1901	4,500	Mayor of Manila.
B. Legarda	Sept. 1, 1901	5,000	United States Philippine Commissioner.
F. Buencamino	July 1, 1901	3,500	Civil service commissioner.
Ignacio Villamor	June 15, 1901	4,000	Judge court of first instance.
Isidoro Parades	----do----	3,000	Do.
J. Gonzales	June 1, 1901	150	Provincial service.
José Salamanca	Oct. 28, 1901	300	Delegate.
José R. Santiago	Jan. 1, 1902	----------	Justice of the peace.
José Coronel	Nov. 18, 1901	120	Messenger police service.
José Alejandrino	Aug. 7, 1901	1,800	Assistant city engineer.
José Fernandez	June 22, 1900	360	Philippine Islands civil service commissioner.
Juan Manday	Aug. 28, 1901	1,100	Fiscal, Manila.
Lorenzo Rosario	July 17, 1901	240	Clerk, Manila.
M. X. Burgos	Dec. 1, 1901	1,400	Clerk bureau of statistics, Manila.
M. Martinez	Feb. 15, 1901	360	Clerk industrial bureau.
El Del Rosario	July 17, 1901	240	Clerk supreme court.
Mariano Abello	Aug. 20, 1901	180	Clerk.
Mariana Crisistoma	Feb. 22, 1901	1,300	Fiscal.
Martin Garcia	Jan. 2, 1900	240	Weigher.
Mena Crisaloga	Aug. 16, 1901	1,800	Governor Province Ilocos Sur.
Patricio Baylon	Apr. 3, 1901	1,250	Fiscal.
Ricardo Paras	May 1, 1901	1,000	Governor Province Marinduque.
Marcelo Del Rosario	June 1, 1902	----------	Justice of the peace.
S. V. Rosario	Oct. 1, 1898	750	Municipal doctor.
Sophio Alanday	Mar. 13, 1901	1,300	Fiscal.
Satero Laurel	Jan. 1, 1902	----------	Justice of the peace.
T. H. Pardo Tavera	Sept. 1, 1901	5,000	United States Philippine Commissioner.
Filipe Calderon	----do----	----------	Law examiner.

Vicente Somosa was medical adviser in Malate.

Twenty-four members of the Gonzales are in Government employ.

I insert here under the rule an important letter from Sixto Lopez, received since my speech was delivered, showing the officers of Aguinaldo's cabinet, and members of the Malolos congress—Lopez being one of the latter—now in the employ of the American Government in the Philippine Islands:

CARE OF FISKE WARREN, ESQ., 8 MOUNT VERNON PLACE,
Boston, Mass., June 21, 1902.

Hon. J. W. GAINES,
House of Representatives, United States, Washington, D. C.

DEAR SIR: I have to thank you for your letter of yesterday, with inclosure, to which I now beg to reply:

First, as to the history of Señor Buencamino. I have in my possession a statement published by the Filipinos resident in Paris in 1889, in which many serious charges are made against Buencamino and his family. But as I am concerned with his public career only and such of his private acts as affect that career, I will not even hand on what others have written about his private life. These few extracts, however, I will give, not on my own authority, but on that of the Filipinos of Paris, from a written statement supplied them by the Filipinos in Manila:

"Felipe Buencamino * * * a lay servant of the friars * * * is a native of San Miguel de Mayumo, in the province of Bulacan, a Chinese mestizo, and the son of Victor and Petrona Siojo. He passed a miserable and hungry childhood until (private accusation). Time passed, and through the influence of the Very Rev. Father Friar Juan Tombo Felipe Buencamino was admitted into the college of Santo Tomas of the Dominican friars as a domestic, and there he remained until the year 1869, in which he took his departure. In a few months anonymous writings began to appear in the neighborhood of the university and in public buildings directed against the friars and the national government.

Felipe Buencamino, the author of these anonymous writings, was put in the public stocks of Bilibid prison. In the court of first instance of the district of Intramuros, in Manila, there remains * * * the record of a criminal suit, which reads: "Suit No. 3371, against Felipe Buencamino, accused of conspiring against the public order by distributing anonymous writings against the friars and the national government." I do not regard this as in any sense to his discredit, except that the writings ought not to have been anonymous. But he afterwards praised and defended the friars, General Weyler, Spain, and the Spanish Government in the Philippines in the most extravagant terms, and the above-mentioned suit was dropped.

"Time passed," continues the statement, "and he married Juanita, a daughter of Capt. Joaquin de Sulipan, and squandered the dowry of this woman in [private accusation]. Poor Juanita died, and he married Guadalupe, the daughter of Ninay Salazer de Abreu. He also squandered in a short time the dowry that poor Guadalupe brought him, and [serious private accusation]. And as he desired to squander all the property of Guadalupe's parents, by use of intrigue and anonymous writings, he labored to have General Terrero (governor-general) deport his mother-in-law, Ninay. But although he brought about the deportation of his mother-in-law, he did not succeed in getting hold of the money." This is a unique method of getting rid of one's mother-in-law, and I hereby pass it on from Señor Buencamino to all whom it may concern!

"As a lawyer," continues the unsparing statement, "his process was to make up suits and criminal quarrels against wealthy persons, threatening to serve writs upon them; and when they had been terrified in this manner, he would arrange to compromise the matter for large sums of money. * * * In the sham revolt brought about by the friars in Pangasinan, in the time of General Jovellar, he was the agent of their reverences, and prepared and arranged these tumults, in which there were submitted to inquisitorial tortures many wealthy persons, lawyers and physicians of the country—among

them the father and brother of the eminent painter Luna. When he was provisional promotor fiscal of Binondo he sold his judgments at a good price, and when he was provisional judge of first instance at Tayabas he sold judgments to the highest bidder. * * * All that has been stated, and many other things which will be told in due season, are already well known and are public property in the Philippines."

It is remarkable and significant that thirteen years ago the following was written of this man who is now posing as a representative of the Philippine people: "Behold the man! * * * This is the opera-bouffe hero who now thrusts himself forth as the redeemer of his country, and to whom the Philippine authorities have given authority to publish the above violent document (in praise and defense of Spain, the friars, and Weyler), giving it their approval. Are the government of the Philippine Islands and the cause of the friars so utterly abandoned and without prestige that they can find no other defender than a man of Felipe Buencamino's character? Their cause must surely have fallen away most lamentably, and their intrigues must have been very unsuccessful when they can no longer find a man of ability and power who could revive the dark counsels * * * of an already moribund tyranny." This language of the Paris Filipinos is most appropriate to Señor Buencamino in his present attitude and in the present circumstances.

For further particulars about Señor Buencamino I beg to refer you to the inclosed short article and to the Hon. WILLIAM A. JONES, who will, perhaps, show you a letter which I recently sent to him giving full details of Buencamino's changes of political and religious opinion.

MEMBERS MALOLOS CONGRESS IN THE EMPLOY OF THE GOVERNMENT IN THE PHILIPPINE ISLANDS BY AMERICAN APPOINTMENT.

As to the part that the Filipinos are taking in the present government of the Philippines, let me first restate, with a few additions, what I wrote you on the 18th in reference to the Malolos congress.

Of the 91 members of the congress mentioned by you on page 6954 of the CONGRESSIONAL RECORD, the following 28 hold office under the American Government in the Philippine Islands:

Arsenio Cruz Herrera, municipal board or government of Manila.
Benito Legarda, member civil committee.
Felipe Buencamino, member civil-service board.
Felipe Calderon, legal examiner.
Gregorio Aguilera, mayor of Lipa.
Ignacio Villamor, circuit judge sixth district.
Mena Crisologo, governor South Ilocos (appointed and elected).
Pablo Texon Roqur, governor Bulacan (elected).
Ricardo Paras, governor Marinduque (elected).
Santiago Icasiano, medical officer, Tarlac Province.
Sebastian de Castro, medical officer, Romblon.
Jose M. Lerma, governor, Bataan (elected).
Jose Alejandrino, second assistant city engineer, Manila.
Manuel Zerez Burgos, clerk, executive bureau and of statistics.
Salvidor V. del Rosario, medical officer, Manila.
Mariano V. del Rosario, bureau government laboratories.
Trinidad Pardo de Tavera, member Civil Commission.
Juan Manday, fiscal, Zambales Province.
Sophio Alandy, fiscal, Tayabas Province.
Patricio Baylon, fiscal, Sorsogon Province.
Mariano Crisostomo, fiscal, Bulacan Province.
Marcial Calleja, fiscal, Albay Province.
Sotero Laurel, justice of peace, Tanawan, Batangas Province.
Isidor Paredes, circuit judge, second district.
Jose Salamanca, delegate, Cavite Province.
Jose Oliveros, clerk of court, fourth district.
Manuel Gomez, secretary board of health, Manila.
Jose R. Santiago, justice of peace in Santa Rita, Pampanga.

The three following were appointed by General Otis, and formerly held office, but their names do not appear on the civil-service list:

Ambrosio R. Bautista, judge, Pangasinan.
Hipolita Magsalin, judge, Manila.
Jose Basa, judge, Cavite.

The following were members of Aguinaldo's cabinet (secretaries and subsecretaries), but are not mentioned in your list:

Cayetano Arellano, chief justice supreme court.
Gregorio Araneta, solicitor-general, Manila.
Florentino Torres, judge supreme court.
Garcio Gonzaga, governor Cagayan Province (appointed and elected).
Ambrosio Florres, governor Rizal Province.
Mariano Trias, governor of Cavite (appointed and elected).

Almost all of the members of the Malolos congress were men of distinction—lawyers, doctors, merchants, etc.—and most of them had a university education. Many of them have been offered and have refused office under the present government. The following, to my personal knowledge, are among this latter class, and are now members of the Peace Association: Alberto Barretto, Pedro A. Paterno, Leon Guerrero, Dr. Jose Luna, Joaquin Luna (both brothers of the general), Justo Lucban (brother of the general), and Aguedo Velarde.

The above and others which I shall presently mention are the "ladrones" and "bandits" of General Otis, who did more harm by his misrepresentations and his failure to grasp the real situation than probably any other man. How one's character does improve when one agrees with the powers that be!

It should be remembered that the present local government, especially in the provinces, is in form and personnel practically the same as that under the Malolos government, which in turn was much the same in form and personnel as that under the Spanish régime, except that it was much more democratic. And it is well known, but not generally realized, that under Spanish rule not only were the functions of government carried on by the Filipinos themselves, but the form of goverment was modeled upon and was very similar to that in existence prior to the Spanish occupation.

The Cabeza de Barangay, a very important element in the government being the voting unit of the people, was of pre-Spanish origin. The word "Barangay" is a corruption of the Tagal word "Balangay," which is the name for a section of the people and its civic representative. This word is still used in the churches in proclaiming the banns of marriage. The Balangay occupied not only a civic, but a paternal relation to the hundred men or families which he represented, and each family had the right to change at will from one Balangay to another. Their retention of their own language, and of this and other essential forms of government, show that the Filipinos are not the characterless nonentities which many nonobservant persons represent them to be.

It should likewise be remembered that, with the exception of a few men like Chief Justice Arellano, the best class of Filipinos—that is to say, those of ability and national reputation—are holding aloof from the present government. The present employees are made up chiefly of the smaller men who held provincial and municipal positions under both the Spanish and the Malolos government. Nevertheless, I believe it would be impossible for America to carry on even the present unsatisfactory government without the assistance of these smaller officials, who understand the people in a way in which no foreigner could understand them. These smaller officials are, for the sake of present peace, giving their services for a remuneration which is ridiculous when compared with that given to American officials, who, in many cases, hinder instead of help matters by the contempt with which they treat the Filipinos.

It would be impossible for me to here give a complete list of the hundreds—I might almost say thousands—of Filipinos now employed in the lower grades of the service, but the following are a few, as memory serves me, important men connected with the war who have accepted office under the present régime:

Martin T. Delgado, military commander Filipino army in Panay, now governor of Iloilo (appointed and elected).
Arsenio Climaco, governor politico-militar in Cebu, now governor Cebu Province (elected).
Daniel Tirona, general, Filipino army, now provincial secretary Cavite.
Julio Llorente, governor of Cebu, now governor of Cebu.
S. Jugo Vidal, governor (?) of Capiz Province, now governor of Caliz Province.
Florencia R. Caedo, secretary provincial government of Batangas, now the same.
Francisco Sans, major (?), Filipino army, now governor of Romblon.
Juan Villamor, lieutenant-colonel, Filipino army, now governor of Abra Province.
Felix M. Roxas, secretary Paris Filipino junta, now circuit judge fifth district.
Modesto Reyes, member Madrid junta, now assistant city attorney, Manila.
Edwardo Nepumuceno, provincial secretary Marinduque, now the same.
Ludovico Arejola, general, Filipino army, now clerk of court eighth district.
Pedro Pastor, assistant provincial secretary Batangas, now clerk of court seventh district.
Manuel Arguelles, governor of Tayabas, now translator United States Philippine Commission.
Antonio Constantino, assistant secretary (?) Bulacan, now assistant attorney-general.
Gregorio Nieva, captain, Filipino army, now interpreter bureau of health.
Leon Novenario, major, Filipino army, now clerk audit bureau.
Januario Bautista, subsecretary (?) Malolos congress, now fourth-class inspector bureau of customs.
E. P. Escalante, clerk, Filipino government, Iloilo, now clerk customs bureau.
Jose Ner, member Hongkong junta, now second assistant prosecuting attorney, Manila (recently reported dead).
Manuel Irarte, provisional appointment, Filipino government, now chief of bureau of archives.
Baldomero Roxas, medical officer, Filipino army, now medical officer Manila police.
Julio Ruiz, medical officer, Filipino army, now medical provisional officer, Sorsogon.
Gavino Vinluan, medical officer, Filipino army, now medical officer, Masbate Province.
Remigio San Agustin, medical officer, Filipino army, now medical officer, Misamis Province.

There were also several Filipino journalists, who, though not in the service, supported and defended the Filipino government, and who now hold office, such as—

José Abreu, now in the office of the Secretary of War, Washington; Manuel V. del Rosario, now assistant clerk of court, sixth district; José V. del Rosario, now chief sanitary inspector, bureau of health; Fidel Reyes, now hospital steward, bureau of prisons, etc.

It is fair to say that, excluding the lowest class of officers, such as messengers and policemen and juniors, who have taken office for the first time, probably 75 per cent of those in the employ of the present government were also in the employ of the Malolos government; and the same may be said of the present 1,219 justices of the peace. Certainly this is true of my own province, Batangas.

Another point worthy of note is this: It may be thought that important provincial offices are held chiefly by Filipinos from Manila, where educational opportunities are better, but this is not so. In all the provinces the important offices are held by natives of the province. This is confirmed by reference to the Official Register of the service. It is true also that those holding office in the central government at Manila are representative of all the seven provincial peoples, and are therefore not exclusively Tagals.

In the hope that this information will be of some service to you, and that you will call upon me at any future time for further information that may be in my possession,

Sincerely, yours, SIXTO LOPEZ.

Felipe Calderon helped to write the constitution of the Philippine republic. He was a member of the Malolos congress. His name does not appear in this official list, but it does appear in the Philippine Laws, 1901, page 744, as a "member of the advisory board of Ermita," while Sixto Lopez writes me that he is now "legal examiner," in the employ of the civil government.

The gentleman from California [Mr. KAHN] in his speech the other day said he was an officer under the civil government, and quoted him in support of the imperial, colonial position the gentleman from California upholds. And I may add that the four or five Filipino persons alluded to by that gentleman in support of his position were members of Aguinaldo's cabinet or the Malolos cabinet, or both, with one, or possibly two, exceptions, and they were allies, and yet the gentleman from California alludes to them as gentlemen of ability and honor, respectability, who want this Republic to hold them as subjects, these islands as a colony, when these men helped to build up independence in 1898 by erecting a Malolos constitution and setting up a Philippine republic!

Again, there is Dr. Jose Albert, a member of the Malolos congress, a surgeon in the Philippine army, now president of the Federal party. He is a talented physician, one of the most scholarly men I ever met, with whom I had an interview, heretofore published in the RECORD, February, 1902, pages 2038 and 2039, in which he in substance stated the Federal party wanted—expected—immediate statehood, that is, the admission of the Philippines as a State of this Union—if not, then independence, and that the Filipinos would not stand to be held as colonists.

PHILIPPINE ISLAND COMMISSION RESPONSIBLE FOR FEDERAL PARTY.

And I stop here for a moment to state that General MacArthur's report shows and appendix states that this Federal party framed their articles of incorporation, and then as a body those in charge went before the Philippine Commission as a commission and had a regular meeting, when there and then the plan of this Federal party was submitted to this Commission, and the Commission approved it with some slight alterations.

This Commission is responsible for this Federal party, and that party demands statehood, American citizenship, the American Constitution and Declaration of Independence as laws of these islands, and representation in the United States Congress from the Philippine Islands.

But my time is going short. I desire now to allude briefly to Buencamino. He was sent for and brought here by order of the President, through the War Department. I am glad he came. I wish more of the Filipinos—the leaders in the islands to which I have heretofore alluded and some others—had been brought here. You would then have a practical refutation of the charges that the Filipinos really have no brains, are uneducated, can not read and write, know nothing about law and order, are savages, a clout-wearing people, a lot of "children."

I desire to place in my remarks a part of an interview published heretofore in the RECORD, June 10, 1902, at page 6965, which I had with Buencamino, October, 1901, in Manila. It was taken stenographically by the official stenographer of the Philippine Commission, the original of which, properly certified, was handed the Public Printer and published in the RECORD, and is therefore correct. Here are the pertinent questions asked Buencamino by me, and the answers, viz:

Q. Did you ever read the speeches of Senator HOAR?
A. He is better fitted, and has divined the conditions in the Philippines better than any other man.
Q. His speeches better define the conditions, possibilities, etc., of the Philippines than any other speeches?
A. The best of all.
Q. You are willing and your people are willing to stand by Senator HOAR and what Senator HOAR wants, and that is what you want and your people want, and nothing else will satisfy you?
A. Yes.
Q. Did you ever read the speech of Mr. LITTLEFIELD of Maine?
A. I did not read it, but have heard of it.
Q. What did you hear about LITTLEFIELD'S speech?
A. I do not remember very well, but think I have been told that Mr. LITTLEFIELD expressed the opinion that the Constitution follows the flag.
Q. You believe that, and it is what the Filipino people want?
A. They do not only want that, but they understand it to be a fact.
Q. Have you ever read the Declaration of Independence?
A. Yes, I have read it thirty times.
Q. What do you think of it? Pick out some portion you would like to read to me showing your sentiments.
A. After reading it thirty times it is all sacred to me.
Q. What do you think of this? "We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness."
A. That accords with the sentiments of my heart.
Q. Now, then, you believe in the Declaration of Independence and the Constitution of the United States, and your people want the full benefit of those instruments?
A. Yes.
Q. And nothing else short of that will satisfy your people?
A. Yes.

PRESIDENT ROOSEVELT AND SECRETARY ROOT'S OWN WITNESS, BROUGHT TO UNITED STATES BY ORDER OF THE WAR DEPARTMENT.

Felipe Buencamino (brought to America by order of the War Department, printed in the Manila Times a few days ago), in a letter dated Tarlac, P. I., August 20, 1899, addressed to the Congress of the United States, found in Congressional Record, January 9, 1900, vol. 33, part 1, Fifty-sixth Congress, first session, pages 724, 725, 726, among many things, says that Admiral Dewey brought Aguinaldo to Cavite, allowed him to establish a government at Cavite—

which commenced to exercise the functions of government on the 24th of May, 1898, issuing therefrom a proclamation declaring war against Spain to wrest from her, our independence.

WHO IS IT THAT CAUSED TWO FRIENDS AND BRETHREN TO WAGE WAR UPON ONE ANOTHER? PRESIDENT WILLIAM M'KINLEY.

He states the relation of the Filipinos and their friendly feelings with Americans down to the unlawful and heartless interruption of President McKinley.

He says:

Who is it that has caused these two friends and brethren to wage war upon one another? Alas! esteemed citizens of the great American Republic, you know well who is the cause of such reckless perturbation. It is the President of your Republic, Mr. William McKinley, who, using as a pretext alleged rights obtained through the purchase of more than doubtful sovereignty of Spain, gives evidence of his intentions to ignore the bonds of friendship which should unite the two nations by imposing on us by force of arms the sovereignty of the United States.

Is this line of conduct of Mr. McKinley in harmony with the canons of morality simply because the American nation is greater, more opulent, and more powerful than the Filipinos?

Surely it is not, for if moral obligations, which bind parties to respect the generally accepted codes of morality, are applicable to international affairs, it is beyond question that there should be no evasion of obligation on the part of the great American nation to stand by and protect the small Filipino nation until the great work of securing the resignation of our existence as an independent nation is recognized and thereby firmly established—a great work to which your consul (above mentioned) and commanders unquestionably and unprovidentially applied themselves.

In the name of Almighty God, of humanity, and of national honor, I now appeal to the great and influential citizens of the United States to fulfill these obligations by passing, as a matter of paramount importance, a just resolution in your national Congress officially recognizing our independence, thereby bringing to an end this inhuman and wicked war and restoring the reign of peace and harmony between Americans and Filipinos, who in accordance with the infallible will of God, should live under the happy conditions of brotherhood.

I will here insert what Mr. Carnegie said on McKinley's war:

PRESIDENT M'KINLEY'S WAR, SAYS A REPUBLICAN, MR. CARNEGIE.

Editor of the New York World.

SIR: The President, in his Boston speech yesterday, makes this extraordinary statement: "The Philippines, like Cuba and Porto Rico, were intrusted to our hands by the war."

On the contrary, the protocol signed as the result of the war provided for the Philippines, not "like Cuba and Porto Rico," but expressly reserved them for negotiation with Spain as to their "future control, disposition, and government."

The Philippines have been "intrusted to us" solely by the unexpected demand for them made by the President himself after he had suddenly changed his mind—which was at first that we should not burden ourselves with them.

The Senate asked him to lay before it his instructions or correspondence with the Commissioners, which would have proved this, but he refused.

The Philippine burden is not chargeable to the war. This is the President's own Pandora box, his New Year's gift to his country, for which he alone is responsible. Neither Congress nor the people had any voice in the matter. But one need not wonder why he should attempt to evade the responsibility, since he tells us that "every red drop, whether from the veins of an American soldier or a misguided Filipino, is anguish to my heart." His conscience smites him. No wonder. The guilty Macbeth also cried out, "Thou canst not say I did it."

Whether the acquisition of the Philippines was wise or foolish, they are upon our hands, not by the war, but by the President's own act, and he had better stand up like a man and assume the responsibility, asking his countrymen to forgive his mistake if he now sees he has made one.

ANDREW CARNEGIE.

New York, February 17.

Buencamino's letter continues:

THE WAY THE FIGHT AT SAN JUAN BRIDGE BEGUN, FEBRUARY 4, 1899.

The writer, Buencamino, in great detail leads up to this event. He says:

Therefore it is plain that it can not be claimed that by reason of your victories over the Spaniards, rights of conquest accrue to you as being due from the Filipinos, for the all-sufficient reason that you were not engaged in war with us between the 1st of May, 1898, and the 4th of February, 1899, during the night of which latter date your forces, in accordance with the orders of President William McKinley, commenced hostilities against our forces for the purpose of establishing American sovereignty in our archipelago by force of arms.

SAYS TREATY OF CESSION VOID—REASONS.

On the other hand, in respect of cessions, the essential conditions include the possession of what is ceded, and when it concerns inhabited territories the concordance and express consent of the inhabitants is necessary.

Neither of these conditions have been fulfilled in respect of the cession of the Philippines by the treaty of Paris of the 10th of December, 1898.

First. Because at that date, and long before it, Spain exercised no sovereignty whatever over any Philippine territory, which was recognized by us and governed by us since June, 1898, which facts were well known by the Governments of Washington and Madrid.

Second. Because the Filipino people had publicly and loyally manifested to the Government at Washington and to the whole world that it was their desire to live independently of all alien sovereignty; and on this account, perhaps, our wishes were not consulted when the cession was made, an act without doubt of bad faith on the part of the two contracting parties, who were per force obliged to make the terms void by reason of this false step.

Consequently—

He said—

this treaty is void as to the islands and their inhabitants, nor are the United States in any way entitled to impose by it (treaty) upon the Filipino people an alien sovereignty by force of arms.

The United States, therefore, can not be excused from recognizing our independence, either on account of their victories over the Spaniards or by reason of the provisions of the treaty of Paris.

We, however, readily admit that our gratitude and full recognition are due to the great North American Nation for the generous assistance proffered us by their consular representatives and commanders in bringing from Hongkong to Cavite our illustrious leader to continue the rebellion against Spain, and then, by respecting that revolution, recognizing it as a sovereign power which replaced that which Spain had lost; but from the fact of oppressing us, and endeavoring to filch from us our liberities, and subjecting our independence, so dearly won, to the influence of a new foreign yoke, there is a wide gulf fixed, which is as limitless as the distance to another world, and the only possible way to accomplish your object is to destroy the lives of 8,000,000 Filipinos—an act which would leave on the hitherto spotless pages of your glorious history and traditional liberality, an everlasting and indelible stain.

Buencamino then speaks of the social status of the inhabitants, and then says:

These are the reasons why we appeal for official recognition of our independence—reason, which we confidently submit to the deep conscientiousness of the people of the United States—a people destined by God to decide the fate of our unfortunate country; a fate which would be better if, heeding the dictates of justice and humanity, your President, Mr. McKinley, had not chosen to wage this cruel, devastating war against us, through your powerful land and sea forces.

SAYS FILIPINOS NOT TO BLAME FOR OUTBREAK.

It is sometimes said that we are to blame for the outbreak of hostilities during the night of the 4th of February last, but this is not an established fact.

In the first place because we, the Filipinos, were expecting at that very time (the beginning of February) official recognition of our independence from the Government at Washington, an expectation which was justified by the annexed letter of Gen. E. S. Otis, dated 25th of January; also on account of what took place at the conferences of the mixed commissions of Ameri-

cans and Filipinos which sat in Manila during the latter part of the said month of January to discuss matters and arrange for a basis of friendly relations between the two parties, which, it was hoped, would be permanent. Moreover, there was another reason, namely, the Filipinos were fully aware of the superior strength of your forces, against whom it would have been criminal folly to pit our inexperienced and undisciplined army.

Accordingly, it is unquestionable that we were not the aggressors, for we knew full well that were we to act on the offensive we could look for neither military nor political gain of any kind. On the contrary, we regarded such action as bordering on suicidal folly and well nigh sure to bring down on us the hatred and contempt of the American people. We had, in fact, nothing to gain and very much to lose by aggression.

Esteemed citizens of the United States, if with the foregoing reasoning there be borne in mind the fact that we were living in peace and harmony with your forces since June, without the smallest intention or inclination to commence hostilities, at a period when your forces were smaller and therefore more easy to cope with than subsequently, I verily believe that the enlightened people of the United States will not be slow to realize that it is not in the least degree probable, nor is it reasonable to assume that we were the aggressors, seeing that we stood in need of their good will and were anxious to court and maintain a favorable impression with the American electorate in the interest of our cause. Peace and good will were essential to the success of our cause—a cause which would at once be jeopardized by any overt act of aggression.

We are neither celebrated warriors nor great fighters; nor are we as quixotic as the Spaniards. We took up arms to obtain our independence, and it is self-evident that we did not develop our little armed force for the purpose of making an enemy of such a great and mighty people as the citizens of the United States in order that thereby our noble cause might the more easily triumph.

If we call to mind the fact that your President, Mr. McKinley, caused reenforcements to be sent to Manila after the capitulation by Spain, on the 30th of August, 1898; if we remember his refusal to listen to our humble petition to him, praying for recognition of our independence through our representative, Don Felipe Agoncillo, whom he refused to receive, or whether we recall the fact that he refused to give ear unto our appeal through the good offices of General Otis, as is proved by a letter from the General and the (omission in copy) to; and if we take into consideration that, lastly and finally the treaty of Paris was so framed as to involve the cession of the sovereignty of Spain to the United States. I am of the opinion that the most natural sequence of these incontestable moves of Mr. McKinley is to be found in the outbreak of hostilities, namely, an order from your President to General Otis to commence with acts of aggression and impose on us that odious sovereignty by force of arms, notwithstanding the fact that we had demonstrated and made it evident in every possible way from the first that we would accept no solution other than our independence.

You, honorable representatives of the people of the United States, having in view the providential bonds which bind the fate of the Philippines to your supreme decision, surely you will not be unmindful at such a momentous epoch of the sublime principles of right and justice proclaimed by the illustrious founders of your independence on the 4th July, 1776. Endowed with those magnificent principles your nation advanced rapidly along the path of progress till it became great and powerful, admired and respected by all the aged states of Europe.

Trusting, therefore, in your glorious traditions of humanity and liberality, the Filipinos look forward with confidence to obtaining from your acknowledged rectitude a just resolution officially recognizing the independence of our beloved country.

I have the honor to be, gentlemen, yours, very respectfully,

FELIPE BUENCAMINO.

TARLAC, P. I., *August 20, 1899.*

Possibly Buencamino had read some of President McKinley's utterances. For example, at Shawneetown, Congressman McKinley, a few years ago, said:

Human rights and constitutional privileges must not be forgotten in our race for wealth, for commercial supremacy. The government of the people must be by the people and not by a few of the people. It must be done by consent of the governed and of all the governed. Power, it must not be forgotten, which is secured by wrong or usurpation, is soon dethroned. We have no right in law or morals to usurp that which belongs to another, whether it be property or power.

October, 1898 (after the protocol of August 12 and before the proposed treaty was signed in Paris, December 10, 1898), the President, at Chicago, said:

The war with Spain was undertaken, not that the United States should increase its territory, but that the oppression at our door should be stopped. This noble sentiment must continue to animate us, and we must give to the world a full demonstration of the sincerity of our purpose.

In Atlanta, October 16, 1898, the President said, having changed front:

The flag has been planted in two hemispheres, and there it remains, the symbol of liberty and law, of peace and progress. Who will withdraw from the people over whom it floats its protecting folds? Will the people of the South help to haul it down?

At Boston, February 17, 1899, the President said:

No imperial designs lurk in the American mind. They are alien to American sentiment, thought, and purpose. Our priceless principles undergo no change under a tropical sun.

The President continues:

Our concern was not for territory or trade or empire, but for the people whose interest and destiny, without willing it, had been put into our hand. It was with this feeling that from the first day to the last not one word or line went from the executives in Washington to our military and naval commanders in Manila, or to our peace commissioners in Paris, that did not put as the sole purpose to be kept in mind, first after the success of our arms and the maintenance of our own honor, the welfare and happiness and the rights of the inhabitants of the Philippine Islands.

Noble utterances: but why were the Cubans accorded high place and independence in the protocol written by the President, and the Filipinos brutally ignored from the first day to the last day?

Mr. Chairman, the population of the Philippine Islands in 1890, as estimated by a pamphlet called "Filipinas Fundamental Problem," by a Spaniard. D. Luis Aguiado, published in Madrid in 1891 (violently attacking Rizal), was 8,000,000, as follows:

Christian natives	5,869,000
Chinese mestizos	500,000
Chinese	125,000
Foreign mestizos	7,000
Foreigners or white races	2,000
Spanish mestizos	75,000
Spaniards born in the islands	8,000
Peninsular Spaniards, including the garrisons, friars, officials, and private persons	14,000
Moros of Mindanao, Jolo, Tawi Tawi, Basilan, Balabac, and other islands	600,000
Heathen in all the archipelago—Igorrotes, Manobos, Subanas, Monteses, Ibilaos, Aetas, Ifugaos, etc	800,000
Total	8,000,000

(Frederick H. Sawyer in his book, The Inhabitants of the Philippine Islands, p. 415, published in 1900.)

Mr. TAWNEY. Will the gentleman permit an interruption?

Mr. GAINES of Tennessee. Yes, if I have the time.

Mr. TAWNEY. The gentleman has been to Manila, I understand?

Mr. GAINES of Tennessee. Yes.

Mr. TAWNEY. And has seen a great many of these people?

Mr. GAINES of Tennessee. Yes.

Mr. TAWNEY. Will you tell the Committee of the Whole what percentage of the people of the Philippine Islands are capable of self-government?

Mr. GAINES of Tennessee. What per cent? There are thousands of Americans whom we know are incapable of self-government, at our high standard at least.

Mr. TAWNEY. About what percentage of the Filipinos?

Mr. GAINES of Tennessee. I will state this: Excluding the savages in the mountains, at least a majority of the natives can read and write their native dialects, while many can speak foreign languages and thousands can speak and write Spanish and sister native dialects. The Christians number about 6,000, and then there are others forming the same or superior strata of society, white foreigners who live there, who must be considered in this calculation.

Mr. HILL. Not even more than 2 per cent of them can speak the Spanish language.

Mr. GAINES of Tennessee. How many in our Congressional party of seven who went to the Philippine Islands who could speak Spanish? Not one. Can the gentleman from Connecticut speak Spanish or French or German?

Mr. HILL. But we were not in a Spanish country.

Mr. GAINES of Tennessee. No; that is true, but we were in "the Philippine Islands—American territory," unfortunately; and to deny these people autonomy simply because they can not speak a national language, but can speak their native dialect and read and write it, while thousands of them can speak and read and write Spanish, some French, and some English, and some German, is to do them a great injustice. The question is, Can they speak, read and write, and understand their native language? A majority, I say, can.

Mr. JONES of Virginia. I will state, in reply to the suggestion of the gentleman from Minnesota, that Governor Taft thinks about 5 per cent can speak Spanish.

Mr. HILL. He does not put it as high as 10 per cent?

Mr. JONES of Virginia. I think that most of the writers on the subject put it at 10 per cent.

Mr. HILL. Governor Taft says 5 per cent.

Mr. TAWNEY. Suppose that 5 per cent of them can read and write, do you think for 5 per cent of a people of 10,000,000 is capable of self-government?

Mr. GAINES of Tennessee. How much?

Mr. TAWNEY. Do you think that 5 per cent should govern 95 per cent?

Mr. GAINES of Tennessee. That would not be the case under a fair election law, allowing those to vote who can read and write their native tongue or English or Spanish. Again, your basis is false and unfair. You confine the qualification to Spanish, a foreign language, when these natives are Malays, not Spanish. Let me give you what Governor Smith said to the Taft Commission, as shown by Senate Document No. 190, page 240, Fifty-sixth Congress, in speaking of an election in the island of Negros:

Judge TAFT. What did the vote run up to?

General SMITH. Five thousand in less than a week's registration. I think there were fully 15,000 to 20,000 voters on the island. That is, with the educational and property qualification.

Mr. HILL. Will you give me a minute?

Mr. GAINES of Tennessee. I will.

Mr. HILL. I just want to state that a colonel of the Regular Army told me he was called upon to prepare his district for civil government in the city in which his headquarters were placed, a city of 5,000 people. He applied the tests of the census, the three tests for holding office under the Spanish Government, having $250 worth of property, or an annual tax of $15, and knowing how to read and write, any one of these tests qualifying an elector, and he found in the entire population of 5,000 people 28 voters. That is all.

Mr. GAINES of Tennessee. But there might have been "5,000 people" who would or could qualify and failed, or did not want to qualify, or did qualify but did not want to vote and did not vote, leaving only "28 votes;" that is, 28 men who actually voted. Your statement is too loose, too general. It proves only "28 votes" were actually cast, and nothing on the point, who could qualify.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JONES of Virginia. Mr. Chairman, I yield ten minutes to the gentleman, but I just want to use a minute of his time to say in reply to what my friend from Connecticut has said, that it is a fact, however, that under the legislation of the Taft Commission the governors of these 36 provinces, well pacified and are now under civil rule, have been elected by voters.

Mr. HILL. I have no doubt.

Mr. JONES of Virginia. And it is a fact that the very bill that we are discussing provides that the islands, the civilized portions, are to be divided into two districts, and gives the people of those districts the right to elect two commissioners to represent them in Washington.

Mr. TAWNEY. How many districts?

Mr. JONES of Virginia. Two.

Mr. TAWNEY. It is fifteen in one and one hundred——

Mr. JONES of Virginia. The gentleman is very much mistaken about that. There are only two commissioners to be sent to Washington.

Mr. TAWNEY. I understood the gentleman——

Mr. JONES of Virginia. The islands are to be divided into two districts. One is to be elected in one and one in the other.

Mr. TAWNEY. For Representatives?

Mr. JONES of Virginia. That is what I am speaking about.

Mr. TAWNEY. Representatives in the Congress of the United States?

Mr. JONES of Virginia. That is what I said.

Mr. HILL. The gentleman does not think it is right because it is in the present bill?

Mr. JONES of Virginia. Oh, no.

Mr. HILL. I fully agree with you.

Mr. GAINES of Tennessee. If the gentleman will allow me, I will further reply to the gentleman from Minnesota [Mr. TAWNEY]. In proceeding to answer this question, I want to say I had not the pleasure of meeting on this side of the world, although I met him on the other side, the recent witness of the Government, Señor Filipe Buencamino. I asked him these questions in Manila:

Q. What per cent of the Filipinos in Manila can read and write?
A. It can be said that there are more Filipinos who can read and write in the archipelago than Spaniards.
Q. I want to find out what per cent of the Filipinos can read and write here in Manila.
A. In Manila alone? I can assure you that there are 50 per cent in Manila, but not all in the Spanish language, but in different dialects.
Q. Where were you educated?
A. Here in Manila. [He is a full-blood Filipino. E. O. Johnson.]
Q. What per cent of the Filipinos can read and write in Luzon?
A. Twenty-five per cent, and in all the Visayas about the same, but in their own dialects, because the friars desired them to read about religious matters.
Q. But they can read and write in their own dialects?
A. Yes.
Q. What per cent of the Filipinos in the Philippine Islands can read and write?
A. Twenty-five per cent.
Q. What per cent in the island of Jolo can read and write?
A. I have always understood that Mindanao is excluded in speaking of the Philippines.

This testimony was taken stenographically, and is published in one of my speeches of this session, at page 6965, June 10, 1902.

Dr. Jose Albert, president of the Federal party, in a stenographic interview which I published in the RECORD February 19, 1902, at page 2038, said:

I do not know what per cent of the Filipinos can read and write, but I can assure you that there are more Filipinos that can do so than there are Spaniards. Padre Vigil, who was the bishop of Oveida, Spain, wrote a book on the Philippines, and he said that a greater per cent of the Filipinos could read and write than Spaniards.

So Dr. Albert corroborates Buencamino. They are both very intelligent and would know such things possibly better than anyone. Dr. Albert is a leading physician in Manila.

Then, here is a witness from the neighborhood of my colleague [Mr. GIBSON], Mr. Hollingsworth, of Jacksboro, Tenn. I believe he represents the county in which Jacksboro is the county seat. He was in Cuba and had a long service, and afterwards he was honorably discharged. He afterwards went to the Philippines and came out, with an honorable discharge, because he did not want to stay there any longer.

Here is what he says on this point:

Q. What per cent of the people in Manila city can read and write English?
A. I will say about 1 per cent. There are a lot of French, Spanish, and Germans who speak English. Of the Filipinos about one-half per cent speak English.
Q. How many can read and write Spanish?
A. Thirty-three and one-third per cent.
Q. What per cent can read and write their own dialect?
A. About 25 per cent. I have not thought about this particular question before. In the provinces more can read and write the native dialect than in Manila. In the provinces you strike a better class; they are more like the farmers in the United States. About 33⅓ per cent in the provinces can read and write their own dialect.

This language was spoken to me and reported stenographically, and is published, CONGRESSIONAL RECORD, June 10, 1902, page 6965.

Lieutenant Crockett, who had served two and one-half years in the Philippines, and established many schools in the Philippine Islands, and is now there, in an interview with me, written out at the time, says:

About 25 per cent of the natives who live in the lowlands, or Filipinos generally, can read and write their own language. Back in the mountains none of them can read and write. They are ignorant in the mountains of Tennessee and Virginia, too.

Mr. Crockett was a Virginian.

A soldier who has served as an officer in the American Army in the Philippines was in the gallery when my speech was delivered, and since then voluntarily has handed me the following pertinent valuable data on the subject. He is a gentleman of good reputation, education, and evident ability, and gives me as references several members of this House from his native State. It reads as follows:

During the Philippine debate in the House of Representatives last evening (Monday night) a Democratic member (from Tennessee ?), in describing the Malolos congress and other Filipino lawmakers and other Filipinos in authority, was interrupted by a Republican member of Congress, who asked, "How many Filipinos can read and write?" The Republican member of Congress then went on to tell that a colonel of the Army had said that only a very few—5 per cent—could read or write, as proved by the number of electors who voted at an election. The writer personally conducted the elections of the Filipino authorities for three different towns. The qualifications of electors were as follows: Males of a certain age (either above 21 or 26 (?) years) of the following three classes: First, men who had previously held certain offices under the Spaniards; second, men who owned or paid taxes for a certain amount of property, and third, men who could read and write either English or Spanish.

It will be seen that the third qualification does not include those who could read and write as the Republican gentleman wished to make it appear, but only those Filipinos who can read or write one of the two foreign languages (English or Spanish) mentioned.

The civilized Filipinos with whom the United States have been at war are numerically speaking about the same proportion of the inhabitants of the Philippines as are the Caucasion or white race in the United States.

The civilized Filipinos with whom the United States is at war have a language of their own, and their language is neither English nor Spanish. (It is not Spanish.)

About perhaps 5 per cent of the Filipinos speak Spanish in addition to their own language. What per cent of the people of the United States can speak a foreign language in addition to their own language, especially Americans born in the United States? All Filipinos practically were born in the Philippines.

The fact is that there is perhaps less illiteracy among the Filipinos than among the Americans, if a test of reading and writing is made.

The Filipinos all read and write their own language with very few exceptions. Perhaps not more than 1 per cent of the Filipinos can not read or write.

In a town of 5,000 inhabitants there was only one person who could not, when called upon, sign a name, and that one person was a totally blind old woman. In the same town there were only two Filipinos who could read and write Spanish; none could read and write English, but all could read and write their own language, Tagalog. The presidente of this town could not read or write anything but his own language, and that he could do, and such was the case with all other elected officials of that town. Yet those Filipinos governed their people thoroughly well, even better than Americans can do, because the Filipinos are great admirers of those in authority, and they permit themselves to be governed by their own people through love and respect. The Americans in authority govern the Filipinos through fear, because of the American Army behind the American Army officers and other American governors.

The Filipinos hate the Americans more than they ever hated the Spaniards, because of their great disappointment at being subjected by the Americans after the Filipinos had accomplished so much against the Spaniards.

The Filipinos were fighting for independence, and the word written by Aguinaldo (and his officers who were with him) upon the last orders and communications sent out by Aguinaldo from Palanan, where he was captured, was the word "Independencia," meaning independence. Thus it will be seen Aguinaldo fell fighting for independence with his flag containing a sunburst, three stars, and the colors red, white, and blue.

An old Army officer who had been stationed in Cavite Province, in a conversation stenographically reported, when asked about the per cent of the people in Cavite Province who could read and write, said:

Not 1 per cent can read and write the English language. About half can read and write their own dialect.
Q. Then, if our election law permitted those who could read and write their own dialect to vote, how many could do so?
A. About one-half, and if required to read and write English, about 1 per cent.

He had held an election in Cavite Province.

At Santa Cruz six leading Filipinos, five officers by American appointment, said to me "that 80 per cent of the people could read and write their native dialect; that they read bibles, books, and newspapers, and the children loved to go to school, and were bright, and quick to learn."

Mr. TAWNEY. That was in the city of Manila?

Mr. GAINES of Tennessee. No, in Santa Cruz. Mr. Hollingsworth spoke about Manila, and many provinces where he had been, and I think associated with the schools; but Manila is a reflex of the whole island, excluding the Mohammedan districts and the savage tribes in the mountains.

Mr. TAWNEY. Does the gentleman mean to say that the intelligence of the people of Manila prevails throughout the island?

Mr. GAINES of Tennessee. I mean this: that you will find as intelligent people outside of the city of Manila or its environments as you find in Manila, excluding, of course, the savages and the Moros. I was informed the Moros speak, read, and write in Arabic. Buencamino told me this and some others. I saw Dato Manday in Mindanao. He was very bright and well educated in his native dialect and wrote his name in English as plain and as well as either of us can write ours, and I have his autograph at my office.

In proof of the general intelligence of the people outside of Manila I cite the gentleman to the fact that one of the supreme judges in the Philippine Islands, Mapa, is from Negros; so is Luzuriaga, of the Philippine Commission. He was elected president of the native congress that was organized there in November, 1898, and continued down to March, 1899, to run the government, with his associates, the governor and others, whom they elected, and is a very able man.

General Smith speaks in the highest terms of him and several others, who, with Luzuriaga, organized this native government in November, 1898, and you would be surprised how General Smith defends them against just such charges as have been made on the floor of this House to-night and during this debate, and everything he claimed for them has been proven by subsequent events, both in Negros and since these men have been appointed to these high places in Manila.

General Smith in his testimony before the Taft Commission (Senate Doc. 190, Fifty-sixth Congress) thus speaks of Judge Mapa:

Next to Arelano I consider him the ablest man in the Islands.
Judge TAFT. He has been a bit doubtful in his allegiance?
General SMITH. He is a man of honor, I think, lofty ideas, lofty sentiments.

General Smith had no trouble with this Negros government. He went down there in March, 1899, recognized the native government, continued its officers, recognized and executed some of the laws which the native congress had recently enacted repealing old Spanish laws, and soon ingratiated himself deep in the hearts of these people. He had no trouble; no bloodshed.

My heavens, suppose General Merritt, when he went to the Philippines, had been thus conciliatory with the Malolos government, what would we have saved!

Much, if not all, of the horrible results and consequences that have followed because he undertook to crush and did crush this Malolos government and demanded "unconditional surrender" before he would treat with these people.

Then, I will cite the gentleman to another case. General Torres was from Cebu. He was attorney-general under General Merritt, and is now supreme judge at Manila. If the gentleman needs further proof, I cite him to the four or five thousand Filipinos now holding office in the Philippine Islands under "civil-service" examinations. Intelligent natives are all over the island, excluding the Moros, who are not Filipinos (and the savages), and there are many appointees amongst the Moros who may not be, for all I know, under the "civil service." But I dare say the Moros are bright and intelligent and well read in their native dialect. I think if the gentleman will take up the Schurman Commission report, and read it, he will find that these commissioners stated they were surprised to find this intelligent class throughout the island, as I have stated.

Mr. BURNETT. Will the gentleman allow me a suggestion?

Mr. GAINES of Tennessee. Certainly.

Mr. BURNETT. This bill provides for an election by the people, with certain qualifications?

Mr. GAINES of Tennessee. Yes.

Mr. BURNETT. If they can find enough to select 50 members for the general assembly, does not the gentleman think they could find enough qualified to sit on a jury?

Mr. GAINES of Tennessee. Of course. It is absurd to say that four or five thousand Filipinos have qualified under civil service and they can not get a jury of 12 good men.

Then there are white people there—Spanish, French, Germans, English, and of course some Americans.

One of the reasons why a small vote is cast in some elections is because of the property qualification. The masses there are as poor as Job's turkey, for the reason that the lands are held by a few. The friars, for instance, held "about 90 per cent of the farm lands in Cavite province." The people could not buy for two reasons—they had no money, and if they had it these lands were held to rent and not for sale.

Mr. HILL. The gentleman from Tennessee ought not to make that statement, because the election is not governed only by property qualification; that is only one. He does not have to have property; he may have any one of the three things.

Mr. GAINES of Tennessee. I know my friend from Connecticut thinks he is right and he always does. I am satisfied that I am correct if my informant was correct and he had held several elections. Of course the qualifications may be different in different provinces and possibly so in the cases referred to in this debate. I remember that one of the Army officers (whose interview I have) said to me that the reason why the vote was so very small in the population of 3,000 males, there being only 87 votes cast in one town, was caused by, to use his words "the restrictions and qualifications."

This old officer of the Army, who had held the election in 1901, gave the reason why the vote was so small to be this:

The election law required that the voters should be 21 years and over and one who had paid property tax on property valued at $500 or over, and to read and write the English or Spanish language. The native dialect in this province is Tagalog.
Q. What caused this small vote?
A. The restrictions and qualifications.

Of course the regulations may have been different in different provinces, as I have suggested, or the same at different dates and afterwards varied, but you see the hardship wrought where a person does not own property and who can not speak and read English or Spanish, but who can speak, read, and write—and intelligently—his native dialect—when you deny such person the right to vote. He may be as intelligent as we are and talk as well in his dialect as we in ours.

In organized society the elective franchise is a grant by law. Let the election laws be one way or the other, they can be changed in the Philippine Islands. If they are harsh they can be modified; but certainly the intelligent people who speak the native dialect, read and write it, and own property, ought not to be shut out from the elective franchise by demanding that they should speak and read and write a foreign tongue, with or without property.

Mr. TAWNEY. I want to ask the gentleman this: Is it not a fact that in the absence of any property qualification, if they possess the requisite intelligence, they could vote notwithstanding the fact that they had no property?

Mr. GAINES of Tennessee. They had to pay a property tax. That is where the trouble came in in the two cases I cited—one from Negros, the other, Cavite.

Mr. TAWNEY. But that is not an exclusive qualification.

Mr. GAINES of Tennessee. But it was in part the qualification in these cases. It may have been different in different cases. I will insert here an interesting paper in print.

[The Manila Times, Wednesday, November 6, 1901.]

PHILIPPINE ISLANDS IMMIGRATION.

The following tables, secured from the statistical division of the custom-house at Manila, give interesting information concerning the passengers arrived from foreign ports at entry ports in the Philippine Archipelago during the year ended June 30, 1901:

Nationality.	Male.	Female.	Total.	Neither read nor write.	Less than $30.	Previously in Philippine Islands.
American	1,164	668	1,832	.....	57	638
Chinese	11,520	206	11,726	8,226	11,411	11,482
Filipino	619	339	958	197	496	956
Spanish	503	186	687	2	129	586
Japanese	211	188	399	103	23	182
Sulu	276	27	303	286	275	303
English	339	101	449	2	41	231
German	89	12	101	.....	1	39
East Indian	179	9	188	72	71	68
French	33	11	44	.....	3	26
All other	249	91	353	48	65	166
Total	15,182	1,838	17,020	8,936	12,572	14,657

Nationality.	Occupations.								
	Engineers.	Clergymen.	Lawyers.	Doctors.	Teachers.	Editors.	Clerks.	Laborers.	Merchants.
American	23	20	30	51	64	9	102	2	121
Chinese	2	1	.....	3	1	2	299	8,120	2,536
Filipino	4	1	2	3	.....	1	12	32	52
Spanish	6	74	.....	6	.....	2	19	1	206
Japanese	1	.....	6	.....	.....	.....	9	4	102
Sulu	.....	.....	.....	.....	.....	.....	.....	30	225
English	38	4	2	4	.....	3	49	2	85
German	4	.....	.....	7	.....	.....	7	.....	43
East Indian	.....	.....	.....	.....	.....	.....	4	7	119
French	3	.....	.....	.....	.....	.....	2	.....	17
All other	10	.....	.....	1	.....	1	30	7	120
Total	91	100	40	75	65	18	533	8,205	3,426

These tables do not include Army or Navy officers or enlisted men, neither do they include passengers who arrived on United States transports prior to May 1, 1901.

It will be seen that exclusive of officers and enlisted men and members of their families 17,020 passengers from foreign ports arrived in the Philippine Archipelago during the fiscal year 1901.

The Chinese lead, with a total of 11,726; next in number come Americans, with a total of 1,832, and next in order Filipinos, to the number of 958.

The figures show that the Chinese travel back and forth between the Philippines and China averages about 2,000 per month, as the number going and coming are about equal.

The tables show sexes separately and also show the number of the various professions and occupations of the immigrants, with data as to illiteracy, previous residence, etc.

Those unfamiliar with the manner of conducting business in this soon to be chief city of the Orient will marvel at the unusual number of merchants in the list, but it must be remembered that Manila is a city of many merchants of medium means, and not a city where the few monopolize the business.

Why, look at the Malolos congress. There were 91 members of that body, and Dr. Albert, who was a member, now president of the Federal party, said to me "they could all read and write." They framed the Malolos constitution; they wrote proclamations; they issued state papers, that I say, and the Schurman commissioners say, and others more capable than myself to judge, that these papers are wonderful productions and reflect the greatest credit upon the Filipino people and their representatives who created them.

No man can read them who is fair-minded and honest with himself and not be astonished, and especially so when you listen to the slander hurled here and elsewhere on these people, that they are a lot of "children" and "savages," except a few.

Few indeed! Four or five thousand have taken the "civil-service examination" there and are now in office, and certainly there must have been 40 or 50 applicants for examination for each office if they are anyways like our own people.

We should look at the situation in all fairness and in justice to ourselves, in justice to the Filipinos, and in justice to justice, because it is justice.

I say that I have presented here from official records a most remarkable case of where we have knocked down a republic because you say the Filipinos are incapable of self-government, and then you turn right around and put in office the natives who created that republic because they wanted a republic; they wanted independence and believed they were going to get it, and hence they thus acted.

Mr. JONES of Virginia. I yield the gentleman five minutes more.

Mr. GAINES of Tennessee. Now, Mr. Chairman, you must see that these people feel that we have not dealt fairly with them in not giving, or at least promising to give, them independence at a near day. I can substantiate every statement I have given by depositions and authentic productions, both English and American, in the Philippine Islands and out of them.

Why, sir, take the very congress that created the Philippine republic. They wrote a constitution that was satisfactory to them—that the Schurman Commission bragged on, as I have already stated. Tavera, Rosario, Florentino Torres, and Arellano wrote in about four days and submitted, at the request of the chairman of this Commission—a constitution which they have incorporated in the first volume of their report—which they say is one of the remarkable productions of the times. These men were insurgents or their allies.

Mr. TAWNEY. How long did it take the fathers of our Republic to write our Constitution?

Mr. GAINES of Tennessee. It seems to me the part of it was written about forty years ago which the gentleman now disobeys in this very bill, and which I am trying to have enforced under my oath and unseared conscience. As we all remember, the first constitution that was framed—the articles of confederation—was weak. The second one was unsatisfactory in part, and that, we immediately went to work to amend as soon as we got the chance—in the First Congress—and to get what? Jury rights, the very thing you now deny these Filipinos and the Americans in the Philippine Islands.

A MEMBER. Did not those people in the Philippines merely copy our Constitution?

Mr. GAINES of Tennessee. No, sir. Of course they had books. As a matter of fact, they did not "copy;" but suppose they did? Did we not "copy" ours in many respects? The Republicans are charging that these people knew nothing about our Constitution, nothing about our Declaration of Independence, nothing about the doctrine of the consent of the governed; that they were absolutely, densely ignorant "children," and some say they are 10,000,000 of savages.

It is an outrage, Mr. Chairman, to thus slander these people. I thank God that those who know me best believe that my effort through life has been to deal fairly, like a man, even with my enemies; that even when I strike them, I strike above the belt. Instead of confessing the facts, we find these people persistently misrepresented, through ignorance or malevolence, by gentlemen who speak, if they speak at all, on the other side.

I notice conspicuously that some gentlemen on the other side of the House who went to the Philippine Islands last year have not spoken at all on the Philippines or this subject. Who are they? All Republicans. There is the gentleman from Connecticut [Mr. HILL], who has failed to speak, and the gentleman from Pennsylvania [Mr. JACK], and the gentleman from Iowa [Mr. HULL], and a Senator from Nebraska. They have all been mute on this great subject. Are the gentlemen afraid to tell the truth? Did you go all the way to the Philippine Islands and return to remain mute?

Mr. Chairman, it is a sin in the sight of man and God that these people should be charged with being treacherous, traitors, and savages, and incapable of doing anything but to draw water and to hew wood for a lot of carpetbaggers from this country and Europe and Asia and Africa who are peopling these islands and for purposes selfish. They are there to honeycomb this, by nature, a brown man's country, the native home of the Filipino.

We are doing there what our forefathers denounced England for doing a century ago, and struck for their independence that it might be undone.

We are filling that island with a swarm of officeholders—6,123 already there—4,000 or 5,000 natives, by the grace of Governor Taft's wisdom; the balance are foreigners, who hate the Filipinos, who call them "niggers," which insults them profoundly, and who treat them inconsiderately in all manner of ways; and this is the fixed policy of the Republican party.

I will here insert the following letter:

CARE OF FISKE WARREN, Esq., 8 MOUNT VERNON PLACE.
Boston, Mass., 24th June, 1902.

The Hon. J. W. GAINES,
House of Representatives, United States, Washington, D. C.

DEAR SIR: There was one item in your letter to which I forgot to refer in my reply. You ask, "Was the promise or so-called promise of independence by American authorities verbal or written? Who made the promise, and when?" All the Filipinos, as far as I know, have understood that the promise was verbal. Aguinaldo, to whom the promise was made, has always declared it to be verbal. In his first and latest authoritative statement he declares it to have been a verbal agreement, as will be seen by the two inclosures marked in red.

I also forgot to mention when speaking of the part taken by the Filipinos in the present government that all the fiscals provincial now employed were so employed under the Malolos government. These officers occupy an important and, I consider, an indispensable relation between the people and the American officials. Thus, in the report made last January by Mr. James Ross, governor of Ambos Camarines, he says: "All the officials are performing their duties in an honest, faithful, and intelligent manner, and if this province has not been specially favored in the matter of native officials, then the others are indeed to be congratulated." All these men have displayed in their work the most commendable zeal, ability, and integrity, and I have had at all times their active assistance and most unqualified support. To Mr. Fulgencio Contreras, provincial fiscal, and to Mr. Ramon Enrile, provincial secretary, are due the thanks of the government not only for duties well and faithfully performed in their respective departments, but as well for the valuable services they have rendered in the equally important work of bringing their people to an understanding of the new conditions," etc.

I shall be glad if you will kindly add the above to my statement sent you yesterday.

Sincerely, yours, SIXTO LOPEZ.

I desire to extend my remarks on the climate of the Philippine Islands. It is a vital question, and we want all the light we can get.

Manila was utterly repudiated and condemned as a suitable region for a sanitarium by the Taft Commission in its report to the President, January 24, 1901, pages 64-65, and it is clearly shown that the climate of Manila and the Philippine Islands is extremely unhealthful and destructive in the extreme to white people, as well as to the brown natives in less degree.

This Commission, after examining the entire archipelago, found only one suitable locality and climate in the Philippines for a sanitarium, and that place was Benguet, about 177 miles north of Manila, and the report shows that even there the humidity is much greater at times than in Manila.

At page 64 the Taft Commission, after stating that our soldiers "suffer more or less severely from diarrhea, dysentery, and malaria," says:

In the treatment of these last-mentioned ailments (which I have named) it is well known that a suitable change of climate is often far more effective than are any drugs which can be administered.

RECUPERATION FROM WOUNDS OR DISEASE SLOW.

Recuperation from severe wounds or wasting diseases takes place slowly in this tropical region. Thus far it has been necessary to send a considerable number of sick soldiers to Japan or to the United States for recuperation. This involves very heavy expenses and frequently loss of life as well, for even with the most perfect transports and hospital ships it is impossible during a rough sea voyage to give sick men the care which they can have on land.

WHAT EXPERIENCE SHOWS.

Experience has shown that an occasional change to a cooler climate is very desirable, even for those who live in the more healthful parts of the archipelago. Especially is this true of white children, who usually do very well here up to the age of 8 or 10 years, and then often seem to require a change.

In view of the facts set forth it becomes a matter of great practical importance to ascertain whether or not there exists within the limits of the archipelago any accessible region presenting suitable climatic and other conditions for the speedy recuperation from wounds, tropical diseases, wasting illness of any sort, or from the injurious effects of long-continued residence in a hot climate.

In view of the facts above set forth it becomes a matter of great practical importance to ascertain whether or not there exists

within the limits of the archipelago any accessible region presenting suitable climatic and other conditions for the speedy recuperation of sufferers from wounds, tropical diseases, wasting illness of any sort, or from the injurious effects of long-continued residence in hot climate.

Such a region should have cool, pure, bracing air and a plentiful supply of good water. It should be sufficiently extensive to allow the erection of hospitals for the sick and of summer homes for a considerable population. It should, if possible, be suited to the pasturing of cattle and the growing of fruit, vegetables, and grain.

TAFT COMMISSION'S OPINION AND CONCLUSION AS TO A SITE FOR A SANITARIUM—MANILA REPUDIATED.

They say:

It is a well-established fact that no such region exists in the central or southern islands, with the possible exception of Mindanao. Mindora has very unhealthy lowlands.

The Commissioners then describe and show that even the mountain regions of the central and southern islands are unfitted for a sanitarium. They then take up Luzon, wherein Manila is located, and say:

Luzon remains.

And after describing the mountains of Luzon, contiguous to Manila, say:

They [the mountains] are of a character already described for the central and southern islands and are therefore unsuited for the purpose in question—

that is, a sanitarium site, which, as we see, must have good water, pure air, and surrounding agricultural land.

Thus we must see that the Commissioners in repudiating the mountains which surround Manila as unfit for a sanitarium necessarily repudiate Manila as a suitable place for a sanitarium. Indeed, the Commissioners do not hint at Manila being a suitable place for a sanitarium.

DISEASES PECULIAR TO THE PHILIPPINES AND THE CITY OF MANILA—MANILA ONE OF THE MOST IF NOT THE MOST UNHEALTHY LOCALITY IN THE ARCHIPELAGO.

The Philippines are near the brown countries of the Old World. Manila is the main seaport. Contagion is brought from China and Japan daily by ships. Hence it is almost impossible to exclude contagion from the Philippines. Cholera is now raging in Manila and throughout the island among the natives, while some of our soldiers have died with it.

The press states:

[From the Nashville News, June 14, 1902.]

MUCH CHOLERA IN MANILA.

SAN FRANCISCO, June 14.—Former Quarantine Physician W. E. Parkman, who has returned from Manila, states that cholera is virulently epidemic in the Philippines and is increasing in violence. Fifteen and twenty deaths occur daily in Manila. It is the worst outbreak since 1882. The natives evade the sanitary regulations and kill their sick.

The Taft Commission's Report, at pages 62, 63, 64, in their report of 1900, says:

Asiatic cholera appeared in the Philippines in 1888 and 1889. Cholera has not appeared in the islands since that time, but we are near China, which is the breeding ground for disease, and epidemics imported from that country can be avoided only by the maintenance of a strict quarantine service.

A strict military quarantine has been maintained at Manila and yet cholera is raging there now. When this Taft report was written (May 31, 1901) "cholera was in Singapore and on shipboard at Hongkong."

The number of deaths from cholera in the Philippines as stated by the press is in the thousands—number of cases still more.

The Taft Commission at page 63 state that in 1899 "bubonic plague appeared in Manila, and in one week there were 14 deaths out of 17 cases."

It is undisputed, I believe—certainly it can not be successfully denied—that leprosy is a common disease in this place.

Contagion from these brown countries near the Philippine Islands continues to threaten and even curse and blight the possibilities of the city of Manila and destroy the lives of many of the inhabitants there. In addition, Manila has diseases which seem to be peculiar to that place. Manila is in a low, flat locality, poorly drained because of natural conditions, while the ebb and flow of the tide in the rivers that penetrate the city constantly, as it were, churns up the disease germs that poison these waters, already foul, and so much so that those who bathe in them or who inhabit the city of Manila inevitably become more or less diseased by tropical contagion.

DEATHS AND BIRTHS IN TEN MONTHS IN MANILA.

Let us see now if what I have said is not practically and literally true. Take the report of the board of health, found in General Sternberg's last official report, page 139, and we find that this board states that there are 244,732 inhabitants in Manila, excluding the army and navy; that 60 supervisors are constantly at work in this city, and that each house each week is inspected; and yet this report states that for ten months of the year 1900 there were 8,761 deaths in Manila, or 42.54 persons died of every 1,000, exclusive of the army and navy.

I stated some time ago from the best authority that the death rate among the children of Manila was about 30 per cent. I see from a recent report of the board of health of Manila to the Taft Commission that the "annual death rate" to every 1,000 persons is about 41.29—this was the rate for last "November;" and that the birth rate for the same time was 24.25 per 1,000 persons.

THE DISEASES PECULIAR TO THE CITY OF MANILA.

General Sternberg's report for 1901, page 139, states that "the board of health of Manila has had to contend with the following infectious or contagious diseases: Bubonic plague, smallpox, tetanus, typhoid fever, tuberculosis, whooping cough, measles, mumps, beriberi. Bubonic plague is dealt with in the most stringent manner. Two hundred and fifty-four cases, with 199 deaths, have occurred, as follows: Chinese cases, 166—deaths, 135; Filipino cases, 86—deaths, 62; Spanish, 1—deaths, 1; American, 1—deaths, 0."

This is Manila's history in the face of the work of the board of health, 60 inspectors, weekly inspection of every house, and under the rules and regulations of the civil and military government.

At page 141 of Sternberg's report for 1900, we find that between March and April 10, 1901, the total number of prisoners of war in Manila was 4,449; total sick, 1,336. We must presume that these were all natives, and yet we find that nearly one-fourth of the number were sick. It seems that the natives do not enjoy good health in these islands, and, like the whites, can not be or are not acclimatized, which Major Mason, of the Army, says the whites can not do.

SMALLPOX IN MANILA.

On page 140 of this report we read that smallpox in Manila has been very mild, with 101 cases and only 2 deaths; yet 22,590 children and 43,128 adults, this report states, had been vaccinated. What else does this report state about Manila? "There were 159 lepers under treatment in Manila, 27 of whom died." The smallpox may have been "mild" in form, but in the face of the work of 60 inspectors, the board of health, and the military and civil rule which prevails there, and 65,000 vaccinations, there were 101 cases of smallpox in Manila.

SMALLPOX FATAL TO WHITES IN PHILIPPINES.

This report does not state that the smallpox was confined to the natives, but we presume such was the case, in view of the fact there were only two deaths, and as Major Hoyt says "smallpox is very fatal to whites in the Philippine Islands." Major Hoyt, as I showed in my former speech, is an expert on tropical diseases and went to the Philippine Islands for the purpose of investigating health conditions there, and his letter to the Taft Commission can be found in Volume I, pages 262, 263, and 264.

Surgeon-General Mason, at page 235 of Sternberg's last report, says:

Smallpox is widely prevalent during the dry season; almost completely disappears during the rains.

Inasmuch as it rains nearly all the time in the Philippine Islands, but as it rains less at some times than others, it might be well to classify the seasons as dry rains and wet rains. It is hard to tell which is the dry and which is the wet season in the Philippines, and I am reminded of what a distinguished Republican, Mr. Murat Halstead, "war correspondent in America and Europe, historian of the Philippine expedition in his 'Story of the Philippines,'" says on the subject of seasons in these islands. I quote from him, on page 288, as follows:

The Spanish description of seasons is as follows:
Seis meses de lodo—six months of mud;
Seis meses de polvo—six months of dust;
Seis meses de todo—six months of everything.

I confess I saw "mud" in the Philippines, no "dust," and "everything," as to climate that forced me to believe and now insist that the Caucasian race can not and should not as a rule live but a brief time in the Philippine Islands, and that that country is a fertile place for about all the ills to which the white man's flesh at least is heir.

The total number of patients received in the hospital at Presidio, Cal., during the last fiscal year was 5,587, of whom 3,513 were received from the Philippines (at this particular hospital) from July 14, 1900, to June 28, 1901—eleven months and fourteen days. This is shown on page 86 of Sternberg's last report. On the next page (87) we find the diseases inflicting these soldiers as follows:

NOSOLOGICAL INDEX OF DISEASES TREATED IN THE UNITED STATES ARMY GENERAL HOSPITAL, PRESIDIO, SAN FRANCISCO, CAL., SINCE JULY 1, 1899, TO THE END OF THE FISCAL YEAR, JUNE 30, 1901.

The following nosological index has been compiled with a great deal of care from the records of the hospital. While it can not be said to be complete in every instance, it gives a general idea of the number and character of the cases which have been admitted to this hospital. It will be noticed that the total number of cases classified in this index does not equal the total number admitted to the hospital, but this is explained by the fact that the diagnoses in many of the cases admitted have been of uncertain character and have not been included in the index, although they might be included under the vague head of "undetermined diagnoses."

The index is arranged according to the divisions given in the Medical Manual:

I.—*Infectious diseases, general and local.*

Diseases.	Regulars.	Volunteers.	Total.
Scarlet fever	1	1	2
Measles	162	54	216
Variola	4	22	26
Vaccinia	36	40	76
Varicella	0	1	1
Influenza	22	1	23
Malarial fever, pernicious	2	1	3
Malarial cachexia	127	117	244
Erysipelas	4	4	8
Septicemia	1	1	2
Mumps	63	28	91
Diphtheria	8	12	20
Typhoid fever	76	131	207
Cerebro-spinal meningitis	2	0	2
Rheumatic fever	16	8	24
Malarial fever:			
Intermittent	329	314	643
Remittent or continued	51	92	143
Tuberculosis of lungs	124	99	223
Tuberculosis of other organs	5	2	7
Carcinoma	8	1	9
Sarcoma	1	0	1
Syphilis	75	42	117
Gonorrhea	69	72	141
Gonorrheal epididymitis and orchitis	46	48	94
Chancroid	133	118	251
Other diseases of this class	15	26	41
Total	1,380	1,235	2,615

THE PHILIPPINE COMMISSIONERS, THROUGH IGNORANCE, FALL INTO A FATAL ERROR THAT MISLEADS THE PUBLIC AT LARGE.

At page 63 of the Taft Commission's Report of January 24, 1901, this distinguished Commission states:

That health conditions are, on the whole, surprisingly good in the Philippines is conclusively demonstrated by comparing the sick report of our troops while in camp in the United States with the reports for the time during which they have been engaged in active service in the Philippines.

This is a great blunder and fatally and mischievously erroneous, and is flatly, though unwittingly, contradicted, and shown to be utterly without foundation and absolutely erroneous by General Sternberg's last report, pages 127 and 128, from which I take and tabulate the following words and figures:

Death rate of troops serving in United States per 1,000 of strength.

	1897.	1899.	1900.
All causes	5.11	7.89	7.78
Disease	3.14	6.56	4.83

Troops serving in the Philippine Islands.

	1899.	1900.
All causes	30.58	28.75
Disease	15.30	20.26

Troops from Philippines serving in China.

	1900.
All causes	47.76
Disease	23.62

"Fortunately, the mean strength of men in China was small—1,947," says General Sternberg.

These official figures show the death rate, from "all causes" and from "disease," of our troops serving "within the United States" and within the Philippines and those who went from the Philippine service into China.

In 1897 all our troops were "serving within the United States," at home. This was before the Spanish war begun in 1897; and it appears that we lost by death, caused by "disease," of troops serving in the United States, 3.14 soldiers out of every 1,000. In 1899, during the war with Spain, we lost 6.56 of troops "serving in the United States," caused by "disease," and in 1900 we lost 4.83 out of every 1,000, caused by "disease." Doubtless this increased rate was caused by these troops having been in the service in the Philippine Islands, Cuba, and Porto Rico; but in the Philippines we lost by death from "disease," in 1899, 15.30 men, and in 1900, 20.26, and in China we lost 23.62 men out of every 1,000, the rate being greater in China than in the Philippines, because the soldiers in China had been serving in the Philippines, and the fighting was much harder in China than in the Philippines, although in China the climate was "cool."

It is wholly untrue, and distressingly so, that the health of our soldiers was even nearly as "good" while serving in the Philippines and "serving within the limits of the United States."

Even insanity was much greater among our troops in the Philippines than at home or in Cuba.

These horrible health conditions and this increased insanity is shown to be in the main the result of climatic influences in the tropical climate of the Philippines (although it may be a "better climate" than in other tropics) by the following authorities, our own officers, from which I shall quote freely as follows:

Major Hoyt, as I have already stated, says:

That the white man can not successfully perform manual labor in this climate; that smallpox is prevalent everywhere, and in this latitude and longitude is very fatal, especially to whites.

Major Hoyt is a "practical sanitarian of ten years' experience." (Vol. I, Taft Commission Report, pp. 262, 263, 264.)

Major Mason, in reporting on conditions in the Philippine Islands, at page 234 of General Sternberg's last report, says:

I do not believe there is any such thing as acclimatization of white men in tropical climates, and that their health gradually deteriorates and they become less fit for active service. They are afflicted with boils, abscesses, leg ulcers, deafness, and suppuration of the middle ear, with perforation of the drumhead and buboes in the groin and axilla, without discoverable point of origin.

Colonel Greenleaf, at page 669 of the Surgeon-General's report for the last fiscal year, says:

That immature youths, the hard drinkers, and the recruits with inherited or acquired weakness of constitution have gradually, after repeated appearance on the sick report and running the gamut of several hospitals, been sent to the United States. Service in the Philippines shows on a grand scale the operation of the law of the survival of the fittest.

Seasoned soldiers of proper age, disciplined and intelligent enough to appreciate the primary rules of hygiene and moderate in their habits, remain. The proportion of sickness among such men as these would be surprisingly small but for two adverse factors.

The first is the inevitable undermining of the strength of the most robust by tropical service.

The most energetic and stalwart American, after a year of service here, loses energy, strength, and ambition. He performs what work his duty demands more or less half-heartedly and with a draft on his vital energy that he can actually feel at the time.

1,003 OUT OF 4,301 SOLDIERS SICK.

General Otis, in his report for 1899, printed in Manila, a small volume containing only his report, at pages 201 and 202, says of our soldiers:

The four regiments now present have an enlisted strength of 4,301. Of these 1,003 are sick and wounded, leaving an effective force of 3,098, which, after deducting necessary details for special duty, yields only 2,307 for the firing line, many of whom could not march 5 miles under the conditions which obtained from Malolos to this place.

He then states that the scorching sun and relaxing climate was "much harder to bear than the enemy's fire," leaving the soldiers but "little vital resistance for disease."

INSANITY AND MELANCHOLIA CURED, HOW?

Surgeon-General Sternberg and Colonel Girard, in charge of the hospital at Presidio, state that the increase of insanity among our soldiers was caused by the nervous depression and homesickness of our troops serving in the Philippine Islands, while Colonel Girard states that on the return of 180 patients to the United States, 46 had recovered and were dismissed.

Colonel Girard further states that in about all cases of melancholia the patient recovers "provided the patient is returned to the United States."

General Sternberg's testimony is found at page 173 of his last report, where he states that out of 273 cases of insanity, 149 were sent to the hospital at Washington and 124 returned to their duty after having been on the sick report for some time.

INSANITY CURED BY SENDING PATIENT HOME.

Colonel Girard's report is found at pages 122, 123, and 124 of the Surgeon-General's last report. He says:

During the year there have been 46 cases diagnosed as insane received at this hospital on which the diagnosis was not confirmed. It is probably true that most of these cases, if not all, were insane when they were transferred to this hospital, but a majority of them came from the Philippine Islands—

Now, how were they cured? Colonel Girard continues—

and the voyage home, together with the more cheerful surroundings, resulted in the disappearance of the abnormal mental condition.

Most of the cases were of the type of insanity in which the prognosis is good, and most of them were, without doubt, due to the nostalgia and the depressing influence of campaigning in the Tropics. Upon removal of these conditions the return to the normal mental condition was rapid and complete.

He further states that:

A large proportion of the cases had an hereditary taint, not discovered before enlistment, which, taken with the long distance from home, the intense heat of the tropical sun, constant harassment by the enemy who it is impossible to see, excessive use of alcoholics, and the depressing influence always present in a tropical climate will account for the changed mental condition.

The influence, just spoken of, without the hereditary predisposition, are enough to produce, in a highly nervous individual, mild or even severe forms of insanity.

He then states that the same rate of insanity exists under similar conditions in civil life as in the Army. But he overlooks the fact that when a soldier is selected, such a high standard is required

of him that he is practically nominated a "stalwart American," mentally and physically, before he can enter the Army, whereas among the masses in civil life no such standard as a mass obtains, and the rate of insanity under similar circumstances that surround the stalwart American in the Philippines should be much greater.

Colonel Girard states that sending the patient home in effect cures him, makes his insanity, otherwise permanent, only temporary, "which rapidly" disappears upon a change of conditions, and in melancholia, as a rule, the patient recovers "provided the patient is transferred to the United States."

SCHURMAN COMMISSION AND HEALTH IN MANILA.

The Schurman Commission, inquiring of Mr. William A. Dayland, an old resident of Manila, what the health conditions were in Manila and the outside provinces. said, or rather alluded to Manila as an indecent city so far as health was concerned. The testimony of the witness is found in Volume II, at page 172, of the Schurman Commission's report. The questions asked by the Commission and the answers are as follows:

Q. In general, what has been the result of your observations as to the healthfulness or unhealthfulness of those men who come here and take care of themselves, not in Manila, but in the decent provincial towns?
A. I consider the provincial towns more healthy than Manila.
Q. What would you say about Manila itself?
A. I think there is a great deal of luck about it. Only a year ago Mr. Spring came out here; he was a healthy man, but he seemed to go to the wall at once.
Q. When you say "luck," do you mean when a man is fortunate enough not to get infected with typhoid fever?
A. Yes.

The witness then spoke of drinking whisky as one of the prime causes of death, but the next cause was smallpox, dysentery, diphtheria, blood poisoning, epilepsy, typhoid fever. The white people in all tropical climates are directed by their physicians to drink more or less whisky, and so they do. The Filipino rarely ever drinks whisky. I never saw or heard of a drunken Filipino.

The judge of the recorder's court, Manila, Judge Liddell, whom I have known for a long time, said that during his long service as judge of this court he had never had arraigned before him a drunken Filipino, but we see of the prisoners of war that nearly one-fourth of them in the prisons at Manila were on the sick list. The white people, and particularly the men, drink whisky in the Philippines to revive their broken spirits, mental and physical.

The weary, worn, and lifeless condition that inevitably follows the white man in the tropical climates is more or less temporarily overcome by drinking some exhilarating beverage, and whisky is the one most used. This downward effect produced by the climate is opposed by the upward or exhilarating effect of the wine, and thus the two influences oppose each other until finally the health of the party, I may add, his constitution, is burnt out, and he becomes more or less an easy victim to disease.

THE TESTIMONY AS TO THE HEALTH OF MANILA BY TWO AMERICAN PHYSICIANS, DRS. FLECKER AND BARKER.

In this same report we find, at page 242, what Dr. Flecker, of the Pennsylvania University, who, with Dr. Barker, I believe, of Baltimore, were investigating health conditions in the Philippine Islands, says, in speaking of Manila:

Now, a word about cholera, which has been here, and, possibly, on account of communication with infected seaports, it might appear again. I think the plague might easily get here, and, if it did, I am of the opinion it would do a great deal of harm; that there might be more danger in Hongkong than in Manila.

Both Dr. Flecker and Dr. Barker agreed that there would be a "great field" at Manila anyway for these diseases.

The testimony of these two physicians is found in this report, on pages 241 to 242. At page 232 Dr. Flecker speaks of the inevitable and disastrous effects of bowel troubles on both the white and brown races in the Philippine Islands.

He also says that at the time of his testimony there were from 1,000 to 12,000 prisoners at Cavite the victims of beri beri; that 30 or 40 had died up to "last Friday"—3 deaths Saturday morning. He states that this disease has been thus far entirely confined to the natives. "The Europeans have not suffered, but on inquiry we find that it has appeared among the Europeans in times gone by; that some of the Spaniards had developed it, and that at one time it prevailed among the troops, showing that it is a disease that may attack Europeans, but less likely than the natives." He states that it paralyzes the arms and legs.

I may add, Mr. Chairman, that I saw several of just such cases, and sometimes the patient's body swells up and sometimes it dries up. Dr. Flecker states that persons under 40 are the ones usually attacked, that it usually attacks the natives, and "may assume alarming proportions."

Q. Are there any cases in Manila?
A. Among the natives; yes, sir. Those cases in the San Juan hospital are all from Manila.
Dr. FLEXNER (continuing). Perhaps, finally, I might say a word about leprosy. The disease is common in this locality. "How common in the entire archipelago we have been unable to discover." At this time there were 70 or 80 lepers at the San Rosario Hospital at Manila.

Dr. Flecker further states upon investigation that these cases of leprosy have "developed" almost without exception very near the immediate neighborhood of Manila. This is on page 235 of this report.

Dr. Flecker further stated that Europeans are subject to be attacked by leprosy and cited a case of a young white lady in South Carolina who had been traveling out of the United States. He stated that leprosy produced a condition of rotting away of the body.

Dr. Barker, at page 237, says:

There is very little danger from catching cold from sudden depression—less than in America—

He is speaking now of his observations, particularly in Manila—

On the other hand—

He says—

continuous heat is very trying and enervating, and will probably prove to be so on Americans. It interferes with the process of digestion, and unless one is particularly prudent in regard to food, the time and place of taking, etc., he is sure, sooner or later, to have an attack of stomach trouble. The climate, with other conditions, seems to affect Americans, especially with regard to their assimilation.

People who live here a long time become gradually pale. Of course, there are some exceptions—there are those who retain their vigor. I do not think the majority do. Women, especially, grow pale, and the European children which we have seen have a tendency to anæmia. Those who are familiar with the climate tell us that anæmia is one of the common complaints in the Philippines and in similar climates.

With regard to actual heat stroke, it is apparently uncommon, while heat prostration is relatively common. The continual heat undoubtedly predisposes one to diarrheal diseases.

On page 238 we find this:

Q. How about the effect of the sun? Tell us about that.
A. We have come to the conclusion that the custom, which is so general, of keeping indoors from 12 until 3, is very important. Some one has said that the sun is always dangerous, and I am inclined to think so. I have felt it very much.
Q. Isn't it bad from 9 to 12?
A. It is bad at any time, in all probability, but one feels it more after noon. It may be one has become worn out or exhausted by that time. In the morning, after a refreshing sleep, he is able to go about without feeling it so much.

On page 239 we find this:

Q. Do you think it possible for Americans to come here and live by pursuing the very simple rules that you have given?
A. For a term of years, yes, sir; provided they had frequent holidays away from this archipelago.
Q. Do you think the white race could work in the fields—pursue agricultural pursuits?
A. I doubt if that could be successfully done.
Q. Even the Americans living here, as you have said, for some years, would become pale unless he drank a good deal of whisky, wouldn't he?
A. I think it would depend on the individual constitution. I think a great many men would sicken; and if they tried it for two or three generations without replenishment from home, to use a slang expression, they would "peter out."
Q. And that, you say, is due to the climate?
A. Yes, sir; and the removal of home influences.
Q. How long have you been here?
A. Two months.
Q. In your personal experience have you found this climate trying?
A. Yes, sir; I have found that I had to be careful as regards diet and as regards work.
Q. You have done, perhaps, a good deal more work than the ordinary man?
A. I have kept quiet from 12 to 3. We have worked in the forenoon pretty hard, and at first in the afternoon, but we have found that the longer we stay here the less capable we are of work of a high order for any prolonged time.
Q. Do you find you perspire a great deal?
A. That depends on the drink and diet.
Q. Doesn't it depend on the exertion?
A. If you work out, of course you perspire.
Q. Is that desirable or not?
A. To a certain extent, yes. Excessive perspiration from excessive exertion would soon weaken one very much. We found, when working hard mentally, that exercise did not agree with us. I began with theories and ideas about taking exercise morning and night, but I could not stand it and do mental work at the same time.
Q. What effect is the rainy season going to have on health?
A. The probability is that dysentery will be much more common in the rainy than dry season. Malaria will be less, unless at the end of the rainy season there should be a great deal of hot, dry weather, making the water grow stagnant, and increasing mosquitoes, especially inasmuch as malaria is transmitted by mosquitoes.

On page 240 we find that it is admitted by the Commissioner, upon information, that "when a soldier gets sick he doesn't get well," about which Dr. Barker says:

Q. I understand that the proportion of sickness here is about 10 per cent. Is that excessive?
A. I do not think that we are supplied with any definite data as to the percentage of sick.
Q. Well, they have 2,300 sick people here—soldiers?
A. And how many in the army?
Q. I am counting about 23,000, making about 10 per cent. There is one thing I want to ask you about, if you have noticed it at all. We have been told here that when a soldier gets sick he don't get well. He don't seem to recuperate. If he once lies down and gives up, it takes months for him to get up again. Some, of course, attribute it to homesickness, which I know was a fact during the civil war. What do you think about that?
A. I think that certain diseases are especially prone to penanty and to slow convalescence. Of course, even with good treatment, convalescence is slow in this climate.

Dr. Barker further states that the predominant maladies among the soldiers is distress of digestion, including diarrhea and dysentery, then typhoid fever and perhaps malaria.

American Commerce.

SPEECH

OF

HON. CHARLES H. GROSVENOR,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Monday, June 30, 1902,

On the conference report on the bill (H. R. 15108) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other purposes.

Mr. GROSVENOR said:

Mr. SPEAKER: Incidentally to the commercial and financial history of our country there looms up to-day the great volume of facts which show what splendid progress we have made toward the ultimate subjection of the world's commerce to our interest.

I take the liberty to present in this connection, as a part of my remarks, one of the ablest papers that I have ever seen, showing the wealth of productive power and distributive efficiency of the United States. It is the product of the genius in statistics of Hon. O. P. Austin, Chief of the Bureau of Statistics of the Treasury Department.

EXPANSION OF AMERICAN COMMERCE, PAST, PRESENT, AND PROSPECTIVE.

[An address delivered before Manufacturers' Club of Philadelphia, May 19, 1902, by Hon. O. P. Austin, Chief of the Bureau of Statistics, Treasury Department.]

The growth in the foreign commerce of the United States has been a subject of interest and surprise to the whole world. Even our own people, familiar as they are with the wonderful resources which have produced that growth, pause in astonishment in the midst of the absorbing occupations of this strenuous age, and read again and again the figures which mark the marvelous growth of our commerce, and especially that of more recent years. For it is in the later years of our history that the most wonderful growth has come, a growth which has exceeded the greatest expectations of the most enthusiastic believer in our possibilities of production and manufacture and power to capture the markets of the world.

The year 1870 seems to have marked the beginning of a new order of things in the producing power of the country. With the opening of the transcontinental railway in 1869, and the construction of lateral lines which rapidly followed, the great producing sections of the interior were rapidly developed, and the power not only of production but of bringing together the natural products for manufacture and transportation to the seaboard gave new life and activity to the United States as a producing, manufacturing, and exporting nation.

For convenience of hearer as well as speaker the statistical statements which I shall present are given in round terms of "thousands," "millions," or "billions," and those desiring more exact statements to the last ton, bushel, or dollar will readily obtain them from the official publications upon which these general statements are based.

EXPORTS FIRST GAIN PERMANENT ASCENDANCY IN 1874.

Prior to 1870 we had almost constantly imported more than we exported. From 1790 to 1870 the imports exceeded the exports by nearly $2,000,000,000. In 1874 the exports began to exceed the imports, and have so continued in an almost unbroken record, and the excess of exports over imports from 1870 to 1902 is over $5,000,000,000. From 1790 to 1870 the exportations averaged $122,000,000 per annum; from 1870 to 1902 they averaged $833,000,000 per annum, and in the last two years the exports have aggregated more than in any full decade prior to 1870.

RAPID INCREASE IN PRODUCTION OF INDUSTRIAL FACTORS.

In the brief period since 1870 the production of corn has grown from 1,000,000,000 bushels to over 2,000,000,000 bushels per annum; of wheat, from 235,000,000 bushels to 535,000,000 bushels; of cotton, from about 3,000,000 bales to over 10,000,000 bales; the number of animals on farms, from 102,000,000 to 213,000,000, and the value of farm products, from $2,447,000,000 to $4,739,000,000. The production of petroleum increased from 220,000,000 gallons to 2,660,000,000 gallons; of coal, from 33,000,000 tons to 280,000,000 tons; of pig iron, from less than 2,000,000 tons to over 15,000,000 tons, and of steel, from less than 70,000 tons to over 13,000,000 tons. Meantime the railways of the country have grown from 52,000 miles to practically 200,000 miles, and rail transportation rates from Chicago to New York have fallen from 33 cents per bushel of wheat to 10 cents per bushel, and on other freights there were also large reductions.

INCREASED MONEY SUPPLY.

At the same time our mines of the precious metals have poured forth their treasures, and the money in circulation in the country has grown from $675,000,000 to $2,260,000,000, and from $17.50 per capita to $28.60 per capita. The effect of these conditions upon manufacturing has been phenomenal, electrifying.

PROSPERITY IN MANUFACTURING INDUSTRIES.

Manufacturing has meantime grown even more rapidly than agriculture. The number of persons engaged in manufacturing has increased from 2,000,000 to over 5,500,000; their earnings, from $775,000,000 to $2,735,000,000; the capital employed, from a little over $2,000,000,000 to about $10,000,000,000, and the value of manufactures produced, from $4,250,000,000 to $13,000,000,000. And all this, let it be remembered, has happened in a short thirty years, while the population was only increasing 100 per cent.

GROWTH IN FOREIGN COMMERCE.

What has been the effect upon our foreign commerce of all this enormous increase in production and manufacturing and the cheapening of the cost of production and transportation? The exports have increased from $9.77 per capita to $18.81 per capita in the same period. The exportation of agricultural products has increased from $233,000,000 to $943,000,000, and that of manufactures from $55,000,000 to $412,000,000. Europe has increased her purchases of our products from $302,000,000 to $1,122,000,000; North America, from $43,000,000 to $185,000,000; South America, from $14,000,000 to $44,000,000; Asia and Oceania, from $6,500,000 to $84,000,000; and darkest Africa, from $1,000,000 to $25,000,000.

RANK OF THE UNITED STATES AS AN EXPORTING NATION.

What has been the effect of these developments on our rank as an exporting nation? We have advanced from fourth place in the list of exporting nations to the head of the list. In 1870 England, Germany, and France exceeded the United States in their exports. To-day our exportation of domestic products exceeds that of any other nation in the world, and is advancing at a rate which gives assurance that we shall maintain this proud position as the world's greatest producer and exporter. In 1870 the domestic exports of the four great commercial nations of the world were: United Kingdom, $971,000,000; Germany, $552,000,000; France, $541,000,000; United States, $376,000,000.

In 1901 the figures of domestic exports stood: United States, $1,460,000,000; United Kingdom, $1,365,000,000; Germany, $1,113,000,000, and France, $804,000,000. Thus during that period France increased her exports of domestic products $263,000,000; the United Kingdom, $394,000,000; Germany, $561,000,000, and the United States $1,084,000,000, the increase by the United States being nearly as much as that of France, Germany, and the United Kingdom combined.

UNITED STATES LEADS IN PRODUCTION OF MAN'S CHIEF REQUIREMENTS.

The causes of this wonderful development are not difficult to find. The principal requirements of man can be enumerated upon the fingers of one hand, viz: Food, clothing, heat, light, and manufactures. Of all these the United States is the world's greatest producer.

The principal articles of food are breadstuffs and meats. For breadstuffs we produce more wheat than any other country in the world, and more corn than all the other countries of the world combined. For meat, the chief supply is beef and pork, and of each of these we produce more than any other country in the world.

For clothing, the quantity of cotton required by the world far exceeds that of any other material of dress, and of this the United States produces not only more than any other country, but over three-fourths of the world's entire supply. For heating, the chief requirement is coal, and of this we now produce more than any other country and at a cost far below that in any other coal-producing section. For lighting, petroleum is now the world's chief reliance, and we produce more of this article fit for use in lighting than any other country.

Of manufactures the United States is the world's largest producer. The chief requirements of manufacturing are iron, steel, copper, lead, aluminum, cotton, leather, and wood; and of all these we are the world's largest producer. As a result the United States easily leads the world both in the quantity and value of the manufactures produced, while the fact that we have more of the materials at hand than any other country, coupled with our cheap coal and ingenious machinery, gives us a great advantage in the cost of production. The value of the manufactures of the United States is now nearly double that of the United Kingdom, and about equal to those of Germany, France, and Russia combined.

Thus in the five great requirements of man—food, clothing, heat, light, and manufactures—the United States is the world's largest producer of their component factors.

But there are certain other great requirements which also have an important relationship to commerce, and they can be counted on the fingers of the other hand. They are invention, communication, transportation, finance, and energy.

GENIUS OF THE AMERICAN INVENTOR.

While our natural facilities, of which I have already spoken, are very great, it will be conceded that their value has been multiplied by the genius of the American inventor. It is to the American invention of the steam plow, the self-binder, the steam thresher, the cotton gin, and numerous other devices for performing by machinery what was formerly accomplished by hand labor, that our agriculturists have brought themselves to the foremost place in the world in the chief productions of agriculture. It was the American inventor who gave to the world the telegraph and the telephone, by which business possibilities have been multiplied beyond comprehension, and in the thousands of less notable inventions which enter into the daily requirements of production and manufacture and transportation the genius of the American inventor has enormously increased and will continue to increase our producing capacity and in greater degree than in any other country. The number of patents issued in the United States alone since 1870 is one-half as great as the number issued in all the rest of the world during that period, and the benefit which the American inventor and the American Patent Office has been to our production and commerce is beyond calculation.

OUR SUPERIOR FACILITIES OF COMMUNICATION.

Power of communication is another factor of equal importance in the world's commerce. Man may produce more food and clothing and heat and light and manufactures than all the rest of the world put together, but without the means of communication with his fellow-man his chances of disposing of his surplus are small. But in this power of intercommunication the United States leads the world. We have more miles of railway than all Europe put together, six times as many miles as any other country, and two-fifths of the mileage of the world. We have twice as many miles of telegraph as any other country of the world, and every city and factory of the country is within speaking distance of every continent and great trading center of the world. In the number of telephone messages sent the United States surpasses the total for all Europe combined. Of post-offices we have twice as many as any other country of the world, and the number of pieces of mail handled in the United States is greater than in all of continental Europe. Of newspapers, those great vehicles of communication and information, we have twice as many as any other country and more than one-third those of the entire world.

UNITED STATES FIRST IN TRANSPORTATION FACILITIES.

In transportation, that next great factor in commerce, the United States easily leads the world. In river and lake transportation by steam vessels our facilities are far greater than those of any other country, and the value of our Great Lakes in the transportation of the great products of the country contiguous to them can scarcely be realized. In railway lines we have, as already indicated, two-fifths of the mileage of the entire world, and more than all Europe put together, while our freight rates have been steadily lowered until they are now about one-third those of 1870, and are lower than in any other country in the world. Add to this the magnificent system of water and rail transportation of the interior, the fact that we have more coast line and more harbors than any other country, and a great ocean on either side to carry our commerce to the waiting world, and the value of this great factor of transportation will be appreciated.

FINANCIAL STRENGTH OF THE UNITED STATES.

In finance, another extremely important factor in the development and maintenance of production and commerce, the United States also leads the world. We produce more of the money metals than any other nation. There have been years in which Australia and South Africa have slightly exceeded the United States in gold production, and other years in which Mexico has slightly surpassed us in the production of silver, but in the combined production of gold and silver no country equals the United States. As a result of

this, and of our favorable balance of trade, the United States now has more gold and a greater total of money in circulation than any other country of the world. Experts also estimate that somewhat indefinite term "banking power" as being greater in the United States than in any other country, while their estimates of total national wealth also place the United States clearly at the head of the list of nations.

ENERGY OF THE AMERICAN CITIZEN.

The next and final feature which I shall mention in our claim to special advantages in production and commerce is that of energy. This is a product not easily measured in figures or terms; but when it is remembered that the population of the United States is formed by a combination of selected energy from the whole world, we may lay claim to a greater average supply of that important factor than any other country. The energy and determination which prompted the early settlers of America to leave their firesides and friends in Europe, and undergo the hardships and dangers of establishing homes for themselves in the New World, surely mark them as above the average in the supply of this characteristic. This is also true of a large share of the 20,000,000 of people who have come from other countries during the past century to establish themselves in the United States. Not only have they made valuable citizens and aided in the wonderful development which I have just outlined, but their intermingled blood flows in the veins of a large share of the present population, and carries with it an energy which, when guarded and vitalized by the work of our magnificent educational system, must tell for the future prosperity of the country.

FOUNDATIONS FOR FUTURE GROWTH OF AMERICAN INDUSTRIES.

These statements which I have made of our superior advantages in the production, manufacture, and transportation of the chief articles which man requires the world over, are not presented in a boastful spirit. My sole purpose in outlining these wonderful conditions is to show the solid foundation upon which our foreign commerce rests, and the assurance which we have that we shall maintain the proud position to which we have attained, and advance to still greater triumphs. The fields which render us the world's chief producer of breadstuffs are still fertile, and capable of enlargement and intensification of production; the plantations which make us the chief producer of the world's cotton can double their product, if desired; the supply of coal and oil for heating and lighting seems inexhaustible, and their area is being increased rather than diminished; the mines which supply the material for manufacturing show no signs of exhaustion; the transportation systems are increasing their carrying capacity, and by the addition of thousands of miles of railway each year are developing new areas, and the manufacturing sytems are steadily increasing their capacity until they can now produce far more than the present requirements of our population.

OUR FOREIGN COMMERCE WILL CONTINUE TO EXPAND.

The meaning of all this, it seems to me, is plain. It is that our foreign commerce is to continue to expand, and that we are not only to remain the world's greatest producer and exporter, but that the growth, unless checked by some unwise course at home or by unforeseen circumstances abroad, is to continue indefinitely. We hear threats of the exclusion of our products by certain countries, and rumors of European combinations against the United States; but neither past experiences nor the logic of the situation seems to justify the belief that this will be realized.

For years we have heard of legislation by European countries against American meats, yet our exports of provisions have steadily increased and were 50 per cent greater in 1901 than in 1890, and this year will be the largest in the history of our foreign commerce, and about 80 per cent of our provisions go to Europe. We hear from time to time that certain countries have made laws or rulings adverse to certain of our products, yet the total of our exports to those very countries continues to steadily increase. We have heard in recent years of the prospective boycott of American manufactures by European countries, yet more than one-half of our exports of manufactures last year went to Europe, the greatest manufacturing center of the world. A few years ago a dozen countries simultaneously protested against a pending tariff measure, yet that measure was enacted without reference to those protests; and to-day every one of those countries is taking more of our exports than they had ever done prior to that protest.

Sentiment does not rule in commerce. The question which the purchaser asks is not "Where was this article produced?" but "What is the price and quality?" If the price is lower and the quality better, he makes no objection to the legend, "Made in America," but rather welcomes it if he can rely upon it as an evidence of good faith in quality and price.

WORLD'S DEPENDENCE UPON UNITED STATES.

It is clear that the millions of purchasers all over the world, or even those of any particular country, are not likely to enter into combinations against American products or manufactures. But are the countries themselves likely to do so? Let us reflect for a moment as to what would be the result of such action. The United States produces one-fifth of the wheat of the world, one-half of the meats which enter into international commerce, about four-fifths of its corn, and three-fourths of its cotton. Of all these Europe must import large quantities. The importation of wheat into Europe from extra-European countries aggregates (including flour in terms of wheat) 265,000,000 bushels per annum, and of this, 150,000,000 bushels, or nearly three-fifths, is from the United States. Europe's importation of corn from other countries is about 200,000,000 bushels, and nearly all of this is from the United States.

EUROPE DOES NOT DESIRE TO EXCLUDE OUR PRODUCTS FROM HER MARKETS.

What would be the effect of a refusal by Europe to purchase our wheat, or our corn, or meat, or cotton? It would be the exclusion from the world's principal markets of three-fifths of its present importation of wheat, one-half of its importation of meats, three-fourths of its importation of cotton, and nearly all of its present importation of corn. What would be the effect of this exclusion of our supply of these articles? I do not mean to intimate that Europe could not exist without our wheat or corn or meats or cotton. But what would be the effect upon prices of the limited supply that other parts of the world could furnish? Imagine the effect upon the price of wheat if one-half the amount which enters into international commerce were wiped out of existence to-day. Imagine the effect of the elimination of three-fourths of the corn supply. Think what would be the effect on the price of cotton to-morrow if some vast conflagration to-night should destroy three-fourths of the visible supply of the world. Competition among producers and plentifulness of supply assure low prices, while the elimination of the principal competitor and largest producer would naturally and necessarily cause great advances in the price of the remaining supply of any of these articles.

PERMANENCY OF THE EUROPEAN MARKET FOR AMERICAN PRODUCTS.

We may therefore assume that at least in these great articles of general requirement there is no probability that we are to be excluded from the European market. Even in manufactures, of which Europe has been in the past the chief producer, our marvelous facilities for production are enabling us to compete in both quality and price. Our exports of manufactures have steadily grown from one hundred and eighty-three millions in 1895 to four hundred and twelve millions in 1901, and last year more than one-half of them went to Europe. During the brief period since 1895 we have heard much talk of European exclusion of our manufactures, but our exports of manufactures to Europe alone in 1901 were more than those to the entire world in 1895. Europe, it may be added, is our greatest customer in all classes of exports. In the fiscal year 1901, the latest and greatest in our export trade, Europe took over 50 per cent of our exports of manufactures, 90 per cent of those of agriculture, and 60 per cent of all other; or 76 per cent of the grand total of $1,487,764,991.

DISTRIBUTION OF AMERICAN COMMERCE BY GRAND DIVISIONS.

Taking the grand divisions, one by one, our export figures of last year are as follows: To Europe, $1,136,000,000, of which 19 per cent was manufactures; to North America, other than the United States, $196,000,000, of which 49 per cent was manufactures; to South America, $45,000,000, of which 60 per cent was manufactures; to Africa, $25,000,000, of which 40 per cent was manufactures; to Asia, $50,000,000, of which 66 per cent was manufactures, and to Oceania, $35,000,000, of which 80 per cent was manufactures. Comparing the exports to Europe alone with those of the remainder of the world as a whole, it may be said that the exports to Europe were $1,136,000,000, of which manufactures formed 19 per cent, and to the remainder of the world $351,000,000, of which manufactures formed 56 per cent. The total exports of manufactures were $412,000,000, and of this 52 per cent went to Europe and 48 per cent to other parts of the world. The total exports of products other than manufactures were $1,075,000,000, and of this 85 per cent went to Europe and 15 per cent to other parts of the world.

MANUFACTURERS MUST STUDY THEIR MARKETS.

What are we to conclude from all this? First, that the continent which takes one-half of our manufactures, even though it be a great manufacturing center, is a promising field for standard goods of high grades and reliable qualities, to be sold at small margins of profit; second, that the other parts of the world, which also take one-half of our manufactures, are a promising field for goods of special types, of qualities and forms varying with the customs and demands of the people in the section to be supplied. Each field needs careful attention in order to assure success—that of Europe because of the sharp competition which may be expected from local manufacturers; that of other countries because of the special requirements of local custom relative to color, size, form, and packing. The fashions of Central Africa or the South Sea Islands are as exacting as those of London or Paris, and the manufacturer must study the peculiarities in each field with equal care, even though the number of prospective customers in the former is less and the difficulties of establishing a permanent market greater than that among people whose requirements are similar to our own. In Europe and Canada we may expect to sell from the general stock of merchandise made for the great population of the United States; in Asia and Oceania and Africa and Spanish America the sales to the other than English-speaking population can most readily be expanded with goods specially prepared or selected, specially packed, specially offered, and sold on special terms.

SHARE OF THE UNITED STATES IN MARKETS OF THE WORLD.

This brings us to a consideration of the existing markets in the various countries, the share which we now supply in them, and the share for which we may still compete. The total imports of the European countries are over $8,000,000,000, of which we supply about 15 per cent; those of Asia and Oceania, $1,200,000,000, of which we supply about 10 per cent; those of South America, $375,000,000, of which we supply about 10 per cent; those of Africa, $430,000,000, of which we supply 5 per cent; and those of North America, other than the United States, $400,000,000, of which, by reason of proximity, we supply about 40 per cent. While a considerable share of the commerce of any country is a mere exchange with contiguous or adjacent countries, it may be assumed that as a rule fully one-half of the imports of these grand divisions is of a character for which we may compete, thus indicating that there are still great possibilities for the American producer and manufacturer in all parts of the consuming world, and that with patience, diligence, and fair dealing he may expect to make two blades of grass grow where now only one exists.

TROPICAL GOODS CAUSING STEADY INCREASE IN IMPORTS.

But before leaving this subject I want to call your attention to a feature of our import trade which has heretofore received little attention, and point out its important relation both to our home industries and the possibilities of new markets abroad. In the enthusiasm over our growing exports of the past few years we have given little attention to the growth of our imports. While it is true that our per capita of imports has been perceptibly reduced in the last thirty years, it is also true that the grand total of imports is slowly but steadily increasing.

You can count on the fingers of one hand the number of years in which the imports have been as much as $800,000,000, but in the fiscal year which ends with next month they will exceed $900,000,000, and at the present rate of progress bid fair to be a round billion in the near future. What does this mean? Why is it that with the splendid growth in the home production of nearly everything that man requires, and the wonderful development of our manufacturing industries, we are still increasing our imports? We produce, as I have shown you, a surplus of nearly everything required by man for his daily life, and we are the greatest manufacturing nation of the world. Why, then, do our imports continue to grow, despite the increased products of our fields, and forests, and mines, and factories?

The answer is simple. In one great class of products we have been in the past absolutely dependent on other countries. While it is true that we are the world's greatest producer of bread and meat and coal and iron and steel manufactures, we have been in the past entirely dependent upon other parts of the world for tropical products. And it is in these articles that the chief growth in our importations has occurred. Year by year the people consume increased quantities of tropical productions for food and drink. Our imports of sugar have grown from a little more than 1 billion pounds in 1870, to 4½ billions in the calendar year 1901; those of coffee, from 235,000,000 pounds to 1,073,000,000; tea, from 47,000,000 pounds to 63,000,000; cacao, from less than 4,000,000 pounds to over 50,000,000; rice, from 43,000,000 pounds to 139,000,000.

But more important than this is the fact that the great manufacturing interests of the country are making greater and greater demands upon the Tropics for their supplies of raw materials. The imports of fibers, chiefly tropical, which in 1870 amounted to less than 44,000 tons, were last calendar year over 256,000 tons; those of rubber have in the same time increased from less than 10,000,000 pounds to over 55,000,000 pounds; tobacco, from 6,000,000 pounds to 28,000,000; silk, from half a million pounds to over 12,000,000 pounds, and cotton, from less than 2,000,000 pounds to over 68,000,000 pounds.

The result is that the value of tropical and subtropical products imported has grown from $143,000,000 in 1870 to about $400,000,000 in the calendar year 1901, and the share which they form of our imports has grown from 31 per cent of the total in 1870 to 48 per cent of the total in 1901, and seems likely to form more than 50 per cent in the future. The total of our imports has doubled since 1870, but the imports of tropical and subtropical products have

practically trebled in the same time. The value of our imports classified as "manufacturers' materials" only a dozen years ago was $225,000,000 and amounted to 33 per cent of the total; in the year about to end the value of manufacturers' materials imported will be about $420,000,000, and will form more than 46 per cent of the grand total.

OUR GROWING DEPENDENCE ON THE TROPICS.

What does this mean? Clearly that we are increasing our dependence upon the Tropics.

What does it mean to the producers and manufacturers and exporters of *the country*? Clearly that they should seek to pay in the products of the field and factory for the increasing millions of tropical products which they import and must continue to import, and that in the great undeveloped markets of South America and Africa and Asia and Oceania, which supply these tropical products, we should seek to enlarge our sales and encourage mutual interchange of commodities.

What does it mean to this nation, which has recently extended its control over three great groups of tropical islands, with an area of 150,000 square miles, a population of 10,000,000 people, and an unmeasured possibility for the production of the very articles which we are now importing in increased quantities and must continue to import in greater quantities? Clearly that much of this great mass of the necessities of life and manufacture which we are now importing can be produced under the American flag, with American capital, and by American citizens.

Any one of these islands, Porto Rico, Hawaii, Guam, Tutuila, and the Philippine Islands, is capable of producing a part of the hemp, the jute, the coffee, the cacao, the tropical fruits, the sugar, the high-grade tobacco, and probably the silk and the tea and the india rubber for which we are now sending hundreds of millions of dollars to other countries. I would not see them take a dollar from the earnings of the American farmer, but until he can produce at home the sugar and high-grade tobacco and silk and rice for which we are now sending our millions abroad why should we not expend that money in our own islands, and in so doing build up in them a splendid market for our own products?

The Hawaiian Islands have increased their producing power more than twentyfold since we annexed them commercially by the reciprocity treaty of 1876, and have also increased their consumption of our products twentyfold. In the short three years since the actual annexation of those islands their production has enormously increased and our exports to them have more than trebled. In the four years since Porto Rico came under the American flag it has trebled its supply of tropical products in our markets and more than quadrupled its consumption of American goods. In the four short years since the American flag was hoisted at Manila our exports to the Philippine Islands have increased tenfold and those to all Asia and Oceania have doubled.

FUTURE OF OUR FOREIGN COMMERCE.

I conclude, then, that with a continuation of the vigor in production, the care in manufacturing, and the integrity in business dealings which have characterized our commercial history in the past we need have no fear for the future of our foreign commerce. There will undoubtedly be years, like the present one, in which the unexampled demands of the home market or the depression of that of other countries may temporarily check the growth in the exportation of manufactures, or the temporary failure of some great crop, like that of corn last year, may reduce the surplus of agricultural products which we can spare for our neighbors in other parts of the world. But these are mere incidents, temporary in their character, and not likely to seriously affect the steady forward movement in our export trade. Indeed, these incidents, when they do occur, serve rather to exemplify the great diversity of our productions and the possibilities of growth which that diversity supplies.

FEATURE OF HOME MARKET YET TO BE CAPTURED.

I have already spoken of our import trade and the fact that manufacturers' materials, chiefly of tropical growth, form a constantly increasing share of it. There is one other feature, however, of which I wish to speak briefly, and in which I wish to point out to you, the manufacturers of this great manufacturing center of the country, some possibilities in the home market which still await you.

There are four great groups of manufactures which stubbornly hold their own in the import trade despite the efforts of the manufacturers of the country to capture the home market. These four groups are manufactures of cotton, manufactures of fibers, manufactures of silk, and chemicals. It has seemed to me a strange, almost incredible fact, that the country which produces three-fourths of the cotton of the world and boasts of having the best manufacturing machinery, the most successful inventors, and the most ingenious and successful workmen, should be importing many million dollars' worth of cotton manufactures every year, and should actually have permitted that importation to increase year by year rather than diminish, as is the case with most classes of manufactures.

The value of the importation of cotton manufactures in 1891 was $28,000,000, and by 1901 it had grown to $40,000,000. The importation of manufactures of fibers, which in 1891 was $21,000,000, was $32,000,000 in 1901. The importations of manufactures of silk, which have averaged about $25,000,000 per year since 1895, seem likely to be over $30,000,000 in the present fiscal year. The importations of chemicals, drugs, and dyes, which have averaged about $45,000,000 per annum during the past decade, were $53,000,000 last year, and seem likely to exceed that sum by $3,000,000 or $4,000,000 in the present year. Add to these the $25,000,000 worth of manufactures of iron and steel which will be imported in the present year, the $10,000,000 worth of leather and its manufactures, and the $10,000,000 worth of chinaware, and we get an aggregate of $200,000,000 worth of the domestic market now being supplied by foreign manufacturers, and for which our own manufacturers may still compete.

I call your attention to these sole remaining opportunities of which the American manufacturer has not already taken advantage because of my perfect confidence in the ability of the American manufacturer and the American workman. The fact that they have since 1870 increased the importations of raw silk from half a million pounds to over 12,000,000 shows the magnificent work they have accomplished in supplying the home demand, and that it is only a question of time when they will take entire possession of the field. The fact that home manufacturers have increased their importations of fibers from 44,000 tons to 256,000 tons shows the progress they are making in capturing that important market, and that they will continue to make progress until the importation of manufactures in this line shall be reduced to a minimum. The fact that our cotton mills are now using four times the amount of American cotton and thirty times the amount of foreign cotton used in 1870 shows the progress which they are making, and that they will in time turn their attention to supplying the $40,000,000 worth of high-grade cotton goods, chiefly laces and embroideries, which foreign manufacturers still sell in the United States. The fact that the exportation of chemicals has grown from $6,000,000 a decade ago to over $14,000,000 last year shows that the manufacturers in that line will soon be able to claim for their own at least a larger share of the market in those lines than at present. The fact that the manufacturers have cut down the importations of iron and steel manufactures from $67,000,000 in 1862 to $17,000,000 last year, and that they increased the exports of iron and steel manufactures from $12,000,000 in 1880 to $117,000,000 in 1901, shows that it is but a matter of time when they will supply the remainder of the home market. And finally, the fact that the importations of manufactures have steadily fallen and the exportations of manufactures steadily increased until we are now constantly exporting more of manufactures than we import, gives me a complete assurance, a perfect confidence, that American manufacturers will not only capture this remaining $200,000,000 of the home market still available, but will go steadily forward in the work of capturing foreign markets. True, our imports must continue to grow, but that growth will be in the raw materials which the manufacturer must use, and in the tropical products which our own fields do not produce; and even these will soon be supplied, in large part at least, by the islands which have recently come under our control.

When these two things shall have been accomplished, when the American manufacturer shall supply the high-grade manufactures now imported, but which he will soon be able to produce, and when our new islands shall supply the tropical products which we must have, the United States will occupy the unique position of producing within her own boundaries all of the requirements of her own people and will continue to supply other nations from her growing surplus the natural products and manufactures which they demand and which they will continue to demand in increasing quantities.

OUR FAVORABLE TRADE BALANCE NOT A MENACE TO WORLD PROSPERITY.

I do not share in the fear which some have expressed that this condition, by which exports are to constantly exceed imports, is likely either to destroy our markets abroad or unsettle international finances. Certainly the experiences of the last thirty years do not sustain either of these theories. In that time, as I have told you, our exports have exceeded our imports by the enormous sum of $5,000,000,000. What has been the result? Has this constant excess of exportation, this persistent refusal of the people of the United States to expend in the markets of the world every dollar that they get in return for their exports, resulted disastrously in any way?

We have meantime been solemnly informed with reiteration that "if you don't buy you can't sell;" but nevertheless we have gone on selling at an increased rate every year, not only in those natural products which the world must have for food and clothing, but in manufactures, which we can now supply more cheaply and in better form than others, because of our great natural facilities of which I have already spoken. We have been informed that if we persisted in this ruinous course of refusing to redistribute to the world the money which we receive for our products we should so disturb the world's currency balances as to produce some awful financial cataclysm.

But has this happened? It is true that we have somewhat bettered our financial condition, that the amount of money in circulation in this country has been increased, and the amount per capita doubled. But is anybody among us complaining of that fact? Has the wonderful business activity which has existed over the entire business world during the past few years sustained the theory that the United States is destroying the prosperity of other countries by selling more than it buys? If the United States has really appropriated to itself an undue share of the world's money by selling $5,000,000,000 worth of merchandise in excess of its purchases from 1874 to 1901, how is it that the currency of the United Kingdom has increased from $10 per capita in 1873 to $17 per capita in 1900; that Germany has increased her currency from $13 per capita to $20 per capita in the same time; that Italy increased her per capita money from $5 to $10; that the money of Belgium increased from $14 per capita to $23 per capita; that of Netherlands from $16 to $26 per capita; Sweden from $3 to $10 per capita, and Australasia from $20 to $31 per capita, and that the other nations of the world have generally increased rather than decreased their circulating medium and their wealth meantime?

OUR PROSPERITY BENEFITS THE WORLD.

We have not been bringing into the country and storing away in our vaults the $5,000,000,000 represented by the excess of our exports during that time. We have been paying our debts abroad—at least a part of them; we have been sending our citizens all over the world to redistribute the money and get the value of it in new information, new ideas, new views of life, new experiences, and new health and vigor. We have been investing our money in the securities of other nations, and are beginning to make ourselves, in a very limited way, a creditor nation. And we have been distributing a part of this surplus in paying freights on our products carried in other people's vessels, a custom which I hope will soon terminate and be substituted by the sight of the American flag in all parts of the world, and the payment to American vessel owners of the large sums paid in the past to those of other countries.

We are not insisting, at least not many of us, that the men in our own nation or our own community who accumulate a competence by selling more than they buy shall redistribute that surplus by purchasing what they do not need. On the contrary, they are benefiting the community and the nation and the consuming world by utilizing that accumulated capital in enterprises which by their very magnitude decrease the cost of the articles which the people must consume, and at the same time increasing employment and the sums paid for that employment. And why should the world insist that we should terminate that system under which we are paying our debts abroad, making our people prosperous and our country the greatest of producing, manufacturing, and exporting nations?

Our foreign indebtedness still amounts to probably $2,000,000,000 and our national debt to one billion. Until we are able to pay this great sum of three billions of indebtedness and stand forth before the world as free men, as a nation absolutely free of obligations to other countries or to its own citizens; until we are able to take the rank to which we are entitled as a great creditor nation, supplying to the other countries the funds for which they are constantly seeking in the money markets of the world; until our sails shall whiten every sea and the millions of dollars which we are now paying to foreign shipowners pass to the hands of the owners of our own vessels, let us be content with the present order of things. Let us seek to increase rather than decrease the surplus of our exports; let us strengthen the hands of our producers and manufacturers, and in so doing strengthen those of the millions to whom they give employment; and if we are able to give to our neighbors in other countries the benefits of our industries at reduced cost of production but with fair margins of profit, our prosperity will be regretted by none, and we shall have benefited mankind as a whole by giving them our products at a low cost while we were benefiting our own producers and manufacturers and workmen and our whole people.

INCREASE IN THE WORLD'S MONEY AND ACTUAL WEALTH.

Those who fear that the prosperity of a single nation in the world's great family and a continued excess of exports over imports are likely to seriously unsettle the financial conditions and cash balances of the world do not, perhaps, sufficiently consider the enormous increase which has taken place in the world's money during the lifetime of the present generation. The world's gold production in the last four hundred years amounts to a little over $10,000,000,000, and one-half of that amount has been produced in the last forty years. The world's silver production in the last four hundred years has also been $11,500,000,000 in value, and practically one-half of that has been produced in the last forty years. In other words, it may be said that the quantity of

the precious metals now available for currency or as a basis for international currency is fully double that of forty years ago, and that the modern systems of finance, banking, and exchange, by which a scrap of paper passing by fast mail between continents, or a message by cable which passes in an instant, may represent a million or a score of millions, has many times multiplied the value of this greatly increased supply of currency for use in business transactions.

While the increase in gold and silver does not necessarily mean a like increase in actual wealth of the nation showing this increase of money, the statisticians of Europe show that the leading nations have greatly increased in wealth during the very time in which we have been selling them so much more than we were buying from them.

FUTURE OF AMERICAN COMMERCE.

What of the future? What is the promise of this magnificent country of ours, this land of plenty, where are now produced more of the requirements of life than in any other land, and which is to become a perfect unit through this addition of tropical territory, to give us the one class of materials in which we have been lacking in the past?

In my mind's eye I see a great, a wonderful development, far beyond that before which the world now stands in amazement. I see Niagara and countless smaller waterfalls furnishing electricity to be carried by wire to every city and hamlet and farm, to be used for light and heat and power, in manufacturing, and for transportation on rivers and canals and railways and roads. I see a great canal connecting the two oceans, and putting our eastern and western shores in close water communication and our great ports in direct touch with the markets of the whole world. I see another ship canal connecting the Great Lakes with the Atlantic, with ocean vessels landing at the docks of Cleveland and Chicago and Milwaukee and Duluth, and making that greatest producing section of the whole world a great ocean frontage. I see another canal connecting the lakes with the Mississippi River, and a great system of light-draft steamers and barges carrying the products of that great valley to the ocean steamship upon the lakes or the Gulf of Mexico, as convenience of location may determine. I see an American cable giving us facilities for instant communication with our islands of the Pacific and the Orient, and those islands supplying us with hundreds of millions of dollars' worth of their productions and taking hundreds of millions of dollars' worth of our products in exchange. I see the islands of the Gulf of Mexico one by one knocking at our doors and coming under the American flag and furnishing us through open doors their tropical products to mingle with those of the islands of the Pacific. I see a great railway line extending from Alaska at the north to Argentina at the south, connecting the railway systems of the two continents and bringing the great markets of that continent into close relation with our own. I see a steady growth of American influence and a development of closer commercial relations with our neighbors on the north and on the south. I see a magnificent fleet of steamships, controlled by American capital and genius, and many of them flying the American flag, penetrating every sea, carrying American goods to every continent and every clime, and sending them to the interior of every country by American engines, in American cars, and upon American rails. I see the product of the American farm and factory in every land throughout the civilized world, and with this accomplishment, increased prosperity for American producers and manufacturers, and increased happiness among all classes of American citizens.

Mr. Speaker, comparing the situation here graphically described with the horrors from 1893 to 1897, we have a complete exhibition of the difference between Democratic and Republican Administration.

I do not resort to the statistics of the Democratic period. Those conditions are burned into the very heart, brain, and soul of every man who lived in that time, and the conditions then existing ought to keep the Democratic party out of the confidence of the people for generations to come.

Bronze Equestrian Statue of Brigadier-General Count Casimir Pulaski.

SPEECH

OF

HON. ABRAHAM L. BRICK,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, June 26, 1902,

On the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

Mr. BRICK said:

Mr. CHAIRMAN: One hundred and twenty-three years ago a great man died. He died as he had lived, a noble and undaunted warrior, fighting the battles of liberty and of the Republic. To-day his ashes mingle with the sea and soil of Georgia, but his soul keeps company with Washington and Lafayette in a land where death is but the opening door and strife no longer sounds in human turmoil.

I speak of Count Casimir Pulaski.

The debt we owe to our distinguished dead is a sacred memory that only ingratiated time can pay. Everywhere we are privileged to look into the pictured face of the benignant Washington and to gather inspiration of honor and greatness in the quickened memory of that mighty man. Everywhere we may see the lifelike features of Lafayette that seem to tell us ever and again the deathless story of a glory that is younger than years.

Here in this Pantheon city—the heart and home of a nation's pride and patriotism—the clouds are cleft by the noblest shaft in all the world, erected in the name of the one. Within the segment of its shadowy circle lies a gardened park of entwining vines and flowers, consecrated to the embronzed memory of the other. And by his side, the latest laureled tribute of a grateful people, stands the knightly Rochambeau in requited valor.

But where is their comrade, Pulaski?

Great and mighty as they were, his devotion was no less. They lived to enjoy the full fruition of freedom made possible through their heroism and his, but he died.

They survived to kindle the fires of liberty in a new republic—yes, more than that, to light a torch across the sea that gleams in Gallia's sky. But he fell—fell in the fire and smoke of battle, in the war-lit night that frowned in blackest thunder. He fell in the expiring gloom of the oldest republic, his native land, and in the agonizing birth pain of the youngest child, his adopted country.

They lived to see the sunshine, but Pulaski was no more.

Franklin wrote of him to Washington, "Count Pulaski is esteemed one of the greatest officers in Europe, renowned for his bravery everywhere." Yet he gave up love and youth and fame and fortune for a career of toil and danger in a strange land, for an almost hopeless cause in an unequal contest.

Though born in Poland, no loftier sentiment of American sympathy ever dwelt in deeds of heroic martyrdom than burned in him. He came and fought and died with a patriotism as pure and stainless as the fire that glows on the hearthstone.

It was the cause his father and all his kinsmen had died for; and from their sunken and silent graves in the bosom of a murdered nation emanated the spirit that impelled him to give up a life of splendid hope and growing fame for freedom and for us.

He was called here by no thought of spoil or desire of conquest; and in the resounding air no strident voice of vulgar conflict or war's mad revelry fell upon his listening ear. No; he came to us with that godly touched love of justice and the rights of human kind, bequeathed to him as the last sad legacy of a dying father in a dying land.

In the evolution of moral crises men grow great. They bud and blossom in the earth and air that evolve them. They are the children of environment. The heart is touched, it opens, and then becomes the home.

Pulaski was born a son of liberty. He was rocked in the cradle of troubled hope. His lullaby was the dread and dream-like music of a mighty drama—a drama of heartrending suspense and the gathering tumult of innumerable armies. It was a drama of unutterable leave-takings and eternal farewells. He was educated by fire and sword, by the tears and blood of a despairing and stricken people, by infinite outrage, by father's face and mother's voice, by holy rites and public patriotism; to live with his own people in free and liberated Poland, or, failing, to die for them that they might dwell in free-born homes beyond the sea.

In the irony of fate he died, and his glory is in his tomb.

The stellar vault that bends above is filled with gleaming stars of varying magnitude.

The once powerful kingdom of Poland, now blotted from the map of Europe, has set the jeweled firmament of heaven with many a gem of dazzling brilliancy that shines on Poland and on us.

Nicolas Copernicus, whose name is traced in star dust and written upon the "brow of the morning," was a Pole. Of all the world his brain refused to wear the confining crown of popular tradition. He believed in the iconoclasm of the real. He taught the world how to think. He loved truth. He lived an upright, useful life, and, dying, handed down to all time an immortal verity—"The earth is not the center of the universe; the earth moves round the sun."

Truth is a soldier; it everywhere meets resistance; it has forever had to break chains; it never won a battle by ease and acquiescence; it fights pride; it breaks down ancient custom, combats implacable hatreds born of wounded vanities; it is the most splendid warfare of the world; it is the war of one alone who is right against all; it is the grand war of intellect against blinded passion and prejudice; it shatters all the wooden images of immemorial stupidity; it conflicts malice with reason and conquers it with kindness. And this great Pole, who made enemies by his brain, who suffered the ridicule and contumely of mankind through the envy of offended ignorance and the malignity of a falsifying and ignoble pride, this man who had the audacity to think and to tell his thoughts, uttered a single, simple sentence, "The earth is not the center of the universe;" and in doing so reversed the entire world's process of reasoning.

With a single sentence he humbled the egotism of centuries and brought man face to face with a new proposition—intellectual truth. Before he came, man was the king of the solar system; when he died, that throne had crumbled into unremembered dust. If he had done nothing else but to teach the humble fact that self-complacency is the death of virtue and the grave of

progress, it would have been enough. But he did more. He was the father of modern thought. And as night came to the arrogance of egoism in his birth, so a spark issued from his grave to inspire the brain of a Kepler and a Galileo.

He was a countryman of Pulaski.

Empires may come and go, and many a dear name may float and fade away, but his name and the country and the people to whom he belongs will survive forever. He lived to forge the trumpet we are sounding to-day; he died leaving behind him an epitaph such as only great and good men aspire to:

I do not ask the pardon accorded to Paul;
I do not hope for the grace given to Peter;
I beg only the favor which You have granted to the thief on the cross.

What was this favor he so modestly craved?

And the thief said unto Jesus, "Remember me when thou comest into thy Kingdom." And Jesus answered, "Verily I say unto thee, to-day shalt thou be with me in Paradise."

And the azure of Slavonic skies still rises resplendent in the galaxy of other constellations that neither space nor years can dim. In the passing of Poland her sun went down in changing gold to rose and gray. But there is a glory of the sun, and then again, there is a glory of the moon and of the stars. Her political dominion has gone for a while; but the glory of the sun lingers through the twilight, into the glory of the moon and of the stars beyond.

I am unwilling to perform a cold-blooded analysis in the mournful tale of fair Poland, ravaged, pillaged, and denationalized—the darkest tragedy, the blackest chapter in the annals of human misery—unparalleled in crimsoned history.

Fair Poland fell, and Europe never shed a tear. She fell unwept by any generous friend or softening foe, but she will rise again; not in the martial noise of drums and trumpets, nor in the gilded caparisons and purpled panoplies of the camp. War is no longer king. No longer shall the warrior stand erect to hypnotize a million haggard hordes, who rush and follow him, to make the earth stop still in silent awe.

In the dim horizon of the "dream of things that were," the magnificent but awful vision of an ancient Commonwealth's annihilation has faded into the vague and indistinct outlines of Catherine's profile. She has gone to return no more, and her exile is eternity. But the banished heroes—Mickiewicz, Krasinski, Slowocki, Kosciuszko, and Pulaski—still live in splendid and triumphant majesty. They made adversity a virtue. They turned physical defeat into intellectual victory. They wear a crown of glory in the supreme prowess of the mind and heart. With the ermined robes of royal genius they have draped the shoulders of their native land in regal splendor.

In the miracle of man's endeavor it is not enough to think and feel. The brain must be nourished by the warm heart's blood. Still, it is not enough to think and love. In their wedded harmony man must work. But even that will not acquit beneath the rule of Him who directs the destiny of men and nations. The fairest child is born in human agony.

On the very day that Poland's prestige vanished into night it rose again in the boundless dawn of a new and brighter realm, a realm where the choicest flowers of Polish literature bloom on the grave of an olden glory. And from the solitude of that resting place, from the murmur of the growing grass, from the whispering silence of the faithful oak, and from the lonely requiem of the cypress and the yew comes the solemn protest of the dead, in the sad, sweet song of a patriot's love of country, of his pride in her pristine grandeur, his grief at her misfortunes, and far away above it all the evening star of his inextinguishable hope.

This is the realm that has restored and gilded her former luster. It is the empire of the brain; the republic of the heart. Mickiewicz, Krasinski, Slowocki, Kosciuszko, and Pulaski—poets and patriots—every one an exile.

Mickiewicz gave to Poland its stateliest measure of literary expression. He provoked the pride of the Poles in the intellectual achievements of their race. He stirred their enthusiasm into racial unity. He created the great national poem (Pan Tadeusz) Pan Thaddeus of Warsaw, which ranks among the proudest in the world of letters. It is the concrete sum of centuries of culture, and in its bosom throbs the pride, the hope, and consuming fire of the Polish people. Its lines are filled to overflowing with the pregnant utterance of ardent patriotism. He painted the sublime sweep of Lithuanian landscape. He walked the silent gloom of the primeval forest. He knew the brain and heart of the Polish people. He was a mourner at the tomb of all their hopes and fears, in its shadow he lived the life of all, and in his heart he bore the burdens of his race. There he stands, the central figure of the trefoil that have left to their native land the richest legacy of all its learned dead.

In the temple of fame on his left is Slowocki, and at his right stands Krasinski with the Psalm of Sorrow in his hand.

We need say no more: it is right to be silent in the presence of the gods. Let Slowocki speak for the triad:

Some time hereafter will my bones be whitened,
Somewhere in strangers' soil, I know not where.
I envy those whose dying hours are lightened,
Fanned by their native air:
But flowers of some strange land will spring and nod
Above my grave, O God.

Mr. Chairman, he spoke the word prophetic. Millions of his countrymen everywhere, on the mountain and in the valley, by the side of the rivers and the seas, beneath the clouds of gentle, soothing rain, and over all the heavens above, filled with the eternal sunshine of American freedom, in a strange land no longer strange, these sons and daughters of Slowocki dwell in happy homes, full of the flowers of joy, whose perfume shall forever fill the earth with the glory of these devoted martyrs.

As they ascended beyond the reach of human sorrow and of human criticism, they mingled with the agonies of their last hour an imploring appeal to the Parent of all mercies that He would remember with an ever-flowering blessing the people of their blood. And as they rose their mantle fell on worthy and distinguished shoulders.

Thirty years later Sienkiewicz sat self-crowned upon the throne made vacant when Mickiewicz had passed away. Clad in the royal purple mantle of their transcendant genius, he reigns the greatest creative mind in the field of glowing fiction at the close of the nineteenth century. His unfathomed soul has spent itself, of all the world that has lived and loved and suffered, in the rarest, richest treasure—the gems and flowers of thought.

Mr. Chairman, these are the people that have come to us. Their patriotism in the happiness of a new-found home that fills all the longings of a saddened heart is only measured by their sorrows and their greatness. Among the hosts of great and mighty men they have evolved, the name of Pulaski stands to America unrivaled in the solitude of glory.

The continually expanding, ever-growing map of our country—their country—as a living reminder of his noble character, bears the name of Count Pulaski over a score of times repeated. And in my own district his name honors town and county in the multiplied gratitude of our citizens.

Pulaski belongs to us. He was one of us. This was his adopted country, and he loved it with all the ardor of one whose enemies had killed his father, assassinated his country, enslaved his people, and drove them into exile; of one who had lived and suffered and felt, who had waited for the footsteps that did not come, and listened for a voice that is still; who had watched for the dawn of a day that never rose; whose heart had been swept by all the storms of fate, and on which had fallen all the nights of doubt, despair, and death, and from whose bosom flowed the stream of a wasted, ruined life, laden with all the spoils of a devastating war.

This was the Pulaski that came to Washington with Benjamin Franklin's admiring letter of introduction. He had won that magnificent compliment from the great American by his heroic and dashing courage, his towering military genius, his unshaken loyalty, his incorruptible honor, his indomitable love of country, his deeds of heroism through eight long and despairing years of bloody war in Poland—achievements that barely escaped the miraculous and almost challenged belief.

While a gleam of hope remained, he fought for Poland with relentless energy and brilliant resource. But the combined power of three mighty empires crushed a valiant people, and Poland fell. They drove him away, broken hearted, but not vanquished. He was the last to retire from the glorious contest.

Always superior to events, formidable in success, he was also great in defeat. To have rushed into confinement or death would have been a vain and foolish sacrifice. He chose rather to live to fight for liberty on the western shores of the Atlantic tide, to seek in the New World a land where kings were yet unborn, where freedom was a star, and thrones were still in elemental dust.

To-day over a million Poles cherish the fame of Pulaski in this country.

Mr. Chairman, the American character is strong chiefly because it is the amalgamation of a various progeny. We must have these mixtures to long endure. Destiny delights to mingle in the veins of American perpetuity the rejuvenating blood of many peoples.

Let us erect a statue to Pulaski that shall reincarnate in his immortal fame the love and patriotism of ten hundred thousand compatriots. Over a million souls will respond to the national anthem in the rapture of exultant citizenship when they hear that Pulaski's statue has taken its place among his comrades here on earth—Washington, Lafayette, Rochambeau, and von Steuben.

The Republic lives and must survive in the atmosphere of patriotism. The statue of a great and noble man is at once an example for his children and their hostage to the world.

The Republic's gratitude has had no frontiers; it has always

smiled on every exalted act. And in the sunshine of that smile the cradle of a million heroes has been rocked.

A monument is a crystallized inspiration.

A people are great and good in the memory, face, and figure of their greatest men. The proudest literature repeats their name. The highest art reveals their form and feature. Our most sacred conscience dwells in their commemorated character. Our sublimest ideal lives up there on top of a pedestal.

It is not only an honor to the soldier dead—an artistic sentiment, a hero worship—but it is more; it is a national virtue, a leaven to fealty, a consecrated duty that we owe to ourselves.

Every citizen of a republic should become familiar with its great men; they should every day look up into their faces and think. They may never read their biography, but they will stumble up against the statue. They may learn but little of ancient history, but in the public park they will know the man and absorb the inscription. It will give them a keynote, incite hope, raise their pride, quicken their instincts, arouse their ambition, and nudge loyalty to man and country.

Pulaski was a soldier in the best sense of the word. He fought to uphold and not to destroy. With a brain quick to receive and agile to execute, he brooked no opposition that he did not meet. He was unwearied in perseverance, and possessed a courage that was always ready but never rash. He had unbounded enthusiasm in the cause of national independence—marvelous intuition, unequaled magnanimity, and sleepless vigilance.

On August 19, 1779, he made this declaration:

I could not submit to stoop before the sovereigns of Europe, so I came to hazard all for the freedom of America; and desirous of passing the rest of my life in a country truly free, and before settling as a citizen to fight for liberty.

He sacrificed himself, all the years of his young life, his fortune, his ancestral dignity, his abounding spirit, his splendid genius and experience, and all his earthly hopes for liberty, justice, and humanity. For these he gave all he had—his martyred life.

The Continental Congress pledged its monumental duty to Count Pulaski by a resolution in 1779, while yet his deeds were young, but in the cumulating press of an enormous struggle it has never been redeemed. I hope we will wait no longer to wipe away the stain of a nation's forgetfulness.

Let us see that his memory survives his martyrdom.

It was while gallantly leading the combined forces of American and French cavalry at Savannah, Ga., that Pulaski met his death. "Pulaski's Legion" they were called.

They carried him from that field of awful carnage—carried him away beneath the flowing folds of a crimson banner consecrated by the tender hands and pathetic prayers of the sweet Moravian nuns of Bethlehem.

He was a valiant soldier fallen low; but that banner never left the sky till peace had wrapped it in a glorious victory. And as his fainting spirit fled he gave his last command to Harry Lee, "Follow my lancers."

Let us place him up on top of a granite pedestal—place him there where the shades of death have melted into the dawn that will shine upon him through all the glowing centuries, there where the Legions of Light will forever follow the lancers of liberty.

APPENDIX.

This statue was petitioned for, among others, as follows, all of them prominent and distinguished citizens of South Bend, Ind.:

The Hon. A. L. BRICK, M. C.:

Resolved by the Polish societies of South Bend, Ind., in joint meeting, through their various representatives, That we urge Congress, through our Representative, to provide for the erection of a statue to the memory of Count Pulaski, our great countryman and martyr for American liberty.

Stanislaus Society (membership, 468): Ignaz Lakazewski, Michael Kwiatkowski, Clem S. Smoger.

St. Casimir's Society (membership, 165): M. A. Gorski, L. M. Kucharski, Pawet Ciesielski.

Polish National Alliance, Lodge 83 (membership, 130): Antoni Beczkiewecz, L. M. Mucho.

St. Hedwig's Society (membership, 280): F. H. Kowalski, Constantine Lezincki, Joseph Hazinski.

St. Vincent's Society (membership, 87): John Bierwagen, Lukosz Ruszkowski, Charles V. Korpal.

Sacred Heart Society (membership, 110): Josef Urbanski, Felix Szymanowski, M. Szocinski.

Polish Literary Society, Branch 1 (membership, 130): Josef Kaszmasek, Ignaz Lakazewski.

Polish National Alliance, Lodge 177 (membership, 63): Piotr Makielski, L. M. Kucharski.

Polish National Alliance, Lodge 193 (membership, 86): Josef Voalamaja, L. Niezgodski, F. K. Faiicki.

St. Stanislaus Kostka Society (membership, 29): Scizcpan Wawrzon, Fr. Gonsiorowski.

Polish Turners, No. 1 (membership, 135): M. W. Kitkowski, A. J. Komasinski.

Polish Turners, Branch No. 2 (membership, 98): L. M. Mucho, Hieromin Dobecki, L. J. Kolski.

St. Floren Society (membership, 85): Jan Przybysz, Miceszylaus Bierwagen.

St. Casimir Society (membership, 170): Michael Hopinski, Stanislaus Podemski, Jan F. Sysyhabski.

St. Valentine Society (membership, 178): Peter Koezorowski, Michael Hazinski.

Knights of St. Casimir (membership, 50): Michael Hazinski (captain), Felix Szymanowski.

Polish Literary Society, No. 2 (membership, 94): L. M. Mucho, Josef Semanski.

St. Stanislaus B. M. Society (membership, 100): Michael Cezielski, Martin Goeltz, John C. Gurda.

Editor Goniec Polski.

G. W. J. Kalczynski.

Hon. John C. Gurda, attorney.

Very Rev. J. Czyzewski, South Bend.

Civil Government for the Philippine Islands.

SPEECH

OF

HON. EDGAR D. CRUMPACKER,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, June 24, 1902.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes—

Mr. CRUMPACKER said:

Mr. CHAIRMAN: This debate in many respects has been the most remarkable that I have heard in this Chamber during my experience as a member of the House of Representatives. It has assumed a very broad and comprehensive scope, and it has been characterized by a standard of ability that is exceptional, to say the least. I have listened attentively to the speeches made on the Democratic side of the House, with the view of locating, if possible, that which they have had so much to say about, namely, their policy of dealing with the Philippine question, but my labors in that direction have been in vain. They have no policy but that of obstruction; no method but that of fault-finding. They have taken facts that were essentially incidental and subordinate and exalted them out of their true relation with the great historical facts that have characterized and controlled the action of the Government in its attitude toward the Spanish islands.

They have attempted to give incidental questions a dominating place in shaping and defining the permanent policy of this Government toward the Philippine Archipelago. Their warfare has been somewhat like the warfare of the insurgents over across the sea; it has been characterized by the methods of the bushwhacker and the guerrilla. They have complained much about the water cure. This peculiar form of persecution seems to strike the average Democrat with especial horror. In heaven's name, what could be worse than the water cure? Mr. Chairman, the dominant facts connected with the acquisition and the control of the Philippines must not be lost sight of nor obscured by the clouds and fogs that hang about the mountain peaks of truth.

In the tide of our political life there is a mighty current that moves onward and onward with irresistible force, and on its surface are cross currents and eddies, and one who only sees these surface manifestations will never know the true philosophy of our political development. The gentleman from Mississippi [Mr. WILLIAMS] made a singularly able speech. I listened to him with deep interest, and according to my analysis of his exhaustive presentation of the Democratic side of this question, I am led to the conclusion that the issue is reduced to this one proposition:

Are the people of the Philippine Islands capable of maintaining independent self-government—not according to the American standard, but are they capable of maintaining a respectable order of independent self-government? If I believed that the inhabitants of those far-away islands were a "people" in the sense that the inhabitants of Cuba are a people; that they were as competent to look after their own interests, as competent to manage and maintain a government of their own selection, and if I believed further that it was the general desire of the people of that archipelago to have a government of their own creation, an independent republican government, I would say with him, let them go in peace. Mr. Chairman, if I believed the only title of the United States to the Philippine Archipelago rested upon a contract of purchase from a despotism that had controlled and misgoverned those people for more than three hundred years; if I believed the only right of the United States rested upon its title of purchase, I

would not stand upon the floor of this House and defend it for a single moment.

But I am one of those who believe that a government as well as an individual may incur responsibilities, moral as well as legal, and that it no more becomes this Republic than it does an individual to shirk responsibilities that justly come to it in the course of its life and dealings with other sovereignties.

During the course of this debate I was much impressed by an extract that was read from a letter of instruction of President McKinley to the American commissioners during the negotiation of the treaty of Paris, in which he said that considerations of commerce, considerations of a material character, might easily be disposed of, but that considerations of duty and humanity were involved which could not be treated so lightly. If I can not demonstrate to this committee that the inhabitants of those islands are not capable of self-government, and that our Army and Navy destroyed the only government that gave them any protection, and in a moral sense we succeeded to that duty and responsibility, I shall feel that I have failed in the purpose of my speech.

Let us look for a moment at the situation of the Philippines shortly before the Spanish war. There had been a systematic condition of oppression and tyranny, a condition of unjust exaction and arbitrary imposition that ground down the lives and stifled the hopes of the people for generations. While I do not believe that the inhabitants of the archipelago constitute a "people" in the technical sense, while I do not believe that public opinion exists there in the sense that public opinion is necessary for the foundation and motive of self-government, I do believe that there was a concurrence of opinion among all of the various tribes and peoples that their common welfare depended upon their ability to rid themselves of the system of Castilian cruelty and oppression that had preyed upon their lives and robbed them of their substance for three centuries.

In the year 1896 intelligent citizens of the islands formed the celebrated political society known as the Katipunan, a secret, oath-bound society, and early in that year a deputation of its organizers were sent to the Mikado of Japan with a petition, signed by over 5,000 of its most influential members, asking the Mikado to annex the archipelago to the Empire of Japan. Were they thinking about independent self-government then? Was it the judgment then of the leaders and promoters of that patriotic political society that the inhabitants of the islands were fit for independence—that they were capable of maintaining independent self-government? In that petition they said nothing about independence; but their first and only desire was to rid themselves of a despotism that had made progress practically an impossibility. The Mikado of Japan sent that petition with the 5,000 names attached to it to the Spanish Government, and, armed with the knowledge that the petition imparted, the Spanish authorities set on foot a most irritating system of espionage, personal and collective, with a view of stifling the spirit of liberty in the inhabitants, and the result was the insurrection of 1896, which broke out in the autumn of that year.

During the few months following, Aguinaldo, who was a native school teacher, then only 27 years of age, allied himself with the movement in opposition to the Spanish power, and first came into prominence. My estimate of this man is that he is a man of force and determination, a colossal egotist, a consummate demagogue, a constitutional agitator. That is a fair analysis of his character. He allied himself with his people; he was a member of the Katipunan, and in that struggle he became the leader of the insurgents. During that contest the tide of battle went against the struggling Filipinos. One Spanish victory followed another until the small remnant of insurgents in the field was driven into the mountains. At this juncture Pedro A. Paterno, a representative of the Spanish Government, was authorized by the commanding general, Rivera, to negotiate terms of peace, if possible, with the insurrectos, and the memorable peace of Biac-na-Bato was concluded.

Under the terms of that treaty Spain promised certain reforms, and agreed to pay the leaders of the insurrection a considerable sum of money for the purpose of indemnifying their families for losses growing out of the war, and the insurgents were to cease their warfare, and 24 of their leaders, including Aguinaldo, were to leave the archipelago and remain in banishment. They went to Hongkong, where they employed their time and energies in conspiring against Spanish authority.

The treaty of Biac-na-Bato was signed on the 14th day of December, 1897, and after that peace was concluded—there was no longer insurrection, rebellion, or warfare in the archipelago.

During the progress of the insurrection in July, 1897, the insurgents issued a manifesto and circulated it generally throughout the islands, which set forth their grievances against the Spanish Government, and what they aimed to accomplish in the way of reforms. It contained five distinct propositions which they expected to force Spain to accede to, but the manifesto made no mention of independent self-government. I will read the propositions:

(1) Expulsion of the friars and restitution to the townships of lands which the friars have appropriated, dividing the incumbencies held by them as well as the episcopal sees equally between peninsular and insular secular priests.

(2) Spain must concede to us, as she has to Cuba, parliamentary representation, freedom of the press, toleration of all religious sects, laws common with hers, and administrative and economic autonomy.

(3) Equality in treatment and pay between peninsular and insular civil servants.

(4) Restitution of all lands appropriated by the friars to the townships, or to the original owners, or in default of finding such owners, the state is to put them up to public auction in small lots of a value within the reach of all and payable within four years, the same as the present State lands.

(5) Abolition of the Government authorities' power to banish citizens, as well as all unjust measures against Filipinos; legal equality for all persons, whether peninsular or insular, under the civil as well as the penal code.

These several reforms they demanded of the Spanish Government were simple administrative reforms. The American Government has already established and by the pending bill proposes to enlarge governmental reforms which will more than meet every proposition in the manifesto; reforms that carry to the lives and homes of the people liberties and privileges more than they have ever before enjoyed and more than they ever even demanded from Spain.

But that rebellion ceased with the peace of Biasuabato, December 14, 1897. Our war with Spain came on, and Admiral Dewey vanquished the Spanish squadron in Manila Harbor, and immediately after that historic event Aguinaldo and a number of his associates claimed, and perhaps justly, that the Spanish Government had not kept the treaty of peace; that the promised reforms had not been inaugurated nor the indemnity paid, and they saw the power of Spain broken and destroyed so they hastened to Luzon and reorganized the old insurrectionary army to take advantage of Spain's helplessness; that this was done with the knowledge and consent of Admiral Dewey and Americans in authority in the Philippines is conceded.

They furnished Aguinaldo arms and ammunition, and it was legitimate warfare to do so. Much has been said, Mr. Chairman, about a supposed alliance between the American authorities and Aguinaldo at this time. There was no alliance in the technical sense. There was cooperation. There is no question that the American authorities welcomed the insurgent forces to assist in destroying the power of Spain. Aguinaldo took advantage of the situation to advance the ends of his own ambition. When he saw that the power of Spain was overthrown and could never be reestablished, he first conceived the idea of an independent government under his own domination and control. He did not believe this Government would annex and attempt to permanently govern the islands, and here was his opportunity, and he organized an army of 30,000 insurgents to reduce it to a reality. There was no promise of independence to him or his followers, but he sedulously and insinuatingly spread that impression among his followers for the purpose of holding them together. He early declared himself dictator of the archipelago. He was prompted in that move by a desire to secure liberty and good government for the people.

Mr. HILL. Will the gentleman allow me a moment to confirm that? When I visited Guam, I met Mabina, his secretary of state; and when I made known to him for the first time that Aguinaldo had been captured, he said, "I am glad of it. Now we will have peace."

Mr. CRUMPACKER. I thank the gentleman for that contribution; it is an important item of evidence. As I have just asserted, Aguinaldo was serving his own selfish ends when he proclaimed himself dictator, and his hope was for loot and power. The history of the Spanish war is familiar to all of us. When the protocol was signed and hostilities ceased, the disposition of the Philippine Islands was the question that overshadowed all others. It was fraught with grave consequences and demanded the most serious consideration, the most careful thought that could be given it.

In the meantime the solicitude of Aguinaldo appears to have become more earnest and intense, and his ambition became more exalted. He very carefully and craftily spread abroad the notion that the American authorities had promised the Filipinos independence, in consideration of their cooperation against the Spanish. An appeal of that character to the pride of the race and its national spirit was not without force, even with those people. The arrangement was said to have been in secret, and it could only be communicated in confidential whisperings. We know and he knew there was no foundation for it whatever, but he resorted to the subterfuge for the purpose of exciting the hopes and expectations of his deluded followers in order to strengthen his influence over them.

It was his aim to forestall action looking to a different conclusion on the part of our peace commissioners at Paris.

When our commissioners met at Paris, they were confronted with the grave problem, What should be done with the Philippines? There was no difficulty about the disposition of Cuba; that had been settled by the protocol. There was no trouble about what should be done with Porto Rico, but the ingenuity and conscience of the great men directing the affairs of the nation were brought into full play over the destiny of the Pacific islands. It was a serious question indeed. Annexation meant new and perplexing problems of government, new phases of national life, new opportunities, and new responsibilities.

I have no doubt that, if the representatives of the American Government at Paris could have been satisfied that the people of the Philippine Islands were capable of maintaining a decent and responsible order of self-government, the archipelago would have been put in the same category as Cuba. That was the crucial question, and it was discussed and considered in all its aspects, and the conclusion was that turning the islands back to Spain would not be tolerated by the American people; self-government meant chaos, anarchy, destruction; so the only policy left was annexation in the hope and with the expectation that this Government would control and manage their affairs until the time should come when those people would be capable of independent political life.

Were we not responsible for their helpless condition? Had we not destroyed the power of Spain? Had we not deprived them of the only government they had had for more than three hundred years? Oppressive though it may have been, it had vouchsafed a certain degree of domestic security and international protection. None was left. Could we honorably withdraw our authority and leave those hapless people to a fate that meant war, bloodshed, and devastation, with no hope of redemption? The Commissioners at Paris said no, and the treaty of annexation was brought here and discussed in the Senate, when all these questions were again considered, and the Senate said no—annexation is the only honorable policy for this country, and the treaty was ratified. And when that treaty was ratified, the authority and the responsibility of the United States for the government of the Philippine Archipelago became finally established.

It then became the constitutional duty of the President to assert American sovereignty there. As was said by my colleague [Mr. LANDIS] to-day, in his most eloquent and patriotic speech, if the President had refused to extend American authority over the islands he would have been subject to impeachment. He had no choice but to enforce the provisions of the treaty. There is no use of talking about the pendency of the Bacon resolution. The Bacon resolution had not passed, but if it had passed, it would not have altered the constitutional aspect of the situation a particle, because when the treaty was negotiated and ratified, it became the supreme law of the land, and could only be repealed or modified by a public act by both Houses of Congress, approved by the President, and the Bacon resolution only purported to declare the intention of Senators in supporting the treaty. It could not repeal or modify the treaty. What significance, then, could the Bacon resolution have had? But gentlemen are now making it the poor pretext for their action then, under the claim that they were for the treaty with the expectation that the resolution would also be adopted. This is a flimsy subterfuge indeed; they are shielding themselves behind a most vulnerable defense work indeed. The Bacon resolution will not save the bacon of that class of statesmen now. [Laughter.]

When that treaty was ratified, every man in the land knew what it meant. Mr. Bryan was one of its chief advocates and promoters, and he knew full well its broad and important significance. He knew that it cast upon the President the responsibility of extending American sovereignty throughout the archipelago by force if resistance should be offered.

The treaty was adopted and the Administration began its work of pacification. What has been the result of that policy? In the brief time allotted to me I can not begin to recount the splendid work that has been done in the way of establishing civil government, law, and order. The first thing was to pacify the islands, to subdue the insurrection, and that required the employment of the Army and the Navy. The methods of the Army have been attacked with furious energy. Gentlemen have selected occasional acts of cruelty committed under great provocation and sought to make them characterize the policy of the entire Army.

It is an easy thing to criticise the military or civil administration of any government. Human nature is not perfect in its best estate, and under the most favorable conditions excesses will be committed, unjustifiable acts will occur. Who are the men that compose the American army in the Philippine Islands? They are American citizens, born and reared in American homes; they are our sons and brothers; they are men who have patriotism enough to forsake the safety and comfort of home and civilization and go 10,000 miles away, under the intolerable heat of a tropical sun, and risk their lives for the maintenance of American sovereignty in territory over which that sovereignty rightfully extends. They are made of the same stuff that other American citizens are made of; they carry with them into the Orient the same sense of justice and right that characterizes American life, and at the same time they carry with them the same weaknesses, the same feelings that belong to citizenship at home.

Cruelties unknown to civilized warfare had been perpetrated by the insurrectionary forces against our soldiers and against natives who were friendly to the American Government. Men wearing the uniform of our Army were buried alive, were assassinated and their bodies mutilated in a manner too horrible to describe, and in some instances they were burned to death by the awful torture of a slow fire. The American soldier admires a manly foe who will stand up in the open and fight to an issue a bloody contest. He is willing to take his chances with his adversary and will accord honorable and just treatment under all circumstances, but in the Philippines the war has been of no such character. The enemy has in no instance made an organized and determined fight. Their mode of warfare has been predatory; has been conducted by guerrillas, bushwhackers, murderers, assassins, and robbers. It is impossible to distinguish between the insurrectos in their guerrilla warfare and the ladrones who infest the forests and the mountains and make raids upon unprotected detachments of soldiers and upon peaceable communities for murder and pillage. When the life of one of our soldiers is taken by a band of assassins who get his confidence by treachery and fraud, the indignation of every soldier in the Army is aroused and the first impulse is to avenge the death of the comrade upon the race that is responsible for the outrage. This is the law of reprisal; and it is resorted to, when conditions justify it, by all the peoples of the earth.

Gentlemen on the other side of the Chamber admit the necessity for the use of the Army in restoring law and order in the new territory, but they try to smirch not only the Army, but the Administration at Washington on account of alleged irregularities and to impeach the whole Philippine policy in the bargain. Their conclusions are incorrect, their logic is lame, and their hopes are built upon the sand. If wrongs have been committed, shall we abandon our purpose of pacification? When Neely plundered the public funds in Cuba did we gather up our trappings and flee the island in consternation? No; we removed him from office, went on with increased vigilance, and completed our splendid mission by adding another republic to the family of nations, while Neely is paying the penalty of his crime in a Cuban prison. If wrongs are done in the Philippines, we should punish the perpetrators, increase our vigilance, and continue our glorious work of political evangelization.

But who is responsible for the wrongs complained of? Why, only the men who perpetrated them. The fact that they have occurred is no argument against our policy in the Philippines, but is only illustrative of what men will do under great provocation when they have the power.

Investigations are on foot, courts-martial have been instituted, and the evils that have existed in the Army are being speedily corrected. While we sincerely regret that anything should have occurred that will cast a shadow upon the splendid record our brave soldiers have made in the Philippines, I must express my astonishment at their moderation. The wonder is that greater scandals, both in the military and civil administration of those islands, have not arisen. It took England more than a hundred years to learn how to govern her tropical colonies. We are utterly without experience in that line, and if we shall escape with the comparatively few instances of oppression and dishonesty that have characterized our conduct so far, we shall have made a splendid record indeed.

No war in any country was ever conducted that was not accompanied with instances of cruelty and oppression, and the probabilities are that none ever will be. When the time comes that soldiers in the field—away from the restraints of civilized life and in the presence of blood and power—can have such perfect self-control that they will conduct themselves with circumspection in the face of provocation, the millennium will be at hand and wars will be no more.

The army in the Philippines should be judged as a whole, and when so taken there will be found to be such an overwhelming preponderance of virtue, patriotism, self-restraint, and magnanimity that it will command the hearty approval of every citizen. [Applause on the Republican side.]

The Taft Commission went into the archipelago and began its work of establishing civil government—began to make laws. It repealed the old cumbersome, dilatory, and corrupt system of the administration of justice, and established in its place a modern,

simple, and inexpensive system of administration and procedure that might be profitably adopted in many of the States.

Mr. BARTLETT. Will the gentleman allow a question?

Mr. CRUMPACKER. Yes, sir.

Mr. BARTLETT. As the gentleman's time is limited, I would not interrupt him if it is not agreeable. In reference to the treaty, the gentleman stated, as I understood, that, being ratified, it meant that those islands were permanently to be a part of the United States. Now, does the gentleman think that the McEnery resolution passed a few days after the ratification of the treaty indicated in any way the intention of a majority of the Senate at that time as to what they expected to do with those islands?

Mr. CRUMPACKER. No, I do not think the intention and purpose of the Senate or a majority of the Senators could have been expressed effectively in any way except by an amendment to the treaty or in the form of a public act. It is a matter of no importance what individual Senators might have done in caucus or otherwise. A resolution adopted by the Senate alone could have no constitutional or legal significance.

Mr. BARTLETT. I was not asking with reference to the legal aspect of the question. I am fully aware that the Supreme Court passed upon the legal aspect of that resolution. I merely wanted to know whether the gentleman thought that resolution was indicative of the intention of a majority of the Senate at that time as to what should be done with the Philippine Islands in the future.

Mr. CRUMPACKER. I do not think it is a matter of any particular consequence.

Now, to proceed, the Taft Commission has established civil government in the Christian provinces of the archipelago. Even Samar, which, according to the assertions of the opposition, has been reduced to ashes and turned into a howling wilderness, has been provided with a civil government. There were citizens and institutions enough left in that province to organize into a government. The provincial governments are composed of a governor, elected by the people, and a treasurer and supervisor appointed by the Commission. These officers constitute the provincial board, and constitute the governing authority in the provinces.

The provincial government levies and collects taxes, enforces law, preserves peace, and deals with questions of a general provincial character. Each province is subdivided into municipalities called pueblos, corresponding to counties or townships in this country. The governing officers are a president and councilors from 8 to 18 in number, depending upon the population, and their functions are similar to those of the mayor and councilmen in American cities.

Pueblos are subdivided into barrios, or wards, and each ward is represented in the municipal council. The president and councilors are elected by those who have been intrusted with the right of suffrage. The electorate is composed of males 23 years of age and over who have resided in their respective municipalities for six months and who own real estate of the value of 500 pesos or pay taxes annually of 30 pesos, or who held certain municipal offices under the Spanish administration, or who can read and write the English or the Spanish language. About 15 per cent of the males of voting age are able to qualify under these limitations. The municipal councilors chosen by this electorate in the several pueblos of each province meet once every two years and elect the provincial governor.

It is an admirable adaptation of the American system to local conditions, and a complete system of civil government is now in successful operation in most parts of the archipelago. The government is pyramidal, with municipalities as the base and the Commission as the apex, so interlocked as to form a harmonious system. The municipalities levy and collect their own taxes, make local improvements, and, in a large measure, manage their own affairs. The people are enjoying a greater share in their own government to-day than they ever did before in all their existence.

In addition to this, the Commission has established a civil code, and the method of procedure has been simplified and cheapened so that controversies between litigants may be determined with promptness and satisfaction. Schools have been established in all parts of the archipelago, a system of road building and internal improvement has been set on foot, sanitary measures have been inaugurated, bureaus have been created for the purpose of administration and instruction, and much progress has been made in establishing institutions on a permanent footing.

Mr. WILLIAM W. KITCHIN. Will the gentleman allow a question?

Mr. CRUMPACKER. Yes, sir.

Mr. WILLIAM W. KITCHIN. Has the gentleman any information as to how many of these officials in those municipalities are natives?

Mr. CRUMPACKER. Most of the officials in the municipalities are natives—practically all of them are natives.

Mr. WILLIAM W. KITCHIN. Does not that indicate a capability for self-government?

Mr. CRUMPACKER. For limited self-government, it does.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, I understood the gentleman to say that if he were satisfied that the Filipinos are capable of maintaining self-government, unaided by the United States, he would favor their national independence.

Mr. CRUMPACKER. I did make that statement and that is my position, but after a thorough investigation of the question I am convinced that they are not fitted for independent self-government. Because they are capable of maintaining municipal and provincial autonomy under the supervision of the Philippine Commission, it does not follow that the archipelago as a whole is capable of maintaining independent self-government—of protecting life and property in all the islands and discharging the high and solemn responsibilities that would rest upon it as a sovereign unit in the family of nations.

Mr. HAMILTON. Mr. Chairman, I would like to suggest to my friend that the law under which these municipalities are carried on was framed by the Taft Commission.

Mr. CRUMPACKER. Yes, and all their municipal operations are under safe limitations. Now, in relation to the question of self-government, the opinions of this distinguished gentleman and that have been cited for and against it, but a little reflection upon the primary conditions existing there will determine the matter. We know what fundamental conditions are necessary to independent self-government, and we know that those conditions do not exist in the Philippines. The three distinct races of people are divided into upward of eighty different tribes, separated from each other by natural barriers of water and mountains. They have eight or ten different languages or dialects, and many of the tribes are utterly unable to communicate with the others. They have no common language, no common literature, and no means of intercommunication. Each tribe or province has its own peculiar social order, its own customs and traditions. There is no bond of unity among the tribes, no homogeneity, and no such national unity as is necessary upon which to build a national government. Each province may be able to govern itself under proper supervision, but there can be no fusion among the tribes under existing conditions, and, therefore, no national government.

Mr. LITTLEFIELD. What proportion of those people maintain tribal relations practically of a savage or barbarous state?

Mr. CRUMPACKER. About two millions and a half.

Mr. WILLIAM W. KITCHIN. What is the population of those communities that have this local self-government under the Taft Commission?

Mr. CRUMPACKER. About six millions and a half. There are a million and a half of Moros and about a million of the hill tribes, the pagan Filipinos, who are neither Mohammedans nor Christians, and they are scattered about in all the islands. Now, in order that there may be independent self-government, there must be something like national unity, there must be homogeneity, and that is impossible without a common language and a common literature. There must be closer contact between the people of the several provinces and a stronger bond of sympathy, and this will require years for its proper development.

Mr. LITTLEFIELD. In addition to that, is there not a deep-seated enmity between these various tribes, the inhabitants of various islands?

Mr. CRUMPACKER. Naturally so; and it will require time and toil to remove it. We must construct railroads, highways, telegraph lines, and telephone lines to bring the provinces into closer contact, and establish schools, and as a result of those agencies a common language will necessarily be developed, the inhabitants will become welded into one people, and there will be political solidarity. This must be accomplished before independent self-government is to be thought of.

Mr. McDERMOTT. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. CRUMPACKER. I do for a question.

Mr. McDERMOTT. I notice in the second section, I think it is, of this bill that the right of suffrage is taken from those tribes that are anti-Christian. Is there any provision in the bill to cover the case if one of the tribes should be converted to the faith of the Jews? It would seem as if one must believe in the new dispensation, the New Testament.

Mr. CRUMPACKER. Yes.

Mr. McDERMOTT. What would happen if one of the tribes become converted to the faith of the Jews? They would be anti-Christian. Would they have the right to vote?

Mr. CRUMPACKER. The gentleman is asking a question, and I hope he will do me the favor of allowing me to answer it.

Mr. McDERMOTT. That is my question.

Mr. CRUMPACKER. Strange as it may appear to the gentleman, this bill is constructed to apply to the Philippine Islands as conditions exist there now. There are three classes of people in the archipelago—the Christians, the Mohammedans, and the pagans. The Christians are those who have the highest degree of civilization and possess some of the qualities that are necessary to maintain local self-government, but the non-Christian peoples have no knowledge of any but an extreme paternal government in the form of the tribe. That is the situation.

Mr. McDERMOTT. I hope the gentleman does not misapprehend my question. The Jews are anti-Christian.

Mr. CRUMPACKER. I am aware of that fact.

Mr. McDERMOTT. They cover every avenue in this world; they rule this world to-day; they will probably get into the Philippines. Do you propose that the anti-Christian Jew shall not vote?

Mr. CRUMPACKER. We do not propose any such thing.

Mr. McDERMOTT. Why do you not put it in your bill, then?

Mr. CRUMPACKER. The gentleman has read this bill to very little purpose if he gives it that interpretation. The legislation provided in the bill shall apply to Christian provinces, and suffrage is conferred upon all the inhabitants of those provinces without regard to religion. It applies to provinces dominated and controlled by Christian institutions, but there may be non-Christians, there may be Jews, there may be people of all shades of faith in those provinces, and they are given the same rights, both political and civil, as are accorded to the Christians.

Mr. Chairman, I think no fair mind can investigate the situation existing there now without reaching the conclusion that, under present conditions, independence would mean anarchy, bloodshed, and destruction. This Government could not, in honor to itself nor in justice to the inhabitants of those islands, withdraw its authority now and leave them to their own fate. Having destroyed their government, we are morally bound to protect them, not only against foreign powers, but against themselves. If independent, they would divide up into numerous principalities, headed by ambitious chiefs, and there would be continual war and destruction, and progress and improvement would be impossible.

Mr. GAINES of Tennessee. Will the gentleman yield?

Mr. CRUMPACKER. I will yield to the gentleman for a question only.

Mr. GAINES of Tennessee. The gentleman has stated that these people are not now capable of self-government.

Mr. CRUMPACKER. That is my judgment.

Mr. GAINES of Tennessee. And that anarchy and bloodshed would follow the attempt to establish it. In view of that statement, I ask the gentleman how is it, first, that the Malolos government did manage the island previous to the advent of the Americans there, and how is it that 28 members of the Malolos congress are now filling every kind of position in the Philippine Islands except governor?

Mr. CRUMPACKER. I do not admit that the Malolos government ever controlled anything. It had no control over the islands. There was a momentum to the Spanish power that continued existing institutions and local government in a number of provinces after the capture of Manila. The Malolos government had nothing to do with it.

Mr. GAINES of Tennessee. Does not the gentleman know that that Malolos constitution was written by the very men who are now in office there by the appointment of Governor Taft?

Mr. CRUMPACKER. That may be true, but it has no significance. Constitutions are easy to write, and they do not govern nor constitute government. The conservative thought of intelligent men in the centers of population in the islands is that they are not fit for self-government; that control by the United States is necessary for the welfare and prosperity of the islands; that if we were to withdraw our authority a reign of disorder and destruction would overthrow the political and social life of the people. I say that is the judgment of the conservative thought of the intelligent people of the islands. They have had no experience and are unfitted by temperament to organize and maintain anything like a respectable order of government. Only about 10 per cent of the inhabitants of the islands are educated. The other 90 per cent are grossly ignorant, superstitious, credulous, and facile. There is a total lack of the essential conditions necessary for the basis for free government. Public opinion in the archipelago is an impossibility. It has no means of organizing, no method of expression. It will require possibly two generations to establish the foundation for independent political life, and when that shall have been accomplished, if it be then the general and intelligent desire of the people of the archipelago that they be given independence, in my opinion that desire will be respected by the American people without hesitation or reluctance.

Mr. BARTLETT. What does the gentleman mean by that?

Mr. CRUMPACKER. Independent political existence.

Mr. BARTLETT. Independent of this Government?

Mr. CRUMPACKER. Independent of this Government. I say I have no doubt of it if the conditions justify it. That is simply a prophecy.

Mr. BARTLETT. I am glad the gentleman thinks it may come at some time.

Mr. CRUMPACKER. But under existing conditions it would be the height of unwisdom——

Mr. HILL. Cowardice.

Mr. CRUMPACKER. You mean it would be cowardly to withdraw?

Mr. HILL. Yes.

Mr. CRUMPACKER. It would be the height of unwisdom for Congress now to declare its purpose at any time in the future to grant independence, for it would cause agitation, create friction, and retard development. The only proper policy for this Government to pursue is that foreshadowed by this bill. We should go on with the splendid work that has been inaugurated by the Taft Commission. We should amplify and enlarge the civil government that has already been installed, develop the material resources of the islands, and administer them for the benefit of the inhabitants.

Mr. BARTLETT. The gentleman means under the House bill?

Mr. CRUMPACKER. Under the House bill; develop the material resources of the islands, construct railroads and highways, build schoolhouses, educate the people, create a common language and a common literature, establish a popular legislative assembly that will bring together representatives from all the provinces for their mutual welfare, and in the course of time there will come a condition of national unity, a condition of homogeneity that may be made the foundation of independent political existence. But until this has been accomplished no definite action should be taken in respect to the permanent disposition of the islands. This I understand to be the policy of the Republican party.

Mr. VANDIVER. Will the gentleman allow me to ask him a question?

Mr. CRUMPACKER. I will.

Mr. VANDIVER. I understood the gentleman a moment ago to take the position that the Filipinos had never at any time been encouraged by American officers in the belief that they were to have independence; and, specifically, I want to know if he asserts that as a fact, and denies positively that Aguinaldo was ever given any such encouragement?

Mr. CRUMPACKER. I decline to go into a discussion of a question like that—a question which is essentially subordinate and incidental, and which can not affect in any respect the duty or the policy of the Government now in relation to this great question.

Mr. VANDIVER. Do you now deny the fact?

Mr. CRUMPACKER. I will not discuss the question with the gentleman, because I do not have the time.

Mr. VANDIVER. I understood the gentleman a moment ago to make a denial, and I want to know whether he is willing to do it specifically.

Mr. CRUMPACKER. I ask that the gentleman respect my right to the floor.

Mr. VANDIVER. I certainly will.

Mr. CRUMPACKER. I hope the gentleman will be as good as his word.

Mr. VANDIVER. I understood the gentleman to yield to a question, and now he declines to answer.

Mr. CRUMPACKER. Mr. Chairman, I do not decline to answer a question that bears upon the vital propositions that are involved in this bill or in the legitimate debate incidental thereto. If the people of the Philippines are unfitted for independence, it would be a moral crime for this Government to cut loose from them, even if some American officer, without authority, promised them independence.

Mr. BARTLETT. Will the gentleman pardon me? I ask the gentleman this question: The gentleman does not consider the Senate bill will accomplish the purpose as well as the House bill does?

Mr. CRUMPACKER. Not so fully.

There is an incidental question that has received a good deal of attention in this controversy in investigation and debate, and that is the origin of the hostilities between Aguinaldo's forces and the Federal troops at Manila. The question as to who fired the first shot. Much time and ingenuity, and a great deal of energy, have been expended upon that circumstance, a circumstance that has no significance whatever. Gentlemen insist that the evidence clearly convicts the American soldiers of having fired the first shot on the night of the 4th of February, 1899. Supposing that is true, what is its significance?

This Government had deliberately decided that the Filipinos were not capable of conducting their own affairs, and that annexation was the only proper disposition of the islands. This meant American sovereignty, and Aguinaldo at the head of his army had fully determined to resist the extension of American sovereignty, and a conflict was inevitable. It could not be avoided. The outbreak on the night of February 4 was accidental and premature, but that which occurred by accident on that night would have occurred as the result of deliberation within a very few days at the farthest, so the question of who fired the first shot is of no real importance. We had decided to assert our authority over the archipelago and Aguinaldo had decided to resist our authority by force.

Mr. BARTLETT. Will the gentleman yield there?

Mr. CRUMPACKER. For a question.

Mr. BARTLETT. Does the gentleman think, then, after the statement he has just made, that it was the proclamation that was issued by General Otis that started the war?

Mr. CRUMPACKER. No, sir.

Mr. BARTLETT. You think the war was inevitable?

Mr. CRUMPACKER. War was inevitable; because it was the purpose of this country after the Paris treaty had been negotiated to assume control of the archipelago. Of course it was expected that the treaty would be ratified. This necessarily meant a conflict between Aguinaldo's followers and the American Army.

Mr. BARTLETT. Then, if it was not the proclamation of President McKinley, issued by General Otis, to extend the authority of the United States, it must have been the action of the United States Government in ratifying the treaty that was the cause of war.

Mr. CRUMPACKER. It was the action of the United States Government on the one side and of Aguinaldo and his followers on the other. The United States Government fully, deliberately, and justly decided that duty to itself and to the people of the Philippine Islands demanded the establishment of American authority there, and in doing that, resistance was encountered.

Mr. HAMILTON. The treaty had not been ratified when the hostilities began.

Mr. CRUMPACKER. It had not been ratified, but was about to be. It was quite generally understood that it would be. Agoncillo was here. He was an emissary of the insurgent leader, and before hostilities began he left between two days for Canada, having satisfied himself that the treaty would be ratified and he knew that meant war. Agoncillo had no knowledge that the conflict would occur before the ratification of the treaty, and it was not intended that it should.

Mr. HAMILTON. Permit me to suggest to the gentleman that the testimony is that the Filipinos had planned that attack for some months before they began.

Mr. CRUMPACKER. Why, all this time they were getting ready for war. But it was their intention to await the action of the Senate on the treaty, and then make the most stubborn resistance possible against the extension of American authority.

Mr. POU and Mr. GAINES of Tennessee rose.

Mr. CRUMPACKER. I must decline to yield. I want to talk about the bill. I hope the gentlemen will pardon me.

Mr. POU. I desire to ask the gentleman a solitary question.

Mr. CRUMPACKER. I will answer a solitary question.

Mr. POU. As I understood the gentleman a while ago, he stated that he believed that whenever the Filipinos arrived at a proper stage of civilization that independence would be accorded them by this Government. I understood him further to say that he favored that course. Now, I would like the gentleman to state the reasons why a declaration of that policy on the part of our Government should not now be made.

Mr. CRUMPACKER. The gentleman did not understand me correctly in the first place. I said when the time comes that the Filipinos are capable of independent self-government, and there is an intelligent and general desire on their part for it, in my judgment the American people will grant it. But I am simply giving my own opinion on that question. That proposition belongs to the future, and it can not be settled now. We can not foresee now what the future has in store; we can not foresee what may be evolved in five or ten or twenty years. And if we should make such a declaration now it would be seized upon by the demagogues, the disturbers, the agitators down there, and made a pretext for insurrection and trouble without end. It would be practically impossible for us to carry out the broad and humane policy of education and development that we have outlined and propose to pursue. [Applause on the Republican side.]

Mr. FINLEY rose.

Mr. CRUMPACKER. I can not yield to the gentleman now; my time is too short. I want to call attention to some features of the bill. Criticism has been made of the franchise provision. If the provisions of the bill respecting franchises and sale of public lands are subject to just criticism at all, it is because they are too rigid [applause on the Republican side]; franchises are granted under such restrictions and limitations that I am apprehensive that proper development will be seriously retarded. Every safeguard that could be devised has been thrown around the action of the Government in granting franchises and in disposing of public lands. Undue exploitation by speculators and syndicates is made impossible. The public domain is to be held for actual settlers.

Mr. BARTLETT. The gentleman is referring to the House bill, and not to the Senate bill.

Mr. CRUMPACKER. I think the Senate bill contains substantially the same provisions as the House bill on the question of franchises. While I am not a champion of corporate interests, we all recognize the value of those agencies in the development of a country, and under proper restrictions they are to be encouraged. American capital is needed in the Philippines for the purpose of building railroads, telegraph lines, factories, and other enterprises, and it will not go there unless the inducements are sufficient. Modern industrial and commercial institutions will do as much toward educating and elevating the people as any other agencies, and if we have made any mistake in the bill in these respects, it is in imposing too many restrictions upon them.

Mr. COOPER of Wisconsin. If the gentleman will allow me, in view of what the gentleman has said, the Senate bill provides that no corporation engaged in agriculture shall be a member of any other corporation. That would permit the formation by the same set of individuals of a thousand corporations under different names. The House bill provides that no member of a corporation engaged in agriculture shall be a member of any other corporation.

Mr. BARTLETT. That was the reason that I asked the question as I did of the gentleman.

Mr. CRUMPACKER. There is one very important feature of the House bill that is not contained in the Senate bill, and that is the provision for a legislature in the Philippines. That I regard as one of the most important of all of the provisions of the bill. It provides that after general and complete peace shall have been secured throughout the archipelago and that fact shall have been certified to the President by the Commission he shall order a census of the population to be taken, and after the completion of the census the Commission shall proceed to divide the Christian provinces into legislative districts and the electors of the several districts are authorized to choose members of a popular legislative assembly to sit at Manila. The upper branch of the legislature is to be composed of the Philippine Commission. No bill can be enacted into a law except by the concurrence of the Commission. Until the legislature is established the Commission is authorized to continue to make laws for the archipelago.

Mr. LITTLEFIELD. Does the House bill give the territorial governor a veto power?

Mr. CRUMPACKER. No; the bill places the veto power practically in the Commission. The governor is a member of the Commission, and the concurrence of the Commission is necessary in every bill enacted into law.

This is one of the most important provisions of the bill, and it is recommended by the Federal party in the Philippines, the strongest political organization in all the archipelago, an organization that has more influence in molding and controlling public sentiment than all other organizations combined, an organization that concedes that the inhabitants of the islands are not competent for self-government, an organization that has stood by and is now standing by the United States Government in asserting its authority and in pacifying the provinces.

In addition to this, the Philippine Commission earnestly and urgently requests the legislative feature. Governor Taft has not missed an opportunity to impress upon Congress the vital importance of a popular Filipino legislative assembly, and I believe he knows more about the requirements of those people than any other living American. [Applause.] We have sent him and his Commission there to restore order and to reorganize and reenergize the prostrate forces of the islands. His work has already far more than vindicated the wisdom of his selection. He has made no mistakes, but he still has a mighty work to accomplish. We expect to hold him responsible for the success of his policies, and this we can not justly do unless we give him the means he so earnestly recommends.

In a very able article upon the situation in the Philippines, published in the Outlook on the 31st of May, Governor Taft said:

> We of the Commission are very earnest and sincere in our hope that at least the provision for the election of the legislative assembly and of the two delegates contained in the House bill shall be embodied in legislation. We think that the Filipino people would accept this provision as the most indubitable evidence of the desire of the United States that self-government should be given to the people in as large a measure as they are capable of carrying it on. Danger from obstruction of the government by withholding supplies is avoided in a section of the House bill by a provision that, should the appropriation bill not be passed, appropriations equal to those of the year

before shall become available without legislation. There are members of the Senate Committee on the Philippines who believe that the step involved in the organization of a legislative assembly is too progressive and too radical. In this I think they are mistaken. It is quite possible that on the floor of the legislative assembly will be proclaimed doctrines at variance with the policy of the United States, and that possibly, by some members, seditious and treasonable speeches may be made; but, on the whole, I feel sure that the people will regard the legislative assembly as a welcome method by which they can take part in the government, and that there will be every disposition on the part of most of the members to work harmoniously with the other branch of the legislative department and with the Executive. It has been suggested that possibly the legislative assembly would select Aguinaldo, or Mabini, or some other prominent insurrecto leader or organizer to represent it at Washington. I do not think this is likely, but even if it were to happen, I should not regard it as a dangerous result. I think it would be found that the popular assembly would include many conservative men who would be in favor of supporting American sovereignty in the islands and making the government it has established firm and stable. A provision of this kind would destroy at once the suspicions of American good faith, and would largely satisfy the desire for self-government of all but the comparatively few irreconcilables. A popular assembly would be a great educational school for the better class of Filipinos in actual government. The weakness of the educated Filipinos to-day is in their lack of practical knowledge as to how a popular government ought to be run. They always resort to absolutism in practical problems of government. The restrictions upon the suffrage contained in the municipal code, which are by reference made part of the House bill, would secure a fairly intelligent body of representatives in the popular assembly.

A popular legislative assembly will bring men together from all the provinces to promote their common interests. It will have a powerful influence in building up a national spirit, and its educative value will be incalculable.

The assembly will probably propose some unwise measures, it will likely be the center of conflicting views and impracticable schemes, but that is the best school for instruction in self-government. If it neither said nor did any foolish things there would be no need for a Taft Commission in the islands at all.

It is too much to expect that high standard of debate and deliberation that characterizes the action of the American House of Representatives. [Laughter.]

Safeguards are thrown about so that it is impossible for a popular assembly to do any serious harm if it were so disposed. It can pass no law without the concurrence of the Commission.

Mr. LITTLEFIELD. It also follows that the Commission can not legislate without their consent.

Mr. CRUMPACKER. That is correct. The Commission can make no law without the concurrence of the assembly.

The Commission understands that full well, and it understands the Filipino character and realizes the effect that this provision would have as a guaranty of good faith toward the people of the islands. The seeds of distrust have been industriously scattered by designing politicians there and perhaps here. The suspicious and credulous natives, whose only knowledge of the white man comes from their sad experience with the Spaniards, are easily induced to believe that the Americans are capable of imposing upon them systems of tyranny and oppression. Nothing will allay that distrust and disabuse their minds of that suspicion so completely as a popular assembly which will afford them a voice in making their own laws.

In addition to this the bill authorizes the insular government to grant homesteads and tracts of public lands to actual settlers free of cost in the hope of inducing a continually increasing number of natives to preempt and occupy farms. Homesteads are limited to about 40 acres each. A tract of 40 acres in those islands will yield more products than 160 acres of average land in this country. The bill also provides for the utilization of the magnificent forests in the archipelago under adequate safeguards for their preservation. A large share of the wealth of the islands is in the forests. The finest timber that can be found on the face of the earth abounds there. There are about 70,000,000 acres of land in the archipelago and only about 5,000,000 acres of it is in private ownership. Perhaps 45,000,000 acres are covered with forest trees that have great commercial value. Lack of railroads and highways has heretofore prevented the forests from being explored excepting along the coast and the streams.

A complete and perfect system of mineral laws is contained in the bill. I doubt if a more admirable system of mining and mineral laws can be found in any country—a system that is apparently well adapted to conditions as they exist there, and with it all sufficient safeguards are provided to secure the resources of the islands against the undue exploitation of syndicates and speculators. Authority is granted the government to authorize corporations to purchase and hold lands, but limitations are imposed that will prevent many of the abuses of corporate power that have been a source of embarrassment in this country.

A system of coinage is provided in the House bill, putting the currency of the islands upon the gold standard. The peso, containing about the same quantity of silver as two American half dollars, is to be coined and maintained upon a gold standard at the value of fifty cents, and it will be the standard money of account. The peso is subdivided into 100 centavos, and an ample number of minor coins are to be issued. The transactions of the inhabitants as a rule are very small, and small coins are highly necessary for the daily use of the people.

The currency of the islands is now composed principally of Mexican dollars and Spanish pesos and is upon a silver basis, and the fluctuations are such that in all transactions, particularly those in foreign trade, a considerable share of the profits is absorbed by the bankers, in the purchase and sale of exchange. The bulk of the foreign trade of the islands is and will continue to be with gold-standard countries, and even transactions with silver-standard countries, in their final analysis, are resolved to the gold standard. Silver-standard countries are badly handicapped in foreign trade because of the fluctuations of silver. Every transaction involves an element of speculation, and the dealer in exchange must increase the cost enough to cover any possible loss by fluctuation. This characterizes both buying and selling exchange, and it is sound and safe policy to base the currency of the islands upon the gold standard, and at the same time provide coins of such denomination and value as are familiar to the Filipino mind. The peso is current there now, and it is worth, approximately, 50 cents in gold, and this bill makes that value absolute; it stabilizes the peso. There will be no fluctuation. Abundant provision is made in the bill for the maintenance of the standard of the peso. No disturbances can occur, because the new system simply stabilizes the peso at what is now its approximate value.

There will be no readjustment of prices or wages, but trades people and laborers will be protected from loss by a fluctuating and unstable currency. It was my judgment originally that it would be better to extend the American system of coinage to the islands at once, but in view of the fact that it would result in a general readjustment of prices, entailing considerable loss to many who would not be informed respecting the effect of the new condition of things, and in view of the further fact that the temptation to counterfeit American silver dollars would be great, I am fully persuaded that the system contained in the bill is decidedly preferable.

These are the main features of the bill. It supplements and amplifies and makes permanent the work the Commission has so admirably instituted. It contains a guaranty to the inhabitants of the islands of a large, if not a controlling, share of local government. When peace shall have been established, under the operation of this bill, there can be no doubt that enterprise will be set on foot, prosperity will come, and a condition of wealth and comfort will be enjoyed by the inhabitants such as they have never experienced in all the years of their existence.

The enactment of this bill commits this Government to no permanent policy. It is a necessary step in furtherance of the policy that has been inaugurated. At any time in the future, if the people of this country should decide that it would be well to grant the inhabitants of the islands absolute independence, the measure which we propose will in no way interfere with the accomplishment of that purpose, but on the other hand its effect will be to put them in a condition so they will be fit for independence. It is just such a measure as would be necessary if it were our declared purpose to grant independence to the inhabitants of the islands within the next decade. It lays the foundation for civil government according to the republican model; it initiates the people into the art of self-government and its influence must be educative and elevating.

This Government has a great missionary work to perform. Its supreme duty is to administer the affairs of those islands for the benefit of the people thereof, to promote development in keeping with their capacity and along the line of their aspirations and traditions. Political, commercial, and social unity should be accomplished, and when that is done the foundation will have been laid for independent self-government, and not before.

It should be the highest concern of this Government to prevent the undue exploitation of the islands by spoilsmen, adventurers, syndicates, and speculators, for there lies the greatest danger. The labor question is one of the most serious among all the difficult problems that confront us. The fruits of nature are so abundant that little exertion and sacrifice are required for subsistence. The climate is so mild that little in the way of clothing and shelter is demanded. The inhabitants of the islands have the weaknesses that are characteristic of tropical peoples. There is an absence of moral force, a lack of the rugged qualities of industry, frugality, and integrity. They are not inclined to work more than is necessary for a comfortable subsistence, and while wages are nominally low, the labor cost of production there is greater than it is here. Already promoters of enterprises are clamoring for the admission of Chinese labor, but Congress has firmly refused their demands. Lack of labor will hold development in check somewhat, but it is better that growth be not too

precipitate. Material development should lead, but not outrun intellectual and political growth.

Education will do much for the elevation of the people, but not everything. It must be supplemented by conditions that will excite a spirit of emulation, of pride of country, and of ambition for a better standard of life.

Taking the situation as a whole, we may well congratulate ourselves upon the progress we have made in establishing peace and order in the islands. This Government is founded upon the idea that all just government obtains its power from the consent of the governed. That principle is as potent to-day as it was one hundred and twenty-five years ago, and it is being applied to the Philippines as fast as they emerge from the political nursery. They will have as full control of their affairs as they are able to carry. The doctrinaire and the sentimentalist need have no qualms of conscience upon that subject. Time will vindicate the wisdom of the policy and the benevolence of the motives of the great men now engaged in establishing peace and government in the archipelago. [Applause.]

The Trusts are Fattening on the Unrequited Toil of the Wage-earner and the Farmer.

Since the Republican party came into power in 1897 relative real wages have constantly declined, until to-day a day's wages will purchase less of the necessaries of life than at any time since 1896.

It now requires more of the farmer's wheat and cotton to pay for his necessaries than it did four years ago.

A bill (H. R. 15109) to place all articles and commodities manufactured and controlled or produced in the United States by a trust or trusts on the free list, and to reduce the rate of duty on any article or commodity manufactured in the United States and sold in a foreign country more cheaply than in the United States.

SPEECH

OF

HON. JOHN H. SMALL,

OF NORTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, June 30, 1902.

The House having under consideration the bill (H. R. 11654) to promote the efficiency of the militia, and for other purposes—

Mr. SMALL said:

Mr. SPEAKER: "The prosperity of the workingman" is the slogan with which the Republican party attempted to conjure the voters of the great industrial communities during the last two political campaigns, and even now, when prices of the necessaries of life are at the highest point which has been reached in more than a dozen years, Republican statesmen are telling the men who toil for their daily bread that they were never so prosperous in all their lives, and that they ought to be the happiest people on earth.

In the campaign of 1900 "the full dinner pail" was the catchword, and for some mysterious reason the workingman became enthused to such a point that he did not stop to think until after he had voted. Since election day he has taken time to do a little thinking. He has taken a look into that dinner pail and is astonished to find that it is not exactly full. He finds, too, that it is much more difficult to fill it now than it was five years ago. He works harder and produces more than he ever did in his life, but he has less to eat and wear than he ever had. He does not quite understand why this is so, but he is becoming very much interested and he is beginning to see things as they are.

If these are such prosperous times for the workingman, will some of his good friends in the Republican party please explain how it is that such conditions exist as I shall presently show?

Pennsylvania ought to be a good example of prosperity for the wage-earner. That State has grown rich under a protective tariff, and one of the excuses offered by the friends of protection for the enactment of high-tariff legislation is that it is to protect the workingman—to give him higher wages.

The following table compiled from the report of the secretary of internal affairs of the State of Pennsylvania for the year 1900, shows how the wage-earner has fared in that State. This table shows the value of products produced by each employee and the percentage of this value of products which was paid to wage-earners in 830 manufacturing establishments for the years 1896 to 1900, inclusive:

Year.	Value of products per employee.	Value of products paid to wage-earners.
		Per cent.
1896	$1,427.95	26.6
1897	1,490.56	25.6
1898	1,565.49	25.5
1899	1,831.41	23.7
1900	1,894.11	23

It will be observed from the figures in the table that in 1896 each employee in these 830 establishments produced manufactured products to the value of $1,427.95, and that this value increased from year to year until in 1900 it was $1,894.11. In 1896 26.6 per cent of the value of products per employee was paid in wages, and, notwithstanding the fact that each employee has produced more and more each year, his share in this production has grown less and less each year, until in 1900 he received only 23 per cent.

Now, let us examine conditions in another great manufacturing State. The bureau of labor for the State of New York has in a recent report furnished facts that show conclusively that the workingmen of that great State have not shared in the wonderous prosperity that our Republican friends talk about so much. The following summary table presents the facts concerning the percentage of increase in the number of employees and the total amount of wages paid in certain industries in the State of New York from 1896 to 1899 for 3,112 establishments.

Industries.	Number of establishments.	Percentage of increase in number of employees.	Percentage of increase in total amount of wages paid.
Stone and clay products	197	11.5	8.2
Metals, machinery, and apparatus	989	26.0	20.7
Wood	389	14.3	10.4
Leather, rubber, pearl, etc	222	19.7	16.7
Chemicals, oils, etc	123	13.1	5.2
Printing and allied trades	417	9.3	8.1
Textiles	238	13.0	8.1
Food, tobacco, and liquors	347	17.5	11.1
Building	190	7.8	2.1

The figures in the table above, it seems to me, should satisfy anyone beyond all question that the workingman is not receiving a proper share of the wealth that he produces. But let us hear further testimony. The bulletins issued by the Division of Manufactures in the Census Office furnish abundant evidence corroborative of the testimony of the bureau of labor for the State of New York. The following table, compiled from census bulletins, shows the percentage of increase in the number of wage-earners and total wages paid in the United States and in five manufacturing States during the decade from 1890 to 1900:

	Increase of wage-earners.	Increase of total wages paid.
	Per cent.	*Per cent.*
United States	25.2	23.2
Illinois	41	34
Massachusetts	11.2	10.9
New Jersey	39	32.7
New York	12.9	10.4
Pennsylvania	28.7	26.1

It is here seen that the aggregate number of wage-earners employed in all manufacturing and mechanical industries in the United States increased 25.2 per cent during the decade 1890 to 1900, while the total wages paid to these employees increased only 23.2 per cent. In the great State of Illinois the number of wage-earners increased 41 per cent, while the total wages paid increased only 34 per cent. In New Jersey, the home of the trusts, wage-earners increased 39 per cent, but the total wages paid increased only 32.7 per cent. And so, in all the great manufacturing States shown above, the amount paid in wages has not kept pace with the increased number of wage-earners.

But the figures of the Census Office make a still stronger showing to support the assertion that the workingman is not obtaining an equitable share of the fruits of his toil. The following table shows the percentage of the total value of products paid to wage-earners in the United States and in certain States in 1890 and

1900 and the percentage of decrease in the wage-earners' share of the values they created:

	Percentage of total value of products paid to wage-earners.		Percentage of decrease in wage-earners' share of product values from 1890 to 1900.
	1890.	1900.	
The United States	20.2	17.8	11.9
Illinois	15.7	15.3	2.5
Indiana	18.8	17.7	5.9
Massachusetts	23.2	22.5	3
New Jersey	23.4	18	23.8
New York	21.7	18.8	13.4
Ohio	20	18.6	7
Pennsylvania	19.8	18.1	8.6
Rhode Island	23.3	22.3	4.3

The above table shows that in 1890 the wage-earners of the United States received in wages 20.2 per cent of the value of all the manufactured products for that year, while in the year 1900 they received in wages only 17.8 per cent of the product value. Or, in other words, the wage-earner's share of the wealth that he created has been diminished year by year until now he is receiving nearly 12 per cent less than he did ten years ago. And taking up the States shown in the table above, one by one, we find that the wage-earner's share of the product values during this decade has decreased 2.5 per cent in Illinois, 5.9 per cent in Indiana, 3 per cent in Massachusetts, 23.8 per cent in New Jersey, 13.4 per cent in New York, 7 per cent in Ohio, 8.6 per cent in Pennsylvania, and 4.3 per cent in Rhode Island.

Our Republican friends tell us that the average earnings of the workingman have gradually increased from year to year until they are now higher than ever before. This bare statement is liable seriously to mislead the unthinking.

President John Mitchell, of the United Mine Workers of America, in his excellent address to the public, on June 22, not only presented all kinds of facts and reasons why the railroad coal barons can well afford to pay higher wages to miners, but he stated one fact which applies to all wage-earners, and which undoubtedly is the cause of many of the strikes now disturbing industry.

After quoting figures showing that the average wages of miners are only $1.42 a day, and that miners are employed less than two hundred days in a year, and therefore earn annually less than $300, President Mitchell says:

> Such pay may supply a living on a par with some classes of European laborers, but who will say that it is sufficient to support American citizens or educate and properly maintain their families? True it is that a 10 per cent increase in wages was granted by the coal operators as a strike concession two years ago, but it is also true that a large portion of that 10 per cent was paid back to the companies to buy the suppression of an old powder grievance. Moreover, according to reliable commercial agencies, the cost of living has increased, particularly in the purchase of food stuffs, from 30 to 40 per cent, so that the purchasing power of a miner's wages is less than before the strike of 1900.

The Pennsylvania report already referred to shows that the average daily earnings of the wage-earners employed in 830 establishments was $1.41 in 1896 and $1.52 in 1900, or an increase of 7.8 per cent. We will grant that this is true, but let us see what $1.41 would buy in 1896 as compared with what $1.52 would buy in 1900.

R. G. Dun & Co. (and I think they are everywhere considered careful and honest in their statements), are publishing in Dun's Review from month to month the cost of a year's supplies for a single individual. The following index figures taken from Dun's Review show the average prices at the different days mentioned of 350 articles of consumption, with due allowance for the relative importance of each:

	1890, Jan. 1.	1897, July 1.	1900, Jan. 1.	1902, May 1.
Breadstuffs	$13,765	$10,587	$13,254	$19,954
Meats	7,620	7,529	7,258	10,968
Dairy and garden	12,675	8,714	13,702	14,737
Other food	9,935	7,887	9,200	8,742
Clothing	14,845	13,808	17,484	15,527
Metals	16,240	11,642	18,085	15,702
Miscellaneous	15,111	12,286	16,312	16,654
Total	90,191	72,455	95,295	102,289

From these figures it will be seen that in 1896, when the Pennsylvania workingman was receiving $1.41 a day, he had to work fifty-one days to pay for a year's supplies. While in 1902, assuming that his wages were the same as in 1900, or $1.52 per day, he was required to work sixty-seven days for his year's supplies.

Referring to Dun's figures, it is seen that the cost of living was 6 per cent greater in 1900 than in 1890, 31 per cent greater in 1900 than in 1897, and 41 per cent greater in May, 1902, than in 1897. According to these and previous statistics from Dun's Review, the cost of living on May 1, 1902, was greater than ever before recorded.

The 10 per cent increase given the miners was not one-third enough to compensate them for the increased cost of living up to 1890. Since then the cost of living has increased 7½ per cent more and the miners are wondering what is wrong with their wages. When they saw that the trust increased the cost of coal in 1901 more than 31 per cent over the price of 1890, they said, "We will ask for higher wages and stop work if we don't get them."

The poorly paid silk weavers of Paterson, the street-car men of Rhode Island, and many wage earners in other industries have been driven to ask for higher wages by the same unseen force which has quietly been at work reducing wages. It should be remembered that the real wages of labor are goods and not dollars. Men do not eat or wear money; they have to exchange their money wages for goods before they can tell whether wages are high or low. As the trusts have advanced prices more than 40 per cent since 1897, the trusts have virtually reduced wages more than 30 per cent.

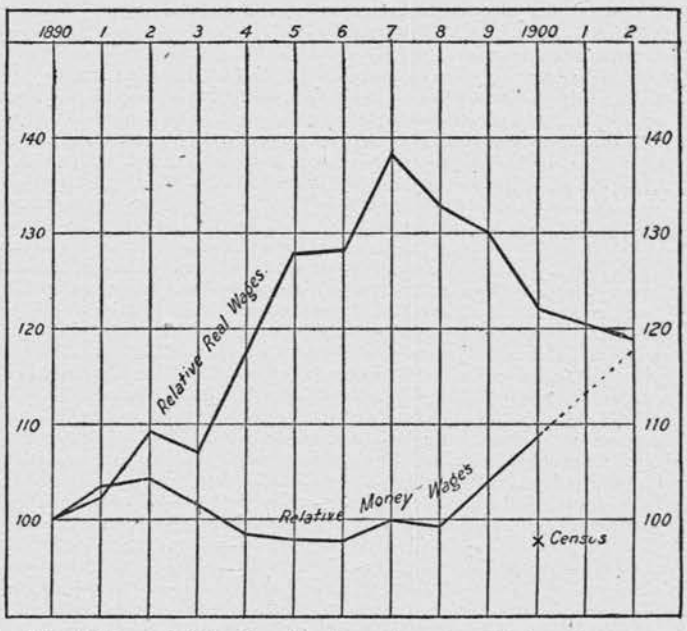
It is not of so much consequence what a man receives for his labor in dollars and cents as it is in what he receives in the necessaries of life. It matters not whether a workingman receives $1 per day or $2 per day if it requires all he earns, whether it be $1 or $2, to purchase the necessaries of life. As a simple proposition of bookkeeping, it makes no difference to him whether he receives in a year $500 for his labor and expends $500 for his living or whether he receives $1,000 for his labor and expends $1,000 for no better living than he bought with $500. The fact is that his real wages consist of what he can buy with the money he receives as wages.

It is a fact that can not be controverted that all the necessaries of life have gradually risen in price, and that this advance in the prices of necessities is greater than any advance in wages paid the workingman either in rates or in earnings.

The fact that real wages were higher in 1897 than in 1899 was shown in a chart exhibited at the Pan-American Exposition. The following diagram is practically a copy of this chart from 1890 to 1898. From 1898 to 1899 it is based upon labor department figures. From 1900 to 1902 it is based upon Dun's monthly summary of relative prices and upon the assumption that money wages rose as fast from 1900 to 1902 as from 1898 to 1900:

Diagram showing relative money and real wages.

[Drawn from charts of the Department of Labor exhibited at the Pan-American Exposition and (since 1900) from Dun's "index numbers" of prices based upon supposition that money wages rose as much from 1900 to 1902 as from 1898 to 1900.]



The table published by the Department of Labor in connection with the diagram shows that the minimum relative real wages were reached about 1865. From that date the purchasing power of a day's work at prevailing rates of wages gradually increased, with now and then slight decreases, until the maximum was reached in 1897. Or in other words a day's work at the prevailing rate of pay was worth more to the wage-earner from 1893 to 1897 than

it ever was before, and, what is most significant of all, in the face of the extravagant statements that are being made in Republican newspapers and by Republican statesmen, it was higher then than it has ever been since.

Beginning with the administration of Mr. McKinley in 1897 relative real wages were 202.3, and they have come down every year since.

But the figures of the Department of Labor show a rise of only 20 per cent in prices from 1897 to 1900, while Dun's figures, which include many more commodities, show a rise of 31 per cent from July, 1897, to January, 1900. Again, the Department of Labor figures show a decline in prices from 1890 to 1900, while Dun's show a rise of 6 per cent from 1890 to 1900. Again, the Department of Labor figures show an increase of about 4 per cent in money wages from 1890 to 1900, while the census figures, which include all manufacturing industries, instead of only a few occupations in a dozen cities, show a decline of 1½ per cent in money wages from 1890 to 1900.

If, then, a similar chart should be constructed upon the figures of the United States census and of Dun's Index Numbers it would show relative money wages 1½ per cent lower than in 1890 and relative real wages 7 per cent lower in 1900 than in 1890. It is practically certain that the advance in money wages since 1890 has not kept pace with the advance in prices, and that real wages are now even lower than in 1900.

Stated plainly, the statistics, no matter from what source gathered, indicate that while our wage-earners may receive a few more dollars now than they received in 1890 or 1897, yet when measured in what the dollars will buy—bushels, pounds, gallons, yards, etc.—the wage-earner is now but little, if any, better off than in 1890 and not nearly as well off as he was in 1897.

If, as most trust promoters and defenders proclaim, trusts cheapen production and lower prices, the cost of living should be lower now instead of higher than ever before. It is rather unfortunate for the trusts and their friends that the great rise in prices should correspond exactly with the great growth of trusts. Census Bulletin No. 122 contains information concerning 183 "industrial combinations" having a total authorized capital of $8,607,539,200, over $3,000,000,000 of which has been issued. Of these 183 trusts 63 were formed prior to 1897, 7 in 1897, 20 in 1898, 79 in 1899, and 13 in 1900 prior to June 30. More than half of all were chartered between January 1, 1899 and June 30, 1900. Nearly half of these trusts were formed during 1899, the year of the greatest advance in prices. The index number for prices, which stood at 80,423 on January 1, 1899, rose to 95,295 on January 1, 1900, and prices have still further advanced.

These facts should silence forever the claims that trusts justify their existence by the lower prices which they give us. Trusts may, and probably do, lower the cost of production; but this is a very different thing from lower prices to consumers.

It is undoubtedly true that these trusts are selling their products to foreigners at unusually low prices. They are, however, protected in our markets by tariff duties averaging, on manufactured goods, including prohibitive duties, about 75 per cent. The trusts, seeing that we have put this high-tariff wall around ourselves, and presuming that we therefore prefer dear goods, have decided to mark up prices to us to the highest possible notch. Often they charge us 50 to 100 per cent more than they charge foreigners for the same goods.

The census statistics of manufactures also show that the average value of each wage-earner's product increased from $2,284 in 1890 to $2,456 in 1900. Why, we may ask, should wages go down 1½ per cent when the value of each wage-earner's product has gone up 11 per cent, and when the cost of living has increased 6 per cent? Are these some of the "blessings" of trusts and the signs of permanent prosperity? The fact that the census figures for 1890 and 1900 were made on a slightly different basis may change these percentages somewhat, but not enough to change the general results materially.

Again, apparently, the 1900 wage-earner got in wages less than one-fifth of the value of his product. Deducting, however, the cost of materials used and salaries and miscellaneous expenses, and making allowance for interest on capital, depreciation of plant, and cost of selling the products, the difference between the wages of each earner and the value of his product is greatly reduced, though it is probably still very great. As the wage-earners constitute the great bulk of consumers, it is evident that if wages and prices get so far apart that the wage-earners can not, with their wages, buy back more than half of their product, a great surplus of goods will soon be created. This surplus must be sold at greatly reduced prices, such as rule during times of so-called "business depression." Perhaps the Napoleons of industry in charge of our protected trusts will succeed in upsetting the old and apparently natural order which shall contain only prosperity, unalloyed, unadulterated, and everlasting. We shall see.

It is worth while to note that Sauerbeck's "index" tables show that in December, 1901, prices in England were only 16 per cent higher than they were in July, 1896, and that they declined 5 per cent there in 1901, while they rose here about as much. England has few trusts; we have many. England's trusts are unprotected by tariff duties, ours revel in high protection. The table of prices tells the rest of the story.

Naturally it first occurs to dissatisfied wage-earners to strike to have their wages catch up with trust prices. But there is another and more certain way of raising wages. It involves no loss of time, no riots, no bloodshed, no payments to strikers, no hunger and starvation.

We have seen that actual wages go down when prices go up. It follows that when prices go down wages will go up. The trusts can put prices up in this country because they are protected by high tariff duties which keep out foreign competition. Take away these duties and prices here must come down to about the foreign level. To take off tariff duties will not hurt the trusts and close up mills, because they are now selling their products in foreign markets at prices often 50 per cent below those charged at home.

Instead of closing up mills and throwing labor out of employment, no tariff and lower prices will increase the sales of trust goods and, increasing the output, cause a greater demand for labor. Thus not only will the removal of duties raise actual wages by lowering prices, but it will raise money wages as well, for it is only a demand for labor that can result in permanently higher wages. High trust prices mean restricted production, less demand for labor, and, in the end, lower wages. Thus the excessively high trust prices of the last few years are surely laying the foundations for strikes and hard times. It can not be otherwise. As you sow, so shall you reap. High prices would probably have caused hard times before now but that we have had many years of good crops, while foreign countries have had poor crops. Even good crops can not much longer keep prosperity for the trusts and for certain farmers, and they are the only ones who have really enjoyed prosperity during the last three years. The Eastern farmers and mechanics and laborers are enjoying only imaginary prosperity, and many of them not even that.

Now, there is another class of people whom Republican statesmen have been attempting to persuade that they are exceedingly prosperous. That class of people that creates more of the wealth of this country than all other classes combined, that class of our people which toils from sun to sun, that class of our people that lives away from the cities and populous centers, that class of our people that is too busy to devote much time to politics and the affairs of politicians, that class of our people upon whom all other classes depend—the farmers of this country—are being told and have been told during all these years of Republican rule that they never were so prosperous in all their lives.

They are going to be told again this year upon every stump in the land that they are in better condition than they have ever been in their lives and that such good condition is all on account of the beneficent legislation of the Republican party, and that if that party is not continued in power the farmer will soon be a pauper and his farm a howling wilderness. But let us see whether the farmer is so prosperous or not. Let us make some figures and let them speak as to the truthfulness of the assertion that the farmer is receiving more for his products than he has received for years and years before.

We will compare the year 1897, the first year of a Republican Administration, with the year 1901, also under the same Republican Administration, and not a day intervening in which the Republican party was not in full control of the Government. I say let us compare these two years and see whether the tendency of prices has been in favor of the farmer or not. If they have been, and any political party is entitled to credit for it, that credit is due the Republican party. If these years have not been years of prosperity, then the Republican party is responsible if any party is responsible.

We will take a list of articles the wholesale prices of which are published by the Government and see what these articles were worth in 1897 and what the same articles were worth in 1901. We will include in our list salt, sugar, spool cotton, sole leather, bleached sheetings, dress goods, kerosene oil, axes, barbed wire, nails, shovels, and other things which the farmer needs and must have. The bill of goods above alluded to cost at wholesale in 1897 $43.04 and in 1901 $55.34. If we add to these wholesale prices 33⅓ per cent for retailers' profits (and this is an exceedingly small addition for such profits), we find that the retail price of this bill of goods in 1897 is $57.39 and that the identical articles in 1901 cost $73.79, or an increase of 28.2 per cent.

If a Western farmer purchased this bill in 1897 and sold wheat to pay for it, it required 72 bushels of wheat, and when he bought the same goods in 1901 he had to sell 102 bushels of wheat to pay the bill. The cotton farmer of the South who bought a bill of goods like this in 1897 was required to sell 802 pounds of cotton to pay the bill, while in 1901 he had to sell 855 pounds of cotton.

Had it not been that the Almighty, in His wise providence,

withheld the proper proportion of sunshine and rain during the year 1900, and thus reduced the production of cotton, the cotton farmer would have found himself in practically the same situation as regards the quantity of his product necessary to purchase the necessaries as the wheat farmer.

The following table shows the average wholesale price of the articles mentioned therein for the years 1897 and 1901, and the percentage of increase from 1897 to 1901:

Articles.	Price in 1897.	Price in 1901.	Percentage of increase.
Fine salt.....barrel..	$0.62	$0.86	38.7
Granulated sugar.....pound..	.04½	.05	11.1
Grain bags.....each..	.13	.14	7.7
Wool shawls.....do....	4.10	4.90	19.5
Brown sheetings.....yard..	.04½	.05	11.1
Bleached sheetings.....do....	.06	.07	16.7
Clay worsted (men's suitings).....do....	.76	.91	19.7
All wool dress goods.....do....	.24	.32	33.3
Bar iron.....pound..	.01 1/10	.01 8/10	63.6
Barb wire.....100 pounds..	1.80	3.03½	68.6
Wire nails.....keg..	1.48½	2.36½	66
Shovels (Ames).....each..	.66	.76	15.2
Cement.....barrel..	.75	1.02	36
Pine doors (white pine).....each..	.81	1.89	133.3
Linseed oil.....gallon..	.33	.64	93.9
Window glass.....50 sq. ft..	2.20	4.13	87.7
Ash bedroom furniture.....set..	8.75	11.25	28.6
Table knives and forks.....gross..	5.00	6.50	30
Manila rope.....pound..	.06	.11	83.3

The above figures speak more forcibly than words. It is of peculiar interest to note that the increase in price of bar iron during this period of four years was 63.6 per cent. This table is more suggestive when we consider the fact that bar iron enters into every machine and implement which the farmer is compelled to use to produce his crops, and I assume that no one will undertake to say that all of these utensils have not increased in substantially the same proportion as the iron from which they were made. The popularity of wire nails has, to a certain extent, driven cut nails out of use, and the nail trust, taking advantage of this fact, has seen fit to increase the price of wire nails during the four years under consideration 66 per cent, but the price of cut nails, the kind of nails getting out of use, have not increased at so great a rate. This table might have been extended to include

And such is the prosperity that has come to the farmer. Year by year it takes more and more of his products to buy the necessaries of life. He either has less money or he has less of the necessaries of life. But in order that the condition of the farmer may be shown in a way so simple that there can be no misunderstanding it, we will take the two staple articles of cotton and wheat and see how the relative prices of these two staples compare with the relative prices of staple articles which the farmer must purchase.

The relative price of cotton for the year 1901, as based upon the average price for the ten years from 1890 to 1899, was 111.1, and the relative price of wheat for that year was 95.7 Now let us compare these prices with the relative prices of the necessaries which the farmer bought. The relative price of salt in 1901 was 121.6; that of barb wire was 120.2; that of nails was 112.5; that of tin, from which the roof for his house and the utensils for his kitchen were made, was 132.7; that of building material was 116.7.

This is the Republican prosperity for the workingman and the farmer. The workingman is paid 8 per cent more for his labor and charged 26 per cent more for the necessaries of life. The farmer is paid less for his wheat, 6 per cent more for his cotton, and charged 28½ per cent more for what he has to buy.

The Hill Bill—It Increases Subsidiary Coinage, but Contracts the Volume of Legal-Tender Money—The Quantitative Theory of Money.

SPEECH

OF

HON. FRANCIS G. NEWLANDS,

OF NEVADA,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, February 19, 1902.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 11353) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1903, and for other purposes—

Mr. NEWLANDS said:

Mr. CHAIRMAN: After the humorous and facetious debate which has taken place upon the German incident, I presume I can hardly expect to obtain the attention of the committee on a serious question. The gentleman from Connecticut [Mr. HILL], in a debate involving the operations of the Government for the benefit of the Indians, has seen fit to present to the consideration of the House a bill recently reported by the Committee on Coinage, Weights, and Measures involving a radical change in the currency of this country. Entertaining as I do views regarding the financial question diametrically opposed to his, I feel that it is incumbent upon me to accept his challenge and to refute, so far as I can, his reasoning.

The bill which has been reported by the Committee on Coinage first provides for the additional coinage of subsidiary coin; but that is merely a pretext for a radical change in our currency, for the bill then goes on to provide also that gold shall be given by the Treasurer of the United States in exchange for silver. Thus it is a process to make nearly $600,000,000 of silver represent merely promises to pay gold, just as paper promises, paper currency issued by the Government, would represent simply a promise to pay.

Now, I approve the recommendation of the committee so far as the increase of the subsidiary coin is concerned. It is evident that there is not sufficient subsidiary coinage in the country, only $92,000,000, I believe. The gentleman from connecticut [Mr. HILL] has shown that that is far below the average of subsidiary coinage in all European countries, and he estimates that the subsidiary coinage of the country could safely be doubled at the present time, and then we would only meet the existing demands of the country for fractional coin.

THE QUANTITATIVE THEORY.

I am glad to know that so far as the fractional currency is concerned the gentleman from Connecticut believes in the quantitative theory of money, for he insists upon it that there is a demand for what? For more fractional coins; and, so far as the fractional currency is concerned, he admits that mere quality will not do, but that quantity is essential; that as the population and wealth and industries of the country increase there must be a corresponding increase in the fractional currency of the country. His logic would be complete if he would go further and admit that this principle applies also to the entire volume of money; that as population and wealth increase, as the exchange of products and of property increases, there must be a corresponding increase in the number of units of the medium of exchange, and that for the purpose of moving these values in the exchanges of the country more units of money are required, just as more horses, more wagons, more cars are required for moving the products and exchanges between individuals and communities. But, while the gentleman from Connecticut admits the quantitative theory so far as the subsidiary coinage is concerned——

Mr. HILL. Will the gentleman from Nevada allow me an interruption?

Mr. NEWLANDS. Certainly.

Mr. HILL. I absolutely deny the quantitative theory. I admit what the gentleman has stated, that we need money as we need horses, carts, and wagons, as a matter of convenience, to move property, but the number of horses, cars, and wagons required to move the property has no relation to the value of the property which is moved.

Mr. SHAFROTH. Can the gentleman from Connecticut name a single political economist that does not indorse the quantitative theory?

Mr. NEWLANDS. Except the modern economists, under the inspiration of Wall street.

A MEMBER. And the gentleman from Connecticut. [Laughter.]

Mr. NEWLANDS. The gentleman admits that more horses, wagons, and cars are required to meet the increased demand of business, to meet the exchange of products, but he denies that the number of horses, wagons, or cars has any relation to the value of the property moved. In other words, we could destroy all the horses and mules, all the wagons and carts, all the railroad locomotives and cars that exist to-day, so as to prevent absolutely the moving of the grain and corn grown on the farm, the textile and iron and steel fabrics produced at the factory, and yet, according to the statement of the gentleman, the value of all these things, as well as of the farms and factories that produce them, would not be affected by the total stagnation of transportation. According to his contention, England's merchant marine, by which her goods are moved to distant purchasers, could be destroyed without affecting the value of her products or property. Indeed, the transportation machinery of the commerce of the world could be destroyed without affecting the values of the articles of commerce, or indeed of anything else. I shall not follow further an argument which can be so easily reduced to an absurdity, but shall content myself with adding that money is the railroad car that transfers ownership and value, and that any destruction or contraction of its volume will affect values just as the destruction or contraction of the machinery of commercial transportation

would affect them. The one paralyzes exchange just as the other paralyzes transportation.

But I was saying that while in words the gentleman denies the quantitative theory of money, in effect he admits it so far as the subsidiary coinage is concerned. He denies it so far as the ultimate and entire volume of money is concerned—the legal-tender money of the country—but he admits that more fractional coin is needed; that business requires it. Quantity, therefore, is essential as to a part of the money volume. It must, therefore, be essential as to the whole. Now, this very bill which proposes an enlargement of fractional currency involves a contraction of the legal-tender money. What is the legal-tender money of this country? Gold, of which we have about $1,100,000,000; greenbacks, of which we have over $300,000,000, and silver, of which we have about $600,000,000. The other so-called, but miscalled, money of our country is bank notes aggregating $300,000,000, stated in the Treasury reports as money, but really not money, mere promises to pay money, having no legal-tender quality, and not capable of being used as a part of the revenues of banks.

We have, then, a total money volume, including the bank notes, of about $2,400,000,000; in gold, one-half of that, eleven hundred millions, and in silver, about one-quarter of that, six hundred millions; and it is proposed for this six hundred millions that the Secretary of the Treasury shall be authorized to exchange gold for silver.

BILL MEANS RETIREMENT OF SILVER OR ENDLESS CHAIN.

I have no doubt that the gentleman will say that silver will not all be redeemed, but in viewing legislation we must have the powers given by the law under consideration, and we must assume that the law will be carried into operation and that every power given in it will be exercised. This act gives the Secretary of the Treasury the power to exchange gold for silver. Now, where will he get the gold? He will get it from the country at large, of course.

He will get it in the receipts of the Treasury by the sale of bonds. This gold will not come from some secret mine. It will not come from abroad. It will come from this country; and the $600,000,000 of gold that can be used in exchange for this silver will not be an increase of the money of this country. It will simply constitute a part of the existing stock. Six hundred million dollars, then, of silver for which gold is exchanged will either lie in the Treasury or will be paid out in the course of the expenditures of the Treasury. It will be in the power of the Secretary of the Treasury or the Government to keep it all there. It will be in their power to pay it out and then redeem it over and over again in gold, thus creating the "endless chain" of which we complained regarding the greenbacks. And then, doubtless there will be a demand for the absolute retirement of silver, just as there has been in the case of greenbacks. And a bill will then be offered providing for selling our silver as old junk, dumping it upon the markets of the world.

So, gentlemen, you will have to assume that in the ultimate reach and finish of this act there will be enough gold to take the place of silver for which gold is exchanged; and not only that, but that there will also be enough additional gold to keep pace with the increased demands of the population and business of this country.

THE GOLD SUPPLY.

Now where are we to get the gold? The gentleman alludes to the fact that the gold production has tremendously increased within the last six or seven years. That is true. In one year it reached nearly $300,000,000. For a period of twenty years or so—from 1873 on—the production was about one hundred millions annually. It has of late years been greatly increased, and this has saved the country from the effects of the Republican policy of contraction, for it is this tremendously increased production of gold that has supplied the reasonable enlargement of the money volume of this country absolutely demanded by the increase of its population and wealth. Does the gentleman from Connecticut know how much of the gold production of the world in 1896 has been absorbed by this country?

Mr. HILL. I assume that we have this burden now, and I ask the gentleman if there is any difference in governmental operation whether the Government pays out a dollar in gold for a greenback, or whether it takes in a dollar in silver in lieu of gold which would otherwise be paid for customs? The gentleman is arguing upon the supposition that we have not this burden. Yet the fact is that as long as the silver dollar is full legal tender and is receivable for customs we have the burden, and there is no difference between taking in silver for customs at one door in lieu of gold and paying out gold for a greenback at the other.

Mr. NEWLANDS. Then, if there is no difference, why make any change? I deny that there is any "burden" arising out of our present system. On the contrary, I claim that the existing system, which involves the use of silver as ultimate money of redemption, is of great benefit to the country.

Mr. HILL. That is just the difference between us. I do not want silver ever to be the ultimate money of redemption for Government bonds or other Government obligations under a gold-standard system.

Mr. NEWLANDS. Now, then, I understand exactly what the gentleman wants. He is intent upon the policy of contraction, which the Republican party has pursued uniformly since 1873, and the disastrous effects of which have only been averted by the liberality of nature and the industry of man in the increase of the gold supply. [Applause.]

FINANCIAL HISTORY OF REPUBLICAN PARTY.

Let me refer the gentleman to the history of his party in this connection. At the close of the civil war we had no specie in this country. The reports of the Secretary of the Treasury show that there was only $25,000,000 of gold and silver in the country at that time, and this condition of things existed until long after the civil war. We had issued many hundred million dollars of greenbacks, which constituted the currency of the North, with her 23,000,000 people. By the surrender at Appomattox we added 13,000,000 to our population—13,000,000 of people in the South without a currency. Their paper currency fell with the Confederacy and was worthless. They had a salubrious climate and a fertile soil. Their country abounded in every natural resource, but they lacked money, and this lack paralyzed exchanges of property and products. At a time, therefore, when the currency of the North—barely sufficient for its needs—was compelled to do duty over the restored South also; when a currency previously needed for the business of 23,000,000 people was suddenly called upon to meet the business requirements of 36,000,000 people, what did the Republican party do?

It commenced to retire the greenbacks, to destroy them by fire as they came into the Treasury of the United States, and it prevented the only natural and proper increase of the specie of this country which at that time was possible by passing an act preventing the coinage of silver, the product of our mines. And recollect that this was at the period of the lowest production of gold known in the history of the last half century. The world's production of gold was then only $100,000,000 annually, hardly sufficient to meet the demands of science, to meet the demands of the arts, to meet the demands of dentistry; and yet at that time the Republican party not only prevented the coinage of silver, which stood on a par with gold at that time throughout the civilized world, not only checked the use of a metal of which the country was the greatest producer, and of whose monetary use it stood in greatest need, but it also started in to destroy the existing paper money then in existence. At a time when the population of the country was nearly doubled it sought to halve the currency of the country.

FRANCE'S WISDOM.

Compare the wisdom of France after the Franco-German war, a few years later, with the idiocy of our Government after our civil war. France had to surrender to Germany about a billion of dollars, if my recollection is right, and the universal judgment was that this meant disaster to France; that the surrender of so much value by France to Germany meant a diminution in her money volume, a paralysis of her business, and a decrease of her exchanges. What did France do at that time? She realized that it was essential to maintain her money volume by some act of legislation, and she immediately put out a large amount of paper money, and this, taking the place of the gold which was given to Germany, sustained values, and France moved along with dignity and strength and power, and at the end of five years was in a stronger position than Germany herself.

She did not retire her money as a result of war, she issued more; she welcomed the product of the gold and silver mines of the world without discrimination; she gradually backed her paper money, dollar for dollar, by specie, gold and silver, while we, having largely increased our population, and being subjected to this additional strain upon our money volume, sought to reduce it, and instead of seeking to back our paper money dollar for dollar by resorting to the mines of the world, both gold and silver we closed our silver mines, denied our people access to them for the increase of their money volume, and sought to reduce the amount of our legal-tender paper money.

TWO FINANCIAL CYCLONES.

And so we passed through a financial cyclone from 1873 to 1878, during which time the property of the energetic and industrious, the real builders of the country, was swept into the coffers of the money lenders.

If you will look at the financial history of this country for the past fifty years you will find that there have been two periods—one the period 1873–1878, the other 1893–1897—in which the great

fortunes of the country have been concentrated through this financial process of reduction in the volume of the currency and the consequent fall in the value and price of property and the consequent increase in the purchasing power of money and in the control of bonds, mortgages, and promissory notes over property. The result was that during these two periods mortgages ripened into deeds, and creditors absorbed the property of enterprising and energetic debtors, and the wealth of the country drifted from the hands of the wealth producers into the possession and control of the wealth absorbers. In these two periods we will find the fruitful source of the great trusts, combinations, and monopolies, which constitute the menacing danger of our times.

The first period closed in 1878, and a change took place. Why? Because in that year we passed the Bland Act and we gave to this country $2,000,000 a month more of money by coining silver, and then we increased this to over $4,000,000 monthly by the Sherman Act, and as the money volume was increased, prices rose, exchanges were increased, and good times were restored. Then in 1893 a change took place. As a result of the gold-standard movement, as inaugurated by Germany and reenforced by the United States, when Austria was seeking the gold standard, and when she required $150,000,000 of gold to accomplish it, the money lenders of Europe found that America was a convenient place to get the gold through the medium of the greenbacks as the endless chain, and so our gold was withdrawn from us, and a contracting money volume inaugurated a period of low prices and general liquidation. And then, instead of emulating the wisdom of France either by issuing more paper money or coining more silver, of which we produced an abundance, we repealed the Sherman Act, stopped the coinage of silver, and aggravated the contraction of our money volume.

Our Republican friends said that confidence would be restored by this act, and that things would move on, exchanges would be promoted, and prosperity would follow. But for the period of three years or more this country passed through the valley of death and despair. How did the relief come? Through the policy which the gentleman favors—the policy of contraction? No; it came only through an expansion of the volume of money of this country, and that was accomplished in two ways. One was by the sale of our wheat product abroad in a period of famine throughout the world in the year 1897, which gave us immediately in one year one hundred and eighty millions more of money, and the other was by an increase in the production of gold throughout the world, of which the United States absorbed the most. Since 1893, out of the total coinage in the world of nearly eleven hundred millions of gold America has had nearly six hundred millions, and that shows the demand, the hunger for money in this country, for you all know the distribution theory of money; that so far as money is concerned it is the property of the world, and that each country has its share of the existing stock according to its necessity, and the very fact that the money came here proves that we needed it, and we have the result of it in the increased prosperity throughout the entire country. Six hundred millions out of eleven hundred millions! Think of that; this country having only 80,000,000 people, only one-twentieth of the population of the world, has during the last six years absorbed one-half of the world's coinage of gold, and it is this increased volume of money, the result of nature's bounty, not Republican policy, that has caused our present prosperity. Now, do you think the world is going to let you go on absorbing all this gold? Why, other countries will claim their distributive share. The gentleman himself is an advocate of a policy which will put the whole world on a gold standard, and if to-day we have eight and a half billions of both gold and silver in the world—four billions and a half say of gold and four billions of silver—and the rest currency, I ask the gentleman whether it is safe to blot out that four billion dollars of silver—pretty nearly one-half of the world's specie stock—and whether it can be done without creating an additional demand for gold? And then, as these other countries surrender to the gold standard, under the inspiration of the gentleman from Connecticut and his friends, will you not have an increased demand for gold from those countries, just as the increased demand came from Austria in 1893, a demand which put this country upon the shoals of bankruptcy. And if it is not wise to destroy all the silver money of the world, is it wise to start the work by retiring the silver money of the United States?

Now, the gentleman does not propose to let well enough alone. He and his friends have established the gold standard; they have provided that greenbacks shall be redeemed in gold; they have stopped the coinage of silver. He does not propose to let well enough alone; he proposes to enter upon these rapids which involve danger and disaster to the financial ship of this country——

Mr. HILL. Will the gentleman allow me to ask him a question?

Mr. NEWLANDS. Just a moment, please, until I get through with this. The Chair indicates that my time will expire in a minute, and I shall not have the opportunity of saying all that I would wish. I can only add that expansion of the money volume—and by expansion I do not mean inflation—has always brought this country prosperity, and contraction has always brought distress; and I appeal to the gentleman and his party not to disregard the lessons of our financial history. I appeal to them not to check the results of the present beneficence of nature in the increase of the gold supply by harsh legislation tending to contract our existing money volume, or to make any part of it inefficient in the exchanges of our business and commerce.

American Occupancy of the Philippine Islands.

SPEECH

OF

HON. WILLIAM A. JONES,

OF VIRGINIA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, June 19, 1902.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes—

Mr. JONES of Virginia said:

Mr. CHAIRMAN: More than three years have now elapsed since the 4th day of February, 1899, the day upon which was fired that fateful shot which provoked the first collision between the American forces in the Philippine Islands and the insurgent troops under the command of Aguinaldo. From that memorable date, therefore, must we reckon the beginning of a war which the United States since then has been pitilessly waging for the purpose of establishing its sovereignty over the Philippine Archipelago.

It must not be forgotten, too, that at that time the treaty of peace between the United States and the Kingdom of Spain had not gone into effect. Indeed this outbreak occurred two days before the treaty was ratified by the United States Senate, and more than two months before the exchange of ratifications by the two Governments. It can not be contended, therefore, that on the 4th day of February, 1899, when hostilities were begun, the United States had any title to the Philippine Islands or any right to establish sovereignty over them.

At one time there may have been those who entertained honest doubt as to who provoked these hostilities. The distinguished chairman of the Committee on Insular Affairs [Mr. COOPER of Wisconsin], who has just addressed the House, has undertaken to reopen that question by reading a statement made before the Insular Affairs Committee by one Felipe Buencamino, a Filipino who was recently brought to this country, to the effect that the question of which side fired the first shot was still a doubtful one in the Philippine Islands. The gentleman took care to read only a part of the testimony of this witness, wholly omitting that portion in which he admitted that he himself believed that an American soldier had fired the shot. So that if the testimony of this renegade Filipino is worth anything, it discredits rather than sustains the contention of the gentleman.

But, Mr. Chairman, entirely aside from anything and everything this sorry witness may have testified to, I had supposed that it was generally if not universally, accepted in the United States, as well as in the Philippines, that the first shot, fired on February 4, 1899, was fired by a Nebraskan soldier, and that the chairman of the Committee on Insular Affairs knew that such had been established as a historical fact. General Otis himself admitted when testifying before the Philippine Committee of the Senate that an American soldier fired the shot which brought on the war in which from that day to this we have been engaged.

I regret that a gentleman for whom I have so much regard as I have for the chairman of the Insular Affairs Committee could have obtained his own consent to undertake to reopen this question, and to do so on the testimony of a witness who was forced to admit that he had no faith in the information upon which he had based that testimony, and that he himself entertained exactly the opposite opinion. So thoroughly, too, was he discredited during his examination before the Committee on Insular Affairs that I am satisfied there is not a member of that committee who has ever attached the slightest importance to any statement made by him. But who is this man Buencamino? Permit me to mention one or two instances in his somewhat remarkable and wavering career. During the insurrection of 1896, an insurrection which cost the patriot Rizal his life, Senor

Buencamino took sides with the murderers of Rizal and wore a Spanish uniform.

When, after the destruction of the Spanish fleet in Manila Bay, Aguinaldo landed at Cavite from an American ship and assembled around him an army of Filipinos, this man Buencamino, then a colonel in the service of Spain, went to his headquarters and besought him to desert the Americans, who had brought him back to his native land, and who had put arms and ammunition in the hands of his soldiers in order that they might cooperate with Dewey against the Spaniards. Besought Aguinaldo, whom he now denounces as a rebel, to basely desert Dewey and the Americans, and to espouse the cause of Spain, whose galling yoke the Filipino people had been unsuccessfully struggling for generations to cast off. Aguinaldo refused to listen to so base a proposition, and, when later on the traitor fell into his hands as a prisoner of war, he promptly swore eternal allegiance to the triumphant Filipino general, and so zealous a patriot did he become that he was given a place in Aguinaldo's cabinet and soon became one of the leading spirits of the Malolos government. When captured by the American forces, being convinced that the American arms would triumph, he quickly foreswore his country's cause, and we now find him holding the important office of civil service commissioner, with the attachment thereto of a fat salary of $3,500 in gold. And this is the only one of the thousands of educated Filipinos whom, it would seem, the Administration could induce to come to Washington to testify as to the beneficence of the policy which it is pursuing in the Philippine Archipelago. This man has not only transferred his political allegiance, but he has also changed his religion.

Mr. Chairman, I feel that I should apologize to the House for taking up so much of its valuable time in discussing the tergiversations of this individual, and I certainly should not have done so but for the fact that his testimony is the only scrap of evidence upon which my friend from Wisconsin relies to change the truth of history.

Mr. WILLIAMS of Illinois. Will my colleague forgive me for the suggestion which I want to make in connection with the statement of the chairman of the Insular Affairs Committee as to the preparation for hostilities? My colleague will remember that Buencamino stated that they were not preparing to begin hostilities, but were preparing to defend their liberties and independence, if subsequent events should show that the United States had in view an attack upon them; that they were not preparing for aggression at all.

Mr. JONES of Virginia. That is true, Mr. Chairman. I had intended to advert to that part of his testimony. It is unquestionably true that he sought by his testimony to create the impression that long before the breaking out of actual hostilities Aguinaldo had planned to attack Manila and massacre all the Americans in that city, but before he was through with the cross-examination to which he was subjected he retracted it all. He admitted in fact that Aguinaldo had no connection with any such plot. It was General Luna, he said, the bloodthirsty Luna, who planned this diabolical plot. But enough of Buencamino.

Mr. Chairman, I wish now to direct the attention of the House to some of the principal and, to my mind, most objectionable features of this bill for the so-called civil government of the Philippine Islands. I shall leave to others the discussion of the abstract question of our right to govern them at all. Should this bill unfortunately be enacted into law, the last estate of the poor Filipino under American rule will be infinitely worse than the first.

For nearly two years after American occupancy such authority as the United States Government had in the Philippine Islands was exercised through the commander in chief of our forces there as a military governor. That government was a pure and simple despotism. From September, 1900, down to the 4th of July, 1901, the commander in chief of our forces exercised executive power in the islands, whilst all legislative authority was vested by the President in a civil commission composed of five members, with Judge Taft as its president.

Subsequent to the 4th of July, 1901, and up to the present time the Taft Commission has continued to exercise the legislative functions with which it was clothed by the President of the United States, but the executive authority, prior to July 1, 1901, exclusively exercised by the military commander, is now divided between a civil and a military governor, between Governor Taft and the commander of our military forces.

So that to-day we have in the Philippines a military despotism and a civil autocracy, a hybrid and a dual government, the like of which can not be found in any civilized or uncivilized country beneath the skies, and for which the governmental history of the world affords no prototype. The Philippine Commission up to the 1st of last July was composed of five Americans. Its membership was then increased to eight by the addition of three Filipinos. It enacts all laws regulating the foreign and domestic commerce of the islands and creates courts of justice and prescribes their jurisdiction. In short, it exercises all the functions which usually inhere to a legislative assembly. It has, acting under Presidential authority, created four executive departments of government, just enough to provide a cabinet portfolio for each of the American commissioners, President Taft having already been made civil governor. The commissioners enjoy each a salary of $5,000. In addition to these salaries they have, in their legislative capacity, voted themselves salaries as follows:

Civil governor, Taft	$15,000
Secretary of finance and justice, Wright	10,000
Secretary of the interior, Worcester	10,000
Secretary of commerce and police, Ide	10,000
Secretary of public institutions, Moses	10,000

Mr. Chairman, I call attention to these things not so much for the purpose of criticising the action of the Philippine Commission in appointing its members to these positions, and fixing their salaries, as I do in order that the members of this House and the country may know something of the character of the government which has been established in the Philippine Islands under the sanction of a Presidential authority and power.

I submit, Mr. Chairman, that I am justified in saying that the prototype of this government is not to be found on the face of the globe. The colonial history of neither England, Spain, nor Holland furnishes an example.

Now, what sort of a government do our friends, the Republicans, propose to give the Filipinos? They propose to continue Governor Taft as civil governor. They propose to continue the Taft Commission; and they propose that it shall constitute one branch of a legislative assembly, the other of which shall be an elective or popular chamber. In the meantime, the Philippine Commission is to be empowered to appoint two commissioners, at a compensation of $7,000 each, to be paid out of the United States Treasury, to represent the Philippines here at Washington. When the legislative assembly shall have been organized, these commissioners are to be elected by that body.

The first section of this bill provides that the action of the President of the United States in creating the Philippine Commission, and in clothing it with the immense and autocratic powers which it exercises, is to be "approved, ratified, and confirmed." Will not some member, some Republican member, of the committee which reported this bill inform me, and inform the House, why it was supposed to be necessary to insert in it such a provision as this? If not necessary, then why is it here? Why are we asked to ratify and confirm the action of the President of the United States in appointing the Philippine Commission? If the President possesses the constitutional and legal authority to create this Commission, why is it that Congress is now asked to "ratify and confirm" his action?

But, Mr. Chairman, we are not only asked to "ratify and confirm" all that the President has done; we are asked to go further, to place upon that action the seal of our approval. To do this is not only to approve the action of the President, but also to approve all that has been done in the Philippine Islands in pursuance thereof.

Mr. Chairman, if our Republican friends could offer any good reason why Congress should ratify what the President has done in the Philippine Islands, I fail to understand how any self-respecting member of this House can support a measure which requires him to say that he gives his assent and approval to everything done through the Philippine Commission by and under Presidential authority in the Philippine Archipelago. The proposition is a monstrous one. Speaking from a personal knowledge, I can say that I know Republicans, a number of them, on this floor who have never approved of all that the President and the Taft Commission have done in the Philippines. Are they expected to violate their consciences and stultify themselves by voting for this bill?

Mr. CRUMPACKER. I desire to ask the gentleman from Virginia [Mr. JONES] whether in his opinion the order of the President appointing the Taft Commission, and the acts of that Commission, are valid under the Constitution and laws of the United States?

Mr. JONES of Virginia. My opinion is that the President acted without legal authority, that no warrant is to be found in the Federal Constitution for the appointment by the President of a civil commission vested with full legislative authority.

Mr. CRUMPACKER. Let me suggest to the gentleman that that is why we have to have them approved and confirmed by this bill, to satisfy such opinions as the gentleman from Virginia may entertain. We think they are valid.

Mr. JONES of Virginia. Well, my friend has gone a long way to satisfy my scruples. There are many other sections of this bill which he knows are equally obnoxious to me, and yet he has done nothing to satisfy me in regard to them. Will he kindly state to the House why this section was framed to remove objections of

mine, when the bill is filled with provisions which he knows can never meet my approval? [Applause and laughter on the Democratic side.]

Mr. CRUMPACKER. I give it up.

Mr. JONES of Virginia. Now, the gentleman is a distinguished and able lawyer, and I have great respect for his opinion on constitutional questions. He says he has no doubt as to the constitutionality of the acts of the President in creating this Commission. I would like him to point out to me a single line in the Constitution of the United States which authorizes the President to create a civil commission anywhere and clothe that Commission with legislative powers. The President, as Commander in Chief of the Army and Navy of the United States, is clothed with military power, and in the exercise of that power he appointed the commander in chief of our forces in the Philippine Islands military governor. So far I concede that his action was constitutional, but when he undertook to appoint a civil commission and to confer upon that Commission legislative powers, to be exercised over the lives, liberties, and property of 10,000,000 of people, he admits, when he asks Congress to ratify his acts, that he was without constitutional authority, and I do not believe that the gentleman from Indiana can show that he possessed any.

The Constitution of the United States vests all legislative power in the Congress of the United States. That grant of power is absolutely exclusive. No other branch of Government, save the Congress of the United States, can exercise legislative authority and power. But even could it be shown that the President possesses any such authority, what right would he have to delegate it to the Taft Commission? I am aware, of course, that since the Commission was appointed and vested by the President with this legislative power Congress has enacted the so-called Spooner resolution; but Governor Taft expressly disclaims having exercised any authority derived from this Congressional enactment.

Mr. WILLIAMS of Illinois. If it will not interrupt the gentleman, I would like to ask the gentleman from Indiana [Mr. CRUMPACKER] if he bases his statement that the acts of the Commission are valid upon the validity of the Spooner resolution or upon the war power?

Mr. CRUMPACKER. Upon both. Either one is sufficient justification. I think that the gentleman from Virginia has sufficiently demonstrated that there is a difference of opinion respecting the validity of the acts of this Commission, and that if Congress proposes to stand by the Commission it ought to pass just exactly this provision, so as to put that question at rest.

Mr. JONES of Virginia. Mr. Chairman, I desire to repeat that Governor Taft expressly stated when here that the Commission of which he is the president had taken no action for which he believed it derived its authority from the Spooner resolution. He distinctly and most emphatically stated that the authority which the Commission had exercised was, in his opinion, derived from the military power conferred by the Constitution upon the President of the United States. But, Mr. Chairman, there is another well-understood and well-recognized principle of our Government which has been most flagrantly violated in the creation of this Commission, an offense we are now asked to condone—yes, even to justify and approve. It is very true that this principle is not embodied in the Constitution in express words; it was not necessary that it should be. That the legislative, judicial, and executive branches of this Government are separate and distinct, and are to be so kept, is axiomatic. In the Taft Commission all of these powers are blended, mixed, and consolidated—a violation of the spirit of the Constitution. If therefore, Mr. Chairman, this section is to be written in the Philippine legislation of this Congress, it must be done by the Republican majority. No Democrat can or will support such a proposition as this.

But we are told that the Democratic party must be held equally responsible with the Republican party for whatever has been done in the Philippines, because, forsooth, a handful of Democratic Senators voted with the Republican majority to ratify the Spanish treaty. How unmanly is this! To seek to saddle upon the Democratic party some portion of the responsibility and odium which attaches to the Republican Administration because a few Democrats were induced by the insincere declarations of Republican Senators to vote for ratification is both cowardly and hypocritical. Were not these Democrats assured by leading Republicans that ratification did not mean permanent retention of the islands and a colonial policy?

Mr. DINSMORE. I want to suggest that at least one of these Democrats has been voting with the Republicans pretty much ever since.

Mr. JONES of Virginia. Mr. Chairman, these are some of my objections to the first section of this bill. It goes even further than I have pointed out. It provides not only that we shall approve all that the President and the Taft Commission have done in the past, but all that they may hereafter do. This is even too much to require of a Republican, it seems to me.

Mr. Chairman, the colonial government provided for in this bill is not to go into effect at once. A census is first to be taken. How long will be required to enumerate the inhabitants of fifteen hundred or two thousand islands, many of which to this hour have never been trod by the foot of a living white man, I leave to each member of the House to decide for himself. Thus far no man seems to be able to guess within 500 the number of the islands. After the census has been taken, and there is a state of general and complete peace throughout the civilized islands, which, by the way, are the only islands where there has been any resistance to American occupancy, the President is required to issue his proclamation, and then an election is to be held to choose members of the popular branch of the legislative assembly. In the meantime the Taft Commission is to continue to govern the islands, and we are asked to approve, ratify, and confirm in advance anything and everything it may do—just or unjust, legal or illegal.

Mr. Chairman, I shall not follow the example set me by the gentleman who opened the debate in support of this bill. He discussed almost everything in the heaven above, the earth beneath, or the water under the earth, except the provisions of the bill. His tributes to Lincoln, Grant, McKinley and the martyr-patriot Rizal were indeed beautiful, and his strictures upon the declarations of Democratic platforms, resurrected after the lapse of a third of a century, were most entertaining. I am only surprised that he had nothing handsome to say of his star witness, Buencamino. Perhaps the knowledge that the record which he had in his hand disclosed the fact that Buencamino had deserted the Spanish, doubly betrayed his countrymen, and then sold himself for a lucrative office under the American Government, restrained him. [Loud applause on the Democratic side.] I shall endeavor to confine my remarks to the subject before the House.

Mr. SNODGRASS. Will my friend allow me to suggest that to approve all the acts of the Philippine Commission would amount to an act of general amnesty, and that we could not then call to account hereafter any civil authority in the Philippine Islands who might be guilty of wrongdoing?

Mr. JONES of Virginia. That may be the effect of this proposed legislation. There may some day be those in the Philippine Islands who will stand as much in need of amnesty as did Rathbone and Neely for their sins against God and Cuba. But I want to say in this connection, lest I may forget it later, that I entertain a very high regard for the civil governor of the Philippine Islands. I have not the pleasure of an acquaintance with the other members of that Commission, but I do not believe that President McKinley could have selected an abler or more conscientious man than Governor Taft to exercise the despotic powers conferred upon him and those associated with him. But I would not be willing to intrust to George Washington himself, were he alive, such vast and arbitrary powers as have been lodged in the Commission of which Governor Taft is the head.

There are many other sections of this bill to which I most strenuously object. One of them is that which confers upon the Philippine government the broadest and most sweeping authority to grant franchises. Authority to exercise the right of eminent domain and to grant every conceivable character of franchises is conferred by this bill. It might be regarded as not unreasonable to permit the incorporation of companies to build railroads, but permission to grant such corporations large tracts of valuable public lands in aid of their construction should surely be withheld.

Mr. Chairman, I also enter my solemn protest against the provisions of this bill which authorize the sale of the public agricultural lands in the Philippines. They permit corporations engaged in agriculture to purchase these lands in tracts not exceeding 5,000 acres. The Porto Rican organic law provides that such corporations shall hold not to exceed 500 acres of land. When that act was before Congress, the chairman of the Committee on Insular Affairs stood with me against permitting land-grabbing corporations to buy up in large bodies land which we both then thought should be reserved for homesteads for the people of Porto Rico. The Senate bill contains no provision which permits the sale of these public lands, and therefore, in my judgment, is infinitely to be preferred to this bill. Of all the bad provisions of the House bill those relating to the sale and distribution of the public lands are the most inexcusable. These lands are the birthright of the Filipinos, their right to own and enjoy them is God-given, and to authorize the Commission, or any other government which you may impose upon them at the point of the bayonet, to dispose of them to foreign corporations is, call it by any name you choose, spoliation and robbery.

Mr. Chairman, the provisions which relate to the forest lands are very skillfully drawn and very cunningly devised. Although the bill contains no provision which permits the sale of forest lands as such, those lands can nevertheless be sold; for if, in the opinion of the Commission, the forest lands are more valuable

for agricultural purposes than they are as timber lands, it has only to so declare and they can be sold.

Another most important provision of this bill is the power which it confers upon the Commission to purchase the lands owned by the friars. There are three different orders of friars in the Philippines—the Dominicans, the Augustinians, and the Recoletos—which together own some 420,000 acres of the most valuable farming and other lands in the Philippines. The Commission is empowered to issue and sell bonds, 5 per cent gold bonds, by which to raise the money to acquire these lands.

Governor Taft is to-day in Rome seeking to negotiate with the authorities of the Roman Catholic Church for the purchase of these lands. I see by to-day's papers that the deal has been consummated. So that the bonds are not only to bear an unusually high rate of interest, but they are to be exempt from all taxation in the Philippine Islands, as well as from all taxation in the United States, and in any State of the United States.

Mr. HILL. Has not that provision been changed? I know it was in the original bill, but I have not been able to find it in the new bill.

Mr. JONES of Virginia. I think not. I think I can refer the gentleman to the paragraph. Other similar bonds are authorized for the improvement of Manila and other municipalities throughout the archipelago.

Mr. GAINES of Tennessee. Has it not been disclosed in the hearings before your committee that the friars have sold their lands to the corporations?

Mr. JONES of Virginia. That was testified to, and it is a fact that in order to facilitate this deal the friars have put all their lands in the hands of some syndicate or corporation. What I particularly desire that the House shall know is this: These friar lands are the finest in the Philippine Islands. Most of them lie near or adjacent to the city of Manila. The Commission has authority to issue bonds and buy them, and after their purchase they are to be held and to be treated as other public lands. In other words, every acre of these friar lands, when acquired by the Commission, can be disposed of as it is provided that other public lands can be sold, and every acre can then, and probably will be, purchased by foreign corporations in blocks of 5,000 acres, save that, in limited quantities, those now occupied and which the tenant, out of his poverty, may find the means with which to purchase. You do not need to be told how wretched and deplorable is the condition of the poor Filipino farmers to-day. Their fields have been devastated, their property of every description destroyed, and in very many instances their homes reduced to ashes. Tell me what chance will they have to acquire homesteads when what for years have been their homes are put upon the market.

Mr. Chairman, when the House adjourned yesterday afternoon, I was discussing that section of the Philippine bill which relates to the purchase of the lands which are held by certain religious orders known as the friars. I stated in that connection that the bill provided that the Philippine Commission should have the power to sell bonds for the purpose of raising funds with which to purchase these friars' lands, and that such bonds would be exempt from all taxation. I find upon examining the bill that the provision as to the exemption of the bonds from taxation has been slightly modified since I last examined it. It is now as follows:

> Said bonds shall be exempt from the payment of all taxes or duties of the government of said islands or of any local authority therein or the Government of the United States.

That is a modification of the provision of the bill as it was first drawn, and I desire, in order that my statement shall be entirely accurate, to make this correction.

Mr. Chairman, I spoke on yesterday of the condition to which the Filipinos have been reduced. All authorities agree that many of them are bordering upon starvation. Dr. Tavero, one of the three native members of the Taft Commission, says in a recent article in the North American Review:

> As a result of the war agriculture has been wiped out and the public wealth has been diminished to such an extent that movable and immovable property has been reduced to ashes.

Now, Mr. Chairman, it is gravely proposed to sell every acre of the public agricultural lands in the Philippine Islands, including those to be acquired from the friars, when it must be apparent to every man who knows anything about the pitiable conditions which exist in the Philippine Islands that practically all of them will go into the hands of foreign corporations. To state this proposition should be sufficient to damn it in the estimation of fair-minded people. We are told that the ownership of these lands by the friars has been the source of unending trouble in the Philippines, and that it is of the highest importance that the Government should own them. Does anybody imagine that the people of the Philippine Islands will become more reconciled when they see these lands which have hitherto been the cause of so much disturbance transferred from the friars to foreign corporate land grabbers?

I shall not stop to discuss the coinage systems of the House and Senate bills. The House bill provides for the introduction into the Philippines of the gold standard. The Senate bill authorizes the continuance there of the silver standard. The Philippines have long been used to a silver currency, and to put them suddenly upon a gold standard will inevitably result in financial disturbances and business disasters. Such has been the experience of India, and such will be the experience of the Philippines if this experiment is tried. I do not believe that it will be. I predict that the Senate will force the House to recede from this proposition. But before leaving this subject let me advert briefly to another provision relating to the coinage, which, by some sort of unexplained coincidence, appears in both the House and Senate bills. I would like to ask the gentleman from Wisconsin in charge of this measure why it is that the silver pesos are to have inscribed upon them a device symbolizing the sovereignty of the United States? May I ask him if he thinks to thus inscribe the coinage of the Philippines comports very well with his declaration made on yesterday that it was the purpose of the Republican party to "establish an invincible young republic" in those far-away islands—a republic whose inhabitants would be endowed with the "inalienable rights of man?" For one I attach no importance to such high-sounding phrases. The gentleman's declarations can not be made to square with his acts. How does he reconcile the two?

Mr. Chairman, I will consume no more of the time of the House in discussing the many features of this bill, important though they be. In my opinion, it is far better that the Filipinos should continue for a season to suffer the ills they now bear than to have fastened upon them indefinitely such a measure of civil government as that we are now considering. The present government, whether it be legal or illegal, civil or military in character, or a mixture of both, has never exercised, nor claimed the right to exercise, authority to dispose of all the valuable franchise rights, to strip the forests of their valuable timbers, and to sell the millions of acres of rich public agricultural lands in the Philippines. That much at least the present hybrid government can not do.

I have said nothing about the mining features of the bill. They cover a good many pages. Whether the rights of the Philippine people are properly guarded or not I can not say, for this subject is largely technical in its character, and I freely confess that I am not an expert in matters which relate to mining and mining laws. I am very skeptical, too, as to the existence in paying quantities of valuable mineral deposits in the Philippines. If they are there, the Spaniards never discovered them.

Mr. Chairman, the inhabitants of the Philippine Islands have been described as savages and barbarians, a people utterly incapable of self-government. Nothing could possibly be further from the truth. There are, it has been variously estimated, from eight to ten millions of people in these islands. Governor Taft places the number at 9,000,000 and classifies them as follows: 6,500,000 Christians, 1,500,000 Moros or Mohammedans, and 1,000,000 non-Christians, known as hill tribes. The Christian or civilized Filipinos inhabit Luzon and the Visayan group of islands. The Moros dwell principally in the Sulu Archipelago and the southern part of Mindanao. The hill tribes are scattered over the mountainous districts of quite a number of islands.

In what I shall say as to the capacity of the Filipino for self-government I must be understood as referring to the Christian and civilized tribes who are, generally speaking, Tagals and Visayans. Those who would disparage the Filipino, and deny to him the capacity for self-government, on the other hand, point to the non-Christian and slave-holding Moros, the mentally and physically weak Negritos, and the savage Igorrotes of Bontoc. Of the Moros it may be said that Spain never succeeded in bringing them under her subjection, and the United States so far has not attempted to interfere with their religion, their institutions of slavery and polygamy, or their freedom. The Negritos do not exceed in number 25,000 and are a fast vanishing race, while the Igorrotes may be likened to the American Indians.

Mr. Chairman, the Filipinos, the Christianized Filipinos, are not only, in my opinion, capable of governing themselves, but they are capable of a very high degree of intellectual development. As a people they have ever exhibited an eagerness to acquire learning. It may not be known to some members of this House that thirty-five years before the first institution of higher education was established in America the Jesuits erected at Manila the University of St. Joseph, and that eighteen years later the Dominican order established the University of St. Thomas in the same city, seventeen years before the founding of any college in America. The erection of these institutions of higher learning was soon followed by the establishment of local schools throughout the archipelago, until, to borrow the language of a well-informed writer upon this subject, a perfect network of parochial schools was spread over the islands.

So liberally was the University of St. Joseph's patronized—

hundreds of students flocking to it from all parts of the archipelago—that it soon became necessary to enlarge its capacity, and so numerous and generous became its endowments that in a short time it was enabled to dispense with all fees and charges. In 1896 there was at Manila a university with 1,681 matriculates and as many as nine other colleges scattered throughout the islands. Beside these there was a college of agriculture, a nautical school, a superior school of painting, sculpture, and engraving, and a military academy, not to speak of 67 high-grade latin schools located in various cities and towns. Most writers place the number of those who can read and write at 70 per cent of the whole adult population, and at least one historian fixes the number as high as 90 per cent. How many States of our Union can exhibit a record equal to this?

What, Mr. Chairman, is the testimony of distinguished Americans, those who have by reason of a residence in the Philippine Islands and long intercourse with their people, had exceptional opportunities for forming opinions as to their capacity and acquirements. As long ago as June 27, 1898, Admiral Dewey telegraphed the Secretary of the Navy:

In my opinion, these people are far superior in their intelligence and more capable of self-government than the natives of Cuba, and I am familiar with both races.

In the July following General Anderson wrote:

We have heretofore underrated the natives. They are not ignorant, savage tribes, but have a civilization of their own.

In the latter part of the year 1898 two observant and very intelligent young naval officers attached to Dewey's fleet—Paymaster W. B. Wilcox and R. L. Sargent—made a tour of inspection through the island of Luzon, covering in their travels a distance of more than 600 miles. The most interesting report submitted by them contains much valuable information bearing upon the life, customs, manners, and intellectual acquirements of the inhabitants with whom they came into contact. I will read a few extracts from this report:

Of Bayombong, the chief town of Nueva Viscaya province;

"We were invited to the home of Señor Arista, a gentleman in every sense, well educated, a lawyer, and principal member of the junta. He was one of the finest type of the Filipino man. His house was well furnished, he had a good library of rare books, a drawing-room decorated with artistic taste, a dining-room supplied with choice linen and the best of china, and a garden filled with beautiful flowers—even a Jersey cow."

Of Ilagan, the capital of Isabella province, noted for its fine tobacco:

"Our arrival was welcomed by manifestations of the warmest hospitality. We were taken to the house of the acting presidente, a man of wealth. The principal officials made calls and were followed by many of their wives, finely dressed in gowns of silk and pina that would have excited the envy of the women of our country. A lady played on the piano, and the Filipino national hymn was sung by a small boy and the whole company joined in the chorus.

"Several fiestas were held in our honor. The first was a baile (evening dance), at which the social set were present and the local band produced its choicest selections. The hall was decorated. A good dinner preceded the dance. The hall was filled with attractively dressed women in silks and pina. The men were attired in low-cut black coats, white linen shirts, collars, and ties, some wearing patent-leather shoes.

"I felt a regret at not having my dress suit with me to be more in keeping with my surroundings. My partner, the daughter of our host, waltzed exquisitely. Her costume was pina silk, with long train embroidered in flowers, a waist of delicate pink, white kid slippers and gloves. She wore large and beautiful diamonds. Other women challenged my admiration when I considered that this locality was deep in the interior of a country where taste and culture was supposed to be unknown.

"At midnight supper was spread. Some fifty young ladies were seated at the table, whose furnishings were in good form in every respect.

One evening a play at the theater was arranged. The actors were amateurs. It was put on the stage in proper costumes and commendably acted, with music interspersed.

A steam launch was sent to take us down the Rio Grande de Cagayan to Aparri.

APARRI.

Aparri, with a population of 20,000, has many handsome houses. News had been received from Hongkong papers that the Senators of the United States favored the independence of the islands, with an American protectorate. Colonel Tirano considered this information sufficiently reliable to justify him in regarding Philippine independence assured and warfare in the island at an end.

He proceeded to relinquish the military command he held over the provinces and to place this power in the hands of a civil officer elected by the people. On the day following our arrival the ceremony occurred which solemnizes the transfer of authority in the province of Cagayan.

The presidentes locales of all the towns in the province were present at the ceremony. The elected officer, called Jefe Provincial, thanked the disciplined military forces and their colonel for the service rendered the province, and assured them that the work they had begun would be perpetuated by the people, when every man, woman, and child stood ready to take up arms and defend their newly won liberty and resist with the last drop of blood the attempt of any nation whatever to bring them back to their former state of dependence.

He was followed by the three officers who constituted the provincial government, the heads of the three departments of justice, police, and internal revenue. Every town in this province has the same organization.

VIGAN, PROVINCE OF ILOCOS SUR.

The general appearance is that of a prosperous town, with important commercial transactions. We were quartered at the Palacio with 18 military officers, all very young, as is usual in the Filipino army. They were inquisitive, but pleasant enough, and willing to render any assistance. The natives are most temperate, although a sort of liquor—cana dulce—is manufactured there in large quantities and shipped mostly to Manila.

SANTA MARIA, SAME PROVINCE.

I noticed at this place, as in others, how well dressed the people were. One never sees a man, however humble, in tattered, torn, or shabby clothes.

CANDON.

Candon is a handsome town, symmetrically laid out, and, after Vigan, was the finest we had visited.

I shall now read a passage from the report of the first Philippine Commission, of which Dr. J. G. Schurman, the distinguished president of Cornell University, was the head, and also of which Dr. Worcester, now a member of the Taft Commission, was a member:

The educated Filipinos, though constituting a minority, are far more numerous than is generally supposed, and are scattered all over the archipelago; and the Commission desires to bear the strongest testimony to the high range of their intelligence, and not only to their intellectual training, but also to their social refinement, as well as to the grace and charm of their personal character. These educated Filipinos, in a word, are the equals of the men one meets in similar vocations—law, medicine, business, etc.—in Europe or America. It is scarcely an exaggeration to say that these picked Filipinos will be of infinite value to the United States in the work of establishing and maintaining civil government throughout the archipelago. As leaders of the people they must be the chief agents in securing their people's loyal obedience to the new government, to which, therefore, the dictates of policy, as well as plain common sense and justice, require us to secure their own cordial attachment.

I now read from an article published in Gunton's Magazine, in the April number of this year, from the pen of Dr. Schurman. It clearly indicates that the opinion which the writer formed as to the Filipinos when among them has undergone no change:

But whatever be done with them (the Mahommedans) the civilized and Christianized democracy of Luzon and the Visayans desire independence. They are fairly entitled to it, and united as they now are, I think they might very soon be intrusted with it. In their educated men, as thorough gentlemen as one meets in Europe or America, this democracy of 6,500,000 Christians has its foreordained leaders.

But perhaps my Republican friends may attach more importance to the words of President McKinley, for I have observed a tendency on their part of late to shield themselves behind his name whenever the Administration's Philippine policy is attacked. This is what he said in his message at the opening of the second session of the Fifty-sixth Congress.

Mr. COOPER of Wisconsin. Will the gentleman permit an interruption?

Mr. JONES of Virginia. Yes.

Mr. COOPER of Wisconsin. In reply to what the gentleman has said——

Mr. JONES of Virginia. No, not in reply; I am willing to permit the gentleman to ask a question.

Mr. COOPER of Wisconsin. Will the gentleman permit me to read four or five lines from the report of the Philippine Commission—the Schurman Commission—from which the gentleman has been reading?

Mr. JONES of Virginia. Mr. Chairman, the gentleman from Wisconsin read extensively from this report on yesterday, and he has permission under the rules to incorporate anything more he may wish in his remarks when printed. I prefer that he would not inject into my speech information which he may desire to furnish the House. He objected to my making any statement when he was speaking, although once, after making a personal allusion to me, he was fair enough to permit me to interrupt him with a question. I can not permit him in my time to read from any report for the purpose of injecting matter into my speech.

Mr. COOPER of Wisconsin. Will the gentleman permit a question?

Mr. JONES of Virginia. I will.

Mr. COOPER of Wisconsin. Does the gentleman not know that on page 113 of that report of the Schurman Commission they say that it is impossible now to say even approximately——

Mr. JONES of Virginia. Oh, Mr. Chairman, I object to the gentleman's getting this statement in under the guise of asking me a question. Such a course is not in keeping with his high character.

The CHAIRMAN. The gentleman from Virginia declines to yield.

Mr. JONES of Virginia. Mr. Chairman, when interrupted I was about to read from a message of President McKinley. This is President McKinley's testimony as to the capacity of the Filipinos to learn and their desire for knowledge:

The Filipinos are quick to learn and to profit by knowledge. He would be rash who, with the teachings of contemporaneous history in view, would fix a limit to the degree of culture and advancement yet within the reach of these people if our duty toward them be faithfully performed.

The language which President McKinley employed is broad enough to cover all Filipinos, non-Christians as well as Christians.

Señor Sixto Lopez, an educated native Filipino, now a resident of Boston, has contributed a valuable article on this subject, from which I now read:

The number of those who can read and write in the Spanish or the native language and have an elementary knowledge of arithmetic, etc., has been estimated by various authorities at from 60 to 80 per cent of the Christian population. My own belief is that probably 75 per cent can so read and write. Of these about 30 per cent can speak Spanish; some, of course, indifferently, but many as though it were their mother tongue.

Of course, until a proper census has been taken it is difficult to accurately determine the extent of literacy in the Philippines. The difficulty presses

with equal force upon friend and opponent, but there are other sources of information by which a fairly accurate idea of the truth is obtainable.

Prior to the Spanish occupation elementary education was probably more extensive in the Philippines than in any other European country at that time. Dr. de Morga, the first governor-general, in his book published in 1609, tells how the Filipinos had a written language of their own, and declares that "there were very few who could not write well and correctly." Notwithstanding Spanish indifference and monastic opposition, the Filipinos have opened elementary schools in almost every village. They have also founded high schools and university colleges throughout the archipelago, and a university, two large normal schools for male and female teachers, and five large schools for women in Manila. In a recent article in the Outlook, Mr. Atkinson, superintendent of public instruction in the Philippines, states that "Since the coming of the Americans private schools have sprung up like mushrooms." Mr. Atkinson is wrong in implying that these schools are a result of American activity, for in most cases they formerly existed but had been closed by the war. The Schurman Commission declares that "A system of free schools for the people has been an important element in every Philippine programme of reforms."

General MacArthur holds that "this almost universal aspiration for education should appeal strongly to American sympathy." The president of the Royal University of Manila, one of the bitterest opponents of the Filipinos, had to admit in his evidence before the Schurman Commission that, all things considered, "education in this country is very far advanced, both in the primary grades and in the university grades;" while in an article submitted to the Senate committee when Governor Taft was giving his evidence and stated by Mr. Root to have been "compiled in the Division of Insular Affairs from standard works and the records of the Department, supplemented by the personal experience of returning officers," it is stated that "most of them (Filipinos), both men and women, can read and write."

But, Mr. Chairman, there is even stronger evidence than this to support my contention that the Filipinos are capable of governing themselves and ought to be permitted to do so. In January, 1902, the total number of employees under the Taft government in the Philippines was 5,006, and of these 3,134 were native Filipinos. Many of these Filipino officeholders occupy the most exalted and responsible positions. Three of the eight commissioners, who to-day exercise full and complete legislative authority in all the organized provinces of the islands, are native Filipinos. Three of the seven members of the supreme court—Ceyatano S. Arellano, Florentino Torres, and Victorino Mapa—are native Filipinos. Arellano, the chief justice of the court, is admittedly the most learned and ablest of them all. In such high estimation is Señor Felipe Buencamino held by the Taft Commission, that he is a civil-service commissioner. Twenty-three out of 35 provincial governors are native Filipinos. Every fiscal or prosecuting attorney in the 35 provinces is a native Filipino, as is every provincial secretary. There are more than 2,000 native teachers and more than 6,000 natives employed in the various municipal police forces.

In most of the provinces the people elect their governors, and the bill which we are now considering divides the Christianized islands into two districts and empowers the qualified voters in those districts to elect each a commissioner to the Congress of the United States. It also provides for an elective popular branch of a legislative assembly. If this does not convince any reasonable man that the Filipinos are capable of self-government, it at least demonstrates that the Taft Commission has done much to illustrate the truth of the proposition which I have laid down.

Mr. CRUMPACKER. Will the gentleman permit me a question?

Mr. JONES of Virginia. Yes.

Mr. CRUMPACKER. Does the gentleman think Buencamino is capable of self-government from the character of the testimony which he gave?

Mr. JONES of Virginia. I think that if Buencamino's patriotism and moral character were equal to his intellectual attainments he would be a very great man. [Applause and laughter on the Democratic side.] And in this connection I may say that I do not think that the very best selection was made when Señor Buencamino was chosen as a member of the civil service commission. He is not, in my opinion, a fit representative of the Filipino people.

Mr. Chairman, I would not be entirely frank with the House if I omitted to state that, while 3,134 of the 5,006 civil employees in the Philippines are natives, and only 1,872 carpet-baggers, the aggregate of the salaries paid the native officeholders is $1,450,054, as against $2,338,420 received by the Americans.

Mr. TAWNEY. Does the statement disclose whether they are paid out of the Philippine treasury or out of the treasury of the United States?

Mr. JONES of Virginia. They are paid, I think, though the statement does not disclose the fact, out of the Philippine treasury. Though fewer in number, the Americans receive nearly double the amount of salaries paid to native officeholders. Some Americans hold two offices and draw two salaries.

Mr. TAWNEY. And no doubt their services are worth twice as much too.

Mr. DINSMORE. I would ask my friend whether this report discloses whether any funds have been paid out of this same Philippine treasury for the purpose of promoting administrative legislation in the United States?

Mr. JONES of Virginia. Oh, no.

Mr. BARTLETT. Mr. Chairman, may I say that that appears now to be solely confined to the island of Cuba.

Mr. DINSMORE. We may have developments later.

Mr. JONES of Virginia. Mr. Chairman, our Republican friends take unto themselves great credit for having sent 1,200 American teachers to the Philippines. Is it too much to ask that some Republican who will follow me shall explain to the House how American teachers, ignorant of the language, the religion, the social customs, the national character, and racial life of the Filipino people, are going to manage to teach their children to read and speak the English language? The Filipinos had an abundance of native teachers, and they had schools and schoolhouses, too, before we destroyed them. What a shame to require them, out of their poverty, to pay to a horde of American teachers salaries which average more than six times as much as those paid their own teachers.

Ancient as well as modern history teaches the unwisdom of governmental interference with the language of a people. Such interference has never been promotive of national contentment or unity. This has been the experience of Russia and of Germany with the Poles. England, failing to profit by the example of these autocracies, forced the English language upon Ireland at the point of the bayonet. Although Quebec has for a century and a half been under English rule, French to-day is as universally spoken upon its streets as upon the boulevards of Paris. There never was a more stupendous blunder than this attempt of a Republican Administration to force our language upon the people of the Philippines, and the experiment, in my humble judgment, will prove, and ought to prove, a dismal failure. For more than three centuries Spain held dominion over the Philippines, and the Roman Catholic Church sent its representatives into parts of the islands penetrated by no other white men, and yet we are told that not more than 5 per cent of the people speak the Spanish language.

Mr. Chairman, I think it is unquestionably true that many of those who favor permanent American occupancy of the Philippine Islands are actuated by purely selfish motives. They view this great question entirely from the standpoint of self-interest. The idea that to hold and exploit them may prove in some way profitable is the mainspring of the imperialistic tendencies of some people, and accounts for their views as to what they call trade expansion—a reaching out after the markets of the world. Their idea is expressed in the hackneyed but false phrase that trade follows the flag. It would be far more accurate to say trade follows the price list.

Let us see if trade has followed the American flag to the Philippines. The total value of all the dutiable imports of those islands during the calendar year ending December 31, 1901, was $30,162,471 and of the exports $24,503,352. Of these amounts there was imported from the United States $3,534,255 and exported to the United States $4,546,292. So that it appears that although "Old Glory" is planted more or less firmly in the Philippines, the value of our trade with them is scarcely more than one-tenth of their total foreign commerce. But this is not the worst of it. The exports to the United States decreased 27 per cent last year as compared with those of the previous year, and the imports from the United Kingdom, from Germany, from France, and from the British East Indies increased in a much greater proportion than did those from the United States.

Mr. SLAYDEN. Mr. Chairman——

Mr. JONES of Virginia. Before my friend asks his question he will permit me to make one other observation. It is this: Of the three and a half million dollars' worth of the products of the United States which were imported by the Filipinos, $897,855 worth consisted of whisky, brandy, and malt liquors. In other words, one-fourth in value of all we sold the Filipinos last year, or, more accurately speaking, sold our soldiers stationed there, consisted of whisky, brandy, and beer. Of mowers and reapers they bought of American manufacture $78 worth, and of plows and cultivators $301 worth. These figures may be relied upon as entirely accurate. I have them directly from the War Department. They not only show how obediently trade follows the flag, but they express in dollars and cents what we have had in return for the hundreds of millions we have expended in treasure, and the oceans of blood with which we have drenched the fairest lands of the Orient.

Mr. SLAYDEN. Has my friend estimated the possible profit to the few merchants in this country who share in that export and import trade, and has he contrasted with that insignificant profit the enormous cost to the taxpayers of this country of getting that trade?

Mr. JONES of Virginia. No; I have not. It may be possible to compute the difference in money between what we have expended and what we have received, but the standard has not yet been erected by which shall be measured the losses we have sustained in lives and in human blood.

Mr. BALL of Texas. I will ask the gentleman from Virginia if the imports included in the statement do not also include the money and supplies that were sent over there for our troops and other American officials?

Mr. JONES of Virginia. No; I think not. This statement includes only such products as are dutiable.

Mr. WILLIAMS of Illinois. I have seen some statement that not only the provisions but the coin sent to the American army is included in the estimates furnished by the War Department.

Mr. JONES of Virginia. That may possibly be true; but I think not.

Is it contended, Mr. Chairman, that the acquisition and permanent possession of these islands will give to the people of the United States any trade advantages not enjoyed by other commercial nations? I think not. If we hold them we must maintain there the "open-door" policy, just as Great Britain maintains it in India. We can not do otherwise. We are not pursuing there a different policy now.

Mr. Chairman, will it be claimed that our occupancy of these islands is a military necessity? That these possessions will prove a source of weakness rather than of strength is, in my opinion, a proposition too obvious to admit of question. If we need a naval base in the Far East, we can easily secure naval and coaling stations and terminals for submarine cables for the mere asking. We have only to follow the course which we pursued toward Cuba—withdraw our troops and pull down the flag, which President Roosevelt tells us must "stay put," no matter what the cost in money, in blood, and in national dishonor.

But, Mr. Chairman, we are told that there are millions of acres of public lands in these islands. Yes; this is true; there are 68,000,000 acres, and many of them are covered with valuable timber. I admit that in the estimation of some people this is a very strong argument in favor of their permanent retention. But, after all has been said that can be said on this score, the fact remains that the United States can not hold them other than in trust for the inhabitants of the islands. If sold, the proceeds must go into the treasury of the Philippines, and not into that of the United States, and the citizens of Spain will be as free to purchase them when sold as will be those of our own country.

Mr. Chairman, we are not yet reduced to the extremity of crossing the Pacific Ocean in search of new and unoccupied lands for homesteads for American citizens. There are still undisposed of in the United States 592,523,677 acres of vacant public lands exclusive of the 367,983,506 acres in Alaska. This is one-third in area of all the land in the United States, and more than eight times that of all the land, public and private, in the Philippine Islands. It is true, of course, that much of this is what is known as arid land, but Congress is now entering upon a policy of irrigation, the result of which will be to reclaim a large portion of it. We do not need more territory, for there is room enough on the American Continent for our progress and advancement; opportunities enough to satisfy the ambitions and gratify the aspirations of every American. Our forests are well nigh inexhaustible, and our hidden wealth almost untouched and inestimable.

Mr. Chairman, we may never know, indeed we will never know, what the Republican colonial policy has cost. Senator HOAR recently placed the money cost at $600,000,000. The total cost of all the wars in which this country has engaged from and including the Revolutionary war, and down to the war between the States, is less than half this enormous sum. The total cost of the seven years' war of the Revolution was but $135,000,000, less, I believe, than we have expended on the average every year we have been in the Philippines. I am not unmindful of the fact that the morning papers contain a statement, given out by the Secretary of War, which places our military expenditures in the Philippines at $170,000,000. I have had no opportunity to examine it and I therefore do not know what items of expenditure are included and what omitted. But I have no doubt but that every item that possibly could have been excluded has been excluded in order to reduce the amount to the lowest possible minimum sum.

Why this statement is given out at this particular time, upon the eve of the adjournment of Congress, and when we are in the very midst of the consideration of this important measure, I can only guess. I know that the Secretary of War is the rankest of partisans, and for one I am unwilling to accept his figures without an opportunity afforded me for examination and comparison. During the progress of the war in the Philippines Congress has appropriated sums vastly exceeding in the aggregate $170,000,000 for the support of the military arm of the service, and I suggest that it might be well enough for the Secretary of War to issue a supplemental statement showing how the unaccounted-for residue has been expended. We have not, I think, been engaged in any other war during this period. Certainly, for a part of the period this war has been in progress we have had as many as 70,000 soldiers in the Philippines at one time, and the cost alone of maintaining them there would be $105,000,000 a year. The Secretary of War, of course, does not include in his statement any amount expended under the Navy Department.

Mr. Chairman, it is as difficult to estimate the lives that have been sacrificed in this unholy war as it is to compute the money cost. But I think I am within moderation when I say that the American losses reach as high as 10,000, and certainly I am within just bounds when I place those of the Filipinos at not less than ten times that number. It has been said, and so far as I know the statement has gone unchallenged, that of the population of the province of Batangas alone, 300,000, one-third have been either killed or have died from starvation and disease. It has also been said that if the Filipinos who have yielded up their lives in this war, struggling for an independent national existence, were laid side by side the green mounds covering them would stretch in unbroken sequence over a distance equal to that from the Great Falls of the Potomac River to where that majestic stream wastes itself away in the Chesapeake Bay.

No wonder, Mr. Chairman, that Sagasta, the prime minister of Spain, exclaimed upon the signing of the treaty of Paris, "Now is Spain avenged."

Not so many lives as these were lost in the Revolutionary war, the war of 1812, the Mexican war, and in all of the Indian wars in which we have engaged combined.

There were engaged on both sides in the Franco-Prussian war 2,700,000 soldiers, and yet the losses of France were less than have been those of the Philippine war; Germany's losses did not equal those of France.

When, Mr. Chairman, reference is made to the methods which have been employed in the prosecution of the war in the Philippines, the Administration and its apologists at once take refuge behind the Army. Any criticism of the conduct of officers who have disgraced their uniforms, any reference to well-established atrocities, to inhuman and cruel barbarities practiced by our soldiers in the Philippines, is denounced as unpatriotic, and described as wholesale slander of the Army.

Those who have read the voluminous and convincing testimony bearing on this subject will not be deceived by such subterfuges and false clamor. Even the President of the United States, Mr. Roosevelt, in violation of every rule of ordinary propriety and good taste, recently took advantage of a memorial occasion to indulge in this kind of twaddle. Mr. Roosevelt should not forget that he has been somewhat of a critic himself. He has not hesitated, when it suited his purpose, to play the critic's rôle. Just now, however, it is his ox that is being gored. I recently read an article written by him entitled "Perry's Victory on Lake Erie," in which, after undertaking to rob that great naval hero of the glory which until then all men with one accord had awarded him, he says, apparently in extenuation of his course:

> There are always men who consider it unpatriotic to tell the truth if the truth is not very flattering.

I commend this to our doughty President. The truth as to what has been done in the Philippines, and which is now being excused and defended, is certainly not "very flattering" to the Republican Administration, and therefore, according to Mr. Roosevelt, it is unpatriotic in those who tell it.

Mr. STEELE. Does the gentleman admit that the President referred only to criticism of the Army and not to civil affairs?

Mr. JONES of Virginis. Mr. Roosevelt referred in this memorial address to criticisms of officers and soldiers of the army in the Philippines. It is true that his criticism of Perry was applied to a great naval hero. Does the gentleman make a distinction between criticisms of the officers of the Army and criticisms of naval heroes? In the light of recent occurrences I had almost come to think that there must be such a distinction in the minds of some people. I knew, of course, that in certain quarters it was not regarded as a heinous offense to criticise Dewey and Schley. Nothing, however, must be said of the conduct of Generals Smith and Bell, of Waller, of Day, of Arnold, of Edwards, and of hundreds of others, some of whom have even confessed to responsibility for a participation in the most diabolical atrocities, the most cruel and infernal tortures. [Applause on the Democratic side.]

Mr. STEELE. Suppose that all that has been said about these gentlemen whose names you have mentioned were true, it would not justify the wholesale criticism of the Army.

Mr. WILLIAMS of Illinois. There has been no such wholesale criticism.

Mr. STEELE. I think I have heard it.

Mr. WILLIAMS of Illinois. The military officers themselves have said more hard things to produce that impression than any member of Congress.

Mr. JONES of Virginia. Mr. Chairman, I well recall that some time since a distinguished Republican, a gentleman for whom I have a high personal regard, and one whose ability is universally conceded, a leader upon this floor, when asked what he had to say

in extenuation of General Smith's conduct of the campaign in the island of Samar, said that he did not believe he ever issued the infamous order attributed to him. His words were: "I do not believe he ever issued any such order."

Now that it has been conclusively established that General Smith did give the order to kill all the inhabitants, men and women and children over 10 years of age, declaring that the more killed the better pleased he would be; and that he did direct that the island of Samar should be made a "howling wilderness," it would be interesting to have the gentleman give us his opinion as to that order.

General Smith has been court-martialed for giving this order, and, although the findings of the court have not been made public, it is generally understood that he has been acquitted. The papers are now in the hands of the President for review, it is said, and there, with all their damning evidence, they are likely to remain until after the approaching Congressional elections. I will now read the charge upon which General Smith was tried, as published in the Washington Post of two days ago:

In that Brig. Gen. Jacob H. Smith, United States Army, commanding general of the Sixth Separate Brigade, Division of the Philippines, did give instructions in regard to the conduct of hostilities in the island of Samar, P. I., to his subordinate officer, Maj. L. W. T. Waller, United States Marine Corps, the said Major Waller being under his command and commanding at the time a subterritorial district in the island of Samar, P. I., in language and words to wit: "I want no prisoners" (meaning thereby that giving of quarter was not desired or required), and "I wish you to kill and burn. The more you kill and burn the better you will please me," and "the interior of Samar must be made a howling wilderness," and did give further instructions to said Major Waller that he, General Smith, wanted all persons killed who were capable of bearing arms, and did, in reply to a question by the said Major Waller, asking for an age limit, designate the age limit at 10 years.

This charge is about as clear and specific as language could make it.

Mr. VANDIVER. Is it not true that he afterwards admitted that charge?

Mr. JONES of Virginia. Yes; that is true. I will now read the statement made by his counsel before the court-martial:

The accused desires to simplify this case as much as possible, and admits that he was commanding general of the Sixth Separate Brigade, Division of the Philippines; that Major Waller was one of his subordinate officers, commanding a subterritorial district, and that he did give him personal instructions relating to hostiles under arms in the field, and he did instruct him not to burden himself with prisoners, of which General Smith already had so many that the efficiency of his command was impaired, and tell him that he wanted him to kill and burn in the interior and hostile country; and did further instruct him that the interior of Samar must be made a howling wilderness; and did further instruct him that he wanted all persons killed who were capable of bearing arms and were actively engaged in hostilities; and that he did designate the age limit at 10 years, as boys of that age were actively engaged in hostilities against the United States authorities, and were equally dangerous as an enemy as those of more mature age.

I would now like to ask my friend from Iowa [Mr. HEPBURN] if he still entertains any doubt as to the genuineness of this order, and if not, I would be glad to know what he thinks of it.

But, as I have said, the court-martial acquitted General Smith. Indeed, so far as I am informed, no officer or soldier has up to this moment been punished for the torture or even the murder of a Filipino.

Mr. Chairman, were I to characterize the findings of the court-martial in General Smith's case as a travesty upon justice, I should, I presume, render myself amenable to the imputation of having slandered the court and Army.

Major Waller and Lieutenant Day, the officers who obeyed so literally the orders of General Smith, have also been tried and acquitted; but to the everlasting honor of General Chaffee, be it said, he disapproved of the findings. We shall know what President Roosevelt thinks of them when the fall elections are over. Let me read the comments upon General Chaffee's disapproval which I find in the Outlook of May 31. I am unable to procure the disapproval order:

General Chaffee, as the reviewing authority in the case of the courts-martial of Major Waller and Lieutenant Day, has expressed disapproval of part of the findings in both cases. General Chaffee holds that the court was justified in relieving Major Waller from the charge of murder in ordering the killing of the stevedores of his party who had refused to aid the party in getting food and had otherwise misconducted themselves. This approval is based on the fact that Major Waller was ill with fever, was suffering acute anguish of body and mind, and was not in a condition to weigh reasons justly when he received telephone messages from other officers advising that the men be killed. On the other hand, General Chaffee holds that the full exculpation of Major Waller and Lieutenant Day was a miscarriage of justice and opposed to the evidence; that the killing of the men was more in the nature of a lawful retaliation than justifiable warfare, and that the affair was "one of the most regrettable incidents in the annals of the military service of the United States."

Mr. Chairman, had I the time and the disposition I might dwell for hours upon the subject of the atrocities which have been perpetrated in the Philippines without exhausting the subject, but I have neither. The water cure, once regarded as a most cruel form of torture, our Republican friends now tell us has been discovered to be a specific for the terrible dengue fever, a malady which is carrying off many of the natives. It is true that some of the victims still regard the remedy as worse than the disease, but then may we not attribute that to their ignorance? So I shall say nothing about the far-famed "water cure." I do not believe, however, that the most ardent Republican, the most zealous supporter of the Administration, will contend that the war in the Philippines has been conducted on the highest ethical plane. Perhaps those responsible soothe their consciences with the reflection that after all "the extremest severity is in the end the greatest humanity." Those who subscribe to this rule of military ethics may be justified in declaring that the course of our soldiers in the Philippines has been marked by justice, moderation, and humanity. I fear the verdict of history will be otherwise.

Mr. Chairman, the history of the Democratic party shows that it is not opposed to expansion. The United States has expanded from an area of 827,844 square miles in 1782 to nearly 3,600,000. But the expansion has been upon this hemisphere, has been over land—a steady and ever advancing annexation of contiguous territory. It has embraced territory inhabited by scattered communities of white people, speaking the same language and dwelling upon the same continent, and it has been with a view always to giving them ultimately the rights and privileges of that citizenship enjoyed by ourselves. This was true of the Louisiana purchase of 1803, which carried us to the shores of the Pacific, and it was equally true of that of the Floridas, which in 1824 placed us upon the Gulf of Mexico.

It was true of the annexation of Texas in 1845, the Mexican cession of 1848, and the Gadsden purchase of 1853. This was Democratic expansion, an expansion which has made this Republic the richest, the most powerful, and the greatest on the face of the globe. The Democratic party is opposed now, as it ever has been throughout its glorious history, to that expansion which is a misnomer, which always has been and always will be, call it by what name you please, imperialism. It is opposed to expanding beyond the seas; opposed to incorporating into the United States noncontiguous territory inhabited by densely crowded alien peoples, differing from us in race, origin, color, language, religion, customs, and civilization. It is opposed to holding in subjection and to governing as colonies any people who aspire to be and who are entitled to be free and independent. It believes that the policy which the Republican party has for the past three years pursued toward the people of the Philippine Islands has been "unjust and cruel to them and injurious and dishonoring to the American people," and therefore those who profess its principles, and who here represent it, are opposed to a continuance of this policy, even in a modified form, believing it to be radically and inherently wrong.

President McKinley declared in a speech delivered in the city of Chicago that "the war with Spain was undertaken, not that the United States should increase its territory, but that oppression at our very doors should be stopped. This noble sentiment," he said, "must continue to animate us, and we must give to the world the full demonstration of the sincerity of our purpose." How far from the realization of that demonstration which President McKinley in this speech commended you to make is the measure for which nearly every Republican in this House is now prepared to vote, I leave to you, my Republican friends, to say.

But a few days ago President Roosevelt sent to this House a message in which he urged upon the Congress to do what he regarded as an act of "plain duty" toward Cuba. In that message he said, "There are few brighter pages in American history than the page which tells of our dealing with Cuba during the past four years."

What, Mr. Chairman, may I ask, shall be written on that page of American history which is to tell of our dealings with the Philippine Islands? Shall the story of our treatment of the Cuban be written in characters of living light, whilst that of our conduct to the Filipino is inscribed in dark letters of crimson blood? Does President Roosevelt wish it understood that we conferred independence upon Cuba because we had proclaimed to the nations of the world we were not fighting for the acquisition of territory and because we had pledged our national faith and honor that we would, upon the termination of the war with Spain, redeem that promise, and not because we wished to see Cuba free and to be the author of her independence? Can it be true, I ask, that Cuba owes her freedom to the compelling force, the constraining influence, of the Teller resolution rather than to the noble generosity of the American people? If not, where then is to be found a reason for the difference which has marked our course in the one case and in the other? Why have we given independence to the Cuban and denied it to the Filipino? Why have we erected a "young republic" in the Occident and denied self-government and independent national existence to a people struggling to be free in the Orient?

Mr. Chairman, every consideration of self-interest as well as of honor would seem to impel our relinquishment of any rights of sovereignty we may have over the people of the Philippine

Islands. There are 800,000,000 of people bordering upon and facing the Indian and Pacific oceans—more than one-half of all the inhabitants of the world. To remain permanently in the Orient means that we are to be drawn inevitably into the vortex of Asiatic-Pacific rivalries. Russia has come overland, and is now firmly planted upon the northern Pacific, where she has acquired a splendid base for sea power. With America occupying the Philippine Archipelago, the greatest autocracy and the greatest democracy upon the globe will face each other in the Far East. China is a mine of dynamite, the explosion of which must some day shake the very earth to its foundations. Is it not, then, Mr. Chairman, the part of wisdom to call a halt now and here? Does not that solicitude which a wise, a prudent, a patriotic, and an enlightened and Christian government should always feel for the people whose safety and well-being are committed to its care dictate that we withdraw now and forever from the Philippine Islands? [Loud and continued applause on the Democratic side.]

Isthmian Canal.

SPEECH

OF

HON. WILLIAM B. ALLISON,

OF IOWA,

IN THE SENATE OF THE UNITED STATES,

Thursday, June 19, 1902.

The Senate having under consideration the bill (H. R. 3110) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans—

Mr. ALLISON said:

Mr. PRESIDENT: My occupations have been such during the debate on the subject of an isthmian canal that I have not been able to listen to all that has been said. I had not myself expected to say anything upon the subject until this morning, when I learned that in my absence it was suggested that I desired to speak. That suggestion having been made, I wish to say only a few words to briefly express some reasons why I expect to vote for the substitute which has been proposed by the Senator from Wisconsin [Mr. SPOONER] and reported by the minority of the committee.

The question of an isthmian canal is not a new one to the people of our country nor is it a new one to me. The subject has been almost constantly before this body since 1883, and it is therefore a familiar topic in our records since that period.

I agree with Senators that there is a general public sentiment in our country in favor of an isthmian canal. I believe there is a general desire in the country that the Pacific and Atlantic oceans should be thus united. That desire has grown from year to year, and there has also grown a feeling, arising from various considerations and discussions of the subject, that the United States Government should itself construct the canal, maintain it, control it, and protect it.

I was in the Senate in 1883 and 1884 when this question was widely discussed in the Senate in executive session upon a treaty made by President Arthur with Nicaragua and Costa Rica, which proposed that a canal by way of Lake Nicaragua should be constructed by the Government of the United States. Nicaragua then alienated sovereignty over a portion of its territory for that purpose. There was a strong sentiment in favor of this treaty, because of the fact that the Panama route had been selected by France two or three years before, and a charter granted to a French company to build a canal on the Panama route as a sea-level canal.

The United States, by this action of France, was cut off from any consideration of the Panama route, concession on this route having been granted to the French company by the United States of Colombia.

Our people turned their attention to the Nicaragua route, which had been explored and partially surveyed by our Navy. A company had been formed to construct the Nicaragua Canal, but with the Panama project set on foot those in control of our Government believed that private enterprise was unequal to the task of construction, and the Frelinghuysen treaty, so called, was made and sent to the Senate. It provided for Government control and construction in the most complete way, but it was then argued with great force that the Clayton-Bulwer treaty stood in the way, and the treaty failed in the winter of 1885, and in the spring of that year President Cleveland withdrew the treaty for reasons already quoted in this debate, and which I need not recur to now. The Frelinghuysen treaty assumed that the Clayton-Bulwer treaty had been abrogated by nonuser and by the action of Great Britain, and that with this condition we were free to take such action as we thought wise, with the concurrence of Nicaragua and Costa Rica, and that Great Britain having violated important provisions of the treaty we were at liberty to, because of their action, declare its abrogation.

The arguments upon that question at that time convinced me that it was a wise thing for us to open the canal to all nations upon exact terms of equality with ourselves, but since that time it has been strongly urged that we should control the canal when we are at war with any nation, so far as to prevent its use by any such nation for war vessels or war purposes, though free for commerce.

Mr. President, it was because the French Government and the French people had control of the Panama Canal, and the general belief that a sea-level canal was impracticable, that the attention of Congress and the American people directed their attention to the Nicaragua route as the most feasible and practicable for the commerce of all nations, and especially valuable to connect our own Atlantic and Pacific commerce.

So that it is true, as stated by the Senator from Montana and other Senators, that the attention of the American people for many years was chiefly directed to the construction of a canal, increased from year to year by the fact that it was believed that the French company could not or would not complete its canal, though retaining the concession of the Panama route, and it was not until two or three years ago that it was thought possible for the United States to consider the Panama route as possible for us to acquire. This possibility took root in the river and harbor bill three years ago, when an appropriation of $1,000,000 was made to explore all routes and ascertain the terms upon which we could secure control of the Panama concession. I have followed for many years the lead of the honorable Senator from Alabama in his project respecting the Nicaragua Canal. I have favored it on every occasion and at every period when it has been before the Senate. I have voted, I believe, for every bill and every proposition connected with the subject which has been presented by the Senator from Alabama, though sometimes with great misgivings as to details. I did so believing that this measure was of such transcendent importance to the people of the United States that whatever defects might appear in the legislation proposed could afterwards be corrected by supplemental legislation.

Mr. President, it was not until the Commission known as the Ludlow Commission was sent to Nicaragua some three years ago that anything occurred to disturb my mind as to the feasibility and practicability of the Nicaragua route. Before that time there had really been no absolute examination of the Nicaragua route that could be called a detailed survey, giving all the information necessary to be had before beginning such a work. These earlier surveys were superficial, as from the nature of things they necessarily must have been. It was proposed by these earlier surveys that the canal should be one suitable for the navigation of that period. I believe it was designed that the greatest depth of the canal should be from 20 to 28 feet. I may be mistaken as to the number of feet provided for in the last bill which was passed here two or three years ago. Now it is proposed that we shall build a canal 35 feet in depth; a canal deep enough and wide enough and with a sufficient volume of water to float the largest vessel upon the ocean at this time.

So, Mr. President, the problem of construction as respects many of the conditions surrounding the question of an isthmian canal is entirely different from what it was when these discussions were had hitherto. The problem as now presented is one which involves necessarily a much larger sum of money than has been involved in any project suggested prior to this time, and also presents more difficult engineering problems because of the increased depth proposed.

Mr. President, we are now confronted and brought face to face with a proposition to expend a minimum sum of $180,000,000, which, in my belief, will be increased to more than $200,000,000, which must be raised either by taxation upon the people of the United States, trusting to reimbursement from the income and profits of the canal, or we are bound to create a bonded indebtedness for the construction of the canal of about $200,000,000, in round numbers.

For one I believe that we should borrow money and construct the canal upon the credit of the United States. If we do that, we must provide in some way for the payment of the interest and for the liquidation of the principal at some future time, which we all hope can be realized from tolls arising from the use of the canal. So, Mr. President, we are confronted now with an expenditure to be presently made by the Government of the United States of $200,000,000. Therefore, it is important, if we are to expend this sum upon the credit of the United States, that we should do the best we can respecting the route that shall be selected for this purpose.

I have reached my conclusion on this subject from the reports of the Walker Commission, so called—the Commission which was

sent down there by authority of Congress with power to expend a million dollars. The members of that Commission did not merely walk over those routes and take cursory surface views of them, but they made a close and careful examination as to the situation of all routes, as to the feasibility of constructing a canal upon either of them, as to the cost of doing so, and all the surrounding necessary incidents of construction.

From my knowledge of the men who were appointed upon that Commission, I am able to say that it was wisely selected by President McKinley. Five of them are eminent engineers in our country, men whose reputations have been won largely in conducting successfully difficult engineering work. Why did we make this large appropriation for these examinations? Why did we send those men down there for that purpose? It was because the two Houses of Congress were not in possession of information which would enable them to intelligently and carefully decide upon the question now up to us, namely, the best location of the canal, taking into view all the problems involved. That is the view, as I understand, that we had in sending that Commission there. We had had other surveys; but Congress was not satisfied with them, because they were not in sufficient detail to justify us in deciding upon the best route and proceeding with the work; and therefore we sent this Commission there to examine all routes and report to us the best.

That Commission made not only one report, but, as has been truthfully said, they made two reports and three reports. I read the second report, I think it is, of the Commission in which they recommended the adoption of the Nicaragua route. I was convinced that, although the Commission reported in favor of the Nicaragua route at that time, they believed that if the Panama route could be obtained on reasonable terms, that route should be selected. So it never occurred to me that the Commission in any way reversed themselves in making their final report in favor of the Panama route. They do say in all their reports that both of these lines are feasible lines for the construction of a canal, as I have no doubt they are.

I shall not repeat the reasons given by them for their conclusion, because of their having been so often repeated in this debate; but they are so cogent that it seems to me that it is almost impossible for us under the circumstances to disregard their expert opinion and to be guided only by our own imperfect judgment and information. In saying this I perhaps ought to state that I speak only for myself.

I know that there are members of this Senate, notably the Senator from Alabama [Mr. MORGAN], who have given great attention to this subject for more than twenty years, and who have opinions well and maturely formed upon investigation, I have no doubt, which enable them to overcome the judgment of this expert Commission and to vote for the Nicaragua Canal, notwithstanding that expert opinion unanimously expressed by the Commission; with my own imperfect knowledge of the subject, therefore I must follow the judgment of these experts rather than follow my previous views, reached at a time when the situation was wholly different from what it now is, when the Panama Canal was not supposed to be within the reach of our consideration.

But, Mr. President, in addition to all this, as I have walked in and out of this Chamber since this debate began I have been all the time confronted with the map which hangs in full view on the wall of this Chamber, which was put here I do not know by what authority, but it is an outline map of these routes. I have imagined myself on the Isthmus with both of these canals completed, and having an opportunity to take passage upon a ship going through one or the other, or having a cargo of freight to transport from one ocean to the other, or running or navigating a ship intended for such journey; and I have wondered which route I would take under any of these circumstances. Assuming now that both of these lines are feasible; assuming that there are no engineering difficulties in the way of either—the engineers agree that there is no difficulty in the Bohio dam on the Panama route or in the Conchuda dam on the Nicaragua route—assuming that there is an ample flow of water provided by the erection of either dam flowing into the canal or through either lake, easily controlled by the erection of engineering works; it seems to me I would take that route which would carry me through in the shortest time and having the fewest locks to impede my progress, and the least elevation to overcome and the shortest distance to sail or steam. On the Panama route I would find that the time required would be twelve hours, the distance 49 miles, the maximum elevation to overcome on the Atlantic side from 82 to 85 feet and on the Pacific side from 75 to 90 feet, depending upon the fluctuation of the tides. I would find two locks on the Atlantic side to reach the maximum elevation and three locks on the Pacific side to reach the ocean, and more than half the whole distance on the level of the sea. This is what I would find on the Panama route, all traversed between sunrise and sunset on the same day. But suppose I were only a passenger and should want to see the beautiful Lake of Nicaragua and the other natural scenery along the Nicaragua route, and should decide to take that route. I would be told that if I took that route I would be on the way two nights and three days, or practically sixty to sixty-eight hours; that I would sail along on that route on a sea level for 15 or 20 miles, or whatever the distance may be, and then I would come in contact with a lock that would lift up the vessel on which I was sailing 40 feet, and I would have to sail at this elevation for a few miles, when I would encounter another elevation, and a few miles farther still another, and a few miles farther still another, reaching an elevation in all, by means of these four locks, of from 104 to 110 feet before entering San Juan River and Lake, the latter created by the Conchuda dam, an engineering work erected at great cost and to some extent an experiment, as stated by the engineers.

Mr. HARRIS. Will the Senator pardon me for making a suggestion to him?

Mr. ALLISON. Certainly; I shall be glad to have any suggestion the Senator desires to make, for I am speaking in a general way only, and shall be glad to have any information he can furnish.

Mr. HARRIS. The Senator was speaking of his personal safety, and I feel concerned in that.

Mr. ALLISON. I know the Senator does.

Mr. HARRIS. I want to suggest to the Senator that the only locks of 45 feet are on the Panama route—two on each side 45 feet high.

Mr. ALLISON. I did not say 45 feet; I said 40 feet.

Mr. HARRIS. But the Senator speaks of the Conchuda dam. The locks there are only 36 feet high.

Mr. ALLISON. I understand. I have no concern as to either route in respect to safety, but I am very much obliged to the Senator for his kindly regard for me. I do not suppose I shall have this alternative presented to me, but I may have the pleasure some time in the future of passing over either one or the other of these canals.

But what I was about to call attention to is the fact that this 40-foot dam, or 36-foot dam, or whatever it may be, is the first rise on the Nicaragua Canal, as I understand it. There are 65 or 70 feet more to be surmounted before the lake is reached, which is to be formed by means of the Conchuda dam.

Those who understand this question tell me that if I should, in such a voyage, reach the level of the Conchuda dam the first day I should be very lucky. That is about 50 miles. When I got into the San Juan River and lake, formed as it is chiefly, I believe, by means of the San Juan River that flows out of Lake Nicaragua, I would still have 50 miles more to go before I reached Lake Nicaragua, or 100 miles in all, before reaching Lake Nicaragua. I understand there is a canal to be built on the east shore of the lake on account of the shallow water, which would require me to journey 15 or 16 miles more before reaching the part of Lake Nicaragua having an ample depth of water to properly float the vessel in which I should sail, and that this would constitute another day's journey, and that another night would be spent on the lake or at its eastern entrance. Then I would sail out into that lake the next day, and would reach the Pacific Ocean after resting two nights and sailing three days—as it would be impracticable to continue the voyage during nighttime. I do not personally know about this; I am merely referring to facts which I have learned from the reports, which are valuable and reliable, in my judgment, as to the time that will be required to go through the Nicaragua Canal.

Mr. President, I can not help believing that whether it be the case of a sailing vessel or a steamship, when its master or owner gets into the Caribbean Sea, and has a choice of the route which, for the time being, is to carry upon the waters of the canal the value of that ship, the value of its cargo, whether it be great or small, and the valuable lives of the passengers on board, he will prefer to get into the open sea at the earliest possible moment and to spend as little time as is possible in either of these canals. So, in my judgment, although the distance from one point to another has been carefully calculated, showing that the location of a canal is preferred in certain quarters on the Pacific coast and on the Atlantic by the Nicaragua route, I can not help believing that, taking the situation of these two canals respecting their length and the conditions surrounding them, it would be regarded as the safest and wisest by all those who navigate ships to take the shorter route. That map has been to me since this debate began an absolute object lesson.

When I have turned to the reports and statements regarding these two routes and found that both are feasible and both available, but the Nicaragua route costing for maintenance more than a million dollars per annum in excess of the Panama route; although I read the interesting remarks of my honorable friend who sits near me [Mr. MORGAN], showing that these calculations were extravagant as to both routes, and I rather agree with him as to that—from the very nature of things, whether the cost of

maintenance is $1,000,000 or $2,000,000 for the longer route, the cost will be correspondingly less on the shorter route. Therefore, whether their statements are extravagant or not, it is perfectly apparent to me that, in the long run and range of these two canals, the advantage as to the cost of maintenance will be immensely in favor of a canal on the Panama route.

There is another thing I wish to say, because I am giving reasons that shall govern me in my vote rather than presenting arguments to sustain these reasons.

I have been impressed very much with the suggestions of the Senator from West Virginia [Mr. SCOTT] about the tunnel proposed for the San Blas route so called, and I was reenforced somewhat by listening to the venerable Senator from Massachusetts [Mr. HOAR], who seems to be impressed with it, whereby a sea-level canal could be constructed and used without the intervention of locks. I had dismissed that route from my mind because all of the members of the Commission agree, as I understand it, that the San Blas route, or whatever it may be called—the sea-level route south of Panama—from a financial view is not to be considered. But there is also this advantage as respects the Panama route, and it governs me somewhat. That is, that in the long reach of time it is also susceptible of being converted into a sea-level canal. I shall probably pass from these shores in the ordinary course of events probably before either canal is constructed by means of locks.

Mr. MITCHELL. I hope not.

Mr. ALLISON. This probability of a sea-level canal is far in the future, but the time may come when commerce and its interests will justify this great expenditure. The engineers who have examined the route concur in saying that it is a practicable thing to accomplish, depending only upon the amount of money to be expended.

Mr. President, these are the general impressions made upon my mind and some of the considerations which lead me to the support of the Panama route, and I am sorry that they have not met with the approval of my venerable friend the Senator from Alabama [Mr. MORGAN], with whom and by whom I have stood for all these years for a canal. I have supported and sustained him in every measure that he has brought forward for this purpose. I am sorry I can not follow him now in support of the Nicaragua project when I have the alternative thus presented. But I can not in a matter of this importance, involving $200,000,000, set up my feeble judgment and my information, or lack of information, against the information and the judgment of the men who compose the Commission, at the head of which is Admiral Walker, an officer in the Navy, who has been in the sunlight of public observation for more than forty years, who has acquitted himself with the highest intelligence and sagacity in every place that he has filled, whose integrity is unquestioned, and the belief in whose sound judgment is universal.

I happen to know Mr. Morison, another of the engineers, and I know him so well that I believe that he is one of the most eminent engineers not only in this country, but in all countries. So of Mr. Noble. I know those two engineers well. Of course I know General Ernst and Professor Haupt, but not so well. They are recognized as eminent and capable in their profession. We have many of us served in this Senate with Judge Pasco, and know how patient and thorough and intelligent he is in the examination of any subject.

Mr. President, it seems to me it would be folly on my part to stand up and proclaim by my vote, or by any criticism I might make, that I know more about this subject than any of these men, or all of them—and they all agree. A prudent man who builds a house employs an architect, however sound his own judgment or however intelligent he may be. He is to put his money in it, and in doing so he desires to secure the best attainable results at the place where he is to dwell. I would not come into the Senate with a proposition to build a locomotive on my own judgment, although there are some Senators here, at least one, who probably could go very far in that direction. So in this great matter, in our decision we must rely upon the expert knowledge of men whose life profession and life labor it has been to study and to deal with kindred subjects.

So, Mr. President, casting aside all the questions, opinions, and suggestions made in this Chamber, I am compelled, after reading the reports and statements of these experts, after the fullest examination, to follow them. When I do that, and when I follow my friend the Senator from Wisconsin [Mr. SPOONER], as respects his amendment, I see it is certain that there will be a canal built on one or the other route, because if there are legal impediments or difficulties in the pathway of the Panama concession to us or what Colombia may do as respects the treaty presently to be made, the Nicaragua route is still open to us as an alternative without further legislation.

I was impressed in 1884, when President Cleveland withdrew the Nicaragua treaty, with the value of the Frelinghuysen treaty, because it gave us absolute control of a strip of territory 10 miles wide to protect and police and control in the region of the canal itself. When I vote now as I shall I am not committed, as I understand it, to any treaty or project of a treaty that will not fully protect the canal and all interests incidental to the canal. I am in favor of negotiating with one or the other of these Governments to accomplish these ends—and whichever route is adopted we will deal with one Government or the other—in such way as to give us ample and perfect protection as respects the canal which we are to build, own, and maintain.

I want to see that treaty so framed that our control will have no impediments with respect to the region adjacent to the canal as well as to the line of the canal itself. If we can not secure title at Panama, if we can not make a treaty with Colombia satisfactory to us (and that treaty must come here before it becomes effective), then we are relegated by the amendment of the Senator from Wisconsin, not by choice of the President, but by force of the statute, to the Nicaragua route, and although I believe it is not the best route or the most desirable one, should I be living when the canal is completed I will be willing to take passage on the first available steamer and try its locks and dams and canals and lakes, and am sure it will serve the great commercial purpose we have in view, though not so well as the Panama route.

Without going into this question by and large, I wish to say that I do not share the fears and doubts of some of our friends about what will be done with this canal in the future. No interest, big or little, can impede its progress. The people of the United States are for a canal and they intend to have it. But they have intrusted to us the decision as respects how the $200,000,000 shall be expended to attain that purpose, and they ask of us that with whatever intelligence and judgment we have we shall so locate the canal as to justify our action when the canal is constructed and when we come to realize its value in the commerce of our country and in the commerce of the world.

I wish to thank the Senator from Alabama for yielding to me to express my views on the subject, and I am glad that after these many years of patient and intelligent labor on this subject of an isthmian canal his hopes are to be realized. Although it may be that the route he has so faithfully and intelligently advocated may not be adopted, yet the chief purpose will be the construction of a canal on the American continent piercing the two oceans for the benefit of the commerce of the world.

The National Irrigation Bill.

SPEECH

OF

HON. THOMAS H. TONGUE,

OF OREGON,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, June 12, 1902.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (S. 3057) appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the irrigation of arid lands—

Mr. TONGUE said:

Mr. CHAIRMAN: The limited time assigned for the discussion of this bill makes brevity a pressing necessity. It is a measure of unusual importance, the first of its kind to come before this House. If passed and enacted into law, it will be far-reaching in its consequences, and will mark an important epoch in the history of the great West. It will be impossible for its friends to properly present its merits in the course of a single afternoon. I shall confine myself, therefore, very largely to defending it against the charges brought by the gentleman from New York, Mr. RAY, that its provisions violate the Constitution of the United States.

This charge is so often made against so many proposed enactments, and so often merits, as it receives, little consideration. But the gentleman from New York possesses great legal learning. He has had varied and extensive experience, both at the bar and in Congress. He is the chairman of the Judiciary Committee, and as such, in a manner, the legal adviser, the attorney-general, as it were, of the House. His opinions upon legal and constitutional questions, both from his personal and professional standing and official position, are entitled to great weight and careful consideration.

I should hesitate to combat his views were I not, as I am in this instance, sustained by the great weight of legal authority, the unbroken current of judicial decisions, and the uniform practice of the Federal Government. Supported by these, it will not, I believe, be difficult to successfully meet every argument the gentleman has made. In supporting the constitutionality of this bill

it will not even be necessary to resort to the provisions of section 8, Article I, which provides that Congress shall have power "to provide for the common defense and the general welfare of the United States." All the powers attempted to be exercised under the provisions of this bill can be successfully defended under other plain provisions of the Constitution, as interpreted and enforced by the highest judicial tribunals of the land and the uniform practice of the Government from its foundation until now.

The gentleman from New York contends—

The bill is also unconstitutional because the Congress of the United States has no power to provide for the irrigation improvement of its public lands situated within a State, probably not those situated within a Territory.

And again, that—

The bill is unconstitutional because the improvement of the public lands for sale is not a Government purpose nor the object for which the Government was established or the nation founded, nor is it incidental thereto. It is not necessary to the preservation of the Government or to the discharge of governmental functions.

And again it is contended that—

The Constitution in express terms designedly limits the powers of Congress over our public lands and the disposition thereof to the making of needful rules and regulations respecting the same.

Let us examine the provisions of the bill, and then this contention of the gentleman from New York. The purpose of this bill is the "disposition" of public lands of the United States that can not now be disposed of under any existing laws, and "the making of needful rules and regulations respecting the same." Millions of acres of the public domain, under present conditions, are valueless for any purpose. Nay, worse than valueless. They obstruct the progress and the growth of the country. They are the source of great climatic disturbances. Their vast parched surfaces must be traversed constantly in all communications between the East and the West and between the several sections of the West. The expense of constructing roads and carrying freight and passengers over them and the time wasted in crossing them is stupendous.

This bill provides that when public lands are sold within certain States and Territories specified in the bill, the proceeds are to be applied to the irrigation and reclamation of these parched, arid, and worthless lands within such States and Territories. The object of this irrigation and reclamation is to make salable and disposable what is now neither salable nor disposable under existing laws. The lands so reclaimed are to be sold at the cost of reclamation, and the funds derived therefrom are to be again used to irrigate and reclaim more of these valueless lands, to be again sold and the proceeds again so applied. All sales are to be made only to actual, bona fide settlers, home seekers, and home makers. The whole purpose of the bill, the whole machinery provided, is for the "disposal" of public lands.

Irrigation and reclamation are resorted to only to make fit and ready for "disposal" lands that can not now be otherwise disposed of. Irrigation and reclamation are the means adopted. The end is "disposal," sale, of public lands. No lands are to be irrigated that can not be sold to actual settlers at the price of irrigation. "The rules and regulations respecting" this class of public lands adopted by this bill are those only that are "needful" to secure such "disposal" and sale. No State or Territory owns or controls or has any interest in or authority over any of these lands. No State or Territory can tax them, or improve them, or cut ditches through them, or enter upon them. If the General Government can not irrigate them, there is no power on earth that can rightfully do so. Is it possible that we are in possession of several hundred million acres of public domain that we are powerless to touch and render fit for sale in the only way which they can be fitted for sale? Can not the Federal Government adopt the same means that a private owner could adopt to place his lands upon the market?

POWER OF CONGRESS TO DISPOSE OF THE PUBLIC LANDS IS ABSOLUTE.

Let us examine the Constitution upon this question. Section 3, Article IV, of the Constitution contains the following provision:

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

The extent of the power conferred upon Congress by this section in reference to the government of the territories of the United States has of late been under some fierce discussion in Congress, before the people, and within the highest judicial tribunals of the land. But in all of these discussions, whether on the floor of Congress, upon the public platform, at the bar, or on the bench, it has been conceded that, standing alone, the power conferred upon Congress by this section is absolute, exclusive, and unlimited.

The only question at issue has been how far and to what extent the power conferred by this section is limited or controlled by other provisions of the Constitution of equal force, and especially that portion of the Constitution which requires that "all duties, imposts, and excises shall be uniform throughout the United States." But nowhere within the Constitution is there any language or provision or expression which, directly or indirectly, expressly or by implication, can by any possibility be construed as limiting or controlling the power conferred upon Congress "to dispose of and make all needful rules and regulations respecting * * * other property belonging to the United States."

Here, and in dealing with this property, the power of Congress is absolute, unlimited, and unrestrained. From the foundation of the Government Congress has claimed this power, has exercised it constantly, and its exercise has been upheld wherever controverted by the highest judicial tribunals of the land, both State and Federal. Upon that question, permit me to refer to a few legal authorities and judicial decisions:

The United States, as the proprietor of the public lands, has by virtue of its proprietorship the absolute and unqualified right of disposal, and neither a State nor Territorial legislature can dictate, modify, or embarrass in any manner the right of Congress to the primary disposal of the public lands.

Kinney on Irrigation, section 147.
Pomeroy on Riparian Rights, section 32.
Union Mill and Mining Company *v.* Ferris, 2 Sawyer, 176.
2 Story on the Constitution, page 200, section 1328.

In Irvine *v.* Marshal et al. (20 Howard, 558) the judge delivering the opinion of the court says:

It can not be denied that all the lands in the Territories not appropriated by competent authority before they were acquired, are in the first instance the exclusive property of the United States, to be disposed of to such persons, at such times, and in such modes, and by such titles as the Government may deem most advantageous to the public fisc, or in other respects most politic.

In Union Mill and Mining Company *v.* Albert Ferris et al., reported in 2 Sawyer, 176, decided in 1872, the supreme court of Nevada say:

The Government of the United States has a perfect title to the public land and an absolute and unqualified right of disposal. Neither State nor Territorial legislation can in any manner modify or affect the right which the Government has to the primary disposal of the public land.

In Gibson *v.* Chouteau (13 Wallace, 92), Judge Field, delivering the opinion of the Supreme Court of the United States, says:

With respect to the public domain, the Constitution vests in Congress the power of disposition, and of making all needful rules and regulations. That power is subject to no limitations. Congress has the absolute right to prescribe the times, the conditions, and the mode of transferring this property, or any part of it, and to designate the persons to whom the transfer shall be made. No State legislation can interfere with this right or embarrass its exercise.

On page 100 Judge Field further says:

The same principle which forbids any State legislation interfering with the power of Congress to dispose of the public property of the United States also forbids any legislation depriving the grantees of the United States of the possession and enjoyment of the property granted by reason of any delay in the transfer of the title after the initiation of proceedings for its acquisition. The consummation of the title is not a matter which the grantees can control, but one which rests entirely with the Government. With the legal title, when transferred, goes the right to possess and enjoy the land, and it would amount to a denial of the power of disposal in Congress if these benefits, which should follow upon the acquisition of that title, could be forfeited because they were not asserted before that title was issued.

While Congress not only possesses the absolute right of the disposal of the public domain, it has also the right to prescribe the conditions upon which the grant may be made. It may delay the title or withhold the fee until such times as the Government may prescribe, and the State can interpose no objection, can raise no obstacles.

In Gibson *v.* Chouteau (supra), Justice Field laid down the following doctrine:

The same principle which forbids any State legislation interfering with the power of Congress to dispose of the public property of the United States also forbids any legislation depriving the grantees of the United States of the possession and enjoyment of the property granted by reason of any delay in the transfer of the title after the initiation of proceedings for its acquisition. The consummation of the title is not a matter which the grantees can control, but one which rests entirely with the Government. With the legal title, when transferred, goes the right to possess and enjoy the land, and it would amount to a denial of the power of disposal in Congress if these benefits, which should follow upon the acquisition of that title, could be forfeited because they were not asserted before that title was issued.

The Federal Government, as proprietor of the public domain, has the power to annex conditions to grants. It may do this either in the grant or patent itself, conveying each particular portion of the public domain to its grantees and patentees, or it may by Congressional legislation adopt any general regulation or impose any conditions or limitations upon the use of the public domain, upon all persons who acquire title to portions of the public lands from the Government, and the title so acquired will be held by the grantee thereof, subject to such conditions and limitations. (Kinney on Irrigation, sec. 147, p. 223; Pomeroy on Riparian Rights, sec. 32.)

But the unlimited power of Congress over the public domain, not only in regard to its disposal, but in dealing with it in every way, arises necessarily from the conditions that attend its ownership. The owner of land within a State, by a fee-simple title, takes it subject to several conditions and limitations. It is subject to the power of taxation both by the State and Federal Government. It is subject to the right of eminent domain of both the State and Federal Government.

The method and manner by which titles are conferred, by which

they are transmitted from parent to child, the manner in which deeds must be drawn, wills executed and admitted to probate, is subject to the laws of the State; but the title of the Federal Government to the public lands is subject to no restrictions, no control, no regulations by any authority but its own. It possesses within itself all the rights of the owner and all the sovereign powers belonging to both State and Federal Government in lands vested in private ownership. It follows, therefore, that it must have, from the very nature of things, the absolute control and unrestricted management and the absolute right of disposal. The existence of these lands imply the power somewhere to do with them all this bill contemplates. But as to them, all power is in the Federal Government.

The tenth article of amendment of the Constitution has no application here. That article provides:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

The public lands dealt with under this bill were never vested in the States. They were owned by the Federal Government before the States in which they are situate had existed as States. There could be therefore no "powers" reserved. There are no "powers" over them, or that attach to them, except the sovereignty of the United States. Combining, therefore, as it does, within itself all the rights of ownership and all the rights of sovereignty, it can not be otherwise than that the Federal Government may do with these lands as it may, dispose of them in any manner it may select, and may adopt whatever means it may deem appropriate to render such lands in proper condition for disposal, sale, and settlement.

THE POWER OF CONGRESS TO DISPOSE OF THE PROCEEDS OF THE SALES OF PUBLIC LANDS IS UNLIMITED.

Again, the absolute ownership, the absolute right of disposal, carries with it the right to dispose of the proceeds of the public lands. No money is to be invested in irrigation or reclamation except the proceeds from the sale of public lands. Congress has always exercised the unlimited right to dispose of the proceeds of the public lands, as it has of the lands themselves. It had devoted these proceeds to a wide variety of subjects; to the establishment and maintenance of universities, of agricultural colleges, of scientific schools.

In 1846 Congress granted lands to the Territory of Iowa for the purpose of aiding said "Territory to improve the navigation of the Des Moines River from its mouth to the Raccoon Fork." In the act admitting the State of Idaho into the Union Congress not only, as in other instances, devoted sections 16 and 36 for the support of common schools, but it also made grants of lands to be used in aiding the State in "erecting public buildings at the capital of said State for legislative, executive, and judicial purposes."

It granted 90,000 acres "for the support of an agricultural college;" 100,000 acres for the "maintenance of a scientific school;" 100,000 acres "for State normal schools;" 50,000 acres "for the support and maintenance of the State insane asylum, located at Blackfoot;" 50,000 acres "for the support and maintenance of the penitentiary located at Boise City;" 150,000 acres "for other State charitable, educational, penal, and reformatory institutions."

This House during this Congress has passed an act granting to Oklahoma lands for the maintenance of a university and the common schools—for the benefit of the agricultural and mechanical college 250,000 acres, for the benefit of the colored agricultural and normal university 100,000 acres, and for the benefit of normal schools 250,000 acres.

The same act grants to the Territory of Arizona public lands to be used in the support of common schools, universities, and colleges: for the erection of public buildings at the capital; for the establishment of an insane asylum and penitentiary; for a deaf, dumb, and blind asylum; for a hospital for disabled miners, and for State, charitable, penal, and reformatory institutions.

Similar grants by the same bill were made to New Mexico, including a grant for the establishment of a State military institute.

Now, does the gentleman from New York contend that there is any express power conferred upon the Constitution to provide for deaf, dumb, and blind asylums, for hospitals for disabled miners, for the construction of penitentiaries for the confinement of people guilty of violating State laws, for the construction of insane asylums, for the maintenance of normal schools and "colored" universities? Is this any function of the Federal Government? Is the power to establish any of these institutions "necessary to the preservation of the Government or to the discharge of governmental functions?"

And yet, where was the gentleman from New York when these bills were being passed? Why was he so silent? Why no objection to their constitutionality? Or does the gentleman contend that there is some peculiar provision of the Constitution whereby Congress may have the power to erect a penitentiary, and an asylum, and a hospital for disabled miners entirely within a State, managed by a State, and yet it has no power to fit its lands for public sale and make them habitable and provide for their disposal to home seekers and home builders? All of these powers have been exercised by the General Government simply because it is the absolute owner of the public lands, has the absolute right of disposal and management, and may do as it pleases with the proceeds derived from such sale.

Oh, but we are told the power to dispose of lands does not include, as incident thereto, the power to improve or even repair, and it has been universally so held. "A power of attorney to sell and convey lands does not include the power to repair or to improve." A strange jumbling here. Who has given a power of attorney to the Federal Government? It is not acting as the agent. It is acting as the absolute, unrestrained owner. The gentleman admits that "we may care for them, preserve them, survey and plot them, sell off the timber, and lease the mining lands in the Territories, for this is but a disposition of the ores and metals therein, and if in so doing we incidentally improve such lands we do not violate the Constitution." What greater power are we exercising under the present contemplated law than the gentleman here admits we may exercise?

CONGRESS MAY ADOPT APPROPRIATE MEANS TO CARRY OUT THE POWERS CONFERRED UPON IT.

Section 8, Article I, of the Constitution of the United States, in the enumeration of the powers of Congress, confers the following:

> To make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the Government of the United States or in any department or officer thereof.

This clause is the foundation of the doctrine of "implied powers." Under this provision Congress is invested with authority to adopt such means or agencies for carrying into effect its enumerated powers, including the disposal of the public lands as shall be requisite, essential, or conducive to the accomplishment of that result, or that seems appropriate to the exercise of the authority conferred upon Congress. Congress, in the first instance, is the judge of the necessity and of the adaptability of the means to the end. It is true its decisions are not conclusive, but its decisions will not be set aside and the acts of Congress will not be adjudged unconstitutional unless it is clearly apparent that the means adopted can not be needful or appropriate to the execution of any of the powers specified in the Constitution. These conclusions are fully sustained by the decisions of the Supreme Court of the United States in the following cases:

In McCulloch *v.* The State of Maryland et al. (4 Wheaton, 316), in which Chief Justice Marshall delivered the opinion, the Supreme Court of the United States decide:

> The Government of the Union, though limited in its power, is supreme within its sphere of action, and its laws, when made in pursuance of the Constitution, form the supreme law of land.
>
> If the end be legitimate and within the scope of the Constitution, all the means which are appropriated, which are plainly adapted to that end, and which are not prohibited may be constitutionally employed to carry it into effect.
>
> The States have no power, by taxation or otherwise, to retard, impede, burden, or in any manner control the operations of the constitutional laws enacted by Congress to carry into effect the power vested in the National Government.
>
> A constitution, to contain an accurate detail of all the subdivisions of which its great powers will admit, and of all the means by which they may be carried into execution, would partake of the prolixity of a legal code, and could scarcely be embraced by the human mind. It would probably never be understood by the public. Its nature, therefore, requires that only its great outlines should be marked, its important objects designated, and the minor ingredients which compose those objects be deduced from the nature of the objects themselves. That this idea was entertained by the framers of the American Constitution is not only to be inferred from the nature of the instrument, but from the language. Why else were some of the limitations found in the ninth section of the first article introduced?

McCulloch *v.* Maryland (4 Wheat., 316).
Martin *v.* Hunter (1 Wheat., 304).
Gibbons *v.* Ogden (9 Wheat., 1).
Hepburn *v.* Griswold (8 Wall., 603).
Legal Tender Cases (12 Wall., 457).
Juilliard *v.* Greenman (110 U. S., 321).
United States *v.* Coombs (12 Pet., 72).

THE LAWS PASSED BY CONGRESS TO CARRY OUT THE POWERS VESTED IN THE FEDERAL GOVERNMENT BECOME THE SUPREME LAW OF THE LAND.

Article VI of the Constitution provides:

> This Constitution and the laws of the United States which shall be made in pursuance thereof, and all the treaties made or which shall be made under the authority of the United States, shall be the supreme law of the land, and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding.

From these authorities it is clearly apparent that Congress not only has the absolute right of disposing of the public lands and their proceeds, of making the necessary rules and regulations for their management, but it may adopt whatever means appear reasonably necessary for disposing, managing, controlling the public lands, and whatever laws it passes in reference to them become the supreme laws of the land. No State or Territory can hamper, obstruct, or interfere with this management.

THE FEDERAL GOVERNMENT POSSESSES THE RIGHT OF EMINENT DOMAIN.

But it is complained that under this bill the Federal Government asserts and will attempt to exercise the right of eminent domain and the power of condemnation of private property in order to carry out the objects contemplated in this bill, and the gentleman "most emphatically" denies that any such power exists. This contention is contrary to the whole history of the Government and the unbroken decisions of the courts. The United States Government, in the exercise of its proper powers, can exercise the right of eminent domain within either States or Territories and either with or without the consent of such State or Territory. This power has been uniformly claimed by the Government and upheld by the courts.

The fifth amendment to the Constitution containing this provision, "Nor shall private property be taken for public use without just compensation" implies that the Federal Government shall exercise the right of eminent domain:

Within its own sphere, and with reference to its own constitutional duties and functions, the Government of the United States is sovereign, and therefore must possess the power of eminent domain, as well as all other sovereign powers. Whenever it may be necessary to appropriate private property for the carrying on of any of the proper undertakings or offices of the General Government, that Government may exercise its power of eminent domain, as well within the limits of a State as in the districts subject to its exclusive jurisdiction, and the consent or cooperation of the State is not required. For instance, the Federal authorities may proceed directly, by their own officers and courts, and without the intervention of the State, to condemn and appropriate private property, anywhere situated, for post-offices, court-houses, forts, arsenals, light houses, or military roads. (Black's Constitutional Law, sec. 170, pp. 400 and 401; 2 Story on Constitution, p. 673, sec. 1956; Cooley's Constitutional Limitations, pp. 653 and 654.)

In Darlington *v.* The United States (82 Pa. St., 382) the supreme court of Pennsylvania decided:

The right of the United States to take private property for public use is too well settled to be now disputed. Of the numerous cases upon this subject it is sufficient to refer to Kohl *v.* The United States, which is believed to be the last, and will be found reported in the American Law Register for September, 1896.

The opinion of the court was delivered by Justice Strong. He said:

The right of eminent domain is inherited in all governments by virtue of their sovereignty. For all purposes required by the Constitution this right exists in the United States independently of any consent of the State in which the property lies.

In Burt *v.* Merchants' Insurance Company (106 Mass., 356) the court, in upholding the right of the United States to condemn property for public use, say:

But it is now too late to question the validity of such acts, even if there could have been any reasonable doubt about it originally.

The same doctrine was upheld in Reddall *v.* Bryan et al. (14 Md., 445).

In Trombley *v.* Humphreys (23 Mich., 471) the court say:

I think that counsel is in error in supposing that the assent of the State is a condition precedent to the taking of lands by the General Government. Its consent is required only for the purpose of a transfer of jurisdiction.

In Kohl et al. *v.* The United States (91 U. S., 367) Mr. Justice Strong, in delivering the opinion of the court, says:

It has not been seriously contended during the argument that the United States Government is without power to appropriate lands or other property within the United States for its own uses, and to enable it to perform its proper functions. Such an authority is essential to its independent existence and perpetuity. These can not be preserved if the obstinacy of a private person, or any other authority, can prevent the acquisition of the means or instruments by which alone governmental functions can be performed.

The powers vested by the Constitution in the General Government demand for their exercise the acquisition of lands in all the States. These are needed for forts, armories, and arsenals, for navy-yards and light-houses, for custom-houses, post-offices, and court-houses, and for other public uses. If the right to acquire property for such uses may be made a barren right by the unwillingness of property holders to sell, or by the action of a State prohibiting a sale to the Federal Government, the constitutional grants of power may be rendered nugatory, and the Government is dependent for its practical existence upon the will of a State, or even upon that of a private citizen. This can not be.

In United States *v.* Gettysburg Electric Railway (160 U. S., 668), Justice Peckham, delivering the opinion of the court, says:

In examining an act of Congress it has been frequently said that every intendment is in favor of its constitutionality. Such act is presumed to be valid unless its invalidity is plain and apparent; no presumption of invalidity can be indulged in; it must be shown clearly and unmistakably. This rule has been stated and followed by this court from the foundation of the Government.

Upon the question whether the proposed use of this land is a public one we think there can be no well-founded doubt; and also, in our judgment, the Government has the constitutional power to condemn the land for the proposed use. It is of course not necessary that the power of condemnation for such purpose be expressly given by the Constitution. The right to condemn at all is not so given. It results from the powers that are given, and it is implied because of its necessity or because it is appropriate in exercising those powers. Congress has power to declare war and to create and equip armies and navies. It has the great power of taxation, to be exercised for the common defense and general welfare. Having such powers, it has such other and implied ones as are necessary and appropriate for the purpose of carrying the powers expressly given into effect.

Any act of Congress which plainly and directly tends to enhance the respect and love of the citizen for the institutions of his country and to quicken and strengthen his motives to defend them, and which is germane to and intimately connected with and appropriate to the exercise of some one or all of the powers granted by Congress, must be valid. This proposed use comes within such description. The provision comes with the rule laid down by Chief Justice Marshall in McCulloch *v.* Maryland (4 Wheat., 316, 421) in these words:

"Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adequate to that end, which are not prohibited, but consistent with the letter and spirit of the Constitution, are constitutional."

The end to be attained by this proposed use, as provided for by the act of Congress, is legitimate and lies within the scope of the Constitution.

In Cherokee Nation *v.* Kansas Railway Company (135 U. S., 641) the court say:

The fact that the Cherokee Nation holds these lands in fee simple under patents from the United States is of no consequence in the present discussion, for the United States may exercise the right of eminent domain, even within the limits of the several States, for purposes necessary to the execution of the powers granted to the General Government by the Constitution. Such an authority, as was said in Kohl *v.* United States (91 U. S., 367), is essential to the independent existence and perpetuity of the United States, and is not dependent upon the consent of the States. (United States *v.* Fox, 94 U. S., 315, 320; United States *v.* Jones, 109 U. S., 513; United States *v.* Great Falls Manufacturing Company, 112 U, S., 645; Van Brocklin *v.* State of Tennessee, 117 U. S., 151, 154.)

As was said by Mr. Justice Bradley in Stockton *v.* Baltimore and Ohio Railroad (35 Fed. Rep., 9, 19):

"The argument based upon the doctrine that the States have the eminent domain or highest dominion in the lands comprised within their limits, and that the United States have no dominion in such lands, can not avail to frustrate the supremacy given by the Constitution to the Government of the United States in all matters within the scope of its sovereignty. This is not a matter of words, but of things. If it is necessary that the United States Government should have an eminent domain still higher than that of the State, in order that it may fully carry out the objects and purposes of the Constitution, then it has it. Whatever may be the necessities or conclusions of theoretical law as to eminent domain or anything else, it must be received as a postulate of the Constitution that the Government of the United States is invested with full and complete power to execute and carry out its purposes."

However, conceding the right of Congress to exercise the power of eminent domain without the consent of the States, it is not even attempting to exercise that power under the provisions of this bill. The eighth section especially declares that nothing in this act shall be construed as affecting, or intended to affect, or to in any way interfere with the laws of any State or Territory relating to the control, proper use, or distribution of water used in irrigation, or any vested right acquired thereunder, and the Secretary of the Interior, in carrying out the provisions of this act, shall proceed in conformity with such laws. Every State and Territory referred to in this act contains laws authorizing the exercise of the right of eminent domain for the purpose of irrigation.

IRRIGATION A PUBLIC USE.

Again, the gentleman from New York, however, contends that "the use proposed by this bill is not a public use." It is contended that—

Here the use contemplated is an acquiring of lands and water rights, which are to be improved and then sold again to private individuals and used for private purposes or used for storage purposes, the property (water) collected from such water rights and stored to be sold to private individuals and corporations, and all for purposes of speculation or supposed gain, not to the public treasury, but to the State, by increasing its population, productive power, and taxable property.

It is rather late in the progress of the world, and especially of the United States, to contend that to apply water to the irrigation of arid lands is not a public use. The declaration of the gentleman from New York is in conflict with the laws of every State and Territory to which this bill applies and the opinion of every judicial officer, State and Federal, who has been called upon to express an opinion upon that question. That irrigation is a public use, and that the power of eminent domain may be invoked to aid irrigation enterprises, is too well settled to be now controverted. I will refer the House to a few only of the many authorities upon that question:

The constitutions of several of the States undertake, with more or less exhaustiveness, to enumerate the purposes for which the right of eminent domain may be exercised. The following are among the cases specified in one or more of the State constitutions: Public buildings and grounds; roads, streets, and alleys in municipalities; waterworks, aqueducts, drains, and sewers in counties, cities, and towns; raising the banks of streams; removing obstructions therefrom, widening, deepening, or straightening their channels; railways; turnpike or toll roads; canals; irrigation ditches or aqueducts; wharves; docks, piers; bridges; chutes and booms; ferries; telegraph and telephone lines; cemeteries; oil pipe lines. In regard to the most of the foregoing, it may be remarked that, even in the absence of constitutional authorization, they would be regarded as public purposes in a sense which would justify the exercise of the power of eminent domain. (Black's Constitutional Law, pp. 404 and 405.)

Under proper conditions a water course may be taken under the power of eminent domain for the irrigation of the surrounding country seems to be plainly indicated by the decision in Lux *v.* Haggin, "that the riparian owners of property in the water of a stream may, on payment of due compensation to him, be taken to supply farming neighbors with water." (Pomeroy on Riparian Rights, sec. 159; Lux *v.* Haggin, 10 Pac. Rep., 697; Dallbrook Irrigation District *v.* Bradley, 164 U. S., 112, 159, and 160.)

In practically all, if not all, of the arid and semiarid land States statutes have been passed providing for the condemnation of land, water, and other rights in order to aid in the irrigation of arid lands, and the supreme courts of these several States have upheld such legislation.

California, in section 1238 of the Code of Civil Procedure, provides:

Subject to the provisions of this title, the right of eminent domain may be exercised in behalf of the following public uses: * * * Canals, ditches, flumes, aqueducts, and pipes for transportation, supplying mines and farming neighbors with water, and draining and reclaiming lands, and for floating logs and lumber on streams not navigable.

The supreme court of California, as well as the Supreme Court of the United States, has upheld the constitutionality of this provision. (See Lux *v.* Haggin, 10 Pac. Rep., 697.)

In Dallbrook District *v.* Bradley, supra, on pages 159, 160, and 161, the court says:

Viewing the subject for ourselves and in the light of these considerations, we have very little difficulty in coming to the same conclusion reached by the courts of California.

The use must be regarded as a public use, or else it would seem to follow that no general scheme of irrigation can be formed or carried into effect. In general, the water to be used must be carried for some distance and over or through private property, which can not be taken in invitum if the use to which it is to be put be not public, and if there be no power to take property by condemnation it may not be possible to acquire it at all. The use for which private property is to be taken must be a public one, whether the taking be by the exercise of the right of eminent domain or by that of taxation.

Cole *v.* LeGrange (113 U. S., 1), a private company or corporation without the power to acquire the land in invitum would be of no real benefit, and at any rate the cost of the undertaking would be so generally enhanced by the knowledge that the land must be acquired by purchase that it would be practically impossible to build the works or obtain the water. Individual enterprises would be equally ineffectual; no one owner would find it possible to construct and maintain waterworks and canals any better than private corporations or companies, and unless they had the power of eminent domain they could accomplish nothing. If that power could be conferred upon them, it could only be upon the ground that the property they took was to be taken for a public use.

While the consideration that the work of irrigation must be abandoned if the use of the water may not be held to be or constitute a public use is not to be regarded as conclusive in favor of such use, yet that fact is in this case a most important consideration. Millions of acres of land otherwise cultivable must be left in their present arid and worthless condition, and an effectual obstacle will therefore remain in the way of the advance of a large portion of the State in material wealth and prosperity. To irrigate and thus to bring into possible cultivation these large masses of otherwise worthless lands would seem to be a public purpose and a matter of public interest, not confined to the landowners or even to any one section of the State.

The fact that the use of the water is limited to the landowner is not therefore a fatal objection to this legislation. It is not essential that the entire community, or even any considerable portion thereof, should directly enjoy or participate in an improvement in order to constitute a public use. All landowners in the district have the right to a proportionate share of the water, and no landowner is favored above his fellow in his right to the use of the water. It is not necessary, in order that the use should be public, that every resident in the district should have the right to the use of the water.

Nevada has had similar legislation in force since March 3, 1866, and the constitutionality of such act has been uniformly upheld by the courts of that State. (Vansickle *v.* Haines, 7 Nev., 249; Dalton *v.* Bowker, 8 Nev., 190; Mosier *v.* Caldwell, 7 Nev., 363; Lake *v.* Tolles, 8 Nev., 285; Brown *v.* Ashley, 16 Nev., 311; Strait et al. *v.* Brown et al., 16 Nev., 317.)

Similar legislation was enforced in the State of Washington, in the State of Kansas, in Utah, in North Dakota, in South Dakota, in Oregon, in Idaho, in Nebraska, in Arizona, in New Mexico, in Montana, and in Colorado.

The constitutionality of the Oregon statute was upheld in Umatilla Irrigation Company *v.* Barnhart (30 Pac. Rep., 37).

If a reasonable doubt exists as to whether the use to which it is sought to apply the property is a public use, then the declaration of its public use by the legislative power of the Government is conclusive upon that question. This was upheld in the following cases: Lux *v.* Haggin et al., 10 Pac. Rep., 674; Gilmore *v.* Lime Point, 18 Cal., 229; Commonwealth *v.* Breed, 4 Pick., 483; Spring *v.* Russell, 7 Greenleaf, 272; 6 Pick., 10; 23 Pick., 395; 3 Paige, 73; 4 Hill, 151; Umatilla Irrigation Company *v.* Barnhart et al., 30 Pac. Rep., 37.

The Federal Government has exercised the right of eminent domain for the purpose of establishing parks in the city of Washington and in various States and Territories of the United States. In the case of Shoemaker *v.* The United States, supra, the right of eminent domain was invoked and upheld to acquire property to be used for a park in the city of Washington for the pleasure of its inhabitants. We have devoted public lands and exercised the powers of the Federal Government, including the right of eminent domain, for the establishment of national parks in various portions of the United States and Territories.

Is that more constitutional than irrigation? Is it more a public use to provide pleasure grounds and hunting grounds for those who have the leisure and the money to enable them to travel, than to provide water for the irrigation of lands in order to provide food for the hungry, homes for the homeless, and to enable the United States to make its worthless domains suitable habitations for its citizens? Have we more constitutional power to provide amusement and entertainment out of the public domain than to prepare it to produce the necessaries of life? Certainly the gentleman from New York will find few people who agree with him in this contention.

In the light of the foregoing authorities, it seems to me, Mr. Chairman, that there can be no question that the Federal Government has the absolute right to dispose of the public lands. It has the absolute right to apply the proceeds to the purposes of irrigation; that the irrigation of arid lands is a public use, and that the Government has the right to invoke the power of eminent domain wherever necessary to acquire lands for reservoirs or canals, wherever necessary to successfully carry on the irrigation of its public lands.

THIS BILL CALLS FOR THE EXERCISE OF NO NEW POWERS.

Mr. Chairman, under this bill the Federal Government will exercise no rights, no powers that it has not exercised time and time again. It has disposed of the public lands, and of the proceeds absolutely, and for every purpose conceived of by the Government. It has exercised the right of eminent domain whenever land was needed to carry out any Government enterprise. But, in addition to that, it has in a great many separate acts provided for the irrigation of public domain.

For years past, continuously and repeatedly, since the gentleman from New York has been a member of this House, Congress has appropriated money aggregating millions for the purpose of irrigating public lands. It has passed two or three acts of that kind during the present session of the present Congress. These appropriations have been in sundry civil bills, in Indian appropriation bills, in agricultural appropriation bills. It is true, in the main, these sums have been for the purpose of investigation, for examination, for survey, for the drawing of plans. This money has been expended in vain unless we pass this or some similar bill. But is it constitutional to expend money to investigate an irrigation project, draw the plans of reservoirs and canals and ditches, and not constitutional to carry on irrigation? Is it constitutional to squander money, but not to spend it usefully? Does the gentleman wish to draw this distinction?

But the Government has been carrying on irrigation works under the control of the Indian Department. There are a number of reservoirs now under construction by that department. Does the gentleman contend that there are some peculiar provisions of the Constitution that authorize the Commissioner of Indian Affairs to irrigate public lands adjoining Indian reservations or to irrigate lands belonging to Indians, but none that would enable the Secretary of the Interior to irrigate public lands belonging to the United States?

Where does the gentleman draw the distinction? Or was it constitutional last year to vote in three separate appropriation bills provisions for carrying on irrigation, but not constitutional this year? Or was it constitutional in December, in January, in March, while the Indian appropriation bill was passed, and the sundry civil bill was passed, and the Agricultural bill was passed, during this session of this Congress, and not constitutional during the month of June to provide for irrigation under a separate bill? Or is it constitutional to make provisions for irrigation when it is mixed up with some other subject, and not constitutional to pass a separate bill for that purpose, unconnected with other matters?

It seems to me, Mr. Chairman, either the watchful eyes of the gentleman have been closed while the Constitution has been broken into fragments on numerous and various occasions during his long service or else he has only just made the wonderful and astounding discovery that the Constitution of the United States has so hampered the powers and fettered the hands of the Federal Government that, while it is the proprietor and sovereign of hundreds of millions of acres of public lands, it is powerless to dispose of them or use them in the only way in which it is possible to dispose of them or put them to any valuable use.

Through the operation of the homestead act we have disposed of public land in consideration of settlement and cultivation. In the timber-culture act we have disposed of public land in consideration of the planting of trees in treeless regions. In the desert-land act and in the Carey Act we have disposed of public lands in consideration of their irrigation and reclamation. In all of these acts the Government has practically devoted the proceeds of public lands to building homes, putting lands in cultivation, planting them with trees, and for their reclamation and irrigation.

We have done all under those acts, and exercised every power under those acts, we are attempting to exercise under this, save that of eminent domain alone. We have attempted in a feeble way through two of those acts what we are attempting to do in a more practical, direct way in the one now proposed. Is it more constitutional, through the gift of public lands, to employ private parties and private corporations and great syndicates to engage in their irrigation and reclamation, than it is to carry on the same work through the Secretary of the Interior and the Director of the Geological Survey? Is it constitutional to employ one agency to carry out the objects of the Government and not another, to conduct operations through one class of men and not conduct them through another?

THE BENEFITS OF THIS BILL WILL NOT BE SECTIONAL OR CONFINED TO THE WEST.

Mr. Chairman, I am loath to close without an attempt, at least, in a feeble way to reply to another objection urged against this bill, voiced by the gentleman from New York. It is alleged that we are seeking to benefit the West at the expense of the East. It is even alleged that we are about to tax the East, not only to benefit the West, but to the injury of the East and Middle West; that this measure is exclusively for the benefit of the people who are now living in the States and Territories named in this bill, and will produce injury to those now living in the East and Middle West.

I most emphatically deny the correctness of this claim. The enforcement of this law will not only not injure the people of the East, but it will benefit more people who are now in the East and Middle West than are now within the Western States and Territories. The arguments most industriously used and that will procure more votes against this measure than any other are the claims that by the reclamation and irrigation of large tracts of land it will make undue competition with Eastern farmers.

If this were true the competition would strike with still greater force against the Western farmers themselves. The lands to be irrigated will be by the side of the Western farms. The competition, if any, will be at the very door of the Western farmer, in his immediate vicinity, will invade his own market and make competition with his own customers. The people in the West are agricultural in a much larger proportion than those in the Eastern States. In the main, they are the owners of the farms upon which they reside. At best they are few in number, and but a small proportion of them will avail themselves of the provisions of this bill. They are not anxious to depreciate the value of their own homes. But by far the greater portion of the people who will procure homes within the regions to be reclaimed will be from the East and Middle West. They will be your constituents, not ours.

Farmers in Iowa, Illinois, Indiana, who are now selling high-priced farms, immigrating to Canada to procure cheap lands, will be able to find homes without seeking them under foreign flags, and without renouncing their allegiance to the Stars and Stripes. The best citizens you have are seeking homes under a foreign flag. Their loss is to be deplored. We need them and want to retain them. The grown-up sons of your own farmers who are unable to buy high-priced lands near the parental homestead will be able to go West, procure homes, and continue the occupation to which they have been trained. The surplus labor of your cities, those who desire a purer atmosphere, both physical and moral, will be able to find it in the West. Why is Eastern agriculture prosperous to-day? It is because the factory is near the farm, because the city with its ceaseless activity creates a constant, increasing demand for all the farm can produce.

Put more fuel in the factory fires, intensify the business activity of the cities, and you put more money in the pockets of your farmers. The more workmen to clothe and feed and shelter, the greater the prosperity of the farmer. But where in the whole world is there a better market for the products of Eastern factories in proportion to the population than in the great West? We are not agricultural, not a manufacturing people. I fear from the scarcity of coal and iron it will never be otherwise. Oregon alone, with less than half a million inhabitants, sells her salmon, her lumber, her wheat, and other farm products to foreign countries, aggregating millions of dollars annually, and expends practically all of it in the East.

In the morning when the Oregon farmer shakes slumber from his eyelids he rises from an Eastern-made bed, covered by Eastern-made blankets, dresses himself in Eastern-made clothing, seizes an Eastern-made ax, and makes a fire in an Eastern-made stove. He sits down to breakfast around an Eastern-made table, supplied with Eastern crockery and Eastern groceries. He goes out to his daily toil, puts Eastern-made harness upon his horses, plants his crops with Eastern-made plows, drills, harrows; reaps them with Eastern-made mowers and binders; prepares them for market with Eastern-made hay presses, Eastern-made thrashing machines; hauls them to market upon Eastern-made wagons; pays freight upon railroads owned in the East, made from Eastern-made rails, supplied with Eastern-made equipments.

If he rides for pleasure, it is in an Eastern-made buggy or carriage. His children ride upon Eastern-made wheels. When he sells his crop, it is to pay the interest upon a mortgage owned in the East. If he insures his life, it is with an Eastern company. If he stores his mind with useful knowledge, or seeks to educate his children, every book and magazine bears the impress of an Eastern establishment. He can not chant the praises of his Maker or conduct devotional exercises in the family without using a Bible or hymn book printed in the East. When the end comes, and he is laid to his final rest, he is clothed with an Eastern-made shroud, placed in an Eastern-made coffin, carried to the grave in an Eastern-made hearse, and his remains are covered with an Eastern-made spade. It is only by dying that he can draw from the East a small portion of the money he has expended there in the way of premiums upon his insurance. What does such a man spend in the West? How much of his earnings remain there? Practically nothing, or but the smallest pittance.

When Fox uttered that famous prediction that free trade would conquer the Western Continent, that the shirt upon the back of the mountaineer would bear the stamp of Manchester and the knife of the hunter the impress of Sheffield, he was mistaken. He should have substituted Lowell for Manchester, Pittsburg for Sheffield. We are constantly toiling for the East. For every implement that we purchase, for toil or pleasure, we pay tribute to the East. We bring our golden treasures, the product of our toil, lay them at your feet, pour them into your lap, or empty them into your coffers.

Would you increase the number of those who thus labor for the increase of your wealth and your prosperity, who are feeding the inhabitants of your great cities, who are enlarging and building up your commerce, who are increasing the number of your furnaces, and swell the stream of Western gold that comes to your very doors? Then support this bill, and build up the West. For you there is no proposed expansion, no prospective markets to be opened or created, comparable to those between the Mississippi River and the Pacific Ocean. It is proposed to make such tariff reductions upon imports from Cuba that will cost the United States in loss of revenue from $7,000,000 to $9,000,000 annually.

The compensation sought for is an increase of our sales to Cuba and in order to secure a larger proportion of her commerce. The increased trade to be secured with these barefooted, barebacked, indolent, half-civilized people will not compare with the increased trade to be secured in the great West through the expenditure of a much less sum. In securing this Western expansion, in thus annexing arid America, there will be no increased Army expenditures or increased cost in maintaining a navy. On the other hand, with every acre of land reclaimed, with the construction of every irrigation plant, the cost of the maintenance of your Army and Navy, as of every other function of government, will be divided with Western inhabitants.

But, Mr. Chairman, let us have broader patriotism. I deprecate that narrow spirit that carps at and criticises every expenditure that will not directly benefit the particular portion of the country in which the objector happens to live. There can be no appropriation made, no enterprise carried out, that does not in some way confer a peculiar or special benefit upon one locality more than upon the rest of the country. No Government enterprise can be equally beneficial to all portions of the land.

In carrying on the Government at Washington it necessitates the distribution of $20,000,000 annually to the inhabitants of this city, who pay but one-half of their own local taxes. If we build a battle ship, we take the plates from Pittsburg and carry on the work of construction in an Eastern shipyard. In training the future officers of our Army it necessitates the expenditure of millions of dollars near the home of the gentleman from New York. We have expended more in the construction of public buildings in one city of the State which the gentleman in part so ably represents than will be expended in years within the 16 States and Territories included in this bill. We can do equal justice only by treating all sections with equal consideration and with equal fairness.

But in a larger sense, will the gentleman from New York and those who use this argument with him never fully realize that we are one people? That the prosperity and welfare of all sections of our common country are inseparably interwoven and mutually interdependent? You can not strike at the prosperity of one section without striking at the welfare of all. You can not increase the prosperity of one portion that you do not in a measure increase the prosperity of all.

Whenever either happiness or misery, good fortune or calamity, prosperity or adversity, overtakes one section of our common country we shall all be partakers in some degree. We can not blight or bless a single farm, a single orchard, a single garden, or a single household that you do not is some degree increase the happiness or misery of us all. You can not confer blessings upon any section of our land that you do not in some degree increase the happiness of all the people. Joy and grief, happiness and misery, prosperity and adversity radiate in all directions, and communicate themselves in ever-increasing circles. Like the pebble dropped upon the smooth surface of the lake, the effect of the blow is not confined to the immediate spot where it first falls.

The love of a patriot, the wisdom of a statesman, embrace all the country to its remotest corners. The only generous way, the only manly way, the only patriotic way, the only wise statesmanship, is to build up and develop our common country by building

up and developing its every part and section. The golden opportunity to do good to all men or to all sections of our country by one act, is a glorious privilege that comes to few men. The opportunity to do good to some men, to aid, and support, and benefit some portion of our country at some time comes to all. Let us embrace these opportunities whenever presented.

The surest way, the practical and only way, to build up and render prosperous our whole country is to contribute whenever we can to the prosperity of its several parts. That broad patriotism that seeks the happiness of all will embrace the East as well as the West, the North as well as the South. But there have been few laws passed by any Congress the beneficial effects of which will be so far reaching, will concern the happiness of so many people, and will so nearly benefit all the people under the protecting folds of the Stars and Stripes as the bill now under consideration.

When its full effects have been obtained; when the now Western desert shall become fruitful; when parched plains are covered with rich verdure; when cactus and sagebrush give place to blossoming trees and fruitful vines; when the now barren sands yield rich harvests; when flocks and herds shall feed and repose where now the wild prairie wolf pursues its prey; when the haunts of half-starved and half-naked savages teem with industry and are filled with the music of industry and childhood's happy laughter; when the vast plains now barren shall be filled with life and happiness, decked and covered with prosperous villages, schoolhouses, churches, colleges, and universities, and, above all, happy homes, American homes, then the East and the West, the North and the South will rejoice in a prosperity that will be shared and enjoyed by all, of which all will be proud, and in which all will rejoice.

British Atrocities in South Africa—Anglomania the Keynote of our Foreign Policy—In the midst of the unprovoked War of Extermination waged by Great Britain against the Boers we are to send Special Ambassadors to the English Court to help Celebrate the Coronation of King Edward, all for the Purpose of Signifying our Approval of the Policy of "the Mother Country."

SPEECH

OF

HON. CHARLES F. COCHRAN,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

Monday, March 17, 1902.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 12346) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes—

Mr. COCHRAN said:

Mr. CHAIRMAN: I rise for the purpose of directing attention to a joint resolution introduced by me and referred to the Committee on Foreign Affairs nearly a month ago.

Permit me to read the resolution.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Hon. Paul Kruger, President of the South African Republic, is hereby invited to visit the United States at such time as may suit his convenience, as the guest of the country. For the defrayment of the expenses incurred in his entertainment while in this country the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated.

Mr. Chairman, I may as well state at the outset that this resolution was introduced as a rejoinder to the President's announcement that special ambassadors are to represent the United States at the English court and take part in celebrating the coronation of King Edward. Under any circumstances a departure so extraordinary would be censurable, and the fact that it is the climax of the numerous exhibitions of partiality for the British monarchy which have punctuated, at frequent intervals, the foreign policy of our Government during the past five years, and the reflection that our special ambassadors will kiss the hand of King Edward in the midst of the unprovoked war of extermination that is being waged by this monarchy against two republics must render our participation in the coronation festivities execrable in the eyes of all true Americans.

There is a precedent for the passage of this resolution. A little more than fifty years ago the people of Hungary rebelled and attempted to cast off the yoke of the Austrian monarchy and set up a republic. The movement failed, and Kossuth, the great leader of the movement, fled to Turkey to escape the hangman. He was cast into prison, and Austria and Russia demanded his extradition. The Sultan offered Kossuth asylum and safety if he would renounce his religion. The reply of the illustrious patriot will live forever in literature as a masterpiece and be treasured until the end of time as a memorial of the heroism of its author.

My answer does not admit of hesitation. Between death and shame, the choice can neither be dubious nor difficult. Governor of Hungary, and elected to that high place by the confidence of 15,000,000 of my countrymen, I know well what I owe to my countrymen even in exile. Even as a private man I have an honorable path to pursue. Though once the governor of a generous people, I leave no inheritance to my children. They at least shall bear an unsullied name. God's will be done. I am ready to die.

The English are murdering just such men as Kossuth by wholesale. They have already assassinated half a dozen brave officers of the Boer army. After being made prisoners of war, they have been court-martialed and shot. Chamberlain contends that it is treason for citizens of Natal or the Cape Colony to take up arms against the British Crown. Hence these assassinations.

It was upon this same charge that Austria sought to apprehend and put to death the leader of the Hungarian revolution, and unhesitatingly our Government, responsive to the sentiments of the people, undertook and accomplished his rescue.

The United States, which we are told is now for the first time recognized as a great world power, has not even remonstrated against far more hideous crimes of recent occurrence in South Africa. When the Austrian monarchy put a price on the head of Kossuth, pursuant to suggestions of the Senate, the President directed our minister to Constantinople to insist upon his release, and, in order to insure his safety, an American man-of-war was ordered to give him safe passage to the United States. He came. He was given the privilege of the floor in both houses of Congress, and was received with profound reverence and affection by the people of this country. Large sums were contributed by our people for the avowed purpose of enabling the Hungarian patriots to resume the struggle for independence, and officials of all classes, including the President, manifested the strongest sympathy for the cause. In the Senate, resolutions expressing sympathy for the Hungarian patriots, calling upon the Committee on Foreign Affairs to inquire into the expediency of suspending diplomatic relations with Austria, and proposing a grant of public lands to Hungarian exiles who might seek asylum in the United States, supplemented the resolution directing that a man-of-war be sent to convey Kossuth to our shores.

Bear in mind, Mr. Chairman, that undoubtedly Kossuth was a rebel, and that the Austrian Empire was on friendly terms with this country when the revolt occurred and when it ended in the surrender of the rebel forces.

But did this prevent our Government from evincing in unmistakable ways its sympathy for the republican movement which was only an echo of our own Revolutionary war? We rescued Kossuth, and mingled our tears with the tears of those who mourned the failure of the revolutionary cause in Hungary, heeding not the fact that by so doing we fairly slapped in the face the most powerful and pretentious of European monarchies.

And the roystering heroes who wore shoulder straps throughout the thirty days' war with Spain declare that the United States has just become a world power! If it is so, let us prove it by doing now what we did fifty years ago. Let us throw the full weight of the nation's influence into the balance in favor of the republic as against the monarchy.

Let us say to the world that we abhor the bloody deeds and unholy purposes of the conqueror whose armies are engaged in strangling liberty and independence in South Africa. [Applause on the Democratic side.]

Paul Kruger is an exile, but he is the president of a republic. He is not a revolutionist, much less a rebel. The South African Republics have not yet lost the lawful right to claim a place in the family of nations. No one familiar with the history of the Republics and the controversy with Great Britain which led up to the war will deny that, prior to the commencement of hostilities, for thirteen years, the Transvaal Republic was a free and independent state—a nation. I know that just before the war began, Chamberlain, on behalf of Great Britain, claimed suzerainty. The claim had not the shadow of a legal foundation, but granting it, still the Republic was a nation. Great Britain claimed only a right to a voice in determining its foreign relations, and was bound by a solemn treaty not to interfere in any way with the domestic affairs or government of the South Africans.

For over fifty years, before their annexation, we in fact, sustained precisely the same relation to the Hawaiian Islands that Chamberlain falsely contends existed between Great Britain and the South African Republic. When the Cuban republic shall have been fully established, we will have a right to a voice in determining, in some respects, her relations with foreign governments. Did we ever think of contending that Hawaii was a vassal state? Will the Cuban republic be a vassal state? No. And the South African Republic was not when the war began and is not a vassal State. A nation when the war began, it is still a nation, and in law entitled to be treated as such. As long as the gallant armies led by De la Rey, Botha, and De Wet continue in the field, as long as the battleflag of the South African democracy waves over the patriots whose chivalrous deeds have appalled the world, Paul Kruger will remain president of a republic. [Applause on the Democratic side.]

Upon this point let me recall some unpleasant—I will put it a little stronger and say disgraceful—history. During the Administration of the late President McKinley this Government was sounded as to whether Paul Kruger would be received by our Chief Executive as President of the South African Republic. The answer was no. The same question has been propounded to President Roosevelt, and it has received the same answer. I have said, and I repeat it, that when the war began the South African Republic was a nation just as England was a nation. When these two nations went to war, did that misfortune blot either from the map? If the first boom of the cannon obliterated the African republics from the map and eliminated Paul Kruger from the list of the world's lawful potentates, why did not the same fate overtake Great Britain and her sovereign? If at the outbreak of the war the status of the South African Republic was that of a nation, when did nationality become extinct? True it may be that against odds so tremendous the valiant struggle of the Boers seems hopeless, but, thank Heaven, their tormentor is indeed paying a price that staggers humanity. The war is not over, nor is the end in sight. The armies of the Republic are still in the field, and the Republics still live. [Applause.] They look to us, not for intervention—not for deliverance—but for sympathy and recognition. Who will dare to arise in the American House of Representatives and oppose the proposal to extend to the President of the South African Republics such a recognition as will undo and atone for the wrong committed by two Presidents who in the midst of a war such as is in progress over there have adopted the ravings of Chamberlain as conclusive and adjudged the South African Republic extinct, and so prematurely announced as an accomplished fact the deposition of the lawful Chief Executive of a Republic that is fighting for its life? [Applause on the Democratic side.]

Mr. Chairman, I warn gentlemen against a mistake not unfrequently made by the representatives of the people. Do not allow yourselves to commit the error of supposing that the atmosphere in high official circles in this capital, vitiated as it is by the breath of the dignitaries who are suffering from incurable Anglo phobia, is the atmosphere of the Republic. The hearts of our people have been deeply touched by the deplorable tragedy which is being enacted in far away Africa. For over two years a great Empire possessed of vast resources has been waging a war the most cruel, relentless, and unjustifiable known to the annals of the race, against a mere handful of men, women, and children. The farmers over there are fighting for liberty and the independence of their country, just as the American farmers fought for liberty and independence over a hundred years ago. Two hundred thousand British soldiers are there. They have burned and pillaged cities and towns and thousands of farmhouses. They have ruthlessly murdered thousands of non combatants, including women and children. They have armed the natives and set them upon the people, as eighty years ago they armed the Indians and turned them loose upon the frontier settlements of the United States.

The Boers are even more justifiable than the American colonists were in resisting the encroachments of Great Britain.

The army of Washington, composed of British subjects, fought to achieve independence. The Boers, born to freedom, owing allegiance to no kingly power—citizens of republics of their own creation—are fighting to retain independence.

The American colonists fought to substitute republican government for the monarchy. The Boers are fighting to prevent the substitution of a monarchy for their republics.

The claim of the British Crown to sovereignty over the American colonies was consonant with the law and was not in the nature of a forcible usurpation. The effort to destroy the South African Republics rests solely upon the accursed doctrine that "might makes right."

This tragical struggle between democracy and absolutism will determine whether the country which the patriotic Boers, amid incredible discouragements and at the cost of amazing sacrifices, rescued from barbarism and dedicated to liberty shall remain republican or pass under the domination of an alien king.

Mr. Chairman, the people of the United States have not been uninterested spectators of this fateful conflict. They have not ceased to abhor oppression and love justice. They demand that their Government, if it can do nothing to avert, shall do nothing to countenance or assist in the bloody work of the conqueror—that if it can send no word of sympathy to the unhappy Boers, it shall at least refrain from encouraging the murderer.

They are weary of the circulation of the false report that something like a partnership exists between their country and Great Britain.

From the beginning of the war down to this hour, through the joint efforts of the high public officials of both countries, evidently with the knowledge and assent of the Administration in Washington, intimations and sometimes positive statements incriminating this Republic as a sympathizer with the British Government have been adroitly published. Christendom has been told that we approve of the destruction of the Boer Republics.

A large contingent of American newspapers continually furnish seeming confirmation of this representation. The lucubrations of the Anglo-American newspapers are reproduced in the columns of the European press and go current there and in London as embodiments of American public opinion. At banquets and dinners in New York and London club rooms and hotels the members of a mutual-admiration society, composed of British and American dignitaries, who claim to speak for this Government and people, prattle cheerily about "our kinsmen across the seas," and about "our intimate relations with England," all for the purpose of giving color to the claim brazenly made by Mr. Chamberlain that England's enemies must reckon with the "English-speaking people."

The object is to create the belief that we stand ready to make common cause against all the world with the "English-speaking" butcher of the Boers as a partner.

More than once since the war began Chamberlain has felt authorized to brazenly warn Europe that, while kings and emperors and their subjects may stand aghast at the murder of the innocents in far-away Africa, "sister nations across the seas" have set the seal of approval upon England's appalling work.

Is this representation true or false? I denounce it as false, and on behalf of my countrymen demand consideration of the pending resolution, to the end that this question may be answered accordingly once for all. With whom do the members of this body and the people of this country sympathize? With the forces of King Edward VII, or with the armies marshaled in defense of country and liberty by Joubert, Cronje, Delarey, Botha, De Wet, and Paul Kruger?

Sir, the people of whom we are the representatives expect us to make answer to this question on their behalf. They would endorse overwhelmingly the passage of this resolution. There has never been an hour since the beginning of the war in South Africa when its passage would not have been endorsed. And, sir, I warn gentlemen that it is dangerous to trifle with a public sentiment which, if it be not heeded and obeyed, may break all bounds and become an irresistible tempest of anger.

High public officials can not go on, without rebuke, deliberately misrepresenting the attitude of this country upon this question for the purpose of strengthening the hands of the British Government. The time is at hand when the Republican majority in this House must arise to the performance of a duty too long evaded and give tongue to the sentiments of their constituents, or feel the weight of the people's condemnation at the polls.

I unhesitatingly affirm that throughout the Administration of the late President McKinley our foreign policy, and particularly the ultra-English tendencies of the State Department, were offensive to the people and inimical to the welfare of this country, and that the present occupant of the White House has gone even further in the same direction. The State Department has seemed to have only one object in view—the establishment of a partnership between England and the United States, and in the pursuit of this purpose has sacrificed the dignity and imperiled the welfare of the Republic.

It required a sufferer of chronic, incurable Anglomania in the State Department to rescue from the rubbish heap to which our Government had deliberately consigned it, the obsolete Clayton-Bulwer treaty, long after it had been declared void by the illustrious predecessors of the present Secretary of State, thereby affording a pretext for negotiations with England concerning the Nicaraguan Canal.

I can not at this time digress sufficiently to elaborately set forth the importance of this humiliating concession, but must content myself with pointing out that to resurrect the Clayton-Bulwer treaty, after it had been thus explicitly repudiated by our Government, was to waive the unequivocal assertion of the paramountcy of the United States in the Western Hemisphere. For this reason, if for no other, there should have been no isthmian-canal treaty with Great Britain.

To enter into one under the circumstances was to consent that henceforth England shall have a finger in the pie on this side of the ocean. It was because it would be a precedent authorizing Great Britain to claim this right, more than anything else, that made Salisbury anxious for the negotiation of a treaty, and he found in the American State Department an able and zealous coadjutor. Is it necessary to say that in order to consummate this scheme for the aggrandizement of Great Britain to the plane of equality with the United States as a North American power the acquiescence of a Republican President and his Cabinet was indispensable?

It required the selection of an Anglomaniac as our representative at the Court of St. James to bring about the announcement that there exists an "understanding equivalent to an alliance" between England and the United States—an announcement made

in after-dinner speeches at the same hour at different places in London by Mr. Chamberlain, speaking for the British monarchy, and by Mr. Choate, assuming to speak for the people of the United States.

No member of this body will dare to arise in his place and indorse this proceeding. No member of this House will assert that the people of the United States are willing to throw away the friendship of all Christendom, if only the good understanding between English and American stockjobbers may be maintained. The cult of our Anglomaniacs has become the keynote of our intercourse with the Court of St. James, not because any considerable number of our people indorse it, but because among other evils resulting from recent political triumphs of the stock exchange is the substitution of Anglomania for Americanism.

Mr. Chairman, returning to the resolution, I desire to direct attention to its relevancy to the latest spectacular invention of the managers of the Anglo-American hippodrome. I refer to the special embassy that is to help celebrate the coronation of King Edward.

For over two years, by conducting a kind of continuous show, with Uncle Sam and John Bull billed as cronies as the principal performers, high public officials of both countries have propagated a falsehood.

The world has been given to understand that this country has no fault to find with English atrocities in South Africa. And does anybody here deny that this falsehood has been given currency? If so, I call attention to the fact that only a few days ago, in a speech delivered in London, Mr. Chamberlain explicitly notified foreign countries that, while England's war upon the South African Republics might displease all others, it is approved by the United States. I quote from his remarks as reported in an Associated Press telegram:

> Was it a necessary, just, and inevitable war? He did not think that he need stoop to meet the imputation of national greed and lust of territory, still less of personal ambition or mean and even criminal motives. The war had been supported by the conscience of the nation as a whole, and England had more impartial authority in the approval of sister nations across the seas.

I brand this statement as false, and the pantomime of the English and American dignitaries who for two years have constantly given it circulation as a travesty devised for the purpose of propagating a lie.

The significance of Mr. Chamberlain's utterance is not to be destroyed by the contention that he had no authority to make it. It is in line with the public utterances of those high in authority. In the eyes of the world, every line of the history of our State Department—every step in the development of our foreign policy—during the past four years, authorized him to say it.

Mr. Chairman, I call upon the Republican majority of this House, and especially upon the members of the Foreign Affairs Committee who have this resolution under consideration, and have power to either smother it or report it back to the House, to make suitable answer to Mr. Chamberlain's assertion that, in all the world, England's war upon the Boers is justified by only one nation—the American Republic. Let us speak, that the truth may be known.

Sir, America distrusts Great Britain. It is a distrust born of experience—a distrust so deep seated that though Tories at home and his Majesty's ministers in London may declaim till doomsday about kinship and identity of language, Americans will abide in the knowledge that when this Republic was in its infancy England was our only enemy, and will continue to entertain the ineffaceable belief that she is not, never has been, and never can be our friend.

Mr. Chairman, in support of the charge that conspirators have throughout a protracted period misinformed the world as to the attitude of the people of the United States, and given Mr. Chamberlain warrant for the assertion that England's butchery of the Boers has our approval, I submit that a succession of events and numerous public utterances of those who have shaped the foreign policy of the Government, here and in London, all tending in the same direction, are conclusive.

If it is not so, tell me how the impression has gained currency throughout the world that in case of war between England and any one of the great continental powers our sympathies would be with England? If it is not so, where did Mr. Chamberlain find warrant for a declaration which, if true, brands Americans as so loyal to the British Crown that even the murder of a race by the British soldiery seems good in their sight—a declaration made all the more significant by the fact that it was part of a speech the chief burden of which was complaints about European criticism of the South African horror?

Gentlemen of the House of Representatives, how does it happen that executive officers of this Government may become parties to such proceedings as I have referred to? How does it happen that, imitating the diplomacy of monarchical Europe, where visits of royalty are accepted as interpreters of state policies, the agents and servants of this free people have assisted in keeping before the world for three or four years continuously this pantomime, and now propose to go even a step further by joining in the festivities of the English King's coronation, for the purpose of giving color to the story that there exists something equivalent to an alliance with England?

Who is sovereign in this Republic—the President or the people, speaking through their representatives?

Mr. Chairman, in the Congress of the United States, and not elsewhere, is reposed by the Constitution the authority to finally determine all such questions. Has the Congress abdicated all of its functions except the imposition of taxes and provision for defrayment of the expenses of a Government which henceforth is to be administered on lines marked out at the White House? Are the United States to be henceforth enemy or friend to a foreign country as may seem best to the Executive?

In addition to the foreign diplomatic service authorized by law, is the Executive to feel authorized to send abroad, upon his own motion, at considerable expense, at a critical juncture in international affairs, as a particular mark of his good will toward a particular country, and with the certainty that in connection with what has preceded the event it will be interpreted as further evidence that we are practically England's ally, special ambassadors to assist in celebrating the coronation of an English King—all this without the authority of Congress—and, what is far more important, all this to enable Mr. Chamberlain to repeat the preposterous statement that England's war upon the Boer republics "has the approval of a sister nation across the seas?"

Less than a decade ago such a proceeding would have been deemed impossible, but this is precisely what is on foot.

Has not the hobnobbing between the State Department and Mr. Chamberlain's Government gone a little too far? Do the gentlemen on the other side of this Chamber, not one in ten of whom approves this latest invention of the managers of the hippodrome, but not one of whom has the courage to condemn it, expect the country to ignore this proceeding?

Gentlemen, the people know as well as you do that by sending to England distinguished representatives of the Anglomaniac element of our population to be present at the coronation of Edward VII we go one step further in entangling ourselves with England and add to the causes of estrangement in other quarters. They know that this extraordinary proceeding will not be regarded or treated as meaningless in the Old World. They know that the diplomats who concocted this junket to the English court did not intend that it should be regarded as meaningless. They know that this climax of Anglomania was devised for the purpose of parading before Europe fresh evidence of our "intimate relations" with Great Britain.

Why, Mr. Chairman, the mere fact that it is distinctively a new departure is sufficient to give it this appearance. Within the past century the coronation of kings and emperors has been of frequent occurrence, yet this Republic has never been represented upon any such occasion by special ambassadors. In compliance with custom, our regular ambassadors at foreign capitals have witnessed such ceremonials; but we have done nothing to indicate especial interest in them. We have not regarded the coronation of kings as a consummation sanctioned by the creed of republicanism. Instead of participating in celebrations and rejoicing at the coronation of kings, we have rejoiced when kings have lost their crowns. [Applause on Democratic side.]

Instead of lending ourselves to the preparation of pageants devised to proclaim the doctrine of the divine right of kings, we have spurned hereditary rule as in the nature of usurpation and the pretensions of hereditary aristocracy as subversive of the natural rights of mankind. We have denounced as monstrous and unnatural a system which relegates to the accident of birth the selection of the rulers and lawgivers of the race. We have ridiculed and denounced as violative of reason and destructive of the rights of society a system which imputes to the sons of kings and noblemen alone attributes which are the common heritage of the race.

Since this Republic was founded Russia has crowned three or four Czars. Russia during our generation has given more striking and frequent evidences of friendship than any other monarchy in the world, but no special representatives have been sent to St. Petersburg to participate in these functions. France, our friend in the dark days of the Revolution, has undergone the same humiliation three times, but no special representatives of this country have been present. Germany, Italy, Austria, and the rest of the monarchies across the seas—each has suffered the same ignominy more than once without a special representative of the United States being among the witnesses.

So, Mr. Chairman, it is indeed a new departure—this junket of the special ambassadors who are to stand uncovered among the titled flunkies and hereditary lords and ladies on the occasion of the coronation of Edward VII, and assist in proclaiming him the Lord's anointed.

It will be something new and decidedly novel for representatives of this Republic to cross an ocean for such a purpose. Gentlemen, let us be thankful that when our special ambassadors shall thus signify acquiescence in the ceremony by which a portly, well-groomed accident is to be proclaimed King of Great Britain and Emperor of India, called by the grace of God to his high station, they will speak for only a handful of Americans.

Mr. Chairman, after all this mummery shall have been enacted, the American citizen, conscious of his dignity as a man, the equal in the sight of God of any other, will keep right on regarding royalty as absurd and the pageantry of courts as the hateful symbol of a system accursed in the consciences of all true democrats and republicans, and the American people will still continue to regard His Majesty King Edward as the luckiest, because the firstborn, son of a respectable old lady who, by accident, was a queen, and as the member of a family whose prodigious fecundity has within the span of a single life stocked the monarchical world from St. Petersburg to the Rhineland with royalty of the most approved brand without producing a single man or woman capable of winning distinction or arising above the dreary level of mediocrity.

We all know that when any one of the great powers across the waters desires to show to the others its partiality for a neighbor, and particularly for an ally, royal visits are the order of the day. If God's annointed can not go, the heir apparent is sent. The same proceeding is resorted to when bad blood has been engendered and there is a mutual desire of governments to obviate serious estrangement. Not long ago Joseph Chamberlain attempted to justify the butchery of the Boers and the murder of their women and babes by charging that Germany had similarly treated the French thirty years ago. Instantly Germany was ablaze with anger, and German newspapers and the German people have been denouncing everything English ever since. In the midst of the uproar, for the avowed purpose of quelling the storm, the Prince of Wales visited and was entertained by his cousin, the German Emperor.

Half a dozen times within as many years the Czar has visited France for the purpose of serving notice that France is Russia's ally.

Mr. Chairman, perhaps the new rôle we are playing makes it necessary for us to follow this practice. We are told by gentlemen that it required a successful war with a third-rate monarchy to entitle us to a respectable place among the nations—that now, for the first time, the United States is "a world power." "World powers" of the kind that go about as marauders have partners. England is our partner. Chamberlain has said so; Choate has said so; Anglomaniacs at home and abroad have said so. Our partner fears that a storm is near at hand; therefore we are to help celebrate the coronation of Edward.

And, sir, this extraordinary manifestation of our affection for England is proffered at an opportune time. The "mother country" is in trouble. She is surrounded by bad neighbors. The plain people of Christendom—whether the subjects of kings or the citizens of republics—are appalled at her crimes against humanity. The blood of a heroic race is upon her hands. The wails of the unfortunate women and pitiful babies who are perishing by thousands in prison pens, while their husbands and fathers are fighting and dying for liberty with a bravery unheard of in the world's history, appeal to the great heart of Christian humanity for succor. Students of the history of England's crimes are setting before the world afresh the annals of a conqueror, the victims of whose murderous sword are as the sands of the sea.

The fear of Great Britain is that the patience of the world will not last much longer.

Was our participation in the celebration of King Edward's coronation prepared for the purpose of averting the possibility of an attempt to save the Boers from utter annihilation?

Whatever the purpose, it will be regarded at every capital in the world as evidence that in any emergency that may arise England can count on the friendship of the United States.

Is a course that is calculated, and I believe intended, to create the belief that we would look with disapproval upon an effort of the great powers to terminate the war, justified by the opinions and sentiments of the people of this country?

Who will dare to assert that in case of intervention by European powers Americans would not say, Amen and Amen! I do not mean to say that the Executive or the Secretary of State would approve of intervention, but the American people would, in thunder tones, and in this Republic the people, thank Heaven, are sovereign.

Mr. Chairman, undoubtedly this spectacular parade of our love for England was deliberately formulated. The people will understand it all. They know that the invitation to send special ambassadors to the coronation was not given casually as one might invite a friend to dinner. First the White House was sounded on the subject to see how the invitation would be received. The President must have signified his willingness to play into the hands of British diplomacy by its acceptance, thus furnishing a most signal exhibition of our partiality for Great Britain. The formal invitation was only the consummation of this diplomatic deal by which, for the first time, this Republic is to send to a European court special ambassadors who, in the name of this great nation, will take part in a ceremonial hateful to every true lover of liberty and democracy.

Mr. Chairman, it is unfortunate for our Anglomaniacs that on the eve of the coronation the country is called upon to read irrefragable proof that after all the coronation is not such a family affair as to necessarily concern our branch of "the English-speaking people." The pretty story that our kinsmen so love us that during the war with Spain England was our only friend has been exploded. And, Mr. Chairman, in this connection I now desire to call attention to the false pretenses which have been put forward by the Anglomaniacs to justify the beatification of John Bull.

At first, as a means of creating a public sentiment favorable to Anglomania, only platitudes and glittering generalities were available. "Kinsmen across the seas," "English-speaking people," "the best patrons of our markets;" these were some of the phrases so constantly dinned into our ears, that I think everybody would like to send them to the rubbish heap in which have long reposed "*vox populi vox Dei*" and "*tempus fugit*" and a long list of hackneyed phrases with which people with nothing important to say have afflicted the world.

The Spanish war came, and hardly had the thunder of naval artillery which immortalized Dewey and Schley, ended the war, and proclaimed Columbia the coming queen of the seas, died away—when up popped the Anglomaniacs and assured the country that all that saved us from destruction was the staunch friendship of England!

England had stood guard while we whipped Spain!

England had prevented intervention by a coalition of European powers, and so forth, and so forth, and so forth.

The people of the United States were solemnly assured that we owed our salvation to "the mother country," and told by the Anglomaniacs to be correspondingly grateful.

Lately the truth has been leaking out, and what a story of perfidy it is. It seems that on the eve of hostilities Austria sounded Great Britain as to the expediency of a concerted action of European countries to prevent the war—a movement in the interest of Spain and decidedly hostile to the United States. Did the Salisbury ministry refuse? No. The reply was, that should such a movement be inaugurated Great Britain "would not separate herself" from the other great powers of the Old World. This occurred on the other side of the ocean.

The scene shifts to Washington. The representatives of foreign countries here had the matter under advisement. An effort was made to form a coalition similar to that proposed abroad. Did the British ambassador, who undoubtedly knew the sentiments of his Government, refuse to participate in the enterprise? No. On the contrary, he prepared the circular note which was cabled to foreign Governments for approval or rejection. I will here incorporate in my remarks the text of this circular note:

> The attitude of Congress and the resolution of the House of Representatives passed yesterday by a large majority leaves but little hope of peace, and it is popularly believed that the war-like measures advocated have the approval of the great powers. The memorandum of the Spanish minister delivered on Sunday appears to me and my colleagues to remove all legitimate cause for war. If that view should be shared by the great powers, the time has arrived to remove the erroneous impression which prevails that the armed intervention of the United States in Cuba commands, in the words of the message, "the support and approval of the civilized world."

It is suggested by the foreign representatives that this might be done—

> by a collective expression from the great powers of the hope that the United States Government will give favorable consideration to the memorandum of the Spanish minister, of April 10, as offering a reasonable basis for an amicable solution, and as removing any grounds for hostile intervention which may have previously existed.

Mr. Chairman, this note was prepared by the British minister, and after a conference of the representatives of the great powers was cabled to the chancelleries of Europe. The movement was killed outright by the prompt refusal of the German Emperor to have anything to do with it.

In the cablegram transmitting it the German ambassador expresses disapprobation of the movement, saying:

> Personally, I regard this demonstration somewhat coldly.

To this concluding sentence of the ambassador the Emperor appended the following marginal note:

> I regard it as completely futile and purposeless, and therefore prejudicial. I am against this step.

Russia also refused to participate in the enterprise.

And so, Mr. Chairman, it was Germany and Russia and not England that stood between the United States and the scheme of intervention proposed by Austria and sanctioned by the British

ambassador. The people will be glad to know that it was the German Emperor and the Czar and not King Edward who refused to give offense to the United States.

In the presence of this disclosure how appropriate is the epithet which long ago boiled down into two words the contempt of the world for British diplomacy: "Perfidious Albion."

How brief, yet how complete it is—this laconic summing of mankind's estimate of Britain. False to her allies, faithless to her friends, freebooter, tyrant, the scourge of the planet! Obedient only to the promptings of avarice, yet professing always undying devotion to the welfare of mankind, England has visited upon the weak and defenseless in every quarter of the globe the horrors of war waged for pillage and territorial aggrandizement, and invariably without in the least acknowledging the restraint of the usages of civilization.

The sack and pillage of cities and towns, the destruction of farmsteads and household effects, the uprooting of orchards, the imprisonment and deliberate and intentional starvation of women and children, the assassination of prisoners of war and unarmed noncombatants, including patriarchs of 80 and boys in their teens—these are the methods by which at this very hour the Boers are being exterminated. The British are doing there precisely what they did in Ireland two, three, and four hundred years ago—what they have done repeatedly in India—what they did in the Upper Nile country three years ago. They are creating, by the use of the faggot and the torch, the desolation of the desert and murdering the inhabitants by wholesale—noncombatants as well as those in arms—the old and the young, regardless of sex.

Mr. Chairman, such are the crimes of the country which Anglomaniacs tell us has been and remains the great civilizer of the world.

Many well-meaning people, who imagine they have learned the truth by reading English versions of England's transgressions accept this view, but certainly nobody familiar with the history of British rule in Ireland—nobody who has read of the horrors of her campaigns in India or of the more recent butchery of thousands of unarmed men, women, and children in the Upper Nile country—will testify that English bayonets are the harbingers of happiness.

I declare, sir—and history supports the assertion—that in every decade of the period of her opulence England's hands have been stained with the blood of men and women murdered in cold blood for the purpose of robbery and pillage, and that in comparison with the crimes of this mercenary power the deeds of mediaeval barbarism and cruelty seem tame and the sanguinary crusades of the Moslems harmless. [Applause on the Democratic side.]

Every homestead in Ireland has been the scene of a tragedy—every acre of the beautiful island has been drenched with the blood of patriots, murdered by British soldiers.

I have read recently reprints of the reports rendered by British generals who were sent over to Ireland, and letters describing the British campaign of last year in South Africa—the voluntary testimony of English butchers as to their own inhuman deeds—and I solemnly declare that the army commanded by Kitchener is doing precisely what was done by English commanders in Ireland two, three, and four centuries ago.

Let me read sufficiently from the record of British infamy—a record of horrors boastfully made by murderers wearing the British uniform—to prove the justice of this accusation. I quote from Froude, who gives copious excerpts from reports made to the British Government by the commanders of the British forces in Ireland.

The following from Malby's report shows how the blessings which we are told by Anglomaniacs accompany British rule over conquered countries were bestowed upon Ireland when the great Elizabeth was Queen:

I thought good to take another course, and so, with the determination to consume them with fire and sword, sparing neither old nor young, I entered their mountains, I burned all their farms and houses, and committed to the sword all that could be found. * * * In like manner I assaulted a castle. When the garrison surrendered, I put them to the misericordia of my soldiers—they were all slain—thence I went on sparing none which came in my way, which cruelty did so amaze their followers they could not tell where to bestow themselves. * * * It was all done in rain and frost and storm, journeyings in such weather bringing them the sooner to submission.

Here again is an excerpt from another well-known English authority.

The Pacata Hibernia—

Says Sir George Carew, president of Munster and commander of the English forces there—

having received certain information that the Munster fugitives were harbored in those parts, having before burned all the houses and corn, * * * diverted his forces into East Clanwilliam and Muskeryquirke, and harassing the country killed all mankind that were found therein for a terror to those as should give relief to the runagate traitors. Thence we came to Aherleaghe Woods (the beautiful glen of Aherlow) where we did the like, not leaving behind us man or beast, corn or cattle.

Here again is an extract from a letter written in 1607 by Lord Deputy Chichester, who commanded the English forces in Ulster:

I have often said and written it is famine must consume the Irish, as our swords and other endeavors worked not that speedy effect which is expected. Hunger would be a better, because a speedier, weapon to employ against them than the sword.

He says:

I burned all along Lough Neagh, within 4 miles of Dungannon, * * * sparing none of what quality, age, or sex soever, besides many burned to death. We killed man, woman, and child, horse, beast, or whatever we could find.

Let no admirer of the English Government attempt to turn his back upon this indictment, penned as an official report by a British general, by saying, "Oh, that was when the whole world was addicted to unnatural violence and cruelty." The same policy of extermination is being followed by the British to-day in South Africa, and I propose to prove this charge also, not by the testimony of England's enemies, but by quoting from the letters of British soldiers.

The murder of the Boers at the battle of Elandslaagte, after they had thrown down their arms and offered to surrender, is still fresh in the minds of all who have kept up with the history of the war. The victims were not shot, but impaled by the Queen's Lancers, one by one, and letters from the wretches who did the killing were printed in the English newspapers, describing the atrocity as "pig sticking." This was at the very beginning of the war, and in the two years that have followed the horrors of Elandslaagte have been repeated scores of times.

The publication of letters from the murderers, boldly narrating their bloody exploits, is a common occurrence. Here are some of the excerpts from letters from British soldiers which appear in Mr. W. T. Stead's pamphlet exposing the barbarous methods of Kitchener's army:

Private C. Chadwick, of the then Grenadier Guards, writing from Modder Camp, says: "The Boers cry for mercy when they know they have no chance of shooting you down, but we stick the bayonet through them."

Private G. Washington, of the Twentieth Battalion of the Caledonians, says of the four battles fought by Lord Methuen: "In the last two fights we used the bayonet freely as we advanced, and the Boers begged for mercy in vain."

The Montreal Herald of December 7 published a letter describing what is an aggravated case of refusal of quarter:

"'Letter from Burt Holland, Canadian Mounted Rifles, to his parents in Ottawa, describes the shooting of the 'worst sniper' in his district. Driven into a boggy spot and his horse got stuck, he pitched his rifle away and threw up his hands, supplicating for mercy. The boys rode up within 100 feet of the old wretch and commenced firing. At first they shot him through the arms and legs, thence through the stomach, and when they thought they had sufficiently punished him, they put a volley through his heart, fairly riddling it. Then they proceeded to his house, where they found his son hiding under the bed, with a bandolier on and a rifle in his hand. They took him into camp and the chances are he will be shot.'"

A correspondent writing in the Daily News on this subject claimed that the point of view of General Hamilton and, indeed, of all soldiers as far as the writer knew, was expressed in a passage written by a correspondent who signed himself "J. B. A." in which he described General French's ride into Kimberly. He said:

"When the Boers had emptied a few saddles they put 'up a white flag.' But the work of cavalry can not be stopped at the goal itself. All the Boers there—some say thirty-two, some say thirty-seven—were spitted." The writer goes on to defend this.

"Truth prints an extract from a letter written by Charles Floran, a trooper of the Canadian Mounted Rifles. It bears date February 15, and first appeared in the Evening Herald, St. Johns, Newfoundland: 'We took 20 prisoners last Thursday. Three of us took two from a house, with the guns, bandoliers, etc. Their mother and sisters begged us to leave them; the old lady put her arms around my neck and kissed me, and begged me not to take her sons. They cried and yelled as if we were going to kill them, which we had a right to do. If we caught them on the veldt with their rifles we should have shot them, as we have orders not to take any prisoners.'"

I refrain from commenting upon this awful recital. To merely print it is to brand the British soldiery in South Africa as more cruel and inhuman than the meanest savages.

Now let us see how the women and children are faring. The South African Republics have been converted into a desert. Towns, cities, and farmhouses have been destroyed, orchards have been uprooted, growing crops have been ruined, all agricultural implements and vehicles have been burned, all domestic animals have been carried away to British garrisons or killed. For a year and more the British soldiers have been engaged in this work of wholesale destruction, and to-day there are not standing in the Boer Republics buildings enough to house one-fourth of the inhabitants.

The men whose homes have been thus destroyed are in the field fighting for their country. The women and children over whose heads the houses have been burned are in prison pens dying like flies of disease and starvation, and I declare that these are deliberately doomed to death by the British commander. Here is the proof.

Mr. Chairman, I quote from a pamphlet written by Mr. W. T. Stead, the eminent English publicist, to which I referred a few minutes ago. Mr. Stead has compiled from official and authentic sources a history of this awful crime. As to the imprisonment of the women and children, Mr. Stead says:

When the helpless women and children were first incarcerated in these prison camps, discrimination was carefully made between those who had

husbands, brothers, and fathers still on commando and those whose male relatives have either been killed, taken prisoners, or surrendered. Those in the latter category were supplied with what is called a "full ration." That is to say, they were given the beef, flour, coffee, and sugar which was considered necessary to maintain adult men in health. These full rations were declared by Dr. R. P. Mackenzie, the district medical officer of the Boer camp in Johannesburg, in a letter which he addressed to the military governor, to be insufficient to keep the refugees in health.

Major Cavaye, the officer charged with the distribution of the imperial relief fund at Johannesburg, admitted, when receiving a deputation on the subject, that the ration scale which he had received from Lord Kitchener in Pretoria was not sufficient to keep body and soul together, and that he had, on his own responsibility, given the refugees some flour to mix with their maize meal.

But let us assume that the full ration represented the irreducible minimum upon which the Government would feed its prisoners of war. It was then deliberately determined, apparently upon the authority of Lord Kitchener, and with the sanction of Mr. Brodrick, to subject the women and children whose husbands and fathers were still "obeying the orders of their government in defending their country against the invader" to a policy of systematic starvation.

To a woman whose husband was on commando, to the helpless child of a man who had not yet laid down his arms, the decree went forth that they should be deprived of one-half of the rations necessary for their proper sustenance. Starvation was thus deliberately employed as an engine of torture, in order, by the suffering inflicted on their women and children, to induce their men-folk to desert the ranks, and for pity's sake to sacrifice the cause of their country. We could neither kill, wound, nor capture the burghers who were still in the field, but we could catch their women and their helpless little children. Having caught them, we could pen them in our substitute for the Spanish inquisition, the prison camps.

Instead of stretching them upon the rack, using the thumbscrew, or applying the red-hot iron to the soles of their feet, we achieved the same result by inflicting the refined and horrible torture of slow starvation. Under this peine forte et dure the children sickened, pined away to living skeletons, and then, happily, were released by death from their sufferings. Every one of these children who so died as the result of the cutting down of rations by half in order to bring pressure to bear upon their relatives in the field was as deliberately murdered as were any of the Irish babies whom General Carey spitted in the campaign against the renegade traitors of Munster.

The prison camp itself may not have originally been intended as a place of torture or as a means of putting pressure upon the burghers; but the half-ration system stands revealed, naked and unashamed, as a deliberate act of State policy employed for the purpose of compelling the surrender of foes whom we were unable to overcome in the field.

And the appalling consequences of this policy are faithfully stated in the following letter, which was published in the Birmingham Daily Post, Gazette, Mail, and Argus, October 2, 1901:

SIR: The official report for August on the concentration camps in South Africa has just been issued, and the increasing death rate shown induces us to ask you to allow us to call the attention of our fellow-citizens to the present lamentable state of things. One thousand eight hundred and seventy-eight white people died in these camps during August, of whom 1,545 were children. The death rate for the children works out to 355 per 1,000 per annum. In the Transvaal camps alone there were 1,014 deaths among 25,983 children, or 468 per 1,000 per annum, at which rate the whole of the children would die off in little more than two years.

These awful figures can not be traversed by any special pleading; and if England shuts her eyes to them, they will not be misunderstood anywhere else. In July the total mortality of children was 1,124, which was specially attributed to "measles and pneumonia supervening during excessively cold weather." The plain English of this is that many of these unfortunate children, whose homes have been burned, and who are in these camps, not by their own desire, have met their death because proper food and clothing have not been provided for them.

Our Government has refused to allow Miss Hobhouse, the lady who has proved herself competent to mend matters in the camps, to return thither, and it has lately stopped a doctor and six nurses whom the Swiss are sending out to try to save a few of the children's lives. In the meantime we have the terrible increase in the August mortality as compared with that of June and July.

Surely the time has come when English people will rise up and protest against the policy of devastation which has provoked such desperate resistance and has caused such terrible suffering. There must be many who thought the war was unavoidable in the first instance who are yet heartily ashamed of treating their foes in a way which Gen. Sir Neville Chamberlain points out to be unprecedented in the annals of English warfare, and especially of this practical "massacre of the innocents."

No right-minded Englishman wishes to exterminate the Boers or to do them anything but justice. Why, then, should not our Government bring the conflict to a close by accepting some reasonable settlement? Would not this be better than losing South Africa?

R. F. MARTINEAU.
E. HENRY LEE.
JOSEPH STURGE.

18 HIGHFIELD ROAD, EDGBASTON, *October 1.*

Oh, what a spectacle is this! What an orgie of blood! The wild beasts against which the early settlers of South Africa contended were not more savage than the authors of so much misery.

The savage beasts that roam the woods
And howl at night and a' that,
They never fight their female kind
Nor kill their cubs and a' that.

Surely no American can read this story of British brutality and infamy without ever afterwards entertaining sentiments of pity and contempt for the Anglomaniacs who pretend to believe that wherever the British flag waves over conquered races the people are enjoying a foretaste of the millennium. And, mark you, the documents I have read are English documents of undoubted authenticity, and the policy I am denouncing is bitterly condemned by a considerable number of the citizens of Great Britain, who do not hesitate to charge their Government with the premeditated murder of these imprisoned babies.

Mr. Chairman, Americans who can read the documents I have read in your presence and then read Chamberlain's declaration that England's war of extermination has the approval of the United States without shame and indignation are to be pitied. I do not believe the Republic has many such within her borders, and certainly hope that not one occupies a seat in this Chamber.

And this impudent declaration of the English secretary is to go unchallenged! Nay, more! As if to confirm it, instead of sending a remonstrance against these crimes our Government is to send a deputation to the English Court and help celebrate the coronation of the King whose Government has thus transgressed the law of nations! And we are to do this knowing that it will be taken as proof that we sympathize with England!

Mr. Chairman, pages of the CONGRESSIONAL RECORD might be filled with similar reports which were sent to England before the censorship was extended so as to include the private correspondence of the British soldiers, but it is unnecessary. As an appendix, I will print with my remarks other similar documents. I have presented sufficient testimony to prove that an army of house burners, robbers, and murderers, and not an army of honorable soldiers, are at work in South Africa. The laws of civilized warfare are being violated. Every rule and principle laid down by The Hague conference has been ignored by England, one of the signatory powers.

Now, I desire to inquire, sir, why is it that, notwithstanding the covenant entered into at the Hague conference, binding each of the signatory powers to obey these rules and binding each and all to see to their enforcement, the civilized Christian world remains mute while this heartrending carnival of blood goes on?

Can this Republic escape its share of responsibility? I believe, sir, that we have stood in the way of others. The pretense that there exists an understanding equivalent to an alliance with the United States has been as a bulwark against intervention. Reverse our position and who can say what the result would have been.

I solemnly declare that I believe that if only the truth could be known throughout the world concerning public sentiment in the United States—if only it were known that nine-tenths of our people profoundly sympathize with the Boers and would rejoice at their triumph and the overthrow and destruction of the British army—the South African republics would be speedily delivered out of the hands of Kitchener's cutthroats.

Certainly the time is near at hand when the masses the world over will refuse to accept as explanations of the bloody deeds of the conqueror platitudes and homilies such as constantly fill the mouths of these modern freebooters and robbers.

Away with the pretense that murder is the conservator of civilization; that the subjugation and enslavement of races is the most lofty exemplification of Christianity; that the exploitation of the resources of conquered countries for the enrichment of a mere handful of speculators and adventurers is inspired by a desire to elevate and ennoble the victims of the robbery.

Shame upon the hard-faced hypocrisy which sends forth upon the bloody errand of the conqueror armies which fight the battles of greedy money getters, while kings, cabinets, ministers, and even the orators of parliamentary bodies put forth the blasphemous pretense that wide areas are being desolated and races exterminated to the end that liberty and civilization may bless the world! To hell with the propaganda of the stock exchange, which justifies wholesale murder committed solely for the purpose of promoting schemes of plunder upon the pretense that the victims of Mammon's sword are impediments to the onward march of religion! [Applause on the Democratic side.]

Mr. Chairman, the world will never know the whole truth concerning the atrocities of the army whose commander stands before the world convicted of assassinating noncombatants, and deliberately and premeditatedly murdering the wives and babies of men who, on scores of bloody battlefields, have proven themselves the bravest of the brave. Nor will it ever know the extent of the sacrifices of the Boers, who, amid the scenes of desolation I have faintly portrayed, have remained true to the most exalted ideals of enlightened humanity.

By deeds of valor unsurpassed—by the evincement of the indomitable courage which in the very article of death has wreathed in smiles the countenances of martyrs—by their manifest willingness to give their lives as a sacrifice upon the altar of patriotism—the heroic men and women who, amid a sea of fire, are perishing, one by one, in the defense of the South African republics, have enrolled themselves among the number of the world's immortals.

Long after the British statesmen now in power shall have been forgotten, or are remembered only on account of their crimes and wickedness, Kruger, Joubert, Cronje, Botha, De la Rey, and De Wet will be remembered. From generation to generation, as long as time shall last, gray-haired grandsires will tell to prattling boys the story of their lives, and those who fight the battles of humanity, whether in field or forum, will render to them forever the homage due to the exemplars of the sacred duty of self-sacrifice which rests upon free men when liberty is assailed. God save the

South African Republics! But even though they shall pass away—crushed, assassinated by the hosts of the oppresser—the names and achievements of their defenders will forever inspire the veneration bestowed by mankind upon martyrs who go to the stake for the sake of conscience and heroes who die on the battlefield in the defense of liberty. [Applause on the Democratic side.]

Mr. Chairman, it has been decreed by the President that this Republic shall help to celebrate the coronation of the King whose soldiers are murdering the countrymen of President Kruger. Our representatives on that occasion will bear no commission from the people or their representatives. The Congress was not consulted. The President has spoken for the small number who love England. Now let the House of Representatives speak for the people of the United States of America, who love liberty. Regardless of party difference, they are the friends of the Boers and would rejoice at an opportunity to welcome to our shores the grand old man whose name henceforth will be linked to the name of Washington. [Prolonged applause on the Democratic side.]

APPENDIX.

"Methods of Barbarism" is the title of a pamphlet written and circulated throughout Great Britain recently by W. T. Stead, the eminent English writer and publisher. The following is from this pamphlet:

CHAPTER V.—THE POLICY OF DEVASTATION.

"All wanton destruction and injury to peaceful inhabitants are contrary to British practice and traditions, and will, if necessary, be vigorously repressed by me. It is the desire of Her Majesty's Government and my intention to conduct this war with as little injury as possible to peaceful inhabitants and private property." (Lord Roberts's letters to the Presidents, February, 1900.)

Last December I published a pamphlet entitled "How Not to Make Peace," an examination of the evidence concerning farm burning in the Transvaal and the Orange Free State. Since that time seven months have elapsed, and during the whole of that period the diabolical work has been going on unchecked. Concerning this there is absolutely no manner of doubt. The official telegrams from Lord Kitchener, which report little else than the dispatch of columns to sweep and denude the country, with details as to the number of head of stock they have been able to steal as the result of their cattle-raiding operations, make it impossible for anyone who cares to ascertain the truth to doubt what has actually taken place. Farm burning in a strictly technical sense may have been forbidden. Farm destruction in the real sense has gone on merrily all the time. Nothing more distinctly showed the moral and political decadence of Mr. Henry Asquith than the passage in his speech at Liverpool Street Hotel, in which he referred to farm burning as a thing which had lasted for some weeks last year, and had been finally put a stop to. His only reason for saying this was that the war office published an absurdly imperfect return, giving particulars of some 630 farms which had been burned in five months last year and the two months of this.

As the return contained no particulars of any farm burning after February, it was complacently assumed that no farms had been destroyed since then. As a matter of fact, it is probable that more farms had been destroyed since February than there were before. The proof of this is to be found first in Lord Kitchener's telegrams as to the operations of his destroying columns; secondly, in the letters of soldiers engaged in that work of devastation; and, thirdly, in the official report made by the State Attorney Smuts, as well as several letters from Boer sources. The result, we are assured by correspondents in Pretoria, is that two-thirds of the two Republics are a blackened waste to-day. Before proceeding to describe the farm destruction that has gone on since the issue of the war office return, it may be well to note that that return effectually demolishes the plea which is put forward in justification of house burning. In only 77 cases is there even a pretext that any justification existed for the burning of farms. In over 500 cases the farms are described as being burned for reasons which are in flat contravention of the Hague rules. The Government stand convicted of employing methods of barbarism on their own official returns. But this return is obviously incomplete. It is not brought up to date, and we have records of many farms which have been burned by our troops about which the report is discreetly silent.

The farms that have been burned by our troops may be numbered by thousands, not by hundreds, and the fact that a man trained in the law and as expert as Mr. Asquith with the sifting of evidence will allow himself to be befooled by so transparent a fraud as the war office return is a melancholy illustration of mental and moral wreck.

Figures, however, convey very little idea to the mind. In order to understand what the policy of devastation is it is better to give concrete instances. Now, fortunately, we have a very vivid picture of one of the most famous instances of barbaric methods—the burning of an entire town, which is painted by one who took part in it and who entirely believed in the necessity of the work in which he was engaged.

I therefore quote here extracts which can not be accused of being garbled, inasmuch as they carefully preserve all the passages, the omission of which led to such a dishonest outcry on the part of the jingo press. Lieutenant Morrison is a Canadian editor who contributes at great length to his paper a description of the burning of the town of Dullstroom. A local correspondent summarizing this lengthy epistle for the New York Sun, omitted any reference to the fact that Lieutenant Morrison approved of the work of devastation he described so graphically, and also omitted to mention that when the houses were burned there were several explosions of gunpowder, showing that the Boers of Dullstroom, like the rest of the burghers, had obeyed the law which required them to keep a certain quantity of powder in their houses. The letter in extenso deepened rather than weakened the effect of the summary. But I have not room for it here, and I therefore make my own extracts from the original, and defy the most hypercritical person to say that in doing so I have garbled or suppressed anything necessary to enable the reader to understand either the crime which Lieutenant Morrison described or the sympathy with which he recorded the criminal act:

"BELFAST, *November 21.*

"Bright and early on Tuesday morning we marched off. Colonel King commanded the advance and General Smith-Dorrien the main body. We were bound for the Steilpoort Valley, north of here, and were to come round by Wilpoort and Dullstroom, halfway to Lydenburg. The valley is about 6 miles wide and 25 miles long. It is fertile and well watered and full of fine farms. When our little force used to go out on reconnoissance and get into the rough and rocky hills overlooking the valley the well-fed burghers would swarm out of the farms in the valley and have a bit of fun with us. That we did not have many casualties was not their fault. It was also some of them who killed two of the dragoons by dressing up in khaki and enticing them over to the kopje, where they shot them down in cold blood.

"The advance guard had just got into the hills when our friends were out as usual with their tails up, sniping from behind every rock, but when the guns and pom-poms came into action at a gallop and soused the kopjes with shells, they discovered that this was the time they were up against it. They retreated from one position to another, and we followed them up all day, the advance guard on the right and the main body on the left. About 4 o'clock the main body debouched into the big valley, and we sat on the hills and covered the transport, becoming in turn the rear guard toward night. The heavy rain on our faces wakened us several times during the night, and it was a very wet, muddy, stiff, and bedraggled crew that old Sol sighted when he peeped over the hills in the morning.

"There were a number of very fine farmhouses near by, and we saw the Boers leaving them and making off. The provost-marshal came up from the main body, removed the Boer women and children with their bedding, and proceeded to burn or blow up the houses. From that on during the rest of the trek, which lasted four days, our progress was like the old-time forays in the Highlands of Scotland two centuries ago. The country is very like Scotland, and we moved on from valley to valley, "lifting" cattle and sheep, burning, looting, and turning out the women and children, to sit and cry beside the ruins of their once beautiful farmsteads. It was the first touch of Kitchener's iron hand; and we were the knuckles. It was a terrible thing to see, and I do not know that I want to see another trip of the sort, but we could not help approving the policy, though it rather revolted most of us to be the instruments.

"I am glad to say the artillery were exempt from it. During the days that followed it was our duty to go into action on the hills and cover with our guns the troops who did the burning. We did not get anything like a fair share of the loot, but I do not think my men objected to that. We burned a track about 6 miles wide through these fertile valleys, and completely destroyed the village of Wilpoort and the town of Dullstroom. The column left a trail of fire and smoke behind it that could be seen at Belfast. Some of the houses that were too solidly built to burn were blown up. Away off on a flank you would see a huge toadstool of dust, rocks, and rafters rise solemnly into the air and then subside in a heap of débris. Ten seconds afterwards a tremendous roar like the report of a cow gun would rend the air, and the dust would blow slowly away. Many of the houses were surrounded by beautiful gardens abloom with roses, lilies, and hollyhocks, and embowered in fruit trees. As we sat by the guns we could see a troop of mounted men streaming off toward a farm. With my glasses I could see the women and children bundled out, their bedding thrown through the windows after them. The soldiers would carry it out of reach of the flames, and the next moment smoke would commence curling up from the windows and doors—at first a faint, blue mist, then becoming denser, until it rolled in clouds. The cavalry would ride rapidly away, and the poor women and children, utterly confounded by the sudden visitation, would remain standing in the yard or garden watching their home disappearing in fire and smoke.

"The column marched into Wilpoort, a pretty little village surrounded by hills. The guns were placed on the hills and trained on the place, and the cavalry and mounted infantry rode into it and looted and burned every house and shop except one belonging to a British subject. The flour mill was blown up. We sat on the hills and watched the scene. When the mounted troops rode back they looked like a gang of dissolute peddlers. Their saddles were hung like Christmas trees with shawls, clocks, mandolins, teakettles, lamps—every sort of imaginable article—besides chickens, ducks, geese, sucking pigs, vegetables, and agricultural products galore. All we gunners got was the merry 'Ha, ha!' and such unconsidered trifles as the bloated cavalry chose to donate to us.

"On the third day out, about 9 o'clock, the guns were called up in a hurry to a position overlooking a pretty valley full of farms and cattle. Then the general sent the R. C. D.'s down, and they got 150 head of cattle and 500 sheep. As cattle are worth £20 a head and sheep £4 each to the army, it was calculated that our half hour's work netted about £4,000 to the British Government. The cavalry were sniped at a good deal in getting in the stock, and they burned all the houses in the valley. As soon as we were through the general pushed on my guns and left the cavalry to lift the cattle.

"On the following morning the troops were up long before daylight and marched off at 4 o'clock. In the dim, early dawn the column, nearly all mounted troops, moved swiftly north. We were going to sack and burn the town of Dullstroom. Nobody who was there will ever forget that day's work. About 7 in the morning our force seized the town after a little fight. The Boers went into the hills around, and there was nobody in the town but women and children. It was a very pretty place, nestling in a valley. The houses had lovely flower gardens, and the roses were in bloom. It was another grand place, but I was not introduced to Evangeline if she was there. We seized a hill overlooking the main street and placed all the guns on it, while the cavalry galloped through and skirmished up the hills beyond. The Boers drove in our outposts on the flank and began sniping the guns, and we all had to turn loose, and amid the row of the cannonade and the crackle of rifle fire the sacking of the place began. First there was an ominous bluish haze over the town and then the smoke rolled up in volumes that could be seen for 50 miles. The Boers on the hills seemed paralyzed by the sight and stopped shooting.

"When the lull came General Smith-Dorrien invited the artillery officers to go down into the place with him on a sort of official appearance—"just tell them you saw me" style of thing. The main street was full of smoke and fiery cinders, and as the flames belched out in huge sheets from one side or the other our horses shied and plunged from side to side. The place was very quiet, except for the roaring and crackle of the flames. On the steps of the church were huddled a group of women and children. The children did not seem to know whether to cry or be diverted by the spectacle. The women were white, but some of them had spots of red on either cheek, and their eyes blazed. Not many were crying. The troops were systematically looking the place over, and as they got through with each house they burned it. Our Canadian boys helped the women to get their furniture out, much as they would do at a fire in a village at home. If they saw anything they fancied they would take it ('muzzle not the ox that treadeth out the corn'), but they had not the callous nerve to take the people's stuff in front of their faces. Of course in the case of shops it was different. But you should see the Royal Irish on the loot! They helped the people out with their stuff by heaving bureaus bodily through the window, putting pickaxes through melodeons. You would hear one yell, "Begorry, Tim, here's a noice carpet. Oi think oi'll take it hame for the ould woman. Lind a hand here." R-r-r-ripp! Up would come a handsome pile carpet in strips. And so the work went on, the officers standing by laughing at the fun their men were having.

"I went into a very pretty little cottage standing in a rose garden on a side street. The M. R.'s and R. C. D.'s were looting it, but really helping the woman out with her stuff more than sacking the place. The woman was quite a good-looking ladylike person, and the house was almost luxuriously furnished. She was breathlessly bustling about saving her valuables and superintending the salvage operations. A big dragoon would come up to her and say in a sheepish sort of way, 'What do you want next, lady?' And she

would tell them, and they would carry it out. As I stood looking on she turned to me and said, 'Oh, how can you be so cruel?' I sympathized with her, and explained it was an order, and had to be obeyed. She was a good-looking female in distress, and had quite the dramatic style of an ill-used heroine. I certainly was sorry for her—we all were—until the house began to burn, and a lot of concealed ammunition exploded, and nearly killed some of our men. But all the same, it was a sad sight to see—the little homes burning and the rose bushes withering up in the pretty gardens, and the pathetic groups of homeless women and children crying among the ruins as we rode away."

I prefer to leave this as it stands, as the best picture yet painted of the realities of war in the period covered by the war-office returns. Since farm burning was officially supposed to have been countermanded, our military operations have consisted in little but the dispatch of columns in various directions, with instructions to sweep the country. These columns have gone out and they have swept the country; they have swept it clean of cattle and sheep, of its old men, its women, and children. They have, however, spared most of the Kaffir kraals, a fact which entirely destroys the value of the policy of denudation, for as there are 700,000 Kaffirs in the republics, each of whom requires at least two good meals every day, it is quite obvious that the Boer commandoes would never be at a loss for mealies and meat so long as there is still in the country sufficient food to nourish forty times their number of Kaffirs. The policy of sweeping the country was therefore absolutely futile from the point of view of depriving the Boer commandoes of means of subsistence. It may have had a certain value in removing women who could be relied upon to give information to the commandoes as to the movements of the British troops.

It is alleged against them that they gave false information to the English and true information to their husbands and brothers—possibly a fault in ethics, but one which hitherto has never been regarded as justifying the recourse to such methods of barbarism as the destruction of their personal property and their concentration in prison camps, without adequate shelter, food, or drink.

Before the sweeping movement began, the women were supporting themselves. They asked no charity from us; they did not seek to be protected against the Kaffirs, with whom they appear to have lived on very good terms. They fed themselves and brought up their children. They were noncombatants in the strictest sense of the word. They had no arms with which to fight, nor did they manifest the slightest disposition to take the field. Nevertheless, in order to carry out a policy of calculated brutality, and to bring pressure to bear upon the burghers still in the field by harrying and torturing their unfortunate women folk, columns were sent out in all directions with instructions to sweep the country bare. It was the devastation of the Palatinate repeated at the beginning of the twentieth century on a smaller scale, and will consign Lord Kitchener and the generals who obeyed his orders to the same infamy as that which has overtaken the generals who obeyed the orders of Louis XIV.

The following is the official report of the state attorney, Smutz, as to the result of those sweeping operations in the district which he traversed:

JUNE 25, 1901.

To His Excellency State President STEYN,
District Potchefstroom, South African Republic.

MOST HONORABLE STATE PRESIDENT: In order to inform your honor about the unlawful deeds committed by the enemy in the western districts of the South African Republic, I wish to give here a detailed account of some facts, mentioning at the same time such particulars as will serve to illustrate those facts. Your honor is, of course, to understand that these particulars are derived from evidence, given on oath, or from my own observation, so that I can fully vouch for the truth of them; they, however, do not constitute a complete account of all the shameful and unlawful deeds committed by the enemy, but are only a few typical cases picked from an amount of material to enumerate and explain which time is wanting at this moment.

During the month of July, 1900, I was ordered by my government on a mission to the western districts, which had been cut off from communication, and from Balmoral Station set out for these districts, but on arriving at Elandsriver I was recalled by the Government on pressing business and returned by way of Bronkhorstspruit Station. I arrived here late in the afternoon, and on that high tableland, and in the middle of winter, it was so fearfully cold that I could hardly bear it, and (according to official reports) many English soldiers had succumbed there with starvation.

Hardly had I arrived there when I saw in a cart two women and some little children. One of the two women was an old widow, Mrs. Heethling, of Tierpoort, the mother of the magistrate (landdrost) of Klerksdorp and a relation of the much-respected clergyman of Stellenbosch; the other woman was her daughter, Mrs. Du Toit, and her children. Their condition in that bitterly cold climate was most heartrending, without any food, without any covering, with nothing else about them than the clothes on their backs. That old mother, over 70 years old, told me the following things: Tierpoort, some weeks before, had been lying in the field of battle during the skirmishes which preceded and followed upon the great battle of Donkerhoek, and from the fields behind our dwelling our men had repeatedly fired at the patrols of the enemy.

At one time some Boers had ventured as far as the house and she had given them a loaf of bread; when one evening, a short time afterwards, an English officer came to the house with a strong patrol and gave her notice to leave her house that same night, as the place was to be burned down next day. She called his attention to the fact that this would be impossible, as all the cattle and the carts had been taken away by the English and that she was too old to walk so far as the Boer lines. He remained inexorable, and was so impudent that the grown-up daughter of Mrs. Du Toit, who was her interpreter, told him that he ought to feel ashamed of persecuting defenseless women and children in this way instead of fighting the Boers, upon which he so far forgot who he was that he gave her a slap in the face. As he would not give in, a messenger was sent to the Boer forces that same evening to fetch an ox cart. When the cart had arrived, this knightly officer (an Australian colonist) refused to allow that some food, clothes, or bed clothes were put in the cart, and in this wretched condition these poor people had to be sent out into the wide, wide world.

Her youngest son, Johannes Heethling, was with me at the time, to her immense joy, and whatever I could spare I gave her to take along with her on her journey to the Boschveld. Having only in the world her daughter and granddaughter, she was, however, full of courage and strong in faith, and even succeeded in cheering us up. I do not mention this as a rare case, but as a typical example of what happened in hundreds of other places. And this happened even in the best of times, when Lord Roberts was still negotiating about a general surrender, and was full of expectation about reaching his aim. But when circumstances made it certain for him that we would keep up the struggle till we had regained our liberty or had died arms in hand, it was then as if all bounds of civilization and humanity had been broken down by a wild hurricane of unbridled rage. I can not help acknowledging when I reflect upon what I witnessed and experienced since in the western districts, that I feel altogether incapable of giving a description, even a mere sketch, of the devastation brought about by the enemy, of the pains and troubles caused to us which have touched the hearts of our women and children as if they had been pierced by steel.

Let me take as an example that part of the Krugersdorp district situated between the Magalies and Witwaters mountains, one of the most beautiful, most fertile, and best cultivated parts of South Africa—the so-called "fillet." When I came to these parts in July, 1900, the land was green with an uninterrupted series of cultivated fields, gardens, and charming houses and farmsteads, a delight to the eye and a proof of what our people had been able to do with respect to agriculture in half a score of years. And now? It is now a withered, barren waste; all the fields have been destroyed, the trees of the gardens cut down or pulled up by the roots; the homesteads burned down, the houses in many cases not only destroyed by fire, but blown up by dynamite so that not a stone was left unturned; a refuge only for the night owl and the carrion birds. Where, till lately, everything was life, prosperity, and cheerfulness, death now reigns. No living animal, no woman, no child, not even a Kaffir woman is seen but with traces of anxiety, misery, nay, even with starvation distinctly visible in their faces.

Oh, one needs the pen of Isaiah or Jeremiah to be able to describe these horrors of destruction. I do not think that since the thirty years' war, and the devastation caused by the armies of Tilly and Wallenstein, such a scene of total destruction has been witnessed. How often did not I sit on the slope of the Magalies Mountain and looked down upon the many farmhouses, fields, barns, and warehouses as one pool of fire and flames. When we wanted to fight the enemy the troops took refuge behind the dwellings in which our women and children were, so that it was impossible for us to fire at them. When we wanted to shell their camps they were full of our women and children kept there as prisoners. Old men with one leg in the grave were taken prisoners in the basest manner and driven along before the troops. Old Gert Oosthuizen, 75 years old, was sent with a flag of truce by General Clements to General De la Rey to request us to confer with him (General Clements) on the state of the country. When we positively declined to hold such a conference on the state of our own country, devastated by them, he flew into such a passion that he ordered the old man to be seized and to be removed as a prisoner of war. Even children of 12 years have been taken prisoners because, in the opinion of the English officers, they looked too much like warriers!

And what about the women and children and all the sufferings to which they were and are subjected? In the pocket of an English officer, who fell in the battle of Boschfontein, we found a letter in which he explained in a humorous way how he went about it. In a house he had called together the women and children and they were compelled to hear "God save the Queen," being played on the piano, accompanied by the singing of the soldiers who were present, after which the house and whatever it contained was set on fire. In another place the women and children were told that they might remove from the house whatever they liked, as the house was to be burned down. They were allowed one hour to do it in. When they had carried everything outside and piled it up there this lot was also set fire to. And this officer tells these things as if it was regular fun. Truly, the insults, the scorn, and the contempt, the brutal rudeness with which these innocent women and children were treated, and are being treated, is beyond a man's comprehension. If this is the way in which officers think and act, what then is to be expected from a common soldier, what from a Cape boy and the Kaffirs, with whom the English army is infested. Very often women and children are beaten by them, as the case of the old widow, Mrs. Coetzee, of Elands River, Rustenburg, whom, after the English forces had left, I found in a deplorable condition on account of the ill-treatment she had undergone.

But I want to give another example of the manner in which our dear country is being destroyed.

In the afternoon, when I had left the said Mrs. Coetzee, I went on a scouting tour along the Doorn River (a tributary of the Elands River), which part had been visited by the army of General Douglas the day before. I was well acquainted with this neighborhood, as our forces had encamped here when the camp of Colonel Hore on the Elands River had been besieged. It was night, but the moon was out when I arrived there. My companion and myself came to the first farm and found that everything had been destroyed and burned down here. I came to the second farm, which had not been burned down, but plundered, and not a living soul was left in it.

That same night I passed by some 12 or 14 farms successively which had all been burnt down or looted, and not a living being left behind in them. Truly, it rather resembled a haunted place than that magnificent, thriving neighborhood which I had left in all its glory about a month before. Late that night I lay down to sleep in the yard of one of these deserted places. Everything in that beautiful property (Doornkom) had been plundered and destroyed. The owner, Mr. Mostert, is a prisoner of war in St. Helena, his wife has died, and some little orphans were left behind alone, with some relations. But even their innocence and youth and the exile of their father could not satisfy the vindictiveness of the enemy. That night I reflected upon the fate of the many families of that district, and in the morning I found to my great surprise that they all appeared from the neighboring hills like badgers from the ground. The women had fled with their children to those parts, thinking that they were safer with the wild beasts in the fields than under the protection of the colors and armies of Her Majesty. Some of the women in these parts had been cruelly ill-treated, even dishonored by Cape boys, and had fled among the mountains on horseback for three hours, hiding themselves at Boksloof.

Truly, the most unfeeling person can not help shedding tears of compassion at this state of unutterable misery. That afternoon I rode from Boksloof to Costerriver, where I met with the same devastation and misery. No fewer than seven families, consisting of women and little children, were living under the trees in the open air, in spite of the heavy rains. Even the tents had been burned. This destruction had been brought about by Generals Paget and Plumer.

By entering into all the details I should only tire your honor. I shall, therefore, mention only one more case, to show how the women and children were treated by the forces of these generals. When the enemy had come to Groenfontein on the Costerriver, brave old Luikes van de Werve, contrary to the orders of General De la Rey, had ridden on and had fired at the hostile scouts from behind a wall on his estate.

His wife left the house to beg him not to do so. She was at once fired at and mortally wounded in the head. Her husband then carried her into the house and was immediately taken prisoner there, and transported to the English camp. The dying woman and her three or four little children were then carried out of the house, and the house and its surroundings burnt down. She was taken to the house of one Mr. Albert Bibier, where also a number of little children were. She had scarcely arrived there when the house was plundered in a most horrible manner, so that not a rug or pillow was left for the dying woman, and all the food destroyed by fire. Mrs. Bibier protested against this violence, and asked the soldiers how she was now to feed her little ones and the little orphans, to which they replied, "Let the Boers look after you and give you food." She was allowed to save only a double handful of mealie flour from the flames.

The estate of Cijferfontein, belonging to Paul Grobler, had not only been looted and burnt down, but his mother-in-law, an old widow over 70 years of age, who more than once had told me the sad story of the pioneers of Natal

and the Orange Free State, whom she had accompanied at the time of settling there, had been ill-treated in a horrible manner. The soldiers had thrown her down on the ground, partly undressed her, and then by violence taken from her all the money and objects of value which for safety's sake she had hidden about her person. They left her for dead. I mention this case only as an example of what happened almost daily and is happening still. I see from the foreign newspapers that the way in which the refugee women and children of burghers in the field are being treated causes considerable excitement in the Colonies, but if abroad a hundredth part of what is done within the boundaries of the Republics were known, all Christendom would rend their clothes and utter an immense cry of woe in the face of heaven, as a protest against this indescribable barbarity.

What surprises me most is the unflagging perseverance of these ill-treated women, and this perseverance, so tragic, so immensely grand, owes its origin not only to an unshaken belief in the great future which is before our people, but a firm reliance on God. A person one day told me that while an English officer was setting fire to a house and all it contained, the woman called her children around her and began to sing in the open air, "Praise the Lord with cheerful voice." Even that officer was moved to tears, but he was obliged to finish his task. The very martyrs of the Middle Ages never showed a more firm belief and greater perseverance than the Boer women of to-day. There is no doubt that such women must be one day the mothers of a bold race. I can declare to have heard almost everywhere that the enemy now rather relies on the consequences of starvation than upon his own arms.

Therefore articles of food are being destroyed, carriages, carts, mills, plows, tread and threshing machines are burnt, weirs broken down, even the coffee mills broken to pieces, because the women used them to grind their corn. It will be of no use to the enemy to do all this, and our women will rather live the life of termites than give up their struggle for their sacred rights on account of hunger.

It is not necessary that I should enumerate the names of all the other parts and districts that have been ravaged. The whole country, the whole Republic has been destroyed to the root. The same scene of annihilation and misery is seen everywhere. Poor women and aged ones are seen everywhere flying with small herds of cattle which the enemy has not yet been able to seize; diseases reign freely, for our Boer doctors have been taken prisoners, and all their medicine taken by the enemy; and the doctors who were on the English side have gone over to the enemy.

I shall therefore speak of another subject—namely, how the enemy avails himself of the help of Kaffirs to make our women and children suffer greater pains. I do not intend to speak about the old story how natives were enlisted and imported by the British officers along the western and northern borders of the land, which, your honor knows, has been proved by documents now in possession of the Government. The massacre at Derdepoort, and at other places on the western border, have been surpassed by what has happened since May last. The Kaffir chiefs, having joined the enemy, crossed the western border and committed murders and cruelties from which even English soldiers shrank back. The consequences were that the greater part of the western and northern districts had to be abandoned by us, because the women and children were constantly exposed to being murdered. Camps for the women were then made in the central parts of the western districts, and the women provided with carts, tents, food, and placed under the protection of old men who were less fit for military service. It was expected that the enemy, from a sense of pity, which is even found with animals, would have left these camps for women alone.

But not at all! He repeatedly marched upon them, burnt the carts, tents, and the food, seized the aged guards who had not been able to fly, and caused so much misery as can not be described. And where he did not appear himself the enemy sent the Kaffirs, or rather the hordes of Kaffirs that always formed a wing of the British forces, and completed the work of destruction which had been undertaken by the English troops. Many a time it was my task to visit these women camps, and I can not help saying that I had never expected to be a witness of such scenes of misery—the women and children suffering, almost every one of them, from malaria, fever, and other diseases, in consequence of privations and bad food, without physicians, without medicine, without any consolation in this world, almost without any clothes, and after hostile raids, without any food at all. And all these women did not belong to the poorer and lower classes, but some of them belonged to the richest families of our country. But privation could not curb the spirit of these noble martyrs, and by one consent they advised me and the burghers to persevere to the bitter end.

It would bore your honor if I were to enter upon details; I only wish to give an example to show how the British and the Kaffirs cooperate in this satanic work. Commandant Riekert, of Rustenburg, is much hated by the enemy, as your honor will know. His wife, a lady of whom our people ought to be proud, had established a hospital at Rustenburg at her own expense, where she nursed some 15 sick and wounded persons, left behind there by Commandant C. R. De Wet on his memorable march from Bethlehem. Whether this was an unpardonable sin in her I do not know, but the fact is that when, some time afterwards, the enemy retook the village of Rustenburg he invented for her a refined chastisement, and sent her into exile with her daughters and daughters-in-law 7 miles beyond Rustenburg, to the farmstead Paardekraal, in the neighborhood of the robber Kaffirs.

Here lived no other white being than an old greybeard, Hermitage. She complained in vain that she had no food, and should have to perish with hunger or be murdered by the barbarians. The English paid no attention to her complaints, for it was this very punishment they had invented for her. After having suffered immensely she was one night obliged to fly to save her life, and a woman in nightdress got as far as Rustenburg informing the people there that every soul at Paardekraal had been murdered. Afterwards it fortunately appeared that only old Hermitage had been murdered; but the agonies these poor women had had to bear I need not describe. After all, these women and fifteen others and their children were sent off to the Boer ranks, because the enemy thought that there at least they would be starved to death.

That this way of waging war against defenseless noncombatants and the destruction of private property, which only indirectly has connection with the continuation of the war, are against the articles of modern international law need not be proved. Numerous English lawyers of name, minutes and conventions signed by England in all solemnity, not only condemn these deeds, but most seriously forbid them. The teachings of Wheaton, Phillimore, Van Hall, are one with the war regulations of The Brussels conference and the rules laid down by the late peace conference of the Hague, approved of and signed by the British Government; and each and all say by one consent that private property or estates, not being contraband, are unassailable, and noncombatants must be left alone. To justify himself, Lord Roberts, in his proclamation, appeals to our supposed way of waging a war which he calls guerrilla. He says that he will make use of every means employed by civilized nations under such circumstances to put an end to this guerrilla. I deny that we do keep up a guerrilla; but if we did, would it justify what English officers have done?

The legal authorities and the solemn conventions do not distinguish between a guerrilla and other lawful ways of carrying on a war. The question is, Do we wage a lawful war, and are we acknowledged combatants, and, as such, protected by the international military laws? We do. And it is acknowledged and confirmed by English proclamations. We are no brigands or criminals, but lawful combatants, and, as such, appeal to the international law and the conventions signed by England. I openly claim to be as well informed about the law as those on whose advice the proclamations and the doings of the British Government and the military authorities were based; and passing over, of course, acknowledged barbarities and strange doings disapproved of by the best legal authorities, I deny that in the annals of civilized warfare precedents are to be found to justify a general burning down of country seats and villages, destroying all food, treating women and children as prisoners of war, and that they are banished to foreign parts, without even mentioning more horrible treatment.

And I deny that we carry on a guerrilla. Was it guerrilla warfare when, on December 3, near the Sterkstroom and on the ground where this terrible destruction took place, General de la Rey and myself took the English camp and captured 130 heavily laden carts, more than 3,000 oxen, that more than 100 men of the enemy were killed and wounded, and more than 100 captives fell into our hands? Or was it a guerrilla war when, on December 15, the Generals de la Rey, Beyers, and myself attacked the camps of the Generals Clements and Legge in their fortified positions on the Magalies Mountain at Nooitgedacht and defeated them after one of the fiercest battles fought in this war; that we took away their camp and made about 300 prisoners of war, and there were more than 400 killed and wounded English soldiers, among whom General Legge, who had been slain, who fell into our hands? I will not even speak of the other great battles fought in the two Republics in the last months.

This is truly no guerrilla where large armies of the enemy are cut to pieces in this way. The truth is, a new way of waging war has been developed by us, to which the enemy wrongly applies the old name of guerrilla. After fighting in the old-fashioned way during the beginning of the war with all our forces and convinced that the superior numbers of the English were too strong for us, we have made a new plan, in which strategy, mobility, and the disposition of small forces over extensive grounds are of much more importance than fighting a pitched battle, but not in the guerrilla manner. We are always in touch with the other parts and divisions of the army, and when time and place are favorable we can always concentrate our troops, with the effect that we can crush the enemy. We do not carry on a guerrilla war; the Boers will never be able to do so; their character and their ideas of soldiership are contrary to it. That they are properly ordered troops, as well as the humane way in which they have persevered till now in this war, which is such a bitter but sacred struggle for them, does not excuse the enemy in the least from committing his atrocities.

This barbarity, however, has had this advantage for us, that it has placed in the background all the subordinate interests of our burghers and such of their aims as were against the fulfillment of their duties. They have no longer any estates or worldly property to protect; many even have no women and children to provide for. Pressed down by the yoke laid on their shoulders, they now feel what their independence is worth, and are full of a sacred fire to deliver their beloved ones from oppression, to set free the colonial brethren imprisoned yonder for the sake of our independence, and to bring about most carefully a peace for the whole of South Africa which will not be unworthy of the many precious lives that have been lost and the great sacrifices that have been made, the blood and tears not only shed by our ancestors, but principally by that blood and those tears shed in this struggle.

I have the honor to be, your honor's most obedient servant,

J. G. SMUTS,
State Attorney and Assistant Commandant-General of the South African Republic.

I have quoted Mr. Smuts's letter at length, because of the character of its author and because otherwise it would never meet the eyes of the public. It is probable, however, that a more vivid idea of the kind of devastation which has gone on in the Transvaal and the Orange Free State will be gained by the simple narratives of those whose houses have been destroyed and the blunt, straightforward stories told by the men who have been engaged in the operation.

The chief source for the narratives of the sufferers is the appendix of Miss Hobhouse's pamphlet. Soldiers' letters, on the other hand, have never been collected, excepting for the first period of the war. In a volume entitled "Pen Pictures of the War," published by Horace Marshall & Sons, there is a copious collection of soldiers' letters which give a more vivid account of the actual fighting and campaigning than any of the letters of the special correspondents, but this volume only comes down to the battle of Colenso, and no second volume was ever published.

Comparatively few letters are now published from the front, partly because under the rigorous censorship very few are written, and partly because the novelty of soldiers' letters from the front has long ago disappeared. Nevertheless, newspapers from time to time do contain letters, and occasionally interviews, which shed a vivid light upon the extent of devastation which is going on. Here is an extract from a letter by Mr. McCormick on St. Patrick's Day, 1901, to Mr. W. E. Jones, the branch secretary of the National Union of Dock Laborers. Mr. McCormick, on the 17th of March, was in Potchefstroom Hospital, and in this letter, after describing how they had burnt a town in the Transvaal merely because the Boers had captured it, he gives the following interesting account of the state of the country through which he passed:

"I suppose you have read about Kitchener's proclamation telling the Boers to lay down their arms and go to their farms. Well, I have traveled through the Free State and the Transvaal and I can say for a fact that there is not a farmhouse fit for habitation in the Free State or Transvaal. They are nearly all burnt, and those that are not burnt are deprived of all woodwork, such as window frames, doors, and beams. Wood is very scarce here. As for pigs and fowls, there won't be one left in the two countries when the war is over. Everyone who has a fowl has to get wood to cook it, and they go to farmhouses and wreck them for wood. In January we were a month burning houses. When the prisoners are released from St. Helena and other places and see the state of their farms and houses, they will have a stronger hatred against the British nation than ever they had."

From which it would seem that Private McCormick has more statesmanship in the head of him than most of our rulers and governors.

On the 26th June last the Daily News quoted from the Warwickshire Advertiser an interview with a Warwickshire yeoman who had just returned from the war. I am particular to give the dates, because the pretense is still kept up in some quarters that farm burning ceased long ago. This yeoman, whose name is not given, but who is personally known to the editor of the Warwickshire Advertiser, spoke very frankly and to the point on this subject.

He was attached to Paget's column, and he told the editor that since Christmas, and apparently down to the time of leaving Africa in May last, save for periodical encounters with isolated bodies of marauding Boers, Paget's column had been occupied with the burning of farms. In reply to a question as to whether the farms were burnt because of acts of treachery or concealment of arms, this yeoman replied:

"I don't know about finding Boers or arms. All I know is this: That some days we would start off early in the morning and try, during the whole day,

to burn as many farms as we could. I never saw one in some districts that was spared. We used to ride up—half a dozen of us—to the farm door, dismount, and rap loudly with our rifles on the wood. We didn't wait for an invitation. In we went with a rush and said to the woman, 'Come on, pack up, missus; there's a cart waiting for you.' And we gave her ten minutes to get a few things together, and then, with the youngsters, she was packed into the open wagon and driven off to the nearest camp."

"Did you ever find Boers or ammunition hidden away?" "Never, during the whole time, except a few loose bullets lying about in different rooms."

"Then why did you burn the farms?" "By the general's orders. We used to have plenty of fun. All the rooms were ransacked. You can't imagine what beautiful things there were there—copper kettles, handsome chairs and couches, lovely chests of drawers, and all sorts of books. I've smashed dozens of pianos. Half a dozen of us would go up to as fine a grand piano as ever I've seen. Some would commence playing on the keys with the butts of their rifles. Others would smash off the legs and panels, and, finally, completely wreck it. Pictures would be turned into targets, and the piano panels would be taken outside and used as fuel to boil our tea or coffee. After this we would set the building on fire, and as we left, riding together or detached over the sandy waste, we could see the flames rising up, and soon there would be nothing left but black, smoldering embers. We would do the same with the next farm we came across."

"The speaker then went on to describe how news of their approach had often been carried to the inhabitants of the farm, and before the punitory party arrived the house had been deserted and all the cattle and valuables carried off. On these occasions they undertook the task of making a bonfire of the building with even greater relish than on ordinary occasions.

"Another of the returned yeomen, alluding to the same subject—farm burning—said many curious finds were made in the Boer houses. Copies of the Sphere and the other weekly London illustrated papers had often been picked up, all carefully preserved, and plentifully dog-eared Dutch books of instruction were common. 'But,' he added, 'it would be useless detailing the contents of the houses. All you have to do is to imagine yourself with a number of chums walking casually into a respectable gentleman's house in Warwick and pocketing what you thought you wanted. It's just the same out there.'

"Another of the Warwickshire men found, whilst overhauling a box of trinkets, £40 sterling. Smaller sums in gold were often met with on these predatory expeditions."

The account given by these soldiers exactly tallies with the stories told to Miss Hobhouse by the women whom she interviewed.

As late as May 30 last the work of farm burning was going on merrily around Standerton. A private soldier, writing on that date from that neighborhood, says that he had been for three weeks with Brigadier-General Remington:

"He is a splendid soldier. We have been chasing Hans Botha, and capturing cattle, sheep, horses, etc., and burning down the farms and grass all over the country."

Yet Mr. Asquith can speak of farm burning as an episode that happened for a few weeks last year.

On May 21, 1901, a soldier belonging to the Second Queen's R. W., Surrey, writes:

"We only went out for five or six days. We burned down about thirty farms and brought in the wives and families, and burnt all the grass and everything that came in the front of us; and they are doing the same everywhere now. We took all the cattle they had, smashed all the furniture, and then burnt the lot, and so I expect they won't be able to stick that for all the winter."

To whichever part of the seat of war we turn, it is the same story. Farm burning was going on all through April and May. At Lydenburg a correspondent of the Westminster Gazette says:

"The Transvaal, but particularly that portion between Pretoria and Lydenburg, presents a very desolate appearance. Every farmhouse is demolished, trees cut down, fences torn up, and what was once a happy homestead is now the ruins of one."

From Ficksburg a private in General Rundle's division wrote on May 10:

"Since we left Harrismith we have been on the march, burning farms and houses and everything we come across."

A trooper in the sharpshooters' corps of the Imperial Yeomanry, writing on May 7 an account of the operations of his column after it left Standerton, says:

"We have been very busy to-day and yesterday burning farms. We take all the fowls, etc., and then set light to the houses. It is rather beastly work, but very necessary, in spite of what our home critics may say."

Two days later Trooper Tom Molloy, of the Seventeenth Ayrshire Company of Imperial Yeomanry, wrote from Senegal:

"We had some good fun at Reitz; we burnt the place so that you would not know it. We broke all grates, pans, etc., and the furniture. We turned the pianos upside down, picked the notes to pieces, and then threw them out of the windows."

On May 10 a soldier in the C Squadron of the field force under Gen. Sir Bindon Blood says:

"We had a fine time burning all the farms and houses and destroying everything."

A royal engineer, writing from Machadodorp on May 14 last, said:

"When we come to a farm we take the women and children to the nearest refugee camp and then burn the house. It is the only way we can prevent them from helping the Boers."

From a letter from a reservist in the Oxford Light Infantry, published by the Boston Guardian, it would seem that native kraals share in the general devastation. The writer dated from Heilbron on April 17 last, and his brief account of his doings is undoubtedly interesting and suggestive:

"The first day out from here was quiet, but we burned all farms, native kraals, outbuildings, and other places that might afford shelter for the Boers in bad weather; we also killed all fowls, ducks, geese, and pigs, turkeys or any kind of poultry, and collected all horses, cattle, and sheep into herds, and drove them along with us; and I could not help thinking what a waste it was to kill good things for the sake of killing, after we had halted; but it was grand sport chasing young cockerels and chopping geese's heads off, hearing pianos play as they were rolled upside down onto a fire lit in the middle of a room, piling pictures and brackets, etc., on a deal table and then putting a straw mattress underneath to start the blaze.

"On the second day we had over twenty fires on the go before 9 in the morning; and had got about 6 or 7 miles from our last halting place when we got a check for a couple of hours, as we had to clear the front before we could get any farther.

"Next morning * * * we destroyed the nicest residence I have seen in the country. I forget his name that used to live at it. He was next in position to the President of the late Orange Free State Republic. It took us all the afternoon to get it all destroyed.

"The thrashing machine made the best fire, but the most interesting part for me was to see the explosion of a traction engine that worked all the farm machinery. It was built in England, and it was over an hour from the time the fire was lit before the boiler burst."

On November 16 Lord Roberts issued the following order:

"As there appears to be some misunderstanding with reference to burning of farms and breaking of dams, commander in chief wishes following to be lines on which general officers commanding are to act: No farm is to be burnt except for act of treachery, or when troops have been fired on from premises, or as punishment for breaking of telegraph or railway line, or when they have been used as bases of operations for raids ,and then only with direct consent of general officer commanding, which is to be given in writing. The mere fact of a burgher being absent on commando is on no account to be used as reason for burning the house."

The foregoing letters show that no attention was paid to this. Writing on February 6 last, Sergeant Manger, of the Border Regiment, said:

"The burning of farms has turned out a failure and has been discontinued. It has been a cruel and useless destruction of property."

In the same letter it may be noted incidentally that Sergeant Manger throws a little light on the question of the arming of the natives. He says:

"I see it noted at home that we arm the natives. We certainly don't arm large bodies, but the black scouts carry Lee-Metfords, and are supposed to defend themselves when attacked."

But the good sergeant was mistaken in believing that destroying farmhouses was discontinued. Many references in the soldiers' letters show that they do the work of devastation with sinking hearts. For instance, a Kerry soldier, who had been employed in General Settle's column last year, according to his own account, was marching through the Free State into the Transvaal "and burning every house that came in our way." He says:

"To tell the truth, I did not like to see the poor women and children turned out of their homes, as it reminded me of dark days in my own country, but I, as a British soldier, must trample on all these thoughts."

Corpl. J. B. Wild, of the Oldham Yeomanry, writing on December 7, three weeks after Lord Roberts's order, to a friend in Oldham concerning the march of General Settle's column from Ramah to Edinbro, in the Orange Free State, says:

"We marched via Luckhoff, where we set fire to all disloyal subjects' houses and took all their cattle away from them. That was what we did all along the line of march. It will mean that the Boers will have nowhere to go and nothing to eat."

The son of James Cooke, clerk of petty sessions, now town butler (Fermanagh Times, January 31), writing a week later when en route for Durban, December 14, 1900, says:

"I have enjoyed the experience of the last few months immensely. * * * We were known as policemen, but our duties were very different from those of the policemen you have in Belfast. Most of my time was employed in burning Boer farmhouses and forage, and commandeering cattle and sheep, etc., around Potschefstroom and Frederickstadt. So you see I have been having a rare time of it. The most disagreeable part of our work was the turning of the Boer families out of their homes. The women made pathetic appeals, but we had to carry out our instructions."

In many cases the destruction of property seems to have been prompted by motives of vengeance without any regard to questions of policy. For instance, Mr. Hervey de Montmorency, dating from Duke street, on June 20 last, says:

"When we retreated from Rustenburg in August of last year, after the evacuation of that town, every building in the neighborhood of the northernmost road to Commando Nek was burned to the ground without discrimination. No single act of treachery on the part of the Boers occurred on the road."

It is a melancholy fact that no English or Scotch chaplain accompanying the forces appears to have written one solitary letter of protest against this monstrous reversion to "practices of barbarism." Fortunately for the credit of the cloth, the Rev. Father Timoney, chaplain to the Australian Bushmen, had a tender heart. He wrote on October 14 last from Loon's Farm, Molopo River, as follows:

"Then began the most diabolical work I have yet witnessed. Every house in the valley, probably twenty in all, was burned to the ground. Women and children stood in groups, the children rending the air with their cries. They were allowed to move their furniture before the match was put to the building. The women were admirable. Not a tear bedewed their eyes. They stood there defiant, neatly dressed in black, with snow-white aprons and bonnets. It was only when I said a few sympathetic words to one woman that she melted into tears. 'You,' she said, 'do not approve of this?' 'I loath it,' was my reply. 'I am,' she said, 'a British subject from the Protectorate. We rented this farm from an Englishman, to whom it belongs. We have nothing in the world but these crops, which your horses have destroyed, and—God help us!' I asked her the age of her baby, whom she carried in her arms. 'One month yesterday,' she replied, showing me the innocent face of the infant. 'Will you,' she said, 'try to save my house from the fire?' 'I shall do so at once,' I answered, and I kept my promise, but my pleading was of no avail. The woman stood there on the greensward, one child in her arms and three others hanging to her skirts, while her home was falling into ruins and the flames rose 40 feet high. I told the heroic woman that I had tried to save the house.

"'Will you shake hands with me?' was her reply. I did so right heartily, and she called me aside to show me the relics of a new white apron. 'It was from this,' she said, 'I tore the bandages for one of your wounded men (Beaumont). I carried him in my arms from the field and bandaged his arm. He lay on my bed until the blankets were sodden in blood. And this,' she said, 'is my reward,' waving her hand toward the house in flames. 'This is the work of the Australians. They are not soldiers—they are house burners and looters.' I begged to disagree with the woman, but her face was now livid and her eyes sparkling with rage. 'My boy, Otto,' she continued, placing her hand on her head, 'is only 10 years old, but I trust I shall live to see him handle a rifle, and avenge this insult on his mother.'

"The next house belonged to the man whom the sentry shot on Thursday night. 'My husband was shot by one of your men last Thursday night,' she said; 'I am left alone with these four children. Surely the blood of my husband should wipe out the crime of which he is guilty—fighting for his country.'

"Her pleadings were in vain. Her house was burned down, and she looked on proud and tearless, the beau ideal of a valiant woman. But why should I weary you by repeating the harassing, heartrending scenes I witnessed that day? There were probably 100 women and children left homeless in one afternoon. They were ordered to leave the wooded valley and cross the Molopo River, there to live on the treeless plain.

"The wiseacres say that this vandalism will terminate the war. My opinion, shared by every intelligent man, is that it will prolong the war indefinitely. I might refer to the open theft which is called looting, and which is daily indulged in by our troops. The Turks would shrink from such barbarism. Even the Kaffirs do not burn houses. And I am not giving hearsays. I am just recounting in a hurried way a part of the horrors I have myself seen. My belief is that during the present war the Boers have shown more mercy, more honor, and more honesty than many of our troops who are not immediately under the eye of Lord Roberts.

"The war was not at an end. The Transvaal may be crushed for a time—it will never be conquered. Captain McDermott, from Dublin, a nephew of

Charles Stewart Parnell, was so indignant at the barbarism that he asked me and Dr. Kelly to come away."

The narratives of the Boer women which are reported in the appendix to Miss Hobhouse's report refer, for the most part, to incidents which happened last year. They are therefore not of value as proving that the destruction of farms has been systematically carried out down to the present time, a fact which is sufficiently attested by the evidence quoted from the soldiers' letters, but they are very interesting as showing how the operation appears to its victims. Before quoting any of the letters, it is worth while to note what Miss Hobhouse says concerning the women who have been burned out of house and home, and whom she found treated as prisoners of war in the camps which she visited. She says: "The farmers' wives in this country compare very favorably with English ditto. They have less book learning and less fashion, but mostly speak the two languages freely, and with far more dignity and breeding. You feel at once that they hold the position of ladies in their own country, and they behave as such." Of course the sufferings of the poorest working woman are as much worthy of attention as those of the finest lady in the land. But, human nature being what it is, the fact that we have turned Tommy Atkins loose to burn and destroy the houses of ladies of dignity and refinement will probably appeal more to our own people than anything else. One of the innumerable falsehoods which have been palmed off upon the House of Commons by Mr. Chamberlain and others was the statement that the Boer houses were miserable hovels built of mud, which cost nothing to build, and the destruction of which need cause no concern. This is certainly untrue in the light of the report which Miss Hobhouse brings back with her from South Africa.

For instance, "at Boshof, old Mr. N. reports that he left his wife on the farm a large one of 10 rooms, costing £2,000 to build. Since he arrived here in Kimberly word was brought that the farm had been burned, but the commandant says that it was done by mistake." There appear to have been many houses of this kind that were burned. The fact that the soldiers repeatedly report the destruction of pianos, and mention that in some of the houses there were more than one, is the best proof that the burghers did not live in rude shanties. It was ladies and their children who were living in comfort, if not in luxury, who were seized by the soldiers, mounted in wagons, thrust into coal trucks, and sometimes into cattle trucks which were still reeking with the filth of their late occupants, and then flung into prison camps, in many cases to die of misery, sorrow, and privation. A narrative signed Phillipine, which appears in Appendix C of Miss Hobhouse's report, gives a very vivid account of the destruction of a farm as witnessed by its late occupants:

"On the 7th February, Phillipine writes: We were awakened by the roar of cannon. We got up and hastily dressed ourselves. We were very frightened. We sat down to an early breakfast, but could eat nothing. I could not do anything, but wandered aimlessly about, thinking of the dear ones of whom we know absolutely nothing. On going out I saw black objects on the hills. Running back hastily, I fetched the telescope, and to my horror saw that they were horsemen coming nearer every minute. Ah! how my heart throbbed with pain as I went to break the news to my poor delicate mother. Many of our neighbors' houses were burned down months ago, while some of the women and children were left on the open veldt, and others were taken prisoners. We were until then left undisturbed, but I instinctively felt, when I saw horsemen coming nearer, that our turn had come at last. About half an hour later a number of horsemen, accompanied by a small wagon drawn by mules, came up to the house. Their corporal came to the front door, while the troopers stormed in at every door. I went to the corporal. But oh, how cruelly his words pierced my heart! His greeting was, 'I've come for you. Be ready to start in about fifteen minutes.' I pleaded and begged to be left at home. I told him to take everything and burn the house, but leave us there; but all in vain. His answer was: 'If you don't come, I'll let the men put you in the wagon.' Then all was confusion."

When they came out of the house they found that the troops had killed all the poultry and pulled up the flowers and plants. They had cut up the beds and pillows, and the whole place was white with feathers. They moved away, leaving their dear old large comfortable house behind them, where they had everything they needed, and were carted across the veldt. At their stopping place they looked back, and saw the smoke of the burning farm and furniture, which we can well imagine was very painful to them.

Mrs. V. R., who was only given a quarter of an hour's notice to leave her house, was a wealthy woman.

"Captain W. had given her a note of protection, but Captain D. took no notice of it. She has a receipt for 6 loads of goods taken by Brabant.

"Her farm cost £2,500 to build. The house was 70 feet long and 40 wide, and had 13 rooms. The roof was taken off, doors, windows, and all woodwork destroyed; flooring torn up; piano and organ cut to pieces, best furniture carted to Ladybrand to furnish an officer's house. Seven hundred bags of wheat burnt, large quantities of mealies, 3,000 sheep (17 were German sheep imported, and worth alone £450), 100 horses, with a valuable imported stallion, a new buggy, wagons, cattle, etc. The farm was only 1,800 morgen, but they had another in Winburg district, where the cattle mostly were."

The worthlessness of the English note of protection occurs again and again in the narrative. Mistress F. B., of Winburg, whose house was burnt by the order of General Macdonald, had received a pass stating that they were under British protection. In September the British troops came along, and on presenting the pass to the officer he said that they were safe. The next day, however, notwithstanding the pass, the house was burnt to the ground. Mrs. F. B. says:

"Next morning, September 18, before 9 a. m., a captain and 8 men appeared. 'You have five minutes,' he said. 'I am come to burn the house.' They pleaded, but he said: 'These are my orders; I shall be shot if I don't obey.' He then sent Mr. P. to find the general, Hector Macdonald, under whom he served, saying he would be found passing in such a place with the column. In less than half an hour, before the farmer could get back, the captain set fire to the house. Mr. P. said she cried and prayed and pleaded, all in vain. He told her to get out her things, and she hastily began pulling out chairs, chests of drawers, etc., with the children's clothes. Then he began to smash the furniture, saying he could not wait for that. She got out a box with her husband's clothes, and containing a small box packed with trinkets. These were: 1 gold watch, 1 silver watch, with gold chain, 1 diamond ring, 2 plain rings, 1 pair earrings, set of silver studs, silver bangles. All of these were stolen, besides her husband's shirts and other clothes.

"In answer to her distress the captain gave her a paper (unsigned). It is a somewhat poor exchange for a burnt home."

This continual recurrence of breach of faith explains and justifies the angry outburst of Mrs. B., of Brandfort. Miss Hobhouse says:

"Mrs. B., a really handsome woman, with a fine family, was one of those who early in the year went out from Brandfort to ask the Boers to give up. They refused. Now, she says, we are a ruined people. We will fight through. Roberts's first proclamation, if kept, would have ended the war; but it has been lies, lies, lies."

Another lady, whose narrative is the last in the report, gives the following account of her experience of the value of Lord Roberts's word:

"On May 14 I went to my neighbors with Lord Roberts's proclamation and said to each: 'Read this proclamation. If you live on your farm no harm will be done to you. So trust to what I say.'

"But what was the result?

"The first column that came, with which Captain B. was, took from all those who had remained in their homes all they had of cattle and horses."

Fourteen days afterwards a major came along with a lot of armed Kaffirs and carted them away to the camp. I am glad to note the following expression of indignation from an Australian who witnessed the incident:

"Madam, so many lies have been told in our land about the uncivilized ways of your people, but the shame is the way the women are treated."

The excuse for this piece of bad faith was that the burghers had taken off her son-in-law. She says:

"I brought it before the justice of the general that I had told Captain G. I was not responsible for my son-in-law. * * * I told the captain over and over again I am not answerable for Mr. S., my son-in-law. He said, "Yes; you are." I requested if I might stay by my husband's grave in my garden, which I and my two daughters had cultivated, and which was doing well, and we could have lived out of it.

"The captain agreed, but Kitchener's orders were we women must all be removed or the Boers would not give in.

"Mrs. Combrink, who had been a widow for nineteen years, was held responsible for her son, a man of 50 years, who was fighting. She had everything taken from her—she had not even a dress. Everything was also taken from me."

The third narrative describes the burning of a village and the deportation of the men who had taken the oath of neutrality as prisoners of war to Greenpoint, Ceylon, and St. Helena.

In Miss Hobhouse's narrative there are not many complaints concerning the misconduct of the soldiers, although in some cases they seem to have acted with little consideration, as, for instance, in the case of Mrs. S., of Jacobsdal. After describing how they had burned down her house and 18 others in the village that day—"First all was smashed. Girls pleaded for dead father's likeness enlarged. Threatened to shoot Mrs. S. if she pleaded:"

"We poor women sufferers will never forget the next day. Early that morning we were informed that the general had orders from Lord Roberts to burn down the village. Half of the Boer women received orders at 1 o'clock to be ready on the market square at 2 o'clock, also telling us not to take too many things with us. If we did take too much, will not be allowed to take anything. It was dreadful to see how they destroyed the houses—breaking up floors (even the floor of the Dutch Reformed Church was broken up for firewood), breaking out doors and windows, pulling down verandahs, saying they require these things for fuel. Everywhere one could see them stealing and taking everything they could lay their hands on, even taking the small bundle the poor woman thought of taking with her. Having taken our everything, even this they took from us. Wherever one looks, misery is to be seen. It was heartrending [sic] to see how they illtreat the animals—driving cows and leaving the young calves behind. When we asked them, for pity's sake, to take the poor calves with them, they said the calves were only a nuisance."

In some cases the sufferers had been actually the hostesses of the soldiers who burned their houses. Here, for instance, is the story of Mrs. Potgieter, of Uitzicht:

"6. Compelled. Captain P. had been often in her house, and very kind—a real gentleman. He had meals often with her, and had said her house, etc., should be safe. But some generals came and camped near the farm, where there was a fight, and the Boers passed along the main road near her farm. She could not help it, and the British were pursuing. Next day, 10 a. m., a lot of men came and turned her out. It was raining hard, and she wept and prayed mercy for the children's sake. House was burned, and she was put into a wagon. She saw seven neighbors' houses burning as she went. She tried to take some furniture, etc., but it dwindled as she went, and got left behind here and there. Her house had five large rooms. At Kroonstadt she was put into the church with twenty other families, and guards all round. Kept there three days. Then they were brought down to Bloemfontein and put into camp. Was well off; has nothing now.

"A few weeks after telling me the above Mrs. Potgieter, who could not stand the life or the diet, grew very weak, sank rapidly, and died."

In some cases the destruction of property was ordered expressly in order to induce the women to ask their husbands to surrender. Here, for instance, is the story of Mrs. K., of Boshof:

"Was living in the house of a widow S., who had two sons on commando. English suspected either her or the house. For five months before her arrest English kept taking away her food to force her to make her husband surrender. During this time she had a baby. Three times they came and searched the house, and the fourth time came when baby was only two days old, on which occasion tore up the floors, broke doors, windows, ceilings, etc. At last broke all the furniture, and when baby was two months old she was brought to camp. Would not ask her husband to surrender."

This indomitable spirit seems to have animated many of these Spartan women. Here, for instance, is Miss Hobhouse's note of the evidence of Mrs. J. E., of the village of Jacobsdal:

"Husband on commando. Field cornet, an Englishman by blood, son of English parents; an English officer, Major E., fought against him at Magersfontein; it was his cousin. After the fight, October 25, the English, under Colonel J., burned her house. They would not believe her that no Boers were in the house, so burned, and found none. Drove her from her house, and would not listen to her pleadings. The 29th the Boers came back. She saw her husband, and he his blackened home. He was silent first, then lifted his hand and said: 'The Lord will provide, but now I will never, never, never give in.' She has not seen him since. November 7 English returned. She was locked in the school for several days, and no food or drink given. Early in February Mrs. E. was asked if she would take Kitchener's proclamation to her husband. She replied: 'Though you give me 2,000 troops and £100 (and I have nothing), I will not do it.' A second time she was urged, or if not she would be sent to Kimberley Camp. 'Very well, then,' she said, 'it must be the camp.'" Four other prominent women were urged to ask their husbands to surrender—in vain."

It is necessary to quote no further. In the extracts already given I submit to any impartial reader that it stands demonstrated beyond any possibility of doubt that the policy of house burning, while ostensibly discontinued, has been carried on without any intermission right down to the last day upon which we could have any information from the seat of war. Further, that the houses have been burned without any colorable pretext, such as treachery, the harboring of the enemy, or their use as storehouses for the supply of troops with munitions of war. It is, of course, obvious that troops passing through a country, whether Boers or British, would seek refreshment and shelter at the nearest house on the line of march. But it is not even alleged that the Boers had made any more use of the houses that were destroyed than our own troops.

In many cases every farmhouse seems to have been burned down, either because it was on the line of march, or in vengeance, or pure wontonness. Further, that in many cases the threat of the destruction of property and the burning was deliberately used as a means of pressure to induce the wife to persuade her husband to desert his colors. It is unnecessary to characterize conduct so unchivalrous, so inhuman, and so absolutely contrary to the practices of civilized war. Here, indeed, we have a "method of barbarism" which is worse than anything that can be alleged against us by our enemies abroad. And yet the astonishing fact is that, notwithstanding all this per-

sistent and continuous policy of pressure brought to bear on the women and children of the invaded country, no attempt appears to have been made to make reprisals. The Boers had ample opportunity in Cape Colony and in northern Natal to retaliate in kind had they felt disposed. But not even the bitterest Jingo vilifier of the Boers has been able to mention a single instance in which the Boers burned the houses of English colonists or attempted to put pressure upon English women and children to induce their relatives to desert the British armies.

I conclude this chapter by quoting from a very remarkable manifesto published on this subject by President Steyn and General De Wet. We are accused of describing the British troops as monsters and painting the Boers as archangels. The accusation is absurd, but the impression is probably due to the remarkable contrast between the system of conducting warfare by the British and the Boers. Actions speak louder than words, and the facts speak for themselves. The impression produced by the facts is deepened by the official utterances of the heads of the contending parties. Contrast, for instance, the speeches of Mr. Brodrick and Mr. Chamberlain with the sentiment of the following manifesto:

Be it hereby made known to all:

That the war which was forced on the Republics by the British Government still rages in the Orange Free State as well as in the South African Republic; that in this way not only all customs of civilized warfare, but also conventions concerning the same, such as those of Geneva and The Hague, have not been observed. He did not scruple, contrary to first-mentioned convention, to capture our doctors and ambulances and deport them, in order to prevent our wounded getting medical assistance, and the ambulance and the material appertaining thereto. He did not hesitate, contrary to the recognized primitive rules of warfare and contrary to his solemn agreement of The Hague, to arrest neutrals and deport them, to send out marauding bands to plunder, burn, and damage the private property of the burghers.

He has in this State, as also in the South African Republic, armed the Kaffirs and natives, and made use of them against us in the war. He has been continually kept busy capturing women, children, and old and sickly men. Many women's deaths have been occasioned thereby, because our so-called Christian enemy has not even had any consideration for women on a sick bed or those whose state of health should have protected them against any rough treatment.

Honorable women and tender children were not only treated in a rough manner, but also treated and ill-treated in an insulting manner by soldiers by order of their officers. Moreover, old mothers and women were raped. Even the wives, children, and the property of prisoners of war—yes, half even of killed burghers—are not respected. In many instances the mother and father are taken away from the house, and their unprotected all is left to fate, an easy prey to the savage. The world is untruthfully informed by our enemy that he is obliged to carry out this destruction because the burghers blow up the line and cut the telegraph lines (wires) or because misuse is made of the white flag. Nearly all the houses are destroyed in the Orange Free State and South African Republic, whether there be a railway line in the neighborhood or not. As far as the misuse of the white flag is concerned, it is simply the continuance of the everlasting calumny against which the Afrikander has had to strive since the time that God brought him in contact with the Englishman.

Robbing his opponent only of his goods does not satisfy him, and he will not be satisfied before robbing him of his good name also; then he wishes to inform the world that the Republics are conquered and that the war is at an end, and that only here and there are small plundering bands to be found, who continue the strife in an irresponsible manner. It is an untruth; the Republics are not yet conquered; the war is not finished. The burgher forces of the two Republics are still led by responsible leaders, as from the commencement of the war, under supervision of the governments of both Republics. The fact of their lordships Roberts and Kitchener choosing to call our burgher forces "marauding bands" does not make them such; similarly their saying that the war is over does not put an end to it while fighting is still continually being carried on. When, then, was this war over? After the battle of Spion Kop or that of Paardeberg or after the occupation of Bloemfontein or Pretoria, or is it perhaps after the battle of Dewetsdorp, on the 23d of last December, on both of which occasions their guns were captured and our enemy totally vanquished? The burghers of the Orange Free State and the South African Republic would be less than men if they allowed the enemy to go unpunished after ill-treating their wives and destroying their homes from the lust of destruction.

Therefore a portion of our burghers have again been sent into the Cape Colony, not only to wage war there, but also to be in a position, when necessary, to take reprisals, as we have already done in the case of ambulances. We therefore warn the officers of Her Majesty's troops, as we have already done, that unless they cease this destruction of property in the Republics we shall wreak our vengeance by destroying the property of Her Majesty's subjects who are not kindly disposed toward us; but to avoid being misunderstood, we hereby openly declare that the wives and children of Her Majesty's subjects will always be left unmolested by us, in spite of anything that may be done to ours by Her Majesty's troops.

We do not request anything from our brothers in the colony, but we simply call on them, as well as on the civilized world, to assist on behalf of our joint civilization and Christianity in putting an end to the barbarous manner of warfare of our enemy.

Our prayer is always that the God of our fathers will not desert us in this unrighteous strife.

M. I. STEYN,
President of the State.
C. R. DE WET,
Chief Commandant of the Orange Free State Forces.
IN THE FIELD, *January 14, 1901.*

Yet though the destruction of property in the Republics has been carried on and is being carried on to this day, and the warfare against women and children is waged unceasingly by our devastating armies, the burghers have kept their promise that "the wives and children of Her Majesty's subjects will always remain unmolested, in spite of anything that may be done to ours by Her Majesty's troops." Only in these last days have the Boers in Cape Colony burned any houses. They chiefly confined their reprisals to public buildings, and they spared the furniture. Altogether they are not even accused of having burned 10 buildings of any sort since the war began. But Mr. Chamberlain, whose emissaries have burned thousands of farmsteads in the execution of the policy of devastation, held up his hands in holy horror in the House of Commons on July 22 at these "acts of brigandage." Truly is it said in the adage, "One man may steal a horse, while another may not look over a wall." Lord Roberts and Lord Kitchener may burn a thousand farms, and it is legitimate war. But if the Boer burns one or two public buildings as reprisals it is an "act of brigandage!"

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